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SENATE—*Friday, June 25, 2004*

The Senate met at 9:30 a.m. and was called to order by the Honorable ROBERT F. BENNETT, a Senator from the State of Utah.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray. Eternal God, Who stretches out the heavens and rules over land and sea, You keep Your promises to us. You restore power and glory to those who return to You. Our enemies stumble at the sound of Your footsteps. You give strength to the faint and endurance to the weary. Arise, O God, and show Yourself strong in these grand and awful times.

Reveal Yourself to our Senators that they may find hope in Your might. Remind them that the battles belong to You and not to them. Teach each of us that humanity simply cooperates with divinity in accomplishing Your purposes.

Be exalted, O Lord, among the nations until Your kingdom shall reign wherever the sun in its successive journey returns. May Your kingdom never end.

Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROBERT F. BENNETT led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 25, 2004.

To the Senate:

Under the provisions of Rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROBERT F. BENNETT, a Senator from the State of Utah, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. BENNETT thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today is the final day prior to the July 4 recess. I expect we will be in for a short period of morning business to allow Members to make statements. However, as we announced yesterday, there will be no rollcall votes today.

In addition, today is the final day to submit statements for the RECORD regarding the passing of our former President, Ronald Reagan. Again, these statements will be included in a book containing all of the tributes and services of 2 weeks ago.

This past week has been a challenging week, but as we discussed yesterday in the Senate, it was a satisfying week in that we have been able to complete two very important pieces of legislation, the Defense authorization and the Defense appropriations bills.

Today we still expect to clear for confirmation many of the pending ambassadorial nominations. I will be consulting with the Democratic leadership again this morning on these important diplomatic posts. We hope to have that confirmed prior to our adjournment. I will have more to say as to the schedule when we return after the break a little bit later this morning prior to closing.

RECOGNITION OF THE ACTING MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

RETURN SCHEDULE

Mr. REID. The question was asked six or seven times last night as we were leaving. Tuesday, when we come back, the leader has indicated there will be a vote sometime after 2:30. Those from the West are wondering if that might be closer to 5 o'clock. Has the leader made a decision on that?

Mr. FRIST. Mr. President, we will have a decision made before we close down this morning. We are right now looking at the schedule. That day we will likely be scheduling a judge, which will require some debate prior to that. For right now, what we have said is that vote will not occur before 2:30, Tuesday, July 6. We will modify that based on discussions.

Mr. REID. On our side, the Democratic leader has indicated he will hold the regular caucus on Tuesday. Do you plan to do the same thing?

Mr. FRIST. Mr. President, that is correct. We have announced to our caucus, as well, we will hold our policy lunches, our caucus lunches, on Tuesday. Tuesday will be a full day. We will be coming in Tuesday morning, in all likelihood, at 9:30 Tuesday morning. It will be a full and hopefully very productive day.

That week we are going to class action which we agreed to. Hopefully we will have one judge and go straight to class action. We will spend next week on class action. With so few legislative days when we come back after the recess—we have a total of 3 weeks, but we are not going to have that first Monday—we have a lot to do in that 2¾ week session. Therefore, we will have to be pushing hard on Tuesday, Wednesday, Thursday, and Friday of that week.

DARFUR

Mr. FRIST. Mr. President, I mentioned last night the importance of this African Growth and Opportunity Act which we passed last night. In my comments, I also mentioned a restatement of my earlier comments in the day, a restatement of what has been said again and again on the floor. That

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

is that we as a country and we as a world community need to focus attention on the Darfur region of Africa, of the Sudan in Africa.

Africa is a huge continent and a lot of people do not realize how big Sudan is. It is huge. When we say Darfur region, the Darfur region is the western part of the Sudan. If you look at the continent, it is almost in the middle of the continent of Africa. The Darfur region is huge. It is about the size of Texas.

Over the last year and a half, because it started as a civil war, militias fighting, government supporting the militias there, we have 2 million people in this region of Darfur, the size of Texas, who have been affected, 1.2 million people displaced, driven away from their homes, driven away from the land they might farm or, if they are herders, that they might herd animals on, families destroyed. A lot of people are fleeing west to, Chad, 30 or 40 kilometers away, to refugee camps. There are about a million displaced inside the Darfur region but away from their homes, away, many times, from their families and any chance of livelihood.

The rainy season has begun there. It began a few weeks ago and will continue. As the rainy season continues, conditions get worse and worse. Roads at that point cannot be traversed so we cannot get enough food going in. There is very little in the way of health supplies going in. We need to bring attention to that part of the world. The world needs to shine a spotlight on it.

I was delighted Secretary Powell announced yesterday he will be going to that part of the world. I understand Secretary General Kofi Annan also will be going to that part of the world, to bring increased attention on behalf of the Congress, with 200,000 people dead from what is happening there. They are dying.

Statistically, they are dying from disease: respiratory disease, waterborne disease, diarrheal disease, malaria, and a little bit of measles. Now, with the fighting, it may well be that the No. 1 cause of death there is the actual fighting.

Right now we are not able to get in sufficient aid. Aid and support is being restricted by the government in Khartoum. There is plenty of aid. The world community is ready to go in there, but right now there is a restriction by the government.

I am going to keep mentioning this issue on the floor at every opportunity because we have a chance to reverse this travesty. We are going to do that. Every opportunity we have as public officials, in interacting with the international community, we need to continue to put pressure on the government of Khartoum to recognize the travesty, the devastation that is going on in that country.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Democratic leader is recognized.

ARE AMERICANS BETTER OFF WITH REGARD TO HEALTH CARE?

Mr. DASCHLE. Mr. President, on a recent visit to South Dakota, I met a couple that impressed me a great deal. Their names are Lowell and Pauline Larson.

Throughout their life together, Lowell and Pauline farmed 160 acres just outside of Chester, SD. After a lifetime of hard work, they were looking forward to a well-earned retirement together.

But 2 years ago, Pauline suffered a stroke. Before the Larsons knew it, they had incurred $40,000 in medical bills. Even though they had insurance, it only covered $75 a day of Pauline's hospital costs. So Lowell did the only thing he could. He sold all his farm equipment and his cattle to pay the bills.

All they are left with is the deed to their farm, and if Pauline suffers another stroke, or if the MS she has been battling for the past 15 years gets worse, the Larsons know they may have to sell their farm.

I wish I could say that the Larsons' story came as a surprise to me, but it did not.

For the past 4 years, stories like the Larsons' have become commonplace. I've heard from businesses that have been forced to cut back on benefits or lay off workers in order to pay for escalating insurance premiums.

I have heard from retirees who have seen their life savings evaporate due to the skyrocketing cost of prescription drugs.

I have heard from families forced to sell the businesses or farms that have sustained their families for generations, because a child got sick and insurance just wouldn't pay for it.

I have heard from veterans who have been forced off the rolls of the VA and have nowhere else to turn for care.

I have heard from Native Americans forced to undergo a literal "life or limb" test to receive care at Indian Health Service facilities.

I have heard from National Guard members who face losing their health coverage once their Iraq deployment ends. And I have heard from citizens from all walks of life who can't afford the high cost of insurance, and who live in constant fear that an illness or an injury could throw them and their families into bankruptcy.

It's no mystery what is happening. Americans are being caught in the undertow of historic increases in the cost of health care.

Millions have lost their insurance. Tens of millions more know that they are just one layoff, or one illness, away from a life of poverty and poor health.

In this election year, as with every election year, Americans are asking themselves, "Am I better off than I was 4 years ago?"

With the cost of doctors' visits, prescription drugs, and monthly insurance premiums moving farther out of reach, the answer for most of us is clearly no.

America is enduring a health care crisis that is deepening with each passing month. And after four years of inattention from the White House, it is clear that when it comes to health care, as a nation, we are significantly worse off than we were just four years ago.

The scope of this crisis is staggering.

Since 2001, the amount workers are paying for their family coverage has increased by 50 percent, and the average premium for family health care is now above $9,000 per year. Prescription drug costs rose at four times the rate of inflation last year alone.

Both businesses and workers are feeling the squeeze. And, as a result, we have seen unprecedented increases in the number of uninsured.

Each month since January 2001, an average of 100,000 Americans have lost their health insurance. Today, 44 million Americans have no health insurance whatsoever. The problem is even worse among minority communities. One in six Asian and Pacific Americans lacks insurance. For African Americans, it is one in five. For Latino Americans, it is one in three.

As startling as these numbers are, they do not include the tens of millions more who shuttle on and off the insurance rolls depending on unpredictable work schedules.

Nearly 82 million people lacked insurance at some point in the last 2 years.

The impact of losing health insurance can be catastrophic—for uninsured individuals, for families, and for our Nation as a whole. According to the National Institute of Medicine, children and adults without health insurance are less likely to receive preventive care and early diagnosis of illnesses. They live sicker and die younger than those with insurance.

Eighteen thousand Americans die prematurely each year because they lack health insurance.

Families suffer emotionally and financially when even one member is uninsured. Communities suffer as the cost of uncompensated care is shifted onto doctors, hospitals, and taxpayers.

And our Nation pays a steep economic cost. The Institute of Medicine estimates that lack of health insurance costs America between $65 billion and $130 billion a year in lost productivity and other costs.

Making the high cost and growing inequities even more troubling is that on the whole, we seem to be getting less for our health care dollar than we should be.

The World Health Organization recently reported that Americans pay twice as much per capita for health as the average industrialized nation. We pay a third more than the next-highest country. But despite the high costs, we are not getting any bang for our buck.

Among industrialized nations, Americans' life expectancy is only 24th, and we have one of the highest infant mortality rates in the world.

We may pay twice as much, but we don't even get in the top 20 when it comes to mortality or life expectancy.

The results of the past few years beg the question, "How can we be paying the highest costs and getting so meager a return." In short, where is all the money going? Who is better off today?

A recent article in the Economist offered one answer.

Noting that profit margins for health insurers are as high as they have ever been, the article notes:

> Since [2000], the prices of many [health insurers' stocks] have quadrupled. And if shareholders have done well, executives have been more than amply rewarded. . . .

One CEO earned $30 million in pay in 2003 and exercised $84 million in stock options from earlier years. This left him with options worth $840 million at the company's current share price. His second-in-command earned $13.7 million in compensation and holds options worth $350 million. Another CEO of a leading insurer earned $16 million; yet another, $51 million; and still another, $27 million.

While insurers and their executives are reaping billions, and Americans are fearing that their benefits will be the next to be sacrificed for the sake of even higher profits, the administration has done nothing to rein in the cost of health care. In fact, in the recently enacted Medicare bill, the administration included tens of billions of dollars in giveaways to HMOs, not to mention the windfall created for prescription drug companies.

The proposals the administration has offered would extend coverage only to a small fraction of Americans who lack insurance today. Often, their solutions extend meager coverage to a small number of vulnerable Americans at the expense of a larger group.

For instance, according to the Congressional Budget Office, the President's plan to create "association health plans" would decrease the number of uninsured Americans by only about 600,000 people. Six hundred thousand out of nearly 44 million. But it would increase premiums for 80 percent of employees of small businesses. The administration's band-aid approach to our health care crisis won't work. It is the wrong treatment, and its cost would preclude us from affording the right one.

The results of the administration's so-called solutions can be seen each month as more Americans lose their insurance or feel themselves pushed closer to the point where the cost of coverage is too large a burden to bear.

As a nation, we are not better off than we were four years ago. We are losing ground. We can do better. But to do so will demand a change in direction. We need to reject the notion that we are helpless to control health care costs.

We need to reject the notion that with a little tinkering around the edges, our health care system can offer the kind of care every American deserves. Most of all, we need to reject the notion that the primary purpose of our health care system is to provide profits for health care companies and the drug industry.

That is wrong. That is the thinking that brought us to the point where families such as the Larsons are forced to turn over the proceeds of their life's work, just to pay the bill for treating a single illness.

There are better answers, and working together we can find them. We can find ways to ensure that every American is able to see a doctor when he or she is sick. We do not have to be the only major industrialized nation in the world that fails to guarantee health care for all its citizens.

We can do better, and none of us should rest until we do.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Kansas is recognized.

THE REAGAN CULTURAL DOCTRINE

Mr. BROWNBACK. Mr. President, I rise today to speak on a topic called the Reagan Cultural Doctrine.

Presidents are noted for foreign policy doctrines which they articulate and put forward. President Reagan had his own noteworthy and very successful foreign policy doctrine, the Reagan Doctrine, involving the confrontation with communism that led to its ultimate demise. President Reagan is to be credited and given great praise for it.

But President Reagan had another doctrine I want to speak about today, the Reagan Cultural Doctrine, which I think it would be fitting for us to acknowledge and press forward to its successful completion.

President Reagan respected each and every human life at whatever stage of that life and wherever it was located. This was a unifying theme that lay behind some of his most significant policy choices and movements. It led him to insist that the Soviet empire was evil and to demand of the new Soviet leaders that they "tear down this wall."

It was what led him to note that "until and unless someone can establish the unborn child is not a living human being, then that child is already protected by the Constitution which guarantees life, liberty, and the pursuit of happiness to all of us."

That is a direct Reagan quote.

Toward the end of his Presidency on January 14, 1988, President Reagan took the opportunity to clearly articulate the Reagan cultural doctrine, a very simple yet profound Presidential Declaration. President Reagan proclaimed and declared "the inalienable personhood of every American from the moment of conception until natural death."

I ask unanimous consent that a copy of President Reagan's January 14, 1988 Presidential declaration on the inalienable personhood of the unborn be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PROCLAMATION 5761 OF JANUARY 14, 1988

NATIONAL SANCTITY OF HUMAN LIFE DAY, 1988

(By the President of the United States of America)

America has given a great gift to the world, a gift that drew upon the accumulated wisdom derived from centuries of experiments in self-government, a gift that has irrevocably changed humanity's future. Our gift is twofold: the declaration, as a cardinal principle of all just law, of the God-given, unalienable rights possessed by every human being; and the example of our determination to secure those rights and to defend them against every challenge through the generations. Our declaration and defense of our rights have made us and kept us free and have sent a tide of hope and inspiration around the globe.

One of those unalienable rights, as the Declaration of Independence affirms so eloquently, is the right to life. In the 15 years since the Supreme Court's decision in Roe v. Wade, however, America's unborn have been denied their right to life. Among the tragic and unspeakable results in the past decade and a half have been the loss of life of 22 million infants before birth; the pressure and is that we as a country and we as a world community need to focus attention on the Darfur region of Africa, of the Sudan in Africa.

Africa is a huge continent and a lot of people do not realize how big Sudan is. It is huge. When we say Darfur region, the Darfur region is the western part of the Sudan. If you look at the continent, it is almost in the middle of the continent of Africa. The Darfur region is huge. It is about the size of Texas.

Over the last year and a half, because it started as a civil war, militias fighting, government supporting the militias there, we have 2 million people in this region of Darfur, the size of Texas, who have been affected, 1.2 million people displaced, driven away from their homes, driven away from the land they might farm or, if they are herders, that they might herd animals on, families destroyed. A lot of people are fleeing west to, Chad, 30 or 40 kilometers away, to refugee camps. There are about a million displaced inside the Darfur region but away from their homes, away, many times, from their families and any chance of livelihood.

The rainy season has begun there. It began a few weeks ago and will continue. As the rainy season continues, conditions get worse and worse. Roads at that point cannot be traversed so we cannot get enough food going in. There is very little in the way of health supplies going in. We need to bring attention to that part of the world. The world needs to shine a spotlight on it.

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Statistically, they are dying from disease: respiratory disease, waterborne disease, diarrheal disease, malaria, and a little bit of measles. Now, with the fighting, it may well be that the No. 1 cause of death there is the actual fighting.

Right now we are not able to get in sufficient aid. Aid and support is being restricted by the government in Khartoum. There is plenty of aid. The world community is ready to go in there, but right now there is a restriction by the government.

I am going to keep mentioning this issue on the floor at every opportunity because we have a chance to reverse this travesty. We are going to do that. Every opportunity we have as public officials, in interacting with the international community, we need to continue to put pressure on the government of Khartoum to recognize the travesty, the devastation that is going on in that country.

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I have heard from families forced to sell the businesses or farms that have sustained their families for generations, because a child got sick and insurance just wouldn't pay for it.

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America is enduring a health care crisis that is deepening with each passing month. And after four years of inattention from the White House, it is clear that when it comes to health care, as a nation, we are significantly worse off than we were just four years ago.

The scope of this crisis is staggering.

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Both businesses and workers are feeling the squeeze. And, as a result, we have seen unprecedented increases in the number of uninsured.

Each month since January 2001, an average of 100,000 Americans have lost their health insurance. Today, 44 million Americans have no health insurance whatsoever. The problem is even worse among minority communities. One in six Asian and Pacific Americans lacks insurance. For African Americans, it is one in five. For Latino Americans, it is one in three.

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NATIONAL SANCTITY OF HUMAN LIFE DAY, 1988

(By the President of the United States of America)

America has given a great gift to the world, a gift that drew upon the accumulated wisdom derived from centuries of experiments in self-government, a gift that has irrevocably changed humanity's future. Our gift is twofold: the declaration, as a cardinal principle of all just law, of the God-given, unalienable rights possessed by every human being; and the example of our determination to secure those rights and to defend them against every challenge through the generations. Our declaration and defense of our rights have made us and kept us free and have sent a tide of hope and inspiration around the globe.

One of those unalienable rights, as the Declaration of Independence affirms so eloquently, is the right to life. In the 15 years since the Supreme Court's decision in Roe v. Wade, however, America's unborn have been denied their right to life. Among the tragic and unspeakable results in the past decade and a half have been the loss of life of 22 million infants before birth; the pressure and anguish of countless women and girls who are driven to abortion; and a cheapening of our respect for the human person and the sanctity of human life.

We are told that we may not interfere with abortion. We are told that we may not "impose our morality" on those who wish to allow or participate in the taking of the life of infants before birth; yet no one calls it "imposing morality" to prohibit the taking of life after people are born. We are told as well that there exists a "right" to end the lives of unborn children; yet no one can explain how such a right can exist in stark contradiction of each person's fundamental right to life.

That right to life belongs equally to babies in the womb, babies born handicapped, and the elderly or infirm. That we have killed the unborn for 15 years does not nullify this right, nor could any number of killings ever do so. The unalienable right to life is found not only in the Declaration of Independence but also in the Constitution that every President is sworn to preserve, protect, and defend. Both the Fifth and Fourteenth Amendments guarantee that no person shall be deprived of life without due process of law.

All medical and scientific evidence increasingly affirms that children before birth share all the basic attributes of human personality—that they in fact are persons. Modern medicine treats unborn children as patients. Yet, as the Supreme Court itself has noted, the decision in Roe v. Wade rested upon an earlier state of medical technology. The law of the land in 1988 should recognize all of the medical evidence.

Our Nation cannot continue down the path of abortion, so radically at odds with our history, our heritage, and our concepts of justice. This sacred legacy, and the well-being and the future of our country, demand that protection of the innocents must be guaranteed and that the personhood of the unborn be declared and defended throughout the land. In legislation introduced at my request in the First Session of the 100th Congress, I have asked the Legislative branch to declare the "humanity of the unborn child and the compelling interest of the several states to protect the life of each person before birth." This duty to declare on so fundamental a matter falls to the Executive as well. By this Proclamation I hereby do so.

Now, therefore, I Ronald Reagan, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim and declare the unalienable personhood of every American, from the moment of conception until natural death, and I do proclaim, ordain, and declare that I will take care that the Constitution and laws of the United States are faithfully executed for the protection of America's unborn children. Upon this act, sincerely believed to be an act of justice, warranted by the Constitution, I invoke the considerate judgment of mankind and the gracious favor of Almighty God. I also proclaim Sunday, January 17, 1988, as National Sanctity of Human Life Day. I call upon the citizens of this blessed land to gather on that day in their homes and places of worship to give thanks for the gift of life they enjoy and to reaffirm their commitment to the dignity of every human being and the sanctity of every human life.

In witness whereof, I have hereunto set my hand this 14th day of January, in the year of our Lord nineteen hundred and eighty-eight, and of the Independence of the United States of America the two hundred and twelfth.

RONALD REAGAN.

Mr. BROWNBACK. Mr. President, our Nation cannot be the "shining city upon the hill" without the respect and recognition of the inalienable personhood of every American from the moment of conception until natural death. Reagan realized and declared this. The Reagan Cultural Doctrine is synonymous with the culture of life. President Reagan's commitment to the culture of life was evident from the first days of his Presidency.

In recent days, some have implicitly questioned President Reagan's commitment to the inalienable personhood of every American by suggesting that destructive embryonic stem cell research should be conducted in President Reagan's name. And here we are not talking about adult stem cell research or umbilical cord blood which are supported by virtually everybody and are producing true results—here we are talking strictly about destructive embryonic stem cell research which results in the death of a young human embryo after its conception.

To suggest that this should be conducted in President Reagan's name is a completely contrary view of the Reagan Cultural Doctrine. It is a misappropriation of President Reagan's legacy, and it is damaging to the culture of life that President Reagan was so steadfast in defending. It is an assault on the Reagan Cultural Doctrine.

As former Reagan National Security Adviser and Interior Secretary William Clark noted in the New York Times recently,

> Ronald Reagan's record reveals that no issue was of greater importance to him than the dignity and sanctity of all human life. "My administration is dedicated to the preservation of America as a free land," he said in 1983. "And there is no cause more important for preserving that freedom than affirming the transcendent right to life of all human beings, the right without which no other rights have any meaning." One of the things he regretted most at the completion of his Presidency in 1989, he told [William Clark], was that politics and circumstances had prevented him from making more progress in restoring protection for unborn human life.

Continuing in his New York Times piece, Clark then addressed Reagan's early efforts to protect innocent human life through halting Federal efforts on destructive research involving human embryos. Here we find that President Reagan himself pushed to stop destructive human embryonic research.

Clark says:

> Reagan consistently opposed federal support for the destruction of innocent human life. After the charter expired for the Department of Health, Education and Welfare's ethical advisory board—which in the 1970s supported destructive research on human embryos—he began a de facto ban on federal financing of embryo research that he held to throughout his presidency.

I ask unanimous consent a copy of William Clark's June 11, 2004, New York Times op-ed piece titled "For Reagan, All Life Was Sacred," be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, June 11, 2004]

FOR REAGAN, ALL LIFE WAS SACRED

(By William P. Clark)

PASO ROBLES, CALIF.—Ronald Reagan had not passed from this life for 48 hours before proponents of human embryonic stem-cell research began to suggest that such ethically questionable scientific work should be promoted under his name. But this cannot honestly be done without ignoring President Reagan's own words and actions.

Ronald Reagan's record reveals that no issue was of greater importance to him than the dignity and sanctity of all human life. "My administration is dedicated to the preservation of America as a free land," he said in 1983. "And there is no cause more important for preserving that freedom than affirming the transcendent right to life of all human beings, the right without which no other rights have any meaning." One of the things he regretted most at the completion of his presidency in 1989, he told me, was that politics and circumstances had prevented him from making more progress in restoring protection for unborn human life.

Still, he did what he could. To criticize the Roe v. Wade decision on its 10th anniversary in 1983, he published his famous essay "Abortion and the Conscience of the Nation" in The Human Life Review. "We cannot diminish the value of one category of human life—the unborn—without diminishing the value of all human life," he wrote. He went on to emphasize "the truth of human dignity under God" and "respect for the sacred value of human life." Because modern science has revealed the wonder of human development, and modern medicine treats "the developing human as a patient," he declared, "the real question today is not when human life begins, but, What is the value of human life?"

In that essay, he expressly encouraged continued support for the "Sanctity of life ethic" and rejection of the "quality of life ethic." Writing about the value of all human life, he quoted the British writer Malcolm Muggeridge's statement that "however low it flickers so fiercely burns, it is still a divine flame which no man dare presume to put out, be his motives ever so humane and enlightened." And in the Roe v. Wade decision, he insisted, the Supreme Court "did not explicitly reject the traditional American idea of intrinsic worth and value in all human life; it simply dodged the issue."

Likewise, in his famous "Evil Empire" speech of March 1983—which most recall as solely an indictment of the Soviet Union—Ronald Reagan spoke strongly against the denigration of innocent human life. "Abortion on demand now takes the lives of up to one and half million unborn children a year," he said. "Unless and until it can be proven that the unborn child is not a living entity, then its right to life, liberty, and the pursuit of happiness must be protected."

His actions were as clear as his words. He supported the Human Life Amendment, which would have inscribed in the Constitution "the paramount right to life is vested in each human being from the moment of fertilization without regard to age, health or condition of dependency." And he favored bills in Congress that would have given every human being—at all stages of development—protection as a person under the 14th Amendment.

> Aside from the moral principle, President Reagan would also have questioned picking the people's pocket to support commercial research. He understood the significance of putting the imprimatur of the nation, through public financing, behind questionable research.
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> He consistently opposed federal support for the destruction of innocent human life. After the charter expired for the Department of Health, Education and Welfare's ethical advisory board—which in the 1970's supported destructive research on human embryos—he began a de facto ban on federal financing of embryo research that he held to throughout his presidency.
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> As for today's debate, as a defender of free people and free markets, he would have asked the marketplace question: if human embryonic research is so clearly promising as the researchers assert, why aren't private investors putting money into it, as they are in adult stem cell research?
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> Mr. Reagan's suffering under Alzheimer's disease was tragic, and we should do everything we can that is ethically proper to help others afflicted with it. But I have no doubt that he would have urged our nation to look to adult stem cell reserach—which has yielded many clinical successes—and away from the destruction of developing human lives, which has yielded none. Those who would trade on Ronald Reagan's legacy should first consider his own words.

Mr. BROWNBACK. Mr. President, I mean no disrespect to anyone in addressing this important issue, but we are talking about innocent young human life. Someone must speak for those who have no voice and for the great pro-life legacy of President Reagan now that he is no longer with us.

I would like to share the stories and memories of some of the Reagan revolutionaries who were privileged to interact with the President on this particular vital issue.

Just 2 days after his January 20, 1981, inauguration as President of the United States, Ronald Reagan made his personal commitment to pro-life issues clear. At a time when hundreds of people were waiting to meet the newly elected President in order to seek positions in his administration, the President made time for an unrelated meeting with pro-life leaders in Congress and the nonprofit sector. Senators Richard Schweiker and Jesse Helms were present at that meeting, as were Representatives HENRY HYDE and Bob Dornan.

This meeting, which was to become an annual policy meeting on the anniversary of Roe v. Wade, was tremendously significant. By 1980, the pro-life movement had been largely marginalized by previous administrations. But President Reagan's willingness to hold these meetings and to annually address the March for Life meeting by phone took the pro-life movement into the mainstream.

One participant in that first meeting noted that the President's personal conviction on the right to life for unborn children was obvious. The participant said:

> President Reagan's deep commitment to pro-life issues was very evident when he spoke of viewing an inutero sonogram while he was Governor of California. It was moving to watch him speak. Clearly, he understood the life issue; it could be seen in his body language.

The quote continues:

> There we were, two days after his inauguration. He didn't have to meet with us or do anything. Yet, he turned our 15 minute meeting into a 45 minute meeting.

President Reagan truly had great zeal for pro-life causes. I share in the sentiment made by long-time Reagan aide Michael Deaver, who made this observation in his political memoirs. Deaver noted the President's zeal in the section of his book dedicated to the March 30, 1981, assassination attempt on President Reagan. This was in reference to a meeting soon after with the late Cardinal Terrence Cooke of New York. Deaver overheard the President's final words of this meeting with Cardinal Cooke. Reagan said this:

> I have decided that whatever time I may have left, is left for Him.

"Him," referring to God. Anyone who knew Reagan has to acknowledge that this statement was from the heart. It summed up his subsequent involvement in the great moral issues of the day.

Deaver concludes this section with his own thoughts after the death of Cardinal Cooke:

> When Reagan was told of his friend's death, the president's words from their earlier meeting echoed in my mind. "Whatever time I may have left is left for Him." I would never forget his promise, and I would see him deliver on it time and time again.

President Reagan's interest in life issues was not just convenient political positioning either. He actively wrestled with this issue. I will read a passage from "What I Saw at the Revolution," political memoir of Reagan's speech writer Peggy Noonan.

> Look at him on abortion. It took courage to oppose an option that at least 20 million Americans had exercised since Roe v. Wade, when the issue isn't a coalition builder but an opposition creator, when the polls are against you and the boomers want it and when you've already been accused of being unsympathetic to women and your own pollster is telling you your stand contributes to a gender gap. . . .

Let me continue now further with the book:

> But he puzzled it out on his own, not like a visionary or an intellectual but like a regular person. He read and thought and listened to people who cared, and he made up his own mind. And suddenly when they said, "The argument is over when life begins," he said, "Well look, if that's the argument: If there's a bag in the gutter and you don't know if what's in it is alive, you don't kick it, do you? Well, no, you don't.

He held to his stand against his own political interests (where were the anti-abortion people going to go?) and against the wishes of his family and friends. Nancy wasn't anti-abortion, the kids weren't anti-abortion, and people like the Bloomingdales and his friends in Beverly Hills—they did not get where they are through an overfastidious concern for the helpless. He was the only one of his group who cared.

A lengthy quote from Peggy Noonan.

President Reagan did care deeply about the sanctity of life, and we know that he was actively engaged on this issue. One example of this was President Reagan's interest in the pro-life journal, the Human Life Review. We know the President read this journal because he actually wrote a letter responding to the heroic mother of a child with spina bifida who had written a letter that was published in the journal in the summer of 1982 edition.

In his letter to the mother the President wrote:

> Your recent letter published in the summer issue of the Human Life Review came to my attention. I want you to know that I was deeply impressed by what you wrote and by the obvious commitment you and your family have made to respond to the affliction of a handicapped child with affection and courage.
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> I strongly believe that protection of these children is a natural and fundamental part of the duty government has to protect the innocent and to guarantee that the civil rights of all are respected. This duty is a special order when the rights involved are the right to life itself. . . .

After learning of President Reagan's interest in their pro-life publication through this letter, Jim McFadden of the Human Life Review invited the President to write an essay for publication in the journal. The President obliged, and thus his famous "Abortion and the Conscience of the Nation" was published in 1983. In this essay, President Reagan made some profound statements laying the groundwork for the Reagan cultural doctrine.

A copy of this essay may be found on the Human Life Review website at http://www.humanlifereview.com/reagan/reagan_conscience.html.

Mr. BROWNBACK. In the essay, President Reagan lays out the great cultural issues surrounding abortion. In one place, he notes:

> We cannot diminish the value of one category of human life—the unborn—without diminishing the value of all human life.

Embryo, fetus, infant, child, and adult are categories of human development, and they are all human life. Whether one is physically healthy or ill, emotionally healthy or ill, these are categories of human beings, and thus deserve protection. We should heed the words of President Reagan. All human life, no matter how it is categorized, should be esteemed and valued.

In his essay, President Reagan correctly argues that:

> [A]nyone who doesn't feel sure whether we are talking about a second human life should clearly give life the benefit of the doubt. If you don't know whether a body is alive or dead, you would never bury it. I think this consideration itself should be enough for all of us to insist on protecting the unborn.

This, again, a direct quote from President Reagan on the Reagan Cultural Doctrine.

Then the President turns to discuss the real issue of the day. The President commented:

> The real question today is not when human life begins, but, What is the value of human life?

That question remains today.

When President Reagan said, and those of us in the pro-life movement say, that human life begins at conception, we are speaking about biology, not ideology or belief.

I am concerned that there may be some confusion on this point today, perhaps as a result of misinformation being disseminated by those who favor destructive research on the youngest forms of human life.

A human embryo, an unborn child, or human fetus is, biologically speaking, a young human life. To assert that it is not a life or that it is so-called potential life is not a scientific statement. To assert a human embryo is not a human life is a belief not supported by the facts, much in the same way that to say the Sun revolves around the Earth is a belief not supported by the facts.

Science is about the pursuit of truth in the service of mankind. Science tells us that the unborn child, from the moment of conception, is a human life.

That is why, in the debate over embryonic stem cell research, I continue to assert we must address the fundamental question of law: Is the young human embryo a person or a piece of property?

Our country has gotten this issue wrong before—notably, the 1857 Dred Scott case—but our system gives us an opportunity to rectify past wrongs. I suggest we base our laws on what science tells us, which is that the young human embryo is indeed a human life.

Anybody watching now was, at one point in time, a young human embryo. And if you were destroyed then, your life would not exist today. Those are the facts.

Unfortunately, not everyone in this debate is looking at biology. But once both sides acknowledge the scientific truth, that the young human embryo or unborn child is a human life, then we can start to address what Reagan posited as the real question: "What is the value of a human life?"

In "Abortion and the Conscience of a Nation," President Reagan lamented the case of Baby Doe, who was legally starved to death because he was mentally handicapped. In more recent times, we have the case of Terri Schiavo, who was saved from starvation. In that case, the American public, along with Florida Governor Jeb Bush, let their voices be heard that life is worth living. Those voices proclaimed that life—even if not the "quality of life" many would deem acceptable—still has incredible value. The value of every human life must be defended without exception.

To deny that a human embryo is a human life is to disregard what science tells us. It is to live willfully in ignorance.

In addressing his critics through the essay, President Reagan wrote:

> Obviously, some uninfluential people want to deny that every human life has intrinsic, sacred worth. They insist that a member of the human race must have certain qualities before they accord him or her status as a "human being." . . . Every legislator, every doctor, and every citizen needs to recognize that the real issue is whether to affirm and protect the sanctity of all human life, or to embrace a social ethic where some human lives are valued and others are not. As a nation, we must choose between the sanctity of life ethic and the "quality of life" ethic.

President Reagan concluded his essay with these words:

> My administration is dedicated to the preservation of America as a free land, and there is no cause more important for preserving that freedom than affirming the transcendent right to life of all human beings, the right without which no other rights have any meaning.

"Abortion and the Conscience of a Nation" was written by a man who was fully committed to the unalienable right to life from the moment of conception. And that man was President Reagan.

However, President Reagan did not stop at "Abortion and the Conscience of a Nation." He had to withstand much political pressure to maintain his stance in defense of life.

A Reagan aide recalled the President's 1987 meeting with leaders of the pro-life movement. He wrote:

> In January 1987 the subject of parental consent for abortion came up as the groups met with the President in the Roosevelt Room. As you know, Ronald Reagan was a prodigious letter writer during all phases of his life and career, but he was also a prodigious letter reader and keeper. If a letter's contents appealed to him or struck a chord, he would keep it, use it in speeches, quote it to the media, etc. The letter he received from the young boy asking him if he was going to do his speech to the Congress "in his pajamas" after his recovery from the assassination attempt was one such example. Ronald Reagan loved to read samples of mail from the American people and called Anne Higgins to ask for it on Fridays if for some reason it was later than usual in getting to him. Meeting with the pro-life leaders that January day, he pulled from his left-hand jacket side pocket and read a letter he said he had held onto for many years. It was from a California mother who had written to him about the parental consent issue when he was governor in the early 1970's.
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> Ronald Reagan read the letter to the entire group. The mother described her own family and the daughters she had raised, the sweat she had expended, the clothes she had washed and folded, the hurt knees she had bandaged, etc. She wrote that now the opponents of parental consent for abortion were telling her that they had a right to perform surgery on those daughters without so much as letting her know. "Who do they think they are?" went her refrain.
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> The letter went on in this vein with other examples of the worries and stresses of loving parenthood, and the abrupt dismissal of that sacrifice by the [abortion providers] who think they know better when a child gets in trouble. Ronald Reagan read the letter through, folded it and put it back in his pocket, and said softly, "Who do they think they are?" You could have heard a pin drop.

The record could hardly be clearer. President Ronald Reagan vigorously worked to promote a culture of life, which included consistent opposition to destructive research on human embryos. It was and it remains the Reagan Cultural Doctrine. Witness after witness affirms this. It is important that the great moral stance President Reagan took be reaffirmed and boldly declared.

When we think of the great Presidential doctrines of the past, we think immediately of the foreign policy doctrines of Presidents Monroe and Truman—and, yes, Ronald Reagan. These doctrines have been and continue to be significant in defining American interests.

On January 14, 1988, President Reagan declared a new doctrine: the Reagan Cultural Doctrine. This doctrine is not about foreign policy; it is about something that especially defines us as a people. This doctrine speaks volumes, in the sense that it makes clear who we are and what we stand for as a people. It reaffirms the Declaration of Independence and the founding values that have been the source of America's greatness.

It is my hope President Bush will reissue the Reagan Cultural Doctrine on "the unalienable personhood of every American, from the moment of conception until natural death," and that the Congress will reaffirm the Declaration of Independence and the Constitution by passing laws that will guarantee the right to life to every American conceived within the boundaries of this life-loving and freedom-loving land. That is the Reagan Cultural Doctrine.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. DOLE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE ACCOMPLISHMENTS

Mr. FRIST. Madam President, the Senate has been busy over the past 4 weeks. I thought I would take a few moments to look back and then look ahead a bit.

The Memorial Day recess seems like a long time ago because so much has been shaped by us—referring to the progress we have made in the last several days in particular—and shaped by the other external events, a steady stream of national and world-changing events.

To begin, I will start with two nights ago when, on Wednesday night, we passed the Defense Authorization Act for 2005; and late last night, not that long ago, we passed the Defense Appropriations Act of 2005. It is appropriate to look at those two bills together because both focus on supporting our troops, supporting our U.S. Government in its war on terror.

We had 4 weeks of impassioned debate on the floor of the Senate, and at the end of those 4 weeks we completed two very important pieces of legislation which very clearly augment the support for our troops that are stationed throughout the world and also reflect our profound commitment to the defense of the United States of America, the defense of the citizens, the people, and the principles we stand for in this great country.

But we are at war. We see it daily; terrorists strike daily. It is these two pieces of legislation that focus around support in this war on terror and in the defense of this country that we see our efforts really come alive. They provide our troops with the resources they need to succeed in this noble mission both here at home and abroad.

The last several weeks were meaningful for me because this whole concept of supporting our troops came alive both last week when I visited the 101st Airborne down in Tennessee and Kentucky, but also 2 weeks prior to that when I had the opportunity, with two colleagues, Senator BOB BENNETT and Senator JOHN ENSIGN, to go to Kuwait and Baghdad in Iraq to visit our troops on the front line.

We visited with our troops in Kuwait and in Baghdad in clinics. We went to visit troops at hospitals. As a physician, I had the opportunity to talk to our physicians and nurses, who are doing such a tremendous job on the front line, taking care of people who have been injured by the terrorist activity. We had lunch with our troops; we had dinner with our troops. We spent a lot of time listening to and walking and talking with our troops on the front line. We learned a lot.

Given the savagery we wake up to every day and that occurs over the course of the day, which is reflected in our daily news media with the terrorist activity, before going over and preparing for my trip, I expected that when I went, I would find, possibly, a demoralized operation that would threaten to buckle at the next big terrorist event. I expected to come into contact with hopeless Iraqis, because you don't see the positive developments in our daily news here. I thought the Iraqis I met would be in despair with a lack of opportunity. I thought I might see that in them in terms of starting a new life or a freer life. Yet what we saw—and that is why it is so important for our elected representatives to go see this firsthand—is a country undergoing a dramatic rebirth. It is a rebirth fueled by faith and the importance of those principles—really the same principles we celebrated in tribute to Ronald Reagan 2 weeks ago: freedom, liberty, democracy. You can see it in the Iraqis' eyes when you have the opportunity to interact with them in a personal way. Democracy, freedom, and the rule of law are the principles they come back to with a lot of hope and optimism, understanding there are real challenges, which we are seeing every day along the way.

Prime Minister Alawi, who happens to be a physician, a neurologist, which is a nerve specialist in medicine, we had the opportunity to meet about 10 days after he had been chosen to be Prime Minister. Since that point in time, almost 3 weeks ago, you have begun to see his face on television. He has been speaking and saying to the Iraqi people that when these terrorists strike, it is not striking at the United States of America, not at the coalition, but the terrorists are striking and hurting the Iraqi people. They are trying to destroy the faith and belief in freedom and democracy and representative government. It is important that it is an Iraqi face that is telling the real story to the Iraqi people. According to the Prime Minister, the people are responding.

As Prime Minister Alawi said to us when we met in Baghdad, the radical Islamists and Saddamists—the loyalists to the old Saddam regime—who are conducting these attacks despise freedom. He said they hate freedom, despise it. They despise the rule of law.

The terrorists know that if democracy succeeds, they have lost; thus, we are going to see this increased activity of terrorism. We will see it, I am sure, over the next 5 days as we lead up to the turnover of sovereignty, and it will likely continue for a period of time, according to President al-Yawr of Iraq, as well as the Prime Minister. They say that is going to be the reality for a while.

But despite this terrorist activity—and this is what I think is important to share—there is much good news. A lot of progress has been made in the last year. Unemployment has been cut to nearly half. Bank deposits are up.

Inflation has been reduced by more than 50 percent.

Oil production is nine times higher than it was a year ago. Electricity is flowing. Forty percent more people have telephones and are using telephones today than during the Saddam Hussein era.

More than 1,200 medical clinics and over 240 hospitals—all the hospitals—are now up and running and operating today.

In the field of education, 2,400 schools have been rehabilitated. The Iraqi children are going to school on a daily basis.

Let me refer back to medicine. Over 85 percent of the children are immunized, which is actually higher than many urban areas in the United States of America.

So there is a lot of good news that is underway. We are moving in the right direction.

I also wish to mention what is becoming increasingly apparent to me, especially after traveling there, is the $18 billion we appropriated, we sent to Iraq to be spent, has not yet been spent. There are about $8 billion or $9 billion that has not been spent. The rest of it has been allocated but still not spent.

What we are likely to see over the next several weeks or months is acceleration in the flow of that money. That money goes into health, education, electricity, oil, infrastructure, microloans in support of the economy, and that infusion of money and resources will make a difference. It has just flowed too slowly over the last 6 to 8 months since we have appropriated it, and now that will accelerate. We are assured by those people who will be overseeing that money that the system is set up to allow that money to flow much more quickly, which will have a more dramatic, even greater, impact.

The test is here, though. This test of the turnover to sovereignty is before the Iraqi people. The Iraqis will face their first true test of sovereignty, and it is absolutely imperative that our troops be able to adequately support their Iraqi partners when asked to do so. Prime Minister Alawi, as well as President al-Yawar, made it very clear they need the continued support of the coalition during this turnover of sovereignty and in this period of transition, which will be months and maybe years, as they rebuild their own police forces and security forces, and that just simply takes time.

The Senate this week, by passing those two bills—the Defense authorization bill and the Defense appropriations bill—has acted on behalf of the American people to maximally support our troops, to maximally support this war on terror, and the passage of these two bills reflects our commitment to bring fundamental human rights and liberties to a ravaged and oppressed region of the world. That is real progress on the floor of the Senate, passage of those two bills in the last 72 hours.

Looking again over the last 4 weeks, a second area in which we made real progress is the judicial nominations. Since June 1, the Senate has confirmed 24 judges for positions in the U.S. Federal courts. The installation of these new judges is vital to the creation of a healthy and efficient Federal court system, and the United States is fortunate to have judges of such high caliber, supreme caliber now eligible to serve on the bench. So 24 more judges have been confirmed since June 1.

There has been real progress in a third field, and that is other nominations. Alan Greenspan was confirmed to another term as Chairman of the Federal Reserve, our former colleague, Jack Danforth, as our new Ambassador to the United Nations just this week, and John Negroponte as Ambassador to Iraq. Again, very important nominations have been addressed, judicially and in other fields.

In a fourth area, I will mention several measures. One is the Child Nutrition Act. My colleague from Mississippi, THAD COCHRAN, did a tremendous job in the Agriculture Committee with the Child Nutrition Act. It has not been on the front page that we passed that act. But in this particular bill is the School Lunch Program, the School Breakfast Program, the Summer Feeding Program, and the Women, Infants and Children, so-called WIC, nutritional program. An interesting statistic is that about 50 percent of all newborns today qualify for the WIC Program. It is an amazingly high number, but it shows the importance and significance of this program which has been extended.

Also, in this particular bill that Senator COCHRAN led through the Senate and was passed in the Senate is the application of nutritional standards which, as a physician, as one very interested in health, especially children's health and infant's health, I think is very important.

In addition, we created the Department of Homeland Security headquarters. That is a first. That is at the Nebraska Avenue complex.

So we made real progress over the last 4 weeks. We have a lot of work—much work—to be done in the remaining days of the 108th Congress. As I said many times—in fact, I usually open and close with it each day—the number of legislative days remaining in this session is few, rapidly dwindling, and there are a whole range of issues we must address before November. The Senate must seize this week's momentum and be focused when we reconvene on July 6.

Very briefly, as we look ahead to when the Senate comes back, we will return to the consideration of class-action reform legislation. It is a very important piece of legislation. I had hoped initially to complete debate on this measure before the recess, but I accommodated concerns of my colleagues on the other side of the aisle who support this measure, and we postponed consideration of class action until we get back from the recess.

In fact, I should mention, just as a reminder, that this is my third attempt as majority leader to bring class action to the floor of the Senate. I moved to proceed to the bill in October, October 22. The other side of the aisle blocked us proceeding to that piece of legislation.

Secondly, I scheduled long in advance that we would come to class action on June 1, but I was asked by my Democratic colleagues, the ones who support this legislation, to postpone it and do not go to it June 1.

Thirdly, I have scheduled it for when we return on July 6. We have to address it at this juncture. We just have so few days left in this session that now is the time to address class action, and we will be addressing it when we come back. This is my third attempt to bring it to the floor of the Senate.

Every day all of us, although we may not think about it, as consumers are affected by increased prices due to either exorbitant lawsuits that do not make any sense or just frivolous lawsuits that may be reflected in the current class-action mechanism.

We set out in a bipartisan way to develop a very good bill that should have 62 votes or more, an overwhelming majority of the Senate. It is a very good bill that addresses appropriate class action reform. I stress, it is bipartisan. The bill we are bringing to the Senate floor is a bipartisan bill. I am looking forward to a healthy and honest debate and to ultimately pass this sorely needed reform.

I do want to thank my Republican and Democratic colleagues who have worked together to fashion the bill that, as I said, at least in conversations, the legislation has been written and has 62 or more votes at this juncture.

Looking ahead to next month, I have announced that the Senate will also debate the Federal marriage amendment. Certainly this is much anticipated legislation. I expect us to have a comprehensive and defining debate on this important issue. This issue is central, I believe, to understanding our country's values and identity. I initiate this process—and it is a constitutional process—in the Senate because I believe elected representatives, not activist judges, should be the ones who define this institution, which reflects the social fabric of our society. In large part, it is in response to what activist judges have taken upon themselves, and that is to radically redefine what marriage is. It is really in response to that that we are going to have this national discussion, and it is going to be right on the Senate floor.

In July, the Senate will also act on a trade issue, the U.S.-Australian Free Trade Agreement. This is important legislation. In passing this new legislation, the United States will inject almost a half billion dollars into our economy. This will continue to drive our own country's continuing economic growth.

A couple of issues that are down the track—they are not there yet, so we need to get all the way down the track if we are going to keep moving America forward. One is the transportation bill. That bill is in conference now. It is a very important bill that has to do with safety on our highways, creation of jobs, economic growth and prosperity in communities that depend upon good highways and good roads to facilitate commerce, and the list goes on. It is a bill that has been passed in the Senate and in the House. As people know, there are significant differences. My goal is to have those differences worked out in the conference and to send a bill to the President of the United States that he will sign.

To me, the exercise is really—I will not say worthless; it is always important to exercise, but if the President is not going to sign the bill, we are simply not going to accomplish what we want to in jobs, in economic prosperity, in safety issues related to our highways.

The second issue I will mention is the manufacturing jobs bill on the Senate floor. The FSC/ETI bill, as some people refer to it, really just centers on a very simple concept that we have a Euro tax, a tax that is imposed on the U.S. businesses right now that is increasing 1 percent a month, that this bill addresses. We have passed it in the Senate. The House has passed their bill. Now it is time for us to go to conference so we can work out the differences and eliminate the impact of this Euro tax on America.

So a lot has been accomplished over the last 4 weeks. I hope we can continue this momentum—in fact, we will continue this momentum—and come back from the recess with a commitment to serving America's best interest in a focused way.

The 1 week I left out of the last 4 weeks is the week we spent in tribute to Ronald Reagan, where we recognized the life and legacy of one of America's greatest Presidents. A little over 2 weeks ago, we paid our final respects to President Ronald Wilson Reagan. Over the course of the week, we had the opportunity to mourn the passing of this great American leader but also to celebrate the values for which he stood. There were countless tributes paid to President Reagan, his beloved wife Nancy, and to the entire Reagan family. All of those tributes helped us celebrate the memory of this optimistic, bold, and compassionate President. World and national leaders filed through this building, the Nation's Capitol, down the hallway behind me, to pay respects as the President lay in state. We had the opportunity to welcome many of those world and national leaders, but what was truly remarkable to me was to be able to be in my office or in the hallway and see the hundreds and then the thousands and then the tens of thousands of ordinary, regular, hard-working Americans who came to the Nation's Capital from all around the country, people who would drive hundreds, indeed thousands, of miles. People would get on an airplane and arrive at 10 at night to stand in line for 4 or 5 hours to pay their respects.

Throughout the week, our shining Capital City united peoples throughout the world, both those who could be here, those who watched on television, those who read the newspapers, and those who heard it on the radio. It united the American people and the world peoples in a way that is very rare. Indeed, it is the sense of national and global community that embodied the legacy of the 40th President, and though we said goodbye to the man, we carry forward his relentless faith in those values of freedom and democracy.

Later this afternoon, I will be traveling to the NATO Istanbul summit in Turkey in anticipation of this trip where international leaders will be gathering to look ahead and address the international climate. Couple that trip, my anticipation of what I will find and learn on that trip, with the summary I just gave and the events that occurred in the last 4 weeks in this country and on the floor of the Senate, I personally will be celebrating the Fourth of July with a renewed sense and appreciation for and faith in the ideals that are represented in the United States of America.

We have a lot of challenging days ahead, and we have a lot of exciting days ahead. We will continue honoring our country's great, bold, and storied legacy when the Senate reconvenes on July 6.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HABITAT FOR HUMANITY INTERNATIONAL

Mr. FRIST. Mr. President, it was 1976 in Americus, GA. Millard Fuller and his wife Linda had sold their possessions, given away their millions and rededicated themselves to their Christian faith. They had decided to express their faith by building homes for the poor. They believed, in their words, that:

> What the poor need is not charity but capital, not caseworkers but co-workers. And what the rich need is a wise, honorable and just way of divesting themselves of their overabundance.

So they founded Habitat for Humanity International to build no-interest, no-profit homes for the poor and homeless.

Since then, the ecumenical, Christian-based organization has grown to serve 89 countries. It has built more than 150,000 houses providing more than three quarters of a million people with safe, decent, affordable shelter. Millard and Linda Fuller have taken a Biblical injunction and turned it into worldwide action.

Jack Kemp, former U.S. Secretary of Housing and Urban Development and a board member of the organization, says that, "When I'm asked about housing success stories from our inner cities, the first group that comes to mind is Habitat for Humanity."

I tell you all of this, because next month, I have the privilege of joining over two dozen volunteers in my home town of Nashville, TN, to help build a Habitat home for Anita Phillips, a single mom of three. Local businesses have donated supplies. Anita has taken out a no-interest mortgage. She will be working alongside us, hammering nails and hauling lumber. Anita calls her new Habitat home "a gift from God."

For nearly three decades, Habitat has shared the gift of homeownership with thousands around the world. Habitat helps organize local communities to pitch in and give hard working people like Anita the opportunity to build equity and pride.

In Tennessee, alone, Habitat has 52 affiliates and serves 61 counties. This year, Tennessee will celebrate building two thousand Habitat homes.

Social scientists tell us that homeownership is one of the most important economic and social investments we can make. Owning a home helps families build financial stability and wealth. It helps break the cycle of poverty as families accumulate equity.

Homeowners also become stakeholders in their communities. They become more invested in the civic life and health of their neighborhood. Their children are healthier and do better in school.

Owning ones' home also generates a sense of pride and belonging. It's a big responsibility, but those four walls belong to you.

I commend habitat for Humanity International for their tireless efforts. This past March, I was joined by over a dozen members from both sides of the aisle and both houses of Congress to build a home right here in the Nation's capital.

I encourage my colleagues to participate in Habitat builds in their home States, as well. It sends the message that Congress is committed to helping organizations like Habitat spread the good work.

This fiscal year, Congress has provided $27 million for the Self-Help Homeownership Opportunity Program. Also called, "SHOP," the program requires homebuyers to contribute their labor to the construction or rehabilitation of their soon-to-be, new home. President Bush has requested $65 million for the next fiscal year to support the SHOP initiative.

Additionally, the 108th Congress passed, and President Bush signed into law, the "American Dream Downpayment Act of 2003." This new program will help 40,000 families a year with their down payment and closing costs.

In the halls of Congress and in communities across America, we care about helping our neighbors fulfill the American dream.

Habitat for Humanity International has been at the forefront of the cause.

That is because through their faith and compassion, Millard and Linda Fuller realized decades ago that the working poor need a hand-up not a hand-out, and that a community is not just something you join, it's something you build.

HONORING BOB MICHEL

Mr. DURBIN. Madam President, yesterday I introduced legislation to name the Veterans Affairs Clinic in Peoria, IL, the Bob Michel Department of Veterans Affairs Outpatient Clinic in honor of former House Minority Leader Robert H. Michel.

Bob Michel's interest in veterans' affairs began when he served in the Army's 39th Infantry Regiment, fighting on Normandy Beach during World War II. Wounded by machine gun fire during the Battle of the Bulge, he was discharged from the military as a disabled veteran after earning The Purple Heart, two Bronze Stars, and four Battle Stars.

Michel began his life of public service in 1957, serving the citizens of the 18th District of Illinois in the House of Representatives. Because of his hard work and dedication to his constituents, he was elected minority whip and eventually House minority leader. He was also actively involved in the creation of several pieces of legislation that dealt with veterans' affairs, including a resolution that helped to remove obstacles to employment of partially disabled persons honorably discharged from the Armed Forces.

A veteran himself, Michel understood the need for quality health care for those who served in the military. He used his prominent position in the House of Representatives to lead the effort to establish a VA clinic in Peoria. The clinic he helped to create now serves up to 10,000 veterans a year, in as many as 12 counties in central Illinois. The clinic offers a variety of services for veterans, including medical and mental health services, ophthalmology, audiology and assistance for the homeless.

Representative RAY LAHOOD, who now holds the Congressional seat previously held by Bob Michel, has introduced companion legislation in the House. Representative LAHOOD's bill is supported by all House members of the Illinois delegation.

I hope that the Senate will act expeditiously in enacting this legislation.

This bill will serve to honor Robert H. Michel who served our country through his service in the military and Congress.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Madam President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

On January 18, 1999, a carload of men in San Francisco, CA, allegedly threw a bottle at and taunted two gay men.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

FOCUS HOPE'S MOBILE PARTS HOSPITAL

Mr. LEVIN. Madam President, earlier this week the U.S. Army held an awards ceremony honoring the Top Ten Greatest Inventions of 2003. Looking at each of these inventions, one is reminded of the technological innovation, ingenuity and entrepreneurial spirit that our Nation is able to harness in the global war on terror. These are among our Nation's greatest assets.

One of the Army's Top Ten Greatest Inventions of 2003 was the product of the U.S. Army Tank Automotive Research Development and Engineering Center, TARDEC, located in Warren, MI. This device, the Squad Automatic Weapon Pintle Mount Assembly for the Humvee is a gun mount that has been directly attributed with protecting and saving the lives of many of our soldiers who are currently deployed in Iraq.

This gun mount is a novel device that would not have been possible were it not for another technological advance that has been developed by the U.S. Army TARDEC's National Automotive Center; Focus: HOPE, a Detroit-based non-profit; Alion; the Cleveland Advanced Manufacturing Project; and several other organizations.

The Mobile Parts Hospital, as its name implies, is a field deployable unit that can rapidly manufacture parts as they are needed. Utilizing the latest manufacturing and computer technologies, the Mobile Parts Hospital team has developed a mobile unit that can readily travel to any destination. By using parts specifications or by reverse engineering an actual part, this hospital can make parts as they are needed.

For the past several years, I have worked to fund research and development into this program in the hopes that this would one day be able to assist our men and women in uniform. It was hoped that these science and technology efforts would enable the Mobile Parts Hospital to reduce the need for carrying numerous parts into battle. Earlier this year, that vision became reality as the Mobile Parts Hospital and its crew team were deployed to Camp Arifjan, Kuwait. The success of the Mobile Parts Hospital far exceeded anyone's expectations. Not only did it create one of the Army's Ten Greatest Inventions for 2003, but it was immediately able to begin assisting units in need of parts.

Earlier this year, my brother, Congressman SANDER LEVIN, was able to speak directly with the mobile parts team in Kuwait from Washington, DC. During that conversation, he learned that as soon as the team arrived in Kuwait, they had soldiers lined up outside the Mobile Part Hospital seeking the parts and tools they needed to perform their duties.

By all reports, the soldiers came away impressed with the Mobile Part Hospital and grateful for its presence in Kuwait. Many soldiers and contractors have written to the Mobile Parts Hospital team thanking them for their work and for the hospital itself. One soldier wrote saying that:

> Currently, I am stationed in Iraq and I was in need of some gun mounts. I made a stop by Camp Doha to pick up some supplies and drive them back up into Iraq. However, my unit is short some gun mounts. I stopped by Kevin Green's shop and asked him to help me out. He was very helpful. In fact, he produced 4 SAW [Squad Automatic Weapon] mounts and adaptors for our unit overnight. I was able to mount all of my weapons, which is very helpful when we are engaged with the enemy. I wanted to let you know that the mounts he is making are what we need and he is very helpful in what he is doing. Thank you.

Another soldier wrote saying that:

> you have an excellent representative to your project here in Kuwait and your products are excellent quality, and in excellent working order, much better than what we are able to pull out of a retro yard, and I wish we would have had this service a year ago when we got here. You all have done a great service to the Army, and particularly, my guncrew . . . and for that, I thank you!!

Others wrote that due to the work of the Mobile Parts Hospital they were able to get their CH-47 helicopters "fully mission capable for this task. We appreciate everything these guys have done for us. They have been more than cooperative and willing to help. They have been very professional, in person, and at their jobs."

The Mobile Parts Hospital has been used to make new parts for many purposes and one contractor noted that:

> A colleague saw new tools and asked if the Mobile Parts Hospital "could manufacture similar tools. Not only did they agree to, but they also agreed to slightly modify their current design to meet . . . requests for modification of the tools.
>
> I cannot say enough how appreciative I am of their help, timeliness, and professional demeanor. They are currently working under a heavy load due to the Army's decision to attempt to send only armored Humvee's to Iraq. They have been asked to make a VARIETY of parts for all manner of devices. As for my shop, we are currently inspecting and servicing .50 caliber machine guns (plus others) that are being sent to or with the warfighters in Iraq. Being able to save time, labor, and damage (incurred using the hammer and punch method), we are able to send the weapons out in a much more timely fashion.
>
> I want to thank you for having the foresight to send this team of dedicated workers and I want to thank the men at the 'parts doctor' shop."

Michigan has a long and proud tradition of serving as the "Arsenal of Democracy." The Mobile Parts Hospital is just one of the latest examples of the ingenuity and innovation that has enabled our nation to succeed in past conflicts and guarantees our success in the future.

Developed in conjunction with Focus: HOPE, a non-profit organization committed to taking "intelligent and practical action to overcome racism, poverty and injustice," and the National Automotive Center, the Mobile Parts Hospital has been a tremendous success. Both organizations are to be commended for their vision and their dedication to developing a practical tool for assisting our soldiers in combat, and making a lasting contribution to our national security.

For 35 years, Focus: HOPE has been helping people develop the skills they need to succeed professionally. Many of the candidates at Focus: HOPE, who are earning their Associate's or Bachelor's degrees, played a key role in developing the Mobile Parts Hospital. Focus: HOPE and the entire Mobile Parts Hospital team are to be commended for their efforts in making this project a success. In particular, I would like to honor the 9 team members who were at Camp Arifjan working with the Mobile Parts Hospital and supporting our troops. What follows is the list of their names: Todd A. Richman, Joe Shenosky, Kevin Ksiazek, Tim Ponzi, Robert Huffman, Greg Murnock, Kevin Green, Matt Middleton, and Greg Outland.

SOJOURNER TRUTH

Mr. LEVIN. Madam President, yesterday, I joined Senator CLINTON and 18 other Members of the Senate in introducing S. 2600, legislation calling for the revision of the group portrait monument, located in the Capitol Rotunda, honoring leaders of the Women's Suffrage movement to include the likeness of Sojourner Truth. Our bill has the support of Senators on both sides of the isle and is an appropriate step towards honoring Truth's contributions to eliminating women's suffrage.

In its current form, the monument features the sculpted busts of Lucretia Mott, Elizabeth Cady Stanton, and Susan B. Anthony. As many know, one corner of the stone is unsculpted and was clearly intended to include a fourth hero of the suffrage movement. I believe that woman should be Sojourner Truth and that is why I have cosponsored this important piece of legislation.

Sojourner Truth, though unable to read or write, was considered one of the most eloquent and noted spokespersons of her day. She was a leader in the abolitionist movement, and a groundbreaking speaker on behalf of equality for women.

Sojourner Truth was born Isabella Baumfree in 1797 in Ulster County, NY, and served as a slave under several different masters. She bore four children who survived infancy, and all except one daughter were sold into slavery. Baumfree became a freed slave in 1828 when New York State outlawed slavery. She remained in New York and instituted successful legal proceedings to secure the return of her son, Peter, who had been illegally sold to a slave-owner from Alabama.

In 1843, Baumfree changed her name to Sojourner Truth and dedicated her life to traveling and lecturing. She began her migration west in 1850, where she shared the stage with other abolitionist leaders such as Frederick Douglass. In October 1856, Truth came to Battle Creek, MI, with Quaker leader Henry Willis to speak at a Friends of Human Progress meeting. She eventually bought a house and settled in the area. Her antislavery, women's rights, and temperance arguments brought Battle Creek both regional and national recognition. Sojourner Truth died at her home in Battle Creek, MI, on November 26, 1883, having lived a truly extraordinary life.

Truth also lived in Washington, DC for several years, helping slaves who had fled from the South, and appearing at women's suffrage gatherings. She returned to Battle Creek in 1875, and remained there until her death in 1883. Sojourner Truth spoke from her heart about the most troubling issues of her time. A testament to Truth's convictions is that her words continue to speak to us today.

Sojourner Truth was a political and social activist who personally conversed with President Abraham Lincoln on behalf of freed, unemployed slaves, and campaigned for Ulysses S. Grant in the Presidential election in 1868. Sojourner was a woman of great passion and determination who was spiritually motivated to preach and teach in ways that have had a profound and lasting imprint on American history.

I am proud and the people of my State are proud to claim this legendary leader. In September of 1999, Michigan honored Sojourner Truth with the dedication of the Sojourner Truth Memorial Monument, which was unveiled in Battle Creek, MI.

The contributions of Sojourner Truth, who helped lead our country out of the dark days of slavery, are indelibly etched in the chronicle of not only the history of this Nation, but are viewed with distinction and admiration throughout the world. In 1851, Sojourner delivered her famous "Ain't I a Woman?" speech at the Women's Convention in Akron, OH. She spoke from her heart about the most troubling issues of her time. Her words on that day in Ohio are a testament to Sojourner Truth's convictions and are a part of the great legacy she left for us all.

In closing, I must take a moment to pay special tribute to Dr. C. Delores Tucker, who has been the chief crusader in the movement to add Sojourner Truth to the Women's Suffrage group portrait monument. Dr. Tucker, President of the Bethune-Dubois Institute and Chair of the National Congress of Black Women, is a woman of strong conviction and is unyielding in her pursuits for justice and fairness. Because of her diligence and commitment, constructive efforts are now on the way to ensuring that Sojourner Truth will be shown in her rightful place, in our Capitol Rotunda. I must also commend the National Council of Women's Organizations for their active support of this legislation.

I ask unanimous consent that the text of S. 2600, including cosponsors, be inserted in the RECORD at the end of my remarks, following Truth's "Ain't I a Woman" speech.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AIN'T I A WOMAN

(By Sojourner Truth)

Well, children, where there is so much racket there must be something out of kilter. I think that 'twixt the negroes of the South and the women at the North, all talking about rights, the white men will be in a fix pretty soon. But what's all this here talking about?

That man over there says women need to be helped into carriages, and lifted over ditches and to have the best place everywhere. Nobody ever helps me into carriages, or over mud puddles, or gets me any best place!

And Ain't I a Woman?

Look at me! Look at my arm! I have ploughed, and planted, and gathered into barns, and no man could head me!

And Ain't I a Woman?

I could work as much and eat as much as a man—when I could get it—and bear the lash as well!

And Ain't I a Woman?

I have borne five children and seen most all sold off to slavery, and when I cried out with a mother's grief, none but Jesus heard me.

And Ain't I a Woman?

Then they talk about this thing in the head; what's this they call it? (member of the audience whispers 'intellect') That's it, honey.

What's that got to do with women's right or negroes' rights? If my cup won't hold but a pint, and your holds a quart, wouldn't you be mean not to let me have my little half measure full?

Then that little man in black there, he says women can't have as much rights as men, cause Christ wasn't a women?

Where did your Christ come from? Where did your Christ come from? From God and a woman! Man had nothing to do with Him.

If the first woman God ever made was strong enough to turn the world upside down all alone, these women together ought to be able to turn it back, and get it right side up again! And now they is asking to do it, the men better let them.

Obliged to you for hearing me, and now old Sojourner ain't got nothing more to say.

S. 2600

Mrs. CLINTON (for herself, Mr. LEVIN, Mr. DODD, Ms. CANTWELL, Mr. SARBANES, Mr. SCHUMER, Ms. LANDRIEU, Mr. SANTORUM, Mr. LIEBERMAN, Mrs. BOXER, Mr. SPECTER, Mr. ALEXANDER, Ms. STABENOW, Mrs. FEINSTEIN, Mrs. HUTCHISON, Ms. MIKULSKI, Ms. COLLINS, Mr. CORZINE, and Mr. PRYOR) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

A BILL To direct the Architect of the Capitol to enter into a contract to revise the statue commemorating women's suffrage located in the rotunda of the United States Capitol to include a likeness of Sojourner Truth.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds the following:

(1) Sojourner Truth was a towering figure among the founders of the movement for women's suffrage in the United States, and any monument that accurately represents this important development in our Nation's history should include her.

(2) The statue known as the Portrait Monument, originally presented to Congress in 1920 in honor of the passage of the Nineteenth Amendment guaranteeing women the right to vote and presently exhibited in the rotunda of the Capitol, portrays several early suffragists who were Sojourner Truth's contemporaries, but not Sojourner Truth herself, the only African American among the group.

SEC. 2. REVISION OF WOMEN'S SUFFRAGE STATUE.

Not later than the final day on which the One Hundred Ninth Congress is in session, the Architect of the Capitol shall enter into a contract to revise the statue commemorating women's suffrage located in the rotunda of the United States Capitol (commonly known as the "Portrait Monument") to include a likeness of Sojourner Truth.

CORRECTION FOR THE RECORD

Mr. LEAHY. Mr. President, on June 23, 2004, I gave a statement on the Feingold amendment concerning the Inspector General of the Coalition Provisional authority. When it appeared in the RECORD, text was somehow inadvertently added to my statement. My statement should have ended after the sixth full paragraph of column three on page S7266. I can certainly understand how something like this could have happened as we were all working late into the night under very tight deadlines. This isn't the first time something like this has happened and I bet it won't be the last.

Of course, this is no fault of the good people of the Official Reporters of Debates. They do outstanding work and I know this will continue.

The following is how my statement should have appeared:

> I rise today to express my strong support for the amendment offered by Senator Feingold.
>
> Senator Feingold's amendment, which I am a proud co-sponsor, would allow the work of the Inspector General of the Coalition Provisional Authority (CPA-IG) to continue its work uninterrupted after the June 30 handover.
>
> This is critical. Congress provided more than $18 billion to rebuild Iraq, roughly the same amount that we spend on the rest of the world combined. Congress jammed through the Iraq supplemental appropriations bill in an extremely short time, without a sufficient number of hearings, into a very chaotic environment without the usual financial controls.
>
> Recognizing this reality, Congress created a strong, independent Inspector General to help police these funds.
>
> In the months that followed passage of the Iraq Supplemental, we heard numerous reports of waste, fraud and abuse. If anything, this should have send a clear signal to the administration and Congress that we need more—not less—oversight of these funds. It defies logic, then, that the State Department is now proposing to weaken the one entity that Congress specifically tasked with keeping track of these tax dollars.
>
> The State Department's plan could undermine the independence of this Inspector General and disrupt this important work, reducing Congress's ability to account for these funds. It's unlocking the vault to those who want to cheat us.
>
> The State Department also has told the Appropriations Committee that it will have to create 25 new positions to handle the work in Iraq.
>
> Let me get this straight. We want to close down an IG that has about 60 people in place, which are actively conducting audits and rooting out waste fraud and abuse.
>
> After the administration is finished closing down that office, they will turn around and hire 25 new people to do the same work—only through at a lower level office at the State Department.
>
> Why on Earth would we want to do this? At a time when we are hearing weekly reports of abuse by Haliburton and others, why would we want to re-invent the wheel? Why would we downgrade the status of the CPA-IG and undermine its independence? It just does not make any sense.
>
> This is why the amendment offered by Senator from Wisconsin is so important.
>
> This is why I support his amendment.

I thank the chair for allowing me to make this correction.

PEER-REVIEW PROSTATE CANCER RESEARCH PROGRAM

Mr. CRAPO. Mr. President, I rise today in support of the Department of Defense, DOD, Peer-Review Prostate Cancer Research Program.

No one in this Chamber has been spared the tragedy of cancer taking the life of a family member or friend. Many of those lives, in fact, have been taken by prostate cancer, as it is the leading cause of cancer deaths in men. Because baby boomers are entering the risk age for prostate cancer at a rate of one every seven seconds, the 2 million men currently impacted by the disease are increasing at about every 8 percent per year. Still, lives can be saved and finding a cure can be accelerated.

The DOD Peer Review Prostate Cancer Research Program continues to prove to be a success and many new treatments to end the pain and suffering due to prostate cancer are on the horizon. That is why I support a $100 million earmark for fiscal year 2005.

The return on this investment is well worth it. In recent years, the DOD Breast Cancer Program funded groundbreaking research, such as the discovery of the drug Herceptin, which prolongs the lives of women afflicted with a particularly aggressive type of advanced breast cancer. In fact, Herceptin when used appropriately with chemotherapy increases the chances of survival by about 33 percent.

Those breakthroughs are possible in prostate cancer. This disease needs a Herceptin-like drug, and it is possible with adequate and fair funding for the DOD Peer Review Prostate Cancer Research Program.

This one-of-a-kind research program uses an innovative granting structure that brings scientists and consumers together to make key policy decisions about prostate cancer research. Since its inception eight years ago, this far-reaching, influential program has literally changed the way prostate cancer research is done. It has become a model that other research programs have sought to replicate.

The program has funded two key research grants, the Prostate Cancer Consortium Awards, which could help us unravel prostate cancer's challenge. These grants cover a 3-year period and are designed to produce an intervention—drug, device or procedure—to bring us all closer to finding a cure for this devastating disease.

This program is not only a shining example of streamlining effective research; it is an outstanding model for best business practices. Every penny spent by this program is accounted for at a public meeting every 2 years. Ninety percent of the funds go directly to research. This kind of efficiency and prudence in spending is unheard of in some of our Nation's best businesses and charities let alone other federally funded research programs and agencies.

According to reports of this business conscious program, the DOD Peer Review Prostate Cancer Research Program cannot conduct human clinical trials without the earmark funding of $100 million for fiscal year 2005. The program must help treat men, not just mice.

Unfortunately, the language in the Senate Department of Defense Appropriations Act for Fiscal Year 2005 threatens both the funding and unique structure of the Prostate Cancer Peer Review Research Program. The Senate bill combines all of the congressionally directed cancer research programs into one account and reduces the total funding available to all.

Because the Senate version lumps all the cancer programs into one pot, rather than maintaining separate earmarks, the proposal will have multiple, negative outcomes. As written, the Senate bill dismantles the unique accountability over research and seriously threatens the consumer-scientist driven integrity of the DOD prostate cancer research program. The proposal relieves the government of accountability while forcing cancer groups to compete with one another for reduced funding. And, a particularly dangerous component of the proposal transfers funding to other cancer projects that are not recommended by a scientific peer reviewed process

As the Department of Defense Appropriations Act for Fiscal Year 2005 goes to conference, I urge my colleagues to support the language passed in the House and preserve this critical program for prostate cancer research.

ADDITIONAL STATEMENTS

HONORING CAPTAIN CHRIS CHRISTOPHER

• Ms. LANDRIEU. Madam President, I speak today to honor the service of CAPT Chris Christopher, who is currently the Deputy Director for Future Operations, Communications and Business Initiatives at NMCI. Captain Christopher comes to this position after nearly 20 years of distinguished service to the Navy in the fields of aviation, public affairs and intelligence.

Captain Christopher has spent most of his life in New Orleans, and he has made a wonderful home there with his wife Patti and their two daughters. He received undergraduate and graduate degrees from the University of New Orleans, and his work with NMCI still brings him back to the UNO campus. Though he is now stationed in Virginia, his heart and family remain in New Orleans. As a Louisiana Senator, I like that!

Captain Christopher's work at NMCI has been truly outstanding. The Navy Marine Corps Intranet is a progressive project whose ultimate goal is to transform the Department of the Navy's computer networks. NMCI will revolutionize command and control efficiencies within the Navy, and between the services, to ensure that our forces are operating in unison. This will save American lives, increase combat readiness and effectiveness, and, ultimately, make us stronger. Under Captain Christopher's leadership, many of these goals have been brought closer to reality.

From June 20–23, Captain Christopher organized the 2004 Navy Marine Corps Intranet Symposium in New Orleans. This event was an opportunity for all parties involved in NMCI to continue their dialogue on reshaping information technology in the Navy and Marine Corps. Captain Christopher made this event happen and I have been informed that it was a complete success.

I once again want to thank my friend, CAPT Chris Christopher, for his efforts on America's behalf. Future generations of sailors and Marines will no doubt reap the benefits of his labor and America will be safer as a result. I am proud of Chris's "Louisiana-bred" success, and I wish him well in his future endeavors.●

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

IN HONOR OF STEPHEN E. COLLINS

● Mr. KERRY. Madam President, I am proud to join family, friends, and colleagues in recognizing and celebrating the incredible life and dedicated work of Steve Collins. His tireless efforts on behalf of our disadvantaged citizens have greatly benefited the Commonwealth of Massachusetts and his fighting spirit is an inspiration to us all.

Steve began his career as an advocate for the importance of human services over 25 years ago, and has continued his passion for helping others ever since. His career history includes work at a mental health center for youth, supervision of the Uphams Corner Health Center in Dorchester, case management at Minuteman Home Care, and direction of the Alliance for the Mentally Ill of Massachusetts. Steve's most sweeping impact, however, has come through his work with the Massachusetts Human Services Coalition, where, after years of participation in the Coalition's efforts, he became Executive Director in 1999.

Steve comes from a family committed to working for the public good. He is the son of a high school teacher and a newspaper editor, and it was his father who from early on taught him to "comfort the afflicted and afflict the comfortable." Taking this motto to heart, Steve has, for many years, been a voice for the voiceless citizens of Massachusetts by monitoring State policy and budgets and advocating for the vital services that aid the disadvantaged. With unwavering devotion, Steve has embraced his role as David to the sometimes Goliath government bureaucracy, and he has continually won tangible results.

Armed with an amazing ability to inject humor into his noble struggles, Steve calls upon governors and legislators to look more critically at the effects of their policies with events like the "'State of the State We're Really In' Bake Sale." And while his criticisms are direct and his position unflinching, Steve has earned the respect of legislators and officials alike. He never compromises his vision and always works around-the-clock to mobilize support for the protection of human services.

Steve manages to forever remind us all that every citizen deserves respect, and with that recognition of human dignity comes the obligation to assist those in need. He serves as a voice for the most vulnerable in our society, and the utter importance of his life's work cannot be overstated.

There is no more noble goal than to serve others. Steve remains a loyal friend to those in need of his help, and he has never backed down from the challenge of defending them. I am honored by his ceaseless efforts and it is with respect and gratitude that I join in celebrating Steve's life, work, and innumerable contributions.●

HONORING BRIGADIER GENERAL WILLIAM "BUNKER BILL" KANE

● Mr. MILLER. Madam President, today I wish to pay tribute to BG William P. Kane, who on July 10, 2004, will complete nearly 6 years of command at Dobbins Air Reserve Base in Marietta, GA, and who will move on to command at Peterson Air Force Base, CO.

When we were young, many of us were exposed to the phrase "you can do anything that you set your mind to." Some of us live out that desire by finding success as academics, others as scientists or politicians. Some of us find passion in the freedom of flight, while some of us thrive in the structure of the military. However, very few of us are able to test our limits and succeed in multiple areas. I stand before you to recognize one such person.

BG William P. Kane is the current commander of the 94th Airlift Wing at Dobbins Air Reserve Base, leading both the 94th Airlift Wing and Dobbins ARB. Although Dobbins is a small base in physical size, it also happens to be the largest multiservice Reserve training base in the world. Owned by the Air Force Reserve, Dobbins supports more than 10,000 guardsmen and reservists from the Army, Navy, Marines, and Air Force. It is home to nearly 50 aircraft assigned to different flying units and boasts more than 7,000 takeoffs and landings each month. This enormous flying mission is what General Kane manages on a daily basis, around, I would like to point out, one of the busiest airports in the Nation, Hartsfield-Jackson International Airport.

After our Nation was attacked on September 11, 2001, the military had to quickly adapt to a new mission. As operational tempo increased, commanders had to take on expanding roles. General Kane immediately took the necessary and innovative steps to transform the mission of Dobbins ARB and the 94th Airlift Wing. While Dobbins continued to embrace its role in training C–130 crew members and maintaining combat-ready units to deploy on short notice, General Kane had to "batten down the hatches" in the heightened security atmosphere. And in typical fashion, General Kane took on his force protection mission with vigor, even relishing in the nickname "Bunker Bill," as he erected sandbags and barriers at the base.

General Kane began his impressive Air Force career after graduating from the State University of New York at Binghamton in 1969 with a bachelor's degree in biology. He entered the Air Force soon thereafter and obtained his commission through Officers Training School. After serving 5 years on active duty at Dyess Air Force Base, TX, General Kane joined the Reserves at Niagara Falls International Airport, NY, and served in the 328th Tactical Airlift Squadron while attending graduate school. He completed his graduate work in 1982 and was awarded his Ph.D. in cell and molecular biology. He then went on to conduct basic biological research as a postdoctoral fellow at the Fox Chase Cancer Institute in Philadelphia, PA, and the State University of New York at Buffalo, Buffalo, NY. He then joined the Air Reserve technician program in 1984 at March Air Force Base, CA. General Kane is a command pilot with more than 6,500 flying hours.

Looking back over General Kane's illustrious career thus far, I am reminded of a quote by Orison Swett Marden, a famed 19th century thinker. Marden stated that:

> the greatest thing a man can do in this world is to make the most possible out of the stuff that has been given to him. This is success and there is none other.

Officer, pilot, academic, scientist, husband, father. I believe that Marden, were he still alive today, would not hesitate to proclaim GEN William P. Kane a completely successful man. People spend most of their lives attempting to do one thing well. Few and far between are the people who have the courage to try and the determination to achieve success at multiple levels, as General Kane certainly has. And he is not finished.

I thank him for his years of service to the Air Force Reserve and to Georgia. I wish him and his family all the best as he continues with his Air Force career in Colorado and with all future endeavors. Georgia will miss General Kane. He is Georgia at its finest.●

MESSAGE FROM THE HOUSE

At 11:28 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 120. Concurrent resolution providing for a conditional adjournment or recess of the Senate and the House of Representatives.

ENROLLED BILLS SIGNED

The message also announced the Speaker has signed the following enrolled bills and joint resolution:

H.R. 884. An act to provide for the use and distribution of the funds awarded to the Western Shoshone identifiable group under Indian Claims Commission Docket Numbers 326–A–1, 326–A–3, and 326–K, and for other purposes.

H.R. 2751. An act to provide new human capital flexibilities with respect to the GAO, and for other purposes.

H.R. 4103. An act to extend and modify the trade benefits under the African Growth and Opportunity Act.

H.J. Res. 97. Joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

The enrolled bills and joint resolution were signed subsequently by the Acting President pro tempore (Mr. FRIST).

The message further announced that pursuant to section 214(a) of the Help America Vote Act of 2002 (42 U.S.C. 15344), and the order of the House of December 8, 2003, the Speaker appoints the following individual on the part of the House of Representatives to the Election Assistance Commission Board of Advisors for a term of two years: Mr. J.C. Watts, Jr., of Norman, Oklahoma.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4278. An act to amend the Assistive Technology Act of 1998 to support programs of grants to States to address the assistive technology needs of individuals with disabilities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 4417. An act to modify certain deadlines pertaining to machine-readable, tamper-resistant entry and exit documents; to the Committee on the Judiciary.

H.R. 4478. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through July 23, 2004, and for other purposes; to the Committee on Small Business and Entrepreneurship.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 218. An act to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2707. To provide for an assessment of the extent of the invasion of Salt Cedar and Russian Olive on lands in the Western United States and efforts to date to control such invasion on public and private lands, including tribal lands, to establish a demonstration program to address the invasion of Salt Cedar and Russian Olive, and for other purposes.

MEASURES READ FOR THE FIRST TIME

The following bill was read the first time:

H.R. 4359. An act to amend the Internal Revenue Code of 1986 to increase the child tax credit.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that today, June 25, 2004, she had presented to the President of the United States the following enrolled bill:

S. 2017. An act to designate the United States courthouse and post office building located at 93 Atocha Street in Ponce, Puerto Rico, as the "Luis A. Ferre United States Courthouse and Post Office Building".

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 2180. A bill to direct the Secretary of Agriculture to exchange certain lands in the Arapaho and Roosevelt National Forests in the State of Colorado (Rept. No. 108–285).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, without amendment:

S. 2243. A bill to extend the deadline for commencement of construction of a hydroelectric project in the State of Alaska (Rept. No. 108–286).

H.R. 1648. A bill to authorize the Secretary of the Interior to convey certain water distribution systems of the Cachuma Project, California, to the Carpinteria Valley Water District and the Montecito Water District (Rept. No. 108–287).

H.R. 1732. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Williamson County, Texas, Water Recycling and Reuse Project, and for other purposes (Rept. No. 108–288).

H.R. 3209. A bill to amend the Reclamation Project Authorization Act of 1972 to clarify the acreage for which the North Loup division is authorized to provide irrigation water under the Missouri River Basin project (Rept. No. 108–289).

By Ms. COLLINS, from the Committee on Governmental Affairs, without amendment:

S. 2479. A bill to amend chapter 84 of title 5, United States Code, to provide for Federal employees to make elections to make, modify, and terminate contributions to the Thrift Savings Fund at any time, and for other purposes (Rept. No. 108–290).

DISCHARGED NOMINATIONS

The Senate Committee on Foreign Relations was discharged from further consideration of the following nominations and the nominations were confirmed:

Jackson McDonald, of Florida, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Guinea.

James D. McGee, of Florida, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Madagascar.

Joyce A. Barr, of Washington, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Namibia.

June Carter Perry, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Lesotho.

R. Barrie Walkley, of California, a Career Member of the Senior Foreign Service, Class of Minister Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Gabonese Republic, and to serve concurrently and * * *.

Cynthia G. Efird, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Angola.

Christopher William Dell, of New Jersey, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Zimbabwe.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CHAFEE (for himself, Mr. SARBANES, Ms. SNOWE, Mr. BREAUX, Mrs. BOXER, and Mr. LAUTENBERG):

S. 2606. A bill to amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program; to the Committee on Environment and Public Works.

ADDITIONAL COSPONSORS

S. 1129

At the request of Mrs. FEINSTEIN, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S. 1129, a bill to provide for the protection of unaccompanied alien children, and for other purposes.

S. 2016

At the request of Mrs. FEINSTEIN, the name of the Senator from Oregon (Mr.

WYDEN) was added as a cosponsor of S. 2016, a bill to provide for infant crib safety, and for other purposes.

S. 2088

At the request of Mr. KENNEDY, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 2088, a bill to restore, reaffirm, and reconcile legal rights and remedies under civil rights statutes.

S. 2109

At the request of Mrs. FEINSTEIN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2109, a bill to provide for a 10-year extension of the assault weapons ban.

S. 2283

At the request of Mr. BAUCUS, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2283, a bill to extend Federal funding for operation of State high risk health insurance pools.

S. 2498

At the request of Mrs. FEINSTEIN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2498, a bill to provide for a 10-year extension of the assault weapons ban.

S. 2502

At the request of Mr. CRAIG, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 2502, a bill to allow seniors to file their Federal income tax on a new Form 1040S.

S. 2603

At the request of Mr. SMITH, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 2603, a bill to amend section 227 of the Communications Act of 1934 (47 U.S.C. 227) relating to the prohibition on junk fax transmissions.

S. CON. RES. 110

At the request of Mr. CAMPBELL, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Con. Res. 110, a concurrent resolution expressing the sense of Congress in support of the ongoing work of the Organization for Security and Cooperation in Europe (OSCE) in combating anti-Semitism, racism, xenophobia, discrimination, intolerance, and related violence.

S. RES. 311

At the request of Mr. BROWNBACK, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. Res. 311, a resolution calling on the Government of the Socialist Republic of Vietnam to immediately and unconditionally release Father Thadeus Nguyen Van Ly, and for other purposes.

AMENDMENT NO. 3541

At the request of Mr. KOHL, the names of the Senator from Ohio (Mr. DEWINE), the Senator from Indiana (Mr. BAYH), the Senator from New York (Mr. SCHUMER) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of amendment No. 3541 proposed to H.R. 4613, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes.

* * *

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CHAFEE (for himself, Mr. SARBANES, Ms. SNOWE, Mr. BREAUX, Mrs. BOXER, and Mr. LAUTENBERG):

S. 2606. A bill to amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program; to the Committee on Environment and Public Works.

Mr. CHAFEE. Mr. President, I am joined today by Senators SARBANES, SNOWE, BREAUX, BOXER and LAUTENBERG in introducing legislation to reauthorize a highly successful and collaborative program known as the National Estuary Program (NEP).

In 1987, Congress created the NEP to restore designated estuaries of national significance. Since 1987, the EPA estimates that the NEP has preserved, restored or created approximately 719,000 habitat acres, and has leveraged $200 million in local, State and private sector funding, with an average leveraging ratio of 11 to 1. The NEP has accomplished this by fostering and maintaining strong partnerships among Federal, State and local governments, the private sector and local stakeholders, and by using a consensus, community-based approach with strong local control in developing and implementing their Comprehensive Conservation and Management Plans (CCMPs).

Today, there are 28 estuaries in the NEP, covering more than 42 percent of the continental U.S. shoreline. Nearly half of the U.S. population resides in coastal areas, with thousands of new residents arriving every year. In the United States, estuaries provide habitat for three-quarters of America's commercial fish catch, and 80–90 percent of the recreational fish catch.

Estuarine-dependent fisheries are among the most valuable, with an estimated worth of $1.9 billion nationwide. Coastal recreation and tourism generate an additional $8 to $12 billion annually. According to recent analyses by the Environmental Protection Agency (EPA), estuaries of the NEP employ 39 million people and support total economic output and employee wages estimated in the trillions. The tourism sector alone employs 1.2 million people and generates more than $87 billion in expenditures.

Despite their economic and environmental importance, the Nation's estuaries are under increasing threat by the many competing demands placed upon them. Estuaries in the NEP face numerous challenges, including over-enrichment of nutrients, loss of habitat, declines in fish and wildlife, and introduction of invasive species, causing severe declines in water quality, living resources and overall ecosystem health. According to the recent EPA National Coastal Condition Report describing the ecological and environmental conditions of U.S. coastal waters and estuary resources, the overall condition of our Nation's coastal waters is fair to poor, and 44 percent of estuarine habitats are impaired for human or aquatic life use.

The NEP offers an effective means to deal with these national problems. The flexible and collaborative nature of the NEP has allowed the local Estuary Programs to develop innovative approaches to address the problems facing estuarine systems, approaches uniquely tailored to local environmental conditions, and to the needs of local communities and constituencies. At the same time, the national structure provided by the NEP has facilitated the sharing of management approaches, technologies, and ideas that underscore this program's success. Indeed, the National Commission on Ocean Policy highlighted the NEP's focus "on bringing together stakeholders in particular areas that are in or approaching a crisis situation." Additionally, the Commission found "the assessment and planning process used by the NEP holds promise for the future of ecosystem-based management."

Reauthorizing the NEP is an important step in the process of addressing the threats to the health and stability of our Nation's estuaries, which remain one of our Nation's most important economic and environmental resources. The legislation introduced today would reauthorize funding for the NEP at $35 million annually to provide the funds necessary for this program to succeed into the future. I look forward to working with my colleagues on reauthorization of the NEP in the months ahead.

I ask by unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2606

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NATIONAL ESTUARY PROGRAM.

Section 320(i) of the Federal Water Pollution Control act (33 U.S.C. 1330(i)) is amended by striking "2005" and inserting "2010".

* * *

UNANIMOUS CONSENT AGREEMENT—NOMINATION OF J. LEON HOLMES

Mr. FRIST. I ask unanimous consent that at 9:45 a.m., on Tuesday, July 6, the Senate proceed to executive session for the consideration of Calendar No. 165, the nomination of J. Leon Holmes to be U.S. district judge for the Eastern District of Arkansas. I further ask consent that there then be 6 hours of debate equally divided between the chairman and ranking member or their designees; provided further that following that debate the Senate proceed to a vote on the confirmation of the nomination with no intervening action or debate. I further ask consent that following the vote, the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar Nos. 676, 711, 713, 714, 716, 717, 718, 719, 721, 722, 723, 724, 726, 728, 730, and all nominations on the secretary's desk.

I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

NOMINATIONS

DEPARTMENT OF STATE

James Francis Moriarty, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Nepal.

Benjamin A. Gilman, of New York, to be a Representative of the United States of America to the Fifty-eighth Session of the General Assembly of the United Nations.

Anne W. Patterson, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Deputy Representative of the United States of America to the United Nations, with the rank and status of Ambassador Extraordinary and Plenipotentiary, and the Deputy Representative of the United States of America in the Security Council of the United Nations.

Anne W. Patterson, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be a Representative of the United States of America to the Sessions of the General Assembly of the United Nations during her tenure of service as Deputy Representative of the United States of America to the United Nations.

Joseph D. Stafford III, of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of The Gambia.

Lewis W. Lucke, of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Swaziland.

R. Niels Marquardt, of California, a Career Member of the Senior Foreign Service, Class of Counselor to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cameroon, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Equatorial Guinea.

Charles P. Ries, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Greece.

Suzanne Hale, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federated States of Micronesia.

William R. Brownfield, of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Bolivarian Republic of Venezuela.

Ralph Leo Boyce, Jr., of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Thailand.

John Marshall Evans, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Armenia.

Tom C. Korologos, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Belgium.

Douglas L. McElhaney, of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Bosnia and Herzegovina.

William T. Monroe, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Bahrain.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

FOREIGN SERVICE

PN1645 Foreign Service nominations (173) beginning Jean Elizabeth Akers, and ending Jenifer Lynn Neidhart de Ortiz, which nominations were received by the Senate and appeared in the Congressional Record of May 18, 2004.

NOMINATIONS DISCHARGED

Mr. FRIST. Continuing in executive session, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of the following nominations: June Carter Perry, PN1548; Joyce Barr, PN1546; Barrie Walkley, PN1550; James McGee, PN1541, Cynthia Efird, PN1621; Jackson McDonald, PN1419; Christopher Dell, PN1629.

I further ask consent that the Senate proceed to their consideration, the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

June Carter Perry, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Lesotho.

Joyce A. Barr, of Washington, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Namibia.

R. Barrie Walkley, of California, a Career Member of the Senior Foreign Service, Class of Minister Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Gabonese Republic, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Republic of Sao Tome and Principe.

James D. McGee, of Florida, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Madagascar.

Cynthia G. Efird, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Angola.

Jackson McDonald, of Florida, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Guinea.

Christopher William Dell, of New Jersey, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Zimbabwe.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate resumes legislative session.

AUTHORITY TO FILE

Mr. FRIST. I ask unanimous consent, notwithstanding the Senate's adjournment, committees be authorized to report legislative and executive matters on Wednesday, June 30, from 10 a.m. to 12 noon.

The PRESIDING OFFICER. Without objection, it is so ordered.

SIGNING AUTHORITY

Mr. FRIST. I ask unanimous consent that during the adjournment of the Senate, the Senator from Virginia and the majority leader be authorized to sign duly enrolled bills or joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY TO MAKE APPOINTMENTS

Mr. FRIST. I ask unanimous consent, notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

COOPERATIVE RESEARCH AND TECHNOLOGY ENHANCEMENT ACT OF 2004

Mr. FRIST. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 484, S. 2192.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

> A bill (S. 2192) to amend title 35, United States Code, to promote cooperative research involving universities, the public sector, and private enterprises.

There being no objection, the Senate proceeded to consider the bill.

Mr. HATCH. Madam President, I rise today to support passage of S. 2192, the Cooperative Research and Technology Enhancement Act of 2004 or CREATE Act. I am pleased that the Senate is considering this important patent legislation. I would like to thank Senators LEAHY, KOHL, GRASSLEY, FEINGOLD and SCHUMER, for their work on, and cosponsorship of, this bill.

The CREATE Act responds to an important need of our inventive community. This act will encourage greater cooperation among universities, public research institutions and the private sector. It does so by enabling these parties to share freely information among researchers that are working under a joint research agreement to develop new technology. It also allows these entities, particularly universities, to structure their relationships with other research collaborators in a more flexible manner.

The CREATE Act has benefited significantly from the commendable work of our colleagues in the House. In particular, we take note of the House Report, H. Rep. 108–425, which accompanied passage of H.R. 2391, the House counterpart of S. 2192. The committee notes that the House report addresses a number of important issues related to the implementation of the act, and provides necessary guidance to the Patent and Trademark Office as to its responsibilities under the legislation.

In the interest of further transparency and guidance, and importantly to prevent the public from being subject to separate enforcement actions by owners of patentably indistinct patents, we offer the following guidance on some key aspects of this legislation. We believe that this guidance is entirely consistent with the policy objectives of the House Report, but explicate some of the most critical and complex aspects of the intended operation of the CREATE Act where multiple patents issue on the patentably indistinct inventions.

As the House report correctly notes, the CREATE Act will enable different parties to obtain and separately own patents with claims that are not patentably distinct—in other words, where the claim in one patent would be "obvious" in view of a claim in the other patent. The courts and the U.S. Patent and Trademark Office term this "nonstatutory" and "obviousness-type" double patenting. This is not the first time that Congress has amended the patent laws in a manner that has expanded opportunities for double patenting. The Patent Law Amendments Act of 1984 first created the opportunity for double patenting for patents issued to different inventors that were owned by one entity or which were commonly assigned. In the legislative history for the Patent Law Amendments Act of 1984, Congress indicated its expectation that any newly created opportunities for double patenting would be treated no differently than double patenting for patents issued to the same inventor. We do the same today with respect to the remedial provision in the CREATE Act, but discuss the form of disclaimer that is required of the patent owner whenever double patenting exists.

At its core, the double patenting doctrine addresses the situation where multiple patents have issued with respective claims in the different patents that meet one or more of the relationship tests set out by the courts. Double patenting can arise when the two involved patents are determined not to relate to independent and distinct inventions. It can also arise if a claim in a later-issued patent would not be novel with respect to a claim in a first-issued patent. A third type of double patenting—and perhaps the most common—is where a claim in a later-issued patent is obvious in view of a claim in a first-issued patent. Whatever the relationship that forms the basis for the double patenting, the current principles governing double patenting should be applied to all such situations involving the issuance of double patents where the provisions of the CREATE Act apply.

The double patenting doctrine exists as a matter of policy to prevent a multiplicity of patents claiming patentably indistinct inventions from becoming separately owned and enforced. Thus, it applies to situations where multiple patents have issued, even if the patents are filed on the same day, issue on the same day and expire on the same day. All that is required for double patenting to arise is that one or more claims in each of the involved patents is determined to represent double patenting under established principles of law. The double patenting doctrine can invalidate claims in any later or concurrently issued patent if those claims are determined to represent double patenting with respect to any of the claims in a first-issued patent. For clarity, any later or concurrently issued patent that creates double patenting can simply be termed a "patentably indistinct patent" with respect to the first-issued patent.

Invalidity of the patentably indistinct claims under the doctrine of double patenting can be avoided, however, if an appropriate disclaimer is filed in the patent containing those claims. Under existing practice in the U.S. Patent and Trademark Office, the disclaimer must be filed in the patent with the patentably indistinct claims and must reference the first-issued patent against which the disclaimer applies. Thus, the disclaimer only affects the ability to enforce the disclaimed patent, and historically has not affected the enforceability of the first-issued patent against which the disclaimer has been made. Accordingly, under existing double patenting principles, if the indistinct patent becomes separately owned, i.e., such that it can be separately enforced, the disclaimed patent is rendered invalid in accordance with the terms of the required disclaimer, while the first-issued patent's enforceability is unaffected.

Patents issued after enactment of the CREATE Act will be enforceable in the same manner and to the same extent as when patents are issued to a common owner or are subject to common assignment. One modification of existing disclaimer practice, however, is needed for double patenting to achieve its policy objectives where the CREATE Act applies. The CREATE Act will now permit patents with patentably indistinct claims to be separately owned, but remain valid. Heretofore, this separate ownership would have rendered the indistinct patent invalid. To protect the public interest, these separately owned patents must be subjected to a new form of disclaimer that will protect the public against separate actions for enforcement of both the first-issued patent and any patents with claims that are not patentably distinct over the claims of the first-issued patent.

Accordingly, in every situation where double patenting is created based upon revised section 103(c), the patentably indistinct patent must include a disclaimer that will require the owner of that patent to waive the right to enforce that patent separately from the first-issued patent. The disclaimer also must limit, as is required for all disclaimers related to double patenting, the disclaimed patent such that it can be enforced only during the term of the first-issued patent.

Additionally, the disclaimer required for the valid issuance of a patentably indistinct patent pursuant to the CREATE Act must apply to all owners of all involved patents, i.e., the owner of the patentably indistinct patents as well as any owners of any first-issued patents against which the disclaimer is made. In order for this to be the case, the CREATE Act effectively requires parties that separately own patents subject to the CREATE Act to enter into agreements not to separately enforce patents where double patenting exists and to join in any required disclaimer if the parties intend to preserve the validity of any patentably indistinct patent for which a disclaimer is required.

To give effect to this requirement, the disclaimer in the patentably indistinct patent must be executed by all involved patent owners, as the right to separately enforce the first-issued patent apart from the patentably indistinct patent cannot be avoided unless the owner of the first-issued patent has disclaimed its right to do so. If an enforcement action is brought with respect to a patentably indistinct patent, but the owner of the first-issued patent was not a party to the disclaimer, and had not disclaimed separate enforceability of the first-issued patent once an enforcement action had been commenced on the indistinct patent, the owner of the first-issued patent could not legally be prevented from bringing a later action for infringement against the same party absent disclaiming the right to do so. Thus, the disclaimer of the separate enforceability of an indistinct patent cannot be assured unless the owner of a second indistinct patent has an agreement with the owner of the first-owned patent prohibiting the right of separate enforcement. The CREATE Act will not require the owner of a first-issued patent or an indistinct patent to enforce any such patent. Rather, the prohibition against separate enforcement described above is necessary to address the sole policy objective of preventing different patent owners from separately enforcing a first-issued patent and a related indistinct patent.

Also as indicated in the House report, we expect the U.S. Patent and Trademark Office to take such steps as are necessary to implement the requirements of this act in the manner we have described. In particular, the Patent and Trademark Office should exercise its responsibility for determining the necessity for, and for requiring the submission and recording of, disclaimers in patent applications and to promulgate such regulations as are necessary including, inter alia, rules analogous to 37 CFR §1.321, that requires disclaimers in patent applications where double patenting exists. To meet the requirements of the act, the parties to the joint research agreement must agree to accept the conditions concerning common term and the prohibition against separate patent enforcement and all involved parties must agree to be signatories to any required terminal disclaimer. I do not believe any particular form need be followed to give effect to this requirement, and that the Office will address these issues pursuant to its implementation of the act.

The House indicated in its committee report that a joint research agreement may be evidenced by one or more writings. I note that evidence of a joint research agreement may take the form of cooperative research and development agreements, CRADAs, material transfer agreements MTAs, or other written contracts or multiple written documents or contracts covering various parties or aspects of the written agreement. As the House Committee indicated in its report, such writing or writings must demonstrate that a qualifying "joint research agreement" existed prior to the time the claimed invention was made and that the claimed invention was derived from activities performed by or on behalf of parties that acted within the scope of the agreement. Also, parties to a joint research agreement who seek to benefit from the Act must be identified in the application for a patent or an amendment thereto so the public will have full notice of those patents that have issued pursuant to the provisions of this Act.

As the House Judiciary Committee also noted in its report, the act, pursuant to section 3 of the act, pending patent applications could claim the benefit of the provisions of the act. Thus, an existing joint research agreement existing prior to the date of enactment can be used to qualify an application to claim the benefits of the act. Such applications, i.e., those pending on the date of enactment of the act, however, must comply with all of the requirements of the Act, including not only the requirements for disclosure among the parties to the agreement, but also the applicable requirement for a terminal disclaimer. The terminal disclaimer obligations, i.e., that all parties to the joint research agreement consent to having any related patents the first-issued patent and patentably indistinct patents, be bound by the requirements of the Act and the disclaimer be executed by all the owners of such patents, shall provide a means for the U.S. Patent and Trademark Office to confirm that each party to an otherwise eligible joint research agreement that is cited to claim the benefits for an application pending as of the date of enactment of the act has consented to have the act so apply to that application. Thus, associated with any patent application pending on the date of enactment of the act, there will be written evidence of an agreement of the parties to the joint research agreement to affirmatively claim the benefits of, and to be bound by the requirements of, the CREATE Act, by the act of the parties to the joint research agreement recording evidence of their agreement in the same manner as evidence of documents that affect some interest in an application or patent are now recorded with the Patent and Trademark Office.

Before I yield, I would like to thank the cosponsors and their respective staffs for their work on this legislation. In particular, I commend Susan Davies, Jeff Miller, Dan Fine, Dave Jones, and Tom Sydnor for their hard work on this issue. Also, I extend my heartfelt gratitude to Katie Stahl for her hard work on this, and numerous other issues. I was informed today that she will be leaving the Judiciary Committee staff in a couple of weeks, and I want to take this opportunity to acknowledge publicly how sorely she will be missed.

Mr. LEAHY. I am pleased that today the Senate will pass the Cooperative Research and Technology Enhancement Act, the CREATE Act of 2004. As I have noted before, the United States Congress has a long history of strong intellectual property laws, and the Constitution charges us with the responsibility of crafting laws that foster innovation and ensure that creative works are guaranteed their rightful protections. This past March, I joined with Senator HATCH, Senator KOHL, and Senator FEINGOLD in introducing the CREATE Act, which will provide a needed remedy to one aspect of our nation's patent laws.

Our bill is a narrow one that promises to protect American jobs and encourage additional growth in America's information economy.

In 1980, Congress passed the Bayh-Dole Act, which encouraged private entities and not-for-profits such as universities to form collaborative partnerships that aid innovation. Prior to the enactment of this law, universities were issued fewer than 250 patents each year. Thanks to the Bayh-Dole Act, the number of patents universities have been issued in more recent years has surpassed two thousand—adding billions of dollars annually to the US economy.

The CREATE Act corrects for a provision in the Bayh-Dole Act which, when read literally, runs counter to the intent of that legislation. In 1997, the United States Court of Appeals for the Federal Circuit ruled, in Oddzon Products, Inc. v. Just Toys, Inc., that non-public information may in certain cases be considered "prior art"—a standard which generally prevents an inventor from obtaining a patent. The Oddzon ruling was certainly sound law, but it was not sound public policy, and as a result some collaborative teams have been unable to receive patents for their work. As a consequence, there is a deterrent from forming this type of partnership, which has proved so beneficial to universities, the private sector, the American worker, and the U.S. economy.

Recognizing Congress' intended purpose in passing the Bayh-Dole Act, the Federal Circuit invited Congress to better conform the language of the act to the intent of the legislation. The CREATE Act does exactly that by ensuring that non-public information is not considered "prior art" when the information is used in a collaborative partnership under the Bayh-Dole Act. The bill that the Senate is passing today also includes strict evidentiary burdens to ensure that the legislation is tailored narrowly so as only to achieve this goal that—although narrow—is vitally important.

I also wish to draw attention to Senator HATCH's thoughtful explication of some of the more complex issues surrounding the CREATE Act. I agree entirely with his comments, which I believe will prove useful for those seeking a background understanding of this legislation.

I wish to thank my colleagues for their support of this bill, and to thank in particular Senator HATCH, Senator KOHL, Senator FEINGOLD, Senator GRASSLEY, and Senator SCHUMER for their hard work in gaining this bill's passage.

Mr. FRIST. I further ask consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table with no intervening action or debate, and any statements relating to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2192) was read the third time and passed, as follows:

S. 2192

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cooperative Research and Technology Enhancement (CREATE) Act of 2004".

SEC. 2. COLLABORATIVE EFFORTS ON CLAIMED INVENTIONS.

Section 103(c) of title 35, United States Code, is amended to read as follows:

"(c)(1) Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.

"(2) For purposes of this subsection, subject matter developed by another person and a claimed invention shall be deemed to have been owned by the same person or subject to an obligation of assignment to the same person if—

"(A) the claimed invention was made by or on behalf of parties to a joint research agreement that was in effect on or before the date the claimed invention was made;

"(B) the claimed invention was made as a result of activities undertaken within the scope of the joint research agreement; and

"(C) the application for patent for the claimed invention discloses or is amended to disclose the names of the parties to the joint research agreement.

"(3) For purposes of paragraph (2), the term 'joint research agreement' means a written contract, grant, or cooperative agreement entered into by two or more persons or entities for the performance of experimental, developmental, or research work in the field of the claimed invention.".

SEC. 3. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by this Act shall apply to any patent granted on or after the date of the enactment of this Act.

(b). SPECIAL RULE.—The amendments made by this Act shall not affect any final decision of a court or the United States Patent and Trademark Office rendered before the date of the enactment of this Act, and shall not affect the right of any party in any action pending before the United States Patent and Trademark Office or a court on the date of the enactment of this Act to have that party's rights determined on the basis of the provisions of title 35, United States Code, in effect on the day before the date of the enactment of this Act.

PROTECTING INTELLECTUAL RIGHTS AGAINST THEFT AND EXPROPRIATION ACT OF 2004

Mr. FRIST. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 485, S. 2237.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2237) to amend chapter 5 of title 17, United States Code, to authorize civil copyright enforcement by the Attorney General, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Madam President, today the Senate has taken a strong step forward to encourage the distribution of music, films, books, and software on the Internet. For too long the very ease of duplication and distribution that is the hallmark of digital content has meant that piracy of that content is just as easy. The very real—and often realized—threat that creative works will simply be duplicated and distributed freely online has restricted, rather than enhanced, the amount and variety of creative works one can receive over the Internet.

There is no single solution to the problem of copyright infringement. Part of combating piracy includes offering a legal alternative to it. Another important part is enforcing the rights of copyright owners. We have already taken some steps to do this. The Allen-Leahy Amendment to the Foreign Operations Appropriations Bill, on Combating Piracy of U.S. Intellectual Property in Foreign Countries, provided $2.5 million for the Department of State to assist foreign countries in combating piracy of U.S. copyrighted works. By providing equipment and training to law enforcement officers, the measure will help those countries that are not members of the OECD—Organization for Economic Cooperation & Development—to enforce intellectual property protections.

The PIRATE Act represents another critically important part of the attack. It will bring the resources and expertise of the United States Attorneys' Offices to bear on wholesale copyright infringers. For too long these attorneys have been hindered in their pursuit of pirates, by the fact that they were limited to bringing criminal charges with high burdens of proof. In the world of copyright, a criminal charge is unusually difficult to prove because the defendant must have known that his conduct was illegal and must have willfully engaged in the conduct anyway. For this reason prosecutors can rarely justify bringing criminal charges, and copyright owners have been left alone to fend for themselves, defending their rights only where they can afford to do so. In a world in which a computer and an Internet connection are all the tools you need to engage in massive piracy, this is an intolerable predicament.

The PIRATE act responds to this problem by allowing the United States to continue to enforce existing criminal penalties for intellectual property violations, while providing new civil copyright enforcement remedies to ensure that American creativity and expression continue to thrive. The availability of civil penalties allows prosecutors to help curtail widespread piracy, and at the same time recognizes that handcuffs for infringers is often not the appropriate response.

Although we are debating several divisive issues during this Congress, I am pleased to see that we can all agree that the promise of the digital age can only be fulfilled if we empower our Federal prosecutors to protect the important rights enshrined in the Copyright Act. Senators HATCH, SCHUMER, ALEXANDER and I recognize this need, and I thank them for working with me to produce this important, bipartisan piece of legislation.

Mr. FRIST. I ask unanimous consent that the bill be read the third time and passed with no intervening action or debate and any statements relating to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2237) was read the third time and passed, as follows:

S. 2237

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Protecting Intellectual Rights Against Theft and Expropriation Act of 2004".

SEC. 2. AUTHORIZATION OF CIVIL COPYRIGHT ENFORCEMENT BY ATTORNEY GENERAL.

(a) IN GENERAL.—Chapter 5 of title 17, United States Code, is amended by inserting after section 506 the following:

"§ 506a. Civil penalties for violations of section 506

"(a) IN GENERAL.—The Attorney General may commence a civil action in the appropriate United States district court against any person who engages in conduct constituting an offense under section 506. Upon proof of such conduct by a preponderance of the evidence, such person shall be subject to a civil penalty under section 504 which shall be in an amount equal to the amount which would be awarded under section 3663(a)(1)(B) of title 18 and restitution to the copyright owner aggrieved by the conduct.

"(b) OTHER REMEDIES.—

"(1) IN GENERAL.—Imposition of a civil penalty under this section does not preclude any other criminal or civil statutory, injunctive, common law or administrative remedy, which is available by law to the United States or any other person;

"(2) OFFSET.—Any restitution received by a copyright owner as a result of a civil action brought under this section shall be offset against any award of damages in a subsequent copyright infringement civil action by that copyright owner for the conduct that gave rise to the civil action brought under this section.".

(b) DAMAGES AND PROFITS.—Section 504 of title 17, United States Code, is amended—

(1) in subsection (b)—

(A) in the first sentence—

(i) by inserting ", or the Attorney General in a civil action," after "The copyright owner"; and

(ii) by striking "him or her" and inserting "the copyright owner"; and

(B) in the second sentence by inserting "; or the Attorney General in a civil action," after "the copyright owner"; and

(2) in subsection (c)—

(A) in paragraph (1), by inserting ", or the Attorney General in a civil action," after "the copyright owner"; and

(B) in paragraph (2), by inserting ", or the Attorney General in a civil action," after "the copyright owner".

(c) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 17, United States Code, is amended by inserting after the item relating to section 506 the following:

"506a. Civil penalties for violation of section 506.".

SEC. 3. AUTHORIZATION OF FUNDING FOR TRAINING AND PILOT PROGRAM.

(a) TRAINING AND PILOT PROGRAM.—Not later than 180 days after enactment of this Act, the Attorney General shall develop a program to ensure effective implementation and use of the authority for civil enforcement of the copyright laws by—

(1) establishing training programs, including practical training and written materials, for qualified personnel from the Department of Justice and United States Attorneys Offices to educate and inform such personnel about—

(A) resource information on intellectual property and the legal framework established both to protect and encourage creative works as well as legitimate uses of information and rights under the first amendment of the United States Constitution;

(B) the technological challenges to protecting digital copyrighted works from online piracy;

(C) guidance on and support for bringing copyright enforcement actions against persons engaging in infringing conduct, including model charging documents and related litigation materials;

(D) strategic issues in copyright enforcement actions, including whether to proceed in a criminal or a civil action;

(E) how to employ and leverage the expertise of technical experts in computer forensics;

(F) the collection and preservation of electronic data in a forensically sound manner for use in court proceedings;

(G) the role of the victim copyright owner in providing relevant information for enforcement actions and in the computation of damages; and

(H) the appropriate use of injunctions, impoundment, forfeiture, and related authorities in copyright law;

(2) designating personnel from at least 4 United States Attorneys Offices to participate in a pilot program designed to implement the civil enforcement authority of the Attorney General under section 506a of title 17, United States Code, as added by this Act; and

(3) reporting to Congress annually on—

(A) the use of the civil enforcement authority of the Attorney General under section 506a of title 17, United States Code, as added by this Act; and

(B) the progress made in implementing the training and pilot programs described under paragraphs (1) and (2) of this subsection.

(b) ANNUAL REPORT.—The report under subsection (a)(3) may be included in the annual performance report of the Department of Justice and shall include—

(1) with respect to civil actions filed under subsection 506a of title 17, United States Code, as added by this Act—

(A) the number of investigative matters received by the Department of Justice and United Sates Attorneys Offices;

(B) the number of defendants involved in those matters;

(C) the number of civil actions filed and the number of defendants involved;

(D) the number of civil actions resolved or terminated;

(E) the number of defendants involved in those civil actions;

(F) the disposition of those civil actions, including whether the civil actions were settled, dismissed, or resolved after a trial;

(G) the dollar value of any civil penalty imposed and the amount remitted to any copyright owner; and

(H) other information that the Attorney General may consider relevant to inform Congress on the effective use of the civil enforcement authority;

(2) a description of the training program and the number of personnel who participated in the program; and

(3) the locations of the United States Attorneys Offices designated to participate in the pilot program.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $2,000,000 for fiscal year 2005 to carry out this section.

ARTISTS' RIGHTS AND THEFT PREVENTION ACT OF 2004

Mr. FRIST. I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar No. 482, S. 1932.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1932) to provide criminal penalties for unauthorized recording of motion pictures in a motion picture exhibit facility, to provide criminal and civil penalties for unauthorized distribution of commercial prerelease copyrighted works, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 1932

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE.

[This Act may be cited as the "Artists' Rights and Theft Prevention Act of 2003" or the "ART Act".

[SEC. 2. CONGRESSIONAL FINDINGS.

[Congress finds the following:

[(1) Intellectual property, among other things, represents the ideas, imagination and creativity needed to innovate long before a product is brought to market. As such, it is fundamental to the continued economic, social, and cultural development of society and deserves the protection of our laws.

[(2) Music, film, software, and all forms of intellectual property represent one of the strongest and most significant sectors of the United States economy, as demonstrated by the fact that these industries

[(A) accounted for more than 5 percent of the United States Gross Domestic Product (GDP), or $535,100,000,000 in 2001;

[(B) employ almost 6 percent of all United States employment; and

[(C) led all major industry sectors in foreign sales and exports in 2001.

[(3) In an attempt to combat the growing use of the Internet and technology for the illegal reproduction and distribution of copyrighted materials, Congress unanimously passed and President Clinton signed the "No Electronic Theft" or "NET" Act in 1997. The NET Act is designed to strengthen copyright and trademark laws and to permit the prosecution of individuals in cases involving large scale illegal reproduction or distribution of copyrighted works where the infringers act willfully.

[(4) Under the NET Act's requirement of economic harm, investigations by law enforcement of copyright infringements are particularly resource intensive and pose significant challenges. In the interest of broader deterrence and in order to facilitate the prosecution of particularly egregious copyright violations, it is important to recognize that a significant level of economic harm can be reached by the distribution of so called "prelease" commercial works.

[(5) The use of camcorders and other audiovisual recording devices in movie theaters to make illegal copies of films is posing a serious threat to the motion picture industry. According to a recent industry study, 92.4 percent of the first copies of movies available for download on the Internet originate from camcorders.

[(6) Given the difficulty of enforcement, online theft of music, film, software, and all forms of intellectual property continues to rise. The negative effects on this large segment of the United States economy are significant, as exemplified by almost a 31 percent drop in sales for the music industry from mid-year 2000 to mid-year 2003, which even critics of the industry acknowledge to be heavily influenced by the rampant distribution of pirated music.

[(7) Federal legislation is necessary and warranted to combat the most egregious forms of online theft of intellectual property and its significant, negative economic impact on the United States economy because

[(A) Article 1, section 8 of the Constitution confers upon Congress the power "[t]o promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries," as well as the power "[t]o regulate Commerce with foreign nations, and among the several States.";

[(B) the importance of the music, film, software and other intellectual property-based industries to the overall health of the United States economy is well documented and significant; and

[(C) theft and distribution of intellectual property across State and international lines occurs on a regular basis.

[SEC. 3. CRIMINAL PENALTIES FOR UNAUTHORIZED RECORDING OF MOTION PICTURES IN A MOTION PICTURE EXHIBITION FACILITY.

[(a) In General.—Chapter 13 of title 18, United States Code, is amended by adding after section 2319A the following new section:

["§ 2319B. Unauthorized recording of motion pictures in a motion picture exhibition facility

["(a) Offense.—Whoever, without the consent of the copyright owner, knowingly uses or attempts to use an audiovisual recording device in a motion picture exhibition facility to transmit or make a copy of a motion picture or other audiovisual work protected under title 17, United States Code, or any part thereof, in a motion picture exhibition facility shall—

["(1) be imprisoned for not more than 3 years, fined under this title, or both; or

["(2) if the offense is a second or subsequent offense, be imprisoned for no more than 6 years, fined under this title, or both.

["(b) Forfeiture and Destruction.—When a person is convicted of a violation of subsection (a), the court in its judgment of conviction shall, in addition to any penalty provided, order the forfeiture and destruction or other disposition of all unauthorized copies of motion pictures or other audiovisual works protected under title 17, United States Code, or parts thereof, and any audiovisual recording devices or other equipment used in connection with the offense.

["(c) Authorized Activities.—This section does not prevent any lawfully authorized investigative; protective, or intelligence activity by an officer, agent, or employee of the United States, a State, or a political subdivision of a State, or a person acting pursuant to a contract with the United States, a State, or a political subdivision of a State.

["(d) Victim Impact Statement.—

["(1) In general.—During the preparation of the presentence report pursuant to rule 32(c) of the Federal Rules of Criminal Procedure, victims of an offense under this section shall be permitted to submit to the probation officer a victim impact statement that identifies the victim of the offense and the extent and scope of the injury and loss suffered by the victim, including the estimated economic impact of the offense on that victim.

["(2) Contents.—A victim impact statement submitted under this subsection shall include—

["(A) producers and sellers of legitimate works affected by conduct involved in the offense;

["(B) holders of intellectual property rights in the works described in subparagraph (A); and

["(C) the legal representatives of such producers, sellers, and holders.

["(e) Definitions.—As used in this section, the following definitions shall apply:

["(1) Audiovisual work, copy, and motion picture.—The terms 'audiovisual work', 'copy', and 'motion picture' have, respectively, the meanings given those terms in section 101 of title 17, United States Code.

["(2) Audiovisual recording device.—The term 'audiovisual recording device' means a digital or analog photographic or video camera, or any other technology capable of enabling the recording or transmission of a copyrighted motion picture or other audiovisual work, or any part thereof, regardless of whether audiovisual recording is the sole or primary purpose of the device.

["(3) Motion picture exhibition facility.—The term 'motion picture exhibition facility' means any theater, screening room, lobby, indoor or outdoor screening venue, ballroom, or other premises where copyrighted motion pictures or other audiovisual works are publicly exhibited, regardless of whether an admission fee is charges.".

[(b) Chapter Analysis.—The chapter analysis for chapter 113 of title 18, United States Code, is amended by inserting after the item relating to section 2319A the following:

["2319B. Unauthorized recording of motion pictures in a motion picture exhibition facility.".

[SEC. 4. CRIMINAL INFRINGEMENT OF A COMMERCIAL PRERELEASE COPYRIGHTED WORK.

[Section 2319 of title 18, United States Code, is amended—

[(1) by redesignating subsection (e) as subsection (f); and

[(2) by adding after subsection (d) the following:

["(e)(1) For purposes of subsections (b) and (c) of this section and of section 506(a) of title 17, United States Code, in the case of a computer program, a nondramatic musical work, a motion picture or other audio-visual work, or a sound recording protected under title 17, United States Code, that is being prepared for commercial distribution, it shall be conclusively presumed that a person distributed at least 10 copies or phonorecords of the work, and that such copies or phonorecords have a total retail value of more than $2,500, if that person—

["(A) distributes such work by making it available on a computer network accessible to members of the public who are able to reproduce the work through such access without the express consent of the copyright owner; and

["(B) knew or should have known that the work was intended for commercial distribution.

["(2) For purposes of paragraph (1), a work protected under title 17, United States Code, is being prepared for commercial distribution—

["(A) when at the time of unauthorized distribution, the copyright owner had a reasonable expectation of substantial commercial distribution and the work had not yet been so distributed; or

["(B) in the case of a motion picture, protected under title 17, United States Code, when at the time of unauthorized distribution, the work had been made available for viewing in motion picture exhibition facilities, but had not been made available to the general public in the United States in a format intended to permit viewing outside motion picture exhibition facilities as defined in section 2319B.".

[SEC. 5. CIVIL REMEDIES FOR INFRINGEMENT OF A COMMERCIAL PRERELEASE COPYRIGHTED WORK.

[Section 504(b) of title 17, United States Code, is amended—

[(1) by striking the first instance of "The copyright" and inserting the following:

["(1) In general. The copyright"; and (2) by adding at the end the following:

["(2) Damage for prerelease infringement.—

["(A) In general. In the case of a computer program, a non-dramatic musical work, a motion picture or other audiovisual work, or a sound recording protected under title 17, United States Code, that is being prepared for commercial distribution, actual damages shall be presumed conclusively to be no less that $2,500 per infringement, if a person—

["(i) distributes such work by making it available on a computer network accessible to members of the public who are able to reproduce the work through such access without the express consent of the copyright owner; and

["(ii) knew or should have known that the work was intended for commercial distribution.

["(B) Work prepared for distribution. For purposes of subparagraph (A), a work protected under this title is being prepared for commercial distribution—

["(i) when at the time of unauthorized distribution, the copyright owner had a reasonable expectation of substantial commercial distribution and the work had not yet been so distributed; or

["(ii) in the case of a motion picture, protected under this title, when at the time of unauthorized distribution, the work had been made available for viewing in motion picture exhibition facilities, but had not been made available to the general public in the United States in a format intended to permit viewing outside motion picture exhibition facilities as defined in section 2319B of title 18.".

SEC. 6. SENTENCING GUIDELINES.

[(a) In General. Not later than 180 days after the date of enactment of this Act, the United States Sentencing Commission shall—

[(1) review the Federal sentencing guidelines with respect to offenses involving the illegal reproduction and distribution of copyrighted works in violation of Federal law, including violations of section 2319 and section 2319B of title 18, United States Code;

[(2) amend the Federal sentencing guidelines, as necessary, to provide for increased penalties for offenses involving the illegal reproduction and distribution of works protected under title 17, United States Code, in a manner that reflects the serious nature of, and need to deter, such offenses;

[(3) submit a report to Congress that details its findings and amendments; and

[(4) take such other action that the Commission considers necessary to carry out this Act.

[(b) Consultation.—In carrying out this section, the United States Sentencing Commission shall seek input from the Department of Justice, copyright owners, and other interested parties.

[SEC. 7. AUTHORIZATION.

[There is authorized to be appropriated to the Department of Justice an additional

$5,000,000 for each of fiscal years 2005, 2006, 2007, 2008, and 2009 to prosecute violations of section 2319 of title 18, United States Code.]

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Artists' Rights and Theft Prevention Act of 2004" or the "ART Act".

SEC. 2. CONGRESSIONAL FINDINGS.

Congress finds the following:

(1) Intellectual property—

(A) represents the ideas, imagination and creativity needed to innovate long before a product is brought to market;

(B) is fundamental to the continued economic, social, and cultural development of society; and

(C) deserves the protection of our laws.

(2) Music, film, software, and all other forms of intellectual property represent one of the strongest and most significant sectors of the United States economy, as demonstrated by the fact that these industries—

(A) accounted for more than 5 percent of the United States Gross Domestic Product, or $535,100,000,000 in 2001;

(B) represent almost 6 percent of all United States employment; and

(C) led all major industry sectors in foreign sales and exports in 2001.

(3) In an attempt to combat the growing use of the Internet and technology for the illegal reproduction and distribution of copyrighted materials, Congress unanimously passed and President Clinton signed the "No Electronic Theft (NET) Act" in 1997. The NET Act is designed to strengthen copyright and trademark laws and to permit the prosecution of individuals in cases involving large-scale illegal reproduction or distribution of copyrighted works where the infringers act willfully.

(4) Under the No Electronic Theft (NET) Act's economic harm requirement, investigations by law enforcement of copyright infringements are particularly resource intensive and pose significant challenges. In the interest of broader deterrence and in order to facilitate the prosecution of particularly egregious copyright violations, it is important to recognize that a significant level of economic harm can be reached by the distribution of prerelease commercial works.

(5) The use of camcorders and other audiovisual recording devices in movie theaters to make illegal copies of films is posing a serious threat to the motion picture industry. According to a recent industry study, 92.4 percent of the first copies of movies available for download on the Internet originate from camcorders.

(6) Given the difficulty of enforcement, online theft of music, film, software, and all forms of intellectual property continues to rise. The negative effects on this large segment of the United States economy are significant, as exemplified by almost a 31 percent drop in sales for the music industry from the middle of 2000 to the middle of 2003.

(7) Federal legislation is necessary and warranted to combat the most egregious forms of online theft of intellectual property and its significant, negative economic impact on the United States economy because—

(A) Article 1, section 8 of the United States Constitution gives Congress the power "[t]o promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries," as well as the power "[t]o regulate Commerce with foreign nations, and among the several States.";

(B) the importance of the music, film, software and other intellectual property-based industries to the overall health of the United States economy is well documented and significant; and

(C) theft and unauthorized distribution of intellectual property across State and international lines occurs on a regular basis.

SEC. 3. CRIMINAL PENALTIES FOR UNAUTHORIZED RECORDING OF MOTION PICTURES IN A MOTION PICTURE EXHIBITION FACILITY.

(a) IN GENERAL.—Chapter 113 of title 18, United States Code, is amended by adding after section 2319A the following new section:

"§2319B. Unauthorized recording of motion pictures in a motion picture exhibition facility

"(a) OFFENSE.—-Any person who, without the authorization of the copyright owner, knowingly uses or attempts to use an audiovisual recording device to transmit or make a copy of a motion picture or other audiovisual work protected under title 17, or any part thereof, from a performance of such work in a motion picture exhibition facility, shall—

"(1) be imprisoned for not more than 3 years, fined under this title, or both; or

"(2) if the offense is a second or subsequent offense, be imprisoned for no more than 6 years, fined under this title, or both.

"(b) FORFEITURE AND DESTRUCTION.—When a person is convicted of a violation of subsection (a), the court in its judgment of conviction shall, in addition to any penalty provided, order the forfeiture and destruction or other disposition of all unauthorized copies of motion pictures or other audiovisual works protected under title 17, or parts thereof, and any audiovisual recording devices or other equipment used in connection with the offense.

"(c) AUTHORIZED ACTIVITIES.—This section does not prevent any lawfully authorized investigative, protective, or intelligence activity by an officer, agent, or employee of the United States, a State, or a political subdivision of a State, or a person acting under a contract with the United States, a State, or a political subdivision of a State.

"(d) IMMUNITY FOR THEATERS.—With reasonable cause, the owner or lessee of a facility where a motion picture is being exhibited, the authorized agent or employee of such owner or lessee, the licensor of the motion picture being exhibited, or the agent or employee of such licensor—

"(1) may detain, in a reasonable manner and for a reasonable time, any person suspected of a violation of this section for the purpose of questioning or summoning a law enforcement officer; and

"(2) shall not be held liable in any civil or criminal action arising out of a detention under paragraph (1).

"(e) VICTIM IMPACT STATEMENT.—

"(1) IN GENERAL.—During the preparation of the presentence report under rule 32(c) of the Federal Rules of Criminal Procedure, victims of an offense under this section shall permitted to submit to the probation officer a victim impact statement that identifies the victim of the offense and the extent and scope of the injury and loss suffered by the victim, including the estimated economic impact of the offense on that victim.

"(2) CONTENTS.—A victim impact statement submitted under this subsection shall include—

"(A) producers and sellers of legitimate works affected by conduct involved in the offense;

"(B) holders of intellectual property rights in the works described in subparagraph (A); and

"(C) the legal representatives of such producers, sellers, and holders.

"(f) DEFINITIONS.—In this section, the following definitions shall apply:

"(1) TITLE 17 DEFINITIONS.—The terms 'audiovisual work', 'copy', 'copyright owner', 'motion picture', 'motion picture exhibition facility', and 'transmit' have, respectively, the meanings given those terms in sections 101 of title 17.

"(2) AUDIOVISUAL RECORDING DEVICE.—The term 'audiovisual recording device' means a digital or analog photographic or video camera, or any other technology or device capable of enabling the recording or transmission of a copyrighted motion picture or other audiovisual work, or any part thereof, regardless of whether audiovisual recording is the sole or primary purpose of the device.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 113 of title 18, United States Code, is amended by inserting after the item relating to section 2319A the following:

"2319B. Unauthorized recording of motion pictures in a motion picture exhibition facility.".

"(c) DEFINITION.—Section 101 of title 17, United States Code, is amended by inserting after the definition of "Motion pictures" the following:

"The term 'motion picture exhibition facility' means a movie theater, screening room, or other venue that is being used primarily for the exhibition of a copyrighted motion picture, if such exhibition is open to the public or is made to an assembled group of viewers outside of a normal circle of a family and its social acquaintances.".

SEC. 4. CRIMINAL INFRINGEMENT OF A WORK BEING PREPARED FOR COMMERCIAL DISTRIBUTION.

(a) PROHIBITED ACTS.—Seciton 506(a) of title 17, United States Code, is amended to read as follows:

"(a) CRIMINAL INFRINGEMENT.—

"(1) IN GENERAL.—Any person who willfully infringes a copyright shall be punished as provided under section 2319 of title 18, if the infringement was committed—

"(A) for purposes of commercial advantage or private financial gain;

"(B) by the reproduction or distribution, including by electronic means, during any 180-day period, of 1 or more copies or phonorecords of 1 or more copyrighted works, which have a total retail value of more than $1,000; or

"(C) by the distribution of a work being prepared for commercial distribution, by making it available on a computer network accessible to members of the public if such person knew or should have known that the work was intended for commercial distribution.

"(2) EVIDENCE.—For purposes of this subsection, evidence of reproduction or distribution of a copyrighted work, by itself, shall not be sufficient to establish willful infringement of a copyright.

"(3) DEFINITION.—In this subsection, the term 'work being prepared for commercial distribution' means—

"(A) a computer program, a musical work, a motion picture or other audiovisual work, or a sound recording, if at the time of unauthorized distribution—

"(i) the copyright owner has a reasonable expectation of commercial distribution; and

"(ii) the copies or phonorecords of the work have not been commercially distributed; or

"(B) a motion picture, if at the time of unauthorized distribution, the motion picture—

"(i) has been made available for viewing in a motion picture exhibition facility; and

"(ii) has not been made available in copies for sale to the general public in the United States in a format intended to permit viewing outside a motion picture exhibition facility.".

(b) CRIMINAL PENALTIES.—Section 2319 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "Whoever" and inserting "Any person who"; and

(B) by striking "and (c) of this section" and inserting ", (c), and (d)";

(2) in subsection (b), by striking "section 506(a)(1)" and inserting "section 506(a)(1)(A);

(3) in subsection (c), by striking "section 506(a)(2) of title 17, United States Code" and inserting "section 506(a)(1)(B) of title 17";

(4) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively;

(5) by adding after subsection (c) the following:

"(d) Any person who commits an offense under section 506(a)(1)(C) of title 17—

"(1) shall be imprisoned not more than 3 years, fined under this title or both;

"(2) shall be imprisoned not more than 5 years, fined under this title, or both, if the offense was committed for purposes of commercial advantage or private financial gain;

"(3) shall be imprisoned not more than 6 years, fined under this title, or both, if the offense is a second or subsequent offense; and

"(4) shall be imprisoned not more than 10 years, fined under this title, or both, if the offense is a second or subsequent offense under paragraph (2)."; and

(6) in subsection (f), as redesignated—

(A) in paragraph (1), by striking "and" at the end;

(B) in paragraph (2), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(3) the term 'financial gain' has the meaning given the term in section 101 of the title 17; and

"(4) the term 'work being prepared for commercial distribution' has the meaning given the term in section 506(a) of title 17.".

SEC. 5. CIVIL REMEDIES FOR INFRINGEMENT OF A WORK BEING PREPARED FOR COMMERCIAL DISTRIBUTION.

(a) PREREGISTRATION.—Section 408 of title 17, United States Code, is amended by adding at the end the following:

"(f) PREREGISTRATION OF WORKS BEING PREPARED FOR COMMERCIAL DISTRIBUTION.—

"(1) RULEMAKING.—Not later than 180 days after the date of enactment of this Act, the Register of Copyrights shall issue regulations to establish procedures for preregistration of a work that is being prepared for commercial distribution and has not been published.

"(2) CLASS OF WORKS.—The regulations established under paragraph (1) shall permit preregistration for any work that is in a class of works that the Register determines has had a history of infringement prior to authorized commercial distribution.

"(3) APPLICATION FOR REGISTRATION.—Not later than 3 months after the first publication of the work, the applicant shall submit to the Copyright Office—

"(A) an application for registration of the work;

"(B) a deposit; and

"(C) the applicable fee.

"(4) EFFECT OF UNTIMELY APPLICATION.—An action for infringement under this chapter shall be dismissed, and no award of statutory damages or attorney fees shall be made for a preregistered work, if the items described in paragraph 3 are not submitted to the Copyright Office in proper form within the earlier of—

"(A) 3 months after the first publication of the work; or

"(B) 1 month after the copyright owner has learned of the infringement.".

(b) INFRINGEMENT ACTIONS.—Section 411(a) of title 17, United States Code, is amended by inserting "preregistration or" after "shall be instituted until".

(c) EXCLUSION.—Section 412 of title 17, United States Code, is amended by inserting ", an action for infringement of the copyright of a work that has been preregistered under section 408(f) before the commencement of the infringement" after "section 106A(a)".

SEC. 6. FEDERAL SENTENCING GUIDELINES.

(a) REVIEW AND AMENDMENT.—Not later than 180 days after the date of enactment of this Act, the United States Sentencing Commission, pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, shall review and, if appropriate, amend the Federal sentencing guidelines and policy statements applicable to persons convicted of intellectual property rights crimes, including any offense under—

(1) section 506, 1201, or 1202 of title 17, United States Code; or

(2) section 2318, 2319, 2319A, 2319B, or 2320 of title 18, United States Code.

(b) AUTHORIZATION.—The United States Sentencing Commission may amend the Federal sentencing guidelines in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987 (28 U.S.C. 994 note) as though the authority under that section had not expired.

(c) RESPONSIBILITIES OF UNITED STATES SENTENCING COMMISSION.—In carrying out this subsection, the United States Sentencing Commission shall—

(1) take all appropriate measures to ensure that the Federal sentencing guidelines and policy statements described in subsection (a) are sufficiently stringent to deter, and adequately reflect the nature of, intellectual property rights crimes;

(2) determine whether to provide a sentencing enhancement for those convicted of the offenses described in subsection (a), if the conduct involves the display, performance, publication, reproduction, or distribution of a copyrighted work before it has been authorized by the copyright owner, whether in the media format used by the infringing party or in any other media format;

(3) determine whether the scope of "uploading" set forth in application note 3 of section 2B5.3 of the Federal sentencing guidelines is adequate to address the loss attributable to people who broadly distribute copyrighted works without authorization over the Internet; and

(4) determine whether the sentencing guidelines and policy statements applicable to the offenses described in subsection (a) adequately reflect any harm to victims from copyright infringement if law enforcement authorities cannot determine how many times copyright material has been reproduced or distributed.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appointed to the Department of Justice $5,000,000 for each of the fiscal years 2005, 2006, 2007, 2008, and 2009 to prosecute violations of intellectual property rights as set forth under sections 2318, 2319, 2319A, 2319B, and 2320 of title 18, United States Code.

Mr. LEAHY. Madam President, I am glad that the Senate can today pass the ART Act, a piece of legislation that will help protect America's movies from a form of piracy that has become all too prevalent. This legislation will provide law enforcement with another important tool in fighting the harms wreaked by intellectual property theft, which robs our innovators—not to mention all those working behind the scenes—of compensation owed to them for producing films that carry American culture around the globe. The Motion Picture Association of America estimates that the movie industry loses $3 billion worldwide to piracy each and every year.

Too often, we think of movie piracy as a disease whose symptoms are manifest only in foreign territories. While it is true that much of the movie industry's losses occur due to lax intellectual property enforcement in countries where the authorities are either ill-equipped or disinclined to enforce creators' rights, there is much we can do in this country to get our own IP house in order.

I appreciate that Senator HATCH, Senator FEINSTEIN, and Senator CORNYN have been so willing to address my concerns that the bill as introduced might inadvertently have a negative impact on the TEACH Act. In the 107th Congress, Senator HATCH and I worked to pass the TEACH Act, which ensured that educators could use limited portions of dramatic literary and musical works, audiovisual works, and sound recordings, in addition to the complete versions of non-dramatic literary and musical works that were already permitted, and that they could use the Internet to do so.

I also appreciate my colleagues' willingness to eliminate the presumptions in the criminal liability provisions, and to take up the Copyright Office's creative ideas for addressing pre-release works.

Were it not for their willingness to address these concerns, I would not have been able to offer my support for this bill. I thank my colleagues for their assurances as well as for their hard work in gaining passage of this important legislation.

SECTION 3

Mr. HATCH. Mr. President, Section 3 of the ART Act establishes a new provision of Title 18 entitled. "Unauthorized Recording of Motion Pictures in a Motion Picture Exhibition Facility." I ask Senator CORNYN, what is the purpose of this provision?

Mr. CORNYN. Section 3 addresses a serious piracy issue facing the movie business: the use of camcorders in a motion picture theater. Sad to say there are people who go to the movie theater, generally during pre-opening "screenings" or during the first weekend of theatrical release, and using sophisticated digital equipment, record the movie. They're not trying to save $8.00 so they can see the movie again. Instead, they sell the camcorded version to a local production factory or to an overseas producer, where it is converted into DVDs or similar products and sold on the street for a few dollars per copy. This misuse of camcorders is a significant factor in the estimated $3.5 billion per year of losses the movie industry suffers because of hard goods piracy. Even worse, these camcorded versions are posted on the Internet through "P2P" networks such as KaZaa, Grockster and Morpheus—and made available for millions to download. The goal of our bill is to provide a potent weapon in the arsenal of prosecutors to stem the piracy of commercially valuable motion pictures at its source.

Mr. HATCH. I have heard it said that this bill could be used against a salesperson or a customer at stores such as

Best Buy or Circuit City if he or she were to point a video camera at a television screen showing a movie. Is this cause for concern?

Mr. CORNYN. Absolutely not. The offense is only applicable to transmitting or copying a movie in a motion picture exhibition facility, which has to be a movie theater or similar venue "that is being used primarily for the exhibition of a copyrighted motion picture." In the example of Best Buy—the store is being used primarily to sell electronic equipment, not to exhibit motion pictures. For the same reason, the statute would not cover a university student who records a short segment of a film being shown in film class, as the venue is being used primarily as a classroom, and not as a movie theater.

Mr. HATCH. Does the Senator from California agree with our colleague from Texas?

Mrs. FEINSTEIN. Absolutely, on all points.

Mr. HATCH. I have also heard some say that this statute could be used to prosecute someone for camcording a DVD at his home. Is this a fair concern?

Mrs. FEINSTEIN. No, it is not. The definition of a motion picture exhibition facility includes the concept that exhibition has to be "open to the public or is made to an assembled group of viewers outside of a normal circle of a family and its social acquaintances." This definition makes clear that someone recording from a television in his home does not meet that definition. It is important to emphasize that the clause "open to the public" applies specifically to the exhibition, to the facility. An exhibition in a place open to the public that is itself not made to the public is not the subject of this bill. Thus, for example, a university film lab may be "open to the public." However, a student who is watching a film in that lab for his or her own study or research would not be engaging in an exhibition that is "open to the public." Thus, if that student copied an excerpt from such an exhibition, he or she would not be subject to liability under the bill.

Mr. HATCH. Do the users of hearing aids, cell phones or similar devices have anything to fear from this statute?

Mrs. FEINSTEIN. Of course not. The statute covers only a person who "knowingly uses or attempts to use an audiovisual recording device to transmit or make a copy of a motion picture or other audiovisual work protected under Title 17, or any part thereof . . . In other words, the defendant would have to be making, or attempting to make, a copy that is itself an audiovisual work, or make, or attempt to make, a transmission embodying an audiovisual work, as that term is defined in Section 101 of Title 17. As much, the Act would into reach the conduct of a person who uses a hearing aid, a still camera, or a picture phone to capture an image or mere sound from the movie.

Mr. HATCH. It appears that there is no fair use exception to this provision. Is that correct?

Mrs. FEINSTEIN. This is a criminal provision under Title 18, not a copyright provision under Title 17. Accordingly, there is no fair use exception included. However, Federal prosecutors should use their discretion not to bring criminal prosecutions against activities within movie theaters that would constitute fair use under the copyright laws. The object of this legislation is to prevent the copying and distribution of motion picture in a manner that causes serious commercial harm. This legislation is not intended to chill legitimate free speech.

Mr. HATCH. Does the Senator from Texas agree?

Mr. CORNYN. Yes, on all points.

Mr. FRIST. I ask unanimous consent that the committee substitute amendment be adopted, the bill, as amended, be read the third time and passed, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1932), as amended, was read the third time, and passed.

SERVITUDE AND EMANCIPATION ARCHIVAL RESEARCH CLEARINGHOUSE ACT OF 2005

Mr. FRIST. Madam President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar No. 589, S. 1292.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1292) to establish a servitude and emancipation archival research clearinghouse in the National Archives.

There being no objection, the Senate proceeded to consider the bill had been reported from the Committee on Governmental Affairs, with amendments, as follows:

[Strike the parts shown in black brackets and insert the parts shown in italic.]

S. 1292

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Servitude and Emancipation Archival Research ClearingHouse Act of 2003" or the "SEARCH Act of 2003".

SEC. 2. ESTABLISHMENT OF DATABASE.

(a) IN GENERAL.—The Archivist of the United States shall establish, as a part of the National Archives, a national database consisting of historic records of servitude and emancipation in the United States to assist African Americans in researching their genealogy.

(b) MAINTENANCE.—The database established by this Act shall be maintained by the National Historical Publications and Records Commission.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated—

(1) $5,000,000 to establish the national database authorized by this Act; [and]

(2) such sums as are necessary to operate and maintain the national database authorized by this Act; and

[(2)]*(3)* $5,000,000 to provide grants to States [and colleges and universities,] *colleges and universities, libraries, and museums* to preserve local records of servitude and emancipation.

Mr. FRIST. Madam President, I ask unanimous consent that the committee amendments be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The bill (S. 1292), as amended, was read the third time and passed, as follows:

S. 1292

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Servitude and Emancipation Archival Research ClearingHouse Act of 2004" or the "SEARCH Act of 2004".

SEC. 2. ESTABLISHMENT OF DATABASE.

(a) IN GENERAL.—The Archivist of the United States shall establish, as a part of the National Archives, a national database consisting of historic records of servitude and emancipation in the United States to assist African Americans in researching their genealogy.

(b) MAINTENANCE.—The database established by this Act shall be maintained by the National Historical Publications and Records Commission.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated—

(1) $5,000,000 to establish the national database authorized by this Act;

(2) such sums as are necessary to operate and maintain the national database authorized by this Act; and

(3) $5,000,000 to provide grants to States, colleges and universities, libraries, and museums to preserve local records of servitude and emancipation.

IDENTITY THEFT PENALTY ENHANCEMENT ACT

Mr. FRIST. I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 1731, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1731) to amend title 18, United States Code, to establish penalties for aggravated identity theft, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Madam President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1731) was read the third time and passed.

MEASURE READ THE FIRST TIME—H.R. 4359

Mr. FRIST. Madam President, I understand that H.R. 4359 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

> A bill (H.R. 4359) to amend the Internal Revenue Code of 1986 to increase the child tax credit.

Mr. FRIST. Madam President, I ask for its second reading, and in order to place the bill on the calendar under provisions of rule XIV, I object to further proceedings on this matter.

The PRESIDING OFFICER. Objection is heard. The bill will receive its second reading on the next legislative day.

MEASURE PLACED ON THE CALENDAR—H.R. 1218

Mr. FRIST. Madam President, I understand there is a bill at the desk which is due for a second reading.

The PRESIDING OFFICER. The clerk will read the bill for the second time by title.

The legislative clerk read as follows:

> A bill (H.R. 1218) to require contractors with the Federal Government to possess a satisfactory record of integrity and business ethics.

Mr. FRIST. Madam President, I object to further proceedings on the measure at this time in order to place the bill on the calendar under the provisions of rule XIV.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the calendar.

TRIBAL FOREST PROTECTION ACT OF 2004

Mr. FRIST. Madam President, I ask unanimous consent that the Senate now proceed to consideration of H.R. 3846 which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

> A bill (H.R. 3846) to authorize the Secretary of Agriculture and the Secretary of the Interior to enter into an agreement or contract with Indian tribes meeting certain criteria to carry out projects to protect Indian forest land.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3846) was read the third time and passed.

ORDERS FOR TUESDAY, JULY 6, 2004

Mr. FRIST. I ask unanimous consent when the Senate completes its business today, it adjourn until 9:45 a.m. on Tuesday, July 6. I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date; the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to executive session as provided earlier.

I further ask consent that the Senate recess from 12:30 until 2:15 p.m. for the weekly party luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. On Tuesday, July 6, the Senate will be in executive session for the consideration of a district court nomination. We would expect a vote on the nomination Tuesday afternoon between 5 and 5:45. We will also begin consideration of the class action fairness legislation. I encourage Members to be ready Tuesday evening and through the week for discussion on the class action bill. As I mentioned earlier, this bill has strong bipartisan support. I hope we can begin work quickly on the bill and complete action on the bill in a reasonable timeframe. It is an important piece of legislation and one many Members feel very strongly about and look forward to completing.

We will have votes throughout the week as we return to business following the Fourth of July break. It will be a very busy week with time spent on class action.

ADJOURNMENT UNTIL 9:45 A.M., TUESDAY, JULY 6, 2004

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the provisions of S. Con. Res. 120.

There being no objection, the Senate, at 11:40 a.m., adjourned until Tuesday, July 6, 2004, at 9:45 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 25, 2004:

DEPARTMENT OF STATE

JAMES FRANCIS MORIARTY, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF NEPAL.

BENJAMIN A. GILMAN, OF NEW YORK, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-EIGHTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

ANNE W. PATTERSON, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE DEPUTY REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY, AND THE DEPUTY REPRESENTATIVE OF THE UNITED STATES OF AMERICA IN THE SECURITY COUNCIL OF THE UNITED NATIONS.

ANNE W. PATTERSON, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS DURING HER TENURE OF SERVICE AS DEPUTY REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS.

JOSEPH D. STAFFORD III, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF GAMBIA.

LEWIS W. LUCKE, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF SWAZILAND.

R. NIELS MARQUARDT, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CAMEROON, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF EQUATORIAL GUINEA.

CHARLES P. RIES, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO GREECE.

SUZANNE HALE, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERATED STATES OF MICRONESIA.

WILLIAM R. BROWNFIELD, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE BOLIVARIAN REPUBLIC OF VENEZUELA.

RALPH LEO BOYCE, JR., OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF THAILAND.

JOHN MARSHALL EVANS, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ARMENIA.

TOM C. KOROLOGOS, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BELGIUM.

DOUGLAS L. MCELHANEY, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BOSNIA AND HERZEGOVINA.

WILLIAM T. MONROE, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF BAHRAIN.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

JACKSON MCDONALD, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF GUINEA.

JAMES D. MCGEE, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MADAGASCAR.

JOYCE A. BARR, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF NAMIBIA.

JUNE CARTER PERRY, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF LESOTHO.

R. BARRIE WALKLEY, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES

OF AMERICA TO THE GABONESE REPUBLIC, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC REPUBLIC OF SAO TOME AND PRINCIPE.

CYNTHIA G. EFIRD, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ANGOLA.

CHRISTOPHER WILLIAM DELL, OF NEW JERSEY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ZIMBABWE.

FOREIGN SERVICE NOMINATIONS BEGINNING ROBERT H. HANSON AND ENDING DONNA M. BLAIR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 18, 2004.

HOUSE OF REPRESENTATIVES—*Friday, June 25, 2004*

The House met at 9 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, bring the best possible resolve to work today for the common good of the people. As we anticipate the July 4 holiday, we ask Your blessing upon Your Nation and Your protection of our military forces. Provide safe travel and may peace await all at their final destination.

The American practice of coming together in prayer, relating faith to historic events and national celebrations has taught people with clashing creeds to stand united in religious tolerance and mutual respect. Perhaps, Lord, in doing so, America has been spared some of the religious conflicts that continue to afflict other places in the world.

So, Lord, on this forthcoming celebration of Independence Day, may we truly rejoice in our God-given right to freedom of religious expression. For in You, our God, we place our trust now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from South Dakota (Ms. HERSETH) come forward and lead the House in the Pledge of Allegiance.

Ms. HERSETH led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment bills and a joint resolution of the House of the following titles:

H.R. 884. An act to provide for the use and distribution of the funds awarded to the Western Shoshone identifiable group under Indian Claims Commission Docket Numbers 326–A–1, 326–A–3, and 326–K, and for other purposes.

H.R. 2751. An act to provide new human capital flexibilities with respect to the GAO, and for other purposes.

H.R. 4103. An act to extend and modify the trade benefits under the African Growth and Opportunity Act.

H.J. Res. 97. Joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

The message also announced that the Senate has passed a bill and concurrent resolutions of the following titles in which the concurrence of the House is requested:

S. 2322. An act to amend chapter 90 of title 5, United States Code, to include employees of the District of Columbia courts as participants in long term care insurance for Federal employees.

S. Con. Res. 83. Concurrent resolution promoting the establishment of a democracy caucus within the United States.

S. Con. Res. 120. Concurrent resolution providing for a conditional adjournment or recess of the Senate and the House of Representatives.

The message also announced that pursuant to section 7102(a)(ii) of Public Law 108–132, the Chair, on behalf of the Majority Leader, appoints the following individual to serve as a member of the Parents Advisory Council on Youth Drug Abuse:

Laurens Tullock of Tennessee.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain 5 one-minute speeches per side.

HELPING DISADVANTAGED YOUTHS

(Mr. OSBORNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OSBORNE. Mr. Speaker, yesterday H.R. 4703 was introduced in response to a report issued by the White House Task Force for Disadvantaged Youth. The findings of the study are as follows:

Number one, 10 million American teens are plagued by poverty, abuse and neglect, academic failure and substance abuse.

Number two, the Federal Government has created 355 programs to serve youth in response to these deficits and afflictions. The result has been chaotic. Two-thirds of the programs evaluated by OMB were rated ineffective or redundant.

This bill would create a Federal Youth Development Council. The Council is charged with, number one, improving and coordinating youth-serving programs; number two, issuing an annual report on youth programs and their effectiveness; and, number three, setting quantifiable goals and developing a plan for each program.

This legislation will allow more children in need to be served more effectively. It is supported by an overwhelming majority of youth agencies. I urge support of H.R. 4703.

CARING FOR OUR VETERANS

(Ms. HERSETH asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HERSETH. Mr. Speaker, Americans know that we have asked a great deal of our uniformed men and women over the life of this Republic in preserving liberty at home and fostering liberty abroad. We continue to ask for and receive tremendous sacrifices from the members of our Armed Forces today.

As we do this, however, we must not forget that we are now creating a new generation of veterans. We must acknowledge our obligation to this generation of heroes who deserve what has been promised them, particularly in the areas of health care, disability compensation and educational opportunities.

Supporting our troops means, among other things, providing them with the resources to get the job done in the dangerous situations in which we have put them; but it also means ensuring that we know and understand our troops' needs when they return home and how to best meet those needs.

Over the next week, as we celebrate the anniversary of our independence, I will be traveling across South Dakota, meeting with the family members of troops whose National Guard and Reserve units have been deployed. I will listen to their stories and concerns, and I will share my commitment to them to respect and honor the sacrifices their loved ones are making. It is in this spirit that I commit to working with my colleagues to adequately acknowledge what is owed to our veterans and to provide it to them both today and in the decades to come.

HONORING ROLLAND B. "BOB" LYONS

(Mr. McCOTTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCOTTER. Mr. Speaker, on June 17 a friend to our community, Mr. Rolland B. "Bob" Lyons passed away following a courageous fight with cancer in which his courage never faltered or failed. Enduring and self-effacing, this entrepreneurial genius and civic leader, who used to like to call himself "just a ditch digger from Ann Arbor," was a truly unique character.

He had a massive toy collection. He created a reproduction of a 19th century hardware store in his office. And most of all, he liked to wear some of the most outrageous seersucker suits and bow ties that you would ever see, at least back home in Michigan.

Bob was probably one of the people in life that you would meet that you could not but befriend. I would like to extend my condolences to his family and to all who, in knowing Bob Lyons, could not but love him.

MEDICARE LOTTERY

(Mr. EMANUEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EMANUEL. Mr. Speaker, yesterday it was reported that the pharmaceutical industries and HMO industries spent $141 million with the prescription drug bill. With the Medicare bill, taxpayers will give HMOs an additional $46 billion and they will give the pharmaceutical industry an additional $139 billion.

Where else in America can you invest $141 million and get a $185 billion return on your money? The GOP Congress, but of course.

By overpaying private insurance companies, denying the Secretary of Health and Human Services the ability to negotiate for lower prices and blocking the free market from working and allowing Americans to get safe, affordable drugs from Canada and Europe, the Medicare bill is everything the HMOs and pharmaceutical companies paid for and requested.

We are doing everything we can in this bill except the things that will actually lower prescription drug prices.

Yesterday the Bush administration announced that they will provide drug coverage to patients with some serious diseases, less than 10 percent of them though. They will decide which seriously ill individuals will get their Medicare coverage now by the lottery. There are 600,000 people eligible for medical coverage, but we are denying this coverage to 90 percent of them, cancer patients, people with multiple sclerosis, and arthritis. We can do better in lowering the prices of drugs than by lottery.

PROVIDING FOR CONSIDERATION OF H.R. 4614, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2005

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 694 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 694

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4614) making appropriations for energy and water development for the fiscal year ending September 30, 2005, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except as follows: beginning with "Provided" on page 2, line 23, through page 3, line 5; sections 105, 106, 107, 108, 109, 110, and 311; beginning with "Provided" on page 39, line 23, through page 40, line 4; and section 502. Where points of order are waived against part of a paragraph, points of order against a provision in another part of such paragraph may be made only against such provision and not against the entire paragraph. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

The resolution before the House today provides for consideration of the 2005 Energy and Water Development Appropriations bill under an open rule that provides for 1 hour of general debate, equally divided and controlled by the chairman and ranking member of the Committee on Appropriations.

It waives all points of order against consideration of the bill, and under the rules of the House, the bill shall be considered for amendment by paragraph. The rule waives points of order against provisions in the bill as amended for failure to comply with clause 2 of rule XXI except as specified in the resolution.

It authorizes the chairman to accord priority in recognition to Members who have been preprinted their amendments in the CONGRESSIONAL RECORD, and finally it provides one motion to recommit with or without instructions.

Mr. Speaker, I rise today to introduce the rule for H.R. 4614, the Energy and Water Development Appropriations Act of 2005. This legislation provides for a total of $28 billion in new discretionary spending authority for the civil U.S. Army Corps of Engineers, the Department of Interior, the Department of Energy and several associated Independent Agencies.

I would like to thank my friend, the chairman, the gentleman from Ohio (Mr. HOBSON), for his leadership and vision in crafting this legislation and for striking a good balance between existing prudent fiscal restraint and funding our Nation's energy and water development priorities.

This bill increases funding for our Nation's energy and water priorities at $734.5 million above 2004 levels, and $49.6 million above the President's budget request, while ensuring that this money is spent wisely on programs that also reflect the needs and the core missions that its agencies find within their mission statements.

This legislation adequately funds the Corps of Engineers and concentrates its resources on helping to fulfill its traditional missions such as flood control, shoreline protection, navigation and safety on our Nation's waterways. Over the last few years, the Corps has been given an increased workload to complete with an inadequate budget. This bill focuses on protecting our critical infrastructure and completing outstanding projects while prioritizing our Nation's infrastructure needs in a thoughtful and efficient way.

It provides funding needed to maintain, operate, and rehabilitate the Bureau of Reclamation projects throughout the western United States and protects the Federal investment in western water infrastructure. It also ensures that renewable energy programs are funded at $343 million, $1 million above the fiscal year 2004 amounts.

Under this legislation, the Department of Energy receives a total of $22.48 billion, an increase of $511 million over fiscal year 2004. As with the Corps, this legislation tasks the Department of Energy with beginning to prepare its 5-year budget plans, first for individual programs and then an integrated plan for the entire Department. This plan must include business plans for each of the DOE laboratories, so that Congress and the Department can understand the mission and resource needs of each laboratory to ensure that they can use their funding that is provided more efficiently.

Funding for the National Nuclear Security Administration is $9 billion, an increase of $372 million over fiscal year 2004 and a decrease of $22 million from the budget request. The United States has in place a strategic plan to realign and modernize our nuclear arsenal, however, much of the DOE weapons complex is still sized to support a Cold War stockpile. The funding included in this bill will help NNSA to review its weapons complex in relation to the security needs, budget constraints and this new stockpiling plan while still providing adequate funding for its ongoing operations and needs.

Finally, this bill provides $202 million for several independent agencies, including the Defense Nuclear Facilities Board, the Delta Regional Authority, the Nuclear Regulatory Commission and its Inspector General, the Nuclear Waste Technical Review Board, and the Office of Inspector General for the Tennessee Valley Authority.

Mr. Speaker, I am very proud of this legislative product, created by our Committee on Appropriations with input from many Members. It will help to fund our Nation's energy and water development needs.

I would also like to personally commend the gentleman from Ohio (Mr. HOBSON) for his hard work and vision in crafting this legislation. And I would also like to thank the chairman for his inclusion of level funding, that was important to this Member, for the Dallas Floodway Extension Project which is a cornerstone in Dallas, Texas, for our Trinity River Corridor Project.

This project will help Dallas to mitigate flood risks in over 12,500 structures in Dallas' central business district and includes some 792 acres of land that are currently in a 100-year flood plain.

I support this project and this bill, and I urge my colleagues to do the same by supporting the rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

☐ 0915

Mr. McGOVERN. Mr. Speaker, I thank the gentleman from Texas (Mr. SESSIONS) for yielding me the customary 30 minutes.

Mr. Speaker, I yield myself 7 minutes.

Mr. Speaker, I am pleased to support the Energy and Water Appropriations bill, and I congratulate the chairman and the ranking member and the subcommittee Chair and the ranking member for their hard work and diligence in bringing this appropriations bill to the floor in a timely fashion.

Specifically, this bill provides a total of $27.9 billion for the Department of the Army Corps of Engineers, the Interior Department's Bureau of Reclamation, the Department of Energy and a handful of independent agencies including the Nuclear Regulatory Commission.

I am especially pleased that this bill soundly rejects the administration's continuing efforts to dramatically reduce funding for the Civil Works program of the U.S. Army Corps of Engineers. The administration's fiscal year 2005 budget request for the Army Corps of Engineers was actually $460 million less than the Corps received in fiscal year 2004 and $578 million below what it received in fiscal year 2003. This is tantamount to a systematic attempt to cripple the Civil Works program.

As a Member with mainly inland waterways in my district, I value and appreciate the extraordinary work the Corps performs on behalf of the cities and towns we represent. In this bill, the committee has wisely given both the specific guidance and the sufficient resources the Corps needs to address the projects it is presently charged with completing.

Mr. Speaker, I also want to applaud the committee for plainly exposing the administration's funding scheme for the proposed nuclear waste repository at Yucca Mountain in Nevada. This project is riddled with scientific uncertainty and threatens millions of Americans, both in Nevada and in communities along the transportation routes. Notwithstanding the many health and safety concerns that should stop the Yucca Mountain project from going forward, OMB's attempt to use a budget gimmick to leverage $749 million of the administration's $880 million request is a cynical and shameless attempt to cook the books on the total budget deficit. By refusing to loosen the purse strings on funding for the Yucca Mountain project, this appropriation bill rightly tells the administration to go sell stupid somewhere else.

I also want to commend the chairman and the committee for its actions on nuclear weapons development. The bill strips out funding for the Robust Nuclear Earth Penetrator weapons, also known as "bunker busters." I share the chairman's frustration that the Energy Department seems to be totally ignoring the restrictions Congress has placed on this research.

The bill also eliminates funding for the Advanced Concepts program to develop a new generation of nuclear weapons and zeros out the funding for siting a new Modern Pit Facility to manufacture new triggers for nuclear weapons.

In addition, the bill does not provide funds to move test readiness at the Nevada test facility up from 24 months to 18 months. Mr. Speaker, instead, the bill has placed emphasis on the consolidation of bomb material for greater safety and security and on the disassembly of surplus nuclear weapons.

On these matters, I believe the bill reflects realistic national security and budget priorities, and I commend the chairman and ranking member for their leadership.

Mr. Speaker, while I support this bill on the whole, I feel compelled to express my disappointment in the funding levels for renewable energy technologies. Just 2 weeks ago senior officials from the United States and 153 other nations met at a conference in Bonn, Germany, where they unanimously endorsed a communique committing to a substantial increase "with a sense of urgency" in the percentage of renewable sources to meet global energy needs.

Reportedly, the delegates of the conference did not set specific targets or timetables as a concession in order to get President Bush's administration on board. The President has said he favors the invisible hand of the free market over government regulation.

Sadly, this appropriations bill does not reflect the sense of urgency which is needed in increased funding for renewable energy sources. I can tell you that my constituents in Massachusetts, who are paying on average $2.10 per gallon at the pump, do not have much faith that "the invisible hand" of the free market is going to show up any time soon and drive gas prices down either.

Mr. Speaker, this Nation cannot afford to wait any longer. We cannot afford to continue underfunding renewable energy and efficiency programs while our dependence on foreign sources of oil grows and our natural gas shortage worsens. We need to move with all deliberate speed to significantly increase funding for renewable sources of energy.

I have start-up fuel cell companies and established photovoltaic manufacturers in my district like Mechanology, Protonex, Cell Tech Power and Evergreen Solar that are doing remarkable things, but they are struggling to compete with other countries who are leaving us behind in the race to a new energy economy because they cannot get the Federal funding support they need to continue research and development. And the invisible hand of the free market economy is not helping them out either.

Meanwhile, we spend our time here passing ill-conceived energy bills for a second time that grant $23 billion in tax breaks and subsidies to the oil and gas industry. Surely, if we can do that, then we can do better in funding our renewable energy technologies.

Mr. Speaker, the appropriators have done their job, and while I would like to see a more comprehensive bill, I believe that the appropriators have done their job well.

Let me be the first to commend the gentleman from Ohio (Mr. HOBSON) and the ranking member, the gentleman from Indiana (Mr. VISCLOSKY) for their work.

With that being said, my main regret is that the Republican leadership decided not to make in order the amendment offered by the gentlewoman from California (Ms. ESHOO) and the gentlewoman from California (Ms. LOFGREN).

The Eshoo-Lofgren amendment is simple. It would require that the Federal Emergency Regulatory Commission order refunds whenever sellers of electricity charge rates that are not just and reasonable. This will require FERC to order refunds stemming from the market manipulation that occurred in California and the Pacific Northwest in 2000 and 2001. It would also require FERC to disclose documents and evidence that it has obtained in its investigation of Enron in manipulation of the western energy market; and it would require FERC to allow States to fully participate in FERC proceedings and negotiations on market manipulation.

At the end of this debate, I will offer a motion to defeat the previous question. If the previous question is defeated, the gentlewoman from California (Ms. ESHOO) and the gentlewoman from California (Ms. LOFGREN) will offer their amendment to the Energy and Water Appropriations bill for fiscal year 2005. This is an important proconsumer amendment, and it deserves to be considered today.

Mr. Speaker, when is enough enough? It is sad that the Republican leadership feels compelled to continue to protect the Enrons of the world. It is time that we hold these companies accountable, and the Eshoo-Lofgren amendment is the right prescription for this ailment.

Mr. Speaker, yesterday we engaged in a colossal waste of time as the leadership of this House forced the Members of this House to spend an entire day to debate a bill and amendments that were defeated by substantial margins; and yet the leadership of this House is unable to allow us to have the opportunity to debate an amendment that will actually make a real difference in the lives of the people of this country. We can do much better than this, and I will urge my colleagues to vote "no" on the previous question.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do want to quote my colleague who said that this is a good bill. It is a good bill and it does deserve to be passed. It also is a bill that does not need to address what is known as the Eshoo amendment, because it has already been addressed. It has been addressed in the H.R. 6 conference report and H.R. 4503 that was passed last week by the House and is pending in the Senate; and that will provide the authority to FERC to ensure that the proper elements are taken care of as it relates to serious allegations that have been raised, especially in California.

I do thank the gentleman for his support of the bill. I believe he has qualified it appropriately, and I do, too, give thanks to the gentleman from Ohio (Mr. HOBSON) for the work he has done.

Mr. Speaker, I would like to notify the gentleman from Massachusetts (Mr. McGOVERN) that at this time I do not have any speakers as a result of the adequacy of the bill that has taken care of many requests on this side; and so I would like to inform the gentleman that I would allow him to go ahead and consume the time that is necessary.

Mr. Speaker, I will reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield 4½ minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. McGOVERN), who has been a wonderful supporter of our effort that has been stretched out over 4 years.

Mr. Speaker, I strongly support the underlying bill. It is an excellent one, and I commend the gentleman from Ohio (Mr. HOBSON) and the ranking member, the gentleman from Indiana (Mr. VISCLOSKY) for their bipartisan leadership of the Subcommittee on Energy and Water Development. But I rise to urge the defeat of the previous question on the rule, because the rule does not provide a waiver for the amendments to address market manipulation and require the Federal Energy Regulatory Commission to take action to refund consumers' dollars that were manipulated.

I testified before the Committee on Rules yesterday that this amendment be made in order, but the request was denied.

I think the word "denial" pretty well sums up the response of Congressional Republicans and the FERC to the western energy crimes. In 2000 and 2001, FERC essentially allowed energy producers to game and corrupt the western energy market, and consumers were gouged billions of dollars. In March 2001, Congressional Democrats wrote to the President for help and we are still waiting for the reply.

In 2002, Democratic Members of the California delegation asked six times for a Congressional investigation and hearings on market manipulation. It never happened. In 2003, we tried to address the refunds issue with amendments to the Energy Policy Act. Nothing happened.

Over 4 years we have tried everything we could to help consumers in the Pacific Northwest and California. This work is summarized in a five-page document which, Mr. Speaker, I include for the record.

The House must consider this amendment today because we are running out of opportunities to right the wrongs which created the crimes itself. This amendment will first amend the Federal Power Act by changing the rules for refunds effective dates under Section 206. Currently, these rules allow refunds after a complaint has been filed. This amendment will allow refunds for all overcharges regardless of when a complaint has been filed. This change will require FERC to order refunds for the gouging that occurred in the West and elsewhere in the Nation in 2000 and 2001.

Two, it requires FERC to open new investigations, if necessary, to award refunds to western consumers.

Three, it requires the FERC to step in to order refunds whenever manipulation occurs in the future in any State in our country.

Four, it requires the FERC to allow California to participate in heretofore secret negotiations between FERC and power producers who were thought to have engaged in market manipulation. And lastly, it requires the FERC to make public all documents that it is holding related to the manipulation of the western energy market in 2000 and 2001.

□ 0930

And let there be no doubt, there were wrongs. The Enron tapes which CBS broadcast earlier this month make it all too clear that companies were manipulating the market. They bragged about stealing money from "those poor grandmothers in California."

Some of the language was so profane that by congressional action it was deemed it could not be broadcast. The language was shocking and the facts in the transcripts chilling. They are part of a litany of evidence of widespread market manipulation.

There are smoking gun memos in which Enron admitted how they gamed the market. They had names for each one of their undertakings. We have transcripts of employees of Reliant Energy describing how they gamed the market; and with that striking evidence, FERC chose to negotiate a settlement in this case for pennies on the dollar without allowing California to participate.

We have reams of evidence discovered by the State of California. We have the Justice Department's indictments and plea agreements with many energy traders and producers. Even the FERC found "significant market manipulation." But, despite the evidence, the FERC has been reluctant to order refunds to compensate consumers even though it has the obligation to protect energy consumers of our country.

Mr. Speaker, it has been 4 long years since the crisis began. Consumers have been waiting for relief. We think they deserve it and they should have it. I urge my colleagues to defeat the previous question and allow this amendment to come to the floor.

CONGRESSIONAL ACTIVITY TO ADDRESS THE ENERGY CRISIS—CHRONOLOGY HIGHLIGHTS

2000

June 14, 2000—First blackout of the electricity crisis and first blackout in California since World War II.

August 2, 2000—San Diego Gas & Electric Company (SDG&E) files a complaint under Rule 206 under the Federal Power Act against western power suppliers, alleging that market prices are "unjust and unreasonable." Calls on the Federal Energy Regulatory Commission (FERC) to impose price limits.

November 1, 2000—FERC reports that wholesale electricity prices have been and have the potential to continue to be "unjust and unreasonable."

2001

January 19, 2001—25 members of the California delegation write to FERC to urge it to address the high price of electricity in California.

January 20, 2001—Representatives Duncan Hunter and Anna G. Eshoo introduce H.R. 238 to amend the Department of Energy Authorization Act to authorize the Secretary of Energy to impose interim limitations on the cost of electric energy to protect consumers from unjust and unreasonable prices in the electric energy market. A bipartisan group of thirty-two Western Members cosponsor the bill. Senate companion (S. 26) introduced by Senators Dianne Feinstein and Barbara Boxer on January 22, 2001.

January 30, 2001—Representative Bob Filner introduces H.R. 268, the California Electricity Consumers Relief Act, that requires FERC to order refunds retroactive to the beginning of the crisis on June 1, 2000.

March 2, 2001—Representatives Hunter and Eshoo write to House Energy and Commerce Committee Chairman Billy Tauzin and House Energy and Air Quality Subcommittee Chairman Joe Barton to call for a hearing on the Western energy crisis and H.R. 238.

March 6, 2001—House Subcommittee on Energy and Air Quality holds hearing—Congressional Perspectives on Electricity Markets in California and the West and National Energy Policy.

March 20 and 22, 2001—House Subcommittee on Energy and Air Quality holds hearing—"Electricity Markets: California."

March 22, 2001—House Democrats write to President Bush to urge him to fill FERC vacancies, to call on FERC to investigate and mitigate high electricity prices in California, and to replace FERC Chair Curtis Hebert. No reply is received from the President.

March 23, 2001—California Democrats on the House Energy and Commerce Committee respond to the majority's request for comments on proposed legislation to "fix" problems in the Western energy market. Members note the omission of any provision to address the excessively high cost of electricity. No formal reply is received.

March 30, 2001—Democratic Members from California, Washington, and Oregon write to President Bush to urge him to address the high cost of wholesale electricity and "investigate recent allegations of overcharges" in the Western energy market. No substantive reply is received from the President.

April 4, 2001—H.R. 1468 is introduced with the support of 30 California Democrats. The bill requires the Federal Energy Regulatory Commission to impose cost-of-service pricing in the Western electricity market and to order the refund of overcharges.

April 10, 2001—U.S. Secretary of Energy Spencer Abraham writes to Members of Congress to update them on the Administration's efforts to address the energy crisis. The Secretary discounts the crisis as "a supply crisis" and states the Administration's opposition to price mitigation.

April 16, 2001—California Democrats on the House Energy and Commerce Committee write to FERC Commissioner Linda K. Breathitt to urge her to support cost-of-service pricing in the West.

April 26, 2001—FERC issues an order establishing a price mitigation plan during stage 1, 2, and 3 power emergencies. The order sets the mitigated price on the most inefficient, polluting generator in the State. Generators can exceed the mitigated price if they justify their costs.

May 1 and 3, 2001—House Energy and Air Quality Subcommittee holds hearing on H.R. 1647, The Electricity Emergency Act of 2001—a bill with the purported purpose of solving the energy crisis by increasing the supply of electricity. Among other proposals, the bill calls for the suspension of federal environmental laws that might diminish energy production. California Governor Gray Davis and the California Energy Commission and Air Resources Board report that environmental protection laws are not an impediment to energy production. The bill does not address runaway prices.

May 1, 2001—Members of the California Republican Delegation meet with Vice President Dick Cheney on the energy crisis. California Democrats are not invited.

May 3, 2001—California Democratic Congressional Delegation Chair Sam Farr writes Vice President Cheney criticizing him for excluding California Democrats from his May 1, 2001 meeting with California Republicans. Rep. Farr requests a meeting with the Vice President.

May 4, 2001—44 Democratic Members of Congress write to Secretary Abraham to use his authority to address price gouging in the West. Reply reiterating the Administration's opposition to "price caps" mailed July 2, 2001.

May 17, 2001—Vice President Cheney and the National Energy Policy Development Group (NEPDG) submit their recommendations to President Bush. The recommendations do not include anything to address runaway prices in the West. About the Western energy crisis, the NEPDG writes, "Though weather conditions and design flaws in California's electricity restructuring plan contributed, the California electricity crisis is at heart a supply crisis" (National Energy Policy, page 1-3). The report blames California for not building enough generating plants, "there are no short-term solutions to long-term neglect."

May 25, 2001—84 Democratic Members of the House write President Bush to request that he back a price mitigation amendment to H.R. 1647 based on H.R. 1468. No reply is received from the President.

May 25, 2001—Ten respected economists, including Alfred Kahn, architect of deregulation in the airline industry, write to President Bush and the Congressional leadership to express support for cost-of-service based rates for electricity in the western market.

June 2, 2001—Rep. Eshoo delivers the Democratic response to the President's weekly radio address on the energy crisis.

June 7, 2001—21 Western Democrats write to FERC Chairman Curtis Hebert to request the opportunity to testify before the Commission in a public meeting.

June 12, 2001—California Democratic Congressional Delegation meets with Vice President Cheney about the energy crisis. Vice President promises no intervention to alleviate high prices.

June 13, 2001—29 members of the California Democratic Congressional Delegation write to Vice President Cheney following a CNN report that the White House and Congressional Republicans funded an advertising campaign to oppose price mitigation in the West.

June 19, 2001—FERC expands its April 26th order to cover the entire West during all hours of operation, requires all generators to make their power available, and continues to base the mitigated price on the least efficient generator. FERC determines that refunds are owed and orders administrative hearings to determine the amount.

June 19, 2001—Members of the California and Western delegations testify before the House Rules Committee in support of amendments to H.R. 2246, the Fiscal Year 2001 Supplemental Appropriations bill. The amendments would require FERC to impose cost-of-service pricing in the West and order electricity generators to pay refunds of rates that are "unjust and unreasonable." The Rules Committee, chaired by California Republican David Dreier, refuses to allow the consideration of these amendments.

June 20, 2001—Representative NANCY PELOSI attempts to bring a cost-of-service amendment to H.R. 2246 to the floor. Republicans block it on a procedural objection.

June 20, 2001—Governor Gray Davis, with many Members of the California Congressional Delegation in attendance, testifies before the Senate Governmental Affairs Committee about FERC's activities in the Western energy market.

June 30, 2001—California Democratic Congressional Delegation writes to FERC Chairman Curtis Hebert about 32 important California-related cases that were pending before the Commission for an extended period of time. Reply dated August 28, 2001.

July 17 and 18, 2001—House Energy and Commerce Committee holds markup of the Committee Print, Energy Advancement and Conservation Act. Committee defeats two amendments offered by the California Democrats on the Committee to impose cost-of-service pricing and require the refund of overcharges.

August 1, 2001—Floor consideration of H.R. 4, Securing America's Future Energy. House defeats Rep. Waxman's cost-of-service pricing amendment by 157-274. The Rules Committee refuses to make in order an amendment offered by Representatives Eshoo and Harman to require refunds of overcharges.

October 29, 2001—Rep. Eshoo testifies before a FERC technical conference on behalf of the California Democratic Congressional Delegation. Requests that the Commission's price mitigation plan remain in force until the market has stabilized. Asks the Commission to act quickly in ordering refunds.

November 27, 2001—California Democrats on the House Energy and Commerce Committee write to Energy and Air Quality Subcommittee Chairman Barton to urge him to address the problem of market power in energy markets within draft electricity restructuring legislation. No reply is received.

2002

February 14, 2002—Members of the California Delegation write to House Energy and Commerce Committee Chairman Tauzin to urge him to investigate and hold hearings on the business conduct and pricing practices of Enron during the Western energy crisis.

May 8, 2002—The California Democratic Congressional Delegation and 4 Northwestern Democrats write Chairman Tauzin, urging him to open an investigation and to hold hearings on market manipulation in the Western energy market after FERC posts internal Enron memos detailing how the company artificially inflated prices. Memos indicate that other companies adopted the same practices that Enron did.

May 9, 2002—The Securities and Exchange Commission announces investigation into the "round-trip" trades between Dynegy, an energy marketer that sold into the California market, and CMS Energy of Dearborn, Michigan.

May 15–16, 2002—Senate Consumer Affairs, Foreign Commerce, & Tourism Subcommittee holds hearing on Enron memos entitled, "Examining Enron: Developments Regarding Electricity Price Manipulation in California." Rep. Eshoo and Harman attend. The Senate Energy and Natural Resources Committee holds a similar hearing.

June 5, 2002—California Democrats on the House Energy and Commerce Committee lead 75 House Members, including Minority Leader Gephardt, in a letter to House Speaker Hastert and Energy and Commerce Chairman Tauzin to ask for an investigation of energy suppliers.

June 5, 2002—31 California Democrats write to FERC Chairman Patrick Wood to urge him to extend FERC's price mitigation plan for the West beyond September 30, 2002 when it is due to expire.

June 18, 2002—The General Accounting office issues a report that exposes weaknesses in FERC's ability to regulate energy markets. The report says, "FERC is not adequately performing the oversight that is needed to ensure that the price produced by [energy] markets are just and reasonable and therefore, it is not fulfilling its regulatory mandate."

June 19, 2002—California Democrats on the House Energy and Commerce Committee write to Chairman Tauzin again to urge a hearing and investigations, noting that the GAO report indicates that FERC is not up to doing the job on its own.

June 20, 2002—Congress Daily AM reports, "House Republicans agreed [June 19, 2002] to hold a hearing to examine whether trading firms such as Enron Corp., may have illegally manipulated electricity prices in the West." The article continued, "The hearing would serve as a spring board for a broader inquiry into price manipulation and FERC's ability to oversee the Market [Energy and Commerce Committee Chairman] Tauzin said."

July 25, 2002—California Democrats on the House Energy and Commerce Committee write to Chairman Tauzin again to urge a hearing and investigations, noting that he has not fulfilled his public promise a month earlier to hold hearings and investigate energy transactions in the West. The letter notes that this work should be completed before Chairman moves ahead with the consideration of electricity provisions in the House-Senate Conference Committee on H.R. 4, the comprehensive energy bill. Finally, the letter asks for access to documents that Committee obtained from FERC. The documents had been compiled by FERC as a part of an investigation that it initiated following inquiries from U.S. Senators.

July 26, 2002—Chairman Tauzin responds to the Western Representatives May 8, 2002 letter with a recitation of the Committee's previous work on the Western energy crisis in 2001. The Chairman notes that he requested and received the documents he received from the Federal Energy Regulatory Commission (FERC), which were being reviewed by majority and minority staffs. However, he does not explain why the Committee has not held a hearing since the Enron "smoking gun" memos were made public. The Chairman does not respond to the request for access to the FERC documents.

August 21, 2002—California Democrats on the House Energy and Commerce Committee respond to Chairman Tauzin's letter, and again ask for a serious, independent investigation of the Western Energy market. The letter reiterates the request for access to FERC documents obtained by the Committee.

2003

January 9, 2003—The California Democratic Congressional Delegation writes to the Chairman of the Federal Regulatory Energy Commission (FERC) Patrick Wood, III, to reject the findings of Administrative Law Judge Bruce Birchman (Refund Case EL00-95-045) because he recommended that energy generators who supplied power to California during the 2000–2001 energy crisis owe far less than the $8.9 billion that California is seeking.

March 3, 2003—The California parties (including the Governor and the Attorney General of California, the California Public Utilities Commission, and the state's major independently-owned utilities) present to the Commission more than 1,000 pages of evidence of widespread market power abuse and market manipulation. The California parties had to go to the Ninth Circuit Court of Appeals to force the Commission to allow them to discover and present this evidence.

March 26, 2003—The Federal Energy Regulatory Commission (FERC) released a detailed report on the California Energy crisis, concluding that there was widespread manipulation in the California energy market. However, FERC did not propose increasing refunds substantially to reflect the gaming that took place. In particular, FERC continued to insist that the State of California could not receive refunds on the short-term electricity purchases it made to keep the lights on.

April 2, 2003—During the Energy and Commerce Committee markup of the Energy Policy Act (H.R. 6) Rep. Eshoo offers an amendment to increase the refunds for California consumers by $5 billion. The amendment simply required the Federal Energy Regulatory Commission (FERC) to refund all "unjust and unreasonable" charges the State of California incurred for the short-term energy purchases it made to keep the lights on during the California energy crisis in 2001. The amendment failed on a vote of 21 to 30 in the Energy and Commerce Committee. Rep. Eshoo, supported by the California Democratic Congressional Delegation, attempts to bring the amendment to the floor for consideration several days later but not one California Republican would support the amendment and it wasn't considered.

September 25, 2003—31 Members of the California Democratic Congressional Delegation write to FERC Chairman Wood reiterating previous concerns that FERC is having a poor record in defending the interests of California consumers, lacks an effective price mitigation plan, refuses to order the renegotiation of unjust and unreasonable long-term contracts, and has thus far shortchanged consumers in the refund proceedings.

2004

May 6, 2004—An amicus brief is filed at the 9th Circuit Court regarding FERC and California energy refunds signed by 37 parties: California's 2 Senators, 33 House California Democrats, State Senate President Pro Tem John Burton, and State Assembly Speaker Fabian Nunez. The brief supports the California parties' lawsuit that FERC follow the Court's order to use the existing Remedy Proceeding—a forum subject to judicial review—to collect evidence of energy market manipulation, rather than non-public investigatory proceedings that shut CA consumers out of the process.

June 2, 2004—CBS News broadcasts tapes unearthed by Snohomish Public Utility District which capture Enron traders bragging in profane terms about their effort to manipulate the Western Energy Market.

June 14, 2004—All 33 California House Democrats write to FERC to request that it address the issues raised by the Enron tapes.

June 15, 2004—The House defeats motion to recommit H.R. 4305, the Energy Policy Act of 2004, 192–230 (Roll Call Vote 240). The motion would have added language to the bill that will enable California consumers to receive equitable refunds.

Mr. McGOVERN. Mr. Speaker, I yield 4 minutes to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, the sad tale of our energy rip-off in the western United States is really before us today. We started out reacting in a bipartisan way, but, in reviewing the history, I note that after House Republicans met with the Vice President on May 1, 2001, that bipartisan effort did stall.

We have tried for 4 years to get results. In June, 2001, the California delegation asked for amendments to H.R. 2246; and the Committee on Rules refused to allow those amendments which would provide a refund for unjust and unreasonable rates.

In July, 2001, amendments were offered in the markup in the Committee on Energy and Commerce; and Republicans refused to allow the requirement of refunds in overcharges.

In August of 2001, the Committee on Rules refused to make in order an amendment to require refunds of overcharges.

In June of 2002, the GAO report indicated that the FERC was really not doing the job, but Congress and the administration did nothing about it.

In April, 2003, the effort was made again through H.R. 6 to refund all unjust and unreasonable charges, but, again, we were blocked in that effort.

Finally, in May, 2004, Californians, including the attorney general, the chief law enforcement officer of the State of California, filed a lawsuit to try and get the law followed.

Now, what is the problem here? We had energy manipulation. We had a theft. California was a crime victim. When there was a fire, they were quoted as saying, "burn, baby, burn, that is a beautiful thing," the trader said about the massive fire; and they also said he is just F-ing California, meaning he steals money from California to the tune of about a million.

Mr. Speaker, we need to do something about this. Yesterday, we asked that the Eshoo amendment be made in order so we could get the refunds and relief that citizens in the West are due. It was mentioned at the time that because this litigation has been filed that somehow it would be improper to proceed with Congress' action. That is simply not the case.

Earlier this week, I was in the Committee on the Judiciary. I have been a member of the Committee on the Judiciary for 9½ years. We were marking up enhanced penalties for terrorism crimes, and the issue was raised, these new penalties are going to be imposed on individuals whose prosecutions are under way. We got a lengthy letter from the Justice Department pointing out that there was no problem in terms of ex post facto issues and that we could proceed.

I am mindful, when the World War II Memorial was threatened because of its time frame because of a lawsuit filed by NEPA, the House of Representatives acted and simply removed the World War II Memorial from NEPA coverage. I voted for that because I wanted to get the memorial approved.

Earlier this year, there was an arcane issue between interns and residents employed by medical schools and hospitals on whether or not that was an employment or an educational issue, and it was in court over an antitrust case. We voted actually to define that relationship as an educational relationship, ending the litigation. I voted for that because I thought it was appropriate for Congress to step in and protect medical education in America.

It can never be correct that Congress is excused from doing its job because someone filed a lawsuit. If that were the case, all we would need to do to paralyze the House of Representatives and the Senate would be to have people file lawsuits.

I would like to say this, that for those who are refusing to act still, now in our fourth year who are through their actions, whether intended or not, covering up and protecting the wrongdoers at Enron and others, I feel a kinship with that story told to me in law school: It is like the guy who kills his parents and then throws himself on the mercy of the court because he is an orphan.

Let us act on the Eshoo amendment and get relief for California.

Mr. SESSIONS. Mr. Speaker, I yield 5 minutes to the gentleman from Tennessee (Mr. WAMP), the vice chairman of the subcommittee.

Mr. WAMP. Mr. Speaker, I thank the gentleman from Texas (Mr. SESSIONS) and state what a great Member of Congress the gentleman is.

I want to come this morning, after a long year, and thank the staff. Kevin Cook, the majority staff and the minority staff have worked diligently and have created a very balanced product. There are a few things that are not as high as we would like and are not funded as much as we would like, but overall it is excellent work.

Over the last year and a half, the gentleman from Ohio (Chairman HOBSON) has been all over the country familiarizing himself with our varied missions, both in the Corps of Engineers and the Department of Energy. The gentleman from Indiana (Mr. VISCLOSKY), the ranking member, is a thoughtful and diligent member who has made enormous contributions; and this is possibly the best bipartisan work we will see through the appropriations process this year.

The things I want to point to during the debate to bring the rule up and pass this bill with tremendous bipartisan support today are, first and foremost, frankly, in the wake of September 11, the enhanced security at our nuclear weapons facilities that is manifested in this bill. This is the result of a chairman who went out and looked at these facilities, many times in a very classified setting, but came back and really dug in to get to the bottom of what needs to be done and accelerate those improvements as much as possible in this bill. I want to thank him because I represent one of those facilities, and we are going to be much more secure in the months and years ahead because of the leadership of the gentleman from Ohio (Mr. HOBSON).

Secondly, I was with the Secretary of Energy yesterday; and we were touting how this bill even ramps up the administration's commitment to science and research, supercomputing, fusion energy, the next breakthroughs that will lead to a productive society in future years in this bill. The Congress is even doing more than the administration. The administration is doing more than last year. We are making great breakthroughs. This is the seed corn of a productive American society, and this Congress is responding through this committee's work.

I am excited. We really do have a team of leadership on the subcommittee that gets it, and we need it. We have nanoscale research now at a level we have never had. This subcommittee is honoring that.

Another great initiative of this administration is we have all of these nuclear weapons facilities from the Cold War legacy. We have been maintaining them at billions and billions of dollars of annual cost. We should clean them up quicker. It is called accelerated cleanup. It is a Bush-Abraham initiative. This Congress is fully funding accelerated cleanup all across the country. Spend more money early so we do not have to spend all that money later.

Accelerated cleanup is honored in this committee's work; and I am very grateful, again representing one of those sites where for a number of years we were just stirring the money around in a pot every year and asking for more. We were spending money to stir it, instead of cleaning it up.

Mr. Speaker, important water projects, infrastructure investment are in this bill. It is very balanced between energy and water. Sometimes the Senate goes more towards energy investments and takes away water money, sometimes the House has more water, less energy. This committee has balanced the approach from the very start, which is what we need.

For instance, in the Tennessee Valley, we have this river system with a number of dams and locks, but we have one lock with bad concrete growth problems. The Corps of Engineers has said for a number of years it needs to be replaced, but it is a $300 million ticket. This bill starts the process of replacing the Chickamauga lock on the Tennessee River.

The gentleman from Tennessee (Mr. DUNCAN) from the Subcommittee on Water Resources and the Environment, our chairman, he wrote a bill to replace this lock; and we passed the bill. The President signed the bill into law. This committee puts the money in to start the process. We need to get it rolling and clean it up.

Now, what does this bill not have? This bill does not have everything we need to keep the nuclear energy program in this country robust and growing which has been flat for a number of years because of the long-term waste issue. That is the Yucca Mountain piece. We do not have the money. We are going to keep fighting. We believe that nuclear is a safe, clean alternative to fossil emissions. If Members want clean air, we need nuclear power.

Other countries get it. Other countries which are more environmentally sensitive, from time to time, than America are in the nuclear business because they see it as clean green energy. We need that, but we have to work out this long-term storage issue. That is Yucca Mountain. We fully funded it last year. The chairman knows that we have to have this, but we do not have the money. But we are not giving up. This is the beginning of the process with the Senate, with the budgeteers and all of the people who would have imposed caps on it. This is a great bill with bipartisan support.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me repeat what I said at the beginning. We have no problem with this bill. We congratulate the gentleman from Ohio (Chairman Hobson) and the gentleman from Indiana (Mr. VISCLOSKY), the ranking member, for a job well done. We are just frustrated the Committee on Rules, when it comes to amendments of substance, continues to shut us out. That is what we are upset about today.

Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Speaker, in the late 1990s, California, whose energy markets dominate the effect up and down the West Coast, adopted a competitive market for electric generation. Under Federal law, if a State adopts that competitive model, it gives up the right to regulate wholesale energy prices and transfers that responsibility to the Federal Energy Regulatory Commission. In late 2000 and early 2001, the Federal Energy Regulatory Commission, FERC, slept during an artificial crisis during the winter; and over $9 billion was stolen.

Why do I emphasize winter? Westerners will understand this. We had enough electric generation capacity to power our air conditioners in the summer, but somehow there was not enough electricity for the much lower demand to keep the lights on in the winter. Why? We were told that there was a shortage because plants were "closed for maintenance."

Here is the chart that illustrates what happened. The blue indicates the noncrisis previous year as to the number of plants and the amount of electricity not generated thereby due to maintenance. The yellow shows the crisis, closed for maintenance.

Now the transcripts are out. Not just Enron but Reliant and other Presidentially protected corporate criminals were closing the plants in order to create an artificial shortage.

Now the transcripts that are most famous are obscene. They include the now-famous quote that says, Gramma Millie, she wants her F-ing money back for all the money you jammed up her orifice for $250 a megawatt hour. That is thought to be the most obscene quote, but truly the most obscene, and there are dozens like this quote, is when an Enron trader turns to the plant manager and says, "just go ahead and shut it down." Closed for maintenance, artificial shortage, $9 billion stolen.

The responsibility for this, the greatest economic crime in our history, is not just for the thieves but those who protect them.

Whose side are Members on? Reliant and Enron and the others who shut plants down to create an artificial shortage? Or on the side of Gramma Millie and other western consumers? Members define themselves and define their party with their vote on the previous question.

Reliant is relying on the other side to protect them; and the other side may indeed enjoy a hollow victory today as they shut down debate and prevent us from even discussing an amendment to require FERC to let the western States see the documents, to require FERC to look at the fraud that occurred before a complaint was filed. They can win that hollow victory today, but 45 million westerners, including the voters of three swing States, are watching. The other side of the aisle cannot hide from them, and Gramma Millie's revenge is less than 5 months away.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). Members should avoid engaging in personality toward the President, even by innuendo.

Mr. McGOVERN. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I rise in opposition to this rule but only the rule, because I certainly support the underlying legislation. I do not support the rule because it does nothing to help Californians who have been bilked out of at least a billion dollars by Enron. It is unbelievable to me that the California members on the Committee on Rules would not make this issue that is so important to California part of today's debate.

During the 2001 energy crisis, Californians begged the President for relief, but the President did nothing. Each week, $50 million was drained from the pockets of Californians by Texas-based energy producers. The President actually called this supply and demand. Californians, however, called it highway robbery. As it turns out, while this was happening, Enron traders were laughing about sticking it to Gramma Millie in California.

It has taken a small utility in Washington State to do what this administration has refused to do: Bring to light the callous manipulation that harmed millions of Californians and West Coasters. Enron fleeced more than $1.1 billion from consumers while literally laughing all of the way to the bank. And even with the evidence brought out by the Enron tapes, the leadership of this House once again leaves millions of California consumers in the dark. I guess they want to hide what they have done to help Enron behind closed doors, much like the Bush administration has been working in the shadows with its energy plan for the Nation. Maybe they will not be happy until they have turned out the lights on all Americans. This bill does nothing to help California and the other western States get their retribution.

□ 0945

Mr. McGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, like those Members who rose before me, I support the underlying bill. It is a vital investment in our country. But I do object to the rule because it is long past time to begin to rectify this massive theft that went on.

Every day, today every Oregonian, every residential ratepayer, every business will pay, on average, 42 percent more for the electrons purchased from the same plants transmitted over the same electric lines as 4 years ago. Just one thing happened in between. That is the Bush administration, the Bush FERC and Kenny Boy Enron Lay, the President's previous largest single contributor until this year.

The Snohomish utility found that on 473 of 537 days, Enron manipulated the market. How can the Bush FERC say that is just and reasonable and not require that those illegal contracts achieved through market manipulation be voided? We do not know because they will not release the documents. They do not want people to know how involved Enron was in setting the national energy policy.

In the year before the Bush administration released their energy policy, Enron officials met with members of the Federal Energy Regulatory Commission and their staff on 272 occasions during one work year. That means on every day there was an Enron official in the FERC offices. Were they also in Vice President CHENEY's office? We do not know because he is fighting release of those records. We need these illegal contracts to be voided, and we need all of the documentation released about this massive market manipulation.

This is continuing to cast a pall over the economy of the Pacific Northwest. We have some of the worst unemployment in the country over the last few years, and a good part is because billions of dollars have been illegally extracted from our ratepayers by the Texas-based Enron company with the Federal Energy Regulatory Commission appointed by President Bush standing by complicit, compliant and silent.

Mr. SESSIONS. Mr. Speaker, I reserve the balance of my time to close with one speaker at the very end.

Mr. McGOVERN. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I rise in opposition to this rule on behalf of ratepayers in the West who depended on the Eshoo amendment being made in order.

Time and time again, members of the California, Oregon and Washington delegations have attempted to get this House to focus on the damage caused in the western electricity crisis a few years back. We have been trying to get the House to do something to return the money stolen from my constituents and millions of others. The electricity market manipulation that went on was shameful. It was surpassed, perhaps, only by the actions or rather inaction of the FERC and this Congress.

Literally billions of dollars were stolen from consumers and taxpayers by pirate firms like Enron. Recently, we were all treated to a front-row seat to the carnage demonstrated in tapes of Enron traders figuring out how best to create shortages, to drive up prices, and rip off consumers. It was sickening, But, in reality, there was nothing new in those tapes. It was just more evidence of what I and many in our delegation have been requesting for over 3 years. Enron and other power companies were shutting down power plants, diverting electricity, and engaging in illegal actions in order to drive up electricity prices.

The amendment brought before the Rules Committee by the gentlewoman from California (Ms. ESHOO) would be a great step in bringing some justice here. It would open up all the records at FERC on these cases of price fixing and market manipulation. It would force FERC to let States participate in the settlement negotiations, and it would make some key changes in the Power Act to enable full refunds to these western States.

The Committee on Rules should have made it in order and the House should have adopted it, but that would be breaking the practice of this House and this administration in doing nothing in response to one of the great hijackings in American history. It is disgraceful. I urge my colleagues to vote against this unfair rule.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Speaker, I, like others, rise in support of the bill. I think the authors of this bill, particularly the gentleman from Ohio (Mr. HOBSON) and the gentleman from Indiana (Mr. VISCLOSKY), have done a great job, but this is the only bill we have before Congress which allows us to have a debate on FERC, the Federal Energy Regulatory Commission.

It would be a better bill if we put an amendment in there, but the Committee on Rules has not allowed that amendment, and that is wrong. It is really wrong because this is the only place where we can address that issue. The administration should address it. They have been silent. They sit by and allow FERC to continue to do nothing.

FERC is a regulatory agency. This is where the consumers can go to get some protection. That is the only agency in the Federal Government that can do anything about it; and when they do not act, we have nowhere to turn.

This is an agency that ought to have money withheld from it until it answers the questions. That is something that we do in the legislative process all the time. And since the administration has failed to hold them accountable, Congress should. We are asleep at the switch. When that switch was asleep at FERC, a regulatory agency, they allowed all of these companies to just screw California.

Mr. Speaker, it took $9 billion of taxpayer money to pay these bills. This is absolutely absurd. It is more than absurd. It is obscene, it is criminal and it ought to stop now. The Eshoo amendment should be debated. It is a shame on the Committee on Rules that they did not make it in order.

Mr. MCGOVERN. Mr. Speaker, I yield myself the balance of my time to close.

Mr. Speaker, I am going to call for a no vote on the previous question so this body can consider and vote on the Eshoo amendment.

We all remember the horror stories of the energy crisis in California in 2000 and 2001. Virtually overnight, energy prices went through the roof, causing a fiscal crisis and chaos due to energy shortages. Energy became prohibitively expensive. Electricity that had cost under $50 the previous year was suddenly costing over $1,000, and some days peaked above that.

Energy disruptions brought enormous disruption to the everyday lives of the people of that State. There were rolling brownouts that shut down traffic signals and crowded intersections, endangering those stuck in the gridlock. Even some hospitals suffered temporary power loss with little or no notice. To add insult to injury, we found out months later that this so-called energy crisis was a fraud on the part of the companies that sold the energy. They created a fake shortage and jacked up energy prices.

Mr. Speaker, we need to do something to make sure that this never happens again. The Eshoo amendment is a step in that direction. It deserves consideration in this House. A no vote on the previous question will not stop the House from taking up the energy and water appropriations bill, which is a good bill. However, a yes vote will prevent the House from considering the Eshoo amendment.

Mr. Speaker, I am not quite sure what we did yesterday on the House floor, but it was a complete waste of time. Overwhelmingly, the bill considered yesterday and all the amendments were rejected. We have an opportunity today to actually debate something meaningful that will make a difference in people's lives.

I would urge my colleagues on the other side of the aisle to join with us in voting no on the previous question. My colleagues on the other side of the aisle say they are outraged by Enron and Enron-style companies that ripped off the consumers in California. If they are truly outraged, then they should put their action where their rhetoric is: Vote no on the previous question and allow us to have a meaningful debate that will make a real difference in the lives of the people of this country and allow us to vote on the Eshoo amendment. I urge my colleagues to vote no on the previous question.

Mr. Speaker, I ask unanimous consent to insert the text of the Eshoo amendment immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MCGOVERN. Mr. Speaker, I yield back the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules, to close this great debate and this opportunity we have had to talk about energy and water.

Mr. DREIER. Mr. Speaker, I thank the gentleman for yielding me this time, and I thank him for the management of this rule. Thanks to the manager of the rule, he has allowed me to patiently listen to the statements that have been made by my colleagues on the other side of the aisle about this legislation. And so I sat patiently and listened to my very distinguished California colleagues, all very good friends of mine, and I would like to say, as we have agreed in a bipartisan way, a very good bill. This is a bill that is focused on the energy and water needs that exist for this country, and they are priorities in many ways, ranging from ensuring the kind of growth that we need to national security issues and research, which are very important.

☐ 1000

So I believe that we are going to, based on the work of the gentleman from Ohio (Chairman HOBSON) and the full committee chairman, the gentleman from Florida (Mr. YOUNG), and the ranking minority member of the subcommittee, the gentleman from Indiana (Mr. VISCLOSKY), and the vice chairman of the subcommittee, the gentleman from Tennessee (Mr. WAMP) who spoke earlier, we are going to be able to move ahead with a very, very good piece of legislation.

But over the last few minutes, Mr. Speaker, we have been listening to a great deal of talk about my State of California. I would like to take just a few moments to talk about exactly where we are and the challenge that we have faced.

We know that we have a horribly, horribly serious situation when it comes to ripping off the energy consumers of California and the West. We all have demonstrated how extraordinarily distraught we have been, when we saw and heard the transcript of those executives who were talking about taking advantage of our constituents, the consumers out there. That is one of the reasons that we joined in wanting to do everything that we possibly can to ensure that we get to the bottom of this issue, address this issue, and resolve it in behalf of the consumers.

Now, Mr. Speaker, this bill is being considered under an open amendment process. It is an open rule, meaning that any Member will have an opportunity to stand up and offer a germane amendment. There was bipartisan agreement among Democrats and Republicans, the gentleman from Ohio (Chairman HOBSON) and the ranking minority member, the gentleman from Indiana (Mr. VISCLOSKY), to move ahead with a rule that would allow for protection of the legislation itself and an open amendment process. That is why the request which has just been made by my colleagues on the other side of the aisle, somehow saying that we are unfair, we are denying an opportunity; we are simply complying with the Rules of the House and the bipartisan request that was made of the Committee on Rules.

I heard a statement, and I am the lone Californian on the Committee on Rules and I happen to have the honor of chairing the committee, but a statement that I somehow denied the opportunity for the consideration of the Eshoo amendment. That is not the case at all, Mr. Speaker. I want to say that, under this open amendment process, we are going to be able to have a chance to bring about a successful resolution of this.

Now, we all know that a couple of things have happened. In the Ninth Circuit Court in California, this case is under consideration. We have this process under way, and we know that the Federal Energy Regulatory Commission is scrupulously looking through those transcripts and the other concerns are there, and we are on track towards seeing reimbursement for our consumers, which is the right thing to do.

The second thing is, we in the House passed H.R. 6 just this past week. It is pending in the Senate. That legislation goes a long way towards addressing the concerns which we share and are a very high priority to us. They are designed to improve the operation of electricity markets by providing for an electronic system to increase transparency in electricity markets, something that we are all very interested in. It prohibits filings of false information and round trip or wash trading. It dramatically increases criminal and civil penalties, limits and expands penalty provisions to cover all violations of the Federal Power Act. It moves the refund effective date up to the complaint, so the refund effective date will be when the complaint was launched; and it extends the Federal Energy Regulatory Commission's refund authority to cover sales by otherwise nonjurisdictional utilities in certain markets. That is legislation that we passed right here in a bipartisan way.

Now, Mr. Speaker, I would like to close in saying that we do plan to address this issue under the Rules of the House by accepting the Eshoo amendment. The Eshoo amendment is going to be offered under an open amendment process, and I have discussed with the gentleman from Ohio (Mr. HOBSON) the issue of this great, great problem that we have of horrible abuse that has taken place in California and the West.

Ms. PELOSI. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I yield to the gentlewoman from California.

Ms. PELOSI. Mr. Speaker, I appreciate the gentleman yielding to me.

Will the gentleman concede that the amendment that is going to be accepted by the gentleman from Ohio (Mr. HOBSON), and we appreciate the great leadership of the gentleman from Ohio (Mr. HOBSON), is not the same amendment that the Committee on Rules did not allow to come to the floor this morning?

Mr. DREIER. Mr. Speaker, if I could simply reclaim my time, and in reclaiming my time, Mr. Speaker, what I will say is that the amendment, of course, is not identical to the one that is, in fact, in violation of the Rules of the House. With the bipartisan request that was made of the Committee on Rules, we are having an open amendment process, and that means, as my friend, the gentlewoman knows very well, that any amendment that is germane and falls within the Rules of the House will be in order.

The Eshoo amendment gets right at the problem that we are trying to address here, and we all know that we have pending, we have pending the important case that is before the Ninth Circuit Court, as well as the successful passage of H.R. 6. The Eshoo language, which is going to be accepted, gets at the root of the problem and underscores our bipartisan concern for this issue.

So, Mr. Speaker, let me say that I very much want us to bring about a successful conclusion to what has been a very tragic time for our consumers. Contrary to what I have heard from the other side of the aisle, there is, in fact, bipartisan concern, and we will take a back seat to no one when it comes to standing up for our constituents against any powerful interest.

So, with that, Mr. Speaker, I urge strong support of the rule; and I yield back the balance of my time.

The amendment previously referred to by Mr. MCGOVERN is as follows:

PREVIOUS QUESTION FOR H. RES. 694—RULE ON H.R. 4614 THE ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL FOR FY2005

At the end of the resolution, add the following:

"SEC. 2. Notwithstanding any other provision of this resolution, the amendment printed in section 3 shall be in order without intervention of any point of order and before any other amendment if offered by Representative Eshoo of California or a designee. The amendment is not subject to amendment except for pro forma amendments or to a demand for a division of the question in the committee of the whole or in the House."

SEC. 3. The amendment referred to in section 2 is as follows:

AMENDMENT TO H.R. 4614, AS REPORTED

OFFERED BY MS. ESHOO

Page 29, after line 13, insert the following:

The Congress finds that—

(1) incontrovertible evidence has come to light that certain sellers of wholesale electricity, including Enron, manipulated energy markets in order to overcharge electricity consumers in the Western United States;

(2) these overcharges have adversely affected state economies, families, small business, and other consumers;

(3) the Federal Energy Regulatory Commission has failed to expose this wrongdoing in a timely manner and has failed to take effective action to make consumers whole, and has undercut the ability of States and other parties to pursue relief by withholding critical documents and disaggregating claims into dozens of small proceedings; and

(4) the Federal Energy Regulatory Commission should fully disclose evidence in its possession, fully involve States, and ensure that refunds are ordered for any time period in which market manipulation occurred.

The Federal Energy Regulatory Commission shall publicly disclose all documents and evidence obtained in the following proceedings: Western Energy Markets: Enron Investigation (Docket No. PA02–2), the California Refund case (Docket No. EL00–95), the Anomalous Bidding Investigation (Docket No. IN03–10), the Physical Withholding Investigation, and the Gaming Investigation (Dockets EL03–157 et al, EL03-180 et al).

The Federal Energy Regulatory Commission shall allow States affected by market manipulation, acting through their public utility commissions, to fully participate in settlement negotiations regarding disgorgement of profits. The Federal Energy Regulatory Commission shall consolidate the various refund and disgorgement matters related to activity in the Western markets since May 2000 into a single proceeding in order to facilitate effective participation by states and other parties. No settlement shall be adopted by the Commission if it is opposed by any state whose public utility customers have an economic interest in the results of the settlement.

Section 206(b) of the Federal Power Act is amended as follows:

(1) By amending the first sentence to read as follows: "In any proceeding under this section, the refund effective date shall be the date of the filing of a complaint or the date of the Commission motion initiating the proceeding, except that in the case of a complaint with regard to market-based rates, the Commission shall establish such earlier refund effective date as is necessary to provide a refund of any rate or charge that is not just and reasonable, as determined by the Commission. To the extent necessary to achieve the purposes of this section, the Commission shall initiate new proceedings, including investigations, and issue appropriate refunds.".

(2) By striking the second and third sentences.

(3) By striking out "the refund effective date or by" and ", whichever is earlier," in the fifth sentence.

(4) In the seventh sentence by striking "through a date fifteen months after such refund effective date" and insert "and prior to the conclusion of the proceeding" and by striking the proviso.

PARLIAMENTARY INQUIRY

Ms. PELOSI. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. LAHOOD). The gentlewoman will state it.

Ms. PELOSI. Mr. Speaker, I have a parliamentary inquiry to the point of addressing what our distinguished chairman said. Is it not appropriate under the Rules of the House that the Committee on Rules could have made the Eshoo amendment, as submitted to the Committee on Rules last night, in order for debate on this floor today, with waivers?

The SPEAKER pro tempore. The Committee on Rules may propose special orders of business to the House.

Ms. PELOSI. So if I may just clarify, then it would have been possible and not outside the regular order for the

Committee on Rules to have put the Eshoo amendment, as presented in the Committee on Rules, with the waiver.

The SPEAKER pro tempore. The Chair will not speculate about actions in the Committee on Rules.

The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCGOVERN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 209, nays 182, not voting 42, as follows:

[Roll No. 320]

YEAS—209

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Walden (OR)
Walsh
Wamp
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NAYS—182

Abercrombie
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Case
Chandler
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Herseth
Hill
Hinchey
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Smith (WA)
Snyder
Solis
Spratt
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Woolsey
Wu
Wynn

NOT VOTING—42

Ackerman
Barton (TX)
Bereuter
Berman
Carson (IN)
Clay
Collins
Cox
Cubin
Cummings
Deutsch
Dunn
Engel
Ford
Gephardt
Goode
Hastings (FL)
Hastings (WA)
Hinojosa
Issa
John
Johnson, Sam
Jones (OH)
Kaptur
Lipinski
Mollohan
Norwood
Oberstar
Peterson (PA)
Platts
Reyes
Rodriguez
Rothman
Slaughter
Stark
Tauzin
Vitter
Waxman
Weiner
Weldon (FL)
Wexler
Young (AK)

□ 1029

Mr. COOPER and Mr. BERRY changed their vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. ISSA. Mr. Speaker, if I had been present for rollcall vote No. 320, I would have voted "yea."

Stated against:

Mr. HINOJOSA. Mr. Speaker, I regret that I was unavoidably detained this morning. Had I been present, I would have voted "no" on rollcall 320.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore. Pursuant to Section 2 of House Resolution 683, the Chair lays before the House the following Senate concurrent resolution (S. Con. Res. 120) providing for a conditional adjournment or recess of the Senate and the House of Representatives.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 120

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns on any day from Thursday, June 24, 2004, through Monday, June 28, 2004, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Tuesday, July 6, 2004, or at such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Thursday, June 24, 2004, or Friday, June 25, 2004, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2:00 p.m. on Tuesday, July 6, 2004, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House or their respective designees, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and the House, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore. Without objection, the Senate concurrent resolution is concurred in.

There was no objection.

A motion to reconsider was laid on the table.

□ 1030

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO HAVE UNTIL MIDNIGHT FRIDAY, JULY 2, 2004, TO FILE PRIVILEGED REPORT ON DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

Mr. WOLF. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations have until midnight Friday, July 2, 2004, to file a privileged report, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2005, and for other purposes.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO HAVE UNTIL MIDNIGHT FRIDAY, JULY 2, 2004, TO FILE PRIVILEGED REPORT ON LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2005

Mr. KINGSTON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations have until midnight Friday, July 2, 2004, to file a privileged report, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2005, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

GENERAL LEAVE

Mr. HOBSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 4614, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2005

The SPEAKER pro tempore. Pursuant to House Resolution 694 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4614.

The Chair designates the gentleman from Georgia (Mr. ISAKSON) as Chairman of the Committee of the Whole, and requests the gentleman from Michigan (Mr. UPTON) to assume the chair temporarily.

□ 1032

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4614) making appropriations for energy and water development for the fiscal year ending September 30, 2005, and for other purposes, with Mr. UPTON (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Ohio (Mr. HOBSON) and the gentleman from Indiana (Mr. VISCLOSKY) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. HOBSON).

Mr. HOBSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this bill provides the annual funding for a wide range of Federal programs, including such diverse matters as flood control, navigation improvements, environmental restoration, nuclear waste disposal, advanced scientific research, maintenance of our nuclear stockpile, and nuclear nonproliferation. Total funding for the energy and water development in fiscal year 2005 is $27.988 billion. This funding amount represents an increase of $50 million over fiscal year 2004 and $734 million over the President's budget request. The bill is right at our subcommittee's 302(b) allocation and provides adequate funds to meet the priority needs of the House.

I believe we do some good things for the Nation in our bill. Members will not receive as many water earmarks as they might like, but we did take care of their top priorities. Instead of a steady regimen of pork, we try to put the corps back on a balanced diet. We hope that we can leave the corps civil works program in better shape than we found it, and I am confident the changes we make in this bill will have lasting positive effects. The same holds true for DOE.

Lastly, I would like to thank all of the members of this subcommittee for their cooperation and especially thank my ranking member and partner, the gentleman from Indiana (Mr. VISCLOSKY). It has been a pleasure working with the gentleman and his staff on this bill, Dixon Butler and Peder Maarbjerg. I want also to thank the committee staff, Kevin Cook, Dennis Kern, Scott Burnison, and Tracey LaTurner, as well as Kenny Kraft on my own staff. I also want to recognize our agency detailees, Tim Winchell and Jim Spratt. Their assistance was invaluable in putting this bill and report together. I think this is a good bill. We ought to pass it expeditiously.

Mr. Chairman, it is my privilege to submit to the House for its consideration H.R. 4614, the 2005 Energy and Water Development Appropriations Bill for fiscal year 2005. The Appropriations Committee approved this bill unanimously on June 16th, and I believe it is a good bill that merits the support of the entire membership of the House.

I want to thank all the members of the Energy and Water Development Subcommittee for their help in bringing this bill to the floor today. I especially want to thank my Ranking Member, Mr. VISCLOSKY of Indiana, for his extraordinary cooperation. This is truly a bipartisan bill—that is not to say we agreed on every issue, but we did agree to work together in a professional manner to resolve our differences. I am proud of the product and equally proud of the process behind this bill. I also want to thank the Chairman of the Appropriations Committee, Mr. YOUNG, and the Ranking Minority Member, Mr. OBEY, for allowing us to move this bill forward in an expeditious manner.

Mr. Chairman, this bill provides annual funding for a wide range of Federal programs, including such diverse matters as flood control, navigation improvements, environmental restoration, nuclear waste disposal, advanced scientific research, maintenance of our nuclear stockpile, and nuclear nonproliferation. Total funding for energy and water development in fiscal year 2005 is $27.988 billion. This funding amount represents an increase of $50 million over fiscal year 2004 and $734 million over the Presidents budget request. This bill is right at our subcommittee's 302(b) allocation, and provides adequate funds to meet the priority needs of the House.

Title I of the bill provides funding for the Civil Works program of the Army Corps of Engineers, the Formerly Utilized Sites Remedial Action Program which is executed by the Corps, and the Office of the Assistant Secretary of the Army for Civil Works. The Committee recommends a total of $4.833 billion for Title I activities, $252 million above the current year and $713 million above the budget request. That gives you an idea of how inadequate the budget request for the Corps really was. The Corps has been in an unhealthy situation the past couple of years because Congress has given them more work to do but not enough money to do it. This year, we were determined to correct that situation and put the Corps on the road to fiscal recovery. For a change, we have over-subscribed the Civil Works budget. We exercise restraint on the number of projects that we put on the Corps plate and we provide sufficient funds to get the work done. For the projects that we do fund in fiscal year 2005, we decided to concentrate on protecting existing water infrastructure and completing ongoing projects.

This country has invested over $300 billion in current dollars in our existing water infrastructure, and this infrastructure provides over $38 billion in annual benefits to the economy. We can't afford to ignore the maintenance of this critical infrastructure. Imagine what would happen if we have to shut down part of our inland navigation system because one of the lock structures fails—the consequences to our economy would be enormous.

Over recent years, we have created a huge backlog of work for the Corps. Existing projects take longer to complete and cost more. Let me give you just one example from my part of the country, the replacement of the McAlpine Lock on the Ohio River. Ideally, this lock replacement should take no more than 4 years to complete and should cost roughly $230 million. However, it will cost the taxpayer an additional 10 percent for every year of additional delay on this project. We have to reverse that trend and finish what we started, and finish projects in a timely and cost-effective manner. We do not include any new project studies, new construction starts, or new project authorizations in our bill.

We task the Corps to begin preparing 5-year budget plans, similar to what the Department of Defense prepares in its Future Years Defense Plans. This should provide some consistency and stability if Congress has a clear picture of the future Civil Works program. Also, the Office of the Assistant Secretary of the Army for Civil Works is now funded in our Energy and Water bill rather than in Defense appropriations.

Title II of our bill provides $1.1 billion for the Department of Interior and the Bureau of Reclamation, an increase of $36 million above the amount appropriated in fiscal year 2004 and $46 million over the budget request. The Committee does not provide funding for the California Bay-Delta Restoration program in California pending the enactment of authorizing legislation, but includes funding for several authorized components of this program.

The Department of Energy receives a total of $22.48 billion in our bill, an increase of $511 million over fiscal year 2004. As with the Corps, we task the Department of Energy to begin preparing 5-year budget plans, first for individual programs and then an integrated plan for the entire Department. This plan must include business plans for each of the DOE laboratories, so we understand the mission and resource needs of each laboratory.

The Committee funds the Yucca Mountain repository at the Administration's net budget request of $131 million, and does not include the proposed authorization language to reclassify the fees paid into the Nuclear Waste Fund. As I have mentioned many times, OMB played Russian roulette when they assumed the House and Senate would pass the proposed reclassification language. By assuming the offset of $749 million, OMB reduced the total request for discretionary spending by that amount. The House Budget Resolution reduced it even more. I don't like going forward with so little money for Yucca Mountain, but we are playing the hand that we were dealt. I remain supportive of the proposed reclassification language, and hope the efforts of the Energy and Commerce Committee to enact such legislation will be successful.

For the Energy Supply account, which funds the Department's research on renewable energy, nuclear energy, and electricity transmission and distribution technologies, the Committee provides $817 million, an increase of $84 million over the current year by $18 million below the request. The Committee provides a modest increase of $51 million for the Office of Nuclear Energy, with a focus on improving the infrastructure at the Idaho National Laboratory. We reduced the funding for hydrogen research by $31 million below the request because the Department failed to comply with House and conference guidance regarding competition and cost sharing of hydrogen research.

The Committee provides an increase of $168 million for the Office of Science to support research on an advanced leadership-class scientific computer and nanoscale science, and to increase the availability DOE user facilities to the scientific community.

Funding for the National Nuclear Security Administration (NNSA), is $9 billion, an increase of $372 million over fiscal year 2004 and a decrease of $22 million from the budget request. The Congress just received a plan that finally shows major reductions in our nuclear weapons stockpile. However, much of the DOE weapons complex is still sized to support a Cold War stockpile. The NNSA needs to take a "time-out" on new initiatives until it completes a review of its weapons complex in relation to security needs, budget constraints, and this new stockpile plan.

The Committee provides no funds for advanced concepts research, the robust nuclear earth penetrator study, the modern pit facility, and enhanced test readiness. Our bill does provide significant increases for weapons dismantlement, for consolidation of weapons-grade materials, and for security upgrades at several sites in the weapons complex. The Committee fully funds the National Ignition Facility (NIF) and directs the National Nuclear Security Administration to complete NIF by 2008 and conduct all necessary experimental work to support first ignition in 2010.

For nuclear nonproliferation, the Committee provides the request of $1.35 billion. We reduce funding for the domestic MOX plant and spend the resources on other high-priority non-proliferation needs.

The Committee provides the requested amount of $943 million for non-defense environmental management, the same as the budget request. For defense environmental management activities, the Committee provides $6.9 billion, $301 million more than fiscal year 2004 and $65 million less than the budget request. The Committee does not provide the full request of $350 million for the Administration's high-level waste proposal for Waste Incidental to Reprocessing, and reduces the request by $77 million for two specific projects at the Savannah River Site. The Committee does not support partial solutions to the Waste Incidental to Reprocessing problem that do not address all of the affected States.

Across the entire Department of Energy, the Committee fully funds the request of $1.4 billion for safeguards and security to protect sensitive materials, facilities, and information, and provide additional funds to address selected high-risk areas.

Title IV of our bill provides $202 million for several Independent Agencies. The bill includes the requested funding for the Defense Nuclear Facilities Board, the Delta Regional Authority, the Nuclear Regulatory Commission and its Inspector General, and the Nuclear Waste Technical Review Board. Reduced funding is provided for the Appalachian Regional Commission, and no funding for the Denali Commission or the Office of Inspector General for the Tennessee Valley Authority.

I believe we do some good things for the Nation in our bill. Members won't receive as many water earmarks as they might like, but we did take care of their top priorities. Instead of a steady regimen of pork, we try to put the Corps back on a balanced diet. We hope that we can leave the Corps Civil Works program in better shape than we found it, and I am confident the changes we make in this bill will have lasting positive effects. The same holds true for DOE.

Lastly, I would like to thank all of the Members of this Subcommittee for their cooperation, and especially thank my Ranking Member, PETE VISCLOSKY. Pete, it has been a pleasure working with you and your minority staff, Dixon Butler and Peder Maarbjerg. I want to thank the Committee staff—Kevin Cook, Dennis Kern, Scott Burnison, and Tracey LaTurner, as well as Kenny Kraft on my own staff. I also want to recognize our agency detailees, Tim Winchell and Jim Spratt. Their assistance was invaluable in putting this bill and report together.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL, FY 2005 (H.R. 4614)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - DEPARTMENT OF DEFENSE - CIVIL					
DEPARTMENT OF THE ARMY					
Corps of Engineers - Civil					
General investigations	116,259	90,500	149,000	+32,741	+58,500
Construction, general	1,712,157	1,421,500	1,876,680	+164,523	+455,180
Miscellaneous appropriations (P.L. 108-199)	13,669	---	---	-13,669	---
Miscellaneous appropriations (P.L. 108-199)	22,268	---	---	-22,268	---
Rescissions	---	-94,000	---	---	+94,000
Flood control, Mississippi River and tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee	322,309	270,000	325,000	+2,691	+55,000
Rescissions	---	-5,000	---	---	+5,000
Operation and maintenance, general	1,956,314	1,931,000	1,982,000	+25,686	+51,000
Regulatory program	139,174	150,000	140,000	+826	-10,000
FUSRAP	139,174	140,000	190,000	+50,826	+50,000
Flood control and coastal emergencies	---	50,000	---	---	-50,000
Rescissions	---	-1,000	---	---	+1,000
General expenses	159,056	167,000	167,000	+7,944	---
Office of Assistant Secretary of the Army	---	---	2,600	+2,600	+2,600
Total, title I, Department of Defense - Civil	4,580,380	4,120,000	4,832,280	+251,900	+712,280
TITLE II - DEPARTMENT OF THE INTERIOR					
Central Utah Project Completion Account					
Central Utah project construction	26,880	30,806	30,806	+3,926	---
Fish, wildlife, and recreation mitigation and conservation	9,367	15,469	15,469	+6,102	---
Subtotal	36,247	46,275	46,275	+10,028	---
Program oversight and administration	1,718	1,734	1,734	+16	---
Total, Central Utah project completion account	37,965	48,009	48,009	+10,044	---
Bureau of Reclamation					
Water and related resources	852,439	794,476	855,305	+2,866	+60,829
Loan program	199	---	---	-199	---
Central Valley project restoration fund	39,366	54,695	54,695	+15,329	---
California Bay-Delta restoration	---	15,000	---	---	-15,000
Working capital fund (rescission)	-4,525	---	---	+4,525	---
Policy and administration	55,197	58,153	58,153	+2,956	---
Total, Bureau of Reclamation	942,676	922,324	968,153	+25,477	+45,829
Total, title II, Department of the Interior	980,641	970,333	1,016,162	+35,521	+45,829
TITLE III - DEPARTMENT OF ENERGY					
Energy supply	733,190	835,266	817,126	+83,936	-18,140
Miscellaneous appropriations (P.L. 108-199)	4,971	---	---	-4,971	---
Non-defense site acceleration completion	162,411	151,850	151,850	-10,561	---
Uranium enrichment decontamination and decommissioning fund	414,027	500,200	500,200	+86,173	---
Non-defense environmental services	337,465	291,296	291,296	-46,169	---
Science	3,431,335	3,431,718	3,599,964	+168,629	+168,246
Miscellaneous appropriations (P.L. 108-199)	50,948	---	---	-50,948	---
Nuclear Waste Disposal	188,879	749,000	---	-188,879	-749,000
Departmental administration	215,255	261,873	243,876	+28,621	-17,997
Miscellaneous revenues	-123,000	-122,000	-122,000	+1,000	---
Net appropriation	92,255	139,873	121,876	+29,621	-17,997
Office of the Inspector General	39,229	41,508	41,508	+2,279	---

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL, FY 2005 (H.R. 4614)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
Atomic Energy Defense Activities					
National Nuclear Security Administration:					
Weapons activities	6,235,502	6,568,453	6,514,424	+278,922	-54,029
Defense nuclear nonproliferation	1,319,779	1,348,647	1,348,647	+28,868	---
Naval reactors	761,878	797,900	807,900	+46,022	+10,000
Office of the Administrator	337,974	333,700	356,200	+18,226	+22,500
Subtotal, National Nuclear Security Administration	8,655,133	9,048,700	9,027,171	+372,038	-21,529
Defense site acceleration completion	5,617,719	5,620,837	5,930,837	+313,118	+310,000
High-level waste (Waste Incidental to Reprocessing) (legislative proposal)	---	350,000	---	---	-350,000
Defense environmental services	985,296	982,470	957,976	-27,320	-24,494
Defense environmental management privatization (rescission)	-15,329	---	---	+15,329	---
Subtotal, Defense environmental management	6,587,686	6,953,307	6,888,813	+301,127	-64,494
Other defense activities	670,510	663,636	697,059	+26,549	+33,423
Defense nuclear waste disposal	387,699	131,000	131,000	-256,699	---
Total, Atomic Energy Defense Activities	16,301,028	16,796,643	16,744,043	+443,015	-52,600
Power Marketing Administrations					
Operation and maintenance, Southeastern Power Administration	4,869	5,200	5,200	+331	---
Operation and maintenance, Southwestern Power Administration	28,420	29,352	29,352	+932	---
Construction, rehabilitation, operation and maintenance, Western Area Power Administration	175,778	173,100	173,100	-2,678	---
Falcon and Amistad operating and maintenance fund	2,624	2,827	2,827	+203	---
Total, Power Marketing Administrations	211,691	210,479	210,479	-1,212	---
Federal Energy Regulatory Commission					
Salaries and expenses	203,194	210,000	210,000	+6,806	---
Revenues applied	-203,194	-210,000	-210,000	-6,806	---
Total, title III, Department of Energy	21,967,429	23,147,833	22,478,342	+510,913	-669,491
TITLE IV - INDEPENDENT AGENCIES					
Appalachian Regional Commission	65,611	66,000	38,500	-27,111	-27,500
Defense Nuclear Facilities Safety Board	19,444	20,268	20,268	+824	---
Delta Regional Authority	4,971	2,096	2,096	-2,875	---
Denali Commission	54,676	2,500	---	-54,676	-2,500
Nuclear Regulatory Commission:					
Salaries and expenses	618,328	662,777	662,777	+44,449	---
Revenues	-538,844	-534,354	-534,354	+4,490	---
Subtotal	79,484	128,423	128,423	+48,939	---
Office of Inspector General	7,297	7,518	7,518	+221	---
Revenues	-6,716	-6,766	-6,766	-50	---
Subtotal	581	752	752	+171	---
Total, Nuclear Regulatory Commission	80,065	129,175	129,175	+49,110	---
Nuclear Waste Technical Review Board	3,158	3,177	3,177	+19	---

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL, FY 2005 (H.R. 4614)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
Tennessee Valley Authority:					
Office of Inspector General	---	9,000	---	---	-9,000
Total, title IV, Independent agencies	227,925	232,216	193,216	-34,709	-39,000
Grand total:					
New budget (obligational) authority	27,756,375	28,470,382	28,520,000	+763,625	+49,618
Appropriations	(27,776,229)	(28,570,382)	(28,520,000)	(+743,771)	(-50,382)
Rescissions	(-19,854)	(-100,000)	---	(+19,854)	(+100,000)

Mr. Chairman, I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I yield myself such time as I may consume. I want to first of all congratulate the gentleman from Ohio (Mr. HOBSON), as well, on a very well-crafted bill. I would start by thanking the chairman very much for his friendship as well as his fairness and discretion in his dedication to make sure that the right thing is done and that the agencies under our jurisdiction are made as efficient and as effective as possible.

As the chairman noted, we have an excellent staff that works very, very well together and they have helped us craft a very good bill. I too want to enumerate them because they are all so very important to us: Tracey LaTurner; Tim Winchell; Jim Spratt; Kenny Kraft; Dennis Kern; Scott Burnison; Kevin Cook, whom, I might add, is a Cornell graduate and has replaced a Notre Dame graduate as clerk of the committee; Dixon Butler and Peder Maarbjerg.

This is a very good bill. There are a lot of good things to recommend it to the membership.

Mr. Chairman, let me begin by thanking the gentleman from Ohio, Chairman HOBSON, for the courtesy shown to me and the Democratic staff by him and the majority staff of our Subcommittee. The positive environment and cooperation engendered makes work on this bill a joy and pleasure.

I share with the Chairman the frustration that more cannot be done, particularly for the water and environmental infrastructure of our nation. The constraints imposed by the budget are very real. Our subcommittee mark increases funding for the U.S. Army Corps of Engineers above last year's level and well above the ridiculously low request of the President. That said, the level recommended for FY 2005 is only 2.6% above that enacted by FY 2003; clearly this increase is below the level of inflation, so the buying power of the Corps-Civil Works budget is again below what it was two years ago.

This bill puts a priority on completion of ongoing construction projects and studies and maintenance of high priority existing infrastructure. It does not contain any new starts, and this should help to begin to clear the current backlog of projects and enable the accomplishment of these projects in less time—thereby reducing total project costs and accelerating the realization of benefits to our economy. However, current funding levels will not truly fix this problem. In my opinion, substantive increases to the budget of the Corps are needed—increases above the rate of inflation. A transformation in the way that water infrastructure and environmental restoration are supported through the Corps of Engineers and the Bureau of Reclamation will require a transforming rather than simply sustaining increase in the funds we provide. Without this, completion of construction and maintenance projects and studies will continue to take too long and major new projects will languish.

There are those who have flirted with radical changes to our nation's approach to nuclear weapons—seeking to study new weapons for new missions and to develop a nuclear bunker buster. These same individuals have pushed to have this Nation prepare to resume underground nuclear testing within 18 months of a Presidential decision and to begin development of a major new facility to build plutonium pits—also referred to as nuclear triggers. All of these steps jeopardize our position in the world as advocates of restraint in the development of weapons of mass destruction. They all portend major increases in funding requirements. Today, conventional national defense and homeland security, including nuclear nonproliferation, are far better investments than enhancements to our nuclear deterrent. Under the leadership of Chairman HOBSON, no funding is provided in the Energy and Water Development bill for any of these ill-considered policies.

As many members realize, plutonium, highly enriched uranium and some highly radioactive products of nuclear fission in the hands of terrorists could pose major hazards to the United States and its allies. Accordingly, this bill fully funds the President's request of almost $1.35 billion for Defense Nuclear Nonproliferation at DOE. Some elements of the DOE program are stalled while other opportunities have opened up to protect major quantities of fissionable material. Accordingly, I fully support the shifts in this bill of $177.25 million to priority targets for nonproliferation including: security of Russian Strategic Rocket Forces sites (+$32M), MegaPorts (+$30M), and efforts outside the Former Soviet Union (+$60M). Also, I am pleased to note that this year no reductions are taken to nuclear nonproliferation efforts due to uncosted prior year funds; this helps keep the pressure on to move aggressively to initiate new projects in Russia.

Last year, in the first year that the gentleman from Ohio served as chairman of the subcommittee, the FY 2004 Energy and Water Development appropriation fenced some funds for advanced nuclear weapons concepts, specifying that $4 million could not be spent until the Administration provided a revised nuclear stockpile plan. Thanks to this action, the Departments of Defense and Energy have finally delivered a revised plan that details how the United States will achieve our treaty commitments to bring the number of deployed nuclear weapons down to the range of 1,700 to 2,200 by the year 2012. The development of this plan is vital to our nation.

Now, the spending plans of the National Nuclear Security Administration need to be brought into alignment with the revised nuclear stockpile plan. I am committed to working with the majority and DOE to bring this about. For FY 2005, the bill will fund the beginning of this process by providing support for an ongoing program of disassembly for nuclear weapons that are no longer needed. A smaller stockpile will be less expensive to maintain and certify while still providing a more-than-adequate nuclear deterrent.

Experience shows that when the Department of Energy's labs are forced to compete with universities and other outside research groups, the country gets more for its money and the labs actually do better work. The Department has for some time asserted that open competition between its labs and external entities, such as universities, is not allowed under federal procurement law and regulations. I am particularly pleased that this year this bill instructs DOE to find a way to accomplish fully open competitions and to propose changes to law or regulation if any are needed. I note that DOE labs are already involved in space missions where traditionally competition for science investigations, including major research instruments, is open to NASA centers, DOE and other agency labs, universities ,and corporations, so DOE may find that this is easier than they have asserted in the past.

As we in the Congress push the Administration to develop a five-year plan for DOE and business plans for each of its labs, we also should work to clarify the role of DOE in the life sciences. Our nation continues to make major investments in the National Institutes of Health, yet the DOE is seeking to develop major facilities to support research in protein synthesis and the control genes exert over processes in living cells. Many of these facilities involve the use of advanced physics techniques—a traditional strength of DOE. Does this traditional role in physics research mandate that DOE fund these facilities? Furthermore, does DOE's traditional role as the chief supporter of high energy physics mean that DOE should co-fund satellite missions in astronomy that are traditionally the responsibility of NASA? NSF supports astronomy of all kinds and has since its inception, yet it does not seek funding for satellite missions.

This year, the bill again provides strong support to the Office of Science at DOE. This office is leading efforts to develop a U.S. supercomputer that will be the most capable in the world—a distinction currently held by the Japanese Earth Simulator. Last year, an extra $30 million was provided to jump-start this effort. This year, the Department included this increase in its base budget, but this level of funding will not get the job done. So, again another increase of $30 million is provided for this effort. DOE provides the science and industrial communities with powerful research tools. In the President's budget request, operating time on some of these user facilities would have been less than optimum. To get the most from our past investment in these facilities, funding levels are provided to increase the number of weeks they can operate in FY 2005. More support also is provided for nanoscale science and technology and maintenance of DOE science facilities around the nation.

Long ago, our nation made a commitment to to use nuclear energy to power our submarines and aircraft carriers and to provide a significant amount of our commercial electricity generation. We have operated a nuclear weapons complex for about 60 years. The result is considerable amounts of high-level nuclear waste that is currently spread around our country. For our safety and that of coming generations, this waste needs proper, long-term burial. The Congress and the Executive have decided that this burial will be in Yucca Mountain on the edge of the Nevada Test Site.

Funding for long-term disposal of high level nuclear waste in FY 2005 should be $880 million, but OMB muddled the situation by needlessly proposing that the civilian support of

$749 million be funded through a legislated reclassification of money paid into the nuclear waste fund and kept in the general treasury. This, along with the constraints of the budget, has left us unable to provide these funds in this bill. I find it hard to believe that a poorly timed proposal, which in no way affects the actual deficit, will undermine a policy consensus carefully developed over decades, but that is where we are.

So, I would say to my fellow members, the FY 2005 Energy and Water Development bill is a very good bill. It makes major progress on crucial issues. It provides for many activities that are critical to our nation and the world as well as to regions of our country and individual localities and member districts. I think it will give the House a strong position in our conference negotiations with the Senate. It does not fix all problems, but it provides for significant improvements. I strongly urge that it be passed by this House.

Mr. Chairman, I reserve the balance of my time.

Mr. HOBSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. YOUNG), the chairman of the Committee on Appropriations.

Mr. YOUNG of Florida. Mr. Chairman, I want to first compliment Chairman HOBSON for having done an outstanding job in preparing this bill along with his ranking member, the gentleman from Indiana (Mr. VISCLOSKY). One can tell from the way the markups in the subcommittee and the full committee went that they obviously did their work very effectively and have produced a really good bill.

I wanted to take just a couple of minutes to give the Members a bit of a status report on where we are with appropriations and what they can expect in the next couple of weeks. For example, from the time we received the President's budget request in February until we received the deeming resolution on the budget on May 19, the Committee on Appropriations and our 13 subcommittees held nearly 300 oversight hearings that were very lengthy and very thorough.

Since May 19 when the budget was deemed, there have been 16 legislative days. In those 16 legislative days, the committee marked up eight bills in subcommittee and seven bills in full committee. When we pass this bill today, we will have passed four bills in the House and sent them to the other body.

When we reconvene the week after next, we will mark up two more bills in subcommittee, the District of Columbia and Military Construction bills. We will also consider Military Construction and Foreign Operations in the full committee. So we are preparing a queue of bills to move through the House. We expect to consider the Commerce-State-Justice and the Legislative Branch appropriations bills in the House the very same week that we return and are doing the other markups. We also expect to appoint conferees on the Defense bill, which the House and Senate have passed. We are now preparing to go to conference on that bill. While the House is in the Fourth of July District Work Period, our staffs will be doing the preparation for the conference on the Defense bill. We plan to have that conference report completed and on the way to the President's desk before the August District Work Period begins.

The Appropriations Committee will report all 13 bills from full committee before the beginning of the August District Work Period, and the House will probably complete work on as many as 11 of those bills. There are only 14 legislative days remaining before the summer recess in August, so we have to expedite the consideration of these bills. But the Appropriations Committee, once we had the deeming resolution on the budget, has been going full speed. We hope to pass this bill quickly today and be on our way.

Mr. VISCLOSKY. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, in May 2004 the General Accounting Office released a report entitled "NRC Needs to More Aggressively and Comprehensively Resolve Issues Related to the Davis Besse Nuclear Power Plant's Shutdown." The report was requested by me, the gentleman from Ohio (Mr. LATOURETTE), and Senator VOINOVICH. The scope of the report was to examine the failures of the NRC related to the recent troubles at the Davis Besse nuclear power plant.

The report also examined options to improve the Nuclear Regulatory Commission's ability to effectively regulate. The report offers five important recommendations to the Nuclear Regulatory Commission that will greatly improve nuclear reactor safety. I would like to work with the chairman and the ranking member to include language in the conference report that directs the Nuclear Regulatory Commission to follow the recommendations found in the May 2004 General Accounting Office report.

Mr. HOBSON. Mr. Chairman, will the gentleman yield?

Mr. KUCINICH. I yield to the gentleman from Ohio.

Mr. HOBSON. Mr. Chairman, I appreciate the gentleman's statement. I want to assure him that I will work with him to insert acceptable language into the Statement of Managers to accompany the conference report to encourage the Nuclear Regulatory Commission to address the recommendations found in the May 2004 General Accounting Office report.

Mr. KUCINICH. I want to thank the chairman and the ranking member for their assistance to resolve this matter.

Mr. HOBSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Chairman, I wish to engage the chairman of the subcommittee of the appropriations subcommittee in a colloquy.

Mr. Chairman, I thank the gentleman from Ohio for bringing a bill to the floor that is responsible and yet still attempts to address the many water-related infrastructure needs throughout the Nation. I am concerned, however, with the prohibition on any new starts in this bill, including new studies contained in title I of the bill. In the past 2 years, there has been severe flooding along the Wabash River in my congressional district. The Tippecanoe River and the Wabash River merge just above the greater Lafayette region. During the 2003 Labor Day weekend floods, more than 150 people were forced from their homes. During the more recent floods over the Memorial Day weekend, which were much more widespread, roads, culverts, bridges, and homes were significantly damaged.

In both instances, the President declared the flooding a national disaster, making flood victims eligible for FEMA grants and loans. Thus far, over 240 families have applied for assistance after the 2004 flooding. I had requested funding through the Army Corps of Engineers to assist in preparing a master plan for flood damage reduction and control associated with the Wabash River. This master plan would also help with economic redevelopment of the riverfront area of the greater Lafayette region affected by river flooding. Because of the new start prohibition, the funding is not included in this measure.

Mr. Chairman, I understand the difficult budget pressures on the subcommittee, but I ask that the gentleman work with me to ensure that consideration is provided for this worthy endeavor in the future.

Mr. HOBSON. Mr. Chairman, will the gentleman yield?

Mr. BUYER. I yield to the gentleman from Ohio.

Mr. HOBSON. Mr. Chairman, I thank the gentleman for his comments. The committee wrestled with the need to balance existing commitments of the Corps of Engineers with new projects such as the Wabash River study in Tippecanoe County. Unfortunately, we were not able to satisfy both demands.

Mr. VISCLOSKY. Mr. Chairman, will the gentleman yield?

Mr. BUYER. I yield to the gentleman from Indiana.

Mr. VISCLOSKY. Mr. Chairman, I want to congratulate the gentleman from Indiana (Mr. BUYER), as well, for his dedication on trying to resolve this situation, helping his constituents, and also make note that he has also been in very close coordination with our office so that we can solve this problem. I do appreciate his very hard work on this.

Mr. BUYER. Mr. Chairman, I look forward to working with the gentleman from Indiana (Mr. VISCLOSKY) and the gentleman from Ohio (Mr. HOBSON).

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Mr. VISCLOSKY. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, I thank the gentleman from Indiana for yielding me this time. And I rise to thank the gentleman from Ohio (Chairman HOBSON) and the gentleman from Indiana (Mr. VISCLOSKY), ranking member, for their cooperation on the issue of the Delaware River deepening. We have many friendships in our Delaware River region. We have a friendly disagreement about what to do with this project. I believe this project is the wrong thing to do for the taxpayers. The GAO has told us that for every dollar that we invest as federal taxpayers, we would only get back 43 cents. I think the project is wrong for the environment.

It will stir up potentially toxic substances on the bottom of the river and create an enormous disposal problem, and I think it is unfair the way the dredge spoils are going to be disposed.

The committee has heard our concerns and placed into this bill a very minor amount of funds that permits us in the region to work out our differences. I continue to strongly oppose the project and want to thank the committee for its assistance in this matter. I also want to thank the gentleman from Pennsylvania (Mr. HOLDEN), who has been a strong and active voice against this project. He has stood firmly for the concerns of his constituents so they are not dumped on. He has been a very worthy ally, and I want the RECORD to reflect that I am very pleased with his assistance and very grateful for his assistance in this matter.

I believe this is a wrongful use of federal taxpayers' funds. I appreciate the fact there was a need to put a very small amount in the bill to keep the discussion going, but I want to thank the committee.

Mr. HOBSON. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Illinois (Mrs. BIGGERT) for the purpose of a colloquy.

Mrs. BIGGERT. Mr. Chairman, I thank the gentleman from Ohio (Chairman HOBSON) for agreeing to engage in a colloquy about the efforts by the Army Corps of Engineers to keep an invasive species of fish, the Asian Carp, from reaching the Great Lakes. Preying upon and competing with native species for food, living space, and spawning areas, these voracious fish grow to between 50 and 150 pounds, eat up to 40 percent of their body weight every day, and each female can carry up to a million eggs.

If the Asian Carp reach Lake Michigan, they will devastate the ecosystem of the Great Lakes and endanger the multi-billion dollar commercial fishing industry.

That is why the Army Corps of Engineers built on the Chicago Ship and Sanitary Canal an invisible, electronic fence that repulses fish. Becoming operational in April, 2002, and designed to function for only 3 or 4 years, this demonstration barrier is fast approaching the end of its useful life. Only after the State of Illinois agreed to become the nonfederal sponsor was the Corps able to initiate the planning and construction of a permanent barrier. This permanent barrier is under construction right now.

I wish I could say that these barriers are up and running and ready to halt the spread of the Asian Carp into Lake Michigan, but they are not. Why not? Because the Army Corps of Engineers lacks the necessary funding and authority. The Corps needs $500,000 to operate and maintain the original, temporary barrier until construction of the permanent barrier is complete and becomes fully operational. The Corps needs additional authority and $5.5 million to upgrade and make permanent the original temporary barrier to provide redundant protection and to continue repelling aquatic invasive species when the power fails or maintenance is needed.

The Corps needs additional authority and $3.5 million to reimburse the State of Illinois and other interested parties that have or will contribute to this year's construction of the permanent barrier, which is arguably a national, if not international, project. The Corps needs another $500,000 to operate and maintain the permanent barrier so improvements can be made to the original, temporary barrier to make it permanent too.

Finally, the Corps needs additional authority to operate and maintain at full federal expense both barriers as a system to maximize their effectiveness.

Mr. Chairman, this additional authority and funding is urgently needed. Just last month the U.S. Fish and Wildlife Service spotted an Asian Carp in the Illinois River, just 21 miles away from the existing temporary barrier and 50 miles away from Lake Michigan. In 1 year alone, the Carp will travel the better part of 40 miles.

I know that the chairman of the subcommittee represents part of a Great Lakes State. I hope that he shares my concern about the spread of this invasive species, and I hope he will do any and everything possible in conference to ensure that the Corps has the authority and the resources it needs to respond quickly to the threat of the fast-approaching Asian Carp.

Mr. HOBSON. Mr. Chairman, will the gentlewoman yield?

Mrs. BIGGERT. I yield to the gentleman from Ohio.

Mr. HOBSON. Mr. Chairman, I do share the concerns of my colleague from Illinois. That is why I commit to her and the rest of our Great Lakes colleagues that I will work in conference, I am sure with my ranking member, to see that the Corps receives the funding and authority it needs to complete work on these barriers and have them up and running as soon as possible. I agree we need a permanent redundant protection against the spread of aquatic invasive species between the Great Lakes and the Mississippi River basins and the Federal Government should be responsible for the long-term operation and maintenance of this project of national and international significance.

Mrs. BIGGERT. Mr. Chairman, I thank the chairman for his commitment, and I look forward to working with him to ensure that every precaution is taken to protect the Great Lakes from such a harmful species as the Asian Carp.

Mr. VISCLOSKY. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. HOLDEN).

Mr. HOLDEN. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I would like to congratulate the ranking member and the chairman of the subcommittee for bringing this important legislation to the floor. And I would like to associate myself with the remarks of the gentleman from New Jersey (Mr. ANDREWS).

First, let me say to my friend from Philadelphia that I understand his desire to have the Delaware River channel dredged for commerce reasons, particularly with the container ships getting larger, but as the gentleman from New Jersey (Mr. ANDREWS), who has been the leader on this issue for many years, has stated, it needs to be done in an economically sound and environmentally friendly manner.

The proposal that is before us is, as the gentleman from New Jersey (Mr. ANDREWS) has pointed out over the years, is not economically sound. The return to the taxpayers is not cost efficient. It does not make an awful lot of sense. The proposal also is not environmentally friendly. One of the proposals to take the dredged material out of the Delaware River and truck it or put it on rail and take it 100 miles northwest to my congressional district to the anthracite coal fields and dispose of it there.

The Army Corps of Engineers should be sensitive to local concerns, whether that be in New Jersey or Delaware or the anthracite coal fields of Pennsylvania. And, quite frankly, the boroughs of Tamaqua and the boroughs of Coaldale in Schuylkill County do not want these dredged materials dumped in their backyard. They have been on record with that at their borough council meetings. They have gone to the

State legislature. They have gone to the county commissioners.

Also, I want to thank the chairman and the ranking member for this meager investment of $300,000. That, quite frankly, I believe, will stop this project and not allow it to go forward.

So I again thank the chairman, I thank the ranking member, and I really want to thank the gentleman from New Jersey (Mr. ANDREWS) for being the leader in this fight over the years.

Mr. VISCLOSKY. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Chairman, I thank the gentleman from Indiana (Mr. VISCLOSKY) for his leadership on the committee and for yielding me this time.

Mr. Chairman, in a few minutes, I am going to be offering a very important amendment to highlight an incredibly valuable program that affects the Upper Mississippi River basin, the Environmental Management Program. It has been in existence since 1986. It deals with habitat restoration along the river, along with long-term resource monitoring so we can better manage the river basin and the ecosystem. I look forward to being able to continue the work on this important project with the chairman and the ranking member of the committee as we move to conference in dealing with the funding issue.

But right now, Mr. Chairman, I want to recognize and draw attention in this Chamber to a very important and fun event that is going to occur in the Upper Mississippi River over the next week. It is the re-creation of the Grand Excursion that occurred there 150 years ago. The Grand Excursion is regarded as one of the greatest promotional trips ever devised in our Nation's history, one that changed the face of the Upper Mississippi River forever. In 1854, the Chicago and Rock Island Railroad became the first railroad to reach the Mississippi River.

To celebrate, the owners and contractors for the railroad proposed an excursion for a select group of stockholders, friends, and family. But word spread quickly about the occasion, resulting in a 1,200 person entourage traveling from Rock Island, Illinois, to what is now known as Minneapolis, Minnesota. It was the Grand Excursion of paddle boats up the Mississippi River.

My district in Western Wisconsin has more miles along the Mississippi River than any other district and will play host to this excursion coming through our communities over the next week.

According to the Chicago Tribune, the excursionists were considered "the most brilliant ever assembled in the West." Statesmen, historians, diplomats, poets, newspaper editors. As the media wrote home to their newspapers, word spread about the wonders of the Nation's "dark interior."

This event turned into an opportunity to show some of our Nation's most influential people the fantastic beauty, numerous resources, and the unlimited opportunities that the Mississippi River and the West could provide. The year after, steamboat traffic along the Upper Mississippi River doubled, flooding the region with new settlers. The Grand Excursion also brought millions of dollars of investment to the area and positioned the Upper Mississippi region as a dominant force in the development of the Nation in the 19th Century.

The Grand Excursion of 2004 is an opportunity now to draw awareness from around the Nation and around the world about the recreational, the commercial, and the environmental opportunities that the Mississippi River and all its communities provide. In addition to the "Grand Flotilla," the retracing of the Grand Excursion's journey by trains, paddlewheelers, and steamboats, over 50 communities along the 419 mile route will hold festivals and educational events to commemorate their 150th anniversary. Those who are unable to participate firsthand in the celebrations will be able to experience the excitement through the dynamic Web site that has been created.

I wish the participants of the Grand Excursion much fun and success in the upcoming week.

Mr. VISCLOSKY. Mr. Chairman, I yield 4 minutes to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Chairman, I would like to thank the gentleman from Indiana (Mr. VISCLOSKY) for yielding me this time.

While we do not agree on the issue that I will be speaking on, he is a very good friend and a very good Member of Congress, and I appreciate his courtesy today.

I would like to begin by thanking the Committee on Rules for not allowing language that would have allowed budget gimmicks to pay for the Yucca Mountain Project.

I strongly oppose funding for the proposed Yucca Mountain Waste Repository. There is no single greater threat to the health and safety of Southern Nevada residents than the Bush administration's plan to dump high-level nuclear waste in the Silver State. The Nuclear Waste Technical Review Board, not a friend of the State of Nevada, has said that there is no question that canisters stored in Yucca Mountain will corrode, allowing deadly nuclear waste to escape and contaminate water supplies.

Listen to the language of the Nuclear Waste Technical Review Board. They said the canisters will leak and deposit thousands of tons of radioactivity into the groundwater at Yucca Mountain.

Decades of scientific study have failed to answer even the most fundamental questions about Yucca Mountain's ability to withstand earthquakes, volcanic activity, and now perhaps more immediate coordinated terrorist assault.

No plans have been put in place to address the risks that will be created by thousands of shipments of nuclear waste, traveling past schools, hospitals, churches, and through communities across 43 States in this country, across hundreds, literally hundreds, of congressional districts, to be buried in a hole in the Nevada desert. One terrorist strike or accident involving a load of high-level nuclear waste could seriously injure or kill those living nearby and cause millions of dollars of environmental damage.

Who will pay for this damage? Who will pay for the loss of property? Who will pay for the environmental damage? Who will pay to clean up the spill? Who will pay for the loss of life?

Fire and police departments are unequipped and untrained to deal with the hazards presented by nuclear waste, and no study has been completed to date on the vulnerability of shipments to a 9–11 terrorist-type attack.

I would also remind my colleagues that despite the administration's approval of Yucca Mountain, a license to construct the repository has yet to be issued, and with close to 200 scientific and technical questions left unanswered, the project is in real danger of collapsing as a result of a long list of problems that have been identified and remain uncorrected.

And if the Members want to have a chilling conversation, I invite them to speak to the representatives of the GAO, who did an exhaustive 10-month study and determined that there are over 200 remaining scientific and technical problems to work out before this project can be approved.

The State of Nevada has filed numerous lawsuits that are now pending in federal court which raise serious questions about the legality of DOE's design for the repository.

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It is sloppy science. The State of Nevada would also like to recover the oversight funding stripped from the State of Nevada. So we do not even have the money to protect our own people.

Rather than waste one more cent on this dangerous and ill-conceived project, it is time that we put the health and safety of all Americans above the profits of the nuclear industry. Transporting nuclear waste to Yucca Mountain will require decades of shipments that will leave our communities vulnerable to accident and will provide inviting targets for would-be terrorists.

It is beyond comprehension that the Members of this body would accept this. I urge Members on both sides of the aisle to reconsider their position and vote against this ridiculous, expensive, dangerous project.

Mr. VISCLOSKY. Mr. Chairman, I yield 2 minutes to the gentleman from New Mexico (Mr. UDALL)

Mr. UDALL of New Mexico. Mr. Chairman, I thank the ranking member for yielding me time to discuss an issue of great importance to my constituents and to America's security. First, however, I want to offer my thanks to the chairman and the ranking member for their work and leadership on this bill.

As many of my colleagues who have DOE facilities in their district know, there is a significant backlog of applications for employee security clearances, especially those known as Q clearances. Many qualified and capable trade workers are unable to start work on a timely basis or sometimes are not able to work for the national laboratories at all. That means the jobs important for our national security are not getting done. It also means that citizens living near the national laboratories are not afforded the economic opportunities that should be made available to them.

Although I recognize the difficulties the investigative agencies face in processing security clearances in light of September 11, the backlog has existed long since that tragic day, and this situation must be addressed.

The DOE reports that Q clearance processes are taking at least twice as long as they should, and stories on the ground indicate that people are waiting over a year for a clearance that should be completed in no more than 75 days.

I would like to clarify that the main reasons for the backlog exist not in DOE, but instead in the investigative agencies responsible for doing the background checks. Regardless, it impacts DOE directly, so Congress may choose to try to solve this problem through the energy and water spending bill. For example, perhaps we need to direct more funds towards programs such as the little known Accelerated Access Authorization Program, or the "Triple-A P." This program offers qualified applicants the opportunity to get an interim Q clearance and get to work while their full clearance is being processed. This program demonstrates that there are innovative solutions out there. But obviously the small numbers of workers that are able to process this will only scratch the surface.

Mr. Chairman, I hope that the chairman and ranking member are willing to work with me to find solutions on this serious problem.

Mr. HOBSON. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee (Mr. WAMP), the vice chairman of our committee.

Mr. WAMP. Mr. Chairman, I would like to engage in a colloquy with the distinguished chairman, and I appreciate very much his fielding it, for a clarification on some language in the report.

Mr. Chairman, is it your understanding that the language under the fusion energy section of the report dealing with the additional funds for development of "compact Stellarator Experiment" should actually be "experiments" plural?

Mr. HOBSON. Mr. Chairman, if the gentleman will yield, yes.

Mr. WAMP. Mr. Chairman, reclaiming my time, I thank the gentleman for the clarification.

Mr. VISCLOSKY. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the ranking member and chairman for their work on this bill.

Mr. Chairman, let me raise an issue of concern for my constituents. I appreciate very much the funding for the Army Corps of Engineers, but let me express my disappointment that we have not been able to stretch the dollars to provide work on new projects. I am speaking particularly about Sims Bayou, Greens Bayou, White Oaks Bayou and Braes Bayou.

More importantly, having worked on legislation dealing with inland flooding, I can tell you that we probably have now received more rain in this period of time in Houston and other regions than any other years. Flooding is a very serious issue in our community, and I would look forward to working with this appropriations subcommittee through conference to be able to provide some greater assistance.

Mr. Chairman, might I also acknowledge my concern on the funding for nonproliferation in nuclear weapons. I wish we had been able to include more dollars in that area.

Mr. Chairman, I hope to be able to work with this committee in its very fine work to increase the resources for these very important programs.

Mr. Chairman, I would like to commend the chairman and ranking member of the Energy and Water Subcommittee of the Appropriations Committee for their excellent work on crafting this bill. There are several elements of debate between the majority and the minority, and between the House and the administration, but in general it seems that fair compromises have been reached.

The bill before us could have been improved by some incorporation of some of the good amendments offered by my colleagues from the minority side. Several of those were ruled out of order, but as we all know, when desired, points of order can be waived if true bipartisanship is desired by the majority. Those amendments could have made this Nation less dependent on foreign sources of fossile fuels, and could have improved fairness for consumers gouged by high energy costs. But there is much common ground reflected in the bill. I look forward to working with the chairman and the ranking member, to ensure that the funds provided in H.R. 4614 get to critical water supply and flood control programs in my district and around Texas.

Such programs greatly enhance the lives and security of my constituents. I am pleased that the Appropriations Committee rejected the administration's proposal to cut water project construction by the Army Corps of Engineers, by eliminating $100 million and 41 current projects. I support the $4.8 billion provided for the Corps, 15 percent more than the President requested. This is a smart investment. I wish there could have been added funds for new projects. Obviously, the needs of this Nation change on a daily basis. Saying that this year, we will not start any new projects is a bit illogical. New projects are extremely efficient in job creation. There are many competitive projects across the Nation and in my district, which should have been provided for. However, at least this bill is not a step backward, like the administration requested. I commend the committee for their leadership on this issue.

One portion of the bill I am concerned about is the underfunding of the National Nuclear Security Administration (NNSA), $21.5 million less than the president's request. I understand that some of this withheld money would have gone to the "robust nuclear earth penetrator." I agree with the Committee that we need to think long and hard before we start creating new nuclear weapons, when we are pushing the rest of the world to put aside such implements of violence and destruction. We are being accused on every front of employing double standards: as we march to war and talk about peace in the Middle East; as we spurn our own neighbors in Cuba but ask people in the occupied territories or in Korea or in South Asia, to forgive and forget; as we talk about liberating people but allow tens of millions to die from HIV/AIDS in Africa. We do not need to further degrade our own standing as a beacon of liberty and justice by creating such violent and polluting weaponry now. So, I am glad that this bill does not provide for the nuclear earth penetrator. But, I hope we can all work together to ensure that other critical non-proliferation work done by the NNSA will be fully provided for in the years to come.

Through my work on the Science Committee I have come to understand the amazing new technologies on the horizon that will decrease our reliance on foreign sources of fossil fuels, and help preserve our environment for generations to come. It is good to see that this bill has allotted $3.6 billion, 5 percent more than the administration requested, on Science programs. However, of the energy research out there, hydrogen fuels and fuel cells are some of the most promising areas that need to be developed. The Science Committee has encouraged strong support of these programs, and the administration also has recognized the value. But this appropriations bill provides for less than half of what the administration has requested for hydrogen technology research. I represent Houston, the energy capital of the world. I understand the needs of this Nation for ample and affordable energy. As gas prices are high, and we are realizing that we are buying too much from people we might rather not be so dependent on, it seems irresponsible to under-invest in these next-generation technologies. Perhaps this is something that can be re-visited in conference.

Again I thank the chairman and the ranking member for their work on this bill. The lagging economy of the past 3 years, and huge deficits that have been created by our fiscal policies, have made budgets very tight. I wish this were not the case. But considering the box we are in, I believe our appropriators have done an admirable job here to fund important priorities and serve the Nation's energy and water needs.

Mr. VISCLOSKY. Mr. Chairman, I yield 2½ minutes to the gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Chairman, I thank the ranking member and the chairman.

Mr. Chairman, I rise to raise a concern and to support an amendment by the gentlewoman from California (Ms. ESHOO). I am particularly concerned with recent developments in my home State of California, where consumers are being forced to repay over $270 million to Enron and other energy corporations amidst growing evidence of Enron and other energy companies' manipulative practices.

The recent release of Enron tapes, where traders openly discuss a manipulation of California power markets to the tune of $1 million to $2 million a day, is unfair to all residents of California. Instead of FERC ordering refunds repaid by States, they should step in and investigate, so that western consumers may receive well-deserved refunds for poor service. FERC should also give the American people the right to view all documents related to energy market deception in 2000 and 2001.

Mr. Chairman, the administration continues to give billions of dollars in tax breaks to special interest oil, gas and coal companies that are doing nothing to help lower fuel prices, instead of giving tax breaks, we need to provide everything possible to help consumers in our States and right the wrongs the energy crisis created. I am appalled and dismayed with the administration's coddling of special interests, while leaving taxpayers the task of having to foot the bills for years of wrongdoing by Enron and other corporations.

The refunds my home State is forced to pay reward market manipulators for predatory pricing activities. As legislators we should punish, not reward, companies who have deceived our citizens.

Mr. Chairman, I urge my colleagues to support the Eshoo amendment.

Mr. VISCLOSKY. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado (Mr. UDALL).

Mr. UDALL of Colorado. Mr. Chairman, I thank my friend for yielding me time. I rise for the purpose of a colloquy with the gentleman from Ohio (Chairman HOBSON), the manager of the bill.

Mr. Chairman, I understand that the bill does not provide for any new investigations or other projects by the Corps of Engineers. However, as the chairman knows, last year's energy and water bill included $40,000 for the Corps to proceed with a preliminary restoration plan for South Boulder Creek.

After enactment of the appropriations bill, at the request and recommendation of the Corps, the project was moved from section 206 to programming as a General Investigation Study. The President's budget then proposed an additional $100,000 for this General Investigation Study. I regret that money for that purpose is not included in the bill because recent technical analysis shows that some 2,500 homes in the study area are subject to possible flood damage.

Mr. Chairman, I am concerned about how interruption of funding could affect this project and the people who live in the area.

So, I would like to ask whether the chairman would be willing to work with me as the bill goes to conference to try to enable the Corps to do its work.

Mr. HOBSON. Mr. Chairman, will the gentleman yield?

Mr. UDALL of Colorado. I yield to the gentleman from Ohio.

Mr. HOBSON. Mr. Chairman, I will agree to work with the gentleman on this as the bill goes to conference, but I want to remind him, though I am sure this study deserves to proceed, the fact is that not all deserving new studies can go forward at the same time.

It is one of the basic cornerstones of this bill that we tried to limit projects and studies until we finished some of the things we have already started. There has been a lot of criticism of the Corps that it does not get things done and costs get out of line. What we have tried to do is limit the new starts.

But I want to assure the gentleman that should the door open and new studies in conference are available, we will take another look at the merits of the Boulder Creek study.

Mr. UDALL of Colorado. Mr. Chairman, reclaiming my time, I thank the chairman.

I would like to ask the same question of the distinguished ranking member.

Mr. VISCLOSKY. Mr. Chairman, will the gentleman yield?

Mr. UDALL of Colorado. I yield to the gentleman from Indiana.

Mr. VISCLOSKY. Mr. Chairman, I assure the gentleman I will join the chairman in reconsideration of this project if the opportunity presents itself.

Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Chairman, I am very disappointed in my Republican colleagues on the Committee on Rules who did not allow the House to consider an effort to get refunds from Enron for our consumers. But, nonetheless, I want to rise to defend the Republican Vice President of the United States who this morning is taking some criticism and grief because he used some non-king's English on the floor of the Senate while discussing Halliburton.

I wanted to put that in context, because, you know, that happens to people sometimes when they get angry. For instance, when my consumers open up their power billings in Snohomish County, Washington, and find out they have gone up 52 percent because Enron has stolen millions of dollars from them, sometimes they think, if not say, an expletive.

Sometimes when people find out that millions of dollars were stolen from them, but FERC refused to lift a finger to help them get their money back, sometimes my constituents at least think for a moment of using something that is not in the dictionary.

Sometimes when my constituents find out that this administration refused to lift a finger to help the West Coast as we were going down in flames, sometimes my constituents think about using language that is not acceptable in Sunday school.

And sometimes when my constituents find out that when we went on a bipartisan basis to the vice president of the United States and begged him to help us solve this problem, because 32 percent of all the generating capacity was turned off at the moment that the stoplights were out in California, and he looked at us, and obviously someone was gaming the system, obviously the Enrons of the world were manipulating the system, obviously there were violations of Federal law, he looked at us and said, "You know what your problem is? You just don't understand economics."

Well, we do understand economics. We just do not understand Enronomics, and we do not understand how this administration could turn its back on Americans.

We should forgive the Vice President for his momentary lapse, but we should never forgive this administration for failing to stand up to Enron.

Mr. VISCLOSKY. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. Mr. Chairman, I thank the gentleman for yielding me time to speak on this very important legislation.

Mr. Chairman, I rise today with very great concern for the future of our beaches. Beach tourism contributes $260 billion to the United States economy every year. The administration's fiscal year 2005 budget, unfortunately, cuts shore protection projects and studies by nearly 50 percent. Now, this includes canceling the Fire Island to Montauk Point Reformulation Study, a project that provides storm protection and beach erosion control along an 83-mile portion of Long Island's south shore.

An estimated 11.3 million people visit Suffolk County's beaches every year.

In Suffolk County alone, south shore beaches contribute $256 million to the regional economy and thousands of jobs.

The Fire Island to Montauk Point Study is over 4 decades old and $20 million in the making. Completing this nearly completed study is a top concern for thousands of homeowners and beachgoers in my congressional district.

This is like bringing the ball 99 yards downfield, putting it on the 1 yard line, and walking away.

The Army Corps of Engineers has recognized on Fire Island that it must work with different groups and associations, from homeowners' associations to environmental advocates. The Corps has utilized a process called project reformulation to build support among all agencies, governments and interest groups involved, and each of those groups recognizes that reaching an overall consensus is the best way to preserve this national treasure for future generations.

The U.S. Army Corps of Engineers has agreed to work with the Senate Committee on Appropriations to ensure the continuation of the Reformulation Study.

I want to express my very deep appreciation to the ranking member for his commitment to support the Fire Island to Montauk Point study in conference. As this legislation moves forward, I encourage all of my colleagues to continue working to protect our beaches and support a $260 billion contributor to our Nation's economy.

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Mr. VISCLOSKY. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, like many of my colleagues, I was disappointed that the Republican majority would not accept the Eshoo amendment to even be offered to the Members of the House as we had requested of the Committee on Rules. This will certainly come as a disappointment to Western families.

As everyone knows, in the year 2000 and 2001, energy companies like Enron ruthlessly gouged Nevada, California, Washington and Oregon. Yet for too long, this administration and the Federal Energy Regulatory Commission tried to hide this reality from Congress and the public.

In fact, energy Secretary Spencer Abraham dismissed the whole matter as a myth. Vice President CHENEY met with all of us and said it is overzealous environmental laws that are causing this problem. He did not tell us that at the same time he was meeting with Enron officials in the capacity as chairman of his energy committee, and he would not tell us who else he met with, because now even the Supreme Court has allowed him to continue without disclosing that information for a while.

Price gouging occurred in both 2000 and 2001. Yet FERC has said it only intends to grant refunds for gouging that occurred in October 2000 and thereafter.

The Eshoo amendment would have required FERC to issue refunds whenever the gouging occurred, whether the misconduct occurred before or after October 2000.

This is only common sense. A law breaker is a law breaker regardless of when the law is broken, and the people who have lost their funds and demand a refund as a result of this manipulation are entitled to it.

Without the Eshoo amendment, FERC will continue to settle cases behind closed doors for only pennies on the dollar. Without the Eshoo amendment, Western families stand to lose billions of dollars in legitimate refunds.

However, today, the House is going to agree unanimously to a small part of the Eshoo amendment, and that is to require FERC to turn over and reveal the documents and other evidence that they have about the misdeeds of Enron and other energy companies.

This is a positive step, but the real test will come to see whether the Republican majority will make sure that FERC now lives up to this directive. I am disappointed we did not go further. This is a small step forward, but the point that I want to underscore is that justice is not being done.

Mr. HOBSON. Mr. Chairman, I yield to the gentleman from California (Mr. OSE) such time as he may consume.

Mr. OSE. Mr. Chairman, I thank the gentleman from Ohio (Mr. HOBSON), and I thank the chairman.

I find it interesting to come to the floor today virtually 3 years on to discuss the issue of energy in California. Frankly, I have spent my entire chairmanship on the Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs dealing with energy issues, in particular the California issue.

We have heard a lot of talk about certain companies manipulating market behavior, and the transcripts clearly indicate that that is the case. The question that we ought to ask is what were the precursor conditions that led to that. I think that is a fair question. I mean, instead of treating the symptoms, let us treat the root cause of the issue; and the fact of the matter is that for all the complaints that might be registered against the current administration, the same requests being registered with them were registered with the previous administration. And in accordance with the law, the previous administration said there is not a thing we could do.

Go back and check the record. I encourage you to do that. Go back and see how many requests were made of the Clinton-Gore administration to intervene on this issue, and you will find that Clinton-Gore routinely and regularly said the law is very clear, and we cannot intervene. And the law has not changed. The law has not changed in terms of how FERC can intervene on these things. I think that is an important point to make. So if you are going to complain about how the law is interpreted, perhaps we ought to first look at the law itself and change that.

Now, the second thing is that in California there is this interesting mix in terms of how the energy markets are regulated. And California being kind of like the big market in the entire United States, the consequences of how the market in California operates have ramifications for Oregon and Washington, Nevada and Arizona and the rest of the country.

Well, in California the ability to build new plants or price the product is controlled by what is called the Public Utilities Commission, and in California at the very onset of this electricity crisis, a request was made of the Governor to ask the Public Utilities Commission to provide the investor-owned utilities, PG&E and Southern California Edison and Sempra in San Diego, the ability to forward contract for delivery of power.

There is a letter on record sent from the assembly Republicans to the Governor asking him to exercise his authority over the PUC and get this forward contracting ability in place. And you know what the Governor did? The Governor never responded. He did nothing.

The consequence of that is that the investor-owned utilities were left defenseless. Under a set of rules adopted unanimously by the California legislature, that effectively forced them into the day ahead of market. In other words, they had to go into the market no more than 24 hours ahead of time and buy the power for their customers. Now, think about that. Do you buy your mortgage 24 hours ahead of the time when you occupy your house? No, you do not. Do you buy your gasoline or your food or your health care insurance, do you buy that 24 hours ahead of the time when you need it? No, you do not, because the price is not going to be very favorable. And yet the structure in which the California Public Utilities Commission set this up was such as to be self-defeating, and to now come forward 3 years on and complain about the circumstances that existed in California is somewhat interesting to me at best.

Now, there is a demand and supply imbalance in California. The demand and supply imbalance in California has ramifications for the folks in Oregon and for the folks in Nevada and for the folks in Arizona and Washington, because the demand in California is so great that we will suck up every kilowatt of power that is anywhere in the market. We will not let our families and our factories go quiet or be without power, and the price will act accordingly.

Now, there was a proposal that I put forward to allow FERC to immediately assess the impact of inappropriate behavior, rather than waiting for 60 days. I got no cosponsors from that side of the aisle for that. There is a proposal I put forward that eventually led FERC to a solution in terms of the pricing imbalance in California that allowed FERC to set overall prices in the marketplace at the last marginal pricing unit. I not only did not get any cosponsors from that side of the aisle; I got attacked from that side of the aisle. And now I find, interestingly enough, that is exactly the proposal my Democrat colleagues all are putting forward.

Mr. Chairman, we cannot solve these problems by snapping our fingers. These are not things that get solved 24 hours beforehand. We can no more solve this problem in 24 hours' time than we can reasonably expect investor-owned utilities in California or anywhere else to be able to meet their power demand in a 24-hour-ahead market. We cannot do it. We have to plan ahead.

Now, to come out here 3 years on and beat your chests about the behavior of the current administration, which is exactly the same as the behavior of the previous administration that you all refused to hold accountable, I mean, that is just unacceptable. Now, you can go on and do it, but the facts of the matter speak very loudly.

I invite you, and I have invited you, to look at the bills that I have put forward. I have been harangued by some of you; and upon examination, you have not even read the bills that I have put forward to try and solve this problem. I invite you to come help us. We are looking for partners to solve this thing.

There are three legs to this solution. The first is the PUC, which has yet, has yet to adopt the regulation in allowing investor-owned utilities to contract for forward delivery of power. That is the first leg. The second leg is to allow the construction of new facilities instead of defending these dinosaur facilities that are high-polluting, using coal, or oil, or diesel for power generation; the second leg of this is to allow new technology to come to the market. But you stand over there and you object to everything. You stand there like Horatio at the pass, and you will not let us into the Valley of Solutions.

I ask you to stand next to us, not in front of us objecting or preventing us to move forward. I will tell my colleagues why. Because the facilities we can bring on line today with new technology, created in California, perfected in California will allow us to generate power with less adverse impact on the environment at lower price, at a higher efficiency. It is unfathomable to me, after 5½ years, the last 3½ years of which I have been chairman of a subcommittee, to find that my friends who happen to live in California with me are only now coming to look at this solution. And the path of solution that they propose is to beat their chests, attacking an administration which did exactly the same thing as the previous one.

Mr. Chairman, I ask my colleagues in California to look at these solutions. We need to give these investor-owned utilities the ability to forward-contract for power. That is a huge step in the right direction. We need to create the new facilities that use natural gas and far less polluting carbon-based power sources to provide us the energy for our homes and our factories. We need to find a way where we can talk sensibly about a market-based solution.

My Democrat colleagues cannot come down here and beat their chests in 2004 because it is a Presidential election year and try and rewrite history. Governor Davis tried that, and now he is writing his memoirs. That is just the fact. I am not interested in you guys writing your memoirs. I am interested in you joining with us to find solutions. That is what this is all about.

I am not going to be here a year from now. You all are going to have this in your lap, and you are going to have to deal with it. I am going to be out in California dealing with the consequences. But I ask you to please focus on solutions.

Mr. Chairman, I say to the gentleman from Ohio (Chairman HOBSON), he has been a mentor of mine and he has done heavy lifting across this country on energy issues, and I thank him.

The CHAIRMAN pro tempore (Mr. UPTON). The gentleman from Indiana (Mr. VISCLOSKY) has 2 minutes remaining; the gentleman from Ohio (Mr. HOBSON) has 8 minutes remaining.

Mr. VISCLOSKY. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Chairman, I thank the distinguished ranking member for yielding me this time.

Since my friend from California would not yield any time, I just would like to set this down for the record. The amendment relative to the previous question this morning had solutions in it. We are now in the year 2004. We do not need any more debates about the markets. The energy companies have essentially signed confession slips on this. So let us not go back to 1999. We now have evidence.

That is why we are saying the FERC should order refunds. The gentleman, by voting for the previous question, he turned down the solution of refunds. Let us make that very clear here this morning.

Mr. PORTER. Mr. Chairman, I rise today to voice my opposition to the funding of the Yucca Mountain project in the Fiscal Year 2005 Energy and Water Appropriations Bill. As you know, the Yucca Mountain issue has for over two decades been of intense personal interest to me and my Nevada constituents.

Currently, the Yucca Mountain project is being fought in the halls of justice, and no more tax dollars should be allocated to this project until the courts have provided their input which I believe will be favorable for Nevada. Furthermore, nearly 200 key scientific questions remain unanswered by the Department of Energy and the facility has yet to obtain a license from the Nuclear Regulatory Commission. At a time when the project is facing potentially insurmountable licensing obstacles, why would we want to spend another dime on this ill-thought plan?

Any assessment of Yucca Mountain's suitability as the national nuclear waste repository must look at the feasibility of transporting waste to the site. Taking 70,000 metric tons of dangerous radioactive nuclear waste, removing it from reactor sites around the country, and putting it on trucks and trains and barges, and moving it through cities, towns and waterways across America is a disastrous scheme. This highly hazardous material will ultimately travel through 43 States and pass by more than 50 million Americans who live within 1 mile of the proposed transportation routes.

As many of you are aware, a GAO report concluded that the risk of an accident during nuclear waste transport is low and that even if an accident or terrorist attack were to occur, the potential for widespread harm is low. However, the GAO characterizes irradiated nuclear fuel as "one of the most hazardous materials made by man" and recommends that shipments be minimized.

Mr. Chairman, it's just not worth the risk to transport 70,000 metric tons of nuclear waste across our nation. Even with Yucca Mountain, there will continue to be nuclear waste stored at all operating reactor sites. All of this is completely unnecessary. Nuclear utilities can and do store waste safely on site at reactors. In fact, the very same storage technology that is planned to be used at Yucca Mountain is currently used at reactor sites around the country. No reactor in the United States has ever closed for lack of storage.

As a legislator, like all of you, I need to be fully informed about the effects legislation and issues will have on my constituents. The multiple risks associated with transporting large volumes of nuclear waste over long distances to Nevada cannot be justified. You are being asked to risk the health and safety of your constituents for a scheme that will leave this country looking for another nuclear waste storage in the decades to come.

At the end of the day, all Yucca Mountain will do is create one more large storage facility and millions of new security threats, one for every road, rail, and water mile this waste will travel along. On September 11, we witnessed the single-most horrific event in our nation's history. Instantly we became all too aware of our country's vulnerability to threats from outside our borders. Transporting tens of thousands of tons of nuclear waste across the country was not a good idea before September 11, and it's certainly not a good idea now. We had never thought of a fully fueled passenger plane as a weapon. Let's not make the same mistake with the trucks, trains, and barges that will be transporting nuclear waste.

Mr. SHAYS. Mr. Chairman, I strongly support H.R. 4614, the Energy and Water Development Appropriations Act for Fiscal Year 2005, which contains funding for four important dredging projects in my district.

The maritime industry in Connecticut has enormous potential and these projects play pivotal roles in that industry.

With these much-needed funds, the Army Corps of Engineers will be able to advance dredging projects in Bridgeport, Norwalk and Southport Harbors, as well as Mill River in Stamford, ensuring our ports remain viable for recreation and commerce.

Long Island Sound is a valuable resource to our state both environmentally and economically—providing a watershed for 10 percent of the American population and contributing $6 billion annually to the regional economy—and it is critical we treat it well. Dredging is necessary to maintain the Sound's safe navigation and long-term viability and vitality.

In Bridgeport, the funds will support efforts to find an environmentally sound disposal method for toxic sediment in Bridgeport Harbor. The harbor has not been dredged for 40 years due to contaminants in the dredged material that would be unsuitable for disposal in open water and the result is a shallow harbor, which restricts commercial viability.

In Norwalk, the money will allow the Army Corps of Engineers to complete the necessary planning to begin dredging Norwalk Harbor. Norwalk Harbor Federal Navigation Project has not been maintained since 1981. The channel's depths have become so low that the passage of commercial and recreational vessels is restricted to the point that public safety and the viability of water-dependent businesses have been adversely affected.

The funding for Southport will be used to dredge Southport Harbor, which has long served as a center of boating activity in western Long Island Sound and as a vital centerpiece of a historic district included on the National Register of Historic Places. The Southport Harbor FNP has not been maintained since 1962 and consequently the navigability is restricted by shoaling in a number of locations.

In Stamford, the funding will be used for a design project to address ecosystem restoration, sedimentation, and dredging issues at the Mill River. The Mill River ecosystem has been severely degraded by years of polluted urban runoff, thwarting public enjoyment of the resource and threatening its natural values. The funding will assist a multi-year effort to restore the shoreline and aquatic ecosystem of the Mill River, acquire and preserve shoreline properties, reduce polluted urban runoff into the Long Island Sound, foster commercial and ferry navigation, and create public recreational facilities and other mixed-used development.

Bridgeport, Norwalk, Southport and Stamford desperately need this money to continue, or complete, essential dredging projects that will help alleviate the state's transportation issues while benefiting our state's economy and mitigating air pollution. I am grateful these critical funds are included in H.R. 4614 and am hopeful the House will approve the bill today.

Ms. MCCARTHY of Missouri. Mr. Chairman, I rise to address H.R. 4614, the FY05 Energy and Water Appropriations bill. Although I am pleased that this legislation includes funding for a number of important water projects in my district, including the Blue River Channel, Blue River Basin, Swope Park Industrial Area, Brush Creek Basin, Seven River Levees, and the Missouri Riverfront Habitat Restoration, I continue to have serious concerns about the overall level of funding in this legislation.

In particular, today's legislation provides only 3% more funding for critical energy and water projects than was provided in FY04. This is barely enough to account for the rate of inflation. Because of this shortage of funding, H.R. 4614 does not include any funding for new projects or studies, leaving us unprepared to properly respond to new flood control emergencies. In my own district, $100,000 is urgently needed to begin addressing critical flood and stormwater control issues surrounding the Little Blue River watershed in Jackson County, Missouri. Rapid growth in this area has created numerous flood control and storm drainage challenges for communities throughout my district. Left unaddressed, these flood threats could cost local communities and businesses millions of dollars. We need to act now to adequately investigate and plan for these developing challenges. Delaying action will only force more expensive intervention at a later date. I hope that Chairman HOBSON and Ranking Member VISCLOSKY will work with our colleagues in the Senate to ensure that these issues and other emerging flood threats are properly addressed in Conference.

This legislation also fails to address our renewable energy needs. The bill provides only $343 million for renewable energy programs, $31 million less than the administration requested. During a time when energy prices are soaring, we must remain committed to investments in long term renewable energy alternatives. In my own district, we have had great success encouraging the use of biodiesel as an alternative to dirtier, non-renewable fuel sources. We need to continue our commitment to this important initiative.

Finally, I am very concerned that this legislation fails to guarantee adequate funding for the Yucca Mountain Project. Specifically, I am alarmed that funding does not exist to ensure that all transportation routes to the mountain are as secure as possible. Missouri is a railroad and interstate hub. Given the likelihood that a majority of waste from east of the Mississippi River will be transported through Missouri, it is downright frightening to think of the consequences if we do not properly fund the secure transport of this waste. It is my understanding that the Office of Management and Budget has the ability to secure the additional funding for this project. I am hopeful that they will take on this responsibility or that additional funds will be found in Conference.

Mr. TERRY. Mr. Chairman, it is with regret that I come to the floor today in opposition to this legislation—H.R. 4614, the Fiscal 2005 Energy and Water Appropriations bill. Unfortunately, this bill Fails to adequately address America's future energy needs.

I realize H.R. 4614 is about more than just energy, and it does contain some good provisions. There is funding for important flood control projects, scientific research, nuclear nonproliferation programs, and environmental cleanup.

But this legislation falls well short in the realm of energy, especially in this time of tight energy supplies and volatile energy prices. The most glaring shortfall is that it provides only 14 percent of the amount requested for construction of the nuclear waste facility at Yucca Mountain, Nevada. The administration has stated that the Yucca Mountain facility will need to have about $1.3 billion a year if it is to meet the 2010 deadline for opening. This bill appropriates only $131 million for fiscal 2005.

Yesterday, the House Energy and Commerce Committee, on which I sit, overwhelmingly approved legislation introduced by Chairman JOE BARTON (H.R. 3981) that would dedicate the next 5 years of receipts in the Nuclear Waste Fund to the construction of the Yucca Mountain facility, keeping the project on schedule. The Barton bill would also ensure that the fund would be used only for Yucca Mountain and not diverted by appropriators for other purposes.

Chairman BARTON's legislation should have been attached to H.R. 4614. That was not permitted, and now this energy and water bill risks delaying the Yucca Mountain project—22 years after Congress first called for the creation of a single, secure repository for the Nation's spent nuclear fuel. Furthermore, it casts doubt on the growth of nuclear power, the cleanest, most abundant form of energy America has today.

My state of Nebraska is home to two nuclear power plants that provide almost a third of the electricity produced in our state. To date, Nebraskans have paid more than $216 million into the Nuclear Waste Fund. Yet our public power utilities are being forced to build additional storage space for spent fuel because we are still without a national repository. In fairness to the ratepayers, we must keep the Yucca Mountain project on track for completion by 2010.

The Yucca project is also essential to our security concerns. Today, 50,000 tons of spent nuclear fuel are scattered across the country, at 131 sites in 39 stated—including Nebraska. Oftentimes, these storage sites are near major cities and waterways.

Billions of dollars from U.S. electric consumers have already been invested in Yucca Mountain. It is the most suitable location for this repository. And with today's tough environmental standards and surging demand for electric power, nuclear energy must continue to play a substantial role in the Nation's energy portfolio. The bill on the floor today fails to recognize this.

I want to make it clear that I have objections to this bill beyond the funding for Yucca Mountain.

Under H.R. 4614, renewable energy resources are shortchanged by $31.5 million, about 9 percent less than the President's request. I am especially disappointed that the bill provides less than half of what the President wanted for hydrogen technology research, about $31 million (48 percent) under the requested amount.

Funding for hydropower is $1 million (20 percent) under the administration's request.

And the measure provides $15.5 million (20 percent) less than requested for the Office of Electricity Transmission and Distribution, the newest division of the Department of Energy, which is leading efforts nationwide to modernize and expand our electric delivery system.

It seems the appropriators chose to ignore the energy challenge facing our Nation. Or maybe they simply forgot that America today imports 60 percent of its oil supply; that gasoline prices are hovering around $2; that natural gas supplies are at an all time low; and that just 10 months ago, the worst blackout in our history left a quarter of the country in the dark.

Still, appropriators managed to spend $28 billion in this legislation—about $50 million more than the President's request. H.R. 4614 is yet another example of what happens when the appropriators ignore their colleagues who sit on the authorizing committees, hold hearings, conduct oversight, and produce thoughtful legislation. In failing to address the Yucca Mountain issue today, appropriators have essentially overlooked the hard work of the Energy and Commerce Committee.

Congress must address the Nation's outdated energy infrastructure. As a father of three young children and as a Member of this chamber who has long pushed for a modernized energy policy, I cannot in god conscience vote for this legislation.

Mr. BISHOP of New York. Mr. Chairman, I rise in support of this legislation. Given difficult budget choices, and an egregious Administration budget proposal for the Army Corps of Engineers, the Chair and Ranking Member of the Subcommittee have done their best to craft a good bill.

I am particularly pleased that this legislation adequately funds our country's national labs. In this time of budget cuts, we cannot forget that basic science is a building block for scientific innovation and economic growth in the information age. Under this budget, Brookhaven Lab, which is located in my district, will continue to make great contributions in the areas of nuclear physics, structural biology, environmental research and nonproliferation.

This bill also adequately funds environmental cleanup efforts at the Lab vital to the health and safety of residents on the East End of Long Island. I am grateful to the Chair and Ranking Member of the Subcommittee for attending to these vital needs.

I am concerned, however, with one particular project in this bill of vital importance to the south shore of Long Island. The Fire Island to Montauk Point Reformulation study—which covers an 83 mile stretch of Southern Long Island—has been underway for decades at a cost of more than $20 million. Unfortunately, this bill contains no funding to continue this study.

I understand, however, that the Ranking Member of the Subcommittee is committed to work with me and my Long Island colleagues in conference, to protect any funding included in the Senate bill for this study. I look forward to the successful and timely completion of this project, and I again thank the Chair and Ranking Member for their cooperation and good work.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I want to thank the gentleman from Ohio (Chairman HOBSON) and the gentleman from Indiana (Mr. VISCLOSKY), the ranking minority member, for the leadership they have provided in putting together this legislation to fund important programs like the Army Corps of Engineers, Dallas Floodway Extension and for continued work on a study of flood control on the Upper Trinity.

I support the fiscal year 2005 Energy and Water development appropriation measure.

Mr. Chairman, in 1998, the voters of Dallas approved the largest bond issue in the City's history, $246 million, to make improvements to the Trinity River Corridor. There are many aspects to these projects, including transportation, recreation, and economic development. But at its heart, the Trinity River Corridor is about flood control. It is about protecting homes, businesses, people, and property. The flood control protection currently afforded to the City and its residents is simply no longer adequate.

Urban development and growth patterns have occurred that require improvements and extensions to the existing flood control system. These improvements and extensions must be designed, engineered, and constructed in a manner that will not only improve flood control protection for the City and its residents, but will do so in a manner that is sensitive to our other needs.

We must improve flood protection, but we need to be certain that such flood protection infrastructure also enhances our quality of life. The legislation before us includes funding to help assure that the quality of life of the people of Dallas, and our economic vitality, are indeed improved.

This legislation includes $10 million for the construction of the Dallas Floodway Extension. This will consist of a chain of flood conveyance wetlands and a system of protective levees that will enhance the security of 12,500 structures in the Dallas area.

While I recognize the difficult constraints the Committee worked under in developing this legislation, and appreciate the funding included, I also know it is imperative to the public health and safety of the people of Dallas that this project proceed as quickly as possible.

With that in mind, I do wish to note that it will be my intent to try and secure a total of $20 million for this project; an amount consistent with the capability that the Corps has expressed for 2005.

This legislation contains $1.3 million for continued work on a study of flood control on the Upper Trinity as well as additional flood control improvements to the existing Dallas Floodway. This is such an exciting project that should include the development of two flood conveyance lakes within the floodway, along with new wetlands, river meandering, and boardwalks that will serve to unite the City and bring families to the levees, which currently have the impact of, literally dividing our communities.

Mr. Chairman, I appreciate the bipartisan effort that went into the drafting of this legislation, commend that effort as a model for the way in which this Chamber ought to routinely work, and urge the support of all our colleagues for passage of H.R. 4614.

Mr. EVERETT. Mr. Chairman. I rise today in support of this legislation, but as chairman of the Strategic Forces Subcommittee on Armed Services, I must express my concerns about some of the funding levels for important National Nuclear Security Administration (NNSA) programs that are authorized within my subcommittee. The Fiscal Year 2005 Energy and Water Appropriations bill provides no funds for the robust nuclear earth penetrator (RNEP), advanced concepts, modern pit facility, nor enhanced test readiness. The Fiscal Year 2005 National Defense Authorization bill, which passed this House overwhelmingly just weeks ago, fully funded the President's request for these important initiatives. Furthermore, this elimination of funding for these programs jeopardizes our country's ability to respond to future national security threats, as pointed out in the Statement of Administration Policy. I now include that complete Statement of Administration in this RECORD.

Of particular concern to me is the $27.6 million authorized in the House-passed bill for RNEP would support the Air Force-led study concerning the feasibility of modifying an existing nuclear weapon to destroy what are known as hardened and deeply buried targets. It has long been recognized that these hardened targets are increasingly being used by potential adversaries to conceal and protect leadership, command and control, weapons of mass destruction, and ballistic missiles. I believe it is imperative that we finish this review as part of a larger effort to ensure that we further our technological edge.

Critics of RNEP say that they are not convinced that this money will only fund a study. This simply is not the case. This funding does not authorize the production of any weapons. In fact, Section 3117 of Fiscal Year 2004 National Defense Authorization Act (Public Law 108–136) clearly states and I quote, "The Secretary of Energy may not commence the engineering development phase (phase 6.3) of the nuclear weapons development process, or any subsequent phase, of a Robust Nuclear Earth Penetrator weapon unless specifically authorized by Congress."

Opponents also point to the NNSA Future Years Security Plan inclusion of $484.7 million for RNEP in the future. This budget estimation is required by congressional direction, and represents a placeholder should Congress and the President decide to go any further than a study. Without the placeholders by both NNSA and the Department of Defense (DoD) in the out year budgets, if authorized, the start of the RNEP's next phase would be delayed until funding was appropriated. This would nullify the schedule and cost estimates and require the costing and schedule to be redone causing additional taxpayer cost. Moreover, by the statute cited earlier, these funds could not be used for anything other than basic research without subsequent approval by Congress.

Although I plan to support this legislation, as chairman of the subcommittee of jurisdiction, I felt it necessary to set the record straight concerning this program, and I am hopeful that the House/Senate conference will provide a reasonable level of funding for these programs.

STATEMENT OF ADMINISTRATION POLICY

The Administration supports House passage of the FY 2005 Energy and Water Development Appropriations Bill.

The President supports a discretionary spending total of not more than $819 billion, in addition to the $2.5 billion in advance appropriations for Project BioShield, consistent with his FY 2005 Budget. The President's Budget responsibility holds the growth in total discretionary spending to less than four percent and the growth in nonsecurity spending to less than one percent, while providing the critical resources needed for our Nation's highest priorities: fighting the War on Terror, strengthening our homeland defenses, and sustaining the momentum of our economic recovery.

Consistent with the need for responsible spending restraint, the Administration urges the Congress to fully fund unavoidable obligations and not to include any emergency funding, including contingent emergencies, unless mutually agreed upon in advance by both the Congress and the Administration. Within this context, the Administration urges the House to fully fund Presidential priorities, such as the Nuclear Waste Repository at Yucca Mountain, NV and the Hydrogen Fuel initiative.

The Administration is pleased that the Committee-reported bill is consistent with the overall $819 billion discretionary total and looks forward to working with the House to address the following concerns.

ADMINISTRATION PRIORITIES

Nuclear Waste Repository. It is vital to secure nuclear waste now scattered at 126 sites in 39 States in one appropriate underground facility. Further delay increases the costs and security risk of storing materials at these various sites. Therefore, it is imperative that the Department of Energy (DOE) have the necessary resources for licensing and constructing the repository at Yucca Mountain, Nevada. The President's Budget contains a proposal to facilitate the long-term financing for this project and the Energy and Commerce Committee has reported a bill consistent with the proposal. We strongly urge the House to adopt this financing proposal and will continue to work with the Congress to ensure its enactment.

Hydrogen Fuel Initiative. The Administration strongly urges the House to fund the President's Hydrogen Fuel Initiative, which will reduce the Nation's dependence on foreign oil and provide cleaner air. The Committee's $31 million reduction for fuel cell technologies should be restored by redirecting funds from the Corps of Engineers, which is funded well above the President's request.

National Security. The Administration strongly opposes the elimination of funding for the Advanced Concepts Initiative, the Robust Nuclear Earth Penetrator study, and planning for the Modern Pit Facility. These reductions, if sustained, would diminish the Nation's ability to respond to future national security threats. Once again, this reduction could be restored by redirecting some of the funds from the Corps of Engineers or DOE's nuclear energy research and development program.

ARMY CORPS OF ENGINEERS—CIVIL WORKS

The Administration commends the Committee for focusing the Civil Works program on completing projects already under construction and limiting new starts. These efforts are consistent with the Administration's policy to reduce the backlog of ongoing civil works construction projects. We urge the House to eliminate funding and cancel balances for projects that have low estimated economic or environmental returns or that are outside the Corps main mission, as requested.

We urge the House to restore funding that is necessary to sustain operations on four nationally significant Corps projects: $18 million for Columbia River fish recovery to comply with a biological opinion pursuant to the Endangered Species Act (ESA); $12 million to revitalize the side channels of the Upper Mississippi River; $8 million for Everglades Restoration; and $51 million to improve Missouri River habitat and support continued operation of the river in compliance with the ESA. We also request that the House restore $10 million to the Regulatory Program to avoid delays in the permitting process and ensure effective enforcement.

DEPARTMENT OF ENERGY

The Administration strongly opposes reductions to the National Nuclear Security Administration's (NNSA) Nonproliferation programs to eliminate weapons-grade plutonium production in Russia and to dispose of 68 metric tons of surplus weapons-usable plutonium in the Russian Federation and the United States. The proposed reductions could delay the programs and escalate their costs, thereby damaging critical components of the Nation's comprehensive nonproliferation strategy.

The Administration objects to the bill's reductions to important nuclear stockpile stewardship programs, such as the Life Extension Programs, Directed Stockpile Work, and the science and engineering campaigns. Furthermore, the Committee's restrictive funding controls for the complex Inertial Confinement Fusion National Ignition Facility program may prevent NNSA from achieving the milestones the Congress has directed for the program.

The Administration is concerned with the $76 million reduction to the high-level waste proposal. The Defense Nuclear Facilities Safety Board has recently communicated to DOE its view that the safety consequences of delaying radioactive waste disposition activities at the Savannah River site are unacceptable. Moreover, the Administration and the State of South Carolina have reached agreement on radioactive waste disposal and underground storage tank closure at DOE's Savannah River site. While we share the Committee's preference for a legislative solution that extends beyond the Savannah River site and are continuing to pursue a consensus with all affected States on such legislation, the funds are crucial to allowing the clean up of the Savannah River tanks.

The Administration rejects the Committee's suggestion to reduce spending on the International Thermonuclear Experimental Reactor in FY 2005, as well as its shift in funding for the Gridwise and Gridworks programs from the Office of Electric Transmission and Distribution (OETD) to the Office of Energy Assurance. OETD was established to provide a single, focused organization to strengthen Federal leadership on electricity reliability.

While we understand the need to restrain expenses for departmental overhead, the funding reductions to the Department Administration account in the House bill would hinder the Secretary's ability to manage the Department.

BUREAU OF RECLAMATION AND THE CENTRAL UTAH PROJECT

The Administration appreciates the Committee's support for fully funding the Water 2025 Initiative and for directly funding the Utah mitigation and conservation activities through the Central Utah Project rather than indirectly through the Western Area Power Administration. However, we urge the House to include the Administration's proposal to make a corresponding transfer of authority for project mitigation from the Secretary of Energy to the Secretary of the Interior.

TENNESSEE VALLEY AUTHORITY (TVA)

The Administration is disappointed that the Committee did not provide, as the Subcommittee did, the requested appropriation of $9 million for TVA's Office of Inspector General (OIG) to be derived from the TVA Fund. This proposal would allow the OIG to conduct its duties in a more independent manner, similar to the Inspectors General of other Federal agencies.

CONSTITUTIONAL CONCERNS

Section 501 of the bill purports to limit the use of appropriated funds by the Executive Branch in communicating with the Congress. To the extent this provision would preclude the President or his subordinates from initiating communications with the Congress, it would interfere with the Executive Branch's ability to influence congressional action and would violate the Recommendations Clause of the Constitution. The Administration urges the House to remove this provision or amend it to allow normal and necessary Executive Branch communications.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise today in support of H.R. 4614, the Fiscal Year 2005 Energy and Water Appropriation's bill.

First, let me thank the distinguished Chairman of this Committee, DAVE HOBSON, for this work in crafting this legislation. He and ranking member PETE VISCLOSKY have drafted an excellent bill that focuses on our national priorities.

Mr. Chairman, our country continues to benefit from advances in science, technology and engineering. We've discovered the potential for fusion energy, advanced renewable energy, and improved energy efficiency. Through cutting research and the development of these programs at the U.S. Department of Energy, we are rapidly advancing our scientific knowledge.

Mr. Chairman, I have long supported funding for renewable energy sources. The Committee's investment of $343 million in renewable energy resources will be integral to creating alternative energy solutions for our nation. The Department of Energy is pursuing other new technologies to meet future energy and environmental needs. These technologies will change how we use and produce energy. The DOE, with this Committee's support, is pursuing a path towards making affordable, safe zero emission fuel cell vehicles.

I am pleased that year after year this Committee continues to recognize the incredible potential of fusion energy by providing a $12 million dollar increase in funding for a total of $276 million in funding for the program—which will advance the vital work of the domestic fusion community to prosper at sites such as New Jersey's Princeton Plasma Physics Laboratory.

The Committee also continues to address electricity reliability, of special importance to the East Coast with last summer's blackout. We've included funds for transmission reliability, research and development.

Since 1775 when the Continental Congress authorized the first Chief Engineer—whose first task it was to build fortifications near Boston at Bunker Hill—the Army Corps of Engineers has grown to be the world's largest public engineering, design and construction management agency.

The Army Corps keeps our waterways open for business, prevents our communities from flooding and our beaches from eroding.

In New Jersey alone, the Army Corps budget helps keep the 127 miles of New Jersey coastline open to visitors from across the country. Serving as one of New Jersey's greatest attractions, our beaches generate over 30 billion dollars for our state's economy each year, while providing over 800,000 people with jobs.

One of the most important Army Corps projects is the Port of New York and New Jersey Harbor Deepening. For the second year in a row, President Bush's budget message recognized the dredging of this port as a national priority and called for it to be one of five national navigational projects.

It goes without saying that projects like the Port drive our national economy it is a national secret asset. As the largest port in the northeast and a leading job center for the New Jersey/New York Metropolitan area, we must continue to focus our efforts on deepening its major navigation channels so that the port is able to meet the 21st Century needs of our economy.

The importance of the Army Corps budget is not limited to just navigational projects. In an effort to protect New Jerseyans, their homes, and their businesses from the destruction and devastation of flooding, this bill also provides the framework and the funding to purchase wetlands for natural storage areas, and to work with the local governments in across northern New Jersey to develop long-term solutions to re-occurring floods. In New Jersey this means that projects like the Jackson Brook Flood Control project in my own district and the dredging of the Hudson Raritan Estuary Lower Passaic River Restoration, among several other critical local projects have the funding to remain on track.

Mr. Chairman, for all of these reasons, I urge my colleagues to support this important legislation.

Mr. SIMPSON. Mr. Chairman, I rise in strong support of the Energy and Water bill. I want to commend Chairman HOBSON and the ranking member, Mr. VISCLOSKY, for producing a bill that should enjoy the support of every single member of this chamber. I am impressed by the way in which Chairman HOBSON and Mr. VISCLOSKY worked together to produce the Energy and Water bill and you both should be congratulated for the bi-partisan way in which you wrote this bill.

This bill is certainly a good bill for my home state of Idaho—and I want to thank the committee for that. But more importantly, this is a good bill for the nation as a whole. It addresses national and international needs by improving our nation's water infrastructure, expanding our efforts to produce more energy for a growing economy, and protecting nuclear materials from falling into the hands of terrorists.

I fully support the Subcommittee's efforts to demand some accountability from the DOE and the Russians regarding our efforts to help secure nuclear materials in the former Soviet Union.

Spending money in Russia and the former Soviet Union to locate, identify and secure nuclear materials is clearly in our own national interest as well as the interests of the rest of the world. However, as I have repeatedly pointed out to Russian officials, I cannot explain to my constituents why we spend American taxpayers' money to secure nuclear materials in Russia while at the same time Russia is planning to cooperate with Iran in their efforts to develop nuclear energy. In light of recent IAEA statements regarding the lack of openness regarding Iran's nuclear program—Russia must reexamine its position vis-a-vis Iran.

I also strongly support the Subcommittee's continued efforts to limit activities associated with the development of a Robust Nuclear Earth Penetrator. Our nation clearly has many priorities regarding the management of our nuclear stockpile without adding new nuclear weapons to the list.

Finally, this bill fully funds the Federal government's responsibility to cleanup nuclear sites across the nation—including in my home state of Idaho. The bill rejects the DOE's attempt to wall off hundreds of millions of dollars in cleanup funding and provides sufficient direction to ensure the DOE keeps its commitments to States like Idaho and Washington.

Mr. Chairman, I will enthusiastically vote in favor of the Energy and Water Appropriations bill and urge my colleagues to do the same.

Ms. LEE. Mr. Chairman, I rise in support of this bill.

I would first like to thank the Chairman of the Subcommittee, Mr. HOBSON, and the Ranking Member, Mr. VISCLOSKY for their work in putting together Energy and Water Appropriations Bill.

I also want to thank both of them for including $35 million in the bill to continue funding the Port of Oakland's 50-foot dredging project in my district in California.

As the fourth largest container port in the country, the Port of Oakland serves as one of our premier international trade gateways to Asia and the Pacific Ocean.

The 50 foot dredging project serves to underpin an $800 million expansion project funded by the Port that will improve the infrastructure at Oakland by expanding capacity and increasing efficiencies throughout the distribution chain.

Current projections indicated that at the conclusion of the project an additional 8,800 jobs will be added, business revenue will increase by $1.9 billion, local tax revenues will go up by $55.5 million, and 100% of the dredging materials will be reused for wetlands restoration, habit enhancement, and upland use within the San Francisco Bay Area.

I'm glad that the Subcommittee understands the importance of this project, and I look forward to continuing to work with the Chairman and Ranking Member to complete it.

Mr. GREEN of Texas. Mr. Chairman, I rise in strong support of the work that Chairman HOBSON and Ranking Member VISCLOSKY have done on this legislation. And as always, my colleague Congressman CHET EDWARDS from Texas has been a champion for the significant port, harbor, and flood control needs of the great state of Texas.

The House Subcommittee on Energy and Water has done the best they could with the inadequate allocation for energy and water projects that they have been given. This bill provides $4.8 billion for the Corps—$712 million (15%) more than requested and $252 million (5%) more than this year's level.

Unfortunately the Administration does not often agree on the necessity of investing in water infrastructure.

The Corps of Engineers' work keeping our ports and harbors expanding and maintained is absolutely essential to our national economy. When crafting the U.S. Constitution our founders recognized the necessity of functioning ports and waterways to interstate and international commerce, so they gave the federal government the responsibility for maintaining the navigable waters of the United States.

Without the proper resources, we will fall behind this Constitutional responsibility.

In particular, I wish to thank the Subcommittee of Energy and Water and its leadership for providing $24 million in construction general funding for the Houston-Galveston navigation channels and $14 million for operations and maintenance.

We will try to increase those numbers in conference with the Senate, particularly the operations and maintenance account, which if left underfunded year after year will undermine the benefits of the investments we have made.

I also wish to thank the Subcommittee for including $750,000 in construction general funding for Hunting Bayou and $340,000 in General Investigations funding for Greens Bayou.

Both of these watersheds have experienced major flooding over the past years and are crying out for investment to protect the hundreds of thousands of residents and thousands of businesses in those areas.

And finally, I want to note that while this bill does not yet provide general investigations funding to begin a study of a federal project for Halls Bayou, a tributary of Greens Bayou, that project is authorized as part of the Water Resources Development Act of 1990.

Also, there is a section of the pending House Water Resources Development Act of 2004 (H.R. 2557) that would reclassify Halls Bayou as a section 211 reimbursement project under the Water Resources Development Act of 1996.

Again, I thank the subcommittee, its leadership, and particularly Congressman EDWARDS of Texas for their fine work on this piece of legislation. I urge support of H.R. 4614.

Mr. GUTKNECHT. Mr. Chairman, as the House passes the FY2005 Energy and Water Development appropriations bill today, I would like to draw attention to the Lewis & Clark Rural Water project. While Minnesota has thousands of lakes, southwest Minnesota, in my district, is described as the place the glaciers missed. In fact, Rock County the southwestern most county in Minnesota, it the only county in my home state that does not have a single lake.

To deal with this problem, sixteen communities and five rural water systems joined together in 1990 to create the non-profit Lewis

& Clark Rural Water System. This water system project, when completed, will cover an area of 5,000 square miles in southwest Minnesota, northwest Iowa, and southeast South Dakota. The twenty-one members of the Lewis & Clark Rural Water System serve a population of over 200,000 people.

Construction on the Lewis & Clark Rural Water Project is underway and moving ahead. The groundbreaking and first official construction took place in August 2003. A large diameter casing and two wells have been installed and the first segment of pipe was installed on June 14, 2004. Another contract, for roughly $15 million, will be awarded in July. This contract, using funds appropriated in FY2004, will complete the Raw Water Pipeline, which will take the untreated water from the well fields to the water treatment plant.

This important project will greatly improve quality of life and enhance economic opportunity in my district. Over 100 rural families in southwest Minnesota are on a waiting list to receive water from Lincoln-Pipestone Rural Water (L–PRWS), one of the members of Lewis & Clark. Until the Lewis & Clark project in this area is completed, there will not be enough water for these families.

Economic development will be enhanced by allowing communities to provide additional water to expanding industries and value-added agriculture, thereby preserving jobs, as well as attracting new industries. One community in my district, Worthington, has actually had to turn away inquiries from companies considering locating their because of the lack of water. This is a serious problem and I applaud the dedication of those individuals who have worked long and hard to get this project going.

In the 108th Congress I have made the Lewis & Clark project a priority of mine and submitted a request for $35 million dollars. Included in this appropriations bill is $17.5 million for the Lewis & Clark project. While this funding is less than the amount for which we had hoped, it is a good start, and I applaud the President for making this a priority in his budget request.

Rural Minnesota, South Dakota, and Iowa need the Lewis & Clark Rural Water Project and I am excited construction has begun. For the sake of these communities I urge Congress to continue to make this project a priority.

Mr. BARRETT of South Carolina. Mr. Chairman, as a Representative of the Savannah River Site located in South Carolina's Third Congressional District, I rise today to voice my concerns regarding this bill. The Savannah River Site (SRS) is South Carolina's largest single site employer, employing approximately 13,500 workers from around the southeast region, and it serves a vital function to our nation's nuclear infrastructure. The Fiscal Year 2005 Energy and Water Appropriations bill in its current form potentially jeopardizes several programs at the SRS including the waste incidental to reprocessing, the Savannah River National Laboratory, the mixed-oxide fuel program, and the modern pit facility.

While I strongly commend the Committee for preventing the DOE from setting aside funding for their High-level Waste Proposal pending the outcome of the waste incidental to reprocessing issue, I respectfully disagree with the Committee's position regarding resolution of that issue. Although efforts to agree in good faith on comprehensive legislation to uniformly resolve the issue failed between the DOE, Washington, Idaho, and South Carolina, other alternative solutions should be pursued. For example, state specific solutions should be supported so long as those states retain the authority to ensure the DOE takes into consideration the state's regulations upon implementation of its nuclear cleanup program.

Moreover, failure to support agreements between each interested state and the DOE places increased risk to each site's surrounding communities and imposes greater costs to America's taxpayers. I fear the longer a delay occurs the longer period of time the residual waste will be left in its liquid form, which poses a greater threat to the nearby rivers that may serve as a water source for surrounding communities. If single state agreements would allow sufficient environmental remediation method to proceed in a safe manner, it is unnecessary for our nation's taxpayers to incur additional costs to research and develop new, unproven cleanup methods. As a result, single state solutions, would preclude continued delay of processing waste stored at the affected sites, which would prevent undue additional risk and increased costs to cleanup the sites.

I also respectfully disagree with the Committee's support for the DOE's decision that the Salt Waste Processing Facility and the Salt Waste Process Facility Alternative are prohibited by the Idaho District Court ruling regarding waste incidental to reprocessing. On the contrary, the objectives of these facilities are approximately a mirror image of the work being conducted at the Defense Waste Processing Facility, which has been processing nuclear waste for several years and continues to do so despite the outstanding waste incidental to reprocessing issue. By the Committee's zeroing out finding for these projects in FY05, the SRS community is greatly concerned with the future job outlook that these facilities are scheduled to provide in the near and long term.

With respect to the Committee's position on the Savannah River National Laboratory, I understand the Committee's concern with the level of consultation provided by the DOE regarding the designation of the Savannah River National Laboratory. However, I am disappointed this bill fails to provide funding for one of nation's premier science labs. I believe now is the time for our nation to show its commitment to scientific research and development at our national labs to encourage young American professionals to enter a scientific field that is increasingly losing many of America's best scientists to retirement. Our national labs are a unique asset to our nation's scientific community and national security, and unfortunately, limiting the number of labs limits the opportunities we provide to America's scientific youth. As a result, I strongly support designation of the Savannah River Technology Center as our Nation's 13th national laboratory.

In regards to the mixed-oxide fuel program, the United States and Russia need to continue to expedite negations over the program's liability provisions, and I appreciate the Committee's consideration to restore the program's funding cuts should an agreement be reached in 2005.

Finally, I respectfully disagree with the Committee's decision to zero out funding for the modern pit facility (MPF), and to prohibit site selection from occurring in FY05. The MPF is crucial to sustaining the integrity of the United States nuclear deterrent for the foreseeable future. After 1989, the United States became the only nuclear power without the ability to manufacture plutonium pits for its nuclear stockpile. Many of the weapons in our nuclear stockpile have outlived their intended design life, and while the integrity of these weapons is not currently in jeopardy, the potential risk for functional degradation of the plutonium pit is too great not to take action. Therefore, I fully support the Administration's efforts to develop advanced nuclear concepts like the MPF to mitigate against the risk of being unable to maintain our current nuclear deterrent.

Furthermore, locating the MPF at the Savannah River site (SRS) is important for the country and the state of South Carolina. SRS is the most capable location for the mission because it has an excellent safety and security record, all necessary infrastructure requirements for any capacity size, and a proven and successful history of plutonium operations. As a result, locating the mission at SRS should save from $300 to over $500 million in taxpayer funds. Also, the mission is estimated to create 3,600 additional jobs in the private sector, which would partially offset SRS employment losses as it nuclear clean-up missions are completed. The SRS community has a long history of proudly serving our nation and fully supports the MPF. As a result, I am hopeful the Committee will remove its objections to site selection as it conferences with the Senate on this bill.

Mr. Chairman, while I support the interests of my Congressional district, I understand the enormous responsibility this Committee must endure as it considered appropriations legislation for our nation's energy programs. Although this bill does not fully provide the SRS community with the resources the Administration has requested, I do believe the Chairman and the Committee are steadfastly working in good faith to enhance our nation's energy programs, and I look forward to working with the Chairman on future issues related to the Savannah River Site and our nation.

Mr. VISCLOSKY. Mr. Chairman, I yield back the balance of my time.

Mr. HOBSON. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 4614

Be it enacted by the Senate and House of Representatives of the United States of America in

Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2005, for energy and water development, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, shore protection, aquatic ecosystem restoration, and related purposes.

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to rivers and harbors, flood control, shore protection, storm damage reduction, and related projects, restudy of authorized projects, miscellaneous investigations, and, when authorized by law, surveys and detailed studies and plans and specifications of projects prior to construction, $149,000,000, to remain available until expended: *Provided*, That for the Ohio Riverfront, Cincinnati, Ohio, project, the cost of planning and design undertaken by non-Federal interests shall be credited toward the non-Federal share of project design costs: *Provided further*, That in conducting the Southwest Valley Flood Damage Reduction Study, Albuquerque, New Mexico, the Secretary of the Army, acting through the Chief of Engineers, shall include an evaluation of flood damage reduction measures that would otherwise be excluded from the feasibility analysis based on policies regarding the frequency of flooding, the drainage areas, and the amount of runoff.

POINT OF ORDER

The CHAIRMAN. For what purpose does the gentleman from Tennessee rise?

Mr. DUNCAN. Mr. Chairman, I raise a point of order against the paragraph.

The CHAIRMAN. The gentleman will state his point of order.

Mr. DUNCAN. Mr. Chairman, at the request of the gentleman from Alaska (Chairman YOUNG) and on behalf of the Committee on Transportation and Infrastructure I rise to raise a point of order against page 2 line 23 beginning with "provided further" through page 3 line 5.

Let me say, first of all, that I want to commend the gentleman from Ohio (Chairman HOBSON) and the gentleman from Indiana (Ranking Member VISCLOSKY) who have done such an outstanding job on this legislation. But this provision, this particular provision, violates clause 2 of rule 21. It directs the Secretary of Army to include additional analysis in the southwest Valley Flood Damage Reduction Study and, therefore, constitutes legislating on an appropriations bill in violation of House rules.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

In that case, the Chair will rule.

The Chair finds this provision includes language imparting direction to the Secretary of the Army. The provision therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained. The provision is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

CONSTRUCTION GENERAL

For expenses necessary for the prosecution of river and harbor, flood control, shore protection, storm damage reduction, and related projects authorized by law; and for conducting detailed studies, and plans and specifications, of such projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such detailed studies, and plans and specifications, shall not constitute a commitment of the Government to construction); $1,876,680,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund as authorized by Public Law 104–303; and of which such sums as are necessary pursuant to Public Law 99–662 shall be derived from the Inland Waterways Trust Fund for one-half of the costs of construction and rehabilitation of inland waterways projects (including the rehabilitation costs for Lock and Dam 11, Mississippi River, Iowa; Lock and Dam 19, Mississippi River, Iowa; Lock and Dam 24, Mississippi River, Illinois and Missouri; and Lock and Dam 3, Mississippi River, Minnesota): *Provided*, That using $10,000,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue construction of the Dallas Floodway Extension, Texas, project, including the Cadillac Heights feature, generally in accordance with the Chief of Engineers report dated December 7, 1999: *Provided further*, That the Secretary of the Army is directed to accept advance funds, pursuant to section 11 of the River and Harbor Act of 1925, from the non-Federal sponsor of the Los Angeles Harbor, California, project authorized by section 101(b)(5) of Public Law 106–541: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to proceed with the construction of the New York and New Jersey Harbor project, 50-foot deepening element, upon execution of the Project Cooperation Agreement: *Provided further*, That no funds made available under this Act or any other Act for any fiscal year may be used by the Secretary of the Army to carry out the construction of the Port Jersey element of the New York and New Jersey Harbor or reimbursement to the Local Sponsor for the construction of the Port Jersey element until commitments for construction of container handling facilities are obtained from the non-Federal sponsor for a second user along the Port Jersey element: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $6,000,000 of the funds appropriated herein to proceed with planning, engineering, design or construction of the Grundy, Buchanan County, and Dickenson County, Virginia, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River Project: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use funds appropriated for the navigation project, Tampa Harbor, Florida, to carry out, as part of the project, construction of passing lanes in an area approximately 3.5 miles long, centered on Tampa Bay Cut B, if the Secretary determines that such construction is technically sound, environmentally acceptable, and cost effective: *Provided further*, That using $500,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to plan, design, and initiate reconstruction of the Cape Girardeau, Missouri, project, originally authorized by the Flood Control Act of 1950, at an estimated total cost of $9,000,000, with cost sharing on the same basis as cost sharing for the project as originally authorized, if the Secretary determines that the reconstruction is technically sound and environmentally acceptable: *Provided further*, That the planned reconstruction shall be based on the most cost-effective engineering solution and shall require no further economic justification: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to proceed without further delay with work on the permanent bridge to replace Folsom Bridge Dam Road, Folsom, California, as authorized by the Energy and Water Development Appropriations Act, 2004 (Public Law 108–137), and, of the $8,000,000 available for the American River Watershed (Folsom Dam Mini-Raise), California, project, up to $5,000,000 of those funds be directed for the permanent bridge, with all remaining devoted to the Mini-Raise.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For expenses necessary for the flood damage reduction program for the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, $325,000,000, to remain available until expended.

OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects; for providing security for infrastructure owned and operated by, or on behalf of, the United States Army Corps of Engineers, including administrative buildings and facilities, laboratories, and the Washington Aqueduct; for the maintenance of harbor channels provided by a State, municipality, or other public agency that serve essential navigation needs of general commerce, where authorized by law; and for surveys and charting of northern and northwestern lakes and connecting waters, clearing and straightening channels, and removal of obstructions to navigation; $1,982,000,000, to remain available until expended, of which such sums as become available in the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662, may be derived from that fund; of which such sums as become available from the special account for the United States Army Corps of Engineers established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601–6a(i)), may be derived from that account for resource protection, research, interpretation, and maintenance activities related to resource protection in the areas at which outdoor recreation is available; and of which such sums as become available under section 217 of the Water Resources Development Act of 1996, Public Law 104–303, shall be used to cover the cost of operation and maintenance of the dredged material disposal facilities for which fees have been collected: *Provided*, That the

Secretary of the Army, acting through the Chief of Engineers, is directed to use funds appropriated herein to rehabilitate the existing dredged material disposal site for the project for navigation, Bodega Bay Harbor, California, and to continue maintenance dredging of the Federal channel: *Provided further*, That the Secretary shall make suitable material excavated from the site as part of the rehabilitation effort available to the non-Federal sponsor, at no cost to the Federal Government, for use by the non-Federal sponsor in the development of public facilities.

AMENDMENT NO. 4 OFFERED BY MS. NORTON

Ms. NORTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Ms. NORTON:

Page 3, line 17, after the dollar amount insert the following: "(increased by $20,000,000) (reduced by $20,000,000)".

Ms. NORTON. Mr. Chairman, my amendment addresses a crisis that affects Members of Congress and all who live and work here resulting from a public health advisory regarding lead in the drinking water in the Nation's Capitol.

I am seeking to increase general project construction money in the amount of $20 million by increasing the amount of savings in slippage. The $20 million will help to address a federally created drinking water crisis caused by leaching from lead pipes installed by the U.S. Army Corps of Engineers more than 100 years ago amidst controversy that lead pipes were not safe even then.

EPA standards for lead in the drinking water is 15 parts per billion, yet thousands of homes in this city have tested above this standard, hundreds above 300 parts per billion. The water crisis I am asking Congress to address, however, not only affects people who live here but 200,000 Federal employees in the Capitol, the Supreme Court, the White House and Federal office buildings and millions of tourists from throughout the country and world who come here.

Public health officials testified at a May 21 Committee on Government Reform hearing that lead contaminated drinking water is dangerous for everyone, but can be especially dangerous to fetuses and young children under the age of 6, hindering their brain development and lowering their IQs. Yet, pregnant women and young children drank the water here not knowing about dangerous levels of lead. At the hearing a mother, Katherine Funk, testified that she unknowingly drank lead contaminated water throughout her entire pregnancy.

I support what we are spending to provide safe drinking water for the innocent people of Iraq. Today I am requesting a mere $20 million to begin the process here in the Nation's Capital. The $20 million will help replace lead lines. The lion's share is being borne locally, but some contribution from the Federal Government to reduce this crisis is particularly appropriate.

The lead water crisis emanates from the decision of the U.S. Army Corps of Engineers to build the District's water infrastructure system using lead pipes more than 100 years ago. And that was so controversial then. I will insert into the RECORD two articles from the Washington Post of 1893 and 1895 discussing the controversy. Also discussed there is the role that the Army Corps of Engineers played in constructing these pipes.

The articles point out that the Army Corps knew of the health dangers of lead pipes that carried the District's drinking water but chose to use them anyway.

The Federal Government's role in providing water here goes beyond the pipes to the treatment of water itself. The Army Corps also built and still runs the Washington aqueduct which treats the water supply for the district and parts of northern Virginia.

The Committee on Government Reform hearing heard testimony from scientific experts that the switch in chemical treatment of the drinking water in 2000 at the aqueduct without adequate testing is the likely cause of leaching of lead pipes into the drinking water.

With the Corps embedded in the crisis through lead lines and faulty chemical treatment, the government should assume at least some share of the responsibility. The amount being requested here will not and is not intended to cover anything close to the cost of replacing these lines, but it will hasten the current replacement efforts being undertaken by the D.C. Water and Sewer Authority.

I certainly ask that the Federal Government step up to its responsibility. The residents of the District of Columbia have more than stepped up to their responsibility. This was done well before there was any home rule when the residents could have and did have no affect upon it.

The water I am talking about is the water that is on our rostrums every time we go to committee hearing. We should do something to protect ourselves, to protect Federal employees, and to protect the residents of the District of Columbia.

Mr. Chairman, at this point, I will insert the two articles I previously referred to.

[From the Washington Post, June 9, 1893]

LEAD PIPES UNSATISFACTORY

Capt. Powell, the Engineer Commissioner, has determined that a substitute must be found for lead pipes which, according to the present plumbing regulations, must be used in providing a water service for residences. The general fear that such pipes might cause lead poisoning under certain conditions makes their general adoption in the District a menace to the health of the people.

It has been shown that the chemical character of Potomac water causes such pipes to become coated on the inside with an insulation of carbonate of lime, soda, and clay, held in solution in the water. This coating, it has been argued, is a sure protection from danger of lead poisoning, but the engineer department has decided that it is too slight a safeguard. It is probable that the city's supply of water will be filtered at some future day, as sand filtration of drinking water has been adopted in many large cities abroad and is rapidly becoming popular.

Just what effect the filtered water may have in the coating of lead pipes has not been determined. The fact that iron pipes become thickly rusted on the inside, which causes a material loss of water pressure, makes their use unsatisfactory. Yesterday Capt. Derby, in charge of the division of water and sewers, examined the first substitute for lead pipe that has been presented since the investigation began. It was what is known as the improved Bower-Barff process, being a steel pipe coated inside and out with black oxide of iron. Capt. Derby reported it was "worth experimenting with," and tests of the pipe will be commenced at once. Several other styles of pipe are to be examined.

[From the Washington Post, Sept. 15, 1895]

POTOMAC WATER AND LEAD PIPE

A.W. Dow, inspector of asphalt and cements, yesterday made his report to the Engineer Commissioner. In it he says considerable change has been made in the past year in asphalt pavement by the addition of a fine sand to a sand similar to that formerly used. Under the present circumstances this is the best that can be done. The only fine sand now available is that dredged off the foot of Seventeenth Street.

The inspector deals also with the public wells analyzed. There were found to be 96 good ones, 41 suspicious, and 57 condemned.

The most interesting part of the report deals with the investigation of the action of Potomac water on lead pipe, to determine if enough lead is dissolved by the water to be injurious to public health. In order to have all conditions corresponding as near as possible with those of actual service, the inspector had one new forty foot lead service pipe in Anacostia and fifty feet of new lead pipe attached to the high service main at the U street pumphouse. From the investigation the inspector concludes that the only great source of danger is where the coating becomes detached by a rapid flow of water after the pipe had remained unused for some time. He will continue the investigation.

Mr. HOBSON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I share my colleague's concern about the lead in parts of the D.C. water system. However, I have to point out that such work is really not in the Corps of Engineers bailiwick. They are not authorized and we do not include any new water project authorization in our bill at this time.

I should also note that the Corps is probably not the best agency to conduct this kind of work. The Corps' role in the water system for the District of Columbia is limited to operating the water treatment plant. The Corps currently has no responsibility after the water leaves the plant for the water distribution and supply lines are a district responsibility and not that of the Corps.

Therefore, regrettably, I mean this sincerely, I do not have any way to really take care of this right now. This is a problem that the District has. At some point we ought to find a solution to help the District solve this problem. I just do not have the tools at this time to do that. Therefore, I must oppose the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from the District of Columbia (Ms. NORTON).

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. NORTON. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from the District of Columbia (Ms. NORTON) will be postponed.

Mr. KIND. Mr. Chairman, I move to strike the last word.

Mr. Chairman, based on previous conversations and the agreement I had with the Chair and the ranking member of the committee, I was offering this amendment with the intent to ask unanimous consent to withdraw and continue working with them and with the conferees in regards to a very important program that affects the upper Mississippi river basin, the Environmental Management Program.

It is an authorized program that first passed in 1986. It was reauthorized on a permanent basis in 1999. The authorization level has gone up to $33 million. My concern is that we have over the last few years been backtracking in regards to the funding of this important program.

As co-chair of the bipartisan upper Mississippi river basin Congressional task force, I have worked with my colleagues from this five-State region to build consensus about how best to protect and restore the nationally significant and environmental treasures of the upper Mississippi River.

I want to commend my colleagues who are here today, the gentlewoman from Minnesota (Ms. McCOLLUM) and my good friend, the gentleman from Missouri, Mr. HULSHOF, for their strong support for the EMP program and the support we have had in the bipartisan Mississippi River Caucus.

Earlier this year, 013 of us of the River Caucus wrote to the committee asking the committee to respect and appropriate funds for EMP at the President's budget request of $28 million. The committee, however, in this underlying report is only recommending $16 million.

The fear is we are backsliding on current projects that are in the works that will delay the completion of these projects by years. It will delay the implementation of new identified habitat restoration projects along the upper Mississippi River, along with the crucial long-term resource monitoring and the data collection which helps us better manage this important national treasure that we have in middle America.

The upper Mississippi and the entire Mississippi River basin area is North America's largest migratory route for waterfowl. It is the primary drinking source for 33 million Americans. It adds countless billions of dollars to our regional economy through industry and companies and farmers with the commercial navigation that is available along the Mississippi, not to mention a $6 billion tourism impact on the upper area and close to $2 billion recreation impact in the upper Mississippi River area.

And we have always recognized the legislation that has preceded us today that this is a multi-use river system between commercial navigation, which has existed in the past since the 1930s when the lock and dam system was created to harness the power of the river, to the recreation and the tourist impact.

The EMP program was established in the 1980s recognizing the need to maintain that important balance along the river between the infrastructure needs that are ongoing, but also the habitat restoration and long-term resource monitoring that the EMP program currently does. But, unfortunately, again, we have had backsliding over the last few years in regards to the commitment of the program.

Fortunately, the administration sees it a little bit differently. Based on a letter that I wrote to the administration requesting funding earlier this year, the President responded to my request by a letter dated April 20, and I quote, "As you know, the President submitted his 2005 budget on February 2004. I am pleased to say that the budget identifies EMP as one of the eight highest priority Army Corps of Engineer construction projects in the Nation and proposes $28 million in funding for it an increase of $9 million or 47 percent from the previous fiscal year."

The point is, this has received wide bipartisan support, support from the governors and the five States of Wisconsin, Minnesota, Iowa, Illinois, and Missouri, that have supported this project. Various groups that are concerned about river management issues are very supportive of the environmental management program. The Corps of Engineers has had a multiyear, multimillion dollar navigation study that they have initially released a preliminary report upon asking in part for $5.3 billion ecosystem management project to go along with a proposed lock and dam expansion project.

In light of where we seem to be heading in regards to the river management issues, we would hope we could get more support for the funding of a program that has proven itself year in and year out with wide bipartisan support, with tangible results that we see along the upper Mississippi River, something that thousands of people will see in the coming week as the 1854 grand excursion is recreated with a grand flotilla going up the Mississippi and finally ending up, I believe, in the district of the gentlewoman from Minnesota (Ms. McCOLLUM) for a 4th of July celebration.

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The river has played an incredibly important role in the development of middle America, the Great Plains States, and the upper Midwest generally. From the exposure it received in 1854 with the Grand Excursion to the great American novels that Mark Twain wrote of two kids growing up on the Mississippi, Tom Sawyer and Huck Finn, to the ongoing uses of the river, we believe we need to do a better job of funding the EMP; and hopefully with the leadership's cooperation, we can accomplish that in conference.

Mr. HULSHOF. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to, first of all, say thank you to my friend for his kind words and the work that he has done on the upper Mississippi; and, two, the chairman of the subcommittee during general debate, the chairman talked about trying to find a balanced approach, and I applaud that; and I think the underlying bill does just that.

We certainly appreciate trying to fund the critical programs through the upper Mississippi River basin. Despite, quite frankly, the recent core budgets that have made this task extremely challenging, it is critical that adequate funding be provided to support a multiple-use river, as the gentleman from Wisconsin spoke of.

Whether it is the Environmental Management Plan that he spoke of to the navigation study and a comprehensive plan for flood control and floodplain management, the Mississippi River does, in fact, have diverse uses and, accordingly, diverse needs.

Again, I applaud the chairman and the subcommittee who have worked with our office and our constituents to make a difference in the basin. In fact, I know that the chairman has logged thousands of miles personally to inspect and view many of the civil works projects around the country, and I would be remiss if I did not extend a personal invitation to the gentleman to come to Missouri and to see the upper Mississippi and especially the locks and dams as the previous chairman did some years ago.

In fact, it was on that visit that we had a chance to view from the air some of the true benefits of the Environmental Management Plan specifically, and it really gave me a sense of a greater appreciation for what the Corps of Engineers was doing with the EMP. Already hundreds of acres of prime wetlands have been reclaimed, critical back waters have been restored, habitats are thriving. We are helping to promote flood control throughout the region, and we know too often, I think, the Corps of Engineers receives only barbs for its environmental record; but I think its successes in the EMP, which has really only been limited by funding issues, are indeed worthy of praise.

So accordingly, I support the bipartisan efforts of the gentleman from Wisconsin (Mr. KIND), my friend, as well as the gentleman from Ohio (Mr. HOBSON), to achieve this balanced approach to the management of one of our Nation's greatest natural resources, the mighty Mississippi.

WITHDRAWAL OF REQUEST FOR RECORDED VOTE ON AMENDMENT NO. 4 OFFERED BY MS. NORTON

Ms. NORTON. Mr. Chairman, after speaking with the distinguished chairman concerning matters involving lead in the water that are transpiring in the other body, I think a vote is unnecessary. I ask unanimous consent to withdraw my request for a vote.

The CHAIRMAN. Without objection, the gentlewoman withdraws her request.

There was no objection.

The CHAIRMAN. Accordingly, the noes have it, and the amendment is not agreed to.

Mr. HOBSON. Mr. Chairman, I ask unanimous consent that the remainder of the bill through title II be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The text of the remainder of the bill through title II is as follows:

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $140,000,000, to remain available until expended.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination at sites in the United States resulting from work performed as part of the Nation's early atomic energy program, $190,000,000, to remain available until expended.

GENERAL EXPENSES

For expenses necessary for general administration and related civil works functions in the headquarters of the United States Army Corps of Engineers, the offices of the Division Engineers, the Humphreys Engineer Center Support Activity, the Institute for Water Resources, the United States Army Engineer Research and Development Center, and the United States Army Corps of Engineers Finance Center, $167,000,000, to remain available until expended: *Provided*, That no part of any other appropriation provided in title I of this Act shall be available to fund the activities of the Office of the Chief of Engineers or the executive direction and management activities of the division offices: *Provided further*, That none of these funds shall be available to support an office of congressional affairs within the executive office of the Chief of Engineers.

OFFICE OF ASSISTANT SECRETARY OF THE ARMY (CIVIL WORKS)

For expenses necessary for the Office of Assistant Secretary of the Army (Civil Works), as authorized by 10 U.S.C. 3016(b)(3), $2,600,000.

ADMINISTRATIVE PROVISIONS

Appropriations in this title shall be available for official reception and representation expenses (not to exceed $5,000); and during the current fiscal year the Revolving Fund, Corps of Engineers, shall be available for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles.

GENERAL PROVISIONS

CORPS OF ENGINEERS—CIVIL

SEC. 101. Agreements proposed for execution by the Assistant Secretary of the Army for Civil Works or the United States Army Corps of Engineers after the date of the enactment of this Act pursuant to section 4 of the Rivers and Harbor Act of 1915 (P.L. 64–291); section 11 of the River and Harbor Act of 1925 (P.L. 68–585); the Civil Functions Appropriations Act, 1936 (P.L. 75–208); section 215 of the Flood Control, Act of 1968, as amended (P.L. 90–483); sections 104, 203, and 204 of the Water Resources Development Act of 1986, as amended (P.L. 99–662); section 206 of the Water Resources Development Act of 1992, as amended (P.L. 102–580); section 211 of the Water Resources Development Act of 1996 (P.L. 104–303); and any other specific project authority, shall be limited to credits and reimbursements per project not to exceed $10,000,000 in each fiscal year, and total credits and reimbursements for all applicable projects not to exceed $50,000,000 in each fiscal year.

SEC. 102. None of the funds appropriated in this or any other Act may be used by the United States Army Corps of Engineers to support activities related to the proposed Ridge Landfill in Tuscarawas County, Ohio.

SEC. 103. None of the funds appropriated in this or any other Act shall be used to demonstrate or implement any plans divesting or transferring any Civil Works missions, functions, or responsibilities of the United States Army Corps of Engineers to other government agencies without specific direction in a subsequent Act of Congress.

SEC. 104. None of the funds appropriated in this or any other Act may be used by the United States Army Corps of Engineers to support activities related to the proposed Indian Run Sanitary Landfill in Sandy Township, Stark County, Ohio.

SEC. 105. ALAMOGORDO, NEW MEXICO. The project for flood protection at Alamogordo, New Mexico, authorized by the Flood Control Act of 1962 (P.L. 87–874), is modified to authorize and direct the Secretary to construct a flood detention basin to protect the north side of the City of Alamogordo, New Mexico, from flooding. The flood detention basin shall be constructed to provide protection from a 100-year flood event. The project cost share for the flood detention basin shall be consistent with section 103(a) of the Water Resources Development Act of 1986, notwithstanding section 202(a) of the Water Resources Development Act of 1996.

SEC. 106. Section 214(a) of Public Law 106–541 is amended by striking "2003" and inserting "2007".

SEC. 107. FLOOD DAMAGE REDUCTION, MILL CREEK, CINCINNATI, OHIO. The Secretary of the Army is directed to complete the General Reevaluation Report on the Mill Creek, Ohio, project not later than March 1, 2005, at 100 percent Federal cost. The report shall provide plans for flood damage reduction throughout the basin equivalent to and commensurate with that afforded by the authorized, partially implemented, Mill Creek, Ohio, Flood Damage Reduction Project, as authorized in section 201 of the Flood Control Act of 1970 (P.L. 91–611).

SEC. 108. The Secretary shall provide credit to the non-Federal sponsor for preconstruction engineering and design work performed by the non-Federal sponsor for the environmental dredging project at Ashtabula River, Ohio, prior to execution of a Project Cooperation Agreement.

SEC. 109. The Secretary of the Army, acting through the Chief of Engineers, is directed to design the Central Riverfront Park project on the Ohio Riverfront in Cincinnati, Ohio, as described in the Central Riverfront Park Master Plan performed by the City of Cincinnati, dated December 1999, and the Section 905(b) analysis, performed by the Louisville District of the Corps of Engineers, dated August 2002. The cost of project work undertaken by the non-Federal interests, including but not limited to prior and current planning and design, shall be credited toward the non-Federal share of design costs.

SEC. 110. Amounts in the revolving fund may not be used for the Dredge MCFARLAND overhaul, the replacement of the sidecasting propulsion system of the Dredge MERRITT, the pontoon pipeline replacement of the Dredge JADWIN, the bow discharge replacement and repowering for the Dredge ESSAYONS, the repowering of the Dredge YAQUINA, or the floating pipeline replacement for the Dredge POTTER.

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, $48,009,000 to remain available until expended, of which $15,469,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission.

In addition, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior, $1,734,000, to remain available until expended.

BUREAU OF RECLAMATION

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

WATER AND RELATED RESOURCES

(INCLUDING TRANSFER OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, Indian tribes, and others, $860,000,000, to remain available until expended, of which $53,299,000 shall be available for transfer to the Upper Colorado River Basin Fund and $33,794,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund; and of which not more than $500,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706: *Provided*, That such transfers may be increased or decreased within the overall appropriation under this heading: *Provided further*, That of the total appropriated, the amount for program activities can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 460l-6a(i) shall be derived from that Fund or account: *Provided further*, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: *Provided further*, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: *Provided further*, That funds available for expenditure for the Departmental Irrigation Drainage Program may be expended by the Bureau of Reclamation for site remediation on a non-reimbursable basis: *Provided further*, That section 301 of Public Law 102–250, the Reclamation States Emergency Drought Relief Act of 1991, as amended, is amended further by inserting "2004, and 2005" in lieu of "and 2004".

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, and habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, $54,695,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), 3405(f), and 3406(c)(1) of Public Law 102–575, to remain available until expended: *Provided*, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102–575: *Provided further*, That none of the funds made available under this heading may be used for the acquisition or leasing of water for in-stream purposes if the water is already committed to in-stream purposes by a court-adopted decree or order.

POLICY AND ADMINISTRATION

For necessary expenses of policy, administration, and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, $58,153,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed 14 passenger motor vehicles, of which 11 are for replacement only.

GENERAL PROVISIONS

DEPARTMENT OF THE INTERIOR

SEC. 201. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the "Cleanup Program-Alternative Repayment Plan" and the "SJVDP-Alternative Repayment Plan" described in the report entitled "Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995", prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

SEC. 202. None of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to purchase or lease water in the Middle Rio Grande or the Carlsbad Projects in New Mexico unless said purchase or lease is in compliance with the purchase requirements of section 202 of Public Law 106–60.

The CHAIRMAN. Are there points of order against that portion of the bill?

POINTS OF ORDER

Mr. DUNCAN. Mr. Chairman, once again, I will say that I certainly commend the gentleman from Ohio (Chairman HOBSON) and his staff for the fine work they have done on this bill, but I do have six points of order that I am required to raise at this time.

The CHAIRMAN. The gentleman will state his points of order.

Mr. DUNCAN. Mr. Chairman, I raise a point of order against section 105. This section violates clause 2 of rule XXI. It changes existing law and, therefore, constitutes legislating on an appropriations bill in violation of House rules.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Hearing none, the Chair finds that this provision directly modifies an existing flood project. The provision, therefore, constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained. The provision is stricken from the bill.

Mr. DUNCAN. Mr. Chairman, I raise a point of order against section 106. This provision violates clause 2 of rule XXI. It changes existing law and, therefore, constitutes legislating on an appropriation bill in violation of House rules.

The CHAIRMAN. Does any Member wish to be recognized on the point of order? If not, the Chair will rule.

The Chair finds that this provision directly amends existing law. The provision, therefore, constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained. The provision is stricken from the bill.

Mr. DUNCAN. Mr. Chairman, I raise a point of order against section 107. This provision violates clause 2 of rule XXI. It establishes a deadline for completing the general reevaluation report for the Mill Creek, Ohio, project and adds a planning requirement. This constitutes legislating on an appropriations bill in violation of House rules.

The CHAIRMAN. Does any other Member wish to be heard on the point of order? If not, the Chair will rule.

The Chair finds that this provision includes language imparting direction to the Secretary of the Army. The provision, therefore, constitutes legislation under clause 2 of rule XXI. Therefore, the point of order is sustained. The provision is stricken from the bill.

Mr. DUNCAN. Mr. Chairman, I raise a point of order against section 108. This provision violates clause 2 of rule XXI. It authorizes the Secretary to provide certain credit to the non-Federal sponsor for the project at Ashtabula River, Ohio. It, therefore, constitutes legislating on an appropriations bill in violation of House rules.

The CHAIRMAN. Does any Member wish to be heard on the point of order? If not, the Chair is prepared to rule.

The Chair finds this provision includes language imparting direction to the Secretary of the Army. The provision, therefore, constitutes legislation in violation of clause 2, rule XXI. The point of order is sustained. The provision is stricken from the bill.

Mr. DUNCAN. Mr. Chairman, I raise a point of order against section 109. This section violates clause 2 of rule XXI. It directs the Corps of Engineers to proceed to the design phase of the Central Riverfront Project on the Ohio riverfront in Cincinnati. This, therefore, constitutes legislating on an appropriations bill in violation of House rules.

The CHAIRMAN. Does any other Member wish to address the point of order? If not, the Chair is prepared to rule.

The Chair finds this provision includes language imparting direction to the Secretary of the Army. The provision of the legislation is in violation of clause 2 of rule XXI. The point of order is sustained, and the provision is stricken from the bill.

Mr. DUNCAN. Finally, Mr. Chairman, once again, on behalf of the Committee on Transportation and Infrastructure and the gentleman from Alaska (Chairman YOUNG), I raise a point of order against section 110. Mr. Chairman, this section violates clause 2 of rule XXI. It prohibits amounts in the Corps of Engineers revolving fund from being used for certain maintenance work on corps dredges. It limits the use of funds not made available in this bill and, therefore, constitutes legislating on an appropriations bill in violation of House rules.

The CHAIRMAN. Does any other Member wish to address the point of order? If not, the Chair is prepared to rule.

The Chair finds this provision addresses funds and other acts. The provision, therefore, constitutes legislation in violation of clause 2, rule XXI. The point of order is sustained. The provision is stricken from the bill.

Are there any amendments to this portion of the bill?

Ms. McCOLLUM. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like today to rise in strong support for what the gentleman from Wisconsin was so eloquently up here speaking about before, the Environmental Management Program.

This is a program that provides critical resources to keep the Mississippi River healthy and enjoyable for all of our citizens. The Mississippi River is a working river, and it is a river, which, when navigation takes place and projects by the Army Corps are put in effect for flood control projects, we quite often find ourselves with unintended consequences to the river's habitat.

Without additional funding, the river habitat will continue to be lost and hundreds of species that depend upon the health of the river will struggle to survive, but it is not just fish and wildlife at stake. Millions of visitors spend annually billions of dollars on recreating along the Mississippi-Illinois rivers supporting thousands of jobs.

The Mississippi River is also a source of drinking water for millions of Americans. The Environmental Management Program is the Nation's premier large-river monitoring and restoration program. It is a model for interagency and interstate cooperation on an equal system level national resources management.

This is a very important management program; and as the committee moves forward, I would encourage it to look for any additional funding dollars.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY SUPPLY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy supply activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed 9 passenger motor vehicles for replacement only, and one ambulance, $817,126,000, to remain available until expended.

AMENDMENT NO. 5 OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. SANDERS:

Page 19, line 14, after the dollar amount, insert the following: "(increased by $30,000,000)".

Page 23, line 5, after the dollar amount, insert the following: "(reduced by $30,000,000)".

Mr. HOBSON. Mr. Chairman, I ask unanimous consent that debate on this amendment and any amendments thereto be limited to 24 minutes to be equally divided and controlled by the proponent and myself, the opponent.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. The gentleman from Vermont (Mr. SANDERS) is recognized for 12 minutes.

Mr. SANDERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me begin by thanking the gentleman from Ohio (Chairman HOBSON) and the gentleman from Indiana (Ranking Member VISCLOSKY) for all of their hard work on this important legislation.

The amendment that I am offering is cosponsored by the gentleman from New York (Mr. HINCHEY) and the gentleman from Oregon (Mr. DEFAZIO) and the gentlewoman from Ohio (Ms. KAPTUR).

Mr. Chairman, this amendment deals, in fact, with one of the important issues of our time, and that is, whether the United States Government will take the bold step to break our dependency on fossil fuels, break our dependency on nuclear power and move forward as aggressively as we can into the new world of safe, clean, cost-effective, sustainable energy.

The truth is that we have made some progress in recent years, but the truth also is that we have a long, long way to go; and this amendment will help us move in that direction.

Mr. Chairman, specifically, the legislative intent of this amendment is to increase funding for renewable energy programs such as solar energy, wind, biomass, clean hydrogen, and geothermal by $30 million, to be offset by a decrease of $30 million in funding for the nuclear weapons advance simulation and computing program in the weapons activities budget. That offset, by the way, is a decrease of less than 5 percent for this program and a tiny fraction of the $6.5 billion for weapons that are funded in this bill.

Mr. Chairman, this amendment would bolster critical research and development so that we can deliver unlimited clean energy for generations to come. Improving the technology for sustainable energy is a huge step forward in protecting our environment, improving our economy and making this world a safer place so that our foreign policy is not significantly dictated by energy needs.

Mr. Chairman, this amendment is supported by every major environmental organization in the country, including the League of Conservation Voters, the Sierra Club, the Natural Resources Defense Council, American Rivers, U.S. PIRG and Public Citizen.

Mr. Chairman, if one looks at the big picture, it is clear that we are on the cusp of a historic opportunity to move from finite polluting fossil fuels to abundant, nonpolluting, clean energy sources that can be developed, refined, and manufactured here in the United States of America, not in the Mideast. The potential for these technologies is without limits as long as we adequately fund the research and development now.

The programs increased under this amendment, solar, wind, clean hydrogen, biomass and geothermal, offer our country a new path of abundant clean energy that will revolutionize our impact on this planet.

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Passage of this amendment would send a message to the Nation that we are going to take the right path, that we are going to break from our destructive fossil fuel habits of the past and commit to a sane, clean, and cost effective energy future. When taken together, the funding for renewable energy sources in this bill falls $31.6 million below the President's own request. So this amendment for $30 million simply brings us up to what the President wants, which is, by no means, a radical concept.

Certainly we can add a modest amount of money to research, develop, discriminate and disseminate these technologies, which will prevent smog, acid rain, and global climate change. Certainly we can redirect a mere $30 million in a bill of over $28 billion to R&D that promises to dramatically reduce lung damaging sulfur dioxide and neurotoxic mercury in the air we breathe and the water we drink.

For those who might wonder whether we are already doing enough to support renewable energy, let me put our Government's support for different energy sources in historic perspective. From 1943 through 1999, cumulative Federal Government subsidies to nuclear photovoltaic, solar thermal and wind electric generating technologies, excluding hydropower, totaled about $151 billion. The nuclear industry received $145 billion, or over 96 percent of the subsidies.

Remarkably, even the alternative technology available today, which has been subsidized at a fraction of the amount we have historically thrown at nuclear power and fossil fuels, is competitive in the market and can eliminate substantial amounts of toxins from the air. If it is competitive in the marketplace today, let us think about what we can do if we adequately fund research.

In solar, we are making significant progress, but we are not funding solar any more today than we did in 1993. In wind, we are making progress, making real efforts to lower the cost of generating electricity from wind, but we are not adequately funding wind. Biomass, in my State of Vermont, 23 schools are now heated with wood chips. We are making progress. But everybody understands we can do a lot more. Geothermal the same, hydrogen the same.

Mr. Chairman, this is a modest amendment, but it is an important step forward in telling the world that we understand that a revolution can happen in breaking our dependency on fossil fuels, on nuclear power, and moving forward to clean, safe, sustainable energy.

Mr. Chairman, I reserve the balance of my time.

Mr. HOBSON. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Chairman, I must rise reluctantly to oppose this amendment. As an energy consumer and a strong environmentalist, I fully support the increased development of renewable sources of energy. California, my State, has suffered tremendously in recent years from felonious manipulations, interruptions, and fluctuations in the energy market. Increasing the availability of renewable energy is absolutely necessary to achieving energy independence, and that is why this House should have passed a more balanced energy bill that makes the right investments in renewable energy and resources.

Unfortunately, Mr. Chairman, this amendment would take needed money away from the Advanced Simulation and Computing Initiative, better known as ASCI. ASCI is an essential component of our Nation's Stockpile Stewardship Program, which is designed to evaluate nuclear weapons so we do not have to return to nuclear testing. The ASCI program has developed some of the most powerful computers in the world to examine the aging of our nuclear stockpile. It has also led to breakthrough discoveries in science that have important civilian applications.

The funding for ASCI in this bill is already $75 million below the level requested by the President. Mr. Chairman, while I strongly support increased development of renewable energy resources, I cannot do it at further expense of the ASCI program. So I urge my colleagues to oppose the Sanders amendment.

Mr. HOBSON. Mr. Chairman, I yield myself such time as I may consume, and I rise to oppose the amendment to increase funding for the renewable energy program. Everything we did in the major renewable accounts, with the exception of the hydrogen program, which were reduced because the Department ignored congressional guidance on competition and cost sharing, is at or above the President's budget request.

While I am supportive of the renewable energy programs, there are many other areas of the bill I would have included additional funds, if possible. However, the committee's allocation was tight and we had to make some tough decisions. I believe we wrote a fair and balanced bill, and the renewable energy programs did very well.

I might point out that I have already taken a hard line in our committee with the nuclear weapons computer programs, and additional major reductions, I do not think, are helpful or necessary at this time. So I urge a "no" vote on the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. SANDERS. Mr. Chairman, I yield myself such time as I may consume, and I will close in a minute by saying that what we are talking about here is not a huge sum of money. It is $30 million. And one can always argue that where you take the money there is a reason for that money, and I respect that. But I think the evidence is overwhelming that we are on the cusp of major breakthroughs which can change our entire use of energy in this country and lead us and the entire world to move toward clean, sustainable energy and away from nuclear power, of which we do not know how to dispose of today, and away from fossil fuels, which are causing so many serious environmental problems.

So this amendment is not just a $30 million amendment, but I think it is an indication of the sentiment of this Congress to tell the American people and the world that we are prepared to go forward in a bold new way with huge potential, and so I would urge support for this amendment.

Mr. MARKEY. Mr. Chairman, before I speak in support of the Sanders amendment, I would like to applaud the Chairman, Ranking Member and all the members of the subcommittee for their wise decision to eliminate all funding for new nuclear weapons initiatives, including the nuclear bunker buster, mini-nukes, the Modern Pit Facility, and accelerated nuclear test readiness. The committee has taken a farsighted and courageous step toward nuclear sanity by eliminating funding for these wasteful, dangerous and entirely unnecessary programs, and this action will help restore America's nonproliferation credibility around the world.

The Sanders amendment would inject some of that same farsightedness into our allocation of funding for energy research and development by increasing funding for solar, wind, biomass, hydrogen and geothermal renewable energy technology.

President Bush's Fiscal Year 2005 budget request and this legislation take us backward, not forward, in our national investment in the clean, renewable technologies that will power us safely and reliably in the 21st century. In this legislation, renewable energy research and development programs are either cut or flat funded from last year. Mr. Sanders' amendment would ensure that we increase funding for each of the renewable energy programs next year, not cut them.

The amendment would shift $30 million from "Advanced Simulation and Computing" in the nuclear weapons activities program to five renewable energy programs. This cut of $30 million represents less than a five percent of the total $633 million budget for advanced simulation and computing and would leave the program with almost twice as much funding as the total funding for solar and renewable energy research and development.

Renewable energy is good for America. It creates jobs. It lowers electricity prices. It eliminates pollution and waste. It increases our national energy security. But the appropriation levels in front of us suggest that Congress does not consider renewable energy important. If my colleagues believe that renewable energy is important, I urge them to support the Sanders amendment so that funding for renewable energy programs can be increased, not cut, next year.

Mr. SANDERS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont (Mr. SANDERS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SANDERS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Vermont (Mr. SANDERS) will be postponed.

Mr. HOBSON. Mr. Chairman, I ask unanimous consent the remainder of the bill through page 42, line 6 be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The text of the remainder of the bill through page 42, line 6 is as follows:

NON-DEFENSE SITE ACCELERATION COMPLETION

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental management site acceleration completion activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $151,850,000, to remain available until expended.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions, and other activities of title II of the Atomic Energy Act of 1954, as amended, and title X, subtitle A, of the Energy Policy Act of 1992, $500,200,000, to be derived from the Fund, to remain available until expended, of which $100,614,000 shall be available in accordance with title X, subtitle A, of the Energy Policy Act of 1992.

Non-Defense Environmental Services

For Department of Energy expenses necessary for non-defense environmental services activities that indirectly support the accelerated cleanup and closure mission at environmental management sites, including the purchase, construction, and acquisition of plant and capital equipment and other necessary expenses, $291,296,000, to remain available until expended.

Science

For Department of Energy expenses including the purchase, construction and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not to exceed four passenger motor vehicles for replacement only, including one ambulance, $3,599,964,000, to remain available until expended.

Departmental Administration

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed $35,000), $243,876,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total $122,000,000 in fiscal year 2005 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 2005, and any related unappropriated receipt account balances remaining from prior years' miscellaneous revenues, so as to result in a final fiscal year 2005 appropriation from the general fund estimated at not more than $121,876,000.

Office of the Inspector General

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $41,508,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

National Nuclear Security Administration

Weapons Activities

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of not to exceed 19 passenger motor vehicles, for replacement only, including not to exceed two buses; $6,514,424,000 to remain available until expended.

Defense Nuclear Nonproliferation

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense, defense nuclear nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $1,348,647,000, to remain available until expended.

Naval Reactors

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, $807,900,000, to remain available until expended.

Office of the Administrator

For necessary expenses of the Office of the Administrator in the National Nuclear Security Administration, including official reception and representation expenses (not to exceed $12,000), $356,200,000, to remain available until expended.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

Defense Site Acceleration Completion

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense site acceleration completion activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $5,930,837,000, to remain available until expended.

Defense Environmental Services

For Department of Energy expenses necessary for defense-related environmental services activities that indirectly support the accelerated cleanup and closure mission at environmental management sites, including the purchase, construction, and acquisition of plant and capital equipment and other necessary expenses, and the purchase of not to exceed three ambulances for replacement only, $957,976,000, to remain available until expended.

Other Defense Activities

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses, necessary for atomic energy defense, other defense activities, and classified activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $697,059,000, to remain available until expended.

Defense Nuclear Waste Disposal

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $131,000,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

Bonneville Power Administration Fund

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for official reception and representation expenses in an amount not to exceed $1,500. During fiscal year 2005, no new direct loan obligations may be made.

Operation and Maintenance, Southeastern Power Administration

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, including transmission wheeling and ancillary services, pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $5,200,000, to remain available until expended: *Provided*, That, notwithstanding the provisions of 31 U.S.C. 3302, up to $34,000,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

Operation and Maintenance, Southwestern Power Administration

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, $29,352,000, to remain available until expended: *Provided*, That, notwithstanding the provisions of 31 U.S.C. 3302, up to $1,800,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

Construction, Rehabilitation, Operation and Maintenance, Western Area Power Administration

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $1,500, $173,100,000, to remain available until expended, of which $170,756,000 shall be derived from the Department of the Interior Reclamation Fund: *Provided*, That, notwithstanding the provisions of 31 U.S.C. 3302, up to $186,000,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

Falcon and Amistad Operating and Maintenance Fund

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $2,827,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 423 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses (not to exceed $3,000), $210,000,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, not to exceed $210,000,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2005 shall be retained and used for necessary expenses in this account, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as revenues are received during fiscal year 2005 so as to result in a final fiscal year 2005 appropriation from the general fund estimated at not more than $0.

GENERAL PROVISIONS

DEPARTMENT OF ENERGY

SEC. 301. (a)(1) None of the funds in this or any other appropriations Act for fiscal year 2005 or any previous fiscal year may be used to make payments for a noncompetitive management and operating contract unless the Secretary of Energy has published in the Federal Register and submitted to the Committees on Appropriations of the House of Representatives and the Senate a written notification, with respect to each such contract, of the Secretary's decision to use competitive procedures for the award of the contract, or to not renew the contract, when the term of the contract expires.

(2) Paragraph (1) does not apply to an extension for up to two years of a noncompetitive management and operating contract, if the extension is for purposes of allowing time to award competitively a new contract, to provide continuity of service between contracts, or to complete a contract that will not be renewed.

(b) In this section:

(1) The term "noncompetitive management and operating contract" means a contract that was awarded more than 50 years ago without competition for the management and operation of Ames Laboratory, Argonne National Laboratory, Lawrence Berkeley National Laboratory, Lawrence Livermore National Laboratory, and Los Alamos National Laboratory.

(2) The term "competitive procedures" has the meaning provided in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403) and includes procedures described in section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) other than a procedure that solicits a proposal from only one source.

(c) For all management and operating contracts other than those listed in subsection (b)(1), none of the funds appropriated by this Act may be used to award a management and operating contract, or award a significant extension or expansion to an existing management and operating contract, unless such contract is awarded using competitive procedures or the Secretary of Energy grants, on a case-by-case basis, a waiver to allow for such a deviation. The Secretary may not delegate the authority to grant such a waiver. At least 60 days before a contract award for which the Secretary intends to grant such a waiver, the Secretary shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report notifying the Committees of the waiver and setting forth, in specificity, the substantive reasons why the Secretary believes the requirement for competition should be waived for this particular award.

SEC. 302. None of the funds appropriated by this Act may be used to—

(1) develop or implement a workforce restructuring plan that covers employees of the Department of Energy; or

(2) provide enhanced severance payments or other benefits for employees of the Department of Energy under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (P.L. 102–484; 42 U.S.C. 7274h).

SEC. 303. None of the funds appropriated by this Act may be used to augment the funds made available for obligation by this Act or any other appropriations Act for fiscal year 2005 or any previous fiscal year for severance payments and other benefits and community assistance grants under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (P.L. 102–484; 42 U.S.C. 7274h) unless the Department of Energy submits a reprogramming request subject to approval by the appropriate congressional committees.

SEC. 304. None of the funds appropriated by this Act may be used to prepare or initiate Requests For Proposals (RFPs) for a program if the program has not been funded by Congress.

(TRANSFERS OF UNEXPENDED BALANCES)

SEC. 305. The unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this title. Balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 306. None of the funds in this or any other Act for the Administrator of the Bonneville Power Administration may be used to enter into any agreement to perform energy efficiency services outside the legally defined Bonneville service territory, with the exception of services provided internationally, including services provided on a reimbursable basis, unless the Administrator certifies in advance that such services are not available from private sector businesses.

SEC. 307. When the Department of Energy makes a user facility available to universities or other potential users, or seeks input from universities or other potential users regarding significant characteristics or equipment in a user facility or a proposed user facility, the Department shall ensure broad public notice of such availability or such need for input to universities and other potential users. When the Department of Energy considers the participation of a university or other potential user as a formal partner in the establishment or operation of a user facility, the Department shall employ full and open competition in selecting such a partner. For purposes of this section, the term "user facility" includes, but is not limited to: (1) a user facility as described in section 2203(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 13503(a)(2)); (2) a National Nuclear Security Administration Defense Programs Technology Deployment Center/User Facility; and (3) any other Departmental facility designated by the Department as a user facility.

SEC. 308. The Administrator of the National Nuclear Security Administration may authorize the manager of a covered nuclear weapons research, development, testing or production facility to engage in research, development, and demonstration activities with respect to the engineering and manufacturing capabilities at such facility in order to maintain and enhance such capabilities at such facility: *Provided*, That of the amount allocated to a covered nuclear weapons facility each fiscal year from amounts available to the Department of Energy for such fiscal year for national security programs, not more than an amount equal to 2 percent of such amount may be used for these activities: *Provided further*, That for purposes of this section, the term "covered nuclear weapons facility" means the following:

(1) the Kansas City Plant, Kansas City, Missouri;

(2) the Y–12 Plant, Oak Ridge, Tennessee;

(3) the Pantex Plant, Amarillo, Texas;

(4) the Savannah River Plant, South Carolina; and

(5) the Nevada Test Site.

SEC. 309. Funds appropriated by this or any other Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2005 until the enactment of the Intelligence Authorization Act for fiscal year 2005.

SEC. 310. None of the funds made available in this or any other appropriations Act for fiscal year 2005 or any previous fiscal year may be used to select a site for a Modern Pit Facility during fiscal year 2005.

SEC. 311. None of the funds made available in this Act for fiscal year 2005 or any previous fiscal year may be used to finance laboratory directed research and development activities at Department of Energy laboratories on behalf of other Federal agencies.

SEC. 312. (a) None of the funds made available by this Act may be used to issue any license, approval, or authorization for the export or reexport, or transfer, or retransfer, whether directly or indirectly, of nuclear materials and equipment or sensitive nuclear technology, including items and assistance authorized by section 57 b. of the Atomic Energy Act of 1954 and regulated under part 810 of title 10, Code of Federal Regulations, and nuclear-related items on the Commerce Control List maintained under part 774 of title 15 of the Code of Federal Regulations, to any country whose government has been identified by the Secretary of State as engaged in state sponsorship of terrorist activities (specifically including any country the government of which has been determined by the Secretary of State under section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)), section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)), or section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)) to have repeatedly provided support for acts of international terrorism).

(b) This section shall not apply to exports, reexports, transfers, or retransfers of radiation monitoring technologies, surveillance equipment, seals, cameras, tamper-indication devices, nuclear detectors, monitoring systems, or equipment necessary to safely store, transport, or remove hazardous materials, whether such items, services, or information are regulated by the Department of Energy, the Department of Commerce, or the Nuclear Regulatory Commission, except to the extent that such technologies, equipment, seals, cameras, devices, detectors, or systems are available for use in the design or construction of nuclear reactors or nuclear weapons.

(c) The President may waive the application of subsection (a) to a country if the President determines and certifies to Congress that the waiver will not result in any increased risk that the country receiving the waiver will acquire nuclear weapons, nuclear reactors, or any materials or components of nuclear weapons and—

(1) the government of such country has not within the preceding 12-month period willfully aided or abetted the international proliferation of nuclear explosive devices to individuals or groups or willfully aided and abetted an individual or groups in acquiring unsafeguarded nuclear materials;

(2) in the judgment of the President, the government of such country has provided adequate, verifiable assurances that it will cease its support for acts of international terrorism;

(3) the waiver of that subsection is in the vital national security interest of the United States; or

(4) such a waiver is essential to prevent or respond to a serious radiological hazard in the country receiving the waiver that may or does threaten public health and safety.

(d) This section shall apply with respect to exports that have been approved for transfer as of the date of the enactment of this Act but have not yet been transferred as of that date.

TITLE IV

INDEPENDENT AGENCIES

Appalachian Regional Commission

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, for necessary expenses for the Federal Co-Chairman and the alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109 and hire of passenger motor vehicles, $38,500,000, to remain available until expended.

Defense Nuclear Facilities Safety Board

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100-456, section 1441, $20,268,000, to remain available until expended.

Delta Regional Authority

SALARIES AND EXPENSES

For necessary expenses of the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, as amended, notwithstanding sections 382C(b)(2), 382F(d), and 382M(b) of said Act, $2,096,000, to remain available until expended.

Nuclear Regulatory Commission

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses (not to exceed $15,000), and purchase of promotional items for use in the recruitment of individuals for employment, $662,777,000, to remain available until expended: *Provided*, That of the amount appropriated herein, $69,050,000 shall be derived from the Nuclear Waste Fund: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at $534,354,300 in fiscal year 2005 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2005 so as to result in a final fiscal year 2005 appropriation estimated at not more than $128,422,700: *Provided further*, that none of the funds made available in this Act or any other appropriations Act for fiscal year 2005, or for any previous fiscal year, may be used by the Commission to issue a license during fiscal year 2005 to construct or operate a new commercial nuclear power plant in the United States.

Office of Inspector General

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $7,518,000, to remain available until expended: *Provided*, That revenues from licensing fees, inspection services, and other services and collections estimated at $6,766,200 in fiscal year 2005 shall be retained and be available until expended, for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2005 so as to result in a final fiscal year 2005 appropriation estimated at not more than $751,800.

Nuclear Waste Technical Review Board

SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100-203, section 5051, $3,177,000, to be derived from the Nuclear Waste Fund, and to remain available until expended.

TITLE V

GENERAL PROVISIONS

SEC. 501. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 502. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

POINT OF ORDER

Mrs. WILSON of New Mexico. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentlewoman from New Mexico will state her point of order.

Mrs. WILSON of New Mexico. Mr. Chairman, section 311 of the bill violates clause 2 of rule XXI of the Rules of the House of Representatives prohibiting legislation on appropriation bills.

Section 311 restricts funding in the bill for certain Department of Energy laboratory functions in fiscal year 2005 and any previous fiscal year. Because the language restricts funding not just for 2005 but for all previous years, it constitutes legislation on an appropriation bill. For that reason, it violates clause 2 of rule XXI of the Rules of the House.

The CHAIRMAN. Does any other Member wish to speak to the point of order?

If not, the Chair is prepared to rule.

The gentlewoman from New Mexico makes a point of order that section 311 addresses funds in other acts. The gentlewoman asserts that a valid reading of the section is to limit any funds made available in any previous fiscal year.

The Chair finds the language in this section ambiguous. The Chair would note that previous rulings cited in section 1052 of the House Rules and Manual allow the Chair to examine legislative history when attempting to resolve an ambiguity when ruling on a point of order.

In this case, the Chair finds that the committee report to accompany this bill, on page 174, indicates that section 311 intends to limit funds in this or any other appropriation act. Also, as recorded in the note in Deschler's Precedence, volume 8, chapter 26, section 57.17, where the terms in a purported limitation are challenged because of their ambiguity, the burden is on the proponent to show that no legislation is found in the relevant language.

In the opinion of the Chair, the committee has not met its burden and the section constitutes legislation. The point of order is sustained, and section 311 is stricken.

Are there any other points of order?

AMENDMENT OFFERED BY MR. HOBSON

Mr. HOBSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HOBSON:

Page 35, insert the following new section after line 11:

SEC. 311. None of the funds made available in this Act may be used to finance laboratory directed research and development activities at Department of Energy laboratories on behalf of other Federal agencies.

Mr. HOBSON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. HOBSON. Mr. Chairman, I would just ask for approval of the amendment. This restores the language for one year in the bill.

Mr. VISCLOSKY. Mr. Chairman, I rise in support of the gentleman's amendment.

Mrs. WILSON of New Mexico. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the chairman of the subcommittee is certainly within his rights to try to restrict language to one year, but I would point out that the intent of this section of legislation seriously undermines the ability of the laboratories to do their work. And while he may be able to do this in a narrow way, this is a very important piece of law, and from a policy point of view, very unwise.

I look forward to working with him in conference on substantive matters related to this problem, but I will have to be voting against this amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the Eshoo, DeFazio, Inslee amendment, and I want to thank the committee for agreeing to accept that amendment later, and to thank the committee for their consideration of the economic development projects for shipping in the San Francisco Bay area.

I rise in support of the amendment. Nearly four years ago, energy companies led by Enron purposefully manipulated consumer markets and ruthlessly price gouged California consumers. Recently publicized tapes and financial records from Enron's West Coast trading desk provide the proof. On the tapes, Enron traders can be heard bragging about how they were taking the California utilities—the "grandmothers"—to the "tune of a million bucks or two a day." Just last week, the San Francisco Chronicle noted that the market manipulation and the Enron tapes are a "display of arrogance and abuse that . . . argue powerfully for the need for government to maintain a level of oversight on energy markets."

California consumers have a right to recover the billions of energy overcharges that resulted from this widespread illegal behavior. Yet nearly 4 years after the fact, the Federal Energy Regulatory Commission (FERC) has simply failed to deliver justice to California's energy consumers. Instead of providing timely refunds for the unreasonable rates California consumers were forced to pay, FERC has ignored court orders to give the parties representing the people of California the opportunity to gather new evidence concerning energy market manipulation during the summer of 2000. As a result, FERC has been able to minimize the amount that energy wholesalers and marketers will be required to pay back. Instead, FERC has initiated a slew of largely closed door investigations against individual generators. Settlements in these dockets represent only a fraction of the billions taken from California consumers and industry during the energy crisis.

In Rules Committee, we offered an amendment to help move the process forward fairly by requiring the Commission to publicly disclose all the documents and evidence obtained in its legal proceedings; by allowing the states, like California, affected by market manipulation to fully participate in any and all settlement negotiations; and by adjusting the timeline for the investigation to adequately reflect the period of suspected criminal behavior. That amendment was ruled out of order.

Mr. Chairman, it's time for the Bush Administration to stop dragging its heels and deliver real justice to the people of California—and all up and down the West coast—who were bilked by the bigwigs at Enron out of their hard earned paychecks.

Since the broader amendment was not made in order, we are instead offering an amendment to ensure that none of the money appropriated under this act can be used to circumvent the court order to shine some sunlight into this process by making public the evidence attained through the investigations.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. HOBSON).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. ESHOO

Ms. ESHOO. Yes, Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. ESHOO:

At the end of the bill (before the short title), insert the following:

SEC. ___. None of the funds made available in this Act may be used to deny requests for the public release of documents or evidence obtained through or in the Western Energy Markets: Enron Investigation (Docket No. PA02-2), the California Refund case (Docket No. EL00-95), the Anomalous Bidding Investigation (Docket No. IN03-10), or the Physical Withholding Investigation.

Ms. ESHOO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mr. HOBSON. Mr. Chairman, I ask unanimous consent that debate on this amendment and any amendments thereto be limited to 30 minutes to be equally divided and controlled by the proponent and myself.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. The gentlewoman from California (Ms. ESHOO) is recognized for 15 minutes.

Ms. ESHOO. Mr. Chairman, I yield myself such time as I may consume.

This is a very simple and clear amendment and it states that none of the funds made available in this act may be used to deny requests for the public release of documents or evidence obtained through or in the western energy markets.

What brings this amendment, the intent of this amendment, and why we are making it, Mr. Chairman, is really very clear. There are mounds of evidence relative to the manipulation of energy and the energy markets in the Pacific Northwest and in California between 2000 and 2001. We need to secure what is there. There is so much evidence that is being withheld. That is why we bring this amendment forward.

Mr. Chairman, I yield 1 minutes to the gentlewoman from California (Ms. PELOSI), the very distinct minority leader of the House.

Ms. PELOSI. Mr. Chairman, I thank the distinguished gentlewoman, member of the Committee on Energy and Commerce, for yielding me this time.

I am pleased to rise in support of the Eshoo, DeFazio, Inslee amendment to the energy and water bill. Before I speak to it, though, I want to sing the praises of the very distinguished chairman of the committee, the gentleman from Ohio (Mr. HOBSON), for the leadership that he brings to this committee and the understanding that he has of the issues before it. He is a long-standing and respected member of the Committee on Appropriations on both sides of the aisle. I thank him for his service and leadership.

I also recognize the contribution to all of this and leadership of the gentleman from Indiana (Mr. VISCLOSKY), the ranking member on the Democratic side of the Subcommittee on Energy and Water Development. I commend them both for this excellent product that they have brought to the floor today.

□ 1215

Mr. Chairman, before I speak directly to the amendment on the floor, I want to put it in context. Last night, the gentlewoman from California (Ms. ESHOO) went to the Committee on Rules to request a waiver to offer an amendment that would help Western families to get the refunds they deserve after they were ripped off by Enron and others.

The Eshoo amendment as advanced last night would have also allowed States to participate in claims at FERC on behalf of consumers and provided more time for the public to file complaints. The amendment would have put this Congress on record recognizing the misconduct of Enron and other energy companies, and it would have required perspective to disclose the evidence of manipulation that it has accumulated over the past 4 years. It was a very wise amendment. It was exactly what the consumers of the Western States needed to remedy the energies against them.

Unfortunately, and it is hard to understand why, the Committee on Rules, chaired by the gentleman from California (Mr. DREIER), did not allow the amendment to be offered today. We are told this is an open rule with open debate, but the Committee on Rules ruled against Western consumers when it did not allow the original Eshoo amendment to come to the floor. It did not give the consumers the measure they deserve.

That is why I am very pleased that we were able at least to bring a partial amendment and that the gentleman from Ohio (Mr. HOBSON), as I understand, will perhaps be accepting this amendment offered by the gentlewoman from California (Ms. ESHOO), the gentleman from Oregon (Mr. DEFAZIO), and the gentleman from Washington (Mr. INSLEE). This much more limited amendment would ensure public access to documents on the 2000 and 2001 electricity crisis in California and other western States held by the Federal Energy Regulatory Commission.

This amendment is a crucial first step, not as good as what last night would have been, the amendment offered by the gentlewoman from California (Ms. ESHOO) last night, but it is a critical first step in bringing justice to consumers who were gouged by Enron and other energy companies; but it is not enough.

Mr. Chairman, the constituents of those of us who represent the western States were victims of an enormous scam. Yes, the electricity deregulation signed by Republican Governor Pete Wilson was fatally flawed; but when the flaws became clear, when the electricity crisis began to spike, when the blackouts began to roll across California, the Federal Energy Regulatory Commission should have been our safety net. Instead, month after month as electricity prices went sky high, FERC refused to act.

Time and time again, my Western colleagues, the gentleman from Washington (Mr. INSLEE), the gentleman from Oregon (Mr. DEFAZIO), the gentlewoman from Oregon (Ms. HOOLEY), and so many others stood together to call on FERC and President Bush to stop the looting of the western States by rapacious energy companies. We wrote to FERC. We wrote to the FERC. We stood up in the Committee on Appropriations. We stood up on the floor of the House, but time and time again FERC failed to stop the rampant abuse of consumers by Enron and other energy companies.

Finally, as Western consumers had lost billions of dollars and the worst of the damage was done, FERC stepped in and brought the Western electricity markets under control. We knew all along that Enron and the energy companies were gaming the system.

The tapes, the now notorious tapes that every Member of this body has an obligation to observe, the tapes of the Enron traders confirm what we knew all along, that Enron and the other energy companies were laughing all the way to the bank as they stole from families and businesses of California. Enron and its kind lied, cheated and stole; and it is long past time for Enron to pay consumers and the States back, as the amendment of the gentlewoman from California (Ms. ESHOO) that she offered last night, but was turned down by the Committee on Rules, would have required.

Even after adoption of this amendment that we are considering today, settlements will still be made by FERC behind closed doors without representatives of the States present. We wish we were voting today on the original Eshoo amendment that we wanted so that the House could address the larger problems; but at least with the cooperation of the gentleman from Ohio (Mr. HOBSON), we are taking this first step toward justice for consumers.

I think that the handwriting was on the wall. I think it was a wise move by the gentleman from Ohio (Mr. HOBSON), because I do not think he wanted to subject his Members to voting against this amendment.

Mr. DREIER. Mr. Chairman, will the gentlewoman yield?

Ms. PELOSI. Mr. Chairman, I will yield in a minute.

We wish that we were voting today on the amendment that we wanted so that the House could address the larger problem, but at least we are taking this first step toward justice for consumers.

Today the House has unanimously agreed that FERC release its evidence of corporate misconduct to the public. That is what the Committee on Rules should have allowed us to do in a broader way last night, but they rejected it. I call on the Republicans to join us in ensuring that FERC live up to this bipartisan decision and that it release this information.

Mr. Chairman, I will yield a few seconds to the distinguished chairman of the Committee on Rules.

Mr. DREIER. Mr. Chairman, I thank my friend for yielding, and the only reason I am here is that I understand that my good friend from San Francisco, the distinguished minority leader, mentioned the fact that I am in California and the fact that I chair the House Committee on Rules.

Let me just, in light of what was raised, explain, once again as I did during the debate on the rule, exactly what has taken place here.

Ms. PELOSI. Mr. Chairman, reclaiming my time, I think the gentleman can get time from his distinguished chairman to go to that length.

Mr. DREIER. Mr. Chairman, I just wanted to respond to the points that the minority raised.

Ms. PELOSI. Mr. Chairman, I am sure his distinguished chairman will yield him time. My point is because the gentleman was not in the room and I want to reiterate it while he is in the room, I would have hoped he would have been here, because this is an issue of such major concern to our great State of California.

What I said was that the consumers of California were rejected last night in the Committee on Rules, because the chairman of the Committee on Rules would not allow the Eshoo amendment, which would have been the right way to go in order to get refunds for California.

Mr. DREIER. Mr. Chairman, will the gentlewoman yield?

Ms. PELOSI. I think that you are going to have to get time from your own chairman.

Mr. DREIER. Well, I was happy to yield earlier to the gentlewoman when I controlled time in the Committee on Rules.

Ms. PELOSI. Mr. Chairman, for 10 seconds, and I yielded more time to you at this time.

Mr. DREIER. Mr. Chairman, I thank my friend for yielding.

Ms. PELOSI. Mr. Chairman, no, I did not yield. I said when you yielded to me for 10 seconds.

Mr. Chairman, I yield back to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Chairman, crimes were committed, and we are simply asking for restitution. At this point, 10 Enron executives have pled guilty, 19 others have been charged, and we are waiting for the charges against Ken Lay, the President's single greatest lifetime contributor, which have not yet come forward.

During the crisis, Vice President CHENEY said the basic problem in California was caused by Californians. He basically said the ratepayers in Oregon, Washington, and Northern California were at fault. I was in a meeting where he said this was nothing but market forces at work. Of course it has now been proven that Enron manipulated the markets. They manipulated the markets on 473 of 537 days of crisis. People in Oregon and the Pacific Northwest and California are paying a great amount more for their electricity today, generated by the same plants, by many of the same companies, transmitted over the same lines because of the market manipulation by Enron.

Plain and simple, we want justice. Justice means we should have restitution. That is being denied by the Republican majority. It is being denied by the President's Republican-dominated Federal Energy Regulatory Commission. It is being denied by the Republican-led Congress.

But at least here with this amendment, what we will get is some of the information that our utilities could use that is being closely held by the Federal Energy Regulatory Commission under the pretense that they might someday take some action with this to prove that the rates were not just and reasonable and to pursue civil remedies. If the Bush administration will not act in the public interest, will not protect consumers, if the Federal Energy Regulatory Commission will not act in the public interest and protect consumers, then at least the consumers and their utilities can take action on behalf of themselves. But they need this information.

This amendment will make that information available to the public. Some of it, I am sure, will be obscene and as appalling as the tapes we have had so far from Enron where they talk about putting it to the consumers day in and day out and laugh about it, but the acceptance of this amendment will move us down that path even if they will not take positive action to help people.

Mr. HOBSON. Mr. Chairman, I yield 7 minutes to the gentleman from California (Mr. OSE).

Mr. OSE. Mr. Chairman, we talked about this a little earlier today. I was listening to the minority leader's comments very carefully in my office, and I ran over here. I apologize for being a little short of breath.

I just want to refresh everybody's memory about what happened in 2000 and 2001 and to point out the empirical fact that there have been no statewide blackouts or brownouts in California since, frankly, the Republican-dominated FERC got put into place.

First of all, the law was very clear. When the previous administration was in control, these same complaints were uttered, the same concerns were brought to the floor, and the same response was given by FERC down to the last period or punctuation mark. You got no more response from the FERC under Clinton-Gore than you are complaining about today. The reason is that the law is clear. If you are unhappy about that, change the law.

The prohibition of funds that the gentlewoman is asking for here will not do one thing to create another megawatt of power for California. It will not do a single thing to help us replace the carbon-based, high-polluting facilities that exist in California today with much more efficient and less adverse impact to the environment. It does not do a single thing to reduce the pricing that the California PUC board regulates which is dominated by appointees of former Governor Gray Davis. It does not do a single thing to solve the problem on forward contracting for investor-owned utilities.

I repeat my invitation. I said Horatio earlier. I meant Hannibal. Rather than acting as Hannibal at the gates to the valley of solutions, stopping us from entering, come over and join us. Help us put in place the infrastructure and the technology that California is so good at creating. Help us put that in place to create the megawatts of power that our people need and our factories depend upon. Help us bring power to the peninsula of San Francisco which is probably one of the most difficult places to get power to in the entire United States. Help us eliminate the variability in power that Santa Clara depends upon. Help us bring power to our food processors up and down the State where agriculture remains the largest industry. Abandon this Hannibal at the gates concept and come over here and help us. Instead of haranguing us about past history and attempting to rewrite it, come over here and propose your solutions.

This is not a witch-hunt. It should not be a witch-hunt. The response you are getting today is the same response you got under Clinton-Gore. The law is very clear about what FERC's prerogatives are. So come over here and help us find solutions. Help us create the technology and put it in place that allows us to create power at less adverse impact to our environment.

I know you are environmentalists. I know you are, because I watch you very carefully. One of my models on environmental issues is the gentleman from California (Mr. GEORGE MILLER), one of your fine, outstanding Members and one of your leaders. Help us put that technology in place and make California's environment even more suitable for our use. I know that PG&E is based in San Francisco. They have just gone through a horrendous bankruptcy. I know the gentlewoman as the minority leader is very curious about the outcome.

I am trying to find solutions. We need to work together on this.

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. OSE. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. I thank the gentleman for his comments, and I thank the gentleman for his work. But as the gentleman knows, we have been working on some of those solutions. As the gentleman knows, I have been involved in the plants in Yolo County and Solano County and Contra Costa County where we have brought on new generation, clean generation, site-based generation, replacing old, inefficient production of energy. We are working on a cable system now to go under the bay to put power from the East Bay into the South Bay, into San Francisco.

□ 1230

We are working on more efficient pipelines to move fuel around Northern California. So I mean I think clearly those are there.

This amendment is a little different. This is about people who stole money. This is not about people who are building power plants. This is about people who took power out of service. Knowing that if they removed 1 or 2 percent of the power, they would drive up their revenues by hundreds of percent.

Mr. OSE. Madam Chairman, reclaiming my time, I thank the gentleman, who is a neighbor of mine, because all of those are good ideas. And to the extent that we have bad actors that have manipulated the system, we are going to get at it because the chairman is going to probably accept this amendment.

But the point is that we cannot sit here flailing away at the past history. We have to come to a solution, and the solution is along the lines that you would otherwise advocate for and advocated for when President Clinton was here and Vice President Gore was here and advocated for when Governor Davis was in office and now that he is not and those people are gone, you are opposing them. We want to get at the bad actors. There are two or three who manipulated the market. There is no question about it. And they did it to the detriment of every single one of us who lives in California. Every single one of us.

Whether one lives in San Francisco or Modesto or Santa Clara, every single one of us suffered from that. But I ask you to come over here and help us find solutions on a bipartisan manner, on a manner that does not attempt to rewrite history. History is history. It is gone. It is done. It is over. Clinton is gone. Davis is gone. There is no point in pointing the finger. We know what the facts are. Help us put in place the facilities that give us power with the least detriment to our environment, that give us power at the lowest price, that give our investor-owned utilities, who employ thousands of people up and down the State, who give our investor-owned utilities the opportunity to forward contract because if they had the opportunity to do that, to remove the uncertainty on supply, the very same thing that Governor Davis was asked to do, that the PUC was asked to do, that both declined to do, if we gave them that power, we would not have to build new facilities. We would not have additional constraints on supply. We would not have prices going through the roof.

I want to repeat my compliments to the gentleman from Ohio. I left one thing out earlier. Oftentimes he has been a gentle hand in my tenure here. Sometimes he has been a heavy hand. In every instance I have appreciated it.

I thank the folks on the other side because we are in this together.

Ms. ESHOO. Madam Chairman, I yield for the purpose of making a unanimous consent request to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Madam Chairman, I rise in strong support of Eshoo amendment given the fact that Enron has stolen more than $1 billion from Nevada's ratepayers by ruthlessly gouging our consumers and our utilities nearly went bankrupt, and that is why the Eshoo amendment is so important.

The Western United States has suffered an artificial energy crisis created by Enron to rake in enormous profits. The company executives deliberately and maliciously manipulated the energy market. Enron stole more than $1 billion from Nevada's ratepayers by ruthlessly gouging consumers. This is just the tip of the iceberg. It is likely that Enron made more than $10 billion in profits by breaking the law.

Not only did Enron's actions cost Nevada's families more than $1 billion, our utilities nearly went bankrupt. We cannot allow this rampant corporate misconduct to continue. After years of asking for answers, people in my state are still waiting for this administration to take measures to correct this wrongdoing and hold Enron accountable.

I urge you to support the Eshoo amendment and ensure that the Enrons of the world cannot collect another fraudulent dime from Nevadans.

Mr. HOBSON. Madam Chairman, I have no further requests for time, and I am prepared to accept the amendment.

Ms. ESHOO. Madam Chairman, I yield 3 minutes to the gentleman from Washington State (Mr. INSLEE).

Mr. INSLEE. Madam Chairman, blaming the Enron scandal on Bill Clinton, with all due respect, give us a break. The only malediction in this country you have not laid at the feet of Bill Clinton is DICK CHENEY's vocabulary malfunction on the Senate floor, and I suppose that will be next.

We listen to these tapes, and the Enron traders were scandalous scoundrels who were smart. Do my colleagues know what they said on these tapes? We cannot wait until George Bush is President because maybe then we will have Ken Lay as Secretary of Energy.

They understood whose side their bread was buttered and they got what they wanted. They got an administration that sat on their hands while Enron got into our pockets to the tune of over $8 billion, and they did nothing. And now the Republican Party, and we very much appreciate the gentleman from Ohio's (Mr. HOBSON) agreeing to this small little amendment, but you are denying us the ability for this Chamber to do exactly what the gentleman from California (Mr. OSE) says we should do: change the law, if that is necessary, to get refunds from Enron. You will not allow this Chamber to vote on that.

The gentleman from California (Mr. OSE) comes here and says, If you do not like the law, change it, but we will not allow a vote to do it.

Let me tell my colleagues why maybe that is necessary. We need one or two things to happen. The fact of the matter is we have written FERC. I have wrote and many other Members have written FERC saying that they have concluded there was a scandal, they have concluded there was theft, they have concluded there was manipulation, but they refuse to give us refunds. And what did Mr. Pat Wood write back and say to me? "Therefore, FDA Section 206 does not permit retroactive refund relief for rates covering periods prior to the refund effective date established on complaint or the initiation of Commission investigation, even if the Commission determines that such past rates were unjust or unreasonable."

It does not matter how many of these records we get. Your administration under George Bush and DICK CHENEY, friends of Ken Lay, are not going to act. Your administration has said if we get a videotape of Ken Lay using all kinds of expletives to take money out of our pockets, you have decided you are not going to act. And that is wrong.

The gentleman from California (Mr. DREIER) says we cannot allow an amendment because this is an appropriation bill. My question is I would like to know the date the House of Representatives, which has now spurned two efforts to get relief from Enron, I want to know the date the House of Representatives is going to give Americans an opportunity to vote to get refunds on an Enron amendment.

I am going to ask the gentleman a real question. What date is this House going to vote to do that?

Mr. DREIER. Madam Chairman, will the gentleman yield?

Mr. INSLEE. I yield to the gentleman from California.

Mr. DREIER. Madam Chairman, obviously I cannot tell the gentleman exactly what date we are going to have a vote. I will tell the gentleman that we voted on H.R. 6.

Mr. INSLEE. Madam Chairman, I reclaim my time. The gentleman from California (Mr. DREIER) is incapable of giving us a date.

I would like to yield to the gentleman from Illinois (Mr. HASTERT), if he would be so kind, if he is comfortable with this, in advising us in what situation he may allow to come to the floor of this House an amendment.

Mr. HOBSON. Madam Chairman, I yield such time as he may consume to the gentleman from California (Mr. DREIER).

Mr. DREIER. Madam Chairman, I thank the gentleman for yielding me this time.

This has been a very interesting debate. I have regularly yielded, and I look forward to yielding to the gentleman from Washington (Mr. INSLEE); gentlewoman from San Francisco, the minority leader; or anyone else who wants to talk about this issue because I think that a healthy exchange is important for us.

I will say in response to the question posed by my friend from Washington that every single Member of this House is passionately committed to the goal of ensuring that consumers are not penalized and that they are successfully compensated for any wrong that has been inflicted on them. We all are very, very concerned about the fact that any individual whom we represent could possibly have been done in, and that is why we are in the midst of several very important things.

Number one, the Ninth Circuit Court of Appeals in California is right now in the midst of a measure which is very important. They are considering exactly how to appropriately deal with this issue. FERC, the Federal Energy Regulatory Commission, itself is closely looking at those horrible, horrible transcripts of the things that were said which were absolutely beyond the pale and absolutely reprehensible. No one of either political party is somehow sympathetic with hurting our constituents.

So that is why to me it is absolutely outrageous for us to constantly be painted as somehow sympathetic with people like those involved in Enron.

I do not want to spend time going into the list of campaign contributions and all of this sort of stuff that has gone on, but I recall that our friends on the other side of the aisle have received just as much, if not more, in campaign contributions from many of those who are in question. This is an issue, as the gentleman from California (Mr. OSE) has said, that we want to address in a bipartisan way.

We last week passed H.R. 6, energy legislation, which also goes a long way towards trying to address this issue by enhancing the ability of the Federal Energy Regulatory Commission to address this. When we yesterday had the gentlewoman from California (Ms. ESHOO) and the gentlewoman from California (Ms. LOFGREN) testify before the Committee on Rules, I know my friend will remember what I said.

I said please work to fashion this amendment so that it will comply within the rules of the House, so that the bipartisan request made by the gentleman from Ohio (Mr. HOBSON) and the gentleman from Indiana (Mr. VISCLOSKY) protecting the legislation itself but allowing for an open amendment process would be the way that we could go, and that is exactly what she has done. That is why the gentleman from Ohio (Mr. HOBSON) has stood here ready to accept the amendment. He is ready to accept the amendment which will help us address this issue.

Ms. ESHOO. Madam Chairman, will the gentleman yield?

Mr. DREIER. I yield to the gentlewoman from California.

Ms. ESHOO. Madam Chairman, we made our presentation. The gentleman was complimentary of how the presentation was made and of the substance and the last thing he said was, I cannot support this amendment. That is what he said.

Mr. DREIER. Madam Chairman, reclaiming my time, that is not what I said. I am happy to yield again if the gentlewoman would like to challenge me on this.

What I said was that the amendment as proposed did not comply with the rules of the House.

Ms. ESHOO. Madam Chairman, will the gentleman yield?

Mr. DREIER. I yield to the gentlewoman from California.

Ms. ESHOO. I thank the gentleman for yielding to me.

I asked that the Committee on Rules waive in order for the amendment to be accepted.

Mr. DREIER. Madam Chairman, reclaiming my time, that was the request that was made. And I will tell the gentlewoman the request that was made for the structure of the rule by the chairman of the subcommittee and the ranking minority member of the subcommittee was that we have an open amendment process and provide protection for those provisions that were reported out of the Committee on Appropriations, and that is exactly what we did.

The bipartisan request for the structure of the rule is what we put together and what we reported out. It would have been extraordinary if we had, in fact, provided a waiver that would have allowed for this amendment. That was why I made the request of my friend, to fashion a rule so that we can address our shared concern to ensure that our constituents are correctly compensated and are not done in. And that is, I believe, exactly what has happened, along with passage of H.R. 6, our legislation, and the case that is underway before the Ninth Circuit Court of Appeals.

Madam Chairman, would anyone else like for me to yield to them? Would the minority leader like me to yield? Is there anyone else who would like me to answer questions? I am more than happy to.

Mr. INSLEE. Madam Chairman, will the gentleman yield?

Mr. DREIER. I yield to the gentleman from Washington.

Mr. INSLEE. Madam Chairman, I think I understand the nature of the gentleman's argument. But the problem that we have on this side is that not only have we offered an amendment in the appropriations process to allow refunds for Americans who have been gouged by Enron, but we also offered essentially the same amendment on the energy bill that was clearly germane to the issue, clearly would have been allowable, and under his leadership in the Committee on Rules, it was refused to be allowed under the energy bill.

Mr. DREIER. Madam Chairman, reclaiming my time, I will say that if one goes back and looks at legislation that we passed in this House, H.R. 6, it, in fact, takes very bold steps towards ensuring that our constituents are correctly compensated. And so we have done just that.

Madam Chairman, I thank my friend for yielding me this time, and I know that I have nearly exhausted the time for this side.

Ms. ESHOO. Madam Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO).

□ 1245

Mr. DEFAZIO. Madam Chairman, there is a simple fact here: crimes were committed. At this point, 10 Enron executives have gone to jail. They defrauded the ratepaying public, the businesses, the homeowners, the factories of the Western United States, and illegally extorted money from them by manipulating the market.

Now, there is a lot of reconstructive history going on here today. The Clinton administration did impose price caps, actually. It was the Federal Energy Regulatory Commission, led by Pat Wood of Texas, under the leadership of George Bush of Texas and DICK CHENEY of Texas, now Wyoming, who refused to take any action, said that these were merely market forces at work. DICK CHENEY said at a meeting that I was in that unless we built one 500-megawatt plant a week for the next 15 years, this would continue.

Well, of course, he was pretty famously wrong. It was market manipulation. People have now gone to jail. We have crimes.

But what we do not have is restitution. The law must be changed. Even if the Bush appointee leading the Federal Energy Regulatory Commission, from Texas, wants to give refunds to ratepayers in the Western United States, he has said he does not have that authority.

We have asked simply for a vote to give him that authority. We do not have to mandate. If he is going to do his job, just give him the authority and let him go to work and give that money back to the people in the Western United States. It was stolen from them.

Earlier we talked about put this behind us. The gentleman talked about putting it behind us. It is history. Well, you really cannot put a crime behind you when you have not had restitution, and we have not had our restitution. In fact, we are still paying more for our electricity today, day in, day out.

Nothing is more detrimental to the economic recovery of the Pacific Northwest than the fact that we are still paying more than we should for our electricity because it was stolen from us by the Enron Corporation, based in Texas, and no relief has been granted by the Federal Energy Regulatory Commission, led by Pat Wood of Texas, who was recommended for that job by Ken Lay of Enron, who still has not gone to jail and who was factually before this campaign the single largest lifetime contributor to George Bush, the President of the United States.

This stinks.

Ms. ESHOO. Madam Chairman, I yield to the gentlewoman from California (Mrs. DAVIS), for the purpose of a unanimous consent request.

Mrs. DAVIS of California. Madam Chairman, I rise in support of this amendment, because I think it is appropriate to address the failure of FERC for adjusting reasonable rates within this energy bill.

I support the Energy and Water Bill that is before us today because on balance there are a number of important programs that are supported.

However, it is an energy bill, and it has failed to address a critical energy issue facing the western states.

I support the amendment of my California colleague Ms. ESHOO.

This bill should address the failure of the Federal Energy Regulatory Commission [FERC] over the past four years to see that energy rates are "fair and just"; to review the evidence in the tapes which they have had in their possession to look for market manipulation; to hold meaningful, public hearings on the energy market gaming that occurred so widely in California and the West Coast beginning in the spring of 2000; and to order the energy companies which committed massive fraud to refund the $9 billion that should be restored to California ratepayers in addition to refunds for manipulated rates in other states.

You have heard how the recently revealed tapes of employees of the energy companies show that they intentionally, cynically, and repeatedly manipulated energy supplies in order to create exorbitant, unjustified profits for those companies.

My district San Diego bore the brunt of the first tripling of energy bills. Not only the mythical Grandma Millie but many real people suffered: the elderly and frail on fixed incomes; small business owners whose product requires high levels of energy; museums, churches and temples, schools and universities, government offices; and every family struggling to meet its budget.

Congress has an obligation to address this failure by FERC to take action. Potential court action is no excuse for Congressional inaction.

Ms. ESHOO. Madam Chairman, I yield myself the balance of my time to make a closing statement.

Madam Chairman, I thank all of my colleagues that have fought so hard and so courageously for 4 years.

Madam Chairman, this is an issue about greed, greed gone absolutely wild; and the victims of the greed, this insatiable greed for money, money, money, money, money, are the people of my State of California, the people of the State of Washington, the people of the State of Oregon, the people of the State of Nevada.

I have heard some really outrageous things here today. You, my friends, have been given the power by the people of the United States of America to hold the majority here. For 4 years we have fought. Not one hearing was even granted in the Committee on Energy and Commerce.

We have presented solutions for restitution to our people, for refunds, and have been denied over and over and over again. So there has not only been an abuse of power by the power companies, but by the majority party in this House.

Now we have come forward and requested last evening at the Committee on Rules that all points be waived in order to present an amendment for refunds. That was denied. Now the gentleman from Ohio (Mr. HOBSON) has allowed this limited amendment that we now have on the floor.

Make no mistake, not one Republican from the State of California supported in 4 years a refund to our people. This legislation has been there. We have sent Dear Colleague letters. I will not yield, because I waited 4 years for this moment, and this is for our constituents. They have not used their power to bring about restitution to them.

How much more evidence do you need? You have heard the tapes. It is not just about being upset about the evidence. It is up to us, those who have been vested with the power, to do something on behalf of the consumer. It is not enough to say our constituents have been hurt. Use the power. Use the power to override the power of the power companies that manipulated, that extracted, and then bragged about it.

Shame on anyone that would not stand next to the grandmother that these people referred to and were so gleeful about picking her pockets. Shame on them. Shame on anyone that does not fight every day to make good for these people.

These are the extraordinary, ordinary people of our country. That is who we stand next to. We invite you to finally do something, to take one tiny step, if you have it in you, to do that.

The White House turned us down, the Federal Energy Regulatory Commission turned us down, the chairman of the Committee on Energy and Commerce turned us down over and over and over again.

So I say to those that stand next to the consumer, no matter how frustrating, no matter how dark it has been, let us do something about it. We have had the solution. We come forward now with a very small one.

I thank everyone that has been part of the effort. You have been absolutely magnificent. And I am proud to serve with those that, even in the worst of times, sought to do something about it. It is what people sent us here for. Do not forget that. That is what our power is for. Not for Enron, not for Reliant, not for people that commit criminal activities against those that send us here to stand up for them.

Madam Chairman, I thank the gentleman from Ohio (Mr. HOBSON) for allowing this to be brought to the floor and debated.

Madam Chairman, I yield back the balance of my time.

Mr. HOBSON. Madam Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mrs. BIGGERT). The question is on the amendment offered by the gentlewoman from California (Ms. ESHOO).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. HEFLEY

Mr. HEFLEY. Madam Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. HEFLEY:

Page 38, line 11, after the dollar amount, insert the following: "(reduced by $28,500,000)".

Mr. HEFLEY. Madam Chairman, I rise today to offer an amendment, which I am going to ask unanimous consent to withdraw, but I do want to make this point: this amendment would cut the line item for the Appalachian Regional Commission by $28.5 million. The amendment would leave $10 million for termination of the program.

Three weeks ago, we buried Ronald Reagan. Some of us were moved to reminisce about those days and the ideas that brought many of us here. Looking back, a lot of those ideas that made sense then still make sense today. And one of those ideas was getting rid of the Appalachian Regional Commission, and it still makes sense today.

Now, first of all, I want to applaud the efforts of our chairman, the gentleman from Ohio (Mr. HOBSON), in looking at this program critically and cutting a good deal out of this program. He is going in the right direction. Last year, he stated that if he had his way he would do away with the ARC; and, true to his word, he is doing what he can to eliminate it.

This year, the bill recommends a $38.5 million appropriation for the commission, $27.5 million, or about 45 percent, less than the President's request. This is much less than just 5 to 10 years ago, when we spent upwards of $200 million on this program.

So I am saying, let us go the rest of the way and eliminate this redundant program altogether.

The ARC purports to provide guidance and financial assistance to 13 Appalachian States to promote economic growth in the region. Let me read you those States and you see if by any reasonable definition this is Appalachia. Alabama, Georgia, Kentucky, Maryland, Mississippi, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia.

West Virginia was the cornerstone of the Appalachian Commission, and since the Appalachian Commission has been in existence, West Virginia has gone from 43rd in economic development to 49th. So it tells you the effectiveness of the Appalachian Commission.

Until the past few years, the ARC was among our most expensive economic development programs, $282 million in 1995, just 10 years ago. Yet despite such spending, after 30 years of existence, there is no convincing evidence that the ARC has created new jobs or capital investment. Indeed, there is some evidence that this region is getting poorer relative to the rest of the country.

It is time to try something different. There are other programs that do better what the ARC does less well: the Department of Transportation's highway program, a host of programs under the Department of Housing and Urban Development.

Further, each of the 13 States and within them many of the counties and municipalities within those States have economic development agencies that are better suited and better qualified to judge the needs of these areas than the ARC.

As I said, it is time to phase out this program. But in deference to the excellent job that I think the chairman is doing, the gentleman from Ohio (Mr. HOBSON) is headed in the right direction on this, I will ask unanimous consent that my amendment be withdrawn.

Madam Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from the Colorado?

Mr. HOBSON. Madam Chairman, reserving the right to object, and I will not object, I would just like to state that I appreciate the amendment offered by my colleague from Colorado. I happen to agree with the gentleman about this agency. I think it is one of the biggest pork-barrel projects we have here. When I was on the Committee on the Budget with John Kasich, we tried to do away with this.

However, there are a lot of people that like to give their Governors the ability to do these pork-barrel projects; and, therefore, I do not think this amendment will pass, even though I would probably vote for it. So I appreciate the gentleman withdrawing his amendment.

Madam Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there further objection to the request of the gentleman from Colorado?

Mr. RAHALL. Madam Chairman, reserving the right to object, I appreciate the gentleman from Colorado agreeing to withdraw his amendment. Of course, I would have spoken very vehemently in opposition to it.

The gentleman has mentioned that my home State of West Virginia is not necessarily being improved by the ARC. I would submit those conditions from whatever report the gentleman is quoting are based on other conditions, other than what ARC has done for our region, because the Appalachian Regional Commission has dramatically improved life in Appalachia, and it has helped us get back on our feet in many depressed areas of this country.

It is a program that works, it works from the grassroots up, not from the top down. So I would submit to the gentleman that the ARC is still vitally needed in many Appalachian poor rural parts of this Nation.

My home State of West Virginia happens to be the only State that is totally within the 13-state ARC region, and we strongly support the program.

Madam Chairman, I rise to protest the amendment to gut the Appalachian Regional Commission ARC, just as we prepare to cut the ribbon on a new wastewater treatment system for Baghdad paid for by the American people. The ARC provides vital infrastructure investments throughout Appalachia, a historically distressed area of the country that spans 13 states including all of West Virginia, my home state.

In the 1960s, President Johnson carried out a promise to help raise the Appalachian region out of its crushing poverty when he formed the ARC. His efforts created a federal-state partnership that works with the people of Appalachia to create opportunities for self-sustaining economic development and improved quality of life.

Today, the ARC plays an integral role in providing for development and jobs throughout 410 counties across a 200,000 square mile region. And, the Appalachian region is dramatically improved because of this effort.

Madam Chairman, some have questioned the value of the ARC. In response, I would like to note a few examples of the good work the ARC has done most recently in Southern West Virginia:

$1 million grant to the Wyoming County Commission and the eastern Wyoming Public Service District (PSD) for construction of a new water treatment plant that will allow the consolidation of seven local providers into a regional water system serving 1549 customers. Six area communities are currently served by small private water systems (originally built to serve coal camps) that chronically violate water quality standards.

A $250,000 grant to West Virginia Citizens Conservation Corps, Inc. to the Twin Branch Recreation and Environmental Education Center near Davy, located on reclaimed mine lands, and with the purpose of developing a sustainable outdoor recreation center that would attract visitors to McDowell County. The complex will ultimately include trailheads on the Hatfield-McCoy trail system, campsites and cabins, a retreat center, and an environmental education center.

Other recent ARC projects about which I have proudly spoken in the recent past include:

A $100,000 grant to the Prichard, WV Public Service District to construct a wastewater collection and treatment system that will provide water to 225 customers and create 148 jobs in Wayne County, WV.

A $1 million grant to the Glen White/Trap Hill Public Service District in Raleigh County, WV, will fund construction of a three water storage tanks and replace some existing water lines while extending service to surrounding communities that had to rely on underground wells.

In Boone County, WV, a $680,000 grant from the ARC is being used to extend waterlines to Julian, WV.

A $75,000 grant to the West Virginia Access Center for Higher Education in Bluefield, WV, to help increase the number of high school students who go on to attend college.

Now, I don't think the people who live in Wyoming County, Twin Branch, Prichard, Glen White, Julian, or Bluefield will claim that the ARC is somehow not worthwhile.

However, Madam Chairman, Mr. Speaker, there remains more work to be done to fulfill the promise made. We're still struggling to get on our feet.

But the amendment will undo all of those efforts. At a time when the Appalachian people need the sustained help to achieve their potential, this amendment would pull the rug out from underneath them.

Madam Chairman, that's just wrong. It's crass, and it's craven.

Madam Chairman, that great West Virginian, Senator ROBERT BYRD, is the sponsor of a Senate bill to complete construction of the Appalachian Development Highway System. I proudly note that I am the sponsor of the House version of the same bill, H.R. 2381, which is cosponsored by my fellow West Virginian and close friend, ALAN MOLLOHAN, and that stalwart ARC supporter from Ohio, my friend TED STRICKLAND. Each of us recognizes the value of the Appalachian Regional Commission.

I urge my colleagues recognize that value too.

I urge my colleagues to remember the ARC is a worthwhile program that has benefited so many lives, and continues to do so.

Vote against this amendment.

Mr. BOUCHER. Madam Chairman, I rise in strong opposition to the amendment offered by the gentleman from Colorado.

The ARC is a tremendous force for progress in the region I represent. Almost every water and wastewater project has an element of ARC funding at its core.

The ARC has helped us build industrial parks, shell buildings and industrial access roads that have enabled broad economic growth.

Community libraries, health care clinics and vital broadband deployment projects have been boosted in my region by the ARC.

Studies have shown that every dollar expended by the ARC on an industry attracting infrastructure project stimulates $12 in private investment, creating jobs, improving the economy, and expanding revenues for local governments.

The ARC has helped us tremendously, and we need its help in the future as much as in past years.

I urge defeat of the amendment and full funding for the Appalachian Regional Commission.

Mr. OBERSTAR. Madam Chairman, I rise in strong opposition to the amendment offered by the gentleman from Colorado.

Madam Chairman, the Appalachian Regional Commission (ARC) is a true American success story. Throughout its existence, it has consistently risen to the challenge of leveraging federal dollars in a prudent manner, providing a fair return, both socially and economically, for the Federal Government's investment.

The Appalachian Regional Commission was created in 1965 to provide social and economic support to severely distressed counties in the Appalachian states stretching from New York to Mississippi. Its goal is to bring over 23 million citizens in 410 counties into America's economic mainstream.

There is no doubt the public works and infrastructure projects supported by the ARC are having a very positive effect in meeting the challenges of the Appalachian region. Building on their successful strategy of a regional approach, the ARC encourages affected states to work cooperatively to address issues of economic distress particular to the Appalachian region.

Very importantly, Madam Chairman, ARC programs do not duplicate other federal programs. ARC programs respond to locally identified needs and are extremely flexible in their ability to quickly respond to the unique problems of the Appalachian region.

The ARC's record is truly impressive. Under its tenure, the number of distressed counties has been cut by more than half, from 223 in 1965 to 91 in 2004. Furthermore, the poverty rate has been cut by more than half, from 31 percent to 13 percent. Infant mortality has dropped significantly, high school graduation rates now mirror those of the nation as a whole, and more than 800,000 Appalachian residents have access to clean water and sanitation facilities through ARC projects.

In 2003, the ARC's "smart business" approach leveraged $185,905,000 in other public funds, and over $464,107,000 in private funds.

Much work still needs to be done. This region has been disproportionately hard hit by loss of jobs in the manufacturing sector. One out of every five jobs lost in manufacturing has been in Appalachia. In northern Appalachia, the steel industry has likewise suffered major job losses, while in central Appalachia the number of workers in the mining industry continues to fall. Unemployment rates stubbornly continue to exceed the national average, and the Appalachian region continues to suffer from disproportionately high rates of chronic disease such as cardiovascular disease, cancer and diabetes.

Now is certainly not the time to shortchange this Commission, which has a proven track record of effectiveness, and efficiency.

Madam Chairman, as I recall the last attempt to dismantle the ARC through a reduction in funding was overwhelmingly rejected by this body by a vote of 328 to 97. I urge my colleagues to join me once again to reject, resoundly and overwhelmingly, this amendment.

Mr. RAHALL. Madam Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there further objection to the request of the gentleman from Colorado?

There was no objection.

The CHAIRMAN pro tempore. The amendment is withdrawn.

Ms. LORETTA SANCHEZ of California. Madam Chairman, I move to strike the last word.

Madam Chairman, I rise in strong support of the Energy and Water Development Appropriations Act, H.R. 4614. I would, however, like to ask the distinguished chairman about language in the bill report that would require the Army Corps of Engineers to seek congressional approval whenever the Corps reprograms funds for major water development programs.

□ 1300

My district in Orange County, California, would be particularly affected by any changes to the reprogramming policy. In recent years, the Army Corps of Engineers reprogrammed between $10 million to $12 million that Congress had originally appropriated to shore up flood protection along the Santa Ana River in my area.

We are now in dire need of that money to continue building up our flood protection for the growing urban communities in Orange, Riverside, and San Bernardino counties.

Without the successful completion of the project, the corps estimates that over 3.35 million people would be endangered and that it could probably destroy up to $15 billion in property value if we do not get that project completed.

So I am asking the distinguished chairman, will the Army Corps continue to have the authority to ship money back to those ongoing projects from which it had previously borrowed? I understand there is report language directing the court to return funds to appropriated programs. I would like to know, would this apply to the Santa Ana River Mainstem project?

Mr. HOBSON. Madam Chairman, will the gentlewoman yield?

Ms. LORETTA SANCHEZ of California. I yield to the gentleman from Ohio.

Mr. HOBSON. Madam Chairman, I thank the gentlewoman for her support and her inquiry.

I would assure her that nothing in the bill or the report would prevent the Army Corps of Engineers from returning funds to donor projects. In fact, as the gentlewoman has observed, the bill report includes language that specifically instructs the corps to be as diligent in returning funds as it has been in reprogramming them. Again, I thank the gentlewoman from California for her inquiry and hope this clarification has worked to address her concerns.

The ranking member and I have undertaken a very strong look at the reprogrammings in the Corps of Engineers, much more so than in past years, and we are making them report to us, and we are signing off on them, and we are watching these much more diligently than we had been in the past, and we think it will work out much better in the future.

Ms. LORETTA SANCHEZ of California. Madam Chairman, I know that the gentleman from Ohio (Mr. HOBSON) as the other subcommittee had been able to tighten things up also, and I appreciate the new policy that the gentleman is trying to move forward. Again, I am just concerned, as this is a major project for almost 4 million people in that area, and we are at that point where we are really going to get a lot of it done, and we need those funds to be brought back in.

Mr. HOBSON. Madam Chairman, I agree.

AMENDMENT OFFERED BY MRS. WILSON OF NEW MEXICO

Mrs. WILSON of New Mexico. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. WILSON of New Mexico:

Page 21, line 16, after the dollar amount, insert "(reduced by $5,000,000)".

Page 23, line 16, after the dollar amount, insert "(increased by $5,000,000)".

Mrs. WILSON of New Mexico (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore (Mrs. BIGGERT). Is there objection to the request of the gentlewoman from New Mexico?

There was no objection.

Mr. HOBSON. Madam Chairman, I ask unanimous consent that debate on this amendment and any amendments thereto be limited to 10 minutes to be equally divided and controlled by the proponent and myself, the opponent.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mrs. WILSON of New Mexico. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, this amendment transfers $5 million from administrative accounts in the Department of Energy to two different programs in the Defense Nuclear Nonproliferation account. Those two programs do two things: first, accelerate the return of highly enriched uranium from Russian-built reactors abroad and transition those reactors to low-enriched uranium; and, secondly, convert other reactors to low-enriched uranium.

All of us here understand the difficulty and the importance of nonproliferation efforts. One of the most successful efforts has been working with the Russians and with others to consolidate highly enriched uranium, because the material is the most difficult thing to get in order to build a nuclear weapon.

In the House Committee on Armed Services we had discussions about whether these programs could be accelerated and how fast they could be accelerated. Unfortunately, we did not get answers to those questions before the Defense authorization bill passed this House, and we will have to address it in conference.

Since this time, the administration has come forward with numbers and with a global threat initiative focusing, in particular, on consolidation of nuclear material. And the answer is, to accelerate this program significantly, they can do so with a very small amount of money, and that is the $5 million we are proposing to move.

It takes that money from the administrative line in the Department. I would note that the Department administration has been increased by $28 million over the previous year, and I think that a priority must be for this House to make very clear that we wish to accelerate the consolidation of highly enriched uranium around the world.

I would also, Madam Chairman, like to express my concerns about other problems in the report language to this, that accompanies this bill. I intend to vote in favor of this bill. We cannot amend report language, because report language does not have the status of law. But when I vote "yes," I am not voting "yes" on the report language. There are serious problems with the report language: inconsistencies in the report language with actually other elements of law. But the overall numbers in the bill will allow the Department of Energy to carry out its important work for the Nation, and the weapons program in particular is funded at $6.5 billion.

I would particularly like to applaud the chairman on his increase in research in the Office of Science, and I would urge support of my amendment and the acceptance of the amendment so that we can accelerate the consolidation of this material elsewhere and accelerate the transitioning of reactors around the world from using highly enriched uranium which can be used in nuclear weapons to low-enriched uranium, which cannot.

Madam Chairman, I reserve the balance of my time.

Mr. HOBSON. Madam Chairman, I rise in opposition to this amendment, and I yield myself such time as I may consume.

We have been very generous to a lot of the accounts in here. Some of the accounts we have taken money away from that are being stripped out here. I would oppose this amendment. Nonproliferation is very important. Over the years we have continued to fund nonproliferation, even sometimes when the accounts were carried very high. I think this amendment is not meritorious at this time; and, therefore, I oppose the amendment.

Madam Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. Madam Chairman, I simply want to rise to associate myself with the gentleman's remarks and the gentleman's objection. I do appreciate the intent, and I do want to work with the gentlewoman as we proceed at conference, but I am opposed to the amendment.

Mrs. WILSON of New Mexico. Madam Chairman, I yield myself such time as I may consume.

It seems to me that this is a small price to pay to accelerate one of the most important programs for the country in order to fight the problem of proliferation of weapons of mass destruction. It is a very, very small amount of money. And if we weigh the importance of administration and the importance of rapidly accelerating one of the most important programs and consolidating weapons-grade uranium that was formerly in the former Soviet Union, I think there is no question about what our priorities as a Nation should be. It is a small amount of money; and, frankly, I am a little surprised that it was not just accepted by the committee.

Madam Chairman, I yield back the balance of my time.

Mr. HOBSON. Madam Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from New Mexico (Mrs. WILSON).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mrs. WILSON of New Mexico. Madam Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from New Mexico (Mrs. WILSON) will be postponed.

Mr. HOBSON. Madam Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SHIMKUS) having assumed the chair, Mrs. BIGGERT, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4614) making appropriations for energy and water development for the fiscal year ending September 30, 2005, and for other purposes, had come to no resolution thereon.

LIMITATION ON AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 4614, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2005

Mr. HOBSON. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 4614 in the Committee of the Whole, pursuant to House Resolution 694, that the bill shall be considered as read and open for amendment at any point from page 19, line 16 through the end of the bill; points of order against provisions in the bill shall be permitted to be raised at any time; no further amendment to the bill may be offered, except: pro forma amendments offered by the chairman or ranking member of the Committee on Appropriations or their designees for the purpose of debate; amendment No. 1, which shall be debatable for 10 minutes; an amendment by Mr. INSLEE regarding the reclassification of nuclear waste, which shall be debatable for 10 minutes; and an amendment by Mr. MEEHAN regarding a transfer of funds between NNSA and the non-proliferation account, which shall be debatable for 20 minutes.

Each such amendment may be offered only by the Member designated in this request, or the designee, or the Member who caused it to be printed, or a designee, shall be considered as read, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

Each amendment shall be debatable for the time specified, equally divided and controlled by the proponent and an opponent.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2005

The SPEAKER pro tempore. Pursuant to House Resolution 694 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4614.

□ 1311

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4614) making appropriations for energy and water development for the fiscal year ending September 30, 2005, and for other purposes, with Mrs. BIGGERT (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose earlier today, a recorded vote demanded on the amendment offered by the gentlewoman from New Mexico (Mrs. WILSON) had been postponed.

Pursuant to the order of the House of today, the bill shall be considered as read and open for amendment at any point from page 19, line 16 through the end of the bill.

The text of the bill from page 19, line 16 through the end of the bill is as follows:

NON-DEFENSE SITE ACCELERATION COMPLETION

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental management site acceleration completion activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, **$151,850,000**, to remain available until expended.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions, and other activities of title II of the Atomic Energy Act of 1954, as amended, and title X, subtitle A, of the Energy Policy Act of 1992, **$500,200,000**, to be derived from the Fund, to remain available until expended, of which **$100,614,000** shall be available in accordance with title X, subtitle A, of the Energy Policy Act of 1992.

NON-DEFENSE ENVIRONMENTAL SERVICES

For Department of Energy expenses necessary for non-defense environmental services activities that indirectly support the accelerated cleanup and closure mission at environmental management sites, including the purchase, construction, and acquisition of plant and capital equipment and other necessary expenses, **$291,296,000**, to remain available until expended.

SCIENCE

For Department of Energy expenses including the purchase, construction and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not to exceed four passenger motor vehicles for replacement only, including one ambulance, **$3,599,964,000**, to remain available until expended.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed **$35,000**), **$243,876,000**, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total **$122,000,000** in fiscal year 2005 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 2005, and any related unappropriated receipt account balances remaining from prior years' miscellaneous revenues, so as to result in a final fiscal year 2005 appropriation from the general fund estimated at not more than $121,876,000.

Office of the Inspector General

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $41,508,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

National Nuclear Security Administration

Weapons Activities

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of not to exceed 19 passenger motor vehicles, for replacement only, including not to exceed two buses; $6,514,424,000 to remain available until expended.

Defense Nuclear Nonproliferation

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense, defense nuclear nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $1,348,647,000, to remain available until expended.

Naval Reactors

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, $807,900,000, to remain available until expended.

Office of the Administrator

For necessary expenses of the Office of the Administrator in the National Nuclear Security Administration, including official reception and representation expenses (not to exceed $12,000), $356,200,000, to remain available until expended.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

Defense Site Acceleration Completion

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense site acceleration completion activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $5,930,837,000, to remain available until expended.

Defense Environmental Services

For Department of Energy expenses necessary for defense-related environmental services activities that indirectly support the accelerated cleanup and closure mission at environmental management sites, including the purchase, construction, and acquisition of plant and capital equipment and other necessary expenses, and the purchase of not to exceed three ambulances for replacement only, $957,976,000, to remain available until expended.

Other Defense Activities

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses, necessary for atomic energy defense, other defense activities, and classified activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $697,059,000, to remain available until expended.

Defense Nuclear Waste Disposal

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $131,000,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

Bonneville Power Administration Fund

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for official reception and representation expenses in an amount not to exceed $1,500. During fiscal year 2005, no new direct loan obligations may be made.

Operation and Maintenance, Southeastern Power Administration

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, including transmission wheeling and ancillary services, pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $5,200,000, to remain available until expended: *Provided*, That, notwithstanding the provisions of 31 U.S.C. 3302, up to $34,000,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

Operation and Maintenance, Southwestern Power Administration

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, $29,352,000, to remain available until expended: *Provided*, That, notwithstanding the provisions of 31 U.S.C. 3302, up to $1,800,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

Construction, Rehabilitation, Operation and Maintenance, Western Area Power Administration

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $1,500, $173,100,000, to remain available until expended, of which $170,756,000 shall be derived from the Department of the Interior Reclamation Fund: *Provided*, That, notwithstanding the provisions of 31 U.S.C. 3302, up to $186,000,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

Falcon and Amistad Operating and Maintenance Fund

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $2,827,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 423 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

Federal Energy Regulatory Commission

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses (not to exceed $3,000), $210,000,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, not to exceed $210,000,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2005 shall be retained and used for necessary expenses in this account, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as revenues are received during fiscal year 2005 so as to result in a final fiscal year 2005 appropriation from the general fund estimated at not more than $0.

GENERAL PROVISIONS

DEPARTMENT OF ENERGY

SEC. 301. (a)(1) None of the funds in this or any other appropriations Act for fiscal year 2005 or any previous fiscal year may be used to make payments for a noncompetitive management and operating contract unless the Secretary of Energy has published in the Federal Register and submitted to the Committees on Appropriations of the House of Representatives and the Senate a written notification, with respect to each such contract, of the Secretary's decision to use competitive procedures for the award of the contract, or to not renew the contract, when the term of the contract expires.

(2) Paragraph (1) does not apply to an extension for up to two years of a noncompetitive management and operating contract, if the extension is for purposes of allowing time to award competitively a new contract, to provide continuity of service between contracts, or to complete a contract that will not be renewed.

(b) In this section:

(1) The term "noncompetitive management and operating contract" means a contract that was awarded more than 50 years ago without competition for the management and operation of Ames Laboratory, Argonne National Laboratory, Lawrence Berkeley National Laboratory, Lawrence Livermore National Laboratory, and Los Alamos National Laboratory.

(2) The term "competitive procedures" has the meaning provided in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403) and includes procedures described in section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) other than a procedure that solicits a proposal from only one source.

(c) For all management and operating contracts other than those listed in subsection (b)(1), none of the funds appropriated by this Act may be used to award a management and operating contract, or award a significant extension or expansion to an existing management and operating contract, unless such contract is awarded using competitive procedures or the Secretary of Energy grants, on a case-by-case basis, a waiver to allow for such a deviation. The Secretary may not delegate the authority to grant such a waiver. At least 60 days before a contract award for which the Secretary intends to grant such a waiver, the Secretary shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report notifying the Committees of the waiver and setting forth, in specificity, the substantive reasons why the Secretary believes the requirement for competition should be waived for this particular award.

SEC. 302. None of the funds appropriated by this Act may be used to—

(1) develop or implement a workforce restructuring plan that covers employees of the Department of Energy; or

(2) provide enhanced severance payments or other benefits for employees of the Department of Energy under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (P.L. 102–484; 42 U.S.C. 7274h).

SEC. 303. None of the funds appropriated by this Act may be used to augment the funds made available for obligation by this Act or any other appropriations Act for fiscal year 2005 or any previous fiscal year for severance payments and other benefits and community assistance grants under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (P.L. 102–484; 42 U.S.C. 7274h) unless the Department of Energy submits a reprogramming request subject to approval by the appropriate congressional committees.

SEC. 304. None of the funds appropriated by this Act may be used to prepare or initiate Requests For Proposals (RFPs) for a program if the program has not been funded by Congress.

(TRANSFERS OF UNEXPENDED BALANCES)

SEC. 305. The unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this title. Balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 306. None of the funds in this or any other Act for the Administrator of the Bonneville Power Administration may be used to enter into any agreement to perform energy efficiency services outside the legally defined Bonneville service territory, with the exception of services provided internationally, including services provided on a reimbursable basis, unless the Administrator certifies in advance that such services are not available from private sector businesses.

SEC. 307. When the Department of Energy makes a user facility available to universities or other potential users, or seeks input from universities or other potential users regarding significant characteristics or equipment in a user facility or a proposed user facility, the Department shall ensure broad public notice of such availability or such need for input to universities and other potential users. When the Department of Energy considers the participation of a university or other potential user as a formal partner in the establishment or operation of a user facility, the Department shall employ full and open competition in selecting such a partner. For purposes of this section, the term "user facility" includes, but is not limited to: (1) a user facility as described in section 2203(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 13503(a)(2)); (2) a National Nuclear Security Administration Defense Programs Technology Deployment Center/User Facility; and (3) any other Departmental facility designated by the Department as a user facility.

SEC. 308. The Administrator of the National Nuclear Security Administration may authorize the manager of a covered nuclear weapons research, development, testing or production facility to engage in research, development, and demonstration activities with respect to the engineering and manufacturing capabilities at such facility in order to maintain and enhance such capabilities at such facility: *Provided*, That of the amount allocated to a covered nuclear weapons facility each fiscal year from amounts available to the Department of Energy for such fiscal year for national security programs, not more than an amount equal to 2 percent of such amount may be used for these activities: *Provided further*, That for purposes of this section, the term "covered nuclear weapons facility" means the following:

(1) the Kansas City Plant, Kansas City, Missouri;

(2) the Y–12 Plant, Oak Ridge, Tennessee;

(3) the Pantex Plant, Amarillo, Texas;

(4) the Savannah River Plant, South Carolina; and

(5) the Nevada Test Site.

SEC. 309. Funds appropriated by this or any other Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2005 until the enactment of the Intelligence Authorization Act for fiscal year 2005.

SEC. 310. None of the funds made available in this or any other appropriations Act for fiscal year 2005 or any previous fiscal year may be used to select a site for a Modern Pit Facility during fiscal year 2005.

SEC. 311. None of the funds made available in this Act for fiscal year 2005 or any previous fiscal year may be used to finance laboratory directed research and development activities at Department of Energy laboratories on behalf of other Federal agencies.

SEC. 312. (a) None of the funds made available by this Act may be used to issue any license, approval, or authorization for the export or reexport, or transfer, or retransfer, whether directly or indirectly, of nuclear materials and equipment or sensitive nuclear technology, including items and assistance authorized by section 57 b. of the Atomic Energy Act of 1954 and regulated under part 810 of title 10, Code of Federal Regulations, and nuclear-related items on the Commerce Control List maintained under part 774 of title 15 of the Code of Federal Regulations, to any country whose government has been identified by the Secretary of State as engaged in state sponsorship of terrorist activities (specifically including any country the government of which has been determined by the Secretary of State under section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)), section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)), or section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)) to have repeatedly provided support for acts of international terrorism).

(b) This section shall not apply to exports, reexports, transfers, or retransfers of radiation monitoring technologies, surveillance equipment, seals, cameras, tamper-indication devices, nuclear detectors, monitoring systems, or equipment necessary to safely store, transport, or remove hazardous materials, whether such items, services, or information are regulated by the Department of Energy, the Department of Commerce, or the Nuclear Regulatory Commission, except to the extent that such technologies, equipment, seals, cameras, devices, detectors, or systems are available for use in the design or construction of nuclear reactors or nuclear weapons.

(c) The President may waive the application of subsection (a) to a country if the President determines and certifies to Congress that the waiver will not result in any increased risk that the country receiving the waiver will acquire nuclear weapons, nuclear reactors, or any materials or components of nuclear weapons and—

(1) the government of such country has not within the preceding 12-month period willfully aided or abetted the international proliferation of nuclear explosive devices to individuals or groups or willfully aided and abetted an individual or groups in acquiring unsafeguarded nuclear materials;

(2) in the judgment of the President, the government of such country has provided adequate, verifiable assurances that it will cease its support for acts of international terrorism;

(3) the waiver of that subsection is in the vital national security interest of the United States; or

(4) such a waiver is essential to prevent or respond to a serious radiological hazard in the country receiving the waiver that may or does threaten public health and safety.

(d) This section shall apply with respect to exports that have been approved for transfer as of the date of the enactment of this Act but have not yet been transferred as of that date.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, for necessary expenses for the Federal Co-Chairman and the alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109 and hire of passenger motor vehicles, $38,500,000, to remain available until expended.

Defense Nuclear Facilities Safety Board

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100–456, section 1441, $20,268,000, to remain available until expended.

Delta Regional Authority

SALARIES AND EXPENSES

For necessary expenses of the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, as amended, notwithstanding sections 382C(b)(2), 382F(d), and 382M(b) of said Act, $2,096,000, to remain available until expended.

Nuclear Regulatory Commission

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses (not to exceed $15,000), and purchase of promotional items for use in the recruitment of individuals for employment, $662,777,000, to remain available until expended: *Provided*, That of the amount appropriated herein, $69,050,000 shall be derived from the Nuclear Waste Fund: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at $534,354,300 in fiscal year 2005 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2005 so as to result in a final fiscal year 2005 appropriation estimated at not more than $128,422,700: *Provided further*, that none of the funds made available in this Act or any other appropriations Act for fiscal year 2005, or for any previous fiscal year, may be used by the Commission to issue a license during fiscal year 2005 to construct or operate a new commercial nuclear power plant in the United States.

Office of Inspector General

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $7,518,000, to remain available until expended: *Provided*, That revenues from licensing fees, inspection services, and other services and collections estimated at $6,766,200 in fiscal year 2005 shall be retained and be available until expended, for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2005 so as to result in a final fiscal year 2005 appropriation estimated at not more than $751,800.

Nuclear Waste Technical Review Board

SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100–203, section 5051, $3,177,000, to be derived from the Nuclear Waste Fund, and to remain available until expended.

TITLE V

GENERAL PROVISIONS

SEC. 501. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 502. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 503. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

This Act may be cited as the "Energy and Water Development Appropriations Act, 2005".

The CHAIRMAN pro tempore. Points of order against provisions in the bill shall be permitted to be raised at any time; no further amendment to the bill may be offered, except: pro forma amendments offered by the chairman or ranking member of the Committee on Appropriations or their designees for the purpose of debate; amendment No. 1, which shall be debatable for 10 minutes; an amendment by Mr. INSLEE regarding the reclassification of nuclear waste, which shall be debatable for 10 minutes; and an amendment by Mr. MEEHAN regarding a transfer of funds between NNSA and the non-proliferation account, which shall be debatable for 20 minutes.

Each such amendment may be offered only by the member designated in this request, or a designee, or the Member who caused it to be printed, or a designee, shall be considered as read, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

Each amendment shall be debatable for the time specified, equally divided and controlled by the proponent and an opponent.

POINT OF ORDER

Mr. TOM DAVIS of Virginia. Madam Chairman, I make a point of order.

The CHAIRMAN pro tempore. The gentleman will state his point of order.

Mr. TOM DAVIS of Virginia. I make a point of order against section 502. This provision violates clause 2(b) of House Rule XXI. It proposes to change existing law and, therefore, constitutes legislation under an appropriations bill in violation of House rules.

The CHAIRMAN pro tempore. Does any Member wish to be heard on the point of order?

Mr. VISCLOSKY. Madam Chairman, if I could ask again which section of the bill the gentleman is looking to strike.

Mr. TOM DAVIS of Virginia. Section 502.

Mr. VISCLOSKY. Madam Chairman, I do not know if the Chair is going to uphold the point of order, but I would simply point out that I think it is a very important provision in this bill. I appreciate the fact that the chairman included it in this legislation; and I think from a social and economic standpoint, it ought to remain in the legislation.

Section 502, paragraph A states that it is the sense of the Congress that to the greatest extent practical, all equipment and products purchased with funds made available in this act should be American-made.

□ 1315

Subsection C of that same section states that if it has been finally determined by a court or Federal agency that any person intentionally affects a label bearing "Made in America" in description or any in description with the same meaning to any product sold or shipped in the United States, that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this act.

I understand the gentleman's intent as far as his motion to strike relative to jurisdictional issues, but I do believe this is a very key and fundamental issue to protect American workers in a living wage in the United States of America. And given the problems we have in this country as far as outsourcing where you have people intentionally lying and violating the law so the United States of America, we ought to protect American workers.

I thank the gentleman from Ohio (Mr. HOBSON) for having this measure in this legislation.

The CHAIRMAN pro tempore (Mrs. BIGGERT). Does anyone else wish to be heard on the point of order?

The gentleman from Ohio (Mr. HOBSON) is recognized.

Mr. HOBSON. Madam Chairman, I have not agreed totally with my ranking member, and I understand the chairman's point of order, but we have carried this in our bill for a number of years. We think it has been very productive to carry this in our bill. As far as I know, in the past it has not been challenged and to do so now I think sends the wrong messages. But I understand the Chairman's feeling that this is legislating on appropriation bills. I think sometimes that may be necessary. Maybe we ought to figure out a better way to work with him.

Mr. TOM DAVIS of Virginia. Madam Chairman, I say to my friend from Ohio and my friend from Indiana, they work on our committee. We could probably structure something that would accomplish the goals that they would like to achieve. But we feel this is legislating on an appropriation bill in violation of House rules. Therefore, I would insist on my point of order.

The CHAIRMAN pro tempore. The Chair is prepared to rule.

The Chair finds this provision expresses a legislative sentiment. The provision, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the provision is stricken from the bill.

POINT OF ORDER

Mrs. WILSON of New Mexico. Madam Chair, I make a point of order that the final proviso of the Nuclear Regulatory Commission funding, appearing on page 39, lines 23 through page 40 line 4, violates clause 2 of rule XXI of the rules of the House of Representatives prohibiting legislation on appropriations bills.

The proviso restricts funding to the Nuclear Regulatory Commission to issue any commercial nuclear power plant licenses using fiscal year 2005 Energy and Water appropriations funds and funds from "any other appropriations Act for fiscal year 2005 or any previous year." Because the language restricts funding not just for 2005 but for all previous years, it constitutes legislation on an appropriations bill.

For that reason, the language violates clause 2 of rule XXI of the rules of the House and is subject to a point of order.

The CHAIRMAN pro tempore. Will the gentlewoman respecify the page and line.

Mrs. WILSON of New Mexico. Madam Chairman, I believe it is page 39, line 23 through page 40, line 4.

The CHAIRMAN pro tempore. Does any other Member wish to be heard on the point of order?

Mr. HOBSON. Madam Chairman, I strenuously oppose this approach to the bill. Part of the problem we have is there is no other vehicle where we can do this. This is a very difficult time in our country. We do not have a nuclear repository available in this country to accept the waste that we have today around the country.

To go to the folly, the folly of granting new licenses when we do not have any place to take the material that is in Illinois and move it somewhere and to start granting licenses without a plan in place is not good policy. I do not like having to include this kind of language in this bill, but I think it is important to include it to send a message that the repository is important. The repository is important to the future of this country and the nuclear industry in this country. If we do not start taking a stand on this, then we are going to get things out of whack in this country to the point where we have an even more problem and more costly problem.

Right now, many States in this country cannot move their material. They are under lawsuits, there are all kinds of problems. This bill, because of some other problems, does not move forward even in my judgment enough to getting that repository going.

So, therefore, this language is put in to send a message. I think taking it out sends absolutely the wrong message in this country and it should be retained in this bill.

The CHAIRMAN pro tempore. Does any other Member wish to be heard on this point of order?

The Chair is prepared to rule.

The Chair finds that this provision addresses funds in other acts and, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the provision is stricken from the bill.

AMENDMENT OFFERED BY MR. MEEHAN

Mr. MEEHAN. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MEEHAN:

Page 23, line 5, after the dollar amount, insert "(reduced by $30,000,000)".

Page 23, line 16, after the dollar amount, insert "(increased by $30,000,0000".

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentleman from Massachusetts (Mr. MEEHAN) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. MEEHAN).

Mr. MEEHAN. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, this amendment provides an additional $30 million for the Department of Energy's Global Threat Reduction Initiative to secure, remove, and dispose of nuclear and radiological materials around the world.

In February, President Bush stated in a speech at the National Defense University that the greatest risk to the United States and the world is the possibility of a nuclear or radiological attack. And I could not agree more. And in today's world, the most urgent nuclear threat might not be from hostile states, it may be from a non-state terrorist group.

The technology to produce a nuclear bomb is easier to obtain than we might like to believe. Earlier this year, a Pakistani scientist named A.Q. Khan confessed to operating a global black market for nuclear technology. The head of the International Atomic Energy Agency, Mohamed El Baradei called it a "veritable nuclear Wal-Mart."

The design for a simple nuclear weapon is not beyond the reach of many terrorist groups. The best way, perhaps the only way, to prevent terrorists from obtaining nuclear weapons is to make sure they do not get the ingredients to make one. Alarmingly, fissile material is in abundant supply around the world today. Some 20 tons of highly enriched uranium exist at 345 civilian facilities in 58 countries, enough to make 1,000 nuclear weapons.

Many of these are academic or industrial facilities that have no more security than a night watchman or a chain link fence. The threat is real.

The CIA determined in 2002 that weapons grade or weapons-usable materials have been stolen from Russia. According to the IAEA, there have been 18 confirmed thefts involving plutonium or enriched uranium in the former Soviet Union. Highly enriched uranium is a dangerous tool in the hands of terrorist groups seeking to develop nuclear weapons. And we must do everything in our power to deter this threat.

The Energy Department already has several programs aimed at securing nuclear and radiological materials around the world, but they are seriously underfunded. I was encouraged to hear that Secretary of Energy Spence Abraham unveiled a new global threat reduction initiative last month which will consolidate and accelerate the four existing programs. This program has been endorsed by political leaders and nonproliferation experts across the political spectrum. In a recent speech, former Senator Sam Nunn calls it a significant global effort.

If we are serious about preventing nuclear terrorism we must cooperatively and effectively with international partners to secure quickly or remove the most at risk dangerous material first, wherever it may be.

We are in a race between cooperation and catastrophe. However, if the Global Threat Reduction Initiative is to succeed, we have to fund it. Nonproliferation experts at Harvard University and the nuclear threat initiative headed by Sam Nunn argue that we need an additional $30 million in fiscal 2005 to remove highly enriched uranium from 2 dozen vulnerable sites through the Russian Research Reactor Fuel Return program.

This is one of the four existing programs that have been under the consolidation under the Global Threat Reduction Initiative. Some of my colleagues may argue that we should not be appropriating funds for this new initiative before the Energy Department has submitted a budget request. But I do not think al-Qaeda is waiting for the next fiscal year to seek nuclear materials. And we should not wait to act either.

Moreover, programs like the Russian Research Reactor Fuel Return program have a proven track record developed over many years. In 2001, the United States, Serbia, Russia, the IAEA and the Nuclear Threat Initiative worked together to remove 48 kilograms of potentially vulnerable unirradiated HEU from a research facility in Serbia. This was enough material for two and a half nuclear bombs.

And in December of 2003, the United States, Russia, Bulgaria, and the IAEA collaborated to air lift 16.9 kilograms of HEU from a shut-down research reactor to Bulgaria to a secure facility in Russia.

The urgency is clear, we need to be quicker and bolder in securing these dangerous nuclear and radiological materials. This amendment would boost funding for the global threat reduction initiative by rolling over $30 million in unobligated balances from the National Nuclear Science Agencies Weapons Activities Account.

Madam Chairman, I reserve the balance my time.

Mr. HOBSON. Madam Chairman, I rise to claim the time in opposition to the amendment, and I yield myself such time as I may consume.

I am opposed to the amendment to increase funding for the Global Threat Reduction Initiative. I am very supportive of the nuclear nonproliferation programs in this bill. We provide a significant additional funds for nonproliferation programs aimed at securing nuclear weapons and weapons grade nuclear material in Russia where the threat is really real. We have been there, we have seen it.

However, as I have said many times since taking over the chairmanship of this subcommittee, I view with great skepticism the large increases that are proposed by the National Nuclear Security Administration, particularly when these new initiatives are proposed outside the regular annual budget and appropriations process.

Unfortunately, the Department of Energy's Global Threat Reduction Initiative announcement at a press conference in May is a perfect example. All of the individual programs that compromise this initiative are in the nonproliferation budget that we have funded in this bill. These are not activities that are being left out of the Department of Energy's nonproliferation budgets. They are funded at the President's request.

I believe we wrote a fair and balanced bill in the nuclear nonproliferation program very well. I do not support changes that are proposed in this amendment.

Let me close by saying I support the nonproliferation programs targeted in this amendment. As we prepare for conference, I will work with the interested members to address their concerns, but I reluctantly urge a no vote on the amendment.

Madam Chairman, I reserve the balance of my time.

Mr. MEEHAN. Madam Chairman, I yield such time as he may consume to the gentleman from California (Mr. SCHIFF), my friend and co-author of this amendment.

Mr. SCHIFF. Madam Chairman, I rise in support of the Meehan-Schiff amendment to accelerate the funding of the Global Threat Reduction Initiative.

The most significant threat to the national security of the United States is the risk that terrorists will acquire the material, the expertise, and the technology to create a nuclear weapon. Of these three components, the material, the expertise, and the technology, it is the material, highly enriched uranium or plutonium, that has posed the greatest bar to the acquisition of the bomb by terrorists.

□ 1330

And that material is far too easy to obtain. Beginning in the 1950s, the U.S. and Russia exported research reactors with highly enriched uranium to many nations around the world. Today, as my colleague pointed out, 345 operating or shutdown reactors in 58 countries possess highly enriched uranium.

The State Department has identified 24 of the highest priority facilities for clean-out operations, because they contain enough highly enriched uranium to make a bomb. Many of these facilities are terrifyingly insecure.

The energy and water bill contains only $9.8 million for global clean-out of these reactors, enough to clean out only one site per year. At this pace it will take more than 2 decades to merely clean out the top 24. We cannot wait that long.

Osama bin Laden has declared that the acquisition of weapons of mass destruction is a religious duty. After the Taliban was defeated, blueprints of a crude nuclear program were found in the deserted al Qaeda headquarters in Afghanistan. Does anyone doubt that if al Qaeda could assemble a nuclear weapon, they would use it? They would use it.

Last month, the Secretary of Energy announced what may be one of the most important national security initiatives of our time, a $450 million effort to clean out highly enriched uranium around the world. We cannot wait to implement this initiative. Al Qaeda is not waiting, and we must act now.

The Secretary's initiative will take almost a decade to implement, and there is no guarantee that nuclear material will not be stolen in the interim. Far from it. We must accelerate the time line for this initiative. Tragically today, we find ourselves in a new nuclear arms race. It is very simply a race as to whether we can secure nuclear material before the terrorists can buy or steal it.

The Meehan-Schiff amendment provides $30 million in additional funding for this initiative to get this program underway immediately.

We have spent countless billions of dollars on the war in Iraq, a war that was waged to remove stockpiles of weapons of mass destruction from the reach of terrorists. The terrible irony of our present situation is that, while we have not found weapons of mass destruction in Iraq, we know where there are large stockpiles of weapons of mass destruction, large stockpiles of nuclear material, and we have a cooperative means of securing them and placing them beyond the reach of terrorists.

To scrimp on this effort is worse than negligent. It is a betrayal of the public trust. In this race, as Senator Nunn so aptly describes it, we are in a race between cooperation and catastrophe. We must not flag or fail in this race. Vote "yes" on the Schiff-Meehan amendment to jump-start the global threat reduction initiative.

Mr. HOBSON. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. Mr. Chairman, I appreciate the gentleman yielding me this time.

I certainly want to congratulate my colleagues from California and Massachusetts for bringing this matter to our attention. I certainly agree with their intent and their assessment of the problem we face. It is one reason why I am happy that in the bill that was crafted by the subcommittee, there is a shift of $177.5 million for priority targets for nonproliferation. Among others, that includes Russia's strategic rocket forces. It includes megaports. It includes the second-line-of-defense efforts in the Baltics and efforts outside the former Soviet Union.

As the chairman had indicated earlier, the Secretary made the announcement of this program in Vienna. He has not had discussion or shared specifics of the program with the subcommittee or committee. There has been no transmission of the specifics to Congress on the program or its implementation.

So while, again, the intent is excellent, against the lack of specifics and given the prioritization within the bill, I would reluctantly express my opposition to the amendment, but would suggest that the chairman and I will work with both gentlemen as we proceed to conference relative to DOE's plan.

Mr. HOBSON. Mr. Chairman, I yield back the balance of my time.

Mr. MEEHAN. Mr. Chairman, I yield myself such time as I may consume.

Just to close, I really think this is an important issue to the national security of the country, and the reason why we bring the amendment forward is nonproliferation experts at Harvard University and the Nuclear Threat Initiative headed by Sam Nunn have clearly stated that we need an additional $30 million in fiscal year 2005 to remove highly enriched uranium from two dozen vulnerable research reactor sites throughout the Russian reactor fuel program.

That is why we offered the amendment. This is an amendment that would take up obligated balances from the National Security Agency's weapons activities account. So I want to be clear. These are unexpended funds from fiscal year 2004, and shifting these funds will not come at any cost to the NNSA's weapons program or the American taxpayers. Instead, they will help safeguard us against dangerous nuclear and radiological weapons materials, that if they get in the hands of terrorists, as we know they could, could be used to kill thousands or tens of thousands of Americans.

I believe, as the gentleman from California (Mr. SCHIFF) believes, that this amendment is vital to our national security and to our winning the war on terrorism. Therefore, I urge that my colleagues' support this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. LINDER). The question is on the amendment offered by the gentleman from Massachusetts (Mr. MEEHAN).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. MEEHAN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts (Mr. MEEHAN) will be postponed.

Mr. HOBSON. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Illinois (Mr. SHIMKUS) for the purpose of a colloquy.

Mr. SHIMKUS. Mr. Chairman, I thank the gentleman for yielding. As he knows, and he has spoken so eloquently about the need for a national repository at Yucca Mountain, and I can remember that in the appropriation bill there is $131 million, and this amount is grossly inadequate for the Yucca Mountain project. At that funding level, the Department of Energy would have to lay off 70 percent of its Yucca Mountain workforce, the license application would be delayed, and the repository opening would be delayed beyond the year 2010. All of the spent nuclear fuel would stay at the 77 field facilities spread out across the country, and this is unacceptable.

Yesterday, the Committee on Energy and Commerce passed a 5-year authorization bill, H.R. 3981, that authorizes offsetting collection over 5 years from fees paid into the Nuclear Waste Fund. Our proposal could help solve the funding problem and provide the much-needed funds for Yucca Mountain.

The amounts authorized in H.R. 3981 would be sufficient to keep the Yucca Mountain project on track and keep the hundreds of key technical staff employed in the Las Vegas office of the DOE's Yucca Mountain office.

Again, I know of the chairman's strong support for the repository in Yucca Mountain.

I ask the gentleman from Ohio (Chairman HOBSON) if he would work with us as we proceed on this bill and find a way in the conference report to move to increase the funding level for Yucca Mountain.

Mr. HOBSON. Mr. Chairman, I was not going to talk very long on this, but since we spent so much time on California before, the time is gone. So I might as well vent my emotions a little bit more than I was going to.

In February of this year, when I found out what the proposal was from OMB, I tried to reason with him that this was not a political year to do this with this sort of thing. While I agree with the policy, I did not agree with the politics of what was going to happen, because it is very difficult to make the program work, which I must say that the Committee on Energy and Commerce worked so well with us to craft.

The problem is that we were not able to get it all done. We are willing to accept it. We are willing to carry it, but there are certain things we could not get done. We hope that when we get to the conference committee that we can fix this. This, at some point in the process, in my opinion, must be fixed; but I am outraged at certain people who put us in this position. We did not need to be in this position.

Last year, this committee, with my ranking member by my side, came within the most amount of money that has gone into Yucca Mountain in recent history. Our reward for that was not to get the money back we needed this year under the conditions that we could do this without absolute warfare and putting a lot of people, including ourselves and the Committee on the Budget and everybody else into a very, very difficult situation.

While the policy may be good, we have to deal with the other body, and the other body has not been receptive in some respects to funding Yucca Mountain to the degree it should be until last year; but I must share with my colleague, this is a program that this country has taken a position on. It is one of the reasons, on the last amendment, that I do not think we can go forward with new licenses, even though we all want new licenses and even though I am supportive of the nuclear industry and of having this available so that we can have safe, environmentally safe, quality low-cost power. We need to have that, but we have to have it where we have a repository and we have to solve this problem.

The country has taken a position that this is where the repository is supposed to go. We have spent money on it, tons of money on it, and it is moving forward. This committee, with my ranking member's help, last year got the Department of Energy to move forward and site the railroad so we can take the politics out of where the rail is going to go and not move this material, even though it could have done it through the city of Las Vegas. That does not satisfy a lot of people. Some people just do not want anything.

Well, we are going to have something. At some point, at some point in this process, in spite of the objections of some people, this will have to be fixed for the future of this country and the nuclear power industry, but more importantly, those communities that have been promised from this government that this material would not stay, the spent fuel would not stay in their communities.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word, for just one moment.

I would assure the gentleman from Illinois that we all do share his concern. It is my view we have a policy of the United States Government, but that we need a repository.

As the chairman pointed out, we had an extended conference last year with the other body to make sure that Yucca was fully funded. We had a page of permutations as to how to work through the situation OMB placed us in this year. This is not a matter of our doing, and I do assure my colleague that I and the members of the subcommittee want to work through this with the Chair to make sure we proceed in an expeditious manner, and we have to solve this problem.

Mr. SHIMKUS. Mr. Chairman, will the gentleman yield?

Mr. VISCLOSKY. I yield to the gentleman from Illinois.

Mr. SHIMKUS. Mr. Chairman, I thank my colleague, and I would just also remind people and place in the record for this debate, the ratepayers have paid billions of dollars to make this thing move forward, and my ratepayers want to see a return on that investment.

So I thank the gentleman and I thank the chairman.

Mr. HOBSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to enter into a colloquy with the gentleman from Georgia (Mr. BURNS).

Mr. BURNS. Mr. Chairman, will the gentleman yield?

Mr. HOBSON. I yield to the gentleman from Georgia.

Mr. BURNS. Mr. Chairman, I thank the chairman for his hard work over the past year in bringing this legislation to the floor and for his willingness to continue working with us, even though we may still face some differences of opinion on several issues that relate to the Savannah River site.

As the chairman knows, we had an amendment that would have requested continued action in the coming year on one of those issues, the selection of a site for a new modern pit facility. I believe that Savannah River site is the leading candidate for the site, and a timely decision on this project would help in planning future operations and also on job levels.

However, I would like for my good friend, the gentleman from South Carolina (Mr. BARRETT), to further express the interests of the Savannah River site.

Mr. BARRETT of South Carolina. Mr. Chairman, will the gentleman yield?

Mr. HOBSON. I yield to the gentleman from South Carolina.

Mr. BARRETT of South Carolina. Mr. Chairman, I thank the chairman for yielding to me.

Mr. Chairman, I would also like to express my strong support for comments just made by my good friend and colleague, the gentleman from Georgia (Mr. BURNS); and it is my hope that in conference with the Senate funding concerns for current and potential programs at the Savannah River site will be addressed.

I look forward to working with the chairman who has been so gracious with us on future issues related to the Savannah River site and would like to extend a personal invitation to the chairman to visit SRS in the upcoming months so that he can see this tremendous asset for our current and future generations.

Mr. HOBSON. Mr. Chairman, I want to thank my colleagues for their work, their very aggressive work, I might add, on behalf of the Savannah River site. That is one site I have not visited in this country yet. We are trying to get around and look at a lot of the different sites. I have some good friends who live down there so it is a very inviting place to go and visit.

□ 1345

I accept your invitation to visit the site and look forward to meeting the men and women doing such important work in your part of the country.

AMENDMENT OFFERED BY MR. INSLEE

Mr. INSLEE. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. LINDER). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. INSLEE:

At the end of the bill, before the short title, insert the following:

SEC. ____. None of the funds made available in this Act may be used by the Department of Energy to make "waste incidental to reprocessing" determinations in order to reclassify high-level radioactive waste. For purposes of this section, the term "high-level radioactive waste" has the meaning given that term in the Nuclear Waste Policy Act of 1982.

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentleman from Washington (Mr. INSLEE) and a Member opposed each will control 5 minutes.

Mr. HOBSON. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN pro tempore. The point of order is reserved.

Mr. HEFLEY. Mr. Chairman, I object. Is it not the policy of the House to go from one side to the other side on these amendments?

The CHAIRMAN pro tempore. The Chair recognized the gentleman who stood up at the microphone.

Mr. HEFLEY. Well, that is a different policy than we have been following all afternoon, Mr. Chairman.

Mr. INSLEE. Mr. Chairman, I would be happy to yield to the gentleman, at the Chair's discretion.

The CHAIRMAN pro tempore. The gentleman from Washington (Mr. INSLEE) may withdraw his amendment for a period of time.

Mr. INSLEE. Mr. Chairman, I ask unanimous consent to withdraw my amendment at this time.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

AMENDMENT NO. 1 OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. HEFLEY:

At the end of the bill (before the short title), insert the following:

SEC. ____. Total appropriations made in this Act (other than appropriations required to be made by a provision of law) are hereby reduced by $279,880,000.

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentleman from Colorado (Mr. HEFLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado (Mr. HEFLEY).

Mr. HEFLEY. Mr. Chairman, I yield myself such time as I may consume, and I hope we do not take near that much time, but I rise to offer an amendment to cut the level of funding in this appropriations bill by $278,880,000, or approximately 1 percent of the total outlays of the bill.

This amendment is in the form of a retrenchment under the Holman rule. If we cut these funds, it will be up to the administration to decide where the cuts should fall. The bill totals approximately $28 billion, $49.6 million above the President's request, and $734.5 million, or 2.7 percent, over last year.

Now, last week, we debated the interior appropriations bill, which actually showed a decrease in funding from last year, and I voted for the bill because I thought that was a terrific step in the right direction towards getting a grip on our deficit. It focused on the core functions, I think, that needed to be done and eliminated some things which were nonessential.

Now I understand that there are needs that need to be addressed in this bill, important needs, but given this year's budget deficit is still projected at around $400 billion, I think some of these needs should be postponed.

Energy and water, I believe, should have to meet the same kinds of strictures as the other appropriations bills, namely either a freeze or cut. Naturally, we will hear about the impact of a 1 percent cut on certain specific popular programs, and it is possible a 1 percent cut could impact some of the smallest programs. That is why this amendment leaves those cuts to the administration.

Mr. Chairman, let us look at what the 1 percent cut would mean to other programs. One percent of the $1.87 billion general construction budget for the Army Corps of Engineers would total $18.7 million. For one of the Corps' recommendations in my district, $273,000 for the flood control study along Fountain Creek, 1 percent would amount to $2,730. Mr. Chairman, $2,730, though no doubt the Corps would disagree, I cannot see how they would miss that particularly. It probably would not pay for the printing.

Mr. Chairman, we have a terrible deficit. Our children are going to be paying for it. Given that context, I do not think asking the administration to find us a savings of one cent on the dollar is too much to ask.

Mr. Chairman, I reserve the balance of my time.

Mr. HOBSON. Mr. Chairman, I claim the time in opposition to the amendment and I yield myself such time as I may consume.

Mr. Chairman, I have to oppose this amendment. I know there are a lot of things that one may or may not like in this bill, but we started off with the concept in this bill that we would not do any new starts, no new studies, and there were a number of things where we tried to cut back on because our funds were very limited. And, frankly, the bill we got out of the Committee on the Budget would not have allowed us to do many of the things we did for Members because we were about $400 million short.

But due to some shifting around in the Committee on Appropriations, thanks to the staff and the Members, we were able to come up with some money to help Members. So we have done that.

Now, even though this looks like a small amount of money, when you add it up, it is a big amount of money and it has a lot of negative effect on a lot of projects. Further cuts would just exacerbate the problems we have tried to do in this finely-tuned bill, so I would urge a "no" vote on this bill.

Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. VISCLOSKY), the ranking member.

Mr. VISCLOSKY. Mr. Chairman, I appreciate the chairman yielding me this time, and I would join in his opposition.

I respect my good friend, however, I have to vehemently disagree. The administration has proposed a budget, and it is up to us to make a determination as to how to allocate those resources. The subcommittee has done so in a balanced and fair fashion, and I would ask my colleagues to oppose the amendment.

Mr. HEFLEY. Mr. Chairman, I yield myself such time as I may consume, and in closing we are talking about one penny on a dollar. And I think many businessmen will tell you if you cannot find one penny on a dollar of savings, you should not be in business. I think we should apply that to our governmental spending here in our budget.

Mr. Chairman, I yield back the balance of my time.

Mr. HOBSON. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Colorado (Mr. HEFLEY).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. HEFLEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) will be postponed.

AMENDMENT OFFERED BY MR. INSLEE

Mr. INSLEE. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. INSLEE:

At the end of the bill, before the short title, insert the following:

SEC. . None of the funds made available in this Act may be used by the Department of Energy to make "waste incidental to reprocessing" determinations, in order to reclassify high-level radioactive waste. For purposes of this section, the term "high-level radioactive waste" has the meaning given that term in the Nuclear Waste Policy Act of 1982.

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentleman from Washington (Mr. INSLEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington (Mr. INSLEE.)

Mr. HOBSON. Mr. Chairman, I rise to reserve a point of order on the gentleman's amendment.

The CHAIRMAN pro tempore. A point of order is reserved.

Mr. INSLEE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I intend to withdraw my amendment, but prior to that I would like to enter into a colloquy with the gentleman from Ohio (Mr. HOBSON).

First, I would like to thank the chairman of the subcommittee, the gentleman from Ohio (Mr. HOBSON) and the ranking member, the gentleman from Indiana (Mr. VISCLOSKY) for their continued support for funding the cleanup at the Hanford site in Washington. And I want to particularly thank Chairman HOBSON for his stalwart work in ending this practice of dumping waste in unlined trenches. He has truly been remarkable, and the people of the State of Washington appreciate his efforts.

The Department of Energy has been seeking legislative authority to reclassify high-level radioactive waste as "waste incidental to reprocessing." This high-level waste contains highly toxic radionuclides stored in underground tanks at sites in the State of Washington, South Carolina, Idaho, and New York. In agreement with these States and with Congress, the Department is required to remove as much of these wastes as is technically feasible.

In order to achieve its target deadline for cleaning up these tanks, the Department now argues that it requires the authority to reclassify some of the waste at the bottom of the tanks as "incidental waste," so that these wastes may be left on site or disposed of in a manner that does not live up to the federal agreement. Such authority is currently disputed by many of the involved States, who argue that the long-term impacts of such an action are unknown and potentially harmful to human health.

Does the gentleman agree that it is the intent of Congress that the Department engage in fair and reasonable negotiations with the States and involved parties?

Mr. HOBSON. Mr. Chairman, will the gentleman yield?

Mr. INSLEE. I yield to the gentleman from Ohio.

Mr. HOBSON. Mr. Chairman, in answer to the gentleman's question, I would say, yes, the House supports a fair and reasonable negotiation with the States and involved parties.

And I should tell the gentleman that I have been out there and looked at these tanks, and also, as the gentleman spoke about last year, we made him a promise we would take care of the unlined trenches, and I believe, as of yesterday, their record of decision is that the citizens out there deserve this, and I think it is going to go forward.

But in answer, yes, I think we do need to negotiate with the States and the involved parties on this.

Mr. INSLEE. Mr. Chairman, reclaiming my time, I thank the gentleman.

And would the gentleman agree that any strategy to resolve the issue should be consistent nationwide?

Mr. HOBSON. Well, if the gentleman will continue to yield, yes. And I think in some other instances in this bill we have also taken a stand that you cannot have one standard one place and one standard another. So any conclusion must be comprehensive and consistent nationwide.

Mr. INSLEE. Mr. Chairman, finally, does the gentleman agree that the House should strongly encourage the conferees to the defense authorization bill to retain the language in the House Report requiring the Secretary of Energy to engage the National Research Council to study the Department's plans to manage its high-level waste streams instead of providing the Department blanket reclassification authority?

Mr. HOBSON. I agree.

Mr. INSLEE. Once again reclaiming my time, Mr. Chairman, I want to thank the gentleman for his efforts to move the DOE in the right direction.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN pro tempore. Is there any objection to the request of the gentleman from Washington?

There was no objection.

Mr. HOBSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to enter into a colloquy with the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Chairman, will the gentleman yield?

Mr. HOBSON. I yield to the gentleman from Iowa.

Mr. KING of Iowa. Mr. Chairman, I appreciate the chairman's willingness to enter into a colloquy and to yield to me on this issue. I would just say to him that Missouri is downstream from where I live.

Mr. Chairman, I had authored an amendment to this legislation that would prohibit funds intended for use for endangered species' habitat restoration from being used by the Fish and Wildlife Service and State Departments of Natural Resources. I am not pursuing this amendment because the good gentleman from Ohio has agreed the funding in this act should be used for its intended purposes.

As the Members of this body may remember, every year the energy and water development appropriations bill brings to light the issues of the Missouri River, which flows along the border of the district I represent in western Iowa. In the ecosystem of the Missouri River, there are three endangered species, the least tern, the piping plover, and the pallid sturgeon. A dire legal situation involving regulation of the Missouri River flow has resulted in complex reg. issues that impact the entire Missouri River basin. A multiplicity of interests, including agriculture, flood control, river freight transportation, electrical generation, water, recreation, and the environment have been impacted by decisions affecting the flow of the river.

Currently, the Army Corps of Engineers is working on a habitat restoration for the two birds and the fish that have created such a problem for people who need the river for economic reasons. As they have been working to reestablish this habitat, we have discovered some of the money that is diverted to Fish and Wildlife and State Departments of Natural Resources to help with this effort is being used for other purposes, such as duck habitat.

Mr. Chairman, my father took me to the duck blind when I was two years old. I have been going there ever since, that is half a century or more, and I can tell you there is no endangered species of ducks in my district. As much as I like duck habitat, it should not be at the expense of funds that are directed to priority habitat for endangered species, which can go a long ways towards resolving this Missouri River issue.

So not only do I care to see the issues of the Missouri River resolved, as a responsible Member of this body, I also believe it is our responsibility to stop abuse in its tracks. My amendment would have alleviated both of these problems.

Mr. HOBSON. Mr. Chairman, reclaiming my time, I agree with the gentleman from Iowa (Mr. KING) that the purposes and intentions of this act should be met. The funds appropriated for endangered species habitat restoration on the Missouri River should be used for those purposes.

As the Army Corps of Engineers works to that end, let us encourage the Corps to properly oversee that the funds are being utilized for their purposes.

Mr. KING of Iowa. Mr. Chairman, if the gentleman will continue to yield, I thank the distinguished chairman for his consideration of this issue.

Mr. HOBSON. Mr. Chairman, I move to strike the last word, and I seek this time to enter into a colloquy with the gentleman from Ohio (Mr. PORTMAN).

Mr. PORTMAN. Mr. Chairman, will the gentleman yield?

Mr. HOBSON. Mr. Chairman, I yield to the gentleman from Ohio.

Mr. PORTMAN. Mr. Chairman, I wanted to rise to congratulate the chairman on balancing difficult competing interests in this legislation. Once again, I think we will see on final passage what a good job he has done.

But in particular, I want to thank him very much for helping with regard to our energy needs at the Port Smith Gaseous Diffusion Plant. Once again, he has provided the President's request and has been instrumental in being sure that we have not only jobs in southern Ohio but that the centrifuge technology moves forward, which is so critical to our Nation's energy security.

So, again, I rise to congratulate the chairman, and I look forward to working with him going into the future, and congratulate him on his bill and strongly support it this afternoon.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 5 offered by the gentleman from Vermont (Mr. SANDERS), amendment offered by the gentlewoman from New Mexico (Mrs. WILSON), amendment offered by the gentleman from Massachusetts (Mr. MEEHAN), and amendment No. 1 offered by the gentleman from Colorado (Mr. HEFLEY).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

☐ 1400

AMENDMENT NO. 5 OFFERED BY MR. SANDERS

The CHAIRMAN pro tempore (Mr. LINDER). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Vermont (Mr. SANDERS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 150, noes 241, not voting 42, as follows:

[Roll No. 321]

AYES—150

Abercrombie
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Bartlett (MD)
Becerra
Berkley
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Case
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Dingell
Doggett
Doyle
Ehlers
Emanuel
Engel
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Green (TX)
Green (WI)
Grijalva
Gutierrez
Herseth
Hinchey
Hinojosa
Hoeffel
Holt
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Jones (OH)
Kaptur
Kelly
Kennedy (RI)
Kildee
Kind
Kleczka
Kucinich
Lampson
Langevin
Larsen (WA)
Latham
Leach
Lee
Levin
Lowey
Majette
Maloney
Markey
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Moore
Moran (KS)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Nussle
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Payne
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sánchez, Linda T.
Sanders
Schakowsky
Scott (VA)
Sensenbrenner
Serrano
Shays
Sherman
Simmons
Smith (NJ)
Solis
Stark
Strickland
Stupak
Tanner
Terry
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wu

NOES—241

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bass
Beauprez
Bell
Bereuter
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carson (OK)
Carter
Castle
Chabot
Chandler
Chocola
Cole
Cox
Cramer
Crane
Crenshaw
Culberson
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeLauro
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Edwards
Emerson
English
Eshoo
Etheridge
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Greenwood
Gutknecht
Hall
Harris
Hart
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hobson
Hoekstra
Holden
Honda
Hostettler
Hulshof
Hunter
Hyde
Issa
Istook
Jenkins
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Kanjorski
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lantos
Larson (CT)
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Marshall
Matheson
Matsui
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Ortiz
Osborne
Ose
Otter
Oxley
Pastor
Pearce
Pelosi
Pence
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Putnam
Quinn
Radanovich
Regula
Rehberg
Renzi
Reyes
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Sanchez, Loretta
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tauscher
Taylor (MS)
Taylor (NC)
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)

Turner (TX)
Upton
Visclosky
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn
Young (FL)

NOT VOTING—42

Ackerman
Barton (TX)
Berman
Boyd
Burgess
Carson (IN)
Coble
Collins
Cubin
Cunningham
Deal (GA)
Delahunt
Deutsch
Dicks
Dooley (CA)
Dunn
Gephardt
Harman
Hastings (FL)
Hastings (WA)
Houghton
Isakson
John
Jones (NC)
Kilpatrick
Lewis (GA)
Lipinski
McCarthy (MO)
Mollohan
Paul
Peterson (PA)
Pryce (OH)
Reynolds
Rodriguez
Rothman
Ryun (KS)
Slaughter
Smith (MI)
Tauzin
Thomas
Vitter
Young (AK)

□ 1224

Messrs. BEAUPREZ, BARRETT of South Carolina, BRADY of Texas, CARDOZA, LYNCH, HONDA, CHANDLER, and DAVIS of Tennessee changed their vote from "aye" to "no."

Messrs. JOHNSON of Illinois, SHERMAN, BARTLETT of Maryland, COSTELLO, DOGGETT, TERRY, NUSSLE, RAMSTAD, EHLERS, BISHOP of Georgia, HOLT, and Ms. ROYBAL-ALLARD changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. McCARTHY of Missouri. Mr. Chairman, on rollcall No. 321, I was unavoidably detained. Had I been present, I would have voted "aye."

AMENDMENT OFFERED BY MRS. WILSON OF NEW MEXICO

The CHAIRMAN pro tempore (Mr. LINDER). The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from New Mexico (Mrs. WILSON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 163, noes 224, not voting 46, as follows:

[Roll No. 322]

AYES—163

Abercrombie
Allen
Andrews
Baca
Baldwin
Bass
Becerra
Bereuter
Berkley
Blumenauer
Bono
Boswell
Boucher
Bradley (NH)
Brady (TX)
Brown (OH)
Cardin
Carson (OK)
Case
Chabot
Chandler
Conyers
Cooper
Cox
Crowley
Davis (AL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Ehlers
Engel
English
Etheridge
Evans
Farr
Filner
Flake
Foley
Fossella
Frank (MA)
Franks (AZ)
Gibbons
Gilchrest
Gillmor
Gonzalez
Gordon
Graves
Green (WI)
Greenwood
Grijalva
Gutierrez
Hayworth
Hefley
Hensarling
Herseth
Hinchey
Hinojosa
Hoeffel
Holt
Hooley (OR)
Hulshof
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Jones (OH)
Kaptur
Kelly
Kennedy (RI)
Kildee
Kind
Kleczka
Kucinich
Langevin
Lantos
Larsen (WA)
Leach
Lee
Lucas (OK)
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
McCarthy (NY)
McCollum
McDermott
McIntyre
McNulty
Meehan
Michaud
Millender-McDonald
Miller (NC)
Miller, Gary
Moore
Moran (KS)
Musgrave
Nadler
Napolitano
Norwood
Obey
Otter
Owens
Payne
Pearce
Pitts
Pomeroy
Porter
Price (NC)
Radanovich
Rangel
Renzi
Rohrabacher
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (VA)
Sensenbrenner
Shadegg
Sherman
Shimkus
Simmons
Skelton
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Sullivan
Taylor (MS)
Thornberry
Tierney
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Walden (OR)
Watson
Waxman
Weiner
Weller
Wexler
Wilson (NM)
Woolsey
Wu

NOES—224

Aderholt
Akin
Alexander
Bachus
Baird
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Beauprez
Bell
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Brady (PA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carter
Castle
Chocola
Clay
Clyburn
Cole
Costello
Cramer
Crane
Crenshaw
Culberson
Cummings
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
DeLay
DeMint
Doolittle
Doyle
Dreier
Duncan
Edwards
Emanuel
Emerson
Eshoo
Everett
Fattah
Feeney
Ferguson
Forbes
Ford
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Goode
Goodlatte
Goss
Granger
Green (TX)
Gutknecht
Hall
Harris
Hart
Hayes
Herger
Hill
Hobson
Hoekstra
Holden
Honda
Hostettler
Hoyer
Hyde
Israel
Issa
Istook
Jenkins
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Kanjorski
Keller
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Larson (CT)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lynch
McCotter
McCrery
McGovern
McHugh
McInnis
McKeon
Meek (FL)
Meeks (NY)
Menendez
Mica
Miller (FL)
Miller (MI)
Miller, George
Moran (VA)
Murphy
Murtha
Myrick
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Olver
Ortiz
Osborne
Ose
Oxley
Pallone
Pascrell
Pastor
Pelosi
Pence
Peterson (MN)
Petri
Pickering
Platts
Pombo
Portman
Putnam
Quinn
Rahall
Ramstad
Regula
Rehberg
Reyes
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Roybal-Allard
Sabo
Saxton
Schrock
Scott (GA)
Serrano
Sessions
Shaw
Shays
Sherwood
Shuster
Simpson
Smith (TX)
Souder
Stearns
Stenholm
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Toomey
Towns
Turner (OH)
Upton
Velázquez
Visclosky
Walsh
Wamp
Waters
Watt
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson (SC)
Wolf
Wynn
Young (FL)

NOT VOTING—46

Ackerman
Barton (TX)
Berman
Boyd
Burgess
Carson (IN)
Coble
Collins
Cubin
Cunningham
Deal (GA)
Delahunt
Deutsch
Dicks
Dooley (CA)
Dunn
Gephardt
Harman
Hastings (FL)
Hastings (WA)
Houghton
Hunter
Isakson
John
Jones (NC)
Kilpatrick
King (NY)
Lewis (GA)
Lipinski
Lowey
Matsui
McCarthy (MO)
Mollohan
Paul
Peterson (PA)
Pryce (OH)
Reynolds
Rodriguez
Rothman
Ryun (KS)
Slaughter
Smith (MI)
Tauzin
Thomas
Vitter
Young (AK)

□ 1431

Mr. THOMPSON of California changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. McCARTHY of Missouri. Mr. Chairman, on rollcall No. 322 I was unavoidably detained. Had I been present, I would have voted "aye."

AMENDMENT OFFERED BY MEEHAN

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MEEHAN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 151, noes 235, not voting 47, as follows:

[Roll No. 323]

AYES—151

Abercrombie
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Bishop (NY)
Blumenauer
Boswell
Bradley (NH)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Case
Chandler

Clay
Clyburn
Conyers
Cooper
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLauro
Dingell
Doggett
Emanuel
Engel
Etheridge
Evans
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green (WI)
Grijalva
Gutierrez
Herseth
Hinchey
Hoeffel
Holt
Hooley (OR)
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kaptur
Kennedy (RI)
Kildee
Kind
Kleczka
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Payne
Pelosi
Peterson (MN)
Petri
Pomeroy
Price (NC)
Rahall
Rangel
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (VA)
Sensenbrenner
Serrano
Shays
Sherman
Skelton
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—235

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Carter
Castle
Chabot
Chocola
Cole
Costello
Cox
Cramer
Crane
Crenshaw
Culberson
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Emerson
English
Eshoo
Everett
Farr
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (TX)
Greenwood
Gutknecht
Hall
Harris
Hart
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoekstra
Holden
Honda
Hostettler
Hoyer
Hulshof
Hyde
Israel
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
McCotter
McCrery
McHugh
McInnis
McKeon
Meek (FL)
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pastor
Pearce
Pence
Pickering
Pitts
Platts
Pombo
Porter
Portman
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reyes
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ryan (WI)
Sandlin
Saxton
Schrock
Scott (GA)
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Visclosky
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—47

Ackerman
Ballenger
Barton (TX)
Berman
Boyd
Burgess
Carson (IN)
Coble
Collins
Cubin
Cunningham
Deal (GA)
Delahunt
Deutsch
Dicks
Dooley (CA)
Dunn
Gephardt
Harman
Hastings (FL)
Hastings (WA)
Houghton
Hunter
Isakson
John
Jones (NC)
Kilpatrick
King (NY)
Lewis (GA)
Lipinski
Lowey
McCarthy (MO)
Mollohan
Paul
Peterson (PA)
Pryce (OH)
Reynolds
Rodriguez
Rothman
Ryun (KS)
Sabo
Slaughter
Smith (MI)
Tauzin
Thomas
Vitter
Young (AK)

☐ 1439

Mr. ABERCROMBIE changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. McCARTHY of Missouri. Mr. Chairman, on rollcall No. 323, I was unavoidably detained. Had I been present, I would have voted "aye."

AMENDMENT NO. 1 OFFERED BY MR. HEFLEY

The CHAIRMAN pro tempore (Mr. LINDER). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 68, noes 319, not voting 46, as follows:

[Roll No. 324]

AYES—68

Bachus
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Bishop (UT)
Blackburn
Boehner
Brady (TX)
Burton (IN)
Buyer
Cannon
Chabot
Chocola
Crane
Davis, Jo Ann
DeMint
Diaz-Balart, M.
Duncan
Feeney
Flake
Franks (AZ)
Garrett (NJ)
Gibbons
Graves
Green (WI)
Gutknecht
Harris
Hefley
Hensarling
Hostettler
Johnson, Sam
Keller
King (IA)
Lewis (KY)
Linder
Manzullo
McCotter
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Norwood
Otter
Pence
Petri
Pitts
Porter
Ramstad
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (WA)
Stearns
Sullivan
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Toomey
Wilson (SC)

NOES—319

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Becerra
Bell
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehlert
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burns
Burr
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chandler
Clay
Clyburn
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crenshaw
Crowley
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
DeLauro
DeLay
Diaz-Balart, L.
Dingell
Doggett
Doolittle
Doyle
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Green (TX)
Greenwood
Grijalva
Gutierrez
Hall
Hart
Hayes
Hayworth
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud

Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Moore
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Pickering
Platts
Pombo
Pomeroy
Portman
Price (NC)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—46

Ackerman
Ballenger
Barton (TX)
Berman
Boyd
Burgess
Carson (IN)
Coble
Collins
Cubin
Cunningham
Deal (GA)
Delahunt
Deutsch
Dicks
Dooley (CA)
Dunn
Gephardt
Harman
Hastings (FL)
Hastings (WA)
Houghton
Isakson
John
Jones (NC)
Kilpatrick
King (NY)
Lewis (GA)
Lipinski
Lowey
McCarthy (MO)
Mollohan
Paul
Peterson (PA)
Pryce (OH)
Reynolds
Rodriguez
Rothman
Ryun (KS)
Sabo
Slaughter
Smith (MI)
Tauzin
Thomas
Vitter
Young (AK)

☐ 1446

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Ms. McCARTHY of Missouri. Mr. Chairman, on rollcall No. 324, I was unavoidably detained. Had I been present, I would have voted “no.”

The CHAIRMAN pro tempore. Under the rule and the previous order of the House, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. FOLEY) having assumed the chair, Mr. LINDER, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4614) making appropriations for energy and water development for the fiscal year ending September 30, 2005, and for other purposes, pursuant to House Resolution 694, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 370, nays 16, not voting 47, as follows:

[Roll No. 325]

YEAS—370

Abercrombie
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Becerra
Bell
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
DeLauro
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harris
Hart
Hayes
Hayworth
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—16

Andrews
Berkley
Flake
Franks (AZ)
Gibbons
Hefley
Hensarling
Hostettler
Kucinich
Porter
Royce
Sensenbrenner
Shadegg
Stearns
Terry
Toomey

NOT VOTING—47

Ackerman
Ballenger
Barton (TX)
Berman
Boyd
Burgess
Carson (IN)
Coble
Collins
Cubin
Cunningham
Deal (GA)
Delahunt
Deutsch
Dicks
Dooley (CA)
Dunn
Gephardt
Harman
Hastings (FL)
Hastings (WA)
Houghton
Isakson
John
Jones (NC)
Kilpatrick
King (NY)
Lewis (GA)
Lipinski
Lowey
McCarthy (MO)
Mollohan
Paul
Peterson (PA)
Pryce (OH)
Reynolds
Rodriguez
Rothman
Ryun (KS)
Sabo
Slaughter
Smith (MI)
Tauzin
Thomas
Vitter
Weller
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FOLEY) (during the vote). Members are advised there are 2 minutes in which to record their votes.

☐ 1504

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. McCARTHY of Missouri. Mr. Speaker, on rollcall No. 325, I was unavoidably detained. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, I was unable to be present for rollcall votes 320, 321, 322, 323, 324, and 325. Had I been present, I would have voted "aye" on rollcall votes 321, 322, 323, and 325. I would have voted "nay" on 320 and 324.

PERSONAL EXPLANATION

Ms. KILPATRICK. Mr. Speaker, personal reasons prevent me from being present for legislative business scheduled for today, Friday, June 25, 2004. Had I been present, I would have voted "aye" on the amendment offered by Mr. SANDERS (rollcall No. 321); "no" on the amendment offered by Mrs. WILSON of New Mexico (rollcall No. 322); "aye" on the amendment offered by Mr. MEEHAN (rollcall No. 323); "no" on the amendment offered by Mr. HEFLEY (rollcall No. 324); and "aye" on final passage of H.R. 4614, the Energy and Water Appropriations Act for Fiscal Year 2005 (rollcall No. 325).

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 1731. An act to amend title 18, United States Code, to establish penalties for aggravated identity theft, and for other purposes.

H.R. 3846. An act to authorize the Secretary of Agriculture and the Secretary of the Interior to enter into an agreement or contract with Indian tribes meeting certain criteria to carry out projects to protect Indian forest land.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 1292. An act to establish a servitude and emancipation archival research clearinghouse in the National Archives.

S. 1932. An act to provide criminal penalties for unauthorized recording of motion pictures in a motion picture exhibition facility, to provide criminal and civil penalties for unauthorized distribution of commercial prerelease copyrighted works, and for other purposes.

S. 2192. An act to amend title 35, United States Code, to promote cooperative research involving universities, the public sector, and private enterprises.

S. 2237. An act to amend chapter 5 of title 17, United States Code, to authorize civil copyright enforcement by the Attorney General, and for other purposes.

PERMISSION FOR COMMITTEE ON SCIENCE TO HAVE UNTIL 4 P.M., FRIDAY, JULY 2, 2004 TO FILE SUNDRY REPORTS

Mr. BOEHLERT. Mr. Speaker, I ask unanimous consent that the Committee on Science be allowed to file the following reports by 4:00 p.m. Friday, July 2:

H.R. 4218, High Performance Computing Revitalization Act of 2004; H.R. 4516, Department of Energy High-End Computing Revitalization Act of 2004; H.R. 3890, To Reauthorize the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988; H.R. 3598, Manufacturing Technology Competitiveness Act of 2004; and H.R. 3980, National Windstorm Impact Reduction Act of 2004.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York.

There was no objection.

PERMISSION FOR COMMITTEE ON FINANCIAL SERVICES TO HAVE UNTIL MIDNIGHT JULY 2, 2004, TO FILE REPORT ON H.R. 3574, REQUIRING MANDATORY EXPENSING OF STOCK OPTIONS GRANTED TO EXECUTIVE OFFICERS

Mr. BOEHLERT. Mr. Speaker, I ask unanimous consent that the Committee on Financial Services have until midnight on July 2, 2004, to file its report on H.R. 3574, a bill to require the mandatory expensing of stock options granted to executive officers and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, JULY 7, 2004

Mr. BOEHLERT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, July 7, 2004.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

APPOINTMENT OF HONORABLE ROSCOE G. BARTLETT OR THE HONORABLE MIKE PENCE TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH JULY 6, 2004

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

THE SPEAKER'S ROOMS,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 25, 2004.

I hereby appoint the Honorable ROSCOE G. BARTLETT or, if he is not available to perform this duty, the Honorable MIKE PENCE to act as Speaker pro tempore to sign enrolled bills and joint resolutions through July 6, 2004.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

COMMUNICATION FROM PROFESSIONAL STAFF MEMBER OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The Speaker pro tempore laid before the House the following communication from Geoff Bowman, Professional Staff Member of the Committee on Transportation and Infrastructure:

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, June 23, 2004.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena, issued by the United States Department of Commerce, National Oceanic and Atmospheric Administration (NOAA), for testimony.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

GEOFF BOWMAN,
Professional Staff Member.

UNFAIR ALLOCATION OF HOMELAND SECURITY FUNDS

(Mr. SHAW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHAW. Mr. Speaker, this is the third day in a row that I have come to the floor to speak in protest of the unfair practice by the City of Miami in allocating Federal urban security money to Broward and Palm Beach Counties. Of the $30 million allocated to the south Florida urban area, zero dollars, zero, have been assigned to Palm Beach County. For the City of Miami to neglect providing the necessary funding for this county is simply outrageous, in that they have kept 90 percent of these funds for themselves.

Palm Beach County is home to 1.2 million people, and it has a large and very busy international airport, as well as three general aviation airfields. The port of Palm Beach is the fourth busiest container port in Florida and the 18th busiest in the continental United States, making it an attractive target for would-be terrorists.

Mr. Speaker, the hijackers of September 11 spent part of their time in south Florida, and Palm Beach was the site of an anthrax attack, killing one person and injuring many more; and, yet, Palm Beach County is not getting one dime in antiterrorist funds. This is outrageous, Mr. Speaker, and I am asking Homeland Security to designate Broward and Palm Beach Counties as its own region under the Urban Area Security Initiative Program so that we can be eligible to receive the necessary funds we must protect our infrastructure, our community and our residents.

SUSAN FAJT

(Mr. WELDON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON of Florida. Mr. Speaker, I rise to introduce my colleagues in the House to a young lady by the name of Susan Fajt. I am going to rise later into the 5-minute rule and talk a little bit more about her case, but I have a picture here I just want to introduce everyone to that I took in my office yesterday. This lady was injured in a car wreck and could not walk or stand, and she underwent a stem cell treatment and she is now able to walk and stand. Quite miraculous.

The main thing that I want it to point out, I know many people in this body have been led to believe this can only be done with embryonic stem cells. It actually cannot be done with embryonic stem cells. It was done with an adult stem cell. The stem cell was taken from her nose and she is continuing to improve.

Only inside the beltway do people believe what is not true to be true and what is true to be what is not true.

Adult stem cells allow people previously paralyzed to walk.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PEARCE). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TIMKEN AND THE MIDDLE CLASS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, I would like to tell today the tale of two visits. President Bush last year visited Canton, Ohio, visited his friends at the Timken Company. JOHN KERRY today visited Canton, Ohio.

I would like to tell you a little bit about each visit. When President Bush came to Canton, Ohio, he came to the Timken Company, a fourth generation manufacturing firm in Ohio, one of George Bush's largest contributors. The Timken family has given and raised for President Bush well over $1 million over last 2 years. He came to Mr. Timken's plant and celebrated his program, his economic program.

He stood at the Timken plant and bragged on Timken's workers, as he should have, saying that Timken employees were 10 percent more productive this year, he said that a year ago, this year, than the year before. Ten percent more productive.

Now, a few months later Timken announced, earlier this year, that they had their best, their highest sales, highest quarterly sales they had ever had. A week after that they announced they had a 60 percent increase in earnings per share over the same quarter a year ago. Ten percent more productive workers, highest sales ever, very good earnings per share.

A week later, the Timken management announced that it was closing its three plants in Canton, Ohio, shutting down its Ohio production, laying off 1,300 workers and moving the factories to China.

Now, the President has come to Ohio time after time trying to justify his economic program when Ohio has been a State that has lost one-sixth of its manufacturing jobs. Ohio has been a State that has lost 190 jobs every single day of the Bush administration.

President Bush would be the first President since Herbert Hoover to have lost jobs during his time in office. Yet he goes to Timken, he says that is the picture of the future.

Now, the President's answer to every single piece of bad economic news is two-fold. First of all, the President says more tax cuts for the wealthiest people in society. A person making $1 million on average last year got a $123,000 tax cut. More tax cuts for the wealthiest people in our society, the largest corporations in our society, hoping that those tax cuts trickle down and create jobs. That is one of the President's answers.

The other is more trade agreements like the North American Free Trade Agreement, Central American Free Trade Agreement, Free Trade Area of the Americas, all of these trade agreements that continue to ship jobs, continue to hemorrhage jobs overseas. That has been the President's answer.

Mr. DREIER. Mr. Speaker, would the gentleman yield?

Mr. BROWN of Ohio. I will yield.

Mr. DREIER. Mr. Speaker, I will try to be very brief because I know you only have 5 minutes. I have an hour special order and I will be talking in a little while about this.

I think it is important to note that you just described this sort of trickle down in the area of tax cuts. And it is important to know what you describe as trickle down in the last 9 months has created 1.4 million new jobs right here in the United States. Month before last we saw the largest increase in 45 months in manufacturing jobs.

I am very familiar with the Timken Company. I am very sympathetic and concerned about the issue that has just been raised on that issue.

Similarly, if we look at the issue of trade we now enjoy a quarter of a trillion dollars, a quarter of a trillion dollars in trade between the United States of America and Mexico.

Mr. BROWN of Ohio. Mr. Speaker, reclaiming my time, the fact is this quarter trillion dollars of trade we had a trade surplus with Mexico before NAFTA that is now a turned into a trade deficit. We had a small trade deficit with China when the gentleman from California (Mr. DREIER) came to this body and when I came to this body that is now $120 billion trade deficit.

The fact is we continue to have lost jobs in our State, even with some economic growth that has taken place in the last few months. Ohio and the Nation still are 2 million jobs behind what President Bush had when he came into office. There were 22 million jobs created during the Clinton administration. There is a net loss of close to 2 million jobs during the Bush administration.

Now, today, Mr. KERRY came to Canton to talk about some of these same issues. Mr. KERRY's solutions are not more tax cuts for the richest people in society, the major contributors to the Republican party.

□ 1515

His solution is not more trade agreements that continue to hemorrhage jobs overseas. His solutions are several things.

First of all, extend unemployment benefits to the million people who have lost their jobs in this country, who have tried to find work and have not and had their benefits expire.

Second, expand rather than eliminate, like the President wants to do, the manufacturing extension program which helps small manufacturers figure out how to navigate the global economy.

Third, Mr. KERRY says Congress should put a hold on trade agreements and go back and re-examine and look at changing the trade agreements that are already in effect.

Fourth, all of us in this body say pass the Crane-Rangel bill, which gives incentives to those companies and rewards those companies which manufacture in this country, rather than the Bush tax breaks that give manufacturing all kinds of incentives to companies that shift jobs overseas.

EXCHANGE OF SPECIAL ORDER TIME

Mr. WELDON of Florida. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from Indiana (Mr. BURTON).

The SPEAKER pro tempore (Mr. PEARCE). Is there objection to the request of the gentleman from Florida?

There was no objection.

EMBRYONIC STEM CELL RESEARCH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Florida. Mr. Speaker, I rose a short while ago, spoke for 1 minute about a brave young lady. She was in my office just yesterday, along with another brave young lady. This is Susan Fajt, and she was accompanied by Laura Dominguez. Both had suffered spinal cord injuries. Both ladies were injured in a car wreck. Laura's injury was in the neck, and this young lady's injury was in what we call T-6. It is the thoracic spine which is sort of the upper part of the chest, middle of the chest area.

I practiced medicine for 15 years before I was elected to the House. I still see patients once a month. I used to take care of a lot of spinal cord injuries, and in the past it has been very hard and very difficult because there really was not very much that you could do.

What both of these ladies had done, this is a new treatment, a new intervention; and it is not approved to be done in the United States. The place where it is currently being done is in Portugal by a Dr. Carlos Lima. One of the doctors working with Carlos Lima is an American doctor from Alabama, and what they do is stem cell transplant. They harvest the stem cells from the nose, what we call the olfactory mucosa, and place them in strips along the injured section of the spinal cord.

This lady previously was confined to a wheelchair. She had no sensation from about the middle of her chest down, no muscle control in her lower body and in her legs. So she was confined to a wheelchair, unable to walk; and with this intervention, she is now able to walk with braces on her legs, and we can see the braces down there, and with the assistance of a walker. Still obviously very handicapped, but she is actually continuing to show improvement.

She and I talked at some length. She feels the same way that I do, that embryonic stem cell research should not be illegal, and it is not illegal in the United States.

We hear around this town that we need to lift the restrictions on embryonic stem cell research. There are no restrictions. The real debate in this town is because we destroy an embryo in the process of doing embryonic stem cell research, a lot of people feel that that is morally and ethically wrong and that it should not be funded by taxpayer dollars; and this is really what the debate is about in Washington. It is really about funding the destruction of more embryos because in reality the NIH today is funding some embryonic stem cell research. They are just not funding the further destruction of more embryos.

What we will also hear over and over and over again is that embryonic stem cells have all the potential and the adult stem cells do not, and I have risen on this floor multiple times over the past 4 years pointing out to my colleagues that in the medical literature today we can read research articles reporting that diseases like multiple sclerosis and lupus and rheumatoid arthritis and even Parkinson's disease are being cured or significantly improved with adult stem cells. You cannot show me one article that embryonic stem cells have ever been used for anything like that. Indeed, you cannot even show me a good animal model where embryonic stem cells are successful in treating an animal with a disease.

There is one study in rats showing that they may have some application in this arena here, but the embryonic stem cells are genetically unstable. They form tumors called teratomas.

The real reason why so many people are excited about embryonic stem cell is because you cannot patent this procedure. You do this procedure, you cannot get rich; but if you can develop an embryonic stem cell that can do that, you can become perhaps one of the richest people in the world.

I just rise to point out to my colleagues that adult stem cells are being used for incredible things, and Susan and Laura were both tremendously helped by adult stem cells. Nobody on the other side of this argument can get up on the floor of the House today with a picture like this using embryonic stem cells, and Susan and Laura both felt the same way, Laura did not have her braces with her so I could not get a shot of her standing up, that they do not want to make embryonic stem cells illegal, but they feel the same way that I do. They are insulted when people say adult stem cells have no potential.

ORDER OF BUSINESS

Mr. FILNER. Mr. Speaker, I ask unanimous consent to speak out of the order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

KURDISH PRISONERS RELEASED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, I rise today to spend a few minutes to talk about some developments recently in the country of Turkey, some of which we celebrate, some of which we have great concern about.

Let me first, by the way, extend my condolences to victims of yesterday's terrorist bombings in Turkey and to the families of the victims. Certainly we want the perpetrators brought to justice quickly.

But I rise to celebrate a small, but very important, victory for human rights that took place last week. Four human rights prisoners in Turkey were released. Leyla Zana, a prominent Kurdish advocate for human rights, and her colleagues, Hatip Dicle, Slim Sadak and Ornhan Dogan, were released from prison following a June 9 appeals court ruling in their favor.

These were Kurdish citizens of Turkey. These were citizens who were elected by majority vote to the Turkish Parliament. These were Kurds who had the nerve to speak their own native language, Kurdish, in the Turkish Parliament; and they were arrested and sentenced to 15 years in prison.

Amnesty International declared them prisoners of conscience. They have been there 10 years.

Leyla Zana was probably the best known of the four prisoners. She was the first Kurdish woman elected to Turkey's Parliament who openly and proudly identified herself as a Kurd. In fact, the European Parliament awarded her a Sakharov Prize in 1995 for defending human rights.

I had the great pleasure of getting to know her husband, Mayda, who traveled around the world to talk about the injustice of his wife being in prison. I spent time with her son Ronee who was for a short time a student in Los Angeles. This was a whole family dedicated to human rights for all, and especially to the Kurdish minority who has been denied them in Turkey.

The release of these prisoners of conscience was a result of international pressure, and I want to thank the 21 Members of Congress who joined with me in H. Res. 302 that called for the release of these four parliamentarians. The Kurdish community in the United States, as well as human rights advocates across the country, played an important role in gaining their release.

So we welcome the release of these prisoners of conscience, as well as other reforms in Turkey, including the introduction of public broadcasting in minority languages. However, serious human rights and repression of the Kurds continue in Turkey.

From June 8–10, Human Rights Watch, Amnesty International, and the International Federation for Human Rights joined with Turkish human rights groups in a joint delegation to investigate the situation in Turkey. They heard continuing allegations of torture and violations of freedom of expression, assembly, association, religion, and the right to a fair trial. They expressed concern about prisons, national minorities, the lack of independent investigations into human rights violations, and internal displacement.

The State Department human rights report, released just in February, also found that serious human rights problems exist. The report says that security forces killed 43 people last year and participated in widespread torture, beatings, and other abuses. The Turkish Government continued to limit free speech in the press and, in particular, restricted expression by people sympathetic to Kurdish cultural or nationalist viewpoints.

So we are pleased at the release of Leyla Zana and her colleagues, but we are not placated by this good news. We demand greater progress. The European Union should insist that Turkey take greater strides to improve its human rights record and treatment of the Kurds before joining the European Union. Turkey needs to realize that its Kurdish citizens enrich the country rather than threaten it.

President Bush will visit Turkey for a NATO summit next week. He should use this opportunity to press for greater respect for human rights. I would hope that he meets with Leyla Zana and shows his respect for human rights for the Kurdish minority in Turkey.

EXCHANGE OF SPECIAL ORDER TIME

Mr. PENCE. Mr. Speaker, I ask unanimous consent to speak out of turn and claim the gentleman from Nebraska's (Mr. OSBORNE) time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

TWO INDEPENDENCE DAYS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. PENCE) is recognized for 5 minutes.

Mr. PENCE. Mr. Speaker, as we depart for the Independence Day recess on Capitol Hill, families and communities across America will prepare for celebrations and remembrances of the 4th of July; and as I and my family and my heartland district in eastern Indiana prepare to do likewise, I could not help but feel that, in fact, in coming days we will celebrate not one, but two Independence Days: one for an 18th century colonial power born in violent conflict, aided by an ally in liberty to throw off the shackles of a despotic tyrant who beset its people for decades, and of that struggle, those people would write some 228 years ago that they held truths to be self-evident, that all men are created equal, and that governments are instituted among men deriving their just powers from the consent of the governed, that whenever any form of government becomes destructive of these ends, that it is the right of the people to alter or abolish it and institute a new government, laying its foundation on such principles and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness.

They went on to cite a long string of abuses and usurpations pursuing invariably the same object of absolute despotism, and claimed with their lives, their fortunes and their sacred honor that it was their right and their duty to throw off such government. One independence day.

The other will take place for the first time this coming Wednesday, not an 18th century colonial nation, but a 21th century modern power in the Middle East whose freedom is also being born at this very hour in violent conflict, aided by the armies of a liberty-loving ally to throw off the despotism and tyranny that has beset its people for decades and of their freedom the people of Iraq wrote these words in the preamble to their Constitution:

> "The people of Iraq, striving to reclaim their freedom which was usurped by the previous tyrannical regime, rejecting violence and coercion in all its forms, and particularly when used as instruments of governance, have determined that they shall hereafter remain a free people governed under the rule of law."

Two Independence Days: One, 228th anniversary of ours on the 4th of July; and the other, the first-ever Independence Day for a free and democratic Iraq on a day that will live in history for the people of that great nation as a day of celebration, June 30, 2004.

□ 1530

Two independence days. We will celebrate in each of them the inexorable rise of freedom in the world, and its advance is ever to be heralded. And may we ever add to the calendar of this planet, until each and every month is filled with the anniversary of such freedom days.

Until that great day comes, and the veil of tyranny is lifted from the four corners of planet earth, two independence days in the next 7 days. Let freedom ring in the United States of America and in a free and Democratic Iraq.

ACT NOW TO STOP HUMANITARIAN CATASTROPHE IN DARFUR, SUDAN

The SPEAKER pro tempore (Mr. PEARCE). Under a previous order of the House, the gentleman from Maryland (Mr. VAN HOLLEN) is recognized for 5 minutes.

Mr. VAN HOLLEN. Mr. Speaker, 10 years ago, as bloated corpses floated down Rwanda's rivers, the international community debated whether the atrocities being committed in Rwanda fit the legal definition of "genocide." By the time the world stopped debating, it was too late. Over 800,000 men, women, and children had been killed. The failure of the world to act in Rwanda remains a stain on our collective conscience.

We must learn from the tragic mistakes of the past. Today, just 1,000 miles north of Rwanda in the Darfur region of Sudan, more than 30,000 people have already been killed by the Sudanese military's aerial bombardments and the atrocities being committed by their ruthless proxies, the Jangaweed militia. Gang rapes, the branding of raped women, amputations, and summary killings are widespread as we speak.

More than a million people have been driven from their homes as villages have been burned and crops destroyed. The Sudanese government has deliberately blocked the delivery of food, medicine, and other humanitarian assistance. More than 160,000 Darfurians have become refugees in neighboring Chad. Conditions are ripe for the spread of fatal diseases such as measles, cholera, dysentery, meningitis and malaria. The United States Agency for International Development estimates that 350,000 people are likely to die in the coming months and that the death toll could reach more than a million unless the violence stops and the Sudanese government immediately grants international aid groups access to Darfur.

Here in Washington and at the United Nations headquarters in New York, many officials are again debating whether this unfolding tragedy constitutes genocide, ethnic cleansing, or something else. This time let us not debate until it is too late to stop this human catastrophe. Let us not wait until thousands more children are killed before we summon the will to stop this horror. America and the international community have a moral duty to act. The United States and 130 other signatories to the Genocide Convention also have a legal obligation to, and I quote, "undertake to prevent and punish" the crime of genocide.

The Convention defines genocide as actions undertaken "with intent to destroy, in whole or in part, a national, ethnic, racial, or religious group, as such.". The actions include "deliberately inflicting on members of the group conditions of life calculated to bring about its physical destruction in whole or in part." By all accounts, including reports of U.N. fact finders and the USAID, it is the African peoples in the Darfur region who have been targeted for destruction by the Khartoum-backed Arab Jangaweed death squads.

In the middle of an unfolding crisis like that in Darfur today, there will always be debate over whether what is happening constitutes genocide. But it is important to remember that the Genocide Convention does not require absolute proof of genocidal intentions before the international community is empowered to intervene. The Convention would, after all, offer no protection to innocent victims if we had to wait until there were tens of thousands or more corpses before we act. A key part of the Genocide Convention is prevention, not just punishment after the fact.

The United States has already done more than any other nation to call attention to and respond to this tragedy. But our efforts to date have not brought an end to the growing crisis. We must take additional measures, and we must take them now.

The May 25 Security Council statements expressing grave concern about the situation in Darfur does not provide any authority for international action. The United States should immediately call for an emergency meeting of the United Nations Security Council and introduce and call for a vote on a resolution that demands the government of Sudan take the following steps:

First, allow international relief groups and human rights monitors free and secure access to the Darfur region; second, the government of Sudan must immediately terminate its support for the Jangaweed and dispatch its forces to disarm them; third, the Sudanese government must allow the more than one million displaced persons to return to their homes.

This resolution must include stiff sanctions if the Sudanese government refuses to meet these conditions, and it must authorize the deployment of peacekeeping forces to Darfur to protect civilians and individuals from CARE and other humanitarian organizations seeking to provide assistance.

It is also critical that United Nations Secretary General Kofi Annan exhibit strong leadership on Darfur. I was pleased to join with the gentleman from Virginia (Mr. WOLF) in urging him to go to Sudan to address the crisis there, and I am pleased that Mr. Annan will finally be going next week. However, this visit must be more than just an expression of concern. Secretary General Annan must make it clear that if the Sudanese government does not cooperate fully in stopping the killings and the destruction, he will push for immediate international sanctions.

And he must let the Sudanese government know that the welcome progress in reaching accommodation with the south in Sudan will not prevent the world from taking action to stop the horror in Darfur. The U.N. ignored warnings of mass murder a decade ago in Rwanda. It must not stand idly by again.

We should not allow other members of the U.N. Security Council to engage in endless negotiations and delay a vote on a strong resolution. Every day that goes by without action means more lives lost. Let's vote on a resolution. If the rest of the world refuses to authorize collective action, shame on them. Failure to pass such a resolution would not represent a failure of American leadership; it would be a terrible blot on the world's conscience.

Whether or not the United Nations acts, the United States should take steps on its own. We should make it clear that if the Sudanese government does not meet the demands in the proposed resolution, the United States will impose travel restrictions on Sudanese officials and move to freeze their assets. Even apart from U.N. action, we can immediately urge other nations to join us in taking these and other measures.

I commend Secretary of State Colin Powell for his decision to travel to Sudan next week and visit the Darfur region. It is critical that the Secretary's visit do more than simply call attention to the tragedy unfolding there. He must make it clear that the failure of Khartoum to fully cooperate in ending the destruction and killings will result in a concerted American effort to punish the Sudanese government and harness international support to intervene in Darfur.

Mr. Speaker, we must not look back on Darfur 10 years from now and decry the fact that the world failed to stop the crime of genocide. Rwanda and other genocides should have taught us that those who knowingly fail to confront such evil are themselves complicit through inaction. We are all God's children. These are crimes against humanity. Let us respond to this unfolding human disaster with the urgency it demands.

SAUDI ARABIA: THE NEED FOR AMERICAN ENGAGEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

Mr. SCHIFF. Mr. Speaker, the NBC Nightly News broadcast a segment in which the Saudi Crown Prince Abdullah was quoted as telling Saudi television that "Zionists" were behind May 1 attack on contractors at the Saudi oil facility in Yanbu. That attack killed five westerners, including two Americans.

The Crown Prince's remarks were echoed by Saudi Interior Minister Prince Nayef, who said that, "al Qaeda is backed by Israel and Zionism." Prince Abdullah's comments were scurrilous and inflammatory; unfortunately, they are part of a persistent pattern by the Saudi government of saying one thing to the United States and the west and another thing altogether to its own citizens, 15 of whom participated in the September 11 attacks against our Nation.

Indeed, the fact that three-quarters of the 9–11 terrorists were Saudis and that their leader, Osama bin Laden, was a member of a family that long enjoyed close ties to the Saudi royal family, should have spurred the Saudi government to immediate action. Instead, Saudi officials engaged in a protracted effort to deny that any of their citizens had been involved in the 9–11 attacks and instead blamed Israel for terrorism.

Saudi double-talk has had the effect of undermining the efforts that Kingdom has belatedly made in combating terrorism. In the wake of the May 2003 bombing of the housing compounds in Riyadh, the Saudi government began to take steps to cut off sources of terrorism funding, but much more needs to be done. A new report from the Council on Foreign Relations notes that while Riyadh has enacted new laws, regulations, and institutions dealing with money laundering, charitable donations, and financial operations, those new measures have not been fully implemented and there have been no arrests of prominent Saudis who have supported al Qaeda financially.

While we must work with the Saudis to ensure they are continuing to move forward in their efforts in counterterrorism, the war against Islamic terrorism requires the United States to engage Saudi Arabia on a broad range of issues. As the Council on Foreign Relations noted, our relationship with Saudi Arabia over the past 7 decades was built on a bargain in which the Kingdom would ensure stability in the world's oil markets and would play a constructive role in regional security. In exchange, the United States would guarantee Saudi security and would not interfere or raise questions about Saudi domestic issues.

The events of September 11 compel us to challenge the Saudis to change the conditions in the Kingdom that have made it a breeding ground for extremism. We must do this for our own security, but also to help ensure the stability of Saudi Arabia and of the entire Arab world. A stable, moderate and reforming Saudi government is in America's national interest, and we must push for reform in Saudi Arabia without destabilizing the country further and throwing it into chaos.

Saudi Arabia's problems did not arise overnight. They are the product of decades of tension between the Saudi royal family and the Wahhabi clerics, whose ultra-conservative brand of Islam predominates in the Kingdom. When the House of Saud came to power, it sought to bring electricity, modern communications, and infrastructure to a traditional nomadic desert society.

In November 1979, these contradictions exploded when a group of Islamic militants invaded Mecca's Grand Mosque and took hundreds of pilgrims hostage. Government forces retook the Mosque and executed dozens of Islamic extremists. Instead of working to root out extremism throughout the country, the government sought accommodation with the extremists and handed over control of many aspects of Saudi life, including education, the Judiciary, and cultural affairs to the clerics. As a Saudi businessman tellingly told Newsweek's Fareed Zakaria recently, "Having killed the extremists, the regime implemented their entire agenda."

Thus, at the height of the Saudi oil boom of the 1970s and 1980s, Saudi Arabia took a sharp conservative turn. Even as thousands of young Saudis were being educated in the west, the majority of their countrymen were being fed a diet of religious and cultural bigotry. The rights of women, already almost nonexistent, were even more circumscribed.

By September 2001, the Saudi economy had faltered, its cities were filled with large numbers of undereducated, underemployed, and unmotivated young people who had both tasted modernity and were steeped in an ideology that preached hatred toward the west.

While the Saudis have begun to address the terrorist financing issue, Riyadh has yet to begin the more difficult task of recapturing the country from the extremists. This battle will be long, it will be difficult, and it will be bloody, but we must keep the pressure on the government of Saudi Arabia to do this. Our security and their future depends upon it.

TRIBUTE TO LaGRANGE GRANGERS, GEORGIA'S 2004 AAA HIGH SCHOOL BASEBALL CHAMPIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGREY) is recognized for 5 minutes.

Mr. GINGREY. Mr. Speaker, I rise today to pay tribute to the LaGrange High School Grangers, Georgia's 2004 AAA high school baseball champions.

To win the State championship, LaGrange had to beat one of Georgia's greatest baseball powerhouses, the Cartersville Purple Hurricanes, a program that captured State titles for the past 3 years in a row. I am proud to say that the runner up and defending champion, Cartersville High School, is also in Georgia's 11th congressional district.

The Grangers' crown did not come easily. They split a double-header to force a decisive game three. In that final game, LaGrange jumped out to a big lead, going ahead 9 to 2. But the Purple Hurricanes were not done yet. They crawled back, and then notched three runs in the sixth inning to tie the game at 10 to 10. That is when the Grangers proved they had the heart of champions.

In the bottom of the sixth, LaGrange knocked in three runs, and senior Josh Edmonson took the mound in the seventh inning to snuff out any more comeback hopes for the Purple Hurricanes.

□ 1545

After winning game three of the series, the Grangers finished the year 31–6. I am proud for the team and I am proud for the coaches, Donnie Branch and Jon Powell, who have been together with the team since 1989. Their teams had advanced far in the tournament in previous years, but the ultimate crown had remained elusive until now.

As Coach Powell explained his excitement to the LaGrange Daily News, "You can't put it into words. You dream about it and you work and you work and you work."

Coach Branch, congratulations on a dream come true and a job well done.

EVENTS IN SUDAN AND IN MEMORY OF MATTIE STEPANEK

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Allow me, Mr. Speaker, to join in with a number of my colleagues and as well the Congressional Black Caucus on this question of the people in Sudan. I add my appreciation to the leadership of the gentleman from New Jersey (Mr. PAYNE) and the gentleman from Virginia (Mr. WOLF) and Senator BROWNBACK on recognizing the enormity of the genocide that is occurring in Sudan. I know that if the nation of Sudan wants to do better, it can do better.

Right now we have 400,000 Sudanese being displaced and thousands being killed every day. As some of us said this week, we cannot return to the Rwanda where we lost millions of lives in the conflict and bloodshed of a few years ago. This is genocide, Arab against Black Muslim, and it must stop. I would encourage Secretary Kofi Annan, who will be heading to Sudan, to give a very strong and very noncompromising statement and demand.

I would likewise encourage and suggest that Secretary Powell must be noncompromising and demanding, the immediate cease-fire and disarming of the Janjaweed and as well the immediate response, humanitarian efforts to be able to go into that area. My understanding is that bloodshed continues and whatever the representations have been of the government, the bloodshed has not stopped.

Might I say that those of us who care about people care about all of the people in Sudan, but not the violent murderers that have been intimidating and frightening and killing innocent people. As I said, the Government of Sudan can in fact make changes. The question is to them, Do they want to make these changes? The Ambassador has said so, and I would like to hear from the government to know that they are stopping the bloodshed.

Mr. Speaker, I want to transition, because my comments are about peace and tranquility and the need for such. I would like to transcend just for a moment to honor a young man that I did not know, but as Chair of the Congressional Children's Caucus I am obligated to acknowledge young Mattie Stepanek, a young, 13-year-old poet who suffered with muscular dystrophy, a child poet who continued to inspire us, whose inspirational verse made him a best-selling writer and a prominent voice for muscular dystrophy sufferers. He died Tuesday of a rare form of the disease. Interestingly enough, not only did he lose his life, but his mother lost children before with the same disease. Can you imagine?

Mattie died at Children's National Medical Center in Washington, the hospital said. He had been hospitalized since early March from complications related to the disease that impaired most of his body. But, Mr. Speaker, it did not impair his mind and his spirit. His poetry sold millions of copies. And when I saw his last repeated interview with Larry King, I saw him say that he wanted to be a peacemaker, he wanted his life to exude what we could do as a human family. He wanted this Earth to be full of peace. His mother, Jeni, 44, has the adult onset form of the disease and his three oldest siblings had died of the same disease in early childhood.

Mattie began writing poetry at age 3 to cope with the death of a brother. In 2001, a small publisher issued a slim volume of his poems called "Heartsongs." Within weeks, the book reached the top of the Times best-seller list. He wrote four other books: "Journey Through Heartsongs," "Hope Through Heartsongs," "Celebrate Through Heartsongs" and "Loving Through Heartsongs." He said that if he could be the one to change people's minds about war and peace, he wanted it to be him. And so as he sat in his wheelchair with a breathing tube, no one could stop having their heart go out to him and be moved by a child guiding us, adults who are based in conflict and who cause wars.

Here was a child encouraging us to educate the public and plead with us whether we would stand for peace over war and life over death. This young man who suffered his entire life, you would never know that Mattie suffered, for he spoke with eloquence and compassion and spirit, and he just drew you to him. Mattie was 13 years old, but he could say to those far beyond his years in wisdom and in age, he could tell them that they were loved and that there was another place and that he believed in peace.

One of his songs says, "Have you witnessed the early morning, right before the sun rises and the sky glows purple lava lamp? The clouds are the dark, floating lumps, and the still, gentle Earth is to look upon.'' He called it ''Rapture.'' He then had one called ''Hope'': ''Gentle and peaceful. We are the children of one God yet so many faiths. True, we are different. Unique mosaics of life. Still, we are the same. United we are the festive fabric of life. Divided we fall.''

Mr. Speaker, I would say to you that if we listen for just a moment to that fleeting voice of this young man who now I know lives above us in heaven, we would understand the sweetness of a tranquil peace and to recognize that as conflicts abound in Afghanistan and Iraq and as this world looks to America and its future, maybe, Mr. Speaker, we will be allowed to take a brief message from Mattie and regain our moral high ground, the Nation who defends and not offends, the Nation who stands for the morality of peace.

I salute Mattie Stepanek and to his loving mother who has lost four of her children, I pray for them, I pray for his soul. God bless him. God bless America.

Mattie Stepanek, the 13-year-old child poet, whose inspirational verse made him a best-selling writer and a prominent voice for muscular dystrophy sufferers, died Tuesday of a rare form of the disease.

Mattie died at Children's National Medical Center in Washington, the hospital said. He had been hospitalized since early March for complications related to the disease that impaired most of his body's functions.

In his short life, the tireless Mattie Stepanek wrote five volumes of poetry that sold millions of copies. Three of the volumes reached the New York Times' best-seller list.

Mattie had dysautonomic mitochondrial myopathy, a genetic disease that impaired his heart rate, breathing, blood pressure and digestion, and caused muscle weakness. His mother, Jeni, 44, has the adult-onset form of the disease, and his three older siblings died of it in early childhood.

Mattie began writing poetry at age 3 to cope with the death of a brother. In 2001, a small publisher issued a slim volume of his poems, called "Heartsongs." Within weeks, the book reached the top of the Times' best-seller list.

He wrote four other books: "Journey Through Heartsongs," "Hope Through Heartsongs," "Celebrate Through Heartsongs," and "Loving Through Heartsongs."

His poems brought him admirers including Oprah Winfrey and former President Carter and made him one of the best-selling poets in recent years.

Mattie was hospitalized many times over the years. He rolled around his home in a wheelchair he nicknamed "Slick," and relied on a feeding tube, a ventilator and frequent blood transfusions to stay alive.

Despite his condition, Mattie was upbeat, saying he didn't fear death. His work was full of life, a quest for peace, hope and the inner voice he called a "heartsong."

"It's our inner beauty, our message, the songs in our hearts," he said in an interview with The Associated Press in November 2001. "My life mission is to spread peace to the world."

I also want to use this time to speak about the Ad Council's new public opinion survey, entitled, "Turning Point: Engaging the Public on Behalf of Children." This report concludes what many of us in the Congressional Children's Caucus have known for some time: we need to effectively communicate to the public about helping kids. "Turning Point" indicates that the public is willing to listen and the children need our help more than ever.

I have spoken with the Ad Council, and their panel of experts which included Warren Kornblum, Chief Marketing Officer, Toys 'R' Us, Gary Knell, President and CEO, Sesame Workshop, and Paul Kurnit, Founder & President, KidShop. Based on their research and interviews, the report concludes that the public has a more positive view of children and the majority of Americans believe that parents are responsible for raising children with the support of their community. Instead of focusing on blame, we are going to focus on a solution.

There are a myriad of challenges facing our children, and we must work to make children a top legislative priority or it will be a constant struggle to address them. In my State of Texas, 120,370 children were reported as abused or neglected and referred for investigation in the year 2001. This is a rate of 20 per every 1000 Texan children. Even more troubling, 206 children died as a result of abuse or neglect in Texas in 2001.

As Chair of the Congressional Children's Caucus, I am always appreciative of ways to put the needs of children at the forefront of our legislative agenda. The Ad Council has provided us communication and message tools. We in Congress can use these to convey that children are indeed a high priority.

Educating the public about children is not something we can leave alone, in hopes of it occurring by itself. I hope that many of you here can take these communication tools back to your offices, your districts and your own homes.

MATTIE STEPANEK'S POEMS (AS READ ON LARRY KING LIVE)

HEARTSONG

And a heartsong is your inner message, it's your inner beauty, like what you are meant to do in life. My heartsong is to help others hear theirs again.

And all heartsongs are different and unique and beautiful. And even though similarities are good, it's the differences that make them special. And we should never try to force our heartsongs on others or have all the same heartsongs.

And it's sad that people are fighting over whose heartsong is better nowadays, because they're all different and beautiful.

RAPTURE

Have you witnessed the early morning, right before the sun rises and the sky glows purple lava lamp? The clouds are the dark, floating lumps, and the still, gentle earth is to look upon.

HOPE HAIKU

Gentle and peaceful. We are the children of one God yet so many faiths. True, we are different. Unique mosaics of life. Still, we are the same. United we are the festive fabric of life. Divided we fall.

RESOLUTION INVOCATION

Let this truly be the celebration of a new year. Let us remember the past, yet not dwell in it. Let us fully use the present, yet not waste it. Let us life for the future, yet not count on it. Let this truly be the celebration of a new year, as we remember and appreciate and live, rejoicing with each other.

ABOUT HEAVEN

Now I will tell you about heaven. Where is heaven? It is way over there. And it is way over there. And it is way over there, too. It is everywhere. What does it look like? It looks like a school. And it looks like a farm. And it looks like a home. It looks like everything. What does it sound like? Well, I really don't know, because I'm just a little big boy with a brother and another brother and sister and a friend who live in the everywhere and everything of heaven. But perhaps heaven sounds like forever.

I AM

I am black. I am white. I am all skins in between. I am young. I am old. I am each age that has been. I am scrawny. I am well fed. I am starving for attention. I am famous. I am cryptic. I am hardly worth the mention. I am short. I am height. I am any frame or stature. I am smart. I am challenged. I am striving for a future. I am able. I am weak. I am some strength. I am none. I am being. I am thoughts. I am all things, said and done. I am born. I am dying. I am dust of humble roots. I am grace. I am pain. I am labor of willed fruits. I am a slave. I am free. I am bonded to my life. I am rich. I am poor. I am wealth amid strife. I am shadow. I am glory. I am hiding from my shame. I am hero. I am loser. I am yearning for a name. I am empty. I am proud. I am seeking my tomorrow. I am growing. I am fading. I am hope amid the sorrow. I am certain. I am doubtful. I am desperate for solutions. I am leader. I am student. I am fate and evolutions. I am spirit. I am voice. I am memory not recalled. I am chance. I am cause. I am effort, blocks and walls. I am him. I am her. I am reasons without rhymes. I am past. I am nearing. I am present in all times. I am many. I am no one. I am seasoned by each being. I am me. I am you. I am all souls now decreeing: I am.

MATTIE STEPANEK BACKGROUND

Mattie Stepanek, the child poet whose inspirational verse made him a best-selling writer and a prominent voice for muscular dystrophy sufferers, died Tuesday of a rare form of the disease. He was 13.

Mattie died at Children's National Medical Center in Washington, the hospital said. He had been hospitalized since early March for complications related to the disease that impaired most of his body's functions.

In his short life, the tireless Stepanek wrote five volumes of poetry that sold millions of copies. Three of the volumes reached the New York Times' best-seller list.

''Mattie was something special, something very special,'' entertainer Jerry Lewis, who chairs the Muscular Dystrophy Association, said in a statement.

''His example made people want to reach for the best within themselves.''

Mattie had dysautonomic mitrochondrial myopathy, a genetic disease that impaired his heart rate, breathing, blood pressure and digestion, and cuased muscle weakness.

His mother, Jeni, 44, has the adult-onset form of the disease, and his three older siblings died of it in early childhood.

Mattie began writing poetry at age 3 to cope with the death of a brother, In 2001, a small publisher issued a slim volume of his poems, called "Heartsongs." Within weeks, the book reached the top of the Times' best-seller list.

He wrote four other books: "Journey Through Heartsongs," "Hope Through Heartsongs," "Celebrate Through Heartsongs" and "Loving Through Heartsongs."

His poems brought him admirers including Oprah Winfrey and former President Carter and made him one of the best-selling poets in recent years.

Mattie was hospitalized many times over the years. He rolled around his home in a wheelchair he nicknamed "Slick," and relied on a feeding tube, a ventilator and frequent blood transfusions to stay alive.

In the summer of 2001, Mattie nearly died from uncontrollable bleeding in his throat and spent five months at Children's National. When it seemed he would not survive, the hospital got in touch with a Virginia publisher on his behalf.

Mattie and his mother had sent the book to dozens of New York publishers, all of whom rejected it, according to Peter Barnes of VSP Publishers. Barnes said he was caught off guard when he read the work.

VSP Books printed 200 copies of "Heartsongs" to be handed out to friends. But after a news conference publicizing the book, interest exploded. "Heartsongs" went on to sell more than 500,000 copies.

Despite his condition, Mattie was upbeat, saying he didn't fear death. His work was full of life, a quest for peace, hope and the inner voice he called a "heartsong."

"It's our inner beauty, our message, the songs in our hearts," he said in an interview with The Associated Press in November 2001. "My life mission is to spread peace to the world."

JUSTICES RAISE DOUBTS ON SENTENCING RULES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, I come to the floor because of two court decisions that will have, I think, very important effects on the criminal justice system, on justice in our country, and on the lives of many Americans who have indeed not had the benefits of equal justice in our country. One comes from the Massachusetts Supreme Court where a district judge has thrown out the Federal sentencing guidelines as unconstitutional. This is an interesting case because the guidelines were upheld in 1989 by the Supreme Court, so it will be important to look closely at this case because the judge clearly feels that there are now grounds to throw the sentencing guidelines out notwithstanding the Supreme Court decision and probably because the Supreme Court decision does not take into effect all that the Massachusetts district judge has found.

This has to go, of course, to the First Circuit Court of Appeals. It is very significant. What makes it more significant is that the Supreme Court itself has now just thrown out Washington State guidelines of a kind that are very similar to the Federal guidelines, at least in many respects, in an opinion written by Justice Scalia.

Essentially what the court found in the 5–4 decision is that the Washington State guidelines violate the sixth amendment right to a jury trial because the sentence is beyond the ordinary range for the crime and this increase in punishments was decided by a judge and not by a jury. Therefore it was in violation, according to the Supreme Court, of the sixth amendment right to a jury trial.

Essentially what the court seemed to be saying was that the Washington State sentencing guidelines allow a judge to enhance sentences beyond what has been placed before a jury and beyond what the crime usually carries. That is exactly what the Federal guidelines do and that is why everyone is scrambling to see whether or not we have something very significant and how to take charge of it.

Its significance, of course, cannot be doubted. For myself, my chief interest is not only as a constitutional lawyer but my interest as well is on the effect of the Federal sentencing guidelines on an entire generation of young black men. Only crack cocaine drug offenses have enhanced sentences. That is to say, if you have cocaine, there is no enhanced sentence. But if you have crack cocaine, there is an enhanced sentence. As you might imagine, crack cocaine, because it is cheap, is found in lower-income communities. The effect has been quite outrageous. Essentially if you look at our country today, black men are 5 percent of the population. They are almost 50 percent of those in jail. Have they been in jail for being drug kingpins? Not at all. These are mostly drug users. Any selling they have done has been to support their habit for the most part. And the Federal sentencing guidelines have so outraged the Federal judiciary that the Judicial Conference has in fact for years now been for the repeal of the guidelines. No less than two conservative justices, Justice Rehnquist and Justice Kennedy, have come forward in speeches against the Federal judicial guidelines.

These cases merit real attention. The harm that has been done has been done by this Congress. It is the Congress who in effect has virtually instructed the sentencing commission to enhance sentences and to enhance sentences as much as possible and particularly for these drug offenses which are far from where the harm is being done.

The essential effect is to destroy the African American family. Young women, well educated, who are out in the world working in disproportionate numbers to the young men who are there; young men as boys siphoned off into the drug economy, the gun economy, the underground economy which is the economy left in the inner cities of our country; a huge disparity between marriageable young men and marriageable young women, all traces back to the criminal justice system.

These cases have a lot to teach our country. They are going to make their own changes. These cases are an instruction to us to look closely at the Federal sentencing guidelines so that we can do our part to get rid of this injustice in the criminal justice system.

INTRODUCTION OF CENTER FOR SCIENTIFIC AND TECHNICAL ASSESSMENT ACT OF 2005

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. HOLT) is recognized for 5 minutes.

Mr. HOLT. Mr. Speaker, I rise today to introduce the Center For Scientific and Technical Assessment Act of 2005. I have introduced the creating legislation with the gentleman from New York (Mr. HOUGHTON), the gentleman from Virginia (Mr. MORAN), the gentleman from California (Mr. HONDA), the gentleman from Tennessee (Mr. GORDON), the gentleman from Washington (Mr. MCDERMOTT), the gentleman from California (Mr. WAXMAN), the gentleman from Massachusetts (Mr. OLVER), the gentleman from Pennsylvania (Mr. GREENWOOD), the gentleman from Delaware (Mr. CASTLE), the gentleman from Maryland (Mr. VAN HOLLEN), the gentleman from Texas (Mr. FROST), the gentleman from California (Mr. BERMAN), the gentleman from Maryland (Mr. RUPPERSBERGER), and the gentleman from Michigan (Mr. EHLERS). The Center For Scientific and Technical Assessment would be a bicameral and bipartisan resource providing Congress with highly respected, impartial analysis and assessment of scientific and technical issues. The center would provide Congress with early warnings on technology's impacts both here and abroad. The center would assess the issues that impact current and future legislation encompassing medicine, telecommunications, computer sciences, agriculture, materials, transportation, defense, indeed every discipline and sector important to the United States and to our work here in Congress.

It would undertake controversial subjects, examining them objectively and comprehensively for the Nation's benefit. The center would offer much needed sound principles to reap the benefits of technological change in industry, in the Federal Government, in the workplace, in our schools and look at the estimated economic and social impacts of rapid technological change. The center would enable Congress better to oversee Federal science and technology programs which now amount to over $130 billion. Finally, the center would help Congress better to understand complex technological issues by tailoring reports for legislative users.

Today's legislative environment involves highly complex issues of science, engineering and technology. High-wage, advanced technology workforce growth is a prerequisite to a strong economy whose future is predicated on our continuing global dominance in science and technology.

□ 1600

If the United States is to maintain and continue its leading role into the 21st Century, then Congress needs to recognize that the future is being shaped by new science and technology discoveries arising from our past investments in basic and applied research and their deployment into present and new industrial sectors. A well-informed Congress with the foresight to pass the right legislation must understand the effects of that technology on all sectors of our society and must understand the scientific aspects of all the legislation understand our consideration.

Our Nation must exploit these new advances or prepare to be exploited ourselves by others. Given how technology underlies many aspects of our constituents' lives, concerns, and jobs, unbiased technical assessment is not a luxury but a necessity.

Today Congress is deluged with facts, figures, opinions, and arguments from thousands of interested citizens. Congress does not need more facts and data on these issues of science and technology; it needs balanced analysis and synthesis that conclude with a framing of issues and extraction of knowledge and insight, a process beyond most Members of Congress and our immediate staffs. The Congressional Science Fellows program is a help in some respects. For example, Dr. Marti Sokolowski in my own office provides some of this, and there are some Fellows scattered around other offices around Capitol Hill, but it is not enough.

For 2 decades, Congress could call upon the Office of Technology Assessment for nonpartisan scientific and technical advice. OTA published dozens of reports a year. Its work ran the gamut of subject matter. OTA brought science into the center of many congressional discussions. And at times OTA was a major factor in major pieces of legislation.

Unfortunately, OTA closed its doors in September, 1995. However, many of its reports are still relevant and useful, but no more such reports are being produced. The loss of that technology assessment is great. Now we have no advice or sometimes haphazard review panels whose composition may tempt some to politicize science. Therefore, the gentleman from New York (Mr. HOUGHTON) and I have introduced a bill to establish the Center for Scientific and Technology Assessment.

We have done much research on the advantages and disadvantages of the former Office of Technology Assessment. We have looked at the recent successful technical assessment program prepared by the General Accounting Office. We have taken into the account the GAO's document and its recommendations. Finally, we have examined the study "Science and Technology Advice for Congress" and considered the lessons of that publication in constructing this bill.

Our country will move into the 21st Century whether we in Congress are prepared or not. Congress will have at least the possibility of charting the course for our Nation with understanding of the applications of science and technology if we enact this legislation.

HAPPY INDEPENDENCE DAY TO THE UNITED STATES MILITARY

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, we have had a vigorous legislative week that included a resolution affirming and applauding the Iraqi transitional government. It was a vigorous debate because many of us were pained to go to the floor to acknowledge a war that we had such great concern and opposition to. I voted for that resolution, with qualifications as to some of the language, but no qualifications on the affirmation of the young men and women on the front line. To be able to recognize their service, to thank their families, and to pray for those families who have lost loved ones.

I could not leave this body this week without acknowledging, as this country celebrates its anniversary of independence, the importance of recognizing freedom and how much and how long we fought for it and the way that we should lead our foreign policy to reflect on the principles of that freedom.

I will spend time, Mr. Speaker, this week with returning veterans and their families and families of those who have lost loved ones in Iraq. But most of all, I think it is important that we take this somewhat holiday week to reflect on the freedom that we as Americans have in this country and to never stray away from the rights of freedom, protesting when we believe it is wrong, supporting when we believe it is right, but, most of all, embracing the Constitution that allows us the freedom of expression, the freedom of speech, and the freedom to move and the freedom to debate and, most of all, a country that is grounded in the principles of democracy because if we are to show that to others, we must show it amongst ourselves.

Congratulations and happy Independence Day to the United States of America and to all of those serving in the United States military. I thank them for their service. And to our fallen heroes, again to their families and for their loss and the loss of their lives, we will protect the freedom of this Nation.

THE U.S. ECONOMY AND OUR WAR ON TERROR

The SPEAKER pro tempore (Mr. GINGREY). Under the Speaker's announced policy of January 7, 2003, the gentleman from California (Mr. DREIER) is recognized for 60 minutes as the designee of the majority leader.

Mr. DREIER. Mr. Speaker, several of my colleagues over the last few minutes have talked about the fact that we are about to mark Independence Day, and virtually all of our colleagues have left the Chamber and are en route to their homes, to their districts, for this work period.

But I think that it is very important for us to take a few minutes to talk about what is on the horizon. Of course, Independence Day will be a week from this coming Sunday, July 4. But there is a very important date that we will be marking next Wednesday, and that, of course, is the turnover in Iraq from the Coalition Provisional Authority, the CPA, to the IIG, the Iraqi Interim Government, and the leadership of the new president, Ghazi al-Yawar, and the prime minister, who has been facing recently threats on his life, but has stood up courageously talking about the importance of the role that the United States of America and the coalition forces have played in bringing this about. So Iyad Allawi, the new prime minister, is an individual who suffered tremendously, faced nearly the loss of his life at the hands of Saddam Hussein's forces when he was in London, and he has now emerged as one who will be in charge of leading the government there.

This clearly is an historic effort which is designed to bring about peace and stability to what is obviously a very troubled region. And we know, Mr. Speaker, that this is going to yield tremendous dividends to not only the region, but to the entire world and the security around the world and right here at home as well.

What I would like to do during my period of time here this afternoon, Mr. Speaker, is to talk about our economy, but I want to start talking about it as it relates to this global war on terrorism and, again, the handover that we are going to be facing next Wednesday, on June 30.

Clearly, the terrorists attacked us on September 11. When they did that, they went after the three very important pillars of America's success. What is it that they went after, Mr. Speaker? They went after our national defense capability when they launched the attack and flew the plane into the Pentagon. We know that they were headed towards the government. The report of the 9-11 Commission clearly shows that the plane that was courageously taken into the ground by those passengers in Pennsylvania were headed right towards this building, the great symbol of freedom, the dome that is above us right here, Mr. Speaker, the U.S. Capitol. And we know that the first two targets were the center of the global economy, the World Trade Center Towers.

The months following September 11 were obviously very difficult for us because in attacking the World Trade Center Towers, what was it they were trying to do? They were trying to attack and undermine the strength and vibrance of the U.S. economy.

We all know that our Nation's economy was already in a downturn before September 11. In fact, it was the last two quarters of the year 2000 that we saw the economy begin to slow. And then in early 2001, just after President Bush took the oath of office, we saw two quarters of negative economic growth, which basically means we were in economic recession.

Thankfully, during that period of time, we had passed tax relief just before September 11, and the goal of the tax relief that we provided at that point, Mr. Speaker, was to get our economy going again. And The Washington Post actually, as they looked at what happened on September 11, described the tax relief as "fortuitously well timed," is the term that the Washington Post used to actually describe the timing of the tax relief that we put into place back in 2001.

Why, one would ask, do we believe that tax relief is important? And the fact is that we find that the federal tax coffers do not suffer when we bring about tax cuts. They suffer when our economy is not growing and revenues are not being created. I know that that is counterintuitive, that one believes that somehow if we bring about taxes that we lose revenue coming into the Federal Treasury when, in fact, the opposite is the case. We know that the combined tax relief of the 2001 and 2003 tax package, the two tax packages, had the desired effect of growing the economy and generating more revenue for our Federal Treasury. In fact, the Treasury Department data that we had proves that. Through May of this year, Mr. Speaker, federal tax receipts for this fiscal year are running 2.3 percent higher than for the same period in 2003.

Think about that for a minute. We cut taxes last year for millions of American workers and businesses, the job creators, and what is it? We have been actually getting more money to the Federal Treasury that had been anticipated.

In March of this year, the Congressional Budget Office projected that receipts would be up $35 billion this year over the same period of time last year. Even further, the Congressional Budget Office noted in a recent report: "Recent trends suggest that the deficit in 2004 will be less than what the CBO had projected in March." Outlays to date are consistent with CBO's expectations, but revenues are running $30 billion to $40 billion higher than anticipated, meaning that as we move towards our goal of getting back to a balanced budget, having dealt with the economic recession of 2001, the September 11 attacks on our national security, on our government, and on our economy, as well as tragically killing thousands of Americans and others, and then the war in Iraq, our tax cuts have generated an unanticipated $30 billion to $40 billion in revenues to the Federal Treasury.

Right now our men and women in uniform are overseas fighting to protect us, our homeland, from another attack like the one that we saw on September 11, 2001. The good news, Mr. Speaker, is that our economy right here is working for them, our men and women in uniform, too. These increased revenues are what will be used to supply them with everything they need to complete their mission just as quickly and as safely as possible.

We need the funds to provide everything from ammunition to Humvees and, of course, food and water for our troops.

Our national security benefits from a strong, dynamic, growing economy right here in the United States and, of course, a strong, dynamic, growing economy here in the United States ensures to the benefit of other economies throughout the world, and that helps us. Tax relief creates a strong economy.

So let us take a more detailed look at exactly how our economy is doing.

□ 1615

I have been talking an awful lot in the recent months about the strength of our economy. One way of illustrating the nature of our 21st century economy is to look at it in the context of the past 20 years.

Certainly a great deal of change has taken place over the past 20 years, since 1984. The past two decades have transformed not just the business world, but our daily lives as well. But while the changes over the past 2 decades are striking, the parallels between 1984, the things that were said in 1984, and 2004, are perhaps even more remarkable, and they are not getting an awful lot of attention; and that is one of the reasons that I and my very distinguished colleagues, the gentlemen from both Indiana and New Mexico, are joining me here this afternoon.

Looking at 20 years of change, it becomes clear that the more things change, the more they stay the same.

What I would like to do is I would like at this moment to yield to my friend from New Mexico, who has just been sharing with me the fact that we have been, as we have looked at these tax cuts that have taken place in 2001 and 2003. We have begun to see very, very positive benefits to our economy, and he has been sharing with me anecdotal evidence in New Mexico of benefits we have seen.

I would like at this point to yield to my friend from New Mexico.

Mr. PEARCE. Mr. Speaker, I thank the gentleman for yielding, and I would recognize that the Governor of New Mexico really put it in perspective before the 2003 session. He declared that tax cuts create jobs, and the Democrats need to get over that and pass the tax cuts. That was the tax cut in New Mexico passed in 2003.

Mr. DREIER. If I can reclaim my time just to remind my colleagues, the Governor of New Mexico formerly served in this House. He was elected to this House one term after I was elected here. It is Bill Richardson, who served with great distinction as the Ambassador to the United Nations and the Secretary of Energy, and I worked very closely with him on global trade issues. He is now the Governor of New Mexico and has talked about and put into place important tax cuts to stimulate growth in your economy.

Mr. PEARCE. And he did stimulate growth in the economy. At one point, July of last year, New Mexico was number two in job growth. Keep in mind, they were like 43rd or 44th in per capita income. So job growth that high is tremendous.

The next thing that I would observe is that since I graduated from college, tax freedom day, that is the day which we all work until to pay the taxes, tax freedom day has always been in late May, early June. And now, because of the tax cuts we have given, tax freedom day this year occurred on April 11, and I hear people telling me thank you.

A gentleman in Ruidoso, New Mexico, grabbed me the last time I was there, shook my hand and said, "I have six kids," and he said, "I will tell you that I saw the tax breaks in my paycheck."

Watson Trucking Supply in Hobbs, New Mexico, are goods friends of mine; I have known them throughout my career there in Hobbs. They were set to lay off people before our tax cuts. They had run completely out of manufacturing back orders, no new business; they were set to lay off. The day that we passed the tax and jobs bill here in Congress, he got more back orders than he had ever had, he had 2 years' worth of work laid out in front of them; and instead of laying off people, they began to hire people.

The potash mines in New Mexico have begun to hire because now the potash market is lifting with the overall market.

The copper mines in western New Mexico, Phelps Dodge has put miners back to work there mining copper. They have told me in my office that if they had regulatory certainty, that is not to roll back regulations, but the certainty that they would be able to get the rules that are in place and keep the rules that are in place, that they would open a smelter and hire 600 people for very good, high-paying jobs in an area that has just been decimated.

We have an MPC plant going into New Mexico, only the second MPC plant in the world; and that is going into New Mexico. There are going to be about 200 jobs there, all good, high-paying jobs.

I have seen in New Mexico the fact that these tax cuts have really created job opportunities, the job growth in New Mexico continues to today, and I appreciate the gentleman yielding time to talk about these exact examples.

Mr. DREIER. Reclaiming my time, I thank my friend for pointing to the tremendous benefits that these reductions in the tax burden have had on the economy of New Mexico; and, frankly, they could take place in the economy of Mexico, too, if we could encourage that, and that is one of the other things. Global trade is a very important part of this component.

I thought before yielding to my friend from Indiana that I would take a moment to juxtapose, as I was saying earlier, the things that are being said and the proposals that were offered back in 1984, to what has taken place in 2004.

As we all know, 1984, like 2004, was a Presidential year. The incumbent President, Ronald Reagan, had inherited a very troubled economy 4 years earlier. We all spent a great deal of time talking about that just a couple of weeks ago as we were memorializing Ronald Reagan. You remember the terms that were used, the fact that President Carter had referred to our Nation as being in a state of malaise. We saw a tremendous, tremendous increase in the interest rates, we saw a very high rate of inflation; and we saw, frankly, a devastated economy that Ronald Reagan inherited.

But clearly, and I am very proud, I was elected to the Congress the day Ronald Reagan was elected President, and I stood here in this well in May of 1981, before my colleagues were born, and at that time when I stood here in that well, we were able to cast the deciding vote with bipartisan support for, first what was known then as the Gramm-Latta budget package, which reduced by 17 percent the rate of growth of Federal spending. It did not cut back Federal spending as much as we all were trying to do, and we are still working on that effort, but it did reduce the rate of growth. Then 3 months later, in August of 1981, we passed what was known as the Economic Recovery Tax Act of 1981.

As we put those very, very important job-creating economic-growth-stimulating packages into place, we saw by 1984 that the economy had been turned around through cutting taxes and by empowering companies to become more competitive, and tearing down the barriers, as I mentioned when I accidentally said Mexico as opposed to New Mexico, tearing down the barriers to the free flow of goods and services and capital.

Yet inexplicably, the candidate ran a campaign in 1984 of economic isolationism. He ran a campaign based on pessimism about the present and the future, and he called for America to retreat into its borders and restrict the freedom of individuals to engage in the global marketplace. We all know that candidate was our former colleague, the former Vice President of the United States, Walter Mondale.

In that 1984 campaign, he said when the American economy leads, the jobs are here. The prosperity is here for our children. But that is not what is happening today.

Again, this is Walter Mondale speaking in 1984. He said, "This is the worse trade year in American history. Three million of our jobs have gone overseas." That is what he said in 1984.

Speaking of the American companies that were global leaders in fields from manufacturing, to finance, to the burgeoning high-tech industry, which was in its infancy in the 1980s, Walter Mondale said, "To big companies that send our jobs overseas, my message is, we need these jobs here at home, and our country won't help your business unless your business helps our country."

That is what Walter Mondale said as a candidate challenging Ronald Reagan back in 1984.

2004, Mr. Speaker, is a Presidential election year. We have an incumbent President who inherited an economy that was heading for recession, shedding jobs and reeling from a stock market whose bubble had burst. These circumstances were then compounded by the worst terrorist attack in American history, as I was saying, several high-profile corporate scandals, and the uncertainty and anxiety of the ongoing war on terror, including our challenge in Iraq.

Again, President Bush, like Ronald Reagan in the early 1980s, was able to turn the economy around with an agenda of cutting taxes, improving the regulatory environment for U.S. businesses, and knocking down barriers to trade, both here and abroad.

Again, despite the tremendous success that these policies have met, the challenging candidate, our colleague, Senator KERRY, is running a campaign based on raising taxes and reversing our trade liberalization agenda. The Mondale quotes that I just shared with our colleagues, Mr. Speaker, could easily be slipped into a JOHN KERRY campaign speech, and they would be right at home in the midst of that speech.

In fact, we know that KERRY's whole platform could well be called the Mondale legacy campaign. JOHN KERRY's term for the heads of U.S. companies that are global leaders, creating jobs, investing in growing overseas markets, is, as we all know, Benedict Arnold CEOs. Now he is trying to step away from that after having used it in 25 speeches, but clearly he described those job creators as Benedict Arnold CEOs.

Mr. Speaker, these are companies that are America's greatest innovators, job creators and growth stimulators, and KERRY has proposed raising their taxes as punishment for their leadership. Senator KERRY is apparently oblivious to our 5 percent, four-quarter GDP growth; the record 69 percent homeownership, we just saw it surge in a report we got the day before yesterday; the 4.5 percent productivity growth, which is the fastest in four decades; and, of course, what we are enjoying is low inflation and low interest rates.

These economic gains, Mr. Speaker, have resulted in hundreds of thousands of jobs being created every month, bringing us an unemployment rate which we all know is lower than the average during the seventies, eighties or nineties; 1.4 million new jobs created over the past 7 months alone, since August of last year. And yet JOHN KERRY has said, "The economy in this country is in the worst shape it has been in many, many years. It is the worst jobs record since Herbert Hoover was President. It is the worst growth record since World War II. And the Bush administration policy is dead wrong."

That is what JOHN KERRY has said about the surging, bold, dynamic economic growth that Americans are creating because of policies that George Bush and this Congress have put into place to create that.

Now, that makes for very compelling rhetoric; but actually, Mr. Speaker, I am more interested in the facts, and I believe the American people are as well.

So let us take a look at some economic numbers from the 2004 economy. In keeping with our 20-year theme, I am going to compare them to 1984 numbers. 1984 was a year that witnessed some of the most dramatic economic gains in our country's history. By comparing the 2004 data with the 1984 data, we can put our current economic situation into context and better understand what the numbers mean.

1984: Real GDP growth was at a rate of 7.2 percent in that year, the fastest annual growth rate in 30 years. 2004: real GDP growth has been at 5 percent during the last four quarters, the fastest growth rate in 20 years.

Back in 1984, productivity grew at a 4.5 percent rate, the fastest annual rate on record at that time. Today, 2004, productivity has grown at a 4.5 percent annual rate, which has taken place over the past 3 years, which is the fastest productivity growth rate in 4 decades.

Business investment surged 18 percent in 1984, the highest annual percentage on record; and this year, business investment surged 12.5 percent in the last four quarters alone.

Back in 1984, CEO confidence in the U.S. economy reached an all-time high in the second quarter of 1983, according to the Conference Board's CEO Confidence Index, which covers more than 100 CEOs in a wide range of industries across the country. This year, 2004, CEO confidence in the U.S. economy is at the highest level in the past 20 years, according to the Conference Board's CEO Confidence Index.

Back in 1984, capacity utilization, which is the Federal Reserve's monthly estimate of the percentage of factory capacity that is being used, increased 8 percent in the 12 months ending in February of 1984, which was the largest 12 month jump on record. In 2004, capacity utilization is at its highest level since July of 2001, and it has increased 2.9 percent since June of 2003, so just about a year ago right now.

Back in 1984, Mr. Speaker, shipments of manufactured durable goods increased 14 percent in 1984 as a whole, one of the largest yearly increases on record. December 1983 saw one of the highest readings in the history of the ISM manufacturing index at 69.9 index points.

This year, 2004, industrial production saw its largest quarterly increase in nearly 4 years, 6.2 percent at an annual rate during the first quarter of 2004, and it increased further in April. The ISM manufacturing employment index increased to its highest level since April of 1973.

Back in 1994, non-farm payroll employment in the first 5 months of 1984 increased by 1.9 million, Mr. Speaker. Now, 2004, the first 5 months of this year, non-farm payroll employment has increased by 1.2 million, on pace for nearly 3 million new jobs to be created in 2004, which is the highest since 1999.

□ 1630

Back in 1984, the unemployment rate fell 3.5 percentage points from 10.8 percent. Remember that: 10.8 percent in the early 1980s was our unemployment rate, December of 1982; and it dropped 3.5 down to 7.3 percent in June of 1983. That is an unemployment rate, Mr. Speaker, from 10.8 percent in December of 1982 down to 7.3 percent in June of 1983.

What is it today in 2004? The unemployment rate is 5.6 percent, not an acceptable level by any means; but it is down from the peak that we saw of 6.3 percent. And as I have said, it is lower than the average unemployment rate during the 1970s, 1980s, and the 1990s.

Mr. Speaker, back in 1994, housing starts surged to 1.8 million, the highest level in 11 years. 2004, housing starts remained near record levels, new-home sales surged by 15 percent last month, and are up over 25 percent from just a year ago. Despite a recent uptick in interest rates, mortgage rates remain near historic lows, making home buying continually easier.

Back in 1984, real disposable personal income increased 7.6 percent in 1983 as a whole, the fastest yearly growth on record. This year, 2004, two decades later, real disposable income increased at a 4.9 percent annual rate in the first quarter of 2004, faster than its annual pace in 1999 through 2003.

Now, Mr. Speaker, clearly our 2004 economy is strong on all counts, from GDP growth, to job creation, to personal income, to homeownership, right down the line. In fact, our economy is so strong, that even Senator KERRY is having a hard time insisting that we are facing tough economic times.

Now, I suspect that we will continue to hear references, and we actually heard it here on the floor of the House earlier today, to the worst economic record since Herbert Hoover; but that tune is changing just a little. Instead of trying to claim that no jobs are being created, what we are hearing from Senator KERRY is that only bad jobs are being created.

The hamburger-flipping jobs, remember that back to the 1980s, Mr. Speaker? The term "hamburger-flipping jobs" was first coined by a New York Times piece in, surprise, surprise, what year? 1984. And has been resurrected time and time again by people like Ross Perot, Pat Buchanan, John Sweeney, Lou Dobbs; and now JOHN KERRY is trying to breathe new life into the rhetoric of the past by telling Americans that the only jobs being created are those in the local fast-food joint.

JOHN KERRY sent out a press release just last week stating, "The economy has failed to create the new jobs that Bush said his stimulus package would create, and the jobs that have come back pay lower wages."

Now, Mr. Speaker, the fact is real incomes and real purchasing power have been steadily rising for months. Average after-tax income is up nearly $2,000 since the start of the Bush administration.

Real disposable incomes are growing at an annual 5 percent rate. Job creation in 2004 has been strong in every single occupation category except government work; and it has been particularly strong in high-wage sectors, like professional and business services.

In fact, two-thirds, Mr. Speaker, of all job creation in 2004 has been in industries that pay above the average wage. Americans are finding jobs in amazing fields that years ago did not even exist; but they are very important fields, fields like health care, biotechnology and pharmaceuticals, education, movies, entertainment and digital gaming, recreation, telecommunications, cable, satellite, TV and radio, phones, cellular phones and wireless networks, fashion, insurance, real estate, autos, maintenance and repair, mass transit, investments, whether you call it in the stock market, in pensions or securities and other areas, leisure, hospitality and tourism. Then there are the businesses that service other businesses, like engineering, environmental protection services and technologies, risk management, export and import financing, express delivery.

Now, there are jobs that are directly related to the increasingly global forces and the focus of the U.S. economy, like this entirely new field, this entirely new field of logistics specialists. As supply and production lines become more and more complicated and diverse, businesses are relying on the expertise of this entire new field of logistics experts to coordinate and manage these complex systems.

In fact, the Massachusetts Institute of Technology, MIT, has established this new, entirely new department of logistics studies because of the movement of all these goods. More and more Americans, Mr. Speaker, are also following their entrepreneurial spirit by starting their own businesses and working as independent contractors.

In the example that I pointed to time and time again, and I was thinking of when a moment ago I mentioned the fact that some of those businesses did not even exist, certainly in the 1980s or even a decade ago. There are 430,000 Americans who make their full-time strong living, good income living doing what? Selling full-time on eBay.

Now, again, a decade ago no one would have even contemplated this. The 21st-century economy is affording more and more people the freedom and flexibility to work independently, far from becoming a Nation of hamburger flippers, which was said back in that New York Times article and then through the Presidential campaigns of 1984 and then Michael Dukakis. In 1988, I remember he used the line "McJobs" to describe the jobs that were being created, and now we are hearing that exact same argument coming at us again from JOHN KERRY.

So Americans are actually instead putting innovation and creativity to work making a living in these cutting-edge fields and dramatically improving their quality of life.

And JOHN KERRY keeps reaching for something, anything that he can possibly use to convince the American people that our economy is in the doldrums and that our lives are getting worse and worse.

One of his most recent gimmicks, of course, has been this misery index, which I know my colleague from Indiana has seen, that was put forward back in the 1970s when our economy was in real trouble. Jimmy Carter came up with the misery index, the sum of the national unemployment and inflation rates. It has been used ever since to unofficially gauge the Nation's economic health, that combination of unemployment and inflation. In fact, during the 1996 Presidential campaign, Democrats touted the low misery index as a reason to reelect Bill Clinton, and even many of our colleagues here in the Congress used that.

JOHN KERRY, running for the Senate that year, that year when he was running, he proudly proclaimed that he was proud to run in a year when the misery index was at its lowest level that it had been in 27 years.

Mr. Speaker, it is 2004. The misery index is not very high, because inflation is low and the unemployment rate is low and getting lower, in decline. So what is it that JOHN KERRY has done? He makes up a new misery index because, obviously, the misery index that he was proud to run on, the best in 27 years when he was running in 1996, is a misery index that is even better today than it was when he was so proud. So he has come up with a new idea, and he is trying to tell Americans how miserable they are.

KERRY's new index is, of course, much more complicated than that old favorite which was simply the combination of inflation and unemployment. It is based on seven factors rather than the two that I mentioned: median family income, college tuition, health care costs, gasoline prices, bankruptcies, the homeownership rate, and private sector job growth.

But, Mr. Speaker, the facts just do not wash. According to Senator KERRY's new misery index, President Carter received a higher rating than President Reagan on the misery index, and I would venture to guess that most Americans who lived through the Carter and Reagan years would certainly say that they were better off during Ronald Reagan's term than they were during the Carter Presidency, which plagued them with over 10 percent unemployment rate, as I said, 10.8 percent; and remember, because we know gasoline prices are very high; we do not have the kinds of lines that we had back then in the 1970s when Jimmy Carter was President.

Lower taxes and expanded trade opportunities are the policies that Ronald Reagan vigorously pursued, and they were the exact same policies again that George W. Bush has pursued and that have led to the latest increases that we have seen in job creation. Senator KERRY would do just the opposite of those policies that have continued to create historic, dynamic, bold, job-creating, economic growth.

The policies of KERRY's proposals are to raise taxes, to discourage open trade. He said of the North American Free Trade Agreement that he voted for it back then; but if he had to do it over again, he would vote against it. As I said in my exchange earlier with the gentleman from Ohio (Mr. BROWN), we now enjoy a quarter of a trillion dollars of two-way trade between Mexico and the United States. It needs to get better. We still have very serious problems. But this notion of trying to blame the notion of free trade and JOHN KERRY calling for a renegotiation is really pandering to the lowest common denominator. And, of course, that kind of talk does play a role in creating a degree of misery.

This made-up misery index of Senator KERRY's actually ignores some key facts about our growing economy. After-tax incomes are up by 11 percent since December of 2000, just before President Bush took office, substantially higher than following the last recession; and household wealth is near an all-time high. Inflation is low, as we discussed, and interest rates and mortgage rates are near historic lows. Homeownership rates, as I have mentioned, are near record highs, with minority homeownership at its highest rate ever.

I underscore that again for our colleagues on both sides of the aisle who regularly try to create this very, very divisive view. Minority homeownership today, Mr. Speaker, is at its highest level in our Nation's history. Homeownership rates, as I have discussed, continue, continue to grow all the way across the board. The Dow Jones Industrial Average rose by 25 percent in 2003, and the NASDAQ rose by 50 percent. Consumer confidence is on the rise again, according to an ABC News Money Magazine Consumer Comfort Index.

In case you are wondering what the old misery tells us about the economy today and the economies of the past, here are the numbers. And remember, the higher it is, the more miserable we are supposed to be. In 1976, it was 13.5 percent; in 1996 it was 8.4 percent; and today, the misery index is 7.7 percent. Sounds like Mr. KERRY is the only one who is actually miserable these days.

Another gimmick that has been used by Senator KERRY that he likes to talk about are the "glory days" of 1996 when Bill Clinton was running for reelection. He likes to talk about what a strong, vibrant economy we had back then, and he likes to claim that today, we are far worse off than we were then. We have already taken a detailed look at the parallels between 1984, 2 decades ago, when Walter Mondale was the candidate for President of the United States for the Democrats, and 2004; but since JOHN KERRY is so fond of reminiscing about 1996, I would like to, in just a moment, after I yield to my colleagues, talk about a juxtaposition between what Senator KERRY and Senator KENNEDY of course would describe as the glory days of 1996, and compare those to what we are witnessing today.

So I would be happy to yield to either of my colleagues, the gentleman from Indiana or the gentleman from New Mexico, if they would like to actually enlighten our colleagues on these issues. So since he is on his feet, I am happy to yield to my friend, the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. Mr. Speaker, I have just a couple of comments. As the gentleman is talking about the actual economy and the country right now, what I have found is that the continued harping from the other side here in this body has caused the Nation to be a little suspicious that maybe their success is the only success. I have found in my district that people come up and say, you know, I know they are not having too good results in the rest of the country, but I am having my best year ever. A window manufacturer in my district told me that exact thing, that they have had their best year ever and they have been in business for several years.

We have another business in Berlin that is beginning to export very high-quality welding across the world; and again, they are saying, we are having a tremendous year.

One of the things that I would like to point out is that during the committee hearings yesterday on the soda ash industry, we found that back about 3 years ago, arbitrarily, the government raised taxes from 4 percent to 6 percent on soda ash.

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Now, that soda ash industry made $700 million in revenue last year, they made no profit but they paid $100 million in taxes. We are losing business to China because China, in the same number of $700 million in revenue, actually in the soda ash industry, paid no taxes. And so our companies make no profit and yet they pay $100 million in taxes.

I will augment what the gentleman said about free trade, that free trade is beginning to point out the deficiencies of our tax systems here that we do actually have a repressive tax system that is costing us jobs in the soda ash industry, in the potash industry, in every manufacturing industry that there is.

And I think that it is time for us to begin to try to help American manufacturers, American miners, and American oil companies rather than hurt them.

Mr. DREIER. Mr. Speaker, I thank my friend for that very helpful contribution, again underscoring the fact that many of our colleagues have a tendency to point the finger outward and blame everyone else as to why we have economic challenges here at home.

It is one of the reasons that we dealt with last week the American Jobs Creation Act, a very important piece of legislation designed to decrease the tax that we have and, later, the regulatory burden, continuing on that road towards creating more and more incentive right here at home, opportunity for job creators to be able to succeed and compete globally. We need to shape the global economy. I regularly argue that if we do not shape the global economy, we will be shaped by it. And that is very important for us.

Now, another very, very hard working and thoughtful new Member of Congress who is now a veteran having served almost 2 years ago, the gentleman from Indiana (Mr. PENCE), I am happy to recognize him.

Mr. PENCE. Mr. Speaker, I thank the chairman for yielding. It is an honor to be able to join the most energetic voice for growth and prosperity in America in this Congress today. I commend the chairman for his leadership and his passion, so evident to anyone looking in today.

But it is not really about the passion or eloquence that people have been exposed to today, Mr. Speaker, it is just simply about the facts and has been stated and quoted on this floor. Facts are stubborn things. And the reality is that because of the leadership of George W. Bush and because of this Congress's willingness in the wake of both recession that took hold in the waning days of the Clinton administration, and a horrific national tragedy that took place on a day that I was in this building in September of 2001, this President, nevertheless, has led this Nation on the world stage to a place where we will celebrate, as the chairman said moments ago, an Independence Day for a free and democratic Iraq this week, just a few days before we celebrate the 228th anniversary of our own Independence Day.

And because of the leadership of that very same president, George W. Bush, we are, despite the best efforts of the likely democratic nominee, Senator JOHN KERRY and many in his party on this floor who would wish it away or talk it away, we are in the midst of an extraordinary recovery that is as my colleague just suggested, being experienced by Americans in real ways in New Mexico, in the State of Indiana, in the State of California where the chairman serves, and all across this Nation.

But I was very intrigued by the comments of the gentleman from New Mexico that he is hearing from citizens that he serves that they are sorry that things are not better elsewhere, but they are really good here. Because I am going home to my heartland district in eastern Indiana hearing much the same thing.

It is as though, when the statistics that the gentleman from California (Chairman DREIER) just went over, Mr. Speaker, 1.5 million new jobs since August, 257,000 new jobs per month, I pulled the Indiana statistics in preparation for this, Indiana, where manufacturing is really right there with agriculture, Indiana is the second leading exporting State in the union. And manufacturing and exporting in our state, rather than the 11 percent of the national average, is 20 percent of our State's economy.

And in the State of Indiana in the last year alone, international exports from Indiana increased nearly 10 percent in 2003. And it is because of the President's lean-forward approach to tax relief, deregulation, and an issue that probably no one champions here more than the gentleman from California, Mr. Speaker, is this business of expanded international trade.

Hoosiers know that trade means jobs. And it is contributing mightily to these undeniable statistics that the chairman has cited so eloquently and passionately today. America's standard of living is on the rise. Real after-tax income up 11 percent since December of 2000, consumer confidence at its highest level in the past 4 months alone, mortgage rates remain near historic lows, and yet it is as though many of our colleagues on the other side of the aisle and their democratic presidential candidate would say to us what Groucho Marx said famously in his career, "Who are you going to believe, me or your own eyes?"

And it seems to me all together fitting that as we approach this Independence Day recess, that the gentleman from California (Chairman DREIER) would pull this special order together as many of us are outbound back to our States, as I and my family are, to go to work and to enjoy picnics and have family times to say one last time before we go into this break what the reality is.

The reality is that freedom is expanding at home and abroad, a free market economy is expanding because of the policies and practices of George W. Bush and a Republican majority in the House and in the Senate that have doggedly and determinedly pursued economic freedom at home and abroad.

And for all those reasons, as the chairman said, I think very eloquently in his opening remarks, for all of those reasons, the United States of America is able to be the arsenal of democracy, is able to come along side the people of Iraq and even 30 years of despotism by a murderous, barbaric, dictator who literally claimed the lives, snuffed out the lives of over 1.2 million men and women, boys and girls over the last 30 years. 400,000 bodies have been found, 600,000, 700,000 remain missing. These are the facts. Facts are stubborn things.

But we are able, and the families of American servicemen and women are able, to project forward the interest of the advancement of liberty because we are prosperous at home.

It seems to me, as I close and prepare to yield back my time, that freedom is contagious, economic freedom is contagious, political freedom is contagious, but it is only contagious when freedom at home is vibrant. What my colleague understands and what the gentleman from Illinois (Speaker HASTERT) understands, and President George Bush understands, and I hope anyone looking in today understands, is that that Republican majority and this Republican President believe in freedom. They believe in a vibrant freedom at home and a contagious freedom across the world, economic and political, and are prepared to make the sacrifices and take the blows from the left to achieve that.

So I thank the chairman for his dogged optimism and vision.

Mr. DREIER. Mr. Speaker, let me express my appreciation to the very thoughtful and provocative remarks by my friend from Indiana. He put it extraordinarily well. The interdependence of economic and political freedom are so clear.

And getting back to this notion that a strong, bold, dynamic vibrant U.S. economy is going to have a positive ripple effect, and it directly itself is going to help provide the revenues necessary for us to help in our continued quest to bring about political pluralism, self-determination, the rule of law in Iraq, we know full well that it is going to be a continued painful time.

We got the tragic news yesterday of the death of nearly 100 Iraqis. But that will lead us to strengthen our resolve. And, again, the important thing we need to do is underscore our commitment right here at home to keep this economy growing so that we can help others.

Before I yielded to my friend from Indiana, I was talking about earlier the juxtaposition of 1984 and what was said by Walter Mondale at that time, who was running against Ronald Reagan, what is taking place today in the campaign between JOHN KERRY and George W. Bush and the fact that JOHN KERRY and many others referred to 1996 as the glory days.

And we were talking about this misery index, the traditional one that has existed which is a combination of unemployment and inflation, and this new one which has five criteria that are included in the mix here.

What I would like to do is to focus back on 1996 and compare that to 2004. In 1996, Mr. Speaker, the average monthly payroll job creation was 233,000, as was just said by my colleague, the average monthly payroll job creation has been in excess of 238,000. He referred to the 257,000 number that we saw last month, but it has consistently been in excess, higher than it was back in those glory days of 1996.

Back in 1996 the number of manufacturing jobs created was 15,000. In 2004, so far, the number of manufacturing jobs, manufacturing jobs created has been 91,000. In fact, last month we saw the largest manufacturing job growth in 45 months. Again, that compares to the glory days of 1996 where we saw 15,000 created.

Back in 1996, the percent of new jobs paying above the median wage was 60 percent. Actually in 2004 the number is exactly the same. The percent of new jobs paying above the median wage is 60 percent.

In 1996, Mr. Speaker, the glory days of 1996, to which JOHN KERRY refers, guess what the unemployment rate was? Mr. Speaker, it was 5.6 percent. Those were the glory days. Today the unemployment rate is 5.6 percent. Again, not an acceptable level at all. We want it to get better. But as people juxtapose 1996 and those glory days to the horrible miserable days of 2004, we need to recognize that those numbers are the exact same.

Mr. Speaker, the unemployment rate back in 1996 for African Americans was 10.2 percent. Today, again, not an acceptable level, but a full percentage point lower, 9.2 percent. Back then the unemployment rate in the Latino community, much of which I am privileged to represent in southern California, was 9.6 percent back in the glory days of 1996. In the miserable time as described by Mr. KERRY of 2004, the unemployment rate for Latinos is 7 percent.

Back in the glory days of 1996, as described by Mr. KERRY, the average GDP growth over the previous three quarters was 3.1 percent. This year, 2004, what is described again by Mr. KERRY as the miserable time, the average GDP growth rate over the previous three quarters has been 5.4 percent.

Back in 1996, again, the glory days as described by Mr. KERRY, the inflation rate was 2.8 percent. Today, 2004, this miserable time, the inflation rate is only 2.2 percent.

Now, JOHN KERRY likes to talk about how strong the economy was during Bill Clinton's reelection campaign and this current economic situation. But a look at the actual facts reveals that despite a recession, a massive terrorist attack, corporate scandals, and this ongoing war on terror, our economy weathered these storms and came out even stronger than those so so-called booming days of 1996.

Now, I have gone through, Mr. Speaker, along with my colleagues a lot of economic data to demonstrate the strength of our economy and the success of an economic agenda based on cutting taxes and tearing down barriers to the worldwide economy. But it is easy to get lost in these numbers and lose sight of what exactly all of this means.

So I would like to talk about some real life examples as my colleague from New Mexico did, examples of how granting Americans greater economic freedom empowers them to prosper and create new opportunities. In March of this year, President Bush travelled to New Hampshire to meet with small business owners. One of the people he spoke with was a first generation American, George Kassas, a native of Lebanon. Mr. Kassas founded his own company, founded his own company back in 2001, shortly after President Bush took office. He was his own boss and the only employee.

Today Mr. Kassas employs 100 people in Derry, New Hampshire. The company is called Cedar Point Communications. It produces voice-over IP switching technology which is used by broadband service providers like cable operators so that they can provide telephone service over cable wires.

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Mr. Speaker, again, this is a new technology, something that consumers could not have even imagined two decades ago, but George Kassas came up with an idea and built a business out of it. His burgeoning company is flourishing, and it is an economic environment that is specifically geared towards expanding the economy and creating more jobs. Lower taxes and more investment opportunities like business expensing have made it possible.

Mr. Kassas is hoping to start exporting his products this year and to continue to do so well into the future. Now, that means he needs and wants the opportunity to export his product so that his company can grow and grow and hire more people.

It is a fact. Economic isolationism would prevent George Kassas from growing his company. We need to continue pursuing open trade policies through trade agreements that create exporting opportunities for small business owners like George Kassas.

Another prime example of small business success in this economy is D.G. O'Brien, Incorporated, another high-tech company in New Hampshire. D.G., Incorporated, is an older company than Cedar Point, but it has thrived thanks to lower taxes and greater investment opportunities.

D.G., Inc., employs 175 people. They produce electrical and optical interconnection systems for high pressure, highly corrosive, sub-sea and nuclear systems. D.G., Inc., is a medium-sized company that pays its taxes in the top 35 percent tax bracket.

Thanks to the tax relief that we have passed in the last 3 years, D.G., Inc.'s, tax burden has lowered, and it was able to spend $400,000 in capital equipment in 2003 and will be spending $500,000 in capital equipment this year. With that money they have bought everything from machine tools to computers, all of it helping improve their productivity and the health of their company.

Under JOHN KERRY's economic plan, companies like D.G., Inc., would see that tax relief totally erased. A higher tax burden would translate into fewer investment dollars and would otherwise enable this growing company to create new jobs.

A higher tax burden would derail the strong growth that we have been witnessing for many months, powered by both small and large companies, as well as entrepreneurs who are out there creating opportunities for themselves.

The Bureau of Labor Statistics Payroll Survey shows not only robust job creation of payroll jobs for the past several months, but these gains are widespread, spanning over all sectors and all parts of our country. Net job creation is up in 44 of the 50 States over the last year, and the unemployment rate is down in all regions and in 46 of the 50 States.

The most recent payroll jobs data show that for the month of May this widespread net job creation continues: 10,700 new jobs in Pennsylvania; 8,300 new jobs in Michigan; 4,100 new jobs in Connecticut; 23,600 new jobs in my State of California; 13,400 new jobs in North Carolina; 9,700 new jobs in Massachusetts; 8,400 new jobs in Arizona; 1,100 new jobs in Ohio; 25,400 new jobs created in New York; 12,900 new jobs created in Texas; 6,800 new jobs created in Florida; 12,100 new jobs created in Wisconsin; 9,500 new jobs created in New Jersey; 8,300 new jobs created in Virginia; 5,700 new jobs in Oklahoma; 8,100 new jobs created in Maryland; 4,100 new jobs in Kansas.

The list goes on and on and on, Mr. Speaker. Furthermore, these jobs numbers encompass every single category of work except government employment. Every field, from manufacturing to construction to business services, witnessed the creation of thousands of new jobs.

Again, these numbers that I share with my colleagues are just from last month alone, and these numbers do not even take into account the fastest growing sector of our labor force, self-employment and independent contracting. Those numbers were not even included in the figures that I gave my colleagues, which make up a third of all new job creation.

There is simply no denying the fact that we have a strong, growing, bold, dynamic economy that is creating good jobs in every corner of our Nation. JOHN KERRY wants to deny the facts. He wants Americans to believe that we are in a state of economic crisis. He wants us to believe that there are no good job opportunities out there. He wants us to believe that our lives are getting worse.

Of course, things can get better, but pessimism is not based in reality. It is not based on the strong growth, rapid job creation, thriving small businesses and climbing incomes that we are witnessing across this country.

This pessimism, Mr. Speaker, is also dangerous. Our prosperity is helping us to wage a global war on terrorism.

Next Wednesday marks this very important handover. We are going through difficult times, there is no doubt about it, but our economic strength right here at home is part of the foundation of our security as a Nation, and that clearly has a ripple effect across the world.

The evidence shows of the inextricable tie between our growing economy and peace and stability and growing job-creating economies throughout the world. It is the right thing do.

I appreciate the fact that my colleagues have participated in this. I appreciate the forbearance that the Speaker has shown, as well as those of the staff who have joined us here.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BOYD (at the request of Ms. PELOSI) for today on account of personal reasons.

Ms. KILPATRICK (at the request of Ms. PELOSI) for today after 1:00 p.m. on account of personal reasons.

Ms. SLAUGHTER (at the request of Ms. PELOSI) for today on account of illness.

Ms. CARSON of Indiana (at the request of Ms. PELOSI) for today on account of personal reasons.

Mr. COBLE (at the request of Mr. DELAY) for today after 11:45 a.m. on account of obligations in his district.

Mr. BARTON of Texas (at the request of Mr. DELAY) for today on account of attending the funeral of a district staff person.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FILNER) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. VAN HOLLEN, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. INSLEE, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

(The following Members (at the request of Mr. PENCE) to revise and extend their remarks and include extraneous material:)

Mr. WELDON of Florida, for 5 minutes, today.

Mr. OSBORNE, for 5 minutes, today.

Mr. SMITH of Michigan, for 5 minutes, today.

Mr. PENCE, for 5 minutes, today.

Mr. GINGREY, for 5 minutes, today.

SENATE BILLS REFERRED

Bills and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1292. An act to establish a servitude and emancipation archival research clearinghouse in the National Archives; to the Committee on Government Reform.

S. 1932. An act to provide criminal penalties for unauthorized recording of motion pictures in a motion picture exhibition facility, to provide criminal and civil penalties for unauthorized distribution of commercial prerelease copyrighted works, and for other purposes; to the Committee on the Judiciary.

S. 2237. An act to amend chapter 5 of title 17, United States Code, to authorize civil copyright enforcement by the Attorney General, and for other purposes; to the Committee on the Judiciary.

S. 2322. An act to amend chapter 90 of title 5, United States Code, to include employees of the District of Columbia courts as participants in long term care insurance for Federal employees; to the Committee on Government Reform.

S. Con. Res. 83. Concurrent resolution promoting the establishment of a democracy caucus within the United Nations; to the Committee on International Relations.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 884. An act to provide for the use and distribution of the funds awarded to the Western Shoshone identifiable group under Indian Claims Commission Docket Numbers 326–A–1, 326–A–3, and 326–K, and for other purposes.

H.R. 1731. An act to amend title 18, United States Code, to establish penalties for aggravated identity theft, and for other purses.

H.R. 2751. An act to provide new human capital flexibilities with respect to the GAO, and for other purposes.

H.R. 3864. An act to authorize the Secretary of Agriculture and the Secretary of the Interior to enter into an agreement or contract with Indian tribes meeting certain criteria to carry out projects to protect Indian forest land.

H.R. 4103. An act to extend and modify the trade benefits under the African Growth and Opportunity Act.

H.J. Res. 97. Joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on June 25, 2004 he presented to the President of the United States, for his approval, the following bills.

H.J. Res 97. Approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

H.R. 884. To provide for the use and distribution of the funds awarded to the Western Shoshone identifiable group under Indian Claims Commission Docket Numbers 326–A–1, 326–A–3, and 326–K, and for other purposes.

H.R. 2751. To provide new human capital flexibilities with respect to the GAO, and for other purposes.

ADJOURNMENT

Mr. DREIER. Mr. Speaker, pursuant to Senate Concurrent Resolution 120, 108th Congress, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore (Mr. GINGREY). Pursuant to the provisions of Senate Concurrent Resolution 120, 108th Congress, the House stands adjourned until 2 p.m. on Tuesday, July 6, 2004.

Thereupon (at 5 o'clock and 7 minutes p.m.), pursuant to Senate Concurrent Resolution 120, 108th Congress, the House adjourned until Tuesday, July 6, 2004, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8822. A communication from the President of the United States, transmitting requests for FY 2005 budget amendments for the Departments of Commerce, Health and Human Services, Justice, State, and Transportation; as well as the General Services Administration, the Election Assistance Commission, and the Federal Communications Commission; (H. Doc. No. 108–197); to the Committee on Appropriations and ordered to be printed.

8823. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule — Fair Credit Reporting Act [Regulation V; Docket No. R-1187] received June 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8824. A letter from the Deputy Assistant Secretary for Policy, Employee Benefits Security Administration, Department of Labor, transmitting the Department's final rule — Health Care Continuation Coverage, Correction (RIN: 1210-AA60) received June 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8825. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report to Congress on Bulgaria's status as an adherent to the Missile Technology Control Regime (MTCR), pursuant to 22 U.S.C. 2797b-1; to the Committee on International Relations.

8826. A letter from the Paralegal Specialist, FAA, Department of Tranportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A319 and A320 Series Airplanes [Docket No. 2002-NM-278-AD; Amendment 39-13608; AD 2004-09-19] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8827. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendments [Docket No. 30412 ; Amdt. No. 448] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8828. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Moberly, MO. [Docket No. FAA-2004-17420; Airspace Docket No. 04-ACE-21] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8829. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Chappell, NE. [Docket No. FAA-2004-17421; Airspace Docket No. 04-ACE-22] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8830. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30415; Amdt. No. 3098] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8831. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30410; Amdt. No. 3094] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8832. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30411; Amdt. No. 3095] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8833. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30413; Amdt. No. 3096] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8834. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30414; Amdt. No. 3097] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8835. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Allakaket, AK [Docket No. FAA-2004-17496; Airspace Docket No. 04-AAl-04] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8836. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Kipnuk, AK [Docket No. FAA-2004-17497; Airspace Docket No. 04-AAL-05] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8837. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Lockheed Model L-1011 Series Airplanes [Docket No. 2000-NM-145-AD; Amendment 39-13618; AD 2004-09-28] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8838. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Manchester, NH [Docket No. FAA-2003-16707; Airspace Docket No. 2003-ANE-104] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8839. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Canada Model 407 Helicopters [Docket No. 2004-SW-08-AD; Amendment 39-13637; AD 2004-10-07] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8840. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Wayne, NE. [Docket No. FAA-2004-17912; Airspace Docket No. 04-ACE-38] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8841. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F27 Mark 100, 200, 300, 400, 500, 600, and 700 Series Airplanes [Docket No. 2002-NM-253-AD; Amendment 39-13613; AD 2004-09-23] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8842. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-11 and -11F Airplanes [Docket No. 2001-NM-161-AD; Amendment 39-13430; AD 2004-01-16] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8843. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Aircraft Company Model 1900, 1900C, 1900C (C-12J), and 1900D Airplanes [Docket No. 95-CE-46-AD; Amendment 39-13596; AD 2004-09-07] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8844. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 727-100, and -200; 737-100, -200, -200C, -300, -400, and -500; and 747 Series Airplanes [Docket No. 2001-NM-297-AD; Amendment 39-13636; AD 2004-10-06] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8845. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited (Jetstream) Model 4101 Airplanes [Docket No. 2002-NM-58-AD; Amendment 39-13607; AD 2004-09-18] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8846. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757-200 Series Airplanes [Docket No. 2004-NM-44-AD; Amendment 39-13622; AD 2004-09-32] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8847. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135 and EMB-145 Series Airplanes [Docket No. 2002-NM-165-AD; Amendment 39-13604; AD 2004-09-15] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8848. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dornier Model 328-100 and -300 Series Airplanes [Docket No. 2003-NM-263-AD; Amendment 39-13605; AD 2004-09-16] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8849. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-400, 747-400D, 747-400F, 757-200, 757-200PF, 757-200CB, 767-200, 767-300, and 767-300F Series Airplanes [Docket No. 2003-NM-40-AD; Amendment 39-13635; AD 2004-10-05] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8850. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B4-600, A300 B4-600R, and A300 F4-600R (Collectively Called A300-600), A310, A319, A320, A321, A330, and A340-200 and -300 Series Airplanes [Docket No. 2003-NM-19-AD; Amendment 39-13632; AD 2004-10-02] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8851. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-215-6B11 (CL215T Variant), and CL-215-6B11 (CL415 Variant) Series Airplanes [Docket No. 2003-NM-199-AD; Amendment 39-13634; AD 2004-10-04] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8852. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airwrothiness Directives; Glasflugel — Ing. E. Hanle Model GLASFLUGEL Kestrel Sailplanes [Docket No. 2003-CE-60-AD; Amendment 39-13591; AD 2004-09-02] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8853. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-1A11 (CL-600), CL-600-2A12 (CL-601), and CL-600-2B16 (CL-601-3A, CL-601-3R, and CL-604) Series Airplanes [Docket No. 2003-NM-175-AD; Amendment 39-13628; AD 2004-09-37] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8854. A letter from the Paralegal Specialist, FAA., Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dornier Model 328-100 and Model 328-300 Series Airplanes [Docket No. 2003-NM-112-AD; Amendment 39-13601; AD 2004-09-12] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8855. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Gulfstream Aerospace LP Model Galaxy and Gulfstream 200 Airplanes [Docket No. 2004-NM-70-AD; Amendment 39-13614; AD 2004-09-24] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8856. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767 Series Airplanes Powered by General Electric or Pratt & Whitney Engines [Docket No. 2002-NM-275-AD; Amendment 39-13603; AD 2004-09-14] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8857. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135BJ and EMB-145XR Series Airplanes [Docket No. 2003-NM-218-AD; Amendment 39-13602; AD 2004-09-13] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8858. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 2003-NM-47-AD; Amendment 39-13566; AD 2004-07-22] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8859. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-200 Series Airplanes [Docket No. 2003-NM-128-AD; Amendment 39-13589; AD 2004-08-19] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8860. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dornier Model 328-300 Series Airplanes [Docket No. 2002-NM-156-AD; Amendment 39-13588; AD 2004-08-18] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8861. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company Models 208 and 208B Airplanes [Docket No. 2004-CE-09-AD; Amendment 39-13587; AD 2004-08-17] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8862. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Gulfstream Aerospace LP Model Astra SPX and 1125 Westwind Astra Series Airplanes [Docket No. 2002-NM-236-AD; Amendment 39-13565; AD 2004-07-21] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8863. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-9-14, DC-9-15, and DC-9-15F Airplanes; Mode DC-9-20, -30, -40, and -50 Series Airplanes; and Model DC-9-81 (MD-81), DC-9-82 (MD-82), DC-9-83 (MD-83), DC-9-87 (MD-87), MD-88, and MD-90-30 Airplanes [Docket No. FAA-2003-16647; Directorate Docket No. 2002-NM-203-AD; Amendment 39-13520; AD 2004-05-25] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8864. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-400 and -400D Series Airplanes [Docket No. 2004-NM-01-AD; Amendment 39-13564; AD 2004-07-20] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8865. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Significant reduction in retiree health coverage during the cost maintenance period. (Rev. Rul. 2006-65) received June 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8866. A letter from the Chief, Publications & Regulations, Internal Revenue Service, transmitting the Service's final rule — Required Distributions from Retirement Plans [TD 9130] received June 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8867. A letter from the Secretary, Department of Homeland Security, transmitting a report entitled "Unmanned Aerial Vehicles Applications to Homeland Security Missions," pursuant to Public Law 108—136, section 1034; jointly to the Committees on Armed Services and Transportation and Infrastructure.

8868. A letter from the Deputy Architect/Chief Operating Officer for the Architect of the Capitol, transmitting an action plan addressing the policies, procedures, and actions to be implemented in carrying out the responsibilities entrusted to the Office, pursuant to Public Law 108—7, section 1203; jointly to the Committees on House Administration and Transportation and Infrastructure.

8869. A letter from the Secretary, Department of Commerce, transmitting a draft bill "To establish the National Oceanic and Atmospheric Administration (NOAA), to amend the organization and functions of the NOAA Advisory Committee on Oceans and Atmosphere, and for other purposes"; jointly to the Committees on Resources and Science.

8870. A letter from the Secretary, Department of Energy, transmitting a draft of proposed legislation to enhance the effectiveness of the Department's defense and national security programs; jointly to the Committees on Armed Services, International Relations, and Energy and Commerce.

8871. A letter from the Secretary, Department of Homeland Security, transmitting a letter prepared jointly by the Secretary of the Department in which the Coast Guard is operating, the Secretaries of Commerce and Interior, Environmental Protection Agency, and the Attorney General transmitting the report on the immunity of a private responder (other than a person responsible for the vessel or facility from which oil is discharged) from liability for criminal and civil penalties for the incidental take of a protected species while carrying out oil spill response actions, as required by Section 400 of the Maritime Transportation Security Act of 2002; jointly to the Committees on Transportation and Infrastructure, the Judiciary, and Resources.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POMBO: Committee on Resources. H.R. 3819. A bill to redesignate Fort Clatsop National Memorial as the Lewis and Clark National Historical Park, to include in the park sites in the State of Washington as well as the State of Oregon, and for other purposes; with an amendment (Rept. 108–570). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 2831. A bill to authorize the Secretary of the Interior to convey the Newlands Project Headquarters and Maintenance Yard Facility to the Truckee-Carson Irrigation District; with an amendment (Rept. 108–571). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of New Jersey: Committee on Veterans' Affairs. H.R. 1716. A bill to amend title 38, United States Code, to improve educational assistance programs of the Department of Veterans Affairs for apprenticeship or other on-job training, and for other purposes; with an amendment (Rept. 108–572 Pt. 1). Ordered to be printed.

Mr. POMBO: Committee on Resources. H.R. 2828. A bill to authorize the Secretary of the Interior to implement water supply technology and infrastructure programs aimed at increasing and diversifying domestic water resources; with an amendment (Rept. 108–573 Pt. 1). Ordered to be printed.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Armed Services discharged from further consideration. H.R. 1716 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 2 of rule XII the Committee on Transportation and Infrastructure discharged from further consideration. H.R. 2828 referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 1716. Referral to the Committee on Armed Services extended for a period ending not later than June 25, 2004.

H.R. 2828. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than June 25, 2004.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SAM JOHNSON of Texas:

H.R. 4714. A bill to amend the Internal Revenue Code of 1986 to provide for retirement savings accounts, and for other purposes; to the Committee on Ways and Means.

By Mr. NUSSLE:

H.R. 4715. A bill to clarify the obligations of the Federal Communications Commission to issue licenses using competitive bidding procedures; to the Committee on Energy and Commerce.

By Ms. WATERS:

H.R. 4716. A bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating Ballona Bluff, located in Los Angeles, California, as a unit of the National Park System, and for other purposes; to the Committee on Resources.

By Mr. OTTER (for himself, Mr. Stenholm, Mr. Flake, Mr. Simpson, Mr. Bereuter, Mr. Pearce, Mr. Cannon, Mr. Kolbe, and Mr. Doolittle):

H.R. 4717. A bill to allow small public water systems to request an exemption from the requirements of any national primary drinking water regulation for a naturally occurring contaminant, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LEWIS of Kentucky (for himself and Mr. Whitfield):

H.R. 4718. A bill to amend the Internal Revenue Code of 1986 to provide a credit to certain agriculture-related businesses for the cost of protecting certain chemicals; to the Committee on Ways and Means.

By Mr. BAKER (for himself, Mr. Royce, and Mr. Hensarling):

H.R. 4719. A bill to amend the Truth in Lending Act to limit the liability of any assignee of a creditor, and for other purposes; to the Committee on Financial Services.

By Ms. BALDWIN (for herself, Mr. Kucinich, Mr. Kildee, Ms. Solis, and Mr. Rush):

H.R. 4720. A bill to amend the Family and Medical Leave Act of 1993 to eliminate an hours of service requirement for benefits under that Act; to the Committee on Education and the Workforce, and in addition to the Committees on Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BISHOP of New York (for himself, Mrs. McCarthy of New York, Mr. Grijalva, and Mr. Bishop of Georgia):

H.R. 4721. A bill to amend the Internal Revenue Code of 1986 to exclude from estate taxes the value of farmland so long as the farmland use continues and to repeal the dollar limitation on the estate tax exclusion for land subject to a qualified conservation easement; to the Committee on Ways and Means.

By Mr. BRADLEY of New Hampshire (for himself and Mr. Bass):

H.R. 4722. A bill to authorize the establishment at Antietam National Battlefield of a memorial to the officers and enlisted men of the Fifth, Sixth, and Ninth New Hampshire Volunteer Infantry Regiments and the First New Hampshire Light Artillery Battery who fought in the Battle of Antietam on September 17, 1862, and for other purposes; to the Committee on Resources.

By Mr. BRADLEY of New Hampshire (for himself and Mr. Sensenbrenner):

H.R. 4723. A bill to amend the Internal Revenue Code of 1986 to provide an exclusion from gross income for student loan payments made by an employer on behalf of an employee; to the Committee on Ways and Means.

By Mr. BURR (for himself, Mr. Ballenger, Mr. Coble, and Mr. Price of North Carolina):

H.R. 4724. A bill to amend title XVIII of the Social Security Act to provide for coverage of clinical pharmacist practitioner services under part B of the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARSON of Oklahoma:

H.R. 4725. A bill to amend the Wild and Scenic Rivers Act to designate a segment of the Glover River in the State of Oklahoma as a component of the National Wild and Scenic Rivers System; to the Committee on Resources.

By Mr. CARTER:

H.R. 4726. A bill to prevent discriminatory taxation of natural gas pipeline property by the States; to the Committee on the Judiciary.

By Mr. CHABOT:

H.R. 4727. A bill to amend the Agricultural Trade Act of 1978 to eliminate the market access program; to the Committee on Agriculture.

By Mr. CONYERS (for himself, Ms. Lofgren, Mr. Meehan, Ms. Waters, and Ms. Linda T. Sánchez of California):

H.R. 4728. A bill to affirm that the United States may not engage in torture or cruel, inhuman, or degrading treatment or punishment, and for other purposes; to the Committee on Armed Services, and in addition to the Committees on the Judiciary, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EMANUEL:

H.R. 4729. A bill to amend the Internal Revenue Code of 1986 to rename the earned income credit as the Ronald Reagan earned income credit; to the Committee on Ways and Means.

By Mr. ENGLISH (for himself and Mr. Visclosky):

H.R. 4730. A bill to maintain and expand the steel import licensing and monitoring program; to the Committee on Ways and Means.

By Mr. GERLACH (for himself and Mrs. Tauscher):

H.R. 4731. A bill to amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program; to the Committee on Transportation and Infrastructure.

By Mr. GERLACH (for himself, Mr. Udall of Colorado, Mr. Holden, Mr. Otter, Mr. Miller of Florida, and Mr. Hostettler):

H.R. 4732. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received as damages and attorneys fees and costs under Federal whistleblower protection laws and to allow income averaging for amounts received as lost income; to the Committee on Ways and Means.

By Ms. HOOLEY of Oregon:

H.R. 4733. A bill to provide improved income security for members of the Individual Ready Reserve who are called to active duty; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JOHN:

H.R. 4734. A bill to amend the Indian Gaming Regulatory Act to include a definition of initial reservation and consultation, and for other purposes; to the Committee on Resources.

By Mr. LATHAM (for himself, Mr. Nussle, Mr. Boswell, Mr. Leach, and Mr. King of Iowa):

H.R. 4735. A bill to authorize the Secretary of Agriculture to make a grant to the World Food Prize Foundation to assist the Foundation in covering renovation expenses related to the World Food Prize, which is awarded to individuals who make vital contributions to improving the quality, quantity, or availability of food throughout the world; to the Committee on Agriculture.

By Ms. McCARTHY of Missouri (for herself, Mr. Rangel, Mr. Burton of Indiana, Ms. Slaughter, Mr. Doggett, Mr. Kucinich, Mr. Schiff, Mr. McIntyre, Mr. McGovern, and Ms. Millender-McDonald):

H.R. 4736. A bill to amend the Internal Revenue Code of 1986 to encourage the production of independent motion picture films in the United States; to the Committee on Ways and Means.

By Mr. MEEKS of New York (for himself, Mr. Israel, Ms. Lee, Mr. Towns, Ms. Eddie Bernice Johnson of Texas, Mr. Frank of Massachusetts, Mr. Nadler, Mr. Engel, Mr. Owens, Mr. Crowley, Mrs. Maloney, Mr. Bishop of Georgia, and Mr. Serrano):

H.R. 4737. A bill to provide additional exemptions from the community service requirement for a resident of a public housing project; to the Committee on Financial Services.

By Mr. MEEKS of New York (for himself, Mr. Israel, Ms. Lee, Mr. Towns, Ms. Eddie Bernice Johnson of Texas, Mr. Frank of Massachusetts, Mr. Nadler, Mr. Engel, Mr. Owens, Mr. Crowley, Mrs. Maloney, Mr. Bishop of Georgia, and Mr. Serrano):

H.R. 4738. A bill to provide that a resident of a public housing project who performs community service shall receive priority consideration for participation in economic self-sufficiency programs sponsored by a public housing agency, and for other purposes; to the Committee on Financial Services.

By Mr. MICHAUD (for himself, Mr. Allen, Mr. Bass, Mr. Sanders, and Mr. McHugh):

H.R. 4739. A bill to establish the Northeast Regional Development Commission, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEORGE MILLER of California (for himself, Ms. PELOSI, Mr. OWENS, Mr. LANTOS, Mr. PALLONE, Ms. LEE, Mr. HOEFFEL, Mr. SANDLIN, Mr. FRANK of Massachusetts, Mr. TIERNEY, Mr. FROST, Mr. MARKEY, Mr. DEFAZIO, Ms. SOLIS, Mr. BISHOP of Georgia, Ms. BALDWIN, Ms. WATSON, Mr. MEEHAN, Mr. BROWN of Ohio, Ms. WOOLSEY, Mr. VISCLOSKY, Ms. SLAUGHTER, Mr. MCDERMOTT, Ms. LINDA T. SÁNCHEZ of California, Ms. DELAURO, and Mr. KANJORSKI):

H.R. 4740. A bill to amend the Worker Adjustment and Retraining Notification Act to provide protections for employees relating to the offshoring of jobs; to the Committee on Education and the Workforce.

By Mrs. MYRICK:

H.R. 4741. A bill to suspend temporarily the duty on Diresul Brown CR Liquid Crude; to the Committee on Ways and Means.

By Mrs. MYRICK:

H.R. 4742. A bill to suspend temporarily the duty on Foron Blue S-BGL granules; to the Committee on Ways and Means.

By Mrs. MYRICK:

H.R. 4743. A bill to suspend temporarily the duty on Diresul Brown FS Liquid Crude; to the Committee on Ways and Means.

By Mrs. MYRICK:

H.R. 4744. A bill to suspend temporarily the duty on Diresul Tan RDT-RW Liquid; to the Committee on Ways and Means.

By Mrs. MYRICK:

H.R. 4745. A bill to suspend temporarily the duty on Diresul Brown GN Liquid Crude; to the Committee on Ways and Means.

By Mr. OWENS:

H.R. 4746. A bill to amend the Military Selective Service Act to terminate the registration requirement and the activities of civilian local boards, civilian appeal boards, and similar local agencies of the Selective Service System, and for other purposes; to the Committee on Armed Services.

By Mr. PALLONE:

H.R. 4747. A bill to ensure that the goals of the Dietary Supplement Health and Education Act of 1994 are met by authorizing appropriations to fully enforce and implement such Act and the amendments made by such Act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PORTER:

H.R. 4748. A bill to amend the Internal Revenue Code of 1986 to modify and make refundable the credit for expenses for household and dependent care services necessary for gainful employment; to the Committee on Ways and Means.

By Mr. PRICE of North Carolina (for himself, Mr. WAXMAN, Mr. SPRATT, Mr. MEEHAN, and Mr. CRAMER):

H.R. 4749. A bill to require accountability for personnel performing Federal contracts with private security contractors; to the Committee on Government Reform, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RENZI (for himself and Mr. HAYES):

H.R. 4750. A bill to require any uniforms purchased for the Border Patrol to be made in the United States; to the Committee on Government Reform.

By Mr. REYES (for himself, Mr. BELL, Mr. BRADY of Texas, Mr. DOGGETT, Mr. EDWARDS, Mr. FROST, Mr. GONZALEZ, Mr. GREEN of Texas, Mr. HALL, Mr. HINOJOSA, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LAMPSON, Mr. ORTIZ, Mr. RODRIGUEZ, Mr. SANDLIN, Mr. SESSIONS, Mr. STENHOLM, and Mr. TURNER of Texas):

H.R. 4751. A bill to redesignate the Rio Grande American Canal in El Paso, Texas, as the "Travis C. Johnson Canal"; to the Committee on Resources.

By Mr. SCOTT of Virginia (for himself, Mr. CONYERS, Ms. JACKSON-LEE of Texas, Mr. RANGEL, Mr. DAVIS of Illinois, Ms. LEE, Ms. KAPTUR, Mr. GREEN of Texas, Mr. FROST, Ms. WATSON, and Mr. MCDERMOTT):

H.R. 4752. A bill to amend title 18, United States Code, to award credit toward the service of a sentence to prisoners who participate in designated educational, vocational, treatment, assigned work, or other developmental programs, and for other purposes; to the Committee on the Judiciary.

By Mr. SMITH of Washington:

H.R. 4753. A bill to improve certain compensation, health care, and education benefits for individuals who serve on active duty in a reserve component of the uniformed services, and for other purposes; to the Committee on Armed Services, and in addition to the Committees on Government Reform, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SCHAKOWSKY (for herself, Mr. GRIJALVA, Mr. BELL, Ms. KAPTUR, Mr. WEXLER, Mr. STARK, Mr. SANDERS, Mr. KUCINICH, Mr. OWENS, Mr. RENZI, Mr. KIND, Mr. BLUMENAUER, Mr. MCGOVERN, Mr. CONYERS, Mr. PAYNE, Mr. BRADY of Pennsylvania, Ms. LEE, Mrs. JONES of Ohio, Mr. TOWNS, Mr. HINCHEY, Mr. GUTIERREZ, Mr. LANTOS, Ms. CARSON of Indiana, Ms. WATERS, Mr. MCDERMOTT, Ms. MCCARTHY of Missouri, Ms. BORDALLO, Ms. WOOLSEY, Mr. EMANUEL, Ms. MILLENDER-MCDONALD, Ms. ROYBAL-ALLARD, Mr. JACKSON of Illinois, and Mrs. CHRISTENSEN):

H. Con. Res. 468. Concurrent resolution expressing the sense of the Congress with respect to the world's freshwater resources; to the Committee on International Relations, and in addition to the Committees on Financial Services, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FERGUSON:

H. Res. 698. A resolution recognizing the 54th anniversary of the start of the Korean War and honoring the members of the United States Armed Forces; to the Committee on Armed Services.

By Mr. CONYERS (for himself, Ms. PELOSI, Mr. HOYER, Mr. MENENDEZ, Mr. CLYBURN, Mr. DINGELL, Mr. OBEY, Mr. RANGEL, Mr. WAXMAN, Mr. SKELTON, Mr. LANTOS, and Mr. HINCHEY):

H. Res. 699. A resolution directing the Secretary of State to transmit to the House of Representatives documents in the possession of the Secretary of State relating to the treatment of prisoners and detainees in Iraq, Afghanistan, and Guantanamo Bay; to the Committee on International Relations.

By Mr. CONYERS (for himself, Ms. PELOSI, Mr. HOYER, Mr. MENENDEZ, Mr. CLYBURN, Mr. DINGELL, Mr. OBEY, Mr. RANGEL, Mr. WAXMAN, Mr. SKELTON, Mr. LANTOS, and Mr. HINCHEY):

H. Res. 700. A resolution directing the Attorney General to transmit to the House of Representatives documents in the possession of the Attorney General relating to the treatment of prisoners and detainees in Iraq, Afghanistan, and Guantanamo Bay; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

381. The SPEAKER presented a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 5 memorializing the United States Congress to study and consider revising the income guidelines for senior citizens and reduce them by ten percent so that they may participate in or receive more assistance through the federal food stamp program; to the Committee on Agriculture.

382. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 68 memorializing the United States Congress, the Louisiana Congressional Delegation, and the United States Army Corps of Engineers to promptly close the Mississippi River Gulf Outlet in the manner contemplated by the Coast 2050 Plan and memorializing the United States Congress and the Louisiana Congressional Delegation to authorize the full funding capability of the United States Army Corps of Engineers for the Inner Harbor Navigation Canal lock project; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 156: Mr. CLYBURN.

H.R. 369: Mr. LEWIS of Georgia.

H.R. 734: Mr. GREEN of Texas and Ms. WATSON.

H.R. 742: Mr. GERLACH.

H.R. 745: Mr. WU.

H.R. 779: Ms. LOFGREN.

H.R. 839: Mr. SMITH of Washington, Mr. FORBES, Mr. RYUN of Kansas, Mr. WU, Ms. VELÁZQUEZ, Mr. UDALL of New Mexico, Mr. GREENWOOD, and Mr. MARKEY.

H.R. 846: Ms. LOFGREN.

H.R. 852: Mrs. CHRISTENSEN.

H.R. 918: Mr. KENNEDY of Minnesota, Mr. GRAVES, Mr. SCHROCK, Mr. CLAY, Mrs. JO ANN DAVIS of Virginia, and Ms. JACKSON-LEE of Texas.

H.R. 933: Mr. HALL.

H.R. 1002: Mr. BELL.

H.R. 1051: Mr. HALL.

H.R. 1083: Mr. FORBES, Mr. BEREUTER, and Mr. PLATTS.

H.R. 1205: Mrs. MCCARTHY of New York.

H.R. 1251: Mr. GRIJALVA.

H.R. 1428: Mr. DEAL of Georgia and Mr. FATTAH.

H.R. 1613: Mr. BECERRA, Mr. EMMANUEL, Mr. ANDREWS, and Mr. SCOTT of Georgia.

H.R. 1924: Mr. LAMPSON.

H.R. 2217: Mr. VITTER.

H.R. 2394: Mr. ROTHMAN.

H.R. 2808: Mr. VITTER.

H.R. 2843: Mr. Shimkus and Mr. Honda.

H.R. 2895: Mr. Kolbe, Mr. Souder, Mr. Miller of Florida, and Mrs. Musgrave.

H.R. 2900: Mr. Gingrey and Mr. Burns.

H.R. 2929: Mr. Israel.

H.R. 2934: Mr. Fossella.

H.R. 2959: Mr. Rogers of Kentucky and Mr. Wu.

H.R. 3014: Mrs. Tauscher.

H.R. 3111: Mr. Moore, Mr. Langevin, Mr. Thompson of Mississippi, Mr. Gordon, Mr. Radanovich, Ms. Pryce of Ohio, Mr. Menendez, Mr. LaTourette, Mr. Dingell, and Mr. Markey.

H.R. 3180: Mr. Sandlin.

H.R. 3235: Mrs. Northup.

H.R. 3310: Mr. Sam Johnson of Texas and Mrs. Northup.

H.R. 3317: Mr. Hoeffel.

H.R. 3482: Mr. Van Hollen, Mr. McCotter, and Mr. Wu.

H.R. 3539: Mr. Israel.

H.R. 3545: Mr. Nadler.

H.R. 3707: Mr. Davis of Illinois, Ms. Watson, Ms. Herseth, and Mr. Rahall.

H.R. 3729: Mr. Rodriguez, Mr. Van Hollen, Mr. Rahall, Mr. Hinchey, and Ms. Kaptur.

H.R. 3730: Mr. McGovern.

H.R. 3755: Mr. Hayes and Mr. Wynn.

H.R. 3799: Mr. King of Iowa.

H.R. 3805: Ms. Lee, Mr. Lantos, and Mr. Filner.

H.R. 3858: Mr. Ehlers.

H.R. 3865: Mr. Lewis of Georgia.

H.R. 3933: Mr. Shaw, Mr. Camp, and Mr. Dreier.

H.R. 3968: Mr. Gutierrez and Ms. McCollum.

H.R. 3989: Mr. Stark, Mr. Grijalva, Mrs. Christensen, Mr. Thompson of Mississippi, Ms. Watson, Ms. DeLauro, Ms. Woolsey, Ms. McCollum and Mr. Lewis of Georgia.

H.R. 4022: Mr. Weldon of Pennsylvania.

H.R. 4032: Mr. Frost and Mr. Rangel.

H.R. 4036: Mr. Thompson of Mississippi.

H.R. 4048: Mr. Vitter.

H.R. 4064: Mr. Camp, Mr. Stenholm, and Mr. Franks of Arizona.

H.R. 4093: Ms. Lee, Mr. Cummings, Mr. McDermott, and Mr. Payne.

H.R. 4116: Mr. Ross, Mr. Owens, and Ms. DeLauro.

H.R. 4126: Mr. Gillmor, Mr. Rogers of Michigan, Mr. Chabot, Mr. Turner of Ohio, Mrs. Cubin, and Mr. Vitter.

H.R. 4147: Mr. Lewis of Georgia.

H.R. 4161: Mr. Owens and Mrs. Emerson.

H.R. 4177: Mr. Doyle.

H.R. 4187: Mr. Aderholt.

H.R. 4192: Mr. Smith of Washingtron, Mr. Fattah, and Mr. Bishop of Georgia.

H.R. 4214: Mr. Vitter and Mr. Saxton.

H.R. 4225: Mr. Hoyer.

H.R. 4249: Mr. Thompson of California, Mr. Frank of Massachusetts, Mr. Waxman, Ms. Watson, Ms. Roybal-Allard, Mrs. Davis of California, Mrs. Napolitano, Ms. Linda T. Sánchez of California, Mr. Baca, and Ms. Lofgren.

H.R. 4304: Mr. Price of North Carolina.

H.R. 4306: Ms. Hart, Mr. Flake, and Mr. Carter.

H.R. 4346: Mr. Peterson of Minnesota, Mrs. Napolitano, Mr. Meehan, Mr. Case, Mr. Bishop of New York, and Mr. Tierney.

H.R. 4358: Mr. Camp.

H.R. 4383: Mr. Isakson and Mr. Collins.

H.R. 4387: Mr. Stark, Ms. Lee, and Mr. Lewis of Georgia.

H.R. 4391: Mr. Hinojosa and Ms. Roybal-Allard.

H.R. 4420: Mr. Smith of Texas, Mr. Manzullo, Mr. Sullivan, and Mr. Hayes.

H.R. 4469: Mr. Lewis of Georgia.

H.R. 4476: Ms. DeLauro, Mr. McGovern, Mr. Frank of Massachusetts, Mr. Brady of Pennsylvania, and Mr. Tierney.

H.R. 4479: Mr. Cummings and Mrs. Christensen.

H.R. 4491: Mr. Blunt, Mr. Bradley of New Hampshire, Mr. Boucher, Mr. Israel, Mrs. McCarthy of New York, Mr. Kennedy of Rhode Island, and Ms. Herseth.

H.R. 4498: Ms. Slaughter.

H.R. 4528: Mr. Feeney.

H.R. 4533: Mr. Kolbe and Mr. Cannon.

H.R. 4550: Mr. Meek of Florida, Mr. Owens, Mr. Frost, and Mr. McIntyre.

H.R. 4561: Mr. Kucinich.

H.R. 4571: Mr. Brady of Texas and Mr. Paul.

H.R. 4585: Mr. Bishop of Georgia, Mr. Kildee, Mr. Green of Texas, Mr. George Miller of California, Mr. Owens, and Mr. Frost.

H.R. 4595: Mr. Schiff, Mr. Ruppersberger, and Mr. Grijalva.

H.R. 4605: Mrs. Davis of California, Ms. McCollum, Mr. Case, Mr. Van Hollen, Mr. Scott of Virginia, and Mr. Meehan.

H.R. 4620: Mr. Filner, Mr. Simpson, Mr. Otter, and Mr. Neugebauer.

H.R. 4626: Mr. Jefferson, Mr. McDermott, Mr. Ruppersberger, and Mr. Boucher.

H.R. 4628: Mr. McGovern and Mr. Allen.

H.R. 4634: Ms. Ginny Brown-Waite of Florida, Mr. Garrett of New Jersey, Mr. Collins, Mr. Greenwood, and Mr. Vitter.

H.R. 4636: Ms. Bordallo and Mr. Boswell.

H.R. 4654: Mr. Manzullo.

H.R. 4655: Mr. Ryan of Ohio and Mr. Frost.

H.R. 4662: Mr. Linder.

H.R. 4673: Mr. Lewis of Georgia.

H.R. 4682: Mr. Ose.

H.R. 4685: Mr. Dingell.

H. Con. Res. 111: Mr. Pastor, Mr. Towns, and Mr. Walsh.

H. Con. Res. 126: Mr. Norwood.

H. Con. Res. 218: Mr. Renzi and Mr. Capuano.

H. Con. Res. 415: Mr. Berman, Mr. Udall of Colorado, Mr. Bereuter, Mr. McCotter, Ms. McCarthy of Missouri, Mr. Gallegly, Ms. Watson, Mr. Faleomavaega, Mr. Sherman, Mr. Wexler, Ms. Slaughter, Mr. Ballenger, Mr. Leach, Mr. Rohrabacher, Mr. Royce, Mrs. Jo Ann Davis of Virginia, Ms. Kaptur, Mr. Cardin, Mr. Burton of Indiana, Mr. Aderholt, Mr. Chabot, Mr. Bell, and Mr. King of New York.

H. Con. Res. 425: Mr. Saxton and Ms. Slaughter.

H. Con. Res. 462: Mr. Bilirakis.

H. Res. 129: Mr. Stark.

H. Res. 556: Mr. Wolf and Mr. Hinchey.

H. Res. 562: Mr. Rodriguez, Mrs. Napolitano, Ms. Solis, Mr. Ortiz, Mr. Gutierrez, Mr. Becerra, Mr. Gonzalez, Mr. Cardoza, Ms. Velázquez, Mr. Serrano, Mr. Menendez, Mr. Hinojosa, Mr. Pastor, Mr. Baca, Mr. Grijalva, Ms. Roybal-Allard, Mr. Acevedo-Vilá, Ms. Millender-McDonald, Ms. Carson of Indiana, Mr. Clyburn, Mr. Towns, Mr. Meeks of New York, Ms. Norton, Mr. Wynn, Mr. Conyers, Ms. Corrine Brown of Florida, Ms. Jackson-Lee of Texas, Ms. Eddie Bernice Johnson of Texas, Mr. Sandlin, Mr. Turner of Texas, Mr. Hall, Mr. Doggett, Mr. Edwards, Mr. Stenholm, Mr. Frost, Mr. Bell, Mr. Green of Texas, Mr. Sessions, Mr. Brady of Texas, Mr. Ruppersberger, Mr. Boswell, Mr. Hunter, and Mr. Weldon of Pennsylvania.

H. Res. 596: Mr. Wilson of South Carolina, Mr. Kucinich, and Ms. Lofgren.

H. Res. 647: Mr. Cunningham and Mr. Jones of North Carolina.

H. Res. 654: Mr. Lantos, Mr. Payne, Mr. Rush, Mr. Ballenger, Mr. Weller, Mr. Rangel, Ms. Lee, Mr. Delahunt, Mrs. Jones of Ohio, Mr. McDermott, Mr. Farr, Mrs. Christensen, Mr. Cummings, Mr. Ford, and Mr. Jackson of Illinois.

H. Res. 687: Mr. Kucinich.

H. Res. 688: Mr. Abercrombie, Mr. Walsh, Mr. Ose, Mr. Mario Diaz-Balart of Florida, Mr. Lincoln Diaz-Balart of Florida, Mr. Carter, Mr. Cantor, Mr. Cox, Mr. Quinn, Mr. McCotter, Mr. Sweeney, Mr. LaTourette, Mr. Ney, Mr. McHugh, Mr. Shuster, Mr. Otter, Mr. Simpson, Mr. Latham, Mr. Lewis of California, Mr. Green of Wisconsin, and Ms. Harris.

H. Res. 689: Mr. Meehan.

H. Res. 695: Mr. Stark.

DISCHARGE PETITION—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 6, by Mr. TURNER of Texas on House Resolution 523: Chaka Fattah, John D. Dingell, and Adam Smith.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4614

Offered By: Ms. Eshoo

Amendment No. 6: At the end of the bill (before the short title), insert the following:

Sec. ___. None of the funds made available in this Act may be used to deny requests for the public release of documents or evidence obtained through or in the Western Energy Markets: Enron Investigation (Docket No. PA02–2), the California Refund case (Docket No. EL00–95), the Anomalous Bidding Investigation (Docket No. IN03–10), or the Physical Withholding Investigation.

H.R. 4614

Offered By: Mr. Inslee

Amendment No. 7: At the end of the bill, before the short title, insert the following:

Sec. ___. None of the funds made available in this Act may be used by the Department of Energy to make "waste incidental to reprocessing" determinations in order to reclassify high-level radioactive waste. For purposes of this section, the term "high-level radioactive waste" has the meaning given that term in the Nuclear Waste Policy Act of 1982.

H.R. 4614

Offered By: Mr. Meehan

Amendment No. 8: Page 23, line 5, after the dollar amount, insert "(reduced By $30,000,000)".

Page 23, line 16, after the dollar amount, insert "(increased by $30,000,000)".

EXTENSIONS OF REMARKS

PROVIDE VETERANS WITH BEST HEALTH CARE AND HIGHEST COMPENSATION

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Mr. ALEXANDER. Mr. Speaker, I rise today in the spirit of Independence Day to recognize the will and strength of our men and women in uniform as they fought in wars past and continue to maintain our commitment to democracy throughout the world. Our veterans are living examples of the ideals of our founding fathers and it is those same ideals that are inspiring a new generation of veterans.

More than 300 years ago, the first generation of American veterans fought a war to establish our sovereignty. Along with our independence came the understanding that America would need protection, and we would need a constant military force to ensure the preservation of these freedoms. Americans answered the call to duty, and the willingness of our troops to boldly go into harm's way in the defense of democracy has not wavered.

As our nation's veterans volunteered to risk their lives for our protection, our country and its leaders have an obligation to provide them with the care and resources they need and are entitled to once they retire. Veterans have made significant, personal sacrifices and have earned the very best we can offer them.

Yesterday marked the 60th anniversary of the GI Bill, an important step our leaders took to recognize the commitment we owe our veterans. Because of the GI Bill, our veterans were given assistance with the costs of a college education and helped with the purchase of a home or business.

A lot was done, but there is still much to do. Health benefits need improving, the Widow's Tax and Disabled Veterans Tax need ending and education benefits should still be expanded. We cannot increase their costs for health care, and we must not cut funding to their system.

George Washington said "the willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional to how they perceive the veterans of earlier wars were treated and appreciated by their nation." Our nation's veterans served and protected us, and they inspired the soldiers who responded to the call after them. They fought for our country, for the continued prosperity of our government, and once their service has ended, they should not have to fight the government for the benefits they deserve.

I call on my colleagues in Congress to continue to work together to provide veterans with the best healthcare and the highest compensation, as it is the least they have earned for their years of service.

PAYING TRIBUTE TO TAMERA BICKETT

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to the life and legacy of Tamera "Tami" Bickett of Powell Butte, Oregon. Tami bravely battled the Storm King Mountain Fire outside the town of Glenwood Springs, Colorado in 1994, but succumbed to the blaze along with thirteen fellow firefighters while working to protect the City. I personally served as a firefighter and understand the risks they face each and every day. Witnessing the awful inferno that fateful July day, I know Tami and her comrades battled the fire with the utmost courage and valor. With the tenth anniversary of the Storm King Fire approaching, I believe it appropriate to recognize the sacrifice Tami and the Storm King Firefighters made on behalf of a grateful community, state and nation.

Born and raised in Lebanon, Oregon, Tami was a competitive athlete in high school, participating on the cross-country and volleyball teams. In her senior year of high school, she represented her community as a Strawberry Festival princess. Tami joined the U.S. Forest Service in 1988, and was a Squad Boss for the Prineville Hotshots, an elite group of firefighters who specialize in wildland fire suppression. She enjoyed the challenging rigors of fighting fires, even when injuries sustained on the job made her work difficult. She was a dedicated member of her crew, and received a great deal of satisfaction from helping others. Above all, she was devoted to her family and friends.

Mr. Speaker, it is an honor to rise before this body of Congress and this nation to pay tribute to the life and memory of Firefighter Tamera Bickett. Tami personified the Hotshots credo of Safety, Teamwork and Professionalism; putting herself in harm's way for unfamiliar people and places. She made the ultimate sacrifice doing what she loved, and I, along with the Glenwood Springs community and the State of Colorado are eternally grateful to this brave young woman.

TRIBUTE TO BISHOP VERNON RANDOLPH BYRD

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Bishop Vernon Randolph Byrd, one of eight legendary leaders of the African Methodist Episcopal Church (AME) who will be retiring at this year Quadrennial Conference in Indianapolis, Indiana. A native of South Carolina, Bishop Byrd received a public school education. After graduating from Bell Street High School, he enrolled at Allen University, where he received the Bachelor of Arts degree. He later received a Master of Sacred Theology degree from Boston University.

Called to preach at the age of 12, Bishop Byrd was licensed to preach at the age of 17. His ministry included pastorates at Macedonia AME Church in Seaford, Delaware (1954–1959); St. Paul AME Church in Hamilton, Bermuda (1959–1966); and Macedonia AME Church in Camden, New Jersey (1979–1984). He also served as Presiding Elder of the Newark District from 1966–1967.

Bishop Byrd was elected the 105th Bishop of the African Methodist Episcopal Church at 1984 General Conference and was assigned the 14th Episcopal District. He initiated numerous projects under his administration—one in particular was the Frank Curtis Cummings Health Clinic, which was built in Monrovia, Liberia.

During his tenure he presided over the 16th, 13th, and 5th Episcopal Districts, where his mission continued to be saving souls for the building of God's kingdom. His motto is "Unless souls are saved, nothing is saved!" Bishop Byrd holds memberships in the NAACP, Phi Beta Sigma Fraternity, Inc., and the Royal Lodge of Scotland.

Bishop Byrd is married to Theora Lindsey Byrd. They are the parents of four.

Mr. Speaker, I ask you and my colleagues to join me in paying tribute to Bishop Vernon Randolph Byrd upon his retirement from the Bishopric. He has provided tremendous leadership for the AME Church, and his long history of educational leadership and service will influence future generations for ages to come. AME founder Richard Allen would be deeply proud of his Episcopal descendent.

A TRIBUTE IN HONOR OF 2004 LEGRAND SMITH OUTSTANDING TEACHER AWARD WINNER LOLA COLLINS OF PARMA, MICHIGAN

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Mr. SMITH of Michigan. Mr. Speaker, education is the key to our Nation's future prosperity and security. The formidable responsibility of molding and inspiring young minds to the avenues of hope, opportunity and achievement partially rests in the hands of our teachers. Today, I would like to recognize a teacher from Parma, Michigan that significantly influenced and motivated exceptional students in academics and leadership who were winners of the LeGrand Smith Scholarship.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Lola Collins teaches fourth and fifth grade at Parma Elementary in Parma. She is credited with instilling in students an enthusiasm for not only these subjects, but also for life. As one of her students, Kelli McCarrell, said, "She showed me how to be who I am, and not be afraid of experiences. Because she was my teacher for two years, she watched me grow up. Both of these years, she encouraged my curiosity for life and my energetic passion for knowledge—it is her influence that has helped me become who I am today." The respect and gratitude of her students speaks well of Lola's ability to challenge young minds and encourage them to always put forth their best effort.

Lola Collins' extraordinary work as a teacher has challenged and inspired countless students to move beyond the teenage tendency of superficial study and encourage them to foster deeper thought and connections to the real world. Arguably, no profession is more important because of its daily influence upon the future leaders of our community and our country, and Lola's impact on her students is certainly worthy of recognition.

On behalf of the Congress of the United States of America, I am proud to extend our highest praise to Lola Collins. We thank her for her continuing dedication to teaching and her willingness and ability to challenge and inspire students to strive for success.

PAYING TRIBUTE TO RICHARD TYLER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to the life and legacy of Richard Tyler of Grand Junction, Colorado. Rich bravely battled the Storm King Mountain Fire outside the town of Glenwood Springs, Colorado in 1994, but succumbed to the blaze along with thirteen fellow firefighters while working to protect the City. I personally served as a firefighter and understand the risks they face each and every day. Witnessing the awful inferno that fateful July day, I know Rich and his comrades battled the fire with the utmost courage and valor. With the tenth anniversary of the Storm King Fire approaching, I believe it appropriate to recognize the sacrifice Rich and the Storm King Firefighters made on behalf of a grateful community, state and nation.

Born and raised in Minnesota, Rich graduated from the University of Minnesota with a degree in forestry. He moved to Grand Junction in 1985 where he joined the Western Slope Helitack crew, a specialized group of firefighters who are often the first to respond to a wildland fire. Rich became the crew's foreman, always putting the safety of his crew first. He established the first heli-rappel program in the Rocky Mountain area, and was instrumental in developing the Forest Service's Interagency Helicopter Operations Guide. In 1994, he was recognized for his efforts by the Department of the Interior and received their National Aviation Safety Award. He was a good crew leader and received a great deal of satisfaction from helping others. Above all, he was devoted to his wife and son.

Mr. Speaker, it is an honor to rise before this body of Congress and this nation to pay tribute to the life and memory of Firefighter Richard Tyler. Rich was willing to put himself in harm's way for unfamiliar people and places. He made the ultimate sacrifice doing what he loved, and I, along with the Glenwood Springs community and the State of Colorado are eternally grateful to this brave man.

CELEBRATING GALESVILLE SESQUICENTENNIAL

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Mr. KIND. Mr. Speaker, it is with great pleasure that I rise before you today to honor the historic village of Galesville, Wisconsin. On June 26, 2004, Galesville will be celebrating its 150th anniversary, and activities will include the opening of a capsule that was buried fifty years ago on the town's 100th anniversary.

This quaint community in western Wisconsin overlooks Lake Marinuka and sits among rolling hills, towering cliffs, forests and spring-fed streams. The first settlers of the Galesville area were the Native Americans, who planted their history on the same soil the town of Galesville rests today. The influence of the Native Americans remains strong; this is apparent in the naming of Lake Marinuka, which was named after the legend of Princess Marie Nounko, who was the granddaughter of the Great Chief Decorah, the chief of the Winnebago tribe. Princess Marie's grave lies at the north end of the lake, where she was buried in 1884. In addition, the town of Galesville is blessed with a unique 100 year old bowstring bridge, located alongside the historic McGilvray Road.

Judge George Gale founded Gales College 150 years ago; soon after the town was born. In 1869, Rev. D.O. Van Slyke, circuit-riding preacher and Civil War veteran, believed Galesville was the biblical Garden of Eden because of its breathtaking surroundings. The term "Garden of Eden," is still fitting to those walking the streets of this quiet village.

Galesville's Apple Affair has become a major Trempealeau County event. Since 1983, this annual event takes place on the first Saturday in October as part of Wisconsin's effort to promote the state's apple orchards. The Apple Affair draws many families from throughout the region. From apple pie to caramel apples, this annual celebration is a wonderful time to enjoy the outdoors, as well as get to know the friendly people of Galesville.

The 150th anniversary of Galesville highlights what is good and important about rural America to our country. There are thousands of small rural communities across this Nation that form the backbone of rural life; these communities are the incubators of local commerce, politics, education, recreation, entertainment and faith of rural neighborhoods. The hardworking citizens of small town America are the builders of our great Nation.

I am pleased to congratulate the citizens of Galesville on their sesquicentennial, and believe it is important to recognize their unique contribution to the growth of western Wisconsin. I wish them happiness and prosperity during the next 150 years.

TRIBUTE TO BISHOP FREDERICK HILLBORN TALBOT

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Bishop Frederick Hillborn Talbot, one of eight legendary leaders of the African Methodist Episcopal Church (AME) who will be retiring at this year's Quadrennial Conference in Indianapolis, Indiana.

Bishop Talbot is a graduate of Allen University located in the Sixth Congressional District of South Carolina which I proudly represent in this august body. He also matriculated at Yale Divinity School, Pacific School of Religion, and Columbia Theological Seminary. He completed further postgraduate work at Teachers College, Columbia University, and as a Resident Fellow at Harvard University in the fall of 1989.

Bishop Talbot has served in the 6th, 16th, and 12th Episcopal Districts since being elected the 90th Bishop of the AME Church in 1972. He has also served as the denomination's Ecumenical Officer. Bishop Talbot currently serves in the 13th Episcopal District, which includes the States of Kentucky and Tennessee. He is second in the Church's seniority of Bishops.

In 1996, Bishop Talbot edited the Book of Original Prayers, which served as an official document for the 45th Session of the AME Church's General Conference. He also authored New Eyes for Seeing (1998), Walking Through A Service of Worship in the AME Church (2000), and God's Fearless Prophet (2002). Bishop Talbot has composed several tunes and texts—one of which was included in RISK, the worship book used by the World Council of Churches for its 5th Assembly held in Nairobi, Kenya. Three of his texts are found in the AME Church Hymnal.

Prior to being called to the ministry, Bishop Talbot served in the diplomatic service of his native land, the Government of Guyana. There, he was recipient of the coveted Cacique Crown of Honor (CCH) for meritorious service.

Bishop Talbot is married to Dr. Sylvia Ross Talbot of the U.S. Virgin Islands.

Mr. Speaker, I ask that you and my colleagues join me in paying tribute to Bishop Frederick Hillborn Talbot upon his retirement from the Bishopric. He has provided tremendous leadership for the AME Church and his long history of community leadership and church service will influence many generations for years to come.

A TRIBUTE IN HONOR OF 2004 LEGRAND SMITH OUTSTANDING TEACHER AWARD WINNER

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Mr. SMITH of Michigan. Mr. Speaker, education is the key to our Nation's future prosperity and security. The formidable responsibility of molding and inspiring young minds to the avenues of hope, opportunity and achievement partially rests in the hands of our teachers. Today, I would like to recognize a teacher from Jonesville, Michigan that significantly influenced and motivated exceptional students in academics and leadership who were winners of the LeGrand Smith Scholarship.

Judy Hale teaches College Prep English at Jonesville High School in Jonesville. She is credited with instilling in students an enthusiasm for not only these subjects, but also for life. As one of her students, Shea Scott Dow said, "She listens and gives advice to her students, she motivates and she maintains expectations. Because of these high expectations, I feel that I'm ready to go to college and be successful in my studies." The respect and gratitude of her students speaks well of Judy's ability to challenge young minds and encourage them to always put forth their best effort.

Judy Hale's extraordinary work as a teacher has challenged and inspired countless students to move beyond the teenage tendency of superficial study and encourage them to foster deeper thought and connections to the real world. Arguably, no profession is more important because of its daily influence upon the future leaders of our community and our country, and Judy's impact on her students is certainly worthy of recognition.

On behalf of the Congress of the United States of America, I am proud to extend our highest praise to Judy Hale. We thank her for her continuing dedication to teaching and her willingness and ability to challenge and inspire students to strive for success.

REGARDING THE 60TH ANNIVERSARY OF THE G.I. BILL

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Mr. FALEOMAVAEGA. Mr. Speaker, today, we honor the men and women who defended and protected our people, our country, and our families. In celebrating the 60th anniversary of the GI Bill, we express our strong sense of gratitude and thanks to the veterans who have served and sacrificed their lives for the freedom and democracy that we still enjoy today.

On June 22, 1944, President Franklin D. Roosevelt signed the Servicemen's Readjustment Act of 1944 also known as the G.I. Bill of Rights. This legislation was for veterans of World War II and it established veterans' hospitals, provided for vocational rehabilitation, made low-interest mortgages available, and granted stipends covering tuition and living expenses for veterans attending college or trade schools.

Subsequent legislation extended these benefits to veterans of the Korean War and the Readjustment Benefits Act of 1966 extended benefits to all who served in the Armed Forces even in peacetime. From 1944 to 1949, nearly 9 million veterans received close to $4 billion from the G.I. bill's unemployment compensation program. Education and training provisions existed until 1956, providing benefits to nearly 10 million veterans.

The Veterans' Administration offered insured loans until 1962, and these totaled more than $50 billion. In 1985, the Montgomery G.I. Bill (MGIB) became the newest federal program to provide education and training to our nation's veterans. The MGIB was one of the most important bills passed in its time and its influence is felt today. In 2003, for example, the Department of Veterans Affairs helped provide education or training for 322,754 veterans and active-duty personnel, 88,342 reservists, and 61,874 survivors.

In the past six decades, the GI Bill has continued to change in order to keep up with the needs of today's veterans. As of September 30, 2001, there are about 25.3 million veterans. There are also about 41.4 million family members and survivors of veterans. In addition, there are now more than 300,000 soldiers deployed in Iraq and Afghanistan and these numbers continue to increase.

The VA has become a potential source of benefits for almost one-fourth of the population of the United States. With the growing number of service members in Iraq and Afghanistan, the possible increase in the number of veterans requires us to consider new ways to increase their assistance and benefits.

While the GI Bill continues to assist with cost of college education, purchasing homes, farms, businesses, and also in finding jobs, the cost of living continues to increase. This is why we need to create legislation to improve health benefits and to make sure that education benefits offered by the GI bill are aligned with the rising costs of tuition. With the rising costs of housing, many veterans, especially those in expensive housing markets, also cannot afford average-priced homes.

Although we have done a lot, there are many more issues that need to be addressed. Therefore, as we acknowledge and celebrate the 60th anniversary of the GI Bill, I am hopeful that we will also honor our veterans by ensuring that we preserve and accomplish what the GI Bill promised.

TRIBUTE TO BISHOP VINTON RANDOLPH ANDERSON

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Bishop Vinton Randolph Anderson, one of eight legendary leaders of the African Methodist Episcopal (AME) Church who will be retiring this year at the Church's Quadrennial Conference in Indianapolis, Indiana.

Born in Somerset, Bermuda, Bishop Anderson attended private elementary schools in Bermuda, and received his Bachelor of Arts degree from Wilberforce University. He received a Masters of Divinity from Payne Theological Seminary in Ohio, and Masters of Arts in Philosophy from the University of Kansas.

Bishop Anderson was ordained an Itinerant Deacon in 1951 and an Itinerant Elder in 1952. At the 1972 General Conference held in Dallas, Texas, he was elected the 92nd Bishop of the AME Church. He has presided over the 15th, 9th, 3rd, 5th, and 2nd Episcopal Districts during his tenure. Bishop Anderson has also served as Bicentennial Chairman, Ecumenical Officer, and Chairman of the General Conference Commission.

Bishop Anderson's ecumenical involvements span worldwide. He is a member of the Executive Committee of the World Methodist Council and is past Vice Chairman of the North American Section encompassing the United States, Canada, Mexico, and the Caribbean. He is also past Chairman of the Committee on Religion and Society for the Global Economic Action Institute. Furthermore, Bishop Anderson has served as Chairman of Worship and Liturgy for the Consultation on Church Union. As Chairman, he provided leadership for the development of the Bicentennial Edition of the AME hymnal and the first Book of Worship. Bishop Anderson is a member of the General Commission of Christian Unity and Inter-religious Concern of the United Methodist Church; the Governing Board of the National Council of Churches; and the Advisory of the United States Office of the World Council of Churches.

Bishop Anderson is married to Vivienne L. Anderson. They have four sons.

Mr. Speaker, I ask that you and my colleagues join me in paying tribute to Bishop Vinton Randolph Anderson upon his retirement from the Bishopric. He has provided tremendous leadership for the AME Church and his long history of educational leadership and service will influence the lives of future generations for ages to come. Richard Allen the founder of the AME would be proud of his Episcopal descendant.

A TRIBUTE IN HONOR OF 2004 LEGRAND SMITH OUTSTANDING TEACHER AWARD WINNER JOHN W. MOODY OF JACKSON, MICHIGAN

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Mr. SMITH of Michigan. Mr. Speaker, education is the key to our Nation's future prosperity and security. The formidable responsibility of molding and inspiring young minds to the avenues of hope, opportunity and achievement partially rests in the hands of our teachers. Today, I would like to recognize a teacher from Jackson, Michigan that significantly influenced and motivated exceptional students in academics and leadership who were winners of the LeGrand Smith Scholarship.

John W. Moody teaches Mathematics and Physics at Concord High School in Concord, Michigan. He is credited with instilling in students an enthusiasm for not only these subjects, but also for life. As two of his students said, Matthew Wixson and Michael Horosko, "He takes time to explain something if I don't understand it, and he is always there to give a bit of wisdom. He has helped shape who I am and I will be forever grateful to him for that." And, "Mr. Moody taught me excellent math and science strategies, but even more important he taught me lessons about life. He is an excellent teacher, but even more so, a good friend." The respect and gratitude of his students speaks well of John's ability to challenge young minds and encourage them to always put forth their best effort.

John W. Moody's extraordinary work as a teacher has challenged and inspired countless students to move beyond the teenage tendency of superficial study and encourage them to foster deeper thought and connections to the real world. Arguably, no profession is more important because of its daily influence upon the future leaders of our community and our country, and John's impact on his students is certainly worthy of recognition.

On behalf of the Congress of the United States of America, I am proud to extend our highest praise to John W. Moody. We thank him for his continuing dedication to teaching and his willingness and ability to challenge and inspire students to strive for success.

STATEMENT ON VETERANS

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Mr. BACA. Mr. Speaker, 60 years ago Democrats fought to pass the GI bill. The GI bill provided assistance for veterans to pay for a college education, purchase a home, and find a job.

Today, Democrats are still fighting hard to make sure our veterans have the benefits they need. We are fighting to improve the health benefits for veterans, to end the Widow's Tax and the Disabled Veterans Tax.

Last year, I introduced the Department of Veterans Affairs Claims Backlog Reduction Act of 2003 to help the 450,000 veterans who have claims pending for federal benefits.

But as Democrats continue to fight for our veterans, Republicans continue to underfund the programs that are so important to our veterans. House Republicans have passed a budget that underfunds veterans health care by $1 billion, meanwhile they have managed to find room for more tax cuts for the wealthiest Americans.

Our brave men and women in uniform are serving our country. They are sacrificing for our freedom. It is our duty to make sure that they are taken care of when they return home.

Republicans have broken the promise the GI bill made 60 years ago.

Not one Republican has taken a stand against the Bush budget proposal.

Our soldiers are fighting our enemies abroad. They should not have to fight our government at home too.

TRIBUTE TO BISHOP HAMEL HARTFORD BROOKINS

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Bishop Hamel Hartford Brookins one of eight legendary leaders of the African Methodist Episcopal (AME) Church who will be retiring at this year's Quadrennial Conference in Indianapolis, Indiana.

Bishop Brookins was born in Yazoo City, Mississippi. He received a Bachelor of Arts degree from Wilberforce University in Ohio and a Bachelor of Divinity degree from Payne Seminary.

Prior to his election to the bishopric, Bishop Brookins pastored First AME Church in Los Angeles, California leading them through the building of a multi-million dollar cathedral. He also served as the first black president of the Wichita Ministerial Alliance. Bishop Brookins worked in the world of politics as manager and advisor helping to elect Thomas Bradley as Mayor of Los Angeles. He also served as president of the Southern Christian Leadership Conference (SCLC) Western Region, and as vice president of Operation PUSH. Further, Bishop Brookins founded the Martin Luther King Student Fund, organized the first Interfaith Service at the Hollywood Bowl, and also lead the Primary Convention to elect the first black city councilman and Second Convention to elect the first black school board member.

Elected at the 1972 General Conference held in Dallas, Texas, Bishop Brookins was assigned to the 17th Episcopal District. He was inspired by the people's struggle for freedom, and became an active participant in their cause. As a consequence, Bishop Brookins was barred from Rhodesia in 1975. He participated in the 6th Pan African World Congress in 1974. Bishop Brookins also served and revitalized the 5th Episcopal District by purchasing and building new churches, sending ministers to organize new churches in Southern California, and establishing an Economic Development Fund for the District. Bishop Brookins also served in the 2nd, 12th, and 13th Episcopal Districts, and is a past Ecumenical Officer.

Bishop Brookins is married to Rosalyn Kyle Brookins and they have three children.

Mr. Speaker, I ask that you and my colleagues join me in paying tribute to Bishop Hamel Hartford Brookins upon his retirement from the Bishopric. He has provided tremendous leadership for the AME Church and his long history of religious and political service and leadership will influence generations for many years to come.

THE MIDDLE EAST

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Mr. CAPUANO. Mr. Speaker, I rise today to express my views on the conflict in the Middle East.

I am deeply saddened by the seemingly endless bloodshed in the Middle East. The conflict has claimed the lives of too many innocent victims, Israeli and Palestinian alike. I have always believed and continue to believe that the United States has a role to play in assisting and supporting a negotiated peace in the region. I do not seek to assign blame but instead to ensure that we do all we can to achieve that end. I have no illusions that this conflict will be easily resolved, or that the United States can impose a solution—all we can do is urge the parties to make peace and support a process that offers some chance of success.

I support a two state solution to the conflict in the Middle East with Israel and Palestine coexisting as democratic states with secure, internationally recognized borders. Prime Minister Sharon's disengagement plan for an Israeli withdrawal from the Gaza strip and certain areas of the West Bank presents an opportunity to get the peace process moving again and to lay the foundation for an eventual Palestinian state. However, I do not believe that withdrawing from these areas, in and of itself, will bring peace. We, and others in the international community, need to work with Palestine to end terrorism and foster and build a strong, stable democracy. Until this goal is accomplished, I strongly support Israel's right to defend herself against attacks. Israel is currently building a security fence to block out suicide bombers and others wishing to harm Israelis. I have concerns over the placement of the fence in certain areas and it is my hope that this fence will be a temporary structure that can be dismantled when peace is achieved. Lastly, I believe that all final status issues, including final borders and refugee issues, must be negotiated by the parties and supported by all nations committed to peace, so that Israel and Palestine can feel confident that their agreement will endure.

I fear that the issue of peace in the Middle East will be brushed aside during campaign season. We must not merely call for peace, we must make it a priority. To this end, I have sent a letter, which I have attached and will submit for the record, to President Bush asking that he appoint two individuals, a Democrat and a Republican, to help the parties seek peace and set forth a practical agenda for doing so. This dramatic gesture would remove peace-seeking from partisan politics and make plain to the world that Americans are united in their commitment to finding a peaceful solution. I personally am determined to do all that I can to ensure that this issue remains at the forefront of U.S. foreign policy and that progress is made toward finding a peaceful resolution.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
June 7, 2004.

President GEORGE W. BUSH,
The White House, 1600 Pennsylvania Avenue, Washington, DC.

DEAR MR. PRESIDENT: I am writing to you because I believe that the United States must, as it has in the past, take action to advance the cause of peace between Israelis and Palestinians. I do not seek to assign blame, but to end the bloodshed.

Prime Minister Sharon's disengagement plan presents an opportunity that ought not to be lost by inaction. I share your conviction, expressed last month, that "all final status issues must still emerge from negotiations between the parties. . .'' I share, too, your belief that the United States has a role to play in fostering such negotiations. The suffering is acute, for both Israelis and Palestinians. Insofar as we can help bring the parties together, we ought to take action now. Our good offices should not be suspended because of the election campaign.

Therefore I respectfully urge that you appoint two Americans, a Republican and a Democrat, to help the parties seek peace. I would not presume to dictate your choice: there are wise and just men and women in both parties. I ask that you select a bi-partisan pair and offer their services to Prime Minister Ariel Sharon and Prime Minister Ahmed Qureia, to meet with them, together or separately, to set forth a practical agenda for seeking peace.

Sincerely,

MICHAEL E. CAPUANO,
Member of Congress.

IN MEMORY OF MERLE F. PETERSON

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Mr. ROSS. Mr. Speaker, Congressman MARION BERRY and I rise today to honor the memory of Merle F. Peterson of Dumas, AR. Strong leadership, vision, concern for others, and philanthropy were enduring legacies left by Merle Peterson. He died on March 19, 2004 after having served his nation, state and Dumas with distinction.

After graduating with an electrical engineering degree from Arkansas State University, he came to Dumas in April of 1939 to operate a service station his father had bought. In November of that year, he was married to Deloris Ellegood, and together they built a successful Ford automobile business.

When Mr. Peterson volunteered for the Army Air Force in 1942, he rose to captain and served overseas three years with a bomber squadron in Africa and Italy. His wife kept the business operating during those years. After selling the Ford dealership in 1976, they continued their business and farming operations through Peterson Enterprises and jointly led in service and philanthropic endeavors for over 64 years.

After World War II, Mr. Peterson realized that Dumas faced major economic challenges in order to prosper. With other Dumas leaders, he worked to establish an industrial foundation and organized a drive to buy land for development as an industrial park.

Mr. Peterson founded Dumas State Bank, now Simmons First, and was its board chairman. His financial acumen led him to serve on the boards of the Arkansas Development Finance Authority, State Chamber of Commerce, and Economic Development Fund of Arkansas.

Fully devoted to his church, First United Methodist of Dumas, he was active in the Methodist Men's Class, chaired the administrative board and many committees, and served in important roles in the Little Rock Conference.

A mainstay of the Chamber of Commerce and the Lions Club, he was chosen Citizen of the Year in 1952, and 50 years later was still working with enthusiasm for projects to benefit Dumas. An early supporter of Arkansas Community Foundation, he was a founding board member of Dumas Area Community Foundation. He and his wife established scholarships at the University of Arkansas at Monticello and Dumas High School.

A loyal Democrat, he served as a state senator from 1960 through 1966, was chairman of the County Committee for 10 years, and was a volunteer staff member for Governor Bill Clinton for 12 years. He was a leader in the Clinton gubernatorial and presidential campaigns, and was named to the U.S. Electoral College in 1996. He received the Arkansas Democrats' top award in 1994.

Many state leadership and service accolades were bestowed on Mr. Peterson, but he always credited the people of Dumas for their support. He served for the betterment of many and leaves a huge legacy to fill.

TRIBUTE TO BISHOP JOHN HURST ADAMS

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Bishop John Hurst Adams, one of eight legendary leaders of the African Methodist Episcopal (AME) Church who will be retiring at this year's Quadrennial Conference in Indianapolis, IN.

Bishop Adams was born in Columbia, SC, where he now lives after years of serving congregations and communities across our Nation. He grew up in the Waverly neighborhood of Columbia, which is located in the Sixth Congressional District which I proudly represent in this august body. He attended Waverly Elementary School, Booker T. Washington High School and John C. Smith University in Charlotte, NC. Bishop Adams continued his education at the Boston University School of Theology, Harvard School of Divinity, and Union Theological Seminary.

Bishop Adams began his ministry with a small congregation in Lynn, MA. He taught at Payne Theological Seminary in Ohio and later served as President of Paul Quinn College in Texas for 6 years and as Chairman of the Board for 8. During his years at Paul Quinn College, the school received accreditation from the Southern Association of Colleges and Schools (SACS) and saw many new building renovations and improvements.

Bishop Adams next served as pastor at First AMEC in Seattle. From Seattle, Bishop Adams went to Los Angeles where he pastored Grant AMEC in the Watts section of Los Angeles. It was also in Los Angeles that Bishop Adams was elected the 87th Bishop of African Methodism.

Upon his election, Bishop Adams served the Tenth Episcopal District in Texas and later left his mark on the Second Episcopal District in the Mid-Atlantic States. Under his leadership, 40 new congregations sprouted throughout the district. From there, he served the Sixth Episcopal District in Georgia where he served as Chairman of the Board of Trustees for Morris Brown College, Turner Theological Seminary, Interdenominational Theological Center and the Atlanta University Center. He also served on the Centennial Olympic Committee.

I was very proud when Bishop Adam's service called him to the Seventh Episcopal District in South Carolina, in 1992, to serve over the State's 609 AME churches. He arrived in South Carolina just in time to play a pivotal role in my election to this body. Bishop Adams currently serves the Eleventh Episcopal District, encompassing Florida and the Bahamas.

Bishop Adams is a strong believer that people must join together to do what they cannot do alone. To that end, he has founded the Congress of National Black Churches, the Institute on Church Administration and Management in Atlanta, Georgia; the Richard Allen Service and Development Agency in Washington, DC; and the Educational Growth Organization in Los Angeles, CA. He continues to serve on many Boards including that of the Interdenominational Theological Center, Institute on Church Administration and Management, Joint Center for Political Studies, Children's Defense Fund Black Community Crusade for Children, National Black United Fund, Industrial Area Foundation, National Urban League, and the Palmetto Project.

Bishop Adams has received many fitting honors and awards throughout his 25 years as Bishop. In 1996, he was awarded South Carolina's highest citizen honor, the Order of the Palmetto, in recognition of his contributions to the State.

Bishop Adams is married to his partner in the ministry, Dr. Dolly Adams of New Orleans, Louisiana. They have three daughters and five grandchildren.

Mr. Speaker, I ask you and my colleagues to join me today in honoring Bishop John Hurst Adams whose spirit, belief, and kindness have moved communities to action across the Nation. He is a roll model, a friend, an outstanding leader and a great American. His retirement from the Bishopric creates a void that will be hard to fill.

HONORING MARK BEELER ON HIS RETIREMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Mr. GORDON. Mr. Speaker, I rise today to congratulate Mark Beeler on his retirement from the Trousdale County Agricultural Extension Service. Mark is a resident of Hartsville, TN, which I have the pleasure of representing in Tennessee's Sixth Congressional District.

For 27 years, Mark has been a dedicated employee of the Ag Extension Service, but the agency has been in his blood for much longer. His father, H.Y. Beeler, is a retired extension agent from Williamson County. Mark began his own career in Hickman County before transferring to Trousdale County in 1981.

In addition to his commitment to Ag Extension, Mark has been a first-rate public servant.

As a member of Hartsville's Volunteer Fire Department, he has championed fire-safety education programs. In fact, Mark was instrumental in establishing fire-safety education in the local school system and day-care facilities.

I applaud Mark and all that he has accomplished. He and his coworkers at Trousdale County Ag Extension have made certain that Middle Tennessee farmers have access to the latest technology and techniques. I am sure the Hartsville community will be sad to see him go, but I know I join with them in wishing him a very happy retirement.

RECOGNIZING AND ENCOURAGING ALL AMERICANS TO OBSERVE 40TH ANNIVERSARY OF THE DEATHS OF ANDREW GOODMAN, JAMES CHANEY, AND MICHAEL SCHWERNER, CIVIL RIGHTS ORGANIZERS

SPEECH OF

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 2004

Mr. OWENS. Mr. Speaker, this House must be applauded for the passage of the Resolution (H. Con. Res. 450) I introduced to honor the civil rights martyrs: Andrew Goodman, James Chaney, and Michael Schwerner. These young men were true martyrs, nonviolent and self-sacrificing for the highest ideals. In contrast to the suicide bombers who call themselves "martyrs" while taking lives, these heroes placed themselves at risk in order to save lives. The fact that their passion and dedication was expressed in non-violent actions made them no less courageous and brave fighters. On this fortieth anniversary of their lynching it is important that we hold up to our youth and to the world these examples of three "greatest" American men.

THE ANGELS CRIED

The day Chaney, Schwerner and Goodman died
Was a day the angels cried:
Heroes who laid down their lives,
Courage recorded for eternal archives.
Medals of honor belong to the brave
Who take no lives but struggle to save
The credo of justice for all;
Build them a three person Memorial Wall.
Suicide bombers look down and see
True martyrs who won great glory
In the war for ideals
Fought past Mississippi cotton fields;
Three sacrificed the full measure of devotion,
Murder of enemies is an obsolete notion,
Love is a weapon of overwhelming emotion.
Sound the trumpet again and again
Appreciate the sacrifice of three greatest American men.
The day Chaney, Schwerner and Goodman died
Was a day angels in heaven cried.

IN RECOGNITION OF THE 40TH ANNIVERSARY OF THE PETUNIA FESTIVAL

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. HASTERT. Mr. Speaker, I have the great honor and privilege of representing the city of Dixon, Illinois. Dixon encompasses all that is good in America. It's a place that puts a great emphasis on the importance of family and friendship. Mom-and-Pop businesses are often passed down from generation to generation and its citizens continue to honor traditions from years past. For that reason, I rise today to recognize one of these long and celebrated traditions—the 40th anniversary of the Petunia Festival.

In 1830, Father John Dixon purchased land in the western parts of Illinois and soon began ferrying people across the Rock River to settle the area that would later be named after its founder. Unfortunately, in the 1950s a combination of Dutch Elm disease and major highway expansion resulted in the removal of all trees along the community's major roadways.

Nonetheless, in 1960, a small group of residents, better known as the Dixon Men's Garden Club, grew tired of the arid landscape and planted 4,000 petunias along South Galena Avenue to enhance the aesthetic beauty of the small Midwestern town. The following year, the Garden Club planted 6,000 more petunias, this time along North Galena Avenue.

Each year since, the residents of Dixon pay tribute to the Dixon Men's Garden Club by planting and caring for 24,000 petunia plants, which now extend along all major streets throughout the town.

In recent years, Dixon has received much attention for their annual Petunia Festival celebration. In fact, in 1999, the 91st General Assembly of Illinois passed a resolution declaring the city of Dixon, Illinois, the "Petunia Capital of Illinois." In addition, the fun-spirited festival has earned the town national recognition and is often referred to as the "Petunia City" by passing travelers.

Once again, I want to congratulate the city of Dixon as it celebrates its 40th anniversary of the Petunia Festival and wish its citizens, and my constituents, all the best in the years to come.

TRIBUTE TO LCDR BRUCE D. CLEMONS, UNITED STATES NAVY

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. YOUNG of Florida. Mr. Speaker, I rise to pay tribute to Lieutenant Commander Bruce D. Clemons who leaves his active duty assignment with the United States Navy this month after seven years of service to our Nation and to the U.S. House of Representatives.

Dr. Clemons' last assignment in the Navy was as the Senior Medical Officer at the Office of the Attending Physician here in the United States Capitol. In that position, he has provided invaluable medical assistance to my colleagues and me in the House and Senate, to the members of our staffs, and to the hundreds of thousands of visitors. All who came into contact with Dr. Clemons will agree that he served with an unmatched level of commitment and professionalism.

This dedication to duty and service yielded many honors for Dr. Clemons. These include the Navy Commendation Medal, the Navy Achievement Medical, the Navy Unit Commendation, and the National Defense Service Medal with Bronze Star. Perhaps the honor that best reflects his medical ability and coolness under pressure is the U.S. Public Health Service Crisis Response Award that he recently received for his work in responding to the Anthrax bioterrorism attacks on the United States Capitol. His immediate actions in the face of grave, unknown danger prevented the potential loss of life and serious illness for those exposed to the deadly Anthrax spores. In addition to providing medical care, he helped develop a comprehensive plan to deal with the crisis both in the short and long-term, and he calmly provided valuable information to members and staff who were or may have been exposed to these toxins.

Mr. Speaker, Bruce Clemons has been an outstanding sailor, doctor, and friend. My colleagues in the House appreciate his service to the Navy and to the United States Congress. We will greatly miss Bruce and want to wish him and his wife Catherine and their two children Abigail and William all the best as they continue Bruce's medical career in central Virginia.

IN HONOR OF DONALD J. CAMPBELL, RETIRING DIRECTOR OF NASA GLENN RESEARCH CENTER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Donald J. Campbell—admired and respected businessman, community leader, and friend and mentor to countless—upon his retirement following 10 years of exemplary service as the Director of the National Aeronautics and Space Administration's (NASA) Glenn Research Center at Lewis Field in Cleveland, Ohio.

Under his tenure as Director, Mr. Campbell carried out the mission of the NASA Glenn Research Center with great focus, vision, and dedication. He easily garnered the admiration of the entire staff at NASA Glenn. Moreover, Mr. Campbell forged strong partnerships with local and national business leaders, political leaders, and educational institutions, including historically black colleges and universities. These unbreakable bonds that radiate outward from NASA Glenn Research Center inspire countless young adults to follow their dreams of exploring careers in aeronautics, elevate our community's interest and understanding of aeronautics, and serve to support and enhance numerous educational opportunities for students within our community. As the only African American NASA Center Director during his tenure, Mr. Campbell served as an inspiration to numerous young Americans to remain focused on their academic and professional dreams, despite barriers or challenges along the way.

Beyond his professional accomplishments, Mr. Campbell continues to take an active role within our community. He is a member of the board of directors of the American Red Cross and is a member of the Kent State University Aeronautics Division Advisory Board. Mr. Campbell has been honored numerous times for his significant career in public service, including the Affirmative Action Award from the Ohio Martin Luther King, Jr. Holiday Commission, and the Technical Excellence in Government and Engineer Award from the National Technical Association.

Mr. Speaker and colleagues, please join me in honor of Mr. Donald J. Campbell, as we recognize his significant contribution to NASA Glenn Research center and to our entire community. His work, expertise and dedication has enhanced and fortified the cornerstone of technology within our region. More importantly, it has served to provide tangible educational opportunities and limitless dreams of possibility for the young people of our community. I extend best wishes of peace, health and happiness to Mr. Campbell and his family, today, and throughout all of his future endeavors.

HONORING THE WHARTON FIRE DEPARTMENT OF MORRIS COUNTY, NEW JERSEY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor the Wharton Fire Department, in Wharton, Morris County, New Jersey, a patriotic community I am proud to represent! On June 5, 2004 the good citizens of Wharton celebrated the Fire Company's Centennial Anniversary with special festivities and a parade.

For one hundred years, the Wharton Fire Department has been protecting and serving the residents of their community. Established by the collective efforts of the property owners in the Borough of Wharton, the ordinance "to provide for, establish and regulate a fire department in the Borough of Wharton" was declared law by Mayor Harry J. Williams on February 15, 1904. The ordinance designated a Chief, First Assistant Chief and Second Assistant Chief. It also called for the formation of three companies: the Active Hose Company with twenty members, the Independent Hook and Ladder Company with forty members, and the Board of Fire Wardens composed of twenty members. A list of names were read and approved on April 4, 1904. Charles Hance was the first Chief of the Wharton Fire Department, Robert Oram was approved as the first Assistant Chief and John McKenna was approved as the Second Assistant Chief.

To get started, the Wharton Fire Department borrowed two two-wheeled, hand drawn hose carriages from first Assistant Chief Robert Oram. Soon after, the Fire Department ordered a hose cart and a hand drawn hook and ladder truck. Several other hose carts and horse-drawn ladder trucks were purchased until the first gasoline-motorized piece of equipment, an "REO" fire truck, was purchased and put into use in 1916.

The first means of alerting the firemen to an emergency was by striking large locomotive rims located in several sections of town. Then, in December 1904, an 8-inch steam whistle was installed at the Hurd Mine. After the mine was closed, the whistle was transferred to the furnace and then to the Gunther Silk Mill, This trusty steam whistle was used until 1918 when a manually controlled electric siren was installed in a cupola atop the Borough Hall. In 1929, the first of 19 fire alarm boxes were installed on street corners across the Borough. In the 1950's, additional electronic sirens were installed as the population of the town increased: Today, every Saturday at noon, the fire alarm system is tested by the four sirens still in use. But the Department is dispatched, by home radio receivers and personal pagers.

To commemorate the Wharton Fire Department's 100th Anniversary, the Borough hosted fire companies from all over New Jersey and the surrounding area on June 5, 2004. The Wharton Fire Department has always been known for its marching ability and its drill team, and first marched in August of 1907 in nearby Hackettstown. The Department won its first prize in 1908 and today over 200 trophies adorn the walls of their firehouse.

The Wharton Fire Department has grown over the years to meet the changing demands of the town and to incorporate the newest firefighting and lifesaving technologies. From its charter members to its current roster, the membership of the Wharton Fire Department has over the last century dedicated itself to the safety and welfare of Wharton's good citizens. Wharton's firefighters, dedicated public servants, past and present, are to be commended for a job well done.

Mr. Speaker, I urge you and my colleagues to join me in congratulating the volunteers of the Wharton Fire Department on the celebration of 100 years of a rich history in the protection of one of New Jersey's finest municipalities.

HONORING THE FIREFIGHTERS WHO SAVED LAKE ARROWHEAD

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. LEWIS of California. Mr. Speaker, it is my pleasure today to call attention to the federal, state and local firefighters whose bravery and quick thinking saved thousands of homes and many lives in the San Bernardino Mountains of California last year. Representatives of these community heroes are in town this week for well-deserved national recognition from the U.S. Department of Agriculture, and I would like to add my voice to the acclaim they are receiving.

My colleagues have heard me say many times on this floor that we are facing a terrible crisis in our Southern California forests. Years of drought have weakened the trees, and allowed the pine bark beetle to attack and kill millions of them—leaving hundreds of acres ready to burn at any time. More than 100,000 of my constituents live among these trees, and their lives and safety are at risk until we remove these dead and dying trees.

In October last year, the disaster we feared struck California—and struck and struck again. Within days, fires were consuming tens of thousands of acres in San Bernardino, Los Angeles, San Diego and Ventura counties. In my district, a fire started in the foothills and spread to 100 acres within ten minutes. In less than an hour, it became clear that nearby communities would need to be evacuated. By nightfall the Old Fire consumed over 4,000 acres of land. It destroyed 400 homes and was responsible for two fatalities before the day was out. Ultimately, nearly 1,000 homes were lost.

As dawn arrived on October 26, Fire Incident Commander Norm Walker was contemplating the distinct possibility of the worst-case scenario: fire reaching the 40,000 homes in the Lake Arrowhead community. Mandatory evacuations of all of the mountain communities began. Resources were stretched to the absolute maximum, due to other fires burning throughout the state.

The San Bernardino Mountains rise steeply to 10,000 feet above the city, and running along the face of the mountains between 5,000 feet and 7,000 feet is the famous Rim of the World Highway, State Route 18. This is also the last point where the fire could be stopped before roaring into the millions of dead trees in and around our mountain communities. By evening on October 26, the main fire crossed Highway 18, and the order was given to begin backfiring along the highway across the mountain rim to the east. The northeast winds were predicted to shift, which would push the flames north across Highway 18 and directly into the community of Lake Arrowhead.

Four highly trained firefighters in a unified command, Randy Clauson (USFS), Jim Ahearn (USFS), George Corley (San Bernardino County Fire), and Bill Bagnell (Crest Forest Fire) initiated the difficult, strenuous firing operation at 9:00 pm using limited personnel. Except for radio communication, these four on-the-scene chiefs were largely on their own. Every member of their teams faced the possibility of being caught by 100-foot walls of flame that were sweeping up the mountains. But they stayed the course for the next two days—and the success of their operation is evidenced by the fact that nearly all of the mountain homes were spared.

Mr. Speaker, there is no doubt in my mind the heroic, exhausting efforts of these four individuals over the course of three days resulted in saving thousands of homes and billions of dollars of infrastructure around Lake Arrowhead. Anyone who has seen photos of the conditions along Highway 18 during the height of the fire is in awe of the courage and fortitude of these firefighters, and mountain residents will be forever grateful for saving their homes.

In honor of those efforts, the fire chiefs on Friday will receive the U.S. Department of Agriculture Honor Award for heroism and emergency response. I ask my colleagues to please join me in congratulating them on this recognition, and thanking them for representing the highest level of bravery and resourcefulness in defending and saving our communities.

SYMPATHIES TO FAMILY AND FRIENDS OF LANCE CORPORAL PEDRO CONTRERAS

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. GREEN of Texas. Mr. Speaker, I rise today to extend my deepest sympathies to the family and friends of Lance Corporal Pedro Contreras.

Lance Cpl. Contreras was a constituent of the 29th District of Texas, and a true hero, who died on June 21, 2004 while serving his country in the Al Anbar Province, Iraq.

Pedro Contreras joined the Marine Corps on May 7, 2001, five years after graduating from Galena Park High School.

Lance Cpl. Contreras was a rifleman assigned to the 2nd Battalion, 4th Marine Regiment, 1st Marine Division of the 1st Marine Expeditionary Force based in Camp Pendleton, California, where he earned several honors, including the National Defense Service Medal and the Sea Service Deployment Ribbon.

Pedro Contreras leaves behind his two parents, Jose and Angela Contreras, and three brothers.

I know his parents, family and friends are devastated by this loss, but they should be proud of the great man Pedro Contreras had become and that he died a hero while serving his country.

His loss will be felt by all of our community, and I ask that you remember the Contreras family in your thoughts and prayers.

TRIBUTE TO COMMANDER CHRISTOPHER A. RHODEN, USN

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. YOUNG of Florida. Mr. Speaker, I rise today to recognize and pay tribute to an outstanding Naval Officer, Commander Chris Rhoden, to recognize his service to our Nation and the Navy as he leaves the Pentagon to pursue his first love, commanding a Naval ship.

On behalf of my colleagues in the House and on the Appropriations Committee, I want to take this opportunity to thank him for his distinguished and dedicated service.

It was through his assignment with the Navy's Appropriations Liaison office that I first came to know Commander Rhoden. In this capacity, he served as an invaluable liaison for the Secretary of the Navy and the Chief of Naval Operations to me, the members of my committee, and our staff.

In addition to providing timely and accurate information on budget matters, Commander Rhoden also has escorted me and other Members of Congress on several occasions as we traveled both home and abroad to review military operations and confirm the health and welfare of our troops. He provided special insight on matters of national security, naval shipbuilding, and the direct relationship between the two. His candor, intelligence, and steadfast devotion to duty, was always very much appreciated and he was an invaluable asset to me during deliberations regarding funding programs for our armed forces. His perspective on the needs of the Nation with respect to our sea services provided me with the clarity and detail I needed to make important decisions regarding appropriations for the Department of Defense.

In addition to the respect I have for the work Commander Rhoden did in representing the Navy, I also thank him for the calm demeanor and sense of humor he shared with us all. Chris has become a mentor and friend to me and to my family, and for that I will always be grateful. It is this same sense of purpose and professionalism that I am confident will make Commander Rhoden a tremendous role model for those who serve under his command.

Mr. Speaker, it is my honor to recognize Commander Rhoden for his distinguished service to our nation. My wife Beverly and I have the highest respect for those who serve in uniform, and I appreciate and honor all the men and women who have served, and continue to serve, in defense of freedom. Recalling our national anthem, to our veterans and Armed Forces, I say, we would not be "the land of the free" were we not also the "home of the brave."

Mr. Speaker, My colleagues and I want to express our thanks and appreciation for the special contribution Commander Rhoden has made to the United States Navy. We wish him and his family continued success and the traditional naval wish of "Fair winds and Following seas" as he closes out his service to the Congress and continues toward the pinnacle of Naval service, command at sea of a United States warship.

PERSONAL EXPLANATION

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. HOLT. Mr. Speaker, I want to explain why I voted against the Rapid Acquisition Authority for Combat Emergencies Bill (H.R. 4323), when it was added to the suspension calendar for a vote earlier this week.

During the past year, we have seen repeated examples of waste, fraud, and abuse in contracts awarded by the U.S. Defense Department to the Halliburton Corporation and other military contractors that have poorly served our troops and the American taxpayers. Not only do I lack confidence that such procurement sloth has stopped, those of us in Congress who have called for in-depth congressional investigations have been stonewalled.

In light of this dismal track record, Congress should not open the door even wider and provide even greater authority for the Pentagon to award lucrative contracts to contractors without competition and with even less scrutiny and congressional oversight. Nevertheless, H.R. 4323 would waive existing safeguards against war profiteering and other contract abuses.

Congress is already moving to authorize and appropriate up to $1.2 billion to provide additional equipment for our troops in every instance where critical shortages have been identified. That is one of the important reasons why I voted in favor of the FY 2005 Defense Authorization Bill, when the House passed it last month.

Finally, the supporters of this bill claim it is needed to cut through existing, cumbersome Pentagon acquisition regulations to respond to urgent needs of our troops in combat emergencies. But there is mounting evidence to the contrary. I believe the equipment shortages among some of our troops in Iraq during the past year resulted from poor pre-war planning and serious miscalculations in the Pentagon by the architects of Operation Iraqi Freedom. Quite simply, U.S. Army war planners didn't issue enough purchase orders, before the invasion of Iraq was launched, to ensure that all of our troops on the ground in Iraq had what they needed during the conventional combat phase of this conflict. Those mistakes and the equipment shortages they caused became even more costly since President Bush announced the end of combat in Iraq on May 1, 2003, and the nature of the military threat changed and the armed insurgency expanded. This Congress should act to address those mistakes, not use them as an opportunity to hand out more no-bid contracts.

I believe H.R. 4323 could actually make a bad situation worse.

IN HONOR OF EDWARD LICHT

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. KUCINICH. Mr. Speaker, I rise today in tribute to Mr. Edward Licht, Bailiff for the Garfield Heights Municipal Court, as he is being honored as the Regional Court Officer of the Year by the Ohio Bailiff and Court Officers Association.

A life-long resident of Cuyahoga County, Mr. Licht served as a Special Agent with the U.S. Treasury Department for twenty-five years. During his tenure as Special Agent, Mr. Licht assisted in the investigation, apprehension and conviction of criminals involved in major gambling, illegal drug and money laundering operations. For his invaluable service, Mr. Licht was honored with several awards, including two Special Achievement awards, One Superior Service award, and an Honorable Mention for Outstanding Community Service award. Since 1999, Mr. Licht has held the position of Baliff with the Garfield Heights Municipal Court. His unwavering integrity, outstanding communication abilities and strong work ethic continues to uplift all facets of this regional court system.

Beyond his significant professional contributions, Mr. Licht continues to volunteer his time and talents within our community. He continues to be an active member of the Democratic Party within our community. A long-time member of the Cuyahoga County Democratic Party, Mr. Licht currently serves as Deputy Treasurer. He has also been very active in the Independence Democratic Party for many years, as a member and an officer. Moreover, Mr. Licht continues to make an impact upon the lives of many as a volunteer probation officer with the Bedford and Garfield Heights court systems. His positive outlook and kind nature, combined with his sense of compassion and wonderful sense of humor, continuously serves to uplift those around him.

Mr. Speaker and Colleagues, please join me in honor and recognition of Mr. Ed Licht, upon being selected as the Regional Court Officer of the Year. Mr. Licht's professional contribution to our federal and regional justice system—reflected by strong ethics and a high level of integrity, continues to be significant and invaluable. Moreover, Mr. Licht's concern for his community and commitment to the democratic process continues to instill strength and integrity throughout the Democratic Party, and serves to strengthen our entire community.

HONORING EXEMPLARY EDUCATOR KATHY PUTMAN

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. STARK. Mr. Speaker, I rise today to recognize Kathy Putman, an exemplary educator, who is retiring after forty years in the classroom at John F. Kennedy High School in Fremont, California. Immediately after graduating from San Jose State University, Kathy's career in education began at Kennedy High School.

She was among the first instructors when the new high school was opened in 1965. Teaching Government and Economics to high school seniors at Kennedy High School is the only job Kathy has ever had. She was only a couple of years older than her first students. Over the decades, she has taught many children of former students in her class.

For years Kennedy High School had a contest for "Most Popular Teacher." Kathy won so often the contest was discontinued. Each year her yearbook is filled with the penned thoughts of adoring students. Thousands of young Fremont students have passed through her classroom where the walls are covered with photographs and notes from former students. Assuming Kathy had 200–300 students a year, for 40 years, this adds up to between 8,000–12,000 students she has touched during her career.

I, along with former Congressman Don Edwards, California Attorney General Bill Lockyer and a host of political and civic leaders have been privileged to speak to students in Kathy's government classes. She was a true believer in exposing her students to firsthand experiences in government. She encouraged student involvement and referred her students to my office for internships.

I have never met a more experienced, committed or enthusiastic teacher. Kathy is a model for all educators to follow. I commend her on her 40 years of outstanding service. Kathy has left an indelible mark on her students and the community of Fremont and her contributions will be long remembered and felt with utmost respect.

CREATION OF THE FHA

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. FRELINGHUYSEN. Mr. Speaker, 70 years ago this month, Congress approved the National Housing Act that created the Federal Housing Administration (FHA) and President Roosevelt signed into law on June 28, 1934.

The value of FHA can not be overstated. For decades it has insured mortgage loans to help over 33 million families own their own home. The FHA has continuously been a critical resource in helping make home ownership available and more affordable. In fact most recent data shows, the nation's homeownership rate soared to an all time high of 68.1 percent. I have long been a supporter of the FHA program and believe that it is critical for unlocking the door to homeownership for so many Americans.

Mr. Speaker, my Congressional district has the unique distinction of being home to the first FHA Insured Mortgage approved for a house in the United States.

Let me take you back to the 1930's. Our country was in the midst of the Great Depression. It is estimated that in 1933 there were 1,000 foreclosures per week! In my home state of New Jersey homeownership rates were declining. In fact, between 1930 and 1940 they fell 9 percent. A loaf of bread cost about nine cents and a dozen eggs went for 27 cents. In Morris County, the average rental paid $55 a month for a large house.

Mr. Speaker, It was during this economic climate that President Roosevelt signed the National Housing Act into law with the intention of broadening home ownership, protecting lending institutions and stimulating the economy.

James A. Moffett was appointed the first FHA Administrator and it is under his leadership that on December 18, 1934, the Newkirk family received the first FHA Mortgage for the completion of construction of their house at 30 Hopper Avenue in Pompton Plains, Morris County, New Jersey.

Pompton Plains is located in the Eastern part of Morris County and is part of Pequannock Township. At that time, Pequannock was 7 square miles of land, had 2,104 residents and was comprised mostly of farmland and apple orchards. Today Pequannock Township is home to approximately 14,000 residents.

Mr. Newkirk purchased the land at 30 Hopper Avenue and built a home for his wife, son and himself. It is estimated that the land and house cost just under $10,000. The FHA loan, at $4,800 covered approximately 50 percent of the cost of the house.

Since the house was built, it has changed hands three times and is now owned by Trevor and Catherine Smallwood who purchased it on July 3, 2003 for $470,000.

Today this house still stands at 30 Hopper Avenue. While 70 years have passed the house looks much the same, a structure rich in history, standing for the dream of homeownership, a dream that we continue to work to ensure every American can achieve

Mr. Chairman, I ask you to join me in recognizing and celebrating this truly historic house and all that it stands for.

FEDERAL, STATE AND LOCAL PLANNING SAVED 100,000 LIVES IN CALIFORNIA WILDFIRE

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. LEWIS of California. Mr. Speaker, I have already asked my colleagues today to recognize the bravery of firefighters who saved 40,000 homes in last year's devastating wildfires. But I would now like to also pay tribute to an unprecedented effort at planning and organization by federal, state and local officials that allowed the evacuation of 100,000 people threatened by fire—without a single injury or a major hitch!

Many of the heroes of this planning effort were on the front lines fighting the Old Fire, which eventually burned 91,000 acres and destroyed nearly 1,000 homes in October 2003. But their work to avoid a devastating loss of life began more 18 months earlier with the formation of the Mountain Area Safety Task Force, known throughout the San Bernardino Mountains as the MAST.

San Bernardino National Forest Supervisor Gene Zimmerman initiated the formation of the MAST to deal with an on-going crisis: the death of more than 5 million trees because of drought and attacks by pine bark beetles. The forest, which is largely in my 41st Congressional District, is one of the most urbanized and heavily used in the nation, with nearly 100,000 residents and visitors living amongst the trees. The chance for a devastating fire is overwhelming, and it will take many years and hundreds of millions of dollars to eliminate the danger.

It became clear that the task of restoring the forest—and avoiding the loss of thousands of lives in a fire—would require the coordinated efforts of the Forest Service, the state Department of Forestry and Fire, San Bernardino County Fire Department, and dozens of local fire departments, community groups and businesses. Such a coordination effort had never been undertaken on such a comprehensive scale, and the organizational hurdles alone were daunting.

But the mountain communities, while divided into dozens of small pockets by geography, are populated by people who look out for each other, and who are united in their devotion to the forest. Hundreds of residents turned out for every informational meeting, and officials from agencies at all levels made the coordination of effort their top priority.

With the substantial help of the geographic information systems company ESRI, the MAST established elaborate plans on how to evacuate residents along the few main highways that snake through the forest. Dozens of community meetings were held, and residents had access to an Internet Web site created free-of-charge by ESRI that provided even more detailed information.

When the Old Fire struck in October 2003, our worst fears seemed about to be realized. The fire appeared to be unstoppable before it reached the stands of dead trees. Within a day, the order went out to evacuate, even as the firefighters made valiant stands to stop the fire along the evacuation routes. The success of the planning process was soon clear: No one was injured in the evacuation. Although six deaths were attributed to the fire, none of our residents were caught in their homes like those who suffered tragic deaths in San Diego County.

Mr. Speaker, the MAST continues to meet and plan for the restoration of the forest and the upcoming fire season. While some progress has been made in reducing the number of dead trees, the fire danger remains high. Thanks to the extraordinary efforts of this group, I am confident that we will be prepared to meet that danger.

The members of the MAST—represented by Supervisor Zimmerman and San Bernardino National Forest Staff Director Doug Pumphrey—will be honored this Friday with a U.S. Department of Agriculture Honor Award. This award is without question highly deserved, and I ask my colleagues to join me in congratulating and thanking those who took part in this life-saving effort.

INTRODUCTION OF THE GERIATRIC AND CHRONIC CARE MANAGEMENT ACT OF 2004

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. GREEN of Texas. Mr. Speaker, I rise today to introduce the Geriatric and Chronic Care Management Act, an important piece of legislation that would authorize Medicare coverage of geriatric assessment and care management for eligible Medicare beneficiaries.

Americans are living longer than ever, with the average life expectancy rising to 80 years-old for women and 74 years-old for men. While this is a positive development, there are costs associated with the aging of America. As seniors live longer, they face greater risks of disease and disabilities, such as Alzheimer's, diabetes, cancer, stroke and heart disease.

Geriatricians are physicians who are uniquely trained to help care for the aging and elderly. By promoting a comprehensive approach to health care, including wellness and preventive care, geriatricians can help seniors live longer and healthier lives.

It is critical that our nation have a sufficient number of geriatricians to help manage the aging of the baby-boom generation. Unfortunately, there are currently only 9,000 certified geriatricians, and that number is expected to decline dramatically in the coming years. Of the approximately 98,000 medical residency and fellowship positions supported by Medicare in 1998, only 324 were in geriatric medicine and geriatric psychiatry. The Alliance for Aging Research estimates that the U.S. will need approximately 36,000 geriatricians to counter the aging population.

However, significant barriers exist that prevent physicians from entering geriatrics. A MedPac survey found that Medicare's low reimbursement rates serve as a major obstacle to recruiting new geriatricians. Due to their higher level of chronic disease and multiple prescriptions, seniors require additional care to ensure proper diagnosis and treatment. Medicare's reimbursement rates do not factor the complex needs of elderly patients. Because geriatricians treat seniors exclusively, they are especially affected by Medicare's low reimbursement rates.

The legislation I am introducing today would remedy this problem, so that Medicare beneficiaries can more effectively manage their chronic diseases. The Geriatric and Chronic Care Management Act would utilize the existing Medicare fee-for-service system to provide a new, limited assessment and care management benefit to beneficiaries with multiple chronic conditions. I urge all of my colleagues to join me as cosponsors of this important legislation.

PERSONAL EXPLANATION

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. BERMAN. Mr. Speaker, I was unavoidably detained and unable to cast several rollcall votes. Had I been present, I would have voted "no" on rollcall No. 286, "no" on rollcall No. 287, "yes" on rollcall No. 288, "yes" on rollcall No. 289, and "yes" on rollcall No. 290.

REGARDING THE SECURITY OF ISRAEL AND THE PRINCIPLES OF PEACE IN THE MIDDLE EAST

SPEECH OF

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Ms. LEE. Mr. Speaker, as always, I remain steadfastly committed to the security of Israel, the safety of its citizens and its right to exist. I am unable to support this resolution, however, because I believe it will contribute to further instability in the region. Further, it will not successfully resolve the underlying conflict. I strongly believe in Israel's right to exist and I have been and remain committed to the two state solution set forth in the Roadmap for peace; as former Prime Minister Rabin said: You must make peace with your enemies, not your friends. One cannot impose peace through unilateral actions.

Sadly, Mr. Speaker, the resolution before us deviates from that Road Map. It does so in a manner that is not calculated to end the violence against Israelis. It does nothing to promote meaningful negotiations, and further undermines the role of the United States as an honest broker—our most important role. It is not for Congress—or for the Administration—to prejudge or predetermine the question of Israeli settlements or the final boarders envisioned by a final status agreement; that issue should be negotiated by the Israelis and Palestinians. For these reasons, I am unable to support this resolution. I fear that the policies it reflects will lead to greater harm and not to a resolution of the conflict—nor safety for civilians—that its sponsors may believe.

TRIBUTE TO SCOTT LILLY

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. YOUNG of Florida. Mr. Speaker, I rise today to pay tribute to a dedicated public servant. Scott Lilly has spent 31 years serving the House of Representatives. Scott's career in Congress started in 1973, coincidentally, the same year I was appointed to the Appropriations Committee. While he has held many distinguished positions during his long tenure in the House, most of his time was spent working in some capacity for the House Appropriations Committee.

Scott started and ended his career working for my friend and Ranking Member, DAVID OBEY. He had a brief tenure as the Clerk and Staff Director of the House Appropriations Committee and has spent the last nine years as director of the minority staff of the committee.

Scott is an unapologetic liberal and we have vigorous debates and differences in our committee. But Scott never allowed a political dispute to become personal. We could have a knock down drag out fight in committee and after it was over Scott and the staff from both sides of the aisle would retire to the Committee's appointed space and enjoy an adult beverage. There was never any lingering ill will or hard feelings.

Scott is a consummate professional. His knowledge and expertise of appropriations matters is rivaled by few. He is a shrewd floor tactician and legislative strategist. Scott will now be able to spend more time in the academic world, a world where he is able draw on his great intellect and wealth of Congressional experience. Our loss is his students' gain. Every class he teaches will be enriched by his thoughtful consideration of complex political and policy questions.

Scott will be sorely missed. I can say with confidence that he will not miss our long markups, our late night conferences and the marathon sessions on the floor. He is a great patriot, a great public servant and a great appropriator. I wish him all the success in his future endeavors.

IN HONOR OF OUR UNITED STATES VETERANS AND THE WESTSIDE VETERANS CENTER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of all veterans of the 10th Congressional District of Ohio—for their service, bravery, and dedication on behalf of our country. Most significantly, we stand in tribute and remembrance of those veterans who have made the ultimate sacrifice when they answered the call to duty.

The lives of many veterans and their families have been uplifted by the outreach efforts of the Westside Veterans Center—a haven of services, programs and assistance focused on the psychological, medical and economic needs of more than 44,000 veterans who live in the 10th Congressional District of Ohio. The Westside Veterans Center, located in Parma, Ohio, celebrated the opening of the McCafferty outstation in 1998. The McCafferty Outstation remains focused on addressing the needs of Hispanic American and African American veterans who live within our Westside communities. Reflective of their commitment to serve our diversified community, the Westside Vet Center and McCafferty Outstation both employ bilingual staff.

The services provided by the Westside Veterans Center and the McCafferty Outstation Center is the least we can do on behalf of our veterans—our brothers, sisters, sons and daughters, mothers, fathers and grandfathers—thousands of whom have made significant sacrifices and suffered great losses during and after their unwavering service to our country.

Mr. Speaker and Colleagues, please join me in honor, tribute and gratitude to the men and women of our armed forces—let us forever remember their service, sacrifice and sense of duty—yesterday, today, and for generations to come.

HONORING THE BASKING RIDGE FIRE COMPANY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor The Basking Ridge Fire Company No. 1, of Bernards Township in Somerset County, New Jersey, a vibrant community I am proud to represent! On June 26, 2004 the good citizens of Basking Ridge are celebrating the Fire Company's Centennial Anniversary with special festivities and a parade.

For one hundred years, the Basking Ridge Fire Company No. 1 has been protecting and serving the residents of their community. The initial impetus to start a volunteer fire company in 1904 came from a spectacular barn fire and the opening of a new school. The Wickenhaver barn burned while residents watched, helpless to do anything to quench the flames. Four horses lost their lives and the influential people in town took notice of how ill prepared they were to deal with fire. The new school had just opened on Maple Avenue, and that also increased the importance of having the ability to deal with fire. Charles Wickenhaver's descendants still serve as active volunteers with the Fire Company.

A committee to establish a volunteer fire company was assigned and met on June 17, 1904. They established the general goals and objectives of the organization and determined what was necessary to get started. The following week, on June 24, 1904, they chartered the Basking Ridge Hose Company. Early actions included establishing committees to research buying or making firefighting equipment such as wagons, ladders, and lanterns. Each member paid dues to fund the organization. They also elected the first officers of the company; Chief Walter Allen, Treasurer Charles M. Allen, Secretary Raymond A. Henry, Warders Harry W. Bennett and Frank S. Happe.

Membership requirements were simple and reflected the physical challenges of firefighting and the social mores of the times. Members needed to be men between the ages of 18 and 45, in good health, and to live within one and a half miles of the village green. Members were called to action by the ringing of the church bell in the Presbyterian Church and had to live close enough to hear the bell and respond quickly.

The first piece of apparatus for the new Hose Company was a hand pulled hose cart and 500 feet of hose donated by the Basking Ridge Improvement Society. The Fire Company proudly displays this hose cart at special events and gatherings. Soon after, the Company approved the purchase of fabric fire buckets for 5 cents each and the construction of several ladders and a cart upon which to carry the ladders and buckets. Lumber and materials for the construction of the ladders and cart were donated by M.F. Ellis, Robert C. Bishop, and David Y. Moore.

In 1906, the Basking Ridge Hose Company incorporated under the laws of New Jersey as a volunteer Fire Company, renaming itself the Basking Ridge Fire Company No. 1, Inc. Men and horses pulled the equipment to fire scenes until the first motorized fire apparatus was purchased in 1911. Basking Ridge's first fire truck was a Moline Motor Car, a 40 horsepower contraption that carried six men. The first Fire House was built by resident volunteers at the corner of Henry and South Maple in 1905 at a total cost of $600. It was replaced by a brick structure in 1915.

The Basking Ridge Fire Company No. 1 has grown over the years to meet the changing demands of the town and to incorporate the newest firefighting and lifesaving technologies. In 1985 the company moved into a new headquarters at 30 Washington Avenue. The Company operates three fire engines (purchased in 1986/97, 1992 & 2003 respectively) a heavy rescue truck (acquired in 1997), and increased from one to two ambulances in 1988. The entire roster numbers over fifty people although only approximately 35 are active firefighters/EMTs. The Company remains all-volunteer and responds to over 900 requests for help, fire and first aid, a year as well as serving at numerous civic events.

Mr. Speaker, I urge you and my colleagues to join me in congratulating the volunteers of the Basking Ridge Fire Company No. 1 on the celebration of 100 years of a rich history in the protection of one of New Jersey's finest municipalities.

A TRIBUTE IN HONOR OF 2004 LEGRAND SMITH OUTSTANDING TEACHER AWARD WINNER MELISSA SOUVA OF BRONSON, MICHIGAN

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. SMITH of Michigan. Mr. Speaker, education is the key to our Nation's future prosperity and security. The formidable responsibility of molding and inspiring young minds to the avenues of hope, opportunity and achievement partially rests in the hands of our teachers. Today, I would like to recognize a teacher from Bronson, Michigan that significantly influenced and motivated exceptional students in academics and leadership who were winners of the LeGrand Smith Scholarship.

Melissa Souva teaches Agricultural Science at Bronson High School in Bronson, Michigan. She is credited with instilling in students an enthusiasm for not only these subjects, but also for life. As one of her students, Bobby Jo Ludwick said, "Mrs. Souva has taught me the importance of good leadership and community service. The self-confidence that I've gained from her support will play a role in my life every day. She has taught me that I can make a difference. I thank her for making a difference for me." The respect and gratitude of her students speaks well of Melissa's ability to challenge young minds and encourage them to always put forth their best effort.

Melissa Souva's extraordinary work as a teacher has challenged and inspired countless students to move beyond the teenage tendency of superficial study and encourage them to foster deeper thought and connections to the real world. Arguably, no profession is more important because of its daily influence upon the future leaders of our community and our country, and Melissa's impact on their students is certainly worthy of recognition.

On behalf of the Congress of the United States of America, I am proud to extend our highest praise to Melissa Souva. We thank her for her continuing dedication to teaching and her willingness and ability to challenge and inspire students to strive for success.

COMMENDING DR. LARRY MILLER ON HIS OUTSTANDING SERVICE TO HIS COMMUNITY AND UPCOMING RETIREMENT AS SUPERINTENDENT OF MILLVILLE PUBLIC SCHOOLS

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. LoBIONDO Mr. Speaker, I rise today to commend Dr. Larry Miller on his long and distinguished service to his community, and congratulate him on his upcoming retirement as superintendent for Millville Public Schools on July 1, 2004.

Dr. Miller has been a strong advocate for the educational community of Southern New Jersey for the past forty-one years. He personally has given his time and energy to better the educational system on behalf of his students. I am happy to say that Dr. Miller's leadership and tireless advocacy were recognized recently when he was chosen as the New Jersey Superintendent of the Year for 2004. His hard work has set a high standard for all educators and community leaders to follow.

Dr. Miller rose up through the ranks of the Millville Public Schools, and has left a trail of positive change and enthusiastic accomplishments. I would like to congratulate Dr. Miller, and thank him on behalf of the people and students of New Jersey's Second Congressional District for a job well done. I hope he enjoys every bit of his retirement, he certainly deserves it.

TRIBUTE TO SERGEANT MAJOR RALPH GUERRERO, JR.

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to Sergeant Major Ralph Guerrero, Jr. who on June 24, 1974, enlisted in the United States Marines Corps and will officially retire today after 30 years of honorable and distinguished service. Sergeant Major Guerrero leaves the Marines Corps as one of the most respected and accomplished member of our armed forces.

A native of San Fernando, California, Sergeant Major Guerrero was born on July 14th 1956, and graduated from San Fernando High School in June 1974. Sergeant Major Guerrero and his wife Silvia P. Gomez have a son, Ralph III, and a daughter, Chyenne. Sergeant Major Guerrero is the quintessential local success story.

After he graduated from the Marine Corps Recruit Depot, San Diego, CA and completed Infantry Training School at Camp Pendleton, CA, Sergeant Major Guerrero embarked on a successful Marine Corps career. From his participation in the evacuation of South Vietnam and Cambodia; to his amphibious reconnaissance training; to his. assignment to Marine Corps Recruit Depot San Diego California, where he served as a Drill Instructor, Senior Drill Instructor, Chief Drill Instructor and was meritoriously promoted to Gunnery Sergeant; Sergeant Major Guerrero has proven himself a critical team player.

Sergeant Major Guerrero's leadership and expertise were vital to the Marine Corps during his deployment to El Salvador as an Advisor to a Battalion of Salvadorian Marines. During his subsequent deployments, including: Operation Desert Shield, Operation Desert Storm, Operation Sea Angel, Operation Restore Hope, Operation Noble Eagle and his visits to Marines in Afghanistan and Uzbekistan in support of Operation Enduring Freedom his contributions were invaluable. His exemplary leadership skills proved critical to the Marine Corps during his tour of duty at Headquarters Battalion, Headquarters Marine Corps, where he served as the Command and the Military District of Washington Sergeant Major. During this tour, Sergeant Major Guerrero was a member of the FY99 E–8/E–9 selection board, Chairman Senior Enlisted Advisory Community for USO, a member of the Board of Director's for USO and Navy Marine Corps Relief Society, and a member of the Foreign Joint Services NonCommissioned Officer Associations.

In July 1999, Sergeant Major Guerrero was assigned to a Major Marine Corps command, as the Sergeant Major for Marine Corps Air Station, Iwakuni Japan. In 2001, he was assigned as the Sergeant Major for the 1st Marine Aircraft Wing. These important assignments were evidence of the great respect and trust he had earned.

Sergeant Major Guerrero is deservedly highly decorated. He has earned the Legion of Merit, the Meritorious Service Medal with 2 Gold Stars in lieu of 3rd Award, the Navy Achievement Medal with Gold Star in lieu of 2nd Award, the Presidential Unit Citation, the Combat Action Ribbon with 4 gold stars in lieu of 5th Award, the Korean Defense Service Medal, the Military Outstanding Volunteer Service Medal with Bronze Star in lieu of 2nd Award, the Vietnam Service Medal with bronze star in lieu of 2nd award, the Southwest Asia Service Medal with 3 bronze stars in lieu of 4th award, the Kuwaiti Liberation Medal and various Unit Awards.

Sergeant Major Guerrero has worked to raise the public's awareness of the many contributions the military makes to the local community. He has also committed himself to working with schools to help increase appreciation for our armed forces among school children.

It is my distinct pleasure to ask my colleagues to join me in saluting Sergeant Major Guerrero for his distinguished 30 years of service to country, to congratulate him on his retirement and to wish him the very best in the years ahead.

60TH ANNIVERSARY OF THE ENACTMENT OF GI BILL

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mrs. McCARTHY of New York. Mr. Speaker, sixty-years ago today, President Franklin Roosevelt signed into law the Servicemen's Readjustment Act of 1944, known thereafter as the GI Bill.

This piece of legislation promised those who served their country an education, aid in finding employment, help toward home ownership, and proper healthcare. What President Roosevelt accomplished in his four terms in office was extraordinary; the effects of which are still felt today. High among this list of accomplishments is the signing into law of the GI Bill, with which President Roosevelt rewarded this country's heroes by educating, aiding and caring for them.

In the six decades since the GI Bill's inception, large numbers of troops have been sent to the beaches of Normandy, the Sea of Japan, Korea, Vietnam, the deserts of the Gulf and the Indian peninsula. What remains is sixty-years of sacrifice and battle scars, each a distinct imprint of the high cost of democracy and independence.

To repay their efforts, we have granted stipends for their college education and doctors for their wounds, offered them aid in housing and provided training for jobs. We have dedicated millions of dollars toward programs geared to enhance their lives through knowledge, healthcare and job growth. Still, the trade-off will forever remain wanting.

Countless young men and women enter into the armed services every year. My state of New York is home to over 1.2 million veterans, with another 26,000 servicemen and women on Reserve and Active duty and over 4,000 enlisted with the National Guard. It is for these honorable adults and those across the nation that we pledge to fund and aid the programs created sixty years ago. These national heroes have defended the freedoms enjoyed by every American citizen from the time of the Revolutionary War. There are millions of men and women who rely upon this, risk life and limb, and make the commitment to our country and fellow citizens.

It is distressing that this occasion be marked with such unfortunate and ironic efforts to lessen the GI Bill. This as a day meant for respectful remembrance, to all that has been and will be accomplished by those who served in combat. I see a tremendous amount to be proud of in this bill, what it stands for and what it means for all Americans. Sixty years ago, this country invested a great deal into this bill. I believe what we received in return can be measured in far more than dollar signs.

Despite our best intentions, we as Americans find ourselves asking for the same sacrifice from our young men and women as our relatives did six decades prior. 1944 was a year worn by war. Sadly, 2004 will be as well. The service men and women earned the title "greatest generation", from the sacrifice of World War II. The contributions of today's men and women will one day merit such praise as well; praise that can now be enhanced and aided by the continued emphasis in favor of the same GI Bill that aided to the success of the generations since 1944.

HONORING LIEUTENANT JAMES P. LEARY

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. HOEFFEL. Mr. Speaker, I rise today to honor Lieutenant James P. Leary who is celebrating his retirement from the Abington Police Department after nearly 30 years of faithful and devoted service.

Lt. Leary has served in many different capacities during his tenure on the Abington force, working as Watch Commander, Platoon Commander, K–9 Commander, and Auxiliary Service Commander. After joining the department in 1974, he quickly ascended the ranks, receiving a promotion to Sergeant in 1979 and then to Lieutenant in 1981.

His dedication to the community has never faltered, even during his toughest assignment in 1996. In that year, Abington Township fell victim to a severe flood and Lt. Leary worked tirelessly with residents, community leaders, and municipal government agencies to help the area recover. Lt. Leary faced another difficult challenge when he and five patrol officers rescued two severely burned children from a burning building. Bringing those children to safety has been the proudest accomplishment of Leary's career.

In addition to his service to the Abington community as a member of the Police Department, Lt. Leary served his country as a Sergeant in the 5th Special Forces Airborne in Vietnam. He and his wife Martha are the proud parents of four sons and two daughters. Lt. Leary actively participates in the community, where he enjoys spending time with family and friends, and has served for 15 years as the Defensive Coordinator and League Commissioner for the CYO Football Program.

Our community has been privileged to have such a devoted servant and it is my pleasure to congratulate Lieutenant Leary on his retirement. I wish him all the best as he moves on to his new position as Chief of the Rockledge Borough Police Department.

THE FISHERIES MANAGEMENT REFORM ACT OF 2004

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. RAHALL. Mr. Speaker, as Ranking Member of the Committee on Resources, today I am introducing a bill that would bring the management of our Nation's ocean fisheries into the 21st century. In this regard, I am pleased to note that the "Fisheries Management Reform Act of 2004" is being introduced with 15 original cosponsors including the gentleman from California, SAM FARR, who serves as co-chair of the House Oceans Caucus.

For my part, I am introducing this measure for two fundamental reasons. First, I believe that we have a responsibility to ensure that our fish stocks—a public resource that belongs to all Americans—will be managed sustainably and based on science, not politics. More importantly, because without sustainably managed fisheries, there will be no fishing industry at all. I do not come to this point lightly, and I appreciate the importance that this issue holds for many Members and their constituents.

As it stands, two separate and well-respected commissions—the U.S. Commission on Ocean Policy and the Pew Ocean Commission—were both charged with reviewing our ocean management systems and both made recommendations regarding the need to reform our fisheries management system. Their reports represent several years of research by ocean experts who traveled to coastal communities dependent on commercial and recreational fishing. The Fisheries Management Reform Act of 2004 represents the first legislation proposed to implement those expert recommendations. This is a small step of many that we, as Congress, can take to remedy a system of governance that has not done enough to protect our oceans and, consequently, the communities that depend on them.

In this regard, the "Fisheries Management Reform Act of 2004" would require a broader public interest representation on the Regional Fishery Management Councils, the bodies that are stewards of our Nation's fisheries and are currently dominated by commercial and recreational fishing interests. I am aware of no other public trust resource where management decisions are being made by the very industry that is to be regulated. The bill would require training of all appointed members in fishery science and basic stock assessment, social science and fishery economics, and the legal requirements of the Magnuson-Stevens Act, the National Environmental Policy Act, and other pertinent laws. Not only will these two provisions diversify the interests on the Council, but also ensure that those appointed are knowledgeable about fisheries management.

Second, the bill would strengthen current conflict of interest provisions in the Magnuson-Stevens Act. An individual would not be allowed to vote on a Council decision affecting their financial interests. Understanding the unique nature of fisheries management, I fully support and appreciate the participation of fishermen in the Council process. In instances where fishermen, commercial or recreational, are faced with decisions affecting their livelihood and simultaneously, the sustainability of the fishery, the current process puts these individuals in the compromised position of serving two masters. Generally, it is the fish stocks that pay the price.

This legislation also would ensure science-based management of our fisheries. By allowing scientists to recommend appropriate catch limits and the Councils to determine how that catch should be allocated, this bill would remove council members from that untenable position of choosing between the health of the resource and catching enough fish to pay their health insurance. Scientists are better suited for determining sustainable harvest levels, while fishermen, who will remain an integral part of the Council process, should not have to be experts on the vast complexities of ocean science. Their expertise can be used best in managing and allocating the resource, and in developing improved fishing methods and technologies, without also being responsible for the status of the stocks.

Not the timber industry, not the mining industry—as a matter of fact, no other industry I can think of is allowed to regulate itself like the fishing industry does. This system may have made sense when Congress first put it in place more than two decades ago, but it's clear now that a chronic condition of conflict of interest has created a system that is not working for fishermen or for the fishery resources. In fact, 76 stocks are overfished—over 35% of known stocks.

I do not assume that this bill alone will "fix" in its entirety the current system. The U.S. Commission on Ocean Policy was clear that changes are urgently needed. This bill addresses just one of many problems plaguing ocean resource management. However, the principles of the bill—to manage fisheries for the public good, to reduce financial conflicts of interest, and to ensure that fisheries management is based on the best available science—are indisputable.

I urge my colleagues to support this bill in a bipartisan fashion. The fish do not vote, so I can not offer them as political capital. But if this bill were enacted, we will be better able to ensure sustainable fisheries on a continuing basis, as is required by law, but all too rarely accomplished under the current system. The long-term benefits would affect the constituents of every district in this country. Fishermen would be able to pass on their trade to their children. Our inland states would enjoy more fresh seafood caught in our domestic waters. And everyone would be able to catch a big one on their summer vacation.

HONORING SERGEANT DAN COHEN

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. STARK. Mr. Speaker, I rise today to recognize Sergeant Dan Cohen's retirement from the Newark, California Police Department, and to honor his 30 years of exemplary service in the field of law enforcement.

After completing two tours of duty in Vietnam, Sgt. Cohen's law enforcement career began in April 1972, when he served as a Deputy Sheriff for the Mineral County Sheriff's Department. He worked as a Deputy Sheriff until February 1973. In September 1974, Sgt. Cohen was hired as a Railroad Police Officer for the Southern Pacific Transportation Company where he worked until April 1980.

Sgt. Cohen began his employment with the Newark Police Department in May 1980. He worked in various capacities on the police force, including Patrol Sergeant, Administrative Sergeant, Detective Division Sergeant, Narcotics/Vice Detective, Homicide Detective and as the Hostage Negotiation Team Leader. Dan was also a member of the SWAT Team and a Range Master.

It is my honor to recognize Sergeant Dan Cohen's remarkable career in law enforcement. He has demonstrated his commitment, leadership, and courage and leaves a lasting impression with the community and his colleagues as an outstanding member of the Newark Police Department.

RECOGNIZING LOU COSTANTINO, SR.

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. BACHUS. Mr. Speaker, I rise today to recognize a valued employee of this House of Representatives, during this time of his recovery. Lou Costantino, Sr. was born in a house on New Jersey Avenue just a couple of blocks from the Capitol. His parents ran a grocery store at that time, the same grocery that Lou would begin running shortly after graduation from high school, along with a carry out, barbershop, and cleaners that his parents opened. He operated these businesses until coming to work for the House of Representatives in 1980.

During these early years, Mr. Costantino met his wife Doris while going to Eastern High School on Capitol Hill. They were married in 1965 at St. Peter's Church and have two children, Eydie and Lou. "There's been a Costantino at St. Peter's for 100 years," he will often remark.

His devotion to family is indicative of the similar commitment he has for this House of Representatives. He first began his career with the House of Representatives in 1980 with the Office of the Doorkeeper and he currently works for the Sergeant at Arms. He truly loves his job, the people around him, and has the utmost respect for the institution that is the U.S. Capitol. In accordance with his post, and owing to the high regard in which he is held, Mr. Costantino has the honor of escorting the first lady to her seat for the State of the Union Address, a task he has accomplished annually for every first lady since Nancy Reagan.

Born just a few blocks away, and having worked in the building for over twenty years, Lou Costantino, Sr. has spent the majority of his life in close proximity to the Capitol building. Mr. Speaker, I ask that we keep him just as close in our hearts and prayers for his speedy recovery. We wish him well, and look forward to his prompt return to the House Floor.

HONORING THE 25TH ANNIVERSARY OF THE MONTCLAIR LIONS CLUB

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to commemorate the 25th anniversary of the Montclair Lions Club No. 36563, located in Prince William County, Virginia.

The International Lions Club is the world's largest service club organization with 1.4 million members in 46,000 clubs in 193 nations. Since 1917, the International Lions Club has been able to touch the lives of countless individuals across the globe. The club's motto, "We Serve" demonstrates the tremendous effort, desire and willingness of volunteers worldwide to better the lives of others through humanitarian efforts. In 1990, Lions established SightFirst, a $143.5 million global initiative to fight the major causes of preventable and reversible blindness.

Since 1979, the Montclair Lions Club has provided dedicated service to Prince William County, working tirelessly to further the welfare of the community. In its first 25 years the club raised well over a quarter of a million dollars through a wide variety of fundraisers including citrus sales, White Can Day donations, White House Christmas Ornament sales, and food sales. The club has held a golf tournament fundraiser annually with the majority of the proceeds being donated to the Dale City Boys and Girls Club and Action in the Community Through Service.

Montclair Lions Club members donate their time to community service projects including Safety Break, Montclair Property Association events, Habitat for Humanity and many others. These hours of service have enriched innumerable lives in Prince William County and beyond.

Mr. Speaker, in closing, I would like to commend and congratulate the Montclair Lions Club on 25 years of success. They have served the interests of their community well, truly meriting recognition. I call upon my colleagues to join me in applauding the Lions Club's past accomplishments and in wishing the club continued success in the many years to come.

RECOGNIZE AND PRAISE JUAN FONTANEZ

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to recognize and praise a hard-working, talented young man who lives in my Fifth Congressional District.

Juan Fontanez of Pasco County, Florida won the Congressional Art Contest for my district last year, and I was proud to display his piece in the tunnel leading to the U.S. Capitol. His winning piece entitled "Proud Mother" was created entirely in pencil, and caught the eye of everyone who walked by for an entire year.

Juan graduated from Land O' Lakes High School last year and will attend Hillsborough Community College this coming fall. In addition to winning the Congressional Art Competition, Juan won top honors for costume designing in the Florida State Thespian Competition last year.

After showcasing "Proud Mother" for a year, I look forward to honoring him as the first winner of the Congressional Art Competition since I came to Washington at a ceremony this Saturday.

Mr. Speaker, it is my privilege to represent Juan Fontanez, and I am proud to praise him on the floor of this House.

COMMENDING HOLY SPIRIT HIGH SCHOOL GIRLS VARSITY CREW TEAM ON THEIR SECOND STRAIGHT PEABODY CUP CHAMPIONSHIP AT THE HENLEY REGATTA

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. LoBIONDO. Mr. Speaker, I rise today to congratulate the Holy Spirit High School girls varsity-eight crew team on their second straight Peabody Cup Championship at the distinguished and well known Henley Women's Regatta in Henley-on-Thames, England on Sunday, June 20, 2004. The girls' varsity-eight crew team defeated St. Andrews School by taking a strong lead from the start of the race and pushed on to victory by winning the 1,500 meter race by 1¼ boat lengths in 5 minutes and 11 seconds.

The team is led by Holy Spirit High School coach John Slattery, and was made up of bow Robyn Brennan, Erin Coyle, Kairie Roehill, Kaitlin Grant, Andria Haneman, Kristen Haneman, Jen Maslanka, stroke Teri Francesco, and coxswain Lynn Cassidy.

On behalf of the residents of the Second District of New Jersey, I offer my congratulations to the Holy Spirit High School girls' varsity-eight crew team on their outstanding second straight victory at the Peabody Cup Championships. These young women showed poise under pressure and share our pride in their outstanding achievement.

TRIBUTE TO SCOTT LILLY

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. OBEY. Mr. Speaker, I wanted to take a moment to thank someone who has meant a great deal to the Appropriations Committee, the entire House, and to me.

Earlier this year, Scott Lilly concluded a 31-year career of service in the House of Representatives, mostly recently serving as the Democratic Staff Director of the House Appropriations Committee. Scott's career in the House was marked by dedication, distinction and an eternal sense of duty to serve the American people.

Too often, Members of the House are given all of the credit for what we produce or for the ideas we make real. In fact, the most difficult tasks are often accomplished behind the scenes by our hard-working staff. Whatever credit I may be due during my service as the Chairman and now Ranking Democrat on the Committee on Appropriations, I must share much of it with Scott Lilly.

Scott first came to the House as a summer intern in 1966. After graduating from college he worked for the Missouri Legislature, spent two years in the United States Army, and in 1971, was central states coordinator for the George McGovern presidential campaign.

My collaboration with Scott first began in 1973 when he joined my staff, working for more than a decade as an associate staff member to both the Appropriations and Budget Committees. In 1985, Scott moved to the Joint Economic Committee, serving as its Executive Director and publishing a number of reports that attracted national attention, including studies on the regional disparities in economic recovery of the mid-1980s, and on the declining earning power of middle class Americans.

In 1988, Scott became the fourth Executive Director of the Democratic Study Group (DSG) serving under Chairmen MARTIN SABO, Robert Wise and Michael Synar. During that period, the DSG played a central role in legislative reform issues within the House Democratic Caucus and provided legislative research to virtually all Democrats and to many Republican members as well.

Following the passing of Chairman William Natcher in 1994, the Democratic Caucus selected me to serve as House Appropriations Committee chairman. I then asked Scott to become the 10th Clerk and Staff Director in the 129-year history of the Committee.

When the Republicans took control of the House the following January, Scott stayed on to serve as the Committee's Democratic Staff Director, a position he held for nine years.

This past January, Scott announced that he would be leaving the Committee. While his service to the House may have ended, his public service has not. Neither has our friendship or my deep respect for Scott. Now, as a part-time professor at the Georgetown University Public Policy Institute, Scott educates a new generation of public servants, who I know will be equal to the task because they are learning from the best. Scott also continues to serve and stand up for progressive principles as a senior fellow at the think tank, the Center for American Progress.

I am hopeful that, in addition to these new duties, Scott will now have the time to enjoy outside pursuits that he could not avail himself of while serving the House. Particularly, I hope that Scott will be able to return to his guitar lessons. As a fellow member of the bluegrass band, the Capitol Offenses, I know that like all of us, Scott might not be able to improve his singing voice, but maybe he can make some progress on his guitar plucking.

Scott Lilly's departure from the House was a significant loss for this institution. I would note with pride that Scott also leaves with many more friends, from both sides of the aisle, than detractors. Throughout his service, Scott always believed that political opponents don't have to be political enemies. That is a belief that is in too short supply in the Congress and in this town, but it is a belief that Scott lived throughout his service.

Congressional scholar Norman Ornstein noted in a Roll Call column last November the reality that "dedicated professionals," like Scott Lilly, are what makes this institution work. Ornstein wrote of Scott and others like him, "These are people who could leave at any time and command five or 10 times the pay they receive; instead they have provided the long-term glue that keeps Congressional deliberation and institutional memory together." I could not agree more.

For more than 30 years, Scott Lilly has used his great political talent and judgment to serve this institution and this country. Unlike some in this town, he has never forgotten that political talent is wasted unless it is used for a higher purpose. Whether he was working for the McGovern campaign, or running the Democratic Study Group, the Joint Economic Committee or the Appropriations Committee staff, every day he put that talent to work to make this a stronger, fairer, and more decent and humane country. This House has never been served by two finer staff directors working with each, other across the partisan aisle, than Scott Lilly and Jim Dyer.

Through it all, he has been my best friend and my wisest counselor. What more can be said except thank you and Godspeed in whatever comes next.

IN HONOR OF THE AMERICAN ASSOCIATION OF INVALIDS AND VETERANS OF WORLD WAR II FROM THE FORMER USSR

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. NADLER. Mr. Speaker, I rise today to pay tribute to the American Association of Invalids and Veterans of World War II from the former USSR. As members of the Russian army, this group fiercely fought German occupation from 1941 to 1945, and after fighting post-war anti-Semitism in their own country, they immigrated to the New York City area. Tuesday marked the 63rd anniversary of Germany's invasion of the former Soviet Union. Today, I am pleased to welcome them to Washington, D.C., as they visit the World War II Memorial, and to honor their contribution in fighting for peace and liberty in Europe.

The group of Russian Veterans I honor today fought in many battles along the Russian front in World War II, and in major battles in Odessa, Moscow, and Stalingrad. As we recently honored millions of brave Americans with the opening of the World War II Memorial, I also recognize this group of veterans for their contribution to the Allied victory. Through their efforts in the Russian armed forces, these soldiers played an important role in defeating the Nazis—a victory which they celebrated in the streets of Berlin alongside American soldiers.

Their common experiences in the war, in its aftermath, and as immigrants to the United States bind them deeply to one another. As The New York Times explained, "As Jews who shared both the deprivations of a brutal war against Hitler's forces and postwar anti-Semitism under a Soviet system they had risked their lives to preserve, their allegiance is not to the former Soviet Union, nor to the Red Army, nor even to Mother Russia, but to one another." Though the association began in 1995 with only 30 veterans, it now boasts 3,000 members in New York.

For their patriotism, for their commitment to freedom and democracy in Europe, and for their unyielding commitment to each other, it is my privilege to honor the American Association of Invalids and Veterans of World War II from the former USSR, and to warmly welcome them to Washington, D.C.

TRIBUTE TO U.S. NAVY SEAL PETTY OFFICER 1ST CLASS BRIAN OUELLETTE

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. MEEHAN. Mr. Speaker, I rise today to pay tribute to a fallen hero, Petty Officer 1st Class Brian J. Ouellette of Maynard, Massachusetts. He gave his life in service to our country, and we will forever be grateful.

Brian was a U.S. Navy SEAL deployed as part of Operation Enduring Freedom and serving with the elite Navy Special Warfare Group Two based out of Little Creek, Virginia. He died tragically on May 29th along with three of his comrades when their Humvee hit a landmine in the Zabul province of Afghanistan.

Petty Officer 1st Class Ouellette grew up in Waltham, Massachusetts and graduated from Waltham High School in 1985. His parents, Jack and Peg, now reside in the town of Maynard in my congressional district.

A fourteen-year veteran of the Navy, Brian joined the service in 1990 and became a member of the elite SEAL team in 1991. Friends remember him as a great teammate and tough opponent on the football field and a fierce competitor in Kempo-style karate.

Brian's parents are proud, not just for the supreme sacrifice he made on behalf of his country, but for the honor he brought to them as a Navy SEAL and loving son. Despite his tough exterior, Brian's family describes him as compassionate and nurturing brother of seven siblings and uncle to nine nieces and nephews. Brian's family deeply impacted his life, and he left an indelible imprint on them.

Petty Officer 1st Class Ouellette was a brave sailor who gave his life to restore freedom and democracy in the war-torn country of Afghanistan and support the global war on terrorism. It is lives like his, taken too soon, that remind us of the true price of freedom.

I have requested an American flag be flown over the United States Capitol in memory of Brian to honor his brave service to our country. This flag will be delivered to his family.

Brian died fighting for the country he loved, alongside the fellow sailors he respected and with the family he adored forever in his heart. Our Nation is humbled and grateful for his sacrifice.

Mr. Speaker, we should all take a moment to recognize Petty Officer 1st Class Brian Ouellette of the United States Navy SEALS for his ultimate service to our Nation.

HOMEOWNERSHIP BUILDS STRONG COMMUNITIES

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. PORTMAN. Mr. Speaker, June is National Homeownership Month. Stronger families, better schools, and homeownership produce healthy neighborhoods and communities.

When people own their homes, other benefits follow, such as economic security and family stability. Over the years, home values have generally increased, making them a good investment and a great way for families to build up assets that can be used for everyday needs, unexpected setbacks, and even helping to send a child to college.

Neighborhoods where people own homes are more stable. People tend to take better care of property they own and care more about the rest of the neighborhood as well. Homeownership also leads to a more vibrant community because home sales attract grocery stores, restaurants and other small businesses that add stability and job opportunities.

With all these benefits, it is discouraging that there are some areas in our country where the homeownership rate is very low. In my home state of Ohio, the City of Cincinnati's homeownership rate is 39 percent, far below the national average of 68 percent. And even in the rural areas of my district where the percentage of home owners is higher, we are still well below the national average.

Ohio has a shortage of affordable homes in inner-city and rural areas. This is also true in many other states. To help address this problem, Representative BEN CARDIN and I introduced H.R. 839, the Renewing the Dream Tax Credit Act, which is based on a proposal advanced by President Bush. The measure would make a tax credit available to developers or investors that build or rehabilitate homes for sale to low- and moderate-income buyers in these areas. H.R. 839 has the support of nearly 300 House members, and would make it more attractive for developers to create affordable housing in urban and rural areas in which the need is greatest.

Mr. Speaker, when people buy a home, they make an investment in that community. Enacting H.R. 839 will help make homeownership achievable for more Americans.

PERSONAL EXPLANATION

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. KOLBE. Mr. Speaker, yesterday, I missed the vote on agreeing to the Rogers (MI) amendment to H.R. 4548, the Intelligence Authorization Act for Fiscal Year 2005 (#293). I intended to vote "aye."

HONORING FUTURE UNLIMITED AWARD RECIPIENTS

HON. JEB BRADLEY

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. BRADLEY of New Hampshire. Mr. Speaker, I rise today to pay tribute to 17 New Hampshire students who graduated at the top of their high school class and are being recognized for their academic achievements by the Knights of Columbus in Rochester, New Hampshire.

The Rochester Knights of Columbus Council founded the Future Unlimited Banquet in June of 1998 to honor students from the Greater Rochester area who have achieved high levels of scholastic excellence. The "brainchild" of Don Leeman, the banquet honors valedictorians and salutatorians from eight high schools in the region for their academic excellence and contributions to the community. The Council has had much positive feedback from the greater community for their efforts to promote intellectual fellowship, and plan to extend this successful recognition banquet across the state and country.

The students to be honored for their scholastic achievements are:

Bryn Paslawski of Durham, valedictorian at St. Thomas Aquinas High School; Marie Osborn of Portsmouth, salutatorian at St. Thomas Aquinas High School; David Thompson of Kittery, Maine, salutatorian at St. Thomas Aquinas High School; Trevor Sherwood of Barrington, valedictorian at Dover High School; Brittany Soper of Dover, salutatorian at Dover High School; Kristen Couture of Somersworth, valedictorian at Somersworth High School; Danielle Daigle of Rollinsford, salutatorian at Somersworth High School; and Khari Lizotte of Rochester, valedictorian at Spaulding High School.

Kimberly Montini of Rochester, salutatorian at Spaulding High School; Katy Huppe of Farmington, valedictorian at Farmington High School; Casey Raasumaa of Farmington, salutatorian at Farmington High School; Jacqueline Elliott of Milton, valedictorian at Nute High School; Kayla Gagne of Milton, salutatorian at Nute High School; Tonya Prescott of Laconia, valedictorian at Alton High School; Meredith Roy of Alton, salutatorian at Alton High School; Meaghan Maguire of Wolfeboro, valedictorian at Kingswood Regional High School; and, Jamison Costello of Wolfeboro, salutatorian at Kingswood Regional High School.

These 17 students are excellent examples of the hard work, energy and dedication that is necessary to pursuing higher academic goals. They are among the brightest students in the state and offer much hope for the future. They truly exemplify what is good about today's youth. I congratulate all of the students for a job well done, and I also congratulate the members of the Rochester Knights of Columbus for their efforts to recognize outstanding students.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2005

SPEECH OF

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 2004

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4613) making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes.

Ms. LEE. Mr. Chairman, I rise today in opposition to this bill. National defense is important to all of us. This bill, however, will neither ensure our defense nor promote the general welfare, two of the central obligations of this government.

It is truly mind-boggling, Mr. Chairman, that with just one short hour of debate, this House will pass a bill to spend $392 billion for the Pentagon's regular budget in FY 2005.

Amazingly, that sum does not include, $25 billion for the ongoing operations in Iraq and Afghanistan, but we all know that the Administration will be back for more, much more. They are misleading the American public about the price tag of the unnecessary war in Iraq.

Mr. Chairman, the $392 billion this bill expends is a 7 percent increase over last year's bloated defense budget and comes at a time when federal deficit and large tax cuts have left us with scarce resources. I have to ask: will our education, health care and housing budget receive a 7 percent increase? The answer is NO.

This is an absurd and tragic case of misplaced priorities. And our entire country pays the price. It simply makes no sense to spend our nation's scarce resources on Cold War era weapons systems. It makes no sense to spend another $9 billion on missile defense, a 17–percent increase over last year. This represents another heavy installment on what may be a bottomless pit of spending.

This spending comes at real costs. To put this in perspective, last year, according to the National Priorities Project, the people of California paid $859 million in tax dollars that were spent on missile defense.

That money could have paid to allow another 106,000 children to enroll in Head Start. It could have extended healthcare coverage to nearly half a million children. It could have created over 12,000 new units of affordable housing. Or it could have hired nearly 15,000 elementary school teachers. And this year we are spending 17 percent more. That's a misplaced priority. And it is not the ticket to national security.

RECOGNIZING THE SERVICE OF MAJOR GENERAL WILLIAM G. BOWDON ON THE OCCASION OF HIS RETIREMENT

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. ISSA. Mr. Speaker, I rise today to honor Major General William G. Bowdon for thirty-four years of outstanding and dedicated service to the United States Marine Corps and his country. Major General Bowdon will retire from the Marine Corps on July 1.

Graduating from Louisiana State University in 1970, General Bowdon entered the Marine Corps in August and reported to Pensacola, Florida, for flight training. He received his wings at the Naval Air Station in Kingsville, Texas, in February 1972, and reported for flight duty at El Toro, California.

General Bowdon completed F–4 Combat Qualification Training in Yuma, Arizona, in December of 1972. In January 1973 General

Bowdon departed for his first Fleet Marine force tour and, following this assignment, served his country as a flight instructor.

In January 1977, General Bowdon received his first overseas assignment in Iwakuni, Japan. He returned to the U.S. the following year to attend Amphibious Warfare School at MCB Quantico, VA.

In August 1982, General Bowdon attended the Marine Corps Command and Staff College in Quantico, VA. After graduation he reported to Marine Training Support Group at the Cecil Field, Florida, Naval Air Station as the Executive Officer.

Major General Bowdon assumed command of VMFA–333 in July 1988 and deployed the "Shamrocks" to the Western Pacific. After this command, Major General Bowdon reported to the National War College at Fort McNair for the training that would prepare him for the great responsibilities our nation was about to entrust in him.

Following graduation then Lt. Col. Bowdon was assigned to the Joint Staff, J–4 Directorate, in the Pentagon in June of 1991. He was promoted to Colonel in August of the following year. In June of 1994 General Bowdon returned to the El Toro Marine Corps Air Station and assumed command of Marine Aircraft Group 11. He was promoted to Brigadier General on October 1, 1996, while assigned as the Assistant Wing Commander of the 2nd Division Marine Aircraft Wing in Cherry Point, North Carolina.

Major General Bowdon assumed the duties as the Commanding General of the Marine Corps Air Station at Cherry Point in April 1998. He served as the Deputy Commander of the Marine Forces Reserve in New Orleans for one year in 1999. After that he went on to command a number of posts before assuming command of our nation's largest West Coast Marine Corps base, Camp Pendleton, on June 24, 2002.

Mr. Speaker, I have the distinct honor and privilege of representing California's 49th Congressional District, the home of the Marines of the 1st Division based at Camp Pendleton. For the past two years, I have also had the honor of working with General Bowdon during the one of the most significant times in the history of the U.S. Marine Corps' storied First Division.

Last year the 1st Division Marines, along with a U.S. Army Division and a British Division, crushed a much larger Iraqi force that had been set-up to defend the brutal regime of Saddam Hussein. The victory achieved by America and its allies, thanks to outstanding training, technology, bravery, and command, was the quickest and most decisive defeat of a modern military power in history.

The Marines of the First Division, who spearheaded this victory, were trained at Camp Pendleton and many left their families behind in the care of Camp Pendleton and communities like Oceanside, Fallbrook, and Vista while they were serving in Iraq. As the commanding officer of Camp Pendleton, General Bowdon played a crucial role in preparing the Marines of the 1st Division for the great victory they helped achieve in Iraq and for successfully executing the largest troop rotation in the history of the U.S. military.

One of General Bowdon's finest qualities as a commanding officer, however, is that he cares about Marines and their families well beyond their training and their ability to perform under fire on the battlefield. General Bowdon and I have worked together on a number of issues on Camp Pendleton including getting better housing for Marine families, improving recreational facilities for enlisted Marines, strengthening relations between Camp Pendleton and the neighboring city of Oceanside, and seeking out improvements to the quality of water on base. As commander of Camp Pendleton, he was truly dedicated to both his duty as a U.S. Marine and to his fellow Marines with whom he served.

General Bowdon has received awards including the Legion of Merit, Defense Meritorious Service Medal, Meritorious Service Medal, and the Navy and Marine Corps Commendation Medal.

Major General Bowdon has had an exemplary career filled with distinction. It has been a great pleasure to know and work with General Bowdon and an honor to offer this testament to his dedication, service and hard work for America.

REGARDING THE SECURITY OF ISRAEL AND THE PRINCIPLES OF PEACE IN THE MIDDLE EAST

SPEECH OF

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Mr. COSTELLO. Mr. Speaker, I rise today in strong support of H. Con. Res. 460. The citizens of the U.S. and Israel maintain a deeply rooted friendship based upon common interests, a shared commitment to democracy, individual freedoms, and a rejection of extremism and terrorism.

Since 1948, the State of Israel has committed itself to living in harmony and mutual respect with its neighbors and to arriving at a peaceful solution to the conflict with the Palestinians. For most of the last four years, however, Israelis and Palestinians have found themselves in a violent and crippling deterioration of relations. Thousands have died in horrible violence that has torn through the hearts of both the Israeli and Palestinian communities.

With President Sharon's disengagement plan, I hope we are at a renewed moment of hope. I believe that the future security of Israel depends upon bringing an end to terrorism, bloodshed, and human suffering and to establishing a just, permanent peace with the Palestinians. The principles endorsed by President Bush and Prime Minister Sharon are a step towards peace.

Mr. Speaker, I believe that Prime Minister Sharon's disengagement plan represents an important opportunity to break the deadlock in Israeli-Palestinian relations. I am further encouraged that the Palestinian Authority and Egypt seem to agree, and are working to ensure security in post-disengagement Gaza. For these reasons, I support the resolution and urge my colleagues to do the same.

CONGRATULATING PROFESSOR ROSALIE LEVINSON

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. VISCLOSKY. Mr. Speaker, it is with great pleasure that I congratulate one of Northwest Indiana's most caring and dedicated citizens, Professor Rosalie Levinson. Her career as a Professor at Valparaiso University has allowed her the opportunity to touch the lives of numerous students, both in and out of the classroom. In honor of her gracious service to Valparaiso University, on May 1, 2004 she was named the first Phyllis and Richard Duesenberg professor of law. Rosalie's appointment was announced during a gala at Chicago's Field Museum celebrating the 125th anniversary of Valparaiso University's School of Law.

Rosalie Levinson has accomplished many visionary goals throughout her career. She earned her bachelor's and master's degrees at Indiana University and her law degree from Valparaiso University. Rosalie has been a law professor at Valparaiso University since 1973. She has argued several civil rights cases before the 7th Circuit Court of Appeals and is a frequent lecturer on continuing legal education, including the Federal Judicial Center for Federal Judges and the Practice Law Institute programs. Rosalie has team taught with the United States Supreme Court Justices Antonin Scalia, Ruth Bader Ginsburg, and Clarence Thomas at the Valparaiso University's study center in Cambridge, England.

Numerous articles written by Rosalie have been published in national law journals. She has co-authored with Professor Bodensteiner a four volume treatise entitled "Civil Rights Liability" and also a textbook entitled "Civil Rights Legislation and Litigation." Rosalie served as chair of the Civil Rights Section of the Association of American Law Schools and as a board member on the Jewish Human Relations Council of Northwest Indiana.

Although Rosalie has served on numerous Law School and University Committees and has donated time to the students at Valparaiso University, she has never neglected to provide support and love to her family. Rosalie and her husband Don have two children and two grandchildren.

Mr. Speaker, Rosalie has given her time and efforts selflessly to the students at Valparaiso University throughout her years of service. I respectfully ask that you and my other distinguished colleagues join me in congratulating Professor Rosalie Levinson for her outstanding contributions. I am proud to commend her for her lifetime of service and dedication.

HONORING BILL McSWEEN

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. McCOTTER. Mr. Speaker, I rise today in honor of Bill McSween upon his retirement after 26 years of service to our community.

After graduating from Brown University on a hockey scholarship, Bill McSween served our country in the United States Army. In 1978, the same year he was inducted into the Michigan Amateur Athletic Hall of Fame for his exceptional hockey career, Bill came to the Redford Township Parks and Recreation Department as Assistant Director. In 1992, Bill was promoted to Director of Parks and Recreation.

Over the past 26 years, Bill has left an undeniable mark upon our community. Citizen participation in recreation programs throughout the township has flourished under his direction. Bill successfully negotiated two projects involving school lands being leased to the township for one dollar, which fostered the creation of new recreational programs for both the township and the schools involved; and successfully passed on his passion for sports and recreation to our entire community.

Let there be no doubt: Bill McSween is a paragon of public service.

His wife, Marge, and his children, Katie, Kelly and Bill, should be rightly and extremely proud of the undeniable mark he has left on the life of our community; while, we all will sorely miss and always benefit from his dedication and leadership.

Mr. Speaker, I extend my sincere appreciation to Mr. Bill McSween, upon his retirement as Director of Parks and Recreation for Redford Township, for his fine service to our community and our country.

CONCERNS ON THE STATE OF IMMIGRATION

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. BERRY. Mr. Speaker, I rise to express my concerns with the alarming state of immigration in this country. As a member of the Homeland Security Appropriations Subcommittee, I have heard numerous officials testify to the porous state of both our northern and southern borders. For example, the U.S. Border Patrol has reported a jump in illegal migration rates of 25% to 535,000. In Tucson, Arizona alone, the Border Patrol averages daily arrests of 2,000. Border Patrol agents continue to be overworked and understaffed. The U.S. continues to add millions of illegal aliens to its population. We must start taking a hard look at how to handle the influx of people entering into the U.S. I believe that any discussion of our immigration policy should begin with the security of our borders. As we continue to combat terrorism and heightened terrorist threats, we must begin working towards solutions to help our agents and secure our borders.

As the tragic events of 9/11 demonstrated, our immigration system needs a major and comprehensive review. Our borders are a security gap that must be addressed now. The challenges we face with our immigration policy are well known to Congress, the Department of Homeland Security, and the Administration. The time has come for us to act now on preserving our security and liberty.

A TRIBUTE IN HONOR OF 2004 LEGRAND SMITH OUTSTANDING TEACHER AWARD WINNER SCOTT GERMAN OF COLDWATER, MICHIGAN

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. SMITH of Michigan. Mr. Speaker, education is the key to our Nation's future prosperity and security. The formidable responsibility of molding and inspiring young minds to the avenues of hope, opportunity and achievement partially rests in the hands of our teachers. Today, I would like to recognize a teacher from Coldwater, Michigan who significantly influenced and motivated exceptional students in academics and leadership who were winners of the LeGrand Smith Scholarship.

Scott German teaches Biology at Bronson High School in Bronson, Michigan. He is credited with instilling in students an enthusiasm for not only these subjects, but also for life. As one of his students, Bobby Jo Ludwick said, "Mr. German has taught me the importance of good leadership and community service. The self-confidence that I've gained from his support will play a role in my life everyday. He has taught me that I can make a difference. I thank him for making a difference for me." The respect and gratitude of his students speaks well of Scott's ability to challenge young minds and encourage them to always put forth their best effort.

Scott German's extraordinary work as a teacher has challenged and inspired countless students to move beyond the teenage tendency of superficial study and encourage them to foster deeper thought and connections to the real world. Arguably, no profession is more important because of its daily influence upon the future leaders of our community and our country, and Scott's impact on his students is certainly worthy of recognition.

On behalf of the Congress of the United States of America, I am proud to extend our highest praise to Scott German. We thank him for his continuing dedication to teaching and his willingness and ability to challenge and inspire students to strive for success.

A TRIBUTE TO MR. LESTER R. CURTISS AND MRS. MADLYN L. CURTISS

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. HEFLEY. Mr. Speaker, with recent dedication of the WWII Memorial and the 60th anniversary of D-Day, all Americans were reminded of the courage and sacrifices made by members of the Greatest Generation. In particular, we've gained a greater appreciation from our fellow citizens that served in the Armed Forces and their families alike. Today I choose to honor Lt Col (U.S. Army retired) Les and Mrs. Madlyn Curtiss, who began their military service to our Nation that extended 24 years and three wars. Colonel and Mrs. Curtiss are patriotic volunteers in the truest sense.

Colonel Les Curtiss enlisted in the Army as a Private and rose through the ranks to Master Sergeant. He served in the 13th and 82d Airborne Divisions, and later in the 187th Airborne Regimental Combat Team during the Korean Conflict. He received his commission as a Second Lieutenant in 1952, and was the Distinguished and Honor Graduate of his Officer Candidate Class. In 1958, he transferred from the Infantry to the Signal Corps.

As a Signal Corps Officer, Colonel Les Curtiss served as an Airborne Battle Group Signal Officer and Advisor to the 5th Military Region, Vietnam; Instructor at the Signal Officers Advance Course, Fort Monmouth, New Jersey; Deputy Commander, U.S. Army Element NATO, and Camp Commandant, Camp Voluceau, NATO, Paris, France; and attended the U.S. Army Command and General Staff College, Fort Leavenworth, Kansas.

Both Colonel Les Curtiss and his life's partner Madlyn believed that no word was ever spoken that has held out greater hope than Freedom; and nothing demands greater sacrifice, needs to be nurtured, and comes closer to bring God's will on earth. They both believed that Freedom is worth fighting for; and while her husband served in a variety of Army command and staff positions, Mrs. Madlyn Curtiss faithfully performed her duty as well.

The World War II Generation made their mark in American History as soldiers; and they were undoubtedly very successful as veterans as well. In every field, they quickly assumed positions of leadership, often transforming entire industries, research fields, and professions, or creating new ones. After his retirement from the U.S. Army, Colonel Les Curtiss and his wife Madlyn moved to Colorado Springs, Colorado, and pursued a life-long dream of teaching. He assumed a position on the faculty at Falcon School District #49. Mr. Les Curtiss taught Speech, Mathematics, World Geography, Government, and History. He also served as the Chairman of the Social Science Department and President of the Falcon Teachers Association.

These two great American's were born in the immediate aftermath of WWI, they survived the Great Depression and answered their country's summons when totalitarianism and fascism threatened the world. As General George Marshall stated, "they have made history, a great history for the good of mankind," and today I honor them for their service and commitment.

CLE ELUM LAND EXCHANGE

HON. DOC HASTINGS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. HASTINGS of Washington. Mr. Speaker, today I am introducing a bill to transfer lands along the Cle Elum River in Washington. This legislation will transfer about 400 acres of land along the Cle Elum River in Washington state from the Secretary of Agriculture to the administrative jurisdiction of the Secretary of the Interior. The bill also provides for a subsequent land exchange involving a portion of these lands—about 40 acres—with a neighboring private landholder. This land is part of a larger tract that was acquired in the 1930s by the U.S. Reclamation Service to construct Cle Elum Dam and Reservoir. The land was in turn transferred to the Forest Service in 1966, after the Interior Department concluded it was no longer needed for Reclamation project purposes. The legislation I am introducing completes the cycle of returning a portion of the property back to Interior, and a smaller portion back to private ownership. This legislation enables a public-private partnership to develop much-need infrastructure and simplifies property boundaries. This legislation enjoys the support of local elected officials and many local organizations, businesses. I ask that you please refer this legislation to the proper committee for consideration.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

SPEECH OF

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 2004

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4568) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2005, and for other purposes:

Mr. PORTMAN. Mr. Chairman, I would like to submit this letter which I sent to Secretary Norton. This letter concerns an amendment to H.R. 4568 regarding winter use of snowmobiles at Yellowstone and Grand Teton National Parks and the John D. Rockefeller, Jr., Memorial Parkway.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 18, 2004

Hon. GAIL A. NORTON,
Secretary of the Interior, U.S. Department of the Interior, Washington, D.C.

DEAR SECRETARY NORTON: I am writing regarding winter use of snowmobiles at Yellowstone and Grand Teton National Parks and the John D. Rockefeller, Jr., Memorial Parkway.

As you know, this week the House of Representatives voted narrowly to defeat an amendment to the House Interior Appropriations bill, which provided for a total ban of snowmobile access to the parks. I voted against the amendment, but only with the understanding that the National Park Service intends to implement a plan that ensures the protection of the wildlife and natural beauty of these American treasures for current and future generations.

I believe the concerns of snowmobile emissions and noise at the parks are valid and must be addressed. I realize that the newer "four-stroke" snowmobiles reduce emissions and noise significantly. While I believe these advances in snowmobile technology merit reconsideration of winter use at the parks, I believe the Park Service must carefully consider the short and long-term alternatives. I seek your assurance that NPS will determine an appropriate winter use plan that balances the need to protect the parks' unique environment with appropriate means of access, even if that includes the snowcoach only alternative.

I understand the Park Service is considering alternatives that include one that would allow only snowcoaches, and others that include restrictions on the number of snowmobiles that may enter the parks each day, technology requirements, guiding requirements, and where snowmobile travel is appropriate. I do believe our parks should be accessible. But if an alternative that includes snowmobile access is to be implemented, I think it is critical that such access not detract from the experiences of those who prefer to explore the parks in other ways.

I appreciate the Park Service's efforts to find a balanced solution that I hope will enhance the experiences for everyone who visits these magnificent parks. Thank you for considering my comments as NPS moves forward with its short and long-term winter use revisions.

Sincerely,

ROB PORTMAN,
Representative.

DEATH IN DARFUR

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. WOLF. Mr. Speaker, I would like to submit for the RECORD three new articles regarding the continuing crisis in Darfur, Sudan. I will continue to submit articles exposing the crimes occurring against the people of Darfur. I will not stop until the world takes notice and the unnecessary death of innocent civilians ends.

[From the New York Times, June 23, 2004]

MAGBOULA'S BRUSH WITH GENOCIDE

(By Nicholas D. Kristof)

Along the Sudan-Chad Border—Meet Magboula Muhammad Khattar and her baby, Nada. I wrote about Ms. Khattar in my last two columns, recounting how the Janjaweed Arab militia burned her village, murdered her parents and finally tracked her family down in the mountains. Ms. Khattar hid, but the Janjaweed caught her husband and his brothers, only 4, 6 and 8 years old, and killed them all.

Ms. Khattar decided that the only hope for saving her two daughters and her baby sister was to lead them by night to Chad. They had to avoid wells where the Janjaweed kept watch, but eight days later, half-dead with hunger and thirst, they staggered across the dry riverbed that marks the border with Chad.

That's where I found Ms. Khattar. She is part of a wave of 1.2 million people left homeless by the genocide in Darfur.

Among those I met was Haiga Ibrahim, a 16-year-old girl who said her father and three older brothers had been killed by the Janjaweed. So Haiga led her crippled mother and younger brothers and sisters to Chad. But the place they reached along the border, Bamina, was too remote to get help from overtaxed aid agencies.

So when I found her, Haiga was leading her brothers and sisters 30 miles across the desert to the town of Bahai. "My mother can't walk any more," she said wearily. "First I'm taking my brother and sisters, and then I hope to go back and bring my mother."

There is no childhood here. I saw a 4-year-old orphan girl, Nijah Ahmed, carrying her 13-month-old brother, Nibraz, on her back. Their parents and 15-year-old brother are missing in Sudan and presumed dead.

As for Ms. Khattar, she is camping beneath a tree, sharing the shade with three other women also widowed by the Janjaweed. In some ways Ms. Khattar is lucky; her children all survived. Moreover, in some Sudanese tribes, widows must endure having their vaginas sewn shut to preserve their honor, but that is not true of her Zaghawa tribe.

Ms. Khattar's children have nightmares, their screams at night mixing with the yelps of jackals, and she worries that she will lose them to hunger or disease. But her plight pales beside that of Hatum Atraman Bashir, a 35-year-old woman who is pregnant with the baby of one of the 20 Janjaweed raiders who murdered her husband and then gang-raped her.

Ms. Bashir said that when the Janjaweed attacked her village, Kornei, she fled with her seven children. But when she and a few other mothers crept out to find food, the Janjaweed captured them and tied them on the ground, spread-eagled, then gang-raped them.

"They said, 'You are black women, and you are our slaves,' and they also said other bad things that I cannot repeat," she said, crying softly. "One of the women cried, and they killed her. Then they told me, 'If you cry, we will kill you, too.'" Other women from Kornei confirm her story and say that another woman who was gang-raped at that time had her ears partly cut off as an added humiliation.

One moment Ms. Bashir reviles the baby inside her. The next moment, she tearfully changes her mind. "I will not kill the baby," she said. "I will love it. This baby has no problem, except for his father."

Ms. Khattar, the orphans, Ms. Bashir and countless more like them have gone through hell in the last few months, as we have all turned our backs—and the rainy season is starting to make their lives even more miserable. In my next column, I'll suggest what we can do to save them. For readers eager to act now, some options are at www.nytimes.com/kristofresponds, Posting 479.

[From the BBC News]

FROM THE GRIM TIMES IN SUDAN

(By Tamsin Walters)

Food and water are scarce, women have been gang-raped, disease is rife. In the Darfur conflict, even an experienced aid worker can be taken aback by the hardships suffered—but will the rest of the world hear Sudan's pleas for help?

Driving along the deserted, pot-holed roads towards southern Darfur, the unfolding scenes of devastation are marked by burnt-out village after burnt-out village. Mud walls are torn down or smashed, and straw roofs no longer exist. Discarded sandals litter the area, illustrating the speed with which the people have fled.

This rapid flight has left hundreds of thousands of people with nothing. No clothes, no sleeping mats to lay over the bare earth, no cooking utensils. Any personal belongings are likely to be among the charred remains left behind in the villages. And attacks by the Janjaweed, the Arab militia blamed for perpetrating atrocities against African farmers, continue. Rather than a sense of security in the towns and camps to which the refugees have fled, the mood of fear is oppressive.

The only people seen on the road are Janjaweed groups laden down with the animals they have looted and the goods they have taken. They wave happily as we drive by.

Sex crimes. Security is the major problem facing the people of Darfur. I've spoken to women who have been repeatedly raped, and heard of girls as young as 11 who've been abducted. The women are effectively trapped, unable to venture outside the towns and camps to search for firewood and grass—items essential to their survival, either to sell in exchange for food or for their own use. As an aid worker specializing in health and nutrition, with experience in emergencies around the world, I came to Sudan prepared for a grim situation. But Darfur is by far one of the worst humanitarian crises I've witnessed. The aid agency's pleas haven't fallen on deaf ears, as more than £300,000 has already been donated. But Martha Clarke, the head of media for Cafod, says the press in the UK is very focused on domestic matters and admits there's a "kind of fatigue" when it comes to reporting on the crisis. "It's a shame that there needs to be conflict to bring it to the media's attention," she says.

Cafod and other agencies are doing what we can to alleviate people's suffering, concentrating on providing shelter, food, water and sanitation to the hundreds of thousands of people made homeless. But time is running out in which to reach them—our aim is to beat the rains which come in early July, and cut off many parts of this devastated region.

Rainy season. These rains have to be seen to be believed. A thunderstorm broke while I was there. Tucked inside a local office, at least I had cement walls and a roof. Thousands of others crouched together under shelters hastily built from narrow poles covered in grain. The torrential rain soon flattened many.

When the rains arrive, those without shelter face the new threat of acute respiratory infections and malaria. Without food, they will not have the strength to fight disease that stems from unclean water and lack of sanitation. Because of the severe water shortages, people queue for up to 10 hours at the few pumps—and this leaves them vulnerable to further attack. There is barely enough water to drink, let alone wash. And with few latrines and cramped conditions in the towns and camps, the health risks are enormous.

Already many children have died from a measles epidemic, which is now under control. But the children are traumatized, and food shortages and disease have left the very young with severe malnutrition.

The towns of the south are among the last places to be reached by aid organizations. So the people themselves do much of the work. Local communities have taken the displaced into their own homes, or helped them build shelters, as well as offering cooking utensils.

With whole villages being emptied in one fell swoop following Janjaweed attacks, the displaced often include teachers and health workers, who are working hard for their communities. And our role is to help provide the tools they need to survive.

[From the New York Times, June 23, 2004]

NEWSVIEW: SUDAN MAY BE NEXT FOR GENOCIDE

(By The Associated Press)

WASHINGTON (AP).—Genocide has struck many victims over the past 65 years: European Jews during World War II, Cambodians in the late 1970s, Rwandans in 1994. There may be a new addition: The black African tribes of Darfur province in western Sudan have faced murder, displacement, pillage, razing of villages and other crimes committed by Arab militias known as janjaweed.

The dictionary defines genocide as "the systematic killing of a racial or cultural group." The U.S. government is reviewing whether Darfur qualifies for the designation.

"The janjaweed are the government's militia, and Khartoum has armed and empowered it to conduct 'ethnic cleansing' in Darfur," says Human Rights Watch. The Brussels-based International Crisis Group says Darfur can "easily become as deadly" as the Rwanda genocide of 1994. Then, soldiers, militiamen and civilians of the Hutu majority killed more than 500,000 minority Tutsis and politically moderate Hutus in 100 days. All along, Sudan has denied allegations of complicity with the Arab militias and has blamed rebels for rights violations.

In February 2003, the Zaghawa, Fur and Masalit black tribes rebelled against what they regarded as unjust treatment by the Sudanese government in their historic struggle over land and resources with their Arab countrymen.

Countless thousands of tribesmen have died in a brutal counterinsurgency. The conflict has uprooted more than 1 million, and the Bush administration believes this many could die unless a peace settlement is reached and relief supply deliveries are greatly accelerated. Sudanese cooperation has been limited but is improving.

The Muslim-vs.-Muslim conflict is separate from the 21-year war between ethnic Arab Muslim militants in northern Sudan and the black African non-Muslim south. That three-decade-long struggle may be ending thanks to peace accords signed last month.

A U.S. interagency review is aimed at judging whether the Darfur tragedy qualifies as genocide under a 1946 international convention that outlaws the practice.

"I believe what is occurring in Sudan approaches the level of genocide," says Rep. Jim Kolbe, R-Ariz., a senior member of the House Appropriations Committee. He and several colleagues are pushing for $95 million in emergency assistance for Darfur's victims.

Rabbi Marvin Hier, of the Simon Wiesenthal Center, a group opposed to intolerance in all forms, says Washington could increase the pressure on the Sudanese government by issuing a "stern warning" that, in the U.S. view, it is "close to if not bordering on genocide." This would greatly impact international public opinion, said Hier, founder and dean of the center.

Mark Schneider, a vice president of the International Crisis Group, says Hier may have a point. He also cautions that a genocide designation by the United States could thrust the U.N. Security Council into prolonged debate, deflecting attention from Darfur's massive humanitarian needs.

A role for the United Nations is made clear under Article 8 of the Genocide Convention: "Any contracting party may call upon the competent organs of the U.N. to take such action under the Charter of the U.N. as they consider appropriate for the prevention and suppression of acts of genocide."

U.N. Secretary-General Kofi Annan said he wasn't ready to describe the situation in Darfur "as genocide or ethnic cleansing yet," but he called it "a tragic humanitarian situation." For now, the U.S. administration seems to be tilting against the genocide label but is sticking with ethnic cleansing to describe the situation.

With so many in Darfur at risk of dying, "legal distinctions about genocide versus ethnic cleansing are going to seem rather hollow," says State Department deputy spokesman Adam Ereli. The focus, he says, should be on helping the needy. Humanitarian access remains a serious problem, the result of both government resistance and the remoteness of the Iraqi-sized province. The United States has been airlifting relief supplies to the region, a costly process.

Over the weekend, Sudan President Omar el-Bashir vowed to disarm the militias. Also, peace talks between government and rebel leaders opened in Berlin on Tuesday. U.S. officials are wary about the Sudanese gestures, pointing out that Khartoum has routinely violated an April 8 cease-fire agreement.

RECOGNIZING SUE HOLMAN AND SUSAN WEEKS

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize two extraordinary women who have jointly been named the City of Sonoma's 2004 Alcaldesas, or Honorary Mayors.

For more than 10 years, Sue Holman and Susan Weeks have volunteered countless hours to Sonoma Valley's Meals on Wheels program. They work five days a week preparing two gourmet meals for housebound residents. A typical weekly fare is pork chops in mushroom sauce, spicy lamb logs, linguini and clams, tamale pie and roast beef. Over the past 10 years, they calculate that they have prepared a quarter of a million meals.

In addition to all of the food preparation, they prepare the menus, shop for groceries, do all of the baking, maintain inventory control and supervise the volunteers who package and deliver the food and assist in the kitchen.

They recognize that many of the people they serve live alone and try to make each day special. Each holiday has a theme meal. Each client receives a personalized present or two at Christmas or Hanukah and on their birthday plus a split of wine or champagne.

They are able to maintain a high quality of fare and bolster the spirits of the people they serve while running the only all-volunteer Meals on Wheels program in the State of California.

In recognition of their contributions, the City of Sonoma designated them "las dos Alcaldesas," following a 28-year-old tradition of selecting someone in the community who works selflessly on behalf of others. The Alcalde/Alcaldesa reflects the town's Spanish and Mexican heritage and the "Honorary Mayors" will preside at all ceremonial functions on behalf of the city.

Susan Weeks settled in Sonoma 18 years ago following an international career that took her to Jerusalem, South Africa and Washington DC. In addition to Meals on Wheels, she has also been active in public safety and infrastructure issues, and works with the Verano Springs Association and the Sonoma Valley Citizens Action Committee.

Sue Holman is a retired investment banker who has been in Sonoma 11 years. An animal lover, she was one of the driving forces in the establishment of Sonoma's only dog park.

Mr. Speaker, Susan Weeks and Sue Holman provide an invaluable service to their community, and it is appropriate that we honor them today as Sonoma, California's 2004 Dos Alcaldesas.

SUPPORT FOR A DEMOCRATIC UKRAINE

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. HINCHEY. Mr. Speaker, I congratulate all Ukrainians in the United States and throughout the world on the 40th anniversary of the unveiling of the Taras Shevchenko monument. Taras Shevchenko was the hero of the national liberation struggle and an inspiration to many generations. He freed himself from serfdom and opened his mind to the vision of an independent Ukraine, free from Russian imperialism.

A democratic Ukraine in the midst of other European monarchies was Shevchenko's goal. He inspired the Ukrainian nation to take pride in its heritage and continued struggle for sovereignty and independence. His poetry and political activities were almost exclusively devoted to this goal and his work has ignited the hearts of Ukrainians for almost two centuries. His words inspired the people of Ukraine to persevere, attain independence and rebuild a prosperous and democratic Ukraine.

Four decades ago, the Ukrainian American community gathered before his monument to celebrate its unveiling, but more importantly, to inform the world of the horrific crimes that were being committed against Ukrainians. For the first time, the world heard the truth about the genocide inflicted on the Ukrainian nation by the totalitarian Moscow regime in 1932–1933, which claimed the lives of 7–10 millions of innocent people. Ukrainian Americans stood united in their cause to expose the truth and help their brethren in Ukraine lift the yoke of Soviet oppression.

Today, I welcome the initiative to unite the Ukrainian American community in order to help Ukraine make a final step toward true democracy. In light of the upcoming presidential elections, which will determine the future course of development in Ukraine, the Ukrainian Americans once again join together to send a clear message to the Government of Ukraine: the world is watching the pre-election campaign in Ukraine and expecting the government to ensure free and fair elections. Ukraine needs this final impetus to break with its totalitarian past and ensure a path toward democracy and a realization of Shevchenko's dream.

IN RECOGNITION OF THE ARC OF CAPE COD'S 50TH ANNIVERSARY

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. DELAHUNT. Mr. Speaker, I rise today to recognize the 50th anniversary of the Arc of Cape Cod. The Arc of Cape Cod was established in 1954, by a small group of dedicated parents with special needs children as a voluntary, non-profit organization to help improve the lives of Cape Cod residents with developmental disabilities and their families. The Arc of Cape Cod was an outgrowth of a wave of parent-sponsored organizations across the United States, banding together at the state and national levels to advance the quality of life of their children with special needs.

From its founding, the Arc has played an important role in advocating for changes to improve and enrich the lives of individuals with developmental disabilities. For the past 50 years, the Arc of Cape Cod has been an invaluable resource to individuals with disabilities and their families through its mission of empowering Cape Cod residents to identify, choose and realize their goals of where and how they learn, live, work and play.

The Arc has an active adult social program that involves approximately 200 individuals every month in a wide range of activities of their choosing. The Arc also provides case management, skills training and other services that assist more than sixty individuals to live independently as active members of their communities across Cape Cod. In addition, the Arc of Cape Cod is a constant source of helpful information, referrals to services, and support for Cape Cod families.

In appreciation of their 50 years of devoted service, Mr. Speaker, I ask my colleagues in Congress to join me in honoring the Arc of Cape Cod.

RECOGNITION OF THE 40TH ANNIVERSARY OF THE CIVIL RIGHTS ACT OF 1964

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Ms. CARSON of Indiana. Mr. Speaker, on the 40th anniversary of the Civil Rights Act of 1964, let those who lived through that time recall and celebrate its powerful role in changing our lives and the life of our Nation by sharing that knowledge with those who came after. As we do so, let us remember that a major impact of that law was to give strength to ordinary people so that they might do extraordinary things to change the way the nation worked, responding with smoother voices and firmer advocacy for the civil rights of everyone, bringing about a broad expansion of equal opportunity across the life of the nation.

IN RECOGNITION OF DR. C.O. GRINSTEAD

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. ROGERS of Alabama. Mr. Speaker, I rise today to recognize Dr. C.O. Grinstead, who will celebrate his 35th year as pastor to the congregation of Trinity Baptist Church, in Oxford, Alabama, on June 27, 2004.

During these 35 years, Dr. Grinstead has participated in evangelistic meetings and revivals in 43 countries around the world and served as music evangelist for the Tom Williams Evangelistic Ministries. He was moderator of the Southwide Baptist Fellowship, and he is now on the board of the Alabama Christian Education Association. Dr. Grinstead was instrumental in beginning Trinity Christian Academy, a Christian school of over 300 students, and two Christian radio stations reaching 24 counties.

Dr. Grinstead was born in Gary, Indiana, and in 1962, graduated from Tennessee Temple University in Chattanooga, Tennessee. He received his doctorate from Florida Bible College in 1989, and then served as Associate Pastor of Victory Baptist Church in Jacksonville, Florida for over seven years before moving to Alabama.

Mr. Speaker, I am proud to join the congregation of Trinity Baptist Church as they honor Dr. Grinstead for his commitment to their church and its congregation.

RECOGNIZING LT. COL. ELIZABETH J. MAGNERS

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. GERLACH. Mr. Speaker, I rise today to recognize Lt. Col. Elizabeth J. Magners for her 60 years of exemplary service with the Civil Air Patrol.

Elizabeth Magners, born in Altoona, Pennsylvania, graduated from the Civil Air Patrol National Staff College at Maxwell Air Force Base, Alabama, in 1969. She furthered and completed her training at the Air University Extension Course Institute program for Civil Air Patrol officers at Gunter Air Force Base, Alabama. On June 20, 1944, Elizabeth Magners joined the Civil Air Patrol (CAP) and thereby commencing what is now 60 years of service. She served in the volunteer civilian auxiliary of the U.S. Air Force in various capacities, including commander of the General Carl A. Spaatz Squadron of Boyertown, Pennsylvania. She was a Public Affairs Officer of the Pennsylvania Wing and served on projects and assignments at Northeast Region and National Headquarters levels where she attained the rank of Lieutenant Colonel.

Elizabeth Magners has received numerous awards and honors during her six decades of service, including the CAP's Distinguished Service Award, the Exceptional Service Award, the Meritorious Service Award and numerous Commanders Commendation certificates. In addition to her service awards, she was also honored by the Freedoms Foundation at Valley Forge, Pennsylvania for her 24-year radio show entitled "Wings Over Boyertown" and her unit publication, "The Question Mark."

Elizabeth is a past president of the Lehigh Valley Chapter 274 Air Force Association, a life member of the U.S. Naval Institute, member of the Reading Chapter of the U.S. Navy League and a member of the 148th Fighter Squadron of the Pennsylvania Air National Guard Auxiliary.

Mr. Speaker, I ask my colleagues to join me today in recognizing Lt. Col. Elizabeth J. Magners for her 60 years of outstanding and dedicated service to her community, the Commonwealth of Pennsylvania and the nation.

CONGRATULATING DICK AND JOANN LOSEE ON THEIR 50TH ANNIVERSARY

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. DOOLITTLE. Mr. Speaker, today I wish to congratulate two wonderful people and long-time family friends from the Honorable Chris Cannon's district in Utah, Dick and JoAnn Losee, as they celebrate their 50th anniversary on the Fourth of July.

Dick was born on Christmas Day in 1932 in Los Angeles, California. At the age of ten Dick and his family returned to their original hometown of Salt Lake City, Utah. It was there where young Dick developed a passion for music that became a prominent part of his life, actively participating in school bands and parades, and, after graduating from Jordan High School, accepting a job at Daynes Music Company in Provo, Utah.

In Provo, Dick became involved with a band that performed in dance halls and private parties, leading him to the love of his life, JoAnn. Searching for the best dance band around for her junior prom at Provo High School, JoAnn was introduced to Dick. The momentous meeting marked the beginning of beautiful things to come.

Like many young men of his generation, Dick was drafted into the U.S. Army to fight in the Korean war. Before heading overseas, Dick obtained an overnight pass and married his sweetheart shortly after midnight on the Fourth of July, 1954, at Fort Ord, California.

Instead of being sent to Korea, Dick was stationed in Germany, where JoAnn joined him in March, 1955. In Germany, Dick was assigned to the 2nd Armored Tank division and assigned to be in charge of the Army Dance Band in Western Germany.

In February, 1956, the happy couple returned to Provo, where Dick studied music and business at Brigham Young University, while JoAnn joined her mother in opening Bullock's Jewel Box that same year. On July 17, 1956, they were blessed with their first born, Richard. Six years later, on September 20, 1962, their beloved daughter Vanessa was born. Their children and grandchildren are a source of great pride and love for the couple.

After a short time selling life insurance, Dick joined JoAnn and his mother-in-law in the jewelry business, starting Bullock and Losee Jewelers. After 30 successful years, the original business was sold in 1985. However, Alard and Losee jewelers was later established in Provo, Alard being Vanessa's married name.

Dick and JoAnn have incorporated service into every aspect of their lives. Their dedication to their community is truly outstanding, actively participating in the Provo/Orem Chamber of Commerce, Friends of the Freedom Festival, Scouting, the Miss Utah Pageant, Kiwanis Club, and The Church of Jesus Christ of Latter-day Saints.

Additionally, the Losees are deeply committed to Utah Valley State College (UVSC), where JoAnn received the first UVSC President's Medallion, in honor of her highly commendable activity in community and civic affairs.

Mr. Speaker, Dick and JoAnn's dedication to each other, their family and community is admirable and inspiring. On the eve of their 50th Anniversary, I wish them nothing but the best in the years to come.

RENEWING THE DREAM TAX CREDIT ACT

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. CARDIN. Mr. Speaker, as we mark June as National Homeownership Month, it is imperative that we look for ways to help more of our citizens to achieve the American Dream of homeownership.

Home ownership is the cornerstone of the American Dream. For millions of American families, this dream is still just out of reach. This is especially true for families living in economically distressed neighborhoods, where the costs of renovating existing buildings or that of new construction frequently exceed the market value of homes in the community, making it impossible to obtain mortgage financing. This leads to further deterioration in declining neighborhoods, and forces families to look elsewhere for the opportunity to own their own home.

My friend ROB PORTMAN and I introduced H.R. 839, the Renewing the Dream Tax Credit Act, which would provide a tax credit for single-family home ownership. Modeled after the successful low-income rental housing tax credit, this proposal would allow states to allocate federal tax credits to developers and investors who provide single-family homes for purchase by qualified buyers in qualified areas. The program will also help stabilize troubled urban neighborhoods, while spurring new construction and rehabilitation in rural areas targeted for economic development.

The bill would allow states to provide developers or investors tax credits up to 50% of the combined costs of acquiring, building, and renovating properties for sale to qualified buyers. The tax credits would be carefully targeted to areas in need of economic growth incentives, and to families who need help buying a home. States will have flexibility in allocating the tax credits. The available tax credits under the program are capped at $1.75 per capita, with no state to receive less than $2 million in credits.

This proposal has the support of a broad coalition of groups with substantial expertise in the housing industry, including the National Association of Home Builders, the National Conference of State Housing Agencies, the National Association of Realtors, Fannie Mae and Freddie Mac, and a number of non-profit organizations, including the Enterprise Foundation, the Local Initiative Support Corporation and Habitat for Humanity International.

H.R. 839 could open the door to affordable homeownership for as many as 50,000 families annually. It would not only provide affordable housing, but is expected to create up to 120,000 jobs annually. H.R. 839 enjoys broad bipartisan support, with 288 co-sponsors in the U.S. House of Representatives. House passage of H.R. 839 would be a fitting tribute to National Homeownership Month, bringing the American Dream home to tens of thousands of working American families.

TRIBUTE TO CHRIS VICTOR SEMOS

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, it is with profound sadness that I pay tribute to the life and the memory of Chris Victor Semos. He was a devoted husband, a loving father, a lawmaker, a humanitarian, and a leader in the community of God and the community of mankind. He was unflagging.

It was my privilege to serve with Chris Victor Semos in the Texas State capitol in Austin. Elected to the Texas House of Representatives in 1967, he served the people of his district and his state with honor, integrity and distinction for 16 years. A lawmaker's lawmaker, he served as the Chairman of the Claims Committee, the Business and Industry Committee, the Dallas Legislative Delegation. He was untiring.

His sense of timing was always perfect. Chris Victor Semos was born in 1936. This was also the year of the Texas Centennial. This was not by chance or happenstance, for he believed he was destined to celebrate Texas and all things Texas. It was the delight of Chris Victor Semos' heart to have the honor of serving as the Chairman of the Texas Sesquicentennial Commission. Because of the energy and the energy he devoted to the promotion and the celebration of Texas' 150th anniversary, his peers bestowed upon him the aptly descriptive sobriquet "The Father of the Texas Sesquicentennial." He was indefatigable.

Chris Victor Semos also made a lasting impact on Dallas. For 12 years the people of Dallas County as the County Commissioner. He was elected to the office in 1983. During his tenure, he poured every ounce of his considerable energy into building roads and bridges around the county. He was unfaltering.

Because of his commitment to his community, Chris Victor Semos was the recipient of countless awards. His honors, his awards and his decorations are too vast to name. Emblematic of the esteem in which he was held by his peers and his community, the Oak Cliff Lion's Club honored Chris Victor Semos with the Humanitarian Award. It was not an honor that he took lightly. As a 50-year member of the Oak Cliff Lion's Club, he promoted the welfare of others and championed reforms that improved the lives of his fellow man and fellow woman. He was unrelenting.

Chris Victor Semos was filled with joy when he was united in holy matrimony with

Anastasia, his bride of 37 years. His heart was filled with joy with the birth of each of his three daughters, Mary Katherine, Victoria Evelyn, and Kristina Anastasia. They were his greatest mark of distinction. His love and devotion for his wife and his daughters were unceasing.

Mr. Speaker, after a lifetime of devoting his life to serving others, Chris Victor Semos has gone to his eternal rest. Therefore, I ask my colleagues to join me in paying tribute to former Texas State Representative Chris Semos. Moreover, I join with the city of Dallas and the State of Texas in mourning the loss of an outstanding citizen and friend.

THANK YOU, MARGARET SIMS

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. MILLER of Florida. Mr. Speaker, I rise today to honor Margaret Sims. Over 1,252 of our soldiers have a new friend in Ms. Sims, who a year ago began writing to a soldier she did not know from her hometown of Gulf Breeze, FL. At 19 years of age and a rising sophomore at the University of West Florida, Margaret epitomizes patriotism in the United States. Margaret not only corresponds with many of the troops in Iraq on a regular basis in something she calls "Project Appreciation," but also stands outside the local grocery store during the weekends gathering signatures for "Thank You" banners. She has been known to gather 400 signatures per banner, sending them to troops in places like Tikrit and Kirkuk, as well as making care-packages filled with cans of tuna, crackers, and toiletries for a lucky few that have become her regular recipients. She has been honored in the Pensacola News Journal and throughout the First District of Florida, but it is time that she is recognized for her efforts by Congress.

Patriotism is not only shown by our soldiers in the field but by our people at home. Her love for our country and her support of the troops is the true essence of patriotism. She shows our men and women in the field how valued and supported they are, giving them hope and faith from back home. By sending letters and care packages, and by taking the time to gather signatures on a banner from people throughout her community, Ms. Sims is making a true difference in America, a model patriot for all of us to admire.

Mr. Speaker, on behalf of the United States Congress I would like to thank Margaret Sims for her patriotism and support of our troops. What we need in this country are more young men and women like her.

70TH ANNIVERSARY OF THE PASSAGE OF THE FEDERAL CREDIT UNION ACT

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. BACHUS. Mr. Speaker, today I rise to honor the 70th anniversary of the passage of the Federal Credit Union Act on June 26, 1934. Since the passage of this momentous legislation, federal credit unions have consistently proven themselves to offer high quality financial services at low costs to over 85 million Americans.

As members of this body, many of us are well aware through first-hand knowledge of the importance of federal credit unions. Owned by their members, federal credit unions are financial institutions that embrace the true spirit of volunteerism. Federal credit unions are run by volunteer boards of directors that are elected by their members, and encourage the value of saving regularly to build economic security for the future.

The entire premise of the credit union movement is the commitment to values that we can all embrace. Folks with modest means who oftentimes are overlooked by other types of financial institutions are assured of access to financial services thanks to America's credit unions. Driven by a deeply held commitment to member service rather than financial profits, credit unions offer not only low-cost financial services but also much-needed financial education to some of the most neglected sectors of our society.

For these reasons, Mr. Speaker, I rise today to recognize and applaud the passage of the Federal Credit Union Act seventy years ago. In conjunction with all the fine work of the National Association of Federal Credit Unions (NAFCU), the trade association that exclusively represents the interests of federal credit unions, there is no doubt in my mind of the benefits Americans across the nation will continue to gain because of the good work of our nation's federal credit unions for many more years to come.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2005

SPEECH OF

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4548) to authorize appropriations for fiscal year 2005 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes,

Mr. SHAYS. Mr. Chairman, from its inception in 1996, the United Nations' Oil-for-Food Program (OFF) was susceptible to political manipulation and financial corruption. Trusting Saddam Hussein to exercise sovereign control over billions of dollars of oil sales and commodity purchases invited the illicit premiums and kickback schemes now coming to light.

But much is still not known about the exact details of Oil-for-Food transactions. That is one reason my Subcommittee on National Security, Emerging Threats, and International Relations convened a hearing on April 21st to help pierce the veil of secrecy that still shrouds the largest humanitarian aid effort in history.

This much we know: The Hussein regime reaped an estimated $10.1 billion from this program: $5.7 billion in smuggled oil; and $4.4 billion in oil surcharges and kickbacks on humanitarian purchases through the Oil-for-Food Program. There is no innocent explanation for this.

At the hearing, the Subcommittee heard the program, while successful in many ways, was riddled with corruption and the independent efforts of the Iraqis to investigate the fraud was being stifled by the Coalition Provisional Authority.

We want the State Department, the CPA, the intelligence community, and the U.N. to know there has to be a full accounting of all Oil-for-Food transactions, even if that unaccustomed degree of transparency embarrasses some members of the Security Council.

Two months ago, U.N. Secretary General Kofi Annan assured me he wants to get to the bottom of this scandal and restore faith in the ability of the U.N. to do its job. Subsequently, the Secretary General appointed Paul Volcker to lead an independent panel to look into the Oil-for-Food Program.

While Mr. Volcker brings expertise and prestige to the task, we are concerned about the slow pace of the U.N. investigation. The Volcker panel has just announced the hiring of senior staff. Nevertheless, they continue to say an interim report, possibly this summer, will address the conduct of UN employees and allegations about the Secretary General's son's involvement.

But we also need to know more than what just happened at the U.N. We also need to know what happened at the US Mission. We need to know what our intelligence community knew and knows.

Many of the allegations are true, we just don't know which ones yet. We should be long past asking whether something went wrong in OFF. It's time to find out exactly what went wrong and who is responsible.

Our staff has been through the minutes of the U.N. "661 (six-six-one) Committee" of Security Council members responsible for sanctions monitoring and oversight of OFF. Those minutes tell a story of diplomatic obfuscation and an obvious, purposeful unwillingness to acknowledge the program was being corrupted. Questions about oil or commodity contracts were dismissed as dubious media rumors beneath the dignity of the U.N. to answer, while Saddam was given the undeserved benefit of every doubt.

We cannot ignore the profoundly serious allegations of malfeasance in the Oil-for-Food Program. To do so would be to deny the Iraqi people the accounting they deserve and leave the U.N. under an ominous cloud. This is the Iraqi's money we're talking about, so the Iraqi Governing Council and its successor should get cooperation from the CPA and the State Department in conducting its inquiries.

In Iraq, and elsewhere, the world needs an impeccably clean, transparent U.N. The dominant instrument of multilateral diplomacy should embody our highest principles and aspirations, not systematically sink to the lowest common denominator of politics profiteering.

This emerging scandal is a huge black mark against the United Nations and only a prompt and thorough accounting, including punishment for any found culpable, will restore U.N. credibility and integrity.

That is why it is critical to get to the bottom of the corruption. In order to do that we need to the intelligence community to better assist the Congress in its investigations.

Mr. Chairman, this Sense of Congress will help address the difficulties many committees have had obtaining information and documents—especially from the intelligence community—pertaining to the Iraq Oil-for-Food Program. This amendment should reinforce the importance Congress places on the Oil-for-Food investigations.

CENTRAL NEW JERSEY RECOGNIZES AND CELEBRATES THE CONTRIBUTION OF REVEREND WILLIE MAE NANTON, PASTOR OF THE CADWALADER-ASBURY UNITED METHODIST CHURCH

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. HOLT. Mr. Speaker, I rise today on the eve of her retirement to recognize Reverend Willie Mae Nanton for her role as a pastor and community activist.

As Pastor of Cadwalader-Asbury United Methodist Church for the past 7 years, she has inspired and touched the lives of many. She is the first female pastor of the church in its 100-year history as well as the first female President of the Concerned Pastors and Ministers of Trenton and Vicinity. She has been an instrumental part of these organizations not only as a leader but also as a friend.

Rev. Nanton also has been involved with other organizations in her community, serving as a Board member of the Economic Development Corporation, a Board member of Black United Methodist for Church Renewal, a past president of the Northwest District Board of Ordained Ministry, a Board member of Ecclesia Ecumenical Ministry, a past Board member of Big Brothers & Sisters, and a Board member of Leadership Trenton. Through these organizations, she has positively contributed to the Trenton community's development and the spiritual growth of its members.

Over the years, Rev. Nanton has improved the quality of life of individuals in her community by being involved in Leadership Training Workshops, Alcohol and Drug Abuse Counseling, Community Organization Development Planning and Management, Group Counseling, Interfaith Care Givers, and Meals on Wheels of Trenton. New Jersey is fortunate to have such a dedicated servant, and she deserves the utmost praise and recognition.

She has earned our heartfelt appreciation for a noble career of public and private service, and I urge all of my colleagues to join me today in recognizing her achievements.

PERSONAL EXPLANATION

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. McINNIS. Mr. Speaker, had I not been detained in Colorado earlier this week attending the funeral of a close family friend, I would have voted accordingly on those votes on which I was forced to be absent: rollcall No. 276 (H. Res. 591), "yea"; rollcall No. 277 (H. R. 4363), "yea"; rollcall No. 278 (H. Res. 660), "yea"; rollcall No. 279 (H. Res. 683), "yea"; rollcall No. 280 (H. Res. 683), "yea"; rollcall No. 281 (H. Con. Res. 449), "yea"; rollcall No. 282 (H. Con. Res 13), "yea"; rollcall No. 283 (Amendment to H.R. 4613), "no"; rollcall No. 284 (H.R. 4613), "yea"; rollcall No. 285 (H. Res. 658), "yea"; rollcall No. 286 (H. Res. 686), "yea."

TRIBUTE TO ARCHBISHOP WILBERT S. McKINLEY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor of Archbishop Wilbert S. McKinley in recognition of his spiritual leadership in the community.

Archbishop Wilbert S. McKinley is the senior pastor of The Elim International Fellowship.

The doors of the church were opened for ministry on July 26, 1964. As the founding pastor, Archbishop McKinley has served the church faithfully for 40 years.

Archbishop McKinley has an overwhelming passion to introduce people, especially men, to the Church and the teachings of Jesus Christ. Archbishop McKinley believes that these teachings hold the key to every door. He is especially called to reach black men with the message of hope through Jesus Christ and with the necessity of embracing one's spiritual, national and racial identity.

Archbishop McKinley has been a gift to the Church. In addition to his pastoral duties, he is a leader who is committed to sharing his time and talent with others.

Mr. Speaker, Archbishop Wilbert S. McKinley has been a spiritual leader in his community for more than 40 years. As such, he is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

IN LASTING MEMORY OF BILLY BOB SMITH

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. ROSS. Mr. Speaker, today I rise to pay tribute to the life of Billy Bob Smith from Prescott, Arkansas, who died Sunday, June 13, 2004, at the age of 83. As a husband, father, grandfather, brother, uncle, nephew and friend, his life was full of achievements and honors that impacted his entire community.

Mr. Smith was born December 10, 1920, in Nevada County. The World War II veteran was the recipient of 5 battle stars and an Oakleaf, participating in the Battle of the Bulge as well as the Normandy Invasion. His courage and patriotism led him to serve in the 413th Antiaircraft Artillery battalion, C Battery in Central Europe, the Ardennes, the Rhineland, Normandy and Northern France. For his dedication and loyalty to our nation, we will forever be grateful.

Mr. Smith was a selfless public servant and a leader, spending much of his adult life serving his fellow citizens in Nevada County. He was a member of the Prescott Church of Christ and served as a Justice of the Peace for 14 years.

I am deeply saddened by the death of Mr. Smith. His loyalty and dedication to Nevada County, his family and his country will forever be remembered. My thoughts and prayers are with his wife, Elya, his son, Michael, and his three daughters, Bobbie, Donna, and Jan.

HONORING DISABLED AMERICAN VETERANS GENESEE CHAPTER NO. 3

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. KILDEE. Mr. Speaker, I rise before you today to honor the members of the Disabled American Veterans Genesee Chapter No. 3 as they celebrate their 75th anniversary on July 11, 2004 with local veterans and their families.

The Disabled American Veterans Genesee Chapter No. 3, of which my father, Timothy L. Kildee, was a member, was founded on March 18, 1929. The members of this non-profit organization have worked diligently on the behalf of America's wounded war heroes to ensure that they are not forgotten by our government and society. Through their efforts and generous donations from the community, they are able to assist disabled veterans by providing services such as transportation to and from veterans medical facilities, representation for veterans in processing claims with the Department of Veterans Affairs, grant financial assistance to veterans and their families, provide memorial services for any veteran, as well as color guards for all types of occasions. The DAV is an organization that is committed to helping disabled veterans help themselves by providing the tools necessary to restructure their lives and accommodate their service-connected illness or injury so that they can live as close to a productive life as possible.

We must never forget the sacrifice our Nation's men and women make when they enlist in the military. Each day of their enlistment, whether it is in a war zone or on the home front, they are making significant contributions toward preserving the freedoms of the United States. We are indebted to these brave individuals. I am very proud of the Disabled American Veterans Genesee Chapter No. 3 for they have always worked hard to fulfill requests for support. I consider them to be a valuable asset to the community.

Mr. Speaker, as the Member of Congress representing Genesee County, I ask my colleagues in the 108th Congress to please join me in paying tribute to an outstanding veterans organization, Disabled American Veterans Genesee Chapter No. 3, for 75 years of unwavering devotion to taking care of the disabled veterans of Genesee County.

PAYING TRIBUTE TO LEVI BRINKLEY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to the life and legacy of Levi Brinkley of Burns, Oregon. Levi bravely battled the Storm King Mountain Fire outside the town of Glenwood Springs, Colorado in 1994, but succumbed to the blaze along with thirteen fellow firefighters while working to protect the City. I personally served as a firefighter and understand the risks they face each and everyday. Witnessing the awful inferno that fateful July day, I know Levi and his comrades battled the fire with the utmost courage and valor. With the tenth anniversary of the Storm King Fire approaching, I believe it appropriate to recognize the sacrifice Levi and the Storm King Firefighters made on behalf of a grateful community, state and nation.

A very outgoing and friendly person, Levi was a top honor student at Burns High School where he was an all-state football player and student body president. He attended Bend Community College where he received an associate degree in psychology, and was working toward a bachelor's degree in psychology. He became a firefighter at age eighteen, first with the Snow Mountain Ranger District, and then joining the Prineville Hotshots, an elite group of firefighters who specialize in wildland fire suppression. A true outdoorsman, Levi enjoyed bungee-jumping, skydiving, rock climbing, hunting, fishing, and skiing. Above all, he was devoted to his family and friends.

Mr. Speaker, it is an honor to rise before this body of Congress and this nation to pay tribute to the life and memory of Firefighter Levi Brinkley. Levi personified the Hotshots credo of Safety, Teamwork, and Professionalism; putting himself in harms way for unfamiliar people and places. He made the ultimate sacrifice doing what he loved, and I, along with the Glenwood Springs community and the State of Colorado are eternally grateful to this brave young man.

HONORING THE LIBERTY COLUMN MONUMENT

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. DEUTSCH. Mr. Speaker, I rise today to discuss the public outcry over the defaced Liberty Column Monument in Miami's Bayfront Park.

The Liberty Column Monument is dedicated to the thousands of Cuban rafters who have lost their lives at sea while fleeing Fidel Castro's Cuba. Embodying their sacrifice, having risked everything for a chance at freedom, the monument is a pair of hands, bound in stone, reaching towards the open sky. The column is an important symbol to our community as many have lost family and friends to the cold waters off of the American shore.

Humberto Sanchez, a Cuban exile himself, paid $30,000 to create the monument in 1994. He has been collecting pieces of rafts off of Florida shores for years and has dedicated himself to memorializing the exodus of the Cuban rafter. Mr. Sanchez exemplifies the spirit and courage of the people he has celebrated in the Liberty Column.

Much to my great dismay, and to that of the Miami community, the Liberty Column Monument was recently vandalized in a despicable and most disrespectful fashion. I am pleased to inform the House that there is an ongoing movement to raise funds for its repair. There have also been talks of upgrading the monument to pure bronze to prevent future destruction.

Mr. Speaker, I am hopeful that the police will track down the criminals who damaged this symbol, and I am certain that the renovated Liberty Column Monument will continue to honor the lost souls who did not survive the voyage to free, American soil.

H. CON. RES. 405—EXPRESSING THE SENSE OF CONGRESS WITH RESPECT TO THE NEED TO PROVIDE PROSTATE CANCER PATIENTS WITH MEANINGFUL ACCESS TO INFORMATION ON TREATMENT OPTIONS, AND FOR OTHER PURPOSES

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. DAVIS of Illinois. Mr. Speaker, I rise today in support of H. Con. Res. 405 and the continued need to provide prostate cancer patients with meaningful access to information on treatment options.

Prostate cancer is the second most common cancer among American men. The American Cancer Society estimates that during 2004 about 230,110 new cases of prostate cancer will be diagnosed in the United States. One man in six will be diagnosed with prostate cancer during his lifetime, but only 1 man in 32 will die of this disease. The key to decreasing the amount of men that die from this disease yearly is not only informing patients about all the available treatment options but identifying the disease early on.

Because early detection is essential in the treatment and survival rates of Prostate Cancer patients, often Americans with limited health care are more susceptible to detection at more advanced stages, and increased mortality rates. In fact because of their low levels of medical healthcare African Americans are two to three times more likely to die of prostate cancer than white men. Only 66 percent of African Americans diagnosed with prostate cancer survive for 5 years, compared with 81 percent of white men.

As Members of Congress we must do everything in our power to ensure that medical service providers are informing patients on all possible treatments of this devastating disease. Education will inevitably lead to the best treatment options for all patients. Furthermore this Congress must take action to ensure that all Americans have regular access to health care so that diseases like prostate cancer can be detected in their earliest stages. We cannot continue to fail the millions of Americans without health care coverage because this makes our citizens increasingly susceptible to many devastating diseases like prostate cancer.

Mr. Speaker, prostate cancer continues to plague thousands of men in our country every year. I support this legislation that will encourage medical service providers to increase awareness on treatment options for prostate cancer patients and I urge this body to continue the discussion that would eventually yield much needed health care service to every American.

HONORING JASON HICKS ON THE COMPLETION OF HIS INTERNSHIP

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. GORDON. Mr. Speaker, I rise today to thank Jason Hicks for his help while interning in my office. Jason is a resident of Cookeville, TN, which I represent in Tennessee's Sixth Congressional District.

Jason just finished his freshman year at the University of Tennessee, Knoxville, where he is majoring in English and political science. He is a member of the Phi Alpha Delta fraternity and vice president of the university's Tennessee Debate Society.

Jason has been a great help and a wonderful addition to my office. He has helped address constituent concerns, assisted me and my staff with numerous projects, and served as a friendly and informative tour guide of the U.S. Capitol, providing visitors from Middle Tennessee with a personalized look at a national treasure.

I trust that Jason has enjoyed his whirlwind internship and his first-hand examination of the workings of Congress. I know that I have enjoyed having his fresh perspective and enthusiasm during his time here.

My hat is off to Jason Hicks. I wish him all the best in his future endeavors.

PAYING TRIBUTE TO KATHI BECK

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to the life and legacy of Kathi Beck of Eugene, Oregon. Kathi bravely battled the Storm King Mountain

Fire outside the town of Glenwood Springs, Colorado in 1994, but succumbed to the blaze along with thirteen fellow firefighters while working to protect the town. I personally served as a firefighter and understand the risks they face each and everyday. Witnessing the awful inferno that fateful July day, I know Kathi and her comrades battled the fire with the utmost courage and valor. With the tenth anniversary of the Storm King Fire approaching, I believe it appropriate to recognize the sacrifice Kathi and the Storm King Firefighters made on behalf of a grateful community, state and nation.

An active outdoorswoman, Kathi was an ardent rock and mountain climber. She was a senior at the University of Oregon where she was majoring in psychology and had taken wilderness survival classes through the university's outdoor program. With her unique background in psychology and the wilderness, Kathi planned to design an outdoor recreational therapy program for children. She became a member of the Prineville Hotshots, an elite group of firefighters who specialize in wildland fire suppression, due to her love of nature and adventurous spirit. She also served as a member of the Oregon Army National Guard's 419th Signal Detachment, and had previously served with the Guard's 741st Service and Supply Battalion at Camp Withycombe, Oregon.

Mr. Speaker, it is an honor to rise before this body of Congress and this nation to pay tribute to the life and memory of Firefighter Kathi Beck. Kathi personified the Hotshots credo of Safety, Teamwork and Professionalism; putting herself in harms way for unfamiliar people and places. She made the ultimate sacrifice doing what she loved, and I, along with the Glenwood Springs community and the State of Colorado are eternally grateful to this brave young woman.

A TRIBUTE TO GLENORE M. ANDERSON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor of Glenore M. Anderson in recognition of her civic participation and business success.

Glenore is a living testimony to the power of hard work and effort. A banker by profession, it took Ms. Anderson 11 years to move up the corporate ladder to her current position as vice president/branch manager of the Broadway and Driggs Street Office of HSBC Bank, one of the largest branches of HSBC Bank USA in Brooklyn, NY.

Born on the island of Trinidad and Tobago in the West Indies, Glenore immigrated to the United States in the summer of 1992. She moved here with her family after successfully completing her studies in her home country. A few short months after taking up residence in New York City, she was hired as a customer service representative with Marine Midland bank, which later became HSBC Bank USA. She quickly moved through the ranks and excelled as a sales representative, sales manager, OIC (officer in charge), and vice president/branch manager.

Glenore continues to exemplify this spirit of excellence in her current position as the branch manager. She continuously works toward motivating her staff of 16 by employing a "hands on" approach. In so doing, she demonstrates her abilities as a team player and team leader. She believes that it is important for her staff to see that she can do whatever task is required of them. Due to this type of cohesive effort and leadership skills, the operation of the branch has been very successful, which boasts assets totaling $105 million.

In addition to her expertise in banking, Glenore has also earned accolades for her efforts to strengthen the community. As such, she was honored with the Caribbean American Chamber of Commerce and Industry award for Women History makers of 2000; the Network Journal award for 40 Under Forty Achievers of 2001; and an an award from the New Deeper Life Tabernacle in 2003.

During the month of February in 2001, 2002 and 2003, she brought this sense of community to the branch by hosting a celebration of Black History Month. The celebrations took the form of an art exhibit mounted in conjunction with Art Groupie.Com, which featured the works of four African/Caribbean American artists.

Married and the mother of one, Glenore receives strong support from her family and friends who believe wholeheartedly in her potential to reach the stars.

Mr. Speaker, Glenore M. Anderson has excelled in the business world while still finding time to contribute to her community. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

HONORING NEVADA COUNTY ELEMENTARY SCHOOL PRINCIPAL HOWARD AUSTIN

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. ROSS. Mr. Speaker, today I rise to honor Prescott Elementary School Principal, Mr. Howard Austin, for his persistent dedication to education and service in his community. The core of Mr. Austin's community relations are deeply rooted in his 40 years as a public educator.

Mr. Austin received his B.A from Wiley College in Texas and an M.S. from Henderson State University in Arkansas. Through his career, Mr. Austin enriched the many generations of people that he encountered in his community. He is a true role model for not only his students, but for everyone in the community. Mr. Austin was an active leader in the Elementary Principal's Association and served as a zone director for 8 years. In 2002, Mr. Austin was named Arkansas's Distinguished Principal of the Year.

Mr. Austin's constant involvement in his community led him to support and organize many student-orientated groups throughout the years. Mr. Austin worked with the track team, organized and was head scoutmaster of the Boy Scouts of America Troop, and was choir director for Prescott High School and his local church. He also formed a dance band with other directors that played at various school functions. Mr. Austin's devotion to Nevada County led him to be elected to the Prescott City Council.

I am honored to recognize Mr. Austin, and extend my sincere appreciation and thanks for his dedication and guidance to the people of Nevada County and to my hometown of Prescott. He is an inspiration to us all, and I am privileged to serve as his Congressman in the United States House of Representatives.

HONORING TERRY WATSON

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. KILDEE. Mr. Speaker, I rise before you today to recognize an outstanding veteran from Bay City Michigan, Mr. Terry Watson who is retiring from his post as president of the Bay City Fireworks Festival Committee after 32 years of commendable service and dedication. The committee along with the community will honor Mr. Watson during the festival opening ceremony on July 1, 2004, in Bay City.

U.S. Army Vietnam veteran Terry Watson is a life long resident of Bay City, Michigan. Terry has dedicated his life to making the Bay area a better place to live, work and visit. He is a retired Bay City Police Officer with 27 years of notable service.

In 1962 the Fraternal Order of Police founded the Bay City fireworks. In 1981 the event evolved into a 3-day festival, complete with carnival. The fireworks display has been a significant part of the Bay area 4th of July holiday celebration for the past 42 years. The celebration draws a crowd of approximately 350,000 people. The firework show has been rated over the past years as one of the Nation's top five displays. Because of Terry's strong teamwork and leadership skills the Bay City Festival has become a popular family vacation destination spot for not only residents of Michigan but for others residing in states throughout the Midwest.

Aside from being an outstanding leader, Terry is also a devoted family man and he credits the love and support of his devoted wife Peggy, their three children, Jerry, Sheri and Richard, for his success.

Mr. Speaker, as a Member of Congress, I ask my colleagues in the 108th Congress to please join me in paying tribute to an outstanding veteran, Mr. Terry Watson, for his service to our Nation and his contributions to Bay City, Michigan. I wish him the best in future endeavors.

PAYING TRIBUTE TO SCOTT BLECHA

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to the life and legacy of Scott Blecha of Clatskanie, Oregon. Scott bravely battled the Storm King Mountain Fire outside the town of Glenwood Springs, Colorado in 1994, but succumbed to the blaze along with thirteen fellow firefighters while working to protect the City. I personally served as a firefighter and understand the risks they face each and everyday. Witnessing the awful inferno that fateful July day, I know Scott and his comrades battled the fire with the utmost courage and valor. With the tenth anniversary of the Storm King Fire approaching, I believe it appropriate to recognize the sacrifice Scott and the Storm King Firefighters made on behalf of a grateful community, state and nation.

Born and raised in Clatskanie, Scott graduated with honors from Clatskanie High School where a scholarship is named in his honor. After graduating, he answered his nation's call to duty and joined the United States Marines. After a four-year tour, Scott attended the Oregon Institute of Technology, graduating cum laude with a degree in Mechanical Engineering Technology. During the summers, he worked as a Prineville Hotshot, an elite group of firefighters who specialize in wildland fire suppression. Scott loved the job, enjoying the close camaraderie of his crew and the satisfaction of knowing he was helping others. Above all, he was devoted to his family and friends.

Mr. Speaker, it is an honor to rise before this body of Congress and this nation to pay tribute to the life and memory of Firefighter Scott Blecha. Scott personified the Hotshots credo of Safety, Teamwork and Professionalism; putting himself in harms way for unfamiliar people and places. He made the ultimate sacrifice doing what he loved, and I, along with the Glenwood Springs community and the State of Colorado are eternally grateful to this brave young man.

HONORING JOSEPH FEIGENBAUM

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. DEUTSCH. Mr. Speaker, today I rise to honor Joseph Feigenbaum of Fort Lauderdale, Florida. It is my pleasure to announce that at 84½ years of age, Mr. Feigenbaum has completed the requirements to receive a Doctorate in International Business from Nova Southeastern University.

Mr. Speaker, "old" is a relative term in Florida. Mr. Feigenbaum accomplished quite a lot in his life: he earned a law degree, built a successful textile career, and ran a factory in Venezuela. However, Mr. Feigenbaum knew retirement would not extinguish his desire to continue to cultivate his life. Through the support of his loving wife, Cherie, and by the strength of his desire, Feigenbaum returned to the classroom. Eight years later, dedication, discipline, and desire carried him to his goal. Mr. Feigenbaum serves as an inspiration and example for us all.

Education is a lifelong opportunity, befitting anyone who chooses to pursue it. At 84½ years of age, Mr. Feigenbaum qualifies this point. I genuinely believe that his experiences can only benefit his community, and I am proud that he is a Floridian. Mr. Speaker, today I honor Mr. Feigenbaum's accomplishments and honor the value he places on education.

TRIBUTE TO DEACONESS LEVARN DAVIS ON THE OCCASION OF HER 80TH BIRTHDAY

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. DAVIS of Illinois. Mr. Speaker, I rise to pay tribute to a delightful lady whose life represents the epitome of what a well-lived life should be. For all of these years, she has been a child of our Lord and Savior Jesus Christ, a good Christian, a wife, a mother, a true neighbor, an anchor, a pillar of the community and a good and honorable citizen.

Mrs. Davis and her husband were pioneers when they moved into what had been an essentially all white community. They were a hard working young couple who produced a family of offspring who have done exceptionally well and contributed significantly to the well-being of our community and our city.

Her children rise up and call her blessed, for she has indeed been a blessing to them and to all of those whose lives she has touched. Happy Birthday, Mrs. Davis and may you have many, many more.

HONORING DEOTHA MALONE ON HER RETIREMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. GORDON. Mr. Speaker, I rise today to congratulate Dr. J. Deotha Malone on her retirement after 55 years of service to the Sumner County Board of Education. Dr. Malone is a resident of Gallatin, Tennessee, which I have the pleasure of representing in Tennessee's Sixth Congressional District.

Dr. Malone began her teaching career in 1949, the year I was born. She retires this year as the longest working educator in the Middle Tennessee region.

Dr. Malone is a remarkable humanitarian. She has made certain that lack of money does not stand in the way of her students. She has held free remedial reading classes, and she even taught French to students at her own home for no charge. And Dr. Malone hasn't stopped yet. She still tutors adult non-readers in her spare time.

Dr. Malone has served her community not only by teaching, but also by leading. In 1969, she became the first African American to serve on Gallatin's City Council. And she currently serves as the city's vice-mayor.

Congratulations to Dr. Malone on her retirement. I know I join with the citizens of Gallatin in wishing her all the best in the future.

PAYING TRIBUTE TO ROBERT BROWNING JR.

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to the life and legacy of Robert Browning Jr. Rob bravely battled the Storm King Mountain Fire outside the town of Glenwood Springs, Colorado in 1994, but succumbed to the blaze along with thirteen fellow firefighters while working to protect the City. I personally served as a firefighter and understand the risks they face each and every day. Witnessing the awful inferno that fateful July day, I know Rob and his comrades battled the fire with the utmost courage and valor. With the tenth anniversary of the Storm King Fire approaching, I believe it appropriate to recognize the sacrifice Rob and the Storm King Firefighters made on behalf of a grateful community, state and nation.

Born and raised in North Carolina, Rob attended McDowell High School and received a degree in forest management from Haywood Technical College. In 1988, he began working for the U.S. Forest Service in Asheville, North Carolina, and in 1992 he became a member of the Region 8 Hotshot Crew, an elite group of firefighters who specialize in wildland fire suppression. In 1993 he transferred to the Savannah River Forest Station where he was an engine operator and firefighter. At the time of the Storm King Mountain Fire, Rob was serving a four-month detail on a Grand Junction helitack crew, a specialized group of firefighters who are often the first to respond to a wildland fire. He was a dedicated member of the Forest Service, and received a great deal of satisfaction from helping others.

Mr. Speaker, it is an honor to rise before this body of Congress and this nation to pay tribute to the life and memory of Firefighter Robert Browning Jr. Rob personified the Hotshots credo of Safety, Teamwork, and Professionalism; putting himself in harm's way for unfamiliar people and places. He made the ultimate sacrifice doing what he loved, and I, along with the Glenwood Springs community and the State of Colorado are eternally grateful to this brave young man.

A TRIBUTE TO ST. BLASÉ "KC" CHARLES

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor of St. Blasé "KC" Charles in recognition of his significant cultural and economic development contributions to the community.

St. Blasé Charles, better known as KC, hails from the twin island nation of Trinidad and Tobago in the Caribbean. He has been an entertainer for more than 30 years. Famous for his Caribbean-style rendition of the "father of soul," Mr. James Brown, KC is also affectionately known as the "Local James Brown" throughout the entertainment circles in North America and members of his international fan club. Along with his own musical group, the International Band, KC has performed at major events and famous places including the West Indian Labor Day Parade in Brooklyn, the Harlem Day Parade, Manhattan's Annual Halloween Parade, the MGM and Sahara casino in Las Vegas, and the Royal Caribbean and Carnival cruises, just to name a few.

KC's summer concerts were launched in 1989 at his garage at East 87th Street in East Flatbush, Brooklyn where he held a huge block party on Memorial Day. In order to accommodate the growing crowd that came to yearly event, in 1991, KC moved his Caribbean style street festival to Ditmas Avenue near his East 87th Street garage. The event covered ten blocks. The event continued at Ditmas Avenue until 1996, when KC took his show and a loyal following of thousands to its new home on Atlantic Avenue.

Spanning 10,000 square feet and a maximum occupancy of 4,300, the Hideaway is a spacious outdoor venue located at 2494 Atlantic, in an industrial section of Brooklyn. Since 1998, the Hideaway, which is owned and managed by KC, has been hosting its hallmark Summer Concert Series featuring today's leading soca, calypso, and reggae musical acts from around the Caribbean and here in the United States. Along with top performers, the Hideaway showcases some of the most popular Caribbean-American DJs. It is also equipped with a fully licensed bar, a professional sized stage, and an elevated VIP lounge where performing artists and special guests can view and enjoy the shows.

KC's Hideaway has become a major attraction for thousands of Caribbean music lovers from around the world who are drawn to Brooklyn, the Caribbean Capital of the United States, year after year to celebrate the West Indian Labor Day Carnival season, which begins in May. The venue stages around 66 shows a year and the number of concertgoers has steadily increased over the past three years. The concert grew from an audience of about 80,000 for the season in 1998, to approximately 165,000 for this season.

Mr. Speaker, St. Blasé "KC" Charles has developed and created a major cultural event in his community, which has brought thousands of people to Brooklyn each year to celebrate their Caribbean heritage. As such, he is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

CONGRESSIONAL TRIBUTE TO FATHER STEPHEN PATRICK WISNESKE

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. STUPAK. Mr. Speaker, I rise today to honor an individual who has been a spiritual guide for the Catholic community in Menominee, Michigan, Father Stephen Patrick Wisneske. On July 1st, "Father Pat" will be retiring from Holy Spirit Parish, where he has been pastor for the last 32 years. Throughout that time, his leadership, his generous spirit, and his warm sense of humor have all been important sources of inspiration and comfort. He will be sorely missed.

Father Pat Wisneske was ordained on June 3rd, 1950, embarking on a 54-year journey in the clergy that touched countless lives in Michigan's Upper Peninsula. In 1950 and 1951, he served as an Assistant Pastor at Holy Trinity Parish in Ironwood, and St. Thomas Parish in Escanaba, respectively. In 1953, he began a six year tenure as Assistant Pastor at St. Mary and St. Joseph Parish in Iron Mountain, Michigan. During this time, he also served as the Chaplain for the VA hospital in Iron Mountain. From 1959 to 1963, he was the Administrator of Our Lady of Mount Carmel in Franklin Mine.

In 1963, Father Pat became the pastor of St. Stephen Parish in Loretto and served there for three years before transferring to St. Jude Parish in White Pine, where he also oversaw the St. Ann mission in Bergland. After the Bergland mission was transferred to a parish in Marenisco in 1967, Father Pat became the temporary administrator of Holy Family Parish in Ontonagon until 1972.

The spring of 1972 was a very tense time for Menominee Catholics as they awaited the final outcome of a two year study that would eventually consolidate their parishes. When the members of the new Holy Spirit Parish learned that Father Pat would be their new pastor, they wondered what kind of pastor he would be. It did not take long to realize that he was a kind and gentle man who was indeed a "present" to them. Through the sadness of illness or death, and the joy of baptisms, marriages, first communions and confirmations, Father Pat was always there to offer guidance, leadership, spirit, faith, and friendship.

Mr. Speaker, in addition to his parish assignments, Father Pat was always willing to take on additional duties and leadership roles. Over the years he has served as the director of the deacon program for the diocese, twice as Dean, President of the St. Joseph's Association, and a member of the Priest's Council. He has also given of his time to serve as a chaplain for different organizations including the VA hospital in Iron Mountain, the Knights of Columbus, the Daughters of Isabella, and the Civil Air Patrol.

Another example of Father Pat's leadership has been his unwavering commitment to the youth of the community. He has been steadfast in his support for Menominee Catholic Central Schools, and he has always enjoyed working with young people, recognizing that they are indeed the future.

Those of us who know and love Father Pat have our own special stories of this remarkable individual. On a personal note, when tragedy struck my family, it was Father Pat who consoled us, reassured us, and provided comfort for us in our time of greatest need. Father Pat's kindness, spiritual guidance, and love will never be forgotten and we will always be indebted to him.

Mr. Speaker, 32 years after he came to Menominee and Holy Spirit Parish, it is time to bid a very fond and difficult farewell to Father Pat. He often said that he was energized by his parishioners, but they in turn would say they were energized by Father Pat. He was always present for us, giving us, the members of our Holy Spirit family, our Menominee Community, and our God the best present he could—himself. Mr. Speaker, I ask the House to join me in honoring and thanking Father Patrick Wisneske for his dedicated service to his parish and the Catholic faith community throughout the Upper Peninsula of Michigan.

PAYING TRIBUTE TO LA RENAISSANCE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. McINNIS. Mr. Speaker, today I rise to pay tribute to the owners and the staff of La Renaissance, a family owned restaurant in Pueblo, Colorado. For twenty-six years, La Renaissance has been an icon in the Pueblo community. It is my pleasure to recognize their dedication to Pueblo and the State of Colorado before this body of Congress and this nation today.

In 1978, La Renaissance opened as a full service restaurant in Pueblo. Brothers Bob and Jim Fredregill started the restaurant as a small family business, and has grown to a staff of thirty-five. A well-known dining destination in Pueblo, La Renaissance has recently received honors for the brothers' business practices. The Colorado Food Service Hall of Fame recently inducted both Bob and Jim Fredregill, and the Greater Pueblo Chamber of Commerce recognized La Renaissance as their Small Business of the Year.

Mr. Speaker, I would like to recognize La Renaissance for continued excellence in business and for their commitment to the Pueblo community. Establishing the restaurant as part of the community's foundation captures the essence of small business. I congratulate La Renaissance on many years of success and wish them many more in the years to come.

A TRIBUTE TO ANTHONY JOSEPH

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor of Anthony Joseph in recognition of his entrepreneurial success in the marketing and communications field.

As a product of New York City public school system, Anthony parlayed his academic achievement and his experience as an All-City championship football player into a walk-on position on the Boston University squad. Anthony promoted campus parties and events to subsidize his tuition. After graduation, he quickly turned a temp job in The New York Times' finance department into a staff position in the paper's marketing department.

With just one experience as an employee with the New York Times, Anthony combined his knowledge of urban landscape with his marketing expertise to incorporate the fastest rising marketing/communication company in the urban field. Anthony laid the foundation for his urban success by moonlighting with Vital Marketing Group VMG while still at the Times. Through contacts at a major apparel and an advertising agency, Anthony was able to participate in business meetings where he was able to present strategies, which, over time, turned into contracts with Tommy Hilfiger, Hush Puppies, and Wolverine Boots.

Eventually, Anthony's growing client base necessitated his departure from the Times. He partnered with the African-American media company that established the billboard beachhead on Harlem's 125th Street, utilized by so many entertainment companies at the time. Together they formed VMG, with Anthony leading the charge. After merely four years of business, its roster counts big-timers such as the U.S. Army, Nike, Tommy Hilfiger, Coca Cola, Remy Martin, Foot Action, Posner Cosmetics and Universal Records to name a few. It has an income of over $7 million in annual revenue.

Vital Marketing's unusual methodology and its consistent success can be credited in great part to its founder and president, Anthony Joseph. The Queens-bred son of a Jamaican mother and Puerto Rican father, Anthony understood the significance of culture early on as it related to marketing.

In May 2001, VMG was presented with the Black Enterprise Rising Star Award, in honor of the high revenues garnered by VMG's high profile clients. A year later, VMG offered further proof that they were on the ascent when they turned a cold call and a year of conversation into a multimillion dollar contract with the U.S. Army via advertising giant Leo Burnett.

Mr. Speaker, Anthony Joseph has created a successful company through his own hard work and ingenuity. As such, he is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

REMEMBERING DR. J.W. REMKE, JR., GENEROUS AND DEDICATED COMMMUNITY LEADER

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. COOPER. Mr. Speaker, I rise today to honor the life of Dr. J.W. Remke, Jr. of Lawrenceburg, Tennessee. Dr. Remke was a dedicated community leader, a distinguished optometrist and businessman admired throughout Tennessee for his willingness to help others. Dr. Remke was always happy to use his time and his energies to build a better life for his community and its families.

Joe Remke knew early in life what he wanted to do and where he wanted to live. After graduating from the University of Tennessee and the Southern College of Optometry in Memphis, he returned to his hometown of Lawrenceburg and soon opened his own business, the Remke Eye Clinic. For the next 50 years, Dr. Remke could be found helping his friends and neighbors see better—in Lawrenceburg, Waynesboro, Hohenwald or Lewisburg, even a few politicians in Nashville and Washington, D.C. For Dr. Remke, work was a joy, more a hobby than anything else, and something he looked forward to. Even at the age of 79, Dr. Remke saw patients every day, right up until the time of his brief illness.

Dr. Remke's commitment to his patients was truly outstanding—just like his commitment to his community. He was a founder of the 21st Century Council, the first economic and community development organization in Lawrence County. Thanks to his leadership, major employers including the Jones Apparel Group soon established operations in the area. I don't know of any community leader in Tennessee who has done more to attract industry to his community. Whenever there was a local need, Joe Remke gave generously. He had served as President of the Lawrence County Chamber of Commerce, as Chairman of the Lawrenceburg Power Board and as president of the Lawrenceburg Lions Club. Dr. Remke, along with his late wife, Peggy Jo Remke, were equally dedicated to supporting the activities of their church, Lawrenceburg's Sacred Heart Catholic Church.

Even with all of his work with community organizations and local businesses, Dr. Remke was perhaps celebrated most for his generous spirit and wise counsel. I benefited tremendously from such advice when he was kind enough to help me in my earliest campaigns. Whether it was a new business idea that needed help or just a relaxed visit with an old friend, folks from Lawrence County to Nashville, Memphis, and Knoxville always knew they'd find the support and guidance they were looking for in a chat with Dr. Remke.

On behalf of his many friends in the Fifth District of Tennessee, I send my deepest condolences to Dr. Joe Remke's wonderful family.

PAYING TRIBUTE TO RALPH WILLIAMS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. McINNIS. Mr. Speaker, I rise today to pay tribute to the hard work and success of Ralph Williams of Pueblo, Colorado. Strong small businesses build strong communities, and Ralph has provided much leadership in continuing SCA Insurance's strong business tradition in the Pueblo community.

As the chief of SCA Insurance, Ralph is considered by his colleagues as an expert in the industry. Ralph's personable style and business acumen helped to build a loyal clientele and to work closely with local agencies and other statewide organizations. The Greater Pueblo Chamber of Commerce recently honored Ralph for his work as a business leader with their Charles W. Crews Business Leader of the Year award.

Mr. Speaker, it is my honor to acknowledge Ralph Williams before this body of Congress and this nation for his dedication and commitment to success. His work as a business leader in the Pueblo community is certainly commendable. I congratulate him on his achievements, and I wish him the best in his future endeavors.

A TRIBUTE TO KATIE DAVIS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor of Katie Davis in recognition of her dedication to her community through both her professional and volunteer activities.

Katie Davis is someone who is energetic and inspirational and continues to serve as a respected dynamic leader in the community. However, after serving thirty-three and a half years in public service, she is retiring from her position as the Deputy Director for Support Services at Kingsboro Psychiatric Center, Brooklyn, NY, effective April 29, 2004.

Katie graduated from Hunter College Magna Cum Laude, earning a B.S. in Community Health. Later, she received a Master's degree in Public Health Administration at Columbia University. She began her public service as a Registered Nurse at Kings County Hospital Center, and later was employed as Associate Director for Clinical Service for 9 years at Harlem Hospital Center.

Katie is the wife of Hervin L. Davis and mother of Charlene and Jacqueline Davis, who continues to serve as an inspiration in spite of her untimely death. As a young woman who overcame her mental disability, Jacqueline served others until her untimely passing in her early 20s.

Katie is a long-time member of the Antioch Baptist Church in Brooklyn where the Reverend Robert M. Waterman is pastor. She is known in the community and among the Antioch Baptist Church family as a spirited and committed Christian. She has faithfully supported many church activities over the years and currently serves as Co-Chair of the Antioch Capital Campaign. Katie genuinely cares about those in her community and is always working with others to serve those in need.

Throughout her career, Katie has continued to be actively involved in activities and programs to improve the educational and social conditions of her community. She is energetic and strategic in her approach, getting others involved in addressing key issues that affect the young and the elderly. Long noted for her active leadership throughout the community, she continues to promote and encourage young people and adults to seek an education, as demonstrated by her current position as President of Medgar Evers College

Community Council. The Council awards several scholarships annually to eligible students attending Medgar Evers College who exhibit outstanding academic performance and potential leadership qualities.

Katie's dedication and clever leadership skills are consistently recognized at Kingsboro Psychiatric Center. She volunteers her time as a facilitator of the Advisory Committee for the Emerson-Davis Family Center. This special center houses single-parent families, separated by homelessness, parental mental disability or substance abuse, who are reunited by the Emerson-Davis Family Center in Brooklyn, New York. While "Emerson" refers to the Center's street address, "Davis" honors Jacqueline Davis, Katie's deceased daughter.

Mr. Speaker, Katie Davis has dedicated herself to helping people and families in need through her distinguished professional career and her community-based work. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

IN MEMORY OF CHARLES B. "SONNY" TOWNER, JR.

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. FARR. Mr. Speaker, I rise today to honor the life of Mr. Charles B. "Sonny" Towner, Jr., who passed away on June 2, 2004. A dedicated member of the Santa Cruz community, Charles is survived by his wife Ellen, and will be greatly missed.

Charles led a life of public service, first serving in the 6th Aircraft Repair Unit Floating during World War II. Following the war, Charles returned to California to sell sporting goods, becoming a prominent businessman in the Bay Area for over 30 years. Continuing his public service, Charles also became the business manager for the Cambrian School District in San Jose for ten years. During this time, Charles was an active member of the Camden High School Booster Club and volunteered for the Cambrian Park Little League and Pony League.

Following his retirement in 1990, Charles continued his commitment to his community, as he volunteered with the Trinity Presbyterian Church, Santa Cruz Gardens School Volunteer Program and the California Grey Bears.

Mr. Speaker, I would like to express my deepest sympathy to Charles' family and honor him by celebrating his life and contribution to society. As a prominent member of the Santa Cruz community, Charles Towner, Jr. will be missed.

PAYING TRIBUTE TO LESLIE BAILEY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Leslie Bailey and thank her for the remarkable civic contributions she has made to her Fort Collins community, the State of Colorado and this nation. Leslie started her career volunteering her services to the Federal Emergency Management Agency following the flood disaster that struck Fort Collins in the summer of 1997, and has remained in public service ever since. I am pleased to be able to pay tribute to Leslie, and thank her for her tireless work.

After helping her community's flood victims in 1997, Leslie was asked to join FEMA as a Disaster Assistance Employee. Since that time, she has served in Community Relations, Public Affairs, and Congressional Affairs, with a focused area of expertise on Congressional and Intergovernmental liaison functions. From 1998 to 2004 Leslie served as one of FEMA's primary Congressional and Intergovernmental Affairs Liaisons. She has held the position of Congressional Liaison, on over 40 federally declared disaster operations including response efforts to the September 11th attacks and preparing for the 2002 Winter Olympics. Leslie currently serves as the Lead Congressional Liaison on one of three national Emergency Response Teams for FEMA, and frequently works as part of the Office of Legislative Affairs Disaster Team. Her hard work has made her a national asset to the agency and to this nation.

Mr. Speaker it is clear that Leslie Bailey is a woman of great commitment to humanitarian efforts in the State of Colorado and our country. Her hard work and willingness to give of her time to help federal disaster victims is worthy of recognition before this body of Congress today. I wish to extend my sincerest thanks to Leslie for her continuing work on behalf of a grateful nation.

HONORING THE LIFE OF PRESIDENT RONALD REAGAN

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. SIMPSON. Mr. Speaker, every visitor who comes to my office is greeted by a plaque that bears the inscription of Ronald Reagan's signature and this quote, "There's no limit to what a man can do or where he can go if he doesn't mind who gets the credit." These words are characteristic of the great man that served as the fortieth President of the United States of America. I am involved with politics today because of the inspiration I received from Ronald Reagan. I believe he was the true example of what a statesman can be, and I hold that example close to my heart as I carry out my own duties.

President Reagan will always be remembered as an unabashed patriot. He was convinced of the ability of the United States to provide the hope of freedom to those enslaved by totalitarianism and communism. President Reagan's vision of the world and the future of this country would not be dimmed or daunted by ideological threat, and he was not afraid to stand up to tyranny and aggression. From the beginning of his presidency, President Reagan realized the potential cost of inaction and weakness in the face of Soviet defiance and nuclear threat, and he took action. Through a series of defense budgets, he increased defense spending 35 percent during his two terms, ensuring the country the resources necessary for security. Additionally, President Reagan managed to negotiate the first U.S.-Soviet treaty to reduce the number of nuclear weapons through a series of four summits with Mikhail Gorbachev. President Reagan was always clear about what he expected and never more so than when he pleaded at the Brandenberg Gates, "Mr. Gorbachev, tear down this wall!"

President Reagan planted democracy in regions of the world that have never tasted the joys of freedom. He taught newly liberated people across the globe that hard work and faith in God could result in prosperity, a sense of satisfaction in one's own legacy, and a better outlook for tomorrow. He wanted the American dream to be a reality throughout the world.

President Reagan will also be remembered as a man of humble beginnings. He proclaimed America as a place where "everyone can rise as high and as far as his ability will take him." Born in Tampico, Illinois, President Reagan used his abilities to establish a career in Hollywood. He continued to work and learn as he rose through California politics and went on to serve two successful terms as the leader of our nation. He wanted all Americans to have the same freedom and opportunity to pursue success, and he consistently promoted that ideal through policies of limited government. He said, "Government can and must provide opportunity, not smother it; foster productivity, not stifle it."

What makes Ronald Reagan most unforgettable was his unfailing optimism. Even as our nation mourns, we cannot help but smile at the thought of his cheerful and radiant personality. President Reagan possessed a sense of humor strong enough to withstand even the pain of an assassin's bullet. Demonstrating his trademark good nature, he said to the doctors about to operate on his bullet wounds, "I hope you're all Republicans." It was this characteristic sanguinity that swept up a downtrodden America and reenergized its faith in freedom, the Presidency, and our military.

Ronald Reagan was many things. He was a man of reason, a man of sincerity, a man willing to listen. And he is a man whose character, grace, and wisdom will be deeply missed by this nation.

TO HONOR KATY DOYLE

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. LAMPSON. Mr. Speaker, I want to take this opportunity to recognize the exceptional athletic achievements of an outstanding individual, personal friend, and fellow Texan.

Katy Doyle, a member of the Texas A&M track and field team, led her team with an incredible athletic performance in the 2004 Big 12 Outdoor track and field conference championships. In the javelin competition, Doyle's throw of 54.75m put her team in first place in the event, and shattered a conference record that had stood for five years.

Doyle's gold medal performance at the conference championship added to her two previous wins in the same event in 2000 and 2003 conference meets.

Mr. Speaker, being a personal friend of both Katy and her family, I can say her on-field performance is a testament to her character off the field. Coming off a seemingly debilitating injury that kept her out of competition in 2001 and 2002, she persevered and ultimately regained her championship form.

I am honored to give credit to this talented athlete, deserving individual, and great Texan.

THE 30TH ANNIVERSARY OF THE U.P.C. BAR CODE

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. BOEHNER. Mr. Speaker, I rise today to join with my constituents and friends in Troy, Ohio to celebrate the 30th anniversary of the U.P.C. bar code. When a pack of Wrigley's chewing gum was scanned by a cashier at the Marsh Supermarket in Troy on June 26, 1974, few understood the impact this simple action would have. Thirty years later, we now know.

It's amazing that the 59 black and white bars and 12 numbers of a U.P.C. bar code could have saved consumers, retailers, and manufacturers more than a trillion dollars over these three decades, but it's true. The U.P.C. bar code has revolutionized global commerce, and I am so proud to say it all started back in the state of Ohio.

Mr. Speaker, the Uniform Code Council and Marsh Supermarkets will join together tomorrow to celebrate this 30th Anniversary. Troy's Mayor Michael Beamish will offer a proclamation making June 25, 2004 "U.P.C. Bar Code Day," and since I will be unable to join them, let me use this moment to send my very best to everyone involved in the celebration. From the invention of flight to the use of the very first U.P.C. bar code, Ohio continues to prove itself a true center of innovation.

REGARDING THE SECURITY OF ISRAEL AND THE PRINCIPLES OF PEACE IN THE MIDDLE EAST

SPEECH OF

HON. JESSE L. JACKSON, JR.

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Mr. JACKSON of Illinois. Mr. Speaker, I rise today as a passionate proponent of achieving a just, lasting and comprehensive peace in the Middle East. I will vote for this resolution, but I have deep reservations about specific aspects of it.

Today, as yesterday, I am in strong support of the Road Map for peace devised by the United States, European Union, United Nations and Russia. As the world's only Superpower, it is the responsibility of the U.S. to work assiduously as an honest and balanced broker in this complex process to bring about a just and fair resolution.

The U.S. can only be effective in our role as mediator if we are able to maintain the trust and confidence of both the Israelis and the Palestinians. To embrace one side to the exclusion of the other is to undermine the credibility of the U.S. in the world, further deepen the divide within the region, compromise the security of Israel, and further endanger U.S. citizens and interests throughout the Middle East.

In his April 14, 2004, letter to Mr. Sharon to which this resolution refers and endorses, President Bush seems to make a troubling shift in the long standing policy of the United States. For years, the U.S. has attempted to facilitate, encourage and promote Israeli-Palestinian negotiations.

Now, however, with the issuance of the Bush letter and completely outside of the framework and process of final status negotiations, the United States has approved of Mr. Sharon's unilateral plan involving two very central and sensitive issues—the disposition of Israeli West Bank settlements and the Palestinian refugees' "right of return." To prematurely make significant determinations in favor of one party—the Israelis—without any input from the other—the Palestinians—is, at the very least, imprudent and prejudicial. In my view, this shift will further complicate, frustrate and forestall final status talks.

As stated in an Israel Policy Forum (IPF) commentary, "Shutting the Palestinians out also means that they incur no new obligations. At a time when Israel needs Palestinian assistance to end terrorism, they are locked out of the room. At a time when America needs the Islamic world to view the United States as not hopelessly biased against it, the Palestinians are given the back of the hand."

In the end, to resolve this two-party conflict requires a two-party commitment. I hope that the Israelis and the Palestinians soon will realize that their future and their fortunes are inextricably linked. As the Road Map envisions, both sides ultimately must reconcile differences, make concessions, accept obligations, and take simultaneous steps for progress and peace. In the words of IPF, "Any successful movement toward an agreement requires Israeli-Palestinian, and not Israeli-U.S., negotiations." I agree.

While the evacuation of Gaza could be a first and positive step towards a just and lasting peace, many other steps must follow. But only a negotiated resolution, involving both the Israelis and the Palestinians, will bring about a just and lasting peace. Unilaterally evacuating Gaza alone will neither stabilize the region nor produce an enduring peace. As President George Bush has said—and President Bill Clinton before him—in the past, only a solution that is "mutually agreeable" to both sides has a realistic chance of long-term survival and success.

It is because I believe deeply in the role of the U.S. as a genuine partner for both sides in the peace process that I remain committed to the Road Map.

DEVELOPMENTS WITH THE LORI BERENSON CASE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mrs. MALONEY. Mr. Speaker, I urge my colleagues to read this excerpt from "Whatever Happened to Lori Berenson, President Toledo's Trophy Prisoner?" This analysis was prepared by Abigail Jones, Research Associate at the Council on Hemispheric Affairs, and presents factual documentation about the recent developments in the case of my constituent, Lori Berenson, who has been imprisoned for eight and a half years in Peru. During her imprisonment, she has never received a fair trial. I remain hopeful that the Peruvian government will release Lori from prison. It is time for her to come home.

(Excerpt): "Lori Berenson, a 34-year-old New York native, has spent eight-and-a-half years incarcerated in Peru without the benefit of a fair and impartial trial—until now. Berenson's most recent trial was heard on May 7, 2004, in San Jose, Costa Rica before the Inter-American Court of Human Rights, the OAS's highest judicial body for the regional organization's member states. The CIDH exerts jurisdiction over OAS members who have ratified the American Convention on Human Rights, which Peru has endorsed. It is of note that this Court does not adjudicate the innocence or guilt of a defendant, but rather evaluates a state's compliance to the tenets of the Convention. The Court consented to hear Berenson's case upon the request of the Inter-American Commission on Human Rights (IACHR), after the Peruvian government failed to comply with the Commission's 2002 recommendations calling for the restoration of Berenson's rights, monetary compensation for damages incurred while in prison and a general overhaul of the anti-terrorism laws that have condemned hundreds if not thousands of Peruvian nationals under the Alberto Fujimori regime (1990–2000), to a parody of properly administered justice.

"If Berenson were to be exonerated of her alleged offense, the Peruvian government would be obliged to comply with the Court's judgment, based on Article 68 of the American Convention on Human Rights; this clause asserts that, 'The States party to the Convention undertake to comply with the judgment of the Court in any case to which they are parties.' Former U.S. Attorney General Ramsey Clark represented Berenson throughout the Court proceedings and was assisted by noted criminal and international lawyer Thomas H. Nooter as well as Peruvian lawyer Jose Luis Sandoval Quesada. The Court's ruling will likely be handed down later this year. . .

"In December of 1994, Berenson allegedly arrived in Peru as a journalist to work for two small American publications, Modern Times and Third World Viewpoint. On Nov. 30, 1995, the Peruvian police arrested her aboard a public bus on charges of 'treason against the fatherland.' After being illegally interrogated by the police without the benefit of a defense counsel, Berenson appeared before a 'faceless' military court that had a 97 percent conviction rate. In a grossly contrived trial before a hooded military judge who most likely hadn't attended a day of law school, this court sentenced her to life in prison for her suspected leadership position in the Tupac Amaru Revolutionary Movement (MRTA) and for the role she purportedly played in plotting a foiled attempt to abduct members of Peru's Congress. However, after years of outraged international protest over her patently inequitable trial, she continues to serve a 20-year sentence, after a civilian court overturned the '96 supreme military court's decision on the basis of newly obtained evidence that proved she was not a leader of the MRTA. She was then convicted on a lesser offense of abetting a terrorist organization. The civilian court acquitted Berenson of both membership in and militancy with a subversive organization."

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2005

SPEECH OF

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4548) to authorize appropriations for fiscal year 2005 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

Mr. HOLT. Mr. Chairman, the list of recognized intelligence failures is depressingly long and still growing. Despite these documented missteps, the House Leadership has produced an Intelligence Authorization bill that says we'll keep doing more of the same. We'll conduct our intelligence the same way as we have in the past. We'll spend a little more money here, a little less money there, but we'll do the same things we've been doing and do them the same way. And Congress will continue to abdicate its oversight responsibility. That's unacceptable.

Every member of this Congress supports the men and women of our intelligence community who put their lives on the line every day to keep our nation safe. I am a veteran of the intelligence community, having worked at the State Department's Bureau of Intelligence and Research, and I have the utmost respect for our intelligence professionals. However, we do a disservice to their hard work and personal sacrifice if we do not make sure that they have the tools and organizational structure they need to perform their duties successfully.

We all know now that they work within a broken system plagued by miscommunication, lack of coordination, and poor organization. In my view, the worst thing we can do for them is to continue to prop up this broken system. When a ship is sinking, you can either hand out buckets or you can repair the holes. Congress should be in the job of repairing the intelligence community, not bailing it out.

I want to be clear that our intelligence failures are not the fault of the men and women who work in the intelligence community. They are the result of complex, competitive and often redundant organizations that prevent the good work of our intelligence operatives from resulting in good, comprehensive products.

Unfortunately, there is no indication in this bill that we have learned anything from our intelligence mistakes. Nearly 3 years ago, our intelligence services failed to prevent the attacks on the World Trade Center, which took the lives of more than a hundred of my constituents in central New Jersey. An anthrax attack, which originated in my district and which targeted Members of Congress and other innocent citizens, still remains unsolved by the FBI. Today, our soldiers are risking their lives in Iraq after fighting a war to bottle-up weapons of mass destruction that our intelligence services said were there, but were not. The list of failures goes on.

And yet, with this bill, Congress continues to fail to make any reforms of the intelligence community. In fact, there is no indication in this bill that Congress plans to exert any more oversight over the intelligence community to hold it accountable for its performance than it has in years past. That is inexcusable.

In Committee, many of my colleagues and I offered a series of commonsense reforms that would have strengthened intelligence and strengthened oversight. They were all rejected.

For example, one of the reforms included a provision that would have established a special "red-team" that would have been charged with challenging assumptions and poking holes in the so-called "judgments" of the Intelligence Community. In other words, the "red-team" would be our in-house devil's advocate. It would make Intelligence analyses like the National Intelligence Estimate stronger and less subject to misinterpretation or selective editing by providing policy-makers with a new "red team" section where all doubts, concerns, and alternative views are clearly laid out. It would help us make sure that we actually know what we think we know. There was no reason for this reform to be rejected.

Finally, I was horrified that the Majority decided not to allow debate on Mr. Peterson's amendment, which would have fixed a major flaw in this bill. The bill only funds one-third of the critical counterterrorism funds the intelligence agencies say they need. The Peterson amendment would fund 100 percent of the counterterrorism funding needed and would do so now.

Instead, the Majority plans to wait to ask for more money in a supplemental appropriation later this year. However, by funding our intelligence community by supplemental we in Congress will be curbing our own ability to oversee how those funds are spent. We need to give the intelligence community the financial support it needs, but it would be irresponsible for us to give them a blank check and not ask any questions.

As a member of the House Permanent Select Committee on Intelligence, it is my responsibility to make sure that this Congress both exerts the proper oversight over our intelligence community and that the community receives the proper directives and funding to be successful. I cannot in good conscience vote for this bill because it is structured in such a way that will only contribute to more intelligence failures in the future.

HONORING HOLLY WALKER FOR HER OUTSTANDING SCHOLASTIC ACHIEVEMENT

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. PORTER. Mr. Speaker, I stand here today to honor an outstanding young woman and student. Holly Walker has received the Discover Card Tribute Award Scholarship. As one of eight Nevada recipients, Holly went on to compete nationally for Discover Card's top scholarship award in which she, along with nine other students from around the country, were awarded an additional scholarship on top of the award received at the state level.

Discover Card awards scholarships to junior high school students based on leadership merit, academic achievements, and the ability to share talents with others while simultaneously overcoming considerable personal challenges. The scholarship can then be used for any type of post-high school education.

I congratulate Holly Walker for this great accomplishment and contribution to the state of Nevada. As one of only nine national recipients, and the only Nevada recipient to receive such an honor, I ask my colleagues to stand with me in recognition of this outstanding high school student.

CONGRATULATING GLORIA MACAPAGAL ARROYO ON THE OCCASION OF HER RE-ELECTION AS PRESIDENT OF THE PHILIPPINES

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. ISSA. Mr. Speaker, I rise today to congratulate Gloria Macapagal Arroyo, who was officially proclaimed President of the Philippines yesterday, the 23rd of June, 2004. This election marks a milestone in the politics of the Philippines. It demonstrated that, despite the difficulties that persist in the Philippines, the leadership of the country remains committed to democratic governance.

I have had the pleasure of meeting President Arroyo on two separate occasions. I have also interacted and worked with several members of her cabinet. The Philippines, under the leadership of President Arroyo, has been a steadfast partner of the United States in the War on Terror. While Al-Qaeda has sought to spread its influence, training camps and criminal enterprises into Asia, the government of the Philippines has taken a proactive approach to ensure that international terrorism does not take root in this strong ally of the United States. The government of the Philippines has recently made important strides towards protecting intellectual property rights and other measures that will strengthen trade and contact between our two nations.

Mr. Speaker, as Americans, we have the privilege of living in the world's strongest democracy and as such we, as a nation, often take it upon ourselves to answer freedom's call and point out injustices in the world and, in some occasions, take an active role to bring democracy to those who do not enjoy freedom. While these cases of injustice often command our immediate attention, it is important to note the United States has many friends throughout the world who, like the Philippines, have been there for the United States when we have needed a dependable ally.

The 108th Congress has also acted to strengthen the friendship between our two nations. The aid we provide the Philippines provides important support in the War on Terror and our decision to grant Filipino veterans of World War II the same benefits as the American counterparts with whom they served has gone a long way toward righting an injustice and enhancing the ability of the government of the Philippines to work with the United States on numerous issues of mutual concern.

Mr. Speaker, as co-chair of the U.S.-Philippines Friendship Caucus, I congratulate both President Gloria Macapagal Arroyo on her reelection to a new term of office and the people of the Philippines for holding a competitive election that demonstrated the vibrant spirit of democracy of the Philippines. I look forward to working with President Arroyo on future projects that benefit both America and the Philippines.

PERSONAL EXPLANATION

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. GONZALEZ. Mr. Speaker, on rollcall Nos. 25, 26, and 27, had I been present, I would have voted "yes."

CONGRATULATING DR. IRVIN HAMLIN

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. MICHAUD. Mr. Speaker, I rise today to congratulate Irvin Hamlin, M.D. of East Millinocket, Maine who is set to retire after practicing medicine for over 48 years in the Katahdin Region.

After serving his country as a medic in World War II, Dr. Hamlin returned to the states and attended Colby College in Waterville, Maine and completed his medical training at the Tufts University Medical School. Upon graduation from medical school, Dr. Hamlin had a brief internship in Springfield, Ohio and then moved to East Millinocket in 1955, where he has remained ever since.

Dr. Hamlin has always exemplified the qualities of superior citizenship; his dedication to his patients and his community should serve as an example to others. Always one to bring a smile to his patient's faces, Dr. Hamlin's good humor and practical jokes are renowned throughout the region; but his compassion is his most outstanding quality. I have felt this part of his caring in my life when he attended to my own father.

It is always with some lingering sadness that I pass along my best wishes for the retirement of an individual like Dr. Hamlin. Though his retirement is well deserved it also signifies that the Katahdin Region is losing one of its most valued and experienced physicians. While his presence as a physician will be sorely missed, the extra time to spend with his family and fishing in area lakes and streams is long overdue. I only ask that he leave some fish for the rest of us to catch.

The Millinocket Regional Hospital for which he worked for so many years will honor Dr. Hamlin next Thursday, July 1, 2004. I am sure the people of the Katahdin region will turn out in droves to congratulate him and thank this wonderful man who has spent so many years serving them.

After 48 outstanding years of dedicated service, it is my great pleasure to congratulate Dr. Hamlin and thank him for his tireless service.

HONORING THE 40TH ANNIVERSARY OF THE SHEVCHENKO MONUMENT

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. DAVIS of Illinois. Mr. Speaker, four decades ago, on June 27, 1964, the Ukrainian American community marked a significant event—the unveiling of a monument to the Great Kobzar, Taras Shevchenko. Taras Hryhorovich Shevchenko, the great Ukrainian poet, artist and thinker, the revolutionary-democrat, and the ardent fighter against tsarizm and serfdom. He is considered the great son of the Ukrainian people. As the autocratic government of tsarist Russia attempted to erase Shevchenko's name from people's memory and suppressed all attempts to immortalize in sculpture the image of the poet of genius, the people could not forget this man. The first monument in the country, the bust in marble, to the great Kobzar was set up illegally in 1899 in Kharkov. On March, 24, 1935, it was a great holiday for the people in Kharkov as they joined together for the unveiling of the first legal monument of Shevchenko.

Almost 30 years after the people of Ukraine celebrated their monument, the Ukrainian Americans were able to have a holiday of their own. Through hard work, generosity, and dedication, the Ukrainian American community was able to honor their country's hero with a monument in the Nation's Capitol. Over 100,000 attendees participated in the festivities 40 years ago dedicated to the unveiling of the Taras Shevchenko monument. The Ukrainian American community is fortunate to celebrate this significant milestone 40 years later. I am proud to represent an area of Chicago that we call "Ukrainian Village." I want to honor this special day with my constituents and praise the Ukrainian community, Ukrainian Congress Committee of America, the Ukrainian National Women's League of America (UNWLA), the U.S.-Ukrainian Foundation and all the organizations involved in honoring the 40th Anniversary of this special monument.

Mr. Speaker, this monument stands for more than just honoring a great man but also as a way to never forget the struggles and the human rights violations by the former Soviet regime and political repressions against those who struggled for Ukraine's liberation.

REMEMBERING A SOUTH CAROLINA HERO, THOMAS CAUGHMAN

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. WILSON of South Carolina. Mr. Speaker, on June 9th, one of Lexington, South Carolina's most beloved sons, Army Specialist Thomas Caughman, was lost, when he was killed in a terrorist attack while serving in Iraq.

As Thomas wrote from the field in Iraq, "freedom isn't free." Sadly, his family, friends and fellow South Carolinians have learned this lesson in a painful and personal way. Thomas Caughman was the son of proud parents Hampton and Jane Caughman of Lexington, South Carolina.

Thomas will forever be an American hero for defending the American people in the War on Terror. I ask all of my colleagues to join me in extending our deepest regrets to the family of Thomas Caughman, and the entire Wilson family sends their thoughts and prayers.

I request that the following article from The State newspaper be placed into the RECORD, in remembrance of the fallen hero.

[From the State, June 19, 2004]

WAR IN IRAQ: LEXINGTON BIDS FAREWELL TO A FALLEN HERO

(By Chuck Crumbo)

When he wrote home, Army Spc. Thomas Caughman would close his letters with these words: "Freedom isn't free."

On Friday, family and friends honored the 20-year-old Lexington County soldier who paid the ultimate price.

About 1,000 crowded into the pews and lined the walls of Red Bank Baptist Church, and another 200 to 300 waited outside in the sweltering heat, as Caughman was remembered as a joyful and religious young man who made others around him feel special and loved.

A large crowd was expected. Caughman was a member of one of Lexington County's best-known families, with ties to banking, retailing and the religious community.

Nearly an hour before the service, traffic was backed up a quarter of a mile on S.C. 6, which runs past the church in the heart of the Red Bank community. After the church parking lot filled up, some mourners had to park across the street in the lot of St. James Lutheran Church.

The turnout would have delighted Caughman, said the soldier's uncle, Glenn Day, who offered personal remarks during the service.

"If he could say something to me right now and come up and do that little backhand on your chest . . . he'd say, 'Look at that crowd I got for you,'" Day said to laughter.

Caughman, a 2002 graduate of Lexington High School, died June 9 while patrolling a Baghdad neighborhood for bombs used to attack U.S. troops.

The Army said Caughman's armored vehicle was struck by rocket-propelled grenades and small arms fire. Two other soldiers in his vehicle also were wounded seriously.

Caughman was assigned to Army Reserve Company C of the 291st Engineer Battalion, based in Spartanburg. He transferred to a Pennsylvania combat engineer unit when it was called up for active duty.

Caughman is the first fatality of the Iraqi war from Lexington County and the 21st member of the armed services with ties to South Carolina to die in the conflict.

Friday's service was a mix of sweet sentiment—about a son, brother, nephew, cousin and soldier—and a dose of unabashed patriotism.

Just after the service started, the Rev. Robert "Butch" Powell asked mourners to salute some 60 members of the U.S. military who attended the funeral, including four dozen members of Caughman's Reserve unit.

Led by the fallen soldier's parents, Hampton and Jane Caughman, mourners stood and offered a thunderous ovation that lasted for 40 seconds.

Later, pictures of Caughman flashed on a screen at the front of the church while country singer Toby Keith's recording of "American Soldier" was played over the public address system.

The pictures covered Caughman's life from toddler to soldier.

There were shots of Caughman as a child at birthday parties, pedaling his red tractor, riding horseback, playing youth league baseball and fishing at the family pond.

There also were pictures of Caughman at his high school graduation flanked by his parents, shots of him and his buddies posing with a buck they had bagged, and images of him in his Army desert togs at the wheel of a Humvee.

Caughman's parents said he loved children and especially relished the time he could spend with his cousins at family outings.

One of those cousins, 6-year-old Hannah Frye, honored Caughman by standing before the packed church and flawlessly singing Lee Greenwood's patriotic hit, "God Bless the USA." During the service, Day often referred to his nephew's ever-present smile.

"Every time I close my eyes, I see that smile and that smile tells you a lot about a man's spirit," Day said. "I take great pride in being Thomas Caughman's uncle."

The Rev. Powell recalled one of his last conversations with Caughman, before the soldier headed for Iraq. Caughman believed it was his responsibility to fight for the freedom that his family, friends and fellow Americans enjoy, Powell said.

"He told me, 'I'm not married, I don't have any kids. I'm going for those who can't. I'm going because it's right,'" Powell said.

Referring to Caughman's writing "freedom isn't free" in his letters, Powell said, "there is a cost to be paid for freedom and he willingly paid that cost.

"Thomas Caughman was a hero, and so are the others who are still over there. Don't forget them in your prayers."

After the service, mourners filed outside to the church cemetery, where Caughman was laid to rest in a family plot near his grandfather, Raymond B. Day, the church's pastor for 36 years. Caughman received full military honors and was awarded posthumously the Bronze Star for meritorious service and the Purple Heart.

Brig. Gen. Thomas Bryson, deputy commander of the 81st Regional Readiness Command, presented the U.S. flag that draped Caughman's casket to the soldier's parents.

And then, after a final prayer, Hampton and Jane Caughman rose from their seats, stepped to their son's casket and gently patted and rubbed it.

Caughman's 17-year-old sister, Lisa, and his girlfriend, Lindsey Hendrix, followed. Each laid a rose on top of the casket and gave it a soft kiss.

Before the service, Toyanna Frye, who is married to one of the soldier's cousins, talked about Caughman's desire to serve and how he touched others' lives.

"It makes you look at your life and how we need to serve others," Frye said. "I imagine that it was a wonderful day in heaven when he came home."

CONGRATULATING TYLER TAPPENDORF

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. COSTELLO. Mr. Speaker, I rise today to congratulate Tyler Tappendorf of Belleville, Illinois on winning the National Peace Essay Contest in Illinois.

As my colleagues may know, the essay contest is sponsored by the United States Institute of Peace, an independent, non-partisan federal institution that promotes research, education and training on the prevention, management and peaceful resolution of conflict. First conducted in 1987, the essay contest is the Institute's primary outreach program to high school students.

Contestants this year were asked to analyze the process of rebuilding societies after conflict. Tyler's essay, Rebuilding from Past Conflicts, was selected as the best from the state of Illinois. Tyler attends Belleville East High School and plans to attend Valparaiso University and study actuarial science and Spanish.

Mr. Speaker, I wish Tyler the best of luck in the future and again congratulate him on this great accomplishment, and I am entering his essay into the RECORD so it can be enjoyed by others.

REBUILDING FROM PAST CONFLICTS

From the sheer numbers of a post-war death toll to the immense destruction of buildings and infrastructure, conflicts leave their mark on the world. The work that continues once the fighting has stopped determines whether more problems will erupt or whether an ultimate peace will triumph. This post-war reconstruction is often a complex and difficult process. From the players in the rebuilding to the system of governance, each aspect of reconstruction impacts the final outcome. Though some attempts have failed and others have succeeded, humankind can learn a great deal from past reconstruction efforts. The analysis of the aftermath in Japan after World War II and the reconciliation in Rwanda following the 1994 genocide suggests that plans for successful rebuilding must include a branching network of peacekeepers, an effective system of justice, and an impartial system of governance.

On August 15, 1945, the largest war in the history of the world reached its end onboard the U.S.S. *Missouri* after the United States unleashed on Japan the world's most powerful bombs. According to W. G. Beasley, with the swipe of a pen, the Japanese handed over power to the United States beginning a seven-year occupation feared by many Japanese as the end to their country, but ultimately recognized as "a fresh beginning" (214).

Embarking on what political scientist Robert Ward calls "the single most exhaustively planned operation of massive and externally directed political change in world history," the United States commenced reconstruction with trials of war criminals (Nardo 91). These trials quickly eliminated outside cries for revenge. Concurrently, new officials removed old leaders from the country, and the occupational government forced Emperor Hirohito to resign his position and denounce his supposed godliness (Dilts 294). This eradication of opposition laid the cornerstone for a smooth reconstruction.

Along with the United States' system of justice, the means of governance also helped assure the success of the reconciliation process. W.G. Beasley noted that though the United States controlled the country, it chose to govern indirectly through a modified body of Japanese leaders (215). The government also avoided unpopular laws, therefore evading much opposition (216). In conjunction with this, the U.S. also reassured safety and the betterment of the people. This not only initiated future friendliness, but also generated cooperation by the Japanese people (Dilts 294). In ruling through the country's own people and recognizing the citizen's views, reconstruction planted democracy while still maintaining support of the people.

Together with fair governance, a primary country controlling the process eased the reconstruction. As noted in Modern Japan, numerous countries such as Britain, China, and the Soviet Union would have an influence in the reconstruction, but the large majority of the power fell into the hands of the United States and General Douglas MacArthur (92). This separation between major and minor influences resulted in easier governance along with fewer disputes over insignificant details. By simply gathering the world's suggestions and channeling them through one enforcer, the reconstruction leaders simplified the process.

With a system of justice, a fair and respected government, a purpose of overall improvement, and one major peacekepper backed by other nations, the peacekeeping process reached it ultimate goal on April 28, 1952. With over fifty nations present, a treaty granted Japan freedom to pursue democracy peacefully and prosperously. Over fifty years later, Japan reigns as a world power while still remaining a peaceful, democratic nation.

Similar to Japan, Rwanda faced a massive reconstruction following its 1994 genocide. Unfortunately, its outcome proved to be less successful. In April 1994, the murder of Rwanda's Hutu president, coupled with an unsettled past, instantly incited Rwanda's two tribes—the Hutu and Tutsi—to violence. As reported by Bitala, the Hutu, with revenge in mind, murdered nearly 800,000 Tutsi in a span of about three months (6). Though the Tutsi also murdered many Hutu, the numbers of their killing was significantly lower than the genocide carried out by the Hutu (Santoro 11). The violence only reached its end after the Tutsi-led government, the RPF, gained control of the capital (11).

In a 2001 issue of World Press Review, Michael Bitala also noted that almost immediately the remaining Tutsi pleaded for the RPF to implement a system of justice (6). These requests forced Rwanda's minister of justice to lock up over 100,000 suspects, and, consequently, Rwanda's prisons immediately became overcrowded and unsanitary (6). In order to achieve actual justice, leaders derived a new system called "gacaca" in which small village courts would hear cases. Discussed in The New Republic, here at the gacacas the killers would face a panel of village leaders who would decide their fate (11). Though the plan began over three years ago, Rwanda has since made little progress (11). Many killers refuse to admit their crimes, many villages simply do not use gacacas, and many RPF leaders discourage the tribunals (11-12). Though the new system of justice in Rwanda can accommodate the masses, it unfavorably plots killers versus victims therefore destroying any hope of fair trials.

Together with a poor justice system, the government, led by the RPF plays unfairly to the Hutu, disrupting hopes of reconciliation. From its beginnings in 1994, the RPF-led government quieted nearly all resistance to its policies. According to Santoro, the totalitarian regime even hindered the planned gacacas (12). In mid-2003 the first election with more than one political party was held in Rwanda, yet despite this apparent improvement, election fraud in all forms belied the progress proving once again the authoritarianism of the government (Coleman n. pag.). Without a government willing to benefit all people of the reconstruction, little progress can be made.

The division of authority among participants in Rwanda's reconciliation also has hindered its success. As written by Fedarko, immediately following the genocide, French troops served as protectors to the survivors (56). Following this the German government agreed to lead the process for gacacas (Santoro 11). Numerous non-governmental organizations (NGOs) played a similar role throughout the peace process as well (11). All these forces coupled with the Tutsi-led government created an overload of influence without one primary overseer. No government—besides the RPF—was in complete control. Without one dominating mediator, the process was delayed and complicated.

Rwanda, despite its many efforts, has not reconciled completely. Although no formal fighting has since broken out, the Hutu and Tutsi tribes still stand divided inside the country's borders. Until Rwanda can establish an effective system of justice along with an unbiased government, little progress will occur.

Though the reconstruction efforts in Japan and Rwanda contrasted in many aspects, society can learn many of the same lessons from them. First, both wars present evidence that reconstruction must include an effective system of justice. An international group, such as the United Nations, must establish a permanent world court that reviews major war crimes. This court should consist of judges from numerous nations and serve as the authority over post-war justice. Impartiality must be maintained. Along with this, the reconstruction government must establish lesser courts within the damaged country to deal with lesser criminals. Only justice can suppress victims calling for revenge and remove insurgents opposing peace. Hence, a system of justice allows for a smoother rebuilding process.

Along with a system of justice, one major authority should control reconstruction, although numerous others should have an input on large decisions. Through this branching system, reconstruction becomes more effective and efficient. When one government enforces policies and bears the final authority decisions avoid delays in arguments. The other players, however, must choose the country or NGO to become the primary force. This chosen group must seek to benefit the war-torn country and its people. Similarly, the ultimate goal of the main regulator must focus on plans for a peaceful future as well as reconstruction of structures and government.

Finally, the players must institute a reasonable and impartial government. Though the major authority should assist the new government, the ruling body should consist only of natives. This prevents opposition to outside governments and eventually encourages self-rule. In conjunction with this, the new or revised government must recognize the needs and wants of the citizens. Governments must also establish fair laws as well as democratic elections and processes. If at any time the reconstruction leaders feel that the new government is failing, then they should have authority to revise or remove it. Through an evenhanded government, a country can reestablish itself while protecting the rights of its citizens.

With the implementation of a primary reconstruction leader, an operative system of justice, and an impartial government, postwar countries can begin to rebuild more effectively. Though numerous others aspects will also dictate the ultimate success of the process, these three areas will only benefit the reconciliation. Assuredly reconstructions will remain a part of society in the future because countries will continue to fight numerous wars and battles for years to come. Though conflicts will continue to arise, mankind can learn from the past in order to protect peace for the future.

IN MEMORY OF JACQUELINE ALTMAN MALLORY

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. MICA. Mr. Speaker, I would like to pay tribute to a good friend, a community leader, a wonderful wife and mother, and devoted American, Jackie Mallory.

Jacqueline Altman Mallory of New Smyrna Beach, Florida died June 23, 2004, in Port Orange, Florida. She was born in Homestead, Florida on August 27, 1936.

She was a graduate of New Smyrna Beach Senior High School. She received a degree in early childhood elementary education in 1957 from Florida State University. She was a member of the Delta Gamma sorority and was a member of the theater dance group. She taught school in Boston, Massachusetts and Sanford, Florida.

In 1974, Jackie earned a nursing degree from Daytona Beach Community College and worked as a registered nurse.

Active in civic affairs, Jackie was on the Board of the Southeast Volusia Hospital District at the time of her death. She also served in that capacity under Governor Bob Martinez. Recently, a building at Bert Fish Medical Center was designated to be named in her honor.

She was a member of the Smyrna Yacht Club; a member and past president of the Southeast Volusia Republican Club; a former member of the Volusia County Republican Executive Committee; a former board member of the Visiting Nurses Association, the Volusia/Flagler Red Cross, and the Space Coast Lung Association. She was active in numerous American Cancer Society Fund Raisers; was on the founding committee for the Atlantic Center for the Arts and Images; and was a cheerleading coach for the Southeast Volusia Athletic Association. She was a member of St. Paul's Episcopal Church.

She is survived by her husband, Peter, a son, Peter and his wife Sherri of Panama City; a daughter, Betsy Visconti and her husband Joseph of Titusville; a brother, Vernon Altman and his wife Mary Lee of Palo Alto, California; a sister, J'neese Strozier and her husband Thomas of Miami and New Smyrna Beach; and two grandchildren, Mallory Marie Pumphrey of Titusville and Mary Christine Mallory of Panama City.

Florida and the New Smyrna Beach area have lost a community leader. The Mallory Family has lost a loved one. I have lost a special friend whom it has been my honor and privilege to know.

A TRIBUTE TO JACK VALENTI

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, it is an honor and a privilege for me to pay tribute today to one of Texas' favorite native sons, Jack Valenti, the head of the Motion Picture Association of America (MPAA) for 38 years, who announced that he plans to retire in a few months.

Born in Houston, Texas, Mr. Valenti was the youngest graduate from high school at age 15 in the city. He began work as an office boy with the Humble Oil Company now Exxon located near my Congressional district.

As a young pilot in the Army Air Corps in World War II, Lieutenant Valenti flew 51 combat missions as the pilot-commander of a B–25 attack bomber with the 12th Air Force in Italy. He was decorated with the Distinguished Flying Cross, the Air Medal with four clusters, the Distinguished Unit Citation with one cluster, the European Theater Ribbon with four battle stars.

He graduated with a B.A. from the University of Houston and from Harvard University with an M.B.A. In 1952, he co-founded the advertising and political consulting agency of Weekley & Valenti, which was in charge of press during President Kennedy and Vice President Johnson's eventful visit to Texas.

Mr. Valenti was in the motorcade (six cars back of the president) in Dallas on November 22, 1963. Within an hour of the assassination of John F. Kennedy, Mr. Valenti was aboard Air Force One flying back to Washington with the new president as the first newly hired special assistant to President Johnson.

Mr. Speaker, it was almost 38 years and 22 days ago today that Mr. Valenti retired from his post as special assistant to Lyndon Johnson and became the President of MPAA.

In his position as President and Chief Executive Officer of the MPAA, Mr. Valenti has presided over tremendous worldwide changes in the industry. New technologies, the rise in importance of international markets, and the tyranny of piracy have radically changed the landscape of the American film and television industry. It is Mr. Valenti's leadership and personal efforts that led the confrontation with these global dangers, problems and opportunities.

Mr. Speaker, our communities and our country have always relied on the contributions of those individuals who have the ability to rise above and beyond the call of duty to make a difference in the lives of others, both personally and professionally. Jack Valenti has demonstrated an unfailing and tireless commitment to the betterment of the U.S. movie industry and the entire Nation.

Indeed, we need more people with his vision and energy to tackle the vast challenges we all face. It is reported in the print media that Mr. Valenti will continue his distinguished service to the people of this Nation as the president of a new Washington, DC-based not-for-profit group aimed at supporting the Global Fund to Fight AIDS, Tuberculosis and Malaria.

When someone leaves a post of importance, it is often said that his or her shoes will be hard to fill. But I can say without hesitation that, in Jack Valenti's case, this is an understatement. In addition to his excellent work on behalf of the movie industry, his influence has been felt far and wide—from the leaders of nations abroad, to young generation here at home.

Mr. Speaker, I would like this opportunity to thank one of Texas' favorite native sons, Jack Valenti for his years of contributions and dedicated service to the industry and the Nation. I wish him well on his future endeavors.

REVISING THE CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2005 AS IT APPLIES IN THE HOUSE OF REPRESENTATIVES

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. KIND. Mr. Speaker, budgeting is all about priorities. I strongly believe that we can invest in those priority programs important to people in western Wisconsin and throughout the nation, while reducing the record deficits that threaten our economic prosperity.

As a member of the House Budget Committee, I worked with my colleagues to draft an alternative budget proposal that would have done just that. Our alternative provided important funding for chronically underfunded education programs such as No Child Left Behind and IDEA. The federal government promised that when these programs went into effect, it would provide funding to carry them out. Under the President's budget and the Majority's budget, we are not meeting this promise, and it is hurting local school districts.

Our alternative budget also provided increased funding to meet the demands on our local first responders, provide more for veterans' health care needs, and improve the quality of life for our armed service members. Further, by making tough choices on spending and taxes, we provided more tax relief for middle income Americans while reducing the record federal budget deficits. We can do this if we can work in a bipartisan manner. Unfortunately, the budget resolution narrowly passed by the House earlier this year failed to make these key investments while still leading us down the road to the largest budget deficits in the history of our nation.

Today, we have been given the opportunity to address our budget shortfalls. The resolution offered by Congressman OBEY targets increased funding toward ten top priority issues, while providing $4.7 billion to reduce future taxes on our children resulting from the these current budget deficits.

The Obey resolution:

Restores funding for training and equipment needs of state and local fire fighters, police, paramedics, public health officials, and emergency managers.

Fully funds veterans medical care at levels advocated by the bipartisan House Veterans Affairs Committee. Veterans organizations expressed outrage at the inadequate healthcare funding levels included in the Majority's budget.

Adds funding for military housing needs to help the families of our armed service members. The Department of Defense notes that over 120,000 service members do not have decent housing.

Funds the No Child Left Behind program.

Meets the minimum funding necessary to meet promises for special education.

Increases Pell Grants to more closely resemble inflation increases, helping lower income student afford college.

This is by no means unnecessary or wasteful spending. It simply restores cuts to programs important to the people of western Wisconsin and provides adequate levels of funding to meet government promises.

It is also fully paid for. As I mentioned earlier, budgeting is about tough choices, and included in this resolution is a reasonable trade off. In order to provide this important funding for military service members, students, veterans, and local first responders, the resolution propose reducing future tax relief for those wealthiest Americans with over $1. million in annual adjusted gross income. The tax packages of 2001 and 2003 included enormous benefits for the wealthiest 1 percent of Americans. The Obey proposal will keep many of these tax provisions in place. In fact, those with annual adjusted gross incomes over $1 million will still get around $24,000 in tax relief if this resolution is passed.

Contrary to the rhetoric coming from the other side, this will not hurt the vast majority of small business owners. This resolution only impacts those with over $1 million in adjusted gross income. I know and work with many business owners in western Wisconsin, and this resolution will provide more help to them and their communities.

Mr. Speaker, we need a new approach to help our local communities and this resolution provides important funding to meet critical priorities. I urge my colleagues to support the Obey resolution.

RECOGNIZING AND ENCOURAGING ALL AMERICANS TO OBSERVE 40TH ANNIVERSARY OF THE DEATHS OF ANDREW GOODMAN, JAMES CHANEY, AND MICHAEL SCHWERNER, CIVIL RIGHTS ORGANIZERS

SPEECH OF

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 2004

Mr. THOMPSON of Mississippi. Mr. Speaker, I would like to recognize the 40th anniversary of the deaths of Mr. James Chaney, Mr. Andrew Goodman, and Mr. Andrew Schwerner. I submit the following speech by former Mississippi Secretary of State Dick Molpus published June 25, 2004, in the Clarion-Ledger Newspaper of Jackson Mississippi.

To the families and friends of James Chaney, Andrew Goodman and Mickey Schwerner we issue a heartfelt welcome. You and yours are forever linked with all of us. We are honored today by your presence.

Also, as I look across this audience I see people I know from across Mississippi and the United States. I am lifted up by your presence, as well.

This is an historic day for a number of reasons. First, we are seeing a remarkable display of unity and connection from the citizens of Philadelphia and Neshoba County. In the June 2 edition of the Neshoba Democrat I saw a picture of Leroy Clemons, president of the NAACP, with Jim Prince, editor of the Neshoba Democrat, saying clearly this community has come together and it was time for the "sun to shine through the clouds."

There is no doubt that the work of the Philadelphia Coalition is nothing short of a miracle. I watched with pride as Mayor Rayburn Waddell of Philadelphia spoke for the Philadelphia City Council in passing an unequivocal resolution calling for justice and as the Neshoba County Board of Supervisors, led by James Young, issued their own clear call. The power of human understanding has been shown to us by the 30 individuals who have met every Monday night for two months to plan this event and authored their own eloquent and moving tribute to Messrs. Chaney, Schwerner and Goodman. I am more proud of the leadership in my hometown than at any time in my life.

I believe, however, until justice is done, we are all at least somewhat complicit in those deaths. I recognize that only a handful of hate-filled men actually committed the murders, but we are all, to some degree, implicated. Some will say, "How can that be? Why can't we just move on?" Most weren't members of the Klan, those of you under 40 weren't even born and many of the baby-boomers, myself included, were teenagers. Many of our older citizens would never have ridden the dirt roads to terrorize and they don't condone murder.

But all of us who are Neshoba Countians or Mississippians have to acknowledge and face our corporate responsibility in this tragedy and I'm not talking about some fruitless and useless intellectual effort to assign guilt or blame.

The debate about who could have or should have done what in 1964 could go on forever. It's a discussion that carries us nowhere—there is no resolution. But that does not mean we can move on by ignoring where we are in 2004.

One fact is absolutely clear. Hear this: For 40 years, our state judicial system has allowed murderers to roam our land. Night riders, church burners, beaters and killers deserve no protection from sure justice.

Our district attorney, Mark Duncan, is elected by Neshoba citizens and those in four adjoining counties. Jim Hood, our attorney general, is elected by all Mississippians. Our U.S. attorney, Dunn Lampton, is appointed by the president of the United States, an election we all vote in. These are not weak, timid or cowardly men. They have all voiced their support for bringing charges with proven evidence that will lead to a conviction.

But our local responsibility for what happens in the future is also heavy. Clearly, we need to encourage and support those prosecutors. But those of us with local roots must do more.

By most accounts there were 20 men from Neshoba and Lauderdale Counties involved in the planning and actual executions. A number of them have taken to their grave their knowledge of this crime. They have already had their judgment day. Others, however, certainly told wives, children and buddies of their involvement.

So there must be witnesses among us who can share information with prosecutors. Other murderers are aged and infirm and may want to be at peace with themselves and with God before their own deaths. They need to be encouraged to come forward. Now is the time to expose those dark secrets.

When we have heard murderers brag about their killings but pretend those words were never spoken, when we know about evidence to help bring justice, but refuse to step forward and tell authorities what they need to know ... that's what makes us in 2004 guilty. Pretending this didn't happen makes us complicit. We must provide the help prosecutors need to bring closure to this case.

But justice by itself is not enough. These three young men died while urging people to vote and participate in our democracy. James Chaney, Mickey Schwerner and Andy Goodman were American patriots. Their murderers were domestic terrorists.

The end of this saga, however, should not be about cowardly racists finally brought to justice. The final chapter should be about redemption and about moving on—moving on to a better life. The most lasting tribute we can make to these fallen heroes is to move on and to honor their cause.

This is 2004, not 1964. Many of the demons we face today are similar to the ones 40 years ago. True, African Americans have the right to vote, but too few of our citizens—black, white, Indian, Asian or Hispanic—use that right. Public schools were segregated in 1964. With the growth of segregation academies and white flight, many remain that way now. Few politicians today use outright race-baiting, but we see the symbols some use and the phrases they utter and everyone knows what the code is—what really is being said.

In 1964 there was a dependence on low-wage jobs in manufacturing plants. Forty years later, most of the plants are gone, but too many still scrape by on dead-end jobs to make ends meet. Black, white and Choctaw Indian communities here in Neshoba County and Mississippi struggle with the scourge of school dropouts, teen pregnancy and drug abuse that keep the cycle of poverty unbroken. To build a lasting monument to James Chaney, Michael Schwerner and Andrew Goodman, we must face these issues with a clear, unblinking eye and say "no more."

And finally, we Mississippians must announce to the world what we've learned in 40 years. We know today that our enemies are not each other. Our real enemies are ignorance, illiteracy, poverty, racism, disease, unemployment, crime, the high dropout rate, teen pregnancy and lack of support for the public schools.

We can defeat all those enemies not as divided people—black or white or Indian—but as a united force banded together by our common humanity, by our own desire to lift each other up.

Forty years from now, I want our children and grandchildren to look back on us and what we did and say that we had the courage, the wisdom and the strength to rise up, to take the responsibility to right historical wrongs—that we pledged to build a future together, we moved on. Yes, we moved on as one people.

Dick Molpus, a former secretary of state and gubernatorial candidate, owns the Molpus Woodlands Group, a timberland investment company in Jackson.

IN HONOR AND REMEMBRANCE OF FORMER CLEVELAND MAYOR RALPH S. LOCHER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 2004

Mr. KUCINICH. Mr. Speaker, we rise today in honor and remembrance of former Cleveland Mayor Ralph S. Locher—Devoted family man, accomplished attorney, Ohio Supreme Court justice, community leader, and admired friend and mentor. Mr. Locher's term as Mayor of the City of Cleveland during a turbulent period of Cleveland's history, solidified his reputation as a man of honesty, integrity and heart.

Mayor Locher was born in Romania to American parents. His family left Europe to return to America, settling in western Ohio. Mayor Locher graduated from Bluffton College in 1936 and graduated from Western University School of Law three years later. He practiced law in Cleveland with Davis & Young until 1945, when he left for Columbus to accept the position of secretary of the Industrial Commission of Ohio.

His political career began in 1953, when Mayor Locher was appointed by Cleveland Mayor Anthony Celebrezze as the city law director. Mayor Locher did not seek elected office—it sought him. In 1962, Mayor Celebrezze resigned his post to accept an appointment by President John F. Kennedy, which immediately plunged Mr. Locher into the role as Mayor of Cleveland. Mayor Locher significantly trounced his opponent at the special election, and ran unopposed for a full term the next year.

Following his departure from office, Mayor Locher went on to be elected as probate judge in 1972. In 1976, Mayor Locher was elected as an Ohio Supreme Court justice, where he served until retiring from the bench in 1988. Mayor Locher served the bench with honor, integrity and concern, and garnered the admiration and respect of everyone associated with the court.

Mr. Speaker and Colleagues, please join us in honor, gratitude and remembrance of Mayor Ralph S. Locher—An outstanding citizen, devoted husband, father, grandfather and greatgrandfather, and an exceptional man and caring leader whose life positively impacted the lives of countless. We extend our deepest condolences to Mayor Locher's beloved wife, Eleanor, his daughter, Virginia Wells, and his grandson, and great-granddaughter. His passing marks a deep loss for so many of us who called him friend. Mayor Locher's flawless legacy of exceptional leadership, judicial integrity and sincere concern for others will be remembered always by the people of Cleveland—and far beyond. Moreover, his kindness, grace, and quiet dignity will always serve as example of a successful leader and more importantly—an exceptional human being.

APPLAUDING BETTY DUKES FOR HER COURAGE IN STANDING UP FOR WOMEN WORKERS AT WAL-MART

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 2004

Mr. GEORGE MILLER of California. Mr. Speaker, last month, Vice President DICK CHENEY visited the corporate headquarters of Wal-Mart and praised the company for the example it is setting for American business. Here is the example that Wal-Mart has set for American business:

If you violate workers' organizing rights, you can get away with it, receiving just a slap on the wrist from weak and ineffective federal labor laws.

If you shift the cost of health care onto workers who cannot afford it, you can increase your profits and have taxpayer-funded programs like SCHIP pick up the tab.

If you distrust your own workforce enough to disregard their safety, you can lock them inside your store overnight without a key.

If you want to increase the wealth of one of the wealthiest families in the world, you can maintain the lowest wages in the industry, laying off your most senior and loyal employees and replacing them with lower-paid entry-level workers.

If you want to eliminate competition in your industry by lowering your wages and prices, you can force U.S. suppliers to outsource their manufacturing jobs, so that you can reap the benefit of cheap labor from countries with even worse workers' rights records than our own.

All of these reprehensible labor practices are detailed in the February 2004 report which I commissioned, "Everyday Low Wages: The Hidden Price We All Pay for Wal-Mart." I urge Vice President CHENEY to read it.

Today I submit to you, contrary to the Vice President's remarks, that the employees of Wal-Mart are beginning to set an example for American workers—by fighting back on behalf of themselves and others who are unfairly treated by their employer. This week, as the attached L.A. Times article explains, a judge in California certified the largest employment-discrimination class action in history. A class of 1.5 million women who have worked at Wal-Mart are suing the retail giant for sex discrimination. According to papers submitted in court, female employees are paid less than their male counterparts, promoted less frequently than their male counterparts, and retaliated against when they complain. In today's workplace—all too often rife with employer threats and intimidation—it takes a great deal of courage from workers to stand up,for their rights. So I rise to salute one of those workers, a brave woman from my home district,

Betty Dukes of Pittsburg, California, one of the lead plaintiffs in this historic lawsuit. She has worked at Wal-Mart for ten years and simply wants a fair opportunity to succeed. She is now standing up for over a million other women who have punched the cash registers, stocked the shelves, and greeted customers for years without that opportunity. Her courage is to be commended. And I hail her as an American hero.

[From the LA Times, June 24, 2004]

Wal-Mart Plaintiff Still Loves the Store: Worker Who Is Spearheading a Landmark Gender Bias Suit Says She Just Wants a Chance To Advance

(By Donna Horowitz, Eric Slater and Lee Romney)

Pittsburg, CA.—Less than 24 hours after a federal judge ruled that 1.5 million women who have worked for Wal-Mart could pursue a class-action gender discrimination suit, the lead plaintiff in the case was back on the job here Wednesday nattily dressed, quick with a smile and talking about how much she likes the company she's suing.

All Betty Dukes wanted, the 10-year veteran of the company said, was "the opportunity to advance myself with Wal-Mart."

On Tuesday, U.S. District Judge Martin J. Jenkins in San Francisco ruled that the suit originally filed by Dukes and five other women could be expanded to virtually every woman who has worked at the world's largest company since late 1998. The suit alleges that Wal-Mart pays women less than men for performing the same job, passes over women to promote less-qualified men and retaliates against women who complain.

The judge's ruling set the stage for what could be the giant retailer's greatest test ever. The sheer number of plaintiffs means that a loss or even a settlement could cost the company billions of dollars.

As Dukes was receiving minor-celebrity treatment from customers and co-workers—"Did you see my story in the paper today?" she asked customers, holding up a copy of a local newspaper—officials from the Arkansas retail colossus emphasized that Tuesday's ruling did not address the merits of the case and said it would do nothing to influence the company's plans to expand in California and elsewhere.

"It really doesn't change anything," said Robert McAdam, the firm's vice president for state and local government relations. "Nothing is different as it relates to our development plans or our prospects for growth in the state."

The company has weathered a series of high-profile tests, most recently in Inglewood, where Wal-Mart went so far as to ask voters to allow a Supercenter in their community only to be rejected. At the same time, other communities in the state have actively courted the retailer.

As Dukes smiled and welcomed customers to the store in this town of 48,000 about 40 miles northeast of San Francisco, many of the mixed emotions that Wal-Mart tends to evoke were in evidence around her.

Lorell Belarde, 39, seemed to embody the dichotomy of some customers.

"I really don't even like the store," said the property manager after a short shopping spree. "I don't like the company. They don't treat their employees right. They don't even treat the customer right.

"But," she added, "the price is reasonable."

Holly Hamilton pushed her shopping cart through the parking lot looking not unlike an ad for Wal-Mart. In her cart was almost everything the 27-year-old nurse would need for an upcoming camping trip: a fishing pole, beach towels, food and bottled water, all gathered at a single store for hard-to-beat prices.

Like many customers outside the Pittsburg store Wednesday, Hamilton did not know about Tuesday's ruling, but when told, she expressed some concern and said she might consider shopping elsewhere if a court determined the company discriminated against women.

During an afternoon break, Dukes, dressed in a black and tan outfit with a billowing red scarf, turned an upside down shopping cart into an impromptu chair.

"Wish you the best of luck, sweetie," a male customer called to Dukes in the store parking lot.

Dukes was hired at Wal-Mart a decade ago, with grand plans for a quick move up the ladder into management. Instead, she says, she was passed over for promotions repeatedly, as men with less experience landed the job.

But she makes $12.53 an hour—an increase of more than 25% in the three years since the lawsuit was filed, thanks to generous raises. A volunteer minister, Dukes likes most of her co-workers and bosses, who "respect my right to pursue this matter." She likes most of the customers, most parts of the job. She works at Wal-Mart and shops at Wal-Mart, and loves the prices.

"All we're asking for is our day in court, and to let the evidence speak for itself."

The ruling, in which Jenkins said the "evidence raises an inference that Wal-Mart engages in discriminatory practices in compensation and promotion that affect all plaintiffs in a common manner," however, is by no means the company's first considerable trial. And even as the number of Wal-Mart critics appears to be growing, so does the number of its defenders—and so does the company's reach.

One of the company's previous blows came in April, when Inglewood voters soundly defeated a sweeping initiative that would have allowed the company to build a Supercenter the size of 17 football fields without going through the traditional layers of city bureaucracy.

The company spent more than $1 million in its failed effort to pass the initiative, buying television commercials and handing out doughnuts, all for an election that drew just 12,000 voters. Opponents spent a fraction of that amount and won the contest, about 7,000 casting ballots against the proposal and 4,500 in favor.

The contest's David vs. Goliath overtones rippled across the country. On paper, however, the defeat cost the company but a single Supercenter.

And the company, which opened its first Supercenter in the state this spring in La Quinta, southeast of Palm Springs, has plans for 40 more across California, including stores in Stockton and Hemet expected to open this year.

The Supercenters are the company's most controversial because of their size, averaging 200,000 square feet, and the fact that they stock groceries.

Wal-Mart pays its employees, male and female, less than many other similar retail outlets as well as grocery stores. The so-called Wal-Mart effect—the company's ability to undercut competitors with its lower wages and prices—helped trigger the longest grocery store strike in Southern California last year as some grocers sought wage and benefit concessions they said were needed to compete with the Supercenters.

Although the company lost its Inglewood battle, and as many California cities, including Los Angeles, have passed ordinances that effectively ban such massive "box stores," the company has found open arms in many other parts of the state. Some describe the Inglewood opposition, the lawsuit and other attacks on the company as knee-jerk bashing of a successful corporation.

In Gilroy, where the City Council voted 5 to 2 in March to approve a Supercenter, Wal-Mart proponents wrote off the news of the lawsuit ruling as legal hullabaloo.

"Certification of a class-action suit is easy to do," said Bill Lindsteadt, executive director of the Gilroy Economic Development Corp., which embraces the new center. "It's frivolous. It's another ploy by the unions to force Wal-Mart to become union."

While heated fights over proposed Supercenters are playing out across the state, some observers say the company is facing increasing difficulties as it moves from rural and suburban markets into urban areas—and that Tuesday's ruling may increase opposition.

As Wal-Mart moves "from the suburban fringe and really starts to look more in urban areas . . . they're encountering a different level of concern and opposition than they were when they were building out amid the strip malls," said Amaha Kassa, co-director of the East Bay Alliance for a Sustainable Economy. "These kinds of issues of pay equity and disparate treatment are very much going to be issues of concern for urban voters."

RECOGNIZING SANDCASTLE DAYS IN IMPERIAL BEACH, CALIFORNIA

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 2004

Mrs. DAVIS of California. Mr. Speaker, I rise today to honor a country of patriots. A nation entering a hot summer, full of turmoil and uncertainty.

The coming three months will be marked by many significant world events; the transfer of sovereignty in Iraq, the Olympic games in Greece, an escalating November election at home.

The world will spin a little faster this summer and to compensate we must all pull together as a nation.

It is time for us to reconnect, to remind ourselves what it is that makes us uniquely American.

We are all neighbors, and that which divides us will never outshine that which unites us.

We are all neighbors, and for that reason I share with the community what is happening in my yard this summer.

In one month time the 28,000 residents of Imperial Beach, California will be holding their city's 48th birthday commemoration.

Proudly anchored as the country's most southwesterly city, this diverse seaside town is preparing to celebrate the same way it has for the past quarter-century. Come early July, the city of Imperial Beach will be holding its 24th annual U.S. Open Sandcastle Competition.

For three days, creativity and civic pride will be honored. In addition to the sand-sculpting contest, festivities will include a community ball, street parade, and nighttime fireworks display over the Pacific.

The weekend long celebration will draw over 250,000 spectators. People will swarm the sand to see creations that will not last the next tide. In the spirit of ingenuity, modern marvels of dirt will be erected and destroyed in an afternoon's time.

For three days the sun will shine and the children will smile. The world will slow in this corner of the country and we will celebrate the anniversary of a city, the essence of a nation.

We are a "can do" people, but that does not mean we should have to do it alone.

My district is only 1 of 435, and so I ask my fellow Representatives in the House, what is your District doing this summer? Let us share in this most public of forums, that which unites us as a country.

We are each other's neighbors and we should not let an opportunity to come together pass us by. The world will seem a smaller and safer place if we know what is happening in our own backyards.

So as summer quickly comes to our countryside, let us give voice to our originality, and champion all that makes our society truly extraordinary.

40TH ANNIVERSARY OF THE DEDICATION OF THE TARAS SHEVCHENKO MONUMENT

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 2004

Mr. LEVIN. Mr. Speaker, on June 26, 2004, the Ukrainian American community will be celebrating the 40th jubilee commemoration of the unveiling of the monument to Taras Shevchenko, known as the bard of Ukraine for his exquisite lyric poetry and numerous novels, as well as his many works of art.

Taras Shevchenko was born in the Kyiv region in 1814 to a childhood of servitude and a life of hardship. He first worked as a houseboy until his owner realized his artistic talent, after which he was apprenticed to a painter. His freedom was purchased in 1838 by another painter who appreciated Mr. Shevchenko's work.

An ardent champion of freedom and Ukrainian independence, Taras Shevchenko saw George Washington as a symbol and liberator of the American people from the colonial rule of a foreign power. Mr. Shevchenko's works played a key role in the awakening and drive for national liberation of the Ukrainian people. In his poems, he attacked tyrants, oppressors and all enemies of human freedom and decency.

Mr. Shevchenko's love of freedom and criticism of the czars resulted in his arrest in 1847. He was first sentenced to forced military duty, and later imprisonment, where he remained in Russian custody until his release in 1857, two years after the death of Czar Nicholas. He was arrested again in 1859 and remained under police surveillance until his death in 1861.

Years of harsh punishment did nothing to curtail his fight against the imperialist and colonial occupation of his native land. Mr. Shevchenko secretly produced numerous works of poetry and art throughout his term of imprisonment which inspired the Ukrainian people.

Mr. Speaker, it is fitting that a statue honoring a man who fully embraced the ideals of personal freedom and human dignity, cornerstones of our country, should stand in the United States. I congratulate the Ukrainian American community on celebrating the 40th anniversary of the dedication of the Taras Shevchenko monument.

PROMOTING RESPONSIBLE INTERROGATION STANDARDS ENFORCEMENT ACT OF 2004

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 2004

Mr. CONYERS. Mr. Speaker, today I am introducing the "Promoting Responsible Interrogation Standards Enforcement Act of 2004" or "PRISE Act," legislation that reaffirms the United States' longstanding commitment to refrain from engaging in torture or cruel, inhuman or degrading treatment or punishment. I am joined by Representatives LOFGREN, MEEHAN, WATERS and SANCHEZ.

This nation's foreign and military policies have been substantially undermined as a result of the Iraqi prisoner and detainee abuse scandals. The PRISE Act is designed to prevent similar abuses from occurring. In doing so, the legislation takes several important steps.

First, it codifies the United States' legal and international treaty obligations with respect to the prohibition on the use of torture or cruel, inhuman or degrading treatment or punishment. Second, the bill directs the Secretary of Defense to issue guidelines to ensure compliance with this obligation. Third, in the unfortunate event that a member of the Armed Forces or Department of Defense contractor violates this prohibition, the bill requires the Defense Secretary to submit to Congress, in a manner that protects national security, a report highlighting the details of such violations. Finally, it closes a loophole created by the PATRIOT Act that may allow torture at U.S. military facilities overseas.

As we continue to define our values as a country, we must make it abundantly clear that we will not compromise our principles. The use of torture is not only wrong, but it is an ineffective interrogation tactic because it produces unreliable information. People who are being tortured will often lie to their interrogator in order to stop the pain.

I am hopeful that Congress can move quickly to enact this worthwhile and timely legislation.

CORRECTING ENROLLMENT OF S. 2238, THE BUNNING-BEREUTER-BLUMENAUER FLOOD INSURANCE REFORM ACT OF 2004

SPEECH OF

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 2004

Mr. OXLEY. Mr. Speaker, I rise today in support of S. 2238, the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004. This important piece of legislation not only reauthorizes the National Flood Insurance Program through September 30, 2008, but also makes much-needed reforms that will help the Federal Emergency Management Agency (FEMA) stem wasteful use of taxpayer funds on properties that flood over and over again.

By now most Members are well aware of the long road we have traveled in developing this legislation. After years' worth of discussions with floodplain managers, taxpayer groups, environmental groups, insurance professionals and the housing industry, the House Financial Services Committee passed H.R. 253 by a unanimous, bipartisan vote on July 23, 2003. The bill was subsequently passed in the House by an overwhelming margin on November 20, 2003. The National Flood Insurance Program is now set to expire on June 30, 2004; it is critical that we act on this bill today.

Thanks to the hard work of my colleagues, there should be no doubt that this legislation will receive a favorable vote once again. The Senate bill is, in most respects, identical to the one we passed here in the House. That bill, H.R. 253, authorized funds to address severe repetitive loss properties for both the existing Flood Mitigation Assistance (FMA) program and authorized a new pilot program to address these properties. Under the House bill, this trial pilot program addressed the properties in a simple, straightforward manner: the owner of a severe repetitive loss property would be charged a rate closer to the actuarial, risk-based rates for their national flood insurance policy if certain conditions were met. Safeguards were built into the system to ensure that homeowners would be protected. Through our bill, the number of repetitive flood loss properties would be decreased because FEMA would have the money and the means to take care of them.

S. 2238 adds a title creating certain policyholder protections designed to ensure swift action for the payment of claims in the event of a flood. In addition, the Director of the Federal Emergency Management Agency (FEMA) will be tasked with promulgating regulations outlining an appeals process for policyholders with respect to claims, proofs of loss, and loss estimates related to flood insurance policies. And at the request of FEMA, the Senate has made minor changes regarding implementation of the flood mitigation programs originally set forth in the House bill.

On a personal note, perhaps the most appropriate change made by the Senate was in naming this legislation for Congressman DOUG BEREUTER, my good friend who is retiring from the House this year. This legislation is a testament to his hard work and to the dedication he has shown throughout his career to further the interests of not only his constituents but also the Nation as a whole and to the ideal of good government. Congressman BEREUTER worked tirelessly to craft this bill with Senators BUNNING and SARBANES as well as Ranking Member FRANK and Representatives BLUMENAUER and BAKER. Mr. BAKER was also particularly helpful in crafting this legislation and in providing a voice for his constituents in Louisiana and other states particularly hard-hit by repetitive flood losses.

It is important to note once again that the National Flood Insurance Program has been long overdue for change. The Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004 addresses the problem of repetitive loss properties (buildings that flood regularly because of their location) and the threat such properties pose to the ability of the NFIP to meet obligations to policyholders without drawing on taxpayer funds. Repetitive loss properties are a problem in nearly every one of the fifty States and cost the NFIP approximately $200 million each year, which is an unacceptable expense. One percent of all properties in the NFIP account for approximately 25 percent to 30 percent of all the NFIP losses. Repetitive loss properties have for too long exhausted the NFIP's funds and subverted the original intent of the program.

Despite the problems caused by repetitive flood loss properties, the NFIP is a program that provides important protections for homeowners who live on the Nation's floodplains. Though most of these homes have never flooded, the NFIP is a vital safeguard with a proven record of success. These much-needed reforms will enhance the program's effectiveness by requiring people living in flood prone areas to reduce their risk of flooding in a way that is not punitive and which saves the program and taxpayers money. This legislation should enjoy widespread bipartisan support in the Congress and will be welcomed by the people who work every day to control floods all across the country.

TRIBUTE TO DR. C. VINCENT BAKEMAN

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 2004

Mr. THOMPSON of Mississippi. Mr. Speaker, I would like to recognize the life and legacy Dr. C. Vincent Bakeman, a co-founder of the Human Resources Development Institute, Inc. (HRDI), who devoted himself to improving our alcohol and chemical dependency treatment systems.

We are all aware of the national problem that is especially acute in inner-city areas across this great Nation. The shortage of healthcare professionals has left many underserved communities without access to healthcare, placing low- and middle-income families at even greater risk of suffering from medical conditions and disorders that could be averted.

True to its mission, HRDI has charted innovative healthcare solutions that continue to stabilize and strengthen families, neighborhoods and entire communities from Chicago to Las Vegas to Indianola, Mississippi, and points in between.

Additionally, through his efforts to empower those without healthcare, he formed partnerships with area institutions of higher learning to assist residents in acquiring the necessary skills and training central to competing in this new age of information and technology.

Many of our colleagues here in Congress have espoused the notion of expanding healthcare coverage. Dr. Bakeman lived it.

It is through community efforts as demonstrated by Dr. Bakeman and HRDI that we may be able to achieve a reality of accessible and affordable healthcare for all.

During his thirty-plus years of service, Dr. Bakeman touched the lives of many, proving that even the simplest ideas can make a big difference.

I take great pride in commending the work of Dr. C. Vincent Bakeman and HRDI on a job well done for more than 30 years.

IN HONOR AND REMEMBRANCE OF JOHN J. BRENNAN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 2004

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Mr. John J. Brennan—Devoted father, grandfather, brother, and dear friend and mentor to countless individuals—family, friends and colleagues, whose lives have been forever enriched for having known and loved him well. My brother, Gary Kucinich and I, are better people for having called John J. Brennan friend, and we share in the deep sadness with his family and friends in knowing that he left us far too soon.

Mr. Brennan's 25-year career as an investigator with the Cuyahoga County Department of Human Services Investigative Fraud Unit, reflected honesty, ethics, and the ability to see through the complex maze of layered cases and get right to the heart of the matter. While growing up in Cleveland, Mr. Brennan's parents, the late Judge Hugh Brennan and Dorothy Brennan, instilled within him a strong work ethic, dedication and perseverance, and above all, they showed him the power of a giving and caring heart. A graduate of Holy Name High School and John Carroll University, Mr. Brennan's good natured and jovial spirit belied his strong intellect. He was quick to offer his assistance to anyone in need, and his quick wit and kind words consistently uplifted the spirits of others.

Mr. Speaker and Colleagues, please join me in honor and remembrance of Mr. John J. Brennan, loving father of Colleen, Michael and Ann; devoted grandfather of Anthony and Romello; loving friend of Kathy Meyers; devoted brother of Thomas and Timothy, and dear friend to many. Mr. Brennan will be deeply missed, yet today we celebrate his life, a life lived joyously. John J. Brennan embraced love and embraced life—and the love he gave to others will forever live on within the hearts and memories of all of us who knew and loved him well.

May the road rise to meet you
May the wind be always at your back
May the sun shine warm upon your face
May the rain fall soft upon your fields
And until we meet again
May God hold you in the palm of His hand
—Irish Proverb

INTRODUCING THE JOBS FOR AMERICA ACT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 2004

Mr. GEORGE MILLER of California. Mr. Speaker, today I am joining with 25 of my colleagues to introduce the Jobs for America Act—legislation that will help protect American workers who face job outsourcing.

Every day, more Americans watch their jobs get shipped overseas. Jobs are disappearing from every sector of the economy—from high tech call centers to health care workers—leaving hundreds of thousands of families and their communities in the lurch.

According to some estimates, 40 percent of Fortune 1000 companies are currently using some form of overseas outsourcing, and as many as 3.3 million jobs may be offshored in the next 15 years. The latest study from Forrester Research finds that offshoring of white-collar jobs is accelerating, with the number of U.S. business service and software jobs moving overseas reaching 588,000 in 2005, up from 315,000 in 2003. By 2005, the total loss of software programming, customer call-center, and legal paperwork positions will hit 830,000 jobs—an increase of 40 percent from this year.

The Jobs for America Act amends the Worker Adjustment and Retraining Notification (WARN) Act to require companies to disclose and report whenever they lay off workers to send jobs overseas. It would require that when a company plans to lay off 15 or more workers and send those jobs overseas, it must:

Inform affected workers, the Department of Labor, State agencies responsible for helping laid off employees, and local government officials;

Disclose how many jobs are affected, where the jobs are going, and why they are being offshored; and

Provide employees at least 3 months advance notice.

Also, the Jobs for America Act strengthens the WARN Act by:

Requiring the Department of Labor to compile statistics of offshored jobs and report them on an annual basis to the Congress and the public;

Clarifying that WARN Act protections, including the 3 months advance notice, apply to all cases where 50 or more workers are laid off, regardless of the reason for the layoff; and.

Ensuring effective remedies for workers who are injured by a company's violation of the WARN Act.

While companies export jobs overseas for cheap labor, American workers deserve—at an absolute minimum—the earliest warning of a job loss. In today's economy, with massive longterm unemployment, workers need as much time as possible to begin looking for a new job or begin retraining for a new career. This bill will expand the amount of time available to workers to adjust to the loss of a job. It will also increase penalties on employers who choose to ignore these simple requirements, providing real make-whole remedies for workers who are injured by WARN violations, including consequential damages.

Moreover, for the first time, the Secretary of Labor will be collecting and reporting large-scale data on offshore outsourcing. Such data collection will help us to better understand the scope and dynamics of this phenomenon and its threat to our standard of living, enabling us to craft more comprehensive solutions to the problem.

While this bill will not by itself solve the outsourcing problem, it does provide critical tools—such as time and information—which will benefit both workers and Congress in their efforts to stem the hemorrhaging of jobs from this country.

IN RECOGNITION OF THE UNITED NATIONS INTERNATIONAL DAY IN SUPPORT OF VICTIMS OF TORTURE

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 2004

Mrs. DAVIS of California. Mr. Speaker, I rise today in recognition of the United Nations International Day in Support of Victims of Torture, and in support of a program in my district that provides critical healing services to San Diegans who have fled torture and persecution in countries all over the world.

The greater San Diego area is home to an estimated 11,000 survivors of politically motivated torture. They have come from more than 40 countries and endured unimaginable human rights abuses. They are not strangers or anonymous victims who we will never meet. They are our neighbors, our colleagues, the families with which we attend religious services, and the children that attend schools with our children. Torture survivors in San Diego are strong, resilient, resourceful people who bring diversity to our city and have many talents and experiences to offer our community.

Torture robs strong, healthy, productive people of their vitality, identity, and dignity, often in the prime of their lives. Political torture does not just randomly occur as an act of isolated terror; it is a tool of oppression, a system of violence that targets people because of their race, ethnicity, religion, social group, gender or political affiliation. People are tortured because of who they are, what they believe and what they represent.

Torture survivors in San Diego have been tortured because as journalists they wrote the unwelcome truth, as attorneys they fought for the legal rights of unpopular minorities, as community leaders they spoke up, organized unions, or staffed clinics. Some requested the right to representation by their government, or the right to be autonomous when the government failed to represent them. Others sought healthcare, believed in religions not "sanctioned" by the government, and rejected the conscription of children into militias.

In San Diego, and in all places where they seek safety and solace, torture survivors bear out the consequences of the abuse they have endured. Anxiety, depression, Post-traumatic Stress Disorder, chronic pain, head injuries, dental trauma, and nerve damage are all consequences of torture. Though many torture survivors choose not to reveal the details of what they have endured, they never forget, and without appropriate care, most will not improve. They re-live their suffering in nightmares, flashbacks and intrusive memories. Chronic physical pain, muscle weakness and an inability to trust, confide or relax are too often daily reminders of the injuries they endured.

The consequences of torture are also a significant public health concern. Not only do they impair the health of the person who was victimized, but they create anxiety, fear and depression among whole families and communities. The transgenerational effects of trauma are well researched and well documented. The effects of torture will cascade down through the generations and negatively affect the mental health of the children and even grandchildren of those who endure torture. The effects of torture will ripple through our cities weakening the ties that bind us together, and bolstering the barriers that keep us apart. The consequences of torture represent a public health problem which only grow without care, and prevent hardworking, talented people from being able to fully-integrated, productive, participating members of our communities.

I invite all of my colleagues and all Americans to recommit themselves today, on the International Day in Support of Victims of Torture, and everyday to the eradication of the use of torture throughout the world wherever it may be used. The consequences of torture for individuals, families and communities are far too heinous to not be condemned and spoken against.

Today, I am happy to be able to commend the important work and the successes of Survivors of Torture, International. This non-profit organization, made up of concerned San Diegans has provided direct medical, mental health, legal and social services to more than 500 torture survivors in the greater San Diego area. Furthermore, this organization has worked to train hundreds of doctors, nurses, attorneys, teachers, clergy, and mental health professionals to work with torture survivors as well. They have committed themselves to building a San Diego where torture survivors do not suffer in silence, but have access to the assistance the need to become healthy, productive and self-sufficient Americans.

HONORING THE LIFE OF MILDRED "MILLIE" JEFFREY

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 2004

Mr. LEVIN. Mr. Speaker, I rise today to honor the life and legacy of Mildred "Millie" Jeffrey, a pioneer who was at the forefront of our country's most powerful social and political movements. Millie passed away in March, and on Saturday she will be honored at her beloved Wayne State University in Detroit.

Millie once said, "the secret to change, that is change for the better, starts with involvement." No one lived that mantra more than Millie. She was a powerful voice for our Nation's workers, fighting for their right to organize and to ensure fair treatment in the workplace. Millie marched in the South with Dr. King, and trained other civil rights activists as they worked to break down racial barriers. As a leading feminist, Millie worked tirelessly to open the doors for equality of future women leaders. She was the guiding force in the effort to nominate Geraldine Ferraro as Walter Mondale's running mate in 1984. Four years ago, President Clinton awarded Millie the Medal of Freedom, our Nation's highest civilian honor.

The Reuther family brought Millie to Michigan, and it is the place she called home for over 5 decades. Many people don't know this, but Millie was, in fact, an elected official in our State, serving 16 years on the Wayne State Board of Governors. She loved living on campus, showing visitors "her neighborhood" and interacting with the students. She took great pride in watching the election of the first woman Senator from Michigan, DEBBIE STABENOW, and the first woman Governor, Jennifer Granholm. Many of today's leaders count Mildred "Millie" Jeffrey as their mentor and friend. I was personally enriched by her example, her endless energy, and her friendship.

Mr. Speaker, I ask my colleagues to join me in remembering Millie and her contributions to Michigan and our Nation.

HONORING THE 40TH ANNIVERSARY OF PASSAGE OF THE CIVIL RIGHTS ACT OF 1964

SPEECH OF

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Mr. CONYERS. Mr. Speaker, I rise to recognize and commemorate the 40th anniversary of the Civil Rights Act of 1964. I commend my colleague, Congresswoman ELEANOR HOLMES NORTON, for authoring H. Res. 676 and ensuring that this Congress appropriately marks the passage of the most comprehensive civil rights legislation in our Nation's history.

This year our Nation has honored and celebrated several extraordinary accomplishments that were born of the Civil Rights Movement. Last month we observed the 50th anniversary of the May 19, 1954, Brown v. Board of Education decision. That landmark decision not only struck down the doctrine of "separate, but equal" and desegrated public schools. It ultimately led to the passage of key federal legislation that desegregated every segment of our society—the Civil Rights Act of 1964.

THE CIVIL RIGHTS ACT OF 1964

In every real sense, the 1964 Act was a response to the Civil Rights Movement sweeping the country. This Act could not have been achieved without the tireless effort of the great, civil rights leader, Dr. Martin Luther King, Jr. It was Dr. King that motivated hundreds of thousands of activists—of all colors—to demand that this Nation realize equality for all. It was because of his leadership that the Civil Rights Act of 1964 was conceptualized and implemented.

The Act, which was signed into law on July 2, 1964 by President Lyndon B. Johnson, established safeguards and legal remedies to combat both the dejure and defacto discrimination that plagued minorities in almost every aspect of their lives.

First, and foremost, the Act moved to ensure an equal right to vote. The unequal application of voter registration requirements that effectively disenfranchised millions of African-Americans—poll taxes, literacy tests, grandfather clauses—was deemed unlawful in Title I of the Act. This provision made state and local governments accountable to their citizens and opened the path for equal political participation.

Titles II and III of the Act created a federal remedy to fight discrimination in public accommodations. Through these provisions, the Attorney General had the appropriate means to obtain injunctive relief and bring suit in instances where equal access to a public facility had been denied. The lunch counter sit-ins and marches now had real effect in that the federal government could intervene to ensure equal treatment in society, regardless of race or other factors.

The language of "all deliberate speed" in the Brown decision was given meaning, as the federal government now had the tools in Title IV of the Act to end segregation in public schools. The Civil Rights Act of 1964 would serve as strong legislative policy against discrimination in public schools and colleges because it stood on the shoulders of the profound Brown decision, in which Chief Justice Warren, writing for a unanimous court, declared that "in the field of education, the doctrine of 'separate, but equal' has no place."

More broadly, under Title V of the Civil Rights Act of 1964, the Commission on Civil Rights, established in 1957, was provided with additional guidance in its charge to study, investigate, and report on civil rights policy.

Title VI of the Act protects persons from discrimination based on their race, color, or national origin in programs and activities that receive federal financial assistance. This provision has been broadly used to ensure that entities receiving federal funds cannot deny service, provide different services, or segregate or separately treat individuals.

The Title VII provision of the Act would grow to become one of its most important and extensively utilized provisions. Going beyond its impact in the racial and ethnic minority community, Title VII acknowledged that sex discrimination in the workplace was a major problem and would be widely used to ensure protections for women in the workplace.

The Equal Employment Opportunity Commission (EEOC), which was also created in the 1964 Act to serve as the premier vanguard of workplace discrimination, had its authority enhanced with amendments in 1972 and 1991.

In 1972, the EEOC was given the right to sue non-government respondents and the federal government, state and local governments, as well as educational institutions, were made subject to Title VII. The 1991 amendments allowed plaintiffs to recover fees and costs in suits in which they prevailed, as well as entitled plaintiffs to recover compensatory and punitive damages in intentional employment discrimination suits.

INJUSTICES REMAIN IN 2004

Without doubt, substantial progress toward equality has been made as a result of the passage of the 1964 Act, but there remains substantial work. I can recount a list of sobering statistics in the realm of employment, education, healthcare, and the political process:

In terms of employment, the average white woman earns only 73 cents for every dollar earned by the average white man. The average African American woman earns just 63 cents to every dollar earned by the average white man.

With regard to education, today, sadly, most schools have become resegregated. In the 2001–2002 school year, the Civil Rights Project found that the average African American attended a school where minorities formed almost 70 percent of the student body. The average Latino school child attended a school that was 71 percent minority. By contrast, the average white student attended a school where whites composed 79 percent of the student body.

In the realm of healthcare, the disparities are startling. Minority Americans are at least twice as likely as white Americans to be uninsured. More than 30 percent of Latinos and 20 percent of African Americans do not have health insurance.

Minorities remain disenfranchised from the political process. The precious right to vote was repeatedly violated in the much contested Presidential election of 2000. In the state of Florida and at polling booths across the county, a disproportionate number of people of color were excluded from the political process.

In addition to the modern day disparities that serve to undermine the Act, several Supreme Court decisions have whittled away at some of its key protections. In *Alexander* v. *Sandoval*, 532 U.S. 275 (2001), the Supreme Court held that there is no private right of action to enforce Title VI regulations forbidding practices that have an unjustified discriminatory effect on the basis of race, national origin, or color. Also, a dangerous precedent may have been set in *Barnes* v. *Gorman*, 536 U.S. 181 (2002), a case in which the Supreme Court held that punitive damages are unavailable for intentional violations of laws protecting those with disabilities. We must ensure that such punitive damages that are awarded for intentional discrimination under Title VI and Title VII are protected. We must also ensure that the true intent of the Act is adhered to.

THE FUTURE OF THE 1964 ACT

Congresswoman NORTON's resolution encourages all Americans to recognize and celebrate the important historical milestone of the passage of the Civil Rights Act of 1964. However, rather than engaging in mere self congratulation, we should recommit ourselves to continuing and building on the progress created by the 1964 Act. We must pledge to acknowledge and address the modern day disparities that prevent the country from fully realizing the potential embodied in the Civil Rights Act. I look forward to working with every Member of Congress in doing just that in the months and years ahead.

HELPING HANDS FOR HOMEOWNERSHIP ACT OF 2004

SPEECH OF

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 2004

Mr. OXLEY. Mr. Speaker, I rise today to express my support for H.R. 4363, the Helping Hands for Homeownership Act of 2004. This bill will be considered under the suspension of the rules. This legislation passed the House Financial Services Committee, by a unanimous bipartisan voice vote on June 3, 2004.

This legislation was introduced by the distinguished gentleman from Wisconsin (Mr. GREEN). This bill will simply make a technical correction to the "Housing Opportunity Program Extension Act of 1996" to permit families who receive homes from groups such as Habitat for Humanity (Habitat) to fulfill the "sweat equity" requirement for receiving Self-Help Homeownership Opportunity Program (SHOP) funds by helping to build other Habitat homes in the community, in addition to their own.

In 1996, Congress created the SHOP, which provides competitive grants for groups such as Habitat to help with land and infrastructure expenses. In order to receive SHOP funds, the recipients of a home from groups such as Habitat must contribute a certain amount of physical labor to the home-building process, also known as "sweat equity." In FY 2004, the Department of Housing and Urban Development (HUD) for the first time interpreted the law to preclude the families who receive these homes from fulfilling their "sweat equity" requirements by working on program homes other than their own.

This new interpretation could cause problems for Habitat affiliates all over the country. Habitat allows its home recipients to obtain its "sweat equity" requirement by working on Habitat homes for others in the community, as well as their own home. H.R. 4363 makes the needed technical change to make sure that Habitat and similar programs can continue to promote homeownership.

Furthermore, H.R. 4363 also contains a provision which names the U.S. Department of Agriculture (USDA) Section 502 single-family loan guarantee program after my friend and colleague, the distinguished gentleman from Nebraska (Mr. BEREUTER). This program, like Habitat, promotes the goal of homeownership among those who might otherwise find it out of reach. Those are precisely the people that Mr. BEREUTER has spent his career serving, and this provision represents a small thank-you for those efforts.

As many of you know, the distinguished gentleman from Nebraska (Mr. BEREUTER) is leaving the House at the end of August to become the President of the Asia Foundation. He was elected to the House in 1978 to represent the constituents of the First District of Nebraska. Mr. BEREUTER has served on the House Financial Services Committee and its predecessor, the House Banking Committee, since 1981. During his service on these committees, he has authored a number of significant bipartisan bills which were enacted into law.

One of his most successful legislative accomplishments is the USDA Section 502 single-family loan guarantee program. This initiative was enacted into law as part of the Cranston-Gonzalez National Affordable Housing Act in 1990 and authorizes the Department of Agriculture to guarantee a single-family loan made by a commercial lender to moderate-income families in small towns and rural areas where conventional mortgage financing may not always be available.

Since the program's creation in 1991, 316,625 single-family loans have been guaranteed by the USDA. The State of Ohio has been a major beneficiary with 629 single-family loans valued at over $58 million having been guaranteed in Ohio under this program so far this year. This program, like Mr. BEREUTER's legislative career, has been a huge success.

In conclusion, I want to urge your support for H.R. 4363. This bipartisan bill contains important provisions to promote homeownership.

HONORING THE LIFE OF MATTHEW STEPANEK

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 2004

Mr. HOYER. Mr. Speaker, this June 22nd, a courageous young man was taken from our midst. Thirteen-year-old Matthew Stepanek was full of life, happiness, and brilliance.

Mattie, as he liked to be called, had a lifelong struggle with muscular dystrophy, but never let the disease curb his enthusiasm, nor hinder his creativity. In 2001, Mattie courageously stated, "My life mission is to spread peace to the world." Despite losing his battle with muscular dystrophy at such a young age, Mattie managed to spread happiness to the world through his poems.

Mattie began writing poetry at age three to cope with the death of a brother. In his short life, this tireless young man wrote five volumes of poetry that sold millions of copies. Three of the volumes reached the New York Times' best-seller list.

Mattie is survived by his loving mother Jeni, who first recognized Mattie's talent and wrote down his poems for him. Unfortunately, Jeni also suffers from the adult-onset form of the disease. The disease also took the lives of his two brothers and sister.

Mr. Speaker, today, I ask this House to celebrate and remember the life of Mattie Stepanek. He was a brave young man whose genius impacted everyone who encountered him. His selflessness, courage, and talent are something we can all honor and admire.

HONORING CALIFORNIA ASSEMBLYMAN MERVYN DYMALLY

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 2004

Ms. LEE. Mr. Speaker, I rise today to honor the historic achievements of California Assemblyman Mervyn Dymally, on the occasion of the thirty-year anniversary of his election as the first African American Lieutenant Governor in California and the United States.

Assemblyman Dymally's distinguished political career began in 1962 when he was elected to the California State Assembly. After serving for four years, in 1966 he became the first African American to be elected to the California State Senate. Following his service as a State Legislator, Dymally again made history by becoming the first elected African American Lieutenant Governor in 1974.

In 1980 Dymally ran for Congress representing South Los Angeles County, and became the first foreign-born black to serve in the United States Congress. While serving in the 97th through 101st Congresses, he was Chair of the Congressional Black Caucus and of the Subcommittee on Africa within the Committee of Foreign Affairs. After retiring from Congress in 1992, he has served in numerous academic positions and remained an active participant in international affairs. In 2002 Assemblyman Dymally returned to the California State legislature, where he currently represents the fifty-second district.

On June 24th, the Oakland Black Caucus honored the anniversary of Assemblyman Dymally's historic election to the California Lieutenant Governorship. I would like to mark this occasion by commending the exceptional political achievements of Assemblyman Dymally, and by recognizing the broader social and historic implications of his extraordinary career.

By remaining committed to public service and education throughout his life, Assemblyman Dymally has contributed enormously not only to the State of California, but also to the global community. I want to express my deep appreciation and respect for Assemblyman Dymally and his relentless pursuit of equality and social justice for African Americans and all people.

IN HONOR OF U.S. MARINE CORPS LANCE CORPORAL RUSSELL WHITE

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 2004

Mr. CASTLE. Mr. Speaker, I rise today in honor of a brave young Marine who was accidentally killed while performing guard duty at Camp Bulldog, Bagram Air Base on Sunday, June 20, 2004. United States Marine Corps Lance Corporal Russell White was assigned to the 3rd Battalion, 6th Marine Regiment, based in Camp Lejeune, North Carolina and was part of a brave unit sent to Afghanistan to track down Osama bid Laden.

Lance Corporal White was a Sussex County native, attended Indian River High School in Frankford, Delaware, where he played football, and enjoyed hunting, skiing and the outdoors. He hoped one day to run his father's home building business and make Sussex County his permanent home. His family and friends describe him as loyal, determined, ambitious and fiercely passionate about defending the security of our nation. When terrorists struck our great nation on that fateful day in 2001, Russell White was only in high school, yet felt determined to help. He eventually joined the Marine Corps where the values he held true were exemplified in his brave service in Operation Enduring Freedom.

Lance Corporal White chose the daily rigors of military service because he valued the well-being of others. And he felt that by working to track down the terrorists who were responsible for killing so many Americans, he would be able to contribute to our nation. That is an extremely brave attitude for a young man of only 19 years of age. His friend Matthew Mitchell remarked, "He was proud of himself and we were proud of him. He's braver than any of us." What a true statement that is. Lance Corporal White will be missed tremendously by his family and friends, who will remember a courageous, young man who willingly took on the role of a U.S. soldier during a time of war.

Mr. Speaker, it is my sincere privilege to honor the life of a proud Marine and heroic representative of the State of Delaware. Lance Corporal White deserves our gratitude and respect.

PERSONAL EXPLANATION

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 2004

Mr. PUTNAM. Mr. Speaker, as a result of my participation in CODEL Hoekstra to Iraq, I regret that I was not able to vote on the following bills on June 21, 2004 in the House of Representatives, due to official business. If I had been present to vote, I would have voted in the following manner:

H. Res. 591.—Expressing the gratitude of the House of Representatives for the contributions made by America's community banks to the Nation's economic well-being and prosperity and the sense of the House of Representatives that a month should be designated as "Community Banking Month"—yes.

H.R. 4363.—Helping Hands for Homeownership Act of 2004 (Technical correction to the Housing Opportunity Extension Act relating to the Habitat for Humanity Program)—yes.

H. Res. 660.—Congratulating Randy Johnson of the Arizona Diamondbacks on pitching a perfect game on May 18, 2004—yes.

A TRIBUTE TO CHRISTINA SUNDSTROM ON THE OCCASION OF HER RETIREMENT

HON. CALVIN M. DOOLEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 2004

Mr. DOOLEY of California. Mr. Speaker, I rise today to congratulate Christina Sundstrom at the conclusion of a remarkable career in public service in California's San Joaquin Valley. After many years dedicated to improving the Valley's rural communities, Ms. Sundstrom is retiring from her position as Director of Empowerment Programs for the USDA Rural Development office in Visalia, California, the capstone of a distinguished career.

Ms. Sundstrom began her career in public service working for the Army National Training Center at Fort Irwin in Barstow, California. After several years spent raising a family in Los Angeles, Ms. Sundstrom devoted a significant portion of her career to helping retirees and disabled citizens in the Social Security Administration office in Visalia. In this role she became intimately familiar with the needs of our vibrant, yet economically challenged region.

Christina Sundstrom's tireless dedication to serving the Central Valley's families and her efforts to improve the Valley's communities earned her the respect of her peers in state and federal agencies and made her a key community leader in the region. I was fortunate to have her join my Congressional staff after my election in 1990 as my District Director. Over the next seven years, Ms. Sundstrom excelled as my representative in the district and as a skilled liaison between state and federal agencies, community groups, and constituencies. As my District Director, Ms. Sundstrom played a significant role in providing relief to many Valley agricultural communities following a crop freeze in the early 1990's. She played a key role in addressing this region's compelling needs by helping to secure key economic development grants and coordinating visits by Cabinet officials and by the President of the United States in the mid–1990's.

As an extension of her proven commitment to the Central Valley's economic development, Ms. Sundstrom later accepted a position as Programs Coordinator with the U.S. Department of Agriculture's Rural Development Office in Visalia. In this capacity, she assisted many struggling Valley communities in their efforts to obtain grant funding, tax incentives, and other forms of assistance necessary to combat the Valley's persistent double-digit unemployment. Many local leaders have praised Ms. Sundstrom as an effective and invaluable resource to the region.

Christina Sundstrom's retirement this week from the Department of Agriculture marks a significant loss for the San Joaquin Valley, which has come to rely on her as a one of its best and brightest advocates for positive change. Mr. Speaker, I ask my colleagues to join me in recognizing the distinguished career of Christina Sundstrom and her notable record of service to our community on this special occasion.

HONORING MERLE KILGORE

HON. JIM McCRERY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 2004

Mr. McCRERY. Mr. Speaker, I rise this evening to honor a living legend in the world of country music, who also happens to be a fellow citizen of the great state of Louisiana. From singer to songwriter and manager to actor, Merle Kilgore has been involved in every conceivable facet of modern show business. Throughout his entertainment career, he has been unique for the breadth of his entertainment experience and unsurpassed in his talent. It is the lifelong achievements of such a great man that I wish to honor here tonight.

Merle Kilgore was born Wyatt Merle Kilgore on August 9, 1934 in Chickasha, Oklahoma. His family moved to Shreveport, Louisiana before he began school. He attended Byrd High School in Shreveport and later attended college at Louisiana Tech in Ruston.

He first became involved with music at the young age of 14, carrying the guitar of another famous country musician, Hank Williams, Sr., at the famous Louisiana Hayride. Just two years later, in 1950, he began his show business career, performing at the Louisiana Hayride at just 16.

His first job was as a Disc Jockey at a radio station in Ruston, Louisiana and in 1953, he even hosted his own television and radio show as "The Tall Texan".

Merle made his songwriting debut when he wrote his first number one hit, "More and More," in 1953; he was just 18 years old. The song was recorded by Webb Pierce and became a million-seller in 1954. His success as a songwriter seemed to be assured by the popularity of his first song, but he was far from finished.

Surpassing his own songwriting accomplishments seemed to be another of Merle's talents. Not long after writing "More and More", Merle wrote the 10 million-seller "Wolverton Mountain", which was recorded by Claude King. Still not satisfied, he and June Carter Cash wrote the country music hit 'Ring of Fire,' which was recorded by Johnny Cash and sold more than 16 million records. To this day, Merle Kilgore has continued to be a prolific songwriter, cataloging more than 300 songs and selling almost 50 million records.

He recorded his first top 10 record in 1959, the self penned "Dear Mama", while he was a DJ and the manager of a radio station in Louisiana. In his signature style of never being satisfied with just one big hit, Merle added the records "Love has made you beautiful," "42 in Chicago," and "Fast Talking Louisiana Man" among others to his already impressive collection of songs and records. Merle's favorite record, entitled "Mr. Garfield" by Merle Kilgore and Friends was recorded with longtime friends and fellow country music legends Hank Williams, Jr. and Johnny Cash.

As if his accomplishments in recording and songwriting were not enough, Merle Kilgore's talents in the entertainment industry extend even further. As an actor, he has appeared in the box office hits "Coal Miner's Daughter," Robert Altman's "Nashville," "W.W. and the Dixie Dance Kings," "Roadie," and the CBS–TV movie, "Willa." He also played himself in NBC-Telecom's Living Proof, the life story of Hank Williams, Jr.

While lesser men would have been satisfied with such an impressive list of lifetime accomplishments, Merle Kilgore went further. In 1962, Merle moved to Nashville to open and manage the Nashville branch of the prestigious Shapiro Bernstein and Al Gallico music publishing companies. He became the general manager of Hank Williams, Jr.'s music publishing companies in 1969 and on April 7, 1986 was named Executive Vice President and head of management of Hank Williams, Jr. Enterprises. Merle Kilgore has been affiliated with Hank Williams, Jr. for more than 30 years and has served as his personal manager for the last 16 years.

The management experience and leadership of Merle have been tested and proven in a number of successful business ventures and industry leadership positions. He has been involved as Vice President of the Country Music Association and has served on that organization's Board of Directors for the last fourteen years. He has been the President of both the Nashville Songwriter's Foundation and the Nashville Songwriter's Association International; a fitting position for an individual of his talent.

Merle Kilgore's outstanding accomplishments have not gone unnoticed. In 1987, he was named as an honorary State Senator for the State of Tennessee. He was selected by his fellow entertainers as Country Music Association's first ever Manager of the Year in 1990. Three years later, in 1993, Merle was inducted into the Louisiana State Hall of Fame in Lafayette and was also inducted into the Shreveport's Byrd High School Hall of Fame. In 1998, Merle received the Legendary Songwriter's Award from the North American Country Music Association and was inducted into the Nashville Songwriters' Hall of Fame.

Merle continues to direct the operations of Hank Williams, Jr. Enterprises in Paris, Tennessee and Merle Kilgore Management in Nashville.

Mr. Speaker, I am honored to have the opportunity to pay tribute to a living legend in American entertainment and an icon of American country music. Mr. Merle Kilgore has consistently outperformed and exceeded even his own high achievements. I join all of his fans around the world in saying "Thank You" for sharing his incredible talent with all of us and wish him many more years of health, happiness, and continued success.

NORTHEAST REGIONAL DEVELOPMENT COMMISSION

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 2004

Mr. MICHAUD. Mr. Speaker, I rise today to introduce a bill I authored that will create the Northeast Regional Development Commission. The Commission would be charged with investing federal resources for economic development and job creation in the most distressed areas of Maine, New Hampshire, Vermont and New York.

This is an idea whose time has come. Its roots can be traced as far back as 1965, when Congress approved the creation of the Appalachian Regional Commission (ARC). This unique Federal-State partnership was charged with promoting development in the depressed Appalachian area through regional planning, technical assistance, and funding of projects aimed at encouraging economic prosperity.

It was a bold idea, and it worked. According to the National Association of Development Organizations, since its creation, the ARC has reduced the number of distressed counties in their region from 219 to 100. It has cut the poverty rate from 31 percent to 15 percent, and helped 1,400 businesses create 26,000 new jobs in the region since 1977.

With a record like that, other regions began to look at this model, and realize that they needed the same thing in their own area. Over the past decade, this has led to the creation of three additional commissions and proposals for two more.

When I arrived in Congress and saw these proposals, it became clear that other regions were catching on to a good idea, but that the Northeast could be missing the boat. There is currently no single body focused on the need for jobs and economic development in the Northeast region.

The Northeast has a clear, compelling case for coordinated federal investment. Compared to the counties of some of the other regions that have an existing or proposed commission, a sample of Northeast counties along the Northern border showed higher unemployment, much higher outmigration, and extremely similar, and low, household income. All of these measures were far worse than the national average.

Creating a regional commission would give us the chance to look at economic development in a whole new way: as a challenge that we can tackle together as a region. Together we all face declining natural resource industries, aging infrastructure, and youth who are leaving to seek opportunity elsewhere. But together, we also still possess abundant resources, a good geographic location with opportunities to ship our products to the world, and a trained workforce that is ready to take on new challenges.

The Commission created in my bill would utilize the successful ARC approach where local development districts and other non-profit organizations bring project ideas and priorities to the Commission from the local level. Because local plans are approved by the state, no state would have mandates thrust upon it from outside.

Whether the need is new irrigation systems for agriculture, land and forestry conservation to maintain productive traditional uses, investment in our fishing infrastructure, new roads, or health care facilities—a Federal commission can play a key role in investing in our economy. Our region needs this kind of investment.

Already, the interest that this proposal has generated among many diverse groups has been a step in the right direction, as it has helped to bring people together from many different sectors to think creatively, constructively, and cooperatively about our future. We are off to a good start, and now there is a lot more work to be done.

HONORING JOSEPH A. PICHLER ON HIS RETIREMENT FROM THE KROGER COMPANY

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 2004

Mr. PORTMAN. Mr. Speaker, I rise today to honor a friend and constituent, Joseph A. Pichler, who retired on June 24, 2004 as Chairman of the Board of The Kroger Company, which is headquartered in my hometown of Cincinnati. He has been an exemplary leader in academia, business and our community.

After earning an undergraduate degree from Notre Dame and a Master's and Ph.D. from the University of Chicago, Joe taught for 15 years at the University of Kansas School of Business, and served as Dean for six years. From 1968 to 1970, he was Special Assistant to the U.S. Department of Labor's Assistant Secretary for Manpower.

Joe has had a truly extraordinary business career, bringing energy, hard work and leadership to every assignment. Before his election as Kroger's Chairman, Joe served the company as Chief Executive Officer; President and Chief Operating Officer; and Executive Vice President. Joe joined Dillon Companies in 1980 as Executive Vice President, and was elected to Kroger's Board of Directors when Dillon merged with Kroger in 1983.

Joe has pursued community service in our area with equal enthusiasm. He heads the Cincinnati Center City Development Corporation's (3CDC) working group that created a new development strategy for Cincinnati's Washington Park area. For many years, Joe and his wife, Susan, have volunteered in the historic Over-the-Rhine neighborhood near Kroger's headquarters building, and we worked together on the new National Underground Railroad Freedom Center.

Last year, Joe asked me to help craft a legislative solution that would allow Cincinnati's "One Stop" Employment Center to continue serving clients in the Over-the-Rhine area. Since then, other Ohio counties have received similar legislative assistance. Joe's role in keeping these key job training facilities open cannot be overstated.

All of us in Cincinnati congratulate Joe on his retirement from Kroger and wish him the best in the new challenges ahead.

HONORING 40TH ANNIVERSARY OF PASSAGE OF CIVIL RIGHTS ACT OF 1964

SPEECH OF

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Ms. LEE. Mr. Speaker, I rise in strong support of this resolution.

First, I would like to thank the gentlewoman from the District of Columbia, Ms. NORTON, for introducing House Resolution 676, which recognizes and honors the 40th anniversary of congressional passage of the Civil Rights Act of 1964, and for her work in getting this bill on the House floor today.

H. Res. 676 recognizes the advancements we have made in the 40 years since the Civil Rights Act was passed, and reaffirms the work we need to do, not only to retain what progress has been made, but also to continue to move toward greater social existence and inclusion.

But I want to take a step back for a moment and trace some of the history that led up to the passage of the Civil Rights Act.

Many of us can remember what it was like in America back in the tumultuous era of the 1960's. It was a time of social unrest marked by riots and protests across the country.

Growing up in this era, we were all galvanized by the passion and commitment of our civil rights leaders who worked to end America's immoral practice of discrimination.

The 1960's and the decades preceding were marked by unprecedented resistance to racial segregation and discrimination captured by the 'freedom rides' throughout the south, the Lunch counter sit-ins, forced school integration in segregated schools, Supreme Court cases challenging Jim Crow practices and the individual stances that our parents took at their jobs and in their neighborhoods.

Here in Washington, A. Phillip Randolph and Bayard Rustin, along with a young activist from Georgia by the name of JOHN LEWIS, coordinated and organized a non-violent march on Washington on August 28, 1963 bringing more than 200,000 people to the Nation's Capital to hear Dr. Martin Luther King Jr., and other speakers and to demand the dignity, justice, and jobs that were promised by the government, and to have their economic and political concerns heard.

To be Black in America at the time meant you had no voice in the government, could not attend good schools, could not get good jobs, and in short, could not live a free life.

For over 100 years after slavery was abolished, Blacks and other minority groups were relegated to second class citizenship.

And because of all these facts, the March on Washington was nothing short of revolutionary in the precedent it set as the culmination of a national social movement.

But the real test of the movement was whether it could accomplish change.

As Bayard Rustin wrote of the March in his magazine, Liberation in 1963:

> "What counted most at the Lincoln Memorial was not the speeches, eloquent as they were, but the pledge of a quarter million Americans, black and white, to carry the civil rights revolution into the streets. Our task is now to fulfill this pledge through nonviolent uprisings in hundreds of cities."

It was on February 10, 1964 that Congress finally passed an unprecedented and highly contentious bill to support and protect the civil liberties and rights of all people.

The Civil Rights Act of 1964 in many ways turned a new page on the history of our nation, and all people, regardless of race, class or gender, were acknowledged as equal citizens of our nation.

Signed into law on July 2, 1964, the Civil Rights Act of 1964 outlawed segregation in businesses such as theaters, restaurants, and hotels.

It banned discriminatory practices in employment and ended segregation in public places such as swimming pools, libraries, and other public facilities.

And while it is often misconceived that the Civil Rights Act only affected the lives of Black Americans in the 1960s, this landmark legislation also protected the rights of women for the first time in history.

But as we all know, by itself the legislation could not transform the hearts and minds of those who truly believed in segregation. Only time could truly do that.

Yet the injustices that Blacks and other minorities faced with the tacit approval of the government were finally over.

But today our March, our struggle, and our cause are not over.

Today we are still attempting to understand and counteract the ramifications of the physical and mental enslavement which our ancestors were subjected to.

Profound inequalities remain imbedded in American society.

For example, black women are less likely to have breast cancer, but are more likely to die from this terrible disease because of the discrepancies in our health care system.

And according to the AFL–CIO, the average 25-year-old working woman will lose more than $523,000 due to unequal pay during her working life.

Facts such as these indicate that our work is far from complete.

Our Nation's capital, the icon of our collective American legacy pays sparse tribute to the African forefathers of this country and our Civil Rights leaders.

Despite the fact that this country was built on the backs of slaves, there are few commemorative statues or paintings that demonstrate as much.

Perhaps most glaringly, there is still no national memorial dedicated to Dr. Martin Luther King, Jr. on our National Mall.

And in this day and age, it is even more important that we continue to fight for our civil right and civil liberties, especially in light of the Patriot Act.

The resolution we are discussing today not only recognizes how far our country has come along, but it also praises the sweat and blood that was sacrificed to make sure that we got here.

This commemorative resolution is a testament to the shift in this country toward the spirit of inclusion and equality.

It also reminds us of how much we have left to do.

Our great society is highly regarded around the globe because of our laws, which ensure the integrity of our constitution and perpetuate the belief that all men and women are created equal.

The legacies of those who marched, protested, and died for our cause capture the true sentiment of our nation. By passing this resolution we continue to commemorate their struggle, our struggle.

It is the ultimate sacrifice of individuals like Dr. Martin Luther Ling Jr., from which we all benefit.

We must honor their memory by continuing to work to realize their vision.

And today we will honor their memory by passing this resolution.

RECOGNIZING THE EIGHTIETH BIRTHDAY OF GOVERNOR PHIL HOFF

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 2004

Mr. SANDERS. Mr. Speaker, it is a very great personal pleasure to extend best wishes on his eightieth birthday to Governor Philip H. Hoff of Vermont.

During my own years of service to Vermont, I have found no finer example, no better counselor, no more steadfast friend, than Phil Hoff, the Governor of Vermont from 1962 to 1969.

Educated at Williams College and Cornell University, Phil Hoff ran for Governor of Vermont in 1962. His was an uphill battle: Although Democrat William Meyer had been elected to one term in the U.S. House in 1958, no Democrat had won the governorship in the state of Vermont since before the Civil War. Vermont was steadfastly, resolutely, a one-party state, even resisting national plebiscites for Democratic candidates, standing alone with Utah in voting for William Taft in the Woodrow Wilson victory in 1912, alone with Maine in the Franklin Delano Roosevelt landslide in 1936.

With energy, vision and a great personal warmth that touched voters deeply, Phil Hoff boldly took a simple message to Vermont's citizens: It was time for a change. And people listened, and agreed. Phil Hoff was elected Governor of Vermont in 1962 by defeating the incumbent chief executive, F. Ray Keyser Jr. His vigor was put in service of his dual linked commitments, to social justice and to making those changes that would bring it about. During the next six years, everything in Vermont was changed, opened up, made more responsive to the people, reshaped in the visionary spirit of those exciting times of growth and renewed democracy. With Phil Hoff as governor, it seemed anything was possible: Stale tradition, entrenched power, historical limitations, all gave way to the bold vision and active involvement of this remarkable human being.

While we have many differences, many different points of view, in our state, for many years Vermont has been to people all over America a beacon for what politics can be. Here, ideological conservatism does not rule, nor narrow self-interest, nor recriminations of one group against another. Our political figures far more often than not speak out on the side of justice and fairness. That is the legacy of Phil Hoff, who not only governed our state but left a legacy that ever afterwards politics would be about inclusion and not exclusion, about moving confidently into the future rather than cowering in the shadow of the past.

Phil Hoff kept up an active life in the public sector, serving in more recent years as a Vermont State Senator, as a Trustee and President of Vermont Law School, as Chairperson of Vermont Advisory Committee of U.S. Commission on Civil Rights. His greatest honors have come not from institutions, corporations, bureaucracies, but from the place held for him in the hearts of his fellow citizens. Deeply honored and revered by all in Vermont, Phil Hoff remains accessible and warm, a good neighbor, a good friend, a model citizen, to thousands and thousands of Vermonters.

On my own behalf and on behalf of the entire state of Vermont, Let me conclude by wishing Phil Hoff, our finest public citizen, our model of what a human being can and should be, a very, very happy eightieth birthday. Phil, the nation, as well as Vermont, is proud of you.

INTRODUCTION OF LEGISLATION TO STOP FORUM SHOPPING BY NATIVE AMERICAN TRIBES

HON. CHRISTOPHER JOHN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 2004

Mr. JOHN. Mr. Speaker, I rise today to introduce The Stop Forum Shopping Act of 2004. The trend of forum shopping by Native American Tribes for the ideal venue to locate a casino has become quite troubling. Tribes with no connection to lands, sometimes hundreds of miles from their home area, are seeking to place these lands into trust solely for gaming purposes. Today, I urge my colleagues to join me in curbing this trend by amending the Indian Gaming Regulatory Act (IGRA) to define ambiguous language and clearly reflect the intent of the law.

Recent events in my home state of Louisiana best illustrate the need for these definitions. A Tribe that has been federally recognized since 1995 has only recently sought to obtain their "initial reservation" on lands over one hundred miles from their historical lands. They have also secured distant land for a casino that would have a negative economic impact on the five non-tribal, tax-paying casinos that operate less than 50 miles away. While the IGRA permits tribes to take such distant land into trust for gaming under very limited circumstances, the law did not intend for tribes to use such exceptions to shop for real estate.

The Stop Forum Shopping Act of 2004 will prevent tribes from cherry picking land for a casino by clarifying the meaning of initial reservation and consultation. Essentially, this Act will heighten the level of scrutiny given to such action and increase the required notice to impacted parties. This Act will stay true to the intent of the IGRA by limiting an initial reservation to a tribe's service area, where more than 50 percent of the tribal members reside, or where the tribe has historically resided. Furthermore, this act will increase the requirements of the consultation process so that all impacted parties are provided adequate notice of any gaming proposals within 50 miles of their area and an opportunity to participate in the process.

I hope my colleagues will join me in recognizing that venue shopping by Native American Tribes is an increasing problem that must be addressed. Not only is it against the intent of the IGRA, it is unfair to the many tribes that abide by the rules and work hard in remote locations to provide economic benefits to their members. Allowing any tribe to circumvent the intent of the IGRA and randomly select the most economically advantageous lands should not be an option.

CONGRATULATING THE INTERIM GOVERNMENT OF IRAQ

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. BLUMENAUER. Mr. Speaker, it is a bit surreal for Congress to pass a Resolution congratulating a peaceful Iraqi transition on one of the bloodiest days of the insurgency movement. This Resolution seems more an exercise in self deception. I am hopeful that in the coming days, Congress and this administration will focus instead on how to stem the violence that continues to escalate, and to address the deep questions about our policies and management.

Congressional oversight is needed to examine the long term costs and consequences, and to determine what went wrong and how to fix it. It is critical to improving the safety of our soldiers and the people of Iraq who are struggling to rebuild their country.

Until we can be honest with our soldiers, the American public and the Iraqi people I think it is decidedly inappropriate to continue with resolutions of this nature.

A TRIBUTE TO KENNETH V. TURVEY

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 2004

Mr. CRAMER. Mr. Speaker, I rise today to recognize my friend, Kenneth V. Turvey, who for the past fifty years has served as the Organist and Director of Music for my church, the First United Methodist Church in Huntsville, Alabama.

Ken was born in Dayton, Ohio and became a church organist while still a freshman in High School. While receiving both his Bachelor and Master of Music Degrees from the Cincinnati Conservatory of Music, Ken served as the Associate Organist-Choirmaster at Cincinnati Christ Episcopal Church.

Ken went on to serve his country proudly as a Chaplain's Assistant in the United States Army. While in the Army, he served seventeen months in Korea and organized an Easter Sunrise service of "Handel's Hallelujah Chorus" for Commanding General Maxwell Taylor.

On January 17, 1955, Ken began his work at the First United Methodist Church as its Organist and Music Director, a position he has held ever since. Through the decades, he has been a constant and reassuring presence for many of us in North Alabama. He is highly respected and committed to helping others throughout North Alabama.

On June 30, 2004, Ken is retiring from First United Methodist Church. I am so privileged to have heard this talented man in person. It will be strange not seeing him at the organ leading the church choir but all of us in North Alabama are fortunate to have known Ken and have him as a member of our community. Mr. Speaker, I rise today to congratulate Ken Turvey on his wonderful service to First United Methodist Church and wish him the very best for a well-deserved rest.

CONTRIBUTIONS OF DR. J. ROBERT BEYSTER

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 2004

Mr. HUNTER. Mr. Speaker, I rise today to recognize the contributions of Dr. J. Robert Beyster, the founder of Science Applications International Corporation (SAIC). Thirty-five years ago, Bob Beyster and a small group of scientists founded SAIC in my home town of San Diego. During this 35th anniversary, I would like to recognize Bob for his accomplishments in creating and leading a company dedicated to helping the United States government protect and serve its people.

Today, SAIC is one of the nation's top federal prime contractors. One unique aspect of this corporation is the fact that it is truly "employee-owned." Dr. Beyster believed strongly that "those who helped him build the company should own the company." Most of the 40,000 plus employees currently own SAIC stock.

SAIC has always worked with the U.S. Government, and has played a key role in our national security by providing systems engineering and integration support for our Armed Forces and allied powers. In addition, SAIC serves 12 of 13 Cabinet-level U.S. civilian agencies and has supported all 22 agencies of the newly created Department of Homeland Security.

In the aftermath of September 11, it provided wide-ranging support in New York City and Washington, D.C., and for military and government agencies. Today, SAIC support helps safeguard the nation's critical infrastructure and the information assets of government agencies. Its systems and networks are used to thwart crime and terrorism, and its technologies are used to examine vehicles and containers at ports and borders without impeding the flow of commerce.

SAIC designed and developed the Composite Health Care System for U.S. military hospitals, worldwide. Now, the company's Frederick subsidiary manages the National Cancer Institute's leading center for cancer and AIDS research.

Telcordia Technologies, an SAIC subsidiary, is the leading provider of telecommunications network software and new wireless solutions for military and criminal justice initiatives.

Decades of service to energy, the environment and our space programs have improved cost efficiencies, reduced risk and produced measurable results. Agencies have selected SAIC to help them modernize and manage huge volumes of data and to develop internet-based systems praised for setting new standards for e-government.

Dr. Beyster's contributions to the nation as a leader in applying science, technology and innovation to meet national needs stand as a tribute to the American entrepreneur and truly demonstrate American business at its very best. I am truly honored to call Bob Beyster my friend.

HONORING OUR FALLEN HEROES

HON. DEVIN NUNES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 2004

Mr. NUNES. Mr. Speaker, I rise today with a heavy heart to pay tribute to three soldiers from the 21st Congressional District who gave their lives during combat in Iraq.

It is for the greater good that they joined the military, serving their country with honor and distinction. These native sons of ours played an integral part in securing peace in Iraq and giving freedom to an oppressed people.

They represent the best of our community and of our military. All three men grew up from humble means, working hard to achieve in school, sports, and work. They were of good moral character, quick to stand up for what is right and to defend those who needed it—friends and strangers alike.

Army 1st Lt. Osbaldo Orozco, 26, of Earlimart died when his Bradley Fighting Vehicle rolled over as his unit rushed to help others under attack near Tikrit on April 25, 2003. Lt. Orozco was a true leader and role model for those around him. He excelled in everything he did—school, sports, and life itself—inspiring those around him along the way.

Army Sgt. Michael W. Mitchell, 25, who grew up in Porterville, was shot by a sniper April 4, 2004, in Iraq as he stood in the open hatch of a tank. He was a bright young man with tremendous determination who was gifted athletically and who excelled at being a soldier.

Army Spc. Daniel Paul Unger, 19, was killed by shrapnel from a rocket-propelled grenade as he helped Iraqi civilians take cover during an attack May 24, 2004. He loved being a soldier. He also loved to share with others the love for God he kept in his heart. He was a compassionate young man whose ambition drove him to achieve in every arena in life.

Theirs was a sacrifice we cannot repay. We will cherish their memory. We will point to their selfless example. We will aspire to their bravery, and we will carry on under the liberty they defended. May God bless their souls and the families they left behind.

CONGRATULATING THE DESIGNERS, SPONSORS, AND PILOT OF SPACESHIPONE ON BEING THE FIRST PRIVATELY-FINANCED VEHICLE TO LEAVE THE EARTH'S ATMOSPHERE

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 2004

Mr. PAUL. Mr. Speaker, I rise to congratulate and commend the designers, builders, sponsors, and pilot of SpaceShipOne on the occasion of its successful flight out of earth's atmosphere on June 21, 2004. What is most remarkable about SpaceShipOne, of course, is that it is the first privately-financed and privately built vehicle to leave the Earth's atmosphere.

SpaceShipOne was designed and built by Burt Rutan and piloted by test pilot Michael W. Melvill. It was launched successfully from Mojave California, reaching a height of 100 KM (62 miles) above the Earth's surface. Remarkably, SpaceShipOne is entirely privately-financed, chiefly by Microsoft co-founder Paul G. Allen.

According to the designers and financers of SpaceShipOne, the mission of this project is to demonstrate the viability of commercial space flight and to open the door for private space tourism. The successful completion of SpaceShipOne's maiden voyage demonstrates that relatively modest amounts of private funding can significantly increase the boundaries of commercial space technology. It constitutes a major leap toward their goal and demonstrates that private capital and private enterprise can be applied to enormous success all on its own. Those associated with this project represent the best of our American traditions, embodied in our enterprising and pioneering spirit.

Their success should also be read as a cautionary tale for all of us in government. If only the United States had a taxation policy that limited government and thereby freed up more private capital, there is no telling how many more like Burt Rutan, Paul Allen, and Michael Melvill would be able to do great things to the benefit all of mankind. This not just in space exploration, but in medical research, alternative energy research, and any number of the problems that continue to perplex mankind. Private enterprise depends on results and success and therefore private capital is always targeted much more wisely than is monies confiscated by governments.

With this successful maiden voyage, SpaceShipOne is now the leading contender for the $10 million Ansari X Prize, which is to be awarded to the first privately financed threeseat aircraft that reaches an altitude of 62 miles and repeats the feat within two weeks. I wish all those involved in this remarkable project the best of luck.

HONORING JAY LOVELL ON THE COMPLETION OF HIS INTERNSHIP

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 2004

Mr. GORDON. Mr. Speaker, I rise today to thank Jay Lovell for his service during his internship this summer. Jay is a fellow Middle Tennessean, and he has been a great help and service to my constituents in Tennessee's Sixth Congressional District.

Jay just finished his sophomore year at the University of Missouri. Despite his youth, he has already shown himself to be dedicated to public service. While attending high school at Nashville's Montgomery Bell Academy, he worked in a soup kitchen and was a member of Habitat for Humanity. He is always ready to lend a hand and a kind word to others.

Jay has experienced the many facets of Congress first-hand. He has been very helpful in answering constituent concerns, guiding schoolchildren through the U.S. Capitol and assisting me and my staff with countless projects.

I hope Jay has enjoyed this learning experience as much as we have enjoyed having his help in the office. I wish him all the best in his future endeavors.

IN RECOGNITION OF REV. DR. JOSEPH E. LOWERY ON THE EVE OF THE 40TH ANNIVERSARY OF THE CIVIL RIGHTS ACT OF 1964

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 2004

Ms. CARSON of Indiana. Mr. Speaker, on the 40th anniversary of the Civil Rights Act of 1964, now is an especially appropriate time to acknowledge and commend the historic contributions of a great civil rights fighter, The Reverend Doctor Joseph E. Lowery.

Dr. Lowery is the Co-founder, President Emeritus, Southern Christian Leadership Conference (SCLC), Chairman Emeritus, Black Leadership Forum, Inc. and Convener of the Georgia Coalition for the People's Agenda (GEPA).

As co-founder with Martin Luther King, Jr., of the SCLC in 1957; Dr. Lowery served as vice president (1957–67); chairman of the board (1967–77); and as president and chief executive officer from Feb. 1977–Jan. 15, 1998. Dr. King named him chairman of the delegation to take demands of the Selma-to-Montgomery March (1965) to Gov. George Wallace. Wallace had ordered the marchers beaten ("Bloody Sunday") but apologized to Lowery in 1995 as he led the 30th anniversary re-enactment of the historic march, which led to the passage of the Voting Rights Act.

His genesis as a civil rights advocate was in the early '50s in Mobile, AL where he headed the Alabama Civic Affairs Association, which led the movement for the desegregation of buses and public accommodations. While in Mobile, his property was seized by the Alabama courts in an historic libel suit: Sullivan v. NYTimes, Abernathy, Lowery, Shuttlesworth, & Seay. The U.S. Supreme Court vindicated the ministers in a landmark ruling on libel (Read Make No Law by Anthony Lewis, 1964)

Lowery led the historic Alabama to Washington pilgrimage (1982) to free Maggie Bozeman and Julia Wilder, falsely convicted of voter fraud. This march helped gain the extension of provisions of the Voting Rights Act to 2007. Nationally recognized as a strong proponent of affirmative action, he also led the movement in Nashville to desegregate public accommodations. In Birmingham, he served as president of the Interdenominational Ministerial Alliance, which spearheaded the hiring of Birmingham's first black police officers, etc. As a United Methodist minister, he was elected as delegate to three General Conferences, and presided over an Annual Conference (acting bishop in 1966.

He is co-founder and chairman emeritus of the Black leadership Forum, a consortium of national black advocacy organizations, and served as third president following Vernon Jordan and Benjamin Hooks. As president of SCLC, he negotiated covenants with major corporations for employment advances and business contracts with minority companies. One of the first protest campaigns he led was against the Atlanta based Southern Company for contracting to purchase ten million tons of coal from South Africa (12977). He was among the first five persons arrested at the South African Embassy in Washington, D.C. in the "Free South Africa" campaign (1984). He co-chaired the 1990 Nelson Mandela visit to Atlanta following his release from prison and awarded Mandela the SCLC/Martin Luther King, Jr. Human Rights Award. He was keynote speaker at the African Renaissance Dinner in Durban in 1998 honoring Mandela's retirement. He was invited to keynote the dedication of a school and hospital in East Germany honoring Martin Luther King, Jr. He led a peace delegation to the Middle East and met with the president of Lebanon and Yassir Arafat to seek justice in the Middle East by non-violent means. He led protests against the dumping of toxic waste in Warrenton County, N.C., and was arrested twice in this campaign which gave birth to the environmental justice movement.

He served on the board of directors of MARTA (Metropolitan Atlanta Rapid Transit Authority) for 23 years and was chairman for three years (during the '96 Olympics), and was instrumental in securing millions in contracts for minority businesses. Since retiring from the pulpit in 1997 and SCLC in January 1998, he has helped black farmers secure a federal court decree valued at $2 billion against the Department of Agriculture for discrimination. He assisted black auto dealers to seek redress from discrimination claims against auto manufacturers. He has supported black concert promoters in their fight against exclusionary policies of talent agencies. As convener of the Georgia Coalition for the People's Agenda (CPA), he is active in election reform and voter empowerment, economic justice, criminal justice reform, including alternative sentencing and a moratorium on the death penalty.

He is married to Evelyn Gibson Lowery, an activist in her own right, founder of SCLC/WOMEN and is the father of five children.

Lowery has received numerous awards, including an NAACP Lifetime Achievement Award and the Martin Luther King Center Peace Award. Essence has twice named him as one of the Fifteen Greatest Black Preachers. Lowery is married to Evelyn Gibson Lowery, an activist in her own right.

PERSONAL EXPLANATION

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 2004

Mr. HINOJOSA. Mr. Speaker, I regret that I was unavoidably detained in meetings with the regional leaders of my Congressional district. Had I been present, I would have voted "yes" on rollcalls 282, 283, 284 and 285.

INTRODUCTION OF THE LITERACY, EDUCATION AND REHABILITATION ACT (LERA)

HON. ROBERT C. SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 2004

Mr. SCOTT of Virginia. Mr. Speaker, today I am introducing the Literacy, Education and Rehabilitation Act (LERA). The purpose of LERA is to reduce recidivism and the victimization and costs, fiscal and social, associated with such recidivism. Studies have shown that inmate participation in education, vocational and job training, prison work skills development, drug abuse, mental health and other treatment programs, all reduce recidivism, significantly.

The Federal prison population has increased more than 7-fold over the past 20 years. In 1984, the population was about 25,000 prisoners. Today, there are more than 175,000 prisoners, and the population is growing. According to the Federal Bureau of Prisons (BOP), the primary reasons for this tremendous growth has been longer sentences resulting from the 1984 Sentencing Reform Act and mandatory minimum sentences. The Sentencing Reform Act established determinate sentencing, abolished parole, and dramatically reduced good time credits. Other sentencing policy by Congressional or administrative action has increasingly limited the discretion of judges and prison officials to impact sentence lengths or confinement options.

During the same period, the annual number of prisoners returning to communities has also increased several fold. Currently, about 40,000 prisoners leave Federal prisons each year. The question is whether they leave prison better prepared to lead law-abiding lives, or in a worse position to do so. The addition of a felony record and a Federal prison stay is not, in and of itself, likely to add to a person's job or social development prospects.

Unfortunately, the elimination of incentives such as parole, good time credits and funding for college courses, means that fewer inmates participate in and excel in literacy, education, treatment and other development programs. LERA provides incentives and recognitions for achievement by giving the BOP Director the discretion to grant up to 60 sentence credit days per year to an inmate for successful participation in literacy, education, work training, treatment and other development programs. LERA will not only prevent crime victimizations, but also save taxpayers money. Many sentences are excessively long because mandatory sentencing policies do not allow sentencing judges the discretion to distinguish between hardened criminals and those amenable to rehabilitation and preparation for successful re-entry. LERA allows offenders to distinguish themselves.

FREEDOM FOR FABIO PRIETO LLORENTE

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 2004

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Fabio Prieto Llorente a political prisoner in totalitarian Cuba.

Mr. Prieto Llorente is an independent journalist for the independent press agency of Isla de Pinos. Instead of the false propaganda mandated by the regime, he writes about the reality of the reprehensible repression inflicted on the Cuban people by the dictatorship. Because of his belief in truth in print, truth for the people of Cuba and truth to enable the world to better comprehend the daily horrors of totalitarian Cuba, Mr. Prieto Llorente was a target of the totalitarian regime.

According to Amnesty International, Mr. Prieto Llorente received threats and warnings from Castro's thugs in order to prevent him from pursuing his career as a truthful journalist. He was detained in January 2002 simply because he reported on an opposition demonstration. On March 19, 2003, Mr. Prieto Llorente was arrested because he published the facts about the tyrannical regime.

He was arrested as part of the despicable island wide crackdown of that month on peaceful pro-democracy activists. In a sham trial, Mr. Prieto Llorente was sentenced to 20 years in the infernal totalitarian gulag. While incarcerated in the grotesque squalor of the atrocious gulag, he has been held in solitary confinement, confined with common criminals, suffered from violent headaches and lack of medical care. Let us be very clear, Mr. Prieto Llorente is languishing in unspeakable squalor because he published the truth.

Mr. Speaker, it is unconscionable that journalists such as Mr. Prieto Llorente are locked in dungeons for writing and publishing the facts about the nightmare that is the Castro regime. At the dawn of the 21st Century, it must no longer be acceptable for anyone in the world, anywhere in the world, to be locked in a gulag for writing the truth. My colleagues, we must demand the immediate release of Fabio Prieto Llorente and every prisoner of conscience languishing in the Cuban dictatorship's abhorrent gulag.

WORLD WAR II MEMORIAL DEDICATION A SUCCESS; WEEKEND OF MAY 29, 2004

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 2004

Mr. SMITH of New Jersey. Mr. Speaker, I rise today to congratulate and recognize the staff of the American Battle Monuments Commission and the World War II Project for all their efforts in ensuring a very successful dedication of the World War II National Memorial: General P.X. Kelley, Chairman, American Battle Monuments Commission; Major General John Herrling, Secretary, American Battle Monuments Commission; Mr. Kenneth Pond, Executive Director, American Battle Monuments Commission; Mr. Mike Conley, Associate Executive Director, National World War II Memorial Project; Mr. Bob Patrick, Director, National World War II Memorial Dedication; Mr. Dick Couture, Director, Marketing and Member Services, National World War II Memorial; Ms. Betsy Glick, Director, Communications, National World War II Memorial Project; and Mr. Barry Owenby, Project Executive, National World War II Memorial Project.

These individuals, along with their staffs, worked untold months to ensure that the weekend of May 29, 2004, will live on in the hearts of the veterans and families of the "Greatest Generation."

More than 150,000 people attended the May 29, 2004, dedication ceremony of the first national memorial built to honor all of the Americans who served their country during World War II. Millions more were able to watch the dedication through live television feeds to the national broadcasting networks, the History Channel, and C–Span.

Additional events throughout the weekend drew large crowds who gathered for reunions and celebrations. A four-day National World War II Reunion held in conjunction with the Smithsonian Institution Center for Folklife and Cultural Heritage drew over 300,000 people, and three two-hour ceremonial and musical performances held at the MCI Center were sold out. A Service of Celebration at the Washington National Cathedral was well attended by military and civilian clergy and World War II dignitaries.

Mr. Speaker, the enthusiasm, performance, and commitment of all the staff at the American Battle Monuments Commission, the National WWII Memorial Project, and the National WWII Memorial Dedication do not go unnoticed, and I thank them for their exceptional work on behalf of our Nation's veterans.

HONORING SAUK CITY

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 2004

Ms. BALDWIN. Mr. Speaker, I rise today to honor Sauk City as it celebrates its sesquicentennial. Sauk City is Wisconsin's oldest incorporated village; it was founded in 1854, just 6 years after the great state of Wisconsin.

This scenic part of my district is situated on the beautiful Wisconsin River and attracts thousands of visitors each year to boat, hike, camp, and bike. Sauk City's great outdoors provide not only a wonderful backdrop for leisure activities, but also have proved to sustain this community and its strong investment in agricultural trade.

Sauk City can pride itself on being a community which has always placed an emphasis on the safety of its residents. It is home to Wisconsin's oldest-standing fire station and volunteer fire department; Sauk City is also a member of the oldest joint law enforcement agency in our state.

I am honored to be participating in Sauk City's sesquicentennial festivities, which will kick off with a parade through town, complete with horse-drawn carriages, old tractors, classic cars, and floats depicting life in Sauk City from 1854 to today. Residents will be able to see scenes of old school rooms and a quilting bee and veterans will be driving authentic military vehicles. The parade will conclude at August Derleth Park, where community members can view circus wagons from the Circus World Museum, see horses pulling a Leinenkugel Beer Wagon, watch cloggers, singers, jugglers, and Mexican and Latin-American dancing demonstrations. There will even be a beard contest and a hot dog-eating contest for those who feel particularly competitive. A fireworks display will conclude the festivities.

This celebration of 150 years for Sauk City demonstrates the strength of this closely-knit community and offers the promise of continued stability in the future.

CONGRATULATING MACARTHUR HIGH SCHOOL

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 2004

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I would like to congratulate MacArthur High School for receiving the Intel/Scholastic Twenty-First Century Schools of Distinction Award. Located in my district of Irving, Texas, MacArthur High School received the award announced yesterday by Intel Corporation. The school will receive a $25,000 grant from the Intel Foundation, in addition to technology tools and assistance.

Mr. Speaker, this is truly an honor for everyone at MacArthur High School who participated in this highly competitive contest and chosen as one of two recipients as the "Best of the Best". Recipients were selected for their performance in comprehensive programs exhibiting excellence in the use of technology, parental and community involvement, professional development, teamwork and high academic standards.

Each student at MacArthur is issued a school-issued laptop and access to a co-op curriculum, which includes work study and advanced placement programs, as well as concurrent enrollment at a nearby college. Teamwork, leadership programs, experimental lab activities and interactive student presentations are just a few examples of how these students make learning an adventure. For the past four years, the school has received the state's highest academic rating.

It has been discussed on numerous occasions and in numerous venues that the United States will not be able to lead—or for that matter, successfully compete—in the global economy if we cannot put a stop to the continuing shortage of highly qualified scientific and technology brainpower in this country.

This award is of particular significance, as I have long championed the need for more emphasis in science and math education, particularly for young children. I believe these students and others like them will become tomorrow's leaders in the fields of science and technology. Showing students the importance and the value of the science and technology fields is a life long process. It cannot happen overnight. It begins here and now. I implore our community leaders to also encourage science education in young men and women.

I would like to commend the Intel Foundation and Intel CEO Craig Barrett for their leadership and commitment to this initiative. The additional contributions of their corporate partners should also be acknowledged.

Mr. Speaker, again, I congratulate the students, teachers, principals and parents of MacArthur High School on this distinguished honor.

TRIBUTE TO WALLACE FOWLER

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 2004

Mr. BERRY. Mr. Speaker, I rise today to recognize a man who embodies philanthropy. Wallace Fowler has worked for years growing the business communities of rural America. His successes are many, but it is his unabashed willingness to give back to his community that demands recognition.

Mr. Fowler was educated in Arkansas and has worked in The Natural State since the 1950's. Today, he serves as Chairman or vice-chairman for a half-dozen companies in Arkansas. He sits on several civic commissions, planning associations, and development councils. His list of honors is long and distinguished.

Blessed with an appreciation of local and rural business communities, Mr. Fowler has dedicated his life to growing rural America one business at a time. As Chairman of several local banks, he knows better than most how to give a helping hand when it's needed. More importantly he has learned rural America is capable of achieving its goals if given a chance.

He has been awarded most recently with the Arkansas State University (ASU) Indian Club's Distinguished Service Award, the Jonesboro, Arkansas, University Rotary Club's Vocational Excellence Award and ASU College of Business' Executive of the Year. These awards, along with the several others he has earned, are ample proof of his unrelenting drive and his strength of character; but they do not accurately depict his generosity.

On behalf of the Congress, I extend the utmost respect and thanks to a man who not only grew businesses and communities through his professional life, but also gave his personal time to the same goals. Mr. Fowler is a devout family man and a distinguished Arkansan and I am honored to recognize him, a great friend, in this Congress.

IN HONOR OF RAFAEL LÓPEZ

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 2004

Mr. FARR. Mr. Speaker, I rise today to honor one of the great young leaders I have had the privilege to know and work with. Rafael López of Watsonville, California, will be leaving his post as founding Executive Director of First 5 Santa Cruz County to attend Harvard University and pursue a Master's degree in Public Policy and Administration.

Rafael is a native of Watsonville, where his family worked as migrant agriculture workers. One of the many noteworthy facts about his life is that he was the first in his family to graduate from both high school and college. Rafael graduated from Watsonville High School and attended Vassar College in New York and the University of California, Santa Cruz, where he earned a degree with honors in American Studies and was awarded a Distinguished College Service Award. Rafael's resume reflects his deep commitment to his community and our nation: an internship with a Member of Congress, staff member of the UCSC Chicano Latino Research Center; Coordinator for Residential Education at Merrill College, UCSC; working with groups such as the Community Action Board of Santa Cruz County, the El Andar Foundation, the Community Foundation of Santa Cruz County, the City of Watsonville, the County of Santa Cruz, the list goes on and on.

Most recently, however, Rafael has truly shown what it means to be a community leader. In 1999, he ran for a seat on the Watsonville City Council in a special election, and won with over 70 percent of the vote. At the time, Rafael was the youngest person in Watsonville's history to serve on the council, and he approached this position with a passion and commitment that reflected his love of his hometown. As in all things in his life, he felt called to serve his constituency to the best of his ability, and reached out to those he served in an unprecedented manner.

Shortly after his election victory he was tapped as the founding Executive Director of First 5 Santa Cruz County, a countywide program implemented through the passage of the California Children and Families First Act (Proposition 10). Once again Rafael rose to the challenge of working with and implementing a program aimed at serving children from zero to five years old and their families out of whole cloth. While the act itself does provide many specifications for how each county's commission would operate, it also provides the flexibility necessary for each commission to implement the act in a way that helps its constituency best. For Rafael and the commissioners, this included grant funding to large and small programs; countywide analysis with partners such as the United Way on the state of families and children in Santa Cruz County; and perhaps most groundbreaking is the upcoming implementation of guaranteed health care for all children from zero to eighteen. This last program has been the vision of many individuals and organizations in the county, and is the result of a unique and exciting partnership, but without a doubt Rafael's energy, focus and passion for this program shines through.

Mr. Speaker, there are few individuals who have left as large an impact on the Pajaro Valley and Santa Cruz County as Rafael López. I am honored to know him, and equally saddened to see him go. I would like to take this opportunity to wish him and his wife, Rosa

Ramírez, all of the best in success and happiness as they enter this new stage in their lives.

REMEMBERING MR. CHARLES HAWKINS, NOTED BUSINESSMAN, COMMUNITY LEADER, NASHVILLE BENEFACTOR

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 2004

Mr. COOPER. Mr. Speaker, I rise today to celebrate the remarkable life of Mr. Charles Hawkins of Nashville, Tennessee. Mr. Hawkins was a beloved figure in our community, recognized for his leadership in the business community, his enthusiastic and generous support to so many Nashville organizations and his constant willingness to offer a helping hand to anyone in need.

Charlie Hawkins was Nashville through-and-through. You might say it was a role in life he was simply born to do. His ancestors first called Nashville home in the 1860s, making Charlie, who was born there in 1932, the fourth generation in his family committed to building a greater Nashville for all.

Whatever Charlie did, he did with passion, loyalty and a commitment that was lifelong. He graduated from Montgomery Bell Academy in 1950 where we was named an all-city athlete in three sports. Years later, he would return to serve the school in many ways, including time spent on its board of directors. And Charlie's love of MBA went beyond his affection for the school itself. It was through MBA that he met the love of his life and his wife of 49 years, Lee Ann Allen Hawkins, the daughter of Howard Lee Allen, his high school coach.

From MBA Charlie went to Vanderbilt University and graduated in 1954. Charlie followed in the footsteps of his father and played baseball at Vanderbilt from 1952 to 1954. He became a star pitcher for the Commodores, celebrated as the first Vanderbilt pitcher to earn all-Southeastern Conference honors. His time on the Vanderbilt baseball team was just the beginning of his commitment to the sport, the Vanderbilt team and sharing his passion for the game with others. He donated $2 million to Vanderbilt for the construction of new stadium for the Commodores which opened in 2002. Today, the Charles Hawkins Field is enjoyed by Nashville families and the university community alike, as well as being recognized as one of the best baseball stadiums in the South.

Charlie Hawkins was a generous financial supporter of the Vanderbilt Commodores but it was his generosity of spirit and daily support to the individual students on the team that was truly outstanding. He never missed a game. He rode on the bus with the team to away games. His daughter, Leslie, baked 'good luck' cookies for the team before every game. And his door at home was always open to any player in need of a home cooked meal or a little grandfatherly advice and support. As news of his recent battle with cancer became known, this year's Commodores rallied to his support. When his illness prevented his joining the team for one recent road trip, the team took the bus to Charlie, dropping by for a good luck send-off as they headed out of town. Even though he was not able to make some of the Commodores' final games this season, Charlie was there on the field with his team who had his initials added to their baseball caps. Clearly, Charlie inspired his beloved team. The Commodores finished the season with its best record ever, winning its first NCAA Regional title and its first appearance in an NCAA Super Regional.

Charlie Hawkins touched and helped Nashvillians in many walks of life. He founded one of the city's most respected real estate development companies, the Charles Hawkins Company. Headquartered in downtown Nashville, Charlie and his company were active in bringing new growth to the area in recent years. He served on the board of the Nashville Red Cross, the Fellowship of Christian Athletes, the Watkins Institute, Big Brothers of Nashville, the Junior League of Nashville and the Downtown Rotary of Nashville. He also served as President of the Nashville Board of Realtors and a member of the Metropolitan Port Authority. He was also a charter member of the Woodmont Christian Church where he served as an elder and Sunday school teacher. In addition for 20 years, he conducted church services at the Retired Teachers Home in his Green Hills neighborhood.

My hometown lost a very special friend with the recent death of Charlie Hawkins at the age of 72. On behalf of the fifth district of Tennessee, I send my deepest condolences to Lee Ann Hawkins and to their four children, daughters Leslie, Mary, Julia Ann and son Bill. Charlie Hawkins' generous and joyful presence will be missed in Nashville but his spirit lives on in the many programs and individuals he inspired and supported every day.

CONGRESSIONAL TRIBUTE TO PAUL OLLILA

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 2004

Mr. STUPAK. Mr. Speaker, I rise today to pay tribute to an outstanding educator in my district. Paul Ollila is retiring this year as the Superintendent of the Copper Country Intermediate School District (ISD), closing the final chapter of a career dedicated to the children of Michigan's Upper Peninsula. Mr. Ollila's 40 years as a teacher, administrator, and leader serve as a shining example of his profession.

Paul Ollila earned his bachelor's degree in social work/sociology and secondary education from Northern Michigan University in 1964. That same year, he began his career as a special education teacher and teacher consultant with the Adams Township School District. In addition to working with his own students, Mr. Ollila taught special education students throughout the Copper Country ISD.

In 1976, after twelve years as a teacher for both Adams Township Schools and the Copper Country ISD, Mr. Ollila was asked to become the Assistant Superintendent and Director of Special Education for the ISD. He accepted this position, and for the next 16 years, special needs students throughout the Copper Country benefited from his experience, leadership, and compassion.

In 1993, Mr. Ollila became the Superintendent of the Copper Country ISD. In this role, he has been responsible for delivering a range of services to school districts and their students. In addition to special education, the ISD assists school districts with compliance and coordination services, and provides a number of specialized programs for students. These include alternative education, outdoor education, career preparation, vocational education, gifted and talented programs, and health curriculum. The ISD also operates the outstanding Western Upper Peninsula Center for Science, Mathematics and Environmental Education.

Throughout his years as an educator, Paul Ollila has recognized the importance of ongoing education both for his own career, and for his ability to better serve his students. In 1966, he earned a Master's degree in special education/educational administration, and in 1989 he earned a Specialist's degree in educational administration, both from Northern Michigan University.

Mr. Speaker, Paul Ollila's service as a teacher and administrator has been outstanding, but it is even more remarkable when you consider the numerous leadership roles he has taken on at the state, Upper Peninsula, and local levels. In addition to taking leadership roles in various professional associations, Mr. Ollila has served on the State Special Education Advisory Committee, the UP Center for Educational Development, Upper Great Lakes Education Technologies, Inc., the Copper Country Americorps, the Finlandia University Community Advisory Board, and the Copper Country Superintendents' Round Table to name just a few. Finally, there are three school districts in the Copper Country ISD without their own superintendent, and Mr. Ollila has served in this capacity whenever he was needed.

As much as he has given to his career though, Paul Ollila has always had time for his family. He has been happily married to his wife Joyce for 44 years, and together they have six children and 6 grandchildren. He is also an avid golfer and travel enthusiast.

Mr. Speaker, Paul Ollila's commitment to his family, his community, and the students of Michigan's Upper Peninsula serves as an example to all of us. I ask the House to join me in honoring him and thanking him for his service.

70TH ANNIVERSARY OF THE PASSAGE OF THE FEDERAL CREDIT UNION ACT

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 2004

Ms. HOOLEY of Oregon. Mr. Speaker, I rise today to commemorate the 70th anniversary of the passage of the Federal Credit Union Act. Recognizing that every credit union exists "for the purpose of promoting thrift among its members and creating a source of credit for provident or productive purposes," Congress passed the Federal Credit Union Act on June 26, 1934 and in so doing gave birth to the network of federal credit unions that continues to serve our nation's citizens today.

While federal credit unions have grown since 1934, their basic mission remains the same today as it was 70 years ago:

Federal credit unions now as they did then provide low cost financial services to their members; and

Federal credit unions now as then continue to emphasize their traditional cooperative values of democratic control and volunteerism.

The unique democratic spirit of credit unions is what sets them apart from other financial institutions. Seventy years after passage of the Federal Credit Union Act, federal credit union boards of directors are still elected democratically with every single member of the credit union (regardless of the amount of his or her savings) having an equal vote. What's more, the vast majority of credit union board members volunteer their time for the betterment of the credit union, without compensation of any kind.

Although credit unions are a very small segment of the financial services industry, that democratic spirit and sense of volunteerism has helped them grow over the course of the past seventy years to serve more than 85 million Americans. Today, credit unions serve as a viable, healthy alternative to other traditional providers of financial services.

Credit unions also continue to serve a growing number of people of modest means. By building branches in distressed neighborhoods absent other traditional financial institutions, credit unions have helped encourage entrepreneurship and improve access to basic financial services.

I commend the Nation's federal credit unions for the good work they have done for the last 70 years and the good work they will, no doubt, continue to do for the next 70 years.

CHILD NUTRITION AND WIC REAUTHORIZATION ACT OF 2004

SPEECH OF

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. VAN HOLLEN. Mr. Speaker, I rise in strong support of S. 2507, the Child Nutrition and WIC Reauthorization Act of 2004, which both reflects—and improves upon—the bipartisan child nutrition bill we passed in the House on March 24 of this year.

Like H.R. 3873, the Child Nutrition and WIC Reauthorization Act will provide food security to more children and families than ever before, eliminate needless paperwork for program providers and place a renewed emphasis on obesity prevention through improved nutrition and greater exercise.

But—fortunately for America's children—S. 2507 goes further. It expands the popular Lugar summer food pilot to two additional states. It gives five states new authority to look at eliminating the "reduced price" category for school lunch. It establishes important new cost containment measures to ensure the integrity of the WIC program. And—perhaps most significantly for those of us interested in increasing participation rates among eligible children—S. 2507 provides mandatory funding for all schools to directly certify food stamp-eligible children for free school lunch by 2008—and greater flexibility for schools to verify income through third party sources like TANF and Medicaid. These measures take an important step towards eliminating at least some of the barriers that currently keep otherwise eligible children from accessing these critical programs.

Mr. Speaker, in closing I'd like to thank Chairman BOEHNER, our ranking member Mr. MILLER, Mr. CASTLE and Ms. WOOLSEY—along with Senators COCHRAN and HARKIN—for all of their hard work on this important legislation. I think we can all be proud that—at least on this issue—we have done the people's work.

PERSONAL EXPLANATION

HON. BRIAN BAIRD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 2004

Mr. BAIRD. Mr. Speaker, on Friday, June 18, 2004, I was unable to participate in legislative business due to an important, longstanding commitment in my district. Had I been present for legislative business on June 18, 2004, I would have voted "yea" on House Amendments 580, 581, 585 and 592; and would have voted "nay" on House Amendments 578, 583, 584, and 589.

In addition, Mr. Speaker, I would have voted "yea" on final passage of H.R. 4567, the Fiscal Year 2005 Homeland Security Appropriations Act.

HONORING THE LIFE OF GUAM'S FIRST CHAMORRO TERRITORIAL LIBRARIAN: MAGDALENA "MAGGIE" SANTOS TAITANO

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Ms. BORDALLO. Mr. Speaker, I rise today to honor the memory of Magdalena "Maggie" Santos Taitano, Familian Oncho, who passed away on June 17, 2004. I also extend my deepest sympathies and prayers to her family and friends.

Maggie was born on July 1, 1928. She was married to the late Guam Senator Richard Flores Taitano, and was mother to Taling Maria, Richard Jr., John Joseph, and Carmen Teresita. She was also a grandmother, great-grandmother, wife, sister, auntie, godmother, and friend. A devoted mother and wife, Maggie was also a religious person who demonstrated her commitment to her community through her involvement in various civic organizations. She was active politically as well, and recognized the importance of protecting Guam's heritage and history for future generations.

This belief was reflected in her passion for the library sciences, an interest Maggie first developed while working in a library while still in high school. After graduating from George Washington High School in 1950, Maggie began working as a library assistant at the Guam Public Library. From there, Maggie pursued higher education, receiving a full scholarship to attend Mount Mary's Catholic College in Milwaukee, Wisconsin, where she received her Bachelor's in business administration. She continued her studies at Texas Women's University in Denton, Texas, becoming the first Chamorro to earn a Master's degree in library sciences.

Maggie then returned home to begin a distinguished career in service to the people of Guam. In 1960, she became the first Chamorro Territorial Librarian of the Guam Public Library—later renamed the Nieves M. Flores Memorial Library. Some of her achievements included instituting the Summer Reading Program, the Saturday Storytelling Program, the Pacific Area Collections, and making the library more accessible to the community. Although Maggie retired in 1987, she could not stay away from the library for long, returning to serve part-time at the University of Guam's Robert F. Kennedy Memorial Library. She later transferred to the Micronesian Area Research Center (MARC) where she had a prominent role in putting together the papers of public officials, including those of my husband, the late Governor Ricardo Bordallo. It was fitting that in 1997, MARC was renamed the Richard F. Taitano Research Center in honor of the institution's creator, her late husband.

I have been blessed to also call Maggie a friend. We first knew each other in high school, and I was honored to be Godmother to her daughter Carmencita. Our husbands were also running mates in the 1970 Gubernatorial election, running on the slogan "A New Day for Guam." I am deeply saddened by Maggie's passing, but know that she has left behind a legacy that will be treasured for generations to come.

OHIO NUTRITION AND WIC REAUTHORIZATION ACT OF 2004

SPEECH OF

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Ms. MILLENDER-McDONALD. Mr. Speaker, I rise to give my enthusiastic support to S. 2507, "The Child Nutrition and WIC Reauthorization Act of 2004".

In January of this year, I urged the Committee on Education and the Workforce to include in this Reauthorization Act provisions to authorize fruit and vegetable pilot programs for the Women, Infants and Children (WIC) Nutrition Program.

The bill expands this program as well as the Summer Food Service Program. It also provides training and technical assistance to schools in program administration and targets benefits to low-income children.

The passage of this bill today is truly a landmark achievement, as it represents the most extensive amendments to the Richard B. Russell National School Lunch Act (NSLA) and the Child Nutrition Act of 1966 (CNA). This legislation reauthorizes national school lunch and breakfast, child and adult care food, afterschool snack, summer food service and special supplemental nutrition programs for (WIC), among others.

The bill also amends the Commodity Distribution Reform Act and WIC Amendments of 1987 and the Food Stamps Act of 1977 to streamline applications for school meal program benefits. It does so by establishing agreements between State Food Stamp Agencies and School Food Authorities.

Like my colleagues, I believe it is critical that our Nation's children have access to healthy and nutritional foods while attending school. The pilot program provided in this bill makes this possible.

Mr. Speaker, we are all well aware that childhood obesity is a major health issue in this Nation that must be addressed. Our children deserve to have healthy choices for their breakfast and lunch meals. For many of our children these meals are the only nutritionally complete meals they will eat throughout the week.

According to the Centers for Disease Control (CDC) and the National Center for Health Statistics (NCHS), an estimated 15 percent of children and adolescents ages 6–19 years were overweight in 1999–2000. This represents a 4 percent increase from the previous 1988–1994 estimates. Passage of this bill represents bipartisan and bicameral efforts to benefit the children of our country.

I firmly believe that this is the right bill at the right time for America's women and children.

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IN MEMORY OF U.S. ARMY PRIVATE VAN RYAN MARCUM

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 2004

Mr. ROSS. Mr. Speaker, I rise today to honor the life of U.S. Army Private Van Ryan Marcum. Ryan passed away on June 19, 2004 during a training accident in Ft. Benning, GA. He was just 21 years old and a native of my hometown, Prescott, AR.

Upon graduation from high school, Ryan enlisted in the U.S. Army and was qualified for the elite Rangers program. Those who knew Ryan well say he was extremely intelligent, resourceful and determined. He had a love of flying and this passion drove him to become an airborne ranger.

Ryan enlisted for full time service in the U.S. Army where he received the Army Good Conduct Medal, the National Defense Service Medal, and the Army Service Ribbon.

My heartfelt condolences go out to Ryan's family. We have a lost a brave young man and his legacy will live on through those who knew him well and counted him as a friend.

* * *

CELEBRATING THE LIFE OF MICHI OKA ONUMA

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 2004

Ms. PELOSI. Mr. Speaker, I rise today to honor the exemplary life and accomplishments of Michi Oka Onuma, a native San Franciscan who died peacefully at the age of 96 on May 15, 2004. Michi Onuma represented the best of San Francisco. She was a talented leader with a generous heart. She will be greatly missed.

Michi Onuma overcame many obstacles in her life. Graduating from the University of California at Berkeley in 1931, she was one of the few women college graduates of her generation of Japanese Americans. She managed as a single parent at a time when divorce was taboo. She overcame the prejudice that came with being Japanese American, including suffering interment, along with 120,000 fellow Japanese Americans, during World War 11.

During her long life, Michi Onuma had various careers, including as a social worker and a community newspaper reporter and editor. She never fully retired, working well into her eighties before cancer slowed her down. Fortunately, she recovered and remained vital and engaged until the end.

In the process of raising a family and having a career, Michi helped build and sustain community institutions that continue to flourish today. Michi Onuma persuaded the inaugural board of directors of the Japanese Community and Cultural Center of Northern California to build a community center. Michi Onuma was on the YWCA board in its early days when foresighted first generation Japanese American women raised funds to purchase a building for community use in perpetuity. Since these women were not allowed to own property outright, they left the property in trust with the YWCA organization with the understanding that the YWCA would follow their wishes. When the YWCA went back on its promise, Michi Onuma provided the historical documentation needed to negotiate the return of the YWCA into community hands. Nihonmachi Little Friends, a child care center serving the Japanese American community, is now the proud owner of the building.

Other recipients of Michi Onuma's leadership included organizations that she founded such as the Red Dots, a community golf club; the Japanese Women's Alumnae Association at UC Berkeley; and Satsuki Kai, a Japanese wives group. Michi received a star on the Walk of Fame on Gene E. Suttle Plaza in 2003 for her work in the Western Addition of San Francisco, especially during the upheaval that redevelopment caused in the Japanese and African American communities in the late 1950s. She was also honored as a women warrior by the Pacific Asian American Women Bay Area Coalition as a symbol of what strong women can accomplish.

Michi Onuma was a visionary, a pioneer, and a strong leader who had a lasting impact on San Francisco. We are grateful to have had her with us for so long.

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H.R. 4715, THE SPECTRUM ACCOUNTABILITY ACT

HON. JIM NUSSLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 2004

Mr. NUSSLE. Mr. Speaker, I come before the House today to introduce H.R. 4715, the Spectrum Accountability Act, which supports the adherence to sound principles of spectrum auction management, particularly the use of competitive bidding. This bill addresses the requirement for spectrum auctions and the need for the efficient management of this finite resource. The competitive bidding process has already shown us that a fair market value is best attained through the use of competitive bidding.

At present, there is a disagreement over the proper statutory application of the Federal Communications Commission's requirement to conduct spectrum auctions. There are some who suggest that current communications law is unclear as to when an auction is required. This bill reaffirms the obvious intent of Congress to use the auction process and competitive bidding for the grant of commercial spectrum, and clarifies when the auction requirement is applicable.

Congress has a duty to efficiently manage Federal resources. This duty is the same whether the resource is actual taxpayer dollars or public assets, such as electromagnetic spectrum, which are held by the Government. While it is the Federal Communications Commission's role to handle the operational aspects of spectrum management, this function must be carried out as prescribed by communications law. Congress was quite clear that auctions and the competitive bidding process provide the most efficient and appropriate means for spectrum management; this bill will dispel any remaining misconceptions on the matter.

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DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2005

SPEECH OF

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 2004

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4567) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes

Mr. GRIJALVA. Mr. Chairman, I wish to state for the record my vehement opposition to this amendment.

This amendment purports to deny funds to any state that permits undocumented immigrants to obtain driver's licenses or other "comparable" identification documents and to deny funds to any state or local government that has passed a policy that limits disclosure of immigration status to federal authorities.

Withholding funds from local governments and from our frontline first responders in local level would undermine their effectiveness in a critical mission.

Local law enforcement authorities across the country have made it clear that if the federal government abrogates their responsibility and forces them to take on what is a federal obligation with regard to immigration enforcement, this will be an unfunded mandate, depleting critical resources of time and funding.

The effectiveness of local law enforcement, and our safety, depends on their being able to count on cooperation from their neighbors, regardless of their immigration status. When local authorities are perceived as immigration enforcers, immigrant communities, who may have critical information with regard to homeland security, will be very reluctant to cooperate or even speak with law enforcement.

Due to unfunded mandates and a neglect of real security needs at the local level, municipal governments and local police are already strained, and this amendment would increase that strain.

This would undermine homeland security, and the safety of immigrants themselves. In particular, victims of domestic violence would have to decide whether they are willing to risk deportation before seeking help from authorities.

This amendment would undermine security for all who reside in this country, and the safety of immigrants in particular. Immigrants who are victims of domestic violence would have to decide whether they are willing to risk deportation before seeking help and reporting abuse to authorities.

The provision withholding federal funds from states that permit undocumented immigrants to obtain driver's licenses or other "comparable" identification documents is similarly nonsensical and counterintuitive.

I would think that those who rail against the presence of the undocumented in this country would welcome the opportunity to increase safety by allowing those who are undocumented to be identified by authorities. Allowing undocumented immigrants to obtain forms of identification would make the job of law enforcement easier, and allow immigrants access to necessary basic services such as opening a bank account. All other things being equal, it would be better to have more of the people who are in this country identified and to have as many drivers as possible obtain a proper license. Both of these conditions would contribute to increased public safety.

This amendment is an attempt to blackmail local governments into following an agenda that would endanger their safety, by threatening to take away critical resources. The States that would suffer the most from passage of this amendment include my own state of Arizona as well as Alaska, California, Colorado, Washington, DC, Hawaii, Idaho, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, New Mexico, New York, North Carolina, Oregon, Pennsylvania, Tennessee, Texas, Utah, Washington, and Wisconsin.

I find it outrageous that a member of this body would suggest withholding critical funds, from programs such as the State Criminal Alien Assistance Program, Byrne grants, and many others, just to impose an extreme personal view about what local governments should be doing. This is not the time for zealots to push unfunded mandates through bills providing for the security of us all.

PAYING TRIBUTE TO JOHN DAVID REYNOLDS, III

HON. HAROLD E. FORD, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 2004

Mr. FORD. Mr. Speaker, today I rise to acknowledge John David Reynolds, III of Memphis, Tennessee, in his dedication to service in his community. On Wednesday, June 16th, I joined John at the America's Promise to our Youth Inaugural Gala in Washington.

Founded in 1997 after the President's Summit for America's Future, America's Promise helps bring together communities to improve children's lives by making five promises. The five promises are: (1) ongoing relationships with caring adults—parents, mentors, tutors or coaches; (2) safe places with structured activities; (3) a healthy start and future; (4) marketable skills through an effective education; and (5) opportunities to serve through community service.

Given John's commitment to his peers and to community service, we owe it to him to fulfill these promises. To that end, I was pleased to join with America's Promise in making a down payment on those promises by presenting him at the gala a scholarship for post-secondary education.

He stands among his peers as a leader within their eyes and inspires them to reach within themselves to accomplish their goals. Therefore, it is appropriate to recognize his accomplishments before this body of Congress and this Nation.

John is a graduate of Kingsbury High School, where he took on many leadership roles. He was elected to student office in: FCCLA, President; BPA, Vice President; and DECA, President for the 2003–2004 school term. As an active member of all three chapters, he attended Peace Jam at Rhodes College in the Spring of 2004 and met with Nobel Peace Laureate Rigoberto Menchu Tum. During his time at Peace Jam, his FCCLA Chapter presented their own peace plans with over 20 other schools.

In BPA, John taught elementary school students computer basics and data entry skills, helping them prepare for junior high school. As a secondary project, he also helped the Memphis Food Bank with food drives and sorting food.

In DECA this John was part of an effort to collect 10,000 Pennies for Penguins in a drive for Le Bonheur Children's Hospital. The organization conducted a fashion show where they collected $700 for St. Jude Children's Research Hospital. John also participated in the creation of the "Johnville Project." This project was used to teach middle school students the importance of budgeting money, self-worth, and achieving goals.

I would also like to commend John for his accomplishments in numerous FCCLA, BPA, and DECA competitions. John placed second at FCCLA Regional and State BPA, and went to Nationals in DECA. He used each point as a stepping stone to improve upon his project, which took an entire eight months of diligent effort. In addition, he focused on creating a fitness center dedicated to improving the mental and physical health of teens.

Mr. Speaker, I wish to commend John David Reynolds for his tireless efforts to enrich the lives of the people in his community. Through his ability to confront challenges, and challenge others, he has become a leader among his peers. I commend him for his achievements and ask my colleagues to join me in paying tribute to him in the U.S. House of Representatives.

IN RECOGNITION OF KATHY McCARTHY FOR HER YEARS OF PUBLIC SERVICE

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 2004

Mr. GREEN of Wisconsin. Mr. Speaker, today before this house I would like to honor and recognize Kathy McCarthy for her hard work and dedication to the citizens of Wisconsin's Eighth Congressional District. After serving 14 years in both my office and that of former Congressman Toby Roth, Kathy has chosen to retire and pursue new endeavors outside of federal service.

Kathy McCarthy began her career in public service as a staff assistant and office manager with Congressman Roth, In that time she fulfilled a number of vital roles and coordinated numerous projects, including casework duties and student nominations to the United States Service Academies. During her tenure with Congressman Roth, Kathy earned the reputation of being a fierce advocate for constituents, and an indispensable member of the office.

After joining my staff in 1999, Kathy's expertise and acute understanding of casework issues proved vital in getting my office up and running. She was able to successfully assist thousands of constituents in navigating the maze of federal agencies, helping folks receive all the benefits and services they deserve.

Mr. Speaker, it is my pleasure to recognize my friend Kathy McCarthy for her years of dedicated public service. My constituents, my staff and I are sad to see her go, but we are consoled by the fact that Kathy will soon be enjoying a long retirement with her family. From the bottom of my heart I say thank you, and wish her all the best in retirement.

OPPOSING THE FISCALLY IRRESPONSIBLE REPUBLICAN BUDGET PROCESS LEGISLATION

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 2004

Mr. STARK. Mr. Speaker, I rise in strong opposition to H.R. 4663, the so-called Spending Control Act of 2004. This bill is another shameless attempt by the Republican majority to shove their radical, right wing agenda down the throats of the American people. What are they going after this time? Medicare and Social Security. And what are they trying to protect? Tax cuts.

What a surprise. What a surprise that the Republicans would put tax cuts over Medicare and Social Security. I guess it shouldn't surprise us anymore.

This bill purports to be a budget bill. It is supposed to set up rules to restrain spending and reduce the national budget deficit. That's a worthy goal. Too bad the bill doesn't advance us toward that goal. One provision which purports to advance this goal is the pay-as-you go (PAYGO) rule. Under such a plan, any new spending on one program must be paid for by a reduction in spending from another. Such a rule is problematic. Under this plan, if I want to add an important benefit to the Medicare program, I must cut spending elsewhere in the Medicare, or in some other vital program like Medicaid or the State Children's Health Insurance Program. In this time of huge budget deficits, I know we must control our spending habits. But robbing Peter to pay Paul makes no sense when we are talking about the health and well being of our fellow citizens.

That said, I would have no problem supporting PAYGO rules for mandatory spending if the Republicans made them apply to tax cuts as well. But guess what? Under this proposal, tax cuts would be exempt from the PAYGO rules! In other words, we have to eliminate programs to add something to Medicare, but the Republicans can cut taxes until the cows come home! The Republicans could therefore pass another huge tax cut for millionaires without replacing the lost revenue with spending cuts. This then leads to huge deficits because of the exponentially widening gap between spending and revenue. Does this make any sense at all? Of course not!

What makes this bill worse is the fact that increasing mandatory spending for programs like Medicare cannot be paid for by closing tax loopholes and increasing revenue by charging taxpayers what they really owe. For example, if I proposed legislation to fill in the doughnut hole in the Republican prescription drug benefit, I could not pay for that expanded benefit by closing corporate tax loopholes that effectively allow most corporations to go untaxed. In fact, a report by the General Accounting Office found that, on average, 61 percent of all U.S. corporations reported no tax liability between 1996 and 2000. But under this budget legislation we couldn't make a single one of those corporations pay the taxes they owe so that I could provide Medicare beneficiaries the prescription drug benefit they deserve.

Not so many years ago we enjoyed a projected $5.6 trillion surplus that could have put a huge dent in our national debt, or paid for health insurance for the 44 million uninsured in this country. Since the original PAYGO rules expired and the Republicans started cutting taxes for their wealthy friends, that surplus has turned into a $2.9 trillion deficit, which will push our total debt over $9 trillion. Who do you think is going to pay for that debt if we fail to reinstate PAYGO rules that work? You and I will not foot the bill for this irresponsible policy. Our children, grandchildren and great grandchildren will.

This bill is another colossal mistake which the Republicans want to inflict on our country. I urge my colleagues to support the Spratt substitute, which applies PAYGO to both spending and tax cuts, and to vote against this one-sided Republican bill.

SMALL COMMUNITY OPTIONS FOR REGULATORY EQUITY ACT

HON. C.L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 2004

Mr. OTTER. Mr. Speaker, I rise today to introduce the Small Community Options for Regulatory Equity Act. Rural communities across my state and elsewhere are being unfairly burdened by Environmental Protection Agency regulations that have questionable benefit.

While we all want to ensure a clean, safe drinking water supply for our communities, we must remember that fiscal restraints sometimes require tradeoffs and accommodations. Many small communities believe that EPA regulations will do more harm than good by wasting limited public health funds complying with standards that do little to advance the interests of public health.

For those of you who may have forgotten the arsenic debate of just a few years ago, let me refresh your memory. The Safe Drinking Water Act was used in the past to clean up pollution caused by previous business practices. Now the EPA is using the act to clean up Mother Nature herself. Arsenic is a naturally occurring component in the soil and water of many Western states, including Idaho. Using questionable science, the EPA has committed to ensuring all domestic water systems meet the arbitrary 10 parts-per-billion standard for arsenic—no matter how small those systems are. This is down from the 50 parts-per-billion standard set in 1975.

When the Safe Drinking Water Act was passed, Congress provided flexibility for EPA to determine whether it is economically or technologically feasible to obtain a certain level of reduced contamination. Essentially, the act states that if it's too expensive, smaller systems simply need to get as close to the standard as they reasonably can. Unfortunately EPA has decided not to use that flexibility. EPA has determined that paying $1,000 per year per user for the smaller water systems to meet the arsenic standard is affordable.

We know that many of our rural communities have low-income residents who make difficult decisions each month. They must choose which bills to pay and which to put off. These folks aren't worried about the cable bill; they're worried about being able to cover their heat, food, power and even prescription drug costs every month. And when faced with those choices, they'll choose to pay their water bill first. But the EPA—in its infinite wisdom—has decided to place a higher priority on marginal reductions in arsenic level than such basic needs as food and shelter.

That is unacceptable, which is why I am introducing legislation today to allow small and rural communities, those under 10,000 in population, to choose whether they want EPA to enforce regulations on naturally occurring contaminants. If the eligible community determines it is too costly to comply with the rule it can request an exemption from the regulation, which EPA must grant.

No one is talking about removing all the arsenic from the water. We are talking about removing parts per billion, which is removing a very small amount of something that is barely even there. There is no bright line of concentration at the parts-per-billion level beyond which arsenic becomes unsafe. EPA views 9.9 parts-per-billion as safe and 10.1 as unsafe, despite the fact that there is little health difference between such small differences. EPA can't determine how much arsenic ingestion above the federal standard is harmful. While EPA has said that arsenic concentrations above its standard don't necessarily present an unreasonable risk to health, concentrations above 10 parts-per-billion do create a significant financial burden for small communities.

This mandate doesn't consider the unintended consequences and it can't balance competing local priorities. Local communities are in the best position to determine where their scarce resources need to go. EPA is not going to the communities and suggesting ways they can comply or technology they can use. Rather than being a good partner, EPA is once again just an enforcer, and is waiting until 2006 to impose fines on communities that are not in compliance. Such one-size-fits-all government "solutions" do nothing to make the water cleaner. They only provoke bitterness and stifle cooperation.

One small community in Idaho already has had to lay off its only police officer in order to afford studies and other requirements related to complying with the arsenic regulation. Now we are asking people to choose between real public safety and a theoretical health benefit. Further compounding the problem for this rural community, the EPA recently denied its request for a compliance extension, as provided for in the agency's own regulation. Community leaders know they can't comply by 2006 and are trying to do the right thing—but EPA refuses to help them.

We are supposed to have a democratic process here in the United States. In this case, the EPA is overriding the will of local citizens. I believe it's time to put the power back into the hands of those most impacted to determine what truly is best for them.

I remain concerned that this regulation will have very adverse economic impacts on thousands of rural communities across the nation, without addressing legitimate human health concerns. Since there is no economically feasible way for small communities to meet this standard and the standard may result in no health benefits, I support allowing each eligible rural community to decide whether to comply. I encourage you to join me in cosponsoring the Small Community Options for Regulatory Equity Act.

PERSONAL EXPLANATION

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 2004

Mr. MCDERMOTT. Mr. Speaker, I missed some votes on June 23rd and June 24th, 2004. Had I been able to, I would have voted:

June 23—"No" on the Boehlert amendment to H.R. 4548 (rollcall vote No. 291); "No" on the Johnson amendment to H.R. 4548 (rollcall vote No. 292); "No" on the Rogers amendment to H.R. 4548 (rollcall vote No. 293); "Yes" on the Shays amendment to H.R. 4548 (rollcall vote No. 294); "Yes" on the Kucinich amendment to H.R. 4548 (rollcall vote No. 295); "Yes" on the Simmons amendment to H.R. 4548 (rollcall vote No. 296); "Yes" on the Reyes amendment to H.R. 4548 (rollcall vote No. 297); "No" on the Johnson amendment to H.R. 4548 (rollcall vote No. 298); "Yes" on the motion to recommit H.R. 4548 (rollcall vote No. 299); "No" on final passage of H.R. 4548 (rollcall vote No. 300).

June 24—"Yes" on H. Res. 685 (rollcall vote No. 301); "No" on the previous question (rollcall vote No. 302); "No" on the rule for H.R. 4663 (rollcall vote No. 303); "Yes" on H. Res. 676 (rollcall vote No. 304); "No" on the Brady amendment to H.R. 4663 (rollcall vote No. 305); "No" on the Chocola amendment to H.R. 4663 (rollcall vote No. 306) "No" on the Castle amendment to H.R. 4663 (rollcall vote No. 307); "No" on the Hensarling amendment to H.R. 4663 (rollcall vote No. 308); "No" on the Hensarling amendment to H.R. 4663 (rollcall vote No. 309); "No" on the Kirk amendment to H.R. 4663 (rollcall vote No. 310); "No" on the Ryan amendment to H.R. 4663 (rollcall vote No. 311); "No" on the Ryan amendment to H.R. 4663 (rollcall vote No. 312); "No" on the Ryan amendment to H.R. 4663 (rollcall vote No. 313); "Yes" on the Spratt substitute to H.R. 4663 (rollcall vote No. 314); "No" on the Hensarling substitute to H.R. 4663 (rollcall vote No. 315); "No" on the Kirk substitute to H.R. 4663 (rollcall vote No. 316); "Yes" on the motion to recommit (rollcall vote No. 317); "No" on final passage of H.R. 4663 (rollcall vote No. 318); "No" on H. Res. 691 (rollcall vote No. 319).

"A HERO WALKED AMONG US"

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 2004

Mr. FRANK of Massachusetts. Mr. Speaker, last Sunday, the people of Massachusetts, and particularly of the town of Sharon in my Congressional district, lost a great priest to illness. Father Robert Bullock exemplified the virtues of the priesthood. He was a wise, loving, kind man of great compassion and unimpeachable integrity. His death at 75 saddened all who knew of him and indeed all who knew of his great work. On Tuesday, June 22, the Boston Herald published a pithy but profound editorial about the death of this wonderful priest and I ask that it be reprinted here.

[From the Boston Herald, June 22, 2004]

A HERO WALKED AMONG US

Heroes come in many forms, often shaped by their times.

The Rev. Robert W. Bullock, who died this weekend at age 75, had been an everyday kind of hero for a very long time. A chaplain at Brandeis University and later a parish priest in Sharon, he forged lasting ties with the Jewish community, visiting Israel, writing on the Holocaust and speaking out against anti-Semitism.

But when the scandal of clergy sexual abuse broke, Father Bullock went from quiet hero to noisy and courageous critic of the church hierarchy and Bernard Cardinal Law in particular. He headed the Boston Priests Forum, which called on Law to step down in December 2002.

His was a courage born of faith, the kind of courage that will truly be missed around here. But the inspiration that his life was lives on.

SUPPORTING NEARLY 200,000 AMERICANS WORKING TO SECURE, RECONSTRUCT AND ESTABLISH STABILITY IN IRAQ

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 2004

Ms. MCCOLLUM. Mr. Speaker, I rise today to support the nearly 200,000 American servicemen and women, civilian government officials and private contractors working to secure, reconstruct and establish stability in Iraq. Their collective service and sacrifices, and the sacrifices made by their families in their absence, are to be honored and profoundly respected.

The brave and proud people of Iraq also deserve to be recognized for enduring a very difficult and often violent transition from brutal authoritarian rule to the beginnings of self-rule. There remains years of work ahead by the Iraqi people and their journey will be difficult and bloody, but the path to an open, stabile and prosperous Iraq now lies ahead of them.

The current situation in Iraq and the June 30, 2004 transfer of limited sovereignty requires U.S. policy makers and elected leaders to examine the very difficult reality of today and tomorrow with determination and honesty, rather than the best-case planning and irrational optimism that has plagued the occupation for the past twelve months. The U.S. occupation will continue on July 1, 2004 and tens of thousands of Americans remain working in a very dangerous war zone for an indefinite number of months or years.

Today, over one hundred Iraqis and three American soldiers were killed in a series of coordinated attacks across Iraq. Hundred more Iraqis were seriously wounded. Yet, today in this House we debate House Resolution 691 which calls for the American people to "celebrate the restoration of freedom in Iraq" with the June 30th transfer of authority. The absurdity and contradiction between the reality in Iraq and this resolution's call for Americans to celebrate in the face of a murderous day and difficult days, months and years ahead is something I cannot support.

Iraq is a war zone, where guerilla-style attacks take place everyday and our troops operate in an extremely hazardous environment. There is a phenomenal amount of work that still needs to be done before Iraq and the world can celebrate sovereignty.

Mr. Speaker, I know the people of Minnesota honor the service of tens of thousands of brave Americans serving in Iraq with their thoughts and prayers every day, as do I. We also share in the mourning with the families of service men and women who have died in Iraq. We support the men and women who have come home wounded and need support and time to heal. We witness the tragic deaths of Iraqi women, men and children and feel anguish at the unending violence.

Mr. Speaker, this is no time for the American people or the people of the world to celebrate as House Resolution 691 urges. On July 1, 2004, the first step toward Iraqi autonomy will be taken and the long and difficult path to peace, security and hope begins. It is at the end of this path—when Iraqi sovereignty does not require 140,000 U.S. troops to support it and when peace is real and the Iraqi people are celebrating their own freedom from occupation and violence—that the Congress, the American people and the world should join them in the celebration.

We should be planning for success in Iraq, not planning for a celebration.

THE 2004 INTERNATIONAL DAY IN SUPPORT OF VICTIMS OF TORTURE

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 2004

Mr. MARKEY. Mr. Speaker, tomorrow we will observe the seventh International Day in Support of Victims of Torture. The date June 26 is no accident: it was on June 26, 1987 that the International Convention Against Torture came into effect, and on June 26, 1945 the United Nations Charter was signed. Tragically, torture and other severe human rights abuses continue in many countries around the globe to this day.

Even more tragically, the world has seen in the past few months that the United States is not as firmly placed as it should be among those nations that abhor and fully reject torture. The prison abuses at Abu Ghraib have disappointed all Americans. Although President Bush has asserted that "the values of this country are such that torture is not a part of our soul and our being" much of the world remains skeptical about the Bush administration's commitment to repudiation of torture in light of the recent revelations about internal administration legal memoranda which attempted to carve out broad exemptions from domestic and international prohibitions on torture based on the Presidential power as Commander-in-Chief.

While the Abu Ghraib revelations were appalling, there is another practice going on right now which merits equal attention, and that is the outsourcing of torture by this administration. Under a practice known as "extraordinary rendition," the CIA delivers terrorism suspects in U.S. custody both domestically and abroad to foreign governments known to use torture for the purpose of interrogation. This extra judicial practice has received little attention because of the great secrecy with which it occurs. Attention was drawn to the practice in September 2002 when Maher Arar, a Canadian citizen, was seized while in transit to Canada through JFK airport, and sent to Jordan and later Syria at the request of the CIA. While in Syria, Arar was tortured and held in a dark, 3–by–6–foot cell for nearly a year. He was ultimately released and detailed his story to the media upon his return to Canada.

In October 2002, outgoing CIA director George Tenet testified to the 9/11 Commission that over 70 people had been subject to extraordinary rendition before September 11, 2001. The numbers since then are classified. Human rights organizations including Amnesty International, Human Rights Watch, the Center for Constitutional Rights and the ACLU have detailed numerous cases of extraordinary rendition and are pursuing litigation in some of them. On June 21, the Canadian government launched an investigation into Arar's case.

This practice is inconsistent with U.S. and international law and is a moral outrage. It must be stopped. If the Bush administration continues to permit this sort of outsourced, third-party torture, it is more likely that our own troops in Iraq could be subject to the same type of brutal treatment. I have recently introduced legislation, H.R. 4674, that directs the State Department to compile a list of countries that commonly practice torture or cruel, inhumane or degrading treatment during detention and interrogation, and prohibits rendition to any nation on this list, unless the Secretary of State certifies that the nation has made significant progress in human rights. The bill explicitly permits legal, treaty-based extradition, in which suspects have the right to appeal in a U.S. court to block the proposed transfer based on the likelihood that they would be subjected to torture or other inhumane treatment.

Extraordinary rendition to countries known to practice torture amounts to outsourcing torture. It is morally repugnant to allow such a practice to continue. H.R. 4674 is designed to ensure that we not only ban torture conducted by our own forces but we also stop the practice of contracting out torture to other nations. Torture enabled by extraordinary rendition is outrageous and could expose our own forces to the same type of treatment. '

It is also deeply foolish of the Bush administration to allow any questions to be raised as to America's rejection of torture. Quite simply, actions such as those at Abu Ghraib and the ongoing practice of extraordinary rendition endanger American soldiers and civilians who may be captured in Iraq, Afghanistan or elsewhere. By failing to firmly bar methods of torture with U.S. detainees, the Bush administration has increased the likelihood that Americans overseas will be tortured or subjected to inhumane treatment.

BALKAN ORGANIZATION FOR NATIONAL FINANCIAL DEVELOPMENT

HON. CHRIS CANNON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 2004

Mr. CANNON. Mr. Speaker, I rise today to recognize the establishment of a new and innovative non-profit foundation whose sole objective is to rationalize and accelerate the transition of the Balkan countries to full market economies. The purpose behind the Balkan Organization for National Financial Development (BONAFIDE) is the promotion of U.S. investment in the region by facilitating the harmonization of the ethics, laws and regulations governing business, investment and the financial markets in these countries with those of the United States.

History is clear, Mr. Speaker. The greatest speed, quality and durability of the transition to democracy in this culturally and politically complex region will not be achieved solely through diplomatic pressure and direct foreign assistance. Instead, this transition is best achieved through positive pressures developed within these economies through the positive participation our companies and institutions in legitimately participating in their growth.

In the past, there was an accepted and established manner of conducting business and working with government in these countries that was, by most measures, corrupt. The reality is that the lack of laws promoted this weakness. Today, with anti-corruption laws in place, the lack of enforcement institutions and transparency are in some cases promoting the perpetuation of these practices. The situation is improving, but it is by no means where it needs to be. As I see it, we can sit on the sidelines and lament the corruption of the past and the present, or we can support constructive programs and look to the future.

We can sit back and allow the other nations and their companies to participate in the tremendous economic potential in the region while imposing their own models of business ethics on these developing economies, or we can aggressively promote competitive U.S. investment and develop business ethics like ours. We need to help concentrated wealth achieved in a time when there was an absence of law transitioned into a framework of legitimate business. This is the purpose of the BONAFIDE organization.

BONAFIDE is funded exclusively by business and industry in the Balkans, including companies and individuals from the banking, railroad, mining, petroleum, telecommunications, and agriculture industries, as well as individuals who see the clear benefits of a closer alignment with the United States and its economic principles and practices, such as leading financial institutions and corporations from the Republic of Serbia, Bosnia & Herzegovina, Republica Srpska and Bulgaria, as well as individuals who have come, not unscathed, through this period of vague law, such as Sorin Vintu of Romania. These companies and individuals are concerned that the concentration of investment from countries other than the U.S. will have the effect of stagnating reforms and, therefore, growth. They are now committed to the early adoption and implementation of regulatory and enforcement reforms and transparency in their countries on the U.S. model, not the German or Russian model.

BONAFIDE, through its headquarters in Washington, will promote the accelerated harmonization of national laws, regulations and best business practices for the Balkans with those of the United States through an aggressive education exchange and cooperation program. BONAFIDE will facilitate collaborative working visits of U.S. legislators and regulators with their counterparts in the region; between leaders of industry, financial services and law and their counterparts in the Balkans; and of academic leaders with government, business and educational institutions in these countries.

Mr. Speaker, I welcome the establishment of this new organization and organizations like it and I strongly support the objectives they promote.

RECOGNIZING SCORE

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 2004

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor a valuable, non-profit association helping America's small businesses and entrepreneurs. The organization I speak of is SCORE, Counselors to America's Small Businesses.

Small businesses are vital to our communities and our economy. They add jobs, add dollars to local economies, and provide a valuable sense of community. However starting and operating a small business is a serious risk, and it is not easy.

Many hard-working, skilled, brilliant Americans have all the ambition and specialized knowledge to take that risk—but they lack the business knowledge and experience necessary to be successful. That is why I'd like to thank everyone at SCORE for giving these ambitious, eager, hard-working Americans the last tool they need to make their endeavor a success.

I'd like to thank SCORE and all of their members and employees for their philanthropy, advocacy, and dedication to American small businesses. I'm pleased to honor them on the floor of this House.

HOUSE OF REPRESENTATIVES—*Tuesday, July 6, 2004*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. CULBERSON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 6, 2004.

I hereby appoint the Honorable JOHN ABNEY CULBERSON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord our God, having been refreshed by the celebration of the independence of this Nation and having been renewed in the spirit of those who planted the seeds of liberty and equal justice in the soul of America, let this summer session of the 108th Congress of the United States begin with Your blessing.

As Members return to Capitol Hill, fill this place with the divine vision of Ezekiel, the prophet. May this lofty view shape our future.

On this day, may Your all-powerful hand come upon this Chamber and this country, that the long-term building of an everlasting city of truth and justice be realized. The dream of America, the last best hope for the world, seems utopian only if we rely solely on ourselves or our own power.

But with You and in You all things are possible. So we place our trust in You, Lord God. Help us build with Your vision in mind, now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from South Carolina (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mr. WILSON of South Carolina led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 4200. An act to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

H.R. 4613. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 2401. An act to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

S. 2402. An act to authorize appropriations for fiscal year 2005 for military construction, and for other purposes.

S. 2403. An act to authorize appropriations for fiscal year 2005 for defense activities of the Department of Energy, and for other purposes.

PRIVATE CALENDAR

The SPEAKER pro tempore. This is Private Calendar Day. The Clerk will call the first individual bill on the Private Calendar.

TANYA ANDREA GOUDEAU

The Clerk called the bill (H.R. 530) for the relief of Tanya Andrea Goudeau.

There being no objection, the Clerk read the bill as follows:

H.R. 530

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. IMMEDIATE RELATIVE STATUS FOR TANYA ANDREA GOUDEAU.

(a) IN GENERAL.—Tanya Andrea Goudeau shall be classified as a child under section 101(b)(1)(E) of the Immigration and Nationality Act for purposes of approval of a relative visa petition filed under section 204 of such Act by her adoptive parent and the filing of an application for an immigrant visa or adjustment of status.

(b) ADJUSTMENT OF STATUS.—If Tanya Andrea Goudeau enters the United States before the filing deadline specified in subsection (c), she shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the petition and the application for issuance of an immigrant visa or the application for adjustment of status are filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Tanya Andrea Goudeau, the Secretary of State shall instruct the proper officer to reduce by 1, for the current or next following fiscal year, the worldwide level of family-sponsored immigrants under section 201(c)(1)(A) of the Immigration and Nationality Act.

(e) DENIAL OF PREFERENTIAL IMMIGRATION TREATMENT FOR CERTAIN RELATIVES.—The natural parents, brothers, and sisters of Tanya Andrea Goudeau shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

SEC. 2. ELIGIBILITY FOR CITIZENSHIP.

For purposes of section 320 of the Immigration and Nationality Act, Tanya Andrea Goudeau shall be considered to have satisfied the requirements applicable to adopted children under section 101(b)(1) of such Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RICHI JAMES LESLEY

The Clerk called the bill (H.R. 712) for the relief of Richi James Lesley.

There being no objection, the Clerk read the bill as follows:

H.R. 712

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENT STATUS FOR RICHI JAMES LESLEY.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Richi James Lesley shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Richi James Lesley enters the United States before the filing deadline specified in subsection (c), he shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

(c) Deadline for Application and Payment of Fees.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) Reduction of Immigrant Visa Number.—Upon the granting of an immigrant visa or permanent residence to Richi James Lesley, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

(e) Denial of Preferential Immigration Treatment for Certain Relatives.—The natural parents, brothers, and sisters of Richi James Lesley shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DURRESHAHWAR DURRESHAHWAR, NIDA HASAN, ASNA HASAN, ANUM HASAN, AND IQRA HASAN

The Clerk called the bill (H.R. 867) for the relief of Durreshahwar Durreshahwar, Nida Hasan, Asna Hasan, Anum Hasan, and Iqra Hasan.

There being no objection, the Clerk read the bill as follows:

H.R. 867

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENT STATUS FOR DURRESHAHWAR DURRESHAHWAR, NIDA HASAN, ASNA HASAN, ANUM HASAN, AND IQRA HASAN.

(a) In General.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Durreshahwar Durreshahwar, Nida Hasan, Asna Hasan, Anum Hasan, and Iqra Hasan shall each be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) Adjustment of Status.—If Durreshahwar Durreshahwar, Nida Hasan, Asna Hasan, Anum Hasan, or Iqra Hasan enters the United States before the filing deadline specified in subsection (c), she shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

(c) Deadline for Application and Payment of Fees.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) Reduction of Immigrant Visa Number.—Upon the granting of an immigrant visa or permanent residence to Durreshahwar Durreshahwar, Nida Hasan, Asna Hasan, Anum Hasan, and Iqra Hasan, the Secretary of State shall instruct the proper officer to reduce by 5, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the aliens' birth under section 202(e) of such Act.

(e) Denial of Preferential Immigration Treatment for Certain Relatives.—The natural parents, brothers, and sisters of Durreshahwar Durreshahwar, Nida Hasan, Asna Hasan, Anum Hasan, and Iqra Hasan shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LINDITA IDRIZI HEATH

The Clerk called the Senate bill (S. 103) for the relief of Lindita Idrizi Heath.

There being no objection, The Clerk read the Senate bill as follows:

S. 103

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENT STATUS FOR LINDITA IDRIZI HEATH.

(a) In General.—Notwithstanding section 101(b)(1) and subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Lindita Idrizi Heath shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of that Act or for adjustment of status to lawful permanent resident.

(b) Adjustment of Status.—If Lindita Idrizi Heath enters the United States before the filing deadline specified in subsection (c), Lindita Idrizi Heath shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of enactment of this Act.

(c) Deadline for Application and Payment of Fees.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees within 2 years after the date of enactment of this Act.

(d) Reduction of Immigrant Visa Numbers.—Upon the granting of an immigrant visa or permanent residence to Lindita Idrizi Heath, the Secretary of State shall instruct the proper officer to reduce by one, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of birth of Lindita Idrizi Heath under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of birth of Lindita Idrizi Heath under section 202(e) of that Act.

SEC. 2. ELIGIBILITY FOR CITIZENSHIP.

For purposes of section 320 of the Immigration and Nationality Act (8 U.S.C. 1431; relating to the automatic acquisition of citizenship by certain children born outside the United States), Lindita Idrizi Heath shall be considered to have satisfied the requirements applicable to adopted children under section 101(b)(1) of that Act (8 U.S.C. 1101(b)(1)).

SEC. 3. LIMITATION.

No natural parent, brother, or sister, if any, of Lindita Idrizi Heath shall, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER pro tempore. This concludes the call of the Private Calendar.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, Speaker pro tempore Pence signed the following enrolled bill on Wednesday, June 30, 2004:

S. 2507, to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to provide children with increased access to food and nutrition assistance, to simplify program operations and improve program management, to reauthorize child nutrition programs, and for other purposes.

COMMUNICATION FROM LEGISLATIVE DIRECTOR OF HON. J. DENNIS HASTERT, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Anthony Reed, legislative director of the Honorable J. Dennis Hastert, Member of Congress:

House of Representatives,
Washington, DC, June 29, 2004.

Hon. J. Dennis Hastert,
Speaker, House of Representatives,
Washington, DC.

Dear Mr. Speaker: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a criminal subpoena for testimony issued by the Superior Court of the District of Columbia.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

Anthony Reed,
Legislative Director.

COMMUNICATION FROM STAFF ASSISTANT OF HON. J. DENNIS HASTERT, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Luke Hatzis, staff assistant of the Honorable J. Dennis Hastert, Member of Congress:

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a criminal subpoena for testimony issued by the Superior Court of the District of Columbia.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

LUKE HATZIS,
Staff Assistant.

IRAQ BECOMES SOVEREIGN NATION AND U.S. ALLY

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, last week on June 28, Iraq became a sovereign nation as control was handed over from coalition forces to a new Iraqi Government headed by Prime Minister Iyad Allawi and President Ghazi al-Yawer. This is an extraordinary achievement for President George W. Bush, the American military, and our coalition partners.

Despite attacks from political opponents, President Bush firmly acted to protect American families from future terrorist attacks by liberating Iraq from one of history's most brutal dictators. Today, only 15 months after the fall of Saddam Hussein's regime, Iraq has turned from an enemy to a developing democracy. No longer a supporter of international terrorism, today's Iraq, along with Afghanistan, represents a beacon of hope in the Middle East for freedom and democracy.

As the Iraqi people continue their struggle for a better future, our brave men and women in uniform continue to work with Iraqi forces to hunt down and stop the depraved enemy who is desperate to stop the march for freedom.

In conclusion, may God bless our troops; and we will never forget September 11.

SENATORS KERRY AND EDWARDS ARE OUT OF STEP WITH MOST AMERICANS

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, so Senator KERRY has picked Senator EDWARDS as his running mate. That means the Senator with the most liberal voting record has picked the person with the fourth most-liberal voting record. That does not sound like mainstream to me, and certainly their views do not represent the majority of the American people.

Both Senators KERRY and EDWARDS voted against the ban on partial birth abortion. Both have opposed all of the recent tax relief legislation.

Both Senators voted against sending our troops in Iraq and providing them with body armor, and both favor amnesty for illegal immigrants.

Mr. Speaker, Senators KERRY and EDWARDS are out of tune, out of line, out of touch, and out of step with most Americans.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 8 of rule XX.

RECORD votes on postponed questions will be taken after 6:30 p.m. today.

RECOGNIZING THE MARSHALL ISLANDS

Mr. FLAKE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 410) recognizing the 25th anniversary of the adoption of the Constitution of the Republic of the Marshall Islands and recognizing the Marshall Islands as a staunch ally of the United States, committed to principles of democracy and freedom for the Pacific region and throughout the world, as amended.

The Clerk read as follows:

H. CON. RES. 410

Whereas the Marshall Islands were ruled under a succession of colonial regimes, including under Spanish and German rule, followed in the 20th century by Japanese rule under the League of Nations system for governance of territories;

Whereas military activities of Imperial Japan based in the Marshall Islands before and during Word War II established the strategic importance of the Marshall Islands in the Pacific;

Whereas the Marshall Islands were liberated from Japanese military occupation in some of the most horrific battles of World War II, during which brave Marshallese people risked their lives to aid the Armed Forces of the United States and its allies;

Whereas in 1947 Congress approved a trusteeship agreement with the United Nations Security Council under which the United States became the administering power with plenary powers of government in the Marshall Islands;

Whereas during the United Nations trusteeship period the United States fulfilled its commitment to promote the progress of the Marshall Islands toward democratic self-government and self-determination, leading to the establishment of local self-government that culminated in a constitutional convention in which delegates representing the people of the Marshall Islands proposed that they be constituted as a self-governing nation;

Whereas in accordance with the enabling measures adopted by the United States as administering power of the Marshall Islands, which encouraged and fully supported the emergence of the Marshall Islands as a duly constituted nation based on the freely expressed will of the people, in 1979 the people of the Marshall Islands adopted their own constitution and subsequently declared their form of government to be a republic;

Whereas the Constitution of the Republic of the Marshall Islands established a parliamentary governmental system with separation of powers and a "Bill of Rights," guaranteeing democracy and freedom for the Marshallese people based on the rule of law, limited government, and individual liberty;

Whereas the United States and the duly constituted Government of the Republic of the Marshall Islands adopted a Compact of Free Association to define government-to-government relations between the United States and the Marshall Islands as two sovereign nations under mutually agreed terms upon termination of the United Nations trusteeship for the Marshall Islands;

Whereas the promulgation of a national constitution made possible the termination of the United Nations trusteeship in 1986 and the emergence of the Republic of the Marshall Islands as a sovereign nation in free association with the United States under the Compact of Free Association, forming an alliance that preserves the close and special political, social, economic, and military relationship between the two countries that developed during the trusteeship period;

Whereas the United States has no closer alliance with any nation or group of nations than it does with the Republic of the Marshall Islands under the Compact of Free Association, which continues the strategic partnership and role of the Marshall Islands in United States strategic programs based in the Marshall Islands, which began at the end of World War II and has continued under the trusteeship and Compact to promote the mutual security of the United States and the Marshall Islands;

Whereas the Republic of the Marshall Islands is a model for transition of formerly non-self-governing territory ravaged by war to a sovereign political status as a stable democracy, a success story for institution building and recovery from conflict not only for the Pacific region but throughout the world;

Whereas in light of the shared history of the United States and the Republic of the Marshall Islands and special relations under the Compact of Free Association, it is entirely fitting for Congress to recognize the 25th anniversary of the adoption of the Constitution of the Republic of the Marshall Islands, recalling the importance of duly constituted self-government in the self-determination process leading to national sovereignty for the Marshall Islands; and

Whereas the Republic of the Marshall Islands has remained one of the staunchest allies of the United States during the cold war and the war on terrorism, and the voting record of the Republic of the Marshall Islands as a member state in the United Nations General Assembly is unparalleled by any other country, further demonstrating the shared commitment of the two nations to promote democracy and global peace: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) recognizes the 25th anniversary of the adoption of the Constitution of the Republic of the Marshall Islands; and

(2) recognizes the Republic of the Marshall Islands as a staunch ally of the United

States, committed to principles of democracy and freedom for the Pacific region and throughout the world.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. FLAKE) and the gentleman from Missouri (Mr. CLAY) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. FLAKE).

GENERAL LEAVE

Mr. FLAKE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the concurrent resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. FLAKE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the United States and the Marshall Islands share deep bonds of history and friendship. We have enjoyed the uniquely close alliance over the past half century. The ties between us stretch back to World War II when we struggled together to liberate the Marshall Islands from Japanese occupation.

During the intervening decades, these bonds of blood have grown into an abiding alliance. The Congress reaffirmed that alliance late last year when we approved the amended Compact of Free Association between the United States and the Republic of the Marshall Islands, which extended the strategic and economic ties between our two countries.

When the Marshallese people adopted their Constitution in 1979, they formed a democratic government, committed to the rule of law and individual liberty. It was a critical development in their transition from the U.S.-administered trust territory into a sovereign independent nation.

The people of the United States saw our shared ideals of freedom and democracy take root among our friends in the Pacific; and when full sovereignty followed in 1986, we gained a stalwart ally in the community of nations.

I commend this effort to commemorate that event and our continuing alliance with the Republic of the Marshall Islands, which deserves our unanimous support.

Mr. Speaker, I have had the opportunity a couple of times now to visit the Marshall Islands, once years ago and again this January, and to be able to visit with President Note and other members of the Parliament and other ministers as well and to visit a couple of the islands and to witness the friendship firsthand with the Marshallese people.

It is significant to note that nearly a hundred Marshallese citizens have actually been serving with our Armed Forces in Iraq and other theatres of war. They have been a very staunch ally of ours, and I think it is also significant to note that in the United Nations, the United States has no better friend and ally than the Marshallese. The Marshall Islands votes with the United States 99 percent of the time. That is something that is not shared with any other country or nation. So we owe a debt of gratitude to the Marshallese people; and to recognize them for the adoption of their Constitution 25 years ago, I think, is a significant step. It means a lot to them, and it should mean a lot to us.

There is also another reason that it is important that we recognize the Marshall Islands for what they do and have done for us in the past. Our nuclear testing dates back to the 1950s when we did Operation Bravo and in other operations where we tested nuclear devices, and the Marshallese people have cooperated and helped us in that regard for over a half century; and for that we owe a debt of gratitude.

From the military base at Kwajalein, I was able to see our base there and see what we are currently doing today; and it is a great operation there, and we have the full cooperation of the Marshallese, which makes it much easier to accomplish what we need to.

They have been a stable democracy in the Pacific for over 25 years, and this is due in part to the fact that the United States during the U.N. trusteeship period fulfilled its commitment to promote democratic self-government and self-determination for the Marshall Islands. These efforts led to the establishment of local self-government, and this culminated in a constitutional convention in which delegates representing the people of the Marshall Islands proposed that they be constituted as a self-governing nation.

This happened, and in 1979 the people of the Marshall Islands adopted their own Constitution and declared themselves a republic. This Constitution established a parliamentary governmental system with separation of powers and a bill of rights guaranteeing democracy, freedom, and limited government for the Marshallese people.

□ 1415

Mr. Speaker, I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this resolution and would first like to commend my colleague, the gentleman from Arizona (Mr. FLAKE), for introducing this important measure as well as the gentleman from Illinois (Chairman HYDE), and the ranking member, the gentleman from California (Mr. LANTOS), for their strong support for this resolution.

Mr. Speaker, House Concurrent Resolution 410 recognizes the 25th anniversary of the adoption of the Constitution of the Republic of the Marshall Islands. Given the extremely close bilateral relationship between our two nations and the important role played by the people of the Marshall Islands in our Nation's victory in World War II, it is appropriate that we commemorate this important day in the history of the Marshall Islands.

The United States has no greater friend in the Western Pacific than the government of the Marshall Islands. The United States maintains an important military facility at Kwajalein Atoll, and young Marshallese men and women serve in the United States Armed Forces. The Marshall Islands has been a strong supporter of American policy at the United Nations and a good friend to an embattled ally of the United States, the State of Israel.

The Marshall Islands is also a strong and flourishing democracy, having recently completed free and fair elections in 2003 for its legislature. In fact, Members of Congress welcomed Marshallese President Kessai Note to Washington, D.C. a few weeks ago. President Note discussed the future of relations between the United States and the Marshall Islands and the need for the U.S. Congress to carefully examine the Changed Circumstances Petition submitted by the Marshall Islands.

In short, Mr. Speaker, the Marshall Islands is a strong, democratic ally of the United States and a strategically important position. We must do all we can to further solidify relations between our two nations.

I urge my colleagues to support House Concurrent Resolution 410.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, it brings me a great deal of fulfillment and joy to recognize the 25th anniversary of the adoption of the Constitution of the Republic of the Marshall Islands. Given the extremely close bilateral relationship between our two nations, and the important role played by the people of the Marshall Islands in our Nation's victory in World War II, it is appropriate that we commemorate this important day in the history of the Marshall Islands.

On the personal side, I had the pleasure to be the Ambassador to Micronesia. As you know, Micronesia and the Marshall Islands are right in the same region, and the islands of Micronesia are under a Compact of Mutual Agreement, as are the Marshall Islands. As they work their way into the 21st century, it is with our support as they build their democracy in islands that are thousands of miles away. We can be proud of the relationship we have had with them for the past 20 years as they build their nations into a brighter, more prosperous future.

Mr. CLAY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FLAKE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the gentleman's comments and just to say again that we had the opportunity, myself and the gentleman from California (Chairman POMBO) of the Committee on Resources, to travel with Secretary Gale Norton, Secretary of the Interior, to the Marshall Islands earlier this year, and were able to meet with the President and others. I know they appreciate this gesture, and we have no greater friend than the Marshall Islands.

Mrs. CHRISTENSEN. Mr. Speaker, I rise today in strong support of H. Con. Res. 410, to recognize the 25th anniversary of the Constitution of the Republic of the Marshall Islands and that the Marshall Islands is a staunch ally of the United States. I want to begin by commending my friend, the Gentleman from Arizona Mr. FLAKE, for his leadership in introducing this worthwhile resolution of which I am an original cosponsor.

The Republic of the Marshall Islands suffered for 400 years under the colonial regimes of Spain and Germany. In the 20th century, under the League of Nations system for governance of territories, Japan governed the Marshall Islands. During World War II, the Marshall Islands were liberated from Japanese rule through the cooperation between the Marshallese people and the Armed Forces of the United States.

In a 1947 agreement between Congress and the United Nations Security Council, the United States assumed trusteeship of the Marshall Islands. During the period from 1947 to 1979, the United States promoted democratic self-government and self-determination in the Marshall Islands. In 1979, the Marshall Islands adopted their own constitution and declared themselves the Republic of the Marshall Islands.

Since that time, the Republic of the Marshall Islands has proved itself a staunch ally of the United States and a model for transition from a non-self-governing territory ravaged by war to a stable and democratic example of institution building for the Pacific region and the rest of the world.

On June 17, 2004, President of the Republic of the Marshall Islands, Kessai Note wrote to U.S. Senator DANIEL AKAKA expressing his continued concern for the people of Ailuk Atoll near which the United States tested the thermonuclear weapon Bravo in 1954. The people of Ailuk and others still suffer from the fallout of those tests. I support President Note in his desire to have the people of Ailuk receive the support and assistance they badly need.

Mr. Speaker, this is worthy resolution, which is deserving of all our support and I urge all my colleagues to support its passage. And I look forward to the continued friendship of the United States and the Republic of the Marshall Islands.

Mr. BURTON of Indiana. Mr. Speaker, I rise today to recognize the 25th anniversary of the adoption of the Constitution of the Republic of the Marshall Islands, and to pay tribute to a staunch ally of the United States and a people committed to the principles of democracy and freedom for all people of the Pacific region and the world.

It is perhaps fitting that on May 29, 2004, America dedicated the National World War II Memorial in recognition of the duty, sacrifices, and valor of the members of the Armed Forces of the United States who served in World War II. The beginnings of our Nation's close relationship with the people of the Marshall Islands are deeply rooted in that titanic struggle. In 1944, risking their lives to aid the Armed Forces of the United States and our Allies, the Marshallese people joined with the U.S. to liberate the Marshall Islands from Japanese military rule. Some of the most horrific battles of World War II occurred on the Marshall Islands before the Japanese military occupation was finally put to an end. The momentous events brought together the people of these two great lands in a common bond that has resulted in more than five decades of friendship and strategic solidarity between the Marshall Islands and the U.S. That relationship is as strong today as it ever was.

Comprising 30 atolls and 1,152 islands, the Republic of the Marshall Islands represents a total land mass that is almost equivalent in size to Washington, D.C., but covers roughly 770,000 square miles of the western Pacific Ocean. Unfortunately, due to the vastness of the world's largest ocean, and the distance between us, the culture, history, and people of the Marshall Islands are largely unknown to most Americans, except perhaps as the place where the United States tested more than 67 nuclear weapons during the development of our Nation's strategic arsenal. Although that testing left a legacy that we continue to address to this day, it would prove critical to the success of our country during the Cold War.

The United States nuclear testing program put the people of these remote islands on the front line in the Cold War struggle to preserve international peace, promote nuclear disarmament, support nuclear nonproliferation, and provide facilities critical to the development of a deployable missile defense system. The hardships and suffering endured by Marshall Island citizens during the testing program directly contributed to the positive and peaceful end to the Cold War. Their importance to the emergence of democracy across the globe cannot be understated. The people of the United States, and indeed the entire Free World, owe the people of the Marshall Islands an enormous debt of gratitude for their sacrifices.

The Republic of the Marshall Islands has an unmatched record of working in conjunction with the United States in the pursuit of international peace and security, the rights and well-being of the peoples of the world, and in the War on Terror. I have been fortunate to have many great friends who hail from the Marshall Islands, and I will never forget the openness and kindness with which I was received. I congratulate the people of the Marshall Islands on the 25th Anniversary of their Constitution; and I commend them for the undying commitment to democracy and freedom. The United States is fortunate to have such a loyal friend and ally in the Pacific region. I look forward to a long and mutually beneficial relationship between our two great Nations for many more years to come.

Mr. ABERCROMBIE. Mr. Speaker, throughout my tenure in Congress, I have worked closely with the Republic of the Marshall Islands (RMI) on many issues arising in the Pacific region. The RMI has always been, and continues to be, a great ally of the United States and is dedicated to international peace and freedom. Therefore, I rise today in support of H. Con. Res. 410.

By the beginning of the 1900's, the RMI was annexed by Spain, Germany, and Japan. In 1934, the Allied invasion and occupation of the RMI began. In 1947, the RMI became one of six entities in the Trust Territory of the Pacific Islands established by the United Nations with the United States as the Trustee. Throughout all these years of being occupied, the people of RMI never lost their self-identity or hope for their own country. This hope grew in the decades after World War II as a local form of self-government was established. This led to the convening of a constitutional convention.

In 1979, the people of the RMI adopted a constitution and chose their form of government, a republic. With separation of powers and a Bill of Rights listing guaranteed rights, the RMI is based on the same principals and freedoms that the United States was founded on hundreds of years ago. Similar to our founding, it was the will of the people driving the process and making the decisions.

The RMI is now a sovereign nation. As a sovereign nation, the RMI has aligned itself closely with the U.S., particularly in a number of defense and strategic issues. Recently, we have renewed our mutually beneficial relationship by reauthorizing the Compact of Free Association. This has guaranteed that our alliance will continue for another 15 years.

I urge my colleagues to join me in supporting this resolution and recognize the 25th anniversary of the adoption of RMI's constitution. Their commitment and dedication to peace and democracy should be commended.

Mr. FLAKE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Arizona (Mr. FLAKE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 410, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. FLAKE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND ENHANCEMENT ACT OF 2003

Mr. FLAKE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2121) to amend the Eisenhower Exchange Fellowship Act of 1990 to authorize additional appropriations for the Eisenhower Exchange Fellowship Program Trust Fund, and for other purposes.

The Clerk read as follows:

H.R. 2121

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Eisenhower Exchange Fellowship Program Trust Fund Enhancement Act of 2003".

SEC. 2. FINDINGS.

Congress finds the following:

(1) 2003 marks the 50th anniversary of the establishment of the Eisenhower Exchange Fellowship program.

(2) The Eisenhower Exchange Fellowship program was founded to honor the 34th President, Dwight D. Eisenhower, for his character, courage, patriotism, and commitment to international understanding through exchange.

(3) Over the past 50 years the Eisenhower Exchange Fellowship program has exposed thousands of leaders throughout the world to the values of American political institutions, private sector commerce, educational opportunities, and cultural and societal traditions.

(4) Eisenhower Exchange Fellows worldwide have assumed positions of leadership in their respective countries, whether in the fields of government, industry, or civil society, and they retain links to the United States through their membership in Eisenhower Exchange Fellowships.

(5) The Eisenhower Exchange Fellowship is developing a new program to broaden its geographic base to emphasize the relationship of the United States with the Arab world.

(6) Congress has previously recognized the importance of the work of the Eisenhower Exchange Fellowship program when it granted the program a Federal Charter under section 3(a) of Public Law 101–454.

(7) The Eisenhower Exchange Fellowship is one of the best examples of public and private partnerships.

(8) Additional resources are required to achieve the goals and objectives of the Eisenhower Exchange Fellowship program in the 21st century.

SEC. 3. AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR THE EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND.

Section 5 of the Eisenhower Exchange Fellowship Act of 1990 (Public Law 101–454; 20 U.S.C. 5204) is amended—

(1) by striking "To provide" and inserting "(a) INITIAL ENDOWMENT.—To provide"; and

(2) by adding at the end the following new subsection:

"(b) ENHANCED ENDOWMENT.—In addition to the amount initially appropriated pursuant to the authorization of appropriation under subsection (a), there is authorized to be appropriated to the Eisenhower Exchange Fellowship Program Trust Fund $12,500,000 for fiscal year 2004.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. FLAKE) and the gentleman from Missouri (Mr. CLAY) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. FLAKE).

GENERAL LEAVE

Mr. FLAKE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2121.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. FLAKE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on behalf of the gentleman from Illinois (Chairman HYDE) I am pleased to speak to a bill introduced by the distinguished gentleman from Kansas (Mr. TIAHRT). The measure authorizes an increase in the Eisenhower Fellows Trust Fund that was established in 1992. The proceeds of this trust fund finance this well-respected exchange program. The increase will be directed towards programs in the Middle East.

The Eisenhower Fellowships is a nonpartisan, nonprofit organization created in 1953 to honor President Eisenhower. Eisenhower Fellowships promote international understanding and productivity through the exchange of information and ideas among emerging leaders throughout the world. The program brings rising leaders from other countries to the United States and sends American counterparts abroad with a custom designed program for each participant.

The fellowship program seeks to create a network of leaders whose ties to one another and the United States may foster peace, productivity and progress. This is accomplished by creating programs that enhance the capacities of men and women leaders likely to have an impact on their nation's development. Programs are designed to build on the individual's professional skills as well as develop contacts within the United States. These experiences are devoted to the growth of the individual Fellows, to the advancement of their effectiveness as leaders, and to their ability to contribute to progress and reconciliation among diverse groups.

The advantage to the United States in such interaction affords our citizens the opportunity to understand the aims, achievements and problems of different countries through meeting proven young leaders of these countries.

In closing, the Eisenhower Fellowships promote international understanding and productivity through the exchange of information, ideas and perspectives among emerging leaders throughout the world. This is important and useful to our future as a member of the globalized society.

I urge my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this legislation and I urge my colleagues to do so as well. This legislation reauthorizes an important public diplomacy program named after our 34th President, Dwight D. Eisenhower. The Eisenhower Fellowship Program, funded by both the private and public sectors, has made an enduring contribution to international understanding and furthering U.S. interests around the globe by promoting international understanding through the exchange of information, ideas and perspectives among emerging leaders worldwide. It brings rising foreign leaders to the United States and sends their American counterparts abroad, with a custom designed program for each participant.

Mr. Speaker, since its inception, over 1,500 fellows have become alumni of the program. Among them are four heads of government and 100 cabinet-level appointees. Numerous fellows have become ambassadors, legislators, university presidents, supreme court judges and governors. They head major corporations and nonprofit organizations involving health, environment and culture.

Mr. Speaker, this is the type of program that must be continued if we are going to try to improve our stature around the world and to change the misunderstandings that are being propagated by those who do not understand our great Nation.

Indeed, we must increase these types of programs if we are going to start to make inroads on the increasingly negative view of the United States that has been growing over the past 2 years. Recognizing this need, the Eisenhower program is developing an expanded program for Middle East and the Arab world.

Mr. Speaker, I strongly support passage of this legislation, and urge my colleagues to do so as well.

Mr. TIAHRT. Mr. Speaker, I rise in support of H.R. 2121—the Eisenhower Exchange Fellowship Trust Fund Enhancement Act. The Eisenhower Exchange Fellowship honors former President Dwight D. Eisenhower for his character, courage and patriotism in both times of war and peace. Its programs are designed to advance international understanding by providing opportunities to emerging world leaders; exposing them to diverse experiences. Each year the program attracts approximately 45 leaders to the United States from countries around the world. Eisenhower Fellows spend two months studying, learning and participating in democratic institutions at all levels of government.

President Eisenhower believed that informed professionals have the best opportunity to create international trust and cooperation. Eisenhower Fellowships has followed this vision. Since its founding in 1953 by private citizens, Eisenhower Fellowships has built up a distinguished alumni body of over 1,300 alumni in over 100 countries. There are 4 heads of state and over 100 cabinet appointments among them.

During its first 50 years, Eisenhower Fellowships has proven the validity and impact of its founding vision to bring together young leaders from all over the world to pursue our mission, as Eisenhower saw it, of peace through understanding. On October 3rd, 2003 Dr. Henry Kissinger, Chairman of the Eisenhower Exchange Fellowship, presented the Eisenhower Medal for Leadership and Service to former Eisenhower Exchange Fellowship Chairman and President George H.W. Bush.

The tragedy of September 11th and the subsequent evidence of deep international hatreds and misunderstanding have demonstrated that Eisenhower Fellowships' core mission is even more relevant now than it was in 1953. Since September 11th, almost daily headlines have provided further evidence of deep rifts along with misunderstanding and violence; conditions analogous to those that led to the creation of Eisenhower Fellowships 50 years ago.

For Eisenhower Fellowships to continue to have a meaningful impact globally, a significant expansion of its programs is imperative. World population has grown from 2.7 billion in 1953 to well over 6 billion; and there are now 192 independent nations versus a few dozen when Eisenhower Fellowships was founded.

The Eisenhower Exchange Fellowship is funded by a mix of private and Federal funds. Congress granted a Federal charter in 1990 (P.L. 101–454) and created a permanent trust fund to assist the fellowship program. The initial trust fund authorization has not increased in over fourteen years while demands on the program have increased substantially. This is a fitting time to recognize the commitment of the program to its original goals and to increase trust fund investments. Under its federal charter, funds deposited into the trust fund remain in the United States Treasury and are invested in governmental securities. Only proceeds from the trust fund are appropriated to the Fellowship for operations. H.R. 2121 would increase trust fund assets by $12.5 million. This is essential as the Eisenhower Exchange Fellowship is advancing plans for a major new initiative with key countries in the Middle East; including Egypt, Jordan and Saudi Arabia.

Near the end of his first inaugural address, President Eisenhower said, it is "our hope, and our belief, that we can help to heal this divided world." That faith in the ability of America to help bring peace and justice to the world was a fundamental part of Dwight Eisenhower. It is fitting that 50 years later the Eisenhower Exchange Fellowship is still promoting these values and ideas in the name of President Dwight David Eisenhower.

I support H.R. 2121 and commend the Committee for bringing this critical bill to the floor honoring an outstanding President and a great Kansan.

AUGUST 15, 2003.

Hon. DENNIS J. HASTERT,
Speaker, U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I learned recently that the entire Kansas delegation joined together on May 15th as original co-sponsors of H.R. 2121—The Eisenhower Exchange Fellowship Trust Fund Enhancement Act. The purpose of the bill is to increase the Federal Trust Fund established by Congress that assists in funding the work of the Eisenhower Fellowships program. I commend Congressman Tod Tiahrt for taking the lead on introducing this legislation and encourage you to work with him in getting this bill enacted into law.

As the current Chairman of Eisenhower Fellowships, I can attest to the need for increased Federal support. The organization is funded by a mix of private and Federal funds. Congress granted a Federal charter in 1990 (PL 101–454) and created a permanent trust fund to assist the fellowship program. The initial trust fund authorization has not increased in over thirteen years. Although we have steadily increased the levels and proportion of our private funding, demand for our programs has increased far more rapidly than our resources. This has been especially true since September 11, 2001, an event that strongly underlined the urgency of our mission: building understanding and progress through dialogue among leaders from around the world. Now in its fiftieth year of successful operations, Eisenhower Fellowships remains committed to this original goal and poised to make a larger contribution.

I therefore ask for your support of the Eisenhower Exchange Fellowship Program Trust Fund Enhancement Act of 2003 by scheduling this bill as soon as possible after Congress returns from the August break. The timing of this is critical to me and to all the supporters of the Eisenhower Fellowships, since I will be chairing its 50th Anniversary Board meeting on October 3, 2003, and presenting the Eisenhower Medal for Leadership and Service to former President George H.W. Bush—my predecessor as Chairman of Eisenhower Fellowships. The Congressional expression of support for our mission by enacting this bill into law will be a key factor in strengthening this very fine example of public/private endeavor in a mission critical to the U.S. national interest.

Sincerely,

HENRY A. KISSINGER.

Mr. CLAY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FLAKE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. FLAKE) that the House suspend the rules and pass the bill, H.R. 2121.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

JAMES E. WORSHAM POST OFFICE AND JAMES E. WORSHAM CARRIER ANNEX BUILDING

Mrs. MILLER of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3340) to redesignate the facilities of the United States Postal Service located at 7715 and 7748 S. Cottage Grove Avenue in Chicago, Illinois, as the "James E. Worsham Post Office" and the "James E. Worsham Carrier Annex Building", respectively, and for other purposes.

The Clerk read as follows:

H.R. 3340

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JAMES E. WORSHAM POST OFFICE.

(a) REDESIGNATION.—The facility of the United States Postal Service located at 7715 S. Cottage Grove Avenue in Chicago, Illinois, shall be known and designated as the "James E. Worsham Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in this section shall be deemed to be a reference to the James E. Worsham Post Office.

SEC. 2. JAMES E. WORSHAM CARRIER ANNEX BUILDING.

(a) REDESIGNATION.—The facility of the United States Postal Service located at 7748 S. Cottage Grove Avenue in Chicago, Illinois, shall be known and designated as the "James E. Worsham Carrier Annex Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in this section shall be deemed to be a reference to the James E. Worsham Carrier Annex Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Michigan (Mrs. MILLER) and the gentleman from Missouri (Mr. CLAY) each will control 20 minutes.

The Chair recognizes the gentlewoman from Michigan (Mrs. MILLER).

GENERAL LEAVE

Mrs. MILLER of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3340.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

Mrs. MILLER of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker on behalf of the Committee on Government Reform, I rise in support of H.R. 3340. This bill redesignates two postal facilities in Chicago, Illinois, as the James E. Worsham Post Office and the James E. Worsham Carrier Annex Building, respectively. My esteemed colleague, the gentleman from Chicago, Illinois, introduced this legislation and all members of the Illinois State Congressional delegation have cosponsored this bill. I share their support of H.R. 3340, and I urge all of my colleagues to likewise support this bill.

James Worsham was a native of Chicago and enjoyed an admired career as a letter carrier and a leader of a postal employees union. After bravely serving our Nation for 4 years, Worsham began his postal career as a letter carrier in 1963. He ultimately joined the National Association of Letter Carriers and he rose to the ranks of Branch President and National Trustee.

Today, we honor Mr. Worsham's sustained diligence within the postal community.

Mr. Speaker, again I urge support of H.R. 3340.

Mr. Speaker, I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the Committee on Government Reform, I am pleased to join my colleague the gentlewoman from Illinois (Mrs. MILLER) in the consideration of H.R. 3340, legislation redesignating the Grand Crossing Postal Station in Chicago, Illinois, after James E. Worsham.

□ 1430

This measure, which was introduced by the gentleman from Illinois (Mr. RUSH) on October 20, 2003, was unanimously reported by our committee on June 24, 2004. H.R. 3340 enjoys the support and cosponsorship of the entire Illinois delegation.

Mr. Worsham, a native of Chicago, began his postal career in 1963 as a letter carrier assigned to the Grand Crossing Postal Station. His hard work and dedication was quickly noticed by his coworkers, and he was drafted to become shop steward. From that point on, Mr. Worsham was a man on the move. His leadership qualities were recognized not only by his coworkers but from the branch president and others in the local National Association of Letter Carriers' office. Mr. Worsham was subsequently slated to run for the sergeant at arms position. He later became an auditor and chief steward for Branch 11.

A career milestone occurred in 1979 when Mr. Worsham was elected president of Branch 11. He served in that position until his retirement. Upon his retirement, President Worsham became director of Retired Members for NALC, a position he held here in the Nation's Capital. He later returned to Chicago to serve again as president of Branch 11.

Mr. Speaker, I commend my colleague, the gentleman from Illinois (Mr. RUSH), for seeking to honor the illustrious and stellar career of James E. Worsham, and I urge the swift passage of H.R. 3340.

Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentleman from Missouri for yielding me this time.

I am very pleased to join with my colleague, the gentleman from Illinois (Mr. RUSH), who introduced this legislation to rename a post office formerly known as the Grand Crossing Post Office for Mr. James Worsham.

James Worsham is synonymous with development of the letter carriers union in the city of Chicago and in the State of Illinois. He has provided tremendous leadership to the extent that the Illinois Letter Carriers are actually one of the most effective organizations of letter carriers in America. As a matter of fact, the Chicago local has a bevy of activities in which they are constantly involved, not only in terms of protecting the rights and privileges of union members but also being greatly involved in civic, community, and public interest activity.

Mr. Worsham has been honored by his local union. As a matter of fact, they have actually renamed the union hall the James Worsham Union Hall, and now with redesignating these postal facility buildings. He had actually retired from local leadership, became a national employee of the union, and then came back and was petitioned by his members to run again after having been away from the union for a number of years in terms of local leadership.

So I commend my colleague, the gentleman from Illinois (Mr. RUSH), for having the foresight and understanding of how we recognize someone who has given practically all of their adult life to a movement. So I am pleased to join in support of this resolution. I urge its passage. I want to commend Mr. Worsham for an outstanding career as a postal worker, a union leader, and as a great American.

Mr. CLAY. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. RUSH).

Mr. RUSH. Mr. Speaker, I want to thank the gentleman from Missouri for yielding me this time.

I certainly want to also thank my colleague, the gentleman from the adjoining district in Illinois (Mr. DAVIS), for his kind remarks, his gracious comments on this resolution, and for all that he does for the entire State of Illinois and the Nation, particularly for the 7th Congressional District.

Additionally, Mr. Speaker, I want to thank the gentlewoman from Virginia (Mrs. JO ANN DAVIS) and others for their efforts in bringing this legislation to the floor today. I owe a great debt of gratitude to the entire Illinois delegation for their cosponsorship of this worthy piece of legislation.

Mr. Speaker, I am honored to rise in support of H.R. 3340, a bill that I introduced back in September of last year, which designates the U.S. post office located at 7715 and 7748 South Cottage Grove Avenue in my hometown of Chicago as the James E. Worsham Post Office Building.

This bill pays fitting tribute to Mr. James E. Worsham, who has served the Chicago community with considerable distinction as a hard-working and dedicated postal worker. Before joining the postal service, Mr. Worsham served in the U.S. Air Force for 4 years and then the city of Chicago as a traffic court clerk for 4 years.

Mr. Worsham began what would become an illustrious postal career on the southeast side of Chicago at the Grand Crossing Station on January 16, 1963, the station that we are proposing to name after him today.

Mr. Speaker, back on January 16, 1963, it was an infamous day in the city of Chicago. On that particular day in the city of Chicago, the actual air temperature reached 27 degrees below zero; and Mr. Worsham, a new letter carrier, having no experience as a letter carrier, was sent out into the elements to deliver the mail. It was his first day, and he was not appropriately dressed for the prolonged exposure to the severe weather conditions in Chicago; and as a result, he suffered extreme frost bite to his ears. Undaunted by this initial experience, he returned to work the next day and adhered to the literal meaning of a carrier's creed: neither rain nor snow, heat nor cold, nor frost-bitten ears shall stay a carrier from his appointed rounds.

Mr. Speaker, Mr. Worsham's coworkers were first to recognize his leadership skills and his fiery and staunch determination to get the work done. Because of this, his coworkers elected him to become their shop steward, and Mr. Worsham continued to climb the professional and leadership ladder. He held numerous high-profile positions such as sergeant at arms, auditor and chief steward for Branch 11. In January of 1979, while holding these positions, he ran for the president of Branch 11 and won overwhelmingly.

Mr. Speaker, as president, his skills became known throughout the Nation and the national president of the association recruited him to become a national trustee at the same time that he maintained his position as president of Branch 11.

Upon retirement, Mr. Worsham did not stop there, nor did he slow down. He became director of Retired Members for the Letter Carriers here in Washington, D.C. for the last 4 years. Mr. Worsham continues to fight for the rights of postal employees, and he continues to ensure that the public receives the services that they are entitled to.

Mr. Speaker, again, I believe that this legislation is a fitting tribute to Mr. James Worsham, and I strongly encourage my colleagues to support H.R. 3340.

Mr. CLAY. Mr. Speaker, I thank the gentleman from Illinois for his comments and the colorful tale that he told us.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. MILLER of Michigan. Mr. Speaker, I urge all Members to support the passage of H.R. 3340, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and pass the bill, H.R. 3340.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

VITILAS 'VETO' REID POST OFFICE BUILDING

Mrs. MILLER of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4327) to designate the facility of the United States Postal Service located at 7450 Natural Bridge Road in St. Louis, Missouri, as the "Vitilas 'Veto' Reid Post Office Building".

The Clerk read as follows:

H.R. 4327

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. VITILAS "VETO" REID POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 7450 Natural Bridge Road in St. Louis, Missouri, shall be known and designated as the "Vitilas 'Veto' Reid Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Vitilas "Veto" Reid Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Michigan (Mrs. MILLER) and the gentleman from Missouri (Mr. CLAY) each will control 20 minutes.

The Chair recognizes the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Speaker, I yield myself such time as I may consume.

GENERAL LEAVE

Mrs. MILLER of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

Mrs. MILLER of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4327 is a great tribute to the service of one of St. Louis, Missouri's favorite sons. This legislation designates the St. Louis postal facility as the Vitilas "Veto" Reid Post Office Building.

Mr. Speaker, longtime Postmaster Veto Reid of St. Charles, Missouri, enjoyed a postal career that spanned over 5 decades. He started his career in 1951 as a substitute clerk and ultimately rose to be the postmaster in Godfrey, Illinois, from 1980 until 1983. He then moved to St. Charles, Missouri, where he served as postmaster for 18 years until his retirement in 2001.

Beyond his postal career, Reid is active in his community and sits on the boards of St. Charles County YMCA, the St. Louis branch of the NAACP, the Habitat for Humanity, and Lindenwood University. Veto and his wife, Bessie, reside in St. Charles; and on behalf of my distinguished colleague, the gentleman from Missouri (Mr. CLAY), I want to congratulate him for this deserved post office designation. After all, it is highly appropriate to name this postal facility in St. Louis after a great individual and a postal institution in St. Louis like Veto Reid. I commend the gentleman from Missouri for advancing H.R. 4327 to the floor today. I support this meaningful honor of Veto Reid.

Mr. Speaker, I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume. I want to thank the gentlewoman from Michigan (Mrs. MILLER) for her kind words. Hopefully, she will come to St. Louis one day and meet Mr. REID.

Mr. Speaker, I rise as a sponsor of H.R. 4327, a bill to honor Mr. Vitilas "Veto" Reid by permanently designating the Normandy Post Office located at 7450 Natural Bridge Road, St. Louis, Missouri, the Vitilas "Veto" Reid Post Office.

As we have heard, Veto Reid has had a U.S. Postal Service career that spanned over 50 years. He started his career on August 20, 1951; and it culminated with his retirement as postmaster on September 1, 2001.

His first assignment was "indefinite substitute clerk," which included working in the mail processing and special-delivery sections. After 18 years as a clerk, he received his first management promotion to mail supervisor in December of 1969. That promotion was indeed a significant accomplishment and was a first for an African American. Affectionately known to his family and friends as Veto, he has been throughout his life a man of many firsts. Some of his many accomplishments are as follows:

Superintendent of station and branches in Berkeley, Missouri; delivery program branch supervisor in Chicago, Illinois; officer-in-charge, in Hazelwood, Missouri Post Office; officer-in-charge in St. Charles, Missouri; postmaster of Godfrey, Illinois; postmaster of St. Charles, Missouri.

Veto Reid's outstanding record of accomplishments as a postal service employee was recognized in the CONGRESSIONAL RECORD on October 21, 2001. He is an honor graduate of the historic Vashon High School located in St. Louis, and attended Stowe Teachers College and the University of Missouri at St. Louis. He is also a trustee and chairman of the board of Prince of Peace Missionary Baptist Church, where he has been a member for more than 65 years.

□ 1445

He also has long-lasting memberships with the Albert Holman Masonic Lodge, Eureka Consistory, and Medinah Temple representing the Shriners of Eastern, Missouri.

Veto Reid served on the boards of many advisory committees throughout the St. Louis community. In January of 1995 he was appointed President of the Advisory Board of St. Joseph's Hospital SSM, St. Charles, Missouri. In July of 1999, he was elected President of the Rotary Club of St. Charles, Missouri. In both cases he became the first African American to hold such positions.

Mr. Reid was also the first African American station manager at the South St. Louis City, Chouteau Branch, and he was also the first African American to be appointed station manager at the Godfrey, Illinois, and St. Charles, Missouri post offices.

Vitilas Reid has received many awards, including the First Postmaster's Leadership Award, which was presented at the 1992 National Association of Postmasters of the United States convention in Nashville, Tennessee. In January 2002, he received the State of Missouri Martin Luther King, Jr. Distinguished Service Award. He was inducted into the historic Vashon High School Hall of Fame in 1990, and was inducted into the St. Louis Gateway Classic Walk of Fame in August of 2003.

Mr. Speaker, I urge my colleagues to support this measure in tribute to a man whose life has meant so much to his co-workers and his community.

Mr. Speaker, I yield back the balance of my time.

Mrs. MILLER of Michigan. Mr. Speaker, I urge all Members to support the passage of H.R. 4327.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and pass the bill, H.R. 4327.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PERRY B. DURYEA, JR. POST OFFICE

Mrs. MILLER of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4427) to designate the facility of the United States Postal Service located at 73 South Euclid Avenue in Montauk, New York, as the "Perry B. Duryea, Jr. Post Office".

The Clerk read as follows:

H.R. 4427

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERRY B. DURYEA, JR. POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 73 South Euclid Avenue in Montauk, New York, shall be known and designated as the "Perry B. Duryea, Jr. Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Perry B. Duryea, Jr. Post Office.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Michigan (Mrs. MILLER) and the gentleman from Missouri (Mr. CLAY) each will control 20 minutes.

The Chair recognizes the gentlewoman from Michigan (Mrs. MILLER).

GENERAL LEAVE

Mrs. MILLER of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4427.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

Mrs. MILLER of Michigan. Mr. Speaker, I yield myself such time as I may consume.

I am proud to support this legislation that designates a U.S. postal facility in Montauk, New York, as the "Perry B. Duryea, Jr. Post Office." Every Member of the New York State delegation has cosponsored this bill. While State cosponsorship is a formality for post office designations to be reported from the Committee on Government Reform, in this case I think it reflects a great deal of the sentiment from my New York colleagues.

Mr. Perry Duryea remains one of the most highly respected Speakers of the New York State Assembly in history. Speaker Duryea represented the people of Long Island with considerable dedication. First elected as a State Assemblyman in 1960, Perry Duryea exhibited extraordinary leadership for nearly two decades in the New York State legislature, spending 12 years as Republican leader. He held the distinguished position of Assembly Speaker from 1969 to 1973, and he served as Minority Leader from 1966 through 1968 and again from 1974 to 1978.

We all deeply regret that Speaker Duryea passed away in January following a car accident near his home in Montauk. I hope this post office designation provides a wonderful reminder of Perry Duryea's legacy as a public servant and as a great American to his friends, his family, and to all New York residents.

I thank the gentleman from New York for his work on H.R. 4427 that honors Perry Duryea. I strongly urge all of the Members of this House to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the House Committee on Government Reform, I am pleased to join my colleague in the consideration of H.R. 4427, legislation designating the postal facility in Montauk, New York, after Perry Duryea. This measure which was introduced by the gentleman from New York (Mr. BISHOP) on May 20, 2004, was unanimously reported by our committee on June 24, 2004. H.R. 4427 enjoys the support and cosponsorship of the entire New York delegation.

Perry Duryea, a lifelong resident of Montauk, New York, was a political legend. For 18 years, from 1960 to 1978, Mr. Duryea served as the Republican Assemblyman from the First District. While serving in the State Legislature, Mr. Duryea served as Minority Leader and Speaker of the Assembly.

Mr. Duryea was known for being bipartisan and recognized as a community leader. He worked tirelessly for the people of New York State and Long Island. Sadly, he passed away in January of this year.

Mr. Speaker, I commend my colleague for seeking to honor the legacy of Perry Duryea, and I urge the swift passage of this bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. MILLER of Michigan. Mr. Speaker I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and pass the bill, H.R. 4427.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

EXPRESSING THE SENSE OF CONGRESS THAT THE PRESIDENT POSTHUMOUSLY AWARD THE PRESIDENTIAL MEDAL OF FREEDOM TO HARRY W. COLMERY

Mrs. MILLER of Michigan. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 257) expressing the sense of Congress that the President should posthumously award the Presidential Medal of Freedom to Harry W. Colmery.

The Clerk read as follows:

H. CON. RES. 257

Whereas the life of Harry W. Colmery of Topeka, Kansas, was marked by service to his country and its citizens;

Whereas Harry Colmery earned a degree in law in 1916 from the University of Pittsburgh and, through his practice of law, contributed to the Nation, notably by successfully arguing two significant cases before the United States Supreme Court, one criminal, the other an environmental legal dispute;

Whereas during World War I, Harry Colmery joined the Army Air Service, serving as a first lieutenant at a time when military aviation was in its infancy;

Whereas after World War I, Harry Colmery actively contributed to the growth of the newly formed American Legion and went on to hold several offices in the Legion and was elected National Commander in 1936;

Whereas in 1943, the United States faced the return from World War II of what was to become an active duty force of 15,000,000 soldiers, sailors, airmen, and Marines;

Whereas Harry Colmery, recognizing the potential effect of the return of such a large number of veterans to civilian life, spearheaded the efforts of the American Legion to develop legislation seeking to ensure that these Americans who had fought for the democratic ideals of the Nation and to preserve freedom would be able to fully participate in all of the opportunities the Nation provided;

Whereas in December 1943, during an emergency meeting of the American Legion leadership, Harry Colmery crafted the initial draft of the legislation that became the Servicemen's Readjustment Act of 1944, also known as the GI Bill of Rights;

Whereas the GI Bill of Rights is credited by veterans' service organizations, economists, and historians as the engine that transformed postwar America into a more egalitarian, prosperous, and enlightened Nation poised to lead the world into the 21st century;

Whereas since its enactment, the GI Bill of Rights has provided education or training for approximately 7,800,000 men and women, including 2,200,000 in college, 3,400,000 in other schools, 1,400,000 in vocational education, and 690,000 in farm training and, in addition, 2,100,000 World War II veterans purchased homes through the GI Bill;

Whereas as a result of the benefits available to veterans through the initial GI Bill, the Nation gained over 800,000 professionals as the GI Bill transformed these veterans into 450,000 engineers, 238,000 teachers, 91,000 scientists, 67,000 doctors, and 22,000 dentists;

Whereas President Truman established the Presidential Medal of Freedom in 1945 to recognize notable service during war and in 1963, President Kennedy reinstated the medal to honor the achievement of civilians during peacetime;

Whereas pursuant to Executive Order No. 11085, the Medal of Freedom may be awarded to any person who has made an especially meritorious contribution to "(1) the security or national interest of the United States, or (2) world peace, or (3) other significant public or private endeavors"; and

Whereas Harry Colmery, noted for his service in the military, in the legal sector, and on behalf of the Nation's veterans, clearly meets the criteria established for the Presidential Medal of Freedom: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the President should posthumously award the Presidential Medal of Freedom to Harry W. Colmery of Topeka, Kansas.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from

Michigan (Mrs. MILLER) and the gentleman from Missouri (Mr. CLAY) each will control 20 minutes.

The Chair recognizes the gentlewoman from Michigan (Mrs. MILLER).

GENERAL LEAVE

Mrs. MILLER of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 257.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

Mrs. MILLER of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to offer my support for House Concurrent Resolution 257. This resolution expresses the sense of Congress that the President should posthumously award the Presidential Medal of Freedom to Harry W. Colmery.

Mr. Speaker, countless remarkable Americans have contributed great sums to the building and development of our great Nation. Today we celebrate Harry Colmery, truly one of the most remarkable of all Americans. Harry Colmery had the awesome vision and the practical brilliance to compose "The Servicemen's Readjustment Act of 1944," or much better known as the GI bill.

Harry Colmery grew up and attended school in Pennsylvania before earning a law degree in 1916. When the U.S. entered World War I, Colmery left to serve America as a first lieutenant in the Army Air Service. When he returned safely home after the war, he developed a successful law practice, eventually arguing two cases before the United States Supreme Court. He also became involved in the emerging American Legion and was elected National Commander in 1936.

As the head of the American Legion, Colmery had the foresight to see beyond the second great war and to understand that at its completion nearly 15 million servicemen and servicewomen would be returning home looking to continue their lives. Many would probably want to go back to work, many more would want to go on to college. Colmery addressed both interests at an emergency meeting of the American Legion leadership in December of 1943. There Colmery drafted the initial draft of what became the Servicemen's Readjustment Act. President Franklin Roosevelt signed the law the following year, and it is credited with almost single-handedly jump-starting the modern American economic engine.

Mr. Speaker, the G.I. Bill provided educational benefits that more than 2 million men and women utilized to attend college after coming home from World War II. Furthermore, an additional 5 million veterans received job training and other preparation through the G.I. Bill. Indeed, the G.I. Bill became one of the most directly influential acts of Congress in American history. It is impossible to measure the benefit to our national economy and general welfare from the fruits of all of this education.

Harry Colmery's work in authoring the G.I. Bill make him one of the great Americans about whom many people today actually know very little.

Mr. Speaker, this resolution requests the President to posthumously award the Nation's highest civilian award to Harry Colmery. On behalf of the chairman, the gentleman from Virginia (Mr. TOM DAVIS), and the rest of the Members of the Committee on Government Reform, I want to make clear that this is not a frivolous request, nor do we believe that the Presidential Medal of Freedom is an honor that should be awarded lightly. But we believe that Harry Colmery deserves the Presidential Medal of Freedom for the millions of lives that he helped improve through the G.I. Bill.

I want to applaud the distinguished gentleman from Kansas (Mr. RYUN) for bringing this legislation forward on behalf of Harry Colmery and his momentous contributions to our Nation. I believe this legislation deserves the full support of the House.

Mr. Speaker, I reserve the balance of my time.

Mr. CLAY. Mr. Speaker I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentlewoman from Michigan (Mrs. MILLER) for her remarks on Mr. Colmery.

Mr. Speaker, it is never too late to honor someone who has done a great deed for our Nation. Harry W. Colmery should be honored with the Presidential Medal of Freedom because millions of Americans are better off today as a result of his vision and the hard work he put in to making his dream a reality.

After returning from duty in the Air Service during World War I, Mr. Colmery was struck by the financial and emotional hardships he and his fellow veterans encountered when they returned home. These hardships included trouble adjusting to civilian life and the inability to find adequate jobs.

Holding a law degree and therefore in better shape than most veterans, Mr. Colmery immediately became involved in the newly formed American Legion, where he helped fellow veterans who were less fortunate than he was. He held several legion posts before being named National Commander in 1936.

As more and more young men were drafted into service during World War II, Harry Colmery began to think of his own experiences and how he could improve the lives of American veterans when they returned from war. He led efforts to make sure that these fine young men who had risked their lives for the freedom America enjoys would best benefit from that freedom when they returned.

In December 1943, Colmery called an emergency meeting of the American Legion leadership. Colmery drafted legislation that would become the Servicemen's Readjustment Act of 1944, known today as the G.I. Bill of Rights.

The G.I. Bill of Rights is considered to be one of the core reasons that the 15 million U.S. soldiers active during World War II were able to return to America and lead productive lives.

Since its enactment, the G.I. Bill of Rights has provided education and training for 7.8 million men and women. For the first time some of our Nation's most elite universities became available to working class Americans through the G.I. Bill, when they otherwise would not have had the opportunity or financial resources.

Executive Order No. 11085 states that the Medal of Freedom may be awarded to any person who has made a meritorious contribution to the security or national interests of the United States. Frankly, the contribution Mr. Colmery has made to the well-being of all Americans, regardless of race, class or religion, is immeasurable. As a grateful Nation, we thank Mr. Colmery and award him the Presidential Medal of Freedom because it is never too late to honor American heroes like Harry Colmery.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. MILLER of Michigan. Mr. Speaker, I yield myself such time as I may consume.

I urge all Members to support House Concurrent Resolution 257 that was offered by the gentleman from Kansas (Mr. RYUN). He wanted to be here today but was delayed at the airport.

□ 1500

I certainly commend him for his leadership on this resolution.

Mr. SMITH of New Jersey. Mr. Speaker, I rise in strong support of H. Con. Res. 257, which would express the sense of Congress that the President posthumously award the Medal of Freedom to Harry W. Colmery. Mr. Colmery, a lawyer who successfully argued cases before the Supreme Court after World War I, was the visionary who drafted in longhand during the Christmas and New Year's holidays of 1943–1944 what would become the Servicemen's Readjustment Act of 1944, commonly known as the "G.I. Bill of Rights."

Michael Bennett, author of When Dreams Came True—The G.I. Bill and the Making of Modern America, credits Mr. Colmery with the wisdom and foresight that "made the United States the first overwhelming middle-class nation in the world. It was the law that worked, the law whose unexpected consequences were even greater than its intended purposes."

The World War II G.I. Bill of Rights—and the engaging response on the part of the 7.8

million veterans who used it—produced 450,000 engineers; 238,000 teachers; 91,000 scientists; 67,000 doctors; 22,000 dentists; and another one million college-educated men in other professional disciplines like business, management, manufacturing, banking, and social services. Among the 7.8 million GI Bill recipients were about five million World War II veterans who received other forms of valuable technical schooling or on-job training that become so important to our post-war civilian economy.

Mr. Speaker, even before WWII ended, Harry Colmery forecast that we as a nation would need a kind of economic "cubby hole" for training its veterans after the war, as the American economy would transform from making machine guns to making Maytags. Congress agreed, and on June 22, 1944, it sent the Servicemen's Readjustment Act of 1944 to the White House. President Roosevelt signed the bill saying ". . . it gives emphatic notice to the men and women in our Armed Forces that the American people do not intend to let them down."

But frankly, it was more than not letting down the veterans themselves. Michael Bennett speculates on Mr. Colmery's foresight, "For this was a bill . . . conceived in democracy and dedicated to the proposition that those called upon to die for their country, if need be, are the best qualified to make it work, if given the opportunity."

Having served in the Army Air Service during World War I, Harry Colmery understood that economically empowering veterans through education and training was vastly superior to providing them with cash bonus payments, as was done for World War I service. And history has shown how correct Mr. Colmery was.

Building upon the success of the original GI Bill, Congress subsequently approved a second bill following the Korean War; a third bill following the Vietnam War; a fourth bill for the post-Vietnam War era; and in 1985, under the dedicated leadership of former Veterans' Committee Chairman Sonny Montgomery, Congress approved the modern version of the GI Bill which is fittingly called the Montgomery GI Bill.

And in recent years, Congress has continued to keep faith with the goals originally set out by Harry Colmery by passing legislation that modernizes the GI Bill to meet the needs of America's military veterans in the 21st century. As a result of bipartisan legislation I was proud to sponsor along with my good friend Congressman LANE EVANS, the total lifetime college benefit for qualified veterans has risen from $24,192 in January 2001, to $35,460 today. In total, more than 21 million veterans have received higher education and job training through the original WWII GI Bill and its successors.

Michael Bennett noted that, "the $14.5 billion cost of the WWII GI Bill was paid by additional taxes on the increased income of the GI Bill recipient by 1960. Without the property—and the social peace—engendered by the GI Bill, America couldn't have afforded the Marshall Plan's $12.5 billion."

Mr. Bennett further observed that by 1960, "veterans were only in their early 40s, at the height of their earning powers, and the bill's catalytic effects would be felt for years to come throughout the entire economy as homes, schools, roads and service industries multiplied. Between 1960 and 1980, America's Gross Domestic Product quintupled from $515.9 billion to $2.7 trillion. Since then, the GDP has risen to $8.5 trillion in 1998, a tripling in 17 years rather than a quintupling in 20."

Economic philosopher Peter Drucker said in the Harvard Business Review that "the GI Bill of Rights and the enthusiastic response to it on the part of America's veterans signaled the shift to a knowledge society. In this society, knowledge is the primary resource for individuals and for the economy overall."

Mr. Drucker later wrote that "future historians may consider it the most important event in the 20th Century. We are clearly in the middle of this transformation; indeed, if history is any guide, it will not be completed until 2010 or 2020. But already it has changed the political, economic and moral landscape of the world."

Mr. Speaker, Mr. Harry W. Colmery essentially articulated for America what author Bennett later referred to as the "American Creed in Action." Mr. Colmery knew from his personal experiences during and after World War I that Americans who fight in wars often are ordinary people who do extraordinary things. Mr. Colmery and The American Legion mounted the campaign for the GI Bill and against those who predicted that it could turn the nation's college and universities in to "educational hobo jungles." In the end, Mr. Colmery and Representative Edith Nourse Rodgers (MA), who worked with him and coauthored the GI Bill legislation in the House of Representatives, won out.

As the New York Times reported in November 1947, ". . . here is the most astonishing fact in the history of American higher education. . . . The G.I.'s are hogging the honor rolls and the Dean's lists; as they are walking away with the top marks in all of their courses. . . . Far from being an educational problem, the veteran has become an asset to higher education."

Mr. Speaker, as a trained lawyer and not an economist or an educator, Harry Colmery designed the legislation to allow 14 million World War II veterans to transform arsenals of mass destruction into industries of mass consumption.

These veterans did not just pass through higher education, they transformed it. But it was more than that. They created the modern middle class, thanks to the vision of Harry Colmery.

I encourage my colleagues to emphatically support the Presidential Medal of Freedom for this extraordinary American.

Mr. MORAN of Kansas. Mr. Speaker, I rise today in support of H. Con. Res. 257, a resolution that would urge the President to posthumously award Harry W. Colmery of Topeka, Kansas, the Presidential Medal of Freedom.

In order to receive the Presidential Medal of Freedom, a person must have contributed in one of the following areas: the security or national interest of the United States, world peace, or another significant public or private endeavor. Harry Colmery's work to bring the gift of education to so many millions of American service members certainly qualified.

Harry Colmery answered the call of duty in World War I by serving as a first lieutenant in the Army Air Service. Aviation was a new concept in those days, and Mr. Colmery showed exceptional bravery and faith by serving his country in the air.

Harry Colmery also served the United States as a lawyer, having received his law degree from the University of Pittsburgh in 1916. He used his education well and argued two successful cases before the U.S. Supreme Court. In his personal life, Mr. Colmery was active in the American legion, and its members elected him National Commander in 1936.

In December of 1943, Mr. Colmery's law career and his devotion to his country intersected. Millions of young Americans had answered the call of duty and served in World War II and were starting to return home. Harry Colmery and the American Legion wanted to ensure that these returning soldiers would be able to transition back into civilian life. In Room 570 of the Mayflower Hotel in Washington, D.C., Mr. Colmery outlined the legislation that became the Servicemen's Readjustment Act of 1944, better known now as the G.I. Bill of Rights.

The G.I. Bill has helped to create over 250,000 engineers 238,000 teachers, 91,000 scientists, 67,000 doctors, and 22,000 dentists since being signed into law. Thanks to these men and women, bridges, buildings, and ships have been built; children have realized their dreams, scientific mysteries have been solved, and patients in need of care have been healed.

As an active member of the House Veterans Affairs Committee, I am proud that Mr. Colmery's work on the G.I. Bill of Rights is something we have built upon. In the 107th Congress, my colleagues and I worked to pass legislation to expand educational benefits for veterans. This legislation, The 21st Century Montgomery G.I. Bill Enhancement Act, included an increase in basic education benefits, an increase in the rate of survivors' and dependents' educational assistance and an expansion of the work-study program.

Today, the military operations in Afghanistan and Iraq are creating a new generation of veterans. Harry Colmery's foresight has secured valuable educational benefits for these men and women who are so bravely defending freedom in the war on terror and gives them opportunities for their futures.

I am pleased that my colleague, Mr. RYUN, has been successful in bringing this resolution to the House floor, and I am proud to be a cosponsor of this resolution to posthumously award the Presidential Medal of Freedom to Mr. Harry W. Colmery.

Mr. SIMPSON. Mr. Speaker, I rise today in support of H. Con. Res. 257, expressing the sense of Congress that the President should posthumously award the Presidential Medal of Freedom to Harry W. Colmery. Harry Colmery is truly an American treasure. In December of 1943, Mr. Colmery sat in room 570 of the Mayflower Hotel drafting what arguably became our most successful domestic program ever, possible even more remarkable than the Homestead Act.

I believe Mr. Colmery simply wanted a decent opportunity for the 14 million GIs we brought home after World War II. The GI bill provided veterans with opportunities that were limited only by their own aspiration, ability and initiative. The VA provided the opportunity; the veterans provided the initiative.

On June 20, 2002, I joined Secretary of Veterans Affairs Anthony Principi, House Committee on Veterans' Affairs Chairman CHRISTOPHER SMITH, former Senator Bob Dole, former House Committee on Veterans' Affairs Chairman G.V. Sonny Montgomery, Congressman JIM RYUN—who authored the legislation we are considering today—author Michael Bennett, and National Adjutant Robert W. Spanogle of The American Legion, at the Mayflower Hotel to dedicate room 570. This was our first step to recognize the man who authored legislation which, unbeknownst to him, would create the modern middle class.

After the ceremony, this distinguished group of individuals wrote letters in support of honoring Mr. Colmery with the Presidential Medal of Freedom. This was followed by Congressman RYUN introducing H. Con. Res. 257, of which I am proud to co-sponsor.

Harry Colmery was a visionary and deserves the Nation's highest honor, the Presidential Medal of Freedom. The GI bill transformed America. Former President George Bush put it best, "The GI bill changes the lives of millions by replacing old roadblocks with paths of opportunity. And, in so doing, it boosted America's work force, it boosted America's economy, and really, it changed the life of our Nation."

Mr. Speaker, let us honor the man who redefined our way of life. I urge my colleagues to support this resolution.

Mrs. MILLER of Michigan. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 257.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mrs. MILLER of Michigan. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 3 o'clock and 1 minutes p.m.), the House stood in recess until approximately 6:30 p.m. today.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. BIGGERT) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed. Votes will be taken in the following order:

H. Con. Res. 410, by the yeas and nays.

H. Con. Res. 257, by the yeas and nays.

RECOGNIZING THE MARSHALL ISLANDS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 410, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. FLAKE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 410, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 379, nays 0, not voting 54, as follows:

[Roll No. 326]

YEAS—379

Abercrombie
Ackerman
Akin
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Coble
Cole
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pastor
Paul
Pearce
Pence
Petri
Pickering
Platts
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—54

Aderholt
Bachus
Becerra
Brown (OH)
Cardin
Carson (IN)
Carson (OK)
Clyburn
Collins
Conyers
Cummings
Delahunt
DeLay
Deutsch
Engel
Filner
Gephardt
Goss
Gutierrez
Harman
Hastings (FL)
Hinchey
Hoekstra
Honda
Hoyer
Jenkins
John
Jones (OH)
Kleczka
Lowey

Majette
McCarthy (NY)
McInnis
McIntyre
Miller (NC)
Pascrell
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Pitts
Pombo
Price (NC)
Slaughter
Smith (NJ)
Solis
Stenholm
Sweeney
Tancredo
Tauzin
Thompson (MS)
Udall (CO)
Weller
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT) (during the vote). Members are reminded there are 2 minutes remaining in this vote.

□ 1853

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Madam Speaker, on rollcall No. 326, I was unavoidably detained in my Congressional District, and I missed the vote. Had I been present, I would have voted "yea."

Ms. SOLIS. Madam Speaker, during rollcall vote No. 326 on H. Con. Res. 410, the Marshall Islands I was unavoidably detained. Had I been present, I would have voted "yea."

EXPRESSING THE SENSE OF CONGRESS THAT THE PRESIDENT POSTHUMOUSLY AWARD THE PRESIDENTIAL MEDAL OF FREEDOM TO HARRY W. COLMERY

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 257.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 257, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 381, nays 1, not voting 51, as follows:

[Roll No. 327]

YEAS—381

Abercrombie
Ackerman
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pastor
Paul
Pearce
Pence
Petri
Pickering
Platts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—1

Taylor (NC)

NOT VOTING—51

Aderholt
Becerra
Brown (OH)
Cardin
Carson (IN)
Carson (OK)
Clyburn
Collins
Cummings
Delahunt
DeLay
Deutsch
Engel
Filner
Gephardt
Goss
Gutierrez
Harman
Hastings (FL)
Hinchey
Hoekstra
Honda
Hoyer
Hunter
Jenkins
John
Jones (OH)
Kleczka
Majette
McCarthy (NY)
McInnis
McIntyre
Pascrell
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Pitts
Pombo
Slaughter
Smith (NJ)
Solis
Stenholm
Sullivan
Sweeney
Tancredo
Tauzin
Thompson (MS)
Udall (CO)
Weller
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1910

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SOLIS. Madam Speaker, duirng rollcall vote No. 327 on H. Con. Res. 257 I was unavoidably detained. Had I been present, I would have voted "yea."

Mr. FILNER. Madam Speaker, on rollcall No. 327, I was unavoidably detained in my Congressional District, and I missed the vote. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. COLLINS. Madam Speaker, I was not present for debate on the Energy and Water Appropriations for Fiscal Year 2005 (H.R. 4614), rollcall vote 320, a vote on the Previous Question; rollcall vote 321, an amendment by SANDERS; rollcall vote 322, an amendment by WILSON (NM); rollcall vote 323, an amendment by MEEHAN; rollcall vote 324, an amendment by HEFLEY; rollcall vote 325, final passage for H.R. 4614. Additionally, I was not present for rollcall vote 326, Recognizing the Marshall Islands (H. Con. Res. 410); and rollcall vote 327, Presidential Medal of Freedom to Harry Colmery (H. Con. Res. 257).

Had I been present, I would have voted "yea" for rollcall votes 320, 324, 325, 326, and 327. I would have voted "nay" on rollcall votes 321, 322, and 323.

JUST WHAT THIS COUNTRY NEEDS

(Mr. MICA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICA. Madam Speaker, the Democrats have chosen a trial lawyer as their vice presidential nominee. Now that is just what this country needs, a trial lawyer in the second most powerful position in the United States. That is just what America needs, a well-positioned trial lawyer who can make certain we sue more health care providers, sue more hospitals and drug companies. That is just what America needs, a trial lawyer who can ensure we sue more manufacturers and corporations.

If trial lawyers have not driven our health care costs out of sight and our job overseas, we need to give them a better platform to finish the job.

Let us be frank, Madam Speaker, America needs a trial lawyer at the helm like Custer needed another Indian at Big Horn. However, there might be a bright side to having more trial lawyers in Washington, since the courts have given terrorists the right to have their own lawyers. At least now we will have something positive for more trial lawyers to do here.

UNITED STATES-AUSTRALIA FREE TRADE AGREEMENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 108–199)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit legislation and supporting documents prepared by my Administration to implement the United States-Australia Free Trade Agreement (FTA). This Agreement adds an important dimension to our bilateral relationship with a steadfast ally in the global economic and strategic arena. This FTA will enhance the prosperity of the people of the United States and Australia, serve the interest of expanding U.S. commerce, and advance our overall national interest.

My Administration is committed to securing a level playing field and creating opportunities for America's workers, farmers, and businesses. The United States and Australia already enjoy a strong trade relationship. The U.S.-Australia FTA will further open Australia's market for U.S. manufactured goods, agricultural products, and services, and will promote new growth in our bilateral trade. As soon as this FTA enters into force, tariffs will be eliminated on almost all manufactured goods traded between our countries, providing significant export opportunities for American manufacturers. American farmers will also benefit due to the elimination of tariffs on all exports of U.S. agricultural products.

The U.S.-Australia FTA will also benefit small- and medium-sized businesses and their employees. Such firms already account for a significant amount of bilateral trade. The market opening resulting from this Agreement presents opportunities for those firms looking to start or enhance participation in global trade.

In negotiating this FTA, my Administration was guided by the negotiating objectives set out in the Trade Act of 2002. The Agreement's provisions on agriculture represent a balanced response to those seeking improved access to Australia's markets, through immediate elimination of tariffs on U.S. exports and mechanisms to resolve sanitary and phytosanitary issues and facilitate trade between our countries, while recognizing the sensitive nature of some U.S. agricultural sectors and their possible vulnerability to increased imports.

The U.S.-Australia FTA also reinforces the importance of creativity and technology to both of our economies. the Agreement includes rules providing for strong protection and enforcement of intellectual property rights, promotes the use of electronic commerce, and provides for increased cooperation between our agencies on addressing anticompetitive practices, financial services, telecommunications, and other matters.

The Agreement memorializes our shared commitment to labor and environmental issues. The United States and Australia have worked in close cooperation on these issues in the past and will pursue this strategy and commitment to cooperation in bilateral and global fora in the future.

With the approval of this Agreement and passage of the implementing legislation by the Congress, we will advance U.S. economic, security, and political interests, and set an example of the benefits of free trade and democracy for the world.

GEORGE W. BUSH.

THE WHITE HOUSE, *July 6, 2004.*

□ 1915

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4754, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 108–583) on the resolution (H. Res. 701) providing for consideration of the bill (H.R. 4754) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2005, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY COMMITTEE ON RULES REGARDING AMENDMENTS TO H.R. 3574, STOCK OPTION ACCOUNTING REFORM ACT

Mr. LINDER. Mr. Speaker, the Rules Committee may meet this week to grant a rule which could limit the amendment process for floor consideration of H.R. 3574, the Stock Option Accounting Reform Act. The Committee on Financial Services ordered the bill reported on June 15, 2004, and has yet to file its report with the House.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Committee on Rules in room H–312 of the Capitol by 10 a.m. on Thursday, July 8. Members should draft their amendments to the text of the bill, as reported, on June 15, the text of which will be available later this evening on both the Committee on Financial Services' and Committee on Rules' Web sites.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format. Members are also advised to check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

ANNOUNCEMENT BY COMMITTEE ON RULES REGARDING AMENDMENTS TO H.R. 2828, WATER SUPPLY, RELIABILITY, AND ENVIRONMENTAL IMPROVEMENT ACT

Mr. LINDER. Mr. Speaker, the Committee on Rules may meet this week to grant a rule which could limit the amendment process for floor consideration of H.R. 2828, the Water Supply, Reliability, and Environmental Improvement Act. The Committee on Resources ordered the bill reported on May 5 of 2004 and filed its report with the House on June 25, 2004.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Committee on Rules in room H–312 of the Capitol by 10 a.m. on Thursday, July 8. Members should draft their amendments to the text of the bill as reported by the Committee on Resources.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format. Members are also advised to check with the Office of the Parliamentarian to be certain that their amendments comply with the rules of the House.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. GINGREY). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

IRAQ'S TRANSITION: WHO ARE OUR ENEMIES AND WHY DO THEY HATE US

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma (Mr. COLE) is recognized for 5 minutes.

Mr. COLE. Mr. Speaker, I rise today to speak about Iraq's transition to democracy and what it holds for our future.

Mr. Speaker, like all Americans, I was pleasantly surprised on June 28 when the Coalition Provisional Authority transferred power to the Iraqi interim government 2 days ahead of schedule. This was an important first step toward demonstrating that America fulfills its promises. Iraq is again a self-governing sovereign state.

However, with that said, we face many challenges in the days ahead. The anti-democratic insurgency in Iraq is still a reality that we and the sovereign and legitimate government of Iraq must confront every day.

Mr. Speaker, in dealing with this insurgency, we must first ask ourselves the questions that opponents of the war in Iraq often fail to raise: Who are the insurgents? And why do they hate us and the new government in Iraq?

It is clear from studying this situation in Iraq, the insurgency is not made up of one group of people united around a common message. Rather, it is an insurgency based upon disparate groups with differing and conflicting agendas.

It is clear that we face an unholy alliance of four different, but overlapping, groups: Baathists, radical theocrats, transnational terrorists, and common criminals.

Each of these groups has differing objectives. The Baathists yearn for the day that they once again can control Iraq. This Fascist party formed the basis of the Hussein regime; and at its core it is corrupt, brutal, and anti-democratic.

The radical theocrats and fundamentalists, like Moqtada al Sadr, desire the installation of a revolutionary theocratic government like that of Iran. Such a government will most certainly be anti-democratic and inherently repressive. Those who desire such a government do not have the support of the majority of Iraqis.

The foreign fighters and transnational terrorists can be divided into two categories: the first is al Qaeda. The second is made up of disparate radicalized Islamic groups. We know what the objectives of al Qaeda are, as September 11 so clearly demonstrated. It wishes to drag the Muslim world into a war against the West. The other foreign fighters are recruited by radicalized clerics and have a similar vision of international jihad.

The criminal elements in Iraq are undeniably part of the insurgency. While many thousands were unjustly persecuted in prisons under the Hussein regime, many prisoners were also legitimately criminals. Before the war began, Saddam Hussein saw fit to release a large number of these criminals to prey upon his own people. They form part of those opposing the legitimate government and the coalition forces.

Mr. Speaker, the follow-up question that many opponents of the war fail to ask is, Why do these insurgents hate us?

Mr. Speaker, the answer to that question is clear and straightforward. Our opponents hate us, the coalition, not because of what we do, but because of who we are. We represent individual liberty and democracy, two values that our terrorist opponents neither understand nor accept.

If we take the time to examine each of these four insurgent groups, we will find their opposition to the coalition is built upon a rejection of individual liberty and democratic pluralism. The Baathists, of course, have never supported freedom or true democracy. Thirty years of their regime amply demonstrated they believe in an Iraq ruled by a strongman like Saddam Hussein and plundered by his Fascist followers.

The radical fundamentalists for their part certainly do not believe in either freedom or democracy, unlike their mainstream Muslim brethren. They clearly support a regime ruled by a religiously radical minority. In this regime there will be no place for freedom or democracy.

Al Qaeda, of course, will never stop hating us and despises the principles which we believe are essential to Iraq's future. The other foreign fighters also aim to create a state that will pursue a permanent jihad against the West. This jihad is antithetical to values like freedom and democracy.

Finally, the criminal element of the Iraqi opposition is also opposed to the principles of freedom and democracy precisely because these principles do not empower them.

The great weakness of all these opposition groups, Saddamists, transnational terrorists, theocrats, and common criminals, is that none of them offer an attractive future for the Iraqi people. None of these groups could compete in open elections or attain power in a genuine democracy. That is why they so fiercely oppose our efforts to create a free Iraq based on individual liberty, tolerance, and democratic elections.

Mr. Speaker, our President is right: the key to victory in the war against terror is the spread of freedom and democracy throughout the Middle East. Our own security is intimately linked to the success of democracy in this troubled part of the world. The success of democracy and self-government in Iraq is the crucial first step to transforming and liberating the Middle East. That is why we must succeed in this critical battle of the forces of oppression and terror in Iraq, and that is why the opponents of the war in Iraq are so badly mistaken in their criticism of our current efforts. Success in Iraq will make America safer.

Mr. Speaker, despite the claims of critics, we have made real and genuine advances in Iraq. No one can deny the significance of 16 new governing councils, 90 new district councils, 194 city or sub-district councils, and 445 neighborhood councils. Together these institutions allow millions of Iraqis to engage in local policy discussions for the first time in history. These are clear advances which will empower Iraqis to control their own destiny. Through building democratic and free institutions, Iraq will be free; and America will be safe.

ORDER OF BUSINESS

Mr. EMANUEL. Mr. Speaker, I ask unanimous consent to take my Special Order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

REIMPORTATION OF DRUGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Mr. Speaker, just last week the American Association of Retired Persons released a study showing that drug prices rose in the last year by nearly 4 percent in the first quarter of last year, putting us on target for what has happened in the last 5 years every year in a row where the price of prescription drugs have risen on average 17 percent each year compounded, growing the cost for our senior citizens, their families that help their grandparents and parents to afford their drugs. And now that we have a prescription drug bill, it is going to also cost our taxpayers continuously more and more money to try to pay for that medication.

We have known for the last year prices were going to go up close to about 17 percent; the year before that, 19 percent; the year before that, 20 percent; and the year before that, 18 percent, drug prices had gone up. We passed a prescription drug bill to try to deal with what seniors have said is the number one issue that affected them and their pocketbooks, which is that they could not afford the medications they need that their doctors were prescribing.

And let just take one step back. This Congress passed a prescription drug bill designed not with seniors in mind, but with HMOs and pharmaceutical companies. Just take their discount card for a second: all this press around a discount card the government was going to offer, 17 different plans. Some drugs covered, other drugs not covered. And some drugs, when they are covered, could get dropped a week later and people are locked into that plan.

Think about it. If one were designing a plan for senior citizens, if one were designing a plan for the customer, would they have designed that plan as is? No. The only reason that plan and the discount card was designed that way was because it was designed to help the pharmaceutical industry and the HMOs that had contributed over $250 million in the last election cycle and hired over 900 lobbyists to lobby that bill. That bill was not designed with senior citizens in mind. It was not designed to try to save them money. That bill, that legislation and the discount card, was designed for the people who paid for it.

We have a piece of legislation that was passed here in the House that dealt with allowing people to do what people have been doing and senior citizens have been doing for the last 10 years, to buy the prescription drugs they need from Canada and Europe where prices are 30 to 80 percent cheaper than they are here in the United States, allowing, finally, the United States to have a free market where we have competition and prices come down due to competition.

I did a study on my Web site from Costco, a discount retailer in my district and a discount retailer in Toronto, Costco to Costco, Chicago to Toronto; and the prescription drugs and medications at the Costco in Toronto are 40 to 60 percent cheaper than they are in Chicago, the same medications that we can find on the shelves in Costco in Chicago as on the shelves at Costco in Toronto. And why is that? They have lower prices there. And senior citizens, 1 million to 2 million a year, go over the border to buy their medications that their doctors prescribe in Canada, saving themselves thousands upon thousands of dollars.

They can do it in Europe where they also provide medications. The same things, the same types of medications that our doctors prescribe here, they get at 50 percent cheaper.

Why would we force our senior citizens into higher prices and our taxpayers to pay higher prices to support higher prices when we could allow the free market to finally operate?

I understand why the pharmaceutical industry would pay about 200-some-odd million dollars in the last year and would hire 900-plus lobbyists. They have got a sweet deal going. They should fight for the deal they got. But we here fought on behalf of the people who elected us. Eighty-eight Republicans and 153 Democrats in the House voted in favor of allowing reimportation, allowing people access to affordable medications at world-class prices because people from around the world come to America for their medical care; yet Americans are forced to go around the world for their medications. And we here in the House stood up to the special interests.

Later this week, the other body is going to take up that legislation. Having failed to deal with the number one issue of price and affordability of prescription drugs, they are now going to take up what we here in the House have done, which is allowing people the access to medications in Canada and in Europe where prices are much cheaper for the same name-brand drugs, name-brand drugs that we find in the shelves over there in Canada that we find here, but 30 to 80 percent cheaper.

They are going to take up that legislation because they now have spent months talking to constituents, doing town halls, and they have found out what senior citizens have been telling us for the last 6 years: they cannot afford the medications that their doctors are prescribing. They are forced to pick between the medications and their food. They are forced to give up their month to allow their spouse to buy their medications. They are forced into cutting pills in half.

It is time that we allow the free market to operate, bring competition to the pricing of prescription drugs and allow the prices to be driven down to world prices where they are 30 to 50 percent cheaper than they are here in the United States.

□ 1930

TRIBUTE TO VINCE DOOLEY

The SPEAKER pro tempore (Mr. GINGREY). Under a previous order of the House, the gentleman from Georgia (Mr. ISAKSON) is recognized for 5 minutes.

Mr. ISAKSON. Mr. Speaker, I rise today to pay tribute to Vince Dooley upon his retirement as Athletic Director at the University of Georgia. I could use the time to recite the countless achievements of this great Georgian as a Coach and Athletic Director, but I will not. Instead, I will submit for the RECORD a 4-page resume outlining Coach Dooley's lasting contributions to the University of Georgia.

I prefer to use this time telling America about the man who made such a difference in so many lives, including my own. I first met Coach Dooley in 1961, when he was the guest speaker at my high school banquet for our football team. He was the freshman coach at Auburn and friends with our coach, Jim Loftin. That night, he made a three-win team feel like national champions, just like Vince Dooley always did, always encouraging and always motivational.

Three years later, he arrived in Athens, Georgia, as the new football coach for the Georgia Bulldogs, and Athens would never be the same again. He took a three-win team from the previous year and molded it into a 7–3–1 team, defeating Georgia Tech and winning the Sun Bowl Championship over Texas Tech.

In the years to follow, Vince Dooley led Georgia to intersectional victories over Michigan, Texas, Notre Dame, UCLA and Michigan State. In his 25 years as head coach, he led the Bulldogs to six Southeastern Conference championships, 20 bowl games and the 1980 National Championship.

His tributes, however, do not lie in the trophies he collected, but rather in the lives he molded; men like Tommy Lawhorne, an undersized, over-achieving linebacker, now a leading surgeon in Columbus, Georgia; and Billy Payne, an all Southeastern Conference end, responsible for convincing the world to come to Georgia for the Centennial Olympic Games; or the greatest player ever to play for Georgia, or, I would submit, for any other university in the country, Hershel Walker. Only a coach like Vince Dooley could instill the character and humility for which Hershel is known.

There are thousands more I could mention. They may not be in a Hall of Fame, but they played for Vince Dooley. They all represent the character, humility and work ethic that Vince Dooley instilled in all that came his way. We know them as Bucky Kimsey, Clayton Foster, Fred Barber, Andy Johnson and Frank Ros. Their communities know them as leaders.

There is no greater tribute to a man's career than the success of those who learned under him. It is only fitting that the man replacing Vince Dooley as Athletic Director is Damon Evans, just one of many who played for Georgia's greatest coach, Vince Dooley.

Mr. Speaker, I yield to the distinguished gentleman from Nebraska (Mr. OSBORNE), the former national championship coach of the Nebraska Cornhuskers.

Mr. OSBORNE. Mr. Speaker, I thank the gentleman for yielding. It is a pleasure to be able to speak for a few minutes here on Vince Dooley.

I first met Vince in 1969, when he was coaching at the University of Georgia and I was an assistant coach at the University of Nebraska, and I was impressed by his humility, his willingness to talk to a lowly assistant coach. Of course, 24 years as a head coach and 25 years as Athletic Director is unprecedented. Many people say one year in coaching is like a dog year, so Vince is about 175 years old by that figure.

I thought that Vince was just an excellent representative of college football. He was a leader in regard to the Rules Committee, he worked on the College Football Association, was a very good person as far as compromise, keeping people on an even keel, because sometimes things got a little heated.

Of course, Vince, I guess nobody knows for sure what his politics are, but his wife ran for Congress as a Democrat and then again as a Republican. So he obviously is a man who has a very even keel. I think Barbara was a great asset to Vince, they are a great team. Of course, Vince has been a tremendous asset to the University of Georgia, to college football, and, of course, the State of Georgia.

So it is a pleasure for me to have a couple of minutes to talk about Vince. We wish him well in his retirement.

Mr. ISAKSON. Mr. Speaker, I include for the RECORD the profile on Vince Dooley I referred to earlier.

VINCE DOOLEY

HEAD FOOTBALL COACH: 1964–1988; ATHLETIC DIRECTOR: 1979–2004

For the past 40 years, Vince Dooley has had an enduring impact on the University of Georgia, Southeastern Conference, and collegiate athletics across the country. He has been a man of great foresight in times of charting the future, stability in times of change, and vision in critical times that have shaped the path of college athletics. His national stature was reinforced when he was chosen from athletic leaders around the country to chair a national sportsmanship summit in the spring, 2003.

There is no stronger indicator of Georgia's overall athletic prominence than its recent success in the annual Sears Directors Cup which includes a second place finish in the 1998–99 season, third place finish in 2000–01, and top ten finishes in four of the past five years. Sears Directors Cup competition annually recognizes the top athletic programs in the country. Under his watch as athletic director (since 1979), Georgia teams have won 18 national championships (nine in the past five years) including an unprecedented four during the 1998–99 year (women's swimming, gymnastics, men's tennis, men's golf). Since Dooley became athletic director, Georgia athletic teams have also won 75 SEC team championships and numerous individual national titles in both men's and women's sports.

He has also been a standard-bearer for academic excellence. Under his leadership, more than 100 Georgia student-athletes have been named first team Academic All-America, 43 have received NCAA Post-Graduate Scholarships, seven have been named recipients of the SEC's Boyd McWhorter Scholar-Athlete of the Year award, seven NCAA Top Eight Award winners, three NCAA Woman of the Year recipients, and well over $275,000 has been awarded to the University's general scholarship fund through performances by Georgia student-athletes.

In 1985, Dooley was also instrumental in fostering the pledge which has resulted in $2 million being contributed by the Athletic Association to the University—the principle being used for non-athletic scholarships and the interest used in the recruitment of top students and other nonathletic programs. These funds also provided private matching money which made possible the construction of the chemistry building expansion and the Performing and Visual Arts Center. And as part of the University's Third Century Campaign, he also initiated the Vincent J. Dooley Library Endowment Fund which was created with Coach Dooley's personal gift of $100,000 to the University library. Under his leadership, the Fund raised over $2.3 million.

In addition to his commitment to Georgia's athletic facilities, he was instrumental in the Athletic Association's participation in the University's Ramsey Student Activities Center, a facility rated by Sports Illustrated in 1997 as the top student physical activities building in America. It cost more than $35 million, over $7 million of which was funded by the Athletic Association including $2 million in advance to begin the project. The complex, which hosted the 1999 NCAA Women's Swimming and Diving Championships and the 2002 NCAA Men's Swimming and Diving Championships, includes competition facilities for varsity swimming and volleyball and practice arenas for basketball and gymnastics.

His community service and charity work is extensive and includes work with the Heart Fund, Multiple Sclerosis, Juvenile Diabetes, Boy Scouts, the homeless, and he is currently serving on the Advisory Board of the Salvation Army. He has served 28 years as the long-standing chairman of the Georgia Easter Seals Society and in 1987 was named National Volunteer of the Year for his service. For his many contributions, a new Easter Seals facility in Atlanta was built and named for him in 1990. He and his wife, Barbara, are currently co-chairing a fundraising campaign to establish a Catholic high school in the Athens and northeast Georgia area. Dooley, who was instrumental in the University's campus being designated as an arboretum, was presented with the Georgia Urban Forest Council's 2001 Individual Achievement Award given for significant accomplishments in promoting urban forestry in Georgia.

He served six years on the Advisory Committee to the Atlanta Olympic Organizing Committee and was in Tokyo with his former player, ACOG president Billy Payne, when Atlanta won the bid to host the 1996 Games. Through his efforts and association with Payne, Dooley helped secure for Athens and the university three Olympic venues (soccer, volleyball, and rhythmic gymnastics) which was the largest number of events in a city outside Atlanta. Dooley was selected as a flame bearer in the 1996 Summer Olympics torch relay receiving the flame from Payne in Sanford Stadium. He also chaired a $1.5 million fund raising campaign for new Salvation Army facilities in Athens.

Another honor came Dooley's way in June, 2001, when he was named the Division 1–A Southeast Region Athletic Director of the Year by the National Association of Collegiate Directors of Athletics (NACDA) and award sponsor Continental Airlines.

Dooley was born into an athletic family in the Alabama coastal city of Mobile, September 4, 1932. His younger brother Bill, former head football coach at North Carolina, Virginia Tech, and Wake Forest, was an All-SEC guard at Mississippi State in 1954. After graduating from McGill High in Mobile, Dooley accepted a football scholarship to Auburn where he was an all-star football and basketball player. He received his Bachelors Degree in Business Management ('54) and Masters in History (1963). After serving in the Marines and as an assistant coach at Auburn, he was named head coach of the Bulldogs in December, 1963, at the age of 31. Dooley still maintains his academic and continuing education interests by auditing classes at the University in such disciplines as history, political science, art history, and horticulture.

Dooley is married to the former Barbara Meshad of Birmingham. They have four children; Deanna (Mrs. Lindsey Cook), Daniel (married to the former Suzanne Maher), Denise (Mrs. Jay Douglas Mitchell), and Derek (married to the former Allison Jeffers). The Dooleys also have ten grandchildren: Patrick, Catherine and Christopher Cook; Michael and Matthew Dooley; Ty, Joe and Cal Mitchell; and John Taylor Dooley and Peyton Dooley.

FAST FACTS ON VINCENT DOOLEY

Program success—In NACDA's Director's Cup Competition that recognizes the top athletic programs in the nation, Georgia has finished as follows over the last five years: 2001–02—7th; 2000–01—3rd; 1999–2000—12th; 1998–99—2nd; 1997–98—8th.

Standard bearer for academic excellence—over 100 Academic All-Americans; 43 NCAA Post-Graduate Scholarship recipients; seven NCAA Top Eight Award winners; seven SEC Boyd McWhorter Scholar-Athlete of the Year winners; three NCAA Woman of the Year winners, more than any school in the country.

Hall of Fame Football Coach—Inducted into College Hall of Fame in 1994; 25 seasons (1964–88); 20 bowl games; 201 victories ranked third nationally among active coaches at time of his retirement; 1980 National Championship; six SEC Championships (1966, 68, 76, 80, 81, 82); 1980 and 82 NCAA National Coach of the Year; SEC Coach of the Year seven times; State of Georgia Sports Hall of Fame; State of Alabama Sports Hall of Fame; Sun Bowl Hall of Fame; Georgia-Florida game Hall of Fame; Chick-fil-A Peach Bowl Hall of Fame.

Award winning athletic director—2000 Georgia Trend Magazine Top 100 Georgians of the Century; 2001 Amos Alonzo Stagg Award from American Football Coaches Association for lifetime contributions to the sport of football; 2001 NACDA Division 1-A Southeast Region Athletic Director of the Year; 1984 "Georgian of the Year" by the Georgia Association of Broadcasters; 1984 "Sports Administrator of the Year" by the State of Georgia Sports Hall of Fame.

SMART SECURITY AND NONPROLIFERATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, when it comes to nuclear weapons, the policy of this administration looks like it was just pulled out of a 20-year-old time capsule. More than a decade after the fall of Soviet communism, President Bush and his national security team are still fighting the Cold War. Their budget called for more than $100 million for research and testing of new nuclear weapons, including the robust nuclear earth penetrator and a so-called low yield nuclear weapons program.

Fortunately, the Subcommittee on Energy and Water of the Committee on Appropriations lives in the year 2004 with the rest of us, and initially has rejected these requests.

Even India and Pakistan, two nations mired in generations of conflict, whose shared border has been called the world's most dangerous nuclear flashpoint, were recently able to reach a bilateral confidence building agreement on nuclear weapons. Meanwhile, the Bush administration enthusiastically jumps into the nuclear arms race. They believe the only good defense is a buildup of new nuclear weapons, which happens to violate the Nuclear Nonproliferation Treaty that the United States signed in 1970.

They believe that the only good defense is a gigantic offense. But just how strong does our Nation need to be? We already have 9,000 strategic nuclear warheads. How many of these weapons of last resort do we require in order to be secure; how much money do we need to spend; how much money do we need to spend on nuclear weapons; how much more dangerous must we make the world; and how many domestic priorities must we neglect before we decide that enough is finally enough?

There has to be a better way, a more sensible way, an approach that, to use Abraham Lincoln's words, calls on the better angels of our nature, Mr. Speaker, there is.

I have introduced H. Con. Res. 392 to create a SMART Security Platform for the 21st Century. SMART stands for Sensible, Multilateral, American Response to Terrorism. SMART treats war as the absolute last resort. It fights terrorism with stronger intelligence and multilateral partnerships. It aggressively invests in the development of impoverished nations. It controls the spread of weapons of mass destruction, with a renewed commitment to nonproliferation. And instead of saber rattling, instead of employing irresponsible rhetoric, like "axis of evil," the SMART nonproliferation approach calls for aggressive diplomacy, strong regional security arrangements and vigorous inspection regimes.

SMART security means the United States will set an example for the rest of the world by renouncing the first use of nuclear weapons and the development of new nuclear weapons. SMART security requires that the United States honor its multilateral nonproliferation commitments. If we are going to throw our weight around, demanding that other nations cease their weapons programs, we had better make sure we are meeting our obligations under the Nuclear Nonproliferation Treaty, the Comprehensive Test Ban Treaty, the Biological Weapons Convention and the Chemical Weapons Convention.

Under SMART, we would invest fully in the Cooperative Threat Reduction Program, the CTR, an innovative partnership in which the Pentagon is working with the former Soviet Union to dismantle the nuclear weapons that were once aimed at our cities. CTR is critical to controlling the loose nuclear materials that are scattered throughout the former Soviet Union, keeping them from falling into the hands of rogue nations or terrorist groups.

Think about the price we have already paid to control weapons of mass destruction in Iraq, weapons that do not even exist: Hundreds of American lives lost, thousands of Iraqi lives lost, thousands and thousands, in fact over 25,000 American soldiers injured, and hundreds of billions of dollars spent. Should we not be investing in eliminating a genuine nuclear threat? And we ought to be applying the lessons of CTR's success in Russia to dealing with Iran and North Korea.

Mr. Speaker, SMART security is an example. It is tough, but it is diplomatic; it is aggressive, but peaceful; it is pragmatic, but idealistic.

INDEPENDENCE DAY REPLAY OF 2000

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BURGESS) is recognized for 5 minutes.

Mr. BURGESS. Mr. Speaker, coming back into town today and picking up a copy of one of the local papers, I read the headline, "Members Seek UN Election Monitors." Quoting from today's Roll Call, "a dozen Democratic House Members last week called on the United Nations to send monitors to oversee November's U.S. presidential election."

Mr. Speaker, I submit that I was astounded to read that in the paper today. It seems that there are people in this House who cannot get over the facts of the election that was held in the Year 2000, and the facts are that George W. Bush won that election. He won it in the constitutionally prescribed manner of a majority of electoral votes; he won on election day; and he won on every single recount held thereafter, until the Supreme Court said enough recounting 34 days later, and the counts were stopped.

But the President even won in the Miami Herald's recount that came out, I forget, in February or March of 2001, well into the President's first term. The Miami Herald finally acknowledged the fact that indeed George Bush had won Florida's electoral votes and had indeed won the election.

Those 34 days of transition time were critical to the start of this administration. We had an economy that was headed into a recession, and, as we found out later in that year, we had enemies of this country who were gathering strength and preparing to attack this country. Thirty-four days in transition were critical days that were lost.

But now comes this group who says that the events of the 2000 election are so serious that UN monitors are required on U.S. soil to monitor our electoral process.

Mr. Speaker, I will tell you that the constituents of my district just simply do not understand what goes on in Washington, D.C. We have a candidate for the highest office in this land who says that foreign leaders would prefer him to be the President.

Mr. Speaker, we have got a judicial branch that seems to keep its eye on what the foreign courts are ruling and what they are deciding.

Now, I am sad to say, we have Members of this body who simply do not understand what "sovereignty" means, and how ironic is that at a time when we are celebrating sovereignty in the country of Iraq, we just celebrated Independence Day in this country, and Members of our own body do not grasp that simple concept.

Mr. Speaker, when I was sworn in here 18 months ago, I swore an oath to uphold the Constitution. I think that is a good idea, to have that oath, to swear to uphold the Constitution. I think it might be a good thing if other Members of this body remembered why they are here.

CRITIQUING THE ADMINISTRATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. McDERMOTT) is recognized for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, if the last speaker had ever traveled outside the United States, he might understand why it is that every country in the world wants George Bush replaced.

Mr. Speaker, I am going to rise today to address the policies of this administration. I intend to use the "F" word, so be forewarned.

During the administration's watch, America has lost nearly 2 million jobs in the private sector. Through no fault of their own, Americans who are out of work cannot find a job. The administration's response is to classify flipping hamburgers as a manufacturing job.

We could have helped Americans weather the storm by extending unemployment benefits, but the administration turned a deaf ear.

Health care costs have skyrocketed in America, up to an average of 49 percent in 3 years. One in seven American families are struggling to pay medical bills, families are being forced to choose between food, housing and medicine. Unpaid medical bills are a leading cause of personal bankruptcy.

So what does the administration do? Provide health care for everybody in Iraq; muzzle the expert who knows what the prescription drug bill would really cost; and passes a drug bill for seniors after drug companies raise prices three times the rate of inflation, negating any possible benefit from a prescription drug card. There is an "F" word in there someplace.

Today, one out of every three Americans breathes unhealthy air. Thanks to this administration, existing rules are being rolled back so that old, dirty power plants can keep belching their pollutants into the atmosphere. The American Lung Association calls it the most harmful and unlawful air pollution initiative ever undertaken by the Federal Government.

□ 1945

100 million Americans live in places where the air is not fit to breathe. The administration's response is to label science as fiction and then work to undermine environmental protection. We know the sources of pollution. Coal-fired power plants and diesel trucks are two big culprits. We know how to clean up the air. What does the administration do? Choose polluters over people. Choose polluters over protection. The administration wants to let oil rigs into the pristine Arctic National Wildlife Refuge. The oil companies cannot wait. The only thing greater than America's greed for oil is the insatiable desire for profits by oil companies.

Certainly there must be an "F" word that applies when oil companies post 300 percent profits. The administration's civilian leaders must have lots of "F" words when the world first learned about the prisoner abuse scandals in Iraq. First they denied knowing anything. That was followed by media revelations of what they knew and approved in advance. The Geneva Conventions was something to embrace, not follow. That is the bottom line of the internal White House memos.

Need something else to use the "F" word? The administration has launched an undeclared draft in America. The undeclared draft compels current and former soldiers to fight in Iraq, even if they have already served. The undeclared draft uses rhetoric to mask reality. The military does not have enough soldiers. The administration knows they will be thrown out of office if they told America the truth. So the undeclared draft is called something else for now. Wait till after the election if George Bush wins.

The veterans seeking health care, the administration has a new plan. Bring your checkbooks and get in line. The administration wants to cut hundreds of positions in the VA. They want veterans to pay even more of the financial burden for the purchase of prescription drugs, and it wants veterans to pay a new enrollment fee. The administration's proposed budget for the VA is $2.5 billion too low, but that is nothing compared to what the administration intends to do to education in title I funding which helps disadvantaged kids across America. This administration underfunds title I by over $7 billion next year.

Half of every eligible school district in America will receive less grant money. The need is greater, but that does not matter. Only the rich have strong advocates in this administration.

From education to the environment, from veterans to health care, from the economy to forced military service, from moral leadership to global credibility, one word applies to this administration: the "F" word, failure, the administration's failure to create jobs that Americans want and deserve; the administration's failure to protect our land, air, water, and people; the administration's failure to confront military reality; the administration's failure to invest in our future leaders; the administration's failure to address the needs of those who earn less than a million dollars a year; the administration's failure to retain America's moral leadership in the world and our moral compassion at home.

The Vice President used the other "F" word on the floor of the U.S. Senate. It showed a blatant disregard for a distinguished Senator. It showed a blatant disrespect of the American institution. It showed a blatant disrespect for being an American when dissent keeps the strong free. The "F" word applies to the administration. Failure in every way.

ELECTION YEAR

The SPEAKER pro tempore (Mr. GINGREY). Under a previous order of the House, the gentleman from Michigan (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, you know, we are certainly in the campaign season of an election year; and I think everybody, Mr. Speaker, needs to be on guard for the talent to spin. And I am reminded of a cartoon that was in our paper recently. And there were four figures, and the first figure said, "Gas prices are going up." And the next figure says, "Yeah. That is President Bush trying to give his friends in the oil industry more income and more money." And the next figure said, "Well, look, gas prices are coming down." And the next figure says, "Yeah. That is President Bush trying to buy our votes."

So I just challenge, Mr. Speaker, everybody in America to brace themselves probably for the most television ads they are going to see ever in this election. And you know what is encouraging is people in this country have a lot of what I call common sense that sort of comes from the gut. So I suggest to everybody, size up the candidates. Do what is right for our future.

You know, some people down here suggest that the way to have a balanced budget is to increase taxes. Some people suggest the way to balance the budget is to reduce spending. Whatever it is, I think we need to be very cognizant of what we are doing to future generations with overspending.

This year, even with the job growth and the expanded economy that is going to result in an estimated $100 billion less overspending, less deficit spending than was earlier predicted, we are still leaving a huge mortgage to our children and our grandchildren. I want to talk about just two issues in that regard as we face the next several weeks of deciding how much we are going to spend in the appropriation bills, in the overspending and what it does to our kids, right now.

And interest rates of course just went up a quarter of a percent last week. It looks like before the end of the year they are going to go up again a little bit. Fourteen percent of total Federal spending now goes towards servicing the debt. So here is 14 percent of the $2.3 trillion that is being spent this year being spent to pay interest on what we are borrowing to accommodate the overzealousness of this body, the Senate, and the White House for the last 25 years to spend more and more money, trying to solve more and more problems.

That 14 percent of the total spending represents approximately $300 billion a year; and if you realize that interest rates are going up and at the same time we are increasing the deficit, that means increasing the debt, that means increasing the interest that we are going to have to pay on that debt, it just leaves our kids with a huge responsibility, to the extent that their standard of living is going to be less than ours if we continue to do what we have been doing, and that is overspending.

And I suggest increasing taxes is not the right way to accommodate that overspending. Right now businesses are charged 18 percent more than the industrial countries that we compete with.

They pay 18 percent more in taxes in this country than other countries. So to simply say we are going to increase the taxes and put our businesses at a greater competitive disadvantage means that there is a greater likelihood that other countries are going to undersell us, that are going to produce those products. It means that companies in this country, to survive, are going to do more of their business overseas. Let us not solve our problems by increasing taxes.

Let me finish, Mr. Speaker, by talking about overpromising. It is easy for a politician to go back home to their districts or their States and say, well, you have some problems; I am going to come back in Congress, and we are going to push to solve that problem simply by increasing taxes to accommodate you, or maybe not even increasing taxes; maybe just making propositions.

The economists use the words "unfunded liabilities" to describe how much we have promised over and above the revenues coming in to pay for those promises. I would ask people to guess how much unfunded liabilities are now projected by the Medicare and Social Security actuaries. The answer is $73.5 trillion. That means that we would have to have $73.5 trillion into a savings account, earning as much interest to accommodate inflation, to pay for what is not coming in in the payroll tax in future years. It is not fair. It is moving away from the principle of those that work hard, that try, that study and invest end up better off than those that do not.

I would suggest, Mr. Speaker, in closing, that it is important in this election year that the people of America size up their candidates.

H.R. 867, HASAN PRIVATE RELIEF BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. HOLT) is recognized for 5 minutes.

Mr. HOLT. Mr. Speaker, today the House of Representatives did a good deed. The House passed a bill that I had introduced nearly 2 years ago known as the Private Relief bill, which will allow Duri Hasan and her four daughters who live in Milltown, New Jersey, to fulfill the dream that brought them to America.

Nearly 3 years after the murder of their husband and father in a post-9/11 hate crime, Duri, Asna, Anum, Nida and Iqra received welcome and overdue news from the House of Representatives. Today, this body has helped them take a huge step toward putting the tragedy of September 15, 2001, behind them and put them back on track for American citizenship. I hope the Senate will move quickly on this.

I am very thankful to my colleagues on both sides of the aisle for their support of this bill and for the scores of citizens, activists, and religious leaders around the country who have supported this.

For any of my colleagues who are unfamiliar with the Hasan family, let me recall their tragic and heroic story. I think my colleagues will agree it is a true American epic filled with hopes and dreams, tragedy and hardship, and, thankfully, today, compassion in the form of a chance.

Waqar Hasan came to the United States in 1993 from Pakistan in search of a better life for his family. A year later, he brought his wife, Durreshahwar, or Duri we know her as, and their four daughters. The family settled in Milltown, New Jersey, where they had relatives. Waqar supported the family working in a gas station in the area. In the fall of 2001, he was in Dallas to establish a convenience store. He planned to move his family there after the business got off the ground.

However, on the night of September 15, 2001, just 4 days after the vicious 9/11 attacks, Mark Anthony Stroman walked into Waqar Hasan's convenience store in Dallas and shot the 46-year-old father to death. When asked by police why he shot Waqar, Stroman expressed no remorse: "I did it to retaliate on local Arab Americans or whatever you want to call them," he said. "I did what every American wanted to do, but didn't." Stroman is now on death row.

Mr. Hasan was very much a victim of the attacks of 9/11, and his death was a hate crime if ever there was one.

Before his death, Waqar had taken steps for him and his family to become American citizens. He was in the United States on an immigrant visa and was going through the paperwork towards citizenship. When he was brutally killed, his family's American future was placed in jeopardy. Their visas and green card applications were both dependent upon his visa. When he died, their hopes of American citizenship died with him. The Hasan family had lost their husband, father, and breadwinner in a most horrible way; and now, they were facing the threat of deportation.

Mrs. Hasan and her teenage daughters think of themselves as Americans. The daughters are growing up here. Mrs. Hasan and all but the youngest daughter hold down jobs to make ends meet. One daughter attends Rutgers. Another daughter is studying at Kean College to become a teacher. They are the type of hard-working, reverent, patriotic, studious, industrious people that we want here in America; and they deserve to stay.

For the past 2½ years, I have been working with government agencies to keep the Hasan family in this country. I have pursued and exhausted every possible legal remedy to help the Hasan family stay. My Private Relief bill is the Hasan family's last hope of attaining permanent legal residency and eventually citizenship. Today, the House of Representatives passed that bill.

Mr. Speaker, I believe that there is no more crucial time to demonstrate to Muslims in America and around the world that we are a tolerant and sympathetic people. We must seize opportunities to showcase America's commitment to the democratic values that we are making great sacrifices to promote overseas.

This bill, of course, does not make everything all right. Duri Hasan and her daughters have lost their husband and father. Their lives have been given a severe blow. But with this bill, we avoid doing any further injury to them. I am very pleased to report the happy news to the Hasan family to whom today we here in the House have said, You belong here in America with us.

OUR GREATEST RESOURCE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from California (Mr. HUNTER) is recognized for 60 minutes as the designee of the majority leader.

Mr. HUNTER. Mr. Speaker, I thought we would talk tonight about several things, about our recent several CODELs to Iraq, to the theater, and also about the defense bill, and lastly, about the resources, the great American asset that ties all of our defense issues together, and that is the men and women who wear the uniform of the United States.

I thought, Mr. Speaker, maybe I would just start off with my great colleagues, the gentleman from North Carolina (Mr. HAYES) and the gentleman from South Carolina (Mr. WILSON), in just talking about a couple of those great men and women in uniform.

I wanted to read a citation, Mr. Speaker, because we have had a lot of talk, lots of discussion and enormous publicity about the prison mess over the last several months. And one way we have countered that image that I think has wrongfully been splashed against lots of folks in uniform is by talking about the great heroism of a number of those people. And I remind my colleagues that we had some 16,000 Bronze Stars awarded in Iraq, some 127 Silver Stars, and I thought that tonight just to start off I would talk about a couple of the commendations that have been given to heroes in that very difficult theater in Iraq.

This is a Silver Star that was presented by order of the Secretary of the Navy to Staff Sergeant Adam R. Sikes, United States Marine Corps. I wanted to read this, Mr. Speaker.

"For conspicuous gallantry and intrepidity in action against the enemy while serving as Platoon Sergeant, 1st Platoon, Company G, 2nd Battalion, 5th Marines, Regimental Combat Team 5, 1st Marine Division, I Marine Expeditionary Force on 12 April 2003. During the Battle of At Tarmiyah, Staff Sergeant Sikes' platoon was pinned down by heavy small arms and rocket propelled grenade fire in the opening moments of the fight. Without orders, Staff Sergeant Sikes quickly rallied two of his squads and set them into position to suppress the enemy and prepare them to counter attack. With the squads in position, Staff Sergeant Sikes charged alone across the 70 meters of fire swept ground to close on the first enemy strongpoint, which he cleared with a grenade and rifle fire.

Moving to the roof of a three-story building that was exposed to enemy fire, Staff Sergeant Sikes skillfully adjusted 60-millimeter mortar rounds onto nearby enemy positions. The rounds isolated the town from enemy reinforcement and decimated an enemy position in the nearby tree line. Upon learning that the other squad had taken causalities, Staff Sergeant Sikes moved to their position. With wounded Marines in a small compound, cut off by the enemy, Staff Sergeant Sikes signaled an amphibian vehicle and directed their evacuation while under a hail of small arms and rocket propelled grenade fire. By his bold leadership, wise judgment, and complete dedication to duty, Staff Sergeant Sikes reflected great credit upon himself and upheld the highest traditions of the Marine Corps and the United States Naval Service."

That is one of many, many commendations, Mr. Speaker, that have come out of Operation Iraqi Freedom. Here is another citation that I thought I would read tonight. This is a Navy and Marine Corps Commendation Medal to Staff Sergeant Brian Porter, United States Marine Corps for heroic achievement while serving as tank commander, 3D Platoon, Company B, 1st Tank Battalion, Regimental Combat Team 7, 1st Marine Division in support of Operation Iraqi Freedom. "Staff Sergeant Porter's actions against the enemy were quick and deadly. Upon initial contact with the enemy near Imam Anas with two of four tanks in the platoon temporarily unable to fire, he guided his tank to the right of the platoon and destroyed an Iraqi T-55 tank with main gun fire. He personally engaged and destroyed numerous armored personnel carriers and tanks to ensure the safety of the company. During a reconnaissance operation in Ad Diwaniyah, he secured the southern flank of the company. During the ensuing firefight involving mortar fire, machine gun fire, and rocket-propelled grenade fire, he destroyed a technical vehicle that was firing upon the platoon at close range. Staff sergeant Porter's initiative, perseverance, and total dedication to duty reflected credit upon him and were in keeping with the highest tradition of the Marine Corps and the United States Naval Service."

Mr. Speaker, these are obviously just a few out of thousands of citations that have been given to our soldiers and airmen and Naval personnel and United States Marines in theater in both Operation Iraqi Freedom and in Operation Enduring Freedom.

Mr. Speaker, if we have time at the end of our special order, I would like to read a few more of those. But right now I would just like to introduce two of my great colleagues who also have been really working the issues that arise from this operation in Iraq and the operation in Afghanistan. I would like to yield first to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, first let me thank my good friend and chairman of the Committee on Armed Services, the gentleman from California (Mr. HUNTER), who spends every waking hour and then some doing everything he can to make sure our fine men and women in uniform have the support, the equipment, and the backing they need. So we are all owing a debt of gratitude to our chairman and to our good friend, the gentleman from South Carolina (Mr. WILSON). He and I have a lot of common friends in this fight. The gentleman from South Carolina (Mr. WILSON) represents Ft. Jackson, a fine training facility, Parris Island, Marine Beaufort Air Station.

Every time I visit my troops at Ft. Bragg or Pope Air Force Base in North Carolina, I am constantly, continuously and consistently amazed at the attitude, the ability, the commitment, and the performance of these men and women who ask but little in return except the support of this Congress and the American people.

I have been to Iraq on a number of occasions. I was with the first group that went in. What our soldiers, sailors, Air Force, Marine and Coast Guardsmen put up with in terms of conditions, the things that they did not have but still came through, and won the fight in a remarkably short period of time with virtually no collateral damage to civilians and to other property is an incredible tribute to the servicemen and women that serve this country.

President Bush said something in Istanbul, Turkey just a week ago, and that was, In order to have justice, you had to have democracy. What our men and women in uniform are doing is providing for the Iraqi people and other surrounding nations the opportunity to see, to taste and to experience the democracy that equals freedom and ultimately justice. That is what we want for people all around the world, the privileges that we enjoy and, unfortunately, take for granted.

As I have been to Iraq and as I have visited our soldiers in training facilities, the amount of time and energy and effort that they put into making America safe, secure, and ultimately free is something that we can never repay. But I think for us to stand up and to stand tall and talk about the things that they are doing, whether it be in Fallujah, Baghdad, Najaf, Nasiriyah, and Afghanistan, these men and women 24 hours a day, 7 days a week, are out there doing the things that we call on them to do, tirelessly, without any idea of selfishness.

I cannot help but remember Daniel Metzdorf. I was in Iraq just a couple of months ago and was there with our good friend, the gentleman from Missouri (Mr. SKELTON) from the other side of the aisle and the minority leader, the gentlewoman from California (Ms. PELOSI), and they too share our respect for what they saw these men and women doing.

As we were headed back we stopped in Germany and visited our hospital at Landstuhl. We saw a number of folks, but the one I particularly remember because he looked like my son, Bob, as I walked in the door was Daniel Metzdorf of the 82nd Airborne. He had lost his leg. His concern was for the rest of his team. As he came back and has recovered, been at Walter Reed, he is a native of Florida but is back at Ft. Bragg now, his biggest concern was that his squad leader was not given sufficient recognition for the heroism that he exhibited in saving other members of his team when they were under attack by the enemy and the terrorists.

So as I think of him and the countless other men and women, a couple of whom the gentleman has referred to in those citations, I think we must continue to remind ourselves of how important these sacrifices are. And these are not sacrifices made at the whim of an individual or a Congress or a group of people. If we look at the record, the record is very clear from the past administration, from news media who now seem to have an extremely difficult time getting the facts right, reporting the actual conduct and the progress and wonderful things that our troops are doing for the people in Iraq, but as we look at that it is very clear and consistent, we have no choice. If we were to live up to the responsibilities of being a free and freer Nation, then we had to step in and stop these terrorists abroad before they could come to us.

Mr. Speaker, I look forward to bringing a few more of these facts to light as we move on, but without dwelling too long at this time, I would like to turn over to a dear friend, the gentleman from South Carolina (Mr. WILSON). And we have supplied the gentleman with Abe Turner from Ft. Bragg to look after Ft. Jackson. So we are definitely a team and we work well together.

Mr. HUNTER. Mr. Speaker, I wanted to say before the gentleman yields, I know he has been to Iraq and we really appreciate that great tour, and also the gentleman from South Carolina (Mr. WILSON) has spent a lot of time in Iraq. And I want to thank also the gentleman from California (Mr. CALVERT), a great member of the committee, and the gentleman from El Paso, Texas (Mr. REYES) who was there with me over the last couple of weeks. So we have had great members of the Committee on Armed Services going over. I think that gives us some insight of what the troops need when we are putting together our bill to get the tools so they can get the job done.

I thank the gentleman for his remarks, and I yield to the gentleman from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. Mr. Speaker, I appreciate the chairman's leadership so much. We can all be proud of the gentleman from California (Mr. HUNTER), as the chairman of the Committee on Armed Services. With his perspective as a veteran and with his devotion to the military, having a son serving in Iraq now, by his extraordinary leadership, I appreciate his coming and visiting Ft. Jackson last December. That was a highlight of my brief career here in Congress, to see the gentleman firsthand meeting with troops getting ready to deploy overseas. They were so honored to have the gentleman come and show his interest.

Mr. HUNTER. I want to thank the gentleman. I just want to remind the gentleman that my job here is lots of inside work and no heavy lifting.

It is interesting, we do a lot of things here that have some import and affect the ways our troops operate. But seeing those guys and ladies in 120 degree heat in Iraq and cheerful is an extraordinary experience.

Mr. WILSON of South Carolina. They can be cheerful because they know they have a chairman of the Committee on Armed Services who is personally interested in their safety and security and in promoting democracy and protecting the American people.

Additionally, I am very grateful to be here with my colleague from the north, the gentleman from North Carolina (Mr. HAYES).

I had an opportunity to visit with the gentleman at Ft. Bragg and visit with the Special Forces. It is so reassuring to see this new generation, to see how dedicated they are. Many of us had somewhat dismissed them as the Nintendo generation. Well, that is actually very positive because the equipment that they use is so high tech, it is crucial that they be able to operate equipment that is almost inconceivable in terms of advances in just a few years, and particularly even over the first Persian Gulf War, and the success of our troops and dedication is so heart warming.

Additionally, I was happy to hear the gentleman from North Carolina (Mr. HAYES) reference Pope Air Force Base. I have a nephew who is currently still in the Air Force, and I am really proud that he served at Pope. But the perspective I would like to make tonight is indeed as a veteran, I retired after 31 years of service, it was last July, with my service with the Army National Guard, and I saw again firsthand the capable people who are protecting our country, because my job was as premobilization legal counselor and additionally mobilization counseling. People did not whine. They knew, men and women, that they would be serving to protect the American people.

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Additionally, I am happy to be the parent of three sons who are serving in the military. My oldest son is a young attorney from Lexington, South Carolina. He has been mobilized. He is serving in Iraq. I am in touch with him virtually every day by BlackBerry, by satellite phone. It is very reassuring.

My second son is a graduate of the naval academy, an ensign in the Navy. I am very proud of him being in medical school.

My third son was just commissioned a month and a half ago at Clemson University, in the Army ROTC; and he will have a career in the signal corps with the Army National Guard.

I am just so proud that they have on their own seen that one of the best ways to promote our country is to serve in the military; and then, finally, as a Member of Congress, it has already been referenced by the gentleman from North Carolina (Mr. HAYES), I am very grateful to represent Fort Jackson, ably commanded by General Abe Turner.

General Turner is so well known here in Congress because he was Army liaison to Congress and did a masterful job. I then ran into him, of all things, in Kuwait where he was one of the leaders there and helping us protect and promote our troops.

Additionally, I represent the Marine air station at Beaufort. We are very proud of their service. It is a joint Navy and Marine facility with squadrons of both; and I also represent Parris Island, where the training takes place of our troops on the east coast, and I have been there in 3 days of parallel training; and it was an extraordinary opportunity again to see the dedication of these young people.

I also represent the Beaufort Naval Hospital adjacent to McEntire Air National Guard Base, Shaw Air Force Base. I, again, over and over again, had the opportunity to meet young people, to meet people who are so dedicated in protecting our country.

Indeed, it was 2 weeks ago today that I had the opportunity to go on a delegation with the gentleman from Michigan (Mr. HOEKSTRA) with the Permanent Select Committee on Intelligence, and we had the opportunity to meet with the incoming Iraqi police being trained. We had the opportunity to meet with the new government officials, the Prime Minister, Ayad Allawi, and also President Ghazi al-Yawer. It was very encouraging.

The Prime Minister is a real hero. He himself was a victim of Saddam Hussein's attempted assassination a number of years ago. I have heard it described he was virtually cut in half, but he recovered. His wife, though, did not. She had a permanent nervous breakdown. And so we have a very brave person serving as Prime Minister in Ayad Allawi promoting the people of Iraq to build a civil society.

Many of us had the opportunity, thanks to the gentleman from Missouri (Mr. BLUNT), to meet with President Ghazi al-Yawer. He is a graduate of George Washington University; and he announced to us that he is an optimist, that he believes a civil society can be established in Iraq, and I believe that we have seen in the past 10 days, since he took power and since the Prime Minister took power on the 28th, that, indeed, they are working to rebuild a civil society in Iraq.

Mr. HAYES. Mr. Speaker, if the gentleman would yield, the gentleman from South Carolina (Mr. WILSON) and I were in on the same meeting, and that was a wonderful opportunity. What he and I heard in terms of the appreciation of the Iraqi people, the desire of their people and their government to be free, the incredible gratitude that they feel towards our soldiers. Does the gentleman read anything like that in our national media? Does the gentleman hear that on the news at night?

What my colleague and I heard both there and in Iraq, we do not hear it. That is what the people of America need to hear and see, because that is true. That is what is happening in Iraq. That is the contribution. That is how the people who are receiving this help, particularly from men and women in uniform, that is the true response.

Mr. WILSON of South Carolina. It really is, and particularly with President al-Yawer. He was so outspoken in his appreciation for the dedication of our young people, of families who have lost heroes, who are protecting American people; and it was just heartfelt. It was the same heartfelt feeling that we actually did see, thank goodness, with President Hamid Karzai of Afghanistan, who was here about 3 weeks ago to express the appreciation of the people of Afghanistan for their liberation and their ability now for probably the first time in history to establish a civil society.

When I say "civil society," I am talking about one that looks out for the people and the country, and one of the highlights was to meet with the minister of health in Iraq. He had previously been the minister of education, and he was telling us one by one of the progress being made in regard to education.

Thousands of schools have been renovated. These are not elegant schools with gymnasiums. These are largely one-room schoolhouses that have been repainted, many of them by the American military, with desks and with blackboards. In fact, 1¼ million book bags were distributed to the young people of Iraq from the United States Agency For International Development.

Additionally, he told us that there are 293,000 teachers in Iraq. What we hear when we read the paper is that people are unemployed. That is all we hear; but there are 293,000 teachers, and it was incredible to me.

I asked the minister what is the percentage of young people who are school age going to school; and he told us it was around 90 percent, maybe exceeding 90 percent, and that, in fact, in April when there was an upsurge in violence, the young people still came to school, and they were brought by their parents.

I find this encouraging because we know another fact is that there were 60 million new textbooks distributed in the last year. This is incredibly important. The textbooks previously had been idolatrous of the dictator Saddam Hussein. They had virtually identified him as a reincarnated Nebuchadnezer. That was an insult to their intelligence; but if that is all they read, that is all they read, that is all they heard.

Now, of course, we have all seen, as we have visited, the satellite dishes. Those were illegal under the Hussein dictatorship. Those of us who have visited, everywhere we look we see satellite dishes where it may not be all we want them to see, but they do have choices that they did not have before. So a civil society, I think, is being established.

Then the bravery that is exhibited. The gentleman from Nevada (Mr. PORTER) was very interested that we visit a hospital; and we visited a hospital, and we visited with the American troops, and we visited with Iraqi patriots. In particular, there was a city councilman who was there who had been severely injured and his young son was there, and he was telling us that his brother had been killed in the same attack a week ago prior to us meeting with him and that another son, somebody had left a package at their home and when he picked it up, it was a small bomb that blew his right hand off. How brave that he persisted in trying to build a civil society.

It just brings to mind, particularly here in the week of the 4th of July, of the sacrifices of the persons who signed the Declaration of Independence. They were not greeted with riches and with a warm response by the ruling elite at that time. They lost so much, and now we have got people who are indeed promoting the establishment of a democracy.

Mr. HUNTER. Mr. Speaker, I know both the gentlemen mentioned going through the air base in Germany, Ramstein Air Base, and going to the medical facility in Germany where our wounded troops are taken before they are brought back to Walter Reed or Bethesda; and in doing that this time, just this last week, I was reminded very strongly about what we displaced in Iraq when we got rid of Saddam Hussein, because one of the lead surgeons there had a videotape that was done by Saddam Hussein's agents as they amputated the hands of businessmen who they brought to the prison and decided, because Saddam Hussein had figured that they had not done enough for business lately and they had not brought the economy up sufficiently in Iraq in a certain period of time, he had their hands surgically amputated to give a little motivation to the other members of the business community. I imagine it did motivate them. It probably motivated them to get out of there as quickly as they could.

When I see the discussion about Iraq peel off into some type of a debating society over whether or not we have found weapons of mass destruction lately, I pull that picture out of my top drawer that has all those Kurdish mothers spread out across the hillside dead, where they were killed in midstride holding their children, holding their little babies, where that chemical hit them and appeared to kill them just where they stood, and those pictures were as poignant and dramatic as any photos I saw of any of the death camps in Germany.

I was reminded once again of what we displaced when we displaced Saddam Hussein; and certainly, we are going to have, as the years go by and more mass graves are discovered and more people come forth with their stories, it is going to become very evident that the United States of America acted when others were afraid to act, when they were intimidated or when they were incentivized not to act because of economic situations, like the French who thought they were going to get all the contracts for the big oil fields, and perhaps others who thought that they somehow would have a good political or economic relationship with Iraq.

The United States acted, and we acted on behalf of humanity because it is humanity which rejects cutting people's hands off because they have not raised the economic standard; or shooting thousands of Shiites in the back of the head and bulldozing them into open trenches because they would resist Saddam Hussein's regime; or gassing Kurdish citizens in their little villages in northern Iraq. That is resisted by humanity, and the only nation which really took action along with our great British allies and Australia allies and several others brought something to the battle but not a lot, was the United States of America, and I think we can all be proud of that leadership.

It is going to be a rocky, tough road. They live in a tough neighborhood, and there is lots of danger for that new government to face. In fact, I think the biggest challenge for their armed forces is, number one, just keep their government alive, because there are lots of predators out there that want to take them down. I think we are going to make it and we are going to have an Iraq which is benign with respect to its relationship with respect to the United States, and that is going to accrue to the benefit of lots of Americans in generations to come.

I would be happy to yield to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, just a couple of quick points.

Again, the gentleman referred to the Iraqi businessmen whose hands were cut off. They came here to the Capitol of the United States of America and had a press conference. I did not see anything about that anywhere near the front page, simply to make the point.

Mr. HUNTER. No. In fact, you know what I saw, The Washington Post had a front page article about the prison mess, and what they devoted the front and center to their front page on one day was that some prisoners in Guantanamo had asked for sugar in their tea, and they were told it was going to be a while before they got sugar for their tea. So they thought that was quite an abuse, and so instead of putting in an article about people who had their hands amputated by Saddam Hussein, they wanted to devote that very important space to prisoners who did not get sugar in their tea.

Mr. HAYES. The issue of weapons of mass destruction, let me for just a moment quote what the administration said about weapons of mass destruction.

The New York Times reported November 14, 1997, in a meeting that the White House was deciding to prepare the country for war. According to the Times, the decision was made to begin a public campaign to do interviews on the Sunday morning television news programs to inform the American people of the dangers of biological warfare and Saddam Hussein.

During this time, The Washington Post reported that President Clinton specifically directed Secretary of Defense Cohen to raise the profile of biological and chemical threat.

Again, I point out, this was the former administration, not because of partisan politics but because of the unanimous consensus that existed about the weapons of mass destruction.

On November 16, Cohen made a widely reported appearance on ABC's "This Week" in which he placed a 5-pound bag of sugar on the table and stated that that amount of anthrax would destroy at least half the population in Washington, D.C.

Cohen began his November 25 briefing on the "Pentagon Report" by showing a picture of a Kurdish mother and child that had been gassed by Saddam's Army. A bit later, standing beside the gruesome image, he described death on a mass scale: one drop of vx nerve agent on your finger will produce death in a matter of just a few moments.

Now, the U.N. believes that Saddam may have produced as much as 200 tons of vx; and this would, of course, be theoretically enough to kill every man, woman, and child on the face of the Earth.

He then sketched a massive chemical attack on an American city, on and on and on.

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Steven Hayes has written, by the way, no kin of mine. So I am not promoting my relative's book. Not a relative. I want to make that clear for the record.

Mr. HUNTER. He may make that point to you when you try to get a part of the royalty.

Mr. HAYES. That is probably true.

The book is very accurate, very concise, and there is also a condensed 7- or 8-page article on where the connection between terrorists around the world was so clearly made and tied into Saddam Hussein, his government, and their effort to promote, to build, and to harbor terrorists. So clear. So if anybody has any doubt in their mind, simply read that article, which is in the Weekly Standard, or read the book. The evidence is clear. It cannot be denied.

Mr. WILSON of South Carolina. Mr. Chairman, it should be pointed out that, indeed, a sarin gas projectile was discovered, that is a chemical weapon, and, additionally, mustard gas has been discovered, projectiles in the country of Iraq, which had previously been in the jurisdiction, obviously, of Saddam Hussein. It was clearly indicated that, of course, chemical weapons were being used against the Kurdish population by Saddam Hussein.

It is equally significant that the anthrax that was never explained as to what happened to it or where it may be, could fit in the back of a medium-sized U-haul, but yet it would be sufficient to have a horrible impact. More than the known population on the East Coast could have been killed by such an attack if it were widely dispersed, which would be difficult, but we would not want to find out. That is why we took this action. And this war in Afghanistan, the conflict in theater in Iraq, this is to protect the American people.

My colleague from California brought up our allies, but this needs to be brought out. We have 32 nations that have sent troops to Iraq. I am particularly grateful that 2 weeks ago I had the opportunity to meet a soldier from Latvia. Not in our lifetime would we ever dream that we would be meeting with a soldier from the Independent Republic of Latvia, which is now a free republic. Not any longer is it a forced member of the U.S.S.R., the Soviet Union. Now Latvia itself is a member of NATO.

It should also be noted, and it is just amazing how this is not picked up, when we express concern about NATO's involvement, we should be pointing out that 16 of the 26 members in NATO have troops serving in Iraq today. I want to particularly congratulate, because I have worked very closely as the co-chair of the Congressional Bulgaria Caucus, I want to thank the Republic of Bulgaria. I had the opportunity in Kabul, Afghanistan, to meet with the Bulgarian ambassador and commander of Bulgarian troops serving in Afghanistan.

I am very pleased there is a battalion of 495 Bulgarians serving in Iraq today. That is the largest foreign placement of troops in the nearly 1,300-year history of Bulgaria. For the first time, Bulgaria has invited a foreign country, the United States, to establish a base in their country, an air base at Burgas. This is incredible, because every other base that has been established in Bulgaria has been done involuntarily, not at the request of the national assembly.

So this is an historic time where, because of the veterans who have made this possible, I believe there is a greater spread of democracy today than in the history of the world. The way I phrased it, too, I have had the opportunity to visit with our troops, and Dutch troops and Australian and Polish troops at Bishkek, Kyrgystan; at Kharshi-Khanabad, Uzbekistan; and Bagram, Afghanistan, and all of these are former Soviet air bases that had been built to fight the United States, which are now American and coalition air bases fighting the terrorists and winning the war on terrorism.

I think it is a remarkable time for us to celebrate the successes of the American military that are unparalleled in history, and I am very proud of what is being done. I am very proud of the successes, and I am confident the young people who are today on the front lines are going to persist and, with the resolve of the American people and around the world, succeed.

Mr. HUNTER. The gentleman is absolutely right. And this Cold War was won by American service personnel. I look at Korea and Vietnam as two of the important battles in that war and battles which helped to bring that war to a successful conclusion.

The gentleman makes a great point about people who used to be behind the Iron Curtain now serving side-by-side with Americans. And I am reminded also that troops from Nicaragua and El Salvador, which were the centers of the so-called Contra wars during the 1980s, when America's liberals said Ronald Reagan should stay out of Central America; that if the Soviets want to have an influence in Central America, which they were having with the Communist Sandinista and the FMLN in Salvador, let them have it, said the liberals, and let us stay out of Central America; we cannot possibly win that war. And of course they brought back the old Vietnam thing, they said you are going to get bogged down in another Vietnam. Today, we have fragile democracies in each of those countries, and they have sent troops to stand side-by-side with Americans in Iraq to try to bring freedom to yet another country.

I was told, incidentally, that the Salvadorans in particular have fought fiercely in the Iraq theater; that they are excellent fighters and they very much support the coalition, and that they have brought a measure of strong support to our operation there. So I thank the gentleman for bringing that up because I think that is an important one.

When Ronald Reagan was bringing down the Wall, and when he met that first move of force by the Russians during his administration, when the Soviet Union started to ring Western Europe with SS–20 missiles and Ronald Reagan started to push in ground launch cruise missiles and Pershing missiles into Europe, the liberal commentators across the world said, essentially, now you have gone and done it; we will never have peace with the Soviet Union, and we have to get this Ronald Reagan out of there.

Yet, by meeting the strength of the Soviet Union with American strength, the President produced a situation where at one point the Russians picked up the phone and said, can we talk? And when they started talking, they talked not about a negotiated settlement but they talked really about the disassembly of the Soviet empire brought about by American strength.

I think this operation in Iraq, while it is tough and hard and very dangerous, is going to produce a good result in that very difficult part of the world.

Mr. Speaker, I yield to the gentleman from North Carolina.

Mr. HAYES. Mr. Chairman, as we sit here and call attention to our incredible allies, I think that we may have forgotten momentarily the Italians, who have been incredibly courageous, along with the Hungarians, the South Koreans, and the list, as the gentleman from South Carolina (Mr. WILSON) pointed out, is 32-plus members.

My colleague was talking about these agents, biological weapons, chemicals, but what I mentioned was the previous administration in the 1990s. What has happened in June 24, of 2004? Charles Duelfer, head of the Iraq weapons inspection team, announced his group had uncovered at least 10 more artillery shells filled with banned chemical weapons from the regime of Saddam Hussein. I have not read that prominently in any paper or heard it on the nightly news.

Duelfer announced that his team is finding new WMD evidence almost every day, and I quote. "A roadside bomb, discovered May 15, contained chemicals that when combined formed sarin gas. All such weapons were supposed to have been destroyed. Chemical munitions were probably stored with conventional arms at some of the thousands of weapon depots located throughout Iraq. Military officials have uncovered some 8,700 weapon depots and continue to find new ones, and estimate the weapon depots in Iraq contain between 650,000 and 1 million tons of arms."

How do you kill 400,000 people and not refer to weapons of mass destruction? It defies common sense.

Mr. HUNTER. Well, I thank the gentleman for pointing that out, and I think that the American service personnel who are serving in Iraq, because of what the gentleman has mentioned, are undergoing enormous hardship because they always have to be on guard for the possibilities that other shells, for example, that have nerve agents like the one that was picked up as an IED in Baghdad and was partly exploded to the point where the people who were the team that were neutralizing the shell got sick, there is always a possibility that more shells are going to be taken out of that particular load or cache of weapons. And that will be a danger to American troops. So I thank the gentleman for bringing that point up.

Mr. ABERCROMBIE. Mr. Speaker, I wonder if my chairman would kindly yield to me for 30 seconds.

Mr. HUNTER. I would be happy to yield to the gentleman.

Mr. ABERCROMBIE. Mr. Chairman, I notice that you have about 20 minutes more left in this hour, and I believe that the gentleman from Washington (Mr. INSLEE), myself, and the gentleman from Massachusetts (Mr. DELAHUNT), as well as a couple of other Members have an hour coming up. I found it very interesting, the conversation. Obviously, we may have some differing views on this, but I wonder if the chairman might consider that perhaps next week or the balance of the week at some time, that we could, those of us interested in this issue and have the articulate views, as my colleague and the other Members do, might consider combining our hour sometime and having a discussion?

Mr. HUNTER. I would be happy to. I would say to my friend that I would be happy to.

Mr. ABERCROMBIE. Maybe we could discuss that off the floor and perhaps we might benefit the whole American public by the kind of discussion that could take place.

Mr. HUNTER. Mr. Speaker, I would be happy to do that with my friend. I cannot guarantee the American public is going to make a sell-out crowd for us, but I would be happy to do that. Sure.

Mr. ABERCROMBIE. I am sure with this trio that is here this evening and those we could bring to the discussion, particularly those of my esteemed colleagues on the Committee on Armed Services, I think we might get an audience that might not necessarily be able to follow the hearings that the chairman has put together so far.

In any event, Mr. Speaker, I appreciate the gentleman's courtesy and we will talk about it and perhaps something good in terms of dialogue could result.

Mr. HUNTER. I look forward to it.

Mr. HAYES. Mr. Speaker, if the gentleman from Hawaii will yield.

Mr. ABERCROMBIE. Well, the time belongs to the Chairman.

Mr. HUNTER. I would be happy to yield to the gentleman.

Mr. HAYES. Mr. Speaker, I would just like to call attention to our friends here, and anyone watching, that my first real experience with the Committee on Armed Services was with the gentleman from Hawaii. We were dealing with an issue in Bosnia which demanded bipartisan attention, and when it comes to supporting the men and women in uniform, the gentleman from Hawaii (Mr. ABERCROMBIE) is there. He will be there with you.

So I thought it was appropriate to call attention to a very fine memory, of many that I have, of the gentleman from Hawaii.

Mr. ABERCROMBIE. Mr. Speaker, I am very grateful, Mr. Chairman. I will yield any time to take that kind of compliment.

Mr. HUNTER. You better leave on that one. That is a good one.

Mr. ABERCROMBIE. Can I leave now?

Mr. HUNTER. I thank the gentleman.

Mr. WILSON of South Carolina. Mr. Speaker, I want to also join in thanking the gentleman from Hawaii for his constructive suggestion.

But I want to reiterate again too that the war we are into, this global war on terrorism, is not something the United States sought. It is my humble opinion that the first attack was really in 1979, with the attack on our embassy in Tehran. We can all remember the signs that were carried at that time were "death to America." It does not need a discussion. That is what the intent is. And the reason for this feeling is because the United States represents freedom of association, of speech, as we just saw, freedom of women to participate in society, and freedom of media. All of this is being opposed by people who want to construct a 14th century life-style.

This is not a religious war. To me, it is a group of extremists who, as we saw last week, there was a heinous suicide bomber who attacked a Shiite mosque in Pakistan. Imagine just going straight into a mosque and killing 20 people. This is just something that has to be faced, and we either face the enemy overseas or we will again see them here in the United States, as we did on September 11.

September 11 was the culmination of a direct attack on the United States in 1993 on the World Trade Center, a direct attack on our embassies in 1998, at embassies all throughout Africa, and then, of course, the infamous attack on U.S.S. *Cole* in Yemen in the year 2000, and finally the attack of September 11, 2001. America is responding.

And I am very grateful that just as after World War II we helped rebuild Germany so it would not be a breeding ground for communism, we are helping to rebuild Iraq. I am sorry that it does not get the attention it should. It is probably just dull to hear that there is freedom of the press and media in Iraq. It is dull to hear the schools have been reopened. It is dull to hear the hospitals have all been reopened and the health clinics are available. But it is not dull. It is creating a civil society that protects the American people. We were able to protect the American people and defeat communism, and I am confident we can do the same thing in defeating terrorism.

I am so happy the gentleman brought up Ronald Reagan. It was 20 years ago virtually this minute that he was attempting to win the Cold War by putting Pershing missiles in Western Europe. Millions of people demonstrated against that in the United States and Western Europe. It ultimately led, again, to our victory.

I had the extraordinarily opportunity Sunday to meet with people at our church who are from Russia, and I was telling them how incredible it was for me to be there with them, because 15 years ago we were told that they like living under communism; that due to their serf background, they liked being slaves; that they really did not want to have to make decisions of who to elect and how to elect, what jobs to take, how much money to earn, whether they could buy a car or not; that they really enjoyed living in oppression.

□ 2045

We know that is not true. The dear Russians that I met with on Sunday said how much they appreciated what President Reagan and the American people have done to provide for their liberation. The same analogy applies to the people of Iraq and Afghanistan. It is such a positive time to see what our troops are doing.

Mr. HUNTER. Mr. Speaker, I yield to the gentleman from Georgia (Mr. GINGREY), also a great member of the Committee on Armed Services

Mr. GINGREY. Mr. Speaker, let me thank the distinguished chairman of the Committee on Armed Services. I know if the troops who are so bravely defending us, our liberty in Iraq and Afghanistan, if they have any opportunity to read a newspaper or listen to a radio or watch television, I know they know that if there is any greater friend than the chairman of the House Committee on Armed Services, the gentleman from California (Mr.

HUNTER), it is possibly the Commander in Chief, George W. Bush. I thank the gentleman for giving me an opportunity to say a few words tonight during this important hour.

Mr. Speaker, earlier this year, the 108th Congress appropriated some $187 billion to Operation Iraqi Freedom. $18.5 billion was to restore the infrastructure of this Middle Eastern country long neglected by their dictator, Saddam Hussein. While Saddam Hussein was incurring huge debts, some say as much as $100 billion to build up his own personal military and to construct numerous palaces, compounds to his own glory and edification, those of us on both sides of the aisle of the committee, we were there and saw these palaces. While at the same time the typical Iraqi citizen, especially the Shiite majority and the Kurds, was not only suffering from a lack of the basic necessities of life, but they were also being killed and tortured with reckless abandonment.

Mr. Speaker, I could talk more time than I am allotted about how we are expending this $18.5 billion appropriation to restore the infrastructure, the needs, basic needs such as water and sewer plants, electricity, and schools; but let me use the time that I have got to discuss something that I know a little bit about and that is called health care.

I am a physician member of the House of Representatives; and along with my colleagues on both sides of the aisle, I care deeply about the health care, most basic health care needs of the impoverished Iraqi people.

Mr. Speaker, let us do a little before and after comparison on health care expenditures in Iraq. Saddam Hussein's regime provided only $16 million for the ministry of health in 2002. That was less than $1 per person. This is a 23 to 24 million population country. The Iraqi medical system severely lacked medical equipment and capabilities. Doctors' salaries were about $20 a month.

Today, Iraq's 2004 budget for health care is $950 million, a $934 million increase over 2002. All 240 hospitals and more than 1,200 health clinics are now open. The minister of health assumed full independent authority on March 28, 2004, and the minister of health is addressing drug shortages by making emergency drug purchases. Health care spending in Iraq has increased 30 times over its prewar levels, and children are receiving crucial vaccinations for the first time. Over 5 million children have been immunized for measles, mumps, and rubella. Every child in our country gets that basic right. It is estimated that 85 percent of Iraqi children now have been immunized.

Mr. Speaker, in conclusion, I was listening to some discussion on this floor of the House earlier and a member on the other side of the aisle spoke about fairness. He used that little cute way of saying the F word, and the F word being fairness, and said it was not fair for us to be spending money on the health of the Iraqi people when it is estimated 40 million Americans do not have health insurance. But, Mr. Speaker, they have health care. They may not have health insurance, but they have basic health care; and I would remind my colleagues on September 11, 2001, 3,000 of our citizens, citizens of other countries, had good jobs with health care and health insurance, but they were killed. They are not with us today. Their families no longer have their presence, and yet they had great health care. So it is hugely important that we provide this infrastructure, this basic health care need to the Iraqi people.

It would be unconscionable to free them from the dictatorship of Saddam Hussein and leave them in poverty and squalor without having these basic health care needs met, because we would just be creating yet another dictator to take Saddam Hussein's place. I think it is entirely appropriate that we spend this money to restore the infrastructure, including the health care, the basic health care needs, of the Iraqi people. With that I yield back to my chairman.

Mr. HUNTER. Mr. Speaker, I thank the gentleman from Georgia (Mr. GINGREY) for the point he has made. It is a very important point. That is the message that I think has gone out to people around the world. They really understand the goodness of this country. Interestingly, they might not understand by watching our own television, but they have enough experiences with their own families and with their own view of the world to know that the United States is a good country.

I am reminded of a couple of years ago when my parents were in Manila in the Philippines, and the Philippines were undertaking demonstrations against the United States. The demonstration leadership would walk over to the line of Filipinos waiting to get visas to come into the United States, and they would hire people to take hold of signs that said "Down with the United States," or "The United States out of the Philippines." They would hire them to demonstrate against the United States and after they demonstrated awhile, the demonstrators would then give back their signs to the organizers, and they would retake their position in line waiting for their visa to the United States that they just demonstrated against.

I think it is clear to the Iraqi people that we are the good guys. I think they are reflecting on this now as we have turned this government over. They have been ruled by a government for so long that was very self-serving. Its own survival and its own enrichment were the major goals that it undertook. Here is the United States, which has expended an enormous amount of human capital and our economic capital in this part of the world, and yet what we are asking them to do is be free; be free, grow your economy, become prosperous, become a member of the world community, which does not oppress its people; and it is our hope if you have a free government, you are not going to oppress other people.

The Iraqis are going to have to be tough to maintain this government. There are going to be bombs and explosions going off in Iraq for a long time to come. If the pouring in of resources could stop explosions from going off, we would not have explosions in Israel right now, but that is a fact of life in that part of the world. It is going to have to be a tough government with some grit. They are going to have to develop a military that has the capability of protecting that government and protecting this running chance at freedom that we have given the Iraqi people.

Maybe it will not work; but from the beginning of time to the end of time, the only time when the Iraqi people will have had a real chance at freedom is when the Americans were there, and that is something we can all be proud of.

Mr. Speaker, I yield to the gentleman from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. Mr. Speaker, I would like to reiterate some other heroes who are serving our families, and that is the families and employers. The families are so dedicated to our servicemembers who are serving overseas, men and women. We all know first hand of circumstances where families are making sacrifices. Additionally, we have got family support groups that we have community support for. Anyone who wants to help members of our Guard and Reserve, in any phone book will be the listing of an armory. They can contact the unit clerk or the AST and offer to assist in some way.

Also, employers. We were very fortunate 2 weeks ago to have a hearing put together by the gentleman from Minnesota (Mr. KLINE), himself a retired Marine colonel. It was brought to our attention how employers are coming to bat for the people who have been mobilized and deployed. There are some indications of obvious problems; but I was told, and during the hearing it came out, for every one problem, there are nine good stories of where businesses have come forward to assist their employees who have been deployed.

They know the Soldiers and Sailors Civil Relief Act, now the Servicemembers Civil Relief Act, will protect our servicemembers. Additionally, there are reemployment rights that will accrue to the people in the Guard and Reserve. We are all here to help make sure that they have the jobs that they had when they left, they have their seniority, that they have the ability to blend back in and assimilate right away into American society. But it is the employers who are doing this voluntarily.

Again, families and employers deserve a great deal of credit in helping us win the war on terror.

Mr. HUNTER. Mr. Speaker, the gentleman has described something very important to our country and that is all of us pulling together. That means we are pulling together whether you are part of the family and you know your husband or loved one is going to have to take off and spend some time overseas and you are going to try to pull through those difficult times, or if your neighbors are going to help out or relatives are going to help out. Or as the gentleman has said, employers are going to help out. This country has got to pull together. We have done a lot of that.

One thing that the gentleman from North Carolina (Mr. HAYES) has worked on so much is American businesses pulling together. That means if you are a business, you are a prime contractor in this country and you can buy a piece of material or a machine tool from another country but you have the opportunity to buy one from Americans, and employ Americans by your purchases, create jobs in America by your purchases, take a look at that and that is something that the gentleman from North Carolina (Mr. HAYES) has been encouraging our American businesses to do. That is part of pulling together.

We are going to have to all do that with the same spirit that we used to win the Cold War and World War II.

Mr. Speaker, I yield to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, I appreciate the effort that the chairman has put into that because a strong industrial defense base is the key to our future. With economic security and good jobs in this country, then we are able financially to support our wonderful military.

A couple of quick things. President Bush has stood tall for freedom in America and freedom around the world. He said, "Democracy is the surest way to build a society of justice. If justice is the goal, them democracy is the answer." President Bush has stood tall for our troops in Iraq. What do the Iraqis say about what is happening? Well, 68 percent has confidence in the interim Iraqi Government, and 79 percent think the interim government will make things better for the Iraqis.

Mr. HUNTER. Mr. Speaker, mentioning the President reminded me of something Saddam Hussein said, because the other day when he got to have his say in court, which is something he never gave the people that he oppressed, he said words to the effect that he would not be there if it were not for George Bush. I will not repeat the adjectives that he used to describe President Bush, but when he said he would not be there if it were not for President Bush, or words to that effect, he was right, George Bush and about 300,000 great Americans in uniform. The point is we have to be the leaders of the free world. If the free world were not led by the United States, I do not think there would be a leader in the free world.

Mr. HAYES. Mr. Speaker, President Bush stood up for freedom, as well he should.

Just a couple of weeks ago at President Reagan's funeral here in Washington, I had the unique privilege of standing in line waiting to walk by the casket of former President Reagan with Mikhail Gorbachev.

□ 2100

They called Reagan a cowboy; but Mikhail Gorbachev, his adversary at that time, was at his funeral saying that that man stood up for freedom, and he won the Cold War, just like President Bush is standing up and winning the war on terrorism and our troops are making that happen.

Mr. HUNTER. Mr. Speaker, I thank the gentleman from North Carolina (Mr. HAYES). It must have taken a lot of grit for Mikhail Gorbachev to have all of the previous speakers or the speakers at that ceremony talk about how Ronald Reagan equipped him; but, you know, he put up with that and then paid his respects to President Reagan. And I think there is a message there, and that is that the goodness of America comes through, and ultimately it persuades others to follow the path of freedom. I thank the gentleman for his comments.

And I think, Mr. Speaker, we are out of time. We would like to yield back the balance of our time.

IRAQ WATCH

The SPEAKER pro tempore (Mr. GINGREY). Under the Speaker's announced policy of January 7, 2003, the gentleman from Hawaii (Mr. ABERCROMBIE) is recognized for 60 minutes as the designee of the minority leader.

Mr. ABERCROMBIE. Mr. Speaker, as you know, and our friends know, we have been engaged in a conversation for some months now with regard to what we have come to term the Iraq Watch; and I was very pleased to note that my good friend and esteemed colleague, the chairman of the Committee on Armed Services, the gentleman from California (Mr. HUNTER), indicated in the last hour that he and other Members were occupying, that they would be pleased at some point, perhaps in the future, to work out an opportunity for a dialogue, not necessarily a debate, but a conversation among friends with respect to Iraq and its implications for the United States, perhaps even combining hours. I do not know what the rules are precisely on that, and I do not ask for a ruling on that right now, Mr. Speaker; but at some point we hope to be able to do that, hopefully for the benefit of the membership and for those members of the American public and others that may be tuning in to our Special Orders.

For this evening's opportunity, however, I wanted to begin our discussion tonight with some references and observations over the so-called handover of sovereignty. I think, Mr. Speaker, you might agree that with respect to Iraq, and unfortunately not only Iraq, there tends to be opportunities for the media in particular to seize on certain phrases. They become almost phrases of art. These phrases then substitute for a whole panoply of analysis that might otherwise usefully take place.

In this instance, the phrase that I am referring to is the so-called "handover of sovereignty." Handover of sovereignty, what that means is not clear to me at this stage.

What I did observe during our break was a ceremony which took place under very, very strained circumstances. The television news was suddenly filled with the ominous music, the drumbeats, the portentous rhythms that seem to indicate that something of spectacular import is about to happen. Breaking news. Stentorian voices, a sound, and then suddenly we are told, well, we are going to go to the handover of sovereignty in Iraq. It is to take place in secret. It is to take place with a pool reporter there, apparently a pool camera. It is in some secret room somewhere in the green zone, presumably, I guess, in one of the palaces, or what are referred to as palaces, in Baghdad; and, suddenly, there is Ambassador Bremer and some folks there with handshakes and pieces of paper passed back and forth. No real idea of what it is all about other than smiles and handshakes all around.

And suddenly sovereignty ostensibly has been transferred or handed over. That it took place in secret, that it took place ostensibly to prevent terrorist activity from disrupting it probably speaks more about what the handover was actually all about and whether or not the word "sovereignty" might properly apply.

In both instances, I think not. There was no handover of sovereignty. How can there be sovereignty when you do not control your armed forces, when the first pronouncements of your ostensibly sovereign government involve the possibility of imposing martial law on your own people and indications that the governing authority, that is to say the Coalition Provisional Authority under Mr. Bremer, still absent him in person, is going to be in charge of the military activities, presumably, according to this handover of sovereignty ceremony, under some kind of group discussion terminology.

Again, I fail to understand exactly how this "partnership," which was referred to between the so-called sovereign Government of Iraq and the Government of the United States through its military, is supposed to take place.

It is unclear to me that the questions that I asked of Assistant Secretary of Defense Wolfowitz in our Committee on Armed Services hearings, unclear to me whether these questions were answered. I simply said, "Who is in charge? Who has the authority?" And what I got was the usual dissembling and allusions to the idea of group discussions taking place. I am not quite sure how one responds to military situations in the arena of group discussions, but I suppose it is possible.

My own thought at that time was, and I said at that time and repeat again tonight, that my perception was that at the turnover of sovereignty, at least as best I was able to understand that term, the American military would be set adrift on a desert sea and would find itself in a situation of being the first responders in an Iraqi crisis and that we would be uncertain as to who exactly was issuing the orders and under what circumstances they would be obeyed.

This constitutes, for me, a crisis of another character, a crisis for us to answer; and in that context it is clear to me that the handover of sovereignty amounts to little more than a propaganda device meant to try to distance the political consequences and implications of our occupation from the political realities as the election approaches.

Obviously, people will have to make their own minds up on that score; but in relation to that then, among the first pronouncements of this sovereign government was that under consideration was a possible policy of amnesty and that the amnesty would extend to those people who had murdered American troops, those people who had been involved in the insurgency that has taken place since the hostilities or major hostilities were pronounced at an end, i.e., mission accomplished by Mr. Bush some time ago on the infamous aircraft carrier stunt.

And subsequent to that, obviously this insurgency, again, this is a term that has been adopted by the media uncritically, has resulted in numerous deaths and woundings. Most members of, certainly, the Committee on Armed Services and other Members of the House of Representatives and members of the subcommittees of the other body have traveled both in their districts and here in Washington and in Germany to hospital situations where we have been able to speak with and, hopefully, bring some measure of comfort and support to members of the military who have been wounded, members of the military and others, including civilian employees. But all that has taken place since this pronouncement that the war was essentially over, that the major activities surrounding the invasion was over; and now we find that this sovereign government is contemplating offering amnesty to those people.

Now, if that is in fact what this has come to, I think the implications and consequences are serious indeed. There is no question in my mind that there will be some very serious dialogue taking place in this Nation if that is what this was all about, the opportunity for a government that has come into being solely as a result of the activities of the United States of America subsequent to the invasion, including and subsequent to the invasion of Iraq; and now we find a general amnesty being contemplated.

That was never discussed, to my knowledge, with any members of the Committee on Armed Services. It was never discussed, to my knowledge, with members of the subcommittees of Congress generally as to whether or not that was something that we could abide. One would think that at a minimum this sovereign government in Iraq would have the courtesy, if only out of respect for those who have died and those who have been wounded on their behalf, to at least engage in some form of a dialogue with the United States in regard to that possible amnesty.

I see my friend from Washington is about to ask for the floor, and I would be happy to yield to him.

Mr. INSLEE. Well, I appreciate this, and I would like to contrast the phony, alleged sovereignty in Iraq with the real sovereignty and democracy in the United States; and this is a thought I had while sitting on the West Lawn of the Capitol watching the fireworks that were so spectacular on July 4th over the Washington Monument. And as I was looking at the fireworks, I was thinking about some of our work on the Iraq Watch, because the thought struck me that the reason we became a democracy, and such a strong one, is we had people who were rebellious and questioning and demanding against their government.

We had a bunch of people in the 18th century who were rebellious to King George, who abused the trust that this monarch had of his people, who was not honest with his people, who was fraudulent with his people, that got his people into difficult positions without their consent. And the thought struck me that that rebellious, demanding, questioning attitude that the patriots had that started this country is the same attitude of folks who are questioning this President who has not told the truth about the American people that started this war; and we ended up a sovereign country because we are demanding.

And I just note that as a theme tonight of our Iraq Watch that we demand the truth from our government, and the truth is that this phony allegation of sovereignty in Iraq is what I might call rose petal number 512, because this entire Iraq policy has not been based on reality. It has been based on a series of rose petals. Number one was we were told by Mr. Wolfowitz, rose petals literally would be strewn at our feet. Rose petal number two is when we were told that when we just caught Uday Hussein, the insurgency would stop. Then we were told when the other Hussein brother was caught, the insurgency would stop.

Rose petal number 300, I think was when they said Saddam was caught, the insurgency would collapse. Rose petal number 412 was when they said all of these people who are doing violent acts in Iraq, they are just a bunch of foreigners, and as soon as we get the foreigners out, it is not the Iraqi people who were upset we were running their country, it is just these people from Syria.

Turned out yesterday we found, like, 5 percent of the people in our custody are outside of Iraq. The problem we have got is some Iraqis we are battling with are another rose petal. And this is the ultimate rose petal that this administration is trying to foist on us, the American people, that unfortunately is not going to work. We lost three Marines today following the "sovereignty" rose petal.

The fact is we have got to face reality in Iraq. This administration has never faced reality in Iraq. This administration has consistently given us misinformation; and until this administration changes its attitude, or the people in the White House change, we are going to be in trouble in Iraq.

You know, look at the situation. We keep hearing about, oh, there is nothing but good news in Iraq, about all these rebuilding programs, and we have people who are working very hard, people in the military are working hard. I am sure some of the people at Halliburton are working hard, too. It is too bad they are charging us twice as much for meals as they are supposed to be, but I am sure they are working hard.

□ 2115

But when an assessment was done, I believe by the GAO, they found that less than 2 percent, less than 2 percent of the reconstruction projects that we voted in October to fund have been done; 140 out of 2,300 reconstruction projects have been done. Electricity is still not working in Baghdad as much as it was for the average person before the war.

Yet we continue to get these rose petals that the administration tries to feed us, and it is this type of attitude based on falsehood and mysticism that have got us in this problem.

Mr. HOEFFEL. If the gentleman will yield, I certainly respect and agree with the comments of the gentleman from Washington. This sovereignty in Iraq does seem like a false sovereignty, when you realize the facts on the ground.

Number one, this new Iraq government has no ability to protect itself or its citizens or defend against the violent insurgency. All of the security requirements remain on American troops, approaching 140,000 American troops, and the sad fact is we have yet to stabilize that country. We have not been able to contain the insurgency.

The highest suggested number of people in that insurgency, the highest estimate is 10,000, and 10,000 violent insurgents have not been controlled, cannot yet be contained by 140,000 brave American troops. The reality is we do not have enough troops to stabilize Iraq; we have not had enough; we do not have the international troops; and we do not have the Arab League troops that we should have.

This new sovereign government does not seem so sovereign. They are also not in control of their own reconstruction. The $20 billion of American funds appropriated by this Congress for reconstruction, the gentleman is absolutely correct, has not yet been spent, and, when it is spent, it will be controlled by the American embassy. This is probably the right thing, because it is American dollars, but it is an all-American list of contractors, many of them picked with no-bid contracts, no-bid awards, like Halliburton, and the so-called sovereign government of Iraq will have no control over that money.

Thirdly, they were talking the other day about delaying elections. The White House said no, you are not. We are going to have elections, whether you are ready or not, in January of 2005.

I do not want to see elections delayed either. I would like to see them moved up even sooner. But here is this Iraqi sovereign government that does not control its own security, does not control the reconstruction in Iraq, cannot even decide when to have elections, and yet the President wants to continue this fiction that we have established a sovereign nation of Iraq.

It has not happened yet because we do not have security. Fundamentally we do not have security. We cannot meet our shared goals. I think every member of the Iraq Watch, today and for the last 15 months we have been doing this, has agreed with the President's goals of a stable, peaceful Iraq that is pluralistic and hopefully democratic. None of those goals can be reached without security. We cannot have reconstruction without security; we cannot have a sovereign nation under a new government without security; we cannot have elections without security.

This President has been unable to attract the international troops, the NATO troops, the Western European troops, the Arab League nation troops, that clearly need to be added to our brave American troops to get up to the several hundred thousand troops that Army Chief of Staff Shinseki quite rightly said a year and a half ago would be needed.

Mr. DELAHUNT. Mr. Speaker, if the gentleman would yield, I think Secretary Powell, as it was reported in the book just recently released by the Pulitzer Prize winner Bob Woodward, my memory of the quote is that if you go to Iraq, Mr. President, you own it.

Well, the truth is, we do own it. I was interested in hearing from our colleagues and friends on the other side of the aisle, particularly the chairman of the Committee on Armed Services, when he acknowledged that it is really the American soldier that is doing the work today in Iraq. Yes, we have allies there, the British obviously have made a commitment and there are some Australians, but other than that, there are very few substantial commitments to preserving security in Iraq today.

As our colleague the gentleman from Washington (Mr. INSLEE) just noted, we hear from some quarters that everything is fine, and we know that is not true. I think it is important that the American people understand that we are far past making this a partisan issue. This is not about Republicans and Democrats, this is truly about the direction of where this country is going, and it is absolutely essential that we be clear and honest and forthright with the American people.

Let me just quote one very famous, highly regarded, well-respected traditional conservative, William Buckley. We all know William Buckley. He certainly has contributed through the years to discourse, to the public discourse on major issues in this country. As we all know, he recently resigned, retired, if you will, from the publication that he brought forth many years ago. But even a traditional conservative Republican like William Buckley expresses amazement about what is occurring in terms of the stories and the fantasy that is coming from this administration, particularly the White House.

He recently said that the White House has a dismaying capacity to believe their own PR, and until we finally acknowledge what the reality on the ground is, we cannot have a debate.

I am always brought back to that very famous statement by David Kay. Now, David Kay, as we all know, and as I am sure many who are listening to our conversation tonight are fully aware, was a former United Nations inspector, an American, who earned an excellent reputation for integrity, for knowledge, during the work done by the United Nations in terms of ensuring compliance by the Saddam Hussein regime with a variety of United Nations sanctions relative to the weapons of mass destruction.

Prior to the war, he stated that he was convinced, from what he heard from the administration, that in fact the Iraqi government possessed weapons of mass destruction. He was assigned by this administration, by this President, to lead a group to go to Iraq and conduct a survey and do a thorough, exhaustive, extensive search for those weapons of mass destruction.

When he came back, he made that famous statement before a Senate committee, saying we were all wrong, and here it is depicted on the cover of Newsweek Magazine. And as time has gone on, he continues to express his concern that we are losing our credibility in the world and that our role, our prestige, our claim to moral authority is eroding on a daily basis, and he pleads with the administration to come clean.

So let me just suggest that until that occurs, that until there is honesty on the part of this White House and frankness and candor, and not just simply press releases and flyovers of Baghdad, we all know that our troops are doing a job that reflects well, not only on them, their families, but our country, but the truth is too that their morale has eroded. And yet we never hear anything from this White House and this administration about that reality, about the reality that a survey was done by Stars and Stripes, a military magazine, that established that 52 percent of Army personnel describe morale as low.

That is dangerous. Let us respect them for what they do, let us acknowledge their heroism, but let us not paint an unrealistic picture, or we do the American people and the American military a disservice.

Mr. ABERCROMBIE. Mr. Speaker, reclaiming my time, I wanted to yield to the gentleman from Connecticut (Mr. LARSON).

Mr. LARSON of Connecticut. Mr. Speaker, I thank the gentleman from Hawaii, and most of all I want to thank the esteemed Members who have participated week in and week out in the Iraqi Watch. I think you do a service to the country.

As the gentleman from Massachusetts was saying, our troops have performed extraordinary under unbelievable circumstances. I, like many of you, have traveled to the Middle East three times, twice to Baghdad in the last 9 months. I can recall vividly when Tommy Franks was before our committee and I asked him about the policies of preemption and unilateralism and how he felt about that. The general paused and looked at me and said, "Well, Congressman, that is above my pay grade." He says, "But we have long learned in my service to the country that we are able to distinguish between those who wave the flag in Washington and those who have to salute it and follow orders."

As the Iraqi Watch has done throughout this, commending our troops for their valiant effort, but as our leader NANCY PELOSI says, our troops in many respects need policies that are worthy of our sacrifice. It is clear to me that the Pentagon, the civilian Pentagon's ideological reach has exceeded our military grasp and has, as has been pointed out here this evening, has placed our men and women in harm's way.

The gentleman from Pennsylvania (Mr. MURTHA), a valued colleague of ours, in describing the ongoing turf battle between the Department of Defense and the Department of State, concludes that there were plans that were separately conceived, poorly coordinated, based on false assumptions, poor intelligence and outright lies from Ahmed Chalabi, that have placed our men and women in the situation that we find ourselves today.

Because of your nightly efforts, and I assure you, people in my State of Connecticut and throughout my district, the First Congressional District in Hartford, have heard. I have conducted several forums back in my district, and I find them incredibly informative in the sense that people want to come out and speak out about this issue, because, as the gentleman from Massachusetts (Mr. DELAHUNT) has pointed out, this is not a partisan issue. This is about the soul of the country and who we are and what direction we plan to go. And it is important, as the gentleman from Hawaii (Mr. ABERCROMBIE) said earlier this evening, that we have this open dialogue and debate, a real dialogue with the American people, about our future, about our brave men and women, and how we intend to proceed now that we find ourselves in this quagmire called Iraq, moving forward.

Yes, it can be acknowledged that it was a good thing to be rid of Saddam Hussein.

□ 2130

But in traveling to the Middle East and talking to Ambassador Jordan in Saudi Arabia a year before the outbreak of the war, he warned prophetically that if we unilaterally and preemptively strike Saddam Hussein, that what we will do is unwittingly, unwittingly accomplish what Osama bin Laden failed to do and create a united Islamic jihad against the United States. We find that our brave men and women now who are over in Iraq are faced with people pouring over the borders answering the call to jihad.

The United States has to proceed in a manner, as the gentleman from Pennsylvania (Mr. HOEFFEL) pointed out, that allows us to stand up, in as timely a fashion as we possibly can, the Iraqi Army, civil defense, and police. But as the gentleman from Massachusetts (Mr. DELAHUNT) also points out, if the Iraqi people do not embrace democracy as much as we want them to, it is up to them ultimately to embrace this democracy. And if our presence there only inhibits that, then there has to be an ongoing examination and dialogue of an appropriate exit strategy for us that is strategic in its thinking.

Tactically, the United States and our men and women who wear the uniform have performed brilliantly, but we have not strategically had a plan that will allow this government to stand up the way all of us want to see it happen.

Mr. ABERCROMBIE. Mr. Speaker, reclaiming the time, on that note of our analysis of what the domestic questions are that need to be answered in Iraq, it is probably appropriate that the gentleman from Ohio (Mr. STRICKLAND) comes to us at this time, because if anybody is in the heartland of where domestic issues are in the forefront, I would say that it is the gentleman from Ohio (Mr. STRICKLAND), his district and his State; and I yield to the gentleman.

Mr. STRICKLAND. Mr. Speaker, I thank the gentleman from Hawaii, my friend, for yielding; and I want to thank each of my colleagues for talking about this important subject.

I do come from Ohio, the heartland of our country. I have so many veterans in my district, people who are intensely patriotic, people who honor our country by service, and they have historically. The people in my district are concerned. They are concerned about the continuing deaths that are occurring in Iraq. Well over 850 of our American soldiers have now lost their lives. Many thousands, 4,000 seriously injured, many more injured with less serious situations.

But the fact is that we just went through the celebration of the 4th of July; and throughout my district as I went to parades and festivals and celebrations, I talked with a lot of veterans. Many of these guys are old World War II guys. They know what war is like. Many of them are so deeply troubled by what is happening to our soldiers. The fact that we sent them to battle without adequate equipment, the fact that even tonight, I would emphasize as we stand here in the safety and security of this hallowed hall of the House of Representatives, we have American soldiers in Iraq and they are continuing to drive unarmored Humvees well after more than a year, certainly, when they should have been equipped.

So as was said earlier, the planning that went into this war was so inadequate and inept and, quite frankly, the immaturity of the decisionmakers. I am talking about from the Vice President on down to Deputy Secretary Wolfowitz and Richard Pearl and others. They were so naive. These folks who were so intent on sending our young men and women into battle; had these assumptions that were so inadequate and incorrect and, as a result, we sent soldiers to battle without adequate equipment, without adequate planning; and it is a tragic result, an absolute tragic result. Every precious life that has been lost affects families, children, spouses, moms and dads, aunts and uncles, and the community that that person has come from.

It just seems to me that we have an administration that somehow does not understand what is happening. Maybe it is because they know of no one who is personally involved. It has been pointed out that out of the 435 Members of the House and 100 Senators, that only one of us, out of the 535 of us, only one of us has a son who is an active duty soldier engaged in this conflict. So many of us who serve here do not know anyone who is a soldier in Iraq or in Afghanistan. We do not know of anyone who has lost a son or a daughter. So it seems to be something that is removed.

I would like to say just one thing before I yield to my colleagues, and I say this to the parents in my district; and I think the parents across this country need to be aware of this. We are now calling up soldiers for further duties who have already fulfilled their contractual obligation as soldiers, and the reason we are doing that is that our military is spread so thin. What would we do if there was an episode that resulted in the overthrow of the regime in Saudi Arabia, for example? What would we do? We do not have the soldiers we need to meet our obligations.

Many parents who listen to these proceedings here in the Chamber may not feel personally involved in this war effort. They may feel like that is the President's decision, and we are going to trust the President. But if they have children, 14, 15, 16, 17 years of age, they should be paying attention, because if this administration continues in office and does not change its policies, I think it is inevitable that we will have a mandatory military draft.

Now, I think that is a fact of life. The President may not want to admit it. The Secretary of Defense may not want to own up to it. But I think the facts are that we cannot continue to meet our military obligations without a military draft under the policies that are being pursued by this administration.

So the moms and dads in this country who have children may ought to pay attention.

I yield to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Speaker, the evidence that supports that premise is the reality that within the past week or two there has been a call-up of the so-called "ready reserve," almost 6,000. Now, these are men and women who performed for their country, who obviously did their active duty, did their active reserve, have returned to civilian life, and in some cases for years have been civilians, and now, out of the blue, they are back into the active military on their way to Iraq.

Mr. ABERCROMBIE. Mr. Speaker, if the gentleman will yield, because just before I came back, let me give my colleagues something so that it is not abstract. I will tell my colleagues exactly what I had to deal with and what came up while we were away on our holiday.

My staff representing my delegation was briefed by Major General Lee, the adjutant general of the State of Hawaii, on the situation of the 29th Brigade, Hawaii Army National Guard. The Secretary of Defense and the Secretary of the Army approved the alert of the 29th Brigade for deployment to Iraq. Earlier indications were, of course, that the 29th would be deployed to Afghanistan; but the situation on the ground in Iraq now requires additional soldiers from the 120,000 now there, and the enhanced 29th Brigade is needed.

Now, this is happening all across the country; and if anybody thinks for a second that the 5,000 or 6,000 that are going to be involved in this current recall-up, involuntary call-up is going to solve it, I think they are dreaming.

The 29th is one of the two remaining National Guard brigades not yet activated. It will perform reinforcing missions.

Remember when I indicated here before that when this so-called sovereignty occurred, the United States military would be set adrift on a desert sea.

They will perform reinforcing missions, whatever in God's name that means. The expected deployment will be 12 months. The brigade will have to travel off-island to train up, because the normal training entity, the 25th division, of course, is now deployed itself. The brigade may go to Fort Bliss, et cetera; expect the deployment to Iraq to take place shortly.

Then what do we have to do? The adjutant general then had to brief all of the mayors that once the alert notice was released in Washington, we had to then discuss what the impact would be on homeland defense and natural disaster impacts back in Hawaii, because the Guard normally is going to address those situations. The National Guard is, of course, the primary backup to civilian authority. Now we are going to have to rely on the Air National Guard since most of the Army National Guard is going to be deployed. Now, this is just in Hawaii.

Now, we can imagine what is taking place elsewhere all around the country? Part of our problem area in Hawaii is that the police and fire departments are going to be adversely affected because a major portion of the Army guard are police officers and firefighters and teachers. So there will be about 2,500 soldiers from Hawaii and about 3,500 coming from American Samoa, Guam, and California. Now, that is just one instance; and that is the reality.

I want to conclude by saying the impacts on this are considerable, because the employers, whether they are public employers or private employers, have to take into account the absence of these folks at this particular time. What is happening right now is we are denying what the realities of the necessities for troops are in Iraq and Afghanistan and are masking it over with Guard and Reserve deployments; and we are going to have to pay a fearful price for that.

I yield to the gentleman from Washington.

Mr. INSLEE. Mr. Speaker, I think it is important to ask the question why we are in this fatal, mortal, disastrous situation in Iraq. Why are we in this situation where we are calling up people whose military service was essentially over? Why? We have put two of the training brigades that act as the enemy at various forts around this country, they pose as the enemy, and that is why we have such a well-trained Army. We have three of those Army units, and two of them have now been sent to Iraq to fight the Iraqi insurgents. We are not training our soldiers adequately.

Why are we in this debacle? I want to suggest it is just a continuation of the movie "South Pacific." Those World War II veterans remember that there was a song called "Happy Talk," happy, happy, happy talk; and that is what this administration has planned a war over was happy talk.

Look at Paul Wolfowitz, the Assistant Secretary of Defense who came to us and told us that the American taxpayers would not have to pay a dollar for this operation. Remember those predictions?

Mr. DELAHUNT. And that by this time, I say to the gentleman, there would be less than 30,000 troops in Iraq.

Mr. INSLEE. That is right. He said the Iraqi oil is going to pay for all of this. Look what he said the other day when he was asked what happened. He said, "I think there was probably too great a willingness to believe that once we got to 55 people on the black list, the rest of those killers would stop fighting."

Talk about rose-colored glasses, where people are committing suicide bombings to think that the next day, they were going to join the chamber of commerce, when we decided there was a new government in town. This was happy talk that is resulting in the deaths of our soldiers today and the incapacitation of the greatest military on Earth.

Just to give an example of how bad it is, I will tell my colleagues, if I were a soldier holding a 50-caliber on the top of a Humvee, I would be proud of the people I serve with; but I would not be very proud of the civilian folks who have gotten me in this predicament on the streets of Baghdad.

Look at this answer from General Myers, chairman of the Joint Chiefs of Staff, about the civilians of the intelligence community and the lack of intelligence that our soldiers have been given. He was asked recently during Senate testimony whether the Iraqi insurgency was being coordinated from a central hub, and he responded, "The intelligence community as far as I know will not give you an answer because they can't give me an answer."

So we have these young men and women posted on streets in Iraq and the civilian folks have not given them intelligence to figure out if this is even a centrally planned insurgency. This is a huge, ineffective, incapable, negligent planning of a war; and we have not even started talking about how we got into the war.

□ 2145

Mr. STRICKLAND. Those who listen to these proceedings may rightly ask the question, why are we talking about the failures of the past? Why are we not talking about what we are going to do in the future?

I think it is relevant to remind ourselves that the very people who made such blunders of judgment, who deceived the American people, who promoted this war based on false assumptions, they are the people who are still in charge. They are the people who are continuing to make the day-to-day decisions which are resulting in these terrible miscalculations and terrible blunders. And what is the result? The result is we are continuing to lose precious American lives.

Now, we had a perfunctory turnover supposedly of authority to the Iraqis, but every American knows that it is the American soldier that is continuing to be the target. It is the American soldier that is continuing to provide whatever security exists in that country, and it is the blood of the American soldier that is being shed.

I get a little tired of all of this talk about coalitions. The fact is that it is the American soldier that is bearing the burden. It is the American taxpayer that is paying the bill, and we need to end that, and it is going to continue that way until we have a change in policy.

Now, the President has got some answers to give us. I mean, the American people deserve to know are we going to have the continuation of bad judgment, bad decisions that is going to just perpetuated this thing for 1, 2, 3, 5, 10 years. We need to have some answers from the administration.

Mr. HOEFFEL. The gentleman from Ohio (Mr. STRICKLAND) is absolutely right about this. And one of the important reasons that we are talking about the mistakes that were made is to make sure that it does not happen again. We do not want history to repeat itself.

I think every member of Iraq Watch would agree that in the age of terror that we find ourselves, it may be necessary in the future to use our American force preemptively to protect America. The days of the armada, of an opposing enemy forming off our harbors or an army amassing on our borders, are probably over and we may need to quickly use preemptive force in the future. That is the Bush doctrine, preemptive use of force, but it has certain requirements that were not present this time.

First, you need accurate intelligence. You need an honest assessment of what is happening on the ground and the need for the President to level with the American people, and you have to be willing to use that force only as a last resort, not on a basis before necessary. We see in this case the President exaggerated the existence of weapons of mass destruction. He has fabricated a relationship between Hussein, al Qaeda and 9/11. He failed to exhaust diplomatic options.

What would have happened if he had allowed those international arms inspectors the extra 3 months they were requesting after their first 2 months found no weapons of mass destruction in Iraq? He failed to put together a meaningful coalition, as all of us said tonight. Ninety percent of the troops in Iraq, 90 percent of the money is American. And he has failed to commit enough troops. We have got 140,000 brave Americans in Iraq today, but it is not enough to contain this violent, deadly insurgency, and they were sent there with inadequate equipment, as my friend, the gentleman from Ohio (Mr. STRICKLAND), has been telling us for 15 months during Iraq Watch.

And what confidence do we have that this group of political leaders in the White House and the civilian leaders in the Pentagon will not do this thing again and again and again? They do not seem to understand their mistake. They will not admit their mistakes, and we have got to bring this to the attention of the American people.

Mr. ABERCROMBIE. The gentleman from Massachusetts (Mr. DELAHUNT) has to his immediate left what amounts to a poster, a picture on the cover of Newsweek, "How Dick Cheney Sold the War" is the overall title. And in that context I would daresay the answer to the gentleman's observations and questions are that unless there is a change in the leadership that is unlikely to occur. His questions will not be answered except in the negative. His observations will continue, because that gentleman whose picture appears there again to the left of the gentleman from Massachusetts (Mr. DELAHUNT) is the same gentleman whose company and associated companies are the administration, are the ones that are in charge of helping to put this infrastructure together, that is being defended by the American troops.

Yet, as a story recently in the Washington Post points out, and I read the headline to you, a story about Ariana Cha appearing July 1, "Underclass of Workers Created in Iraq, Many Foreign Laborers Receive Inferior Pay, Food and Shelter."

It may come as a shock not to members of Iraq Watch, but it may come as a shock to the American taxpayer and perhaps some of our American colleagues that what construction is taking place in Iraq is taking place under the auspices of American companies, many of whom receive single source contracts for hundreds of millions of dollars, who are not even hiring Iraqis, who may be hiring some Americans but are, in fact, bringing in wage slaves from the rest of the world and then not even paying them, cheating them at the same time. Not only are the American taxpayers being cheated by American companies but American workers and Iraqi workers are being cheated.

Mr. STRICKLAND. One of my constituents, a young West Point graduate, a gung-ho Army guy, a guy who loves the Army and who would write me these e-mails and say, I am so proud of what my soldiers are doing here in Iraq. So he is not a disgruntled Army guy. But he tells me that Halliburton is importing Filipinos and paying them very little to do work that was previously done by the American soldier. So that is an example of what the gentleman is saying.

This company, Halliburton, my goodness, when are we going to face the facts? It has been reported, by the way, in an editorial in the Columbus, Ohio Dispatch that insiders have now said that Halliburton is housing some of their employees in hotels that cost $10,000 per night, $10,000 per night, but that is what you can do when you have a cost plus contract. There is no incentive to hold down cost. They were paying $100 to get a laundry bag of clothing washed, $100 a bag; $10,000 a night for a hotel room. And it is the American taxpayer that is paying that kind of exceedingly high cost.

We are being gouged by Halliburton, the company that Vice President DICK CHENEY was the CEO of. We all know it. The American people know it. This company is taking the American taxpayer for a ride. And I believe this administrations needs to step up and say, we are going to put a stop to it.

Mr. ABERCROMBIE. Mr. Speaker, if the gentleman will yield, I will elucidate a bit more on that.

In the story that I indicated I have that I was referring to, the Underclass of Workers Created in Iraq, the opening sentence is, "The war in Iraq has been a windfall for Kellogg Brown Root, Inc., the company that has a multimillion dollar contract to provide support services for U.S. troops." "KBR, a subsidiary of Halliburton Corporation," came to employ Indian workers, from India, that is to say, not Native American workers, "through 5 levels of subcontractors and employment agents. The company, which employs 30,000 workers from 38 countries in support of the U.S. military, said it had been unaware of the workers' concerns until recently."

This is the kind of thing, Kellogg Brown, Halliburton, is always unaware of, workers problems, because they are too busy having their accountants going to work on the excessive profits they are making.

It brings to mind the work that was done by one Senator Harry Truman when, during World War II, he had his committee on a bipartisan basis looking into the question of excessive profit-making from World War II. This is not something that is invented for this time and place by members of the Democratic Party. This is something that was headed up by a Democratic Senator, who was in charge in the United States Senate, on a bipartisan basis, to see to it that profiteering does not take place at the expense of the American soldiers or the expense of the American taxpayer.

Mr. DELAHUNT. Mr. Speaker, I think it is important to note that the Democratic minority in this House attempted to add an enhancement of the penalties for fraud and abuse and profiteering, and yet the majority in this House and in the Senate denied that proposal.

I would like to conclude, and I will be very brief because I think we have got to go back to the initial question I think that was raised by the gentleman from Washington (Mr. INSLEE), how did we get here?

If we are to believe Richard Clark, who led the anti-terrorism effort under both Presidents Clinton and Bush until his retirement 2 years into the Bush administration, if we are to believe the highly respected, again, Republican conservative, who initiated the term of this administration as Secretary of the Treasury, Paul O'Neill, it was one week, one week after the inauguration that there was a meeting of the National Security Council and what was discussed there was the need for regime change in Iraq. Nothing about terrorism. And again, 6 weeks later, according to Paul O'Neill, there was a meeting of the National Security Council where it was discussed how the oil fields in Iraq were to be divvied up and divided among nations and corporations. That is according to Paul O'Neill and that is according to Dick Clark.

Mr. LARSON of Connecticut. There is an important article that was written in Harper's Magazine by David Armstrong back just before the outbreak of the war. The title of the article was "DICK CHENEY's Song for America." In there he goes back and talks about the concept for this plan being hatched by the then-Secretary of Defense and the two Under Secretaries which at the time were Paul Wolfowitz and Richard Perle. The goal was to be the lone force in the Middle East. The plan that was put forward was a bold one: To go forward and overtake Baghdad.

It was rejected at the time. It was rejected by Colin Powell. It was rejected by Bush the elder. It was rejected by the most outspoken people against this war back in 2002 in this invasion and that was Jim Baker, Brent Scowcroft and Eagleburger.

So as the gentleman said at the beginning, this is not a partisan effort. This is an understanding of the wrong turn the Nation has taken with respect to foreign policy. Again, I commend the members of the Iraq Watch for their vigilance.

Mr. ABERCROMBIE. I want to indicate I think we are down to our last 2 minutes. I would yield to the gentleman from Washington to close.

Mr. INSLEE. Mr. Speaker, I want to note getting back to the war on terrorism, where is Osama bin Laden? Where is Osama bin Laden? Why is the President not talking about Osama bin Laden, who is free tonight threatening our citizens where they live in our neighborhoods?

We found out last week that this administration is spending five times more money tracking people who travel to Cuba than they are trying to interdict the money going to Osama bin Laden, who is continuing a threat to this country.

This is one example of this administration taking their eye off the ball of the guy who killed almost 3,000 Americans. We are going to continue this discussion.

Mr. ABERCROMBIE. Mr. Speaker, I believe we are down to our last minute or so. I do want to indicate to members of Iraq Watch that are here tonight that the chairman of the Committee on Armed Services in the previous hour indicated that he and perhaps other Members might be interested in having a dialogue with us and perhaps even combining hours, if that is acceptable under the House rules, perhaps this week or as soon as possible. And if it is okay with everybody, I wanted to pursue that, and I have indicated to the Speaker as we began the hour that that was contemplated and we will try to pursue that with the leadership.

□ 2200

Mr. Speaker, I believe we have come to essentially the end of our hour.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GINGREY). Members are reminded that it is not in order in debate to engage in personal abuse of the President.

THANKING MEMBERS INVOLVED IN IRAQ WATCH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. LARSON) is recognized for 5 minutes.

Mr. LARSON of Connecticut. Mr. Speaker, I thank the distinguished gentleman from Georgia for the opportunity to speak for 5 minutes. Two of our esteemed colleagues are en route here, and I would like to take this 5 minutes to further thank the Members who have been involved in the Iraq Watch.

I say so from the bottom of my heart because I think at the end of the day there has been a great discussion that has been going on within this body, but unfortunately, in so many respects, it has not fully reached the American people, or it has in drips and drabs; and I commend our colleagues on the other side of the aisle who were down here in the previous hour.

I think, as the gentleman from Hawaii (Mr. ABERCROMBIE) has suggested, we need to have that kind of frank discussion and debate that all too often really does not take place on this floor. It is an important dialogue that the American public needs to hear.

I believe in the final analysis it is not the shock and awe of our military and the strength that it has that determines America's greatness, but rather, the strength of our ideas and our ability to express those ideas not only here on the floor but for citizens who are out there listening, for them to partake and ultimately put in their own words, with their own voice, from their own heart and head, their feelings about these issues.

So often I go back to my district and so many of them will ask why is no one speaking out about these issues, and not understanding the workings of the House of Representatives and not understanding that so many times meetings are actually going on in committees that do not happen to make it on to C–SPAN, but also wondering where the voice and conscience of the country is, and the Iraq Watch has done an outstanding job in terms of making sure that there has been this opportunity to reach out to the American public and inform them in a nonpartisan way about these issues and raise these questions that are so important for the American people to digest, especially as we face upcoming elections that will determine the fate and course of the Nation.

If we consider that in the previous election, less than 50 percent of the American people voted and understanding that in the aftermath of September 11 there has been a great outpouring of patriotism and citizenship, and what better way to express that than by going out and voting and immersing and involving one's self in the issues of the day, it is our responsibility as Members of Congress to make sure that we inform and educate the general public; but it is equally responsible that the public have an opportunity to express their concerns.

Mr. DELAHUNT. Mr. Speaker, will the gentleman yield.

Mr. LARSON of Connecticut. I yield to the gentleman from Massachusetts.

Mr. DELAHUNT. Mr. Speaker, I thank my friend from Connecticut for yielding, and I think he is so on the mark, if you will.

People are thirsting for respectful discourse about these issues because they are so profoundly important, and I want to thank the gentleman for the kudos. I know that each of us has benefited from appearing here on a weekly basis, having this conversation; and I think what has also amazed us is the level of interest, the response that we have received so that there is no doubt that there is a deep need out there for, again, the kind of dialogue that goes on here, at least once a week, and that the gentleman from Hawaii (Mr. ABERCROMBIE) mentioned earlier even should be expanded so that there can be a variety of perspectives expressed, because it is important.

My colleague mentioned Ahmed Chalabi earlier. How many people in this Chamber, in this country, know of Ahmed Chalabi; and yet many, many in the world, in the intelligence community, believe that he is as responsible as any single individual for the faulty intelligence that led us into this war, a man, by the way, who is a convicted felon, who was an individual who was convicted of embezzlement in Jordan and reports now indicate is being investigated for the dissemination of sensitive information to a potential adversary in Iran.

Mr. LARSON of Connecticut. Mr. Speaker, I thank the gentleman from Massachusetts for his comments. I see that our time has expired and the gentleman from Florida (Mr. MEEK) has arrived.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes.

Mr. MEEK of Florida. Mr. Speaker, it is an honor to come before the House of

Representatives tonight and the American people and this great house of democracy that we serve in day in and day out. It is an honor to serve, and every day that we have an opportunity to serve it is important that we share important information with the American people and also with Members of the House.

Once again, our 30-something Working Group that consists of 14 Members on the Democratic side of the House, we come together to share with Americans things that are going good. We call it the good, bad and ugly; but at the same time, we work towards constructive change, and as my colleagues know, the gentleman from Ohio (Mr. RYAN) and I have been coming to the floor, along with other Members of this House, to address issues such as education, issues that are facing young Americans from the ages of 18 to 30-something. That covers a supermajority of individuals that are not exercising their right to vote at this particular time, but I believe now, because we are reaching out to those individuals, they will find a reason to go out and register to vote or to use that voter registration card to work towards good for their family and also for their future.

There is a lot happening to young Americans now versus poor young Americans, and this is the 30-something hour that the gentlewoman from California (Ms. PELOSI), the minority leader, has organized. Those of us in the House that are living the 30-something right now or that recently went through 20-something come and give voice to those individuals on the floor, and I think this reaches out to even a larger demographic, a demographic of parents that are paying for their loved ones to go to college, a demographic of individuals who were not able to go to college immediately after high school or completion of a vocational training program. Some are in community colleges that are trying to make a way. Either they did not have an opportunity to go to college immediately after high school, one, they could not afford it; two, they had to help their family. Many Americans have to make that choice, and it is okay to make that choice.

It is about family. It is about values. It is about religion. It is about definitely individuals that have strong morals and outright patriots in our country that would like to see their children and grandchildren have a better opportunity than what they have.

I think it also addresses grandparents. I am not one, obviously. I have two children and a wife; and I would tell my colleague that I look forward, if God is willing, to allow me to become a grandparent one day. I am pretty sure my goal would be to make sure my children are able to provide for their children and that their children have a better opportunity than the generations that were before them.

So we come to the floor to be able to share with the American people and give response to some of their e-mails. We welcome e-mails to the 30-something group, and we will be giving that e-mail address out; and I will tell my colleagues week after week, we have received a number every week. We are receiving more and more e-mails. It is very encouraging.

Some Americans have questions that they need answered. We try to provide those answers to the best of our ability. Some Americans are saying, hey, it is great, I am a Republican, I am glad you are giving voice to the issue of student loans, and the fact that more people are graduating from college that are in debt now than it was in the previous generation and the opportunity for Pell grants that were promised, and even those who went through college in the early 1970s, I mean we have less of an opportunity for financially challenged individuals that work every day, individuals who did what we told them to do, go to high school, get that vocational training, that we will be there to be able to assist you. There was a commitment made by the President to raise the Pell grant commitment a little bit up to $5,000, but he has not yet been able to do so. Not because the resources have not been there. It is because the priority has not been there, which then takes us back to being able to have individuals ready for the workforce, that small businesses and businesses need in this country; and it is so very, very important we pay very close attention to that because that is serious business, the business of making sure that we have a workforce ready to step up and meet the challenge to be able to make America strong.

If we are going to have these individuals graduating from college in debt before they can invest in the American dream of being able to buy a home, being able to invest in this economy, it is very important that we do not put them in debt prior to that opportunity.

Some believe in this Congress that we should have variable student loans. Well, one may argue, well, it is the lower interest payment now; but guess what, they will be forever paying those student loans. Being someone that was once on a college campus, offered a credit card, I will tell my colleagues I am a victim. I put my hands out. I was on my campus.

Mr. RYAN of Ohio. Mr. Speaker, if the gentleman would yield, pull it out.

Mr. MEEK of Florida. Mr. Speaker, well, I do not want to pull my credit card out. I have a couple of credit cards here, but that is later on in the program. We have our whole David Letterman, Top 10 thing that we have to do, and we have to read some e-mails that we received in the previous weeks. We had last week off.

I can tell the gentleman from Ohio (Mr. RYAN), I missed him.

Mr. RYAN of Ohio. I missed my colleague.

Mr. MEEK of Florida. We come together. We have this thing here on the floor. We have special guests sometimes from the 30-something Working Group. I like the new haircut that the gentleman has going on there.

Mr. RYAN of Ohio. My wife made me get it.

Mr. MEEK of Florida. Mr. Speaker, let me tell my colleague, if it was not for our wives, I do not know where we would be, to be honest with him; and I thank God. Coming up October 12, it will be 13 years for me; and, amen, I got married young.

Mr. RYAN of Ohio. August 22 it will be 1 year for me.

Mr. MEEK of Florida. Is that not something? What a country.

Mr. RYAN of Ohio. God bless.

Mr. MEEK of Florida. What a country. Let me just, if the gentleman would start, I started out with some opening comments, just to kind of share with the American people and the Members of the House our purpose for being here.

Once again, we pay all respect and opportunity to the gentlewoman from California (Ms. PELOSI), the Democratic leader, that has made a commitment that young people in America will have a time on this floor. This is just an hour. They are going to have time they have not had in the past so we can raise those issues to the level of the national debate, have people here in this Congress pay respect and treat 30-somethings on down to 18 or 16 or 15, those that are looking to participate in this democracy that we serve under, have them use their power that they have as it relates to voter registration cards, have them use their power in talking with their Member of Congress, to let it be known that throughout they have issues, they have concerns.

I also made the correlation between the parents and grandparents. I mean, obviously, parents want their children to do well. Grandparents especially want their grandkids to do well and make sure they are able to have a better and safer America for the future.

So I just wanted to tell my colleague once again I look forward to this. We were talking earlier today when we were going through some of the subjects we are going to talk about here today because we try to be as factual as possible, also come out with solutions; but guess what, there was a great announcement today. Maybe the gentleman wants to talk about that.

Mr. RYAN of Ohio. Mr. Speaker, I think all of us were very excited about the announcement of Senator EDWARDS to join Senator KERRY on the ticket, and I think it illustrates the kind of excitement that is going to be around in the fall. I mean, I think it is going to be an exciting election, and we have to celebrate not only what party we stand for but I think process in general, the fact that there is going to be a great election; and Americans are going to get to decide whether or not the President who has been in charge for the last 4 years is going to get rehired, or if he is going to get "Donald Trumped," and we are going to ask somebody else to come in and take over and set us in another direction.

I think what we have been trying to do here is try to articulate for a lot of the people, not only those people who are 30 or 20 or in college or in high school or affected by the No Child Left Behind, but also to say to other Americans who are concerned about the future of this country that we are going to have real debate.

□ 2215

And I think, from the e-mails we have received, and from the comments that we have heard and the calls we get at our office, people have appreciated the fact that my colleague and I are not personalizing this. This is not personal, this is business. This is my colleague and I discussing issues that we believe in and the direction we think the country should go in, as opposed to the direction that I think the Republican Congress, the House and the Senate and the Republican White House right now, wishes the country to go in. I think there will never be a clearer choice in any election as to where we want to go and where the Republicans want to go.

This is our e-mail here: 30somethingdems@mail.House.gov. That is the number 30, the word something, the word dems, D-E-M-S, at mail dot House dot gov. We have been getting some great e-mails, from both of the parties.

I listened to my colleague's opening statement and the one issue I think we need to touch on, there was an article today in The New York Times. Paul Krugman did an opinion editorial and he talked a little about the Bush boom and how the tax cuts that President Bush initiated and passed and pushed through this chamber and also through the Senate has peaked. And I thought it was very interesting.

We had moments in November, December, January, February, some early parts of this year where we actually thought we had some job growth. Things were starting to come along and we thought the economy was starting to turn around. Now we have recognized that the job growth has slowed. It is still growing, but it has slowed from previous months. And not only has it slowed down, but the unemployment rate is still at 5.6 percent. So it has not changed. There are still thousands of people who are no longer actively seeking to find work because they know the job market is so slow.

So here is the point I want to make. We had two choices in this country after 9/11 with all the tax cuts. We had two choices: Are we going to try to get some short-term political gain with this trickle-down theory of economics that was proven that did not work in the 1980s, or were we going to continue with the Clinton-era balanced budget, invest in education, invest in health care, invest in the American people and allow them to go out and grow the economy? We chose the former, which meant tax cuts, tax cuts, tax cuts, and primarily to the top 1 and 2 percent of the people in the country.

The theory was that they would begin to take those tax cuts and put it back into the economy. But when we look at the statistics, corporate profits after tax are at the highest level compared to the GDP of the economy than they were since 1929, since they started keeping track of this stuff. So if you are a major player in a corporation, you are doing great, sending jobs to China, move the headquarters to Bermuda, where they do not pay any taxes there, they pay no wages in China, and they take the money and put it in their pocket.

Mr. MEEK of Florida. Mr. Speaker, my colleague mentioned Bermuda, and I cannot help but think of the largest Homeland Security contract that was given to an offshore company. Now, this was once a U.S. company.

Mr. RYAN of Ohio. And what do they pay in taxes?

Mr. MEEK of Florida. Nothing. Zero.

Mr. RYAN of Ohio. So the company that gets the most money from the homeland security budget.

Mr. MEEK of Florida. The largest agency in the history of the world, Federal Government agency created by this Congress, the largest contract they have given out thus far has gone to an offshore company. No taxes, no benefit to the American people, no benefit of helping to pay for education, no benefit to be able to provide for alternative fuel sources or towards a health care program.

Hopefully, my colleague, we can share with the American people, and we always say this is not the Tim Ryan/Kendrick Meek Report, this is facts. We spend at least 7 days prior to what we are going to talk about in the upcoming week getting the facts. So anyone that wants to line up on the other side of the aisle and start refuting or just saying, well, that is not true, this is not true, well, we have the facts. And folks who want to e-mail, we will send them the facts.

A lot of this is hard to digest and a lot of it is hard to believe. And, to be brutally honest with you, we are all wrapped up in patriotism and we understand that we have to protect the homeland, but yet we give the largest contract from the Department of Homeland Security to an offshore company. Now, I am from the South. I am from Florida. We have people in South Carolina, in Florida, Georgia, North Carolina, Alabama, and Mississippi who are sitting around not because they want to sit at home watching cable television. They want a job. They need a job. But they do not have a job because we are sending the jobs overseas.

And who am I to talk, because my colleague is from Ohio.

Mr. RYAN of Ohio. Yes, and it is the same exact situation. We have given these companies free rein. We do not object to people wanting to make money. If you can go out in the economy and do well for yourself, God bless you. That is what America is all about. However, you are not here to manipulate the system, and that is what is happening right now.

We have these corporations, as we said, they move the headquarters to Bermuda, they do not pay any taxes, they move the production manufacturing site to China, they do not pay anything in wages or in environmental. OSHA. There is no OSHA in China. There is no safety and occupational hazard prevention in China. That does not exist. So you take advantage of the workers there, you take advantage of the tax system here, and you reap the benefits of the profits. Then you take the profits and you put them into this place, into the Congress, and you keep getting the same kind of deals over and over and over. And who is losing? The average people who used to be able to make a middle class wage in the country. They used to be able to afford health care.

I want to mention to my colleague a study that the Toledo Blade paper in Ohio, in Toledo, Ohio, has been doing. They noted for the average American family, with a median household income of $42,409, average median income $42,409, that they have seen increases in their premium payments, this is a family of four, go from $6,348 to $9,086, which is a $2,738 increase from the year 2000.

Now, I know a lot of companies back in my district that are now renegotiating their contracts and their proposals are zero percent increase in wages in the first year, zero percent wages increase in the second year, zero percent wage increase in the third year, and then maybe in the fourth and fifth year there will be some increase. But imagine if you are in a family of four that is making $42,000 a year, very little disposable income, and you may be trying to send your kids to college and over the last 3 or 4 years you have an extra $3,000 a year after taxes that you have to pay in health care increases.

This Congress has done nothing to address health care. And if there is an issue that needs to be talked about this fall for this election, it is health care.

We have done nothing to control the prices of prescription drugs. Two things we tried to do during the Medicare bill, and I realize this will not affect everybody, but the Democrat proposal was we wanted to negotiate health care prices with these big major drug companies. We wanted the Secretary of Health and Human Services to go to Pfizer and all the big drug companies and say to them, if you want the Medicare contract and the $500 billion that we are going to spend, you better sit down and talk price with us. We want a discount for the taxpayer, for God sake. Right? We wanted that.

And then we wanted reimportation. Let us free trade pharmaceuticals. We free trade cars, textile, steel, everything in the world we want free trade, but when we tried to impose at 3 o'clock in the morning the free trade pharmaceuticals, no one wanted to talk about it. So we are not controlling prices, we are asking the taxpayers to spend an extra $500 billion, and we have done nothing in the market to somehow try to fix a $2,700 increase for a family of four making $42,000 a year. Nothing.

Mr. MEEK of Florida. Mr. Speaker, that is something to be outright mad about, but I can tell you one thing I find comfort in. I have the opportunity, I am Baptist, and I have the opportunity to do something we call pray, and we pray for days when things will get better for real people, people who understand what it means to take a 15-minute break in the morning and a 15-minute break in the afternoon, and a solid 30 minutes for lunch. These are people who know what it means to punch in and punch out. They know that if you punch in five minutes late that you have to punch out five minutes late. Those individuals.

These are the individuals who come home, and I am not just talking about hardworking men that have the steel toes sitting next to their chair watching their favorite sitcom when they get home, if they can stay awake through it. I am talking about every day working men and women in this country. And also young people that are having to pull a little extra wait because the money is not coming in like it used to.

So if a family tries to get health care, someone has to sacrifice. The person that has the lowest premiums has to pay that out of their paychecks. This is hard, particularly in a single-family household. And I will tell my colleague that I came up in a single-parent household, and there is nothing wrong with that. I want my colleagues to know that right now. I commend those single parents out there doing what they have to do on behalf of their children. Whatever your faith may be, whatever your religion, it is the same thing. The responsibility of taking care of one's child is priority number one. It is close to what we call in the Baptist and Christian faith, when you think about God, agape, love. It is important we do that and we practice that.

Now, what I see, because I am not a pessimist, I am a person that feels that tomorrow will bring about a different day, a brighter day for Americans. And that means Democrats, Republicans, Independents, Green Party or what have you. When it comes down to health care, and you talk about emergency room health care, no one asks for a party affiliation. No one says, well, Republicans over here, Democrats over here, Independents over there. We are going to take the majority party first. They do not do that. They treat you equally. That means 3 to 4 hours in the emergency room.

Why does it have to come to that? Why do we not have 41 million Americans working? I am not talking about individuals looking at want ads, not even trying to get a job and saying the job situation looks sad. I am talking about individuals who go in and punch out or sign in and out every day. Those individuals who cannot walk away from their job, or say, hey, guess what boss, I am leaving.

Or what about a small businessperson? These businesses that have 100, 200 good hard-working Americans, be they citizens or noncitizens, working in their companies, they are not offshoring it. They are right here in America paying their fair share. They are the American Dream.

I want to make sure Americans understand and the Members of the House understand that we are talking about super-duper corporations. I mean the folks who publicly traded on the stock market. I am talking about individuals who do not even say hello to the individuals that we are talking about here. And the reason why we are here, at 10-plus o'clock at night, taking away from our families, is to be able to say there can be a brighter day.

And I am glad that even though we did not have the vision or foresight or power to put us on the floor for an hour every week, I thank God for the gentlewoman from California (Ms. PELOSI), the Democratic leader. She has been here for some time, along with the gentleman from Maryland (Mr. HOYER), and they have seen this happen.

So I can say that we have been about the solution on this side of the aisle as it relates to Democrats. And guess what, there have been some good Republicans that wanted to do it, but could not. They could not do it because they felt there would be repercussions for them manning up and womaning up and leadering it up to be able to say you are wrong. But, guess what? Some have said it. And the record speaks for itself.

Once again, this is not the Tim Ryan report or the Kendrick Meek report. This is fact. We talked about prescription drug plan. The bottom line is, Americans get drugs cheaper under the Democratic proposal. Bottom line. I am sorry. No one can debate that or dispute that.

Now we have the AARP coming out and saying we need the Democratic proposal. I prayed that the leadership here in Washington, at the time that the issue was here on the floor at 3 a.m. in the morning, would have said without that that they would not support it. But that is the past, and we are talking about the future.

□ 2230

At the same time, when we talk about folks taking money home, and what I would like to see and for us to continue to let the American people know just because we are Democrats, and there are a number of Americans that are out there, and they are not all Democrats, they are Independents, Republicans, they voted for leadership, to make sure they get their voices heard in this democracy in this House; and they are going to get it. The bottom line is if given the opportunity, if we are able to have as the Speaker the gentlewoman from California (Ms. PELOSI) in the 109th Congress, that this will happen. If we are able to have new leadership in the White House, this administration has had their chance. The Democrats did not impede them from doing what they wanted to do. The Democrats are not in the majority. We did not appoint the Secretary of Defense and the Secretary of Commerce. We did not appoint these individuals, the national security person, the Attorney General. The Bush administration did.

They cannot say well, the liberal Democrats ran the deficit up to the highest level in the history of the Republic. They cannot blame that on the Democrats. That game is over.

Or the reason we do not have health care is because of the Democrats. I am sorry, the last I checked at 1600 Pennsylvania, there was a Republican President there.

Mr. RYAN of Ohio. And we have to listen to some Members from the other side of the aisle, they are talking about how the Democrats, they want to keep spending. The Democrats are tax and spenders, and we sit here and scratch our heads because if Members have been paying attention, Republicans took control of this Chamber in 1994 with Newt Gingrich. They have had the Senate and have had the White House for 3½ years. They are spending like drunken sailors, and all they can say is look at the Democrats spend; all they do is tax and spend. It is not us.

Mr. Speaker, we were the ones trying to pass the pay-go provisions which mean if we increase spending, we have to raise taxes on millionaires or we have to find another program you want to cut. Pay as you go. We were trying to get that in here. It was the Clinton budget in 1993 that balanced the budget, that invested in the proper programs.

Mr. MEEK of Florida. Mr. Speaker, that budget was balanced without one Republican vote in this House. I want to make sure that we are clear on that because 3½ years ago, we were talking about how we were going to spend the surplus.

Are we going to save Social Security? And I want to say this to our older Americans and future Americans that will be eligible for Social Security, the little thing on their paycheck, Social Security deduction, think about that. We were go to be able to put money into the trust fund.

Mr. RYAN of Ohio. President Clinton said "save Social Security first" from that very podium. Play it smart, do not spend money you do not have. I think that is one of the issues that we have talked about early on, and more so last year than this year, but all of these tax cuts that we have been given which are great, and I know a lot of people who have benefited from the tax cuts, and God bless them. But when we look at the government's financial position, we have borrowed that money. We did not have that money. There was not a surplus here that we said we have billions of dollars, let us give it back and let the American people have it. We went out and borrowed that money. So we borrowed it and gave it to primarily the top 1 or 2 percent. Then we have to pay interest on it. So really we borrowed it, we are paying interest on it and gave it to rich people who are not investing it back into the economy for the most part. Because we borrowed it, we have to pay the interest on it so there is not really a tax cut, there is a tax shift. So the next generation of Americans, they are going to have to pay this bill that we have left here.

We have almost a $600 billion annual deficit for the past year. That is getting rolled into our $7 trillion debt that we have. So almost 20 percent of our annual budget that we pay down here is interest on the debt that we have. So if you keep accruing this big debt, you have to keep taking tax money to pay it off. Who is lending us the money? Japan and China are lending us the money. So it is not bad enough that we are borrowing it to give it to the top 1 percent, it is not bad enough that we are borrowing it and paying interest on it, we are borrowing it from the Chinese and the Japanese who are taking the interest money, and they invest it in their factories because a lot of their factories are state owned.

So the state takes the money that we borrow from them, and they invest it back into their company and steal our manufacturing jobs. Their economy is booming, and they are doing it with our tax dollars. It makes no sense. Until we get it right down here, we are going to continue to erode the middle class of the United States of America, our cities, like Youngstown, Ohio; Warren, Ohio; Akron, Ohio; Cleveland, Ohio; Toledo, Ohio, these areas which have seen their manufacturing base erode. They have to keep passing police and fire levies. They do not have the tax base. Mental health levies keep going down. We have people that need mental health treatment but they cannot get it because we cannot pass a tax.

All I am trying to say here is let us be responsible, let us take a step back, look at the big picture, not self-interest but what is in the best interest of our society. I believe if we would have taken the Bush tax cut, made sure, like Senator KERRY wants to do, take billions of that and give it to the States where they have to use it at the universities to lower tuition prices, double Pell grants, this is long-term economic planning for us. We do not have it right now. It is frustrating.

Mr. MEEK of Florida. Mr. Speaker, let me say quickly, we talked a couple of weeks ago, and I want to segue into what is happening in the workforce, and before we leave here we have to read some of the e-mails that we have received so our viewers will be able to know we hear them and are responding to them. We get a number of hits on the 30-something Web site, and a lot of people are very interested in this. They are not just young people, they are older people, they are Republicans and Democrats.

Mr. RYAN of Ohio. I have one here from 40-something.

Mr. MEEK of Florida. God willing, I will be there one day.

We talk about a devolution of taxation, and that is when the Federal Government cuts the Federal commitment to the States, and the States do not have the privilege that we have. See, here in Congress we have the opportunity to put it on the U.S. Treasury. Oh, we can take that credit card out any day of the week and we do on the minute. Then every 3 weeks we knock on the bank of China or Japan and ask for more money to pay down our own interest on debt. The States do not have that luxury. The States have to balance their budget. How do they balance it, well, they do not balance it out of thin air. They raise tuition prices, raise fees on hunting and fishing licenses, they raise the driver's license fee, and simple services to local government. Then they cut their commitment to local governments and school districts. When they do that, the school districts do not have the credit card. They have to balance their budget. When they balance their budget, the senior feeding program that everyone counts on to be able to provide a warm meal for seniors, the afterschool program for kids, and I am not just talking about poor minority kids, I am talking about kids in rural America, where families have to work two, three jobs to make ends meet, these sorts of things take place. The quality of life of our communities is just not a priority here.

So when we say well, we are sending you a $150 check, in the final analysis it is going to end up being a lot more. And gas prices are on their way back up again. I do not want to get started on that.

Let me mention quickly what 30 somethings will be handed if we do not make drastic changes here in Washington. We talk about the good, bad and ugly, and we will give credit where credit is due, but we will also point out where there is trickery in what they are sharing with us.

On July 2, the Labor Department announced that in the month of June, 11,000 manufacturing jobs were lost and only 12,000 jobs were created in June for the total population of America, less than half of what was widely expected. So what the Labor Department is doing, they will make these projections, these grandiose projections and then they will fall short.

The President had to explain himself by saying we are not necessarily gaining jobs, but we are steady and the economy is solid. It is all in the words. Thank God for institutions such as the Children's Defense Fund which also announced that almost 60 percent of teenagers lost their job last month, and that is the highest June jobless rate since the data was first collected in 1949. The gentleman from Ohio and I were not even on earth in 1949, but this should not happen in America in 2004 as it relates to young people. I do not even want to get started on the minority numbers. It is 77 percent, even more. So when we look at it and we look at individuals that need jobs and summer jobs, even in Florida where you have Walt Disney World and Busch Gardens and Universal Studios and all of these fine amusement parks, there was a big thing in Florida, there was an uptick in jobs, but many jobs are summer jobs. Some 5,000 are summer jobs, and they provide very little health care benefits, if any at all. When you start looking at a healthy America, it is not necessarily the case.

It is almost like some of these infocommercials, buy this and it will help you lose weight. You wait on the UPS guy to show up, and the bottle is not as big as it looked on television. I will tell you right now, Americans, we have to understand that we have an opportunity, we cannot change it, we can do all we can in this great House and we give respect to this House, no matter what control it may be under at a particular time, but guess what, we are all Americans and we have to uphold the American dream.

Part of that dream is a better tomorrow, and that is just the bottom line. If given the opportunity, and I am talking about Democrats, if given the opportunity, to be able to set the agenda, to say health care is a priority in this House, real health care; making sure that your child is educated, that is a priority.

Senator KERRY says he wants to give a $4,000 education tax credit every year to make sure there is money in your pocket to pay for tuition. When we see tuition prices going up, that is a tax, in my opinion. That is a tax on young Americans and working Americans. I cannot tell you how many parents that are my age, I am 38 years old, that actually are having to do the prepay college deal. Oh, I have to put this money away because there is no guarantee that my children will be able to educate themselves. At the same time, they are trying to provide health care. We do not want any handouts, but we want to make sure that they have a fair shake at what previous generations have had.

Mr. Speaker, 3 months ago at birth, a child born already owes the Federal Government over $23,000. So now we are a part of this Congress that oversees the highest deficit in the history of the Republic. I want to say that again. Since we have been the United States of America, today, this year of 2004, this Congress is overseeing the highest deficit in the history of the country.

□ 2245

Now, I am going to tell you I do not take any great pride in that nor privilege. The fact that we have men and women that are over in Iraq right now, sand in their teeth trying to do the best that they can and will fight on behalf of this country as long as this country asks them to fight, but the individuals that are here in shirts and ties are making bad decisions. So we need to make sure that we have the kind of leadership that is going to make the right decisions, make sure that we are fiscally responsible. I want to say that again, to make sure that we are fiscally responsible, making sure that we are spending the taxpayer dollar in the right way, not just saying that I have a couple of friends, happen to know the CEO of super mega company X, and they are happy. That is their constituent, their base.

Our base is individuals who punch in and punch out every day; and I encourage every American, because I am only one vote, maybe I can influence a few others, but I am only one vote and you are one vote. Okay. But they have to do their part, that they have to reevaluate the leadership, that they have to be tough on their Congressman and Congresswoman and they have to be tough on their local elected officials. They have to be heard, because if they are not heard, ladies and gentlemen, you think the last 4 years was a super-roller coaster ride, what will happen in the future when there is really no accountability from this administration to do the right thing on behalf of everyday working people?

Mr. RYAN of Ohio. And this is a clear difference of opinion, and I think the administration has clearly articulated where they want the country to go. And I want to share a statistic that I think I have shared here before.

When I was in the State Senate in Ohio, the University of Akron did a study; and the study was amazing what the impact of State support for higher education was. And the study came back, and it said for every dollar, because in Ohio we were going through the same kind of budget cuts as everyone else, and the legislature at that time and the Governor at that time, still do, are going after the big pot of money that is going to the universities.

So the study came back. The University of Akron did a study. It said for every dollar that the State of Ohio invested in the higher education, they would get almost $2 back in tax money, basically because a high school diploma, a worker with a high school diploma would make about $20,000 a year average. Someone with a college diploma, with a BA or a BS, would make on average 35 or $40,000 a year. So this person who had the college diploma would pay double in taxes and then go on probably to get a master's or something else, and then you would pay even more in taxes, income tax, sales tax, property tax, the whole nine yards.

So from the State's position, every dollar you invest, you get almost $2 back in tax money. That is a good deal. That is a good deal, because you are investing in the long-term growth of your economy. It is that person with the bachelor's degree. For the most part, there is always exceptions, and I am not saying you have to go to college to be successful, because you do not, or have a college degree to be successful, because you do not; but on average those people will be out in the economy creating jobs, being entrepreneurs, developing the new technology, the new economy that needs to grow, which we do not even know what it is yet.

And so the best thing that we can do now is just educate a lot of people and let them go out into the economy, support them with business incubators, worker retraining, small business loans; let them go out into the economy and create and manage new, alternative energies and on and on and on and on. That is a whole other story, but my point is that what do you want? If you are sitting at home right now in Ohio or somewhere across the country, what do you want? What would you rather have, a government that is saying we are going to invest in you and in your children, in their college education so that they will eventually become taxpayers? Or do you want a check for $300 from the Bush tax cut, while your property tax goes up, while they have to pass a police and fire levy in your city, while your tuition increases go up. I know in Ohio they have gone up 9, 10 percent, 3, $4,000 over the last couple of years.

And then when you look at the health care, up $3,000. There are certain things that we can do together as a country, as a people, as a Congress, that we cannot do on our own. You cannot build a hospital on your own. You cannot build a road on your own. You cannot build a school on your own. There are certain things that we need to do as a country, and one of the things that we need to do is to make sure that everybody has an opportunity to go to college, because it will benefit everybody, and in the long term we are all going to benefit.

What I want the American people to know from my perspective is that the difference is the short-term, $300, here is your check, government is, you know, giving you something back, which is great and I think a lot of middle-income people need that, and I think we should support the child tax credits and eliminate the marriage penalty, my own opinion; but to give millionaires a hundred thousand dollars back at the expense of veterans, investments in education and all these other things.

I mean, for example, and I am going to finish here, when we tried to come here about maybe a couple of weeks ago, maybe 3, 4 weeks ago, and we wanted to say the gentleman from Wisconsin (Mr. OBEY), the ranking Democrat on the Committee on Appropriations, tried to pass an amendment, and he is the Democrat. We tried to pass an amendment that would rescind the tax cuts for millionaires. The millionaire worker would still get $23,000 back from the Bush tax cut. So we did not completely eliminate the tax cut for him, but we reduced it in order to fully fund veterans, fully fund No Child Left Behind, fully fund college education, reduce the cost of tuition, double the Pell grants, the whole nine yards, invest in health care, provide more coverage for children, and it went down.

And I think that, if there is one vote over the last 2 years for this Congress, that will be the vote. Were you going to stand here and vote for millionaires and make sure that these programs are not funded, or are you willing to say we need a certain percentage of that tax cut back, because the long-term interests of the country are at stake? And I think those are going to be clear votes that a lot of people will hear about, and I just think it was an opportunity for all of us to straighten up this budget, the problems that we have been having, and invest in our country. And we did not do it, unfortunately.

Mr. MEEK of Florida. Well, there are a few Republicans that joined us in that philosophy, those individuals who raised their right hand at the beginning of this Congress.

Mr. RYAN of Ohio. And this is not a partisan issue.

Mr. MEEK of Florida. This is about who is for real and who is willing to put their future in the House on the line on behalf of what they believe in. That is what it is about. And guess what? We have elections here in this House every two years. And guess what? Any American can run for office when they are ready.

And another thing that we have to do, we have to do and we have to live through the day, because guess what, tomorrow is not promised. As it relates to doing the right thing, the right thing is making sure the Americans get their fair shake out of this Congress.

I am going to talk about a few statistical issues, talk about the voter suppression, and if you can do your e-mail thing. See, I do not want to even give the e-mail address out, because that is your thing. David Letterman has his Top 10. You have the e-mail address. You have a couple of e-mails after you read the e-mail address. This is what I like watching you do, because you do it so well.

You mentioned something as it relates to the tax cut and really what it means to working Americans. Health care premiums are escalating, middle-class tax increase, I must add. Health care costs increased by 13.9 percent nationwide last year, the third year in a row double-digit increases and the largest increase since 1990. Florida, the State that I am in, the Florida region health care insurance premiums have increased by 65 percent since the beginning of the Bush administration.

Nationally, the increase in family health care insurance premiums over the past 3 years has tripled. The amount of the tax cut that is ongoing for middle-class income families over 4 years, now, that is fact. Okay.

Also you have the college education issue. We talked about that. We talked about raising taxes on college. These are raising tax on middle-class working families. Guess what? Millionaires and billionaires, they do not have to worry about paying for college, because nine times out of 10, their kids are welcomed into the university and their grandchildren are welcomed there because of the legacy, because they have given money to the institution. But guess what? Those individuals, I mean, we may not know their story, we are not saying that we are upset with them. We are just saying that we should not have two Americas. We should have an America that everyone has a fair shake at a fair opportunity towards higher education.

When we look at the whole situation, and I cannot help but continue to talk about Florida, because it is the reality in many of the States that are out there, the cost of college education has increased by 29 percent in Florida's region since the beginning of the Bush administration.

At the same time, Republicans are refusing to increase funding for Pell grants and also for Perkins loans to defray the costs of higher education. The cost of college has increased steadily in the Florida region. Tuition for a 4-year public college education has increased by $852 over the past 3 years.

I will tell you, this is from the college board. There are a number of issues that are out there, but I just want to say that it is important that we share this information with the American people. It is important that they understand that they do have a choice in the matter. It is important that they know that Democrats in this House are willing to be able to carry a bucket of heavy water on their behalf, because we look forward to the opportunity.

Matter of fact, we pray for the opportunity to be able to govern, to be able to make a better situation and homefront as it relates to health care costs, health care access, making sure that we have a stronger America in the future, that our children when they graduate and they walk across that stage with that diploma, or as an individual walk across the stage, at a technical high school, that they are guaranteed a future in this America, that they do not have to move offshore for the job that they have trained and hopefully educated themselves for, that this it will be here for them and that this government will not have them in debt, leaving a 4-year institution and even those individuals that are fortunate enough to qualify for future student loans to get through a graduate program.

This is about America. This is not about what the people of Iraq want or what people of another country want. This is about making sure what Americans want. I can tell you, there is no partisanship there. I mean, so leadership is important, and we need it and we need it desperately.

Last point, and I want you to do the e-mail and read the e-mails and do the e-mail address, we want to give a big shot out to Rock the Vote. We are getting a lot of response from the voter suppression issue. I just want to share with the Americans we had supervisors of elections telling people that they could not register to vote if they go to school. Right now we have a lot of young people that are in school, summer school right now. The fall semester will start in mid-August.

Ladies and gentlemen, when you go back, you can register where you are going to be in September or late August, and definitely in November you can register to vote there. There is a 1975 Supreme Court decision that was made saying that if you are registered in school, even if you are from Sioux City, Iowa, and you are going to school in Georgia, you can register in Georgia.

Mr. RYAN of Ohio. And let us be clear. Go to the board of elections, and they will tell you you cannot and you say, yes, I can. Do not take no for an answer when you go to the election board, because they just do not know. They are misinformed.

Mr. MEEK of Florida. Rockthevote.com.

Mr. RYAN of Ohio. Rockthevote.com.

Mr. MEEK of Florida. That can give you more information on voter suppression. I want to thank those individuals that have sent us e-mails and said, listen, we thank you for letting us know. We had one young man who had to go and get a lawyer to register to vote in America. Can you believe it?

Mr. RYAN of Ohio. Well, I want to say, too, you were talking about college education, and we only have a few minutes left. One of the studies that was done here, they are calling it the "Boomerang," and this article was on "CNN Money." It says study hard, get into a good college. Graduate. Move back in with Mom and Dad; 61 percent of college seniors plan to return to their family home after graduation, according to a survey taken this spring by monster.com. Sixty-one percent. So I think that illustrates the trouble we are having with the job market, the failure to invest, the failure to invest in science, the box that this administration has put us in.

Mr. MEEK of Florida. I know you have to give the address out and then read the e-mails.

Mr. RYAN of Ohio. You said you wanted me to say it, but now you are cutting me off.

Mr. MEEK of Florida. You said you were looking at the e-mails, and I thought you were going to read those. What you are saying as it relates to 61 percent, we will have more Americans writing their name on the orange juice at home after they graduate.

☐ 2300

Mr. RYAN of Ohio. Yes. Have you seen that one Cellular One commercial, with the first kid in their class to get a job, and all the other ones are home not working yet. It is a funny commercial. Pay attention. You need to see that.

Mr. MEEK of Florida. I will, when I have time.

Mr. RYAN of Ohio. It is good. 30somethingdems@mail.house.gov. Send us an e-mail.

I am going to read you one real quick from a Daniel Spitsburgh in Pennsylvania. He says, "I saw the e-mail address on C–SPAN on June 22. My name is Dan Spitsburgh and I am a registered Republican. I fall into the 1 percent sub-class of voters who are totally undecided and will probably decide who to vote for immediately before the election." He is a Penn State student, considers himself right down the middle, "waiting for someone to go out and grab our vote."

They are concerned about the present circumstances in the Middle East. "Don't forget the college voter. They are often the most spirited, live most densely around others and are most able to attract support. We are concerned that we just want the best for our country. Thank you, Representative MEEK and RYAN. If there is any way to get involved in the election process or any literature, please let me know." Signed Dan.

We also have one here, "I am a 40-something conservative Republican, who watches you and I, which is interesting, is it not? A 40-something.

Mr. MEEK of Florida. Some demographic.

Mr. RYAN of Ohio. "Thank you both for speaking honestly and not being mean-spirited in the talk about our President and other Republicans. The growth of Federal spending also concerns me. I agree in general concept with your ideas you spoke about. We all want what is best." But a Republican concerned about Federal spending.

The one I want to end on here, "Dear Members, this is a note to ask for help in getting a state of emergency declared for the unemployed." State of emergency. He is a union member. "Talented trades and craft union people are proud, hard-working, well-trained people who seem to always have work. Things have really slowed all over the country or gone to low paying, no benefit, nonunion contractors. We serve 4 to 5 year apprenticeships to learn our jobs properly as well as yearly updates to stay current, and we don't need to retrain." He says, and this is interesting, "I wish you would look into this matter, as time is crucial. We need your support right now. We union folk are in great numbers and a little help from you could mean a lot."

These are people that are out struggling. And the CEO of Aetna, and I do not know if you saw this quote, the CEO of Aetna said, "We are pretty sure that the jobs that are going to be created will not have health care benefits associated with them."

So talk about two Americas. I mean, literally, you are going to have millions and millions more than we have now of people who are going to be without health care. There is not a bigger stress that you could have as a parent than thinking, I cannot take my kid to the clinic, I cannot take my kid to the doctor, to the hospital, because I cannot afford it, and then when you do go, you go to the emergency room. That is no way.

I think we do have universal health care in this country, but it is just administered through the emergency rooms, and that is the worst way to do it, it is the most inefficient way to do it, and it is the most costly way to do it. Instead of providing the prevention up front, which would save everybody money in the long run, we wait. Instead of going to the doctor with a cold, you go to the emergency room with pneumonia, and it costs the taxpayers a lot more money. It just is a bad way to administer. So, 30somethingdems@mail.house.gov, wrapping up another edition.

I want to say hello to my cousins that are in town, actually aunt and uncle, Jimmy and Tammy Schick, who are here, who took me out to dinner tonight, it was very nice, my wife Julie's aunt and uncle.

So, that is it.

Mr. MEEK of Florida. There is nothing like family. Nothing like family.

I say to the gentleman from Ohio (Mr. RYAN), it was an outstanding pleasure once again. God has made it able for us to come back again to be able to speak to the American people and Members of the House.

Mr. Speaker, we appreciate the opportunity to address the American people and Members of the House tonight.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BECERRA (at the request of Ms. PELOSI) for today on account of personal reasons.

Ms. CARSON of Indiana (at the request of Ms. PELOSI) for today and the balance of the week on account of personal reasons.

Mr. ENGEL (at the request of Ms. PELOSI) for today on account of a death in the family.

Mr. HASTINGS of Florida (at the request of Ms. PELOSI) for today and the balance of the week on account of official business.

Mr. HINCHEY (at the request of Ms. PELOSI) for today and the balance of the week on account of an injury.

Mr. HONDA (at the request of Ms. PELOSI) for today and July 7 and 8 on account of official business.

Mrs. JONES of Ohio (at the request of Ms. PELOSI) for today and July 7 on account of personal reasons.

Mrs. MCCARTHY of New York (at the request of Ms. PELOSI) for today on account of illness.

Ms. SLAUGHTER (at the request of Ms. PELOSI) for today on account of official business.

Ms. SOLIS (at the request of Ms. PELOSI) for today on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. EMANUEL) to revise and extend their remarks and include extraneous material:)

Mrs. MCCARTHY of New York, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. LIPINSKI, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.

(The following Members (at the request of Mr. BURGESS) to revise and extend their remarks and include extraneous material:)

Mr. COLE, for 5 minutes, today.

Mr. ISAKSON, for 5 minutes, today.

Mr. BURGESS, for 5 minutes, today.

Mr. PAUL, for 5 minutes, July 7, 8, and 9.

Mr. JONES of North Carolina, for 5 minutes, July 7 and 8.

Mr. SMITH of Michigan, for 5 minutes, today and July 8.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. LARSON of Connecticut, for 5 minutes, today.

SENATE ENROLLED BILL SIGNED

The SPEAKER pro tempore, Mr. PENCE, announced his signature to an enrolled bill of the Senate of the following title:

S. 2507. An act to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to provide children with increased access to food and nutrition assistance, to simplify program operations and improve program management, to reauthorize child nutrition programs, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on July 1, 2004, he presented to the President of the United States, for his approval, the following bill.

H.R. 4103. To extend and modify the trade benefits under the African Growth and Opportunity Act.

ADJOURNMENT

Mr. MEEK of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 4 minutes p.m.), the House adjourned until tomorrow, Wednesday, July 7, 2004, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8872. A letter from the Deputy Secretary, Department of Defense, transmitting the semiannual report of the Inspector General and the classified annex for the period October 1, 2003 — March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Armed Services.

8873. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-460, “National Capital Revitalization Corporation Eminent Domain Clarification and Skyland Eminent Domain Approval Temporary Amendment Act of 2004,” pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

8874. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-458, “Closing of a Portion of a Public Alley in Square 235, S.O. 03-2526, Act of 2004,” pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

8875. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-455, “Youth Pollworker Amendment Act of 2004,” pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

8876. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-456, “Office of Employee Appeals Amendment Act of 2004,” pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

8877. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-457, “Advisory Commission on Sentencing Structured Sentencing System Pilot Program Amendment Act of 2004,” pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

8878. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-442, “Omnibus Alcoholic Beverage Amendment Act of 2004,” pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

8879. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-463, “Omnibus Public Safety Agency Reform Amendment Act of 2004,” pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

8880. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-459, “Removal of the Permanent System of Highways, a Portion of 22nd Street, S.E., and the Dedication of Land for Street Purposes (S.O. 00-89) Technical Amendment Act of 2004,” pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

8881. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the designation as “foreign terrorist organizations” pursuant to Section 219 of the Immigration and Nationality Act, pursuant to 8 U.S.C. 1189; to the Committee on the Judiciary.

8882. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model EC 155 B and B1 Heliocopters [Docket No. 2004-SW-05-AD; Amendment 39-13665; AD 2004-12-06] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8883. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hamilton Sundstrand Corporation (formerly Hamilton Standard Division) Model 568F Propellers [Docket No. 2003-NE-48-AD; Amendment 39-13669; AD 2004-12-10] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8884. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Model 500, 501, 550, and 551 Airplanes [Docket No. 2000-NM-65-AD; Amendment 39-13594; AD 2004-09-05] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8885. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757 Series Airplanes Equipped with Rolls Royce RB211 Engines [Docket No. 2000-NM-376-AD; Amendment 39-13666; AD 2004-12-07] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8886. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes [Docket No. 2004-NM-29-AD; Amendment 39-13673; AD 2004-03-34 R1] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8887. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-120 Series Airplanes [Docket No. 2003-NM-79-AD; Amendment 39-13671; AD 2004-12-12] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8888. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pilatus Aircraft Ltd. Models PC-12 and PC-12/45 Airplanes [Docket No. 2004-CE-08-AD; Amendment 39-13670; AD 2004-12-11] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8889. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Des Moines, IA. [Docket No. FAA-2004-17145; Airspace Docket No. 04-ACE-11] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8890. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Mount Comfort, IN; Revocation of Class E Airspace; Indianapolis-Brookside, IN; Modification of Legal Description; Indianapolis-Terry, IN. [Docket No. FAA-2003-16059; Airspace Docket No. 03-AGL-16] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8891. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; King Cove, AK [Docket No. FAA-2003-13833; Airspace Docket No. 03-AAL-26] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8892. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class D, E2 and E4 Airspace; Columbus Lawson AAF, GA, and Class E5 Airspace; Columbus, GA [Docket No. FAA-2003-16596; Airspace Docket No. 03-ASO-20] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8893. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Beckwourth, CA. [Docket No. FAA-14849; Airspace Docket No. 03-AWP-7] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8894. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767 Series Airplanes [Docket No. 2004-NM-17-AD; Amendment 39-13505; AD 2004-05-10] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8895. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Aeropatiale Model ATR42-500 and ATR72-212A Series Airplanes [Docket No. 2002-NM-301-AD; Amendment 39-13672; AD 2004-12-13] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8896. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-10-30 Airplane [Docket No. 2002-NM-237-AD; Amendment 39-13642; AD 2004-10-12] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8897. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146 and Avro 146-RJ Series Airplanes [Docket No. 2002-NM-343-AD; Amendment 39-13641; AD 2004-10-11] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8898. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146 Series Airplanes [Docket No. 2003-NM-171-AD; Amendment 39-13639; AD 2004-10-09] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8899. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; NARCO Avionics

Inc. AT150 Transponders [Docket No. 2002-NE-32-AD; Amendment 39-13586; AD 2004-08-16] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8900. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eagle Aircraft (Malaysia) Sdn. Bhd Model Eagle 150B Airplanes [Docket No. FAA-2004-17890; Directorate Identifier 2004-CE-14-AD; Amendment 39-13649; AD 2004-11-04] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8901. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Defense and Space Group Model 234 Helicopters [Docket No. 2004-SW-09-AD; Amendment 39-13651; AD 2004-06-51] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8902. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Agusta S.p.A. Model A109E Helicopters [Docket No. 2003-SW-32-AD; Amendment 39-13652; AD 2004-11-06] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8903. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-400 and -400F Series Airplanes Equipped with Rolls Royce Engines [Docket No. 2003-NM-202-AD; Amendment 39-13648; AD 2004-11-03] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8904. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Model BAe.125 series 800A (including C-29A and U-125 Variant) and 800B Airplanes; and Model Hawker 800 (including U-125A Variant) and 800XP Airplanes [Docket No. 2003-NM-216-AD; Amendment 39-13646; AD 2004-11-01] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8905. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dornier Model 328-100 and -300 Series Airplanes [Docket No. 2003-NM-120-AD; Amendment 39-13606; AD 2004-09-17] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8906. A communication from the President of the United States, transmitting a description of the changes to existing laws, prepared by the Administration, that would be required to bring the United States into compliance with the United States-Australia Free Trade Agreement, as signed by the United States Trade Representative on behalf of the United States on May 18, 2004, pursuant to Public Law 107–210, section 2105 (a)(1)(B); (H. Doc. No. 108–198); to the Committee on Ways and Means and ordered to be printed.

8907. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare Program; Medicare Ambulance MMA Temporary Rate Increases Beginning July 1, 2004 [CMS-1492-IFC] (RIN: 0938-AN24) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Omitted from the Record of June 25, 2004]

Mr. SMITH of New Jersey: Committee on Veterans' Affairs. H.R. 3936. A bill to amend title 38, United States Code, to authorize the principal office of the United States Court of Appeals for Veterans Claims to be at any location in the Washington, D.C., metropolitan area, rather than only in the District of Columbia, and expressing the sense of Congress that a dedicated Veterans Courthouse and Justice Center should be provided for that Court and those it serves and should be located, if feasible, at a site owned by the United States that is part of or proximate to the Pentagon Reservation, and for other purposes (Rept. 108–574 Pt. 1). Ordered to be printed.

[Pursuant to the order of the House on June 25, 2004 the following report was filed on June 28, 2004]

Mr. BOEHLERT: Committee on Science. H.R. 3980. A bill to establish a National Windstorm Impact Reduction Programs; with an amendment (Rept. 108–575 Pt. 1). Ordered to be printed.

[The following action occurred on June 30, 2004]

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 3247. A bill to provide consistent enforcement authority to the Bureau of Land Management, the National Park Service, the United States Fish and Wildlife Service, and the Forest Service to respond to violations of regulations regarding the management, use, and protection of public lands under the jurisdiction of these agencies, to clarify the purposes for which collected fines may be used, and for other purposes; with an amendment (Rept. 108–511 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

[Pursuant to the order of the House on June 25, 2004, the following reports were filed on July 1, 2004]

Mr. WOLF: Committee on Appropriations. H.R. 4754. A bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2005, and for other purposes (Rept. 108–576). Referred to the Committee of the Whole House on the State of the Union.

Mr. KINGSTON: Committee on Appropriations. H.R. 4755. A bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 2005, and for other purposes (Rept. 108–577). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOEHLERT: Committee on Science. H.R. 4516. A bill to require the Secretary of Energy to carry out a program of research and development to advance high-end computing; with an amendment (Rept. 108–578). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOEHLERT: Committee on Science. H.R. 3890. A bill to reauthorize the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988; with an amendment (Rept. 108–579). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOEHLERT: Committee on Science. H.R. 4218. A bill to amend the High-Performance Computing Act of 1991 (Rept. 108–580). Referred to the Whole House on the State of the Union.

Mr. BOEHLERT: Committee on Science. H.R. 3598. A bill to establish an interagency committee to coordinate Federal manufacturing research and development efforts in manufacturing, strengthen existing programs to assist manufacturing innovation and education, and expand outreach programs for small and medium-sized manufacturers, and for other purposes; with an amendment (Rept. 108–581). Referred to the Committee of the Whole House on the State of the Union.

[Submitted July 6, 2004]

Mr. THOMAS: Committee on Ways and Means. H.R. 1914. A bill to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement; with an amendment (Rept. 108–472 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMAS: Committee on Ways and Means. H.R. 2768. A bill to require the Secretary of the Treasury to mint coins in commemoration of Chief Justice John Marshall; with an amendment (Rept. 108–473 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMAS: Committee on Ways and Means. H.R. 3277. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 230th Anniversary of the United States Marine Corps, and to support construction of the Marine Corps Heritage Center; with an amendment (Rept. 108–474 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 4362. A bill to authorize the Secretary of the Interior to accept a parcel of Federal land in the State of Washington in trust for the Nisqually Tribe, to ensure that the acceptance of such land does not adversely affect the Bonneville Power Administration, and for other purposes (Rept. 108–582 Pt. 1). Ordered to be printed.

Mr. LINDER: Committee on Rules. House Resolution 701. Resolution providing for consideration of the bill (H.R. 4754) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2005, and for other purposes (Rept. 108–583). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

[Omitted from the Record of June 25, 2004]

Pursuant to clause 2 of rule XII the Committee on Transportation and Infrastructure discharged from further consideration. H.R. 3936 referred to the Committee of the Whole House on the State of the Union.

[The following action occurred on June 28, 2004]

Pursuant to clause of rule XII the Committee on Transportation and Infrastructure discharged from further consideration. H.R. 3980 referred to the Committee of the Whole House on the State of the Union.

[The following action occurred on June 30, 2004]

Pursuant to clause 2 of rule XII the Committee on Agriculture discharged from further consideration. H.R. 2966 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

[The following action occurred on July 6, 2004]

Pursuant to clause 2 of rule XII the Committee on Armed Services discharged from further consideration. H.R. 4362 referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

[Omitted from the Record of June 25, 2004]

H.R. 3936. Referral to the Committee on Armed Services extended for a period ending not later than June 25, 2004.

[The following action occurred on June 28, 2004]

H.R. 3980. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than June 28, 2004.

[The following action occurred on July 6, 2004]

H.R. 4011. Referral to the Committee on the Judiciary extended for a period ending not later than July 16, 2004.

H.R. 4362. Referral to the Committee on Armed Services extended for a period ending not later than July 6, 2004.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CLAY:

H.R. 4756. A bill to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of designating the Soldiers' Memorial Military Museum located in St. Louis, Missouri, as a unit of the National Park System; to the Committee on Resources.

By Mr. STEARNS (for himself and Mr. BOUCHER):

H.R. 4757. A bill to promote deployment of and investment in advanced Internet communications services; to the Committee on Energy and Commerce.

By Mr. WEXLER:

H.R. 4758. A bill to amend the National Voter Registration Act of 1993 to prohibit States from removing individuals from the official list of eligible voters for Federal elections in the State by reason of criminal conviction unless the removal is carried out in accordance with standards providing notice and an opportunity for an appeal, and for other purposes; to the Committee on House Administration.

By Mr. DELAY (for himself and Mr. RANGEL) (both by request):

H.R. 4759. A bill to implement the United States-Australia Free Trade Agreement; to the Committee on Ways and Means.

By Mr. BURTON of Indiana (for himself and Mr. PALLONE):

H.R. 4760. A bill to ensure that the goals of the Dietary Supplement Health and Education Act of 1994 are met by authorizing appropriations to fully enforce and implement such Act and the amendments made by such Act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DAVIS of Florida:

H.R. 4761. A bill to amend the Federal Water Pollution Control Act to extend the pilot program for alternative water source projects; to the Committee on Transportation and Infrastructure.

By Mr. PALLONE:

H.R. 4762. A bill to require the Secretary of Health and Human Services to ensure that the public is provided adequate notice and education on the effects of exposure to mercury through the development of health advisories and by requiring that such appropriate advisories be posted, or made readily available, at all businesses that sell fresh, frozen, and canned fish and seafood where the potential for mercury exposure exists; to the Committee on Energy and Commerce.

By Mr. RAHALL:

H.R. 4763. A bill to amend title 38, United States Code, to extend eligibility for pension benefits under laws administered by the Secretary of Veterans Affairs to veterans who served during certain periods of time in specified locations; to the Committee on Veterans' Affairs.

By Mr. RAHALL:

H.R. 4764. A bill to amend title 28, United States Code, to extend eligibility for pension benefits under laws administered by the Secretary of Veterans Affairs to veterans who received an expeditionary medal during a period of military service other than a period of war; to the Committee on Veterans' Affairs.

By Ms. WOOLSEY:

H.R. 4765. A bill to amend the Elementary and Secondary Education Act of 1965 to provide grants to local educational agencies to encourage girls to pursue studies and careers in science, mathematics, engineering, and technology; to the Committee on Education and the Workforce.

By Ms. ROS-LEHTINEN (for herself, Mr. LANTOS, Mr. PENCE, Mr. SHERMAN, Mr. CROWLEY, Mr. ACKERMAN, Ms. HARRIS, Mr. MCCOTTER, Mr. ENGEL, Mr. DELAHUNT, Mr. SMITH of New Jersey, Mr. FALEOMAVAEGA, Mr. WELLER, Mr. BURTON of Indiana, Mr. CHABOT, Mr. SCHIFF, Mr. BERMAN, Mr. HOEFFEL, Mr. HASTINGS of Florida, Mr. ROHRABACHER, Mr. MENENDEZ, and Mr. BALLENGER):

H. Con. Res. 469. Concurrent resolution condemning the attack on the AMIA Jewish Community Center in Buenos Aires, Argentina, in July 1994 and expressing the concern of the United States regarding the continuing, decade-long delay in the resolution of this case; to the Committee on International Relations.

By Mr. DINGELL (for himself and Mr. EHLERS):

H. Res. 702. Resolution honoring former President Gerald R. Ford on the occasion of his 91st birthday and extending the best wishes of the House of Representatives to former President Ford and his family; to the Committee on Government Reform.

By Mr. PETERSON of Pennsylvania (for himself, Mr. SHUSTER, Mr. TOOMEY, Mr. GERLACH, Mr. PLATTS, Mr. GREENWOOD, Mr. MURPHY, Mr. FEENEY, Mr. DOYLE, Ms. HART, Mr. WOLF, Mr. GRADY of Pennsylvania, Mr. HOLDEN, Mr. HOEFFEL, Mr. SHERWOOD, Mr. FATTAH, Mr. PITTS, Mr. WELDON of Pennsylvania, Mr. MURTHA, and Mr. KANJORSKI):

H. Res. 703. Resolution congratulating the Pennsylvania State University on 150 years of service and commending Pennsylvania's designation of the University as Pennsylvania's land-grant institution; to the Committee on Education and the Workforce.

By Mr. ROYCE (for himself, Ms. LORETTA SANCHEZ of California, Mr. COX, Mr. CALVERT, Mr. GARY G. MILLER of California, and Mr. ROHRABACHER):

H. Res. 704. Resolution congratulating the California State University, Fullerton Titans baseball team for winning the 2004 National Collegiate Athletic Association Division I College World Series; to the Committee on Education and the Workforce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

[The following were submitted July 1, 2004]

H.R. 4218: Mr. SMITH of Michigan and Mr. GORDON.

H.R. 4516: Mr. GORDON.

[Submitted July 6, 2004]

H.R. 126: Mr. BOSWELL.

H.R. 195: Mrs. CAPITO.

H.R. 623: Mr. EHLERS.

H.R. 717: Ms. WOOLSEY.

H.R. 814: Mr. KENNEDY of Minnesota.

H.R. 857: Mr. LEVIN.

H.R. 1029: Mr. PALLONE.

H.R. 1285: Mr. GONZALEZ.

H.R. 1489: Mr. GINGREY.

H.R. 1565: Mrs. CHRISTENSEN.

H.R. 1582: Mr. KENNEDY of Minnesota.

H.R. 1587: Mr. FILNER.

H.R. 1657: Mrs. CHRISTENSEN and Mr. ISRAEL.

H.R. 1726: Mr. DELAHUNT.

H.R. 1818: Mr. RYAN of Ohio, Mr. CAPUANO, and Mr. MCGOVERN.

H.R. 1824: Ms. ROYBAL-ALLARD.

H.R. 1861: Mr. GRIJALVA.

H.R. 1995: Mr. BOEHLERT.

H.R. 2023: Mr. HOLT, Mr. ISRAEL, and Mr. LEWIS of Georgia.

H.R. 2071: Mr. KUCINICH.

H.R. 2158: Mr. NUNES and Mr. DOOLEY of California.

H.R. 2173: Mr. LAMPSON and Mr. HOLDEN.

H.R. 2198: Mr. UDALL of New Mexico.

H.R. 2727: Mr. MEEHAN and Mrs. CHRISTENSEN.

H.R. 2868: Mr. WOLF, Mr. NOWROOD, Mr. BURNS, Mr. JOHN, and Mr. JEFFERSON.

H.R. 3127: Mr. OWENS, Mr. MOORE, Mr. FOSSELLA, Mr. VAN HOLLEN, Mr. PAYNE, Mr. FROST, Mr. ANDREWS, Mr. BISHOP of Georgia, Mr. FOLEY, Mr. DELAHUNT, Mr. FARR, and Mrs. CHRISTENSEN.

H.R. 3193: Ms. ROS-LEHTINEN.

H.R. 3293: Mr. ANDREWS.

H.R. 3324: Mr. KUCINICH.

H.R. 3350: Mr. ANDREWS.

H.R. 3352: Mr. GUTIERREZ.

H.R. 3474: Mr. GERLACH, Ms. ROS-LEHTINEN, Mr. KANJORSKI, Ms. MAJETTE, and Mr. BROWN of South Carolina.

H.R. 3800: Mr. CALVERT.

H.R. 3803: Mrs. CHRISTENSEN.

H.R. 3831: Mr. LIPINSKI and Mrs. DAVIS of California.

H.R. 3834: Mr. MCGOVERN.

H.R. 4026: Mr. FERGUSON and Mr. GUTKNECHT.

H.R. 4057: Mr. RAMSTAD.

H.R. 4107: Mr. MARKEY, Mr. HILL, Mr. REHBERG, Ms. CORRINE BROWN of Florida, Mr. RUPPERSBERGER, Mr. CUMMINGS, and Ms. LEE.

H.R. 4140: Mr. UDALL of New Mexico.

H.R. 4205: Mr. WYNN.

H.R. 4261: Mr. PALLONE.

H.R. 4264: Mr. HONDA.

H.R. 4284: Ms. GINNY BROWN-WAITE of Florida, Mr. POMBO, Mr. SAXTON, Mr. WELDON of Florida, and Mr. NEUGEBAUER.

H.R. 4312: Mr. MCINTYRE and Mr. ANDREWS.

H.R. 4325: Mr. PAYNE.

H.R. 4341: Mr. MICHAUD.

H.R. 4358: Mr. TERRY.

H.R. 4370: Mr. JOHNSON of Illinois and Ms. LEE.

H.R. 4391: Ms. SOLIS, Mr. LEWIS of California, Mr. SHERMAN, Mr. BURGESS, Mr. DEUTSCH, Ms. WATERS, and Ms. LINDA T. SÁNCHEZ of California.

H.R. 4420: Mrs. MILLER of Michigan, Mr. PAUL, and Mr. CARTER.

H.R. 4440: Mr. WELDON of Florida, Mr. FEENEY, and Mr. AKIN.

H.R. 4463: Ms. MCCOLLUM and Ms. BALDWIN.

H.R. 4472: Mr. PETERSON of Pennsylvania and Mr. ETHERIDGE.

H.R. 4521: Mr. BISHOP of Georgia.

H.R. 4595: Mr. TIERNEY, Ms. SCHAKOWSKY, Mr. MCGOVERN, Mr. DELAHUNT, Mr. CUMMINGS, Mr. LANGEVIN, Mr. KUCINICH, Ms. LEE, Mr. DOGGETT, and Mr. MICHAUD.

H.R. 4600: Mr. MORAN of Kansas, Mr. WILSON of South Carolina, Mr. MICHAUD, and Mr. ROGERS of Alabama.

H.R. 4610: Mr. REYES, Mr. FROST, Mr. LEWIS of Georgia, Mr. HOLDEN, Ms. SCHAKOWSKY, and Mr. KILDEE.

H.R. 4628: Mr. RODRIGUEZ, Mr. MICHAUD, Mr. DAVIS of Illinois, Mr. MCDERMOTT, and Mrs. CHRISTENSEN.

H.R. 4634: Mr. TERRY, Mr. BOEHNER, Mr. GILLMOR, Mr. SHAYS, Mr. REYNOLDS, Mr. GORDON, and Mr. WOLF.

H.R. 4662: Mrs. NORTHUP.

H.R. 4677: Mr. HAYES and Mr. GOODE.

H.R. 4688: Mr. MORAN of Virginia.

H.R. 4728: Mr. SERRANO and Mr. SKELTON.

H.J. Res. 56: Mr. PUTNAM.

H.J. Res. 99: Mr. SAM JOHNSON of Texas and Mr. REGULA.

H. Con. Res. 247: Mr. TIBERI.

H. Con. Res. 371: Ms. SCHAKOWSKY.

H. Res. 129: Mr. JACKSON of Illinois.

H. Res. 466: Mr. LIPINSKI and Mrs. CHRISTENSEN.

H. Res. 570: Mr. LANTOS.

H. Res. 642: Mr. UDALL of New Mexico.

H. Res. 666: Ms. DUNN.

H. Res. 667: Ms. DELAURO and Mr. GOODLATTE.

H. Res. 673: Mr. RANGEL.

H. Res. 687: Ms. KAPTUR.

H. Res. 688: Mr. TOOMEY.

H. Res. 690: Ms. WATERS, Mr. MCDERMOTT, Mrs. MALONEY, Mr. COOPER, Ms. MCCARTHY of Missouri, Ms. ROYBAL-ALLARD, Mr. TIERNEY, Ms. JACKSON-LEE of Texas, Mr. BLUMENAUER, Mr. FATTAH, Mrs. CAPPS, Mrs. JONES of Ohio, Mr. SERRANO, Mr. ISRAEL, Ms. MCCOLLUM, Mr. OBERSTAR, and Mr. KLECZKA.

H. Res. 699: Mr. MEEHAN.

H. Res. 700: Mr. MEEHAN and Mr. MCDERMOTT.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4754

OFFERED BY: MR. SANDERS

AMENDMENT NO. 1: At the end of the bill (before the short title), insert the following new title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to make an application under section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) for an order requiring the production of library circulation records, library patron lists, library Internet records, bookseller sales records, or bookseller customer lists.

H.R. 4754

OFFERED BY: MR. SANDERS

AMENDMENT NO. 2: At the end of the bill (before the short title), insert the following new title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to make an application under section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) for an order requiring the production of library circulation records, library patron lists, library Internet records, book sales records, or book customer lists.

H.R. 4754

OFFERED BY: MR. SANDERS

AMENDMENT NO. 3: At the end of the bill (before the short title), insert the following new title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to make an application under section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) for an order requiring the production of library circulation records, library patron lists, library Internet records, bookseller sales records, or bookseller customer lists.

H.R. 4754

OFFERED BY: MR. OTTER

AMENDMENT NO. 4: Insert before the short title at the end the following:

TITLE VIII—NOTICE OF SEARCH WARRANTS

SEC. 801. Section 3103a of title 18, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "may have an adverse result (as defined in section 2705)" and inserting "will endanger the life or physical safety of an individual, result in flight from prosecution, or result in the destruction of or tampering with the evidence sought under the warrant"; and

(B) in paragraph (3), by striking "a reasonable period" and all that follows and inserting "seven calendar days, which period, upon application of the Attorney General, the Deputy Attorney General, or an Associate Attorney General, may thereafter be extended by the court for additional periods of up to seven calendar days each if the court finds, for each application, reasonable cause to believe that notice of the execution of the warrant will endanger the life or physical safety of an individual, result in flight from prosecution, or result in the destruction of or tampering with the evidence sought under the warrant."; and

(2) by adding at the end the following new subsection:

"(c) REPORTS.—(1) On a semiannual basis, the Attorney General shall transmit to Congress and make public a report concerning all requests for delays of notice, and for extensions of delays of notice, with respect to warrants under subsection (b).

"(2) Each report under paragraph (1) shall include, with respect to the preceding six-month period—

"(A) the total number of requests for delays of notice with respect to warrants under subsection (b);

"(B) the total number of such requests granted or denied; and

"(C) for each request for delayed notice that was granted, the total number of applications for extensions of the delay of notice and the total number of such extensions granted or denied.".

H.R. 4754

OFFERED BY: MR. TANCREDO

AMENDMENT NO. 5: At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act for the State Criminal Alien Assistance Program under the heading "DEPARTMENT OF JUSTICE—OFFICE OF JUSTICE PROGRAMS—STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE" may be used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373).

H.R. 4754

OFFERED BY: MR. FARR

AMENDMENT NO. 6: Insert before the short title at the end the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act to the Department of Justice may be used to prevent the States of Alaska, California, Colorado, Hawaii, Maine, Maryland, Nevada, Oregon, Vermont, or Washington from implementing State laws authorizing the use of medical marijuana in those States.

H.R. 4754

OFFERED BY: MR. PAUL

AMENDMENT NO. 7: At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used for the American Community Survey.

H.R. 4754

OFFERED BY: MR. PAUL

AMENDMENT NO. 8: Insert before the short title at the end of the bill the following title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. (a) None of the funds made available in this Act to the Department of Justice may be used—

(1) to take any legal action against a physician for prescribing or administering a drug not included in schedule I of the schedules of controlled substances under section 202(c) of the Controlled Substances Act for the purpose of relieving or managing pain; or

(2) to threaten legal action in order to prevent a physician from prescribing or administering such a drug for such purpose.

(b) None of the funds made available in this Act to the Department of Justice may be used—

(1) to take any legal action against a person for acts relating to the prescribing or administering by a physician of such a drug for such purpose; or

(2) to threaten any legal action against a person in order to prevent the person from engaging in acts relating to the prescribing or administering by a physician of such a drug for such purpose.

H.R. 4754

OFFERED BY: MR. PAUL

AMENDMENT NO. 9: At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to pay expenses for any United States contribution to the United Nations Educational, Scientific, and Cultural Organization (UNESCO).

H.R. 4754

OFFERED BY: MR. PAUL

AMENDMENT NO. 10: At the end of the bill (before the short title), add the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to pay any United States contribution to the United Nations or any affiliated agency of the United Nations.

H.R. 4754

OFFERED BY: MR. KUCINICH

AMENDMENT NO. 11: Page 57, line 11, after the dollar amount, insert the following: "(reduced by $1,000,000) (increased by $1,000,000)".

H.R. 4754

OFFERED BY: MR. KUCINICH

AMENDMENT NO. 12: Page 57, line 11, after the dollar amount, insert the following: "(reduced by $250,000) (increased by $250,000)".

H.R. 4754

OFFERED BY: MR. KUCINICH

AMENDMENT NO. 13: Page 57, line 11, after the dollar amount, insert the following: "(reduced by $50,000) (increased by $50,000)".

H.R. 4754

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 14: Page 2, line 7, after the dollar amount, insert "(decreased by $1,000,000)".

Page 84, line 11, after the first dollar amount, insert "(increased by $1,000,000)".

H.R. 4754

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 15: Page 2, line 7, after the dollar amount, insert the following: "(reduced by $10,000,000)".

Page 26, line 20, after the dollar amount, insert the following: "(increased by $10,000,000)".

Page 28, line 4, after the dollar amount, insert the following: "(increased by $10,000,000)".

H.R. 4754

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 16: Page 8, beginning on line 4, strike "Attorneys." and insert "Attorneys: *Provided further*, That in using funds made available under this heading to prosecute crimes described in section 274(a) of the Immigration and Nationality Act (8 U.S.C. 1324(a)), priority shall be given to cases in which the offense was part of an ongoing commercial organization or enterprise; the aliens were transported in groups of 10 or more; and the aliens were transported in a manner that endangered their lives or the aliens presented a life-threatening health risk to people in the United States.".

H.R. 4754

OFFERED BY: MR. OXLEY

AMENDMENT NO. 17: Page 5, line 20, after the first dollar amount, insert the following: ", of which $2,605,000 shall be for 25 positions to investigate and prosecute adult obsenity and child exploitation crimes,".

H.R. 4754

OFFERED BY: MR. OXLEY

AMENDMENT NO. 18: Page 5, line 20, after the first dollar amount, insert the following: ", of which $2,605,000 shall be for the Child Exploitation and Obscenity Section,".

H.R. 4754

OFFERED BY: MR. OXLEY

AMENDMENT NO. 19: Page 5, line 20, after the first dollar amount, insert the following: "(reduced by $2,605,000) (increased by $2,605,000)".

H.R. 4754

OFFERED BY: MR. AKIN

AMENDMENT NO. 20: At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used in contravention of the provisions of subsections (e) and (f) of section 301 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108–25; 22 U.S.C. 7631(e) and (f)).

SENATE—*Tuesday, July 6, 2004*

The Senate met at 9:45 a.m. and was called to order by the Honorable CONRAD R. BURNS, a Senator from the State of Montana.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Our Lord and our God, as the waters fill the sea, let America be filled with people who know You. Help our citizens to live for Your honor. Increase our faith, hope, and love that we may receive Your promises. Be merciful to our Nation, for You are our hope. The brightness of Your glory covers the heavens and light flashes from Your Hands. Hide not Your mighty power from us.

Empower our lawmakers today with the music of Your wisdom that they may bring hope out of despair and joy out of sadness. Teach us to celebrate, even in the darkness, because You are the God who saves us. Give us the strength to stand on the mountain. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CONRAD R. BURNS led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, July 6, 2004.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CONRAD R. BURNS, a Senator from the State of Montana, to perform the duties of the Chair.
>
> TED STEVENS,
> *President pro tempore.*

Mr. BURNS thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized.

SCHEDULE

Mr. FRIST. Mr. President, I do want to welcome everyone back following the Fourth of July recess. Today, we return to business for a relatively brief, under-3-week legislative period, but what I know will be a very productive legislative period. This morning we will proceed to executive session and the consideration of J. Leon Holmes to be a U.S. District Judge for the Eastern District of Arkansas. Pursuant to the agreement reached prior to adjourning, there will be up to 6 hours of debate today before the vote on the confirmation of this nomination. I anticipate that vote occurring sometime around 5:30 today, and that will be the first vote of the day.

We also expect to consider additional judicial nominations throughout this period prior to the August recess, and we will be scheduling those nominations as they become available.

Following the vote on the Holmes nomination, we will begin consideration of the class action fairness legislation, and that debate will begin after the vote and continue tonight. This class action bill is a bipartisan bill, and I hope we will be able to consider it in a fair and expeditious way. As I mentioned, this is an abbreviated legislative period due to the respective party conventions which begin later this month. There is a lot of work to do over the next 3 weeks, including consideration of the appropriations bills.

The best way for us to ensure we complete the class action measure is for the Senate to focus on related amendments on that bill. The issue has been before this body previously; therefore, I hope we can consider relevant amendments and ultimately pass this legislation with a large bipartisan vote. If this bill becomes a vehicle for every unrelated issue that is stored in people's desks and in their minds, I am afraid this abbreviated schedule will not make it possible to do that. And if we insist upon offering a lot of unrelated amendments, the ultimate consideration of the bill clearly will be impossible because of the time involved.

Having said that, I will be working with the Democratic leadership to see if we can finish this bill in a reasonable period of time. Again, I welcome back all of my colleagues. It will be a very busy session over the next 3 weeks. I ask in advance for everyone's patience and cooperation during this period.

Mr. DASCHLE. Mr. President, if the majority leader will yield?

The ACTING PRESIDENT pro tempore. The Senator from South Dakota.

Mr. DASCHLE. Let me welcome him back and express the hope that we can work together on a number of issues this work period. Could the majority leader give us some indication as to what we might expect once the class action bill has been completed? What other issues do you expect to take during this 3-week period and in what order of sequence? If the majority leader could share that with us, it would be helpful as well.

Mr. FRIST. Mr. President, as we get back and do our planning over the course of the next several hours and days, we will do just that. As I mentioned, we have the class action bill. Once we complete that, we have appropriations bills. We are, at some juncture, going to consider the Federal marriage amendment, and there will be a number of other issues. But as they come forward, I would be happy to discuss it with the leader.

LEON HOLMES

Mr. FRIST. Mr. President, I want to spend a few minutes on what the Senate will be addressing over the next several hours. That is the consideration of the nomination of Leon Holmes to be a Federal district court judge in the Eastern District of Arkansas. His nomination has been languishing since January 2003. It is long past time that the Senate give Mr. Holmes the up-or-down vote he deserves.

Mr. Holmes is known in his home State of Arkansas as a brilliant and impartial jurist who follows the law. His nomination has brought substantial opposition from some liberal activists in Washington. But in Arkansas, he has earned respect and support from liberals and conservatives alike.

These supporters include Kent Rubens, who led the fight to strike down Arkansas's pro-life laws in the wake of Roe v. Wade. Rubens writes in a letter to Chairman HATCH and Senator LEAHY on March 21, 2003:

> I cannot think of anyone who is better qualified to serve . . . As someone who has represented the pro-choice view, I ask that you urge your members to support this confirmation.

Or you can listen to this letter from Ellen Woods Harrison to Chairman HATCH and Senator LEAHY:

> I am a female attorney in Little Rock, Arkansas. I am a life-long Democrat and am

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

> also pro-choice . . . I commend Mr. Holmes to you. He is a brilliant man, a great lawyer and a fine person.

And the editorial board of the Arkansas Democrat Gazette supports Mr. Holmes' nomination. They write:

> What distinguishes Mr. Holmes is the rare blend of qualities he brings to the law—intellect, scholarship, conviction, and detachment . . . He would not only bring distinction to the bench, but a promise of greatness.

I should also note that Arkansas's Democratic Senators, Mark Pryor and Blanche Lincoln, strongly support Leon Holmes.

In light of this broad support for Mr. Holmes, one wonders if some activists in Washington are more interested in a witch hunt than in fairness. This body should not erect religious tests for judges. One's personal religious beliefs—in Leon Holmes' case, his Catholic beliefs—should not disqualify anyone from serving on the bench. I fear that the arguments put forth by some of my colleagues may lead to the disqualification of judicial nominees who are Catholic or Baptist or who hold deeply held religious views.

Nominees should be judged on their temperament and their ability to impartially uphold the law. The Framers of the Constitution wisely rejected religious tests for officeholders. I would hate to see this body try to upend that wise judgment of our Founders.

A judge should know how to separate his personal views from those of the law, and Leon Holmes' record of impartiality speaks for itself.

Mr. Holmes finished law school at the top of his class. He was inducted into Phi Beta Kappa while a doctoral student at Duke University. His doctoral dissertation discusses the political philosophies of W.E.B. DuBois and Booker T. Washington, and it analyzes the effort Dr. Martin Luther King, Jr. made to reconcile their divergent views. Mr. Holmes was habeas counsel for death row inmate Ricky Ray Rector, a mentally retarded man whose execution then-Governor Clinton refused to commute during the 1992 Presidential election.

Clearly, his record speaks of a man who is compassionate, thoughtful, and fairminded. Taken together, I believe Leon Holmes will be a just and impartial jurist. He deserves the Senate's support, and I trust that my colleagues will join me in voting to confirm him later today.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The distinguished minority leader is recognized.

ON OPTIMISM AND THE ECONOMY

Mr. DASCHLE. Mr. President, we hear a lot these days about how essential optimism is to economic growth and progress. These discussions remind me of that old saying that "an optimist is someone who believes we're living in the best of all possible worlds, and a pessimist is someone who fears this may be true." By those definitions, there are probably very few optimists or pessimists in America because we all know that America's economy today is not the best possible.

This morning, I want to say a few words about how we can strengthen our economy and create new jobs and a brighter future for hard-working middle-class families in America.

We are all relieved that the economy has finally started adding more jobs each month than it is shedding. After 2½ years in which our economy lost jobs every month, these new jobs are good news—especially for the millions of Americans who are looking for work. But there are still over a million fewer jobs in America today than there were 4 years ago. In addition, the latest job-growth figures, released last Friday, were considerably weaker than most analysts had predicted. That disappointing news reminds us that optimism alone is not a national economic policy. What we need is realism.

Many proposals have been introduced in this Senate to create jobs and to help people who have lost jobs find new ones. We owe it to the American people to consider a variety of ideas. And in weighing our economic options, the question we ought to ask ourselves is not whether an idea is optimistic or pessimistic. The question we should ask about every proposal is: Does it do right by America? Will it lead to the kind of economic growth that benefits all Americans, not just the fortunate few? Does it provide incentives to encourage companies to create jobs in America—rather than encouraging companies to ship American jobs overseas? Does it help the people and communities that have lost jobs these last 4 years? Does it give them the tools and the opportunities to replace those lost jobs with better jobs? Or does it just write them off? Does it do right by the millions of middle-class families who are working harder every year but are still losing ground economically? Optimism alone can't stretch a paycheck, or pay a mortgage, or put your children through college.

Some people point to the fact that the economy has finally started to create jobs as proof that we have solved the jobs problem. They say that all we have to do now is stay the course and be patient. I wish the people who say that would come to North Sioux City, SD, and some of the communities that surround it. Until very recently, North Sioux City was the headquarters for Gateway computers, one of the largest private employers in South Dakota. Four years ago, Gateway employed 6,000 people in the Siouxland area around North Sioux City. But the recession and the shakeout in the technology sector hit Gateway hard, as it did many tech companies. Today, only 1,700 people work for Gateway in the North Sioux City area.

I am not sure if it is a blessing or a curse, but the job losses at Gateway didn't come in one crushing blow. They came instead as a steady stream of layoffs. While none was large enough to grab national media attention, the cumulative impact of these layoffs on the families and communities in the Siouxland area around North Sioux City has been devastating. Some of the laid-off workers received severance packages. Some have found new jobs that pay less. Many are still looking for work. There are many more good workers today in the Siouxland area than there are good jobs.

These times are tough even for many people who are working. Over the past year, real weekly earnings actually fell for the average worker, according to the Department of Labor. In South Dakota and across America, workers are earning less than they did a year ago, but they are paying more—for gas, health care, tuition, and other basic necessities.

Even with the recent easing of prices, gas still costs 30 cents a gallon more in South Dakota today than it did a year ago.

Health care costs continue to rise by double digits every year. More employers are being forced to scale back the health care benefits they offer their workers; others are dropping health care coverage altogether. According to a new report by Families USA, 27 percent of South Dakotans today have no health insurance. Across America, 44 million people are in that category. And most of the people who are uninsured get up and go to work every day. They work hard. Some of them work two and three jobs to support their families. But they can't afford health insurance. You don't have to be an optimist to believe that we can do better than that.

Last week, the Federal Reserve raised interest rates for the first time in 4 years as protection against inflation. Most analysts predict that we will see additional rate hikes in the future. And the enormous budget deficits built up these last 4 years will put even more pressure on interest rates, making it harder and more expensive for families to borrow money and to pay off mortgages, loans and credit card balances.

The Gateway workers who have lost their jobs, and middle-class families across South Dakota and across America, don't lack for optimism. But it is not easy to be patient when you have lost your job and your unemployment benefits, and your savings are getting low. It is not easy when you are working harder every year and getting deeper in debt.

Middle-class families across America are getting squeezed between stagnant wages and rising costs. They are being hurt by an economy that is creating jobs too slowly to fill the demand, and by the fact that the new jobs pay, on average, 21 percent less than the jobs they replaced.

The choices we make must do right by these families. Middle-class families need more—and deserve more—than soothing words of optimism. They deserve action from the Federal Government—smart, sustained, realistic, bipartisan action to help people who have lost jobs find new ones and to make sure that American companies and workers can compete for, and win, the jobs of the future.

One of the fastest, easiest ways we can reduce the economic squeeze on middle-class families is by protecting overtime pay. The Senate voted overwhelmingly last year to reject the administration's outrageous effort to deny overtime pay to millions of workers, and we rejected that misguided proposal again this year when we passed the Senate version of the FSC bill. Overtime pay isn't extra money; it is essential family income and protecting it is doing right by America. We need to continue to stand together and make sure that the final FSC bill Congress sends to the President preserves overtime protections.

When it comes to helping workers whose jobs have disappeared or been shipped overseas, we don't need to create a new government bureaucracy. We just need to invest in solutions that we know work.

The Commerce Department's Trade Adjustment Assistance program is one example. It helps manufacturing workers who have lost jobs because of globalization get back on their feet. Among other things, it provides access to community college so workers can learn new job skills and it helps workers maintain their health coverage until they can find work.

The Trade Adjustment Assistance program is a good program. The only problem is, it doesn't cover service-sector workers, who are among the workers hardest hit by "outsourcing" and "offshoring." During the debate on the FSC bill, the Senate considered a bipartisan proposal to expand the Trade Adjustment Assistance program to help service-sector workers whose jobs are being shipped to India and other low-wage countries. Not only did the administration oppose our efforts to help these workers get back on their feet, it continues to encourage companies to ship more jobs overseas.

Turning our backs on workers who are being displaced by this economic transition isn't optimism. And it isn't doing right by America. We can do better—by expanding the Trade Adjustment Assistance program to match the realities of today's economy and help more laid-off workers get back on their feet.

We should also extend Federal unemployment benefits for those workers who have exhausted their State benefits and still can't find work. It is the sensible thing to do. It is the decent thing to do. It is right for America. And with the average length of unemployment at a 20-year high, we need to do it now.

We can also do a better job of helping businesses create new jobs. Tax cuts are one tool. But they do not, by themselves, create jobs. Small businesses and start-ups need access to capital. They need technical advice. They need help developing marketing plans. In other words, they need the kind of help that is provided by innovative programs such as the Small Business Administration's lending and technical assistance programs, and the Treasury Department's Community Development Financial Institutions Fund. Both of these programs have achieved wonderful results with limited resources. Yet the President's proposed budget for next year drastically reduces or eliminates funding for many of their efforts. That is a mistake, and we should fix it.

Finally, EDA, the Economic Development Administration, which is part of the Commerce Department, was created specifically to "alleviate conditions of substantial and persistent unemployment and underemployment in economically distressed areas and regions." I have seen how EDA seed money can grow into real jobs in rural areas, on Indian reservations and in other communities in South Dakota where private lenders weren't as optimistic as the EDA about the community's future. If we are looking to reward hard work and optimism, we need to make sure EDA has the resources to carry out its mission wherever it is needed.

Around the country there must be hundreds, if not thousands, of communities like North Sioux City, where well-equipped factories stand idle and well-trained, highly skilled workers are waiting for an opportunity. Even though they have had a tough time these last few years, these workers are not pessimistic about America. They believe in America. They believe the future can be better than the past and they're willing to work hard to make that happen.

Let's work together to show these workers that America believes in them. Optimistic words are not enough. We need a comprehensive economic plan that does right by all Americans. We need to reduce the squeeze on middle-class families and make sure that every American worker is able to find work that allows them to care for their family and live in dignity. We have done it before. Working together, we can do it again.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CHAMBLISS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. REID. Mr. President, will the Senator yield?

Mr. PRYOR. Yes.

Mr. REID. It is my understanding that on the matter we are about to consider there are 6 hours under the order before the Senate; is that right?

The PRESIDING OFFICER. That is correct.

Mr. REID. We are starting at approximately 10 after. We will have a little more than 2 hours before the lunch break, and we will come back at 2:15. So if all 6 hours were used, what time would we vote tonight?

The PRESIDING OFFICER. Approximately 6 o'clock.

Mr. REID. OK. So if we are going to do what the majority leader suggests, someone would have to yield back some time for us to be able to vote at 5:30. That is doable. I appreciate that.

EXECUTIVE SESSION

NOMINATION OF J. LEON HOLMES, OF ARKANSAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF ARKANSAS

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to executive session to consider Calendar No. 165. The clerk will state the nomination.

The legislative clerk read the nomination of J. Leon Holmes, of Arkansas, to be United States District Judge for the Eastern District of Arkansas.

The PRESIDING OFFICER. There will be 6 hours of debate equally divided.

The Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, we find ourselves today considering the nomination of Leon Holmes for the Eastern District of Arkansas. I have known Mr. Holmes for a number of years. In fact, I used to practice law with him. Even though I count him as a friend, I have to go back to the criteria that I use when I consider any nomination for the Federal bench.

Basically, I have a four-part test that I apply. One: Is the nominee qualified? Two: Does the nominee have the necessary experience for the post? Three:

Will the nominee, once he or she is on the bench, be fair and impartial? And the fourth criteria is more of a catch-all: Are there other circumstances—maybe his or her temperament or maybe he or she has an agenda—is there something in their background that might prevent this person from serving?

Clearly, Leon Holmes is a qualified nominee. There is no doubt about that. Also, clearly he has the necessary experience to serve as a district judge in the Eastern District of Arkansas. Rightly so, people can ask and should ask: Can he be fair and impartial?

There is no question about the fact that Leon Holmes has been a strong advocate when it comes to the issue of life and choice. He is strongly on the pro-life side. He has been very clear about that point. For over two decades now, there is no question, there is no doubt about where Mr. Holmes stands on that important issue facing our Nation today.

Let's look at that issue and let's look at some statements he made and some things we have learned about Mr. Holmes during this nomination process.

First, let me say, I was attorney general in Arkansas for 4 years before I came to the Senate. As such, I can think, in 4 years of practice, of only one case of which I am aware that either my office or anybody else in the State of Arkansas handled relating to abortion and that was directly on point. The fact that he would be a judge for the Eastern District of Arkansas—we have two districts—probably would mean, given the number of Federal judges we have, given his age, it would be very unlikely for him to ever have an abortion case.

Second, even if he did have an abortion case, Mr. Holmes has represented every pro-life group in the State of Arkansas—I cannot speak to all of his clients, but he has represented them and has been very involved with them. So undoubtedly he would have a conflict if any of those cases ever came before him as a judge.

Mr. Holmes has a very deep conviction and a genuine passion about the issue of when life begins and whether this country should allow women the right to choose under any circumstance. It is a position that is based on much thought and much reason and even much prayer.

I can say this: After reviewing his record very thoroughly in the last year—by the way, this nomination has been pending in the Senate for over a year—he has made a number of inflammatory statements, and I thought what I would do is read through a few of those very briefly so my colleagues will understand what the controversy with Mr. Holmes is all about.

At one point, he wrote:

> Concern for rape victims is a red herring because conceptions from rape occur with the same frequency as snow in Miami.

I could go through a series of statements he made. Let me read a couple more. He, in effect, compared the pro-choice movement to some things that were going on in Nazi Germany. I think that is a fair statement without trying to get into the long background and quote on that point.

Another item which has been controversial is that he wrote a piece for a Catholic newspaper in Arkansas. He also cowrote it with his wife. In this piece it says that a wife has the obligation to "subordinate herself to her husband" and "to place herself under the authority of the man." Here, again, this is a reflection of Catholic doctrine. It is a teaching that is found in the New Testament. It is something in which Mr. Holmes and his wife both participate. When we hear statements such as that, naturally questions are raised and people ask: Is this the kind of person we want on the Federal bench?

If we look at most of the statements he has made about abortion and other subjects, not every single one, but most are at least 15 years old. He has apologized during the course of this nomination process, and, for all I know, he has already apologized for this, but he has apologized on many occasions for some of the statements he has written and said.

In fact, if I can read some excerpts of the responses from his questionnaire he answered before the Judiciary Committee. I am not going to try to read all this because there are way too many of them and way too long. Let me take selected excerpts.

At one point he said:

> The sentence about rape victims—

Which I just quoted—

> which was made in a letter to the editor in 1980 is particularly troublesome to me from the distance of 23 years. Regardless of the merits of the issue, the articulation in that sentence reflects an insensitivity for which there is no excuse and for which I apologize.

He goes on to say in another paragraph:

> Let me be clear that Roe v. Wade, as affirmed by Casey, is the law of the land. As a district judge, I would be bound to follow it and would do so.

In another response about when it comes time for him to consider whether he should recuse in cases, he said:

> I would follow 28 U.S.C. 455 and the Code of Conduct for United States Judges when making recusal decisions.

He goes on to say in another paragraph:

> Roe v. Wade is the law of the land. As a judge, I would be bound by oath to follow that law. I do not see how a judge could follow the law but restrict the rights established by the law.

In other words, he is committing over and over he is going to follow the law of the land.

Again, in answer to another question:

> I recognize the binding force of the court's holding in Griswold and Eizenstat recognizing the right to privacy.

Once again, people can have a legitimate, genuine concern and can ask questions about this point, but time and again he answers his critics.

He says later:

> Roe v. Wade establishes that the constitutional right to privacy includes a woman's right to have an abortion.

In another section he says:

> I do not understand that the Court in Roe v. Wade contended that the decision there was mandated by strict construction as the term is defined above.

He is talking about this phrase in the question.

> I recognize these decisions are, once again, the law of the land. They are binding precedent on all courts. If I am confirmed, I will do my utmost to follow these and all other precedents of the Supreme Court of the United States.

Then the last couple of excerpts I would like to read are these. Here again he is talking about Roe v. Wade:

> As a judge, I would follow every decision of the Supreme Court that has not been subsequently overruled.

How many times does he have to say that? How many times does he have to say he is going to follow the law?

I know Leon personally. Lawyers in Arkansas have worked with him, and they know him personally. We have a high degree of confidence that he will follow the law.

Something that comes through over and over with Mr. Holmes is he has an incredibly strong reputation for high ethical standards.

In fact, as a demonstration of this, at one point during the process he met with Senator LINCOLN and they talked about a number of issues. If we know Senator LINCOLN, we know she asked a lot of hard questions and she expected clear and definitive answers, which she got.

At some point during the process, other things came to light he had not told Senator LINCOLN about or that he felt, in fairness to her and out of respect for her, she should know about.

So on his own volition, without being prompted by anyone or anything, on April 11, 2003—this was over a year ago because this has been pending over a year—he voluntarily wrote Senator LINCOLN a letter talking about some of these statements that had come out. He says in the 1980s he wrote letters to the editors in newspaper columns regarding the abortion issue using strident and harsh rhetoric. He goes on to say almost all of these are over 15 years old. He says, in a later paragraph:

> As I stated in response to written questions from Senator DURBIN, I am especially troubled by the sentence about rape victims in a 1980 letter to the editor regarding the proposed Human Life Amendment; and as I said there, regardless of the merits of the issue, the articulation of that sentence reflects an insensitivity for which there is no excuse and for which I apologize. . . .

Here again, he is talking about something he had written over 24 years ago.

If we were to apply that same standard to us, if we could think back 24 years before we ever were in office or even 24 years ago for any of us, we would probably look back on some of our statements and not be real pleased with some of the things we said.

He goes on when he talks about a 1987 effort, when he was president of Arkansas Right to Life, and he says he asked a rhetorical question in the context of some columns and things that had been written and he mentioned Nazi Germany. One thing he says to Senator LEAHY is: "I did not intend to say that supporters of abortion rights should be equated with Nazis," and he spends a whole paragraph talking about this, trying to clarify and give the context for what he had said.

He also in his letter to Senator LINCOLN wrote about this article he had written in his church newspaper. He says that "the marital relationship symbolizes the relationship between Christ and the church." He stated:

> . . . My wife and I believe that this teaching ennobles and dignifies marriage and both partners in it. We do not believe that this teaching demeans either the husband or the wife but that it elevates both. It involves a mutual self-giving and self-forgetting, a reciprocal gift of self. This teaching is not inconsistent with the equality of all persons, male and female . . .

Then he goes on to talk about that. So when we look back at these statements he made 17 years ago, 23 years ago, 24 years ago in one case, Leon Holmes, by his own words, comes to this conclusion in the last paragraph of his letter. He says:

> Some of the criticisms directed at things I wrote years ago are just; some of them are not. I hope that my legal career as a whole, spanning the years 1982 through 2003, evidences that I am now ready to assume the responsibility of a United States District Court Judge. I certainly was not ready in 1980, nor for many years thereafter, and I do not claim that I was. . . .

In other words, he is admitting he had maybe crossed a line and there are some things he wished he had not said or wished he had said differently.

I will tell my colleagues about Leon Holmes. He is a very fine person. He is a very serious and very sincere Christian man. He is a husband, he is a father, and he is a lawyer. He is a man of very deep faith. In fact, his faith permeates every aspect of his life. I say that very sincerely because I know Leon. Some people might hear those words and say, listen, that means he has this rightwing agenda that when he gets on the bench he is going to do certain things and hold certain ways.

Well, Leon is much deeper than that. His agenda is justice. The hallmark that really distinguishes Leon from so many other people is integrity. He is a great example of integrity.

I have 23 letters. I promise I am not going to read them all. There are dozens more I could have brought with me. There is a saying in the Bible that if we do not testify about it the stones will cry out. Well, what we found in Arkansas is a swelling where the stones are crying out, except in this case they are not stones, they are people who have practiced with Leon and people who have practiced against Leon.

I have personally talked with dozens and dozens of lawyers in the State of Arkansas. I have asked them: Would Leon Holmes make a good Federal judge? In almost every single conversation, there is an unequivocal yes, he would be an outstanding Federal judge.

I will read some of these excerpts. Then I would like to turn this over to my colleague, the chairman of the Judiciary Committee. One excerpt is from a Federal district judge, Bill Wilson. I actually asked him to write this letter because I asked him about whether he thought Leon Holmes could be fair and impartial. As part of the explanation, Judge Wilson says before Leon was nominated and chosen for the bench, he was "a New Deal, new frontier, great society Democrat, and unabashedly so." He goes on to talk about how Leon Holmes will have a detached objectivity, that he will set a standard all judges would be proud of. He concludes by saying:

> I have seen Leon Holmes in action on several other occasions, and he is a top-flight lawyer with the nicest sense of personal honor. I believe this to be his reputation with almost all the legal profession in Arkansas.

That is my impression as well.

Here is a letter from Philip Anderson. Philip Anderson may not be a household name, but Philip Anderson is the former president of the American Bar Association. He writes this paragraph:

> I practiced law with Mr. Holmes for many years until he withdrew from our firm two years ago. I believe that he is superbly qualified for the position for which he has been nominated. He is a scholar first, and he has had broad experience in Federal court. He is a person of rock-solid integrity and sterling character. He is compassionate and even-handed. He has an innate sense of fairness. He is temperamentally suited for the bench. He works with dispatch. In short, he has all of the qualities that one would hope to find in a Federal judge, and seldom are they found in a person so amiable and with his degree of genuine humility.

In fact, I know Philip Anderson is a Democrat and was his law partner for a number of years.

Here is another one. This one is from Kristine Baker of Little Rock. She is a lawyer. She goes out of her way to point out she is a Democrat. She says: I do not always see eye to eye but I respect him and trust his judgment. Above all, he is fair.

She talks about his respect and his dignity, his intellect, his demeanor, his temperament, and his ability.

Here we have another letter. This one is actually from Tulsa, OK. It is from a lawyer named Dana Baldwin who used to practice in Little Rock. She is a native Arkansan. She said:

> Despite occasional differences in my and Mr. Holmes' views on social and political issues, I can speak highly of his integrity and compassion for the law. . . .

She talks about his impartiality. She talks about his commitment to follow the law.

This letter is from Robin Carroll, who is a lawyer down in El Dorado, AR.

Robin happens to be the legal counsel for the Democratic Party of Arkansas. He calls Mr. Holmes:

> . . . a brilliant and ethical lawyer.

He would be a fair and impartial judge. He would be fair and impartial on every issue.

Bear in mind, Mr. Carroll and Mr. Holmes have done battle in the courtroom before on election issues, and other party-type issues.

Here is another one, Nate Coulter. Nate is a very fine lawyer from Little Rock. He has been on the statewide ballot twice as a Democrat. He says:

> . . . I am writing to endorse enthusiastically Mr. Holmes' nomination to the federal district court.

He says his political views and party affiliations differ, but those:

> . . . do not affect my very high regard for his character and professionalism.

He says they have been opposite each other in at least six lawsuits. Mr. Coulter talks about Mr. Holmes' intellectual fitness and integrity and once again, Nate has done battle with him in the courtroom.

Also now we have a letter from Beth Deere. She again goes out of her way to talk about how she is a Democrat and how they do disagree on a number of issues. But she talks about his bright legal mind. Once again, she mentions the word "integrity." That comes through over and over and over in these letters.

Margaret Dobson says:

> I have met no man who respects women more.

She talks about the respect she has for Leon and Leon has for others. She says he is the partner who had most supported her career growth and her rise to the level of partner.

Here again she talks about Leon's political views and hers. They may disagree, but he is:

> . . . fair and honest and diligent.

He has a commitment to follow the law. He has:

> . . . impeccable morals, unquestionable ethics, and supreme intelligence.

She talks about how respected he is in the legal community in Arkansas.

Here is one from Stephen Engstrom, who is a lawyer in Little Rock. He says:

> He is an outstanding lawyer and a man of excellent character.

Once again, he says:

> Leon Holmes and I differ on political and personal issues such as pro-choice/anti-abortion. [In fact he says] I am a past board

> member of our local Planned Parenthood chapter. . . .

But he goes on to say:

> . . . I am confident that Leon Holmes will do his duty as the law and facts of any given case require.

Here again, I am only reading short excerpts from a few of the letters we have received on Mr. Holmes.

Here is one from David Grace, who is a lawyer in Little Rock and practices in downtown. He has a very fine reputation. He says that he and I have had several cases. Some of these have been with him and some against him.

> . . . Leon has a powerful mind and excellent judgment. He is able to be honestly objective. . . .

He goes on to say:

> . . . he is among the very best and most respected lawyers in Arkansas.

Once again, he goes out of his way to say he disagrees strongly with some of Leon's political or social views, but they have not:

> . . . affected his analysis of a legal problem or his performance as an attorney.

We have a law professor from the University of Arkansas Law School, where Leon was a student. This is Howard Brill. In fact, he was one of my law professors. He says:

> I have no doubt that he is scrupulously fair and will be so on the bench—fair to all individuals, to all groups, to all political persuasions, to all viewpoints on the issues that divide Americans. In his judicial role and temperament, he is not a partisan.

Here is a letter from a lawyer, Field K. Wassen, Jr., who was Governor Bill Clinton's legal counsel. He says Leon Holmes has "unquestioned integrity."

Here is another one from a plaintiff's lawyer in the State. Her name is Eileen Woods Harrison. Her father was a Federal judge and she is a lifelong Democrat. In fact, at one point she was on the State Workers Compensation Commission and she was released from that post because she was considered to be too liberal on some of the issues. And lo and behold, who was hired to represent the State against her when she sued the State? Leon Holmes. She goes on in this letter to say, even though he was "on the other side," he:

> . . . conducted himself in the most professional and ethical manner throughout my case. I gained a great respect for him throughout the course of the litigation.

This isn't a lawyer who is on the other side, this is a litigant. This is a party and he is the lawyer for the other side. In fact, she closes with a Bible verse and says:

> "Let Justice run down like waters, and righteousness like a mighty stream." It is my firm belief that Mr. Holmes is a just and righteous man who deserves the appointment to the Federal Bench.

Here is one from Bradley Jesson, from Fort Smith, a very fine lawyer who was for a short time Chief Justice of the Arkansas Supreme Court and a Democrat. He says:

> My opinion is this is one of the best judicial selections that President Bush has made.

He says he has been with Leon in a number of cases.

> In some we are on the same side. In others we are on opposing sides. . . . [He's] one of the best prepared lawyers around and most courteous and most professional. . . . His legal work is among the very best I observed. . . . Leon and I frankly disagree about some issues . . .

But Brad Jesson is convinced Leon will follow the law.

Here is one from Jack Lavey. He is a great lawyer in the State of Arkansas. In fact, he is one of the founding members of the State chapter of the ACLU. He calls himself, in this letter, a liberal Democrat. He talks about Leon Holmes and he says:

> . . . his professional reputation is outstanding. He is very bright . . . and he's a very ethical lawyer. He is very honest. . . . he has always been very professional and very ethical.

He says he is honest and fair. He says also he will follow the law. He says:

> If a Roe v. Wade issue comes before Mr. Holmes, if he is appointed as a federal district court judge, he will follow the Supreme Court's decision in that case. If I thought otherwise, I would not be writing this letter to you.

He goes on to talk about him and uses words like "fairly," "honestly," "ethically," "in accordance with established law."

He says:

> To conclude, I consider it a privilege to highly recommend to the United States Senate the appointment of Mr. Holmes as a federal district judge for the Eastern District of Arkansas.

Here is one from Sandy McMath. He uses words like "integrity," "compassion," "scholarship." He says:

> . . . he's an honorable and upright lawyer.

He goes on to say they have opposed each other vigorously in a case involving ERISA, but he was at all times compassionate toward the other side's client. He treated the other client with tremendous respect.

Once again, Sandy McMath, like most of these others, talks about how they are on opposite sides of the political fence, but he is confident Leon Holmes will make a good judge.

Also, here is one from Elizabeth Murray. She is with the largest law firm in Arkansas, does a lot of defense work, probably insurance defense work mostly, and corporate law work. She talks about his intelligence, his integrity, and his respect for the law. She says she does not share his opinions on a variety of issues, but nonetheless she thinks he would be a good Federal judge.

Jeff Rosenzweig offers his "wholehearted support." He is a criminal defense lawyer. He calls himself a libertarian Democrat. I am not even sure exactly what that is, but that probably does sum up his political views. But he says:

> He's a person of the highest character, intelligence and judgment. He's been an outstanding advocate and if confirmed will be an outstanding judge. If there is any person in the world who will apply the law without regard to what his personal beliefs might be, that person is Leon Holmes.

Time and time and time again we see that. Here is a letter from Charles Schlumberger, a great lawyer in Little Rock and a good friend of mine. He says:

> I am a Democrat, I am pro-choice, and I support gender equality.

He goes on to say:

> If ever there was an individual fully qualified to serve on the federal bench, it is Mr. Holmes.

He goes on to say:

> I am confident that Mr. Holmes will uphold his duty as jurist to follow the rule of law, without bias or deference to his personal convictions.

We hear from a lawyer who now lives in Naples, FL, but used to practice in Little Rock, Jeanne Seewald. She gives her wholehearted endorsement. She talks about how respectful, courteous, and supportive he was of her personally at their old law firm when they practiced together. She says Leon is a gentleman and a scholar.

> He has been a faithful mentor over the years. His ethics are beyond reproach.

She talks about his thoughtful and brilliant analysis of issues.

I could read a couple of paragraphs out of that letter because she says so many glowing things about him.

Here is one from Steven Shults who is, again, a lawyer in Little Rock—a very fine lawyer with a great reputation. He talks about how they have been on opposite sides of many lawsuits, but "Mr. Holmes is one of the finest lawyers in Arkansas and a premier appellate advocate."

He talks about his integrity. There is that word again, "integrity." It comes through time and time again.

He talks about his "integrity, judgment, courage, compassion, intellect, dedication, patience, and intellectual honesty."

Here again, Steven Shults is on the other side of some of these issues, but, nonetheless, he thinks he would be a very good judge.

Here is one from Luther Sutter, who is a civil rights lawyer in Arkansas. In fact, he may have the largest civil rights practice in the State. I am not sure, but he is definitely among the largest. He talks about Leon Holmes being the consummate professional. He says:

> I assure you that in my eight years of practice, I have learned to identify ideologues who are also lawyers. Such lawyers routinely put their personal and philosophical interests ahead of what I consider to be their clients' best interests. Mr. Holmes never did that.

He goes on to say:

> I recommend Leon Holmes to the Federal bench, with a full understanding of his politics. Personally, I do not agree with some of his political views.

He goes on to talk about how he heartily recommends Leon Holmes.

This is the last letter I will read. I promise because I know I am trying the patience of everyone in the Chamber right now. But this is a letter that the majority leader referred to a few moments ago from Kent Rubens who is a very good lawyer from West Memphis, AK, which is right across the Mississippi River from Memphis, TN. Kent Rubens has been a pillar of that legal community in this part of the State for a long, long time. He says:

> I cannot think of anyone who is better qualified legally or ethically to so serve.

He uses a funny phrase that I have heard in Arkansas a few times. He says, "I will shoot dice with him over the telephone."

He talks about his honesty and how much integrity he has.

Let me give one little bit of background. He goes on in this letter to say:

> I was privileged to represent a litigant who struck down the abortion statutes here in Arkansas after Roe and Doe were decided. There is no one who will argue that my views are anything other than pro-choice.

This is the lawyer who actually litigated the cases in Arkansas right after Roe v. Wade and decided to strike down Arkansas' laws on abortion. He is unabashedly pro-choice, and he is unabashedly in support of Leon Holmes for this position.

He says in conclusion:

> As someone who has represented the pro-choice view and holds the pro-choice view, I ask that you urge your Members to support his confirmation.

I have read these letters and I think I have tried everyone's patience. But I will tell you this: From the people who know him best, from the people who practice with him and practice against him, from the people who have seen him up close and know him and have had personal contacts and personal interactions and years of affiliation with him in one way or another, they wholeheartedly endorse him to be on the Federal bench.

Going back to my criteria, is he qualified? Yes. There is no doubt about it. Does he have the necessary experience? Yes, no question. You can look at his resume. It is not even close. He easily has the experience you want to see. Will he be fair and impartial? Is there anything else in his background that might raise questions such as his temperament? Does he have an agenda? Clearly, from his contemporaries and from his peers, the answer is yes to those questions.

He has the attitude of being fair and impartial, and there is nothing in his background—no circumstance, even though he has been a staunch advocate on the pro-life side, he still has the respect and the veneration of his peers in Arkansas and even around the country from other States.

I ask all of my colleagues to give him strong consideration, to wade through some of the rhetoric and look back on this with the perspective that most of these inflammatory things were written at least 10 years ago, and some as long ago as 24 years ago.

I appreciate his conviction on the issue of abortion. I appreciate his compassion and his moral certitude on that question.

In many cases, people do not always agree with Leon but they have a lot of respect for him. They think he would be a good judge in Arkansas. They would be proud to have him on the Federal bench.

With that, I yield the floor and turn this over to my wonderful colleague from Utah.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I wish to associate myself with the extensive and good remarks of the distinguished Senator from Arkansas, Mr. PRYOR regarding the nomination of J. Leon Holmes to be a United States District Court judge. Mr. PRYOR comes from the State. He knows the man. He practiced law with him. He has read newspaper editorials in support of this man. He has read a number of letters—a wide variety of letters—from Democrats as well as Republicans in the State who say this man would make an excellent judge.

Having known Mr. Holmes personally, he vouched for his integrity and his qualifications, and I think we should pay attention to the distinguished Senator.

Of course, Senator LINCOLN as well is strongly in favor of Leon Holmes for this Federal district judgeship.

In addition, this man has the highest rating by the American Bar Association that you can have—a "well-qualified" rating—which means he is placed among the higher echelon of great lawyers in this country.

I think we should heed Senator PRYOR's views.

Of course, I think Senator PRYOR makes an overwhelming case that this man deserves to sit on the Federal district court bench. So I rise today to express my support for the confirmation of J. Leon Holmes of Arkansas who has been nominated to be U.S. District Judge for the Eastern District of Arkansas.

Mr. Holmes is widely respected for his intelligence, his legal skills, and his commitment to the rule of law. Leon Holmes knows the value of hard work. He came from humble roots and is the only one among his seven siblings to attend college. He worked his way through college and finished law school at night while working a full-time day job in order to support his family.

Anyone would know how difficult that is to do.

Leon Holmes is an accomplished scholar and has displayed a wide-ranging academic interest. He is a distinguished graduate of Duke University, where he received a doctorate in political science, and the University of Arkansas law school. Mr. Holmes finished law school at the top of his class, was inducted into Phi Beta Kappa while a doctoral student at Duke University, and was named Outstanding Political Science Student upon graduation from college.

He has pretty terrific credentials.

Mr. Holmes is currently a partner with the Little Rock firm of Quattlebaum Grooms Tull & Burrow, specializing in complex business litigation, torts, and appellate practice. He has practiced commercial litigation at the trial and appellate level in State and Federal court for many years, and has acquired significant courtroom experience. Leon Holmes is well respected by the Arkansas Bar and is one of the finest appellate lawyers in Arkansas. In 2001, the Arkansas Bar Association bestowed its Writing Excellence award on Mr. Holmes.

In addition, Leon Holmes has been an active participant in the Arkansas Bar. He has taught continuing legal education courses to the bar on numerous occasions. He has been awarded the State bar's Best CLE award four times. He sits on the Board of Advisors to the Arkansas Bar Association's magazine and has chaired the editorial board for the bar's publication of Handling Appeals in Arkansas.

Mr. Holmes sits on the judicial nominations committee for the Arkansas State courts, which recommends attorneys to the Governor for judicial appointment in Supreme Court cases where one or more justices must recuse themselves. On two occasions, he himself has been appointed to serve as a special judge of the Arkansas Supreme Court. This is a great honor for a practicing attorney, and the justices praised Mr. Holmes for his service in those cases.

As a person who took advantage of the opportunities presented to him, Mr. Holmes believes in giving back to the community. He is committed to providing legal services to all, and has given approximately 200 hours of pro bono services during each of the last 3 or 4 years.

Among other cases, he has represented, on a pro bono basis, a terminally ill Laotian immigrant woman denied Medicaid coverage for a liver transplant; an indigent man with a history of drug felony convictions; and a woman who lost custody of her children to her ex-husband.

He represented Ricky Rector, a mentally retarded Arkansas man whose execution then-Governor Bill Clinton refused to commute in 1992. He represents Clay Ford, who has been sentenced to life in prison for shooting at pointblank range and killing a police officer in 1981. He defended on appeal the largest jury verdict in Arkansas history, which involves a nursing home resident who allegedly died from neglect. Her family won a $78 million judgment.

Leon Holmes has given back to his community in areas outside the law as well. He was a houseparent for the Elon Home for Children while a graduate student in North Carolina. He also served as the director of the Florence Crittenton Home of Little Rock in 1986 and 1987, helping young women cope with teen pregnancy.

Those who work with and personally know Leon Holmes strongly support his nomination, as we have already heard from Senator PRYOR, the distinguished Senator from Arkansas, and expect to hear from Senator LINCOLN before the day is out. I certainly appreciate their endorsements of Mr. Holmes in his nomination hearing last year.

Let me address some of the arguments that are being put forward by Mr. Holmes' opponents: that he is extreme in his views on abortion, that he is anti-woman, and that he is insensitive on matters of race. Those are the major arguments that have been brought forth, and I believe based upon all of nothing. A full reading of Mr. Holmes' writings and, more importantly, a review of his actions in these matters, I think, will set the record straight.

There is no question that Mr. Holmes has been a pro-life activist. He served as president of Arkansas Right to Life. He was president from 1986 to 1987. He also served as secretary of the Arkansas Unborn Child Amendment Committee in 1984. Some of the statements he has made in the course of his activism he admits have been insensitive, and he has expressed regret for such remarks, but in almost every case they are decades ago when he was a much younger man.

For example, in a 1980 letter—think about that; it was 24 years ago—to the editor, Mr. Holmes criticized the argument that abortion should be available to rape victims as a red herring because "conceptions from rape occur with approximately the same frequency as snowfall in Miami." Mr. Holmes has clearly apologized for this remark, which he made almost 24 years ago.

In response to a written question from Senator DURBIN, he wrote:

> I have to acknowledge that my own rhetoric, particularly when I first became involved in the issue [of abortion] in 1980 and perhaps some years thereafter, sometimes has been unduly strident and inflammatory. The sentence about rape victims which was made in a letter to an editor in 1980 is particularly troublesome to me from a distance of 23 years later. Regardless of the merits of the issue, the articulation in that sentence reflects an insensitivity for which there is no excuse and for which I apologize.

I believe all of us have made statements in the past that we wish we could apologize for. Many of us have apologized for statements we have made in earnest and extreme ways. He is no different. He made some mistakes and says that he was insensitive at the time, but he apologizes for them. You have to look at his overall career and realize this man has a great reputation in that State and among his people and among his peers. If he is like the rest of us, and apparently on occasion has been, he is going to make some statements for which he has to apologize. We all have to do that from time to time. There may be some perfect in this body who do not have to, but I, for one, have had to apologize from time to time myself.

In a different editorial, Mr. Holmes compared abortion to the Holocaust. On another occasion, he wrote:

> The abortion issue is the simplest issue this country has faced since slavery was made unconstitutional, and it deserves the same response.

In an April 11, 2003, letter to Senator LINCOLN, Mr. Holmes explained:

> In the 1980's—

Twenty-four years ago; at least two decades ago—

> I wrote letters to the editor and newspaper columns regarding the abortion issue using strident and harsh rhetoric. I am a good bit older now and, I hope, more mature than I was at the time. As the years passed, I came to realize that one cannot convey a message about the dignity of the human person, which is the message I intended to convey, using that kind of rhetoric in public discussion.

Again, referring to his 1980 "snow in Miami" remark, Mr. Holmes wrote:

> I do not propose to defend that sentence, and I would not expect you or anyone else to do so.

Based upon this letter, Senator LINCOLN reaffirmed her belief that Mr. Holmes would be a fair judge.

The fact is, regardless of any personal views, Mr. Holmes will abide by the rule of law. He understands that principle, and he is committed to it. He understands that his personal views play no role in his duty as a judge to honor stare decisis, or prior precedents, and to faithfully follow the precedents of the Supreme Court and the Eighth Circuit, within which he lives and practices.

Pro-choice attorneys and others in Arkansas who work with him have written to the committee in support of Mr. Holmes' nomination. Those who know him well strongly believe that, despite his personal views, Mr. Holmes will fairly adjudicate any abortion cases that may come before him. His supporters include Robin J. Carroll, legal counsel to the Democratic Party of Arkansas; Philip S. Anderson, a former president of the American Bar Association and a leading Arkansas trial attorney; and Stephen Engstrom, former Little Rock Planned Parenthood chapter board member.

Mr. Engstrom wrote:

> I heartily commend Mr. Holmes to you. He is an outstanding lawyer and a man of excellent character. Leon Holmes and I differ on political and personal issues such as pro-choice/anti-abortion. I am a past board member of our local Planned Parenthood chapter and have been a trial lawyer in Arkansas for over twenty-five years. Regardless of our personal differences on some issue[s], I am confident that Leon Holmes will do his duty as the law and facts of any given case require.

Trial attorney Kent J. Rubens, a pro-choice attorney who successfully brought a lawsuit to strike down Arkansas' abortion statutes after Roe v. Wade was decided wrote:

> I cannot think of anyone who is better qualified to serve . . . . As someone who has represented the pro-choice view, I ask that you urge your members to support his confirmation.

Eileen Woods Harrison sent this letter to the committee:

> I am a female attorney in Little Rock, Arkansas. I am a lifelong Democrat and am also pro-choice . . . I commend Mr. Holmes to you. He is a brilliant man, a great lawyer and a fine person.

Another letter, this one from Cathleen V. Compton, states:

> I heartily recommend Mr. Holmes to you. He is an outstanding lawyer and a fine person. While he and I differ dramatically on the pro-choice/pro-life issue, I am fully confident he will do his duty as the law and facts of a given case require.

Beth M. Deere wrote the following:

> I am proud to be a Democrat. I am also proud to recommend Leon Holmes as a federal district judge for the Eastern District of Arkansas, even though he and I disagree on issues, including a woman's right to choose whether to bear a child. . . . I support Leon Holmes because he is not only a bright legal mind, but also because he is a good person who believes that our nation will be judged by the care it affords to the least and the littlest in our society. I am not troubled that he is personally opposed to abortion. Mr. Holmes is shot through with integrity. He will, I believe, uphold and apply the law with the utmost care and diligence.

Another issue which opponents have distorted is that of gender equality. Mr. Holmes cowrote an article with his wife entitled "Gender Neutral Language." Let's get it straight: he wrote this article with his wife. It was for a Catholic newspaper. This article, which appeared in a religious newspaper of his faith, stated: "The wife is to subordinate herself to her husband" and, "The woman is to place herself under the authority of the man." Mr. Holmes' opponents believe these statements indicate he will not be fair to women appearing before him.

However, let me point out those statements are derived from the New Testament in Ephesians, the 5th chapter, verses 22 through 25, and represent the orthodox teachings of his religion. Although I do not have the same version of the Bible, I believe it would read very much the same. But if you turn to Ephesians, the 5th chapter, it is interesting because starting with verse 21 it says—well, let's start with verse 20

> Giving thanks always for all things unto God and the Father in the name of our Lord Jesus Christ;
>
> Submitting yourselves one to another in the fear of God.

Husband and wife. Then it says:

> Wives, submit yourselves unto your own husbands, as unto the Lord.
>
> For the husband is the head of the wife, even as Christ is the head of the church: and he is the Saviour of the body.
>
> Therefore as the church is subject unto Christ, so let the wives be to their own husbands in every thing.

But then Saint Paul goes on to say:

> Husbands, love your wives, even as Christ also loved the church, and gave himself for it. . . .

I do not think anybody can read this without understanding that the husbands have tremendously positive and important obligations in order to have the respect of the wives.

I don't think you could read it without understanding that Paul is comparing the husband to the head of the family, even as Christ is head of the church, more on the priesthood level than anything else. And the article seems to say that.

It says:

> Husbands love your wives, even as Christ also loved the church and gave himself for it;
>
> That he might sanctify and cleanse it with the washing of water by the word;
>
> That he might present it to himself, a glorious church, not having spot, or wrinkle, or any such thing; but that it should be holy and without blemish.
>
> So ought men to love their wives as their own bodies. He that loveth his wife loveth himself.

It gets pretty bad around here when people misconstrue what somebody quotes in an article written for a church publication of the person's own faith, where the person and his wife quote St. Paul. You might disagree with St. Paul, but there are hundreds of millions of people who agree with St. Paul and who understand that he was trying to make the analogy between the church and Christ and between a husband and wife to show how important and sanctified the relationship of marriage is.

This article contains other statements, as I have said, supporting the equality of men and women such as:

> All of us, male and female, are equally sons of God and, therefore, brothers of one another.
>
> The distinction between male and female in ordination has nothing to do with the dignity or worth of male compared to female.
>
> Men and women are equal in their dignity and value.

These are quotes within the article. The article, to me, was clearly trying to state why the men in the Catholic Church have the priesthood, but the women have the family. And you might have written it differently, but the fact is, they quoted St. Paul, and St. Paul deserves the dignity of respect by this great body whether you believe in the New Testament of the Bible or not. I firmly believe in the New Testament. What Leon Holmes and his wife were doing was writing about traditional Catholic values and beliefs with which I think millions of people will agree. It hardly places him outside the mainstream and certainly places him in the mainstream as a religious believer and as somebody who loves his faith and his church and his wife, by the way.

Mr. Holmes' wife wrote to the committee to explain that the article in question was specifically written for the readership of members of their faith, persons who would be familiar with the New Testament passages being referenced with regard to the relationship between husband and wife. It is just terrible to distort their writings as husband and wife. If you read the whole article, you can hardly think Mr. Holmes is anti-woman. Furthermore, Mr. Holmes' actions support the truth he fully believes that men and women are equals.

He has supported women in the legal profession and represented women as clients. Mr. Holmes' past and present female colleagues in Arkansas support his nomination to this position.

Jeanne Seewald wrote this letter to the committee:

> Leon was a strong proponent of my election to the partnership and, subsequently, encouraged and supported my career advancement, as well as the advancement of other women within the firm. . . . As a colleague, Leon treated me in an equitable and respectful manner. I always have found him supportive of my career and believe he is very supportive of women in general. Leon and I have different political views; however, I know him to be a fair and just person and have complete trust in his ability to put aside any personal political views and apply the law in a thoughtful and equitable manner.

Another co-worker, Kristine Baker, wrote the following:

> Leon has trained me in the practice of law and now, as my partner, works with me on several matters. His office has been next to mine at the firm for approximately two years. During that time, I worked with Leon as an expectant mother and now work with him as a new mother. Leon's daughters babysit my eleven-month-old son. I value Leon's input, not only on work-related matters but also on personal matters. I have sought him out for advice on a number of issues. Although Leon and I do not always see eye-to-eye, I respect him and trust his judgment. Above all, he is fair. While working with Leon, I have observed him interact with various people. He treats all people, regardless of gender, station in life or circumstance, with the same respect and dignity. He has always been supportive of me in my law practice, as well as supportive of the other women in our firm. Gender has never been an issue in any decision in the firm.

Lastly, with regard to issues of race, Mr. Holmes has been criticized for defending and endorsing Booker T. Washington's view that slavery was a consequence of divine providence designed to teach white people how to be more Christ-like. Some have alleged—but I hope we don't hear this misinformed view repeated during this debate—that Holmes has said that "the Almighty said that slavery was a good thing or that he believes slavery is a good institution." In fact, nowhere has Mr. Holmes said he endorses slavery or that he believes slavery was a good institution.

The article at issue, written for a Christian audience, was an expression of his belief, shared by Washington, that God could bring good out of evil. So while Washington certainly condemned slavery as evil, having experienced it first-hand, he held a belief that ultimate good could come out of it. Mr. Holmes's article similarly expressed the view that good can come out of evil and that we are called upon to love all men and women.

Mr. Holmes also wrote his doctoral dissertation on the political philosophies of three major African-American thinkers and activists, W.E.B. DuBois, Booker T. Washington, and Martin Luther King, Jr. He argued that King attempted a synthesis of militant nonviolence, ultimately unsuccessful, of DuBois's advocacy of political agitation and Washington's advocacy of a Christian persuasion as means to achieve equality for black Americans.

However, Mr. Holmes left no doubt that he admired Dr. King's achievements in helping to integrate buses, schools, parks, playgrounds, lunch counters, and marriages. He noted the progress made in terms of the expansion of rights and opportunities for all Americans, stating:

> Considering both the extent of the privileged status of Southern whites that has been relinquished and the amount of hate and prejudice that confronted desegregation twenty-five years ago, the accomplishment [of social change] is incredible.

Although Dr. King's vision has not been completely realized, Holmes wrote, "in light of the unexpected changes in the past ten years, who can say that King's dreams will not all come true and 'justice will roll down like waters and righteousness like a mighty stream?'" Mr. Holmes concluded by urging the reader not to dismiss Dr. King's vision of a promised land, quoting the last words of King's final speech before he was assassinated.

Those who know Leon Holmes know he will be an outstanding jurist. The Arkansas Democrat-Gazette, Mr. Holmes' hometown paper that knows his record best, strongly supports his candidacy. The paper, writing while his candidacy was being considered, indicated that Holmes was a well qualified, mainstream nominee:

> What distinguishes Mr. Holmes is the rare blend of qualities he brings to the law—intellect, scholarship, conviction, and detachment. A reverence not just for the law but for ideas, for the life of the mind. All of that

> would shine through the clutter of argument that awaits any judge. . . . He would not only bring distinction to the bench but promise. . . . In choosing Leon Holmes, [the President] could bequeath a promise of greatness.

That is a pretty good editorial from the local Democrat Gazette.

Considering the total record of Mr. Holmes, a record of distinction in academics, of excellence in practice, and of distinction in his community, it is not surprising that the American Bar Association gave Mr. Holmes their highest rating, a "well-qualified" rating. Almost everyone around here has called that the gold standard, but especially our colleagues on the other side of the Senate floor. If you get a "well-qualified" rating from the American Bar Association, you are qualified. Yet we have had some who have misconstrued his writings and have indicated they will vote against him.

I hope they will listen to what we have had to say and look at the real record. There is no way that anybody who really understands that record would vote against this man.

My colleagues should know—and most of them will agree—that Mr. Holmes is a well-qualified nominee and will make a fine jurist. I urge the Senate to join me, as well as both Democratic home State Senators, BLANCHE LINCOLN and MARK PRYOR, who strongly support Leon Holmes' nomination, to confirm this outstanding candidate for the Federal bench.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. How much time remains on both sides?

The PRESIDING OFFICER. The Senator's side has 152 minutes remaining. The other side has 144 minutes remaining.

Mr. HATCH. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be divided equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. LINCOLN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. LINCOLN. Mr. President, as the senior Senator from Arkansas, I am proud to come to the floor and join my colleague Senator MARK PRYOR today to introduce Leon Holmes to my colleagues here in the Senate and express my support for his nomination.

Mr. Holmes is a native of Hazen, AR, in Prairie County, which is not too far from my hometown of Helena. He is the fourth of seven children and the first in his family to go to college. He has been married to his wife Susan Holmes for 32 years, and he is the proud father of five children and has seven grandchildren.

Most of us having been home not only working during the Fourth of July recess but hopefully spending some time with our families understand how important our families and our children and future generations are to all of us. I know Mr. Holmes has certainly expressed that to me.

After high school, Leon graduated with special distinction from Arkansas State University in 1973. He continued his education by earning a law degree from the University of Arkansas where he graduated first in his class.

Mr. Holmes later received a master's degree in political philosophy from Northern Illinois University and a doctorate in political science from Duke University where he was inducted into Phi Beta Kappa.

Leon's professional career is equally impressive. In addition to being named a partner in the law firm of Quattlebaum, Grooms, Tull, and Burrow in Little Rock, Mr. Holmes has held a variety of positions, including law clerk for Justice Frank Holt on the Arkansas Supreme Court, assistant professor at Augustana College in Rock Island, IL, and adjunct faculty member of the University of Arkansas at Little Rock School of Law.

As an attorney in private practice, Leon has had a wide-ranging legal practice, representing large corporations, small businesses, and individual litigants, and although I am not a part of the legal community in my home State of Arkansas as a lawyer like my colleague Senator PRYOR is, I have heard from a number of practicing lawyers, judges, and others throughout our State who have worked with Leon and have the utmost confidence in his ability to administer the rule of law.

But Leon has not spent his whole life in the library or at a law firm. As you well know, Mr. President, that certainly is something that is important to me. You may be interested to know that in his youth, Leon actually chopped and picked cotton over in our part of the State in eastern Arkansas. He worked as a farm laborer in the fields of Prairie County and served as a carpenter's helper. While pursuing his education, he worked as a door-to-door salesman and as a newspaper carrier to help make ends meet.

In short, during his academic and professional career, Leon has distinguished himself as a scholar and an accomplished lawyer. In the process, he has earned the trust, admiration, and respect of his friends and colleagues with whom he has lived and worked.

As a farmer's daughter from eastern Arkansas, I believe the fact that Mr. Holmes knows the value of an honest day's work both as a lawyer and a laborer is a good indication that he has the life experience required to administer the law in a very fair and impartial manner, regardless of who the litigants are before him.

If that were the only part of the record before us, the debate we are having today would be a very short one. As some of my colleagues have said or will say during the consideration of this nomination, Leon is also a devoutly religious man who has written articles and made statements that are a reflection of his faith, but they are also somewhat controversial. We all know that for many of us our faith is very important. It is important for us to have an opportunity to express our faith, to talk about it, to speak about it, to live it in a way that is very important to us and reflective of our own ministry.

There is no doubt I have been troubled by some of the statements attributed to Mr. Holmes, particularly one regarding the role of a woman in a marital relationship. As a mother and a wife, I can assure you, I consider myself equal in every way to my husband. Our marriage is based on mutual love and respect, which sustains our union as a man and a wife.

I think it is so important in this day and age as we talk about marriage and its importance to our family, to our children, to the stability of the fabric of this great country, that we understand marriage does not just happen; it has to be those two individuals who come together, a man and a woman, working equally as hard at making sure that union is strong and that it is working.

However, I fully respect the right of Mr. Holmes to practice and express his religious beliefs freely, even those with which I may not agree, just as I expect others to respect my right to do the same.

Mr. Holmes also made a comment 20-plus years ago about how women who were raped do not get pregnant, which I think most would agree was inappropriate and offensive. But Mr. Holmes has apologized for that comment. He has acknowledged it was wrong and said he regrets saying it. We have all said things we should not and wished we had not said in our lives and I, for one, accept his apology. I do believe it is very critical we understand the complications, the emotions, and everything else that are wrapped up in the circumstances when women find themselves in those circumstances of rape or incest or being abused. Again, I do accept Mr. Holmes' apology.

Mr. President, I ask unanimous consent that a letter from Leon Holmes to me apologizing for this remark and responding to the criticism of other statements be printed in the RECORD.

There being no objection, the material was ordered to be printed in the Record, as follows:

QUATTLEBAUM, GROOMS,
TULL & BURROW,
Little Rock, AR, April 11, 2003.

Hon. BLANCHE LINCOLN,
U.S. Senate,
Washington, DC.

DEAR SENATOR LINCOLN: Certain issues have surfaced about my nomination since we met, and because they have arisen since we met, you and I have not had the opportunity to discuss them personally. Out of respect for you personally, and out of respect for the important constitutional role of the Senate in the appointment process for federal judges, I wanted to write to you this letter to address some of these issues.

In the 1980's I wrote letters to the editor and newspaper columns regarding the abortion issue using strident and harsh rhetoric. I am a good bit older now and, I hope more mature than I was at that time. As the years passed, I came to realize that one cannot convey a message about the dignity of the human person, which is the message I intended to convey, using that kind of rhetoric in public discussion. While I cannot speak for those who raise these issues, my impression is that my statements about the abortion issue that they criticize are all more than fifteen years old.

As I stated in response to written questions from Senator Durbin, I am especially troubled by the sentence about rape victims in a 1980 letter to the editor regarding the proposed Human Life Amendment; and, as I said there, regardless of the merits of the issue, the articulation of that sentence reflects an insensitivity for which there is no excuse and for which I apologize. I do not propose to defend that sentence, and I would not expect you or anyone else to do so. My impression is that, in fulfilling your responsibilities in this matter, you have spoken with or heard from many Arkansans, male and female, who know me well. I hope, and I believe, that their comments have and will give your assurance that this 23 year old sentence is not indicative of how I have conducted myself in the past several years and not indicative of how I would conduct myself as a judge.

In 1987, when I was President of Arkansas Right to Life, that organization was attacked in a guest column in a newspaper on the ground that its members allegedly defined life too narrowly and were, as I read the column, hypocrites. That same column stated that abortion involves a taking of human life. In response, I wrote that, if the author believed that abortion takes a human life, he should start his own pro-life organization but should not use our defects as a reason not to act on his beliefs. In that context, I asked rhetorical question, what if someone had advanced such a basis as a reason not save lives during the holocaust? I did not intend to say that supporters of abortion rights should be equated with Nazis. I have never intended anything that I said to give that impression, and I do not think my comments, which now are criticized, were taken to mean that when they were written. From 1983 through 1988, when I was active in prolife activity and was writing most of the columns that are now criticized, I was an associate at a large law firm, and I worked for and with many lawyers who are pro-choice. Since then, most of my partners have been pro-choice. I have had many cases with and against lawyers who are pro-choice. No one raised this concern at that time nor at any time prior to the past two weeks. I believe that no one raised this concern because everyone who knows me recognizes that I did not intend such a thing. The letters written on my behalf by pro-choice colleagues are strong testimony of their confidence in me.

While I expected that my past activities relating to the abortion issue would draw scrutiny, and properly so, I did not expect that my religious beliefs would draw similar scrutiny, but they have. I am aware that some concern has been expressed about a 1997 column co-authored by my wife and me for our local Catholic newspaper or historic teachings of the Catholic Church. The Catholic faith is pervaded with the view that the visible things symbolize aspects of the spiritual realm. This pervasive element of the faith is manifest in the teaching that the marital relationship symbolizes the relationship between Christ and the Church. My wife and I believe that this teaching ennobles and dignifies marriage and both partners in it. We do not believe that this teaching demeans either the husband or the wife but that it elevates both. It involves a mutual self-giving and self-forgetting, a reciprocal gift of self. This teaching is not inconsistent with the equality of all persons, male and female, and, in fact, in that column we say, "[a]ll of us, male and female, are equally sons of God and therefore brothers of one another." This aspect of my faith—the teaching that male and female have equal dignity and are equal in the sight of God—has been manifest, I believe, in my dealings with my female colleagues in our firm and in the profession as a whole. While I am not at all ashamed of my faith, or any part of it, I do not believe that the historic Catholic teaching that the martial relationship symbolizes Christ and the Church is or has been relevant to my conduct in my professional life, nor would it affect my conduct as a judge, should I be fortunate enough to be confirmed.

Another aspect of my faith is that God brings good out of evil. I wrote about this belief, as taught by Booker T. Washington, in the context of a 1981 article in a religious magazine. Washington taught that God could and would bring good out of evil. Washington, who was born in slavery, recognized it as evil, not only in theory but as part of his earliest experience. Yet, his faith was so great that he believed that God could bring good from that evil; and his love was so great that he hoped that those of his race would become a beacon of God's love to their oppressors. My article combines his view of providence—that God brings good out of evil—with his view that we all are called to love one another. This teaching can be criticized only if it is misunderstood.

Some of the criticisms directed at things I wrote years ago are just; some of them are not. I hope that my legal career as a whole, spanning the years 1982 through 2003, evidences that I am now ready to assume the responsibility of a United States District Court Judge. I certainly was not ready in 1980, nor for many years thereafter, and I do not claim that I was. My impression is that my colleagues in the Arkansas bar—those who know me well and who represent clients in federal court—believe that my legal career as a whole manifests a readiness to assume the responsibilities of a district court judge, and I hope that you believe so as well.

With best wishes and warmest regards, I am

Very truly yours,

J. LEON HOLMES.

Mrs. LINCOLN. In making my decision to support Mr. Holmes' nomination, I have considered many factors. There is no question he has the necessary legal skills and intellect to perform the duties of the position. More importantly, I have been impressed with the overwhelming support Leon has received from his friends, coworkers, and colleagues in Arkansas' legal community who have firsthand knowledge of his temperament, his character, and abilities as a lawyer. I have received countless letters, e-mails, and phone calls from all over the State expressing strong support for Leon's nomination. Many of these contacts are from people I know personally and several, if not most, are from very active, self-described, very strong Democrats.

Those from Arkansas who have contacted me and the Judiciary Committee in support of this nomination include a past president of the American Bar Association, a former president of the Arkansas Trial Lawyers Association, a founder of the Arkansas affiliate of the ACLU, sitting Federal judges who are familiar with Leon's work, female attorneys who have argued cases with and against Leon, and many others.

One letter from a self-described liberal Democrat who is also decidedly pro-choice summed up how Mr. Holmes is viewed in Arkansas' legal community when he wrote that after litigating "with and against Leon for a number of years" he had so much faith and trust in him that he would "shoot dice with him over the telephone." Now that might not sound too common to folks up here, but in Arkansas it is a pretty good saying, and it certainly indicates a great deal of trust on that gentleman's part of the gentleman with whom he was dealing, and that was Mr. Leon Holmes.

In conclusion, I do not determine my support or opposition to a nominee based solely on whether we share the same philosophy, ideology, or beliefs. Fundamentally, I am interested in knowing a judicial nominee can fulfill his or her responsibility under the Constitution to apply the law fairly without political favor or personal bias.

I am satisfied Mr. Leon Holmes has met that standard based on the strong support he has received from those who know him the best and his assurances to me when we met personally. He assured me personally he is willing and able to set aside his personal beliefs to fulfill his duties as a Federal district court judge.

Senator PRYOR and I are here to support Leon Holmes. He has done a good job in Arkansas.

He is a good man, a good friend, and a well-trusted lawyer among his colleagues. We encourage our colleagues in the Senate to look at the evidence we have presented and certainly judge this man on the basis of all of these incredible character witnesses, as well as his own testimony, in being sure that we can all have the confidence that Mr. Holmes will, without a doubt, implement the law, the rule of law, according to the rule of law, and not based on his own personal views.

I thank my colleagues for their attention, and I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, let me first congratulate both Senators from Arkansas for their eloquent statements and their strong defense of Mr. Holmes. It speaks volumes of the qualifications and credibility of this nominee that these two Senators would step forward and speak as straightforwardly as they have and to reflect the values of the people in Arkansas who know him best. This is a man who has strong support from across the ideological spectrum in Arkansas, again, from the people who know him.

I have had the privilege of standing before the Senate in the last 3 years to speak on behalf of 20 nominees from Pennsylvania who we have moved through here and into confirmation. I have seen many of these men and women come under assault through this judicial process. It has become increasingly contentious, personal, and is reaching a point where we almost have a situation where people are now unwilling to step forward and enter into this arena of judicial nominations because of this attitude that has crept up in the Senate over the last few years.

I have seen really good people, who obviously otherwise would not be nominated for the Federal bench, come under assault for things they have said years and years ago, things they may have done years and years ago. I have pored through FBI records, as many members of the Judiciary Committee have, and seen blemishes, indiscretions of youth that have disqualified people from this office that heretofore would never have disqualified some of them.

This is a pretty tough place to put your name in nomination these days. One person who has gone through probably as much as anyone over the past year has been Leon Holmes. His nomination has been out there for well over a year. He is someone who has had a lot of challenges made about things he has said and positions he has held. He has stood firm in defense of statements that were defensible and apologized for those that were not. That sounds to me like a pretty balanced way of approaching things. When you believe you were right in saying what you were saying, you stand by the feelings you articulated, and when you believe you made a mistake and were in error, you have the courage to stand up and say you were wrong. I don't think we could ask for any more out of someone.

In the case of Leon Holmes, specifically where he said he was wrong, as referred to by the Senator from Arkansas a minute ago, was his comments about rape and pregnancy. He was in error. He made a mistake. I would argue that he has paid dearly over the past year for that statement. However, that is not what he believes and he has not believed that for quite a long time. The statement was made over 20 years ago.

Again, I remind the Senate how we need to look at the whole person, not a statement made 20-plus years ago for which the person has subsequently apologized, not just to this body but has said over the years that that was a statement in error. We want to look at the whole person, as the Senators from Arkansas, Senator HATCH, our leader, has described, the whole person, with whom I had a chance to meet a few months ago, someone who is a very impressive man, a man who is obviously very gifted as a lawyer, a man who is a strong family person, believes in the centrality of the family, the importance of his role as a husband and father.

He understands his role in the community. He is someone who gives to the community and is an active person in the community as well as in the bar, in his profession, and has earned the respect of people throughout his community for the tremendous effort he gives and the equanimity with which he deals with difficult situations.

The one thing that struck me when meeting him was—everyone has visions of when you meet someone what they are going to look like and what they will sound like. He was just a very gentle, kind, knowledgeable, professional lawyer, someone with whom I would have felt comfortable representing me because I don't share necessarily all those qualities. He would be a nice complement to someone representing me in the courtroom. This was someone I thought: If I had to appear before a judge, I sort of would like to appear with someone who had these kinds of qualities and temperament. So he fits in very nicely with what has been described by the Senators from Arkansas, at least from my personal meeting.

So what is the problem? You have the two home State Senators of the opposite party in support of him. You have the Arkansas Bar and all of his colleagues who have come out and been supportive. People who are liberal Democrats have said some of the most flattering things I have ever heard about people on the floor of the Senate. So what is the problem? Is it a statement he made 20-plus years ago? Do you think that could cause the defeat of a man who has a record and a distinguished career and service to his community and faithfulness to his family and a good father? Does that one statement 24 years ago disqualify him from being a judge?

I don't think that is it. What else is out there? There are only two issues I have heard of that are out there. The second was an article he wrote, an article he wrote with his wife for his diocese, for his church, the Roman Catholic Church in Arkansas. It was an article about a particular passage in one of Paul's letters discussing marriage and the role of husbands and wives. He simply went through with his wife and described what you would see described in reading any text describing and explaining those verses from the Bible. You would see it described in any Vatican text, any text that is in line with the teaching of the Catholic Church that would use the same arguments and say the same things that Leon Holmes and his wife said in this article. What he gave was the orthodox Catholic interpretation of those sections of the Bible.

It is what I have heard in many a Sunday sermon. When that section of the Bible has been read and the priest would get up and talk about it, he would give almost chapter and verse the explanation that Leon Holmes and his wife gave in that dissertation. So was Leon Holmes expressing his opinion? Yes. In some respects he was. But as a believing Catholic, he was expressing the opinion of the church. As a believing Catholic, he was merely reflecting the teachings that he has been taught over the years from the church.

Now, if this were a writing by an individual who took this passage of Scripture and took it off in a different direction—something alien to the church—then you might be able to say you can criticize him for not being a faithful Catholic. You could say, look, this is a man who has his own ideas; he wants to reinterpret Scripture to mean something that is potentially degrading to men, or women, or both. But that is not what he did. What he did—and I didn't ask him this, but I suspect that he did what I would have done, which is, as a Catholic, if I am going to look at interpreting Scripture, I am going to look at what the church says about these writings in the Bible, because the Catholic Church has a very rich history of interpreting the Bible. So what I would do is go back and look and see what the church has said about this and how it interprets these passages and then reflect that in what I was going to write, because to me that is what the role of a Catholic is.

Again, that is what the Catholic Church teaches; that is what I believe. That is what the Catholic Church teaches; that is what Leon Holmes believes.

Now, what he is being criticized for is for holding these beliefs—beliefs shared by a billion people. You can say that may be out of the mainstream. I don't know. But it is shared by a billion people. It is an interpretation that has been around for a couple thousand years. If you say, because you hold these beliefs that are central to the faith, that you are disqualified for writing an article for your church—not writing a political article, not writing a judicial opinion, not writing in a secular magazine, but writing an article about Scriptural interpretation for your church, that if you do that and it is not politically correct, it is not seen as being within the mainstream of political dialog today, you cannot be a Federal judge. I find that to be rather chilling.

There was an article in the Washington Times. I have the quote:

> I will tell you, as a person with a Catholic background, that these are troubling statements for him to make.

This is regarding the statements I talked about on the role of women and men in marriage.

> Mr. Holmes' statements reflect a narrow view of Catholic theology and do not embody contemporary standards that would be followed by any Federal judge in any State.

Think about that. Because of his Catholic faith, because he holds these beliefs that the Catholic Church teaches, he cannot be a Federal judge. Is that what freedom of religion means in our Constitution? Is that what the term "free exercise of religion" means in our Constitution—that we are going to eliminate anybody who is nominated for a Federal judgeship who actually exercises their religious beliefs and states them for his own church, and that now disqualifies them? Let's start to take sandpaper out and scratch out "in God we trust" over there; let's start sanitizing this place of any faith that is not politically correct or of contemporary standards. Isn't that what faith is about, contemporary standards? It changes. If your faith doesn't change, you are out. If your faith doesn't adapt to the contemporary mores of today in America, you are disqualified.

Mr. President, that is what is being said here today. If you hold a traditional religion and stand by it, live it, practice it, espouse it, you need not apply, because your religion hasn't adapted to contemporary standards and, therefore, you cannot be a judge.

Imagine what our Founders would be doing right now. Imagine. Free exercise of religion. What does "exercise" mean? Does it mean sitting here like this? Is that exercise? How about going to church on Sunday, sitting in the pew, or staying at home and reading your Bible; is that exercise? We all know what exercise means. It means to get out and do it. They used an active word here. What was Leon Holmes doing? He was simply exercising his fundamental constitutional right to express his beliefs—not as a member of the legal community, not as a citizen of the State of Arkansas, but as a faithful Catholic to other Catholics in his Catholic community. And for that we say he cannot be a judge?

Some in this body today will vote against this man because he had the audacity to practice his faith. So we now understand the religious litmus test. If you belong to a religion that has not "adapted," has not stayed with the times, if you are one of these old-fashioned religions who believes the truth was actually laid out and the truth doesn't change, and we actually have people who believe—incredibly, to some in this body—that God laid out certain truths, communicated them, and they have not changed because God has not changed. But if you feel that way, you are out. You are out because the narrow views that do not embody contemporary standards—God's "narrow view"—at least some believe that, and I argue they have the right to believe in these "narrow views" that have been around for a couple thousand years, but they are narrow views. That is right, the path is narrow. Maybe now it is too narrow to get you through the Senate. Imagine. Imagine that here in a country that professes, as one of its highest ideals, the freedom of religion, in a country that, as we try to build a republic and a democracy in Iraq, that we had letters signed by people on both sides of the aisle in large numbers encouraging religious pluralism in Iraq, that we now say religious pluralism doesn't necessarily apply here anymore in the Senate.

This is a dangerous moment for us in the Senate. It is a dangerous moment, where a man may not become a judge simply because he holds religious tenets that have not kept up with contemporary mores.

Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. There are 109½ minutes on the majority side, and 110 minutes on the minority side, with time expiring for the noon recess.

Mr. SANTORUM. I thank the Chair.

Mr. President, I conclude by saying this is an important vote. This is not just a vote to confirm a district judge in Arkansas. I know that does not sound like a big deal to people who are hearing my voice. It is a district court, a small court, Arkansas. It is not Washington, DC, or New York City. It is not a glamourous place to serve, just like western Pennsylvania and central Pennsylvania are not glamourous places to serve. But we do justice in these communities because we get good people who are from the community, who are good, decent, moral people, who live their faith as they are allowed to do by our Constitution.

If we send a message out today that living your faith, espousing your faith, exercising your religion is now cause for defeat on the floor of the Senate, if we send the word out today that unless your religious beliefs are contemporary or have been contemporized, unless you have adapted the popular culture into your faith, you are no longer suitable to hold that office, then I think we make a dangerous statement, not just to people in this country, but to the world.

This is a big vote. Anybody who thinks this is not a big vote, let me assure them, I will remind people here for quite some time how big a vote this was. This is a vote about religious freedom. This is a vote about the free exercise of religion, and this is a vote about tolerance.

We hear so much from the other side about tolerance—tolerance, tolerance, tolerance. Where is the tolerance of people who want to believe what has been taught for 2,000 years as truth. You have a right to disagree with that teaching. You have a right to adapt your contemporary mores to that teaching. But where is the tolerance of people who choose to keep that faith?

We will have a vote on Judge Leon Holmes, but it will be a bigger vote than just on that judge. It will be a vote on the soul of the free exercise of religion clause and of tolerance to religion.

Mr. President, I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 2:15 p.m. today.

Thereupon, the Senate, at 12:33 p.m., recessed until 2:17 p.m. and reassembled when called to order by the Presiding Officer (Mr. SMITH).

NOMINATION OF J. LEON HOLMES, TO BE UNITED STATES DISTRICT JUDGE—Continued

The PRESIDING OFFICER. Who yields time?

The Senator from Vermont.

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. We are under controlled time. The Senator from Vermont controls 110 minutes, and the Senator from Utah has 106 minutes remaining.

Mr. LEAHY. I thank the Chair.

Mr. President, the Senator from California, Mrs. BOXER, wishes to speak on a matter of personal concern to her State. I believe she mentioned this to the Senator from Utah. I ask unanimous consent that she be yielded 8 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from California is recognized.

(The remarks of Mrs. BOXER are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I yield myself such time as I may need.

I welcome the distinguished Presiding Officer back from his break, and I hope he enjoyed his as much as I did, being in Vermont. In fact, I must say I hated to leave Vermont today; it was so nice.

But as the Senate resumes our deliberations for this session, I would like to make note of some matters that occurred on this floor as we were adjourning for the recess. The Senate confirmed six more judicial nominees. That brings to 197 the total confirmations since President Bush took office.

The distinguished Presiding Officer and others may recall, we only had one roll call vote on a judicial nominations that week. At the request of the distinguished majority leader, I agreed to have five judicial confirmation votes done by a voice vote. As often happens when we consider the judges by voice vote, I think the public, many Senators, and the press have little opportunity to take note of our actions or, as in this case, the extraordinary achievement. I say extraordinary because, when the Republicans controlled the Senate in the 1996 session, the last year of President Clinton's first term, they allowed only 17 judges to be confirmed that whole session and they refused to allow any circuit court nominees to be confirmed that entire time. If one Republican Senator objected, it was in effect a filibuster of the whole Republican caucus. They would not allow any circuit court nominees to go through during the 1996 session, not one. I mention that because that was the most recent year, besides this year, in which a President was seeking reelection.

Of course, this year alone, by the end of June, we far exceeded the number of judicial nominees confirmed, including circuit judges, for this President. We confirmed 28 of President Bush's judicial nominees by the end of June, including 5 to the circuit courts. Again, I note that—notwithstanding the more than 60 judicial nominees who were blocked by the Republican leadership under President Clinton and the fact they allowed only 17 judges during the 1996 session in his reelection year, and not a single circuit court judge—we have so far confirmed 28 judicial nominees of President Bush, including 5 circuit court nominees.

In fact, the Senate has confirmed nearly 200 judicial nominees of President Bush. In this Congress alone, the Senate has confirmed more Federal judges than were confirmed during the 2 full years, 1995 and 1996, when Republicans first controlled the Senate and President Clinton was in the White House. We also exceeded the 2-year total at the end of the Clinton administration when Republicans held the Senate majority in 1999 to 2000.

While the Republican-controlled Senate, during its 25 months in the majority, has not confirmed quite as many as the 100 nominees the Democrat-led Senate confirmed in our 17 months, the total of 197 is still the fourth highest 4-year total in American history.

I am actually saying this to compliment the work of my Republican colleagues for this Republican President. During their 25 months in the majority, 97 of the judicial nominees of President Bush have been confirmed. During the 17 months Democrats lead the Senate, we confirmed 100 judicial nominees of President Bush.

In all, we have confirmed more lifetime appointees for this President than were allowed to be confirmed in the most recent 4-year Presidential term, that of President Clinton, from 1997 to 2000. We have actually confirmed more judicial nominees of this President than the first President Bush had confirmed by the Senate from 1989 through 1992, and we have confirmed more of President George W. Bush's judicial nominees than were confirmed during President Reagan's entire first term from 1981 through 1984, when he had a Republican majority in the Senate. One can't help but think that maybe if he had a Democratic majority part of the time he may have had even more confirmations.

I would also note that the five circuit court nominees of President Bush confirmed this year are five more than Republicans allowed to be confirmed during President Clinton's reelection year.

These may seem like just numbers, but I think Democratic Senators did what I said we would do when I became chairman of the committee: that we would work to lower the partisan divide by treating President Bush's judicial nominees more fairly than Republicans treated President Clinton's nominees, by working harder to fill vacancies in the federal courts. Under the leadership of TOM DASCHLE who at that time was the Senate majority leader, we confirmed 100 judicial nominees in 17 months, a much faster pace than the previous period of Republican control of the Senate.

The number of Federal judicial vacancies for the whole country is only 27, the lowest it has been in decades. I mention that because when you look at the period from 1995 to 2001 when the Republicans controlled the Senate with the Democrats in the White House, vacancies on the federal courts reached over 100 and through systematic blocking of nearly two dozen circuit court nominees of President Clinton, circuit vacancies more than doubled. Despite additional retirements since then, after 197 judicial nominees of President Bush have been confirmed there are now little more than two dozen vacant seats left in the federal judiciary.

A second development was the statement of the Democratic leader urging bipartisan communications and cooperation. Senator DASCHLE's proposal to seek a politics of common ground should be commended. It should be built upon by both sides. I think many Republican partisans treated Senator DASCHLE most unfairly during his years as the Democratic leader. It is a measure of that good man and a reflection of his understanding of the Senate that he has sought out common ground. It is a reflection of Senator DASCHLE's understanding and love for our system of Government that he disdains bitterness and rejects retaliation. Instead, he advocates counsel, cooperation, and respect. I commend my friend, the senior Senator from South Dakota, for that.

Many in this Chamber might also recall that one of President Clinton's first acts upon reelection was to bestow the Presidential Medal of Freedom on his political opponent, Senator Bob Dole. I consider myself very fortunate to be one of the Senators who Senator Dole invited to the White House for that ceremony. I remember the grace shown both by Senator Dole and by President Clinton.

We would also do well to remember Senator Bob Dole's address to Members of the Senate as part of the leadership series of speeches in the Old Senate Chamber. In that address, he observed the Senate should proceed through bipartisanship.

Democrats have acted with bipartisanship toward judicial nominations and a record number of this President's judicial nominations have been confirmed. A few have not. Some of the nominations the President has proposed for lifetime seats on the federal bench have been extremely controversial, extremely troubling. Today the Senate is debating President Bush's controversial nomination of J. Leon Holmes to a lifetime position to the Federal court in Arkansas. For some reason, he is finally coming up for a vote today. The Republican leadership could have brought him up at any time in the last 14 months since his nomination was reported out of the Judiciary Committee. The Democratic leadership had no objection to him coming up. Many of us oppose the nomination, but we had no objection to bringing him up. For some reason, the Republican leadership refused to do so for almost 14 months.

As you look at the public record of this nomination, you can almost see why they were embarrassed to bring it up before now. In fact, this controversial nomination was not only denied consideration by the Republican leadership for over a year, but on a remarkable day last spring the Republican-controlled Judiciary Committee didn't even give him a positive recommendation. They voted him out without recommendation. On the few occasions that has happened with lower court nominees in the past, that pretty much determined you would not get a vote on the floor.

Can you imagine how troubling the record must be if the majority were Republicans, the nominee was of a Republican President, and a majority of the

Republicans were not willing to vote for him in the Senate Judiciary Committee? So the leadership held him back for over a year.

I think I understand why. I think I understand why some of my friends on the other side of the aisle pay lip service to this nomination and are rather embarrassed by it.

If you look at the record of this nominee, it is quite clear he has made numerous strident, intemperate, and insensitive public statements over the years regarding school desegregation, political emancipation, school prayer, voting rights, women's equal rights, gay rights, the death penalty, the Bill of Rights, and privacy, among other issues.

For example, he has argued in the area of reproductive privacy law that "concern for rape victims is a red herring because conceptions from rape occur with the same frequency as snow falls in Miami . . . "

I prosecuted a lot of rape cases when I was a prosecutor, and a lot of child abuse cases where the child was raped—something that is rape under the law of every State in this Union. I find the statement of this nominee on this issue to be insensitive and appalling. Speak to the family of a 13-year-old girl who is pregnant after being raped by her family's best friend, the next-door neighbor, and in some instances by her father, and tell them that pregnancy does not happen from rape. I prosecuted some of those cases. They are the most sickening and appalling things.

But I tell Mr. Holmes, if he is confirmed and cases come before his court, I hope he will open his eyes. I hope he will open his eyes to reality and realize these things do happen—not just in this country. What would he say to the women who are being raped in Sudan for the purpose of forcing them to have babies of a certain hue as part of the genocide that is going on in Sudan? It is genocide. Our administration doesn't want to admit it is, but it is.

Rape is a serious matter. Mr. Holmes called concerns about pregnant rape victims "trivialities." That is his word—"trivialities." Ask a pregnant rape victim if they consider this a trivial matter.

By making such remarks, Mr. Holmes has revealed how tightly closed his mind is to seeing the realities of this world. But worse than that, his statements also reveal a callous disregard for the trauma of women who are raped and a disturbingly willful ignorance of the facts.

An interesting matter is that according to the Weather Almanac, it did snow one time in Miami, Florida during a freak cold spell in 1977. But a more disturbing statistic is that, according to the American Journal of Preventive Medicine, there were more than 25,000 pregnancies that resulted from rape in 1998 in our country alone. Not 1, 2, 3, or 4; it was 25,000. And this nominee says such things don't occur. He says that people who express such concerns are focused on trivialities.

Where in heaven's name has he been living? What kind of a mindset would he bring to a Federal bench? Why in heaven's name did the President nominate him?

In fact, according to the medical journals, as many as 22,000 of those pregnancies could have been prevented if the women had received emergency contraceptive treatment. Instead, with more than 300,000 rapes each year in the United States, more than 25,000 women each year find that not only were they violated, but they are pregnant as a result. One can barely imagine the trauma and heartache of such a circumstance.

For many rape victims, the girl is under 18 or the victim of incest. It is hard to imagine the pain and difficult decisions these young women face. But Mr. Holmes has called concerns about these women "trivialities."

This type of statement and attitude makes one wonder what kind of judge he would make, and federal judgeships are for life. Can you imagine if such cases were before a judge like this? In my own conscience, I could not reward a lifetime position of power to such a person with power over women and men alike.

I think this sort of judgmental and intemperate approach is opposite of the qualities needed for the Federal bench. Indeed, given Mr. Holmes' strong commitment to various political causes of the right wing over these past two decades, a Republican Senator was moved to ask this nominee: "Why in the world would you want to serve in a position where you have to exercise restraint and you could not, if you were true to your convictions about what the role of a judge should be, feel like you have done everything you could in order to perhaps achieve justice in any given case?"

Mr. Holmes, for his part, conceded:

> I know it is going to be difficult for this Committee to assess that question, and I know it is a very important question.

But for this Senator, a member of that committee, it is a very difficult question, especially with a record like Mr. Holmes'. And it is certainly not a question I would answer by giving somebody a lifetime appointment to a position of such enormous power.

In fact, the question is so difficult that at the Judiciary Committee business meeting, where Democrats were prepared to vote on Mr. Holmes' nomination, Republican Senators asked for more time to review Mr. Holmes' record. I think perhaps that at that meeting some of them heard for the first time some of the statements made by Mr. Holmes in the material he submitted to the Senate Judiciary Committee. Eventually, in May of last year, they reported him out provided they did not have to vote for him, provided they could vote him out without recommendation. That does not happen very often.

The last time I can remember that happening was with Judge Clarence Thomas. His nomination was reported without recommendation in order to allow a vote before the full Senate when he could not achieve a majority in the committee.

Like Justice Thomas, Mr. Holmes has been a proponent of what is known as a "natural rights" or "natural law" theory of interpreting our Constitution in order to achieve judicial recognition of rights he believes should exist. He has been supportive of reading new and undefined rights into the Constitution based on his personal or political conception of "justice." This sounds to me like the judicial activists the President has said he does not want to see on the bench. I guess if they are very conservative Republican judicial activists, it is OK.

Mr. Holmes has supported efforts to require that the language of the Constitution be trumped by language he prefers in the Declaration of Independence in order to advance a social agenda against choice and against the separation of church and state. This method of interpreting the Constitution, the fundamental charter of our democratic nation, represents an approach which has been advocated by the far right in its effort to erode the longstanding separation of church and state that assures all Americans their first amendment freedoms.

The idea of "natural law" is what led to the tyrannical period of judicial activism at the turn of the last century in which the Supreme Court struck down numerous State and Federal laws written to protect the health and safety of working Americans. Those decisions are discussed at length in law school. In the activist Supreme Court decision of Lochner v. New York federal judges found a "natural right" to contract in employment decisions that trumped any legislative efforts to end child labor—which in many cases was basically child slavery—sweatshops, and the terribly unsafe workplaces at the beginning of the Industrial Revolution. The Supreme Court's reliance on "natural rights" was repudiated in 1937—70 years ago.

Mr. Holmes has been critical of the dissenting opinion in the Lochner decision, and he seemingly embraces the idea that the activism of the Supreme Court almost 100 years ago was justified.

Again, I mention this because President Bush has spoken repeatedly against judicial activism while simultaneously nominating people likely to be judicial activists for his social and political agenda, people such as Mr.

Holmes. This approach is one of those: Watch what we say; don't watch what we do. Republicans will say we are against judicial activists with the one hand, and with the other hand quietly nominate judicial activists.

One of the most troubling things Mr. Holmes has written is his criticism of what is known in our law as "substantive due process." As even Mr. Holmes conceded in his answers to my questions, substantive due process is the means by which the rights in the Constitution's Bill of Rights apply to protect individuals from State governments that would deprive them of those rights, such as the right to freedom of religion, freedom of speech, freedom of the press. Mr. Holmes concedes that as a scholar he disagreed with the idea of substantive due process, but now, when he is facing a vote on his nomination in the Senate, he says basically: Oh, by the way, of course now I see it as settled law. He did not see it that way a few short years ago.

That reminds me again of another nomination. These issues rose during the hearings on Clarence Thomas's hearings on his nomination to the Supreme Court. He had given many speeches praising natural law principles, but then disavowed them during his Supreme Court confirmation hearings. For example, he praised Lew Lehrman's article, "The Declaration of Independence and the Right to Life," as "a splendid example of applying natural law." That article looked to the Declaration of Independence as the basis for overturning Roe v. Wade. Then, despite his assurances to the Senate Judiciary Committee that he would follow the law in this area if he was confirmed, of course, Justice Thomas immediately voted to overturn Roe v. Wade—just the opposite of what he said—as soon as he was confirmed. The Senate trusted him, and we saw what happened.

Now, Mr. Holmes wishes to regard this issue as one in which we should just trust him to set aside what he himself calls his "history of activism." He admitted to a reporter that the "only cause that I have actively campaigned for and really been considered an activist for is the right-to-life issue." But then he told the Senate Judiciary Committee that he would not promise to recuse himself from those cases in which he has a history of activism. What he said was: Just trust me.

Well, I do hope that if the Senate Republicans disagree with me and Mr. Holmes is confirmed, that he will keep his word and he will not impose his political views on others as a judge, especially as he was under oath when he made that promise. But I have seen too many, even though they were under oath, go back on their word as soon as they were confirmed.

This debate is not about his position on right to life issue. We have confirmed numerous judicial nominees of President Bush who have been active in the right-to-life movement or litigation, such as Judge Lavenski Smith, confirmed to the Eighth Circuit; Judge John Roberts, confirmed to the DC Circuit; Judge Michael McConnell, confirmed to the Tenth Circuit; Judge Ron Clark, confirmed to the District Court in Texas; Judge Ralph Erickson, confirmed to the District Court in North Dakota; Judge Kurt Englehart and Judge Jay Zainey, confirmed to the District Court in Louisiana; and Judge Joe Heaton, confirmed to the District Court in Oklahoma—among the 197 judicial nominees of President Bush who have been confirmed.

I have voted for many judges who made it very clear in their public record that they had taken a right-to-life position. In fact, the judges I just mentioned have been at the forefront of efforts to reverse Roe v. Wade as lawyers, and all were confirmed.

So it is unequivocally false to claim that Democrats have employed a pro-choice litmus test in voting on judicial nominees—not with all the ones we have voted for who would fall in that area. But the same, about the litmus test, cannot be said of the choices made by President Bush. It seems he has sought out individuals who share his pro-life views and who have strong pro-life credentials for these lifetime positions as Federal judges. In fact, I cannot think of a single judicial nomination President Bush has made of an individual who has been active on the pro-choice side of this issue. Senate Democrats have shown we do not have a litmus test. The White House has shown it does.

I am also saddened to note Mr. Holmes has attacked efforts to enforce the Supreme Court's decision in Brown v. Board of Education, the landmark case which declared that separate is inherently unequal. As a nation we have just celebrated the 50th anniversary of this unanimous decision of the Supreme Court—a unanimous decision with conservative and liberal justices joining together, but here we have a nominee who has criticized efforts to enforce this decision.

Brown v. Board of Education helped break the shackles of Jim Crow that had bound the Nation's dream of racial equality and the Constitution's promise of the 14th amendment. Instead, Mr. Holmes suggested that the Federal courts should not have the power to order school districts to take actions to remedy segregation that was blatantly unconstitutional. But I would remind him that, fortunately, there were judges who did not take this twisted, I might say, cowardly view of Brown v. Board of Education.

There were countless judges appointed by Republicans and Democrats who had courage in their efforts in the South because they did not believe our federal courts lacked the power to enforce a remedy to the violation of a fundamental constitutional right. Because of their courage, Brown v. Board of Education was enforced. One has to ask, if Mr. Holmes, based on his statement, would have shown that courage.

I respect the legacy of Judge Ronald Davies, who ordered that Little Rock Central High be integrated and had the independence and the strength of character to stand up to Governor Orval Faubus and insist on the enforcement of our Constitution as interpreted by the Supreme Court. We do not honor his legacy—his great, great legacy on this issue—by voting for this nominee.

In fact, Mr. Holmes has suggested that Booker T. Washington was correct to teach that slavery in the United States, which resulted in the inhumane, involuntary servitude and often brutal deaths of millions of African Americans, was part of divine providence. Mr. Holmes who wrote his dissertation on Mr. Washington's controversial ideas, stated that "what we need to learn from Booker T. Washington is that not everything that parades under such banners as 'liberation' and 'freedom' is genuine."

My grandparents and great-grandparents came to this country because they believed that the freedom promised by the Constitution in America is genuine. They believed liberation is genuine. They believed that this was a country that guaranteed it. I was sorely disappointed to hear Mr. Holmes' statement.

I do not think Mr. Holmes is simply out of step with reasonable interpretations of liberty, privacy, and equality. He is marching backward in the direction of an era in which individual rights under our Constitution were not fully endorsed by the courts and were often empty promises. While such a narrow approach may once have been in favor among a few, his hostility to modern understandings about civil rights and human rights is eccentric, to say the least. It is the Senate's job under our Constitution to serve as a check on the executive branch in nomination and it is our job to protect the rights of the American people by trying to ensure that we have a fair and an independent Federal judiciary.

Given his views of equality and freedom, it is perhaps not surprising that Mr. Holmes has also been critical of full endorsement of voting rights. For example, he represented the Republican Party of Arkansas before the Arkansas Supreme Court in late 2002 to reverse a lower court order allowing voting hours to extend beyond statutory times set in Pulaski County, in Little Rock. In the Republican Party of Arkansas v. Kilgore, Mr. Holmes was the party's lawyer in its emergency petition to the Arkansas Supreme Court.

According to his questionnaire, the Democratic Party "obtained on order at 6:46 p.m. on election night extending the voting hours from 7:30 p.m., the statutory time for concluding voting, to 9:00 p.m. for Pulaski County."

Subsequently, Mr. Holmes was able to get all 300 ballots cast after 7:30 thrown out, even though many of those people, working people, who voted had been waiting in long lines, waiting for their right to vote. According to press accounts, many of these long lines were in precincts with large numbers of African Americans. I think we should all be concerned when votes are not counted, when the American citizens who exercise their right to vote are disenfranchised. Mr. Holmes does not give much weight to this concern.

During the Bush v. Gore recount litigation, Mr. Holmes wrote a letter to the editor strongly opposing the accurate counting of Presidential ballots. Why? Such a recount would result in more votes to the Democratic candidate. I do not believe that with the record of this nominee that he will be impartial on such issues in Federal court. I would hate to be a Democrat to have to come before his court with views like this, but it appears that this is a case where the White House is saying: We do not want an independent Federal judge. We want somebody who we hope will be an arm of the Republican Party from the bench.

Finally, I note that among the many very troubling things this nominee has said, he has written that he does not think the Constitution was made for people of different views. I believe our Constitution's tolerance and protection for a diversity of views is one of the things that has made our Nation strong. Just look at the first amendment, the beginning of our Bill of Rights. The first amendment says you have the right to practice any religion you want or none if you want. It says very clearly you have a right of free speech. What it says is that we will have diversity because people have freedom of conscience. People have different ideas. Not only does the Constitution inherently value diversity, but also it guarantees that diversity will be protected. Anywhere you have diversity protected, you can have a strong democracy.

I cannot think of anything I have heard by any nominee that goes so much against our vision of America than to say that our Constitution was not for people of different views. Mr. Holmes seems to think the Constitution is meant only for people who share his own views of the world. I cannot imagine a fairminded person suggesting, as this nominee has, that Justice Oliver Wendell Holmes erred when he wrote that the judicial activism of a century ago was wrong. Justice Holmes stood up against other judges who were substituting their personal, political, and economic views for those of legislators. Justice Holmes observed our Constitution is made for people of different views, but Mr. Holmes specifically objects to that vision of our Nation's charter.

I cannot imagine a fairminded and open-minded person staking out the ground that Mr. Holmes has. Mr. J. Leon Holmes has taken issue with that bedrock principle of our law. It is abundantly clear from the nominee's own writings and record why this nomination has stirred such controversy in the Senate and among the American people. Mr. Holmes might be one of the most intolerant nominees we have had before the Senate for a confirmation vote in the time I have been in the Senate. I can see why, even with a Republican-controlled Judiciary Committee, he could not get a majority vote to support him. He should not get a majority vote in the Senate.

Ask yourselves, men and women of this Senate, can you really vote to give somebody a lifetime appointment when they interpret the laws of this Nation—somebody who says that the laws are not made to protect diversity in America? Tell my Irish grandfather and my Italian grandfather, both of whom were stonecutters in Vermont, that our Constitution should not protect people from diverse backgrounds. I cannot believe that a judicial nominee would take issue with this core value because he wants to impose his own political views on the Constitution.

What we have before us is a very troubling nomination. Here, the President, who campaigned against the idea of judicial activism, has nominated somebody who is unabashedly an activist in a wide range of issues taking a narrow view of individual rights. The President, who has said he wants to respect all views in the country, has nominated somebody who does not believe in such diversity.

I still cannot get out of my mind the comments about rape and pregnancy. I still have nightmares when I think of some of the cases I prosecuted, some of the children I counseled, some of the families who grieved in my office, some of the lives I saw shattered by children who had been raped, became pregnant from that rape, and also were abused.

I will soon yield the floor so others may speak. I will vote against Mr. Holmes. He is not a man who should be on the federal bench with a lifetime post interpreting the rights of others, a man whose mind is so set against women's rights no matter how polite he may be, so set against the idea of protecting diversity, so set against the way our Constitution should be interpreted. His writings are a throwback to darker days in our Nation's approach to the law and the fundamental freedoms promised by our Constitution.

I yield the floor.

Mr. HATCH. Mr. President, I have been here a long time. I sat through the comments of the Senator. I have heard a lot of remarks on the floor of the Senate with regard to judges. In fact, I have heard them for the last 28 years. I have to say that not only do I totally disagree with everything the distinguished Senator from Vermont has said, but I believe he has seriously distorted this man's record. Let me just answer these distortions with maybe a few points.

No. 1, this man has the support of virtually everybody who counts in Arkansas—Democrats and Republicans.

No. 2, he has the support of the leading newspapers in Arkansas, which are not necessarily known for supporting Republicans.

No. 3, this man is an intellectually profound man who earned a Ph.D. from Duke University before he got his law degree. He graduated with honors with his law degree as well.

No. 4, this man has the blessing of the American Bar Association, with the highest rating a person can have.

No. 5, Leon Holmes is a very religious person, and virtually everybody who writes in his favor—virtually everybody I have seen, including many Democrat leaders in Arkansas—state that he is totally capable of putting aside his deeply held personal beliefs in order to act with dispassion and fairness on the bench.

No. 6, a number of Democrat pro-choice women lawyers have written in and informed us that he has been their mentor, their advocate to partnership in his law firm; that he has not only been fair; he has been decent, honorable, and he has been their friend, even though they disagree with some of his personal views.

My gosh, if we are going to bring up every case an attorney has tried, because we differ with his particular clients, and paint the attorney as somebody who is not a good person, as has been done here, we would not have very many judges confirmed.

I could go on and on. Let me say that you don't get the well-qualified highest rating from the ABA because you are a jerk, as has been painted here. You don't get the support of Democrats and Republicans in your home State if you are a partisan who won't obey or follow the law. You don't get a Ph.D. from Duke unless you are a very bright person and somebody who has earned the right to a Ph.D. His studies were mainly of three great Black leaders, including DuBois, Washington, and Martin Luther King, Jr.

I could go on and on. I am just saying that I guess we could find a way to decry anybody who has ever tried a case, or at least a controversial case. Attorneys do that. I know the distinguished Senator from Vermont has done that. I have done that. If this body cannot understand why a person, when they are very young, makes some statements they are sorry they made later, then what body can? Many of the statements that have been described today are statements that were made almost 24 years ago, for which Leon Holmes has apologized and has received forgiveness from the people of Arkansas, and especially the two Senators from Arkansas, who know him more than anybody else here. They are both strong advocates for Leon Holmes.

Yet we sit here and hear very inappropriate comments and, in my opinion, highly distorted, about a man who is considered one of the better lawyers in Arkansas, maybe one of the better lawyers in the country. Look, it is time we quit playing these games with judges. Our side should not do it and the other side should not do it. If you disagree with Leon Holmes, vote against him, but you don't have to distort his record. Virtually every legitimate criticism he has had has been answered, and answered substantively. In fact, every legitimate question that has been raised has been answered.

This is a fine man who has the support of his media, which is pretty unusual for a pro-life Republican. He has the support of the bar down there. He has the support of Democratic women, as well as Republican women. He has the support of people who live religious lives. He has the support of his partners, many of whom are Democrats who don't agree with his personal views—although I think many would agree with his personal views. His personal views are legitimate, but there is room to disagree. But I don't know anybody of substance in Arkansas who thinks this man is unworthy to be on the Federal district bench, or thinks he will not obey the law when he gets on the Federal district bench, or thinks he will not uphold the law when he gets on the Federal district bench.

I could go through every argument that has been made and every one is not unanswerable but I think overwhelmingly answerable. It comes down to some statements he made a long time ago for which he has apologized, which he has said were insensitive. He was a young man dedicated to the pro-life movement and he made some insensitive statements, as some do on both sides in pro-life or pro-choice contingencies.

This man deserves a vote up or down. I hope he will receive that and I hope he will be confirmed. But those who vote against him, I think, are doing so without the consideration of the high qualities this man offers, and without the recognition of the many Democrats who have written in favor of him. Many pro-choice Democrats have written in favor of him. If we are going to debate, we should debate the facts, not distortions of the facts. He has apologized and made amends. He asked forgiveness for some of his remarks that were insensitive.

I hope around here we are not of the persuasion or opinion that everybody who comes to the Federal bench has to be perfect from the time they graduate from law school on, or even before that, or because we differ with them on one or two positions that may be very important issues to one side or the other, they do not have a right to serve on the bench, or that there may be people of deeply held religious views who are unwilling to admit, because I think of some of the stereotypes around here, they can do a great job on the bench in spite of their religious views.

In this particular case, this man is a very religious man who has made it more than clear that he will abide by the law even when he differs with it. This is a trial judge position. This is not the Supreme Court. But it is an important position, and I compliment my colleagues on both sides for scrutinizing all of these judgeships. But if they scrutinize fairly this man's record and what he has done, his reputation, his ability in the law, and his honesty and decency, then they are going to have to vote for him. If my colleagues do not do that, then I suppose they can vote against him. If they do so, they really have not looked at the record, have not been fair, and they have allowed buzz issues that have long since been answered to take a precedent position in the arguments that should not be permitted.

Mr. LEAHY. Mr. President. I began this day calling for bipartisanship and civility in this Chamber. It seems that call has fallen on deaf ears with Republicans renewing their baseless charges that Democrats are anti-Catholic. Some Republicans keep recycling these reckless charges even though they are false. They do so in order to play wedge politics, the type of dirty politics preferred by the President's strategist Karl Rove. I have called on the White House to disavow these charges of religious bigotry. After all, President Bush ran for office claiming that he would change the tone in Washington and "be a uniter, not a divider." His repeated actions to the contrary speak louder than his words. I have called on the Republican administration to disavow these anti-Catholic claims. Everyone knows that the President's father's counsel is pushing these false and partisan charges against Democrats. The White House has not stopped these charges. Its allies continue to throw this mud. It is beneath the dignity of this body.

Anyone who reviewed the public submissions of the 197 judicial nominees of President Bush we have confirmed would see that many of these nominees have been active volunteers in their communities, including their parishes and other faith-based organizations. For example, the judges we have confirmed have been active members of their Diocesan Parish Council, the Friends of Cardinal Munich Seminary, the Altar and Rosary Society, the Knights of Columbus, the Archdiocese Catholic Foundation, Catholic Charities, the Archbishop's Community Relief Fund, the Catholic Metropolitan School Board, Serra Club, their Parish and Pastoral Councils, the Homebound Eucharistic Ministers Program, the St. Thomas More Catholic Lawyers Association, the John Carroll Society, the Guild of Catholic Lawyers, the Catholic League for Religious and Civil Rights, and the U.S. Catholic Conference, among other organizations. How dare Republicans come to this floor and claim that Democrats oppose Catholics or others active in their church when the public records of the 197 nominees confirmed absolutely refute these false and hurtful claims.

I stand against the religious McCarthyism being used by some Republicans to smear Senators who dare to vote against this President's most extreme nominees for lifetime positions on the federal courts. We should come together to condemn their injection of religious smears into the judicial nomination process. Partisan political groups have used religious intolerance and bigotry to raise money and to punish and broadcast dishonest ads that falsely accuse Democratic Senators of being anti-Catholic. I cannot think of anything in my 29 years in the Senate that has angered me or upset me so much as this. Earlier this session I recall emerging from mass to learn that one of these advocates had been on C-SPAN at the same time that morning to brand me an anti-Christian bigot.

As an American of Irish and Italian heritage, I remember my parents talking about days I thought were long past, when Irish Catholics were greeted with signs that told them they did not need apply for jobs. Italians were told that Americans did not want them or their religious ways. This is what my parents saw, and a time that they lived to see as long passed. And my parents, rest their souls, though this time was long past, because it was a horrible part of U.S. history, and it mocks the pain—the smears we see today mock the pain and injustice of what so many American Catholics went through at that time. These partisan hate groups rekindle that divisiveness by digging up past intolerances and breathing life into that shameful history, and they do it for short-term political gains. To raise the specter of religious intolerance in order to try to turn our independent federal courts into an arm of the Republican party is an outrage. They want to subvert the very constitutional process designed to protect all Americans from prejudice and injustice. It is shocking that they would cavalierly destroy the independence of our federal courts.

It is sad, and it is an affront to the Senate as well as to so many, when we see senators sit silent when they are invited to disavow these abuses. Where are the fair-mined Republican Senators? Where are the voices of reason of moderate Members of this body? Do they agree with this wedge campaign by the more extreme elements in the Republican party to cause further divide in our nation along religious lines? What has silenced these Senators who otherwise have taken moderate and independent stands in the past? Are they so afraid of the White House that they would allow this religious McCarthyism to take place? Why are they allowing this to go on? The demagoguery, divisive and partisan politics being so cynically used by supporters of the President's most extreme judicial nominees needs to stop.

These smears are lies, and like all lies they depend on the silence of others to live, and to gain root. It is time for the silence to end. The administration has to accept responsibility for the smear campaign; the process starts with the President. We would not see this stark divisiveness if the President would seek to unite, instead of to divide, the American people and the Senate with his choices for the Federal courts.

And those senators who actively join in this kind of a religion smear; they may do it to chill debate on whether Mr. Holmes can be a fair and impartial judge, but they do far more. They hurt the whole country. They hurt Christians and non-Christians. They hurt believers and non-believers. They hurt all of us, because the Constitution requires judges to apply the law, not their political views, and instead they try to subvert the Constitution. And remember, all of us, no matter what our faith—and I am proud of mine—no matter what our faith, we are able to practice it, or none if we want, because of the Constitution. All of us ought to understand that the Constitution is there to protect us, and it is the protection of the Constitution that has seen this country evolve into a tolerant country. And those who would try to put it back, for short-term political gains, subvert the Constitution, and they damage the country.

These baseless and outrageous claims harken back to dark days in our nation's history. I was just a young man growing up in Montpelier, VT when Senator Joseph McCarthy rose to power and ignomy as one of our country's worst demagogues through his spectacular brand of the politics of destruction. Senator McCarthy first claimed to a Republican Party club in West Virginia that he had a list of 205 known communists in the State Department. The next day, in Salt Lake City, he claimed he had a list of 57 "card-carrying communists" at the State Department. At other times he claimed there were 81. You see, the facts do not really matter to McCarthyists—so long as the claim is spectacular and causes voters alarm.

I think many Americans believed because they could not imagine why someone would make such false allegations and smear the reputations of innocent people. That is the advantage of the demagogue, but we must be ever vigilant that such a lie does not become the truth through the alchemy of repetition.

Shortly afterward his remarks in Utah, Senator McCarthy came to the floor of the Senate, this floor, and asserted that he had dossiers on federal employees who were un-American, changing descriptions as he read them. For example where one person was described as "liberal" on paper, Senator McCarthy substituted the infammatory "communistically inclined." That year, in 1950, a Senate Committee investigating Senator McCarthy's charges issued a report, known as the Tydings Committee Report after Maryland Senator Millard Tydings who chaired the subcommittee looking into the lies that were being spread. A critical piece of that report from 1950 has relevance today, more than 50 years later so I would like to quote a paragraph in full:

> At a time when American blood is again being shed to preserve our dream of freedom, we are constrained fearlessly and frankly to call the charges, and the methods employed to give them ostensible validity, what they truly are: A fraud and a hoax perpetrated on the Senate of the United States and the American people. They represent perhaps the most nefarious campaign of half-truths and untruth in the history of the Republic. For the first time in our history, we have seen the totalitarian technique of the "big lie" employed on a sustained basis. The result has been to confuse and divide the American people at a time when they should be strong in their unity, to a degree far beyond the hopes of the Communists whose stock in trade is confusion and division. In such a disillusioning setting, we appreciate as never before our Bill of Rights, a free press, and the heritage of freedom that has made this Nation great.

This quote is from the Report of the Committee on Foreign Relations pursuant to S. Res. 231, a resolution to investigate whether there are employees in the State Department disloyal to the United States, dated July 20, 1950.

The Tydings Report also noted that "few people, cognizant of the truth in even an elementary way, have, in the absence of political partisanship, placed any credence in the hit-and-run tactics of Senator McCarthy." Similarly, the Report sagely observed that "the oft-repeated and natural reaction of many good people . . . goes something like this—'Well there must be something to the charges, or a United States Senator would never have made them!' The simple truth now is apparent that a conclusion based on this premise, while normally true, is here erroneous. . . ." Unfortunately, we face a similar situation today.

It was not until 1954 that Senator McCarthy's deceitful campaign earned the censure of the full Senate for conduct unbecoming a Member of the Senate. I do remember that year when one of the greatest Senators of Vermont, Ralph Flanders, stood up on this floor, even though he was a Republican, sort of the quintessential Republican and condemned the tactics of Joe McCarthy on several occasions.

For example, on June 1, 1954, Senator Flanders renewed his deep concerns about the allegations of Senator McCarthy and made some observations that are particularly relevant, unfortunately, to the recnt religious smear of Republicans in 2003. He noted how Senator McCarthy's political agenda involved sowing division and fear among people of different faiths—Jews, Protestants, and Catholics. After instilling fear in Jewish Americans, McCarthyists "charged the Protestant ministry with being, in effect, the center of Communist influence in this country." As Senator Flanders observed, "the ghost of religious intolerance was not laid" by the departure of a few close allies of Senator McCarthy who had been rebuked for attacking a majority faith in this country. As Senator Flanders noted, "Clearer and clearer evidence of the danger of setting church against church, Catholic against Protestant. . . . [Senator McCarthy's] success in dividing his country and his church" was paralleled only by his divisiveness to the Republican party.

Later that summer, Senator Flanders offered resolution of censure condemning the conduct of Senator McCarthy, who had smeared so many innocent people with his false claims and treated some of his colleagues in this body with contempt in his zeal. He noted Senator McCarthy's penchant for breaking rules, "The Senator [McCarthy] can break rules faster than we can make them." When the Senate considered the matter, it censured Senator McCarthy, and rightly so.

History properly condemns him and his cohorts, even though it has become fashionable for right-wing extremists such as Ann Coulter to attempt to rewrite history and call him a brave hero who saved America. The fact is that our Nation and Constitution are lucky to have survived his divisive, destructive and manipulative tactics which were then and remain, the words of Senator Flanders, a blot on the reputation of the Senate. He was a ruthless political opportunist who exploited his position of power in the Senate to smear hundreds of innocent people and win headlines and followers with his false assertions and innuendo, without regard to facts, evidence, rules and human decency.

Senator Flanders of Vermont stood up and fearlessly condemned what Joseph McCarthy was doing. And it stopped. I hope some will stand up and condemn these McCarthyist charges of anti-Catholic bigotry leveled at Catholics and others who are members of he Senate Judiciary Committee and Members of this Senate.

The reality is that not one of the Democratic Senators in Committee who voted against Mr. Holmes did so because he is Catholic. Half of the Democratic Members of the Judiciary Committee are Catholic. We would not vote for him or vote against him because of his religious affiliation. What we cared about was Mr. Holmes long history of statements that he himself admits have been inflammatory and unfortunate. Among the many concerns are his statements that the Constitution, our Constitution, is not meant for people of different views. His intolerance of the views of others is manifest in numerous statements he has made. His insensitivity to rights of others is also apparent, no matter how polite a person he may be.

His statements against efforts to implement the Supreme Court's decision in Brown v. Board of Education, his opposition to Federal law intended to restore basic civil rights rules that had been modified by conservative activist judges, his denigration of political rights for African Americans, his active work to limit people exercising their right to vote or to have their vote counted, and his screeds against women's rights are just too much to overlook. The President has marked the anniversary of the landmark Civil Rights Act of 1964 with public speeches while below the radar screen he has put forward nominee after nominee with records of hostility toward civil rights, toward women's rights, toward environmental protections, and toward human rights. This President knows what he is looking for in the legacy he wants to leave with the lifetime appointees he has put forward. He has nominated more people active in the Federalist Society, such as Leon Holmes, than African Americans, Latinos or Asians combined. He is more committed to ideological purity than to diversity or full enforcement of civil rights.

President Bush has claimed that he wants judges who will interpret the law and not make the law, but in the aftermath of the administration's re-interpretation of the laws against torture that assurance is meaningless. Just look at the torture memo written by Jay Bybee, who was confirmed for a lifetime seat on the Ninth Circuit after stonewalling the Senate on his legal work and views. It is not fair to the American people that this President's judicial nominees be given the benefit of the doubt. Here, in Leon Holmes, we have a nominee whose views are well known. There is little doubt what kind of activist judge he was chosen to be and will be if confirmed.

Senator HATCH has claimed that asking about whether a nominee will follow Supreme Court precedent on privacy and choice is out of bounds because in his view "the great majority of people who are pro-life come to their positions as a result of their religious convictions. We hold this view as a religious tenet, and this is part and parcel of who we are." Under Senator HATCH's view that it is improper to ask judicial nominees about their view of legal issues that may also relate somehow to a religious position. I ask, however, would it be wrong for the Senate to ask a nominee for a lifetime position for their views on racial discrimination? Of course that would be absurd and an abdication of our responsibility to serve as a check on the nominees put forward by this or any President. As Senator DURBIN has mentioned based on the tragic shootings instigated by the racist World Church of the Creator in Illinois, it would be irresponsible for the Senate in its advice-and-consent role to ignore, for example, questions of racial discrimination if those views can be cloaked in religious garb.

The Senate has considered the views of nominees since the beginning of our Nation, when Justice John Rutledge's nomination to be Chief Justice of the Supreme Court was rejected for a speech he gave expressing his views on a treaty. To assert suddenly that although President Bush and his advisors can consider a judicial candidate's views, such as on race or choice, the Senate is forbidden from doing so is a terrible manipulation of the process. The Constitution gives the Senate an equal role in the decision about who serves on the Federal courts, not a lesser rule and certainly not that of a rubber stamp. With these religious assertions, Republicans may think that they have found a loophole to avoid public questions to and answers by their hand-picked judicial nominees about their views that both Democrats and Republicans actually consider to be significant areas of law. Support for protecting racial discrimination should be allowed no loophole from scrutiny. A nominee's beliefs and views about constitutional rights should not be hidden from public view until after a nominee is confirmed to a lifetime seat on the bench.

The truth is that Mr. Holmes' affiliation with the Catholic Church neither disqualifies him nor qualifies him for the Federal bench. And this is how it should be, how it must be, under our Constitution. Mr. Holmes' record is what causes grave concerns. He has been active and outspoken with rigid and radical views about the meaning of the Constitution, the role of the Federal Government, equality rights and other liberties.

Republicans have falsely claimed that Democrats have an anti-Catholic bias because we oppose the nomination of Leon Holmes for a lifetime job as a Federal judge. The opposition to Mr. Holmes is not based on his religious affiliation. No matter his faith, Mr. Holmes' record does not demonstrate that he will be fair to all people on most legal issues that affect the rights of all Americans. Mr. Holmes' religious affiliation is irrelevant to these serious matters of concern about whether he would be a fair judge. He has no meaningful judicial experience that would demonstrate his ability to set aside his views and apply the law fairly. To suggest otherwise is low and base.

It is also untrue to claim that Democrats have a pro-choice litmus test. Many of the 197 judicial nominees of President Bush have been active in pro-life issues or organizations according to the public record, and most have been confirmed unanimously, such as Ron Clark, a pro-life former Texas State legislator, Ralph Erickson, who was active in pro-life groups in North Dakota, Kurt Englehardt, a former pro-life leader in Louisiana, and Joe Heaton, a pro-life former Oklahoma legislator. The public record shows that it is obviously false to claim that Democrats have employed a pro-choice or anti-Catholic litmus test in voting on judicial nominees.

Why anyone would tell such lies, claiming that Democrats are anti-Catholic or anti-pro-life, and sow such seeds of division and hate. Why, as Senator Tydings asked in regard to McCarthy, why would anyone on the floor of the Senate or in a committee or in a hallway press conference in the Capitol or anywhere make such charges if there were not something to them? Conservative columnist Byron York noted that Republicans are working closely with some organizations to press the debate: “‘The issue is playing very well in the Catholic press and in Catholic e-mail alerts,’ the [unnamed] Republican says. ‘You tap into an entire community that has its own press, its own e-mail systems, and that has been tenderized by anti-Catholicism, which they consider to be the last permissible bias in America.’” This religious McCarthyism of Republican partisans is bad for the Senate. It is bad for the courts. And it is bad for the country.

Mr. President, I suggest the absence of a quorum and ask that the time be divided equally.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I come to the floor to share my views on this nominee to the Federal district court. I heard our distinguished chairman, a man who I greatly respect and admire, mention he was recommended as well qualified by the American Bar Association, and that he in fact could distance himself from his personal beliefs; that he is a deeply religious man, and the chairman believed he would be able to truly distance himself.

I have a very hard time believing that. If I look at his personal beliefs, they are extraordinary and they are way out of line with the mainstream of American thinking. I want to comment a little bit about them. They are not only outside the mainstream of American thinking, but they are outside the mainstream of American judicial thought as well.

Mr. Holmes has no real judicial experience. That is what makes it difficult, because there is no way we know whether he can distance himself from many of the comments he has made over many years. He is a native of Arkansas. He is a practicing lawyer at a law firm. He has done some teaching at the University of Arkansas and at the Thomas Aquinas College in my State: California.

With the exception of two instances where he served as a special judge on the Arkansas Supreme Court, he has no judicial experience. But that is not my main objection. My main objection is over the past 24 years he has put forward in word and writing philosophies that are far from U.S. mainstream opinion on a whole series of subjects, from women's rights, to choice, to race, and to the separation of church and state. These statements make him a very troubling nominee, and I have never—again, never—before voted "no" on a nominee to the district court. This is my first "no" vote in the 12 years I have been on the Judiciary Committee.

Let me give you a few examples. Let me take a subject, women's rights. Seven years ago—it is not too long ago—seven years ago he wrote:

> "The wife is to subordinate herself to her husband," and that "the woman is to place herself under the authority of the man."

This belief, if sustained, clearly places this nominee in a place apart. But this is not merely my own view, it is the view of the equal protection clause of the 14th Amendment of the Constitution, which I would hope any Federal judge would uphold.

It is also the view of numerous Federal civil rights laws, including the Civil Rights Act of 1964, for which the Nation celebrated its 40th anniversary on July 2. How can I or any other American believe that one who truly believes a woman is subordinate to her spouse can interpret the Constitution fairly? When women are parties to claims of job discrimination, sexual harassment, domestic violence, and a host of other issues involving the role of women in society, how can I be assured they can get a fair hearing from Leon Holmes? What will a plaintiff think when she finds out the judge hearing her case thinks women should subordinate themselves to men?

That is a fairly crisp view. It is a view I have not seen presented, certainly in the last 20 years, in any serious way.

Let's take a woman's right to choose. Again and again over decades, Mr. Holmes has made comments that show he is solidly opposed to a woman's right to choose, even in the case of rape. Let me give an example.

In a letter that he wrote to the Moline Daily Dispatch—this is a letter he writes to a newspaper—Mr. Holmes called rape victims who become pregnant "trivialities."

How is a rape victim ever a triviality?

He wrote in that same letter that "concern for rape victims is a red herring because conceptions from rape occur with approximately the same frequency as snowfall in Miami."

That might be a cute phrase but, in fact, it is grossly incorrect. Snow falls in Miami about once every 100 years, but, according to the American Journal of Obstetrics and Gynecology, each year in America over 30,000 women become pregnant as a result of rape or incest. This is hardly a trivial matter.

Mr. Holmes' letter wasn't a one-time comment. I can excuse a lot of one-time comments. I understand how they happen. I understand how they can be taken out of context. But he has also been an opponent of a woman's right to choose for decades. Other comments he has made on the very sensitive issue of abortion are equally insensitive. For example, he said:

> I think the abortion issue is the simplest issue this country has faced since slavery was made unconstitutional, and it deserves the same response.

In other words, end it. It is a very precise point of view.

Mr. Holmes has stated:

> The pro-abortionists counsel us to respond to these problems by abandoning what little morality our society still recognizes. This was attempted by one highly sophisticated, historically Christian nation in our history—Nazi Germany.

In a 1987 article written to the Arkansas Democrat, Mr. Holmes wrote:

> [T]he basic purpose of government is to prevent the killing of innocent people, so the government has an obligation to stop abortion.

Seven years later, in a 1995 interview, with the Arkansas Democrat Gazette, Mr. Holmes stated:

> I would like to appear before the Supreme Court of the United States, and I would like to have argued Roe v. Wade.

In response to Senator DURBIN's written question asking what Supreme Court cases Mr. Holmes disagrees with, he answered: Dred Scott v. Sanford, Buck v. Bell, and Roe v. Wade.

Dred Scott held that blacks were not people under the Constitution. As you know, Buck v. Bell held that a woman could be sterilized against her will. Those cases were abominations.

To include Roe v. Wade with these two decisions clearly indicates that he holds Roe as a decision to be abolished. This is simply not a mainstream perspective.

These comments don't sound as if they come from a man with an open mind about a most sensitive issue. Rather, they sound as if they come from a man with an agenda to eliminate the constitutional rights of American women to choose.

That is a problem for me because I don't believe someone who has these views can fairly hand out justice. I don't believe such a person should be a Federal judge for the rest of his life.

Mr. Holmes is not merely opposed to a woman's constitutionally protected right to choose. He has also lashed out at contraception, against women generally, and against the rights of gays and lesbians. He wrote in 1997:

> It is not coincidental that the feminist movement brought with it artificial contraception and abortion on demand, with recognition of homosexual liaisons soon to follow.

That is emotion-laden language. It is offensive to a whole host of a number of people. It is extraordinary language. It certainly is not a line of thinking with which I can agree. These are all areas where the Federal courts play a vital role.

He has also made some shocking statements about race in America. Specifically, in a 1981 article, he wrote for a journal called Christianity Today about Booker T. Washington. This is what he wrote:

> He taught that God had placed the Negro in America so it could teach the white race by example what it means to be Christlike. Moreover, he believed that God could use the Negroes' situation to uplift the white race spiritually.

Mr. Holmes first wrote those words 23 years ago. But he still stands by them. In April of last year, Leon Holmes wrote to Senator LINCOLN:

> My article combines [Washington's] view of providence—that God brings good out of evil—with his view that we are all called to love one another. This teaching can be criticized only if it is misunderstood.

Are these the words of a man who should be confirmed to interpret the equal protection clause of our Constitution without prejudice, to interpret the due process clause, to interpret Federal civil rights statutes?

In my view, Mr. Holmes' statements also indicate that he can't separate his own religious views from the Federal law he will be charged with interpreting. This is a trait that is particularly dangerous, given the strong views he has taken.

On religion, in a speech he delivered 2 years ago in Anne Arbor, MI, he stated:

> Christianity, unlike the pagan religions, transcends the political order.

That is really food for thought.

He continues:

> Christianity, in principle, cannot accept subordination to the political authorities, for the end to which it directs men is higher than the end of the political order; the source of its authority is higher than the political authority.

I guess one could say that all depends on what he means by the political order. The political order produces the law and the court interprets the law.

If he is saying the political order which produces the law is subservient to Christianity, how can we feel this is going to be an open-minded judge?

He also stated in the same speech that he was "left with some unease about this notion that Christianity and the political order should be assigned to separate spheres, in part because it seems unavoidably ambiguous."

I have no desire to cause Mr. Holmes any additional "unease." But if he is confirmed today, that is what he will have, whenever a question about the separation of church and state comes before him. The First Amendment in reality is not "ambiguous." It clearly states that there shall be "no law respecting an establishment of religion."

My concerns go further than First Amendment cases. If Mr. Holmes becomes a U.S. district court judge, how can we be sure he will separate his faith from the law? How will the parties before him know he is basing his rulings on the U.S. Constitution rather than on his spiritual faith?

This is not a statement on belief. I respect Mr. Holmes' right to his own faith, and I generally believe that a strong and abiding faith is a positive, not a negative, factor in reviewing an individual for public service. But here, where a nominee has himself said that faith must trump the law, it would be troubling at best to grant that nominee a lifetime seat on a Federal bench where law must trump all else, if our system of justice is to work.

Mr. Holmes' disconcerting views about the Constitution go beyond what he thinks about a particular area of law. He has expressed support for the concept of natural law, which holds there are laws that trump the law of the Constitution.

Natural law, simply put, holds that the Constitution is not the supreme law of the land. Rather, those who believe in natural law would subordinate the Constitution to some higher law. This concept is starkly at odds with the role of a Federal judge, who must swear to uphold the Constitution. But Mr. Holmes says that natural law trumps, as I understand it, the Constitution which he takes an oath to uphold.

In an article three years ago, in 2001, he wrote:

> [T]he Constitution was intended to reflect the principles of natural law.

In response to a written question from Senator DURBIN, Mr. Holmes wrote:

> [M]y view of natural rights derives from the Declaration of Independence.

Now the Declaration of Independence, which all Americans joyfully celebrated this past weekend, is the source of our Nation's liberation. The Constitution is the source of our Government and our laws. So they are separate and distinct from one another. This is a critical distinction, and I am not sure Mr. Holmes appreciates that. If he reads natural law into the Constitution, then he is not reading the same Constitution as the rest of America.

There is one final issue I would like to address. At the end of last month, on June 24, we confirmed six judges in a single day. Since the accommodation of the White House, the Senate has confirmed 24 of the 25 judges to which we agreed to proceed to floor votes. We have confirmed 28 nominations this year alone, including 5 circuit court nominations. And the Senate has confirmed 197 judges since President Bush was elected as our President.

I have always maintained my own counsel when it comes to the confirmation of judicial nominees. I do not use my blue slip. I do not make a decision until after the individual has a hearing and generally until after he or she has answered the written questions. I have always tried to see the potential for good in the nominees who come to us. When the President nominates a person to the Senate, it is my feeling we should do everything we can to respect the President's choices, while still taking with the utmost seriousness our own constitutional obligation to advise and consent.

To that end, as I said before, I have never before opposed a nominee to a U.S. district court. I have also supported nominees to the Court of Federal Claims—Susan Braden, Charles Lettow, and Victor Wolski—whom other Democrats opposed.

Even at the level of the U.S. Court of Appeals, I have supported nominees whom others have opposed. I supported the nomination of Jeffrey Sutton to the Sixth Circuit, and I was the only Democrat on the Judiciary Committee to do so. I supported the nomination of John Roberts to the DC Circuit, even though three Democrats on the Judiciary Committee opposed him. I supported the nomination of Deborah Cook, also to the Sixth Circuit, when many of my colleagues voted against her.

In all of these instances, I had confidence the nominees would interpret the Constitution and the Nation's laws fairly and without bias. And that is all I ask. I would expect these nominees to be conservative, and that is not a problem, as long as their views are not contrary to what a majority of Americans believe and the judicial thinking of a majority of mainstream judges. But I do not feel that way about Mr. Holmes. I have no doubt he is a man of deep and sincere beliefs, and in this great Nation he is entitled to those beliefs. I commend him for his faith. But how can I entrust protection of separation of church and state, protection of the civil rights laws, protection of a woman's right to choose—all of the major values which come before a Federal court judge—with the comments he has made? Because these comments are robustly extraordinary. I would never dream of these comments being made by someone who aspires to be on a Federal court of law. And if you have no judicial experience by which to evaluate whether he can in fact separate himself from his views, it is a very difficult nomination to swallow.

As a woman, how can I possibly vote for someone to go on to a Federal district court who believes women should be subordinate to men, when that judge is going to have to look at employment discrimination, sexual harassment cases, who in the modern day and age, as a practical tenet of public thinking, believes—and believes strongly enough to write about it and say it to the world—that women should be subordinate to men and a wife should be subordinate to her husband, and expect any woman who comes before that judge is going to have fair and even treatment?

For over 20 years, Mr. Holmes has been making extremist statements on women, on race, on abortion, on the role of religion in society. His statements in each individual area, as I have said, are startling. Taken together, he has given us more than enough reason to fear he will continue to make radical statements when his words have the force of law. And that is a risk I, for one, do not want to take.

So I urge my colleagues today to join me in opposing this confirmation and voting no. It will be my first one in 12 years.

I yield the floor.

Mr. SESSIONS. Mr. President, I believe the Senator from New Mexico is to be next.

Mr. DOMENICI. Mr. President, I inquire, how much time does the Senator have remaining on the subject matter at hand?

The PRESIDING OFFICER. The Senator from Alabama has 83½ minutes, almost 84 minutes, under his control; and the opposition has about 31½ minutes.

Mr. DOMENICI. Mr. President, I ask the Senator if he will yield me up to 10 minutes.

Mr. SESSIONS. Mr. President, I am delighted to yield the Senator from New Mexico up to 10 minutes.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask unanimous consent that I be permitted to speak for 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. DOMENICI are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I yield myself up to 10 minutes off the side of Senator LEAHY.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I rise to discuss Leon Holmes' nomination to the bench of the U.S. District Court for the Eastern District of Arkansas. Article II, section 2 of the Constitution imposes profound responsibility on the U.S. Senate to advise and consent on appointments of individuals to lifetime positions.

I rarely voted against a judicial nominee or even opposed one under President Clinton. I have never opposed one under President Bush. On the rare occasion when I did oppose a judicial candidate, it was because a nominee had failed to show proper judicial temperament, or if questions about judicial philosophy arose, and there was no judicial record on which to base a vote of confidence.

I take very seriously the responsibility of confirming an individual for a lifetime appointment. These Federal judges do not answer to anyone after they take office. So when someone's views raise a question or concern and there is no record as a judge to show he or she can set personal views aside, I believe caution is warranted. For my vote, such is the case with Leon Holmes.

Dr. Holmes is a gifted man and a capable attorney. He has had a strong career and demonstrated commitment to his community. His rich spiritual conviction and work ethic are traits for which he is commended. I have listened to Dr. Holmes' supporters. I read statements in support of his candidacy presented by the Department of Justice. I know his distinguished career. I have read carefully his writings and public statements, including those for which he has subsequently clarified or apologized. I met Dr. Holmes to talk about his nomination.

Mr. President, we have made mistakes like this in the past. Last month a judge on the Second U.S. Circuit Court of Appeals, a judge who was confirmed unanimously by the Senate in 1994 with my vote, made a disturbing public speech. In it, he compared President Bush's election in 2000 to the rise of power of Mussolini. The judge has, of course, apologized. We have all made remarks we wish we had not made. But in this case, coming from a judge, the blatant partisanship and political bias revealed by this remark, reduced the value of the subsequent apology. Now, it is a fair question, if a Republican-oriented litigant comes to the Second Circuit, can he or she be assured of an impartial justice by that judge?

In 1980, Leon Holmes wrote:

> The concern for rape victims is a red herring because conceptions from rape occur with approximately the same frequency as snowfall in Miami.

I differ with him absolutely on this issue.

If one rape victim is pregnant, she deserves protections and rights. She is a victim our society must acknowledge. What of the 14-year-old pregnant girl—a victim of incest from her father? Should she be cast aside as inconsequential? If you talk to any person who has served on a grand jury, in any urban area of our country, they have seen such a case. It happens. Thousands of rape victims in our country become pregnant every year. The Houston Chronicle recently reported that the American Journal of Preventive Medicine estimates 25,000 rape-related pregnancies occur annually. Are these victims to be ignored by our laws and society?

To his credit, Dr. Holmes has acknowledged that these comments were insensitive, but in conjunction with his other writings, that isn't enough for a lifetime appointment to a federal judgeship.

My vote will not be in any way related to his views on abortion or his personal religious beliefs. It is based on his body of statements over a 25-year period that lead me to conclude he does not have a fundamental commitment to the total equality of women in our society.

I have supported all of President Bush's previous nominees. In each instance, if there has been a controversy, I have tried to make an independent judgment without employing a litmus test, and without employing my own discrimination based on the nominee's personal practices or ideologies. In each case, I felt the candidate met the requirements. But I have a constitutional role that I must, in good conscience, uphold as I see it. I believe in the overwhelming majority of cases, the President should be granted his appointments to the bench. The role given to the Senate was to allow all possible information about a nominee to come forward to assure that a person is fit. Personally, I doubt that the writings of this nominee were known to the Administration when the appointment was made. But since his statements have come to the attention of the Senate, we must use our judgment about the overall ability of this nominee to give impartial justice in all cases.

I conclude that I cannot provide my consent for Leon Holmes.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I want to share some thoughts about the Holmes nomination. I feel very deeply about it. I respect so much my friend, the Senator from Texas, and her service in this body. I will say that she and I have talked about it before. I think we are missing something here. I urge her to reconsider the position she has taken, although I know she has taken it carefully and I doubt that is likely. But I urge her and others to consider what we are doing here, about how we vote on judges.

Let me just say that Americans and people around the world have various beliefs, and to some people different beliefs are viewed as strange. Those with religious beliefs may have different views on some issues than those who don't have religious beliefs. There is quite a lot of that. We don't all agree. We have different views about whether there is a Trinity, or what do you think about the virgin birth, and issues of all kinds. We have a lot of differences of opinion.

We have a view in this country that there cannot be a religious test for a judge or any other position in Government. There cannot be a religious test that you can put on them, saying you have to have a certain religion or certain belief before you can be an official in this Government. No, that is not true. We should not do that.

I guess what I will first say—and I hope I can be clear about this—we differ in our religious principles. It has been suggested that Mr. Holmes' religious principles are extreme. I say to you that his principles are consistent with the Catholic Church's principles. What he has said in every writing I have seen, and as I understand it, they are perfectly consistent—in fact, he defended classic Catholic doctrine. He defended classic Catholic doctrine. Regardless of whether he had a personal view that was somewhat unusual about his religious faith, that is not the test we have here. The question is, Will his personal religious beliefs he may adhere to strongly interfere with his ability to be a good judge?

He and his wife wrote a letter to a church in a church newspaper to discuss how they have ordered their marriage, and they have ordered it in the classical terms of Christianity. As a matter of fact, I think the Baptist Church recently affirmed a similar position in their denomination. It is the second largest denomination in the U.S.—second to the Catholic Church. That is not an extreme view. Whether you agree with it, it is scriptural, it is Christian doctrine. He defended and explained and wrote about that.

Isn't it good that we have a nominee for the Federal bench who is active in his church, who thinks about the issues facing his country and writes about them and talks about them? That is a healthy thing. The question is—and it is legitimate for those who are concerned about those views—if they don't agree with his view on abortion or on how marriage is arranged, to inquire of the nominee whether those views are so strong they would affect his or her opinions from the bench. That is the test. If we get away from that, we have a problem.

What is going to happen when we have a Muslim who has been nominated here or an Orthodox Jew, or any other denomination that doesn't agree with us on religious beliefs? Are we going to demand that they come before the Senate Judiciary Committee and renounce their faith as a price to be paid before they can be a Federal judge? No, sir, that is wrong. This is big-time stuff; this is not a little iddy-biddy matter, Mr. President. We should not be in that position. Yes, inquire if the person's views are so strongly held that they would impair his ability to be a Federal judge. Yes, ask whether they are a good lawyer, or do they have a good reputation among the bar, or do people respect their integrity, do they have good judgment, do people like and admire them. Ask those things. Ask whether the person has lack of judgment. But don't say: I don't agree with your theology on marriage; I don't agree with your church's view on abortion; therefore, I am not going to vote for you. That is a dangerous thing. It should not be done. It is a mistake for us to head down that direction. I cannot emphasize that too much.

This is wrong. We should not do this. It is not the right way to evaluate Federal judges. I understand when somebody says: I just feel strongly about this deal on marriage that he and his wife wrote. I feel, feel, feel. We need to stop thinking like that and not be so much worried about how we feel, and we better think about the consequences of our actions and our votes.

This is a dangerous precedent. I respect Judge Holmes. He is a man who has reached out to the poor, helped women lawyers to an extraordinary degree, helped them become partners in his firm. He has a wonderful wife who respects him and defended him in a real hot letter in response to the criticism of the article that she and Judge Holmes wrote. I think we ought to look at that.

We have confirmed people to the bench that have made big mistakes in my judgement—we have confirmed people to the bench that have used drugs, yet, we are now debating keeping this man off the bench for his religious writings. Would Mr. Holmes be in a better position with members of this body if he had smoked dope instead of written religious articles? That should not be so.

Let's look at his basic background and reputation for excellence. Of course, we know the two Democratic Senators from his home State of Arkansas support his nomination. So he has home State support.

We know the American Bar Association rated him their highest rating, "well-qualified."

We know he is probably the finest appellate lawyer in the State of Arkansas.

We know the Arkansas Supreme Court, when at various times they need a lawyer to sit on that court, they have called him two or three times to sit on the court.

He is one of the most respected lawyers in the State of Arkansas.

He was Phi Beta Kappa at Duke University. I think he was No. 1 in his class in law school.

This is a man of integrity, of religious faith and conviction, who is active in his church, who has reached out to the poor all his life, tried to do the right thing, and he is the one who comes up here and gets beaten up.

This is what his hometown newspaper, the Arkansas Democrat Gazette, said. These are the kinds of comments from the people who know him:

> What distinguishes Mr. Holmes is a rare blend of qualities he brings to the law—intellect, scholarship, conviction, detachment, a reverence not just for the law but for ideas, for the life of the mind. All of that would shine through the clutter of argument that awaits any judge. He would not only bring distinction to the bench, but promise. In choosing Leon Holmes, the President could bequeath a promise of greatness.

I think that is high praise. That is a beautiful comment. I suggest that is something anyone would be proud to have said about them.

He has practiced commercial litigation at the trial and appellate level in State and Federal courts. He has acquired significant courtroom experience. He is currently a partner at Quattlebaum, Grooms, Tull & Burrow in Little Rock. He was rated "well-qualified" by the ABA.

He knows the value of hard work. He came from humble roots and is the only one of his seven siblings to attend college. He worked his way through college, finished law school at night while working a full-time job to support his family.

He is an accomplished scholar. As I said, he finished at the top of his class, was inducted into Phi Beta Kappa while a doctoral student at Duke University. He was named outstanding political science student upon graduation from the college. That is pretty good. Duke University is a pretty fine university.

During the academic years of 1990 to 1992, he taught a variety of courses at Thomas Aquinas College in California. He taught law at the University of Arkansas during the year he clerked for Justice Holt of the Arkansas Supreme Court. One does not get selected to be a law clerk for a supreme court judge if one is not good. He displayed wide-ranging academic interest. His doctoral dissertation discussed the political philosophies of W.E.B. Debois and Booker T. Washington. It analyzed the efforts of Martin Luther King, Jr., and has made efforts to reconcile their views. He has written substantial essays dealing with the subjects of political philosophy, law, and theology. He has been active in the bar in Arkansas. He taught continuing legal education courses on numerous occasions. He has been awarded the State bar's best CLE award four times. He sits on the board of advisers of the Arkansas Bar Association. He chaired the editorial board for the bar's education for handling appeals in Arkansas.

That is pretty good. The Arkansas Bar does a publication on how to handle appeals in Arkansas. He was chosen to chair the editorial board for that publication. I submit to my colleagues that his peers think he is a good lawyer.

He sits on the judicial nominations committee for the Arkansas State courts which recommends attorneys to the Governor for judicial appointment in supreme court cases where one or more justices recuse themselves. He is one of a top handful of appellate lawyers in Arkansas, and in 2001, the Arkansas Bar Association bestowed its writing excellence award on Mr. Holmes.

On two occasions Leon Holmes has been appointed to serve as a special Arkansas Supreme Court judge, which is a real honor for a practicing attorney. The judges have praised his service in those cases, and more than one has urged him to run for a seat on the Arkansas Supreme Court. So he is well respected by the plaintiffs bar in Arkansas.

Mr. Holmes is currently defending on appeal the largest jury verdict ever awarded in Arkansas history. It is the case of a nursing home resident who allegedly died from neglect. He is representing the plaintiffs side on appeal.

If you are a plaintiff lawyer and you won in trial the largest civil judgment in Arkansas history, and it is on appeal and you want a lawyer to represent you, you want the best lawyer you can get, and you have the money to get that lawyer, you have a verdict worth millions, probably hundreds of millions of dollars—I do not know. Who did they choose out of the whole State of Arkansas? Leon Holmes. What does that say? They put their money on him. Their case was put on his shoulders.

Look, he has given back to the community. This is not a man who is selfish as a practicing lawyer just to see how much money he can make. He was a habeas counsel for death row inmate Ricky Ray Rector, the mentally retarded man who was attempting to avoid execution. It came before then-Arkansas Governor Bill Clinton. He refused at that time to commute the death sentence. But Holmes helped prepare the case for the evidentiary hearing in Federal court after habeas had already been filed.

Not many big-time civil lawyers give their time to represent poor people, or mentally retarded people on death row. Holmes represented a Laotian immigrant woman suffering from terminal liver disease when Medicaid refused to cover treatment for a liver transplant. Do my colleagues think he made a bunch of money off that case? He did it because he thought it was the right thing to do. He helps people who are weak and do not have fair access to the courts.

He represented a woman who lost custody of her children to her ex-husband, who could not afford counsel on appeal. He represented an indigent man with a methamphetamine felony history in connection with traffic misdemeanors.

He has given back to his community outside the law, also. He was a house parent for the Elan Home for Children while a graduate student in North Carolina. He served as director of the Florence Critten Home of Little Rock, helping young women cope with pregnancy.

He is partner with Philip Anderson, a former president of the American Bar Association who does not share Judge Holmes' views on a lot of issues politically, but he strongly supports him as an excellent judge, as do a large number of women.

Let me read some of the people who know him. This is what his history shows. Some say, well, we do not know. He has these religious beliefs. What do we know about him in practice? Will he get on the bench and do all of these horrible things? It is not his record to do that kind of thing.

Female colleagues from the Arkansas bar who know him support him strongly. This is what one said:

> During my 7 years at Williams & Anderson, I worked very close with Leon. We were in contact on a daily basis and handled many cases together. I toiled many long hours under stressful circumstances with Leon and always found him to be respectful, courteous and supportive. I was the first female associate to be named as a partner at Williams & Anderson. Leon was a strong proponent of my election to the partnership and, subsequently, encouraged and supported my career advancement, as well as the advancement of other women within the firm.

So they say, well, he and his wife wrote this article quoting St. Paul and we think he does not like women. What about him being a strong supporter of this woman being the first female partner at his law firm?

Continuing to quote from the letter:

> . . . Leon treated me in an equitable and respectful manner. I always have found him to be supportive of my career . . . Leon and I have different political views; however, I know him to be a fair and just person and have complete trust in his ability to put aside any personal or political views and apply the law in a thoughtful and equitable manner.

That is Jeanne Seewald in a letter to Chairman HATCH and Senators LEAHY and SCHUMER dated April 8 of last year when this issue came up. So this lady does not share his political views, or I assume his views maybe on abortion or other issues, but she knows he will be a fair and good judge.

Here is another letter:

> Leon has trained me in the practice of law and now, as my partner, works with me on several matters. His office has been next to mine at the firm approximately two years. During that time, I worked with Leon as an expectant mother and now work with him as a new mother. Leon's daughters babysit my 11-month-old son.
>
> I value Leon's input, not only on work-related matters but also on personal matters. I have sought him out for advice on a number of issues. Although Leon and I do not always see eye-to-eye, I respect him and trust his judgment. Above all, he is fair.
>
> While working with Leon, I have observed him interact with various people. He treats all people, regardless of gender, station in life, or circumstance, with the same respect and dignity. He has always been supportive of me in my law practice, as well as supportive of the other women in our firm. Gender has never been an issue in any decision in the firm.

That is a letter from Kristine Baker, April 8, to Senators HATCH, SCHUMER, and LEAHY.

Another female attorney in Little Rock, AR, Eileen Woods Harrison, states:

> I am a life-long Democrat and also prochoice. I commend Mr. Holmes to you. He is a brilliant man, a great lawyer and a fine person.

That was a letter sent to Senators HATCH, SCHUMER, and LEAHY.

Another one states:

> I heartily recommend Mr. Holmes to you. He is an outstanding lawyer and a fine person. While he and I differ dramatically on the pro-choice, pro-life issue, I am fully confident he will do his duty as the law and facts of a given case require.

One more—well, let me ask right there, has there been any instance shown where he has failed to comply with the law in his practice, in any way shown disrespect to the court, or in any way said a judge or a lawyer should not obey the law and follow the law? No, and these letters say that.

Beth Deere, in a letter dated March 24, 2003, to Senators HATCH and LEAHY, states:

> I support Leon Holmes because he is not only a bright legal mind, but also because he is a good person who believes that our nation will be judged by the care it affords the least and the littlest in our society. I am not troubled that he is personally opposed to abortion. Mr. Holmes is shot through with integrity. He will, I believe, uphold and apply the law with the utmost care and diligence.

Well, I do not know what else can be said. The only thing I can see is that people do not like his views on abortion, they do not like the views on family he and his wife have, and they are holding him up for that. His views are not extreme. His views are consistent with the faith of his church, not only his church, but the majority of Christendom.

Now does that make someone unqualified to be a Federal judge? Is the rule that no true believers in Catholic doctrine need apply for a Federal judgeship? They say that is not it; they say that they are not anti-Catholic. I am not saying anybody is anti-Catholic. I am saying a lot of people do not agree with the doctrine of a lot of Christian churches and that should not affect how they vote on a nominee if the nominee is proven to be committed to following the law.

It is all right, of course, for a person to have a religious faith; everybody says that. We would never discriminate against anybody who has religious faith. But if their faith calls on them to actually believe something and they have to make choices and those choices are not popular or politically correct at a given time, but they adhere to them because they believe in them, it is part of the tenets of their faith and the church to which they belong—and I would note parenthetically no church spends more time studying carefully the theology of its church and the doctrines of its church than the Catholic church—if they are consistent with that church's beliefs, they now no longer can be confirmed as a Federal judge?

It is all right if one goes along and does not ever do anything to actually affirm aggressively the doctrine of their church. In other words, if one goes to mass and never says anything about the question of abortion or family or other issues outside of the church doors, then they are all right, but if someone actually writes an article somewhere and says, I believe in this, they risk being punished. Actually, in this case it was an article written from one Catholic couple to other Catholics discussing in depth some of the doctrines of the church and how they believed in them. So the Holmes shared their thoughts within their church family about how the church's views ought to be interpreted and expressed their personal views about how it ought to be, does that disqualify them from being a Federal judge? No. I think this is a bad policy.

The question should simply be this: Will he follow the law of the U.S. Supreme Court on abortion even if he does not agree with it? And the answer is, yes. He has already stated that unequivocally. His record shows that.

The lawyers who practice with him who are pro-choice, women lawyers who affirm him so beautifully and so strongly, say he is going to follow the law. The American Bar Association, which is pro-choice and to the left of America on a host of issues, gave him their highest rating of well qualified.

The Arkansas Supreme Court has asked him to sit on their court at various times because they respected him. In 2001, he wrote the best legal writing in the State.

Some say they are worried because he has never been a judge. So he has not sat on the bench before. I do not think that is a matter that disqualifies him. Most people who become judges have not been a judge before on the district bench.

So what do we do to assess how he will act as a Judge? We talk to the lawyers, talk to the American Bar Association, talk to other judges in the State, and ask: What is this person like?

They all say he is first rate. Both Democratic Senators from Arkansas, who know this man, known lawyers who know this man and are familiar with his reputation, support him.

As one of our Members said earlier, in criticizing him, they asked: How can I vote for someone who believes women should be subordinated to men in this modern age?

That is not the gist of the Pauline doctrine in Ephesians. Mrs. Holmes wrote to tell us that she is not subordinate and she believes in equality and that their joint article did not mean anything other than that.

The Catholic Church does believe in ordination of only males. Some may disagree with that. I am a Methodist. We, I am pleased to say, ordain women. There are many women ministers in our church. But I want to ask again, if a person agrees with the doctrine of his church, which has been discussed and considered by the finest theologians for hundreds of years, and he agrees with that, and we don't agree with that, we don't think that is right, do we now think we should vote against that person because we don't agree with his religious beliefs? It is very dangerous to do that. We should not do it.

I ask again, what about other denominations and other faiths that have different views from ours? We may find them far more offensive than this. Are we going to refuse to vote for them? Are we going to insist that those people renounce the doctrines of the church to which they belong as a price to be paid before they can become a Federal judge? I hope not. I think we are making a mistake.

If there was something which would show that Judge Holmes could not follow the law, was not a first-rate attorney, did not have the respect of his colleagues, did not have the respect of the American Bar Association, had women lawyers who thought he was a sexist and unfair in the treatment of them and they came forward and said so, OK, I might be convinced. But none of that occurs here. That is not what we have. We have nothing but his personal beliefs that are consistent with the faith of his church. Some people don't agree with his views regarding his faith and tell us that they are going to vote against him because of that. That is not a good idea; that is not a good principle for us in this body to follow.

This is what his wife wrote. The first thing I will just note in here, she said, "The article is a product of my"—she italicized "my"—"my Bible study over many years of my marriage."

But it was a joint article. She says this:

> I am incredulous that some apparently believe my husband views men and women as unequal when the article states explicitly that men and women are equal. The women who have worked with my husband, women family members, women friends, can all attest to the fact that he treats men and women with equal respect and dignity. I can attest to that in a special way as his wife.

She noted this was an article from a Catholic couple to Catholic laypeople. "It has no application to anyone who is not attempting to follow the Catholic Christian faith." She also notes that Leon cooks his share of meals, washes the dishes, does laundry, and has changed innumerable diapers, and she has worked many years outside the home, although right now she does not.

I would like to have printed in the RECORD an article from the Mobile Press-Register of the State of Alabama. It notes the similarity to the treatment given to Alabama's attorney general, Bill Pryor, when he was nominated to the Federal court of appeals, a man who also is a thoughtful, intelligent, committed Christian Catholic. This is what the Mobile Press-Register says:

> The example of Bill Pryor should be illustrative in the case of Leon Holmes as well. When a nominee enjoys strong bipartisan support from the home-state folks who know him best, and from some of the top non-partisan legal officers in the country, that support should weigh far more heavily than should the out-of-context criticisms from ideological pressure groups whose fund-raising prowess depends on how much havoc they wreak on the nomination process.

I know Attorney General Bill Pryor was asked about his personal religious views on issues such as abortion. He answered honestly and truthfully and consistently with his faith, a faith that he studied carefully. People didn't like it: Well, I don't agree with you on abortion, they say.

So what. We don't have to agree on abortion to support somebody for a Federal judgeship. He affirmed and had demonstrated that he would follow any Supreme Court rulings and could demonstrate as attorney general of Alabama he followed those rulings. That wasn't enough for them. They weren't satisfied.

I ask unanimous consent this article dated July 5, 2004, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From al.com, July 5, 2004]

PRYOR'S EXAMPLE BEARS ON HOLMES CONTROVERSY

U.S. Senators considering how to vote Tuesday in a new judicial nomination battle should reflect on a lesson provided by a decision just written by Judge William Pryor of the 11th U.S. Circuit Court of Appeals.

Judge Pryor, of course, is the Mobile native and former Alabama attorney general whose own nomination to the bench was long blocked by smear tactics employed against him by liberal opponents. When Senate Democrats used a questionable filibuster to deny Mr. Pryor the ordinary lifelong term as a judge, President George W. Bush gave him a special "recess appointment" to the bench that lasts only through the end of 2005.

One of the many cheap shots launched at Mr. Pryor during the confirmation battle was the charge that he was insensitive to women's rights. The allegation, based on a legal brief he filed on one technical aspect of a federal law, ignored the overwhelming bulk of his legal and volunteer work to secure protections for women.

One of Mr. Pryor's first decisions as a federal judge, released last Wednesday, proves again the illegitimacy of the original charge against him. The case involved a woman in Delray Beach, Fla., who claimed she was the victim of two counts of sex discrimination by her former employer. The district court had thrown out both of her claims on "summary judgment," meaning it found so little legal merit to her allegations that the case wasn't even worth a full trial.

On appeal, however, Mr. Pryor reinstated one of the woman's claims and ordered it back to trial at the district level. His willingness—on well-reasoned legal grounds, we might add—to force the woman's case to be heard provides yet more evidence refuting the allegation that he somehow is hostile to women's rights.

HOLMES IS LIKE PRYOR

As it happens, another Bush nominee is facing similar, and similarly baseless, allegations. Arkansas lawyer and scholar Leon Holmes is due for a Senate vote on Tuesday. While no filibuster is planned against him, opponents hope to defeat him on a straight up-or-down vote by highlighting past statements of his that supposedly touch on women's rights.

The parallels to the Pryor nomination battle are striking, both because opponents are taking the nominee's statements out of context and because much of the opposition stems from factors emanating from the nominee's Catholic faith.

In the most prominent controversy, Mr. Holmes and his wife together wrote an article for a Catholic magazine that touched on Catholic theological teachings concerning marriage and gender roles in the clergy. Included was an explication of the famous lines in St. Paul's letter to the Ephesians that say, "Wives, submit to your husbands as to the Lord."

Aha! Sen. Dianne Feinstein of California asserted that this passage makes Mr. Holmes antagonistic towards women's rights. Never mind that in the very same article, the Holmes couple wrote: "The distinction between male and female in ordination has nothing to do with the dignity or worth of male compared to female," and "Men and women are equal in their dignity and value."

Never mind that Mr. Homes has elsewhere written that "Christianity and the political order are assigned separate spheres, separate jurisdictions." Never mind that a host of pro-choice, liberal women from Arkansas have written in favor of Mr. Holmes' nomination, nor that the Arkansas Democrat-Gazette has praised the "rare blend of qualities he brings to the law—intellect, scholarship, conviction, and detachment."

And so on and so forth: For every out-of-context allegation against Mr. Holmes, there is a perfectly good answer.

BIPARTISAN SUPPORT

Philip Anderson, a recent president of the American Bar Association and a long-time law partner of Leon Holmes, endorsed Mr. Holmes: "I believe that Leon Holmes is superbly qualified for the position for which he has been nominated. He is a scholar first, and he has had broad experience in federal court. He is a person of rock-solid integrity and sterling character. He is compassionate and even-handed. He has an innate sense of fairness."

Finally, in what in less contentious times would end all questions about Mr. Holmes' fitness, both senators from his home state, Blanche Lincoln and Mark Pryor (no relation to Bill), have endorsed his nomination—even though he and President Bush are Republicans, while both of them are Democrats.

It would be virtually unprecedented for the Senate to turn down a candidate nominated by one party and supported by both of his home-state senators from the other party.

The example of Bill Pryor should be illustrative in the case of Leon Holmes as well: When a nominee enjoys strong bipartisan support from the home-state folks who know him bests, and from some of the top non-partisan legal officers in the country, that support should weigh far more heavily than should the out-of-context criticisms from ideological pressure groups whose fund-raising prowess depends on how much havoc they wreak on the nomination process.

Leon Holmes is no more antagonistic to women's rights than is Bill Pryor—who, it should be mentioned, is in the Hall of Fame of Penelope House, a prominent local women's shelter.

Mr. Holmes ought to be confirmed, and the character assassination must come to an end.

Mr. SESSIONS. Mr. President, I think we will soon be voting—at 5:30. I urge my colleagues to remember this. You do not have to agree with a nominee's personal religious views to support him or her as judge. The fact that you do not share a person's personal religious views on a host of different matters is not a basis to vote no. The question is, Will that person follow the law?

That is the right test. That is the classical test we have always had. We are getting away from it. We have Members I respect in this body who say we just ought to consider ideology, we just ought to consider their politics, just put it out on the table. Let's not pretend anymore that these things are not what some of my colleagues base their judicial votes on, let's put it out there.

But I say to you that is a dangerous philosophy because it suggests that judges are politicians, that judges are people who are empowered to make political decisions; therefore, we ought to elect judges who agree with our politics. It is contrary to the Anglo-American rule of law through our whole belief system in which judges are given lifetime appointments so they can be expected to resist politics and to adhere to the law as it is written and as defined by the Supreme Court of the United States. That is what it is all about. That is what we need to adhere to here. If we move away from that idea, if we suggest we no longer believe or expect judges to follow the law and not to be politicians, we have undermined law in this country to an extraordinary degree. The American people will not put up with it.

The American people will accept rulings even if they don't like them if they believe the court is following the law, if they believe the court is honestly declaring the Constitution. But if they believe our Supreme Court has ceased to do that, or any other judges in this country have ceased to do that, and they are then imposing their personal views—even though they have not been elected to office, don't have to stand for election for office, hold their office for life and they are unaccountable—they will not accept that.

There is a danger in America at this point in time. What President Bush is doing, day after day, week after week, is simply sending up judges who believe the law ought to be followed and they ought not to impose their political views from the bench.

How can we be afraid of that? Our liberties are not at risk by these judges, as one wise lawyer said at a hearing of the Judiciary Committee, of which I am a member. He said: I don't see that our liberties are at great risk from judges who show restraint. Our liberties are at risk from those who impose their political views from the bench.

I think Justice Holmes has demonstrated a career of commitment to the law. He has won the respect of both of the Democratic Senators from Arkansas. He has won the respect of the Supreme Court of Arkansas. He has won the respect of the American Bar Association, fellow women lawyers who worked with him, year after year after year. He is the kind of person we want on the bench, a person who truly believes in something more than making a dollar, who has represented the poor and dispossessed, who has spoken out on issues that are important to him, who is active in his church. That is what we need more of on the bench. I urge the Senate to confirm Leon Holmes.

I yield the floor.

Mr. President, I suggest the absence of a quorum and ask unanimous consent that the quorum call be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I understand that we are under time control. I yield myself such time as I may use.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I strongly oppose the nomination of Leon Holmes to a lifetime appointment to the U.S. District Court for the Eastern District of Arkansas. His record gives us no confidence that he will be fair in the wide range of cases that come before him, particularly in cases involving the rights of women, gay rights, and the right to choose. His record contains example after example of extreme views of the law that suggest he will not follow established precedent.

Every nominee who comes before us promises to follow the law, including laws in cases with which they disagree. Mr. Holmes is no exception. But the Senate's constitutional role of advise and consent gives each of us the duty to evaluate these claims carefully. It is clear from his record that Mr. Holmes has not shown the dedication to upholding constitutional principles and the judgment necessary for a Federal judge.

Mr. Holmes has expressed extraordinary hostility to equal rights for women. In 1997 he wrote that it is a woman's obligation to "subordinate herself to her husband." He also wrote that a woman must "place herself under the authority of the man." It doesn't get much more extreme than that.

In fact, Mr. Holmes has blamed feminism for the erosion of morality. He has written that "to the extent that we adopt the feminist principle that the distinction between the sexes is of no consequence . . . we are contributing to the culture of death." Are we really expected to believe that someone with such medieval views will dispense 21st century justice?

This nomination is an insult to working women. It is an insult to all Americans who believe in fairness and equality.

Just last week we celebrated the 40th anniversary of the Civil Rights Act of 1964 which gave women equal opportunity in the workplace. Democrats and Republicans alike joined in celebrating that important law. If that celebration is to be more than lip service, we cannot approve this nomination.

Judges appointed to lifetime positions on the Federal court must have a clear commitment to the principles of equality in our basic civil rights laws. Mr. Holmes' view that a woman must "place herself under the authority of the man" does not demonstrate such a commitment.

I ask unanimous consent to be printed in the RECORD Mr. Holmes' article containing these statements.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GENDER NEUTRAL LANGUAGE—DESTROYING AN ESSENTIAL ELEMENT OF OUR FAITH

(By Leon and Susan Holmes)

Our whole life as husband and wife, as father and mother to our children; and as Catholic Christians, is based on the historic Catholic teaching regarding the relation between male and female.

So when that teaching is rejected, the rejection pierces the heart of who we are as persons, as family, and as Catholic Christians. Nothing causes us greater grief than the fact that the historic and scriptural teaching on the relationship between male and female is widely unpopular in the Church today. We have studied these teachings, prayed about them, and struggled to live them for the largest part of the almost 25 years we have been married; and we ask your indulgence and patience as we attempt to share the fruits of our reflection and struggle with you.

The historic teachings of the Catholic Church are grand, elegant, and beautiful. When they are unpopular amount Catholics, it is usually because they are not understood; and so it is; we think with respect to the teaching of the Church regarding the relationship between male and female. The passages of Scripture that call Christians "sons of God" and "brothers" are offensive only if they are misunderstood. The teaching that only males can be ordained to be the priesthood and the diaconate is offensive only if it is misunderstood. Far from being offensive, these teachings are elegant and beautiful; and true for this age, as for every age, because truth is eternal.

Catholic theology is essentially sacramental, which is to say that its teaching is permeated by and flows from the notion that there is an unseen reality that is symbolized by visible, external signs. We believe, for instance, that Christ was incarnate as a male because His masculinity is the most fitting sign of the unseen reality of His place in the Holy Trinity, who is revealed to us as Father, Son, and Holy Spirit. Our relationship to God is a part of this unseen reality, and it is twofold. In one aspect, we are related to God as individuals; in another aspect, we are related to God as a community. Individually, we are adopted into the same relationship to the God the Father as Christ enjoys,which is to say; we are all sons of God the Father and brothers of Christ. All of us, male and female, are equally sons of God and therefore brothers of one another. The equality of our relationship is destroyed when some of us are called sons but others are called daughters, some are called brothers but others are called sisters. Daughters have not the same relationship to their father as sons have. Daughters cannot be like their father to the same extent as can sons. Sisters have not the same relationship to brothers as brothers have to one another. Sisters cannot be like brothers to same extent as brothers can be like one another. Hence Scripture refers to all Christians—Jew and Greek, male and female, slave and free—as sons of God (Gal. 3:26) and brothers of one another to signify the equality, the sameness of our spiritual relationship in its unseen reality to God.

As a community, as a Church, we also have a relationship to God as the bride of Christ. This relationship is an unseen reality that is signified in the visible world by the relationship between male and female and especially by the relationship between husband and wife. Hence, the husband is to love his wife as Christ loves the Church; and as the Church subordinates herself to Christ, in that manner the wife is to subordinate herself to her husband. The verb used in Ephesians 5:24 is hypotassetai, which means to place one's self under. The Church is to place herself under the protection of Christ and ipso facto place herself under His authority. Likewise, the woman is to place herself under the authority of the man and ipso facto place herself under his authority. Both the man and the woman are to live so that their relationship is a visible sign of an unseen reality, the relationship between Christ and the Church. Distorting the relationship between male and female is as sacrilegious as profaning any of the other sacraments that by which God symbolizes a divine, unseen reality through tangible symbols.

The use of male and female to symbolize the relationship between Christ and the Church is pervasive in Scripture. In Leviticus, for instance, whenever a sacrificial animal was to stand for Christ, a priest, or a leader, the animal was required to be male; whereas, whenever a sacrificial animal was to stand for the common man or for the community, the animal was required to be a female. In the Gospels, Christ always forgave and never condemned women, though he sometimes condemned men. Women were always forgiven because the Church will always be forgiven. Men could be condemned for their sins because Christ was condemned for our sins. If we were to use "gender neutral" language to describe the relationship between Christ and the Church, we would destroy an essential element of our faith. To be true to the reality of the relationship, we must recognize Christ as the groom and the Church as the bride. Christ cannot be the bride, the Church cannot be the groom; nor can Christ and the Church both be groom or both be bride.

This unseen reality is signified once again by an outward sign within the Church, which ordains only males to those positions in the Church that represent Christ among us, the priesthood and the diaconate. Ignoring the distinction between male and female in ordination is like ignoring the distinction between male and female in marriage. It has nothing to do with dignity or worth of male compared to female. When a woman chooses to marry a man, it is not because she thinks men have more dignity or value than women. The suggestion that male-only ordination implies a devaluation of women is as silly as the suggestion that a woman devalues women when she looks exclusively among men for a husband. The assertion that males and females both should be ordained without regard to their sex is akin to the assertion that same-sex relationships should be regarded as having equal legitimacy with heterosexual marriage.

The demand of some women to be ordained is prefigured in the Old Testament when Korah and 250 "well-known men" claimed the right to offer sacrifice equally with Moses and Aaron because "all the congregation are holy, every one of them, and the Lord is among them" (Nm. 16:3). It is true that all the congregation are holy and the Lord is among them; but it does not follow that all are entitled to offer sacrifice. By the same token, it is true that men and women are equal in their dignity and value, but it does not follow that all are entitled to be ordained. Ordination does not signify the intrinsic worth or holiness of the one ordained; it signifies that the one ordained is to be another other Christ to the Church, which is to say another groom to the bride. A woman cannot be ordained, not because she is inferior in dignity to a man, but because she cannot be a husband to the Church, which is the bride of Christ.

In a way that we cannot understand, the relationship between the unseen reality and the visible signs is reciprocal. St. Paul says he was made a minister to make all men see what is the plan of the mystery hidden for ages in God who created all things, that through the church the manifold wisdom of God might now be made known to the principalities and powers in the heavenly places (Eph 3:10). He also says the apostles have been made a spectacle "to the world, to angels and to me" (1 Cor. 4:9). In the same vein, he says a woman should have a veil on her head (as a sign of authority) "because of the angels." It is an awesome thought that what we do somehow signifies the reality of the unseen world; but it is even a more awesome thought, that God calls us to make known the reality of the unseen world to the unseen world.

In the biological sphere, life depends on the relationship between male and female. In this respect, the biological sphere is a visible sign of the unseen reality of the spiritual realm in which life depends on the relationship of Christ and the Church. Sexuality is a "great mystery . . . in reference to Christ and the Church" (Eph. 5:32).

All of this is why denominations whose theology is not essentially sacramental have been quick to endorse artificial contraception, divorce and the ordination of women; and it is why they are much more open to the legitimation of homosexual relationships. Churches whose theology is essentially sacramental, which is to say the Catholic Church and the Orthodox Churches, cannot accommodate the spirit of the age with respect to these matters no matter how overwhelming the society pressure. To do so would be to repudiate the essence (in the strictest Thomistic sense of the word) of our whole theology. Apart from sacramental theology sexuality is just another physical function and the distinction between the sexes is no more significant than the distinction between right-handed persons and left-handed ones. When we treat the distinction between the sexes as of no consequence, we are parting from sacramental theology, which is to say we are parting form Catholicism, which is to say we are parting from Christianity.

It is not coincidental that this culture of death in which we live is a culture that seeks to eliminate the distinctions between male and female. It is not coincidental that the feminist movement brought with it artificial contraception and abortion on demand, with recognition of homosexual liaisons soon to follow. The project of eliminating the distinctions between the sexes is inimical to the transmission of life, which is the raison d'etre of that distinction in both the biological and spiritual realms. No matter how often we condemn abortion, to the extent we adopt the feminist principle that the distinction between the sexes is of no consequence and should be disregarded in the organization of society and the Church, we are contributing to the culture of death.

As Church, we are the bride of Christ. We are to submit to Him. This means in part that we are to take on the mind of Christ rather than adopt whatever paradigm prevails in the age in which we live. As Bishop McDonald said last January when talking about abortion, "I do not want a Church that is right when the world is right, I want a Church that is right when the whole world is wrong."

We write in a spirit of friendship, not of animosity. We have brought all five of our children into the Catholic Church. It is no exaggeration to say we have bet their eternal lives on the Church. At the same time, we have built our whole family life on the traditional and now unpopular teachings about the relationship between male and female. What are we to do when we see these pillars of our life start to separate and pull apart? How do we stand on both? How can we stand on only one?

Mr. KENNEDY. Mr. President, Mr. Holmes has expressed opinions that cast doubt on his fairness on other civil rights issues as well. He has criticized remedies to enforce the requirements of school desegregation under Brown v. Board of Education. He has written that Federal court orders requiring assignment of students to desegregate public schools are part of "a cultural and constitutional revolution in the past 20 years . . . for which the Nation has never voted." He has called such remedies authoritarian and argued that it is an "injustice," that overturning them would require a change in the Constitution.

I ask unanimous consent that Mr. Holmes' letters on this subject also been printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor, Dec. 23, 1980]

Nina Totenberg asks in "Did America vote for this, too?" whether the people of the United States voted for "a cultural and constitutional revolution." The truth is that the United States has undergone a cultural and constitutional revolution in the past 20 years, and the revolution is one for which the nation has never voted.

Seven years ago, seven members of the Supreme Court held that the abortion laws in all 50 states violate the 14th Amendment, despite the fact that virtually every state that ratified the amendment had a restrictive abortion law at the time. Eight years ago the Supreme Court held the death penalty laws in virtually every state to be in violation of the 14th Amendment, despite the fact that the very wording of the amendment acknowledges the authority of states to take life when done according to due process. Nine years ago the Supreme Court held that the 14th amendment grants to federal courts the power to order schools to bus students to achieve racial balance. Nineteen years ago the Supreme Court held that public schools are not allowed to authorize prayer as a part of their activities.

Combined, these rulings constitute a significant cultural and constitutional revolution. This revolution, not the conservative reaction to it, is the novelty on the American political scene. This revolution has been accomplished by authoritarian means, despite the charges that its opponents are authoritarians.

If we now submit these issues to the electorate or the legislative process, the only injustice will be that the opponents of the recent revolution will bear the burden of mustering a two-thirds majority in Congress and majorities in 38 states in order to restore the Constitution.

LEON HOLMES,
Augustana College, Rock Island, IL.

[From Daily Dispatch, December 24, 1980]

ABORTION ISSUE

TO THE EDITOR: In response to the misrepresentations of Murray Bishoff's recent letter, I make the following comments:

First, the HLA explicitly permits "those medical procedures required to prevent the death of the mother" Second, nothing in the HLA would affect the birth control pill or prevent anyone from buying and using contraception. Mr. Bishoff simply misstates the effect of the HLA on these issues. third, it seems to me that the language of the HLA neither explicitly allows nor explicitly prohibits the IUD and the morning after pill. Bishoff's concern for rape victims is a red herring because conceptions from rape occur with approximately the same frequency as snowfall in Miami. Fourth, it is silly to say that such trivialities are the principal concern of either HLA proponents of opponents.

If Bishoff really is not "anti-life" and if he sincerely believes the HLA to be overly broad, he and others like him should propose a "complex response" to these "complex issues." In the absence of an alternative proposal, I cannot help but think their criticism a dishonest effort to perpetuate the status quo, with some 1.8 million abortions per year performed, including 160,000 in the 6th, 7th and 8th months of pre-natal life. In light of these facts, it simply cannot be true that "The reality is that no one likes abortion."

Bishoff's letter contrasts "a fetus" with "people." But the word "fetus means, simply, a person developing in the womb. To continue our present policy is to give those persons in the womb no rights at all, not even the most minimal right, the right to life. I think that the abortion issue is the simplest issue this country has faced since slavery was made unconstitutional. And it deserves the same response.

LEON HOLMES,
Ass't Prof. of Political Science,
Augustana College, Rock Island.

Mr. KENNEDY. Mr. President, he opposed the Civil Rights Restoration Act of 1987, an act approved by a broad, bipartisan majority to restore the original meaning of title VI and title IX of the Civil Rights Act which prohibit discrimination in federally funded activities.

Mr. Holmes has also expressed views hostile to gay rights. At one point he even said he opposed the feminist movement because he feared it would bring "recognition of homosexual liaisons."

Mr. Holmes' record also indicates that he is intensely opposed to a woman's constitutional right to choose. In his answers to questions, however, he said that he disagrees with the Supreme Court's decision in Roe v. Wade, but he would not try to undermine Roe if he became a Federal judge. But merely repeating the mantra that he will "follow the law" does not make it credible that he will do so.

Regardless of the assurances he made after he was nominated for a Federal judgeship, no one looking at his record can avoid the conclusion Mr. Holmes has dedicated much of his career to opposing Roe v. Wade. It defies reason to believe he will abandon that position if he becomes a Federal judge.

In fact, he has demonstrated a clear commitment to using a variety of political and legal means to take away a woman's right to choose. His statements opposing it are among the most extreme we have seen.

He has said the concern expressed by supporters of choice for "rape victims is a red herring because conceptions from rape occur with the same frequency as snow in Miami." According to the American Journal of Preventive Medicine, at least 25,000 pregnancies resulted from rape in 1998 alone.

Mr. Holmes has likened abortion to slavery and the Holocaust.

In the mid-1980s, Mr. Holmes helped write an amendment to the Arkansas Constitution to ban the use of any public funds for abortion, even in cases of rape or incest, and even if abortion was necessary to safeguard a woman's health.

In 1995, he stated the "only cause that I have actively campaigned for and really been considered an activist is the right to life issue."

In 2000, he wrote an article expressing his approval of "natural law," the idea that people have inalienable rights that precede the Constitution. That great phrase is part of the Declaration of Independence. But then Mr. Holmes went on to state any recognition of a right to privacy in cases such as Roe v. Wade is illegitimate and inconsistent with natural law. Supporters of Mr. Holmes' nomination say his statements do not show he will fail to enforce the law if he becomes a Federal judge. It is true that after he was pressed by several Senators, Mr. Holmes admitted his statement that pregnancies from rape occur as frequently as snow in Miami was too inflammatory. But this was more than an isolated statement—it came in the context of an extensive pattern of strident, anti-choice statements, writings, and actions over the past two decades. His cavalier dismissal of the problems facing rape and incest victims is consistent with his repeated attempts to repeal or severely limit the right to choose, even in cases of rape or incest.

Supporters of the nomination suggest many intemperate statements he has made say nothing about how he will interpret the law. But that defies common sense. Mr. Holmes is a self-proclaimed activist against a fundamental constitutional right. Why should we approve a nominee who has made such strong and intemperate statements against rights established in the Constitution? Why should we confirm a nominee who has stated women must be subservient to men? Even if we assume those strong opinions will somehow not affect how he interprets the law, they clearly do not reflect the judgment and temperament we expect from a Federal judge.

I respect the views of my colleagues from Arkansas who support Mr. Holmes' nomination. But too much is at stake. Once nominees are confirmed for the Federal courts, they serve for life, and will influence the law for years to come.

We all know the values Americans respect the most: the commitment to fairness, equality, opportunity for all, and adherence to the rule of law. The American people expect us to honor these values in evaluating nominees to the Federal courts, and our consciences demand it. Mr. Holmes has every right to advocate his deeply held beliefs, but his record and his many extreme statements—especially about women's role in our modern society—raise too many grave doubts to justify his confirmation, and I urge my colleagues to oppose his nomination.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FITZGERALD). Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I want to respond to a few of the comments that have been made earlier today.

One of the complaints that has been made is that Leon Holmes, in a letter, said pregnancies from rape were as rare as snowstorms in Miami. I think there is a literary device called exaggeration for effect. I am sure he did not intend that literally. As a matter of fact, some of the studies at that time showed pregnancies as a result of rape to be very rare indeed. I think since then numbers have come out to show a larger number have resulted from rape.

Mr. Holmes apologized, not recently but a number of years ago, for that statement and, in fact, has written a nice letter in which he dealt with that explicitly and said that was not appropriate and noted he had matured over the years. I point out he wrote that letter before he became a lawyer in the early 1980s, or earlier, as a young man debating as a free American citizen an issue that was important to him.

So that is what he said. That is how that came about. He has apologized for it. I do not think it was malicious. I do not think he intended anything bad by it. I think he was trying to make the point that based on the evidence he had at the time not that many abortions occurred as a result of rape. But he has admitted that was wrong and he should not have used that kind of language. He has apologized to everybody he can apologize to. But it will not make much difference, I am sure, to some people.

I see the chairman of the Judiciary Committee in the Chamber, Senator HATCH.

I remember we had a young man who had gone off to college, I guess in his early twenties, and had used a college credit card to purchase illegal property for himself, and they found it in the dorm room. He went off to the Army and did well and went to law school and did well, and we considered that and sat down, and we felt this was not disqualifying.

So they say that as a young man he made this one statement and this is going to disqualify him from sitting on the bench? It was 24 years ago. Well, as if there is something bad about this man, his comment was on the only thing he has politically ever really been engaged with—the pro-life issue. His pro-life views are his religious belief. It is consistent with his church's belief. It is his personal belief. He believes it is a bad thing to abort human life. And he has been active out there as a private citizen—not as a judge, as a private citizen—advocating. But the complaints they had about him on this issue were over 20 years ago before he even got his law degree. So I think they are not persuasive in this debate.

He has also been attacked about the question of "natural law." And he answered the questions of the Senate Judiciary Committee, by Democratic members, about when they asked him about it. He said:

> In my scholarly capacity, I wrote in my "Comment on Shankman" that there are no other provisions that open the door to natural law.

He was asked whether he said that you couldn't alter the Constitution on a natural law basis on a specific case. I believe one of the members of the committee asked him, what about any other case? And he said no.

He was asked another question:

> During his Supreme Court confirmation hearings, Clarence Thomas testified that he did not "see a role for the use of natural law in constitutional adjudication." Do you disagree or agree? Please explain why or why not?

Mr. Holmes replied:

> As I have stated above, I do not believe that the courts are empowered by the Constitution to appeal to natural law as a basis for their decisions. The courts are given whatever authority they have by the Constitution. The Constitution does not authorize the courts to use natural law as a basis for overruling acts of Congress or acts of state legislatures.

The comment that he believes natural law overrides the Constitution is contrary to his personal religious views but proves that he will be a fair judge.

He was attacked viciously for the article he and his wife wrote about marriage. I will just note that he and his wife together were quoting the Pauline doctrine of marriage out of the book of Ephesians in the New Testament. It was written in a Catholic magazine for Catholic readership. It assumed certain background knowledge by the readers of the article on Catholic doctrine. It did not attempt to explicate Catholic theology for readers of other faiths who would lack that background and have difficulty understanding. Moreover, the main thrust of the article was to explain why gender-neutral language was inappropriate in the liturgy of a church. It did not focus on Catholic doctrine on marriage.

In a letter to Senator BLANCHE LINCOLN, a fine Senator from Arkansas who supports him and a Democratic Senator, he wrote this in explaining what he and his wife meant:

> The Catholic faith is pervaded with the view that the visible things symbolize aspects of the spiritual realm. This pervasive element of the faith is manifest in the teaching that the marital relationship symbolizes the relationship between Christ and the Church. My wife and I believe that this teaching ennobles and dignifies marriage and both partners in it. We do not believe that this teaching demeans either the husband or the wife but that it elevates both. It involves a mutual self-giving and self-forgetting, a reciprocal gift of self. This teaching is not inconsistent with the equality of all persons, male and female, and, in fact, in that column we say: "[a]ll of us, male and female, are equally sons of God and therefore brothers of one another." This aspect of my faith—the teaching that male and female have equal dignity and are equal in the sight of God—has been manifest, I believe in my dealings with my female colleagues in our firm and in the profession as a whole.

Indeed, many of them support him quite strongly. I reserve the remainder of the time and yield the floor.

Mr. KYL. Mr. President, I rise today to respond briefly to the comments made by Members on the other side of the aisle about the nomination of J. Leon Holmes to be a District Court Judge for the Eastern District of Arkansas.

Mr. Holmes has been criticized for a number of comments—some of which are more than two decades old. Yet his opponents ignore the best evidence about Mr. Holmes: the people who have known him well throughout the past two decades of his legal career. As Senator LINCOLN of Arkansas recently noted in reaffirming her support for Mr. Holmes, letters of support from:

> the legal community in Arkansas, many of whom share different views than Mr. Holmes . . . describe him as "fair," "compassionate," "even-handed," and "disciplined." His colleagues hold him in high esteem.

That is from a press release of Senator BLANCHE LINCOLN, April 11, 2003. The other home State Senator, Senator PRYOR also, of course, a Democrat—supports Mr. Holmes.

Additionally, the strong support of Mr. Holmes' colleagues in the legal community caused the American Bar Association to give him its highest rating of "well-qualified." Finally, the Arkansas Democrat-Gazette, Holmes' hometown paper, is intimately familiar with his record and strongly supports him. The paper, writing while Mr. Holmes was being considered, indicated that Mr. Holmes was a well qualified, mainstream nominee:

> What distinguishes Mr. Holmes is the rare blend of qualities he brings to the law—intellect, scholarship, conviction, and detachment. A reverence not just for the law but for ideas, for the life of the mind. All of that would shine through the clutter of argument that awaits any judge . . . . He would not only bring distinction to the bench but promise. . . . In choosing Leon Holmes, [the President] could bequeath a promise of greatness.

That is from an editorial, Name on a List in a Field of Seven, One Stands Out, Arkansas Democrat Gazette, Dec. 1, 2002, at 86.

It is easy to use out-of-context comments to paint an incomplete and inaccurate picture of a person. By looking at the entire context of Mr. Holmes' career, it is clear that he is held in high regard by those who know him and his work. This includes those who hold views contrary to those of Mr. Holmes, such as Stephen Engstrom, who on March 24, 2003 wrote to Chairman HATCH and Senator LEAHY:

> I heartily commend Mr. Holmes to you. He is an outstanding lawyer and a man of excellent character. Leon Holmes and I differ on political and personal issues such as pro-choice/anti-abortion. I am a past board member of our local Planned Parenthood chapter and have been a trial lawyer in Arkansas for over twenty-five years. Regardless of our personal differences on some issues, I am confident that Leon Holmes will do his duty as the law and facts of any given case require.

Letters like this, from people who have known Mr. Holmes well in the context in which he would serve, are the best evidence regarding Mr. Holmes. It is always appropriate to consider questions raised about comments that a nominee has made in the past, and there certainly has been controversy about some of Mr. Holmes' statements. In this situation, I defer to those who know the nominee, and who are in the best position to put his statements into context. In this case, Mr. Holmes has overwhelming bipartisan support from those in his home State, especially those in the legal community, who have known him over the past two decades. Based on this evidence, I will support Mr. Holmes' confirmation to the Federal bench.

Ms. COLLINS. Mr. President, I rise today to speak on the nomination of Leon Holmes to be a district court judge for the U.S. District Court of Arkansas.

The "advice and consent" role given to the Senate in the U.S. Constitution is one of the Senate's most solemn duties, and one to which I give the utmost care. Since Federal judges serve for lifetime terms, I carefully review every nominee to ensure that he or she is well-qualified and possesses the proper professional competence and integrity. Although, naturally, I apply no litmus test with respect to a nominee's personal beliefs, a commitment to following the law and applying it soundly is critical.

Perhaps the most important factor in evaluating a nominee is whether the person has the proper "judicial temperament." There are two elements that must be considered when making this determination. The first involves what we would commonly understand the characteristics of good temperament to entail: would the nominee show courtesy and respect toward the practitioners and parties in his courtroom, while at the same time remaining confident and firm. From all I have heard about Mr. Holmes, he has a fine reputation for being both civil and professional, and I have no concerns about his nomination in this regard.

The second element of judicial temperament is more troubling in this case. It involves the deliberative mindset that is so valued in our jurists—the ability to separate emotion and personal views while applying the laws in a neutral and impartial manner. A judge must be able to transcend personal views in ruling on the matters before the court. It is for this reason that I am concerned about whether Mr. Holmes has the proper judicial temperament to receive a lifetime appointment to the federal bench.

After a careful review of the Judiciary Committee proceedings and Mr. Holmes' record, I have come to the conclusion that Mr. Holmes has not demonstrated the requisite ability to put aside his personal views and follow settled law. Over many years, Mr. Holmes has made a number of public statements, many in letters to the editor or in published articles, that raise serious questions about his ability to set aside his deeply held beliefs in order to impartially apply laws with which he disagrees. In fact, Mr. Holmes himself has characterized some of his previous comments as "strident and harsh rhetoric." These statements were not made in the midst of casual conversation; they were largely written pieces that reflected the thoughts of Mr. Holmes on these matters.

In one extremely troubling instance, Mr. Holmes wrote that "concern for rape victims is a red herring because conceptions from rape occur with approximately the same frequency as snowfall in Miami." This appalling statement was not a chance comment, instantly regretted. Rather, Mr. Holmes included this statement in a letter he submitted for publication in The Daily Dispatch. In addition to the insensitivity and inaccuracy demonstrated by this comment, I believe it demonstrates that Mr. Holmes lacks the measured approach that is critical for sound judicial decision-making and the ability to set aside his personal views to apply settled principles of law.

In an April 11, 2004 letter to Senator LINCOLN, Mr. Holmes stated, "I do not propose to defend that sentence, and I would not expect you or anyone else to do so." While in this same letter Mr. Holmes went on to apologize for this remark, he also acknowledged that his comment "reflects an insensitivity for which there is no excuse." I agree with Mr. Holmes that there is no excuse for this statement, and his belated apology came only after he was nominated for the Federal bench.

Unfortunately, this type of comment is not an isolated one, but one in a series of unsettling statements Mr. Holmes has made in his writings over many years. For example, Mr. Holmes authored an article in 1997 in which he wrote that "the wife is to subordinate herself to her husband," and "the woman is to place herself under the authority of the man." In 1982, Mr. Holmes authored another letter for the Arkansas Gazette, entitled "The Scary New Argument for Abortion," in which he compared certain arguments justifying abortion to arguments used to justify the actions of Nazi Regime. In 2001, he authored a comment for another publication in which he criticized both Roe and Casey as "constitutionaliz[ing] the theory of moral relativism."

Mr. President, let me be clear that I respect Mr. Holmes' personal views on abortion rights and am not opposing his nomination on those grounds. In fact, I have voted for many judicial nominees whose personal views were different from mine on the right to choose, among other issues. Nor do I believe that a nominee should be required to indicate how he would decide issues of substantive law that may arise in future cases. That is not the issue. The issue is whether Mr. Holmes can put aside his personal views and follow settled law. Unfortunately, his strident statements about a woman's right to choose raise doubts about his commitment to following settled law, including Roe v. Wade.

I note that the Judiciary Committee reported Mr. Holmes' nomination "without recommendation." It is extremely rare for a nominee to be passed from the Judiciary Committee in this manner. In fact, according to the Congressional Research Service, a district court nominee has never been reported out of Committee to the floor without recommendation. It is my belief that the Judiciary Committee's unusual action in this regard represents more than an historical quirk. In fact, it underscores the concerns about this nomination.

Because of the concerns raised by the many writings and comments of Mr. Holmes, of which I have cited only a few examples, I am unable to support his nomination. Our legal system depends on having judges who put an allegiance to following settled law above any personal beliefs. Mr. Holmes' history of inflammatory statements could cause the parties before him to question whether his strong personal beliefs would allow him to follow settled law and apply it in a fair and unbiased way. Mr. President, in light of these concerns, I will oppose this nomination.

Mr. SPECTER. Mr. President, after careful consideration, I am voting to confirm Mr. J. Leon Holmes for the United States District Court for the Eastern District of Arkansas..

I am concerned about certain of his writings/statements where he said: ". . . concern for rape victims is a red herring because conceptions from rape occur with approximately the same frequency as snowfall in Miami . . .", "the wife is to subordinate herself to her husband" and analogies of pro-choice advocates to Nazis and abortion to slavery.

Mr. Holmes subsequently acknowledged "using strident and harsh rhetoric" on abortion and wrote to Senator Blanche Lincoln that "I am a good bit older now and I hope more mature than I was at that time," blaming immaturity for his past harsh statements.

After discussing these issues with Mr. Holmes and noting that they were written some time ago, in 1980 and 1997 respectively, I do not believe that they reflect a fixed state of mind demonstrating a pre-disposition on judicial issues to come before his Court. I am also mindful that, as a District Court Judge, his decisions will be subject to review by the Court of Appeals. There would be a substantially different consideration if he were a Circuit Court Judge where he could cast the decisive vote on a three-judge panel where it would be unlikely to be reviewed by the U.S. Supreme Court since certiorari is granted in such a small number of cases.

Mr. Holmes has a very impressive academic record, graduating first in his law school class at the University of Arkansas, holds a Ph.D. in Political Science from Duke University and an M.A. degree from Northern Illinois University and is a member of Phi Beta Kappa.

In voting for confirmation of Mr. Holmes, I also noted that he has the support of both of his home State senators. In their floor statements, Senator BLANCHE LINCOLN and Senator MARK PRYOR noted that Mr. Holmes has broad support among pro-choice advocates from Arkansas, and both Senators concluded that he should be confirmed based on their knowledge of his legal skills, temperament and character and based on his reputation in their community among others who know him. In addition to their floor statements, I talked individually to Senators LINCOLN and PRYOR who amplified to me their solid support for Mr. Holmes.

For these reasons, I am voting to confirm Mr. J. Leon Holmes.

Mr. DASCHLE. Mr. President, I would like to discuss the nomination of James Leon Holmes to be a federal court judge in the district court of Arkansas. Before I address Mr. Holmes' record and qualifications, however, I think it is important to remind my colleagues of where we are in confirming President Bush's judicial nominees and how the Senate's record stands in historical context.

Thanks to bipartisan cooperation, the Senate has confirmed nearly 200 of President Bush's judicial nominees. This is more confirmations than in President Reagan's entire first term, President George H.W. Bush's presidency, or in President Clinton's last term. There are now only 27 vacant seats in the Federal courts, the lowest level of vacancies since the Reagan administration. In fact, more than 96 percent of Federal judicial seats are filled.

With 28 judicial confirmations in this year alone, this Senate is well ahead of 1996, the last time a President was running for re-election, and when Republicans allowed not one single judge to be confirmed until July. In 1996, Republicans allowed only 17 of President Clinton's judicial nominees to be confirmed, none of which were for the circuit courts. The Senate has confirmed five circuit court nominees this year. In total, the Senate has confirmed 35 circuit court nominees, which is more than President Reagan and President Clinton saw confirmed in each of their first terms.

There have been limited occasions where a nomination raises such significant concerns that members choose to oppose granting that nominee a lifetime appointment on the Federal bench. However, these cases have been few. Democrats have allowed 98 percent of President Bush's nominees to be confirmed. In addition, Democrats recently reached an agreement with Republican leadership and the White House to ensure that 25 judicial nominees, including Mr. Holmes, receive an up or down vote on the Senate floor. Any objective look at the record shows that Democrats have been willing to work with the White House to confirm President Bush's nominees to the Federal bench.

While Democrats have worked with Republicans to provide James Leon Holmes an up or down vote, I must oppose this nomination. I have great respect for my esteemed colleagues from Arkansas, who are supporting his nomination. However, my review of the nominee's record raises serious concerns about Mr. Holmes' ability to put his personal beliefs aside and decide cases based on the law. The Federal judiciary is too important to allow the appointment of any individual whose personal views interfere with his ability to interpret and adjudicate the laws of the United States impartially.

This controversial nomination has been pending for a vote on the Senate floor for more than a year. His nomination was reported out of the Judiciary Committee last year without recommendation, a rarely used procedure. Mr. Holmes has been a lawyer for 20 years, and has made countless insensitive and extreme statements over the years. In just one troubling example, Mr. Holmes described slavery as divine providence intended to teach whites to be more Christlike.

During his hearing before the Judiciary Committee, Mr. Holmes admitted that some of his remarks have been "unduly strident and inflammatory," however, he also refused to promise to recuse himself in cases involving issues on which he already holds a committed position.

In fact, during his hearing one Republican Senator on the Judiciary Committee asked Mr. Holmes, "why in the world would you want to serve in a position where you have to exercise restraint and you could not, if you were true to your convictions about what that role as a judge should be, how you could feel like you have done everything you could in order to perhaps achieve justice in any given case." Rather than assuring the Committee of his ability to separate his personal beliefs from his role as a judge, Mr. Holmes simply conceded that "I know it is going to be difficult for this Committee to assess that question, and I know it is a very important question."

Another example of why this concern was raised, in October 200, Mr. Holmes delivered a speech in which he stated that, "Christianity, in principle, cannot accept subordination to the political authorities, for the end to which it directs men is higher than the end of the political order."

Mr. Holmes is entitled to these beliefs. And one of the magnificent aspects of our country is that every American can hold such beliefs and advance them in the national discourse. But our country was founded on the separation of church and state and the administration and adjudication of our laws must remain free from the influence of any one religious perspective. That separation has been one of the linchpins of American liberty. Because of the unique role of the federal judiciary in preserving our liberties, the Senate needs to be vigilant and ensure that no judge is able to impose his or her religious views on the rest of our country.

Mr. Holmes's actions and statements raise profound, and unanswered, questions about his willingness to set aside his personal beliefs when interpreting the law. Each member of the Senate has taken an oath to uphold and defend the Constitution and I believe that in good conscience we should not support the appointment of a judicial candidate who will not be able to do the same.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent that the vote on the nomination of J. Leon Holmes occur at 5:45 p.m. today and the time be equally divided. I further ask that when the Senate begins consideration of the class action bill this evening, it be for debate only.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nevada.

Mr. REID. Mr. President, how much time remains on the minority side?

The PRESIDING OFFICER. There is 15 minutes.

Mr. REID. We have Senator SCHUMER and Senator DURBIN here to speak. We can divide that time between the two of them, so 7½ to each Senator, with Senator SCHUMER first.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I am not sure I will take my entire 7½ minutes, but I do wish to speak for a minute regarding this nomination.

Let me say before we begin that judging a potential judge is not an easy question. The question many of us grapple with is, Would this judge follow the law or would this judge impose his or her own views instead of the law? That is a difficult question for most nominees. I think both sides of the aisle think that way.

Senator HATCH said a few years ago:

> I believe the Senate can and should do what it can to ascertain the jurisprudential views of a nominee, that a nominee will bring to the bench, in order to prevent the confirmation of those who are likely to become judicial activists.

Activists go both ways. You can be an activist and want to move the clock way ahead or you can be an activist and want to move the clock way back. If you want to move the body politic further to the left or further to the right, then jurisprudence would dictate. In my judgment, if you use that standard, it is not very difficult to come to the conclusion that Mr. Holmes does not deserve to be on the Federal bench.

It is true that when we evaluate candidacies of judges—at least some of us on this side; I for one—the fact they are district court nominees rather than court of appeals nominees means I give them a little extra room because they have less say and it is not an appellate court. But I think that Holmes is so far over, one of the most far over we have seen, that even though he is a district court judge, he did not deserve nomination, and he does not deserve approval by this body.

Mr. Holmes clearly has been an ardent and passionate advocate for causes in which he genuinely believes. I respect that advocacy. But some of the rhetoric he has used, some of the arguments he has advanced should give one real pause—they sure give me real pause—as to who cares about the impartial enforcement of the rule of law.

Mr. Holmes said that our Nation's record on abortion is comparable to our Nation's record on slavery. Perhaps even more disturbingly on this count, he said that rape leads to pregnancy about as often as snow falls on Miami. That last comment isn't about choice or abortion. It is offensive, it is disturbing, and it shows a pattern of thought. If it were a total aberration, then one might say, well, it is a mistake. But it wasn't.

According to the weather almanacs we have consulted, it snowed once in Miami in the last 100 years. According to a study published by the American Journal of Obstetrics and Gynecology, over 32,000 women a year become pregnant as a result of rape or incest. I would say to Mr. Holmes, those 32,000 women a year are not a myth. If you were looking at the facts, not what you want to believe because of your deeply held views but the facts, you wouldn't have said that. And certainly you wouldn't have said it casually without doing some research. These 32,000 women are not red herrings. They are real women in real pain, making traumatic decisions about whether to give birth to their tormentor's child.

Unfortunately, that remark may be the most egregious but it is hardly isolated. He said that it is a woman's duty to subordinate herself to her husband and to place herself under the authority of the man. You can see, I hope, why we might be concerned that he is insufficiently attuned to women's rights.

I know the President is going to go tomorrow to Michigan to speak on the issue of judicial nominees. I would like him to tell all the women in the audience what his nominee said about women and their rights. Let's see if he will talk about that tomorrow.

My guess is that 99 percent of the women would be aghast that he said that—whether they are Democrats, Republicans, liberals, or conservatives. I asked Mr. Holmes in written questions whether he was concerned that, for example, a woman advancing a battered woman's defense against her husband would lack confidence in his impartiality. He said he doesn't see why anything he has written would justify any concern that he could not be impartial.

Not only does Mr. Holmes not disavow his assertion that women are bound to subordinate themselves to men, he doesn't see why women should be troubled by this. To paraphrase Sir Arthur Conan Doyle, "It is elementary, Mr. Holmes." It is pretty basic stuff. This is not a great epistemological argument. It is very simple why women could be offended. If you cannot see it, you should not be on the bench. If I were a woman in a dispute with a man, and my case was assigned to Mr. Holmes, I would be worried that Mr. Holmes could not even see why I had these concerns. That is troubling.

There is a lot more to be worried about when it comes to the Holmes nomination. In his comments, which have already been printed in the RECORD, just over and over again he defended and endorsed Booker T. Washington's view that slavery was a consequence of divine providence, designed to teach white people how to be more Christ-like. Is the President going to mention that when he goes to Michigan? See what people think of that one. He said of all the cases in history, he would want to have argued the creation case. It is right at the top of the list. I don't know why he said that, since John Scopes was convicted. I guess Mr. Holmes thinks he could have done a better job teaching the evolutionary theory in the public schools. More egregious, in not any of these instances, with maybe the exception of the first, has he disavowed them; he stands behind them. These are not slips of the tongue. This is a man caught, when you look at his writing, in almost a time warp. This man probably doesn't even want to turn the clock back to the 1930s or 1890s but somewhere way back in the 1600s.

Holmes said he believes he possesses sufficient self-transcendence—his words—to be able to set aside his views and judge cases impartially. I don't think it is enough to get up and just say: I will follow the law.

I don't mean to be flip, but it is just not that easy.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SCHUMER. In conclusion, if moderation is a criteria in choosing judges—and it is one of mine—Mr. Holmes abjectly fails the test. I urge that he be defeated.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I rise in opposition to the nomination of J. Leon Holmes. There is a reason this nomination has been sitting on the calendar for over a year. There is a reason the Republican Senators are breaking ranks to vote against this nominee because, frankly, the nomination of J. Leon Holmes really speaks volumes about the message being sent by this White House to the American people.

Is this the kind of person they want to give a lifetime appointment on the Federal bench? The things he said—his own words—condemn him. He has written that "the wife is to subordinate herself to her husband" and "the woman is to place herself under the authority of the man and ipso facto place herself under his authority."

He wrote that abortion should not be available for rape victims "because conceptions from rape occur with the same frequency as snow in Miami." Does that sound like the kind of statement you want to hear from a man who is going to stand in judgment of cases brought before him, cases that involve the rights of women, the rights of victims of rape?

Words count in life and in law. The words of a judge determine the outcome of a trial and the rights of the parties in the courtroom. The words of J. Leon Holmes convict him of insensitivity to some of the most basic issues in modern America.

I know Mr. Holmes and I disagree on some critical issues, but that is not the basis for my opposition. We have already confirmed 197 of President Bush's nominees to the Federal bench. Trust me, the majority of them disagree with my positions on many issues, and I voted overwhelmingly because the President has his right to choose his nominees. But of all of the attorneys in Arkansas, and of all of the Republican attorneys in the State of Arkansas, of all of the conservative Republican attorneys in the State of Arkansas, is this the best the White House can do? A man who cannot really distinguish the role of women in a modern society? A man who so cavalierly dismisses the plight of a rape victim? This is a man who needs a lifetime appointment to stand in judgment of others?

I asked him in a written question about whether he would recuse himself in cases as a Federal district court judge if any of the anti-abortion organizations that he has represented or founded came into his court. He said no; he was going to stand in judgment of the same organizations that he founded and those that paid him. He would not recuse himself.

I also asked him a basic question that we ask of all nominees. I asked:

> Mr. Holmes, name 3 Supreme Court cases with which you disagree.

He said:

> As a citizen, I am troubled by the Supreme Court decisions in Dred Scott v. Sandford, Buck v. Bell, and Roe v. Wade, because in my view each of those decisions failed to respect the dignity and worth of the human person.

How could a person make that statement in response to that question and say he will uphold the decision in Roe v. Wade, which is a basic right of privacy for women in America? That is what Mr. Holmes said. In fairness to Mr. Holmes, though, he has apologized for his statement about rape victims that "conceptions from rape occur with the same frequency as snow in Miami." When I asked about his statement, he wrote back and said:

> Regardless of the merits of the issue, the articulation in that sentence reflects an insensitivity for which there is no excuse and for which I apologize.

I think it is important that that apology is on the record. Where is the apology for his statement about the subordination of women to men? No statement of explanation or apology was forthcoming. Some have come to the floor on the other side and said: Listen, these happen to be his religious views. If you say you will not support him because of that, then you are discriminating against his religion.

That is an upside down view of the world. Whether Mr. Holmes' views are based on religious beliefs, personal beliefs, cultural upbringing, or his life experiences, that is irrelevant. The basis for his beliefs is not important. What is relevant is whether his beliefs and his reasoning will guide his decisions as a Federal judge, his values that influence his judicial philosophy. The real question is, Are those beliefs reasonable, mainstream, commonsense beliefs?

How can you read what this man has said about the issues of race and gender and say that these are mainstream views and he should have a lifetime appointment to instill those views into the decisions of the United States of America through its judicial system?

Those on the other side say this is all about religion. It is not. It is about a candidate, a nominee for a judicial lifetime appointment. Our Constitution only refers to religion in a few particular areas: First, it says there will be no religious test to qualify to any office of public trust in the United States. Of course, in the first amendment it says that Congress shall make no law respecting the establishment of religion or prohibiting the free exercise thereof. Mr. Holmes is entitled to his religious beliefs, as I am, as Senator HATCH is, as every Member of the Senate is. But when his religious beliefs reach a point where they call into question whether he will be fair and balanced in his judicial capacity, that is an important public policy issue. We must face it. To say that his beliefs, whether generated by religion or otherwise, are inconsistent with mainstream thinking in America is not antireligious. He is entitled to his religious beliefs. It is a statement that we do not want to perpetuate those beliefs in the findings of a judge with a lifetime appointment. Mr. Holmes' statements, I am afraid, give us fair warning of what he will do as a judge.

Of all of the conservative Republican attorneys in Arkansas, why did it come down to this man? I don't think it is an accident. I think it is a test. This White House is testing this Senate to see how far we can go, how far they can push us to put someone on the bench who is clearly out of the mainstream of American thinking.

I yield the floor.

Mr. HATCH. How much time remains?

The PRESIDING OFFICER. Fifteen minutes.

The Senator from Utah.

Mr. HATCH. Mr. President, I know the Senator from Illinois asked the question, Is this the best the White House can do? In all honesty, I think the people of Arkansas believe it is. The Democrat Gazette newspaper thinks it is. A lot of Democratic women who are law partners with this man think it is. I personally think it is a great nomination.

His record has been visibly distorted on the floor today. Let me take a few minutes to rebut some of the charges and arguments made by those opposing Mr. Holmes' nomination. Many of these were addressed in the morning in my opening statement and by others.

I refer my colleagues to the excellent statement made by the Senator who knows him best, our colleague from Arkansas—in fact, both colleagues from Arkansas, Senators PRYOR and LINCOLN. Senator PRYOR worked with him and associated with him. Both he and Senator LINCOLN support Mr. Holmes' confirmation.

It seems kind of specious to make the argument that nobody in their right mind would support this man. There is no doubt Mr. Holmes has taken a public stance on many issues while in private life. He had a right to do so as an American citizen. We encourage citizens to play a role in the democratic process. That is what Mr. Holmes has done.

We all can recognize abortion is a very divisive issue in this body about which many persons feel strongly. The issue today is not whether one view is right or wrong, but whether Mr. Holmes is able to set aside his personal views, whatever they may be, and act as a judge should act.

The American Bar Association says, by giving him the highest rating possible, that he is able to do that. His friends in Arkansas say he is. The newspapers say he is. The two Senators from Arkansas, both Democrats, say he is. Let me make a few points in this regard.

Some of the statements Mr. Holmes has made in the course of his activism are, without doubt, inflammatory. They were made 24 years ago when he was 27 years of age. To his credit, Mr. Holmes has apologized for his remark about rape which he made 24 years ago in the heat of the moment.

In response to a written question from Senator DURBIN, he wrote:

> I have to acknowledge that my own rhetoric, particularly when I first became involved in the issue [of abortion] in 1980 and perhaps some years thereafter, sometimes has been unduly strident and inflammatory. The sentence about rape victims which was made in a letter to an editor in 1980 is particularly troublesome to me from a distance of 23 years later.

It was a year ago he wrote this answer.

> Regardless of the merits of the issue, the articulation in that sentence reflects an insensitivity for which there is no excuse and for which I apologize.

He was 27 years old. He was an activist in the pro-life cause. He has apologized over and over. Can we not as adults accept his apology, or do we require everybody to be perfect from 27 years old or before and on?

In an April 11, 2002, letter to Senator LINCOLN, Mr. Holmes explained in a similar manner.

> In the 1980s I wrote letters to the editor and newspaper columns regarding the abortion issue using strident and harsh rhetoric. I am a good bit older now and, I hope, more mature as I was at the time. As the years passed, I came to realize that one cannot convey a message about the dignity of the human person, which is the message I intended to convey, using that kind of rhetoric in public discussion.

Referring directly to his 1980 "snow in Miami" remark—which has been more than plastered all over this place today in spite of the case we made that the remark was made years ago when he was a young man, and he has more than prostrated himself in asking for forgiveness—he said:

> I do not propose to defend that sentence—

The sentence about "snow in Miami"—

> and I would not expect you or anyone else to do so.

Based upon this letter and the level of support Mr. Holmes enjoys in Arkansas, Senator LINCOLN reaffirmed her belief that Mr. Holmes will be a fair judge, and so do the people of Arkansas and anybody who knows him.

I share Senator LINCOLN's views. The fact that Mr. Holmes recognizes his words in the past were sometimes strident and insensitive suggests to me he has undergone a maturation process for which he is given no credit by the perfect people here in the Senate who are so willing to sit in judgment on statements made by 27-year-olds. I wonder how they would fare if all of their 27-year-old statements were used to determine whether they could sit in the Senate.

Mr. Holmes was questioned by my Democratic colleagues on many of the issues they raised today. I thought his answers were very responsive, and I want to review them today so there is no further distortion of his record, because we have had plenty of that today.

In response to another question by Senator DURBIN, which was whether Mr. Holmes, as a judge, would restrict the rights granted by Roe v. Wade, Mr. Holmes responded:

> The judge is an instrument of the court and hence the law. Thus, the judge's personal views are irrelevant. Roe v. Wade is the law of the land. As a judge, I would be bound by oath to follow that law. I do not see how a judge could follow the law but restrict the rights established by that law.

I do not know what more he has to say to show good faith, but he surely said it there. In response to the question, "Do you believe in and support a constitutional right to privacy?" Mr. Holmes responded:

> I recognize the binding force of the court's holding in Griswold and Eisenstadt recognizing a right to privacy. I have never engaged in political activity directed toward overturning the result obtained in Griswold or Eisenstadt. If I am confirmed by the Senate, I would follow the rulings of the Supreme Court.

What do my colleagues need? Senator LEAHY implied Leon Holmes has had some kind of confirmation conversion. That is the usual bullcorn that happens on the floor from time to time, especially with regard to judicial nominees.

I note that the overwhelming evidence, based on his own actions and letters of support, is Mr. Holmes is a man who respects the rule of law and is a man of integrity and will follow the law. His colleagues say that. His women colleagues say that. People who differ with him personally on his views say that. They say he will respect the law and follow it.

Mr. Holmes is not nominated to the Supreme Court where the Justices, such as Justice Thomas, Justice O'Connor, or other Justices, are required to review and sometimes vote to overturn previous decisions. Mr. Holmes, as a district court judge, is bound by the Supreme Court and the appellate court determinations and precedents.

I also heard some criticism that was raised by Senator FEINSTEIN from California that Mr. Holmes placed the Roe v. Wade decision in the same category as Dred Scott and Buck v. Bell, as Supreme Court decisions with which he disagrees. If he has, he has millions of Americans who also disagree with those three decisions, and I am one of them myself.

Let me give the full and complete answer of Mr. Holmes on this issue. He stated:

> In my view, each of these decisions failed to respect the dignity and worth of the human person. As a judge, I would follow every decision of the Supreme Court that has not been subsequently overruled.

Even though he disagrees with Roe v. Wade, he will uphold it. I do not know when this business of not believing people on this issue started to take place, but it started back around the time of Justice Rehnquist's nomination, and it has been coming every year. And they say they do not have a litmus test. Give me a break.

One can disagree with Mr. Holmes' personal views, but one cannot credibly argue that he does not respect the supremacy of the laws laid down by the Supreme Court. Everything the man stands for says that.

Let me quickly turn to a few other issues raised today. I have already addressed the issue regarding the charge that Mr. Holmes is antiwomen. The article he wrote with his wife—both of them wrote it—was to discuss their fervent belief in Catholic teachings regarding relationships. It was written for his religious peers in the Catholic faith, published in a religious document. It was not a statement of his legal views.

A fair reading of the article would show a support for the equality of women. I have read it a number of times. And by the way, if it comes down to a choice between St. Paul and my distinguished friend from Massachusetts, Senator KENNEDY, or my distinguished friend from Illinois, Senator DURBIN, I think I will take St. Paul every time, and I think most everybody else in the country would, too. He and his wife were quoting St. Paul.

We have even had some indications that St. Paul was out of whack. Not according to the Bible, in which I think most of us claim to believe. I will choose St. Paul every time. By the way, the article is why only males in the Catholic Church hold the priesthood. If one reads it fairly, that is what he was driving home. If one reads it fairly, one will find he was very fair to women and treated them equally, as his partners. Democratic women in his law firm whom he mentored and tutored and helped and worked with and works with today have testified through letters to us that they trust him, believe in him. Even though they differ with his views in some matters, they know he will follow the law because they know he is devoted to the law.

We ought to be able to give some credibility to people of that quality who get the highest possible rating by the American Bar Association. That is not always totally dispositive, I have to admit, but it certainly adds to the belief of those of us who support this man and the Democrat people down there who also support him. Mr. Holmes enjoys the support of numerous women in Arkansas, including coworkers and colleagues who know him best.

There is a charge against Mr. Holmes. Holmes does not have the temperament to be a Federal judge, some have said. He has said that rape occurs with the same frequency as snow in Miami and compared abortion to the Holocaust.

He has openly apologized for his 27-year-old rhetoric:

> The sentence about rape victims which was made in a letter to an editor in 1980 is particularly troublesome to me from a distance of 23 years later.

He goes on to say:

> Regardless of the merits of the issue, the articulation in that sentence reflects an insensitivity for which there is no excuse and for which I apologize.

That is a written response to Senator DURBIN. We cannot take his word for that? He was 27 years old, a fervent believer in the pro-life cause. Arkansans holding strong pro-choice views uniformly attest that Holmes will set aside any personal beliefs and follow the law while on the bench.

Holmes' "well-qualified" rating shows he is at the top of the legal profession in his legal community. He has outstanding legal ability, but listening to the arguments today, one would think he is a total malcontent who does not believe in the law. He has a breadth of experience and the highest reputation for integrity. He has demonstrated or exhibited the capacity for judicial temperament.

There is a charge that Holmes does not believe in the separation of church and State. He said this:

> Christianity in principle cannot accept subordination to the political authorities, for the end to which it directs men is higher than the end of the political order.

That is what they say. He quoted him, so he must not believe in the separation of church and State. But what did he say? Holmes was contrasting Christianity with the pagan religions about which Aristotle wrote in which religious activities are political concerns. The speech makes the point that Christianity looks to an ultimate source of authority beyond Earthly authority, and that is God.

I mean, give him a break.

Holmes notes that the model of assigning religious and political matters to separate spheres is favored by modern liberalism, including John Locke, Thomas Jefferson, and Alexis de Tocqueville, and the modern Catholic Church. He urges us not to miss the strengths of de Tocqueville's argument that the church is stronger when separate from the State. Holmes offers his own theological grounds for the separation of church and State, and yet one would think he was not.

Another charge is that Holmes is unwilling to recuse himself from cases involving anti-abortion organizations or abortion matters. He has pledged that:

> In any case in which litigants were concerned about my fairness and impartiality, or the appearance of impropriety, I would take those concerns seriously. I would follow 28 U.S.C. Section 455 and the Code of Conduct for United States Judges when making recusal decisions.

He would follow the law. He will abide by the same standards of conduct that govern every Federal judge.

Since the issue of natural law has been raised in discussing Mr. Holmes' nomination, I want to set the record straight.

Some have expressed concern that Mr. Holmes seems to be a believer in natural law and will allow those beliefs to influence his rulings on the bench. The facts show otherwise.

When asked if he believes that the Declaration of Independence establishes or references rights not listed or interpreted by the Supreme Court to be in the Constitution, Mr. Holmes wrote:

> I do not believe the Declaration of Independence establishes judicially enforceable rights.

Instead, he wrote:

> The Constitution as a whole is aimed at securing the rights described as unalienable by the Declaration of Independence.

Mr. Holmes noted that:

> Working all together, the entire system of government should . . . result in a free country, a country without tyranny, which, in the terms that the founders used, is equivalent to saying a country in which natural rights generally are respected.

Mr. Holmes, however, cautions:

> [T]here is no constitutional authority for the courts to use the Declaration of Independence to overrule the Constitution. The authority of the courts is granted by the Constitution, not the Declaration.

He also wrote:

> No one branch of government can appeal to natural rights as a basis for exceeding or altering its authority under the Constitution.

Rather, he writes:

> [w]hen citizens believe that natural rights are not safeguarded adequately by the present system of government, they may express that view in the electoral process, or they may seek to amend the Constitution pursuant to Article V.

Mr. Holmes has demonstrated, and his record demonstrates, that once he dons the robes of a judge, he will set aside those beliefs and follow the law as it is stated. Mr. Holmes understands key differences between an advocate and a judge, and that personal views play no role in the duty of a judge to abide by stare decisis and apply the precedent of the Supreme Court and Eighth Circuit. For those reasons, I believe that Mr. Holmes will make an outstanding Federal district judge.

I close by yielding my last few minutes to Senator PRYOR, a Member of the Senate who knows Mr. Holmes the best. I believe we ought to listen to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 1 minute.

Mr. PRYOR. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. There is 58 seconds remaining.

Mr. PRYOR. I will be brief.

Earlier today, I read from 23 different letters of people from Arkansas, lawyers who practice with him, who support him. Many of these statements are inflammatory. I admit that. He admits that. He has apologized. Many of these were done 15, 20, in one case 24 years ago.

I hope we will tone down the rhetoric. If Senators vote for Leon Holmes, they are not antiwoman. If Senators vote against him, certainly they are not anti-Catholic. Let us have a straight up-or-down vote.

I encourage all of my colleagues to vote for Leon Holmes. Over and over, people in Arkansas who know him, who repeatedly say they do not agree with him on many of these issues, think he will be a fair, impartial, and an excellent member of the bench.

I ask my colleagues for their consideration.

The PRESIDING OFFICER. All time has expired.

Mr. HATCH. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of J. Leon Holmes, of Arkansas, to be United States District Judge for the Eastern District of Arkansas?

The clerk will call the roll. The legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Alaska (Ms. MURKOWSKI), is necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER (Mr. ALEXANDER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 46, as follows:

[Rollcall Vote No. 153 Ex.]

YEAS—51

Alexander
Allard
Allen
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Chambliss
Cochran
Coleman
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Inhofe
Kyl
Landrieu
Lincoln
Lott
Lugar
McCain
McConnell
Miller
Nelson (NE)
Nickles
Pryor
Roberts
Santorum
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Talent
Thomas
Voinovich

NAYS—46

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Collins
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Murray
Nelson (FL)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Snowe
Stabenow
Warner
Wyden

NOT VOTING—3

Edwards
Kerry
Murkowski

The nomination was confirmed.

Mr. GRASSLEY. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

CLASS ACTION FAIRNESS ACT OF 2004

The PRESIDING OFFICER. The clerk will report S. 2062.

The legislative clerk read as follows:

> A bill (S. 2062) to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for

class members and defendants, and for other purposes.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I rise today to express my strong support for the Class Action Fairness Act of 2004, which is now renumbered S. 2062, to accommodate the bipartisan compromise we reached last November with Senators DODD, SCHUMER, and LANDRIEU. This improved bill embodies a carefully balanced legislative solution that responds to some of the most outrageous abuses of the class action litigation device in some of our State courts.

As anyone who has read the bill knows, it restores fairness to the class action system. Among other things, it eliminates the opportunity that exists in the current system for unscrupulous lawyers to profit by victimizing injured parties with sham settlements. It takes away the opportunity for those lawyers to use the system to extort legitimate businesses for their personal financial gain.

Throughout the years, Congress has received powerful evidence showing an extraordinary concentration of large interstate class action lawsuits in a handful of outlier State courts—certain county courts, to be precise. The evidence further shows these outlier courts operate in a manner that deprives the rights of truly injured individual plaintiffs, as well as defendants. In too many cases, the families have fallen prey to the manipulation, and in some cases outright evasions, by certain plaintiffs' lawyers of the settled rules supposed to ensure basic fairness during the major interstate class action disputes. Too often, judges approve settlements that primarily benefit the class action attorneys rather than the injured class members.

Indeed, it has become all too common for certain State courts to approve proposed settlements where class members receive little or nothing of value, such as meaningless coupons, while their attorneys rake in millions of dollars in fees.

It is one of the new games in litigation practice in America. It is a disgrace caused by a relatively small few in the legal profession but enough to make it a matter of great concern. This bill would clarify and solve some of these problems.

To make matters worse, multiple class action lawsuits asserting the same claims on behalf of the same plaintiffs are routinely filed in different State courts, thus creating judicial inefficiencies and encouraging collusive settlement behavior. Unfortunately, the injuries caused by these abuses are not confined to the parties who are named in the class action complaint. Rather, they extend to everyday consumers who unwittingly get dragged into these lawsuits as unnamed class members simply because they purchased a cell phone, bought a box of cereal, drove a car fitted with a certain brand of tires, or rented a video. What we are talking about is a system that impacts the vast majority of people who live in this country, not only lawyers and some businesses, as some have wrongly suggested.

We are talking about people such as Irene Taylor of Tyler, TX, who was cheated out of approximately $20,000 in a telemarketing scam that defrauded senior citizens out of more than $200 million.

This is a picture of Irene Taylor. In a class action brought in Madison County, IL, the attorneys purportedly representing Ms. Taylor negotiated a proposed settlement which excluded her from any recovery whatsoever.

We are talking about people such as Martha Preston of Baraboo, WI, as evidenced by this picture of her. Martha was involved in the infamous BancBoston case, brought in Alabama State court, which involved the bank's alleged failure to post interest to mortgage escrow accounts in a prompt manner. Ms. Preston received a settlement of about $4. Approximately $95 was deducted from her account to help pay the class action fees of $8.5 million.

This is the Bank of Boston chart, a perfect illustration of class action abuses going on in this country as we speak. A Bank of Boston settlement over disputed accounting practices produced $8.5 million in attorneys' fees—costing the class members as much as $95, which was deducted from their accounts. The plaintiffs' attorneys in this case later sued class members for an additional $25 million. I do not care who you are, you have to say that is outrageous.

Ms. Preston testified before the Judiciary Committee 5 years ago asking us to halt these abusive class action lawsuits, but it appears that, at least so far, her plea has fallen on very deaf ears.

Class action abuses are far-reaching, so far-reaching that they affect nonconsumers as well. Take, for instance, Hilda Bankston, a hard-working American, shown in this picture, who came to this country seeking to fulfill the American dream. Hilda found that instead of reaping the rewards that normally come with hard work, she was unmercifully dragged into hundreds of lawsuits filed by personal injury lawyers in the State of Mississippi. Why? She owned the only drugstore in Jefferson County—a county known for hosting one of the most notorious magnet courts in the country.

Her small business became a prime target for forum-shopping personal injury lawyers in pharmaceutical cases, not because her business committed acts of negligence, and certainly not because her business had deep pockets to pay a large jury award or a lucrative settlement. To the contrary, they were sued, in this particular case, for the sole purpose of evading Federal court jurisdiction so the class action lawsuit could remain in State court.

Why would personal injury lawyers go to such trouble to keep a class action in State court? Because unlike our Federal courts which have judges who are insulated from political influence through lifetime appointments, many State court judges are elected officials who answer through the political process itself.

Even though Ms. Bankston no longer owns the drugstore, she continues to be named a defendant in these lawsuits today and is buried under a mountain of discovery requests because of the litigation. On a more personal level, Ms. Bankston told us about how this ordeal has affected her both personally and professionally. She testified that:

> [N]o small business should have to endure the nightmares I have experienced. . . . I have spent many sleepless nights wondering if my business would survive the tidal wave of lawsuits cresting over it.

Critics have argued the Senate should vote this bill down because it amounts to nothing more than special interest legislation. These critics are dead wrong and stand in desperate need of a reality check. To be perfectly clear, it is because of the wrongs committed against everyday American consumers such as Irene Taylor and Martha Preston that the time has come for the Senate to pass class action reform. It is because of the victimization of innocent people like Hilda Bankston that the Senate needs to act now, and it is because of the public's collapsing confidence in our civil justice system that we need to pass this bill without further delay. Arguments being raised to the contrary are red herrings that distort the real truth of the matter. The class action problem is real and significantly affects the general public.

The Class Action Fairness Act represents a modest and balanced solution to the class action problems. There are two core features to the legislation.

First, the bill implements consumer protections against abusive settlements by, No. 1, valuing attorneys' fees in coupon settlements to those coupons that are actually redeemed by class members; No. 2, providing a standard for judicial approval of settlements that would result in a net monetary loss to plaintiffs; No. 3, prohibiting settlements that favor class members based upon geographic proximity to the courthouse; and, No. 4, requiring notice of class action settlements be sent to appropriate State and Federal authorities to provide them with sufficient information to determine whether the settlement is in the best interest of the citizens they represent.

Second, the bill corrects a flaw in the current Federal diversity jurisdiction statute so the class actions with a truly interstate impact are adjudicated where they originally should be adjudicated, and that is in our Federal courts. Specifically, S. 2062 amends the diversity of citizenship jurisdiction statute to allow larger interstate class actions to be adjudicated in Federal court by granting original jurisdiction in class actions where there is "minimal diversity" and the aggregate amount in controversy among all class members exceeds $5 million.

The bill also balances the States' interest in adjudicating local disputes by providing that class actions filed in the home State of the primary defendants remain in State court subject to a triple-tiered formula that looks at the composition of the plaintiffs' class membership. This formula become known as the Feinstein compromise, which we were able to reach with Senator FEINSTEIN during the Judiciary Committee markup on the bill.

Moreover, after negotiations with Senators DODD, SCHUMER, and LANDRIEU last November, we were able to reach consensus on further refinements that allow truly local disputes involving principal injuries within the forum State to be adjudicated in the State courts.

Now that I have summarized what the bill does, let me explain what it does not do. First, this bill does not eliminate all State court class action litigation. Class action suits brought in State courts have proven in many contexts to be an effective and desirable tool for protecting consumer rights, nor do the proposed reforms in any way diminish the rights or practical ability of victims to band together to pursue their claims against large corporations. In fact, we have included several consumer-protection provisions in our legislation that I believe will substantially improve plaintiffs' chances of achieving a fair result in any proposed settlement.

My summary of the bill should not come as a surprise to anyone here because these reform efforts have an extensive history in this body. Most importantly, this bill maintains strong support from several Members on the other side of the aisle. In this regard, I extend a special thanks to Senators CARPER, KOHL, and MILLER for their tireless efforts in pushing for class action reform. Their commitment has helped us to get where we are today with this bill, and I look forward to their efforts in the coming days to keep the focus on passing this much-needed compromise legislation without becoming mired in extraneous amendments.

I also thank my colleagues—Senators SCHUMER, DODD, and LANDRIEU—for working with us in good faith to build a stronger bipartisan consensus for this bill. As you may know, we fell one vote shy of invoking cloture, on getting 60 votes, last year. These three Members, who originally voted against the bill presented us with a detailed list of issues they wanted resolved before they could support class action reform legislation. After extensive discussions last November, we responded in good faith to each and every concern they raised by making the appropriate changes that are now embodied in S. 2062.

I look forward to continuing the good faith that was displayed last November as we proceed on this bill.

Opponents of this legislation would, no doubt, like to derail it by bogging it down in the amendment process. I look to the leadership of my Democratic colleagues who have worked with me on getting this legislation to where it is, and to others who are serious about ending the victimization of American consumers, to do all they can to prevent this from happening.

Above all, I look to the leadership of Senator GRASSLEY, who was the original sponsor of this bill and who deserves a lot of credit for having fought this bill through in such a magnificent way through all of these years. He is a gutsy guy. He stands for what he believes. He deserves a lot of the credit for this bill.

In the coming days, I fully expect that some Members will offer numerous amendments to the bill, many of which will have nothing to do with the subject of class action. Look, we know this bill is going to be used as an attempt to bring up all kinds of political amendments for the purpose of scoring political points. I wish my colleagues wouldn't do that on a bill this important. Naturally, some of them want to adopt some of these amendments so they can kill this bill. Others just want a shot at making Senators vote on political issues that they think will be embarrassing to them. I would hope we would concentrate on the bill because it is important, and if there are legitimate amendments, certainly we will give every consideration to them.

While I understand the desire to follow regular order, I would like to note that this bill rests on a delicate bipartisan compromise that at least on paper commands a supermajority of votes—beyond 60—to overcome a Democratic filibuster. But with each controversial measure added to this bill, we all know it is less likely to become law. That is after 5 years of very hard work and an agreement by 62 Members of this body who have signed on to this bill up front to see that it passes. As such, I urge my colleagues, especially those who have supported class action reform, to limit and oppose amendments so we can move an important bipartisan measure through the Senate.

Again, while I expect opponents of this bill to do everything in their power to gut and weaken the bill, I trust that my Democratic colleagues who support class action reform will remain faithful to the bipartisan deal by vigorously opposing these amendments that will likely be offered in the coming days. That is what we do when we agree to a settlement. We agree to work to stop all poison pill amendments, and we agree to work to stop amendments that those who made the agreement to begin with do not agree with.

Class action reform is long overdue, and it is now time for us to act. We have considered legislation for many years now, and the pattern of abuse has become clear. What once began as an occasional outrageous class action settlement has now become a routine occurrence. There are jurisdictions in this country, State jurisdictions and local jurisdictions, that border on corruption, that literally don't care what the facts are, don't care what the law is. They are just going to give the plaintiffs' attorneys whatever they want. The plaintiffs' attorneys have caught on to it, so they forum shop to these outrageous jurisdictions so they can get judgments and verdicts far beyond what they could ever get in a jurisdiction that treated the law with respect.

The legislation we are considering would fix all of these problems. I would consider it a shame if we allowed partisan politics to kill much-needed reform of the abuses in the current system, abuses that are actually hurting those in the system we are supposed to help.

This is an important bill. We have worked long and hard to get to this point. I hope with all my heart that our colleagues on both sides will live up to the commitments they have made and that we can pass this bill and solve some of these terrible problems.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, the current version of class action legislation has undergone a number of changes since it was reported by the Judiciary Committee. Some of these changes have been improvements. I want to note that. Some have not. I know that Senators DODD, LANDRIEU, SCHUMER, KOHL, and CARPER negotiated some procedural improvements to S. 1751. I believe these do help. I appreciate their efforts to rein in some of the worst aspects of the bill.

For example, these improvements restricted the use of worthless coupon settlements. I agree with that. To hear some of the commentators about this bill, you would think that was not in there, but I want everybody to know it is. They also eliminated some provisions that were harmful to civil rights and consumer plaintiffs who endure hardships as a result of initiating and pursuing litigation.

But in other aspects, the compromise failed to achieve their intended goals.

For example, one provision seeks to reduce the delay plaintiffs can experience when a case is removed to Federal court. It sets a time limit for appeals and remand orders. But there is not a concomitant measure that would set a timeline for the district court to rule on the actual remand motion.

This may seem like a bit of arcane lawyer's jargon, but it is a lot more than that. It means that you could be a plaintiff, be in State court legitimately. You suddenly get plucked out of State court. But then they could put you on the Federal docket. Somebody could say, OK, we are just going to leave it there year after year after year after year, and there is nothing you could do about it. There is no recourse. I understand that Senator FEINGOLD will offer an amendment to set a reasonable time limit for the district court to rule on these remand orders. It seems like common sense. Rule them up or rule them down, but have a time to do it. I hope all Senators will support him.

In addition, I am disturbed the bill may deny justice to consumers and others in class actions involving multiple State laws. The recent trend in the Federal courts is to not certify class actions if multiple State laws are involved; thus, the class action bill could force nationwide class actions into Federal court and then just be dismissed for involving too many State laws. It is kind of a way of making sure that you never reach the merits of the case, whether in Federal courts or State courts, because you could get rid of it on a technicality. I understand Senator BINGAMAN has an amendment to prevent this from happening. I would support that.

I am also concerned with provisions contained in the most recent iteration of this class action bill before the Senate. I try to keep up with it, but it keeps undergoing so many changes. But this latest part would deprive Vermonters of the right to band together to protect themselves against violations of State civil rights, consumer, health, and environmental protection laws in their own State courts. What it is saying is, we here in the Senate can make a far better judgment than the people of Vermont going into State courts on State matters or the people of Tennessee going into Tennessee court on a Tennessee matter.

I hear so many speeches about how we have to protect our States and keep the heavy hand of government from them, but basically we are saying that if a group of people, say, in Iowa, want to band together to protect themselves against a violation of State civil rights or consumer or health or environmental protection laws, and do it just in their own State courts, they can't do it because the U.S. Senate has figured we know a lot better than the people of Iowa or Tennessee or Vermont.

This bill continues to deprive citizens of the right to sue on State law claims in their own State courts if the principal defendant is a citizen of another State, even if that defendant has a substantial presence in the plaintiff's home State and even if the harm done was in the plaintiff's home State. In other words, you might have somebody from State A, but they have invested a huge amount in the second State. They are involved in things in that second State. They do something in that second State. They may deprive citizens of their rights in that second State, and they can't sue in that State. I understand that Senator BREAUX intends to offer an amendment to keep these in-State class actions in State courts. They should be.

I am also troubled by the scope of the legislation in that it federalizes a lot more than class actions. This goes way beyond class actions. Despite the fact that such a provision was struck from the bill during markup in the Judiciary Committee, mass torts now again are included in the bill. This expansion simply amplifies the harm done to citizens' rights and to the possibility of vindicating those rights in their own State courts.

Some special interest groups are distorting the state of class action litigation by relying on a few anecdotes in an ends-oriented attempt to impede plaintiffs bringing class action cases. It will make a lot of money in radio and TV stations. The ads are designed to actually be seen or heard only by 535 people—Members of Congress.

I think we should take steps to correct actual problems in class action litigation where they occur. But simply shoving most suits into Federal court will not correct the real problems faced by plaintiffs and defendants. We have done something like this by taking a whole lot of criminal matters that should easily be handled in State courts and put them into the Federal courts, and the Federal courts are so overloaded they don't get to either the criminal or civil cases.

Our State-based tort system has grown over 200 years. It remains one of the greatest and most powerful vehicles for justice anywhere in the world. One reason for that is the availability of class action litigation to let ordinary people band together to take on powerful corporations or, in some cases, even their own Government. Nobody has the money by themselves to take on the Government. Nobody has the money by themselves to take on some multibillion-dollar corporation. Banding together, sometimes they can.

Defrauded investors, deceived consumers, victims of defective products, environmental torts, and thousands of other people are currently able to access class action lawsuits in their State court system to seek and receive justice. They can band together to afford a competent lawyer. Whether they are getting together to force manufacturers to recall products or to clean up after devastating environmental harm or to vindicate basic civil rights, they are using class action. We should not try to make it more difficult or costly for them to right those wrongs, although many people who cause the wrongs would love us to put roadblocks in the way.

So the so-called Class Action Fairness Act falls short in the expectation set by its title. It is going to leave many injured parties who have valid claims with no way to seek relief. Class action suits have enabled our citizens to receive justice and expose wrongdoing by corporations and their own Government. It has given the average American a local venue and a chance.

This legislation may be the last authorization bill the Senate considers this year. We have only passed one appropriations bill for the upcoming fiscal year. The Senate has so few days left. Can you imagine that? There are 14 appropriations bills and we have only passed 1. We have not passed a budget yet. I think that is supposed to be done in March or April. We are not going to do our appropriations bills. Everybody knows that. Someone will write a huge omnibus bill with the White House and try to cram it through. So I think because this is the last authorization bill, you are going to have Senators on both sides of the aisle with both germane and nongermane amendments.

So we will vote and see where we go. There were improvements made. We showed we could make improvements. But as soon as it started really being improved, the doors got slammed shut.

I ask unanimous consent that a letter on behalf of the attorneys general of California, Illinois, Iowa, Maine, Maryland, Massachusetts, Minnesota, Montana, New Mexico, New York, Oklahoma, Vermont, and West Virginia in opposition to S. 2062 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF NEW YORK,
OFFICE OF THE ATTORNEY GENERAL,
Albany, NY, June 22, 2004.

Hon. BILL FRIST,
Majority Leader, U.S. Senate, Dirksen Senate Office Building, Washington, DC.
Hon. TOM DASCHLE,
Minority Leader, U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR MR. MAJORITY LEADER AND MR. MINORITY LEADER: On behalf of the Attorneys General of California, Illinois, Iowa, Maine, Maryland, Massachusetts, Minnesota, Montana, New Mexico, New York, Oklahoma, Vermont, and West Virginia, we are writing in opposition to S. 2062, the so-called "Class Action Fairness Act," which reportedly will be scheduled for a vote in the next few weeks. Although S. 2062 has been improved in some ways over similar legislation considered last year (S. 274), it still unduly limits the right of individuals to seek redress for corporate wrongdoing in their state courts. We therefore strongly recommend that this legislation not be enacted in its present form.

As you know, under S. 2062, almost all class actions brought by private individuals in state court based on state law claims would be forced into federal court, and for the reasons set forth below many of these cases may not be able to continue as class actions. All Attorneys General aggressively prosecute violations of our states' laws through public enforcement actions filed in state court. Particularly in these times of state fiscal constraints, class actions provide an important "private attorney general" supplement to our efforts to obtain redress for violations of state consumer protection, civil rights, labor, public health and environmental laws.

We recognize that some class action lawsuits in state and federal courts have resulted in substantial attorneys' fees but minimal benefits to the class members, and we support targeted efforts to prevent such abuses and preserve the integrity of the class action mechanism. However, S. 2062 fundamentally alters the basic principles of federalism, and if enacted would result in far greater harm than good. It therefore is not surprising that organizations such as AARP, AFL–CIO, Consumer Federation of America, Consumers Union, Leadership Conference on Civil Rights, NAACP and Public Citizen all oppose this legislation in its present form.

1. Class Actions Should Not Be "Federalized"

S. 2062 would vastly expand federal diversity jurisdiction, and thereby would result in most class actions being filed in or removed to federal court. This transfer of jurisdiction in cases raising questions of state law will inappropriately usurp the primary role of state courts in developing their own state tort and contract laws, and will impair their ability to establish consistent interpretations of those laws. There is no compelling need for such a sweeping change in our long-established system for adjudicating state law issues. Indeed, by transferring most state court class actions to an already overburdened federal court system, this bill will delay (if not deny) justice to substantial numbers of injured citizens. The federal judiciary faces a serious challenge in managing its current caseload, and thus it is no surprise that the Judicial Conference of the United States has opposed the "federalization" of class action litigation.

S. 2062 is fundamentally flawed because under this legislation, most class actions brought against a defendant who is not a "citizen" of the state will be removed to federal court, no matter how substantial a presence the defendant has in the state or how much harm the defendant has caused in the state. While the amendments made last fall give the federal judge discretion to decline jurisdiction in some cases if more than one-third of the plaintiffs are from the same state, and place additional limitations on the exercise of federal court jurisdiction if more than two-thirds of the plaintiffs are from a single state, even in those circumstances there are additional hurdles that frequently will prevent the case from being heard in state court.

2. Many Multi-State Class Actions Cannot Be Brought in Federal Court

Another significant problem with S. 2062 is that many federal courts have refused to certify multi-state class actions because the court would be required to apply the law of different jurisdictions to different plaintiffs—even if the laws of those jurisdictions are very similar. Thus, cases commenced as state class actions and them removed to federal court may not be able to be continued as class actions in federal court.

In theory, injured plaintiffs in each state could bring a separate class action lawsuit in federal court, but that defeats one of the main purposes of class actions, which is to conserve judicial resources. Moreover, while the population of some states may be large enough to warrant a separate class action involving only residents of those states, it is very unlikely that similar lawsuits will be brought on behalf of the residents of many smaller states. We understand that Senator Jeff Bingaman will be proposing an amendment to address this problem, and that amendment should be adopted.

3. Civil Rights and Labor Cases Should be Exempted

Proponents of S. 2062 point to allegedly "collusive" consumer class action settlements in which plaintiffs' attorneys received substantial fee awards, while the class members merely received "coupons" towards the purchase of other goods sold by defendants. If so, then this "reform" should apply only to consumer class actions. Class action treatment provides a particularly important mechanism for adjudicating the claims of low-wage workers and victims of discrimination, and there is no apparent need to place limitations on these types of actions. Senator Kennedy reportedly will offer an amendment on this issue, which also should be adopted.

4. The Notification Provisions Are Misguided

S. 2062 requires that federal and state regulators be notified of proposed class action settlements, and be provided with copies of the complaint, class notice, proposed settlement and other materials. Apparently this provision is intended to protect against "collusive" settlements between defendants and plaintiffs' counsel, but those materials would be unlikely to reveal evidence of collusion, and thus would provide little or no basis for objecting to the settlement. In addition, class members could be misled into believing that their interests are being protected by their government representatives, simply because the notice was sent to the Attorney General of the United States and other federal and state regulators.

Equal access to the American system of justice is a foundation of our democracy. S. 2062 would effect a sweeping reordering of our nation's system of justice that will disenfranchise individual citizens from obtaining redress for harm, and thereby impede efforts against egregious corporate wrongdoing. Although the Attorneys General of California, Illinois, Iowa, Maine, Maryland, Massachusetts, Minnesota, Montana, New Mexico, New York, Oklahoma, Vermont, and West Virginia oppose S. 2062 in its present form, we fully support the goal of preventing abusive class action settlements, and would be willing to provide assistance in your effort to implement necessary reforms while maintaining our federal system of justice and safeguarding the interests of the public.

Sincerely,

ELIOT SPITZER,
Attorney General of the State of New York.

W.A. DREW EDMONDSON,
Attorney General of the State of Oklahoma.

Mr. LEAHY. Mr. President, I ask unanimous consent that an editorial in today's New York Times in opposition be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, July 6, 2004]

CLASS-ACTION UNFAIRNESS

A mischievous bill masquerading as an effort to reform the system of class-action lawsuits is headed for the Senate floor this week. The bill would tilt the civil justice system in favor of corporations and against consumers, the environment and public health. Democrats blocked a nearly identical measure by just one vote last October, Since then, three Democratic senators—Mary Landrieu of Louisiana, Christopher Dodd of Connecticut and Charles Schumer of New York—have agreed to switch sides to support the bill in exchange for certain improvements in it.

Unfortunately, those improvements would not cure the bill's core defect: namely, that it would move almost all major class-action lawsuits to overburdened federal courts from state courts. Such a shift is likely to delay or deny justice in numerous instances, and, ultimately, to dilute the impact of the strong consumer protection laws in many states.

A letter to Congress representing the views of 13 state attorneys general, including Eliot Spitzer of New York, makes this point emphatically. It goes on to note that the bill's sweeping provisions moving state class actions to federal courts would not only threaten individual plaintiffs but would also trespass on traditional principles of federalism.

Should the Senate measure be passed, it would have to be reconciled with an even more damaging House bill, which would apply retroactively to pending class-action cases. The best result would be for the Senate to defeat the bill and go back to the drawing board. At the very least, however, it should limit the damage by approving corrective amendments being offered by Senator Jeff Bingaman and others to lessen the disadvantage to plaintiffs.

No one disputes that certain provisions of the bill address real class-action abuses, foremost among them the collusive settlements that benefit plaintiffs' lawyers while shortchanging their clients. But taken as a whole, the bill before the Senate isn't genuine tort reform. It is mostly a gift to wealthy special interests that is mislabeled as reform.

Mr. LEAHY. Mr. President, I see other Senators seeking the floor. I will probably have an opportunity to say a few words tomorrow. I find that the summertime laryngitis is coming back, and I see my dear friend from Iowa on the floor.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I am pleased that Majority Leader FRIST has called up the Class Action Fairness Act. I have been working on this bill since the 105th Congress, so I think it is about time the Senate completes action on this bill.

My colleagues will recall that in October of last year Senator FRIST brought this bill to the floor, but we were not able to proceed to the bill because of filibuster, and we lost the vote on cloture on the motion to proceed by just a one-vote margin. A supermajority of 60 votes was needed. We had 59 votes which, obviously, means that last fall we had enough votes to pass the legislation but could not get around the filibuster.

When you are up against a filibuster, you have to work out issues because nothing in the Senate gets done that is not done in a fairly broad bipartisan way. Since then, I have worked in good faith with Senator HATCH, chairman of the Judiciary Committee, and our lead Democratic cosponsors, Senator KOHL and Senator CARPER, to modify the bill to address a number of concerns raised by their colleagues on the Democratic side, Senators DODD, LANDRIEU, and SCHUMER.

These Senators are now satisfied with the changes we made to this bill. We reintroduced the legislation this year as S. 2062. So the bill before us goes even further in terms of compromising on the issues than were brought before the Senate last October—enough action, I hope, that we can get to finality within a few days.

As many colleagues may already know, this bill has gone through many changes and mostly changes to accommodate the minority in the Senate, a few Democratic Senators. I have worked in good faith with my colleagues on the other side of the aisle to bring people together and to address valid concerns to increase support for this bill, especially to get over the hurdle of the supermajority of 60 to get to stop debate and get to finality.

To tell you the truth, Mr. President, I really didn't think we needed to make any changes in this class action bill that we originally introduced this Congress—in other words, last year. I thought then, and I think now, that the original introduction was a pretty good bill. But, of course, being a pretty good bill in my judgment doesn't mean it has enough votes to get that supermajority and get the compromise that is necessary to get to finality. So in order to move the class action bill forward, I did my best to listen to the issues raised and to make modifications to the bill where there was room for compromise.

Yet S. 2062 still retains the goals I wanted to achieve and other cosponsors wanted to achieve; that is, to fix some of the more egregious problems that we are seeing in the class action system, and to provide a more legitimate forum for nationwide class action lawsuits.

The deal we have struck is a very carefully crafted compromise that should not need any further modifications. So I am asking my colleagues to withhold offering amendments to avoid disrupting the balance we have achieved. I also hope we will not see a lot of nongermane amendments offered to this bill—meaning nothing to do with this legislation. Under the rules of the Senate, they can be offered but they are very distracting. We ought to keep our focus upon the class action system reform. Instead, we should focus on the germane amendments, get this bill done, and move on. We should not get all caught up in message amendments that will do nothing but play politics and delay all the hard work that we put into this bipartisan compromise bill. So I hope we can pass this bipartisan class action bill without changes and without any further delay.

The reality is that the class action system is broken and we should do something about it. The current class action system is rife with problems which have undermined the rights of both plaintiffs and defendants. Class members are often in the dark as to what their rights are, with the class lawyers, driving the lawsuits and the settlements, with their interests as much in mind as those of members of the class.

Class members receive court and settlement notices in hard-to-understand legalese. The notices are written in small print and in confusing legal jargon so class members often do not understand their rights or, more importantly, the consequences of their actions with respect to the class action lawsuit of which they are a part.

Furthermore, many class action settlements only benefit lawyers, with little or nothing going to the members who have been harmed. We are all familiar with class action settlements where the members get a coupon of little or no value, and the lawyers get all the money available in the settlement agreement. We know that is not protecting the consumers of America.

In addition, the current class action rules are such that the majority of the large nationwide class action lawsuits can only proceed in State court when they are clearly the kinds of cases that should be decided in our Federal courts because they have nationwide implications.

At least these class action lawsuits should have had an opportunity to be heard in Federal court because usually they are the cases that involve the most amount of money, citizens from all across the country, and issues of nationwide concern.

Why should a State court or a county court be deciding these kinds of class action cases that are going to impact people all across our country? Those cases ought to be decided in a Federal jurisdiction. This present system has never made sense to me.

To further compound the problem, the present rules are easily gamed by unscrupulous lawyers who steer class action cases to certain State-preferred courts where judges are quick to certify a class and approve settlements with little regard to class members' interests and the parties' due process rights.

We have heard of class action lawyers manipulating case pleadings to avoid removal of a class action lawsuit to Federal court, claiming that their clients suffered under $75,000 in damages, in order to avoid the Federal jurisdiction amount threshold in existing law.

We have also heard of class action lawyers crafting lawsuits in such a way to defeat the complete diversity requirements by ensuring that at least one named class member is from the same State as one of the defendants, even if every other class member is from a different State.

These are only a couple of the gamesmanship tactics that we hear lawyers like to utilize to bring down an entire class action legal system. The fact is, many of these class action cases are just frivolous lawsuits that are cooked up by lawyers to make a quick buck, with little benefit to class members whom the lawyers are supposed to be representing.

This is a real drag on the economy. Many a good business is being hurt by frivolous litigation costs. Unfortunately, the current class action rules are contributing to the cost of businesses across America and particularly hitting hard small businesses that get caught up in the class action web.

Too many frivolous lawsuits are being filed and too many good companies and consumers are having to pay for lawyer greed. We need to restore some commonsense reform to our legal system, and this legislation does it. It should have been done years ago.

So my colleagues understand, then, why Senator KOHL of Wisconsin and I originally joined forces several Congresses ago—too long ago—to do something about these runaway abuses, and the only thing standing between us and success several years ago was the powerful influence of personal injury lawyers within our political system.

The Class Action Fairness Act will address some of the more egregious problems within our class action system, and it will, at the same time, preserve class action lawsuits as an important tool to bring representation to the unrepresented.

I remind my colleagues of all the time that was spent working on finding a fair solution to the class action problem. For the past four Congresses, Senator KOHL, Senator HATCH, and others have joined me in studying the abuses in the class action system and working to solve these problems. Over the years, both the House and Senate Judiciary Committees have convened numerous hearings on these class action abuses and, more importantly, highlighting the need for reform. The House passed similar versions of class action bills in several Congresses with very strong bipartisan support.

In the Senate, in the 105th Congress, I held a hearing on class action abuse in the Judiciary Committee's Administrative Oversight Subcommittee. In the 106th Congress, my subcommittee held another hearing on class action, and the Judiciary Committee, at that time, marked up and reported out our class action legislation. The Judiciary Committee held a hearing on class action abuse again in the 107th Congress and again in this 108th Congress. The Judiciary Committee marked up the bill which is before the Senate.

Chairman HATCH, Senator KOHL, and I worked closely with Senator FEINSTEIN to make sure that more in-State class actions stayed in State court. That was a compromise to garner a little more bipartisan support at that time.

We also worked closely with Senator SPECTER, albeit a Republican but a person who had some questions about this legislation, to make sure that his concerns relative to class actions were addressed.

The bill was approved by the Judiciary Committee with solid bipartisan support. Late last year, we worked with Senators SCHUMER, DODD, and LANDRIEU to address concerns they raised and to get them on board. Those Senators joined us in the introduction of the numbered bill before us, S. 2062, in February of this year in a bipartisan show of support for class action reform.

I wanted to elaborate on the history of this bill so my colleagues were aware of the tremendous amount of time, over almost a decade, that Congress has spent studying the problem with our class action system and all the work and compromises that we put into this bipartisan bill to hopefully now get it passed.

I will highlight some of the changes that we made to the bill to increase bipartisan support since Senator KOHL and I introduced the first Class Action Fairness Act several years ago.

The bill, as was originally introduced, did several things. It required that notice of proposed settlements in all class actions, as well as all class notices, be in clear, easily understood English and include all material settlements and the terms of those settlements, including amount and source of attorney's fees. Mr. President, you should not have to be a lawyer to understand what you are suing about and what your cause is and what is going to happen to attorney's fees and other issues in the settlement. Presently, it is pretty complicated to understand that situation.

Because plaintiffs give up their right to sue by joining a class action, they have a right to understand the ramifications of their actions in joining a class.

Then our bill required that State attorneys general, or other responsible State government officials, be notified of any proposed class settlement that would affect the residents of their States.

We included this provision to help protect class members because such notices would provide State officials with an opportunity to object if the settlement terms were unfair to the citizens of their particular State. Somebody at the State level ought to be reviewing that for the populations of their States.

Our bill also requires that courts closely scrutinize class action settlements where the plaintiffs only receive a coupon or some other noncash award while, as I have said before, the lawyers get the bulk of the money.

Our bill required the Judiciary Committee to report back to Congress on the best practices in class action cases and how to best ensure fairness of class action settlements.

Finally, the bill allowed more class action lawsuits to be removed from State court to Federal court. The bill eliminated the complete diversity rule for class action cases but left in State court those class actions with fewer than 100 plaintiffs, class actions that involved less than $5 million, and class actions in which the State government entity, like the attorney general—well, no that is not right—where a State government entity is a primary defendant. Our bill still does many of these things, but we have made a number of modifications to get broader bipartisan support.

In the Judiciary Committee last year, we incorporated the Feinstein amendment, which would leave in State court class action cases brought against a company in its home State where two-thirds or more of the class members are also residents of that State. We also incorporated changes to address issues raised by Senator SPECTER relative to how mass actions should be treated under the bill.

In our negotiations in late 2003 with Senators SCHUMER, DODD, and LANDRIEU, we made numerous changes. I am only going to mention a few of those important compromises reached. Examples: We made changes to the coupon settlement provisions in the bill, providing that attorneys fees must be based either on the value of the coupons actually redeemed by class members or the hours actually billed in prosecuting the case.

We deleted the bounties provision because of concern that it might harm civil rights plaintiffs.

We deleted provisions in the bill that dealt with specific notice requirements because the Judicial Conference has already approved similar notice requirements to the Federal Rules of Civil Procedure.

To address questions about the merry-go-round issue, we eliminated a provision dealing with the dismissal of cases that failed to meet rule 23 requirements so that existing law continues to apply.

We deleted a provision allowing plaintiff class members to remove class action because of gaming concerns.

We placed reasonable time limitations on appellate review of remand orders in the bill.

We clarified that citizenship of proposed class members is to be determined on the date plaintiffs file the original complaint or when plaintiffs amend that complaint.

We made modifications to the Feinstein compromise that I have already referred to and to the class actions language referred to.

We clarified that nothing in the bill restricts the authority of the Judicial Conference to promulgate rules with respect to class actions.

Finally, we crafted a new local class action exception which would allow class actions to remain in State court if, No. 1, more than two-thirds of the class members are citizens of the forum State; No. 2, there is at least one in-State defendant from whom significant relief is sought by members of the class and whose conduct forms a significant basis of the plaintiffs' claims; No. 3, principal injuries resulting from the alleged conduct or related conduct of each defendant were incurred in the State where the action was originally filed; and lastly, no other class action asserting the same or similar factual allegations against any of the defendants on behalf of the same or other persons has been filed during the preceding 3 years. We did this to ensure that truly local class action cases, such as a plant explosion or some other localized event, would be able to stay in the State court where the harm took place.

So we have made significant concessions to get our Democratic colleagues on board the Class Action Fairness Act. They have been telling us they are ready to support the bill and to get it passed. Both sides have been asking the leader to bring up this bill. Now that we have an agreement to proceed to the bill, hopefully no partisan politics will be played and we will get down to business and finally get this job done. It is time to make real progress on the class action bill and get it passed.

Again, I want to remind my colleagues that we crafted a carefully balanced bill that consists of all of these compromises and more that I have mentioned. I believe we have done a pretty good job of addressing legitimate concerns with the bill, and I am hopeful we will not see lots of amendments to disrupt this compromise.

I urge my colleagues to refrain from offering nonrelevant amendments, amendments that have nothing to do with this bill, because this is a bill that should not be bogged down with everyone's pet project, for which the Senate is so famous. All of our hard work of forging a bipartisan compromise bill should not go down the drain.

The bottom line is class action reform is badly needed. Both plaintiffs and defendants alike are calling for change. The Class Action Fairness Act will help curb many problems that have plagued the class action system.

The bill will increase class member protections and ensure the approval of fair settlements. It will allow nationwide class actions to be heard in the proper forum—the Federal courts—but keep primarily State class actions in State court. It will preserve the process but put a stop to the more egregious abuses. It will also help to put a stop to the frivolous lawsuits that are a drag on our economy and especially harmful to small business.

Now that we have worked out a delicate compromise, we should be able to get this bipartisan bill done without any changes.

A lot of my colleagues listening will say: Well, the gall of the Senator from Iowa to say that we have such a perfect bill before the Senate that we should not have any amendments. Well, over the course of several years, this has been a bipartisan bill in sponsorship. We developed more broad bipartisan consensus last year to get this bill out of committee. We just about had enough consensus to move the bill, one vote short of a supermajority, last October, of 60 votes, to move this bill.

Then there were further compromises made to get over that hurdle. You can quantify in this body, what it takes, as a measure of bipartisanship. It is whether you get that 60-vote supermajority to stop debate and to get to finality. That is where the power of the minority comes into play in this body. They can say they need further compromise to move this bill to finality. We did that between last October and now.

Some people do not want class action reform and they have a right to vote against it. But it seems when the Senate process has worked to bring about the necessary votes, and those necessary votes are gotten by the proper bipartisan compromises being worked out, then we ought to be able to let the Senate work its will. The rights of the minority have been protected.

Have the rights of every last Senator been protected? No. But if we had to wait for that to happen, no bill would pass. But if it did pass, it would pass by a 100-to-0 margin.

We are there. Hopefully this bill will pass the way it has been worked out and be done in a short period of a few days. We do not have a lot of time to spend on it. Of course, that works to the advantage of those who do not want anything because they represent the interests, they would say, of the consumers, and I don't doubt that is what they are concerned about. But they are also, intended or not, representing the interests of the selfish personal injury lawyers who want to play games with picking this county in this State, or that county in that State—some Podunk county where they can win their case.

It would be OK if that case were only pertinent to the people of that State, but you find this forum shopping with national implications. Something of national implication should not be decided in one Podunk county in one State but should be decided by our Federal courts.

I yield the floor.

Mr. CARPER. Will the Senator yield?

Mr. GRASSLEY. Yes. I yielded the floor, but if you want me to hold the floor——

Mr. CARPER. I would appreciate it. If the Senator will yield, I would like to make a comment.

Mr. GRASSLEY. Yes.

Mr. CARPER. I want to thank the chairman, as the prime sponsor of this bill, for his willingness to entertain changes and ideas from our side of the aisle, from Democrats who had what we thought were ideas to improve this legislation. I think as the bill has gone through its introduction, its markup and debate in the Judiciary Committee, been reported out of the Judiciary Committee—the bill was sort of re-reported out of the Judiciary Committee with some further changes, there was the adoption of the changes and incorporation of the changes that were negotiated with a number of us, including Senators SCHUMER, DODD, LANDRIEU, KOHL, and myself—I think one of the reasons why we are here tonight with a bill we can go forward with, that is going to get pretty good bipartisan support, has been your willingness to not only listen to some other ideas but to incorporate them into this bill.

As I listened to the Senator go through the bill and talk about it, particularly to talk about the changes that have been made in it, I was struck how far we have come in the course of the last year or two. I want, while you are still here, to express my thanks for the way you approached this subject and the openminded way you have enabled us to move forward.

Mr. GRASSLEY. Mr. President, if I could say this before I yield the floor, and I am going to yield the floor right away, first of all, I appreciate the statement by the Senator from Delaware. He may have missed it, but sometime in my remarks tonight I made some commentary about his efforts to help work a compromise and bring up issues that were very important to get settled in order to move to finality.

Also, Mr. President, I want to tell you as well as other Members of this body, this bill is where it is because of the urgency Senator CARPER has put on this legislation, to get it passed, because he knows of the need. He also understands the need of bipartisanship.

I hope I have given him proper credit in this way. So many times as we Senators do, we go to breakfasts or lunches to speak to groups that are interested in legislation, and they are always asking us about this bill or that bill. More often than not, particularly when I am talking to small business groups, I am often asked about when are we going to get class action reform. I say, under certain circumstances we will get it. Sometimes people compliment me because I was the prime sponsor of this legislation. But I say at every one of these meetings, they need to thank Senator CARPER whenever they see him, because no person in the Senate is trying move this bill along and do it in a bipartisan way, no one more than Senator CARPER.

I can say to Senator CARPER, I thank him very much for what he has done and I yield the floor.

The PRESIDING OFFICER (Mr. TALENT). Who seeks recognition?

Mr. CARPER. I do.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. CARPER. I thank Senator GRASSLEY for what he said. I understand Senator GRASSLEY may need to do some wrap-up here. I am not sure. If he does, I will be happy to yield.

Mr. GRASSLEY. Yes. I guess I didn't understand that was part of my responsibility. I will do that right away.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

MORNING BUSINESS

Mr. GRASSLEY. Mr. President, for our leader, I ask there now be a period of morning business with Senators speaking for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

Mrs. BOXER. Mr. President, I rise to pay tribute to 34 young Americans who have been killed in Iraq since May 6. I have been doing this all throughout the war. All of them were from California or they were based in California.

LCpl Jeremiah E. Savage, age 21, died May 12 of wounds received due to hostile action in Al Anbar Province. He was assigned to 2nd Battalion, 4th Marine Regiment, 1st Marine Division, Camp Pendleton, CA.

SGT Brud Cronkrite died May 14 from injuries sustained in Karbala. He was assigned to the 1st Battalion, 37th Armor, 1st Armored Division, Friedberg, Germany. Sergeant Cronkrite was from Spring Valley, CA.

PFC Michael A. Mora, age 19, died May 14 in An Najaf when his military vehicle slid off the road and turned over. He was assigned to the Army's 3rd Squadron, 2nd Armored Cavalry Regiment, 1st Calvary Division, Fort Polk, LA. Private First Class Mora was from Arroyo Grande, CA.

PFC Brian K. Cutter, age 19, was found unconscious on May 13 and was later pronounced dead in Al Asad, Iraq. Cause of death is under investigation. He was assigned to 3rd Assault Amphibian Battalion, 1st Marine Division, Camp Pendleton, CA. Private First Class Cutter was from Riverside, CA.

PFC Brandon Sturdy, age 19, died May 13 from hostile fire in Al Anbar Province. He was assigned to 2nd Battalion, 1st Marine Regiment, 1st Marine Division, Camp Pendleton, CA.

LCpl Bob W. Roberts died May 17 due to hostile fire in Al Anbar Province. He was assigned to 1st Combat Engineer Battalion, 1st Marine Division, Camp Pendleton, CA.

SPC Marcos Nolasco died May 18 in Baji, Iraq, as a result of an electrocution accident. He was assigned to Battery B, 1st Battalion, 33rd Field Artillery, 1st Infantry Division, Bamberg, Germany. He was from Chino, CA.

PFC Michael M. Carey, age 20, died May 18 in Iraq. He apparently fell into a canal and did not resurface. His remains were recovered on May 18. He was assigned to 1st Battalion, 5th Marine Regiment, 1st Marine Division, Camp Pendleton, CA.

Cpl Rudy Salas, age 20, died May 20 from fatal injuries sustained when his vehicle was involved in an accident while conducting a resupply convoy in Al Anbar Province. He was assigned to 1st Light Armored Reconnaissance Battalion, 1st Marine Division, Camp Pendleton, CA. Corporal Salas was from Baldwin Park, CA.

Sgt Jorge A. MolinaBautista, age 37, was killed May 23 in an explosion while conducting combat operations in the Al Anbar Province. He was assigned to 1st Light Armored Reconnaissance Battalion, 1st Marine Division, Camp Pendleton, CA. He was from Rialto, CA.

PFC Daniel P. Unger, age 19, died May 25 in Forward Operating Base Kalsu during a rocket attack. He was assigned to the Navy National Guard's 1st Battalion, 185th Armor, 81st Separate Armor Brigade, Visalia, CA. He was from Exeter, CA.

LCpl Kyle W. Codner, age 19, died May 26 due to hostile action in Al Anbar Province, Iraq. He was assigned to 1st Combat Engineer Battalion, 1st Marine Division, Camp Pendleton, CA.

Cpl Matthew C. Henderson, age 25, died May 26 due to hostile action in Al Anbar Province. He was assigned to 1st Combat Engineer Battalion, 1st Marine Division, Camp Pendleton, CA.

LCpl Benjamin R. Gonzalez, age 23, was killed May 29 from an explosion while conducting combat operations in the Al Anbar Province. He was assigned to 2nd Battalion, 4th Marine Regiment, 1st Marine Division, Camp Pendleton, CA. He was from Los Angeles, CA.

Pfc Cody S. Calavan, age 19, died May 29 due to hostile action in Al Anbar Province. He was assigned to 2nd Battalion, 4th Marine Regiment, 1st Marine Division, Camp Pendleton, CA.

LCpl Rafael Reynosasuarez, age 28, was killed May 29 from an explosion while conducting combat operations in the Al Anbar Province. He was assigned to 2nd Battalion, 4th Marine Regiment, 1st Marine Division, Camp Pendleton, CA. He was from Santa Ana, CA.

Cpl Dominique J. Nicolas, age 25, died May 26 from hostile fire in Al Anbar Province, Iraq. He was assigned to 1st Combat engineer Battalion, 1st Marine Division, Camp Pendleton, CA.

1LT Kenneth Michael Ballard, age 26, died May 30 in Najaf during a firefight with insurgents. He was assigned to the Army's 2nd Battalion, 37th Armored Regiment, 1st Armored Division, from Friedburg, Germany. He was from Mountain View, CA.

LCpl Dustin L. Sides, age 22, died May 31 from hostile fire in Al Anbar Province. He was assigned to 9th Communications Battalion, I Marine Expeditionary Force, Camp Pendleton, CA.

Cpl Bum R. Lee, age 21, died June 2 as the result of multiple traumatic injuries received from an explosion while conducting combat operations in Al Anbar Province. He was assigned to 2nd Battalion, 4th Marine Regiment, 1st Marine Division, Camp Pendleton, CA. He was from Sunnyvale, CA.

LCpl Todd J. Bolding, age 23, died June 3 of wounds received due to hostile action in Al Anbar Province. He was assigned to 2nd Battalion, 4th Marine Regiment, 1st Marine Division, Camp Pendleton, CA.

LCpl Jeremy L. Bohlman, age 21, died June 7 from hostile action in Al Anbar Province. He was assigned to 1st Light Armored Reconnaissance Battalion, 1st Marine Division, Camp Pendleton, CA.

PFC Sean Horn, age 19, died June 19 due to a non-hostile incident at Camp Taqaddum, Iraq. He was assigned to Combat Service Support Group 11, 1st Force Service Support Group, Camp Pendleton, CA. He was from Orange, CA.

SSgt Marvin Best, age 33, died June 20 due to hostile action in Al Anbar Province. He was assigned to 2nd Battalion, 7th Marine Regiment, 1st marine division, Twentynine Palms, CA.

SPC Thai Vue, age 22, died June 18 in Baghdad when a mortar round hit the motor pool where he was working. He was assigned to the Army's 127th Military Police Company, 709th Military Police Battalion, 18th Military Police Brigade, V Corps, Hanau, Germany. He was from Willows, CA.

LCpl Pedro Contreras, age 27, died June 21 from hostile fire in Al Anbar Province. He was assigned to 2nd Battalion, 4th Marine Regiment, 1st Marine Division, Camp Pendleton, CA.

LCpl Deshon E. Otey, age 24, died June 21 from hostile fire in Al Anbar Province. He was assigned to 2nd Battalion, 4th Marine Regiment, 1st Marine Division, Camp Pendleton, CA.

Cpl Tommy L. Parker, Jr., age 21, died June 21 from hostile fire in Al Anbar Province. He was assigned to 2nd Battalion, 4th Marine Regiment, 1st Marine Division, Camp Pendleton, CA.

LCpl Juan Lopez, age 22, died June 21 from hostile fire in Al Anbar Province. He was assigned to 2nd Battalion, 4th Marine Regiment, 1st Marine Division, Camp Pendleton, CA.

2LT Andre D. Tyson, age 33, died June 22 in Balad, Iraq, when enemy forces ambushed his ground patrol. He was assigned to the Army National Guard's 579th Engineer Battalion, Petaluma, CA. He was from Riverside, CA.

SPC Patrick R. McCaffrey, Sr., age 34, died June 22 in Balad, Iraq, when enemy forces ambushed his ground patrol. He was assigned to the Army National Guard's 579th Engineer Battalion, Petaluma, CA. He was from Tracy, CA.

LCPL Manuel A. Ceniceros, age 23, died June 26 from an explosion while conducting combat operations in Al Anbar Province. He was assigned to Regimental Combat Team 1 Headquarters Company, 1st Marine Division, Camp Pendleton, CA. He was from Santa Ana, CA.

Sgt Kenneth Conde, Jr., age 23, died July 1 due to injuries received from enemy action in Al Anbar Province. He was assigned to 2nd Battalion, 4th Marine Regiment, 1st Marine Division, Camp Pendleton, CA.

LCPL James B. Huston, Jr., age 22, died July 2 in a vehicle accident while his unit was responding to hostile action in Al Anbar Province. He was assigned to 2nd Battalion, 1st Marine Regiment, 1st Marine Division, Camp Pendleton, CA.

Mr. President, 206 soldiers who were either from California or based in California have been killed while serving our country in Iraq. I pray for these young Americans and their families, and I pray for those who are over there. I look forward to the day when we have a plan to bring our troops home.

I, again, thank Senators LEAHY and HATCH and I yield the floor.

AN ARTICLE WRITTEN BY ELIE WIESEL

Mr. DOMENICI. Mr. President, I do not frequently come to the floor—I assume not very many Senators do—calling to the attention of the Senate an article that has appeared in "Parade," the magazine that is inserted in our Sunday newspapers. But this past weekend I witnessed and then read an article entitled "The America I Love." It was by Elie Wiesel. I think we all have heard of him. He is a Jewish man who was in the concentration camps. He was freed by American soldiers and then came to America. He has spent much of his life here, becoming a citizen. He has been a professor for a long time at one of our universities and has written about 40 books.

I do not know why this article came up this weekend, but let me read excerpts from it, and then I will ask that the entire article be made a part of the RECORD.

At one point, Mr. Wiesel says:

In America, compassion for the refugees and respect for the other still have biblical connotations.

Grandiloquent words used for public oratory? Even now, as America is in the midst of puzzling uncertainty and understandable introspection because of tragic events in Iraq, these words reflect my personal belief. For I cannot forget another day that remains alive in my memory: April 11, 1945.

That day I encountered the first American soldiers in Buchenwald concentration camp. I remember them well. Bewildered, disbelieving, they walked around the place, hell on earth, where our destiny had been played out. They looked at us, just liberated, and did not know what to do or say. Survivors snatched from the dark throes of death, we were empty of all hope—too weak, too emaciated to hug them or even speak to them. Like lost children, the American soldiers wept and wept with rage and sadness. And we received their tears as if they were heartrending offerings from a wounded and generous humanity.

Ever since that encounter, I cannot repress my emotion before the flag and the uniform—anything that represents American heroism in battle. That is especially true on July Fourth. I reread the Declaration of Independence, a document sanctified by the passion of a nation's thirst for justice and sovereignty, forever admiring both its moral content and majestic intonation. Opposition to oppression in all its forms, defense of all human liberties, celebration of what is right in social intercourse: All this and much more is in that text, which today has special meaning.

Granted, U.S. history has gone through severe trials, of which anti-black racism was the most scandalous and depressing. I happened to witness it in the late Fifties, as I traveled through the South. What did I feel? Shame. Yes, shame for being white. What made it worse was the realization that, at that time, racism was the law, thus making the law itself immoral and unjust.

Still, my generation was lucky to see the downfall of prejudice in many of its forms. True, it took much pain and protest for that law to be changed, but it was. Today, while fanatically stubborn racists are still around, some of them vocal, racism as such has vanished from the American scene. That is true of anti-Semitism too. Jew-haters still exist here and there, but organized anti-Semitism does not—unlike in Europe, where it has been growing with disturbing speed.

As a great power, America has always seemed concerned with other people's welfare, especially in Europe. Twice in the 20th century, it saved the "Old World" from dictatorship and tyranny.

America understands that a nation is great not because its economy is flourishing or its army invincible but because its ideals are loftier. Hence America's desire to help those who have lost their freedom to conquer it again. America's credo might read as follows: For an individual, as for a nation, to be free is an admirable duty—but to help others become free is even more admirable.

Some skeptics may object: But what about Vietnam? And Cambodia? And the support some administrations gave to corrupt regimes in Africa or the Middle East? And the occupation of Iraq? Did we go wrong—and if so, where?

And what are we to make of the despicable, abominable "interrogation methods" used on Iraqi prisoners of war by a few soldiers (but even a few are too many) in Iraqi military prisons?

Well, one could say that no nation is composed of saints alone. None is sheltered from mistakes or misdeeds. All have their Cain and Abel. It takes vision and courage to undergo serious soul-searching and to favor moral conscience over political expediency. And America, in extreme situations, is endowed with both. America is always ready to learn from its mishaps. Self-criticism remains its second nature.

Not surprising, some Europeans do not share such views. In extreme left-wing political and intellectual circles, suspicion and distrust toward America is the order of the day. They deride America's motives for its military interventions, particularly in Iraq. They say: It's just money. As if America went to war only to please the oil-rich capitalists.

They are wrong. America went to war to liberate a population too long subjected to terror and death.

We see in newspapers and magazines and on television screens the mass graves and torture chambers imposed by Saddam Hussein and his accomplices. One cannot but feel grateful to the young Americans who leave their families, some to lose their lives, in order to bring to Iraq the first rays of hope—without which no people can imagine the happiness of welcoming freedom.

Hope is a key word in the vocabulary of men and women like myself and so many others who discovered in America the strength to over come cynicism and despair.

Remember the legendary Pandora's box? It is filled with implacable, terrifying curses. But underneath, at the very bottom, there is hope. Now as before, now more than ever, it is waiting for us.

Mr. DOMENICI. Mr. President, I ask unanimous consent to print the full text of the article in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE AMERICA I LOVE

(By Elie Wiesel)

Born in Sighet, Transylvania (Romania), Elie Wiesel became a U.S. citizen in 1963. Since then, Wiesel—a Holocaust survivor, Boston University professor and the author of more than 40 books—has become one of our nation's most honored citizens. In 1985, President Ronald Reagan awarded him the Congressional Gold Medal, the highest honor Congress can bestow on a civilian. In 1992, President George Bush recognized Wiesel with the Presidential Medal of Freedom. Wiesel, who has been an outspoken advocate of human rights around the world, won the Nobel Peace Prize in 1986.

The day I received American citizenship was a turning point in my life. I had ceased to be stateless. Until then, unprotected by any government and unwanted by any society, the Jew in me was overcome by a feeling of pride mixed with gratitude.

From that day on, I felt privileged to belong to a country which, for two centuries, has stood as a living symbol of all that is charitable and decent to victims of injustice everywhere—a country in which every person is entitled to dream of happiness, peace and liberty; where those who have are taught to give back.

In America, compassion for the refugee and respect for the other still have biblical connotations.

Grandiloquent words used for public oratory? Even now, as America is in the midst of puzzling uncertainty and understandable introspection because of tragic events in Iraq, these words reflect my personal belief. For I cannot forget another day that remains alive in my memory: April 11, 1945.

That day I encountered the first American soldiers in the Buchenwald concentration camp. I remember them well. Bewildered, disbelieving, they walked around the place, hell on earth, where our destiny had been played out. They looked at us, just liberated, and did not know what to do or say. Survivors snatched from the dark throes of death, we were empty of all hope—too weak, too emaciated to hug them or even speak to them. Like lost children, the American soldiers wept and wept with rage and sadness. And we received their tears as if they were heartrending offerings from a wounded and generous humanity.

Ever since that encounter, I cannot repress my emotion before the flag and the uniform—anything that represents American heroism in battle. That is especially true on July Fourth. I reread the Declaration of Independence, a document sanctified by the passion of a nation's thirst for justice and sovereignty, forever admiring both its moral content and majestic intonation. Opposition to oppression in all its forms, defense of all human liberties, celebration of what is right is social intercourse: All this and much more is in that text, which today has special meaning.

Granted, U.S. history has gone through severe trials, of which anti-black racism was the most scandalous and depressing. I happened to witness it in the late Fifties, as I traveled through the South. What did I feel? Shame. Yes, shame for being white. What made it worse was the realization that, at that time, racism was the law, thus making the law itself immoral and unjust.

Still, my generation was lucky to see the downfall of prejudice in many of its forms. True, it took much pain and protest for that law to be changed, but it was. Today, while fanatically stubborn racists are still around, some of them vocal, racism as such has vanished from the American scene. That is true of anti-Semitism too. Jew-haters still exist here and there, but organized anti-Semitism does not—unlike in Europe, where it has been growing with disturbing speed.

As a great power, America has always seemed concerned with other people's welfare, especially in Europe. Twice in the 20th century, it saved the "Old World" from dictatorship and tyranny.

America understands that a nation is great not because its economy is flourishing or its army is invincible but because its ideals are loftier. Hence America's desire to help those who have lost their freedom to conquer it again. America's credo might read as follows: For an individual, as for a nation, to be free is an admirable duty—but to help others become free is even more admirable.

Some skeptics may object: But what about Vietnam? And Cambodia? And the support some administrations gave to corrupt regimes in Africa or the Middle East? And the occupation of Iraq? Did we go wrong—and if so, where?

And what are we to make of the despicable, abominable "interrogation methods" used on

Iraqi prisoners of war by a few soldiers (but even a few are too many) in Iraqi military prisons?

Well, one could say that no nation is composed of saints alone. None is sheltered from mistakes or misdeeds. All have their Cain and Abel. It takes vision and courage to undergo serious soul-searching and to favor moral conscience over political expediency. And America, in extreme situations, is endowed with both. America is always ready to learn from its mishaps. Self-criticism remains its second nature.

Not surprising, some Europeans do not share such views. In extreme left-wing political and intellectual circles, suspicion and distrust toward America is the order of the day. They deride America's motives for its military interventions, particularly in Iraq. They say: It's just money. As if America went to war only to please the oil-rich capitalists.

They are wrong. America went to war to liberate a population too long subjected to terror and death.

We see in newspapers and magazines and on television screens, the mass graves and torture chambers imposed by Saddam Hussein and his accomplices. One cannot but feel grateful to the young Americans who leave their families, some to lose their lives, in order to bring to Iraq the first rays of hope—without which no people can imagine the happiness of welcoming freedom.

Hope is a key word in the vocabulary of men and women like myself and so many others who discovered in America the strength to overcome cynicism and despair.

Remember the legendary Pandora's box? It is filled with implacable, terrifying curses. But underneath, at the very bottom, there is hope. Now as before, now more than ever, it is waiting for us.

111TH VIBORG DANISH DAYS

Mr. DASCHLE. Mr. President, I take this opportunity to recognize the upcoming Danish Days Festival in Viborg, SD. This annual event attracts hundreds of people to the small South Dakota town to celebrate the area's rich Danish history. I especially applaud the Danish Days planning committee and the Danish Heritage Association for their work to make this event a success.

Denmark-native Peter Larsen Christensen first settled near Viborg in 1864, establishing a small general store on his homestead. Southwestern Railroad completed a line connecting Sioux Falls and Yankton in 1893, which passed through the present-day Viborg. The community incorporated on August 25, 1893, shortly after the railroad's arrival, and quickly grew into a bustling Danish community on the new South Dakota prairie.

Today, this town of 800 remains a vibrant community. In a time when small town stores continue to close, Viborg's Main Street features full storefronts offering a variety of services, including a pharmacy, grocery store and bank. The city's industrial park also continues to grow. Viborg's strong business community exists because of the town's strong foundation of community, established more than 100 years ago.

Each year, the Danish Days Festival provides Viborg residents, past and present, with an opportunity to celebrate the community's proud heritage. The event will feature a leadership luncheon for Turner County's public servants and an honoring reception for the decedents of 2004 Danish Days honorees, C.J. and Cena Glood. A parade, community barbecue, car show, and fireworks display are also planned.

The C.J. and Cena Glood family opened Viborg's first hardware and implement store shortly after the community was incorporated, and their decedents have continued to impact Viborg's prosperity through proud leadership. Most prominently, their eldest son, Royal, served 10 years in South Dakota State Legislature, advocating for the interests of Turner County.

Their daughter, Dagmar, maintained a medical practice in Viborg for nearly 20 years and made numerous contributions to the community. The family has had a substantial impact on Viborg's development and are worthy honorees.

Finally, the Danish Heritage Association will unveil Viborg's first Danish heritage museum during the festivities. The Association has dedicated hours of volunteer time and labor to "preserving yesterday and today for tomorrow," and I am pleased that artifacts of Viborg's history will be preserved in this fashion.

South Dakota communities each have their own unique history. I am proud to recognize Vibrog's ongoing work to preserve its heritage while building toward the future.

HONORING SUE POWERS

Mr. REID. Mr. President, today I rise to remember Sue Powers, a woman who devoted her last years to honoring the memory of cold-war veterans, and the widow of famed U–2 pilot Gary Powers.

When the United States salutes its war heroes, those who fought the cold war are often overlooked. Sue Powers, who died last month in Las Vegas, worked tirelessly to change that, and to preserve this important chapter of our history.

Mrs. Powers served as a volunteer at the Atomic Testing Museum in Las Vegas, and was a founding member of the Cold War Museum.

"She was as much of a cold-war warrior as her husband and believed in him and what he did through the events in the Soviet Union" said Troy Wade, chairman of the Nevada Test Site Historical Foundation.

Mrs. Powers, born Claudia Edwards, grew up in Warrenton, VA., and Washington, DC. After graduating from Anacostia High School, she went to work for the Central Intellegence Agency as a psychometrist.

In 1962 she met Francis Gary Powers, a famed U–2 pilot. Two years earlier in 1960, Powers had been shot down and taken as a prisoner of war while flying his U–2 spy plane over the Soviet Union.

Gary and Sue met just after Gary's return from Russia. He literally bumped into her when he walked around a corner near their offices. According to their son Gary Jr., there was spilled coffee, which led to a cup of coffee, which led to dinner, which led to romance and marriage.

Sue left the CIA and the couple was married in 1963. After their marriage they moved to Sun Valley, CA, where Gary worked as a pilot first for Lockheed then for KNBC television. They worked together to preserve the memories of those people who sacrificed their lives during the cold war. Sue was left to carry on their cold-war crusade alone after Gary died in a helicopter crash in 1977 while piloting for KNBC.

After her husband's death Mrs. Powers moved to Los Angeles and eventually to Las Vegas. She devoted the rest of her life to preserving the legacy of her husband and other heroes of the cold war. She was honorary chairwoman of the Silent Heroes of the Cold War National Memorial Committee.

As a citizen of Nevada, Mrs. Powers worked especially hard to preserve Nevada cold war history. Her husband was trained at Area 51, a military facility in Nevada, and Mrs. Powers was well aware of the many other contributions that Nevadans made during the cold war.

Many Government personnel were trained at Area 51, Nellis Air Force Base, or the Naval Air Station in Fallon. Nevada was also crucial to the cold-war effort because it was home to intercontinental ballistic missiles, fight training centers, nuclear weapons test sites, and strategic tactical resources.

Mrs. Powers appreciated the importance of these contributions and was diligent in her efforts to ensure that the Silver State's role in the cold war was not forgotten.

Sue never swayed in her loyalty to cold-war veterans or her determination to ensure their sacrifices were not forgotten. For this, she herself is a hero. It is only fitting that she will be buried on July 13 in Arlington National Cemetery, along with her beloved husband.

PASSAGE OF THE AGOA ACCELERATION ACT OF 2004

Mr. GRASSLEY. Mr. President, I rise today to praise the Senate for the passage of the African Growth and Opportunity Acceleration Act of 2004 which was completed before we adjourned for the Fourth of July recess. The House of Representatives passed the legislation on June 14, 2004, and it was imperative the Senate quickly follow suit.

The passage of AGOA is great news for Africa. Since AGOA was first enacted in 2000, investment in Africa is up, and trade from Africa is up. Because of the Africa Growth and Opportunity Act, many African families can now feed their children. For the first time there is a new sense of hope in many countries. Many provisions of the Africa Growth and Opportunity Act were set to expire this year. This created an environment of uncertainty, which as leading to investment flight and lost opportunities. Passage of this bill will help people in Africa reap the full benefits of the program.

It is encouraging that this bill received such strong bipartisan support in the House and Senate. Trade can be a powerful tool of growth, and I am pleased that the majority of my colleagues share this view.

Although passage of this bill is a great step forward, there is still a lot of work to be done. For example, the United States is currently negotiating a free trade agreement with members of the Southern African Customs Union. This will include the nations of South Africa, Botswana, Lesotho, Swaziland, and Namibia. Completion of this agreement will help foster trade and investment in the region, which could lead to a new period of sustained economic growth.

For trade to work, it has to be two-way street. Foreign aid and preference programs are always a short-term answer. For long-term growth, Africans must work hand-in-hand with the United States to open markets both in Africa and around the world. History proves that the most economically advanced nations are those that embrace free trade and free markets. Too often, unduly high tariff barriers in developing countries hinder the trade and investment that is so vital to economic growth. I want to help create a climate of sustained prosperity in Africa, so we can eliminate poverty and provide hope for a better future. Passage of this bill is a good first step. I hope we can continue our work with the African people to help advance both our economies and build toward a brighter, more prosperous future.

I would now like to take a minute and thank my staff who helped bring this legislation into realization. First and foremost is my staff director and chief counsel, Kolan Davis, for his leadership and loyalty. I would like to thank Everrett Eissenstat, my chief international trade counsel, for his hard work as well as that of the rest of my trade team, including Stephen Schaefer, David Johanson, Zach Paulsen and Dan Shepherdson. I must not forget to mention Carrie Clark—now Carrie Clark-Philips—who competently covered this issue for me before leaving the Committee. And finally, I want to thank the ranking member on the Finance Committee, Senator BAUCUS, and his able trade staff of Tim Punke, Brian Pomper, Shara Aranoff, Sara Andrews, John Gilliland and Pascal Niedermann, for the work they did in getting this bill compelted.

I look forward to seeing the President sign this legislation into law quickly, so we can continue to work with the African nations in furthering economic progress. I thank the Senate for the bipartisan nature extended in the passage of this important legislation.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

On January 2, 1993, police found Chrissey Johnson naked, with her feet tied together. She had been stabbed approximately 15 times and thrown from the second floor of her apartment. The disturbing nature of the murder suggested to police that Johnson was targeted for being transgendered.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

COLLOQUY ON CAMCORDER PROVISION OF S. 1932

Mr. HATCH. Mr. President, Section 3 of the ART Act establishes a new provision of Title 18 entitled, "Unauthorized Recording of Motion Pictures in a Motion Picture Exhibition Facility." I ask Senator CORNYN, what is the purpose of this provision?

Mr. CORNYN. Section 3 addresses a serious piracy issue facing the movie business: the use of camcorders in a motion picture theater. Sad to say, there are people who go to the movie theater, generally during pre-opening "screenings" or during the first weekend of theatrical release, and using sophisticated digital equipment, record the movie. They're not trying to save $8.00 so they can see the movie again. Instead, they sell the camcorded version to a local production factory or to an overseas producer, where it is converted into DVDs or similar products and sold on the street for a few dollars per copy. This misuse of camcorders is a significant factor in the estimated $3.5 billion per year of losses the movie industry suffers because of hard goods piracy. Even worse, these camcorded versions are posted on the Internet through "P2P" networks such as KaZaa, Grockster and Morpheus—and made available for millions to download. The goal of our bill is to provide a potent weapon in the arsenal of prosecutors to stem the piracy of commercially valuable motion pictures at its source.

Mr. HATCH. I have heard it said that this bill could be used against a salesperson or a customer at stores such as Best Buy or Circuit City if he or she were to point a video camera at a television screen showing a movie. Is this cause for concern?

Mr. CORNYN. Absolutely not. The offense is only applicable to transmitting or copying a movie in a motion picture exhibition facility, which has to be a movie theater or similar venue "that is being used primarily for the exhibition of a copyrighted motion picture." In the example of Best Buy—the store is being used primarily to sell electronic equipment, not to exhibit motion pictures. For the same reason, the statute would not cover a university student who records a short segment of a film being shown in film class, as the venue is being used primarily as a classroom, and not as a movie theater.

Mr. HATCH. Does the Senator from California agree with our colleague from Texas?

Mrs. FEINSTEIN. Absolutely, on all points.

Mr. HATCH. I have also heard some say that this statute could be used to prosecute someone for camcording a DVD at his home. Is this a fair concern?

Mrs. FEINSTEIN. No, it is not. The definition of a motion picture exhibition facility includes the concept that the exhibition has to be "open to the public or is made to an assembled group of viewers outside of a normal circle of a family and its social acquaintances." This definition makes clear that someone recording from a television in his home does not meet that definition. It is important to emphasize that the clause "open to the public" applies specifically to the exhibition, not to the facility. An exhibition in a place open to the public that is itself not made to the public is not the subject of this bill. Thus, for example, a university film lab may be "open to the public." However, a student who is watching a film in that lab for his or her own study or research would not be engaging in an exhibition that is "open to the public." Thus, if that student copied an excerpt from such an exhibition, he or she would not be subject to liability under the bill.

Mr. HATCH. Do the users of hearing aids, cell phones or similar devices have anything to fear from this statute?

Mrs. FEINSTEIN. Of course not. The statute covers only a person who "knowingly uses or attempts to use an audiovisual recording device to transmit or make a copy of a motion picture or other audiovisual work protected under Title 17, or any part thereof. . . .” In other words, the defendant would have to be making, or attempting to make, a copy that is itself an audiovisual work, or make, or attempt to make, a transmission embodying an audiovisual work, as that term is defined in Section 101 of Title 17. As such, the Act would not reach the conduct of a person who uses a hearing aid, a still camera, or a picture phone to capture an image or mere sound from the movie.

Mr. HATCH. It appears that there is no fair use exception to this provision. Is that correct?

Mrs. FEINSTEIN. This is a criminal provision under Title 18, not a copyright provision under Title 17. Accordingly, there is no fair use exception included. However, Federal prosecutors should use their discretion not to bring criminal prosecutions against activities within movie theaters that would constitute fair use under the copyright laws. The object of this legislation is to prevent the copying and distribution of motion pictures in a manner that causes serious commercial harm. This legislation is not intended to chill legitimate free speech.

Mr. HATCH. Does the Senator from Texas agree?

Mr. CORNYN. Yes, on all points.

BOYS AND GIRLS CLUBS OF AMERICA

Mr. FEINGOLD. Mr. President, I wish to express my strong support for S. 2363 and the Boys and Girls Clubs of America. For over a hundred years, the Boys and Girls Clubs of America have been empowering the youth of our Nation by giving them tools to help them become productive citizens and future leaders. Providing children a safe place to learn and grow is just the beginning for this wonderful organization, which supports and inspires its members to participate in community service, arts, and culture, and sports and fitness activities, to learn important health and life skills, and much more.

I am especially proud of the vibrant 115-year history of the Boys and Girls Clubs of Milwaukee, whose five clubs currently serve more than 22,000 Milwaukee-area members. The Milwaukee clubs have won national awards for their technology and dental programs, and have achieved tremendous success in inspiring their members to strive to attend college. An impressive 85 percent of Milwaukee Club alumni credit Club staff for helping them learn leadership skills and build self-confidence. I am pleased that the legislation passed by the Judiciary Committee and the full Senate will help the Milwaukee-area clubs continue their important work.

I strongly support this bill, and I express my gratitude to Judiciary Committee Chairman HATCH and Ranking Minority Member LEAHY for giving this important cause the attention it deserves. The Boys and Girls Clubs of America are integral in fostering a safe and productive environment for our Nation’s young people, our country’s greatest resource for the future.

ADDITIONAL STATEMENTS

TRIBUTE TO JAMES A. ZIMBLE, M.D.

• Mr. INOUYE. Mr. President, today I pay tribute to James A. Zimble, President of the Uniformed Services University of the Health Sciences, USUHS. On August 3, 2004, this remarkable individual will mark the end of his 46-year career in Federal service.

Dr. Zimble, Vice Admiral, Medical Corps, United States Navy (Retired), and 30th Surgeon General of the United States Navy, was born on October 12, 1933, in Philadelphia, PA. He served as a senior medical student and ensign in the Navy Reserve Program from 1958 through 1959, earning a Medical Degree from the University of Pennsylvania, School of Medicine (SOM). Thus commenced a career dedicated to service to his nation, medical readiness, and force health protection.

Dr. Zimble’s 33-year career in the Navy began with his internship and residency at the Naval Hospital in St. Albans, New York. By 1969, he was board certified by the American Board of Obstetrics and Gynecology. From 1972 through 1987 he served with distinction in a series of assignments directing clinical services and strategic planning. His Navy career culminated with his selection to serve as Surgeon General of the Navy, from 1987 through 1991. Vice Admiral Zimble earned multiple honors and awards during his Navy career, including the Department of Defense Distinguished Service, Superior Service, and Meritorious Service Medals, the Department of Navy Legion of Merit, the Naval Reserve Association Distinguished Service Award, and the Association of Military Surgeons of the United States Founder’s Medal.

Dr. Zimble was selected by the Secretary of Defense to serve as the President of USUHS in 1991. He was first to initiate strategic planning and assessment processes, which focused on mission accomplishment and the annual achievements of the 1,824 members of the USUHS community. Today, the University provides a comprehensive, performance-based annual report to the Office of the Secretary of Defense (OSD).

In 1996, under Dr. Zimble’s leadership, the Graduate School of Nursing was established and officially recognized by OSD, thereby, providing uniquely qualified advanced practice nurses for the military. In December of 2000, the OSD Joint Meritorious Unit Award was presented to Dr. Zimble and the University, which officially recognized the multiple products and services of USUHS and their generation of cost avoidance for the Department. In addition, research conducted at USUHS was recognized in Science as one of the top ten scientific breakthroughs of 2002. In 2003, the University received the maximum term of ten years of accreditation with commendation from the Middle States Commission on Higher Education. Today, the USUHS School of Medicine Graduate Education Programs in Public Health rank sixth in the Nation according to U.S. News & World Report’s 2004 Rankings of America’s Best Graduate Schools on the list of the top 10 community health master or doctoral programs. The American Medical Association has recognized that USUHS not only educates its own graduates, but also provides a significant national service through its continuing medical education courses for military physicians in combat casualty care, tropical medicine, combat stress, disaster medicine, and medical responses to terrorism, courses not available through civilian medical schools. Significantly, the Emerging Infectious Diseases Graduate Education Program provides courses on the agents and effects of bioterrorism and is the only graduate program in the Nation to offer formal training in these critical areas. Over the past 13 years, USUHS has gained recognition and evolved into the Academic Center for Military Medicine.

During his tenure, Dr. Zimble remained focused on the medical readiness and force health protection requirements of the Uniformed Services. Today, USUHS prepares its career-oriented physicians, advanced practice nurses, and scientists for the practice of health care in contingency environments. USUHS alumni possess the essential knowledge, skills, and attitudes required during Joint Service deployments. Relevant knowledge in the psychological stresses of combat and trauma and the medical effects of nuclear, chemical, and biological weapons and extreme environments have been integrated throughout the USUHS educational programs. USUHS’ internationally recognized operational exercises, Operations Kerkesner and Bushmaster, ensure flexibility in meeting the ever-evolving requirements of medical readiness. Dr. Zimble’s meticulous focus has secured recognition for USUHS throughout the uniformed and civilian health care communities for providing uniformed physicians, advanced practice nurses and scientists with a better understanding of, commitment to, and preparation for the practice of health care in the military. Such accomplishments were recognized in 2000, when the Surgeon General of the United States awarded Dr. Zimble the Public Health Service Surgeon General's Medallion. In December of 1998 and 2001, the Association of American Medical Colleges confirmed the critical role of USUHS in national security by recognizing the USUHS is the one place where physicians of tomorrow, obtain today, thorough preparation to deal with many contingencies, including the medical aspects of chemical and biological terrorism. As of April 2004, the USUHS SOM alumni averaged approximately 20 years of active duty service and represent 22.2 percent of the 11,901 physicians on active duty. The Center for Navy Analysis has reported that where the median length of non-obligated service for physician specialists is 2.9 years, the median length of non-obligated service for USUHS SOM alumni is 9 years, making USUHS the most cost-effective and recommended accession source for leadership positions and ensuring continuity in the military health system. Today, USUHS alumni are globally deployed and providing essential care for our Armed Forces in every theater of operation.

Dr. Zimble provided visionary leadership in the establishment of the National Capital Area Medical Simulation Center and the immersive Computer-Aided Virtual Environment. Both projects serve as a template for civilian entities to model and participate in similar training scenarios.

Dr. Zimble's extraordinary contributions are respected and admired throughout the Joint Services and within the Federal and civilian health care communities. Our Nation is proud of Dr. Zimble's long and distinguished career and his devotion to the health of the Armed Forces and that of all citizens. I take this opportunity to thank him for his tremendous dedication and love for our country. I wish him fair winds and following seas.•

TRIBUTE TO BRUCE F. MUNDIE

• Mr. SARBANES. Mr. President, I wish to pay tribute today to Bruce Mundie, Director of the Office of Regional Aviation Assistance for the Maryland Aviation Administration. Bruce is retiring after a distinguished career serving the public and the aviation community and I would like to extend my personal congratulations and thanks for his tremendous public service.

When the next chapter in Maryland's aviation history is written, Bruce Mundie's name is likely to figure prominently as one of the key leaders who helped make the sky more accessible and greatly improved Maryland's air transportation infrastructure. Over the past 17 years, Bruce has worked tirelessly to enhance aviation at Maryland's 34 regional general aviation airports and more than 100 private airports. Among his many other accomplishments, Bruce was instrumental in the development of the Maryland Aid to Private Airports program, the Maryland Airport Equipment Loan Program, and the Maryland Airport Managers Association. He also introduced the innovative system of using automated weather stations, allowing for the institution of all-weather commercial service at eight new airports. In addition, he oversaw the replacement of 27 visual approach slope indicators that violated FAA standards and introduced new units that will save Maryland 95 percent of the cost of new equipment.

I have had the privilege of working closely with Bruce since he was first appointed to the Maryland Aviation Administration. Over the years we worked to bring a new control tower to Salisbury-Ocean City-Wicomico Regional Airport, expand the runways at Hagerstown, Garrett County, and Carroll County Airports, and create a bistate compact for the Greater Cumberland Regional Airport, to name just a few projects. In every instance, Bruce exhibited an extraordinary commitment to elevating airport efficiency and safety standards in Maryland.

But Bruce's passion for flying and aviation was not just exemplified in his work. As a founding member of Opportunity Skyway, Bruce introduced programs that target students at risk of dropping out of school, benefiting citizens across the State and allowing students to pursue their interests in aviation. He has worked to integrate aviation into school curriculums through an aerospace workshop for teachers entitled "Take It to the Top." Bruce also contributed to area institutions of higher education, teaching Aviation Management at the University of Maryland Eastern Shore.

Bruce's contributions and accomplishments to aviation and public service have been recognized numerous times with prestigious honors, including his National Association of Aviation Officials Distinguished Service Award in 2000. He also received the Distinguished Flying Cross in Vietnam and left the service a Lieutenant Colonel after a 26-year career in the United States Air Force.

It is my firm conviction that public service is the highest calling, one that demands the most dedicated efforts of those who have the opportunity to serve their fellow citizens and country. Throughout his career Bruce has exemplified a firm commitment to meeting this demand, constantly and tirelessly devoting his energy to improving Maryland airports and the community through his education initiatives that have fostered local interest in aviation and encouraged adolescents to remain in school.

It has been a pleasure working with a man who has followed his passion to make aviation safer, more efficient, and accessible to young people. I want to extend my personal congratulations and thanks for his years of hard work and dedication and wish him the best in his future endeavors.•

HONORING DR. DONALD DAHLIN

• Mr. JOHNSON. Mr. President, I rise today to publicly congratulate Dr. Donald Dahlin who is retiring from his position as Vice President for Academic Affairs at the University of South Dakota. He will be returning to the Department of Political Science where he will be teaching American Government and Constitutional Law on a part-time basis.

As the Vice President for Academic Affairs over the past 7 years, Don has further enhanced the ideals and principles upon which the University of South Dakota stands. Much has been accomplished during his tenure. Of particular note is the progress made on a strategic plan and implementation of the First Year Experience and IdEA programs.

University of South Dakota President James W. Abbott said that the University of South Dakota has benefited greatly from Dr. Dahlin's service.

> As a new president without academic experience, I was extremely fortunate to have been the beneficiary of Don Dahlin's wisdom and expertise.

Don has provided leadership in many different roles. He served as the acting President at USD, Chair of the Department of Political Science, and Director of the Criminal Justice Studies Program. He also served the State as Secretary of the Department of Public Safety as well as the Nation as an active consultant in the field of law enforcement, public safety, the judiciary and court management.

Don's leadership and character is exactly what the USD community and education field in South Dakota needs to evolve and survive in the future. I wish nothing but the best for him and his family. It is with great honor that I share his impressive accomplishments with my colleagues.•

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on the Judiciary.

(The nomination received today is printed at the end of the Senate proceedings.)

LEGISLATION AND SUPPORTING DOCUMENTS TO IMPLEMENT THE UNITED STATES-AUSTRALIA FREE TRADE AGREEMENT (FTA)—PM 90

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

To the Congress of the United States:

I am pleased to transmit legislation and supporting documents prepared by my Administration to implement the United States-Australia Free Trade Agreement (FTA). This Agreement adds an important dimension to our bilateral relationship with a steadfast ally in the global economic and strategic arena. This FTA will enhance the prosperity of the people of the United States and Australia, serve the interest of expanding U.S. commerce, and advance our overall national interest.

My Administration is committed to securing a level playing field and creating opportunities for America's workers, farmers, and businesses. The United States and Australia already enjoy a strong trade relationship. The U.S.-Australia FTA will further open Australia's market for U.S. manufactured goods, agricultural products, and services, and will promote new growth in our bilateral trade. As soon as this FTA enters into force, tariffs will be eliminated on almost all manufactured goods traded between our countries, providing significant export opportunities for American manufacturers. American farmers will also benefit due to the elimination of tariffs on all exports of U.S. agricultural products.

The U.S.-Australia FTA will also benefit small- and medium-sized businesses and their employees. Such firms already account for a significant amount of bilateral trade. The market opening resulting from this Agreement presents opportunities for those firms looking to start or enhance participation in global trade.

In negotiating this FTA, my Administration was guided by the negotiating objectives set out in the Trade Act of 2002. The Agreement's provisions on agriculture represent a balanced response to those seeking improved access to Australia's markets, through immediate elimination of tariffs on U.S. exports and mechanisms to resolve sanitary and phytosanitary issues and facilitate trade between our countries, while recognizing the sensitive nature of some U.S. agricultural sectors and their possible vulnerability to increased imports.

The U.S.-Australia FTA also reinforces the importance of creativity and technology to both of our economies. The Agreement includes rules providing for strong protection and enforcement of intellectual property rights, promotes the use of electronic commerce, and provides for increased cooperation between our agencies on addressing anticompetitive practices, financial services, telecommunications, and other matters.

The Agreement memorializes our shared commitment to labor and environmental issues. The United States and Australia have worked in close cooperation on these issues in the past and will pursue this strategy and commitment to cooperation in bilateral and global fora in the future.

With the approval of this Agreement and passage of the implementing legislation by the Congress, we will advance U.S. economic, security, and political interests, and set an example of the benefits of free trade and democracy for the world.

GEORGE W. BUSH.
THE WHITE HOUSE, *July 6, 2004.*

MESSAGES FROM THE HOUSE DURING ADJOURNMENT

ENROLLED BILLS SIGNED

Under authority of the order of the Senate of January 7, 2003, the Secretary of the Senate, on June 28, 2004, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

S. 2507. An act to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to provide children with increased access to food and nutrition assistance, to simplify program operations and improve program management, to reauthorize child nutrition programs, and for other purposes.

Under the authority of the order of January 7, 2003, the enrolled bill was signed by the Acting President pro tempore (Mr. WARNER) during the adjournment of the Senate, on June 28, 2004.

Under authority of the order of January 7, 2003, the Secretary of the Senate, on July 1, 2004, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

H.R. 1731. An act to amend title 18, United States Code, to establish penalties for aggravated identity theft, and for other purposes.

H.R. 3846. An act to authorize the Secretary of Agriculture and the Secretary of the Interior to enter into an agreement or contract with Indian tribes meeting certain criteria to carry out projects to protect Indian forest land.

Under the authority of the order of January 7, 2003, the enrolled bills were signed by the President pro tempore (Mr. STEVENS) during the adjournment of the Senate, on July 6, 2004.

MESSAGE FROM THE HOUSE

At 11:09 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4614. An act making appropriations for energy and water development for the fiscal year ending September 30, 2005, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4614. An act making appropriations for energy and water development for the fiscal year ending September 30, 2005, and for other purposes; to the Committee on Appropriations.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 4359. An act to amend the Internal Revenue Code of 1986 to increase the child tax credit.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on June 30, 2004, she had presented to the President of the United States the following enrolled bill:

S. 2507. An act to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to provide children with increased access to food and nutrition assistance, to simplify program operations and improve program management, to reauthorize child nutrition programs, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-8162. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 767 Airplanes Powered by General Electric or Pratt and Whitney Engines Doc. No. 2002-NM-275" (RIN2120-AA64) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC-8163. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 767 Airplanes Doc. No. 2004-NM-17" (RIN2120-AA64) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC-8164. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Lockheed Model L-1011 Airplanes Doc. No. 2000-NM-145" (RIN2120-AA64) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8165. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bell Helicopter Textron Canada Model 407 Helicopters Doc. No. 2003–SW–08" (RIN2120–AA64) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8166. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Fokker Model F27 Mark 100, 200, 300, 400, 500, 600, and 700 Airplanes Doc. No. 2002–NM–253" (RIN2120–AA64) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8167. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Raytheon Aircraft Company Model 1900, 1900C, 190C (C–12J), and 1900 D Airplanes Doc. No. 95–CE–46" (RIN2120–AA64) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8168. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 757–200 Airplanes Doc. No. 2004–NM–44" (RIN2120–AA64) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8169. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A319 and A320 Airplanes Doc. No. 2002–NM–278" (RIN2120–AA64) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8170. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–135 and 145 Airplanes Doc. No. 2002–NM–165" (RIN2120–AA64) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8171. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Dornier Model 328–100 and 300 Airplanes Doc. No. 2003–NM–263" (RIN2120–AA64) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8172. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Dornier Model 328–100 and –300 Airplanes Doc. No. 2003–NM–112" (RIN2120–AA64) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8173. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model DMB–135BJ and EMB–145XR Airplanes Doc. No. 2003–NM–218" (RIN2120–AA64) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8174. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Hamilton Sunstrand Corporation (formerly Hamilton Standard Division) Model 568F Propellers Doc. No. 2003–NE–48" (RIN2120–AA64) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8175. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 757 Series Airplanes Equipped With Rolls Royce RB211 Engines Doc. No. 2000–NM–376" (RIN2120–AA64) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8176. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A330–200 Airplanes Doc. No. 2003–NM–128" (RIN2120–AA64) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8177. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Dornier Model 328–300 Airplanes Doc. No. 2002–NM–156" (RIN2120–AA64) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8178. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Cessna Aircraft Company Models 208 and 208B Airplanes Doc. No. 2004–CE–09" (RIN2120–AA64) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8179. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC–9–14, 15, and 15F Airplanes Model DC–9–20, 30, 40, and 50 Airplanes, and Model DC–9–81 (MD81), MD82, MD83, MD87, MD88, and MD90–30 Airplanes Doc. No. 2002–NM–203" (RIN2120–AA64) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8180. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter France Model EC155B and B1 Helicopters Doc. No. 2004–SW–05" (RIN2120–AA64) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8181. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737–100, 200, 200C, 300, 400, and 500 Airplanes Doc. No. 2004–NM–29" (RIN2120–AA64) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8182. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–120 Airplanes Doc. No. 2003–NM–79" (RIN2120–AA64) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8183. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Gulfstream Aerospace LP Models Astra SPX and 1125 Westwind Astra Airplanes Doc. No. 2002–NM–236" (RIN2120–AA64) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8184. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: CORRECTION Cessna Model 500, 501, 550, and 551 Airplanes Doc. No. 2000–NM–65" (RIN2120–AA64) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8185. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Pilatus Aircraft Ltd. Models PC–12 and PC–12/45 Airplanes Doc. No. 2004–CE–08" (RIN2120–AA64) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8186. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747–400 and 40D Airplanes Doc. No. 2004–NM–01" (RIN2120–AA64) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8187. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Dornier Model 328–100 and 300 Airplanes Doc. No. 2003–NM–120" (RIN2120–AA64) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8188. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; King Cove, AK Doc. No. 03–AAL–26" (RIN2120–AA66) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8189. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D, E2 and E4 Airspace; Columbus Lawson AAF, GA, and Class E5 Airspace; Columbus, GA Doc. No. 03–ASO–20" (RIN2120–AA66) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8190. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Beckwourth, CA Doc. No. 03–AWP–7" (RIN2120–AA66) received on June 22, 2004;

to the Committee on Commerce, Science, and Transportation.

EC–8191. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Des Moines, IA Doc. No. 04–ACE–11" (RIN2120–AA66) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8192. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Mount Comfort, IN Revocation of Class E Airspace; Indianapolis-Brookside, IN; Modification of Legal Description; Indianapolis-Terry, IN Doc. No. 03–AGL–16" (RIN2120–AA66) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8193. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Chappell, NE Doc. No. 04–ACE–22" (RIN2120–AA66) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8194. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; McCook, NE Doc. No. 04–ACE–34" (RIN2120–AA66) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8195. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Hamilton, MT Doc. No. 03–ANM–05" (RIN2120–AA66) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8196. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Wahoo, NE Doc. No. 04–ACE–37" (RIN2120–AA66) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8197. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Ogallala, NE Doc. No. 04–ACE–36" (RIN2120–AA66) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8198. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Moberly, MO Doc. No. 04–ACE–21" (RIN2120–AA66) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8199. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Gothenburg, NE Doc. No. 04–ACE–24" (RIN2120–AA66) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8200. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Johnson, KS Doc. No. 04–CE–17" (RIN2120–AA66) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8201. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Fulton, MO Doc. No. 04–ACE–15" (RIN2120–AA66) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8202. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; North Platte, NE" (RIN2120–AA66) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8203. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Excelsior Springs, MO Doc. No. 04–ACE–13" (RIN2120–AA66) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8204. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Gideon, MO Doc. No. 04–ACE–16" (RIN2120–AA66) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8205. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Cassville, MO Doc. No. 04–ACE–18" (RIN2120–AA66) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8206. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Moberly, MO Doc. No. 04–ACE–21" (RIN2120–AA66) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8207. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Wayne, NE Doc. No. 04–ACE–38" (RIN2120–AA66) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8208. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Clayton, NM Doc. No. 2004–SW–08" (RIN2120–AA66) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8209. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Manchester, NH Doc. No. 2003–NE–104" (RIN2120–AA66) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8210. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Kipnuk, AK Doc. No. 04–AAL–05" (RIN2120–AA66) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8211. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Allakaket, AK Doc. No. 04–AAL–04" (RIN2120–AA66) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8212. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Galliano, LA Doc. No. 04–SW–07" (RIN2120–AA66) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8213. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Wales, AK Doc. No. 04–AAL–02" (RIN2120–AA66) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8214. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Platinum, AK Doc. No. 04–AAL–03" (RIN2120–AA66) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8215. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Restricted Area 2204; Oliktok Point, AK Doc. No. 03–AAL–1" (RIN2120–AA66) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8216. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D Airspace; Denton, TX Doc. No. 04–ASW–09" (RIN2120–AA66) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8217. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Lynchburg, VA Doc. No. 04–AEA–03" (RIN2120–AA66) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8218. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Restricted

Area 5115, NM; and Restricted Areas 6316, 6317, and 6318, TX Doc. No. 04–ASW–03" (RIN2120–AA66) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8219. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Dassault Model Mystere-Falcon 50 Airplanes Doc. No. 2002–NM–2004" (RIN2120–AA64) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8220. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: CORRECTION: McDonnell Douglas MD–11 and 11F Airplanes Doc. No. 2001–NM–161" (RIN2120–AA66) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8221. A communication from the Paralegal Specialist, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Aerospataile Model ATR42–500 and ATR72–212A Airplanes Doc. No. 2002–NM–301" (RIN2120–AA64) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8222. A communication from the Paralegal Specialist, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Revision of Federal Airway 137 Doc. No. 03–AWP–2" (RIN2120–AA66) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8223. A communication from the Paralegal Specialist, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (18) Amendment No. 3097" (RIN2120–AA65) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8224. A communication from the Paralegal Specialist, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (52) Amendment No. 3096" (RIN2120–AA65) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8225. A communication from the Paralegal Specialist, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (76) Amendment No. 3095" (RIN2120–AA65) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8226. A communication from the Paralegal Specialist, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (63) Amendment No. 3094" (RIN2120–AA65) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8227. A communication from the Paralegal Specialist, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (49) Amendment No. 3098" (RIN2120–AA65) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8228. A communication from the Paralegal Specialist, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "IFR Altitudes; Miscellaneous Amendments (14) Amendment No. 448" (RIN2120–AA63) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8229. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Sea Turtle Conservation; Additional Exception to Sea Turtle Take Prohibition" (RIN0648–AR69) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8230. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Temporary Closure of the Primary Season of the Shore-based Pacific Whiting Fishery South of 42 Degrees North Latitude" (ID052004B) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8231. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #1—Adjustment of the Commercial Fishery from the U.S.-Canada Border to Cape Falcon, Oregon" (ID051704B) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8232. A communication from the Deputy Associate Administrator for Regulatory Programs, National Marine Fisheries Service, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Designation of the AT1 Group of Transient Killer Whales as a Depleted Stock Under the Marine Mammal Protection Act" (RIN0648–AR14) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8233. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "Buckle Up America"; to the Committee on Commerce, Science, and Transportation.

EC–8234. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Actions #2 and #3—Adjustments of the Commercial Fishery from the U.S.-Canada Border to Cape Falcon, Oregon" (ID05/2704B) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8235. A communication from the Secretary of Defense, transmitting, pursuant to law, the report of a retirement; to the Committee on Armed Services.

EC–8236. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, pursuant to law, the report of a retirement; to the Committee on Armed Services.

EC–8237. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, pursuant to law, the report of a retirement; to the Committee on Armed Services.

EC–8238. A communication from the Principal Deputy, Under Secretary of Defense for Personnel and Readiness, transmitting, pursuant to law, the authorization of officers to wear the insignia of the next higher grade; to the Committee on Armed Services.

EC–8239. A communication from the Principal Deputy, Under Secretary of Defense for Personnel and Readiness, transmitting, pursuant to law, the authorization of officers to wear the insignia of the next higher grade; to the Committee on Armed Services.

EC–8240. A communication from the Principal Deputy, Under Secretary of Defense for Personnel and Readiness, transmitting, pursuant to law, the authorization of an officer to wear the insignia of the next higher grade; to the Committee on Armed Services.

EC–8241. A communication from the Principal Deputy, Under Secretary of Defense for Personnel and Readiness, transmitting, pursuant to law, the authorization of an officer to wear the insignia of the next higher grade; to the Committee on Armed Services.

EC–8242. A communication from the Principal Deputy, Under Secretary of Defense for Personnel and Readiness, transmitting, pursuant to law, the authorization of an officer to wear the insignia of the next higher grade; to the Committee on Armed Services.

EC–8243. A communication from the Chairman, Technology and Privacy Advisory Committee, Department of Defense, transmitting, pursuant to law, a report entitled "Safeguarding Privacy in the Fight Against Terrorism"; to the Committee on Armed Services.

EC–8244. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Follow-On Production Contracts for Products Developed Pursuant to Prototype Projects" (DFARS Case 2002–D023) received on June 22 , 2004; to the Committee on Armed Services.

EC–8245. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Production Surveillance and Reporting" (DFARS Case 2002–D015) received on June 22, 2004; to the Committee on Armed Services.

EC–8246. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Fish, Shellfish, and Seafood Products" (DFARS Case 2002–D034) received on June 22, 2004; to the Committee on Armed Services.

EC–8247. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Contracting for Architect-Engineer Services" (DFARS Case 2003–D105) received on June 22, 2004; to the Committee on Armed Services.

EC–8248. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to the health coordination and sharing activities portion of the National Defense Authorization Act of 2003; to the Committee on Armed Services.

EC–8249. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a nomination confirmed for the position of Deputy Secretary, Department of the Treasury received on June 7, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8250. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy and designation of acting officer for the position of Assistant Secretary for Tax Policy, Department of the Treasury received on June 7, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8251. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy and designation of acting officer for the position of Assistant Secretary for Management, Department of the Treasury received on June 7, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8252. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy and designation of acting officer for the position of Chief Financial Officer, Department of the Treasury received on June 7, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8253. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary for Economic Policy, Department of the Treasury received on June 7, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8254. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary for Enforcement, Department of the Treasury received on June 7, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8255. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy and designation of acting officer for the position of Inspector General, Department of the Treasury received on June 7, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8256. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a nomination for the position of Under Secretary for Enforcement, Department of the Treasury received on June 7, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8257. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a nomination confirmed for the position of Under Secretary for Domestic Finance, Department of the Treasury received on June 7, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8258. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant General Counsel (Treasury)/Chief Counsel, IRS, Department of the Treasury received on June 7, 2004; to the Committee on Banking, Housing, and Urban Affairs.

REPORTS OF COMMITTEES

Under the authority of the order of the Senate of June 25, 2004, the following reports of committees were submitted on June 30, 2004:

By Ms. COLLINS, from the Committee on Government Affairs, without amendment:

S. 2351. A bill to establish a Federal Interagency Committee on Emergency Medical Services and a Federal Interagency Committee on Emergency Medical Services Advisory Council, and for other purposes (Rept. No. 108–291).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1735. A bill to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to reform and facilitate prosecution of juvenile gang members who commit violent crimes, to expand and improve gang prevention programs, and for other purposes.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Ms. COLLINS for the Committee on Government Affairs.

*David M. Stone, of Virginia, to be an Assistant Secretary of Homeland Security.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LEVIN:

S. 2607. A bill to provide for the reliquidation of certain entries of candles; to the Committee on Finance.

By Mr. LEVIN:

S. 2608. A bill to provide for the reliquidation of certain entries of clock radios; to the Committee on Finance.

By Mr. COLEMAN (for himself, Mr. KOHL, Mr. LEAHY, Ms. COLLINS, Mr. DASCHLE, Mr. JOHNSON, and Mr. HARKIN):

S. 2609. A bill to amend the Farm Security and Rural Investment Act of 2002 to extend and improve national dairy market loss payments; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GRASSLEY (for himself, Mr. BAUCUS, and Mr. FRIST) (by request):

S. 2610. A bill to implement the United States-Australia Free Trade Agreement; to the Committee on Finance pursuant to section 2103(b)(3) of Public Law 107–210.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LUGAR:

S. Res. 398. A resolution expressing the sense of the Senate on promoting initiatives to develop an HIV vaccine; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 346

At the request of Mrs. DOLE, her name was added as a cosponsor of S. 346, a bill to amend the Office of Federal Procurement Policy Act to establish a governmentwide policy requiring competition in certain executive agency procurements.

S. 453

At the request of Mrs. HUTCHISON, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 453, a bill to authorize the Health Resources and Services Administration and the National Cancer Institute to make grants for model programs to provide to individuals of health disparity populations prevention, early detection, treatment, and appropriate follow-up care services for cancer and chronic diseases, and to make grants regarding patient navigators to assist individuals of health disparity populations in receiving such services.

S. 467

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 467, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for State and local sales taxes in lieu of State and local income taxes and to allow the State and local income tax deduction against the alternative minimum tax.

S. 560

At the request of Mr. DAYTON, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 560, a bill to impose tariff-rate quotas on certain casein and milk protein concentrates.

S. 664

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 664, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, to increase the rates of the alternative incremental credit, and to provide an alternative simplified credit for qualified research expenses.

S. 847

At the request of Mrs. CLINTON, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 847, a bill to amend title XIX of the Social Security Act to permit States the option to provide medicaid coverage for low income individuals infected with HIV.

S. 893

At the request of Mr. SANTORUM, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 893, a bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes.

S. 944

At the request of Mr. JEFFORDS, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 944, a bill to enhance national security, environmental quality, and economic stability by increasing the production of clean, domestically produced renewable energy as a fuel source for the national electric system.

S. 1129

At the request of Mrs. FEINSTEIN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1129, a bill to provide for the protection of unaccompanied alien children, and for other purposes.

S. 1368

At the request of Mr. LEVIN, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 1368, a bill to authorize the President to award a gold medal on behalf of the Congress to Reverend Doctor Martin Luther King, Jr. (posthumously) and his widow Coretta Scott King in recognition of their contributions to the Nation on behalf of the civil rights movement.

S. 1379

At the request of Mr. JOHNSON, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1379, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 1735

At the request of Mr. HATCH, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of S. 1735, a bill to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to reform and facilitate prosecution of juvenile gang members who commit violent crimes, to expand and improve gang prevention programs, and for other purposes.

S. 2132

At the request of Mr. FEINGOLD, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2132, a bill to prohibit racial profiling.

S. 2248

At the request of Mr. LAUTENBERG, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2248, a bill to clarify the Harmonized Tariff Schedule classification of certain leather goods.

S. 2328

At the request of Mr. DORGAN, the names of the Senator from Nevada (Mr. REID), the Senator from North Dakota (Mr. CONRAD) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 2328, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes.

S. 2351

At the request of Mr. FEINGOLD, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2351, a bill to establish a Federal Interagency Committee on Emergency Medical Services and a Federal Interagency Committee on Emergency Medical Services Advisory Council, and for other purposes.

S. 2363

At the request of Mr. HATCH, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 2363, a bill to revise and extend the Boys and Girls Clubs of America.

At the request of Mr. HAGEL, his name was added as a cosponsor of S. 2363, supra.

S. 2383

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 2383, a bill to amend title 10, United States Code, to require the registration of contractors' taxpayer identification numbers in the Central Contractor Registry database of the Department of Defense, and for other purposes.

S. 2439

At the request of Mrs. HUTCHISON, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 2439, a bill to award a congressional gold medal to Michael Ellis DeBakey, M.D.

S. 2461

At the request of Mr. DEWINE, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 2461, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 2468

At the request of Ms. COLLINS, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 2468, a bill to reform the postal laws of the United States.

S. 2477

At the request of Mr. REED, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2477, a bill to amend the Higher Education Act of 1965 to expand college access and increase college persistence, to simplify the process of applying for student assistance, and for other purposes.

S. 2533

At the request of Ms. MIKULSKI, the names of the Senator from Georgia (Mr. MILLER), the Senator from Arkansas (Mr. PRYOR) and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. 2533, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. CON. RES. 41

At the request of Mr. KENNEDY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. Con. Res. 41, a concurrent resolution directing Congress to enact legislation by October 2005 that provides access to comprehensive health care for all Americans.

S. RES. 271

At the request of Mr. COLEMAN, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. Res. 271, a resolution urging the President of the United States diplomatic corps to dissuade member states of the United Nations from supporting resolutions that unfairly castigate Israel and to promote within the United Nations General Assembly more balanced and constructive approaches to resolving conflict in the Middle East.

S. RES. 345

At the request of Mrs. CLINTON, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. Res. 345, a resolution expressing the Sense of the Senate that Congress should expand the supports and services available to grandparents and other relatives who are raising children when their biological parents have died or can no longer take care of them.

S. RES. 387

At the request of Mr. FEINGOLD, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. Res. 387, a resolution commemorating the 40th Anniversary of the Wilderness Act.

S. RES. 389

At the request of Mr. CAMPBELL, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. Res. 389, a resolution expressing the sense of the Senate with respect to prostate cancer information.

S. RES. 392

At the request of Mr. BINGAMAN, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. Res. 392, a resolution conveying the sympathy of the Senate to the families of the young women murdered in the State of Chihuahua, Mexico, and encouraging increased United States involvement in bringing an end to these crimes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. COLEMAN (for himself, Mr. KOHL, Mr. LEAHY, Ms. COLLINS, Mr. DASCHLE, Mr. JOHNSON, and Mr. HARKIN):

S. 2609. A bill to amend the Farm Security and Rural Investment Act of 2002 to extend and improve national dairy market loss payments; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. KOHL. Mr. President, I am pleased to help lead the effort to put the Milk Income Loss Contract (MILC) program on equal footing with other counter-cyclical income support programs in the farm bill.

The MILC program provides critical support to dairy farmers when prices are low. When dairy prices rebound, as they have in recent months, it makes no payments to dairy farmers and the government spends nothing.

For thousands of family-sized dairy operations across the nation, the MILC program has meant the difference between bankruptcy and survival. Unfortunately, the program as authorized in the last farm bill will come to an end in September, 2005.

As many of my colleagues will recall, the MILC program was established after an extremely painful debate over dairy compacts. I remain resolutely opposed to dairy compacts or any scheme that further exacerbates regional discontent in diary. Extending the MILC program to the 2007 Farm Bill—rather than reopening rancorous regional warfare over dairy—seems the only prudent course of action.

This proposal is a bipartisan and national approach that will provide stability and predictability in an otherwise volatile industry. I encourage my colleagues to support this effort.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 398—EXPRESSING THE SENSE OF THE SENATE ON PROMOTING INITIATIVES TO DEVELOP AN HIV VACCINE

Mr. LUGAR submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 398

Whereas more than 20,000,000 people have died of the acquired immune deficiency syndrome (hereinafter referred to as "AIDS") between 1984 and 2004;

Whereas AIDS claimed the lives of more than 3,000,000 people in 2003, and nearly 8,500 people die each day from AIDS;

Whereas an estimated 40,000,000 people around the world are living with the human immunodeficiency virus (hereinafter referred to as "HIV") or AIDS;

Whereas an estimated 14,000 people become infected with HIV every day;

Whereas there will be 45,000,000 new infections by 2010 and nearly 70,000,000 deaths by 2020;

Whereas an estimated 14,000,000 children have lost 1 or both parents to AIDS, and this number is expected to increase to 25,000,000 by 2010;

Whereas a child loses a parent to AIDS every 14 seconds;

Whereas more than 90 percent of the people infected with HIV live in the developing world;

Whereas more than 70 percent of the people infected with HIV live in sub-Saharan Africa;

Whereas communities and countries are struggling with the devastating human and economic toll that HIV and AIDS has taken on them;

Whereas the HIV/AIDS pandemic threatens political and regional stability and has contributed to broader economic and social problems, including food insecurity, labor shortages, and the orphaning of generations of children;

Whereas the United States is leading global efforts to combat the HIV/AIDS pandemic through its $15,000,000,000 Emergency Plan for AIDS Relief and its commitment to the Global Fund to Fight AIDS, Tuberculosis and Malaria;

Whereas, through the World Health Organization, the Joint United Nations Programme on HIV/AIDS (UNAIDS), and the Global Fund to Fight AIDS, Tuberculosis and Malaria, the international community is cooperating multilaterally to combat HIV/AIDS;

Whereas developing an HIV vaccine is especially challenging due to the complicated nature of the virus;

Whereas many biotechnology companies have not invested in the development of HIV vaccines;

Whereas during 2001–2002, only 7 HIV vaccine candidates entered clinical trials, and only 1 of those candidates entered advanced human testing, but it proved ineffective;

Whereas the International AIDS Vaccine Initiative (IAVI) has been a very effective and positive force in the development of an HIV vaccine and has been instrumental in laying the groundwork for developing an HIV vaccine;

Whereas the Bill and Melinda Gates Foundation, the Rockefeller Foundation, and other public and private organizations are pursuing a variety of initiatives to develop an HIV vaccine, including establishing BIO Ventures for Global Health to help small biotechnology companies address the problems they confront in developing new medical products for poor countries;

Whereas the members of the Group of Eight (Canada, France, Germany, Italy, Japan, Russia, the United Kingdom, and the United States) met in Sea Island, Georgia in June 2004 and reaffirmed their commitment to combat the global HIV/AIDS pandemic by accelerating and coordinating efforts to develop an HIV vaccine;

Whereas at the meeting in Sea Island, Georgia, the President encouraged the Group of Eight to endorse the establishment of a Global HIV Vaccine Enterprise, a virtual consortium to accelerate HIV vaccine development by enhancing coordination, information sharing, and collaboration globally;

Whereas the United States currently has an HIV vaccine research and development center at the National Institutes of Health, and the President announced plans to establish a second HIV vaccine research and development center in the United States; and

Whereas an HIV vaccine has the potential to prevent new HIV and AIDS cases, which would save millions of lives and dramatically reduce the negative economic consequences of HIV and AIDS: Now, therefore, be it

Resolved,

SECTION 1. SENSE OF THE SENATE ON THE DEVELOPMENT OF AN HIV VACCINE.

It is the sense of the Senate that—

(1) the President should seek to build on the initiative of the members of the Group of Eight (Canada, France, Germany, Italy, Japan, Russia, the United Kingdom, and the United States) to develop a vaccine to curtail the spread of the human immunodeficiency virus (hereinafter referred to as "HIV") and should mobilize necessary economic and scientific support to establish a Global HIV Vaccine Enterprise, as described in section 2;

(2) the President should continue to urge the members of the Group of Eight and other countries to garner support from their own economic, scientific, and philanthropic communities for the development of an HIV vaccine;

(3) the President should establish a second vaccine research and development center in the United States, as he announced in June 2004;

(4) the members of the Group of Eight should follow-up the June 2004 meeting in Sea Island, Georgia with official and private meetings, conferences, and other events to further explore and implement initiatives concerning the Global HIV Vaccine Enterprise;

(5) the members of the Group of Eight should leverage financial contributions from the international philanthropic community to provide funding, including funding to the private sector, to promote the development of an HIV vaccine;

(6) the members of the Group of Eight should include the scientific and political leadership of those countries most affected by the pandemic of HIV and the acquired immune deficiency syndrome (hereinafter referred to as "AIDS"); and

(7) the members of the Group of Eight should develop a specific plan for furthering its efforts towards this goal by the June 2005 meeting in the United Kingdom.

SEC. 2. ESTABLISHING A GLOBAL HIV VACCINE ENTERPRISE.

The Senate urges the President to continue the efforts of the United States to generate global support for the establishment of a Global HIV Vaccine Enterprise by carrying out an initiative that—

(1) is in coordination and partnership with the members of the Group of Eight, the private sector, and other countries, especially those most affected by the HIV/AIDS pandemic;

(2) encourages the members of the Group of Eight to act swiftly to mobilize money and resources to make the establishment of a Global HIV Vaccine Enterprise a reality;

(3) includes a strategic plan to prioritize the scientific and other challenges to be addressed, to coordinate research and product development efforts, and to encourage greater use of information-sharing networks and technologies;

(4) encourages the establishment of a number of coordinated global HIV vaccine development centers that would have the critical mass and scientific expertise necessary to advance the development of an HIV vaccine; and

(5) increases cooperation, communication, and sharing of information on issues related to HIV and AIDS among regulatory authorities in various countries.

Mr. LUGAR. Mr. President, I rise to submit a resolution expressing the

Sense of the Senate on promoting initiatives to develop an HIV vaccine.

The HIV/AIDS pandemic is unlike any disease in history and has profound implications for political stability, development, and human welfare. The sheer magnitude of the crisis is overwhelming. An estimated 40,000,000 people around the world live with HIV or AIDS, and nearly 8,500 people die every day from AIDS. Last year alone, more than 3,000,000 people died from AIDS. Every 14 seconds, a child loses a parent to AIDS. An estimated 14,000,000 children have lost one or both parents to AIDS, and this number is expected in increase to 25,000,000 by 2010. According to recent projections from the World Health Organization and the Joint United Nations Program on HIV/AIDS (UNAIDS), if the pandemic spreads at this current rate, there will be 45,000,000 new infections by 2010 and nearly 70 million deaths by 2020. Sub-Saharan Africa has been hardest hit by the disease, with more than 75 percent of the people infected with HIV living in the region.

The U.S. is leading global efforts to combat the pandemic through its $15 billion dollar Emergency Plan for AIDS relief and its commitment to the Global Fund to Fight AIDS, Tuberculosis, and Malaria. But the human and economic toll of the HIV pandemic demands that these activities be complemented by accelerated efforts to develop an HIV vaccine. An HIV vaccine would prevent new HIV and AIDS cases, which could save millions of lives and dramatically reduce the negative social and economic consequences of the disease. Yet, HIV vaccine development is still not prominent on national or international public health agendas.

Developing an HIV vaccine is particularly challenging because HIV is one of the most complicated viruses ever identified. In addition, many private sector biotechnology companies have not invested money and expertise in the search for an HIV vaccine. Developing an HIV vaccine, therefore, is unlikely to occur without a well-coordinated and focused global research effort.

Recently, under President Bush's leadership, the Members of the Group of Eight Industrialized Nations (G–8), during their meeting at Sea Island, endorsed the establishment of a Global HIV Vaccine Enterprise. The Enterprise, an international alliance working to develop an HIV vaccine, would be modeled after the Human Gnome Project which brought together public and private sector researchers to map the human genetic code. Similarly, the HIV Vaccine Enterprise is intended to accelerate progress by promoting international public-private collaboration. It would coordinate the research efforts of scientists from around the globe to improve the chances of developing an HIV vaccine. President Bush also announced plans to establish a second HIV Vaccine Research and Development Center, in addition to the one at the U.S. National Institutes of Health. The new center will become a key component of the Global HIV Vaccine Enterprise.

The International AIDS Vaccine Initiative (IAVI) has been instrumental in laying the groundwork for such an enterprise. The IAVI is an international organization that collaborates with developing countries, governments, and international agencies dedicated to accelerating the development of a vaccine to halt the AIDS epidemic. The IAVI, however, cannot accomplish this task alone. Here in the United States, the Bill and Melinda Gates Foundation and the Rockefeller Foundation have joined forces to help address the financial problems faced by small biotechnology companies. They founded BIO Ventures for Global Health to help small biotechnology companies address the problems they confront in developing new medical products for poor countries. The wider application of this model would greatly improve the development of vaccines and other medicines aimed at improving health in the developing world.

I commend the President's leadership on this critically important issue. The G–8's endorsement of a Global HIV Vaccine Enterprise is a big step forward in the development of an HIV vaccine. My resolution acknowledges the President's and the G–8's actions towards this goal and urges them to continue to cooperate with other countries, particularly those hit hardest by the HIV/AIDS pandemic, to achieve this important objective.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3546. Mr. MCCAIN (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill S. 2062, to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3546. Mr. MCCAIN (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill S. 2062, to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

DIVISION B—CLIMATE CHANGE

SECTION 1. SHORT TITLE.

This division may be cited as the "Climate Stewardship Act of 2004".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Definitions.

Title I—Federal Climate Change Research and Related Activities

Sec. 101. National Science Foundation fellowships.
Sec. 102. Commerce Department study of technology transfer barriers.
Sec. 103. Report on United States impact of Kyoto protocol.
Sec. 104. Research grants.
Sec. 105. Abrupt climate change research.
Sec. 106. NIST greenhouse gas functions.
Sec. 107. Development of new measurement technologies.
Sec. 108. Enhanced environmental measurements and standards.
Sec. 109. Technology development and diffusion.
Sec. 110. Agricultural outreach program.

Title II—National Greenhouse Gas Database

Sec. 201. National greenhouse gas database and registry established.
Sec. 202. Inventory of greenhouse gas emissions for covered entities.
Sec. 203. Greenhouse gas reduction reporting.
Sec. 204. Measurement and verification.

Title III—Market-driven Greenhouse Gas Reductions

Subtitle A—Emission Reduction Requirements; Use of Tradeable Allowances

Sec. 301. Covered entities must submit allowances for emissions.
Sec. 302. Compliance.
Sec. 303. Borrowing against future reductions.
Sec. 304. Other uses of tradeable allowances.
Sec. 305. Exemption of source categories.

Subtitle B—Establishment and Allocation of Tradeable Allowances

Sec. 331. Establishment of tradeable allowances.
Sec. 332. Determination of tradeable allowance allocations.
Sec. 333. Allocation or tradeable allowances.
Sec. 334. Ensuring target adequacy.
Sec. 335. Initial allocations for early participation and accelerated participation.
Sec. 336. Bonus for accelerated participation.

Subtitle C—Climate Change Credit Corporation

Sec. 351. Establishment.
Sec. 352. Purposes and functions.

Subtitle D—Sequestration Accounting; Penalties

Sec. 371. Sequestration accounting.
Sec. 372. Penalties.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) BASELINE.—The term "baseline" means the historic greenhouse gas emission levels of an entity, as adjusted upward by the Administrator to reflect actual reductions that are verified in accordance with—

(A) regulations promulgated under section 201(c)(1); and

(B) relevant standards and methods developed under this title.

(3) CARBON DIOXIDE EQUIVALENTS.—The term "carbon dioxide equivalents" means, for each greenhouse gas, the amount of each

such greenhouse gas that makes the same contribution to global warming as one metric ton of carbon dioxide, as determined by the Administrator.

(4) COVERED SECTORS.—The term "covered sectors" means the electricity, transportation, industry, and commercial sectors, as such terms are used in the Inventory.

(5) COVERED ENTITY.—The term "covered entity" means an entity (including a branch, department, agency, or instrumentality of Federal, State, or local government) that—

(A) owns or controls a source of greenhouse gas emissions in the electric power, industrial, or commercial sectors of the United States economy (as defined in the Inventory), refines or imports petroleum products for use in transportation, or produces or imports hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride; and

(B) emits, from any single facility owned by the entity, over 10,000 metric tons of greenhouse gas per year, measured in units of carbon dioxide equivalents, or produces or imports—

(i) petroleum products that, when combusted, will emit,

(ii) hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride that, when used, will emit, or

(iii) other greenhouse gases that, when used, will emit,

over 10,000 metric tons of greenhouse gas per year, measured in units of carbon dioxide equivalents.

(6) DATABASE.—The term "database" means the national greenhouse gas database established under section 201.

(7) DIRECT EMISSIONS.—The term "direct emissions" means greenhouse gas emissions by an entity from a facility that is owned or controlled by that entity.

(8) FACILITY.—The term "facility" means a building, structure, or installation located on any 1 or more contiguous or adjacent properties of an entity in the United States.

(9) GREENHOUSE GAS.—The term "greenhouse gas" means—

(A) carbon dioxide;

(B) methane;

(C) nitrous oxide;

(D) hydrofluorocarbons;

(E) perfluorocarbons; and

(F) sulfur hexafluoride.

(10) INDIRECT EMISSIONS.—The term "indirect emissions" means greenhouse gas emissions that are—

(A) a result of the activities of an entity; but

(B) emitted from a facility owned or controlled by another entity.

(11) INVENTORY.—The term "Inventory" means the Inventory of U.S. Greenhouse Gas Emissions and Sinks, prepared in compliance with the United Nations Framework Convention on Climate Change Decision 3/CP.5).

(12) LEAKAGE.—The term "leakage" means—

(A) an increase in greenhouse gas emissions by one facility or entity caused by a reduction in greenhouse gas emissions by another facility or entity; or

(B) a decrease in sequestration that is caused by an increase in sequestration at another location.

(13) PERMANENCE.—The term "permanence" means the extent to which greenhouse gases that are sequestered will not later be returned to the atmosphere.

(14) REGISTRY.—The term "registry" means the registry of greenhouse gas emission reductions established under section 201(b)(2).

(15) SECRETARY.—The term "Secretary" means the Secretary of Commerce.

(16) SEQUESTRATION.—

(A) IN GENERAL.—The term "sequestration" means the capture, long-term separation, isolation, or removal of greenhouse gases from the atmosphere.

(B) INCLUSIONS.—The term "sequestration" includes—

(i) agricultural and conservation practices;

(ii) reforestation;

(iii) forest preservation; and

(iv) any other appropriate method of capture, long-term separation, isolation, or removal of greenhouse gases from the atmosphere, as determined by the Administrator.

(C) EXCLUSIONS.—The term "sequestration" does not include—

(i) any conversion of, or negative impact on, a native ecosystem; or

(ii) any introduction of non-native species.

(17) SOURCE CATEGORY.—The term "source category" means a process or activity that leads to direct emissions of greenhouse gases, as listed in the Inventory.

(18) STATIONARY SOURCE.—The term "stationary source" means generally any source of greenhouse gases except those emissions resulting directly from an engine for transportation purposes.

TITLE I—FEDERAL CLIMATE CHANGE RESEARCH AND RELATED ACTIVITIES.

SEC. 101. NATIONAL SCIENCE FOUNDATION FELLOWSHIPS.

The Director of the National Science Foundation shall establish a fellowship program for students pursuing graduate studies in global climate change, including capability in observation, analysis, modeling, paleoclimatology, consequences, and adaptation.

SEC. 102. COMMERCE DEPARTMENT STUDY OF TECHNOLOGY TRANSFER BARRIERS.

(a) STUDY.—The Assistant Secretary of Technology Policy at Department of Commerce shall conduct a study of technology transfer barriers, best practices, and out comes of technology transfer activities at Federal laboratories related to the licensing and commercialization of energy efficient technologies, and other technologies that, compared to similar technology in commercial use, result in reduced emissions of greenhouse gases or increased sequestration of greenhouse gases. The study shall be submitted to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science within 6 months after the date of enactment of this Act. The Assistant Secretary shall work with the existing interagency working group to address identified barriers.

(b) AGENCY REPORT TO INCLUDE INFORMATION ON TECHNOLOGY TRANSFER INCOME AND ROYALTIES.—Paragraph (2)(B) of section 11(f) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(f)) is amended—

(1) by striking "and" after the semicolon in clause (vi);

(2) by redesignating clause (vii) as clause (ix); and

(3) by inserting after clause (vi) the following:

"(vii) the number of fully-executed licenses which received royalty income in the preceding fiscal year for climate-change or energy-efficient technology;

"(viii) the total earned royalty income for climate-change or energy-efficient technology; and".

(c) INCREASED INCENTIVES FOR DEVELOPMENT OF CLIMATE-CHANGE OR ENERGY-EFFICIENT TECHNOLOGY.—Section 14(a) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710c(a)) is amended—

(1) by striking "15 percent," in paragraph (1)(A) and inserting "15 percent (25 percent for climate change-related technologies),"; and

(2) by inserting "($250,000 for climate change-related technologies)" after "$150,000" each place it appears in paragraph (3).

SEC. 103. REPORT ON UNITED STATES IMPACT OF KYOTO PROTOCOL.

Within 6 months after the date of enactment of this Act, the Secretary shall execute a contract with the National Academy of Science for a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science on the effects that the entry into force of the Kyoto Protocol without United States participation will have on—

(1) United States industry and its ability to compete globally;

(2) international cooperation on scientific research and development; and

(3) United States participation in international environmental climate change mitigation efforts and technology deployment.

SEC. 104. RESEARCH GRANTS.

Section 105 of the Global Change Research Act of 1990 (15 U.S.C. 2935) is amended—

(1) by redesignating subsection (e) as subsection (d); and

(2) by inserting after subsection (b) the following:

"(c) RESEARCH GRANTS.—

"(1) COMMITTEE TO DEVELOP LIST OF PRIORITY RESEARCH AREAS.—The Committee shall develop a list of priority areas for research and development on climate change that are not being addressed by Federal agencies.

"(2) DIRECTOR OF OSTP TO TRANSMIT LIST TO NSF.—The Director of the Office of Science and Technology Policy shall transmit the list to the National Science Foundation.

"(3) FUNDING THROUGH NSF.—

"(A) BUDGET REQUEST.—The National Science Foundation shall include, as part of the annual request for appropriations for the Science and Technology Policy Institute, a request for appropriations to fund research in the priority areas on the list developed under paragraph (1).

"(B) AUTHORIZATION.—For fiscal year 2005 and each fiscal year thereafter, there are authorized to be appropriated to the National Science Foundation not less than $25,000,000, to be made available through the Science and Technology Policy Institute, for research in those priority areas.".

SEC. 105. ABRUPT CLIMATE CHANGE RESEARCH.

(a) IN GENERAL.—The Secretary, through the National Oceanic and Atmospheric Administration, shall carry out a program of scientific research on potential abrupt climate change designed—

(1) to develop a global array of terrestrial and oceanographic indicators of paleoclimate in order sufficiently to identify and describe past instances of abrupt climate change;

(2) to improve understanding of thresholds and nonlinearities in geophysical systems related to the mechanisms of abrupt climate change;

(3) to incorporate these mechanisms into advanced geophysical models of climate change; and

(4) to test the output of these models against an improved global array of records of past abrupt climate changes.

(b) ABRUPT CLIMATE CHANGE DEFINED.—In this section, the term "abrupt climate change" means a change in climate that occurs so rapidly or unexpectedly that human or natural systems may have difficulty adapting to it.

(c) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary for fiscal year 2005 $60,000,000 to carry out this section, such sum to remain available until expended.

SEC. 106. NIST GREENHOUSE GAS FUNCTIONS.

Section 2(c) of the National Institute of Standards and Technology Act (15 U.S.C. 272(c)) is amended—

(1) by striking "and" after the semicolon in paragraph (21);

(2) by redesignating paragraph (22) as paragraph (23); and

(3) by inserting after paragraph (21) the following:

"(22) perform research to develop enhanced measurements, calibrations, standards, and technologies which will facilitate activities that reduce emissions of greenhouse gases or increase sequestration of greenhouse gases, including carbon dioxide, methane, nitrous oxide, ozone, perfluorocarbons, hydrofluorocarbons, and sulfur hexafluoride; and".

SEC. 107. DEVELOPMENT OF NEW MEASUREMENT TECHNOLOGIES.

To facilitate implementation of section 204, the Secretary shall initiate a program to develop, with technical assistance from appropriate Federal agencies, innovative standards and measurement technologies to calculate greenhouse gas emissions or reductions for which no accurate or reliable measurement technology exists. The program shall include—

(1) technologies (including remote sensing technologies) to measure carbon and other greenhouse gas emissions and reductions from agriculture, forestry, and other land use practices; and

(2) technologies to calculate non-carbon dioxide greenhouse gas emissions from transportation.

SEC. 108. ENHANCED ENVIRONMENTAL MEASUREMENTS AND STANDARDS.

The National Institute of Standards and Technology Act (15 U.S.C. 271 et seq.) is amended—

(1) by redesignating sections 17 through 32 as sections 18 through 33, respectively; and

(2) by inserting after section 16 the following:

SEC. 17. CLIMATE CHANGE STANDARDS AND PROCESSES.

"(a) In General.—The Director shall establish within the Institute a program to perform and support research on global climate change standards and processes, with the goal of providing scientific and technical knowledge applicable to the reduction of greenhouse gases (as defined in section 3(8) of the Climate Stewardship Act of 2004) and of facilitating implementation of section 204 of that Act.

"(b) Research Program.—

"(1) In General.—The Director is authorized to conduct, directly or through contracts or grants, a global climate change standards and processes research program.

"(2) Research projects.—The specific contents and priorities of the research program shall be determined in consultation with appropriate Federal agencies, including the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, and the National Aeronautics and Space Administration. The program generally shall include basic and applied research—

"(A) to develop and provide the enhanced measurements, calibrations, data, models, and reference material standards which will enable the monitoring of greenhouse gases;

"(B) to assist in establishing a baseline reference point for future trading in greenhouse gases and the measurement of progress in emissions reduction;

"(C) that will be exchanged internationally as scientific or technical information which has the stated purpose of developing mutually recognized measurements, standards, and procedures for reducing greenhouse gases; and

"(D) to assist in developing improved industrial processes designed to reduce or eliminate greenhouse gases.

"(c) National Measurement Laboratories.—

"(1) In general.—In carrying out this section, the Director shall utilize the collective skills of the National Measurement Laboratories of the National Institute of Standards and Technology to improve the accuracy of measurements that will permit better understanding and control of these industrial chemical processes and result in the reduction or elimination of greenhouse gases.

"(2) Material, process, and building research.—The National Measurement Laboratories shall conduct research under this subsection that includes—

"(A) developing material and manufacturing processes which are designed for energy efficiency and reduced greenhouse gas emissions into the environment;

"(B) developing chemical processes to be used by industry that, compared to similar processes in commercial use, result in reduced emissions of greenhouse gases or increased sequestration of greenhouse gases; and

"(C) enhancing building performance with a focus in developing standards or tools which will help incorporate low- or no-emission technologies into building designs.

"(3) Standards and tools.—The National Measurement Laboratories shall develop standards and tools under this subsection that include software to assist designers in selecting alternate building materials, performance data on materials, artificial intelligence-aided design procedures for building subsystems and 'smart buildings', and improved test methods and rating procedures for evaluating the energy performance of residential and commercial appliances and products.

"(d) National Voluntary Laboratory Accreditation Program.—The Director shall utilize the National Voluntary Laboratory Accreditation Program under this section to establish a program to include specific calibration or test standards and related methods and protocols assembled to satisfy the unique needs for accreditation in measuring the production of greenhouse gases. In carrying out this subsection the Director may cooperate with other departments and agencies of the Federal Government, State and local governments, and private organizations.".

SEC. 109. TECHNOLOGY DEVELOPMENT AND DIFFUSION.

The Director of the National Institute of Standards and Technology, through the Manufacturing Extension Partnership Program, may develop a program to promote the use, by the more than 380,000 small manufacturers, of technologies and techniques that result in reduced emissions of greenhouse gases or increased sequestration of greenhouse gases.

SEC. 110. AGRICULTURAL OUTREACH PROGRAM.

(a) In General.—The Secretary of Agriculture, acting through the Global Change Program Office and in consultation with the heads of other appropriate departments and agencies, shall establish the Climate Change Education and Outreach Initiative Program to educate, and reach out to, agricultural organizations and individual farmers on global climate change.

(b) Program Components.—The program—

(1) shall be designed to ensure that agricultural organizations and individual farmers receive detailed information about—

(A) the potential impact of climate change on their operations and well-being;

(B) market-driven economic opportunities that may come from storing carbon in soils and vegetation, including emerging private sector markets for carbon storage; and

(C) techniques for measuring, monitoring, verifying, and inventorying such carbon capture efforts;

(2) may incorporate existing efforts in any area of activity referenced in paragraph (1) or in related areas of activity;

(3) shall provide—

(A) outreach materials to interested parties;

(B) workshops; and

(C) technical assistance; and

(4) may include the creation and development of regional centers on climate change or coordination with existing centers (including such centers within NRCS and the Cooperative State Research Education and Extension Service).

TITLE II—NATIONAL GREENHOUSE GAS DATABASE

SEC. 201. NATIONAL GREENHOUSE GAS DATABASE AND REGISTRY ESTABLISHED.

(a) Establishment.—As soon as practicable after the date of enactment of this Act, the Administrator, in coordination with the Secretary, the Secretary of Energy, the Secretary of Agriculture, and private sector and nongovernmental organizations, shall establish, operate, and maintain a database, to be known as the "National Greenhouse Gas Database", to collect, verify, and analyze information on greenhouse gas emissions by entities.

(b) National Greenhouse Gas Database Components.—The database shall consist of—

(1) an inventory of greenhouse gas emissions; and

(2) a registry of greenhouse gas emission reductions and increases in greenhouse gas sequestrations.

(c) Comprehensive System.—

(1) In general.—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations to implement a comprehensive system for greenhouse gas emissions reporting, inventorying, and reductions registration.

(2) Requirements.—The Administrator shall ensure, to the maximum extent practicable, that—

(A) the comprehensive system described in paragraph (1) is designed to—

(i) maximize completeness, transparency, and accuracy of information reported; and

(ii) minimize costs incurred by entities in measuring and reporting greenhouse gas emissions; and

(B) the regulations promulgated under paragraph (1) establish procedures and protocols necessary—

(i) to prevent the double-counting of greenhouse gas emissions or emission reductions reported by more than 1 reporting entity;

(ii) to provide for corrections to errors in data submitted to the database;

(iii) to provide for adjustment to data by reporting entities that have had a significant organizational change (including mergers, acquisitions, and divestiture), in order to maintain comparability among data in the database over time;

(iv) to provide for adjustments to reflect, new technologies or methods for measuring or calculating greenhouse gas emissions;

(v) to account for changes in registration of ownership of emission reductions resulting from a voluntary private transaction between reporting entities; and

(vi) to clarify the responsibility for reporting in the case of any facility owned or controlled by more than 1 entity.

(3) SERIAL NUMBERS.—Through regulations promulgated under paragraph (1), the Administrator shall develop and implement a system that provides—

(A) for the verification of submitted emissions reductions registered under section 204;

(B) for the provision of unique serial numbers to identify the registered emission reductions made by an entity relative to the baseline of the entity;

(C) for the tracking of the registered reductions associated with the serial numbers and

(D) for such action as may be necessary to prevent counterfeiting of the registered reductions.

SEC. 202. INVENTORY OF GREENHOUSE GAS EMISSIONS FOR COVERED ENTITIES.

(a) IN GENERAL.—Not later than July 1st of each calendar year after 2008, each covered entity shall submit to the Administrator a report that states, for the preceding calendar year, the entity-wide greenhouse gas emissions (as reported at the facility level), including—

(1) the total quantity of direct greenhouse gas emissions from stationary sources, expressed in units of carbon dioxide equivalents, except those reported under paragraph (3);

(2) the amount of petroleum products sold or imported by the entity and the amount of greenhouse gases, expressed in units of carbon dioxide equivalents, that would be emitted when these products are used for transportation in the United States, as determined by the Administrator under section 301(b),

(3) the amount of hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride, expressed in units of carbon dioxide equivalents, that are sold or imported by the entity and will ultimately be emitted in the United States, as determined by the Administrator under section 301(d); and

(4) such other categories of emissions as the Administrator determines in the regulations promulgated under section 201(c)(1) may be practicable and useful for the purposes of this Act, such as—

(A) indirect emissions from imported electricity, heat, and steam;

(B) process and fugitive emissions; and

(C) production or importation of greenhouse gases.

(b) COLLECTION AND ANALYSIS OF DATA.—The Administrator shall collect and analyze information reported under subsection (a) for use under title III.

SEC. 203. GREENHOUSE GAS REDUCTION REPORTING.

(a) IN GENERAL.—Subject to the requirements described in subsection (b)—

(1) a covered entity may register greenhouse gas emission reductions achieved after 1990 and before 2010 under this section; and

(2) an entity that is not a covered entity may register greenhouse gas emission reductions achieved at any time since 1990 under this section.

(b) REQUIREMENTS.—

(1) IN GENERAL.—The requirements referred to in subsection (a) are that an entity (other than an entity described in paragraph (2)) shall—

(A) establish a baseline; and

(B) submit the report described in subsection (c)(1).

(2) REQUIREMENTS APPLICABLE TO ENTITIES ENTERING INTO CERTAIN AGREEMENTS.—An entity that enters into an agreement with a participant in the registry for the purpose of a carbon sequestration project shall not be required to comply with the requirements specified in paragraph (1) unless that entity is required to comply with the requirements by reason of an activity other than the agreement.

(e) REPORTS.—

(1) REQUIRED REPORT.—Not later than July 1st of the each calendar year beginning more than 2 years after the date of enactment of this Act, but subject to paragraph (3), an entity described in subsection (a) shall submit to the Administrator a report that states, for the preceding calendar year, the entity-wide greenhouse gas emissions (as reported at the facility level), including—

(A) the total quantity of direct greenhouse gas emissions from stationary sources, expressed in units of carbon dioxide equivalents;

(B) the amount of petroleum products sold or imported by the entity and the amount of greenhouse gases, expressed in units of carbon dioxide equivalents, that would be emitted when these products are used for transportation in the United States, as determined by the Administrator under section 301(b);

(C) the amount of hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride, expressed in units of carbon dioxide equivalents, that are sold or imported by the entity and will ultimately be emitted in the United States, as determined by the Administrator under section 301(d); and

(D) such other categories of emissions as the Administrator determines in the regulations promulgated under section 201(c)(1) may be practicable and useful for the purposes of this Act, such as—

(i) indirect emissions from imported electricity, heat, and steam;

(ii) process and fugitive emissions; and

(iii) production or importation of greenhouse gases.

(2) VOLUNTARY REPORTING.—An entity described in subsection (a) may (along with establishing a baseline and reporting emissions under this section)—

(A) submit a report described in paragraph (1) before the date specified in that paragraph for the purposes of achieving and commoditizing greenhouse gas reductions through use of the registry and for other purposes; and

(B) submit to the Administrator, for inclusion in the registry, information that has been verified in accordance with regulations promulgated under section 201(c)(1) and that relates to—

(i) any activity that resulted in the net reduction of the greenhouse gas emissions of the entity or a net increase in sequestration by the entity that were carried out during or after 1990 and before the establishment of the database, verified in accordance with regulations promulgated under section 201(c)(1), and submitted to the Administrator before the date that is 4 years after the date of enactment of this Act; and

(ii) with respect to the calendar year preceding the calendar year in which the information is submitted, any project or activity that resulted in the net reduction of the greenhouse gas emissions of the entity or a net increase in net sequestration by the entity.

(3) PROVISION OF VERIFICATION INFORMATION BY REPORTING ENTITIES.—Each entity that submits a report under this subsection shall provide information sufficient for the Administrator to verify, in accordance with measurement and verification methods and standards developed under section 204, that the greenhouse gas report of the reporting entity—

(A) has been accurately reported; and

(B) in the case of each voluntary report under paragraph (2), represents—

(i) actual reductions in direct greenhouse gas emissions—

(I) relative to historic emission levels of the entity; and

(II) after accounting for any increases in indirect emissions described in paragraph (1)(C)(i); or

(ii) actual increases in net sequestration.

(4) FAILURE TO SUBMIT REPORT.—An entity that participates or has participated in the registry and that fails to submit a report required under this subsection shall be prohibited from using, or allowing another entity to use, its registered emissions reductions or increases in sequestration to satisfy the requirements of section 301.

(5) INDEPENDENT THIRD-PARTY VERIFICATION.—To meet the requirements of this section and section 203, an entity that is required to submit a report under this section may—

(A) obtain independent third-party verification; and

(B) present the results of the third-party verification to the Administrator.

(6) AVAILABILITY OF DATA.—

(A) IN GENERAL.—The Administrator shall ensure that information in the database is—

(i) published; and

(ii) accessible to the public, including in electronic format on the Internet.

(B) EXCEPTION.—Subparagraph (A) shall not apply in any case in which the Administrator determines that publishing or otherwise making available information described in that subparagraph poses a risk to national security or discloses confidential business information that can not be derived from information that is otherwise publicly available and that would cause competitive harm if published.

(7) DATA INFRASTRUCTURE.—The Administrator shall ensure, to the maximum extent practicable, that the database rises, and is integrated with, Federal, State, and regional greenhouse gas data collection and reporting systems in effect as of the date of enactment of this Act.

(8) ADDITIONAL ISSUES TO BE CONSIDERED.—In promulgating the regulations under section 201(c)(1) and implementing the database, the Administrator shall take into consideration a broad range of issues involved in establishing an effective database, including—

(A) the data and information systems and measures necessary to identify, track, and verify greenhouse gas emissions in a manner that will encourage private sector trading and exchanges;

(B) the greenhouse gas reduction and sequestration measurement and estimation methods and standards applied in other countries, as applicable or relevant;

(C) the extent to which available fossil fuels, greenhouse gas emissions, and greenhouse gas production acid importation data are adequate to implement the database; and

(D) the differences in, and potential uniqueness of, the facilities, operations, and business and other relevant practices of persons and entities in the private and public sectors that may be expected to participate in the database.

(d) ANNUAL REPORT.—The Administrator shall publish an annual report that—

(1) describes the total greenhouse gas emissions and emission reductions reported to the database during the year covered by the report;

(2) provides entity-by-entity and sector-by-sector analyses of the emissions and emission reductions reported;

(3) describes the atmospheric concentrations of greenhouse gases;

(4) provides a comparison of current and past atmospheric concentrations of greenhouse gases; and

(5) describes the activity during the year covered by the period in the trading of greenhouse gas emission allowances.

SEC. 204. MEASUREMENT AND VERIFICATION.

(a) STANDARDS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish by rule, in coordination with the Administrator, the Secretary of Energy, and the Secretary of Agriculture, comprehensive measurement and verification methods and standards to ensure a consistent and technically accurate record of greenhouse gas emissions, emission reductions, sequestration, and atmospheric concentrations for use in the registry.

(2) REQUIREMENTS.—The methods and standards established under paragraph (1) shall include—

(A) a requirement that a covered entity use a continuous emissions monitoring system, or another system of measuring or estimating emissions that is determined by the Secretary to provide information with precision, reliability, accessibility, and timeliness similar to that provided by a continuous emissions monitoring system where technologically feasible;

(B) establishment of standardized measurement and verification practices for reports made by all entities participating in the registry, taking into account—

(i) protocols and standards in use by entities requiring or desiring to participate in the registry as of the date of development of the methods and standards under paragraph (1);

(ii) boundary issues, such as leakage;

(iii) avoidance of double counting of greenhouse gas emissions and emission reductions;

(iv) protocols to prevent a covered entity from avoiding the requirements of this Act by reorganization into multiple entities that are under common control; and

(v) such other factors as the Secretary, in consultation with the Administrator, determines to be appropriate;

(C) establishment of methods of—

(i) estimating greenhouse gas emissions, for those cases in which the Secretary determines that methods of monitoring, measuring or estimating such emissions with precision, reliability, accessibility, and timeliness similar to that provided by a continuous emissions monitoring system are not technologically feasible at present; and

(ii) reporting the accuracy of such estimations;

(D) establishment of measurement and verification standards applicable to actions taken to reduce, avoid, or sequester greenhouse gas emissions;

(E) in coordination with the Secretary of Agriculture, standards to measure the results of the use of carbon sequestration and carbon recapture technologies, including—

(i) soil carbon sequestration practices; and

(ii) forest preservation and reforestation activities that adequately address the issues of permanence, leakage, and verification;

(E) establishment of such other measurement and verification standards as the Secretary, in consultation with the Secretary of Agriculture, the Administrator, and the Secretary of Energy, determines to be appropriate;

(F) establishment of standards for obtaining the Secretary's approval of the suitability of geological storage sites that include evaluation of both the geology of the site and the entity's capacity to manage the site; and

(G) establishment of other features that, as determined by the Secretary, will allow entities to adequately establish a fair and reliable measurement and reporting system.

(b) REVIEW AND REVISION.—The Secretary shall periodically review, and revise as necessary, the methods and standards developed under subsection (a).

(c) PUBLIC PARTICIPATION.—The Secretary shall—

(1) make available to the public for comment, in draft form and for a period of at least 90 days, the methods and standards developed under subsection (a); and

(2) after the 90-day period referred to in paragraph (1), in coordination with the Secretary of Energy, the Secretary of Agriculture, and the Administrator, adopt the methods and standards developed under subsection (a) for use in implementing the database.

(d) EXPERTS AND CONSULTANTS.—

(1) IN GENERAL.—The Secretary may obtain the services of experts and consultants in the private and nonprofit sectors in accordance with section 3109 of title 5, United States Code, in the areas of greenhouse gas measurement, certification, and emission trading.

(2) AVAILABLE ARRANGEMENTS.—In obtaining any service described in paragraph (1), the Secretary may use any available grant, contract, cooperative agreement, or other arrangement authorized by law.

TITLE III—MARKET-DRIVEN GREENHOUSE GAS REDUCTIONS

Subtitle A—Emission Reduction Requirements; Use of Tradeable Allowances

SEC. 301. COVERED ENTITIES MUST SUBMIT ALLOWANCES FOR EMISSIONS.

(a) IN GENERAL.—Beginning with calendar year 2010—

(1) each covered entity in the electric generation, industrial, and commercial sectors shall submit to the Administrator one tradeable allowance for every metric ton of greenhouse gases, measured in units of carbon dioxide equivalents, that it emits from stationary sources, except those described in paragraph (2);

(2) each producer or importer of hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride that is a covered entity shall submit to the Administrator one tradeable allowance for every metric ton of hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride, measured in units of carbon dioxide equivalents; that it produces or imports and that will ultimately be emitted in the United States, as determined by the Administrator under subsection (d) and

(3) each petroleum refiner or importer that is a covered entity shall submit one tradeable allowance for every unit of petroleum product it sells that will produce one metric ton of greenhouse gases, measured in units of carbon dioxide equivalents, as determined by the Administrator under subsection (b), when used for transportation.

(b) DETERMINATION OF TRANSPORTATION SECTOR AMOUNT.—For the transportation sector, the Administrator shall determine the amount of greenhouse gases, measured in units of carbon dioxide equivalents, that will be emitted when petroleum products are used for transportation.

(c) EXCEPTION FOR CERTAIN DEPOSITED EMISSIONS.—Notwithstanding subsection (a), a covered entity is not required to submit a tradeable allowance for any amount of greenhouse gas that would otherwise have been emitted from a facility under the ownership or control of that entity if—

(1) the emission is deposited in a geological storage facility approved by the Administrator under section 204(a)(2)(F); and

(2) the entity agrees to submit tradeable allowances for any portion of the deposited emission that is subsequently emitted from that facility.

(d) DETERMINATION OF HYDROFLUOROCARBON, PERFLUOROCARBON, AND SULFUR HEXAFLUORIDE AMOUNT.—The Administrator shall determine the amounts of hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride, measured in units of carbon dioxide equivalents, that will be deemed to be emitted for purposes of this Act.

SEC. 302. COMPLIANCE.

(a) IN GENERAL.—

(1) SOURCE OF TRADEABLE ALLOWANCES USED.—A covered entity may use a tradeable allowance to meet the requirements of this section without regard to whether the tradeable allowance was allocated to it under subtitle B or acquired from another entity or the Climate Change Credit Corporation established under section 351.

(2) VERIFICATION BY ADMINISTRATOR.—At various times during each year, the Administrator shall determine whether each covered entity has met the requirements of this section. In making that determination, the Administrator shall—

(A) take into account the tradeable allowances submitted by the covered entity to the Administrator; and

(B) retire the serial number assigned to each such tradeable allowance.

(b) ALTERNATIVE MEANS OF COMPLIANCE.—For the years 2010 and after, a covered entity may satisfy up to 15 percent of its total allowance submission requirement under this section by—

(1) submitting tradeable allowances from another nation's market in greenhouse gas emissions if—

(A) the Secretary determines that the other nation's system for trading in greenhouse gas emissions is complete, accurate, and transparent and reviews that determination at least once every 5 years;

(B) the other nation has adopted enforceable limits on its greenhouse gas emissions which the tradeable allowances were issued to implement; and

(C) the covered entity certifies that the tradeable allowance has been retired unused in the other nation's market;

(2) submitting a registered net increase in sequestration, as registered in the database, adjusted, if necessary, to comply with the accounting standards and methods established under section 372;

(3) submitting a greenhouse gas emissions reduction (other than a registered net increase in sequestration) that was registered in the database by a person that is not a covered entity; or

(4) submitting credits obtained from the Administrator under section 303.

(c) DEDICATED PROGRAM FOR SEQUESTRATION IN AGRICULTURAL SOILS.—If a covered entity chooses to satisfy 15 percent of its total allowance submission requirements under the provisions of subsection (b), it shall satisfy up to 1.5 percent of its total allowance submission requirement by submitting registered net increases in sequestration in agricultural soils, as registered in the database, adjusted, if necessary, to comply with the accounting standards and methods established under section 371.

SEC. 303. BORROWING AGAINST FUTURE REDUCTIONS.

(a) IN GENERAL.—The Administrator shall establish a program under which a covered entity may—

(1) receive a credit in the current calendar year for anticipated reductions in emissions in a future calendar year; and

(2) use the credit in lieu of a tradeable allowance to meet the requirements of this Act for the current calendar year, subject to the limitation imposed by section 302(b).

(b) DETERMINATION OF TRADEABLE ALLOWANCE CREDITS.—The Administrator may make credits available under subsection (a) only for anticipated reductions in emissions that—

(1) are attributable to the realization of capital investments in equipment, the construction, reconstruction, or acquisition of facilities, or the deployment of new technologies—

(A) for which the covered entity has executed a binding contract and secured, or applied for, all necessary permits and operating or implementation authority;

(B) that will not become operational within the current calendar year; and

(C) that will become operational and begin to reduce, emissions from the covered entity within 5 years after the year in which the credit is used; and

(2) will be realized within 5 years after the year in which the credit is used.

(c) CARRYING COST.—If a covered entity uses a credit under this section to meet the requirements of this Act for a calendar year (referred to as the use year), the tradeable allowance requirement for the year from which the credit was taken (referred to as the source year) shall be increased by an amount equal to—

(1) 10 percent for each credit borrowed from the source year, multiplied by

(2) the number of years beginning after the use year and before the source year.

(d) MAXIMUM BORROWING PERIOD.—A credit from a year beginning more than 5 years after the current year may not be used to meet the requirements of this Act for the current year.

(e) FAILURE TO ACHIEVE REDUCTIONS GENERATING CREDIT.—If a covered entity that uses a credit under this section fails to achieve the anticipated reduction for which the credit was granted for the year from which the credit was taken, then—

(1) the covered entity's requirements under this Act for that year shall be increased by the amount of the credit, plus the amount determined under subsection (c);

(2) any tradeable allowances submitted by the covered entity for that year shall be counted first against the increase in those requirements; and

(3) the covered entity may not use credits under this section to meet the increased requirements.

SEC. 304. OTHER USES OF TRADEABLE ALLOWANCES.

(a) IN GENERAL.—Tradeable allowances may be sold, exchanged, purchased, retired, or used as provided in this section.

(b) INTERSECTOR TRADING.—Covered entities may purchase or otherwise acquire tradeable allowances from other covered sectors to satisfy the requirements of section 301.

(c) CLIMATE CHANGE CREDIT ORGANIZATION.—The Climate Change Credit Corporation established under section 351 may sell tradeable allowances allocated to it under section 332(a)(2) to any covered entity or to any investor, broker, or dealer in such tradeable allowances. The Climate Change Credit Corporation shall use all proceeds from such sales in accordance with the provisions of section 352.

(d) BANKING OF TRADEABLE ALLOWANCES.—Notwithstanding the requirements of section 301, a covered entity that has more than a sufficient amount of tradeable allowances to satisfy the requirements of section 301, may refrain from submitting a tradeable allowance to satisfy the requirements in order to sell, exchange, or use the tradeable allowance in the future.

SEC. 305. EXEMPTION OF SOURCE CATEGORIES.

(a) IN GENERAL.—The Administrator may grant an exemption from the requirements of this Act to a source category if the Administrator determines, after public notice and comment, that it is not feasible to measure or estimate emissions from that source category, until such time as measurement or estimation becomes feasible.

(b) REDUCTION OF LIMITATIONS.—If the Administrator exempts a source category under subsection (a), the Administrator shall also reduce the total tradeable allowances under section 331(a)(1) by the amount of greenhouse gas emissions that the exempted source category emitted in calendar year 2000, as identified in the 2000 Inventory.

(c) LIMITATION ON EXEMPTION.—The Administrator may not grant, an exemption under subsection (a) to carbon dioxide produced from fossil fuel.

Subtitle B—Establishment and Allocation of Tradeable Allowances

SEC. 331. ESTABLISHMENT OF TRADEABLE ALLOWANCES.

(a) IN GENERAL.—The Administrator shall promulgate regulations to establish tradeable allowances, denominated in units of carbon dioxide equivalents, for calendar years beginning after 2009, equal to—

(1) 5896 million metric tons, measured in units of carbon dioxide equivalents, reduced by

(2) the amount of emissions of greenhouse gases in calendar year 2000 from non-covered entities.

(b) SERIAL NUMBERS.—The Administrator shall assign a unique serial number to each tradeable allowance established under subsection (a), and shall take such action as may be necessary to prevent counterfeiting of tradeable allowances.

(c) NATURE OF TRADEABLE ALLOWANCES.—A tradeable allowance is not a property right, and nothing in this title or any other provision of law limits the authority of the United States to terminate or limit a tradeable allowance.

(d) NON-COVERED ENTITY.—In this section:

(1) IN GENERAL.—The term 'non-covered entity' means an entity that—

(A) owns or controls a source of greenhouse gas emissions in the electric power, industrial, or commercial sectors of the United States economy (as defined in the Inventory), refines or imports petroleum products for use in transportation, or produces or imports hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride; and

(B) is not a covered entity.

(2) EXCEPTION.—Notwithstanding paragraph (1), an entity that is a covered entity for any calendar year beginning after 2009 shall not be considered to be a non-covered entity for purposes of subsection (a) only because it emitted, or its products would have emitted, 10,000 metric tons or less of greenhouse gas, measured in units of carbon dioxide equivalents, in the year 2000.

SEC. 332. DETERMINATION OF TRADEABLE ALLOWANCE ALLOCATIONS.

(a) IN GENERAL.—The Secretary shall determine—

(1) the amount of tradeable allowances to be allocated to each covered sector of that sector's allotments; and

(2) the amount of tradeable allowances to be allocated to the Climate Change Credit Corporation established under section 351.

(b) ALLOCATION FACTORS.—In making the determination required by subsection (a), the Secretary shall consider—

(1) the distributive effect of the allocations on household income and net worth of individuals;

(2) the impact of the allocations on corporate income, taxes, and asset value;

(3) the impact of the allocations on income levels of consumers and on their energy consumption;

(4) the effects of the allocations in terms of economic efficiency;

(5) the ability of covered entities to pass through compliance costs to their customers;

(6) the degree to which the amount of allocations to the covered sectors should decrease over time; and

(7) the need to maintain the international competitiveness of United States manufacturing and avoid the additional loss of United States manufacturing jobs.

(c) ALLOCATION RECOMMENDATIONS AND IMPLEMENTATION.—Before allocating or providing tradeable allowances under subsection (a) and within 24 months after the date of enactment of this Act, the Secretary shall submit the determinations under subsection (a) to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Environment and Public Works, the House of Representatives Committee on Science, and the House of Representatives Committee on Energy and Commerce. The Secretary's determinations under paragraph (1), including the allocations and provision of tradeable allowances pursuant to that determination, are deemed to be a major rule (as defined in section 804(2) of title 5, United States Code), and subject to the provisions of chapter 8 of that title.

SEC. 333. ALLOCATION OF TRADEABLE ALLOWANCES.

(a) IN GENERAL.—Beginning with calendar year 2010 and after taking into account any initial allocations under section 334, the Administrator shall—

(1) allocate to each covered sector that sector's allotments determined by the Administrator under section 332 (adjusted for any such initial allocations and the allocation to the Climate Change Credit Corporation established under section 351); and

(2) allocate to the Climate Change Credit Corporation established under section 351 the tradeable allowances allocable to that Corporation.

(b) INTRASECTORIAL ALLOTMENTS.—The Administrator shall, by regulation, establish a process for the allocation of tradeable allowances under this section, without cost to covered entities, that will—

(1) encourage investments that increase the efficiency of the processes that produce greenhouse gas emissions;

(2) minimize the costs to the government of allocating the tradeable allowances;

(3) not penalize a covered entity for emissions reductions made before 2010 and registered with the database; and

(4) provide sufficient allocation for new entrants into the sector.

(c) POINT SOURCE ALLOCATION.—The Administrator shall allocate the tradeable allowances for the electricity generation, industrial, and commercial sectors to the entities owning or controlling the point sources of greenhouse gas emissions within that sector.

(d) HYDROFLUOROCARBONS, PERFLUOROCARBONS, AND SULFUR HEXAFLUORIDE.—The Administrator shall allocate the tradeable allowances for producers or importers of hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride to such producers or importers.

(e) SPECIAL RULE FOR ALLOCATION WITHIN THE TRANSPORTATION SECTOR.—The Administrator shall allocate the tradeable allowances for the transportation sector to petroleum refiners or importers that produce or import petroleum products that will be used as fuel for transportation.

(f) ALLOCATIONS TO RURAL ELECTRIC COOPERATIVES.—For each electric generating unit that is owned or operated by a rural electric cooperative, the Administrator shall allocate each year, at no cost, allowances in an amount equal to the greenhouse gas emissions of cash such unit in 2000, plus an amount equal to the average emissions growth expected for all such units. The allocations shall be offset from the allowances allocated to the Climate Change Credit Corporation.

SEC. 334. ENSURING TARGET ADEQUACY.

(a) IN GENERAL.—Beginning 2 years after the date of enactment of this Act, the Under Secretary of Commerce for Oceans and Atmosphere shall review the allowances established by section 331 no less frequently than biennially—

(1) to re-evaluate the levels established by that subsection, after taking into account the best available science and the most currently available data, and

(2) to re-evaluate the environmental and public health impacts of specific concentration levels of greenhouse gases,

to determine whether the allowances established by subsection (a) continue to be consistent with the objective of the United Nations' Framework Convention on Climate Change of stabilizing levels of greenhouse gas emissions at a level that will prevent dangerous anthropogenic interference with the climate system.

(b) REVIEW OF 2010 LEVELS.—The Under Secretary shall specifically review in 2008 the level established under section 331(a)(1), and transmit, a report on his reviews, together with any recommendations, including legislative recommendations, for modification of the levels, to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Environment and Public Works, the House of Representatives Committee on Science, and the House of Representatives Committee on Energy and Commerce.

SEC. 335. INITIAL ALLOCATIONS FOR EARLY PARTICIPATION AND ACCELERATED PARTICIPATION.

Before making any allocations under section 333, the Administrator shall allocate—

(1) to any covered entity an amount, of tradeable allowances equivalent to the amount, of greenhouse gas emissions reductions registered by that covered entity in the national greenhouse gas database if—

(A) the covered entity has registered to use the registered reduction in the year of allocation;

(B) the reduction was registered prior to 2010; and

(C) the Administrator retires the unique serial number assigned to the reduction under section 201(c)(3); and

(2) to any covered entity that has entered into an accelerated participation agreement under section 336, such tradeable allowances as the Administrator has determined to be appropriate under that section.

SEC. 336. BONUS FOR ACCELERATED PARTICIPATION.

(a) IN GENERAL.—If a covered entity executes an agreement with the Administrator under which it agrees to reduce its level of greenhouse gas emissions to a level no greater than the level of its greenhouse gas emissions for calendar year 1990 by the year 2010, then, for the 6-year period beginning with calendar year 2010, the Administrator shall—

(1) provide additional tradeable allowances to that entity when allocating allowances under section 334 in order to recognize the additional emissions reductions that will be required of the covered entity;

(2) allow that entity to satisfy 20 percent of its requirements under section 301 by—

(A) submitting tradeable allowances from another nation's market in greenhouse gas emissions under the conditions described in section 312(b)(1);

(B) submitting a registered net increase in sequestration, as registered in the National Greenhouse Gas Database established under section 201, and as adjusted by the appropriate sequestration discount rate established under section 371; or

(C) submitting a greenhouse gas emission reduction (other than a registered net increase in sequestration) that was registered in the National Greenhouse Gas Database by a person that is not a covered entity.

(b) TERMINATION.—An entity that executes an agreement described in subsection (a) may terminate the agreement at any time.

(c) FAILURE TO MEET COMMITMENT.—If an entity that executes an agreement described in subsection (a) fails to achieve the level of emissions to which it committed by calendar year 2010—

(1) its requirements under section 301 shall be increased by the amount of any tradeable allowances provided to it under subsection (a)(1); and

(2) any tradeable allowances submitted thereafter shall be counted first against the increase in those requirements.

Subtitle C—Climate Change Credit Corporation

SEC. 351. ESTABLISHMENT.

(a) IN GENERAL.—The Climate Change Credit Corporation is established as a nonprofit corporation without stock. The Corporation shall not be considered to be an agency or establishment of the United States Government.

(b) APPLICABLE LAWS.—The Corporation shall be subject to the provisions of this title and, to the extent consistent with this title, to the District of Columbia Business Corporation Act.

(c) BOARD OF DIRECTORS.—The Corporation shall have a board of directors of 5 individuals who are citizens of the United States, of whom 1 shall be elected annually by the board to serve as chairman. No more than 3 members of the board serving at any time may be affiliated with the same political party. The members of the board shall be appointed by the President of the United States, by and with the advice and consent of the Senate and shall serve for terms of 5 years.

SEC. 352. PURPOSES AND FUNCTIONS.

(a) TRADING.—The Corporation—

(1) shall receive and manage tradeable allowances allocated to it under section 333(a)(2); and

(2) shall buy and sell tradeable allowances, whether allocated to it under that section or obtained by purchase, trade, or donation from other entities; but

(3) may not retire tradeable allowances unused.

(b) USE OF TRADEABLE ALLOWANCES AND PROCEEDS.—

(1) IN GENERAL.—The Corporation shall use the tradeable allowances, and proceeds derived from its trading activities in tradeable allowances, to reduce costs borne by consumers as a result of the greenhouse gas reduction requirements of this Act. The reductions—

(A) may be obtained by buy-down, subsidy, negotiation of discounts, consumer rebates, or otherwise;

(B) shall be, as nearly as possible, equitably distributed across all regions of the United States; and

(C) may include arrangements for preferential treatment to consumers who can least afford any such increased costs.

(2) TRANSITION ASSISTANCE TO DISLOCATED WORKERS AND COMMUNITIES.—The Corporation shall allocate a percentage of the proceeds derived from its trading activities in tradeable allowances to provide transition assistance to dislocated workers and communities. Transition assistance may take the form of—

(A) grants to employers, employer associations, and representatives of employees—

(i) to provide training, adjustment assistance, and employment services to dislocated workers; and

(ii) to make income-maintenance and needs-related payments to dislocated workers; and

(B) grants to State and local governments to assist communities in attracting new employers or providing essential local government services.

(3) PHASE-OUT OF TRANSITION ASSISTANCE.—The percentage allocated by the Corporation under paragraph (2)—

(A) shall be 20 percent for 2010;

(B) shall be reduced by 2 percentage points each year thereafter; and

(C) may not be reduced below zero.

(4) TECHNOLOGY DEPLOYMENT PROGRAMS.—The Corporation shall establish and carry out a program, through direct grants, revolving loan programs, or other financial measures, to provide support for the deployment of technology to assist in compliance with this Act by distributing the proceeds from no less than 10 percent of the total allowances allocated to it. The support shall include the following:

(A) COAL GASIFICATION COMBINED-CYCLE AND GEOLOGICAL CARBON STORAGE PROGRAM.—The Corporation shall establish and carry out a program, through direct grants, to provide incentives for the repowering of existing facilities or construction of new facilities producing electricity or other products from coal gasification combined-cycle plants that capture and geologically store at least 90 percent of the carbon dioxide produced at the facility in accordance with requirements established by the Administrator to ensure the permanence of the storage and that such storage will not cause or contribute to significant adverse effects on public health or the environment. The Corporation shall ensure that no less than 20 percent of the funding under this program is distributed to rural electric cooperatives.

(B) AGRICULTURAL PROGRAMS.—The Corporation shall establish and carry out a program, through direct grants, revolving loan programs, or other financial measures, to provide incentives for greenhouse gas emissions reductions or net increases in greenhouse gas sequestration on agricultural lands. The program shall include incentives for—

(i) production of wind energy on agricultural lands;

(ii) agricultural management practices that achieve verified, incremental increases in net carbon sequestration, in accordance with the requirements established by the Administrator under section 371; and

(iii) production of renewable fuels that, after consideration of the energy needed to produce such fuels, result in a net reduction in greenhouse gas emissions.

Subtitle D—Sequestration Accounting; Penalties

SEC. 371. SEQUESTRATION ACCOUNTING.

(a) SEQUESTRATION ACCOUNTING.—If a covered entity uses a registered net increase in sequestration to satisfy the requirements of section 301 for any year, that covered entity shall submit information to the Administrator every 5 years thereafter sufficient to allow the Administrator to determine, using the methods and standards created under section 204, whether that net increase in sequestration still exists. Unless the Administrator determines that the net increase in sequestration continues to exist, the covered entity shall offset any loss of sequestration by submitting additional tradeable allowances of equivalent amount in the calendar year following that determination.

(b) REGULATIONS REQUIRED.—The Secretary, acting through the Under Secretary of Commerce for Science and Technology, in coordination with the Secretary of Agriculture, the Secretary of Energy, and the Administrator, shall issue regulations establishing the sequestration accounting rules for all classes of sequestration projects.

(c) CRITERIA FOR REGULATIONS.—In issuing regulations under this section, the Secretary shall use the following criteria:

(1) If the range of possible amounts of net increase in sequestration for a particular class of sequestration project is not more than 10 percent of the median of that range, the amount of sequestration awarded shall be equal to the median value of that range.

(2) If the range of possible amounts of net increase in sequestration for a particular class of sequestration project is more than 10 percent of the median of that range, the amount of sequestration awarded shall be equal to the fifth percentile of that range.

(3) The regulations shall include procedures for accounting for potential leakage from sequestration projects and for ensuring that any registered increase in sequestration is in addition to that which would have occurred if this Act had not been enacted.

(d) UPDATES.—The Secretary shall update the sequestration accounting rules for every class of sequestration project at least once every 5 years.

SEC. 372. PENALTIES.

Any covered entity that fails to meet the requirements of section 301 for a year shall be liable for a civil penalty, payable to the Administrator, equal to thrice the market value (determined as of the last day of the year at issue) of the tradeable allowances that would be necessary for that covered entity to meet those requirements on the date of the emission that resulted in the violation.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that the following hearing has been scheduled before the Committee on Energy and Natural Resources:

The hearing will be held on Tuesday, July 13, at 10 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony regarding the role of nuclear power in national energy policy.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD–364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Dr. Pete Lyons at 202–224–5861 or Shane Perkins at 202–224–7555.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. CRAIG. Mr. President, I announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, July 14, 2004, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills: S. 2317, to limit the royalty on soda ash; S. 2353, to reauthorize and amend the National Geologic Mapping Act of 1992; H.R. 1189, to increase the waiver requirement for certain local matching requirements for grants provided to American Samoa, Guam, the Virgin Islands, or the Commonwealth of the Northern Mariana Islands, and for other purposes; and H.R. 2010, to protect the voting rights of members of the Armed Services in elections for the Delegate representing American Samoa in the United States House of Representatives, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Dick Bouts at 202–224–7545, Kellie Donnelly at 202–224–9360, or Amy Millet at 202–224–8276.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. LOTT. Mr. President, I wish to announce that the Committee on Rules and Administration will meet at 9:30 a.m., Wednesday, July 14, 2004, to conduct an oversight hearing on the Federal Election Commission.

For further information concerning this meeting, please contact Susan Wells at 202–224–6352.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that the following hearing has been scheduled before the Subcommittee on National Parks of the Committee on Energy and Natural Resources:

The hearing will be held on Thursday, July 15, 2004 at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills: S. 1852, to provide financial assistance for the rehabilitation of the Benjamin Franklin National Memorial in Philadelphia, Pennsylvania, and the development of an exhibit to commemorate the 300th anniversary of the birth of Benjamin Franklin; S. 2142, to authorize appropriations for the New Jersey Coastal Heritage Trial Route, and for other purposes; S. 2181, to adjust the boundary of Rocky Mountain National Park in the State of Colorado; S. 2374, to provide for the conveyance of certain land to the United States and to revise the boundary of Chickasaw National Recreation Area, OK, and for other purposes; S. 2397 and H.R. 3706, to adjust the boundary of the John Muir national Historic Site, and for other purposes; S. 2432, to expand the boundaries of Wilson's Creek Battlefield National Park, and for other purposes; S. 2567, to adjust the boundary of Redwood National Park in the State of California; and H.R. 1113, to authorize an exchange of land at Fort Frederica National Monument, and for other purposes.

Because of the limited time available for the hearings, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD–364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Tom Lillie at (202) 224–5161 or Sarah Creachbaum at (202) 224–6293.

PRIVILEGES OF THE FLOOR

Mr. HATCH. Mr. President, I ask unanimous consent that floor privileges be extended to the following staffers for the duration of debate on S. 2062: Harold Kim, Kevin O'Scannlain, Ryan Triplette, Brendan Dunn, Levi Smylie, and Kevin Madigan from the Judiciary Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005

On Wednesday, June 23 (legislative day of Tuesday, June 22), 2004, the Senate passed S. 2400, as follows:

S. 2400

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees defined.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.

Subtitle B—Army Programs

Sec. 111. Light utility helicopter program.
Sec. 112. Up-armored high mobility multipurpose wheeled vehicles or wheeled vehicle ballistic add-on armor protection.
Sec. 113. Command-and-control vehicles or field artillery ammunition support vehicles.

Subtitle C—Navy Programs

Sec. 121. LHA(R) amphibious assault ship program.
Sec. 122. Multiyear procurement authority for the light weight 155-millimeter howitzer program.
Sec. 123. Pilot program for flexible funding of submarine engineered refueling overhaul and conversion.

Subtitle D—Air Force Programs

Sec. 131. Prohibition of retirement of KC–135E aircraft.
Sec. 132. Prohibition of retirement of F–117 aircraft.
Sec. 133. Senior scout mission bed-down initiative.

Subtitle E—Other Matters

Sec. 141. Report on options for acquisition of precision-guided munitions.
Sec. 142. Report on maturity and effectiveness of the Global Information Grid Bandwidth Expansion (GIG–BE) Network.

TITLE II—RESEARCH, DEVELOPMENT, TEST AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.
Sec. 202. Amount for science and technology.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. DD(X)-class destroyer program.
Sec. 212. Global Positioning System III satellite.
Sec. 213. Initiation of concept demonstration of Global Hawk high altitude endurance unmanned aerial vehicle.
Sec. 214. Joint Unmanned Combat Air Systems program.
Sec. 215. Joint Strike Fighter Aircraft program.
Sec. 216. Joint experimentation.
Sec. 217. Infrastructure system security engineering development for the Navy.
Sec. 218. Neurotoxin mitigation research.
Sec. 219. Spiral development of joint threat warning system maritime variants.
Sec. 220. Advanced ferrite antenna.
Sec. 221. Prototype littoral array system for operating submarines.
Sec. 222. Advanced manufacturing technologies and radiation casualty research.

Subtitle C—Ballistic Missile Defense

Sec. 231. Fielding of ballistic missile defense capabilities.
Sec. 232. Patriot Advance Capability-3 and Medium Extended Air Defense System.
Sec. 233. Comptroller General assessments of ballistic missile defense programs.
Sec. 234. Baselines and operational test and evaluation for ballistic missile defense system.

Subtitle D—Other Matters

Sec. 241. Annual report on submarine technology insertion.
Sec. 242. Sense of the Senate regarding funding of the advanced shipbuilding enterprise under the national shipbuilding research program of the Navy.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.
Sec. 302. Working capital funds.
Sec. 303. Other Department of Defense programs.
Sec. 304. Amount for one source military counseling and referral hotline.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 311. Commander's Emergency Response Program.
Sec. 312. Limitation on transfers out of working capital funds.
Sec. 313. Family readiness program of the National Guard.

Subtitle C—Environmental Provisions

Sec. 321. Payment of certain private cleanup costs in connection with Defense Environmental Restoration Program.
Sec. 322. Reimbursement of Environmental Protection Agency for certain costs in connection with Moses Lake Wellfield Superfund Site, Moses Lake, Washington.
Sec. 323. Satisfaction of certain audit requirements by the Inspector General of the Department of Defense.
Sec. 324. Comptroller General study and report on drinking water contamination and related health effects at Camp Lejeune, North Carolina.
Sec. 325. Increase in authorized amount of environmental remediation, Front Royal, Virginia.
Sec. 326. Comptroller General study and report on alternative technologies to decontaminate groundwater at Department of Defense installations.
Sec. 327. Sense of Senate on perchlorate contamination of ground and surface water.
Sec. 328. Amount for research and development for improved prevention of Leishmaniasis.
Sec. 329. Report regarding encroachment issues affecting Utah Test and Training Range, Utah.

Subtitle D—Depot-Level Maintenance and Repair

Sec. 331. Simplification of annual reporting requirements concerning funds expended for depot maintenance and repair workloads.
Sec. 332. Repeal of requirement for annual report on management of depot employees.
Sec. 333. Extension of special treatment for certain expenditures incurred in the operation of centers of industrial and technical excellence.

Subtitle E—Extensions of Program Authorities

Sec. 341. Two-year extension of Department of Defense telecommunications benefit.
Sec. 342. Two-year extension of Arsenal Support Program Initiative.
Sec. 343. Reauthorization of warranty claims recovery pilot program.

Subtitle F—Defense Dependents Education

Sec. 351. Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
Sec. 352. Impact aid for children with severe disabilities.
Sec. 353. Sense of the Senate regarding the impact of the privatization of military housing on local schools

Subtitle G—Other Matters

Sec. 361. Charges for Defense Logistics Information Services materials.
Sec. 362. Temporary authority for contractor performance of security-guard functions.
Sec. 363. Pilot program for purchase of certain municipal services for Department of Defense installations.
Sec. 364. Consolidation and improvement of authorities for Army working-capital funded facilities to engage in public-private partnerships.
Sec. 365. Program to commemorate 60th anniversary of World War II.
Sec. 366. Media coverage of the return to the United States of the remains of deceased members of the Armed Forces from overseas.
Sec. 367. Tracking and care of members of the Armed Forces who are injured in combat.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Additional authority for increases of Army active duty personnel end strengths for fiscal years 2005 through 2009.

Sec. 403. Exclusion of service academy permanent and career professors from a limitation on certain officer grade strengths.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the reserves.
Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Fiscal year 2005 limitations on nondual status technicians.
Sec. 415. Authorized strengths for Marine Corps Reserve officers in active status in grades below general officer.

Subtitle C—Authorizations of Appropriations

Sec. 421. Authorization of appropriations for military personnel.
Sec. 422. Armed Forces Retirement Home.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Joint Officer Personnel Management

Sec. 501. Modification of conditions of eligibility for waiver of joint duty credit requirement for promotion to general or flag officer.
Sec. 502. Management of joint specialty officers.
Sec. 503. Revised promotion policy objectives for joint officers.
Sec. 504. Length of joint duty assignments.
Sec. 505. Repeal of minimum period requirement for Phase II Joint Professional Military Education.
Sec. 506. Revised definitions applicable to joint duty.

Subtitle B—Other Officer Personnel Policy

Sec. 511. Transition of active-duty list officer force to a force of all regular officers.
Sec. 512. Eligibility of Navy staff corps officers to serve as Deputy Chiefs of Naval Operations and Assistant Chiefs of Naval Operations.
Sec. 513. One-year extension of authority to waive joint duty experience as eligibility requirement for appointment of chiefs of reserve components.
Sec. 514. Limitation on number of officers frocked to major general and rear admiral (upper half).
Sec. 515. Study regarding promotion eligibility of retired warrant officers recalled to active duty.

Subtitle C—Reserve Component Personnel Policy

Sec. 521. Repeal of exclusion of active duty for training from authority to order reserves to active duty.
Sec. 522. Exception to mandatory retention of Reserves on active duty to qualify for retirement pay.

Subtitle D—Education and Training

Sec. 531. One-year extension of Army College First pilot program.
Sec. 532. Military recruiter equal access to campus.
Sec. 533. Exclusion from denial of funds for preventing ROTC access to campus of amounts to cover individual costs of attendance at institutions of higher education.
Sec. 534. Transfer of authority to confer degrees upon graduates of the Community College of the Air Force.
Sec. 535. Repeal of requirement for officer to retire upon termination of service as Superintendent of the Air Force Academy.

Subtitle E—Decorations, Awards, and Commendations

Sec. 541. Award of medal of honor to individual interred in the Tomb of the Unknowns as representative of casualties of a war.
Sec. 542. Separate campaign medals for Operation Enduring Freedom and for Operation Iraqi Freedom.
Sec. 543. Plan for revised criteria and eligibility requirements for award of combat infantryman badge and combat medical badge for service in Korea after July 28, 1953.

Subtitle F—Military Justice

Sec. 551. Reduced blood alcohol content limit for offense of drunken operation of a vehicle, aircraft, or vessel.
Sec. 552. Waiver of recoupment of time lost for confinement in connection with a trial.
Sec. 553. Department of Defense policy and procedures on prevention and response to sexual assaults involving members of the Armed Forces.

Subtitle G—Scope of Duties of Ready Reserve Personnel in Inactive Duty Status

Sec. 561. Redesignation of inactive-duty training to encompass operational and other duties performed by Reserves while in inactive duty status.
Sec. 562. Repeal of unnecessary duty status distinction for funeral honors duty.
Sec. 563. Conforming amendments to other laws referring to inactive-duty training.
Sec. 564. Conforming amendments to other laws referring to funeral honors duty.

Subtitle H—Other Matters

Sec. 571. Accession of persons with specialized skills.
Sec. 572. Federal write-in ballots for absentee military voters located in the United States.
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SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

For purposes of this Act, the term "congressional defense committees" means—

(1) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 2005 for procurement for the Army as follows:

(1) For aircraft, $2,702,640,000.

(2) For missiles, $1,488,321,000.

(3) For weapons and tracked combat vehicles, $1,693,595,000.

(4) For ammunition, $1,598,302,000.

(5) For other procurement, $5,384,296,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2005 for procurement for the Navy as follows:

(1) For aircraft, $8,870,832,000.

(2) For weapons, including missiles and torpedoes, $2,183,829,000.

(3) For shipbuilding and conversion, $10,127,027,000.

(4) For other procurement, $4,904,978,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2005 for procurement for the Marine Corps in the amount of $1,303,203,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2005 for procurement of ammunition for the Navy and the Marine Corps in the amount of $873,140,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 2005 for procurement for the Air Force as follows:

(1) For aircraft, $13,033,674,000.

(2) For missiles, $4,635,613,000.

(3) For ammunition, $1,396,457,000.

(4) For other procurement, $13,298,257,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 2005 for Defense-wide procurement in the amount of $2,967,402,000.

Subtitle B—Army Programs

SEC. 111. LIGHT UTILITY HELICOPTER PROGRAM.

(a) LIMITATION.—Of the funds authorized to be appropriated under section 101(1) for the procurement of light utility helicopters, $45,000,000 may not be obligated or expended until 30 days after the date on which the Secretary of the Army submits to the congressional defense committees a report that contains—

(1) the Secretary's certification that all required documentation for the acquisition of light utility helicopters has been completed and approved; and

(2) the Army aviation modernization plan required by subsection (b).

(b) ARMY AVIATION MODERNIZATION PLAN.—(1) Not later than March 1, 2005, the Secretary of the Army shall submit to the congressional defense committees an updated modernization plan for Army aviation.

(2) The updated Army aviation modernization plan shall contain, at a minimum, the following matters:

(A) The analysis on which the plan is based.

(B) A discussion of the Secretary's decision to terminate the Comanche helicopter program and to restructure the aviation force of the Army.

(C) The actions taken or to be taken to accelerate the procurement and development of aircraft survivability equipment for Army aircraft, together with a detailed list of aircraft survivability equipment that specifies such equipment by platform and by the related programmatic funding for procurement.

(D) A discussion of the conversion of Apache helicopters to block III configuration, including the rationale for converting only 501 Apache helicopters to that configuration and the costs associated with a conversion of all Apache helicopters to the block III configuration.

(E) A discussion of the procurement of light armed reconnaissance helicopters, including the rationale for the requirement for light armed reconnaissance helicopters and a discussion of the costs associated with upgrading the light armed reconnaissance helicopter to meet Army requirements.

(F) The rationale for the Army's requirement for light utility helicopters, together with a summary and copy of the analysis of the alternative means for meeting such requirement that the Secretary considered in the determination to procure light utility helicopters, including, at a minimum, the analysis of the alternative of using light armed reconnaissance helicopters and UH-60 Black Hawk helicopters instead of light utility helicopters to meet such requirement.

(G) The rationale for the procurement of cargo fixed-wing aircraft.

(H) The rationale for the initiation of a joint multi-role helicopter program.

(I) A description of the operational employment of the Army's restructured aviation force.

SEC. 112. UP-ARMORED HIGH MOBILITY MULTI-PURPOSE WHEELED VEHICLES OR WHEELED VEHICLE BALLISTIC ADD-ON ARMOR PROTECTION.

(a) AMOUNT.—Of the amount authorized to be appropriated for the Army for fiscal year 2005 for other procurement under section 101(5), $610,000,000 shall be available for both of the purposes described in subsection (b) and may be used for either or both of such purposes.

(b) PURPOSES.—The purposes referred to in subsection (a) are as follows:

(1) The procurement of up-armored high mobility multi-purpose wheeled vehicles at a rate up to 450 such vehicles each month.

(2) The procurement of wheeled vehicle ballistic add-on armor protection.

(c) Allocation by Secretary of the Army.—(1) The Secretary of the Army shall allocate the amount available under subsection (a) between the two purposes set forth in subsection (b) as the Secretary determines appropriate to meet the requirements of the Army.

(2) Not later than 15 days before making an allocation under paragraph (1), the Secretary shall transmit a notification of the proposed allocation to the congressional defense committees.

(d) Prohibition on Use for Other Purposes.—The amount available under subsection (a) may not be used for any purpose other than a purpose specified in subsection (b).

SEC. 113. COMMAND-AND-CONTROL VEHICLES OR FIELD ARTILLERY AMMUNITION SUPPORT VEHICLES.

(a) Increased Amount for Procurement of Weapons and Tracked Combat Vehicles.—The amount authorized to be appropriated under section 101(3) is hereby increased by $5,000,000.

(b) Amount for Command-and-Control Vehicles or Field Artillery Ammunition Support Vehicles.—Of the amount authorized to be appropriated under section 101(3), $5,000,000 may be used for the procurement of command-and-control vehicles or field artillery ammunition support vehicles.

(c) Offset.—The amount authorized to be appropriated by section 421 is hereby reduced by $5,000,000, with the amount of the reduction to be derived from excess amounts provided for military personnel of the Air Force.

Subtitle C—Navy Programs

SEC. 121. LHA(R) AMPHIBIOUS ASSAULT SHIP PROGRAM.

(a) Authorization of Ship.—The Secretary of the Navy is authorized to procure the first amphibious assault ship of the LHA(R) class, subject to the availability of appropriations for that purpose.

(b) Authorized Amount.—Of the amount authorized to be appropriated under section 102(a)(3) for fiscal year 2005, $150,000,000 shall be available for the advance procurement and advance construction of components for the first amphibious assault ship of the LHA(R) class. The Secretary of the Navy may enter into a contract or contracts with the shipbuilder and other entities for the advance procurement and advance construction of those components.

SEC. 122. MULTIYEAR PROCUREMENT AUTHORITY FOR THE LIGHT WEIGHT 155-MILLIMETER HOWITZER PROGRAM.

(a) Authority.—Beginning with the fiscal year 2005 program year, the Secretary of the Navy may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear contract for the procurement of the light weight 155-millimeter howitzer.

(b) Limitation.—The Secretary may not enter into a multiyear contract for the procurement of light weight 155 millimeter howitzers under subsection (a) until the Secretary determines on the basis of operational testing that the light weight 155-millimeter howitzer is effective for fleet use.

SEC. 123. PILOT PROGRAM FOR FLEXIBLE FUNDING OF SUBMARINE ENGINEERED REFUELING OVERHAUL AND CONVERSION.

(a) Establishment.—The Secretary of the Navy may carry out a pilot program of flexible funding of engineered refueling overhauls and conversions of submarines in accordance with this section.

(b) Authority.—Under the pilot program, the Secretary of the Navy may, subject to subsection (d), transfer amounts described in subsection (c) to the authorization of appropriations for the Navy for procurement for shipbuilding and conversion for any fiscal year to continue to provide authorization of appropriations for any engineered refueling conversion or overhaul of a submarine of the Navy for which funds were initially provided on the basis of the authorization of appropriations to which transferred.

(c) Amounts Available for Transfer.—The amounts available for transfer under this section are amounts authorized to be appropriated to the Navy for any fiscal year after fiscal year 2004 and before fiscal year 2013 for the following purposes:

(1) For procurement as follows:

(A) For shipbuilding and conversion.

(B) For weapons procurement.

(C) For other procurement.

(2) For operation and maintenance.

(d) Limitations.—(1) A transfer may be made with respect to a submarine under this section only to meet either (or both) of the following requirements:

(A) An increase in the size of the workload for engineered refueling overhaul and conversion to meet existing requirements for the submarine.

(B) A new engineered refueling overhaul and conversion requirement resulting from a revision of the original baseline engineered refueling overhaul and conversion program for the submarine.

(2) A transfer may not be made under this section before the date that is 30 days after the date on which the Secretary of the Navy transmits to the congressional defense committees a written notification of the intended transfer. The notification shall include the following matters:

(A) The purpose of the transfer.

(B) The amounts to be transferred.

(C) Each account from which the funds are to be transferred.

(D) Each program, project, or activity from which the amounts are to be transferred.

(E) Each account to which the amounts are to be transferred.

(F) A discussion of the implications of the transfer for the total cost of the submarine engineered refueling overhaul and conversion program for which the transfer is to be made.

(e) Merger of Funds.—A transfer made from one account to another with respect to the engineered refueling overhaul and conversion of a submarine under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred and shall be available for the engineered refueling overhaul and conversion of such submarine for the same period as the account to which transferred.

(f) Relationship to Other Transfer Authority.—The authority to make transfers under this section is in addition to any other transfer authority provided in this or any other Act and is not subject to any restriction, limitation, or procedure that is applicable to the exercise of any such other authority.

(g) Final Report.—Not later than October 1, 2011, the Secretary of the Navy shall submit to the congressional defense committees a report containing the Secretary's evaluation of the efficacy of the authority provided under this section.

(h) Termination of Program.—No transfer may be made under this section after September 30, 2012.

Subtitle D—Air Force Programs

SEC. 131. PROHIBITION OF RETIREMENT OF KC-135E AIRCRAFT.

The Secretary of the Air Force may not retire any KC-135E aircraft of the Air Force in fiscal year 2005.

SEC. 132. PROHIBITION OF RETIREMENT OF F-117 AIRCRAFT.

No F-117 aircraft in use by the Air Force during fiscal year 2004 may be retired during fiscal year 2005.

SEC. 133. SENIOR SCOUT MISSION BED-DOWN INITIATIVE.

(a) Amount for Program.—The amount authorized to be appropriated by section 103(1) is hereby increased by $2,000,000, with the amount of the increase to be available for a bed-down initiative to enable the C-130 aircraft of the Idaho Air National Guard to be the permanent carrier of the SENIOR SCOUT mission shelters of the 169th Intelligence Squadron of the Utah Air National Guard.

(b) Offset.—The amount authorized to be appropriated by section 421 is hereby reduced by $2,000,000, with the amount of the reduction to be derived from excess amounts provided for military personnel of the Air Force.

Subtitle E—Other Matters

SEC. 141. REPORT ON OPTIONS FOR ACQUISITION OF PRECISION-GUIDED MUNITIONS.

(a) Requirement for Report.—Not later than March 1, 2005, the Secretary of Defense shall submit a report on options for the acquisition of precision-guided munitions to the congressional defense committees.

(b) Content of Report.—The report shall include the following matters:

(1) A list of the precision-guided munitions in the inventory of the Department of Defense.

(2) For each such munition—

(A) the inventory level as of the most recent date that it is feasible to specify when the report is prepared;

(B) the inventory objective that is necessary to execute the current National Military Strategy prescribed by the Chairman of the Joint Chiefs of Staff;

(C) the year in which that inventory objective would be expected to be achieved—

(i) if the munition were procured at the minimum sustained production rate;

(ii) if the munition were procured at the most economic production rate; and

(iii) if the munition were procured at the maximum production rate; and

(D) the procurement cost (in constant fiscal year 2004 dollars) at each of the production rates specified in subparagraph (C).

SEC. 142. REPORT ON MATURITY AND EFFECTIVENESS OF THE GLOBAL INFORMATION GRID BANDWIDTH EXPANSION (GIG-BE) NETWORK.

(a) Report Required.—Not later that 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on a test program to demonstrate the maturity and effectiveness of the Global Information Grid-Bandwidth Expansion (GIG-BE) network architecture.

(b) Contents of Report.—The report under subsection (a) shall—

(1) determine whether the results of the test program described in subsection (a) demonstrate compliance of the GIG-BE architecture with the overall goals of the GIG-BE program;

(2) identify—

(A) the extent to which the GIG–BE architecture does not meet the overall goals of the program; and

(B) the components that are not yet sufficiently developed to achieve the overall goals of the program;

(3) include a plan and cost estimates for achieving compliance; and

(4) document the equipment and network configuration used to demonstrate real-world scenarios within the continental United States.

TITLE II—RESEARCH, DEVELOPMENT, TEST AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2005 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $9,686,958,000.

(2) For the Navy, $16,679,391,000.

(3) For the Air Force, $21,264,267,000.

(4) For Defense-wide activities, $20,635,937,000, of which $309,135,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNT FOR SCIENCE AND TECHNOLOGY.

(a) Amount for Projects.—Of the total amount authorized to be appropriated by section 201, $10,998,850,000 shall be available for science and technology projects.

(b) Science and Technology Defined.—In this section, the term "science and technology project" means work funded in program elements for defense research, development, test, and evaluation under Department of Defense budget activities 1, 2, or 3.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. DD(X)-CLASS DESTROYER PROGRAM.

(a) Authorization of Ship.—For the second destroyer in the DD(X)-class destroyer program, the Secretary of the Navy is authorized to use funds authorized to be appropriated to the Navy under section 201(2).

(b) Amount for Detail Design.—Of the amount authorized to be appropriated under section 201(2) for fiscal year 2005, $99,400,000 shall be available for the detail design of the second destroyer of the DD(X)-class.

SEC. 212. GLOBAL POSITIONING SYSTEM III SATELLITE.

Not more than 80 percent of the amount authorized to be appropriated by section 201(4) and available for the purpose of research, development, test, and evaluation on the Global Positioning System III satellite may be obligated or expended for that purpose until the Secretary of Defense—

(1) completes an analysis of alternatives for the satellite and ground architectures, satellite technologies, and tactics, techniques, and procedures for the next generation global positioning system (GPS); and

(2) submits to the congressional defense committees a report on the results of the analysis, including an assessment of the results of the analysis.

SEC. 213. INITIATION OF CONCEPT DEMONSTRATION OF GLOBAL HAWK HIGH ALTITUDE ENDURANCE UNMANNED AERIAL VEHICLE.

Section 221(c) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–40) is amended by striking "March 1, 2001" and inserting "March 1, 2005".

SEC. 214. JOINT UNMANNED COMBAT AIR SYSTEMS PROGRAM.

(a) Executive Committee.—(1) The Secretary of Defense shall, subject to subsection (b), establish and require an executive committee to provide guidance and recommendations for the management of the Joint Unmanned Combat Air Systems program to the Director of the Defense Advanced Research Projects Agency and the personnel who are managing the program for such agency.

(2) The executive committee established under paragraph (1) shall be composed of the following members:

(A) The Under Secretary of Defense for Acquisition, Technology, and Logistics, who shall chair the executive committee.

(B) The Assistant Secretary of the Navy for Research, Development, and Acquisition.

(C) The Assistant Secretary of the Air Force for Acquisition.

(D) The Deputy Chief of Naval Operations for Warfare Requirements and Programs.

(E) The Deputy Chief of Staff of the Air Force for Air and Space Operations.

(F) Any additional personnel of the Department of Defense whom the Secretary determines appropriate for membership on the executive committee.

(b) Applicability Only to DARPA-Managed Program.—The requirements of subsection (a) apply with respect to the Joint Unmanned Combat Air Systems program only while the program is managed by the Defense Advanced Research Projects Agency.

SEC. 215. JOINT STRIKE FIGHTER AIRCRAFT PROGRAM.

(a) Requirement for Study.—The Secretary of Defense shall require the Defense Science Board to conduct a study on the Joint Strike Fighter aircraft program.

(b) Matters To Be Studied.—The study shall include, for each of the three variants of the Joint Strike Fighter aircraft, the following matters:

(1) The current status.

(2) The extent of the effects of excess aircraft weight on estimated performance.

(3) The validity of the technical approaches being considered to achieve the required performance.

(4) The risks of those technical approaches.

(5) A list of any alternative technical approaches that have the potential to achieve the required performance.

(c) Report.—The Secretary shall submit a report on the results of the study to the congressional defense committees at the same time that the President submits the budget for fiscal year 2006 to Congress under section 1105(a) of title 31, United States Code.

SEC. 216. JOINT EXPERIMENTATION.

(a) Defense-Wide Program Element.—The Secretary of Defense shall plan, program, and budget for all joint experimentation of the Armed Forces as a separate, dedicated program element under research, development, test, and evaluation, Defense-wide activities.

(b) Applicability to Fiscal Years After Fiscal Year 2005.—This section shall apply with respect to fiscal years beginning after 2005.

SEC. 217. INFRASTRUCTURE SYSTEM SECURITY ENGINEERING DEVELOPMENT FOR THE NAVY.

(a) Increase in Amount for Research, Development, Test and Evaluation, Navy.—The amount authorized to be appropriated by section 201(2) for research, development, test and evaluation, Navy, is hereby increased by $3,000,000.

(b) Availability of Amount for Infrastructure System Security Engineering Development.—Of the amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation, Navy, as increased by subsection (a), $3,000,000 may be available for infrastructure system security engineering development.

(c) Offset.—(1) The amount authorized to be appropriated by section 101(5) for other procurement, Army, is hereby reduced by $1,000,000, with the amount of the reduction to be allocated to Buffalo Landmine Vehicles.

(2) The amount authorized to be appropriated by section 102(b) for procurement for the Marine Corps is hereby reduced by $500,000, with the amount of the reduction to be allocated to Combat Casualty Care.

(3) The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation, Army, is hereby reduced by $1,000,000, with the amount of the reduction to the allocated to Active Coating Technology.

(4) The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide activities, is hereby reduced by $500,000, with the amount of the reduction to be allocated to Radiation Hardened Complementary Metal Oxide Semi-Conductors.

SEC. 218. NEUROTOXIN MITIGATION RESEARCH.

(a) Increase in Amount for Research, Development, Test, and Evaluation, Defense-Wide.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide activities, is hereby increased by $2,000,000.

(b) Availability for Neurotoxin Mitigation Research.—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide activities, as increased by subsection (a), $2,000,000 may be available in Program Element PE 62384BP for neurotoxin mitigation research.

(c) Offset.—The amount authorized to be appropriated by section 301(1) for operation and maintenance for the Army is hereby reduced by $2,000,000, with the amount of the reduction to be allocated to Satellite Communications Language training activity (SCOLA) at the Army Defense Language Institute.

SEC. 219. SPIRAL DEVELOPMENT OF JOINT THREAT WARNING SYSTEM MARITIME VARIANTS.

(a) Amount for Program.—The amount authorized to be appropriated by section 201(4) is hereby increased by $2,000,000, with the amount of the increase to be available in the program element PE 1160405BB for joint threat warning system maritime variants.

(b) Offset.—The amount authorized to be appropriated by section 421 is hereby reduced by $2,000,000, with the amount of the reduction to be derived from excess amounts provided for military personnel of the Air Force.

SEC. 220. ADVANCED FERRITE ANTENNA.

(a) Amount for Development and Testing.—Of the amount authorized to be appropriated under section 201(2), $3,000,000 may be available for development and testing of the Advanced Ferrite Antenna.

(b) Offset.—The amount authorized to be appropriated by section 421 is hereby reduced by $3,000,000, with the amount of the reduction to be derived from excess amounts provided for military personnel of the Air Force.

SEC. 221. PROTOTYPE LITTORAL ARRAY SYSTEM FOR OPERATING SUBMARINES.

(a) Increase in Amount for Research, Development, Test, and Evaluation, Navy.—The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy is hereby increased by $5,000,000.

(b) Availability of Amount.—Of the amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy, as increased by subsection (a), $5,000,000 may be available for Program Element PE 0604503N for the design, development, and testing of a prototype littoral array system for operating submarines.

(c) OFFSET.—The amount authorized to be appropriated by section 421 is hereby reduced by $5,000,000, with the amount of the reduction to be derived from excess amounts provided for military personnel of the Air Force.

SEC. 222. ADVANCED MANUFACTURING TECHNOLOGIES AND RADIATION CASUALTY RESEARCH.

(a) ADDITIONAL AMOUNT FOR ADVANCED MANUFACTURING STRATEGIES.—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide activities, the amount available for Advanced Manufacturing Technologies (PE 0708011S) is hereby increased by $2,000,000.

(b) AMOUNT FOR RADIATION CASUALTY RESEARCH.—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide activities, $3,000,000 may be available for Radiation Casualty Research (PE 0603002D8Z).

(c) OFFSET.—The amount authorized to be appropriated by section 421 is hereby reduced by $5,000,000, with the amount of the reduction to be derived from excess amounts provided for military personnel of the Air Force.

Subtitle C—Ballistic Missile Defense

SEC. 231. FIELDING OF BALLISTIC MISSILE DEFENSE CAPABILITIES.

Funds authorized to be appropriated under section 201(4) for the Missile Defense Agency may be used for the development and fielding of an initial set of ballistic missile defense capabilities.

SEC. 232. PATRIOT ADVANCE CAPABILITY-3 AND MEDIUM EXTENDED AIR DEFENSE SYSTEM.

(a) OVERSIGHT.—In the management of the combined program for the acquisition of the Patriot Advanced Capability-3 missile system and the Medium Extended Air Defense System, the Secretary of Defense shall require the Secretary of the Army to obtain the approval of the Director of the Missile Defense Agency before the Secretary of the Army—

(1) either—

(A) changes any system level technical specifications that are in effect under the program as of the date of the enactment of this Act; or

(B) establishes any new system level technical specifications after such date;

(2) makes any significant change in a procurement quantity (including any quantity in any future block procurement) that, as of such date, is planned for—

(A) the Patriot Advanced Capabilities-3 missile system; or

(B) PAC–3 configuration-3 radars, launchers, or fire control units; or

(3) changes the baseline development schedule that is in effect for the program as of the date of the enactment of this Act.

(b) DEFINITIONS.—In this section:

(1) The term "system level technical specifications", with respect to a system to which this section applies, means technical specifications expressed in terms of technical performance, including test specifications, that affect the ability of the system to contribute to the capability of the ballistic missile defense system of the United States, as determined by the Director of the Missile Defense Agency.

(2) The term "significant change", with respect to a planned procurement quantity, means any change of such quantity that would result in a significant change in the contribution that, as of the date of the enactment of this Act, is planned for the Patriot Advanced Capability-3 system to make to the ballistic missile defense system of the United States.

(3) The term "baseline development schedule" means the schedule on which technology upgrades for the combined acquisition program referred to in subsection (a) are planned for development.

(4) The terms "Patriot Advanced Capability-3" and "PAC–3 configuration-3"—

(A) mean the air and missile defense system that, as of June 1, 2004, is referred to by either such name in the management of the combined acquisition program referred to in subsection (a); and

(B) include such system as it is improved with new air and missile defense technologies.

SEC. 233. COMPTROLLER GENERAL ASSESSMENTS OF BALLISTIC MISSILE DEFENSE PROGRAMS.

(a) ANNUAL ASSESSMENTS.—At the conclusion of each of 2004 through 2009, the Comptroller General of the United States shall conduct an assessment of the extent to which each ballistic missile defense program met the cost, scheduling, testing, and performance goals for such program for such year as established pursuant to section 232(c) of the National Defense Authorization Act for Fiscal Year 2002 (10 U.S.C. 2431 note).

(b) REPORTS ON ANNUAL ASSESSMENTS.—Not later than February 15 of each of 2005 through 2010, the Comptroller General shall submit to the congressional defense committees a report on the assessment conducted by the Comptroller General under subsection (a) for the previous year.

SEC. 234. BASELINES AND OPERATIONAL TEST AND EVALUATION FOR BALLISTIC MISSILE DEFENSE SYSTEM.

(a) TESTING CRITERIA.—Not later than February 1, 2005, the Secretary of Defense, in consultation with the Director of Operational Test and Evaluation, shall prescribe appropriate criteria for operationally realistic testing of fieldable prototypes developed under the ballistic missile defense spiral development program. The Secretary shall submit a copy of the prescribed criteria to the congressional defense committees.

(b) USE OF CRITERIA.—(1) The Secretary of Defense shall ensure that, not later than October 1, 2005, a test of the ballistic missile defense system is conducted consistent with the criteria prescribed under subsection (a).

(2) The Secretary of Defense shall ensure that each block configuration of the ballistic missile defense system is tested consistent with the criteria prescribed under subsection (a).

(c) RELATIONSHIP TO OTHER LAW.—Nothing in this section shall be construed to exempt any spiral development program of the Department of Defense, after completion of the spiral development, from the applicability of any provision of chapter 144 of title 10, United States Code, or section 139, 181, 2366, 2399, or 2400 of such title in accordance with the terms and conditions of such provision.

(d) EVALUATION.—(1) The Director of Operational Test and Evaluation shall evaluate the results of each test conducted under subsection (a) as soon as practicable after the completion of such test.

(2) The Director shall submit to the Secretary of Defense and the congressional defense committees a report on the evaluation of each test conducted under subsection (a) upon completion of the evaluation of such test under paragraph (1).

(e) COST, SCHEDULE, AND PERFORMANCE BASELINES.—(1) The Director of the Missile Defense Agency shall establish cost, schedule, and performance baselines for each block configuration of the Ballistic Missile Defense System being fielded. The cost baseline for a block configuration shall include full life cycle costs for the block configuration.

(2) The Director shall include the baselines established under paragraph (1) in the first Selected Acquisition Report for the Ballistic Missile Defense System that is submitted to Congress under section 2432 of title 10, United States Code, after the establishment of such baselines.

(3) The Director shall also include in the Selected Acquisition Report submitted to Congress under paragraph (2) the significant assumptions used in determining the performance baseline under paragraph (1), including any assumptions regarding threat missile countermeasures and decoys.

(f) VARIATIONS AGAINST BASELINES.—In the event the cost, schedule, or performance of any block configuration of the Ballistic Missile Defense System varies significantly (as determined by the Director of the Ballistic Missile Defense Agency) from the applicable baseline established under subsection (d), the Director shall include such variation, and the reasons for such variation, in the Selected Acquisition Report submitted to Congress under section 2432 of title 10, United States Code.

(g) MODIFICATIONS OF BASELINES.—In the event the Director of the Missile Defense Agency elects to undertake any modification of a baseline established under subsection (d), the Director shall submit to the congressional defense committees a report setting forth the reasons for such modification.

Subtitle D—Other Matters

SEC. 241. ANNUAL REPORT ON SUBMARINE TECHNOLOGY INSERTION.

(a) REPORT REQUIRED.—(1) For each of fiscal years 2006, 2007, 2008, and 2009, the Secretary of Defense shall submit to the congressional defense committees a report on the submarine technologies that are available or potentially available for insertion in submarines of the Navy to reduce the production and operating costs of the submarines while maintaining or improving the effectiveness of the submarines.

(2) The annual report for a fiscal year under paragraph (1) shall be submitted at the same time that the President submits to Congress the budget for that fiscal year under section 1105(a) of title 31, United States Code.

(b) CONTENT.—The report on submarine technologies under subsection (a) shall include, for each class of submarines of the Navy, the following matters:

(1) A list of the technologies that have been demonstrated, together with—

(A) a plan for the insertion of any such technologies that have been determined appropriate for such submarines; and

(B) the estimated cost of such technology insertions.

(2) A list of the technologies that have not been demonstrated, together with a plan for the demonstration of any such technologies that have the potential for being appropriate for such submarines.

SEC. 242. SENSE OF THE SENATE REGARDING FUNDING OF THE ADVANCED SHIPBUILDING ENTERPRISE UNDER THE NATIONAL SHIPBUILDING RESEARCH PROGRAM OF THE NAVY.

(a) FINDINGS.—Congress makes the following findings:

(1) The budget for fiscal year 2005, as submitted to Congress by the President, provides $10,300,000 for the Advanced Shipbuilding Enterprise under the National Shipbuilding Research Program of the Navy.

(2) The Advanced Shipbuilding Enterprise is an innovative program to encourage greater efficiency in the national technology and industrial base.

(3) The leaders of the United States shipbuilding industry have embraced the Advanced Shipbuilding Enterprise as a method for exploring and collaborating on innovation in shipbuilding and ship repair that collectively benefits all components of the industry.

(b) SENSE OF THE SENATE.—It is the sense of the Senate—

(1) that the Senate—

(A) strongly supports the innovative Advanced Shipbuilding Enterprise under the National Shipbuilding Research Program as an enterprise between the Navy and industry that has yielded new processes and techniques that reduce the cost of building and repairing ships in the United States; and

(B) is concerned that the future-years defense program of the Department of Defense that was submitted to Congress for fiscal year 2005 does not reflect any funding for the Advanced Shipbuilding Enterprise after fiscal year 2005; and

(2) that the Secretary of Defense should continue to provide in the future-years defense program for funding the Advanced Shipbuilding Enterprise at a sustaining level in order to support additional research to further reduce the cost of designing, building, and repairing ships.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 2005 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $26,305,611,000.

(2) For the Navy, $29,702,790,000.

(3) For the Marine Corps, $3,682,727,000.

(4) For the Air Force, $27,423,560,000.

(5) For Defense-wide activities, $17,453,576,000.

(6) For the Army Reserve, $1,925,728,000.

(7) For the Naval Reserve, $1,240,038,000.

(8) For the Marine Corps Reserve, $197,496,000.

(9) For the Air Force Reserve, $2,154,790,000.

(10) For the Army National Guard, $4,227,236,000.

(11) For the Air National Guard, $4,366,738,000.

(12) For the United States Court of Appeals for the Armed Forces, $10,825,000.

(13) For Environmental Restoration, Army, $405,598,000.

(14) For Environmental Restoration, Navy, $266,820,000.

(15) For Environmental Restoration, Air Force, $397,368,000.

(16) For Environmental Restoration, Defense-wide, $23,684,000.

(17) For Environmental Restoration, Formerly Used Defense Sites, $256,516,000.

(18) For Overseas Humanitarian, Disaster, and Civic Aid programs, $59,000,000.

(19) For Cooperative Threat Reduction programs, $409,200,000.

SEC. 302. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2005 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Working Capital Funds, $1,625,686,000.

(2) For the National Defense Sealift Fund, $1,269,252,000.

SEC. 303. OTHER DEPARTMENT OF DEFENSE PROGRAMS.

(a) DEFENSE HEALTH PROGRAM.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2005 for expenses, not otherwise provided for, for the Defense Health Program, $17,992,211,000, of which—

(1) $17,555,169,000 is for Operation and Maintenance;

(2) $72,407,000 is for Research, Development, Test and Evaluation; and

(3) $364,635,000 is for Procurement.

(b) CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.—(1) Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2005 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, $1,518,990,000, of which—

(A) $1,138,801,000 is for Operation and Maintenance;

(B) $301,209,000 is for Research, Development, Test and Evaluation; and

(C) $78,980,000 is for Procurement.

(2) Amounts authorized to be appropriated under paragraph (1) are authorized for—

(A) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(B) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

(c) DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2005 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-Wide, $852,697,000.

(d) DEFENSE INSPECTOR GENERAL.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2005 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, $164,562,000, of which—

(1) $162,362,000 is for Operation and Maintenance;

(2) $100,000 is for Research, Development, Test, and Evaluation; and

(3) $2,100,000 is for Procurement.

SEC. 304. AMOUNT FOR ONE SOURCE MILITARY COUNSELING AND REFERRAL HOTLINE.

(a) AUTHORIZATION OF APPROPRIATION OF ADDITIONAL AMOUNT.—The amount authorized to be appropriated under section 301(5) is hereby increased by $5,000,000, which shall be available (in addition to other amounts available under this Act for the same purpose) only for the Department of Defense One Source counseling and referral hotline.

(b) OFFSET.—The amount authorized to be appropriated by section 421 is hereby reduced by $5,000,000, with the amount of the reduction to be derived from excess amounts provided for military personnel of the Air Force.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 311. COMMANDER'S EMERGENCY RESPONSE PROGRAM.

(a) FUNDING.—Of the amounts authorized to be appropriated for fiscal year 2005 by section 301(5) for operation and maintenance for Defense-wide activities, not more than $300,000,000 may be made available in fiscal year 2005 for the following:

(1) The Commander's Emergency Response Program, which was established by the Administrator of the Coalition Provisional Authority for the purpose of enabling United States military commanders in Iraq to respond to urgent humanitarian relief and reconstruction needs within their areas of responsibility by carrying out programs to provide immediate assistance to the people of Iraq.

(2) A similar program to enable United States military commanders in Afghanistan to respond in such manner to similar needs in Afghanistan.

(b) QUARTERLY REPORTS REQUIRED.—The Secretary of Defense shall submit to the congressional defense committees on a quarterly basis reports on the use of amounts made available under subsection (a).

SEC. 312. LIMITATION ON TRANSFERS OUT OF WORKING CAPITAL FUNDS.

Section 2208 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(r) LIMITATION ON TRANSFERS.—(1) Notwithstanding any authority for transfer of funds provided in this section, no transfer may be made out of a working capital fund or between or among working capital funds under such authority unless the Secretary of Defense has submitted a notification of the proposed transfer to the congressional defense committees in accordance with customary procedures.

"(2) The amount of a transfer covered by a notification under paragraph (1) that is proposed to be made in a fiscal year does not count for the purpose of any limitation on the total amount of transfers that may be made for that fiscal year under authority provided to the Secretary of Defense in a law authorizing appropriations for a fiscal year for military activities of the Department of Defense or a law making appropriations for the Department of Defense.".

SEC. 313. FAMILY READINESS PROGRAM OF THE NATIONAL GUARD.

(a) AMOUNT FOR PROGRAM.—The amount authorized to be appropriated by section 301(1) for operation and maintenance for the Army is hereby increased by $10,000,000 for the Family Readiness Program of the National Guard.

(b) OFFSET.—The amount authorized to be appropriated by section 421 is hereby reduced by $10,000,000, with the amount of the reduction to be derived from excess amounts provided for military personnel of the Air Force.

Subtitle C—Environmental Provisions

SEC. 321. PAYMENT OF CERTAIN PRIVATE CLEAN-UP COSTS IN CONNECTION WITH DEFENSE ENVIRONMENTAL RESTORATION PROGRAM.

(a) PAYMENT FOR ACTIVITIES AT FORMER DEFENSE PROPERTY SUBJECT TO COVENANT FOR ADDITIONAL REMEDIAL ACTION.—Section 2701(d) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking "paragraph (3)" and inserting "paragraph (4)";

(2) by redesignating paragraphs (2), (3), and (4), as paragraphs (3), (4), and (5), respectively; and

(3) by inserting after paragraph (1) the following new paragraph (2):

"(2) ACTIVITIES AT CERTAIN FORMER DEFENSE PROPERTY.—In addition to agreements under paragraph (1), the Secretary may also enter into agreements with owners of property subject to a covenant provided by the United States under section 120(h)(3)(A)(ii) of CERCLA (42 U.S.C. 9620(h)(3)(A)(ii)) to reimburse the owners of such property for activities under this section with respect to such property by reason of the covenant.".

(b) SOURCE OF FUNDS FOR FORMER BRAC PROPERTY SUBJECT TO COVENANT FOR ADDITIONAL REMEDIAL ACTION.—Section 2703 of such title is amended—

(1) in subsection (g)(1), by striking "The sole source" and inserting "Except as provided in subsection (h), the sole source"; and

(2) by adding at the end the following new subsection:

"(h) SOLE SOURCE OF FUNDS FOR ENVIRONMENTAL REMEDIATION AT CERTAIN BASE REALIGNMENT AND CLOSURE SITES.—In the case of property disposed of pursuant to a base closure law and subject to a covenant described in section 2701(d)(2) of this title, the sole source of funds for activities under such section shall be the base closure account established under the applicable base closure law.".

SEC. 322. REIMBURSEMENT OF ENVIRONMENTAL PROTECTION AGENCY FOR CERTAIN COSTS IN CONNECTION WITH MOSES LAKE WELLFIELD SUPERFUND SITE, MOSES LAKE, WASHINGTON.

(a) AUTHORITY TO REIMBURSE.—(1) Using funds described in subsection (b), the Secretary of Defense may transfer not more than $524,926.54 to the Moses Lake Wellfield Superfund Site 10–6J Special Account.

(2) The payment under paragraph (1) is to reimburse the Environmental Protection Agency for its costs, including interest, incurred in overseeing a remedial investigation/feasibility study performed by the Department of the Army under the Defense Environmental Restoration Program at the former Larson Air Force Base, Moses Lake Superfund Site, Moses Lake, Washington.

(3) The reimbursement described in paragraph (2) is provided for in the interagency agreement entered into by the Department of the Army and the Environmental Protection Agency for the Moses Lake Wellfield Superfund Site in March 1999.

(b) SOURCE OF FUNDS.—Any payment under subsection (a) shall be made using funds authorized to be appropriated by section 301(17) for operation and maintenance for Environmental Restoration, Formerly Used Defense Sites.

(c) USE OF FUNDS.—The Environmental Protection Agency shall use the amount transferred under subsection (a) to pay costs incurred by the Agency at the Moses Lake Wellfield Superfund Site.

SEC. 323. SATISFACTION OF CERTAIN AUDIT REQUIREMENTS BY THE INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE.

(a) SATISFACTION OF REQUIREMENTS.—The Inspector General of the Department of Defense shall be deemed to be in compliance with the requirements of subsection (k) of section 111 of Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9611) if the Inspector General conducts periodic audits of the payments, obligations, reimbursements and other uses of the Fund described in that section, even if such audits do not occur on an annual basis.

(b) REPORTS TO CONGRESS ON AUDITS.—The Inspector General shall submit to Congress a report on each audit conducted by the Inspector General as described in subsection (a).

SEC. 324. COMPTROLLER GENERAL STUDY AND REPORT ON DRINKING WATER CONTAMINATION AND RELATED HEALTH EFFECTS AT CAMP LEJEUNE, NORTH CAROLINA.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on drinking water contamination and related health effects at Camp Lejeune, North Carolina. The study shall consist of the following:

(1) A study of the history of drinking water contamination at Camp Lejeune to determine, to the extent practical—

(A) what contamination has been found in the drinking water;

(B) the source of such contamination and when it may have begun;

(C) when Marine Corps officials first became aware of such contamination;

(D) what actions have been taken to address such contamination;

(E) the appropriateness of such actions in light of the state of knowledge regarding contamination of that type, and applicable legal requirements regarding such contamination, as of the time of such actions; and

(F) any other matters that the Comptroller General considers appropriate.

(2) An assessment of the study on the possible health effects associated with the drinking of contaminated drinking water at Camp Lejeune as proposed by the Agency for Toxic Substances and Disease Registry (ATSDR), including whether the proposed study—

(A) will address the appropriate at-risk populations;

(B) will encompass an appropriate timeframe;

(C) will consider all relevant health effects; and

(D) can be completed on an expedited basis without compromising its quality.

(b) AUTHORITY TO USE EXPERTS.—The Comptroller General may use experts in conducting the study required by subsection (a). Any such experts shall be independent, highly qualified, and knowledgeable in the matters covered by the study.

(c) PARTICIPATION BY OTHER INTERESTED PARTIES.—In conducting the study required by subsection (a), the Comptroller General shall ensure that interested parties, including individuals who lived or worked at Camp Lejeune during the period when the drinking water may have been contaminated, have the opportunity to submit information and views on the matters covered by the study.

(d) CONSTRUCTION WITH ATSDR STUDY.—The requirement under subsection (a) that the Comptroller General conduct the study required by paragraph (2) of that subsection may not be construed as a basis for the delay of the study proposed by Agency for Toxic Substances and Disease Registry as described in that subsection, but is intended to provide an independent review of the appropriateness and credibility of the study proposed by the Agency and to identify possible improvements in the plan or implementation of the study proposed by the Agency.

(e) REPORT.—(1) Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report on the study required by subsection (a), including such recommendations as the Comptroller General considers appropriate for further study or for legislative or other action.

(2) Recommendations under paragraph (1) may include recommendations for modifications or additions to the study proposed by the Agency for Toxic Substances and Disease Registry, as described in subsection (a)(2), in order to improve the study.

SEC. 325. INCREASE IN AUTHORIZED AMOUNT OF ENVIRONMENTAL REMEDIATION, FRONT ROYAL, VIRGINIA.

Section 591(a)(2) of the Water Resources Development Act of 1999 (Public Law 106–53; 113 Stat. 378) is amended by striking "$12,000,000" and inserting "$22,000,000".

SEC. 326. COMPTROLLER GENERAL STUDY AND REPORT ON ALTERNATIVE TECHNOLOGIES TO DECONTAMINATE GROUNDWATER AT DEPARTMENT OF DEFENSE INSTALLATIONS.

(a) COMPTROLLER GENERAL STUDY.—The Comptroller General of the United States shall conduct a study to determine whether or not cost-effective technologies are available to the Department of Defense for the cleanup of groundwater contamination at Department installations in lieu of traditional methods, such as pump and treat, that can be expensive and take many years to complete.

(b) ELEMENTS.—The study under subsection (a) shall include the following:

(1) An identification of current technologies being used or field tested by the Department to treat groundwater at Department installations, including the contaminants being addressed.

(2) An identification of cost-effective technologies described in that subsection that are currently under research, under development by commercial vendors, or available commercially and being used outside the Department and that have potential for use by the Department to address the contaminants identified under paragraph (1).

(3) An evaluation of the potential benefits and limitations of using the technologies identified under paragraphs (1) and (2).

(4) A description of the barriers, such as cost, capability, or legal restrictions, to using the technologies identified under paragraph (2).

(5) Any other matters the Comptroller General considers appropriate.

(c) REPORT.—By April 1, 2005, the Comptroller General shall submit to Congress a report on the study under subsection (a). The report shall include the results of the study and any recommendations, including recommendations for administrative or legislative action, that the Comptroller General considers appropriate.

SEC. 327. SENSE OF SENATE ON PERCHLORATE CONTAMINATION OF GROUND AND SURFACE WATER.

(a) FINDINGS.—The Senate makes the following findings:

(1) Because finite water sources in the United States are stretched by regional drought conditions and increasing demand for water supplies, there is increased need for safe and dependable supplies of fresh water for drinking and use for agricultural purposes.

(2) Perchlorate, a naturally occurring and manmade compound with medical, commercial, and national defense applications, which has been used primarily in military munitions and rocket fuels, has been detected in fresh water sources intended for use as drinking water and water necessary for the production of agricultural commodities.

(3) If ingested in sufficient concentration and in adequate duration, perchlorate may interfere with thyroid metabolism, and this effect may impair the normal development of the brain in fetuses and newborns.

(4) The Federal Government has not yet established a drinking water standard for perchlorate.

(5) The National Academy of Sciences is conducting an assessment of the state of the

science regarding the effects on human health of perchlorate ingestion that will aid in understanding the effect of perchlorate exposure on sensitive populations.

(b) Sense of Senate.—It is the sense of the Senate that—

(1) perchlorate has been identified as a contaminant of drinking water sources or in the environment in 34 States and has been used or manufactured in 44 States;

(2) perchlorate exposure at or above a certain level may adversely affect public health, particularly the health of vulnerable and sensitive populations; and

(3) the Department of Defense should—

(A) work to develop a national plan to remediate perchlorate contamination of the environment resulting from Department's activities to ensure the Department is prepared to respond quickly and appropriately once a drinking water standard is established;

(B) in cases in which the Department is already remediating perchlorate contamination, continue that remediation;

(C) prior to the development of a drinking water standard for perchlorate, develop a plan to remediate perchlorate contamination in cases in which such contamination from the Department's activities is present in ground or surface water at levels that pose a hazard to human health; and

(D) continue the process of evaluating and prioritizing sites without waiting for the development of a Federal standard.

SEC. 328. AMOUNT FOR RESEARCH AND DEVELOPMENT FOR IMPROVED PREVENTION OF LEISHMANIASIS.

(a) Increase in Amount for Defense Health Program.—The amount authorized to be appropriated by section 303(a)(2) for the Defense Health Program for research, development, test, and evaluation is hereby increased by $500,000, with the amount of the increase to be available for purposes relating to Leishmaniasis Diagnostics Laboratory.

(b) Increase in Amount for RDT&E, Army for Leishmaniasis Topical Treatment.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation, Army, as increased by subsection (b), is hereby further increased by $4,500,000, with the amount of the increase to be available in Program Element PE 0604807A for purposes relating to Leishmaniasis Topical Treatment.

(c) Offset.—The amount authorized to be appropriated by section 421 is hereby reduced by $5,000,000, with the amount of the reduction to be derived from excess amounts provided for military personnel of the Air Force.

SEC. 329. REPORT REGARDING ENCROACHMENT ISSUES AFFECTING UTAH TEST AND TRAINING RANGE, UTAH.

(a) Report Required.—(1) The Secretary of the Air Force shall prepare a report that outlines current and anticipated encroachments on the use and utility of the special use airspace of the Utah Test and Training Range in the State of Utah, including encroachments brought about through actions of other Federal agencies. The Secretary shall include such recommendations as the Secretary considers appropriate regarding any legislative initiatives necessary to address encroachment problems identified by the Secretary in the report.

(2) It is the sense of the Senate that such recommendations should be carefully considered for future legislative action.

(b) Submission of Report.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit the report to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate.

(c) Prohibition on Ground Military Operations.—Nothing in this section shall be construed to permit a military operation to be conducted on the ground in a covered wilderness study area in the Utah Test and Training Range.

(d) Communications and Tracking Systems.—Nothing in this section shall be construed to prevent any required maintenance of existing communications, instrumentation, or electronic tracking systems (or the infrastructure supporting such systems) necessary for effective testing and training to meet military requirements in the Utah Test and Training Range.

Subtitle D—Depot-Level Maintenance and Repair

SEC. 331. SIMPLIFICATION OF ANNUAL REPORTING REQUIREMENTS CONCERNING FUNDS EXPENDED FOR DEPOT MAINTENANCE AND REPAIR WORKLOADS.

(a) Consolidation and Revision of Departmental Reporting Requirements.—Section 2466(d) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking "February 1" and inserting "April 1"; and

(B) by striking "the preceding two fiscal years" and inserting "the preceding fiscal year and are projected to be expended in the fiscal year in which submitted and ensuing fiscal years"; and

(2) by striking paragraph (2).

(b) Timing and Content of GAO Views.—Paragraph (3) of such section—

(1) is redesignated as paragraph (2); and

(2) is amended—

(A) by striking "60 days" and inserting "90 days"; and

(B) by striking "whether—" and all that follows and inserting the following: "whether the Department of Defense has complied with the requirements of subsection (a) for the fiscal year preceding the fiscal year in which the report is submitted and whether the expenditure projections for the other fiscal years covered by the report are reasonable.".

SEC. 332. REPEAL OF REQUIREMENT FOR ANNUAL REPORT ON MANAGEMENT OF DEPOT EMPLOYEES.

(a) Repeal.—Section 2472 of title 10, United States Code, is amended by striking subsection (b).

(b) Conforming Amendment.—Subsection (a) of such section is amended by striking "(a) Prohibition on Management by End Strength.—".

SEC. 333. EXTENSION OF SPECIAL TREATMENT FOR CERTAIN EXPENDITURES INCURRED IN THE OPERATION OF CENTERS OF INDUSTRIAL AND TECHNICAL EXCELLENCE.

Section 2474(f)(1) of title 10, United States Code, is amended by striking "through 2006" and inserting "through 2009".

Subtitle E—Extensions of Program Authorities

SEC. 341. TWO-YEAR EXTENSION OF DEPARTMENT OF DEFENSE TELECOMMUNICATIONS BENEFIT.

Section 344(c) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1449) is amended by striking "September 30, 2004" and inserting "September 30, 2006".

SEC. 342. TWO-YEAR EXTENSION OF ARSENAL SUPPORT PROGRAM INITIATIVE.

Section 343 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (10 U.S.C. 4551 note) is amended—

(1) in subsection (a), by striking "2004" and inserting "2006"; and

(2) in subsection (g)—

(A) in paragraph (1), by striking "2004" and inserting "2006"; and

(B) in paragraph (2), by striking "2003" and inserting "2005".

SEC. 343. REAUTHORIZATION OF WARRANTY CLAIMS RECOVERY PILOT PROGRAM.

Section 391(f) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 10 U.S.C. 2304 note) is amended by striking "September 30, 2004" and inserting "September 30, 2006".

Subtitle F—Defense Dependents Education

SEC. 351. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) Continuation of Department of Defense Program for Fiscal Year 2005.—Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $30,000,000 shall be available only for the purpose of providing educational agencies assistance to local educational agencies.

(b) Notification.—Not later than June 30, 2005, the Secretary of Defense shall notify each local educational agency that is eligible for educational agencies assistance for fiscal year 2005 of—

(1) that agency's eligibility for the assistance; and

(2) the amount of the assistance for which that agency is eligible.

(c) Disbursement of Funds.—The Secretary of Defense shall disburse funds made available under subsection (a) not later than 30 days after the date on which notification to the eligible local educational agencies is provided pursuant to subsection (b).

(d) Definitions.—In this section:

(1) The term "educational agencies assistance" means assistance authorized under section 386(b) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 20 U.S.C. 7703 note).

(2) The term "local educational agency" has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

(3) The term "basic support payment" means a payment authorized under section 8003(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(1)).

SEC. 352. IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.

Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $5,000,000 shall be available for payments under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–77; 20 U.S.C. 7703a).

SEC. 353. SENSE OF THE SENATE REGARDING THE IMPACT OF THE PRIVATIZATION OF MILITARY HOUSING ON LOCAL SCHOOLS.

(a) Findings.—The Senate finds the following:

(1) There are approximately 750,000 school-aged children of members of the active duty Armed Forces in the United States.

(2) Approximately 650,000 of those students are currently being served in public schools across the United States.

(3) The Department of Defense has embarked on military housing privatization initiatives using authorities provided in subchapter IV of chapter 169 of part IV of subtitle A of title 10, United States Code, which

will result in the improvement or replacement of 120,000 military family housing units in the United States.

(4) The Secretary of each military department is authorized to include the construction of new school facilities in agreements carried out under subchapter IV of chapter 169 of part IV of subtitle A of title 10, United States Code.

(b) Sense of the Senate.—It is the sense of the Senate that the Department of Defense should support the construction of schools in housing privatization agreements that severely impact student populations.

Subtitle G—Other Matters

SEC. 361. CHARGES FOR DEFENSE LOGISTICS INFORMATION SERVICES MATERIALS.

(a) Authority.—Subchapter I of chapter 8 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 197. Defense Logistics Agency: fees charged for logistics information

"(a) Authority.—The Secretary of Defense may charge fees for providing information in the Federal Logistics Information System through Defense Logistics Information Services to a department or agency of the executive branch outside the Department of Defense, or to a State, a political subdivision of a State, or any person.

"(b) Amount.—The fee or fees prescribed under subsection (a) shall be such amount or amounts as the Secretary of Defense determines appropriate for recovering the costs of providing information as described in such subsection.

"(c) Retention of Fees.—Fees collected under this section shall be credited to the appropriation available for Defense Logistics Information Services for the fiscal year in which collected, shall be merged with other sums in such appropriation, and shall be available for the same purposes and period as the appropriation with which merged.

"(d) Defense Logistics Information Services Defined.—In this section, the term 'Defense Logistics Information Services' means the organization within the Defense Logistics Agency that is known as Defense Logistics Information Services.".

(b) Clerical Amendment.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"197. Defense Logistics Agency: fees charged for logistics information.".

SEC. 362. TEMPORARY AUTHORITY FOR CONTRACTOR PERFORMANCE OF SECURITY-GUARD FUNCTIONS.

(a) Conditional Extension of Authority.—Subsection (c) of section 332 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2513) is amended—

(1) by inserting "(1)" after "Authority.—"; and

(2) by striking "at the end of the three-year period" and all that follows through the period at the end and inserting "at the end of September 30, 2006, except that such authority shall not be in effect under this section for any period after December 1, 2004, during which the Secretary has failed to comply with the requirement to submit the plan under subsection (d)(2).

"(2) No security-guard functions may be performed under any contract entered into using the authority provided under this section during any period for which the authority for contractor performance of security-guard functions under this section is not in effect.

"(3) The term of any contract entered into using the authority provided under this section may not extend beyond the date of the expiration of authority under paragraph (1).".

(b) Reaffirmation and Revision of Reporting Requirement.—Subsection (d) of such section is amended—

(1) by striking "180 days after the date of the enactment of this Act," and inserting "December 1, 2004,";

(2) by redesignating paragraphs (1) and (2) as paragraphs (2) and (4), respectively;

(3) by inserting after "shall—" the following new paragraph:

"(1) identify each contract for the performance of security-guard functions entered into pursuant to the authority in subsection (a) on or before September 30, 2004, including information regarding—

"(A) each installation at which such security-guard functions are performed or are to be performed;

"(B) the period and amount of such contract;

"(C) the number of security guards employed or to be employed under such contract; and

"(D) the actions taken or to be taken within the Department of Defense to ensure that the conditions applicable under paragraph (1) of subsection (a) or determined under paragraph (2) of such subsection are satisfied;";

(4) by striking "and" at the end of paragraph (2), as redesignated by paragraph (2); and

(5) by inserting after paragraph (2), as so redesignated, the following new paragraph:

"(3) identify any limitation or constraint on the end strength of the civilian workforce of the Department of Defense that makes it difficult to meet requirements identified under paragraph (2) by hiring personnel as civilian employees of the Department of Defense; and".

SEC. 363. PILOT PROGRAM FOR PURCHASE OF CERTAIN MUNICIPAL SERVICES FOR DEPARTMENT OF DEFENSE INSTALLATIONS.

(a) Authority.—The Secretary of Defense may carry out a pilot program to provide for the purchase of certain services needed for a Department of Defense installation from a county or municipality where the installation is located.

(b) Purpose of Program.—The purpose of the pilot program is to provide the Secretary with a basis for evaluating the efficacy of purchasing public works, utility, and other services needed for Department of Defense installations from counties or municipalities where the installations are located.

(c) Services Authorized for Procurement.—Only the following services may be purchased for a participating installation under the pilot program:

(1) Refuse collection.
(2) Refuse disposal.
(3) Library services.
(4) Recreation services.
(5) Facility maintenance and repair.
(6) Utilities.

(d) Program Installations.—The Secretary of each military department may designate under this section not more than two installations of such military department for participation in the pilot program. Only installations located in the United States are eligible for designation under this subsection.

(e) Report.—Not later than February 1, 2010, the Secretary of Defense shall submit to Congress a report on any pilot program carried out under this section. The report shall include—

(1) the Secretary's evaluation of the efficacy of purchasing public works, utility, and other services for Department of Defense installations from counties or municipalities where the installations are located; and

(2) any recommendations that the Secretary considers appropriate regarding authority to make such purchases.

(f) Period of Pilot Program.—The pilot program may be carried out during fiscal years 2005 through 2010.

SEC. 364. CONSOLIDATION AND IMPROVEMENT OF AUTHORITIES FOR ARMY WORKING-CAPITAL FUNDED FACILITIES TO ENGAGE IN PUBLIC-PRIVATE PARTNERSHIPS.

(a) Public-Private Partnerships Authorized.—Chapter 433 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 4544. Army industrial facilities: public-private partnerships

"(a) Public-Private Partnerships Authorized.—A working-capital funded Army industrial facility may enter into cooperative arrangements with non-Army entities to carry out military or commercial projects with the non-Army entities. A cooperative arrangement under this section shall be known as a 'public-private partnership'.

"(b) Authorized Partnership Activities.—A public-private partnership entered into by an Army industrial facility may provide for any of the following activities:

"(1) The sale of articles manufactured by the facility or services performed by the facility to persons outside the Department of Defense.

"(2) The performance of—

"(A) work by a non-Army entity at the facility; or

"(B) work for a non-Army entity by the facility.

"(3) The sharing of work by the facility and one or more non-Army entities.

"(4) The leasing, or use under a facilities use contract or otherwise, of the facility (including excess capacity) or equipment (including excess equipment) of the facility by a non-Army entity.

"(5) The preparation and submission of joint offers by the facility and one or more non-Army entities for competitive procurements entered into with a department or agency of the United States.

"(c) Conditions for Public-Private Partnerships.—An activity described in subsection (b) may be carried out as a public-private partnership at an Army industrial facility only under the following conditions:

"(1) In the case of an article to be manufactured or services to be performed by the facility, the articles can be substantially manufactured, or the services can be substantially performed, by the facility without subcontracting for more than incidental performance.

"(2) The activity does not interfere with performance of—

"(A) work by the facility for the Department of Defense; or

"(B) a military mission of the facility.

"(3) The activity meets one of the following objectives:

"(A) Maximize utilization of the capacity of the facility.

"(B) Reduction or elimination of the cost of ownership of the facility.

"(C) Reduction in the cost of manufacturing or maintaining Department of Defense products at the facility.

"(D) Preservation of skills or equipment related to a core competency of the facility.

"(4) The non-Army entity partner or purchaser agrees to hold harmless and indemnify the United States from any liability or claim for damages or injury to any person or property arising out of the activity, including any damages or injury arising out of a decision by the Secretary of the Army or the Secretary of Defense to suspend or terminate an activity, or any portion thereof, during a war or national emergency or to require the facility to perform other work or provide other services on a priority basis, except—

"(A) in any case of willful misconduct or gross negligence; and

"(B) in the case of a claim by a purchaser of articles or services under this section that damages or injury arose from the failure of the Government to comply with quality, schedule, or cost performance requirements in the contract to carry out the activity.

"(d) Methods of Public-Private Partnerships.—To conduct an activity of a public-private partnership under this section, the approval authority described in subsection (f) for an Army industrial facility may, in the exercise of good business judgment—

"(1) enter into a firm, fixed-price contract (or, if agreed to by the purchaser, a cost reimbursement contract) for a sale of articles or services or use of equipment or facilities;

"(2) enter into a multiyear partnership contract for a period not to exceed five years, unless a longer period is specifically authorized by law;

"(3) charge a partner the amounts necessary to recover the full costs of the articles or services provided, including capital improvement costs, and equipment depreciation costs associated with providing the articles, services, equipment, or facilities;

"(4) authorize a partner to use incremental funding to pay for the articles, services, or use of equipment or facilities; and

"(5) accept payment-in-kind.

"(e) Deposit of Proceeds.—(1) The proceeds of sales of articles and services received in connection with the use of an Army industrial facility under this section shall be credited to the appropriation or working-capital fund that incurs the variable costs of manufacturing the articles or performing the services. Notwithstanding section 3302(b) of title 31, the amount so credited with respect to an Army industrial facility shall be available, without further appropriation, as follows:

"(A) Amounts equal to the amounts of the variable costs so incurred shall be available for the same purposes as the appropriation or working-capital fund to which credited.

"(B) Amounts in excess of the amounts of the variable costs so incurred shall be available for operations, maintenance, and environmental restoration at that Army industrial facility.

"(2) Amounts credited to a working-capital fund under paragraph (1) shall remain available until expended. Amounts credited to an appropriation under paragraph (1) shall remain available for the same period as the appropriation to which credited.

"(f) Approval of Sales.—The authority of an Army industrial facility to conduct a public-private partnership under this section shall be exercised at the level of the commander of the major subordinate command of the Army that has responsibility for the facility. The commander may approve such partnership on a case basis or a class basis.

"(g) Commercial Sales.—Except in the case of work performed for the Department of Defense, for a contract of the Department of Defense, for foreign military sales, or for authorized foreign direct commercial sales (defense articles or defense services sold to a foreign government or international organization under export controls), a sale of articles or services may be made under this section only if the approval authority described in subsection (f) determines that the articles or services are not available from a commercial source located in the United States in the required quantity or quality, or within the time required.

"(h) Exclusion From Depot-Level Maintenance and Repair Percentage Limitation.—Amounts expended for depot-level maintenance and repair workload by non-Federal personnel at an Army industrial facility shall not be counted for purposes of applying the percentage limitation in section 2466(a) of this title if the personnel are provided by a non-Army entity pursuant to a public-private partnership established under this section.

"(i) Relationship to Other Laws.—Nothing in this section shall be construed to affect the application of—

"(1) foreign military sales and the export controls provided for in sections 30 and 38 of the Arms Export Control Act (22 U.S.C. 2770 and 2778) to activities of a public-private partnership under this section; and

"(2) section 2667 of this title to leases of non-excess property in the administration of a public-private partnership under this section.

"(j) Definitions.—In this section:

"(1) The term 'Army industrial facility' includes an ammunition plant, an arsenal, a depot, and a manufacturing plant.

"(2) The term 'non-Army entity' includes the following:

"(A) An executive agency.

"(B) An entity in industry or commercial sales.

"(C) A State or political subdivision of a State.

"(D) An institution of higher education or vocational training institution.

"(3) The term 'incremental funding' means a series of partial payments that—

"(A) are made as the work on manufacture or articles is being performed or services are being performed or equipment or facilities are used, as the case may be; and

"(B) result in full payment being completed as the required work is being completed.

"(4) The term 'full costs', with respect to articles or services provided under this section, means the variable costs and the fixed costs that are directly related to the production of the articles or the provision of the services.

"(5) The term 'variable costs' means the costs that are expected to fluctuate directly with the volume of sales or services provided or the use of equipment or facilities.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"4544. Army industrial facilities: public-private partnerships.".

SEC. 365. PROGRAM TO COMMEMORATE 60TH ANNIVERSARY OF WORLD WAR II.

(a) In General.—For fiscal year 2005, the Secretary of Defense may conduct a program—

(1) to commemorate the 60th anniversary of World War II; and

(2) to coordinate, support, and facilitate other such commemoration programs and activities of the Federal Government, State and local governments, and other persons.

(b) Program Activities.—The program referred to in subsection (a) may include activities and ceremonies—

(1) to provide the people of the United States with a clear understanding and appreciation of the lessons and history of World War II;

(2) to thank and honor veterans of World War II and their families;

(3) to pay tribute to the sacrifices and contributions made on the home front by the people of the United States;

(4) to foster an awareness in the people of the United States that World War II was the central event of the 20th century that defined the postwar world;

(5) to highlight advances in technology, science, and medicine related to military research conducted during World War II;

(6) to inform wartime and postwar generations of the contributions of the Armed Forces of the United States to the United States;

(7) to recognize the contributions and sacrifices made by World War II allies of the United States; and

(8) to highlight the role of the Armed Forces of the United States, then and now, in maintaining world peace through strength.

(c) Establishment of Account.—(1) There is established in the Treasury of the United States an account to be known as the "Department of Defense 60th Anniversary of World War II Commemoration Account" which shall be administered by the Secretary as a single account.

(2) There shall be deposited in the account, from amounts appropriated to the Department of Defense for operation and maintenance of Defense Agencies, such amounts as the Secretary considers appropriate to conduct the program referred to in subsection (a).

(3) The Secretary may use the funds in the account established in paragraph (1) only for the purpose of conducting the program referred to in subsection (a).

(4) Not later than 60 days after the termination of the authority of the Secretary to conduct the program referred to in subsection (a), the Secretary shall transmit to the Committees on Armed Services of the Senate and House of Representatives a report containing an accounting of all the funds deposited into and expended from the account or otherwise expended under this section, and of any amount remaining in the account. Unobligated funds which remain in the account after termination of the authority of the Secretary under this section shall be held in the account until transferred by law after the Committees receive the report.

(d) Acceptance of Voluntary Services.—(1) Notwithstanding section 1342 of title 31, United States Code, the Secretary may accept from any person voluntary services to be provided in furtherance of the program referred to in subsection (a).

(2) A person providing voluntary services under this subsection shall be considered to be an employee for the purposes of chapter 81 of title 5, United States Code, relating to compensation for work-related injuries. Such a person who is not otherwise employed by the Federal Government shall not be considered to be a Federal employee for any other purposes by reason of the provision of such service.

(3) The Secretary may reimburse a person providing voluntary services under this subsection for incidental expenses incurred by such person in providing such services. The Secretary shall determine which expenses are eligible for reimbursement under this paragraph.

SEC. 366. MEDIA COVERAGE OF THE RETURN TO THE UNITED STATES OF THE REMAINS OF DECEASED MEMBERS OF THE ARMED FORCES FROM OVERSEAS.

(a) FINDINGS.—Congress makes the following findings:

(1) The Department of Defense, since 1991, has relied on a policy of no media coverage of the transfers of the remains of members Ramstein Air Force Base, Germany, nor at Dover Air Force Base, Delaware, and the Port Mortuary Facility at Dover Air Force Base, nor at interim stops en route to the point of final destination in the transfer of the remains.

(2) The principal focus and purpose of the policy is to protect the wishes and the privacy of families of deceased members of the Armed Forces during their time of great loss and grief and to give families and friends of the dead the privilege to decide whether to allow media coverage at the member's duty or home station, at the interment site, or at or in connection with funeral and memorial services.

(3) In a 1991 legal challenge to the Department of Defense policy, as applied during Operation Desert Storm, the policy was upheld by the United States District Court for the District of Columbia, and on appeal, by the United States Court of Appeals for the District of Columbia in the case of JB Pictures, Inc. v. Department of Defense and Donald B. Rice, Secretary of the Air Force on the basis that denying the media the right to view the return of remains at Dover Air Force Base does not violate the first amendment guarantees of freedom of speech and of the press.

(4) The United States Court of Appeals for the District of Columbia in that case cited the following two key Government interests that are served by the Department of Defense policy:

(A) Reducing the hardship on the families and friends of the war dead, who may feel obligated to travel great distances to attend arrival ceremonies at Dover Air Force Base if such ceremonies were held.

(B) Protecting the privacy of families and friends of the dead, who may not want media coverage of the unloading of caskets at Dover Air Force Base.

(5) The Court also noted, in that case, that the bereaved may be upset at the public display of the caskets of their loved ones and that the policy gives the family the right to grant or deny access to the media at memorial or funeral services at the home base and that the policy is consistent in its concern for families.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Department of Defense policy regarding no media coverage of the transfer of the remains of deceased members of the Armed Forces appropriately protects the privacy of the members' families and friends of and is consistent with United States constitutional guarantees of freedom of speech and freedom of the press.

SEC. 367. TRACKING AND CARE OF MEMBERS OF THE ARMED FORCES WHO ARE INJURED IN COMBAT.

(a) FINDINGS.—The Senate makes the following findings:

(1) Members of the Armed Forces of the United States place themselves in harm's way in the defense of democratic values and to keep the United States safe.

(2) This call to duty has resulted in the ultimate sacrifice of members of the Armed Forces of the United States who are killed or critically injured while serving the United States.

(b) SENSE OF SENATE.—It is the sense of the Senate—

(1) to honor the sacrifice of the members of the Armed Forces who have been killed or critically wounded while serving the United States;

(2) to recognize the heroic efforts of the medical personnel of the Armed Forces in treating wounded military personnel and civilians; and

(3) to support advanced medical technologies that assist the medical personnel of the Armed Forces in saving lives and reducing disability rates for members of the Armed Forces.

(c) POLICY ON TRACKING OF WOUNDED FROM COMBAT ZONES.—(1) Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall—

(A) prescribe the policy of the Department of Defense for providing timely notification to the next of kin of the status, including health and location, of members of the Armed Forces who are seriously ill or injured in a combat zone; and

(B) transmit to the Committees on Armed Services of the Senate and House of Representatives a copy of the policy prescribed under subparagraph (A).

(2) The policy prescribed under paragraph (1) shall ensure respect for the expressed desires of individual members of the Armed Forces regarding notification of next of kin under the policy, and shall also include standards of timeliness for the initial and continuing notification of next of kin under the policy.

(d) FUNDING FOR MEDICAL EQUIPMENT AND COMBAT CASUALTY TECHNOLOGIES.—(1) The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide activities, is hereby increased by $10,000,000, with the amount of the increase to be allocated to Program Element PE 0603826D8Z.

(2) Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide activities, and allocated to Program Element PE 0603826D8Z, as provided by paragraph (1), $10,000,000 may be available for medical equipment and combat casualty care technologies.

(e) OFFSET.—The amount authorized to be appropriated by section 421 is hereby reduced by $10,000,000, with the amount of the reduction to be derived from excess amounts provided for military personnel of the Air Force.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2005, as follows:

(1) The Army, 502,400, subject to the condition that costs of active duty personnel of the Army in excess of 482,400 shall be paid out of funds authorized to be appropriated for fiscal year 2005 for a contingent emergency reserve fund or as an emergency supplemental appropriation.

(2) The Navy, 365,900.

(3) The Marine Corps, 175,000.

(4) The Air Force, 359,700.

SEC. 402. ADDITIONAL AUTHORITY FOR INCREASES OF ARMY ACTIVE DUTY PERSONNEL END STRENGTHS FOR FISCAL YEARS 2005 THROUGH 2009.

(a) AUTHORITY.—During fiscal years 2005 through 2009, the Secretary of Defense is authorized to increase by up to 30,000 the end strength authorized for the Army for such fiscal year under section 115(a)(1)(A) of title 10, United States Code, as necessary to support the operational mission of the Army in Iraq and Afghanistan and to achieve transformational reorganization objectives of the Army, including objectives for increased numbers of combat brigades, unit manning, force stabilization and shaping, and rebalancing of the active and reserve component forces of the Army.

(b) RELATIONSHIP TO PRESIDENTIAL WAIVER AUTHORITY.—Nothing in this section shall be construed to limit the President's authority under section 123a of title 10, United States Code, to waive any statutory end strength in a time of war or national emergency.

(c) RELATIONSHIP TO OTHER VARIANCE AUTHORITY.—The authority under subsection (a) is in addition to the authority to vary authorized end strengths that is provided in subsections (e) and (f) of section 115 of title 10, United States Code.

(d) BUDGET TREATMENT.—If the Secretary of Defense plans to increase the Army active duty end strength for a fiscal year under subsection (a) of this section or pursuant to a suspension of end-strength limitation under section 123a of title 10, United States Code, then the budget for the Department of Defense for such fiscal year as submitted to Congress shall specify the amounts necessary for funding the active duty end strength of the Army in excess of 482,400 (the end strength authorized for active duty personnel of the Army for fiscal year 2004 in section 401(1) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1450)).

SEC. 403. EXCLUSION OF SERVICE ACADEMY PERMANENT AND CAREER PROFESSORS FROM A LIMITATION ON CERTAIN OFFICER GRADE STRENGTHS.

Section 523(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(8) Up to 50 permanent professors of each of the United States Military Academy and the United States Air Force Academy, and up to 50 professors of the United States Naval Academy who are career military professors (as defined in regulations prescribed by the Secretary of the Navy).".

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2005, as follows:

(1) The Army National Guard of the United States, 350,000.

(2) The Army Reserve, 205,000.

(3) The Naval Reserve, 83,400.

(4) The Marine Corps Reserve, 39,600.

(5) The Air National Guard of the United States, 106,800.

(6) The Air Force Reserve, 76,100.

(7) The Coast Guard Reserve, 10,000.

(b) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected

Reserve of such reserve component shall be proportionately increased by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2005, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 26,602.

(2) The Army Reserve, 14,970.

(3) The Naval Reserve, 14,152.

(4) The Marine Corps Reserve, 2,261.

(5) The Air National Guard of the United States, 12,253.

(6) The Air Force Reserve, 1,900.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

The minimum number of military technicians (dual status) as of the last day of fiscal year 2005 for the reserve components of the Army, and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army Reserve, 7,299.

(2) For the Army National Guard of the United States, 25,076.

(3) For the Air Force Reserve, 9,954.

(4) For the Air National Guard of the United States, 22,956.

SEC. 414. FISCAL YEAR 2005 LIMITATIONS ON NON-DUAL STATUS TECHNICIANS.

(a) LIMITATIONS.—(1) Within the limitation provided in section 10217(c)(2) of title 10, United States Code, the number of non-dual status technicians employed by the National Guard as of September 30, 2005, may not exceed the following:

(A) For the Army National Guard of the United States, 1,600.

(B) For the Air National Guard of the United States, 350.

(2) The number of non-dual status technicians employed by the Army Reserve as of September 30, 2005, may not exceed 795.

(3) The number of non-dual status technicians employed by the Air Force Reserve as of September 30, 2005, may not exceed 90.

(b) NON-DUAL STATUS TECHNICIANS DEFINED.—In this section, the term "non-dual status technician" has the meaning given the term in section 10217(a) of title 10, United States Code.

SEC. 415. AUTHORIZED STRENGTHS FOR MARINE CORPS RESERVE OFFICERS IN ACTIVE STATUS IN GRADES BELOW GENERAL OFFICER.

(a) INCREASED STRENGTHS FOR FIELD GRADE AND COMPANY GRADE OFFICERS.—Section 12005(c)(1), of title 10, United States Code, is amended by amending the table to read as follows:

"Colonel	2 percent
"Lieutenant colonel	8 percent
"Major	16 percent
"Captain	39 percent
"First lieutenant and second lieutenant (when combined with the number authorized for general officer grades under section 12004 of this title)	35 percent.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2004.

Subtitle C—Authorizations of Appropriations

SEC. 421. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 2005 a total of $104,535,458,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2005.

SEC. 422. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 2005 from the Armed Forces Retirement Home Trust Fund the sum of $61,195,000 for the operation of the Armed Forces Retirement Home.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Joint Officer Personnel Management

SEC. 501. MODIFICATION OF CONDITIONS OF ELIGIBILITY FOR WAIVER OF JOINT DUTY CREDIT REQUIREMENT FOR PROMOTION TO GENERAL OR FLAG OFFICER.

(a) CAREER FIELD SPECIALTIES WITH NO JOINT REQUIREMENTS.—Paragraph (2) of section 619a(b) of title 10, United States Code, is amended by striking "scientific and technical qualifications" and inserting "career field specialty qualifications".

(b) OFFICERS SELECTED FOR PROMOTION WHILE IN JOINT DUTY ASSIGNMENT.—Paragraph (4) of such section is amended by striking "if—" and all that follows and inserting "if the officer's total consecutive service in joint duty assignments meets the requirements of section 664 of this title for credit for having completed a full tour of duty in a joint duty assignment.".

SEC. 502. MANAGEMENT OF JOINT SPECIALTY OFFICERS.

(a) EDUCATION AND EXPERIENCE REQUIREMENTS.—(1) Subsection (c) of section 661 of title 10, United States Code, is amended by striking paragraph (1) and inserting the following: "(1) An officer shall have the joint specialty (and shall be designated with a joint specialty officer identifier) upon—

"(A) successfully completing (in any sequence)—

"(i) a program accredited by Chairman of the Joint Chiefs of Staff that is presented by a joint professional military education institution; and

"(ii) a full tour of duty in a joint duty assignment; or

"(B) completing two full tours of duty in joint duty assignments.".

(2) Subsection (c) of such section is further amended—

(A) by striking paragraphs (2) and (3); and

(B) by redesignating paragraph (4) as paragraph (2).

(b) DESIGNATION OF JOINT SPECIALTY GENERAL AND FLAG OFFICER POSITIONS.—Section 661 of such title is further amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

"(f) JOINT SPECIALTY OFFICER DESIGNATION FOR GENERAL AND FLAG POSITIONS.—(1) The Secretary of Defense shall ensure that the general and flag officer positions required to be filled by officers with the joint specialty as joint duty assignments are designated as such.

"(2) An officer without the joint specialty may be assigned to a position designated under paragraph (1) only if the Secretary of Defense determines that the assignment of that officer to such position is necessary and waives the requirement to assign an officer with the joint specialty to that position.".

SEC. 503. REVISED PROMOTION POLICY OBJECTIVES FOR JOINT OFFICERS.

(a) QUALIFICATIONS.—Subsection (a) of section 662 of title 10, United States Code, is amended to read as follows:

"(a) QUALIFICATIONS.—(1) The Secretary of a military department shall prescribe for the officers in each of the armed forces under the jurisdiction of such Secretary policies and procedures to ensure that an adequate number of senior colonels, or in the case of the Navy, senior captains, who are serving in or have served in joint duty assignments meet the requirements of section 619a of this title for eligibility for promotion to brigadier general and rear admiral (lower half).

"(2) The Secretary of Defense shall ensure that the qualifications of officers assigned to joint duty assignments are such that—

"(A) officers who are serving on or have served on the Joint Staff are expected, as a group, to be promoted to the next higher grade at a rate not less than the rate for officers of the same armed force in the same grade and competitive category who are serving on the headquarters staff of their armed force; and

"(B) officers who are serving in or have served in joint duty assignments are expected, as a group, to be promoted to the next higher grade at a rate not less than the rate for all officers of the same armed force in the same grade and competitive category.

"(3) The Secretary of Defense shall prescribe policies to ensure that the Secretaries of the military departments provide for promotion selection boards to give appropriate consideration to officers who are serving in or have served in joint duty assignments and are eligible for consideration by such boards.".

(b) CONFORMING AMENDMENT.—Subsection (b) of such section is amended by striking "paragraphs (1), (2), and (3) of subsection (a)" and inserting "subparagraphs (A) and (B) of subsection (a)(2)".

SEC. 504. LENGTH OF JOINT DUTY ASSIGNMENTS.

Section 664 of title 10, United States Code, is amended by striking subsection (b) and all that follows and inserting the following new subsections:

"(b) FULL CREDIT FOR JOINT DUTY.—An officer shall be credited with having completed a full tour of duty in a joint duty assignment upon the completion of any of the following:

"(1) Service in a joint duty assignment that meets the standards of subsection (a).

"(2) Service in a joint duty assignment for a period that equals or exceeds the standard length of the joint duty assignments that is prescribed under subsection (c) for the installation or other location of the officer's joint duty assignment.

"(3) Cumulative service of at least one year on one or more headquarters staffs within a United States or multinational joint task force.

"(4) Service in a second joint duty assignment for not less than 24 months, without regard to how much of the officer's service in the first joint duty assignment has been credited as service in a joint duty assignment.

"(5) Any service in a joint duty assignment if the Secretary of Defense has granted a waiver for such officer under subsection (d).

"(c) STANDARD LENGTH OF JOINT DUTY ASSIGNMENTS.—The Secretary of Defense shall prescribe in regulations, for each installation and other location authorized joint duty assignment positions, the standard length of the joint duty assignments in such positions at that installation or other location, as the case may be.

"(d) WAIVER AUTHORITY.—The Secretary of Defense may waive the applicability of this section in the case of any particular officer if the Secretary determines that it is in the national security interests of the United States to do so.".

SEC. 505. REPEAL OF MINIMUM PERIOD REQUIREMENT FOR PHASE II JOINT PROFESSIONAL MILITARY EDUCATION.

Section 663 of title 10, United States Code, is amended by striking subsection (e).

SEC. 506. REVISED DEFINITIONS APPLICABLE TO JOINT DUTY.

(a) JOINT DUTY ASSIGNMENT.—Subsection (b)(2) of section 668 of title 10, United States Code, is amended by striking "a list" in the matter preceding subparagraph (A) and inserting "a joint duty assignment list".

(b) TOUR OF DUTY.—Subsection (c) of such section is amended to read as follows:

"(c) TOUR OF DUTY.—In this chapter, the term 'tour of duty' includes two or more consecutive tours of duty in joint duty assignment positions that is credited as service in a joint duty assignment under this chapter.".

Subtitle B—Other Officer Personnel Policy

SEC. 511. TRANSITION OF ACTIVE-DUTY LIST OFFICER FORCE TO A FORCE OF ALL REGULAR OFFICERS.

(a) ORIGINAL APPOINTMENTS AS COMMISSIONED OFFICERS.—(1) Section 532 of title 10, United States Code, is amended by striking subsection (e).

(2) Subsection (a)(2) of such section is amended by striking "fifty-fifth birthday" and inserting "sixty-second birthday".

(3)(A) Such section 532, as amended by paragraph (1), is further amended by adding at the end the following new subsection (e):

"(e) For an original appointment in a grade below major or, in the case of the Navy, a grade below lieutenant commander under subsection (a), the Secretary of Defense may waive the applicability of the requirement of subsection (a)(1) to an alien lawfully admitted to permanent residence in the United States when the Secretary determines that it is the national security interests of the United States to do so.".

(B) Section 619(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(5) An officer in the grade of captain or, in the case of the Navy, lieutenant who is not a citizen of the United States.".

(4) Section 531(a) of such title is amended to read as follows:

"(a)(1) Original appointments in the grades of second lieutenant through captain in the Regular Army, Regular Air Force, and Regular Marine Corps and in the grades of ensign through lieutenant in the Regular Navy shall be made by the President. The President may delegate to the Secretary of Defense authority to make such appointments.

"(2) Original appointments in the grades of major, lieutenant colonel, and colonel in the Regular Army, Regular Air Force, and Regular Marine Corps and in the grades of lieutenant commander, commander, and captain in the Regular Navy shall be made by the President, by and with the advice and consent of the Senate.".

(b) REPEAL OF TOTAL STRENGTH LIMITATION FOR ACTIVE DUTY REGULAR COMMISSIONED OFFICERS.—(1) Section 522 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 32 of such title is amended by striking the item relating to section 522.

(c) FORCE SHAPING AUTHORITY.—(1)(A) Subchapter V of chapter 36 of such title is amended by adding at the end the following new section:

"§ 647. Force shaping authority

"(a) AUTHORITY.—The Secretary concerned may, solely for the purpose of restructuring an armed force under the jurisdiction of that Secretary—

"(1) discharge an officer described in subsection (b); or

"(2) transfer such an officer from the active-duty list of that armed force to the reserve active-status list of a reserve component of that armed force.

"(b) COVERED OFFICERS.—(1) The authority under this section may be exercised in the case of an officer who—

"(A) has completed not more than 5 years of service as a commissioned officer in the armed forces; or

"(B) has completed more than 5 years of service as a commissioned officer in the armed forces, but has not completed a minimum service obligation applicable to that member.

"(2) In this subsection, the term 'minimum service obligation' means the initial period of required active duty service together with any additional period of required active duty service incurred during the initial period of required active duty service.

"(c) APPOINTMENT OF TRANSFERRED OFFICERS.—An officer of the Regular Army, Regular Air Force, Regular Navy, or Regular Marine Corps who is transferred to a reserve active-status list under this section shall be discharged from the regular component concerned and appointed as a reserve commissioned officer under section 12203 of this title.

"(d) REGULATIONS.—The Secretary concerned shall prescribe regulations for the exercise of the Secretary's authority under this section.".

(B) The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"647. Force shaping authority.".

(2) Section 1174(e)(2)(B) of such title is amended by inserting after "obligated service" the following: ", unless the member is an officer discharged or released under the authority of section 647 of this title".

(3) Section 12201(a) of such title is amended—

(A) by inserting "(1)" after "(a)";

(B) in the first sentence, by inserting ", except as provided in paragraph (2)," after "the armed force concerned and"; and

(C) by adding at the end the following new paragraph:

"(2) An officer transferred from the active-duty list of an armed force to a reserve active-status list of an armed force under section 647 of this title is not required to subscribe to the oath referred to in paragraph (1) in order to qualify for an appointment under that paragraph.".

(4) Section 12203 of such title is amended—

(A) by redesignating subsection (b) as subsection (c); and

(B) by inserting after subsection (a) the following new subsection (b):

"(b) Subject to the authority, direction, and control of the President, the Secretary concerned may appoint as a reserve commissioned officer any regular officer transferred from the active-duty list of an armed force to the reserve active-status list of a reserve component under section 647 of this title, notwithstanding the requirements of subsection (a).".

(5) Section 531 of such title is amended by adding at the end the following new subsection:

"(c) Subject to the authority, direction, and control of the President, an original appointment as a commissioned officer in the Regular Army, Regular Air Force, Regular Navy, or Regular Marine Corps may be made by the Secretary concerned in the case of a reserve commissioned officer upon the transfer of such officer from the reserve active-status list of a reserve component of the armed forces to the active-duty list of an armed force, notwithstanding the requirements of subsection (a).".

(d) ACTIVE-DUTY READY RESERVE OFFICERS NOT ON ACTIVE-DUTY LIST.—Section 641(1)(F) of such title is amended by striking "section 12304" and inserting "sections 12302 and 12304".

(e) ALL REGULAR OFFICER APPOINTMENTS FOR STUDENTS ATTENDING THE UNIVERSITY OF HEALTH SCIENCES.—Section 2114(b) of such title is amended by striking "Notwithstanding any other provision of law, they shall serve" and all that follows through "if qualified," and inserting "Notwithstanding any other provision of law, they shall be appointed as regular officers in the grade of O-1 and shall serve on active duty in that grade. Upon graduation they shall be required to serve on active duty".

(f) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect 180 days after the date of the enactment of this Act.

SEC. 512. ELIGIBILITY OF NAVY STAFF CORPS OFFICERS TO SERVE AS DEPUTY CHIEFS OF NAVAL OPERATIONS AND ASSISTANT CHIEFS OF NAVAL OPERATIONS.

(a) DEPUTY CHIEFS OF NAVAL OPERATIONS.—Section 5036(a) of title 10, United States Code, is amended by striking "in the line".

(b) ASSISTANT CHIEFS OF NAVAL OPERATIONS.—Section 5037(a) of such title is amended by striking "in the line".

SEC. 513. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE JOINT DUTY EXPERIENCE AS ELIGIBILITY REQUIREMENT FOR APPOINTMENT OF CHIEFS OF RESERVE COMPONENTS.

Sections 3038(b)(4), 5143(b)(4), 5144(b)(4), and 8038(b)(4) of title 10, United States Code, are amended by striking "December 31, 2004" and inserting "December 31, 2005".

SEC. 514. LIMITATION ON NUMBER OF OFFICERS FROCKED TO MAJOR GENERAL AND REAR ADMIRAL (UPPER HALF).

Section 777(d) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(2) by striking "(d) LIMITATION ON NUMBER OF OFFICERS FROCKED TO SPECIFIED GRADES.—" and inserting the following:

"(d) LIMITATION ON NUMBER OF OFFICERS FROCKED TO SPECIFIED GRADES.—(1) The total number of brigadier generals and Navy rear admirals (lower half) on the active-duty list who are authorized as described in subsection (a) to wear the insignia for the grade of major general or rear admiral (upper half), as the case may be, may not exceed 30.".

SEC. 515. STUDY REGARDING PROMOTION ELIGIBILITY OF RETIRED WARRANT OFFICERS RECALLED TO ACTIVE DUTY.

(a) REQUIREMENT FOR STUDY.—The Secretary of Defense shall carry out a study to determine whether it would be equitable for retired warrant officers on active duty, but not on the active-duty list by reason of section 582(2) of title 10, United States Code, to be eligible for consideration for promotion under section 573 of such title.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the results of the study under subsection (a). The report shall include a discussion of the Secretary's determination regarding the issue covered by the study, the rationale for the Secretary's determination, and any recommended legislation that the Secretary considers appropriate regarding that issue.

Subtitle C—Reserve Component Personnel Policy

SEC. 521. REPEAL OF EXCLUSION OF ACTIVE DUTY FOR TRAINING FROM AUTHORITY TO ORDER RESERVES TO ACTIVE DUTY.

(a) General Authority To Order Reserves to Active Duty.—Section 12301 of title 10, United States Code, is amended—

(1) in the first sentence of subsection (a), by striking "(other than for training)";

(2) in subsection (c)—

(A) by striking "(other than for training)" and inserting "as described in subsection (a)" in the first sentence; and

(B) by striking "(other than for training)" in the second sentence; and

(3) in subsection (e), by striking "(other than for training)" and inserting "as described in subsection (a)".

(b) Ready Reserve 24-Month Callup Authority.—Section 12302 of such title is amended by striking "(other than for training)" in subsections (a) and (c).

(c) Selected Reserve and Individual Ready Reserve 270-Day Callup Authority.—Section 12304(a) of such title is amended by striking "(other than for training)".

(d) Standby Reserve Callup Authority.—Section 12306 of such title is amended—

(1) in subsection (a), by striking "active duty (other than for training) only as provided in section 12301 of this title" and inserting "active duty only as provided in section 12301 of this title, but subject to the limitations in subsection (b)"; and

(2) in subsection (b)—

(A) in paragraph (1), by striking "(other than for training)" and inserting "under section 12301(a) of this title"; and

(B) in paragraph (2), by striking "no other member" and all that follows through "without his consent" and inserting "notwithstanding section 12301(a) of this title, no other member in the Standby Reserve may be ordered to active duty as an individual under such section without his consent".

SEC. 522. EXCEPTION TO MANDATORY RETENTION OF RESERVES ON ACTIVE DUTY TO QUALIFY FOR RETIREMENT PAY.

Section 12686(a) of title 10, United States Code, is amended by inserting "(other than retired pay for non-regular service under chapter 1223 of this title)" after "a purely military retirement system".

Subtitle D—Education and Training

SEC. 531. ONE-YEAR EXTENSION OF ARMY COLLEGE FIRST PILOT PROGRAM.

Section 573(h) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 10 U.S.C. 513 note), is amended by striking "September 30, 2004" and inserting "December 31, 2005".

SEC. 532. MILITARY RECRUITER EQUAL ACCESS TO CAMPUS.

Subsection (b)(1) of section 983 of title 10, United States Code, is amended—

(1) by striking "entry to campuses" and inserting "access to campuses"; and

(2) by inserting before the semicolon at the end the following: "in a manner that is at least equal in quality and scope to the degree of access to campuses and to students that is provided to any other employer".

SEC. 533. EXCLUSION FROM DENIAL OF FUNDS FOR PREVENTING ROTC ACCESS TO CAMPUS OF AMOUNTS TO COVER INDIVIDUAL COSTS OF ATTENDANCE AT INSTITUTIONS OF HIGHER EDUCATION.

(a) Codification and Extension of Exclusion.—Subsection (d) of section 983 of title 10, United States Code, is amended—

(1) by striking "The" after "(1)" and inserting "Except as provided in paragraph (3), the"; and

(2) by adding at the end the following new paragraph:

"(3) Any Federal funding specified in paragraph (1) that is provided to an institution of higher education, or to an individual, to be available solely for student financial assistance, related administrative costs, or costs associated with attendance, may be used for the purpose for which the funding is provided.".

(b) Conforming Amendments.—Subsections (a) and (b) of such section are amended by striking "(including a grant of funds to be available for student aid)".

(c) Conforming Repeal of Codified Provision.—Section 8120 of the Department of Defense Appropriations Act, 2000 (Public Law 106–79; 10 U.S.C. 983 note), is repealed.

SEC. 534. TRANSFER OF AUTHORITY TO CONFER DEGREES UPON GRADUATES OF THE COMMUNITY COLLEGE OF THE AIR FORCE.

(a) Authority of Air University Commander.—Subsection (a) of section 9317 of title 10, United States Code, is amended—

(1) by striking "and" at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(4) an associate level degree upon graduates of the Community College of the Air Force who fulfill the requirements for that degree.".

(b) Termination of Existing Authority.—(1) Paragraph (1) of section 9315(c) of such title is amended by striking "the commander" and all that follows through "at the level of associate" and inserting "an academic degree at the level of associate may be conferred under section 9317 of this title".

(2) Paragraph (2) of such section is amended by striking "Air Education and Training Command of the Air Force" and inserting "Air University".

(c) Conforming and Clerical Amendments.—(1) The heading of section 9317 of title 10, United States Code, is amended by striking "**graduate-level degrees**" and inserting "**conferral of degrees**".

(2) The item relating to such section in the table of sections at the beginning of chapter 901 of such title is amended to read as follows:

"9317. Air University: conferral of degrees.".

SEC. 535. REPEAL OF REQUIREMENT FOR OFFICER TO RETIRE UPON TERMINATION OF SERVICE AS SUPERINTENDENT OF THE AIR FORCE ACADEMY.

(a) Repeals.—Sections 8921 and 9333a of title 10, United States Code, are repealed.

(b) Clerical Amendments.—Subtitle D of title 10, United States Code, is amended—

(1) in the table of sections at the beginning of chapter 867, by striking the item relating to section 8921; and

(2) in the table of sections at the beginning of chapter 903, by striking the item relating to section 9333a.

Subtitle E—Decorations, Awards, and Commendations

SEC. 541. AWARD OF MEDAL OF HONOR TO INDIVIDUAL INTERRED IN THE TOMB OF THE UNKNOWNS AS REPRESENTATIVE OF CASUALTIES OF A WAR.

(a) Award to Individual as Representative.—Chapter 57 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1134. Medal of honor: award to individual interred in Tomb of the Unknowns as representative of casualties of a war

"The medal of honor awarded posthumously to a deceased member of the armed forces who, as an unidentified casualty of a particular war or other armed conflict, is interred in the Tomb of the Unknowns at Arlington National Cemetery, Virginia, is awarded to the member as the representative of the members of the armed forces who died in such war or other armed conflict and whose remains have not been identified, and not to the individual personally.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1134. Medal of honor: award to individual interred in Tomb of the Unknowns as representative of casualties of a war.".

SEC. 542. SEPARATE CAMPAIGN MEDALS FOR OPERATION ENDURING FREEDOM AND FOR OPERATION IRAQI FREEDOM.

(a) Requirement.—The President shall establish a campaign medal specifically to recognize service by members of the uniformed services in Operation Enduring Freedom and a separate campaign medal specifically to recognize service by members of the uniformed services in Operation Iraqi Freedom.

(b) Eligibility.—Subject to such limitations as may be prescribed by the President, eligibility for a campaign medal established pursuant to subsection (a) shall be set forth in regulations to be prescribed by the Secretary concerned (as defined in section 101 of title 10, United States Code). In the case of regulations prescribed by the Secretaries of the military departments, the regulations shall be subject to approval by the Secretary of Defense and shall be uniform throughout the Department of Defense.

SEC. 543. PLAN FOR REVISED CRITERIA AND ELIGIBILITY REQUIREMENTS FOR AWARD OF COMBAT INFANTRYMAN BADGE AND COMBAT MEDICAL BADGE FOR SERVICE IN KOREA AFTER JULY 28, 1953.

(a) Requirement for Plan.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the Committees on Armed Services of the Senate and the House of Representatives a plan for revising the Army's criteria and eligibility requirements for award of the Combat Infantryman Badge and the Combat Medical Badge for service in the Republic of Korea after July 28, 1953, to fulfill the purpose stated in subsection (b).

(b) Purpose of Revised Criteria and Eligibility Requirements.—The purpose for revising the criteria and eligibility requirements for award of the Combat Infantryman Badge and the Combat Medical Badge for service in the Republic of Korea after July 28, 1953, is to ensure fairness in the standards applied to Army personnel in the awarding of such badges for Army service in the Republic of Korea in comparison to the standards applied to Army personnel in the awarding of such badges for Army service in other areas of operations.

Subtitle F—Military Justice

SEC. 551. REDUCED BLOOD ALCOHOL CONTENT LIMIT FOR OFFENSE OF DRUNKEN OPERATION OF A VEHICLE, AIRCRAFT, OR VESSEL.

Section 911(b)(3) of title 10, United States Code (article 111(b)(3) of the Uniform Code of Military Justice), is amended by striking “0.10 grams” in both places it appears and inserting “0.08 grams”.

SEC. 552. WAIVER OF RECOUPMENT OF TIME LOST FOR CONFINEMENT IN CONNECTION WITH A TRIAL.

Section 972 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(c) WAIVER OF RECOUPMENT OF TIME LOST FOR CONFINEMENT.—The Secretary concerned shall waive liability for a period of confinement in connection with a trial under subsection (a)(3), or exclusion of a period of confinement in connection with a trial under subsection (b)(3), in a case upon the occurrence of any of the following events:

“(1) For each charge—

“(A) the charge is dismissed before or during trial in a final disposition of the charge; or

“(B) the trial results in an acquittal of the charge.

“(2) For each charge resulting in a conviction in such trial—

“(A) the conviction is set aside in a final disposition of such charge, other than in a grant of clemency; or

“(B) a judgment of acquittal or a dismissal is entered upon a reversal of the conviction on appeal.”.

SEC. 553. DEPARTMENT OF DEFENSE POLICY AND PROCEDURES ON PREVENTION AND RESPONSE TO SEXUAL ASSAULTS INVOLVING MEMBERS OF THE ARMED FORCES.

(a) COMPREHENSIVE POLICY ON PREVENTION AND RESPONSE TO SEXUAL ASSAULTS.—(1) Not later than January 1, 2005, the Secretary of Defense shall develop a comprehensive policy for the Department of Defense on the prevention of and response to sexual assaults involving members of the Armed Forces.

(2) The policy shall be based on the recommendations of the Department of Defense Task Force on Care for Victims of Sexual Assaults and on such other matters as the Secretary considers appropriate.

(b) ELEMENTS OF COMPREHENSIVE POLICY.—The policy developed under subsection (a) shall address the following matters:

(1) Prevention measures.

(2) Education and training on prevention and response.

(3) Investigation of complaints by command and law enforcement personnel.

(4) Medical treatment of victims.

(5) Confidential reporting of incidents.

(6) Victim advocacy and intervention.

(7) Oversight by commanders of administrative and disciplinary actions in response to substantiated incidents of sexual assault.

(8) Disposition of victims of sexual assault, including review by appropriate authority of administrative separation actions involving victims of sexual assault.

(9) Disposition of members of the Armed Forces accused of sexual assault.

(10) Liaison and collaboration with civilian agencies on the provision of services to victims of sexual assault.

(11) Uniform collection of data on the incidence of sexual assaults and on disciplinary actions taken in substantiated cases of sexual assault.

(c) REPORT ON IMPROVEMENT OF CAPABILITY TO RESPOND TO SEXUAL ASSAULTS.—Not later than March 1, 2005, the Secretary of Defense shall submit to Congress a proposal for such legislation as the Secretary considers necessary to enhance the capability of the Department of Defense to address matters relating to sexual assaults involving members of the Armed Forces.

(d) APPLICATION OF COMPREHENSIVE POLICY TO MILITARY DEPARTMENTS.—The Secretary shall ensure that, to the maximum extent practicable, the policy developed under subsection (a) is implemented uniformly by the military departments.

(e) POLICIES AND PROCEDURES OF MILITARY DEPARTMENTS.—(1) Not later than March 1, 2005, the Secretaries of the military departments shall prescribe regulations, or modify current regulations, on the policies and procedures of the military departments on the prevention of and response to sexual assaults involving members of the Armed Forces in order—

(A) to conform such policies and procedures to the policy developed under subsection (a); and

(B) to ensure that such policies and procedures include the elements specified in paragraph (2).

(2) The elements specified in this paragraph are as follows:

(A) A program to promote awareness of the incidence of sexual assaults involving members of the Armed Forces.

(B) A program to provide victim advocacy and intervention for members of the Armed Force concerned who are victims of sexual assault, which program shall make available, at home stations and in deployed locations, trained advocates who are readily available to intervene on behalf of such victims.

(C) Procedures for members of the Armed Force concerned to follow in the case of an incident of sexual assault involving a member of such Armed Force, including—

(i) specification of the person or persons to whom the alleged offense should be reported;

(ii) specification of any other person whom the victim should contact;

(iii) procedures for the preservation of evidence; and

(iv) procedures for confidential reporting and for contacting victim advocates.

(D) Procedures for disciplinary action in cases of sexual assault by members of the Armed Force concerned.

(E) Other sanctions authorized to be imposed in substantiated cases of sexual assault, whether forcible or nonforcible, by members of the Armed Force concerned.

(F) Training on the policies and procedures for all members of the Armed Force concerned, including specific training for members of the Armed Force concerned who process allegations of sexual assault against members of such Armed Force.

(G) Any other matters that the Secretary of Defense considers appropriate.

(f) ANNUAL ASSESSMENT OF POLICIES AND PROCEDURES.—Not later than January 15, 2006, and each year thereafter, each Secretary of a military department shall conduct an assessment of the implementation during the preceding fiscal year of the policies and procedures of such department on the prevention of and response to sexual assaults involving members of the Armed Forces in order to determine the effectiveness of such policies and procedures during such fiscal year in providing an appropriate response to such sexual assaults.

(g) ANNUAL REPORTS.—(1) Not later than April 1, 2005, and January 15 of each year thereafter, each Secretary of a military department shall submit to the Secretary of Defense a report on the sexual assaults involving members of the Armed Force concerned during the preceding year.

(2) Each report on an Armed Force under paragraph (1) shall contain the following:

(A) The number of sexual assaults against members of the Armed Force, and the number of sexual assaults by members of the Armed Force, that were reported to military officials during the year covered by such report, and the number of the cases so reported cases that were substantiated.

(B) A synopsis of and the disciplinary action taken in each substantiated case.

(C) The policies, procedures, and processes implemented by the Secretary concerned during the year covered by such report in response to incidents of sexual assault involving members of the Armed Force concerned.

(D) A plan for the actions that are to be taken in the year following the year covered by such report on the prevention of and response to sexual assault involving members of the Armed Forces concerned.

(3) Each report under paragraph (1) in 2006, 2007, and 2008 shall also include the assessment conducted by the Secretary concerned under subsection (f).

(4) The Secretary of Defense shall transmit to the Committees on Armed Services of the Senate and the House of Representatives each report submitted to the Secretary under this subsection, together with the comments of the Secretary on each such report. The Secretary shall transmit the report on 2004 not later than May 1, 2005, and shall transmit the report on any year after 2004 not later than March 15 of the year following such year.

(h) SEXUAL ASSAULT DEFINED.—In this section, the term “sexual assault” includes rape, acquaintance rape, sexual assault, and other criminal sexual offenses.

Subtitle G—Scope of Duties of Ready Reserve Personnel in Inactive Duty Status

SEC. 561. REDESIGNATION OF INACTIVE-DUTY TRAINING TO ENCOMPASS OPERATIONAL AND OTHER DUTIES PERFORMED BY RESERVES WHILE IN INACTIVE DUTY STATUS.

(a) REDESIGNATION OF DUTY STATUS.—(1) The duty status applicable to members of the reserve components of the Armed Forces that is known as “inactive-duty training” is redesignated as “inactive duty”.

(2) Any reference that is made in any law, regulation, document, paper, or other record of the United States to inactive-duty training, as such term applies to members of the reserve components of the Armed Forces, shall be deemed to be a reference to inactive duty.

(b) TITLE 10 CONFORMING AND CLERICAL AMENDMENTS.—(1) The following provisions of title 10, United States Code, are amended by striking “inactive-duty training” each place it appears and inserting “inactive duty”: sections 101(d)(7), 802(a)(3), 802(d)(2)(B), 802(d)(5)(B), 803(d), 936(a), 936(b), 976(a)(1)(C), 1061(b), 1074a(a), 1076(a)(2)(B), 1076(a)(2)(C), 1204(2), 1448(f)(1)(B), 1476(a)(1)(B), 1476(a)(2)(A), 1481(a)(2), 9446(a)(3), 12602(a)(3), 12602(b)(3), and 18505(a).

(2) The following provisions of such title are amended by striking “inactive duty training” each place it appears and inserting “inactive duty”: sections 1086(c)(2)(B), 1175(e)(2), 1475(a)(2), 1475(a)(3), 2031(d)(2), and 10204(b).

(3) Section 1206(2) of such title is amended by striking “in line of duty—” and all that follows through “residence; or” and inserting the following: “in line of duty while—

“(A) performing active duty or inactive duty;

"(B) traveling directly to or from the place at which such duty is performed; or

"(C) remaining overnight immediately before the commencement of inactive duty, or while remaining overnight between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive duty, if the site is outside reasonable commuting distance of the member's residence;".

(4) Section 1471(b)(3)(A) of such title is amended by striking "for training" in clauses (ii) and (iii).

(5) Section 1478(a) of such title is amended—

(A) in paragraph (3)—

(i) by striking "from inactive duty training" and inserting "from the location of inactive duty"; and

(ii) by striking "on inactive duty training" and inserting "on inactive duty";

(B) in paragraph (7)—

(i) by striking "inactive duty training" and inserting "inactive duty"; and

(ii) by striking "or training"; and

(C) in paragraph (8), by striking "inactive duty training" both places it appears and inserting "inactive duty".

(6) Section 12317 of such title is amended by striking ", or to participate in inactive duty training," and inserting "inactive duty".

(7) Section 12319(c) of such title is amended—

(A) by striking "inactive-duty training" both places it appears and inserting "inactive duty"; and

(B) by striking "that training)" and inserting "that duty)".

(8) Section 12603(a) of such title is amended—

(A) by striking "inactive duty training" and inserting "inactive duty"; and

(B) by striking "the training" and inserting "such duty".

(9) Section 12604(a) of such title is amended by striking "to inactive-duty training" and inserting "to perform inactive duty".

(10)(A) The headings for sections 1204, 1206, 12603, and 18505 of such title are amended by striking "**inactive-duty training**" and inserting "**inactive duty**".

(B) The heading for section 1475 of such title is amended by striking "**training**".

(C) The heading for section 1476 of such title is amended by striking "**or training**".

(D) The heading for section 12604 of such title is amended by striking "**attending inactive-duty training**" and inserting "**performing inactive duty**".

(11)(A) The table of sections at the beginning of chapter 61 of such title is amended—

(i) by striking the item relating to section 1204 and inserting the following:

"1204. Members on active duty for 30 days or less or on inactive duty: retirement.";

and

(ii) by striking the item relating to section 1206 and inserting the following:

"1206. Members on active duty for 30 days or less or on inactive duty: separation.".

(B) The table of sections at the beginning of subchapter II of chapter 75 of such title is amended by striking the items relating to sections 1475 and 1476 and inserting the following:

"1475. Death gratuity: death of members on active duty or inactive duty and of certain other persons.

"1476. Death gratuity: death after discharge or release from duty.".

(C) The table of sections at the beginning of chapter 1217 of such title is amended by striking the items relating to sections 12603 and 12604 and inserting the following:

"12603. Attendance of inactive duty assemblies: commercial travel at Federal supply schedule rates.

"12604. Billeting in Department of Defense facilities: Reserves performing inactive duty.".

(D) The item relating to section 18505 in the table of sections at the beginning of chapter 1805 of such title is amended to read as follows:

"18505. Reserves traveling for inactive duty: space-required travel on military aircraft.".

(c) Title 14 Conforming Amendment.—Sections 704 and 705(a) of title 14, United States Code, are amended by striking "inactive-duty training" and inserting "inactive duty".

(d) Title 37 Conforming and Clerical Amendments.—(1) Sections 101(22), 205(e)(2)(A), and 433(d) of title 37, United States Code, are amended by striking "inactive-duty training" each place it appears and inserting "inactive duty".

(2) Section 204 of such title is amended—

(A) in subsection (g)(1)—

(i) in subparagraphs (B) and (D), by striking "inactive-duty training" each place it appears and inserting "inactive duty" and

(ii) in subparagraph (C), by striking "or training"; and

(B) in subsection (h)(1)—

(i) in subparagraphs (B) and (D), by striking "inactive-duty training" each place it appears and inserting "inactive duty"; and

(ii) in subparagraph (C), by striking "or training"; and

(3) Section 206 of such title is amended—

(A) in subsection (a)(3)—

(i) by striking clause (ii) of subparagraph (A) and inserting the following:

"(ii) inactive duty;";

(ii) in subparagraph (B), by striking "or training"; and

(iii) in subparagraph (C), by striking "inactive-duty training" each place it appears and inserting "inactive duty"; and

(B) in subsection (b)(1), by inserting "or duty" after "kind of training".

(4) Section 308d(a) of such title is amended by striking "for training".

(5) Section 415 of such title is amended—

(A) in subsection (a)(3), by striking "inactive-duty training" and inserting "inactive duty"; and

(B) in subsection (c)(1), by striking "on inactive duty training status" and inserting "inactive duty".

(6) Section 552 of such title is amended—

(A) in subsection (a)—

(i) by striking "performing inactive-duty training," in the matter preceding paragraph (1), and inserting "inactive duty,"; and

(ii) by striking "or inactive-duty training" in the second sentence and inserting "or inactive duty"; and

(B) in subsection (d), by striking "inactive-duty training" and inserting "on inactive duty".

(7)(A) The heading for section 206 of such title is amended by striking "**inactive-duty training**" and inserting "**inactive duty**".

(B) The item relating to such section in the table of sections at the beginning of chapter 3 of such title is amended to read as follows:

"206. Reserves; members of National Guard: inactive duty.".

(8) The heading for subsection (c) of section 305b of such title is amended by striking "Duty Training.—" and inserting "Duty.—".

(9) The heading for subsection (e) of section 320 of such title is amended by striking "Duty Training.—" and inserting "Duty.—".

(e) Public Law 108–136.—Section 644(c) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1518) is amended by striking "inactive-duty training" and inserting "inactive duty".

SEC. 562. REPEAL OF UNNECESSARY DUTY STATUS DISTINCTION FOR FUNERAL HONORS DUTY.

(a) Title 10 Duty.—(1) Section 12503 of title 10, United States Code, is repealed.

(2) Section 12552 of such title is repealed.

(b) Title 32 Duty.—(1) Section 115 of title 32, United States Code, is repealed.

(2) Section 114 of such title is amended by striking the second sentence.

(c) Title 10 Conforming and Clerical Amendments.—Title 10, United States Code, is amended as follows:

(1) Section 1074a(a) is amended—

(A) in paragraph (1)—

(i) by inserting "or" at the end of subparagraph (A);

(ii) by striking "; or" at the end of subparagraph (B) and inserting a period; and

(iii) by striking subparagraph (C);

(B) in paragraph (2)—

(i) by inserting "or" at the end of subparagraph (A);

(ii) by striking "; or" at the end of subparagraph (B) and inserting a period; and

(iii) by striking subparagraph (C); and

(C) by striking paragraph (4).

(2) Section 1076(a)(2) is amended by striking subparagraph (E).

(3) Section 1204(2) is amended—

(A) by inserting "or" at the end of subparagraph (A)(iii);

(B) by striking "or" at the end of subparagraph (B)(iii) and inserting a period; and

(C) by striking subparagraph (C).

(4) Section 1206(2) is amended by striking "(B) while the member—" and all that follows through "immediately before so serving;".

(5) Section 1481(a)(2) is amended—

(A) by inserting "or" at the end of subparagraph (D);

(B) by striking "; or" at the end of subparagraph (E) and inserting a period; and

(C) by striking subparagraph (F).

(6) Section 12732(a)(2)(E) is amended by inserting "(as such section 12503 or 115, respectively, was in effect before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2005)" after "section 115 of title 32".

(7)(A) The table of sections at the beginning of chapter 1213 is amended by striking the item relating to section 12503.

(B) The table of sections at the beginning of chapter 1215 is amended by striking the item relating to 12552.

(c) Title 32 Clerical Amendment.—The table of sections at the beginning of chapter 1 of title 32, United States Code, is amended by striking the item relating to section 115.

(d) Title 37 Conforming Amendments.—Section 204 of title 37, United States Code, is amended—

(1) in subsection (g)(1)—

(A) by inserting "or" at the end of subparagraph (C);

(B) by striking "; or" at the end of subparagraph (D) and inserting a period; and

(C) by striking subparagraph (E); and

(2) in subsection (h)(1)—

(A) by inserting "or" at the end of subparagraph (C);

(B) by striking "; or" at the end of subparagraph (D) and inserting a period; and

(C) by striking subparagraph (E).

SEC. 563. CONFORMING AMENDMENTS TO OTHER LAWS REFERRING TO INACTIVE-DUTY TRAINING.

(a) TITLE 5.—Section 6323(a)(1) of title 5, United States Code, is amended by striking "inactive-duty training" and inserting "inactive duty".

(b) TITLE 38.—(1) The following provisions of title 38, United States Code, are amended by striking "inactive duty training" each place it appears and inserting "inactive duty": sections 106(d)(1), 1112(c)(3)(A)(ii), 1302(b)(2), 1312(a)(2)(A), 1965(3), 1965(4), 1965(5), 1967(a)(1)(B), 1967(b), 1969(a)(3), 1977(e), 2402(2), 4303(13), and 4303(16).

(2) Section 1968 of such title is amended—

(A) by striking "inactive duty training" and inserting "inactive duty"—

(i) in subsection (a), in the matter preceding paragraph (1);

(ii) in subsection (a)(3); and

(iii) in subsection (b)(2); and

(B) in subsection (a)(3)—

(i) by striking "such scheduled training period" and inserting "such period of scheduled duty";

(ii) by striking "the date of such training" and inserting "the date on which such duty period ends"; and

(iii) by striking "such training terminated" and inserting "on which such duty period ends".

SEC. 564. CONFORMING AMENDMENTS TO OTHER LAWS REFERRING TO FUNERAL HONORS DUTY.

(a) TITLE 5.—Section 6323(a)(1) of title 5, United States Code, is amended by striking "funeral honors duty (as described in section 12503 of title 10 and section 115 of title 32),".

(b) TITLE 38.—Section 4303(13) of title 38, United States Code, is amended—

(1) by inserting "and" after "full-time National Guard duty,"; and

(2) by striking ", and a period for which a person is absent from employment for the purpose of performing funeral honors duty as authorized by section 12503 of title 10 or section 115 of title 32.".

Subtitle H—Other Matters

SEC. 571. ACCESSION OF PERSONS WITH SPECIALIZED SKILLS.

(a) INITIAL SERVICE OBLIGATION.—Subsection (a) of section 651 of title 10, United States Code, is amended—

(1) by inserting "(1)" after "(a)";

(2) by striking "deferred under the next to the last sentence of section 6(d)(1) of the Military Selective Service Act (50 U.S.C. App. 456(d)(1))" and inserting "described in paragraph (3)"; and

(3) by adding at the end the following new paragraphs:

"(2) The Secretary concerned may—

"(A) waive the applicability of paragraph (1) to a person who, as determined by the Secretary concerned, is accessed into an armed force under the jurisdiction of that Secretary based on unique skills acquired in a civilian occupation and is to serve in that armed force in a specialty requiring those skills; and

"(B) require any alternative period of obligated service that the Secretary considers appropriate to meet the needs of the armed force that such person is entering.

"(3) The requirement under paragraph (1) does not apply to a person who is deferred under the next to the last sentence of section 6(d)(1) of the Military Selective Service Act (50 U.S.C. App. 456(d)(1)).

(b) BASIC TRAINING PERIOD.—Subsection (c) of section 671 of such title is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by striking "(c)(1)" and all that follows through "Any such period" in the second sentence of paragraph (1) and inserting the following:

"(c)(1) A period of basic training (or equivalent training) shorter than 12 weeks may be established by the Secretary concerned for members of the armed forces who, as determined by the Secretary under regulations prescribed under paragraph (3)—

"(A) have been credentialed in a medical profession or occupation and are serving in a health-care occupational specialty; or

"(B) have unique skills acquired in a civilian occupation and are to serve in a military specialty or position requiring those skills.

"(2) Any period of basic training under paragraph (1)".

SEC. 572. FEDERAL WRITE-IN BALLOTS FOR ABSENTEE MILITARY VOTERS LOCATED IN THE UNITED STATES.

(a) DUTIES OF PRESIDENTIAL DESIGNEE.—Section 101(b)(3) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(b)(3)) is amended by striking "overseas voters" and inserting "absent uniformed services voters and overseas voters".

(b) FEDERAL WRITE-IN ABSENTEE BALLOT.—Section 103 of such Act (42 U.S.C. 1973ff–2) is amended—

(1) in subsection (a), by striking "overseas voters" and inserting "absent uniformed services voters and overseas voters";

(2) in subsection (b), by striking the second sentence and inserting the following new sentence: "A Federal write-in absentee ballot of an absent uniformed services voter or overseas voter shall not be counted—

"(1) if the application of the absent uniformed services voter or overseas voter for a State absentee ballot is received by the appropriate State election official after the later of—

"(A) the deadline of the State for receipt of such application; or

"(B) the date that is 30 days before the general election; or

"(2) if a State absentee ballot of the absent uniformed services voter or overseas voter is received by the appropriate State election official not later than the deadline for receipt of the State absentee ballot under State law.";

(3) in subsection (c)(1), by striking "overseas voter" and inserting "absent uniformed services voter or overseas voter";

(4) in subsection (d), by striking "overseas voter" both places it appears and inserting "absent uniformed services voter or overseas voter"; and

(5) in subsection (e)(2), by striking "overseas voters" and inserting "absent uniformed services voters and overseas voters".

(c) CONFORMING AMENDMENTS.—(1) The heading of section 103 of such Act is amended to read as follows:

"SEC. 103. FEDERAL WRITE-IN ABSENTEE BALLOT IN GENERAL ELECTIONS FOR FEDERAL OFFICE FOR ABSENT UNIFORMED SERVICES VOTERS AND OVERSEAS VOTERS.".

(2) The subsection caption for subsection (d) of such section is amended by striking "OVERSEAS VOTER" and inserting "ABSENT UNIFORMED SERVICES VOTER OR OVERSEAS VOTER".

SEC. 573. RENAMING OF NATIONAL GUARD CHALLENGE PROGRAM AND INCREASE IN MAXIMUM FEDERAL SHARE OF COST OF STATE PROGRAMS UNDER THE PROGRAM.

(a) RENAMING.—The text of section 509 of title 32, United States Code, is amended by striking "National Guard Challenge Program" each place it appears and inserting "National Guard Youth Challenge Program".

(b) INCREASE IN MAXIMUM FEDERAL SHARE OF COST OF STATE PROGRAMS.—Subsection (d) of such section is amended by striking paragraphs (1), (2), (3), and (4), and inserting the following new paragraphs:

"(1) for fiscal year 2004, 60 percent of the costs of operating the State program during that year;

"(2) for fiscal year 2005, 65 percent of the costs of operating the State program during that year;

"(3) for fiscal year 2006, 70 percent of the costs of operating the State program during that year; and

"(4) for fiscal year 2007 and each subsequent fiscal year, 75 percent of the costs of operating the State program during such year.".

(c) CONFORMING AND CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§ 509. National Guard Youth Challenge Program of opportunities for civilian youth".

(2) The table of sections at the beginning of chapter 5 of such title is amended by striking the item relating to section 509 and inserting the following new item:

"509. National Guard Youth Challenge Program of opportunities for civilian youth.".

SEC. 574. APPEARANCE OF VETERANS SERVICE ORGANIZATIONS AT PRESEPARATION COUNSELING PROVIDED BY THE DEPARTMENT OF DEFENSE.

(a) APPEARANCE TO COUNSELING FOR DISCHARGE OR RELEASE FROM ACTIVE DUTY.—Section 1142 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d) APPEARANCE BY VETERANS SERVICE ORGANIZATIONS.—(1) The Secretary concerned may permit a representative of a veterans service organization to appear at and participate in any preseparation counseling provided to a member of the armed forces under this section.

"(2) For purposes of this subsection, a veterans service organization is any organization recognized by the Secretary of Veterans Affairs for the representation of veterans under section 5902 of title 38.".

(b) MEETING WITH RESERVES RELEASED FROM ACTIVE DUTY FOR FURTHER SERVICE IN THE RESERVES.—(1) A unit of a reserve component on active duty in the Armed Forces may, upon release from active duty in the Armed Forces for further service in the reserve components, meet with a veterans service organization for information and assistance relating to such release if the commander of the unit authorizes the meeting.

(2) The time of a meeting for a unit under paragraph (1) may be scheduled by the commander of the unit for such time after the release of the unit as described in that paragraph as the commander of the unit determines appropriate to maximize the benefit of the meeting to the members of the unit.

(3) For purposes of this subsection, a veterans service organization is any organization recognized by the Secretary of Veterans Affairs for the representation of veterans under section 5902 of title 38, United States Code.

SEC. 575. SENSE OF THE SENATE REGARDING RETURN OF MEMBERS TO ACTIVE DUTY SERVICE UPON REHABILITATION FROM SERVICE-RELATED INJURIES.

(a) FINDINGS.—Congress makes the following findings:

(1) The generation of young men and women currently serving on active duty in the Armed Forces, which history will record as being among the greatest, has shown in remarkable numbers an individual resolve to recover from injuries incurred in such service and to return to active service in the Armed Forces.

(2) Since September 11, 2001, numerous brave soldiers, sailors, airmen, and Marines have incurred serious combat injuries, including (as of June 2004) approximately 100 members of the Armed Forces who have been fitted with artificial limbs as a result of devastating injuries sustained in combat overseas.

(3) In cases involving combat-related injuries and other service-related injuries it is possible, as a result of advances in technology and extensive rehabilitative services, to restore to members of the Armed Forces sustaining such injuries the capability to resume the performance of active military service, including, in a few cases, the capability to participate directly in the performance of combat missions.

(b) Sense of the Senate.—It is the sense of the Senate that—

(1) members of the Armed Forces who on their own initiative are highly motivated to return to active duty service following rehabilitation from injuries incurred in their service in the Armed Forces, after appropriate medical review should be given the opportunity to present their cases for continuing to serve on active duty in varied military capacities;

(2) other than appropriate medical review, there should be no barrier in policy or law to such a member having the option to return to military service on active duty; and

(3) the Secretary of Defense should develop specific protocols that expand options for such members to return to active duty service and to be retrained to perform military missions for which they are fully capable.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. GEOGRAPHIC BASIS FOR HOUSING ALLOWANCE DURING SHORT-ASSIGNMENT PERMANENT CHANGES OF STATION FOR EDUCATION OR TRAINING.

(a) Authority.—Paragraph (3) of subsection (d) of section 403 of title 37, United States Code, is amended by adding at the end the following new subparagraph:

"(C) In the case of a member who is reassigned for a permanent change of station or permanent change of assignment from a duty station within the continental United States to another duty station within the continental United States for a period of not more than one year for the purpose of participating in professional military education or training classes, the amount of the basic allowance for housing for the member may be based on whichever of the following areas the Secretary concerned determines to provide the more equitable basis for the allowance:

"(i) The area of the duty station to which the member is reassigned.

"(ii) The area of the member's last duty station, but only if, and for the period that, the member's dependents reside in that area on and after the date of the member's departure for the duty station to which the member is reassigned.".

(b) Conforming Amendment.—The heading of such subsection is amended by striking "Are Unable To" and inserting "Do Not".

SEC. 602. IMMEDIATE LUMP-SUM REIMBURSEMENT FOR UNUSUAL NONRECURRING EXPENSES INCURRED FOR DUTY OUTSIDE THE CONTINENTAL UNITED STATES.

Section 405 of title 37, United States Code, is amended by adding at the end the following new subsection:

"(d) Nonrecurring Expenses.—(1) The Secretary concerned may pay a member of the uniformed services on duty as described in subsection (a) a reimbursement for a nonrecurring expense incurred by the member incident to such duty that—

"(A) is directly related to the conditions or location of the duty;

"(B) is of a nature or a magnitude not normally incurred by members of the uniformed services on duty inside the continental United States; and

"(C) is not included in the per diem determined under subsection (b) as payable to the member under subsection (a).

"(2) Any reimbursement payable to a member under paragraph (1) is in addition to a per diem payable to that member under subsection (a).".

SEC. 603. PERMANENT INCREASE IN AUTHORIZED AMOUNT OF FAMILY SEPARATION ALLOWANCE.

(a) Permanent Amount.—Subsection (a)(1) of section 427 of title 37, United States Code, is amended by striking "$100" and inserting "$250".

(b) Repeal of Temporary Authority.—Subsection (e) of such section is repealed.

(c) Effective Date.—This section and the amendments made by this section shall take effect on the earlier of—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) January 1, 2005.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

(a) Selected Reserve Reenlistment Bonus.—Section 308b(g) of title 37, United States Code, is amended by striking "December 31, 2004" and inserting "December 31, 2005".

(b) Selected Reserve Enlistment Bonus.—Section 308c(e) of such title is amended by striking "December 31, 2004" and inserting "December 31, 2005".

(c) Special Pay for Enlisted Members Assigned to Certain High Priority Units.—Section 308d(c) of such title is amended by striking "December 31, 2004" and inserting "December 31, 2005".

(d) Selected Reserve Affiliation Bonus.—Section 308e(e) of such title is amended by striking "December 31, 2004" and inserting "December 31, 2005".

(e) Ready Reserve Enlistment and Reenlistment Bonus.—Section 308h(g) of such title is amended by striking "December 31, 2004" and inserting "December 31, 2005".

(f) Prior Service Enlistment Bonus.—Section 308i(f) of such title is amended by striking "December 31, 2004" and inserting "December 31, 2005".

SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR CERTAIN HEALTH CARE PROFESSIONALS.

(a) Nurse Officer Candidate Accession Program.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking "December 31, 2004" and inserting "December 31, 2005".

(b) Repayment of Education Loans for Certain Health Professionals Who Serve in the Selected Reserve.—Section 16302(d) of such title is amended by striking "January 1, 2005" and inserting "January 1, 2006".

(c) Accession Bonus for Registered Nurses.—Section 302d(a)(1) of title 37, United States Code, is amended by striking "December 31, 2004" and inserting "December 31, 2005".

(d) Incentive Special Pay for Nurse Anesthetists.—Section 302e(a)(1) of such title is amended by striking "December 31, 2004" and inserting "December 31, 2005".

(e) Special Pay for Selected Reserve Health Professionals in Critically Short Wartime Specialties.—Section 302g(f) of such title is amended by striking "December 31, 2004" and inserting "December 31, 2005".

(f) Accession Bonus for Dental Officers.—Section 302h(a)(1) of such title is amended by striking "December 31, 2004" and inserting "December 31, 2005".

SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.

(a) Special Pay for Nuclear-Qualified Officers Extending Period of Active Service.—Section 312(e) of title 37, United States Code, is amended by striking "December 31, 2004" and inserting "December 31, 2005".

(b) Nuclear Career Accession Bonus.—Section 312b(c) of such title is amended by striking "December 31, 2004" and inserting "December 31, 2005".

(c) Nuclear Career Annual Incentive Bonus.—Section 312c(d) of such title is amended by striking "December 31, 2004" and inserting "December 31, 2005".

SEC. 614. ONE-YEAR EXTENSION OF OTHER BONUS AND SPECIAL PAY AUTHORITIES.

(a) Aviation Officer Retention Bonus.—Section 301b(a) of title 37, United States Code, is amended by striking "December 31, 2004" and inserting "December 31, 2005".

(b) Assignment Incentive Pay.—Section 307a(f) of such title is amended by striking "December 31, 2005" and inserting "December 31, 2006".

(c) Reenlistment Bonus for Active Members.—Section 308(g) of such title is amended by striking "December 31, 2004" and inserting "December 31, 2005".

(d) Enlistment Bonus for Active Members.—Section 309(e) of such title is amended by striking "December 31, 2004" and inserting "December 31, 2005".

(e) Retention Bonus for Members With Critical Military Skills.—Section 323(i) of such title is amended by striking "December 31, 2004" and inserting "December 31, 2005".

(f) Accession Bonus for New Officers in Critical Skills.—Section 324(g) of such title is amended by striking "December 31, 2004" and inserting "December 31, 2005".

SEC. 615. REDUCED SERVICE OBLIGATION FOR NURSES RECEIVING NURSE ACCESSION BONUS.

(a) Period of Obligated Service.—Section 302d(a)(1) of title 37, United States Code, is amended by striking "four years" and inserting "three years".

(b) Effective Date and Applicability.—The amendment made by subsection (a) shall take effect on October 1, 2004, and shall apply with respect to agreements entered into under section 302d of title 37, United States Code, on or after such date.

SEC. 616. ASSIGNMENT INCENTIVE PAY.

(a) Discontinuation Upon Commencement of Terminal Leave.—(1) Subsection (e) of section 307a of title 37, United States Code, is amended by striking "absence of the member for authorized leave." and inserting the following:

"(2) absence of the member for authorized leave, other than leave authorized for a period ending upon the discharge of the member or the release of the member from active duty.".

(2) Such subsection is further amended by striking "by reason of" and all that follows through "pursuant to orders or" and inserting "by reason of—

"(1) temporary duty performed by the member pursuant to orders; or".

(b) DISCRETIONARY WRITTEN AGREEMENTS.—Subsection (b) of such section is amended to read as follows:

"(b) WRITTEN AGREEMENT.—The Secretary concerned may require a member to enter into a written agreement with the Secretary in order to qualify for the incentive pay under this section. A written agreement under this subsection shall set forth the period for which the incentive pay is to be provided and the monthly rate at which the incentive pay is to be paid.".

(c) EFFECTIVE DATE AND APPLICABILITY.—(1) The amendments made by subsection (a) shall take effect on October 1, 2004.

(2) Paragraph (2) of section 307a(e) of title 37, United States Code, shall apply with respect to authorized leave for days after September 30, 2004.

SEC. 617. PERMANENT INCREASE IN AUTHORIZED AMOUNT OF HOSTILE FIRE AND IMMINENT DANGER SPECIAL PAY.

(a) PERMANENT AMOUNT.—Subsection (a) of section 310 of title 37, United States Code, is amended by striking "$150" in the matter preceding paragraph (1) and inserting "$225".

(b) REPEAL OF TEMPORARY AUTHORITY.—Subsection (e) of such section is repealed.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the earlier of—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) January 1, 2005.

SEC. 618. ELIGIBILITY OF ENLISTED MEMBERS TO QUALIFY FOR CRITICAL SKILLS RETENTION BONUS WHILE SERVING ON INDEFINITE REENLISTMENT.

Paragraph (2) of section 323(a) of title 37, United States Code, is amended to read as follows:

"(2) in the case of an enlisted member—

"(A) the member, if serving under an enlistment for a definite period—

"(i) reenlists for a period of at least one year; or

"(ii) voluntarily extends the member's enlistment for a period of at least one year; or

"(B) the member, if serving under an enlistment for an indefinite period, enters into a written agreement with the Secretary concerned to remain on active duty for at least one year under such enlistment.".

SEC. 619. CLARIFICATION OF EDUCATIONAL PURSUITS QUALIFYING FOR SELECTED RESERVE EDUCATION LOAN REPAYMENT PROGRAM FOR HEALTH PROFESSIONS OFFICERS.

Section 16302(a)(5) of title 10, United States Code, is amended by striking "regarding" and inserting "for a basic professional qualifying degree (as determined under regulations prescribed by the Secretary), or graduate education, in".

SEC. 620. BONUS FOR CERTAIN INITIAL SERVICE OF COMMISSIONED OFFICERS IN THE SELECTED RESERVE.

(a) AUTHORITY.—Chapter 5 of title 37, United States Code, is amended by inserting after section 308i the following new section:

"§ 308j. Special pay: bonus for certain initial service of commissioned officers in the Selected Reserve

"(a) AFFILIATION BONUS.—(1) The Secretary concerned may pay an affiliation bonus under this section to an eligible commissioned officer in any of the armed forces who enters into an agreement with the Secretary to serve, for the period specified in the agreement, in the Selected Reserve of the Ready Reserve of an armed force under the Secretary's jurisdiction—

"(A) in a critical officer skill designated under paragraph (3); or

"(B) to meet a manpower shortage in—

"(i) a unit of that Selected Reserve; or

"(ii) a particular pay grade in that armed force.

"(2) A commissioned officer is eligible for an affiliation bonus under this section if the officer—

"(A) either—

"(i) is serving on active duty for a period of more than 30 days; or

"(ii) is a member of a reserve component not on active duty and, if the member formerly served on active duty, was released from active duty under honorable conditions;

"(B) has not previously served in the Selected Reserve of the Ready Reserve; and

"(C) is not entitled to receive retired or retainer pay.

"(3)(A) The Secretary concerned shall designate for an armed force under the Secretary's jurisdiction the critical officer skills to which the bonus authority under this subsection is to be applied.

"(B) A skill may be designated as a critical officer skill for an armed force under subparagraph (A) if, to meet requirements of that armed force, it is critical for that armed force to have a sufficient number of officers who are qualified in that skill.

"(4) An affiliation bonus payable pursuant to an agreement under this section to an eligible officer accrues on the date on which the person is assigned to a unit or position in the Selected Reserve pursuant to such agreement.

"(b) ACCESSION BONUS.—(1) The Secretary concerned may pay an accession bonus under this section to an eligible person who enters into an agreement with the Secretary—

"(A) to accept an appointment as a commissioned officer in the armed forces; and

"(B) to serve in the Selected Reserve of the Ready Reserve in a skill designated under paragraph (2) for a period specified in the agreement.

"(2)(A) The Secretary concerned shall designate for an armed force under the Secretary's jurisdiction the officer skills to which the authority under this subsection is to be applied.

"(B) A skill may be designated for an armed force under subparagraph (A) if, to mitigate a current or projected significant shortage of personnel in that armed force who are qualified in that skill, it is critical to increase the number of persons accessed into that armed force who are qualified in that skill or are to be trained in that skill.

"(3) An accession bonus payable to a person pursuant to an agreement under this section accrues on the date on which that agreement is accepted by the Secretary concerned.

"(c) PERIOD OF OBLIGATED SERVICE.—An agreement entered into with the Secretary concerned under this section shall require the person entering into that agreement to serve in the Selected Reserve for a specified period. The period specified in the agreement shall be any period not less than three years that the Secretary concerned determines appropriate to meet the needs of the reserve component in which the service is to be performed.

"(d) AMOUNT.—The amount of a bonus under this section may be any amount not in excess of $6,000 that the Secretary concerned determines appropriate.

"(e) PAYMENT.—Upon acceptance of a written agreement by the Secretary concerned under this section, the total amount of the bonus payable under the agreement becomes fixed. The agreement shall specify whether the bonus is to be paid in one lump sum or in installments.

"(f) RELATION TO OTHER ACCESSION BONUS AUTHORITY.—No person may receive an affiliation bonus or accession bonus under this section and financial assistance under chapter 1608, 1609, or 1611 of title 10, or under section 302g of this title, for the same period of service.

"(g) REPAYMENT FOR FAILURE TO COMMENCE OR COMPLETE OBLIGATED SERVICE.—(1) A person who, after receiving all or part of the bonus under an agreement entered into by that person under this section, does not accept a commission as an officer or does not commence to participate or does not satisfactorily participate in the Selected Reserve for the total period of service specified in the agreement shall repay to the United States such compensation or benefit, except under conditions prescribed by the Secretary concerned.

"(2) The Secretary concerned shall include in each agreement entered into by the Secretary under this section the requirements that apply for any repayment under this subsection, including the method for computing the amount of the repayment and any exceptions.

"(3) An obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owed to the United States. A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an agreement entered into under this section does not discharge a person from a debt arising under an agreement entered into under this subsection or a debt arising under paragraph (1).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"308j. Special pay: bonus for certain initial service of commissioned officers in the Selected Reserve.".

SEC. 621. RELATIONSHIP BETWEEN ELIGIBILITY TO RECEIVE SUPPLEMENTAL SUBSISTENCE ALLOWANCE AND ELIGIBILITY TO RECEIVE IMMINENT DANGER PAY, FAMILY SEPARATION ALLOWANCE, AND CERTAIN FEDERAL ASSISTANCE.

(a) ENTITLEMENT NOT AFFECTED BY RECEIPT OF IMMINENT DANGER PAY AND FAMILY SEPARATION ALLOWANCE.—Subsection (b)(2) of section 402a of title 37, United States Code, is amended by striking subparagraph (A) and inserting the following:

"(A) shall not take into consideration—

"(i) the amount of the supplemental subsistence allowance that is payable under this section;

"(ii) the amount of special pay (if any) that is payable under section 310 of this section, relating to duty subject to hostile fire or imminent danger; or

"(iii) the amount of family separation allowance (if any) that is payable under section 427 of this title; but".

(b) ELIGIBILITY FOR OTHER FEDERAL ASSISTANCE.—Section 402a of such title is amended—

(1) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

(2) by inserting after subsection (f) the following new subsection (g):

"(g) ELIGIBILITY FOR OTHER FEDERAL ASSISTANCE.—(1)(A) A child or spouse of a member of the armed forces receiving the supplemental subsistence allowance under this section who, except for the receipt of such allowance, would otherwise be eligible to receive a benefit described in subparagraph (B) shall be considered to be eligible for that benefit.

"(B) The benefits referred to in subparagraph (A) are as follows:

"(i) Assistance provided under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

"(ii) Assistance provided under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

"(iii) A service under the Head Start Act (42 U.S.C. 9831 et seq.).

"(iv) Assistance under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.).

"(2) A household that includes a member of the armed forces receiving the supplemental subsistence allowance under this section and, except for the receipt of such allowance, would otherwise be eligible to receive a benefit under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.) shall be considered to be eligible for that benefit.".

(c) REQUIREMENT FOR REPORT.—(1) Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the committees of Congress named in paragraph (2) a report on the accessibility of social services to members of the Armed Forces and their families. The report shall include the following matters:

(A) The social services for which members of the Armed Forces and their families are eligible under social services programs generally available to citizens and other nationals of the United States.

(B) The extent to which members of the Armed Forces and their families utilize the social services for which they are eligible under the programs identified under subparagraph (A).

(C) The efforts made by each of the military departments—

(i) to ensure that members of the Armed Forces and their families are aware of the social services for which they are eligible under the programs identified under subparagraph (A); and

(ii) to assist members and their families in applying for and obtaining such social services.

(2) The committees of Congress referred to in paragraph (1) are as follows:

(A) The Committee on Armed Services and the Committee on Health, Education, Labor, and Pensions of the Senate.

(B) The Committee on Armed Services of the House of Representatives.

(d) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), this section and the amendments made by this section shall take effect on October 1, 2004.

(2) Subsection (c) shall take effect on the date of the enactment of this Act.

Subtitle C—Travel and Transportation Allowances

SEC. 631. TRAVEL AND TRANSPORTATION ALLOWANCES FOR FAMILY MEMBERS TO ATTEND BURIAL CEREMONIES OF MEMBERS WHO DIE ON DUTY.

(a) AUTHORIZED TRAVEL DESTINATION.—Subsection (a)(1) of section 411f of title 37, United States Code, is amended by inserting before the period at the end the following: "at the location determined under subsection (a)(8) or (d)(2) of section 1482 of title 10".

(b) LIMITATION ON AMOUNT.—Subsection (b) of such section is amended to read as follows:

"(b) LIMITATION ON AMOUNT.—Allowances for travel under subsection (a) may not exceed the rates for two days and the time necessary for such travel.".

(c) UNCONDITIONAL ELIGIBILITY OF DECEASED'S PARENTS.—Subsection (c)(1)(C) of such section is amended by striking "If no person described in subparagraph (A) or (B) is provided travel and transportation allowances under subsection (a)(1), the" and inserting "The".

SEC. 632. LODGING COSTS INCURRED IN CONNECTION WITH DEPENDENT STUDENT TRAVEL.

(a) AUTHORITY.—Section 430(b)(1) of title 37, United States Code, is amended—

(1) by inserting "(A)" after "(b) ALLOWANCE AUTHORIZED.—(1)"; and

(2) by adding at the end the following new subparagraph:

"(B) The allowance authorized under subparagraph (A) for an eligible dependent's travel may include reimbursement for costs that are incurred by or for the dependent for lodging of the dependent that is necessitated by an interruption in the travel caused by extraordinary circumstances prescribed in the regulations under subsection (a). The amount of a reimbursement payable under this subparagraph shall be a rate that is applicable to the circumstances under regulations prescribed by the Secretaries concerned.".

(b) EFFECTIVE DATE AND APPLICABILITY.—The amendments made by subsection (a) shall take effect on October 1, 2004, and shall apply with respect to lodging that commences on or after such date.

Subtitle D—Retired Pay and Survivor Benefits

SEC. 641. SPECIAL RULE FOR COMPUTING THE HIGH-36 MONTH AVERAGE FOR DISABLED MEMBERS OF RESERVE COMPONENTS.

(a) COMPUTATION OF HIGH 36-MONTH AVERAGE.—Subsection (c) of section 1407 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3) SPECIAL RULE FOR RESERVE COMPONENT MEMBERS.—In the application of paragraphs (1) and (2) to a member of a reserve component of a uniformed service who is entitled to retired pay under section 1201 or 1202 of this title, each month during which the member performed duty for which basic pay is paid under section 203 of title 37 or compensation is paid under section 206 of such title shall be treated as if it were one month of active service.".

(b) EFFECTIVE DATES AND APPLICABILITY.—(1) Paragraph (3) of section 1407(c) of title 10, United States Code (as added by subsection (a)), shall take effect on October 1, 2004, and shall apply with respect to months beginning on or after such date, except as provided in paragraph (2).

(2) For the computation of survivor annuities under subparagraph (A)(i) or (B) of section 1451(c)(1) of title 10, United States Code (as amended by section 642(b) of Public Law 107–107; 115 Stat. 1152)), paragraph (3) of section 1407(c) of title 10, United States Code (as added by subsection (a)), shall take effect as of September 10, 2001, and shall apply with respect to deaths of members of the uniformed services occurring on or after that date.

SEC. 642. DEATH BENEFITS ENHANCEMENT.

(a) FINAL ACTIONS ON FISCAL YEAR 2004 DEATH BENEFITS STUDY.—(1) Congress finds that the study of the Federal death benefits for survivors of deceased members of the Armed Forces under section 647 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1520) has given Congress sufficient insight to initiate action to provide for the enhancement of the current set of death benefits that are provided under law for the survivors.

(2) The Secretary of Defense shall expedite the completion and submission of the final report, which was due on March 1, 2004, under section 647 of the National Defense Authorization Act for Fiscal Year 2004.

(3) It is the sense of Congress that the President should promptly submit to Congress any recommendation for legislation, together with a request for appropriations, that the President determines necessary to implement the death benefits enhancements that are recommended in the final report under section 647 of the National Defense Authorization Act for Fiscal Year 2004.

(b) INCREASES OF DEATH GRATUITY CONSISTENT WITH INCREASES OF RATES OF BASIC PAY.—Section 1478 of title 10, United States Code, is amended—

(1) in subsection (a), by inserting "(as adjusted under subsection (c)" before the period at the end of the first sentence; and

(2) by adding at the end the following new subsection:

"(c) Effective on the date on which rates of basic pay under section 204 of this title are increased under section 1009 of title 37 or any other provision of law, the amount of the death gratuity provided under subsection (a) shall be increased by the same overall average percentage of the increase in the rates of basic pay taking effect on that date.".

(c) FISCAL YEAR 2005 ACTIONS.—At the same time that the President submits to Congress the budget for fiscal year 2006 under section 1105(a) of title 31, United States Code, the President shall submit to the appropriate committees of Congress referred to in subsection (g) a draft or drafts of legislation to provide enhanced death benefits for survivors of deceased members of the uniformed services. The draft legislation shall include provisions for the following:

(1) Revision of the Servicemembers' Group Life Insurance program to provide for—

(A) an increase of the maximum benefit provided under Servicemembers' Group Life Insurance to $350,000, together with an increase, each fiscal year, by the same overall average percentage increase that takes effect during such fiscal year in the rates of basic pay under section 204 of title 37, United States Code; and

(B) a minimum benefit of $100,000 at no cost to the insured members of the uniformed services who elect the maximum coverage, together with an increase in such minimum benefit each fiscal year by the same percentage increase as is described in subparagraph (A).

(2) An additional set of death benefits for each member of the uniformed services who dies in the line of duty while on active duty that includes, at a minimum, an additional death gratuity in the amount that—

(A) in the case of a member not described in subparagraph (B), is equal to the sum of—

(i) the total amount of the basic pay to which the deceased member would have been entitled under section 204 of title 37, United States Code, if the member had not died and had continued to serve on active duty for an additional year; and

(ii) the total amount of all allowances and special pays that the member would have been entitled to receive under title 37, United States Code, over the one-year period beginning on the member's date of death if the member had not died and had continued to serve on active duty for an additional year with the unit to which the member was assigned or detailed on such date; and

(B) in the case of a member who dies as a result of an injury caused by or incurred while exposed to hostile action (including any hostile fire or explosion and any hostile action from a terrorist source), is equal to twice the amount calculated under subparagraph (A).

(3) Any other new death benefits or enhancement of existing death benefits that the President recommends.

(4) Retroactive applicability of the benefits referred to in paragraph (2) and, as appropriate, the benefits recommended under paragraph (3) so as to provide the benefits—

(A) for members of the uniformed services who die in line of duty on or after October 7, 2001, of a cause incurred or aggravated while deployed in support of Operation Enduring Freedom; and

(B) for members of the uniformed services who die in line of duty on or after March 19, 2003, of a cause incurred or aggravated while deployed in support of Operation Iraqi Freedom.

(d) CONSULTATION.—The President shall consult with the Secretary of Defense and the Secretary of Veterans Affairs in developing the draft legislation required under subsection (c).

(e) FISCAL YEAR 2006 BUDGET SUBMISSION.—The budget for fiscal year 2006 that is submitted to Congress under section 1105(a) of title 31, United States Code, shall include draft legislation (other than draft appropriations) that includes provisions that, on the basis of the assumption that the draft legislation submitted under subsection (c) would be enacted and would take effect in fiscal year 2006—

(1) would offset fully the increased outlays that would result from enactment of the provisions of the draft legislation submitted under subsection (c), for fiscal year 2006 and each of the ensuing nine fiscal years;

(2) expressly state that they are proposed for the purpose of the offset described in paragraph (1); and

(3) are included in full in the estimates that are made by the Director of the Congressional Budget Office and the Director of the Office of Management and Budget under section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(d)) with respect to the fiscal years referred to in paragraph (1).

(f) EARLY SUBMISSION OF PROPOSAL FOR ADDITIONAL DEATH BENEFITS.—Congress urges the President to submit the draft of legislation for the additional set of death benefits under paragraph (2) of subsection (c) before the time for submission required under that subsection and as soon as is practicable after the date of the enactment of this Act.

(g) APPROPRIATE COMMITTEES OF CONGRESS.—For the purposes of subsection (c), the appropriate committees of Congress are as follows:

(1) The Committees on Armed Services of the Senate and the House of Representatives, with respect to draft legislation that is within the jurisdiction of such committees.

(2) The Committees on Veterans Affairs of the Senate and the House of Representatives, with respect to draft legislation within the jurisdiction of such committees.

SEC. 643. REPEAL OF PHASE-IN OF CONCURRENT RECEIPT OF RETIRED PAY AND VETERANS' DISABILITY COMPENSATION FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES RATED AS 100 PERCENT.

Section 1414 of title 10, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by inserting after the first sentence the following new sentence: "During the period beginning on January 1, 2004, and ending on December 31, 2004, payment of retired pay to such a qualified retiree described in subsection (c)(1)(B) is subject to subsection (c)."; and

(B) in the last sentence, by inserting "(other than a qualified retiree covered by the preceding sentence)" after "such a qualified retiree"; and

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting "(other than a retiree described by subparagraph (B))" after "the retiree";

(ii) by redesignating subparagraphs (B) through (F) as subparagraphs (C) through (G), respectively; and

(iii) by inserting after subparagraph (A) the following new subparagraph (B):

"(B) For a month for which the retiree receives veterans' disability compensation for a disability rated as 100 percent, $750.";

(B) by redesignating paragraph (11) as paragraph (12); and

(C) by inserting after paragraph (10) the following new paragraph (11):

"(11) INAPPLICABILITY TO VETERANS WITH DISABILITIES RATED AS 100 PERCENT AFTER CALENDAR YEAR 2004.—This subsection shall not apply to a qualified retiree described by paragraph (1)(B) after calendar year 2004.".

SEC. 644. FULL SBP SURVIVOR BENEFITS FOR SURVIVING SPOUSES OVER AGE 62.

(a) PHASED INCREASE IN BASIC ANNUITY.—

(1) INCREASE TO 55 PERCENT.—Subsection (a)(1)(B)(i) of section 1451 of title 10, United States Code, is amended by striking "35 percent of the base amount." and inserting "the product of the base amount and the percent applicable for the month. The percent applicable for a month is 35 percent for months beginning before October 2005, 40 percent for months beginning after September 2005 and before October 2008, 45 percent for months beginning after September 2008, and 55 percent for months beginning after September 2014.".

(2) RESERVE-COMPONENT ANNUITY.—Subsection (a)(2)(B)(i)(I) of such section is amended by striking "35 percent" and inserting "the percent specified under paragraph (1)(B)(i) as being applicable for the month".

(3) SPECIAL-ELIGIBILITY ANNUITY.—Subsection (c)(1)(B)(i) of such section is amended—

(A) by striking "35 percent" and inserting "the applicable percent"; and

(B) by adding at the end the following: "The percent applicable for a month under the preceding sentence is the percent specified under subsection (a)(1)(B)(i) as being applicable for the month.".

(4) CONFORMING AMENDMENT.—The heading for subsection (d)(2)(A) of such section is amended to read as follows: "COMPUTATION OF ANNUITY.—".

(b) PHASED ELIMINATION OF SUPPLEMENTAL ANNUITY.—

(1) DECREASING PERCENTAGES.—Section 1457(b) of title 10, United States Code, is amended—

(A) by striking "5, 10, 15, or 20 percent" and inserting "the applicable percent"; and

(B) by inserting after the first sentence the following: "The percent used for the computation shall be an even multiple of 5 percent and, whatever the percent specified in the election, may not exceed 20 percent for months beginning before October 2005, 15 percent for months beginning after September 2005 and before October 2008, and 10 percent for months beginning after September 2008.".

(2) REPEAL OF PROGRAM IN 2014.—Effective on October 1, 2014, chapter 73 of such title is amended—

(A) by striking subchapter III; and

(B) by striking the item relating to subchapter III in the table of subchapters at the beginning of that chapter.

(c) RECOMPUTATION OF ANNUITIES.—

(1) REQUIREMENT FOR RECOMPUTATION.—Effective on the first day of each month referred to in paragraph (2)—

(A) each annuity under section 1450 of title 10, United States Code, that commenced before that month, is computed under a provision of section 1451 of that title amended by subsection (a), and is payable for that month shall be recomputed so as to be equal to the amount that would be in effect if the percent applicable for that month under that provision, as so amended, had been used for the initial computation of the annuity; and

(B) each supplemental survivor annuity under section 1457 of such title that commenced before that month and is payable for that month shall be recomputed so as to be equal to the amount that would be in effect if the percent applicable for that month under that section, as amended by this section, had been used for the initial computation of the supplemental survivor annuity.

(2) TIMES FOR RECOMPUTATION.—The requirements for recomputation of annuities under paragraph (1) apply with respect to the following months:

(A) October 2005.

(B) October 2008.

(C) October 2014.

(d) RECOMPUTATION OF RETIRED PAY REDUCTIONS FOR SUPPLEMENTAL SURVIVOR ANNUITIES.—The Secretary of Defense shall take such actions as are necessitated by the amendments made by subsection (b) and the requirements of subsection (c)(1)(B) to ensure that the reductions in retired pay under section 1460 of title 10, United States Code, are adjusted to achieve the objectives set forth in subsection (b) of that section.

SEC. 645. OPEN ENROLLMENT PERIOD FOR SURVIVOR BENEFIT PLAN COMMENCING OCTOBER 1, 2005.

(a) PERSONS NOT CURRENTLY PARTICIPATING IN SURVIVOR BENEFIT PLAN.—

(1) ELECTION OF SBP COVERAGE.—An eligible retired or former member may elect to participate in the Survivor Benefit Plan under subchapter II of chapter 73 of title 10, United States Code, during the open enrollment period specified in subsection (f).

(2) ELECTION OF SUPPLEMENTAL ANNUITY COVERAGE.—An eligible retired or former member who elects under paragraph (1) to participate in the Survivor Benefit Plan at the maximum level may also elect during the open enrollment period to participate in the Supplemental Survivor Benefit Plan established under subchapter III of chapter 73 of title 10, United States Code.

(3) ELIGIBLE RETIRED OR FORMER MEMBER.—For purposes of paragraphs (1) and (2), an eligible retired or former member is a member or former member of the uniformed services who on the day before the first day of the open enrollment period is not a participant in the Survivor Benefit Plan and—

(A) is entitled to retired pay; or

(B) would be entitled to retired pay under chapter 1223 of title 10, United States Code, but for the fact that such member or former member is under 60 years of age.

(4) STATUS UNDER SBP OF PERSONS MAKING ELECTIONS.—

(A) STANDARD ANNUITY.—A person making an election under paragraph (1) by reason of eligibility under paragraph (3)(A) shall be treated for all purposes as providing a standard annuity under the Survivor Benefit Plan.

(B) RESERVE-COMPONENT ANNUITY.—A person making an election under paragraph (1) by reason of eligibility under paragraph (3)(B) shall be treated for all purposes as providing a reserve-component annuity under the Survivor Benefit Plan.

(b) ELECTION TO INCREASE COVERAGE UNDER SBP.—A person who on the day before the first day of the open enrollment period is a participant in the Survivor Benefit Plan but is not participating at the maximum base amount or is providing coverage under the Plan for a dependent child and not for the person's spouse or former spouse may, during the open enrollment period, elect to—

(1) participate in the Plan at a higher base amount (not in excess of the participant's retired pay); or

(2) provide annuity coverage under the Plan for the person's spouse or former spouse at a base amount not less than the base amount provided for the dependent child.

(c) ELECTION FOR CURRENT SBP PARTICIPANTS TO PARTICIPATE IN SUPPLEMENTAL SBP.—

(1) ELECTION.—A person who is eligible to make an election under this paragraph may elect during the open enrollment period to participate in the Supplemental Survivor Benefit Plan established under subchapter III of chapter 73 of title 10, United States Code.

(2) PERSONS ELIGIBLE.—Except as provided in paragraph (3), a person is eligible to make an election under paragraph (1) if on the day before the first day of the open enrollment period the person is a participant in the Survivor Benefit Plan at the maximum level, or during the open enrollment period the person increases the level of such participation to the maximum level under subsection (b) of this section, and under that Plan is providing annuity coverage for the person's spouse or a former spouse.

(3) LIMITATION ON ELIGIBILITY FOR CERTAIN SBP PARTICIPANTS NOT AFFECTED BY TWO-TIER ANNUITY COMPUTATION.—A person is not eligible to make an election under paragraph (1) if (as determined by the Secretary concerned) the annuity of a spouse or former spouse beneficiary of that person under the Survivor Benefit Plan is to be computed under section 1451(e) of title 10, United States Code. However, such a person may during the open enrollment period waive the right to have that annuity computed under such section 1451(e). Any such election is irrevocable. A person making such a waiver may make an election under paragraph (1) as in the case of any other participant in the Survivor Benefit Plan.

(d) MANNER OF MAKING ELECTIONS.—An election under this section shall be made in writing, signed by the person making the election, and received by the Secretary concerned before the end of the open enrollment period. Any such election shall be made subject to the same conditions, and with the same opportunities for designation of beneficiaries and specification of base amount, that apply under the Survivor Benefit Plan or the Supplemental Survivor Benefit Plan, as the case may be. A person making an election under subsection (a) to provide a reserve-component annuity shall make a designation described in section 1448(e) of title 10, United States Code.

(e) EFFECTIVE DATE FOR ELECTIONS.—Any such election shall be effective as of the first day of the first calendar month following the month in which the election is received by the Secretary concerned.

(f) OPEN ENROLLMENT PERIOD.—The open enrollment period under this section shall be the one-year period beginning on October 1, 2005.

(g) EFFECT OF DEATH OF PERSON MAKING ELECTION WITHIN TWO YEARS OF MAKING ELECTION.—If a person making an election under this section dies before the end of the two-year period beginning on the effective date of the election, the election is void and the amount of any reduction in retired pay of the person that is attributable to the election shall be paid in a lump sum to the person who would have been the deceased person's beneficiary under the voided election if the deceased person had died after the end of such two-year period.

(h) APPLICABILITY OF CERTAIN PROVISIONS OF LAW.—The provisions of sections 1449, 1453, and 1454 of title 10, United States Code, are applicable to a person making an election, and to an election, under this section in the same manner as if the election were made under the Survivor Benefit Plan or the Supplemental Survivor Benefit Plan, as the case may be.

(i) ADDITIONAL PREMIUM.—The Secretary of Defense shall prescribe in regulations premiums which a person electing under this section shall be required to pay for participating in the Survivor Benefit Plan pursuant to the election. The total amount of the premiums to be paid by a person under the regulations shall be equal to the sum of—

(i) the total amount by which the retired pay of the person would have been reduced before the effective date of the election if the person had elected to participate in the Survivor Benefit Plan (for the same base amount specified in the election) at the first opportunity that was afforded the member to participate under chapter 73 of title 10, United States Code;

(ii) interest on the amounts by which the retired pay of the person would have been so reduced, computed from the dates on which the retired pay would have been so reduced at such rate or rates and according to such methodology as the Secretary of Defense determines reasonable; and

(iii) any additional amount that the Secretary determines necessary to protect the actuarial soundness of the Department of Defense Military Retirement Fund against any increased risk for the fund that is associated with the election.

(A) Premiums paid under the regulations shall be credited to the Department of Defense Military Retirement Fund.

(B) In this paragraph, the term "Department of Defense Military Retirement Fund" means the Department of Defense Military Retirement Fund established under section 1461(a) of title 10, United States Code.

Subtitle E—Other Matters

SEC. 651. INCREASED MAXIMUM PERIOD FOR LEAVE OF ABSENCE FOR PURSUIT OF A PROGRAM OF EDUCATION IN A HEALTH CARE PROFESSION.

Section 708(a) of title 10, United States Code, is amended—

(1) by striking "for a period not to exceed two years"; and

(2) by adding at the end the following: "The period of a leave of absence granted under this section may not exceed two years, except that the period may exceed two years but may not exceed three years in the case of an eligible member pursuing a program of education in a health care profession.".

SEC. 652. ELIGIBILITY OF MEMBERS FOR REIMBURSEMENT OF EXPENSES INCURRED FOR ADOPTION PLACEMENTS MADE BY FOREIGN GOVERNMENTS.

Section 1052(g)(3) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

"(D) A foreign government or an agency authorized by a foreign government to place children for adoption, in any case in which—

"(i) the adopted child is entitled to automatic citizenship under section 320 of the Immigration and Nationality Act (8 U.S.C. 1431); or

"(ii) a certificate of citizenship has been issued for such child under section 322 of that Act (8 U.S.C. 1433).".

SEC. 653. ACCEPTANCE OF FREQUENT TRAVELER MILES, CREDITS, AND TICKETS TO FACILITATE THE AIR OR SURFACE TRAVEL OF CERTAIN MEMBERS OF THE ARMED FORCES AND THEIR FAMILIES.

Section 2608 of title 10, United States Code, is amended—

(1) by redesignating subsections (g) through (k) as subsections (h) through (l), respectively; and

(2) by inserting after subsection (f) the following new subsection:

"(g) OPERATION HERO MILES.—(1) The Secretary of Defense may use the authority of subsection (a) to accept the donation of frequent traveler miles, credits, and tickets for air or surface transportation issued by any air carrier or surface carrier that serves the public and that consents to such donation, and under such terms and conditions as the air or surface carrier may specify. The Secretary shall designate a single office in the Department of Defense to carry out this subsection, including the establishment of such rules and procedures as may be necessary to facilitate the acceptance of such frequent traveler miles, credits, and tickets.

"(2) Frequent traveler miles, credits, and tickets accepted under this subsection shall be used only in accordance with the rules established by the air carrier or surface carrier that is the source of the miles, credits, or tickets and shall be used only for the following purposes:

"(A) To facilitate the travel of a member of the armed forces who—

"(i) is deployed on active duty outside the United States away from the permanent duty station of the member in support of a contingency operation; and

"(ii) is granted, during such deployment, rest and recuperative leave, emergency leave, convalescent leave, or another form of leave authorized for the member.

"(B) In the case of a member of the armed forces recuperating from an injury or illness incurred or aggravated in the line of duty during such deployment, to facilitate the travel of family members of the member to be reunited with the member.

"(3) For the use of miles, credits, or tickets under paragraph (2)(B) by family members of a member of the armed forces, the Secretary may, as the Secretary determines appropriate, limit—

"(A) eligibility to family members who, by reason of affinity, degree of consanguinity, or otherwise, are sufficiently close in relationship to the member of the armed forces to justify the travel assistance;

"(B) the number of family members who may travel; and

"(C) the number of trips that family members may take.

"(4) Notwithstanding paragraph (2), the Secretary of Defense may, in an exceptional case, authorize a person not described in subparagraph (B) of that paragraph to use frequent traveler miles, credits, or a ticket accepted under this subsection to visit a member of the armed forces described in such subparagraph if that person has a notably close relationship with the member. The frequent traveler miles, credits, or ticket may be used by such person only in accordance with such conditions and restrictions as the Secretary determines appropriate and the rules established by the air carrier or surface carrier that is the source of the miles, credits, or ticket.

"(5) The Secretary of Defense shall encourage air carriers and surface carriers to participate in, and to facilitate through minimization of restrictions and otherwise, the donation, acceptance, and use of frequent traveler miles, credits, and tickets under this section.

"(6) The Secretary of Defense may enter into an agreement with a nonprofit organization to use the services of the organization—

"(A) to promote the donation of frequent traveler miles, credits, and tickets under paragraph (1), except that amounts appropriated to the Department of Defense may not be expended for this purpose; and

"(B) to assist in administering the collection, distribution, and use of donated frequent traveler miles, credits, and tickets.

"(7) Members of the armed forces, family members, and other persons who receive air or surface transportation using frequent traveler miles, credits, or tickets donated under this subsection are deemed to recognize no income from such use. Donors of frequent traveler miles, credits, or tickets under this subsection are deemed to obtain no tax benefit from such donation.

"(8) In this subsection, the term 'family member' has the meaning given that term in section 411h(b)(1) of title 37.".

SEC. 654. CHILD CARE FOR CHILDREN OF MEMBERS OF ARMED FORCES ON ACTIVE DUTY FOR OPERATION ENDURING FREEDOM OR OPERATION IRAQI FREEDOM.

(a) Child Care for Children Without Access to Military Child Care.—(1) In any case where the children of a covered member of the Armed Forces are geographically dispersed and do not have practical access to a military child development center, the Secretary of Defense may, to the extent funds are available for such purpose, provide such funds as are necessary permit the member's family to secure access for such children to State licensed child care and development programs and activities in the private sector that are similar in scope and quality to the child care and development programs and activities the Secretary would otherwise provide access to under subchapter II of chapter 88 of title 10, United States Code, and other applicable provisions of law.

(2) Funds may be provided under paragraph (1) in accordance with the provisions of section 1798 of title 10, United States Code, or by such other mechanism as the Secretary considers appropriate.

(3) The Secretary shall prescribe in regulations priorities for the allocation of funds for the provision of access to child care under paragraph (1) in circumstances where funds are inadequate to provide all children described in that paragraph with access to child care as described in that paragraph.

(b) Preservation of Services and Programs.—The Secretary shall provide for the attendance and participation of children in military child development centers and child care and development programs and activities under subsection (a) in a manner that preserves the scope and quality of child care and development programs and activities otherwise provided by the Secretary.

(c) Funding.—Amounts otherwise available to the Department of Defense and the military departments under this Act may be available for purposes of providing access to child care under subsection (a).

(d) Definitions.—In this section:

(1) The term "covered members of the Armed Forces" means members of the Armed Forces on active duty, including members of the Reserves who are called or ordered to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code, for Operation Enduring Freedom or Operation Iraqi Freedom.

(2) The term "military child development center" has the meaning given such term in section 1800(1) of title 10, United States Code.

SEC. 655. RELIEF FOR MOBILIZED MILITARY RESERVISTS FROM CERTAIN FEDERAL AGRICULTURAL LOAN OBLIGATIONS.

The Consolidated Farm and Rural Development Act is amended by inserting after section 331F (7 U.S.C. 1981f) the following:

"SEC. 332. RELIEF FOR MOBILIZED MILITARY RESERVISTS FROM CERTAIN AGRICULTURAL LOAN OBLIGATIONS.

"(a) Definition of Mobilized Military Reservist.—In this section, the term 'mobilized military reservist' means an individual who—

"(1) is on active duty under section 688, 12301(a), 12301(g), 12302, 12304, 12306, or 12406, or chapter 15 of title 10, United States Code, or any other provision of law during a war or during a national emergency declared by the President or Congress, regardless of the location at which the active duty service is performed; or

"(2) in the case of a member of the National Guard, is on full-time National Guard duty (as defined in section 101(d)(5) of title 10, United States Code) under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days under section 502(f) of title 32, United States Code, for purposes of responding to a national emergency declared by the President and supported by Federal funds.

"(b) Forgiveness of Interest Payments Due While Borrower Is a Mobilized Military Reservist.—Any requirement that a borrower of a direct loan made under this title make any interest payment on the loan that would otherwise be required to be made while the borrower is a mobilized military reservist is rescinded.

"(c) Deferral of Principal Payments Due While or After Borrower Is a Mobilized Military Reservist.—The due date of any payment of principal on a direct loan made to a borrower under this title that would otherwise be required to be made while or after the borrower is a mobilized military reservist is deferred for a period equal in length to the period for which the borrower is a mobilized military reservist.

"(d) Nonaccrual of Interest.—Interest on a direct loan made to a borrower described in this section shall not accrue during the period the borrower is a mobilized military reservist.

"(e) Borrower Not Considered To Be Delinquent or Receiving Debt Forgiveness.—Notwithstanding section 373 or any other provision of this title, a borrower who receives assistance under this section shall not, as a result of the assistance, be considered to be delinquent or receiving debt forgiveness for purposes of receiving a direct or guaranteed loan under this title.".

TITLE VII—HEALTH CARE

Subtitle A—Enhanced Benefits for Reserves

SEC. 701. DEMONSTRATION PROJECT ON HEALTH BENEFITS FOR RESERVES.

(a) Demonstration Project Required.—The Secretary of Defense shall carry out a demonstration project under section 1092 of title 10, United States Code, to assess the need for, and feasibility of, providing benefits under the TRICARE program to members of the Ready Reserve of the Armed Forces who are (1) eligible unemployment compensation recipients, (2) in a period of continuous unemployment from the end of their last month as eligible unemployment compensation recipients, or (3) ineligible for coverage by employer-sponsored health benefits plans for employees.

(b) Definition.—In this section, the term "eligible unemployment compensation recipient" has the meaning given such term in section 1076b(j) of title 10, United States Code.

SEC. 702. PERMANENT EARLIER ELIGIBILITY DATE FOR TRICARE BENEFITS FOR MEMBERS OF RESERVE COMPONENTS.

Section 1074(d) of title 10, United States Code, is amended by striking paragraph (3).

SEC. 703. WAIVER OF CERTAIN DEDUCTIBLES FOR MEMBERS ON ACTIVE DUTY FOR A PERIOD OF MORE THAN 30 DAYS.

Section 1095d(a) of title 10, United States Code, is amended by striking "a period of less than one year" both places that it appears and inserting "a period of more than 30 days".

SEC. 704. PROTECTION OF DEPENDENTS FROM BALANCE BILLING.

Section 1079(h)(4) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

"(C) In the case of a member of the reserve components serving on active duty for a period of more than 30 days in support of a contingency operation under a provision of law referred to in section 101(a)(13)(B) of this title, the Secretary may pay the amount applicable under subparagraph (B) to a dependent of such member who is referred to in subparagraph (A).".

SEC. 705. PERMANENT EXTENSION OF TRANSITIONAL HEALTH CARE BENEFITS AND ADDITION OF REQUIREMENT FOR PRESEPARATION PHYSICAL EXAMINATION.

(a) Permanent Requirement.—(1) Paragraph (3) of section 1145(a) of title 10, United States Code, is amended to read as follows:

"(3) Transitional health care for a member under subsection (a) shall be available for 180 days beginning on the date on which the member is separated from active duty.".

(2) The following provisions of law are repealed:

(A) Section 704 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1527; 10 U.S.C. 1145 note).

(B) Section 1117 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1218; 10 U.S.C. 1145 note).

(b) Requirement for Physical Examination.—Such section 1145(a), as amended by subsection (a), is further amended by adding at the end the following new paragraph:

"(4) The Secretary concerned shall require each member referred to in paragraph (1) to undergo a comprehensive physical examination immediately before the member is separated from active duty as described in paragraph (2).".

SEC. 706. EXPANDED ELIGIBILITY OF READY RESERVE MEMBERS UNDER TRICARE PROGRAM.

(a) UNCONDITIONAL ELIGIBILITY.—Subsection (a) of section 1076b of title 10, United States Code, is amended by striking "is eligible, subject to subsection (h), to enroll in TRICARE" and all that follows through "an employer-sponsored health benefits plan" and inserting ", except for a member who is enrolled or is eligible to enroll in a health benefits plan under chapter 89 of title 5, is eligible to enroll in TRICARE, subject to subsection (h)".

(b) PERMANENT AUTHORITY.—Subsection (l) of such section is repealed.

(c) CONFORMING REPEAL OF OBSOLETE PROVISIONS.—Such section is further amended—

(1) by striking subsections (i) and (j); and

(2) by redesignating subsection (k) as subsection (i).

SEC. 707. CONTINUATION OF NON-TRICARE HEALTH BENEFITS PLAN COVERAGE FOR CERTAIN RESERVES CALLED OR ORDERED TO ACTIVE DUTY AND THEIR DEPENDENTS.

(a) REQUIRED CONTINUATION.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1078a the following new section:

"§ 1078b. Continuation of non-TRICARE health benefits plan coverage for dependents of certain Reserves called or ordered to active duty

"(a) PAYMENT OF PREMIUMS.—The Secretary concerned shall pay the applicable premium to continue in force any qualified health benefits plan coverage for the members of the family of an eligible reserve component member for the benefits coverage continuation period if timely elected by the member in accordance with regulations prescribed under subsection (j).

"(b) ELIGIBLE MEMBER; FAMILY MEMBERS.—(1) A member of a reserve component is eligible for payment of the applicable premium for continuation of qualified health benefits plan coverage under subsection (a) while serving on active duty pursuant to a call or order issued under a provision of law referred to in section 101(a)(13)(B) of this title during a war or national emergency declared by the President or Congress.

"(2) For the purposes of this section, the members of the family of an eligible reserve component member include only the member's dependents described in subparagraphs (A), (D), and (I) of section 1072(2) of this title.

"(c) QUALIFIED HEALTH BENEFITS PLAN COVERAGE.—For the purposes of this section, health benefits plan coverage for the members of the family of a reserve component member called or ordered to active duty is qualified health benefits plan coverage if—

"(1) the coverage was in force on the date on which the Secretary notified the reserve component member that issuance of the call or order was pending or, if no such notification was provided, the date of the call or order;

"(2) on such date, the coverage applied to the reserve component member and members of the family of the reserve component member; and

"(3) the coverage has not lapsed.

"(d) APPLICABLE PREMIUM.—The applicable premium payable under this section for continuation of health benefits plan coverage for the family members of a reserve component member is the amount of the premium payable by the member for the coverage of the family members.

"(e) MAXIMUM AMOUNT.—The total amount that the Department of Defense may pay for the applicable premium of a health benefits plan for the family members of a reserve component member under this section in a fiscal year may not exceed the amount determined by multiplying—

"(1) the sum of one plus the number of the family members covered by the health benefits plan, by

"(2) the per capita cost of providing TRICARE coverage and benefits for dependents under this chapter for such fiscal year, as determined by the Secretary of Defense.

"(f) BENEFITS COVERAGE CONTINUATION PERIOD.—The benefits coverage continuation period under this section for qualified health benefits plan coverage for the family members of an eligible reserve component member called or ordered to active duty is the period that—

"(1) begins on the date of the call or order; and

"(2) ends on the earlier of—

"(A) the date on which the reserve component member's eligibility for transitional health care under section 1145(a) of this title terminates under paragraph (3) of such section; or

"(B) the date on which the reserve component member elects to terminate the continued qualified health benefits plan coverage of the member's family members.

"(g) EXTENSION OF PERIOD OF COBRA COVERAGE.—Notwithstanding any other provision of law—

"(1) any period of coverage under a COBRA continuation provision (as defined in section 9832(d)(1) of the Internal Revenue Code of 1986) for an eligible reserve component member under this section shall be deemed to be equal to the benefits coverage continuation period for such member under this section; and

"(2) with respect to the election of any period of coverage under a COBRA continuation provision (as so defined), rules similar to the rules under section 4980B(f)(5)(C) of such Code shall apply.

"(h) NONDUPLICATION OF BENEFITS.—A member of the family of a reserve component member who is eligible for benefits under qualified health benefits plan coverage paid on behalf of the reserve component member by the Secretary concerned under this section is not eligible for benefits under the TRICARE program during a period of the coverage for which so paid.

"(i) REVOCABILITY OF ELECTION.—A reserve component member who makes an election under subsection (a) may revoke the election. Upon such a revocation, the member's family members shall become eligible for benefits under the TRICARE program as provided for under this chapter.

"(j) REGULATIONS.—The Secretary of Defense shall prescribe regulations for carrying out this section. The regulations shall include such requirements for making an election of payment of applicable premiums as the Secretary considers appropriate.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1078a the following new item:

"1078b. Continuation of non-TRICARE health benefits plan coverage for dependents of certain Reserves called or ordered to active duty.".

(b) APPLICABILITY.—Section 1078b of title 10, United States Code (as added by subsection (a)), shall apply with respect to calls or orders of members of reserve components of the Armed Forces to active duty as described in subsection (b) of such section, that are issued by the Secretary of a military department before, on, or after the date of the enactment of this Act, but only with respect to qualified health benefits plan coverage (as described in subsection (c) of such section) that is in effect on or after the date of the enactment of this Act.

Subtitle B—Other Matters

SEC. 711. REPEAL OF REQUIREMENT FOR PAYMENT OF SUBSISTENCE CHARGES WHILE HOSPITALIZED.

(a) REPEAL.—Section 1075 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by striking the item relating to section 1075.

SEC. 712. OPPORTUNITY FOR YOUNG CHILD DEPENDENT OF DECEASED MEMBER TO BECOME ELIGIBLE FOR ENROLLMENT IN A TRICARE DENTAL PLAN.

Section 1076a(k)(2) of title 10, United States Code, is amended—

(1) by striking "under subsection (a) or" and inserting "under subsection (a),"; and

(2) by inserting after "under subsection (f)," the following: "or is not enrolled because the dependent is a child under the minimum age for enrollment,".

SEC. 713. PEDIATRIC DENTAL PRACTICE NECESSARY FOR PROFESSIONAL ACCREDITATION.

Section 1077(c) of title 10, United States Code, is amended—

(1) by striking "A dependent" and inserting "(1) Except as specified in paragraph (2), a dependent"; and

(2) by adding at the end the following new paragraph:

"(2)(A) Dependents 12 years of age or younger who are covered by a dental plan under section 1076a of this title may be treated by postgraduate dental students in a dental treatment facility of the uniformed services accredited by the American Dental Association under a graduate dental education program accredited by the American Dental Association if—

"(i) treatment of pediatric dental patients is necessary in order to satisfy an accreditation standard of the American Dental Association that is applicable to such facility or program, or training in pediatric dental care is necessary for the students to be professionally qualified to provide dental care for dependent children accompanying members of the uniformed services outside the United States; and

"(ii) the caseload of pediatric patients at such facility is insufficient to support satisfaction of the accreditation or professional requirements in pediatric dental care that apply to such facility, program, or students.

"(B) The total number of dependents treated in all facilities of the uniformed services under subparagraph (A) in a fiscal year may not exceed 2,000.".

SEC. 714. SERVICES OF MARRIAGE AND FAMILY THERAPISTS.

(a) AUTHORITY TO ENTER INTO PERSONAL SERVICES CONTRACTS.—Section 704(c)(2) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2799; 10 U.S.C. 1091 note) is amended by inserting "marriage and family therapists certified as such by a certification recognized by the Secretary of Defense," after "psychologists,".

(b) APPLICABILITY OF LICENSURE REQUIREMENT FOR HEALTH-CARE PROFESSIONALS.—

Section 1094(e)(2) of title 10, United States Code, is amended by inserting "marriage and family therapist certified as such by a certification recognized by the Secretary of Defense," after "psychologist,".

SEC. 715. CHIROPRACTIC HEALTH CARE BENEFITS ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall establish an oversight advisory committee to provide the Secretary with advice and recommendations regarding the continued development and implementation of an effective program of chiropractic health care benefits for members of the uniformed services on active duty.

(b) MEMBERSHIP.—The advisory committee shall be composed of members selected from among persons who, by reason of education, training, and experience, are experts in chiropractic health care, as follows:

(1) Members appointed by the Secretary of Defense in such number as the Secretary determines appropriate for carrying out the duties of the advisory committee effectively.

(2) A representative of each of the Armed Forces, as designated by the Secretary of the military department concerned.

(c) CHAIRMAN.—The Secretary of Defense shall designate one member of the advisory committee to serve as the Chairman of the advisory committee.

(d) MEETINGS.—The advisory committee shall meet at the call of the Chairman, but not fewer than three times each fiscal year, beginning in fiscal year 2005.

(e) DUTIES.—The advisory committee shall have the following duties:

(1) Review and evaluate the program of chiropractic health care benefits provided to members of the uniformed services on active duty under chapter 55 of title 10, United States Code.

(2) Provide the Secretary of Defense with advice and recommendations as described in subsection (a).

(3) Upon the Secretary's determination that the program of chiropractic health care benefits referred to in paragraph (1) has been fully implemented, prepare and submit to the Secretary a report containing the advisory committee's evaluation of such program as implemented.

(f) APPLICABILITY OF TEMPORARY ORGANIZATIONS LAW.—(1) Section 3161 of title 5, United States Code, shall apply to the advisory committee under this section.

(2) The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the oversight advisory committee under this section.

(g) TERMINATION.—The advisory committee shall terminate 90 days after the date on which the committee submits the report to the Secretary of Defense under subsection (e)(3).

SEC. 716. GROUNDS FOR PRESIDENTIAL WAIVER OF REQUIREMENT FOR INFORMED CONSENT OR OPTION TO REFUSE REGARDING ADMINISTRATION OF DRUGS NOT APPROVED FOR GENERAL USE.

(a) INVESTIGATIONAL NEW DRUGS.—Section 1107(f) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking "obtaining consent—" and all that follows through "(C) is" and inserting "obtaining consent is"; and

(2) by striking paragraph (2) and inserting the following new paragraph:

"(2) The waiver authority provided in paragraph (1) shall not be construed to apply to any case other than a case in which prior consent for administration of a particular drug is required by reason of a determination by the Secretary of Health and Human Services that such drug is subject to the investigational new drug requirements of section 505(i) of the Federal Food, Drug, and Cosmetic Act.".

(b) EMERGENCY USE DRUGS.—Section 1107a(a) of such title is amended—

(1) by inserting "(A)" after "PRESIDENT.—(1)";

(2) by striking "is not feasible," and all that follows through "members affected, or"; and

(3) by adding at the end the following new subparagraph:

"(B) The waiver authority provided in subparagraph (A) shall not be construed to apply to any case other than a case in which an individual is required to be informed of an option to accept or refuse administration of a particular product by reason of a determination by the Secretary of Health and Human Services that emergency use of such product is authorized under section 564 of the Federal Food, Drug, and Cosmetic Act.".

SEC. 717. ELIGIBILITY OF CADETS AND MIDSHIPMEN FOR MEDICAL AND DENTAL CARE AND DISABILITY BENEFITS.

(a) MEDICAL AND DENTAL CARE.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1074a the following new section:

"§ 1074b. Medical and dental care: cadets and midshipmen

"(a) ELIGIBILITY.—Under joint regulations prescribed by the administering Secretaries, the following persons are, except as provided in subsection (c), entitled to the benefits described in subsection (b):

"(1) A cadet at the United States Military Academy, the United States Air Force Academy, or the Coast Guard Academy, and a midshipman at the United States Naval Academy, who incurs or aggravates an injury, illness, or disease in the line of duty.

"(2) Each member of, and each designated applicant for membership in, the Senior Reserve Officers' Training Corps who incurs or aggravates an injury, illness, or disease in the line of duty while performing duties under section 2109 of this title.

"(b) BENEFITS.—A person eligible for benefits in subsection (a) for an injury, illness, or disease is entitled to—

"(1) the medical and dental care under this chapter that is appropriate for the treatment of the injury, illness, or disease until the injury, illness, disease, or any resulting disability cannot be materially improved by further hospitalization or treatment; and

"(2) meals during hospitalization.

"(c) EXCEPTION.—A person is not entitled to benefits under subsection (b) for an injury, illness, or disease, or the aggravation of an injury, illness, or disease that is a result of the gross negligence or the misconduct of that person.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074a the following new item:

"1074b. Medical and dental care: cadets and midshipmen of the service academies.".

(b) ELIGIBILITY OF ACADEMY CADETS AND MIDSHIPMEN FOR DISABILITY RETIRED PAY.—(1)(A) Section 1217 of title 10, United States Code, is amended to read as follows:

"§ 1217. Cadets, midshipmen, and aviation cadets: applicability of chapter

"(a) This chapter applies to cadets at the United States Military Academy, the United States Air Force Academy, and the United States Coast Guard Academy and midshipmen of the United States Naval Academy.

"(b) Monthly cadet pay and monthly midshipman pay under section 203(c) of title 37 shall be considered to be basic pay for purposes of this chapter and the computation of retired pay and severance and separation pay to which entitlement is established under this chapter.".

(B) The item related to section 1217 in the table of sections at the beginning of chapter 61 of such title is amended to read as follows:

"1217. Cadets, midshipmen, and aviation cadets: applicability of chapter.".

(2) The amendments made by paragraph (1) shall take effect on October 1, 2004.

SEC. 718. CONTINUATION OF SUB-ACUTE CARE FOR TRANSITION PERIOD.

Section 1074j(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4) The Secretary of Defense may take such actions as are necessary to ensure that there is an effective transition in the furnishing of part-time or intermittent home health care benefits for covered beneficiaries who were receiving such benefits before the establishment of the program under this section. The actions taken under this paragraph may include the continuation of such benefits on an extended basis for such time as the Secretary determines appropriate.".

SEC. 719. TEMPORARY AUTHORITY FOR WAIVER OF COLLECTION OF PAYMENTS DUE FOR CHAMPUS BENEFITS RECEIVED BY DISABLED PERSONS UNAWARE OF LOSS OF CHAMPUS ELIGIBILITY.

(a) AUTHORITY TO WAIVE DEBT.—(1) The Secretary of Defense, in consultation with the other administering Secretaries, may waive (in whole or in part) the collection of payments otherwise due from a person described in subsection (b) for health benefits received by such person under section 1086 of title 10, United States Code, after the termination of that person's eligibility for such benefits.

(2) If the Secretary of Defense waives collection of payments from a person under paragraph (1), the Secretary may also authorize a continuation of benefits for such person under such section 1086 for a period ending not later than the end of the period specified in subsection (c) of this section.

(b) ELIGIBLE PERSONS.—A person is eligible for relief under subsection (a)(1) if—

(1) the person is described in paragraph (1) of subsection (d) of section 1086 of title 10, United States Code;

(2) except for such paragraph, the person would have been eligible for the health benefits under such section; and

(3) at the time of the receipt of such benefits—

(A) the person satisfied the criteria specified in paragraph (2)(B) of such subsection (d); and

(B) the person was unaware of the loss of eligibility to receive the health benefits.

(c) PERIOD OF APPLICABILITY.—The authority provided under this section to waive collection of payments and to continue benefits shall apply, under terms and conditions prescribed by the Secretary of Defense, to health benefits provided under section 1086 of title 10, United States Code, during the period beginning on July 1, 1999, and ending at the end of December 31, 2004.

(d) CONSULTATION WITH OTHER ADMINISTERING SECRETARIES.—(1) The Secretary of Defense shall consult with the other administering Secretaries in exercising the authority provided in this section.

(2) In this subsection, the term “administering Secretaries” has the meaning given such term in section 1072(3) of title 10, United States Code.

SEC. 720. VACCINE HEALTHCARE CENTERS NETWORK.

Section 1110 of title 10, United States Code, is amended by adding at the end the following:

“(c) Vaccine Healthcare Centers Network.—(1) The Secretary shall carry out this section through the Vaccine Healthcare Centers Network as established by the Secretary in collaboration with the Director of the Centers for Disease Control and Prevention.

“(2) In addition to conducting the activities described in subsection (b), it shall be the purpose of the Vaccine Healthcare Centers Network to improve—

“(A) the safety and quality of vaccine administration for the protection of members of the armed forces;

“(B) the submission of data to the Vaccine-related Adverse Events Reporting System to include comprehensive content and follow-up data;

“(C) the access to clinical management services to members of the armed forces who experience vaccine adverse events;

“(D) the knowledge and understanding by members of the armed forces and vaccine-providers of immunization benefits and risks.

“(E) networking between the Department of Defense, the Department of Health and Human Services, the Department of Veterans Affairs, and private advocacy and coalition groups with regard to immunization benefits and risks; and

“(F) clinical research on the safety and efficacy of vaccines.

“(3) To achieve the purposes described in paragraph (2), the Vaccine Healthcare Centers Network, in collaboration with the medical departments of the armed forces, shall carry out the following:

“(A)(i) Establish a network of centers of excellence in clinical immunization safety assessment that provides for outreach, education, and confidential consultative and direct patient care services for vaccine related adverse events prevention, diagnosis, treatment and follow-up with respect to members of the armed services.

“(ii) Such centers shall provide expert second opinions for such members regarding medical exemptions under this section and for additional care that is not available at the local medical facilities of such members.

“(B) Develop standardized educational outreach activities to support the initial and ongoing provision of training and education for providers and nursing personnel who are engaged in delivering immunization services to the members of the armed forces.

“(C) Develop a program for quality improvement in the submission and understanding of data that is provided to the Vaccine-related Adverse Events Reporting System, particularly among providers and members of the armed forces.

“(D) Develop and standardize a quality improvement program for the Department of Defense relating to immunization services.

“(E) Develop an effective network system, with appropriate internal and external collaborative efforts, to facilitate integration, educational outreach, research, and clinical management of adverse vaccine events.

“(F) Provide education and advocacy for vaccine recipients to include access to vaccine safety programs, medical exemptions, and quality treatment.

“(G) Support clinical studies with respect to the safety and efficacy of vaccines, including outcomes studies on the implementation of recommendations contained in the clinical guidelines for vaccine-related adverse events.

“(H) Develop implementation recommendations for vaccine exemptions or alternative vaccine strategies for members of the armed forces who have had prior, or who are susceptible to, serious adverse events, including those with genetic risk factors, and the discovery of treatments for adverse events that are most effective.

“(4) It is the sense of the Senate—

“(A) to recognize the important work being done by the Vaccine Healthcare Center Network for the members of the armed forces; and

“(B) that each of the military departments (as defined in section 102 of title 5, United States Code) is strongly encouraged to fund the Vaccine Healthcare Center Network.”.

SEC. 721. USE OF DEPARTMENT OF DEFENSE FUNDS FOR ABORTIONS IN CASES OF RAPE AND INCEST.

Section 1093(a) of title 10, United States Code, is amended by inserting before the period at the end the following: “ or in a case in which the pregnancy is the result of an act of rape or incest”.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Policy and Management

SEC. 801. RESPONSIBILITIES OF ACQUISITION EXECUTIVES AND CHIEF INFORMATION OFFICERS UNDER THE CLINGER-COHEN ACT.

(a) Acquisitions of Information Technology Equipment Integral to a Weapon or Weapon System.—(1) Chapter 131 of title 10, United States Code, is amended by inserting after section 2223 the following:

“§ 2223a. Acquisition of information technology equipment integral to a weapon or a weapon system

“(a) Responsibilities of Acquisition Executives.—The acquisition executive of each military department shall be responsible for ensuring that, with regard to a weapon or weapon system acquired or to be acquired by or for that military department—

“(1) the acquisition of information technology equipment that is integral to the weapon or a weapon system is conducted in a manner that is consistent with the capital planning, investment control, and performance and results-based management processes and requirements provided under sections 11302, 11303, 11312, and 11313 of title 40, to the extent that such processes requirements are applicable to the acquisition of such equipment;

“(2) issues of spectrum availability, interoperability, and information security are appropriately addressed in the development of the weapon or weapon system; and

“(3) in the case of information technology equipment that is to be incorporated into a weapon or a weapon system under a major defense acquisition program, the information technology equipment is incorporated in a manner that is consistent with—

“(A) the planned approach to applying certain provisions of law to major defense acquisition programs following the evolutionary acquisition process that the Secretary of Defense reported to Congress under section 802 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2602);

“(B) the acquisition policies that apply to spiral development programs under section 803 of such Act (116 Stat. 2603; 10 U.S.C. 2430 note); and

“(C) the software acquisition processes of the military department or Defense Agency concerned under section 804 of such Act (116 Stat. 2604; 10 U.S.C. 2430 note).

“(b) Board of Senior Acquisition Officials.—(1) The Secretary of Defense shall establish a board of senior acquisition officials to develop policy and provide oversight on the implementation of the requirements of this section and chapter 113 of title 40 in procurements of information technology equipment that is integral to a weapon or a weapon system.

“(2) The board shall be composed of the following officials:

“(A) The Under Secretary of Defense for Acquisition, Technology, and Logistics, who shall be the Chairman.

“(B) The acquisition executives of the military departments.

“(C) The Chief Information Officer of the Department of Defense.

“(3) Any question regarding whether information technology equipment is integral to a weapon or weapon system shall be resolved by the board in accordance with policies established by the board.

“(c) Inapplicability of Other Laws.—The following provisions of law do not apply to information technology equipment that is integral to a weapon or a weapon system:

“(1) Section 11315 of title 40.

“(2) The policies and procedures established under section 11316 of title 40.

“(3) Subsections (d) and (e) of section 811 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–211), and the requirements and prohibitions that are imposed by Department of Defense Directive 5000.1 pursuant to subsections (b) and (c) of such section.

“(4) Section 351 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2516; 10 U.S.C. 221 note).

“(d) Definitions.—In this section:

“(1) The term ‘acquisition executive’, with respect to a military department, means the official who is designated as the senior procurement executive of the military department under section 16(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(3)).

“(2) The term ‘information technology’ has the meaning given such term in section 11101 of title 40.

“(3) The term ‘major defense acquisition program’ has the meaning given such term in section 2430 of this title.”.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2223 the following new item:

“2223a. Acquisition of information technology equipment integral to a weapon or a weapon system.”.

(b) Conforming Amendments.—Section 2223 of such title is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

“(c) Equipment Integral to a Weapon or Weapon System.—(1) In the case of information technology equipment that is integral to a weapon or weapon system acquired or to be acquired by or for a military department, the responsibilities under this section shall be performed by the acquisition executive of that military department pursuant to the guidance and oversight of the board of senior acquisition officials established under section 2223a(b) of this title.

"(2) In this subsection, the term 'acquisition executive' has the meaning given said term in section 2223a(d) of this title.".

SEC. 802. SOFTWARE-RELATED PROGRAM COSTS UNDER MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) CONTENT OF QUARTERLY UNIT COST REPORT.—Subsection (b) of section 2433 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(5) Any significant changes in the total program cost for development and procurement of the software component of the program, schedule milestones for the software component of the program, or expected performance for the software component of the program that are known, expected, or anticipated by the program manager.".

(b) CONTENT OF SELECTED ACQUISITION REPORT.—(1) Subsection (g)(1) of such section is amended by adding at the end the following new subparagraph:

"(Q) In any case in which one or more problems with the software component of the program significantly contributed to the increase in program unit costs, the action taken and proposed to be taken to solve such problems.".

(2) Section 2432(e) of title 10, United States Code, is amended—

(A) by redesignating paragraphs (7), (8), and (9), as paragraphs (8), (9) and (10), respectively; and

(B) by inserting after paragraph (6) the following new paragraph (7):

"(7) The reasons for any significant changes (from the previous Selected Acquisition Report) in the total program cost for development and procurement of the software component of the program, schedule milestones for the software component of the program, or expected performance for the software component of the program that are known, expected, or anticipated by the program manager.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2004, and shall apply with respect to reports due to be submitted to Congress on or after such date.

SEC. 803. INTERNAL CONTROLS FOR DEPARTMENT OF DEFENSE PURCHASES THROUGH GSA CLIENT SUPPORT CENTERS.

(a) LIMITATION.—No official of the Department of Defense may place an order for, make a purchase of, or otherwise procure property or services in an amount in excess of $100,000 through any particular GSA Client Support Center until the Inspector General of the Department of Defense has, after the date of the enactment of this Act—

(1) reviewed the policies, procedures, and internal controls of such Client Support Center in consultation with the Inspector General of the General Services Administration; and

(2) certified in writing to the Secretary of Defense and the Administrator of General Services that such policies, procedures, and internal controls are adequate to ensure the compliance of such Client Support Center with the requirements of law and regulations that are applicable to orders, purchases, and other procurements of property and services.

(b) GSA CLIENT SUPPORT CENTER DEFINED.—In this section, the term "GSA Client Support Center" means a Client Support Center of the Federal Technology Service of the General Services Administration.

(c) EFFECTIVE DATE AND APPLICABILITY.—This section shall take effect on the date of the enactment of this Act and shall apply with respect to orders, purchases, and other procurements that are initiated by the Department of Defense with a GSA Client Support Center on or after such date.

SEC. 804. DEFENSE COMMERCIAL SATELLITE SERVICES PROCUREMENT PROCESS.

(a) REQUIREMENT FOR DETERMINATION.—The Secretary of Defense shall review alternative mechanisms for procuring commercial satellite services and provide guidance to the Director of the Defense Information Systems Agency and the Secretaries of the military departments on how such procurements should be conducted. The alternative procurement mechanisms reviewed by the Secretary of Defense shall, at a minimum, include the following:

(1) Procurement under indefinite delivery, indefinite quantity contracts of the Federal Technology Service of the General Services Administration.

(2) Procurement directly from commercial sources that are qualified as described in subsection (b), using full and open competition (as defined in section 4(6) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(6))).

(3) Procurement by any other means that has been used by the Director of the Defense Information Systems Agency or the Secretary of a military department to enter into a contract for the procurement of commercial satellite services that is in force on the date of the enactment of this Act.

(b) QUALIFIED SOURCES.—A source of commercial satellite services referred to in paragraph (2) of subsection (a) is a qualified source if the source is incorporated under the laws of a State of the United States and is either—

(1) a source of commercial satellite services under a Federal Technology Service contract for the procurement of commercial satellite services described in paragraph (1) of such subsection that is in force on the date of the enactment of this Act; or

(2) a source of commercial satellite services that meets qualification requirements (as defined in section 2319 of title 10, United States Code, and established in accordance with that section) to enter into a Federal Technology Service contract for the procurement of commercial satellite services.

(c) REPORT.—Not later than April 30, 2005, the Secretary of Defense shall submit to Congress a report setting forth the conclusions resulting from the Secretary's review under subsection (a). The report shall include—

(1) the guidance provided under such subsection; and

(2) a discussion of the rationale for that guidance.

SEC. 805. REVISION AND EXTENSION OF AUTHORITY FOR ADVISORY PANEL ON REVIEW OF GOVERNMENT PROCUREMENT LAWS AND REGULATIONS.

(a) RELATIONSHIP OF RECOMMENDATIONS TO SMALL BUSINESSES.—Section 1423 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 106–136; 117 Stat. 1669; 41 U.S.C. 405 note) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection (d):

"(d) ISSUES RELATING TO SMALL BUSINESSES.—In developing recommendations under subsection (c)(2), the panel shall—

"(1) consider the effects of its recommendations on small business concerns; and

"(2) include any recommended modifications of laws, regulations, and policies that the panel considers necessary to enhance and ensure competition in contracting that affords small business concerns meaningful opportunity to participate in Federal Government contracts.".

(b) REVISION AND EXTENSION OF REPORTING REQUIREMENT.—Section 1423(d) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1669; 41 U.S.C. 405 note) is amended—

(1) by striking "one year after the establishment of the panel" and inserting "one year after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2005";

(2) by striking "Services and" both places it appears and inserting "Services,";

(3) by inserting ", and Small Business" after "Government Reform"; and

(4) by inserting ", and Small Business and Entrepreneurship" after "Governmental Affairs".

Subtitle B—General Contracting Authorities, Procedures, and Limitations, and Other Matters

SEC. 811. INCREASED THRESHOLDS FOR APPLICABILITY OF CERTAIN REQUIREMENTS.

(a) SENIOR PROCUREMENT EXECUTIVE APPROVAL OF USE OF PROCEDURES OTHER THAN COMPETITIVE PROCEDURES.—Section 2304(f)(1)(B) of title 10, United States Code, is amended by striking "$50,000,000" both places it appears and inserting "$75,000,000".

(b) INFORMATION ON SUBCONTRACTING AUTHORITY OF DEFENSE CONTRACTOR PERSONNEL.—Section 2416(d) of such title is amended by striking "$500,000" and inserting "$1,000,000".

SEC. 812. PERIOD FOR MULTIYEAR TASK AND DELIVERY ORDER CONTRACTS.

(a) REVISED MAXIMUM PERIOD.—Section 2304a(f) of title 10, United States Code, is amended by striking "a total period of not more than five years." and inserting "any period up to five years and may extend the contract period for one or more successive periods pursuant to an option provided in the contract or a modification of the contract. The total contract period as extended may not exceed eight years unless such head of an agency personally determines in writing that exceptional circumstances necessitate a longer contract period.".

(b) ANNUAL REPORT.—Not later than 60 days after the end of each of fiscal years 2005 through 2009, the Secretary of Defense shall submit to Congress a report setting forth each extension of a contract period to a total of more than eight years that was granted for task and delivery order contracts of the Department of Defense during such fiscal year under section 2304a(f) of title 10, United States Code. The report shall include, with respect to each such contract period extension—

(1) a discussion of the exceptional circumstances on which the extension was based; and

(2) the justification for the determination of exceptional circumstances.

SEC. 813. SUBMISSION OF COST OR PRICING DATA ON NONCOMMERCIAL MODIFICATIONS OF COMMERCIAL ITEMS.

(a) INAPPLICABILITY OF COMMERCIAL ITEMS EXCEPTION TO NONCOMMERCIAL MODIFICATIONS OF COMMERCIAL ITEMS.—Subsection (b) of section 2306a of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3) NONCOMMERCIAL MODIFICATIONS OF COMMERCIAL ITEMS.—(A) The exception in paragraph (1)(B) does not apply to cost or pricing data on noncommercial modifications of a commercial item that are expected to cost, in the aggregate, more than $500,000.

"(B) In this paragraph, the term 'noncommercial modification', with respect to a commercial item, means a modification of such item that is not a modification described in section 4(12)(C)(i) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)(C)(i)).

"(C) Nothing in subparagraph (A) shall be construed—

"(i) to limit the applicability of the exception in subparagraph (A) or (C) of paragraph (1) to cost or pricing data on a noncommercial modification of a commercial item; or

"(ii) to require the submission of cost or pricing data on any aspect of an acquisition of a commercial item other than the cost and pricing of noncommercial modifications of such item.".

(b) EFFECTIVE DATE AND APPLICABILITY.—Paragraph (3) of section 2306a of title 10, United States Code (as added by subsection (a)), shall take effect on January 1, 2005, and shall apply with respect to offers submitted, and to modifications of contracts or subcontracts made, on or after that date.

SEC. 814. DELEGATIONS OF AUTHORITY TO MAKE DETERMINATIONS RELATING TO PAYMENT OF DEFENSE CONTRACTORS FOR BUSINESS RESTRUCTURING COSTS.

Section 2325(a)(2) of title 10, United States Code, is amended—

(1) by striking "paragraph (1) to an official" and all that follows and inserting "paragraph (1), with respect to a business combination, to an official of the Department of Defense—"; and

(2) by adding at the end the following:

"(A) below the level of an Assistant Secretary of Defense for cases in which the amount of restructuring costs is expected to exceed $25,000,000 over a 5-year period; or

"(B) below the level of the Director of the Defense Contract Management Agency for all other cases.".

SEC. 815. LIMITATION REGARDING SERVICE CHARGES IMPOSED FOR DEFENSE PROCUREMENTS MADE THROUGH CONTRACTS OF OTHER AGENCIES.

(a) LIMITATION.—(1) Chapter 141 of title 10, United States Code, is amended by inserting after section 2382 the following new section 2383:

"§ 2383. Procurements through contracts of other agencies: service charges

"(a) LIMITATION.—The head of an agency may not procure goods or services (under section 1535 of title 31, pursuant to a designation under section 11302(e) of title 40, or otherwise) through a contract entered into by an agency outside the Department of Defense if the amount charged such head of an agency by the contracting agency for the goods or services includes a service charge in a total amount that exceeds one percent of the amount charged by the contractor for such goods or services under the contract.

"(b) WAIVER AUTHORITY.—(1) The appropriate official of the Department of Defense may waive the limitation in subsection (a) in the case of any procurement for which that official determines that it is in the national security interests of the United States to do so.

"(2) The appropriate official for exercise of the waiver authority under paragraph (1) is as follows:

"(A) In the case of a procurement by a Defense Agency or Department of Defense Field Activity, the Secretary of Defense.

"(B) In the case of a procurement for a military department, the Secretary of that military department.

"(3)(A) The Secretary of Defense may not delegate the authority under paragraph (1) to any person other than the Deputy Secretary of Defense or the Under Secretary of Defense for Acquisition, Technology, and Logistics.

"(B) The Secretary of a military department may not delegate the authority under paragraph (1) to any person other than the acquisition executive of that military department.

"(c) INAPPLICABILITY TO CONTRACTS FOR CERTAIN SERVICES.—This section does not apply to procurements of the following services:

"(1) Printing, binding, or blank-book work to which section 502 of title 44 applies.

"(2) Services available under programs pursuant to section 103 of the Library of Congress Fiscal Operations Improvement Act of 2000 (Public Law 106–481; 114 Stat. 2187; 2 U.S.C. 182c).

"(d) INAPPLICABILITY TO COAST GUARD AND NASA.—This section does not apply to the Coast Guard when it is not operating as a service in the Navy or to the National Aeronautics and Space Administration.

"(e) DEFINITIONS.—In this section:

"(1) The term 'head of an agency' has the meaning given such term in section 2302 of this title.

"(2) The term 'acquisition executive', with respect to a military department, means the official who is designated as the senior procurement executive of that military department under section 16(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(3)).".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2382 the following new item:

"2383. Procurements through contracts of other agencies: service charges.".

(b) EFFECTIVE DATE AND APPLICABILITY.—Section 2383 of title 10, United States Code, shall take effect on October 1, 2004, and shall apply with respect to orders for goods or services that are issued by the head of an agency (as defined in section 2302 of such title) on or after such date.

SEC. 816. SENSE OF THE SENATE ON EFFECTS OF COST INFLATION ON THE VALUE RANGE OF THE CONTRACTS TO WHICH A SMALL BUSINESS CONTRACT RESERVATION APPLIES.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) in the administration of the requirement for reservation of contracts for small businesses under subsection (j) of section 15 of the Small Business Act (15 U.S.C. 644), the maximum amount in the contract value range provided under that subsection should be treated as being adjusted to the same amount to which the simplified acquisition threshold is increased whenever such threshold is increased under law; and

(2) the Administrator for Federal Procurement Policy, in consultation with the Federal Acquisition Regulatory Council, should ensure that appropriate governmentwide policies and procedures are in place—

(A) to monitor socioeconomic data concerning purchases made by means of purchase cards or credit cards issued for use in transactions on behalf of the Federal Government; and

(B) to encourage the placement of a fair portion of such purchases with small businesses consistent with governmentwide goals for small business prime contracting established under section 15(g) of the Small Business Act (15 U.S.C. 644(g)).

(b) SIMPLIFIED ACQUISITION THRESHOLD DEFINED.—In this section, the term "simplified acquisition threshold" has the meaning given such term in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)).

Subtitle C—Extensions of Temporary Program Authorities

SEC. 821. EXTENSION OF CONTRACT GOAL FOR SMALL DISADVANTAGED BUSINESS AND CERTAIN INSTITUTIONS OF HIGHER EDUCATION.

Section 2323(k) of title 10, United States Code, is amended by striking "2006" both places it appears and inserting "2009".

SEC. 822. EXTENSION OF MENTOR-PROTEGE PROGRAM.

Section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2302 note) is amended—

(1) in subsection (j)—

(A) in paragraph (1), by striking "September 30, 2005" and inserting "September 30, 2010"; and

(B) in paragraph (2), by striking "September 30, 2008" and inserting "September 30, 2013"; and

(2) in subsection (l)(3), by striking "2007" and inserting "2012".

SEC. 823. EXTENSION OF TEST PROGRAM FOR NEGOTIATION OF COMPREHENSIVE SMALL BUSINESS SUBCONTRACTING PLANS.

Section 834(e) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 15 U.S.C. 637 note) is amended by striking "September 30, 2005" and inserting "September 30, 2010".

SEC. 824. EXTENSION OF PILOT PROGRAM ON SALES OF MANUFACTURED ARTICLES AND SERVICES OF CERTAIN ARMY INDUSTRIAL FACILITIES.

Section 141(a) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 10 U.S.C. 4543 note) is amended by striking "through 2004" in the first sentence and inserting "through 2009".

Subtitle D—Industrial Base Matters

SEC. 831. COMMISSION ON THE FUTURE OF THE NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.

(a) ESTABLISHMENT.—There is established a commission to be known as the Commission on the Future of the National Technology and Industrial Base (hereafter in this section referred to as the "Commission").

(b) MEMBERSHIP.—(1) The Commission shall be composed of 12 members appointed by the President.

(2) The members of the Commission shall include—

(A) persons with extensive experience and national reputations for expertise in the defense industry, commercial industries that support the defense industry, and the economics, finance, national security, international trade, or foreign policy areas; and

(B) persons who are representative of labor organizations associated with the defense industry, and persons who are representative of small business concerns or organizations of small business concerns that are involved in Department of Defense contracting and other Federal Government contracting.

(3) The appointment of the members of the Commission under this subsection shall be made not later than March 1, 2005.

(4) Members shall be appointed for the life of the Commission. A vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(5) The President shall designate one member of the Commission to serve as the Chairman of the Commission.

(c) MEETINGS.—(1) The Commission shall meet at the call of the Chairman.

(2) A majority of the members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(d) DUTIES.—(1) The Commission shall—

(A) study the issues associated with the future of the national technology and industrial base in the global economy, particularly with respect to its effect on United States national security; and

(B) assess the future ability of the national technology and industrial base to attain the national security objectives set forth in section 2501 of title 10, United States Code.

(2) In carrying out the study and assessment under paragraph (1), the Commission shall consider the following matters:

(A) Existing and projected future capabilities of the national technology and industrial base.

(B) The impact on the national technology and industrial base of civil-military integration and the growing dependence of the Department of Defense on the commercial market for defense products and services.

(C) Any current or projected shortages of a critical technology (as defined in section 2500(6) of title 10, United States Code), or the raw materials necessary for the production of such technology, that could adversely affect the national security of the United States.

(D) The effects of domestic source restrictions on the strength of the national technology and industrial base.

(E) The effects of the policies and practices of United States allies and trading partners on the national technology and industrial base.

(F) The effects on the national technology and industrial base of laws and regulations related to international trade and the export of defense technologies and dual-use technologies.

(G) The adequacy of programs that support science and engineering education, including programs that support defense science and engineering efforts at institutions of higher learning, with respect to meeting the needs of the national technology and industrial base.

(H) The implementation of policies and planning required under subchapter II of chapter 148 of title 10, United States Code, and other provisions of law designed to support the national technology and industrial base.

(I) The role of the Manufacturing Technology program, other Department of Defense research and development programs, and the utilization of the authorities of the Defense Production Act of 1950 to provide transformational breakthroughs in advanced manufacturing technologies and processes that ensure the strength and productivity of the national technology and industrial base.

(J) The role of small business concerns in strengthening the national technology and industrial base.

(e) REPORT.—Not later than March 1, 2007, the Commission shall submit a report on its activities to the President and Congress. The report shall include the following matters:

(1) The findings and conclusions of the Commission.

(2) The recommendations of the Commission for actions by Federal Government officials to support the maintenance of a robust national technology and industrial base in the 21st century.

(3) The recommendations of the Commission for addressing shortages in critical technologies, and shortages of raw materials necessary for the production of critical technologies, that could adversely affect the national security of the United States.

(4) Any recommendations for legislation or changes in regulations to support the implementation of the findings of the Commission.

(5) A discussion of appropriate measures to implement the recommendations of the Commission.

(f) ADMINISTRATIVE REQUIREMENTS AND AUTHORITIES.—(1) The Director of the Office of Management and Budget shall ensure that the Commission is provided such administrative services, facilities, staff, and other support services as may be necessary for the Commission to carry out its duties. Expenses of the Commission shall be paid out of funds available to the Director.

(2) The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the purposes of this section.

(3) The Commission may secure directly from any Federal department or agency such information as the commission considers necessary to carry out the provisions of this section. Upon a request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(4) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(g) PERSONNEL MATTERS.—(1) Members of the Commission shall serve without compensation for their service on the Commission, except that each member of the Commission who is not an officer or employee of the United States shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(2) Section 3161 of title 5, United States Code, shall apply to the Commission, except that—

(A) members of the Commission shall not be entitled to pay for services under subsection (d) of such section; and

(B) subsection (b)(2) of such section shall not apply to the employees of the Commission.

(h) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(i) TERMINATION.—The Commission shall terminate 30 days after the date on which the Commission submits its report under subsection (e).

(j) DEFINITION OF NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.—In this section, the term "national technology and industrial base" has the meaning given such term in section 2500 of title 10, United States Code.

SEC. 832. WAIVER AUTHORITY FOR DOMESTIC SOURCE OR CONTENT REQUIREMENTS.

(a) AUTHORITY.—Subchapter V of chapter 148 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2539c. Waiver of domestic source or content requirements

"(a) AUTHORITY.—Except as provided in subsection (f), the Secretary of Defense may waive the application of any domestic source requirement or domestic content requirement referred to in subsection (b) and thereby authorize the procurement of items that are grown, reprocessed, reused, produced, or manufactured—

"(1) in a foreign country that has a Declaration of Principles with the United States;

"(2) in a foreign country that has a Declaration of Principles with the United States substantially from components and materials grown, reprocessed, reused, produced, or manufactured in the United States or any foreign country that has a Declaration of Principles with the United States; or

"(3) in the United States substantially from components and materials grown, reprocessed, reused, produced, or manufactured in the United States or any foreign country that has a Declaration of Principles with the United States.

"(b) COVERED REQUIREMENTS.—For purposes of this section:

"(1) A domestic source requirement is any requirement under law that the Department of Defense satisfy its requirements for an item by procuring an item that is grown, reprocessed, reused, produced, or manufactured in the United States or by a manufacturer that is a part of the national technology and industrial base (as defined in section 2500(1) of this title).

"(2) A domestic content requirement is any requirement under law that the Department of Defense satisfy its requirements for an item by procuring an item produced or manufactured partly or wholly from components and materials grown, reprocessed, reused, produced, or manufactured in the United States.

"(c) APPLICABILITY.—The authority of the Secretary to waive the application of a domestic source or content requirements under subsection (a) applies to the procurement of items for which the Secretary of Defense determines that—

"(1) application of the requirement would impede the reciprocal procurement of defense items under a Declaration of Principles with the United States; and

"(2) such country does not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country.

"(d) LIMITATION ON DELEGATION.—The authority of the Secretary to waive the application of domestic source or content requirements under subsection (a) may not be delegated to any officer or employee other than the Under Secretary of Defense for Acquisition, Technology and Logistics.

"(e) CONSULTATIONS.—The Secretary may grant a waiver of the application of a domestic source or content requirement under subsection (a) only after consultation with the United States Trade Representative, the Secretary of Commerce, and the Secretary of State.

"(f) LAWS NOT WAIVABLE.—The Secretary of Defense may not exercise the authority under subsection (a) to waive any domestic source or content requirement contained in any of the following laws:

"(1) The Small Business Act (15 U.S.C. 631 et seq.).

"(2) The Javits-Wagner-O'Day Act (41 U.S.C. 46 et seq.).

"(3) Sections 7309 and 7310 of this title.

"(4) Section 2533a of this title.

"(g) RELATIONSHIP TO OTHER WAIVER AUTHORITY.—The authority under subsection (a) to waive a domestic source requirement or domestic content requirement is in addition to any other authority to waive such requirement.

"(h) Construction With Respect to Later Enacted Laws.—This section may not be construed as being inapplicable to a domestic source requirement or domestic content requirement that is set forth in a law enacted after the enactment of this section solely on the basis of the later enactment.

"(i) Declaration of Principles.—(1) In this section, the term 'Declaration of Principles' means a written understanding (including any Statement of Principles) between the Department of Defense and its counterpart in a foreign country signifying a cooperative relationship between the Department and its counterpart to standardize or make interoperable defense equipment used by the armed forces and the armed forces of the foreign country across a broad spectrum of defense activities, including—

"(A) harmonization of military requirements and acquisition processes;

"(B) security of supply;

"(C) export procedures;

"(D) security of information;

"(E) ownership and corporate governance;

"(F) research and development;

"(G) flow of technical information; and

"(H) defense trade.

"(2) A Declaration of Principles is underpinned by a memorandum of understanding or other agreement providing for the reciprocal procurement of defense items between the United States and the foreign country concerned without unfair discrimination in accordance with section 2531 of this title.".

(b) Clerical Amendment.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2539b the following new item:

"2539c. Waiver of domestic source or content requirements.".

SEC. 833. CONSISTENCY WITH UNITED STATES OBLIGATIONS UNDER TRADE AGREEMENTS.

No provision of this Act or any amendment made by this Act shall apply to a procurement by or for the Department of Defense to the extent that the Secretary of Defense, in consultation with the Secretary of Commerce, the United States Trade Representative, and the Secretary of State, determines that it is inconsistent with United States obligations under a trade agreement.

SEC. 834. REPEAL OF CERTAIN REQUIREMENTS AND LIMITATIONS RELATING TO THE DEFENSE INDUSTRIAL BASE.

(a) Essential Item Identification and Domestic Production Capabilities Improvement.—Sections 812, 813, and 814 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1542, 1543, 1545; 10 U.S.C. 2501 note) are repealed.

(b) Elimination of Unreliable Source for Items and Components.—Section 821 of such Act (117 Stat. 1546; 10 U.S.C. 2534 note) is repealed.

Subtitle E—Defense Acquisition and Support Workforce

SEC. 841. LIMITATION AND REINVESTMENT AUTHORITY RELATING TO REDUCTION OF THE DEFENSE ACQUISITION AND SUPPORT WORKFORCE.

(a) Limitation.—Notwithstanding any other provision of law, the defense acquisition and support workforce may not be reduced, during fiscal years 2005, 2006, and 2007, below the level of that workforce as of September 30, 2003, determined on the basis of full-time employee equivalence, except as may be necessary to strengthen the defense acquisition and support workforce in higher priority positions in accordance with this section.

(b) Increase and Realignment of Workforce.—(1)(A) During fiscal years 2005, 2006, and 2007, the Secretary of Defense shall increase the number of persons employed in the defense acquisition and support workforce as follows:

(i) During fiscal year 2005, to 105 percent of the baseline number (as defined in subparagraph (B)).

(ii) During fiscal year 2006, to 110 percent of the baseline number.

(iii) During fiscal year 2007, to 115 percent of the baseline number.

(B) In this paragraph, the term "baseline number", with respect to persons employed in the defense acquisition and support workforce, means the number of persons employed in such workforce as of September 30, 2003 (determined on the basis of full-time employee equivalence).

(C) The Secretary of Defense may waive a requirement in subparagraph (A) and, subject to subsection (a), employ in the defense acquisition and support workforce a lesser number of employees if the Secretary determines and certifies to the congressional defense committees that the cost of increasing such workforce to the larger size as required under that subparagraph would exceed the savings to be derived from the additional oversight that would be achieved by having a defense acquisition and support workforce of such larger size.

(2) During fiscal years 2005, 2006, and 2007, the Secretary of Defense may realign any part of the defense acquisition and support workforce to support reinvestment in other, higher priority positions in such workforce.

(c) Higher Priority Positions.—For the purposes of this section, higher priority positions in the defense acquisition and support workforce include the following positions:

(1) Positions the responsibilities of which include drafting performance-based work statements for services contracts and overseeing the performance of contracts awarded pursuant to such work statements.

(2) Positions the responsibilities of which include conducting spending analyses, negotiating company-wide pricing agreements, and taking other measures to reduce contract costs.

(3) Positions the responsibilities of which include reviewing contractor quality control systems, assessing and analyzing quality deficiency reports, and taking other measures to improve product quality.

(4) Positions the responsibilities of which include effectively conducting public-private competitions in accordance with Office of Management and Budget Circular A–76.

(5) Any other positions in the defense acquisition and support workforce that the Secretary of Defense identifies as being higher priority positions that are staffed at levels not likely to ensure efficient and effective performance of all of the responsibilities of those positions.

(d) Strategic Assessment and Plan.—(1) The Secretary of Defense shall—

(A) assess the extent to which the Department of Defense can recruit, retain, train, and provide professional development opportunities for acquisition professionals over the 10-fiscal year period beginning with fiscal year 2005; and

(B) develop a human resources strategic plan for the defense acquisition and support workforce that includes objectives and planned actions for improving the management of such workforce.

(2) The Secretary shall submit to Congress, not later than April 1, 2005, a report on the progress made in—

(A) completing the assessment required under paragraph (1); and

(B) completing and implementing the strategic plan required under such paragraph.

(e) Defense Acquisition and Support Workforce Defined.—In this section, the term "defense acquisition and support workforce" means members of the Armed Forces and civilian personnel who are assigned to, or are employed in, an organization of the Department of Defense that has acquisition as its predominant mission, as determined by the Secretary of Defense.

SEC. 842. DEFENSE ACQUISITION WORKFORCE IMPROVEMENTS.

(a) Selection Criteria for Acquisition Corps and for Critical Acquisition Positions.—(1) Section 1732(b)(1)(A) of title 10, United States Code, is amended by striking "within grade GS–13 or above of" and inserting "for which the employee is being paid at a rate of basic pay that equals or exceeds the minimum rate of basic pay provided for grade GS–13 under".

(2) Section 1733(b)(1)(A)(i) of such title is amended by striking "in a position within grade GS–14 or above of the General Schedule, or" and inserting "who is currently serving in a position for which the employee is being paid at a rate of basic pay that equals or exceeds the minimum rate of basic pay provided for grade GS–14 under the General Schedule or is required to be filled by an employee who is".

(b) Scholarship Program.—Section 1742 of such title is amended—

(1) by inserting "(a) Required Programs.—" before "The Secretary of Defense shall conduct"; and

(2) by adding at the end the following new subsection:

"(b) Scholarship Program Requirements.—(1) Each recipient of a scholarship under a program conducted under subsection (a)(3) shall be required to sign a written agreement that sets forth the terms and conditions of the scholarship. The agreement shall include the following:

"(A) Criteria for the recipient's continued eligibility for the scholarship.

"(B) The terms of any requirement for the recipient to reimburse the United States for educational assistance provided under the scholarship upon—

"(i) a failure by the recipient to satisfy the criteria for continued eligibility for the scholarship; or

"(ii) a termination of the recipient's service in the Department of Defense before the end of any period of obligated service provided in the agreement, as described in paragraph (2).

"(2) Subject to paragraph (3)(C), a recipient of a scholarship under the program shall reimburse the United States the total amount of educational assistance provided to the recipient under the program if the recipient is voluntarily separated from service or involuntarily separated for cause from the Department of Defense before the end of any period for which the recipient has agreed, as a condition of the scholarship, to continue in the service of the Department of Defense in an acquisition position.

"(3)(A) If an employee fails to fulfill an agreement to pay the Government any amount of educational assistance provided to that person under the program, a sum equal to such amount of the educational assistance is recoverable by the Government from the employee or his estate by—

"(i) setoff against accrued pay, compensation, amount of retirement credit, or other amount due the employee from the Government; and

"(ii) such other method as is provided by law for the recovery of amounts owing to the Government.

"(B) An obligation to reimburse the United States under an agreement entered into under this subsection is for all purposes a debt owed to the United States.

"(C) The Secretary of Defense may waive in whole or in part a reimbursement required under this subsection or under an agreement entered into under this subsection if the Secretary determines that the recovery would be against equity and good conscience or would be contrary to the best interests of the United States.

"(D) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an agreement entered into under this subsection does not discharge a person executing the agreement from a debt arising under this subsection or such agreement.

"(4) Nothing in this subsection shall be considered to require that a position be offered to a recipient of a scholarship under the program after such recipient successfully completes the course of education for which the scholarship is granted. However, the agreement entered into under this subsection with respect to such scholarship shall be considered terminated if the recipient is not, within the time specified in the agreement, offered a full-time acquisition position in the Department of Defense that—

"(A) is commensurate with the recipient's academic degree and experience; and

"(B) is—

"(i) in the excepted service, if the recipient has not previously acquired competitive status, with the right, after successful completion of two years of service and such other requirements as the Office of Personnel Management may prescribe, to be appointed to a position in the competitive service, notwithstanding subchapter I of chapter 33 of title 5; or

"(ii) in the competitive service, if the recipient has previously acquired competitive status.".

(c) Authority To Establish Different Minimum Requirements.—(1) Section 1764(b) of such title is amended—

(A) by redesignating paragraph (5) as paragraph (6); and

(B) by inserting after paragraph (4) the following new paragraph (5):

"(5) Deputy program manager.".

(2) Paragraph (1) of such section is amended by striking "in paragraph (5)" and inserting "in paragraph (6)".

Subtitle F—Public-Private Competitions

SEC. 851. PUBLIC-PRIVATE COMPETITION FOR WORK PERFORMED BY CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE.

(a) Limitation.—Section 2461(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(5)(A) Notwithstanding subsection (d), a function of the Department of Defense performed by 10 or more civilian employees may not be converted, in whole or in part, to performance by a contractor unless the conversion is based on the results of a public-private competition process that—

"(i) formally compares the cost of civilian employee performance of that function with the costs of performance by a contractor;

"(ii) creates an agency tender, including a most efficient organization plan, in accordance with Office of Management and Budget Circular A-76, as implemented on May 29, 2003;

"(iii) requires continued performance of the function by civilian employees unless the competitive sourcing official concerned determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of $10,000,000 or 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees; and

"(iv) ensures that the public sector bid would not be disadvantaged in the cost comparison process by a proposal of an offeror to reduce costs for the Department of Defense by not making an employer-sponsored health insurance plan available to the workers who are to be employed in the performance of such function under a contract or by offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than that which is paid by the Department of Defense for health benefits for civilian employees under chapter 89 of title 5.

"(B) Any function that is performed by civilian employees of the Department of Defense and is proposed to be reengineered, reorganized, modernized, upgraded, expanded, or changed in order to become more efficient shall not be considered a new requirement for the purpose of the competition requirements in subparagraph (A) or the requirements for public-private competition in Office of Management and Budget Circular A-76.

"(C) A function performed by more than 10 Federal Government employees may not be separated into separate functions for the purposes of avoiding the competition requirement in subparagraph (A) or the requirements for public-private competition in Office of Management and Budget Circular A-76.

"(D) The Secretary of Defense may waive the requirement for a public-private competition under subparagraph (A) in specific instances if—

"(i) the written waiver is prepared by the Secretary of Defense or the relevant Assistant Secretary of Defense, Secretary of a military department, or head of a Defense Agency;

"(ii) the written waiver is accompanied by a detailed determination that national security interests are so compelling as to preclude compliance with the requirement for a public-private competition; and

"(iii) a copy of the waiver is published in the Federal Register within 10 working days after the date on which the waiver is granted, although use of the waiver need not be delayed until its publication.".

(b) Inapplicability to Best-Value Source Selection Pilot Program.—(1) Paragraph (5) of section 2461(b) of title 10, United States Code, as added by subsection (a), shall not apply with respect to the pilot program for best-value source selection for performance of information technology services authorized by section 336 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1444; 10 U.S.C. 2461 note).

SEC. 852. PERFORMANCE OF CERTAIN WORK BY FEDERAL GOVERNMENT EMPLOYEES.

(a) Guidelines.—(1) The Secretary of Defense shall prescribe guidelines and procedures for ensuring that consideration is given to using Federal Government employees on a regular basis for work that is performed under Department of Defense contracts and could be performed by Federal Government employees.

(2) The guidelines and procedures prescribed under paragraph (1) shall provide for special consideration to be given to contracts that—

(A) have been performed by Federal Government employees at any time on or after October 1, 1980;

(B) are associated with the performance of inherently governmental functions;

(C) were not awarded on a competitive basis; or

(D) have been determined by a contracting officer to be poorly performed due to excessive costs or inferior quality.

(b) New Requirements.—(1) No public-private competition may be required under Office of Management and Budget Circular A-76 or any other provision of law or regulation before the performance of a new requirement by Federal Government employees commences, the performance by Federal Government employees of work pursuant to subsection (a) commences, or the scope of an existing activity performed by Federal Government employees is expanded. Office of Management and Budget Circular A-76 shall be revised to ensure that the heads of all Federal agencies give fair consideration to the performance of new requirements by Federal Government employees.

(2) The Secretary of Defense shall, to the maximum extent practicable, ensure that Federal Government employees are fairly considered for the performance of new requirements, with special consideration given to new requirements that include functions that—

(A) are similar to functions that have been performed by Federal Government employees at any time on or after October 1, 1980; or

(B) are associated with the performance of inherently governmental functions.

(c) Use of Flexible Hiring Authority.—The Secretary shall include the use of the flexible hiring authority available through the National Security Personnel System in order to facilitate performance by Federal Government employees of new requirements and work that is performed under Department of Defense contracts.

(d) Inspector General Report.—Not later than 180 days after the enactment of this Act, the Inspector General of the Department of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the compliance of the Secretary of Defense with the requirements of this section.

(e) Definitions.—In this section:

(1) The term "National Security Personnel System" means the human resources management system established under the authority of section 9902 of title 5, United States Code.

(2) The term "inherently governmental function" has the meaning given that term in section 5 of the Federal Activities Inventory Reform Act of 1998 (Public Law 105–270; 112 Stat. 2384; 31 U.S.C. 501 note).

SEC. 853. COMPETITIVE SOURCING REPORTING REQUIREMENT.

Not later than February 1, 2005, the Inspector General of the Department of Defense shall submit to Congress a report addressing whether the Department of Defense—

(1) employs a sufficient number of adequately trained civilian employees—

(A) to conduct satisfactorily, taking into account equity, efficiency and expeditiousness, all of the public-private competitions that are scheduled to be undertaken by the Department of Defense during the next fiscal year (including a sufficient number of employees to formulate satisfactorily the performance work statements and most efficient organization plans for the purposes of such competitions); and

(B) to administer any resulting contracts; and

(2) has implemented a comprehensive and reliable system to track and assess the cost and quality of the performance of functions of the Department of Defense by service contractors.

Subtitle G—Other Matters

SEC. 861. INAPPLICABILITY OF CERTAIN FISCAL LAWS TO SETTLEMENTS UNDER SPECIAL TEMPORARY CONTRACT CLOSEOUT AUTHORITY.

Section 804(a) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1541) is amended—

(1) by inserting "(1)" after "(a) AUTHORITY.—"; and

(2) by adding at the end the following new paragraph:

"(2) Under regulations which the Secretary of Defense may prescribe, a settlement of a financial account for a contract for the procurement of property or services under paragraph (1) may be made without regard to—

"(A) section 1301 of title 31, United States Code; and

"(B) any other provision of law that would preclude the Secretary from charging payments under the contract—

"(i) to an unobligated balance in an appropriation available for funding that contract; or

"(ii) if and to the extent that the unobligated balance (if any) in such appropriation is insufficient for funding such payments, to any current appropriation that is available to the Department of Defense for funding contracts for the procurement of the same or similar property or services.".

SEC. 862. DEMONSTRATION PROGRAM ON EXPANDED USE OF RESERVES TO PERFORM DEVELOPMENTAL TESTING, NEW EQUIPMENT TRAINING, AND RELATED ACTIVITIES.

(a) REQUIREMENT FOR PROGRAM.—The Secretary of the Army shall carry out a demonstration program on use of members of reserve components of the Armed Forces to perform test, evaluation, and related activities for an acquisition program. The Secretary shall design and carry out the demonstration program to achieve the purposes set forth in subsection (b).

(b) PURPOSES.—The purposes of the demonstration program are as follows:

(1) To determine whether cost savings and other benefits result from use of members of reserve components of the Armed Forces instead of contractor personnel to perform test and evaluation activities for an acquisition program and related acquisition, logistics, and new equipment training activities for the acquisition program.

(2) To evaluate the advisability of using appropriations available for multiyear research, development, test, and evaluation and appropriations available for multiyear procurements to reimburse reserve components for the pay, allowances, and other expenses paid to or for Reserves used for the acquisition program as described in paragraph (1).

(c) REIMBURSEMENT OF PERSONNEL ACCOUNTS OUT OF PROCUREMENT AND RDT&E ACCOUNTS.—(1) The Secretary of the Army may transfer from funds available to the Army for an acquisition program to a reserve component military personnel account the amount necessary to reimburse that account for costs charged to that account for military pay and allowances in connection with the use of reserve component personnel for such acquisition program under this section.

(2) Not more than $10,000,000 may be transferred under this subsection during any fiscal year of the demonstration program.

(3) Funds transferred to an account under this subsection shall be merged with other sums in the account and shall be available for the same period and purposes as the sums with which merged.

(4) The transfer authority under this subsection is in addition to any other transfer authority provided in this or any other Act.

(d) NONWAIVER OF PERSONNEL AND TRAINING POLICIES AND PROCEDURES.—Nothing in this section may be construed to authorize any deviation from established personnel or training policies or procedures that are applicable to the reserve components of the personnel used under the demonstration program.

(e) TERMINATION.—The demonstration program under this section shall terminate on September 30, 2009.

SEC. 863. APPLICABILITY OF COMPETITION EXCEPTIONS TO ELIGIBILITY OF NATIONAL GUARD FOR FINANCIAL ASSISTANCE FOR PERFORMANCE OF ADDITIONAL DUTIES.

Section 113(b)(1)(B) of title 32, United States Code, is amended by inserting before the period at the end the following: ", subject to the exceptions provided in section 2304(c) of title 10".

SEC. 864. MANAGEMENT PLAN FOR CONTRACTOR SECURITY PERSONNEL.

(a) REQUIREMENT FOR PLAN.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives a plan for the management and oversight of contractor security personnel by Federal Government personnel in areas where the Armed Forces are engaged in military operations. In the preparation of such plan, the Secretary shall coordinate, as appropriate, with the heads of other departments and agencies of the Federal Government that would be affected by the implementation of the plan.

(b) POLICIES AND PROCEDURES.—The plan under this section shall set forth policies and procedures applicable to contractor security personnel in potentially hazardous areas of military operations. The policies and procedures shall address the following matters:

(1) Warning contractor security personnel of potentially hazardous situations.

(2) Coordinating the movement of contractor security personnel, especially through areas of increased risk or planned or ongoing military operations.

(3) Rapidly identifying contractor security personnel by members of the Armed Forces.

(4) Sharing relevant threat information with contractor security personnel, and receiving information gathered by contractor security personnel for use by United States and coalition forces.

(5) Providing appropriate assistance to contractor security personnel who become engaged in hostile situations.

(6) Providing medical assistance for, and evacuation of, contractor personnel who become casualties as a result of enemy actions.

(7) Investigating background and qualifications of contractor security personnel and organizations.

(8) Establishing rules of engagement for armed contractor security personnel, and ensuring proper training and compliance with the rules of engagement.

(c) OPTIONS FOR ENHANCED AND COST-EFFECTIVE CONTRACTOR SECURITY.—The plan under subsection (a) shall include assessed options for enhancing contractor security and reducing contractor security costs in Iraq or in locations of armed conflict in the future. The options covered shall include the following:

(1) Temporary commissioning of contractor security personnel as reserve component officers in order to subject such personnel to the military chain of command.

(2) Requiring contractor security personnel to obtain security clearances to facilitate the communication of critical threat information.

(3) Establishing a contract schedule for companies furnishing contractor security personnel to provide a more orderly process for the selection, training, and compensation of such personnel.

(4) Establishing a contract schedule for companies to provide more cost-effective insurance for contractor security personnel.

(5) Providing for United States indemnification of contractors to reduce the costs of insuring contractor security personnel.

SEC. 865. REPORT ON CONTRACTOR PERFORMANCE OF SECURITY, INTELLIGENCE, LAW ENFORCEMENT, AND CRIMINAL JUSTICE FUNCTIONS IN IRAQ.

(a) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the procurement of services, by an agency of the United States Government or by the Coalition Provisional Authority, for the performance of security, intelligence, law enforcement, and criminal justice functions in Iraq.

(b) CONTENT.—The report under subsection (a) shall include, at a minimum, the following:

(1) Each security, intelligence, law enforcement, or criminal justice function performed by a contractor in Iraq.

(2) For each such function—

(A) a determination of whether such function is an inherently governmental function, together with a discussion of the factual basis and rationale for that determination;

(B) an explanation of the basis for the decision to rely on a contractor to perform such function, including a discussion of the extent to which the Armed Forces lacked the expertise or manpower to perform that function using Armed Forces personnel;

(C) a description of the chain of command for the contractor performing such function, together with a discussion of the manner in which the United States Government or the Coalition Provisional Authority supervises and directs the contractor's performance of that function; and

(D) what sanctions are available to impose on any contractor employee who—

(i) fails to comply with a requirement of law or regulation that applies to such employee in the performance of that function; or

(ii) engages in other misconduct in the performance of that function.

(3) An explanation of the legal status of contractor employees in the performance of such functions after the administration of the sovereign powers of Iraq is transferred from the Coalition Provisional Authority to a government of Iraq on June 30, 2004.

(c) COORDINATION.—In the preparation of the report under this section, the Secretary of Defense shall coordinate, as appropriate, with the heads of any departments and agencies of the Federal Government that are involved in the procurement of services for the performance of functions described in subsection (a).

(d) ADDITIONAL CONGRESSIONAL RECIPIENTS.—In addition to submitting the report under this section to the congressional defense committees, the Secretary of Defense shall also submit the report to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 866. ACCREDITATION STUDY OF COMMERCIAL OFF-THE-SHELF PROCESSES FOR EVALUATING INFORMATION TECHNOLOGY PRODUCTS AND SERVICES.

(a) REQUIREMENT FOR STUDY.—The Secretary of Defense shall carry out a study of commercial off-the-shelf processes that are available for measuring the quality of information technology and related services through assessment of the production methods of the producers of the technology.

(b) PURPOSES.—The purposes of the study of commercial off-the-shelf processes under subsection (a) are as follows:

(1) To assess the value of such a process as a consistent methodology for identifying high quality information technology and the engineering sources capable of providing high quality information technology and related services.

(2) To determine whether to accredit such a process for use in procurements of information technology and related services throughout the Department of Defense.

(c) SAVINGS AND ENHANCEMENTS.—In carrying out the study under subsection (a), the Secretary shall determine the benefits that would result for the Department of Defense from use throughout the Department of Defense of a commercial off-the-shelf process described in that subsection to measure the quality of information technology products and services in procurements described in subsection (b)(2), including—

(1) projected annual savings in costs of development and maintenance of information technology; and

(2) quantified enhancements of productivity, schedule, performance, deficiency rates, and predictability.

(d) BASELINE DATA.—To define a baseline for measuring benefits under subsection (c), the Secretary shall use empirical data that is readily available to the Department of Defense and contractor sources.

(e) INFORMATION CONSIDERED.—The Secretary of Defense may consider projections of savings and quantifications of enhancements that are submitted by a contractor.

(f) INFORMATION TECHNOLOGY DEFINED.—In this section, the term "information technology" has the meaning given such term in section 11101(6) of title 40, United States Code.

SEC. 867. CONTRACTOR PERFORMANCE OF ACQUISITION FUNCTIONS CLOSELY ASSOCIATED WITH INHERENTLY GOVERNMENTAL FUNCTIONS.

(a) LIMITATION.—(1) Chapter 141 of title 10, United States Code, is amended by inserting after section 2382 the following new section:

"§2383. Contractor performance of acquisition functions closely associated with inherently governmental functions

"(a) LIMITATION.—The head of an agency may enter a contract for the performance of acquisition functions closely associated with inherently governmental functions only if the Secretary determines that—

"(1) appropriate military or civilian personnel of the Department of Defense cannot reasonably be made available to perform the functions;

"(2) appropriate military or civilian personnel of the Department of Defense are—

"(A) to supervise contractor performance of the contract; and

"(B) to perform all inherently governmental functions associated with the functions to be performed under the contract; and

"(3) the contractor does not have an organizational conflict of interest or the appearance of an organizational conflict of interest in the performance of the functions under the contract.

"(b) DEFINITIONS.—In this section:

"(1) The term 'head of an agency' has the meaning given such term in section 2302(1) of this title, except that such term does not include the Secretary of Homeland Security or the Administrator of the National Oceanic and Atmospheric Administration.

"(2) The term 'inherently governmental functions' has the meaning given such term in subpart 7.5 of part 7 of the Federal Acquisition Regulation.

"(3) The term 'functions closely associated with inherently governmental functions' means the functions described in section 7.503(d) of the Federal Acquisition Regulation.

"(4) The term 'organizational conflict of interest' has the meaning given such term in subpart 9.5 of part 9 of the Federal Acquisition Regulation.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2382 the following new item:

"2383. Contractor performance of acquisition functions closely associated with inherently governmental functions.".

(b) EFFECTIVE DATE AND APPLICABILITY.—Section 2383 of title 10, United States Code (as added by subsection (a)), shall take effect on the date of enactment of this Act and shall apply to—

(1) contracts entered into on or after such date;

(2) any task or delivery order issued on or after such date under a contract entered into before, on, or after such date; and

(3) any decision on or after such date to exercise an option or otherwise extend a contract for program management or oversight of contracts for the reconstruction of Iraq, regardless of whether such program management or oversight contract was entered into before, on, or after the date of enactment of this Act.

SEC. 868. CONTRACTING WITH EMPLOYERS OF PERSONS WITH DISABILITIES.

(a) INAPPLICABILITY OF RANDOLPH-SHEPPARD ACT.—The Randolph-Sheppard Act does not apply to any contract described in subsection (b) for so long as the contract is in effect, including for any period for which the contract is extended pursuant to an option provided in the contract.

(b) JAVITS-WAGNER-O'DAY CONTRACTS.—Subsection (a) applies to any contract for the operation of a military mess hall, military troop dining facility, or any similar dining facility operated for the purpose of providing meals to members of the Armed Forces that—

(1) was entered into before the date of the enactment of this Act with a nonprofit agency for the blind or an agency for other severely handicapped in compliance with section 3 of the Javits-Wagner-O'Day Act (41 U.S.C. 48); and

(2) either—

(A) is in effect on such date; or

(B) was in effect on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136).

(c) REPEAL OF SUPERSEDED LAW.—Section 852 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1556) is repealed.

SEC. 869. ENERGY SAVINGS PERFORMANCE CONTRACTS.

The Secretary of Defense shall, to the extent practicable, exercise existing statutory authority, including the authority provided by section 2865 of title 10, United States Code, and section 8256 of title 42, United States Code, to introduce life-cycle cost-effective upgrades to Federal assets through shared energy savings contracting, demand management programs, and utility incentive programs.

SEC. 870. AVAILABILITY OF FEDERAL SUPPLY SCHEDULE SUPPLIES AND SERVICES TO UNITED SERVICE ORGANIZATIONS, INCORPORATED.

Section 220107 of title 36, United States Code, is amended by inserting after "Department of Defense" the following: ", including access to General Services Administration supplies and services through the Federal Supply Schedule of the General Services Administration,".

SEC. 871. ACQUISITION OF AERIAL REFUELING AIRCRAFT FOR THE AIR FORCE.

(a) COMPLIANCE WITH APPLICABLE REQUIREMENTS.—The Secretary of Defense shall ensure that the Secretary of the Air Force does not proceed with the acquisition of aerial refueling aircraft for the Air Force by lease or other contract, either with full and open competition or under section 135 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1413) until the date that is 60 days after the date on which the Secretary Defense has—

(1) reviewed all documentation for the acquisition, including—

(A) the completed aerial refueling analysis of alternatives (AOA) required by section 134(b) of the National Defense Authorization Act for Fiscal Year 2004, pursuant to "Analysis of Alternatives (AoA) Guidance of KC-135 Recapitalization", dated February 24, 2004;

(B) the completed aerial refueling portion of the Mobility Capabilities Study;

(C) a new validated capabilities document in accordance with the applicable Chairman of Joint Chiefs of Staff Instruction; and

(D) the approval of a Defense Acquisition Board in accordance with Department of Defense regulations; and

(2) submitted to the congressional defense committees a determination in writing that the acquisition is in compliance with all currently applicable laws, Office of Management and Budget circulars, and regulations.

(b) INDEPENDENT REVIEW.—Not later than 45 days after the Secretary of Defense makes the determination described in paragraph (2) of subsection (a), the Comptroller General and the Inspector General of the Department of Defense shall each review the documentation referred to in paragraph (1) of such subsection and submit to the congressional defense committees a report on the extent to which the acquisition is—

(1) in compliance with the requirements of this section and all currently applicable laws, Office of Management and Budget circulars, and regulations; and

(2) consistent with the analysis of alternatives referred to in subparagraph (A) of subsection (a)(1) and the other documentation referred to in such subsection.

(c) LIMITATION ON ACQUISITION BEYOND LOW-RATE INITIAL PRODUCTION.—(1) The acquisition by lease or other contract of any aerial refueling aircraft for the Air Force beyond low-rate initial production shall be subject to, and for such acquisition the Secretary of the Air Force shall comply with, the requirements of sections 2366 and 2399 of title 10, United States Code.

(2) For the purposes of this subsection, the term "low-rate initial production", with respect to a lease, shall have the same meaning as applies in the administration of sections 2366 and 2399 of title 10, United States Code, with regard to any other form of acquisition.

(d) SOURCE SELECTION FOR INTEGRATED SUPPORT OF AERIAL REFUELING AIRCRAFT FLEET.—For the selection of a provider of integrated support for the aerial refueling aircraft fleet in any acquisition by lease or other contract of aerial refueling aircraft for the Air Force, the Secretary of the Air Force shall—

(1) before selecting the provider, perform all analyses required by law of—

(A) the costs and benefits of—

(i) the alternative of using Federal Government personnel to provide such support; and

(ii) the alternative of using contractor personnel to provide such support;

(B) the core logistics requirements;

(C) use of performance-based logistics; and

(D) the length of contract period; and

(2) select the provider on the basis of fairly conducted full and open competition (as defined in section 4(6) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(6))).

(e) PRICE INFORMATION.—Before the Secretary of the Air Force commits to acquiring by lease or other contract any aerial refueling aircraft for the Air Force, the Secretary shall require the manufacturer to provide, with respect to commercial items covered by the lease or contract, appropriate information on the prices at which the same or similar items have previously been sold that is adequate for evaluating the reasonableness of the price for the items.

(f) AUDIT SERVICES.—The Secretary of the Air Force shall contact the Office of the Inspector General for the Department of Defense for review and approval of any Air Force use of non-Federal audit services for any lease or other contract for the acquisition of aerial refueling aircraft.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Reserve Components

SEC. 901. MODIFICATION OF STATED PURPOSE OF THE RESERVE COMPONENTS.

Section 10102 of title 10, United States Code, is amended by striking ", during and after the period needed to procure and train additional units and qualified persons to achieve the planned mobilization,".

SEC. 902. COMMISSION ON THE NATIONAL GUARD AND RESERVES.

(a) ESTABLISHMENT.—There is established a commission to be known as the "Commission on the National Guard and Reserves" (hereafter in this section referred to as the "Commission").

(b) COMPOSITION.—(1) The Commission shall be composed of 13 members appointed as follows:

(A) Three members appointed by the chairman of the Committee on Armed Services of the Senate.

(B) Three members appointed by the chairman of the Committee on Armed Services of the House of Representatives.

(C) Two members appointed by the ranking minority member of the Committee on Armed Services of the Senate.

(D) Two members appointed by the ranking minority member of the Committee on Armed Service of the House of Representatives.

(E) Three members appointed by the Secretary of Defense.

(2) The members of the Commission shall be appointed from among persons who have knowledge and expertise in the following areas:

(A) National security.

(B) Roles and missions of any of the Armed Forces.

(C) The mission, operations, and organization of the National Guard of the United States.

(D) The mission, operations, and organization of the other reserve components of the Armed Forces.

(E) Military readiness of the Armed Forces.

(F) Personnel pay and other forms of compensation.

(G) Other personnel benefits, including health care.

(3) Members of the Commission shall be appointed for the life of the Commission. A vacancy in the membership of the Commission shall not affect the powers of the Commission, but shall be filled in the same manner as the original appointment.

(4) The Secretary of Defense shall designate a member of the Commission to be chairman of the Commission.

(c) DUTIES.—(1) The Commission shall carry out a study of the following matters:

(A) The roles and missions of the National Guard and the other reserve components of the Armed Forces.

(B) The compensation and other benefits, including health care benefits, that are provided for members of the reserve components under the laws of the United States.

(2) In carrying out the study under paragraph (1), the Commission shall—

(A) assess the current roles and missions of the reserve components and identify appropriate potential future roles and missions for the reserve components;

(B) assess the capabilities of the reserve components and determine how the units and personnel of the reserve components may be best used to support the military operations of the Armed Forces and the achievement of national security objectives, including homeland defense, of the United States;

(C) assess—

(i) the current organization and structure of the National Guard and the other reserve components; and

(ii) the plans of the Department of Defense and the Armed Forces for future organization and structure of the National Guard and the other reserve components;

(D) assess the manner in which the National Guard and the other reserve components are currently organized and funded for training and identify an organizational and funding structure for training that best supports the achievement of training objectives and operational readiness;

(E) assess the effectiveness of the policies and programs of the National Guard and the other reserve components for achieving operational readiness and personnel readiness, including medical and personal readiness;

(F) assess—

(i) the adequacy and appropriateness of the compensation and benefits currently provided for the members of the National Guard and the other reserve components, including the availability of health care benefits and health insurance; and

(ii) the effects of proposed changes in compensation and benefits on military careers in both the regular and the reserve components of the Armed Forces;

(G) identify various feasible options for improving the compensation and other benefits available to the members of the National Guard and the members of the other reserve components and assess—

(i) the cost-effectiveness of such options; and

(ii) the foreseeable effects of such options on readiness, recruitment, and retention of personnel for careers in the regular and reserve components the Armed Forces;

(H) assess the traditional military career paths for members of the National Guard and the other reserve components and identify alternative career paths that could enhance professional development; and

(I) assess the adequacy of the funding provided for the National Guard and the other reserve components for several previous fiscal years, including the funding provided for National Guard and reserve component equipment and the funding provided for National Guard and other reserve component personnel in active duty military personnel accounts and reserve military personnel accounts.

(d) FIRST MEETING.—The Commission shall hold its first meeting not later than 30 days after the date on which all members of the Commission have been appointed.

(e) ADMINISTRATIVE AND PROCEDURAL AUTHORITIES.—(1) Except as provided in paragraph (2), sections 955, 956, 957, 958, and 959 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1740; 10 U.S.C 111 note) shall apply to the Commission.

(2)(A) The daily rate of pay payable under section 957(a) of Public Law 103–160 shall be equal to the daily rate of basic pay prescribed for level IV of the Executive Schedule.

(B) Section 957(f) of Public Law 103–160 (relating to services of federally funded research and development centers) shall not apply to the Commission.

(3) The following provisions of law do not apply to the Commission:

(A) Section 3161 of title 5, United States Code.

(B) The Federal Advisory Committee Act (5 U.S.C. App.).

(f) REPORTS.—(1) Not later than March 31, 2005, the Commission shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth—

(A) a strategic plan for the work of the Commission;

(B) a discussion of the activities of the Commission; and

(C) any initial findings of the Commission.

(2) Not later than December 31, 2005, the Commission shall submit a final report to the Committees of Congress referred to in paragraph (1). The final report shall include any recommendations that the Commission determines appropriate, including any recommended legislation, policies, regulations, directives, and practices.

(g) TERMINATION.—The Commission shall terminate 90 days after the date on which the final report is submitted under subsection (f)(2).

(h) ANNUAL REVIEW BOARD.—(1)(A) Chapter 7 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 186. Reserve components: annual review

"(a) INDEPENDENT REVIEW BOARD.—The Secretary of Defense shall appoint a board to review the reserve components of the armed forces.

"(b) COMPOSITION OF BOARD.—(1) The Secretary shall appoint the members of the board from among persons who have knowledge and expertise in the following areas:

"(A) National security.

"(B) Roles and missions of any of the armed forces.

"(C) The mission, operations, and organization of any of the reserve components.

"(D) Military readiness of the armed forces.

"(E) Personnel pay and other forms of compensation.

"(F) Other personnel benefits, including health care.

"(2) The Secretary of Defense shall designate a member of the board to be chairman of the board.

"(c) DUTIES.—The board shall, on an annual basis—

"(1) review—

"(A) the roles and missions of the reserve components; and

"(B) the compensation and other benefits, including health care benefits, that are provided for members of the reserve components under the laws of the United States; and

"(2) submit to the Secretary of Defense a report on the review, which shall include the findings of the board regarding the matters reviewed and any recommendations that the board considers appropriate regarding those matters.

"(d) REPORT TO CONGRESS.—Promptly after receiving the report under subsection (c)(2), the Secretary shall transmit the report, together with any comments and recommendations that the Secretary considers appropriate, to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

"(e) ADMINISTRATIVE PROVISIONS.—Section 180(d) of this title shall apply to the members of the review board appointed under this section.".

(B) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"186. Reserve components: annual review.".

(2) The first review board under section 186 of title 10, United States Code (as added by paragraph (1)), shall be appointed during fiscal year 2006.

SEC. 903. CHAIN OF SUCCESSION FOR THE CHIEF OF THE NATIONAL GUARD BUREAU.

(a) SENIOR OFFICER.—(1) Section 10502 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(e) SUCCESSION.—Unless otherwise directed by the President or the Secretary of Defense, the most senior officer among the officers of the Army National Guard of the United States and the officers of the Air National Guard of the United States performing the duties of positions in the National Guard Bureau shall act as the Chief of the National Guard Bureau during any period that—

"(1) there is a vacancy in the position of Chief of the National Guard Bureau; or

"(2) the Chief is unable to perform the duties of that position.".

(2)(A) The heading of such section is amended by adding at the end the following: "**; succession**".

(B) The item relating to such section in the table of sections at the beginning of chapter 1011 of such title is amended to read as follows:

"10502. Chief of the National Guard Bureau: appointment; adviser on National Guard matters; grade; succession.".

(b) CONFORMING AMENDMENT.—Section 10505 of such title is amended by striking subsections (d) and (e).

SEC. 904. REDESIGNATION OF VICE CHIEF OF THE NATIONAL GUARD BUREAU AS DIRECTOR OF THE JOINT STAFF OF THE NATIONAL GUARD BUREAU.

(a) REDESIGNATION OF POSITION.—Subsection (a)(1) of section 10505 of title 10, United States Code, is amended by striking "Vice Chief of the National Guard Bureau" and inserting "Director of the Joint Staff of the National Guard Bureau".

(b) CONFORMING AMENDMENTS.—(1) Subsections (a)(3)(A), (a)(3)(B), (b), (c), and (d) of section 10505 of title 10, United States Code, are amended by striking "Vice Chief of the National Guard Bureau" and inserting "Director of the Joint Staff of the National Guard Bureau".

(2) Subsection (a)(3)(B) of such section, as amended by paragraph (1), is further amended by striking "as the Vice Chief" and inserting "as the Director".

(3) Paragraphs (2) and (4) of subsection (a) of such section are amended by striking "Chief and Vice Chief of the National Guard Bureau" and inserting "Chief of the National Guard Bureau and the Director of the Joint Staff of the National Guard Bureau".

(4)(A) Subsection (e) of such section is amended—

(i) by striking "Chief and Vice Chief of the National Guard Bureau or in the absence or disability of both the Chief and Vice Chief of the National Guard Bureau" and inserting "Chief of the National Guard Bureau and the Director of the Joint Staff of the National Guard Bureau or in the absence or disability of both the Chief and the Director"; and

(ii) by striking "Chief or Vice Chief" both places it appears and inserting "Chief or Director".

(B) The heading for such subsection is amended by striking "VICE CHIEF.—" and inserting "DIRECTOR OF THE JOINT STAFF.—".

(5) Section 10506(a)(1) of title 10, United States Code, is amended by striking "Chief and Vice Chief of the National Guard Bureau" and inserting "Chief of the National Guard Bureau and the Director of the Joint Staff of the National Guard Bureau".

(c) CLERICAL AMENDMENTS.—(1) The heading for section 10505 of title 10, United States Code, is amended to read as follows:

"§ 10505. Director of the Joint Staff of the National Guard Bureau".

(2) The item relating to such section in the table of sections at the beginning of chapter 1011 of such title is amended to read as follows:

"10505. Director of the Joint Staff of the National Guard Bureau.".

(d) OTHER REFERENCES.—Any reference that is made in any law, regulation, document, paper, or other record of the United States to the Vice Chief of the National Guard Bureau shall be deemed to be a reference to the Director of the Joint Staff of the National Guard Bureau.

SEC. 905. AUTHORITY TO REDESIGNATE THE NAVAL RESERVE.

(a) AUTHORITY OF SECRETARY OF THE NAVY.—The Secretary of the Navy may, with the approval of the President, redesignate the Naval Reserve as the "Navy Reserve" effective on the date that is 180 days after the date on which the Secretary submits recommended legislation under subsection (b).

(b) RECOMMENDED LEGISLATION.—If the Secretary of the Navy exercises the authority to redesignate the Naval Reserve under subsection (a), the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives recommended legislation that identifies each specific provision of law that refers to the Naval Reserve and sets forth an amendment to that specific provision of law to conform the reference to the new designation.

(c) EFFECT OF REDESIGNATION.—On and after the effective date of a redesignation of the Naval Reserve under subsection (a), any reference in any law, map, regulation, document, paper, or other record of the United States to the Naval Reserve shall be deemed to be a reference to the Navy Reserve.

SEC. 906. HOMELAND SECURITY ACTIVITIES OF THE NATIONAL GUARD.

(a) AUTHORITY.—Chapter 1 of title 32, United States Code, is amended by adding at the end the following new section:

"§ 116. Homeland security activities

"(a) USE OF PERSONNEL PERFORMING FULL-TIME NATIONAL GUARD DUTY.—The Governor of a State may, upon the request by the head of a Federal agency and with the concurrence of the Secretary of Defense, order any personnel of the National Guard of the State to perform full-time National Guard duty under section 502(f) of this title for the purpose of carrying out homeland security activities, as described in subsection (b).

"(b) PURPOSE AND DURATION.—(1) The purpose for the use of personnel of the National Guard of a State under this section is to temporarily provide trained and disciplined personnel to a Federal agency to assist that agency in carrying out homeland security activities.

"(2) The duration of the use of the National Guard of a State under this section shall be limited to a period of 180 days. The Governor of the State may, with the concurrence of the Secretary of Defense, extend the period one time for an additional 90 days to meet extraordinary circumstances.

"(c) RELATIONSHIP TO REQUIRED TRAINING.— A member of the National Guard serving on full-time National Guard duty under orders authorized under subsection (a) shall participate in the training required under section 502(a) of this title in addition to the duty performed for the purpose authorized under that subsection. The pay, allowances, and other benefits of the member while participating in the training shall be the same as those to which the member is entitled while performing duty for the purpose of carrying out homeland security activities. The member is not entitled to additional pay, allowances, or other benefits for participation in training required under section 502(a)(1) of this title.

"(d) READINESS.—To ensure that the use of units and personnel of the National Guard of a State for homeland security activities does not degrade the training and readiness of such units and personnel, the following requirements shall apply in determining the homeland security activities that units and personnel of the National Guard of a State may perform:

"(1) The performance of the activities may not adversely affect the quality of that training or otherwise interfere with the ability of a member or unit of the National Guard to perform the military functions of the member or unit.

"(2) National Guard personnel will not degrade their military skills as a result of performing the activities.

"(3) The performance of the activities will not result in a significant increase in the cost of training.

"(4) In the case of homeland security performed by a unit organized to serve as a unit, the activities will support valid unit training requirements.

“(e) PAYMENT OF COSTS.—(1) The Secretary of Defense shall provide funds to the Governor of a State to pay costs of the use of personnel of the National Guard of the State for the performance of homeland security activities under this section. Such funds shall be used for the following costs:

“(A) The pay, allowances, clothing, subsistence, gratuities, travel, and related expenses (including all associated training expenses, as determined by the Secretary), as authorized by State law, of personnel of the National Guard of that State used, while not in Federal service, for the purpose of homeland security activities.

“(B) The operation and maintenance of the equipment and facilities of the National Guard of that State used for the purpose of homeland security activities.

“(2) The Secretary of Defense shall require the head of an agency receiving support from the National Guard of a State in the performance of homeland security activities under this section to reimburse the Department of Defense for the payments made to the State for such support under paragraph (1).

“(f) MEMORANDUM OF AGREEMENT.—The Secretary of Defense and the Governor of a State shall enter into a memorandum of agreement with the head of each Federal agency to which the personnel of the National Guard of that State are to provide support in the performance of homeland security activities under this section. The memorandum of agreement shall—

“(1) specify how personnel of the National Guard are to be used in homeland security activities;

“(2) include a certification by the Adjutant General of the State that those activities are to be performed at a time when the personnel are not in Federal service;

“(3) include a certification by the Adjutant General of the State that—

“(A) participation by National Guard personnel in those activities is service in addition to training required under section 502 of this title; and

“(B) the requirements of subsection (d) of this section will be satisfied;

“(4) include a certification by the Attorney General of the State (or, in the case of a State with no position of Attorney General, a civilian official of the State equivalent to a State attorney general), that the use of the National Guard of the State for the activities provided for under the memorandum of agreement is authorized by, and is consistent with, State law;

“(5) include a certification by the Governor of the State or a civilian official of the State designated by the Governor that the activities provided for under the memorandum of agreement serve a State security purpose; and

“(6) include a certification by the head of the Federal agency that the agency will have a plan to ensure that the agency's requirement for National Guard support ends not later than 179 days after the commencement of the support.

“(g) EXCLUSION FROM END-STRENGTH COMPUTATION.—Notwithstanding any other provision of law, members of the National Guard on active duty or full-time National Guard duty for the purposes of administering (or during fiscal year 2003 otherwise implementing) this section shall not be counted toward the annual end strength authorized for Reserves on active duty in support of the reserve components of the armed forces or toward the strengths authorized in sections 12011 and 12012 of title 10.

“(h) ANNUAL REPORT.—The Secretary of Defense shall submit to Congress an annual report regarding any assistance provided and activities carried out under this section during the preceding fiscal year. The report shall include the following:

“(1) The number of members of the National Guard excluded under subsection (g) from the computation of end strengths.

“(2) A description of the homeland security activities conducted with funds provided under this section.

“(3) An accounting of the amount of funds provided to each State.

“(4) A description of the effect on military training and readiness of using units and personnel of the National Guard to perform homeland security activities under this section.

“(i) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as a limitation on the authority of any unit of the National Guard of a State, when such unit is not in Federal service, to perform functions authorized to be performed by the National Guard by the laws of the State concerned.

“(j) DEFINITIONS.—For purposes of this section:

“(1) The term ‘Governor of a State’ means, in the case of the District of Columbia, the Commanding General of the National Guard of the District of Columbia.

“(2) The term ‘State’ means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such section is amended by adding at the end the following new item:

“116. Homeland security activities.”.

Subtitle B—Other Matters

SEC. 911. STUDY OF ROLES AND AUTHORITIES OF THE DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING.

(a) STUDY REQUIRED.—The Secretary of Defense shall carry out a study of the roles and authorities of the Director of Defense Research and Engineering.

(b) CONTENT OF STUDY.—The study under this section shall include the following:

(1) An examination of the past and current roles and authorities of the Director of Defense Research and Engineering.

(2) An analysis to determine appropriate future roles and authorities for the Director, including an analysis of the following matters:

(A) The relationship of the Director to other senior science and technology and acquisition officials of the military departments and the Defense Agencies

(B) The relationship of the Director to the performance of the following functions:

(i) The planning, programming, and budgeting of the science and technology programs of the Department of Defense, including those of the military departments and the Defense Agencies.

(ii) The management of Department of Defense laboratories and technical centers, including the management of the Federal Government scientific and technical workforce for such laboratories and centers.

(iii) The promotion of the rapid transition of technologies to acquisition programs within the Department of Defense.

(iv) The promotion of the transfer of technologies into and from the commercial sector.

(v) The coordination of Department of Defense science and technology activities with organizations outside the Department of Defense, including other Federal Government agencies, international research organizations, industry, and academia.

(vi) The technical review of Department of Defense acquisition programs and policies.

(vii) The training and educational activities for the national scientific and technical workforce.

(viii) The development of science and technology policies and programs relating to the maintenance of the national technology and industrial base.

(3) An examination of the duties of the Director as the Chief Technology Officer of the Department of Defense, especially in comparison to the duties of similar positions in the Federal Government and industry.

(4) An examination of any other matters that the Secretary considers appropriate for the study.

(c) REPORT.—(1) Not later than February 1, 2006, the Secretary shall submit a report on the results of the study under this section to the congressional defense committees.

(2) The report shall include recommendations regarding the appropriate roles, authorities, and resources that should be assigned to the Director of Defense Research and Engineering in order to enable the Director to serve effectively as the Chief Technology Officer of the Department of Defense and to support the transformation of the Armed Forces.

(d) ROLE OF DEFENSE SCIENCE BOARD IN STUDY AND REPORT.—The Secretary shall act through the Defense Science Board in carrying out the study under this section and preparing the report under subsection (c).

SEC. 912. DIRECTORS OF SMALL BUSINESS PROGRAMS.

(a) REDESIGNATION OF EXISTING POSITIONS AND OFFICES.—(1) Each of the following positions within the Department of Defense is redesignated as the Director of Small Business Programs:

(A) The Director of Small and Disadvantaged Business Utilization of the Department of Defense.

(B) The Director of Small and Disadvantaged Business Utilization of the Department of the Army.

(C) The Director of Small and Disadvantaged Business Utilization of the Department of the Navy.

(D) The Director of Small and Disadvantaged Business Utilization of the Department of the Air Force.

(2) Each of the following offices within the Department of Defense is redesignated as the Office of Small Business Programs:

(A) The Office of Small and Disadvantaged Business Utilization of the Department of Defense.

(B) The Office of Small and Disadvantaged Business Utilization of the Department of the Army.

(C) The Office of Small and Disadvantaged Business Utilization of the Department of the Navy.

(D) The Office of Small and Disadvantaged Business Utilization of the Department of the Air Force.

(3) Any reference that is made in any law, regulation, document, paper, or other record of the United States to a position or office redesignated by paragraph (1) or (2) shall be deemed to be a reference to the position or office as so redesignated.

(b) DEPARTMENT OF DEFENSE POSITION AND OFFICE.—(1) Chapter 4 of title 10, United States Code, is amended by inserting after section 133b the following new section:

"§ 133c. Director of Small Business Programs

"(a) DIRECTOR.—There is a Director of Small Business Programs in the Department of Defense. The Director is appointed by the Secretary of Defense.

"(b) OFFICE OF SMALL BUSINESS PROGRAMS.—The Office of Small Business Programs of the Department of Defense is the office that is established within the Office of the Secretary of Defense under section 15(k) of the Small Business Act (15 U.S.C. 644(k)). The Director of Small Business Programs is the head of such office.

"(c) DUTIES AND POWERS.—(1) The Director of Small Business Programs shall, subject to paragraph (2), perform such duties regarding small business programs of the Department of Defense, and shall exercise such powers regarding those programs, as the Secretary of Defense may prescribe.

"(2) Section 15(k) of the Small Business Act (15 U.S.C. 644(k)), except for the designations of the Director and the Office, applies to the Director of Small Business Programs.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 133b the following new item:

"133c. Director of Small Business Programs.".

(c) DEPARTMENT OF THE ARMY POSITION AND OFFICE.—(1) Chapter 303 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 3024. Director of Small Business Programs

"(a) DIRECTOR.—There is a Director of Small Business Programs in the Department of the Army. The Director is appointed by the Secretary of the Army.

"(b) OFFICE OF SMALL BUSINESS PROGRAMS.—The Office of Small Business Programs of the Department of the Army is the office that is established within the Department of the Army under section 15(k) of the Small Business Act (15 U.S.C. 644(k)). The Director of Small Business Programs is the head of such office.

"(c) DUTIES AND POWERS.—(1) The Director of Small Business Programs shall, subject to paragraph (2), perform such duties regarding small business programs of the Department of the Army, and shall exercise such powers regarding those programs, as the Secretary of the Army may prescribe.

"(2) Section 15(k) of the Small Business Act (15 U.S.C. 644(k)), except for the designations of the Director and the Office, applies to the Director of Small Business Programs.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"3024. Director of Small Business Programs.".

(d) DEPARTMENT OF THE NAVY POSITION AND OFFICE.—(1) Chapter 503 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 5028. Director of Small Business Programs

"(a) DIRECTOR.—There is a Director of Small Business Programs in the Department of the Navy. The Director is appointed by the Secretary of the Navy.

"(b) OFFICE OF SMALL BUSINESS PROGRAMS.—The Office of Small Business Programs of the Department of the Navy is the office that is established within the Department of the Navy under section 15(k) of the Small Business Act (15 U.S.C. 644(k)). The Director of Small Business Programs is the head of such office.

"(c) DUTIES AND POWERS.—(1) The Director of Small Business Programs shall, subject to paragraph (2), perform such duties regarding small business programs of the Department of the Navy, and shall exercise such powers regarding those programs, as the Secretary of the Navy may prescribe.

"(2) Section 15(k) of the Small Business Act (15 U.S.C. 644(k)), except for the designations of the Director and the Office, applies to the Director of Small Business Programs.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"5028. Director of Small Business Programs.".

(d) DEPARTMENT OF THE AIR FORCE POSITION AND OFFICE.—(1) Chapter 803 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 8024. Director of Small Business Programs

"(a) DIRECTOR.—There is a Director of Small Business Programs in the Department of the Air Force. The Director is appointed by the Secretary of the Air Force.

"(b) OFFICE OF SMALL BUSINESS PROGRAMS.—The Office of Small Business Programs of the Department of the Air Force is the office that is established within the Department of the Air Force under section 15(k) of the Small Business Act (15 U.S.C. 644(k)). The Director of Small Business Programs is the head of such office.

"(c) DUTIES AND POWERS.—(1) The Director of Small Business Programs shall, subject to paragraph (2), perform such duties regarding small business programs of the Department of the Air Force, and shall exercise such powers regarding those programs, as the Secretary of the Air Force may prescribe.

"(2) Section 15(k) of the Small Business Act (15 U.S.C. 644(k)), except for the designations of the Director and the Office, applies to the Director of Small Business Programs.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"8024. Director of Small Business Programs.".

SEC. 913. LEADERSHIP POSITIONS FOR THE NAVAL POSTGRADUATE SCHOOL.

(a) DESIGNATION OF PRESIDENT.—(1) The position of Superintendent of the Naval Postgraduate School is redesignated as President of the Naval Postgraduate School.

(2) Any reference to the Superintendent of the Naval Postgraduate School in any law, rule, regulation, document, record, or other paper of the United States shall be deemed to be a reference to the President of the Naval Postgraduate School.

(3) Sections 7042, 7044, 7048(a), and 7049(e) of title 10, United States Code, are amended by striking "Superintendent" each place it appears and inserting "President".

(4) The heading of section 7042 of such title is amended by striking "**Superintendent;**" in the section heading and inserting "**President;**".

(b) PROVOST AND ACADEMIC DEAN.—(1) The position of Academic Dean of the Naval Postgraduate School is redesignated as Provost and Academic Dean of the Naval Postgraduate School.

(2) Any reference to the Academic Dean of the Naval Postgraduate School in any law, rule, regulation, document, record, or other paper of the United States shall be deemed to be a reference to the Provost and Academic Dean of the Naval Postgraduate School.

(3)(A) Subsection (a) of section 7043 of title 10, United States Code, is amended to read as follows:

"(a) There is at the Naval Postgraduate School the single civilian position of Provost and Academic Dean. The Provost and Academic Dean shall be appointed, to serve for periods of not more than five years, by the Secretary of the Navy. Before making an appointment to the position of Provost and Academic Dean, the Secretary shall consult with the Board of Advisors for the Naval Postgraduate School and consider any recommendation of the leadership and faculty of the Naval Postgraduate School regarding an appointment to the position.".

(B) The heading of such section is amended to read as follows:

"§ 7043. Provost and Academic Dean".

(4) Sections 7043(b) and 7081(a) of title 10, United States Code, are amended by striking "Academic Dean" and inserting "Provost and Academic Dean".

(5) Section 5102(c)(10) of title 5, United States Code, is amended by striking "Academic Dean of the Postgraduate School of the Naval Academy" and inserting "Provost and Academic Dean of the Naval Postgraduate School".

(c) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 605 of such title 10, United States Code, is amended by striking the items related to sections 7042 and 7043 and inserting the following new items:

"7042. President: assistants.
"7043. Provost and Academic Dean.".

SEC. 914. UNITED STATES MILITARY CANCER INSTITUTE.

(a) ESTABLISHMENT.—Chapter 104 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2117. United States Military Cancer Institute

"(a) ESTABLISHMENT.—(1) There is a United States Military Cancer Institute in the University. The Director of the United States Military Cancer Institute is the head of the Institute.

"(2) The Institute is composed of clinical and basic scientists in the Department of Defense who have an expertise in research, patient care, and education relating to oncology and who meet applicable criteria for participation in the Institute.

"(3) The components of the Institute include military treatment and research facilities that meet applicable criteria and are designated as affiliates of the Institute.

"(b) RESEARCH.—(1) The Director of the United States Military Cancer Institute shall carry out research studies on the following:

"(A) The epidemiological features of cancer, including assessments of the carcinogenic effect of genetic and environmental factors, and of disparities in health, inherent or common among populations of various ethnic origins.

"(B) The prevention and early detection of cancer.

"(C) Basic, translational, and clinical investigation matters relating to the matters described in subparagraphs (A) and (B).

"(2) The research studies under paragraph (1) shall include complementary research on oncologic nursing.

"(c) COLLABORATIVE RESEARCH.—The Director of the United States Military Cancer Institute shall carry out the research studies under subsection (b) in collaboration with other cancer research organizations and entities selected by the Institute for purposes of the research studies.

"(d) ANNUAL REPORT.—(1) Promptly after the end of each fiscal year, the Director of the United States Military Cancer Institute shall submit to the President of the University a report on the results of the research studies carried out under subsection (b).

"(2) Not later than 60 days after receiving the annual report under paragraph (1), the President of the University shall transmit such report to the Secretary of Defense and to Congress.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2117. United States Military Cancer Institute.".

SEC. 915. AUTHORITIES OF THE JUDGE ADVOCATES GENERAL.

(a) DEPARTMENT OF THE ARMY.—(1) Section 3019(b) of title 10, United States Code, is amended by striking "The General Counsel" and inserting "Subject to sections 806 and 3037 of this title, the General Counsel".

(2)(A) Section 3037 of such title is amended to read as follows:

"§ 3037. Judge Advocate General, Assistant Judge Advocate General: appointment; duties

"(a) POSITION OF JUDGE ADVOCATE GENERAL.—There is a Judge Advocate General in the Army, who is appointed by the President, by and with the advice and consent of the Senate, from officers of the Judge Advocate General's Corps. The term of office is four years, but may be sooner terminated or extended by the President. The Judge Advocate General, while so serving, has the grade of lieutenant general.

"(b) APPOINTMENT.—The Judge Advocate General of the Army shall be appointed from those officers who at the time of appointment are members of the bar of a Federal court or the highest court of a State or Territory, and who have had at least eight years of experience in legal duties as commissioned officers.

"(c) DUTIES.—The Judge Advocate General, in addition to other duties prescribed by law—

"(1) is the legal adviser of the Secretary of the Army, the Chief of Staff of the Army, and the Army Staff, and of all offices and agencies of the Department of the Army;

"(2) shall direct and supervise the members of the Judge Advocate General's Corps and civilian attorneys employed by the Department of the Army (other than those assigned or detailed to the Office of the General Counsel of the Army) in the performance of their duties;

"(3) shall direct and supervise the performance of duties under chapter 47 of this title (the Uniform Code of Military Justice) by any member of the Army;

"(4) shall receive, revise, and have recorded the proceedings of courts of inquiry and military commissions; and

"(5) shall perform such other legal duties as may be directed by the Secretary of the Army.

"(d) POSITION OF ASSISTANT JUDGE ADVOCATE GENERAL.—There is an Assistant Judge Advocate General in the Army, who is appointed by the President, by and with the advice and consent of the Senate, from officers of the Army who have the qualifications prescribed in subsection (b) for the Judge Advocate General. The term of office of the Assistant Judge Advocate General is four years, but may be sooner terminated or extended by the President. An officer appointed as Assistant Judge Advocate General who holds a lower regular grade shall be appointed in the regular grade of major general.

"(e) APPOINTMENTS RECOMMENDED BY SELECTION BOARDS.—Under regulations prescribed by the Secretary of Defense, the Secretary of the Army, in selecting an officer for recommendation to the President under subsection (a) for appointment as the Judge Advocate General or under subsection (d) for appointment as the Assistant Judge Advocate General, shall ensure that the officer selected is recommended by a board of officers that, insofar as practicable, is subject to the procedures applicable to selection boards convened under chapter 36 of this title.".

(B) The item relating to such section in the table of sections at the beginning of chapter 305 of such title is amended to read as follows:

"3037. Judge Advocate General, Assistant Judge Advocate General: appointment; duties.".

(b) DEPARTMENT OF THE NAVY.—(1) Section 5019(b) of title 10, United States Code, is amended by striking "The General Counsel" and inserting "Subject to sections 806 and 5148 of this title, the General Counsel".

(2) Section 5148 of such title is amended—

(A) in subsection (b), by striking the fourth sentence and inserting the following: "The Judge Advocate General, while so serving, has the grade of vice admiral or lieutenant general, as appropriate."; and

(B) by striking subsection (d) and inserting the following:

"(d) The Judge Advocate General, in addition to other duties prescribed by law—

"(1) is the legal adviser of the Secretary of the Navy, the Chief of Naval Operations, and all offices, bureaus, and agencies of the Department of the Navy;

"(2) shall direct and supervise the judge advocates of the Navy and the Marine Corps and civilian attorneys employed by the Department of the Navy (other than those assigned or detailed to the Office of the General Counsel of the Navy) in the performance of their duties;

"(3) shall direct and supervise the performance of duties under chapter 47 of this title (the Uniform Code of Military Justice) by any member of the Navy or Marine Corps;

"(4) shall receive, revise, and have recorded the proceedings of courts of inquiry and military commissions; and

"(5) shall perform such other legal duties as may be directed by the Secretary of the Navy.".

(c) DEPARTMENT OF THE AIR FORCE.—(1) Section 8019(b) of title 10, United States Code, is amended by striking "The General Counsel" and inserting "Subject to sections 806 and 8037 of this title, the General Counsel".

(2) Section 8037 of such title is amended—

(A) in subsection (a), by striking the third sentence and inserting the following: "The Judge Advocate General, while so serving, has the grade of lieutenant general."; and

(B) in subsection (c)—

(i) by striking "General shall," in the matter preceding paragraph (1) and inserting "General,";

(ii) by redesignating paragraphs (1) and (2) as paragraphs (4) and (5), respectively, and, in each such paragraph, by inserting "shall" before the first word; and

(iii) by inserting after paragraph (1) the following new paragraphs:

"(1) is the legal adviser of the Secretary of the Air Force, the Chief of Staff of the Air Force, and the Air Staff, and of all offices and agencies of the Department of the Air Force;

"(2) shall direct and supervise the members of the Air Force designated as judge advocates and civilian attorneys employed by the Department of the Air Force (other than those assigned or detailed to the Office of the General Counsel of the Air Force) in the performance of their duties;

"(3) shall direct and supervise the performance of duties under chapter 47 of this title (the Uniform Code of Military Justice) by any member of the Air Force;".

(d) EXCLUSION FROM LIMITATION ON GENERAL AND FLAG OFFICER DISTRIBUTION.—Section 525(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(9) An officer while serving as the Judge Advocate General of the Army, the Judge Advocate General of the Navy, or the Judge Advocate General of the Air Force is in addition to the number that would otherwise be permitted for that officer's armed force for officers serving on active duty in grades above major general or rear admiral under paragraph (1) or (2), as the case may be.".

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2005 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $3,000,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. UNITED STATES CONTRIBUTION TO NATO COMMON-FUNDED BUDGETS IN FISCAL YEAR 2005.

(a) FISCAL YEAR 2005 LIMITATION.—The total amount contributed by the Secretary of Defense in fiscal year 2005 for the common-funded budgets of NATO may be any amount up to, but not in excess of, the amount specified in subsection (b) (rather than the maximum amount that would otherwise be applicable to those contributions under the fiscal year 1998 baseline limitation).

(b) TOTAL AMOUNT.—The amount of the limitation applicable under subsection (a) is the sum of the following:

(1) The amounts of unexpended balances, as of the end of fiscal year 2004, of funds appropriated for fiscal years before fiscal year 2005 for payments for those budgets.

(2) The amount specified in subsection (c)(1).

(3) The amount specified in subsection (c)(2).

(4) The total amount of the contributions authorized to be made under section 2501.

(c) AUTHORIZED AMOUNTS.—Amounts authorized to be appropriated by titles II and III of this Act are available for contributions for the common-funded budgets of NATO as follows:

(1) Of the amount provided in section 201(1), $756,000 for the Civil Budget.

(2) Of the amount provided in section 301(1), $222,492,000 for the Military Budget.

(d) DEFINITIONS.—For purposes of this section:

(1) COMMON-FUNDED BUDGETS OF NATO.—The term "common-funded budgets of NATO" means the Military Budget, the Security Investment Program, and the Civil Budget of the North Atlantic Treaty Organization (and any successor or additional account or program of NATO).

(2) FISCAL YEAR 1998 BASELINE LIMITATION.—The term "fiscal year 1998 baseline limitation" means the maximum annual amount of Department of Defense contributions for common-funded budgets of NATO that is set forth as the annual limitation in section 3(2)(C)(ii) of the resolution of the Senate giving the advice and consent of the Senate to the ratification of the Protocols to the North Atlantic Treaty of 1949 on the Accession of Poland, Hungary, and the Czech Republic (as defined in section 4(7) of that resolution), approved by the Senate on April 30, 1998.

SEC. 1003. REDUCTION IN OVERALL AUTHORIZATION DUE TO INFLATION SAVINGS.

(a) REDUCTION.—The total amount authorized to be appropriated by titles I, II, and III is the amount equal to the sum of the individual authorizations in those titles reduced by $1,670,000,000.

(b) SOURCE OF SAVINGS.—Reductions required in order to comply with subsection (a) shall be derived from savings resulting from lower-than-expected inflation as a result of the annual review of the budget conducted by the Office of Management and Budget.

(c) ALLOCATION OF REDUCTION.—The Secretary of Defense shall allocate the reduction required by subsection (a) among the accounts in titles I, II, and III to reflect the extent to which net inflation savings are available in those accounts.

SEC. 1004. DEFENSE BUSINESS SYSTEMS INVESTMENT MANAGEMENT.

(a) REQUIREMENT FOR DEFENSE BUSINESS ENTERPRISE ARCHITECTURE AND TRANSITION PLAN.—(1) Not later than September 30, 2005, the Secretary of Defense shall develop—

(A) a defense business enterprise architecture covering all defense business systems of the Department of Defense and the functions and activities supported by such systems that—

(i) is sufficiently defined to effectively guide, constrain, and permit implementation of interoperable business system solutions; and

(ii) is consistent with the applicable policies and procedures prescribed by the Director of the Office of Management and Budget; and

(B) a transition plan for implementing the defense business enterprise architecture.

(2) In carrying out paragraph (1), the Secretary shall act through the Defense Business Systems Management Committee established under subsection (h).

(b) COMPOSITION OF ENTERPRISE ARCHITECTURE.—The defense business enterprise architecture developed under subsection (a)(1)(A) shall include the following:

(1) An information infrastructure that, at a minimum, would enable the Department of Defense to—

(A) comply with all Federal accounting, financial management, and reporting requirements;

(B) routinely produce timely, accurate, and reliable financial information for management purposes;

(C) integrate budget, accounting, and program information and systems; and

(D) provide for the systematic measurement of performance, including the ability to produce timely, relevant, and reliable cost information.

(2) Policies, procedures, data standards, and system interface requirements that are to apply uniformly throughout the Department of Defense.

(c) COMPOSITION OF TRANSITION PLAN.—(1) The transition plan developed under subsection (a)(1)(B) shall include the following:

(A) The acquisition strategy for new systems that are expected to be needed to complete the defense business enterprise architecture.

(B) A listing of the defense business systems as of December 2, 2002 (known as "legacy systems"), that will not be part of the objective defense business enterprise architecture, together with the schedule for terminating those legacy systems that provides for reducing the use of those legacy systems in phases.

(C) A listing of the legacy systems (referred to in subparagraph (B)) that will be a part of the objective defense business system, together with a strategy for making the modifications to those systems that will be needed to ensure that such systems comply with the defense business enterprise architecture.

(2) Each of the strategies under paragraph (1) shall include specific time-phased milestones, performance metrics, and a statement of the financial and nonfinancial resource needs.

(d) CONDITIONS FOR USE OF FUNDS FOR DEFENSE BUSINESS SYSTEM MODERNIZATION.—(1) After September 30, 2005, an officer or employee of the United States may not obligate or expend an amount in excess of $1,000,000 for a defense business system modernization unless the Secretary of Defense or the official delegated authority for the system covered by such modernization under subsection (e) has determined in writing that such defense business system modernization—

(A) is consistent with the defense business enterprise architecture and transition plan developed under subsection (a); or

(B) is necessary to—

(i) achieve a critical national security capability or address a critical requirement in an area such as safety or security; or

(ii) prevent a significant adverse effect on a project that is needed to achieve an essential capability, taking into consideration the alternative solutions for preventing such adverse effect.

(2) A violation of paragraph (1) is a violation of section 1341(a)(1)(A) of title 31, United States Code.

(e) ACCOUNTABILITY FOR DEFENSE BUSINESS SYSTEMS.—The Secretary of Defense shall delegate authority for the planning, design, acquisition, development, deployment, operation, maintenance, modernization, and oversight of defense business systems as follows:

(1) To the Under Secretary of Defense for Acquisition, Technology, and Logistics, for—

(A) defense business systems the primary purpose of which is to support acquisition activities in the Department of Defense;

(B) defense business systems the primary purpose of which is to support logistics activities in the Department of Defense; and

(C) defense business systems the primary purpose of which is to support installations and environment activities in the Department of Defense.

(2) To the Under Secretary of Defense (Comptroller) and Chief Financial Officer, for—

(A) defense business systems the primary purpose of which is to support financial management activities in the Department of Defense; and

(B) defense business systems the primary purpose of which is to support strategic planning and budgeting activities in the Department of Defense.

(3) To the Under Secretary of Defense for Personnel and Readiness, for defense business systems the primary purpose of which is to support human resource management activities in the Department of Defense.

(4) To the Assistant Secretary of Defense (Networks and Information Integration) and Chief Information Officer, for defense business systems the primary purpose of which is to support information technology infrastructure and information assurance activities of the Department of Defense.

(5) To the Deputy Secretary of Defense or an Under Secretary of Defense, as designated by the Secretary of Defense, for defense business systems the primary purpose of which is to support any activity of the Department of Defense not described in another paragraph of this subsection.

(f) DEFENSE BUSINESS SYSTEM INVESTMENT REVIEW.—(1) The Secretary of Defense shall require each official to whom authority is delegated under subsection (e) to establish an investment review process to review the planning, design, acquisition, development, deployment, operation, maintenance, and modernization of all defense business systems covered by the authority so delegated to that official, and to analyze project cost benefits and risks of such systems.

(2) Each investment review process established under paragraph (1) shall be consistent with the requirements of section 11312 of title 40, United States Code, and shall include the following features:

(A) An investment review board composed of appropriate officials from among the Armed Forces, combatant commands, the Joint Staff, and Defense Agencies.

(B) Review and approval, by the investment review board, of each defense business system as an investment before the obligation or expenditure of funds on such system.

(C) Periodic review of each defense business system investment not less often than annually.

(D) Use of threshold criteria to ensure that each defense business system investment, and that accountability for each defense business system investment, is reviewed at a level of review within the Department of Defense that is appropriate for the scope, complexity, and cost of the investment.

(E) Procedures for making determinations in accordance with the requirements of subsection (d).

(g) DEFENSE BUSINESS SYSTEMS BUDGET EXHIBIT.—For each budget for a fiscal year after fiscal year 2005 that the President submits to Congress under section 1105(a) of title 31, United States Code, the Secretary of Defense shall include in the documentation on major functional category 050 (National Defense) that the Secretary submits to the congressional defense committees in support of such budget a defense business systems budget exhibit that includes the following information:

(1) Identification of each defense business system for which funding is proposed in that budget.

(2) Identification of all funds, by appropriation, proposed in that budget for each such system, including—

(A) funds for current services (to operate and maintain the system); and

(B) funds for business systems modernization, identified for each specific appropriation.

(3) For each such system, identification of the official to whom authority for such system is delegated under subsection (e).

(4) For each such system, a description of each determination made under subsection (d) with regard to such system.

(h) DEFENSE BUSINESS SYSTEM MANAGEMENT COMMITTEE.—(1) The Secretary of Defense shall establish a Defense Business Systems Management Executive Committee. The Committee shall be composed of the following members:

(A) The Deputy Secretary of Defense, who shall be the chairman of the Committee.

(B) The Under Secretary of Defense for Acquisition, Logistics, and Technology.

(C) The Under Secretary of Defense for Personnel and Readiness.

(D) The Under Secretary of Defense (Comptroller) and Chief Financial Officer.

(E) The Assistant Secretary of Defense (Networks and Information Integration) and Chief Information Officer.

(F) The Secretaries of the military departments.

(G) The heads of the Defense Agencies.

(H) Any personnel assigned to the Joint Staff, personnel assigned to combatant commands, or other Department of Defense personnel that the Secretary of Defense designates to serve on the Committee.

(2) In addition to any other duties assigned to the Committee by the Secretary of Defense, the Committee shall have the following duties:

(A) To submit to the Secretary recommended policies and procedures that the Committee considers necessary to effectively integrate compliance with the requirements of this section into all business activities and any transformation, reform, reorganization, or process improvement initiatives undertaken within the Department of Defense.

(B) To review and approve defense business systems modernization plans, including review and approval of any major update of the defense business enterprise architecture.

(C) To coordinate defense business system modernization initiatives to maximize benefits and minimize costs for the Department of Defense.

(D) To ensure that funds are not obligated for the modernization of any defense business system in violation of subsection (d)(1).

(E) To periodically report to the Secretary on the status of defense business system modernization efforts.

(i) DEFINITIONS.—In this section:

(1) The term "defense business system" means any information system (except a national security system, as defined in section 2315 of title 10, United States Code) that is operated by, for, or on behalf of the Department of Defense to support business activities such as acquisition, financial management, logistics, strategic planning and budgeting, installations and environment, and human resource management.

(2) The term "enterprise architecture" has the meaning given that term in section 3601(4) of title 44, United States Code.

(3) The terms "information system" and "information technology" have the meanings given those terms in section 11101 of title 40, United States Code.

(4) The term "modernization", with respect to a defense business system, means the acquisition or development of a new defense business system or any significant modification or enhancement of an existing defense business system (other than as necessary to maintain current services).

(j) ANNUAL REPORT.—Not later than March 15 of 2005 and each year thereafter through 2009, the Secretary of Defense shall submit to the congressional defense committees a report on the progress made by the Department of Defense in implementing the defense business enterprise architecture and transition plan required by this section. Each report shall include, at a minimum, the following information:

(1) A description of the specific actions taken and planned to be taken to implement the defense business enterprise architecture and the transition plan.

(2) Specific milestones, performance measures, and resource commitments for such actions.

(k) COMPTROLLER GENERAL ASSESSMENT.—Not later than 60 days after the date on which the Secretary of Defense approves the defense business enterprise architecture and transition plan developed under subsection (a), and again each year not later than 60 days after the submission of the annual report under subsection (j), the Comptroller General shall submit to the congressional defense committees an assessment of the extent to which the actions taken by the Department comply with the requirements of this section.

(l) RELATIONSHIP TO OTHER LAW.—Nothing in this section shall be construed to modify or affect the applicability of the restrictions and requirements provided in section 8088 of the Department of Defense Appropriations Act, 2003 (Public Law 107–248; 116 Stat. 1556).

(m) REPEAL OF SUPERSEDED LAW.—Section 1004 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2629; 10 U.S.C. 113 note) is repealed.

SEC. 1005. UNIFORM FUNDING AND MANAGEMENT OF SERVICE ACADEMY ATHLETIC AND RECREATIONAL EXTRACURRICULAR PROGRAMS.

(a) UNITED STATES MILITARY ACADEMY.—(1) Chapter 403 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 4359. Athletic and recreational extracurricular programs: uniform funding

"The authority and conditions provided in section 2494 of this title shall also apply to any athletic or recreational extracurricular program of the Academy that—

"(1) is not considered a morale, welfare, or recreation program referred to in such section;

"(2) is funded out of appropriated funds;

"(3) is supported by a supplemental mission nonappropriated fund instrumentality; and

"(4) is not operated as a private organization.".

(2) The table of sections at the beginning of such title is amended by adding at the end the following new item:

"4359. Athletic and recreational extracurricular programs: uniform funding.".

(b) UNITED STATES NAVAL ACADEMY.—(1) Chapter 603 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 6978. Athletic and recreational extracurricular programs: uniform funding

"The authority and conditions provided in section 2494 of this title shall also apply to any athletic or recreational extracurricular program of the Naval Academy that—

"(1) is not considered a morale, welfare, or recreation program referred to in such section;

"(2) is funded out of appropriated funds;

"(3) is supported by a supplemental mission nonappropriated fund instrumentality; and

"(4) is not operated as a private organization.".

(2) The table of sections at the beginning of such title is amended by adding at the end the following new item:

"6978. Athletic and recreational extracurricular programs: uniform funding.".

(c) UNITED STATES AIR FORCE ACADEMY.—(1) Chapter 903 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 9358. Athletic and recreational extracurricular programs: uniform funding

"The authority and conditions provided in section 2494 of this title shall also apply to any athletic or recreational extracurricular program of the Academy that—

"(1) is not considered a morale, welfare, or recreation program referred to in such section;

"(2) is funded out of appropriated funds;

"(3) is supported by a supplemental mission nonappropriated fund instrumentality; and

"(4) is not operated as a private organization.".

(2) The table of sections at the beginning of such title is amended by adding at the end the following new item:

"9358. Athletic and recreational extracurricular programs: uniform funding.".

(d) EFFECTIVE DATE AND APPLICABILITY.—This section and the amendments made by this section shall take effect on October 1, 2004, and shall apply with respect to funds appropriated for fiscal years beginning on or after such date.

SEC. 1006. AUTHORIZATION OF APPROPRIATIONS FOR A CONTINGENT EMERGENCY RESERVE FUND FOR OPERATIONS IN IRAQ AND AFGHANISTAN.

(a) AUTHORIZATION OF SUPPLEMENTAL APPROPRIATIONS.—In addition to any other amounts authorized to be appropriated by this Act, there is hereby authorized to be appropriated for the Department of Defense for fiscal year 2005, subject to subsections (b) and (c), $25,000,000,000, to be available only for activities in support of operations in Iraq and Afghanistan.

(b) SPECIFIC AMOUNTS.—Of the amount authorized to be appropriated under subsection (a), funds are authorized to be appropriated in amounts for purposes as follows:

(1) For the Army for operation and maintenance, $14,500,000,000.

(2) For the Navy for operation and maintenance, $1,000,000,000.

(3) For the Marine Corps for operation and maintenance, $2,000,000,000.

(4) For the Air Force for operation and maintenance, $1,000,000,000.

(5) For operation and maintenance, Defense-wide activities, $2,000,000,000.

(6) For military personnel, $2,000,000,000.

(7) An additional amount of $2,500,000,000 to be available for transfer to—

(A) operation and maintenance accounts;

(B) military personnel accounts;

(C) research, development, test, and evaluation accounts;

(D) procurement accounts;

(E) classified programs; and

(F) Coast Guard operating expenses.

(c) AUTHORIZATION CONTINGENT ON BUDGET REQUEST.—The authorization of appropriations in subsection (a) shall be effective only to the extent that a budget request for all or part of the amount authorized to be appropriated under such subsection for the purposes set forth in such subsection is transmitted by the President to Congress after the date of the enactment of this Act and includes a designation of the requested amount as an emergency and essential to support activities in Iraq and Afghanistan.

(d) TRANSFER AUTHORITY.—(1) Of the amount authorized to be appropriated under subsection (b)(7) for transfer, no transfer may be made until the Secretary of Defense consults with the Chairmen and Ranking Members of the congressional defense committees and then notifies such committees in writing not later than five days before the transfer is made.

(2) The transfer authority provided under this section is in addition to any other transfer authority available to the Department of Defense.

(e) MONTHLY REPORT.—The Secretary of Defense shall submit to the congressional defense committees each month a report on the use of funds authorized to be appropriated under this section. The report for a month shall include in a separate display for each of Iraq and Afghanistan, the activity for which the funds were used, the purpose for which the funds were used, the source of the funds used to carry out that activity, and the account to which those expenditures were charged.

Subtitle B—Naval Vessels and Shipyards

SEC. 1011. EXCHANGE AND SALE OF OBSOLETE NAVY SERVICE CRAFT AND BOATS.

(a) IN GENERAL.—Chapter 633 of title 10, United States Code, is amended by inserting after section 7309 the following new section:

"§ 7309a. Service craft and boats: exchange or sale

"(a) IN GENERAL.—The Secretary of the Navy may, in acquiring personal property under section 503 of title 40, exchange or sell obsolete Navy service craft or boats that are similar to such personal property and apply the exchange allowance or proceeds of sale in whole or part payment for such personal property.

"(b) USE OF PROCEEDS FOR COST OF PREPARATION OF SALE.—In selling a service craft or boat under subsection (a), the Secretary shall obtain, to the extent practicable, amounts necessary to recover the full costs, whether direct or indirect, incurred by the Navy in preparing the service craft or boat for sale, including costs of towing, storage, defueling, removal and disposal of hazardous wastes, environmental surveys to determine the presence of regulated materials containing polychlorinated biphenyl (PCB), removal and disposal of such materials, and other related costs.

"(c) TREATMENT OF ADDITIONAL PROCEEDS.—(1) Any proceeds of sale of a service craft or boat under subsection (a) that are in addition to amounts necessary to recover the costs of the preparation of sale of the service craft or boat under subsection (b) shall be deposited in an account in the Treasury established for purposes of this section.

"(2) Amounts in the account under paragraph (1) shall be available to the Secretary for the payment of costs associated with the preparation of obsolete Navy service craft or boats for sale or exchange under this section. Amounts in the account shall be available for that purpose without fiscal year limitation.

"(3) The Secretary shall, on a periodic basis, deposit amounts in the account under paragraph (1) that are in excess of the amounts otherwise utilized under paragraph (2) in the general Treasury as miscellaneous receipts, or in another account in the Treasury as otherwise provided by law.

"(d) INAPPLICABILITY OF CERTAIN PROCUREMENT REQUIREMENTS.—Notwithstanding section 503(b)(3) of title 40, section 3709 of the Revised Statutes (41 U.S.C. 5) shall not apply to the exchange or sale of service craft or boats under this section.

"(e) REGULATIONS.—The Secretary may prescribe regulations relating to the exercise of authority under this section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7309 the following new item:

"7309a. Service craft and boats: exchange or sale.".

SEC. 1012. LIMITATION ON DISPOSAL OF OBSOLETE NAVAL VESSEL.

The Secretary of the Navy may not dispose of the decommissioned destroyer ex-Edson (DD–946) before October 1, 2007, to an entity that is not a nonprofit organization unless the Secretary first determines that there is no nonprofit organization that meets the criteria for donation of that vessel under section 7306(a)(3) of title 10, United States Code.

SEC. 1013. AWARD OF CONTRACTS FOR SHIP DISMANTLING ON NET COST BASIS.

(a) IN GENERAL.—Chapter 633 of title 10, United States Code, is amended by inserting after section 7305 the following new section:

"§ 7305a. Contracts for ship dismantling: award on net cost basis

"(a) AUTHORITY.—Notwithstanding any other provision of law, the Secretary of the Navy may use net cost as a criterion in the selection of an offeror for award of a contract for the dismantling of one or more ships stricken from the Naval Vessel Register and may accord that criterion such weight in the offer evaluation process as the Secretary considers appropriate and specifies in the solicitation of offers for that contract.

"(b) COMPETITION.—In exercising the authority under this section, the Secretary shall to the maximum extent practicable use the competitive procedure or combination of competitive procedures that is best suited under the circumstances.

"(c) RETENTION OF PROCEEDS.—When the Secretary of the Navy awards a ship dismantling contract on a net cost basis, the contractor may retain the proceeds from the sale of scrap and reusable items from the vessel being dismantled.

"(d) DEFINITIONS.—For purposes of this section:

"(1) The term 'net cost', with respect to a contract for the dismantling of a ship, means the amount equal to the excess of—

"(A) the amount of the contractor's gross cost of performance of the contract, over

"(B) the estimated value of scrap and reusable items that the contractor removes from the ship during performance of the contract, as stated in the contractor's offer for such contract.

"(2) The term 'scrap' means personal property that has no value except for its basic material content.

"(3) The term 'reusable item', with respect to a ship, means any demilitarized component or removable portion of the ship or the ship's equipment that the Navy has identified as excess to its needs but which has potential resale value on the open market.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7305 the following new item:

"7305a. Contracts for ship dismantling: award on net cost basis.".

SEC. 1014. AUTHORITY TO TRANSFER NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES.

(a) AUTHORITY TO TRANSFER BY GRANT.—The Secretary of the Navy is authorized to transfer vessels to foreign countries on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) as follows:

(1) CHILE.—To the Government of Chile, the SPRUANCE class destroyer O'BANNON (DD 987).

(2) PORTUGAL.—To the Government of Portugal, the OLIVER HAZARD PERRY class guided missile frigate GEORGE PHILIP (FFG 12) and the OLIVER HAZARD PERRY class guided missile frigate USS SIDES (FFG 14).

(b) AUTHORITY TO TRANSFER BY SALE.—The Secretary of the Navy is authorized to transfer vessels to foreign countries on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761) as follows:

(1) TAIWAN.—To the Taipei Economic and Cultural Representative Office in the United States (which is the Taiwan instrumentality designated pursuant to section 10(a) of the Taiwan Relations Act), the ANCHORAGE class dock landing ship ANCHORAGE (LSD 36).

(2) CHILE.—To the Government of Chile, the SPRUANCE class destroyer FLETCHER (DD 992).

(c) GRANTS NOT COUNTED IN ANNUAL TOTAL OF TRANSFERRED EXCESS DEFENSE ARTICLES.—The value of a vessel transferred to another country on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) pursuant to authority provided by subsection (a) shall not be counted for the purposes of subsection (g) of that section in the aggregate value of excess defense articles transferred to countries under that section in any fiscal year.

(d) COSTS OF TRANSFERS.—Any expense incurred by the United States in connection with a transfer authorized by this section shall be charged to the recipient (notwithstanding section 516(e)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)(1)).

(e) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—To the maximum extent practicable, the President shall require, as a condition of the transfer of a vessel under this section, that the country to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at a shipyard located in the United States, including a United States Navy shipyard.

(f) EXPIRATION OF AUTHORITY.— The authority to transfer a vessel under this section shall expire at the end of the two-year period beginning on the date of the enactment of this Act.

Subtitle C—Reports

SEC. 1021. REPORT ON CONTRACTOR SECURITY IN IRAQ.

(a) REPORT REQUIRED.—(1) Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit a report on contractor security in Iraq to the congressional defense committees. The report shall include, at a minimum—

(A) information on the security of contractor employees in Iraq, as described in subsection (b);

(B) information on contract security personnel in Iraq, as described in subsection (c); and

(C) any recommended actions that the Secretary considers appropriate to enhance contractor security in Iraq.

(2) The information included in the report shall be current as of September 30, 2004.

(b) SECURITY OF CONTRACTOR EMPLOYEES IN IRAQ.—The report under subsection (a) shall include information on contractor employees in Iraq, as follows:

(1) The number of contractor employees in each of the following categories of nationals:

(A) Nationals of the United States.

(B) Nationals of Iraq.

(C) Nationals of states other than the United States and Iraq.

(2) For each of the categories of nationals listed in paragraph (1), the number of casualties among contractor employees on and after May 1, 2003.

(c) CONTRACT SECURITY PERSONNEL.—The report required by subsection (a) shall include information on contract security personnel of a contractor in Iraq, as follows:

(1) The number of contract security personnel engaged in providing security services to personnel or facilities in each of the following categories:

(A) Personnel or facilities of the United States Government or the Coalition Provisional Authority.

(B) Personnel or facilities of the Iraqi Government.

(C) Personnel or facilities of a contractor or subcontractor.

(2) For each of the categories of nationals listed in subsection (b)(1), the following information:

(A) The number of contract security personnel.

(B) The range of annual rates of pay of the contract security personnel.

(C) The number of casualties among the contract security personnel on and after May 1, 2003.

(3) The number, types, and sources of weapons that contract security personnel are authorized to possess in each of the following categories:

(A) Weapons provided by coalition forces.

(B) Weapons supplied by the contractor.

(C) Weapons supplied by other sources.

(4) The extent to which contract security personnel are equipped with other critical equipment, such as body armor, armored vehicles, secure communications, and friend-foe identification.

(5) An assessment of the extent to which contract security personnel have been engaged by hostile fire on and after May 1, 2003.

(d) COORDINATION.—In the preparation of the report under this section, the Secretary of Defense shall coordinate with the heads of any other departments and agencies of the Federal Government that are affected by the performance of Federal Government contracts by contractor personnel in Iraq.

(e) ADDITIONAL CONGRESSIONAL RECIPIENTS.—In addition to submitting the report on contractor security under this section to the congressional defense committees, the Secretary of Defense shall also submit the report to any other committees of Congress that the Secretary determines appropriate to receive such report taking into consideration the requirements of the Federal Government that contractor personnel in Iraq are engaged in satisfying.

(f) FORMS OF REPORT.—The report required by this section shall be submitted in classified and unclassified forms.

(g) DEFINITIONS.—In this section:

(1) The term "contract security personnel" includes employees of a contractor or subcontractor who, under a covered contract, provide security services in Iraq to—

(A) personnel or facilities of the United States Government or the Coalition Provisional Authority;

(B) personnel or facilities of the Iraqi Government; or

(C) personnel or facilities of a contractor.

(2) The term "covered contract"—

(A) means a contract entered into by an agency of the United States Government or by the Coalition Provisional Authority for the procurement of products or services to be provided in Iraq, regardless of the source of the funding for such procurement; and

(B) includes a subcontract under such a contract, regardless of the source of the funding for such procurement.

(3) The term "national of the United States" has the meaning given such term in section 101(22) of the Immigration and Nationality Act (8 U.S.C. 1101(22)).

(4) The term "national", except as provided in paragraph (3), has the meaning given such term in section 101(21) of such Act.

SEC. 1022. TECHNICAL CORRECTION TO REFERENCE TO CERTAIN ANNUAL REPORTS.

Section 2474(f)(2) of title 10, United States Code, is amended by striking "section 2466(e)" and inserting "section 2466(d)".

SEC. 1023. STUDY OF ESTABLISHMENT OF MOBILIZATION STATION AT CAMP RIPLEY NATIONAL GUARD TRAINING CENTER, LITTLE FALLS, MINNESOTA.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall carry out and complete a study on the feasibility of the use of Camp Ripley National Guard Training Center, Little Falls, Minnesota, as a mobilization station for reserve components ordered to active duty under provisions of law referred to in section 101(a)(13)(B) of title 10, United States Code. The study shall include consideration of the actions necessary to establish such center as a mobilization station.

SEC. 1024. REPORT ON TRAINING PROVIDED TO MEMBERS OF THE ARMED FORCES TO PREPARE FOR POST-CONFLICT OPERATIONS.

(a) STUDY ON TRAINING.—The Secretary of Defense shall conduct a study to determine the extent to which members of the Armed Forces assigned to duty in support of contingency operations receive training in preparation for post-conflict operations and to evaluate the quality of such training.

(b) MATTERS TO BE INCLUDED IN STUDY.—As part of the study under subsection (a), the Secretary shall specifically evaluate the following:

(1) The doctrine, training, and leader-development system necessary to enable members of the Armed Forces to successfully operate in post-conflict operations.

(2) The adequacy of the curricula at military educational facilities to ensure that the Armed Forces has a cadre of members skilled in post-conflict duties, including a familiarity with applicable foreign languages and foreign cultures.

(3) The training time and resources available to members and units of the Armed Forces to develop cultural awareness about ethnic backgrounds and religious beliefs of the people living in areas in which post-conflict operations are likely to occur.

(4) The adequacy of training transformation to emphasize post-conflict operations, including interagency coordination in support of combatant commanders.

(c) REPORT ON STUDY.—Not later than May 1, 2005, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the result of the study conducted under this section.

SEC. 1025. REPORT ON AVAILABILITY OF POTENTIAL OVERLAND BALLISTIC MISSILE DEFENSE TEST RANGES.

The Secretary of Defense shall submit to Congress a report assessing the availability to the Department of Defense of potential ballistic missile defense test ranges for overland intercept flight tests of defenses against ballistic missile systems with a range of 750 to 1,500 kilometers.

SEC. 1026. OPERATION OF THE FEDERAL VOTING ASSISTANCE PROGRAM AND THE MILITARY POSTAL SYSTEM.

(a) REQUIREMENT FOR REPORTS.—(1) The Secretary of Defense shall submit to Congress two reports on the actions that the Secretary has taken to ensure that—

(A) the Federal Voting Assistance Program functions effectively to support absentee voting by members of the Armed Forces deployed outside the United States in support of Operation Iraqi Freedom, Operation Enduring Freedom, and all other contingency operations; and

(B) the military postal system functions effectively to support the morale of the personnel described in subparagraph (A) and absentee voting by such members.

(2)(A) The first report under paragraph (1) shall be submitted not later than 60 days after the date of the enactment of this Act.

(B) The second report under paragraph (1) shall be submitted not later than 60 days after the date on which the first report is submitted under that paragraph.

(3) In this subsection, the term "Federal Voting Assistance Program" means the program referred to in section 1566(b)(1) of title 10, United States Code.

(b) IMPLEMENTATION OF RECOMMENDED POSTAL SYSTEM IMPROVEMENTS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth—

(1) the actions taken to implement the recommendations of the Military Postal Service Agency Task Force, dated 28 August 2000; and

(2) in the case of each such recommendation not implemented or not fully implemented as of the date of report, the reasons for not implementing or not fully implementing such recommendation, as the case may be.

SEC. 1027. REPORT ON ESTABLISHING NATIONAL CENTERS OF EXCELLENCE FOR UNMANNED AERIAL AND GROUND VEHICLES.

(a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the need for one or more national centers of excellence for unmanned aerial and ground vehicles.

(b) GOAL OF CENTERS.—The goal of the centers covered by the report is to promote interservice cooperation and coordination in the following areas:

(1) Development of joint doctrine for the organization, training, and use of unmanned aerial and ground vehicles.

(2) Joint research, development, test, and evaluation, and joint procurement of unmanned aerial and ground vehicles.

(3) Identification and coordination, in conjunction with the private sector and academia, of the future development of unmanned aerial and ground vehicles.

(4) Monitoring of the development and utilization of unmanned aerial and ground vehicles in other nations for both military and non-military purposes.

(5) The providing of joint training and professional development opportunities in the use and operation of unmanned aerial and ground vehicles to military personnel of all ranks and levels of responsibility.

(c) Report Requirements.—The report shall include, at a minimum, the following:

(1) A list of facilities where the Defense Department currently conducts or plans to conduct research, development, and testing activities on unmanned aerial and ground vehicles.

(2) A list of facilities where the Department of Defense currently deploys or has committed to deploying unmanned aerial or ground vehicles.

(3) The extent to which existing facilities described in paragraphs (1) and (2) have sufficient unused capacity and expertise to research, develop, test, and deploy the current and next generations of unmanned aerial and ground vehicles and to provide for the development of doctrine on the use and training of operators of such vehicles.

(4) The extent to which efficiencies on research, development, testing, and deployment of existing or future unmanned aerial and ground vehicles can be achieved through consolidation at one or more national centers of excellence for unmanned aerial and ground vehicles.

(5) A list of potential locations for national centers of excellence.

(d) Considerations.—In determining the potential locations for the national centers of excellence under this section, the Secretary of Defense shall take into consideration existing Air Force facilities that have—

(1) a workforce of skilled personnel;

(2) existing capacity of runways and other facilities to accommodate the research, testing, and deployment of current and future unmanned aerial vehicles; and

(3) minimal restrictions on the research, development, and testing of unmanned aerial vehicles resulting from proximity to large population centers or airspace heavily utilized by commercial flights.

SEC. 1028. REPORT ON POST-MAJOR COMBAT OPERATIONS PHASE OF OPERATION IRAQI FREEDOM.

(a) Report Required.—(1) Not later than March 31, 2005, the Secretary of Defense shall submit to the congressional defense committees a report on the conduct of military operations during the post-major combat operations phase of Operation Iraqi Freedom.

(2) The report shall be prepared in consultation with the Chairman of the Joint Chiefs of Staff, the Commander of the United States Central Command, and such other officials as the Secretary considers appropriate.

(b) Content.—(1) The report shall include a discussion of the matters described in paragraph (2), with a particular emphasis on accomplishments and shortcomings and on near-term and long-term corrective actions to address such shortcomings.

(2) The matters to be discussed in the report are as follows:

(A) The military and political objectives of the international coalition conducting the post-major combat operations phase of Operation Iraqi Freedom, and the military strategy selected to achieve such objectives, together with an assessment of the execution of the military strategy.

(B) The mobilization process for the reserve components of the Armed Forces, including the timeliness of notification, training and certification, and subsequent demobilization.

(C) The use and performance of major items of United States military equipment, weapon systems, and munitions (including non-lethal weapons and munitions, items classified under special access procedures, and items drawn from prepositioned stocks) and any expected effects of the experience with the use and performance of such items on the doctrinal and tactical employment of such items and on plans for continuing the acquisition of such items.

(D) Any additional requirements for military equipment, weapon systems, munitions, force structure, or other capability identified during the post-major combat operations phase of Operation Iraqi Freedom, including changes in type or quantity for future operations.

(E) The effectiveness of joint air operations, together with an assessment of the effectiveness of—

(i) the employment of close air support; and

(ii) attack helicopter operations.

(F) The use of special operations forces, including operational and intelligence uses.

(G) The scope of logistics support, including support to and from other nations and from international organizations and organizations and individuals from the private sector in Iraq.

(H) The incidents of accidental fratricide, including a discussion of the effectiveness of the tracking of friendly forces and the use of the combat identification systems in mitigating friendly fire incidents.

(I) The adequacy of spectrum and bandwidth to transmit information to operational forces and assets, including unmanned aerial vehicles, ground vehicles, and individual soldiers.

(J) The effectiveness of strategic, operational, and tactical information operations, including psychological operations and assets, organization, and doctrine related to civil affairs, in achieving established objectives, together with a description of technological and other restrictions on the use of information operations capabilities.

(K) The readiness of the reserve component forces used in the post-major combat operations phase of Operation Iraqi Freedom, including an assessment of the success of the reserve component forces in accomplishing their missions.

(L) The adequacy of intelligence support during the post-major combat operations phase of Operation Iraqi Freedom, including the adequacy of such support in searches for weapons of mass destruction.

(M) The rapid insertion and integration, if any, of developmental but mission-essential equipment, organizations, or procedures during the post-major combat operations phase of Operation Iraqi Freedom.

(N) A description of the coordination, communication, and unity of effort between the Armed Forces, the Coalition Provisional Authority, other United States government agencies and organizations, nongovernmental organizations, and political, security, and nongovernmental organizations of Iraq, including an assessment of the effectiveness of such efforts.

(O) The adequacy of training for military units once deployed to the United States Central Command, including training for changes in unit mission and continuation training for high-intensity conflict missions.

(P) An estimate of the funding required to return or replace equipment used to date in Operation Iraqi Freedom, including equipment in prepositioned stocks, to mission-ready condition.

(Q) A description of military civil affairs and reconstruction efforts, including through the Commanders Emergency Response Program, and an assessment of the effectiveness of such efforts and programs.

(R) The adequacy of the requirements determination and acquisition processes, acquisition, and distribution of force protection equipment, including personal gear, vehicles, helicopters, and defense devices.

(S) The most critical lessons learned that could lead to long-term doctrinal, organizational, and technological changes, and the probable effects that an implementation of those changes would have on current visions, goals, and plans for transformation of the Armed Forces or the Department of Defense.

(T) The planning for and implementation of morale, welfare, and recreation programs for deployed forces and support to dependents, including rest and recuperation programs and personal communication benefits such as telephone, mail, and email services, including an assessment of the effectiveness of such programs.

(U) An analysis of force rotation plans, including individual personnel and unit rotations, differing deployment lengths, and in-theater equipment repair and leave behinds.

(c) Form of Report.—The report shall be submitted in unclassified form, but may include a classified annex.

(d) Post-Major Combat Operations Phase of Operation Iraqi Freedom Defined.—In this section, the term "post-major combat operations phase of Operation Iraqi Freedom" means the period of Operation Iraqi Freedom beginning on May 2, 2003, and ending on December 31, 2004.

SEC. 1029. COMPTROLLER GENERAL ANALYSIS OF USE OF TRANSITIONAL BENEFIT CORPORATIONS IN CONNECTION WITH COMPETITIVE SOURCING OF PERFORMANCE OF DEPARTMENT OF DEFENSE ACTIVITIES AND FUNCTIONS.

(a) Requirement for Analysis.—Not later than February 1, 2005, the Comptroller General shall submit to Congress an analysis of the potential for use of transitional benefit corporations in connection with competitive sourcing of the performance of activities and functions of the Department of Defense.

(b) Specific Issues.—The analysis under this section shall—

(1) address the capabilities of transitional benefit corporations—

(A) to preserve human capital and surge capability;

(B) to promote economic development and job creation;

(C) to generate cost savings; and

(D) to generate efficiencies that are comparable to or exceed the efficiencies that result from competitive sourcing carried out by the Department of Defense under the procedures applicable to competitive sourcing by the Department of Defense; and

(2) identify areas within the Department of Defense in which transitional benefit corporations could be used to add value, reduce costs, and provide opportunities for beneficial use of employees and other resources that are displaced by competitive sourcing of the performance of activities and functions of the Department of Defense.

(d) Transitional Benefit Corporation Defined.—In this section, the term "transitional benefit corporation" means a corporation that facilitates the transfer of designated (usually underutilized) real estate, equipment, intellectual property, or other assets of the United States to the private sector in a process that enables employees of the United States in positions associated with the use of such assets to retain eligibility for Federal employee benefits and to continue to accrue those benefits.

SEC. 1029A. COMPTROLLER GENERAL STUDY OF PROGRAMS OF TRANSITION ASSISTANCE FOR PERSONNEL SEPARATING FROM THE ARMED FORCES.

(a) Requirement for Study.—The Comptroller General shall carry out a study of the programs of the Department of Defense and other departments and agencies of the Federal Government under which transition assistance is provided to personnel who are separating from active duty service in the Armed Forces.

(b) Report.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit a report on the results of the study to the Committees on Armed Services of the Senate and the House of Representatives. The report shall include the following matters:

(1) Regarding the transition assistance programs under section 1142 and 1144 of title 10, United States Code—

(A) an analysis of the extent to which such programs are meeting the current needs of members of the Armed Forces as such personnel are discharged or released from active duty, including—

(i) a discussion of the original purposes of the programs;

(ii) a discussion of how the programs are currently being administered in relationship to those purposes; and

(iii) an assessment of whether the programs are adequate to meet the current needs of members of the reserve components, including the National Guard; and

(B) any recommendations that the Comptroller General considers appropriate for improving such programs, including any recommendation regarding whether participation by members of the Armed Forces in such programs should be required.

(2) An analysis of the differences, if any, among the Armed Forces and among the commands of military installations of the Armed Forces regarding how transition assistance is being provided under the transition assistance programs, together with any recommendations that the Comptroller General considers appropriate—

(A) to achieve uniformity in the provision of assistance under such programs; and

(B) to ensure that the transition assistance is provided under such programs to members of the Armed Forces who are being separated at medical facilities of the uniformed services or Department of Veterans Affairs medical centers and to Armed Forces personnel on a temporary disability retired list under section 1202 or 1205 of title 10, United States Code.

(3) An analysis of the relationship of Department of Defense transition assistance programs to the transition assistance programs of the Department of Veterans Affairs and the Department of Labor, including the relationship of the benefits delivery at discharge program carried out jointly by the Department of Defense and the Department of Veterans Affairs to the other transition assistance programs.

(4) The rates of participation of Armed Forces personnel in the transition assistance programs, together with any recommendations that the Comptroller General considers appropriate to increase such participation rates, including any revisions of such programs that could result in increased participation.

(5) An assessment of whether the transition assistance information provided to Armed Forces personnel omits transition information that would be beneficial to such personnel, including an assessment of the extent to which information is provided under the transition assistance programs regarding participation in Federal Government procurement opportunities available at prime contract and subcontract levels to veterans with service-connected disabilities and other veterans, together with any recommendations that the Comptroller General considers appropriate regarding additional information that should be provided and any other recommendations that the Comptroller General considers appropriate for enhancing the provision of counseling on such procurement opportunities.

(6) An assessment of the extent to which representatives of military service organizations and veterans' service organizations are afforded opportunities to participate, and do participate, in preseparation briefings under transition assistance programs, together with any recommendations that the Comptroller General considers appropriate regarding how representatives of such organizations could better be used to disseminate transition assistance information and provide preseparation counseling to Armed Forces personnel, including personnel of the reserve components who are being released from active duty for continuation of service in the reserve components.

(7) An analysis of the use of post-deployment and predischarge health screenings, together with any recommendations that the Comptroller General considers appropriate regarding whether and how to integrate the health screening process and the transition assistance programs into a single, coordinated preseparation program for Armed Forces personnel being discharged or released from active duty.

(8) An analysis of the processes of the Armed Forces for conducting physical examinations of members of the Armed Forces in connection with discharge and release from active duty, including—

(A) how post-deployment questionnaires are used;

(B) the extent to which Armed Forces personnel waive the physical examinations; and

(C) how, and the extent to which, Armed Forces personnel are referred for followup health care.

(9) A discussion of the current process by which mental health screenings are conducted, followup mental health care is provided for, and services are provided in cases of post-traumatic stress disorder and related conditions for members of the Armed Forces in connection with discharge and release from active duty, together with—

(A) for each of the Armed Forces, the programs that are in place to identify and treat cases of post-traumatic stress disorder and related conditions; and

(B) for persons returning from deployments in connection with Operation Enduring Freedom and Operation Iraqi Freedom—

(i) the number of persons treated as a result of such screenings; and

(ii) the types of interventions.

(c) Acquisition of Supporting Information.—In carrying out the study under this section, the Comptroller General shall seek to obtain views from the following persons:

(1) The Secretary of Defense and the Secretaries of the military departments.

(2) The Secretary of Veterans Affairs.

(3) The Secretary of Labor.

(4) Armed Forces personnel who have received transition assistance under the programs covered by the study and Armed Forces personnel who have declined to accept transition assistance offered under such programs.

(5) Representatives of military service organizations and representatives of veterans' service organizations.

(6) Persons having expertise in health care (including mental health care) provided under the Defense Health Program, including Department of Defense personnel, Department of Veterans Affairs personnel, and persons in the private sector.

SEC. 1029B. STUDY ON COORDINATION OF JOB TRAINING AND CERTIFICATION STANDARDS.

(a) Requirement for Study.—The Secretary of Defense and the Secretary of Labor shall jointly carry out a study to determine ways to coordinate the standards applied by the Armed Forces for the training and certification of members of the Armed Forces in military occupational specialties with the standards that are applied to corresponding civilian occupations by occupational licensing or certification agencies of governments and occupational certification agencies in the private sector.

(b) Report.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Labor shall submit a joint report on the results of the study under subsection (a) to Congress.

SEC. 1029C. CONTENT OF PRESEPARATION COUNSELING FOR PERSONNEL SEPARATING FROM ACTIVE DUTY SERVICE.

Section 1142 of title 10, United States Code, is amended—

(1) by adding at the end of subsection (b) the following new paragraph:

"(11) Information on participation in Federal Government procurement opportunities that are available at the prime contract level and at subcontract levels to veterans with service-connected disabilities and other veterans."; and

(2) by adding at the end the following new subsection:

"(d) Requirements Relating to Counseling on Procurement Opportunities.—(1) For the counseling under subsection (b)(11), the Secretary concerned may provide for participation of representatives of the Secretary of Veterans Affairs, representatives of the Administrator of the Small Business Administration, representatives of other appropriate executive agencies, and representatives of Veterans' Business Outreach Centers and Small Business Development Centers.

"(2) The Secretary concerned may provide for the counseling under paragraph (11) of subsection (b) to be offered at medical centers of the Department of Veterans Affairs as well as the medical care facilities of the uniformed services and other facilities at which the counseling on the other matters required under such subsection is offered. The access of representatives described in paragraph (1) to a member of the armed forces to provide such counseling shall be subject to the consent of that member.".

SEC. 1029D. PERIODIC DETAILED ACCOUNTING FOR OPERATIONS OF THE GLOBAL WAR ON TERRORISM.

(a) Quarterly Accounting.—Not later than 45 days after the end of each quarter of a year, the Secretary of Defense shall submit to the congressional defense committees, for such quarter for each operation described in subsection (b), a full accounting of all costs incurred for such operation during such quarter and all amounts expended during such quarter for such operation, and the purposes for which such costs were incurred and such amounts were expended.

(b) OPERATIONS COVERED.—The operations referred to in subsection (a) are as follows:

(1) Operation Iraqi Freedom.

(2) Operation Enduring Freedom.

(3) Operation Noble Eagle.

(4) Any other operation that the President designates as being an operation of the Global War on Terrorism.

(c) REQUIREMENT FOR COMPREHENSIVENESS.—For the purpose of providing a full and complete accounting of the costs and expenditures under subsection (a) for operations described in subsection (b), the Secretary shall account in the quarterly submission under subsection (a) for all costs and expenditures that are reasonably attributable to such operations, including personnel costs.

SEC. 1029E. REPORT ON THE STABILIZATION OF IRAQ.

Not later than 120 days after the date of the enactment of this Act, the President shall submit to the congressional defense committees an unclassified report (with classified annex, if necessary) on the strategy of the United States and coalition forces for stabilizing Iraq. The report shall contain a detailed explanation of the strategy, together with the following information:

(1) A description of the efforts of the President to work with the United Nations to provide support for, and assistance to, the transitional government in Iraq, and, in particular, the efforts of the President to negotiate and secure adoption by the United Nations Security Council of Resolution 1546.

(2) A description of the efforts of the President to continue to work with North Atlantic Treaty Organization (NATO) member states and non-NATO member states to provide support for and augment coalition forces, including efforts, as determined by the United States combatant commander, in consultation with coalition forces, to evaluate the—

(A) the current military forces of the NATO and non-NATO member countries deployed to Iraq;

(B) the current police forces of NATO and non-NATO member countries deployed to Iraq; and

(C) the current financial resources of NATO and non-NATO member countries provided for the stabilization and reconstruction of Iraq.

(3) As a result of the efforts described in paragraph (2)—

(A) a list of the NATO and non-NATO member countries that have deployed and will have agreed to deploy military and police forces; and

(B) with respect to each such country, the schedule and level of such deployments.

(4) A description of the efforts of the United States and coalition forces to develop the domestic security forces of Iraq for the internal security and external defense of Iraq, including a description of United States plans to recruit, train, equip, and deploy domestic security forces of Iraq.

(5) As a result of the efforts described in paragraph (4)—

(A) the number of members of the security forces of Iraq that have been recruited;

(B) the number of members of the security forces of Iraq that have been trained; and

(C) the number of members of the security forces of Iraq that have been deployed.

(6) A description of the efforts of the United States and coalition forces to assist in the reconstruction of essential infrastructure of Iraq, including the oil industry, electricity generation, roads, schools, and hospitals.

(7) A description of the efforts of the United States, coalition partners, and relevant international agencies to assist in the development of political institutions and prepare for democratic elections in Iraq.

(8) A description of the obstacles, including financial, technical, logistic, personnel, political, and other obstacles, faced by NATO in generating and deploying military forces out of theater to locations such as Iraq.

SEC. 1029F. REPORTS ON MATTERS RELATING TO DETAINMENT OF PRISONERS BY THE DEPARTMENT OF DEFENSE.

(a) REPORTS REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the population of persons held by the Department of Defense for more than 45 days and on the facilities in which such persons are held.

(b) REPORT ELEMENTS.—Each report under subsection (a) shall include the following:

(1) General information on the foreign national detainees in the custody of the Department on the date of such report, including the following:

(A) The best estimate of the Department of the number of the total number of detainees in the custody of the Department as of the date of such report.

(B) The countries in which such detainees were detained, and the number of detainees detained in each such country.

(C) The best estimate of the Department of the total number of detainees released from the custody of the Department during the one-year period ending on the date of such report.

(2) For each foreign national detained and registered with the National Detainee Reporting Center by the Department on the date of such report the following:

(A) The Internment Serial Number or other appropriate identification number.

(B) The nationality, if available.

(C) The place at which taken into custody, if available.

(D) The circumstances of being taken into custody, if available.

(E) The place of detention.

(F) The current length of detention.

(G) A categorization as a civilian detainee, enemy prisoner of war/prisoner of war, or enemy combatant.

(H) Information as to transfer to the jurisdiction of another country, including the identity of such country.

(3) Information on the detention facilities and practices of the Department for the one-year period ending on the date of such report, including for each facility of the Department at which detainees were detained by the Department during such period the following:

(A) The name of such facility.

(B) The location of such facility.

(C) The number of detainees detained at such facility as of the end of such period.

(D) The capacity of such facility.

(E) The number of military personnel assigned to such facility as of the end of such period.

(F) The number of other employees of the United States Government assigned to such facility as of the end of such period.

(G) The number of contractor personnel assigned to such facility as of the end of such period.

(c) FORM OF REPORT.—Each report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

Subtitle D—Matters Relating to Space

SEC. 1031. SPACE POSTURE REVIEW.

(a) REQUIREMENT FOR COMPREHENSIVE REVIEW.—In order to clarify the national security space policy and strategy of the United States for the near term, the Secretary of Defense shall conduct a comprehensive review of the space posture of the United States over the posture review period.

(b) ELEMENTS OF REVIEW.—The review conducted under subsection (a) shall include, for the posture review period, the following:

(1) The role of space in United States military and national security strategy, planning, and programming.

(2) The policy, requirements, and objectives for space situational awareness.

(3) The policy, requirements, and objectives for space control.

(4) The policy, requirements, and objectives for space superiority, including defensive and offensive counterspace.

(5) The policy, requirements, and objectives for space exploitation, including force enhancement and force application.

(6) The policy, requirements, and objectives for intelligence surveillance and reconnaissance from space.

(7) Current and planned space programs, including how each such program will address the policy, requirements, and objectives described in paragraphs (1) through (6).

(8) The relationship among United States military space policy and national security space policy, space objectives, and arms control policy.

(9) The type of systems, including space systems, that are necessary to implement United States military and national security space policies.

(10) The effect of United States national security space policy on weapons proliferation.

(c) REPORTS.—(1) Not later than March 15, 2005, the Secretary of Defense shall submit to the congressional defense committees an interim report on the review conducted under subsection (a).

(2) Not later than December 31, 2005, the Secretary shall submit to the congressional defense committees a final report on the review.

(3) Each report under this subsection shall be submitted in unclassified form, but may include a classified annex.

(4) The reports under this subsection shall also be submitted to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

(d) JOINT UNDERTAKING WITH THE DIRECTOR OF CENTRAL INTELLIGENCE.—The Secretary of Defense shall conduct the review under this section, and submit the reports under subsection (c), jointly with the Director of Central Intelligence.

(e) POSTURE REVIEW PERIOD DEFINED.—In this section, the term "posture review period" means the period beginning one year after the date of the enactment of this Act and ending ten years after that date.

SEC. 1032. PANEL ON THE FUTURE OF MILITARY SPACE LAUNCH.

(a) IN GENERAL.—(1) The Secretary of Defense shall enter into a contract with a federally funded research and development center to establish a panel on the future military space launch requirements of the United States, including means of meeting such requirements.

(2) The Secretary shall enter into the contract not later than 60 days after the date of the enactment of this Act.

(b) MEMBERSHIP AND ADMINISTRATION OF PANEL.—(1) The panel shall consist of individuals selected by the federally funded research and development center from among private citizens of the United States with knowledge and expertise in one or more of the following areas:

(A) Space launch operations.

(B) Space launch technologies.

(C) Satellite and satellite payloads.

(D) State and national launch complexes.

(E) Space launch economics.

(2) The federally funded research and development center shall establish appropriate procedures for the administration of the panel, including designation of the chairman of the panel from among its members.

(3) All panel members shall hold security clearances appropriate for the work of the panel.

(4) The panel shall convene its first meeting not later than 30 days after the date on which all members of the panel have been selected.

(c) DUTIES.—(1) The panel shall conduct a review and assessment of the future military space launch requirements of the United States, including the means of meeting such requirements.

(2) The review and assessment shall take into account matters as follows:

(A) Launch economics.

(B) Operational concepts and architectures.

(C) Launch technologies, including—

(i) reusable launch vehicles;

(ii) expendable launch vehicles;

(iii) low cost options; and

(iv) revolutionary approaches.

(D) Payloads, including their implications for launch requirements.

(E) Launch infrastructure.

(F) Launch industrial base.

(G) Relationships among military, civilian, and commercial launch requirements.

(3) The review and assessment shall address military space launch requirements over each of the 5-year, 10-year, and 15-year periods beginning with 2005.

(d) COOPERATION OF FEDERAL AGENCIES.—(1) The panel may secure directly from the Department of Defense or any other department or agency of the Federal Government any information that the panel considers necessary to carry out its duties.

(2) The Secretary of Defense shall designate at least one senior civilian employee of the Department of Defense and at least one general or flag officer of an Armed Force to serve as liaison between the Department, the Armed Forces, and the panel.

(e) REPORT.—Not later than one year after the date of the first meeting of the panel under subsection (b)(4), the panel shall submit to the Secretary of Defense, the congressional defense committees, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives a report on the results of the review and assessment under subsection (c). The report shall include—

(1) the findings and conclusions of the panel on the future military space launch requirements of the United States, including means of meeting such requirements;

(2) the assessment of panel, and any recommendations of the panel, on—

(A) launch operational concepts and architectures;

(B) launch technologies;

(C) launch enabling technologies; and

(D) priorities for funding; and

(3) the assessment of the panel as to the best means of meeting the future military space launch requirements of the United States.

(f) TERMINATION.—The panel shall terminate 16 months after the date on which the chairman of the panel is designated pursuant to subsection (b)(2).

(g) FUNDING.—Amounts authorized to be appropriated to the Department of Defense shall be available to the Secretary of Defense for purposes of the contract required by subsection (a).

SEC. 1033. OPERATIONALLY RESPONSIVE NATIONAL SECURITY PAYLOADS FOR SPACE SATELLITES.

(a) PLANNING, PROGRAMMING, AND MANAGEMENT.—(1) Chapter 135 of title 10, United States Code, is amended by inserting after section 2273 the following new section:

"§2273a. Operationally responsive national security payloads

"(a) REQUIREMENT FOR PROGRAM ELEMENT.—The Secretary of Defense shall ensure that operationally responsive national security payloads of the Department of Defense for space satellites are planned, programmed, and budgeted for as a separate, dedicated program element.

"(b) MANAGEMENT AUTHORITY.—The Secretary of Defense shall assign management authority for the program element required under subsection (a) to the Director of the Office of Force Transformation.

"(c) DEFINITION OF OPERATIONALLY RESPONSIVE.—In this section, the term 'operationally responsive', with respect to a national security payload for a space satellite, means an experimental or operational payload not in excess of 5,000 pounds that—

"(1) can be developed and acquired within 18 months after authority to proceed with development is granted; and

"(2) is responsive to requirements for capabilities at the operational and tactical levels of warfare.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2273 the following new item:

"2273a. Operationally responsive national security payloads.".

(b) TIME FOR IMPLEMENTATION.—Section 2273a(a) of title 10, United States Code, shall apply with respect to fiscal years beginning after September 30, 2005.

(c) FUNDING.—Of the amount authorized to be appropriated under section 201(4), $25,000,000 shall be available for research, development, test, and evaluation of operationally responsive national security payloads for space satellites.

SEC. 1034. NONDISCLOSURE OF CERTAIN PRODUCTS OF COMMERCIAL SATELLITE OPERATIONS.

(a) DISCLOSURE PROHIBITED.—Land remote sensing information may not be disclosed under section 552 of title 5, United States Code.

(b) LAND REMOTE SENSING INFORMATION DEFINED.—In this section, the term "land remote sensing information"—

(1) means any data that—

(A) are collected by land remote sensing; and

(B) are prohibited from sale to customers other than the United States Government and its affiliated users under the Land Remote Sensing Policy Act of 1992 (15 U.S.C. 5601 et seq.); and

(2) includes any imagery and other product that is derived from such data.

(c) STATE OR LOCAL GOVERNMENT DISCLOSURES.—Land remote sensing information provided by the head of a department or agency of the United States to a State or local government may not be made available to the general public under any State or local law relating to the disclosure of information or records.

(d) SAFEGUARDING INFORMATION.—The head of each department or agency of the United States having land remote sensing information within that department or agency or providing such information to a State or local government shall take such actions, commensurate with the sensitivity of that information, as are necessary to protect that information from disclosure prohibited under this section.

(e) OTHER DEFINITIONS.—In this section, the terms "land remote sensing" and "United States Government and its affiliated users" have the meanings given such terms in section 3 of such Act (15 U.S.C. 5602).

SEC. 1035. SENSE OF CONGRESS ON SPACE LAUNCH RANGES.

It is the sense of Congress that the Secretary of Defense should provide support for, and continue the development, certification, and deployment of range safety systems that are capable of—

(1) reducing costs related to national security space launches and launch infrastructure; and

(2) enhancing technical capabilities and operational safety at the Eastern, Western, and other United States space launch ranges.

Subtitle E—Defense Against Terrorism

SEC. 1041. TEMPORARY ACCEPTANCE OF COMMUNICATIONS EQUIPMENT PROVIDED BY LOCAL PUBLIC SAFETY AGENCIES.

(a) AUTHORITY.—Chapter 155 of title 10, United States Code, is amended by adding at the end the following new section:

"§2613. Emergency communications equipment: temporary acceptance from local public safety agencies

"(a) AUTHORITY FOR TEMPORARY ACCEPTANCE OF EQUIPMENT.—(1) Under regulations prescribed by the Secretary concerned, the commander of a military installation may include in a disaster response agreement with a local public safety agency a clause that provides for the commander to accept from the public safety agency for use during a natural or man-made disaster any communications equipment that is useful for communicating with such agency during a joint response by the commander and such agency to such disaster.

"(2) The authority under paragraph (1) includes authority to accept services related to the operation and maintenance of communications equipment accepted under that paragraph.

"(3) In the case of a military installation administered by an officer or employee of the United States, such officer or employee may exercise the authority of a commander under this section.

"(b) CONDITIONS.—Acceptance of communications equipment and services by a commander from a public safety agency under subsection (a) is subject to the following conditions:

"(1) Acceptance of equipment is authorized only to the extent that communications equipment under the control of the commander is inadequate to meet requirements for communicating with that public safety agency during a joint response to a disaster.

"(2) Acceptance of services for the operation or maintenance of communications equipment is authorized only to the extent that capabilities under the control of the commander are inadequate to operate or maintain such equipment.

"(c) LIABILITY.—(1) An emergency response agreement under this section shall include a clause that—

"(A) specifies the means for the commander to pay for use, loss, or damage of equipment, and for services, accepted under the agreement; or

"(B) ensures that the United States is not liable for costs incurred for the acceptance and use of the equipment or services nor for any loss or damage of such equipment.

"(2) No person providing services accepted under an emergency response agreement may be considered to be an officer, employee, or agent of the United States for any purpose.

"(d) GUIDANCE.—The Secretary of Defense shall prescribe guidance for the administration of the requirements and authority under this section.

"(e) DEFINITIONS.—In this section:

"(1) The term 'emergency response agreement' means a memorandum of agreement or memorandum of understanding that provides for mutual support by Department of Defense personnel and local public safety agency personnel in response to a natural or man-made disaster.

"(2) The term 'military installation' has the meaning given such term in section 2801(c) of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2613. Emergency communications equipment: temporary acceptance from local public safety agencies.".

SEC. 1042. FULL-TIME DEDICATION OF AIRLIFT SUPPORT FOR HOMELAND DEFENSE OPERATIONS.

(a) DETERMINATION REQUIRED.—(1) The Secretary of Defense shall determine the feasibility and advisability of dedicating an airlift capability of the Armed Forces on a full-time basis to the support of homeland defense operations, including operations in support of contingent requirements for transporting Weapons of Mass Destruction Civil Support Teams, Air Force expeditionary medical teams, and Department of Energy emergency response teams in response to natural disasters and man-made disasters.

(2) In making the determination under paragraph (1), the Secretary shall take into consideration the results of the study required under subsection (b).

(b) REQUIREMENT FOR STUDY AND PLAN.—(1) The Secretary of Defense shall conduct a study of the existing plans and capabilities of the Department of Defense for meeting contingent requirements for transporting teams described in subsection (a)(1) in response to natural disasters and man-made disasters.

(2) The Secretary shall prepare a plan for resolving any deficiencies in the existing plans and capabilities for meeting the transportation requirements described in paragraph (1).

(3) The Secretary of Defense shall require the commander of the United States Northern Command and the commander of the United States Transportation Command to carry out jointly the study required under paragraph (1) and to prepare jointly the plan required under paragraph (2).

(c) REPORT.—Not later than April 1, 2005, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the study under subsection (b). The report shall include the following matters:

(1) The Secretary's determination under subsection (a).

(2) An assessment and discussion of the adequacy of existing plans and capabilities of the Department of Defense for meeting the transportation requirements described in subsection (b)(1).

(3) The plan required under subsection (b)(2).

(d) DEFINITION.—In this section, the term "Weapons of Mass Destruction Civil Support Team" has the meaning given such term in section 305b(e) of title 37, United States Code.

SEC. 1043. SURVIVABILITY OF CRITICAL SYSTEMS EXPOSED TO CHEMICAL OR BIOLOGICAL CONTAMINATION.

(a) REQUIREMENT FOR IMPLEMENTATION PLAN.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan, for implementation by the Department of Defense, that sets forth a systematic approach for ensuring the survivability of defense critical systems upon contamination of such systems by chemical or biological agents.

(b) CONTENT.—At a minimum, the plan under subsection (a) shall include—

(1) policies for ensuring that the survivability of defense critical systems in the event of contamination by chemical or biological agents is adequately addressed throughout the Department of Defense;

(2) a systematic process for identifying which systems are defense critical systems;

(3) specific testing procedures to be used during the design and development of new defense critical systems; and

(4) a centralized database that—

(A) contains comprehensive information on the effects of chemical and biological agents and decontaminants on materials used in defense critical systems; and

(B) is easily accessible to personnel who have duties to ensure the survivability of defense critical systems upon contamination of such systems by chemical and biological agents.

(c) DEFENSE CRITICAL SYSTEMS DEFINED.—In this section, the term "defense critical system" means a Department of Defense system that is critical to the national security of the United States.

Subtitle F—Matters Relating to Other Nations

SEC. 1051. HUMANITARIAN ASSISTANCE FOR THE DETECTION AND CLEARANCE OF LANDMINES AND EXPLOSIVE REMNANTS OF WAR.

(a) RESTATEMENT AND EXPANSION OF AUTHORITY.—(1) Chapter 20 of title 10, United States Code, is amended by adding at the end the following new section:

"§406. Humanitarian assistance for the detection and clearance of landmines and explosive remnants of war

"(a) IN GENERAL.—Under regulations prescribed by the Secretary of Defense, members of the armed forces may provide humanitarian assistance for the detection and clearance of landmines or explosive remnants of war in a foreign country, including activities relating to the furnishing of education, training, and technical assistance, if the Secretary determines that the provision of such assistance will promote—

"(1) the security interests of both the United States and the country in which such assistance is to be provided; and

"(2) the specific operational readiness skills of the members of the armed forces who provide such assistance.

"(b) LIMITATIONS ON ACTIVITIES OF MEMBERS OF THE ARMED FORCES.—The Secretary shall ensure that no member of the armed forces, while providing assistance under this section—

"(1) engages in the physical detection, lifting or destroying of landmines or explosive remnants of war (unless the member does so for the concurrent purpose of supporting a United States military operation); or

"(2) provides such assistance as part of a military operation that does not involve the armed forces.

"(c) REQUIREMENT FOR APPROVAL OF SECRETARY OF STATE.—Humanitarian assistance for the detection and clearance of landmines and remnants of war may not be provided under this section to any foreign country unless the Secretary of State specifically approves the provision of such assistance to such foreign country.

"(d) AVAILABILITY OF FUNDS FOR CERTAIN EXPENSES.—(1) To the extent provided in Acts authorizing appropriations for military activities of the Department of Defense, funds authorized to be appropriated to the Department for a fiscal year for humanitarian assistance shall be available for the purpose of providing assistance under this section.

"(2) Expenses incurred as a direct result of providing humanitarian assistance under this section to a foreign country shall be paid out of funds specifically appropriated for such purpose.

"(3) Expenses covered by paragraph (2) include the following:

"(A) Travel, transportation, and subsistence expenses of Department of Defense personnel providing humanitarian assistance under this section.

"(B) The cost of any equipment, services, or supplies acquired for the purpose of carrying out or supporting the provision of such assistance, including any nonlethal, individual, or small-team landmine or explosive remnant of war clearing equipment or supplies that are to be transferred or otherwise furnished to a foreign country in furtherance of the provision of assistance under this section.

"(4) The cost of equipment, services and supplies provided in any fiscal year to a foreign country under paragraph (3)(B) may not exceed $5,000,000.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"406. Humanitarian assistance for the detection and clearance of landmines and explosive remnants of war.".

(b) REPEAL OF SUPERSEDED AUTHORITY.—Section 401 of such title is amended—

(1) in subsection (a), by striking paragraph (4);

(2) in subsection (b)—

(A) in paragraph (1), by striking "(1)"; and

(B) by striking paragraph (2);

(3) in subsection (c)—

(A) by striking paragraphs (2) and (3); and

(B) by redesignating paragraph (4) as paragraph (2); and

(4) in subsection (e), by striking paragraph (5).

SEC. 1052. USE OF FUNDS FOR UNIFIED COUNTERDRUG AND COUNTERTERRORISM CAMPAIGN IN COLOMBIA.

(a) AUTHORITY.—(1) In fiscal years 2005 and 2006, funds available to the Department of Defense to provide assistance to the Government of Colombia may be used by the Secretary of Defense to support a unified campaign by the Government of Colombia against narcotics trafficking and against activities by organizations designated as terrorist organizations, such as the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), and the United Self-Defense Forces of Colombia (AUC).

(2) The authority to provide assistance for a campaign under this subsection includes authority to take actions to protect human health and welfare in emergency circumstances, including the undertaking of rescue operations.

(b) APPLICABILITY OF CERTAIN LAWS AND LIMITATIONS.—The use of funds pursuant to the authority in subsection (a) shall be subject to the following:

(1) Sections 556, 567, and 568 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2002 (Public Law 107–115; 115 Stat. 2160, 2165, and 2166).

(2) Section 8077 of the Department of Defense Appropriations Act, 2004 (Public Law 108–87; 117 Stat. 1090).

(c) NUMERICAL LIMITATION ON ASSIGNMENT OF UNITED STATES PERSONNEL.—Notwithstanding section 3204(b) of the Emergency Supplemental Act, 2000 (Division B of Public Law 106–246; 114 Stat. 575), as amended by the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2002 (Public Law 107-115; 115 Stat. 2131), the number of United States personnel assigned to conduct activities in Colombia in connection with support of Plan Colombia under subsection (a) in fiscal years 2005 and 2006 shall be subject to the following limitations:

(1) The number of United States military personnel assigned for temporary or permanent duty in Colombia in connection with support of Plan Colombia may not exceed 800.

(2) The number of United States individual citizens retained as contractors in Colombia in connection with support of Plan Colombia who are funded by Federal funds may not exceed 600.

(d) LIMITATION ON PARTICIPATION OF UNITED STATES PERSONNEL.—No United States Armed Forces personnel, United States civilian employees, or United States civilian contractor personnel employed by the United States may participate in any combat operation in connection with assistance using funds pursuant to the authority in subsection (a), except for the purpose of acting in self defense or of rescuing any United States citizen, including any United States Armed Forces personnel, United States civilian employee, or civilian contractor employed by the United States.

(e) RELATION TO OTHER AUTHORITY.—The authority provided by subsection (a) is in addition to any other authority in law to provide assistance to the Government of Colombia.

(f) REPORT ON RELATIONSHIPS BETWEEN TERRORIST ORGANIZATIONS IN COLOMBIA AND FOREIGN GOVERNMENTS AND ORGANIZATIONS.—(1) Not later than 60 days after the date of the enactment of this Act, the Secretary of State shall, in consultation with the Secretary of Defense and the Director of Central Intelligence, submit to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report that describes—

(A) any relationships between foreign governments or organizations and organizations based in Colombia that have been designated as foreign terrorist organizations under United States law, including the provision of any direct or indirect assistance to such organizations; and

(B) United States policies that are designed to address such relationships.

(2) The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

SEC. 1053. ASSISTANCE TO IRAQ AND AFGHANISTAN MILITARY AND SECURITY FORCES.

(a) AUTHORITY.—Subject to the limitations in subsection (c), the Secretary of Defense may provide assistance in fiscal year 2005 to Iraq and Afghanistan military or security forces solely to enhance their ability to combat terrorism and support United States or coalition military operations in Iraq and Afghanistán, respectively.

(b) TYPE OF ASSISTANCE.—Assistance provided under subsection (a) may include equipment, supplies, services, and training.

(c) LIMITATIONS.—(1) The Secretary of Defense may provide assistance under this section only with the concurrence of the Secretary of State and, in any case in which section 104(e) of the National Security Act of 1947 (50 U.S.C. 403–4(e)) applies, the Director of Central Intelligence.

(2) The cost of assistance provided under this section may be paid only out of funds available to the Department of Defense for fiscal year 2005 for operation and maintenance and may not exceed $250,000,000.

(d) RELATIONSHIP TO OTHER AUTHORITY.—The authority to provide assistance under this section is in addition to any other authority to provide assistance to Iraq and Afghanistan.

(e) CONGRESSIONAL NOTIFICATION.—Not later than 15 days before providing assistance to a recipient under this section, the Secretary of Defense shall submit to the congressional defense committees a notification of the assistance proposed to be provided.

SEC. 1054. ASSIGNMENT OF NATO NAVAL PERSONNEL TO SUBMARINE SAFETY RESEARCH AND DEVELOPMENT PROGRAMS.

(a) AUTHORITY.—Chapter 631 of title 10, United States Code, is amended by inserting after the item relating to section 7205 the following new section:

"§ 7206. Submarine safety research and development: acceptance of services of NATO naval personnel

"(a) AUTHORITY.—The Secretary of the Navy may, subject to subsection (e), accept the assignment of one or more members of the navy of another member country of the North Atlantic Treaty Organization to a command of the Navy for work on the development, standardization, or interoperability of submarine vessel safety and rescue systems and procedures if the Secretary determines that doing so would facilitate the development, standardization, and interoperability of submarine vessel safety and rescue systems and procedures for the Navy, the navy of that foreign country, and any other navy involved in that work.

"(b) RECIPROCITY NOT REQUIRED.—The authority under subsection (a) is not an exchange program. Reciprocal assignments of members of the Navy to a navy of a foreign country is not a condition for the exercise of such authority.

"(c) PAYMENT OF PERSONNEL COSTS.—(1) The acceptance of a member of a navy of a foreign country under this section is subject to the condition that the government of that country pay the salary, per diem allowance, subsistence costs, travel costs, cost of language or other training, and other costs for that member in accordance with the laws and regulations of such country.

"(2) Paragraph (1) does not apply to the following costs:

"(A) The cost of temporary duty directed by the Secretary of the Navy or an officer of the Navy authorized to do so.

"(B) The cost of a training program conducted to familiarize, orient, or certify foreign naval personnel regarding unique aspects of their assignments.

"(C) Any cost incident to the use of the facilities of the Navy in the performance of assigned duties.

"(d) RELATIONSHIP TO OTHER AUTHORITY.—The provisions of this section shall apply to any other authority that the Secretary of the Navy may exercise, subject to the concurrence of the Secretary of State, to enter into an agreement with the government of a foreign country to provide for the assignment of members of the navy of that foreign country to a Navy submarine safety program. The Secretary of the Navy may prescribe regulations for the application of this section in the exercise of such authority.

"(e) TERMINATION OF AUTHORITY.—The Secretary of the Navy may not accept the assignment of a member of the navy of a foreign country under this section after September 30, 2008.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7205 the following new item:

"7206. Submarine safety research and development: acceptance of services of NATO naval personnel.".

SEC. 1055. COMPENSATION FOR FORMER PRISONERS OF WAR.

Any plan of the Secretary of Defense to provide compensation to an individual who was injured in a military prison under the control of the United States in Iraq shall include a provision to address the injuries suffered by the 17 citizens of the United States who were held as prisoners of war by the regime of Saddam Hussein during the First Gulf War.

SEC. 1056. DRUG ERADICATION EFFORTS IN AFGHANISTAN.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States engaged in military action against the Taliban-controlled Government of Afghanistan in 2001 in direct response to the Taliban's support and aid to Al Qaeda.

(2) The military action against the Taliban in Afghanistan was designed, in part, to disrupt the activities of, and financial support for, terrorists.

(3) A greater percentage of the world's opium supply is now produced in Afghanistan than before the Taliban banned the cultivation or trade of opium.

(4) In 2004, more than two years after the Taliban was forcefully removed from power, Afghanistan is supplying approximately 75 percent of the world's heroin.

(5) The estimated value of the opium harvested in Afghanistan in 2003 was $2,300,000,000.

(6) Some of the profits associated with opium harvested in Afghanistan continue to fund terrorists and terrorist organizations, including Al Qaeda, that seek to attack the United States and United States interests.

(7) The global war on terror is and should remain our Nation's highest national security priority.

(8) United States and Coalition counterdrug efforts in Afghanistan have not yet produced significant results.

(9) There are indications of strong, direct connections between terrorism and drug trafficking.

(10) The elimination of this funding source is critical to making significant progress in the global war on terror.

(11) The President of Afghanistan, Hamid Karzai, has stated that opium production poses a significant threat to the future of Afghanistan, and has established a plan of action to deal with this threat.

(12) The United Nations Office on Drugs and Crime has reported that Afghanistan is at risk of again becoming a failed state if strong actions are not taken against narcotics.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the President should make the substantial reduction of drug trafficking in Afghanistan a priority in the war on terror;

(2) the Secretary of Defense should, in coordination with the Secretary of State, work to a greater extent in cooperation with the Government of Afghanistan and international organizations involved in counterdrug activities to assist in providing a secure environment for counterdrug personnel in Afghanistan; and

(3) because the trafficking of narcotics is known to support terrorist activities and contributes to the instability of the Government of Afghanistan, additional efforts should be made by the Armed Forces of the United States, in conjunction with and in support of coalition forces, to significantly reduce narcotics trafficking in Afghanistan and neighboring countries, with particular focus on those trafficking organizations with the closest links to known terrorist organizations.

(c) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report that describes—

(1) progress made towards substantially reducing the poppy cultivation and heroin production capabilities in Afghanistan; and

(2) the extent to which profits from illegal drug activity in Afghanistan fund terrorist organizations and support groups that seek to undermine the Government of Afghanistan.

SEC. 1057. HUMANE TREATMENT OF DETAINEES.

(a) FINDINGS.—Congress makes the following findings:

(1) After World War II, the United States and its allies created a new international legal order based on respect for human rights. One of its fundamental tenets was a universal prohibition on torture and ill treatment.

(2) On June 26, 2003, the International Day in Support of Victims of Torture, President George W. Bush stated, "The United States is committed to the world-wide elimination of torture and we are leading this fight by example. I call on all governments to join with the United States and the community of law-abiding nations in prohibiting, investigating, and prosecuting all acts of torture and in undertaking to prevent other cruel and unusual punishment.".

(3) The United States is a party to the Geneva Conventions, which prohibit torture, cruel treatment, or outrages upon personal dignity, in particular, humiliating and degrading treatment, during armed conflict.

(4) The United States is a party to 2 treaties that prohibit torture and cruel, inhuman, or degrading treatment or punishment, as follows:

(A) The International Covenant on Civil and Political Rights, done at New York December 16, 1966.

(B) The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984.

(5) The United States filed reservations to the treaties described in subparagraphs (A) and (B) of paragraph (4) stating that the United States considers itself bound to prevent "cruel, inhuman or degrading treatment or punishment" to the extent that phrase means the cruel, unusual, and inhumane treatment or punishment prohibited by the 5th amendment, 8th amendment, or 14th amendment to the Constitution.

(6) Army Regulation 190-8 entitled "Enemy Prisoners of War, Retained Personnel, Civilian Internees and Other Detainees" provides that "Inhumane treatment is a serious and punishable violation under international law and the Uniform Code of Military Justice (UCMJ).... All prisoners will receive humane treatment without regard to race, nationality, religion, political opinion, sex, or other criteria. The following acts are prohibited: murder, torture, corporal punishment, mutilation, the taking of hostages, sensory deprivation, collective punishments, execution without trial by proper authority, and all cruel and degrading treatment.... All persons will be respected as human beings. They will be protected against all acts of violence to include rape, forced prostitution, assault and theft, insults, public curiosity, bodily injury, and reprisals of any kind.... This list is not exclusive.".

(7) The Field Manual on Intelligence Interrogation of the Department of the Army states that "acts of violence or intimidation, including physical or mental torture, threats, insults, or exposure to inhumane treatment as a means of or an aid to interrogation" are "illegal". Such Manual defines "infliction of pain through... bondage (other than legitimate use of restraints to prevent escape)", "forcing an individual to stand, sit, or kneel in abnormal positions for prolonged periods of time", "food deprivation", and "any form of beating" as "physical torture", defines "abnormal sleep deprivation" as "mental torture", and prohibits the use of such tactics under any circumstances.

(8) The Field Manual on Intelligence Interrogation of the Department of the Army states that "Use of torture and other illegal methods is a poor technique that yields unreliable results, may damage subsequent collection efforts, and can induce the source to say what he thinks the interrogator wants to hear. Revelation of use of torture by U.S. personnel will bring discredit upon the U.S. and its armed forces while undermining domestic and international support for the war effort. It may also place U.S. and allied personnel in enemy hands at a greater risk of abuse by their captors.".

(b) PROHIBITION ON TORTURE OR CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT.—(1) No person in the custody or under the physical control of the United States shall be subject to torture or cruel, inhuman, or degrading treatment or punishment that is prohibited by the Constitution, laws, or treaties of the United States.

(2) Nothing in this section shall affect the status of any person under the Geneva Conventions or whether any person is entitled to the protections of the Geneva Conventions.

(c) RULES, REGULATIONS, AND GUIDELINES.—(1) Not later than 180 days after the date of enactment of this Act, the Secretary shall prescribe the rules, regulations, or guidelines necessary to ensure compliance with the prohibition in subsection (b)(1) by the members of the United States Armed Forces and by any person providing services to the Department of Defense on a contract basis.

(2) The Secretary shall submit to the congressional defense committees the rules, regulations, or guidelines prescribed under paragraph (1), and any modifications to such rules, regulations, or guidelines—

(A) not later than 30 days after the effective date of such rules, regulations, guidelines, or modifications; and

(B) in a manner and form that will protect the national security interests of the United States.

(d) REPORT TO CONGRESS.—(1) The Secretary shall submit, on a timely basis and not less than twice each year, a report to Congress on the circumstances surrounding any investigation of a possible violation of the prohibition in subsection (b)(1) by a member of the Armed Forces or by a person providing services to the Department of Defense on a contract basis.

(2) A report required under paragraph (1) shall be submitted in a manner and form that—

(A) will protect the national security interests of the United States; and

(B) will not prejudice any prosecution of an individual involved in, or responsible for, a violation of the prohibition in subsection (b)(1).

(e) DEFINITIONS.—In this section:

(1) The term "cruel, inhuman, or degrading treatment or punishment" means the cruel, unusual, and inhumane treatment or punishment prohibited by the 5th amendment, 8th amendment, or 14th amendment to the Constitution.

(2) The term "Geneva Conventions" means—

(A) the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, done at Geneva August 12, 1949 (6 UST 3114);

(B) the Convention for the Amelioration of the Condition of the Wounded, Sick, and Shipwrecked Members of Armed Forces at Sea, done at Geneva August 12, 1949 (6 UST 3217);

(C) the Convention Relative to the Treatment of Prisoners of War, done at Geneva August 12, 1949 (6 UST 3316); and

(D) the Convention Relative to the Protection of Civilian Persons in Time of War, done at Geneva August 12, 1949 (6 UST 3516).

(3) The term "Secretary" means the Secretary of Defense.

(4) The term "torture" has the meaning given that term in section 2340 of title 18, United States Code.

SEC. 1058. UNITED NATIONS OIL-FOR-FOOD PROGRAM.

(a) RESPONSIBILITY OF INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE FOR SECURITY OF DOCUMENTS.—(1) The Inspector General of the Department of Defense, in cooperation with the Director of the Defense Contract Audit Agency and the Director of the Defense Contract Management Agency, shall ensure, not later than June 30, 2004, the security of all documents relevant to the United Nations Oil-for-Food Program that are in the possession or control of the Coalition Provisional Authority.

(2) The Inspector General shall—

(A) maintain copies of all such documents in the United States at the Department of Defense; and

(B) not later than August 31, 2004, deliver a complete set of all such documents to the Comptroller General of the United States.

(b) Cooperation in Investigations.—Each head of an Executive agency, including the Department of State, the Department of Defense, the Department of the Treasury, and the Central Intelligence Agency, and the Administrator of the Coalition Provisional Authority shall, upon a request in connection with an investigation of the United Nations Oil-for-Food Program made by the chairman of the Committee on Foreign Relations, the Committee on Armed Services, the Committee on the Judiciary, the Committee on Governmental Affairs, the Select Committee on Intelligence, the Permanent Subcommittee on Investigations, or other committee of the Senate with relevant jurisdiction, promptly provide to such chairman—

(1) access to any information and documents described in subsections (a) or (c) that are under the control of such agency and responsive to the request; and

(2) assistance relating to access to and utilization of such information and documents.

(c) Information From the United Nations.—(1) The Secretary of State shall use the voice and vote of the United States in the United Nations to urge the Secretary-General of the United Nations to provide the United States copies of all audits and core documents related to the United Nations Oil-for-Food Program.

(2) It is the sense of Congress that, pursuant to section 941(b)(6) of the United Nations Reform Act of 1999 (title IX of division A of H.R. 3427 of the 106th Congress, as enacted into law by section 1000(a)(7) of Public Law 106–113; 113 Stat. 1501A-480), the Comptroller General of the United States should have full and complete access to financial data relating to the United Nations, including information related to the financial transactions, organization, and activities of the United Nations Oil-for-Food Program.

(3) The Secretary of State shall facilitate the providing of access to the Comptroller General to the financial data described in paragraph (2).

(d) Review of Oil-for-Food Program by Comptroller General.—(1) The Comptroller General of the United States shall conduct a review of United States oversight of the United Nations Oil-for-Food Program. The review—

(A) in accordance with Generally Accepted Government Auditing Standards, should not interfere with any ongoing criminal investigations or inquiries related to the Oil-for-Food program; and

(B) may take into account the results of any investigations or inquiries related to the Oil-for-Food program.

(2) The head of each Executive agency shall fully cooperate with the review under this subsection.

(e) Executive Agency Defined.—In this section, the term "Executive agency" has the meaning given that term in section 105 of title 5, United States Code.

SEC. 1059. SENSE OF CONGRESS ON THE GLOBAL PARTNERSHIP AGAINST THE SPREAD OF WEAPONS OF MASS DESTRUCTION.

It is the sense of Congress that the President should be commended for the steps taken at the G–8 summit at Sea Island, Georgia, on June 8–10, 2004, to demonstrate continued support for the Global Partnership against the Spread of Nuclear Weapons and Materials of Mass Destruction and to expand the Partnership by welcoming new members and using the Partnership to coordinate nonproliferation projects in Libya, Iraq, and other countries; and that the President should—

(1) expand the membership of donor nations to the Partnership;

(2) insure that Russia remains the primary partner of the Partnership while also seeking to fund through the Partnership efforts in other countries with potentially vulnerable weapons or materials;

(3) develop for the Partnership clear program goals;

(4) develop for the Partnership transparent project prioritization and planning;

(5) develop for the Partnership project implementation milestones under periodic review;

(6) develop under the Partnership agreements between partners for project implementation; and

(7) give high priority and senior-level attention to resolving disagreements on site access and worker liability under the Partnership.

SEC. 1059A. EXCEPTION TO BILATERAL AGREEMENT REQUIREMENTS FOR TRANSFERS OF DEFENSE ITEMS.

(a) Findings.—Congress makes the following findings:

(1) Close defense cooperation between the United States and each of the United Kingdom and Australia requires interoperability among the armed forces of those countries.

(2) The need for interoperability must be balanced with the need for appropriate and effective regulation of trade in defense items.

(3) The Arms Export Control Act (22 U.S.C. 2751 et seq.) authorizes the executive branch to administer arms export policies enacted by Congress in the exercise of its constitutional power to regulate commerce with foreign nations.

(4) The executive branch has exercised its authority under the Arms Export Control Act, in part, through the International Traffic in Arms Regulations.

(5) Agreements to gain exemption from the International Traffic in Arms Regulations must be submitted to Congress for review.

(b) Definitions.—In this section:

(1) Appropriate congressional committees.—The term "appropriate congressional committees" means—

(A) the Committee on Foreign Relations and the Committee on Armed Services of the Senate; and

(B) the Committee on International Relations and the Committee on Armed Services of the House of Representatives.

(2) Defense items.—The term "defense items" has the meaning given the term in section 38 of the Arms Export Control Act (22 U.S.C. 2778).

(3) International traffic in arms regulations.—The term "International Traffic in Arms Regulations" means the regulations maintained under parts 120 through 130 of title 22, Code of Federal Regulations, and any successor regulations.

(c) Exceptions From Bilateral Agreement Requirements.—

(1) In general.—Subsection (j) of section 38 of the Arms Export Control Act (22 U.S.C. 2778) is amended—

(A) by redesignating paragraph (4) as paragraph (5); and

(B) by inserting after paragraph (3) the following new paragraph (4):

"(4) Exceptions from bilateral agreement requirements.—

"(A) Australia.—Subject to section 1055 of the National Defense Authorization Act for Fiscal Year 2005, the requirements for a bilateral agreement described in paragraph (2)(A) shall not apply to a bilateral agreement between the United States Government and the Government of Australia with respect to transfers or changes in end use of defense items within Australia that will remain subject to the licensing requirements of this Act after such agreement enters into force.

"(B) United kingdom.—Subject to section 1055 of the National Defense Authorization Act for Fiscal Year 2005, the requirements for a bilateral agreement described in paragraphs (1)(A)(ii), (2)(A)(i), and (2)(A)(ii) shall not apply to a bilateral agreement between the United States Government and the Government of the United Kingdom for an exemption from the licensing requirements of this Act.".

(2) Conforming amendment.—Paragraph (2) of such subsection is amended in the matter preceding subparagraph (A) by striking "A bilateral agreement" and inserting "Except as provided in paragraph (4), a bilateral agreement".

(d) Certifications.—Not later than 30 days before authorizing an exemption from the licensing requirements of the International Traffic in Arms Regulations in accordance with any bilateral agreement entered into with the United Kingdom or Australia under section 38(j) of the Arms Export Control Act (22 U.S.C. 2778(j)), as amended by subsection (c), the President shall certify to the appropriate congressional committees that such agreement—

(1) is in the national interest of the United States and will not in any way affect the goals and policy of the United States under section 1 of the Arms Export Control Act (22 U.S.C. 2751);

(2) does not adversely affect the efficacy of the International Traffic in Arms Regulations to provide consistent and adequate controls for licensed exports of United States defense items; and

(3) will not adversely affect the duties or requirements of the Secretary of State under the Arms Export Control Act.

(e) Notification of Bilateral Licensing Exemptions.—Not later than 30 days before authorizing an exemption from the licensing requirements of the International Traffic in Arms Regulations in accordance with any bilateral agreement entered into with the United Kingdom or Australia under section 38(j) of the Arms Export Control Act (22 U.S.C. 2778(j)), as amended by subsection (c), the President shall submit to the appropriate congressional committees the text of the regulations that authorize such a licensing exemption.

(f) Report on Consultation Issues.—Not later than one year after the date of the enactment of this Act and annually thereafter for each of the following 5 years, the President shall submit to the appropriate congressional committees a report on issues raised during the previous year in consultations conducted under the terms of any bilateral agreement entered into with Australia under section 38(j) of the Arms Export Control Act, or under the terms of any bilateral agreement entered into with the United Kingdom under such section, for exemption from the licensing requirements of the Arms Export Control Act (22 U.S.C. 2751 et seq.). Each report shall contain—

(1) information on any notifications or consultations between the United States and the United Kingdom under the terms of any agreement with the United Kingdom, or between the United States and Australia under the terms of any agreement with Australia, concerning the modification, deletion, or addition of defense items on the United States

Munitions List, the United Kingdom Military List, or the Australian Defense and Strategic Goods List;

(2) a list of all United Kingdom or Australia persons and entities that have been designated as qualified persons eligible to receive United States origin defense items exempt from the licensing requirements of the Arms Export Control Act under the terms of such agreements, and listing any modification, deletion, or addition to such lists, pursuant to the requirements of any agreement with the United Kingdom or any agreement with Australia;

(3) information on consultations or steps taken pursuant to any agreement with the United Kingdom or any agreement with Australia concerning cooperation and consultation with either government on the effectiveness of the defense trade control systems of such government;

(4) information on provisions and procedures undertaken pursuant to—

(A) any agreement with the United Kingdom with respect to the handling of United States origin defense items exempt from the licensing requirements of the Arms Export Control Act by persons and entities qualified to receive such items in the United Kingdom; and

(B) any agreement with Australia with respect to the handling of United States origin defense items exempt from the licensing requirements of the Arms Export Control Act by persons and entities qualified to receive such items in Australia;

(5) information on any new understandings, including the text of such understandings, between the United States and the United Kingdom concerning retransfer of United States origin defense items made pursuant to any agreement with the United Kingdom to gain exemption from the licensing requirements of the Arms Export Control Act;

(6) information on consultations with the Government of the United Kingdom or the Government of Australia concerning the legal enforcement of any such agreements;

(7) information on United States origin defense items with respect to which the United States has provided an exception under the Memorandum of Understanding between the United States and the United Kingdom and any agreement between the United States and Australia from the requirement for United States Government re-export consent that was not provided for under United States laws and regulations in effect on the date of the enactment of this Act; and

(8) information on any significant concerns that have arisen between the Government of Australia or the Government of the United Kingdom and the United States Government concerning any aspect of any bilateral agreement between such country and the United States to gain exemption from the licensing requirements of the Arms Export Control Act.

(g) SPECIAL NOTIFICATIONS.—

(1) REQUIRED NOTIFICATIONS.—The Secretary of State shall notify the appropriate congressional committees not later than 90 days after receiving any credible information regarding an unauthorized end-use or diversion of United States exports of goods or services made pursuant to any agreement with a country to gain exemption from the licensing requirements of the Arms Export Control Act. The notification shall be made in a manner that is consistent with any ongoing efforts to investigate and commence civil actions or criminal investigations or prosecutions regarding such matters and may be made in classified or unclassified form.

(2) CONTENT.—The notification regarding an unauthorized end-use or diversion of goods or services under paragraph (1) shall include—

(A) a description of the goods or services;

(B) the United States origin of the good or service;

(C) the authorized recipient of the good or service;

(D) a detailed description of the unauthorized end-use or diversion, including any knowledge by the United States exporter of such unauthorized end-use or diversion;

(E) any enforcement action taken by the Government of the United States; and

(F) any enforcement action taken by the government of the recipient nation.

SEC. 1059B. REDESIGNATION AND MODIFICATION OF AUTHORITIES RELATING TO INSPECTOR GENERAL OF THE COALITION PROVISIONAL AUTHORITY.

(a) REDESIGNATION.—(1) Subsections (b) and (c)(1) of section 3001 of the Emergency Supplemental Appropriations Act for Defense and Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1234; 5 U.S.C. App. 3 section 8G note) are each amended by striking "Office of the Inspector General of the Coalition Provisional Authority" and inserting "Office of the Special Inspector General for Iraq Reconstruction".

(2) Subsection (c)(1) of such section is further amended by striking "Inspector General of the Coalition Provisional Authority" and inserting "Special Inspector General for Iraq Reconstruction (in this section referred to as the 'Inspector General')".

(3)(A) The heading of such section is amended to read as follows:

"SEC. 3001. SPECIAL INSPECTOR GENERAL FOR IRAQ RECONSTRUCTION.".

(B) The heading of title III of such Act is amended to read as follows:

"TITLE III—SPECIAL INSPECTOR GENERAL FOR IRAQ RECONSTRUCTION".

(b) CONTINUATION IN OFFICE.—The individual serving as the Inspector General of the Coalition Provisional Authority as of the date of the enactment of this Act may continue to serve in that position after that date without reappointment under paragraph (1) of section 3001(c) of the Emergency Supplemental Appropriations Act for Defense and Reconstruction of Iraq and Afghanistan, 2004, but remaining subject to removal as specified in paragraph (4) of that section.

(c) PURPOSES.—Subsection (a) of such section is amended—

(1) in paragraph (1), by striking "of the Coalition Provisional Authority (CPA)" and inserting "funded with amounts appropriated or otherwise made available to the Iraq Relief and Reconstruction Fund";

(2) in paragraph (2)(B), by striking "fraud" and inserting "waste, fraud,"; and

(3) in paragraph (3), by striking "the head of the Coalition Provisional Authority" and inserting "the Secretary of State and the Secretary of Defense".

(d) RESPONSIBILITIES OF ASSISTANT INSPECTOR GENERAL FOR AUDITING.—Subsection (d)(1) of such section is amended by striking "of the Coalition Provisional Authority" and inserting "supported by the Iraq Relief and Reconstruction Fund".

(e) SUPERVISION.—Such section is further amended—

(1) in subsection (e)(1), by striking "the head of the Coalition Provisional Authority" and inserting "the Secretary of State and the Secretary of Defense";

(2) in subsection (h)—

(A) in paragraphs (4)(B) and (5), by striking "head of the Coalition Provisional Authority" and inserting "Secretary of State"; and

(B) in paragraph (5), by striking "at the central and field locations of the Coalition Provisional Authority" and inserting "at appropriate locations of the Department of State in Iraq";

(3) in subsection (j)—

(A) in paragraph (1), by striking "the head of the Coalition Provisional Authority" and inserting "the Secretary of State and the Secretary of Defense"; and

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking "the head of the Coalition Provisional Authority" the first place it appears and inserting "the Secretary of State or the Secretary of Defense"; and

(II) by striking "the head of the Coalition Provisional Authority considers" the second place it appears and inserting "the Secretary of State or the Secretary of Defense, as the case may be, consider"; and

(ii) in subparagraph (B), by striking "the head of the Coalition Provisional Authority considers" and inserting "the Secretary of State or the Secretary of Defense, as the case may be, consider"; and

(4) in subsection (k), by striking "the head of the Coalition Provisional Authority shall" each place it appears and inserting "the Secretary of State and the Secretary of Defense shall jointly".

(f) DUTIES.—Subsection (f)(1) of such section is amended by striking "appropriated funds by the Coalition Provisional Authority in Iraq" and inserting "amounts appropriated or otherwise made available to the Iraq Relief and Reconstruction Fund".

(g) COORDINATION WITH INSPECTOR GENERAL OF DEPARTMENT OF STATE.—Subsection (f) of such section is further amended striking paragraphs (4) and (5) and inserting the following new paragraph (4):

"(4) In carrying out the duties, responsibilities, and authorities of the Inspector General under this section, the Inspector General shall coordinate with, and receive the cooperation of, each of the following:

"(A) The Inspector General of the Department of Defense.

"(B) The Inspector General of the United States Agency for International Development.

"(C) The Inspector General of the Department of State.".

(h) POWERS AND AUTHORITIES.—Subsection (g) of such section is amended by inserting before the period the following: ", including the authorities under subsection (e) of such section".

(i) REPORTS.—Subsection (i) of such section is amended—

(1) in paragraph (1)—

(A) in the first sentence, by striking "and every calendar quarter thereafter," and all that follows through "the Coalition Provisional Authority" and inserting "again on July 30, 2004, and every calendar quarter thereafter, the Inspector General shall submit to the appropriate committees of Congress a report summarizing the activities of the Inspector General and the programs and operations funded with amounts appropriated or otherwise made available to the Iraq Relief and Reconstruction Fund";

(B) in subparagraph (B), by striking "the Coalition Provisional Authority" and inserting "the Department of Defense, the Department of State, and the United States Agency for International Development, as applicable,";

(C) in subparagraph (E), by striking "appropriated funds" and inserting "such amounts"; and

(D) in subparagraph (F), by striking "the Coalition Provisional Authority" and inserting "the contracting department or agency";

(2) in paragraph (2), by striking "by the Coalition Provisional Authority" and inserting "by any department or agency of the United States Government that involves the use of amounts appropriated or otherwise made available to the Iraq Relief and Reconstruction Fund";

(3) in paragraph (3), by striking "June 30, 2004" and inserting "July 30, 2004"; and

(4) in paragraph (4), by striking "the Coalition Provisional Authority" and inserting "the Department of State and of the Department of Defense".

(j) TERMINATION.—Subsection (o) of such section is amended to read as follows:

"(o) TERMINATION.—The Office of the Inspector General shall terminate on the date that is 10 months after the date, as determined by the Secretary of State, on which 80 percent of the amounts appropriated or otherwise made available to the Iraq Relief and Reconstruction Fund by chapter 2 of title II of this Act have been obligated.".

SEC. 1059C. TREATMENT OF FOREIGN PRISONERS.

(a) POLICY.—(1) It is the policy of the United States to treat all foreign persons captured, detained, interned or otherwise held in the custody of the United States (hereinafter "prisoners") humanely and in accordance with standards that the United States would consider legal if perpetrated by the enemy against an American prisoner.

(2) It is the policy of the United States that all officials of the United States are bound both in wartime and in peacetime by the legal prohibition against torture, cruel, inhuman or degrading treatment.

(3) If there is any doubt as to whether prisoners are entitled to the protections afforded by the Geneva Conventions, such prisoners shall enjoy the protections of the Geneva Conventions until such time as their status can be determined pursuant to the procedures authorized by Army Regulation 190-8, Section 1-6.

(4) It is the policy of the United States to expeditiously prosecute cases of terrorism or other criminal acts alleged to have been committed by prisoners in the custody of the United States Armed Forces at Guantanamo Bay, Cuba, in order to avoid the indefinite detention of prisoners, which is contrary to the legal principles and security interests of the United States.

(b) REPORTING.—The Department of Defense shall submit to the appropriate congressional committees:

(1) A quarterly report providing the number of prisoners who were denied Prisoner of War (POW) status under the Geneva Conventions and the basis for denying POW status to each such prisoner.

(2) A report setting forth—

(A) the proposed schedule for military commissions to be held at Guantanamo Bay, Cuba; and

(B) the number of individuals currently held at Guantanamo Bay, Cuba, the number of such individuals who are unlikely to face a military commission in the next six months, and the reason(s) for not bringing such individuals before a military commission.

(3) All International Committee of the Red Cross reports, completed prior to the enactment of this Act, concerning the treatment of prisoners in United States custody at Guantanamo Bay, Cuba, Iraq, and Afghanistan. Such ICRC reports should be provided, in classified form, not later than 15 days after enactment of this Act.

(4) A report setting forth all prisoner interrogation techniques approved by officials of the United States.

(c) ANNUAL TRAINING REQUIREMENT.—The Department of Defense shall certify that all Federal employees and civilian contractors engaged in the handling and/or interrogating of prisoners have fulfilled an annual training requirement on the laws of war, the Geneva Conventions and the obligations of the United States under international humanitarian law.

Subtitle G—Other Matters

SEC. 1061. TECHNICAL AMENDMENTS RELATING TO DEFINITIONS OF GENERAL APPLICABILITY IN TITLE 10, UNITED STATES CODE.

(a) CLARIFICATION OF DEFINITION OF "OPERATIONAL RANGE".—Section 101(e)(3) of title 10, United States Code, is amended by striking "Secretary of Defense" and inserting "Secretary of a military department".

(b) AMENDMENTS RELATING TO DEFINITION OF CONGRESSIONAL DEFENSE COMMITTEES.—(1) Section 2215 of title 10, United States Code, is amended—

(A) in subsection (a)—

(i) by striking "(a) CERTIFICATION REQUIRED.—"; and

(ii) by striking "congressional committees specified in subsection (b)" and inserting "congressional defense committees"; and

(B) by striking subsection (b).

(2) Section 2515(d) of such title is amended—

(A) by striking "REPORT.—(1)" and inserting "REPORT.—";

(B) by striking "congressional committees specified in paragraph (2)" and inserting "congressional defense committees"; and

(C) by striking paragraph (2).

(3) Section 2676(d) of such title is amended by striking "appropriate committees of Congress" in the first sentence and inserting "congressional defense committees".

SEC. 1062. TWO-YEAR EXTENSION OF AUTHORITY OF SECRETARY OF DEFENSE TO ENGAGE IN COMMERCIAL ACTIVITIES AS SECURITY FOR INTELLIGENCE COLLECTION ACTIVITIES ABROAD.

Section 431(a) of title 10, United States Code, is amended by striking "December 31, 2004" and inserting "December 31, 2006".

SEC. 1063. LIABILITY PROTECTION FOR PERSONS VOLUNTARILY PROVIDING MARITIME-RELATED SERVICES ACCEPTED BY THE NAVY.

Section 1588(d)(1) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

"(F) In the case of a person aboard a sailing vessel of the Navy to engage in the training of Navy personnel or in a competition involving Navy personnel, the following provisions of law relating to claims in admiralty for damages or loss:

"(i) The Act entitled 'An Act authorizing suits against the United States in admiralty, suits for salvage services, and providing for the release of merchant vessels belonging to the United States from arrest and attachment in foreign jurisdictions, and for other purposes', approved March 9, 1920 (commonly known as the 'Suits in Admiralty Act') (46 U.S.C. App. 741 et seq.).

"(ii) The Act entitled 'An Act authorizing suits against the United States in admiralty for damage caused by and salvage services rendered to public vessels belonging to the United States, and for other purposes', approved March 3, 1925 (commonly known as the 'Public Vessels Act') (46 U.S.C. App. 781 et seq.).".

SEC. 1064. LICENSING OF INTELLECTUAL PROPERTY.

(a) AUTHORITY.—Subchapter II of chapter 134 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2260. Licensing of intellectual property: retention of fees

"(a) AUTHORITY.—Under regulations prescribed by the Secretary of Defense, the Secretary concerned may license trademarks, service marks, certification marks, and collective marks owned or controlled by the Secretary concerned and may retain and expend fees received from such licensing in accordance with this section.

"(b) DESIGNATED MARKS.—The Secretary concerned shall designate the trademarks, service marks, certification marks, and collective marks as to which the Secretary exercises the authority to retain licensing fees under this section.

"(c) USE OF FEES.—The Secretary concerned shall use fees retained under this section for purposes as follows:

"(1) For payment of the following costs incurred by the Secretary:

"(A) Costs of securing trademark registrations.

"(B) Costs of operating the licensing program under this section.

"(2) For morale, welfare, and recreation activities under the jurisdiction of the Secretary, to the extent (if any) that the total amount of the licensing fees available under this section for a fiscal year exceed the total amount needed for such fiscal year under paragraph (1).

"(d) AVAILABILITY.—Fees received in a fiscal year and retained under this section shall be available for obligations in such fiscal year and the following two fiscal years.

"(e) DEFINITIONS.—In this section, the terms 'trademark', 'service mark', 'certification mark', and 'collective mark' have the meanings given such terms in section 45 of the Act entitled 'An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes', approved July 5, 1946 (commonly referred to as the 'Trademark Act of 1946') (15 U.S.C. 1127).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"2260. Licensing of intellectual property: retention of fees.".

SEC. 1065. DELAY OF ELECTRONIC VOTING DEMONSTRATION PROJECT.

Section 1604(a) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1277; 42 U.S.C. 1973ff note) is amended—

(1) in paragraph (1), by striking "2002" and inserting "2006"; and

(2) in paragraph (2)—

(A) by striking "2002" and inserting "2006"; and

(B) by striking "2004" and inserting "2008".

SEC. 1066. WAR RISK INSURANCE FOR MERCHANT MARINE VESSELS.

(a) EXTENSION OF AUTHORITY.—Section 1214 of the Merchant Marine Act, 1936 (46 U.S.C. App. 1294) is amended by striking "June 30, 2005" and inserting "December 31, 2008".

(b) INVESTMENT OF FUNDS EXCESS TO SHORT-TERM NEEDS.—Section 1208 of such Act (46 U.S.C. App. 1288) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) in subsection (a), by striking "Upon the request of the Secretary of Transportation," and all that follows and inserting the following:

"(b)(1) The Secretary of Transportation may request the Secretary of the Treasury to invest such portion of the insurance fund under subsection (a) as is not, in the judgment of the Secretary of Transportation, required to meet the current needs of the fund. The Secretary of the Treasury may make the requested investments.

"(2) Investments under paragraph (1) shall be made in public debt securities of the United States that—

"(A) mature at times suitable to the needs of the insurance fund; and

"(B) bear interest rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity.

"(3) The interest and benefits accruing from securities under this subsection shall be deposited to the credit of the insurance fund.".

SEC. 1067. REPEAL OF QUARTERLY REPORTING REQUIREMENT CONCERNING PAYMENTS FOR DISTRICT OF COLUMBIA WATER AND SEWER SERVICES AND ESTABLISHMENT OF ANNUAL REPORT BY TREASURY.

(a) Water and Water Service Supplied for the Use of the Government of the United States.—Section 106(b)(5) of the District of Columbia Public Works Act of 1954 (sec. 34–2401.25(b), D.C. Official Code), as amended by section 401 of the Miscellaneous Appropriations Act, 2001 (as enacted by reference in section 1(a)(4) of the Consolidated Appropriations Act, 2001), is amended to read as follows:

"(5) Not later than the 15th day of the month following the beginning of the fiscal year (beginning with fiscal year 2005), the Secretary of the Treasury with respect to each Federal department, establishment, or agency receiving water services from the District of Columbia shall submit a report to the Committee on Government Reform of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committees on Appropriations of the House of Representatives and Senate analyzing the promptness of payment with respect to the services furnished to such department, establishment, or agency.".

(b) Sanitary Sewer Service Charges for United States Government.—Section 212(b)(5) of the District of Columbia Public Works Act of 1954 (sec. 34–2112(b), D.C. Official Code), as amended by section 401 of the Miscellaneous Appropriations Act, 2001 (as enacted by reference in section 1(a)(4) of the Consolidated Appropriations Act, 2001), is amended to read as follows:

"(5) Not later than the 15th day of the month following the beginning of the fiscal year (beginning with fiscal year 2005), the Secretary of the Treasury with respect to each Federal department, establishment, or agency receiving sanitary sewer services from the District of Columbia shall submit a report to the Committee on Government Reform of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committees on Appropriations of the House of Representatives and Senate analyzing the promptness of payment with respect to the services furnished to such department, establishment, or agency.".

SEC. 1068. RECEIPT OF PAY BY RESERVES FROM CIVILIAN EMPLOYERS WHILE ON ACTIVE DUTY IN CONNECTION WITH A CONTINGENCY OPERATION.

Section 209 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(h) This section does not prohibit a member of the reserve components of the armed forces on active duty pursuant to a call or order to active duty under a provision of law referred to in section 101(a)(13) of title 10 from receiving from any person that employed such member before the call or order to active duty any payment of any part of the salary or wages that such person would have paid the member if the member's employment had not been interrupted by such call or order to active duty.".

SEC. 1069. PROTECTION OF ARMED FORCES PERSONNEL FROM RETALIATORY ACTIONS FOR COMMUNICATIONS MADE THROUGH THE CHAIN OF COMMAND.

(a) Protected Communications.—Section 1034(b)(1)(B) of title 10, United States Code, is amended—

(1) by striking "or" at the end of clause (iii)"; and

(2) by striking clause (iv) and inserting the following:

"(iv) any person or organization in the chain of command; or

"(v) any other person or organization designated pursuant to regulations or other established administrative procedures for such communications.".

(b) Effective Date and Applicability.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act and shall apply with respect to any unfavorable personnel action taken or threatened, and any withholding of or threat to withhold a favorable personnel action, on or after that date.

SEC. 1070. MISSILE DEFENSE COOPERATION.

(a) Department of State Procedures for Expedited Review of Licenses for the Transfer of Defense Items Related to Missile Defense.—

(1) Expedited procedures.—The Secretary of State shall, in consultation with the Secretary of Defense, establish procedures for considering technical assistance agreements and related amendments and munitions license applications for the export of defense items related to missile defense not later than 30 days after receiving such agreements, amendments, and munitions license applications, except in cases in which the Secretary of State determines that additional time is required to complete a review of a technical assistance agreement or related amendment or a munitions license application for foreign policy or national security reasons, including concerns regarding the proliferation of ballistic missile technology.

(2) Study on comprehensive authorizations for missile defense.—The Secretary of State shall, in consultation with the Secretary of Defense, examine the feasibility of providing major project authorizations for programs related to missile defense similar to the comprehensive export authorization specified in section 126.14 of the International Traffic in Arms Regulations (section 126.14 of title 22, Code of Federal Regulations).

(3) Report.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall, in consultation with the Secretary of Defense, submit to the Committee on Foreign Relations and the Committee on Armed Services of the Senate and the Committee on International Relations and the Committee on Armed Services of the House of Representatives a report on—

(A) the implementation of the expedited procedures required under paragraph (1); and

(B) the feasibility of providing the major project authorization for projects related to missile defense described in paragraph (2).

(b) Department of Defense Procedures for Expedited Review of Licenses for the Transfer of Defense Items Related to Missile Defense.—

(1) Procedures.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of State, prescribe procedures to increase the efficiency and transparency of the practices used by the Department of Defense to review technical assistance agreements and related amendments and munitions license applications related to international cooperation on missile defense that are referred to the Department.

(2) Report.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on International Relations of the House of Representatives a report—

(A) describing actions taken by the Secretary of Defense to coordinate with the Secretary of State the establishment of the expedited review process described in subsection (a)(1);

(B) identifying key defense items related to missile defense that are suitable for comprehensive licensing procedures; and

(C) describing the procedures prescribed pursuant to paragraph (1).

(c) Definition of Defense Items.—In this section, the term "defense items" has the meaning given that term in section 38(j)(4)(A) of the Arms Export Control Act (22 U.S.C. 2778(j)(4)(A)).

SEC. 1071. POLICY ON NONPROLIFERATION OF BALLISTIC MISSILES.

(a) Policy.—It is the policy of the United States to develop, support, and strengthen international accords and other cooperative efforts to curtail the proliferation of ballistic missiles and related technologies which could threaten the territory of the United States, allies and friends of the United States, and deployed members of the Armed Forces of the United States with weapons of mass destruction.

(b) Sense of Congress.—(1) Congress makes the following findings:

(A) Certain countries are seeking to acquire ballistic missiles and related technologies that could be used to attack the United States or place at risk United States interests, forward-deployed members of the Armed Forces, and allies and friends of the United States.

(B) Certain countries continue to actively transfer or sell ballistic missile technologies in contravention of standards of behavior established by the United States and allies and friends of the United States.

(C) The spread of ballistic missiles and related technologies worldwide has been slowed by a combination of national and international export controls, forward-looking diplomacy, and multilateral interdiction activities to restrict the development and transfer of such weapons and technologies.

(2) It is the sense of Congress that—

(A) the United States should vigorously pursue foreign policy initiatives aimed at eliminating, reducing, or retarding the proliferation of ballistic missiles and related technologies; and

(B) the United States and the international community should continue to support and strengthen established international accords and other cooperative efforts, including United Nations Security Council Resolution 1540 and the Missile Technology Control Regime, that are designed to eliminate, reduce, or retard the proliferation of ballistic missiles and related technologies.

SEC. 1072. REIMBURSEMENT FOR CERTAIN PROTECTIVE, SAFETY, OR HEALTH EQUIPMENT PURCHASED BY OR FOR MEMBERS OF THE ARMED FORCES FOR DEPLOYMENT IN OPERATIONS IN IRAQ AND CENTRAL ASIA.

(a) Reimbursement Required.—(1) Subject to subsections (c) and (d), the Secretary of Defense shall reimburse a member of the Armed Forces, or a person or entity referred to in paragraph (2), for the cost (including shipping cost) of any protective, safety, or health equipment that was purchased by such member, or such person or entity on behalf of such member, before or during the deployment of such member in Operation Noble Eagle, Operation Enduring Freedom, or Operation Iraqi Freedom for the use of such member in connection with such operation if the unit commander of such member certifies that such equipment was critical to the protection, safety, or health of such member.

(2) A person or entity referred to in this paragraph is a family member or relative of a member of the Armed Forces, a non-profit organization, or a community group.

(b) Covered Protective, Safety, and Health Equipment.—(1) Subject to paragraph (2), protective, safety, and health equipment for which reimbursement shall be made under subsection (a) shall include personal body armor, collective armor or protective equipment (including armor or protective equipment for high mobility multipurpose wheeled vehicles), and items provided through the Rapid Fielding Initiative of the Army such as the advanced (on-the-move) hydration system, the advanced combat helmet, the close combat optics system, a Global Positioning System (GPS) receiver, and a soldier intercommunication device.

(2) Non-military equipment may be treated as protective, safety, and health equipment for purposes of paragraph (1) only if such equipment provides protection, safety, or health benefits, as the case may be, such as would be provided by equipment meeting military specifications.

(c) Limitations Regarding Date of Purchase of Equipment.—(1) In the case of armor or protective equipment for high mobility multi-purpose wheeled vehicles (known as HUMVEEs), reimbursement shall be made under subsection (a) only for armor or equipment purchased during the period beginning on September 11, 2001, and ending on July 31, 2004 or any date thereafter as determined by the Secretary of Defense.

(2) In the case of any other protective, safety, and health equipment, reimbursement shall be made under subsection (a) only for equipment purchased during the period beginning on September 11, 2001, and ending on December 31, 2003 or any date thereafter as determined by the Secretary of Defense.

(d) Limitation Regarding Amount of Reimbursement.—The aggregate amount of reimbursement provided under subsection (a) for any protective, safety, and health equipment purchased by or on behalf of any given member of the Armed Forces may not exceed the lesser of—

(1) the cost of such equipment (including shipping cost); or

(2) $1,100.

(e) Ownership of Equipment.—The Secretary may provide, in regulations prescribed by the Secretary, that the United States shall assume title or ownership of any protective, safety, or health equipment for which reimbursement is provided under subsection (a).

(f) Funding.—Amounts for reimbursements under subsection (a) shall be derived from any amounts authorized to be appropriated by this Act.

SEC. 1073. PRESERVATION OF SEARCH AND RESCUE CAPABILITIES OF THE FEDERAL GOVERNMENT.

The Secretary of Defense may not reduce or eliminate search and rescue capabilities at any military installation in the United States unless the Secretary first certifies to the Committees on Armed Services of the Senate and the House of Representatives that equivalent search and rescue capabilities will be provided, without interruption and consistent with the policies and objectives set forth in the United States National Search and Rescue Plan entered into force on January 1, 1999, by—

(1) the Department of Interior, the Department of Commerce, the Department of Homeland Security, the Department of Transportation, the Federal Communications Commission, or the National Aeronautics and Space Administration; or

(2) the Department of Defense, either directly or through a Department of Defense contract with an emergency medical service provider or other private entity to provide such capabilities.

SEC. 1074. GRANT OF FEDERAL CHARTER TO KOREAN WAR VETERANS ASSOCIATION, INCORPORATED.

(a) Grant of Charter.—Part B of subtitle II of title 36, United States Code, is amended—

(1) by striking the following:

"CHAPTER 1201—[RESERVED]"; and

(2) by inserting the following:

"CHAPTER 1201—KOREAN WAR VETERANS ASSOCIATION, INCORPORATED

"Sec.
"120101. Organization.
"120102. Purposes.
"120103. Membership.
"120104. Governing body.
"120105. Powers.
"120106. Restrictions.
"120107. Duty to maintain corporate and tax-exempt status.
"120108. Records and inspection.
"120109. Service of process.
"120110. Liability for acts of officers and agents.
"120111. Annual report.

"§ 120101. Organization

"(a) Federal Charter.—Korean War Veterans Association, Incorporated (in this chapter, the 'corporation'), incorporated in the State of New York, is a federally chartered corporation.

"(b) Expiration of Charter.—If the corporation does not comply with the provisions of this chapter, the charter granted by subsection (a) expires.

"§ 120102. Purposes

"The purposes of the corporation are as provided in its articles of incorporation and include—

"(1) organizing, promoting, and maintaining for benevolent and charitable purposes an association of persons who have seen honorable service in the Armed Forces during the Korean War, and of certain other persons;

"(2) providing a means of contact and communication among members of the corporation;

"(3) promoting the establishment of, and establishing, war and other memorials commemorative of persons who served in the Armed Forces during the Korean War; and

"(4) aiding needy members of the corporation, their wives and children, and the widows and children of persons who were members of the corporation at the time of their death.

"§ 120103. Membership

"Eligibility for membership in the corporation, and the rights and privileges of members of the corporation, are as provided in the bylaws of the corporation.

"§ 120104. Governing body

"(a) Board of Directors.—The board of directors of the corporation, and the responsibilities of the board of directors, are as provided in the articles of incorporation of the corporation.

"(b) Officers.—The officers of the corporation, and the election of the officers of the corporation, are as provided in the articles of incorporation.

"§ 120105. Powers

"The corporation has only the powers provided in its bylaws and articles of incorporation filed in each State in which it is incorporated.

"§ 120106. Restrictions

"(a) Stock and Dividends.—The corporation may not issue stock or declare or pay a dividend.

"(b) Political Activities.—The corporation, or a director or officer of the corporation as such, may not contribute to, support, or participate in any political activity or in any manner attempt to influence legislation.

"(c) Loan.—The corporation may not make a loan to a director, officer, or employee of the corporation.

"(d) Claim of Governmental Approval or Authority.—The corporation may not claim congressional approval, or the authority of the United States, for any of its activities.

"§ 120107. Duty to maintain corporate and tax-exempt status

"(a) Corporate Status.—The corporation shall maintain its status as a corporation incorporated under the laws of the State of New York.

"(b) Tax-Exempt Status.—The corporation shall maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.).

"§ 120108. Records and inspection

"(a) Records.—The corporation shall keep—

"(1) correct and complete records of account;

"(2) minutes of the proceedings of its members, board of directors, and committees having any of the authority of its board of directors; and

"(3) at its principal office, a record of the names and addresses of its members entitled to vote on matters relating to the corporation.

"(b) Inspection.—A member entitled to vote on matters relating to the corporation, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

"§ 120109. Service of process

"The corporation shall have a designated agent in the District of Columbia to receive service of process for the corporation. Notice to or service on the agent is notice to or service on the Corporation.

"§ 120110. Liability for acts of officers and agents

"The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

"§ 120111. Annual report

"The corporation shall submit an annual report to Congress on the activities of the corporation during the preceding fiscal year. The report shall be submitted at the same time as the report of the audit required by section 10101 of this title. The report may not be printed as a public document.".

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of subtitle II of title 36, United States Code, is amended by striking the item relating to chapter 1201 and inserting the following new item:

"1201. Korean War Veterans Association, Incorporated ....120101".

SEC. 1075. COORDINATION OF USERRA WITH THE INTERNAL REVENUE CODE OF 1986.

(a) FINDINGS.—Congress makes the following findings:

(1) Employers of reservists called up for active duty are required to treat them as if they are on a leave of absence or furlough under the Uniformed Services Employment and Reemployment Rights Act of 1994 (in this section referred to as "USERRA").

(2) USERRA does not require employers to pay reservists who are on active duty, but many employers pay the reservists the difference between their military stipends and their regular salaries. Some employers provide this "differential pay" for up to 3 years.

(3) For employee convenience, many of these employers also allow deductions from the differential payments for contributions to employer-provided retirement savings plans.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Internal Revenue Service should, to the extent it is able within its authority, provide guidance consistent with the goal of promoting and ensuring the validity of voluntary differential pay arrangements, benefits payments, and contributions to retirement savings plans related thereto.

SEC. 1076. AERIAL FIREFIGHTING EQUIPMENT.

(a) FINDINGS.—Congress makes the following findings:

(1) The National Interagency Fire Center does not possess an adequate number of aircraft for use in aerial firefighting and personnel at the Center rely on military aircraft to provide such firefighting services.

(2) It is in the national security interest of the United States for the National Interagency Fire Center to purchase aircraft for use in aerial firefighting so that military aircraft used for aerial firefighting may be available for use by the Armed Forces.

(b) AUTHORITY TO PURCHASE AERIAL FIREFIGHTING EQUIPMENT.—(1) The Secretary of Agriculture is authorized to purchase 10 aircraft, as described in paragraph (2), for the National Interagency Fire Center for use in aerial firefighting.

(2) The aircraft referred to in paragraph (1) shall be—

(A) aircraft that are specifically designed and built for aerial firefighting;

(B) certified by the Administrator of the Federal Aviation Administration for use in aerial firefighting; and

(C) manufactured in a manner that is consistent with the recommendations for aircraft used in aerial firefighting contained in—

(i) the Blue Ribbon Panel Report to the Chief of the Forest Service and the Director of the Bureau of Land Management dated December 2002; and

(ii) the Safety Recommendation of the Chairman of the National Transportation Safety Board related to aircraft used in aerial firefighting dated April 23, 2004.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Agriculture for fiscal year 2005 such funds as may be necessary to purchase the 10 aircraft described in subsection (b).

SEC. 1077. SENSE OF SENATE ON AMERICAN FORCES RADIO AND TELEVISION SERVICE.

(a) FINDINGS.—The Senate makes the following findings:

(1) It is the mission of the American Forces Radio and Television Service to provide United States military commanders overseas and at sea with a broadcast media resource to effectively communicate Department of Defense, Service-unique, theater, and local command information to personnel under their commands and to provide United States military members, Department of Defense civilians, and their families stationed outside the continental United States and at sea with the same type and quality of American radio and television news, information, sports, and entertainment that would be available to them if they were in the continental United States.

(2) Key principles of American Forces Radio and Television Service broadcasting policy, as outlined in Department of Defense Regulation 5120.20R, are to ensure political programming characterized by fairness and balance and to provide a free flow of political programming from United States commercial and public networks without manipulation or censorship of any news content to the men and women of the Armed Forces and their dependents.

(3) The stated policy of the American Forces Radio and Television Service is to select programming that represents a cross-section of popular American radio and television offerings and to emulate stateside scheduling and programming seen and heard in the United States.

(4) It is the policy of American Forces Radio and Television Service to select news and public affairs programs for airing that provide balance and diversity from available nationally recognized program sources, including broadcast and cable networks, Headquarters, American Forces Radio and Television Service, the military departments, and other government or public service agencies.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the mission statement and policies of the American Forces Radio and Television Service appropriately state the goal of maintaining equal opportunity balance with respect to political programming and that the Secretary of Defense should therefore ensure that these policies are fully being implemented by developing appropriate methods of oversight to ensure presentation of all sides of important public questions with the fairness and balance envisioned by the Department of Defense throughout the American Forces Radio and Television Service system.

SEC. 1078. SENSE OF CONGRESS ON AMERICA'S NATIONAL WORLD WAR I MUSEUM.

(a) FINDINGS.—Congress makes the following findings:

(1) The Liberty Memorial Museum in Kansas City, Missouri, was built in 1926 in honor of those individuals who served in World War I in defense of liberty and the Nation.

(2) The Liberty Memorial Association, a nonprofit organization which originally built the Liberty Memorial Museum, is responsible for the finances, operations, and collections management of the Liberty Memorial Museum.

(3) The Liberty Memorial Museum is the only public museum in the Nation that exists for the exclusive purpose of interpreting the experiences of the United States and its allies in the World War I years (1914–1918), both on the battlefield and on the home front.

(4) The Liberty Memorial Museum project began after the 1918 Armistice through the efforts of a large-scale, grass-roots civic and fundraising effort by the citizens and veterans of the Kansas City metropolitan area. After the conclusion of a national architectural design competition, ground was broken in 1921, construction began in 1923, and the Liberty Memorial Museum was opened to the public in 1926.

(5) In 1994, the Liberty Memorial Museum closed for a massive restoration and expansion project. The restored museum reopened to the public on Memorial Day, 2002, during a gala rededication ceremony.

(6) Exhibits prepared for the original museum buildings presaged the dramatic, underground expansion of core exhibition gallery space, with over 30,000 square feet of new interpretive and educational exhibits currently in development. The new exhibits, along with an expanded research library and archives, will more fully utilize the many thousands of historical objects, books, maps, posters, photographs, diaries, letters, and reminiscences of World War I participants that are preserved for posterity in the Liberty Memorial Museum's collections. The new core exhibition is scheduled to open on Veterans Day, 2006.

(7) The City of Kansas City, the State of Missouri, and thousands of private donors and philanthropic foundations have contributed millions of dollars to build and later to restore this national treasure. The Liberty Memorial Museum continues to receive the strong support of residents from the States of Missouri and Kansas and across the Nation.

(8) Since the restoration and rededication of 2002, the Liberty Memorial Museum has attracted thousands of visitors from across the United States and many foreign countries.

(9) There remains a need to preserve in a museum setting evidence of the honor, courage, patriotism, and sacrifice of those Americans who offered their services and who gave their lives in defense of liberty during World War I, evidence of the roles of women and African Americans during World War I, and evidence of other relevant subjects.

(10) The Liberty Memorial Museum seeks to educate a diverse group of audiences through its comprehensive collection of historical materials, emphasizing eyewitness accounts of the participants on the battlefield and the home front and the impact of World War I on individuals, then and now. The Liberty Memorial Museum continues to actively acquire and preserve such materials.

(11) A great opportunity exists to use the invaluable resources of the Liberty Memorial Museum to teach the "Lessons of Liberty" to the Nation's schoolchildren through on-site visits, classroom curriculum development, distance learning, and other educational initiatives.

(12) The Liberty Memorial Museum should always be the Nation's museum of the national experience in the World War I years (1914–1918), where people go to learn about

this critical period and where the Nation's history of this monumental struggle will be preserved so that generations of the 21st century may understand the role played by the United States in the preservation and advancement of democracy, freedom, and liberty in the early 20th century.

(13) This initiative to recognize and preserve the history of the Nation's sacrifices in World War I will take on added significance as the Nation approaches the centennial observance of this event.

(14) It is fitting and proper to refer to the Liberty Memorial Museum as "America's National World War I Museum".

(b) Sense of Congress.—Congress—

(1) recognizes the Liberty Memorial Museum in Kansas City, Missouri, including the museum's future and expanded exhibits, collections, library, archives, and educational programs, as "America's National World War I Museum";

(2) recognizes that the continuing collection, preservation, and interpretation of the historical objects and other historical materials held by the Liberty Memorial Museum enhance the knowledge and understanding of the Nation's people of the American and allied experience during the World War I years (1914–1918), both on the battlefield and on the home front;

(3) commends the ongoing development and visibility of "Lessons of Liberty" educational outreach programs for teachers and students throughout the Nation; and

(4) encourages the need for present generations to understand the magnitude of World War I, how it shaped the Nation, other countries, and later world events, and how the sacrifices made then helped preserve liberty, democracy, and other founding principles for generations to come.

SEC. 1079. REDUCTION OF BARRIERS FOR HISPANIC-SERVING INSTITUTIONS IN DEFENSE CONTRACTS, DEFENSE RESEARCH PROGRAMS, AND OTHER MINORITY-RELATED DEFENSE PROGRAMS.

Section 502(a)(5)(C) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)(5)(C)) is amended by inserting before the period the following: ", which assurances—

"(i) may employ statistical extrapolation using appropriate data from the Bureau of the Census or other appropriate Federal or State sources; and

"(ii) the Secretary shall consider as meeting the requirements of this subparagraph, unless the Secretary determines, based on a preponderance of the evidence, that the assurances do not meet the requirements".

SEC. 1080. EXTENSION OF SCOPE AND JURISDICTION FOR CURRENT FRAUD OFFENSES.

(a) Statements or Entries Generally.—Section 1001 of title 18, United States Code, is amended by adding at the end the following:

"(d) Jurisdiction.—There is extraterritorial Federal jurisdiction over an offense under this section.

"(e) Prosecution.—A prosecution for an offense under this section may be brought—

"(1) in accordance with chapter 211 of this title; or

"(2) in any district where any act in furtherance of the offense took place.".

(b) Major Fraud Against the United States.—Section 1031 of title 18, United States Code, is amended by adding at the end the following:

"(i) Jurisdiction.—There is extraterritorial Federal jurisdiction over an offense under this section.

"(j) Prosecution.—A prosecution for an offense under this section may be brought—

"(1) in accordance with chapter 211 of this title;

"(2) in any district where any act in furtherance of the offense took place; or

"(3) in any district where any party to the contract or provider of goods or services is located.".

SEC. 1081. CONTRACTOR ACCOUNTABILITY.

Section 3267(1)(A) of title 18, United States Code, is amended to read as follows:

"(A) employed as—

"(i) a civilian employee of—

"(I) the Department of Defense (including a nonappropriated fund instrumentality of the Department); or

"(II) any other Federal agency, or any provisional authority, to the extent such employment relates to supporting the mission of the Department of Defense overseas;

"(ii) a contractor (including a subcontractor at any tier) of—

"(I) the Department of Defense (including a nonappropriated fund instrumentality of the Department); or

"(II) any other Federal agency, or any provisional authority, to the extent such employment relates to supporting the mission of the Department of Defense overseas; or

"(iii) an employee of a contractor (or subcontractor at any tier) of—

"(I) the Department of Defense (including a nonappropriated fund instrumentality of the Department); or

"(II) any other Federal agency, or any provisional authority, to the extent such employment relates to supporting the mission of the Department of Defense overseas;".

SEC. 1082. DEFINITION OF UNITED STATES.

Section 2340(3) of title 18, United States Code, is amended to read as follows:

"(3) 'United States' means the several States of the United States, the District of Columbia, and the commonwealths, territories, and possessions of the United States.".

SEC. 1083. MENTOR-PROTEGE PILOT PROGRAM.

Section 831(m)(2) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2302 note) is amended—

(1) in subparagraph (D), by striking "or" at the end;

(2) in subparagraph (E), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(F) a small business concern owned and controlled by service–disabled veterans (as defined in section 8(d)(3) of the Small Business Act); and

"(G) a qualified HUBZone small business concern (as defined in section 3(p) of the Small Business Act).".

SEC. 1084. BROADCAST DECENCY ENFORCEMENT ACT OF 2004.

(a) Short Title.—This section may be cited as the "Broadcast Decency Enforcement Act of 2004".

(b) Purpose.—The purpose of this section is to increase the Federal Communications Commission's (FCC) authority to fine for indecent broadcasts and prevent further relaxation of the media ownership rules in order to stem the rise of indecent programming.

(c) Findings.—The Congress makes the following findings:

(1) Since 1996 there has been significant consolidation in the media industry, including:

(A) Radio.—Clear Channel Communications went from owning 43 radio stations prior to 1996 to over 1,200 as of January 2003; Cumulus Broadcasting, Inc. was established in 1997 and owned 266 stations as of December 2003, making it the second-largest radio ownership company in the country; and Infinity Broadcasting Corporation went from owning 43 radio stations prior to 1996 to over 185 stations as of June 2004;

(B) Television.—Viacom/CBS's national ownership of television stations increased from 31.53 percent of United States television households prior to 1996 to 38.9 percent in 2004; GE/NBC's national ownership of television stations increased from 24.65 percent prior to 1996 to 33.56 percent in 2004; News Corp./Fox's national ownership of television stations increased from 22.05 percent prior to 1996 to 37.7 percent in 2004;

(C) Media mergers.—In 2000, Viacom merged with CBS and UPN; in 2002, GE/NBC merged with Telemundo Communications, Inc. and in 2004 with Vivendi Universal Entertainment; in 2003 News Corp./Fox acquired a controlling interest in DirecTV; in 2000, Time Warner, Inc. merged with America Online.

(2) Over the same period that there has been significant consolidation in the media industry, the number of indecency complaints also has increased dramatically. The largest owners of television and radio broadcast holdings have received the greatest number of indecency complaints and the largest fines, including:

(A) Over 80 percent of the fines proposed by the Federal Communications Commission for indecent broadcasts were against stations owned by two of the top three radio companies. The top radio company alone accounts for over two-thirds of the fines proposed by the FCC;

(B) Two of the largest fines proposed by the FCC were against two of the top three radio companies;

(C) In 2004, the FCC received over 500,000 indecency complaints in response to the Superbowl Halftime show aired on CBS and produced by MTV, both of which are owned by Viacom. This is the largest number of complaints ever received by the FCC for a single broadcast;

(D) The number of indecency complaints increased from 111 in 2000 to 240,350 in 2003;

(3) Media conglomerates do not consider or reflect local community standards.

(A) The FCC has no record of a television station owned by one of the big four networks (Viacom/CBS, Disney/ABC, News Corp./Fox or GE/NBC) pre-empting national programming for failing to meet community standards;

(B) FCC records show that non-network owned stations have often rejected national network programming found to be indecent and offensive to local community standards;

(C) A letter from an owned and operated station manager to a viewer stated that programming decisions are made by network headquarters and not the local owned and operated television station management;

(D) The Parents Television Council has found that the "losers" of network ownership "are the local communities whose standards of decency are being ignored;"

(4) The Senate Commerce Committee has found that the current fines do not deter indecent broadcast because they are merely the cost of doing business for large media companies. Therefore, in order to prevent the continued rise of indecency violations, the FCC's authority for indecency fines should be increased and further media consolidation should be prevented.

(d) Increase in Penalties for Obscene, Indecent, and Profane Broadcast.—Section 503(b)(2) of the Communications Act of 1934 (47 U.S.C. 503(b)(2)) is amended.—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively;

(2) by inserting after subparagraph (B) the following new subparagraph:

"(C) Notwithstanding subparagraph (A), if the violator is—

"(i)(I) a broadcast station licensee or permittee; or

"(II) an applicant for any broadcast license, permit, certificate, or other instrument or authorization issued by the Commission; and

"(ii) determined by the Commission under paragraph (1) to have broadcast obscene, indecent, or profane language, the amount of any forfeiture penalty determined under this subsection shall not exceed $275,000 for each violation or each day of a continuing violation, except that the amount assessed for any continuing violation shall not exceed a total of $3,000,000 for any single act or failure to act."; and

(3) in subparagraph (D), as redesignated by paragraph (1), by striking "subparagraph (A) or (B)" and inserting "subparagraph (A), (B), or (C)".

(e) NEW BROADCAST MEDIA OWNERSHIP RULES SUSPENDED.—

(1) SUSPENSION.—Subject to the provisions of paragraphs(d)(2), the broadcast media ownership rules adopted by the Federal Communications Commission on June 2, 2003, pursuant to its proceeding on broadcast media ownership rules, Report and Order, FCC–03–127, published at 68 FR 46286, August 5, 2003, shall be invalid and without legal effect.

(2) CLARIFICATION.—The provisions of paragraph (1) shall not supersede the amendments made by section 629 of the Miscellaneous Appropriations and Offsets Act, 2004 (Public Law 108–199).

(f) ADDITIONAL FACTORS IN INDECENCY PENALTIES; EXCEPTION.—Section 503(b)(2) of the Communications Act of 1934 (47 U.S.C. 503(b)(2)), is further amended by adding at the end the following:

"(F) In the case of a violation in which the violator is determined by the Commission under paragraph (1) to have uttered obscene, indecent, or profane material, the Commission shall take into account, in addition to the matters described in subparagraph (E), the following factors with respect to the degree of culpability of the violator:

"(i) Whether the material uttered by the violator was live or recorded, scripted or unscripted.

"(ii) Whether the violator had a reasonable opportunity to review recorded or scripted programming or had a reasonable basis to believe live or unscripted programming would contain obscene, indecent, or profane material.

"(iii) If the violator originated live or unscripted programming, whether a time delay blocking mechanism was implemented for the programming.

"(iv) The size of the viewing or listening audience of the programming.

"(v) Whether the obscene incident or profane language was within live programming not produced by the station licensee or permitee.

"(vi) The size of the market.

"(vii) Whether the violation occurred during a children's television program (as such term is used in the Children's Television Programming Policy referenced in section 73.4050(c) of the Commission's regulations (47 C.F.R. 73.4050(c)) or during a television program rated TVY, TVY7, TVY7FV, or TVG under the TV Parental Guidelines as such ratings were approved by the Commission in implementation of section 551 of the Telecommunications Act of 1996, Video Programming Ratings, Report and Order, CS Docket No. 97-55, 13 F.C.C. Rcd. 8232 (1998)), and, with respect to a radio broadcast station licensee, permittee, or applicant, whether the target audience was primarily comprised of, or should reasonably have been expected to be primarily comprised of, children."

"(G) The Commission may double the amount of any forfeiture penalty (not to exceed $550,000 for the first violation, $750,000 for the second violation, and $1,000,000 for the third or any subsequent violation not to exceed up to $3,000,000 for all violations in a 24-hour time period notwithstanding section 503(b)(2)(C)) if the Commission determines additional factors are present which are aggravating in nature, including—

"(i) whether the material uttered by the violator was recorded or scripted;

"(ii) whether the violator had a reasonable opportunity to review recorded or scripted programming or had a reasonable basis to believe live or unscripted programming would contain obscene, indecent, or profane material;

"(iii) whether the violator failed to block live or unscripted programming;

"(iv) whether the size of the viewing or listening audience of the programming was substantially larger than usual, such as a national or international championship sporting event or awards program; and

"(v) whether the violation occured during a children's television program (as defined in subparagraph (F) (vii))."

SEC. 1085. CHILDREN'S PROTECTION FROM VIOLENT PROGRAMMING ACT.

(a) SHORT TITLE.—This section may be cited as the "Children's Protection from Violent Programming Act".

(b) FINDINGS.—The Congress makes the following findings:

(1) Television influences children's perception of the values and behavior that are common and acceptable in society.

(2) Broadcast television, cable television, and video programming are—

(A) uniquely pervasive presences in the lives of all American children; and

(B) readily accessible to all American children.

(3) Violent video programming influences children, as does indecent programming.

(4) There is empirical evidence that children exposed to violent video programming at a young age have a higher tendency to engage in violent and aggressive behavior later in life than those children not so exposed.

(5) There is empirical evidence that children exposed to violent video programming have a greater tendency to assume that acts of violence are acceptable behavior and therefore to imitate such behavior.

(6) There is empirical evidence that children exposed to violent video programming have an increased fear of becoming a victim of violence, resulting in increased self-protective behaviors and increased mistrust of others.

(7) There is a compelling governmental interest in limiting the negative influences of violent video programming on children.

(8) There is a compelling governmental interest in channeling programming with violent content to periods of the day when children are not likely to comprise a substantial portion of the television audience.

(9) A significant amount of violent programming that is readily accessible to minors remains unrated specifically for violence and therefore cannot be blocked solely on the basis of its violent content.

(10) Age-based ratings that do not include content rating for violence do not allow parents to block programming based solely on violent content thereby rendering ineffective any technology-based blocking mechanism designed to limit violent video programming.

(11) The most recent study of the television ratings system by the Kaiser Family Foundation concludes that 79 percent of violent programming is not specifically rated for violence.

(12) Technology-based solutions, such as the V-chip, may be helpful in protecting some children, but cannot achieve the compelling governmental interest in protecting all children from violent programming when parents are only able to block programming that has, in fact, been rated for violence.

(13) Restricting the hours when violent programming can be shown protects the interests of children whose parents are unavailable, unable to supervise their children's viewing behavior, do not have the benefit of technology-based solutions, are unable to afford the costs of technology-based solutions, or are unable to determine the content of those shows that are only subject to age-based ratings.

(14) After further study, pursuant to a rulemaking, the Federal Communications Commission may conclude that content-based ratings and blocking technology do not effectively protect children from the harm of violent video programming.

(15) If the Federal Communications Commission reaches the conclusion described in paragraph (14), the channeling of violent video programming will be the least restrictive means of limiting the exposure of children to the harmful influences of violent video programming.

SEC. 1086. ASSESSMENT OF EFFECTIVENESS OF CURRENT RATING SYSTEM FOR VIOLENCE AND EFFECTIVENESS OF V-CHIP IN BLOCKING VIOLENT PROGRAMMING.

(a) REPORT.—The Federal Communications Commission shall—

(1) assess the effectiveness of measures to require television broadcasters and multichannel video programming distributors (as defined in section 602(13) of the Communications Act of 1934 (47 U.S.C. 522(13)) to rate and encode programming that could be blocked by parents using the V-chip undertaken under section 715 of the Communications Act of 1934 (47 U.S.C. 715) and under subsections (w) and (x) of section 303 of that Act (47 U.S.C. 303(w) and (x)) in accomplishing the purposes for which they were enacted; and

(2) report its findings to the Committee on Commerce, Science, and Transportation of the United States Senate and the Committee on Energy and Commerce of the United States House of Representatives, within 12 months after the date of enactment of this Act, and annually thereafter.

(b) ACTION.—If the Commission finds at any time, as a result of its ongoing assessment under subsection (a), that the measures referred to in subsection (a)(1) are insufficiently effective, then the Commission shall complete a rulemaking within 270 days after the date on which the Commission makes that finding to prohibit the distribution of violent video programming during the hours when children are reasonably likely to comprise a substantial portion of the audience.

(c) DEFINITIONS.—Any term used in this section that is defined in section 715 of the Communications Act of 1934 (47 U.S.C. 715), or in regulations under that section, has the same meaning as when used in that section or in those regulations.

SEC. 1087. UNLAWFUL DISTRIBUTION OF VIOLENT VIDEO PROGRAMMING THAT IS NOT SPECIFICALLY RATED FOR VIOLENCE AND THEREFORE IS NOT BLOCKABLE.

Title VII of the Communications Act of 1934 (47 U.S.C. 701 et seq.) is amended by adding at the end the following:

"SEC. 715. UNLAWFUL DISTRIBUTION OF VIOLENT VIDEO PROGRAMMING NOT SPECIFICALLY BLOCKABLE BY ELECTRONIC MEANS.

"(a) UNLAWFUL DISTRIBUTION.—It shall be unlawful for any person to distribute to the public any violent video programming not blockable by electronic means specifically on the basis of its violent content during hours when children are reasonably likely to comprise a substantial portion of the audience.

"(b) RULEMAKING PROCEEDING.—The Commission shall conduct a rulemaking proceeding to implement the provisions of this section and shall promulgate final regulations pursuant to that proceeding not later than 9 months after the date of enactment of the Children's Protection from Violent Programming Act. As part of that proceeding, the Commission—

"(1) may exempt from the prohibition under subsection (a) programming (including news programs and sporting events) whose distribution does not conflict with the objective of protecting children from the negative influences of violent video programming, as that objective is reflected in the findings in section 551(a) of the Telecommunications Act of 1996;

"(2) shall exempt premium and pay-per-view cable programming and premium and pay-per-view direct-to-home satellite programming; and

"(3) shall define the term 'hours when children are reasonably likely to comprise a substantial portion of the audience' and the term 'violent video programming'.

"(c) ENFORCEMENT.—

"(1) FORFEITURE PENALTY.—The forfeiture penalties established by section 503(b) for violations of section 1464 of title 18, United States Code, shall apply to a violation of this section, or any regulation promulgated under it in the same manner as if a violation of this section, or such a regulation, were a violation of law subject to a forfeiture penalty under that section.

"(2) LICENSE REVOCATION.—If a person repeatedly violates this section or any regulation promulgated under this section, the Commission shall, after notice and opportunity for hearing, revoke any license issued to that person under this Act.

"(3) LICENSE RENEWALS.—The Commission shall consider, among the elements in its review of an application for renewal of a license under this Act, whether the licensee has complied with this section and the regulations promulgated under this section.

"(d) DEFINITIONS.—For purposes of this section—

"(1) BLOCKABLE BY ELECTRONIC MEANS.—The term 'blockable by electronic means' means blockable by the feature described in section 303(x).

"(2) DISTRIBUTE.—The term 'distribute' means to send, transmit, retransmit, telecast, broadcast, or cablecast, including by wire, microwave, or satellite, but it does not include the transmission, retransmission, or receipt of any voice, data, graphics, or video telecommunications accessed through an interactive computer service as defined in section 230(f)(2) of the Communications Act of 1934 (47 U.S.C. 230(f)(2)), which is not originated or transmitted in the ordinary course of business by a television broadcast station or multichannel video programming distributor as defined in section 602(13) of that Act (47 U.S.C. 522(13)).

"(3) VIOLENT VIDEO PROGRAMMING.—The term 'violent video programming' as defined by the Commission may include matter that is excessive or gratuitous violence within the meaning of the 1992 Broadcast Standards for the Depiction of Violence in Television Programs, December 1992.".

SEC. 1088. SEPARABILITY.

If any provision of this title, or any provision of an amendment made by this title, or the application thereof to particular persons or circumstances, is found to be unconstitutional, the remainder of this title or that amendment, or the application thereof to other persons or circumstances shall not be affected.

SEC. 1089. EFFECTIVE DATE.

The prohibition contained in section 715 of the Communications Act of 1934 (as added by section 204 of this title) and the regulations promulgated thereunder shall take effect 1 year after the regulations are adopted by the Commission.

SEC. 1090. PILOT PROGRAM ON CRYPTOLOGIC SERVICE TRAINING.

(a) PROGRAM AUTHORIZED.—The Director of the National Security Agency may carry out a pilot program on cryptologic service training for the intelligence community.

(b) OBJECTIVE OF PROGRAM.—The objective of the pilot program is to increase the number of qualified entry-level language analysts and intelligence analysts available to the National Security Agency and the other elements of the intelligence community through the directed preparation and recruitment of qualified entry-level language analysts and intelligence analysts who commit to a period of service or a career in the intelligence community.

(c) PROGRAM SCOPE.—The pilot program shall be national in scope.

(d) PROGRAM PARTICIPANTS.—(1) Subject to the provisions of this subsection, the Director shall select the participants in the pilot program from among individuals qualified to participate in the pilot program utilizing such procedures as the Director considers appropriate for purposes of the pilot program.

(2) Each individual who receives financial assistance under the pilot program shall perform one year of obligated service with the National Security Agency, or another element of the intelligence community approved by the Director, for each academic year for which such individual receives such financial assistance upon such individual's completion of post-secondary education.

(3) Each individual selected to participate in the pilot program shall be qualified for a security clearance appropriate for the individual under the pilot program.

(4) The total number of participants in the pilot program at any one time may not exceed 400 individuals.

(e) PROGRAM MANAGEMENT.—In carrying out the pilot program, the Director shall—

(1) identify individuals interested in working in the intelligence community, and committed to taking college-level courses that will better prepare them for a career in the intelligence community as a language analysts or intelligence analyst;

(2) provide each individual selected for participation in the pilot program—

(A) financial assistance for the pursuit of courses at institutions of higher education selected by the Director in fields of study that will qualify such individual for employment by an element of the intelligence community as a language analyst or intelligence analyst; and

(B) educational counseling on the selection of courses to be so pursued; and

(3) provide each individual so selected information on the opportunities available for employment in the intelligence community.

(f) DURATION OF PROGRAM.—(1) The Director shall terminate the pilot program not later than six years after the date of the enactment of this Act.

(2) The termination of the pilot program under paragraph (1) shall not prevent the Director from continuing to provide assistance, counseling, and information under subsection (e) to individuals who are participating in the pilot program on the date of termination of the pilot program throughout the academic year in progress as of that date.

SEC. 1091. ENERGY SAVINGS PERFORMANCE CONTRACTS.

(a) IN GENERAL.—Section 801(c) of the National Energy Conservation Policy Act (42 U.S.C. 8287(c)) is amended by striking "2003" and inserting "2005".

(b) PAYMENT OF COSTS.—Section 802 of the National Energy Conservation Policy Act (42 U.S.C. 8287a) is amended by inserting ", water, or wastewater treatment" after "payment of energy".

(c) ENERGY SAVINGS.—Section 804(2) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(2)) is amended to read as follows:

"(2) The term 'energy savings' means a reduction in the cost of energy, water, or wastewater treatment, from a base cost established through a methodology set forth in the contract, used in an existing federally owned building or buildings or other federally owned facilities as a result of—

"(A) the lease or purchase of operating equipment, improvements, altered operation and maintenance, or technical services;

"(B) the increased efficient use of existing energy sources by cogeneration or heat recovery, excluding any cogeneration process for other than a federally owned building or buildings or other federally owned facilities; or

"(C) the increased efficient use of existing water sources in either interior or exterior applications.".

(d) ENERGY SAVINGS CONTRACT.—Section 804(3) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(3)) is amended to read as follows:

"(3) The terms 'energy savings contract' and 'energy savings performance contract' mean a contract that provides for the performance of services for the design, acquisition, installation, testing, and, where appropriate, operation, maintenance, and repair, of an identified energy or water conservation measure or series of measures at 1 or more locations. Such contracts shall, with respect to an agency facility that is a public building (as such term is defined in section 3301 of title 40, United States Code), be in compliance with the prospectus requirements and procedures of section 3307 of title 40, United States Code.".

(e) ENERGY OR WATER CONSERVATION MEASURE.—Section 804(4) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(4)) is amended to read as follows:

"(4) The term 'energy or water conservation measure' means—

"(A) an energy conservation measure, as defined in section 551; or

"(B) a water conservation measure that improves the efficiency of water use, is life-cycle cost-effective, and involves water conservation, water recycling or reuse, more efficient treatment of wastewater or stormwater, improvements in operation or maintenance efficiencies, retrofit activities, or other related activities, not at a Federal hydroelectric facility.''.

(f) REVIEW.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Energy shall complete a review of the Energy Savings Performance Contract program to identify statutory, regulatory, and administrative obstacles that prevent Federal agencies from fully utilizing the program. In addition, this review shall identify all areas for increasing program flexibility and effectiveness, including audit and measurement verification requirements, accounting for energy use in determining savings, contracting requirements, including the identification of additional qualified contractors, and energy efficiency services covered. The Secretary shall report these findings to Congress and shall implement identified administrative and regulatory changes to increase program flexibility and effectiveness to the extent that such changes are consistent with statutory authority.

(g) EXTENSION OF AUTHORITY.—Any energy savings performance contract entered into under section 801 of the National Energy Conservation Policy Act (42 U.S.C. 8287) after October 1, 2003, and before the date of enactment of this Act, shall be deemed to have been entered into pursuant to such section 801 as amended by subsection (a) of this section.

SEC. 1092. CLARIFICATION OF FISCAL YEAR 2004 FUNDING LEVEL FOR A NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACCOUNT.

For the purposes of applying sections 204 and 605 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2004 (division B of Public Law 108–199) to matters in title II of such Act under the heading ''NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY'' (118 Stat.69), in the account under the heading ''INDUSTRIAL TECHNOLOGY SERVICES'', the Secretary of Commerce shall make all determinations based on the Industrial Technology Services funding level of $218,782,000 for reprogramming and transferring of funds for the Manufacturing Extension Partnership program and shall submit such a reprogramming or transfer, as the case may be, to the appropriate committees within 30 days after the date of the enactment of this Act.

SEC. 1093. REPORT ON OFFSET REQUIREMENTS UNDER CERTAIN CONTRACTS.

Section 8138(b) of the Department of Defense Appropriations Act, 2004 (Public Law 108–87; 117 Stat. 1106; 10 U.S.C. 2532 note) is amended by adding at the end the following new paragraph:

''(4) The extent to which any foreign country imposes, whether by law or practice, offsets in excess of 100 percent on United States suppliers of goods or services, and the impact of such offsets with respect to employment in the United States, sales revenue relative to the value of such offsets, technology transfer of goods that are critical to the national security of the United States, and global market share of United States companies.''.

TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL POLICY

SEC. 1101. SCIENCE, MATHEMATICS, AND RESEARCH FOR TRANSFORMATION (SMART) DEFENSE SCHOLARSHIP PILOT PROGRAM.

(a) REQUIREMENT FOR PROGRAM.—(1) The Secretary of Defense shall carry out a pilot program to provide financial assistance for education in science, mathematics, engineering, and technology skills and disciplines that, as determined by the Secretary, are critical to the national security functions of the Department of Defense and are needed in the Department of Defense workforce.

(2) The pilot program under this section shall be carried out for three years beginning on October 1, 2004.

(b) SCHOLARSHIPS.—(1) Under the pilot program, the Secretary of Defense may award a scholarship in accordance with this section to a person who—

(A) is a citizen of the United States;

(B) is pursuing an undergraduate or advanced degree in a critical skill or discipline described in subsection (a) at an institution of higher education; and

(C) enters into a service agreement with the Secretary of Defense as described in subsection (c).

(2) The amount of the financial assistance provided under a scholarship awarded to a person under this subsection shall be the amount determined by the Secretary of Defense as being necessary to pay all educational expenses incurred by that person, including tuition, fees, cost of books, laboratory expenses, and expenses of room and board. The expenses paid, however, shall be limited to those educational expenses normally incurred by students at the institution of higher education involved.

(c) SERVICE AGREEMENT FOR RECIPIENTS OF ASSISTANCE.—(1) To receive financial assistance under this section—

(A) in the case of an employee of the Department of Defense, the employee shall enter into a written agreement to continue in the employment of the department for the period of obligated service determined under paragraph (2); and

(B) in the case of a person not an employee of the Department of Defense, the person shall enter into a written agreement to accept and continue employment in the Department of Defense for the period of obligated service determined under paragraph (2).

(2) For the purposes of this subsection, the period of obligated service for a recipient of a scholarship under this section shall be the period determined by the Secretary of Defense as being appropriate to obtain adequate service in exchange for the financial assistance provided under the scholarship. In no event may the period of service required of a recipient be less than the total period of pursuit of a degree that is covered by the scholarship. The period of obligated service is in addition to any other period for which the recipient is obligated to serve in the civil service of the United States.

(3) An agreement entered into under this subsection by a person pursuing an academic degree shall include any terms and conditions that the Secretary of Defense determines necessary to protect the interests of the United States or otherwise appropriate for carrying out this section.

(d) REFUND FOR PERIOD OF UNSERVED OBLIGATED SERVICE.—(1) A person who voluntarily terminates service before the end of the period of obligated service required under an agreement entered into under subsection (c) shall refund to the United States an amount determined by the Secretary of Defense as being appropriate to obtain adequate service in exchange for financial assistance.

(2) An obligation to reimburse the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

(3) The Secretary of Defense may waive, in whole or in part, a refund required under paragraph (1) if the Secretary determines that recovery would be against equity and good conscience or would be contrary to the best interests of the United States.

(4) A discharge in bankruptcy under title 11, United States Code, that is entered less than five years after the termination of an agreement under this section does not discharge the person signing such agreement from a debt arising under such agreement or under this subsection.

(e) RELATIONSHIP TO OTHER PROGRAMS.—The pilot program under this section is in addition to the authorities provided in chapter 111 of title 10, United States Code. The Secretary of Defense shall coordinate the provision of financial assistance under the authority of this section with the provision of financial assistance under the authorities provided in such chapter in order to maximize the benefits derived by the Department of Defense from the exercise of all such authorities.

(f) RECOMMENDATION ON PILOT PROGRAM.—Not later than February 1, 2007, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives a plan for expanding and improving the national defense science and engineering workforce educational assistance pilot program carried out under this section as appropriate to improve recruitment and retention to meet the requirements of the Department of Defense for its science and engineering workforce on a short-term basis and on a long-term basis.

(g) CRITICAL HIRING NEED.—Section 3304(a)(3) of title 5, United States Code, is amended by striking subparagraph (B) and inserting the following:

''(B)(i) the Office of Personnel Management has determined that there exists a severe shortage of candidates or there is a critical hiring need; or

''(ii) the candidate is a participant in the Science, Mathematics, and Research for Transformation (SMART) Defense Scholarship Pilot Program under section 1101 of the National Defense Authorization Act for Fiscal Year 2005.''.

(h) INSTITUTION OF HIGHER EDUCATION DEFINED.—In this section, the term ''institution of higher education'' has the meaning given such term in section 101 of the Higher Education Act of 1965 (21 U.S.C. 1001).

SEC. 1102. FOREIGN LANGUAGE PROFICIENCY PAY.

(a) ELIGIBILITY FOR SERVICE NOT RELATED TO CONTINGENCY OPERATIONS.—Section 1596a(a)(2) of title 10, United States Code, is amended by striking ''during a contingency operation supported by the armed forces''.

(b) EFFECTIVE DATE AND APPLICABILITY.—The amendment by this section shall take effect on October 1, 2004, and shall apply with respect to months beginning on or after such date.

SEC. 1103. PAY AND PERFORMANCE APPRAISAL PARITY FOR CIVILIAN INTELLIGENCE PERSONNEL.

(a) PAY RATES.—Section 1602(a) of title 10, United States Code, is amended by striking ''in relation to the rates of pay provided in subpart D of part III of title 5 for positions subject to that subpart which have corresponding levels of duties and responsibilities'' and inserting ''in relation to the rates of pay provided for comparable positions in the Department of Defense, including Senior

Executive Service positions (as defined in section 3132 of title 5) or other senior level positions".

(b) PERFORMANCE APPRAISAL SYSTEM.—Section 1606 of such title is amended by adding at the end the following new subsection:

"(d) PERFORMANCE APPRAISALS.—(1) The Defense Intelligence Senior Executive Service shall be subject to a performance appraisal system which, as designed and applied, is certified by the Secretary of Defense under section 5307 of title 5 as making meaningful distinctions based on relative performance.

"(2) The performance appraisal system applicable to the Defense Intelligence Senior Executive Service under paragraph (1) may be the same performance appraisal system that is established and implemented within the Department of Defense for members of the Senior Executive Service.".

SEC. 1104. ACCUMULATION OF ANNUAL LEAVE BY INTELLIGENCE SENIOR LEVEL EMPLOYEES.

Section 6304(f)(1) of title 5, United States Code, is amended—

(1) in the matter preceding subparagraph (A), by striking "in a position";

(2) in subparagraphs (A), (B), (C), (D), and (E), by inserting "a position in" before "the";

(3) by striking "or" at the end of subparagraph (D);

(4) by striking the period at the end of subparagraph (E) and inserting "; or"; and

(5) by adding at the end the following new subparagraph:

"(F) a position designated as an Intelligence Senior Level position under section 1607(a) of title 10.".

SEC. 1105. PAY PARITY FOR SENIOR EXECUTIVES IN DEFENSE NONAPPROPRIATED FUND INSTRUMENTALITIES.

(a) AUTHORITY.—Chapter 81 of title 10, United States Code, is amended by inserting after section 1587 the following new section:

"§ 1587a. Employees of nonappropriated fund instrumentalities: senior executive pay levels

"(a) AUTHORITY.—To achieve the objective stated in subsection (b), the Secretary of Defense may regulate the amount of total compensation that is provided for senior executives of nonappropriated fund instrumentalities who, for the fixing of pay by administrative action, are under the jurisdiction of the Secretary of Defense or the Secretary of a military department.

"(b) PAY PARITY.—The objective of an action taken with respect to the compensation of a senior executive under subsection (a) is to provide for parity between the total compensation provided for such senior executive and total compensation that is provided for Department of Defense employees in Senior Executive Service positions or other senior executive positions.

"(c) STANDARDS OF COMPARABILITY.—Subject to subsection (d), the Secretary of Defense shall prescribe the standards of comparison that are to apply in the making of the determinations necessary to achieve the objective stated in subsection (b).

"(d) ESTABLISHMENT OF PAY RATES.—The Secretary of Defense shall apply subsections (a) and (b) of section 5382 of title 5 in the regulation of compensation under this section.

"(e) RELATIONSHIP TO PAY LIMITATION.—The Secretary of Defense may exercise the authority provided in subsection (a) without regard to section 5373 of title 5.

"(f) DEFINITIONS.—In this section:

"(1) The term 'compensation' includes rate of basic pay.

"(2) The term 'Senior Executive Service position' has the meaning given such term in section 3132 of title 5.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1587 the following new item:

"1587a. Employees of nonappropriated fund instrumentalities: senior executive pay levels.".

SEC. 1106. HEALTH BENEFITS PROGRAM FOR EMPLOYEES OF NONAPPROPRIATED FUND INSTRUMENTALITIES.

(a) ESTABLISHMENT.—(1) Chapter 81 of title 10, United States Code, as amended by section 1105(a), is further amended by inserting after section 1587a the following new section:

"§ 1587b. Employees of nonappropriated fund instrumentalities: health benefits program

"(a) PROGRAM REQUIRED.—The Secretary of Defense shall provide a uniform health benefits program for employees of the Department of Defense assigned to a nonappropriated fund instrumentality of the United States.

"(b) EXEMPTION FROM STATE AND LOCAL LAWS, TAXES, AND OTHER REQUIREMENTS.—The exemption in section 8909(f) of title 5 shall apply to the program under subsection (a) and to a carrier, underwriting contractor, and plan administration contractor under such program in the same manner and to the same extent as such exemption applies under section 8909(f) of such title to an approved health benefits plan under chapter 89 of such title and a carrier, underwriting subcontractor, and plan administration subcontractor, respectively, of such a plan.".

(2) The table of sections at the beginning of such chapter, as amended by section 1105(b), is further amended by inserting after the item relating to section 1587a the following new item:

"1587b. Employees of nonappropriated fund instrumentalities: health benefits program.".

(b) REPEAL OF SUPERSEDED LAW.—Section 349 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2727; 10 U.S.C. 1587 note) is repealed.

SEC. 1107. BID PROTESTS BY FEDERAL EMPLOYEES IN ACTIONS UNDER OFFICE OF MANAGEMENT AND BUDGET CIRCULAR A–76.

(a) ELIGIBILITY TO PROTEST.—(1) Section 3551(2) of title 31, United States Code, is amended to read as follows:

"(2) The term 'interested party'—

"(A) with respect to a contract or a solicitation or other request for offers described in paragraph (1), means an actual or prospective bidder or offeror whose direct economic interest would be affected by the award of the contract or by failure to award the contract; and

"(B) with respect to a public-private competition conducted under Office of Management and Budget Circular A–76 regarding performance of an activity or function of a Federal agency, includes—

"(i) any official who submitted the agency tender in such competition; and

"(ii) any one person who, for the purpose of representing them in a protest under this subchapter that relates to such competition, has been designated as their agent by a majority of the employees of such Federal agency who are engaged in the performance of such activity or function.".

(2)(A) Subchapter V of chapter 35 of such title is amended by adding at the end the following new section:

"§ 3557. Expedited action in protests for public-private competitions

"For protests in cases of public-private competitions conducted under Office of Management and Budget Circular A–76 regarding performance of an activity or function of Federal agencies, the Comptroller General shall administer the provisions of this subchapter in a manner best suited for expediting final resolution of such protests and final action in such competitions.".

(B) The chapter analysis at the beginning of such chapter is amended by inserting after the item relating to section 3556 the following new item:

"3557. Expedited action in protests for public-private competitions.".

(b) RIGHT TO INTERVENE IN CIVIL ACTION.—Section 1491(b) of title 28, United States Code, is amended by adding at the end the following new paragraph:

"(5) If a private sector interested party commences an action described in paragraph (1) in the case of a public-private competition conducted under Office of Management and Budget Circular A–76 regarding performance of an activity or function of a Federal agency, then an official or person described in section 3551(2)(B) of title 31 shall be entitled to intervene in that action.".

(c) APPLICABILITY.—Subparagraph (B) of section 3551(2) of title 31, United States Code (as added by subsection (a)), and paragraph (5) of section 1491(b) of title 28, United States Code (as added by subsection (b)), shall apply to—

(1) protests and civil actions that challenge final selections of sources of performance of an activity or function of a Federal agency that are made pursuant to studies initiated under Office of Management and Budget Circular A–76 on or after January 1, 2004; and

(2) any other protests and civil actions that relate to public-private competitions initiated under Office of Management and Budget Circular A–76 on or after the date of the enactment of this Act.

SEC. 1108. REPORT ON HOW TO RECRUIT AND RETAIN INDIVIDUALS WITH FOREIGN LANGUAGE SKILLS.

(a) FINDINGS.—Congress makes the following findings:

(1) The Federal Government has a requirement to ensure that the employees of its departments and agencies with national security responsibilities are prepared to meet the challenges of this evolving international environment.

(2) According to a 2002 General Accounting Office report, Federal agencies have shortages in translators and interpreters and an overall shortfall in the language proficiency levels needed to carry out their missions which has adversely affected agency operations and hindered United States military, law enforcement, intelligence, counterterrorism, and diplomatic efforts.

(3) Foreign language skills and area expertise are integral to, or directly support, every foreign intelligence discipline and are essential factors in national security readiness, information superiority, and coalition peacekeeping or warfighting missions.

(4) Communicating in languages other than English and understanding and accepting cultural and societal differences are vital to the success of peacetime and wartime military and intelligence activities.

(5) Proficiency levels required for foreign language support to national security functions have been raised, and what was once considered proficiency is no longer the case. The ability to comprehend and articulate technical and complex information in foreign languages has become critical.

(6) According to the Joint Intelligence Committee Inquiry into the 9/11 Terrorist Attacks, the Intelligence Community had insufficient linguists prior to September 11, 2001, to handle the challenge it faced in translating the volumes of foreign language counterterrorism intelligence it collected. Agencies within the Intelligence Community experienced backlogs in material awaiting translation, a shortage of language specialists and language-qualified field officers, and a readiness level of only 30 percent in the most critical terrorism-related languages that are used by terrorists.

(7) Because of this shortage, the Federal Government has had to enter into private contracts to procure linguist and translator services, including in some positions that would be more appropriately filled by permanent Federal employees or members of the United States Armed Forces.

(b) Report.—In its fiscal year 2006 budget request, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives and the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives, a plan for expanding and improving the national security foreign language workforce of the Department of Defense as appropriate to improve recruitment and retention to meet the requirements of the Department for its foreign language workforce on a short-term basis and on a long-term basis.

SEC. 1109. PLAN ON IMPLEMENTATION AND UTILIZATION OF FLEXIBLE PERSONNEL MANAGEMENT AUTHORITIES IN DEPARTMENT OF DEFENSE LABORATORIES.

(a) Plan Required.—The Under Secretary of Defense for Acquisition, Technology, and Logistics and the Under Secretary of Defense for Personnel and Readiness shall jointly develop a plan for the effective utilization of the personnel management authorities referred to in subsection (b) in order to increase the mission responsiveness, efficiency, and effectiveness of Department of Defense laboratories.

(b) Covered Authorities.—The personnel management authorities referred to in this subsection are the personnel management authorities granted to the Secretary of Defense by the provisions of law as follows:

(1) Section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2721), as amended by section 1114 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398 (114 Stat. 1654A–315)).

(2) Section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 5 U.S.C. 3104 note).

(3) Such other provisions of law as the Under Secretaries jointly consider appropriate for purposes of this section.

(c) Plan Elements.—The plan under subsection (a) shall—

(1) include such elements as the Under Secretaries jointly consider appropriate to provide for the effective utilization of the personnel management authorities referred to in subsection (b) as described in subsection (a), including the recommendations of the Under Secretaries for such additional authorities, including authorities for demonstration programs or projects, as are necessary to achieve the effective utilization of such personnel management authorities; and

(2) include procedures, including a schedule for review and decisions, on proposals to modify current demonstration programs or projects, or to initiate new demonstration programs or projects, on flexible personnel management at Department laboratories

(d) Submittal to Congress.—The Under Secretaries shall jointly submit to Congress the plan under subsection (a) not later than February 1, 2006.

SEC. 1110. NONREDUCTION IN PAY WHILE FEDERAL EMPLOYEE IS PERFORMING ACTIVE SERVICE IN THE UNIFORMED SERVICES OR NATIONAL GUARD.

(a) Short Title.—This section may be cited as the "Reservists Pay Security Act of 2004".

(b) In General.—Subchapter IV of chapter 55 of title 5, United States Code, is amended by adding at the end the following:

"§ 5538. Nonreduction in pay while serving in the uniformed services or National Guard

"(a) An employee who is absent from a position of employment with the Federal Government in order to perform active duty in the uniformed services pursuant to a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10 shall be entitled, while serving on active duty, to receive, for each pay period described in subsection (b), an amount equal to the amount by which—

"(1) the amount of basic pay which would otherwise have been payable to such employee for such pay period if such employee's civilian employment with the Government had not been interrupted by that service, exceeds (if at all)

"(2) the amount of pay and allowances which (as determined under subsection (d))—

"(A) is payable to such employee for that service; and

"(B) is allocable to such pay period.

"(b)(1) Amounts under this section shall be payable with respect to each pay period (which would otherwise apply if the employee's civilian employment had not been interrupted)—

"(A) during which such employee is entitled to reemployment rights under chapter 43 of title 38 with respect to the position from which such employee is absent (as referred to in subsection (a)); and

"(B) for which such employee does not otherwise receive basic pay (including by taking any annual, military, or other paid leave) to which such employee is entitled by virtue of such employee's civilian employment with the Government.

"(2) For purposes of this section, the period during which an employee is entitled to reemployment rights under chapter 43 of title 38—

"(A) shall be determined disregarding the provisions of section 4312(d) of title 38; and

"(B) shall include any period of time specified in section 4312(e) of title 38 within which an employee may report or apply for employment or reemployment following completion of service on active duty to which called or ordered as described in subsection (a).

"(c) Any amount payable under this section to an employee shall be paid—

"(1) by such employee's employing agency;

"(2) from the appropriation or fund which would be used to pay the employee if such employee were in a pay status; and

"(3) to the extent practicable, at the same time and in the same manner as would basic pay if such employee's civilian employment had not been interrupted.

"(d) The Office of Personnel Management shall, in consultation with Secretary of Defense, prescribe any regulations necessary to carry out the preceding provisions of this section.

"(e)(1) The head of each agency referred to in section 2302(a)(2)(C)(ii) shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employees of such agency.

"(2) The Administrator of the Federal Aviation Administration shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employees of that agency.

"(f) For purposes of this section—

"(1) the terms 'employee', 'Federal Government', and 'uniformed services' have the same respective meanings as given them in section 4303 of title 38;

"(2) the term 'employing agency', as used with respect to an employee entitled to any payments under this section, means the agency or other entity of the Government (including an agency referred to in section 2302(a)(2)(C)(ii)) with respect to which such employee has reemployment rights under chapter 43 of title 38; and

"(3) the term 'basic pay' includes any amount payable under section 5304.".

(c) Clerical Amendment.—The table of sections for chapter 55 of title 5, United States Code, is amended by inserting after the item relating to section 5537 the following:

"5538. Nonreduction in pay while serving in the uniformed services or National Guard.".

(d) Effective Date.—

(1) In general.—The amendments made by this section shall apply with respect to pay periods (as described in section 5538(b) of title 5, United States Code, as amended by this section) beginning on or after the date of enactment of this Act.

(2) Conditional retroactive application.—

(A) In general.—The amendments made by this section shall apply with respect to pay periods (as described in section 5538(b) of title 5, United States Code, as amended by this section) beginning on or after October 11, 2002 through the date of enactment of this Act, subject to the availability of appropriations.

(B) Authorization of appropriations.—There are authorized to be appropriated $100,000,000 for purposes of subparagraph (A).

TITLE XII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION

SEC. 1201. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) Specification of CTR Programs.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2731; 50 U.S.C. 2362 note).

(b) Fiscal Year 2005 Cooperative Threat Reduction Funds Defined.—As used in this title, the term "fiscal year 2005 Cooperative Threat Reduction funds" means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.

(c) Availability of Funds.—Funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs shall be available for obligation for three fiscal years.

SEC. 1202. FUNDING ALLOCATIONS.

(a) Funding for Specific Purposes.—Of the $409,200,000 authorized to be appropriated to the Department of Defense for fiscal year 2005 in section 301(19) for Cooperative Threat

Reduction programs, the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in Russia, $58,522,000.

(2) For nuclear weapons storage security in Russia, $48,672,000.

(3) For nuclear weapons transportation security in Russia, $26,300,000.

(4) For weapons of mass destruction proliferation prevention in the states of the former Soviet Union, $40,030,000.

(5) For chemical weapons destruction in Russia, $158,400,000.

(6) For biological weapons proliferation prevention in the former Soviet Union, $54,959,000.

(7) For defense and military contacts, $8,000,000.

(8) For activities designated as Other Assessments/Administrative Support, $14,317,000.

(b) Report on Obligation or Expenditure of Funds for Other Purposes.—No fiscal year 2005 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (8) of subsection (a) until 30 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2005 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) Limited Authority To Vary Individual Amounts.—(1) Subject to paragraphs (2) and (3), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2005 for a purpose listed in any of the paragraphs in subsection (a) in excess of the specific amount authorized for that purpose.

(2) An obligation of funds for a purpose stated in any of the paragraphs in subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

(3) The Secretary may not, under the authority provided in paragraph (1), obligate amounts for a purpose stated in any of paragraphs (5) through (8) of subsection (a) in excess of 125 percent of the specific amount authorized for such purpose.

SEC. 1203. MODIFICATION AND WAIVER OF LIMITATION ON USE OF FUNDS FOR CHEMICAL WEAPONS DESTRUCTION FACILITIES IN RUSSIA.

(a) Modification of Limitation.—Section 1305 of the National Defense Authorization Act for Fiscal Year 2000 (22 U.S.C. 5952 note) is amended by striking "or expended".

(b) Waiver Authority.—The conditions described in section 1305 of the National Defense Authorization Act for Fiscal Year 2000, as amended by subsection (a), shall not apply to the obligation of funds during a fiscal year for the planning, design, or construction of a chemical weapons destruction facility in Russia if the President submits to Congress a written certification with respect to such fiscal year that includes—

(1) a statement as to why the waiver of the conditions during the fiscal year covered by such certification is consistent with the national security interests of the United States; and

(2) a plan to promote a full and accurate disclosure by Russia regarding the size, content, status, and location of its chemical weapons stockpile.

SEC. 1204. INCLUSION OF DESCRIPTIVE SUMMARIES IN ANNUAL COOPERATIVE THREAT REDUCTION REPORTS AND BUDGET JUSTIFICATION MATERIALS.

Section 1307 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2165; 22 U.S.C. 5952 note) is amended—

(1) in subsection (a), by striking "as part of the Secretary's annual budget request to Congress" in the matter preceding paragraph (1) and inserting "in the materials and manner specified in subsection (c)"; and

(2) by adding at the end the following new subsection:

"(c) Inclusion in Certain Materials Submitted to Congress.—The summary required to be submitted to Congress in a fiscal year under subsection (a) shall be set forth by project category, and by amounts specified in paragraphs (1) and (2) of that subsection in connection with such project category, in each of the following:

"(1) The annual report on activities and assistance under Cooperative Threat Reduction programs required in such fiscal year under section 1308 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398).

"(2) The budget justification materials submitted to Congress in support of the Department of Defense budget for the fiscal year succeeding such fiscal year (as submitted with the budget of the President under section 1105(a) of title 31, United States Code).".

TITLE XIII—MEDICAL READINESS TRACKING AND HEALTH SURVEILLANCE

SEC. 1301. ANNUAL MEDICAL READINESS PLAN AND JOINT MEDICAL READINESS OVERSIGHT COMMITTEE.

(a) Requirement for Plan.—The Secretary of Defense shall develop a comprehensive plan to improve medical readiness, and Department of Defense tracking of the health status, of members of the Armed Forces throughout their service in the Armed Forces, and to strengthen medical readiness and tracking before, during, and after deployment of the personnel overseas. The matters covered by the comprehensive plan shall include all elements that are described in this title and the amendments made by this title and shall comply with requirements in law.

(b) Joint Medical Readiness Oversight Committee.—

(1) Establishment.—The Secretary of Defense shall establish a Joint Medical Readiness Oversight Committee.

(2) Composition.—The members of the Committee are as follows:

(A) The Under Secretary of Defense for Personnel and Readiness, who shall chair the Committee.

(B) The Assistant Secretary of Defense for Health Affairs.

(C) The Assistant Secretary of Defense for Reserve Affairs.

(D) The Surgeons General of the Armed Forces.

(E) The Assistant Secretary of the Army for Manpower and Reserve Affairs.

(F) The Assistant Secretary of the Navy for Manpower and Reserve Affairs.

(G) The Assistant Secretary of the Air Force for Manpower, Reserve Affairs, Installations, and Environment.

(H) The Chief of the National Guard Bureau.

(I) The Chief of Army Reserve.

(J) The Chief of Naval Reserve.

(K) The Chief of Air Force Reserve.

(L) The Commander, Marine Corps Reserve.

(M) The Director of the Defense Manpower Data Center.

(N) A representative of the Department of Veterans Affairs designated by the Secretary of Veterans Affairs.

(O) Representatives of veterans and military health advocacy organizations appointed to the Committee by the Secretary of Defense.

(P) An individual from civilian life who is recognized as an expert on military health care treatment, including research relating to such treatment.

(3) Duties.—The duties of the Committee are as follows:

(A) To advise the Secretary of Defense on the medical readiness and health status of the members of the active and reserve components of the Armed Forces.

(B) To advise the Secretary of Defense on the compliance of the Armed Forces with the medical readiness tracking and health surveillance policies of the Department of Defense.

(C) To oversee the development and implementation of the comprehensive plan required by subsection (a) and the actions required by this title and the amendments made by this title, including with respect to matters relating to—

(i) the health status of the members of the reserve components of the Armed Forces;

(ii) accountability for medical readiness;

(iii) medical tracking and health surveillance;

(iv) declassification of information on environmental hazards;

(v) postdeployment health care for members of the Armed Forces; and

(vi) compliance with Department of Defense and other applicable policies on blood serum repositories.

(D) To ensure unity and integration of efforts across functional and organizational lines within the Department of Defense with regard to medical readiness tracking and health status surveillance of members of the Armed Forces.

(E) To establish and monitor compliance with the medical readiness standards that are applicable to members and those that are applicable to units.

(F) To improve continuity of care in coordination with the Secretary of Veterans Affairs, for members of the Armed Forces separating from active service with service-connected medical conditions.

(G) To prepare and submit to the Secretary of Defense and to the Committees on Armed Services of the Senate and the House of Representatives, not later than February 1 of each year, a report on—

(i) the health status and medical readiness of the members of the Armed Forces, including the members of reserve components, based on the comprehensive plan required under subsection (a) and the actions required by this title and the amendments made by this title; and

(ii) compliance with Department of Defense policies on medical readiness tracking and health surveillance.

(4) First meeting.—The first meeting of the Committee shall be held not later than

90 days after the date of the enactment of this Act.

SEC. 1302. MEDICAL READINESS OF RESERVES.

(a) Comptroller General Study of Health of Reserves Ordered to Active Duty for Operations Enduring Freedom and Iraqi Freedom.—

(1) Requirement for study.—The Comptroller General of the United States shall carry out a study of the health of the members of the reserve components of the Armed Forces who have been called or ordered to active duty for a period of more than 30 days in support of Operation Enduring Freedom and Operation Iraqi Freedom. The Comptroller General shall commence the study not later than 180 days after the date of the enactment of this Act.

(2) Purposes.—The purposes of the study under this subsection are as follows:

(A) To review the health status and medical fitness of the activated Reserves when they were called or ordered to active duty.

(B) To review the effects, if any, on logistics planning and the deployment schedules for the operations referred to in paragraph (1) that resulted from deficiencies in the health or medical fitness of activated Reserves.

(C) To review compliance of military personnel with Department of Defense policies on medical and physical fitness examinations and assessments that are applicable to the reserve components of the Armed Forces.

(3) Report.—The Comptroller General shall, not later than one year after the date of the enactment of this Act, submit a report on the results of the study under this subsection to the Committees on Armed Services of the Senate and the House of Representatives. The report shall include the following matters:

(A) With respect to the matters reviewed under subparagraph (A) of paragraph (2)—

(i) the percentage of activated Reserves who were determined to be medically unfit for deployment, together with an analysis of the reasons why the member was unfit, including medical illnesses or conditions most commonly found among the activated Reserves that were grounds for determinations of medical unfitness for deployment; and

(ii) the percentage of the activated Reserves who, before being deployed, needed medical care for health conditions identified when called or ordered to active duty, together with an analysis of the types of care that were provided for such conditions and the reasons why such care was necessary.

(B) With respect to the matters reviewed under subparagraph (B) of paragraph (2)—

(i) the delays and other disruptions in deployment schedules that resulted from deficiencies in the health status or medical fitness of activated Reserves; and

(ii) an analysis of the extent to which it was necessary to merge units or otherwise alter the composition of units, and the extent to which it was necessary to merge or otherwise alter objectives, in order to compensate for limitations on the deployability of activated Reserves resulting from deficiencies in the health status or medical fitness of activated Reserves.

(C) With respect to the matters reviewed under subparagraph (C) of paragraph (2), an assessment of the extent of the compliance of reserve component personnel with Department of Defense policies on routine medical and physical fitness examinations that are applicable to the reserve components of the Armed Forces.

(D) An analysis of the extent to which the medical care, if any, provided to activated Reserves in each theater of operations referred to in paragraph (1) related to preexisting conditions that were not adequately addressed before the deployment of such personnel to the theater.

(4) Definitions.—In this subsection:

(A) The term "activated Reserves" means the members of the Armed Forces referred to in paragraph (1).

(B) The term "active duty for a period of more than 30 days" has the meaning given such term in section 101(d) of title 10, United States Code.

(C) The term "health condition" includes a mental health condition and a dental condition.

(D) The term "reserve components of the Armed Forces" means the reserve components listed in section 10101 of title 10, United States Code.

(b) Accountability for Individual and Unit Medical Readiness.—

(1) Policy.—The Secretary of Defense shall issue a policy to ensure that individual members and commanders of reserve component units fulfill their responsibilities for medical and dental readiness of members of the units on the basis of—

(A) frequent periodic health assessment of members (not less frequently than once every two years) using the predeployment assessment procedure required under section 1074f of title 10, United States Code, as the minimum standard of medical readiness; and

(B) any other information on the health status of the members that is available to the commanders.

(2) Review and followup care.—The regulations under this subsection shall provide for review of the health assessments under paragraph (1) by a medical professional and for any followup care and treatment that is needed for medical or dental readiness.

(3) Modification of predeployment health assessment survey.—In meeting the policy under paragraph (1), the Secretary shall—

(A) to the extent practicable, modify the predeployment health assessment survey to bring such survey into conformity with the detailed postdeployment health assessment survey in use as of October 1, 2004; and

(B) ensure the use of the predeployment health assessment survey, as so modified, for predeployment health assessments after that date.

(c) Uniform Policy on Deferral of Medical Treatment Pending Deployment to Theaters of Operations.—

(1) Requirement for policy.—The Secretary of Defense shall prescribe, for uniform applicability throughout the Armed Forces, a policy on deferral of medical treatment of members pending deployment.

(2) Content.—The policy prescribed under paragraph (1) shall specify the following matters:

(A) The circumstances under which treatment for medical conditions may be deferred to be provided within a theater of operations in order to prevent delay or other disruption of a deployment to that theater.

(B) The circumstances under which medical conditions are to be treated before deployment to that theater.

SEC. 1303. BASELINE HEALTH DATA COLLECTION PROGRAM.

(a) Requirement for Program.—

(1) In general.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1092 the following new section:

"§ 1092a. Persons entering the armed forces: baseline health data

"(a) Program Required.—The Secretary of Defense shall carry out a program—

"(1) to collect baseline health data from all persons entering the armed forces;

"(2) to provide for computerized compilation and maintenance of the baseline health data; and

"(3) to analyze the data.

"(b) Purposes.—The program under this section shall be designed to achieve the following purposes:

"(1) To facilitate understanding of how exposures related to service in the armed forces affect health.

"(2) To facilitate development of early intervention and prevention programs to protect health and readiness.".

(2) Clerical amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1092 the following new item:

"1092a. Persons entering the armed forces: baseline health data.".

(3) Time for implementation.—The Secretary of Defense shall implement the program required under section 1092a of title 10, United States Code (as added by paragraph (1)), not later than two years after the date of the enactment of this Act.

(b) Interim Standards for Blood Sampling.—The Secretary of Defense shall require under the medical tracking system administered under section 1074f of title 10, United States Code, that—

(1) the blood samples necessary for the predeployment medical examination of a member of the Armed Forces required under subsection (b) of such section be drawn not earlier than 60 days before the date of the deployment; and

(2) the blood samples necessary for the postdeployment medical examination of a member of the Armed Forces required under such subsection be drawn not later than 30 days after the date on which the deployment ends.

SEC. 1304. MEDICAL CARE AND TRACKING AND HEALTH SURVEILLANCE IN THE THEATER OF OPERATIONS.

(a) Recordkeeping Policy.—The Secretary of Defense shall prescribe a policy that requires the records of all medical care provided to a member of the Armed Forces in a theater of operations to be maintained as part of a complete health record for the member.

(b) In-Theater Medical Tracking and Health Surveillance.—

(1) Requirement for evaluation.—The Secretary of Defense shall evaluate the system for the medical tracking and health surveillance of members of the Armed Forces in theaters of operations and take such actions as may be necessary to improve the medical tracking and health surveillance.

(2) Report.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit a report on the actions taken under paragraph (1) to the Committees on Armed Services of the Senate and the House of Representatives. The report shall include the following matters:

(A) An analysis of the strengths and weaknesses of the medical tracking system administered under section 1074f of title 10, United States Code.

(B) An analysis of the efficacy of health surveillance systems as a means of detecting—

(i) any health problems (including mental health conditions) of members of the Armed Forces contemporaneous with the performance of the assessment under the system; and

(ii) exposures of the assessed members to environmental hazards that potentially lead to future health problems.

(C) An analysis of the strengths and weaknesses of such medical tracking and surveillance systems as a means for supporting future research on health issues.

(D) Recommended changes to such medical tracking and health surveillance systems.

(E) A summary of scientific literature on blood sampling procedures used for detecting and identifying exposures to environmental hazards.

(F) An assessment of whether there is a need for changes to regulations and standards for drawing blood samples for effective tracking and health surveillance of the medical conditions of personnel before deployment, upon the end of a deployment, and for a followup period of appropriate length.

(c) Plan To Obtain Health Care Records From Allies.—The Secretary of Defense shall develop a plan for obtaining all records of medical treatment provided to members of the Armed Forces by allies of the United States in Operation Enduring Freedom and Operation Iraqi Freedom. The plan shall specify the actions that are to be taken to obtain all such records.

(d) Policy on In-Theater Personnel Locator Data.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall prescribe a Department of Defense policy on the collection and dissemination of in-theater individual personnel location data.

SEC. 1305. DECLASSIFICATION OF INFORMATION ON EXPOSURES TO ENVIRONMENTAL HAZARDS.

(a) Requirement for Review.—The Secretary of Defense shall review and, as determined appropriate, revise the classification policies of the Department of Defense with a view to facilitating the declassification of data that is potentially useful for the monitoring and assessment of the health of members of the Armed Forces who have been exposed to environmental hazards during deployments overseas, including the following data:

(1) In-theater injury rates.

(2) Data derived from environmental surveillance.

(3) Health tracking and surveillance data.

(b) Consultation With Commanders of Theater Combatant Commands.—The Secretary shall, to the extent that the Secretary considers appropriate, consult with the senior commanders of the in-theater forces of the combatant commands in carrying out the review and revising policies under subsection (a).

SEC. 1306. ENVIRONMENTAL HAZARDS.

(a) Report on Training of Field Medical Personnel.—

(1) Requirement for report.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the training on environmental hazards that is provided by the Armed Forces to medical personnel of the Armed Forces who are deployable to the field in direct support of combat personnel.

(2) Content.—The report under paragraph (1) shall include the following:

(A) An assessment of the adequacy of the training regarding—

(i) the identification of common environmental hazards and exposures to such hazards; and

(ii) the prevention and treatment of adverse health effects of such exposures.

(B) A discussion of the actions taken and to be taken to improve such training.

(c) Report on Responses to Health Concerns of Members.—

(1) Requirement for report.—Not later than 180 days after the date of the enactment of this Act, the Assistant Secretary of Defense for Health Affairs shall submit to the Secretary of Defense and the Committees on Armed Services of the Senate and the House of Representatives a report on Department of Defense responses to concerns expressed by members of the Armed Forces during post-deployment health assessments about possibilities that the members were exposed to environmental hazards deleterious to the members' health during a deployment overseas.

(2) Content.—The report regarding health concerns submitted under paragraph (1) shall include the following:

(A) A discussion of the actions taken by Department of Defense officials to investigate the circumstances underlying such concerns in order to determine the validity of the concerns.

(B) A discussion of the actions taken by Department of Defense officials to evaluate or treat members and former members of the Armed Forces who are confirmed to have been exposed to environmental hazards deleterious to their health during deployments of the Armed Forces.

SEC. 1307. POST-DEPLOYMENT MEDICAL CARE RESPONSIBILITIES OF INSTALLATION COMMANDERS.

(a) Requirement for Regulations.—The Secretary of Defense shall prescribe a policy that requires the commander of each military installation at which members of the Armed Forces are to be processed upon redeployment from an overseas deployment—

(1) to identify and analyze the anticipated health care needs of such members before the arrival of such members at that installation; and

(2) to report such needs to the Secretary.

(b) Health Care To Meet Needs.—The policy under this section shall include procedures for the commander of each military installation described in subsection (a) to meet the anticipated health care needs that are identified by the commander in the performance of duties under the regulations, including the following:

(1) Arrangements for health care provided by the Secretary of Veterans Affairs.

(2) Procurement of services from local health care providers.

(3) Temporary employment of health care personnel to provide services at such installation.

SEC. 1308. FULL IMPLEMENTATION OF MEDICAL READINESS TRACKING AND HEALTH SURVEILLANCE PROGRAM AND FORCE HEALTH PROTECTION AND READINESS PROGRAM.

(a) Implementation at All Levels.—The Secretary of Defense, in conjunction with the Secretaries of the military departments, shall take such actions as are necessary to ensure that the Army, Navy, Air Force, and Marine Corps fully implement at all levels—

(1) the Medical Readiness Tracking and Health Surveillance Program under this title and the amendments made by this title; and

(2) the Force Health Protection and Readiness Program of the Department of Defense (relating to the prevention of injury and illness and the reduction of disease and noncombat injury threats).

(b) Action Official.—The Secretary of Defense may act through the Under Secretary of Defense for Personnel and Readiness in carrying out subsection (a).

SEC. 1309. OTHER MATTERS.

(a) Annual Reports.—

(1) Requirement for reports.—

(A) Chapter 55 of title 10, United States Code, is amended by inserting after section 1073a the following new section:

"§ 1073b. Recurring reports

"(a) Annual Report on Health Protection Quality.—(1) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives each year a report on the Force Health Protection Quality Assurance Program of the Department of Defense. The report shall include the following matters:

"(A) The results of an audit of the extent to which the serum samples required to be obtained from members of the armed forces before and after a deployment are stored in the serum repository of the Department of Defense.

"(B) The results of an audit of the extent to which the health assessments required for members of the armed forces before and after a deployment are being maintained in the electronic database of the Defense Medical Surveillance System.

"(C) An analysis of the actions taken by the Department of Defense personnel to respond to health concerns expressed by members of the armed forces upon return from a deployment.

"(D) An analysis of the actions taken by the Secretary to evaluate or treat members and former members of the armed forces who are confirmed to have been exposed to occupational or environmental hazards deleterious to their health during a deployment.

"(2) The Secretary of Defense shall act through the Assistant Secretary of Defense for Health Affairs in carrying out this subsection.

"(b) Annual Report on Recording of Health Assessment Data in Military Personnel Records.—The Secretary of Defense shall issue each year a report on the compliance by the military departments with applicable policies on the recording of health assessment data in military personnel records. The report shall include a discussion of the extent to which immunization status and predeployment and postdeployment health care data is being recorded in such records.".

(B) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1073a the following new item:

"1073b. Recurring reports.".

(2) Initial report.—The first report under section 1073b(a) of title 10, United States Code (as added by paragraph (1)), shall be completed not later than 180 days after the date of the enactment of this Act.

(b) Internet Accessibility of Health Assessment Information for Members of the Armed Forces.—Not later than one year after the date of the enactment of this Act, the Chief Information Officer of each military department shall ensure that the online portal website of that military department includes the following information relating to health assessments:

(1) Information on the Department of Defense policies regarding predeployment and postdeployment health assessments, including policies on the following matters:

(A) Health surveys.

(B) Physical examinations.

(C) Collection of blood samples and other tissue samples.

(2) Procedural information on compliance with such policies, including the following information:

(A) Information for determining whether a member is in compliance.

(B) Information on how to comply.

(3) Health assessment surveys that are either—

(A) web-based; or

(B) accessible (with instructions) in printer-ready form by download.

SEC. 1310. USE OF CIVILIAN EXPERTS AS CONSULTANTS.

Nothing in this title or an amendment made by this title shall be construed to limit the authority of the Secretary of Defense to procure the services of experts outside the Federal Government for performing any function to comply with requirements for readiness tracking and health surveillance of members of the Armed Forces that are applicable to the Department of Defense.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the "Military Construction Authorization Act for Fiscal Year 2005".

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or location	Amount
Alabama	Anniston Army Depot	$23,690,000
	Fort Rucker	$16,500,000
Alaska	Fort Richardson	$24,300,000
	Fort Wainwright	$92,459,000
Arizona	Fort Huachuca	$18,000,000
California	Fort Irwin	$38,100,000
	Sierra Army Depot	$13,600,000
Colorado	Fort Carson	$63,158,000
Georgia	Fort Benning	$71,777,000
	Fort Gillem	$5,800,000
	Fort McPherson	$4,900,000
	Fort Stewart/Hunter Army Air Field	$65,495,000
Hawaii	Helemano Military Reservation	$75,300,000
	Hickam Air Field	$11,200,000
	Pohakuloa Training Area	$40,000,000
	Schofield Barracks	$162,792,000
	Wheeler Army Air Field	$24,000,000
Kansas	Fort Riley	$59,550,000
Kentucky	Fort Campbell	$92,000,000
	Fort Knox	$75,750,000
Louisiana	Fort Polk	$70,953,000
Maryland	Aberdeen Proving Ground	$13,000,000
Missouri	Fort Leonard Wood	$28,150,000
New Mexico	White Sands Missile Range	$33,000,000
New York	Fort Drum	$7,950,000
	Fort Hamilton	$7,600,000
	Military Entrance Processing Station, Buffalo	$6,200,000
	United States Military Academy, West Point	$60,000,000
North Carolina	Fort Bragg	$101,687,000
Oklahoma	Fort Sill	$14,400,000
Pennsylvania	Letterkenny Depot	$11,400,000
Texas	Fort Bliss	$20,100,000
	Fort Hood	$78,088,000
	Fort Sam Houston	$11,400,000
Virginia	Fort A.P. Hill	$14,775,000
	Fort Myer	$49,526,000
Washington	Fort Lewis	$57,200,000
	Total	$1,563,800,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or location	Amount
Germany	Grafenwoehr	$77,200,000
Italy	Livorno	$26,000,000
Korea	Camp Humphreys	$12,000,000
	Total	$115,200,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, for the purposes, and in the amounts set forth in the following table:

Army: Family Housing

State or Country	Installation or location	Purpose	Amount
Alaska	Fort Richardson	92 Units	$42,000,000
	Fort Wainwright	246 Units	$124,000,000
Arizona	Fort Huachuca	205 Units	$41,000,000
	Yuma Proving Grounds	55 Units	$14,900,000
Kansas	Fort Riley	126 Units	$33,000,000

Army: Family Housing—Continued

State or Country	Installation or location	Purpose	Amount
New Mexico	White Sands Missile Range	156 Units	$31,000,000
Oklahoma	Fort Sill	247 Units	$47,000,000
Virginia	Fort Lee	218 Units	$46,000,000
	Fort Monroe	68 Units	$16,000,000
		Total	$394,900,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $29,209,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $211,990,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2004, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $3,507,891,000, as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $1,534,500,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $115,200,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $20,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $154,335,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $636,099,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $928,907,000.

(6) For the construction of phase 3 of a barracks complex renewal, Capron Road, Schofield Barracks, Hawaii, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2681), $48,000,000.

(7) For the construction of phase 3 of a maintenance complex at Fort Sill, Oklahoma, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2681), as amended by section 2106 of this Act, $13,100,000.

(8) For the construction of phase 2 of a barracks complex, 5th and 16th Street, at Fort Stewart/Hunter Army Air Field, Georgia, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1697), as amended by section 2105 of this Act, $32,950,000.

(9) For the construction of phase 2 of the Lewis and Clark instructional facility, at Fort Leavenworth, Kansas, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1697), $44,000,000.

(10) For the construction of phase 2 of a barracks complex at Wheeler Sack Army Air Field, Fort Drum, New York, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1697), as amended by section 2105 of this Act, $48,000,000.

(11) For the construction of phase 2 of a barracks complex, Bastogne Drive, at Fort Bragg, North Carolina, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1697), $48,000,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a);

(2) $41,000,000 (the balance of the amount authorized under section 2101(a) for an upgrade to Drum Road at the Helemano Military Reservation, Hawaii);

(3) $25,000,000 (the balance of the amount authorized under section 2101(a) to construct a vehicle maintenance facility at Schofield Barracks, Hawaii);

(4) $25,000,000 (the balance of the amount authorized under section 2101(a) for construction of a barracks complex, 42nd Street and Indiana Avenue, at Fort Campbell, Kentucky);

(5) $22,000,000 (the balance of the amount authorized under section 2101(a) for the construction of a basic combat training complex at Fort Knox, Kentucky);

(6) $31,000,000 (the balance of the amount authorized under section 2101(a) for construction of a barracks complex, Blackjack Street, Fort Bragg, North Carolina); and

(7) $25,500,000 (the balance of the amount authorized under section 2101(a) for construction of a library and learning center at the United States Military Academy, New York).

SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2004 PROJECTS.

The table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1697) is amended—

(1) in the item relating to Fort Stewart, Georgia, by striking "$113,500,000" in the amount column and inserting "$114,450,000";

(2) in the item relating to Fort Drum, New York, by striking "$130,700,000" in the amount column and inserting "$135,700,000"; and

(3) by striking the amount identified as the total in the amount column and inserting "$1,043,150,000".

SEC. 2106. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2003 PROJECT.

The table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2681), as amended by section 2105(a)(2) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1701), is further amended—

(1) in the item relating to Fort Sill, Oklahoma, by striking "$39,652,000" in the amount column and inserting "$40,752,000"; and

(2) by striking the amount identified as the total in the amount column and inserting "$1,157,267,000".

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or location	Amount
Arizona	Marine Corps Air Station, Yuma	$26,670,000
California	Marine Corps Base, Camp Pendleton	$38,455,000
	Naval Air Facility, El Centro	$54,331,000
	Recruit Depot, San Diego	$8,110,000
Connecticut	Naval Submarine Base, New London	$50,302,000
District of Columbia	Naval Observatory, Washington	$3,239,000
Florida	Eglin Air Force Base	$2,060,000
	Naval Station, Mayport	$6,200,000
Georgia	Strategic Weapons Facility Atlantic, Kings Bay	$16,000,000

Navy: Inside the United States—Continued

State	Installation or location	Amount
Illinois	Naval Training Station, Great Lakes	$74,781,000
Maine	Naval Air Station, Brunswick	$4,690,000
	Portsmouth Naval Station	$7,860,000
Maryland	Naval Surface Warfare Center, Indian Head	$13,900,000
Mississippi	Naval Construction Battalion Center, Gulfport	$4,350,000
Nevada	Naval Air Station, Fallon	$4,980,000
North Carolina	Marine Corps Air Station, New River	$35,140,000
	Marine Corps Base, Camp Lejeune	$13,420,000
	Washington County	$136,900,000
Rhode Island	Naval Station Newport	$9,080,000
South Carolina	Naval Weapons Station, Charleston	$18,140,000
Virginia	Camp Elmore Marine Corps Detachment	$13,500,000
	Marine Corps Base, Quantico	$46,270,000
	Naval Air Station, Oceana	$2,770,000
	Naval Amphibious Base, Little Creek	$2,850,000
	Naval Station, Norfolk	$4,330,000
	Naval Weapons Station, Yorktown	$9,870,000
Washington	Naval Shipyard Puget Sound, Bremerton	$20,305,000
	Naval Station, Bremerton	$74,125,000
	Strategic Weapons Facility Pacific, Bangor	$131,090,000
	Total	$833,718,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the locations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or location	Amount
Diego Garcia	Naval Support Facility, Diego Garcia	$17,500,000
Guam	Naval Station, Guam	$33,200,000
Italy	Sigonella	$22,550,000
	Total	$73,250,000

(c) UNSPECIFIED WORLDWIDE.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(3), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations, and in the amount, set forth in the following table:

Navy: Unspecified Worldwide

Location	Installation or location	Amount
Worldwide Unspecified	Unspecified Worldwide	$52,658,000
	Total	$52,658,000

SEC. 2202. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(6)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, for the purposes, and in the amounts set forth in the following table:

Navy: Family Housing

State	Installation or Location	Purpose	Amount
North Carolina	Marine Corps Air Station, Cherry Point	198 Units	$27,002,000
		Total	$27,002,000

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(6)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $112,105,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2004, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $1,843,716,000, as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $694,338,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $73,250,000.

(3) For military construction projects at unspecified worldwide locations authorized by section 2201(c), $18,560,000.

(4) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $12,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $87,067,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $139,107,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $704,504,000.

(7) For the construction of phase 2 of the tertiary sewage treatment plant at Marine Corps Base, Camp Pendleton, California, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1703), $25,690,000.

(8) For the construction of phase 2 of the general purpose berthing pier at Naval Weapons Station, Earle, New Jersey, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2004, $49,200,000.

(9) For the construction of phase 2 of pier 11 replacement at Naval Station, Norfolk, Virginia, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2004, $40,000,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1), (2), and (3) of subsection (a);

(2) $21,000,000 (the balance of the amount authorized under section 2201(a) for the replacement of an aircraft parking apron and hangar at Naval Air Facility El Centro, California);

(3) $70,000,000 (the balance of the amount authorized under section 2201(a) to acquire land interests for an outlying landing field in Washington County, North Carolina);

(4) $95,320,000 (the balance of the amount authorized under section 2201(a) for construction of a limited area production and storage complex at the Strategic Weapons Facility Pacific, Bangor, Washington); and

(5) $40,000,000 (the balance of the amount authorized under section 2201(a) for the construction of a bachelor enlisted quarters at Naval Station Bremerton, Washington).

SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2004 PROJECTS.

The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1703) is amended—

(1) in the item relating to Various Locations, CONUS, by striking "$56,360,000" in the amount column and inserting "$61,510,000"; and

(2) by striking the amount identified as the total in the amount column and inserting "$1,341,022,000".

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or location	Amount
Alaska	Elmendorf Air Force Base	$54,057,000
Arizona	Davis-Monthan Air Force Base	$10,029,000
	Luke Air Force Base	$10,000,000
Arkansas	Little Rock Air Force Base	$5,031,000
California	Beale Air Force Base	$10,186,000
	Edwards Air Force Base	$9,965,000
	Travis Air Force Base	$15,244,000
Colorado	Buckley Air Force Base	$12,247,000
Delaware	Dover Air Force Base	$9,500,000
Florida	Patrick Air Force Base	$8,800,000
Georgia	Moody Air Force Base	$9,600,000
	Robins Air Force Base	$15,000,000
Hawaii	Hickam Air Force Base	$34,400,000
	Maui Site	$7,500,000
Louisiana	Barksdale Air Force Base	$13,800,000
Maryland	Andrews Air Force Base	$17,100,000
Mississippi	Columbus Air Force Base	$7,700,000
Montana	Malmstrom Air Force Base	$5,600,000
Nebraska	Offut Air Force Base	$6,721,000
New Mexico	Cannon Air Force Base	$9,500,000
North Carolina	Pope Air Force Base	$15,150,000
North Dakota	Minot Air Force Base	$9,900,000
Ohio	Wright-Patterson Air Force Base	$9,200,000
Oklahoma	Altus Air Force Base	$10,500,000
	Tinker Air Force Base	$8,000,000
South Carolina	Shaw Air Force Base	$3,300,000
South Dakota	Ellsworth Air Force Base	$11,800,000
Tennessee	Arnold Air Force Base	$22,000,000
Texas	Dyess Air Force Base	$11,000,000
	Lackland Air Force Base	$2,596,000
	Sheppard Air Force Base	$50,284,000
Utah	Hill Air Force Base	$20,813,000
Wyoming	F.E. Warren Air Force Base	$5,500,000
	Total	$452,023,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or location	Amount
Germany	Ramstein Air Base	$25,404,000
Greenland	Thule Air Base	$19,800,000
Guam	Andersen Air Base	$19,593,000
Italy	Aviano Air Base	$6,760,000
Korea	Kunsan Air Base	$37,100,000
	Osan Air Base	$18,600,000
Portugal	Lajes Field, Azores	$5,689,000
United Kingdom	Royal Air Force, Lakenheath	$5,500,000
	Total	$138,446,000

(c) UNSPECIFIED WORLDWIDE.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(3), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations, and in the amounts, set forth in the following table:

Air Force: Unspecified Worldwide

Location	Installation or location	Amount
Worldwide Classified	Worldwide Unspecified Classified	$28,794,000
Worldwide Unspecified	Worldwide Unspecified	$26,121,000
	Total	$54,915,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(6)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, for the purposes, and in the amounts set forth in the following table:

Air Force: Family Housing

State	Installation or location	Purpose	Amount
Arizona	Davis-Monthan Air Force Base	250 Units	$48,500,000
California	Edwards Air Force Base	218 Units	$41,202,000
	Vandenberg Air Force Base	120 Units	$30,906,000
Florida	MacDill Air Force Base	61 Units	$21,723,000
	MacDill Air Force Base	Housing Maintenance Facility.	$1,250,000
Idaho	Mountain Home Air Force Base	147 Units	$39,333,000
Mississippi	Columbus Air Force Base	Family Housing Management Facility.	$711,000
Missouri	Whiteman Air Force Base	160 Units	$37,087,000
Montana	Malmstrom Air Force Base	115 Units	$29,910,000
North Carolina	Seymour Johnson Air Force Base	167 Units	$32,693,000
North Dakota	Grand Forks Air Force Base	90 Units	$26,169,000
	Minot Air Force Base	142 Units	$37,087,000
South Carolina	Charleston Air Force Base	Fire Station	$1,976,000
South Dakota	Ellsworth Air Force Base	75 Units	$21,482,000
Texas	Dyess Air Force Base	127 Units	$28,664,000
	Goodfellow Air Force Base	127 Units	$20,604,000
Germany	Ramstein Air Base	144 Units	$57,691,000
Italy	Aviano Air Base	Family Housing Office.	$2,542,000
Korea	Osan Air Base	117 Units	$46,834,000
United Kingdom	Royal Air Force, Lakenheath	154 Units	$43,976,000
		Total	$570,340,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(6)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $38,266,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, Unites States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(6)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $238,353,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) AUTHORIZATION OF APPROPRIATION.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2004, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $2,485,542,000, as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $452,023,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $138,446,000.

(3) For military construction projects at unspecified worldwide locations authorized by section 2301(c), $54,915,000.

(4) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $13,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $124,085,000.

(6) For military housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $846,959,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $856,114,000.

(b) OFFSET FOR CERTAIN MILITARY CONSTRUCTION PROJECT.—The amount authorized to be appropriated by section 421 for military personnel is hereby reduced by $5,500,000, with the amount of the reduction to be derived from excess amounts authorized for military personnel of the Air Force.

TITLE XXIV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

Agency	Installation or location	Amount
Defense Intelligence Agency	Bolling Air Force Base, District of Columbia	$6,000,000
Defense Logistics Agency	Defense Distribution Depot, New Cumberland, Pennsylvania	$22,300,000
	Defense Distribution Depot, Richmond, Virginia	$10,100,000
	Defense Fuel Support Point, Naval Air Station Oceana, Virginia	$3,589,000
	Marine Corps Air Station, Cherry Point, North Carolina	$22,700,000
	Naval Air Station, Kingsville, Texas	$3,900,000

Defense Agencies: Inside the United States—Continued

Agency	Installation or location	Amount
	Naval Station, Pearl Harbor, Hawaii	$3,500,000
	Tinker Air Force Base, Oklahoma	$5,400,000
	Travis Air Force Base, California	$15,100,000
Missile Defense Agency	Huntsville, Alabama	$19,560,000
National Security Agency	Fort Meade, Maryland	$15,007,000
Special Operations Command	Corona, California	$13,600,000
	Fleet Combat Training Center, Dam Neck, Virginia	$5,700,000
	Fort A.P. Hill, Virginia	$1,500,000
	Fort Bragg, North Carolina	$42,888,000
	Fort Campbell, Kentucky	$3,500,000
	Fort Stewart/Hunter Army Air Field, Georgia	$17,600,000
	Naval Air Station, North Island, California	$1,000,000
	Naval Amphibious Base, Little Creek, Virginia	$33,200,000
	Stennis Center, Mississippi	$6,000,000
Tri-Care Management Activity	Buckley Air Force Base, Colorado	$2,100,000
	Fort Belvoir, Virginia	$100,000,000
	Fort Benning, Georgia	$7,100,000
	Jacksonville, Florida	$28,438,000
	Langley Air Force Base, Virginia	$50,800,000
	Marine Corps Recruit Depot, Parris Island, South Carolina	$25,000,000
	Total	$465,582,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

Agency	Installation or location	Amount
Defense Education Agency	Grafenwoehr, Germany	$36,247,000
	Vilseck, Germany	$9,011,000
	Naval Station, Guam	$26,964,000
Defense Logistics Agency	Defense Fuel Support Point, Lajes Field, Portugal	$19,113,000
Special Operations Command	Naval Station, Guam, Marianas Islands	$2,200,000
Tri-Care Management Activity	Diego Garcia	$3,800,000
	Grafenwoehr, Germany	$13,000,000
	Total	$110,335,000

(c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(3), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations, and in the amounts, set forth in the following table:

Defense Agencies: Unspecified Worldwide

Location	Installation or location	Amount
Worldwide Classified	Worldwide Unspecified Classified	$7,400,000
Worldwide Unspecified	Worldwide Unspecified	$2,900,000
	Total	$10,300,000

SEC. 2402. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(9)(A), the Secretary of Defense may improve existing military family housing units in an amount not to exceed $49,000.

SEC. 2403. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(7), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code, in the amount of $60,000,000.

SEC. 2404. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2004, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of $1,062,463,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $408,582,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $110,335,000.

(3) For the military construction projects at unspecified worldwide locations authorized by section 2401(c), $10,300,000.

(4) For unspecified minor military construction projects under section 2805 of title 10, United States Code, $20,938,000.

(5) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $10,000,000.

(6) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $62,182,000.

(7) For energy conservation projects authorized by section 2404, $60,000,000.

(8) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), $246,116,000.

(9) For military family housing functions:

(A) For improvement of military family housing and facilities, $49,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $49,575,000.

(C) For credit to the Department of Defense Family Housing Improvement Fund established by section 2883(a)(1) of title 10, United States Code, $2,500,000.

(10) For the construction of phase 6 of a munitions demilitarization facility at Pueblo Chemical Activity, Colorado, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839) and section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), $44,792,000.

(11) For the construction of phase 5 of a munitions demilitarization facility at Blue Grass Army Depot, Kentucky, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act of 2002 (division B of Public Law 107–107; 115 Stat. 1298) and section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), $37,094,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1), (2), and (3) of subsection (a); and

(2) $57,000,000 (the balance of the amount authorized under section 2401(a) for the replacement of a hospital at Fort Belvoir, Virginia).

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2004, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment program authorized by section 2501, in the amount of $165,800,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

There are authorized to be appropriated for fiscal years beginning after September 30, 2004, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $361,072,000; and

(B) for the Army Reserve, $63,047,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $25,285,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $214,418,000; and

(B) for the Air Force Reserve, $99,206,000.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2007; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2008.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor) for which appropriated funds have been obligated before the later of—

(1) October 1, 2007; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2008 for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program.

SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2002 PROJECTS.

(a) EXTENSION OF CERTAIN PROJECTS.—Notwithstanding section 2701 of the National Defense Authorization Act for Fiscal Year 2001 (division B of Public Law 107–107; 115 Stat. 1301), authorizations set forth in the tables in subsection (b), as provided in section 2101 or 2302 of that Act, shall remain in effect until October 1, 2005, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2006, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Army: Extension of 2002 Project Authorizations

State	Installation or location	Project	Amount
Alaska	Fort Wainwright	Power Plant Cooling Tower	$23,000,000
Hawaii	Pohakuloa Training Area	Parker Ranch Land Acquisition	$1,500,000

Air Force: Extension of 2002 Project Authorizations

State	Installation or location	Project	Amount
Colorado	Buckley Air Force Base	Construct Family Housing (55 Units)	$11,400,000
Louisiana	Barksdale Air Force Base	Replace Family Housing (56 Units)	$7,300,000

SEC. 2703. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2001 PROJECT.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–407)), authorizations set forth in the table in subsection (b), as provided in section 2102 of that Act and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1716), shall remain in effect until October 1, 2005, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2006, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 2001 Project Authorization

State	Installation or location	Project	Amount
South Carolina	Fort Jackson	New Construction–Family Housing (1 Unit)	$250,000

SEC. 2704. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI of this Act shall take effect on the later of—

(1) October 1, 2004; or

(2) the date of the enactment of this Act.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. INCREASE IN THRESHOLDS FOR UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.

(a) INCREASE.—Section 2805(a)(1) of title 10, United States Code, is amended—

(1) by striking "$1,500,000" and inserting "$2,500,000"; and

(2) by striking "$3,000,000" and inserting "$4,000,000".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2004.

SEC. 2802. MODIFICATION OF APPROVAL AND NOTICE REQUIREMENTS FOR FACILITY REPAIR PROJECTS.

(a) INCREASE IN THRESHOLD FOR APPROVAL REQUIREMENT.—Subsection (b) of section 2811 of title 10, United States Code, is amended by striking "$5,000,000" and inserting "$7,500,000".

(b) INFORMATION REQUIRED IN COST ESTIMATE FOR MULTI-YEAR PROJECTS.—Subsection (d)(1) of such section is amended by inserting before the semicolon the following: ", including, in the case of a multi-year repair project to a single facility, the total cost of all phases of such project".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2004.

SEC. 2803. ADDITIONAL REPORTING REQUIREMENTS RELATING TO ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING.

(a) PROJECT REPORTS.—Paragraph (2) of subsection (a) of section 2884 of title 10, United States Code, is amended to read as follows:

"(2) The report on a proposed contract, conveyance, or lease under paragraph (1) shall include the following:

"(A) A description of the contract, conveyance, or lease, including a summary of the terms of the contract, conveyance, or lease.

"(B) A description of the authorities to be utilized in entering into the contract, conveyance, or lease and the intended method of participation of the United States in the contract, conveyance, or lease (including a justification of the intended method of participation).

"(C) A statement of the scored cost of the contract, conveyance, or lease (as determined by the Office of Management and Budget).

"(D) A statement of the United States funds required for the contract, conveyance, or lease and a description of the source of such funds.

"(E) An economic assessment of the life cycle costs of the contract, conveyance, or lease, including an estimate of the amount of United States funds that would be paid over the life of the contract, conveyance, or lease from amounts derived from payments of government allowances (including basic allowance for housing under section 403 of title 37) if the housing affected by the project were fully occupied by military personnel over the life of the contract, conveyance, or lease.".

(b) ANNUAL REPORTS.—Subsection (b) of such section is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following new paragraph (5):

"(5) A report setting forth—

"(A) an estimate of the amounts of basic allowance for housing under section 403 of title 37 that will be paid during the fiscal year in which the budget is submitted to members of the armed forces living in housing provided under the authorities in this subchapter during such fiscal year, set forth by armed force; and

"(B) an estimate of the amounts of basic allowance for housing that will be paid during the fiscal year for which the budget is submitted to members of the armed forces living in such housing during such fiscal year, set forth by armed force.".

SEC. 2804. MODIFICATION OF AUTHORITIES UNDER ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING.

(a) REQUIREMENTS FOR CONTRACTS FOR LEASING OF HOUSING.—Section 2874 of title 10, United States Code, is amended by striking subsection (b) and inserting the following new subsection (b):

"(b) CONTRACT TERMS.—Any contract for the lease of housing units under subsection (a) shall include the following provisions:

"(1) That the obligation of the United States to make payments under such contract in any fiscal year shall be subject to appropriations being available for such fiscal year and specifically for the project covered by such contract.

"(2) A commitment to obligate the necessary amount for a fiscal year covered by such contract when and to the extent that funds are appropriated for the project covered by such contract.

"(3) That the commitment described in paragraph (2) does not constitute an obligation of the United States.".

(b) INVESTMENTS SUBJECT TO AVAILABILITY OF APPROPRIATIONS.—Section 2875(a) of such title is amended by inserting ", subject to the availability of appropriations for such purpose," after "may".

(c) REPEAL OF CERTAIN AUTHORITIES.—

(1) RENTAL GUARANTEES.—Section 2876 of such title is repealed.

(2) DIFFERENTIAL LEASE PAYMENTS.—Section 2877 of such title is repealed.

(3) ASSIGNMENT OF MEMBERS OF THE ARMED FORCES TO HOUSING UNITS.—Section 2882 of such title is repealed.

(d) INCREASE IN AMOUNT OF BUDGET AUTHORITY FOR MILITARY FAMILY HOUSING.—Section 2883(g)(1) of such title is amended by striking "$850,000,000" and inserting "$850,000,001".

(e) CLERICAL AMENDMENTS.—The table of sections at the beginning of subchapter IV of chapter 169 of such title is amended by striking the items relating to sections 2876, 2877, and 2882.

Subtitle B—Real Property and Facilities Administration

SEC. 2811. RECODIFICATION AND CONSOLIDATION OF CERTAIN AUTHORITIES AND LIMITATIONS RELATING TO REAL PROPERTY ADMINISTRATION.

(a) CERTAIN PROVISIONS ON LAND ACQUISITION.—

(1) RECODIFICATION.—Section 2661 of title 10, United States Code, is amended by adding at the end the following new subsections:

"(c) COMMISSIONS ON LAND PURCHASE CONTRACTS.—The maximum amount payable as a commission on a contract for the purchase of land from funds appropriated for the Department of Defense is 2 percent of the purchase price.

"(d) AVAILABILITY OF FUNDS FOR ACQUISITION OF CERTAIN INTERESTS IN LANDS.—Appropriations available to the Department of Defense for operation and maintenance or construction may be used for the following:

"(1) The acquisition of land or interests in land under section 2672 of this title.

"(2) The acquisition of interests in land under section 2675 of this title.".

(2) STYLISTIC AMENDMENTS.—Such section is further amended—

(A) in subsection (a), by inserting "AVAILABILITY OF FUNDS FOR REPAIR OF FACILITIES AND FOR INSTALLATION OF EQUIPMENT.—" after "(a)"; and

(B) in subsection (b), by inserting "LEASES; DEFENSE ACCESS ROADS.—" after "(b)".

(b) CERTAIN PROVISIONS ON USE OF FACILITIES.—Section 2679 of such title is amended to read as follows:

"§ 2679. Use of facilities: use by private organizations; use as polling places

"(a) USE OF SPACE AND EQUIPMENT BY VETERANS SERVICE ORGANIZATIONS.—(1) Upon certification to the Secretary concerned by the Secretary of Veterans Affairs, the Secretary concerned shall allow accredited, paid, full-time representatives of the organizations named in section 5902 of title 38, or of other organizations recognized by the Secretary of Veterans Affairs, to function on military installations under the jurisdiction of the Secretary concerned that are on land and from which persons are discharged or released from active duty.

"(2) The commanding officer of a military installation allowing representatives to function on the installation under paragraph (1) shall allow the representatives to use available space and equipment at the installation.

"(3) The regulations prescribed to carry out section 2679 of title 10, United States Code (as in effect on the day before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2005), that are in effect on January 1, 1958, shall remain in effect until changed by joint action of the Secretary concerned and the Secretary of Veterans Affairs.

"(4) This subsection does not authorize the violation of measures of military security.

"(b) LICENSES TO AMERICAN NATIONAL RED CROSS FOR ERECTION AND USE OF BUILDINGS.—(1) Under such conditions as the Secretary concerned may prescribe, such Secretary may issue a revocable license to the American National Red Cross to—

"(A) erect and maintain, on any military installation under the jurisdiction of such Secretary, buildings for the storage of supplies; or

"(B) use, for the storage of supplies, buildings erected by the United States.

"(2) Supplies stored in buildings erected or used under this subsection are available to aid the civilian population in a serious national disaster.

"(c) USE OF CERTAIN FACILITIES AS POLLING PLACES.—(1) Notwithstanding chapter 29 of title 18 (including sections 592 and 593 of such title) or any other provision of law, the Secretary of Defense or Secretary of a military department may not (except as provided in paragraph (3)) prohibit the designation or use of a qualifying facility under the jurisdiction of such Secretary as an official polling place for Federal, State, or local elections.

"(2) A Department of Defense facility is a qualifying facility for purposes of this subsection if as of December 31, 2000—

"(A) the facility is designated as an official polling place by a State or local election official; or

"(B) the facility has been used as such an official polling place since January 1, 1996.

"(3) The limitation in paragraph (1) may be waived by the Secretary of Defense or the Secretary of a military department with respect to a particular Department of Defense facility if such Secretary determines that local security conditions require prohibition of the designation or use of that facility as an official polling place for any election.".

(c) Repeal of Superseded Provisions.—Sections 2666, 2670, and 2673 of such title are repealed.

(d) Clerical Amendments.—The table of sections for chapter 159 of such title is amended—

(1) by striking the items relating to sections 2666, 2670, and 2673; and

(2) by striking the item relating to section 2679 and inserting the following new item:

"Sec. 2679. Use of facilities: use by private organizations; use as polling places.".

SEC. 2812. MODIFICATION AND ENHANCEMENT OF AUTHORITIES ON FACILITIES FOR RESERVE COMPONENTS.

(a) Interests in Land.—

(1) Definition of term.—Section 18232 of title 10, United States Code, is amended—

(A) by striking paragraph (2);

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (1) the following new paragraphs:

"(2) The term 'facility' includes any armory, readiness center, building, structure, or other improvement of real property needed for the administration and training of any unit of the reserve components of the armed forces.

"(3) The term 'interest in land' includes a fee title, lease, easement, license, permit, or agreement on use of a parcel of real property needed for the administration and training of any unit of the reserve components of the armed forces.".

(2) Utilization of term.—(A) Section 18231(1) of such title is amended by inserting before the semicolon the following: ", and the acquisition of interests in land for such purposes".

(B) Section 18233 of such title is amended—

(i) in subsection (a), by inserting "or interests in land" after "facilities" each place it appears; and

(ii) in subsection (f)(2), by striking "real property" and inserting "interests in land".

(C) Section 18233a(a)(1) of such title is amended by inserting "or interest in land" after "facility".

(b) Modification and Enhancement of Acquisition Authority.—Section 18233 of such title is further amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "and to" and inserting "chapters 159 and 169 of this title, and"; and

(B) in paragraph (1), by striking "transfer," and inserting "transfer from a military department, another department or agency of the Federal Government, or a State agency,"; and

(2) in subsection (f)(2), by striking "exchange of Government-owned land, or otherwise" and inserting "or exchange of Government-owned land".

(c) Authority To Carry Out Small Projects.—

(1) Modification of limitation on authority.—Section 18233a(a) of such title is further amended—

(A) in paragraph (1), by striking "$1,500,000" and inserting "$750,000"; and

(B) in paragraph (2), by adding at the end the following new subparagraph:

"(D) A repair project (as that term is defined in section 2811(e) of this title) costing less than $10,000,000.".

(2) Recodification of authority to carry out with operation and maintenance funds.—Chapter 1803 of title 10, United States Code, is amended by inserting after section 18233a the following new section:

"§ 18233b. Authority to carry out small projects with operation and maintenance funds

"Under such regulations as the Secretary of Defense may prescribe, the Secretary may spend, from appropriations available for operation and maintenance, amounts necessary to carry out any project authorized under section 18233(a) of this title costing not more than—

"(1) the amount specified in section 2805(c)(1)(A) of this title, in the case of a project intended solely to correct a deficiency that is life-threatening, health-threatening, or safety-threatening; or

"(2) the amount specified in section 2805(c)(1)(B) of this title, in the case of any other project.".

(3) Repeal of superseded authority.—Section 18233a of such title is amended by striking subsection (b).

(4) Conforming amendments.—Section 18233a of such title is further amended—

(A) by striking "(1) Except as provided in paragraph (2)" and inserting "Except as provided in subsection (b)"; and

(B) by redesignating paragraph (2) as subsection (b) and in that subsection, as so redesignated—

(i) by striking "Paragraph (1)" and inserting "Subsection (a)";

(ii) by redesignating subparagraphs (A), (B), (C), and (D) as paragraphs (1), (2), (3), and (4), respectively; and

(iii) in paragraph (2), as so redesignated—

(I) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively; and

(II) in subparagraph (B), as so redesignated, by striking "(I) 25 percent, or (II)" and inserting "(i) 25 percent, or (ii)".

(5) Clerical amendments.—(A) The heading of section 18233a of such title is amended to read as follows:

"§ 18233a. Limitation on certain projects".

(B) The table of sections at the beginning of chapter 1803 of such title is amended by striking the item relating to section 18233a and inserting the following new items:

"18233a. Limitation on certain projects.

"18233b. Authority to carry out small projects with operation and maintenance funds.".

SEC. 2813. AUTHORITY TO EXCHANGE OR SELL RESERVE COMPONENT FACILITIES AND LANDS TO OBTAIN NEW RESERVE COMPONENT FACILITIES AND LANDS.

(a) In General.—The Secretary of Defense may authorize each Secretary of a military department to carry out projects to assess the feasibility and advisability of obtaining new facilities and lands for the reserve components of such department through the exchange or sale of existing facilities or lands of such reserve components.

(b) Transactions Authorized.—Pursuant to the authority under subsection (a), the Secretary of a military department may carry out any transaction as follows:

(1) An exchange of an existing facility or existing interest in land of a reserve component of such department for a new facility, an interest in land, or an addition to an existing facility for the reserve component.

(2) A sale of an existing facility or existing interest in land of a reserve component of such department with the proceeds of sale used to acquire a new facility, an interest in land, or an addition to an existing facility for the reserve component.

(3) A combination of an exchange and sale of an existing facility, interest in land, or both of a reserve component of such department with the use of the exchange allowance and proceeds of sale to acquire a facility, an interest in land, or an addition to an existing facility for the reserve component.

(c) Facilities and Lands Subject to Transaction.—A facility or interest in land of a reserve component that may be exchanged or sold pursuant to the authority under subsection (a) is any facility or interest in land under the control of the military department concerned that is not excess property, as that term is defined in section 102(3) of title 40, United States Code.

(d) Fair Market Value To Be Obtained in Transaction.—In any exchange or sale of an existing facility pursuant to the authority under subsection (a), the United States shall receive cash, a replacement facility or addition to an existing facility, an interest in land, or a combination thereof of in an amount not less than the fair market value of the existing facility, as determined by the Secretary of the military department concerned.

(e) Requirements for Replacement Facilities.—(1) A facility obtained as a replacement facility for an existing facility, or as an addition to an existing facility, pursuant to the authority under subsection (a) shall, as determined by the Secretary of the military department concerned—

(A) be complete and usable, fully functional, and ready for occupancy, and satisfy fully all operational requirements of the existing facility; and

(B) meet all applicable Federal, State, and local requirements relating to health, safety, fire, and the environment.

(2) A facility obtained as a replacement facility for an existing facility, or as an addition to an existing facility, pursuant to the authority under subsection (a) shall meet the requirements specified in subparagraphs (A) and (B) of paragraph (1) before the conclusion of the exchange or sale of the existing facility concerned.

(f) Agreement Required.—The Secretary of a military department shall carry out each transaction pursuant to the authority under subsection (a) through an agreement for that purpose entered into by such Secretary and the person or entity carrying out the transaction.

(g) Selection Among Competing Participants.—(1) If more than one person or entity notifies the Secretary of a military department of an interest in carrying out a transaction pursuant to the authority under subsection (a), the Secretary shall, except as provided in paragraph (2), select the person or entity to carry out the transaction through the use of competitive procedures.

(2) The Secretary of a military department may use procedures other than competitive procedures to select among persons and entities to carry out a transaction pursuant to the authority under subsection (a), but only in accordance with subsections (c) through (f) of section 2304 of title 10, United States Code.

(h) Notice and Wait Requirement.—(1) The Secretary of a military department may not enter into an agreement pursuant to the authority under subsection (a) until 30 days after the date on which such Secretary submits to the congressional defense committees a report on the agreement.

(2) A report on an agreement under paragraph (1) shall include the following:

(A) A description of terms of the agreement, including a description of any funds to be received by the United States under the agreement and the proposed use of such funds.

(B) A description of the existing facility, interest in land, or both of a reserve component covered by the agreement, including the fair market value of such facility, interest in land, or both and the method of determination of such fair market value.

(C) Data on the facility or addition to an existing facility, if any, to be received by the United States under the agreement, which data shall meet requirements for data to be provided Congress for military construction projects to obtain a similar facility or addition to an existing facility.

(D) A certification that the existing facility, interest in land, or both of a reserve component covered by the agreement is not required by another military department.

(3) Section 2662 of title 10, United States Code, shall not apply to any transaction carried out pursuant to the authority under subsection (a).

(i) Treatment of Funds Received in Transactions.—(1) The Secretary of a military department shall deposit in a special account in the Treasury established for such purpose pursuant to section 572(b) of title 40, United States Code, any amounts received pursuant to an agreement entered into by such Secretary pursuant to the authority under subsection (a).

(2) Amounts deposited by the Secretary of a military department under paragraph (1) in the account established by such Secretary under that paragraph with respect to an agreement shall be available to such Secretary, without further appropriation, as follows:

(A) For the construction or acquisition of facilities, or of additions to existing facilities, for the reserve component concerned at the location to which such agreement applies.

(B) To the extent that such amounts are not required for purposes of subparagraph (A), for maintenance, protection, alteration, repair, improvement, or restoration (including environmental restoration) of facilities or property of the reserve component concerned at the location to which such agreement applies.

(3) Amounts available under paragraph (2) shall remain available until expended.

(j) Sole Authority for Exchanges of Facilities and Lands.—Except as otherwise specifically authorized by law, during the period of the authority under subsection (a), the authority under that subsection to exchange facilities or interests in land of the reserve components to obtain facilities, interests in land, or additions to facilities for the reserve components is the sole authority available in law for that purpose.

(k) Construction With Other Military Construction Laws.—Transactions pursuant to the authority under subsection (a) shall not be treated as military construction projects requiring an authorization in law as otherwise required by section 2802 of title 10, United States Code.

(l) Report.—Not later than March 1, 2007, the Secretary of Defense shall submit to the congressional defense committees a report on the exercise of the authority under subsection (a). The report shall include the following:

(1) A description of the projects carried out under the authority.

(2) A description of the analysis and criteria used to identify existing facilities and interests in land to be exchanged or sold under the authority.

(3) An assessment of the utility to the Department of Defense of the authority, including recommendations for modifications of such authority in order to enhance the utility of such authority for the Department.

(4) An assessment of interest in future exchanges or sales in the event the authority is extended.

(5) An assessment of the advisability of making the authority, including any modifications of the authority recommended under paragraph (3), permanent.

(m) Definitions.—In this section:

(1) The term "facility" includes an armory, readiness center, or other structure, and storage or other facilities, normally needed for the administration and training of a unit of a reserve component.

(2) The terms "armory" and "readiness center" have the meanings given such terms in section 18232(3) of title 10, United States Code.

(n) Expiration Date.—No transaction may be commenced pursuant to the authority under subsection (a) after September 30, 2006.

SEC. 2814. REPEAL OF AUTHORITY OF SECRETARY OF DEFENSE TO RECOMMEND THAT INSTALLATIONS BE PLACED IN INACTIVE STATUS DURING 2005 ROUND OF DEFENSE BASE CLOSURE AND REALIGNMENT.

Section 2914 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by striking subsection (c).

Subtitle C—Land Conveyances

SEC. 2821. TRANSFER OF ADMINISTRATIVE JURISDICTION, DEFENSE SUPPLY CENTER, COLUMBUS, OHIO.

(a) Transfer Authorized.—The Secretary of the Army may transfer, without reimbursement, to the Secretary of Veterans Affairs administrative jurisdiction of a parcel of real property consisting of approximately 20 acres and comprising a portion of the Defense Supply Center in Columbus, Ohio.

(b) Use of Property.—The Secretary of Veterans Affairs may only use the property transferred under subsection (a) as the site for the construction of a new outpatient clinic for the provision of medical services to veterans.

(c) Costs.—Any administrative costs in connection with the transfer of property under subsection (a), including the costs of the survey required by subsection (e), shall be borne by the Secretary of Veterans Affairs.

(d) Return of Jurisdiction to Army.—If at any time the Secretary of the Army determines that the property transferred under subsection (a) is not being utilized for the outpatient clinic described in subsection (b), then, at the election of the Secretary of the Army, the Secretary of Veterans Affairs shall return to the Secretary of the Army administrative jurisdiction of the property.

(e) Exemption From Federal Screening.—The conveyance under subsection (a) is exempt from the requirement to screen the property for other Federal use pursuant to section 2693 of title 10, United States Code.

(f) Description of Property.—The exact acreage and legal description of the real property to be transferred under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Army.

(g) Additional Terms and Conditions.—The Secretary of the Army may require such additional terms and conditions in connection with the transfer under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2822. LAND CONVEYANCE, BROWNING ARMY RESERVE CENTER, UTAH.

(a) Conveyance Authorized.—(1) The Secretary of the Army may convey, without consideration, to the State of Utah (in this section referred to as the "State") all right, title, and interest of the United States in and to a parcel of unimproved real property consisting of approximately 10 acres and located at the Browning Army Reserve Center, Utah.

(2) The purpose of the conveyance is to permit the Department of Veterans Affairs of the State of Utah to construct and operate a facility for the provision of nursing care for veterans.

(b) Payment of Costs of Conveyance.—(1) The Secretary may require the State to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts paid to the Secretary in advance exceed the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the State.

(2) Amounts received under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(c) Description of Property.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(d) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2823. LAND EXCHANGE, ARLINGTON COUNTY, VIRGINIA.

(a) Exchange Authorized.—(1) The Secretary of Defense may convey to Arlington County, Virginia (in this section referred to as the "County"), all right, title, and interest of the United States in and to a parcel of real property, together with any improvements thereon, consisting of not more than 4.5 acres and located along the western boundary of the Navy Annex property, Virginia, for the purpose of the construction of a freedmen heritage museum and an Arlington history museum.

(2) The size of the parcel of real property conveyed under paragraph (1) shall be such that the acreage of the parcel shall be equivalent to the acreage of the parcel of real property conveyed under subsection (b). The Secretary shall determine the acreage of the parcels, and such determination shall be final.

(b) Consideration.—As consideration for the conveyance of property under subsection (a), the County shall convey to the United States all right, title, and interest of the County in and to a parcel of real property, together with any improvements thereon, consisting of not more than 4.5 acres and known as the Southgate Road right-of-way between Arlington National Cemetery, Virginia, and the Navy Annex property.

(c) Description of Property.—The exact acreage and legal description of the parcels of real property to be conveyed under this section shall be determined by surveys satisfactory to the Secretary.

(d) Payment of Costs of Conveyances.—(1) The Secretary may require the County to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyances under subsections (a) and (b), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyances. If amounts are collected from the County in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the County.

(2) Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyances. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) Reversionary Interest.—(1) If at any time the Secretary determines that the property conveyed to the County under subsection (a) is not being used for the purposes stated in that subsection, then, at the option of the Secretary, all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry onto the property.

(2) If the Secretary exercises the reversionary interest provided for in paragraph (1), the Secretary shall pay the County, from amounts available to the Secretary for military construction for the Defense Agencies, an amount equal to the fair market value of the property covered by the reversionary interest, as determined by the Secretary.

(f) Exemption From Federal Screening.—The conveyance under subsection (a) is exempt from the requirement to screen the property for other Federal use pursuant to sections 2693 and 2696 of title 10, United States Code.

(g) Inclusion of Southgate Road Right-of-Way Property in Transfer of Navy Annex Property for Arlington National Cemetery.—Subsection (a) of section 2881 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 879) is amended by striking "three parcels of real property consisting of approximately 36 acres" and inserting "four parcels of real property consisting of approximately 40 acres".

(h) Termination of Reservation of Certain Navy Annex Property for Memorials or Museums.—Subsection (b) of such section, as amended by section 2863(f) of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1332) and section 2851(a)(1) of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2726), is further amended—

(1) by striking "(1) Subject to paragraph (2), the Secretary" and inserting "The Secretary"; and

(2) by striking paragraph (2).

(i) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2824. LAND CONVEYANCE, HAMPTON, VIRGINIA.

(a) Conveyance Authorized.—The Secretary of the Army may convey, without consideration, to the Hampton City School Board, Hampton, Virginia (in this section referred to as the "Board"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, that consists of approximately 29.8 acres, is located on Downey Farm Road in Hampton, Virginia, and is known as the Butler Farm United States Army Reserve Center in order to permit the Board to utilize the property for public education purposes.

(b) Condition of Conveyance.—The conveyance under subsection (a) shall be subject to the condition that the Board accept the real property described in subsection (a) in its condition at the time of the conveyance, commonly known as conveyance "as is".

(c) Payment of Costs of Conveyance.—(1) The Secretary may require the Board to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the Board in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Board.

(2) Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) Exemption From Federal Screening.—The conveyance authorized by subsection (a) is exempt from the requirement to screen the property for other Federal use pursuant to section 2693 and 2696 of title 10, United States Code.

(e) Description of Property.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(f) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2825. LAND CONVEYANCE, SEATTLE, WASHINGTON.

(a) Conveyance Authorized.—The Secretary of the Army may convey, without consideration, to the State of Washington (in this section referred to as the "State") all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 9.747 acres in Seattle, Washington, and comprising a portion of the National Guard Facility, Pier 91, for the purpose of permitting the State to convey the facility unencumbered for economic development purposes.

(b) Condition of Conveyance.—The conveyance under subsection (a) shall be subject to the condition that the State accept the real property in its condition at the time of the conveyance, commonly known as conveyance "as is".

(c) Administrative Expenses.—(1) The State shall reimburse the Secretary for the administrative expenses incurred by the Secretary in carrying out the conveyance under subsection (a), including expenses related to surveys and legal descriptions, boundary monumentation, environmental surveys, necessary documentation, travel, and deed preparation.

(2) Section 2695(c) of title 10, United States Code, shall apply to any amounts received by the Secretary as reimbursement under this subsection.

(d) Description of Property.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the United States, subject to the requirement for reimbursement under subsection (c).

(e) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2826. TRANSFER OF JURISDICTION, NEBRASKA AVENUE NAVAL COMPLEX, DISTRICT OF COLUMBIA.

(a) Transfer Required.—The Secretary of the Navy shall transfer to the administrative jurisdiction of the Administrator of General Services the parcel of Department of the Navy real property in the District of Columbia known as the Nebraska Avenue Complex for the purpose of permitting the Administrator to use the Complex to accommodate the Department of Homeland Security. The Complex shall be transferred in its existing condition.

(b) Authority To Retain Military Family Housing.—The Secretary of the Navy may retain administrative jurisdiction over the portion of the Complex that the Secretary considers to be necessary for continued use as Navy family housing.

(c) Time for Transfer.—The transfer of administrative jurisdiction over the Complex to the Administrator under subsection (c) shall be completed not later than January 1, 2005.

(d) Relocation of Navy Activities.—As part of the transfer of the Complex under this section, the Secretary of the Navy shall relocate Department of the Navy activities at the Complex to other locations.

(e) Payment of Relocation Costs.—Subject to the availability of appropriations for this purpose, the Secretary of Homeland Security shall be responsible for the payment of—

(1) all reasonable costs, including costs to move furnishings and equipment, related to the relocation of Department of the Navy activities from the Complex under subsection (d);

(2) all reasonable costs, including rent, incident to the occupancy by such activities of interim leased space; and

(3) all reasonable costs incident to the acquisition of permanent facilities for Department of the Navy activities relocated from the Complex.

(f) Submission of Cost Estimates.—As soon as practicable after the date of the enactment of this Act, but not later than January 1, 2005, the Secretary of the Navy shall submit to the congressional defense committees an initial estimate of the amounts that will be necessary to cover the costs to permanently relocate Department of the Navy activities from the Complex. The Secretary shall include in the estimate anticipated land acquisition and facility construction costs. The Secretary shall revise the estimate as necessary whenever information regarding the actual costs for the relocation is obtained.

(g) CERTIFICATION OF RELOCATION COSTS.—At the end of the three-year period beginning on the date of the transfer of the Complex under subsection (a), the Secretary of the Navy shall submit to Congress written notice—

(1) specifying the total amount expended under subsection (e) to cover the costs of relocating Department of the Navy activities from the Complex;

(2) specifying the total amount expended to acquire permanent facilities for Department of the Navy activities relocated from the Complex; and

(3) certifying whether the amounts paid are sufficient to complete all relocation actions.

SEC. 2827. LAND CONVEYANCE, HONOLULU, HAWAII.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey, without consideration but subject to the conditions specified in subsection (b), to the City and County of Honolulu, Hawaii, all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 5.16 acres located at 890 Valkenberg Avenue, Honolulu, Hawaii, and currently used by the City and County of Honolulu as the site of a fire station and firefighting training facility. The purpose of the conveyance is to enhance the capability of the City and County of Honolulu to provide fire protection and firefighting services to the civilian and military properties in the area and to provide a location for firefighting training for civilian and military personnel.

(b) CONDITIONS OF CONVEYANCE.—The conveyance under subsection (a) shall be subject to the following conditions:

(1) That the City and County of Honolulu accept the real property in its condition at the time of the conveyance, commonly known as conveyance "as is".

(2) That the City and County of Honolulu make the firefighting training facility available to the fire protection and firefighting units of the military departments for training not less than 2 days per week on terms satisfactory to the Secretary.

(c) PAYMENT OF COSTS OF CONVEYANCE.—(1) The Secretary shall require the City and County of Honolulu to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the City and County of Honolulu in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount, without interest, to the City and County of Honolulu.

(2) Amounts received under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2828. LAND CONVEYANCE, PORTSMOUTH, VIRGINIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey, without consideration, to the City of Portsmouth, Virginia (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 0.49 acres located at 517 King Street, Portsmouth, Virginia, and known as the "Navy YMCA Building", for economic revitalization purposes.

(b) CONDITIONS OF CONVEYANCE.—The conveyance under subsection (a) shall be subject to the following conditions:

(1) That the City accept the real property described in subsection (a) in its condition at the time of the conveyance, commonly known as conveyance "as is".

(2) That the City bear all costs related to the environmental remediation, use, and redevelopment of the real property.

(c) PAYMENT OF COSTS OF CONVEYANCE.—(1) The Secretary may require the City to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts paid to the Secretary in advance exceed the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the City.

(2) Amounts received under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2829. LAND CONVEYANCE, FORMER GRIFFISS AIR FORCE BASE, NEW YORK.

(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Air Force may convey to the Oneida County Industrial Development Agency, New York, the local reuse authority for the former Griffiss Air Force Base (in this section referred to as the "Authority"), all right, title and interest of the United States in and to a parcel of real property consisting of 9.639 acres and including four buildings described in paragraph (2) that were vacated by the Air Force in conjunction with its relocation to the Consolidated Intelligence and Reconnaissance Laboratory at Air Force Research Laboratory—Rome Research Site, Rome, New York.

(2) The buildings described in this paragraph are the buildings located on the real property referred in paragraph (1) as follows:

(A) Building 240 (117,323 square feet).

(B) Building 247 (13,199 square feet).

(C) Building 248 (4,000 square feet).

(D) Building 302 (20,577 square feet).

(3) The purpose of the conveyance under this subsection is to permit the Authority to develop the parcel and structures conveyed for economic purposes in a manner consistent with the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(b) CONDITION OF CONVEYANCE.—The conveyance under subsection (a) shall be subject to the condition that the Authority accept the real property in its condition at the time of the conveyance, commonly known as conveyance "as is".

(c) CONSIDERATION.—As consideration for the conveyance of property under subsection (a), the Authority shall pay the United States an amount equal to the fair market of value, as determined by the Secretary.

(d) TREATMENT OF PROCEEDS.—Any consideration received under subsection (c) shall be deposited in the Department of Defense Base Closure Account 1990 established by section 2906 of the Defense Base Closure and Realignment Act of 1990, and shall be available for use in accordance with subsection (b) of such section.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Authority.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2830. LAND EXCHANGE, MAXWELL AIR FORCE BASE, ALABAMA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey to the City of Montgomery, Alabama (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 28 acres and including all of the Maxwell Heights Housing site and located at Maxwell Air Force Base, Alabama.

(b) CONSIDERATION.—(1) As consideration for the conveyance of property under subsection (a), the City shall convey to the United States all right, title, and interest of the City to a parcel of real property, including any improvements thereon, consisting of approximately 35 acres and designated as project AL 6-4, that is owned by the City and is contiguous to Maxwell Air Force Base, for the purpose of allowing the Secretary to incorporate such property into a project for the acquisition or improvement of military housing under subchapter IV of chapter 169 of title 10, United States Code. The Secretary shall have administrative jurisdiction over the real property received under this subsection.

(2) If the fair market value of the real property received under paragraph (1) is less than the fair market value of the real property conveyed under subsection (a) (as determined pursuant to an appraisal acceptable to

the Secretary), the Secretary may require the City to provide, pursuant to negotiations between the Secretary and the City, in-kind consideration the value of which when added to the fair market value of the property conveyed under subsection (b) equals the fair market value of the property conveyed under subsection (a).

(c) PAYMENT OF COSTS OF CONVEYANCE.—(1) The Secretary may require the City to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyances under subsections (a) and (b), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyances. If amounts are collected from the City in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the City.

(2) Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyances. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsections (a) and (b) shall be determined by surveys satisfactory to the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under subsections (a) and (b) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2831. LAND EXCHANGE, NAVAL AIR STATION, PATUXENT RIVER, MARYLAND.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the State of Maryland (in this section referred to as "State"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately five acres at Naval Air Station, Patuxent River, Maryland, and containing the Point Lookout Lighthouse, other structures related to the lighthouse, and an archaeological site pertaining to the military hospital that was located on the property during the Civil War. The conveyance shall include artifacts pertaining to the military hospital recovered by the Navy and held at the installation.

(b) PROPERTY RECEIVED IN EXCHANGE.—As consideration for the conveyance of the real property under subsection (a), the State shall convey to the United States a parcel of real property consisting of approximately five acres located in Point Lookout State Park, St. Mary's County, Maryland.

(c) PAYMENT OF COSTS OF CONVEYANCE.—(1) The Secretary may require the State to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, relocation expenses incurred under subsection (b), and other administrative costs related to the conveyance. If amounts are collected from the State in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to State.

(2) Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the properties to be conveyed under this section shall be determined by surveys satisfactory to the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2832. LAND CONVEYANCE, MARCH AIR FORCE BASE, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey to the March Joint Powers Authority (in this section referred to as the "MJPA") all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 15 acres located in Riverside County, California, and containing the former Defense Reutilization and Marketing Office facility for March Air Force Base, which is also known as Parcel A-6, for the purpose of economic development and revitalization.

(b) CONSIDERATION.—(1) As consideration for the conveyance of property under subsection (a), the MJPA shall pay the United States an amount equal to the fair market value, as determined by the Secretary, of the property to be conveyed under such subsection.

(2) The consideration received under this subsection shall be deposited in the special account in the Treasury established under section 572(b) of title 40, United States Code, and available in accordance with the provisions of paragraph (5)(B)(ii).

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the MJPA.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2833. LAND CONVEYANCE, SUNFLOWER ARMY AMMUNITION PLANT, KANSAS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army, in consultation with the Administrator of General Services, may convey to an entity selected by the Board of Commissioners of Johnson County, Kansas (in this section referred to as the "entity" and the "Board", respectively), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 9,065 acres and containing the Sunflower Army Ammunition Plant. The purpose of the conveyance is to facilitate the re-use of the property for economic development and revitalization.

(b) CONSIDERATION.—(1) As consideration for the conveyance under subsection (a), the entity shall provide the United States, whether by cash payment, in-kind contribution, or a combination thereof, an amount that is not less than the fair market value, as determined by an appraisal of the property acceptable to the Administrator and the Secretary. The Secretary may authorize the entity to carry out, as in-kind consideration, environmental remediation activities for the property conveyed under such subsection.

(2) The Secretary shall deposit any cash received as consideration under this subsection in a special account established pursuant to section 572(b) of title 40, United States Code, to pay for environmental remediation and explosives cleanup of the property conveyed under subsection (a).

(c) CONSTRUCTION WITH PREVIOUS LAND CONVEYANCE AUTHORITY ON SUNFLOWER ARMY AMMUNITION PLANT.—The authority in subsection (a) to make the conveyance described in that subsection is in addition to the authority under section 2823 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107-314; 116 Stat. 2712) to make the conveyance described in that section.

(d) ENVIRONMENTAL REMEDIATION AND EXPLOSIVES CLEANUP.—(1) Notwithstanding any other provision of law, the Secretary may enter into a multi-year cooperative agreement or contract with the entity to undertake environmental remediation and explosives cleanup of the property, and may utilize amounts authorized to be appropriated for the Secretary for purposes of environmental remediation and explosives cleanup under the agreement.

(2) The terms of the cooperative agreement or contract may provide for advance payments on an annual basis or for payments on a performance basis. Payments may be made over a period of time agreed to by the Secretary and the entity or for such time as may be necessary to perform the environmental remediation and explosives cleanup of the property, including any long-term operation and maintenance requirements.

(e) PAYMENT OF COSTS OF CONVEYANCE.—(1) The Secretary may require the entity or other persons to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental, and other administrative costs related to the conveyance.

(2) Amounts received under paragraph (1) shall be credited to the appropriation, fund, or account from which the costs were paid. Amounts so credited shall be merged with funds in such appropriation, fund, or account, and shall be available for the same purposes, and subject to the same limitations, as the funds with which merged.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey jointly satisfactory to the Secretary and the Administrator.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary and the Administrator may require such additional terms and conditions in connection with the conveyance of real property under subsection (a), and the environmental remediation and explosives cleanup under subsection (d), as the Secretary and the Administrator jointly consider appropriate to protect the interests of the United States.

SEC. 2834. LAND CONVEYANCE, NAVAL WEAPONS STATION, CHARLESTON, SOUTH CAROLINA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the Berkeley County Sanitation Authority, South

Carolina (in this section referred to as the "Authority"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of not more than 38 acres and comprising a portion of the Naval Weapons Station, Charleston, South Carolina, for the purpose of allowing the Authority to expand an existing sewage treatment plant.

(b) CONSIDERATION.—As consideration for the conveyance of property under subsection (a), the Authority shall provide the United States, whether by cash payment, in-kind services, or a combination thereof, an amount that is not less than the fair market value, as determined by an appraisal acceptable to the Secretary, of the property conveyed under such subsection.

(c) PAYMENT OF COSTS OF CONVEYANCE.—(1) The Secretary may require the Authority to cover costs incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including appraisal costs, survey costs, costs related to compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and environmental remediation, and other administrative costs related to the conveyance. If the amounts are collected from the Authority in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Authority.

(2) Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be made available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Authority.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2835. LAND CONVEYANCE, LOUISIANA ARMY AMMUNITION PLANT, DOYLINE, LOUISIANA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the State of Louisiana (in this section referred to as the "State") all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 14,949 acres located at the Louisiana Army Ammunition Plant, Doyline, Louisiana.

(b) CONSIDERATION.—As consideration for the conveyance of property under subsection (a), the State shall—

(1) maintain at least 13,500 acres of such property for the purpose of military training, unless the Secretary determines that fewer acres are required for such purpose;

(2) ensure that any other uses that are made of the property conveyed under subsection (a) do not adversely impact military training;

(3) accommodate the use of such property, at no cost or fee, for meeting the present and future training needs of Armed Forces units, including units of the Louisiana National Guard and the other active and reserve components of the Armed Forces;

(4) assume, starting on the date that is five years after the date of the conveyance of such property, responsibility for any monitoring, sampling, or reporting requirements that are associated with the environmental restoration activities of the Army on the Louisiana Army Ammunition Plant, and shall bear such responsibility until such time as such monitoring, sampling, or reporting is no longer required; and

(5) assume the rights and responsibilities of the Army under the armaments retooling manufacturing support agreement between the Army and the facility use contractor with respect to the Louisiana Army Ammunition Plant in accordance with the terms of such agreement in effect at the time of the conveyance.

(c) PAYMENT OF COSTS OF CONVEYANCE.—(1) The Secretary may require the State to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the State in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to State.

(2) Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by surveys satisfactory to the Secretary. The cost of each survey shall be borne by the State.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2836. MODIFICATION OF AUTHORITY FOR LAND CONVEYANCE, EQUIPMENT AND STORAGE YARD, CHARLESTON, SOUTH CAROLINA.

Section 563(h) of the Water Resources Development Act of 1999 (Public Law 106–53; 113 Stat. 360) is amended to read as follows:

"(h) CHARLESTON, SOUTH CAROLINA.—

"(1) IN GENERAL.—The Secretary may convey to the City of Charleston, South Carolina (in this section referred to as the 'City'), all right, title, and interest of the United States in and to a parcel of real property of the Corps of Engineers, together with any improvements thereon, that is known as the Equipment and Storage Yard and consists of approximately 1.06 acres located on Meeting Street in Charleston, South Carolina, in as-is condition.

"(2) CONSIDERATION.—As consideration for the conveyance of property under paragraph (1), the City shall provide the United States, whether by cash payment, in-kind contribution, or a combination thereof, an amount that is not less than the fair market value of the property conveyed, as determined by the Secretary.

"(3) USE OF PROCEEDS.—Amounts received as consideration under this subsection may be used by the Corps of Engineers, Charleston District, as follows:

"(A) Any amounts received as consideration may be used to carry out activities under this Act, notwithstanding any requirements associated with the Plant Replacement and Improvement Program (PRIP), including—

"(i) leasing, purchasing, or constructing an office facility within the boundaries of Charleston, Berkeley, and Dorchester Counties, South Carolina; and

"(ii) satisfying any PRIP balances.

"(B) Any amounts received as consideration that are in excess of the fair market value of the property conveyed under paragraph (1) may be used for any authorized activities of the Corps of Engineers, Charleston District.

"(4) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under paragraph (1) and any property transferred to the United States as consideration under paragraph (2) shall be determined by surveys satisfactory to the Secretary.

"(5) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under paragraph (1) as the Secretary considers appropriate to protect the interests of the United States.".

Subtitle D—Other Matters

SEC. 2841. DEPARTMENT OF DEFENSE FOLLOW-ON LABORATORY REVITALIZATION DEMONSTRATION PROGRAM.

(a) FOLLOW-ON PROGRAM AUTHORIZED.—(1) The Secretary of Defense may carry out a program (to be known as the "Department of Defense Follow-On Laboratory Revitalization Demonstration Program") for the revitalization of Department of Defense laboratories. Under the program, the Secretary may carry out minor military construction projects in accordance with subsection (b) and other applicable law to improve laboratories covered by the program.

(2) The program under this section is the successor program to the Department of Defense Laboratory Revitalization Demonstration Program carried out under section 2892 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 10 U.S.C. 2805 note).

(b) INCREASED MAXIMUM AMOUNTS APPLICABLE TO MINOR CONSTRUCTION PROJECTS.—For purpose of any military construction project carried out under the program—

(1) the amount provided in the second sentence of subsection (a)(1) of section 2805 of title 10, United States Code, shall be deemed to be $3,000,000;

(2) the amount provided in subsection (b)(1) of such section shall be deemed to be $1,500,000; and

(3) the amount provided in subsection (c)(1)(B) of such section shall be deemed to be $1,000,000.

(c) PROGRAM REQUIREMENTS.—(1) Not later than 30 days before commencing the program, the Secretary shall—

(A) designate the Department laboratories at which construction may be carried out under the program; and

(B) establish procedures for the review and approval of requests from Department laboratories to carry out such construction.

(2) The laboratories designated under paragraph (1)(A) may not include Department laboratories that are contractor owned.

(3) The Secretary shall notify Congress of the Department laboratories designated under paragraph (1)(A).

(d) REPORT.—Not later than September 30, 2005, the Secretary shall submit to the congressional defense committees a report on the program under this section. The report shall include—

(1) a list and description of the construction projects carried out under the program, and of any projects carried out under the program referred to in subsection (a) during the period beginning on October 1, 2003, and ending on the date of the enactment of this Act, including the location and costs of each such project; and

(2) the assessment of the Secretary of the advisability of extending or expanding the authority for the program under this section.

(e) CONSTRUCTION OF AUTHORITY.—Nothing in this section may be construed to limit any other authority provided by law for any military construction project at a Department laboratory covered by the program.

(f) DEFINITIONS.—In this section:

(1) The term "laboratory" includes—

(A) a research, engineering, and development center;

(B) a test and evaluation activity owned, funded, and operated by the Federal Government through the Department of Defense; and

(C) a supporting facility of a laboratory.

(2) The term "supporting facility", with respect to a laboratory, means any building or structure that is used in support of research, development, test, and evaluation at the laboratory.

(g) EXPIRATION OF AUTHORITY.—The authority to carry out a project under the program under this section expires on September 30, 2006.

SEC. 2842. JURISDICTION AND UTILIZATION OF FORMER PUBLIC DOMAIN LANDS, UMATILLA CHEMICAL DEPOT, OREGON.

(a) JURISDICTION.—The various parcels of real property consisting of approximately 8,300 acres and located within the boundaries of Umatilla Chemical Depot, Oregon, that were previously withdrawn from the public domain are determined to be no longer suitable for return to the public domain and are hereby transferred to the administrative jurisdiction of the Secretary of the Army.

(b) UTILIZATION.—The Secretary shall combine the real property transferred under subsection (a) with other lands and lesser interests comprising the Umatilla Chemical Depot for purposes of their management and disposal pursuant to title II of the Defense Authorization Amendments and Base Closure and Realignment Act of 1988 (Public Law 100–526; 10 U.S.C. 2687 note) and other applicable law.

SEC. 2843. DEVELOPMENT OF HERITAGE CENTER FOR THE NATIONAL MUSEUM OF THE UNITED STATES ARMY.

(a) AUTHORITY TO ENTER INTO AGREEMENT.—(1) The Secretary of the Army may enter into an agreement with the Army Historical Foundation, a nonprofit organization, for the design, construction, and operation of a facility or group of facilities at Fort Belvoir, Virginia (in this section referred to as the "center"), for the National Museum of the United States Army.

(2) The center shall be used for the identification, curation, storage, and public viewing of artifacts and artwork of significance to the United States Army, as agreed to by the Secretary.

(3) The center may also be used to support such education, training, research, and associated purposes as the Secretary considers appropriate.

(b) DESIGN AND CONSTRUCTION.—(1) The design of the center shall be subject to the approval of the Secretary.

(2) For each phase of the development of the center, the Secretary may—

(A) accept funds from the Army Historical Foundation for the design and construction of such phase of the center; or

(B) permit the Army Historical Foundation to contract for the design and construction of such phase of the center.

(c) ACCEPTANCE OF FACILITY.—(1) Upon satisfactory completion, as determined by the Secretary, of any phase of the center, and upon the satisfaction of any and all financial obligations incident thereto by the Army Historical Foundation, the Secretary shall accept such phase of the center from the Army Historical Foundation, and all right, title, and interest in and to such phase of the center shall vest in the United States.

(2) Upon becoming property of the United States, a phase of the center accepted under paragraph (1) shall be under the jurisdiction of the Secretary.

(d) USE OF CERTAIN GIFTS.—(1) Under regulations prescribed by the Secretary, the Commander of the United States Army Center of Military History may, without regard to section 2601 of title 10, United States Code, accept, hold, administer, invest, and spend any gift, devise, or bequest of personal property of a value of $250,000 or less made to the United States if such gift, devise, or bequest is for the benefit of the National Museum of the United States Army or the center.

(2) The Secretary may pay or authorize the payment of any reasonable and necessary expense in connection with the conveyance or transfer of a gift, devise, or bequest under this subsection.

(e) LEASE OF FACILITY.—(1) The Secretary may lease, under such terms and conditions as the Secretary considers appropriate for the agreement authorized by subsection (a), portions of the center developed under that subsection to the Army Historical Foundation for use by the public, commercial and nonprofit entities, State and local governments, and other departments and agencies of the Federal Government for use in generating revenue for activities of the center and for such administrative purposes as may be necessary for the support of the center.

(2) The amount of consideration paid to the Secretary by the Army Historical Foundation for a lease under paragraph (1) may not exceed an amount equal to the actual cost, as determined by the Secretary, of the operations and maintenance of the center.

(3) Notwithstanding any other provision of law, the Secretary shall use amounts paid under paragraph (2) to cover the costs of operation of the center.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the agreement authorized by subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2844. AUTHORITY TO SETTLE CLAIM OF OAKLAND BASE REUSE AUTHORITY AND REDEVELOPMENT AGENCY OF THE CITY OF OAKLAND, CALIFORNIA.

(a) AUTHORITY.—The Secretary of the Navy may pay funds as agreed to by both parties, in the amount of $2,100,000, to the Oakland Base Reuse Authority and Redevelopment Agency of the City of Oakland, California, in settlement of Oakland Base Reuse Authority and Redevelopment Agency of the City of Oakland v. the United States, Case No. C02–4652 MHP, United States District Court, Northern District of California, including any appeal.

(b) CONSIDERATION.—As consideration, the Oakland Base Reuse Authority and Redevelopment Agency shall agree that the payment constitutes a final settlement of all claims against the United States related to said case and give to the Secretary a release of all claims to the eighteen officer housing units located at the former Naval Medical Center Oakland, California. The release shall be in a form that is satisfactory to the Secretary.

(c) SOURCE OF FUNDS.—The Secretary may use funds in the Department of Defense Base Closure Account 1990 established pursuant to section 2906 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) for the payment authorized by subsection (a) or the proceeds of sale from the eighteen housing units and property described in subsection (b).

SEC. 2845. COMPTROLLER GENERAL REPORT ON CLOSURE OF DEPARTMENT OF DEFENSE DEPENDENT ELEMENTARY AND SECONDARY SCHOOLS AND COMMISSARY STORES.

(a) COMPTROLLER GENERAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report that includes the following:

(1) With respect to Department of Defense dependent elementary and secondary schools—

(A) an assessment by the Comptroller General of the policy of the Department of Defense, and the criteria utilized by the Department, regarding the closure of schools, including whether or not such policy and criteria are consistent with Department policies and procedures on the preservation of the quality of life of members of the Armed Forces; and

(B) an assessment by the Comptroller General of any current or on-going studies or assessments of the Department with respect to any of the schools.

(2) With respect to commissary stores—

(A) an assessment by the Comptroller General of the policy of the Department of Defense, and the criteria utilized by the Department, regarding the closure of commissary stores, including whether or not such policy and criteria are consistent with Department policies and procedures on the preservation of the quality of life of members of the Armed Forces; and

(B) an assessment by the Comptroller General of any current or on-going studies or assessments of the Department with respect to any of the commissary stores.

(b) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Armed Services of the Senate; and

(2) the Committee on Armed Services of the House of Representatives.

TITLE XXIX—MARITIME ADMINISTRATION

SEC. 2901. MODIFICATION OF PRIORITY AFFORDED APPLICATIONS FOR NATIONAL DEFENSE TANK VESSEL CONSTRUCTION ASSISTANCE.

Section 3542(d) of the Maritime Security Act of 2003 (title XXXV of Public Law 108–136; 117 Stat. 1821; 46 U.S.C. 53101 note) is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following new paragraph (2):

"(2) shall give priority consideration to a proposal submitted by an applicant who has been accepted for participation in the Shipboard Technology Evaluation Program as outlined in Navigation and Vessel Inspection Circular 01–04, issued by the Commandant of the United States Coast Guard on January 2, 2004; and".

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2005 for the activities of the National Nuclear Security Administration in carrying out programs necessary for national security in the amount of $9,165,145,000, to be allocated as follows:

(1) For weapons activities, $6,674,898,000.

(2) For defense nuclear nonproliferation activities, $1,348,647,000.

(3) For naval reactors, $797,900,000.

(4) For the Office of the Administrator for Nuclear Security, $343,700,000.

(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new plant projects for weapons activities, as follows:

(1) For readiness in technical base and facilities:

Project 05–D–140, Readiness in Technical Base and Facilities Program (RTBF), project engineering and design (PED), various locations, $11,600,000.

Project 05–D–401, Building 12–64 production bays upgrade, Pantex Plant, Amarillo, Texas, $25,000,000.

Project 05–D–402, Beryllium Capability (BeC) Project, Y–12 National Security Complex, Oak Ridge, Tennessee, $3,627,000.

(2) For facilities and infrastructure recapitalization:

Project 05–D–160, Facilities and Infrastructure Recapitalization Program (FIRP), project engineering and design (PED), various locations, $8,700,000.

Project 05–D–601, compressed air upgrades, Y–12 National Security Complex, Oak Ridge, Tennessee, $4,400,000.

Project 05–D–602, power grid infrastructure upgrade (PGIU), Los Alamos National Laboratory, Los Alamos, New Mexico, $10,000,000.

Project 05–D–603, new master substation, technical areas I and IV, Sandia National Laboratories, Albuquerque, New Mexico, $600,000.

(3) For safeguards and security:

Project 05–D–170, safeguards and security, project engineering and design (PED), various locations, $17,000,000.

Project 05–D–701, security perimeter, Los Alamos National Laboratory, Los Alamos, New Mexico, $20,000,000.

(4) For naval reactors:

Project 05–N–900, materials development facility building, Schenectady, New York, $6,200,000.

SEC. 3102. DEFENSE ENVIRONMENTAL MANAGEMENT.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2005 for environmental management activities in carrying out programs necessary for national security in the amount of $6,954,402,000, to be allocated as follows:

(1) For defense site acceleration completion, $5,971,932,000.

(2) For defense environmental services, $982,470,000.

(b) AUTHORIZATION OF NEW PLANT PROJECT.—From funds referred to in subsection (a)(2) that are available for carrying out plant projects, the Secretary of Energy may carry out, for environmental management activities, the following new plant project:

Project 05–D–405, salt waste processing facility, Savannah River Site, Aiken, South Carolina, $52,000,000.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2005 for other defense activities in carrying out programs necessary for national security in the amount of $568,096,000.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2005 for defense nuclear waste disposal for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $108,000,000.

Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111. LIMITATION ON AVAILABILITY OF FUNDS FOR MODERN PIT FACILITY.

(a) LIMITATION.—Of the amount authorized to be appropriated by section 3101(a)(1) for the National Nuclear Security Administration for weapons activities and available for the Modern Pit Facility, not more than 50 percent of such amount may be obligated or expended until 30 days after the latter of the following:

(1) The date of the submittal of the revised nuclear weapons stockpile plan specified in the joint explanatory statement to accompany the report of the Committee on Conference on the bill H.R. 2754 of the 108th Congress.

(2) The date on which the Administrator for Nuclear Security submits to the congressional defense committees a report setting forth the validated pit production requirements for the Modern Pit Facility.

(b) VALIDATED PIT PRODUCTION REQUIREMENTS.—(1) The validated pit production requirements in the report under subsection (a)(2) shall be established by the Administrator in conjunction with the Chairman of the Nuclear Weapons Council.

(2) The validated pit production requirements shall—

(A) include specifications regarding the number of pits that will be required to be produced in order to support the weapons that will be retained in the nuclear weapons stockpile, set forth by weapon type and by year; and

(B) take into account any surge capacity that may be included in the annual pit production capability.

(c) FORM OF REPORT.—The report described in subsection (a)(2) shall be submitted in unclassified form, but may include a classified annex.

SEC. 3112. LIMITATION ON AVAILABILITY OF FUNDS FOR ADVANCED NUCLEAR WEAPONS CONCEPTS INITIATIVE.

(a) LIMITATION.—None of the funds authorized to be appropriated by this title may be obligated or expended for purposes of additional or exploratory studies under the Advanced Nuclear Weapons Concepts Initiative until 30 days after the date on which the Administrator for Nuclear Security submits to the congressional defense committees a detailed report on the activities for such studies under the Initiative that are planned for fiscal year 2005.

(b) FORM OF REPORT.—The report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 3113. LIMITED AUTHORITY TO CARRY OUT NEW PROJECTS UNDER FACILITIES AND INFRASTRUCTURE RECAPITALIZATION PROGRAM AFTER PROJECT SELECTION DEADLINE.

(a) LIMITED AUTHORITY TO CARRY OUT NEW PROJECTS.—Section 3114(a) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1744; 50 U.S.C. 2453 note) is amended—

(1) in the subsection caption, by striking "DEADLINE FOR";

(2) in paragraph (2), by striking "No project" and inserting "Except as provided in paragraph (3), no project"; and

(3) by adding at the end the following new paragraph:

"(3)(A) Subject to the provisions of this paragraph, a project described in subparagraph (B) may be carried out under the Facilities and Infrastructure Recapitalization Program after December 31, 2004, if the Administrator approves the project. The Administrator may not delegate the authority to approve projects under the preceding sentence.

"(B) A project described in this subparagraph is a project that consists of a specific building, facility, or other improvement (including fences, roads, or similar improvements).

"(C) Funds may not be obligated or expended for a project under this paragraph until 60 days after the date on which the Administrator submits to the congressional defense committees a notice on the project, including a description of the project and the nature of the project, a statement explaining why the project was not included in the Facilities and Infrastructure Recapitalization Program under paragraph (1), and a statement explaining why the project was not included in any other program under the jurisdiction of the Administrator.

"(D) The total number of projects that may be carried out under this paragraph in any fiscal year may not exceed five projects.

"(E) The Administrator may not utilize the authority in this paragraph until 60 days after the later of—

"(i) the date of the submittal to the congressional defense committees of a list of the projects selected for inclusion in the Facilities and Infrastructure Recapitalization Program under paragraph (1); or

"(ii) the date of the submittal to the congressional defense committees of the report required by subsection (c).

"(F) A project may not be carried out under this paragraph unless the project will be completed by September 30, 2011.".

(b) CONSTRUCTION OF AUTHORITY.—The amendments made by subsection (a) may not be construed to authorize any delay in either of the following:

(1) The selection of projects for inclusion in the Facilities and Infrastructure Recapitalization Program under subsection (a) of section 3114 of the National Defense Authorization Act for Fiscal Year 2004.

(2) The submittal of the report required by subsection (c) of such section.

SEC. 3114. MODIFICATION OF MILESTONE AND REPORT REQUIREMENTS FOR NATIONAL IGNITION FACILITY.

(a) NOTIFICATION ON MILESTONES TO ACHIEVE IGNITION.—Subsection (a) of section

3137 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1369) is amended by striking "each Level I milestone and Level II milestone for the National Ignition Facility." and inserting the following: "each milestone for the National Ignition Facility as follows:

"(1) Each Level I milestone.

"(2) Each Level II milestone.

"(3) Each milestone to achieve ignition.".

(b) Report on Failure of Timely Achievement of Milestones.—Subsection (b) of such section is amended by striking "a Level I milestone or Level II milestone for the National Ignition Facility" and inserting "a milestone for the National Ignition Facility referred to in subsection (a)".

(c) Milestones To Achieve Ignition.—Subsection (c) of such section is amended to read as follows:

"(c) Milestones.—For purposes of this section:

"(1) The Level I and Level II milestones for the National Ignition Facility are as established in the August 2000 revised National Ignition Facility baseline document.

"(2) The milestones of the National Ignition Facility to achieve ignition are such milestones (other than the milestones referred to in paragraph (1)) as the Administrator shall establish on any activities at the National Ignition Facility that are required to enable the National Ignition Facility to achieve ignition and be a fully functioning user facility by December 31, 2011.".

(d) Submittal to Congress of Milestones To Achieve Ignition.—Not later than January 31, 2005, the Administrator for Nuclear Security shall submit to the congressional defense committees a report setting forth the milestones of the National Ignition Facility to achieve ignition as established by the Administration under subsection (c)(2) of section 3137 of the National Defense Authorization Act for Fiscal Year 2002, as amended by subsection (c) of this section. The report shall include—

(1) a description of each milestone established; and

(2) a proposal for the funding to be required to meet each such milestone.

(e) Extension of Sunset.—Subsection (d) of section 3137 of such Act is amended by striking "September 30, 2004" and inserting "December 31, 2011".

SEC. 3115. MODIFICATION OF SUBMITTAL DATE OF ANNUAL PLAN FOR STEWARDSHIP, MANAGEMENT, AND CERTIFICATION OF WARHEADS IN THE NUCLEAR WEAPONS STOCKPILE.

Section 4203(c) of the Atomic Energy Defense Act (50 U.S.C. 2523(c)) is amended is amended by striking "March 15 of each year thereafter" and inserting "May 1 of each year thereafter".

SEC. 3116. DEFENSE SITE ACCELERATION COMPLETION.

(a) In General.—Notwithstanding any other provision of law, with respect to material stored at a Department of Energy site at which activities are regulated by the State pursuant to approved closure plans or permits issued by the State, high-level radioactive waste does not include radioactive material resulting from the reprocessing of spent nuclear fuel that the Secretary of Energy determines—

(1) does not require permanent isolation in a deep geologic repository for spent fuel or highly radioactive waste pursuant to criteria promulgated by the Department of Energy by rule approved by the Nuclear Regulatory Commission;

(2) has had highly radioactive radionuclides removed to the maximum extent practical in accordance with the Nuclear Regulatory Commission-approved criteria; and

(3) in the case of material derived from the storage tanks, is disposed of in a facility (including a tank) within the State pursuant to a State-approved closure plan or a State-issued permit, authority for the approval or issuance of which is conferred on the State outside of this Act.

(b) Inapplicability to Certain Materials.—Subsection (a) shall not apply to any material otherwise covered by that subsection that is transported from the State.

(c) Scope of Authority To Carry Out Actions.—The Department of Energy may implement any action authorized—

(1) by a State-approved closure plan or State-issued permit in existence on the date of enactment of this section; or

(2) by a closure plan approved by the State or a permit issued by the State during the pendency of the rulemaking provided for in subsection (a).

Any such action may be completed pursuant to the terms of the closure plan or the State-issued permit notwithstanding the final criteria adopted by the rulemaking pursuant to subsection (a).

(d) State Defined.—In this section, the term "State" means the State of South Carolina.

(e) Construction.—(1) Nothing in this section shall affect, alter, or modify the full implementation of—

(A) the settlement agreement entered into by the United States with the State of Idaho in the actions captioned Public Service Co. of Colorado v. Batt, Civil No. 91–0035–S–EJL, and United States v. Batt, Civil No. 91–0054–S–EJL, in the United States District Court for the District of Idaho, and the consent order of the United States District Court for the District of Idaho, dated October 17, 1995, that effectuates the settlement agreement;

(B) the Idaho National Engineering Laboratory Federal Facility Agreement and Consent Order; or

(C) the Hanford Federal Facility Agreement and Consent Order.

(2) Nothing in this section establishes any precedent or is binding on the State of Idaho, the State of Washington, the State of Oregon, or any other State for the management, storage, treatment, and disposition of radioactive and hazardous materials.

SEC. 3117. NATIONAL ACADEMY OF SCIENCES STUDY.

(a) Review by National Research Council.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Energy shall enter into a contract with the National Research Council of the National Academies to conduct a study of the necessary technologies and research gaps in the Department of Energy's program to remove high-level radioactive waste from the storage tanks at the Department's sites in South Carolina, Washington and Idaho.

(b) Matters To Be Addressed in Study.—The study shall address the following:

(1) the quantities and characteristics of waste in each high-level waste storage tank described in paragraph (a), including data uncertainties;

(2) the technologies by which high-level radioactive waste is currently being removed from the tanks for final disposal under the Nuclear Waste Policy Act;

(3) technologies currently available but not in use in removing high-level radioactive waste from the tanks;

(4) any technology gaps that exist to effect the removal of high-level radioactive waste from the tanks;

(5) other matters that in the judgement of the National Research Council directly relate to the focus of this study.

(c) Time Limitation.—The National Research Council shall conduct the review over a one year period beginning upon execution of the contract described in subsection (a).

(d) Reports.—(1) The National Research Council shall submit its findings, conclusions and recommendations to the Secretary of Energy and to the relevant Committees of jurisdiction of the United States Senate and House of Representatives.

(2) The final report shall be submitted in unclassified form with classified annexes as necessary.

(e) Provision of Information.—The Secretary of Energy shall make available to the National Research Council all of the information necessary to complete its report in a timely manner.

(f) Expedited Processing of Security Clearances.—For purposes of facilitating the commencement of the study under this section, the Secretary of Energy shall expedite to the fullest degree possible the processing of security clearances that are necessary for the National Research Council to conduct the study.

(g) Funding.—Of the amount authorized to be appropriated in section 3102(a)(1) for environmental management for defense site acceleration completion, $750,000 shall be available for the study authorized under this section.

SEC. 3118. ANNUAL REPORT ON EXPENDITURES FOR SAFEGUARDS AND SECURITY.

(a) Annual Report Required.—Subtitle C of title XLVII of the Atomic Energy Defense Act (50 U.S.C. 2771 et seq.) is amended by adding at the end the following new section:

"SEC. 4732. ANNUAL REPORT ON EXPENDITURES FOR SAFEGUARDS AND SECURITY.

"The Secretary of Energy shall submit to Congress each year, in the budget justification materials submitted to Congress in support of the budget of the President for the fiscal year beginning in such year (as submitted under section 1105(a) of title 31, United States Code), the following:

"(1) A detailed description and accounting of the proposed obligations and expenditures by the Department of Energy for safeguards and security in carrying out programs necessary for the national security for the fiscal year covered by such budget, including any technologies on safeguards and security proposed to be deployed or implemented during such fiscal year.

"(2) With respect to the fiscal year ending in the year before the year in which such budget is submitted, a detailed description and accounting of—

"(A) the policy on safeguards and security, including any modifications in such policy adopted or implemented during such fiscal year;

"(B) any initiatives on safeguards and security in effect or implemented during such fiscal year;

"(C) the amount obligated and expended for safeguards and security during such fiscal year, set forth by total amount, by amount per program, and by amount per facility; and

"(D) the technologies on safeguards and security deployed or implemented during such fiscal year.".

(b) Clerical Amendment.—The table of contents for that Act is amended by inserting after the item relating to section 4731 the following new item:

"Sec. 4732. Annual report on expenditures for safeguards and security.".

SEC. 3119. AUTHORITY TO CONSOLIDATE COUNTERINTELLIGENCE OFFICES OF DEPARTMENT OF ENERGY AND NATIONAL NUCLEAR SECURITY ADMINISTRATION WITHIN NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) AUTHORITY.—The Secretary of Energy may consolidate the counterintelligence programs and functions referred to in subsection (b) within the Office of Defense Nuclear Counterintelligence of the National Nuclear Security Administration and provide for their discharge by that Office.

(b) COVERED PROGRAMS AND FUNCTIONS.—The programs and functions referred to in this subsection are as follows:

(1) The functions and programs of the Office of Counterintelligence of the Department of Energy under section 215 of the Department of Energy Organization Act (42 U.S.C. 7144b).

(2) The functions and programs of the Office of Defense Nuclear Counterintelligence of the National Nuclear Security Administration under section 3232 of the National Nuclear Security Administration Act (50 U.S.C. 2422), including the counterintelligence programs under section 3233 of that Act (50 U.S.C. 2423).

(c) ESTABLISHMENT OF POLICY.—The Secretary shall have the responsibility to establish policy for the discharge of the counterintelligence programs and functions consolidated within the National Nuclear Security Administration under subsection (a) as provided for under section 213 of the Department of Energy Organization Act (42 U.S.C. 7144).

(d) PRESERVATION OF COUNTERINTELLIGENCE CAPABILITY.—In consolidating counterintelligence programs and functions within the National Nuclear Security Administration under subsection (a), the Secretary shall ensure that the counterintelligence capabilities of the Department of Energy and the National Nuclear Security Administration are in no way degraded or compromised.

(e) REPORT ON EXERCISE OF AUTHORITY.—In the event the Secretary exercises the authority in subsection (a), the Secretary shall submit to the congressional defense committees a report on the exercise of the authority. The report shall include—

(1) a description of the manner in which the counterintelligence programs and functions referred to in subsection (b) shall be consolidated within the Office of Defense Nuclear Counterintelligence of the National Nuclear Security Administration and discharged by that Office;

(2) a notice of the date on which that Office shall commence the discharge of such programs and functions, as so consolidated; and

(3) a proposal for such legislative action as the Secretary considers appropriate to effectuate the discharge of such programs and functions, as so consolidated, by that Office.

(f) DEADLINE FOR EXERCISE OF AUTHORITY.—The authority in subsection (a) may be exercised, if at all, not later than one year after the date of the enactment of this Act.

SEC. 3120. TREATMENT OF WASTE MATERIAL.

(a) AVAILABILITY OF FUNDS FOR TREATMENT.—Of the amount authorized to be appropriated by section 3102(a)(1) for environmental management for defense site acceleration completion, $350,000,000 shall be available for the following purposes at the sites referred to in subsection (b):

(1) The safe management of tanks or tank farms used to store waste from reprocessing activities.

(2) The on-site treatment and storage of wastes from reprocessing activities and related waste.

(3) The consolidation of tank waste.

(4) The emptying and cleaning of storage tanks.

(5) Actions under section 3116.

(b) SITES.—The sites referred to in this subsection are as follows:

(1) The Idaho National Engineering and Environmental Laboratory, Idaho.

(2) The Savannah River Site, Aiken, South Carolina.

(3) The Hanford Site, Richland, Washington.

(c) EFFECTIVE DATE.—This section shall become effective 1 day after enactment.

SEC. 3121. LOCAL STAKEHOLDER ORGANIZATIONS FOR DEPARTMENT OF ENERGY ENVIRONMENTAL MANAGEMENT 2006 CLOSURE SITES.

(a) ESTABLISHMENT.—(1) The Secretary of Energy shall establish for each Department of Energy Environmental Management 2006 closure site a local stakeholder organization having the responsibilities set forth in subsection (c).

(2) The local stakeholder organization shall be established in consultation with interested elected officials of local governments in the vicinity of the closure site concerned.

(b) COMPOSITION.—A local stakeholder organization for a Department of Energy Environmental Management 2006 closure site under subsection (a) shall be composed of such elected officials of local governments in the vicinity of the closure site concerned as the Secretary considers appropriate to carry out the responsibilities set forth in subsection (c) who agree to serve on the organization, or the designees of such officials.

(c) RESPONSIBILITIES.—A local stakeholder organization for a Department of Energy Environmental Management 2006 closure site under subsection (a) shall—

(1) solicit and encourage public participation in appropriate activities relating to the closure and post-closure operations of the site;

(2) disseminate information on the closure and post-closure operations of the site to the State government of the State in which the site is located, local and Tribal governments in the vicinity of the site, and persons and entities having a stake in the closure or post-closure operations of the site;

(3) transmit to appropriate officers and employees of the Department of Energy questions and concerns of governments, persons, and entities referred to paragraph (2) on the closure and post-closure operations of the site; and

(4) perform such other duties as the Secretary and the local stakeholder organization jointly determine appropriate to assist the Secretary in meeting post-closure obligations of the Department at the site.

(d) DEADLINE FOR ESTABLISHMENT.—The local stakeholder organization for a Department of Energy Environmental Management 2006 closure site shall be established not later than six months before the closure of the site.

(e) INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to local stakeholder organizations under this section.

(f) DEPARTMENT OF ENERGY ENVIRONMENTAL MANAGEMENT 2006 CLOSURE SITE DEFINED.—In this section, the term "Department of Energy Environmental Management 2006 closure site" means each clean up site of the Department of Energy scheduled by the Department as of January 1, 2004, for closure in 2006.

SEC. 3122. REPORT ON MAINTENANCE OF RETIREMENT BENEFITS FOR CERTAIN WORKERS AT 2006 CLOSURE SITES AFTER CLOSURE OF SITES.

(a) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Assistant Secretary of Energy for Environmental Management shall submit to the Secretary of Energy a report on the maintenance of retirements benefits for workers at Department of Energy 2006 closure sites after the closure of such sites.

(b) ELEMENTS.—The report under subsection (a) shall include the following:

(1) The number of workers at Department of Energy 2006 closure sites that could lose retirement benefits as a result of the early closure of such a site.

(2) The impact on collective bargaining agreements with workers at Department of Energy 2006 closure sites of the loss of their retirement benefits as described in paragraph (1).

(3) The cost of providing retirement benefits, after the closure of Department of Energy 2006 closure sites, to workers at such sites who would otherwise lose their benefits as described in paragraph (1) after the closure of such sites.

(c) TRANSMITTAL TO CONGRESS.—Not later than 30 days after receiving the report under subsection (a), the Secretary shall transmit the report to Congress, together with such recommendations, including recommendations for legislative action, as the Secretary considers appropriate.

(d) DEFINITIONS.—In this section:

(1) The term "Department of Energy 2006 closure site" means the following:

(A) The Rocky Flats Environmental Technology Site, Colorado.

(B) The Fernald Plant, Ohio.

(C) The Mound Plant, Ohio.

(2) The term "worker" means any employee who is employed by contract to perform cleanup, security, or administrative duties or responsibilities at a Department of Energy 2006 closure site.

(3) The term "retirement benefits" means health, pension, and any other retirement benefits.

SEC. 3123. REPORT ON EFFORTS OF NATIONAL NUCLEAR SECURITY ADMINISTRATION TO UNDERSTAND PLUTONIUM AGING.

(a) STUDY.—(1) The Administrator for Nuclear Security shall enter into a contract with a Federally Funded Research and Development Center (FFRDC) providing for a study to assess the efforts of the National Nuclear Security Administration to understand the aging of plutonium in nuclear weapons.

(2) The Administrator shall make available to the FFRDC contractor under this subsection all information that is necessary for the contractor to successfully complete a meaningful study on a timely basis.

(b) REPORT REQUIRED.—(1) Not later than two years after the date of the enactment of this Act, the Administrator shall submit to Congress a report on the findings of the study on the efforts of the Administration to understand the aging of plutonium in nuclear weapons.

(2) The report shall include the recommendations of the study for improving the knowledge, understanding, and application of the fundamental and applied sciences related to the study of plutonium aging.

(3) The report shall be submitted in unclassified form, but may include a classified annex.

Subtitle C—Proliferation Matters

SEC. 3131. MODIFICATION OF AUTHORITY TO USE INTERNATIONAL NUCLEAR MATERIALS PROTECTION AND COOPERATION PROGRAM FUNDS OUTSIDE THE FORMER SOVIET UNION.

(a) APPLICABILITY OF AUTHORITY LIMITED TO PROJECTS NOT PREVIOUSLY AUTHORIZED.—Subsection (a) of section 3124 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1747) is amended by inserting "that has not previously been authorized by Congress" after "states of the former Soviet Union".

(b) REPEAL OF LIMITATION ON TOTAL AMOUNT OF OBLIGATION.—Such section is further amended—

(1) by striking subsection (c); and

(2) by redesignating subsections (d), (e), and (f) as subsections (c), (d), and (e), respectively.

SEC. 3132. ACCELERATION OF REMOVAL OR SECURITY OF FISSILE MATERIALS, RADIOLOGICAL MATERIALS, AND RELATED EQUIPMENT AT VULNERABLE SITES WORLDWIDE.

(a) SENSE OF CONGRESS.—(1) It is the sense of Congress that the security, including the rapid removal or secure storage, of high-risk, proliferation-attractive fissile materials, radiological materials, and related equipment at vulnerable sites worldwide should be a top priority among the activities to achieve the national security of the United States.

(2) It is the sense of Congress that the President may establish in the Department of Energy a task force to be known as the Task Force on Nuclear Materials to carry out the program authorized by subsection (b).

(b) PROGRAM AUTHORIZED.—The Secretary of Energy may carry out a program to undertake an accelerated, comprehensive worldwide effort to mitigate the threats posed by high-risk, proliferation-attractive fissile materials, radiological materials, and related equipment located at sites potentially vulnerable to theft or diversion.

(c) PROGRAM ELEMENTS.—(1) Activities under the program under subsection (b) may include the following:

(A) Accelerated efforts to secure, remove, or eliminate proliferation-attractive fissile materials or radiological materials in research reactors, other reactors, and other facilities worldwide.

(B) Arrangements for the secure shipment of proliferation-attractive fissile materials, radiological materials, and related equipment to other countries willing to accept such materials and equipment, or to the United States if such countries cannot be identified, and the provision of secure storage or disposition of such materials and equipment following shipment.

(C) The transportation of proliferation-attractive fissile materials, radiological materials, and related equipment from sites identified as proliferation risks to secure facilities in other countries or in the United States.

(D) The processing and packaging of proliferation-attractive fissile materials, radiological materials, and related equipment in accordance with required standards for transport, storage, and disposition.

(E) The provision of interim security upgrades for vulnerable, proliferation-attractive fissile materials and radiological materials and related equipment pending their removal from their current sites.

(F) The utilization of funds to upgrade security and accounting at sites where proliferation-attractive fissile materials or radiological materials will remain for an extended period of time in order to ensure that such materials are secure against plausible potential threats and will remain so in the future.

(G) The management of proliferation-attractive fissile materials, radiological materials, and related equipment at secure facilities.

(H) Actions to ensure that security, including security upgrades at sites and facilities for the storage or disposition of proliferation-attractive fissile materials, radiological materials, and related equipment, continues to function as intended.

(I) The provision of technical support to the International Atomic Energy Agency (IAEA), other countries, and other entities to facilitate removal of, and security upgrades to facilities that contain, proliferation-attractive fissile materials, radiological materials, and related equipment worldwide.

(J) The development of alternative fuels and irradiation targets based on low-enriched uranium to convert research or other reactors fueled by highly-enriched uranium to such alternative fuels, as well as the conversion of reactors and irradiation targets employing highly-enriched uranium to employment of such alternative fuels and targets.

(K) Accelerated actions for the blend down of highly-enriched uranium to low-enriched uranium.

(L) The provision of assistance in the closure and decommissioning of sites identified as presenting risks of proliferation of proliferation-attractive fissile materials, radiological materials, and related equipment.

(M) Programs to—

(i) assist in the placement of employees displaced as a result of actions pursuant to the program in enterprises not representing a proliferation threat; and

(ii) convert sites identified as presenting risks of proliferation regarding proliferation-attractive fissile materials, radiological materials, and related equipment to purposes not representing a proliferation threat to the extent necessary to eliminate the proliferation threat.

(2) The Secretary of Energy shall, in coordination with the Secretary of State, carry out the program in consultation with, and with the assistance of, appropriate departments, agencies, and other entities of the United States Government.

(3) The Secretary of Energy shall, with the concurrence of the Secretary of State, carry out activities under the program in collaboration with such foreign governments, nongovernmental organizations, and other international entities as the Secretary considers appropriate for the program.

(d) REPORTS.—(1) Not later than March 15, 2005, the Secretary shall submit to Congress a classified interim report on the program under subsection (b).

(2) Not later than January 1, 2006, the Secretary shall submit to Congress a classified final report that includes the following:

(A) A survey by the Secretary of the facilities and sites worldwide that contain proliferation-attractive fissile materials, radiological materials, or related equipment.

(B) A list of sites determined by the Secretary to be of the highest priority, taking into account risk of theft from such sites, for removal or security of proliferation-attractive fissile materials, radiological materials, or related equipment, organized by level of priority.

(C) A plan, including activities under the program under this section, for the removal, security, or both of proliferation-attractive fissile materials, radiological materials, or related equipment at vulnerable facilities and sites worldwide, including measurable milestones, metrics, and estimated costs for the implementation of the plan.

(3) A summary of each report under this subsection shall also be submitted to Congress in unclassified form.

(e) FUNDING.—Amounts authorized to be appropriated to the Secretary of Energy for defense nuclear nonproliferation activities shall be available for purposes of the program under this section.

(f) DEFINITIONS.—In this section:

(1) The term "fissile materials" means plutonium, highly-enriched uranium, or other material capable of sustaining an explosive nuclear chain reaction, including irradiated items containing such materials if the radiation field from such items is not sufficient to prevent the theft or misuse of such items.

(2) The term "radiological materials" includes Americium-241, Californium-252, Cesium-137, Cobalt-60, Iridium-192, Plutonium-238, Radium-226 and Strontium-90, Curium-244, Strontium-90, and irradiated items containing such materials, or other materials designated by the Secretary of Energy for purposes of this paragraph.

(3) The term "related equipment" includes equipment useful for enrichment of uranium in the isotope 235 and for extraction of fissile materials from irradiated fuel rods and other equipment designated by the Secretary of Energy for purposes of this section.

(4) The term "highly-enriched uranium" means uranium enriched to or above 20 percent in isotope 235.

(5) The term "low-enriched uranium" means uranium enriched below 20 percent in isotope 235.

(6) The term "proliferation-attractive", in the case of fissile materials and radiological materials, means quantities and types of such materials that are determined by the Secretary of Energy to present a significant risk to the national security of the United States if diverted to a use relating to proliferation.

Subtitle D—Other Matters

SEC. 3141. INDEMNIFICATION OF DEPARTMENT OF ENERGY CONTRACTORS.

Section 170 d.(1)(A) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)(1)(A)) is amended by striking "until December 31, 2004" and inserting "until December 31, 2006".

SEC. 3142. TWO-YEAR EXTENSION OF AUTHORITY FOR APPOINTMENT OF CERTAIN SCIENTIFIC, ENGINEERING, AND TECHNICAL PERSONNEL.

Section 4601(c)(1) of the Atomic Energy Defense Act (50 U.S.C. 2701(c)(1)) is amended by striking "September 30, 2004" and inserting "September 30, 2006".

SEC. 3143. ENHANCEMENT OF ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM AUTHORITIES.

(a) STATE AGREEMENTS.—Section 3661 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–394) (42 U.S.C. 7385o) is amended—

(1) in subsection (b), by striking "Pursuant to agreements under subsection (a), the" and inserting "The";

(2) in subsection (c), by striking "provided in an agreement under subsection (a), and if"; and

(3) in subsection (e), by striking "If provided in an agreement under subsection (a)" and inserting "If a panel has reported a determination under subsection (d)(5)".

(b) Physician Panels.—Subsection (d) of such section is amended by striking paragraph (2) and inserting the following new paragraph (2):

"(2) The Secretary of Health and Human Services shall, in consultation with the Secretary of Energy, select the individuals to serve as panel members based on experience and competency in diagnosing occupational illnesses. The Secretary shall appoint the individuals so selected as panel members or shall obtain by contract the services of such individuals as panel members.".

SEC. 3144. SUPPORT FOR PUBLIC EDUCATION IN THE VICINITY OF LOS ALAMOS NATIONAL LABORATORY, NEW MEXICO.

The Secretary of Energy shall require that the primary management and operations contract for Los Alamos National Laboratory, New Mexico, that involves Laboratory operations after September 30, 2005, shall contain terms requiring the contractor under such contract to provide support to the Los Alamos Public School District, New Mexico, for the elementary and secondary education of students by the School District in the amount of $8,000,000 in each fiscal year.

SEC. 3145. REVIEW OF WASTE ISOLATION PILOT PLANT, NEW MEXICO, PURSUANT TO COMPETITIVE CONTRACT.

(a) Contract Requirement.—The Secretary of Energy shall use competitive procedures to enter into a contract to conduct independent reviews and evaluations of the design, construction, and operations of the Waste Isolation Pilot Plant in New Mexico (hereafter in this section referred as the "WIPP") as they relate to the protection of the public health and safety and the environment. The contract shall be for a period of one year, beginning on October 1, 2004, and shall be renewable for four additional one-year periods with the consent of the contractor and subject to the authorization and appropriation of funds for such purpose.

(b) Content of Contract.—A contract entered into under subsection (a) shall require the following:

(1) The contractor shall appoint a Director and Deputy Director, who shall be scientists of national eminence in the field of nuclear waste disposal, shall be free from any biases related to the activities of the WIPP, and shall be widely known for their integrity and scientific expertise.

(2) The Director shall appoint staff. The professional staff shall consist of scientists and engineers of recognized integrity and scientific expertise who represent scientific and engineering disciplines needed for a thorough review of the WIPP, including disciplines such as geology, hydrology, health physics, environmental engineering, probability risk analysis, mining engineering, and radiation chemistry. The disciplines represented in the staff shall change as may be necessary to meet changed needs in carrying out the contract for expertise in any certain scientific or engineering discipline. Scientists employed under the contract shall have qualifications and experience equivalent to the qualifications and experience required for scientists employed by the Federal Government in grades GS–13 through GS–15.

(3) Scientists employed under the contract shall have an appropriate support staff.

(4) The Director and Deputy Director shall each be appointed for a term of 5 years, subject to contract renewal, and may be removed only for misconduct or incompetence. The staff shall be appointed for such terms as the Director considers appropriate.

(5) The rates of pay of professional staff and the procedures for increasing the rates of pay of professional staff shall be equivalent to those rates and procedures provided for the General Schedule pay system under chapter 53 of title 5, United States Code.

(6) The results of reviews and evaluations carried out under the contract shall be published.

(c) Administration.—The contractor shall establish general policies and guidelines to be used by the Director in carrying out the work under the contract.

SEC. 3146. COMPENSATION OF PAJARITO PLATEAU, NEW MEXICO, HOMESTEADERS FOR ACQUISITION OF LANDS FOR MANHATTAN PROJECT IN WORLD WAR II.

(a) Establishment of Compensation Fund.—There is established in the Treasury of the United States a fund to be known as the Pajarito Plateau Homesteaders Compensation Fund (in this section referred to as the "Fund"). The Fund shall be dedicated to the settlement of the two lawsuits in the United States District Court for the District of New Mexico consolidated as Civ. No. 00–60.

(b) Elements of Fund.—The Fund shall consist of the following:

(1) Amounts available for deposit in the Fund under subsection (j).

(2) Interest earned on amounts in the Fund under subsection (g).

(c) Use of Fund.—The Fund shall be available for the settlement of the consolidated lawsuits in accordance with the following requirements:

(1) The settlement shall be subject to preliminary and final approval by the Court in accordance with rule 23(e) of the Federal Rules of Civil Procedure.

(2) Lead Counsel and Counsel for the United States of America shall recommend to the Court reasonable procedures by which the claims for monies from the Fund shall be administered, which recommendations shall include mechanisms—

(A) to identify class members;

(B) to receive claims from class members so identified;

(C) to determine in accordance with subsection (d) eligible claimants from among class members submitting claims; and

(D) to resolve contests, if any, among eligible claimants with respect to a particular eligible tract regarding the disbursement of monies in the Fund with respect to such eligible tract.

(3) Lead Counsel and Counsel for the United States of America shall provide evidence to the Court to assist the Court in—

(A) identifying each class member by name and whereabouts;

(B) providing notice of the settlement process for the consolidated lawsuits to each class member so identified; and

(C) providing the forms, and describing the procedure, for making claims to each class member so identified.

(4) After the provision of notice to class members under paragraph (3), if, within a time period to be established by the Court, more than 10 percent of the class members submit to the Court written notice of their determination to be excluded from participation in the settlement of the consolidated lawsuits—

(A) the Fund shall not serve as the basis for the settlement of the consolidated lawsuits and the provisions of this section shall have no further force or effect; and

(B) amounts in the Fund shall not be disbursed, but shall be retained in the Treasury as miscellaneous receipts.

(5) The Court may award attorney fees and expenses from the Fund pursuant to rule 23 of the Federal Rules of Civil Procedure, except that the award of attorney fees may not exceed 20 percent of the Fund and the award of expenses may not exceed 2 percent of the Fund. Any attorney fees and expenses so paid shall be paid from the Fund before distribution of the amount in the Fund to eligible claimants entitled thereto.

(6) The Fund shall be available to pay settlement awards in accordance with the following:

(A) The balance of the amount of the Fund that is available for disbursement after any award of attorney fees and expenses under paragraph (5) shall be allocated proportionally by eligible tract according to its acreage as compared with all eligible tracts.

(B) The allocation for each eligible tract shall be allocated pro rata among all eligible claimants having an interest in such eligible tract according to the extent of their interest in such eligible tract, as determined under the laws of the State of New Mexico.

(C) Payments from the Fund under this paragraph shall be made by the Secretary of the Treasury.

(7) Any amounts available for disbursement with respect to an eligible tract that are not awarded to eligible claimants with respect to that tract by reason of paragraph (6)(B) shall be retained in the Treasury as miscellaneous receipts.

(d) Eligible Claimants.—(1) For purposes of this section, an eligible claimant is any class member determined by the Court, by a preponderance of evidence and pursuant to procedures established under subsection (c)(2), to be a person or entity who held a fee simple ownership in an eligible tract at the time of its acquisition by the United States during World War II for use in the Manhattan Project, or the heir, successor in interest, assignee, or beneficiary of such a person or entity.

(2) The status of a person or entity as an heir, successor in interest, assignee, or beneficiary for purposes of this subsection shall be determined under the laws of the State of New Mexico, including the descent and distribution law of the State of New Mexico.

(e) Full Resolution of Claims Against United States.—(1) The acceptance of a disbursement from the Fund by an eligible claimant under this section shall constitute a final and complete release of the defendants in the consolidated lawsuits with respect to such eligible claimant, and shall be in full satisfaction of any and all claims of such eligible claimant against the United States arising out of acts described in the consolidated lawsuits.

(2) Upon the disbursement of the amount in the Fund to eligible claimants entitled thereto under this section, the Court shall, subject to the provisions of rule 23(e) of the Federal Rules of Civil Procedure, enter a final judgment dismissing with prejudice the consolidated lawsuits and all claims and potential claims on matters covered by the consolidated lawsuits.

(f) Compensation Limited to Amounts in Fund.—(1) An eligible claimant may be paid under this section only from amounts in the Fund.

(2) Nothing in this section shall authorize the payment to a class member by the United States Government of any amount authorized by this section from any source other than the Fund.

(g) Investment of Fund.—(1) The Secretary of the Treasury shall, in accordance with the requirements of section 9702 of title 31, United States Code, and the provisions of this subsection, direct the form and manner by which the Fund shall be safeguarded and invested so as to maximize its safety while earning a return comparable to other common funds in which the United States Treasury is the source of payment.

(2) Interest on the amount deposited in the Fund shall accrue from the date of the enactment of the Act appropriating amounts for deposit in the Fund until the date on which the Secretary of the Treasury disburses the amount in the Fund to eligible claimants who are entitled thereto under subsection (c).

(h) PRESERVATION OF RECORDS.—(1) All documents, personal testimony, and other records created or received by the Court in the consolidated lawsuits shall be kept and maintained by the Archivist of the United States, who shall preserve such documents, testimony, and records in the National Archives of the United States.

(2) The Archivist shall make available to the public the materials kept and maintained under paragraph (1).

(i) DEFINITIONS.—In this section:

(1) The term "Court" means the United States District Court for the District of New Mexico having jurisdiction over the consolidated lawsuits.

(2) The term "consolidated lawsuits" means the two lawsuits in the United States District Court for the District of New Mexico consolidated as Civ. No. 00-60.

(3)(A) The term "eligible tract" means private real property located on the Pajarito Plateau of what is now Los Alamos County, New Mexico, that was acquired by the United States during World War II for use in the Manhattan Project and which is the subject of the consolidated lawsuits.

(B) The term does not include lands of the Los Alamos Ranch School and of the A.M. Ross Estate (doing business as Anchor Ranch).

(4) The term "class member" means the following:

(A) Any person or entity who claims to have held a fee simple ownership in an eligible tract at the time of its acquisition by the United States during World War II for use in the Manhattan Project.

(B) Any person or entity claiming to be the heir, successor in interest, assignee, or beneficiary of a person or entity who held a fee simple ownership in an eligible tract at the time of its acquisition by the United States during World War II for use in the Manhattan Project.

(j) FUNDING.—Of the amount authorized to be appropriated by section 3101(a)(4) for the National Nuclear Security Administration for the Office of the Administrator for Nuclear Security, $10,000,000 shall be available for deposit in the Fund under subsection (b)(1).

Subtitle E—Energy Employees Occupational Illness Compensation Program

SEC. 3151. COVERAGE OF INDIVIDUALS EMPLOYED AT ATOMIC WEAPONS EMPLOYER FACILITIES DURING PERIODS OF RESIDUAL CONTAMINATION.

(a) COVERAGE.—Paragraph (3) of section 3621 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (title XXXVI of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398); 42 U.S.C. 7384*l*) is amended to read as follows:

"(3) The term 'atomic weapons employee' means any of the following:

"(A) An individual employed by an atomic weapons employer during a period when the employer was processing or producing, for the use by the United States, material that emitted radiation and was used in the production of an atomic weapon, excluding uranium mining and milling.

"(B) An individual employed—

"(i) at a facility with respect to which the National Institute for Occupational Safety and Health, in its report dated October 2003 and titled 'Report on Residual Radioactive and Beryllium Contamination at Atomic Weapons Employer Facilities and Beryllium Vendor Facilities', or any update to that report, found that there is a potential for significant residual contamination outside of the period in which weapons-related production occurred;

"(ii) by an atomic weapons employer or subsequent owner or operators of a facility described in clause (i); and

"(iii) during a period, as specified in such report or any update to such report, of potential for significant residual radioactive contamination at such facility.".

SEC. 3152. UPDATE OF REPORT ON RESIDUAL CONTAMINATION OF FACILITIES.

(a) UPDATE OF REPORT.—Not later than December 31, 2006, the Director of the National Institute for Occupational Safety and Health shall submit to Congress an update to the report required by section 3151(b) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 42 U.S.C. 7384 note).

(b) ELEMENTS.—The update shall—

(1) for each facility for which such report found that insufficient information was available to determine whether significant residual contamination was present, determine whether significant residual contamination was present;

(2) for each facility for which such report found that significant residual contamination remained present as of the date of the report, determine the date on which such contamination ceased to be present;

(3) for each facility for which such report found that significant residual contamination was present but for which the Director has been unable to determine the extent to which such contamination is attributable to atomic weapons-related activities, identify the specific dates of coverage attributable to such activities and, in so identifying, presume that such contamination is attributable to such activities until there is evidence of decontamination of residual contamination identified with atomic weapons-related activities; and

(4) if new information that pertains to the report has been made available to the Director since that report was submitted, identify and describe such information.

(c) PUBLICATION.—The Director shall ensure that the report referred to in subsection (a) is published in the Federal Register not later than 15 days after being released.

SEC. 3153. WORKERS COMPENSATION.

(a) IN GENERAL.—Subtitle D of the Energy Employees Occupational Illness Compensation Program Act of 2000 (title XXXVI of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398); 42 U.S.C. 7385*o*) is amended to read as follows:

"Subtitle D—Workers Compensation

"SEC. 3661. COVERED DEPARTMENT OF ENERGY CONTRACTOR EMPLOYEES.

"(a) IN GENERAL.—In this subtitle, the term 'covered Department of Energy contractor employee' means any Department of Energy contractor employee determined under section 3663 to have contracted an occupational illness or covered illness through exposure at a Department of Energy facility.

"(b) EXCLUSION OF ILLNESS THROUGH EXPOSURE AFTER COMMENCEMENT OF NEW PROGRAM.—For purposes of this subtitle, an occupational illness or covered illness shall not include any illness contracted by a Department of Energy contractor employee through exposure at a Department of Energy facility if the exposure occurs after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2005.

"SEC. 3662. WORKERS COMPENSATION.

"(a) IN GENERAL.—Except as provided in subsection (b), a covered Department of Energy contractor employee, or the survivor of a covered Department of Energy contractor employee if the covered Department of Energy contractor employee is deceased, shall receive workers compensation in an amount determined under section 3664.

"(b) ELECTION TO PROCEED UNDER STATE WORKERS' COMPENSATION SYSTEM.—(1) A Department of Energy contractor employee otherwise covered by this section may elect to seek workers' compensation under the appropriate State workers' compensation system for the occupational illness or covered illness of the covered Department of Energy contractor employee rather than seek workers compensation for the occupational illness or covered illness, as the case may be, under this subtitle.

"(2) Any Department of Energy contractor employee making an election under paragraph (1) who becomes entitled to workers' compensation under the appropriate State workers' compensation system following an election under that paragraph is not entitled to receive workers compensation under this subtitle.

"(c) FUNDING.—The Secretary of Labor shall make payments of workers compensation under this section from amounts authorized to be appropriated for such purpose under section 3670.

"SEC. 3663. DETERMINATIONS REGARDING CONTRACTION OF OCCUPATIONAL OR COVERED ILLNESSES.

"(a) EMPLOYEES COVERED BY PREVIOUS DETERMINATION OF ENTITLEMENT TO COMPENSATION AND BENEFITS.—(1) A Department of Energy contractor employee who has been determined to be entitled to compensation and benefits for an occupational illness contracted in the performance of duty at a Department of Energy facility under subtitle B shall be treated as having contracted the occupational illness through exposure at the Department of Energy facility for purposes of this subtitle.

"(2) A determination, pursuant to activities under paragraph (2) of section 3163(d) of the National Defense Authorization Act for Fiscal Year 2005 before or during the period of transition of administration of this subtitle to the Department of Labor under paragraph (1) of such section, that an individual contracted an occupational illness through exposure at a Department of Energy facility for purposes of this subtitle shall be valid for purposes of this subtitle.

"(b) OTHER EMPLOYEES.—In the case of a Department of Energy contractor employee not previously covered by a determination described in subsection (a) with respect to an occupational illness, the Department of Energy contractor employee shall be determined to have contracted an illness (in this subtitle referred to as a 'covered illness') through exposure at a Department of Energy facility for purposes of this subtitle if—

"(1) it is at least as likely as not that exposure to a toxic substance was a significant factor in aggravating, contributing to, or causing the illness; and

"(2) it is at least as likely as not that the exposure to such toxic substance was related to employment at a Department of Energy facility.

“(c) Determinations Regarding Employees Not Previously Covered by Determination of Entitlement.—(1) The Secretary of Labor shall make each determination under subsection (b) as to whether or not a Department of Energy contractor employee described in that subsection contracted a covered illness related to employment at a Department of Energy facility.

“(2) The Secretary may utilize the services of physicians for purposes of making determinations under this subsection. Any physicians so utilized shall possess appropriate expertise and experience in the evaluation and diagnosis of illnesses aggravated, contributed to, or caused by exposure to toxic substances.

“(3) The Secretary may secure the services of physicians under this subsection through the appointment of physicians or by contract.

“(4) The Secretary shall consult with the Secretary of Health and Human Services before utilizing the services of physicians for purposes of making determinations under this subsection.

“SEC. 3664. AMOUNT OF WORKERS COMPENSATION.

“(a) In General.—The amount of workers compensation payable to a covered Department of Energy contractor employee, or the eligible survivors of a covered Department of Energy contractor employee, for an occupational illness or covered illness under section 3662 is the amount of workers' compensation to which the Department of Energy contractor employee, or the eligible survivors, respectively, would otherwise be entitled for the occupational illness or covered illness, as the case may be, under the appropriate State workers' compensation system.

“(b) Inapplicability of Certain State Workers' Compensation System Limitations.—The amount of workers' compensation to which a covered Department of Energy contractor employee would otherwise be entitled under subsection (a) shall be determined without regard to any requirements under the appropriate State workers' compensation system for each of the following:

“(1) Statutes of limitation, or other rules limiting compensation to claims filed within a specified period after last exposure to a toxic substance or after last employment by an employer where the employee was exposed to a toxic substance.

“(2) Exposure rules, including minimum periods of exposure to toxic substances.

“(3) Causation rules more stringent that the standard in section 3663(b).

“(4) Burdens of proof, quantum of proof standards, or both more stringent than the standard in section 3663(b).

“(5) Return to work requirements, including obligations to participate in vocational rehabilitation and medical examinations connected with the ability to return to work.

“(6) Medical examinations in addition to medical examinations required by the Secretary of Labor for the application of section 3663 in determining causation or required by the Secretary of Labor for the application of subsection (c) in determining the amount of workers' compensation payable.

“(c) Determination of Amount.—(1) The Secretary of Labor shall determine the amount of workers compensation payable to each covered Department of Energy contractor employee under section 3662.

“(2)(A) The Secretary may utilize the assistance of the workers' compensation system personnel of any State in making determinations under paragraph (1).

“(B) The utilization of assistance under subparagraph (A) shall be in accordance with an agreement entered into by the Secretary and the chief executive officer of the State concerned.

“(C) An agreement under subparagraph (B) may provide for the Secretary to reimburse the State concerned for the costs of the State in providing assistance under the agreement.

“(3)(A) The Secretary may utilize the services of physicians for purposes of making determinations under this subsection.

“(B) Any physicians utilized under subparagraph (A) shall possess appropriate expertise and experience in the evaluation and determination of the extent of permanent physical impairments.

“(C) The Secretary may secure the services of physicians under subparagraph (A) through the appointment of physicians or by contract.

“SEC. 3665. MEDICAL BENEFITS.

“(a) In General.—A Department of Energy contractor employee eligible for workers compensation for an occupational illness or covered illness under this subtitle shall be furnished medical benefits specified in section 3629 for the occupational illness or covered illness, as the case may be, to the same extent, and under the same conditions and limitations, as an individual eligible for medical benefits under that section is furnished medical benefits under that section.

“(b) Funding.—Amounts for payments for medical benefits under this section shall be derived from amounts authorized to be appropriated for such purpose under section 3670.

“SEC. 3666. REVIEW OF CERTAIN DETERMINATIONS.

“(a) Status as Department of Energy Contractor Employee.—An individual may seek the review of a determination that the individual is not a Department of Energy contractor employee.

“(b) Eligibility and Amount of Workers Compensation.—A Department of Energy contractor employee may seek the review of any determination as follows:

“(1) A determination under section 3663(b) that the Department of Energy contractor employee is not a covered Department of Energy contractor employee.

“(2) A determination under 3664 of the amount of workers compensation payable to the Department of Energy contractor employee under section 3662.

“(c) Review.—(1) The review of a determination under subsection (a) or (b) shall be conducted by the Secretary of Labor in accordance with procedures applicable for the review of claims under sections 30.310 through 30.320 of title 20, Code of Federal Regulations, or any successor regulations.

“(2)(A) The review of a determination under subsection (b)(1) shall include review by a physician or physician panel.

“(B) Each physician or physician on a panel under subparagraph (A) shall be a physician with experience and competency in diagnosing illnesses aggravated, contributed to, or caused by exposure to toxic substances.

“(C) The Secretary of Labor may investigate any allegation that a physician appointed under this paragraph has a conflict of interest. If the Secretary of Labor determines that a conflict of interest exists, the Secretary shall notify the Secretary of Health and Human Services, who shall review the allegation.

“(D) Each review by a physician or physician panel under subparagraph (A) shall be conducted in accordance with such procedures as the Secretary shall prescribe.

“(3)(A) The results of each review under this subsection shall be submitted to the Secretary.

“(B) The Secretary shall accept the results of any portion of a review under this subsection that consists of a review by a physician or physician panel under paragraph (2) unless there is substantial evidence to the contrary.

“(d) Reversal of Determinations.—Except as provided in subsection (c)(3)(B), the Secretary of Labor may vacate or reverse any determination described in subsection in subsection (a) or (b) if the Secretary determines, as the result of a review of such determination under subsection (c), that such determination was erroneous.

“SEC. 3667. ATTORNEY FEES.

“(a) In General.—Except as provided in subsection (b), the provisions of section 3648 shall apply to the availability of attorney fees for assistance on a claim under this subtitle to the same extent, and subject to the same conditions and limitations, that such provisions apply to the availability of attorney fees for assistance on a claim under subtitle B.

“(b) Attorney Fee Schedule.—(1) The Secretary of Labor may, by regulation, modify the application of section 3648 to the availability of attorney fees under this subtitle to establish a schedule for attorney fees under this subtitle that will ensure representation of claimants and appropriate compensation for such representation.

“(2) The amount of attorney fees for assistance on claims under the schedule of attorney fees shall take into appropriate account the nature and complexity of the legal issues involved in such claims and the procedural level at which assistance is given.

“SEC. 3668. ADMINISTRATIVE MATTERS.

“(a) In General.—The Secretary of Labor shall administer the provisions of this subtitle.

“(b) Contract Authority.—(1) The Secretary may enter into contracts with appropriate persons and entities in order to administer the provisions of this subtitle.

“(2) The authority of the Secretary to enter into contracts under this subtitle shall be effective in any fiscal year only to the extent and in such amount as are provided in advance in appropriations Acts.

“(c) Records.—(1)(A) The Secretary of Energy shall provide to the Secretary of Labor all records, files, and other data, whether paper, electronic, imaged, or otherwise, developed by the Secretary of Energy that are applicable to the administration of the provisions of this subtitle by the Secretary of Labor, including records, files, and data on facility industrial hygiene, employment of individuals or groups, exposure and medical records, and claims applications.

“(B) In providing records, files, and other data under this paragraph, the Secretary of Energy shall preserve the current organization of such records, files, and other data, and shall provide such description and indexing of such records, files, and other data as the Secretary of Energy and the Secretary of Labor jointly consider appropriate to facilitate their use by the Secretary of Labor for purposes of this subtitle.

“(2) The Secretary of Energy and the Secretary of Labor shall jointly undertake such actions as are appropriate to retrieve records applicable to the claims of Department of Energy contractor employees for workers compensation under this subtitle, including employment records, records of exposure to beryllium, radiation, silicon, or metals or volatile organic chemicals, and records regarding medical treatment.

"(d) Regulations.—The Secretary of Labor shall prescribe regulations necessary for the administration of the provisions of this subtitle.

"SEC. 3669. OFFICE OF OMBUDSMAN.

"(a) Establishment.—There is established in the Department of Labor an office to be known as the 'Office of the Ombudsman' (in this section referred to as the 'Office').

"(b) Head.—The head of the Office shall be the Ombudsman. The individual serving as Ombudsman shall be either of the following:

"(1) An officer or employee of the Department of Labor designated by the Secretary for purposes of this section from among officers and employees of the Department who have experience and expertise necessary to carry out the duties of the Office specified in subsection (c).

"(2) An individual employed by the Secretary from the private sector from among individuals in the private sector who have experience and expertise necessary to carry out the duties of the Office specified in subsection (c).

"(c) Duties.—The duties of the Office shall be as follows:

"(1) To assist individuals in making claims under this subtitle.

"(2) To provide information on the benefits available under this subtitle and on the requirements and procedures applicable to the provision of such benefits.

"(3) To act as an advocate on behalf of individuals seeking benefits under this subtitle.

"(4) To make recommendations to the Secretary regarding the location of centers (to be known as 'resource centers') for the acceptance and development of claims for benefits under this subtitle.

"(5) To carry out such other duties with respect to this subtitle as the Secretary shall specify for purposes of this section.

"(d) Independent Office.—The Secretary shall take appropriate actions to ensure the independence of the Office within the Department of Labor, including independence from other officers and employees of the Department engaged in activities relating to the administration of the provisions of this subtitle.

"(e) Annual Report.—(1) Not later than February 15 each year, the Ombudsman shall submit to Congress a report on activities under this subtitle.

"(2) Each report under paragraph (1) shall set forth the following:

"(A) The number and types of complaints, grievances, and requests for assistance received by the Ombudsman under this subtitle during the preceding year.

"(B) An assessment of the most common difficulties encountered by claimants and potential claimants under this subtitle during the preceding year.

"(C) Such recommendations as the Ombudsman considers appropriate for the improvement of the practices of the Department of Labor in administering this subtitle.

"(D) Such recommendations at the Ombudsman considers appropriate for modifying the authorities and requirements of this subtitle in order to better address the workers compensation interests of covered Department of Energy contractor employees and others, as determined by the Ombudsman, meriting benefits under this subtitle.

"(3) No official of the Department of Labor, or of any other department or agency of the Federal Government, may require the review or approval of a report of the Ombudsman under this subsection before the submittal of such report to Congress.

"(f) Outreach.—The Secretary of Labor and the Secretary of Health and Human Services shall each undertake outreach to advise the public of the existence and duties of the Office.

"SEC. 3670. AUTHORIZATION OF APPROPRIATIONS.

"(a) Authorization of Appropriations.—There is authorized to be appropriated to the Secretary of Labor for fiscal year 2005 and each fiscal year thereafter such sums as may be necessary in such fiscal year for—

"(1) the provision of compensation and benefits under this subtitle; and

"(2) the administration of the provisions of this subtitle.

"(b) Availability Without Fiscal Year Limitation.—Amounts authorized to be appropriated by subsection (a) shall remain available without fiscal year limitation.

"(c) Availability of Amounts Subject to Appropriations Acts.—The authority to provide compensation and benefits under this subtitle shall be effective in any fiscal year only to the extent and in such amounts as are provided in advance in appropriations Acts.".

(b) Conforming Amendment.—Section 3643 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385b) is amended by striking "The acceptance" and inserting "Except as provided in subtitle D, the acceptance".

(c) Regulations.—The Secretary of Labor shall prescribe the regulations required by section 3668(d) of the Energy Employees Occupational Illness Compensation Program Act of 2000, as amended by this section, not later than 120 days after the date of the enactment of this Act. The Secretary may prescribe interim final regulations necessary to meet the deadlines specified in the preceding sentence and subsection (d)(1).

(d) Transition.—(1) The Secretary of Labor shall commence the administration of the provisions of subtitle D of the Energy Employees Occupational Illness Compensation Program Act of 2000, as amended by this section, not later than 180 days after the date of the enactment of this Act.

(2) The Secretary of Energy and the Secretary of Labor shall jointly take such actions as are appropriate—

(A) to identify the activities under subtitle D of the Energy Employees Occupational Illness Compensation Program Act of 2000, as in effect on the day before the date of the enactment of this Act, that will continue under that subtitle, as amended by this section, upon the commencement of the administration of that subtitle, as so amended, by the Secretary of Labor under paragraph (1); and

(B) to ensure the continued discharge of such activities until the commencement of the administration of that subtitle, as so amended, by the Secretary of Labor under paragraph (1).

(3)(A) In carrying out activities under paragraph (2), the Secretary of Energy shall only conduct a causation review on a claim if the claim is completely prepared and awaiting review as of the date of the enactment of this Act.

(B) Activities under paragraph (2) on any claim covered by such activities that is not described by subparagraph (A) shall be carried out by the Secretary of Labor.

(e) Provision of Records.—The Secretary of Energy shall, to the maximum extent practicable, complete the provision of records to the Secretary of Labor under section 3668(c)(1) of the Energy Employees Occupational Illness Compensation Program Act of 2000, as amended by this section, not later than 60 days after the date of the enactment of this Act.

(f) Site Profiles.—(1)(A) The Secretary of Labor shall prepare a site profile for each of the 14 Department of Energy facilities that have received the most number of claims for compensation and benefits under subtitle D of the Energy Employees Occupational Illness Compensation Program Act of 2000 as of the date of the enactment of this Act.

(B) The Secretary of Labor shall prepare a site profile under subparagraph (A) utilizing the former worker medical screening programs of the Department of Energy.

(2) If the Secretary of Labor determines that the preparation of a site profile for a facility cannot be performed under paragraph (1) because no worker medical screening activities occurred for the facility, or that preparation of the profile is otherwise impracticable, the site profile for the facility shall be prepared by the National Institute of Occupational Safety and Health.

(3) All site profiles required by this subsection shall be completed not later than 210 days after the date of the enactment of this Act.

(4) The Secretary of Energy shall provide the Secretary of Labor with any support that the Secretary of Labor considers necessary for carrying out this subsection.

(5) In this subsection, the term "site profile", in the case of a Department of Energy facility, means an exposure assessment that—

(A) identifies any processes and toxic substances used in the facility;

(B) establishes the times in which such toxic substances were used in the facility; and

(C) establishes the degree of exposure to such toxic substances taking into account available records and studies and information on such processes and toxic substances.

(g) Sense of Congress.—It is the sense of Congress that the Secretary of Energy should—

(1) adopt a policy not to oppose any final positive determinations with respect to injured workers at Department of Energy facilities and atomic weapons employer facilities under State adjudication systems unless such determinations are frivolous; and

(2) incorporate the policy referred to in paragraph (1) in all Department of Energy contracts with non-Federal government entities to which such policy could apply.

(h) Funding for Administration in Fiscal Year 2005.—(1) Of the amount authorized to be appropriated for fiscal year 2005 by section 3102(a)(1) for environmental management for defense site acceleration completion, $2,000,000 shall be available for purposes of the administration of the provisions of subtitle D of the Energy Employees Occupational Illness Compensation Program Act of 2000, as amended by this section, during fiscal year 2005.

(2) The Secretary of Energy shall transfer to the Secretary of Labor the amount available under paragraph (1) for the purposes specified in that paragraph.

(3) The Secretary of Labor shall utilize amounts transferred to the Secretary under paragraph (2) for the purposes specified in paragraph (1).

SEC. 3154. TERMINATION OF EFFECT OF OTHER ENHANCEMENTS OF ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM.

Notwithstanding any other provision of this Act, section 3143, relating to enhancements of the Energy Employees Occupational Illness Compensation Program, shall have no force or effect, and the amendments specified in such section shall not be made.

SEC. 3155. SENSE OF SENATE ON RESOURCE CENTER FOR ENERGY EMPLOYEES UNDER ENERGY EMPLOYEE OCCUPATIONAL ILLNESS COMPENSATION PROGRAM IN WESTERN NEW YORK AND WESTERN PENNSYLVANIA REGION.

(a) FINDINGS.—The Senate makes the following findings:

(1) New York has 36 current or former Department of Energy facilities involved in nuclear weapons production-related activities statewide, mostly atomic weapons employer facilities, and 14 such facilities in western New York. Despite having one of the greatest concentrations of such facilities in the United States, western New York, and abutting areas of Pennsylvania, continue to be severely underserved by the Energy Employees Occupational Illness Compensation Program under the Energy Employees Occupational Illness Compensation Program Act of 2000 (title XXXVI of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398); 42 U.S.C. 7384 et seq.).

(2) The establishment of a permanent resource center in western New York would represent a substantial step toward improving services under the Energy Employees Occupational Illness Compensation Program for energy employees in this region.

(3) The number of claims submitted to the Department under subtitle B of the Energy Employees Occupational Illness Compensation Program Act of 2000 from the western New York region, including western Pennsylvania, exceeds the number of such claims filed at resource centers in Hanford, Washington, Portsmouth, Ohio, Los Alamos, New Mexico, the Nevada Test Site, Nevada, the Rocky Flats Environmental Technology Site, Colorado, the Idaho National Engineering Laboratory, Idaho, and the Amchitka Test Site, Alaska.

(4) Energy employees in the western New York region, including western Pennsylvania, deserve assistance under subtitle B of the Energy Employees Occupational Illness Compensation Program Act of 2000 commensurate with the assistance provided energy employees at other locations in the United States.

(b) SENSE OF SENATE.—It is the sense of the Senate to encourage the Office of Ombudsman of the Department of Labor, as established by section 3669 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (as amended by section 3163 of this Act), to—

(1) review the availability of assistance under subtitle B of the Energy Employees Occupational Illness Compensation Program Act of 2000 for energy employees in the western New York region, including western Pennsylvania; and

(2) recommend a location in that region for a resource center to provide such assistance to such energy employees.

SEC. 3156. REVIEW BY CONGRESS OF INDIVIDUALS DESIGNATED BY PRESIDENT AS MEMBERS OF COHORT.

Section 3621(14)(C)(ii) of that Act (42 U.S.C. 10 7384l(14)(C)(ii)) is amended by striking "180 days" and inserting "60 days."

SEC. 3157. INCLUSION OF CERTAIN FORMER NUCLEAR WEAPONS PROGRAM WORKERS IN SPECIAL EXPOSURE COHORT UNDER THE ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM.

(a) FINDINGS.—Congress makes the following findings:

(1) Energy workers at the former Mallinkrodt facilities (including the St. Louis downtown facility and the Weldon Springs facility) were exposed to levels of radionuclides and radioactive materials that were much greater than the current maximum allowable Federal standards.

(2) The Mallinkrodt workers at the St. Louis site were exposed to excessive levels of airborne uranium dust relative to the standards in effect during the time, and many workers were exposed to 200 times the preferred levels of exposure.

(3)(A) The chief safety officer for the Atomic Energy Commission during the Mallinkrodt-St. Louis operations described the facility as 1 of the 2 worst plants with respect to worker exposures.

(B) Workers were excreting in excess of a milligram of uranium per day causing kidney damage.

(C) A recent epidemiological study found excess levels of nephritis and kidney cancer from inhalation of uranium dusts.

(4) The Department of Energy has admitted that those Mallinkrodt workers were subjected to risks and had their health endangered as a result of working with these highly radioactive materials.

(5) The Department of Energy reported that workers at the Weldon Springs feed materials plant handled plutonium and recycled uranium, which are highly radioactive.

(6) The National Institute of Occupational Safety and Health admits that—

(A) the operations at the St. Louis downtown site consisted of intense periods of processing extremely high levels of radionuclides; and

(B) the Institute has virtually no personal monitoring data for Mallinkrodt workers prior to 1948.

(7) The National Institute of Occupational Safety and Health has informed claimants and their survivors at those 3 Mallinkrodt sites that if they are not interviewed as a part of the dose reconstruction process, it—

(A) would hinder the ability of the Institute to conduct dose reconstruction for the claimant; and

(B) may result in a dose reconstruction that incompletely or inaccurately estimates the radiation dose to which the energy employee named in the claim had been exposed.

(8) Energy workers at the Iowa Army Ammunition Plant (also known as the Burlington Atomic Energy Commission Plant and the Iowa Ordnance Plant) between 1947 and 1975 were exposed to levels of radionuclides and radioactive material, including enriched uranium, plutonium, tritium, and depleted uranium, in addition to beryllium and photon radiation, that are greater than the current maximum Federal standards for exposure.

(9) According to the National Institute of Occupational Safety and Health—

(A) between 1947 and 1975, no records, including bioassays or air samples, have been located that indicate any monitoring occurred of internal doses of radiation to which workers described in paragraph (8) were exposed;

(B) between 1947 and 1955, no records, including dosimetry badges, have been located to indicate that any monitoring occurred of the external doses of radiation to which such workers were exposed;

(C) between 1955 and 1962, records indicate that only 8 to 23 workers in a workforce of over 1,000 were monitored for external radiation doses; and

(D) between 1970 and 1975, the high point of screening at the Iowa Army Ammunition Plant, only 25 percent of the workforce was screened for exposure to external radiation.

(10) The Department of Health and Human Services published the first notice of proposed rulemaking concerning the Special Exposure Cohort on June 25, 2002, and the final rule published on May 26, 2004.

(11) Many of those former workers have died while waiting for the proposed rule to be finalized, including some claimants who were waiting for dose reconstruction to be completed.

(12) Because of the aforementioned reasons, including the serious lack of records and the death of many potential claimants, it is not feasible to conduct valid dose reconstructions for the Iowa Army Ammunition Plant facility or the Mallinkrodt facilities.

(b) INCLUSION OF CERTAIN FORMER WORKERS IN COHORT.—Section 3621(14) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (title XXXVI of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398); 42 U.S.C. 7384l(14)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following new subparagraph (C):

"(C) Subject to the provisions of section 3612A and section 3146(e) of the National Defense Authorization Act for Fiscal Year 2005, the employee was so employed for a number of work days aggregating at least 45 workdays at a facility operated under contract to the Department of Energy by Mallinkrodt Incorporated or its successors (including the St. Louis downtown or 'Destrehan' facility during any of calendar years 1942 through 1958 and the Weldon Springs feed materials plant facility during any of calendar years 1958 through 1966), or at a facility operated by the Department of Energy or under contract by Mason & Hangar-Silas Mason Company at the Iowa Army Ammunition Plant (also known as the Burlington Atomic Energy Commission Plant and the Iowa Ordnance Plant) during any of the calendar years 1947 through 1975, and during the employment—

"(i)(I) was monitored through the use of dosimetry badges for exposure at the plant of the external parts of an employee's body to radiation; or

"(II) was monitored through the use of bioassays, in vivo monitoring, or breath samples for exposure at the plant to internal radiation; or

"(ii) worked in a job that had exposures comparable to a job that is monitored, or should have been monitored, under standards of the Department of Energy in effect on the date of enactment of this subparagraph through the use of dosimetry badges for monitoring external radiation exposures, or bioassays, in vivo monitoring, or breath samples for internal radiation exposures, at a facility.".

(c) FUNDING OF COMPENSATION AND BENEFITS.—(1) Such Act is further amended by inserting after section 3612 the following new section:

"SEC. 3612A. FUNDING FOR COMPENSATION AND BENEFITS FOR CERTAIN MEMBERS OF THE SPECIAL EXPOSURE COHORT.

"(a) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated to the Department of Labor for each fiscal year after fiscal year 2004 such sums as may be necessary for the provision of compensation and benefits under the compensation program for members of the Special Exposure Cohort described in section 3621(14)(C) in such fiscal year.

"(b) PROHIBITION ON USE FOR ADMINISTRATIVE COSTS.—(1) No amount authorized to be appropriated by subsection (a) may be utilized for purposes of carrying out the compensation program for the members of the Special Exposure Cohort referred to in that subsection or administering the amount authorized to be appropriated by subsection (a).

"(2) Amounts for purposes described in paragraph (1) shall be derived from amounts authorized to be appropriated by section 3614(a).

"(c) PROVISION OF COMPENSATION AND BENEFITS SUBJECT TO APPROPRIATIONS ACTS.—The provision of compensation and benefits under the compensation program for members of the Special Exposure Cohort referred to in subsection (a) in any fiscal year shall be subject to the availability of appropriations for that purpose for such fiscal year and to applicable provisions of appropriations Acts.".

(2) Section 3612(d) of such Act (42 U.S.C. 7384e(d)) is amended—

(A) by inserting "(1)" before "Subject"; and

(B) by adding at the end the following new paragraph:

"(2) Amounts for the provision of compensation and benefits under the compensation program for members of the Special Exposure Cohort described in section 3621(14)(C) may be derived from amounts authorized to be appropriated by section 3612A(a).".

(d) OFFSET.—The total amount authorized to be appropriated under subtitle A of this title is hereby reduced by $61,000,000.

(e) CERTIFICATION.—Funds shall be available to pay claims approved by the National Institute of Occupational Safety and Health for a facility by reason of section 3621(14)(C) of the Energy Employees Occupational Illness Compensation Program Act of 2000, as amended by subsection (b)(2), if the Director of the National Institute of Occupational Safety and Health certifies with respect to such facility each of the following:

(1) That no atomic weapons work or related work has been conducted at such facility after 1976.

(2) That fewer than 50 percent of the total number of workers engaged in atomic weapons work or related work at such facility were accurately monitored for exposure to internal and external ionizing radiation during the term of their employment.

(3) That individual internal and external exposure records for employees at such facility are not available, or the exposure to radiation of at least 40 percent of the exposed workers at such facility cannot be determined from the individual internal and external exposure records that are available.

(f) SENSE OF THE SENATE.—It is the sense of the Senate that all employees who are eligible to apply for benefits under the compensation program established by the Energy Employees Occupational Illness Compensation Act should be treated fairly and equitably with regard to inclusion under the special exposure cohort provisions of this Act.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2005, $21,268,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

SEC. 3301. DISPOSAL OF FERROMANGANESE.

(a) DISPOSAL AUTHORIZED.—The Secretary of Defense may dispose of up to 50,000 tons of ferromanganese from the National Defense Stockpile during fiscal year 2005.

(b) CONTINGENT AUTHORITY FOR ADDITIONAL DISPOSAL.—After the disposal of ferromanganese authorized by subsection (a)—

(1) the Secretary may dispose of up to an additional 25,000 tons of ferromanganese from the National Defense Stockpile before September 30, 2005; and

(2) if the Secretary completes the disposal authorized by paragraph (1) before September 30, 2005, the Secretary may dispose of up to an additional 25,000 tons of ferromanganese from the National Defense Stockpile before that date.

(c) CERTIFICATION.—The Secretary may dispose of ferromanganese under paragraph (1) or (2) of subsection (b) only if the Secretary, with the concurrence of the Secretary of Commerce, certifies to the congressional defense committees not later than 30 days before the commencement of disposal under the applicable paragraph that—

(1) the disposal of ferromanganese under such paragraph is in the national interest due to extraordinary circumstances in markets for ferromanganese;

(2) the disposal of ferromanganese under such paragraph will not cause undue harm to domestic manufacturers of ferroalloys; and

(3) the disposal of ferromanganese under such paragraph is consistent with the requirements and purpose of the National Defense Stockpile under the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.).

(d) DELEGATION OF RESPONSIBILITY.—The Secretary of Defense and the Secretary of Commerce may each delegate the responsibility of such Secretary under subsection (c) to an appropriate official within the Department of Defense or the Department of Commerce, as the case may be.

(e) NATIONAL DEFENSE STOCKPILE DEFINED.—In this section, the term "National Defense Stockpile" means the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

SEC. 3302. REVISIONS TO REQUIRED RECEIPT OBJECTIVES FOR CERTAIN PREVIOUSLY AUTHORIZED DISPOSALS FROM THE NATIONAL DEFENSE STOCKPILE.

Section 3303(a) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (50 U.S.C. 98d note) is amended—

(1) in paragraph (4), by striking "and" at the end;

(2) in paragraph (5), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(6) $870,000,000 by the end of fiscal year 2014.".

SEC. 3303. PROHIBITION ON STORAGE OF MERCURY AT CERTAIN FACILITIES.

(a) PROHIBITION.—The Secretary of Defense may not store mercury from the National Defense Stockpile at any facility that is not owned or leased by the United States.

(b) NATIONAL DEFENSE STOCKPILE DEFINED.—In this section, the term "National Defense Stockpile" means the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

TITLE XXXIV—LOCAL LAW ENFORCEMENT ENHANCEMENT ACT.

SEC. 3401. SHORT TITLE.

This title may be cited as the "Local Law Enforcement Enhancement Act of 2004".

SEC. 3402. FINDINGS.

Congress makes the following findings:

(1) The incidence of violence motivated by the actual or perceived race, color, religion, national origin, gender, sexual orientation, or disability of the victim poses a serious national problem.

(2) Such violence disrupts the tranquility and safety of communities and is deeply divisive.

(3) State and local authorities are now and will continue to be responsible for prosecuting the overwhelming majority of violent crimes in the United States, including violent crimes motivated by bias. These authorities can carry out their responsibilities more effectively with greater Federal assistance.

(4) Existing Federal law is inadequate to address this problem.

(5) The prominent characteristic of a violent crime motivated by bias is that it devastates not just the actual victim and the family and friends of the victim, but frequently savages the community sharing the traits that caused the victim to be selected.

(6) Such violence substantially affects interstate commerce in many ways, including—

(A) by impeding the movement of members of targeted groups and forcing such members to move across State lines to escape the incidence or risk of such violence; and

(B) by preventing members of targeted groups from purchasing goods and services, obtaining or sustaining employment, or participating in other commercial activity.

(7) Perpetrators cross State lines to commit such violence.

(8) Channels, facilities, and instrumentalities of interstate commerce are used to facilitate the commission of such violence.

(9) Such violence is committed using articles that have traveled in interstate commerce.

(10) For generations, the institutions of slavery and involuntary servitude were defined by the race, color, and ancestry of those held in bondage. Slavery and involuntary servitude were enforced, both prior to and after the adoption of the 13th amendment to the Constitution of the United States, through widespread public and private violence directed at persons because of their race, color, or ancestry, or perceived race, color, or ancestry. Accordingly, eliminating racially motivated violence is an important means of eliminating, to the extent possible, the badges, incidents, and relics of slavery and involuntary servitude.

(11) Both at the time when the 13th, 14th, and 15th amendments to the Constitution of the United States were adopted, and continuing to date, members of certain religious and national origin groups were and are perceived to be distinct "races". Thus, in order to eliminate, to the extent possible, the badges, incidents, and relics of slavery, it is necessary to prohibit assaults on the basis of real or perceived religions or national origins, at least to the extent such religions or national origins were regarded as races at the time of the adoption of the 13th, 14th,

and 15th amendments to the Constitution of the United States.

(12) Federal jurisdiction over certain violent crimes motivated by bias enables Federal, State, and local authorities to work together as partners in the investigation and prosecution of such crimes.

(13) The problem of crimes motivated by bias is sufficiently serious, widespread, and interstate in nature as to warrant Federal assistance to States and local jurisdictions.

SEC. 3403. DEFINITION OF HATE CRIME.

In this title, the term "hate crime" has the same meaning as in section 280003(a) of the Violent Crime Control and Law Enforcement Act of 1994 (28 U.S.C. 994 note).

SEC. 3404. SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE AND LOCAL LAW ENFORCEMENT OFFICIALS.

(a) ASSISTANCE OTHER THAN FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—At the request of a law enforcement official of a State or Indian tribe, the Attorney General may provide technical, forensic, prosecutorial, or any other form of assistance in the criminal investigation or prosecution of any crime that—

(A) constitutes a crime of violence (as defined in section 16 of title 18, United States Code);

(B) constitutes a felony under the laws of the State or Indian tribe; and

(C) is motivated by prejudice based on the race, color, religion, national origin, gender, sexual orientation, or disability of the victim, or is a violation of the hate crime laws of the State or Indian tribe.

(2) PRIORITY.—In providing assistance under paragraph (1), the Attorney General shall give priority to crimes committed by offenders who have committed crimes in more than 1 State and to rural jurisdictions that have difficulty covering the extraordinary expenses relating to the investigation or prosecution of the crime.

(b) GRANTS.—

(1) IN GENERAL.—The Attorney General may award grants to assist State, local, and Indian law enforcement officials with the extraordinary expenses associated with the investigation and prosecution of hate crimes.

(2) OFFICE OF JUSTICE PROGRAMS.—In implementing the grant program, the Office of Justice Programs shall work closely with the funded jurisdictions to ensure that the concerns and needs of all affected parties, including community groups and schools, colleges, and universities, are addressed through the local infrastructure developed under the grants.

(3) APPLICATION.—

(A) IN GENERAL.—Each State that desires a grant under this subsection shall submit an application to the Attorney General at such time, in such manner, and accompanied by or containing such information as the Attorney General shall reasonably require.

(B) DATE FOR SUBMISSION.—Applications submitted pursuant to subparagraph (A) shall be submitted during the 60-day period beginning on a date that the Attorney General shall prescribe.

(C) REQUIREMENTS.—A State or political subdivision of a State or tribal official applying for assistance under this subsection shall—

(i) describe the extraordinary purposes for which the grant is needed;

(ii) certify that the State, political subdivision, or Indian tribe lacks the resources necessary to investigate or prosecute the hate crime;

(iii) demonstrate that, in developing a plan to implement the grant, the State, political subdivision, or tribal official has consulted and coordinated with nonprofit, nongovernmental victim services programs that have experience in providing services to victims of hate crimes; and

(iv) certify that any Federal funds received under this subsection will be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this subsection.

(4) DEADLINE.—An application for a grant under this subsection shall be approved or disapproved by the Attorney General not later than 30 business days after the date on which the Attorney General receives the application.

(5) GRANT AMOUNT.—A grant under this subsection shall not exceed $100,000 for any single jurisdiction within a 1 year period.

(6) REPORT.—Not later than December 31, 2005, the Attorney General shall submit to Congress a report describing the applications submitted for grants under this subsection, the award of such grants, and the purposes for which the grant amounts were expended.

(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2005 and 2006.

SEC. 3405. GRANT PROGRAM.

(a) AUTHORITY TO MAKE GRANTS.—The Office of Justice Programs of the Department of Justice shall award grants, in accordance with such regulations as the Attorney General may prescribe, to State and local programs designed to combat hate crimes committed by juveniles, including programs to train local law enforcement officers in identifying, investigating, prosecuting, and preventing hate crimes.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 3406. AUTHORIZATION FOR ADDITIONAL PERSONNEL TO ASSIST STATE AND LOCAL LAW ENFORCEMENT.

There are authorized to be appropriated to the Department of the Treasury and the Department of Justice, including the Community Relations Service, for fiscal years 2005, 2006, and 2007 such sums as are necessary to increase the number of personnel to prevent and respond to alleged violations of section 249 of title 18, United States Code, as added by section 07.

SEC. 3407. PROHIBITION OF CERTAIN HATE CRIME ACTS.

(a) IN GENERAL.—Chapter 13 of title 18, United States Code, is amended by adding at the end the following:

"§ 249. Hate crime acts

"(a) IN GENERAL.—

"(1) OFFENSES INVOLVING ACTUAL OR PERCEIVED RACE, COLOR, RELIGION, OR NATIONAL ORIGIN.—Whoever, whether or not acting under color of law, willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived race, color, religion, or national origin of any person—

"(A) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

"(B) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

"(i) death results from the offense; or

"(ii) the offense includes kidnaping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

"(2) OFFENSES INVOLVING ACTUAL OR PERCEIVED RELIGION, NATIONAL ORIGIN, GENDER, SEXUAL ORIENTATION, OR DISABILITY.—

"(A) IN GENERAL.—Whoever, whether or not acting under color of law, in any circumstance described in subparagraph (B), willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived religion, national origin, gender, sexual orientation, or disability of any person—

"(i) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

"(ii) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

"(I) death results from the offense; or

"(II) the offense includes kidnaping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

"(B) CIRCUMSTANCES DESCRIBED.—For purposes of subparagraph (A), the circumstances described in this subparagraph are that—

"(i) the conduct described in subparagraph (A) occurs during the course of, or as the result of, the travel of the defendant or the victim—

"(I) across a State line or national border; or

"(II) using a channel, facility, or instrumentality of interstate or foreign commerce;

"(ii) the defendant uses a channel, facility, or instrumentality of interstate or foreign commerce in connection with the conduct described in subparagraph (A);

"(iii) in connection with the conduct described in subparagraph (A), the defendant employs a firearm, explosive or incendiary device, or other weapon that has traveled in interstate or foreign commerce; or

"(iv) the conduct described in subparagraph (A)—

"(I) interferes with commercial or other economic activity in which the victim is engaged at the time of the conduct; or

"(II) otherwise affects interstate or foreign commerce.

"(b) CERTIFICATION REQUIREMENT.—No prosecution of any offense described in this subsection may be undertaken by the United States, except under the certification in writing of the Attorney General, the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General specially designated by the Attorney General that—

"(1) he or she has reasonable cause to believe that the actual or perceived race, color, religion, national origin, gender, sexual orientation, or disability of any person was a motivating factor underlying the alleged conduct of the defendant; and

"(2) he or his designee or she or her designee has consulted with State or local law enforcement officials regarding the prosecution and determined that—

"(A) the State does not have jurisdiction or does not intend to exercise jurisdiction;

"(B) the State has requested that the Federal Government assume jurisdiction;

"(C) the State does not object to the Federal Government assuming jurisdiction; or

"(D) the verdict or sentence obtained pursuant to State charges left demonstratively unvindicated the Federal interest in eradicating bias-motivated violence.

"(c) DEFINITIONS.—In this section—

"(1) the term 'explosive or incendiary device' has the meaning given the term in section 232 of this title; and

"(2) the term 'firearm' has the meaning given the term in section 921(a) of this title.".

(b) Technical and Conforming Amendment.—The analysis for chapter 13 of title 18, United States Code, is amended by adding at the end the following:

"249. Hate crime acts.".

SEC. 3408. DUTIES OF FEDERAL SENTENCING COMMISSION.

(a) Amendment of Federal Sentencing Guidelines.—Pursuant to the authority provided under section 994 of title 28, United States Code, the United States Sentencing Commission shall study the issue of adult recruitment of juveniles to commit hate crimes and shall, if appropriate, amend the Federal sentencing guidelines to provide sentencing enhancements (in addition to the sentencing enhancement provided for the use of a minor during the commission of an offense) for adult defendants who recruit juveniles to assist in the commission of hate crimes.

(b) Consistency With Other Guidelines.—In carrying out this section, the United States Sentencing Commission shall—

(1) ensure that there is reasonable consistency with other Federal sentencing guidelines; and

(2) avoid duplicative punishments for substantially the same offense.

SEC. 3409. STATISTICS.

Subsection (b)(1) of the first section of the Hate Crimes Statistics Act (28 U.S.C. 534 note) is amended by inserting "gender," after "race,".

SEC. 3410. SEVERABILITY.

If any provision of this title, an amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this title, the amendments made by this title, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

TITLE XXXV—ASSISTANCE TO FIREFIGHTERS.

SEC. 3501. SHORT TITLE.

This title may be cited as the "Assistance to Firefighters Act of 2004".

SEC. 3502. AUTHORITY OF SECRETARY OF HOMELAND SECURITY FOR FIREFIGHTER ASSISTANCE PROGRAM.

(a) In General.—Subsection (b)(1) of section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) is amended by striking "Director" in the matter preceding subparagraph (A) and inserting "Secretary of Homeland Security, in consultation with the Administrator,".

(b) Conforming Amendment.—Such section is further amended by striking "Director" each place it appears and inserting "Secretary of Homeland Security".

(c) Technical Amendment.—The heading of subsection (b)(8) of such section is amended by striking "Director" and inserting "Secretary".

SEC. 3503. GRANTS TO VOLUNTEER EMERGENCY MEDICAL SERVICE ORGANIZATIONS.

(a) Authority To Award Grants to Volunteer Emergency Medical Service Squads.—Paragraph (1)(A) of section 33(b) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(b)) is amended by inserting "or to volunteer emergency medical service organizations" after "fire departments".

(b) Use of Grant Funds.—Paragraph (3)(F) of such section is amended by inserting "or volunteer emergency medical service organizations that are not affiliated with a for-profit entity" after "fire departments".

(c) Special Rule for Applications for Volunteer Emergency Medical Services.—Paragraph (5) of such section is amended by adding at the end, the following new subparagraph:

"(C) Special rule for volunteer emergency medical services.—The Secretary of Homeland Security shall permit an applicant seeking grant funds for volunteer emergency medical services under paragraph (3)(F) to use the same application form to seek grant funds for one or more of the other purposes set out in subparagraphs (A) through (O) of paragraph (3).".

SEC. 3504. GRANTS FOR AUTOMATED EXTERNAL DEFIBRILLATOR DEVICES.

Paragraph (3) of section 33(b) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(b)) is amended by adding at the end the following new subparagraph:

"(O) To obtain automated external defibrillator devices.".

SEC. 3405. CRITERIA FOR REVIEWING GRANT APPLICATIONS.

Paragraph (2) of section 33(b) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(b)) is amended to read as follows:

"(2) Criteria and review of applications.—

"(A) Preliminary review criteria.—

"(i) In general.—The Secretary of Homeland Security shall establish specific criteria for the preliminary review of an application submitted under this section. If an application does not meet such criteria, the application may not receive further consideration for a grant under this section.

"(ii) Annual review of criteria.—Not less often than once each year, the Secretary of Homeland Security, in consultation with the Administrator, shall convene a meeting of individuals who are members of a fire service and are recognized for expertise in firefighting or in emergency medical services provided by fire services, and who are not employees of the Federal Government for the purpose of reviewing and proposing changes to the criteria established under clause (i).

"(B) Selection through review by experts.—

"(i) Requirement for review.—The Secretary of Homeland Security shall award grants under this section based on the review of applications for such grants by a panel of fire service personnel appointed by a national organization recognized for expertise in the operation and administration of fire services.

"(ii) Role of the secretary.—The Secretary of Homeland Security shall provide for the administration of the review panel described in clause (i) and shall ensure that an individual appointed to such panel is a recognized expert in firefighting, medical services provided by fire services, fire prevention, or research on firefighter safety.".

SEC. 3506. FINANCIAL ASSISTANCE FOR FIREFIGHTER SAFETY PROGRAMS.

(a) Authority.—Paragraph (1)(B) of section 33(b) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(b)) is amended by inserting "and firefighter safety" after "prevention".

(b) Expansion of Existing Program.—

(1) Firefighter safety assistance.—Paragraph (4) of such section is amended—

(A) in subparagraph (A)(ii), by striking "organizations that are recognized" and all that follows and inserting "organizations eligible under subparagraph (B) for the purposes described in subparagraph (C)."; and

(B) by striking subparagraph (B), and inserting the following new subparagraphs:

"(B) Eligibility for assistance.—An organization may be eligible for assistance under subparagraph (A)(ii), if such organization is a national, State, local, or community organization that is not a fire service and that is recognized for experience and expertise with respect to programs and activities that promote—

"(i) fire prevention or fire safety; or

"(ii) the health and safety of firefighting personnel.

"(C) Use of funds.—Assistance provided under subparagraph (A)(ii) shall be used—

"(i) to carry out fire prevention programs; or

"(ii) to fund research to improve the health and safety of firefighting personnel.

"(D) Priority.—In selecting organizations described in subparagraph (B) to receive assistance under this paragraph, the Secretary of Homeland Security shall give priority—

"(i) to organizations that focus on preventing injuries from fire to members of groups at high risk of such injuries, with an emphasis on children; and

"(ii) to organizations that focus on researching methods to improve the health and safety of firefighting personnel.

"(E) Allocation of funds.—Not less than 66 percent of the total amount of funds made available in a fiscal year to carry out this paragraph shall be made available of the programs described in subparagraph (A)(ii).".

(2) Conforming amendment.—The heading of such paragraph is amended to read as follows:

"(4) Fire prevention and firefighter safety programs.—".

(c) Availability of Funds for Fire Prevention and Firefighter Safety Programs.—Paragraph (4)(A) of such section, as amended by subsection (b), is further amended in the matter preceding clause (i), by striking "5 percent" and inserting "6 percent".

SEC. 3507. ASSISTANCE FOR APPLICATIONS.

Paragraph (5) of section 33(b) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(b)), as amended by section 3(c), is further amended by adding at the end the following new subparagraph:

"(D) Assistance to prepare an application.—The Secretary of Homeland Security shall provide assistance with the preparation of applications for grants under this section.".

SEC. 3508. REDUCED REQUIREMENTS FOR MATCHING FUNDS.

(a) Amount Required.—Paragraph (6) of section 33(b) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(b)) is amended by striking subparagraphs (A) and (B) and inserting the following:

"(A) In general.—Subject to subparagraphs (B) and (C), the Secretary of Homeland Security may provide assistance under this subsection only if the applicant for such assistance agrees to match 20 percent of such assistance for any fiscal year with an equal amount of non-Federal funds.

"(B) Requirement for small community organizations.—In the case of an applicant whose personnel—

"(i) serve jurisdictions of 50,000 or fewer residents, the percent applied under the matching requirement of subparagraph (A) shall be 10 percent; or

"(ii) serve jurisdictions of 20,000 or fewer residents, the percent applied under the matching requirement of subparagraph (A) shall be 5 percent.".

(b) Exception.—Such paragraph, as amended by subsection (a), is further amended by adding at the end the following new subparagraph:

"(C) Exception.—No matching funds may be required under this subsection for assistance provided under subparagraph (A)(ii) of paragraph (4) to an organization described in subparagraph (B) of such paragraph.".

(c) Special Rule for Requests for Automated External Defibrillator Devices.—Section 33(b) of such Act is further amended by adding at the end the following new paragraph:

"(13) Special rules for grants for automated external defibrillator devices.—

"(A) Limitations.—The Secretary of Homeland Security shall reduce the percentage of non-Federal matching funds for a grant as described in subparagraph (B) if—

"(i) the applicant is requesting grant funds to obtain one or more automated external defibrillator devices, as authorized by paragraph (3)(O);

"(ii) the award of such grant will result in the applicant possessing exactly one such device for each first-due emergency vehicle operated by the applicant;

"(iii) the applicant certifies to the Secretary of Homeland Security that the applicant possesses, at the time such application is filed, a number of such devices that is less than the number of first-due emergency vehicles operated by the applicant and that the applicant is capable of storing, in a manner conducive to rapid use, such devices on each such vehicle; and

"(iv) the applicant has not previously received a grant under this subsection to obtain such devices.

"(B) Matching requirements.—If an applicant meets the criteria set out in clauses (i), (ii), (iii), and (iv) of subparagraph (A), the Secretary of Homeland Security shall reduce the percentage of non-Federal matching funds required by paragraph (6) by 2 percentage points for all assistance requested in the application submitted by such applicant.

"(C) First-due defined.—In this paragraph, the term 'first-due' means the firefighting and emergency medical services vehicles that are utilized by a fire service for immediate response to an emergency situation.".

SEC. 3509. GRANT RECIPIENT LIMITATIONS.

(a) Limitations on Grant Amounts.—Subparagraph (A) of section 33(b)(10) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(b)(10)) is amended to read as follows:

"(A) Limitations on grant amount.—

"(i) General limitation.—Subject to clause (ii), a recipient of assistance under this section may not receive in a fiscal year an amount of such assistance that exceeds the greater of $2,250,000 or the amount equal to 0.5 percent of the total amount of funds appropriated for such assistance for such fiscal year.

"(ii) Limitations on basis of population.—Subject to clause (iii), a recipient of assistance under this section that serves a jurisdiction of less than 1,000,000 individuals may not receive more than $1,500,000 of such assistance for a fiscal year, except that such a recipient that serves a jurisdiction of less than 500,000 individuals may not receive more than $1,000,000 of such assistance during a fiscal year.

"(iii) Waiver.—With respect to assistance provided in a fiscal year before fiscal year 2007, the Secretary of Homeland Security, in consultation with the Administrator, may waive the limitations set out in clause (ii) if the Secretary determines that a waiver is warranted by an extraordinary need for assistance for fire suppression activities by a jurisdiction, whether such need is caused by the likelihood of terrorist attack, natural disaster, destructive fires occurring over a large geographic area, or some other cause.".

(b) Limitations on Grants for Volunteer Emergency Medical Services.—Such section, as amended by subsection (a), is further amended by adding at the end the following new subparagraph:

"(C) Limitations on expenditures for volunteer emergency medical services.—Not more than 3.5 percent of the funds appropriated to provide grants under this section for a fiscal year may be awarded to volunteer emergency medical service organizations.".

SEC. 3510. OTHER CONSIDERATIONS.

Section 33(b) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(b)), as amended by section 8, is amended by adding at the end the following new paragraph:

"(14) Other considerations.—In providing assistance under this section, the Secretary of Homeland Security shall—

"(A) consider the extent to which the recipient of such assistance is able to enhance the daily operations of a fire service and to improve the protection of people and property from fire; and

"(B) ensure that such assistance awarded to a volunteer emergency medical service organization will not be used to provide emergency medical services in a geographic area if such services are adequately provided by a fire service in such area.".

SEC. 3511. REPORTS TO CONGRESS.

(a) Study and Report on Assistance to Firefighters.—

(1) Study.—The Secretary, in conjunction with the National Fire Protection Association, shall conduct a study—

(A) to assess the types of activities that are carried out by fire services;

(B) to determine whether the level of Federal funding made available to fire services is adequate;

(C) to assess categories of services, including emergency medical services, that are not adequately provided by fire services on either the national or State level; and

(D) to measure the effect, if any, of the assistance provided under section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) on the needs of fire services identified in the report submitted to Congress under section 1701(b) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–363).

(2) Report.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the findings of the study described in paragraph (1).

(b) Report by GAO.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on—

(1) the administration of the assistance provided under section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229); and

(2) the success of the Secretary in administering the Federal Emergency Management Agency.

(c) Report on Waiver of Amount Limitations.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the instances, if any, of the use of the waiver authority set out in section 33(b)(10)(A)(iii) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(b)(10)(A)(iii)), as added by section 9.

(d) Definitions.—In this section:

(1) Fire service.—The term "fire service" has the meaning given that term in section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203).

(2) Secretary.—The term "Secretary" means the Secretary of Homeland Security.

SEC. 3512. TECHNICAL CORRECTIONS.

(a) Repeal of Duplicative Definition.—Subsection (d) of section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) is repealed.

(b) Redesignations Necessitated by Duplicative Numbering.—The sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2230 and 2231) that were added by sections 105 and 106 of Public Law 106–503 (114 Stat. 2301) are redesignated as sections 34 and 35, respectively.

SEC. 3513. AUTHORIZATION OF APPROPRIATIONS.

(a) Firefighter Assistance Programs.—Section 33(e) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(e)) is amended by striking the first sentence and inserting "There are authorized to be appropriated for the purposes of this section $900,000,000 for fiscal year 2005, $950,000,000 for fiscal year 2006, and $1,000,000,000 for each of the fiscal years 2007 through 2010.".

(b) Study on Assistance to Firefighters.—There are authorized to be appropriated to the Secretary of Homeland Security $300,000 for fiscal year 2005 to carry out the requirements of section 4011(a).

APPOINTMENT

The PRESIDING OFFICER. The Chair announces the following appointment made by the Democratic Leader during the adjournment: Pursuant to Public Law 105–18, on behalf of the Democratic Leader, the appointment of Clare M. Cotton of Massachusetts to serve as a member of the National Commission on the cost of Higher Education on June 30, 2004.

THE CALENDAR

NATIONAL AIRBORNE DAY

NATIONAL HEALTH CENTER WEEK

NATIONAL ATTENTION DEFICIT DISORDER AWARENESS DAY

Mr. GRASSLEY. Mr. President, I ask unanimous consent the Senate proceed to immediate consideration of Calendar Nos. 585, 586, and 587, en bloc.

The assistant legislative clerk read as follows:

A resolution (S. Res. 322) designating August 16, 2004 as "National Airborne Day."

A resolution (S. Res. 357) designating the week of August 8 through August 14, 2004, as "National Health Center Week."

A resolution (S. Res. 370) designating September 7, 2004, as "National Attention Deficit Disorder Awareness Day."

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. GRASSLEY. I ask unanimous consent the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be laid on the table, all en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S. Res. 322

Whereas the airborne forces of the United States Armed Forces have a long and honorable history as units of adventuresome, hardy, and fierce warriors who, for the national security of the United States and the defense of freedom and peace, project the effective ground combat power of the United States by Air Force air transport to the far reaches of the battle area and, indeed, to the far corners of the world;

Whereas August 16, 2004, marks the anniversary of the first official validation of the innovative concept of inserting United States ground combat forces behind the battle line by means of a parachute;

Whereas the United States experiment of airborne infantry attack began on June 25, 1940, when the Army Parachute Test Platoon was first authorized by the United States Department of War, and was launched when 48 volunteers began training in July of 1940;

Whereas the Parachute Test Platoon performed the first official Army parachute jump on August 16, 1940;

Whereas the success of the Parachute Test Platoon in the days immediately preceding the entry of the United States into World War II led to the formation of a formidable force of airborne units that, since then, have served with distinction and repeated success in armed hostilities;

Whereas among those units are the former 11th, 13th, and 17th Airborne Divisions, the venerable 82nd Airborne Division, the versatile 101st Airborne Division (Air Assault), and the airborne regiments and battalions (some as components of those divisions, some as separate units) that achieved distinction as the elite 75th Ranger Regiment, the 173rd Airborne Brigade, the 187th Infantry (Airborne) Regiment, the 503rd, 507th, 508th, 517th, 541st, and 542nd Parachute Infantry Regiments, the 88th Glider Infantry Regiment, the 509th, 551st, and 555th Parachute Infantry Batallions, and the 550th Airborne Infantry Battalion;

Whereas the achievements of the airborne forces during World War II provided a basis of evolution into a diversified force of parachute and air assault units that, over the years, have fought in Korea, Vietnam, Grenada, Panama, the Persian Gulf Region, and Somalia, and have engaged in peacekeeping operations in Lebanon, the Sinai Peninsula, the Dominican Republic, Haiti, Bosnia, and Kosovo;

Whereas the modern-day airborne force that has evolved from those World War II beginnings is an agile, powerful force that, in large part, is composed of the 82nd Airborne Division, the 101st Airborne Division (Air Assault), and the 75th Ranger Regiment which, together with other units, comprise the quick reaction force of the Army's XVIII Airborne Corps when not operating separately under a regional combatant commander;

Whereas that modern-day airborne force also includes other elite forces composed entirely of airborne trained and qualified special operations warriors, including Army Special Forces, Marine Corps Force Reconnaissance units, Navy SEALs, and Air Force combat control teams, all or most of which comprise the forces of the United States Special Operations Command;

Whereas in the aftermath of the terrorist attacks on the United States on September 11, 2001, the 75th Ranger Regiment, special forces units, and units of the 82nd Airborne Division and the 101st Airborne Division (Air Assault), together with other units of the Armed Forces, have been prosecuting the war against terrorism by carrying out combat operations in Afghanistan, training operations in the Philippines, and other operations elsewhere;

Whereas in the aftermath of the President's announcement of Operation Iraqi Freedom in March 2003, the 75th Ranger Regiment, special forces units, and units of the 82nd Airborne Division, the 101st Airborne Division (Air Assault), and the 173rd Airborne Brigade, together with other units of the Armed Forces, have been prosecuting the war against terrorism, carrying out combat operations, conducting civil affair missions, and assisting in establishing democracy in Iraq;

Whereas the airborne forces are and will continue to be at the ready and the forefront until the Global War on Terrorism is concluded;

Whereas of the members and former members of the United States combat airborne forces, all have achieved distinction by earning the right to wear the airborne's "Silver Wings of Courage", thousands have achieved the distinction of making combat jumps, 69 have earned the Medal of Honor, and hundreds have earned the Distinguished-Service Cross, Silver Star, or other decorations and awards for displays of such traits as heroism, gallantry, intrepidity, and valor;

Whereas the members and former members of the United States combat airborne forces are members of a proud and honorable fraternity of the profession of arms that is made exclusive by those distinctions which, together with their special skills and achievements, distinguish them as intrepid combat parachutists, special operations forces, and (in former days) glider troops; and

Whereas the history and achievements of the members and former members of the airborne forces of the United States Armed Forces warrant special expressions of the gratitude of the American people as the airborne community celebrates August 16, 2004, as the 64th anniversary of the first official jump by the Army Parachute Test Platoon: Now, therefore, be it

Resolved, That the Senate—

(1) designates August 16, 2004, as "National Airborne Day"; and

(2) requests that the President issue a proclamation calling on Federal, State, and local administrators and the people of the United States to observe "National Airborne Day" with appropriate programs, ceremonies, and activities.

S. Res. 357

Whereas community, migrant, public housing, and homeless health centers are nonprofit, community owned and operated health providers and are vital to the Nation's communities;

Whereas there are more than 1,000 such health centers serving 15,000,000 people in over 3,500 communities in every State and territory, spanning urban and rural communities in all 50 States, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands;

Whereas these health centers have provided cost-effective, high-quality health care to the Nation's poor and medically underserved (including the working poor, the uninsured, and many high-risk and vulnerable populations), acting as a vital safety net in the Nation's health delivery system, meeting escalating health needs, and reducing health disparities;

Whereas these health centers provide care to individuals in the United States who would otherwise lack access to health care, including 1 of every 8 uninsured individuals, 1 of every 9 Medicaid beneficiaries, 1 of every 7 people of color, and 1 of every 9 rural Americans;

Whereas these health centers and other innovative programs in primary and preventive care reach out to over 621,000 homeless individuals and more than 709,000 migrant and seasonal farm workers;

Whereas these health centers make health care responsive and cost effective by integrating the delivery of primary care with aggressive outreach, patient education, translation, and enabling support services;

Whereas these health centers increase the use of preventive health services such as immunizations, Pap smears, mammograms, and glaucoma screenings;

Whereas in communities served by these health centers, infant mortality rates have been reduced between 10 and 40 percent;

Whereas these health centers are built by community initiative;

Whereas Federal grants provide seed money that empowers communities to find partners and resources and to recruit doctors and needed health professionals;

Whereas Federal grants on average form 25 percent of such a health center's budget, with the remainder provided by State and local governments, Medicare, Medicaid, private contributions, private insurance, and patient fees;

Whereas these health centers are community oriented and patient focused;

Whereas these health centers tailor their services to fit the special needs and priorities of communities, working together with schools, businesses, churches, community organizations, foundations, and State and local governments;

Whereas these health centers contribute to the health and well-being of their communities by keeping children healthy and in school and helping adults remain productive and on the job;

Whereas these health centers engage citizen participation and provide jobs for over 70,000 community residents; and

Whereas designating the week of August 8 through August 14, 2004, as "National Health Center Week" would raise awareness of the health services provided by health centers: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of August 8 through August 14, 2004, as "National Health Center Week"; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe the week with appropriate ceremonies and activities.

S. Res. 370

Whereas Attention Deficit/Hyperactivity Disorder (also known as AD/HD or ADD), is a chronic neurobiological disorder, affecting both children and adults, that can significantly interfere with an individual's ability to regulate activity level, inhibit behavior, and attend to tasks in developmentally appropriate ways;

Whereas AD/HD can cause devastating consequences, including failure in school and the workplace, antisocial behavior, encounters with the justice system, interpersonal difficulties, and substance abuse;

Whereas AD/HD, the most extensively studied mental disorder in children, affects an estimated 3 percent to 7 percent (2,000,000) of young school-age children and an estimated 4 percent (8,000,000) of adults across racial, ethnic, and socioeconomic lines;

Whereas scientific studies clearly indicate that AD/HD runs in families and suggest that genetic inheritance is an important risk factor, with between 10 and 35 percent of children with AD/HD having a first-degree relative with past or present AD/HD, and with approximately 50 percent of parents who had AD/HD having a child with the disorder;

Whereas despite the serious consequences that can manifest in the family and life experiences of an individual with AD/HD, studies indicate that less than 85 percent of adults with the disorder are diagnosed and less than half of children and adults with the disorder are receiving treatment;

Whereas poor and minority communities are particularly underserved by AD/HD resources;

Whereas the Surgeon General, the American Medical Association (AMA), the American Psychiatric Association, the American Academy of Child and Adolescent Psychiatry (AACAP), the American Psychological Association, the American Academy of Pediatrics (AAP), the Centers for Disease Control and Prevention (CDC), and the National Institute of Mental Health, among others, recognize the need for proper diagnosis, education, and treatment of AD/HD;

Whereas the lack of public knowledge and understanding of the disorder play a significant role in the overwhelming numbers of undiagnosed and untreated cases of AD/HD, and the dissemination of inaccurate, misleading information contributes to the obstacles preventing diagnosis and treatment of the disorder;

Whereas lack of knowledge, combined with the issue of stigma associated with AD/HD, has a particularly detrimental effect on the diagnosis and treatment of AD/HD;

Whereas there is a need to educate health care professionals, employers, and educators about the disorder and a need for well-trained mental health professionals capable of conducting proper diagnosis and treatment activities; and

Whereas studies by the National Institute of Mental Health and others consistently reveal that through proper and comprehensive diagnosis and treatment, the symptoms of AD/HD can be substantially decreased and quality of life for the individual can be improved: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 7, 2004, as "National Attention Deficit Disorder Awareness Day";

(2) recognizes Attention Deficit/Hyperactivity Disorder (AD/HD) as a major public health concern;

(3) encourages all people of the United States to find out more about AD/HD and its supporting mental health services, and to seek the appropriate treatment and support, if necessary;

(4) expresses the sense of the Senate that the Federal Government has a responsibility to—

(A) endeavor to raise public awareness about AD/HD; and

(B) continue to consider ways to improve access to, and the quality of, mental health services dedicated to the purpose of improving the quality of life for children and adults with AD/HD; and

(5) requests that the President issue a proclamation calling on Federal, State and local administrators and the people of the United States to observe the day with appropriate programs and activities.

MEASURE PLACED ON THE CALENDAR—H.R. 4359

Mr. GRASSLEY. I understand there is a bill at the desk that is due for its second reading.

The PRESIDING OFFICER. The Senator is correct. The clerk will report the bill by title for the second time.

The assistant legislative clerk read as follows:

A bill (H. R. 4359) to amend the Internal Revenue Code of 1986 to increase the child tax credit.

Mr. GRASSLEY. I object to further proceedings on the measure at this time in order to place the bill on the calendar under the provisions of rule XIV.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the calendar.

ORDERS FOR WEDNESDAY, JULY 7, 2004

Mr. GRASSLEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, July 7. I further ask unanimous consent that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and that the Senate then begin a period of morning business for up to 60 minutes with the first 30 minutes under the control of the Democratic leader or his designee, and the final 30 minutes under the control of the majority leader or his designee; provided that following morning business the Senate resume consideration of S. 2062, the class action bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. GRASSLEY. Mr. President, tomorrow, following morning business, the Senate will resume consideration of the class action bill. The majority leader stated this morning that it is his desire to consider related amendments to the pending class action bill and finish the bill in a reasonable timeframe. It is our hope that progress can be made on the bill during tomorrow's session.

Again, to reiterate, this is a bipartisan bill, and I would encourage Senators to show restraint in offering nonrelevant amendments.

ORDER FOR ADJOURNMENT

Mr. GRASSLEY. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order following the remarks of the Senator from Delaware, Mr. CARPER, for as much time as he may want to Use.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Delaware.

CLASS ACTION FAIRNESS ACT

Mr. CARPER. Mr. President, over the course of the next several days, a number of unkind things are likely to be said about class action lawsuits, usually by people who do not support this legislation which is before us.

I simply suggest that some of the criticism we are going to hear is merited, but, quite frankly, some of it is not. The legal process that we call class action can be traced back to the old English courts of chancery.

Despite the criticism leveled at class action lawsuits today, these lawsuits frequently have served a public good. They have proven a powerful weapon against unscrupulous or reckless businesses, discouraging those businesses from selling dangerous products or from cheating customers.

Class action lawsuits reduce the likelihood that rogue companies can harm thousands of innocent people, confident in the belief that none of those people could ever afford to hold those companies accountable in court for their misdeeds.

There are many examples over time where the bad guys were caught in the act, where they were taken to court and where they were ordered to pay up.

The film "Erin Brockovich" tells a story about one such time. Not long ago I picked up a video at Blockbuster of the film starring Julie Roberts in the title role that some of us may have seen. The film tells the story of how one woman convinced hundreds of people residing in a place called Hinkley, CA, to join in a lawsuit. Together, they sued a utility company that was making people sick by polluting their water supply. Erin Brockovich's leadership won damages of $333 million for the victims of that pollution. That true story is just one example of the good that class action litigation can accomplish.

While I will not take the time this evening to talk about those other examples, let me say there are plenty of them. Unfortunately, though, there are also a growing number of examples that are not as uplifting or not as inspiring as the tale told in "Erin Brockovich."

Let me mention several of those, too. Ironically, one of them also involves Blockbuster. That company was sued over its policy of charging customers for overdue rentals. The result was that plaintiffs, of which I may unknowingly have been one, will get two free movie rentals and a dollar-off coupon. Meanwhile, attorneys received more than $9 million in fees and expenses.

Let me also mention Poland Spring. Poland Spring, if you are not aware of it, is a bottled water company. They were sued a couple of years ago in a place called Kane County, IL. Allegedly, the company's water was not pure and did not come from a spring. During the course of litigation, Poland Spring settled. The consumers alleging that they had spent their money on a product they did not actually receive were not compensated. Instead, they were awarded coupons which they could apply toward the purchase of the same Poland Spring water of which they originally weren't happy. The attorneys who negotiated the settlement on their behalf meanwhile were awarded $1.35 million. Poland Spring itself admitted no wrongdoing and has no plans, at least to my knowledge, to change the way they bottle and market their water.

Here is another one: General Mills was sued because an unapproved food additive apparently was used in some oats that were used to make Cheerios. Although I am told there was no evidence of customer injury, a settlement was reached in the class action lawsuit. It provided for $1.75 million in fees for the plaintiffs' attorneys. The plaintiffs? They received a coupon for more Cheerios.

In another class action suit involving Chase Manhattan Bank, plaintiffs' attorneys collected, I am told, over $4 million. The plaintiffs? They could collect 33 cents apiece if they were willing to pony up the money for a postage stamp.

With the next one, I think it may actually get worse. In a different class action lawsuit against the Bank of Boston over escrow accounts, plaintiffs apparently didn't win a dime. In fact, their accounts were debited to help pay attorneys' fees of $8.5 million.

Let me mention just one more. A couple of years ago, Intel was taken into court in I believe Madison County, IL, for asserting that the company's Pentium IV chips were faster than the company's Pentium III chips.

Let me say that I have no idea which chip is faster. I do have a hunch, though, that the Madison County Courthouse probably isn't the best forum in which to make that determination. For that matter, neither were any of the other local courts in which the previous five cases that I have mentioned here were brought.

Don't get me wrong. Class action lawsuits are still being brought for noble purposes that none of us would question for a minute. Last month, in fact, a class of 1.6 million current and former female Wal-Mart employees alleging gender discrimination at that company were certified as a class. Ironically, I believe it was in a Federal court in California.

There is a growing phenomena, however, that is troubling, at least to me and I suspect to other fairminded people, including, I would be willing to bet, a number of plaintiffs' attorneys. We have witnessed the emergence in different parts of America of something called magnet courts. Oftentimes, they are county courts with locally elected judges and a reputation for verdicts that can put the fear of God in companies when cases are filed in one of them. Once a plaintiffs' class is certified in one of those courts, the companies generally realize that their goose is about to be cooked and the work of reaching a settlement begins in earnest.

The attorneys who in many cases assembled the plaintiff class of aggrieved consumers from across the country oftentimes make out pretty well in those settlements. As you might imagine from the examples I have cited above, the people those attorneys represent sometimes do not.

Those who are supporting the legislation before the Senate this evening do so in the belief somebody needs to do something about the growing trend toward forum shopping we are witnessing around the country.

In addition, somebody needs to do so while preserving access to the courts when people are harmed. My colleagues, that somebody is us.

The legislation before the Senate tonight, the Class Action Fairness Act, does not get rid of class action lawsuits. And it should not. For years, they have been an efficient way for small and large groups of consumers who have been harmed or shortchanged by some product or service to pursue legislation against the company, when those consumers lack the wherewithal to pursue justice on their own.

What the legislation now before the Senate seeks to do is ensure class action lawsuits that are national in scope are decided in Federal courts. When the bulk of plaintiffs comes from across America, a decision can have an impact on all or most of the 50 States. Federal judges, not State, not county judges, should hear those cases more often than not.

These issues are not new. They have been the subject of a number of congressional hearings over the years. These issues have been debated and voted on in the relevant committees in both the House and the Senate. These issues have been debated in the U.S. House of Representatives and last year the House approved and sent to the Senate a bill that sought to address the concerns we are raising this evening.

The Senate Judiciary Committee reported out a more balanced bill, I believe, than the one we received from the House last year. That Senate bill was further improved through bipartisan negotiations last fall after efforts to proceed to class action fell one vote short in the Senate.

It will come as no surprise that not everyone likes the measure before the Senate this evening. As is often the case with highly contentious issues, some would say this bill goes too far. Frankly, there are others who say it does not go far enough. The latter contend, for example, this is not real tort reform. They are right. It is court reform. It attempts to close the gaping loophole in Federal law.

That loophole allows the plaintiffs from one State to be tried in a State or county court of another State on matters that have national implications. That loophole also allows those cases to be heard by judges who are locally elected and whose elections and reelections are supported at least in part by some of the very same plaintiffs' attorneys bringing cases before those judges against out-of-State defendants.

Let me take a moment or two to be clear about what this bill does and does not do. This legislation does not limit the damages that can be awarded in class action lawsuits. It does not eliminate punitive damages. It does not mention joint and several liability. In fact, even if this bill is adopted, a majority of class action lawsuits will still be heard in State courts. For example, cases with fewer than 100 plaintiffs will be heard in State courts. The same holds true for cases involving less than $5 million, as well as for cases where two-thirds or more of the plaintiffs are from the same State as the defendant.

Federal judges would also have the discretion to keep cases in State courts where as few as one-third of the plaintiffs are from the same State as the defendants.

That is not all. This bill includes what we call a local controversy exception. That local controversy exception will leave in State court class actions with multiple defendants as long as one of the primary defendants is local. That provision is intended to ensure State courts can continue to preside over local controversies even though plaintiffs may name an out-of-State defendant, such as a parent company.

This bill is an improvement, at least in my judgment, over the House bill in some other ways, too. The House bill is retroactive. The Senate bill is not. The House bill allows defendants to file appeals of class certifications that would unnecessarily delay a plaintiff's day in court. The Senate bill does not. The House bill allows defendants to have multiple bites out of the apple and continue to appeal decisions by judges to keep cases in State court. The Senate bill does not.

Unlike the House bill, the measure before the Senate allows lead plaintiffs, especially those in civil rights cases, to receive a greater payment that is reflective of the higher and riskier profile they have assumed.

Other provisions have been adopted as well. In settlements where coupons were awarded to plaintiffs, the fees to their attorneys are linked directly under this bill to the coupons that are actually redeemed, not just issued. In addition, Federal judges may direct that the value of unredeemed coupons be donated to charity.

These and other changes have caused several of our colleagues, especially on our side of the aisle, who had previously opposed class action legislation, to support the bill that is before the Senate tonight.

But Members of the legislative branch are not the only ones who apparently have had a change of heart. Back in 1999, the Federal judiciary registered its opposition to a previous version of the Class Action Fairness Act through a letter the judicial conference sent to HENRY HYDE who was then the chairman of the House Judiciary Committee. And why? Largely because Federal judges fear the bill could well flood Federal courts with class action cases that otherwise would be heard in State or in local courts. Today, that view has changed as the legislation has undergone some of the changes we have been talking about this evening.

The Federal judiciary no longer opposes class action reform. I invite my colleagues to read those views for themselves. They are contained in this letter from the Judicial Conference which I hold in my hand.

Mr. President, I ask unanimous consent this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUDICIAL CONFERENCE OF THE
UNITED STATES
Washington, DC, April 25, 2003.

Hon. PATRICK J. LEAHY,
Ranking Member, Committee on the Judiciary, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR LEAHY: Thank you for your letters of April 9, 2003, and April 11, 2003. In those letters, you requested that the Judicial Conference provide the Senate Judiciary Committee with legislative language implementing the Judicial Conference's March 2003 recommendations on class-action litigation and the views of the Conference on S. 274, the "Class Action Fairness Act of 2003," as reported by the Senate Judiciary Committee on April 11, 2003.

As you know, at its March 18, 2003, session, the Judicial Conference adopted the following resolution:

That the Judicial Conference recognize that the use of minimal diversity of citizenship may be appropriate to the maintenance of significant multi-state class action litigation in the federal courts, while continuing to oppose class action legislation that contains jurisdictional provisions that are similar to those in the bills introduced in the 106th and 107th Congresses. If Congress determines that certain class actions should be brought within the original and removal jurisdiction of the federal courts on the basis of minimal diversity of citizenship and an aggregation of claims, Congress should be encouraged to include sufficient limitations and threshold requirements so that the federal courts are not unduly burdened and states' jurisdiction over in-state class actions is left undisturbed, such as by employing provisions to raise the jurisdictional threshold and to fashion exceptions to such jurisdiction that would preserve a role for the state courts in the handling of in-state class actions. Such exceptions for in-state class actions may appropriately include such factors as whether substantially all members of the class are citizens of a single state, the relationship of the defendants to the forum state, or whether the claims arise from death, personal injury, or physical property damage within the state. Further, the Conference should continue to explore additional approaches to the consolidation and coordination of overlapping or duplicative class actions that do not unduly intrude on state courts or burden federal courts.

S. 274, as reported by the Senate Judiciary Committee, generally provides for federal jurisdiction of a class action based on minimal diversity of citizenship if the matter in controversy exceeds the sum of $5 million, exclusive of interest and costs. (S. 274 as introduced established a $2 million minimum amount in controversy.) The bill also now permits a federal district court, in the interests of justice, to decline to exercise jurisdiction over a class action in which greater than one-third but less than two-thirds of the members of all proposed plaintiff classes in the aggregate and the primary defendants are citizens of the state in which the action was originally filed. The court would be required to consider five specified factors when exercising this discretion. (This discretionary provision was not included in the bill as introduced.)

In addition, S. 274 as reported provides that the federal district courts shall not have original jurisdiction over any class action in which: (A) two-thirds or more of the members of all proposed plaintiff classes in the aggregate and the primary defendants are citizens of the state in which the action was originally filed; (B) the primary defendants are states, state officials, or other governmental entities against whom the district court may be foreclosed from ordering relief; or (C) the number of members of all proposed plaintiff classes in the aggregate is less than one hundred. As introduced, the second and third exceptions were the same, but the first one originally precluded federal jurisdiction where "the substantial majority of the members of the proposed plaintiff class and the primary defendants are citizens of the State in which the action was originally filed" and "the claims asserted therein will be governed primarily by the laws of" that state. The replacement language in essence substitutes a numerical ratio for "substantial majority" and eliminates the choice-of-law requirement.

We are grateful that Congress is working to resolve the serious problems generated by overlapping and competing class actions. The Judicial Conference "recognizes that the use of minimal diversity of citizenship may be appropriate to the maintenance of significant multi-state class action litigation in the federal courts." At the same time, the Judicial Conference does not support the removal of all state law class actions into federal court. Appropriate legislation should "include sufficient limitations and threshold requirements so that federal courts are not unduly burdened and states' jurisdiction over in-state class actions is left undisturbed." Finding the right balance between these objectives and articulating that balance in legislative language implicate important policy choices.

Any minimal-diversity bill will result in certain cases being litigated in federal court that would not previously have been subject to federal jurisdiction. The effects of this transfer should be assessed in determining the appropriateness of various limitations on the availability of minimal diversity jurisdiction.

Certain kinds of cases would seem to be inherently "state-court" cases—cases in which a particular state's interest in the litigation is so substantial that federal court jurisdiction ought not be available. At the same time, significant multi-state class actions would seem to be appropriate candidates for removal to federal court.

The Judicial Conference's resolution deliberately avoided specific legislative language, out of deference to Congress's judgment and the political process. These issues implicate fundamental interests and relationships that are political in nature and are peculiarly within Congress's province. Notwithstanding this general view, we can, however, confirm that the conference has no objection to proposals: (1) to increase the threshold jurisdictional amount in controversy for federal minimal diversity jurisdiction: (2) to increase the number of all proposed plaintiff class members required for maintenance of a federal minimal-diversity class action; and (3) to confer upon the assigned district judge the discretion to decline to exercise jurisdiction over a minimal-diversity federal class action if whatever criteria imposed by the statute are satisfied. Finally, the Conference continues to encourage Congress to ensure that any legislation that is crafted does not "unduly intrude on state courts or burden federal courts."

We thank you for your efforts in this most complex area of jurisdiction and public policy.

Sincerely,
LEONIDAS RALPH MECHAM,
Secretary.

Mr. CARPER. The pages who are still here tonight would agree I may have talked at least long enough for one evening.

As I prepare to wrap up, let me acknowledge that the impact of class action lawsuits on our Nation's business climate may not be as harmful as some of our business interests contend. In some cases, they may actually overstate the harm class actions have done.

Having said that, a balance still needs to be found in today's system that is respectful on the one hand of the right to seek redress for wrongdoing by corporations while preserving a reasonable measure of fairness for business interests, too.

Patti Waldmeir, who writes on legal issues for the Financial Times, summed it up in her column last month with these words:

> The class-action lawsuit was meant to be a vehicle for democracy in the U.S., a way to level the playing field between the powerless and powerful by allowing individuals to band together to sue big corporations.

I believe the bill before us does strike the balance that is needed. I am pleased to say that view is reflected on the editorial pages of scores of newspapers across America: from the Chicago Tribune, to the St. Louis Post Dispatch, the Des Moines Register, the Christian Science Monitor, the Buffalo News, the Baltimore Sun, the Hartford Courant, Newsday, the Omaha World-Herald, the Oregonian, the Orlando Sentinel, the Providence Journal, the Santa Fe New Mexican, and, yes, even the Washington Post.

Let me conclude my remarks this evening with these words from the editorial pages of the Washington Post in endorsing the Class Action Fairness Act. These are their words:

> It would ensure that cases with implications for national policies get decided by a court system accountable to the whole country. This is not, as opponents have cast it, an attack on the right to sue or a liability shield for corporate wrongdoing. It is a modest step to rein in a system that too often simply taxes corporations—irrespective of whether they have done anything wrong—and uses that money to pay lawyers who provided no services to anyone. Such a system does not deserve the Senate's protection for yet another Congress.

Their words, not mine. But to those words let me simply add: Amen.

With that, Mr. President, I yield back my time.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m. tomorrow morning.

Thereupon, the Senate, at 7:38 p.m., adjourned until Wednesday, July 7, 2004, at 9:30 a.m.

NOMINATIONS

Executive nomination received by the Senate July 6, 2004:

THE JUDICIARY

KEITH STARRETT, OF MISSISSIPPI, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF MISSISSIPPI, VICE CHARLES W. PICKERING, SR., RESIGNED.

CONFIRMATION

Executive nomination confirmed by the Senate July 6, 2004:

THE JUDICIARY

J. LEON HOLMES, OF ARKANSAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF ARKANSAS.

SENATE—*Wednesday, July 7, 2004*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. STEVENS].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Rabbi Israel Zoberman, Congregation Beth Chaverim, Virginia Beach, VA.

PRAYER

The guest Chaplain offered the following prayer:

Our one God of Shalom, who brings us together to be one family, having just celebrated July Fourth, inspire our tireless Senators these trying times of unique challenge and singular opportunity to safeguard and increase our blessings in our beloved and leading land of flourishing democracy.

Enable and ennoble these faithful partners of Yours to be coworkers with the Creator—for that is our glory—in the healing of society's blemishes, yet turning our planet Earth into a paradise for all. Facing complex issues and raging debates, allow them to connect to the inner calming call of divine presence, awed by the wonder of being and reassured by the spirit of renewal at the heart of life's awesome drama. May they perceive in their own journey God's guiding hand of majesty, mystery, and mastery, ever sustained in both trial and triumph.

As son of Polish Holocaust survivors, I thank You and America. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning the Senate will conduct a period of morning business for up to 60 minutes. Following morning business, we will resume consideration of the class action fairness bill. Last night we had a series of opening statements, and therefore today we hope to make progress on that bill.

As I mentioned yesterday, the issue surrounding class action has been thoroughly debated before the Senate. This bill has bipartisan support. I continue to hope we can reach an agreement to consider relevant amendments to the underlying legislation. I believe we should debate and vote on any class action amendments and allow the Senate to ultimately vote on passage of the legislation after a fair time for consideration.

Having said that, I am concerned about all the reports in the various periodicals with regard to this bill being used as fly paper, as a vehicle to carry all kinds of unrelated issues. I just simply hope that will not be the case and that we can stay on the bill with relevant amendments. The legislation is too important to become mired down in a myriad of completely unrelated issues. Therefore, I believe in order for the Senate to pass the class action bill, we should reach an agreement as to how best to proceed. It is not my intent to cut off any Member's right to offer amendments; however, I do believe we should be clear that the amendments will be related to the underlying bill. I will continue to talk to the other side to find a path by which we can complete this bill, and I will have more to say on the schedule following the period of morning business.

RECOGNITION OF THE ASSISTANT MINORITY LEADER

The PRESIDENT pro tempore. The Senator from Nevada is recognized.

ORDER OF PROCEDURE

Mr. REID. Before the distinguished majority leader leaves the Senate floor, I wanted to alert him and the two managers of the bill that after morning business, we have a number of Democratic Senators, both for and against the legislation, who wish to make opening statements on the bill. I have six Senators who have contacted me, and the time they will consume will probably take us until at least the noon hour on just opening statements on the bill. I have not heard from anyone else, but I wanted the managers to know that. I have heard—I am not sure this is the case—that the managers are going to first look to a Republican to offer an amendment, and then how we normally do things is to go back and forth. There is certainly no rule that that needs to be the case, but we do, after morning business, have a number of Senators who wish to make statements on this bill. Under what we have done in the past, that certainly is appropriate. No one has taken an inordinate amount of time.

Mr. FRIST. Mr. President, I am sure the managers will shortly be aware of that. It is important that people are heard on a very important bill. We began the bill late yesterday, and we need to have a very productive day today and possibly into tonight to continue progress on the bill.

The PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, when the distinguished Presiding Officer makes a statement as to our going into morning business, I would ask unanimous consent that Senator LINCOLN be recognized on the Democratic side for 15 minutes and Senator HARKIN for 10 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for up to 60 minutes, with the first 30 minutes under the control of the Democratic leader or his designee and the second 30 minutes under the control of the majority leader or his designee.

The Senator from Iowa is recognized pursuant to previous agreement.

LEAK INVESTIGATION

Mr. HARKIN. Mr. President, on a matter of utmost importance to the national security of the United States, I want to point out that it has now been almost a full year since the identity of a covert CIA agent was revealed in print by columnist Robert Novak. In fact, it has been 359 days, 1 week short of a year. Next Wednesday will be 1 year exactly. It has been 10 months, exactly 285 days, since the Washington Post reported that a senior administration official said that two "senior White House officials called at least six Washington journalists and disclosed the identity of a covert CIA agent."

We still do not know the identity of those "senior White House officials" responsible for this destructive leak. It is simply astounding to me that as I stand here, the person or persons responsible for destroying the 20 years and millions of dollars invested in this agent and for jeopardizing the lives of other agents in the field could at this very moment still be exercising a senior decision making role in this administration.

In late December, I welcomed the appointment of Patrick Fitzgerald, the U.S. attorney for Illinois, as a special prosecutor to investigate this matter. I don't understand why it took almost 6 months for this appointment to be made, but from all reports I have heard, Mr. Fitzgerald has been conducting a very aggressive investigation over the past 190 days. But what I still don't understand is how this administration can claim to be cooperating with this investigation when the only public statement the President has made on this matter was to say:

> I don't know if we're going to find out [who] the senior administration official [is].

Of course, that statement was an obvious wink and a nod to the leaker or leakers. The subtle message seems to be, don't worry. Sit tight. We can stonewall this and get it behind us.

So while I welcome the investigation of the special prosecutor, I find it hard to believe that the President and the administration are serious about getting to the bottom of this grave breach of national security. If they were serious, they would have resolved this matter immediately, without the aid of a grand jury, subpoenas, experienced prosecutors, polygraphs, and, most likely by now, millions of dollars of expense.

The President has never demanded answers from his White House staff. I remind my colleagues that the pivotal Washington Post article was published on a Sunday in late September. On Monday morning, the President could have, and should have, demanded answers from his staff. He could have, and should have, called his senior staff members into the Oval Office, put them under oath, and asked them one by one if they were involved in the leak of the CIA agent's name to the media. He could have, and should have, laid down the law and resolved this matter immediately. Indeed, that is exactly the way a President who truly wanted to identify the leakers would have acted. But President Bush took no such action.

Instead, the President joked about the leak with reporters. Judging from his statements, he doesn't seem all that eager to find and punish the people responsible. He said he has no idea whether the leakers will ever be identified.

The disclosure of the identity of the agent, Valerie Plame, as a covert CIA operative represents an extremely damaging breach of national security. In her 20-year career, we now know, she operated with "nonofficial cover," meaning she had no diplomatic immunity. Effectively, her only defense was a painstakingly created and maintained cover. She worked gathering human intelligence, the kind of intelligence we have heard over and over since September 11, 2001, is so critical to fighting terrorism. She ran agents and worked closely with other undercover operatives and contacts. These people were also potentially placed in jeopardy and exposed to danger by the disclosure.

One publication reported that after reading of her own blown cover, Ms. Plame immediately had to make a list of all of the contacts and associates of hers who could be in jeopardy. I only hope when Mr. FITZGERALD discovers the identity of the leaker, that person is forced to see this list and be confronted with the full extent of their betrayal—yes, betrayal—of this country and its citizens. That is what it is.

More important, Mr. FITZGERALD needs to discover how the information on Ms. Plame's status came into the hands of these leakers, or senior White House officials. Is someone in the CIA responsible for identifying Ms. Plame as a means of discrediting her husband, former Ambassador Joseph Wilson? Is someone in the National Security Council responsible?

We cannot stop at identifying the individual or individuals who leaked her identity and her status to the press. We also need to identify the person or persons who gave this classified information to the leakers in the first place. This is about discovering those in our Government who have so little respect for the value of our intelligence assets that they are willing to use those assets as political weapons.

Both the President and the Vice President have been questioned by the special prosecutor's office in this matter, but almost a year after the leak we still don't know who is responsible.

Valerie Plame was a seasoned covert operator, we are told. She performed the kind of human intelligence gathering that is crucial to our national security. So why was her identity compromised? Why was the identity of a valuable intelligence asset treated so cavalierly and recklessly by senior officials in the White House? Was it done as part of an ongoing effort to discredit and retaliate against critics of the administration—especially anyone who dared to suggest that the intelligence used to justify the war in Iraq ranged from flawed to fabricated?

Let me recap. Since 2002, the administration's top officials, including Vice President CHENEY, Defense Secretary Rumsfeld, National Security Adviser Rice, and the President himself, have all claimed Saddam Hussein was actively developing weapons of mass destruction, and that he tried to buy uranium from the nation of Niger. These claims persisted despite conflicting intelligence reports, including one by Ambassador Joseph Wilson. Ambassador Wilson, we later learned, is Valerie Plame's husband.

Ambassador Wilson was sent on a fact finding mission by the CIA to Niger. After an investigation, he found no evidence to support the claim that Niger had sold uranium to Iraq.

Still, the President made the Niger claim in his State of the Union message. A few months later, the New York Times published Mr. Wilson's op-ed piece, which questioned the President's assertion and indeed refuted the President's assertion that Niger had sold uranium to Iraq. It was after that—at least in this Senator's opinion—that in order to discredit and punish Wilson, two senior White House officials leaked to the press the identity of Wilson's wife and the fact that she was a covert CIA operative. In doing so they broke the law and undercut our national security in time of war.

One day Ms. Plame was a valued human intelligence asset; the next day she was political fodder.

What guarantees does any other intelligence agent have he or she could not be next? It is not enough to find out who leaked the names; we have to find out how senior White House officials were given the classified information about Valerie Plame's status as a covert CIA agent. Who did this dastardly deed? Who betrayed our country and our intelligence asset?

It is not only Ms. Plame, it is all of the other CIA agents we have who do not have diplomatic immunity and are operating undercover, collecting human intelligence for the safety of our country. What is there to give them assurance they are not the next Valerie Plame? What is there to give them the assurance they won't be fingered at some time in the future?

What happened here is not only confined to Ms. Plame, bad enough as that is. It sends all of the wrong signals to our CIA operatives that they could be next. Some future administration could finger them if they disagree or if their husband or wife, brother or sister, or maybe a friend, disagreed with official administration policy; they could be outted.

And what does it say to all of the contacts these people we have developed and nurtured over years and years, in countries where their lives would be at risk if they were identified as giving intelligence to our CIA people? What assurance do these networks have they won't be uncovered similarly at some time in the future?

I have waited, and we have all waited to get answers; 359 days is too long. One year is too long for this to drag on. It is time for the administration to come clean. It is time for those who leaked Ms. Plame's identity to be identified and to suffer the consequences. It is also time to find out who gave them this highly classified information, how it was they came to have the name of Ms. Plame.

Only a thorough airing of this, only prosecuting those who were involved, finding out who gave this name to these people in the White House, making sure they no longer have positions, wherever they are, in the National Security Council or in the CIA—only then will we send a clear signal we are not going to let this happen again. We must send a clear signal to those who would betray this country in order to get political retribution against somebody who disagreed with an administration's position. Only then will we be able to send a clear signal that these kinds of actions will never be tolerated.

Mr. REID. Will the Senator yield for a question?

Mr. HARKIN. Yes.

Mr. REID. Would the Senator succinctly state what harm was done, or could have been done, as a result of divulging the name of this woman?

Mr. HARKIN. I thank the Senator for his question.

Succinctly, what was done and what more could be done—Ms. Plame had a number of assets and contacts, people in other parts of the world who were giving her information valuable to our national security. These people have been put at risk.

Mr. REID. And these people, I interrupt the Senator through the Chair, did not know—her friends, neighbors, people around America—she was a spy; is that right?

Mr. HARKIN. That is correct. As I understand it, she operated——

Mr. REID. And the people supplying her information certainly did not want the world to know the information they were giving to this woman was information being given to a CIA operative; is that true?

Mr. HARKIN. Absolutely. Their lives would be at risk, and their lives are at risk, I believe. Mr. President, I say to my friend from Nevada, that is the damage that has been done. But think about the damage that will be done in the future if we do not resolve this matter. Because other CIA operatives who operate without diplomatic immunity, like Valerie Plame, will have this cloud hanging over them. They will fear that they, too, could be outed in the future; that their name could be made public if their husband or wife or someone such as that disagreed with official administration policy.

To me, that is the real damage. The leak has undermined the human intelligence assets we have developed over years and years. I am told it takes over 10 years of CIA training to develop a good covert operative such as Ms. Plame. There are over 10 years of training and seasoning and intelligence gathering before they are a solid source of intelligence. So when we think of that, we think about all of this thrown away because someone had a vendetta against Mr. Wilson, her husband.

I say to my friend from Nevada, it was a vicious act, political intimidation and retribution, and I think it is a clear pattern that we have seen over 359 days of coverup, concealment, and contempt for the truth by this administration. It is time to resolve this issue.

I yield the floor and suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask that the time under the quorum call be charged against Senator LINCOLN to whom I, through the Chair, yielded 15 minutes. I ask that the time be charged against her.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I have been told that Senator LINCOLN is unable to be here. I yield her remaining time to the Senator from Illinois, Mr. DURBIN.

The PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Illinois is recognized pursuant to the request.

Mr. DURBIN. I thank the Chair. Mr. President, how much time is remaining in morning business?

The PRESIDENT pro tempore. There is 11 minutes 12 seconds remaining.

ISSUES IMPORTANT TO AMERICAN FAMILIES

Mr. DURBIN. Mr. President, there is a lot of talk across this country about the important issues in this Presidential campaign. Some people are going to try to define those issues on the floor of the House and Senate in the weeks ahead, but the issues in this campaign will not be defined in Washington, not on Capitol Hill. Those issues will be defined in homes across America where families will decide what is important, and they will listen to the candidates for Congress—the House and Senate—and those who are running for President and Vice President. They will listen to hear whether those candidates are responding to their real concerns.

There will be an effort here to manufacture issues to try to divert American families from their real concerns. In just a short time, I suspect we will have this rush of proposed constitutional amendments coming to the floor of the Senate. It is suggested one will be on the issue of marriage and one on the flag. Quite honestly, it is very apparent why they are being brought to the floor. I personally think we should pass one law—and do it quickly—which says no one can propose a constitutional amendment in a Presidential election year, certainly not within 6 months of an election. Such proposals are automatically suspect and clearly political.

In this case, the Republican leadership is going to bring constitutional amendments to the floor in the hopes that they can divert the attention of American families from the issues they care about to some new set of issues. Why would the Republican leadership want the American people to look at issues other than those they take personally? Because, frankly, they do not have many answers to the questions most families ask.

The families in Illinois and across America with whom I talk are working families concerned about their inability to keep up with costs.

Not surprising, take a look at this chart as an illustration. What has happened to real earnings over the past year in America? For families, average weekly earnings have gone down, but for corporate profits, they have gone up dramatically. There is a disconnect. We want business to be successful. Of course, we do. Successful business means more people working and more good jobs in America. But what is wrong with this picture? Why did corporate profits go up so dramatically and yet working families fell behind so much? The obvious reason is because there are elements in the budget of most families that are not being addressed in Washington.

What is causing this middle-class squeeze across America that is basically denying families their weekly earnings? Why won't the Republican leadership in the Senate and the House address the middle-class squeeze? Why won't we address issues with which people are concerned? Let's be more specific about what that squeeze consists of.

Look at this chart which shows real growth during President Bush's administration. Average weekly earnings have gone up 1 percent since President George W. Bush has come to office—1 percent. What about college tuition costs? They have gone up 28 percent; gas prices, 28 percent. And here is one, this is the killer for business, labor, and families: family health care premiums.

One can say to oneself: What in the world can Congress do about these issues that are raising the cost of living for working families? The answer is, "plenty." What have we done? Nothing, absolutely nothing.

What we have done, unfortunately, is to ignore the real issues facing families. We have ignored the issues they are coping with on a regular basis. College tuition costs: My colleague, Senator SCHUMER of New York, when we were discussing tax cuts, said the most important tax cuts for working families and for our future include the deductibility of college education expenses.

Well, that is obvious. What do I hope for for my kids, for the kids of my colleagues, and for all who are following this debate? A chance for a good education. What stands in the way? Well, certainly their own achievement—they have to do a good job in school to be eligible to go to college—but then the cost. My colleagues know what I am talking about. How many college graduates today face college tuition costs which are absolutely crippling?

Senator SCHUMER and others said if we are going to talk about tax cuts to help working families, why do we not allow them to deduct the cost of college education expenses? We offered that amendment. It was defeated by the Republicans. They said, no, the tax cuts should go to the highest income individuals and they will decide what to do with that extra income and they will ultimately help working families.

Gasoline prices——

Mrs. BOXER. Will my friend yield?

Mr. DURBIN. I will yield in just one moment.

Gasoline prices are another illustration. These prices have gone up dramatically in the State of California and in the State of Illinois. What has this administration done about it? Nothing. A cost to business, a cost to families, a cost out of the bottom line of the paycheck people bring home, and this administration refuses to confront OPEC about fair gasoline prices.

Why do family health care premiums continue to be the No. 1 issue across America, ignored by the Bush administration, ignored by the Republican leaders in this Congress? Because the leaders in this Congress and the Republican Party refuse to confront the health care insurance industries, the pharmaceutical companies, and those that are driving up the cost of health care. Those special interest groups are sacred cows in this town, and because the Republican leadership will not confront them, American families are being victimized by them.

These are the issues that families care about. They are the ones we are going to bring to this Presidential campaign, and they are the ones the Republican leadership wants to ignore. They want us to rush off and debate at length constitutional amendments that, frankly, are going nowhere.

I am happy to yield to my colleague from California for a question.

Mrs. BOXER. I came to thank the Senator for bringing out that chart, if he would keep it up there for a minute, and for making this point to our colleagues and anyone else who might be listening. It is one thing for us to critique the administration and say they are not addressing the real issues. When I go home, people say this administration cares about everybody else in the world; there is money for everybody else in the world; we are going to help everybody else; we are going to help the people of Iraq. Fine, but they are going to have universal health care and we are not? They are going to have their classrooms built and we are not? And it goes on.

So what I believe our people want us to address is what is happening to them, and what my friend has done in a most eloquent way, as he always does; is to point out this middle-class squeeze that is hitting our people.

These are the problems I care about. I say to my friend, we have a bill about reforming class action. I have taken a look at some class action lawsuits, and I have realized that is one tool to help middle-class families who may be harmed by products that are not safe. So I do not know why they are running off to do that and they are ignoring all of these other things.

I guess my question to my friend is, As we debate the Presidential election and we have a point of view that this administration is ignoring this middle-class squeeze, do we not find that happening right here with the Republicans who are in charge of this Senate? Are they not ignoring this middle-class squeeze? The best way to prove the point is what they bring up before the Senate. Are they bringing up anything to deal with college tuition and giving tax breaks to those folks who so desperately need it? Are they doing anything at all to help with gas prices, health care premiums, or prescription drugs, or are we going to face, after this class action debate, these constitutional amendments my friend referred to that I have to say in all honesty and frankness I have never had one person in California come up to me and say: Senator, the most important thing facing us is gay marriage. That is just ruining my life. Take that up. Ban it because that is what I think about night and day. No. They tell me they are worried about paying college tuition; they are worried about filling up their gas tank; they are worried about not being able to afford prescription drugs.

So my question to my friend is, Could we not do more to implore this leadership to take up some of the issues that are really affecting the people we all represent?

Mr. DURBIN. I thank the Senator from California for her question. The answer is clear to all of us. This Congress, under the Republican leadership and this administration, has decided that the special interest groups are more important than these issues that are facing working families. They have decided that giving tax cuts to the wealthiest people in America is more important than giving working families the deductibility of college education expenses. They have decided that giving breaks to oil companies is more important than confronting those oil companies and OPEC to bring down gasoline prices. They have decided that the pharmaceutical companies and the health insurance companies in America are more important, their bottom line profits are more important than the cost of health insurance to businesses, to labor union members, and to families across America. They have caved in time and time again to special interest groups, and they refuse to listen to the real concerns of America.

That is why Americans are saying, by a margin of almost 2 to 1, that we are headed in the wrong direction as a nation. They want leadership in Washington that responds to the real issues, the family room issues, the kitchen table issues families face every single day. This administration has refused to do it. Frankly, this Congress has refused to do it. They want to divert attention. They want to have the old sleight of hand. Let us talk about constitutional amendments. Let us not talk about things that deal with the real issues facing families.

I am happy to yield to the Senator from Nevada.

Mr. REID. Will the Senator from Illinois yield for a question?

Mr. DURBIN. I am happy to yield for a question to the Senator from Nevada.

Mr. REID. I say through the Chair to my distinguished friend from Illinois, also the two constitutional issues, gay marriage and flag burning, no matter how strong someone may feel about each of those, would the Senator acknowledge they have no chance whatsoever of passing, so we are not only taking up issues that may be secondary to the vast majority of the American people, but also they have no chance of passing? All they are doing is bringing these up to try to satisfy a small number of people in this country to divert attention from the real pocketbook issues the American people deal with every day. Would the Senator acknowledge that?

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). The Democratic time has expired.

Mr. REID. Mr. President, if the Democratic time has expired, the Chair has not properly advised the minority. I yielded 25 minutes this morning to Senators LINCOLN and Senator HARKIN, leaving 5 minutes. So where has the 5 minutes gone?

The PRESIDING OFFICER. Senator HARKIN asked for an additional 5 minutes.

Mr. REID. I am sorry. I should never step off the floor.

The PRESIDING OFFICER. Which completes the Democratic time.

Mr. REID. No problem. I should never step off the floor.

I ask unanimous consent that each side have an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I say to my colleague from the State of Nevada, he is going to find out in the rollcall votes, in the ultimate vote, that these constitutional amendments are not going to pass. This is a political grandstand. Frankly, we should pass a law that says a constitutional amendment cannot be proposed within 6 months of a Presidential election. That is what this is all about. It really demeans this great Constitution we have sworn to uphold that we are playing games by bringing issues like the gay marriage amendment to the floor of the Senate without even a markup in the Judiciary Committee.

Why? Frankly, it should not be done. Maybe one or two times in the recent history of this body have we brought an amendment to the Senate floor without a markup in the Judiciary Committee—I think Senator HOLLINGS, through unanimous consent, discharged a proposed constitutional amendment from committee. So they are not taking it seriously. It is just a record vote to put Members on the spot and to try to gas up the special interest groups that feel strongly on this issue. That really does not address the issues working families care about.

If this Senate is going to be relevant to the people we represent, we ought to speak to the issues they care about. Whether the people are coming to this gallery or watching the proceedings by television, they know what working families care about. It is the cost of health insurance. It is the fact that one may have a dollar an hour more in their contract this year and do not have a penny more in take-home pay because health insurance has gone up. It is the cost of sending your kids to college. Your child works hard and has good grades, gets into a great college, and look at the cost: I'm sorry, you can't go to school; we can't come up with $20,000 a year.

It is the cost of gasoline which is killing small businesses and families alike.

These are issues we ought to be talking about and these are issues this Republican leadership consistently ignores.

Mr. NELSON of Florida. Will the Senator yield?

Mr. DURBIN. I am happy to yield.

Mr. NELSON of Florida. It is also the cost of prescription drugs, I add to my colleague from Illinois. I will tell you of the riveting experience I had last week as I was doing townhall meetings in my State of Florida, where a senior citizen, a lady, broke down crying in the middle of a jam-packed townhall meeting as we were talking about the issues of the day such as Iraq. She said: I cannot afford a roof over my head and the cost of prescription drugs. She said: I don't have any choice; I have to provide a home. That means I cannot buy prescription drugs.

Yet what did we do in this Senate? The Senator from Illinois and I did not vote for the prescription drug bill because it said Medicare could not negotiate by using bulk purchases, negotiating the price of drugs down as does the Veterans' Administration.

It is inexcusable. It is unexplainable, except that it rewards special interest politics to the neglect of senior citizens and allows those prescription drug prices to stay as high as they are so seniors cannot afford them.

Would the Senator reflect on that experience I had in my townhall meeting?

Mr. DURBIN. I would say to the Senator from Florida, he will hear the same response in Illinois, in California, in Nevada, in South Carolina. People can't afford prescription drugs. They can't afford college tuition. They can't deal with health insurance costs. They can't deal with these rising gas prices.

Here is the problem. We need to create a special interest group called Working Families in America. Wouldn't it be great if they had a lobby here? Wouldn't it be great if we walked out in that hallway and men in three-piece suits and Gucci loafers were representing working families in America? There are plenty out there for the drug companies, plenty out there for the health insurance companies. But this Senate and this Congress only responds to special interest groups and those are groups such as the pharmaceutical companies that have record profits at the expense of consumers across America.

When are we ever going to address issues that real families care about? If we are not here to address those issues, then, frankly, we ought to just close up shop and go home, and I don't think we should. I think we have a responsibility to stay here and work and make certain that we deal with the issues real families care about instead of all these special interest groups that come in.

Now they want to get rid of class actions. They have said class actions, that is a dirty phrase. We should not say that in America because the people who go to court and sue on behalf of a large group of people have no business doing it. They are frivolous lawsuits. They are unproductive.

Then take a look at those class action lawsuits. Those end up being lawsuits by consumers across America who may have just lost $100 personally, but when aggregated turn out to be a large group of people who have created a great profit for a company that didn't deserve it.

Those are ways that Americans speak to the issues that concern them. Those are opportunities which the Republican majority wants to silence.

I yield the floor.

The PRESIDING OFFICER. The Democratic time has expired. The Senator from Arizona.

Mr. KYL. Mr. President, it has been interesting to hear some of our Democratic colleagues this morning make the charge that the Republican leadership is somehow diverting attention from the real problems of the day by scheduling a vote on an issue which, when I was back home this last weekend, was certainly on the minds of a lot of my constituents, and that is this question of whether judges in America are going to redefine what they have always understood to be their definition of marriage.

To take 1 day, or perhaps as much as 3 days, to debate that issue and get that issue resolved in the Senate does not seem to me to be too much to ask, in terms of conducting our business.

With respect to the claim that it is diverting us from attention to the economic issues that are of most concern to Americans, I have two responses. First, Americans seem to be concerned about more than one thing. They are concerned about raising their families; they are concerned about a good home for their children; they are concerned about a good economic future for their children. All of these are wrapped up in the totality of the things that were expressed to me over this Fourth of July break.

I don't think it is either fair or accurate to say there is only one thing Americans are concerned about and that is their economic future. But to the extent that is an issue and it becomes an issue in the Presidential campaign this year, I think some facts are worth pointing out.

I realize that sometimes facts get in the way of arguments. One of the main arguments of our colleagues on the other side of the aisle is that this is a bad economy. The Democratic Presidential candidate has talked about the Depression and the worst economy since—I don't know, Hoover, I guess. But the facts belie that claim. So perhaps this morning we should take a little time to discuss some facts, some actual statistics, some reality about the economy and not just the economy in general but the economy as it affects the average American.

On the question of jobs, one of the criticisms has been—originally the idea was there was no economic recovery. Then the economic recovery became undeniable. Then the claim was it is a recovery in every sense except the creation of jobs. Then for several months in a row we began creating record numbers of jobs. Then the argument became: But they are not really good jobs.

There are some people you can never please, of course. In an election year, the party that is on the "out" has to criticize the party that is on the "in." It is just that it is becoming harder and harder to criticize the Republicans because the economy has rebounded so well, largely because of policies that have been pursued by the Bush administration.

Let's examine the specific claim about employment and about wages and about what kinds of jobs Americans have and how the economic recovery is positively impacting the average American. Look at the June employment figures, which are the latest numbers we have. They demonstrate several things.

First, the quality of new jobs is rising. Nearly 80 percent of the new jobs created in June were in industry categories that pay an average hourly rate in excess of the overall average hourly rate in the private sector. So these new jobs in manufacturing pay a higher wage than the average. The inflation-adjusted average hourly earnings have increased 2.224 percent during the first 3.5 years of the Bush administration, compared with only a .13-percent increase during the same period of the first Clinton administration.

People say, What about disposable income? Not just wages but disposable income. Per capita aftertax disposable income, adjusted for inflation, has increased 7.1 percent, since President Bush took office, well above the 5.2-percent increase during the same period of the first Clinton administration.

It doesn't much matter how you look at it, statistics in every respect are superior to the Clinton administration statistics. They represent economic growth. They represent real return in terms of wages and inflation-adjusted wages for the average American as well as the American working in manufacturing.

Since the start of the Bush administration, full-time employment has averaged 82.56 percent, nearly a full percentage point higher than full-time employment during the same period of the first Clinton administration. So, again, no matter what comparison you make, Americans individually are better off today. It is not just a matter of the economy performing better, but they are individually better off today in terms of employment, in terms of jobs, in terms of earnings.

In the past year, the number of full-time positions has increased by nearly 1.3 million. I mention that because some make the argument that some of these are called "McJobs"—a play on McDonald's—that they are just hamburger-flipping kinds of jobs. No. We are talking about full-time positions. And I talked about manufacturing jobs earlier.

More than 81 percent of part-time workers in June indicate they have chosen part-time employment for noneconomic reasons. The point is that while full-time jobs are increasing, those who are working part time are primarily working part time according to their own testimony for reasons that do not have anything to do with economics.

I also mention the fact that temporary jobs in June represented only 2.225 percent of all payroll jobs in the private sector.

I make all of these points not to suggest that we can't do better. In fact, the President has said we will not rest until everybody who wants to work can find a job.

When you look at some of the counties in Arizona, for example, in Pima and Maricopa Counties where the employment rate is 4.1, 4.2, or 4.3 percent, something in that order, and when you look at an area where there is a substantial amount of illegal immigration with the people working in sectors that Americans have not wanted generally to work, you can see this is the closest thing to full-time employment we could possibly have in this country.

Let me give some more statistical data because part of the problem in the debate has been claims by one side and facts on the other side. I know that sometimes people's eyes glaze over when they hear too many numbers, but the reality is that numbers tell the story here. They are like pieces of a puzzle. They are reality. When you put them together, what they represent is not just a strong economy but an economy that is helping individual families provide more income and more security for their work situation.

The employment data released by the Bureau of Labor Statistics earlier this month demonstrate this strong job growth. In June, nonfarm payroll employment increased by 112,000 net new jobs. So far this year, nearly 1.3 million net new payroll jobs have been created, and over 1.5 new payroll jobs since last August. According to the Bureau of Labor Statistics' current population survey, which is the household survey, the unemployment rate remains steady at 5.6 percent, which is well below the peak of 6.3 percent in June of 2003. In other words, more Americans are working than at any time in the country's history—139 million individuals. I think that is a record we can be proud of.

I make this point: There is a certain sense in which talking down the economy creates a psychology in the market and becomes a self-fulfilling prophecy. I notice there has been criticism in the past by Members on the other side when Republicans have, during the Clinton administration, noted certain problems with the economy. They said don't talk down the economy, that it will have an effect itself on confidence in the market and confidence among consumers.

This is what disturbs me about some of the rhetoric from the other side. Every measurement of the economy is improving and every measurement with respect to individuals within the economy is improving substantially and is better than the comparable times during the Clinton administration, yet you hear people constantly talking it down. There is a point at which this itself can have a negative impact.

I would like to quote from a Wall Street Journal commentary that sort of describes this phenomenon I am talking about. Here is the Wall Street Journal:

> Here's a quick primer on how to track an economic recovery. When the media fret that the U.S. is heading for a decade of stagnation like Japan, that means profits and investment are picking up. When you hear that profits have risen but we're stuck in a "jobless recovery," businesses have started hiring. And finally when a cry goes up that American workers can find only low-paying menial jobs, that's the tip-off that the economy is booming.
>
> Congratulations, America. The return of "McJobs" rhetoric signifies that an expansion is in full swing.

Of course, the Journal goes on to detail a lot of the statistical information I have been talking about.

By focusing on the quality of the jobs that are being created, the pessimists are once again counting on the public to overlook the facts we have been talking about here. As I have indicated, the facts demonstrate that the U.S. economy is not only producing a steady stream of jobs, but the new positions are well paying and they are industrial jobs. So whether you are talking quality or quantity, it is very hard to deny that this economic recovery is helping all Americans.

One of the concerns has been about manufacturing. There is no question that there are shifts occurring all around the world to an information technology kind of economy, and a lot of the old industrial base of this country has been affected by that. But there are also some statistics that I believe give hope with respect to manufacturing in this country, which is still the No. 1 country for manufacturing in the world.

In June, nearly 80 percent of the new jobs were created in major industry categories which pay an average hourly rate in excess of the overall average hourly rate in the private sector of $15.65. In June, 39,000 new professional and business services jobs were created in an industry with an average wage of $17.38 per hour—11 percent more than the overall average hourly wage; 19,200 new transportation and warehousing jobs were created in an industry with an average wage of $16.50—7 percent above the overall average. In contrast, because some speak about the leisure or hospitality industry where wages are less, the average wage there is $8.86. That only accounted for 6 percent of the new jobs created.

Again, for those who say there are new jobs being created but they are in the lower paying categories and not in the industrial categories, the statistics simply belie that. They say that is not true.

The point is, very broadly speaking, the employment figures in June are consistent with an upward trend of well-paying industries creating valuable jobs, and this has been occurring for more than a year.

In June, the average hourly earnings of production or nonsupervisory workers increased at an annualized rate of 1.2 percent, the sixth consecutive monthly increase. Importantly, the growth in hourly earnings was broad based, with wages increasing in 9 out of the 11 major industry sectors and unchanged in 3 sectors since June.

Since the beginning of the Bush administration, real average hourly earnings—that means adjusted for inflation—have increased by 2.224 percent compared to the Clinton administration. In the first Clinton administration, real average hourly earnings grew by only 1.3 percent. Moreover, in the 2½ years following the 1990–1991 recession, real average hourly earnings fell .66 percent. So the current increase demonstrates that earnings are outpacing inflation to the benefit of American workers and their families—again, in sharp contrast to the Clinton years.

Finally, using the broader measure of "compensation," which includes both wages and benefits, the earnings picture improves even more. Between the first quarter of 2001 and the first quarter of this year, compensation paid to workers in the private industry has increased a total of 12.18 percent. Specifically, wages have grown by 9.44 percent, and employment benefits, including health and pension benefits, have increased by 18.98.

No matter how you look at this, individual employees are doing better in terms of the kind of jobs they have, what those jobs are paying both in terms of compensation and in terms of money, as well as compensation in terms of other benefits. There is no way to look at the economic growth and its impact on individual families and workers without seeing the good news. As I said, the only explanation I have for pessimistic talk is the reality of politics.

If you are going to try to replace somebody in an office, you have to complain about something. In this case, however, I think those who are complaining about the economy and are somehow suggesting that President Bush and the Republican administration have not done enough to improve the economy for working families basically have not been looking at the facts. The facts have demonstrated quite clearly that this economic recovery is helping a very broad spectrum of people in this country, from industrial jobs to all other kind of jobs.

Disposable income is another measure by which you can determine whether families are better off—dollars left after taxes. Here is where the Bush administration has really made big strides because of the tax cuts we passed, which some on the other side of the aisle would take away.

In the first 12 quarters, the Bush administration's per capita aftertax income increased by 12.5 percent, in large measure as a result of the individual tax rate reductions we enacted in 2001 and 2003 that were part of the Bush tax reduction programs which he signed into law and is asking us to make permanent. With that kind of improvement in per capita income—this is disposable income, dollars left over after you pay the taxes that our colleagues on the other side of the aisle ought to be joining in making the tax cuts permanent and not that the tax cuts should be eliminated—per capita aftertax disposable income in real, meaning inflation-adjusted, terms has increased 7.1 percent since President Bush took office. That is a significant improvement over the 5.2-percent increase during the same period in the first Clinton administration.

In a courtroom, I would say I rest my case. By every conceivable measure of how Americans have been affected by this economy and the economic growth spurred by the position of the President and the action of the Republican House and Senate in support of the administration, by every measure, Americans' lives have improved. We ought to count that as good news, whether we are Democrats or Republicans, regardless of what economic strata we are in. It represents the best in this country, the opportunity we all have, the kind of idea that President Kennedy, all the way through President Reagan, talked about.

When the economy is improving, everyone in this country is better off, and we should be grateful. We should understand the causes. We should support those legislative policies that represent those causes and not denigrate an economy which is helping the American public.

It is time to be a little bit more optimistic about our future. This is a great country. It is a great country because of the people who create the jobs and who do the work. We should give them a lot more credit than some people on the other side of the aisle have, credit for helping this country to become everything it can become for the benefit of American families.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. How much time remains?

The PRESIDING OFFICER. Sixteen minutes.

Mr. COLEMAN. Mr. President, I will talk about good economic news, the optimism that my friend and colleague from Arizona has discussed. I have always been a believer in looking at the cup half full rather than half empty. This cup is pretty full right now and is filling every day. It tastes good to drink from it. There is good news out there and we need to talk about that.

We used to have an expression that politics ends at the water's edge. We did not allow debates between candidates to confuse the way foreign policy was conducted abroad. There is something akin to that with the economy. Certainly the issue of jobs and economic growth are appropriate for political discussion. No doubt about that. I worry when it reaches a point that the volume and nature of the debate is actually hurting the economy.

Maybe we have gone too far. So much of our economic activity is based on the way we perceive the direction of the economy. Perception does have some impact on reality. Those who try to shape the negative perception for political ends should reflect a little more on that. It is the political season, the Presidential race is coming up, but the volume of negative statements in absolute denial of what is happening with this economy is a little disconcerting.

I am concerned about those who are tempted to believe good economic news is bad political news, and bad economic news is good political news. We should be better than that. It reminds me of the Lutheran Church in Minnesota that got their first female pastor. Some of the older guys in the congregation were skeptical. They thought she would not be able to preach. After her first sermon, they were very impressed.

Then they said, Well, she will not work very hard. But after she balanced the congregation's books, organized the church picnic, and got the Sunday school on track, they were impressed.

Then they thought, Well, she will not relate to guys like us. Then she asked if she could go fishing with them. They did not like the idea, but they could not say no. After a couple of hours on the water, the pastor said: Guys, I need a restroom. A little annoyed, they started pulling up their line. She said: That's okay, and stepped out of the boat and walked on water to the shore. And one of the guys said: Figures, she can't even swim.

For those who continue to be skeptical about the progress of this economy, I am beginning to think they would be discouraged even if it walked on water. I read an estimate that the economy will grow at a rate of 4.8 percent this year. That sounds good. It would be the highest growth in two decades. This is an economy that is carrying on its back a war on terror, the aftermath of September 11, the corporate scandals, the uncertainties of a Presidential campaign. The economy is not just walking on water, it is running.

Economic growth is at a 20-year high. Work and productivity rose by almost 4 percent last quarter and remains above its historic average as businesses continue to utilize technology in a more efficient manner. We are increasing productivity at the same time. We are growing jobs. The manufacturing sector on balance has grown since the beginning of the year as factories have boosted employment to meet strong consumer demand.

Why do we have strong consumer demand? Because we cut taxes, because we put more money in the pockets of moms and dads. And when moms and dads spend that money on a good or service, the person producing that good or service has a job.

That makes it more likely, more profitable, easier for small business folks to reinvest in their business. By cutting capital gains, providing bonus depreciation, you increase expensing, opportunities and options for small business. They invest in the business and they grow jobs. The manufacturing employment index is pointing to an expansion in hiring.

The National Association of Business Economics, at its quarterly survey on business conditions, shows that 41 percent of the respondents expect their companies to increase employment over the next 6 months, up from 34 percent 3 months earlier.

Consumer and producer confidence remains solid. In fact, consumer confidence got a huge boost last week, reaching a 5-month high. Consumers are optimistic. The politicians who benefit, unfortunately, seem to think they benefit from bad news. They are the pessimists.

The reality is, this economy is moving forward. The consumers understand that. Unfortunately, my friends on the other side of the aisle seem to find it difficult to accept that, difficult to admit that, difficult to recognize that there is consumer and producer confidence today. That is good for the economy. That helps grow jobs. The housing market is strong. The national home-ownership rate in sales of new homes are at a record high.

My friend from Arizona talked about per capita, aftertax disposable income; in other words, the amount of money people get to spend themselves after they pay taxes. It has increased 7.1 percent. This is higher than it was after the first 4 years of the Clinton administration during this boom period that folks talk about. Last month, 112,000 jobs were added to the economy. In the past 4 months, payrolls have grown by almost 1.1 million, a pace of more than 3 million jobs annually.

It is fascinating that although the amount of jobs increased last month by 112,000, the pessimists will say that is less than what was projected, as if that is a negative. Over 1.1 million jobs in the past 4 months. I remind the pessimists that in every year of the job boom of the late 1990s, it included at least 1 month where payroll growth fell below 150,000 and in a few instances it went even negative. This is the ebb and flow of the economy. Everyone can forecast but no one can guarantee economic growth.

The trends are clear, the movement is clear. It is like you have a chance to do a little fishing over the break. You kind of watch that stream and it is moving in a direction. The economy is moving in the right direction.

There was an article printed in USA Today a couple weeks ago by former Labor Secretary Robert Reich, author of "Reason: Why Liberals Win the Battle for America." He wrote this at the request of the Kerry campaign. What is the title? "Gloom Is Reality for Citizens." Senator KERRY talks about misery indexes. Robert Reich, "Gloom Is Reality for Citizens."

That is not the reality of what is happening in the economy today. Part of this discussion Reich talks about is saying, well, we have a lot of jobs. They recognize there is an increase—1.1 million jobs—but they talk about the quality of jobs. They talk about wages that are stagnant.

If you look at, again, the facts—look at the facts, the facts, ma'am, the facts—three-quarters of the new jobs created in May were in industry categories that pay an hourly average rate in excess of the overall average hourly rate in the private sector. Inflation-adjusted hourly earnings have increased 2.3 percent during the first 3½ years of the Bush administration, compared with only a 0.13-percent increase during the same period of the first Clinton administration.

I mentioned before that the aftertax disposable income is way above what it was during the Clinton administration.

Then the pessimists say: Well, these aren't full-time jobs. They are a lot of part-time jobs, but "jobs" they call it. Again, as I said before, three-quarters of the new jobs created in May were in industry categories that pay an hourly average rate in excess of the overall average hourly rate in the private sector.

Since the start of the Bush administration, full-time employment has averaged 82.57 percent, nearly a full percentage point higher than full-time employment during the period of the first Clinton administration. In the past year, the number of part-time positions has declined about 240,000, while full-time positions have increased by more than a million.

More than 80 percent of part-time workers in May indicated they have chosen part-time employment for noneconomic reasons. Some people choose to work part time. But, again, the number of full-time jobs is increasing at an all-time high. The number of unemployed is decreasing.

In Minnesota, a few months ago, the drop in the rate of unemployment went from 4.8 percent to 4.1 percent in 1 month. That .7 percent drop was the largest monthly drop since we began keeping records in over 20 years. That is significant. Does that mean there are people out of work? Absolutely. As long as one American is out of work, then we have to do something about it.

That is why, by the way, we have to pass the class action bill. It is being filibustered. That is why we have to pass an energy bill. It is being filibustered. That is why we have to get a highway bill through this Congress. We have to get some things done, but we are moving in the right direction.

And again, in Minnesota—back at home—the President's tax relief led to the creation of 7,200 new jobs in May. Over the months of April and May, Minnesota gained almost 20,000 new jobs, leading to the highest 2-month gain in the last 5 years.

Both the construction and manufacturing sectors in Minnesota continue to improve. Construction employment grew by 2,200 in May, building on April's 2,800 new jobs, and 1,600 new manufacturing jobs were created in May, while 7,400 manufacturing jobs have been created in the last 10 months.

The employment outlook for the third quarter for Minnesota employers is the strongest in more than 25 years; 30 percent of Minnesota employers expect to hire more employees.

There is an article in today's Minneapolis Star Tribune talking about: "Analysts expect excellent economy." I will read from the article:

> The economy appears headed for a banner year despite a springtime spike in energy prices and a recent increase in interest rates.
>
> In fact, many analysts are forecasting that the economy, as measured by the gross domestic product, will grow by 4.6 percent or better this year, the fastest in two decades.
>
> There were strong 4.5 percent growth rates in 1997 and 1999, when Bill Clinton was president and the country was in the midst of a record 10-year expansion.
>
> But if this year's growth ends up a bit faster than that, it will be the best since the economy roared ahead at 7.2 percent in 1984, a year when another Republican President—Ronald Reagan—was running for re-election.

A survey of top economists showed further optimism:

> Ninety-one percent said they expected the economy to grow at an annual rate of anywhere from 2 to 5 percent in the second half of this year . . .
>
> Forty-one percent said they expected stepped-up hiring in the next six months . . .
>
> "By almost any measure—output, employment, profit margins, capital spending—this economy is strong," said Duncan Meldrum, the association's president and the chief economist for Air Products and Chemicals Inc.

The reality is the economy is moving forward. More needs to be done. I do hope we get class action passed here. A report by the National Association of

Manufacturers found that domestically imposed costs, including tort litigation, reduced America's manufacturing cost competitiveness by 22 percent in the world market. There is no doubt about it, our legal system puts American jobs at a competitive disadvantage with foreign firms. Money it has spent fighting frivolous lawsuits should be spent back in the business growing jobs and growing the economy.

So instead of making speeches downplaying the positive economic numbers, instead of casting about with doom and gloom, instead of writing articles about gloom being reality for Americans, instead of talking about misery indexes, let's celebrate what we have. Let's commit to keep moving forward. Let's get the class action bill passed. Let's get the Energy bill passed. Let's get the highway bill through. And let's keep doing the things we are doing. Let's make permanent the Bush tax cuts that increase particularly the low and middle class, the per-child tax credit, get rid of the marriage penalty, make sure we make permanent the expansion of the 10-percent bracket, do those things that put money in the pockets of moms and dads so when moms and dads spend that money, the economy grows.

If we do that, if we keep moving forward and we get some stuff done, and put the politicking aside, we put the election-year politics aside, and we put the doom and gloom and negativity aside, this country can be all that it is and all we know it to be: the greatest country in the world, the economically strongest country in the world.

But we have to keep moving in the right direction. We are committed to doing that. Let's stop the pessimism. Let's stop the gloom and doom. We have a job to do, and I hope we can work it in a bipartisan way, to finish the work we need to do.

With that, Mr. President, I yield the floor.

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, how much time, if any, remains in morning business?

The PRESIDING OFFICER. There is 1 minute 45 seconds.

Mr. REID. Mr. President, if my distinguished friend, the chairman of the Judiciary Committee, would yield that back on behalf of the Republicans, we could get to the bill.

Mr. HATCH. Mr. President, I would be happy to yield it back.

Excuse me, let me withhold that.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

CLASS ACTION FAIRNESS ACT OF 2004

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 2062, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (S. 2062) to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, we are on the Class Action Fairness Act of 2004.

Smart progrowth fiscal policy is helping lead job creation in the Nation, and I am optimistic we will continue to see the improvement we have seen over the last 6 months of last year. Economic reports show the economy is continuing to experience growth but not in a manner that would create an unsustainable boom/bust-type scenario. Indeed, employment growth has been positive for the 10th straight month with that report from June. In fact, 1.2 million jobs have been created since the 1st of the year and almost 1.5 million jobs since a year ago.

As we all know from recent reports, consumer confidence is high. Last Tuesday the conference board reported the largest monthly gain in consumer confidence in years. Confidence has not been this high in over 2 years.

In spite of all this positive economic growth and job creation, there are structural problems this body needs to address if we are to make sure our Nation remains competitive in the global economy. One of those critical areas is the bill we are considering today. The focus of that bill is class action reform. Over the last decade, class action lawsuits have grown exponentially. One recent survey found State court class action filings skyrocketed by 1,315 percent over the last 10 years.

The result of this glut of claims is to clog State courts, to waste taxpayer dollars, to inhibit the innovation and entrepreneurship that is so crucial to job creation in this country. Often all the purported victims ever get in this sordid process is a little coupon. That is one example. There are numerous examples we heard on the floor last night and yesterday. We have heard it in the past as we brought this to the floor.

In Alabama, the court approved a class action settlement against a bank on the grounds they overcharged their clients. The settlement granted $8 million in fees to the plaintiffs' attorneys, but awarded only $8.76 to each plaintiff. Worse, the settlement deducted up to $100 from many of those plaintiffs' accounts to pay for the attorney fees, leaving some plaintiffs with over a $90 dollar loss versus the $8 million in fees to the plaintiffs' attorney. We have had numerous examples that have been brought to the floor. It is not only large business; it is small business as well.

Why do the small businesses get dragged into all of this? In order to avoid going to Federal court, the class action legal team in many cases will rope in a number of small local businesses as codefendants to get the case decided in a favorable county or favorable State. Once that window during which the real class action target can remove the case to the Federal court closes, that unlucky mom-and-pop small business that happened to be in the wrong town at the wrong time is dropped from the case, but not until they have spent considerable money defending themselves.

These frivolous lawsuits are hurting the economy. They are hurting taxpayers. They are hurting the justice system, and they are hurting the practice of the law.

The Class Action Fairness Act of 2004 is a remedy to this problem. For the sake of our Nation's economy and faith in our system of justice, I do encourage my colleagues to act in a bipartisan nature and pass commonsense, meaningful class action reform.

As I mentioned this morning and yesterday, I want the debate to be fair and full on this bill. Over the last week a whole slew of unrelated, nongermane amendments have been brought forward. It has been written about. People have called the floor saying they want the opportunity to offer an amendment which has absolutely nothing to do with class action reform.

We only have about 33 legislative days left. We have the appropriations bills to do and a whole range of issues to address. That is why when we take up a bill such as class action, we need to stay on that particular bill and handle relevant amendments and debate them in a fair and timely way. Relevant amendments can improve the underlying bill. I want this full and fair debate to occur, to achieve this goal, and to have the appropriate management tool by which we can consider the relevant amendments. I will be offering a unanimous consent request at this time.

Mr. President, I ask unanimous consent that, with respect to the pending class action bill, there be five relevant amendments to be offered by each leader or his designee; provided further, that they be subject to relevant second-degree amendments. I further ask that, in addition to the relevant amendments, it be in order for each leader or his designee to offer an amendment related to minimum wage, again subject to relevant second degrees; provided further, that following the disposition of the amendments, the bill be read the third time and H.R. 1115, the House companion measure, then be discharged from the Judiciary Committee and the Senate proceed to its consideration, all after the enacting clause be stricken and the text of S. 2062, as amended, if amended, be inserted in lieu thereof; provided further, that the bill be read the third time, and the Senate then proceed to vote on passage of the bill, with no intervening action or debate.

Finally, I ask that the Senate then insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, I will object to this request.

We have only been on the bill now for a matter of a couple of minutes, literally. We just went to it this morning. The bill has only been laid down. This legislation has not been the subject of one hearing, one amendment in committee. There hasn't been any thoughtful, careful committee consideration on this legislation whatsoever.

I am surprised and very troubled by the unanimous consent request made by the majority leader. He knows the minority has been very open in expressing our interest in having a full debate about this legislation, indicating from the very beginning that we will have relevant and nonrelevant amendments. We have been the ones who have attempted to keep the majority on track with regard to committing to bringing the bill before the Senate at all.

As people may recall, there have been a number of occasions where the majority has chosen not to bring up the bill, even though that was the regular order, and it was at our insistence time and again that we bring this bill before the Senate because we made a commitment to a number of our colleagues, even though I don't particularly support the bill, and I will get into that in a moment.

We would be denying the right of every single Senator to offer amendments, in the truest tradition of the Senate, to say that now, even though this bill has not been the subject of any hearings, has not been the subject of a markup, even though this is the very first moment we have had an opportunity to amend the bill, we are already going to say to all Senators that you have to limit yourself to relevant amendments.

We have said from the beginning—in fact, I said it on the floor and at a news conference again yesterday—that it is not our intention to filibuster this legislation. It would be our intention to work with the majority to complete debate on this bill, with the understanding, of course, that we would have an opportunity to offer amendments.

This is not the way to get this legislation passed. In fact, I would argue that this is probably an absolute guarantee that it will never get passed, because we will never get cloture on a bill that denies Senators their right to offer amendments regardless of the subject matter. So I strongly object.

The PRESIDING OFFICER. Objection is heard.

Mr. FRIST. Mr. President, to clarify—because I know the unanimous consent request was long—what was objected to were five relevant amendments on our side, five relevant amendments on the other side, plus addressing the minimum wage issue on both sides, plus going to conference.

In light of that objection, I will modify the unanimous consent request to allow for 10 relevant amendments on our side and 10 relevant amendments on the other side, again, in addition to the minimum wage issue.

Mr. DASCHLE. Mr. President, the distinguished majority leader knows that it is not the question of numbers that matters; it is the question of relevancy. He is already violating his own request by suggesting that we can do nonrelevant amendments on minimum wage. If we can do that, why have any conditions about relevancy at all? We have already indicated our willingness to work with the majority to complete the work on this bill. Nobody has any desire to filibuster, to artificially extend debate for an indefinite period of time.

The majority leader made a comment recently about the dwindling number of days. If he wants to finish this legislation, the only way we are going to do that is by working together.

The Senator from Idaho and the Senator from Massachusetts have a very important amendment having to do with temporary workers in this country. I think it is a critical debate. We have already agreed to a very limited time. Why the majority leader would preclude the Senator from Idaho and the Senator from Massachusetts from offering this amendment with an expectation that we can resolve it in a very short period of time is a question I cannot answer. But the majority leader himself has said that, obviously, nonrelevant amendments have their place on this bill. He is advocating two nonrelevant amendments as it is.

Let's get beyond relevancy and just recognize the importance of allowing Senators the opportunity to debate. I will commit to him an effort to try to resolve this legislation in a meaningful way and in a period of time I think could accommodate Senators, but also would accommodate his goal of completing work in the regular order.

I object.

The PRESIDING OFFICER. Objection is heard.

Mr. FRIST. Mr. President, the purpose of the unanimous consent request is simply to address the issue of class action reform, a bipartisan bill that does have support—not overwhelming but more than 60 votes of support on the floor of the Senate, but to do it in such a way that we can consider one amendment at a time—a relevant amendment on class action with the objective of taking this bill on class action, which we absolutely know will have an impact across this great country, in a positive way that addresses fairness and equity and improves the economy indirectly, but in a fairly great way creates jobs—to stay on it and be focused on it.

I have offered 5 amendments on either side and then 10 amendments on either side, both with minimum wage. I would be happy to propound a request without minimum wage, if that would accommodate people.

I will keep it in for now. I will propound one more request to drive home the point that we want to stay on class action with relevant amendments that can improve or modify the bill. Right now, I am not requesting any limitation on the debate. We can stay on it and consider each one. That is up to the managers. Let's have the relevant amendments come through, but let's have an unlimited number of relevant amendments on class action and finish this and get it to conference and also include minimum wage.

Therefore, I ask the other side if they would be agreeable to an agreement allowing for unlimited—unlimited—relevant amendments, in addition to the minimum wage issue, and an agreement to go to conference.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, I will simply offer a counterproposal. I ask the majority leader if he would be prepared to allow the Senate to consider this legislation with 5 nonrelevant amendments and 10 relevant amendments. I make that request.

The PRESIDING OFFICER. Objection is heard, and it is your serve. Objection is heard in the Senator's capacity. Is there objection to the majority leader's unanimous consent request?

Mr. DASCHLE. Mr. President, I object, but I repeat the request that the Senate consider 10 relevant and 5 nonrelevant amendments.

The PRESIDING OFFICER. The majority leader has the floor. Will the majority leader modify his request to accommodate the minority leader's recommendation?

Mr. FRIST. Mr. President, I would be happy to modify the request, and I object to the request. The purpose is to stay on the class action bill, to stay focused on it. I have already offered unlimited amendments as long as they are relevant amendments, and that has been objected to.

I am disappointed by my colleague's refusal to accept what I consider a fair offer if our goal is to complete the bill. I do think we may well be able to reach an agreement on the terms for debate on this bill. In the meantime, I will be sending amendments to the desk.

AMENDMENT NO. 3548

Mr. FRIST. Mr. President, I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. FRIST] proposes an amendment numbered 3548.

Mr. FRIST. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end, add the following:

SEC. 10. FURTHER EFFECTIVE DATE.

The amendments made by this act shall apply to any civil action commenced one day after or any day thereafter the date of enactment of this act.

Mr. FRIST. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3549 TO AMENDMENT NO. 3548

Mr. FRIST. Mr. President, I now send a second-degree amendment to the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. FRIST] proposes an amendment numbered 3549 to amendment No. 3548.

Mr. FRIST. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On line 3 of the amendment, strike "one day" and insert: "two days".

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. FRIST. Mr. President, I send a motion to commit with instructions to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. FRIST] moves to commit the bill, S. 2062, to the Committee on the Judiciary with instructions to report back forthwith.

Mr. FRIST. Mr. President, I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3550 TO THE INSTRUCTIONS TO THE MOTION TO COMMIT

Mr. FRIST. Mr. President, I now send an amendment to the instructions to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. FRIST] proposes an amendment numbered 3550 to the instructions to the motion to commit S. 2062 to the Judiciary Committee.

The amendment is as follows:

In the motion to commit before the period, insert, "with the following amendment".

At the end of the bill add:

SEC 10. FURTHER EFFECTIVE DATE.

The amendments made by this act shall apply to any civil action commenced three days after or any day thereafter the date of enactment of this act.

Mr. FRIST. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3551 TO AMENDMENT NO. 3550

Mr. FRIST. Mr. President, I send a second-degree amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. FRIST] proposes an amendment numbered 3551 to amendment No. 3550.

The amendment is as follows:

On line 3 of the amendment, strike "three" and insert "four".

Mr. FRIST. Before I yield the floor, Mr. President, I want to make clear where we are. We are prepared to consider relevant class-action-related amendments. We are willing to set aside the pending amendments in order to make progress on the bill. However, we are not prepared to have this bill become a magnet for every unrelated issue that is brought to the floor. I encourage Members to come forward with their relevant amendments. We can work on time agreements on those relevant amendments, and we will allow the Senate to work its will on the issue.

Mr. President, I ask unanimous consent that the time between now and 2 p.m. today be equally divided between the two leaders or their designees.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object.

Mr. FRIST. Mr. President, I modify that unanimous consent request to, instead of 2 p.m., 2:45 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I yield the floor.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DASCHLE. Mr. President, I ask, what is the majority afraid of? This clearly is not a question any longer of time because the majority leader, in one of his many unanimous consent requests, proposed an unlimited number of amendments, as long as they are relevant. We can come up with 100 relevant amendments to a bill this controversial and of this complexity.

Let's understand what we are doing. This is a sham. This is a sham. The majority leader, for some reason, wants to deny his own caucus and the minority the right to offer legitimate amendments in the Senate. This may be the first time this majority leader has acquiesced to pressures within his caucus to do this, and that is unfortunate. This happened on many occasions in previous years, and I think if anyone talks with those who have served in his capacity before, I think the lesson learned is that it was to no avail, and it was actually counterproductive. It did exactly the opposite of what the majority attempted to do.

For us now to find ourselves in this situation seems a little bit to me like deja vu all over again. We have tried this, and it is going to backfire on this majority and this majority leader, just as it has in past circumstances.

So let's be clear, this has nothing to do with finishing this bill. Why, given all of our cooperation to get to this point, the majority would try to shove this down our throats is unclear. But that is exactly how I perceive it. It is a sham. This almost guarantees this bill will not get done, and why they would want to do that is unclear to me.

We were prepared, as I said, to limit the number of nonrelevant amendments and the time to debate in the interest of time. No one on this side has a desire to extend debate indefinitely, but let's make sure everybody understands: I have to go home and explain to the people of South Dakota, if this legislation passes, why if in a case where 98 percent of the people who are adversely affected are from my State, the action occurred in my State, and was taken by, let's say, a corporation that may be in violation of South Dakota law cannot go to court in South Dakota. That is basically what this bill does. Why should the people harmed in my State, if 98 percent of those adversely impacted are from South Dakota, and if the law was violated in

South Dakota, be forced to go to Federal court, a court that could be located in some other State, to resolve a serious legal question?

I find it amazingly ironic that those on the other side who claim to be advocates of States rights would say, no; not in this case. In this case, we are going to take away the rights of the States; we are going to put them at the Federal level.

There is a new trend happening on the other side. When it is inconvenient for States to have the power, they seem to find it just fine to move to the Federal level. That is what we are going to be telling the people of this country. Forget about States rights, forget about civil rights, forget about workers' rights.

This is special interest legislation at its worst, and it deserves a full debate in the Senate, not the sham that we are going to have under these circumstances filling trees. We have been through that. We have learned the lesson the hard way. We ought to have learned it this time, too. I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, my good friend, the Democratic leader said: What are we afraid of? Let me answer the question.

Back on May 21, the distinguished majority leader was trying to make progress on the Defense authorization bill, which we began on May 17, and our good friend from Nevada, the assistant Democratic leader, said on May 21: I would say that we take about 10 days on this bill normally. We don't think this bill will take that much time.

That was the Defense authorization bill, and on May 21, having been on the bill five days already, our good friend from Nevada said it takes typically about 10 days to finish the bill. We finished the bill on June 23, almost a month later, having spent 18 legislative days on it. Clearly, what the majority leader is concerned about is that this bill not only be taken up but that it be finished.

It is absolutely clear from the observations of our good friend, the Democratic leader, he does not want the bill to pass in any event. In fact, he said on several occasions and repeated several times this morning he is against the bill. It is clear what he would like to do is structure a way of dealing with this bill that allows his party to get the vote on all of its favorite issues and we never pass the bill in any event.

So the majority leader, to his credit, is trying to structure a way to proceed on this bill on the Senate floor that does two things: No. 1, guarantees that it be brought up, and No. 2, guarantees that it will be finished by structuring it in such a way that the amendments we deal with are related to the bill. That is not an unusual request. It is not an outrageous request and not an unprecedented request—in fact, a normal request.

So it is perfectly clear, it seems to me, that there are those on the other side and maybe even a few on this side who would like to use this bill for other purposes. The majority leader is right on the mark in offering this perfectly reasonable way, a game plan for taking up and finishing this important legislation. I am sorry that at the moment, at least, it looks as if there is not a will. Even though we keep hearing there are over 60 Senators who are in favor of this bill, there have to be 60 Senators in favor of the bill who are willing to also support a procedure that guarantees we can finish it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, we have watched an unusual process this morning that a good many of us in a bipartisan spirit are reacting to, and I am one of those who do not appreciate what the majority leader has now just done. I understand why he has done it. I support the underlying legislation, S. 2062, but I also recognize that Senators, unless effectively blocked by a procedural action that has just occurred, do have the right to offer amendments, germane, relevant, and nonrelevant.

I am bringing to the Senate floor one of those amendments. It is bipartisan. It has 63 Senators as cosponsors, and it is widely received by not only this body but by all of the communities of interest at large.

I have approached the leadership time and again, been as courteous as I should be to my leader but assuring him that I and the Senator from Massachusetts would limit the time, that this was not to drag the bill out, that we would expedite it because we believe, with 63 Senators, Democrat and Republican, that this bill's time has come. It deals with immigration. It deals with a near crisis in American agriculture at this moment that now finds itself having to employ nearly 80 percent of its workforce as illegals, undocumented foreign nationals, in order to get the crops out of the field.

We should have learned our lesson post-9/11 that we have failed mightily at the border, that we have not effectively built immigration laws that work. In a post-9/11 environment, we have learned there may be between 8 million and 12 million undocumented—in other words, illegal—foreign nationals in this country. We ought to be expediting every way possible to identify them, to do background checks on them, to control them first at the border and those who are in country in-country, and to build effective law enforcement tools, as some Senators and I are working on, to build a total package.

The reason I am bringing this amendment to the Senate floor is that its time is ready. Our time is limited because we have mighty few days remaining until the end of this session.

There are now 400 organizations and groups across America supporting the legislation I bring to the Senate floor as an amendment today. It is S. 1645. We call it "ag jobs," and it only deals with a small segment—1.4 million to 1.5 million—of that total universe of nearly 12 million undocumented, illegal foreign nationals in our country. We have worked on the House side and the Senate side, Democrat and Republican alike. We have spent 5 years crafting this legislation, and I am extremely disappointed this morning that we do not have the opportunity to offer it, that my leader has blocked me from doing so.

As kindly as I can say to my leader, ag jobs will be voted on this year. As our side has recognized the need to offer the other side the opportunity to vote on minimum wage, this issue's time has come, and this is an issue that I will stay on the Senate floor with and I will offer it unless the leader proposes in every legislation that comes to the floor the strategy he has just handed out. That is not a way to allow this body to work and work effectively, and we know it.

He has been reasonable and our discussions have been substantive, but there are some who do not want immigration as an issue voted on this year. This bill is ready to be voted on. This bill has 63 cosponsors. It has 26 Republicans, 37 Democrats. It is vastly bipartisan. It has been worked on for 5 years, and 9/11 now emphasizes the importance of us doing substantive immigration reform. This is a small piece of the total picture but a critical piece to a very important segment of America's economy: agriculture. Yet we are suggesting now, by controlling our borders as tightly as we must, that we are creating a circumstance that is driving some agricultural employers and producers out of business because they cannot find the workforce.

This fall, harvest should not rot in the fields of America, but in some instances it might if a viable workforce cannot be found, or if it is not this body's will to send a message to the American agricultural community that we are going to solve this problem and solve it timely, responsibly, and appropriately.

We are not going to be allowed to do that today. Maybe tomorrow or maybe the next day or maybe next week, but I say to my leadership as kindly and as responsibly as I can, before we sine die the 108th session of the U.S. Congress, we will deal with this issue. Its time is now. Its time is ready.

Let us—the Senator from Massachusetts and I—bring this to the Senate floor, get a limited amount of time to deal with it and adequate time for those to come to the floor of the Senate to discuss it, to oppose or to support it. That is what a responsible, deliberative body does, and that is what we must do in this instance.

So I hope that at some point the message I am delivering at this moment registers with my leadership that we will vote on this issue this year. It is important that we do so and send a message to the most critical segment of our economy that we are going to work with them to get legal employees, that we are going to legalize a process, control a process, do the background checks, get the bad actors out of the system instead of simply turning our back again and again.

Our President wants reform. He has spoken openly and boldly about it. It is important we bring this reform. I agree with my President. Its time has come. Let us deal with it.

I will be back on the Senate floor today, tomorrow, next week, or the balance of this month, until this issue is debated.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I have been listening to this debate, and I would first like to respond to the concerns raised by some of my colleagues on the other side of the aisle about the majority leader's decision to fill the amendment tree. First, I commend the leader for taking this unfortunately necessary step because it significantly minimizes the mischief that will in all certainty occur if this bill is left open to amendments that have absolutely nothing to do with the subject of class action.

These are amendments that are offered to score political points in an election year and that, at the end of the day, will obliterate any chances that class action reform will become law. That is exactly what is involved, and we all know it. We know that if some of these amendments are added to this bill, it will kill the bill.

We thought we had an agreement last November, of 62 people. As I have always interpreted it, when you get an agreement to support a bill, that means support it against all amendments unless those who made the agreement agree otherwise. My colleagues on the other side say that was not the agreement. That has been the agreement every time around here, where you know that mischief is going to occur and we just continue on and on.

By filling the tree, the leader has effectively protected key bipartisan legislation from the same procedural pitfalls that faced the DOD authorization bill, FSC/ETI, and the Internet tax bill, just to name a few.

To be sure, the current move to protect the bill from nonrelevant or nongermane amendments is nothing new, as former majority leaders have invoked this prerogative with other important pieces of legislation in the past. The ranking member from Vermont even admitted on the floor last night that S. 2062 was probably the last amendable vehicle to be considered by the Senate this year. While this bill has legs to move out of the Senate—that is why it is the last amendable bill in his eyes—I can assure you it will go nowhere if it is bogged down with extraneous amendments that peel votes in the Senate.

That is the game here and everybody knows it. Everybody on the outside should know it, too. We made a deal; we had 62 people agree to the language in this amendment. Now we have people peeling off from the language in this amendment by wanting to be able to vote for nongermane and nonrelevant amendments which will kill the bill.

Assuming the bill goes out of the Senate with controversial amendments, what is going to happen in the House after they alter the bill? I seriously doubt we will have enough time this year to resolve differences in conference. Indeed, I think the chances are pretty slim, especially since the minority leader has threatened to oppose the appointment of conferees for the rest of the year.

How do we get it done if we put nonrelevant amendments on this very important bill that we have worked on for 6 years to get to this point? A lot of decent people on both sides have worked very hard, but we know we are going to have to have 60 votes to vote on this bill.

The minority leader himself has threatened to oppose the appointment of conferees for the rest of the year. How do you get this bill if these nongermane, nonrelevant amendments are added? It is apparent some of them might be. Even if you could, how do you get it by the House? Even if you get it by the House, how do you get it by the conference?

Then, when those amendments are taken off, also if they were taken off in conference—assuming we would be given the privilege of being able to hold a conference, something that has not been denied to my recollection before this year—we may not have time to get this bill done anyway.

S. 2062 embodies the bipartisan deal we reached in good faith last November, Democrats and Republicans, 62 of us reached in good faith. We reached a compromise because I thought the end goal was to get a class action bill passed into law. I can say, in all certainty, that my agreement to further moderate this bill was certainly not premised on letting it become a Christmas tree for unrelated measures so people can score political points on the floor of the Senate—people who never would vote for this bill to begin with.

If the supporters of the underlying bill really want class action reform, I see no reason why they should not support the leader's action. No one is denying Members from offering amendments that are germane to the bill, although I would recommend we even vote those down unless the people who agreed in a bipartisan way agree to allow those amendments to pass. That is what we usually do on legislation around here. But now we have all new rules here that suddenly spring up.

No one is denying Members from offering amendments that are germane to the bill, amendments that Members, in their view, believe will improve the bill. If they will, we can agree on those. I see no reason why we cannot give these amendments an up-or-down vote. In fact, the leader explicitly made this offer to the other side when he tendered a time agreement to consider several key amendments, including a vote, a vote on a nongermane, nonrelevant amendment, Senator KENNEDY's amendment on the minimum wage measure which he has been trying to get up for quite a while. That is how far the majority leader went. But, no, they want a lot of other buzz amendments that are political in nature, that they think they can pass, that will kill this bill. Anybody with brains knows the game.

This was a good-faith offer by the leader. We have heard for some time how important a minimum wage amendment is to my colleagues and to the country. I don't know of anybody on our side objecting to consideration of the minimum wage amendments and any amendment also to it. What we do object to is a never-ending moving of the goalposts where more and more amendments are added, especially nongermane and nonrelevant amendments.

Because the Democrats objected to this very generous unanimous consent request, the leader had no choice other than to protect the class action bill from this open season of political amendments that will kill it anyway.

That is what it comes down to. Either we are going to vote for this class action bill, the 62 of us who have agreed it should pass—and I think more would vote for it in the end—or it is going to be killed. Because that is the choice. We made a deal last November to pass class action reform and that is the direction our leader is taking us today.

When it comes to nongermane amendments that appear to be offered to score political points in an election year, I want no part of that on this bill, and neither does the leader, and for good reason. We know the games around here.

There are a significant number of Democrats who do not want this bill under any circumstances because the No. 1 hard money funder to Democrats happens to be the personal injury lawyers in this country. The No. 1 funder of the Presidential campaign happens to be personal injury lawyers in this country, for the Democrats. The No. 1 opponents against this bill happen to be some of the personal injury lawyers. Not all, because the really good lawyers can go to Federal court and get big verdicts. They don't have to have false mechanisms to be able to get good verdicts on behalf of their clients. They don't have to play games with magnet courts that are, if not corrupt, so close to being corrupt in some of these special jurisdictions in this country where they have had a field day.

Regarding the jurisdictional test in S. 2060, the minority leader made the point they cannot get their cases tried in South Dakota if this bill passes. That is total poppycock. You know, the jurisdictional test in S. 2062 moves only larger interstate class actions to Federal court, including large cases where there are more than 100 class members and more than $5 million in amount in controversy.

If they fit that jurisdictional category, then they will have to go to Federal court. But as somebody has tried a lot of cases in both Federal and State courts, I have to say we used to love to get to Federal court because people know it is a more important case. The reason some of these attorneys want to go to some of these State courts, such as Madison County, is that is where it is a field day for plaintiffs' lawyers whether they have a good case or not—and they know it, and they have been milking this system and hurting people all over this country in ways that are unseemly and, frankly, wrong. S. 2062 also has exceptions to keep local controversies in State courts. We have these exceptions.

To make a long story short, I have heard my colleagues on the other side—some of the people who have agreed to be cosponsors of this bill, who have agreed to be in the 62 who have supported this bill which would make up enough to be able to invoke cloture on this bill—now moaning and groaning they want a right to bring up nonrelevant, nongermane, political amendments to score points. That is not the way I have operated around here, and that is not the way most Senators have operated around here, but that is what we are faced with here.

Either we are going to invoke—probably we will have to file cloture in order to end another filibuster. I hope the 62 people who said they would be for this bill will vote for cloture. If they are not, then this bill is going to be dead and 6 years of honest work, 6 years of bipartisan effort, is going to go right down the drain.

We all know what the game is around here. It is by those who have never wanted this bill to pass anyway, some who want to play both sides on this thing, who basically want to have the right to foul up the bill with amendments they know the House won't take and they know if we have to go to conference we are probably not going to be able to get conferees.

That is what is involved, and it is a game. It is a bad game at that. I have been known to stand up for the trial lawyers when they are right. I have taken a lot of grief for it from some people on our side who are wrong, too. I am going to stand up for them when they are right because trial lawyers do a lot of good in our society when they stand up and fight for those who are downtrodden and not treated properly in our society.

What has been going on for years in this area is the abysmally dishonest forum shopping to local areas where they can get huge verdicts that shouldn't be gotten because they don't get them in their own jurisdiction. That is wrong. I think a lot of trial lawyers are starting to get upset about it because it is giving all trial lawyers a bad name because of the few who milk the system like this to the detriment of consumers, to the detriment of the little people, to the detriment of those who can't make it. That is what is involved, and everybody knows it.

To play this political game and bring up nongermane and nonrelevant amendments that we know will kill this bill is a terrible thing.

All I can say is there comes a time when you have to vote. There comes a time when you have to stand up and do what you said you would do. If you do not do it, then shame on you. All I can say is, that is what is involved, and anybody who says otherwise, it seems to me, is wrong.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, my distinguished friend, the senior Senator from Kentucky, who is my counterpart, indicated that on May 20 or 21—I indicated at that time publicly that we could finish the Defense authorization bill in 10 more days. He didn't go on to say that is what we did. That really is not quite true. We took 11 days. So my statement was 1 day off. Of course, it was interrupted by President Reagan's funeral and a few other things. When we came here and we told the majority they could finish the Defense authorization bill in 10 days, we were 1 day off. So no one should make a big deal out of the fact that the time was more than 10 days because, unfortunately, President Reagan died.

I want the record to be spread with the fact that I am a trial lawyer. I am a proud trial lawyer. I graduated from law school, and I went back to Nevada and tried lots of cases. I have had over 100 jury trials. I have tried murder cases, and I have tried robbery cases. There was a period of about 4 years of my life where I defended insurance companies. I have tried cases as a plaintiff's attorney in slip-and-fall cases. I have tried automobile accident cases where some people were injured severely and some were killed. I have done liability litigation. I did an antitrust case, and I didn't know enough about it. Shell oil company drowned me with depositions all over the country. I settled for a fraction of what it was worth. That was the last antitrust case I took. But I took one in San Francisco with cocounsel who knew what he was doing in my first antitrust case.

I have never done a class action lawsuit. But there are attorneys who specialize in class action lawsuits. Are these people who specialize in these lawsuits a bunch of bums who are cheating the system and doing illegal things?

As my friend from Utah has said, it may not be fraud, but it is close to it—or words to that effect.

Lets talk about a few issues that I know of which were class action lawsuits. A lot of us have had the experience of receiving a telephone bill when we didn't sign up with AT&T, but they are on our bill. It is called "slamming." They put their product on your bill without your permission. People had to pay these bills. We didn't do anything legislatively to stop it. An attorney filed a class action against AT&T saying don't do that. Why? Because people were being charged $8 to $10 a month for a product they didn't ask for. This was stopped as a result of a class action lawsuit. They were enjoined from doing it and had to pay the people they cheated with actual dollars.

One of the great movies I watched—because it was true—was called "Erin Brockovich." Erin Brockovich—just to recount what she did, for lack of a better word—was a paralegal but not one who was really trained to be a good paralegal. But she was trained and wanted to go help people. She went around and dug up information like one of the sleuths you hear about in a good mystery novel, or watch on television—a private detective. She went around and did some sleuthing and came out with the fact that the ground water was being contaminated with pollutants from a company. She got a friend, a lawyer of hers, to file a lawsuit, and sure enough they won. They found the ground water was being contaminated.

As a result of this class action lawsuit, Erin Brockovich became a hero. People had been killed as a result of this company, and no one else had to die or become sick.

That was a class action lawsuit. Is there anything wrong with that? I think not.

We all know all about the big tobacco cases. A lot of people do not know about a tobacco company that started advertising a light cigarette, and you smoked as much as you wanted—no problem. That was the advertising. They were lying. They were cheating. It wasn't true. How was that resolved? We didn't stop it here in the National Legislature. It was stopped as a result of a class action that was filed. Sure enough, light cigarettes were gone.

Lots of environmental cases have been decided by class actions. Companies were doing awful things to the environment, and people asked about the detriment being created. They went to the Government, and the Government did nothing. As a last resort, who do you go to? You go to a lawyer.

We have a big class action pending now—Wal-Mart, big, fat Wal-Mart. The initial evidence indicates that they have been discriminating against women from the day they became a company. There is a big class action lawsuit against Wal-Mart. We didn't do anything about it here legislatively. But this class action lawsuit, I have been told, is almost a slam dunk—that Wal-Mart is going to lose that and the women they have discriminated against will be made whole.

Mr. CARPER. Mr. President, will the Senator yield for a question?

Mr. REID. Not right now. I will finish my statement. I know my friend is an avid supporter of this legislation. I admire him. We came to Congress together. I am going to finish my statement. I have been waiting 2 days to do this, and I want to finish my question.

Mr. CARPER. Will the Senator yield for a question?

Mr. REID. I yield for a question.

Mr. CARPER. The Senator raises the question of the issue of the class action case against Wal-Mart. The class action has been certified so it can go forward. Does the Senator know whether it was certified in Federal court or State court or county court?

Mr. REID. I don't know. I talked to some attorneys today involved with the case. I did not ask them that.

Mr. CARPER. It has been certified in Federal court in California.

Mr. REID. I ask a question to my friend, certified in State or Federal court?

Mr. CARPER. Federal court.

Mr. REID. Mr. President, I appreciate my friend asking the question which, as far as I am concerned, at this stage is meaningless.

Class action is an important part of our legal system. It has done a great deal to help people work their way through the process. The fact that I as a trial lawyer have not taken a class action lawsuit does not mean I didn't like class action litigation. It is a specialty. As with the example I gave dealing with antitrust litigation, you better know what you are doing before you get into the class action litigation.

We all know what took place with tobacco litigation. Attorneys general from all over America joined in that. The State of Nevada has benefited from that class action litigation dealing with tobacco. We have a program a Republican Governor in the State of Nevada initiated that is very popular. It is called the Millennial Scholarships. If you graduate from a Nevada high school—any place in Nevada; there are 17 counties—with good grades, you get to go to school with your tuition paid for by tobacco.

That is what this is all about. It is about people having the opportunity to go forward with litigation, when normally these people would be totally unprotected. When we do things legislatively, it is rare that people who have been harmed get their money back. That is an effect of class action.

As we speak about attorneys general, I received in my office yesterday a letter from the attorney general of the State of New York. I have never met Eliot Spitzer. I know him by reputation. He is one of America's great attorneys general. The State of New York has been—I don't want to say "blessed," but for lack of a better word, New York has received a great deal from that man who has taken on big companies, to his detriment on many occasions. We have a letter from him sent to Senator FRIST and Senator DASCHLE. The letter is three pages long. I ask unanimous consent it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF NEW YORK, OFFICE OF THE
ATTORNEY GENERAL, THE CAPITOL,
Albany, NY, June 22, 2004.

Hon. BILL FRIST,
Majority Leader, U.S. Senate, Dirksen Senate Office Building, Washington, DC.
Hon. TOM DASCHLE,
Minority Leader, U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR MR. MAJORITY LEADER AND MR. MINORITY LEADER: On behalf of the Attorneys General of California, Illinois, Iowa, Maine, Maryland, Massachusetts, Minnesota, Montana, New Mexico, New York, Oklahoma, Vermont, and West Virginia, we are writing in opposition to S. 2062, the so-called "Class Action Fairness Act," which reportedly will be scheduled for a vote in the next few weeks. Although S. 2062 has been improved in some ways over similar legislation considered last year (S. 274), it still unduly limits the right of individuals to seek redress for corporate wrongdoing in their state courts. We therefore strongly recommend that this legislation not be enacted in its present form.

As you know, under S. 2062, almost all class actions brought by private individuals in state court based on state law claims would be forced into federal court, and for the reasons set forth below many of these cases may not be able to continue as class actions. All Attorneys General aggressively prosecute violations of our states' laws through public enforcement actions filed in state court. Particularly in these times of state fiscal constraints, class actions provide an important "private attorney general" supplement to our efforts to obtain redress for violations of state consumer protection, civil rights, labor, public health and environmental laws.

We recognize that some class action lawsuits in state and federal courts have resulted in substantial attorneys' fees but minimal benefits to the class members, and we support targeted efforts to prevent such abuses and preserve the integrity of the class action mechanism. However, S. 2062 fundamentally alters the basic principles of federalism, and if enacted would result in far greater harm than good. It therefore is not surprising that organizations such as AARP, AFL–CIO, Consumer Federation of America, Consumers Union, Leadership Conference on Civil Rights, NAACP and Public Citizen all oppose this legislation in its present form.

1. Class Actions Should Not Be "Federalized".

S. 2062 would vastly expand federal diversity jurisdiction, and thereby would result in most class actions being filed in or removed to federal court. This transfer of jurisdiction in cases raising questions of state law will inappropriately usurp the primary role of state courts in developing their own state tort and contract laws, and will impair their ability to establish consistent interpretations of those laws. There is no compelling need for such a sweeping change in our long-established system for adjudicating state law issues. Indeed, by transferring most state court class actions to an already overburdened federal court system, this bill will delay (if not deny) justice to substantial numbers of injured citizens. The federal judiciary faces a serious challenge in managing its current caseload, and thus it is no surprise that the Judicial Conference of the United States has opposed the "federalization" of class action litigation.

S. 2062 is fundamentally flawed because under this legislation, most class actions brought against a defendant who is not a "citizen" of the state will be removed to federal court, no matter how substantial a presence the defendant has in the state or how much harm the defendant has caused in the state. While the amendments made last fall give the federal judge discretion to decline jurisdiction in some cases if more than one-third of the plaintiffs are from the same state, and place additional limitations on the exercise of federal court jurisdiction if more than two-thirds of the plaintiffs are from a single state, even in those circumstances there are additional hurdles that frequently will prevent the case from being heard in state court.

2. Many Multi-State Class Actions Cannot Be Brought in Federal Court.

Another significant problem with S. 2062 is that many federal courts have refused to certify multi-state class actions because the court would be required to apply the law of different jurisdictions to different plaintiffs—even if the laws of those jurisdictions are very similar. Thus, cases commenced as state class actions and then removed to federal court may not be able to be continued as class actions in federal court.

In theory, injured plaintiffs in each state could bring a separate class action lawsuit in federal court, but that defeats one of the main purposes of class actions, which is to conserve judicial resources. Moreover, while the population of some states may be large enough to warrant a separate class action involving only residents of those states, it is very unlikely that similar lawsuits will be brought on behalf of the residents of many smaller states. We understand that Senator Jeff Bingaman will be proposing an amendment to address this problem, and that amendment should be adopted.

> 3. Civil Rights and Labor Cases Should Be Exempted.
>
> Proponents of S. 2062 point to allegedly "collusive" consumer class action settlements in which plaintiffs' attorneys received substantial fee awards, while the class members merely received "coupons" towards the purchase of other goods sold by defendants. If so, then this "reform" should apply only to consumer class actions. Class action treatment provides a received "coupons" towards the purchase of other goods sold by defendants. If so, then this "reform" should apply only to consumer class actions. Class action treatment provides a particularly important mechanism for adjudicating the claims of low-wage workers and victims of discrimination, and there is no apparent need to place limitations on these types of actions. Senator Kennedy reportedly will offer an amendment on this issue, which also should be adopted.
>
> 4. The Notification Provisions Are Misguided.
>
> S. 2062 requires that federal and state regulators be notified of proposed class action settlements, and be provided with copies of the complaint, class notice, proposed settlement and other materials. Apparently this provision is intended to protect against "collusive" settlements between defendants and plaintiffs' counsel, but those materials would be unlikely to reveal evidence of collusion, and thus would provide little or no basis for objecting to the settlement. In addition, class members could be misled into believing that their interests are being protected by their government representatives, simply because the notice was sent to the Attorney General of the United States and other federal and state regulators.
>
> Equal access to the American system of justice is a foundation of our democracy. S. 2062 would effect a sweeping reordering of our nation's system of justice that will disenfranchise individual citizens from obtaining redress for harm, and thereby impede efforts against egregious corporate wrongdoing. Although the Attorneys General of California, Illinois, Iowa, Maine, Maryland, Massachusetts, Minnesota, Montana, New Mexico, New York, Oklahoma, Vermont, and West Virginia oppose S. 2062 in its present form, we fully support the goal of preventing abusive class action settlements, and would be willing to provide assistance in your effort to implement necessary reforms while maintaining our federal system of justice and safeguarding the interests of the public.
>
> Sincerely.
>
> ELIOT SPITZER,
> *Attorney General of the State of New York.*
>
> W. A. DREW EDMONDSON,
> *Attorney General of the State of Oklahoma.*

Mr. REID. Mr. President, this letter Eliot Spitzer wrote, joined by the attorneys general of California, Illinois, Maine, Maryland, Massachusetts, Minnesota, Montana, New Mexico, New York, Oklahoma, Vermont, and West Virginia, says the legislation now before this body right here today, now before the Senate, is inaptly named Class Action Fairness Act.

I will begin by reading excerpts from a letter the Senate Republican and Democratic leader recently received from Attorney General Spitzer. The letter was sent by Spitzer, as I have said, in opposition to this legislation. Joining in the letter are the attorneys general I mentioned from other States.

There are a number of Members of this body who have been attorneys general in the past. The one that comes to my mind is Senator BINGAMAN. Senator BINGAMAN is representative of the people who become attorneys general. He went to undergraduate school at Harvard College, he graduated from Stanford Law School, two of the finest educational institutions in the world, and he was an attorney general. He understands, as well as any, that special weight should be given to the authors of the letter. It is an attorney general's job to prosecute violations of the law.

These attorneys general begin by stating:

> We strongly recommend that this legislation not be enacted in its present form.

The letter goes on to explain that under the bill:

> . . . almost all class actions brought by private individuals in State court based on state law claims would be forced into federal court . . . and many of these cases may not be able to continue as class actions.

I say to the distinguished chairman of the Judiciary Committee, the example he used with the State of South Dakota, 100 plaintiffs and $5 million, there is not a class action case that you would not have at least 100 plaintiffs and at least $5 million in damages. That is pretty easy to do. As Senator DASCHLE said, that case would likely not occur in South Dakota.

The reason attorneys general say almost all class actions brought by private individuals in State court based on State claims would be forced into Federal court, and many of these cases may not be able to continue as class actions, the reason this is important, the letter explains:

> All attorneys general aggressively prosecute violations of our states' laws through public enforcement actions filed in state courts. Particularly in these times of state fiscal constraints, class action provides an important "private Attorney General" supplement to our efforts to obtain redress for violations of state consumer protection, civil rights, labor, public health, and environmental laws.

That is, class actions help ensure that violations of these important laws do not go without punishment. The threat of such enforcement helps ensure compliance with these laws.

The authors of this letter note that some reform may be appropriate, an argument I do not disagree with. They find that:

> However, S. 2062 fundamentally alters the basic principles of federalism, and if enacted would result in far greater harm than good.

Joining in their opposition to this bill are the AARP, AFL–CIO, Consumer Federation of America, Consumers Union, Leadership Council and Civil Rights, NAACP, and Public Citizen, to name a few.

The attorneys general letter also spells out the particular problems which arise from this legislation's broad expansion of Federal court jurisdiction.

> This transfer of jurisdiction in cases raising questions of state law will inappropriately usurp the primary role of state courts in developing their own laws and will impair their ability to establish consistent interpretation of those laws.

They go on to say:

> There is no compelling need for sweeping change in our long-established system for adjudicating state law issues.

Most importantly, the attorneys general note that:

> . . . by transferring most state court actions to an already overburdened federal court system, this bill will delay (if not deny) justice to substantial numbers of injured citizens.

This is the case, they note, because the class actions this bill will stop are important "mechanisms for adjudicating the claims of low-wage workers and victims of discrimination, and there is no apparent need to place limitations on these types of actions."

They conclude their letter by reminding this body, the Senate:

> Equal access to the American system of justice is a foundation of democracy. S. 2062 would effect a sweeping reordering of our nation's system of justice. It will disenfranchise individual citizens, while retaining redress for harm and thereby impede efforts against corporate wrongdoing.

In recent months, events here and abroad should remind us of the importance of this last remark and the consequences. Our justice system is fundamental to sustaining our democratic values as a nation. This bill takes too broad a strike at the heart of the system and undermines these very values.

I know the majority leader has a very difficult job. He has to balance what we do and what we do not do. I don't in any way denigrate the difficulty of his job. But I also remind my distinguished friend, the Senator from Tennessee, the Senate is going to be ongoing long after he leaves this body and long after I leave this body. We have had approximately 1,750 Senators who have served in this body. During those periods of time, there have been some who have done things that delayed pieces of legislation. We have done things over the years that have made this body appear not to be as coordinated, as efficacious as the House. That is right. That is the way we are. The Senate is that way. We will continue to be that way.

We are not a House of Representatives that has absolute dominance with the party that rules. The party that is in power in the House is like the British Parliament. The distinguished Presiding Officer served in the House of Representatives for a time, as did I.

That Rules Committee is an aggravation. They determine on every piece of legislation how long the debate will be, if they are going to allow amendments, and how long you can debate those amendments.

But the chairman of the Rules Committee and the members of the Rules Committee are chosen by the Speaker of the House of Representatives, and they do what he wants done. I accept that system. That is the way the House works. It is a large body of 435 people. They can work more quickly than we can. If they did not have the Rules Committee, they would not get anything done.

The Founding Fathers, in their wisdom, set up this system of the legislature where you have one body such as the House of Representatives that is in touch with the people every minute of their 2-year existence, and they can rush things through that body now as they did 200 years ago.

The Founding Fathers wanted, as we have been told numerous times, a saucer that would cool the coffee. That is what we are. And no matter how inconvenient the Senate is to that party in power—and we have been in power on occasion—no matter how the Senate rules slow us down, cause us problems, we have to be the Senate.

I respectfully suggest to the majority leader he is making a big mistake here in not allowing the Senate to be the Senate. We have only a few days left—32 days left—and some of those days are Mondays and Fridays, and we do not get a lot done around here anymore on Mondays and Fridays. Thirty-two days.

We have a lot to do, and I recognize that. That is why the Senator from Idaho and the Senator from Massachusetts have every right in the world to offer this nonrelevant, nongermane amendment because, as the Senator from Idaho said, we have a season coming, farm season. Crops are growing now. Crops are going to have to be taken from the ground in a few weeks.

This legislation is so important, during the Fourth of July Members of Congress were working on this amendment, and I received calls at my home in Searchlight, NV, of legislators interested in this legislation, seeing if there was something I could do to help them move it along. I said: We have a piece of legislation coming up. The debate on your amendment is not going to take very long. This is an appropriate vehicle to do it.

That is what the Senate is all about. We should not fill the tree. What this means is for the legislation now before this body, no one else can offer an amendment. They cannot offer a relevant amendment. They cannot offer a nonrelevant amendment. They can do nothing because it has been filled up. We on this side are not going to allow that.

I know the distinguished senior Senator from Connecticut likes this legislation. I am sure it is not perfect. I know he has worked on it for years. But I have every confidence—he being a more senior legislator in the Senate than I am—I have no doubt that he does not like what took place here in a parliamentary fashion today. He believes in the Senate. He believes the Senate should work as the Senate and that we should not bring a piece of legislation here—no matter how important the majority feels it is, you cannot bring a piece of legislation before this body and say: This is more important than other things and we are not going to allow any amendments on it. That is wrong, absolutely wrong.

I know my friend from Connecticut. I do not know of anyone in the Senate who is a better orator than the Senator from Connecticut. There is no one in the Senate who can better express himself than the Senator from Connecticut. But I say that even someone who is a proud sponsor of this legislation cannot go along with what the majority leader is trying to do. I have talked to him. I know the Senator from Connecticut. We cannot allow this to happen. We may have some disagreements on this legislation, as I have outlined how I feel about it. I do not think it is necessary. I think it is improper. I think we need to do some things to improve class action, but this isn't it.

But the majority has shot themselves in the foot. This is foolishness. We have wasted all day. We could have a couple, three amendments already debated.

So I say to my friend, the manager of this bill, I am no neophyte here. Cloture is going to be filed today and we will have a vote on cloture on Friday morning, and we will have to see how the cards stack up Friday morning. But if I were a betting man—and I do not bet on anything—I would say cloture will not be invoked on this legislation Friday morning.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Utah.

Mr. HATCH. Madam President, I know some of my colleagues on the other side want to speak. I have much more to say about this issue, and especially after the distinguished minority whip has chatted.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, my good friends have been waiting all morning to speak. I wonder if the Senator from Utah would allow a unanimous consent agreement that they could speak next in order, the two Senators from Massachusetts and Connecticut.

Mr. HATCH. That would be fine. Do we know how long they would speak?

Mr. REID. I do not know how long they would speak.

Mr. HATCH. Can we get some idea?

Mr. KENNEDY. Ten minutes at this time. And I see my colleague, the Senator from Connecticut, in the Chamber.

Mr. REID. It is my understanding the Senator from Massachusetts needs about 15 minutes and the Senator from Connecticut about 30 minutes; is that right?

Mr. HATCH. I have no problem with that.

Mr. REID. Madam President, I ask unanimous consent that the Senator from Massachusetts be recognized for 15 minutes, followed by the Senator from Connecticut for up to 30 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Madam President, before I leave the floor, I express my appreciation to the Senator from Utah. I know he would like to respond to what I said and he will want to respond to what the Senator from Massachusetts says, but I appreciate his courtesy here, as usual.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, first of all, I commend our distinguished Democratic leader, the Senator from South Dakota, for the way he has addressed the Senate earlier today on the proposals by the majority leader to limit the debate on this very important subject matter.

As the Senator from South Dakota pointed out, this legislation is broad, wide sweeping. It affects not only the business community, but it affects, in a very important way, workers, workers' rights, environmental rights. It affects the issues on civil rights. It affects the rights and the needs of many of our fellow citizens. It is an extremely serious piece of legislation that deserves debate.

We have a set of rules in the Senate, and if the majority leader and his colleague from Kentucky want to alter or change those rules, let's have a debate on altering or changing the rules. But, effectively, what the request and the action of the majority leader today is, is to basically circumvent the rules of the Senate. Those are rules that have been accepted. They are rules that have been altered to some extent—most significantly, the rule on cloture, since I have been here for 42 years—but they have worked pretty well for this institution historically. They work pretty well.

Part of the rules of the Senate are if a bill is authorizing legislation, we have an opportunity to bring amendments on that authorization bill. If those who are opposed to it are able to vote against it, that is the way the process works.

The majority has both the right and the privilege to raise the priorities they believe are the most important. A number of us have serious differences with the priorities our Republican colleagues have raised. They have raised the issue of class action.

I support the efforts of the Senator from Idaho, Mr. CRAIG, who is trying to focus on a particular problem that may not make a great deal of difference in many parts of the Nation, but makes an extraordinary difference to this country because it deals with an agricultural issue that has been a painful one for this Nation for the 40-odd years I have been in the Senate.

When I first came to the Senate we had what was called the bracero issue, where many temporary workers came to the United States, and they were exploited in the most dehumanizing way that we could possibly imagine. Articles were written about it. In a bipartisan way, we freed this Nation from that particular issue.

But there has been, obviously, tension between those individuals who perform the hardest work in America and those who are working in the field of agriculture and are paid the least, which happen to be these workers. A great percentage of them are undocumented workers who put the food on the table which benefits American families. It is a national tragedy that is taking place. Seventy percent of the over 1 million workers are undocumented.

The Senator from Idaho, myself, and 63 Members of the Senate in a bipartisan way are reflecting an expression of the workers and agribusiness, which is the first time that those groups have come together to help solve a very important issue that affects hundreds of thousands of individuals and their families and to do it in a very brief time period. There is strong support for this over in the House of Representatives as well. We could do it in a bipartisan way and get something done for justice and fairness that has been a thorn in the side of this country for some time.

The Senator from South Dakota talked about maybe even having five amendments. There are many of us who, with all due respect to the majority leader and the Republican leadership, feel if we could get that done in a short period of time, that would be a major step for progress. That would be a major step for progress and justice and fairness for so many of these families who have been exploited over time.

There are probably several other issues. I know Members on their side have their choice issues. But the idea that we don't have mental health parity here in the United States is a greater priority at least for me and I would say for millions of families in this country—I know it is for the Senator from New Mexico—than having the class action legislation that is before us.

We have seen an expression where we have had in excess of 60 votes. I believe it was close to 70, 72 votes in the Senate. Why not have a short time period on something that has strong bipartisan support and can make a difference to families and try to work out a time limit? That certainly seems to me to be a matter of importance. It seems to me to be a matter of consequence, something we could do in a bipartisan way in the Senate.

They have mentioned the minimum wage. For 7 years we haven't given an increase in the minimum wage to the hardest working Americans at the lowest rung of the economic ladder. They say: We will permit you to vote on it. That is all well and fine. After 7 years and after the fact that we have seen the Senate increase its own salary five different times, it won't increase the minimum wage for hard-working Americans, the majority of whom are women, a great percentage of them are Americans who are working hard, trying to provide for their families and falling farther and farther behind on the economic ladder. Now we are saying, as sort of a gratuity, we will let you have a debate. Don't get all so excited about that. We will grant you that. That is not the U.S. Senate I know. That is not the U.S. Senate our Founding Fathers fought for.

Those are just three. We could go on. We could go on to try to deal with the issue of prescription drugs. There is not a family in this country who doesn't have a senior member, a parent or grandparent, who is not today thinking about the cost of the increase in prescription drugs, 50 percent in the last 4 years. And they are wondering today whether they can afford the next batch of prescription drugs. It seems to me that could be on a list of four. We have bipartisan support on the issue on reimportation. That seems to this Senator to be more important. It could make a difference in the lives of people if we passed it today, if we were able to get the House of Representatives to go along with that. That seems to be a higher priority.

We are not even asking that we make it a higher priority. All we are asking is for our day in court and an accounting on the floor of the U.S. Senate on the people's agenda.

We have been closed out by the majority from getting action on those matters until now. If you want to make a unanimous consent request, we can make it and let you object to it about getting a time definite to vote on each and every one of those. We know what the answer would be because we have made the requests. The majority leader is not here, and I would not do so now without notifying him, but we know what the answer is.

We want to be able to express the people's view in a short time limit on a series of issues that have strong bipartisan support, and we are being told no.

We are also being told that we should pass this legislation. The Chief Justice of the United States has told us not to pass this bill. The National Association of State Chief Justices has told us not to pass the bill. And we are being denied to even debate these kinds of expressions by the Chief Justice, who is not known to be a Democrat, a liberal, or any of the other names. He is cautioning us. But no, we can't. No, no, we know better. The other side says: We know better. We are not going to let you debate it or offer any amendments to it. We may let you, if we want, if we make up our mind, let you have a particular amendment if we decide that it is OK.

That is not the Senate I was elected to. That is the expression that was said so well by our Democratic leader. That is my concern with the legislation. I would certainly follow those who feel that with a fair opportunity to have an expression on the kinds of proposals that our Democratic leader had proposed, which was the 5 nongermane, the 10 other kinds of amendments, and then go to final passage. Even though I have reservations about it, I would support that proposal and move ahead. That was not an unreasonable request. We should not diminish the role of any Member of the U.S. Senate by agreeing to anything less.

I will address the underlying issue in terms of class action, particularly as it affects issues on civil rights, particularly as it affects workers' rights. There has been no case that has been made in the Judiciary Committee that there needs to be this action to deal with the abuses in terms of the workplace, in terms of workers' wages; yet they are included. There has been no case that has been made that we ought to try and change the whole approach in protections for civil rights, although it has been included. That case has not been made. And you will deny under this legislation the opportunity for States such as my own that have passed genetic antidiscrimination legislation so that you cannot discriminate in the workplace based upon your genetics—the great protection of that is for women because under the DNA now there are so many kinds of tests that would indicate the possibilities of women developing breast cancer. We have prohibited that in Massachusetts, and effectively you are wiping that kind of protection out.

Maybe it will be heard in some distant Federal court, but why should our citizens in Massachusetts who have taken a position on this have to rely on that? We have issues of substance on this, and we will have a chance, hopefully an opportunity to debate these matters and to come to some conclusion on it.

I thank our Democratic leader for his courageous action. It is one I support completely. I think if our majority leader followed his admonition, we would make progress in advancing the interests of this body.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Madam President, I want to take some time to describe what was a very lengthy and worthwhile effort some 10 months ago to come up with a compromise proposal which is the substance of S. 2062, the legislation now before the Senate. I will do that in a moment.

Before doing so, I want to express my great disappointment at the process which the majority Leader has chosen. As my colleagues know, we worked very hard last October and November trying to come up with a compromise to give the class action reform bill an opportunity for consideration before the Senate. It is now the middle of July. In fact, this bill initially was to be brought up as the first item of business in January. For one reason or another, over the past number of months, this bill has not been brought forward until now.

I regret that deeply. Having served here for over a quarter of a century, I know that in a Presidential election year, the likelihood of getting something done becomes less and less. So those who set the agenda have to bear some responsibility, in a sense, for the situation we now find ourselves in procedurally.

Having worked on this very hard for a long time, and now finding myself in a situation where we are being told at this hour that the only amendments we can consider are ones that will be approved by the majority, is highly offensive to me and it ought be to any Member of this body.

This measure is very important. There are a lot of other important measures that the Senator from Massachusetts mentioned, all of which I support and with which I agree. But in this legislative body that the Framers founded some 220 years ago, the idea that we are not going to even agree to a process that would allow for a limited number of germane and nongermane amendments to be offered, is to in effect deny the Senate the opportunity to work its will.

Even before a single amendment has been offered, the Majority Leader has decided to fill up the amendment tree. In effect, he has precluded all Senators from offering amendments unless he deems them worthy to be offered. That includes, of course, Republican Senators as well as Democratic Senators. I also add that the Majority Leader has done this without any basis. As I have said, not a single amendment has yet been offered. This tactic is like a doctor prescribing a remedy for a perfectly healthy patient.

Last evening, I looked at the number of amendments filed. There were some 13 amendments filed. Most of them are germane amendments. There were several nongermane amendments. The Democratic leader offered a proposal of 10 germane amendments and 5 nongermane amendments on either side, with time limits. I am quite confident the authors would be willing to agree to a time agreement. I suspect that with a universe of 30 amendments, about half of them maybe would fall even before being offered. But the idea that we could not set parameters around the consideration of a bill this important I find rather breathtaking. After all, this how the Senate operates.

I floor managed with the Senator from Texas a number of years ago the securities litigation reform bill, which was another so-called tort reform bill. We spent 11 days on the floor of the Senate. Numerous amendments were offered to that piece of legislation. The then-majority leader, Senator Dole, threatened on a couple of occasions to file a cloture motion but never did. He allowed the Senate to work its will on that legislation. That is what ought to be done here as well. The fact that there has been an offer to limit the amount of time and the number of amendments ought to be embraced by the Majority Leader, not rejected by him.

I am a cosponsor of this bill and I care about it. If I am going to be confronted with voting on cloture Friday and cutting off debate, then take me off the bill right now. If you want to kill the bill, you can do it today, if that is the intention of the majority. I spent almost a year helping to write this bill, but I will not stand here today and deny Members of this body, under limited time agreements, to offer some ideas that the Senate can either accept or reject and move forward.

This is an important piece of legislation, but it is not so important to this Member that we would deny this institution the right to be able to do its business under the rules and procedures that have been provided for more than two centuries ago.

Obviously, there are problems. Some of these nongermane amendments may be adopted. Maybe germane amendments would be adopted that would cause some of us not to be able to support the bill. That is the risk you run in a legislative body. There are 100 of us, as coequals, who have the right to offer our ideas to legislation. Unlike in the other body down the corridor, nongermane amendments can be offered in the Senate. That is how the Senate functions.

There is a risk, obviously, that this bill will get complicated. But the idea that we are going to shut off the possibility of these ideas being offered ought to be offensive to every Member, even those who support the legislation. If it can happen here, it can happen on a bill you support or oppose for one reason or another.

I am terribly disappointed that I am looking at a procedural situation that I warned about, which is that if you didn't provide adequate time for Members to be able to offer amendments—even amendments not particularly helpful in the eyes of some of my colleagues—you run the risk of undercutting the legislation. Maybe that is what the majority wants to do anyway, on the assumption that those groups outside who support the underlying bill will blame those of us who are willing to shut down the debate and, if not, give us an opportunity to let the Senate work its will. That is a false hope. I believe people are much smarter than that. They understand that if you don't let the Senate work its will, even under time constraints and amendments that are being limited in number, you do a great bit of damage to this institution.

It is late in the year, but I believe we have a good bill here. I want to describe it briefly, if I may. We have worked on an excellent compromise that a majority of colleagues here can support.

First of all, I am a very strong supporter of class action as a procedural device. Class action lawsuits have provided individuals of modest means the ability to band together to achieve systemic change when they could not have done so individually. In fact, important legal developments in such areas as civil rights, sex discrimination, and environmental protection have been the result of class action lawsuits.

But there is considerable evidence from courthouses across the country that class actions are being abused. Procedural rules that are designed to decide fair and just outcomes for individual plaintiffs and defendants are not being followed in too many cases. As a result, the class action system is not working, in my view, the way it was intended, and justice is not being served.

Madam President, I am also one who has supported and opposed various tort reform measures. I suggest that what we are talking about here is more court reform than tort reform.

For example, I opposed medical malpractice reform, not because I don't think we ought to do something about it, but it was a poorly crafted bill.

I also opposed liability protection for gunmakers. By the way, most manufacturers of firearms reside in my State, but the idea that we are going to exclude an entire industry from litigation was highly offensive to me.

I opposed liability protection for manufacturers of the so-called MTBE, which pollutes ground water. I supported a patient's right to sue their HMOs and insurance companies, which are a major industry in my State. Obviously, I helped write and helped to support the securities litigation reform, uniform standards, Y2K legislation, and the terrorism insurance bill.

So I don't fall into a category here of being for whatever is titled "tort reform," supporting it or opposing it. I have a record that I believe is one of balance and support of those ideas and efforts that truly were designed to try to improve a litigation system. That is the background of my own voting record.

I will give you a history in terms of this compromise. On October 22 of last year, the Majority Leader sought to proceed to an earlier class action measure, S. 1751. The vote on that motion to proceed was 59 to 39, which is 1 vote short of the required number to invoke cloture.

At the time of that legislation, I voted no on invoking cloture, and I did so with some reluctance. I noted that, while I supported some reform of class action procedures, I could not support S. 1751. I also expressed concern about whether there would be any meaningful opportunity for Senators to negotiate changes in that bill in a bipartisan fashion.

I told colleagues in October of last year that reaching an agreement on class action reform required us to roll up our sleeves to get it done. Many long hours of painstaking negotiations were ahead of us. As an author of the securities litigation reform bill, the uniform standards legislation, terrorism insurance, and the Y2K bill, I know that principled compromise could be reached on class action reform as well.

I argued at the time, and my sentiment still holds true today, that "the American people deserve better. We are not working together as often as we should on critical questions. If we do not do it, then we do a great disservice to the American people."

Subsequent to the vote in October 2003, I joined with three of my colleagues in sending a letter to the Majority Leader on November 14. In that letter, we outlined the specific policies that we believed needed to be addressed in a class action bill that would garner the necessary votes to pass in this body.

In November of last year, Senators SCHUMER, LANDRIEU, and I entered into discussions with Senators FRIST, HATCH, and GRASSLEY. Those negotiations resulted in the compromise that is before us today.

I do believe this legislation is a significant improvement over the earlier bill considered by the Senate last year. When Senator SCHUMER, LANDRIEU, and I sent our letter to the Majority Leader, we asked for five changes in that legislation:

No. 1, we wanted to ensure that the jurisdictional provisions keep truly local cases in State courts.

No. 2, we wanted provisions on mass tort actions to be as precise as possible.

No. 3, we wanted to prevent the potential for repeated removal and remand between State and Federal courts, the so-called "merry-go-round effect."

No. 4, we wanted to provide appropriate compensation to those plaintiffs who take the risk of coming forward.

And No. 5, we wanted stronger provisions on abusive coupon settlements.

We got those changes and more. In fact, we asked for those 5 changes, and yet we got 12 improvements to the bill as originally proposed.

I am pleased to say that the compromise we reached last year is a measured, bipartisan response that fixes many aspects of our broken class action system. In addition, it strikes the appropriate balance between protecting Americans' access to the courthouse while ridding the class action system of its most egregious abuses.

I want to emphasize at the outset that this bill is a fragile, carefully-crafted compromise. There are some who will argue the bill goes too far, and others will tell you it does not go far enough. I happen to believe it achieves the right balance. It may not be perfect, but I think it is a good balance overall.

Having entered into a good-faith agreement with my colleagues on both sides of the aisle, I want to see the compromise preserved both on the Senate floor and in conference. No statement has been made by the Democratic leader that he is opposing the appointment of conferees on this bill. Part of the agreement was that the compromise we reached in the Senate would be the one approved by the House in conference. If that was not the case, then those of us who agreed vote on the motion to proceed would reserve the right to filibuster the conference report. We certainly continue to hold that view.

S. 2062 reforms the current class action system in a number of meaningful ways. Let me go through them if I can rather quickly.

First, it addresses the issue of coupon settlements which constitutes one of the greatest abuses in our courthouses today. Here the plaintiffs receive coupons, or a token payment, for a discount off their next purchase while their attorneys pocket millions of dollars in fees.

It is not only the plaintiff attorneys who benefit from these coupon settlements, but the defendants benefit as well. For example, the average redemption rate in a settlement involving food and beverage coupons have been between 2 and 6 percent. As a result, the purpose of these coupon settlements has changed. They no longer serve class members but defendant and plaintiff attorneys instead.

The original class action bill brought to the Senate last year in October only provided for greater judicial scrutiny of such coupon settlements. Senators on the Judiciary Committee who opposed the bill rightly argued that "reforms with real teeth were needed to end worthless coupon settlements in class action cases."

We agreed with their view. The compromise does a much improved job of reining in these coupon settlements by pegging the lawyers' fees to the value of the coupons actually redeemed by class members or on the reasonable value of the legal work actually performed by the counsel in the litigation. As a result, there will be a strong incentive to resist easy settlements and fight for an outcome that is truly fair and equitable to the plaintiffs.

Another important consumer protection enshrined in the compromise bill concerns the payment of so-called bounties. The earlier legislation included a provision that prohibited settlements that allow one member of a plaintiff class from receiving a higher settlement award than other members of that class.

On its face, such a provision might seem innocuous. After all, it appears to confirm the notion that all plaintiffs should be treated equally and fairly. However, the bounties provision in the original bill would have unintentionally created a significant problem. While it makes sense for all plaintiffs' class members to be treated equally in many cases, in some other instances it is more appropriate for some class members, particularly class representatives, to receive larger awards than others in the same class. For example, in a class action designed to prevent the wrongful discharge of employees, it would be appropriate for those who have already been fired, for instance, to receive larger settlements than those who are merely threatened with being fired.

Furthermore, in many cases, the named plaintiffs—the people whose names appear on the papers filed with the court—are subjected to harassment, angry phone calls, hate mail, even death threats. Anybody who has seen Julia Roberts' movie "Erin Brockovich" or the earlier Meryl Streep movie about the life and death of Karen Silkwood will recall that being a named plaintiff in a lawsuit against a company that employs many people can be a very unpopular thing to do. It often takes courage to stand up for what one believes is right, and unfortunately those who have the courage to do the right thing are sometimes attacked, ridiculed, and ostracized.

If the bounty provision in the earlier bill were to have remained in the compromise, it would have simply stripped away any incentive for individuals to come forward and protect the rights of the class. Under current Federal law, a class representative in a successful class action can be rewarded for taking the initiative to fight unlawful discrimination. Most class members choose to sit on the sidelines and reap the benefits of the case when it is finished. Class representatives, on the other hand, take an active role in their cases, and they do so not only for themselves but to obtain justice for others in similar situations. Under the earlier bill, the courts would not have been able to recognize the special efforts or contributions made by class representatives.

We have listened to the civil rights community which was strongly opposed to the bounties provision in the original bill. The compromise deletes this provision, which will ensure that the courtroom doors remain open for those plaintiffs willing to serve as class representatives.

The compromise bill also responds to the concerns of the Federal Judicial Conference and others about the class settlement notice provisions in the earlier measure. The provision in the original legislation was intended to provide clear and simpler notices to class members regarding proposed class settlements. However, we heard from the Federal Judicial Conference that the notice requirements, while well intentioned, would have actually been too burdensome and too complicated to implement.

According to the Judicial Conference Rules Committee, these notice requirements would have "undermined the bill's stated objectives by requiring notices so elaborate that most class members [would] not even attempt to read them." In addition, they would have conflicted with the December 1, 2003 amendments to Rule 23 of the Federal Rules of Civil Procedure, which are similarly intended to guide the form and content of settlement and certification notices provided to class members. The compromise, therefore, deletes the confusing notice provisions in the earlier bill and simply enacts the recommendations of the Judicial Conference. Yet another compromise in this legislation.

At the very heart of the compromise are provisions concerning when interstate class actions can be removed to Federal court. Under Article III of the U.S. Constitution, out-of-State litigants are protected against the possibility of prejudice of local courts by allowing for Federal diversity jurisdiction when the plaintiffs and the defendants are from different States.

Title 28, section 1332(a) of the United States Code specifies the current requirements that must be met for an out-of-State litigant to claim Federal diversity jurisdiction and have his or her case heard by a Federal court. First, every member of the class must be seeking damages in excess of $75,000, including interest and costs. Second, there must be complete diversity; that is, every named member of the class must be a citizen of a different State than every defendant in the same litigation.

Walter Dellinger, the former Solicitor General during the Clinton administration, noted that when Congress first drafted the diversity jurisdiction statute, the class action system as we know it today did not exist at all. In the years since its enactment, however, the law has been interpreted to exclude most nationwide class actions from Federal court.

For example, Dellinger remarks that the requirement for complete diversity can easily be avoided by the simple expedient of including at least one named plaintiff and defendant that share a common State citizenship.

With regard to the amount in controversy requirement, Mr. Dellinger contends that a class action can easily be configured to ensure that at least one class member does not satisfy the minimum amount, or by seeking $74,999 in recovery on behalf of each and every plaintiff and class member.

As a result, attorneys bringing class actions can manage to avoid Federal court all together, and have the case tried in a State court, often in the county of their choosing, even though the total amount at stake might exceed hundreds of millions of dollars and have true multi-State national implications. This practice is commonly known as "forum-shopping." While it is in concept a long-standing part of our law, it has become a growing problem in the United States.

Under S. 2062, the bill now before us, the current rules for diversity jurisdiction are carefully adjusted so that certain large multiparty cases, namely, those that are truly nationwide in scope, affecting many or even all States at once, will be litigated in the Federal courts rather than in the courts of just one State or county. In other words, the compromise would bring the class action process closer to the Framers' intent by allowing cases that are multi-State or national in scope, where the risk of local biases are the greatest, to be heard in Federal court and not in State court.

Specifically, the Federal district court will have original jurisdiction over any class action with more than 100 members if the following two requirements are met. First, the aggregate claims must exceed $5 million, rather than each and every class member must exceed $75,000 in alleged damages. Second, rather than requiring every member of a class be a citizen of a different State than every defendant, S. 2062 allows for Federal jurisdiction if any class member is a citizen from a different State from any defendant. Again, the purpose of these changes is to ensure that more substantial multi-State class actions are heard in Federal court.

Mr. DURBIN. Will the Senator yield for a question?

Mr. DODD. Could I finish? I only have a limited amount of time, and I apologize, and I will get through this statement.

These moderate changes to the Federal diversity statute were included in the original legislation that came before the Senate last October. Under the compromise, however, we further refine these provisions to address two important concerns that were not fully taken into account in the earlier bill. I want to especially commend Senator FEINSTEIN of California for her leadership in helping to clarify these issues, both during the Senate Judiciary Committee's consideration of the earlier measure and in the discussions that led to this compromise.

First, the compromise responds to concerns that the original bill did not adequately address the handful of small, rural State courts that have increasingly become a magnet for more and more nationwide class actions. Such "magnet jurisdictions" have tended to have lax class certification requirements, and have been less than rigorous in reviewing proposed settlements. In fact, one of the most flagrant abuses of the current class action system occurs when lawyers "forum shop" that is, invent an injured class and then file a national class action in a "magnet jurisdiction" where the judges are more likely to lend a sympathetic ear.

Perhaps the most famous of these so-called "magnet jurisdictions" is Madison County, IL. According to a 2001 study in the Harvard Journal of Law and Public Policy, the per capita rate of class action filings was almost twice that of the second-ranking jurisdiction in the United States. In recent years, the study found that class action filings in Madison County increased by 1,850 percent during the period between 1998 and 2001.

Although the population of Madison County is only 250,000, it ranks third nationwide in the number of class actions filed each year, behind only Los Angeles County, CA and Cook County, IL.

Mr. DURBIN. Would the Senator yield for a question?

Mr. DODD. I am limited on time, I say to my colleague. When I get through this, I will be glad to respond.

Mr. DURBIN. The Senator is talking about Illinois. I wanted to ask a question or two about Illinois.

Mr. DODD. I will come back to the Senator.

Even more astounding is the data reported in the January 11, 2004 St. Louis Post-Dispatch, which discovered that in anticipation of Congress reforming class action procedures, the number of class actions filed in Madison County Circuit Court rose to an all-time high.

Yet it is not only the sheer numbers of filings in Madison County that is so astonishing. What is so surprising is that many of these class actions have little connection to the county. In fact, sometimes only a few class members actually came from that particular jurisdiction. Even the Illinois Supreme Court has noted the congested dockets in this court and declared "the congestion is aggravated by the presence of [nonresident] cases that have little or no connection to Madison County."

For example, a recent case that found its way to Madison County involved a purported class action on behalf of 30 million customers who claimed to be injured by Sears in connection with an allegedly deceptive tire balancing service. Only one plaintiff, a Madison County resident, was named, and only one Sears automotive repair shop was actually located in Madison County. The class action, however, sought to certify a nationwide class, allegedly subject to the Illinois Consumer Fraud Act, despite the fact that the vast majority of class members and the vast majority of Sears locations have no connection to Illinois at all, much less to Madison County.

Madison County has especially been a magnet for asbestos cases. In fact, Madison County led the Nation 2 years ago in the number of mesothelioma cases filed. In most of these cases, however, the plaintiffs did not live in Madison County, were not exposed to asbestos in Madison County, and were not treated for any asbestos-related illnesses in Madison County.

For example, in a recently decided case, an Indiana resident claimed that he was exposed to asbestos at the U.S. Steel plant in Gary, IN. He sued U.S. Steel, which is based in Pennsylvania, in Madison County. Despite the total lack of connection to the local forum, the case proceeded to trial and a Madison County jury awarded him $50 million in compensatory damages and $200 million in punitive damages.

Clearly, such practices need to be curtailed in any meaningful reform of the class action system.

Again, I emphasize I am a strong supporter of class action. Class action litigation is critically important, but when these things get out of control, then we have to get them back on track again.

There are many more examples of national class actions implicating hundreds of millions if not billions of dollars being decided by Madison County judges because of its reputation as a magnet court. That means that the laws of Madison County, Illinois on everything from insurance policy to consumer fraud to environmental protection are being imposed on the residents of the other 49 states, despite the fact that many of those States have adopted different legal views.

The compromise bill specifically addresses this serious problem. It includes language not in the earlier bill to clarify when a Federal court can exercise its jurisdiction if between one-third and two-thirds of the proposed class members and all primary defendants are citizens of the same State.

Specifically, the compromise authorizes Federal courts to consider any "distinct nexus" or connection between the forum where the action was brought and the class members, the alleged harm, or the defendants. The purpose of this provision is to require Federal judges to consider whether the interstate class action has any relationship to the jurisdiction where it is brought. If there were no such connections, as in the case of many of the class actions filed in Madison County, the Federal judge would then have the discretion of moving the case to Federal court. Such a provision would therefore rein in the blatant forum shopping that is so prevalent in Madison County and other magnet jurisdictions today.

The other improvement to the Federal diversity statute that the compromise bill makes concerns the so-called "local class action exception." The purpose of this exception is to ensure that State courts can adjudicate class actions that are truly local in nature, and they should have that right.

Under the original bill, Federal jurisdiction would not have been extended to those cases in which two-thirds or more of the members of the plaintiff class and the primary defendants were citizens of the State in which the suit was filed. Such cases would have remained in State court, since virtually all of the parties in such cases would have been local, and local interests therefore presumably would have predominated.

There were concerns raised in the earlier bill, however, that class actions with a truly local focus may be moved to Federal court because of the presence of an out-of-State defendant necessary to prosecuting the action.

The compromise responds to these concerns by further refining the criteria as to when a class action is to remain in State court. First, under our proposal, there must be a primarily local class—that is, more than two-thirds of the class members should be citizens of the forum State. Second, there must be at least one real local defendant. Third, the principal injuries resulting from the alleged conduct or related conduct of all of the defendants must have occurred in the forum State. Finally, there must be no other class actions having been filed in the previous 3 years based on the same or similar allegations against any of the defendants. Again, these provisions respect State sovereignty by ensuring that class actions of a truly local nature are kept at the State level, while complex class actions with nationwide implications are heard in Federal courts.

I want to briefly respond to some of the concerns raised about the jurisdictional provisions in the bill. Critics of this legislation have claimed that the measure would sweep most if not all State class actions into Federal court, where overburdened and unsympathetic judges would let them wither and die.

I believe that such concerns are largely misplaced. First, as I noted earlier, we included provisions in the compromise to ensure that State prerogatives are respected. These provisions—namely, the "local class action exception" and the "distinct nexus" language—are intended to keep truly local cases in State court.

In fact, the compromise leaves in State court a wide range of class actions, such as those in which all the plaintiffs and defendants are residents of the same State; those with fewer than 100 plaintiffs; those involving less than $5 million; those in which a State government entity is the primary defendant; those brought against a company in its home State in which two-thirds or more of the class members are also residents of that State; and shareholder class actions alleging breaches of fiduciary duty.

What the compromise does target for Federal jurisdiction, however, are those nationwide or multistate class actions that are filed in magnet courts such as Madison County, IL. While I respect the views of those who assert that State courts are appropriate forums for such cases, I must respectfully disagree. In my view, such large, multistate or nationwide class actions are precisely the kinds of cases that are most appropriately tried in Federal court. I believe that the provisions we included in the compromise are quite discriminating about which class actions will be removed to Federal court and which will remain in State court.

Second, critics of the legislation have argued that Federal courts are so overburdened that they do not have the resources to handle class actions formerly assigned to State court judges. Again, these concerns are unfounded. The real workload issues are not in the Federal courts but in the State courts, where the average State court judge is assigned three times as many cases as his or her Federal counterparts. According to the Court Statistics Project, State court judges are assigned over 1,500 new cases each year. In contrast, the Administrative Office of the United States Courts finds that each Federal court judge was assigned an average of 518 new cases during the 12-month period ending September 30, 2002.

Third, I also want to be perfectly clear on one further matter. There is absolutely nothing in this legislation that would alter any individual's right to seek redress for his or her injury. It does not grant defendants any new defense. Consumers can bring the same exact claims as they are bringing now. Civil rights, environmental, and employment claims are in no way precluded. The only issue that this bill would address is whether it is more appropriate for a State or Federal court to adjudicate those same rights, and I believe that we have struck the appropriate balance in making this determination.

I want to now return to the other provisions in the compromise that represent significant improvements over the earlier legislation.

We have clarified the date when the plaintiff class could be measured. The compromise makes clear that citizenship of the proposed class members is to be determined on the date plaintiffs filed the original complaint. If there is no Federal jurisdiction over the first complaint, however, citizenship is to be determined when plaintiffs serve an amended complaint or other paper indicating the existence of Federal jurisdiction.

The original bill had been silent on when class composition could be measured, which caused some concern that a court would have to constantly reconsider jurisdiction as the contours of the class changed. I believe that the compromise has adequately addressed this matter, and has provided much needed clarity to determining class composition.

Another provision in the earlier bill that caused great difficulty would have required Federal courts to dismiss class actions if the court determined that the case did not meet Rule 23 requirements. The bill provided that the class action complaint may be amended and refiled in State court, but that the new complaint would be subject to removal again if it met Federal jurisdictional requirements. Thus, even if a State court subsequently certifies the class, it could be removed again and again, creating a judicial merry-go-round between Federal and State court.

The compromise stops the merry-go-round altogether. It eliminates the dismissal requirement, giving Federal courts discretion to handle Rule 23-ineligible cases appropriately. Potentially meritorious suits will therefore not be automatically dismissed simply because they fail to comply with the class certification requirements of Rule 23.

The original bill would have also allowed the removal of a case at any time to Federal court even if all other class members wanted the case to remain in State court. In June 2003, 106 professors of constitutional law and civil procedure wrote to Majority Leader FRIST and Minority Leader DASCHLE expressing their concerns over this provision. They argued that:

> [It] would give a defendant the power to yank a case away from a state-court judge who has properly issued pretrial rulings the defendant does not like, and would encourage a level of forum-shopping never before seen in this country. Moreover, this provision would allow an unscrupulous defendant, anxious to put off the day of judgment so that more assets can be hidden, to remove a case on the eve of a state-court trial, resulting in an automatic delay of months or even years before the case can be tried in Federal courts.

We listened to the concerns of the law professors and deleted the provision in the original bill allowing plaintiffs to remove class actions. We also retain current law permitting individual plaintiffs from opting out of class actions. The compromise would therefore make a real difference in curbing abuse of the removal process by various counsel.

Two further improvements in the compromise are also worth mentioning.

First, we responded to concerns that the "mass actions" provisions in the original legislation were too broad. The earlier bill would have treated all mass actions involving over 100 claimants as if they were class actions.

Under the compromise, only more substantial claims in a mass action—namely, those that would meet the normal jurisdictional amount requirement of $75,000 for individual actions—will be subject to Federal jurisdiction.

In addition, we change the "single sudden accident" exception to exclude from Federal jurisdiction mass actions in which all claims arise from an "event or occurrence" that happened in the State where the action was filed and that allegedly resulted in injuries in that State or in a contiguous State. The purpose of this change is to allow a much broader range of truly local cases to remain in State courts.

The compromise also clarifies that there is no Federal jurisdiction under the mass action provision for claims that have been consolidated for pretrial purposes.

Second, the original bill would have allowed defendants to seek unlimited appellate review of Federal court orders remanding cases to State courts. If a defendant requested an appeal, the Federal courts would have been required to hear the appeal and the appeals would have taken months or even years to complete.

The compromise would obviate the potential for workload problems and long delays in two important ways. First, it would give the appellate courts the discretion to conduct reviews at their discretion. Presumably, Federal courts would refuse to hear an appeal unless it presented novel issues or where a district court has clearly abused its discretion. Second, it requires such appeals to be heard on an expedited basis by establishing tight deadlines for completion of any appeals so that no case can be delayed more than 77 days, unless all parties agree to a longer extension.

Finally, the compromise is in no way retroactive—that is, it will not upset or alter in any way cases filed before enactment, should in fact the bill be signed into law. Unlike other litigation reform bills considered by this Congress on guns, medical malpractice, and MTBE, the compromise does not shut the courtroom door on anyone. Instead, it will just direct them to a Federal rather than a State courthouse.

These changes I have discussed represent a fair and a balanced compromise. They constitute a significant improvement over the earlier class action reform legislation brought before the Senate last October.

I want to reemphasize my long-held view that a strong class action system can ultimately serve as a force for good. It can be used to hold companies accountable for significant violations that may result in a small monetary charge for one victim. It can also be harnessed to allow large groups to seek redress for civil rights and other harms where they could not have done so individually. In short, the class action system is the great equalizer in the American judicial system.

Yet nobody can deny that the class action system is being seriously abused. As The Washington Post editorialized last year:

> No area of the United States civil justice system cries out more urgently for reform than the high stakes extortion racket of class actions.

In addition, an excellent Newsweek article published last December entitled "Lawsuit Hell: How Fear of Litigation is Paralyzing our Professions" noted that such lawsuits are:

> . . . changing and complicating the lives of millions of American professionals in ways that confound common sense and cast a shadow over a system that can, at its best, offer people relief and redress from legitimate grievances.

Even former Solicitor General Walter Dellinger commented that such evidence of class action abuses in State and county courthouses:

> . . . gives me great concern that the rights of truly injured individual plaintiffs, as well as the rights of corporate defendants, have fallen victim to manipulation, and even evasion, of settled rules—rules that, no less than financial disclosure laws, are intended to ensure openness and accountability, as well as fundamental fairness, in the judicial resolution of major disputes with national consequences.

Ultimately, the real losers of a broken class action system are not businesses or consumers. Rather, it is the American public's overall confidence in the legal system that will suffer unless a sensible class action reform package, such as that contained in the compromise, is enacted into law.

Bipartisan legislation addressing the class action system's most egregious abuses is long overdue. This carefully balanced compromise that is now before the Senate will make a real difference in reducing the abuse and manipulation of the class action system. It would restore class actions to their original noble purpose as a force for positive change in society, and I urge my colleagues not to let this golden opportunity be squandered.

I know time is getting short. My colleague from Illinois was here, and he would like to be heard on this matter.

Let me return to where I started. I spent a lot of time on this measure. I think we have written a very good bill. I would not claim that this bill is perfect. There are some colleagues who fundamentally disagree with me on this issue, and I respect their views.

What I cannot tolerate, however, is the procedure under which this bill is going to be considered. I say to my friends on the other side of the aisle with whom I worked very closely, if you constrain this institution's ability to offer either nongermane or germane amendments to this bill, then this Senator will not be able to support the motion to invoke cloture.

We failed to invoke cloture by only one vote last October. Although I care about this bill very much, I care far more about the Senate and how we do our business. It is going to disappoint me terribly to have to vote against cloture. But if you constrain the ability of Members of this body to offer specific amendments, then this Senator is going to have to wait for another day to fully consider this measure.

There are many people across this country who believe we put together a good compromise, but I am not going to vote for a compromise that doesn't allow the Senate to work its will on this important matter.

I realize my time has expired.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Did the Senator have enough time? Is the Senator finished? I would certainly grant him more time.

Mr. DODD. I am.

Mr. HATCH. Madam President, I appreciate much of what the distinguished Senator from Connecticut has said with regard to this bill. He is right on. I do not agree with him that he should not vote for cloture on this matter because he knows, we all know, if we do not get cloture, this bill is not going to make it.

The Senate is used to having nongermane, irrelevant—nonrelevant amendments foreclosed in order to get legislation passed. We all know unless we foreclose that, this legislation is never going to see the light of day. That is what we have been putting up with now for 6 years.

To come on the floor today, as some have, and indicate that the Senate is going to be broken if we proceed on this bill in a way that permits only germane amendments and with one nongermane amendment which those on the other side have wanted for months, and which I think the majority leader was willing to give them, is not shooting straight, as far as I am concerned. As everybody knows, we have worked 6 years on this bill; 62 people signed off on this bill as prime cosponsors. We lost on cloture by one vote last time, one solitary vote. If we get only one of the three who agreed to go ahead with this bill, knowing it would cut off the extended debate or the filibuster, which is what we agreed to, then this bill is going to go forward and we will only have to deal with germane amendments and not a whole proliferation of nongermane, political, politicized amendments, which is what the majority leader would like to foreclose.

All of the holier than thou "we must preserve the Senate" comments are meaningless in this context. If this were the first time this bill had ever been considered, if it had not had extensive debate through at least four hearings through the years, if it hadn't had an extensive internal debate as we agreed to accept a whole raft of amendments by the three who came on this bill back in November of last year with the understanding that we are going to invoke cloture—if we had not gone through all that, then I might see some reason for the comments made here today, but those comments should not see the light of day if you look at the facts and you look at what has gone on here.

Let me mention my support of S. 2062, the Class Action Fairness Act of 2004. I appreciate Senator REID's impassioned defense of trial lawyers. It is a profession I proudly belong to and share with him. But this bill is not about attacking trial lawyers. It is about correcting certain grotesque abuses of our judicial system by a handful of class action lawyers who are giving all the other trial lawyers a bad name. On this point the evidence is clear and undeniable.

Furthermore, I would like to note that the Erin Brockovich case, which my Democratic colleague from Nevada mentioned, would have remained in State court. There is no question about that. The suit of Anderson v. PG&E, known as the Erin Brockovich case, was brought in California by California residents against a California company.

There is no question that if they wanted to stay in State court they could. Under this bill, the case would not have been eligible for removal under diversity jurisdiction principles. Our concern is to remove truly national actions to Federal court and not local controversies like this one.

The evidence is clear and undeniable. The well-documented abuse of the class action litigation device victimizes plaintiffs—the very people that class actions are supposed to benefit. These abuses cheat millions of consumers who unwittingly have their legal rights adjudicated in local courts thousands of miles away. They deny the due process rights of defendants who are relentlessly hauled into a handful of small county courts where the playing field is unfairly tilted in favor of the plaintiffs' bar. And if that were not enough, class action abuses are eroding public confidence in our civil justice system.

To give the class action problem some perspective, I want to consider the effect of this litigation in just one locale—Madison County, IL, which the Senator from Connecticut mentioned. There we find a case study in the rampant misconduct within the class action system, its corrupting effect on the courts, and the desperate need for reform. This small town in the Southwestern part of that state provides all the evidence necessary to convince anyone that the legal system is currently being exploited by shameless and self-seeking plaintiffs lawyers.

Madison County, IL is a rural county. I imagine that it is the type of place where Abraham Lincoln first got his start as a young lawyer and advocate for justice. In some notes taken in preparation for a Law Lecture around 1850, Lincoln set the ideal for his profession, a profession practiced by many in this Chamber.

No. 1: Discourage litigation. Point out how the nominal winner is often the real loser in fees, expenses, and waste of time.

No. 2: Never stir up litigation. The worst man can scarcely be found than the one who does this. Who can be more nearly a fiend than he who habitually overhauls the register of deeds in search of defective titles and stirs up strife to put money in his pocket. The moral tone ought to be infused into such a profession which should drive such man out of it.

No. 3: An exorbitant fee should never be claimed.

That was Abraham Lincoln. These words were uttered during a time when being a lawyer carried a title of honor, integrity and trust. Unfortunately, these words no longer carry such meaning for the lawyers who descend on Madison County. In the "Land of Lincoln," the rule of law has been corrupted almost beyond recognition by self-interested personal injury lawyers, plaintiffs, and public officials without any sense of shame.

Unscrupulous personal injury lawyers go forum shopping to find friendly jurisdictions such as Madison County. Then the judges in those jurisdictions are frequently compromised by campaign contributions from the very same law firms arguing in their courtrooms and certify these cases with the proverbial rubberstamp, even though they don't deserve certification.

Finally, sympathetic local juries trying out-of-state corporations bestow unjustified and sometimes outrageous awards.

This pattern of behavior is not only an affront to the due process right of the defendants, but it breeds disrespect for the rule of law itself.

Let me refer to this chart. "Honest Abe" would be ashamed, and I would say anyone else would be ashamed who studied his life. The "Land of Lincoln" has become the land of lawsuits. Madison County has become the principal place where they bring these frivolous lawsuits and where they bring them because they are forum shopping. They know they can take unfair advantage. It is easy to see. They hire the attorneys right there in Madison County who have helped to support the judges who sit on the bench. The juries in that county don't care what the rule of law is or what reasonable approaches to the law really may be.

The courthouse in Madison County, IL is now described as "magnet court," always on the lookout to find suitable venues for enriching itself. Entrepreneurial plaintiffs' lawyers or personal injury lawyers, many who practice in the field of personal injury, are sucked into its orbit.

The numbers alone tell the story. Over the last 5 years, the number of class actions in the county has increased by 1,000 percent.

Let me repeat that so this astronomical figure can sink in: a 1,000-percent increase. It almost defies logic. In 1998, there were only two class actions filed in the county. In 2000, that number rose to 39. In 2001, there were 43 new class actions.

One year later, the bridges leading to the riches of Madison County were clogged with carpet-bagging lawyers as word hit the street that the local court there was giving away money like it was Christmas Morning. Enterprising plaintiff's lawyers looking to make a quick buck knew that Madison County was the place for business. This includes millions of people. In 2002, 77 class action suits were field. In 2003, there were another 106. Between 1998 and 2003, the number of class actions in the county rose from 1 to 106.

In the classic American musical The Music Man, a con man came to take advantage of a small Midwestern town. In today's revival, a marching band of lawyers has descended on Madison County, with tall tales of jackpot justice and the dream of getting something for nothing. Only this time the judges of that Midwestern town have joined hands with the con-men to take all of America for a ride. Even when the purveyors have law degrees on their walls, snake oil is still snake oil.

Just in the last 3 years, the lawyers who flocked to Madison County succeeded in having the following classes certified:

All Sprint customers in the entire Nation who have ever been disconnected on a cell phone call in a suit in Madison County; every RotoRooter customer in the country whose drains might have been repaired by a non-licensed plumber; and all consumers who purchased limited edition Barbie dolls that were later allegedly offered for a lower price elsewhere.

Those are just three examples of how ridiculous this was getting. If it were not so tragic, it would almost be easy to laugh at these cases. We laugh at the thought of small county courthouse in Illinois adjudicating cases against national companies, involving various State and Federal regulations, and involving millions if not billions of dollars in settlements—but where neither the plaintiffs nor the defendants are typically residents of the county. These locally elected judges, with the close assistance of interested plaintiffs' attorneys, merrily continue to set policy for the entire nation, defying the principles of self-government on which our Federal system is based.

This situation is a mess and a few plaintiffs' lawyers are exploiting it to the hilt. The same five firms appeared as counsel in 45 percent of all cases filed between 1999 and 2000. Of the 66 firms appearing in these cases, 56 of them—85 percent—had office addresses outside of Madison County.

In this small county, with a population of 259,000, there are somehow more mesothelioma claims from asbestos exposure than in all of New York City, with its population of 8 million. On 9-member firm with an office in Madison County claims to handle more mesothelioma cases than any firm in the country.

And who benefits form all this litigation? One Madison County judge approved a $350 million settlement against AT&T and Lucent for allegedly billing customers who leased telephones at an unfair rate. What did the lawyers get? Forty-four lawyers from our firms will split $80 million for legal fees and $4 million for expenses. And the customers? They actually lost money. After their legal fees, the average class member got hit for $6.49. That is outrageous.

Lincoln's example is a distant memory in Madison County and clearly something is rotten in middle America. The Washington Post has succinctly described the situation. "Having invented a client, the lawyers, also get to choose a court. Under the current absurd rules, national class actions can be filed in just about any court in the country." And those lawyers are picking Madison County. They're picking it because it is what some call a magic jurisdiction.

Dickie Scruggs happens to be a friend of mine. He made this comment. Dickie is one of the most wealthy and successful trial lawyers in the country. But he said this regarding Madison County and the "magic jurisdictions."

> What I call the "magic jurisdictions" . . . is where the judiciary is elected with verdict money. The trial lawyers have established relationships with the judges that are elected; they're state court judges; they're populists. They're what got large populations of voters who are in on the deal, they're getting their [piece] in many cases. And so, it's a political force in their jurisdiction, and it's almost impossible to get a fair trial if you are a defendant in some of these places. The plaintiff lawyer walks in there and writes the number on the blackboard, and the first juror meets the last one coming out the door with the amount of money. The cases are not won in the courtroom. They're won on the back roads long before the case goes to trial. Any lawyer fresh out of law school can walk in there and win the case, so it doesn't matter what the evidence or the law is.

This was Dickie Scruggs talking to Asbestos for Lunch, in May 2002. I think Dickie Scruggs has been very honest and accurate. I don't think anybody can deny what he is saying.

What makes it so magical? In a magic jurisdiction, the supposedly objective judge and jury both stand to gain from the settlement. Madison County is, the Chicago Tribune noted, a jackpot jurisdiction where local newspapers "sport advertisements looking for the local plaintiff who can provide a convenient excuse to file."

This choice of venue might have something to do with the fact that the elected judges of the circuit court of Madison County receive at least three-quarters of their campaign funding from the lawyers who appear before them in these class action suits. Unbelievably, since it so obviously smacks of corruption, this is an increasingly common occurrence all over the country. It is all enough to make an honest person cringe.

As a fellow attorney, who has taken an oath to support justice and the law, this story of juries and judges in the back pockets of those arguing before them, turns my stomach. Magic jurisdiction? Judicial black hole is more fitting.

In a simpler time, a State court would only certify a class if there was a substantial local connection. The judges of Madison County have created an environment, however, where a lifetime resident of Washington State, who worked in Washington, was allegedly exposed to asbestos in Washington, never received medical treatment in Illinois, and had no witnesses in Illinois to testify on his behalf, actually thought it was worth a shot to bring suit in a strange town halfway across the country. What was his connection to Madison County? He vacationed in Illinois for 10 days with his family nearly 50 years ago.

In this case, the court did the right thing and refused to certify this man's claim. But that a lawyer would even consider bringing it shows how far gone Madison County is. So far that the Illinois Supreme Court took the extraordinary step of rebuking it. As legal ethics Professor Susan Koniak of Boston University School of Law explains, "Madison County judges are infamous for approving anything put before them, however unfair to the class or suggestive of collusion that is."

This isn't justice. This is a travesty. The St. Louis Post-Dispatch, one of this Nation's great newspapers, has followed this epidemic of litigation closely, and they describe the run on the Madison County courthouse as resembling "gleeful shoppers mobbing a going-out-of-business sale." Due process itself is corrupted by this circus. What is going on in Madison County too closely resembles blackmail for my taste. The deck is stacked against these companies hauled to Illinois to answer these charges. The cases are heard on an expedited basis that barely gives the defendants a chance to respond. Under these pressures, they are typically given an offer they can't refuse, and they settle regardless of the merits of the case. These ultimatums offered by lawyers in cahoots with judges are better suited to an episode of The Sopranos than to a supposedly impartial justice system.

Let's be clear. These are not local disputes. S. 2062 does nothing to remove local suits from local courts. These are suits brought on behalf of a nationwide class of clients against corporations that do business in every state. Madison County is not chosen as the venue because of its quaint scenery. It is chosen because it is a sure thing, a sure bet. The fix is in. If it was a sport, we would say the game was thrown. Defendants in these class actions do not get a fair shake in Madison County.

This is not a triumph of federalism and local decisionmaking. It is the evisceration of federalism. One of the bedrock principles of a Federal government is that states are largely free to regulate their own particular affairs. To allow one State to legislate for another is to violate an important principle of self-government that this country is built upon. In the case of Madison County, a trial bar that knows few limits, coupled with a ready and able courthouse, is in fact imposing the will of a small few on the entire Nation. Madison County has been flooded with class action claims and now the Nation is drowning in them. This is a classic case for Federal intervention. In fact, this is a case study for the type of intervention in Federal affairs the Constitution was meant to allow.

Let me refer to what happens in Madison County and how it affects the whole country. As this chart shows, the white dot in the middle is Madison County. The overwhelming majority of class actions filed in Madison County are nationwide lawsuits in which 99 percent of the class members live outside of Madison County. As a result, decisions reached in Madison County courts affect consumers all over the country. The county's elected judges effectively set national policies on important commercial issues. They do it in a way that is basically dishonest.

There is a place for personal injury law in the American justice system. Americans have a sacred right to take their case to court when they are harmed by a person or a product. I will stand up for those rights against anybody and everybody, if necessary. Yet this right is endangered by a seriously compromised class action regime, not just in Madison County but in other jurisdictions throughout this country. To help resecure it we must enact this reform.

Today's lawyers do not take cases that come to them, they invent cases. They behave like entrepreneurs who find an issue before they find a plaintiff. They act like businessmen, the CEOs of Trial Lawyers Incorporated.

The problem is their business plan makes hash of our system of impartial justice and mocks our Federal arrangements. Much of this has occurred once the Supreme Court allowed attorneys to advertise. The great lawyers never advertise. It is only those who are in business to rake off the top of the crop. To be honest, I personally would be ashamed to advertise. If I was not good enough to get clients without advertising, I would be ashamed. Now, it is legal under our system, but since that happened, this is what is happening throughout the country.

It simply defies belief that the small county courts are the proper venue, much less a capable one, for complex multijurisdictional litigation. The plaintiffs bar has put its business model into motion in Madison County. First, find sympathetic judges, then bankroll their campaigns, and to seal the deal rush defendants into court without giving them an opportunity to investigate the claims against them. Justice demands fairness, but our system of decentralized class action litigation is fundamentally unfair to defendants, to plaintiffs, and the average American who ends up footing the bill for the unjustified billion-dollar settlements.

I thought we would compare this to Monopoly. Let's play Class Action Monopoly. Go. Come up with an idea for a lawsuit. Find a named plaintiff to pay off. Make allegations, no proof is needed. Get out of rule 23—which is an appropriate rule—get out of rule 23 free. Convince your "magnet" State court judge to certify the "class," even though it is not certifiable. File copycat lawsuits in State courts all over the country. Sue as many companies in as many States as possible, even if they have no connection to the State.

Who gets the money? Columbia House case: $5 million for lawyers, discount coupons for plaintiffs. Blockbuster case, $9.25 million for lawyers, free movie coupons for plaintiffs. And they were not very many of those, at that. Bank of Boston case, $8.5 million for lawyers. Some plaintiffs even had to pay out of their own pockets to pay for this, even though they were the ones for whom the suits were allegedly brought.

You ought to ask yourself, What happens to me? Your employer takes a hit, maybe lays you off. Your health and car insurance premiums go up dramatically, which we have been seeing. The lawyers win; you lose.

Almost everything in society goes out of sight and goes up in cost because of what is happening in these jurisdictions and in these cases that really should never have been brought to begin with. The Class Action Fairness Act is a modest reform. It is not a great big change. It does not deprive substantive legal rights to any American in this country. All it does is make it easier to put these national cases where they belong; that is, in our national courts. According to one study, 98 of the 113 class actions filed in Madison County from 1998 to early 2002 could have been moved to Federal court under this legislation.

Justice demands that we act. Those who are injured will get their day in court. By voting for S. 2062 we will help make sure they get it in a court where justice can be dispensed.

I yield the floor.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Hawaii.

Mr. AKAKA. Mr. President, I thank you very much for recognizing me.

I rise today to express my extreme disappointment, along with the Senator from Idaho, Mr. CRAIG, with the actions of the majority leader in preventing the consideration of amendments, including amendment No. 3547, the Native Hawaiian Government Reorganization Act of 2004. Senator INOUYE and I filed this amendment in an effort to have our legislation considered by the Senate.

We have been working to enact this legislation now for the past 5 years. The Senate Committee on Indian Affairs has favorably reported this bill for the past three Congresses. Our legislation enjoys widespread support in Hawaii, and nationally also. We consider this a bipartisan measure. Our Governor supports it, our State legislature supports it, and a majority of our constituents support it. For 5 years we have worked to enact this bill which has effectively been blocked from Senate consideration by a few of our Senators who refuse to acknowledge native Hawaiians as indigenous peoples.

We have the votes to pass this legislation. In fact, I am confident that we have the votes to succeed on a motion to proceed to S. 344. I must at this point say that S. 344 has been cosponsored by my colleague who preceded me, my colleague from Utah, who is cosponsoring S. 344 as a freestanding version of my amendment.

Because of the kind of support we have here on both sides of the aisle, we are trying to have it considered. This is why we sought to have our legislation considered today—because we knew we could debate it quickly and pass it. I join my other colleagues in expressing my disappointment, again, with the procedural maneuvering that has occurred today.

Thank you, Mr. President. I yield back my time.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, first, I salute my colleague and friend from Hawaii. I am honored to be a cosponsor of his bill. Senator AKAKA and Senator INOUYE are two of our very best Members in the U.S. Senate. It is rare, if ever, that they ask their colleagues for a helping hand. In this situation, Senator AKAKA and Senator INOUYE have shown extraordinary leadership to make recognition of a situation in their home State that deserves our help. I am more than happy to join the Senator.

I am disappointed, as Senator AKAKA is, that we are not going to have a chance, apparently, to vote on this amendment. As I understand it now, Senator FRIST has come to the floor of the Senate and has used a procedural device called "filling the tree," which means he has filed so many amendments that no one else can file an amendment. So we are just stopped.

The underlying bill, the class action bill, is an important and controversial bill, and now Senator FRIST has stopped any amendments to it. Among those that have been precluded is the amendment by the Senator from Hawaii, which has bipartisan support, a good amendment, and I hope we can get to it and get to it soon.

I see our Democratic leader in the Chamber, Senator DASCHLE. I know he has spoken to this issue many times. I would like to address the class action bill, but I will at this point yield to the minority leader and then ask to be recognized after he has spoken.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, I thank the distinguished Senator from Illinois.

As I was on the Senate floor, I noticed he was calling attention to the amendment that was contemplated by the two Senators from Hawaii. They both spoke powerfully and eloquently about a month ago before the caucus and at that time expressed the hope that the caucus could support their efforts to deal, once and for all, on the issue of Hawaiian recognition.

This is a very important issue for them. I think I can say without equivocation or concern for contradiction that our caucus was ready to stand unanimously in support of their effort. But it is the amendment offered by the Senator from Hawaii that illustrates the point we were making earlier today.

There is, I am told, one person in the entire body who has an objection to the amendment offered by the Senators from Hawaii—one person. One person is holding up the effort made by the two Senators from Hawaii courageously and persistently to deal with this question. And they came to us for advice: What do you think we should do? My suggestion was: Well, given the fact that we are in this situation, offer it as an amendment to the next vehicle.

This happens to be the next vehicle. They said: We don't need a lot of time. We could probably resolve this matter, given the fact there is overwhelming support for it, in a few minutes. I said: I will tell you this: Once we get on the bill, you will have the first amendment on our side. And that is exactly what the case was going to be.

We heard already from the Senator from Idaho. He, too, has been working diligently with the Senator from Massachusetts. He, too, said: This is not going to take a lot of time, but there is a very critical question of temporary workers and their status today, legally, and if we don't address this problem, we are going to be facing increasingly difficult legal questions. And it is a crime that this—he did not use the word "crime." That is my word. It is a crime. It is a shame that we are precluded from addressing the temporary worker issue.

But that goes to the heart of the situation we find ourselves in right now. In the first instance I can recall, the majority leader has now done something I thought we would never see under his leadership. He has filled the tree. He has precluded all Senators from offering amendments. We recognized in those dark days in the late 1990s, when this was done with some frequency, what a counterproductive effort that was. Now we find ourselves in exactly the same situation.

Well, I was told this morning. I was very troubled by this action. Now I am told that maybe one of the reasons it was done is because there are those on that side who do not want this version of class action passed. So in an effort to preclude this version of class action being passed, they knew if they filled the tree they would never get to final passage and they could, without fingerprints, kill this version of class action, knowing there would be unanimous opposition to this procedural approach, just as there has been on every occasion when it was done in the past.

So whatever the motivation was, it is counterproductive, it is a real disservice to the Senators of Hawaii and Idaho and others who simply want their day in court, their opportunity to present their issues, who have not had that opportunity, with the calendar pages turning and the clock ticking and the time running out.

It is very unfortunate. I had told the majority leader that we would be willing to work with him and I offered to have a limited number of nonrelevant amendments—five. He objected. So given our circumstances, we are left without recourse.

But, again, I thank the Senator from Illinois for his kindness in yielding the floor for me to make a couple comments.

I tell the Senator from Hawaii that we will continue to find an opportunity for him to present his case to the Senate, and we will support him when his legislation reaches a vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank the Democratic leader, Senator DASCHLE, for explaining the situation. Perhaps I am mistaken or maybe even naive, but it strikes me that the business of the Senate is to debate and amend and consider important legislation. When we reach a point where there is an effort to stop the process, to stop the debate, or to stop an amendment, it is pretty clear the underlying bill is not likely to pass. I don't understand Senator FRIST's strategy, but I leave it to him to explain.

I would like to speak for a moment to the merits of the bill before us. It has a title anyone would fall in love with, "Class Action Fairness Act of 2004." Probably most people following this debate wonder why we are debating it and what it means. If you ask people if they are a member of a class, they will say: Not since I graduated from school, unless you mean the middle class. But this is different.

These are lawsuits that are brought by more than one individual in a particular complaint against a certain company, for example. It might be all the people who did business with a certain company who believe that they have been wronged, that they are entitled to some sort of compensation. It might be all the people living in a community who have been victimized by the pollution of air or water by a certain company. So instead of filing individual lawsuits against the company or the individual responsible for the wrongdoing, they come together as a class, a group of plaintiffs, and bring many lawsuits into one.

Of course, this is a challenge to bring together a class of people who have a common interest. It is also difficult many times to have these classes certified. In most lawsuits when you file, the first thing the court asks is, Do you have the right to file this lawsuit under the laws of the State or jurisdiction in which you are filing?

When it comes to a class of plaintiffs, a group of people filing a lawsuit, the first thing the court asks is, Is this a legitimate legal class under the law? It is the first step in the process.

My colleagues from Connecticut and Nevada have come to the Senate floor to talk about one county in my home State of Illinois, Madison County, about the incidence of class action lawsuits in that county. They have told interesting stories but not the complete story. We have done an analysis of class action files in Madison County. We started in 1996. Since 1996, through February of this year, there have been

306 class actions filed. Some have said this sets a national record. It may. It certainly is near the top in terms of the number of cases filed in this 8- or 9-year period of time. But it doesn't tell the whole story.

The next question is, How many of these cases in Madison County, IL, have been certified; that is, approved by the court to go forward? Remember the earlier reference I made. You file the complaint, a class action, and then the defendant says to the judge: I challenge the class. I don't think it is a legal class under Illinois State law or the law that is being applied. Then the judge has to look at the plaintiffs, look at the complaint, and make the decision whether he will certify the class.

So of the 306 class actions filed in Madison County over this 8-year period of time, how many have been certified; that is, gone forward with the lawsuit, over 8 years? Mr. President, 39 certified cases in 8 years, fewer than 5 cases a year.

It is because of this county, obviously, that we have decided we need to amend the law of America because five class action cases are filed and certified on average each year in one county in Illinois. That strikes me as curious, that we would respond with a national law because five cases a year on a class action basis are being filed in Madison County, IL. The Senators from Connecticut and Nevada, time and again, say this is the reason.

Let me say in all honesty, there are some cases filed in Madison County, IL, that I don't think should be certified, some that are nothing short of harassment. But that is what the court system is for. The court system is for a judge—in some cases, a jury—to decide that question. Is there a legitimate class action? Could there be a class action lawsuit filed on behalf of a group of people in America that should be heard in a State court? That is the underlying question because if this bill passes, sadly, we are going to make it difficult, if not impossible, for State courts to try lawsuits involving classes, class action lawsuits.

Let's use an illustration. Let's assume I own a company that I have decided to incorporate in the State of Delaware, which is a common thing, and that I sell a product. Let's assume I sell a pharmaceutical product, a prescription drug. I want to do business in Illinois. Although I am incorporated in Delaware, I want to sell my prescription drug in Illinois.

One of the things I have to do is register my corporation in Illinois. In my State you have to go to the Secretary of State's office, Index Division, and register—Corporations Division today—the name of your corporation, where it is located, and who can be served with process.

In other words, I have to identify a person in my corporation who will accept a subpoena if my pharmaceutical company is ever sued. That is one of the laws in Illinois. Almost every other State has the same law. You want to do business as a corporation in Illinois, you comply with the laws of Illinois. The laws of Illinois require this filing so you know who is doing business, and it is also an acknowledgment that you are bound by the laws of the State in which you are doing business.

Now, let's assume the pharmaceutical my Delaware corporation is selling in Illinois causes a serious problem. Let's assume many people get sick after they have taken my drug, and instead of each individual person wanting to file a lawsuit against my pharmaceutical company, the customers who purchased this pharmaceutical decide to come together as a class and bring a lawsuit against my company.

So all of the Illinois consumers and customers who bought my pharmaceutical drug and were injured by it decide to file a lawsuit against my company because I have sold a dangerous product in their State.

Do you know what this class action fairness bill says? This bill says that customers of my company—registered to do business in Illinois, having acknowledged the fact that it is bound by the laws of the State of Illinois, selling its product in Illinois, having injured consumers in Illinois—cannot file a class action lawsuit in the State courts of Illinois. Why? Why would we say in that circumstance all of the injured parties, residents of the State, the product is sold in the State by a corporation licensed to do business in the State, can't be sued in the State of Illinois or any other State for that matter with similar circumstances?

This legislation says the lawsuit must be brought in the Federal court system. We have two different court systems, two major court systems. There are other courts but two major court systems. Each State has a court system, and then there is the Federal court system which, of course, applies to us as a nation with its district and circuit courts, and the U.S. Supreme Court.

Why would the people who wrote this bill want to take that case that I have just described out of the courts of Illinois and put it into a Federal court, even in Illinois? Why?

I think the reason is obvious. First, they are trying to create an environment and circumstance where that group of people who bought that product and were injured by it cannot bring a lawsuit. They want to make it more difficult for them to bring a lawsuit as a class of customers who have been wronged and injured. They put it in Federal court because they know Federal courts are already extremely busy with criminal prosecutions and existing civil cases, so the likelihood that the Federal courts will take on a new class action case is limited. They also know that these Federal courts, when it comes to figuring out which laws to apply, are very strict, much stricter than many State courts.

So those who are arguing that we are changing this law, moving cases from State court to Federal court so we can get a more efficient outcome, I don't think are being candid with the people following this debate.

The underlying reason for this bill, the so-called Class Action Fairness Act of 2004, is to limit and restrict the number of class action lawsuits that can be brought across America. That is why the business interests in this town have spent not a small fortune, but a large fortune, lobbying for passage of this bill. They are not looking for reform of class action; they are looking for repeal of class actions in many areas, to stop people from filing these lawsuits.

Those who are following the debate may say: Why should I even care about that? I am not going to file a lawsuit or join a class filing a lawsuit, and I don't care if anybody else does either.

I wish people would step back and take into consideration some of the class action lawsuits that have been filed. I think you will get an idea about why this is an important part of our legal process. We have three branches of Government: legislative, Congress; executive, the President; and the court system at the State and Federal level. We say to Americans you have a right to elect the President, you have a right to elect Members to Congress, and you also have a right to go into your State and Federal courts and be represented and to plead your case and to receive justice.

What this underlying bill will do is to restrict individual American citizens in their rights to come together as a class and file lawsuits in State courts against corporations doing business in their States, selling goods and services in their States.

Let's look at a few examples of class action lawsuits which I think illustrate these are not cases that should be easily dismissed or restricted, as the bill does. Here is a product made by Warner Lambert, a drug company. Warner Lambert made a product known as Rezulin. They prescribed it for type II diabetes and started selling it in 1997. They told the people it was as safe as a placebo, extraordinarily safe, and not harmful to consumers.

There was a couple living in Granite City, IL, which happens to be in Madison County, and the man who lived there was suffering from diabetes. He was an older fellow who served in the Navy. There are many people like him in those blue-collar neighborhoods in Granite City. He was on oxygen at age 71. He got along pretty well, but he had heart problems and bypass surgery. Unfortunately, he had to take some medications. He took nitro tablets and about 15 medications a day, two of which were insulin. He was diagnosed with diabetes 20 years ago and had very few complications. He went to his doctor and the doctor prescribed Rezulin, which is made by Warner Lambert. He remembers when the prescription was given to him because when he went to the drugstore, he found out it was very expensive. He told the doctor he could not afford it. The doctor gave him samples to take home.

Three years after this drug, Rezulin, came on the market, the FDA asked Warner Lambert to voluntarily remove the drug from the market because it was causing too high an incidence of liver failure and many other deadly side effects. Then this individual was taken off the drug because of that warning. They gave him another drug.

A class action lawsuit was filed by people who purchased this drug in Illinois. The case they brought said the pharmaceutical company violated the New Jersey consumer fraud statute, which is the State in which Warner Lambert was incorporated. They violated the New Jersey consumer fraud statute by pricing the drug much more in excess of the price the drug would have been. If anybody had known the side effects, nobody would have taken it, anyway. So not having disclosed the side effects, Warner Lambert was still charging more than they should have been charging for the drug. It turns out many insurance companies came to the same conclusion. They thought they were paying too much to Warner Lambert for a drug that wasn't that good and had deadly side effects.

The case was certified by the Illinois State court as a class action on behalf of all of the purchasers of this drug in Illinois, and the case would apply New Jersey law as the violation of the consumer fraud statute. Shortly after the class was certified, the parties agreed to a settlement, and here was the settlement: Class members, those who bought the drug Rezulin, would receive up to 85 percent of their out-of-pocket expenses related to the prescription drug.

While Warner Lambert's liability for concealing the true dangers is clear, look what happened when you see the same lawsuit brought to a Federal court, which this underlying bill would try to achieve, as opposed to Illinois State court. When this lawsuit was brought in a Federal court in the Southern District of New York, that Federal court denied class certification and basically came to the conclusion that if the drug was dangerous, there would be an awful lot of personal injury cases filed. Therefore, this class action wasn't necessary.

The Illinois trial court disagreed. As a result, the victims in Illinois received compensation. It turned out they were going to receive up to 85 percent of their out-of-pocket expenses for this drug. That is an example of a class action lawsuit.

You go to the doctor tomorrow. He prescribes a drug. You find it was overpriced or dangerous and an effort is made to say to the pharmaceutical company you cannot benefit from these ill-gotten gains, you must pay back to the consumers what you overcharged. A class of consumers who brought the drug came together and they received the money back from the pharmaceutical company, as they did in this class action case. This is an illustration. In Illinois, the case went forward. Consumers had money come back to them. In the Federal court, the case was basically stopped.

Here is another one. This involves a New York State court certifying a class of over 200 nursing home residents living at Barnwell Nursing Home in Valatie, NY.

In the process of certification, it was found the Barnwell Nursing Home residents potentially received substandard care, violating the public health laws of the State, which protect nursing home residents from the deprivation of basic necessities like heat, good food, privacy, and socialization.

The plaintiff died of septic shock because she was neglected by nursing home staff. Following her death, the New York Department of Public Health issued a 24-page statement of deficiencies at the Barnwell home. The reason I raise this is to give you an idea of the variety of class action cases. Here, 200 residents of a nursing home were not receiving what they were required to receive under State law. One died from neglect in that nursing home. They came together as a class to say the nursing home was not treating them fairly. Some would argue, why didn't they file individual lawsuits? How likely is it your grandfather or grandmother who is in a nursing home will look for a lawyer to fight a lawsuit in court, when in fact they have been treated wrongly? But as a class they stand together, bring the lawsuit, and they can recover.

There are so many other cases. Here is one. On July 26, 1993, the chemical Oleum, a sulfuric acid compound, leaked from a railroad tank car at General Chemical's Richmond, CA, plant. General Chemical, based in New Jersey, is one of the largest manufacturers of sulfuric acid in America. The leak caused a cloud to spread over North Richmond, CA, a heavily populated community. Over 24,000 people sought medical treatment in the days following the leak. General Chemical entered into a $180 million class action settlement with 60,000 northern California residents who were injured or sought treatment from the effects of the release of this dangerous gas. While only California residents were injured and the harm occurred only in California, this case would have been removed from California courts under the bill we are considering to a Federal court. Why? Because the company, General Chemical, was based in New Jersey. All of the injuries were in California, all the victims were in California, the actual harm occurred in California, the company was doing business in California, transporting its chemicals. Yet under this bill they could not be sued in a California court.

We talk about dangerous drugs. Postal workers were given Cipro after the anthrax attacks of 2001. We remember that on Capitol Hill. Many of them were from New Jersey. The postal workers filed a class action in New Jersey State court for damages and harm arising from the drug's side effects. The suit was filed against Bayer AG—you have heard of Bayer Aspirin; it's the same German company—and its U.S. subsidiary that is based in Pennsylvania, as well as against several New Jersey hospitals. The side effects listed in the suit include joint and tendon injuries; neurologic, cardiologic, or central nervous system disorders; and gastrointestinal disorders. Bayer sold the drug. The people who used it were largely from New Jersey. Bayer was a company based in Pennsylvania, but doing business in New Jersey.

In this case, while several named defendants are New Jersey hospitals, the case would have been removed to Federal court. The reason behind this is not only to move them to Federal court, but to make it less likely the cases could be successfully filed. We have seen, when cases are brought to Federal court, they favor less liability. We have seen that the Federal courts are less likely to certify class. We have seen that Federal law discourages Federal judges from providing remedies under State laws.

The people who brought this bill to the floor understand that. Whether it is because of a dangerous gas leak in California or a drug that is sold in Illinois or New Jersey, they want to limit their liability and exposure. So they are basically closing the courthouse door to hundreds, if not thousands, of American citizens.

Whether we are talking about environmental pollution that is dangerous to our families caused by an out-of-State company, or about a dangerous gas leak here, the purpose of this bill is to make it more difficult for injured individuals, injured customers, and injured families to recover.

Why in the world would we do this? We do this because the businesses that are being sued by these class action lawsuits do not want to be exposed to these lawsuits. By having less exposure to these lawsuits, they will be able to keep more money. They will not pay out as much to those who have been injured or aggrieved. That is a natural business reaction. They want to maximize profits. Businesses want to do that. But is that the right reaction of the Senate to ignore the victims in these lawsuits, to ignore the people who come together because they have been hurt, damaged, or lost money, and to say instead we are going to protect these corporations from these lawsuits?

There are ways of tightening up the laws when it comes to class actions. I would support them. I think there are frivolous class actions that should not go forward. I think some of these coupon settlements as part of these class action lawsuits border on the ridiculous if not cross the border.

There is a lot we can do to tighten up the law. But why is it the only thing this Senate has been about in its debate over the last several years is limiting the opportunity of an American citizen to have a day in court? Why is it that is what is driving the Senate agenda?

It is important for us to understand that when it comes to the priorities of this Nation, we need to establish one priority over all, and that is the priority of equal justice under the law.

If a resident of Nebraska or Illinois or New York were injured by a product sold in their State by a company licensed to do business in their State, I believe they should be able to go to their State court and file a class action and ask that it be certified. This underlying bill says they cannot, and I refer to page 15, subsection 2. and I will read it:

> The district courts—
>
> Federal courts—
>
> shall have original jurisdiction of any civil action in which the matter in controversy exceeds the sum or value of $5,000,000, exclusive of interest and costs, and is a class action in which
>
> (A) any member of a class of plaintiffs is a citizen of a State different from any defendant. . . .

If a corporation is incorporated in Delaware or any other State and does business in your State, this is an automatic pass. This means your class action lawsuit goes automatically to Federal court.

Chief Justice Rehnquist across the street does not give us much advice—separation of powers, two different branches of Government—but he has given advice on this issue: Please do not pass these bills. Please do not send these class actions to Federal court.

Those of us who sit on the Judiciary Committee know many of our Federal courts are extremely busy. They are dealing with cases involving criminal law, terrorism, and a very crowded civil docket already. What this bill would do is send these same complex class action lawsuits, now in State courts, off to the Federal courts in large number. Chief Justice Rehnquist has advised us that the Federal court system is not ready to receive these cases.

What does that mean? It means the people who are in the classes will not get their day in court. Justice will be delayed and ultimately denied to them, and that is part of the strategy. The strategy is to make it extremely difficult to bring a class action lawsuit, to limit the opportunities for those who have been injured, either in body or in monetary loss, from having their day in court.

This bill has bipartisan sponsorship. There are 10 or 11 Democrats who support it. I am sure they will speak on behalf of it, but from where I am standing, I think this goes far beyond class action reform. This is an effort to close the courthouse doors. For some, that is fine. They say, fine, don't let them go to court because it means they will have lawyers and lawyers will be paid fees and we do not want to see that sort of situation.

Time and again, when we tell the stories of the individuals who have been harmed or injured, who are looking for someplace to turn, they cannot find a law that has been passed by Congress that gives them a fighting chance, they cannot find an agency of the Government that is going to protect them. Their only recourse and final recourse is to go to court. The purpose of this Class Action Fairness Act of 2004 is to close the courthouse door to hundreds, if not thousands, of Americans who buy defective products, who are exposed to dangerous pollution, who are buying drugs that, frankly, are unsafe and believe the pharmaceutical companies should be held accountable. This bill will close the courthouse door and make it extremely difficult, if not impossible, for them to pursue their legal course of action.

I think that is the wrong way to go. I know the business community and the special interests behind them think the fewer lawsuits filed against them the better. I assume if my job in life were to maximize profits in these companies, I would think the same thing. But that is not our job. Our job is to provide equal access under the law to all Americans.

This bill, the class action fairness bill, is going to restrict, reduce, and deny access to the court system for Americans who have been injured.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I ask to be recognized for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I rise today to express my support for S. 2062, the Class Action Fairness Act. Until this morning, I was very hopeful we would finally have the opportunity to discuss this important issue and move the bill forward.

As is well known now, last fall I joined with my colleagues, the Senator from Connecticut, Mr. DODD, and the Senator from Louisiana, Ms. LANDRIEU, to help craft a compromise that now constitutes the bill before us. Because I have worked long and hard to move this bill forward, I was very disappointed at the turn of events earlier today.

We have two strains going on here that are sort of colliding, and I do not think they should necessarily collide. One is the desire of a majority in this Chamber—62 at last count—on both sides of the aisle to move the class action bill forward, and that desire remains. That burns brightly in my breast. I think we should move this bill. There has been a lot of work put into it. There have been compromises along the road. It strikes a fair balance, and I will talk more about that in a minute.

We also have the workings of the Senate, and that always is grafted on top of whatever legislation we have. We all know the majority party is allowed to set the agenda, and next week, for instance, we are doing a constitutional amendment against gay marriage, which no one thinks will come close to the two-thirds vote, but it is the majority's right to set that agenda. That is fair. But just as it is the majority's right to set the agenda, it is the minority's right to offer amendments—some germane, some not—on whatever is before us. That is what has always kept the balance in this Chamber. The majority does not have complete control of what is on the agenda because of our nongermaneness rule. That is what distinguishes us more than anything else, at least procedurally, from the House of Representatives where the Rules Committee can block off all amendments, and the majority can have iron-tight control.

To me, this fits the Founding Fathers' basic conception of the Senate as the cooling saucer. When the majority has certain rights, it slow things down, there is no question about it.

That delay—delay is the wrong word—but that sort of more careful rendering of the process often makes better legislation. As we know, the Founding Fathers were afraid that legislation would move too quickly through the body, and the Senate embodies that.

This morning, I thought the offer of the Senator from South Dakota, Mr. DASCHLE, was extremely reasonable. He said let us do four or five nongermane amendments and then proceed to the germane amendments. I do not recall if he said it on the Senate floor—I did not hear his whole speech—but he has said to all of us on the Democratic side who want to move class action reform that we would not take hours and hours and days and days on each of the nongermane amendments; that the debate would be done rather quickly. Well, that is the minority's right. That is what it is all about.

When Senators DODD, LANDRIEU, CARPER, KOHL, and I, all of whom have worked so long and hard on this bill, met with the majority leader and others, we made it perfectly clear about the right of the minority to offer a limited number of nongermane amendments, not one but a number. When Senator DASCHLE said five, that seemed perfectly reasonable to us, and that was rejected by the majority leader. This puts us and the whole class action bill at risk.

Make no mistake about it, if we cannot work this out, we will not have a bill. Even if we do work it out, it is going to be difficult enough to get a bill. The kinds of abuses I have worried about and why I was willing to step forward and support this bill as modified will be lost.

So the first thing I will do today is make a plea to our majority leader, who I believe does operate in good faith—I realize he has a fractious caucus behind him and there are different opinions within that caucus, but I urge the majority leader to reconsider his rejection or objection to Senator DASCHLE's offer, which I thought was fair and reasonable. I know that my colleague from Connecticut, Senator DODD, thinks that because I heard him speak on the floor earlier today. I think it would be seen as reasonable as well, if I am not speaking out of turn, by most of my colleagues on this side of the aisle, the 10, 11, or 12 of us who support class action reform.

So make no mistake about it, if the bill does not move forward, it is because the majority was unwilling to allow the Senate to proceed as usual, which is to allow some nongermane amendments.

For many on our side of the aisle—not me because I support it—this is a bitter pill to swallow. To then add insult to injury saying no nongermane amendments are allowed will be the straw that breaks the camel's back. Even allowing one nongermane amendment would not be enough.

So, again, I renew my plea to the majority leader—and I want to underscore, again, I met with him numerous times on this legislation, and I believe he is functioning in good faith and he wants a bill—to reconsider Senator DASCHLE's offer. It will not take much time. My guess is we can consider those amendments quickly.

Of the five that I have heard about, two are Republican amendments. We all heard the good Senator from Idaho who seems to want to be able to offer his amendment, an amendment that I support on the floor, and I think one of the others is from the Senator from Arizona, Mr. MCCAIN. So it is hardly that the nongermane amendments are a Democratic wish list. If there are five, and two are Republican and three Democrat, that seems to be a pretty fair division.

I renew my plea to the majority leader to accept Senator DASCHLE's offer, which I think was fair and reasonable. If not, we risk having no bill, despite the efforts of many of us.

I want to discuss for a minute why I support this legislation. I have been concerned for some time that lawsuits have gotten out of control in America. I am not one of those who think lawsuits have no use. I think they have plenty of use and they are needed. Often those without power, it is their only bit of power to get redress. There is no question about it.

At a time when we are pulling back from governmental regulation—I would much prefer to see government regulate, whether it is pollution, health care, or other things, than have lawsuits do it. Lawsuits are sort of a hit-or-miss way. But the impetus for lawsuits increases as the impetus for government regulation decreases, and obviously in this administration it has.

Having said that, I still believe we need lawsuits, but they should be done fairly. One of my big beefs is that for some time now too many lawsuits have been filed in local State courts that have no connection to the plaintiff, the defendant, or the conduct at issue. This allows forum shopping. Forum shopping is something that undercuts the basic fairness of our justice system.

Certain courts in certain places—and people have talked about it earlier today—have become magnets for all kinds of lawsuits. Some of these lawsuits are meritorious; some are not meritorious. In either scenario, my strong belief is that if the case affects the Nation as a whole, it should be heard in Federal court. One should not have a judge in a small county make law for all of America. Maybe that judge will make good law, but the odds are that parochial concerns will be too strong in that type of decision.

For that reason, I agreed with my colleagues who support this bill that something needed to be done to rein in forum shopping and abusive class action litigation tactics. When consumers allege that a product sold nationwide to consumers in all 50 States is defective, it ought to be a Federal court to decide that case. Actually, my belief is that probably there should be Federal law to decide those kinds of cases, and eventually we will probably move in that direction, but at the very least it ought to be the Federal court.

This bill does not take away anyone's right to sue or his or her ability to bring a suit as a class action. I oppose such legislation. I would not want to eliminate class actions. Instead, the bill ensures that consumers, employees, and all citizens have an opportunity to have their class action heard in court, but it is a Federal court.

We worked hard to improve the bill. The agreement that we have struck on class action lawsuits preserves the ability of Americans to bring lawsuits in a fair and responsible way, while doing away with forum shopping and other abusive tactics. This is why the three of us, Senators LANDRIEU, DODD, and myself, were willing to stick our necks out a little bit and work on this compromise with Senator KOHL, who has been a leader on this issue on the Judiciary Committee, and Senator CARPER, who has championed the proposal for so long. We want to see the bill move forward.

The bottom line is that it will not unless the Democratic leader—and I want to salute the Democratic leader. He does not like this.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SCHUMER. I ask unanimous consent for an additional 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. I salute our Democratic leader. I know, because he has expressed it to me in very clear terms, how much he dislikes this bill. Instead of trying to delay, he has come up with a reasonable proposal.

As I said, the bill is a bitter pill for many to swallow. They have a different view on class action lawsuits than I do or my good friend from California, who just came into the Chamber, but they are willing to do it because they know there is a majority of 61 or 62 who basically support this proposal.

So the bottom line, again, is the Senator from South Dakota has made a reasonable proposal. He is not offering dilatory tactics, and I hope that proposal will be accepted.

I have not been a Member of this body as long as many of my colleagues, but in my 6 years, I have come to appreciate that the Senate is designed to be a deliberative body. Sometimes the Senate lives up to this grand tradition of debate and process very well, but at other times, and that is what it looks like is happening up to now today, we fail. We have to let the deliberative process of the Senate take its course if the Class Action Fairness Act is to become law.

Mr. President, I yield the remainder of my time and yield the floor.

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from California.

Mrs. FEINSTEIN. Mr. President, I rise to speak on this bill.

The PRESIDING OFFICER. The time on the minority side has expired.

Mrs. FEINSTEIN. I was going to speak in favor of the bill.

The PRESIDING OFFICER. The time on the proponent's side contains 55 minutes, so the Senator is recognized.

Mrs. FEINSTEIN. I appreciate that.

Mr. President, I wish to speak in favor of the bill, but I also wish to say that I very much hope some accommodation can be reached so this bill can come to a vote. It is an important bill. It is a bill that deals with a very real problem, and I would like to challenge every Member of this august body to read this bill. I have read it twice. It is easily understood. It is in very plain English. It essentially provides a guide to consumers as to the protocols and regulations that govern what has been a murky area of class action lawsuits. It is legislation that is long overdue.

I very much appreciate the position of my leader, Senator DASCHLE, in wanting to protect our minority rights, in wanting to have an opportunity to have a debate on bills that Members on this side think are extraordinarily important, as do Members on the other side. In the past, a fair way has been found, so I hope that will be the case.

As I said, I believe the way class actions are conducted is, in fact, a real problem. I have spent a considerable amount of time on the issue through Judiciary hearings, many personal meetings with those on both sides of the issues, plaintiffs and defendants, and a lot of time and energy on research and analysis. I eventually came to the conclusion that the supporters of this bill have clearly identified this problem and have come up with a reasoned solution.

More than identifying the problem, the supporters of this bill—Senator KOHL, Senator GRASSLEY, Senator CARPER, and others—have worked diligently over the course of the last few years to answer criticisms and concerns, to address real issues, and even to make significant changes in the original legislation, changes that made this bill better at every single turn. The bill before us, then, is the result of many changes and compromises, both in the Judiciary Committee and more recently changes made after further negotiations with Senator SCHUMER and others pending floor action. Simply put, the legislation in its current form is more moderate, more reasoned, and will be more effective than past versions of the bill.

I thank Senators HATCH, GRASSLEY, and KOHL for so diligently working with me and others throughout this process to correct a number of potential problems or areas of confusion that were within the original bill. I know they have many forces pulling on them from all sides, and I appreciate the time they spent in addressing these concerns.

Let me talk a little bit about the legislation and what it does and how I became involved in it. I will never forget a hearing before the Senate Judiciary Committee 2 years ago. At that hearing, we heard from a woman by the name of Hilda Bankston. She owned a small pharmacy with her late husband, in Mississippi. Since that time, Mrs. Bankston sent a letter to us, and she summed up her testimony before the committee. I want to read it to you.

> My name is Hilda Bankston and I live in Fayette, Mississippi. I am a former small business owner who was victimized by lawyers looking to strike it rich in Jefferson County and I write to you today to tell you that our legal system is broken and that the Class Action Fairness Act will help fix it.

Over the next few days, et cetera, et cetera, we will be debating this legislation. This is the important part, this is what she said in committee, and this is the overarching need to stop forum shopping:

> For thirty years, my husband, Navy Seaman Fourth Class Mitchell Bankston, and I lived our dream, owning and operating Bankston Drugstore in Fayette, Mississippi. We worked hard and my husband built a solid reputation as a caring, honest pharmacist.
>
> But our world and our dreams were shaken to their foundation in 1999, when Bankston Drugstore was named as a defendant in a national class action lawsuit brought in Jefferson County against one of the nation's largest drug companies, the manufacturer of Fen-Phen, an FDA-approved drug for weight loss.

Here is where it gets difficult, and now I am speaking, not quoting Mrs. Bankston. Fen-Phen certainly had problems. The reason for litigation can be very clear. However, the rationale for forum shopping and, more importantly, how forum shopping is conducted, is what this letter and what Hilda Bankston's story is all about.

> Though Mississippi law does not allow for class action lawsuits, it does allow for consolidation of lawsuits or mass actions as long as the case involves a plaintiff or defendant from Mississippi.

Here it is:

> Since ours was the only drugstore in Jefferson County and had filled a prescription for Fen-Phen, a drug whose manufacturer is headquartered in New Jersey, the plaintiffs' attorney named us in their lawsuits so they could keep the case in a place already known for its lawsuit-friendly environment. They could use our records as a virtual database of potential clients.

So not only was she not involved, they just happened to fill a prescription and they became a source for litigation.

> Mitch had always taken the utmost care and caution with his patients. As the Fen-Phen case drew more attention, he became increasingly concerned about what our customers would think. His integrity, honor, and reputation were on the line. Overnight, our life's work had gone from serving the public's health to becoming a means to an end for some trial lawyers to cash in on lucrative class action lawsuits.
>
> Three weeks after being named in the lawsuit, Mitch, who was 58 years old and in good health, died suddenly of a massive heart attack. In the midst of my grief, I was called to testify in the first Fen-Phen trial.
>
> I sold the pharmacy in 2000, but have spent many years since retrieving records for plaintiffs and getting dragged into court again and again to testify in hundreds of national lawsuits brought in Jefferson County against the pharmacy and out-of-state manufacturers of other drugs. Class action attorneys have caused me to spend countless hours retrieving information for potential plaintiffs. I've searched record after record and made copy after copy for use against me. At times, the bookwork has been so extensive that I have lost track of the specific cases. I had to hire personnel to watch the store while I was dragged into court on numerous occasions to testify. I endured the whispers and questions of my customers and neighbors wondering what we did to end up in court so often. And, I spent many sleepless nights wondering if my business would survive the tidal wave of lawsuits cresting over it. Today, even though I no longer own the drugstore, I still get named as a defendant time and again.
>
> This lawsuit frenzy has hurt my family and my community. Businesses will no longer locate in Jefferson County because of fear of litigation. The county's reputation has driven liability insurance rates through the roof.
>
> No small business should have to endure the nightmares I have experienced. I'm not a lawyer, but to me, something is wrong with our legal system when innocent bystanders are little more than pawns for lawyers seeking to win the "jackpot" in Jefferson County—or any other county in the United States where lawsuits are "big business."

This is really the point. I heard the distinguished Senator from Illinois make a very important point about the different kinds of cases that are involved. But what we are talking about is forum shopping. It is specifically setting up a class action to be able to get that case into a specific place, a friendly county.

The Bankstons were actually sued more than 100 times for doing nothing other than filling legal prescriptions. The pharmacy had done nothing wrong. They were the only drugstore in the county, a county that was so plaintiff friendly, I am told, that there are actually more plaintiffs than residents.

Because of the arcane and problematic rules now governing class actions in U.S. courts, the plaintiffs' lawyers shopping for a friendly court just needed to name a local business in order to file their national lawsuit in that county. That is all it took. Before they knew it, the Bankstons were defendants in dozens of essentially frivolous suits against their small pharmacy.

This was a family torn apart by litigation. I use this case because, of all the hearings that have been held in the Judiciary Committee in 12 years, this woman made a profound impression on me as I sat there hour after hour and listened to the testimony.

Let me hasten to say that this abuse comes from just some class action lawyers—not all of them but some—who forum shop national class action lawsuits and file them in States and counties where they know the court will approve settlements favorable to them without concern for class members.

What does this bill do? The amended Class Action Fairness Act goes a long way toward stopping forum shopping by allowing Federal courts to hear national class action lawsuits that involve plaintiffs and defendants from different States and which involve more than 5 million in claims. I think the original bill was 2 million. We amended it in committee to make it even bigger so we could be sure as to the kinds of cases that would be affected.

The Framers of the Constitution wanted Federal courts to settle disputes between citizens of different States. They wanted Federal courts to settle disputes between different citizens of different States. The Constitution itself states that the Federal judicial power "shall extend . . . to controversies between citizens of different States."

Historically, this meant that when one person sues another person who lives in another State, or sues a company headquartered in another State, the suit can be moved to Federal court with some limitations.

Class actions involve more citizens in more States, more money, and more interstate commerce ramifications than any other type of civil litigation. It only stands to reason that many of these cases should be heard in Federal courts. Yet an anomaly in our current law has resulted in a disparity wherein class actions are treated differently than regular cases and often stay in State court. The current rules of procedure have not kept up with the times, and the result is a broken system that has strayed far from the Framers' intent.

This bill does a number of things. First, the bill contains a "consumer class action bill of rights"—and it is important, and you will really see it is understandable—to provide greater information and greater oversight of settlements that might unfairly benefit attorneys at the expense of truly injured parties.

Let me give you some examples. The bill ensures that judges review the fairness of proposed settlements if those settlements provide only coupons to the plaintiffs. What is wrong with that? Coupons are a real problem. They are a way by which a plaintiff actually receives very little or something that is very difficult to recover.

Second, it bans settlements that actually impose net costs on class members. I could read letters from individuals where they actually came out the losers in these suits.

Third, it requires that all settlements be written in plain English so all class members can understand their rights. How can anybody fault that? Write it so people who read them can understand what they say.

The bill also provides that State attorneys general can review settlements involving plaintiffs from their States so the consumers get an extra level of protection from someone elected to serve—not just plaintiffs' attorneys who may be trying to get the best settlement for their own interests.

Second, and of greater impact, the legislation creates a new set of rules for when a class action may be "removed" to Federal court.

These new rules are diversity requirements modified in committee and again since then make it clear that cases which are truly national in scope should be removed to Federal court. But equally important, the rules preserve truly State actions so those confined to one State remain in State courts.

Since I have offered this amendment in committee, the so-called diversity amendment, I believe it made it much better, more narrowly tailored. I think my amendment went right to the heart of the bill and its purpose. So I would like to spend a few minutes to talk about these amendments, how it changed the original bill and the ways in which I believe it is more clear, more fair, and more workable.

I offered one amendment, cosponsored by Senators HATCH, KOHL, and GRASSLEY, that was meant to do two things. First, it simplifies the diversity jurisdiction section of the bill. Second, it narrows the scope of the bill by reducing the number of cases that automatically go to Federal court. This will allow Federal courts to focus on the cases that are truly national in scope rather than cases that really belong in State courts.

This amendment only addressed the jurisdiction issues. It did nothing to change the rest of the bill which contains very important protections for consumers, and it makes the whole settlement process much more fair. Let me explain it.

The original class action bill essentially moved all class actions of a certain size—I think more than 2 million—to Federal court unless "a substantial majority of the members of the proposed class and the primary defendants are citizens of the State in which the action was originally filed."

The case will be governed primarily by the laws of that State.

The original bill says that all class actions where a substantial majority of the members of the class and the defendants are citizens of the State would be moved to the Federal court.

We changed that. The standard was vague and it was prone to moving some truly State class actions into Federal court.

My amendment, which was accepted by the committee, changed the law in this section to split the jurisdiction into thirds. Now there is less ambiguity about where a case will end up, and more cases remain in State court.

Let me explain that. If more than two-thirds of the plaintiffs are from the same State as the primary defendant, the case automatically stays in State court—it is clear; it is defined in the bill—even if both parties ask for it to be removed to Federal court. It is very different from the original bill. If we have two-thirds of the plaintiffs and the defendant company in a State, the case stays in the State.

If fewer than one-third of the plaintiffs are from the same State as the primary defendant, the case may automatically be removed to Federal court. Remember, this happens if one of the parties asks for removal. Otherwise, these cases, too, stay in State court. This may have escaped a lot of people. So even when there are fewer than one-third of the plaintiffs from the same State as the primary defendant, the case remains in State court unless one of the parties asks to remove it.

Now we are talking about the middle third in this diversity. We have a third, a third in the middle, a third on the end. In the middle third of cases, where between one-third and two-thirds of plaintiffs are from the same State as the primary defendant, the amendment gives the Federal judge discretion to accept removal or remand the case back to the State based on a number of factors. In determining whether one of these middle third cases would go to Federal or State court, the amendment directed the Federal judge to consider these facts:

First, the judge must examine whether the case represents primarily a State issue or whether it is of national impact. There are strong arguments to be made that State judges should not be making national law. This provision is meant to reach into that issue.

Second, the judge must consider whether the number of plaintiffs from the defendant's home State is much larger than the number of plaintiffs from any other State. In other words, there may be a case where 40 percent of the plaintiffs from California and no other State has more than a couple percent of the class. California law would apply. So even though the California plaintiffs do not make up an absolute majority of a class, they would clearly be the predominant portion of the class. If it is a State issue, such a case would remain in State court. The Federal judge would also look at whether the case was filed in State court simply because the plaintiffs are trying to game the system, perhaps by forum shopping for the best court, even when the case would better be tried elsewhere.

Finally, the judge is directed to look at whether this is the only class action likely to be filed on the same subject—this is important—or whether there are likely to be others with the same facts at issue. This factor has been even further refined to provide that a judge need not consider whether similar class actions may be filed but only whether similar class actions have actually been filed in the last 3 years. In order to avoid duplication, the judge would look at whether there were other like actions filed in the last 3 years.

Considering duplicative class actions is important because the Federal courts have a system in place to consolidate multidistrict litigation. It may therefore be better to have all duplicative class action cases move to Federal court simply to save time and make the process more efficient. If a case stays in State court it cannot be consolidated with similar cases out of State. Therefore, we might end up with 50 State judges deciding 50 cases involving exactly the same defendant and exactly the same fact pattern. That does not make much sense. It is something that the judicial conference has recommended we fix. And we do.

The amendment also raised the minimum amount of money that needs to be at issue before a class action can make it to Federal court. The original bill set that amount at $2 million. My amendment raised it to $5 million to further limit the number of cases that move to Federal court and to assure that it is only truly big national cases that do.

The effect of this amendment, I hope, will be to make the system more transparent so that plaintiffs and defendants know where a case will go when it is filed, and it will force truly State cases to stay in State court while allowing truly national cases to go to Federal court.

Under current law, an attorney can avoid Federal court simply by making sure that at least one plaintiff is from the same State as at least one defendant. This allows for cases to be shopped to whatever forum may have the most sympathetic juries, no matter where the case should truly be heard. Under this modified bill, this forum shopping would be eliminated.

The second amendment I offered in committee, which was also accepted and has been only slightly modified, was designed to deal with a provision that was added to the original class action bill apparently to specifically target a California law. That law allows individuals in California to sue on behalf of the general public in lieu of the attorney general. Other States have or are considering similar legislation, but California is on the forefront of this issue, so it was California law, more than the law of any other State, that was targeted by this provision in the original bill.

The so-called private attorney general actions allow groups such as the Sierra Club, local district attorneys, government officials, or even individual consumers, to sue large corporations on behalf of the people of the State. In California, these suits are generally to recover illegally gained profits or to enforce State law against companies that do business there. These are not true class actions. The original bill essentially deemed these suits to be class actions and therefore would have moved many of them to Federal court even if all the plaintiffs were in California.

This was a concern to me and to many in California who are concerned these citizen suits would be so dramatically affected by a bill that was supposed to be about class actions, not private attorney general suits. My amendment and subsequent clarifications of that amendment worked out between myself, Senators HATCH, GRASSLEY, and SPECTER, simply clarify that in any case in which an individual pursues one of these private attorney general suits on behalf of members of the general public, or members of an organization, unless those suits are actually filed as class actions, the bill does not apply. I want to make that clear.

If, for instance, a California consumer sued Enron on behalf of the general public in an attempt to force Enron to disgorge ill-gotten profits and return this money to the Government of California, this bill would not change anything. The case would stay in California court.

I know there will probably be several amendments, and I have comments about some of those comments, but I would like to hold that until the amendment is actually presented.

Let me sum up and then yield the floor. Again, a simple reading of this bill is very demonstrative because it is easily understood. Unlike most bills, it is written in simple English. Probably the most complicated part is what I just went over, the diversity issue. One-third, one-third, one-third, with the Federal judge having specific areas where that judge must make a judgment regarding the middle third as to whether this is truly a case national in scope and belongs in Federal court or whether it should remain in State court, offers a viable way of settling what has been a process that has been grossly criticized, and that is forum shopping, and I think with some considerable justification.

A lot of people have worked very hard on this bill. I am hopeful we will be able to pass it. I believe the bill in itself provides a remedy to what is wrong with the present class action law, and I support it with great pride. I urge my colleagues to support it as well.

I thank the Chair and yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The journal clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, I have come to the floor momentarily on account of a headline in the Financial Times, on page 3, U.S. business hits a choice of running mate. It quotes Tom Donohue, the president of the U.S. Chamber of Commerce, in stating that he attacked Mr. EDWARDS in an interview in the Wall Street Journal. He warned if Mr. EDWARDS were chosen, the group might abandon its traditional neutrality in Presidential elections and dedicate the best people and the greatest assets to defeating the Democratic ticket.

This is unfortunate. Since I know a little bit about the Chamber of Commerce, and I know even more about my friend Tom Donohue, I want to admonish that they not take that course and begin to try to work for "Main Street" America rather than "Main Street" Shanghai.

I speak advisedly of the Chamber of Commerce. As a young Governor, I was the first Governor to take a trip to Latin America to develop economically our little State of South Carolina. I reasoned the Port of Charleston was 300 nautical miles closer to the Port of Caracas, Venezuela, than New Orleans, and New Orleans was always getting the Midwest business. But there was no reason why we could not bring it to Charleston.

So I went down to Caracas, and to the Ports of Santos and Montevideo, Buenos Aires, Santiago, and we started building up industry there.

Incidentally, in June of 1960, I made a trip to Europe, following my friend Luther Hodges of North Carolina. We called on the various Dusseldorf, Frankfurt, Hamburg, and other towns in Germany, and the little State of South Carolina now has 126 German industries.

We had gone to France in June of 1960. I called on Michelin. Michelin Tire of Paris, France, now has four large production facilities and their North American headquarters and more than 10,000 employees in my State.

We are proud. We are business Democrats. That is my friend JOHN EDWARDS. He is a business Democrat. If there was one leader in this industrial development, it would have been the State of North Carolina with its then-Governor Luther Hodges.

Hodges had been the president of the New York Rotary Club. He had been the vice president of the Marshall Field chain before he was Governor. So he knew all of those businesspeople. I had to compete with him, follow on board, so to speak, and try to get the jobs and develop businesses.

One thing we know upfront; that is, you have to have a sound fiscal policy. We raised taxes in South Carolina. And I got the first triple A credit rating.

So it is nonsense for the Chamber of Commerce to call JOHN EDWARDS a "wide-eyed liberal" and JOHN KERRY a "wide-eyed liberal."

Incidentally, I can tell you when I had Gramm-Rudman-Hollings on the floor of the Senate, I was opposed by the Democratic leader, who voted against it; I was opposed by the Democratic whip, who voted against it; I was opposed by the chairman of the Budget Committee, my late friend Lawton Chiles of Florida. And in spite of that opposition, on 14 different votes, up and down, we got the majority of Democrats to support cutting spending and working for a balanced budget. It was hailed at that time. Everybody talks about President Reagan, and I can talk about him advisedly because he was outstanding in international trade. But let me stick right to this particular point.

In order for Gramm-Rudman-Hollings, I had to go to many so-called liberal friends in the Northeast, and I got Senator CHRIS DODD and Senator JOHN KERRY, who had just been elected to the Senate, to vote for fiscal responsibility. Yes, my friend Senator KERRY laid his life on the line in Vietnam. He immediately, when he came to the Senate, laid his political life on the line.

I know Tom Donohue well. I used to work very closely with the American Trucking Association, and I was their loyal supporter, still am their loyal supporter. I, under Tom Donohue, was their man.

I am telling you, I got every financial support and every assistance and what have you. I know Tom Donohue, and he knows trucking all right, but I never have seen him go out and develop an industry. Yes, he got on the boards. He went big time, just like joining the country club. He immediately started getting on the boards of all these multinationals and changing the national Chamber of Commerce into the international, multinational Chamber of Commerce. That is my resentment. That is why I take the floor.

I have worked with the Chamber of Commerce. Go back home to the State of South Carolina and you name a county or a city that I hadn't gotten the Chamber of Commerce award. That is how I met my friend, Robert Kennedy. I was 1 of the 10 men of the year back in 1954, 50 years ago. We met on the TOYM program. And, yes, bring it right on up to 1992. In 1992, they had a fellow named Bob Thompson. He was the national president of the U.S. Chamber of Commerce, and I was his boy. I was the toast of the town and got all kind of help because I had held up labor law reform on eight up-and-down cloture votes. We defeated that initiative. We believed in the right to work and we didn't need labor law reform.

I only have to harken to the 8 years of President Clinton when we had the strongest economy in the history of the United States, with all the taxes that they are trying to cut. Even with all those taxes, we had the 8-year record of economic outburst and production.

So what have you. Now comes the Chamber of Commerce being admonished by Tom Donohue that we can't have this wild, crazy Senator from North Carolina, which is a bellwether of industrial development. That is where he was grown and that is where the people who sent him know him best. And now we are going to have him depicted by Johnny-come-lately to business over at the Chamber of Commerce after heading up the trucking association for years and totally skew trial lawyers.

You know, I have tried to go quietly, and I have stayed off the floor a good bit this year. I have had my time. But I still struggle. I can't keep quiet when I hear all of this lawyer talk. I practiced law on both sides of the aisle. I represented the electric and gas company and the bus system. If you want to represent a defendant, represent the local power company buses. I can tell you, come November, everybody slips on a green pea in the aisle; everybody gets their arm caught in the door; everybody gets their head bumped or whatever else it is. And do you know what. They bring these little claims. When I say little, in those days they were relatively little—$5,000 claim, $10,000 claim.

And the corporate lawyer was lazy. They didn't try the cases. So they settled them out of court and they just paid. You see, corporate lawyers are the most lazy group in the United States. So I backed up all those claims and took them to court all during the month of December and the Christmas holidays and into January. And I won my bet with Arthur Williams who was president of the electric and gas company. I saved them over $1 million at that particular time.

The only reason I mention this, you don't brag but you have to talk to the record. And what happens is that I have been on the side of the corporate practice as well as the plaintiffs practice in punitive damages. I know all about them. I have had a hard experience with them. I have had a hard experience with every Chamber of Commerce in my State and with the national group. When Tom Donohue starts this talk about lawyers, if he wants to really save corporate money, I wish he would go to the corporate lawyers. They talk about frivolous claims. Who in the Lord's world as a trial lawyer can afford to be frivolous?

They have rules of court that get you out. Tomorrow you can file, if you assume all the facts alleged in the complaint as being true. You still don't have a cause of action or, if it is a frivolous charge, you can take it up under rule XI and have it done up. The courts take care of these things, but the pollsters are like used car salesmen and kill all the lawyers and go after trial lawyers who have to work for a living.

What does the trial lawyer do? The trial lawyer says: Poor client, haven't you been offered anything for this particular injury? They said no. Or sometimes they said yes, but they only said $200 or $2,000 or $20,000, and that is not going to take care of my medical expenses for more than a year.

We don't get cases as trial lawyers. Talking about ambulance chasers, I don't know how you chase an ambulance, to tell you the truth. I have been in practice now for—well, I got in in 1947—over 50-some years. I practiced law up here. It is just like making a jury argument. The only thing about it is, you can serve on the jury and you can vote. I like it better.

But the point is that we usually get the client, once his incident, his accident, his claim has been totally investigated by corporate America. I know them. I represented them. They have investigators. All you have to do is tell them, go see this, go see that. When you have investigators to go out and check the jurors: Go around, by gosh, in a particular neighborhood and ask questions. What kind of fellow is John Adams? Is he liberal or conservative? Has he ever had a law case before? They have all the resources in the world. But the trial lawyer gets it after the cake is done and you can't hardly rise it. And it is done falling flat, and the poor client is disconcerted and disillusioned and finally gets to you.

The last case I tried I said, Did you go to so-and-so? He knows this kind of case better. And I went to another one and another one and everything else of that kind. And it was an antitrust case. I had to brief myself, antitrust work. Finally I tried that thing.

But what I am trying to say is, get off of this ambulance chasing issue. No trial lawyer, all the ones that you read about—Fred Baron, in one of the articles, an eminent attorney, head of the American Trial Lawyers Association from Texas. They work. They know what they are doing. And they take on all the expenses, the investigations, the making up of all the models that have to be made, pay the photographers who have to take the pictures. In some instances, they pay the medical bills going along. They take a risk and take that case on as their own. Why? Because they don't get one red cent until they win. They have to win all the way through, taking the expenses of all the interrogatories, all the depositions, all the motions, all the delays, all the frivolity of corporate America because that corporate American is sitting up there on the 12th or the 25th floor, and the clock is running.

The biggest cancer we have in the law practice is billable hours. This crowd down here on K Street is nothing but billable hour boys. They don't try cases. They fix you and me. And they are the ones who have the unmitigated gall to come and talk about frivolous claims. They never go to work. They take you to a dinner, take you to a movie, take you to a weekend down to the golf course, take you out to Alaska fishing, take you anywhere you want to go.

They never try cases, but the trial lawyer does. He has to get prepared, and he has to work, and he has to not only try that case that might take a day, might take a week—some cases take several weeks and months—but as they try that case, they are carrying those expenses all that time. But the corporate lawyer is trying to delay it. It pays them because their clock is running. It pays the trial lawyer to get on with the business of trying the case and bringing it to a conclusion. I know, I have been there on both sides.

What do you have to do? He has to get all 12 jurors—all this about runaway juries. There are some exorbitant verdicts. I have seen in the headlines. When we get to debating this thing, maybe on legal fees, or class actions, or medical malpractice, or whatever it is—if the doctors policed themselves as the lawyers, they would not have any medical malpractice.

There was a headline down in my own backyard how nationally they had about 100,000 injuries and deaths last year as a result of medical malpractice. It would be 200,000, or 300,000, or 500,000 if we didn't have medical malpractice.

What do you think the purpose is of being able to recover for somebody else's wrongful act? Heavens above, we have to get all 12 jurors. I can tell you now, that defendant, all he has to do is get one. Just like they had one on a recent criminal case of some kind. They held that thing up and held it up, and that one juror said he just wasn't convinced.

The jury system is the fundamental of not only the British but the American system of jurisprudence. We have many sayings of not only Winston Churchill and Alexander Hamilton, the forefathers about the importance of trial by jury, because when you get a group of your peers together, they will listen to the facts and make an honest judgment about it. Sometimes if they do go extreme, the trial judge can set it aside, or give them an entire new trial, or just no verdict at all.

One of the last cases I had, I had over $40,000 in costs and expenses—not time, no. I didn't have any clock. I never heard of billable hours. Senator, I have never practiced law for a billable hour. It means if you send the case or dispose of the case and everything else like that, you lose.

The corporate lawyer wants to keep all the cases going. He has all the hours. He just goes to the club, and on the weekend he is off with the chairman of the board, and that is all he has to do. They keep delaying things.

You talk about my friend, JOHN EDWARDS, is a liberal, some kind of nut and some kind of frivolous nonsense here. He has worked hard, and the Chamber of Commerce ought to know that.

Let's talk a minute about trade itself. It is the fundamental duty of Congress to protect—we take an oath to preserve, protect, and defend, and we have Social Security to protect us from the ravages of old age. We have a minimum wage to protect us from slave labor. We have Medicare and Medicaid to protect us from ill health. We have clean air and clean water to protect us from those environmental poisons. You can go right on down the list. We have the Army to protect us from within.

The fundamental of us is to protect jobs and the fundamental of us is to create jobs. You know what the multinationals have to do? They have to move the jobs out because it is cheaper. Why? Because of you and me. We say that before you can open up in manufacturing, you have to have clean air, clean water, Social Security, Medicare, Medicaid, minimum wage, plant closing notice, parental leave, safe working place, safe machinery—I can go down the list. But you can go to Shanghai, China, for 58 cents an hour with none of that.

I called up Walter Allison Dreeny. He was an executive of Pirelli. We brought him to South Carolina in the Lexington County area. I helped him get connected with water and sewer lines. He made a heck of a success in the fiber glass section of Pirelli. He went out on his own and organized what is called Avanex on the big board, and he was doing good. This was about 5 years ago. I learned a lesson. I called Walter and I said: Walter, I see where you are doing good and we don't have a plant of yours in South Carolina. If you continue to do well and you expand, I would like to get your expansion somewhere in Columbia, where you still have a home, or somewhere in our State.

He said, Fritz, I don't produce anything in this country.

I said: You don't?

He said: No, I have my research and sales here.

He sells the innards of computerization and communications, fiberoptic stuff.

He says: I produce in China. When you go to China, they will build a billion. You have a year-to-year contract. They have a good and capable workforce. You got a guarantee. You put a quality man there; you get a young BYRON DORGAN and say you go to Shanghai and oversee this thing—somebody you can trust who knows the business. He watches it for you. You sit on the Internet and you watch it every day as to what they have done. You visit three or four times a year to see how it is going. If the national trend goes big, you get an additional contract in China. If it goes bad, you don't have to renew the contract. You have no obligation to the labor at all.

That is what we are competing with. That is the reality. Yes, the Chamber of Commerce has to understand why their task is to make a profit for the stockholders. Our task is to build jobs. We are not interested in profit. We are interested in building the economy, in education, in health care, safety, law enforcement, yes, and we are interested in the economic strength of this country.

The security of the United States is like a three-legged stool. You have the one leg of our values, our stand for individual freedom, unquestioned the world around; you have the second leg of the military, unquestioned, the superpower; the third leg, the economic leg, has been fractured intentionally.

I say intentionally fracture because after World War II, we had to rebuild freedom and capitalism the world around us, and we had to more or less give up the store. We not only had the Marshall plan, the expertise, the money, and the equipment, but we gave a good part of our own production.

I had a hearing with President Kennedy in 1961 when he put out his famous seven-point program showing that it was injurious to the national security of the United States for us to import more than 10 percent of our consumption in textiles clothing. I am looking around and everywhere I look, I can tell my colleagues that 70 percent of the clothing is from offshore, imported into the United States. Yes, 84 percent of the shoes on the floor of this Chamber are imported. We are out of the shoe business. We are out of my textile business.

Yes, we are going to go out of the computer business, and we are going out of the semiconductor business. Ronald Reagan was the best of the best. He saw that during his 8 years. And do my colleagues know what President Reagan did? He got what they called VRAs, voluntary restraint agreements, on semiconductors, automobiles, steel, and machine tools, hand tools. Ask Andy Grove of Intel. If President Reagan had not put protectionism, a voluntary restraint agreement, on semiconductors, we would not have had an Intel. We put that program in SEMATECH. It was assistance to equalize high technology development that was about to go out.

As I see it, we are about to go out not only of textiles but semiconductors, automobiles, and other products. We have to have basic production. That basic production has developed the middle class, the strength of America. If you want to do away with it, Mr. Chamber of Commerce, and move everything to China all for a profit and no country at all—it is scandalous what corporate America has been doing, running over to Bermuda, evading and avoiding taxes.

I saw one report the other day that in corporate America, something like only 20 percent pay taxes. About 80 percent of them do not pay taxes at all. And they talk about high corporate taxes. They have more experts on how to evade and avoid and change and cancel out. So it happens.

Yes, Senator EDWARDS has worked not only on the Intelligence Committee, knowing foreign policy for 6 years now. In one of the stories, they said if something happened to JOHN KERRY, we would have a President with no experience again. The only thing is, this President, EDWARDS, would be interested in being President. President Bush is only interested in being Candidate Bush. He goes out every day to some military or some police or other particular situation, gets that 7 o'clock news photo, makes his little statements, and he does not keep up with any of the legislation. He is not proud of any legislation. We do not have any leadership from the White House on getting anything done. We are getting little nagging spitballs of class actions and—what is that other thing—a constitutional amendment on marriages.

One can get a common-law marriage in South Carolina. Are we going to put that in the Constitution? Come on, a big national problem. He has more funny bunny things to think of and bring up and waste our time. It is the worst administration I have ever seen.

My point is the Chamber of Commerce.

Mr. REID. Will the distinguished Senator yield for a question?

Mr. HOLLINGS. Yes.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I thank the Chair.

Mr. President, I want the Senator to comment on this statement. Here is a good-faith effort to move a bill—I do not like the bill. OK, I do not like the bill, but we have a few Democrats who like it, so we decided not to stand in the way of this legislation.

I have a letter from Jerry Jasinowski who is the president of the National Association of Manufacturers. Here is what he said yesterday, and I want my friend, the distinguished Senator from Wisconsin, who supports this legislation and others to hear what this plan has been. This is not something that came up this morning.

He writes on this card to one of the Members:

> I urge you to vote in favor of cloture.

There was never any intention of this being a fair deal out here; will the Senator agree with that?

Mr. HOLLINGS. That is right. They know their scheme. I tell you, our Republican colleagues know what they are doing when it comes to running campaigns. We know how to run the office once we get in, but they know how to run for the office. We saw President Bush was already in Raleigh, NC, and they called for, of all things, class actions so they can lambaste our Vice Presidential choice. That is what is going on. The campaign is going on on the floor, and I am joining in on the campaign. I have tried to stay out of it, but I am happy to join it because when we get about protectionism—and this is what this article says, we are going to lose out on everything and regressive—what are all those funny words they use?

Here is yesterday's Financial Times: "China vows to use anti-dumping and trade measures to protect its markets."

I ask unanimous consent to print the Tom Donohue article and this article about China in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Financial Times, July 6, 2004]

U.S. BUSINESS HITS AT CHOICE OF RUNNING MATE

(By Edward Alden and Alex Halperin)

The choice of John Edwards as the Democratic running mate has triggered an unusually harsh reaction from U.S. business, which fears his selection will tilt the Democratic ticket sharply against tort reform and trade liberalisation.

Tom Donohue, president of the U.S. Chamber of Commerce, the country's largest business group, attacked Mr. Edwards in an interview with the Wall Street Journal before John Kerry made his announcement yesterday. He warned that if Mr. Edwards were chosen, the group might abandon its traditional neutrality in presidential elections and dedicate "the best people and the greatest assets" to defeating the Democratic ticket.

Mr. Donohue said the issue of curbing costly lawsuits was "so fundamental to what we do here at the chamber that we can't walk away from it". He was lobbying the Senate yesterday for passage of a bill to restrict such lawsuits.

The National Association of Manufacturers, which is leading a coalition of companies fighting what it says is ruinous asbestos litigation, was equally harsh. "The prospect of having a trial attorney a heartbeat away from the presidency is not something we relish," said Michael Baroody, executive vice-president.

The NAM tracks the votes of senators on issues deemed important for manufacturing companies, and in the current Congress Mr. Edwards has supported the NAM on only one of 16 votes, the same as Mr. Kerry. "It's not auspicious," said Mr. Baroody.

While U.S. trial lawyers have long been an important source of funding for the Democratic party, Mr. Edwards' ties are unusually close. He made his own fortune as a plaintiffs' lawyer in North Carolina before running for the Senate and trial lawyers are by far the largest contributors to his political career. Of his top 25 career patrons, 22 are fellow trial lawyers, according to the Center for Public Integrity, which tracks political contributions.

The American Tort Reform Association, which represent companies opposed to class-action suits, yesterday accused Mr. Edwards of favouring "a prolitigation, anti-civil justice reform agenda that puts his wealthy personal injury lawyer patrons ahead of the American people".

U.S. companies are also worried about Mr. Edwards' stance on trade liberalisation. In his run for the Democratic nomination, he was an outspoken opponent of the North American Free Trade Agreement with Mexico, and helped make the "outsourcing" of U.S. jobs overseas into a key issue for the Democrats. North Carolina is among the states hit hardest by the loss of manufacturing jobs. But he has also cast several votes in the Senate in favour of trade liberalisation.

The president of a business group representing U.S. multinational companies, who asked not to be named, said that while Mr. Edwards' rhetoric on trade during the Democratic primary was not encouraging, "he has not been by any means one of the worst on the Democratic side".

He said Richard Gephardt, the former Democratic House leader who has voted against all the main trade agreements of the past decade, would have been a much worse choice in terms of future trade liberalisation.

[From the Financial Times, July 6, 2004]

CHINA VOWS TO USE ANTI-DUMPING AND TRADE MEASURES TO PROTECT ITS MARKETS

(By Mure Dickie in Beijing and Guy de Jonquières in London)

China plans to step up its use of anti-dumping and other trade measures to protect its market, saying its economy and industries need to be able to adjust to tougher competition since it joined the World Trade Organisation in 2001.

China has been the biggest target of anti-dumping actions by other countries. As well as signalling more awareness of the potential for using such measures, the decision is a pointed reminder to trade partners that the country is now the world's fourth biggest importer.

The shift in policy also coincides with intensive, but so far unsuccessful, efforts by Beijing to persuade the US and European Union to grant it "market economy status". That would make it easier for Chinese exporters to defend themselves against anti-dumping cases.

The official China Daily newspaper yesterday quoted Gao Hucheng, vice-minister of commerce, as calling for "concerted efforts" by industrial associations and legal agencies to help Chinese companies compete with foreign rivals. "It is an imperative task for governments at all levels to resort to legal means that are enshrined in the WTO pact, such as anti-dumping, anti-subsidy and other protective measures," it quoted Mr. Gao as saying. China has long been among the fiercest critics of U.S. and Eruopean anti-dumping actions, saying they discrimate against its exports. However, its use of such measures has increased since joining the WATO.

Last year, it initiated 22 anti-dumping investigations, more than any WTO member except India and the US. Though lower than the 30 cases brought the previous year, the figure was sharply higher than the six China opened in 2000.

Anti-dumping investigations can lead to steep duties being imposed on imports that are found to have been sold below cost and to have harmed producers in the importing countries. Many trade experts criticise the methodology used to determine dumping, saying it is opaque and open to official manipulation.

Beijing recently caused concern in Washington by imposing preliminary anti-dumping duties of as much as 48 per cent on optical fibre imports from the US, Japan and South Korea.

The China Daily quoted Wang Qinhua of the commerce ministry's bureau of industry injury investigation as saying that government officials were watching closely "to see if some of the industries are hurt by unfair foreign competitors".

The newspaper said the government was also seeking to shield Chinese exporters from foreign anti-dumping actions by providing advice and information on international prices.

According to the WTO, other countries opened 45 investigations into imports from China last year. The total number of anti-dumping cases brought worldwide fell last year to 210 from 311 in 2002 after a peak of 366 the previous year.

Although industrialised countries were for a long time the most active users of anti-dumping measures, developing nations have accounted for most of the investigations since the mid-1990s.

Mr. HOLLINGS. Mr. President, the reason I had the China article printed in the RECORD is because China is following Japan. We have yet, in 50 years, to get into the downtown market, Main Street, Tokyo. We cannot sell in Tokyo what we sell in the United States. No. They have total protection. They not only have MITI with the financing and the refinancing and keeping even bankrupt entities going, but they control that market so they go for market share. They are not worried about profits the way the government runs things. We have antitrust, they have pro-trust.

That Lexus I have sells for, let's say, $35,000. It will sell for $45,000 in downtown Tokyo. They pay at the local market way more for that camera, way more for that television set, way more for that automobile because we are talking about profit, and they keep on getting more and more market share.

So we have to understand not only the thrust of their competition, but that they are competing. They are as protectionist as can be on antidumping. We get into WTO and say: Oh, no, it is WTO violative; you cannot enforce any antidumping statutes in the United States. That is why we have that funny tax bill over there that they loaded with all these extra tax cuts for corporate America. It is a disgrace. Everybody has written about that.

Warren Buffett, two days ago, said that tax bill is a disgrace. But the reason we got the tax bill started was to try to equalize the situation where we have been taking care of our particular businesses and industries, and if we are going to have the U.S. Chamber of Commerce join the other side, this is like joining Saddam in Iraq.

If my colleagues want to see a business-oriented State, come to North Carolina where JOHN EDWARDS is a Senator. I can say right now, they talk now about the two most liberals. That is the biggest bunch of nonsense I have ever heard. I resent it, particularly respected entities like the National Chamber of Commerce taking business away from America. Tom Donohue is just adamant on doing that. He has been taken over by the multinationals. His main membership is the Business Roundtable. They are not for your stores, they are not for the Main Street merchants anymore.

That is why the Chamber of Commerce—by the way, I was a member of the oldest Chamber of Commerce in the United States, so I speak with some authority. I have seniority in something. I have been around here for so long, I have been looking for it wherever I could find it.

In any event, what we have to do is sober up. The business leadership has to quit this race to China, quit this tax race avoidance to Bermuda, quit this Chamber of Commerce nonsense about who is liberal and who is conservative, and understand that our jobs are here to build up this market so they can sell what they sell here, not dump. If we do not have any jobs, they cannot buy, they cannot sell.

We have the richest market in the world, but we are vastly developing into the poorest market. That is why I have my job. I see some other Members. But they talk about a wonderful economy, we have 5 percent growth. Baloney. I have 56,800 manufacturing jobs lost since President Bush took office, and they have not come back as of last night. This is from the Bureau of Labor Statistics. That is manufacturing. Do not tell me about growth, growth, growth. I am not getting all of this growth.

We have a lot of Government jobs. The Government is growing, the law practice is growing, health care is growing, but business is not growing. Production is not growing in America. The middle class is diminishing.

It is shrinking. We have to worry about that. We cannot go along with these labels about, we have the Chamber of Commerce now which has already said he is the most liberal. He could not be a Senator—he could not have won any election in the State of North Carolina if he had that character.

I say to my colleagues, he believes in hard work, he believes in justice, he believes in trying his case, and 12 jurors and the presiding judge and the appellate court all agreed with JOHN EDWARDS. Tell Tom Donohue to bug off.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. DORGAN. Mr. President, will the Senator from Wisconsin yield for a unanimous consent request?

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. My understanding is the Senator from Wisconsin is going to speak for about 5 minutes. I ask consent to be recognized following his presentation.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wisconsin is recognized.

Mr. KOHL. Mr. President, I rise today in support of the Class Action Fairness Act of 2004. Class action lawsuits serve an important role in our court system. They permit consumers to address their injuries collectively and hold the wrongdoers accountable, often when a lawsuit would have been too costly for any one individual to bring it alone.

Most of these cases proceed exactly as we would hope. Injured parties, represented by strong advocates, get their day in court or reach a positive settlement that is good for the parties and handled well by their attorney.

Unfortunately, this is not how it always works. Rather, some are taking advantage of the system and consumers are getting the short end of the stick, recovering coupons or pocket change, while the real reward is going to others. The Washington Post put it clearly, "no portion of the American civil justice system is more of a mess than the world of class actions."

This legislation addresses the mounting problems in class action litigation in a fair and balanced way. The bill is not a panacea, but it will stop many of the unfair and abusive class action settlements that plague our court system and short-change consumers.

Let me provide just a couple of examples of these abuses. In a large class action suit against Blockbuster video, consumer plaintiffs received coupons for $1 off their next rental as their only compensation for a successful settlement to their legitimate claims. Their lawyers received $9.25 million.

Or consider Martha Preston of Baraboo, WI, who was a member of the Bank of Boston case. It was Mrs. Preston's experience that demonstrated for many of us that we needed to take a serious look at changing the class action system. When her class action suit was over, Mrs. Preston had technically won the case, but ended up owing $91 to her lawyers and defending a lawsuit that her own lawyers filed against her in State court.

Studies show that these are not isolated examples. Rather, certain State and county courts welcome the sort of unfair class action suits that lead to the embarrassing settlements that we are trying to end. Anyone who follows this problem can say that class action cases brought in Madison County, IL or certain counties in Florida or throughout most of Mississippi will succeed regardless of the merits of the case and regardless of how poorly any truly injured consumers make out in the settlement.

Our bill stems the abuses in the class action system. While we change the location where some lawsuits are heard, the bill recognizes the essential role class action cases play in our legal system. We can say without reservation that not a single merited case will be deprived of its day in court under this bill.

We stop the coupon cases that are far too prevalent. We ask the State attorneys general to review the settlements that affect their constituents in an effort to add another layer of protection for consumers. Finally, we move some cases to Federal court where the judges have more resources and expertise to devote to these complex cases.

We look forward to debating this bill and all of the amendments that promise to be offered to in the coming days. We have worked on this bill for many years, crafting significant changes in response to constructive criticism. Indeed, today we can say proudly that a strong bipartisan coalition supports this legislation.

This project that we started with Senator GRASSLEY several years ago has matured through numerous committee hearings, multiple markups, countless favorable editorials, and a general educational campaign that has taught Members that the class action device is in dire need of repair. We have garnered broad support through repeated compromise and negotiation and have now reached a point where a large majority of the Senate supports this bill.

I would particularly like to thank Senator GRASSLEY with whom I have worked for many years on this bill as well as Senators HATCH and CARPER for all of their diligent efforts in support of class action reform in the last couple of years.

The changes that we have made to the bill responded to the criticism that we moved too many cases to Federal court and that local cases should remain in State court. We addressed that first in a major compromise with Senator FEINSTEIN during the committee markup last year. We addressed that the other concerns at the end of last session with a second compromise with Senators DODD, SCHUMER, and LANDRIEU.

The changes we made to the bill were good ones that did a better job of tailoring our bill to address only the sort of cases that are the worst abuses. Cases that belong in State court will stay there under this bill. Cases of national importance will be heard in the Federal system.

We have told the Republican leadership repeatedly that there must be a reasonable amount of time for amendments to be offered to this bill and voted upon. We understand that the minority leader offered a maximum of 5 non-germane amendments and 10 germane amendments to the bill this morning. This would certainly quality as reasonable under any definition. We know that many of us, both Republicans and Democrats, want to offer amendments, both related, and unrelated to this bill. There must be an opportunity to do that. Unfortunately, so far we have not had that chance.

We are eager to see the Senate work its will and pass this bill. That would be an important step designed to protect consumers injured by these abusive class action settlements.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I was inspired by my colleague from South Carolina. Senator HOLLINGS comes to the floor to speak, among other things, about international trade issues and does it in a way that is not only right on point but also very colorful. I would like to follow on that a bit and talk about a couple of other subjects.

I know we have the class action reform bill on the floor of the Senate, but that bill apparently is going nowhere at this moment. My understanding is the majority leader has "filled the tree," which is a fancy way of saying he is blocking everything. He puts a bill down, blocks everything, and creates a little gate in the majority leader's office saying: Show me your amendment. If I like it, you can offer it; if I don't, you can't. That is where we are. Because of that action, I assume very little is going to happen at the moment.

While I think that class action reform is an important issue and we should get to the amendments to the bill, there are other things we also need to be doing. There is a lot of unfinished business in this Chamber. We are doing very little on any of it, regrettably.

On appropriations, we had some subcommittee markups scheduled this week that have been canceled. We need to get the appropriations done.

Writing a new highway bill, we were supposed to have written the highway bill last year, and it is not done this year. Now they are talking about extending it until next year. There is no better job generator for those who are concerned about new jobs in this country than having a highway bill because that puts people to work right now with contractors and workers all across this country. Yet the highway bill was supposed to have been rewritten last year. It wasn't. It was supposed to have been rewritten this year. It isn't. So there is a lot to do in this Congress that is regrettably not getting done. There is a lot of unfinished business.

My colleague from South Carolina talked about trade, the trade deficit, the shrinking employment base in manufacturing and the shrinking manufacturing base itself in this country. He also spoke of the Chamber of Commerce that was critical of our colleague, Senator EDWARDS.

That was one of the things I was going to talk about today. The head of the Chamber of Commerce, in a speech just within recent days, said people who are affected by off-shoring should "stop whining." Again, the head of the Chamber of Commerce says those people who are affected by outsourcing, by the movement of jobs overseas, by offshoring, ought to "stop whining."

I don't know of the head of a corporation who has had his or her job moved overseas. I don't know of a Member of the House or Senate, I don't know of a politician who has had his or her job moved overseas. I don't know of one journalist who has had his or her job moved overseas. But there are plenty of folks who work in manufacturing in this country who have been the victims of offshoring, outsourcing, moving jobs overseas.

I have pointed this out on numerous occasions, but it is worthwhile to do it again, just because it is, I think, such a good illustration of what is happening in our economy.

This is a bicycle I have spoken of often in the Senate, a Huffy bicycle. Most Americans know of a Huffy bicycle. It has 20 percent of the American market. Many Americans have ridden a Huffy bicycle.

This used to be made in Ohio, by the way, by one plant with over 900 proud employees who made Huffy bicycles and did a good job by all accounts. They came to work one day and discovered they were all fired. Why were they fired? Because they made $11 an hour plus benefits and that was too costly.

The manufacturing plant in which these bicycles were produced was moved to China. It was moved to China because they could hire somebody for 33 cents an hour in China and work them 12 or 14 hours a day, 7 days a week. So that is why Huffy bicycles are not made in this country any longer.

Those who say to those 900-plus workers who lost their jobs, "stop whining," apparently don't understand the anguish of being told, in this country, that making $11 an hour is too much money. You can't compete with a Chinese worker who makes 33 cents an hour.

The American people don't need to be told that. We can't compete with 33 cents an hour. We can't compete with someone in Indonesia who is making shoes for 16 cents an hour. We understand we can't compete with that. Nor should we be required to.

This country, for one century, has fought over the issues that are important to a good life in this country, issues of abolishing child labor, in which we were sending kids into factories and down into mines. So we have child labor laws. There are issues about plants that dump effluents and poisons into the air and water, and so we have environmental laws. We have issues about safe workplaces, so that workers can expect to go into a factory that is safe, and so we have laws dealing with safe workplaces. There are issues about fair wages, so we have minimum wages in this country.

There are issues about the right to organize. People died on the streets in this country for the right to organize as workers, and so we have labor unions with the right for people to organize.

In one fell swoop, a company wishing to pole-vault over all of those issues can simply decide it wants to be an American company for purposes of incorporation, but it would like to be a foreign company for purposes of production. Whether it is a Huffy bicycle or a little red wagon, the Radio Flier wagon which for 100 years was made in this country and now is gone, they can decide to move the production of those products somewhere in the world where they don't have to worry about child labor laws, environmental laws, about a labor union, because they can move it to a place where labor unions are not permitted, workers are not permitted to organize, where there are no requirements with respect to fair wages.

What is happening, as we know, is more and more companies are engaged in outsourcing. It is not just bicycles and little red wagons, the Radio Fliers; it is not just that. It is now white collar jobs as well, where there is outsourcing into Indonesia and China and elsewhere. And they are told stop whining. By whom? By people who have never lost their jobs and are not about to. They are not going to lose their jobs to outsourcing. To them, this is all theory.

By describing all of this, I am not suggesting we build a wall around this country because I don't believe we should or could. I believe in expanded trade and I believe in expanding opportunities for Americans through trade. But I do not believe in the kind of trade agreements that have been brought to this Senate for approval.

I don't intend to support the Australian-United States Free Trade Agreement, which will come to the floor of the Senate soon, because it, again, in my judgment, undercuts the interests of this country.

I am perfectly willing to support trade agreements that are fair to this country, fair to America's workers and require us to engage in competitive and fair trade. If we can't win in fair trade, then that is our tough luck. That is our fault. But let me give some examples of what our trade negotiators have done, time after time after time. If there are people who want to defend this, I wish they would come to the floor of the Senate. None have and none will. I will give just one example and then go on to several others.

About 2 years ago, we did a bilateral trade agreement with the country of China. In that agreement our trade negotiators said this to China: You produce automobiles and ship them to the United States. We will charge a tariff of 2.5 percent on any automobiles that you ship into the United States. But we agree that any U.S. automobiles, any automobiles produced in the U.S. that we would ship to China, you can charge a 25-percent tariff. In other words, our negotiators said: I will tell you what we will do. You have a very large trade surplus with us, China. We have a $130 billion trade deficit with you. But I will tell you what we will do. We will set up an agreement with respect to automobile trade, and you can charge a tariff on U.S. automobiles going to China that is 10 times higher than any tariff we would impose on Chinese automobiles going to the U.S.

I would like to find the softheaded negotiator who decided that this is something that is fair to America, fair to America's workers or fair to America's producers.

I don't come from an automobile State. I will give you one more example of automobile trade—that is, automobile trade with Korea.

We have a circumstance with Korea where we ship about 2,800 automobiles every year to be sold in Korea. That is how many automobiles we get into Korea. What does Korea ship to the United States? Somewhere over six hundred thousand vehicles come into our marketplace, and 2,800 we get into Korea. You know why? Because our marketplace is wide open and the Korean Government doesn't want U.S. cars in Korea, so they set up dozens of impediments to our shipment of U.S. cars to the Korean marketplace.

The list goes on and on and on. If you are an American rancher and believe you ought to get beef into Japan—after all, we have a deficit with Japan of $50 billion to $60 billion every year, year after year, so the Japanese market ought to be open to U.S. beef—you find that years after the United States-Japan beef agreement, there still remains a 50-percent tariff on every single pound of beef that is sent from this country into Japan. Unfair? You bet your life it is. Anybody care about it? No. Our trade negotiators are off busy negotiating new agreements with Singapore, Australia, Morocco, Honduras, Costa Rica—all of these new agreements that create new unfairness in trade law—before they will even talk to you about the old trade laws that aren't working.

We have the largest trade deficit in history—not just our history but in the history of the world. Someday it will have to be repaid. It will regrettably be paid with a lower standard of living in this country, and nobody seems to care about it.

Let me talk about that trade deficit for a moment. On May 13, we see headlines that the U.S. trade deficit grows unchecked—a $46 billion trade gap in March—1 month, a $46 billion trade deficit. How about the next month, June 15, when we learn that the U.S. trade deficit sets another record in April—$48.3 billion in a single month. Up and up and up goes this trade deficit, with American jobs leaving, outsourcing, offshoring. That is not a way, in my judgment, to strengthen our country and strengthen our economy. No country will long remain a world economic power without a strong, vibrant, growing manufacturing base, and our manufacturing base is being decimated month after month. These are not circumstances of fair trade. We ought to be debating them on the floor of the Senate with respect to legislation. But we will not. Instead, we will debate the United States-Australia Free Trade Agreement, and will be unable to offer a single amendment because of fast track rules.

While I talk about some of the circumstances of trade, one of the problems, of course, is that U.S. companies are setting up foreign subsidiaries—not for the purpose of producing in a foreign country for sale in another foreign country, but for the purpose of producing in a foreign country for the sale into the U.S. marketplace. And in fact, another reason they are setting up foreign subsidiaries is to avoid paying taxes to the U.S. Government.

Here is an interesting statistic. In a recent year, of the 100 largest publicly traded companies that do business with the Federal Government—I am talking about Federal contractors, the biggest companies that build things, airplanes, tanks and all of the things they sell to the Federal Government—59 of them had created subsidiaries in tax-haven countries. Why? Because they want to move production plants to tax-saving countries? No. Because they don't want to pay taxes.

Halliburton Corporation, the subject of a couple of hearings I have had, had 17 subsidiaries, 13 in the Cayman Islands. This is all about running a corporation through a mailbox, not for the purpose of producing anything but for the purpose of trying to avoid paying taxes.

What you have is companies that decide they want to be American citizens, they want to do business in this country, they want to sell into our marketplace and contract with the Federal Government, but they do not want to pay taxes. Second, to the extent they can, the production which they want to contract to the Federal government they want to move offshore. Why? Because it is cheaper to produce offshore.

Once again, anytime someone gives a speech, as my colleague from South Carolina did or as I do from time to time, about trade and requiring and demanding fair trade rules, the institutional press and others will say this is just uninformed nonsense from a bunch of xenophobic, isolationist stooges who can't see over the horizon.

You can't have a thoughtful debate about trade. We have now a $48 billion monthly trade deficit. Nobody wants to talk about it. Nobody will talk about it. Will there be anything brought to the floor of the Senate to deal with this? No. We talk a lot about the fiscal policies and budget deficits, and we have a reckless fiscal policy that is out of control. No question about that. But this trade policy is something nobody talks about, and these trade policy deficits are way out of control. They are affecting our economic base, our manufacturing base, and our productive capacity in this country. We will pay a heavy price for that unless we decide at some point that our trading partners are required to engage with us in fair, competitive, and open trade.

My colleague talked a little bit about the effort through the WTO and the allegation by some that we must remove our antidumping provisions that exist in law. Antidumping provisions are provisions that protect a country against another country that would try to dump into that marketplace at a price well below the price of production and injure or demolish an industry in your country. The trade ambassador said those are on the table for negotiation. We are willing to negotiate and we will negotiate in the WTO negotiations our antidumping provisions and get rid of them potentially. So we will get rid of the only protection that exists for producers and workers in this country against unfair competition. I don't understand that. Is there some notion that we shouldn't stand up for this country's interests?

I come from a State that must find a foreign home for a substantial amount of its agricultural production, and I am the last person in the world to want a trade war or to shut down opportunities for fair trade. But I will give you some examples of things that bother us.

We produce a great deal of wheat in my State. So we do a bilateral trade agreement with China. The Chinese say: Well, under this agreement we will set a tariff rate quota of 8.5 million metric tons. I didn't believe that, but I especially didn't believe it when I saw the South Asia Post one day and the Agriculture Minister from China was traveling down there speaking in an interview in the South Asia Post. He said to the Chinese: This 8.5 million metric tons of wheat, that is just theory. That is just theory. That doesn't mean we are going to buy it. And sure enough, they didn't buy it. Now, finally, they have made some modest purchases. But we didn't have any substantial quantity of wheat going into China for years after the agreement because they didn't have any intention of making those purchases. Our farmers deserve the opportunity to compete in these markets and yet were denied that opportunity.

Probably the most obvious hood ornament on foolishness here in Congress in terms of public policy and in the White House is our attempt to sell goods into Cuba. Talk about a political odd couple. John Ashcroft and I, when he was a Senator, actually got legislation passed which is now law, and it opens just a bit the embargo with Cuba so that we could sell agricultural commodities into Cuba. After 40 years of an embargo, we finally, because of the bipartisan work here in the Congress, passed a law that opened that market just a bit so we can sell some agricultural products into Cuba. Cuba has to pay cash. They have to run the transaction through a European bank, a bank that is not in this country. But, nonetheless, we have been selling agricultural products to Cuba. But the State Department and the administration are doing everything they can, every conceivable thing they can to shut down even that small amount of export of agricultural commodities to Cuba.

I don't understand this effort to injure ourselves. Public policy that hurts our country, that is believed to be sound and good policy, whether it is at the White House or by some in Congress, is something that makes no sense to me at all.

On a related subject but somewhat off of trade, in addition, with respect to Cuba, we have a travel ban. That travel ban, incidentally, is an attempt to slap around Fidel Castro, someone for whom I have no use at all, a Communist dictator that Cuba does not deserve. In an attempt to punish Fidel Castro, our Government has decided we shall prohibit Americans from traveling to Cuba, so we have a travel ban. We do not ban people from traveling to Communist China. We do not ban people from traveling to Communist Vietnam. But they cannot go to Cuba.

At a time when we are beset by terrorist threats in this country, we have a little organization down in the U.S. Department of Treasury that ought to hang its head these days. They have, I understand, 20 people in an organization called OFAC, Office of Foreign Assets Control. Their job is to track financial movements of money to the terrorist organizations.

Twenty of them are tracking Americans traveling to Cuba. They are accusing them of trying to take a vacation. A woman named Joan Scott went to Cuba. Joan Scott went to Cuba to distribute free Bibles on the streets in Cuba with a missionary zeal and a religious sense of making a difference. She went to Cuba to distribute free Bibles. Guess what. Boy, the Treasury Department got hold of her recently and is going to fine her $10,000.

There is a fellow from near Seattle, WA. His dad died and was cremated. His dad's last wish was to be buried on the church grounds where he ministered in Cuba. This young fellow took his dad's ashes to Cuba. They tracked him down, the people who are tracking down terrorists. They tracked down a young man taking his dad's ashes to Cuba.

Or Joan Slote. They are supposed to track terrorists; they tracked Joan Slote down. Joan Slote is a 76-year-old grandmother who rides a bicycle all over the world. She joined a Canadian bicycle club and bicycled to Cuba. She did not know it wasn't legal. She had a good time, a 76-year-old grandmother bicycling to Cuba. They tracked her down right quick and slapped a big fine on her. It was all a mistake because she was not even home when they sent her the first letter. She was gone because her son was dying of a brain tumor. She was not there, did not get the letter, so they slapped her with a bigger fine. After she paid part of that fine, they tried to attach part of her Social Security check.

These are people who are supposed to be tracking terrorists, but they are going after people distributing free Bibles in Cuba, retired grandmothers who are taking bicycle trips, and a young fellow trying to bury his dead father's ashes.

It is embarrassing what is happening in this administration dealing with this issue of the travel ban. We have, on repeated occasions, on a bipartisan basis, with Republican support and Democrat support in the Senate, voted to lift that ban. Yet, somehow, in the end, the White House always wins. That ban is in place and we are using precious resources that are supposed to be tracking terrorists who are now tracking American citizens accused of taking vacations in Cuba and slapping them with $10,000 fines.

I digress. That was not the point of raising the Cuba issue. The Cuba issue is about trade and the foolishness of what we are doing to inhibit our family farmers from fully exploring the opportunities of trade in Cuba. We have a natural advantage over Canadian and European farmers with respect to that marketplace.

Incidentally, they are required to pay cash for the food they buy in these trades and yet the administration is making it more and more difficult for our farmers to access those marketplaces.

I started by saying the Senator from South Carolina was talking about the Chamber of Commerce and, as I said, the President of the Chamber of Commerce said people should stop whining if they are affected by offshoring or offsourcing or moving jobs overseas.

I don't think people who have been hurt by this should stop speaking up at all. I don't think they are whining. But you could certainly see the anguish on the faces of people who are proud to go to work in the morning and make a good product, only to discover their employer felt $11 an hour was excessive and they would sooner get that product made by Chinese workers at 33 cents an hour. You can certainly see the anguish in the faces of those people who had to go home some night and tell their loved ones: Honey, I lost my job. It was not my fault. I worked here for 15 years. I lost my job today because I make $11 an hour and my employer wants to go offshore and find somebody who will do it for 33 cents an hour, and who will be prevented from joining a labor union, and who will work at a plant that may not necessarily be safe, and who will work in a plant that will put poisons into the air and the water, and who will work in a plant where there are no child labor laws.

That is a hard thing for people to do, to go home and tell their families. It is not whining. These Americans deserve better than that. This country was built by people who take showers after work. This country was built by people who work hard, do their best, expect a fair deal, expect there is some connection between effort and reward in this country. And regrettably, these days, when we see this avalanche of outsourcing and offshoring and decisions that this is not about workers being part of the country, workers are like a pair of pliers or tools; when you are done with them, get rid of them. That attitude on the part of business is wrong.

I visited with a CEO of a corporation recently. He said, I am one of the few companies in my industry that has not offshored or outsourced a portion of the servicing of my customers. He said, Everyone else has done it and I have not. It costs me more and it makes me a little less competitive because I have not done it, but I have resisted it because I have not wanted to lay off workers in the United States and to outsource that to China or India.

I applaud him. But there are precious few companies which have that attitude.

In short, we need trade laws that stand up for this country's interests. Why is it embarrassing for someone to say, I support this country's interests? Why has that become something no one will talk about? I am not talking about advantage; I am talking about fair trade. Why is it not fair for us to say we stand for requirements of compensation that are fair? Yes, with China, with Japan, with Korea, with Europe.

Why do we allow Korea to have a 300-percent tariff on potato flakes from our country? Why do we allow the Koreans to decide they will keep out our American automobiles to the extent they can, or keep out American pickup trucks to the extent they can, while boats pull up at our docks with Korean cars?

I say to Korea, that is fine, bring your cars to our marketplace. Our consumers want the opportunity to shop for them. But there is a condition for that. Then your market must be open to American vehicles. It must. We ought to have the strength and the assertiveness to say that to all of our trading partners.

This country needs to get a backbone. This country needs to have a spine that says, look, we believe in trade and it should be mutually beneficial. We also are not going to apologize for standing up for this country's interests. This country has interest in a growing economy and expanding economy and jobs. There is no essential program we will vote on in this Congress that is as important as a good job that pays well with good benefits. There is no social program that is any more important than that.

It is time, it seems to me, to turn to important things in the Senate. First and foremost, perhaps the majority leader should come to the Senate and stop blocking amendments so we can finish the class action bill. If we do not finish the class action bill, it will be because of one reason, and that is because the majority leader decided to block amendments.

If he wanted to offer amendments, I assume our side could have offered a number of the amendments we were prepared to offer today, work through tonight, tomorrow, tomorrow night, and finish the class action bill. In my judgment, in all the discussions I have been in, and I am part of the leadership on our side, there was no desire to block class action. There was an acknowledgment and an understanding that this bill was going to get done—until this morning when the majority leader came to the Senate and used an unprecedented maneuver to block all amendments except those with which he would agree.

The first thing we ought to do is unhinge that problem, move forward on class action, and then deal with a range of other issues we know are important for this Congress. It is surprising to me how little this Congress has accomplished and how much it should be required to accomplish.

The highway bill, which is so important, as I indicated earlier, is last year's business. It was not done last year and now apparently will not be done this year.

What are we doing? Standing around here in the Senate. We will not vote today, apparently, and probably will not vote tomorrow, I don't know why. Why? Because we have these unusual procedures of blocking amendments because someone is concerned, apparently, that someone else is going to offer an amendment that somebody else does not like.

I do not understand. We probably should be required to retreat someplace in a room and read Senator BYRD's history of the U.S. Senate. Maybe that would be helpful, and we can read about some of the great debates in this Congress—tough debates, sharp debates. But they went on and they had votes and they resolved them and got through them.

Mr. President, with that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CORNYN). Without objection, it is so ordered.

SUDAN

Mr. McCAIN. Mr. President, I come to the floor today to discuss the mass human destruction unfolding in the Darfur region of Sudan. The stakes in Darfur are extremely high and the death toll could exceed the number killed in Rwanda 10 years ago.

Both Secretary of State Powell and U.N. Secretary-General Kofi Annan have visited Sudan in recent days. Their attempts to promote an end to the killing in Darfur are admirable. The Sudanese Government has agreed to contain the janjaweed militias and allow human rights monitors into Darfur. Yet it is not at all clear that the Government of Sudan is serious. The Sudanese Foreign Minister continues to blame the militias alone for the violence in Darfur, and before Kofi Annan's visit, local authorities cleared the squatter camp he visited.

Now, I have been around for a fair number of years. I have never heard of a situation where the Secretary-General of the United Nations was going to visit a refugee camp—actually it was a squatter camp—and the government comes in the night before and evacuates the whole place. I can imagine how insulting that is to the Secretary-General of the United Nations. And it certainly may give us some insight into the seriousness or lack of seriousness on the part of the Sudanese Government.

Government officials have said that reports of humanitarian catastrophe are overblown, and Sudan's Ambassador to the United States says that despite widespread reports that the Government is using Antonov bombers to attack villages and water wells, that this is false and "part of a smear campaign against Sudan."

Mr. President, I received a letter from the Ambassador of Sudan that I ask unanimous consent be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REPUBLIC OF SUDAN,
THE AMBASSADOR,
Washington, DC, June 23, 2004.

Hon. JOHN MCCAIN,
Senate Russell Office Building, Washington, DC.

DEAR SENATOR MCCAIN: In reference to your article today, Wednesday, June 23, 2004 in the op-ed section of the Washington Post, concerning the situation in Darfur, a western region of Sudan. First of all, I would like to express my respect and appreciation for your sincere concerns about the plight and suffering of my fellow citizens who are affected by the rebellion that began in February 2003. This rebellion began in response to an erroneous assumption that the peace between the northern and southern parts of Sudan would come at the expense of other regions in the country.

Militias affiliated with the two rebel groups in Darfur, the Sudan Liberation Movement and the Justice and Equality Movement, are numerous. These rebels call themselves Tora Pora after a place in Afghanistan and Pushmanga in Kurdistan. The Tora Pora, the Pushmanga and the pro-Arab Janajweed are all outlaws and bandits that burn, rape, and loot. President Al-Bashir is working to disarm all of them and bring these criminals to justice. Attached you will find the full text of his decree concerning this matter.

In regards to the Antonov bombers that you mention attacking water wells, this is not the case and is in fact part of a smear campaign against Sudan. This Russian aircraft does not even possess the technical capability of undertaking such a task. I would like to assure you that in the end the Government of Sudan is determined to resolve this conflict as quickly as possible. We hope that the U.S. Congress will help.

Sincerely,

Ambassador, KHIDIR HAROUN AHMED,
Head of Mission.

Mr. MCCAIN. I think this letter may give my colleagues an idea of how Orwellian the situation is because the Ambassador basically denies that any human rights abuses are going on.

The fact is, the Sudanese Government has teamed with the janjaweed to slaughter civilians in a systematic, scorched-earth campaign designed to ethnically cleanse Darfur of black Africans. The Government and its militias have bombed villages, engaged in widespread rape, looted civilian property, and deliberately destroyed homes and water sources. The Government does not oppose the militias, as they suggest; the Government and the janjaweed are on the same team.

How do we know that the Government is lying about its role and the scale of the crisis? Numerous press reports, victim accounts, and other evidence paints a tragic picture. The numbers are shocking: at least 1.1 million people driven from their homes and up to 30,000 already dead. And 320,000—I repeat, 320,000—people may die by the end of this year, and a death toll far higher is easily within reach.

But numbers do not tell the whole story. The National Geospatial-Intelligence Agency has produced a number of satellite images that depict what is going on in the Sudan.

This map I have in the chamber of western Sudan and eastern Chad shows the large number of damaged and destroyed villages across the Darfur region. Each orange fire with a black center, as shown on the map, represents a village that has been completely destroyed—each one of these areas shown in orange with the black in it.

At least 400 separate villages, most of which were stable black-African farming communities, have been partly or completely burned by military forces. This number reflects only those villages where there was a clear intent to damage or destroy these villages. The total number of damaged and destroyed villages could be considerably higher.

Also, on this map, you will see pink triangles that represent U.N. refugee camps inside Chad.

Now, this is very widespread. Remember, this country of Sudan is very large, about the size of the State of Texas.

Where have the people living in these villages gone?

The pink triangles on this map show U.N. refugee camps located 50 kilometers inside the Chad border. Yet some are still unsafe because the militias are launching cross-border attacks. Those who are not in camps have settled in dry riverbeds, and the rainy season is approaching. These people will soon be unreachable.

The next picture shows the village of Karraro, a farming community destroyed within the past few months. The village consisted of approximately 250 huts. By May, they were all gone. This image shows healthy vegetation in red. There is very little left, and this was a farming village. The blues and grays show areas that have been destroyed.

It is remarkable.

This slide shows El Geneina, the capital of Western Darfur State. The town is under the control of the Sudanese Government—I repeat, is under the control of the Sudanese Government—and has not been attacked by militia forces.

In the upper right-hand corner of the slide, you can see a government airfield, one of three in the Darfur region. Sitting on the ground are M–24 HIND attack helicopters, as shown right here. According to eyewitness accounts, the Government has used these attack helicopters to target the civilian population. It is not a matter of counterinsurgency techniques; the Government is deliberately attacking civilians and their villages.

The Government of Sudan may argue that the ethnic cleansing is being carried out only by militias over whom the Government has no control. But look at this image: These white arrows, right here, point to craters which the imagery analysts conclude are consistent with aerial bombing.

This is the Forchana Rufugee Camp. As I mentioned earlier, there are upwards of one million internally displaced persons in Darfur today. In addition, over 100,000 Sudanese have sought refuge in camps inside eastern Chad. The U.N. has erected eight camps in Chad, and they continue to grow. This image shows the Forchana refugee camp in Chad and they continue to grow. Since this image was acquired in mid-April, this camp has increased to over 10,000 residents. Many residents fled when their homes and crops were burned. You can see approximately 1,700 tents, and it had a population of 7,000 on 19 April and is now well over 10,000.

These satellite images together paint an appalling picture—a picture of ethnic cleansing of the worst sort, of mass killing and untold human suffering. To bring this picture into even sharper relief, I would like to share some photos taken on the ground.

I would like to thank Nicholas Kristof of the New York Times for his permission to reprint and use the following four slides.

This photo is of a 19-year old named Hussein. Hussein was in a group of men attacked by the janjaweed, and he suffered gunshot wounds to the neck and mouth. In this image you can see the scarring on his face—he still cannot eat solid food. His brother, who was also shot in the attack, discovered Hussein still alive when he returned to the village to bury the dead.

This second photo shows a shelter set up under a tree along the Chad border. The woman who lives here lost her husband and sons when they were murdered by the janjaweed. As the region enters the rainy season, many of the refugees are forced to live like this, without adequate protection from the flooding and storms.

It is hard to adequately express my disgust at this photograph. This 35-year-old woman is pregnant with the baby of one of the 20 janjaweed raiders who murdered her husband and then gang-raped her. Now she lives in Bamina, a remote border village where aid agencies have been unable to provide any help.

The current situation in Darfur is orphaning many children. This photo shows two children whose parents, uncle and older brother are all dead or missing. The girl, Nijah, is 4 years old, and she is carrying her malnourished 1-year-old brother. Many orphans, such as these two, are alone and face starvation.

I could go on, but I think the picture is clear. The world cannot let the situation in Darfur continue. The international community is getting the message, and the administration has taken some needed steps. But we must do more, and we must do it immediately.

The United Nations Security Council should issue a demand to the Sudanese government: stop immediately all violence against civilians, disarm and disband its militias, allow full humanitarian access, and let displaced persons return home. The test of the government's commitment must be what happens on the ground. If we do not see tangible evidence that the government and militias are meeting these demands, the leadership of both should face targeted multilateral sanctions and visa bans.

Peacekeeping troops should deploy to Darfur to protect civilians and expedite the delivery of humanitarian aid, and we should encourage African, European, and Arab countries to contribute to these forces. The African Union has announced that it will send 300 peacekeepers, but this is just a start. The United States should help provide financial and logistical support to countries willing to provide peacekeeping forces. We should also initiate our own targeted sanctions against both the janjaweed and government leaders, and consider other ways to pressure the government.

Some Americans, understandably preoccupied with events in Iraq, Afghanistan, and elsewhere, may think that these steps are too difficult or too expensive. Dealing with ethnic strife is never easy, and it is tempting to turn our heads. In a recent Washington Post op-ed by Senator DEWINE and myself, we quoted a survivor of the Rwandan genocide named Dancilla. She said, "If people forget what happened when the U.N. left us, they will not learn. It might then happen again—maybe to someone else." All Americans should realize one terrible fact: It is happening again.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, let me first congratulate and thank my colleague from Arizona for his very eloquent statement and also his great leadership in regard to Darfur. Not only his comments but those unbelievable pictures really tell the story about what is going on in this very tragic region of the world. The world is beginning finally to wake up and pay attention to what is going on.

During the Fourth of July recess, the crisis in Darfur, Sudan, made headlines with the visit of Secretary of State Powell and U.N. Secretary Kofi Annan. I applaud them for going there and for taking the spotlight of that office that their office commands—the bully pulpit, as Theodore Roosevelt would say—and bringing the world's attention to that region. I applaud them for bringing this much needed attention to the genocide, the humanitarian crisis in Darfur.

Our colleague Senator SAM BROWNBACK and Representative FRANK WOLF also visited Darfur over the Fourth of July break. I had the opportunity to talk to Congressman WOLF about this visit, and Congressman WOLF is someone who, along with Senator BROWNBACK, has traveled to regions of the world before. He has seen grave humanitarian crises before, so nothing really shocks him. But when I talked to him on the phone the other day, he told me that what he saw in Darfur really defies imagination. He said: I am just so upset, so pessimistic. Of course, the pictures that Senator MCCAIN showed us make us understand.

Mr. MCCAIN. Will the Senator yield for a question?

Mr. DEWINE. I certainly will.

Mr. MCCAIN. I thank Senator DEWINE for his involvement in this effort and his commitment to trying to see some rapid addressing of an unfolding tragedy.

My question to Senator DEWINE is, Did you happen to see that the Secretary General of the United Nations travels to Darfur and is scheduled to go to what they call a squatters camp, which is where displaced persons are, understanding from news reports that there is kind of a show camp where the Sudanese Government takes their regular visitors to cycle through. The staff of the Secretary General of the U.N. visited this camp. It is in deplorable condition the day before. The Secretary General of the United Nations shows up the next day, and it is empty. The Sudanese Government has evacuated every living soul. I can't recall anything quite as insulting to the Secretary General of the United Nations.

I wonder if Senator DEWINE had a comment on that.

Mr. DEWINE. If I may respond to my colleague, it shows the arrogance of this government. We have seen what they have done to these individuals. The other thing it indicates to me is that, even now, when the world is paying attention, they still are thumbing their nose at the world, thumbing their nose at the Secretary General, thumbing their nose at the Secretary of State. They really will not let people in to see what the circumstances are.

So when we hear some people say: Senator DEWINE, they promised they were going to take care of these people and they promised they were not going to encourage the continuation of this genocide; why don't you believe them? The answer is because of what my colleague pointed out. It is that type of attitude.

I think we know that if this was occurring in other parts of the world, such as in Europe, let's be candid, the world would have paid attention a lot earlier. That is the truth. The world would have paid attention. Something would have been done about it earlier. Finally, now, the world is paying attention.

The imperative to act in Sudan is clear. As my colleague from Arizona pointed out, there are steps that must be taken; steps such as sending in a U.N.-authorized peacekeeping force and planning tribunals that punish the guilty are steps Senator MCCAIN and I have called for in the past. I think the first time I talked about them was back in May. Yet we are still waiting for the international community to act. This delay, let no one make any mistake, is costing lives.

The U.S. Government and the Senate have taken other steps several weeks ago, such as providing more humanitarian aid funding. I thank my colleagues for that vote. The House did the same. Yet much more needs to be done.

Let me go through, if I could, a list of what needs to be done. First, the U.N. should authorize peacekeeping forces and monitors to guard the region of Darfur, and particularly the displaced persons camp. Again, as we discussed, I know the Sudanese Government already promised to protect the people of Darfur. They have made the same promises for months.

I want to show this picture of Darfur and show why the Government of Sudan has been stalling. Satellite photos that are available from USAID confirm the destruction of nearly 400 villages and 56,000 houses. Here is a picture from the ground. Here is what it looks like after they are done. Here is what is left of the village. The stories are terrible. A villager described it best. She said:

> The Janjawid arrived and asked me to leave the place. They beat women and small children. They killed a little girl, Sara. She was two years old. She was knifed in her back.

We need to send peacekeepers in for Sara, and for the tens of thousands like her who have been killed because they were Black. That is why they were killed—because they were Black. These people have no reason to trust a government that has done this to them, and neither do we. I would trust African Union monitors and peacekeepers. We need to help them with logistical planning and support, and I hope we will help them as they prepare their troops. We have been calling for this for a number of months, and maybe now people will start to realize it is the only step. The wolf cannot be expected to guard the sheep, and the Sudanese military, which includes former militia members, cannot be expected to guard and help the people of Darfur.

Furthermore, 300 peacekeepers is just a start. There are too many camps, too many people, all in a region the size of Texas, for 300 people to be the answer; 300 is only the first step. I expect other countries to follow the African Union's lead.

Second, we need to classify what is going on in Darfur as genocide. I know with the use of that term comes a legal obligation under the Convention on the Prevention of Punishment of the crime of genocide, but we should not refrain from using the term simply to avoid acting. If it is genocide—and it is—we should call it that. It is my understanding that the litmus test for using the term "genocide" is a matter of intent. Is there intent to commit genocide? Let me tell you, when men on horseback and camel kill men, women, and children, and then go 50 miles to Chad to complete the task when they fail, I don't know what other term to use. It is genocide and we should call it that.

Third, we need to name names. This is a list of 7 of those responsible for orchestrating the atrocities within the militias of Sudan. We should share this information and publicly identify these people so the world knows that those who aid in genocide will not be able to hide in the shadows.

Fourth, we should impose targeted sanctions on Government of Sudan officials who are responsible for aiding the militias. It is not enough to target the militia members who are little more than thugs on camels; we need to target sanctions at government officials, including travel bans. It is not enough to say we are going to do travel bans against these militias. They are not going anywhere. We need to get the people to whom it will really matter, and that is the people in the government. We need to go after their assets and deny them the freedom and rights they have denied to those in Darfur.

Fifth, we need to prosecute the war crimes in competent international tribunals. Dog and pony show trials are no substitute for justice, and a lasting peace in Darfur and in the rest of Sudan will require that justice is served. This is particularly important for the militia members who were counting on slipping back into the Sudanese military or back into the villages after all this is done.

The only future for those guilty of war crimes should be the inside of a courtroom and then the inside of a jail cell.

Sixth, we will need peace talks in order to address the deep roots of this conflict. This is not just about skin color; this is about a systematic policy of the Government of Sudan to deprive outlying regions the resources they need to develop. There are other regions of Sudan that are also suffering from neglect, and unless the Government of Sudan changes its attitude and starts to treat its people with respect, it will face more insurgencies in the future. The Government of Sudan needs to understand that.

Finally, I close with a word about the humanitarian situation in Darfur now. According to the World Health Organization, 10,000 people will die this month in Darfur if nothing is done. Today, it is projected that 100 to 200 people will die. By the end of the week, an additional 1,000 people will die, not just from disease but from inaction. The crisis will require more than just contributing money, although money is important. According to the World Health Organization, military logistics are needed immediately to distribute the aid. According to the United Nations, at least 50 camps are currently receiving no aid at all. That is only going to get worse as the rainy season intensifies, washing out all of the roads.

We know the Government of Sudan likes to deny that this is a crisis, as Senator McCAIN pointed out, but we all know this is the worst humanitarian crisis in the world today. People are counting on us, counting on our action. Tens of thousands of lives hang in the balance.

I encourage my colleagues to join the growing chorus of voices demanding action in Darfur. I thank all those who have supported our efforts so far. We cannot rest upon our past laurels, but instead we must continue to move forward, pushing the international community to do more. After Rwanda, when we said never again, we meant it.

I thank the Chair. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I rise today to talk about the critical need for class action reform. The class action fairness bill that is before us, S. 2062, seeks to guarantee that plaintiffs in a class action, the people who have actually been harmed and who have a right to be compensated, are the actual beneficiaries of class action and not only attorneys.

The Class Action Fairness Act provides, one, the ability to remove actions to Federal court in cases where the aggregate amount in question exceeds $5 million and the home State plaintiffs are no more than two-thirds of the class. In other words, class actions that are essentially State court matters will remain in State court, but matters that involve major amounts of money and large numbers of plaintiffs in multi-State regions, which frequently occurs, ought to be in Federal court. Why should a single county in a single State, a State judge, decide a matter that affects all 50 States and perhaps hundreds of thousands of individuals?

It will provide special scrutiny for the abused coupon settlements. That is something we have heard a lot about and is not right; that the victims get coupons for the product and the lawyers get paid millions of dollars. It provides protections against unwarranted higher awards for certain class members based on geographic location.

The bill is responsible, it is restrained, it will curb class action abuses, and produce a more productive class action system.

As I understand the situation today, the majority leader wants to proceed to this bill, and I hope we can do that in short order. The bill passed out of the Judiciary Committee, of which I am a member, in June of 2003 by a 12 to 7 strong bipartisan support. Since passing out of committee, the bill has been through two major substantive periods of negotiation, each one bringing on more Senators in support of the legislation. Currently, 62 Senators have either voted for cloture on the previous version of the bill or have publicly expressed their support for this version.

It is time to proceed to the bill, to debate the substance of the bill, and have an up-or-down vote on class action reform. But I am concerned, I must say, that many of the people who say they are for it, my Democratic colleagues who in the past have been reluctant to sign on, but they studied it more and said they are for it, that they may not really want to move to this bill. One way we can do that—and all Members of this body understand how it works: Add amendment after amendment to legislation, and they draw out the debate on issues nonrelated, nongermane to the legislation and, in effect, they can kill legislation through a filibuster by amendment.

The majority leader has a lot of things we need to do. We need to pass this bill. We have strong bipartisan support for it, but he has a lot of other legislation that needs to be done. The majority leader has propounded a series of proposals that would provide an opportunity for Members on the other side to offer minimum wage amendments and other amendments, unlimited germane amendments, amendments related to this bill, unlimited, and they have been rejected.

So what that suggests is there is not a serious commitment, that this bill is being obstructed and being blocked from even having an up-or-down vote by a device that does not give any limits on the amount of debate. That is very unfortunate. It is not the right thing to do. As I indicated, it is a device that allows a group of Senators to block the passage of the bill even if they say they are for it. But if we try to cut off and limit debate and have a definite time for a vote, they say, no, they will not support that; I am for the bill, I just will not give this time limit; I will not agree to how many amendments we can put on.

The majority leader goes to it, we spend a week to 10 days on it and we still have not passed it. Then what can he do? So he cannot move to a bill under those circumstances. We need to have an agreement.

I hope Senators will reevaluate those circumstances so we can reach an agreement and move forward with this legislation that is very important. If not, everybody needs to know it was blocked again, obstructed from being able to be brought up, debated, and amendments offered to it.

I know the Presiding Officer served on the Texas Supreme Court and also as attorney general of Texas. He understands the legal issues perhaps better than any other Member of this body. I think we would agree, and most lawyers would agree, class actions are not evil in themselves. In fact, they are good tools to deal with litigation in which there is a single type of cause that injured a whole host of people, where perhaps hundreds of thousands of people were injured or wronged by the same act or series of acts. So as the matter of proof gets to be unjustifiable, if the amount of loss is $100 or $200, 100,000 people in America have to hire a lawyer to file 100,000 lawsuits, so a person can file a class action and a lawyer can represent the whole class to determine how much that group of people were damaged and get them checks, pay them and get them recompensed. I think that is a good procedure, and I am all for that. It is a real good procedure. It is something we ought not to believe is bad in and of itself.

State courts are being overwhelmed by these actions. I saw the numbers from 1988 to 1998. The number of class actions pending in State courts increased by 1,042 percent while the number in Federal courts increased only 338 percent during that period.

State courts have often been unable to give class actions the attention they need, and abuses have occurred too often under those circumstances. It has hurt class members sometimes to the benefit of attorneys. Make no mistake about it, an attorney in a class action is in a delicate position. That attorney's interest, when the settlement negotiations come around, can be in conflict with the interest of the people he represents.

So what happens sometimes in these negotiations is that lawyers demand from the big companies, or whoever they are suing, big fees to be paid to the lawyers, millions of dollars, and then acquire only token benefits for the members of the class. That is not good, and I will talk later about some of the cases where this has happened. Lawyers in such cases have lost their perspective and have not handled the interest of their clients with integrity.

This bill would crack down on that. It would give more power to the judge to make sure those kinds of abuses do not happen.

Sometimes these class action cases are being used as judicial blackmail, forcing defendants to settle cases that are basically unjustified, even frivolous, rather than spend millions of dollars in litigation and the risk of loss of a whole customer base maybe because of bad publicity. So the defendants are compelled to pay even if they are really at fault, and sometimes they will pay the lawyers more than they will pay the people who have been victimized.

Other examples of class action problems include what has been referred to as "drive-by" class actions where the class is certified even before the defendant has notice. There are "copycat" class actions where the actions are filed in multiple jurisdictions to see which court will certify the class first, or they are filed by another lawyer to try and steal what appears to be a lucrative claim from the person who filed the first class action; get in a race to the courthouse.

This is a matter of significance. Lawyers are supposed to have fidelity to their clients. In some cases, the fidelity to their clients leads them to do things that are lawful and proper under the law but are really abusive. This is one of those examples. Class action lawyers are known to forum shop by naming irrelevant parties in class actions in order to destroy diversity and to agree to settlements that pay bounties for someone discovering a class action, awarding the original plaintiff more than any other member of the class.

It is hard to criticize a lawyer for forum shopping. If he looks all over the United States of America, he has a complaint that involves everybody, maybe it is a MasterCard that in every county in America somebody has one, and there is a complaint about that, he can pick the best jurisdiction in America, the best county. Maybe he knows the judge who is very favorable to his theories. He can file it in any county in the United States that he chooses. There are some counties in Alabama that are known for this. He gets total choice of where to file the case. I cannot say that is morally bad for the lawyer to do that, but those of us who set the laws, who set the policy for class actions, we ought to review that. We ought to create laws that make it more difficult for a lawyer to be able to pick the single most favorable jurisdiction in the whole United States in which to file an action.

Let me talk about this situation in the Toshiba case. A class action suit was filed in Texas, complaining of an entirely theoretical defect in the floppy disk controllers of Toshiba laptops. There were no allegations that the asserted defect had resulted in injury to any user, and not one customer had ever reported a problem attributable to the defendant. However, Toshiba faced potential liability of $10 billion, and they decided to try to settle the claim. The class members received between $200 and $400 in a coupon off the purchase price of Toshiba products. The two named plaintiffs received $25,000, and the attorneys received $147 million. The class members in this case only benefitted from the lawsuit if they purchased additional products from Toshiba and used the coupons. This is not the way the legal system is supposed to work.

Class action reform is also needed so that people who are not injured do not receive compensation. If members of a class are unable to demonstrate damage, they ought not to be paid.

Lawyers are supposed to represent real clients with real problems. They are ethically bound to represent the interests of their client foremost beyond their own interest.

Class action lawsuits are designed to be available when lawyers realize that an entire class of people has been harmed in the same way his client had been harmed. Class action should not become a way for creative lawyers to gain excessive fees. It should not be a situation where good advocates figure out a way, by adding unrelated defendants or otherwise, to file actions in friendly circuits or to use other methods that maximize the benefit to their clients while ignoring the rest of the class members.

Another case touched on my home State of Alabama, the famous, or infamous, Bank of Boston case. In this case, a class action was filed by a Chicago attorney in the circuit court of Mobile, AL. The case alleged that the bank did not properly post interest to its clients' real estate escrow accounts. The class settlements limited the maximum recovery to individual class members at $9 each. That $9 was the maximum amount anybody could recover.

After the State approved the settlement, the bank disbursed more than $8 million to the class action attorneys in legal fees and credited most of the accounts of the victims with sums of less than $9. The legal fees which were automatically debited from the class members' bank accounts total 5.3 percent of the balance of each account. It was bad enough that a lot of these people did not even know they had been in a class action or that they owed an attorneys' fee for the $9 recovery that had been won for them, the worst part is that many accounts were debited for amounts that exceeded the credit they obtained from the settlement, meaning that the attorney fee that came out of their account far exceeded the $9 benefit they received from the class action.

For example, Dexter J. Kamowitz, of Maine, a case which a Chicago attorney filed in Mobile, AL, and the plaintiff, who is supposed to be winning a verdict, who lives in Maine, who did not initiate the class action against the Bank of Boston—he just happened to be declared a member of the class—but he received a credit of $2.19 on the settlement. At the same time, the class action attorney debited his account for $91 in legal fees, producing a net loss of $87.81. Such results, as might be expected, produced outrage from class members in other States affected by the action.

Judge Frank Easterbrook, circuit judge of the seventh circuit, asked:

> What right does Alabama have to instruct financial institutions in Florida to debit the account of citizens in Maine and other States?

So we need to be careful about these matters. We need to be careful that these cases are handled fairly. This bill takes steps forward in that regard. That is why it received strong support throughout the Nation, and that is why so many Senators have committed to supporting it, Republicans and Democrats.

S. 2062, offered by Senator GRASSLEY and passed out of the Judiciary Committee last summer, will help eliminate many of these abuses. I think I have noted those. I will just note it will eliminate forum shopping, keeping State judges of a case of less than one-third of the member class who are members of that State from dictating the fate of plaintiff members in 49 States.

I hope we will have a healthy debate on this process and that we can move forward and get this bill before us and confront a problem that is jeopardizing America. We have a lot of members here who say: We believe in jobs, we want to see the economy grow, they are not creating enough jobs in America. But when you have huge, multimillion dollar, sometimes virtually extortionate lawsuits filed against businesses on a regular basis—they go up more than 1,000 percent in State court in 10 years, 300-something percent in Federal court in 10 years; these lawsuits are gaining momentum all over the country—it does impact our productivity as a Nation.

No nation carries the kind of litigation cost that the United States does. When we export a product outside our country, the total value and cost of producing that product, which has to be competitive in prices in the world market, that cost is created and added to by litigation costs. Much of that is just insurance premiums. The more these cases are filed, the higher insurance premiums go.

So it is a real problem for us. It has hurt our job creation, it has hurt our economic growth. It is time for this Nation to get in sync with the rest of the world and bring some containment to the abuses in litigation.

I believe in litigation. I believe in the court system of America. I believe many of these lawyers are not improper or immoral; they are just using the existing legal system in every way they can to maximize the benefit they can obtain for their client. So what happens then? It is up to us to deal with it.

A lot of people have talked about this question of federalism, States' rights, how we ought to handle this and why should the Federal Government involve itself in class actions or why are we dealing with it. Over the last 30 years, we have had a host of pieces of legislation that poured through this body, many of them driven by our friends on the other side of the aisle, that impact States' rights. Now all of a sudden they are claiming States' rights will be violated by class action reform. Let me just say a few things about that question because it is very important. It is one we should think about and analyze honestly.

First, there is no doubt whatsoever that the kind of cases we are talking about ought to be or can be handled in Federal court. That is perfectly constitutional. The Constitution provides for the litigation between citizens of different States to be in Federal court to begin with. It is only through the device of undermining diversity by suing a local defendant that Federal jurisdiction has been avoided in many of these cases. The intention of the Framers of the Constitution was, in these interstate lawsuits, jurisdiction should be in Federal court. So it is not unconstitutional for these cases to be tried in Federal court. I don't think there is a single Senator in this body who would argue that making these a Federal case somehow violates the State's rights because they are interstate cases. They involve plaintiffs from more than one State. That really was always thought to be appropriately handled in Federal court. I know that.

The next question is: Should we do it? Is it proper that we put more of these cases in Federal court? I think so. I believe it is proper because we are seeing abuses of state court jurisdiction and because Federal courts have a better ability to handle multi-state litigation issues. Let's take this practical example. Let's say there is a lawsuit—I think there was one filed a number of years ago involving the construction of seatbelts for automobiles. It was filed on behalf of the class of everybody in America who had automobiles, and virtually every county in America had one of those automobiles and so they go to a certain county in the Midwest where thousands of these class action lawsuits are being filed and they filed it there, the result of which could be an order and financial judgment that would impact the way seatbelts are handled throughout America.

If you appealed any verdict from that county, where would it go? It would go to the supreme court of the State that handled it. But it is going to affect everybody in America. So if you file this lawsuit in Alabama or Texas or Illinois, and you get a verdict that impacts the whole United States and you appeal it, a single State gets to decide whether it was properly tried and whether the order was appropriate. But if it is tried in Federal court, the appeal would be to the U.S. Supreme Court, which handles the jurisdiction of the whole United States of America, where it ought to be if the verdict is going to impact a multitude of States. So I think that is perfectly logical and a good policy reason for us to do it in that way.

We are seeing a problem in which litigation is impacting adversely our ability to create economic growth and impacting adversely our ability to create jobs. It adds to the cost of products that we want to export around the world. It adds to the cost of products produced here and sold in America making them less competitive against imports that come into this country. If we can reduce the cost of litigation on businesses in America, they will be more effective about their business.

We do not want to deny people who are wronged fundamental rights. In no way does this legislation do that. It says the litigation ought to be tried in Federal court if it involves these kinds of situations and it contains some provisions to limit abuses.

Frankly, let me say this: I was a Federal prosecutor in Mobile, AL, for 15 years, and 12 years as U.S. attorney. I have tried cases in State court and in Federal court. I know the Presiding Officer knows that by and large Federal judges have a lot fewer cases than State judges. The fact is, in our State, Federal judges probably carry on their dockets one-fourth or less the number of cases in State court, or maybe one-tenth the number of cases. State court judges have thousands of cases. Frequently, State court judges have fewer law clerks—sometimes no law clerk—when the Federal judges usually have one or two law clerks to help them do their work.

Where would a big, complex multi-state, multimillion-dollar lawsuit be better filed? Which court is best able to handle these cases? Which ones were designed by the original founders to handle interstate cases to begin with? It is clear to me that it is in Federal court. That is where these cases ought to go.

Frankly, I could see taking more class action cases than this legislation provides for in Federal courts. I think it would be justified.

But because of the objections of some of my colleagues, we negotiated and worked out concerns that some lawyers had, these negotiations will keep more cases in state court than the bill originally intended, but I am willing to live with that.

Article III of the Constitution vests the Federal courts with jurisdiction over "controversies between citizens of different states." When you have a bank in Miami, a lawyer in Chicago, victims in Maine and Alabama and other places, that is a controversy between citizens of different States. It is only through the reinterpretation of the diversity rule that these cases have many times been able to be kept in the State court system rather than to be allowed to go through the Federal courts. I think this is right way for us to go. I think this is a logical, fair, restrained, professional response to a problem of the abuse of class actions in America.

It is important for our economy. It is important for our business in America.

I believe we need to pass it. I hope our colleagues who are holding up this bill today will reevaluate and reach an agreement with majority leader Bill Frist to have some amendments or all the amendments that are relevant to the bill they want but not an unlimited number of amendments on any subject they want to offer amendments on. That won't work. That is not right. Let us move this bill forward. Let us pass it. Let us do what at least 60 Senators in this Senate believe is proper.

I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. COLLINS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Madam President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

COST OF GOVERNMENT DAY

Mr. SESSIONS. Madam President, I would like to talk today briefly about an important matter.

As many of you may know, today is Cost of Government Day. Not that we need to celebrate it, but it is an important day.

What is Cost of Government Day, you ask? It is the day on which the average American worker has earned enough money to cover his or her share of the Federal, State, and local government. That means that our government is so large and spends so much money that we must work our poor citizens 189 days a year before they can break even with spending.

Think about it like this. Say you go out and buy a house and the monthly mortgage you have to pay for your house is one-half of your monthly salary. That is a huge amount. One-half of the money you earn—one-half of your salary—has to go to pay your house mortgage. Say every month you get your paycheck and about half of it is written off to the bank to cover your mortgage.

That is the same way our government works. The cost of government consumes 51.6 percent of our national income. It is taking more than the hypothetical mortgage payment of half your salary. I cannot help what someone's mortgage payment is but we in this body can have some impact on the cost of the government.

I say to those here today, that spending is getting out of hand. Since 1977, the earliest Americans have paid off their cost of government was June 28. Now it is July 7. The United States prides itself in being a frontrunner in human and civil rights protections. We come together under the values of life, liberty, and the pursuit of happiness, those values that the Founders declared to be the basis of this great Nation.

But there is a dragon in the midst, a burglar in the basement, sucking Americans dry of their hard-earned money. The perpetrators are right here among us. Our government is being burdened with cumbersome and unnecessary legislation and regulation for which the American citizens also pay the bill. In this season of budget and appropriations bills, we need to think about who we are representing and the sacrifices they are making for each bill we pass.

We are not celebrating Cost of Government Day, a day 189 days into the year. I am here to celebrate America. The strength and vitality of this Nation is its belief and its investment in individual American citizens, entrepreneurs, people working hard, giving their very best every day. They do not mind paying a reasonable amount in taxes. But we need to fight every day. We need to analyze the situation with every bill and ask ourselves: How much more can we expect the American people to pay? How much burden can we expect them to carry? How can they carry a dynamic and growing economy that creates jobs and allows higher pay, where people work and save and invest and do well economically with these burdens?

We do better, slightly better, somewhat better than the Europeans. Their taxes are going through the roof. I notice that the leadership in Germany cited the U.S. tax cuts that have spurred our economic growth in recent months, something we are definitely celebrating. They are discussing whether they need to do that. The Europeans, though, are further down the road in social welfare, in burdens economically, than even we are.

We need to watch what we are spending. We need to indelibly imprint in our mind that the cost of Federal, State, and local government is the work of American citizens for 189 days this year, 51.6 percent of the income earned. That is more than we need to allow. We do not need to see those numbers increase. They need to start going down. It is something we ought to work on.

We must remember every day there is a limit to the burden that the American citizens can carry if we expect them to be competitive in the world market.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Madam President, I rise today to speak on behalf of the Class Action Fairness Act, a bill to stop unfair and abusive class action lawsuits that ignore the best interest of injured plaintiffs. This legislation is sorely needed to help people understand their rights in class action lawsuits and protect them from unfair settlements. It is needed to reform the class action process which has been so manipulated in recent years that U.S. companies are being driven into bankruptcy to escape the rising tide of frivolous lawsuits that have resulted in the loss of thousands of jobs, especially in the manufacturing sector.

Unfortunately, not enough Americans realize we are in a global marketplace and businesses now have choices as to where they manufacture their products. Many of our businesses are leaving our country because of the litigation tornado that is cutting through the economy and destroying their competitiveness. The Senate must start taking into consideration the impact of its decisions on this Nation's competitive decisions in the global marketplace. Too often, we think about things in the United States for Americans and forget the fact that we are in a global marketplace. Today, manufacturers and consumers worldwide have many choices about where to do business.

I believe for the system to work we must strike a delicate balance between the rights of aggrieved parties to bring lawsuits and the rights of society to be protected against frivolous lawsuits and outrageous judgments that are disproportionate to compensating the injured and made at the expense of society as a whole. I believe this is what this legislation does. I am proud to be a cosponsor of it.

Since my days as Governor of Ohio, I have been very concerned with what I refer to as a "litigation tornado" that has been sweeping through the economy of Ohio, as well as the Nation. The Ohio civil justice system is in a state of crisis. Ohio doctors are leaving the State and too many have stopped delivering babies because they cannot afford the liability insurance.

From 2001 to 2002, Ohio physicians faced medical liability insurance increases ranging from 28 to 60 percent. Ohio ranked among the top five States for premium increases. General surgeons pay as much as $75,000 and OB/GYNs pay as much as $152,000. Comparatively, Indiana general surgeons pay between $14,000 and $30,000 and OB/GYNs pay between $20,000 and $40,000.

Further, Ohio businesses are going bankrupt as a result of runaway asbestos litigation. Today, one of my fellow Ohioans can be a plaintiff in a class action lawsuit that she does not know about, taking place in a State that she has never even visited.

In 1996, as Governor of Ohio, I was proud to sign H.B. 350, strong tort reform legislation into law—for a while. It might have helped today's liability crisis but it never got a chance. In 1999, the Supreme Court of Ohio in a politically motivated 4-to-3 decision struck down the Ohio civil justice reform law, even though the only plaintiff in the case was the Ohio Academy of Trial Lawyers, the personal injury bar's trade group.

Their reason for challenging the law—this is incredible—they claimed their association would lose members and lose money due to the civil justice reform laws that were enacted.

The bias of the case was so great that one of the dissenters, Justice J. Lundberg Stratton, had this to say:

> This case should never have been accepted for review on the merits. The majority's acceptance of this case means that we have created a whole new arena of jurisdiction—"advisory opinions on the constitutionality of the statute challenged by a special interest group."

From this, it is obvious to me the way we currently administer class actions is just not working.

While we were frustrated at the State level, I am proud to have continued our fight in the Senate, a fight for fair, strong, civil justice.

To this end, I worked with the American Tort Reform Association to produce a study entitled "Lawsuit Abuse and Ohio" that captured the impact of this rampant litigation on Ohio's economy, with the goal of educating the public on this issue and sparking change.

Can you imagine what this study found? In 2002 in Ohio, the litigation crisis cost every Ohioan $636 per year. For every Ohio family of four, the cost was $2,544. These are alarming numbers. This study was released August 8, 2002. Imagine how high these numbers have risen since that time.

In tough economic times, families cannot afford to pay over $2,500 to cover other people's litigation costs. Something needs to be done. Passage of this bill will help.

This legislation is intended to amend the Federal judicial code to streamline and curb abuse of class action lawsuits, a procedural device through which people with identical claims are permitted to merge them and be heard at one time in court.

In particular, this legislation contains safeguards that provide for judicial scrutiny of the terms of the class action settlements in order to eliminate unfair and discriminatory distribution of awards for damages and prevent class members from suffering a net loss as a result of a court victory.

The bill is designed to improve the handling of massive U.S. class action lawsuits while preserving the rights of citizens to bring such actions. Class action lawsuits have spiraled out of control, with the threat of large, overreaching verdicts holding corporations hostage for years and years.

In total, America's civil justice system had a direct cost to taxpayers in 2002 of $233.4 billion. That is 2.23 percent of our gross domestic product. That is $809 per citizen and equivalent to a 5-percent wage tax. That is a 13.3-percent jump from the year before—a year when we experienced a 14.4-percent increase, which was the largest percentage increase since 1986. These lawsuits cost billions of dollars and are putting a crimp in the budgets of every American.

Now, some of my colleagues have argued that this bill sends most State class actions into Federal court and deprives State courts of the power to adjudicate cases involving their own laws. They argue that the bill, therefore, infringes upon a States' sovereignty. However, there is no evidence for this assertion, and, in fact, it is the present system that infringes upon State sovereignty rights by promoting a "false federalism" whereby some State courts are able to impose their decisions on citizens of other States regardless of their own laws.

Another argument against the bill is that it will unduly expand Federal diversity jurisdiction at a time when courts are overcrowded. However, State courts have experienced a much more dramatic increase in class action filings and have not proven to be any more efficient in processing complex cases. In addition, Federal courts have greater resources to handle most complex interstate class action litigation and are insulated from the local prejudice problems so prevalent under current rules.

We all know that so many of these class action lawsuits are filed in jurisdictions—two or three of them—because they know the results of those cases if they file them in certain jurisdictions. We have a certain jurisdiction in Illinois. We have another in Mississippi. As a result, there is no fairness to the defendants.

I emphasize to my colleagues that this is not a bill to end all class action lawsuits. We will have plenty more class action lawsuits. Rather, it is a bill to identify those lawsuits with merit—with merit—and to ensure that the plaintiffs in legitimate lawsuits are treated fairly throughout the litigation process. It is a bill to protect class members from settlements that give their lawyers millions while they see only pennies. It is a bill to rectify the fact that over the past decade, State court class action filings increased over 1,000 percent. It is a bill to fix a broken judicial system.

Madam President, I am a strong supporter of this bill and I urge my colleagues to do the same. I hope that the Holy Spirit enlightens us so we can have a vote on this legislation which is so important to the future of America's economy.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Madam President, before he leaves the Senate floor, I commend my colleague from Ohio for his excellent statement.

I agree with him that this is an important piece of legislation. I have spent a good part of a year, along with my good friend and colleague from Delaware, and others—the Senator from California, Mrs. FEINSTEIN, the Senator from Wisconsin, Mr. KOHL, and the Senator from New York, Mr. SCHUMER—working to try to put together a responsible bill on class action reform. We have done that with this proposal.

I regret the fact that nearly eight months after we forged a compromise on class action reform, we have just begun to deal with this issue. I had hoped the legislation would have come up earlier in the year when there would have been more time available to consider it.

I was pointing out to my colleagues earlier, as someone who managed and wrote the securities litigation reform bill, that we spent almost 3 weeks on the floor of the Senate debating that bill. At the time, Bob Dole was the majority leader of the Senate. We had countless amendments that were offered, both relevant and nonrelevant amendments. Never once was cloture invoked. Never once did someone fill up the amendment tree so as to limit who could offer what amendments. You didn't have to get permission, in effect, to offer your amendment. It was a contentious debate from time to time, but ultimately the will of the Senate prevailed. The legislation was adopted.

But I also point out, interestingly, the securities litigation reform was the only bill that President Clinton vetoed that was ultimately overridden by both the House and the Senate. It became the law of land.

It was a lengthy process, but it was a good process. I think the debate was healthy. It was complicated, but nonetheless I believe the legislation ultimately proved to be worthwhile.

I cite that example because here we are now in a situation where before any amendments were offered—and we went on this bill almost 24 hours ago—we were told last night by the majority there would be no votes last evening. We have been in session since about 9 o'clock this morning. There have been no amendments offered one way or the other because we have an amendment tree that is filled up, and you must get permission to bring up an amendment.

Madam President, this is the U.S. Senate. I have served here for a quarter of a century and I have rarely seen this kind of procedural tactic being used on a bill that enjoys a strong majority of support. I believe we have at least some 62 supporters of this bill. The idea that we are not going to allow amendments to be brought up unless approved by the majority runs counter to everything this institution stands for.

Now I know that some of these nongermane amendments are uncomfortable. There are people who are against them, although in several instances they have strong bipartisan support. For example, the legislation dealing with immigration reform has been offered by Senator CRAIG of Idaho and Senator KENNEDY of Massachusetts. Also the reimportation issue on drugs. I will be the first to admit it, but I think an overwhelming majority of our colleagues are either cosponsoring or supporting that legislation. Even in the other areas, we have had a limited amount of time to bring up some of these issues.

But I believe we can get time agreements on some of these amendments if we stay in today, if we stay in tomorrow, if we stay in Friday, if we work longer hours, and if we come back on Monday or Tuesday. I believe we could adopt this important legislation, and we would either accept or reject a number of these other nongermane amendments. But to go through now the second day with nothing being done on a bill that many would argue is one of the most important pieces of legislation from the business community perspective is inexcusable. I want the business community to know what is happening here because I am sure the allegations are going to be made that somehow the minority is trying to stop this legislation. That is anything but the case.

We probably could have dealt with five, six, or seven amendments on the floor of the Senate today. I am told there are only 13 filed amendments on this bill. In effect, we probably could have almost concluded action on this legislation instead of stonewalling to make sure some amendments are not going to be debated and heard. We stop everything from happening so a good piece of legislation that a lot of people have worked long and hard on to get right may be denied an opportunity to be heard. That is wrong, Madam President.

Now, again, I know voting on nongermane amendments is not something we are terribly excited about here. It is the U.S. Senate though. In the U.S. Senate, we allow nongermane amendments—absent a unanimous consent agreement or filing cloture—to be considered by this body. So even before a single amendment is debated here, the majority is now invoking rules and procedures that limit the ability of this institution to be heard. I regret that deeply.

I was fearful this would happen. I am sort of mystified as to why it is happening. The majority, at least among their members, are more supportive of the class action reform bill.

There are a number of Members on this side who are supporting this legislation, but the bulk of the support comes from the majority side. I am mystified as to why the majority would not be pushing us to bring up our amendments, agree to time limits, and then vote on the amendments one way or the other and move the bill forward. But that is not the case.

So we find ourselves now at the close of business on this day. We voted on one judge yesterday, and that is it. Now we are about to go into Thursday. We will be leaving, I presume, sometime around noon on Friday and probably won't come back until next Tuesday. We have about 30 legislative days left around here to consider all matters before the elections of the fall. If my colleagues sense some frustration in this Senator's voice, it is because I am frustrated.

I regret having spent as much time on the bill only to find out in the end we can't even get amendments to be brought up to debate. Instead, we have to agree ahead of time what amendments are going to be brought up. Those rules exist in the House of Representatives. The rules of the Senate are very different. This body is the antithesis of the House of Representatives, and for good reason. That has been the way this institution has functioned for two centuries.

On important legislation such as this, to invoke House rules to apply in the Senate is unfortunate. As important as this bill is, how this institution functions, in my view, is far more important. Senators have the right to be heard. Because one day, not too distant in the future, the very Senator who today is trying to stop a debate may be the one seeking one. And so be careful what you wish for when you set precedents or establish procedures that may be repeated at times when you may find yourself on the other side of the political equation.

For all of those reasons, I am frustrated that this important bill many of us have spent a lot of time on may be close to death. We may not be able to enact it. That is unfortunate that we are getting to that point with this bill, despite all the efforts that have been made, where we may not get a chance to even debate it, much less act on it.

I hope the leadership will listen to those who want to bring up some amendments, and see if we can't work out some time agreements and move forward. If that is not the case, the idea that somehow the Senate as an institution would have to take a back seat to some procedural hurdles the majority would want to impose on the minority is not worth giving up. As important as this bill is, how the Senate operates is more important to this Senator. I will be most reluctant, but nonetheless I want my colleagues to know if it comes down to making a decision about supporting a bill I have helped write or abandoning procedures in the Senate, I will protect this institution over this bill, as much as I would like to see this bill enacted.

I am not going to sit here and support a set of procedures which deny my colleagues an opportunity to be heard. I wouldn't support an unlimited right that goes on for days with endless amendments. I know when I am being gamed. I know when I am being taken advantage of. That is not the case at this point at all, not even close to being the case.

My hope is wiser heads will prevail, that voices who care about this legislation would be heard, and that we could move to consideration of this legislation in the normal course of business, on how we normally function when matters such as this emerge, where there is a division of thought and there are differences of opinion.

There are those who feel strongly about not adopting this legislation. I understand that. But there are also those in the majority who would like to see it adopted. To suggest somehow we are going to prohibit those who would disagree with the bill an opportunity to be heard on other matters on this legislation is a wrong set of procedures to be followed.

Despite the fact my name is on this bill and I am proud of the fact it is—I think it is a good bill and we did a good job writing this compromise—and as much as I would like to see S. 2062 become the law of the land, I am not about to turn my back on an institution that allows Members to be heard and their ideas to be debated. As important as this bill is, it is not as important as maintaining the integrity of the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Madam President, before the Senator from Connecticut leaves the floor, I want to say how much I have enjoyed working with him on this issue. I appreciate the wisdom and experience he brings to the matter.

We had a press conference today around noon, those of us Democrats and Republicans who support this compromise on class action. The real stars of the press conference were three guests: A woman from near Charlotte, NC; another from Wisconsin; and a third lady who, along with her husband, for many years ran a pharmacy down in Mississippi. They shared with us how they had been involved in class action legislation.

In the case of the Mississippi lady whose pharmacy down there in this little county had been named in over 100 lawsuits, not because they had done anything wrong but because it was a way to be able to try to get a class action certified in that particular county of Mississippi, really the defendants were the big pharmaceutical company.

Another lady talked about being a plaintiff in a class action involving the Bank of Boston and the issue was escrow accounts. Apparently somebody took umbrage at the way the Bank of Boston was handling escrow accounts and money going in and out of escrow accounts, and they filed a class action lawsuit. In the end, the folks on whose behalf the class action had been filed ended up losing moneys. Their accounts were actually debited in order to be able to help pay the attorneys' fees which were rather substantial.

The other lady was a lady from Charlotte, NC. She talked about late fees by

Blockbuster. She didn't like the fact that they had a late fee that was unfair. Over the course of time, because of the family and this sort of thing, they paid a fair number of late fees, and she didn't appreciate it, so there was this class action lawsuit. She apparently got named as a plaintiff because she had shopped there, and she was included in the lawsuit.

In the end, the agreement that was worked out enables her to get—I will paraphrase: Out of this, maybe I am going to get a couple of coupons for rentals, for two videos. And I will get a dollar-off coupon. I could do as well clipping coupons from the newspaper from Blockbuster. She was not pleased, particularly when she mentioned how much the attorneys were going to get in the litigation.

The point I am trying to make is, they were the really interesting people who spoke at our press conference. What they had to say reinforced my belief that we are trying to do the right thing.

Again, I realize it is not something everybody agrees upon. We are trying to find some balance in this legislation which says when people have a legitimate beef, they have been harmed by a product or service or been taken advantage of, even people who don't have a lot of power, the little people, they would have an opportunity through a class action to join together and to hold accountable the big companies that have harmed them or at least treated them unfairly.

I had hoped we would have a chance today by this time to have debated and voted on a couple of germane amendments, maybe a nongermane amendment or two, and even work into the night. From what I am told, we may be wrapping up here fairly soon. It is not even 6 p.m. I hate to see us waste the day.

We had some exchange earlier today between our leaders where Senator DASCHLE had suggested maybe an approach where we agree to offer five nongermane amendments to the bill and maybe 10 germane amendments. Senator FRIST countered with the ability for either side maybe to offer 1 nongermane amendment and maybe 10 or more unlimited germane amendments. If you look at the numbers between one and five in terms of nongermane amendments, there is a number between one and five that is probably more than two, maybe five, maybe four, but there is probably a number there we could agree on.

Our side is not going to go along with the idea of the Republicans telling us what nongermane amendments we can offer. But I am encouraged that if the two leaders will take some time later today, maybe as early as this evening, and sit down, they can hopefully work out among themselves how many nongermane amendments and maybe even work out the ones that would be offered.

There are a couple of amendments the Republican leader indicated he would not want to see offered as nongermane. And to the extent that is a concern he has, I respect that concern. I had hoped maybe he would change his mind. But if there is something he doesn't want to see offered as an amendment to this bill, it is not germane to this bill, but it might be germane to another freestanding bill that would be offered later, let's go ahead and make a commitment to offering that nongermane amendment, not on this bill but at a later point in time to another bill.

So the proponents of that measure would know for sure that they are going to have a chance to debate their issue and get a vote on it in the Senate. I am not discouraged. Somebody asked me earlier—and it may have been the Presiding Officer—if we were going to make any progress this week on this bill. I think we are. I am encouraged. If our leaders will sit down and talk it through between the two of them, they can work this out. It is important they do that. Nobody on our side wants to be seen as obstructionist. A number of us have worked very hard on this proposal. Most of the folks on the other side are acting in good faith on this bill, too. Whether you happen to be a company out there that wants to just get a fair shake when you are taken to court, or if you are a consumer who wants to make sure you are not being ripped off by some company, there is a way to meet the legitimate concerns of both interests.

The more I learn about this bill and the more I hear about the germane amendments that will be offered, frankly, the more I am pleased with the work that has been done. I think Senator BINGAMAN has a germane amendment or two he would like to offer. I think Senator BREAUX has a germane amendment. I think maybe Senator PRYOR has an amendment to offer that is germane. Maybe Senator KENNEDY has a germane amendment to offer, too. There may be germane amendments on the other side. They are thoughtful amendments. Each of them bring some concern. They, frankly, need to be debated on the floor and we need to have a chance to vote.

Mr. REID. Will my friend yield for a question?

Mr. CARPER. I am happy to yield for a question.

Mr. REID. I want the record to reflect that I know how deeply the Senator from Delaware feels about this issue. There are not many issues where the Senator from Delaware and I disagree. This is one of them. I know how strongly he feels. Also, I know how strongly the Senator from Delaware feels about other issues. For example, even though the Senator from Delaware feels extremely strong about this bill, when there came a time a few weeks ago when the majority leader made a tentative decision to move off the very important Defense authorization bill, I called my friend from Delaware and I said: Don't you agree that we should finish the Defense bill before we move to class action? Without any hesitation, the Senator, being a veteran himself, who has hundreds of hours in an airplane for our country, said yes.

As a result of that, Senator DASCHLE and I gave the Senator from Delaware our word that we would do everything we could, as soon as the Defense bill was completed, to move to this bill. In fact, we made a unanimous consent agreement that the minute we finished the Defense bill we would move to the class action bill.

I am disappointed, but not that the bill is not going to go anywhere because I don't like the bill; I am disappointed in the way the bill was disposed of. This is like having a football game and the football field is only 90 yards long. It is not fair to either side. I want the record to be spread with the fact that the Senator from Delaware has been fair in all his dealings in the Senate. The example I just made was the Defense authorization bill. That was a prelude to the question. I am terribly disappointed because it appears to me that this has been in the minds of the majority for some time, at least in the minds of the majority yesterday, July 6. We have a card that was sent to one Senator from the National Association of Manufacturers, dated yesterday, July 6. Today is July 7.

> Dear Senator: On behalf of the 14,000 member companies in the National Association of Manufacturers, including more than 10,000 small and medium-size manufacturers, I urge you to vote in favor of cloture on this bill.

This was planned yesterday. So I am disappointed because we are playing on a football field that is not quite long enough. That is too bad, not for the end result that I see, but I believe, as the Senator from Connecticut so well described, in this institution. Having served in the Congress of the United States for 22 years, as I have, I believe in the institutional integrity of these bodies. When you see something such as this, it means there is not a fair hand being dealt. He is someone who believes strongly in legislation.

Frankly, I think people have taken advantage of the Senator from Delaware. He is a very hard person to take advantage of because he has a lot of experience in government. This has not been fair. It is not good for this body and it is not good for individual Senators.

I thank the Senator for yielding. I was supposed to ask you a question, but I didn't do that. I hope the Senator understands. I wanted to make sure he was on the floor.

Mr. CARPER. Madam President, Senator REID and I came to the House together in 1982. We worked on a lot of issues together. He is a straight shooter and a real good leader on our side. I appreciate his words.

Let me close with this: I have said any number of times to my Republican friends, when we are talking about how to bring this bill to the floor, the one sure way to kill it is to not permit the minority to have a reasonable opportunity to offer amendments, germane and nongermane. I was troubled this morning, after having tried to drive that message home again and again in the past months, for us to end up on the floor today with a motion to invoke cloture and to limit amendments to one nongermane amendment and a number of germanes.

That was the wrong way to get started. We need to get back on the right track. We can do that. The people who can get us back on the right track are the majority leader and the minority leader. While the minority leader is not a proponent of the bill, he has been fair in terms of making sure those who are proponents can have our day in court on the floor and not be obstructionist. I am grateful for that. I hope that maybe even while we are speaking, or shortly thereafter, the two leaders will get together and have the kind of discussion in private that they need to have, and maybe later in public on the floor, so we can have a day that is more productive tomorrow than today was.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Madam President, I wish to take an opportunity to make a few comments and respond to some of the statements that have been made by individuals on the other side of the aisle who are opposed to this bill. I know a lot of people on the other side of the aisle favor this bill and that is why we have been able to get to the place where this legislation is coming up again. So my remarks are made toward and in response to those who oppose this legislation, not those who have been helping us move it along.

For instance, I heard there were claims that the Class Action Fairness Act has never been considered before, that there have not been any hearings or markups on this legislation. Clearly, these Members have not been talking to the Senator from Wisconsin, Mr. KOHL, who has worked hard with me since the 105th Congress. Clearly, critics didn't pay any attention to what I had to say last night in my opening statement or, for that matter, many of the statements made by my colleagues on the long history of this legislation.

To the contrary, Congress has been considering this Class Action Fairness Act for several years. Small businesspeople who are paying for this irresponsible tort system we have in America would tell you they have been paying dearly too long and that this legislation is long overdue. One might even find some big companies saying that. But there is no free lunch in America. Somebody is paying when there are frivolous lawsuits. Somebody is paying when lawyers are getting paid too much and when consumers are getting too little. It is a cost to the economy, and we ought to do something about irresponsible costs to our economy.

My colleagues may remember—or they may not remember or we would not have heard these comments today about this legislation—as I indicated in my opening statement last night, both the House and Senate have convened hearings on class action abuse and the need for reform. Are we hearing there have never been hearings held? On what planet are those Senators living?

The House has passed similar versions of the Class Action Fairness Act since the 105th Congress and have done it, by the way, with very strong bipartisan support.

In the Senate in the 105th Congress—this is the 108th Congress. We can go back to the 107th, the 106th, and the 105th Congresses when there was work done on this legislation. At that time, I held hearings on class action abuse in the Judiciary Committee's Administrative Oversight and Court Subcommittee. In the 106th Congress, my subcommittee held another hearing on class actions, and the Judiciary Committee marked up and reported the Class Action Fairness Act, two Congresses ago.

In the last Congress, the 107th, the Judiciary Committee held a hearing on class action abuse. And in the 108th Congress, the Judiciary Committee marked up the bill.

Any Senator who says we have not had hearings on this legislation has not been in the Senate very long or they do not have very good staff helping them or they are not doing anything themselves.

The bill we are considering is also compromise legislation that we worked out in a bipartisan way, a continuation of the bipartisan spirit of this legislation that is exemplified by the work of Senator KOHL now for over four Congresses. We did this with Senators SCHUMER, DODD, and LANDRIEU since the cloture vote failed last October.

While the bill numbers may have changed for the Class Action Fairness Act, we have been working on it now for the fourth Congress. If people think just because we change the title of a bill we ought to have another hearing, that is just an excuse for stalling. If they do not like the bill, vote against it. But let's move something along that needs to be moved along, and there is a consensus in this body that it ought to be done.

I heard this morning claims that the Class Action Fairness Act would deny people the ability to file class action lawsuits. That is just plain not true. We do not take away claimants' ability to file in State court. All we do is modify the rules to allow removal to Federal court for class actions that fit certain criteria within this bill, and most often that is when there is a national implication of the class action suit, or it is not limited to a single State. It is in no way mandatory in our legislation that these cases need to proceed to the Federal court.

Moreover, the claims that we have heard this morning and this afternoon that the Federal courts do not certify class actions are not true either. The Federal courts certify class action cases all the time, and the claimants win their suits in the Federal courts and it is often seen as a forum of preference.

A recent Federal Judiciary Center study found that it was more likely for a class action to be certified in Federal court than in State court. There simply is no foundation, then, for the allegation that Federal courts are less capable of deciding these kinds of cases than State courts. Simply, that does not meet the commonsense test.

It also is not true that it will take longer for Federal courts to decide class actions. The Federal courts have more resources to decide these cases than State courts. In fact, we have the same Federal Judicial Center study indicating that State courts are much more likely than Federal courts to sit on class action lawsuits.

Also, I want to restate that we have made significant changes to the bill to ensure that truly local class actions stay in State court. This is the local controversy exception that was worked out to bring on other Democratic Senators who did not like certain aspects of the bill but wanted the bill to pass and said they would help us get it passed. Those Senators who wanted that local class action exemption, that the class action stay in State courts, were Senators SCHUMER, DODD, and LANDRIEU.

Earlier, some of my colleagues indicated that local issues, such as the PCP leak made famous in the Erin Brockovich case, or suits brought by nursing home residents would be required to be heard in Federal court. Again, this is not true because of the compromise that we crafted with these other Senators and included in the bill that is now before us.

So it is not true that if you have your case heard in Federal court, you will get no justice. That is an outrageous statement and, quite frankly, an insult to the Federal judiciary. The Class Action Fairness Act does not close the courtroom door to anyone. Congress has studied this issue, and Congress has found that there are many problems that need to be considered. That is why we have been working on this steadily for so many Congresses.

A number of studies have come out indicating there are serious abuses of the class action system. There have been numerous editorials and articles that support this bill. It is a bipartisan bill. So I think we ought to move on. The Senate is functioning as the Senate ought to function. As I said last night, nothing gets done in the Senate that is not bipartisan, and when it comes to an issue of partisanship, if 41 Senators stand against it—and that is quite a minority in this Senate—nothing gets done.

We had that vote last October, 59 votes, 1 short of the supermajority to move on, but enough to bring a halt to the consideration of this legislation, because nothing happens in this body unless there is strong bipartisan support. After that cloture vote, we spent last fall working with Senators on the other side of the aisle to get above that 60.

So if there is a situation where one Senator is still not satisfied, do we shut down the whole Senate, or where we maybe even have 10 Senators not satisfied? What more do we have to do to get over that customary rule in the Senate of 60 votes to stop debate to get to finality?

For sure, if we get to a cloture of 60 votes and end up with 70 votes or 75 votes, are not the people trying to stall this legislation somewhat embarrassed by wanting to shut down the whole legislative process? So we have worked to get over that magic hurdle, and when we get over that we will have plenty of votes.

Remember the vote we had through April and May on what we call the FSC/ETI bill, or the JOBS bill, the bill I called creating jobs in manufacturing? We took 15 days over about 2 months to get that legislation passed. It passed 92 to 5.

There were all sorts of games being played with it on matters totally unrelated to the underlying legislation, all in the interest of preserving minority rights. Well, I think this bill has met that test, and we ought to move on. We still have a few people who do not want to move on, and that is a sad commentary, because when one plays by the rules of the game, it seems to me that people who do not get their way have to quit crying in their beer and suck it in, suck it up and move on. That is what I am asking my colleagues on the other side to do, suck it up and move on.

Let the Senate work. It has worked. This legislation is proof that it is working.

I yield the floor.

Ms. MIKULSKI. Mr. President, today I rise to oppose the Class Action Fairness Act.

This bill is anything but fair to the millions of consumers who will have the courthouse doors slammed on them.

Class action lawsuits are the only way a large number of people can get justice for a harm done to them by a consumer product, a corporate practice or an environmental harm. It is often not possible or practical for an ordinary individual to go to court against powerful corporations when they have only have a small amount of damage from a dangerous product. These cases help Americans, who can not bring a lawsuit on their own behalf, get their day in court. We cannot close the courthouse door on them.

I do believe that there are problems in the tort system that we need to address, and I have supported reform efforts to do that. But this bill goes too far. It throws the baby out with the bath water, removing virtually every State class action to Federal court.

Yesterday's New York Times called this bill "A mischievous bill masquerading as . . . reform." In fact, this bill does little to reform the tort system and does much more to benefit the special interests who are supporting it.

Supporters of this legislation have claimed that they are making the system fairer and that they have improved on the original bill. But creating a system which moves virtually all class action cases to federal court is not fair to consumers, workers and victims of discrimination, who stand to benefit from strong State laws on consumer and environmental protection, civil rights protections and labor rights.

In our federalist system, these individuals look to their State courts and State judges for justice and this bill would undermine those rights.

This bill will also cause many of these cases to be dismissed once they reach Federal court. It is a bait and switch game. Get the cases out of State court and into Federal court where there are more hurdles for a class to be certified and then the case is thrown out. That is not fair either.

Finally, this legislation means delay and denial for injured consumers. Our Federal courts are already overburdened. Adding a significant number of cases to their dockets will only create further delay, both for the cases that this bill removes to those courts and for the cases that are already there. Judges will have more complex cases, with no additional resources, and plaintiffs will wait longer and longer for relief, if they get relief at all. Federal judges have even said that they don't want all these cases sent to them.

Instead, it is the special interests who will benefit. They will be able to take cases out of State courts where they belong, even if most of the plaintiffs live in the State and the issue involved purely matters of State law. Corporations will be able to move these cases to Federal court where it is harder to certify a class, where courts often won't certify a multi-State action, and where business interests have an advantage over the little guy. That puts special interests above the interests of working Americans.

Supporters of this bill claim that consumers will benefit from the provisions they have added to the bill. They say that the bill will safeguard consumer rights and make sure that the lawyers don't get all the money. But what this bill really safeguards is a good outcome for corporations, for drug companies, and the tobacco industry, by changing the case to a forum known to be better for business and, once its there, not even guaranteeing that the Federal court will allow it to proceed. That means State and Federal courthouse doors all over our Nation will be slammed on those seeking to hold business accountable for harmful practices. That is not fair and that's not what our legal system is all about.

As I travel through my State, I hear about problems with the legal system. Most often people are concerned about policies that restrict access to the courts and not with abuses of the tort system. Yet I know that there are problems out there, and I have been on the record saying let's fix the problems.

But this bill doesn't do it. This bill does not deal directly with the problems. This bill is a one-size-fits-all solution to a complicated legal problem. Instead, let's look directly at the problems that are impacting consumers, workers and communities and where there are abuses in legal fees or trial awards they should be fixed. Many States have led the way, fixing their own systems to prevent some of the abuses that proponents of this bill talk about. More work needs to be done and the Senate should be looking at doing that instead of supporting this overbroad bill.

But I believe in fixing the problems. That is why I supported Senator BREAUX's alternative the last time we debated this bill and why I will vote to support his and Senator BINGAMAN's amendments if they are able to offer them this time around. That is why I was optimistic when members of the Judiciary Committee were debating this issue, and I wish that we had given them more time to conduct hearings to get the root of the concerns and provide a specific solution.

Yet today we find ourselves faced with a bill that goes too far. I came to the Senate to fight for the little guy when his or her rights were trampled. This legislation threatens those rights, and I urge my colleagues to reject it. We should go back to the drawing board and come up with a proposal that gets at the heart of the abuses but doesn't undermine the rights of consumers and others looking for a fair day in court.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from Minnesota.

Mr. DAYTON. Mr. President, I arrived to hear the final comments of my very respected colleague from the neighboring State of Iowa. With all due respect, I am surprised, at least as I heard it, that my colleagues and I on this side of the aisle are being vilified for the status of this legislation. I was curious because the Senator, of course, knows, as chairman of the Senate Finance Committee, about the fate of the legislation that he saw through in his own committee to which he just referred, the FSC/ETI bill.

From my understanding of that legislation, what happened to that after it left the Finance Committee, to the point where it reached the Senate floor, and not always with the chairman's concurrence, what was added to it as part of the process and what has been done to it over in the House, if we want to talk about legislation that has had measures added to it where there is no connection to the public interest—and I see no connection to the bill at all which is called the JOBS Act; in the House it was called the Jobs in America Act—and then provides the kind of tax breaks that it does in the Senate bill for $39 billion worth for outsourcing American jobs and expanding businesses and their subsidiaries in other countries, it is hard for me to see how we are the sole culprits in wanting to add measures to this bill.

I believe there are members of the other caucus who also desire to add measures to this bill because there are not many bills that are likely going to be passed and confereed and signed into law. We have our genuine interests in seeing that some of these important measures receive at least an up-or-down vote in the Senate, and then either proceed or not accordingly.

The Senator said we devoted 15 days to that corporate tax bill. I do not know why there is this rush to close the door on this legislation which is before us now. I do not support this bill, but I do support dealing with it and having an up-or-down vote on it, but only after all of us on both sides of the aisle have had the opportunity to bring forward our amendments and have them acted upon. That is the tradition of the Senate. That is the spirit of the Senate. Those are the rules of the Senate. I do not see anybody on this side who is trying to be an obstructionist. I see people on this side who thought that was our understanding and agreement and want to proceed on that basis.

I do rise to oppose this underlying legislation, which is truly a wolf in sheep's clothing. Its proponents claim, as a top U.S. Chamber of Commerce official is quoted in yesterday's Washington Post, that it is strictly process, that it does not affect anyone's substantive rights.

That is nonsense. If that were true, we would not be debating this bill on the Senate floor yet again and it would not be the third time that this issue has been brought before the Senate in this session. That same Chamber of Commerce official also said: There are a number of juries on the State level where a lot of abuses are going on.

What are those abuses that we hear about over and over by the proponents of this legislation to justify the actions that it would take? Well, the people who are pushing this legislation are unhappy with the decisions that juries are making. Too often the U.S. Chamber of Commerce and other proponents claim juries are deciding for the plaintiffs, for the groups of people who have claimed that they have been wronged, and against the defendants, which are usually large and wealthy corporations.

So that is the abuse: Juries, comprised of qualifying citizens agreed to by the attorneys for both sides, are deciding too many cases for the people who have been harmed and then are awarding financial settlements more costly than the convicted defendants would like. Well, our country's judicial system has a long roster of defendants who are unhappy with the verdicts and their punishments, but Congress is not considering changes that benefit all of them.

This present judicial system is not perfect—nothing ever is—but it works better than most systems in our country. In fact, it may be the last place the people without money have a fair chance against people who do. People without money cannot afford to hire a full-time lobbyist to influence Congress or State legislators or Federal and State administrations. They do not make big campaign contributions or hold fancy receptions at party conventions. Many Americans cannot even afford to hire a lawyer to assert their rights in a court of law. They do not have the hundreds or thousands of dollars needed to pay for the preparation of complex cases and all the time required to go through the judicial process. They cannot afford the special consultants that many legal defense teams use to select the juries that are most sympathetic to them. Thus, many Americans have to join together with other alleged victims in order to be able to afford all together to seek justice, to have their day in court. They might win; they might lose, but at least they have their day in court. They do lose, many times, in State courts as well as in Federal courts. But of course we don't hear any complaints from the Chamber about those juries. The only "abuses" are when the people win, and the moneyed interests lose. So the moneyed interests have come to the Congress to get the special favors they want in order to have the world their way.

Tragically for this country, it is likely, it appears, that Congress is going to give the powerful, moneyed special interests what they want at the expense of everyone else in America. Hundreds or thousands of the people we are supposed to represent will be hurt by this legislation. Most of them do not realize yet that they are in the process of being harmed; they are too busy working, raising their families, going about their lives, until something bad happens to them and they need to seek justice.

This legislation would hurt their chances to get that justice. This bill would move many of their cases to Federal courts where the delays are greater, where the waits for justice are much longer, and where, evidently, the rich and the powerful win more often. That is why this bill's proponents want us to pass it. To me, that is exactly why we should reject it.

There are other reasons to reject this bill. The Chief Justice of the United States has asked Congress not to shift cases from State courts to Federal courts. In 1998 he said:

> In my annual report last year I criticized the Senate for moving too slowly in the filling of vacancies on the Federal bench.

That was back in 1998.

> I also criticized Congress and the President for their propensity to enact more and more legislation which brings more and more cases into the Federal court system. If Congress enacts and the President signs new laws allowing more cases to be brought into the Federal courts, just filling the vacancies will not be enough.

More recently, the Judicial Conference of the United States, the policymaking body for the entire Federal judiciary, wrote Chairman HATCH on March 6, 2003, of their opposition:

> . . . based on concerns that the revisions would add substantially to the workload of the Federal courts and are inconsistent with the principles of federalism.

So this bill ignores the advice of the Federal judiciary and the Chief Justice of the United States, and it ignores the best interests of most Americans in order to further advantage the rich and the powerful. Proponents say the judicial system is broken and needs to be fixed. I say what needs to be fixed is this legislative system, whereby the rich and the powerful get special legislation passed that helps them and hurts everyone else. I have seen it tried time after time in my 3½ years here. I have seen the rich and the powerful win most of those times, and the people who are not rich and powerful abandoned. It looks like that will happen again. What a tragedy for the Senate. What a tragedy for America.

I urge my colleagues to reject this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I come to the floor this late afternoon to stand in support of the Class Action Fairness Act of 2004. I thank my colleagues, especially CHUCK GRASSLEY, chairman of the Finance Committee, and a Senator who has been a champion of the reform of this particular provision of law in our country for a good number of years.

When working properly, class action lawsuits are an important part of our civil judicial system. The whole idea behind class actions is to promote the efficient, effective administration of justice by allowing for the consolidation of numerous, but identical claims brought against one defendant. When working properly, these lawsuits provide relief to a large number of people who have been victimized—when working properly. But our current class action system is not working properly.

The class action system is uniquely ripe for abuse. In normal litigation, plaintiffs who have been injured seek out an attorney to redress their grievances. In class action litigation, this process is reversed—lawyers are appointing themselves as counsel to a group of people who may or may not feel victimized. This designated victim may not only be unaware he or she is even part of a lawsuit, this person might be perfectly satisfied with the product or service that is the subject of the litigation. Even when a large group has suffered an injury, the lawyers are often the real winners, as they are able to secure large fees while their clients receive coupons of little or dubious value.

A serious need for this legislation has also resulted from the actions of a few rogue State courts. Diversity jurisdiction was established to facilitate commerce by ensuring that claims brought against interstate businesses would be heard in Federal court, so as to avoid local biases. The Framers foresaw the potential chilling effect that could occur on commerce if out-of-State businesses were forced to defend themselves in front of State court judges, who have a greater potential to "play favorites."

The Framers realized this in 1787. Today, we live in an advanced technological age, where interstate business occurs at the click of a button, 24 hours a day, 7 days a week. Certainly, the Framers' efforts to ensure the fairness of claims brought against out-of-State defendants is no less important today; and, at the very least, commerce still deserves the amount of protection our Constitution already provides.

However, under current law, a class action involving thousands of residents from all 50 States and millions of dollars does not qualify for access to Federal court. The Class Action Fairness Act resolves this problem by ensuring that truly local disputes will be litigated in State courts, while interstate class actions, involving national issues, will be heard in Federal court.

S. 2064 will go a long way toward ensuring the intent behind the establishment of class actions is followed. S. 2064 will do this by reforming the diversity rule applicable to class actions in order to provide greater protections for consumers by curbing class action lawsuit abuses, which are enriching lawyers at the expense of consumers.

S. 2064 is in line with our idea of justice and fairness. As set forth in Article III of the Constitution, the Framers established diversity jurisdiction to ensure impartiality for all parties in litigation involving persons from multiple jurisdictions, particularly cases in which defendants from one State are sued in the local courts of another State. Interstate class actions—which often involve millions of parties from numerous States—present the exact concerns diversity jurisdiction was designed to prevent: the potential for local prejudice by the court against out-of-State defendants or a judicial failure to recognize the interests of other States in the litigation.

This act is not about protecting "big business," as some critics claim. Rather, it is about protecting the rights of workers and consumers. I come from the great State of Idaho, where the need to attract new industries is important to our largely rural economy. If a business cannot be sure of the liability it might face in the event of litigation, it will be more reluctant to leave its State of incorporation. And, when litigation costs become too unpredictable, the effect will be to dissuade investment. Or, worse yet, businesses will converge on a few select States, whose laws are most favorable to corporate interests—not only clogging the dockets and slowing down justice in those courts, but providing business opportunities in only a few select areas. This is not good for anyone.

Under the Class Action Fairness Act, the exact type of cases that should be heard in Federal court—cases involving issues of national importance—will be heard in Federal court. While, a case between two citizens from different states, with no national significance, will be left to the State courts. For these reasons, I encourage my colleagues to support this important legislation.

Finally we have a bipartisan bill on the floor of the Senate and it is ready to be debated, ready to receive amendments, ready to be voted on. It is exciting when work of this kind reaches that, if you will, supermajority status that finds both Democrats and Republicans in support of it. There are some 60 cosponsors, I understand, of this critical legislation.

Much has been said about it this afternoon, both pro and con, but the reality is we have a system that has been largely abused and misused and clearly one our Founding Fathers put within the construct of our judicial system to provide a fairness element to all of those in the broad context that class action addresses, not to be victimized by the system but to be served by the system. I hope we can find ourselves a way, through the course and process of the Senate rules, to allow an amendment, amendments, and ultimately final passage on this important legislation.

I was on the floor earlier this morning when our majority leader was attempting to work out a satisfactory process by which we could debate and bring resolution to this important legislative agenda. But I was one of those who had an amendment on the floor, ready to go, that was not specifically germane to class action. Strangely enough, it is in itself a bipartisan piece of legislation, having now garnered the support of some 63 Members of this Senate. It deals with some element of immigration reform, specifically in the area of agriculture, dealing with substantial reform in the H–2A designated immigrant, or I should say worker, as it relates to agriculture.

Here we have two pieces of legislation worked on for many years by our colleagues here in the Senate, one the class action legislation with 60-plus cosponsors, my agriculture jobs legislation with over 63 cosponsors, and somehow we can't seem to get the process working in a way that would allow us to vote on these up or down.

I was certainly willing to offer my amendment and to seek a time limit of 4 or 5 hours to debate it, to allow Members to come to the floor and possibly amend it or to offer amendments and withstand the judgment of their colleagues as to whether those amendments were worthy in shaping or reshaping or transforming legislation that 62 other colleagues and I wanted on the floor for the purpose of debate and consideration.

That is also true of the class action legislation. We have heard a great deal today about the pros and cons of the legislation, S. 2062, that is before us. The great tragedy we are now facing is the process and/or the procedure may disallow an up-or-down vote on class action. There is a strong effort on the part of my leadership to block my effort in coming to the floor with a strongly developed bipartisan piece of legislation to address that also.

Does the public become confused by this effort? I suspect they might, and that is difficult as we attempt to work out the differences and allow these kinds of issues to come to the floor. I am prepared to vote on class action. I am prepared to support the legislation, the underlying bill that is now on the floor.

I also hope my colleagues will seriously consider that a time is necessary to deal with an immigration reform policy. Although it is not a whole cup, although it does not address the universe of undocumented foreign immigrants in this country, it deals with a very critical part of America, American agriculture, that now finds it must seek its workforce in a way that allows it to become nearly 80 percent undocumented because the law is so restrictive and prohibitive and cumbersome and bureaucratic that the average agricultural producer simply cannot identify with it in an appropriate timeline to harvest his or her crops.

They seek employment from people who want to come here and work. Not American citizens. American citizens don't do that kind of work anymore. They are, if you will, an economic cut above it. Or they have a social program that simply allows them a sustenance or a lifestyle in which they don't need to seek that kind of employment.

But there are now about 1.5 million undocumented workers in this country who are employed by American agriculture, who harvest our crops, who bring them into the process, and who ultimately help get them to the supermarket shelf. Yet we cannot in a responsible, legal fashion deal with them. That is why I spent the last 5 years working with a vast array of people, both House and Senate, to fashion this legislation. That is why it now has 63 sponsors. It is why it now has over 400 groups nationwide, from the National Farm Bureau to the United Farm Workers Union to the AFL/CIO to the National Nurseries Association, that say it is critical this legislation pass.

We have producers, agricultural producers in our country today who are finding it so difficult to gain the necessary employees to do the work in the field or in the processing sheds that they are contemplating—and some have already made the decision—to go out of business.

Where does that production go? Offshore, out of the country to Chile or Peru or someplace like that instead of happening in the valleys and in the farm fields of America.

Why can't we solve this problem? Some say it is too political. I suggest it is not political at all. It is time that we lead, that we solve it, that we address the issues, that we create a system that allows people to come to our country to do certain kinds of work and to go home—to do it in a legal, open, transparent way while we can effectively control our borders as we should as a great nation, and at the same time for those who are illegal we ought to be able to apprehend them and remove them from our country. But to do the first or the last without something in the middle that creates an effective, responsible avenue and workforce is simply irresponsible.

That, in essence, is what we have created.

What happened after 9/11? We rediscovered all of this vast array of immigration law in our country that doesn't work.

We have between 8 and 12 million undocumented people in our country. I say shame on us for having allowed that to happen. You solve the problem, you control the border. Great nations maintain their integrity by controlling their borders. Great nations maintain their integrity by creating a civil process on the inside that effectively works. Great nations maintain their integrity by apprehending those who are violators of the law and treating them accordingly. In this instance, and in those examples or situations, we are not doing either.

I proposed—and 62 of my colleagues agree—a piece of legislation that is most critical to our country and to a segment of our economy. I brought it to the floor this morning willing to stand it alongside this important piece of legislation, willing to limit the debate on it so that we can facilitate the process and move this through. And I surely thought the underlying bill with 60-plus cosponsors, and my amendment with 63, ought to be something that can come together. Apparently it can't, or it won't.

I am here this evening to tell my colleagues we ought to be debating and voting on this important piece of class action reform legislation, and we ought to be voting on agricultural jobs. We ought not simply put it off. Those who are the critics of it, who have no alternative, simply want us to, as we have done for two decades, turn our backs, look over our shoulders, say, Oops, there is a problem, while in many instances these human beings are treated inhumanely, while over 350 of them died at the United States-Mexican border this past year, while we simply say, Oh, well, it is so complicated we cannot solve it.

I suggest we can. I suggest it is ready to be solved now and that many of us have worked to accomplish that.

I hope our leadership can work with the other side and work out our differences and get a unanimous consent agreement that shapes the time and moves this legislation forward. We ought not have lawyers working the legal system to simply benefit their pockets while the citizens who may have been harmed get little or nothing but a meaningless coupon of dubious value. That is not the appropriate way for our legal system to work in this country. And that is why Senators GRASSLEY, CARPER, CHAFEE, DODD, HATCH, KOHL, LANDRIEU, LUGAR, MILLER, SCHUMER, SPECTER, and a good many others believe that S. 2062 ought to become the law of this land.

I hope by tomorrow we will have resolved this important situation in a way that allows us to move forward in a timely fashion and allow the American people to see where we stand on these critical issues.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ENSIGN). Without objection, it is so ordered.

Mr. FRIST. Mr. President, I want to update everybody as to where we are with respect to the Class Action Fairness Act. From the many statements over the course of today and last night, it is clear that this bill is important to the American people, and it is important to the economy. It is a bill about equity and it is a bill about fairness.

Earlier today, I attempted to reach an agreement that would allow an orderly process to consider the bill. The agreement respected Members' rights to offer amendments, but also represented a commitment to focus on the issue—class action reform—and eventually proceed toward a final agreement with the House through the regular conference process. That is all we asked with no restrictions as long as we stayed on the bill, amendments on the bill, and once we passed it in the Senate, it would go to a conference with the House.

The important point is at the end of the day—and this is where we stand tonight—by the end of this week we need to pass this bill and do what is right for the American people to create a public law.

Unfortunately, we were unable to get this agreement. There was an offer from the other side which did not necessarily allow completion of this measure, and that offer included five nongermane amendments, the subject matter of these amendments simply being unknown. These nongermane amendments are totally unrelated to class action reform. They could be controversial in nature, and I can tell my colleagues, sharing with my colleagues which amendments they might be, indeed they are very controversial in nature and would require extended debate. That is not the way to complete action on this bill.

With that said, I am prepared to file cloture this evening on the bill. I do so continuing to hope we can consider relevant amendments to the bill while the motion ripens. If colleagues do have relevant class action amendments they want considered, I encourage them to come forward and discuss them with the managers and let us work out a process to dispose of them.

CLOTURE MOTION

Mr. FRIST. Mr. President, I now send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of Rule XII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 430, S. 2062, a bill to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes.

Bill Frist, Orrin Hatch, Charles Grassley, Peter Fitzgerald, Craig Thomas, Mitch McConnell, Ted Stevens, Robert F. Bennett, Jim Talent, George Allen, Jon Kyl, Rick Santorum, Jeff Sessions, Pete Domenici, Susan Collins, Lamar Alexander, John Cornyn.

Mr. FRIST. Mr. President, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, for the information of my colleagues, this vote will occur on Friday unless it is vitiated by some other agreement, and we will remain in discussion and willing to vitiate it if agreement can be reached. We will be on the bill throughout tomorrow's session. Again, I hope we will be able to dispose of class action amendments during that period.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

LANCE CORPORAL RUSSELL WHITE

Mr. CARPER. Mr. President, I would like to set aside a few moments today to reflect on the life of LCpl Russell P. White. Russell epitomized the best of our country's brave men and women who are fighting to secure a new democracy in the Middle East. He exhibited unwavering courage, dutiful service to his country, and above all else, honor. In the way he lived his life—and how we remember him—Russell reminds each of us how good we can be.

A resident of Dagsboro, Russell's passing has deeply affected the community. A graduate of Indian River High School, Russell was the son of Gregg and Tricia White. Friends, family, and school officials recalled Russell as a proud young man who made a sacrifice for their freedom, even if his death did not come during combat. As a senior at Indian River High School in rural Frankford, Russell spent his days in classrooms overlooking soybean fields, and his spare time at home hunting duck along tranquil Vines Creek. In his senior year, he tried out for and made the football team at Indian River. He became a starter and, at a mere 165 pounds, played nose guard, out hustling opposing lineman who weighed 50 to 100 pounds more than he did.

But Russell had a desire to be part of something bigger. He wanted to be among the troops sent to hunt Osama bin Laden in the mountainous terrain of Afghanistan, so he joined the Marines early last year.

Russell had been stationed in Afghanistan for about a month prior to his death and was part of the mission to root out bin Laden and other members of al-Qaida. He was assigned to the 3rd Battalion, 6th Marine Regiment, whose home base is at Camp Lejeune, NC.

Russell was remembered by his fellow marines as a young man who had a kind spirit and a zest for life with an outlook that sometimes got him into a little trouble, especially in the 13 grueling weeks of boot camp. When drill sergeants would bark orders, Russell would often crack a smile, unlike others who might shed tears in their bunks at night. "They couldn't crack him," Russell's father, Gregg, said. While Russell may have found some of his early training a little amusing, he was absolutely serious about his duties in Afghanistan.

Russell was a remarkable and well-respected young soldier. His friends and family remember him as an honorable man. He enjoyed playing football, hunting, skiing and being out on the water. He had hoped to return to Sussex County to help run his father's home-building business. Sadly, that dream will not be fulfilled.

I rise today to commemorate Russell, to celebrate his life, and to offer his family our support and our deepest sympathy on their tragic loss.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

On October 14, 1995, a 9-year-old boy named Steven Wilson was found brutally raped, beaten, and drowned in a muddy ditch one mile from his house. Around the town, little Steven was known as a kid who liked to play with dolls. Other kids teased him and called him "fag." Nonetheless, Lamont Harden, a 15-year-old neighbor of Wilson, confessed to this horrific murder on the basis that he was trying to "humble the fag" that allegedly got into a scuffle with his brother.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

INTERIOR ALASKA WILDFIRES

Ms. MURKOWSKI. Mr. President, 10 years ago, on July 6, 1994, fourteen wildland firefighters lost their lives fighting the deadly South Canyon Fire near Glenwood Springs, CO. Nine of the 13 who perished were members of a single crew—a hotshot crew based in the small high desert town of Prineville in central Oregon. The "Prineville Nine," as they have come to be called, were all in their 20s.

The events of July 6, 1994 were as significant to the wildland fire community as the events of September 11, 2001 were to the New York City Fire Department, and the brave young men and women who perished in the South Canyon Fire were every bit as heroic as those who perished at the World Trade Center.

The anniversary of the South Canyon Fire brings home to all who live in the West how dearly we hold the brave young men and women, clad in their fire resistant yellow shirts, green pants and helmets, who fight the fires that sweep through our backyards.

On Monday, July 5, I had the privilege to visit a fire camp near Fairbanks, AK. The young men and women based at the camp were fighting the Boundary Fire, which is burning to the North of Fairbanks, under the experienced leadership of Steve Hart and his Type I Incident Management Team, drawn from the Rocky Mountain region of our Nation.

In the course of my visit, I had the opportunity to meet with each of the leaders on the Incident Command Team and received detailed briefings on how the fire was being managed.

One of those briefings was delivered by the Incident Safety Officer, who emphasized the acronym L-C-E-S, which stands for lookouts, communications, escape routes, and safety zones. Wildland firefighters are taught to keep safety in their forefront of their minds, constantly focusing on L-C-E-S. On the Boundary Fire, the singular focus on safety is evident throughout the camp. It is clear that the lessons of the South Canyon Fire have not been lost to history.

Today there are 73 wildland fires burning in the State of Alaska and some 1,544 wildland firefighters from 26 states and one province of Canada are on the ground tirelessly addressing these fires. Since the beginning of this year's fire season, approximately 2 million acres have burned in Alaska. Most of these acres have burned in seven large fires and "fire complexes" which occurred in the last few weeks.

As of the last report that I received, the Boundary Fire is 27 percent contained. Two other incidents are five percent contained and the remaining four are zero percent contained. New fires can start on a moment's notice from a strike of lightening and, depending on the fuel; wind shifts can move existing fires at rates of over 2 miles per hour.

In fact, a new fire was just reported yesterday, near the villages of Bettles and Evansville. At 5:00 PM, when the fire was reported, it had burned one acre, one hour later it was reported at 500 acres and at 10:00 PM it was reported at 1500 acres.

Last week was an exceptionally difficult one for the people of Interior Alaska. In Fairbanks, a dark, smoky haze hung over the community. The Boundary Fire was burning about 30 miles to the north of Fairbanks between the Steese and Elliott Highways, while the Wolf Creek Fire was burning to the east, near Chena Hot Springs Road.

These fires caused the evacuation of more than 280 households and countless animals, including household pets, sled dogs, cows, pigs and llamas. While volunteers from the Tanana Valley Chapter of the American Red Cross were offering shelter, food and respite from the smoke to the people of Fairbanks, officers from the Fairbanks North Star Borough's Division of Animal Control and numerous volunteers were making sure that the displaced animals were being well cared for.

Miraculously, only seven structures, to date, have been lost in the spate of these wildfires with no loss of life. Thanks to the hard work of firefighters through the Independence Day weekend, the people uprooted by the Boundary Fire are returning home today.

Although the Boundary and Wolf Creek fires were the subject of attention in the national media because of their proximity to urban areas, we must not forget that the fires are also threatening bush villages in rural Alaska. The Pingo Fire has burned to within one and one half miles of the town of Venetie and wildfires continue to threaten habitat that is important to the subsistence lifestyle practiced in the village.

The people of Eagle on the Canadian border have been challenged by two fires, one burning west from Dawson City in the Yukon Territory. The safety of these communities, as well as Bettles, Chicken, Evansville, Fort Yukon, Stevens Village and Tok are on our minds today.

The proximity of wildfires to the outskirts of our urban areas reminds us all to be firewise. Building defensible space around structures not only increases the likelihood that a building will survive a fire; it also increases resident and firefighter safety. Alaskans are also being encouraged this week to store their firewood away from structures and to use metal or fire resistant roofing materials in construction. I support these important safety initiatives.

I also continue to support the important fuels reduction provisions of the President's Healthy Forest Initiative, and will continue to work to ensure that adequate resources are made available by Congress to our Nation's fire fighting crews.

Fairbanks is known as the "Golden Heart City," so let me say that our golden hearts go out to the thirty seven Alaska Native firefighting crews that are protecting Fairbanks as well as our villages, the Alaska firefighters on mutual aid assignments to fight the wildfires, and members of the national wildland fire community who have been dispatched to Alaska to help us get through this difficult fire season. I am deeply grateful to all in the wildland firefighter community for their tremendous sacrifices and commitment to making all of our communities safe.

JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, today President Bush is holding a private fundraiser in North Carolina and complaining about the few judicial nominees who have not been given hearings by the Republican-led Senate, when he should be commending the Senate for confirming nearly 200 of his judicial nominees. One-hundred-ninety-eight of his judicial nominees have been confirmed. This number of confirmations is higher than the number of judicial nominees confirmed during President Reagan's first term, during the President's father's Presidency, and during the final term of President Clinton.

With these confirmations, there are only 26 vacant seats in the entire Federal judiciary, which is the lowest level since the Reagan administration. Senate Republicans more than doubled circuit court vacancies and raised overall federal court vacancies to more than 100 from 1995 through early 2001. Vacancies have been greatly reduced with Democratic cooperation during the last 4 years. Vacancies have been cut by more than 75 percent and judicial emergency vacancies have been cut by more than 60 percent from what they were.

During the 1996 session, when President Clinton was seeking a second term, Republicans allowed only 17 of his judicial nominees to be confirmed all year and blocked all of his circuit court nominees from being confirmed. This year, the Senate has confirmed 29 of President Bush's judicial nominees, including five circuit court nominees.

Democrats have acted with bipartisanship toward the judicial nomination process and supported the confirmation of this historic number of judicial nominees of this Republican president. During the 17 months of Democratic control of the Senate, 100 of President Bush's judicial nominees were confirmed. Republicans had blocked the confirmation of more than 60 of President Clinton's judicial nominees, including nearly two dozen to the circuit courts.

The situation in North Carolina illustrates this history of Republican obstruction and the Bush administration's determination to try to pack the courts. During the Clinton administration, four nominees from North Carolina to the Fourth Circuit were blocked by Republican Senators, and they never got a hearing or a vote. U.S. District Court Judge James Beaty would have become the Fourth Circuit's first African-American jurist. According to The Charlotte Observer of March 8, 1996:

> He is an excellent judge, partly because of admirable qualities that make him an ideal candidate for judging others. He rose from humble circumstances and eventually graduate from the UNC-Chapel Hill School of Law. Admirers say he is an ideal judge and citizen: even-tempered, hard-working, fair, serious, intelligent and unfailingly polite.

Judge Beaty never got a hearing or a vote from Republicans in 1995, 1996, 1997, or 1998. U.S. Bankruptcy Judge J. Richard Leonard also never got a hearing or a vote in 1995 or 1996 on his nomination to the Fourth Circuit, nor did Republicans give him a vote in 1999 or 2000 in his nomination to the District Court in North Carolina. North Carolina Court of Appeals Judge James Wynn never got a hearing or a vote on his nomination in 1999, 2000, or 2001. Had Judge Wynn been confirmed he would have been the first African American to sit on the Fourth Circuit. Law Professor Elizabeth Gibson also did not get a hearing or a vote.

During Republican control of the Senate, no nominee from North Carolina to the Fourth Circuit was allowed to be confirmed during the entire Clinton administration. It is ironic that Republicans now claim that Judge Boyle must be confirmed because the seat is considered a judicial emergency by the Administrative Office of the U.S. Courts, when the North Carolina vacancies on the Fourth Circuit were considered judicial emergencies years ago when Republicans blocked Clinton nominee after Clinton nominee. During the Clinton administration, Republicans argued that these vacancies did not need to be filled because the Fourth Circuit had the fastest docket time to disposition in the country, a distinction it still holds. After three confirmations for Bush nominees to that court, including Judge Duncan, the Fourth Circuit has fewer vacancies today—three—than it did when Republicans claimed no more judges were needed—5 vacancies.

Republicans used every argument they could muster to stop Democratic nominees from being confirmed to the Fourth Circuit, particularly in North Carolina, and now they flip flop to claim that Republican nominees must be confirmed.

When Senator JOHN EDWARDS was elected, he sought out the middle ground on judicial nominations, after years of North Carolina nominees being blocked by Republicans. For example, he should be commended for working with the President on the nomination of Judge Allyson Duncan, an African-American women who had served as the President of the North Carolina Bar Association, for a seat on the Fourth Circuit. Senator EDWARDS fully supported her confirmation. She was a Republican who had testified in favor of Clarence Thomas' confirmation, but she had a reputation of fairness. With Senator EDWARDS' support, Judge Duncan was confirmed. He broke through the Republican logjam in this circuit. Senator EDWARDS also acted with bipartisanship in supporting the confirmation of two Bush nominees to the district court, Judge Brent McKnight and Judge Louise Flanagan.

Senator EDWARDS has sought out compromise with his fellow North Carolina Senators on judicial nominations, but they have, by and large, refused to help find a middle ground. He has supported the proposal of the North Carolina Bar Association that the State establish a bipartisan merit selection commission to propose nominees to the President, Republican or Democratic, to create a long-term solution to impasses that are created by any Senator's insistence on his choice alone, with no compromise, for these lifetime seats of trust on the Federal bench. Unlike President Bush, Senator EDWARDS understands what it means in reality to be a uniter and not a divider. He comes from a part of the country that understands deeply how important it is that leaders seek to unite people across racial, economic and political lines rather than to divide them.

Senator EDWARDS has stood up to efforts by this President to pack the courts with people whose records do not demonstrate that they will be fair judges to all who come before them, rich or poor, Democrats or Republicans, or any race or background. He has expressed concerns about Bush nominees Judge Boyle as well as James Dever, a 40-year-old Federalist Society member and Republican Party activist. President Bush has repeatedly claimed that he is opposed to judicial activism while he has simultaneously nominated activists for judicial positions.

He would not support the confirmation or recess appointment of a judicial nominee who violated judicial ethics to reduce the sentence of a convicted cross burner, as President Bush did over the holiday celebrating the birth of Dr. Martin Luther King. Senator EDWARDS opposed other Bush judicial nominees whose record demonstrate insensitivity or hostility toward the civil rights and the blessings of liberty guaranteed to all Americans. Just yesterday, President Bush nominated Keith Starrett to the vacancy created by Judge Pickering's recess appointment and by his resignation from the district court. This nomination shows again the President's insensitivity to the wishes of so many in the South District of Mississippi by passing over qualified African-American candidates for that powerful district court seat. In act, this President has chosen narrow ideological purity over diversity by nominating more people involved with the Federalist Society than African Americans, Hispanics and Asian Americans combined.

The biggest problem in the judicial nominations process is not with the Senate but with the White House. The judicial nominations process begins with the President, and President Bush has chosen to divide the Senate and the American people with his judicial nominations, instead of to unite us. The administration is intent on undermining the independence of the Federal judiciary and on making it a clone of the Republican Party. The President and his aides have shown the same unilateralism and arrogance to the Senate in their handling of judicial nominations that they have shown in so many other important policy areas.

I commend Senator EDWARDS for breaking through the Republican logjam on appointments from North Carolina to the Court of Appeals for the Fourth Circuit. He has sought out the middle ground while also standing firm in his efforts to protect the right of the people to fair judges in our Federal courts. The American people deserve an independent judiciary with fair judges who will enforce their rights and uphold the law.

DRUG PRICING DISCOUNTS

Mr. CORZINE. Mr. President, I rise today to commend Pfizer, Inc., for its new initiative to provide discounts of between 15 and 50 percent off retail prices of its drug inventory to any uninsured American, regardless of age or income. We have been grappling with the issue of quality, affordable healthcare and accessibility to prescription drugs for some time. I think all of us in Congress believe this is one of our most critical challenges. A lot of thoughtful work has gone in to trying to address this, but from my perspective, we have had only limited success to date. As an industry leader, Pfizer has really stepped up to the plate to fill in some of the gaps that we all acknowledge still exist.

The recently passed Medicare reform bill gives limited assistance to seniors and the disabled but leaves 44 million other uninsured Americans without coverage for their medications. The new program Pfizer is undertaking will offer assistance to those Americans who are not eligible for help under the Medicare plan. Pfizer's effort is truly a model of corporate responsibility, and I applaud the company for its example. I am particularly proud that Pfizer has a strong commitment to my State of New Jersey, with over 3,700 employees there.

We can especially appreciate that this new program covers a range of circumstances. It is widely acknowledged that expanded access to prescription drugs is integral to improving the health and quality of life for millions of Americans. By offering substantial discounts on its entire drug inventory, including the widely used Lipitor, Celebrex and Zoloft, Pfizer is taking an innovative and proactive approach to providing relief to the many Americans who would have gone without these vital medicines because they could not afford them.

In addition, there are 27 advocacy groups that have joined in support of the Pfizer initiative. This kind of collaboration between industry and community-based organizations represents public-private partnerships of the best kind. I am pleased to join with so many others in commending Pfizer's groundbreaking announcement, and look forward to working with all my colleagues in Congress on efforts to provide quality, affordable prescription drug coverage to all Americans.

USS "RONALD REAGAN"

Mrs. BOXER. Mr. President, last month California bid farewell to President Ronald Reagan. This month, on a happier note, we are greeting a great new ship named in his honor. On July 23, 2004, the people of California will welcome the USS *Ronald Reagan*, CVN 76, to her new homeport in San Diego.

As the Navy's newest and most technologically sophisticated aircraft carrier, the *Reagan* will project tactical airpower over the sea and inland while providing critical sea-based air defense and antisubmarine warfare capabilities.

It is proper and fitting that the new carrier be based in our State: Ronald Reagan was one of California's own. Though he traveled the world and served two terms in the White House, he always called California his home.

The *Reagan* crew will find a warm welcome in San Diego, a beautiful and vibrant city that is proud to be a navy town. San Diego is a cornerstone of America's national defense, and the Navy is a cornerstone of San Diego.

On behalf of the people of California, I want to welcome the USS *Ronald Reagan* and her crew to your new homeport. We are pleased and proud to have you with us, and we will do all we can to make you feel at home.

CAPE VERDE NATIONAL INDEPENDENCE

Mr. REED. Mr. President, I rise today with my colleagues, my fellow Rhode Islanders, and our Cape Verdean community in celebration of Cape Verde Independence Day.

Every country is rich with its own history and unique story of how it achieved democracy, and Cape Verde is no exception. In 1462, Portuguese settlers arrived at Santiago and founded the first permanent European settlement city in the tropics. In 1951, Portugal changed Cape Verde's status from a colony to an overseas province in an attempt to blunt growing nationalism. Five years later, a group of Cape Verdeans, led by Amilcar Cabral, and a group from neighboring Guinea-Bissau organized the clandestine African Party for the Independence of Guinea-Bissau and Cape Verde, PAIGC, demanding improvements in economic, social, and political conditions in Cape Verde and Portuguese Guinea. This important action formed the basis of the 2 nations' independence movements.

By 1972, the PAIGC controlled much of Portuguese Guinea despite the presence of the Portuguese troops, but did not disrupt Portuguese control in Cape Verde. It was not until the April 1974 revolution in Portugal that the PAIGC and Portugal signed an agreement providing for a transitional government composed of Portuguese and Cape Verdeans. On June 30, 1975, Cape Verdeans elected a national assembly, which received the instruments of independence from Portugal on July 5, 1975, making it the official national day of independence.

For its first 15 years of independence, Cape Verde was ruled by one party. Then in 1990, opposition groups came together to form the Movement for Democracy. Working together they ended the 1-party state and the first multiparty elections were held in January 1991.

Cape Verde enjoys a stable democratic system where 4 parties share seats in the National Assembly. It is an example to other nations as to what can be accomplished. These democratic changes meant better global integration as the government has pursued market-oriented economic policies and welcomed foreign investors.

Today there are close to 350,000 Cape Verdean-Americans living in the United States, almost equal to the population of Cape Verde itself. These Americans hold a special right since the Cape Verdean Constitution formally considers all Cape Verdeans at home and abroad as citizens and voters. Thus, July 5th is a day of independence for all Cape Verdean-Americans as well as those in Cape Verde.

Recently we celebrated the independence of our own country, reflecting on the personal sacrifices many have made to ensure our own freedom and democracy. It is fitting we do the same with Cape Verde and I urge my colleagues to join me in wishing all those with direct and ancestral ties to Cape Verde a happy Independence Day.

ADDITIONAL STATEMENTS

TRIBUTE TO THAYAS RAY BRAY

• Mr. LOTT. Mr. President, on July 20, 2004, the city of Moss Point, MS will take time out to honor and pay tribute to one of its own, Mr. Thayas Ray Bray. In fact, his accomplishments are so numerous and his dedication to his community so strong, Moss Point officials have designated this Saturday as "Thayas Ray Bray Day." Along with his wife, Joyce Bray, and two sons, Jerry and Keith, and their families, I want to take this opportunity to join the City of Moss Point in congratulating Mr. Bray on all of his hard work.

Mr. Bray's service to his local community and fellow citizens has taken on many different forms over the years. He has served as president of YMBC, MPAC, Exchange Club, and JC. He has owned Moss Point Sonic since 1976, as well as Lucedale Sonic, and has co-owned Jackson County Funeral Home. I understand he was the original organizer of Moss Point Impact, and a member of the Mississippi Restaurant Association. All the while, he has remained an active member of First Baptist Church of Moss Point.

By giving back so generously to the community through volunteer time, he has truly made a difference in the lives of others. Leading youth in Boy Scouts and Little League baseball are prime examples of his dedication. He has supported local activities such as the high school band and football, Gulfport Special Olympics, and YMBC Golf Tournaments. He also has been an active supporter of the fight against Muscular Dystrophy, and has supported both the American Cancer Society and American Heart Association.

As you can see, his contributions to the City of Moss Point are far-reaching and have benefited the community in many different ways. So again I want to thank Mr. Bray for his contributions to his community, and I want to join my friends and neighbors in applauding and commemorating his service.•

OPPORTUNITY VILLAGE'S 50TH BIRTHDAY

• Mr. ENSIGN. Mr. President, I wish to honor and celebrate an organization that has made an unbelievable impact on my home State of Nevada.

Today marks 50 years since Opportunity Village became part of the Las Vegas landscape. In 1954, a group of families joined together to support the needs of children with mental retardation. In the 50 years that followed, Opportunity Village grew to become the largest private provider of vocational training, employment, advocacy, and recreation for people with disabilities in Nevada.

Words cannot adequately describe the difference that Opportunity Village makes in the life of a person with severe disabilities. The organization gives individuals long-term work experience, marketable job skills, independence, and increased self-esteem. Those benefits are the very least that they provide.

However, Opportunity Village's accomplishments have not been made single-handedly. In Las Vegas, there are many wonderful partnerships between Opportunity Village and community businesses and agencies. Among them are America Nevada Corporation, ATC-Vancom, the U.S. Air Force, the U.S. Bureau of Reclamation, the U.S. Department of Energy, the U.S. Department of Veterans Affairs, the U.S. General Services Administration, the Las Vegas Convention and Visitors Authority, the Las Vegas Valley Water District, Bellagio, Harrah's, Station Casinos, the U.S. Department of Agriculture, Bank of Nevada, Bechtel, Boyd Gaming, the City of Henderson, the Clark County Health Department, Desert Automotive Group, GES, the Internal Revenue Service, KNPR, Krispy Kreme Doughnuts, McCarran International Airport, New York-New York Hotel and Casino, Southwest Gas Corp., Wells Fargo, and Wynn Resorts. I applaud all of Opportunity Village's partners for their vision and their commitment to providing opportunity for so many individuals.

I had the chance to see one of the Opportunity Village partnerships in action and it was then that I truly understood the tremendous impact they make each and every day. Opportunity Village clients serve more than 60,000 meals per month at the Nellis Air Force Base (AFB) dining facility and also operate the postal service center at the base. On one of my visits to the base, Senator REID and I joined Opportunity Village workers in serving lunch in the mess hall.

It was incredible to see individuals with disabilities working and interacting with our military. Not only were they serving food and smiles, but they were contributing to our Nation and the Air Force with their work.

Their accomplishments and contributions are quite remarkable given the hurdles they have faced all their lives.

Eddie was diagnosed a mentally retarded child in the first grade. Those who know him say he has a genuine and caring personality, a child-like shyness, and the focus of a genius. Eddie began working with Opportunity Village in 1986 where his specialty was packaging and product assembly. Following his mastery of that program, Eddie moved on to janitorial services in the work center. Later, he moved to another promotion as a room attendant in a hotel. Finally, he was promoted to mess attendant at Nellis AFB where the results of his hard work are easily seen in the respect he has earned from his coworkers and supervisors.

Jamie was diagnosed with mild mental retardation when he was a child. He refused to let the diagnosis slow him down and began working with Opportunity Village in 1998. Jamie started in the Work Center where he assembled buckets for $5 an hour. He moved on to become a part of the janitorial crew in the work center. Then he joined the American Nevada Enclave cleaning parking lots. Today, Jamie has proved to be a valuable member of his work team at Nellis AFB where he washes dishes, performs janitorial services, and busses tables. Jamie will proudly tell you the $8.27 an hour he earns now helps to pay his mom's mortgage.

Paul was diagnosed a moderately mentally challenged adult and has a history of seizures. Despite all of the obstacles placed in his way, Paul continues to persevere. Beginning his career with Opportunity Village in August of 1999, Paul focused on production assembly. Quickly mastering the techniques necessary, Paul was promoted to room attendant. Then he moved to a position cleaning at the American Nevada Enclave parking lot. Now, Paul is also a mess attendant at Nellis AFB. Paul proudly calls himself a "team player."

While the accomplishments of Eddie, Jamie, Paul, and all of Opportunity Village's clients are inspiring, the benefits to our community are not just emotional. Employment generated through Opportunity Village contracts helps to reduce dependence on Government benefits and increases tax revenues. Individuals with severe disabilities are paid wages that reduce their need for other Government benefits. Earning wages allows them to become productive members of society and to join the ranks of the taxpayers of Nevada. Economic studies show that since its inception 50 years ago, Opportunity Village has saved Nevada taxpayers almost $1 billion.

I mentioned earlier that Opportunity Village receives vital support from business partners in reaching its goals. The other two essential elements to the success of Opportunity Village are its leadership and the contributions of the Las Vegas community.

Year after year, Opportunity Village is named by Las Vegas residents as their favorite charity. Las Vegans of all ages look forward to the yearly Magical Forest fundraising event as well as many other Opportunity Village programs. From world-renowned entertainers to local celebrities to area children to Las Vegas businesses, southern Nevadans continue to understand the importance of Opportunity Village's mission and fully support the 100 percent local organization.

And at the helm of Opportunity Village is a man whose vision and dedication has made it possible to serve more than 600 disabled workers every day. Opportunity Village Executive Director Ed Guthrie has proven to be a tireless advocate for individuals with disabilities and a true friend to the disabled community. I have had the pleasure of working with him on many projects, and I know how committed he is to the continued success of Opportunity Village.

Today, we look back on the last half century with heartfelt gratitude for those local families who, in 1954, decided that their loved ones with disabilities deserved more. They planted the seed that has been nurtured and cared for by their extended family of Las Vegans. Today, families of disabled individuals proudly see their loved ones—who 50 years ago would not have had an opportunity—gain self esteem and achieve things once not thought possible. With Opportunity Village's continued strong leadership, business partners, and community support, the next 50 years will bring opportunity and optimism to future generations of intellectually disabled individuals.•

TRIBUTE TO CHUCK VEST

• Mr. KENNEDY. Mr. President, Chuck Vest will soon end his distinguished 14-year tenure as President of the Massachusetts Institute of Technology. He has been an excellent leader for this outstanding institution in our State. He has attracted and retained a world class faculty, including Nobel Prize winners. He has maintained an impressive balance between consistency and change to meet the changing needs of the university in the modern high-tech world. And has developed the research capacity of the institution far beyond its abilities when he took the helm.

His commitment to diversity has also been impressive. In 1990, the undergraduate student body was 34 percent women and 14 percent underrepresented minorities; today the student body is 42 percent women and 20 percent underrepresented minorities—the result of a conscientious effort by President Vest and the community he cared so much about.

His leadership was marked by many innovative reforms. He decided to publish all course material online, so that it is freely available to anyone in the world. He brought the unequal treatment of senior female faculty to the attention of the community and held an open dialogue on how to correct the situation. He offered health benefits to same-sex partners. His leadership on financial aid methodologies laid the groundwork for the provisions that are now part of the Higher Education Act.

Chuck has worked skillfully as well to obtain increased support for scientific research—especially in the physical sciences—and he was a familiar figure in corporate boardrooms and to many of us in Congress. His cooperative work with Lincoln Labs, with Harvard and with the Broad Foundation and his commitment to the Cambridge and Boston Public Schools are important parts of all he has brought to MIT. When he was named in February to the President's Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction, he said, "I will concentrate on two priorities, MIT and the Commission."

There is so much to be said about Chuck Vest—his intelligence, his appealing personality, his modesty about his own high accomplishments, and his tireless pursuit of excellence in everything he does. All of us who know him wish him well in the years ahead, confident that we will continue to think and act boldly about the role of science and scientific education in our changing world and its fundamental importance to the future of our Nation and its best ideals.•

MESSAGE FROM THE HOUSE

At 11:23 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 103. An act for the relief of Lindita Idrizi Heath.

The message also announced that the house passed the following bills in which it requests the concurrence of the Senate:

H.R. 530. An act for the relief of Tanya Andrea Goudeau.

H.R. 712. An act for the relief of Richi James Lesley.

H.R. 867. An act for the relief of Durreshahwar Durreshahwar, Nida Hasan, Asna Hasan, Anum Hasan, and Iqra Hasan.

H.R. 2121. An act to amend the Eisenhower Exchange Fellowship Act of 1990 to authorize additional appropriations for the Eisenhower Exchange Fellowship Program Trust fund, and for other purposes.

H.R. 3340. An act to redesignate the facilities of the United States Postal Service located at 7715 and 7748 S. Cottage Grove Avenue in Chicago, Illinois, as the "James E. Worsham Post Office" and the "James E. Worsham Carrier Annex Building", respectively, and for other purposes.

H.R. 3247. An act to designate the facility of the United States Postal Service located at 73 South Euclid Avenue in Montauk, New York, as the "Perry B. Duryea, Jr. Post Office".

The message further announced that the House has agreed to the following concurrent resolutions, in which is requests the concurrence of the Senate.

H. Con. Res. 257. Concurrent resolution expressing the sense of Congress that the President should posthumously award the Presidential Medal of Freedom to Harry W. Colmery.

H. Con. Res. 410. Concurrent resolution recognizing the 25th anniversary of the adoption of the Constitution of the Republic of the Marshall Islands and recognizing the Marshall Islands as a staunch ally of the United States, committed to principles of democracy and freedom for the Pacific region and throughout the world.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 530. An act for the relief of Tanya Andrea Goudeau; to the Committee on the Judiciary.

H.R. 712. An act for the relief of Richi James Lesley; to the Committee on the Judiciary.

H.R. 867. An act for the relief of Durreshahwar Durreshahwar Nida Hasan, Asna Hasan, Anum Hasan, and Iqra Hasan; to the Committee on the Judiciary.

H.R. 2121. An act to amend the Eisenhower Exchange Fellowship Act of 1990 to authorize additional appropriations for the Eisenhower Exchange Fellowship Program Trust Fund, and for other purposes; to the Committee on Foreign Relations.

H.R. 3340. An act to redesignate the facilities of the United States Postal Service located at 7715 and 7748 S. Cottage Grove Avenue in Chicago, Illinois, as the "James E. Worsham Post Office" and the "James E. Worsham Carrier Annex Building", respectively, and for the other purposes; to the Committee on Governmental Affairs.

H.R. 4327. An act to designate the facility of the United States Postal Service located at 7450 Natural Bridge Road in St. Louis, Missouri, as the "Vitilas 'Veto' Reid Post Office Building"; to the Committee on Governmental Affairs.

H.R. 4427. An act to designate the facility of the United States Postal Service located at 73 South Euclid Avenue in Montauk, New York, as the "Perry B. Duryea, Jr. Post Office"; to the Committee on Governmental Affairs.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 257. Concurrent resolution expressing the sense of Congress that the President should posthumously award the Presidential Medal of Freedom to Harry W. Colmery; to the Committee on the Judiciary.

H. Con. Res. 410. Concurrent resolution recognizing the 25th anniversary of the adoption of the Constitution of the Republic of the Marshall Islands and recognizing the Marshall Islands as a staunch ally of the United States, committed to principles of democracy and freedom for the Pacific region and throughout the world; to the Committee on Foreign Relations.

MEASURES READ THE FIRST TIME

The following joint resolution was read the first time:

S.J. Res. 40. Joint resolution proposing an amendment to the Constitution of the United States relating to marriage.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–8259. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Office of Pesticide Programs Address Changes" (FRL#7368–4) received on July 6, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8260. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Proppxycarbozone-sodium; Pesticide Tolerance" (FRL#7365–7) received on July 6, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8261. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Aspergillus flavus NRRL 21882; Exemption from the Requirement of a Tolerance" (FRL#7364–2) received on July 6, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8262. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "C8, C10, and C12 Straight-Chain Fatty Acid Monoesters of Glycerol and Proylene Glycol; Exemption from the Requirement of a Tolerance" (FRL#7352–6) received on July 6, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8263. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Lactic Acid, n-proply ester, (S); Exemption from the Requirement of a Tolerance" (FRL#7362–3) received on July 6, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8264. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tart Cherries Grown in the States of Michigan; et al.; Revision of Current Procedures for Handlers to Receive Exempt Use/Diversion Credit for New and New Market Development Activities" received on July 6, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8265. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Milk in the Pacific Northwest Marketing Area—Final Order" (Doc. No. DA–01–06) received on July 6, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8266. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Milk in the Mideast Marketing Area—Final Order" (Doc. No. DA–01–04) received on July 6, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8267. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Revision of User Fees for 2004 Crop Cotton Classification Services to Growers" (RIN0591–AC34) received on July 6, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8268. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report of a violation of the Antideficiency Act relative to transactions in the Federal Aviation Administration Aviation Insurance Revolving Fund; to the Committee on Appropriations.

EC–8269. A communication from the Acting Under Secretary of Defense, Comptroller, Department of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 04–03, relative to funds for the purchase of Santa Claus suits and hats at the Yongsan Army Garrison, Seoul, Republic of Korea; to the Committee on Appropriations.

EC–8270. A communication from the Acting Under Secretary of Defense, Comptroller, Department of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 04–04, relative to the purchase of an information system at the United States Property and Fiscal Office for Maryland; to the Committee on Appropriations.

EC–8271. A communication from the Acting Under Secretary of Defense, Comptroller, Department of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 03–03, relative to FY 2000 Operation and Maintenance Funds; to the Committee on Appropriations.

EC–8272. A communication from the Acting Under Secretary of Defense, Comptroller, Department of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 02–06, relative to the fiscal years 1996 through 1998 Operation and Maintenance, Navy appropriation funds used by the Administrative Support Unit, Southwest Asia, Bahrain; to the Committee on Appropriations.

EC–8273. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Multiyear Procurement Authority for Environmental Services for Military Installations" (DFARS Case 2003–D004) received on June 25, 2004; to the Committee on Armed Services.

EC–8274. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Berry Amendment Changes" (DFARS Case 2003–D099) received on June 25, 2004; to the Committee on Armed Services.

EC–8275. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting, pursuant to law, the report of the approval to wear the insignia of lieutenant general; to the Committee on Armed Services.

EC–8276. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting, pursuant to law, the report of the approval to wear the insignia of lieutenant general; to the Committee on Armed Services.

EC–8277. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting, pursuant to law, the report of the approval to wear the insignia of lieutenant general; to the Committee on Armed Services.

EC–8278. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting, pursuant to law, the report of the approval to wear the insignia of lieutenant general; to the Committee on Armed Services.

EC–8279. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting, pursuant to law, the report of the approval to wear the insignia of lieutenant general; to the Committee on Armed Services.

EC–8280. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting, pursuant to law, the report of the approval to wear the insignia of lieutenant general; to the Committee on Armed Services.

EC–8281. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting, pursuant to law, the report of the approval to wear the insignia of lieutenant general; to the Committee on Armed Services.

EC–8282. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting, pursuant to law, the report of the approval to wear the insignia of vice admiral; to the Committee on Armed Services.

EC–8283. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting, pursuant to law, the report of the approval to wear the insignia of vice admiral; to the Committee on Armed Services.

EC–8284. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting, pursuant to law, the report of the approval to wear the insignia of vice admiral; to the Committee on Armed Services.

EC–8285. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting, pursuant to law, the report of the approval to wear the insignia of general; to the Committee on Armed Services.

EC–8286. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting, pursuant to law, the report of the approval to wear the insignia of general; to the Committee on Armed Services.

EC–8287. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting, pursuant to law, the report of the approval of a list of officers to wear the next insignia; to the Committee on Armed Services.

EC–8288. A communication from the Attorney-Advisor, Office of the General Counsel, Selective Service System, transmitting, pursuant to law, the report of the designation of an acting officer, change in previously submitted reported information, and discontinuation of service in acting role for the position of Director, Selective Service System, received on July 1, 2004; to the Committee on Armed Services.

EC–8289. A communication from the Director of Defense Research and Engineering, Department of Defense, transmitting, pursuant to law, the Annual Report of the Strategic Environmental Research and Development Program; to the Committee on Armed Services.

EC–8290. A communication from the Deputy Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to the Development Fund for Iraq that was declared in Executive Order 13303 of May 22, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–8291. A communication from the Deputy Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Burma that was declared in Executive Order 13047 of May 20, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–8292. A communication from the Deputy Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the territory of the Russian Federation that was declared in Executive Order 13159 of June 21, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–8293. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the Department of Housing and Urban Development's Annual Performance Plan for Fiscal Year 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–8294. A communication from the Acting General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility; 69 FR 23659" (Doc. No. FEMA–7829) received on June 22, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8295. A communication from the Acting General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "National Flood Insurance Program; Assistance to Private Sector Property Insurers; Extension of Term of Arrangement" (RIN1660–29) received on June 22, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8296. A communication from the Acting General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Disaster Assistance Definitions; Statutory Change" (RIN1660–19) received on June 22, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8297. A communication from the Director, OSHA Standards and Guidance, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Mechanical Power—Transmission Apparatus; Mechanical Power Presses; Telecommunications; Hydrogen (correction)" received on June 22, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–8298. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Native Hawaiian Revolving Loan Fund; to the Committee on Health, Education, Labor, and Pensions.

EC–8299. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled "Requirements for Liquid Medicated Animal Feed and Free-Choice Medicated Animal Feed" (Doc. No. 1993P–0174) received on June 22, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–8300. A communication from the Secretary of Education, transmitting, pursuant to law, a report relative to the Department of Education's competitive sourcing efforts; to the Committee on Health, Education, Labor, and Pensions.

EC–8301. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled "Food Additives Permitted for Direct Addition to Food for Human Consumption; Olestra" (Doc. No. 1999F–0719) received on June 22, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–8302. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled "Registration of Food Facilities Under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002; Technical Amendment" (RIN0910–AC40) received on June 22, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–8303. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled "Revision of Requirements for Spore-Forming Microorganisms; Confirmation of Effective Date" (Doc. No. 2003N–0528) received on June 22, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–8304. A communication from the Chairman, National Endowment for the Humanities, transmitting, pursuant to law, a report relative to the Endowment's competitive sourcing efforts; to the Committee on Health, Education, Labor, and Pensions.

EC–8305. A communication from the Regulations Coordinator, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare and Medicaid Programs; Physicians Referrals to Health Care Entities with Which They Have Financial Relationships; Extension of Partial Delay of Effective Date" (RIN0938–AM99) received on June 25, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–8306. A communication from the Deputy Assistant Secretary for Policy, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Final Rules Relating to Health Care Continuation Coverage, Technical Corrections" (RIN1210–AA60) received on June 24, 2004; to the Committee on Health, Education, Labor, and Pensions.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 180. A bill to establish the National Aviation Heritage Area, and for other purposes (Rept. No. 108–292).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, without amendment:

S. 211. A bill to establish the Northern Rio Grande National Heritage Area in the State of New Mexico, and for other purposes (Rept. No. 108–293).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 323. A bill to establish the Atchafalaya National Heritage Area, Louisiana (Rept. No. 108–294).

S. 1241. A bill to establish the Kate Mullany National Historic Site in the State of New York, and for other purposes (Rept. No. 108–295).

S. 1727. A bill to authorize additional appropriations for the Reclamation Safety of Dams Act of 1978 (Rept. No. 108–296).

S. 1957. A bill to authorize the Secretary of the Interior to cooperate with the States on the border with Mexico and other appropriate entities in conducting a hydrogeologic characterization, mapping, and modeling program for priority transboundary aquifers, and for other purposes (Rept. No. 108–297).

S. 2046. A bill to authorize the exchange of certain land in Everglades National Park (Rept. No. 108–298).

S. 2319. A bill to authorize and facilitate hydroelectric power licensing of the Tapoco Project (Rept. No. 108–299).

By Ms. COLLINS, from the Committee on Governmental Affairs, without amendment:

H.R. 1303. A bill to amend the E-Government Act of 2002 with respect to rulemaking authority of the Judicial Conference.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. BOXER (for herself, Mr. Smith, Mr. Chafee, and Mr. Feingold):

S. 2611. A bill to amend the Foreign Assistance Act of 1961 to provide assistance for orphans and other vulnerable children in developing countries; to the Committee on Foreign Relations.

By Ms. MIKULSKI (for herself and Mr. Sarbanes):

S. 2612. A bill to amend the Law Enforcement Pay Equity Act of 2000 to permit certain annuitants of the retirement programs of the United States Park Police and United States Secret Service Uniformed Division to receive the adjustments in pension benefits to which such annuitants would otherwise be entitled as a result of the conversion of members of the United States Park Police and United States Secret Service Uniformed Division to a new salary schedule under the amendments made by such Act; to the Committee on Governmental Affairs.

By Mr. HAGEL (for himself and Mr. Durbin):

S. 2613. A bill to amend the Public Health Service Act to establish a scholarship and loan repayment program for public health preparedness workforce development to eliminate critical public health preparedness workforce shortages in Federal, State, and local public health agencies; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CONRAD (for himself and Mr. Santorum):

S. 2614. A bill to amend title XVIII of the Social Security Act to improve the benefits under the medicare program for beneficiaries with kidney disease, and for other purposes; to the Committee on Finance.

By Mr. HARKIN:

S. 2615. A bill to amend the Tariff Act of 1930 to eliminate the consumptive demand exception relating to the importation of goods made with forced labor; to the Committee on Finance.

By Mr. COLEMAN:

S. 2616. A bill to increase the availability of H–2B nonimmigrant visas during fiscal year 2004 for rural border areas, and for other purposes; to the Committee on the Judiciary.

By Mr. KENNEDY:

S. 2617. A bill making supplemental appropriation for the Department of Education for the fiscal year ending September 30, 2004, and for other purposes; to the Committee on Appropriations.

By Mr. GRASSLEY (for himself, Mr. Baucus, Mr. Smith, and Mr. Bingaman):

S. 2618. A bill to amend title XIX of the Social Security Act to extend medicare cost-sharing for the medicare part B premium for qualifying individuals through September 2005; to the Committee on Finance.

By Mr. ALLARD (for himself, Mr. Brownback, Mr. Cochran, Mr. Enzi, Mr. Fitzgerald, Mr. Frist, Mr. Hatch, Mrs. Hutchison, Mr. Inhofe, Mr. Kyl, Mr. Lott, Mr. McConnell, Mr. Miller, Mr. Santorum, Mr. Sessions, Mr. Shelby, and Mr. Talent):

S.J. Res. 40. A joint resolution proposing an amendment to the Constitution of the United States relating to marriage; read the first time.

By Mr. CAMPBELL (for himself, Mr. Inouye, Ms. Cantwell, Mr. Daschle, Ms. Murkowski, Mrs. Clinton, Mr. Lieberman, Mr. Akaka, Ms. Stabenow, Mr. Wyden, Ms. Mikulski, Mr. Inhofe, Mr. Lautenberg, Mr. Bingaman, Mrs. Boxer, Mr. Dodd, Mr. Smith, Mr. Domenici, Mr. Johnson, Mrs. Murray, Mr. Schumer, Mr. Fitzgerald, Mr. McCain, Mr. Conrad, Mr. Leahy, Mr. Chafee, Mr. Thomas, Mr. Burns, Mrs. Dole, Mr. Nelson of Nebraska, Mr. Hatch, and Mr. Brownback):

S.J. Res. 41. A joint resolution commemorating the opening of the National Museum of the American Indian; to the Committee on Indian Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CRAIG (for himself and Mr. Crapo):

S. Res. 399. A resolution designating the week of July 11 through July 17, 2004, as "Oinkari Basque Dancers Week", and for other purposes; to the Committee on the Judiciary.

By Mr. CRAIG (for himself and Mr. Baucus):

S. Res. 400. A resolution recognizing the 2004 Congressional Awards Gold Medal Recipients; to the Committee on Governmental Affairs.

ADDITIONAL COSPONSORS

S. 59

At the request of Mr. Inouye, the name of the Senator from Nebraska (Mr. Hagel) was added as a cosponsor of S. 59, a bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft.

S. 540

At the request of Mr. Inhofe, the names of the Senator from Montana (Mr. Burns), the Senator from Oregon (Mr. Wyden) and the Senator from Massachusetts (Mr. Kerry) were added as cosponsors of S. 540, a bill to authorize the presentation of gold medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th Century in recognition of the service of those Native Americans to the United States.

S. 568

At the request of Mr. Ensign, the name of the Senator from Louisiana (Ms. Landrieu) was added as a cosponsor of S. 568, a bill to amend title XVIII of the Social Security Act to make a technical correction in the definition of outpatient speech-language pathology services.

S. 1704

At the request of Ms. Collins, the names of the Senator from Alabama (Mr. Sessions) and the Senator from New Jersey (Mr. Lautenberg) were added as cosponsors of S. 1704, a bill to amend the Public Health Service Act to establish a State family support grant program to end the practice of parents giving legal custody of their seriously emotionally disturbed children to State agencies for the purpose of obtaining mental health services for those children.

S. 1717

At the request of Mr. Hatch, the name of the Senator from Missouri (Mr. Talent) was added as a cosponsor of S. 1717, a bill to amend the Public Health Service Act to establish a National Cord Blood Stem Cell Bank Network to prepare, store, and distribute human umbilical cord blood stem cells for the treatment of patients and to support peer-reviewed research using such cells.

S. 2158

At the request of Ms. Collins, the names of the Senator from Connecticut (Mr. Dodd), the Senator from California (Mrs. Boxer) and the Senator from Kansas (Mr. Roberts) were added as cosponsors of S. 2158, a bill to amend the Public Health Service Act to increase the supply of pancreatic islet cells for research, and to provide for better coordination of Federal efforts and information on islet cell transplantation.

S. 2199

At the request of Mrs. Feinstein, the name of the Senator from Illinois (Mr. Durbin) was added as a cosponsor of S. 2199, a bill to authorize the Attorney General to make grants to improve the ability of State and local governments to prevent the abduction of children by family members, and for other purposes.

S. 2268

At the request of Mr. Bunning, the name of the Senator from Alabama (Mr. Sessions) was added as a cosponsor of S. 2268, a bill to provide for recruiting, training, and deputizing persons for the Federal flight deck officer program.

S. 2321

At the request of Mr. Byrd, the name of the Senator from Montana (Mr.

BURNS) was added as a cosponsor of S. 2321, a bill to amend title 32, United States Code, to rename the National Guard Challenge Program and to increase the maximum Federal share of the costs of State programs under that program, and for other purposes.

S. 2363

At the request of Mr. HATCH, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2363, a bill to revise and extend the Boys and Girls Clubs of America.

S. 2389

At the request of Mr. ENSIGN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2389, a bill to require the withholding of United States contributions to the United Nations until the President certifies that the United Nations is cooperating in the investigation of the United Nations Oil-for-Food Program.

S. 2399

At the request of Mr. FITZGERALD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2399, a bill to provide for the improvement of physical activity and nutrition and the prevention of obesity for all Americans.

S. 2432

At the request of Mr. TALENT, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 2432, a bill to expand the boundaries of Wilson's Creek Battlefield National Park, and for other purposes.

S. 2450

At the request of Mr. CAMPBELL, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2450, a bill to amend title 10, United States Code, to revise the requirements for award of the Combat Infantryman Badge and the Combat Medical Badge with respect to service in Korea after July 28, 1953.

S. 2490

At the request of Mr. INOUYE, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 2490, a bill to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to establish vessel ballast water management requirements, and for other purposes.

S. 2522

At the request of Mr. CORZINE, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2522, a bill to amend title 38, United States Code, to increase the maximum amount of home loan guaranty available under the home loan guaranty program of the Department of Veterans Affairs, and for other purposes.

S. 2526

At the request of Mr. BOND, the names of the Senator from Missouri (Mr. TALENT) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of S. 2526, a bill to reauthorize the Children's Hospitals Graduate Medical Education Program.

S. 2533

At the request of Ms. MIKULSKI, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2533, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. 2560

At the request of Mr. LEAHY, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2560, a bill to amend chapter 5 of title 17, United States Code, relating to inducement of copyright infringement, and for other purposes.

S. RES. 202

At the request of Mr. CAMPBELL, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. Res. 202, a resolution expressing the sense of the Senate regarding the genocidal Ukraine Famine of 1932–33.

S. RES. 269

At the request of Mr. LEVIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Res. 269, a resolution urging the Government of Canada to end the commercial seal hunt that opened on November 15, 2003.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. BOXER (for herself, Mr. SMITH, Mr. CHAFEE, and Mr. FEINGOLD):

S. 2611. A bill to amend the Foreign Assistance Act of 1961 to provide assistance for orphans and other vulnerable children in developing countries; to the Committee on Foreign Relations.

Mrs. BOXER. Mr. President, today I join Senators SMITH, CHAFEE and FEINGOLD in introducing legislation aimed at helping the 110 million orphans in the world. This legislation is a companion measure to Congresswoman LEE's bill that unanimously passed the House of Representatives last month.

Current estimates suggest that by 2010, there will be more than 25 million orphans worldwide as the result of the HIV–AIDS pandemic. We must do more to provide hope for these children. This legislation is an important step forward.

Our bill would authorize the President to provide assistance to orphans and other vulnerable children in developing countries. Specific authorization is provided in the areas of basic care, HIV–AIDS treatment, school food programs, protection of inheritance rights, and education and employment training assistance.

The legislation also calls on the President to use U.S. foreign assistance to support programs that eliminate school fees. Throughout the world, many orphans are prevented from attending school because they cannot afford to pay for school or are forced to financially support their families or care for sick relatives.

Finally, the bill would establish an Office for Orphans and Other Vulnerable Children within USAID and a monitoring system that will ensure that U.S. assistance is effective. Right now, there is no office or individual within the Agency with responsibility for the overall oversight or implementation of programs for orphans and vulnerable children.

I look forward to working with Congresswoman LEE and the Chairman of the Foreign Relations Committee, Senator LUGAR, in passing legislation to address the tragic issue of AIDS orphans throughout the world.

I ask unanimous consent that a letter in support of this bill signed by the Global Action for Children be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

GLOBAL ACTION FOR CHILDREN

DEAR SENATORS BOXER AND CHAFEE: We welcome your leadership on the issue of orphans and vulnerable children. As of 2001, an estimated 100 million children were orphans throughout Sub-Saharan Africa, Asia, Latin America and the Caribbean. The AIDS epidemic is rapidly accelerating the orphan crisis and leaving a generation of children without hope. As millions of parents are dying from AIDS, the children they leave behind are often left without any adult to look after their basic needs and survival.

Your bill expands the capacity of communities to take care of the basic needs of orphans and dramatically expands educational opportunities for orphans. The bill creates a mechanism to eliminate the school fees that prevent so many orphans from ever going to school. School fees also discourage families from adopting orphans because of the major financial burden posed by such fees.

The legislation you are introducing also provides new hope to orphans and vulnerable children living with HIV and AIDS. Each year, 700,000 babies are infected with HIV and most of these children will become orphans. The legislation provides a focus on treatment of these children in order to promote healthy development and normal growth.

Your bill also builds in monitoring and evaluation criteria and improved coordination, including a new office of orphans and vulnerable children, to ensure that funds for orphans will be used most effectively. As we ramp up our response to the orphans' crisis, new structures to ensure effective coordination are essential to meeting the needs of these orphans.

We welcome the Boxer-Chafee legislation as an essential companion to the comprehensive legislation that has already passed the House of Representatives.

Global Action for Children—Leadership Council

AFXB.
Center for Health and Gender Equity (CHANGE).
Episcopal Church, USA.
Global Justice.

Keep A Child Alive.
Progressive National Baptist Convention.
RESULTS.
Student Campaign for Child Survival.
American Jewish World Service.
church World Service.
Global AIDS Alliance.
Hope for African Children Initiative.
Pan-African Children's Fund.
Religions Action Center of Reform Judaism.
Student Global AIDS Campaign.
United Methodist Church, General Board of Church and Society.

By Ms. MIKULSKI (for herself and Mr. SARBANES):

S. 2612. A bill to amend the Law Enforcement Pay Equity Act of 2000 to permit certain annuitants of the retirement programs of the United States Park Police and United States Secret Service Uniformed Division to receive the adjustments in pension benefits to which such annuitants would otherwise be entitled as a result of the conversion of members of the United States Park Police and United States Secret Service Uniformed Division to a new salary schedule under the amendments made by such Act; to the Committee on Governmental Affairs.

Ms. MIKULSKI. Mr. President, I rise today to introduce the Federal Law Enforcement Pay Adjustment Equity Act. This legislation amends the Law Enforcement Pay Equity Act of 2000 to allow retired police officers of the United States Secret Service Uniformed Division and the United States Park Police to receive the same Cost of Living Adjustment as active officers.

For almost 80 years, Secret Service and Park Police retirees were assured an increase in their pensions whenever their active counterparts received an increase by the "equalization clause" in the District of Columbia Police and Firearms Salary Act of 1958. When the Law Enforcement Pay Equity Act passed in 2000, the automatic link that ensured retirees of getting the same COLA as active officers was severed. This bill would restore that link, guaranteeing that the pension for these retired Federal police officers keeps up with the cost of living.

The Law Enforcement Pay Equity Act created a sharp inequality in retirement benefits for a small number of retirees—600 Secret Service retirees and 470 Park Police retirees, roughly eleven hundred in total. They gave years of loyal service, often in difficult and life-threatening situations. They are the only Federal retirees who had existing retirement benefits scaled back.

Providing for government retirees and their families has always been an important function of the Federal Government. There is no reason why the government should go back on its word to provide this small group of valuable employees with secure retirement benefits. Restoring the COLA to the pensions of 1,100 Federal retirees will have a minimal impact on the Federal budget, but a major impact on the quality of life of the people involved.

When it comes to Federal employees, I believe that promises made should be promises kept. These former Secret Service and Park Police officers planned for their retirement with the understanding that their pension would be enough to live on, even as the cost of living increased. They deserve the retirement benefits they were promised when they signed up for service.

I urge my colleagues to join me in expressing support for this bill to restore promised retirement benefits to retired officers of the United States Secret Service Uniformed Division and the United States Park Police. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2612

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Law Enforcement Pension Adjustment Equity Act of 2004".

SEC. 2. PERMITTING ADJUSTMENT IN PENSION BENEFITS FOR UNITED STATES PARK POLICE AND UNITED STATES SECRET SERVICE UNIFORMED DIVISION ANNUITANTS.

(a) IN GENERAL.—Section 905 of the Law Enforcement Pay Equity Act of 2000 (sec. 5-561.02, D.C. Official Code) is amended by striking subsection (f).

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of the Law Enforcement Pay Equity Act of 2000.

By Mr. HAGEL (for himself and Mr. DURBIN):

S. 2613. A bill to amend the Public Health Service Act to establish a scholarship and loan repayment program for public health preparedness workforce development to eliminate critical public health preparedness workforce shortages in Federal, State, and local public health agencies; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, today I am introducing, along with my colleague Senator HAGEL, legislation that will help to address the severe workforce shortages within public health agencies throughout the United States. This bill, known as the Public Health Preparedness Workforce Development Act of 2004, provides financial help to both full and part-time students who are interested in pursuing a career in public health at Federal, State and local public health agencies.

Our Nation faces myriad public health threats and challenges, ranging from emerging diseases such as West Nile virus and SARS to the special needs of an aging population, from bioterrorism to obesity, tobacco use and environmental hazards. The ability of the public health system to prevent, respond to, and recover from these challenges depends on adequate numbers of well-trained public health professionals in Federal, State, and local public health departments.

However, our public health system has an aging staff nearing retirement and there are not enough students graduating with training in public health disciplines to provide a consistent source of skilled employees to fill the void. The average age of the public health workforce is 47, 7 years older than the average age of the Nation's workforce. The ratio of public health workers to overall population has dropped from 219/100,000 in 1980 to 158/100,000 in 2000. There are already shortages of public health nurses, epidemiologists, environmental health workers, health educators and other public health professionals at Federal, State and local public health agencies. In my home State of Illinois, the Illinois Department of Public Health estimates that they are in need of at least 15 epidemiologists and are having trouble filling those positions.

Further evidence suggests that as much as 50 percent of the current public health workforce at the State level will be retiring in the next 5 years. Losing so many experienced public health workers at a time when the public health workforce should be expanding to meet increased needs presents a clear argument in favor of encouraging more students to enter the many academic fields related to public health such as epidemiology, health education, nursing and environmental health.

To continue to improve the health of our people, we must have a well-trained and dedicated public health workforce. But developing and maintaining the necessary human capital is already a challenge and promises to continue to be a challenge in the future. Our bill would help alleviate this dangerous shortfall of public health professionals by providing scholarships or loan repayments for full and part-time students in public health and for workers with previous public health training who agree to serve at the Federal, State and local level.

The scholarship program will provide scholarships to eligible graduate, undergraduate and community college students to pursue a course of study to prepare to serve in the public health workforce.

The loan repayment program is designed to help pay for education loans incurred by individuals currently employed or about to be employed in a Federal, State or local public health agency.

The grants for the loan repayment program to political jurisdictions at the State and local level will provide funds to the appropriate agencies to operate the loan repayment program.

The bill is supported by the Association of State and Territorial Health Officials, the National Association of City and County Health Officials, the American Public Health Association, and the Council of State and Territorial Epidemiologists.

I urge my colleagues to join me in this effort to strengthen the capacity of our Nation to respond to public health threats now and in the years to come. The Public Health Preparedness Workforce Development Act of 2004 will help provide the public with the educated and well-trained public health workforce to meet the health challenges of the future.

By Mr. CONRAD (for himself and Mr. SANTORUM):

S. 2614. A bill to amend title XVIII of the Social Security Act to improve the benefits under the medicare program for beneficiaries with kidney disease, and for other purposes; to the Committee on Finance.

Mr. CONRAD. Mr. President, I rise today to introduce the End Stage Renal Disease Modernization Act, designed to improve the quality of care and quality of life for the more than 300,000 Americans with end stage renal disease (ESRD).

To avoid death, patients with ESRD must receive a kidney transplant or undergo dialysis. As you know, the shortage of organs makes transplantation a limited option for the vast majority of patients. Therefore, most rely upon 3-4 hour dialysis treatments three times a week to save their lives.

Congress must honor its commitment to Americans with ESRD by bringing the Medicare ESRD program into the 21st Century. As we recognized in other areas of health care, education serves as a valuable tool in the fight of any chronic disease. ESRD is no exception. This bill would establish educational programs to teach individuals about the factors that lead to chronic kidney disease, the precursor to kidney failure, and how to prevent it, treat it, and avoid kidney failure. It would also support programs for patients once they have kidney failure to assist them in developing self-management skills that could dramatically improve their quality of life.

Another important factor that influences patients' quality of life is the method of dialysis they select. Although most patients must receive in-center hemodialysis, some can benefit from home dialysis. In rural communities, like so many in North Dakota, home dialysis proves an important option for patients who do not have dialysis facilities near their homes. In this measure, we would require HHS to determine how to provide incentives for home dialysis.

The bill also incorporates provisions to provide for an annual update mechanism from legislation that my colleague Senator SANTORUM and I introduced at the beginning of this Congress. As we have discussed many times in this Chamber, the ESRD Program is the only major Medicare reimbursement system that does not have an annual update mechanism to adjust the payment rates for changes in input prices and inflation.

Since the inception of the Medicare ESRD program, we have made enormous strides in extending the lives and the quality of life of patients with kidney failure. If we are to continue that course, we must allow the program to keep pace with advances and changes in the delivery of services. We must also ensure that patients receive the best information possible so they can make informed choices and provide incentives that promote the highest quality of care. The End Stage Renal Disease Modernization Act is a comprehensive bill that moves the program in that direction. Thus, I urge my colleagues to join with me in sponsoring this important legislation.

By Mr. COLEMAN:

S. 2616. A bill to increase the availability of H-2B nonimmigrant visas during fiscal year 2004 for rural border areas, and for other purposes; to the Committee on the Judiciary.

Mr. COLEMAN. Mr. President, today I have introduced the Emergency Relief for Rural Borderlands Act.

This act deals with a problem which is probably well known to many of my colleagues—the insufficient number of H2-B visas available for temporary seasonal employment this year.

U.S. laws governing labor-based immigration have always maintained that employers must give priority to American workers. I support this philosophy, as I am sure the rest of my colleagues do as well.

I also acknowledge the reality that sometimes there are jobs that, for a variety of reasons, cannot be filled by American workers. This is a fact of life. We can see it on our farms, in our restaurants, and on our construction sites.

My legislation deals with one small sub-set of these foreign workers, temporary seasonal laborers under the H2-B visa program. H2-B guest workers may work in the United States for no more than 6 months, at the end of which they must return to their countries of origin. They fill critical gaps in the labor market, which in turn helps American companies to prosper year-round. They work at summer camps and resorts, for fisheries and for landscapers, and in many other non-agricultural pursuits.

My legislation does not propose to fix the H2-B crisis across the board. Some of my colleagues have introduced legislation to this end, and I would not presume to improve upon their proposals. My legislation represents, instead, a commitment to the needs of a unique geographical situation—rural borderlands.

In my State of Minnesota, and indeed across the country, rural areas continue to be challenged economically. It would be safe to say that there is a crisis in rural America today. To address the challenges faced by rural communities, I introduced the Rural Renaissance Act, and others in the Senate have also introduced legislation that is directed towards rural America. What the Rural Renaissance Act would do is help rural, small towns develop the infrastructure needed to expand communities and create jobs. It takes a long-term view of what is needed in rural America. But at the same time, there is another, temporary crisis for those in rural America who can't get the H2-B visa laborers they rely on. This kind of labor shortage is the last thing rural America needs.

Rural communities located near the border have a special set of challenges, which go beyond even what the rest of rural America is dealing with. Companies who are recruiting workers naturally target the cities and towns closest to them. But when a company is located near an international border, the pool of U.S. workers in close proximity is smaller than for companies located more centrally.

For example, take Warroad, MN, in Roseau County. Roseau, like many rural counties in Minnesota, is dealing with a number of challenges—from out-migration of younger people leaving behind an aging population, to economic sluggishness, to inadequate infrastructure and even flooding issues. The town of Warroad, population 1,722, is located about 6 miles from the U.S.-Canada border. The largest company in Warroad is a first-class window manufacturer, Marvin Windows.

Because of its relationship to construction, the window industry has a seasonal element to it. During the summer, Marvin hires hundreds of American college students to work at its factory in Warroad. But when these students go back to school, there are short-term positions which need to be filled through December. For the last 8 years, Marvin Windows has relied on Canadian workers to fill these critical positions. This year, because of the early date when the cap on H2-B visas was reached, Marvin Windows is looking at a big gap in their employment—which not only could hurt their revenues this year, but also threatens to undercut their long-term reputation as a reliable supplier of windows.

I am aware that my colleague Senator HATCH has introduced legislation to remedy the H2-B visa shortage. I support this legislation. But as we have seen, there is not yet consensus on it.

Companies like Marvin Windows cannot afford to wait much longer. That's why I have proposed the Emergency

Relief for Rural Borderlands Act. This legislation is admittedly less ambitious than Senator HATCH's legislation, or Senator KENNEDY's bill. My legislation would simply observe the unique circumstances facing rural areas—which are challenged economically already—as well as the realities of the labor pool for companies located near our borders. My legislation would relieve these rural borderlands from the visa cap for this year only. Moreover, my legislation would only give relief to those companies who can demonstrate that they have relied on the program in the past, by limiting eligibility to only those companies which have made use of H2–B workers in at least 2 of the last 5 years.

My legislation is not a permanent fix, nor is it a comprehensive fix. I know that there are deserving companies that are not going to be able to qualify under my legislation. My legislation is only applicable this year, and I am sure we will need to revisit this issue again next year.

But if we in the Congress cannot reach agreement on a comprehensive solution for this visa shortage, perhaps the time has come to look at a more limited approach. Rural America has unique labor requirements, and borderlands have challenging recruitment conditions. If we begin by looking at the needs of areas that are both rural and close to the border, we can help the economies that stand to be hurt the most by the shortage in H2–B visas this year.

I urge my colleagues to support this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2616

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Emergency Relief for Rural Borderlands Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The laws of the United States that govern labor-based immigration require employers to give United States workers' priority for employment over foreign workers.

(2) Many employers have found themselves unable to hire United States citizens for certain positions, particularly for temporary, seasonal employment.

(3) Due to the historic availability of H–2B visas, many employers have developed business models based on an assumption that businesses will be able to hire temporary seasonal workers who are aliens.

(4) During fiscal year 2004, the date on which no more H–2B visas could be issued because the maximum number of such visas available for such fiscal year had been issued was earlier than the date such maximum number had been reached during any prior fiscal year.

(5) As a result of the maximum of H–2B visas being issued prior to the end of fiscal year 2004, many employers face an urgent shortage of workers that threatens to seriously erode the current and future revenues of the employers' businesses.

(6) It is particularly difficult for employers located in rural areas to attract workers and such employers have often relied on foreign workers.

(7) An employer located near an international border has a smaller radius for recruiting United States workers than an employer located more centrally, which can create difficulties in finding United States workers to fill vacant positions.

(8) Large employers located in rural areas are invaluable to the communities in which such employees are located, and a disruption in the business of such employers is devastating for such communities facing challenging economic conditions.

SEC. 3. ADDITIONAL H–2B VISA ENTRANTS FOR FISCAL YEAR 2004.

(a) IN GENERAL.—During fiscal year 2004, an alien who is issued a visa under section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (8 U.S.C. 101(a)(15)(H)(ii)(b)) may not be counted toward the numerical limitation set out in section 214(g)(1)(B) of such Act (8 U.S.C. 1184(g)(1)(B)) if such alien is providing temporary service or labor in the United States—

(1) at a work site that is located—

(A) in a rural area; and

(B) not more than 50 miles from an international border; and

(2) for an employer that has hired aliens who received visas under such section 101(a)(15)(H)(ii)(b) during not less than 2 of the fiscal years between fiscal years 1999 and 2003.

(b) EXPEDITED VISA PROCESSING.—During fiscal year 2004, a petition for a nonimmigrant visa submitted by an alien who intends to provide temporary service or labor that meets the requirements of paragraphs (1) and (2) of subsection (a) shall be processed not more than 30 days after the date of the submission of such petition.

SEC. 4. RURAL AREA DEFINED.

In this Act, the term "rural area" has the meaning given that term in section 343(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)).

SEC. 5. EFFECTIVE DATE.

Section 3(a) of this Act shall take effect as if enacted on September 30, 2003.

By Mr. KENNEDY:

S. 2617. A bill making supplemental appropriation for the Department of Education for the fiscal year ending September 30, 2004, and for other purposes; to the Committee on Appropriations.

Mr. KENNEDY. Mr. President, the bipartisan No Child Left Behind Act enacted two years ago contains the right set of education reforms for America's public schools. It raises academic standards and calls for better teachers and smaller classes. It supports periodic testing for all children, so that teachers can assess learning needs early, before major problems develop. It also calls for supplemental services and after-school programs for children who are lagging behind academically. It focuses schools on the hardest-to-teach children, and holds schools accountable for the performance of all children, whatever their race or background.

These basic principles in the No Child Left Behind Act have broad bipartisan support. But as we all know, reforms without the resources needed to implement them cannot succeed. Since the law was enacted in 2002, the Bush administration has consistently withheld the resources needed to fulfill the basic promises of the Act. The Administration's budget for the coming fiscal year leaves 4.6 million children behind. It underfunds the President's school reform law by over $9.4 billion.

Even worse, because of the administration's low priority for education, over 7,500 school districts received notice last week that their Federal funds under the No Child Left Behind Act will be cut back this fall. As a result, thousands of school districts across the nation won't even be able to maintain their current quality of education, let alone improve it. Schools that serve the neediest children will be hurt the most.

Every school district in Massachusetts faces a cut in Federal education funding this fall. The city of Lawrence has a 27 percent poverty rate, and it faces a $1.2 million cut in school aid. It can't afford the loss of 20 teachers. The city of Springfield has a 28 percent poverty rate. It faces a cut of $1.4 million, which means that over 1,000 needy children won't get the supplemental services they're counting on. We cannot in good conscience allow these cuts to go forward.

Today, Congressman GEORGE MILLER in the House of Representatives and I are introducing "The No Child Left Behind Appropriations Support Act of 2004" to provide $237 million in emergency resources needed this fall to stop the cuts called for by the Administration in funds for school reform. Over 70 Members of Congress have now joined our letter to the Appropriations Committees requesting that emergency funds be provided. With deep and widespread cuts in local education funds, it will be much more difficult to achieve the school reforms that are so urgently needed in communities across the country.

Clearly, Congress needs to act. I urge my colleagues on both sides of the aisle to join in seeing that these critically needed resources are made available to our schools.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2617

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "No Child Left Behind Appropriations Support Act of 2004".

SEC. 2. SUPPLEMENTAL APPROPRIATION.

(a) APPROPRIATION.—To carry out this Act, out of any money in the Treasury not otherwise appropriated, there is appropriated $237,000,000, to remain available until expended, for the Department of Education for the fiscal year ending September 30, 2004.

(b) PAYMENTS.—In addition to amounts otherwise provided to a local educational agency under subpart 2 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6331 et seq.) for fiscal year 2004, the Secretary of Education shall make a payment in an amount determined under subsection (c) to each local educational agency that receives a lesser amount of funds for fiscal year 2004 under such subpart than the agency received for fiscal year 2003.

(c) DETERMINATION OF AMOUNT.—The amount of a payment to a local educational agency under this Act shall be equal to the amount of the difference between—

(1) the amount the agency would otherwise receive for fiscal year 2004 under subpart 2 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6331 et seq.); and

(2) the amount the agency received for fiscal year 2003 under such subpart.

(d) DEFINITION.—In this Act, the term "local educational agency" has the meaning given to that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

By Mr. GRASSLEY (for himself, Mr. Baucus, Mr. Smith, and Mr. Bingaman):

S. 2618. A bill to amend title XIX of the Social Security Act to extend medicare cost-sharing for the medicare part B premium for qualifying individuals through September 2005; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, Senator Baucus and I are pleased to announce the introduction of legislation to extend cost-sharing assistance to qualifying individuals for the Medicare Part B premium through September 2005. Qualified Individuals are a vulnerable population with income between 120 percent and 135 percent of the federal poverty level and limited assets. It is estimated the monthly Medicare Part B premium will be around $75 in fiscal year 2005. Let me put this into real numbers, this extension will provide over $900 dollars of annual assistance to Medicare beneficiaries who earn less than $12,600 per year.

In the Medicare discount drug card program, Congress has targeted this same population with the transitional assistance program. These same seniors are eligible to receive $600 in assistance on their Medicare-approved drug card both this year and next. We need to extend this program, and the President agrees. An extension is part of his fiscal year 2005 budget. It does not seem right for us to assist these Medicare beneficiaries with some of their health care costs and relinquish our assistance in other areas. This program has been in existence since 1997 and has been extended every year thereafter because it targets help to low-income Medicare beneficiaries. I urge Congress to act on this important legislation.

Mr. BAUCUS. Mr. President, I rise with my colleague and friend Chairman Chuck Grassley to introduce The Qualifying Individuals' Program Extension Act. This bill would extend avery important program that provides assistance to low-income Medicare beneficiaries. The so-called QI–1 program, which will expire at the end of this fiscal year, currently pays Part B premiums for Medicare beneficiaries earning less than $12,570 this year. That's about $1,050 a month. Medicare Part B premiums are expected to increase to $75 next year. That's a substantial sum for beneficiaries living on a fixed income of $1,000 a month. 7.5 percent of their total income, in fact, and that's just for premiums for one part of the Medicare program—they must still pay coinsurance and the deductible for Parts A and B.

In enacting the Medicare prescription drug benefit last year, Congress acknowledged that seniors with incomes up to 150 percent of the Federal Poverty Line—in 2004, that's about $14,000 a year, or $17,000 per couple—need some additional help in paying their drug bills. I viewed the low-income drug assistance provisions as one of the great successes of the prescription drug bill. We should not give with one hand and take away with another by allowing the QI–1 program to expire—hurting the very same people that we tried to help in the Medicare prescription drug bill.

The QI–1 bill is a truly bipartisan effort. Democrats, particularly my colleague Senator Bingaman from New Mexico, have long championed the QI–1 program. And the Administration's budget for Fiscal Year 2005 includes an extension for QI–1s. I urge my colleagues to support this important program and work with me to get it passed as quickly as possible.

By Mr. ALLARD (for himself, Mr. Brownback, Mr. Cochran, Mr. Enzi, Mr. Fitzgerald, Mr. Frist, Mr. Hatch, Mrs. Hutchison, Mr. Inhofe, Mr. Kyl, Mr. Lott, Mr. McConnell, Mr. Miller, Mr. Santorum, Mr. Sessions, Mr. Shelby, and Mr. Talent):

S.J. Res. 40. A joint resolution proposing an amendment to the Constitution of the United States relating to marriage; read the first time.

Mr. ALLARD. Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. RES. 40

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE—

"SECTION 1. SHORT TITLE.

"This Article may be cited as the 'Federal Marriage Amendment'.

"SECTION 2. MARRIAGE AMENDMENT.

"Marriage in the United States shall consist only of the union of a man and a woman. Neither this Constitution, nor the constitution of any State, shall be construed to require that marriage or the legal incidents thereof be conferred upon any union other than the union of a man and a woman.".

By Mr. CAMPBELL (for himself, Mr. Inouye, Ms. Cantwell, Mr. Daschle, Ms. Murkowski, Mrs. Clinton, Mr. Lieberman, Mr. Akaka, Ms. Stabenow, Mr. Wyden, Ms. Mikulski, Mr. Inhoffe, Mr. Lauttenburg, Mr. Bingaman, Mrs. Boxer, Mr. Dodd, Mr. Smith, Mr. Domenici, Mr. Johnson, Mrs. Murray, Mr. Schumer, Mr. Fitzgerald, Mr. CcCain, Mr. Conrad, Mr. Leahy, Mr. Chafee, Mr. Thomas, Mr. Burns, Mrs. Dole, Mr. Nelson of Nebraska, Mr. Hatch, and Mr. Brownback):

S.J. Res. 41. A joint resolution commemorating the opening of the National Museum of the American Indian; to the Committee on Indian Affairs.

Mr. CAMPBELL. Mr. President, it is my pleasure and distinct honor to introduce, on behalf of myself and 31 other Senators, a joint resolution commemorating the opening of the National Museum of the American Indian.

This Museum was many years in the making. It's been 15 years since the bill authorizing the construction of the museum was signed into law, and that was only the beginning of a long, difficult path.

There are many people who deserve praise and gratitude for their unstinting efforts in realizing this dream—far too many for me to name them all here. I would, however, like to honor two people in particular for their dedication and perseverance in seeing this task through to completion: my friend, colleague and vice chairman of the Committee on Indian Affairs, Daniel K. Inouye; and, Rick West, director of the National Museum of the American Indian, and my Southern Cheyenne brother.

I consider myself fortunate that I was there at the beginning, serving in the House of Representatives when the museum was authorized, and I will be there on September 21, 2004, when the National Museum of the American Indian first opens its doors to the public.

I consider the American people fortunate in that they now possess a remarkable resource for learning learning about Indian cultures and civilizations.

I also consider American Indians fortunate that, finally, there is a national facility dedicated to and worthy of their cultures. History has not always been kind to Native Americans, neither the events that occurred nor the words recorded about them, and the United States has not always accorded honor where honor was due the Indians. The National Museum of the American Indian is an important step in rectifying this omission and continuing the reconciliation between a great nation and its first peoples.

I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 41

Whereas the National Museum of the American Indian Act (20 U.S.C. 808 et seq.) established within the Smithsonian Institution the National Museum of the American Indian, and authorized the construction of a facility to house the National Museum of the American Indian on the National Mall in the District of Columbia;

Whereas the National Museum of the American Indian officially opens on September 21, 2004;

Whereas the National Museum of the American Indian will be the only national museum devoted exclusively to the history and art of cultures indigenous to the Americas, and will give all Americans the opportunity to learn of the cultural legacy, historic grandeur, and contemporary culture of Native Americans: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NATIONAL MUSEUM OF THE AMERICAN INDIAN.

Congress—

(1) recognizes the important and unique contribution of Native Americans to the cultural legacy of the United States, both in the past and currently;

(2) honors the cultural achievements of all Native Americans;

(3) celebrates the official opening of the National Museum of the American Indian; and

(4) encourages all Americans to take advantage of the resources of the National Museum of the American Indian to learn about the history and culture of Native Americans.

SUBMITTED RESOLUTIONS

SEANTE RESOLUTION 399—DESIGNATING THE WEEK OF JULY 11 THROUGH JULY 17, 2004, AS "OINKARI BASQUE DANCERS WEEK", AND FOR OTHER PURPOSES

Mr. CRAIG (for himself and Mr. CRAPO) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 399

Whereas the Basques have a long, proud history in the State of Idaho and across the United States;

Whereas Basque Americans have become an integral part of Idaho's unique identity;

Whereas the Oinkari Basque Dancers have dedicated over 40 years to the preservation and performance of the unique folk dances of their Basque heritage;

Whereas these dedicated young people have traveled nationally and internationally to perform their dances and act as good will ambassadors of the American West;

Whereas the Oinkari Basque Dancers have performed for countless charities, hospitals, nursing homes, and centers for the disabled to share their culture and talents with other;

Whereas the Oinkari Basque Dancers have shown continued dedication to promote culture, dance, music, and education; and

Whereas the Oinkari Basque Dancers will be sharing their unique culture and music with visitors of Washington, D.C., as part of the "Homegrown 2004: The Music of America" concert series, presented by the Library of Congress American Folklife Center: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of July 11 through July 17, 2004, as "Oinkari Basque Dancers Week"; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe the week with appropriate ceremonies and activities.

Mr. CRAIG. Mr. President. It is with great pleasure that I rise today to recognize the Oinkari Basque Dancers for their dedication to the arts and culture of their great heritage.

The Basques have a long, proud history in the State of Idaho, which is home to the largest concentrated population of Basques outside of their native country. The first Basques began arriving in Idaho around 1890, the same year Idaho achieved statehood. Since then, the Basques have become an integral part of Idaho's unique identity. While citizens of Basque decent exist in each of our 50 States, the presence of the Basque culture is perhaps most evident in Boise, ID, a hub of Basque cultural activities and home to the Basque Center, the Cenarrusa Center for Basque Studies, and the Basque Museum and Culture Center. Boise also hosts the Jaialdi Basque festival, which attracts visitors from around the world. One of the most notable activities for young Idaho Basques is the preservation of their unique music and dance. The Oinkari Basque Dancers are an excellent example of this dedication to dance, music and education.

This group of young Basque Americans was founded over 40 years ago to preserve and perform the unique folk dances of their Basque heritage. Their traditional dances have been taught to hundreds of young Basques over the years. These dedicated young people have traveled nationally, including here in our Nation's capital, and internationally to perform their dances and act as good will ambassadors of the American West. Their travels have included trips to the Basque country where they performed alongside native Basque dancing groups. The Oinkaris also perform for local charities, hospitals, nursing homes and centers for the disabled to share their culture and talents with others. They have entertained people from the State Fair to the World's Fair and never failed to impress an audience.

There are many talented individuals responsible for the Oinkaris' many accomplishments, but I believe there is one who deserves special recognition. The dancers are led by the music of Jim Jausoro, a founding member of the Oinkaris. "Jimmy" Jausoro has received numerous cultural honors, including the National Heritage Award from National Endowment for the Arts. Under his tireless leadership, the Oinkaris have grown and developed into an elite dance group who represent their ancestry in the true spirit of dance and music.

For their dedication to arts, I am pleased to call Idaho the home of the Oinkari Basque Dancers, and pleased to honor them today.

SENATE RESOLUTION 400—RECOGNIZING THE 2004 CONGRESSIONAL AWARDS GOLD MEDAL RECIPIENTS

Mr. CRAIG (for himself and Mr. BAUCUS) submitted the following resolution; which was referred to the Committee on Governmental Affairs:

S. RES. 400

Whereas today's youth are vital to the preservation of our country and will be the future bearers of the bright torch of democracy;

Whereas youth need positive direction as they transition into adulthood;

Whereas the United States needs increased numbers of community volunteers acting as positive influences on the Nation's youth;

Whereas the Congressional Awards program is committed to recognizing our Nation's most valuable asset, our youth, by encouraging them to set and accomplish goals in the areas of volunteer public service, personal development, physical fitness, and expedition/exploring;

Whereas more than 14,000 young people have been involved in the Congressional Awards program this year;

Whereas through the efforts of dedicated advisors across the country this year one hundred seventy-six students earned the Congressional Award Gold Medal;

Whereas increased awareness of the program's existence will encourage youth throughout the nation to become involved with the Congressional Awards: Now, therefore, be it

Resolved, That the Senate—

(1) Recognizes the 2004 Congressional Award Gold Medal recipients Kori Agin-Batten, Elsbeth Allen, Noah Anderson, Geoffrey Patrick Arai, Kristyn Amour, Stephen Asker, Benjamin Jacob Ulrich Banwart, Elizabeth Barker, Robert G. Barnett, Christopher Belcher, Regina Bennis-Hartman, Samuel B. Blumberg, Christopher Bosch, Barrett Brandon, Blair Brandon, Brooke Brandon, Lindsey Buscemi, Adam M. Cain, Daniel Campis, Tina Cannon, Kent Cheung, Alexander Chun, Madeleine Clark, Sarah Clark, Michael Clontz, Michelle Coxe, Jeremy Crump, Kimberly Dahl, Dung Dam, Quoc Dam, Tri Dam, Kaitlin Davis, Deanna M. DeGregorio, Erin J. DeGroot, Katherine D. DeGroot, John Daniel DeJarnette, Clifton

Michael Der Bing, Joshua W. Detherage, Christina Dodson, Matthew Doumar, Lindsay Madison Elgart, Marisa Enrico, Elizabeth Erratt, Julia Evans, Dewan Kazi Farhana, Amanda Feldman, Sarah Finch, Justin Floyd, Amanda Flynn, Richard Zachary Freed, Rigoberto Garcia, Yaneth Garcia-Lopez, Amanda Gersch, Cory Gibson, Anna Gorin, Arielle Gorin, Gina Marie Gormley, Daniel Grad, Tabitha Grad, Rebecca Marie Green, Megan Hanson, Nicole Hanson, Ryan Headley, John Baron Hoff, Jessica Honan, Laura Honan, Lindsey Howard, Harry Kline Howell III, Dermot Sean Hoyne, Daniel Hults, Manuel Ibarra, Angeles Jacobo, Jennifer Anne Jasper, Sarah Jennings, Tabitha Jennings, Tyler Jussel, Atul Kapila, Nikolas Kappy, Megan Kavanagh, Cristina Kavendek, Abbie Klinghoffer, Alexander J. Knihnicky, Ross Kozarsky, Jeffrey David Lambin, Andrew Langfield, Heather R. Leung-Van Hassel, Grace Lichlyter, Zachary Myles Lindsay, Jessica M. Link, Katherine Victoria Lugar, Ryan MacCluen, Raul Magdaleno, Raymond Malapero, Jonathan R. Mason, Rebecca N. Massicotte, Kelly McCormick, Benjamin McDonough, Alyssa McIntyre, Richelle Milburn, Sri Hari Miskin, Sarath Mom, Eric Moulton, Kathleen Mullins, Sarah Mullins, Carolina Munoz, Christine Murray, Kathleen Murray, Samuel Nassie, Douglas Neder, Matthew Neder, Patrick Novak, Ricardo Nunez, Maria Fatima Olvera-Santana, Sona Or, Lauren Pace, Colby Patchin, Emily C. Patchin, Jamin Patel, Elizabeth Philbin, Daniel R. Philbrick, Lauren Priori, Christy Pugh, Hannah Qualls, Sarah Raymond, Brett Rendina, Kristen N. Richter, Margarete Rosenkranz, Erin Rosen-Watson, Julie Rothfarb, Sarah Ann Rudoff, Maggie Salter, Stacia Scattolon, Jessinah Schaefer, Rachel Lyn Schmidt, Lindsay Schroeder, Megan Schroeder, Loni L. Schumacher, Magan Lindsey Scott, Mallory J. Selzer, Jessica Seppi, Anupriya Singhal, Elyssa Starr Sisko, Geoffrey Morgan Smith, Kayla Smith, Michael Smyth, Eric Snyder, Karin Marie Spindler, Georgia Stegall, Charles Strong, Jared Cameron Sullivan, Danielle Sutter, Creighton Lee Taylor, Matthew M. Thies, Sarah Tipton, Erick Todd, Elaine Trahan, Landon Trost, Christine Truesdell, Georgette Tzatzalos, Staff Sergeant Cornelio Umali, Lacey VanderBoegh, Katherine Warner, Emily J. Warren, Kate V. Warren, Brian Washakowski, Crystal-Mae Waugh, Elyse Weissman, Joanna Whitten, Brent Wright, Chantelle Wright, Trevor John Wright, Christopher Zaehringer, Brian Zobel, Christopher Zobel, Matthew Zobel and

(2) requests that the President issue a proclamation calling upon the people of the United States and interested groups to promote awareness of and volunteer involvement in the Congressional Awards program.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3547. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 2062, to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes; which was ordered to lie on the table.

SA 3548. Mr. FRIST proposed an amendment to the bill S. 2062, supra.

SA 3549. Mr. FRIST proposed an amendment to amendment SA 3548 proposed by Mr. FRIST to the bill S. 2062, supra.

SA 3550. Mr. FRIST proposed an amendment to the bill S. 2062, supra.

SA 3551. Mr. FRIST proposed an amendment to amendment SA 3550 proposed by Mr. FRIST to the bill S. 2062, supra.

SA 3552. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill S. 2062, supra; which was ordered to lie on the table.

SA 3553. Mr. GRAHAM, of South Carolina (for himself and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill S. 2062, supra; which was ordered to lie on the table.

SA 3554. Mr. LAUTENBERG (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill S. 2062, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3547. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 2062, to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes; which was ordered to lie on the table; as follows:

On page 26 strike line 24 and insert the following of this act:

TITLE —NATIVE HAWAIIAN GOVERNMENT

SEC. 01. SHORT TITLE.

This title may be cited as the "Native Hawaiian Government Reorganization Act of 2004".

SEC. 02. FINDINGS.

Congress finds that—

(1) the Constitution vests Congress with the authority to address the conditions of the indigenous, native people of the United States;

(2) Native Hawaiians, the native people of the Hawaiian archipelago that is now part of the United States, are indigenous, native people of the United States;

(3) the United States has a special political and legal responsibility to promote the welfare of the native people of the United States, including Native Hawaiians;

(4) under the treaty making power of the United States, Congress exercised its constitutional authority to confirm treaties between the United States and the Kingdom of Hawaii, and from 1826 until 1893, the United States—

(A) recognized the sovereignty of the Kingdom of Hawaii;

(B) accorded full diplomatic recognition to the Kingdom of Hawaii; and

(C) entered into treaties and conventions with the Kingdom of Hawaii to govern commerce and navigation in 1826, 1842, 1849, 1875, and 1887;

(5) pursuant to the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42), the United States set aside approximately 203,500 acres of land to address the conditions of Native Hawaiians in the Federal territory that later became the State of Hawaii;

(6) by setting aside 203,500 acres of land for Native Hawaiian homesteads and farms, the Hawaiian Homes Commission Act assists the members of the Native Hawaiian community in maintaining distinct native settlements throughout the State of Hawaii;

(7) approximately 6,800 Native Hawaiian families reside on the Hawaiian Home Lands and approximately 18,000 Native Hawaiians who are eligible to reside on the Hawaiian Home Lands are on a waiting list to receive assignments of Hawaiian Home Lands;

(8)(A) in 1959, as part of the compact with the United States admitting Hawaii into the Union, Congress established a public trust (commonly known as the "ceded lands trust"), for 5 purposes, 1 of which is the betterment of the conditions of Native Hawaiians;

(B) the public trust consists of lands, including submerged lands, natural resources, and the revenues derived from the lands; and

(C) the assets of this public trust have never been completely inventoried or segregated;

(9) Native Hawaiians have continuously sought access to the ceded lands in order to establish and maintain native settlements and distinct native communities throughout the State;

(10) the Hawaiian Home Lands and other ceded lands provide an important foundation for the ability of the Native Hawaiian community to maintain the practice of Native Hawaiian culture, language, and traditions, and for the survival and economic self-sufficiency of the Native Hawaiian people;

(11) Native Hawaiians continue to maintain other distinctly native areas in Hawaii;

(12) on November 23, 1993, Public Law 103-150 (107 Stat. 1510) (commonly known as the "Apology Resolution") was enacted into law, extending an apology on behalf of the United States to the native people of Hawaii for the United States' role in the overthrow of the Kingdom of Hawaii;

(13) the Apology Resolution acknowledges that the overthrow of the Kingdom of Hawaii occurred with the active participation of agents and citizens of the United States and further acknowledges that the Native Hawaiian people never directly relinquished to the United States their claims to their inherent sovereignty as a people over their national lands, either through the Kingdom of Hawaii or through a plebiscite or referendum;

(14) the Apology Resolution expresses the commitment of Congress and the President—

(A) to acknowledge the ramifications of the overthrow of the Kingdom of Hawaii;

(B) to support reconciliation efforts between the United States and Native Hawaiians; and

(C) to consult with Native Hawaiians on the reconciliation process as called for in the Apology Resolution;

(15) despite the overthrow of the government of the Kingdom of Hawaii, Native Hawaiians have continued to maintain their separate identity as a distinct native community through cultural, social, and political institutions, and to give expression to their rights as native people to self-determination, self-governance, and economic self-sufficiency;

(16) Native Hawaiians have also given expression to their rights as native people to self-determination, self-governance, and economic self-sufficiency—

(A) through the provision of governmental services to Native Hawaiians, including the provision of—

(i) health care services;

(ii) educational programs;

(iii) employment and training programs;

(iv) economic development assistance programs;

(v) children's services;

(vi) conservation programs;

(vii) fish and wildlife protection;

(viii) agricultural programs;

(ix) native language immersion programs;

(x) native language immersion schools from kindergarten through high school;

(xi) college and master's degree programs in native language immersion instruction;

(xii) traditional justice programs, and

(B) by continuing their efforts to enhance Native Hawaiian self-determination and local control;

(17) Native Hawaiians are actively engaged in Native Hawaiian cultural practices, traditional agricultural methods, fishing and subsistence practices, maintenance of cultural use areas and sacred sites, protection of burial sites, and the exercise of their traditional rights to gather medicinal plants and herbs, and food sources;

(18) the Native Hawaiian people wish to preserve, develop, and transmit to future generations of Native Hawaiians their lands and Native Hawaiian political and cultural identity in accordance with their traditions, beliefs, customs and practices, language, and social and political institutions, to control and manage their own lands, including ceded lands, and to achieve greater self-determination over their own affairs;

(19) this title provides a process within the framework of Federal law for the Native Hawaiian people to exercise their inherent rights as a distinct, indigenous, native community to reorganize a Native Hawaiian governing entity for the purpose of giving expression to their rights as native people to self-determination and self-governance;

(20) Congress—

(A) has declared that the United States has a special responsibility for the welfare of the native peoples of the United States, including Native Hawaiians;

(B) has identified Native Hawaiians as a distinct group of indigenous, native people of the United States within the scope of its authority under the Constitution, and has enacted scores of statutes on their behalf; and

(C) has delegated broad authority to the State of Hawaii to administer some of the United States' responsibilities as they relate to the Native Hawaiian people and their lands;

(21) the United States has recognized and reaffirmed the special political and legal relationship with the Native Hawaiian people through the enactment of the Act entitled, "An Act to provide for the admission of the State of Hawaii into the Union", approved March 18, 1959 (Public Law 86–3; 73 Stat. 4), by—

(A) ceding to the State of Hawaii title to the public lands formerly held by the United States, and mandating that those lands be held as a public trust for 5 purposes, 1 of which is for the betterment of the conditions of Native Hawaiians; and

(B) transferring the United States' responsibility for the administration of the Hawaiian Home Lands to the State of Hawaii, but retaining the authority to enforce the trust, including the exclusive right of the United States to consent to any actions affecting the lands that comprise the corpus of the trust and any amendments to the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42) that are enacted by the legislature of the State of Hawaii affecting the beneficiaries under the Act;

(22) the United States has continually recognized and reaffirmed that—

(A) Native Hawaiians have a cultural, historic, and land-based link to the aboriginal, indigenous, native people who exercised sovereignty over the Hawaiian Islands;

(B) Native Hawaiians have never relinquished their claims to sovereignty or their sovereign lands;

(C) the United States extends services to Native Hawaiians because of their unique status as the indigenous, native people of a once-sovereign nation with whom the United States has a political and legal relationship; and

(D) the special trust relationship of American Indians, Alaska Natives, and Native Hawaiians to the United States arises out of their status as aboriginal, indigenous, native people of the United States; and

(23) the State of Hawaii supports the reaffirmation of the political and legal relationship between the Native Hawaiian governing entity and the United States as evidenced by 2 unanimous resolutions enacted by the Hawaii State Legislature in the 2000 and 2001 sessions of the Legislature and by the testimony of the Governor of the State of Hawaii before the Committee on Indian Affairs of the Senate on February 25, 2003.

SEC. 03. DEFINITIONS.

In this title:

(1) ABORIGINAL, INDIGENOUS, NATIVE PEOPLE.—The term "aboriginal, indigenous, native people" means people whom Congress has recognized as the original inhabitants of the lands that later became part of the United States and who exercised sovereignty in the areas that later became part of the United States.

(2) ADULT MEMBER.—The term "adult member" means a Native Hawaiian who has attained the age of 18 and who elects to participate in the reorganization of the Native Hawaiian governing entity.

(3) APOLOGY RESOLUTION.—The term "Apology Resolution" means Public Law 103–150, (107 Stat. 1510), a Joint Resolution extending an apology to Native Hawaiians on behalf of the United States for the participation of agents of the United States in the January 17, 1893 overthrow of the Kingdom of Hawaii.

(4) COMMISSION.—The term "commission" means the Commission established under section 07(b) to provide for the certification that those adult members of the Native Hawaiian community listed on the roll meet the definition of Native Hawaiian set forth in section 03(8).

(5) COUNCIL.—The term "council" means the Native Hawaiian Interim Governing Council established under section 07(c)(2).

(6) INDIGENOUS, NATIVE PEOPLE.—The term "indigenous, native people" means the lineal descendants of the aboriginal, indigenous, native people of the United States.

(7) INTERAGENCY COORDINATING GROUP.—The term "Interagency Coordinating Group" means the Native Hawaiian Interagency Coordinating Group established under section 06.

(8) NATIVE HAWAIIAN.—For the purpose of establishing the roll authorized under section 07(c)(1) and before the reaffirmation of the political and legal relationship between the United States and the Native Hawaiian governing entity, the term "Native Hawaiian" means—

(A) an individual who is one of the indigenous, native people of Hawaii and who is a direct lineal descendant of the aboriginal, indigenous, native people who—

(i) resided in the islands that now comprise the State of Hawaii on or before January 1, 1893; and

(ii) occupied and exercised sovereignty in the Hawaiian archipelago, including the area that now constitutes the State of Hawaii; or

(B) an individual who is one of the indigenous, native people of Hawaii and who was eligible in 1921 for the programs authorized by the Hawaiian Homes Commission Act (42 Stat. 108, chapter 42) or a direct lineal descendant of that individual.

(9) NATIVE HAWAIIAN GOVERNING ENTITY.—The term "Native Hawaiian Governing Entity" means the governing entity organized by the Native Hawaiian people pursuant to this title.

(10) OFFICE.—The term "Office" means the United States Office for Native Hawaiian Relations established under section 05(a).

(11) SECRETARY.—The term "Secretary" means the Secretary of the Department of the Interior.

SEC. 04. UNITED STATES POLICY AND PURPOSE.

(a) POLICY.—The United States reaffirms that—

(1) Native Hawaiians are a unique and distinct, indigenous, native people with whom the United States has a special political and legal relationship;

(2) the United States has a special political and legal relationship with the Native Hawaiian people which includes promoting the welfare of Native Hawaiians;

(3) Congress possesses the authority under the Constitution, including but not limited to Article I, section 8, clause 3, to enact legislation to address the conditions of Native Hawaiians and has exercised this authority through the enactment of—

(A) the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42);

(B) the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union", approved March 18, 1959 (Public Law 86–3, 73 Stat. 4); and

(C) more than 150 other Federal laws addressing the conditions of Native Hawaiians;

(4) Native Hawaiians have—

(A) an inherent right to autonomy in their internal affairs;

(B) an inherent right of self-determination and self-governance;

(C) the right to reorganize a Native Hawaiian governing entity; and

(D) the right to become economically self-sufficient; and

(5) the United States shall continue to engage in a process of reconciliation and political relations with the Native Hawaiian people.

(b) PURPOSE.—The purpose of this title is to provide a process for the reorganization of the Native Hawaiian governing entity and the reaffirmation of the political and legal relationship between the United States and the Native Hawaiian governing entity for purposes of continuing a government-to-government relationship.

SEC. 05. UNITED STATES OFFICE FOR NATIVE HAWAIIAN RELATIONS.

(a) ESTABLISHMENT.—There is established within the Office of the Secretary of the United States Office for Native Hawaiian Relations.

(b) DUTIES.—The Office shall—

(1) continue the process of reconciliation with the Native Hawaiian people in furtherance of the Apology Resolution;

(2) upon the reaffirmation of the political and legal relationship between the Native Hawaiian governing entity and the United States, effectuate and coordinate the special political and legal relationship between the Native Hawaiian governing entity and the United States through the Secretary, and with all other Federal agencies;

(3) fully integrate the principle and practice of meaningful, regular, and appropriate consultation with the Native Hawaiian governing entity by providing timely notice to, and consulting with, the Native Hawaiian people and the Native Hawaiian governing entity before taking any actions that may have the potential to significantly affect Native Hawaiian resources, rights, or lands;

(4) consult with the Interagency Coordinating Group, other Federal agencies, the

Governor of the State of Hawaii and relevant agencies of the State of Hawaii on policies, practices, and proposed actions affecting Native Hawaiian resources, rights, or lands; and

(5) prepare and submit to the Committee on Indian Affairs and the Committee on Energy and Natural Resources of the Senate, the Committee on Resources of the House of Representatives, an annual report detailing the activities of the Interagency Coordinating Group that are undertaken with respect to the continuing process of reconciliation and to effect meaningful consultation with the Native Hawaiian governing entity and providing recommendations for any necessary changes to Federal law or regulations promulgated under the authority of Federal law.

SEC. 06. NATIVE HAWAIIAN INTERAGENCY COORDINATING GROUP.

(a) ESTABLISHMENT.—In recognition that Federal programs authorized to address the conditions of Native Hawaiians are largely administered by Federal agencies other than the Department of the Interior, there is established an interagency coordinating group to be known as the "Native Hawaiian Interagency Coordinating Group".

(b) COMPOSITION.—The Interagency Coordinating Group shall be composed of officials, to be designated by the President, from—

(1) each Federal agency that administers Native Hawaiian programs, establishes or implements policies that affect Native Hawaiians, or whose actions may significantly or uniquely impact Native Hawaiian resources, rights, or lands; and

(2) the Office.

(c) LEAD AGENCY.—

(1) IN GENERAL.—The Department of the Interior shall serve as the lead agency of the Interagency Coordinating Group.

(2) MEETINGS.—The Secretary shall convene meetings of the Interagency Coordinating Group.

(d) DUTIES.—The Interagency Coordinating Group shall—

(1) coordinate Federal programs and policies that affect Native Hawaiians or actions by any agency or agencies of the Federal Government that may significantly or uniquely affect Native Hawaiian resources, rights, or lands;

(2) ensure that each Federal agency develops a policy on consultation with the Native Hawaiian people, and upon the reaffirmation of the political and legal relationship between the Native Hawaiian governing entity and the United States, consultation with the Native Hawaiian governing entity; and

(3) ensure the participation of each Federal agency in the development of the report to Congress authorized in section 05(b)(5).

SEC. 07. PROCESS FOR THE REORGANIZATION OF THE NATIVE HAWAIIAN GOVERNING ENTITY AND THE REAFFIRMATION OF THE POLITICAL AND LEGAL RELATIONSHIP BETWEEN THE UNITED STATES AND THE NATIVE HAWAIIAN GOVERNING ENTITY.

(a) RECOGNITION OF THE NATIVE HAWAIIAN GOVERNING ENTITY.—The right of the Native Hawaiian people to reorganize the Native Hawaiian governing entity to provide for their common welfare and to adopt appropriate organic governing documents is recognized by the United States.

(b) COMMISSION.—

(1) IN GENERAL.—There is authorized to be established a Commission to be composed of nine members for the purposes of—

(A) preparing and maintaining a roll of the adult members of the Native Hawaiian community who elect to participate in the reorganization of the Native Hawaiian governing entity; and

(B) certifying that the adult members of the Native Hawaiian community proposed for inclusion on the roll meet the definition of Native Hawaiian in section 03(8).

(2) MEMBERSHIP.—

(A) APPOINTMENT.—Within 180 days of the date of enactment of this Act, the Secretary shall appoint the members of the Commission in accordance with subclause (B). Any vacancy on the Commission shall not affect its powers and shall be filled in the same manner as the original appointment.

(B) REQUIREMENTS.—The members of the Commission shall be Native Hawaiian, as defined in section 03(8), and shall have expertise in the determination of Native Hawaiian ancestry and lineal descendancy.

(3) EXPENSES.—Each member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(4) DUTIES.—The Commission shall—

(A) prepare and maintain a roll of the adult members of the Native Hawaiian community who elect to participate in the reorganization of the Native Hawaiian governing entity; and

(B) certify that each of the adult members of the Native Hawaiian community proposed for inclusion on the roll meet the definition of Native Hawaiian in section 03(8).

(5) STAFF.—

(A) IN GENERAL.—The Commission may, without regard to the civil service laws (including regulations), appoint and terminate an executive director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(B) COMPENSATION.—

(i) IN GENERAL.—Except as provided in clause (ii), the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(ii) MAXIMUM RATE OF PAY.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(6) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

(A) IN GENERAL.—An employee of the Federal Government may be detailed to the Commission without reimbursement.

(B) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(7) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(8) EXPIRATION.—The Secretary shall dissolve the Commission upon the reaffirmation of the political and legal relationship between the Native Hawaiian governing entity and the United States.

(c) PROCESS FOR THE REORGANIZATION OF THE NATIVE HAWAIIAN GOVERNING ENTITY.—

(1) ROLL.—

(A) CONTENTS.—The roll shall include the names of the adult members of the Native Hawaiian community who elect to participate in the reorganization of the Native Hawaiian governing entity and are certified to be Native Hawaiian as defined in section 03(8) by the Commission.

(B) FORMATION OF ROLL.—Each adult member of the Native Hawaiian community who elects to participate in the reorganization of the Native Hawaiian governing entity shall submit to the Commission documentation in the form established by the Commission that is sufficient to enable the Commission to determine whether the individual meets the definition of Native Hawaiian in section 03(8).

(C) DOCUMENTATION.—The Commission shall—

(i) identify the types of documentation that may be submitted to the Commission that would enable the Commission to determine whether an individual meets the definition of Native Hawaiian in section 03(8);

(ii) establish a standard format for the submission of documentation; and

(iii) publish information related to subclauses (i) and (ii) in the Federal Register;

(D) CONSULTATION.—In making determinations that each of the adult members of the Native Hawaiian community proposed for inclusion on the roll meets the definition of Native Hawaiian in section 03(8), the Commission may consult with Native Hawaiian organizations, agencies of the State of Hawaii including but not limited to the Department of Hawaiian Home Lands, the Office of Hawaiian Affairs, and the State Department of Health, and other entities with expertise and experience in the determination of Native Hawaiian ancestry and lineal descendancy.

(E) CERTIFICATION AND SUBMITTAL OF ROLL TO SECRETARY.—The Commission shall—

(i) submit the roll containing the names of the adult members of the Native Hawaiian community who meet the definition of Native Hawaiian in section 03(8) to the Secretary within two years from the date on which the Commission is fully composed; and

(ii) certify to the Secretary that each of the adult members of the Native Hawaiian community proposed for inclusion on the roll meets the definition of Native Hawaiian in section 03(8).

(F) PUBLICATION.—Upon certification by the Commission to the Secretary that those listed on the roll meet the definition of Native Hawaiian in section 03(8), the Secretary shall publish the roll in the Federal Register.

(G) APPEAL.—The Secretary may establish a mechanism for an appeal for any person whose name is excluded from the roll who claims to meet the definition of Native Hawaiian in section 03(8) and to be 18 years of age or older.

(H) PUBLICATION; UPDATE.—The Secretary shall—

(i) publish the roll regardless of whether appeals are pending;

(ii) update the roll and the publication of the roll on the final disposition of any appeal;

(iii) update the roll to include any Native Hawaiian who has attained the age of 18 and who has been certified by the Commission as meeting the definition of Native Hawaiian in section 03(8) after the initial publication of the roll or after any subsequent publications of the roll.

(I) FAILURE TO ACT.—If the Secretary fails to publish the roll, not later than 90 days after the date on which the roll is submitted to the Secretary, the Commission shall publish the roll notwithstanding any order or directive issued by the Secretary or any other official of the Department of the Interior to the contrary.

(J) EFFECT OF PUBLICATION.—The publication of the initial and updated roll shall serve as the basis for the eligibility of adult members of the Native Hawaiian community whose names are listed on those rolls to participate in the reorganization of the Native Hawaiian governing entity.

(2) ORGANIZATION OF THE NATIVE HAWAIIAN INTERIM GOVERNING COUNCIL.—

(A) ORGANIZATION.—The adult members of the Native Hawaiian community listed on the roll published under this section may—

(i) develop criteria for candidates to be elected to serve on the Native Hawaiian Interim Governing Council;

(ii) determine the structure of the Council; and

(iii) elect members from individuals listed on the roll published under this subsection to the Council.

(B) POWERS.—

(i) IN GENERAL.—The Council—

(I) may represent those listed on the roll published under this section in the implementation of this title; and

(II) shall have no powers other than powers given to the Council under this title.

(ii) FUNDING.—The Council may enter into a contract with, or obtain a grant from, any Federal or State agency to carry out clause (iii).

(iii) ACTIVITIES.—

(I) IN GENERAL.—The Council may conduct a referendum among the adult members of the Native Hawaiian community listed on the roll published under this subsection for the purpose of determining the proposed elements of the organic governing documents of the Native Hawaiian governing entity, including but not limited to—

(aa) the proposed criteria for citizenship of the Native Hawaiian governing entity;

(bb) the proposed powers and authorities to be exercised by the Native Hawaiian governing entity, as well as the proposed privileges and immunities of the Native Hawaiian governing entity;

(cc) the proposed civil rights and protection of the rights of the citizens of the Native Hawaiian governing entity and all persons affected by the exercise of governmental powers and authorities of the Native Hawaiian governing entity; and

(dd) other issues determined appropriate by the Council.

(II) DEVELOPMENT OF ORGANIC GOVERNING DOCUMENTS.—Based on the referendum, the Council may develop proposed organic governing documents for the Native Hawaiian governing entity.

(III) DISTRIBUTION.—The Council may distribute to all adult members of the Native Hawaiian community listed on the roll published under this subsection—

(aa) a copy of the proposed organic governing documents, as drafted by the Council; and

(bb) a brief impartial description of the proposed organic governing documents;

(IV) ELECTIONS.—The Council may hold elections for the purpose of ratifying the proposed organic governing documents, and on certification of the organic governing documents by the Secretary in accordance with paragraph (4), hold elections of the officers of the Native Hawaiian governing entity pursuant to paragraph (5).

(3) SUBMITTAL OF ORGANIC GOVERNING DOCUMENTS.—Following the reorganization of the Native Hawaiian governing entity and the adoption of organic governing documents, the Council shall submit the organic governing documents of the Native Hawaiian governing entity to the Secretary.

(4) CERTIFICATIONS.—

(A) IN GENERAL.—Within the context of the future negotiations to be conducted under the authority of section 08(b)(1), and the subsequent actions by the Congress and the State of Hawaii to enact legislation to implement the agreements of the three governments, not later than 90 days after the date on which the Council submits the organic governing documents to the Secretary, the Secretary shall certify that the organic governing documents—

(i) establish the criteria for citizenship in the Native Hawaiian governing entity;

(ii) were adopted by a majority vote of the adult members of the Native Hawaiian community whose names are listed on the roll published by the Secretary;

(iii) provide authority for the Native Hawaiian governing entity to negotiate with Federal, State, and local governments, and other entities;

(iv) provide for the exercise of governmental authorities by the Native Hawaiian governing entity, including any authorities that may be delegated to the Native Hawaiian governing entity by the United States and the State of Hawaii following negotiations authorized in section 08(b)(1) and the enactment of legislation to implement the agreements of the three governments;

(v) prevent the sale, disposition, lease, or encumbrance of lands, interests in lands, or other assets of the Native Hawaiian governing entity without the consent of the Native Hawaiian governing entity;

(vi) provide for the protection of the civil rights of the citizens of the Native Hawaiian governing entity and all persons affected by the exercise of governmental powers and authorities by the Native Hawaiian governing entity; and

(vii) are consistent with applicable Federal law and the special political and legal relationship between the United States and the indigenous, native people of the United States; provided that the provisions of Public Law 103–454, 25 U.S.C. 479a, shall not apply.

(B) RESUBMISSION IN CASE OF NONCOMPLIANCE WITH THE REQUIREMENTS OF SUBPARAGRAPH (A).—

(i) RESUBMISSION BY THE SECRETARY.—If the Secretary determines that the organic governing documents, or any part of the documents, do not meet all of the requirements set forth in subparagraph (A), the Secretary shall resubmit the organic governing documents to the Council, along with a justification for each of the Secretary's findings as to why the provisions are not in full compliance.

(ii) AMENDMENT AND RESUBMISSION OF ORGANIC GOVERNING DOCUMENTS.—If the organic governing documents are resubmitted to the Council by the Secretary under clause (i), the Council shall—

(I) amend the organic governing documents to ensure that the documents meet all the requirements set forth in subparagraph (A); and

(II) resubmit the amended organic governing documents to the Secretary for certification in accordance with this paragraph.

(C) CERTIFICATIONS DEEMED MADE.—The certifications under paragraph (4) shall be deemed to have been made if the Secretary has not acted within 90 days after the date on which the Council has submitted the organic governing documents of the Native Hawaiian governing entity to the Secretary.

(5) ELECTIONS.—On completion of the certifications by the Secretary under paragraph (4), the Council may hold elections of the officers of the Native Hawaiian governing entity.

(6) REAFFIRMATION.—Notwithstanding any other provision of law, upon the certifications required under paragraph (4) and the election of the officers of the Native Hawaiian governing entity, the political and legal relationship between the United States and the Native Hawaiian governing entity is hereby reaffirmed and the United States extends Federal recognition to the Native Hawaiian governing entity as the representative governing body of the Native Hawaiian people.

SEC. 08. REAFFIRMATION OF DELEGATION OF FEDERAL AUTHORITY; NEGOTIATIONS; CLAIMS.

(a) REAFFIRMATION.—The delegation by the United States of authority to the State of Hawaii to address the conditions of the indigenous, native people of Hawaii contained in the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union" approved March 18, 1959 (Public Law 86–3, 73 Stat. 5), is reaffirmed.

(b) NEGOTIATIONS.—

(1) IN GENERAL.—Upon the reaffirmation of the political and legal relationship between the United States and the Native Hawaiian governing entity, the United States and the State of Hawaii may enter into negotiations with the Native Hawaiian governing entity designed to lead to an agreement addressing such matters as—

(A) the transfer of lands, natural resources, and other assets, and the protection of existing rights related to such lands or resources;

(B) the exercise of governmental authority over any transferred lands, natural resources, and other assets, including land use;

(C) the exercise of civil and criminal jurisdiction;

(D) the delegation of governmental powers and authorities to the Native Hawaiian governing entity by the United States and the State of Hawaii; and

(E) any residual responsibilities of the United States and the State of Hawaii.

(2) AMENDMENTS TO EXISTING LAWS.—Upon agreement on any matter or matters negotiated with the United States, the State of Hawaii, and the Native Hawaiian governing entity, the parties shall submit—

(A) to the Committee on Indian Affairs of the Senate, the Committee on Energy and Natural Resources of the Senate, and the Committee on Resources of the House of Representatives, recommendations for proposed amendments to Federal law that will enable the implementation of agreements reached between the three governments; and

(B) to the Governor and the legislature of the State of Hawaii, recommendations for proposed amendments to State law that will enable the implementation of agreements reached between the three governments.

(c) CLAIMS.—

(1) IN GENERAL.—Nothing in this title serves as a settlement of any claim against the United States.

(2) STATUTE OF LIMITATIONS.—Any claim against the United States arising under Federal law that—

(A) is in existence on the date of enactment of this Act;

(B) is asserted by the Native Hawaiian governing entity on behalf of the Native Hawaiian people; and

(C) relates to the legal and political relationship between the United States and the Native Hawaiian people;

shall be brought in the court of jurisdiction over such claims not later than 20 years after the date on which Federal recognition is extended to the Native Hawaiian governing entity under section 07(c)(6).

SEC. 09. APPLICABILITY OF CERTAIN FEDERAL LAWS.

(a) Indian Gaming Regulatory Act.—Nothing in this title shall be construed to authorize the Native Hawaiian governing entity to conduct gaming activities under the authority of the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).

(b) Bureau of Indian Affairs.—Nothing contained in this title provides an authorization for eligibility to participate in any programs and services provided by the Bureau of Indian Affairs for any persons not otherwise eligible for the programs or services.

SEC. 10. SEVERABILITY.

If any section or provision of this title is held invalid, it is the intent of Congress that the remaining sections or provisions shall continue in full force and effect.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

SA 3548. Mr. FRIST proposed an amendment to the bill S. 2062, to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes; as follows:

At the end, add the following:

SEC. 10. FURTHER EFFECTIVE DATE.

The amendments made by this act shall apply to any civil action commenced one day after or any day thereafter the date of enactment of this act.

SA 3549. Mr. FRIST proposed an amendment to amendment SA 3548 proposed by Mr. Frist to the bill S. 2062, to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes; as follows:

On line 3 of the amendment, strike "one day" and insert:

"Two days".

SA 3550. Mr. FRIST proposed an amendment to the bill S. 2062, to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes; as follows:

At the end of the bill add:

SEC. 10. FURTHER EFFECTIVE DATE.

The amendments made by this act shall apply to any civil action commenced three days after or any day thereafter the date of enactment of this act.

SA 3551. Mr. FRIST proposed an amendment to amendment SA 3550 proposed by Mr. Frist to the bill S. 2062, to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes; as follows:

Online 3 of the amendment, strike "three" and insert "four".

SA 3552. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill S. 2062, to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE II—IMMIGRATION

SEC. 201. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This title may be cited as the "Agricultural Job Opportunity, Benefits, and Security Act of 2004".

(b) Table of Contents.—The table of contents for this title is as follows:

Sec. 201. Short title; table of contents.
Sec. 202. Definitions.

Subtitle A—Adjustment to Lawful Status

Sec. 211. Agricultural workers.
Sec. 212. Correction of Social Security records.

Subtitle B—Reform of H–2A Worker Program

Sec. 221. Amendment to the Immigration and Nationality Act.

Subtitle C—Miscellaneous Provisions

Sec. 231. Determination and use of user fees.
Sec. 232. Regulations.
Sec. 233. Effective date.

SEC. 202. DEFINITIONS.

In this title:

(1) Agricultural employment.—The term "agricultural employment" means any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or agricultural labor under section 3121(g) of the Internal Revenue Code of 1986 (26 U.S.C. 3121(g)). For purposes of this paragraph, agricultural employment includes employment under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)).

(2) Employer.—The term "employer" means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.

(3) Job opportunity.—The term "job opportunity" means a job opening for temporary full-time employment at a place in the United States to which United States workers can be referred.

(4) Secretary.—The term "Secretary" means the Secretary of Homeland Security.

(5) Temporary.—A worker is employed on a "temporary" basis where the employment is intended not to exceed 10 months.

(6) United states worker.—The term "United States worker" means any worker, whether a United States citizen or national, a lawfully admitted permanent resident alien, or any other alien, who is authorized to work in the job opportunity within the United States, except an alien admitted or otherwise provided status under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)).

(7) Work day.—The term "work day" means any day in which the individual is employed 1 or more hours in agriculture consistent with the definition of "man-day" under section 3(u) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(u)).

Subtitle A—Adjustment to Lawful Status

SEC. 211. AGRICULTURAL WORKERS.

(a) Temporary Resident Status.—

(1) In general.—Notwithstanding any other provision of law, the Secretary shall confer upon an alien who qualifies under this subsection the status of an alien lawfully admitted for temporary residence if the Secretary determines that the following requirements are satisfied with respect to the alien:

(A) Performance of agricultural employment in the united states.—The alien must establish that the alien entered the United States at least two years prior to the date of enactment of this Act and has performed agricultural employment in the United States for at least 575 hours or 100 work days, whichever is less, during any 12 consecutive months during the 18-month period ending on August 31, 2003.

(B) Application period.—The alien must apply for such status during the 18-month application period beginning on the 1st day of the 7th month that begins after the date of enactment of this title.

(C) Admissible as immigrant.—The alien must establish that the alien is otherwise admissible to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182), except as otherwise provided under subsection (e)(2).

(2) Authorized travel.—During the period an alien is in lawful temporary resident status granted under this subsection, the alien has the right to travel abroad (including commutation from a residence abroad) in the same manner as an alien lawfully admitted for permanent residence.

(3) Authorized employment.—During the period an alien is in lawful temporary resident status granted under this subsection, the alien shall be provided an "employment authorized" endorsement or other appropriate work permit, in the same manner as an alien lawfully admitted for permanent residence.

(4) Termination of temporary resident status.—During the period of temporary resident status granted an alien under this subsection, the Secretary may terminate such status only upon a determination under this title that the alien is deportable.

(5) Record of employment.—

(A) In general.—Each employer of a worker granted status under this subsection shall annually—

(i) provide a written record of employment to the alien; and

(ii) provide a copy of such record to the Secretary.

(B) Sunset.—The obligation under subparagraph (A) terminates on August 31, 2009.

(b) Rights of Aliens Granted Temporary Resident Status.—

(1) In general.—Except as otherwise provided in this subsection, an alien who acquires the status of an alien lawfully admitted for temporary residence under subsection (a), such status not having changed, shall be considered to be an alien lawfully admitted for permanent residence for purposes of any law other than any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(2) Eligibility for federal means-tested public benefits.—

(A) Delayed eligibility.—An alien who acquires the status of an alien lawfully admitted for temporary residence under subsection (a) as described in paragraph (1) shall not be eligible for any Federal means-tested public benefit by reason of the acquisition of such status until 5 years after the date on which the Secretary confers such status upon that alien under such subsection.

(B) Federal means-tested public benefit defined.—In this paragraph, the term "Federal means-tested public benefit" means a form of assistance or benefit covered by section 403(a) of the Personal Responsibility and

Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(a)).

(3) TERMS OF EMPLOYMENT RESPECTING ALIENS ADMITTED UNDER THIS SECTION.—

(A) PROHIBITION.—No alien granted status under subsection (a) may be terminated from employment by any employer during the period of temporary resident status except for just cause.

(B) TREATMENT OF COMPLAINTS.—

(i) ESTABLISHMENT OF PROCESS.—The Secretary shall establish a process for the receipt, initial review, and disposition in accordance with this subparagraph of complaints by aliens granted temporary resident status under subsection (a) who allege that they have been terminated without just cause. No proceeding shall be conducted under this subparagraph with respect to a termination unless the Secretary determines that the complaint was filed not later than 6 months after the date of the termination.

(ii) INITIATION OF ARBITRATION.—If the Secretary finds that a complaint has been filed in accordance with clause (i) and there is reasonable cause to believe that the complainant was terminated without just cause, the Secretary shall initiate binding arbitration proceedings by requesting the Federal Mediation and Conciliation Service to appoint a mutually agreeable arbitrator from the roster of arbitrators maintained by such Service for the geographical area in which the employer is located. The procedures and rules of such Service shall be applicable to the selection of such arbitrator and to such arbitration proceedings. The Secretary shall pay the fee and expenses of the arbitrator, subject to the availability of appropriations for such purpose.

(iii) ARBITRATION PROCEEDINGS.—The arbitrator shall conduct the proceeding in accordance with the policies and procedures promulgated by the American Arbitration Association applicable to private arbitration of employment disputes. The arbitrator shall make findings respecting whether the termination was for just cause. The arbitrator may not find that the termination was for just cause unless the employer so demonstrates by a preponderance of the evidence. If the arbitrator finds that the termination was not for just cause, the arbitrator shall make a specific finding of the number of days or hours of work lost by the employee as a result of the termination. The arbitrator shall have no authority to order any other remedy, including, but not limited to, reinstatement, back pay, or front pay to the affected employee. Within 30 days from the conclusion of the arbitration proceeding, the arbitrator shall transmit the findings in the form of a written opinion to the parties to the arbitration and the Secretary. Such findings shall be final and conclusive, and no official or court of the United States shall have the power or jurisdiction to review any such findings.

(iv) EFFECT OF ARBITRATION FINDINGS.—If the Secretary receives a finding of an arbitrator that an employer has terminated an alien granted temporary resident status under subsection (a) without just cause, the Secretary shall credit the alien for the number of days or hours of work lost for purposes of the requirement of subsection (c)(1).

(v) TREATMENT OF ATTORNEY'S FEES.—The parties shall bear the cost of their own attorney's fees involved in the litigation of the complaint.

(vi) NONEXCLUSIVE REMEDY.—The complaint process provided for in this subparagraph is in addition to any other rights an employee may have in accordance with applicable law.

(vii) EFFECT ON OTHER ACTIONS OR PROCEEDINGS.—Any finding of fact or law, judgment, conclusion, or final order made by an arbitrator in the proceeding before the Secretary shall not be conclusive or binding in any separate or subsequent action or proceeding between the employee and the employee's current or prior employer brought before an arbitrator, administrative agency, court, or judge of any State or the United States, regardless of whether the prior action was between the same or related parties or involved the same facts, except that the arbitrator's specific finding of the number of days or hours of work lost by the employee as a result of the employment termination may be referred to the Secretary pursuant to clause (iv).

(C) CIVIL PENALTIES.—

(i) IN GENERAL.—If the Secretary finds, after notice and opportunity for a hearing, that an employer of an alien granted temporary resident status under subsection (a) has failed to provide the record of employment required under subsection (a)(5) or has provided a false statement of material fact in such a record, the employer shall be subject to a civil money penalty in an amount not to exceed $1,000 per violation.

(ii) LIMITATION.—The penalty applicable under clause (i) for failure to provide records shall not apply unless the alien has provided the employer with evidence of employment authorization granted under this section.

(c) ADJUSTMENT TO PERMANENT RESIDENCE.—

(1) AGRICULTURAL WORKERS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall adjust the status of an alien granted lawful temporary resident status under subsection (a) to that of an alien lawfully admitted for permanent residence if the Secretary determines that the following requirements are satisfied:

(i) QUALIFYING EMPLOYMENT.—The alien has performed at least 360 work days or 2,060 hours, but in no case less than 2,060 hours, of agricultural employment in the United States, during the period beginning on September 1, 2003, and ending on August 31, 2009.

(ii) QUALIFYING YEARS.—The alien has performed at least 75 work days or 430 hours, but in no case less than 430 hours, of agricultural employment in the United States in at least 3 nonoverlapping periods of 12 consecutive months during the period beginning on September 1, 2003, and ending on August 31, 2009. Qualifying periods under this clause may include nonconsecutive 12-month periods.

(iii) QUALIFYING WORK IN FIRST 3 YEARS.—The alien has performed at least 240 work days or 1,380 hours, but in no case less than 1,380 hours, of agricultural employment during the period beginning on September 1, 2003, and ending on August 31, 2006.

(iv) APPLICATION PERIOD.—The alien applies for adjustment of status not later than August 31, 2010.

(v) PROOF.—In meeting the requirements of clauses (i), (ii), and (iii), an alien may submit the record of employment described in subsection (a)(5) or such documentation as may be submitted under subsection (d)(3).

(vi) DISABILITY.—In determining whether an alien has met the requirements of clauses (i), (ii), and (iii), the Secretary shall credit the alien with any work days lost because the alien was unable to work in agricultural employment due to injury or disease arising out of and in the course of the alien's agricultural employment, if the alien can establish such disabling injury or disease through medical records.

(B) GROUNDS FOR DENIAL OF ADJUSTMENT OF STATUS.—The Secretary may deny an alien adjustment to permanent resident status, and provide for termination of the temporary resident status granted such alien under subsection (a), if—

(i) the Secretary finds by a preponderance of the evidence that the adjustment to temporary resident status was the result of fraud or willful misrepresentation, as described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)); or

(ii) the alien—

(I) commits an act that makes the alien inadmissible to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182), except as provided under subsection (e)(2); or

(II) is convicted of a felony or 3 or more misdemeanors committed in the United States; or

(III) is convicted of a single misdemeanor for which the actual sentence served was 6 months or more.

(C) GROUNDS FOR REMOVAL.—Any alien granted temporary resident status under subsection (a) who does not apply for adjustment of status under this subsection before the expiration of the application period described in subparagraph (A)(iv), or who fails to meet the other requirements of subparagraph (A) by the end of the applicable period, is deportable and may be removed under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a). The Secretary shall issue regulations establishing grounds to waive subparagraph (A)(iii) with respect to an alien who has completed at least 200 days of the work requirement specified in such subparagraph in the event of a natural disaster which substantially limits the availability of agricultural employment or a personal emergency that prevents compliance with such subparagraph.

(2) SPOUSES AND MINOR CHILDREN.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall confer the status of lawful permanent resident on the spouse and minor child of an alien granted status under paragraph (1), including any individual who was a minor child on the date such alien was granted temporary resident status, if the spouse or minor child applies for such status, or if the principal alien includes the spouse or minor child in an application for adjustment of status to that of a lawful permanent resident.

(B) TREATMENT OF SPOUSES AND MINOR CHILDREN PRIOR TO ADJUSTMENT OF STATUS.—A spouse and minor child of an alien granted temporary resident status under subsection (a) may not be—

(i) removed while such alien maintains such status; and

(ii) granted authorization to engage in employment in the United States or be provided an "employment authorized" endorsement or other work permit, unless such employment authorization is granted under another provision of law.

(d) APPLICATIONS.—

(1) TO WHOM MAY BE MADE.—

(A) WITHIN THE UNITED STATES.—The Secretary shall provide that—

(i) applications for temporary resident status under subsection (a) may be filed—

(I) with the Secretary, but only if the applicant is represented by an attorney; or

(II) with a qualified designated entity (designated under paragraph (2)), but only if the applicant consents to the forwarding of the application to the Secretary; and

(ii) applications for adjustment of status under subsection (c) shall be filed directly with the Secretary.

(B) Outside the United States.—The Secretary, in cooperation with the Secretary of State, shall establish a procedure whereby an alien may apply for temporary resident status under subsection (a) at an appropriate consular office outside the United States.

(C) Preliminary applications.—

(i) In general.—During the application period described in subsection (a)(1)(B), the Secretary may grant admission to the United States as a temporary resident and provide an "employment authorized" endorsement or other appropriate work permit to any alien who presents a preliminary application for such status under subsection (a) at a designated port of entry on the southern land border of the United States. An alien who does not enter through a port of entry is subject to deportation and removal as otherwise provided in this title.

(ii) Definition.—For purposes of clause (i), the term "preliminary application" means a fully completed and signed application which contains specific information concerning the performance of qualifying employment in the United States, together with the payment of the appropriate fee and the submission of photographs and the documentary evidence which the applicant intends to submit as proof of such employment.

(iii) Eligibility.—An applicant under clause (i) must be otherwise admissible to the United States under subsection (e)(2) and must establish to the satisfaction of the examining officer during an interview that the applicant's claim to eligibility for temporary resident status is credible.

(D) Travel documentation.—The Secretary shall provide each alien granted status under this section with a counterfeit-resistant document of authorization to enter or reenter the United States that meets the requirements established by the Secretary.

(2) Designation of entities to receive applications.—

(A) In general.—For purposes of receiving applications under subsection (a), the Secretary—

(i) shall designate qualified farm labor organizations and associations of employers; and

(ii) may designate such other persons as the Secretary determines are qualified and have substantial experience, demonstrate competence, and have traditional long-term involvement in the preparation and submittal of applications for adjustment of status under section 209, 210, or 245 of the Immigration and Nationality Act, Public Law 89-732, Public Law 95-145, or the Immigration Reform and Control Act of 1986.

(B) References.—Organizations, associations, and persons designated under subparagraph (A) are referred to in this title as "qualified designated entities".

(3) Proof of eligibility.—

(A) In general.—An alien may establish that the alien meets the requirement of subsection (a)(1)(A) or subsection (c)(1)(A) through government employment records or records supplied by employers or collective bargaining organizations, and other reliable documentation as the alien may provide. The Secretary shall establish special procedures to properly credit work in cases in which an alien was employed under an assumed name.

(B) Documentation of work history.—(i) An alien applying for status under subsection (a)(1) or subsection (c)(1) has the burden of proving by a preponderance of the evidence that the alien has worked the requisite number of hours or days (as required under subsection (a)(1)(A) or subsection (c)(1)(A)).

(ii) If an employer or farm labor contractor employing such an alien has kept proper and adequate records respecting such employment, the alien's burden of proof under clause (i) may be met by securing timely production of those records under regulations to be promulgated by the Secretary.

(iii) An alien can meet such burden of proof if the alien establishes that the alien has in fact performed the work described in subsection (a)(1)(A) or subsection (c)(1)(A) by producing sufficient evidence to show the extent of that employment as a matter of just and reasonable inference.

(4) Treatment of applications by qualified designated entities.—Each qualified designated entity must agree to forward to the Secretary applications filed with it in accordance with paragraph (1)(A)(i)(II) but not to forward to the Secretary applications filed with it unless the applicant has consented to such forwarding. No such entity may make a determination required by this section to be made by the Secretary. Upon the request of the alien, a qualified designated entity shall assist the alien in obtaining documentation of the work history of the alien.

(5) Limitation on access to information.—Files and records prepared for purposes of this subsection by qualified designated entities operating under this subsection are confidential and the Secretary shall not have access to such files or records relating to an alien without the consent of the alien, except as allowed by a court order issued pursuant to paragraph (6).

(6) Confidentiality of information.—

(A) In general.—Except as otherwise provided in this subsection, neither the Secretary, nor any other official or employee of the Department of Homeland Security, or bureau or agency thereof, may—

(i) use the information furnished by the applicant pursuant to an application filed under this section, the information provided to the applicant by a person designated under paragraph (2)(A), or any information provided by an employer or former employer, for any purpose other than to make a determination on the application, or for enforcement of paragraph (7);

(ii) make any publication whereby the information furnished by any particular individual can be identified; or

(iii) permit anyone other than the sworn officers and employees of the Department of Homeland Security, or bureau or agency thereof, or, with respect to applications filed with a qualified designated entity, that qualified designated entity, to examine individual applications.

(B) Crime.—Whoever knowingly uses, publishes, or permits information to be examined in violation of this paragraph shall be fined not more than $10,000.

(7) Penalties for false statements in applications.—

(A) Criminal penalty.—Whoever—

(i) files an application for status under subsection (a) or (c) and knowingly and willfully falsifies, conceals, or covers up a material fact or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry; or

(ii) creates or supplies a false writing or document for use in making such an application;

shall be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both.

(B) Inadmissibility.—An alien who is convicted of a crime under subparagraph (A) shall be considered to be inadmissible to the United States on the ground described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)).

(8) Eligibility for legal services.—Section 504(a)(11) of Public Law 104-134 (110 Stat. 1321-53 et seq.) shall not be construed to prevent a recipient of funds under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.) from providing legal assistance directly related to an application for adjustment of status under this section.

(9) Application fees.—

(A) Fee schedule.—The Secretary shall provide for a schedule of fees that—

(i) shall be charged for the filing of applications for status under subsections (a) and (c); and

(ii) may be charged by qualified designated entities to help defray the costs of services provided to such applicants.

(B) Prohibition on excess fees by qualified designated entities.—A qualified designated entity may not charge any fee in excess of, or in addition to, the fees authorized under subparagraph (A)(ii) for services provided to applicants.

(C) Disposition of fees.—

(i) In general.—There is established in the general fund of the Treasury a separate account, which shall be known as the "Agricultural Worker Immigration Status Adjustment Account". Notwithstanding any other provision of law, there shall be deposited as offsetting receipts into the account all fees collected under subparagraph (A)(i).

(ii) Use of fees for application processing.—Amounts deposited in the "Agricultural Worker Immigration Status Adjustment Account" shall remain available to the Secretary until expended for processing applications for status under subsections (a) and (c).

(e) Waiver of Numerical Limitations and Certain Grounds for Inadmissibility.—

(1) Numerical limitations do not apply.—The numerical limitations of sections 201 and 202 of the Immigration and Nationality Act (8 U.S.C. 1151 and 1152) shall not apply to the adjustment of aliens to lawful permanent resident status under this section.

(2) Waiver of certain grounds of inadmissibility.—In the determination of an alien's eligibility for status under subsection (a)(1)(C) or an alien's eligibility for adjustment of status under subsection (c)(1)(B)(ii)(I), the following rules shall apply:

(A) Grounds of exclusion not applicable.—The provisions of paragraphs (5), (6)(A), (7)(A), and (9)(B) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply.

(B) Waiver of other grounds.—

(i) In general.—Except as provided in clause (ii), the Secretary may waive any other provision of such section 212(a) in the case of individual aliens for humanitarian purposes, to ensure family unity, or when it is otherwise in the public interest.

(ii) Grounds that may not be waived.—The following provisions of such section 212(a) may not be waived by the Secretary under clause (i):

(I) Subparagraphs (A) and (B) of paragraph (2) (relating to criminals).

(II) Paragraph (4) (relating to aliens likely to become public charges).

(III) Paragraph (2)(C) (relating to drug offenses).

(IV) Paragraph (3) (relating to security and related grounds).

(iii) Construction.—Nothing in this subparagraph shall be construed as affecting the authority of the Secretary other than under this subparagraph to waive provisions of such section 212(a).

(C) SPECIAL RULE FOR DETERMINATION OF PUBLIC CHARGE.—An alien is not ineligible for status under this section by reason of a ground of inadmissibility under section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)) if the alien demonstrates a history of employment in the United States evidencing self-support without reliance on public cash assistance.

(f) TEMPORARY STAY OF REMOVAL AND WORK AUTHORIZATION FOR CERTAIN APPLICANTS.—

(1) BEFORE APPLICATION PERIOD.—Effective on the date of enactment of this title, the Secretary shall provide that, in the case of an alien who is apprehended before the beginning of the application period described in subsection (a)(1)(B) and who can establish a nonfrivolous case of eligibility for temporary resident status under subsection (a) (but for the fact that the alien may not apply for such status until the beginning of such period), until the alien has had the opportunity during the first 30 days of the application period to complete the filing of an application for temporary resident status, the alien—

(A) may not be removed; and

(B) shall be granted authorization to engage in employment in the United States and be provided an "employment authorized" endorsement or other appropriate work permit for such purpose.

(2) DURING APPLICATION PERIOD.—The Secretary shall provide that, in the case of an alien who presents a nonfrivolous application for temporary resident status under subsection (a) during the application period described in subsection (a)(1)(B), including an alien who files such an application within 30 days of the alien's apprehension, and until a final determination on the application has been made in accordance with this section, the alien—

(A) may not be removed; and

(B) shall be granted authorization to engage in employment in the United States and be provided an "employment authorized" endorsement or other appropriate work permit for such purpose.

(g) ADMINISTRATIVE AND JUDICIAL REVIEW.—

(1) IN GENERAL.—There shall be no administrative or judicial review of a determination respecting an application for status under subsection (a) or (c) except in accordance with this subsection.

(2) ADMINISTRATIVE REVIEW.—

(A) SINGLE LEVEL OF ADMINISTRATIVE APPELLATE REVIEW.—The Secretary shall establish an appellate authority to provide for a single level of administrative appellate review of such a determination.

(B) STANDARD FOR REVIEW.—Such administrative appellate review shall be based solely upon the administrative record established at the time of the determination on the application and upon such additional or newly discovered evidence as may not have been available at the time of the determination.

(3) JUDICIAL REVIEW.—

(A) LIMITATION TO REVIEW OF REMOVAL.—There shall be judicial review of such a determination only in the judicial review of an order of removal under section 242 of the Immigration and Nationality Act (8 U.S.C. 1252).

(B) STANDARD FOR JUDICIAL REVIEW.—Such judicial review shall be based solely upon the administrative record established at the time of the review by the appellate authority and the findings of fact and determinations contained in such record shall be conclusive unless the applicant can establish abuse of discretion or that the findings are directly contrary to clear and convincing facts contained in the record considered as a whole.

(h) DISSEMINATION OF INFORMATION ON ADJUSTMENT PROGRAM.—Beginning not later than the 1st day of the application period described in subsection (a)(1)(B), the Secretary, in cooperation with qualified designated entities, shall broadly disseminate information respecting the benefits that aliens may receive under this section and the requirements to be satisfied to obtain such benefits.

(i) REGULATIONS.—The Secretary shall issue regulations to implement this section not later than the 1st day of the 7th month that begins after the date of enactment of this Act.

(j) EFFECTIVE DATE.—This section shall take effect on the date that regulations are issued implementing this section on an interim or other basis.

(k) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated to the Secretary to carry out this section $40,000,000 for each of fiscal years 2005 through 2008.

SEC. 212. CORRECTION OF SOCIAL SECURITY RECORDS.

(a) IN GENERAL.—Section 208(d)(1) of the Social Security Act (42 U.S.C. 408(d)(1)) is amended—

(1) in subparagraph (B)(ii), by striking "or" at the end;

(2) in subparagraph (C), by inserting "or" at the end;

(3) by inserting after subparagraph (C) the following:

"(D) who is granted status as a lawful temporary resident under the Agricultural Job Opportunity, Benefits, and Security Act of 2004,"; and

(4) by striking "1990." and inserting "1990, or in the case of an alien described in subparagraph (D), if such conduct is alleged to have occurred prior to the date on which the alien was granted lawful temporary resident status.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the 1st day of the 7th month that begins after the date of enactment of this Act.

Subtitle B—Reform of H-2A Worker Program

SEC. 221. AMENDMENT TO THE IMMIGRATION AND NATIONALITY ACT.

(a) IN GENERAL.—The Immigration and Nationality Act is amended by striking section 218 (8 U.S.C. 1188) and inserting the following:

"H-2A EMPLOYER APPLICATIONS

"SEC. 218. (a) APPLICATIONS TO THE SECRETARY OF LABOR.—

"(1) IN GENERAL.—No alien may be admitted to the United States as an H-2A worker, or otherwise provided status as an H-2A worker, unless the employer has filed with the Secretary of Labor an application containing—

"(A) the assurances described in subsection (b);

"(B) a description of the nature and location of the work to be performed;

"(C) the anticipated period (expected beginning and ending dates) for which the workers will be needed; and

"(D) the number of job opportunities in which the employer seeks to employ the workers.

"(2) ACCOMPANIED BY JOB OFFER.—Each application filed under paragraph (1) shall be accompanied by a copy of the job offer describing the wages and other terms and conditions of employment and the bona fide occupational qualifications that must be possessed by a worker to be employed in the job opportunity in question.

"(b) ASSURANCES FOR INCLUSION IN APPLICATIONS.—The assurances referred to in subsection (a)(1) are the following:

"(1) JOB OPPORTUNITIES COVERED BY COLLECTIVE BARGAINING AGREEMENTS.—With respect to a job opportunity that is covered under a collective bargaining agreement:

"(A) UNION CONTRACT DESCRIBED.—The job opportunity is covered by a union contract which was negotiated at arm's length between a bona fide union and the employer.

"(B) STRIKE OR LOCKOUT.—The specific job opportunity for which the employer is requesting an H-2A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute.

"(C) NOTIFICATION OF BARGAINING REPRESENTATIVES.—The employer, at the time of filing the application, has provided notice of the filing under this paragraph to the bargaining representative of the employer's employees in the occupational classification at the place or places of employment for which aliens are sought.

"(D) TEMPORARY OR SEASONAL JOB OPPORTUNITIES.—The job opportunity is temporary or seasonal.

"(E) OFFERS TO UNITED STATES WORKERS.—The employer has offered or will offer the job to any eligible United States worker who applies and is equally or better qualified for the job for which the nonimmigrant is, or the nonimmigrants are, sought and who will be available at the time and place of need.

"(F) PROVISION OF INSURANCE.—If the job opportunity is not covered by the State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of, and in the course of, the worker's employment which will provide benefits at least equal to those provided under the State's workers' compensation law for comparable employment.

"(2) JOB OPPORTUNITIES NOT COVERED BY COLLECTIVE BARGAINING AGREEMENTS.—With respect to a job opportunity that is not covered under a collective bargaining agreement:

"(A) STRIKE OR LOCKOUT.—The specific job opportunity for which the employer is requesting an H-2A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute.

"(B) TEMPORARY OR SEASONAL JOB OPPORTUNITIES.—The job opportunity is temporary or seasonal.

"(C) BENEFIT, WAGE, AND WORKING CONDITIONS.—The employer will provide, at a minimum, the benefits, wages, and working conditions required by section 218A to all workers employed in the job opportunities for which the employer has applied under subsection (a) and to all other workers in the same occupation at the place of employment.

"(D) NONDISPLACEMENT OF UNITED STATES WORKERS.—The employer did not displace and will not displace a United States worker employed by the employer during the period of employment and for a period of 30 days preceding the period of employment in the occupation at the place of employment for which the employer seeks approval to employ H-2A workers.

"(E) REQUIREMENTS FOR PLACEMENT OF NONIMMIGRANT WITH OTHER EMPLOYERS.—The employer will not place the nonimmigrant with another employer unless—

“(i) the nonimmigrant performs duties in whole or in part at 1 or more work sites owned, operated, or controlled by such other employer;

“(ii) there are indicia of an employment relationship between the nonimmigrant and such other employer; and

“(iii) the employer has inquired of the other employer as to whether, and has no actual knowledge or notice that, during the period of employment and for a period of 30 days preceding the period of employment, the other employer has displaced or intends to displace a United States worker employed by the other employer in the occupation at the place of employment for which the employer seeks approval to employ H–2A workers.

“(F) STATEMENT OF LIABILITY.—The application form shall include a clear statement explaining the liability under subparagraph (E) of an employer if the other employer described in such subparagraph displaces a United States worker as described in such subparagraph.

“(G) PROVISION OF INSURANCE.—If the job opportunity is not covered by the State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of and in the course of the worker's employment which will provide benefits at least equal to those provided under the State's workers' compensation law for comparable employment.

“(H) EMPLOYMENT OF UNITED STATES WORKERS.—

“(i) RECRUITMENT.—The employer has taken or will take the following steps to recruit United States workers for the job opportunities for which the H–2A nonimmigrant is, or H–2A nonimmigrants are, sought:

“(I) CONTACTING FORMER WORKERS.—The employer shall make reasonable efforts through the sending of a letter by United States Postal Service mail, or otherwise, to contact any United States worker the employer employed during the previous season in the occupation at the place of intended employment for which the employer is applying for workers and has made the availability of the employer's job opportunities in the occupation at the place of intended employment known to such previous workers, unless the worker was terminated from employment by the employer for a lawful job-related reason or abandoned the job before the worker completed the period of employment of the job opportunity for which the worker was hired.

“(II) FILING A JOB OFFER WITH THE LOCAL OFFICE OF THE STATE EMPLOYMENT SECURITY AGENCY.—Not later than 28 days prior to the date on which the employer desires to employ an H–2A worker in a temporary or seasonal agricultural job opportunity, the employer shall submit a copy of the job offer described in subsection (a)(2) to the local office of the State employment security agency which serves the area of intended employment and authorize the posting of the job opportunity on ‘America's Job Bank’ or other electronic job registry, except that nothing in this subclause shall require the employer to file an interstate job order under section 653 of title 20, Code of Federal Regulations.

“(III) ADVERTISING OF JOB OPPORTUNITIES.—Not later than 14 days prior to the date on which the employer desires to employ an H–2A worker in a temporary or seasonal agricultural job opportunity, the employer shall advertise the availability of the job opportunities for which the employer is seeking workers in a publication in the local labor market that is likely to be patronized by potential farm workers.

“(IV) EMERGENCY PROCEDURES.—The Secretary of Labor shall, by regulation, provide a procedure for acceptance and approval of applications in which the employer has not complied with the provisions of this subparagraph because the employer's need for H–2A workers could not reasonably have been foreseen.

“(ii) JOB OFFERS.—The employer has offered or will offer the job to any eligible United States worker who applies and is equally or better qualified for the job for which the nonimmigrant is, or nonimmigrants are, sought and who will be available at the time and place of need.

“(iii) PERIOD OF EMPLOYMENT.—The employer will provide employment to any qualified United States worker who applies to the employer during the period beginning on the date on which the foreign worker departs for the employer's place of employment and ending on the date on which 50 percent of the period of employment for which the foreign worker who is in the job was hired has elapsed, subject to the following requirements:

“(I) PROHIBITION.—No person or entity shall willfully and knowingly withhold United States workers prior to the arrival of H–2A workers in order to force the hiring of United States workers under this clause.

“(II) COMPLAINTS.—Upon receipt of a complaint by an employer that a violation of subclause (I) has occurred, the Secretary of Labor shall immediately investigate. The Secretary of Labor shall, within 36 hours of the receipt of the complaint, issue findings concerning the alleged violation. If the Secretary of Labor finds that a violation has occurred, the Secretary of Labor shall immediately suspend the application of this clause with respect to that certification for that date of need.

“(III) PLACEMENT OF UNITED STATES WORKERS.—Prior to referring a United States worker to an employer during the period described in the matter preceding subclause (I), the Secretary of Labor shall make all reasonable efforts to place the United States worker in an open job acceptable to the worker, if there are other job offers pending with the job service that offer similar job opportunities in the area of intended employment.

“(iv) STATUTORY CONSTRUCTION.—Nothing in this subparagraph shall be construed to prohibit an employer from using such legitimate selection criteria relevant to the type of job that are normal or customary to the type of job involved so long as such criteria are not applied in a discriminatory manner.

“(c) APPLICATIONS BY ASSOCIATIONS ON BEHALF OF EMPLOYER MEMBERS.—

“(1) IN GENERAL.—An agricultural association may file an application under subsection (a) on behalf of 1 or more of its employer members that the association certifies in its application has or have agreed in writing to comply with the requirements of this section and sections 218A through 218C.

“(2) TREATMENT OF ASSOCIATIONS ACTING AS EMPLOYERS.—If an association filing an application under paragraph (1) is a joint or sole employer of the temporary or seasonal agricultural workers requested on the application, the certifications granted under subsection (e)(2)(B) to the association may be used for the certified job opportunities of any of its producer members named on the application, and such workers may be transferred among such producer members to perform the agricultural services of a temporary or seasonal nature for which the certifications were granted.

“(d) WITHDRAWAL OF APPLICATIONS.—

“(1) IN GENERAL.—An employer may withdraw an application filed pursuant to subsection (a), except that if the employer is an agricultural association, the association may withdraw an application filed pursuant to subsection (a) with respect to 1 or more of its members. To withdraw an application, the employer or association shall notify the Secretary of Labor in writing, and the Secretary of Labor shall acknowledge in writing the receipt of such withdrawal notice. An employer who withdraws an application under subsection (a), or on whose behalf an application is withdrawn, is relieved of the obligations undertaken in the application.

“(2) LIMITATION.—An application may not be withdrawn while any alien provided status under section 101(a)(15)(H)(ii)(a) pursuant to such application is employed by the employer.

“(3) OBLIGATIONS UNDER OTHER STATUTES.—Any obligation incurred by an employer under any other law or regulation as a result of the recruitment of United States workers or H–2A workers under an offer of terms and conditions of employment required as a result of making an application under subsection (a) is unaffected by withdrawal of such application.

“(e) REVIEW AND APPROVAL OF APPLICATIONS.—

“(1) RESPONSIBILITY OF EMPLOYERS.—The employer shall make available for public examination, within 1 working day after the date on which an application under subsection (a) is filed, at the employer's principal place of business or work site, a copy of each such application (and such accompanying documents as are necessary).

“(2) RESPONSIBILITY OF THE SECRETARY OF LABOR.—

“(A) COMPILATION OF LIST.—The Secretary of Labor shall compile, on a current basis, a list (by employer and by occupational classification) of the applications filed under this subsection. Such list shall include the wage rate, number of workers sought, period of intended employment, and date of need. The Secretary of Labor shall make such list available for examination in the District of Columbia.

“(B) REVIEW OF APPLICATIONS.—The Secretary of Labor shall review such an application only for completeness and obvious inaccuracies. Unless the Secretary of Labor finds that the application is incomplete or obviously inaccurate, the Secretary of Labor shall certify that the intending employer has filed with the Secretary of Labor an application as described in subsection (a). Such certification shall be provided within 7 days of the filing of the application.

“H–2A EMPLOYMENT REQUIREMENTS

“SEC. 218A. (a) PREFERENTIAL TREATMENT OF ALIENS PROHIBITED.—Employers seeking to hire United States workers shall offer the United States workers no less than the same benefits, wages, and working conditions that the employer is offering, intends to offer, or will provide to H–2A workers. Conversely, no job offer may impose on United States workers any restrictions or obligations which will not be imposed on the employer's H–2A workers.

“(b) MINIMUM BENEFITS, WAGES, AND WORKING CONDITIONS.—Except in cases where higher benefits, wages, or working conditions are required by the provisions of subsection (a), in order to protect similarly employed United States workers from adverse effects with respect to benefits, wages, and working conditions, every job offer which must accompany an application under section 218(b)(2) shall include each of the following benefit, wage, and working condition provisions:

"(1) REQUIREMENT TO PROVIDE HOUSING OR A HOUSING ALLOWANCE.—

"(A) IN GENERAL.—An employer applying under section 218(a) for H–2A workers shall offer to provide housing at no cost to all workers in job opportunities for which the employer has applied under that section and to all other workers in the same occupation at the place of employment, whose place of residence is beyond normal commuting distance.

"(B) TYPE OF HOUSING.—In complying with subparagraph (A), an employer may, at the employer's election, provide housing that meets applicable Federal standards for temporary labor camps or secure housing that meets applicable local standards for rental or public accommodation housing or other substantially similar class of habitation, or in the absence of applicable local standards, State standards for rental or public accommodation housing or other substantially similar class of habitation. In the absence of applicable local or State standards, Federal temporary labor camp standards shall apply.

"(C) FAMILY HOUSING.—When it is the prevailing practice in the occupation and area of intended employment to provide family housing, family housing shall be provided to workers with families who request it.

"(D) WORKERS ENGAGED IN THE RANGE PRODUCTION OF LIVESTOCK.—The Secretary of Labor shall issue regulations that address the specific requirements for the provision of housing to workers engaged in the range production of livestock.

"(E) LIMITATION.—Nothing in this paragraph shall be construed to require an employer to provide or secure housing for persons who were not entitled to such housing under the temporary labor certification regulations in effect on June 1, 1986.

"(F) CHARGES FOR HOUSING.—

"(i) CHARGES FOR PUBLIC HOUSING.—If public housing provided for migrant agricultural workers under the auspices of a local, county, or State government is secured by an employer, and use of the public housing unit normally requires charges from migrant workers, such charges shall be paid by the employer directly to the appropriate individual or entity affiliated with the housing's management.

"(ii) DEPOSIT CHARGES.—Charges in the form of deposits for bedding or other similar incidentals related to housing shall not be levied upon workers by employers who provide housing for their workers. However, an employer may require a worker found to have been responsible for damage to such housing which is not the result of normal wear and tear related to habitation to reimburse the employer for the reasonable cost of repair of such damage.

"(G) HOUSING ALLOWANCE AS ALTERNATIVE.—

"(i) IN GENERAL.—In lieu of offering housing pursuant to subparagraph (A), the employer may provide a reasonable housing allowance, but only if the requirement of clause (ii) is satisfied. Upon the request of a worker seeking assistance in locating housing, the employer shall make a good faith effort to assist the worker in identifying and locating housing in the area of intended employment. An employer who offers a housing allowance to a worker, or assists a worker in locating housing which the worker occupies, pursuant to this clause shall not be deemed a housing provider under section 203 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1823) solely by virtue of providing such housing allowance. However, no housing allowance may be used for housing which is owned or controlled by the employer.

"(ii) CERTIFICATION.—The requirement of this clause is satisfied if the Governor of the State certifies to the Secretary of Labor that there is adequate housing available in the area of intended employment for migrant farm workers, and H–2A workers, who are seeking temporary housing while employed at farm work. Such certification shall expire after 3 years unless renewed by the Governor of the State.

"(iii) AMOUNT OF ALLOWANCE.—

"(I) NONMETROPOLITAN COUNTIES.—If the place of employment of the workers provided an allowance under this subparagraph is a nonmetropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for nonmetropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2-bedroom dwelling unit and an assumption of 2 persons per bedroom.

"(II) METROPOLITAN COUNTIES.—If the place of employment of the workers provided an allowance under this paragraph is in a metropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for metropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2-bedroom dwelling unit and an assumption of 2 persons per bedroom.

"(2) REIMBURSEMENT OF TRANSPORTATION.—

"(A) TO PLACE OF EMPLOYMENT.—A worker who completes 50 percent of the period of employment of the job opportunity for which the worker was hired shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the place from which the worker came to work for the employer (or place of last employment, if the worker traveled from such place) to the place of employment.

"(B) FROM PLACE OF EMPLOYMENT.—A worker who completes the period of employment for the job opportunity involved shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the place of employment to the place from which the worker, disregarding intervening employment, came to work for the employer, or to the place of next employment, if the worker has contracted with a subsequent employer who has not agreed to provide or pay for the worker's transportation and subsistence to such subsequent employer's place of employment.

"(C) LIMITATION.—

"(i) AMOUNT OF REIMBURSEMENT.—Except as provided in clause (ii), the amount of reimbursement provided under subparagraph (A) or (B) to a worker or alien shall not exceed the lesser of—

"(I) the actual cost to the worker or alien of the transportation and subsistence involved; or

"(II) the most economical and reasonable common carrier transportation charges and subsistence costs for the distance involved.

"(ii) DISTANCE TRAVELED.—No reimbursement under subparagraph (A) or (B) shall be required if the distance traveled is 100 miles or less, or the worker is not residing in employer-provided housing or housing secured through an allowance as provided in paragraph (1)(G).

"(D) EARLY TERMINATION.—If the worker is laid off or employment is terminated for contract impossibility (as described in paragraph (4)(D)) before the anticipated ending date of employment, the employer shall provide the transportation and subsistence required by subparagraph (B) and, notwithstanding whether the worker has completed 50 percent of the period of employment, shall provide the transportation reimbursement required by subparagraph (A).

"(E) TRANSPORTATION BETWEEN LIVING QUARTERS AND WORK SITE.—The employer shall provide transportation between the worker's living quarters (i.e., housing provided by the employer pursuant to paragraph (1), including housing provided through a housing allowance) and the employer's work site without cost to the worker, and such transportation will be in accordance with applicable laws and regulations.

"(3) REQUIRED WAGES.—

"(A) IN GENERAL.—An employer applying for workers under section 218(a) shall offer to pay, and shall pay, all workers in the occupation for which the employer has applied for workers, not less (and is not required to pay more) than the greater of the prevailing wage in the occupation in the area of intended employment or the adverse effect wage rate. No worker shall be paid less than the greater of the hourly wage prescribed under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable State minimum wage.

"(B) LIMITATION.—Effective on the date of enactment of the Agricultural Job Opportunity, Benefits, and Security Act of 2004 and continuing for 3 years thereafter, no adverse effect wage rate for a State may be more than the adverse effect wage rate for that State in effect on January 1, 2003, as established by section 655.107 of title 20, Code of Federal Regulations.

"(C) REQUIRED WAGES AFTER 3-YEAR FREEZE.—

"(i) FIRST ADJUSTMENT.—Unless Congress acts to set a new wage standard applicable to this section, effective on December 1, 2006, the adverse effect wage rate then in effect shall be adjusted by the 12 month percentage change in the Consumer Price Index for All Urban Consumers between December of the preceding year and December of the second preceding year, except that such adjustment shall not exceed 4 percent.

"(ii) SUBSEQUENT ANNUAL ADJUSTMENTS.—Effective on March 1, 2007, and each March 1 thereafter, the adverse effect wage rate then in effect shall be adjusted in accordance with the requirements of clause (i).

"(D) DEDUCTIONS.—The employer shall make only those deductions from the worker's wages that are authorized by law or are reasonable and customary in the occupation and area of employment. The job offer shall specify all deductions not required by law which the employer will make from the worker's wages.

"(E) FREQUENCY OF PAY.—The employer shall pay the worker not less frequently than twice monthly, or in accordance with the prevailing practice in the area of employment, whichever is more frequent.

"(F) HOURS AND EARNINGS STATEMENTS.—The employer shall furnish to the worker, on or before each payday, in one or more written statements the following information:

"(i) The worker's total earnings for the pay period.

"(ii) The worker's hourly rate of pay, piece rate of pay, or both.

"(iii) The hours of employment which have been offered to the worker (broken out by hours offered in accordance with and over and above the three-quarters guarantee described in paragraph (4)).

"(iv) The hours actually worked by the worker.

"(v) An itemization of the deductions made from the worker's wages.

"(vi) If piece rates of pay are used, the units produced daily.

"(G) REPORT ON WAGE PROTECTIONS.—Not later than June 1, 2007, the Resources, Community and Economic Development Division, and the Health, Education and Human Services Division, of the General Accounting Office shall jointly prepare and transmit to the Secretary of Labor and to the Committees on the Judiciary of the House of Representatives and the Senate a report which shall address—

"(i) whether the employment of H–2A or unauthorized aliens in the United States agricultural work force has depressed United States farm worker wages below the levels that would otherwise have prevailed if alien farm workers had not been employed in the United States;

"(ii) whether an adverse effect wage rate is necessary to prevent wages of United States farm workers in occupations in which H–2A workers are employed from falling below the wage levels that would have prevailed in the absence of the employment of H–2A workers in those occupations;

"(iii) whether alternative wage standards, such as a prevailing wage standard, would be sufficient to prevent wages in occupations in which H–2A workers are employed from falling below the wage level that would have prevailed in the absence of H–2A employment;

"(iv) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage; and

"(v) recommendations for future wage protection under this section.

"(H) COMMISSION ON WAGE STANDARDS.—

"(i) ESTABLISHMENT.—There is established the Commission on Agricultural Wage Standards under the H–2A program (in this subparagraph referred to as the 'Commission').

"(ii) COMPOSITION.—The Commission shall consist of 10 members as follows:

"(I) 4 representatives of agricultural employers and 1 representative of the Department of Agriculture, each appointed by the Secretary of Agriculture.

"(II) 4 representatives of agricultural workers and 1 representative of the Department of Labor, each appointed by the Secretary of Labor.

"(iii) FUNCTIONS.—The Commission shall conduct a study that shall address—

"(I) whether the employment of H–2A or unauthorized aliens in the United States agricultural workforce has depressed United States farm worker wages below the levels that would otherwise have prevailed if alien farm workers had not been employed in the United States;

"(II) whether an adverse effect wage rate is necessary to prevent wages of United States farm workers in occupations in which H–2A workers are employed from falling below the wage levels that would have prevailed in the absence of the employment of H–2A workers in those occupations;

"(III) whether alternative wage standards, such as a prevailing wage standard, would be sufficient to prevent wages in occupations in which H–2A workers are employed from falling below the wage level that would have prevailed in the absence of H–2A employment;

"(IV) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage rate; and

"(V) recommendations for future wage protection under this section.

"(iv) FINAL REPORT.—Not later than June 1, 2007, the Commission shall submit a report to the Congress setting forth the findings of the study conducted under clause (iii).

"(v) TERMINATION DATE.—The Commission shall terminate upon submitting its final report.

"(4) GUARANTEE OF EMPLOYMENT.—

"(A) OFFER TO WORKER.—The employer shall guarantee to offer the worker employment for the hourly equivalent of at least three-fourths of the work days of the total period of employment, beginning with the first work day after the arrival of the worker at the place of employment and ending on the expiration date specified in the job offer. For purposes of this subparagraph, the hourly equivalent means the number of hours in the work days as stated in the job offer and shall exclude the worker's Sabbath and Federal holidays. If the employer affords the United States or H–2A worker less employment than that required under this paragraph, the employer shall pay such worker the amount which the worker would have earned had the worker, in fact, worked for the guaranteed number of hours.

"(B) FAILURE TO WORK.—Any hours which the worker fails to work, up to a maximum of the number of hours specified in the job offer for a work day, when the worker has been offered an opportunity to do so, and all hours of work actually performed (including voluntary work in excess of the number of hours specified in the job offer in a work day, on the worker's Sabbath, or on Federal holidays) may be counted by the employer in calculating whether the period of guaranteed employment has been met.

"(C) ABANDONMENT OF EMPLOYMENT, TERMINATION FOR CAUSE.—If the worker voluntarily abandons employment before the end of the contract period, or is terminated for cause, the worker is not entitled to the 'three-fourths guarantee' described in subparagraph (A).

"(D) CONTRACT IMPOSSIBILITY.—If, before the expiration of the period of employment specified in the job offer, the services of the worker are no longer required for reasons beyond the control of the employer due to any form of natural disaster, including but not limited to a flood, hurricane, freeze, earthquake, fire, drought, plant or animal disease or pest infestation, or regulatory drought, before the guarantee in subparagraph (A) is fulfilled, the employer may terminate the worker's employment. In the event of such termination, the employer shall fulfill the employment guarantee in subparagraph (A) for the work days that have elapsed from the first work day after the arrival of the worker to the termination of employment. In such cases, the employer will make efforts to transfer the United States worker to other comparable employment acceptable to the worker. If such transfer is not effected, the employer shall provide the return transportation required in paragraph (2)(D).

"(5) MOTOR VEHICLE SAFETY.—

"(A) MODE OF TRANSPORTATION SUBJECT TO COVERAGE.—

"(i) IN GENERAL.—Except as provided in clauses (iii) and (iv), this subsection applies to any H–2A employer that uses or causes to be used any vehicle to transport an H–2A worker within the United States.

"(ii) USES OR CAUSES TO BE USED.—(I) In this subsection, the term 'uses or causes to be used' applies only to transportation provided by an H–2A employer to an H–2A worker, or by a farm labor contractor to an H–2A worker at the request or direction of an H–2A employer.

"(II) The term 'uses or causes to be used' does not apply to—

"(aa) transportation provided, or transportation arrangements made, by an H–2A worker himself or herself, unless the employer specifically requested or arranged such transportation; or

"(bb) carpooling arrangements made by H-2A workers themselves, using one of the workers' own vehicles, unless specifically requested by the employer directly or through a farm labor contractor.

"(III) The mere providing of a job offer by an employer to an H–2A worker that causes the worker to travel to or from the place of employment, or the payment or reimbursement of the transportation costs of an H–2A worker by an H–2A employer, shall not constitute an arrangement of, or participation in, such transportation.

"(iii) AGRICULTURAL MACHINERY AND EQUIPMENT EXCLUDED.—This subsection does not apply to the transportation of an H–2A worker on a tractor, combine, harvester, picker, or other similar machinery or equipment while such worker is actually engaged in the planting, cultivating, or harvesting of agricultural commodities or the care of livestock or poultry or engaged in transportation incidental thereto.

"(iv) COMMON CARRIERS EXCLUDED.—This subsection does not apply to common carrier motor vehicle transportation in which the provider holds itself out to the general public as engaging in the transportation of passengers for hire and holds a valid certification of authorization for such purposes from an appropriate Federal, State, or local agency.

"(B) APPLICABILITY OF STANDARDS, LICENSING, AND INSURANCE REQUIREMENTS.—

"(i) IN GENERAL.—When using, or causing to be used, any vehicle for the purpose of providing transportation to which this subparagraph applies, each employer shall—

"(I) ensure that each such vehicle conforms to the standards prescribed by the Secretary of Labor under section 401(b) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1841(b)) and other applicable Federal and State safety standards;

"(II) ensure that each driver has a valid and appropriate license, as provided by State law, to operate the vehicle; and

"(III) have an insurance policy or a liability bond that is in effect which insures the employer against liability for damage to persons or property arising from the ownership, operation, or causing to be operated, of any vehicle used to transport any H–2A worker.

"(ii) AMOUNT OF INSURANCE REQUIRED.—The level of insurance required shall be determined by the Secretary of Labor pursuant to regulations to be issued under this subsection.

"(iii) EFFECT OF WORKERS' COMPENSATION COVERAGE.—If the employer of any H–2A worker provides workers' compensation coverage for such worker in the case of bodily injury or death as provided by State law, the following adjustments in the requirements of subparagraph (B)(i)(III) relating to having an insurance policy or liability bond apply:

"(I) No insurance policy or liability bond shall be required of the employer, if such workers are transported only under circumstances for which there is coverage under such State law.

"(II) An insurance policy or liability bond shall be required of the employer for circumstances under which coverage for the transportation of such workers is not provided under such State law.

"(c) COMPLIANCE WITH LABOR LAWS.—An employer shall assure that, except as otherwise provided in this section, the employer will comply with all applicable Federal, State, and local labor laws, including laws affecting migrant and seasonal agricultural workers, with respect to all United States workers and alien workers employed by the employer, except that a violation of this assurance shall not constitute a violation of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

"(d) COPY OF JOB OFFER.—The employer shall provide to the worker, not later than the day the work commences, a copy of the employer's application and job offer described in section 218(a), or, if the employer will require the worker to enter into a separate employment contract covering the employment in question, such separate employment contract.

"(e) RANGE PRODUCTION OF LIVESTOCK.—Nothing in this section or sections 218 or 218B shall preclude the Secretary of Labor and the Secretary from continuing to apply special procedures and requirements to the admission and employment of aliens in occupations involving the range production of livestock.

"PROCEDURE FOR ADMISSION AND EXTENSION OF STAY OF H–2A WORKERS

"SEC. 218B. (a) PETITIONING FOR ADMISSION.—An employer, or an association acting as an agent or joint employer for its members, that seeks the admission into the United States of an H–2A worker may file a petition with the Secretary. The petition shall be accompanied by an accepted and currently valid certification provided by the Secretary of Labor under section 218(e)(2)(B) covering the petitioner.

"(b) EXPEDITED ADJUDICATION BY THE SECRETARY.—The Secretary shall establish a procedure for expedited adjudication of petitions filed under subsection (a) and within 7 working days shall, by fax, cable, or other means assuring expedited delivery, transmit a copy of notice of action on the petition to the petitioner and, in the case of approved petitions, to the appropriate immigration officer at the port of entry or United States consulate (as the case may be) where the petitioner has indicated that the alien beneficiary (or beneficiaries) will apply for a visa or admission to the United States.

"(c) CRITERIA FOR ADMISSIBILITY.—

"(1) IN GENERAL.—An H–2A worker shall be considered admissible to the United States if the alien is otherwise admissible under this section, section 218, and section 218A, and the alien is not ineligible under paragraph (2).

"(2) DISQUALIFICATION.—An alien shall be considered inadmissible to the United States and ineligible for nonimmigrant status under section 101(a)(15)(H)(ii)(a) if the alien has, at any time during the past 5 years—

"(A) violated a material provision of this section, including the requirement to promptly depart the United States when the alien's authorized period of admission under this section has expired; or

"(B) otherwise violated a term or condition of admission into the United States as a nonimmigrant, including overstaying the period of authorized admission as such a nonimmigrant.

"(3) WAIVER OF INELIGIBILITY FOR UNLAWFUL PRESENCE.—

"(A) IN GENERAL.—An alien who has not previously been admitted into the United States pursuant to this section, and who is otherwise eligible for admission in accordance with paragraphs (1) and (2), shall not be deemed inadmissible by virtue of section 212(a)(9)(B). If an alien described in the preceding sentence is present in the United States, the alien may apply from abroad for H–2A status, but may not be granted that status in the United States.

"(B) MAINTENANCE OF WAIVER.—An alien provided an initial waiver of ineligibility pursuant to subparagraph (A) shall remain eligible for such waiver unless the alien violates the terms of this section or again becomes ineligible under section 212(a)(9)(B) by virtue of unlawful presence in the United States after the date of the initial waiver of ineligibility pursuant to subparagraph (A).

"(d) PERIOD OF ADMISSION.—

"(1) IN GENERAL.—The alien shall be admitted for the period of employment in the application certified by the Secretary of Labor pursuant to section 218(e)(2)(B), not to exceed 10 months, supplemented by a period of up to 1 week before the beginning of the period of employment (to be granted for the purpose of travel to the work site) and a period of 14 days following the period of employment (to be granted for the purpose of departure or extension based on a subsequent offer of employment), except that—

"(A) the alien is not authorized to be employed during such 14-day period except in the employment for which the alien was previously authorized; and

"(B) the total period of employment, including such 14-day period, may not exceed 10 months.

"(2) CONSTRUCTION.—Nothing in this subsection shall limit the authority of the Secretary to extend the stay of the alien under any other provision of this Act.

"(e) ABANDONMENT OF EMPLOYMENT.—

"(1) IN GENERAL.—An alien admitted or provided status under section 101(a)(15)(H)(ii)(a) who abandons the employment which was the basis for such admission or status shall be considered to have failed to maintain nonimmigrant status as an H–2A worker and shall depart the United States or be subject to removal under section 237(a)(1)(C)(i).

"(2) REPORT BY EMPLOYER.—The employer (or association acting as agent for the employer) shall notify the Secretary within 7 days of an H–2A worker's having prematurely abandoned employment.

"(3) REMOVAL BY THE SECRETARY.—The Secretary shall promptly remove from the United States any H–2A worker who violates any term or condition of the worker's nonimmigrant status.

"(4) VOLUNTARY TERMINATION.—Notwithstanding paragraph (1), an alien may voluntarily terminate his or her employment if the alien promptly departs the United States upon termination of such employment.

"(f) REPLACEMENT OF ALIEN.—

"(1) IN GENERAL.—Upon presentation of the notice to the Secretary required by subsection (e)(2), the Secretary of State shall promptly issue a visa to, and the Secretary shall admit into the United States, an eligible alien designated by the employer to replace an H–2A worker—

"(A) who abandons or prematurely terminates employment; or

"(B) whose employment is terminated after a United States worker is employed pursuant to section 218(b)(2)(H)(iii), if the United States worker voluntarily departs before the end of the period of intended employment or if the employment termination is for a lawful job-related reason.

"(2) CONSTRUCTION.—Nothing in this subsection is intended to limit any preference required to be accorded United States workers under any other provision of this Act.

"(g) IDENTIFICATION DOCUMENT.—

"(1) IN GENERAL.—Each alien authorized to be admitted under section 101(a)(15)(H)(ii)(a) shall be provided an identification and employment eligibility document to verify eligibility for employment in the United States and verify such person's proper identity.

"(2) REQUIREMENTS.—No identification and employment eligibility document may be issued which does not meet the following requirements:

"(A) The document shall be capable of reliably determining whether—

"(i) the individual with the identification and employment eligibility document whose eligibility is being verified is in fact eligible for employment;

"(ii) the individual whose eligibility is being verified is claiming the identity of another person; and

"(iii) the individual whose eligibility is being verified is authorized to be admitted into, and employed in, the United States as an H–2A worker.

"(B) The document shall be in a form that is resistant to counterfeiting and to tampering.

"(C) The document shall—

"(i) be compatible with other databases of the Secretary for the purpose of excluding aliens from benefits for which they are not eligible and determining whether the alien is unlawfully present in the United States; and

"(ii) be compatible with law enforcement databases to determine if the alien has been convicted of criminal offenses.

"(h) EXTENSION OF STAY OF H–2A ALIENS IN THE UNITED STATES.—

"(1) EXTENSION OF STAY.—If an employer seeks approval to employ an H–2A alien who is lawfully present in the United States, the petition filed by the employer or an association pursuant to subsection (a), shall request an extension of the alien's stay and a change in the alien's employment.

"(2) LIMITATION ON FILING A PETITION FOR EXTENSION OF STAY.—A petition may not be filed for an extension of an alien's stay—

"(A) for a period of more than 10 months; or

"(B) to a date that is more than 3 years after the date of the alien's last admission to the United States under this section.

"(3) WORK AUTHORIZATION UPON FILING A PETITION FOR EXTENSION OF STAY.—In the case of an alien who is lawfully present in the United States, the alien is authorized to commence the employment described in a petition under paragraph (1) on the date on which the petition is filed. For purposes of the preceding sentence, the term 'file' means sending the petition by certified mail via the United States Postal Service, return receipt requested, or delivered by guaranteed commercial delivery which will provide the employer with a documented acknowledgment of the date of receipt of the petition. The employer shall provide a copy of the employer's petition to the alien, who shall keep the petition with the alien's identification and employment eligibility document as evidence that the petition has been filed and that the alien is authorized to work in the United

States. Upon approval of a petition for an extension of stay or change in the alien's authorized employment, the Secretary shall provide a new or updated employment eligibility document to the alien indicating the new validity date, after which the alien is not required to retain a copy of the petition.

"(4) LIMITATION ON EMPLOYMENT AUTHORIZATION OF ALIENS WITHOUT VALID IDENTIFICATION AND EMPLOYMENT ELIGIBILITY DOCUMENT.—An expired identification and employment eligibility document, together with a copy of a petition for extension of stay or change in the alien's authorized employment that complies with the requirements of paragraph (1), shall constitute a valid work authorization document for a period of not more than 60 days beginning on the date on which such petition is filed, after which time only a currently valid identification and employment eligibility document shall be acceptable.

"(5) LIMITATION ON AN INDIVIDUAL'S STAY IN STATUS.—

"(A) MAXIMUM PERIOD.—The maximum continuous period of authorized status as an H–2A worker (including any extensions) is 3 years.

"(B) REQUIREMENT TO REMAIN OUTSIDE THE UNITED STATES.—

"(i) IN GENERAL.—Subject to clause (ii), in the case of an alien outside the United States whose period of authorized status as an H–2A worker (including any extensions) has expired, the alien may not again apply for admission to the United States as an H–2A worker unless the alien has remained outside the United States for a continuous period equal to at least ⅕ the duration of the alien's previous period of authorized status as an H–2A worker (including any extensions).

"(ii) EXCEPTION.—Clause (i) shall not apply in the case of an alien if the alien's period of authorized status as an H–2A worker (including any extensions) was for a period of not more than 10 months and such alien has been outside the United States for at least 2 months during the 12 months preceding the date the alien again is applying for admission to the United States as an H–2A worker.

"(i) SPECIAL RULES FOR ALIENS EMPLOYED AS SHEEPHERDERS.—Notwithstanding any other provision of the Agricultural Job Opportunity, Benefits, and Security Act of 2004, aliens admitted under section 101(a)(15)(H)(ii)(a) for employment as sheepherders—

"(1) may be admitted for a period of 12 months;

"(2) may be extended for a continuous period of up to 3 years; and

"(3) shall not be subject to the requirements of subsection (h)(5) relating to periods of absence from the United States.

"WORKER PROTECTIONS AND LABOR STANDARDS ENFORCEMENT

"SEC. 218C. (a) ENFORCEMENT AUTHORITY.—

"(1) INVESTIGATION OF COMPLAINTS.—

"(A) AGGRIEVED PERSON OR THIRD-PARTY COMPLAINTS.—The Secretary of Labor shall establish a process for the receipt, investigation, and disposition of complaints respecting a petitioner's failure to meet a condition specified in section 218(b), or an employer's misrepresentation of material facts in an application under section 218(a). Complaints may be filed by any aggrieved person or organization (including bargaining representatives). No investigation or hearing shall be conducted on a complaint concerning such a failure or misrepresentation unless the complaint was filed not later than 12 months after the date of the failure, or misrepresentation, respectively. The Secretary of Labor shall conduct an investigation under this subparagraph if there is reasonable cause to believe that such a failure or misrepresentation has occurred.

"(B) DETERMINATION ON COMPLAINT.—Under such process, the Secretary of Labor shall provide, within 30 days after the date such a complaint is filed, for a determination as to whether or not a reasonable basis exists to make a finding described in subparagraph (C), (D), (E), or (H). If the Secretary of Labor determines that such a reasonable basis exists, the Secretary of Labor shall provide for notice of such determination to the interested parties and an opportunity for a hearing on the complaint, in accordance with section 556 of title 5, United States Code, within 60 days after the date of the determination. If such a hearing is requested, the Secretary of Labor shall make a finding concerning the matter not later than 60 days after the date of the hearing. In the case of similar complaints respecting the same applicant, the Secretary of Labor may consolidate the hearings under this subparagraph on such complaints.

"(C) FAILURES TO MEET CONDITIONS.—If the Secretary of Labor finds, after notice and opportunity for a hearing, a failure to meet a condition of paragraph (1)(A), (1)(B), (1)(D), (1)(F), (2)(A), (2)(B), or (2)(G) of section 218(b), a substantial failure to meet a condition of paragraph (1)(C), (1)(E), (2)(C), (2)(D), (2)(E), or (2)(H) of section 218(b), or a material misrepresentation of fact in an application under section 218(a)—

"(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $1,000 per violation) as the Secretary of Labor determines to be appropriate; and

"(ii) the Secretary may disqualify the employer from the employment of aliens described in section 101(a)(15)(H)(ii)(a) for a period of 1 year.

"(D) WILLFUL FAILURES AND WILLFUL MISREPRESENTATIONS.—If the Secretary of Labor finds, after notice and opportunity for hearing, a willful failure to meet a condition of section 218(b), a willful misrepresentation of a material fact in an application under section 218(a), or a violation of subsection (d)(1)—

"(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $5,000 per violation) as the Secretary of Labor determines to be appropriate;

"(ii) the Secretary of Labor may seek appropriate legal or equitable relief to effectuate the purposes of subsection (d)(1); and

"(iii) the Secretary may disqualify the employer from the employment of H–2A workers for a period of 2 years.

"(E) DISPLACEMENT OF UNITED STATES WORKERS.—If the Secretary of Labor finds, after notice and opportunity for hearing, a willful failure to meet a condition of section 218(b) or a willful misrepresentation of a material fact in an application under section 218(a), in the course of which failure or misrepresentation the employer displaced a United States worker employed by the employer during the period of employment on the employer's application under section 218(a) or during the period of 30 days preceding such period of employment—

"(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $15,000 per violation) as the Secretary of Labor determines to be appropriate; and

"(ii) the Secretary may disqualify the employer from the employment of H–2A workers for a period of 3 years.

"(F) LIMITATIONS ON CIVIL MONEY PENALTIES.—The Secretary of Labor shall not impose total civil money penalties with respect to an application under section 218(a) in excess of $90,000.

"(G) FAILURES TO PAY WAGES OR REQUIRED BENEFITS.—If the Secretary of Labor finds, after notice and opportunity for a hearing, that the employer has failed to pay the wages, or provide the housing allowance, transportation, subsistence reimbursement, or guarantee of employment, required under section 218A(b), the Secretary of Labor shall assess payment of back wages, or other required benefits, due any United States worker or H–2A worker employed by the employer in the specific employment in question. The back wages or other required benefits under section 218A(b) shall be equal to the difference between the amount that should have been paid and the amount that actually was paid to such worker.

"(2) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as limiting the authority of the Secretary of Labor to conduct any compliance investigation under any other labor law, including any law affecting migrant and seasonal agricultural workers, or, in the absence of a complaint under this section, under section 218 or 218A.

"(b) RIGHTS ENFORCEABLE BY PRIVATE RIGHT OF ACTION.—H–2A workers may enforce the following rights through the private right of action provided in subsection (c), and no other right of action shall exist under Federal or State law to enforce such rights:

"(1) The providing of housing or a housing allowance as required under section 218A(b)(1).

"(2) The reimbursement of transportation as required under section 218A(b)(2).

"(3) The payment of wages required under section 218A(b)(3) when due.

"(4) The benefits and material terms and conditions of employment expressly provided in the job offer described in section 218(a)(2), not including the assurance to comply with other Federal, State, and local labor laws described in section 218A(c), compliance with which shall be governed by the provisions of such laws.

"(5) The guarantee of employment required under section 218A(b)(4).

"(6) The motor vehicle safety requirements under section 218A(b)(5).

"(7) The prohibition of discrimination under subsection (d)(2).

"(c) PRIVATE RIGHT OF ACTION.—

"(1) MEDIATION.—Upon the filing of a complaint by an H–2A worker aggrieved by a violation of rights enforceable under subsection (b), and within 60 days of the filing of proof of service of the complaint, a party to the action may file a request with the Federal Mediation and Conciliation Service to assist the parties in reaching a satisfactory resolution of all issues involving all parties to the dispute. Upon a filing of such request and giving of notice to the parties, the parties shall attempt mediation within the period specified in subparagraph (B).

"(A) MEDIATION SERVICES.—The Federal Mediation and Conciliation Service shall be available to assist in resolving disputes arising under subsection (b) between H–2A workers and agricultural employers without charge to the parties.

"(B) 90-DAY LIMIT.—The Federal Mediation and Conciliation Service may conduct mediation or other non-binding dispute resolution activities for a period not to exceed 90 days beginning on the date on which the Federal Mediation and Conciliation Service receives the request for assistance unless the parties agree to an extension of this period of time.

"(C) AUTHORIZATION.—There is hereby authorized to be appropriated annually not to exceed $500,000 to the Federal Mediation and Conciliation Service to carry out this section, provided that, any contrary provision of law notwithstanding, the Director of the Federal Mediation and Conciliation Service is authorized to conduct the mediation or other dispute resolution activities from any other appropriated funds available to the Director and to reimburse such appropriated funds when the funds are appropriated pursuant to this authorization, such reimbursement to be credited to appropriations currently available at the time of receipt thereof.

"(2) MAINTENANCE OF CIVIL ACTION IN DISTRICT COURT BY AGGRIEVED PERSON.—An H–2A worker aggrieved by a violation of rights enforceable under subsection (b) by an agricultural employer or other person may file suit in any district court of the United States having jurisdiction of the parties, without regard to the amount in controversy, without regard to the citizenship of the parties, and without regard to the exhaustion of any alternative administrative remedies under this Act, not later than 3 years after the date the violation occurs.

"(3) ELECTION.—An H–2A worker who has filed an administrative complaint with the Secretary of Labor may not maintain a civil action under paragraph (2) unless a complaint based on the same violation filed with the Secretary of Labor under subsection (a)(1) is withdrawn prior to the filing of such action, in which case the rights and remedies available under this subsection shall be exclusive.

"(4) PREEMPTION OF STATE CONTRACT RIGHTS.—Nothing in this Act shall be construed to diminish the rights and remedies of an H–2A worker under any other Federal or State law or regulation or under any collective bargaining agreement, except that no court or administrative action shall be available under any State contract law to enforce the rights created by this Act.

"(5) WAIVER OF RIGHTS PROHIBITED.—Agreements by employees purporting to waive or modify their rights under this Act shall be void as contrary to public policy, except that a waiver or modification of the rights or obligations in favor of the Secretary of Labor shall be valid for purposes of the enforcement of this Act. The preceding sentence may not be construed to prohibit agreements to settle private disputes or litigation.

"(6) AWARD OF DAMAGES OR OTHER EQUITABLE RELIEF.—

"(A) If the court finds that the respondent has intentionally violated any of the rights enforceable under subsection (b), it shall award actual damages, if any, or equitable relief.

"(B) Any civil action brought under this section shall be subject to appeal as provided in chapter 83 of title 28, United States Code.

"(7) WORKERS' COMPENSATION BENEFITS; EXCLUSIVE REMEDY.—

"(A) Notwithstanding any other provision of this section, where a State's workers' compensation law is applicable and coverage is provided for an H–2A worker, the workers' compensation benefits shall be the exclusive remedy for the loss of such worker under this section in the case of bodily injury or death in accordance with such State's workers' compensation law.

"(B) The exclusive remedy prescribed in subparagraph (A) precludes the recovery under paragraph (6) of actual damages for loss from an injury or death but does not preclude other equitable relief, except that such relief shall not include back or front pay or in any manner, directly or indirectly, expand or otherwise alter or affect—

"(i) a recovery under a State workers' compensation law; or

"(ii) rights conferred under a State workers' compensation law.

"(8) TOLLING OF STATUTE OF LIMITATIONS.—If it is determined under a State workers' compensation law that the workers' compensation law is not applicable to a claim for bodily injury or death of an H–2A worker, the statute of limitations for bringing an action for actual damages for such injury or death under subsection (c) shall be tolled for the period during which the claim for such injury or death under such State workers' compensation law was pending. The statute of limitations for an action for actual damages or other equitable relief arising out of the same transaction or occurrence as the injury or death of the H–2A worker shall be tolled for the period during which the claim for such injury or death was pending under the State workers' compensation law.

"(9) PRECLUSIVE EFFECT.—Any settlement by an H–2A worker and H–2A employer reached through the mediation process required under subsection (c)(1) shall preclude any right of action arising out of the same facts between the parties in any Federal or State court or administrative proceeding, unless specifically provided otherwise in the settlement agreement.

"(10) SETTLEMENTS.—Any settlement by the Secretary of Labor with an H–2A employer on behalf of an H–2A worker of a complaint filed with the Secretary of Labor under this section or any finding by the Secretary of Labor under subsection (a)(1)(B) shall preclude any right of action arising out of the same facts between the parties under any Federal or State court or administrative proceeding, unless specifically provided otherwise in the settlement agreement.

"(d) DISCRIMINATION PROHIBITED.—

"(1) IN GENERAL.—It is a violation of this subsection for any person who has filed an application under section 218(a), to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any other manner discriminate against an employee (which term, for purposes of this subsection, includes a former employee and an applicant for employment) because the employee has disclosed information to the employer, or to any other person, that the employee reasonably believes evidences a violation of section 218 or 218A or any rule or regulation pertaining to section 218 or 218A, or because the employee cooperates or seeks to cooperate in an investigation or other proceeding concerning the employer's compliance with the requirements of section 218 or 218A or any rule or regulation pertaining to either of such sections.

"(2) DISCRIMINATION AGAINST H–2A WORKERS.—It is a violation of this subsection for any person who has filed an application under section 218(a), to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any manner discriminate against an H–2A employee because such worker has, with just cause, filed a complaint with the Secretary of Labor regarding a denial of the rights enumerated and enforceable under subsection (b) or instituted, or caused to be instituted, a private right of action under subsection (c) regarding the denial of the rights enumerated under subsection (b), or has testified or is about to testify in any court proceeding brought under subsection (c).

"(e) AUTHORIZATION TO SEEK OTHER APPROPRIATE EMPLOYMENT.—The Secretary of Labor and the Secretary shall establish a process under which an H–2A worker who files a complaint regarding a violation of subsection (d) and is otherwise eligible to remain and work in the United States may be allowed to seek other appropriate employment in the United States for a period not to exceed the maximum period of stay authorized for such nonimmigrant classification.

"(f) ROLE OF ASSOCIATIONS.—

"(1) VIOLATION BY A MEMBER OF AN ASSOCIATION.—An employer on whose behalf an application is filed by an association acting as its agent is fully responsible for such application, and for complying with the terms and conditions of sections 218 and 218A, as though the employer had filed the application itself. If such an employer is determined, under this section, to have committed a violation, the penalty for such violation shall apply only to that member of the association unless the Secretary of Labor determines that the association or other member participated in, had knowledge, or reason to know, of the violation, in which case the penalty shall be invoked against the association or other association member as well.

"(2) VIOLATIONS BY AN ASSOCIATION ACTING AS AN EMPLOYER.—If an association filing an application as a sole or joint employer is determined to have committed a violation under this section, the penalty for such violation shall apply only to the association unless the Secretary of Labor determines that an association member or members participated in or had knowledge, or reason to know of the violation, in which case the penalty shall be invoked against the association member or members as well.

"DEFINITIONS

"SEC. 218D. For purposes of sections 218 through 218C:

"(1) AGRICULTURAL EMPLOYMENT.—The term 'agricultural employment' means any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or agricultural labor under section 3121(g) of the Internal Revenue Code of 1986 (26 U.S.C. 3121(g)). For purposes of this paragraph, agricultural employment includes employment under section 101(a)(15)(H)(ii)(a).

"(2) BONA FIDE UNION.—The term 'bona fide union' means any organization in which employees participate and which exists for the purpose of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or other terms and conditions of work for agricultural employees. Such term does not include an organization formed, created, administered, supported, dominated, financed, or controlled by an employer or employer association or its agents or representatives.

"(3) DISPLACE.—In the case of an application with respect to 1 or more H–2A workers by an employer, the employer is considered to 'displace' a United States worker from a job if the employer lays off the worker from a job for which the H–2A worker or workers is or are sought.

"(4) Eligible.—The term 'eligible', when used with respect to an individual, means an individual who is not an unauthorized alien (as defined in section 274A(h)(3)).

"(5) Employer.—The term 'employer' means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.

"(6) H–2A employer.—The term 'H–2A employer' means an employer who seeks to hire 1 or more nonimmigrant aliens described in section 101(a)(15)(H)(ii)(a).

"(7) H–2A worker.—The term 'H–2A worker' means a nonimmigrant described in section 101(a)(15)(H)(ii)(a).

"(8) Job opportunity.—The term 'job opportunity' means a job opening for temporary full-time employment at a place in the United States to which United States workers can be referred.

"(9) Lays off.—

"(A) In general.—The term 'lays off', with respect to a worker—

"(i) means to cause the worker's loss of employment, other than through a discharge for inadequate performance, violation of workplace rules, cause, voluntary departure, voluntary retirement, contract impossibility (as described in section 218A(b)(4)(D)), or temporary layoffs due to weather, markets, or other temporary conditions; but

"(ii) does not include any situation in which the worker is offered, as an alternative to such loss of employment, a similar employment opportunity with the same employer (or, in the case of a placement of a worker with another employer under section 218(b)(2)(E), with either employer described in such section) at equivalent or higher compensation and benefits than the position from which the employee was discharged, regardless of whether or not the employee accepts the offer.

"(B) Statutory construction.—Nothing in this paragraph is intended to limit an employee's rights under a collective bargaining agreement or other employment contract.

"(10) Regulatory drought.—The term 'regulatory drought' means a decision subsequent to the filing of the application under section 218 by an entity not under the control of the employer making such filing which restricts the employer's access to water for irrigation purposes and reduces or limits the employer's ability to produce an agricultural commodity, thereby reducing the need for labor.

"(11) Seasonal.—Labor is performed on a 'seasonal' basis if—

(A) ordinarily, it pertains to or is of the kind exclusively performed at certain seasons or periods of the year; and

(B) from its nature, it may not be continuous or carried on throughout the year.

"(12) Secretary.—The term 'Secretary' means the Secretary of Homeland Security.

"(13) Temporary.—A worker is employed on a 'temporary' basis where the employment is intended not to exceed 10 months.

"(14) United states worker.—The term 'United States worker' means any worker, whether a United States citizen or national, a lawfully admitted permanent resident alien, or any other alien, who is authorized to work in the job opportunity within the United States, except an alien admitted or otherwise provided status under section 101(a)(15)(H)(ii)(a).".

(b) Table of Contents.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by striking the item relating to section 218 and inserting the following:

"Sec. 218. H–2A employer applications.
"Sec. 218A. H–2A employment requirements.
"Sec. 218B. Procedure for admission and extension of stay of H–2A workers.
"Sec. 218C. Worker protections and labor standards enforcement.
"Sec. 218D. Definitions.".

Subtitle C—Miscellaneous Provisions

SEC. 231. DETERMINATION AND USE OF USER FEES.

(a) Schedule of Fees.—The Secretary shall establish and periodically adjust a schedule of fees for the employment of aliens under this title, and a collection process for such fees from employers participating in the program provided under this title. Such fees shall be the only fees chargeable to employers for services provided under this title.

(b) Determination of Schedule.—

(1) In general.—The schedule under subsection (a) shall reflect a fee rate based on the number of job opportunities indicated in the employer's application under section 218 of the Immigration and Nationality Act, as added by section 221 of this title, and sufficient to provide for the direct costs of providing services related to an employer's authorization to employ eligible aliens pursuant to this title, to include the certification of eligible employers, the issuance of documentation, and the admission of eligible aliens.

(2) Procedure.—

(A) In general.—In establishing and adjusting such a schedule, the Secretary shall comply with Federal cost accounting and fee setting standards.

(B) Publication and comment.—The Secretary shall publish in the Federal Register an initial fee schedule and associated collection process and the cost data or estimates upon which such fee schedule is based, and any subsequent amendments thereto, pursuant to which public comment shall be sought and a final rule issued.

(c) Use of Proceeds.—Notwithstanding any other provision of law, all proceeds resulting from the payment of the alien employment user fees shall be available without further appropriation and shall remain available without fiscal year limitation to reimburse the Secretary, the Secretary of State, and the Secretary of Labor for the costs of carrying out sections 218 and 218B of the Immigration and Nationality Act, as added by section 221 of this title, and the provisions of this title.

SEC. 232. REGULATIONS.

(a) Regulations of the Secretary.—The Secretary shall consult with the Secretary of Labor and the Secretary of Agriculture on all regulations to implement the duties of the Secretary under this title.

(b) Regulations of the Secretary of State.—The Secretary of State shall consult with the Secretary, the Secretary of Labor, and the Secretary of Agriculture on all regulations to implement the duties of the Secretary of State under this title.

(c) Regulations of the Secretary of Labor.—The Secretary of Labor shall consult with the Secretary of Agriculture and the Secretary on all regulations to implement the duties of the Secretary of Labor under this title.

(d) Deadline for Issuance of Regulations.—All regulations to implement the duties of the Secretary, the Secretary of State, and the Secretary of Labor created under sections 218, 218A, 218B, and 218C of the Immigration and Nationality Act, as added by section 221, shall take effect on the effective date of section 221 and shall be issued not later than 1 year after the date of enactment of this Act.

SEC. 233. EFFECTIVE DATE.

(a) In General.—Except as otherwise provided, sections 221 and 231 shall take effect 1 year after the date of enactment of this Act.

(b) Report.—Not later than 180 days after the date of enactment of this Act, the Secretary shall prepare and submit to the appropriate committees of the Congress a report that describes the measures being taken and the progress made in implementing this title.

SA 3553. Mr. GRAHAM of South Carolina (for himself and Mr. Pryor) submitted an amendment intended to be proposed by him to the bill S. 2062, to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes; which was ordered to lie on the table; as follows:

On page 14, line 12, strike the end quote and period at the end and insert the following:

"§1716. Filing documents under seal

"(a) In General.—

"(1) Application.—In any class action, any party seeking to file documents under seal shall comply with this section. Any party who fails to obtain prior approval as required under this section shall be denied any request or attempt to seal filed documents. Nothing in this section limits the ability of the parties, by agreement, to restrict access to documents which are not filed with the court.

"(2) Exception.—This section shall not apply with respect to any document which is required to be sealed by another applicable statute, rule, or court order.

"(b) Memorandum.—

"(1) In general.—A party seeking to file documents under seal in a class action shall file and serve a motion to seal accompanied by a memorandum containing the information described under paragraph (2).

"(2) Content.—A memorandum under this subsection shall—

"(A) identify, with specificity, the documents or portions of those documents for which sealing is requested;

"(B) state the reasons why sealing is necessary;

"(C) explain (for each document or group of documents) why less drastic alternatives to sealing will not afford adequate protection; and

"(D) address the factors governing sealing of documents reflected in any controlling case law.

"(c) Attachments To Motion To Seal.—

"(1) Index.—A non-confidential descriptive index of the documents at issue shall be attached to the motion to seal.

"(2) Confidential information.—A separately sealed attachment labeled 'Confidential Information to be Submitted to Court in Connection with Motion to Seal' shall be submitted with the motion to seal. An attachment under this paragraph shall contain the documents at issue for the in camera review by the court and shall not be filed.

"(d) Docket.—The docket of the court shall reflect that the motion to seal and memorandum were filed and were supported by a sealed attachment submitted for in camera review.

"(e) Public Notice.—The clerk shall provide public notice of the motion to seal in the manner directed by the court. Absent direction to the contrary, public notice may be accomplished by docketing the motion in a manner that discloses its nature as a motion to seal.".

SA 3554. Mr. LAUTENBERG (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill S. 2062, to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE —MEDICARE TRUST FUND REIMBURSEMENT

SECTION 01. SHORT TITLE.

This Act may be cited as the "Medicare Trust Fund Reimbursement Act of 2004".

SEC. 02. REPAYMENT TO THE MEDICARE TRUST FUNDS OF AMOUNTS ILLEGALLY DISBURSED FOR POLITICAL PURPOSES.

(a) IN GENERAL.—Notwithstanding any other provision of law, if the Comptroller General of the United States determines that the Centers for Medicare & Medicaid Services has violated the restriction on expending appropriated funds for publicity or propaganda purposes contained in the Consolidated Appropriations Resolution of 2003, Pub. L. No. 108–7, Div. J, Tit. VI, §626, 117 Stat. 11, 470 (2003), the principal campaign committee (as defined in section 301(5) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(5))) of the President of the United States shall reimburse the Federal Government for the amount expended in committing such violation.

(b) REIMBURSEMENT OF MEDICARE TRUST FUNDS.—The amount reimbursed under subsection (a) shall be credited to the Federal Hospital Insurance Trust Fund under section 1817 of the Social Security Act (42 U.S.C. 1395i) and the Federal Supplementary Medical Insurance Trust Fund under section 1841 of such Act (42 U.S.C. 1395t).

(c) EFFECTIVE DATE.—This section shall apply with respect to determinations made by the Comptroller General on and after May 1, 2004.

NOTICES OF HEARINGS/MEETINGS

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. COLEMAN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs will hold a hearing entitled "Money Laundering and Foreign Corruption: Enforcement and Effectiveness of the Patriot Act." The Subcommittee hearing will examine current enforcement of key provisions in the Patriot Act combating money laundering and foreign corruption, using a single case study involving Riggs Bank. The hearing will examine Riggs' anti-money laundering program, administration of accounts associated with senior foreign political figures and their family members, and interactions with its primary regulator, the Office of the Comptroller of the Currency (OCC). The hearing will also examine the OCC's anti-money laundering oversight and enforcement actions. In addition, the hearing will examine the activities of some oil companies in Equatorial Guinea.

The hearing will take place on Thursday, July 15, 2004, at 9 a.m., in Room 342 of the Dirksen Senate Office Building. For further information, please contact Elise J. Bean, Staff Director and Chief Counsel to the Minority, of the Permanent Subcommittee on Investigations, at 224–3721.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, July 21, at 2:30 p.m. in Room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills: S. 738, to designate certain public lands in Humboldt, Del Norte, Mendocino, Lake, Napa, and Yolo Counties in the State of California as wilderness, to designate certain segments of the Black Butte River in Mendocino County, CA as a wild or scenic river, and for other purposes; S. 1614, to designate a portion of White Salmon River as a component of the National Wild and Scenic Rivers System; S. 2221, to authorize the Secretary of Agriculture to sell or exchange certain National Forest System land in the State of Oregon, and for other purposes; S. 2253, to permit young adults to perform projects to prevent fire and suppress fires, and provide disaster relief on public land through a Healthy Forest Youth Conservation Corps; S. 2334, to designate certain National Forest System land in the Commonwealth of Puerto Rico as components of the National Wilderness Preservation System; and S. 2408, to adjust the boundaries of the Helena, Lolo, and Beaverhead-Deerlodge National Forests in the State of Montana.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send 2 copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Frank Gladics at 202–224–2878 or Amy Millet at 202–224–8276.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. COLEMAN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs will hold a second hearing on the danger of purchasing pharmaceuticals over the Internet. The Subcommittee held a hearing on June 17, 2004, on this issue and will hold a second day of hearings, entitled "Buyer Beware: The Danger of Purchasing Pharmaceuticals Over the Internet—Federal & Private Sector Response." The Subcommittee hearings are examining the extent to which consumers can purchase pharmaceuticals over the Internet without a medical prescription, the importation of pharmaceuticals into the United States, and whether the pharmaceuticals from foreign sources are counterfeit, expired, unsafe, or illegitimate. In addition, the Subcommittee hearings are examining the extent to which U.S. consumers can purchase dangerous and often addictive controlled substances from Internet pharmacy websites and the procedures utilized by the Bureau of Customs and Border Protection, the Drug Enforcement Administration, the U.S. Postal Service, and the Food and Drug Administration, as well as the private sector to address these issues.

The Subcommittee hearing is scheduled for Thursday, July 22, 2004, at 9 a.m., in Room 342 of the Dirksen Senate Office Building. For further information, please contact Raymond V. Shepherd, III, Staff Director and Chief Counsel to the Permanent Subcommittee on Investigations, at 224–3721.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Wednesday, July 7, 2004, at 10 a.m., in 215 Dirksen Senate Office Building, to consider the following nominations: J. Russell George, to be Inspector General for Tax Administration, Department of the Treasury; Patrick P. O'Carroll, Jr., to be Inspector General, Social Security Administration; Timothy Bitsberger, to be Assistant Secretary of the Treasury, U.S. Department of the Treasury; and, Paul Jones, to be Member of the Internal Revenue Service Oversight Board, U.S. Department of the Treasury.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, July 7, 2004, at 10 a.m. for a hearing titled "Juvenile Detention Centers: Are They Warehousing Children With Mental Illness?"

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, July 7, 2004, at 10 a.m. on "Judicial Nominations" in the Dirksen Senate Office Building Room 226. Witness list:

Panel I: [Senators].

Panel II: Michael H. Schneider, Sr., to be United States District Judge for the Eastern District of Texas.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. HATCH. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 7, 2004 at 2:30 p.m. to hold a closed business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS, AND PROPERTY RIGHTS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on the Constitution, Civil Rights and Property Rights be authorized to meet to conduct a hearing on "Examining U.S. Efforts to Combat Human Trafficking and Slavery" on Wednesday, July 7, 2004, at 2 p.m. in SD226.

Witness List

Panel I: The Honorable Michael T. Shelby, United States Attorney, Southern District of Texas, Houston, TX; The Honorable Johnny K. Sutton, United States Attorney, Western District of Texas, San Antonio, TX; Sister Mary Ellen Dougherty, United States Conference of Catholic Bishops, Washington, DC; Joseph Mettimano, World Vision, Washington, DC; Dr. Mohamed Mattar, Co-Director, The Protection Project, The Paul H. Nitze School of Advanced International Studies, Johns Hopkins University, Washington, DC; Charles Song, Coalition to Abolish Slavery and Trafficking, Los Angeles, CA; Wendy Patten, Human Rights Watch, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Amanda Samuelson and Amanda Smith from my staff be granted the privileges of the floor for today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, I ask unanimous consent that Ryan Newburn, an intern with the Senate Subcommittee on Terrorism, be granted the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DAYTON. Mr. President, I ask unanimous consent that Jordan Dorfman from my staff be granted the privilege of the floor during debate on S. 2062.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2005

On Thursday, June 24, 2004, the Senate passed H.R. 4613, as follows:

The bill, H.R. 4613 will be printed in a future edition of the CONGRESSIONAL RECORD.

REFERRAL OF NOMINATION

Mr. FRIST. Mr. President, as in executive session, I ask unanimous consent that the nomination of David M. Stone, PN1526, be referred to the Commerce Committee for a period not to exceed 30 calendar days. I further ask unanimous consent that if the nomination is not reported after that period, it be automatically discharged and placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—S.J. RES. 40

Mr. FRIST. Mr. President, I understand that S.J. Res. 40 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The assistant legislative clerk read as follows:

> A joint resolution (S.J. Res. 40) proposing an amendment to the Constitution of the United States relating to marriage.

Mr. FRIST. Mr. President, I now ask for its second reading, and in order to place the joint resolution on the calendar under provisions of rule XIV, I object to further proceedings on this matter.

The PRESIDING OFFICER. Objection is heard. The joint resolution will receive its second reading on the next legislative day.

LAW ENFORCEMENT OFFICERS SAFETY ACT OF 2004

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 599, H.R. 218.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

> A bill (H.R. 218) to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I am pleased that the Senate is taking up and passing today the Law Enforcement Officers Safety Act, H.R. 218, which was passed overwhelmingly by the House last month by voice vote. I have waited a long time to see this action taken.

I want to pay special thanks to Congressman RANDY "DUKE" CUNNINGHAM, the author of this bill, and my good friend Senator CAMPBELL, with whom I cosponsored the Senate companion bill, S. 253, for their leadership and fortitude while negotiating this legislation. Without their perseverance and commitment, passage of this bill would not have happened. In fact, Representative CUNNINGHAM has been tirelessly working for over a decade to push this legislation, and I commend him for his dedication to making our communities safer and providing better protection for our law enforcement personnel.

During his time in the Senate, Senator CAMPBELL has been a leader in the area of law enforcement and brings with him invaluable experience. As a former deputy sheriff, he knows the difficulties and dangers law enforcement officers face due to the patchwork of conceal-carry laws in State and local jurisdictions. He and I have worked together on several pieces of law enforcement legislation, such as the Bulletproof Vests Partnership Grant Acts of 1998, 2000 and 2003. It has been a privilege working with him on our bipartisan Law Enforcement Officers Safety Act.

Law enforcement officers are never "off-duty." They are dedicated public servants trained to uphold the law and keep the peace. To enable law enforcement officers nationwide to be prepared to answer a call to duty no matter where, when or in what form it comes, I am proud to join Senator CAMPBELL and 69 other cosponsors, including Judiciary Chairman HATCH, Democratic Leader DASCHLE, Assistant Democratic Leader REID, Majority Leader FRIST and Assistant Majority Leader MCCONNELL, on the Senate version of the Law Enforcement Officers Safety Act, S. 253, which was reported out of the Senate Judiciary Committee in March 2003 by a vote of 18 to 1. Both H.R. 218 and S. 253 will permit off-duty and retired law enforcement officers to carry a firearm and be prepared to assist in dangerous situations.

These bills are strongly supported by the Fraternal Order of Police, FOP, the National Association of Police Organizations, NAPO, the Federal Law Enforcement Officers Association, FLEOA, the International Brotherhood of Police Officers, IBPO, the Law Enforcement Alliance of America, and the National Law Enforcement Council.

I was honored to work closely on this measure with the former FOP national president, Lieutenant Steve Young, whose death last year was a sad loss for us all. Steve was dedicated to this legislation because he understood the importance of having law enforcement officers across the Nation armed and prepared whenever and wherever threats to our public safety arise. I have continued my close work with the FOP and current national president, Major Chuck Canterbury, to make this legislation law.

Community policing and the outstanding work of so many law enforcement officers play a vital role in our crime control efforts. Unfortunately, during the past few years the downward trend in violent crime—specifically murder—ended and violent crime rates have turned upward. The FBI has reported that while preliminary numbers show that violent crime overall declined slightly in the first half of 2003, murders increased by 1.3 percent compared with the year before.

There are more than 740,000 sworn law enforcement officers currently serving in the United States. Since the first recorded police death in 1792, there have been more than 17,200 law enforcement officers killed in the line of duty. Over 1,700 law enforcement officers died in the line of duty over the last decade, an average of 170 deaths per year. Roughly 5 percent of officers who die are killed while taking law enforcement action in an off-duty capacity. On average, more than 62,000 law enforcement officers are assaulted annually.

The Law Enforcement Officers Safety Act creates a mechanism by which qualified active-duty law enforcement officers would be permitted to travel interstate with a firearm, subject to certain limitations, provided that officers are carrying their official badges and photographic identification. An active-duty officer may carry a concealed firearm under this measure if he or she is authorized to engage in or supervise any violation of law; is authorized to use a firearm by the agency, meets agency standards to regularly use a firearm; and is not prohibited from carrying by Federal, State or local law. This measure would not interfere with any officer's right to carry a concealed firearm on private or government property while on duty or on official business.

Off-duty and retired officers should also be permitted to carry their firearms across State and other jurisdictional lines, at no cost to taxpayers, in order to better serve and protect our communities. H.R. 218 would permit qualified law enforcement officers and qualified retired law enforcement officers across the nation to carry concealed firearms in most situations. It preserves any State law that restricts concealed firearms on private property and any State law that restricts the possession of a firearm on State or local government property.

To qualify for the measure's exemptions to permit a qualified off-duty law enforcement officer to carry a concealed firearm, notwithstanding the law of the State or political subdivision of the State, he or she must have authority to use a firearm by the law enforcement agency where he or she works; not be subject to any disciplinary action; satisfy every standard of the agency to regularly use a firearm; not be prohibited by Federal law from receiving a firearm; and carry a photo identification issued by the agency. The bill preserves any State law that restricts concealed firearms on private property, and any State law that restricts the possession of a firearm on State or local government property or park.

For a retired law enforcement officer to qualify for exemption from State laws that prohibit the carrying of concealed firearms, he or she must have retired in good standing; have been qualified by the agency to carry or use a firearm; have been employed at least fifteen years as a law enforcement officer unless forced to retire due to a service-connected disability; have a non-forfeitable right to retirement plan benefits of the law enforcement agency; meet the same State firearms training and qualifications as an active officer; not be prohibited by Federal law from receiving a firearm; and be carrying a photo identification issued by the agency. Preserved would be any State law that permits restrictions of concealed firearms on private property, as well as any State law that restricts the possession of a firearm on State or local government property or park.

Last month, during the House Judiciary Committee markup of H.R. 218, amendments were accepted to bar officers or retired police from carrying arms in other jurisdictions if they are under the influence of alcohol or other intoxicating or hallucinatory drug or substance, and to require retired police to have proof they received arms training in the previous year before being permitted to carry concealed weapons. The bill was then reported out of Committee by a vote of 23 to 9 and passed overwhelmingly by the House.

Convicted criminals often have long and exacting memories. A law enforcement officer is a target in uniform and out, active or retired, on duty or off duty. The bipartisan Law Enforcement Officers Safety Act is designed to establish national measures of uniformity and consistency to permit trained and certified on duty, off duty or retired law enforcement officers to carry concealed firearms in most situations so that they may respond immediately to crimes across State and other jurisdictional lines, as well as to protect themselves and their families from vindictive criminals.

I urge the Senate to take up and pass the bipartisan, commonsense Law Enforcement Officers Safety Act, H.R. 218, as amended and passed by the House, to make our communities safer and better to protect law enforcement officers and their families.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H. R. 218) was read the third time and passed.

ORDERS FOR THURSDAY, JULY 8, 2004

Mr. FRIST. I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Thursday, July 8. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period for morning business for 60 minutes, with the first 30 minutes under the control of the majority leader or his designee and the final 30 minutes under the control of the Democratic leader or his designee; provided that following morning business, the Senate resume consideration of S. 2062, the class action bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nevada.

Mr. REID. If the distinguished leader would allow me to say a few words, and it will be a few words, as I said earlier today the role of the majority leader is extremely difficult. While I disagree with the action taken of filing the motion for cloture, I understand that. But after having said that, there have been many speeches given today. We have heard enough on this issue and we should move forward.

PROGRAM

Mr. FRIST. Mr. President, tomorrow, following morning business, the Senate will resume consideration of the class action bill. Again, I reiterate my hope that we will make progress on the class action bill on Thursday. We are open for business. We are open for relevant amendments. We ask that those amendments come forward. If they come forward, we can debate them, we can vote on them, and we can complete the bill. We are prepared to consider the amendments and dispose of them. I encourage Members to come forward. Senators, therefore, should expect the possibility of rollcall votes tomorrow.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:17 p.m., adjourned until Thursday, July 8, 2004, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, July 7, 2004*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. MURPHY).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 7, 2004.

I hereby appoint the Honorable TIM MURPHY to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord, Your words to the prophet Ezekiel are spoken today to each Member of Congress: "Look closely and listen carefully. Mark well all that I show you, for this is why you have been brought here."

Lord, through Your people's election, You have chosen the Members of this Congress and You hold them accountable. With the gift of Your word and wisdom, they are to read the times. Through their own efforts, they come to know Your people and the priority of Your people's needs. Through their common endeavor, they create a broad sweeping vision that holds Your people together as they decide the means to be used and make the laws of this land.

Guide them in this noble construction as You guided Ezekiel. All will be measured according to Your vision and purpose. Before speaking, the exhortation is "to look closely and listen carefully." Only then will words and actions be truly prophetic. For You are the Lord now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. LAMPSON) come forward and lead the House in the Pledge of Allegiance.

Mr. LAMPSON led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

BUILDING PEACE BETWEEN INDIA AND PAKISTAN

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, as the leaders of India and Pakistan continue their efforts to bring peace to South Asia, a historic visit to Capitol Hill takes place this week by a delegation of parliamentarians from India and Pakistan for a joint political and cultural exchange. These 14 parliamentarians have traveled together as a team to America and represent the future hopes of more than 1 billion people.

While India and Pakistan have lived in enmity for more than 50 years, the people of both nations share similar cultures and ambitions such as respect for family, religious traditions, and the desire to see South Asia prosper financially with peace between these two nations. These parliamentarians represent the symbolic interest of these common interests.

The future of South Asia lies in the hands of its young men and women. I commend the American Council of Young Political Leaders for bringing this delegation of South Asian leaders to America, and I am confident that one day, India and Pakistan will live in peace as neighbors for mutual benefit as we all work together for victory in the global war on terror.

In conclusion, God bless our troops, and we will never forget September 11.

THE MIDDLE-CLASS SQUEEZE

(Mr. LAMPSON asked and was given permission to address the House for 1 minute.)

Mr. LAMPSON. Mr. Speaker, middle-class families are feeling the pinch. They feel it as they try to afford health care, try to keep their jobs, and try to provide a rewarding education for their children.

When I am in southeast Texas, I talk to folks every day who tell me they cannot afford tuition for their children, health care for their parents, or even to provide for themselves. These folks are getting the middle-class squeeze at literally every level. They work harder and harder every day, work more and more hours every day, and make less and less. The middle class is paying more in taxes, and the tax breaks that the rich get are not there for the folks who really need it.

I hope that my colleagues will use the remainder of our time in session to support these families so that our hardest-working Americans do not get left behind.

TODD BUCHANAN

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, one can scarcely imagine a more horrifying and terrifying experience than what happened yesterday to Todd Buchanan as his van coasted with its electrical systems failing on Indiana State Road 67. Todd Buchanan is a 39-year-old quadriplegic. The electrical system in his van not only failed, but the sparks ignited a flame; and he sat helpless, unable to extricate himself from his vehicle with no one in sight.

At that moment with smoke and flames beginning to emit from the hood of the car, Allen Webster passing by pulled his car over and immediately began to reach into the flames and into the smoke to extricate him. Muncie police officer Kyle Temple joined as well as nearly a dozen passersby, and one police officer fought through the flames to their own injury to extricate Todd Buchanan safely.

The Bible says "No greater love has a man than this, that he should lay down his life for his friends." Todd Buchanan is alive this morning and grateful to Allen Webster, Officer Kyle Temple, and many others because they brought this proverb to life and showed no greater love on Highway 67 yesterday, and they are rightly remembered on this floor of this Congress today.

CONGRATULATIONS KERRY-EDWARDS

(Mr. ETHERIDGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ETHERIDGE. Mr. Speaker, I rise today to congratulate Senator JOHN KERRY for naming North Carolina's JOHN EDWARDS to the Democratic ticket. As our State's favorite son, Senator JOHN EDWARDS has done North Carolina proud time and again throughout his career as a people's lawyer, in the Senate, and on the Presidential campaign

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

trail. He will do great things for our Nation.

My friend JOHN EDWARDS is in touch with the heartbeat of America because he has lived the American Dream. Growing up in the small rural town of Robbins, North Carolina, JOHN EDWARDS learned the values of hard work, a quality education, and helping lift up those around him who suffered hardship. He is a living example of what we call North Carolina values.

Mr. Speaker, America needs new leadership at the national level to make our country stronger at home and more respected around the world. America needs new leadership that represents the values, dreams, and aspirations of the middle-class families, those families struggling to make it into the middle class and those families struggling to stay in the middle class.

Mr. Speaker, Senator KERRY's choice of JOHN EDWARDS for a running mate is good news for North Carolina and good news for America.

CLINTON DEMOCRATS ARE WRONG ON TAX RELIEF

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, at a recent fundraiser, a group of well heeled Democratic contributors were told: "Many of you are well enough off that . . . the tax cuts may have helped you. We are saying that for America to get back on track, we are probably going to cut that short and not give it to you. We are going to take things away from you on behalf of the common good."

If these campaign contributors believe the tax relief affected only a few rich people, they are wrong. If none of this tax relief had become law in 2004, 111 million Americans would pay on an average of over $1,500 more in taxes, 49 million married couples would pay over $2,600 more in taxes, 11 million single women with children would pay over $900 more in taxes, 14 million elderly individuals would pay over $1,800 more in taxes, nearly 5 million individuals and families who currently have no income tax liability would have to pay the income tax.

The fact is middle-class families, small business owners, who have created most of our 1½ million new jobs this year, are not rich as some of our friends would have us believe.

HALLIBURTON AND VICE PRESIDENT CHENEY

(Mr. STRICKLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STRICKLAND. Mr. Speaker, a recent editorial in the Columbus Ohio Dispatch reads thusly: "The steady stream of revelations of colossal waste, mismanagement, and possible corruption by Halliburton and other U.S. contractors in Iraq demands an immediate and thorough investigation. At the same time, Vice President DICK CHENEY should be forthcoming with the House Committee on Government Reform."

Among the accusations, a former logistics specialist said that Halliburton housed employees at $10,000 per day, a five-star hotel in Kuwait. A woman who handled subcontracts said the company paid $100 per bag for laundry service. A former employee said that Halliburton ordered that spare parts be removed from $85,000 trucks; if they got a flat tire, just burn the vehicle. These reports come on top of the fact that when one contract for Halliburton to provide meals was cancelled, the cost of food service decreased by 40 percent.

Halliburton and CHENEY owe the American people answers about how our tax dollars are being spent.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair must remind all Members that remarks in debate may not engage in personalities towards the President or the Vice President. Policies may be addressed in critical terms, but personal references of an offensive or accusatory nature are not proper.

ENDING THE VISA LOTTERY

(Mr. BURNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURNS. Mr. Speaker, we enjoy our current prosperity because of the American work ethic, that hard work, sacrifice, perseverance, and doing the right thing really pay off in the end.

Unfortunately, the visa lottery teaches the exact opposite to those who would immigrate to the United States. It condones crime by allowing illegal immigrants to apply. It promotes fraud by allowing these illegal immigrants to enter the lottery under multiple different names. It lets those who did not work, who did not sacrifice or persevere to step in front of those who did by giving all an equal chance at a visa regardless of skills, education, or even humanitarian needs.

To allow the lottery system to continue to bring 50,000 people a year into our country while completely circumventing our legal and moral code is a crime against every American.

I urge my colleagues to join me and cosponsor the SAFE Act, H.R. 775, and repeal this visa lottery scam.

THREATENED POLLINATORS

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Mr. Speaker, on the floor of the House, we are often involved with contentious, hard political choices. Many of the sharpest disagreements deal with the environment. We look forward in the fall to a spirited debate between President Bush and Senator KERRY about their rhetoric and their actions in protecting our environment.

But one critical area that actually brings us together is on exhibit a short 10 minutes away from this House Chamber, down the hill at the National Botanical Gardens. This exhibit deals with the tens of thousands of threatened pollinators who make possible our quality of life, our agricultural bounty, things that range from fresh fruits and chocolate, flowers, even Tequila and other exotic items. These key species, from honey bees, fruit bats, butterflies, are, in fact, at risk. We in Congress, we as the American public, need to be aware of this. This is one of the environmental issues that is not that contentious, it is not that expensive, and, in fact, brings us together. I urge my colleagues to take advantage of the pollinator exhibit at the Botanical Gardens.

HONORING SERGEANT MAJOR ALFORD McMICHAEL

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Mr. Speaker, I rise today to honor Sergeant Major Alford McMichael who will be inducted in the Arkansas Walk of Fame in his hometown of Hot Springs this Friday.

Alford McMichael became the first African American sergeant major of the United States Marine Corps on July 1, 1999. He left that post last year to become the senior enlisted adviser to NATO, the first person to fill this newly created position.

During his 30-plus years in the Marine Corps, Sergeant Major McMichael has earned numerous personal decorations including the Distinguished Service Medal, Legion of Merit, and the Meritorious Service Medal with gold star.

Mr. Speaker, I had the privilege of meeting Sergeant Major McMichael during a NATO parliamentary assembly trip and can attest to how very worthy he is of this tribute. It is my hope that by being honored on the Arkansas Walk of Fame, future generations will learn the inspirational story of Alford McMichael.

HHS IG REPORT

(Mr. EMANUEL asked and was given permission to address the House for 1 minute.)

Mr. EMANUEL. Mr. Speaker, Inspector General's report released yesterday determined that the Medicare actuary provided accurate cost information about the Medicare bill to a select group of Members of Congress but not to all Members of Congress. This was because the Medicare administrator at the time threatened the actuary, Richard Foster, with the loss of his job if he disclosed the accurate information to all Members of Congress. These Members, the select group, chose to keep this information to themselves from other Members of Congress and, more importantly, from all the American taxpayers who are footing the bill for the $550 billion Medicare bill.

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When we debated the Medicare bill on this floor, leaders in this Congress told us it would cost $400 billion, and we believed that this was true to the best of their knowledge. It is unfortunate that Members of this House were disrespectful to the taxpayers who are now going to pay an additional $150 billion, and with their colleagues, they withheld essential information about the true cost of the prescription drug bill. Even before a single senior citizen has received the benefit, taxpayers will be hit with another $150 billion bill.

This unwelcome surprise could have been avoided if this administration, Members of Congress and the leadership had shared the information they had about this bill.

UNFAIR URBAN AREA SECURITY INITIATIVE ALLOCATIONS

(Mr. SHAW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHAW. Mr. Speaker, I rise in protest once again in regard to the unfair allocation of Urban Area Security Initiative grants from the Department of Homeland Security by the city of Miami. Broward County in my district has not received nearly enough, not nearly enough, for the funding it needs to keep our critical infrastructure safe from terrorist attacks.

On Sunday, a man crashed his SUV into a crowded terminal building at the Ft. Lauderdale-Hollywood International Airport in Broward County. He drove it all the way through two walls to the ticket counter. Airport officials were very quick to say, and correctly so, that the crash was not a terrorist act. But it could have been.

Let us not forget that this area was home to the al Qaeda operatives prior to 9/11. Airport security was tight for the holiday weekend, but there were no security measures in place and no physical structures that could have stopped this man from killing or injuring hundreds of travelers in the terminal. Having metal posts along the sidewalks would have made it impossible for this man to drive his SUV into the terminal. Instead, the crash caused $100,000 worth of damage and threatened the safety of hundreds of holiday travelers.

Mr. Speaker, both Broward and Palm Beach Counties are vulnerable targets. This is just one more reason why my district should be designated as its own urban area so that we can improve security measures that will protect our communities.

DELAYED SECURITY MEASURES

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, today the Transportation Safety Administration finally announced that they are going to plug a huge, gaping loophole in aviation security, 15 months after I first brought this issue to their attention.

While Americans nationwide stand patiently in line and the pilots and flight attendants are standing in line, sometimes unnecessarily long lines because of an arbitrary cap on the number of screeners by the Republican majority, unbeknownst to them, hundreds of thousands of people on a daily basis have been filing around security carrying whatever they wanted, just flashing an ID at a guard. That is, all the vendors who work in the airport, the people who have access to the terminal and to the airplanes.

Finally today, today, after being beat over the head for months, the Transportation Security Administration is going to require that those people also go through security so that they will not be able to carry contraband, weapons, drugs or whatever through, to be smuggled aboard airplanes. This will improve security for Americans. It took an awfully long time to get action from the Bush administration to fill this loophole.

HAPPY BIRTHDAY TO PENNSYLVANIA STATE UNIVERSITY

(Mr. PETERSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETERSON of Pennsylvania. Mr. Speaker, I rise today to honor the 150th anniversary of my district's largest employer, the Pennsylvania State University, which consists of 11 academic schools, 20 campuses throughout Pennsylvania, the College of Medicine, the Dickinson School of Law, and the Pennsylvania College of Technology.

Penn State was founded in 1855 as America's first land grant college and was the first institution in the Nation to offer a degree in agriculture. One in every eight Pennsylvanians with a college degree, one in every 50 engineers in America, and one in every four meteorologists in America are alumni of Penn State, which has the largest dues-paying alumni association in the Nation.

Penn State consistently ranks in the top three universities to receive SAT scores by high school seniors. Penn State hosts the largest student-run philanthropic event in the world benefiting the Four Diamonds Fund for families with children being treated for cancer.

Penn State has excelled at academic and athletic achievements by doing things honorably and exceptionally, by doing things the Penn State way.

Happy 150th birthday, Penn State. I am proud to represent you in Congress and add my voice to those exclaiming, "We are Penn State."

HONORING MARLON BRANDO

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Virginia. Mr. Speaker, every week we recognize all kinds of people and, though deserving, most of us have never heard of them. Today I would like to give some recognition to the passing of a man we have heard of.

I think the movie "On The Waterfront" was one of the finest American movies ever made because of the ability of Marlon Brando to depict that heroic struggle of a working class guy to achieve his own individual integrity. Then there was Stanley Kowalski, Don Corleone, and so many other iconic roles throughout Mr. Brando's career. He was outstanding, but he always defied convention and challenged authority, and so he was always on the outskirts of proper society, but he deserves recognition.

I will always admire him for giving up the Oscar to recognize the shameful treatment that we have given Native Americans. I suspect that God broke the mold when Marlon Brando passed. We need more Marlon Brandos in our society. He was a man who had the courage of his convictions, and for that alone he deserves recognition in this body.

SERENITY IN WASHINGTON

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, this morning I just want to draw a sharp criticism against Members of this House who have sent a letter to Kofi Annan of the United Nations asking for United Nations monitors at our elections in November.

Mr. Speaker, I will have to admit there are people in my district, a great many constituents in my district who do not understand what goes on in Washington. We have a candidate for the highest office in the land who talks about some vague references to foreign leaders who would prefer him. We have a judiciary that seems to have its eye on the international courts. And now we have Members of this body asking for U.N. observers at our elections. We have got borders that are so porous as to be a joke.

The people in my district rightly ask, "Does serenity mean anything in Washington?"

IN THE EYE OF THE BEHOLDER

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, the last speaker wonders why the rest of the world does not want any more of George Bush. If he would travel outside of his district, he would find out they say it everywhere you go.

I was just in India. This administration's economic policy can best be summed up in the word, "Oops." They like to swagger about how tax cuts for the rich have propelled the U.S. economy to staggering new heights. Staggering is the right word to describe the U.S. economy and what this administration has done to it.

Job creation is nowhere near, not even close to what America needs just to make up for the jobs lost during this administration. The administration can pretend all it wants, but people know that long-term unemployment is the highest in 20 years, few new jobs have been created, the few that have been pay less than the ones they replaced. Health care is crushing family budgets and forcing too many Americans to choose between medicine and food.

Americans know a staggering economy is the mark of an administration that has overstayed its welcome and does not deserve a second chance.

November 2 is exactly 118 days away. Please, Mr. Speaker, let the President know so he can prepare to move out.

LET FREEDOM REIGN

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Mr. Speaker, last week was an important one for the United States and the world when Iraq once again became a sovereign nation. I found the transition of power to the Iraqi people to be very appropriate, timely and encouraging.

I believe it was very telling when President Bush in his own hand wrote, "Let freedom reign," just moments after receiving the notice of the transfer of power to the new Iraqi Government.

As American citizens, we should be proud that the United States has aided the Iraqi people in their effort to live free of Saddam Hussein's terror. Through democracy, Iraq and the world can achieve peace and prosperity.

When the Iraqi embassy raised their flag in Washington, D.C., for the first time in recent memory, it was a symbolic gesture for all of those in the free world to say, "Let freedom reign."

STOP BRUTALITY IN SUDAN

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. First, Mr. Speaker, I was going to speak about the outrage of the faulty intelligence analysis given to the American people and to this Congress about weapons of mass destruction in Iraq. But I think it is appropriate, to save lives, to condemn the nation of Sudan, recognizing the pillaging, ravaging and brutality of women and children and families; the burning of African villages; the ethnic cleansing; the genocide that is going on in Sudan; the complete murder and collapse of government; the fact that women are terrorized every day, men are killed, and people cannot live in a decent way of life.

It is time for the government in Khartoum to be condemned. It is time to recognize that the United Nations has to stop this terrible ethnic cleansing and genocide, for we will be reminded of Rwanda where a million died. They are dying daily by the thousands in Sudan. It is time now for us in this Congress to join together with people of good will around the world to stop the murder and condemn it and demand of Khartoum, the Government of Sudan, to be able to stand up against Janjaweed and the Muslim killers that are killing African Muslims.

It is a disgrace. It is an outrage. We must stand together against this brutality.

KEEP THE U.N. OUT OF AMERICAN ELECTIONS

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, I was going to make some comments about overspending and overpromising and the imposition that puts on our kids and grandkids. But just following up on the U.N., I am very concerned about the U.N. and how much that the U.N., as a tool, can accommodate some of our goals in the United States; and I am particularly concerned when some Members have suggested that the U.N. should come in and monitor our presidential elections.

What comes to mind is the fiasco of the Oil for Food program. The U.N. bureaucrats in Iraq did not file reports and bring irregularities to the attention of the Security Council countries that had a particular vested interest, allowing corruption to take place in the Oil for Food program.

I am very concerned, the people of the United States should be concerned, how it works, and the fact that a lot of the individual ambassadors in the United Nations are looking out for nothing except what is in the best interest of their particular country, not what is good for the humanitarian, economic or security efforts of the whole world.

FREE AMERICAN LIBRARIES

(Mrs. MALONEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MALONEY. Mr. Speaker, today I will be supporting the Sanders Freedom to Read amendment which would curb the FBI's unlimited power to examine library records without providing evidence that one is under reasonable suspicion of terrorism.

The free library is a great American institution. But under the PATRIOT Act, your local library is no longer free. It can cost you your civil liberties, and in America that makes it very expensive.

We should not have to think twice about how our intellectual curiosity might be analyzed by a Federal investigation. This is a chilling thought in the land of the free. We must protect our country against terrorism. Reinstating laws allowing the FBI to conduct searches on library and bookstore records with search warrants and criminal subpoenas would not jeopardize our national security; it would protect our constitutional right to privacy and make our Nation's libraries free again.

GOOD DEAL FOR SENIORS

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today because I understand that the minority leader is calling the Medicare prescription drug card "a bad deal for seniors."

With passage of the Medicare bill last year, hundreds of thousands of seniors can now take advantage of the voluntary prescription drug discount cards and finally have relief with their prescription drug costs.

Is giving them choice and control over their prescription drug costs a bad deal for seniors? I think not.

A CMS study showed that seniors using the prescription drug discount cards are saving between 46 and 92 percent on commonly used prescription drugs through the use of generic drugs.

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Is cutting in half their prescription costs a bad idea for seniors? I think not. Furthermore, in my district, 21,000 of the poorest seniors will receive an additional $600 cash subsidy to help them with prescription costs. Is helping our Nation's deprived seniors with the thing that they need most a bad deal for seniors? I think not.

THE MIDDLE-CLASS SQUEEZE

(Ms. SOLIS asked and was given permission to address the House for 1 minute.)

Ms. SOLIS. Mr. Speaker, last month's disappointing job creation numbers demonstrate that our colleagues on the other side of the aisle have a lot of work to do to help improve this economy. The economy only created 112,000 jobs last month, less than half of what economists predicted. Over 90 percent of the new jobs that were created were found in the service sector area, and they pay less-than-average hourly wages. Many do not even provide health care benefits. In fact, many people in my own District have to work two and three part-time jobs just to make ends meet to put food on the table.

Wages are now at the lowest point in 2 years, and a typical family is now making $1,500 less than they were last year. Unemployment rates in my district in East Los Angeles and the San Gabriel Valley, I am not proud to say, they are about 10 percent, way above the national average. For Latino youth, youth that I represent, they are experiencing double-digit inflation. Right now, they are also unable to find part-time jobs this summer that they badly need.

Mr. Speaker, I ask that the Republican Party take a second look at our economy. Let us keep those jobs at home, and let us increase the wages of working families.

BUSH'S JUDICIAL APPOINTEES

(Mr. CONYERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONYERS. Mr. Speaker, the President of the United States is in Michigan today complaining of the lack of support he is getting for judicial appointments. I, as the ranking member on the Committee on the Judiciary, rise to point out to our President that the Senate has confirmed 97 percent of the appointees put forward by President Bush and that the vacancy rate on the Federal courts is only 5 percent, the lowest that it has been in 14 years.

The rest of my remarks concern why there is opposition, frequently from Senate Democrats but Democrats in the other body and sometimes Republicans against Ms. Priscilla Owen, Charles Pickering, Miguel Estrada, whose nomination was thankfully withdrawn, Carolyn Kuhl, William Pryor and Janice Rogers Brown.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MURPHY). Members are reminded to avoid improper references to the Senate.

JUNE JOBS NUMBERS

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Last month, President Bush presided over an economy that created only 112,000 jobs, but we have to create 150,000 jobs just to keep up with population increases.

One would think this disappointing news would concern President Bush. Instead, Bush embraced the news, describing it as "steady growth." The President also had the audacity to say our economy does not need "boom or bust-type growth."

When is President Bush going to realize that our economy desperately needs a boom; that the failed policies he has been touting over the last 3 years are not creating enough jobs to put millions of Americans back to work; that today's economy is benefiting the wealthiest Americans to the detriment of the middle class?

The economic record of both President Bush and congressional Republicans is an utter failure, and the President's statements show that he is also clearly out of touch with the economic realities that middle-class Americans presently face. Perhaps President Bush has been spending too much time hanging out with his wealthy friends to realize that middle-class Americans are struggling to make ends meet.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

HIGH-PERFORMANCE COMPUTING REVITALIZATION ACT OF 2004

Mrs. BIGGERT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4218) to amend the High-Performance Computing Act of 1991, as amended.

The Clerk read as follows:

H.R. 4218

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "High-Performance Computing Revitalization Act of 2004".

SEC. 2. DEFINITIONS.

Section 4 of the High-Performance Computing Act of 1991 (15 U.S.C. 5503) is amended—

(1) in paragraph (2), by inserting "and multidisciplinary teams of researchers" after "high-performance computing resources";

(2) in paragraph (3)—

(A) by striking "scientific workstations,";

(B) by striking "(including vector supercomputers and large scale parallel systems)";

(C) by striking "and applications" and inserting "applications"; and

(D) by inserting ", and the management of large data sets" after "systems software";

(3) in paragraph (4), by striking "packet switched"; and

(4) by amending paragraphs (5) and (6) to read as follows:

"(5) 'Program' means the High-Performance Computing Research and Development Program described in section 101; and

"(6) 'Program Component Areas' means the major subject areas under which are grouped related individual projects and activities carried out under the Program.".

SEC. 3. HIGH-PERFORMANCE COMPUTING RESEARCH AND DEVELOPMENT PROGRAM.

Title I of the High-Performance Computing Act of 1991 (15 U.S.C. 5511 et seq.) is amended—

(1) in the title heading, by striking "**AND THE NATIONAL RESEARCH AND EDUCATION NETWORK**" and inserting "**RESEARCH AND DEVELOPMENT**";

(2) in section 101—

(A) the section heading, by striking "**NATIONAL HIGH-PERFORMANCE COMPUTING**" and inserting "**HIGH-PERFORMANCE COMPUTING RESEARCH AND DEVELOPMENT**";

(B) in subsection (a)—

(i) in the subsection heading, by striking "NATIONAL HIGH-PERFORMANCE COMPUTING" and inserting "HIGH-PERFORMANCE COMPUTING RESEARCH AND DEVELOPMENT";

(ii) by striking paragraphs (1) and (2) and inserting the following: "(1) The President shall implement a High-Performance Computing Research and Development Program, which shall—

"(A) provide for long-term basic and applied research on high-performance computing;

"(B) provide for research and development on, and demonstration of, technologies to advance the capacity and capabilities of high-performance computing and networking systems;

"(C) provide for sustained access by the research community in the United States to high-performance computing systems that are among the most advanced in the world in terms of performance in solving scientific and engineering problems, including provision for technical support for users of such systems;

"(D) provide for efforts to increase software availability, productivity, capability, security, portability, and reliability;

"(E) provide for high-performance networks, including experimental testbed networks, to enable research and development on, and demonstration of, advanced applications enabled by such networks;

"(F) provide for computational science and engineering research on mathematical modeling and algorithms for applications in all fields of science and engineering;

"(G) provide for the technical support of, and research and development on, high-performance computing systems and software required to address Grand Challenges;

"(H) provide for educating and training additional undergraduate and graduate students in software engineering, computer science, computer and network security, applied mathematics, library and information science, and computational science; and

"(I) provide for improving the security of computing and networking systems, including Federal systems, including research required to establish security standards and practices for these systems.";

(iii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively;

(iv) in paragraph (2), as so redesignated by clause (iii) of this subparagraph—

(I) by striking subparagraph (B);

(II) by redesignating subparagraphs (A) and (C) as subparagraphs (D) and (F), respectively;

(III) by inserting before subparagraph (D), as so redesignated by subclause (II) of this clause, the following new subparagraphs:

"(A) establish the goals and priorities for Federal high-performance computing research, development, networking, and other activities;

"(B) establish Program Component Areas that implement the goals established under subparagraph (A), and identify the Grand Challenges that the Program should address;

"(C) provide for interagency coordination of Federal high-performance computing research, development, networking, and other activities undertaken pursuant to the Program;"; and

(IV) by inserting after subparagraph (D), as so redesignated by subclause (II) of this clause, the following new subparagraph:

"(E) develop and maintain a research, development, and deployment roadmap for the provision of high-performance computing systems under paragraph (1)(C); and"; and

(v) in paragraph (3), as so redesignated by clause (iii) of this subparagraph—

(I) by striking "paragraph (3)(A)" and inserting "paragraph (2)(D)";

(II) by amending subparagraph (A) to read as follows:

"(A) provide a detailed description of the Program Component Areas, including a description of any changes in the definition of or activities under the Program Component Areas from the preceding report, and the reasons for such changes, and a description of Grand Challenges supported under the Program;";

(III) in subparagraph (C), by striking "specific activities" and all that follows through "the Network" and inserting "each Program Component Area";

(IV) in subparagraph (D), by inserting "and for each Program Component Area" after "participating in the Program";

(V) in subparagraph (D), by striking "applies;" and inserting "applies; and";

(VI) by striking subparagraph (E) and redesignating subparagraph (F) as subparagraph (E); and

(VII) in subparagraph (E), as so redesignated by subclause (VI) of this clause, by inserting "and the extent to which the Program incorporates the recommendations of the advisory committee established under subsection (b)" after "for the Program";

(C) in subsection (b)—

(i) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively;

(ii) by inserting "(1)" after "Advisory Committee.—";

(iii) in paragraph (1)(C), as so redesignated by clauses (i) and (ii) of this subparagraph, by inserting ", including funding levels for the Program Component Areas" after "of the Program";

(iv) in paragraph (1)(D), as so redesignated by clauses (i) and (ii) of this subparagraph, by striking "computing" and inserting "high-performance computing and networking"; and

(v) by adding at the end the following new paragraph:

"(2) In addition to the duties outlined in paragraph (1), the advisory committee shall conduct periodic evaluations of the funding, management, coordination, implementation, and activities of the Program, and shall report not less frequently than once every two fiscal years to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on its findings and recommendations. The first report shall be due within one year after the date of enactment of this paragraph."; and

(D) in subsection (c)(1)(A), by striking "Program or" and inserting "Program Component Areas or"; and

(3) by striking sections 102 and 103.

SEC. 4. AGENCY ACTIVITIES.

Title II of the High-Performance Computing Act of 1991 (15 U.S.C. 5521 et seq.) is amended—

(1) by amending subsection (a) of section 201 to read as follows:

"(a) GENERAL RESPONSIBILITIES.—As part of the Program described in title I, the National Science Foundation shall—

"(1) support research and development to generate fundamental scientific and technical knowledge with the potential of advancing high-performance computing and networking systems and their applications;

"(2) provide computing and networking infrastructure support to the research community in the United States, including the provision of high-performance computing systems that are among the most advanced in the world in terms of performance in solving scientific and engineering problems, and including support for advanced software and applications development, for all science and engineering disciplines; and

"(3) support basic research and education in all aspects of high-performance computing and networking.";

(2) by amending subsection (a) of section 202 to read as follows:

"(a) GENERAL RESPONSIBILITIES.—As part of the Program described in title I, the National Aeronautics and Space Administration shall conduct basic and applied research in high-performance computing and networking, with emphasis on—

"(1) computational fluid dynamics, computational thermal dynamics, and computational aerodynamics;

"(2) scientific data dissemination and tools to enable data to be fully analyzed and combined from multiple sources and sensors;

"(3) remote exploration and experimentation; and

"(4) tools for collaboration in system design, analysis, and testing.";

(3) in section 203—

(A) by striking subsections (a) through (d) and inserting the following:

"(a) GENERAL RESPONSIBILITIES.—As part of the Program described in title I, the Secretary of Energy shall—

"(1) conduct and support basic and applied research in high-performance computing and networking to support fundamental research in science and engineering disciplines related to energy applications; and

"(2) provide computing and networking infrastructure support, including the provision of high-performance computing systems that are among the most advanced in the world in terms of performance in solving scientific and engineering problems, and including support for advanced software and applications development, for science and engineering disciplines related to energy applications."; and

(B) by redesignating subsection (e) as subsection (b);

(4) by amending subsection (a) of section 204 to read as follows:

"(a) GENERAL RESPONSIBILITIES.—As part of the Program described in title I—

"(1) the National Institute of Standards and Technology shall—

"(A) conduct basic and applied metrology research needed to support high-performance computing and networking systems;

"(B) develop benchmark tests and standards for high-performance computing and networking systems and software;

"(C) develop and propose voluntary standards and guidelines, and develop measurement techniques and test methods, for the interoperability of high-performance computing systems in networks and for common user interfaces to high-performance computing and networking systems; and

"(D) work with industry and others to develop, and facilitate the implementation of, high-performance computing applications to solve science and engineering problems that are relevant to industry; and

"(2) the National Oceanic and Atmospheric Administration shall conduct basic and applied research on high-performance computing applications, with emphasis on—

"(A) improving weather forecasting and climate prediction;

"(B) collection, analysis, and dissemination of environmental information; and

"(C) development of more accurate models of the ocean-atmosphere system."; and

(5) by amending subsection (a) of section 205 to read as follows:

"(a) GENERAL RESPONSIBILITIES.—As part of the Program described in title I, the Environmental Protection Agency shall conduct basic and applied research directed toward advancement and dissemination of computational techniques and software tools for high-performance computing systems with an emphasis on modeling to—

"(1) develop robust decision support tools;

"(2) predict pollutant transport and the effects of pollutants on humans and on ecosystems; and

"(3) better understand atmospheric dynamics and chemistry.".

SEC. 5. SOCIETAL IMPLICATIONS OF INFORMATION TECHNOLOGY.

In carrying out its programs on the social, economic, legal, ethical, and cultural implications of information technology, the National Science Foundation shall support research into the implications of computers (including both hardware and software) that would be capable of mimicking human abilities to learn, reason, and make decisions.

SEC. 6. ASTRONOMY AND ASTROPHYSICS ADVISORY COMMITTEE.

(a) AMENDMENTS.—Section 23 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–9) is amended—

(1) by striking "and the National Aeronautics and Space Administration" each place it appears in subsections (a) and (b) and inserting ", the National Aeronautics and Space Administration, and the Department of Energy";

(2) in subsection (b)(3), by inserting "the Secretary of Energy," after "the Administrator of the National Aeronautics and Space Administration,";

(3) in subsection (c)—

(A) by striking "5" in each of paragraphs (1) and (2) and inserting "4";

(B) by striking "and" at the end of paragraph (2);

(C) by redesignating paragraph (3) as paragraph (4), and in that paragraph by striking "3" and inserting "2"; and

(D) by inserting after paragraph (2) the following new paragraph:

"(3) 3 members selected by the Secretary of Energy; and"; and

(4) in subsection (f), by striking "the advisory bodies of other Federal agencies, such as the Department of Energy, which may engage in related research activities" and inserting "other Federal advisory committees that advise Federal agencies which engage in related research activities".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on March 15, 2005.

SEC. 7. REMOVAL OF SUNSET PROVISION FROM SAVINGS IN CONSTRUCTION ACT OF 1996.

Section 14(e) of the Metric Conversion Act of 1975 (15 U.S.C. 2051(e)) is repealed.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Illinois (Mrs. BIGGERT) and the gentleman from Tennessee (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Illinois (Mrs. BIGGERT).

GENERAL LEAVE

Mrs. BIGGERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4218, as amended, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mrs. BIGGERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, when we think of how computers affect our lives, we probably think of the work we do on our office desktop machines or maybe the Internet surfing we do in our spare time. We do not normally think of the enormous contribution that supercomputers, also called high-performance computers, make to the world around us.

These powerful machines are used in the development of pharmaceuticals, in modeling the Earth's climate, and in applications critical to ensuring our national and homeland security. They also help ensure our economic competitiveness. In a recent Subcommittee on Energy hearing, we heard how supercomputers can help companies anticipate how new products will behave in different environments using simulations that are called "virtual prototyping." These approaches help companies increase the speed to market for new products.

High-performance computers also are central to maintaining U.S. leadership in many scientific fields. Computational science complements theory and experimentation in fields such as plasma physics and fusion, astrophysics, nuclear physics, and genomics.

The top computer in the world today, the Earth Simulator, is not in the United States. It is in Japan. Some experts claim that Japan was able to produce the Earth Simulator, a computer far ahead of American machines, because the U.S. had taken an overly cautious and conventional approach to computing R&D.

Beginning in the 1990s, the U.S. focused on a single architecture for high-performance computing and emphasized the use of commercially available components over custom-made components. In hindsight, we see that this approach has meant lost opportunities. Japan's Earth Simulator is an example of a road not taken.

The U.S. is still a leader in supercomputing. In fact, 10 of the top 20 most powerful computers in the world today are in the United States. Even so, the Earth Simulator is nearly three times as fast as the most powerful computer in the United States, the ASCI-Q computer at Los Alamos National Laboratory.

The bill we are considering today on the floor, H.R. 4218, will ensure that America remains a leader in the development and use of supercomputers.

To achieve this aim, the bill does four things.

First, it requires that Federal agencies provide the U.S. research community access to the most advanced high-performance computing systems and technical support for their users.

Second, there is more to supercomputing than building big machines. That is why the bill requires Federal agencies to support all aspects of high-performance computing for scientific and engineering applications.

Third, the bill requires the White House Office of Science and Technology Policy to direct an interagency planning process to develop and maintain a research, development and deployment roadmap for the provision of high-performance computing resources for the U.S. research community.

The original legislation that the bill amends, the High-Performance Computing Act of 1991, gave rise to an interagency planning process that has lost the vitality it once had. This provision will help ensure a robust planning process so that our national high-performance computing effort is not allowed to lag in the future.

Finally, the bill clarifies the missions of each of the Federal agencies that have a role in developing or using high-performance computing.

Mr. Speaker, at a full committee hearing on May 13, Dr. John Marburger of the White House Office of Science and Technology Policy communicated the administration's support for this bill. The bill is consistent with a report written by the High End Computing Revitalization Task Force and released by OSTP on the day of the hearing.

Mr. Marburger and the Bush administration recognize that we cannot imagine the kinds of problems that these supercomputers of tomorrow will be able to resolve, but we can imagine the kind of problems we will have if we fail to provide researchers in the United States with the computing resources they need to remain world class.

This bill will guide Federal agencies and provide a needed support to high-performance computing and its user communities. Our Nation's scientific enterprise, and our economy, will be stronger for it. I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

I would like to encourage my colleagues to vote in favor of H.R. 4218, the High-Performance Computing Revitalization Act of 2004, which the gentlewoman from Illinois (Mrs. BIGGERT) and I have introduced. I also want to thank the gentlewoman from Illinois (Mrs. BIGGERT) for her work in developing this legislation.

H.R. 4218 amends the High-Performance Computing Act of 1991, which established a major Federal research and development program in computing and networking that now involves seven agencies and is funded at about $2 billion per year. This bill seeks to reverse a gradual weakening of the planning mechanisms for the research and development program established by the 1991 act.

High-performance computing and communications technology is key to the Nation's economic competitiveness and security, and it is important to prioritize and effectively coordinate activities among the performing agencies. This bill requires formal biennial reviews of the interagency program by the President's Information Technology Advisory Committee in order to provide outside advice for sharpening program priorities and improving program implementation.

H.R. 4218 also attempts to focus more effort by the interagency program on high-end computing. The key requirement is for the Office of Science and Technology Policy to develop and maintain a roadmap for developing and deploying high-end systems necessary to ensure that the U.S. research community has sustained access to the most capable computing systems. In addition, NSF is explicitly required to provide for access by researchers to such computing systems. These requirements are designed to ensure the research community has access to the most powerful computing systems in the world.

Mr. Speaker, the interagency research program launched in 1991, as I have said, has largely been a great success. It has helped provide the computing and networking infrastructure required to support leading-edge research and to drive technology information forward for the benefit of all of us and society at large.

H.R. 4218 will serve to strengthen the research program and deserves swift, favorable passage. Again, I ask my colleagues for their support of this bill.

Mr. Speaker, I reserve the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. BOEHLERT), the distinguished chairman of the Committee on Science.

Mr. BOEHLERT. Mr. Speaker, I thank the gentlewoman for yielding this time, and I want to rise in strong support of H.R. 4218. I want to particularly thank the gentlewoman from Illinois (Mrs. BIGGERT) for the leadership she has provided and to the gentleman from Tennessee (Mr. DAVIS) in being her partner in this enterprise. This is an important measure, and I proudly rise to give my unqualified support for it.

This measure flows from two simple, unarguable premises: The computing industry has become a fundamental building block of our entire economy, and computing has become an indispensable part of conducting research and development here at home.

That means that it is incumbent on the Federal Government to ensure that it is doing everything possible to strengthen the long-term competitiveness of the computing industry and to ensure that our Nation's researchers have access to the best computers in the world.

The bill is designed to accomplish those two goals by strengthening our existing interagency programs on high-performance computing. Frankly, in recent years, we have taken our eye off the ball a little bit; and as a result, the Japanese now have the fastest computer in the world. Not to worry, we are being challenged. They are breathing down our neck, but we are preparing to respond; and we have to reverse that trend. They have one machine; we have many machines. We are clearly number one in the world, and we are determined to maintain that position.

The administration knows that, and led by Dr. Jack Marburger at the White House Office of Science and Technology Policy, the administration is increasing its focus on this area and issued a new report laying out how it plans to do so.

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This legislation will give additional impetus to those efforts. The bill should ensure that Federal agencies coordinate their efforts both to fund R&D on computing hardware and software and to fund access to the best computers.

I will never forget the testimony I heard some 20 years ago as a junior member of the Committee on Science, that is, before the government began its supercomputing initiative. That testimony came from Nobel Laureate Ken Wilson, who was then at Cornell. He said to us, and this was in the early 1980s, he said to us that he and his students had to go overseas to get the computing resources they needed. We were determined that that would never happen again, and therein was born the supercomputer initiative in America.

In the 1990s, we all know this, in the 1990s we enjoyed unprecedented growth in our economy, for 10 years, quarter-after-quarter, year-after-year growth in the economy, and more jobs being created. The Information Age was upon us. And because of what the government was doing, what we were investing in in supercomputing technology, that was largely made possible.

Mr. Speaker, I urge my colleagues to support this urgently needed, carefully targeted bill that will make sure that the U.S. builds and American scientists can use the best computers in the world. These days, that is a necessary condition for the long-term success of our economy, and we are determined to guarantee the long-term success of our economy.

So to the chairwoman, the gentlewoman from Illinois (Mrs. BIGGERT), and the gentleman from Tennessee (Mr. DAVIS), I commend you both for the outstanding cooperation that was evidenced in developing this measure. I particularly want to thank the gentlewoman from Illinois (Mrs. BIGGERT) for the leadership she has provided. Time after time she has proven that she is there with a solution to the problem. We do not have a problem that we cannot tackle and overcome, and she has proven it once again.

So I urge my colleagues to register their strong support for H.R. 4218.

Mr. DAVIS of Tennessee. Mr. Speaker, I continue to reserve the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. SMITH), the chairman of the Subcommittee on Research of the House Committee on Science.

Mr. SMITH of Michigan. Mr. Speaker, it should concern everyone who has followed technological developments, especially in recent years, to see the United States is falling behind. It has been said a couple of times that Japan's Earth Simulator Computer is now faster and more efficient than anything in the United States.

I congratulate the gentlewoman from Illinois (Mrs. BIGGERT) for her initiative in sponsoring and moving this legislation through the legislative process. Let it be said that everyone agrees that over the last 30 years invention and innovation have been among the greatest driving forces behind the tremendous technological advances that we have had and the ability of the United States to develop high-quality products and the way to produce those products that can be competitive in a world market.

I think at the forefront of our innovation has been the development of these supercomputers. They have allowed us to make new discoveries, design new technologies, and develop new products more quickly and at much lower cost than we would have thought imaginable even 10 years ago.

As chairman of the Subcommittee on Research for the last several years, I have been proud to support our Nation's efforts in these and other important scientific endeavors, and I have been especially interested and strongly supportive of continuous investment, financial and otherwise, of all stages of our tech advancement, from the initial investigation of new concepts down to technology demonstrations and products.

What has also been made clear in recent years is that government alone cannot and probably should not be the sole contributor to America's scientific endeavors. Continuous investment is needed in all contributing sectors of society, certainly from universities to national laboratories to private sector corporations to vendors. That falls back on a goal that we must also have in this country, and that is capable scientists that are going to make invention and innovation happen.

I would just like to bring to my colleagues' attention what a high-tech supercomputer is. According to an April 2003 report, IBM is now looking to develop, in conjunction with Lawrence Berkeley National Laboratory and the Argonne National Laboratory, a system that will perform at twice the level of the Earth Simulator, hopefully by 2005.

In addition, the Department of Energy has contracted with IBM to develop two systems, the ASCI Purple and Blue Gene program that together, listen to this, will be able to perform 460 trillion calculations per second. The Earth Simulator's peak capacity is 40 trillion operations per second. So we are moving ahead, and this legislation is going to help assure that we move ahead, that the United States stay in control.

This is important legislation that will not only help our Nation remain competitive with countries such as Japan, but will help the United States to maintain its leadership in tech advancement. So, again, I thank our Committee on Science chairman and ranking member, and I thank the gentlewoman from Illinois (Mrs. BIGGERT).

Mr. DAVIS of Tennessee. Mr. Speaker, I continue to reserve the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. WAMP), who is a member of the Subcommittee on Energy and Water Development of the Committee on Appropriations, and has been a great help to the scientific community, the Department of Energy, and all its programs, and especially the Office of Science. So we appreciate all his hard work on behalf of them.

Mr. WAMP. Mr. Speaker, I certainly appreciate the gentlewoman's leadership. I do come as an appropriator today to say thanks to the authorization committee, and thanks to the chairman of the Committee on Science, the gentleman from New York (Mr. BOEHLERT); the Chair of the subcommittee, the gentlewoman from Illinois (Mrs. BIGGERT); the ranking members, the gentleman from Tennessee (Mr. GORDON) and the gentleman from Tennessee (Mr. DAVIS).

Mr. Speaker, I am proud that Tennesseeans stand together in a bipartisan way today. Of course, I represent the Oak Ridge National Laboratory in Oak Ridge, Tennessee, and Oak Ridge is a lead laboratory for high-speed computing. So I come with great excitement today because our Subcommittee on Energy and Water Development of the Committee on Appropriations has actually gone beyond what we were authorized to do or what the administration asked for on supercomputing, because our chairman, the gentleman from Ohio (Mr. HOBSON), believes, as we believe, that this is the seed corn for the future; that we must make these investments if we are to have a robust economy and a very high quality of life and experience the growth that this country deserves and, frankly, we should expect. And it comes with scientific investment.

Basic research, for years, through the physical sciences, led to the breakthroughs that we enjoy today. Space had a lot to do with it. And then the life sciences of the last 15 years, as we tried to get our arms around diabetes and Alzheimer's and Parkinson's; and so we invested heavily in life sciences. But there is a whole new field that is part of the physical science arena called high-speed computing, computer simulation and modeling. We are going to be able to do things with computers that we will not even need a laboratory for, because we can simulate with the use of high-speed computing. It is a whole new field.

I will tell my colleagues that as we invest in it, our economy will grow and the budget will come closer to balance because we are making these investments. We are not going to balance the budget in the world we live in today by cutting spending, because there are too many needs. But if we grow the economy with these kinds of investments, we can balance the budget.

This is critical. The authorizers have stepped up. This is real good for America. It is great for our laboratory systems. And I want to give a lot of credit, while I have the floor, to the DOE Office of Science, because this administration is way out in front on these investments.

This is the right thing to do. This is where the Congress comes together in the very best way to make investments not for next year necessarily, but for the next generation. They will reap a high return.

So congratulations to the gentlewoman from Illinois (Mrs. BIGGERT). I thank her for her leadership in all science investment for our country. She is helping us on the Committee on Appropriations expand the fence so we can fund these necessary investments. Without the authorization, without the statutory framework that the gentlewoman is establishing today, and the many other times that she has brought quality legislation to this floor, we cannot fund it. With this, we can fund it and then some.

So I thank all involved very much.

Mr. DAVIS of Tennessee. Mr. Speaker, I yield myself such time as I may consume to applaud the efforts of the chairman, the gentleman from New York (Mr. BOEHLERT); the subcommittee chairman, the gentlewoman from Illinois (Mrs. BIGGERT); certainly the gentleman from Tennessee (Mr. GORDON), the ranking member on the Committee on Science, for their work and effort in being sure this legislation came to the committee and then was presented today.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I yield myself such time as I may consume and, in closing, I want to recognize the bill's chief lead sponsor along with me, the gentleman from Tennessee (Mr. DAVIS), and thank the other cosponsors of this important legislation, including the distinguished chairman of the Committee on Science, the gentleman from New York (Mr. BOEHLERT), along with the gentleman from Tennessee (Mr. GORDON), the gentleman from Illinois (Mr. JOHNSON), the gentleman from Michigan (Mr. EHLERS), the gentlewoman from California (Ms. WOOLSEY), and the gentleman from Michigan (Mr. SMITH). I would thank them all for their support. And I would also have to thank the Committee on Science staff, the majority and the minority, for their hard work.

I also would like to thank the chairman, the gentleman from New York (Mr. BOEHLERT) for holding a full Committee on Science hearing this past May to consider this legislation. At this very successful hearing, the committee received very positive feedback on the bill from the experts on high-performance computing. That is also the hearing where Dr. Marburger, Director of the White House Office of Science and Technology Policy, communicated the administration's support for the bill.

As I said earlier, we must commit to providing sustained support for high-performance computers at our Federal civilian science agencies. Our Nation's scientific enterprise and our economy will be the stronger for that.

Mr. HOLT. Mr. Speaker, I would like to particularly emphasize the importance of high-performance computing in the area of fusion energy science, an area where I have personal experience from my work at the Princeton Plasma Physics Laboratory. Fusion offers the promise of abundant, safe, environmentally attractive energy for the U.S. and the world. The advances in computing over the last decade have revolutionized fusion science at Princeton and elsewhere. Previously scientists made calculations without computers for simplified situations; now they can take into account the details of real experimental conditions.

Previously scientists could only make crude estimates of how for example turbulence in fusion fuel could cool the plasma lower than the very high temperatures needed for fusion; now they can calculate this process in detail. As a result the agreement between experiment and theory has improved dramatically.

A decade or so ago, theoretical estimates could easily differ from experimental measurements by factors of 10 to 100, giving rise to heated scientific debate. How the debate is just as scientific and just as heated, but the argument is about factors like 1.5 or 2—a dramatic difference.

Furthermore, this scientific understanding has led to techniques to quell the turbulent mixing and allow the fusion fuel to get much hotter, producing more fusion energy High-performance computing together with advanced experimental techniques, has truly revolutionized fusion energy science.

Even with these recent advances, there is still much more to be learned about fusion systems through high-performance computing, and H.R. 4218 will help to make that possible. Fusion scientists need to combine all of the individual calculations of physical effects, which have been combined into an integrated simulation model that handles all of the different aspects of a fusion system—all at the same time. Such a model will allow fusion researchers to predict in detail the behavior of complete fusion systems and will allow them to design the cost-effective power plans that will be need in the future.

This is truly a grand challenge that requires the level of high performance computing envisioned in H.R. 4218. It is also a grand challenge for humanity. Recent events have certainly reminded us that we need the abundant, safe and clean power that fusion can provide. Thus I strongly support H.R. 4218 for the advances it will produce in fusion energy science, as well as elsewhere in American science.

Mrs. BIGGERT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MURPHY). The question is on the motion offered by the gentlewoman from Illinois (Mrs. BIGGERT) that the House suspend the rules and pass the bill, H.R. 4218, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

DEPARTMENT OF ENERGY HIGH-END COMPUTING REVITALIZATION ACT OF 2004

Mrs. BIGGERT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4516) to require the Secretary of Energy to carry out a program of research and development to advance high-end computing, as amended.

The Clerk read as follows:

H.R. 4516

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Department of Energy High-End Computing Revitalization Act of 2004".

SEC. 2. DEFINITIONS.

For purposes of this Act:

(1) HIGH-END COMPUTING SYSTEM.—The term "high-end computing system" means a computing system with performance that substantially exceeds that of systems that are commonly available for advanced scientific and engineering applications.

(2) LEADERSHIP SYSTEM.—The term "Leadership System" means a high-end computing system that is among the most advanced in the world in terms of performance in solving scientific and engineering problems.

(3) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(4) SECRETARY.—The term "Secretary" means the Secretary of Energy.

SEC. 3. DEPARTMENT OF ENERGY HIGH-END COMPUTING RESEARCH AND DEVELOPMENT PROGRAM.

(a) IN GENERAL.—The Secretary shall carry out a program of research and development (involving software and hardware) to advance high-end computing systems, and shall develop and deploy such systems for advanced scientific and engineering applications.

(b) PROGRAM.—The program shall—

(1) support both individual investigators and multidisciplinary teams of investigators;

(2) conduct research in multiple architectures, which may include vector, reconfigurable logic, streaming, processor-in-memory, and multithreading architectures;

(3) conduct research on software for high-end computing systems, including research on algorithms, programming environments, tools, languages, and operating systems for high-end computing systems, in collaboration with architecture development efforts;

(4) provide for sustained access by the research community in the United States to high-end computing systems and to Leadership Systems, including provision for technical support for users of such systems;

(5) support technology transfer to the private sector and others in accordance with applicable law; and

(6) ensure that the high-end computing activities of the Department of Energy are coordinated with relevant activities in industry and with other Federal agencies, including the National Science Foundation, the Defense Advanced Research Projects Agency, the National Security Agency, the National Institutes of Health, the National Aeronautics and Space Administration, the National Oceanic and Atmospheric Administration, the National Institute of Standards and Technology, and the Environmental Protection Agency.

(c) LEADERSHIP SYSTEMS FACILITIES.—

(1) IN GENERAL.—As part of the program carried out under this Act, the Secretary shall establish and operate Leadership Systems facilities to—

(A) conduct advanced scientific and engineering research and development using Leadership Systems; and

(B) develop potential advancements in high-end computing system hardware and software.

(2) ADMINISTRATION.—In carrying out this subsection, the Secretary shall provide access to Leadership Systems on a competitive, merit-reviewed basis to researchers in United States industry, institutions of higher education, national laboratories, and other Federal agencies.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

In addition to amounts otherwise made available for high-end computing, there are authorized to be appropriated to the Secretary to carry out this Act—

(1) $50,000,000 for fiscal year 2005;

(2) $55,000,000 for fiscal year 2006; and

(3) $60,000,000 for fiscal year 2007.

SEC. 5. SOCIETAL IMPLICATIONS OF INFORMATION TECHNOLOGY.

In carrying out its programs on the social, economic, legal, ethical, and cultural implications of information technology, the National Science Foundation shall support research into the implications of computers (including both hardware and software) that would be capable of mimicking human abilities to learn, reason, and make decisions.

SEC. 6. ASTRONOMY AND ASTROPHYSICS ADVISORY COMMITTEE.

(a) AMENDMENTS.—Section 23 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–9) is amended—

(1) by striking "and the National Aeronautics and Space Administration" each place it appears in subsections (a) and (b) and inserting ", the National Aeronautics and Space Administration, and the Department of Energy";

(2) in subsection (b)(3), by inserting "the Secretary of Energy," after "the Administrator of the National Aeronautics and Space Administration,";

(3) in subsection (c)—

(A) by striking "5" in each of paragraphs (1) and (2) and inserting "4";

(B) by striking "and" at the end of paragraph (2);

(C) by redesignating paragraph (3) as paragraph (4), and in that paragraph by striking "3" and inserting "2"; and

(D) by inserting after paragraph (2) the following new paragraph:

"(3) 3 members selected by the Secretary of Energy; and"; and

(4) in subsection (f), by striking "the advisory bodies of other Federal agencies, such as the Department of Energy, which may engage in related research activities" and inserting "other Federal advisory committees that advise Federal agencies which engage in related research activities".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on March 15, 2005.

SEC. 7. REMOVAL OF SUNSET PROVISION FROM SAVINGS IN CONSTRUCTION ACT OF 1996.

Section 14(e) of the Metric Conversion Act of 1975 (15 U.S.C. 205l(e)) is repealed.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Illinois (Mrs. BIGGERT) and the gentleman from Tennessee (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Illinois (Mrs. BIGGERT).

GENERAL LEAVE

Mrs. BIGGERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 4516, as amended, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mrs. BIGGERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in light of the bill just considered by this body, I am sure many of our colleagues are wondering why we are considering another high-performance computing bill and what the difference is between this bill and the one just approved. In a nutshell, the bill we are considering right now, H.R. 4516, the Department of Energy High-End Computing Revitalization Act of 2004, authorizes specific research and development activities that the Department of Energy will need to undertake to meet the mandates laid out in H.R. 4218, the bill just considered by the House.

H.R. 4516 strengthens the interagency planning process for high-performance computing R&D. It also makes clear that the Department of Energy, through its Office of Science and the National Science Foundation, are the two lead agencies within the Federal Government responsible for providing U.S. researchers with access to the most advanced computing facilities in the world.

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The bill under consideration now complements H.R. 4218 by spelling out in detail the R&D that the Department of Energy should be doing to help ensure that America remains a leader in the development and use of super computers.

More specifically, H.R. 4516 does three things. First, it requires the Secretary of Energy to establish and operate high-end computing facilities involving leadership-class machines that are among the most elite in the world.

Second, the bill directs the Secretary to conduct advanced scientific and engineering R&D using these leadership-class systems and to continue to advance the capabilities of high-end computing hardware and software.

Finally, the bill requires that these computing facilities be made available on a competitive, peer-reviewed basis to researchers from U.S. industry, institutions of higher education, national laboratories, and other Federal agencies.

Mr. Speaker, last fall the Department of Energy's Office of Science released its 20-year facility plan, a prioritized list of the most important facilities needed to advance multiple fields of scientific endeavor over the next 2 decades. The second-highest priority identified on the Department's list was ultra-scale computing. Ultra-scale or high-end computing ranks high on the Department of Energy's priority list, because these computers are essential tools for achieving the next generation of scientific breakthroughs in a variety of fields central to the Department of Energy's mission.

In many cases, dramatic breakthroughs will require increasing computing power by a factor of a hundred or in some cases by a factor of a thousand. While attaining these increases may seem daunting, the history of computer development has taught us that, with a sustained commitment to research, such gains are within our reach. That is why Secretary Abraham recently announced the selection of a team including Argonne National Laboratory, Oak Ridge National Laboratory, IBM, Cray and other partners to develop and build a new high-end computing facility.

When completed, this new user facility will outpace the world's current number one computer, Japan's Earth Stimulator. H.R. 4516 supports this new initiative of the Department of Energy and ensures that the Department can fulfill its responsibility to help lead the Federal Government's supercomputing R&D efforts.

Mr. Speaker, by renewing our commitment to high-end computing research and development at the Department of Energy, the United States can regain its competitive edge in the development and use of supercomputers and recapture the distinction of being home to the world's most powerful computer. Again, our Nation's scientific enterprise and our economy will be the stronger for it.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentlewoman from Illinois (Mrs. BIGGERT) and I are pleased to bring H.R. 4516, the Department of Energy High-End Computing Revitalization Act of 2004, for consideration in the House today.

H.R. 4516 authorizes the Department of Energy to advance high-end computing, and the House Committee on Science has held several hearings that have emphasized its importance to achieve progress in many fields of science and engineering.

The gentlewoman from Illinois (Mrs. BIGGERT) and I also introduced H.R. 4218 that we just considered to strengthen existing interagency planning and budgeting mechanisms for high-end computing.

In response to the needs for greater resource and focus, we have introduced this bill, H.R. 4516. This legislation focuses on activities at the Department of Energy, which has been a major player in the development of supercomputing since its earliest days.

Tennessee's Oak Ridge National Lab will lead a partnership supported by DOE to build the world's most powerful supercomputer by 2007. I am thrilled that the Center for Computational Science at Oak Ridge will soon be the new home of the word's largest and fastest computer.

H.R. 4516 authorizes research and development activities needed to develop future supercomputing systems and, equally important, provides for the sustained development and deployment of the most capable computing system for use by U.S. researchers for academia, industry, and Federal labs.

These computing systems will truly be national resources that will address important problems related to national security, economic competitiveness, health care, and environmental protection.

H.R. 4516 responds to an identified national need for Federal support of supercomputing. I commend this bill to my colleagues and ask for their support.

Mr. Speaker, I commend the gentlewoman from Illinois (Mrs. BIGGERT) and the Committee on Science for their work on developing and bringing this bill to the floor for the consideration of the members of the subcommittees of the House of Representatives.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing, I would like to thank my colleague, the gentleman from Tennessee (Mr. DAVIS), once more for his work as a lead sponsor of this legislation, and I would also like to thank the minority and the majority staff of the Committee on Science for their time and effort and ideas. With the passage of this legislation, the Department of Energy will continue to revolutionize the use of supercomputers, ensuring the competitiveness of American science and industry. I would urge my colleagues to support this bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MURPHY). The question is on the motion offered by the gentlewoman from Illinois (Mrs. BIGGERT) that the House suspend the rules and pass the bill, H.R. 4516, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

NATIONAL WINDSTORM IMPACT REDUCTION ACT OF 2004

Mr. NEUGEBAUER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3980) to establish a National Windstorm Impact Reduction Program, as amended.

The Clerk read as follows:

H.R. 3980

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Windstorm Impact Reduction Act of 2004".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Hurricanes, tropical storms, tornadoes, and thunderstorms can cause significant loss of life, injury, destruction of property, and economic and social disruption. All States and regions are vulnerable to these hazards.

(2) The United States currently sustains several billion dollars in economic damages each year due to these windstorms. In recent decades, rapid development and population growth in high-risk areas has greatly increased overall vulnerability to windstorms.

(3) Improved windstorm impact reduction measures have the potential to reduce these losses through—

(A) cost-effective and affordable design and construction methods and practices;

(B) effective mitigation programs at the local, State, and national level;

(C) improved data collection and analysis and impact prediction methodologies;

(D) engineering research on improving new structures and retrofitting existing ones to better withstand windstorms, atmospheric-related research to better understand the behavior and impact of windstorms on the built environment, and subsequent application of those research results; and

(E) public education and outreach.

(4) There is an appropriate role for the Federal Government in supporting windstorm impact reduction. An effective Federal program in windstorm impact reduction will require interagency coordination, and input from individuals, academia, the private sector, and other interested non-Federal entities.

SEC. 3. DEFINITIONS.

In this Act:

(1) The term "Director" means the Director of the Office of Science and Technology Policy.

(2) The term "State" means each of the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

(3) The term "windstorm" means any storm with a damaging or destructive wind component, such as a hurricane, tropical storm, tornado, or thunderstorm.

SEC. 4. NATIONAL WINDSTORM IMPACT REDUCTION PROGRAM.

(a) ESTABLISHMENT.—There is established the National Windstorm Impact Reduction Program (in this Act referred to as the "Program").

(b) OBJECTIVE.—The objective of the Program is the achievement of major measurable reductions in losses of life and property from windstorms. The objective is to be achieved through a coordinated Federal effort, in cooperation with other levels of government, academia, and the private sector, aimed at improving the understanding of windstorms and their impacts and developing and encouraging implementation of cost-effective mitigation measures to reduce those impacts.

(c) INTERAGENCY WORKING GROUP.—Not later than 90 days after the date of enactment of this Act, the Director shall establish an Interagency Working Group consisting of representatives of the National Science Foundation, the National Oceanic and Atmospheric Administration, the National Institute of Standards and Technology, the Federal Emergency Management Agency, and other Federal agencies as appropriate. The Director shall designate an agency to serve as Chair of the Working Group and be responsible for the planning, management, and coordination of the Program, including budget coordination. Specific agency roles and responsibilities under the Program shall be defined in the implementation plan required under subsection (e). General agency responsibilities shall include the following:

(1) The National Institute of Standards and Technology shall support research and development to improve building codes and standards and practices for design and construction of buildings, structures, and lifelines.

(2) The National Science Foundation shall support research in engineering and the atmospheric sciences to improve the understanding of the behavior of windstorms and their impact on buildings, structures, and lifelines.

(3) The National Oceanic and Atmospheric Administration shall support atmospheric sciences research to improve the understanding of the behavior of windstorms and their impact on buildings, structures, and lifelines.

(4) The Federal Emergency Management Agency shall support the development of risk assessment tools and effective mitigation techniques, windstorm-related data collection and analysis, public outreach, information dissemination, and implementation of mitigation measures consistent with the Agency's all-hazards approach.

(d) PROGRAM COMPONENTS.—

(1) IN GENERAL.—The Program shall consist of three primary mitigation components: improved understanding of windstorms, windstorm impact assessment, and windstorm impact reduction. The components shall be implemented through activities such as data collection and analysis, risk assessment, outreach, technology transfer, and research and development. To the extent practicable, research activities authorized under this Act shall be peer-reviewed, and the components shall be designed to be complementary to, and avoid duplication of, other public and private hazard reduction efforts.

(2) UNDERSTANDING OF WINDSTORMS.—Activities to enhance the understanding of windstorms shall include research to improve knowledge of and data collection on the impact of severe wind on buildings, structures, and infrastructure.

(3) WINDSTORM IMPACT ASSESSMENT.—Activities to improve windstorm impact assessment shall include—

(A) development of mechanisms for collecting and inventorying information on the performance of buildings, structures, and infrastructure in windstorms and improved collection of pertinent information from sources, including the design and construction industry, insurance companies, and building officials;

(B) research, development, and technology transfer to improve loss estimation and risk assessment systems; and

(C) research, development, and technology transfer to improve simulation and computational modeling of windstorm impacts.

(4) WINDSTORM IMPACT REDUCTION.—Activities to reduce windstorm impacts shall include—

(A) development of improved outreach and implementation mechanisms to translate existing information and research findings into cost-effective and affordable practices for design and construction professionals, and State and local officials;

(B) development of cost-effective and affordable windstorm-resistant systems, structures, and materials for use in new construction and retrofit of existing construction; and

(C) outreach and information dissemination related to cost-effective and affordable construction techniques, loss estimation and risk assessment methodologies, and other pertinent information regarding windstorm phenomena to Federal, State, and local officials, the construction industry, and the general public.

(e) IMPLEMENTATION PLAN.—Not later than 1 year after date of enactment of this Act, the Interagency Working Group shall develop and transmit to the Congress an implementation plan for achieving the objectives of the Program. The plan shall include—

(1) an assessment of past and current public and private efforts to reduce windstorm impacts, including a comprehensive review and analysis of windstorm mitigation activities supported by the Federal Government;

(2) a description of plans for technology transfer and coordination with natural hazard mitigation activities supported by the Federal Government;

(3) a statement of strategic goals and priorities for each Program component area;

(4) a description of how the Program will achieve such goals, including detailed responsibilities for each agency; and

(5) a description of plans for cooperation and coordination with interested public and private sector entities in each program component area.

(f) BIENNIAL REPORT.—The Interagency Working Group shall, on a biennial basis, and not later than 180 days after the end of the preceding 2 fiscal years, transmit a report to the Congress describing the status of the windstorm impact reduction program, including progress achieved during the preceding two fiscal years. Each such report shall include any recommendations for legislative and other action the Interagency Working Group considers necessary and appropriate. In developing the biennial report, the Interagency Working Group shall consider the recommendations of the Advisory Committee established under section 5.

SEC. 5. NATIONAL ADVISORY COMMITTEE ON WINDSTORM IMPACT REDUCTION.

(a) ESTABLISHMENT.—The Director shall establish a National Advisory Committee on Windstorm Impact Reduction, consisting of not less than 11 and not more than 15 non-Federal members representing a broad cross section of interests such as the research, technology transfer, design and construction, and financial communities; materials and systems suppliers; State, county, and local governments; the insurance industry; and other representatives as designated by the Director.

(b) ASSESSMENT.—The Advisory Committee shall assess—

(1) trends and developments in the science and engineering of windstorm impact reduction;

(2) the effectiveness of the Program in carrying out the activities under section 4(d);

(3) the need to revise the Program; and

(4) the management, coordination, implementation, and activities of the Program.

(c) BIENNIAL REPORT.—At least once every two years, the Advisory Committee shall report to Congress and the Interagency Working Group on the assessment carried out under subsection (b).

(d) SUNSET EXEMPTION.—Section 14 of the Federal Advisory Committee Act shall not apply to the Advisory Committee established under this section.

SEC. 6. SAVINGS CLAUSE.

Nothing in this Act supersedes any provision of the National Manufactured Housing Construction and Safety Standards Act of 1974. No design, construction method, practice, technology, material, mitigation methodology, or hazard reduction measure of any kind developed under this Act shall be required for a home certified under section 616 of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5415), pursuant to standards issued under such Act, without being subject to the consensus development process and rulemaking procedures of that Act.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

(a) FEDERAL EMERGENCY MANAGEMENT AGENCY.—There are authorized to be appropriated to the Federal Emergency Management Agency for carrying out this Act—

(1) $8,700,000 for fiscal year 2006; and

(2) $9,400,000 for fiscal year 2007.

(b) NATIONAL SCIENCE FOUNDATION.—From sums otherwise authorized to be appropriated, there are authorized to be appropriated to the National Science Foundation for carrying out this Act—

(1) $8,700,000 for fiscal year 2006; and

(2) $9,400,000 for fiscal year 2007.

(c) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—From sums otherwise authorized to be appropriated, there are authorized to be appropriated to the National Institute of Standards and Technology for carrying out this Act—

(1) $3,000,000 for fiscal year 2006; and

(2) $4,000,000 for fiscal year 2007.

(d) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—From sums otherwise authorized to be appropriated, there are authorized to be appropriated to the National Oceanic and Atmospheric Administration for carrying out this Act—

(1) $2,100,000 for fiscal year 2006; and

(2) $2,200,000 for fiscal year 2007.

SEC. 8. BIENNIAL REPORT.

Section 37(a) of the Science and Engineering Equal Opportunities Act (42 U.S.C.

1885d(a)) is amended by striking "By January 30, 1982, and biennially thereafter" and inserting "By January 30 of each odd-numbered year".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. NEUGEBAUER) and the gentleman from Kansas (Mr. MOORE) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. NEUGEBAUER).

GENERAL LEAVE

Mr. NEUGEBAUER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 3980, as amended, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. NEUGEBAUER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank the gentleman from New York (Mr. BOEHLERT) and his staff for their leadership and support for allowing me to bring this important piece of legislation before the Committee on Science. I would also like to thank the gentleman from Kansas (Mr. MOORE), who introduced this bill with me, and all of the cosponsors of H.R. 3980 for their support.

Windstorms in the United States, such as hurricanes, tornadoes, continue to cause high levels of injuries, deaths, business interruption, and property damage. Unfortunately, the level of losses due to the windstorms increase each year and will continue to escalate unless technology generation, education, and public policies are improved.

On May 11, 1970, tragedy struck my hometown of Lubbock, Texas. An F5 tornado ripped through downtown Lubbock. Six people were killed, and 500 were injured. The tornado had winds estimated in excess of 200 miles an hour and damaged or destroyed a large portion of our city.

In a few moments between 9:35 p.m. and the time the funnel lifted into the cloud, the tornado devastated a community along an 8½ mile-wide path. It wrought havoc along a track that was 1½ miles wide in downtown Lubbock to one-fourth mile wide as it passed over the National Weather Bureau's office located at the airport. The twister was responsible for $125 million in damage, and an estimated 15 square miles of the city was damaged or destroyed.

The National Weather Service estimates that between 1995 and 2002, hurricanes, tornadoes, and thunderstorm winds caused an average of $4.5 billion in damage every year. Texas alone averages 124 tornadoes every year, which is more than double the average of any other State.

Over this past Memorial Day weekend, for example, 175 tornadoes were reported across the country, bringing the preliminary total for May to 544. The storms were responsible for 8 deaths and millions of dollars in damages in 12 States.

June 1 was the official start of hurricane season, and forecasters are predicting an above-normal Atlantic season. Officials anticipate 12 to 15 tropical storms for the season, with six to eight systems becoming hurricanes, with two to four of those becoming major hurricanes.

Last year, Hurricane Isabel, one of the storms to affect the United States, caused 17 deaths and more than $3 billion in damages. Technological advancements in the second half of the century have contributed to better, more accurate severe weather watches and warnings from the National Weather Service, ultimately saving countless lives. Advancements in computer technology also led to progress in numerical weather prediction, allowing meteorologists to apply physics in replicating motions of the atmosphere.

But even as we build on our current weather prediction successes and create new resources to predict windstorms at a greater rate, the United States continues to sustain billions of dollars each year in property damage and economic losses due to wind storms, and the human costs are all too painful.

Over the last 5 years, Texas Tech University Wind Engineering Research Center has received funding under a cooperative agreement with the National Institute For Standards and Technology to research the detrimental effects of windstorms on buildings and to reduce the loss of life from windstorm events. Their work has led to many accomplishments on the national scope. This year alone, they will receive $900,000 to carry on research to improve the economy of shelters and wind-resistant construction.

A variety of cost-effective windstorm hazard mitigation measures exist, and many more are undergoing important research and development at universities like Texas Tech University across this Nation. However, these efforts are not being coordinated at the Federal level to improve the general public's understanding of windstorm impacts, and we are not doing a good job of encouraging implementation of cost-effective mitigation measures for our citizens.

Improving the wind resistance of buildings can only be achieved when there is a demand for wind-resistant construction by homeowners. Hurricane Isabel, the tornado in Lubbock that was so destructive more than 30 years ago, and the 544 tornadoes in the month of May alone are serious reminders of how vulnerable we are and how serious we should be about severe weather safety and preparedness.

Here is what we can do about it. The objective of the National Windstorm Impact Reduction Program is to achieve measurable reduction in loss of life and property from windstorms. In a coordinated effort between academia, the private sector and the Federal Government, this legislation will improve distribution of current research findings, develop cost-effective and affordable windstorm-resistant systems, and develop outreach techniques for the general public.

The aim of this act is also to enable the marketplace to form incentives. Improving our understanding of how wind impacts buildings, enhancing the scope and detail of damage data collection, and measuring the degree to which varying mitigation techniques can lessen that impact will make it possible to quantify the value of mitigation. This information will give policymakers, private industry, and individual homeowners the tools to make decisions that take windstorm vulnerability into consideration.

An investment in windstorm impact reduction will pay significant dividends and will save lives, decrease property damage, and reduce the cost of Federal disaster relief in the future. Therefore, I urge Members to vote "yes" on H.R. 3980.

Mr. Speaker, I reserve the balance of my time.

Mr. MOORE. Mr. Speaker, I yield myself such time as I may consume.

I would like to thank the gentleman from New York (Mr. BOEHLERT) for following through on his promise to mark up legislation on windstorms in the 108th Congress. I would also like to thank the gentleman from Texas (Mr. NEUGEBAUER) for sponsoring with me this important legislation. I would also like to thank the gentleman from Florida (Mr. MARIO DIAZ-BALART) and the gentlewoman from Pennsylvania (Ms. HART) and the gentleman from North Carolina (Mr. JONES), who have worked with me over the past three Congresses. And finally, staff member Jim Turner of the Committee on Science staff and Brian Pallasch of the American Society of Civil Engineers, and my staff person, Jana Denning, have worked tirelessly over the past 5 years on this legislation, and they all deserve thanks.

Almost 6 years ago, my hometown of Wichita, Kansas, was hit by an F4 tornado which plowed through the suburb of Haysville, killing six, injuring 150, and causing over $140 million in damage. The devastation of this attack motivated me to try to do something.

I put together a bill modeled after NEHRP, the successful earthquake research program begun over 30 years ago. My goal is to mitigate loss of life and damage to property due to wind and related hazards. We can do this through early warning of tornadoes, better emergency response, and better design and construction of buildings. I reviewed comments from the American Society of Civil Engineers, the National Association of Home Builders, the insurance industry, meteorologists, emergency managers, academia, industry, and the manufactured housing associations to try to fine-tune this legislation.

On May 4, just last year, almost 4 years to the day after the deadly 1999 Kansas and Oklahoma tornadoes, tornadoes touched down again in metropolitan Kansas City and the surrounding suburbs, as well as in many of my congressional colleagues' districts, destroying property, killing people and injuring our constituents.

□ 1115

These tornadoes, Mr. Speaker, did not check to find out if they were hitting a Republican or Democratic district. Tornadoes are truly an equal-opportunity destroyer. This is not a Republican bill. It is not a Democratic issue. It is a human issue, and it is a human tragedy. And we need to deal with this, and we are dealing with this. And I am grateful to my colleagues across the aisle for dealing with this on a bipartisan basis. These windstorms destroy lives. I have seen it in my own district, and I know that many of my colleagues have as well.

I thank, again, the gentleman from Texas (Mr. NEUGEBAUER) for his work on this legislation with me.

Mr. Speaker, I reserve the balance of my time.

Mr. NEUGEBAUER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I wanted to just summarize a little bit about this bill and to also let folks know that this bill has a lot of endorsements from people that are very active in this type of engineering: the American Society of Civil Engineers, the National Association of Mutual Insurance Companies, the Manufacturing Housing Institute, the National Association of Wind Engineering, Applied Technology Council, and the International Code Council. These are the organizations that are actively involved in this kind of research, and they wholeheartedly support and endorse this bill.

One of the things that this bill does is it creates a national windstorm impact reduction program, and it improves our understanding of windstorm issues. And it also brings about a collaboration of the private sector and the public sector so that we can begin to commercialize a lot of the important research that is going on. It really does not do us any good to do a lot of good research in this country if we do not get it into the hands of the people that can actually use that, and those are the homeowners and the building owners around this country.

It also brings some oversight to the process and creates a National Advisory Committee who will oversee the various research. They will be reported back to and given an opportunity to give progress reports to the Congress to make sure that we are providing adequate oversight for the important research dollars that we are providing for this type of research.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Florida (Mr. MARIO DIAZ-BALART).

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, first let me thank the gentleman from Texas, and I also want to thank the gentleman from Kansas (Mr. MOORE), who has also worked awfully hard on this legislation.

But I have to admit, Mr. Speaker, that I am a bit in awe of the work that the gentleman from Texas has done to get this bill this far. As has been said, many lives and billions of dollars are lost during hurricanes and tornadoes due to really poor mitigation techniques, from the structure of buildings to the planning of evacuation corridors. Hurricane Andrew, for example, in 1992 resulted in $26.5 billion in losses and 61 fatalities. Southern Dade County, by the way, Miami/Dade County, is still recovering from the effects of Hurricane Andrew. Hurricane Hugo in 1989 resulted in $7 billion in losses and 86 fatalities.

I am fortunate to help represent the International Hurricane Research Center, a research center in Florida International University, which is directed by Dr. Leatherman. It was established after Hurricane Andrew. It serves as Florida's center for hurricane research, education, and outreach. Of course, their work really serves the entire Nation. The center has led research on everything from appropriate housing techniques to beach erosion and coastal vulnerability. Like many other wind-related institutions, the International Hurricane Research Center supports this legislation. The sponsor of this legislation was mentioning a number that did. This is one more, which I know the gentleman is aware of, and, again, it will make significant steps in mitigating the effects of wind-related hazards throughout the United States.

This legislation, is a, I think, very important piece of legislation, and the gentleman from Texas has done an incredible job shepherding it through the process; and, again, I am in awe of the job that he has done. This legislation creates a National Windstorm Impact Reduction Program in order to improve understanding of windstorm impacts and develops implementation of cost-effective mitigation measures. This will use the vital research already done to implement a uniform policy, that will ultimately lead to better-built office buildings, homes, structures, in order to lessen the impact of hurricanes and tornadoes and other windborne tragedies.

It establishes a National Advisory Committee on Windstorm Impact Reduction. Again, this group will routinely assess the effectiveness of the program and make recommendations if any changes are needed down the road. The sponsor has been very key on making sure that there is strong oversight, and I want to thank the sponsor for his leadership there and not only on this issue but particularly on this issue, on this bill.

And, again, I want to thank the sponsor, the gentleman from Texas, and the gentleman from Kansas (Mr. MOORE), who also, I repeat, has done a lot of work. I am in awe of the work that has been done on this bill, and it is a privilege to support this bill here on the floor today.

Mr. MOORE. Mr. Speaker, I yield such time as she may consume to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Speaker, I rise in support of H.R. 3980 and applaud the gentleman from Texas (Mr. NEUGEBAUER) and the gentleman from Kansas (Mr. MOORE) for introducing it and getting it to the floor for passage today.

Mr. Speaker, H.R. 3980 would establish the National Windstorm Impact Reduction Program to achieve major measurable reductions in losses of life and property from windstorms. This is critically important to Members like me whose districts are prone to catastrophic windstorms such as hurricanes.

Mr. Speaker, I am proud to represent one of the most beautiful places under the American Flag, the U.S. Virgin Islands. While we live in an area that sees its share of hurricanes every year, prior to 1989 we were spared for over 60 years of being hit by one of these storms. Since September, 1989, however, when Hurricane Hugo hit with sustained winds in excess of 200 miles per hour, our islands were changed forever. The devastation wrought by this storm was astronomical. However, just as we were beginning to recover from the legacy of Hurricane Hugo, we were hit with a second devastating storm in September of 1995, Hurricane Marilyn. Since then we were hit by at least four other major storms, the last one being Hurricane Lenny in 1999.

Mr. Speaker, if having to deal with recovering from a major natural disaster was not enough, Hurricanes Hugo and Marilyn left the Virgin Islands with an even more ominous legacy. It almost wiped out the availability of affordable windstorm insurance in the territory.

The lack of available affordable homeowners insurance in the Virgin Islands remains a serious problem for many of my constituents today. With the huge payouts associated with the September 11 attacks and natural disasters of 2 years ago, insurance companies' costs have skyrocketed. To keep from falling into the red, many are passing their costs on to homeowners in the form of higher premiums. For the Virgin Islands, added risk of hurricanes, increased seismic activity, and the lack of competition among insurers make it more difficult for my constituents to find relief from these skyrocketing premiums.

While H.R. 3980 does not directly address the problem of the availability of affordable disaster insurance, it has the very real potential of lowering these costs in the long run if it is successful in lowering or reducing the losses to life and property from hurricanes and other windstorm disasters.

Mr. Speaker, windstorms and the damage and destruction they bring result in higher and higher costs to our Nation every year. Any effort which will result in the reduction of these costs will yield untold benefits for all of us. For this reason I urge my colleagues to support H.R. 3980. And I once again want to thank the gentleman from Texas (Mr. NEUGEBAUER) and the gentleman from Kansas (Mr. MOORE) for introducing it and bringing it to the floor today.

Mr. NEUGEBAUER. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. BOEHLERT), the distinguished chairman of the Committee on Science.

Mr. BOEHLERT. Mr. Speaker, I rise in strong support of this bill, and I want to congratulate the gentleman from Texas (Mr. NEUGEBAUER) for bringing this bill forward. Bills in this area have been proposed for many years; but through the gentleman from Texas's (Mr. NEUGEBAUER) efforts, we now have a bipartisan measure that the House can pass.

The gentleman from Texas (Mr. NEUGEBAUER) is what I refer to as an impact player. Some people come to this House, the people's House, and take a few years, understandably, to get sort of settled in and to begin to have an impact. He just took a couple of months, and he has had an impact. And this bill is a direct tribute to his tenacity and determination to get something done, and I want to thank him for that on behalf of the entire committee on a bipartisan basis.

Windstorms cause damage and deaths every year throughout the country. Far too much damage, far too many deaths. One is unacceptable. We may not be able to do anything about the weather, but we can do more than talk about it. We can build and retrofit structures so they are better able to survive windstorms. But we can do that successfully and affordably only if we conduct the research and development needed to learn more about storms and about structures. That is exactly what this bill will enable us to do.

This is not a vain hope. Congress created the same kind of program for earthquakes in the late 1970s. And as a result, we are able to do much more today than we were 30 years ago to make structures earthquake resistant. We hope this similar program will yield a similar result for windstorms.

So in this bill we are following a proven formula. So again let me congratulate once again the gentleman from Texas (Mr. NEUGEBAUER) and the gentleman from Kansas (Mr. MOORE) for this bill. They worked together in a bipartisan basis to fashion something that earns our support.

Let me thank also the Committee on Transportation and Infrastructure, and I am privileged to serve on that committee also, for working with us on the FEMA portions of this bill. And let me thank the American Society of Civil Engineers and the other groups that have guided us in drafting the bill. We did not just get in some closet someplace and say this is a problem, how do we deal with it. We reached out under the gentleman from Texas's (Mr. NEUGEBAUER) leadership and the gentleman from Kansas (Mr. MOORE), and we invited opinion, we invited input; and as a result of all that, we were able to fashion something that is pretty darn good, and I am proud of it. And I want to commend it to the attention of my colleagues and urge its overwhelming adoption.

Mr. MOORE. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from Texas (Mr. STENHOLM), who helped get an initial "big wind earmark" that brought $3.8 million to Texas Tech's Wind Disaster Research Program in 1998 and helped lay some of the foundation for the bill that is now going to come to the floor for a vote.

Mr. STENHOLM. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of H.R. 3980. With the rain, wind, hail, and tornadoes that passed through West Texas last month and again today, this legislation could not be more timely.

This bill will give us the tools to research the effects of these storms, and it will provide us with a foundation from which we can learn how to minimize the damages associated with them. A working group comprised of officials from many Federal agencies will be formed to assess ways to reduce losses of life and property caused by these storms. As a farmer from West Texas, I know how damaging tornadoes and windstorms can be, and I understand the importance of this legislation. In the past I have strongly supported the efforts of research entities like the Texas Tech Wind Science Center to study ways to mitigate the damages caused by large windstorms. The Wind Science Center at Texas Tech has done yeomen's work identifying the best ways to reduce structural damage to properties caused by high winds associated with tornadoes and hurricanes. As a member of the Wind Hazard Reduction Caucus, I have supported efforts to make available the resources needed to study and minimize the damaging effects of these windstorms.

As has already been pointed out, in 1997 I worked on a bipartisan, bicameral basis with Senator KAY BAILEY HUTCHISON to ensure the Texas Tech Wind Science Center got its first Federal earmark of $3.8 million, which was included in the fiscal year 1998 appropriations bill. As is quite often the case, when some folks do not understand, quite frankly, what wind is all about, some suggested this was pork. We contacted the then-Chief of Staff for the White House, Erskine Bowles, and requested that the funding be supported by President Clinton and be kept off the line item veto list. These efforts paid off. The center has since received anywhere from $1.1 million to $2.4 million each year since then.

I want to close by thanking the gentleman from Kansas (Mr. MOORE) for his work on this issue and the gentleman from Texas. The gentleman from Kansas (Mr. MOORE) first introduced this legislation in 1999, and he has been a champion of wind hazard reduction efforts since he has come to Congress. I know that he is happy to have this bill on the floor, as I am here today happy to support these measures again and encourage my colleagues to support this legislation.

□ 1130

Mr. NEUGEBAUER. Mr. Speaker, I reserve the balance of my time.

Mr. MOORE. Mr. Speaker, I yield 2 minutes to the gentlewoman from South Dakota (Ms. HERSETH), the newest Member of the House of Representatives.

Ms. HERSETH. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise today in support of H.R. 3980, the National Windstorm Impact Reduction Act of 2004. In an average year, more than 1,000 tornadoes are reported in the United States. With winds that can reach in excess of 200 miles per hour, these storms cause an average of more than 80 deaths and over 1,500 injuries per year.

In South Dakota, we have our fair share of severe weather. In the summer months, this takes the form of violent thunderstorms that often contain powerful winds. In fact, barely 1 year ago, South Dakota experienced the worst tornado outbreak in its recorded history. June 24, 2003, will be forever known in South Dakota as "Tornado Tuesday." In one 24-hour period, we had a confirmed 67 tornadoes touch down in the State.

This "superstorm" produced over 350 weather warnings, and at least one tornado reached F-4 status, meaning it had winds reaching over 260 miles per hour. Miraculously, no one lost his or her life on this day, but at other times we have not been so lucky.

On May 30, 1998, a category F-4 tornado pummeled the small community of Spencer, South Dakota. The town of 400 residents was almost totally destroyed and six people lost their lives.

We have also experienced loss on my State's Indian lands. On June 4, 1999, a deadly tornado swept across the Pine Ridge Indian Reservation. One person was killed and the property damage was widespread. More than 1,000 people were left temporarily homeless.

Because the people of South Dakota have seen firsthand the devastation that tornadoes and strong straight-line winds can bring, I am proud to support this legislation. It would create incentives for Federal agencies to work together to address the threats caused by wind damage. It would also improve our understanding of windstorms and how they create such intense devastation.

I believe that we need a proactive approach that will mitigate the damage caused by these remarkable natural events. This bill will save lives, result in decreased property damage and reduce the overall cost of Federal disaster relief.

I appreciate the bipartisan efforts of my colleagues, the gentleman from Kansas (Mr. MOORE) and the gentleman from Texas (Mr. NEUGEBAUER) in moving this important legislation forward, and I urge all Members of this House to support the bill.

Mr. NEUGEBAUER. Mr. Speaker, I reserve the balance of my time.

Mr. MOORE. Mr. Speaker, I yield 2½ minutes to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Mr. Speaker, I thank my friend for yielding me time.

Mr. Speaker, I rise today in support of this National Windstorm Impact Reduction Act. This legislation will help us take great strides in reducing the loss of life and property from windstorms.

We in North Carolina know all too well how devastating tropical storms and hurricanes can be. While flooding from hurricanes is often the culprit for the majority of the deaths, the winds generated from these storms range from 74 to 155 miles an hour or more, indiscriminately wreaking havoc to lives and property wherever they strike.

The National Windstorm Impact Reduction Act will develop windstorm impact reduction projects that could lead to new designs and construction practices that could mitigate, if not withstand, the force and damage generated by these high windstorms. This is an important piece of legislation, which I encourage all Members to support.

I want to congratulate the gentleman from Kansas (Mr. MOORE) for his work and leadership on this issue. Kansas does not have the hurricane problems that my State has, but I know its position in the middle of Tornado Alley makes it a life-and-death issue for the State of Kansas. So I thank the gentleman.

As a Member of the House Committee on Science, the gentleman from Kansas (Mr. MOORE) has been fighting to improve research in wind-related hazards for years. I have been proud to cosponsor and support very similar legislation that he introduced both in this Congress and during the 107th Congress.

Very simply, this legislation will save lives in North Carolina, in Kansas and throughout this country. I congratulate my friend and colleague on his success in this effort, and urge my colleagues to vote for H.R. 3980.

Mr. MOORE. Mr. Speaker, I yield back the balance of my time.

Mr. NEUGEBAUER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to close by saying that this bill consolidates and coordinates windstorm research that has been going on throughout multiple agencies and brings oversight to that process, and I think that is very important. I think the American people expect us to oversee the moneys that we are appropriating and authorizing; but it also is a public and private partnership, and the whole goal of this bill is to make sure that we get the important research out of the laboratories and into practical solutions that are going to be saving lives and reducing property damage.

So I encourage my colleagues to vote yes on H.R. 3980, the National Windstorm Impact Reduction Act of 2004.

Mrs. BIGGERT. Mr. Speaker, I rise today to support H.R. 3890, the Steel and Aluminum Energy Conservation and Technology Competitiveness Act. I'd like to commend my colleague from Pennsylvania, MELISSA HART, for introducing this important legislation.

During a very busy week in May, I chaired two Energy Subcommittee hearings on the issues of energy efficiency R and D. The first hearing took a broad look at research and development in the area of energy efficiency.

The second hearing focused on the legislation under consideration today, H.R. 3890. This bill authorizes a research and development program at the Department of Energy aimed at improving the energy efficiency of the metals industry.

Some may have wondered why we didn't simply combine the two hearings, on similar topics, into a single hearing. But there were two main reasons why it was important to give the metals industry initiative a dedicated place on the Subcommittee's calendar, and why the Department of Energy has an initiative focused on this one industry to begin with.

First of all, the metals industry is highly energy-intensive. Taken together, the steel, aluminum, and copper industries account for more than 10 percent of industrial energy usage in the United States. President Bush's National Energy Plan recognized that improving energy efficiency in our most energy-intensive industries could yield large improvements in productivity, product quality, safety, and pollution prevention.

Second, we have a strategic national interest in helping our metals industry remain competitive. For any industry, energy efficiency means increased production without increased energy consumption or costs. Improving energy efficiency helps improve the bottom line, making American metal products more competitive on the global market. That means more jobs here at home.

But energy efficiency is more than that. Reducing energy use reduces our emissions of pollutants and greenhouse gases, and it increases our energy security. In this way, energy efficiency just makes sense—dollars and cents—for the nation. Again, I commend Ms. HART for all her hard work on this legislation, and I urge my colleagues to support the bill.

Mr. NEUGEBAUER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Texas (Mr. NEUGEBAUER) that the House suspend the rules and pass the bill, H.R. 3980, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. NEUGEBAUER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

STEEL AND ALUMINUM ENERGY CONSERVATION AND TECHNOLOGY COMPETITIVENESS ACT OF 1988 REAUTHORIZATION

Ms. HART. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3890) to reauthorize the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988, as amended.

The Clerk read as follows:

H.R. 3890

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 9 of the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988 (15 U.S.C. 5108) is amended to read as follows:

"SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Secretary to carry out this Act for fiscal year 2005, an amount equal to the amount appropriated for the same purposes for fiscal year 2004, and $20,000,000 for each of the fiscal years 2006 through 2009.".

(b) STEEL PROJECT PRIORITIES.—Section 4(c)(1) of the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988 (15 U.S.C. 5103(c)(1)) is amended—

(1) in subparagraph (H), by striking "coatings for sheet steels" and inserting "sheet and bar steels"; and

(2) by adding at the end the following new subparagraph:

"(K) The development of technologies which reduce greenhouse gas emissions.".

(c) CONFORMING AMENDMENTS.—The Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988 is further amended—

(1) by striking section 7 (15 U.S.C. 5106); and

(2) in section 4(b)—

(A) in the subsection heading, by inserting "AND REPORT" after "MANAGEMENT PLAN";

(B) by striking "Within 6 months after the date of enactment of this Act" and inserting "Not later than 6 months after the date of enactment of the Act enacting this sentence";

(C) by striking "to expand the steel research and development initiative to include aluminum and"; and

(D) by inserting ", and shall transmit such plan to Congress" after "carry out the purposes of this Act".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Pennsylvania (Ms. HART) and the gentleman from Kansas (Mr. MOORE) each will control 20 minutes.

The Chair recognizes the gentlewoman from Pennsylvania (Ms. HART).

GENERAL LEAVE

Ms. HART. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3890, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Pennsylvania?

There was no objection.

Ms. HART. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would first like to thank the gentlewoman from Illinois (Chairman BIGGERT) and the ranking member, the gentleman from Connecticut (Mr. LARSON) of the Subcommittee on Energy of the Committee on Science, and also the gentleman from New York (Chairman BOEHLERT) and the ranking member, the gentleman from Tennessee (Mr. GORDON) of the full Committee on Science, for working with me on H.R. 3890, a bill which will reauthorize the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988.

The legislation reauthorizes the Steel and Aluminum Competitiveness Act of 1988, which established a public-private research initiative, with cost sharing from industry, focused on improving industrial energy efficiency in the steel and aluminum smelting and fabrication industries.

The bill would result in improved energy efficiency in the domestic metals industries, thereby improving our international competitiveness in those industries. Improved industrial energy efficiency also offers environmental benefits through reduced emissions per unit of steel or aluminum produced. It can also help reduce the future demand for energy in the industrial sector, which is extremely important as we see rising fuel prices.

The bill authorizes $13.3 million for this program in fiscal year 2005, the same level that was appropriated for fiscal year 2004. For the outyears, that is, fiscal years 2006 through 2009, the bill authorizes $20 million per year, for a total $93.3 million over the 5-year cycle of the legislation.

This bill is right for industry, Mr. Speaker; it is good for our energy security, and it is good for the environment.

Mr. Speaker, I reserve the balance of my time.

Mr. MOORE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend the gentlewoman from Pennsylvania (Ms. HART) for her work on H.R. 3890, a bill to reauthorize the steel and aluminum research and development program at the Department of Energy. This energy conservation program is part of the Industries of the Future program in DOE's Office of Industrial Technologies. It is carried out through cost-shared partnerships with industry.

Past research under this program has made such steel mills and aluminum production facilities less polluting, more efficient and more productive.

The budgets for such programs have been cut significantly during the past 3 years, Mr. Speaker. This sends the wrong message to American workers, who are relying on these industries to remain competitive in a global market.

By reauthorizing the metals R&D program at H.R. 3890's authorization funding levels, we can give appropriate support for this research program. Restoring this funding will benefit the domestic steel and aluminum industries, the manufacturers who use American steel and aluminum in their products, and, ultimately, the American consumer.

Mr. Speaker, I recommend support for the bill by my colleagues.

Mr. Speaker, I reserve the balance of my time.

Ms. HART. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. MURPHY).

Mr. MURPHY. Mr. Speaker, I thank my colleague, the gentlewoman from Pennsylvania, for her work on this bill.

Mr. Speaker, I rise to support the reauthorization of this very worthy program. As we all know, the last few years have been difficult for America's steel industry and continuing the Metals Initiative will go a long way towards easing those burdens.

This Nation's steel industry is second to none, and it is this Congress' responsibility to do everything in its power to enable American-produced steel to compete in a global economy.

The Metals Initiative lends private industry the resources it needs to develop energy-saving technologies that increase productivity and cut pollution. These innovations are a vital component to a strong American steel industry.

I can think of few other programs that offer so much with a prudent investment. Not only does this program create jobs by making the steel industry more competitive and reduce environmental impacts caused by steel production, but any costs incurred are recouped. A portion of all royalties realized by these new technologies are repaid until the full Federal investment has been recovered.

At a recent hearing held by the Subcommittee on Energy of the Committee on Science, U.S. Steel cited just one example of how the company has utilized these moneys. Several projects have been funded through the Metals Initiative to research and develop Advanced High Strength Steels.

This steel allows for the creation of lightweight cars that maintain the same standards of safety currently available to today's drivers. By using Metals Initiative funds, Advanced High Strength Steels production requires 171 million fewer gallons of gasoline, 4 million fewer barrels of oil, and emits 2.1 million fewer tons of carbon dioxide per year.

Such innovation reduces our dependency on both foreign steel and foreign oil, while further contributing to a safer road system and a healthier environment for us all.

This Nation would not be what it is today were it not for the contributions of the American Steel Industry and American steelworkers. Congress should recognize the significant strides the industry has taken to remain competitive despite many obstacles.

I strongly urge my colleagues to support H.R. 3890.

Mr. MOORE. Mr. Speaker, I yield back the balance of my time.

Ms. HART. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this initiative is one that is not as common for government, I think, as the American people would like to see. It is designed to help industry to become more efficient in its processes, but also more efficient in its use of energy. So, in the long run, it helps preserve American jobs.

That is why we are here today, Mr. Speaker. We are working on efficiency in technology and efficiency in energy use and, obviously, better emissions.

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It is important to our industries to be competitive worldwide as we move this legislation forward.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentlewoman from Pennsylvania (Ms. HART) that the House suspend the rules and pass the bill, H.R. 3890, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

HARMFUL ALGAL BLOOM AND HYPOXIA RESEARCH AMENDMENTS ACT OF 2004

Mr. EHLERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1856) to reauthorize the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1856

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Harmful Algal Bloom and Hypoxia Research Amendments Act of 2004".

SEC. 2. RETENTION OF TASK FORCE.

Section 603 of the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998 (16 U.S.C. 1451 note) is amended by striking subsection (e).

SEC. 3. SCIENTIFIC ASSESSMENTS AND RESEARCH, DEMONSTRATION, AND TECHNOLOGY TRANSFER PLANS.

Such section 603 is further amended—

(1) in subsection (a) by adding at the end the following:

"In developing the assessments and plans described in subsections (b), (c), (d), (e), and (f), the Task Force shall work with appropriate State, Indian tribe, and local governments to ensure that the assessments and plans fulfill the requirements of subsections (b)(2), (c)(2), (d)(2), (e)(2), and (f)(2). Additionally, the Task Force shall consult with appropriate industry (including agriculture and fertilizer industry), academic institutions, and nongovernmental organizations throughout the development of the assessments and plans."; and

(2) by striking subsections (b) and (c) and inserting the following:

"(b) SCIENTIFIC ASSESSMENTS OF HARMFUL ALGAL BLOOMS.—(1) Not less than once every 5 years the Task Force shall complete and submit to Congress a scientific assessment of harmful algal blooms in United States coastal waters. The first such assessment shall be completed not later than 24 months after the date of enactment of the Harmful Algal Bloom and Hypoxia Research Amendments Act of 2004 and should consider only marine harmful algal blooms. All subsequent assessments shall examine both marine and freshwater harmful algal blooms, including those in the Great Lakes and upper reaches of estuaries.

"(2) The assessments under this subsection shall—

"(A) examine the causes and ecological consequences, and economic costs, of harmful algal blooms;

"(B) describe the potential ecological and economic costs and benefits of possible actions for preventing, controlling, and mitigating harmful algal blooms;

"(C) evaluate progress made by, and the needs of, Federal research programs on the causes, characteristics, and impacts of harmful algal blooms; and

"(D) identify ways to improve coordination and to prevent unnecessary duplication of effort among Federal agencies and departments with respect to research on harmful algal blooms.

"(c) SCIENTIFIC ASSESSMENT OF FRESHWATER HARMFUL ALGAL BLOOMS.—(1) Not later than 24 months after the date of enactment of the Harmful Algal Bloom and Hypoxia Research Amendments Act of 2004 the Task Force shall complete and submit to Congress a scientific assessment of current knowledge about harmful algal blooms in freshwater locations such as the Great Lakes and upper reaches of estuaries, including a research plan for coordinating Federal efforts to better understand freshwater harmful algal blooms.

"(2) The freshwater harmful algal bloom scientific assessment shall—

"(A) examine the causes and ecological consequences, and the economic costs, of harmful algal blooms with significant effects on freshwater locations, including estimations of the frequency and occurrence of significant events;

"(B) establish priorities and guidelines for a competitive, peer-reviewed, merit-based interagency research program, as part of the Ecology and Oceanography of Harmful Algal Blooms (ECOHAB) project, to better understand the causes, characteristics, and impacts of harmful algal blooms in freshwater locations; and

"(C) identify ways to improve coordination and to prevent unnecessary duplication of effort among Federal agencies and departments with respect to research on harmful algal blooms in freshwater locations.

"(d) NATIONAL SCIENTIFIC RESEARCH, DEVELOPMENT, DEMONSTRATION, AND TECHNOLOGY TRANSFER PLAN INTO REDUCING IMPACTS FROM HARMFUL ALGAL BLOOMS.—(1) Not later than 12 months after the date of enactment of the Harmful Algal Bloom and Hypoxia Research Amendments Act of 2004, the Task Force shall develop and submit to Congress a plan providing for a comprehensive and coordinated national research program to develop and demonstrate prevention, control, and mitigation methods to reduce the impacts of harmful algal blooms on coastal ecosystems (including the Great Lakes), public health, and the economy.

"(2) The plan shall—

"(A) establish priorities and guidelines for a competitive, peer-reviewed, merit-based interagency research, development, demonstration, and technology transfer program on methods for the prevention, control, and mitigation of harmful algal blooms;

"(B) identify ways to improve coordination and to prevent unnecessary duplication of effort among Federal agencies and departments with respect to the actions described in paragraph (1); and

"(C) include to the maximum extent practicable diverse institutions, including Historically Black Colleges and Universities and those serving large proportions of Hispanics, Native Americans, Asian-Pacific Americans, and other underrepresented populations.

"(3) The Secretary of Commerce, in conjunction with other appropriate Federal agencies, shall establish a research, development, demonstration, and technology transfer program that meets the priorities and guidelines established under paragraph (2)(A). The Secretary shall ensure, through consultation with Sea Grant Programs, that the results and findings of the program are communicated to State, Indian tribe, and local governments, and to the general public.

"(e) SCIENTIFIC ASSESSMENTS OF HYPOXIA.—(1) Not less than once every 5 years the Task Force shall complete and submit to Congress a scientific assessment of hypoxia in United States coastal waters including the Great Lakes. The first such assessment shall be completed not less than 12 months after the date of enactment of the Harmful Algal Bloom and Hypoxia Research Amendments Act of 2004.

"(2) The assessments under this subsection shall—

"(A) examine the causes and ecological consequences, and the economic costs, of hypoxia;

"(B) describe the potential ecological and economic costs and benefits of possible actions for preventing, controlling, and mitigating hypoxia;

"(C) evaluate progress made by, and the needs of, Federal research programs on the causes, characteristics, and impacts of hypoxia, including recommendations of how to eliminate significant gaps in hypoxia modeling and monitoring data; and

"(D) identify ways to improve coordination and to prevent unnecessary duplication of effort among Federal agencies and departments with respect to research on hypoxia.

"(f) LOCAL AND REGIONAL SCIENTIFIC ASSESSMENTS.—(1) The Secretary of Commerce, in coordination with the Task Force and appropriate State, Indian tribe, and local governments, shall provide for local and regional scientific assessments of hypoxia or harmful algal blooms, as requested by State, Indian tribe, or local governments, or for affected areas as identified by the Secretary. If the Secretary receives multiple requests, the Secretary shall ensure, to the extent practicable, that assessments under this subsection cover geographically and ecologically diverse locations with significant ecological and economic impacts from hypoxia or harmful algal blooms. The Secretary shall establish a procedure for reviewing requests for local and regional assessments. The Secretary shall ensure, through consultation with Sea Grant Programs, that the findings of the assessments are communicated to the appropriate State, Indian tribe, and local governments, and to the general public.

"(2) The scientific assessments under this subsection shall examine—

"(A) the causes and ecological consequences, and the economic costs, of hypoxia or harmful algal blooms in that area;

"(B) potential methods to prevent, control, and mitigate hypoxia or harmful algal blooms in that area and the potential ecological and economic costs and benefits of such methods; and

"(C) other topics the Task Force considers appropriate.".

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

Section 605 of such Act is amended to read as follows:

"SEC. 605. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Secretary of Commerce for research, education, monitoring, demonstration, and technology transfer activities related to the prevention, reduction, and control of harmful algal blooms and hypoxia, $19,000,000 for each of fiscal years 2005, 2006, and 2007, to remain available until expended. The Secretary shall consult with the States on a regular basis regarding the development and implementation of the activities authorized under this title. Of such amounts for each fiscal year—

"(1) $1,500,000 for each of fiscal years 2005, 2006, and 2007 shall be used to enable the National Oceanic and Atmospheric Administration to carry out research and assessment activities, including procurement of necessary research equipment, at research laboratories of the National Ocean Service and the National Marine Fisheries Service;

"(2) $3,000,000 for each of fiscal years 2005, 2006, and 2007 shall be used to carry out the Ecology and Oceanography of Harmful Algal Blooms (ECOHAB) project, with $1,000,000 of such amount used to carry out research on freshwater harmful algal blooms;

"(3) $4,000,000 for each of fiscal years 2005, 2006, and 2007 shall be used to carry out the research program described in section 603(d)(3);

"(4) $7,000,000 for each of fiscal years 2005, 2006, and 2007 shall be used to carry out the Monitoring and Event Response for Harmful Algal Blooms (MERHAB) project;

"(5) $2,000,000 for each of fiscal years 2005, 2006, and 2007 shall be used for activities related to research and monitoring on hypoxia; and

"(6) $1,500,000 for each of fiscal years 2005, 2006, and 2007 shall be used to carry out the activities described in section 603(f).

Amounts authorized under paragraphs (2), (3), (4), and (5) shall only be used to support competitive, peer-reviewed research programs. ".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. EHLERS) and the gentleman from Washington (Mr. BAIRD) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. EHLERS).

GENERAL LEAVE

Mr. EHLERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1856, as amended, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. EHLERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is timely that we are considering this bill about harmful algal blooms and hypoxia. Just last week, beaches in the Chesapeake Bay were closed due to a harmful algal bloom.

I introduced H.R. 1856 more than a year ago after learning about the nationwide problems caused by harmful algal blooms, also known as HABs, and also, the harmful effects from hypoxia. Harmful algal blooms are dense mats of toxic algae that can harm marine animals and humans. Hypoxia occurs when an algal bloom depletes oxygen in the water and leaves behind conditions that essentially choke all of the marine life in the affected area.

Harmful algal blooms and hypoxia occur nationwide in areas including the Chesapeake Bay, California, the Pacific Northwest, the Great Lakes, and the Gulf of Mexico. In 1998, Congress passed a 3-year bill authorizing harmful algal bloom and hypoxia research programs with a focus on the dead zone in the Gulf of Mexico and Pfiesteria in the Chesapeake Bay. Since the authorization of these important research programs expired, I decided to reexamine the issue at a hearing in the Committee on Science last year.

At that hearing we learned that successful research supported by the 1998 authorization enabled scientists to move closer to being able to predict HAB outbreaks; and in some regions, they have learned enough about the phenomena to start developing mitigation and control methods. We also learned that the occurrence of harmful algal blooms and hypoxia is increasing in fresh-water locations such as the Great Lakes, and there is sometimes a disconnect between the research being performed and the local resource managers who should benefit from the science. In response, I developed H.R. 1856 to amend and update the 1998 act. Today, I offer a manager's amendment that reflects discussions with the Committee on Resources and the Committee on Transportation and Infrastructure who are also interested in this bill. I especially want to thank the gentleman from Tennessee (Mr. DUNCAN) from the Committee on Transportation and Infrastructure, the chair of the Subcommittee on Water Resources, as well as the gentleman from Maryland (Mr. GILCHREST) from the Committee on Resources, chair of the Fisheries Subcommittee, for their help in guiding this bill through the process. Also I thank my colleagues on the Committee on Science, including the gentleman from New York (Chairman BOEHLERT) and my friend, the gentleman from Washington (Mr. BAIRD), who have provided useful input. I appreciate all of their help in improving the bill.

The manager's amendment maintains the current level of authorization for harmful algal blooms and hypoxia programs at the National Oceanic and Atmospheric Administration, better known as NOAA, and maintains that current level of authorization at $19 million annually over the next 3 fiscal years. It adds fresh-water regions such as the Great Lakes as an important focus area for harmful algal bloom and hypoxia research.

The bill also increases participation of local resource managers to ensure that the research is prioritized to address the questions facing people managing these problems. Also, the bill requires that NOAA administer all research funding through a competitive, merit-based, peer-reviewed process.

Finally, the bill reauthorizes funding for effective programs that evolved out of the 1998 act. For example, the MERHAB program, which stands for Monitoring and Event Response For Harmful Algal Blooms, partners State and local research managers with university researchers. Research from this program has resulted in innovations such as rapid test kits that beach managers can use directly in the field to test for harmful algal blooms. These kits eliminated the need to take samples back to a lab and wait days for confirmation of the presence of toxins, providing an early warning for the public about harmful algal blooms.

H.R. 1856 does not mandate any specific regulatory actions. It is purely a research, development, and demonstration bill, with a goal of improving our understanding of these phenomena so that we can predict their occurrence and develop tools for improved detection and mitigation of these problems.

Mr. Speaker, I urge my colleagues to support the manager's amendment and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. BAIRD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to offer my support for H.R. 1856, the Harmful Algal Bloom and Hypoxia Research Amendments Act of 2004, authored by my colleague and friend, the gentleman from Michigan (Mr. EHLERS). I thank my colleague on the Committee on Science and my colleague on the Committee on Transportation and Infrastructure, the gentleman from Tennessee (Mr. DUNCAN), for working with me to develop language that will move the research results of this program from the laboratory and the field closer to their application. I would also like to thank the members of the Committee on Science for their support and help in this effort.

Since the inception of this program in 1998, we have developed a better understanding and appreciation for the dimensions and complexity of harmful algal blooms and hypoxic zones. We have made progress in identifying harmful species and in providing timely information to fisheries and recreational managers to prevent human health problems. However, we have not been very successful in developing and implementing management strategies or technologies to reduce the frequency or the intensity of the blooms.

Harmful algal blooms are not just an unpleasant nuisance. They are hazardous to human health, damaging to fish and wildlife, and they are economically devastating to the coastal communities that depend on coastal resources for their livelihoods. The razor clam fisheries, for example, along the coast of Washington have experienced three extended closures in the past 10 years. Each one of these represents the loss of over $10 million to coastal communities in my home State. I can tell my colleagues that local restaurants, hotels, and the tourism industry depend on the annual influx of clam diggers; and when the beaches are closed, they lose millions of dollars in important revenue and jobs.

Also, Washington State's Hood Canal region of the Puget Sound has experienced harmful algal blooms that threaten to create an ecological dead zone. Due to the proliferation of harmful blooms, levels of dissolved oxygen in Hood Canal have declined during the past several years to such an extent that many fish, shellfish, and invertebrate species are threatened. Indeed, last fall, two dozen species of fish washed up on Hood Canal's beaches, unable to survive in the oxygen-depleted waters. In an effort to protect Hood Canal's increasingly threatened ecosystem, the Washington Department of Fish and Wildlife has been forced to close much of the canal to fishing, costing rural Washington communities valuable jobs. Oxygen levels drop during the summer, and State officials expect significant losses as this summer continues.

Our States need funding to implement plans to identify and eradicate the causes and to prevent such blooms. We must act now to clean our coastal waters and restore the ecological and economic health of our fisheries. I urge all of my colleagues to support H.R. 1856. And again, I commend the gentleman from Michigan (Chairman EHLERS) for his leadership on this issue.

Mr. Speaker, we have no other speakers, and I yield back the balance of my time.

Mr. EHLERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to say a few words for the Members who may not understand what harmful algal blooms are, and I also want to emphasize that this bill does not increase authorization or funding above the previous bill; it maintains the same level at $19 million per year, and we believe that will be sufficient to continue the project.

Harmful algal blooms are sometimes referred to as a "red tide." These are algae that for some reason proliferate very rapidly under certain conditions, and the net effect of that is that they consume so much oxygen and produce toxins that they basically create a dead zone. In the Gulf of Mexico, it is not unusual to have a dead zone equal in size to the State of New Jersey. Obviously, this is not only harmful to the Gulf of Mexico, but also harmful to the fishing industries who like to use that area because of the large number of fish that are killed by the lack of oxygen and the toxins.

What is of special concern is that the harmful algal blooms now are appearing in fresh-water areas, particularly the Great Lakes, one of the greatest sources of fresh water not only in this Nation, but in the world.

We want to head that off very early, and try to find out precisely what is happening in the Great Lakes that would allow these harmful algal blooms to develop there and create the same difficulties that we have observed in the Gulf of Mexico, as well as in the State of Washington in the bay area around Seattle and Puget Sound.

Mr. Speaker, I think it is absolutely essential for us to address this. We reached the conclusion after our hearing that a great deal of good research has been done, that the emphasis now can switch from research, although not entirely; we must continue some research, but we also have to convert that into action now. The gentleman from Washington (Mr. BAIRD) in particular has a problem in the Puget Sound area that has to be addressed immediately. We hope that, as a result of this bill, we will see greater action through demonstration projects, and more than demonstration projects as time goes on, so that we can deal with this problem, actually solve it, and get rid of the harmful algal blooms and the hypoxia which occurs and which kills other organisms.

So, Mr. Speaker, I am pleased that this bill has reached this point. I want to thank the gentleman from Washington. He is one of the most helpful committee members on the Committee on Science, but particularly on this bill because of his expertise and the situation they have in the State of Washington. He has been most helpful in our discussions; and I hope that, as a result of this action, we will be able to address the problems in the State of Washington as well as other areas of the Nation.

Mr. Speaker, I want to also express my thanks to the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from Maryland (Mr. GILCHREST) for their work on moving this bill through the Committee on Transportation and Infrastructure, as well as the Committee on Resources. Finally, I thank the gentleman from New York (Chairman BOEHLERT) for his hard work bringing this bill to the floor today.

Mr. Speaker, H.R. 1856 will provide a timely update for these important programs that help our coastal communities deal with harmful algal blooms and hypoxia. I urge all of our colleagues to support H.R. 1856.

Mr. EMANUEL. Mr. Speaker, as someone concerned with the health of the Great Lakes, I rise in support of H.R. 1856, the Harmful Algal Bloom and Hypoxia Research Amendments Act.

I would also like to thank my distinguished colleague from Michigan for offering this bill as well as for his leadership on this and other issues of importance to the Great Lakes.

As has been noted, harmful algal blooms are dense patches of toxic algae, which can poison marine life.

Harmful algal blooms can also become airborne and cause respiratory problems in humans.

Worse still, when the toxic algae decays, it can cause hypoxia, or a condition where all the oxygen in the water surrounding the algal bloom is consumed, resulting in a "dead zone" where no living thing can survive.

These algal blooms plague the Gulf of Mexico, the Chesapeake Bay and many of the Great Lakes, notably Lake Erie.

In fact, a recent report estimates that more than half of the Nation's estuaries experience hypoxic conditions at some time each year.

Economic impact of harmful algal blooms in United States average annually $50 million, but individual outbreaks can cause economic damage that far exceed the annual average.

Total public health impacts due to shellfish poisoning from harmful algal blooms averaged $22 million between 1987–1992.

H.R. 1856 will help us to better understand harmful algal blooms by increasing and updating research programs at NOAA.

But, importantly, H.R. 1856 will begin new research into Great Lakes algal blooms, which present different challenges and concerns than their ocean relatives.

Indeed, this bill will do a lot to help us better understand just one of the many problems facing the Great Lakes, and ultimately help us to begin to restore the health of one of our greatest national treasures.

This bill is a good first step, and I hope it will renew this body's interest in providing resources to conserve our nation's lakes and oceans, including the Great Lakes.

For this reason I support H.R. 1856, and urge my colleagues to do so as well.

Mr. EHLERS. Mr. Speaker, I have no further requests for time, and I yield back the remainder of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. EHLERS) that the House suspend the rules and pass the bill, H.R. 1856, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF THE WORLD YEAR OF PHYSICS

Mr. EHLERS. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 301) supporting the goals and ideals of the World Year of Physics.

The Clerk read as follows:

H. CON. RES. 301

Whereas throughout history physics has contributed to knowledge, civilization, and culture around the world;

Whereas physics research has been and continues to be a driving force for scientific, technological, and economic development;

Whereas many emerging fields in science and technology, such as nanoscience, information technology, and biotechnology, are substantially based on and derive many of their tools from fundamental discoveries in physics and applications thereof;

Whereas physics will continue to play a vital role in addressing many 21st-century challenges related to sustainable development, including environmental conservation, clean sources of energy, public health, and security;

Whereas Albert Einstein is a widely recognized scientific figure who contributed enormously to the development of physics, beginning in 1905 with his groundbreaking papers on the photoelectric effect, the size of molecules, Brownian motion, and the theory of relativity that led to his most famous equation, $E = mc^2$;

Whereas 2005 will be the 100th anniversary of those important scientific achievements; and

Whereas the General Assembly of the International Union of Pure and Applied Physics unanimously approved the proposition designating 2005 as the World Year of Physics: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) supports the goals and ideals of the World Year of Physics, as designated by the General Assembly of the International Union of Pure and Applied Physics;

(2) encourages the American people to observe the World Year of Physics as a special occasion for giving impetus to education and research in physics as well as to the public's understanding of physics;

(3) encourages all science-related government agencies and nongovernmental organizations, the private sector, and the media to highlight and give enhanced recognition to the role of physics in social, cultural, and economic development as well as its positive impact and contributions to society; and

(4) encourages all those involved in physics education and research to take additional steps, including strengthening existing and emerging fields of physics research and promoting the public's understanding of physics, to ensure that support for physics continues and that physics studies at all levels continue to attract an adequate number of students.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. EHLERS) and the gentleman from Washington (Mr. BAIRD) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. EHLERS).

GENERAL LEAVE

Mr. EHLERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 301, the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

□ 1200

Mr. EHLERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased that we are considering this resolution recognizing the importance of physics to our everyday lives. This resolution supports the goals and ideals of the World Year of Physics and at the same time celebrates the 100th anniversary of Einstein's development of the theory of relativity. I am certain we are all familiar with the equation $E = mc^2$ which, for the first time, recognized that mass is a form of energy and in fact could be converted into energy. This was a key factor in discovering nuclear fission and nuclear fusion.

The resolution recognizes the important contributions of physicists to technological progress and the health of many industries. I could go on and on listing all the various benefits that we have developed in today's world resulting from the work of physicists. Many people do not realize, for example, that some of the most important developments in health care come directly from the world of physics. As an example, x-rays were discovered by a physicist. The CAT scan was developed based on work that physicists had done. And MRI imaging, which is very useful for health diagnosis and research, was developed by physicists resulting from work done on nuclear magnetic resonance, which was discovered while I was still a graduate student.

In addition, what has developed with lasers is a very important aspect of what was at first a small, unknown field of research, very related to the field of research in which I received my doctorate. Discovery of lasers was the first proof of something that had been developed years ago theoretically, that photons passing through a material in an excited state would result in the emission of additional photons precisely in phase and at the same frequency as the photon that initiated the emission. That was the heart of developing the laser.

The ramifications and uses of the laser are so numerous that I can scarcely begin to mention them. They are used in surgery. They are used in factories to cut steel and to cut out patterns for clothes. In many, many other areas lasers play an extremely important role.

As I said, I could go on and on talking about the contributions that physicists have made to technological progress in many industries, but this resolution, in addition to recognizing that, encourages the people of the United States to observe next year as the World Year of Physics in conjunction with the United Nations declaration of 2005 as the International World Year of Physics.

As a physicist, I recognize the physics principles that are part of our everyday lives. From mechanics and gravity to optical technologies that enable our CD players, physics is all around us. Through physics we can explore the depths of the universe and black holes, as well as the tiniest parts of the atom. And what has always fascinated me about my study of the atomic nucleus and also my readings in cosmology is that we humans are basically at the center of that scale. We are about as far removed from the size of an atomic nucleus, as we are from the size of the universe. I think it is just absolutely marvelous that we can explore our world in both the smaller and larger directions and have not reached limits at this point.

This resolution encourages the American public to take note of the physics used every day and encourages them to learn more about it. I hope that the American people will observe the World Year of Physics by supporting physics education and research. I encourage physicists and educators to engage the public, especially the children, in physics to inspire the next generation of scientists and engineers.

I commend the American Physical Society for promoting the World Year of Physics. This is a perfect opportunity to recognize and celebrate the importance of physics in our lives, promote public understanding of physics, and express our support for physics research and education.

I urge my colleagues to support H. Con. Res. 301, supporting the goals and ideals of the World Year of Physics.

Mr. Speaker, I reserve the balance of my time.

Mr. BAIRD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Con. Res. 301 which recognizes the goals and ideals of the World Year of Physics. I want to congratulate the gentleman from Michigan (Mr. EHLERS) and the gentleman from New Jersey (Mr. HOLT) for bringing this resolution forward. I also personally want to say how much I enjoy serving with the gentlemen on the Committee on Science and what a rewarding experience it is to have two physicists on the Committee on Science itself. Some of the more esoteric details we often turn to these gentlemen to help us understand.

Physics, of course, is the discipline that underpins all of science in some way, and so much of our technology deals with the most fundamental understanding of the properties of matter. Emerging fields such as nanotechnology, information technology and biotechnology are substantially based on the results of fundamental discoveries in physics.

The General Assembly of the International Union of Pure and Applied Physics unanimously approved the proposition designating 2005 as the World Year of Physics. This will be the 100th anniversary of Albert Einstein's remarkable series of scientific papers on the photoelectric effect, the size of molecules, Brownian motion, and, of course, the theory of relativity itself.

This makes 2005 an appropriate year to recognize the importance of physics to the advance of civilization and the important role physics plays in social, cultural and economic development in our society and throughout the world.

Mr. Speaker, I commend this resolution to my colleagues and ask for their support for its passage by the House.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. EHLERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank my colleague from Washington (Mr. BAIRD) and the gentleman from New Jersey (Mr. HOLT) for their work in bringing this resolution to the floor today.

As I mentioned before, the gentleman from Washington (Mr. BAIRD) has been most helpful in the Committee on Science. The gentleman from New Jersey (Mr. HOLT) and I, as the two physicists in the Congress, have worked together closely on many issues, including this one. So I want to recognize both of them for their work and for their long history in recognizing the importance of not only physics but science in general.

I urge all of my colleagues to vote for H. Con. Res. 301.

Mr. HOLT. Mr. Speaker, physics is all around us. Physics has been highly successful in explaining many of the phenomena governing our natural world; it was a basis for the Renaissance and the enlightenment of western civilization. Through physics we can explore the diverse phenomena from the existence of black hole and to the composition of the atom and nucleus. Understanding mechanics, gravity and propulsion allowed us to develop machinery, bridges and rockets while knowledge about electricity and magnetism and matter led to lasers, light bulbs, telescopes, fiber optics, the internet and the huge market of consumer electronics.

Physics research creates technological innovations, which drives the world's economic growth and markets. It has changed human life for the better. It has made major contributions to cutting-edge technologies such as Nanotechnology, Biotechnology and Information Technology. Physics research will help us to solve major new challenges in homeland security and find new energy sources.

In 2005, we celebrate the 100th anniversary of Einstein's theory of relativity. This resolution is the perfect opportunity to recognize and celebrate the importance of physics to our lives.

Mr. EHLERS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from Michigan (Mr. EHLERS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 301.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 4754, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 701 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 701

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4754) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2005, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except as follows: section 108; beginning with "Provided" on page 48, line 13, through the colon on line 19; beginning with "and" on page 57, line 24, through page 58, line 2; section 603; beginning with "or (6)" on page 97, line 21, through the semicolon on line 23; and section 607. Where points of order are waived against part of a paragraph or section, points of order against a provision in another part of such paragraph or section may be made only against such provision and not against the entire paragraph or section. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 701 is a traditional open rule providing for consideration of H.R. 4754, the Commerce, Justice, State, the Judiciary and Related Agencies Appropriations Act of 2005.

The rule does not restrict the normal open amending process in any way, and any amendments that comply with the standing Rules of the House may be offered for consideration.

H. Res. 701 provides 1 hour of debate in the House on the bill, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The resolution waives all points of order against consideration of the bill. H. Res. 701 waives points of order against provisions in the bill for failure to comply with clause 2 of Rule XXI, prohibiting unauthorized appropriations or legislative provisions in an appropriations bill, except as specified in the resolution.

In order to facilitate the consideration of amendments on the floor, the rule gives the Chair the ability to provide priority in recognition to those Members who have preprinted amendments in the CONGRESSIONAL RECORD. Finally, H. Res. 701 provides for one motion to recommit with or without instructions.

Mr. Speaker, I want to begin by noting the work of the subcommittee in bringing this legislation forward to the House floor. The gentleman from Virginia (Mr. WOLF) and the gentleman from New York (Mr. SERRANO) testified together before the Committee on Rules yesterday in bipartisan support of their work product, and they have done a good job in setting the funding priorities of these departments and agencies within the budgetary limitations we currently confront.

Mr. Speaker, debate time on the rule should primarily focus on the fairness of this rule and the wide open amendment process that it outlines for House debate and consideration. However, I do want to note that this appropriations bill maintains the continuing pledge of the House to meet the challenge of international terrorism and to ensure that law enforcement across the Nation has the resources necessary to combat crime in America.

Funding for the Department of Justice, in particular, is indicative of the Committee on Appropriations' obligation to provide the necessary funds to address terrorism, increase our Nation's intelligence capabilities and maintain a focus on law enforcement threats such as illegal drugs, cybercrime and espionage.

Mr. Speaker, this rule provides for an open amendment process for consideration of the Commerce, Justice, State and the Judiciary appropriations bill. I urge my colleagues to support the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I thank my colleague, the gentleman from Georgia (Mr. LINDER) for yielding me the customary 30 minutes.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I wanted to commend the chairman and the ranking member of the Subcommittee on Commerce, Justice, State, Judiciary and Related Agencies of the Committee on Appropriations, my good friends, the gentleman from Virginia (Mr. WOLF) and the gentleman from New York (Mr. SERRANO) for their hard work and cooperation in drafting the Commerce, Justice, State appropriations bill for fiscal year 2005.

The gentleman from Virginia (Mr. WOLF) and the gentleman from New York (Mr. SERRANO) took an absurdly low Presidential budget request, worked with the gentleman from Florida (Mr. YOUNG) to produce a decent allocation and made the best of a bad situation.

For example, I am pleased that the bill restores funding for the Manufacturing Extension Partnership. The Fiscal Year 2004 Omnibus Appropriations Conference Report cut the program by 60 percent to just $39.6 million, and the President's fiscal year 2005 budget requested $39.2 million for the program. The MEP program serves small businesses, and these small businesses would be severely hurt if last year's cuts were extended.

I have firsthand knowledge of the value and importance of the MEP program, because the Massachusetts MEP is headquartered in my congressional district. Earlier this year, I joined 157 of my colleagues in a letter to the Committee on Appropriations requesting $106 million for the MEP program. The restoration of this funding in this bill will help ensure the sustainability of our domestic small manufacturing industry and its high-quality jobs, and I want to again thank the gentleman from Virginia (Mr. WOLF) and the ranking member, the gentleman from New York (Mr. SERRANO) for working to support this important program.

But even though the entire fiscal year 2005 CJS appropriations bill provides $240 million above President Bush's overall request, still some serious deficiencies remain.

□ 1215

For instance, I am deeply concerned about the lack of funding for the Economic Development Administration. EDA is an agency that is chiefly responsible for providing assistance to urban areas for revitalization. Any cuts to this program, especially in these difficult economic times, will seriously jeopardize the revitalization efforts that are currently under way in urban areas, like Attleboro, Massachusetts, in my congressional district, as it continues to move through the legislative process and into conference negotiations.

I am also disappointed that this bill zeroes out funding for the Small Business Administration's 7(a) subsidy program and the SBA's Microloan Technical Assistance program. The microloan program helps low-income and unemployed individuals become self-sufficient. There is strong data showing that the household income for low-income recipients increased by 72 percent over 5 years and that more than half of these entrepreneurs moved beyond the poverty line during that time. The microloan program should be maintained, not sacrificed.

Additionally, Congress created the 7(a) program to help small businesses with the high costs associated with starting a new business. It is the largest SBA financing program and is a real lifeline for small businesses. The gentleman from New York (Ranking Member SERRANO) offered an amendment in the Committee on Appropriations that would have restored funding for this important program. Unfortunately, it was defeated by a party-line vote. Later this afternoon, a bipartisan amendment will be offered to restore funding for this important small business program, and I urge all of my colleagues to support this effort on behalf of our small businesses and entrepreneurs.

Finally, Mr. Speaker, I am extremely disappointed that this bill reduces funding for the COPS program and for State and local law enforcement grants. Although the fiscal year 2005 CJS appropriations bill provides $3 billion for these programs, it is $103 million less than last year's funding level. While this is an improvement, a vast improvement, over the President's request, which zeroed out many of these programs, I think we can still do better.

These grants are vital for the safety and the protection of our cities and towns all across this country. More than 118,000 officers around the country have been funded through this program. Community policing and neighborhood activism make a real difference in the battle for public safety. During these difficult economic times, our State and local budgets are very, very tight. It is critical that the Federal Government act as a partner in the area of public safety.

In my congressional district, for instance, the COPS program recently provided $3.75 million for 50 new police officers in Worcester, $225,000 for three new police officers in Attleboro, and $75,000 for an additional police officer in Seekonk. Homeland security starts with hometown security, and we should be doing more for the COPS program, not less.

Mr. Speaker, this is not a perfect bill, but it is a good one. The funding deficiencies in this bill I hope can be worked out in the conference, and I am confident that the gentleman from Virginia (Chairman WOLF) and the gentleman from New York (Ranking Member SERRANO), two Members who I have extremely high regard for, will work with the other body to provide the necessary funding for these important programs.

I want, once again, to commend the committee for its hard work, and I urge my colleagues to join me in supporting this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. LINDER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Speaker, I thank the distinguished gentleman from Georgia for yielding time to me.

I would just like to take my time here to discuss an amendment which I am afraid I cannot write so it would be germane to the legislation that will be before us for which this rule has been written, but it does pertain to Commerce-Justice-State, and it pertains to something that is happening in this country.

On September 13, the automatic assault weapon ban is going to expire. If I looked at my calendar correctly, that is 17 legislative days from now. This is a ban which has been in effect for a period of 10 years now in this country. It is supported by the President of the United States, that is, the extension of it. It is supported by both Presidential campaigns; and in my judgment, it is very, very important that we bring this, however we possibly can.

We are talking about semiautomatic weapons. In this case, we are talking about the AK–47, Uzis. We are talking about high levels of ammunition, depletion of guns in rapid time, various aspects that have frankly caused every law enforcement entity that I know of in the United States of America to support this ban.

We also know that there has been a reduction in crime with the use of these weapons since the ban has been in effect. In fact, that reduction has been more than 65 percent since the ban went into effect in 1995. So we now have a situation in which we have proven, I believe, that the assault weapon ban is something that actually makes sense as far as the safety of Americans is concerned.

As far as the right to bear arms and the rights that are prevalent, I believe in those. I believe they should be continued, but I do believe that the assault weapon ban needs to be continued as well.

It also shows that most Americans believe this. If one looks at polls, they virtually in every category, or 75 percent or more of Americans believe that we should continue this assault weapon ban.

I have legislation introduced, and that legislation would do that for 10 years. It does not change another word. It just extends it for 10 years because I believe it has worked well.

My concern is are we going to be able to bring it to the floor in a reasonable period of time that will allow a debate, that will allow a vote on this so we can consider it before the House of Representatives, a piece of legislation which seems to be so supported by so many individuals living in America today. I would encourage the leadership to consider this.

I do not frankly think it should be an amendment to an appropriation bill, or an amendment to anything. It should have its own set of committee hearings, its own time on the floor of the House of Representatives and the opportunity to vote for it. So I will not introduce an amendment.

I do appreciate a great deal the time yielded to me by the gentleman from Georgia to discuss this. I would encourage the leadership of the House and the

Senate to take a good look at this legislation and make absolutely sure that that date does not come and go without us doing anything about it.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

We have no other requests for speakers, but let me just close by again saying that while I wish the overall funding level for this bill were higher and I wish there was more money available for the COPS programs and for a number of other small business programs, I nonetheless want to again commend the gentleman from Virginia (Mr. WOLF), the chairman, and the gentleman from New York (Mr. SERRANO), the ranking member, for really an excellent job. They have worked together in a bipartisan way, and the entire subcommittee deserves credit for the final product that is before us, a bill which I will support.

Let me also conclude, Mr. Speaker, by saying something that I rarely get an opportunity to say, but I gladly say it today, and that is, I support this rule.

Mr. Speaker, I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume.

I also want to commend the gentleman from Virginia (Chairman WOLF) and the gentleman from New York (Ranking Member SERRANO) for a very fine job done under strained circumstances. I urge my colleagues to support this rule and support the underlying legislation.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WOLF. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill (H.R. 4754) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2005, and for other purposes, and that I may include tabular and other extraneous material.

The SPEAKER pro tempore (Mr. LINDER). Is there objection to the request of the gentleman from Virginia?

There was no objection.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

The SPEAKER pro tempore. Pursuant to House Resolution 701 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4754.

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IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4754) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2005, and for other purposes.

The Chair designates the gentleman from Washington (Mr. HASTINGS) as chairman of the Committee of the Whole, and requests the gentleman from Florida (Mr. MILLER) to assume the chair temporarily.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Virginia (Mr. WOLF) and the gentleman from New York (Mr. SERRANO) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to bring the fiscal year 2005 Commerce, Justice, and State, the Judiciary and related agencies appropriations bill before the House. In this bill, we have taken an austere allocation and done our best to arrive at a bill that funds important national priorities, including counterterrorism, State and local crime-fighting and embassy security. The result is a solid bill, and I encourage the Members to support the bill today; and my understanding is that we will finish the bill today.

I want to thank the gentleman from Florida (Chairman YOUNG) for supporting us. I also want to thank the gentleman from New York (Ranking Member SERRANO) for his help in crafting the bill. I very much appreciate the close and cooperative relationship we have established, and I want to thank the gentleman from Wisconsin (Mr. OBEY), the ranking member of the full committee, for his assistance.

The recommendation we bring before the House today includes $39.8 billion in discretionary spending. Program increases are focused on most critical areas including counterterrorism, State and local law enforcement, assistance to American manufacturers, and protection of the Judiciary, and the security of our personnel overseas.

As my colleagues know, Mr. Chairman, we are operating under a very restrictive budget resolution, which is $1.6 billion below the President's request overall for nondefense discretionary spending. Our subcommittee allocation is .6 percent above the President's request for our agencies.

The bill continues the major progress we have made in the fights against terrorism and crime, and builds on the important gains of the past few years on embassy security. At the same time, it also reflects our commitment to responsible stewardship of public funds.

For the Department of Justice, the recommendation includes $20.6 billion, $900 million above the request. We have restored needed funds for State and local crime-fighting to keep our streets and schools safe. The bill also includes significant increases for Federal law enforcement for both terrorism prevention and traditional law enforcement. A $38 million anti-gang initiative will provide both enforcement and prevention funding, including $20 million for State and local grants and $18 million for additional Federal law enforcement efforts.

For the FBI, the bill provides $5.2 billion, $100 million above the request, to provide 1,100 additional agents, analysts and support staff for intelligence and counterterrorism activities. We have also established a new intelligence directorate in the FBI and given the Bureau additional retention, recruitment and retirement authorities with the concurrence of the gentleman from Virginia (Mr. TOM DAVIS), the chairman of the Committee on Government Reform. I thank him for that help and cooperation, and the country will be better for it.

We maintain the commitment to fighting illegal drug activities with $1.7 billion for the DEA, the full amount requested. With this increase, we will now have restored the total number of Federal agents working on drug cases to a number above the pre-9/11 levels.

The bill includes $3 billion for proven State and local law enforcement crime-fighting programs, restoring $886 million to the highest priority programs, including Juvenile Justice and the SCAAP, most of which the administration proposed to eliminate or drastically reduce.

For the Department of Commerce and related trade agencies, the recommendation includes $5.76 billion, a decrease of $186 million below 2004, which is largely a result of the reduction of lower priority spending in NOAA and elimination of the ATP program.

Full funding is included to empower our trade agencies to negotiate, verify, and enforce trade agreements that are more free and fair, and to ensure an even playing field for American businesses.

The bill includes vital assistance to the ongoing recovery of our manufacturing sector. Members on both sides have spoken to us about this. So $106 million is included for the Manufacturing Extension Partnership program. It is an increase of $67 million above the current request and the current year, and this is important for creating jobs throughout the entire country. The bill also includes $4 million for the Bureau of Economic Analysis, including funding for a study on the economic impacts of offshoring on the U.S. economy.

The bill continues funding for critical core programs of NOAA. The National Weather Service and NOAA's satellite programs are funded at the full requested level; and funding is continued, as requested, for many established ocean and fisheries programs.

The bill preserves the vitality and innovation of our economy with a historic funding increase for the Patent and Trademark Office to reduce the growing backlog in patent processing. The bill provides for $1.52 billion in spending, the same amount that the PTO expects to collect this year in fees.

□ 1230

And finally, under Commerce we are fulfilling the Department's constitutional responsibility to conduct the census. We provide an increase of $149 million to support the ramp-up of the 2010 decennial census, including funding for the American Community Survey.

For the Judiciary, the recommendation provides $5.2 billion, an increase of $391 million above 2004, to enable the courts and probation offices to process record caseloads.

For the State Department and the Broadcasting Board of Governors, the recommendation includes $8.9 billion, an increase of $299 million over 2004, and $80 million below the request.

Within this total, we are providing $1.57 billion, the full request for worldwide security improvements and replacement of vulnerable facilities and funding to support over 100 new positions aimed at improving security and strengthening the visa process.

The bill also includes $1.84 billion, the full amount requested for international organizations and peacekeeping.

We strongly support public diplomacy and international broadcasting to continue television broadcasting to Iraq, which was initiated last year and is very critical for the effort now taking place in Iraq. As sovereignty is transferred to an Iraqi government, we need to maintain the lines of communication with the Iraqi people and assure that they are receiving accurate and balanced news and information. This bill will also ensure that the broadcasting to Iraq continues without disruption.

For Related Agencies, the recommendation provides inflationary increases to most agencies, again fully funds the FTC's Do-Not-Call program, and includes a $102 million increase for the SEC to protect American investors.

For the SBA, the recommendation provides a 6 percent increase for operations and additional funds above the request for the Small Business Development Centers. The bill adopts the President's request for the 7(a) business loan program, which provides for up to $12.5 billion in general business loans, an unprecedented level, without requiring an appropriation.

The bill provides $335 million for the Legal Services Corporation, $6 million above the request. The committee has worked over the past few years to successfully bring Legal Services away from controversy. The bill again continues our commitment to provide civil legal aid to those who cannot afford counsel and are seeking justice.

In closing, Mr. Chairman, this is a summary of the recommendations before you today. It will strengthen the operations of Federal, State and local law enforcement agencies. It provides needed assistance to ensure that our economy and our manufacturing sector continue to grow. It provides for a secure and effective diplomatic operations overseas. It enables the judicial branch to successfully manage its growing workload. It represents our best take on matching needs with resources.

With that, Mr. Chairman, I would also want to close by thanking the staff. The staff has worked very, very hard, and in fact, not many people realize how hard these staff members work. And I want to thank the members of the subcommittee staff who are putting in very long hours on the 2005 CJS bill. All members and staff of the subcommittees have worked hard, and put in long hours that I believe will be helpful to the country.

I want to particularly thank Mike Ringler, the clerk of the subcommittee who has led this through the House appropriations process. I also want to thank Christine Kojac, John Martens, and Anne-Marie Goldsmith for their tireless efforts. Their work is much appreciated.

I also want to thank our detailee, Jonathan Mattiello, who has lent his support to the bill. In my personal office, Dan Scandling, Janet Shaffron, J.T. Griffin, Samantha Stockman and Neil Siefring for their efforts and work with the subcommittee. And from the minority staff, because we have had a good working relationship which I think can be a model, I want to thank David Pomerantz, Lucy Hand, whom I have known a long while, all the way back to the days where she worked for Mr. Lehman on the Committee on Appropriations, Subcommittee on Transportation, Treasury and Independent Agencies; Linda Pagelsen, Nadine Berg and Rob Nabors, who have worked with our staff in a bipartisan manner to produce this bill.

I want to thank them, and I want the American public to know and Members of the House to know who they are.

Mr. Chairman, I yield to the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Chairman, I appreciate the fact you are attempting to close general debate here. I did want to come over and compliment you and the gentleman from New York (Mr. SERRANO) on the excellent legislation here. I particularly appreciate the kind of support we Nebraskans have received from the subcommittee in the past in dealing with the very real methamphetamine problem, we have, but secondly, I also wanted to compliment the subcommittee on providing funding above the administration's request for the Judiciary.

I know the Nebraska Federal District Court was concerned that the so-called "hard freeze" initially proposed would cause layoffs and furloughs, and the Federal court has already taken a big hit in Nebraska with the loss of a temporary judgeship in May of 2004, when one of the judges took senior status.

So it is my opportunity today not only to compliment you but to send a message to the two authorizing judiciary committees that this judgeship and the failure to fill it is creating real hardships for the people of Nebraska, for the judges, for the law enforcement personnel and, I think, for justice. There is a saying that "justice delayed is justice denied," and I am afraid that is just about to be the case in Nebraska.

So you have done your job as an Appropriations subcommittee, and I thank you for the things that I have mentioned and for the other things that relate to the State, Commerce, and Justice departments.

Mr. Chairman, I thank the distinguished gentleman from Virginia (Mr. WOLF) for yielding me this time.

Mr. WOLF. Mr. Chairman, I reserve the balance of my time.

Mr. SERRANO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of the bill providing appropriations for the Commerce, Justice, State, Judiciary and related agencies for fiscal year 2005.

From the outset, I must say the 302(b) allocation given to the subcommittee, in our opinion, was too low. I am grateful to the chairman of the Committee on Appropriations, the gentleman from Florida (Mr. YOUNG), however, for providing $226 million above the request; and I am impressed with how much the chairman of our subcommittee, the gentleman from Virginia (Mr. WOLF), was able to accomplish within the allocation he was given. On the whole, I think the distribution of funds is quite fair and sensible and reflects priorities I believe most of us would share.

I would be remiss if I did not say how much of a pleasure it is to work with Chairman WOLF on this bill. Our working relationship and our friendship are major factors in producing it. I must also say that I am very grateful for the openness and fairness with which the chairman's staff has treated mine. Much is said, Mr. Chairman, about the poisonous atmosphere in the House these days, but that is not the case on this subcommittee, and I credit the gentleman from Virginia (Mr. WOLF) for that. His attentiveness and that of his staff to the needs of our side have been terrific, even if they could not always do everything we would like.

Mr. Chairman, I thank Chairman WOLF and the staff, Mike and Christine, John, Anne-Marie, and Jonathan have served the committee well, as have on our side David, Linda, and Laura, and on my personal staff Lucy, Nadine, Diaraf, Sean and Jennifer. I wonder at times, Mr. Chairman, if the American people have a full understanding of the fact that behind the work that is seen on the House floor and in press conferences there is always such a large number of young, dedicated people who put together so much of the work that goes on in this House, and I think it is something we should always remember.

Again, Chairman WOLF was able to accomplish much. To list just a few highlights, the bill includes full funding or better for the FBI, the DEA, international organizations, worldwide embassy security, and most of the related agencies. Also, much more than requested for MEP and SCAAP. Funding levels on which we can build for NOAA. Continuing support for the Office of Privacy and Civil Liberties Protection in Justice.

I am also gratified that the bill and report direct the EEOC not to proceed with its workforce repositioning without complying with the committee's reprogramming procedures, which will give us essential oversight of potentially very disruptive changes proposed by that agency.

I do worry that first responder funding shortfalls between the Homeland Security bill and this one, despite the efforts of Chairman WOLF and our previous chairman, the gentleman from Kentucky (Mr. ROGERS), to improve on deeply flawed request levels, represent a one-two punch at our public safety agencies.

I regret the inability to give the SBA the resources it needs, although there will be amendments today to restore funding for the 7(a) business loans program and microloans, or to fund programs such as TOP and PTFP, where real needs will go unmet.

I also would have liked to address a serious problem that the restrictions on the use of non-Federal funds pose for the Legal Services Corporation grantees, which face administrative and financial burdens probably unmatched by any other class of Federal grantees, but that is a discussion for another day.

One other issue I would like to mention is the census. Halfway between decennials, few Members pay much attention to the Census Bureau. But accurate statistics about the Nation's population and activities collected, analyzed, and published by the Bureau are crucial to both government and the economy. Not only is membership in this House apportioned according to census data, indeed the Constitution requires 10-year censuses for that purpose, but many important decisions and many Federal grant programs are based on accurate census information, both from the decennial and from other periodic censuses. Business, too, relies on census data for final decisions on marketing, locating facilities, and the like. The census is of extraordinary importance to minority communities because it is the basis for their ability to establish their identity and secure their rights.

As the chairman knows, the Census Bureau is a bureau that I always feel plays a special role in the South Bronx and, indeed, throughout our society. Whenever anyone gets up and speaks about we have such a number of this and a number of that, and this happened and that is happening, those figures are always taken from the work of the Census Bureau, and so we not only tip our hats to them but show them our support.

Again, Chairman WOLF has shown exceptional sensitivity to what the Census Bureau needs to continue its activities and prepare for the 2010 short-form-only decennial, and I thank him for that.

Again, Mr. Chairman, I believe that this bill is a good one, and I will support it as it continues to move through the process. Once again, I thank Chairman WOLF for his support, for his kindness, for his friendship, and above all, for being a man of great conviction who sticks with issues that other people dare not bring up, as we will see during this debate.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Chairman, today the House is considering the spending levels for the U.S. Federal Court system contained in H.R. 4754. Unfortunately for the State of Nebraska, it is not the level of funding for the Judiciary that is at issue, it is the failure of this Congress to address the problem of the loss of a Federal judgeship in Nebraska.

Since 1999, the judges of the Nebraska Federal District Court have requested Congress to either convert a temporary judgeship to a permanent one or at least extend the temporary judgeship. However, on November 22, 2003, even that last option was lost when the authority for the temporary position expired.

My colleagues in the Nebraska delegation have introduced legislation in this House and in the Senate to restore this single judgeship. The Senate Bill, S. 878, passed in the Senate in 2003, but this House has yet to take action.

This situation has created a major hardship for our Federal judiciary in Nebraska. The Nebraska district has the third highest per judge criminal caseload in the country. It exceeds the caseloads of the districts like Los Angeles, New York City, Chicago, and Miami. According to Nebraska Chief Judge Richard Kopf, "The criminal caseload has exploded over the last 5 years. From 1998 to 2003, it has risen 97 percent."

□ 1245

The chief judge has indicated that criminal cases take priority over all civil cases because of the United States Constitution, which requires that defendants have a speedy trial. This need to deal with the criminal docket has a major impact on lawyers and their clients with civil matters before the Federal courts.

Nebraska State Bar President John Grant has noted, "Without the four judgeships, very few noncriminal cases will be handled. Cases concerning Social Security benefits, health insurance coverage, civil rights and personal injury are not going to be heard on a timely basis."

This is an important issue to the State of Nebraska.

Mr. SERRANO. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Chairman, I thank the gentleman for yielding me this time.

I am rising today to discuss this bill because it cuts the NOAA funding by 15 percent and ignores essentially the two in-depth ocean reports released to Congress this past year. I thank the gentleman from Virginia (Chairman WOLF) and the gentleman from New York (Mr. SERRANO), the ranking member, for a commitment that they made during the full committee markup to work to increase the funding levels for the "National Ocean Service" and for the National Marine Fishery Service during conference. I appreciate their acknowledgment that the levels need to be increased.

I also want to thank our ranking member, the gentleman from Wisconsin (Mr. OBEY), for stating his concern on the NOAA funding cuts. I am deeply concerned about NOAA. With the commitments in mind, I want to highlight the funding levels for some of the NOAA programs. The hardest hit, and I would reference a bipartisan letter that was sent to the Committee on Appropriations by 59 Members of the House, the Coastal Zone Management Grants and the Coastal Nonpoint Pollution Grants, both of which States heavily rely on. Florida, for example, loses $345,000; Virginia has a net loss of

$620,000; California also has a net loss of $620,000. This may not seem like much when we are usually dealing in millions and billions, but to the States who rely on these funds for ongoing coastal zone management and nonpoint source grants, it is a great deal of money.

The Cooperative Fisheries Research Programs were cut also by $20 million. These programs bring the fishing community together with scientists to better understand fishery resources. This is a big issue that both of the ocean reports talked about, the fact that the right hand on science does not necessarily work well with the left hand on fisheries, and we need to make sure these two groups come together, and the fishermen understand the science, and the scientists better understand the economics of fishing so we can better meld these two groups together. We cannot do this if we are cutting the programs that bring people together.

Another area, the Marine Mammal Protection area, will be severely hampered under the House mark which, once separate lines are combined, equals roughly $4 million. The National Marine Fisheries Service will not be able to fund top-priority studies as identified by the multi-stakeholder take reduction teams. The National Marine Fisheries will not be able to design or implement fishery management plans that protect marine mammals. The agency will not be able to conduct research on population trends, health and demographics of marine mammals, and the National Marine Fisheries will not be able to carry out the education and enforcement programs.

The other program that was affected by this was the Marine Mammal Health and Stranding Response Program which was cut last year and that has not yet been resolved. The program funds our investigations of die-offs of large numbers of marine mammals, including the recent bottlenose dolphin die-off in Florida, which involved more than 100 animals.

If we combine the cuts in the State Coastal Zone Management Grants and the Coastal Nonpoint Pollution Grants, both of which are, as I said, relied on heavily by the States, you get these additional losses. So without these funds, we lose the opportunity to study and to work with the States in implementing good programs.

In my constituency, I have 24 national organizations which have signed a letter to every Member of the House, which describes deep concerns with the NOAA funding. They have fundamental problems with the cuts that NOAA received.

I believe the commitment made by the gentleman from Virginia (Mr. WOLF) and the gentleman from New York (Mr. SERRANO) to increase funding levels is sincere and they will work on that in conference. The NOAA programs such as the ones I have highlighted will ensure that our future in the oceans will remain vital and components of our economy and our communities and our lives will be sustained.

Lastly, because of the good work done by both the Pew Commission and the National Oceans Commission, we will be able to implement with these fundings some of the strong recommendations they made for healthy oceans.

Mr. Chairman, I submit the following letters for the RECORD:

CONGRESS OF THE UNITED STATES,
Washington, DC, April 8, 2004.

Hon. FRANK WOLF,
Chairman, Commerce, Justice, State and the Judiciary Subcommittee, Appropriations Committee, House of Representatives, Washington, DC.

Hon. JOSÉ SERRANO,
Ranking Member, Commerce, Justice, State and the Judiciary Subcommittee, Appropriations Committee, House of Representatives, Washington, DC.

DEAR CHAIRMAN WOLF AND RANKING MEMBER SERRANO: As Members concerned with our nation's diverse and productive coastal areas, we are requesting your support for funding the National Oceanic and Atmospheric Administration (NOAA). Our oceans and coasts support more than 2.8 million jobs, generate more than $54 billion in goods and services per year, and are the most popular destinations for recreation and tourism in the U.S.

Established by Congress in 2000, the Conservation Trust Fund dedicates $560 million in FY05 for critical coastal conservation programs within NOAA. We greatly appreciate the Subcommittee's full use of this funding over the last four years to provide vital support for high priority coastal conservation initiatives and urge the Subcommittee to again make full use of this fund in FY05.

On the eve of the release of the U.S. Commission on Ocean Policy draft report, we ask for your assistance in meeting the significant challenges and threats now confronting our oceans. We recognize the Committee has extraordinarily difficult choices to make this year; however, the continued health and prosperity of our coastal communities depend on our willingness to invest today to preserve our nation's coastal legacy for future generations. We respectfully request the Subcommittee seriously consider the funding levels for the following programs.

COASTAL ZONE MANAGEMENT

State Coastal Zone Management Grants—$80 million. These funds, which are matched dollar for dollar, are critical to support the efforts of 34 states and territories to reduce the impacts of coastal development, expand public access, reduce the damages from coastal hazards, restore and protect critical habitats and support the nation's important and diverse coastal communities.

Coastal Nonpoint and Community Resource Improvement Grants—$10 million. We urge the Subcommittee to reject the Administration's proposed termination of this program. This funding is only a fraction of what is needed by states to address polluted runoff, the most significant source of pollution of coastal waters.

National Estuarine Research Reserve System (NERRS)—$20 million grants, $15 million acquisition and construction. This funding will enable NERRS to support the addition of a new Reserve to the current system of 26 and fund the ongoing coastal stewardship training, research and education programs and construction needs.

Coastal and Estuarine Land Conservation Program—$60 million. Nowhere in the nation is the threat of ecosystem fragmentation, sprawl and habitat loss more prevalent than in our nation's coastal zone. In the first three years of this program, CELCP funds have leveraged non-federal funds and protected thousands of acres of coastal lands in 25 states.

MARINE CONSERVATION AND OCEAN EXPLORATION

National Marine Sanctuaries—$40 million operations, $10 million construction. The National Marine Sanctuary Program protects our nation's most unique and nationally significant marine ecosystems and resources. Level funding for operations in FY05 is critical to reducing staffing shortages, supporting conservation, community outreach, research, and education programs, and updating sanctuary management plans as required by law. We support no less than the fully authorized level for operation of sanctuaries and encourage the committee to recognize the pressing need for higher levels. In addition, we support $10 million for construction, as the backlog in facilities maintenance remains a significant operations liability at many sanctuaries.

Coral Reef Construction—$28.25 million. Coral reef ecosystems are among the most diverse, biologically productive, economically valuable, and threatened marine habitats in the world. Increased resources are urgently needed to reduce land-based pollution and address overfishing, diseases, and other threats to coral reefs. Funding for local action strategies will support on-the-ground solutions, such as critical monitoring, mapping, restoration, outreach and protection activities that reduce threats to coral reefs.

Ocean Exploration—$13.9 million. Less than 5% of the ocean has been explored or characterized to the same degree of resolution as we have characterized Mars and Venus. Ocean exploration is the vital first step in a new approach to ocean resource management, improved marine science and education, and a new vision for ocean stewardship. We urge the Subcommittee to support last year's funding level to demonstrate U.S. leadership in this important global issue.

SUSTAINABLE FISHERIES, MARINE MAMMALS AND INVASIVE SPECIES

Fisheries, Research and Observer Programs—$75 million. Recent scientific reports conclude that too many of our nation's fisheries are on the brink of collapse. Reducing the backlog in research days-at-sea and increasing fishery observer coverage and cooperative research efforts will give managers baseline information critical to better managing our fisheries. We commend the Subcommittee's efforts for increase funding in these areas in FY04 and urge $25 million for expanding stock assessments, $20 million for cooperative research, including data collection and analysis, and $30 million for regional and national fishery observer programs in FY05.

Vessel Monitoring System (VMS)—President's request of $9.3 million. VMS is a satellite-based fishery enforcement system that provides real-time catch data from participating vessels in a range of fisheries. The President's request would allow for the establishment and implementation of VMS systems and placement of transponders onboard many of the estimated 10,000 boats in the U.S. commercial fishing fleet. VMS programs augment existing enforcement efforts at approximately 1% of the cost, enhance data collection, and benefit fishermen by improving safety at sea and allowing fishing right up until a quota is reached.

Marine Mammal Protection—$9.1 million. This funding will help NMFS more fully assess and take measures to recover depleted and strategic marine mammal species, such as common dolphins, pilot whales and bottlenose dolphins, through take reduction team activities as well as other research, conservation and recovery efforts.

Endangered Species Act, Cooperative Agreements with States—$4 million. This cooperative program makes funding available on a competitive, matching basis to carry out conservation activities at the state and local level. Providing $4 million to the states in FY05 would support local researchers, non-governmental organizations, and volunteers to accomplish monitoring, restoration, science and conservation of species at risk of extinction.

Invasive Species Initiative—$5.5 million. This funding will be used by NOAA's Invasive Species reducing the potential for invasive species to be introduced in US ports and coastal waters, and to promote increased collaboration among the many groups working to understand invasive species, including NOAA, other agencies, and the scientific community.

Our oceans are a public trust whose stewardship is critical to our economy, our environment, and our future. We greatly appreciate your past support for these programs and your consideration of our requests.

Sincerely,

James Greenwood, Wayne T. Gilchrest, Curt Weldon, E. Clay Shaw, Jan Schakowsky, Madeleine Z. Bordallo, Frank Pallone, Jr., Sam Farr, Tom Allen, Dennis Cardoza, Michael H. Michaud, Jo Bonner, Jeb Bradley, Timothy V. Johnson, John Conyers, Jr.

Sheila Jackson-Lee, Chris Smith, Gene Green, John M. McHugh, Bart Stupak, Susan A. Davis, Loretta Sanchez, Anthony D. Weiner, Peter Deutsch, Jerrold Nadler, Carolyn B. Maloney, Gary L. Ackerman, Eliot L. Engel, Dale E. Kildee, Ed Markey.

Robert Wexler, Tom Petri, Eni Faleomavaega, Betty McCollum, Kendrick B. Meek, George Miller, Ileana Ros-Lehtinen, Raúl M. Grijalva, Earl Blumenauer, Tom Lantos, Tammy Baldwin, Alcee L. Hastings, Jim McDermott, Jay Inslee, Adam B. Schiff.

Mike McIntyre, Mike Thompson, James Langevin, Lois Capps, ———, Neil Abercrombie, Jim Saxton, Frank A. Lobiondo, Anna Eshoo, Aníbal Acevedo-Vilá, Edward Case, Barbara Lee, Bob Etheridge, ———.

July 7, 2004.

Funding for America's Oceans and Coasts Slashed Nearly Half a Billion Dollars in the FY05 CJS Bill

Dear Representative: The Fiscal Year 2005 (FY05) Commerce, Justice, State Appropriations bill that you will consider today guts funding for critically needed ocean and coastal protection activities and abrupt climate change research. The bill slashes $446 million for the National Oceanic and Atmospheric Administration (NOAA) from FY04 enacted levels, disregarding mounting scientific evidence and recommendations for greater investments. We oppose these deep cuts to NOAA and ask that they be rectified in the final bill.

The U.S. Commission on Ocean Policy, appointed by President Bush, recently released its preliminary report and confirmed the health of America's oceans is in severe decline. The Commission noted that our nation's current investments in ocean science, management and conservation are inadequate to address the major threats facing ocean ecosystems and coastal communities. This bill flatly ignores the Commission's warning about the state of our ocean and coastal resources, taking a step backwards at a time we should be making bold new efforts to protect the waters that give us life.

In addition, a bi-partisan letter signed by 61 Members of Congress in April called for providing adequate funding levels in key programs, such as coastal zone management; fisheries research, management, and enforcement; national marine sanctuaries; coral reel conservation; and marine mammal protection. Unfortunately, the bill not only fails to accept many of the increases the Congressional letter sought, but makes further cuts to the already inadequate Administration request for many of these programs.

Conservation Trust Fund. We are very disappointed to note that the bill fails to live up to Congress' groundbreaking commitment in 2000 to fully fund NOAA's part of the Conservation Trust Fund. The dedicated level for FY05 should be $560 million. Abandoning the historic Conservation Trust Fund is a significant retreat from a bi-partisan agreement to restore and sustain America's environmental legacy.

National Marine Fisheries Service. The status of roughly two-thirds of our commercially caught ocean fish populations is unknown due in large part to lack of resources for basic research and regular stock assessments. In addition, bycatch reduction and essential fish habitat protection are critical conservation priorities that do not receive appropriation attention. Finally, inadequate resources hamper the agency's ability to keep pace with the need for proper enforcement coverage. While we appreciate the Subcommittee providing additional funds for expanding fisheries stock assessments, the following programs are below FY04 appropriation levels: fishery observer programs, cooperative research, essential fish habitat protection, and protected resources (marine mammals, sea turtles).

National Ocean Service. Activities that support managing coastal zones and national marine sanctuaries, restoring coral reefs, protecting sensitive coastal and estuarine lands areas, and reducing coastal pollution merit increased funding. However, the bill's devastating 31 percent cut—$160 million—to the National Ocean Service's budget will jeopardize efforts to maintain and improve the quality of our coasts and will abolish entire portions of programs such as national marine sanctuaries, coral reef conservation, coastal state nonpoint pollution grants, and other vital conservation initiatives of the National Ocean Service.

Pacific Salmon Recovery. Pacific Northwest salmon are a vital part of that region's economic, cultural, and environmental wellbeing and an important part of our nation's history and commitment to the native peoples of this land. Unfortunately, many salmon runs in the Pacific Northwest continue to decline, and federal funding is currently insufficient to meet federal salmon recovery goals up and down the West Coast. The bill cuts $20 million from the Administration's request for conservation and habitat restoration and recovery grants for Pacific salmon populations.

Abrupt Climate Change Research. Funding for Abrupt Climate Change Research ($2 million) and Paleoclimate research ($1.3 million) has been zeroed-out, and the overall NOAA budget for climate and global change research has been reduced by an additional $6 million. These NOAA research programs are vital to improving our understanding of the impacts of climate change. Already, scientific and anecdotal evidence shows that increased temperatures from climate change are impacting ecosystems around the world. The National Academy of Sciences (NAS) recent report stated there is increased evidence that the climate does not respond to change gradually but rather in sudden, abrupt changes. The NAS called for additional research on sudden climate change, which is why these NOAA programs are so important.

While we appreciate the Committee's ongoing work to limit the number of anti-environmental riders attached to this bill, we oppose the woefully inadequate funding levels for NOAA and urge that they be rectified in the final bill. We thank you for considering our request.

American Cetacean Society, American Rivers, Animal Protection Institute, Coast Alliance, Conserve Our Ocean Legacy, Defenders of Wildlife, Endangered Species Coalition, Hawaii Wildlife fund, International Fund for Animal Welfare, International Wildlife Coalition, League of Conservation Voters, National Audubon Society, National Environmental Trust, Natural Resources Defense Council, Oceana, Sierra Club, The American Society for the Prevention of Cruelty to Animals, The Fund for Animals, The Humane Society of the United States, The Marine Mammal Center, The Ocean Conservancy, The Whale and Dolphin Conservation Society, The Wilderness Society, U.S. Public Interest Research Group.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. Knollenberg).

Mr. KNOLLENBERG. Mr. Chairman, I rise in support of H.R. 4754, the CJS Appropriations Act for Fiscal Year 2005. I commend the chairman, the gentleman from Virginia (Mr. Wolf), for producing what I believe to be an excellent bill, and the ranking member, the gentleman from New York (Mr. Serrano) as well; and I urge my colleagues to join in supporting this legislation.

There are many reasons to support this bill. I want to note one program in particular, the Manufacturing Extension Partnership. I thank the gentleman from Virginia (Mr. Wolf) for recognizing the importance of the MEP program to our Nation's manufacturers by funding it at $106 million. At that level, all MEP centers will continue to provide their valuable service to this country's manufacturers.

The MEP program, as has been discussed, is a Federal-State private network of over 60 centers with 400 locations in all 50 States. In fiscal year 2002 alone, MEP served approximately 18,000 small- and medium-sized manufacturers nationwide. These manufacturers reported an additional $2.8 billion in sales, $681 million more in cost savings, and 35,000 more jobs simply as a result of their projects in these MEP centers.

In my district alone, which has over 1,500 manufacturing companies, 92 percent of which are under 100 employees, Tru-Val Tubing Company in Waterford, Michigan, has seen dramatic improvements in productivity from the training provided by the MEP. The MEP center in Michigan, called the Michigan Manufacturing Technology Center, taught Tru-Val how to streamline the processes and reduce their inventory.

By embracing the concept of "lean thinking," Tru-Val can now produce more products in less space. The result is higher productivity and huge savings for the company. In fact, because of these improvements, Tru-Val has been able to increase its employees from 85 to 120. It is truly a success story. And for these reasons, I strongly support the MEP program, and I urge my colleagues to support this bill.

Mr. SERRANO. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. Pallone).

Mr. PALLONE. Mr. Chairman, I would like to follow up on the statements made by the gentleman from California (Mr. Farr) with regard to the coastal and ocean levels of funding in the bill.

First of all, let me say that the gentleman from Virginia (Mr. Wolf) and our ranking member, the gentleman from New York (Mr. Serrano), have over the years made major commitments to our oceans and coasts. And so when we say today we would like to see more funding placed in conference for things like NOAA, marine mammals, coastal zone management, it in no way takes away from what these two gentlemen and the subcommittee have accomplished over the years.

I think the reason that we feel very strongly right now that there needs to be more of a funding commitment in these ocean- and coastal-related activities is because of the reports that came out by the National Ocean Commission and Pew Ocean Commission, which both stress the need for a lot more funding in these programs. They basically pointed to the decline of the ocean environment and increasing stress on the ocean and coastal areas over the years; and also because of the lack of scientific understanding, that more money was needed for basic science so we understand what the problems are in oceans.

I do not want to repeat everything that the gentleman from California (Mr. Farr) said, but as was mentioned, there is a 15 percent cut in funding for NOAA. There is about $160 million less than the fiscal year 2004 enactment for the National Ocean Service and other programs like fisheries, marine mammals and coastal zone management which could use more funding.

We are hoping during the conference these needs will be addressed. Knowing both the chairman and the ranking member, I am sure they will make every effort to try to accomplish that when we go to conference in having to deal with the other body. I thank the gentlemen for their support over the years, and I hope we can see increased funding for these vital programs given the recent reports from the National Ocean Commission and the Pew Ocean Commission.

Mr. WOLF. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. Young).

Mr. YOUNG of Florida. Mr. Chairman, I rise to compliment the work of the gentleman from Virginia (Mr. Wolf) and what the subcommittee has done on this bill, which tends to be controversial on occasion. The markup in subcommittee and full committee, led by the gentleman from Virginia (Chairman Wolf) and the gentleman from New York (Mr. Serrano) went extremely well, which was a little unusual because the bill does tend to attract some interesting debate on occasion. The gentlemen worked in partnership to bring a good bill.

As the gentleman from Virginia (Mr. Wolf) stated earlier, the 302(b) allocation was a little lean, but all of the 302(b) allocations were a little lean this year. They did a good job and produced a good bill with a lean 302(b) allocation.

And I want to take a minute to give a status report. As of today, the Committee on Appropriations has marked up 10 of the 13 bills in subcommittee, 7 of the 13 bills in the full committee. This will be the fifth bill passed through the floor, and the legislative branch will be passed on tomorrow. That means that we are moving very quickly considering we got off to a very late start since we did not get the deeming budget resolution until May 19.

The committee has worked very effectively and worked pretty much on a bipartisan basis, and all of the members have been contributors to the work effort. We are moving the bills with pretty good votes on the floor. Again, I just wanted to give this brief status report and again say to the gentleman from Virginia (Mr. Wolf) and the gentleman from New York (Mr. Serrano) what great leaders they are and what great leadership they have provided the subcommittee and the full committee as they brought this bill to this point where we will pass this bill and send it to the other body today.

Mr. SERRANO. Mr. Chairman, I yield 3 minutes to the gentleman from Vermont (Mr. Sanders).

Mr. SANDERS. Mr. Chairman, I want to congratulate the gentleman from New York (Mr. Serrano) and the gentleman from Virginia (Mr. Wolf) for their excellent efforts on this important legislation.

Mr. Chairman, I want to say a few words about a limitation amendment that I will be offering at the end of this bill. That amendment is modeled after H.R. 1157, the Freedom to Read Protection Act, which I have offered and which has 145 bipartisan cosponsors. This legislation is supported by a wide range of groups across the ideological spectrum, from those who are very conservative to those who are very progressive.

The amendment I will be offering later is cosponsored by the gentleman from Idaho (Mr. Otter), the gentleman from Michigan (Mr. Conyers), the gentleman from Texas (Mr. Paul) and the gentleman from New York (Mr. Nadler). This amendment addresses section 215 of the USA PATRIOT Act, and it is a section which has engendered a great deal of controversy.

Mr. Chairman, there is no disagreement in this body or in the United States of America that our country has got to do everything that it can to prevent another 9/11, to prevent acts of terrorism against the American people. But I think there is also widespread belief in this body and throughout this country that we can and must fight terrorism without undermining the basic constitutional rights that have made this a free country.

All over this country, in hundreds of cities which have passed resolutions, in four States which have passed resolutions, among hundreds of different organizations, there is a concern that within the USA PATRIOT Act in section 215 it gives the right of the government, with virtually no probable cause, to go into our libraries, to go into our bookstores and to ascertain the reading habits of the American people. That is not, I believe, what this country is about or what this body believes in.

So we are going to be offering an amendment that would disallow the government from gaining the reading records of people who buy books at bookstores or take books out of the library or use Internet service in the library.

I am delighted we have so much support for this legislation.

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Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee (Mr. Wamp).

Mr. WAMP. Mr. Chairman, I thank the gentleman for yielding me this time.

I come to the floor today to thank the gentleman from Virginia (Mr. Wolf), chairman of the subcommittee, and, of course, the gentleman from New York (Mr. Serrano), ranking member. But the gentleman from Virginia (Mr. Wolf) just got back from the Sudan. He has a passion for human beings, all human beings, and he works to protect their life. And I just thank him for that work. In human rights there is really not a Member of this House that cares more, that does more, that goes into more dangerous places than the gentleman from Virginia (Mr. WOLF). I thank him and I thank him for this bill.

In the foothills of Appalachia, where I live, in east Tennessee, methamphetamine production has been overtaking us. But I want to thank the leadership of this subcommittee, going back to when the gentleman from Kentucky (Mr. ROGERS) was the chairman of this subcommittee, this subcommittee began to resource what is now the East Tennessee Methamphetamine Task Force. It is 42 counties. We have seized over 3,500 meth labs in the last 5 years in east Tennessee, 3,500, with the support of this subcommittee at $1 million a year. It sounds like a lot of money. In the scheme of things in this bill, it is not; but 3,500 labs have been seized.

I want to hail Sandy Mattice, our U.S. Attorney; Russ Dedrick, our assistant U.S. Attorney; and the entire task force, who are sheriffs, local government, the DEA, the FBI. It is a true local-State-Federal partnership. It is state of the art, and we are winning the battle on methamphetamine; but it is destroying families. In these pockets of pain in rural America, methamphetamine production is catastrophic; but this is very helpful, the money that this subcommittee is targeting, putting in to help organizations like the East Tennessee Meth Task Force. It needs to be done at the local level.

This is really a grassroots effort, not a Federal program. But the Federal Government is assisting local government, fighting this problem. And we cannot clean the labs up without the Federal money. We do not have the resources at the local level, and the coordination needs to happen at the local and regional levels. It is happening in east Tennessee. And I thank the committee and the people that are in the field fighting methamphetamine production to save our children.

Mr. SERRANO. Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I yield such time as he may consume to the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS of Kentucky. Mr. Chairman, I thank the chairman for yielding me this time.

Mr. Chairman, I rise in strong support of this bill. It makes great strides in protecting our Nation. First off, it fully funds the FBI, $5.2 billion, which is a significant increase over current year, some $687 million more than this year. And especially important to me is the language in the bill that encourages the FBI to work closely with the Department of Homeland Security to complete an interoperable system as soon as possible, to help us check people coming across our borders against the FBI's criminal watch list.

That is terribly important because we have had some unfortunate experiences on the border of murderers making it across the border after having been stopped; but the inability to check against the criminal records of the FBI needs to be remedied forthwith, and this bill has language encouraging that.

And then, as the gentleman from Tennessee just said, this bill fully funds the President's Prescription Drug Abuse Program. And for those of us in the parts of the country where prescription drug abuse, like the overuse and abuse of Oxycontin, it is terribly important that we tackle this problem head on, and that is what this bill does. In my district, we have started an organization called UNITE, which stands for Unlawful Narcotics Investigations, Treatment and Education. There are literally thousands of people now involved with the support of this subcommittee in a three-pronged attack against methamphetamine and prescription drug abuse: investigations and the law enforcement part of getting rid of the pushers; treatment for those who are addicted and need treatment; and, of course, education to try to encourage young people, especially, to stay away from the abuse of these drugs. And this bill supports that program, and I thank the chairman for that especially.

The bill fully funds the DEA, $70 million above the current level. It has $10 million for the Prescription Drug Monitoring Program, which allows States to receive grants to establish a program to prevent people from double-filling prescription drugs and using the excess for sale as pushers. It includes $50 million for drug courts, which I believe in very strongly. We are seeing that work in my district, among others, where the power of the law is used for the good of people who are arrested and have no other crime except the use of drugs. And the drug courts work, and they rehabilitate people back into society in a good way. And then there is $60 million in the bill for methamphetamine hot spots, a problem that is particularly important in the rural parts of America.

And then the bill reinforces the presence of the U.S. abroad. There is $1.5 billion for Embassy Security, Construction and Maintenance, which is $148 million over current levels. And, most importantly, I think, it continues the efforts to right-size the staffing at the embassies, saving us money and improving efficiency at all the places where Americans serve abroad in our embassies and consulates. Those are some of the more important features of the bill as far as I am concerned.

I want to compliment the gentleman from Virginia (Chairman WOLF) and the gentleman from New York (Mr. SERRANO), ranking member. I had the pleasure of working as chairman of this subcommittee for 6 years, working with the gentleman from New York (Mr. SERRANO), who was ranking at the time; and I found him to be especially helpful in constructing a good bill. And certainly the gentleman from Virginia (Chairman WOLF) has just done a great job, in my judgment, a very challenging bill this year because of lack of funds. So I compliment the chairman and the ranking member for bringing to us a very worthy bill, and I urge 100 percent support of it.

Mr. SERRANO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to take this opportunity to thank and congratulate the gentleman from Kentucky (Mr. ROGERS), the gentleman from Virginia (Chairman WOLF), and the gentleman from Tennessee (Mr. WAMP) for bringing this issue to our attention.

Too often in this country when we speak about drug abuse and drug addiction and the problems related to drugs, the image that the American people get is that of youngsters in the inner cities. Yet one of America's so misunderstood secrets is the fact that drug addiction and drug abuse is a problem that plagues the whole society. And I really think that before the gentleman from Virginia (Chairman WOLF), the gentleman from Kentucky (Mr. ROGERS), and the gentleman from Tennessee (Mr. WAMP) started to speak about this issue, this House was not fully aware of that. They put it on the map. They put provisions in this bill to deal with it. We have worked on allocating dollars to deal with the issue. And I think the country will benefit and attention will be focused, Mr. Chairman, on the fact that this is a national problem.

We can speak about the issues that can really hurt the society in the long run, and certainly right up there, in my opinion, with the everlasting, unfortunate, lingering racial problems in this country is the fact that so many members of our society abuse drugs and are caught up in the horrible use of drugs. Again, in the inner city it is easier to see. We see it on street corners. We see it in front of buildings. We see it in school yards where there are thousands of students attending one school. In some of the rural and suburban communities, it is not seen the same way. It does not have the same face. But it does have the same suffering; it does have the same pain; and it threatens the society we live in in the same way.

So I want to thank the three gentlemen for that, having brought this to the House's attention.

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. SERRANO. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, the gentleman is absolutely correct. In my rural district in Kentucky, it is an epidemic of the abuse of

Oxycontin, particularly, but methamphetamines as well. And we have had dozens of young people die from the overabuse of these very addictive drugs, and it truly is an epidemic, and it strikes rich and poor, urban and rural. It does not matter. Wonderful families are broken up by this. People dying, families ruined, no place to go for treatment, no hope involved.

And I want to compliment the gentleman for further drawing attention to this real epidemic that is sweeping the whole country, not just the cities, but I think probably especially now the rural areas. And I compliment him for bringing this up again, but also the chairman and him for including funds to help us fight it.

Mr. SERRANO. Mr. Chairman, reclaiming my time, another additional comment is the fact that the gentleman from Virginia (Chairman WOLF) has done a lot of work especially in this bill on the issue of gang violence, again, one of those issues that a lot of people relate to certain parts of the country and certain types of communities. Yet we find out that gang violence is spreading throughout the country. And this bill begins to address it in a proper and strenuous way.

Interestingly enough, those of us who have lived in the inner city know that there is a relationship between gang violence and drug abuse and drug addiction because those who do not use drugs but who become millionaires by providing the drugs make sure that people who are in gang-related activities and other activities in the community become addicted. Their line of business is to get people addicted, and this is the way they do it.

So it is interesting that we are speaking today on a bill that addresses both issues. But the main point here is for the American people to fully understand that this is not a disease, this is not a condition, this is not a crime that is only related to certain parts of our community. It is related to the whole Nation; and it threatens us, in my opinion, as much as anything else. Years from now if we do not deal with this issue, if we let the full Nation go the way that some communities have gone, we will regret the fact that we missed an opportunity.

So I am proud to be part of this effort today, and I congratulate again the gentleman from Tennessee (Mr. WAMP), the gentleman from Kentucky (Chairman ROGERS), and the gentleman from Virginia (Chairman WOLF).

Mr. FARR. Mr. Chairman, I rise today in support of the Sanders-Otter-Conyers-Paul-Nadler Freedom to Read amendment. This amendment curtails one of the most invasive provisions of the Patriot Law by prohibiting law enforcement from making sweeping searches and seizures of library and bookstore patron records.

We can all recall October 2001 when the PATRIOT Act was hastily passed by this body. Many of us, myself included, didn't have the chance to read this lengthy and complicated legislation in the few hours we had before the vote. I voted against the unseen legislation because I was concerned that its passage would amount to the blind abandonment of our civil liberties. As the details of the PATRIOT law came to light, it became all too clear that this law contained numerous infringements on our long-held civil liberties.

Today, we all know what is in the PATRIOT law, and our constituents know too. In my district, the local governments of Pacific Grove, Salinas, Santa Cruz, and Watsonville, CA, have all passed resolutions expressing their concerns with the anti-privacy and antiliberty portions of the PATRIOT Act. Supporting this amendment is an opportunity to respond to those concerns and rollback one of the most invasive provisions of the PATRIOT law.

Passing the Freedom to Read amendment would ensure that library or book store records relating to an American who is not the subject of an investigation will not end up in the government's hands without the benefit of the protections of the courts. I would urge my colleagues to stand up for the civil liberties that our country has always stood for and pass the Freedom to Read amendment.

Mr. WOLF. Mr. Chairman, I submit the following statement of comparative budget authority.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, FY 2005 (H.R. 4754)

(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - DEPARTMENT OF JUSTICE					
General Administration					
Salaries and expenses	105,564	186,551	103,045	-2,519	-83,506
Intelligence policy and review	---	---	21,861	+21,861	+21,861
Joint automated booking system	18,974	20,309	20,000	+1,026	-309
Automated Biometric Identification System-Integrated Identification system integration	5,046	5,054	5,054	+8	---
Legal activities office automation	26,749	---	50,000	+23,251	+50,000
Narrowband communications	102,085	101,971	100,000	-2,085	-1,971
Counterterrorism fund	989	---	---	-989	---
Administrative review and appeals	191,494	202,518	202,518	+11,024	---
Detention trustee	805,530	938,810	938,810	+133,280	---
Office of Inspector General	60,200	63,813	63,813	+3,613	---
Total, General administration	1,316,631	1,519,026	1,505,101	+188,470	-13,925
United States Parole Commission					
Salaries and expenses	10,498	10,650	10,650	+152	---
Legal Activities					
General legal activities:					
Direct appropriation	612,029	657,135	639,314	+27,285	-17,821
Radiation exposure compensation act	1,975	---	---	-1,975	---
Emergency appropriations (P.L. 108-106)	15,000	---	---	-15,000	---
Subtotal	629,004	657,135	639,314	+10,310	-17,821
Vaccine injury compensation trust fund (permanent)	3,985	6,333	6,333	+2,348	---
Legal activities office automation	---	80,510	---	---	-80,510
Antitrust Division	132,911	136,463	135,463	+2,552	-1,000
Offsetting fee collections - current year	-112,000	-101,000	-101,000	+11,000	---
Direct appropriation	20,911	35,463	34,463	+13,552	-1,000
United States Attorneys	1,510,193	1,547,519	1,535,000	+24,807	-12,519
United States Trustee System Fund	166,157	174,355	172,850	+6,693	-1,505
Offsetting fee collections	-158,157	-169,355	-167,850	-9,693	+1,505
Interest on U.S. securities	-8,000	-5,000	-5,000	+3,000	---
Direct appropriation	---	---	---	---	---
Foreign Claims Settlement Commission	1,193	1,220	1,220	+27	---
United States Marshals Service:					
Salaries and expenses (non-CSE)	712,203	742,070	752,070	+39,867	+10,000
Construction	13,918	1,371	1,371	-12,547	---
Total, United States Marshals Service	726,121	743,441	753,441	+27,320	+10,000
Fees and expenses of witnesses	156,145	177,585	177,585	+21,440	---
Community Relations Service	9,426	9,833	9,833	+407	---
Assets forfeiture fund	21,530	21,759	21,759	+229	---
Payment to radiation exposure compensation trust fund	---	72,000	72,000	+72,000	---
Total, Legal activities	3,078,508	3,352,798	3,250,948	+172,440	-101,850
Interagency Law Enforcement					
Interagency crime and drug enforcement	---	580,632	561,033	+561,033	-19,599

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY,
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(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
Federal Bureau of Investigation					
Salaries and expenses	4,033,796	4,563,921	4,289,028	+255,232	-274,893
Counterintelligence and national security	484,947	495,000	916,000	+431,053	+421,000
Direct appropriation	4,518,743	5,058,921	5,205,028	+686,285	+146,107
Foreign terrorist tracking task force	60,949	56,349	---	-60,949	-56,349
Construction	11,056	---	10,242	-814	+10,242
Total, Federal Bureau of Investigation	4,590,748	5,115,270	5,215,270	+624,522	+100,000
Drug Enforcement Administration					
Salaries and expenses	1,703,038	1,815,719	1,815,719	+112,681	---
Diversion control fund	-118,561	-154,216	-154,216	-35,655	---
Subtotal	1,584,477	1,661,503	1,661,503	+77,026	---
Interagency drug enforcement	550,609	---	---	-550,609	---
Total, Drug Enforcement Administration	2,135,086	1,661,503	1,661,503	-473,583	---
Bureau of Alcohol, Tobacco and Firearms	827,289	870,357	870,357	+43,068	---
Rescission	---	-1,500	---	---	+1,500
Total, Bureau of Alcohol, Tobacco and Firearms	827,289	868,857	870,357	+43,068	+1,500
Federal Prison System					
Salaries and expenses	4,414,313	4,706,232	4,567,232	+152,919	-139,000
Buildings and facilities	393,515	---	189,000	-204,515	+189,000
Federal Prison Industries, Incorporated (limitation on administrative expenses)	3,393	3,429	3,429	+36	---
Total, Federal Prison System	4,811,221	4,709,661	4,759,661	-51,560	+50,000
Office of Justice Programs					
Justice assistance	188,124	1,710,664	217,000	+28,876	-1,493,664
(By transfer)	(6,632)	---	---	(-6,632)	---
Rescission	---	-53,471	---	---	+53,471
Total, Office of Justice Programs	188,124	1,657,193	217,000	+28,876	-1,440,193
State and local law enforcement assistance:					
Local law enforcement block grant	222,633	---	---	-222,633	---
Boys and Girls clubs (earmark)	(79,628)	---	---	(-79,628)	---
National Institute of Justice (earmark)	(9,953)	---	---	(-9,953)	---
USA FREEDOM corps (earmark)	(2,967)	---	---	(-2,967)	---
Justice assistance grants	---	---	634,000	+634,000	+634,000
Boys and Girls clubs (earmark)	---	---	(80,000)	(+80,000)	(+80,000)
National Institute of Justice (earmark)	---	---	(15,000)	(+15,000)	(+15,000)
USA FREEDOM corps (earmark)	---	---	(5,000)	(+5,000)	(+5,000)
Indian assistance	14,842	---	15,000	+158	+15,000
Tribal prison construction	(1,991)	---	(2,000)	(+9)	(+2,000)
Indian tribal courts program	(7,963)	---	(8,000)	(+37)	(+8,000)
Indian grants	(4,977)	---	(5,000)	(+23)	(+5,000)
State criminal alien assistance program	296,843	---	325,000	+28,157	+325,000
Cooperative agreement program	1,979	---	---	-1,979	---
Byrne grants (formula)	494,739	---	---	-494,739	---
Byrne grants (discretionary)	157,443	---	110,000	-47,443	+110,000
Miscellaneous appropriations (P.L. 108-199)	49,705	---	---	-49,705	---
Drug courts	38,095	---	50,000	+11,905	+50,000
Other crime control programs	3,851	---	3,862	+11	+3,862
Assistance for victims of trafficking	9,894	---	10,000	+106	+10,000
Prescription drug monitoring	6,926	---	10,000	+3,074	+10,000
Prison rape prevention	36,784	---	52,175	+15,391	+52,175
State prison drug treatment	---	---	35,000	+35,000	+35,000

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AND RELATED AGENCIES APPROPRIATIONS BILL, FY 2005 (H.R. 4754)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
Intelligence sharing	---	---	10,000	+10,000	+10,000
Miscellaneous appropriations (P.L. 108-199)	2,237	---	---	-2,237	---
Total, State and local law enforcement	1,335,971	---	1,255,037	-80,934	+1,255,037
Weed and seed program fund	57,926	---	51,169	-6,757	+51,169
Community oriented policing services:					
COPS enhancement grants	---	---	113,000	+113,000	+113,000
Hiring	118,737	---	---	-118,737	---
Training and technical assistance	---	17,625	---	---	-17,625
Bullet proof vests	24,737	---	25,000	+263	+25,000
Tribal law enforcement	24,737	20,000	---	-24,737	-20,000
Meth hot spots	53,482	20,000	60,000	+6,518	+40,000
Police corps	14,842	---	20,000	+5,158	+20,000
COPS technology	156,740	---	130,000	-26,740	+130,000
Interoperable communications	84,106	1,550	---	-84,106	-1,550
Criminal records upgrade	29,684	---	50,000	+20,316	+50,000
DNA backlog/crime lab	98,948	---	175,788	+76,840	+175,788
Paul Coverdell forensics science	9,894	---	---	-9,894	---
Crime identification technology	23,971	---	---	-23,971	---
Gun violence reduction	29,684	---	30,000	+316	+30,000
Southwest border prosecutors	29,684	---	40,000	+10,316	+40,000
Offender reentry	4,948	---	15,000	+10,052	+15,000
Safe schools initiative	4,552	---	---	-4,552	---
Police integrity grants	9,894	10,000	---	-9,894	-10,000
Management and administration	29,684	27,914	27,914	-1,770	---
Rescission	---	-53,471	---	---	+53,471
Total, Community oriented policing services	748,324	43,618	686,702	-61,622	+643,084
Violence against women office	383,551	362,477	383,551	---	+21,074
Juvenile justice programs	348,989	---	349,000	+11	+349,000
(Transfer out)	(-6,632)	---	---	(+6,632)	---
Public safety officers benefits:					
Death benefits	49,054	63,054	63,054	+14,000	---
Disability and education benefits	2,968	---	6,410	+3,442	+6,410
Total, Public safety officers benefits program	52,022	63,054	69,464	+17,442	+6,410
Total, Office of Justice Programs	3,114,907	2,126,342	3,011,923	-102,984	+885,581
United States Attorneys (sec. 111)	14,842	---	---	-14,842	---
Local law enforcement block grant (sec. 113)	544	---	---	-544	---
Rescission (sec. 114)	-100,000	---	---	+100,000	---
Total, title I, Department of Justice	19,800,274	19,944,739	20,846,446	+1,046,172	+901,707
Appropriations	(19,885,274)	(20,053,181)	(20,846,446)	(+961,172)	(+793,265)
Emergency appropriations	(15,000)	---	---	(-15,000)	---
Rescission	(-100,000)	(-108,442)	---	(+100,000)	(+108,442)
(Transfer out)	(-6,632)	---	---	(+6,632)	---
(By transfer)	(6,632)	---	---	(-6,632)	---
TITLE II - DEPARTMENT OF COMMERCE AND RELATED AGENCIES					
TRADE AND INFRASTRUCTURE DEVELOPMENT					
RELATED AGENCIES					
Office of the United States Trade Representative					
Salaries and expenses	41,552	39,552	41,552	---	+2,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY,
AND RELATED AGENCIES APPROPRIATIONS BILL, FY 2005 (H.R. 4754)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
International Trade Commission					
Salaries and expenses	57,682	61,700	61,700	+4,018	---
Total, Related agencies	99,234	101,252	103,252	+4,018	+2,000
DEPARTMENT OF COMMERCE					
International Trade Administration					
Operations and administration	391,102	401,513	401,513	+10,411	---
Offsetting fee collections	-13,000	-8,000	-8,000	+5,000	---
Direct appropriation	378,102	393,513	393,513	+15,411	---
Bureau of Industry and Security					
Operations and administration	60,358	76,516	61,265	+907	-15,251
CWC enforcement	7,128	---	7,128	---	+7,128
Total, Bureau of Industry and Security	67,486	76,516	68,393	+907	-8,123
Economic Development Administration					
Economic development assistance programs	285,083	289,762	289,762	+4,679	---
Salaries and expenses	30,244	30,565	30,565	+321	---
Total, Economic Development Administration	315,327	320,327	320,327	+5,000	---
Minority Business Development Agency					
Minority business development	28,556	34,461	28,899	+343	-5,562
Total, Trade and Infrastructure Development	888,705	926,069	914,384	+25,679	-11,685
ECONOMIC AND INFORMATION INFRASTRUCTURE					
Economic and Statistical Analysis					
Salaries and expenses	74,211	88,400	78,211	+4,000	-10,189
Bureau of the Census					
Salaries and expenses	192,761	220,425	202,765	+10,004	-17,660
Periodic censuses and programs	431,464	608,171	571,116	+139,652	-37,055
Total, Bureau of the Census	624,225	828,596	773,881	+149,656	-54,715
National Telecommunications and Information Administration					
Salaries and expenses	14,450	22,101	15,282	+832	-6,819
Public telecommunications facilities, planning and construction	21,769	2,538	2,538	-19,231	---
Information infrastructure grants	14,842	---	---	-14,842	---
Total, National Telecommunications and Information Administration	51,061	24,639	17,820	-33,241	-6,819

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, FY 2005 (H.R. 4754)

(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
United States Patent and Trademark Office					
Current year fee funding	1,222,460	1,314,653	1,314,653	+92,193	---
Spending from new fees (proposed legislation)	---	208,754	208,754	+208,754	---
Total, Patent and Trademark Office	1,222,460	1,523,407	1,523,407	+300,947	---
Offsetting fee collections	-1,222,460	-1,314,653	-1,314,653	-92,193	---
Total, Economic and Information Infrastructure	749,497	1,150,389	1,078,666	+329,169	-71,723
SCIENCE AND TECHNOLOGY					
Technology Administration					
Office of Technology Policy					
Salaries and expenses	6,343	8,294	6,547	+204	-1,747
National Institute of Standards and Technology					
Scientific and technical research and services	340,743	413,886	366,856	+26,113	-47,030
Industrial technology services	216,480	39,190	106,000	-110,480	+66,810
Construction of research facilities	64,271	59,411	43,132	-21,139	-16,279
Working capital fund	---	8,982	8,982	+8,982	---
Total, National Institute of Standards and Technology	621,494	521,469	524,970	-96,524	+3,501
National Oceanic and Atmospheric Administration					
Operations, research, and facilities	2,658,251	2,377,841	2,245,000	-413,251	-132,841
(By transfer from Promote and Develop Fund)	(62,000)	(79,000)	(79,000)	(+17,000)	---
By transfer from Coastal zone management	---	3,000	---	---	-3,000
Deobligations returned	-15,000	---	---	+15,000	---
Total, Operations, research, and facilities	2,643,251	2,380,841	2,245,000	-398,251	-135,841
Procurement, acquisition and construction	979,708	898,510	840,000	-139,708	-58,510
Pacific coastal salmon recovery	89,052	100,000	80,000	-9,052	-20,000
Coastal zone management fund	-3,000	-3,000	-3,000	---	---
Fishermen's contingency fund	---	956	---	---	-956
Foreign fishing observer fund	---	191	---	---	-191
Fisheries finance program account	-8,000	-4,000	-4,000	+4,000	---
Total, National Oceanic and Atmospheric Administration	3,701,011	3,373,498	3,158,000	-543,011	-215,498
Total, Science and Technology	4,328,848	3,903,261	3,689,517	-639,331	-213,744
Departmental Management					
Salaries and expenses	46,791	56,021	52,109	+5,318	-3,912
Office of Inspector General	20,894	22,249	22,249	+1,355	---
Total, Departmental management	67,685	78,270	74,358	+6,673	-3,912
EDA conveyance (sec. 209)	989	---	---	-989	---
Procurement, acquisition and construction (sec. 212)	6,065	---	---	-6,065	---
Lobster (sec. 213)	495	---	---	-495	---
Non-pollock west coast groundfish (sec. 214)	495	---	---	-495	---
Total, Department of Commerce	5,943,545	5,956,737	5,653,673	-289,872	-303,064

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY,
AND RELATED AGENCIES APPROPRIATIONS BILL, FY 2005 (H.R. 4754)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
Rescission (sec. 215)	-100,000	---	---	+100,000	---
Total, title II, Department of Commerce and related agencies	5,942,779	6,057,989	5,756,925	-185,854	-301,064
Appropriations	(6,042,779)	(6,057,989)	(5,756,925)	(-285,854)	(-301,064)
Rescission	(-100,000)	---	---	(+100,000)	---
(By transfer)	(62,000)	(79,000)	(79,000)	(+17,000)	---
TITLE III - THE JUDICIARY					
Supreme Court of the United States					
Salaries and expenses:					
Salaries of justices	1,896	1,985	1,985	+89	---
Other salaries and expenses	52,901	56,137	56,137	+3,236	---
Total, Salaries and expenses	54,797	58,122	58,122	+3,325	---
Care of the building and grounds	10,480	10,579	9,979	-501	-600
Miscellaneous appropriations (P.L. 108-199)	15,906	---	---	-15,906	---
Total, Supreme Court of the United States	81,183	68,701	68,101	-13,082	-600
United States Court of Appeals for the Federal Circuit					
Salaries and expenses:					
Salaries of judges	2,237	2,257	2,257	+20	---
Other salaries and expenses	18,231	22,750	20,679	+2,448	-2,071
Total, Salaries and expenses	20,468	25,007	22,936	+2,468	-2,071
United States Court of International Trade					
Salaries and expenses:					
Salaries of judges	1,721	1,757	1,757	+36	---
Other salaries and expenses	12,217	13,316	13,131	+914	-185
Total, Salaries and expenses	13,938	15,073	14,888	+950	-185
Courts of Appeals, District Courts, and Other Judicial Services					
Salaries and expenses:					
Salaries of judges and bankruptcy judges	274,504	289,877	289,877	+15,373	---
Other salaries and expenses	3,680,532	4,030,367	3,887,367	+206,835	-143,000
Direct appropriation	3,955,036	4,320,244	4,177,244	+222,208	-143,000
Vaccine Injury Compensation Trust Fund	3,159	3,471	3,471	+312	---
Defender services	598,116	681,612	676,469	+78,353	-5,143
Fees of jurors and commissioners	57,213	62,800	62,800	+5,587	---
Court security	274,580	383,282	379,580	+105,000	-3,702
Total, Courts of Appeals, District Courts, and Other Judicial Services	4,888,104	5,451,409	5,299,564	+411,460	-151,845
Administrative Office of the United States Courts					
Salaries and expenses	65,305	72,154	68,635	+3,330	-3,519
Federal Judicial Center					
Salaries and expenses	21,214	22,126	21,737	+523	-389
Judicial Retirement Funds					
Payment to Judiciary Trust Funds	29,000	36,700	36,700	+7,700	---

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY,
AND RELATED AGENCIES APPROPRIATIONS BILL, FY 2005 (H.R. 4754)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
United States Sentencing Commission					
Salaries and expenses	12,224	13,456	13,304	+1,080	-152
Total, title III, the Judiciary	5,131,436	5,704,626	5,545,865	+414,429	-158,761
TITLE IV - DEPARTMENT OF STATE AND RELATED AGENCY					
DEPARTMENT OF STATE					
Administration of Foreign Affairs					
Diplomatic and consular programs	3,384,013	3,626,343	3,580,000	+195,987	-46,343
(Transfer out)	(-4,000)	(-4,000)	(-4,000)	---	---
Worldwide security upgrades	639,896	658,701	658,701	+18,805	---
Worldwide IT infrastructure	39,579	---	40,000	+421	+40,000
Emergency appropriations (P.L. 108-106)	120,500	---	---	-120,500	---
Total, Diplomatic and consular programs	4,183,988	4,285,044	4,278,701	+94,713	-6,343
Capital investment fund	79,158	155,100	100,000	+20,842	-55,100
Office of Inspector General	31,370	30,435	30,435	-935	---
Educational and cultural exchange programs	316,633	345,346	345,346	+28,713	---
Representation allowances	8,905	8,640	8,640	-265	---
Protection of foreign missions and officials	9,894	9,600	9,894	---	+294
Embassy security, construction, and maintenance	524,423	626,680	611,680	+87,257	-15,000
Worldwide security upgrades	852,335	912,320	912,320	+59,985	---
Emergency appropriations (P.L. 108-106)	43,900	---	---	-43,900	---
Emergencies in the diplomatic and consular service	989	7,000	7,000	+6,011	---
(By transfer)	(4,000)	(4,000)	(4,000)	---	---
(Transfer out)	(-1,000)	(-1,000)	(-1,000)	---	---
Emergency appropriations (P.L. 108-106)	115,500	---	---	-115,500	---
Repatriation Loans Program Account:					
Direct loans subsidy	605	612	612	+7	---
Administrative expenses	600	607	607	+7	---
(By transfer)	(1,000)	(1,000)	(1,000)	---	---
Total, Repatriation loans program account	1,205	1,219	1,219	+14	---
Payment to the American Institute in Taiwan	18,585	19,482	19,482	+897	---
Payment to the Foreign Service Retirement and Disability Fund	134,979	132,600	132,600	-2,379	---
Total, Administration of Foreign Affairs	6,321,864	6,533,466	6,457,317	+135,453	-76,149
International Organizations					
Contributions to international organizations, current year assessment	999,830	1,194,210	1,194,210	+194,380	---
Contributions for international peacekeeping activities, current year	450,056	650,000	650,000	+199,944	---
Emergency appropriations (P.L. 108-106)	245,000	---	---	-245,000	---
Total, International Organizations and Conferences	1,694,886	1,844,210	1,844,210	+149,324	---
International Commissions					
International Boundary and Water Commission, United States and Mexico:					
Salaries and expenses	25,726	30,300	26,800	+1,074	-3,500
Construction	3,513	8,545	4,475	+962	-4,070
American sections, international commissions	8,849	10,756	9,356	+507	-1,400
International fisheries commissions	19,097	20,800	19,097	---	-1,703
Total, International commissions	57,185	70,401	59,728	+2,543	-10,673

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, FY 2005 (H.R. 4754)

(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
Other					
Payment to the Asia Foundation	12,864	8,880	13,000	+136	+4,120
International Center for Middle Eastern-Western dialogue	6,926	---	---	-6,926	---
Eisenhower Exchange Fellowship program	495	500	500	+5	---
Israeli Arab scholarship program	371	375	375	+4	---
East-West Center	17,692	13,709	5,000	-12,692	-8,709
National Endowment for Democracy	39,579	80,000	51,000	+11,421	-29,000
Total, Department of State	8,151,862	8,551,541	8,431,130	+279,268	-120,411
RELATED AGENCY					
Broadcasting Board of Governors					
International Broadcasting Operations	540,292	533,111	601,740	+61,448	+68,629
Emergency appropriations (P.L. 108-106)	40,000	---	---	-40,000	---
Broadcasting to Cuba	---	27,629	---	---	-27,629
Broadcasting capital improvements	11,275	8,560	8,560	-2,715	---
Total, Broadcasting Board of Governors	591,567	569,300	610,300	+18,733	+41,000
Total, title IV, Department of State and Related Agency	8,743,429	9,120,841	9,041,430	+298,001	-79,411
Appropriations	(8,178,529)	(9,120,841)	(9,041,430)	(+862,901)	(-79,411)
Emergency appropriations	(564,900)	---	---	(-564,900)	---
(Transfer out)	(-5,000)	(-5,000)	(-5,000)	---	---
(By transfer)	(5,000)	(5,000)	(5,000)	---	---
TITLE V - RELATED AGENCIES					
Antitrust Modernization Commission					
Salaries and expenses	1,187	1,200	1,200	+13	---
Commission on the Abraham Lincoln Study Abroad Fellowship Program					
Salaries and expenses (P.L. 108-199)	497	---	---	-497	---
Commission for the Preservation of America's Heritage Abroad					
Salaries and expenses	491	499	499	+8	---
Commission on Civil Rights					
Salaries and expenses	9,001	9,096	9,096	+95	---
Commission on International Religious Freedom					
Salaries and expenses	2,968	3,000	3,000	+32	---
Commission on Security and Cooperation in Europe					
Salaries and expenses	1,598	1,831	1,831	+233	---
Congressional-Executive Commission on the People's Republic of China					
Salaries and expenses	1,781	1,900	1,900	+119	---
Equal Employment Opportunity Commission					
Salaries and expenses	324,944	350,754	334,944	+10,000	-15,810

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY,
AND RELATED AGENCIES APPROPRIATIONS BILL, FY 2005 (H.R. 4754)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
Federal Communications Commission					
Salaries and expenses	273,947	292,958	279,851	+5,904	-13,107
Offsetting fee collections - current year	-272,958	-272,958	-272,958	---	---
Direct appropriation	989	20,000	6,893	+5,904	-13,107
Federal Trade Commission					
Salaries and expenses	185,505	205,430	203,430	+17,925	-2,000
Offsetting fee collections - current year	-112,000	-101,000	-101,000	+11,000	---
Offsetting fee collections, telephone database	-23,100	-20,000	-21,901	+1,199	-1,901
Direct appropriation	50,405	84,430	80,529	+30,124	-3,901
HELP Commission					
Salaries and expenses	2,968	---	1,000	-1,968	+1,000
Legal Services Corporation					
Payment to the Legal Services Corporation	335,282	329,300	335,282	---	+5,982
Marine Mammal Commission					
Salaries and expenses	1,836	1,890	1,890	+54	---
National Veterans Business Development Corporation					
National Veterans Business Development Corporation	1,979	2,000	2,000	+21	---
Securities and Exchange Commission					
Salaries and expenses	811,500	913,000	913,000	+101,500	---
Prior year unobligated balances	-120,000	-20,000	-20,000	+100,000	---
Direct appropriation	691,500	893,000	893,000	+201,500	---
Small Business Administration					
Salaries and expenses	322,322	326,259	322,322	---	-3,937
Miscellaneous appropriations (P.L. 108-199)	497	---	---	-497	---
Office of Inspector General	12,864	14,500	14,500	+1,636	---
Surety bond guarantees revolving fund	---	11,400	11,400	+11,400	---
Business Loans Program Account:					
Direct loans subsidy	1,890	---	---	-1,890	---
Guaranteed loans subsidy	78,299	---	---	-78,299	---
Administrative expenses	126,653	129,000	128,000	+1,347	-1,000
Total, Business loans program account	206,842	129,000	128,000	-78,842	-1,000
Disaster Loans Program Account:					
Direct loans subsidy	55,597	78,887	78,887	+23,290	---
Administrative expenses	113,159	118,354	117,000	+3,841	-1,354
Gainsharing	---	---	---	---	---
Total, Disaster loans program account	168,756	197,241	195,887	+27,131	-1,354
Total, Small Business Administration	711,281	678,400	672,109	-39,172	-6,291
State Justice Institute					
Salaries and expenses	2,227	---	2,227	---	+2,227

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY,
AND RELATED AGENCIES APPROPRIATIONS BILL, FY 2005 (H.R. 4754)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
United States - China Economic and Security Review Commission					
Salaries and expenses	1,979	2,000	3,000	+1,021	+1,000
United States Institute of Peace					
Operating expenses	17,099	22,099	23,000	+5,901	+901
Emergency supplemental appropriations (P.L. 108-106)	10,000	---	---	-10,000	---
Total, United States Institute of Peace	27,099	22,099	23,000	-4,099	+901
Total, title V, Related agencies	2,170,012	2,401,399	2,373,400	+203,388	-27,999
TITLE VII - RESCISSIONS					
DEPARTMENT OF JUSTICE					
General Administration					
Working Capital fund (rescission)	-67,326	---	---	+67,326	---
Counterterrorism fund (rescission)	-40,000	---	---	+40,000	---
Legal Activities					
Assets forfeiture fund (rescission)	-61,608	---	---	+61,608	---
Federal Prison System					
Buildings and facilities (rescission)	-51,895	---	---	+51,[illegible]	---
Office of Justice Programs					
State & local law enforcement assistance (rescission)	-21,600	---	-20,000	+1,600	-20,000
Community oriented policing services (rescission)	-6,378	---	-61,000	-54,622	-61,000
Juvenile justice programs (rescission)	-15,900	---	---	+15,900	---
DEPARTMENT OF COMMERCE					
National Oceanic and Atmostpheric Administration					
NERRS construction (rescission)	-2,500	---	---	+2,500	---
Departmental Management					
Emergency steel guaranteed loan program account (rescission)	---	-13,000	---	---	+13,000
Travel and tourism (rescission)	-40,000	---	---	+40,000	---
Total, title VII, Rescissions	-307,207	-13,000	-81,000	+226,207	-68,000
Grand total:					
New budget (obligational) authority	41,480,723	43,216,594	43,483,066	+2,002,343	+266,472
Appropriations	(41,398,030)	(43,338,036)	(43,564,066)	(+2,166,036)	(+226,030)
Emergency appropriations	(589,900)	---	---	(-589,900)	---
Rescissions	(-507,207)	(-121,442)	(-81,000)	(+426,207)	(+40,442)
(Transfer out)	(-11,632)	(-5,000)	(-5,000)	(+6,632)	---
(By transfer)	(73,632)	(84,000)	(84,000)	(+10,368)	---

Mr. MORAN of Virginia. Mr. Chairman, I rise in support of the overall bill before us today. Chairman WOLF and Ranking Member SERRANO have joined together in a bipartisan fashion to present a bill that adequately reflects the funding priorities for our Nation in the area of Commerce, Justice, State, Judiciary and related agencies.

I am especially pleased that money was added to the bill to confront the growing problem with gang activity that jurisdictions throughout the country are facing. In my congressional district and in the northern Virginia region, we are dealing with a growing gang problem that if left unchecked, will expand significantly in a very short time. The additional resources in this bill will help enable our law enforcement officials to acquire the necessary tools to tackle this problem before it grows out of hand. Efforts to increase law enforcement capabilities and strengthen community prevention programs are required to meet the rising gang threat head on.

While I am generally supportive of the funding levels provided in the bill, there are also a number of issues that should be addressed in this bill and others that should be deleted.

An area in which this bill needs amending concerns the USA PATRIOT Act. Communities throughout the country including Arlington County and the city of Alexandria in my district, have recently expressed serious objections with a number of provisions included in the USA PATRIOT Act passed in October 2001.

I share the concerns of my constituency and feel that these issues did not receive the appropriate public debate needed on such sensitive subjects as the protection of our civil liberties. In my opinion, the Attorney General's interpretation of definitions in the PATRIOT Act have eroded our basic civil rights and threaten to further damage the public's image of the Justice Department and Federal law enforcement in general. For these reasons and others, I am supporting amendments to the bill which would stop funding for certain Justice Department activities related to section 213 and section 215 of the PATRIOT Act.

Section 213, also known as the "sneak and peek" provision, authorizes the issuance of delayed notification search warrants for physical evidence through a court order from the secret Foreign Intelligence Surveillance Court Act (FISA). These delayed notification warrants allow federal law enforcement to conduct a secret search and seizure of physical evidence without alerting the target until an unspecified time after the search is completed. The amendment introduced by Representative OTTER seeks to impose reasonable limits on the government's ability to obtain sneak and peek warrants. It would continue to allow the authorization of a court issued delayed warrant if the life or physical safety of an individual were endangered, if it would result in a flight from prosecution or if it would result in the destruction or tampering of the evidence sought under the warrant. This amendment would also require notification of a covert search within seven days, rather than an undetermined "reasonable period" currently in law. Unlimited, additional seven day delays at the court's discretion will be available under the Otter amendment and the same provisions subjected to the original warrant apply for each extension.

A second amendment that would curtail one of the more troubling provisions in the USA PATRIOT Act concerns section 215. Section 215 has the effect of requiring public libraries and booksellers to submit themselves to secret searches of purchase and checkout records with minimal justification from the FISA Court. Librarians and booksellers across the country fear that this is causing a "chilling effect" and making users self-censor their reading choices.

While the Attorney General has released figures on how the PATRIOT Act has been used in the past 2 years which state that this provision has yet to be employed, the fact remains that the law raises questions of future federal mis-use of this provision. The Sanders-Paul-Conyers-Nadler Freedom to Read amendment would restore and protect the privacy and first amendment rights of library and bookstore patrons which were in place before the USA PATRIOT Act. The amendment would not stop law enforcement from accessing these records, it would simply require them to do it with regular court-ordered search warrants or grand jury subpoenas.

While the PATRIOT Act remains an area the underlying bill does not reform, another subject which was confronted in full committee and that passed is equally troubling. I opposed in full committee, an amendment offered by Representative TIAHRT which would prevent the city of New York from having access to federal gun tracing data in a lawsuit against gun manufacturers. Not only did this appropriations rider set a troubling precedent in that it was directed specifically to affect an ongoing court case, it also hampers future lawsuits that could be aided by this data. I am strongly opposed to the inclusion of this language in the bill. We need to be at a minimum maintaining our current common sense gun control measures, not weakening existing laws.

Mr. Chairman, in conclusion, while not everything I would have liked to have seen is in this bill, it is a good balance of the priorities our law enforcement, small businesses and other related agencies require. I am supportive of this measure and look forward to a continued debate of the issues not addressed in the bill.

Mr. NUSSLE. Mr. Chairman, I rise to speak on H.R. 4754, the Commerce, Justice, and State, the Judiciary, and related agencies Appropriations bill for fiscal year 2005.

H.R. 4754 provides $39.8 billion in budget authority and $40.4 billion in outlays—an increase of $878 million in BA and $1.7 billion in outlays from fiscal year 2004. Budget authority in the bill is $240 million above the President's fiscal year 2005 budget request.

H.R. 4754 contains $983 million in BA savings, including $902 million in BA and $341 million in outlays from mandatory spending changes; and $81 million in rescissions of previously enacted BA.

As chairman of the House Budget Committee, I am pleased to report that the bill is consistent with the conference report on the concurrent resolution on the Budget for fiscal year 2005 (H. Con. Res. 95) which passed the full House but has yet to pass the Senate. The bill comes in at its 302(b) allocation of the Subcommittee on Commerce, Justice, and State, the Judiciary, and related agencies and therefore complies with section 302(f) of the budget resolution, which limits appropriations measures to the allocation of the reporting subcommittee. H.R. 4754 also complies in fiscal year 2005 with section 302(f) of the Congressional Budget Act. Section 302(f) prohibits consideration of bills in excess of a subcommittee's 302(b) allocation.

This bill is a clear exercise in setting priorities and responsible spending practices. I was encouraged to see that the Appropriations Committee was able to work within the budget framework that we outlined earlier in the year to find the available resources to increase funding for the Department of Justice by $275 million over the 2004 level and $624 million for the Federal Bureau of Investigation [FBI]. It is certainly appropriate to shift resources from some lower-priority programs at the Department of Commerce toward more important and higher-priority public safety and crime prevention programs at the Department of Justice.

Making those tough priority decisions isn't always easy but it can be done and needs to be done until we get our financial house back in order.

Today, I applaud the members of the Appropriations Committee for demonstrating that they can set priorities which fit within the overall framework established by the budget resolution.

Mr. BEREUTER. Mr. Chairman, this Member rises to express his support for H.R. 4754, a bill making appropriations for the Departments of Commerce, Justice, State and the Judiciary for FY2005. In particular, this Member would like to thank the distinguished gentleman from Virginia (Mr. WOLF), chairman of the Subcommittee and the distinguished gentlemen from New York (Mr. SERRANO) for their hard work under difficult budget circumstances.

As a member of the House Caucus to Fight and Control Methamphetamine, this Member strongly supports the inclusion of $60 million for methamphetamine enforcement and clean-up, otherwise known as the "hot spots" program. These funds are critical in State and local efforts to combat the scourge of methamphetamine that is sweeping across our country.

This Member also appreciates the subcommittee's commitment to Nebraska's efforts to fight a growing plague in Nebraska—the manufacture, trafficking, and abuse of methamphetamine. The Nebraska State Patrol will continue the work began with the $1.8 million appropriated over the past 2 years, with an emphasis on funding for the cleanup of clandestine labs. Federal dollars are critical to the success of Nebraska's anti-meth efforts.

Of additional concern is the strong link between methamphetamine abuse and crime. Methamphetamine manufacture, use and trafficking has completely changed the face of crime in Nebraska—especially nonmetropolitan Nebraska. Crime resulting from methamphetamine abuse is soaring, which places great demands on law enforcement. Certainly, methamphetamine use and related crime is the top law enforcement problem in Nebraska. In fact, a study entitled, "The Rebirth of Rehabilitation: Promises and Perils of Drug Courts, 2000," noted that "an individual who has a severe addiction, to methamphetamine, commits nearly 63 crimes a year."

In closing, Mr. Chairman, this Member urges his colleagues to support H.R. 4754.

Mr. SERRANO. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. WOLF. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. TERRY). All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 4754

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2005, and for other purposes, namely:

TITLE I—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $124,906,000, of which not to exceed $3,317,000 is for the Facilities Program 2000, to remain available until expended: *Provided,* That not to exceed 45 permanent positions and 46 full-time equivalent workyears and $11,078,000 shall be expended for the Department Leadership Program exclusive of augmentation that occurred in these offices in fiscal year 2004: *Provided further,* That not to exceed 26 permanent positions, 21 full-time equivalent workyears and $3,305,000 shall be expended for the Office of Legislative Affairs: *Provided further,* That not to exceed 15 permanent positions, 20 full-time equivalent workyears and $1,990,000 shall be expended for the Office of Public Affairs: *Provided further,* That the latter two aforementioned offices may utilize non-reimbursable details of career employees within the caps described in the preceding two provisos.

AMENDMENT OFFERED BY MR. MANZULLO

Mr. MANZULLO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MANZULLO:

Page 2, line 7, after the dollar amount insert the following: "(reduced by $27,000,000)".

Page 3, line 22, after the dollar amount insert the following: "(reduced by $33,251,000)".

Page 77, line 17, after the dollar amount insert the following: "(reduced by $10,421,000)".

Page 92, line 16, after the dollar amount insert the following: "(reduced by $8,460,000)".

Page 94, line 2, after the dollar amount insert the following: "(increased by $79,132,000)".

Mr. MANZULLO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MANZULLO. Mr. Chairman, I first want to congratulate the gentleman from Virginia (Mr. WOLF), chairman of the Commerce, Justice, State, Judiciary and Related Agencies Subcommittee; and the gentleman from New York (Mr. SERRANO), ranking minority member, for crafting an excellent bill. Regardless of how this amendment turns out, I am going to vote for it and encourage the rest of the Members of Congress to vote for it. It is very difficult to balance all the conflicting interests, and I commend them for coming up with a good bill.

With all due respect and honor to the gentlemen, I offer this amendment today to freeze funding for SBA 7(a) guaranteed lending program at last year's level.

□ 1315

The 7(a) is the flagship lending program of the Small Business Administration. This amendment means small businesses will be able to get started and grow. The 7(a) program is on track to create and retain half a million jobs this year. It has a proven track record by providing approximately 30 percent of the long-term financing needs for all small businesses.

Increasing fees on small business borrowers and lenders, particularly as interest rates are rising again, puts another barrier in access to capital and crimps our national economic recovery.

No matter how anybody states it, if this amendment fails, small business borrowers and lenders will face a fee or tax increase based on the amount of loan starting October 1 by as much as 100 percent. Some may characterize this as only a few dollars up front. But as the truth in lending disclosure form shows, he or she will pay up front at the time of the signing of the loan documents, hundreds if not thousands of extra dollars. The fee for a typical $100,000 loan would increase from $850 to $1,700.

On top of the up-front fee, lenders will once again see their annual fee on the outstanding balance of 7(a) loans made after October 1 increase, just after they shot up 30 percent this past April to keep the 7(a) program functional in fiscal year 2004. These fees cannot be passed on to the borrowers.

Many lenders, particularly small community banks that serve rural areas, are seriously considering leaving the program. Fewer banks offering 7(a) loans will translate into decreased access to credit for small businesses, which will result in fewer jobs created.

Mr. Chairman, my congressional district just dropped below 10 percent unemployment. Manufacturing jobs leveled off for 4 months. We lost another 11,000 this past month. We are not out of the woods yet. On top of it, the Fed decides to raise the interest rate. The last thing that we need is to have more of a crimp in capital access for the small businesses.

The amendment does not increase business spending. In fact, the Congressional Budget Office estimates the amendment will reduce outlays by $7 million in fiscal year 2005 by offering cuts in other programs.

The reductions are in other programs. The reductions will not be sensitive. They are in the Department of Justice General Administration Account. The Legal Activities Office Automation Program gets cut by $33 million for a program that they never asked for; the National Endowment For Democracy gets cut by a little over $10 million, which is still $1 million above the fiscal year 2004 level; and the salaries and expenses account at the SBA would make up the difference, to reach a $79,132,000 appropriations level for 7(a). That account would be cut by $8.46 million.

So the purpose of this amendment in making the tough choices is to keep funding level, keep the 7(a) program where it is, and although I support the goal of eventually getting the 7(a) program to a zero subsidy rate, now at the time we are just starting to see the light at the end of the tunnel, just starting a recovery, this is not the time to impose additional fees and taxes, not only upon the people that borrow the money, but upon the lenders that make it all possible.

Mr. Chairman, I again urge my colleagues to shift this $79 million from other accounts to the Small Business Account in order to help out the small businesses and keep the 7(a) program alive.

Mr. REGULA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the Commerce, Justice, State appropriations bill, and commend the gentleman from Virginia (Chairman WOLF) for crafting a fair and balanced bill, including the Justice Department, Commerce and State, as well as the Federal Judiciary. I would like particularly to comment on several issues of importance to me.

First, this bill provides a 4 percent increase for the International Trade Administration of the Department of Commerce. The ITA serves several important functions that promote economic growth for U.S. workers and firms, including the opening of foreign markets for U.S. goods and the enforcement of trade laws and agreements. I join the chairman in strongly urging the Commerce Department to carefully analyze market trends in order to anticipate unfair trade practices and consult with foreign governments to preempt the requirement for unfair trade cases to be filed. This is particularly helpful to small- and medium-sized companies that have neither the time nor the resources to file lengthy and costly trade cases, but they do deserve the protection of our U.S. trade laws.

Further, I would like to highlight the directive to the Commerce Department to contract with the National Academy of Public Administration to conduct a comprehensive study of the effects of offshoring jobs on the United States workforce and economy. Many manufacturing jobs have left my congressional district in recent years, and I believe it is critical to have accurate data of where jobs are going and what economic impact this job movement is having on the U.S. economy.

I support the $10 million increase over the request for public diplomacy programs in this bill. It is important that we counter the anti-American sentiments that are being voiced in foreign public opinion polls and reflected in foreign media content. Public diplomacy is a critical tool to spread the message of who we are as Americans. The person-to-person exchanges that are promoted by these programs allow for the development of personal, long-term relationships that lead to mutual understanding and respect. We must continue to support these programs worldwide, but in particular, we must focus on programs with the Arab and Muslim world.

Mr. Chairman, I urge support of this important appropriations bill that funds our national and international security needs.

Ms. VELÁZQUEZ. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I want to thank the ranking member, the gentleman from New York (Mr. SERRANO) as well as the gentleman from Virginia (Chairman WOLF) for their work on this important legislation. The bill before us has attempted to do the most with a limited amount of dollars. One area where it falls short is the Small Business Administration.

As the ranking Democrat on the House Committee on Small Business, I always hear, during good economic times or bad, small business owners need access to affordable capital in order to be successful. That is why I always say access to capital is access to opportunity in this country.

Small business owners have told me stories of having to max out credit cards, having to borrow money from relatives, and having banks ask them to put their homes up as collateral for a $20,000 loan, all so they can afford to start a new business or expand an existing business.

The amendment I am offering today with the gentleman from Illinois (Chairman MANZULLO) will restore funding for the 7(a) loan program to fiscal year 2004 levels, $79 million. This amendment offsets several programs, but keeps the funding consistent with their fiscal year 2004 level. These are the real challenges facing small enterprises, and this is the whole reason the 7(a) loan program was created.

The 7(a) program is a public and private partnership for banks, lenders and small businesses. The 7(a) program is this country's largest source of long-term small business lending for both the private and public sectors, providing 30 percent of this Nation's long-term loans.

Given its tremendous success over the years, it is unbelievable to me that this critical loan program has been under nothing but attack from the Bush administration. This is the same administration that claims to be the champion of small business. The first thing this administration did 4 years ago was to eliminate funding for the 7(a) program. Then, earlier this year, the 7(a) program was shut down, and this happened because the Bush administration ignored Congress' warning and they ignored the industry. They simply chose to ask for less funding than what this loan program requires.

Now, today, we face a new issue for the 7(a) program. This same administration wants to zero out the program's funding and let small businesses and lenders pay more. We heard small business owners say this was unfair, and we promised to do something about this. Well, that is what we are doing today, delivering that promise to our small businesses.

What is so ironic is that we are talking about a successful small business lending program here. For every 60 cents, the 7(a) program provides $100 in loans. They have continually done more with less. A decade ago, they received $300 million in the appropriations process, and now we are asking for only one-third of that. Last year alone, the 7(a) program touched over 350,000 jobs.

The most unfortunate part is that over the past 10 years, the 7(a) program has managed to do more for small firms in an environment where they were being overcharged by the government. We fixed this problem in a bipartisan manner in 2001, but the Bush administration wants to go back to the days when small businesses were taxed.

Well, let me tell you, it is not what our Nation's small businesses want and it is not what we want. President Bush travels across the country touting his small business agenda, but his talk proves to be rhetoric; his actions do not match his words.

If you vote against this amendment today, then you are voting to increase the costs facing small businesses. Our hope is that this amendment passes, which would allow the 7(a) loan program to do record volumes with the same amount of money.

It is these small business owners who use the 7(a) program that serve as anchors for our economy. The truth of the matter is, this is an outstanding loan program, and this is the right thing to do. With this amendment, we will be enabling our Nation's small businesses to continue creating the jobs that we so desperately need.

If you support our Nation's economy, if you support job creation and small business, then you will vote "yes" on this amendment.

Ms. PELOSI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am pleased to rise in support of the Manzullo-Velazquez amendment to the Commerce, Justice bill. But before I speak to that amendment, I want to commend the very distinguished chair of the committee and the ranking member for their leadership in bringing this bill to the floor.

As one who served many years ago, in my earlier time with the Committee on Appropriations, on this subcommittee, I have an appreciation for the many difficult decisions that you have to make and the great opportunity there is for the American people in this particular appropriations bill.

I also want to take the opportunity to acknowledge the tremendous leadership of the gentleman from Virginia (Chairman WOLF). He knows this, but I want to take a public opportunity to say that there is no person in this House that I admire more than I do the gentleman from Virginia (Mr. WOLF). He is a champion for human rights throughout the world, and as one who has spoken out, as with many of our colleagues in the Congressional Black Caucus, on the situation in the Sudan, I want to recognize his exceptional leadership in that regard and say how much we all appreciate your visit, your trip there, and your relentless, persistent advocacy for the underprivileged throughout this world, in this case in particular, in Darfur. I know many of us are eager to hear a report of the gentleman's trip there.

Once again, I thank the gentleman from Virginia (Mr. WOLF) for being the great challenge to the conscience that he has been in his service in Congress.

I would like to now address the amendment that is being proposed to improve the small business access to 7(a) loans. As you may know, Mr. Chairman, the SBA 7(a) loan program is the most commonly used Small Business Administration loan, and backs approximately $11 billion in loans to small businesses each year. And yet it has faced shutdown caps and restrictions this year and received no funding under the latest Bush budget and Republican appropriations bill.

The President's budget proposes to run the program solely through fee increases, substantially raising the costs for small businesses to use the program and taking billions of dollars out of the economy.

Democrats, and in this case in a bipartisan way with the gentleman from

Illinois (Mr. MANZULLO), are fighting to adequately fund the 7(a) loan program and make more loans available to small businesses.

We know that small businesses, Mr. Chairman, are the engine of our economy. They account for 95 percent of employers in our country, create half of our gross domestic product and create three out of four new jobs nationwide.

We have a chance today to save the 7(a) program, and I hope that our colleagues will join the gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from Illinois (Chairman MANZULLO) in supporting the bipartisan amendment. It will provide fuel to our small businesses which run our economic engine.

I would like to again recognize the leadership of the gentlewoman from New York (Ms. VELÁZQUEZ), our ranking Democrat on the Committee on Small Business, and the gentleman from Illinois (Mr. MANZULLO) for cosponsorship of this amendment.

We are very proud of the service and leadership of the gentlewoman from New York (Ms. VELÁZQUEZ). She is making history in her role as the ranking member on a full committee in the House; and in her service on that committee and in this body she has been a champion for small businesses.

☐ 1330

I know she will be joined by the gentlewoman from Oregon (Ms. HOOLEY) and others from the committee who have worked very hard.

When we had our small business summit in June, small businessowners came from around the country, and access to capital was one of their top priorities. Passing this amendment will go a long way to addressing the need for capital. Capital attracts talent, talent attracts capital, the dynamic goes on and on. And while we want to promote the growth of many, many more jobs in our country, it is important that we do so by creating much more equity for potential businessowners and for current businessowners.

With that, I urge my colleagues to support the Manzullo-Velázquez amendment.

Mr. WOLF. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I thank the gentlewoman for her comments, too; and I appreciate it very much.

I rise in strong opposition. Let me just say that I think the intention of the amendment is a good intention, so I want to thank them for their comments. But the amendment really does not work, and I know it has been dramatically changed, it really does not work what it was supposed to do. If it were passed, the SBA would not be able to use the money for the 7(a) loans because it puts it into an administrative account and not into 7(a). So it just does not do what people would like it to do.

The amendment would augment the administrative appropriation for the business loan account. Because subsidy and administrative loans must be separately appropriated pursuant to the Federal Credit Reform Act, the Manzullo-Velázquez funds could not be used.

It would also violate OMB guidelines. We have followed the President's request for the 7(a) program. This program can provide for $12.5 billion in loans, an unprecedented level, without the appropriation. The Small Business Administration is very, very strongly opposed to this.

But the programs that this would go after; this would take money out of the National Endowment for Democracy and out of the initiative with regard to the Middle East. It would scuttle that program. As my colleagues will recall, the original request for that was $80 million. That has now been reduced in this bill to $50 million. This would take that money out. The President's Greater Middle East Initiative would basically be eliminated with this amendment.

I would remind the sponsors that during the President's State of the Union message, he told the Nation and the world that he would double the funding for the National Endowment for Democracy. The National Endowment for Democracy was established by Congress during the Reagan administration and probably has done more to bring about democracy and freedom in the world than almost anything else that we have done.

Last year the NED budget totaled $39.6 million. The President called for doubling the NED budget; and with this bill, it calls for a $10 million increase, and we would now take that away. It would also deal with the whole issue of an administrative account at the Justice Department. The amendment proposes to reduce the Department of Justice General Administrative Account by $27 million. The bill already reduces this account by $62 million below the request. It would have an impact on counterterrorism, and some might say it could have a devastating impact on the war on terrorism. The only increase provided for above the fiscal year 2004 level for this account is $9 million for inflation to maintain current staff. We would, in essence, take that away.

There are many other reasons, and in the interests of time, and I know the gentleman from Illinois (Mr. HYDE) is here to speak against it and there are others, but, the amendment does not do what it says they would like to do. Because the reason it does not do that is because had it been put in that account, it would have been ruled out of order. Members from both sides came and said they wanted the Legal Services Corporation protected and we protected it. And others, Members on this side wanted a Manufacturing Extension Program, we protected an increase. When they wanted State and local law enforcement, we did that. So they are having an even more difficult time finding the cuts, so they are now going to NED. Earlier today, they were at international broadcasting, and now they are sort of scurrying around.

Secondly, to wound NED, the National Endowment for Democracy and the Middle East Initiative would be horrible. And lastly, to wound the Justice Department and the effort on the war on terrorism is horrible.

So I urge all Members, if you had an amendment which would have done what you would have liked to have done, that is one thing. This amendment does not do it.

So I urge defeat of the amendment.

Mr. SERRANO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me at the outset say that the gentleman from Virginia (Chairman WOLF) knows that I know how difficult it was to put this bill together and to deal with the issues that this bill takes care of. He is right, we had to move around with a smaller allocation. In fact, the gentleman from Florida (Chairman YOUNG) was gracious enough to admit that the allocation, I think he said, was thin. Yet within that allocation, we were able to come up with a bill that I think we can all support.

But in the middle of that bill, or actually at the beginning of the bill, there is this gaping hole, this problem with the SBA now. There are different views as to how much of a problem this truly represents. But the fact of life is that many people on both sides of the aisle feel that it is a problem and one that needs to be dealt with.

Now, in committee, full committee, I proposed an amendment which would have provided the $79 million by declaring an emergency. What I basically did at that time was move emergency disaster funds and replace the 7(a) allocation in its place. By the way, that amendment was not approved; otherwise, we would not be here right now. Under our rules, that same amendment, then, cannot be presented on the floor because of the way it was presented, and so we have this one where we have dollars that we shift around in the bill.

I am not going to repeat what everybody has said. But in so many communities throughout this country, the small business community and the providers of loans believe that this is an important amendment; that this is an amendment that should, in fact, be approved and one that both sides of the aisle can support.

So with the respect and admiration that I have for my chairman, and knowing well that I was an architect in putting this bill together and our staffs were, nevertheless, I feel that this is an amendment that should be approved; and I will hope that on both sides it can get the sufficient votes to pass.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Manzullo-Velázquez amendment.

Mr. Chairman, I am grateful to our colleagues, the gentleman from Virginia (Mr. WOLF) and the gentleman from New York (Mr. SERRANO), for their conscientious and cooperative efforts reflected in this bill. Despite the inadequate allocation the committee had to start with, they were able to redirect much-needed resources to a number of law enforcement programs, to antigang initiatives, to scientific research, and to business programs.

As I said when the Homeland Security appropriations bill came to the floor, I am concerned about how the cuts to the COPS program and the Byrne grants for local law enforcement will affect our first responders' ability to protect us from, and to respond to, terrorist attacks. But I commend my colleagues for the improvements they have made in the President's budget request.

Today, I rise in support of the amendment being offered by the chairman and the ranking member of the Committee on Small Business to restore funding for the Small Business Administration's flagship 7(a) loan program. With all due respect to my friends on the Committee on Appropriations, these are the two Members who spend the most time dealing with small business issues and have the best understanding of small business programs.

The fact that the two of them have come together to offer this bipartisan amendment should be all the proof that most Members need that 7(a) does, in fact, need Federal funds to survive. But for those who are not willing to take their word for it, let us look at the facts. Small businesses are the number one job creators in this economy. 7(a) loans account for nearly 30 percent of all long-term loans for small businesses in America. This is a program that has returned an estimated $12 billion to the economy with only a $120 million investment. I cannot understand how anyone could say that 7(a) is not good business.

The administration is apparently still clinging to their claim that 7(a) can continue entirely as a fee-based program. They say we could simply increase fees to make up the difference in funding. We could. But if we did so, any company hoping to take out a $150,000 7(a) loan would have to ante up something like $10,000 in fees just to get the loan. In private real estate markets that would be like a mortgage broker charging seven points just to process a mortgage application. Such a policy would kill 7(a). That is why the gentleman from Illinois (Mr. MANZULLO) and the gentlewoman from New York (Ms. VELÁZQUEZ) have decided to offer this amendment, and I strongly encourage my colleagues to support it.

Mr. Chairman, this bill unfortunately shortchanges small business in yet another respect, zeroing out funding for the very successful microloan program.

Microenterprises are the foundation of our economy, and although a microenterprise by definition has fewer than five employees, they account for something like 17 percent of our employment in this country. In the 12 years it has been in existence, the microloan program has resulted in 19,000 microloans responsible for the creation of more than 60,000 American jobs. In my district alone, this program has resulted in 223 loans totaling $1.26 million.

That is a huge impact. Each of those loans represents a new business, a new American realizing his or her dream. The economic effects of each of these loans ripples and expands throughout the local, State, and ultimately, the national economy. The gentleman from New York (Mr. SERRANO) and the gentleman from Virginia (Mr. WOLF) will offer an amendment later to restore most of the funding for the microloan program, and I urge my colleagues to support their amendment.

Mr. Chairman, America's small businesses represent the dreams, the innovation, the drive that have made this country great. Especially as we struggle to replace the 1.2 million American jobs that have been lost in the last 3 years, we need to ensure that the programs best qualified to create jobs are given the resources that they need. The 7(a) program and the microloan program have proved themselves in creating jobs, building businesses, and expanding our economy. I urge my colleagues to give them the resources to continue.

Mr. HYDE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, my respect and admiration for the gentleman from Illinois (Mr. MANZULLO) is very large, but it does not extend to this amendment. I hope this amendment does not pass, and I will tell my colleagues my reasons.

I am very concerned that in adding $10 million to the program that the gentleman wishes to nourish will result in that size of a cut from the National Endowment for Democracy. If ever there was a time we needed public diplomacy, we need the services of the National Endowment for Democracy to help tell the truth about America throughout the Middle East, as well as the rest of the world, it is now. This is not the time to be cutting these funds, and this Manzullo amendment would end up doing that.

Small business is very important, we all agree. Small business we trust has been adequately compensated in this general legislation, and even if this method of funding the program the gentleman wishes to protect is removed, the program will continue, I am informed, because it can be funded in other manners.

But in any event, this is a very important amendment. It is one that if it passes would limit our ability to tell the story that we need to tell throughout the Middle East and the rest of the world about democracy and freedom. We are on the defensive now. This is no time to tie us in knots.

So with warm respect for the gentleman from Illinois (Mr. MANZULLO), I respectfully hope this amendment is defeated.

Ms. MILLENDER-McDONALD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to thank the chairman and the ranking member, the gentleman from Virginia (Chairman WOLF) and the gentleman from New York (Mr. SERRANO), for their leadership. In spite of the cuts in funding and the sacrifices that we are having to make in terms of budget shortfalls, they are showing their leadership in providing as much funding as possible for those critical programs that are endemic to working families.

Mr. Chairman, I do rise, though, in strong support of the amendment offered by my colleagues on the Committee on Small Business, the gentleman from Illinois (Chairman MANZULLO) and the gentlewoman from New York (Ms. VELÁZQUEZ), the ranking member, which would provide full funding for the Small Business Administration's primary lending program, the 7(a) loan program.

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Mr. Chairman, we on the Committee on Small Business have heard small business owners throughout this country, and they are all saying the same thing, that the one hurdle faced by America's 23 million small businesses is gaining access to affordable capital. I believe that the Manzullo-Velázquez amendment, which maintains the $79 million in funding provided to the agency last year, helps SBA reach its goal of providing small companies with the financing they need through the agency's access to capital lending programs. Without this funding provided for businesses by this amendment, many small businesses could be denied the loans they need to be successful.

Funding for this program, and if it is not restored, small businesses will be unable to target new markets, grow or even hire new workers. The 7(a) loan program is the SBA's core lending program and accounts for roughly 30 percent of all long-term small businesses in America. In addition, these loans are the only source of affordable long-term financing for many of our Nation's small businesses, especially minority- and women-owned businesses.

As the ranking member on the Subcommittee on Tax, Finance, and Exports, I understand the importance of small businesses to our Nation. They employ 97 percent of our Nation's workforce and are often called the engine of the Nation's economy. Without the funding provided for by this amendment, both lenders participating in the program and borrowers will be faced with higher fees; some lenders could be forced to withdraw from the program, leaving small businesses with fewer options for financing.

Mr. Chairman, the passage of this amendment is critical to the capital needs of thousands of small businesses. I urge its passage.

Mr. Chairman, I yield to the gentlewoman from New York (Ms. VELÁZQUEZ), the ranking member on the committee.

Ms. VELÁZQUEZ. Mr. Chairman, I thank the gentlewoman for yielding. A concern was raised by the gentleman from Virginia (Mr. WOLF) regarding the properness of where the amendment places the money within SBA. With all due respect, Mr. Chairman, because the SBA 7(a) program was eliminated, a program account does not exist. But I want to read from the committee's report and the gentleman says, "The committee recommends a total of $128 million under this account for administrative expenses related to business loan programs."

So what we have done is to operate within the constraints that the committee provided us. And regarding the concern that was raised about the money, $10 million that had been taken from the National Endowment for Democracy, even by taking the offset of $10 million, the program remains funded at last year's level. And we do support spreading democracy, but we also support creating jobs in our country.

Mr. McCOTTER. Mr. Chairman, I move to strike the requisite number of words.

In many ways, it is with somewhat of a heavy heart that I rise in support of the amendment, especially as the gentleman from Virginia (Mr. WOLF) has been so helpful in restoring the Manufacturing Extension Partnership funds which will help my State of Michigan, and because of the enormous respect I have for the chairman of the Committee on International Relations on which I sit, the gentleman from Illinois (Mr. HYDE).

But being from Michigan, my small businesses have asked me to come and support this amendment and ask that we not raise these fees at a time when the Fed is raising our interest rates. As the backbone of our economy, our small businesses deserve no less during difficult times, especially while, despite a recovering economy, pockets of persistent downturn remain, many of them in the industrial States, one of which I represent.

As for the National Endowment for Democracy, in many ways it is important to remember that democracy begins at home. It will be very difficult to continue to mobilize Americans' resolve to spread democracy abroad if in an economic downturn we are tempted to turn inward towards our own struggling economy.

The continued support of small business, the perpetuation of their entrepreneurial dreams, is the seed of democracy which we are endeavoring to sow throughout the world. Let us not forget them and turn our backs today.

Mr. HINOJOSA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment offered by my good friends, the gentleman from Illinois (Mr. MANZULLO) and the ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ), of the House Committee on Small Business.

I speak as a former president and chief financial officer for 20 years of a small business firm, and I speak as a former member of the Committee on Small Business. I understand how difficult it can be to access capital when you run a small business or when you want to start one. Restoring $79 million for the Small Business Administration's SBA 7(a) loan guarantee program in fiscal year 2005 is a step in the right direction.

The 7(a) loan guarantee program deserves among the SBA's business loan program to help qualified small businesses obtain financing when they might not be eligible for business loans through small lending channels. It provides 30 percent of all long-term small business financing. This program is also the SBA's most flexible business loan program since financing under the 7(a) loan program can be guaranteed for a variety of general business purposes. Regardless, funding for the 7(a) program has dwindled from approximately $330 million a decade ago down to only $79 million today as borrowers and lenders have absorbed much of the program's costs.

Many small businesses are attempting to emerge from the current economic downturn and they do not have the balance sheets necessary to obtain conventional financing. Consequently, they need the 7(a) program.

It has been my experience that start-up businesses in particular rely on the 7(a) loan guarantee as the last resort to access desperately needed capital. The SBA 7(a) loan program is vital to the funding of these small businesses. Without a supportive funding appropriation, many small businesses simply will not be financed and many jobs will not be created.

My State needs this program to be funded. They have contacted me repeatedly, requesting my assistance, and I have responded in kind, cosigning letters requesting funding for the program. Today is the day we need to heed the call of most, if not all, of our small business constituents who comprise such a large percentage of all businesses in the United States.

I support restoring funding for the 7(a) program. I urge my colleagues to support small business and the Manzullo-Velázquez amendment to this legislation.

Ms. HOOLEY of Oregon. Mr. Chairman, I move to strike the requisite number of words.

Today is an important day for small business, their owners, their employees, those out of work and desperately searching and, indeed, the entire American economy.

In June, our economy was estimated to add 112,000 new jobs. Make no mistake, this is a significant number, especially for those individuals that found these new jobs and for their families. However, there are still far too many individuals and families that are suffering from the effects of unemployment, and unfortunately, that number of new jobs falls drastically short of the number of new jobs needed each month just to keep up with the growing working population. Yet, here we are on a day when Oregon's unemployment is still 6.7 percent.

There is a bill before us that seeks to cut all funding for the Small Business Administration's loan program, 7(a). The SBA 7(a) loan program is vital to America's small business, and American small businesses are vital to the American economy and the American worker.

Demand for more small business loans, especially 7(a) guaranteed loans, have increased dramatically as America's small businesses seize a glimmer of hope that we are emerging from our recession. To pull the very rug out from under them by cutting funding to the 7(a) program just when they see this glimmer of hope is nothing short of cruel. These SBA 7(a) loans are especially important to start-up businesses which are so reliant on ready access to capital.

These start-up businesses are our future. They will be where our new growth comes from. It makes no sense whatsoever to cut their access to capital when our economy needs every boost of stimulus it can get.

A vote for the Manzullo-Velázquez amendment is a vote for America's small business which, in turn, is a vote for America's economy and the American worker. That is why I am supporting this amendment to restore the funding needed for the 7(a) SBA program, and that is why I am asking all of my colleagues on both sides of the aisle to join me in this effort.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am reluctant to rise in opposition to this amendment, because of its sponsor. I know that his heart is in the right place. The gentleman from Illinois (Mr. MANZULLO) is an outstanding chairman of the Committee on Small Business. I know that he has worked very hard for the strength of small businesses because he understands, as most of us do, that without all of our small businesses in America, we would not have any big businesses because the big businesses rely on small businesses in order to get the job done. But the sponsors of the amendment are of the opinion that there is no money or that the 7(a) loan program needs more money.

In this bill, if I remember correctly, the gentleman from Virginia (Mr. WOLF) provides $12.5 billion in loan guarantees for this program. So we have not forgotten this program in the appropriations bill. The amendment does not really add money to the loan program anyway. It adds money to the SBA administrative account and, therefore, will not even be spent on the loan program as the drafters intend.

At the same time, and this is my larger concern, the amendment cuts not only other SBA administrative functions, hurting the agency that oversees the loan programs, but it also reduces programs in the Department of Justice, impacting homeland security initiatives, by $60 million. The impact of this would be devastating on the war on terrorism. For example, the cuts include the office that oversees Foreign Intelligence Surveillance Act applications which are vital to the war on terrorism and which are vital to keep track of terrorists who may try to enter this country. I believe that there are more prudent ways to address the gentleman's issue.

Again, I would like to compliment him for his strong commitment, not only as a Member of the House, but as chairman of the Committee on Small Business, and for his support of small businesses because, again I will repeat, that small businesses are important to this Nation and are important to our economy. Small businesses create many of the jobs that Americans hold and draw paychecks from. Without our very successful number of small businesses, the large businesses in America would find it very difficult to function because they do rely on small businesses.

So, all in all, I do not think this money is certainly not needed for the loan program. But it would not be invested in the loan program anyway. But what it does is take money away from homeland security programs in the Department of Justice, and I just think that is a mistake.

Ms. BORDALLO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in strong support of the Manzullo-Velázquez amendment to the fiscal year 2005 Commerce, Justice, State Appropriations Act and mainly to support small business.

This amendment will provide the necessary funding to maintain the integrity of the Small Business Administration's flagship small business lending mechanism, the 7(a) loan guarantee program.

Mr. Chairman, I represent the Territory of Guam, where 90 percent of our businesses are small businesses.

□ 1400

I applaud the bipartisan leadership demonstrated by our dynamic duo, the gentleman from Illinois (Mr. MANZULLO) and the gentlewoman from New York (Ms. VELÁZQUEZ), in constructing this amendment; and I am proud to have worked with my colleagues on the committee, whether participating in hearings or writing letters or meeting with small business owners, so that we can today arrive at a consensus that reflects the needs of the small business community and the role of the Federal Government to help foster growth, innovation and jobs in this important economic sector.

The 7(a) loan guarantee program is a principal source of funding for small businesses, representing 30 percent of all long-term small business borrowing in the United States. Oftentimes, the 7(a) program is the only source for long-term financing on reasonable terms for small businesses, particularly those in poor, rural, and underserved areas. These small firms represent the future of our economy, as they account for 75 percent of all new jobs created in the United States.

Consider these statistics: the current Federal burden for supporting every $100 of a 7(a) loan is 60 cents. Statistics also show that a new job is created in the small business sector for every $33,000 of loans.

Mr. Chairman, that means that it costs the Federal Government only $198 to create an additional job for the economy through the 7(a) program. A Federal program that demonstrates this level of success should never, ever be cut back, but, rather, expanded.

Suspending Federal funding of the 7(a) program will result in an increased cost to small businesses, as banks will pass new costs on to their 7(a) customers in the form of higher fees.

There is also fear that some banks, particularly in poor, rural and underserved areas, will no longer see the incentive of offering 7(a) loans and will suspend this financing mechanism altogether. This will have the effect of halting both economic and job growth at a time, Mr. Chairman, when we are just beginning to recover from the recent economic downturn.

Recognizing the budget challenges this year, the Manzullo-Velázquez amendment modestly proposes to fund the Federal subsidy of the 7(a) program at fiscal year 2004 levels. It is also budget-neutral. This amendment is supported by Democrats and Republicans, by small business owners throughout the country and by banks that offer federally backed financing mechanisms.

Mr. Chairman, this is the right thing to do, and I hope my colleagues will vote in favor of the Manzullo-Velázquez amendment.

Mr. SHAYS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in opposition to the Manzullo-Velázquez amendment to H.R. 4754, the Commerce, Justice, State appropriations bill. I strongly support the Small Business Administration's (SBA), 7(a) business loan program and have joined some of my colleagues from Connecticut in advocating improvements and increases in the program.

I understand the serious issues facing small businesses today and believe that, as the backbone of our community, it is vital we do what we can to help them thrive and I appreciate the spirit of the amendment.

But this is not what the amendment does in its entirety. It cuts $60 million out of the Department of Justice and $10 million out of the National Endowment For Democracy. And so, therefore, the amendment is fatally flawed.

If my colleagues believe that the cold war still exists, they could probably make an argument for this amendment. They could probably say we do not need the National Endowment For Democracy as much as we do today, and they could probably say that the Department of Justice does not need the initiatives that it needs; but the Cold War is over, and the world is a far more dangerous place. We have to deal with the issues that confront us.

The idea that we would contain and react to threats and have mutually assured destruction in the days of the Cold War has been replaced by the need for detection and prevention. Our actions may have to be maybe preemptive and maybe sometimes even unilateral, but the key part is prevention and detection; and there is no way we are going to be able to detect and prevent, in my judgment, if we are not doing more to give our intelligence community the skills to detect and to prevent.

We have a letter from the Department of Justice that makes clear that, to accommodate an additional $10 million cut in the OIPR budget for intelligence, they would need to forego requested adjustments to base, including the funding needed to support the annualization of second-year costs for 16 OIPR positions. This would further degrade OIPR's ability to process FISA's applications for intelligence searches and surveillances before the foreign intelligence surveillance court of review, when the number of applications has increased significantly since September 11, 2001. The letter goes on.

This is crazy at this time to act like somehow this is pre-September 11.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. SHAYS. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I listened to the debate, and I just want to make a couple of closing comments. One, this does hurt NED. At this time for the Middle East to do this is just not good.

Secondly, it hurts the war on terrorism. Thirty people from my district died in the attack on the Pentagon, and we heard it. Lastly, and I know this is not the intention of the sponsors, this is not, I say, the intention of the sponsors, but the reality of this amendment is that this is a subsidy to put money into the bankers' pockets. That is basically what it is. If one were helping the poor or the hungry or the people that really need it, one ought to support the amendment; but look and listen to the groups that contacted us, the American Bankers Association. This is an amendment to put money in the pockets of the bankers, not the poor, not small business, and for those reasons, in addition to the National Endowment For Democracy when we are trying to get peace in the Middle East on the war on terrorism.

Ms. VELÁZQUEZ. Mr. Chairman, will the gentleman yield?

Mr. SHAYS. I yield to the gentlewoman from New York.

Ms. VELÁZQUEZ. Mr. Chairman, I thank the gentleman for yielding; but with all due respect, I sit on the Committee on Financial Services.

The CHAIRMAN pro tempore (Mr. MCHUGH). The time of the gentleman from Connecticut (Mr. SHAYS) has expired.

(By unanimous consent, Mr. SHAYS was allowed to proceed for 1 additional minute.)

Ms. VELÁZQUEZ. Mr. Chairman, will the gentleman yield?

Mr. SHAYS. I yield to the gentlewoman from New York.

Ms. VELÁZQUEZ. For members of the subcommittee of Congress to be here doing the job for a financial institution is completely wrong.

This amendment will address a Hispanic woman who goes shopping around to make a loan and is being denied a loan by commercial banks. Unless we have a loan guarantee, and my colleagues know that we hear time and time again about minority businesses, women-owned businesses who are denied loans through traditional financial institutions, this amendment helps those people who are trying to set up their businesses or expand their businesses.

Mr. WOLF. Mr. Chairman, if the gentleman will yield, I understand what the gentlewoman is doing and I admire that. I think her purpose is very, very good and I think on the microloan issue is exactly right. That is why the gentleman from New York (Mr. SERRANO) and I have an amendment to restore that and deal with this. I want to make sure the record should state that is not the gentlewoman's purpose of doing it, and so I only attribute the honorable, the most wonderful.

Ms. VELÁZQUEZ. Mr. Chairman, if the gentleman would further yield, we can mix oranges and apples. Microloan and 7(a) are two completely different programs.

Mr. WYNN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me begin by recognizing the hard work of the gentleman from Virginia (Mr. WOLF) and the gentleman from New York (Mr. SERRANO). I know this is a difficult bill, and I know there is not a lot of money available.

Let me more importantly, however, recognize the bipartisan spirit and hard work of the gentleman from Illinois (Mr. MANZULLO), the Chair of the Committee on Small Business, and also the gentlewoman from New York (Ms. VELÁZQUEZ), the ranking member.

This is an absolutely critical bill. This is not a bill for the banks. This is a bill for the small businesses in America that are struggling. This is a bill for the companies in this country that are trying to create jobs. We have a sluggish, sputtering economy. We have just raised interest rates on these same small businesses.

We hear a lot of rhetoric on this floor about the engine of our democracy, creating jobs, we love Main Street, we want to support small businesses; but when it comes time to make a policy decision, which is where we are today, so many people have all kinds of reasons why we should not put creating jobs and helping small businesses at the front of the line.

Yes, there is a need for democracy funds; and, yes, there is a need for 16 additional personnel to process visas. And we can get that money. We wasted more money on Halliburton than this bill involves. That money can be obtained. The fact of the matter is this is an absolutely critical bill.

Now, it is amazing to me to hear people dismiss cavalierly the needs of the small business community. Why? Because unlike many big businesses and unlike the Halliburtons, these small businesses are creating jobs here in the United States. These are not jobs that are going to be exported or offshored. These are jobs here in our local communities.

The gentlewoman from New York (Ms. VELÁZQUEZ) cited the example of minority businesses who go around shopping for loans and that cannot get those loans without this program. This program created 300,000 jobs in America last year. This program used $79 million and leveraged that into loans totaling over $12 billion. Those loans, those jobs are the things that make America work.

So it seems to me that for the relatively modest sum of $79 million we ought to give small businesses and job creation in America a greater priority and fund other worthy causes that have been discussed on this floor through other means.

We have given great tax cuts to very wealthy people. I mentioned Halliburton. We have given them loads of money; and they have misused it, overcharged the United States. The money can be found to address my colleagues' concerns, and they are worthy concerns; but today, we have to ask ourselves a very fundamental question. Are we serious about helping the small businesses in our community? If we are, we should support the Manzullo-Velazquez amendment and restore the funding for the 7(a) loan program.

Mr. SMITH of Michigan. Mr. Chairman, I move to strike the requisite number of words.

Mr. MANZULLO. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Michigan. I yield to the gentleman from Illinois.

Mr. MANZULLO. Mr. Chairman, I thought I would recite the names of some of the organizations that are in favor of the Manzullo-Velázquez amendment. Sure, we have the American Bankers Association that is in favor of it, but just listen to the names of these groups that represent small businesses.

The Asian American and Hotel Owners Association; Women Impacting Public Policy, that is over 2.5 million women-owned small businesses. The Air Conditioning Contractors of America, those are all small businesses. American Society of Farm Managers and Rural Appraisers, those are small business people. American Society of Appraisers, those are small business people. America's Community Bankers, those are many small community banks in rural areas. Financial Services Roundtable, banks of all sizes, including large banks. Independent Community Bankers of America, those are mostly small banks, many in rural areas.

International Franchise Association, thousands and thousands of small business owners across America. National Association of Government Guaranteed Leaders, NAGGL, that represents people that get small business loans. National Association for the Self-Employed, I think the average membership of their group is less than five employees.

National Association of Women Business Owners, small business people.

The National Bankers Association, National Black Chamber of Commerce, the National Small Business Association, the Small Business Legislative Council, the Appraisal Institute. The Tire Industry Association, these are guys that have tire shops across the country. The United Motorcoach Association, these are guys that buy buses for tourism, et cetera; and the U.S. Chamber of Commerce, which represents the large and small businesses.

The reason all these groups are behind the Manzullo-Velázquez amendment is that the core purpose of the Small Business Administration is to make capital available to small businesses, and why the SBA is fighting small businesses is beyond the recognition of the chairman of the Committee on Small Business. I cannot understand it, why the SBA is fighting this bill, which is the core program of the entire SBA.

□ 1415

It does not make sense. $79 million in the huge $3 trillion budget that we have is not a lot of money. But what it does amount to is the doubling of the fee of the little guys that get loans of under $150,000. The little ones get hit, the very ones that are trying to make this Nation recover.

In my district, we just dropped below 10 percent unemployment and the Fed raised the interest rate. I stand here in the gap as the chairman of the Committee on Small Business to say the Small Business Administration is wrong on this issue, and they ought to be ashamed of themselves for fighting this Congress to defund the very program that has made the SBA the organization that it is.

Sure, I could get very impassioned over little people. I come from a small business. My dad had a grocery store and then a restaurant, and the family restaurant continues today. And if my brother wants to get a loan from the SBA, why should his fees be doubled?

Mr. SMITH of Michigan. Mr. Chairman, reclaiming my time, although I support the intention of the chairman of the Committee on Small Business, my concern would be where the money comes from. So, in the MEP program, it is already sacrificing, and this also takes funds out of that. So I do not know how to rebalance.

Mr. MANZULLO. If the gentleman will continue to yield, this does not take funds of the MEP.

Mr. SMITH of Michigan. Well, Mr. Chairman, this takes funds out of the Justice Department, and that is part of the sourcing of funds that I understand the money would come from. And I will be happy to yield for a final word from the chairman.

Mr. MANZULLO. Well, I commend the chairman for funding the MEP program, but out of Justice this comes out of the administration account. It has nothing to do with FBI agents or the DEA or people involved in those positions.

Mr. SMITH of Michigan. Mr. Chairman, reclaiming my time once again, let me ask a question of the chairman. Where is this $60 million of the funds coming from in Justice?

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Michigan. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, the letter from Justice says it would be "devastating to the management of the Department, including the Office of Intelligence Policy and Review's support for the Foreign Intelligence Surveillance Act." It also says, "This would further degrade OIPR's ability to process FISA applications."

Ms. MAJETTE. Mr. Chairman, I move to strike the requisite number of words, and I rise today in support of this bipartisan amendment offered by my colleagues on the Committee on Small Business, the gentleman from Illinois (Mr. MANZULLO), the chairman, and the ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ).

This amendment would restore funding for the Small Business Administration's signature 7(a) loan program to the fiscal year 2004 levels of $79 million. The underlying bill would eliminate funding for this critical program, potentially crippling many small businesses that rely on the 7(a) program as their only source of capital.

The number one problem cited by America's small businesses is gaining access to affordable capital. As you know, the 7(a) loan program provides loans on favorable terms to small businesses and allows funds to be used for operating capital. The SBA offers the program through private lenders and the SBA guarantees 50 to 80 percent of the loan's amount. The 7(a) loan program accounts for 30 percent of all long-term small business lending, and it is a proven catalyst for job creation and economic development.

This loan program has proven itself productive and successful. Last year, in Georgia, 1,498 loans were issued for a total of $367 million under the 7(a) program. And in my district, Georgia's Fourth Congressional District, 184 loans were issued, totaling $47 million. Those loans kept and produced jobs in our community. Those loans supported the very businesses that managed to weather a weak economy, and now some wish to take those loans away.

Small businesses cite access to capital as their main barrier to growth. By not fully funding the 7(a) program, we will be denying vital funds to small businesses across the country. This means fewer small businesses, less growth in those that survive, and fewer jobs created.

I urge my colleagues to support this amendment and to restore funding for a program vital to our small businesses, our families and our economy.

Mr. WATT. Mr. Chairman, will the gentlewoman yield?

Ms. MAJETTE. I yield to the gentleman from North Carolina.

Mr. WATT. Mr. Chairman, I thank the gentlewoman for yielding to me, because it will not take me 5 minutes to do what I want to do. I am with my colleague, the gentleman from Illinois (Mr. MANZULLO), on this. I do not understand the priorities that the Small Business Administration are using when they talk about not supporting a loan program that has generated 360,000 jobs in the last year.

How could this administration, that has lost as many jobs as it has through the almost 4 years of being in office, now be talking about doing away with a program that is a job creation mechanism? I, for the life of me, do not understand that. And the only thing I can say is, this is just not rational decision-making being made.

This argument that somehow we are going to restore these funds by increasing fees on small business people who apply for the loans just makes even less sense to me. Because those are the very people who need the money without additional fees being generated and charged and assessed to them.

So the priority setting here in an appropriations process tells a lot about the values of an administration and the values of an SBA. And, apparently, this SBA and this administration simply do not care about small businesses or about job creation, even though it is giving lip service to it throughout the country.

I think we should support this amendment, and I appreciate the gentlewoman yielding to me. It does not take a long time to say this administration's priorities are out of whack on this issue, and we should support the amendment that has been offered by the gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from Illinois (Mr. MANZULLO), who cannot understand the priorities that this Republican administration is putting forward any more than we can on this side.

Ms. VELÁZQUEZ. Mr. Chairman, will the gentlewoman yield?

Ms. MAJETTE. I yield to the gentlewoman from New York.

Ms. VELÁZQUEZ. Mr. Chairman, in reference to the fact that this amendment takes money from homeland security, I will say that there is nothing in this amendment that will take money from homeland security. The offsets are from DOJ automation projects.

Mr. DAVIS of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think the virtues of the small businesses have already been outlined time, time, and time again. The only question is what is the biggest problem that small businesses have in this country? The biggest problem that small businesses have is access to capital. How do they get the money that they need to really start up? How do they get the money to expand? How do they get the money to operate? Without capital, there can really be no small businesses.

So it seems to me that, notwithstanding all of the difficulties that have been cited about where the money is or what we have to do with it, if we do not generate it, if we do not produce it, then we do not have the businesses that we need.

I would simply urge support for the Manzullo-Velázquez amendment, and also indicate support for the microloan program. I come into contact with hundreds of small business people every week, every month, who, with just a little bit of money, would really help them over what they call the "hump." It would keep them in business, keep them employed, and keep the economy thriving.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think the first order of business is to acknowledge the good work that the gentleman from Virginia (Mr. WOLF) and the ranking member, the gentleman from New York (Mr. SERRANO) have done on this appropriation with the deck of cards they have been given. I think this debate should stray away from the work that has been done by the appropriators. We already know the vigorous debate that has taken place between the budget people and the appropriators, trying to find dollars where they may not be.

Let me just say that as a member of the Select Committee on Homeland Security, I believe we have unanimity in at least recognizing that homeland security is important. We may do it differently, but we understand it is important and we want to secure the homeland.

I frankly believe there are ways to improve the resources necessary to do what is important for the American people, secure the homeland, and also do what the gentleman from Illinois (Mr. MANZULLO) and the ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ), want us to do, and that is to rebuild the crumbling infrastructure of the SBA 7(a) loan program.

Let me cite, if I might, and compliment Milton Wilson, who heads my SBA agency in the Houston region, talk about the many, many hundreds of small businesses that have created jobs in Houston. When we were falling on our very knees just about 3 years ago and Enron laid off 5,000 employees in my community, the domino effect was enormous from businesses that were supported by this very large company and other energy companies who felt the brunt of the economic engine failing in this country.

Now, we just realized that we only created in the last month 112,000 jobs when, in actuality, to be even minimally healthy economically, we needed to create 150,000. Well, Mr. Chairman, the place to create those jobs is through small businesses.

I am frankly disappointed to announce to the American public and my colleagues that 2 days before Christmas, just a year ago, the administration encouraged or announced significant changes to the 7(a) program. Two weeks later, the SBA shut the program down. What does that mean to small businesses, which are basically the infrastructure of America?

They are the job creators of America. That is what all of us say. When we go home to our districts, it is the small business owners that we encounter, with all their ups and downs. The only way they have been able to access dollars has been to use their credit cards, with their usurious interest rates. That is how they have been funding their businesses.

These are the floral shops, these are the cleaners, these are the small computer offices, these are the human resource offices. These are the small businesses of America. Frankly, they may be in Houston, they may be in Jackson, Mississippi, they may be in Charlotte, North Carolina, they may be in New York, they may be in Ohio and Illinois and California. All over America, what is happening is that we are losing the ability for these small businesses to engage in business by getting these kinds of loans.

According to the GAO, over the past 10 years, small business lenders and borrowers have paid over $1 billion in miscalculated government fees and under-the-table taxes. This was fixed by a bipartisan move 2 years ago, yet the administration wants to go back to a time when lenders and borrowers were overcharged. That does nothing but hurt our small businesses.

So this amendment that has been offered by the distinguished gentlewoman from New York and the distinguished gentleman from Illinois is, frankly, the right way to go. And I would like to be able to say to the ranking member and the chairman of this subcommittee, let us go find some dollars somewhere where they are not needed, like the enormous tax cuts that are taking away from the working men and women of America. Let us go find money that will support the 7(a) loan program that can, in effect, provide the resources that are necessary to create jobs.

Who would stand on the floor of the House today and ignore the fact that we only created 112,000 jobs? The only way we can add to those jobs, besides boosting our manufacturing, is to give small business the ability to secure loans that will help them grow their businesses. They grow them two employees, three employees, and five employees at a time.

This is not about responding to a constituency, the small business community of America, it is about responding to Americans who need jobs.

☐ 1430

I support this amendment because I believe it is a viable amendment. This program generated more than 60,000 jobs last year across America. It is not going to create any jobs if we continue to dumb down the program and do not provide it with the resources it needs.

In closing, the ranking member and the chairman of the subcommittee have worked with what they had to work with. I also want to acknowledge that we are all supporters of the National Endowment for Democracy, but we need to find dollars to do the important business of America: securing the homeland, providing loans for small businesses, and creating jobs. If we do that, we will improve the quality of life in America. I ask Members to support this amendment.

Mr. WOLF. Mr. Chairman, I ask unanimous consent that debate on this amendment, and any amendments thereto, be limited to 30 minutes, to be equally divided and controlled by the proponent and myself, the opponent, except that the chairman and ranking minority member may each offer one pro forma amendment for the purpose of debate.

The CHAIRMAN pro tempore (Mr. MCHUGH). Is there objection to the request of the gentleman from Virginia?

There was no objection.

Ms. VELÁZQUEZ. Mr. Chairman, I ask unanimous consent to yield half of my time to the gentleman from Illinois (Mr. MANZULLO) and that he be permitted to control that time.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

The CHAIRMAN pro tempore. The Chair would advise Members that under the unanimous consent request, the 15 minutes for the proponent is controlled by the gentleman from Illinois (Mr. MANZULLO), so he would have any prerogative to yield such time to other Members.

Mr. MANZULLO. Mr. Chairman, I ask unanimous consent to yield half of my allotted 15 minutes to the gentlewoman from New York (Ms. VELÁZQUEZ) and that she may control that time.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MANZULLO. Mr. Chairman, I yield 2 minutes to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Chairman, I rise today in strong support of the

Manzullo-Velázquez amendment to restore funding to the SBA 7(a) program.

In its fiscal year 2005 budget, the administration dealt a near-mortal blow to our Nation's small businesses by taking the funding from that program to zero. This amendment breathes new life into it by restoring that funding. It is critical to at least maintain funding for SBA's 7(a) loan program to last year's level of $79 million. Providing just level funding will leverage more than $13 billion in lending opportunities under the 7(a) program. But if this bill passes without the Manzullo-Velázquez amendment, small businesses will be required to pay nearly $80 million currently subsidized by the Federal Government, the equivalent of a new tax on small business.

Today, with double-digit rising health care costs, expanding energy costs, and pressure from overseas competitors, this increase is more than our small businesses can bear.

The 7(a) loans spur economic development in underserved areas like my district in the Virgin Islands, especially the island of St. Croix. The 7(a) loans are used to purchase land or buildings to expand existing facilities. These loans are used to buy new equipment, machinery, or even furniture.

In sum, the 7(a) loan program is SBA's core lending program, as Members have heard, and accounts for roughly 30 percent of all long-term small business borrowing in America. I want to thank the gentleman from Illinois (Chairman MANZULLO) and the gentlewoman from New York (Ms. VELÁZQUEZ), the ranking member, for their leadership and their strong passionate bipartisan effort to salvage this program which is so critical to the small business sector and thus to the economic health of our Nation.

I urge my colleagues to walk the talk and support America's small businesses by supporting this amendment. Without this amendment, the 7(a) lending program and many of our small businesses will not survive.

Ms. VELÁZQUEZ. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Chairman, I think in any debate, whether it is this amendment or any other amendment, I do not think we should ever question any Member's commitment or dedication to the war on terror. The funding that is sought in this particular amendment will not jeopardize our effort on the war on terrorism, and I think we need to start off with that understanding so we remain focused on the true intent of this particular amendment, and that is the very lifeline or lifeblood to small businesses in securing loans.

Small businesses already operate at great disadvantage. They do not get the same deductions as big corporations. They cannot go and establish their headquarters offshore and abroad to avoid paying taxes. This is all about the American dream. This is all about sweat and toil and commitment to this great capitalist system that makes this great democracy the great democracy that we have today.

We will never support democracy without a strong economy. I look at this as the greatest investment we can possibly make. We have to remain focused on the true intent of this particular amendment. These will be loans that are being made because of the funding in the guarantee. These are loans that would not be made otherwise. This is not a subsidy to banks. It is about risk, and there is nothing wrong with taking risk into consideration. We make that accommodation which makes money and capital available to the small businesses, the very strength of our economy, which lends credence, which lends viability to this great democracy. This is what it is all about, and I would hope everyone in this Chamber when we vote today will support small businesses throughout this country.

Mr. MANZULLO. Mr. Chairman, I yield 2 minutes to the gentleman from Hawaii (Mr. CASE).

Mr. CASE. Mr. Chairman, I rise in strong support of the Manzullo-Velázquez amendment. I came to this Congress and asked to serve on the Small Business Committee. Coming from a State that has 96 percent of its businesses as small businesses, 60 percent of its businesses as minority-owned businesses, I came here ready to roll up my sleeves believing that Washington, D.C. cared about small businesses.

Let us put this amendment into perspective and ask ourselves is that true. As we look at the actions of this administration, and many times this Congress, Members have to say that small business has not been treated well. I have sat on the Committee on Small Business, as bipartisan a committee as there is in this Congress, where we are all trying to help small business, and I have watched as the discussion has turned to small businesses being squeezed out of the Federal procurement process. I have watched as we have had hearings on all of those measures to help small businesses, from reducing paperwork, the Paperwork Reduction Act, and instead we see this administration presiding over increases in paperwork. Regulatory relief, this administration presiding over huge increases in regulation, and the Small Business Administration coming in to us and trying to defend the actions of the Office of Management and Budget telling them to cut, and we see the pain in their eyes when they have to carry that policy down here.

Now we find ourselves facing an amendment that should never have had to have been brought to the floor of this House to preserve a program which has been the flagship program of small business, and we are being put in a box where we have to elect between two different things that we both support. Of course we support it.

But I have to ask, why do we not take a look at the billion dollar sole source contracts for huge businesses that are out there? This is a blip on the radar screen when we compare it to that. This is not about banks. Banks are consolidating. Big banks are getting bigger. Small banks are getting wiped out. Small banks serve small businesses; small businesses are not cared for by the big banks. They are being squeezed out. Take it to a rural community in my district, Na'alehu, a small mom and pop operation, trying to get just a little capital to get going; and if they are going to the big banks, they are not going to get that capital.

Mr. Chairman, I rise in strong, unqualified support of the bipartisan Manzullo-Velázquez amendment to save the Small Business Administration's section 7(a) small business loan program.

Mr. Chairman, the Small Business Administration (SBA) was created 51 years ago by President Dwight D. Eisenhower to meet a critical nationwide capital shortage. SBA's top priority was to provide small companies with access to capital through its lending programs. The 7(a) loan program is the signature program within the SBA. Over the last decade, the SBA has approved more than 424,000 loans for over $90 billion, assisting countless small businesses across the country with their basic capital requirements.

Tragically, funding of the 7(a) program is in grave danger of being eliminated. Should the administration prevail in its attempt to dismantle this proven program and Congress proceed on its current path, our Nation's small businesses would have to bear an additional $80 million in SBA expenses, and the fees per loan would increase by over $1,000. These loans are the only source of affordable, long-term financing for many of our Nation's small businesses, as 7(a) loans spur economic development in underserved areas, are used to purchase land or buildings or expand existing facilities or buy new equipment, machines, or even furniture, and provide long-term working capital including accounts payable—allowing small businesses to start and continue in business where otherwise if may not be possible.

In my own state of Hawai'i, for example, the viability of small business is the linchpin to economic vitality. In 2002, the most recent year for which numbers are available, the SBA Office of Advocacy estimates that there were 28,800 small businesses in my state, representing 96.7 percent of all business in Hawai'i.

Hawai'i is also home to one of the largest percentages of minority-owned businesses. Minority-owned businesses represented 57.8 percent of the state's businesses and they generated $14.8 billion in revenues in the most recent year for which this data is available.

The SBA and its programs are critical to the sustainability of our economic base. In Hawai'i, FY03, the SBA made 269 loans worth nearly $29 million. Of that number, 132 of those loans, worth nearly $15 million—nearly half of all loans—were made to companies operating in the rural communities of the Second District that I represent.

The situation is even more promising for my state in this fiscal year. Through May 31, 2004, the SBA had approved 260 loans, worth about $18.5 million to Hawai'i small businesses. Rural small business have received 61 of those loans—representing over $6 million.

The 7(a) program is also crucial to small businesses because of recent consolidation of banks and other financial institutions throughout the country. My state is no exception. According to the Federal Reserve Board, there were 13 small-business-friendly banks in Hawai'i in 1998. In 2002, that number had shrunk to 7. Of those seven in 2002, four had assets between $1 billion and $10 billion. Because small business traditionally depend on local banks services and use commercial bank lenders, this recent consolidation has not had a positive effect upon lending to small businesses.

During my time in Congress, as a member of the House Committee on Small Business as well as the Blue Dog and New Democrat Coalitions, I have argued for fiscal responsibility during our budget and appropriations process. The SBA's 7(a) program is a perfect example of a federal effort that is entirely consistent with this needed approach, for it both increases revenue-generating economic activity and pays for itself. By supporting, nurturing and growing small businesses, we are allowing these companies to increase in size, revenue, employment and purchasing power, ultimately benefiting the community where that company is located as well as the country as a whole. And these are repayable loans, not outright grants.

Mr. Chairman, this is a crucial amendment for all concerned, not least the small businesses of my Second District of Hawai'i. According to a survey published by the National Federation of Independent Business in May of this year, the top three "severe problems" for small-business owners is cost of health insurance, liability insurance and workers' compensation. Let's not give these small businesses one more reason to fail in these trying times. Let's pass this important amendment. It is the right thing to do, and I implore my colleagues to support the Manzullo-Velázquez amendment and support the underlying bill.

Mr. WOLF. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Chairman, I have the utmost respect for the gentleman from Illinois (Mr. MANZULLO) and the gentlewoman from New York (Ms. VELÁZQUEZ); but since I said that, Members know what position I am taking on their amendment. I am adamantly opposed to it.

I appreciate their hard work, their commitment to the small business sector of our economy; but this amendment is wrong. Every single Member in a bipartisan way should oppose it for several reasons.

First, I want to talk about the fact that the gentleman from Virginia (Mr. WOLF) and I came here 24 years ago, elected to serve in Congress the same day Ronald Reagan was elected President of the United States. One of the great visions put forth in 1985 in a speech delivered by President Reagan at Westminster College at Fulton, Missouri, was establishing the National Endowment For Democracy.

The notion behind this was the goal of ensuring that, rather than simply pursuing bullets, we would pursue ballots. What are we trying to do in the Middle East, in Iraq, and in other parts of the world? We are trying to do everything we possibly can to encourage self-determination, the rule of law, respect for democratic institutions, political pluralism. Why are we doing that? We are doing that in an attempt to help these people and to try and diminish the threat of engaging militarily.

So this amendment, as well intentioned as it is, is bringing about a cut in the funding for that institution, the National Endowment for Democracy, which has done a phenomenal job all over the globe helping people who have been trying to claw their way to self-determination to have the kind of success that is so important.

In the State of the Union message delivered by the President delivered right here, he called for a doubling of the funding for the National Endowment for Democracy. While the subcommittee of the gentleman from Virginia (Mr. WOLF) has not quite gone to the level the President has requested, the $50 million level is a very good and important start because we know that we have been working to build these democratic institutions as part and parcel of the global war on terror, and we are having success and so we should not in any way jeopardize that.

Passage of this amendment undermines the effort that we are leading in moving towards democratization around the world.

Number two, the global war on terror, we are looking at a $60 million cut if we were to pass this amendment for the Department of Justice, which would tragically undermine the ability to deal with the very important threat that we live with every single day and have lived with every single day since September 11 of 2001, and that is the threat of global terrorism. We have seen activities take place just within the last few days, actions taken to keep ships that potentially posed a threat to our security offshore, and a wide range of other things which the Department of Justice has been involved in to try and help us turn the corner on the global war on terror.

As we look at these issues, as well intentioned as this amendment may be, I think we should look at the people who join us in opposition. Hector Barreto, the director of the Small Business Administration, a fellow Californian who has provided great leadership at the SBA, he is opposed to this amendment. They oppose this amendment at the Small Business Administration.

And as we look at the overall impact of this amendment, it is not even going to go towards its intended goal. This goes toward administrative expenses and will not provide assistance within the 7(a) program. It is well intentioned, but the amendment does not do anything like it is designed to do; and with what it does do, it undermines our quest towards encouraging democratization around the world, helping the people of Iraq in their quest to build those democratic institutions which are so important, and it threatens our overall goal of trying to deal with the global war on terror.

For every single reason, I believe it is important for us to do everything we can to in a bipartisan way vote "no" on this amendment.

☐ 1445

Ms. VELÁZQUEZ. Mr. Chairman, I yield 3 minutes to the gentleman from New Mexico (Mr. UDALL).

Mr. UDALL of New Mexico. Mr. Chairman, I thank the gentlewoman for yielding me this time.

The issue has been raised here by the gentleman from California as to the National Endowment for Democracy. The fact is the National Endowment for Democracy is funded $1 million above last year's level. So that is not the issue before us today. The issue before us is whether we are going to take care of our small businesses, our small businesses which provide us with growth, which provide us with strength, which provide us with an economic base in this country. That is why this amendment is so important.

One of the biggest obstacles to entrepreneurs is establishing and growing a small business. And if entrepreneurs cannot get access to capital, they often have to turn to more costly alternatives. Without access to financing, companies are unable to target new markets, growth, and even hire new workers. That is why the 7(a) program is so important. The 7(a) loan program is the SBA's core lending program. Over the last decade, the SBA has approved more than 424,000 loans for over $90 billion. Think about it, $90 billion pumped into our economy to support small business growth.

Unfortunately, despite the immense popularity of this program, the Bush administration has continued its efforts to systematically dismantle this important program. The recent budget request by this administration for the 7(a) program has steadily declined while demand for 7(a) loans has continued to increase. As a result, the SBA was recently forced to shut down the loan program, injuring thousands of small businesses and lenders that had submitted applications for loans. After the outcry from the business community, the SBA reopened the program; but they capped all 7(a) loans, thus limiting the ability of American small businesses to get financing.

One of the key ways to help stabilize the 7(a) program is by providing more funding, and that is what this amendment does today. A bipartisan amendment offered by the gentleman from Illinois (Chairman MANZULLO), our chairman on the Committee on Small Business, and the gentlewoman from New York (Ms. VELÁZQUEZ), our ranking member. They have come together. This is the most bipartisan committee in the United States Congress, and they reached an agreement on an amendment. I applaud that effort to reach bipartisan support, and I urge my colleagues to support the Manzullo-Velazquez amendment.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Chairman, I thank the gentleman for yielding me this time.

I simply want to respond to the comments of my good friend from New Mexico and say at the outset that this notion of a $1 million increase in funding for the National Endowment for Democracy does not even maintain a level at the inflation rate that it is; and this is a program which, remember, the President of the United States asked us to double, he asked us to double the funding for the National Endowment for Democracy. Why? Because when we think about the kind of success that it has had since we saw the demise of the Soviet Union and the Berlin Wall come down, what we have witnessed in the emergence of tremendous democracies of Eastern and Central Europe, the kind of effort that has been put into place, bringing about leaders who have addressed us in joint sessions of Congress like the former President of Poland, Lech Walesa, like the man who went from prisoner to President in 6 months in Czechoslovakia, Vaclav Havel. These people were able to enjoy success in large part due to the work of the National Endowment for Democracy.

What is it we want? We want throughout the world for people to enjoy the same kind of liberties that are now taken for granted in Eastern and Central Europe, and this program needs to have a dramatic increase. And I believe it is very important for us to do everything we possibly can to ensure the further success of the National Endowment for Democracy.

I also think it is important to note that this administration is strongly committed to the small business sector of our economy. There is no doubt about the fact that keeping the tax rates low for small businessmen and women, encouraging economic growth, keeping interest rates low for small businesses, they are the backbone of our economy. But dramatically expanding a program when we have the director of the Small Business Administration opposed to this kind of a program, when, again, this amendment, this amendment does not allow the funding to get to that program. There already is a $12.5 billion level, as the gentleman from Virginia (Mr. WOLF) has just informed me. It seems to me that it is the right thing for us to do to oppose this amendment.

Ms. VELÁZQUEZ. Mr. Chairman, I yield myself 30 seconds.

I would just like to respond to the fact that the gentleman was talking about the National Endowment for Democracy. The numbers do not lie. They are right here. The National Endowment for Democracy was funded $39.5 million. The full committee provided $51 million. It is on page 77 of the bill. If we take $10 million, they still have more than $1 million from last year.

Mr. DREIER. Mr. Chairman, will the gentlewoman yield?

Ms. VELÁZQUEZ. I yield to the gentleman from California.

Mr. DREIER. Mr. Chairman, I think that is what my friend from New Mexico was arguing. And my point is that if that would take place, it would not even allow us to maintain the inflation rate that we have. That is why that it needs to be substantially higher than that.

Mr. MANZULLO. Mr. Chairman, I yield 2 minutes to the gentlewoman from the State of California (Mrs. NAPOLITANO).

Mrs. NAPOLITANO. Mr. Chairman, I thank the gentleman for yielding me this time.

I have heard all the rhetoric; and sitting 6 years on the Committee on Small Business, I cannot help but wonder. We talk about funding small business and the engine of our economy, which is the small business, and yet we do not put money behind it to make it work. We talk like we want to help small business; yet we put billions, billions with a "b," into loans, into grants, into whatever for the airline industry. We cannot put in 79 lousy million into small 7(a) loan programs, that for every $33,000 loaned, they would create one new job. Talk about $79 million versus $12.5 billion that we can be able to have our economy move forward; yet we are scrabbling around and arguing about why we should not take this money and invest it in the source of job development that this country so dearly needs.

Let me ask the gentleman from Illinois (Mr. MANZULLO) and the gentlewoman from New York (Ms. VELÁZQUEZ), do they really think that it is the time to cut small business when we most need it?

Ms. VELÁZQUEZ. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. PELOSI), the minority leader.

Ms. PELOSI. Mr. Chairman, I will not be using that full amount, but I did want to rise once again to commend the gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from Illinois (Chairman MANZULLO) for their excellent leadership in bringing this amendment to the floor. I again want to commend the distinguished gentleman from Virginia (Mr. WOLF), chairman of the full committee, for his great leadership in bringing a very important appropriations bill to the floor; and I thank the gentleman from New York (Mr. SERRANO) also for moving this section 7(a) provision in full committee. Although he was not successful, his leadership was important to the momentum that we have today. I thank him for his leadership.

Mr. Chairman, I just want to close by saying this one thing: I always say that the only thing more optimistic than starting a new business is getting married. In order to take on the responsibilities of a marriage or a business, a person has to be very entrepreneurial, very optimistic, very confident. There are so many risks involved in starting a small business. At the very least, we should have access to capital so that we can increase the equity, the ownership that the American people have in businesses that do create jobs, that do create capital in our country, which in turn attracts the talent that we need to be internationally competitive.

This is a very important amendment today. It is not to say that the decisions that have to be made to fund it are not difficult; and as I said earlier, I commend the gentleman from Virginia (Chairman WOLF) and the gentleman from New York (Mr. SERRANO), ranking member, for the difficult decisions they had to make to bring this Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act to the floor.

But we have to choose in favor of small businesses in our country if we are going to grow the economy. Small businesses are the engine of the economy. We cannot just talk about supporting small business. We have to put our resources there and give them access to the capital they need to succeed to accompany the great optimistic spirit and entrepreneurial spirit that they bring to the endeavor of starting a new business.

So with that, Mr. Chairman, I urge our colleagues to support this bipartisan Manzullo-Velázquez amendment.

The CHAIRMAN pro tempore (Mr. MCHUGH). The gentleman from Virginia (Mr. WOLF) has 8 minutes remaining, and the gentleman from Illinois (Mr. MANZULLO) has 2 minutes remaining.

Mr. MANZULLO. Mr. Chairman, I yield myself such time as I may consume.

Let me first address the issue of offsets. We take $33.251 million out of a program that the President did not even request, this Legal Activities Office Automation Program at the Department of Justice, $33 million out of a program they never even requested.

I voted and continue to support the war on terrorism, but we reach a certain point when we have to ask ourselves, when do we take care of our own? When do we take care of the little people? This is not an outrageous request to ask that we have level funding this year that we had last year; $79 million is a lot of money, but compared to how far it goes to continue the program is something else.

The problem here is this: we all want to get away from this subsidy. I am in favor of a zero subsidy rate and have continued to work towards that each year that I have been chairman of the Committee on Small Business. To do it all at once at a time when the Fed has just increased the interest rate, when the unemployment in the district that I represent has just fallen below 10 percent, and at a time when small entrepreneurs continue to scramble for capital is simply unwise. To have a complete recovery, we need to make sure that the resources, the loans, are there for the little people, the ones that get up early in the morning and work 18 hours a day, sometimes 7 days a week, just for the opportunity to make a lot less money than they could working somewhere else, but who choose to do that because the spirit of entrepreneurship rings within their heart, because they know that eventually they will create more jobs and add to the economy.

That is what this bill does. It restores the same amount that they would have had last year, and I ask my colleagues to vote in favor of the Manzullo-Velázquez amendment.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

☐ 1500

Mr. Chairman, a lot has been said about this amendment today, and I want to reiterate my respect and admiration for the chairman, the gentleman from Virginia (Mr. WOLF), and the fact that I cannot run away from the issue that we both participated in putting this bill together. But as I said in my original comments, and I will say again, even when we approved and supported this bill, as I do now and I would ask all my colleagues to do so for final passage, I still knew that there was a problem that had to be dealt with, and the most glaring of those problems was the 7(a) issue.

It is for that reason that I stood up today and continue to stand in support of the amendment. I think the amendment speaks to an issue of a constituency throughout this country that is not only based in the lending institutions, heaven forbid I should ever be accused of supporting the lending institutions at that level, but people who feel that this is a good program and should continue to exist.

Because of my support for the bill, I am very leery when we put forth any cuts, but I must say that I am not totally upset about cutting the National Endowment for Democracy, because every so often what they partake in is improperly trying to overthrow governments that they should not be involved in. So I am not going to cry tonight if we indeed take some money from them.

However, I understand the concern of many members of the subcommittees. I would just hope that we see this for the greater good, which is the need to have this program restored, to have this hope fulfilled. And if we do that, if we do that, I think that we would have gone a step ahead of where we were a couple hours ago in saying that this was a good bill. The bill then would be a great bill, and that is my support.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me thank the gentleman from New York for his comments. Let me try to close and put some things in perspective.

The gentleman from Illinois said that the administration did not make any requests for the legal activities office automation. The President did. So we cannot just throw things out. The President requested $80 million. We, the subcommittee, the gentleman from New York (Mr. SERRANO) and I, only provided $50 million. This amendment cuts $33 million, leaving only $17 million.

Now, what would the impact of that be? Cutting the program any further would delay the deployment of needed information technology and improvements to the Bureau of Prisons, the U.S. Attorneys, the Marshals Service, Federal law enforcement, who continue to be criticized for not being able to connect the dots; and if we now give the Justice Department the ability to make standardized its information technology systems, we will be hindering their ability to share the information. The results could be catastrophic.

That was the whole issue at the 9/11 hearings, the lack of sharing of information. If we expect Federal law enforcement to prevent acts of terrorism, the FBI must be able to have surveillance applications approved in a timely manner.

So the amendment proposes a $33 million reduction in the Department's legal activities office, which funds the Standard Office Automation System, which 15 Department of Justice components operate, their mission and critical applications, the U.S. Attorney, Marshals Service, Bureau of Prisons, civil and criminal and many others.

So they did ask for it. What the gentleman from Illinois said was not accurate. They did ask for it, and the committee was not able to fund the entire amount. I was saying to my friends on the other side and on this side, part of the reason we were not able to do it is we wanted to put money in the manufacturing extension program, MEP. The administration's numbers were 39. We got up to 106. It is like no good deed goes unpunished.

We also wanted to protect the Legal Services Corporation for justice, justice for the poor. We actually have $6 million in here, above, to go after $60 million now with regard to the antiterrorism activity, eliminating funding for processing intelligence. I mean, I would have hoped that the gentleman from Illinois would have found another place, but in the war on terrorism that is just not the place to go.

Also, the gentleman from Arizona (Mr. UDALL) made the comment about NED. Well, that amount barely would keep up with the rate of inflation. We want to bring about democracy for China. In China today, Catholic priests and bishops are being persecuted. There are 11 bishops in jail in China today.

The gentleman, and I know he has an interest, I was in Tibet where the Chinese are persecuting the Tibetans. We want to bring democracy to Tibet. They are also persecuting the Muslims up in the northwest portion. Nobody speaks out for the Muslims in China. We are trying to have the money for the National Endowment for Democracy to help bring about democracy in China.

The Evangelical Protestant Church, ripped apart; we want to help. We want to do what we did for Eastern Europe or what we did for the Soviet Union. My friends on this side, Ronald Reagan would never have supported this amendment to take all this money out of the National Endowment for Democracy. It almost makes me sick. We came here in 1980, as the gentleman from California (Mr. DREIER) said, to bring about freedom.

What about Syria? Should not we try to bring about democracy and freedom in Syria? Should not we try to do something in Egypt? Should not we try to do something in Iran and places like that? And I commend the gentleman and the gentlewoman for what they are trying to do, but it does not make sense to take it from the war on terrorism and to take it from the National Endowment for Democracy.

Strangely enough, too, and I think people have to know, this amendment would result in a RIF of 160 SBA employees. So they want to give to one area but RIF from another area. Now, I understand they had a hard time finding it. They had a hard time finding it.

We protected the Legal Services Corporation. They had a hard time finding it because we protected MEP. They had a hard time finding it, because many on their side and my side said we need COPs grants, we need State and local law enforcement grants.

They asked me, "Can you help us out?" And the gentleman from New York (Mr. SERRANO) will say many on that side spoke to me about this, and we said we are going to try to help, because we know it is a problem.

We also put in money for a new antigang initiative. We also put in money to study offshoring, because I believe personally it is a problem.

So you have not taken it from any of those areas. You take from terrorism, you take from the National Endowment for Democracy, you take from the administrative account and RIF SBA employees.

Administrator Baretto reiterated zero subsidy is not only good for the taxpayer, but for the stability of the program, the most crucial aspect of the program, according to borrowers and lenders.

He also wrote to me a letter the other day and said, "I am confident the bill will continue to improve the 7(a) program by serving the capital needs of small businesses in the most efficient and effective manner."

I understand what both sponsors have been trying to do, and I guess indirectly the gentleman from New York (Mr. SERRANO) and I should probably take it as a compliment that they had to struggle to find something. But we are in a war on terrorism.

I was the author of the National Commission on Terrorism, 1998. I had just gotten back from Algeria, where 100,000-some people had been gutted, killed. It was the year of the Nairobi bombing. It was the year of the Tanzania bombing. I introduced a bill for the National Commission on Terrorism, the Bremer Commission.

I could not get any support from either side of the aisle, so I put it in the appropriations bill and we passed it, and Bremer went on, and all the recommendations were made. On the cover of the National Commission on Terrorism report, which I authored, was a picture of the World Trade Center on fire. But it was not the World Trade Center from 9/11, because the report came out in the year 2000; it was the attack on the World Trade Center in 1993.

I just do not believe you could not have found some other place. You could have found some other place.

So, Mr. Chairman, I urge Members to vote "no," because we ought not cut terrorism funding, we ought not cut the National Endowment for Democracy.

Mr. FARR. Mr. Chairman, I rise in opposition to the CJS appropriations committee recommendation to eliminate funding for the SBA 7(a) program and in support of the Manzullo-Velázquez Amendment. The challenges for small businesses in this stagnant economic climate are formidable—rising health insurance costs, increasing energy expenses and dramatic outsourcing competition. The SBA 7(a) program is the only source of affordable, long-term financing for many of our nation's small businesses. It offers assistance to established small businesses and acts as a catalyst to energize and foment the entrepreneurial spirit that, as Americans, we must celebrate and nurture.

The 7(a) program not only serves as a lifeline to entrepreneurs, it also creates American jobs. Small businesses account for approximately 75 percent of the net new jobs in America. The SBA 7(a) program annually generates 360,000 jobs. If the Bush administration is truly serious about growing the economy and creating jobs on Main Street instead of offering tax cuts for Wall Street, they should not have zeroed out this program in their budget.

We must continue to fund this important program that is instrumental to fostering the entrepreneurial spirit. How can we deny our constituents the chance to realize the American dream and create their own business and be their own boss? Every job counts in this economy and the U.S. government has the obligation to foster free enterprise and small businesses by funding the SBA 7(a) program.

Mr. OBERSTAR. Mr. Chairman, I rise today in support of the Manzullo-Velázquez amendment to the Commerce Justice State Appropriations bill. This amendment will provide critical funding for a program that is fundamentally important to our small businesses: the Small Business Administration's (SBA) 7(a) loan program.

American small businesses' number one problem is gaining access to affordable capital. Many small businesses face substantial barriers in accessing capital, and are often forced to turn to more costly lending alternatives. As a result, small businesses are often financially strapped with insurmountable debt before their companies have even had a chance to get off the ground. Without access to financing, like that embodied by the 7(a) loan program, companies are unable to target new markets, hire new workers and ultimately succeed.

The 7(a) loan program is the SBA's core lending program and accounts for roughly 30 percent of all long-term small business borrowing in America. 7(a) loans spur economic development in underserved areas. 7(a) loans are used to purchase land or buildings, or to expand existing facilities. 7(a) loans are used to buy new equipment and machinery as well.

Most importantly, the 7(a) program creates jobs. Small businesses are the number one job creator in America, accounting for 3 of every 4 new jobs added to the economy. For every $33,000 in 7(a) loans, a new job is created. Just last year, the 7(a) loan program generated 360,000 jobs across America. However, if funding of the 7(a) program is not maintained at its current level our economy and our people will lose many of those jobs, as well as any new jobs and new small businesses that would be created with the help of the 7(a) program.

The CJS bill that we consider today provides no funding for the 7(a) program. As the federal deficit will hit a record $477 billion this year, fiscal restraint is important, but this program has already sacrificed significantly over the last few years. According to the General Accounting Office, over the past ten years small business lenders and borrowers have overpaid a billion dollars in miscalculated government fees. Instead the Bush administration and the SBA argue that simply maintaining fees at these "historic" levels will be good enough to support a robust 7(a) program.

This is just plain wrong. If the CJS bill is approved without this amendment, small businesses will be required to pay the nearly $80 million currently subsidized by the federal government. Based on FY 2003 loan volume and distribution, fees on small businesses will increase by over $40 million. Fees per loan will increase by over $1,000.

The Manzullo-Velázquez amendment will ensure that small businesses can still benefit from the program by restoring funding for the 7(a) program to the FY04 level of $79,132,000. This amendment will foster further economic recovery, and stronger job creation. For the good of the economy, for the good of our workforce and for our future, I encourage my colleagues to support the Manzullo-Velázquez amendment.

The CHAIRMAN. All time for debate has expired on this amendment.

The question is on the amendment offered by the gentleman from Illinois (Mr. MANZULLO).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Ms. VELÁZQUEZ. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 281, noes 137, not voting 15, as follows:

[Roll No. 328]

AYES—281

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Bartlett (MD)
Beauprez
Becerra
Bell
Berkley
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehlert
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown, Corrine
Brown-Waite,
  Ginny
Burgess
Burns
Burr
Capito
Capps
Capuano
Cardoza
Carson (OK)
Case
Castle
Chabot
Chandler
Clay
Clyburn
Coble
Conyers
Cooper
Costello
Cramer
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Duncan
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Forbes
Ford
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gerlach
Gillmor
Gonzalez
Goode
Gordon
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hayes
Herseth
Hill
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)

Hoyer
Hulshof
Hunter
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
Kleczka
Kline
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Oberstar
Obey
Olver
Ortiz
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Pickering
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Rehberg
Renzi
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Sherman
Shuster
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOES—137

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Barton (TX)
Bass
Bereuter
Berman
Biggert
Blunt
Boehner
Bonilla
Bonner
Bono
Brady (TX)
Brown (SC)
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Carter
Chocola
Cole
Cox
Crane
Crenshaw
Culberson
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Dunn
Ehlers
Emerson
English
Everett
Feeney
Flake
Foley
Fossella
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gingrey
Goodlatte
Goss
Granger
Greenwood
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Hobson
Hostettler
Houghton
Hyde
Jenkins
Johnson (CT)
Jones (NC)
Keller
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Latham
Lewis (CA)
Lewis (KY)
Linder
McCrery
Miller (FL)
Miller (MI)
Miller, Gary
Moran (VA)
Myrick
Northup
Norwood
Nunes
Nussle
Osborne
Pearce
Peterson (PA)
Petri
Pitts
Portman
Putnam
Quinn
Regula
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Saxton
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sweeney
Taylor (NC)
Thomas
Thornberry
Toomey
Turner (OH)
Upton
Vitter
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Brown (OH)
Cardin
Carson (IN)
Collins
Deutsch
Gephardt
Hastings (FL)
Hinchey
Honda
Istook
John
Jones (OH)
LaHood
McInnis
Tauzin

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1538

Messrs. MORAN of Virginia, BURTON of Indiana, QUINN, COX, GARY G. MILLER of California, TURNER of Ohio, BEREUTER, PETERSON of Pennsylvania, FOSSELLA and GINGREY changed their vote from "aye" to "no."

Messrs. HOLDEN, COBLE, TIAHRT, NEY, BURGESS, BOOZMAN, FORBES, SCHROCK and Mrs. JO ANN DAVIS of Virginia changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 14 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Ms. JACKSON-LEE of Texas:

Page 2, line 7, after the dollar amount, insert "(decreased by $1,000,000)".

Page 84, line 11, after the first dollar amount, insert "(increased by $1,000,000)".

Ms. JACKSON-LEE of Texas. Mr. Chairman, this amendment seeks to add $1 million to the U.S. Civil Rights Commission, having little negative impact on this appropriations legislation.

It is clear, as we have celebrated the 40th anniversary of the 1964 Civil Rights Act, that civil rights in America is still a challenge. And the necessity of government intervention raises its head every day. In fact, as I stand on the floor today, recently over the weekend in Houston, there was a bombing of a Muslim mosque or a mosque, obviously suggesting that not only are there problems with civil rights, but there are also questions of whether hate crimes are still being perpetrated throughout the United States.

The mission of the United States Commission on Civil Rights is to investigate complaints alleging that citizens are being deprived of their right to vote by reason of their race, color, religion, sex, age, disability or national origin; or by reason of fraudulent practices, to study and collect information related to discrimination or denial of equal protection under the laws for a variety of reasons such as race, color, religion, sex, age, disability or national origin, or the administration of justice; to appraise Federal laws and policies with respect to discrimination or denials of equal protection under the law because of such differences; to serve as a national clearinghouse for information with respect to discrimination or denial of equal protection of the laws because of race, color, religion, sex, age, disability or national origin; to submit such findings and recommendations to the President and Congress and to issue public service announcements.

We know, under the leadership of Dr. Mary Frances Berry, they have sought to be current and they have sought to be provocative, as well as they have sought to be, if you will, aiding in fighting against discrimination in this Nation. They were the first to go in in the election in 2004. They worked on a commission advancing environmental justice. They also worked on opposing the ban on racial data collection. They were very much part of tackling the discriminatory practice of eliminating so-called felons from their right to vote.

They have been working very hard against racial profiling, providing for corporate diversity and other areas. They worked very hard on the issues dealing with affirmative action.

There is no doubt that the Commission's work is needed, but yet there are problems; one, in the amount of staffing. We were apprised by a letter that I signed on May 5, 2004, written by both the chairmen of the Senate and House Committees on the Judiciary, a letter to the U.S. Commission on Civil Rights, highlighting some concerns that we need to be concerned about: An audit that has not occurred in the last 13 years to be able to determine what the needs of this particular agency are at this time and, as well, to be able to assure the proper use of Federal dollars.

Some might think than an audit might bring about a demise of this particular agency. I would offer to say that all of us want to know the facts to be able to provide the right kinds of resources for an agency that are necessary to be strengthened, that needs to have better staffing and better support services so that it can do its job.

Clearly, the work of this commission has not yet ended. The celebration of the 40th anniversary of the Civil Rights Act of 1964 is only an indication that we must continue our work.

I would hope my colleagues would see the value in this amendment, particularly in its concern for ensuring that the Civil Rights Commission is both strengthened and, as well, that we have an appropriate audit that has not taken place in the last 13 years.

One of the things that I hope my colleagues recognize is that we should not condemn the messenger for the message. The U.S. Civil Rights Commission reinforces the fact that civil rights in America is still a work in progress. It needs more resources, more staff, and certainly it needs more competency as it relates to providing the resources to give it the utensils, if you will, the tools to do its job.

I would hope my colleagues would find in this legislation the ability to support this amendment or at least begin to look at working with the U.S. Civil Rights Commission and Dr. Berry and her efforts to make it the very best agency that it can possibly be.

Mr. Chairman, I rise today to offer an amendment to H.R. 4754, the CJS Appropriations Act. I offer this amendment to increase funding to the Civil Rights Commission by $1 million. In order to achieve the goals of my proposal, the Salaries and Expenses account under Title I, General Administration would be reduced by $1,000,000 and the account designated for the Commission on Civil Rights in Title V, Related Agencies would be increased by $1,000,000.

Too many times, I have made requests to the Department of Justice to investigate civil rights matters, which have resulted in a stack of more unresolved investigations. The Department of Justice should not be the only vehicle to which requests are made considering the existence of the U.S. Commission on Civil Rights. The U.S. Commission on Civil Rights should help to ameliorate the stain placed on the Department of Justice, but it cannot do so without adequate funding.

The mission of the Commission on Civil Rights is:

To investigate complaints alleging that citizens are being deprived of their right to vote by reason of their race, color, religion, sex, age, disability, or national origin, or by reason of fraudulent practices;

To study and collect information relating to discrimination or a denial of equal protection of the laws under the Constitution because of race, color, religion, sex, age, disability, or national origin, or in the administration of justice;

To appraise federal laws and policies with respect to discrimination or denial of equal protection of the laws because of race, color, religion, sex, age, disability, or national origin, or in the administration of justice;

To serve as a national clearinghouse for information in respect to discrimination or denial of equal protection of the laws because of race, color, religion, sex, age, disability, or national origin;

To submit reports, findings, and recommendations to the President and Congress; and

To issue public service announcements to discourage discrimination or denial of equal protection of the laws.

I have requested investigations to be conducted by the Department of Justice regarding such cases as the death of Eli Eloy Escobar II. This incident involved the shooting death of a 14-year-old boy whose civil rights were likely violated. The possible misuse of Houston Police Department law enforcement positions was questioned. These types of occurrences are becoming more like the norm instead of an anomaly. Tragically, in the same month of the shooting death of Eli Eloy Escobar II, a Houston police officer shot and killed Jose Vargas, 15, because the youth and his friends "looked suspicious" in a movie theater parking lot. Given that, in the current situation, I requested that the Department of Justice analyze these facts to ensure that there is not a pattern of civil rights violations by government officials under "color of law."

Just a couple of months ago, a Harris County Deputy Sheriff shot 25-year old Hiji Eugene Harrison to death in the course of making a traffic stop. In this case, I requested an investigation by the Department of Justice regarding three alleged circumstances of this incident that may involve a violation of civil rights. I have requested an investigation of Josiah Sutton's case, a young man wrongly convicted of rape, who will be released from prison with a tarnished record because of the reservations of the district attorney in this case. Yet another example of civil rights abuse. Most recently, I requested an investigation to be conducted by the Department of Justice because of the possible civil rights violation of Houston Community activist Quanell X, who was arrested by the Houston Police Department after he attempted to deliver a wanted suspect.

While my inquiries of the Department of Justice are, indeed, necessary, their outcomes have been unresolved or ongoing. These floating investigations would be resolved more expeditiously if more funding were provided to the U.S. Commission on Civil Rights, which is currently known to be deprived of resources. Increased funding would enable the Commission to aid in the resolution of Department of Justice investigations, many of which remain unresolved.

In closing, Mr. Chairman, I would like to urge my colleagues to pass the Jackson-Lee amendment not only because of the necessary efficiency of the U.S. Commission on Civil Rights, but also because of this opportunity to protect the civil rights of all Americans.

Mr. WOLF. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, we will be glad to work with the gentlewoman to see if we can help her resolve that issue.

Ms. JACKSON-LEE of Texas. Mr. Chairman, if I might, and I appreciate the offer to work with me on this, I would hope that in the work that we would be looking at, we would be considering the lack of resources and staffing that they have in order to complete their task.

I know this is a challenging commission because their work is always not the most pleasant. It does not make people the most happy, if you will, but it is vital work because the work of civil rights, as I know you and the ranking member know, is very vital work.

□ 1545

So I am hoping that we could work along the line of providing the adequate resources, along with studying the needs of the commission through an audit that has not taken place in 13 years.

The CHAIRMAN. The time of the gentlewoman from Texas (Ms. JACKSON-LEE) has expired.

(By unanimous consent, Ms. JACKSON-LEE of Texas was allowed to proceed for 1 additional minute.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield to the gentleman.

Mr. WOLF. Mr. Chairman, we will be glad to work with the gentlewoman to see if we can work on this problem for a resolution of it. It is my understanding the gentlewoman was withdrawing the amendment. The gentlewoman wanted a commitment that we would work with her; is that correct?

Ms. JACKSON-LEE of Texas. As I mentioned, yes, I was mentioning the issues that needed to be addressed for the commission and was hoping that we could specifically work along those lines

Mr. WOLF. Mr. Chairman, if the gentlewoman would further yield, we will work with her, yes.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, there were several parts of this legislation on which the Committee on Government Reform could raise points of order. I have had discussions with the chairman on these issues, and I just want to go through them and through the agreements that I think the chairman and I have on these items.

In section 108, the Personnel Management Demonstration Project through the Bureau of Alcohol, Tobacco and Firearms. It permits bonus and incentive pay for more than 200 ATF forensic experts. We think this has merit. We wish that they had gone through the committee of jurisdiction on this instead of just writing this into the law, but we will not raise a point of order on that section.

The section pertaining to the National Technology and Information Administration, Spectrum Management, this provision allows the NTIA to collect fees from Federal agencies for providing spectrum allocation services for those agencies. These fees provide approximately 80 percent of NTIA's budget. As was true last year, the Parliamentarians ruled those are within our committee's jurisdiction. We ask that in the future, as the appropriators look at these areas, they consult with us; but we will not raise a point of order on this issue.

Section 201 permits the Department of Commerce to make advance payments on contracts without regard to the general prohibition on such advance payments and the narrow exceptions to provisions set out under title 31. Again, this is within the purview of the Committee on Government Reform. I understand this has been in the legislation in previous years. We ask in the future they work with us in crafting language so it is consistent with what we are seeing in other Federal agencies.

Section 603 requires contracts for consulting services to be a matter of public record. We believe they already are and is redundant. We will not raise a point of order on that section.

Finally, section 605 under the bill before us requires a 15-day notification to the Committee on Appropriations before any of the CJS agencies can engage in certain acts that would require their reprogramming of appropriated funds, including contracting out or privatizing. We believe this is within the purview of the Committee on Government Reform and would ask the chairman that as this goes to conference, if this provision remains in and we do not raise our point of order, if we include notification to the Committee on Government Reform as well. We think it is important we work in tandem and in partnership with the appropriators, both the authorizers and appropriators together. The chairman, I think, wants to do this. We have had some miscommunication at the staff level. I just want to clarify that as this moves forward they can include us in this language should we, as I intend, not raise a point of order on that.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. TOM DAVIS of Virginia. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, we would gladly share that with the gentleman, and let me also say that I appreciate his willingness to allow us to move ahead on employee changes with regard to the FBI, which I think will strengthen the country. The gentleman is a good friend, and we will certainly do that.

On these other issues next year, I think a lot of this language has really been in the appropriations bill long before I was ever, ever involved; but we will be glad to consult with the gentleman as we move forward.

Mr. TOM DAVIS of Virginia. I thank the chairman.

Finally, Mr. Chairman, we did work closely with the gentleman, as he noted, on a number of other improvements to civil service which I think will make the FBI and some other agencies more effective in recruiting and retaining the best and brightest.

Just for the chairman's notice, we do intend to raise a point of order on section 607 regarding the Buy America Act, as we have on every other appropriations bill.

I thank the chairman for his courtesies and compliment him on what I think is otherwise an excellent bill.

Mr. WOLF. Mr. Chairman, I thank the gentleman very much.

Mr. WYNN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would further like to engage the chairman and the ranking member in a brief colloquy.

Mr. Chairman, I had an amendment which I believe the chairman is aware of.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. WYNN. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, we are not aware of any amendment from the gentleman, but I will be glad to talk to him. Maybe I should look at it first. We do not have anything from him.

Mr. WYNN. Mr. Chairman, my intention would be not to introduce it.

Mr. WOLF. Well, let us chat about it and see what happens.

Mr. WYNN. Mr. Chairman, I thank the chairman. Basically, it was an amendment dealing with the issue of drug courts, which, as the gentleman knows, is a very important diversionary program designed to provide drug users with a program of intense scrutiny, rehabilitation, drug testing, counseling and the like which has proven to be very successful in reducing drug crimes. It has an outstandingly low recidivism rate.

Studies from the American University, the Columbia University, as well as the National Institute of Justice, have all indicated that where we have a criminal placed in a drug court program there is a very low rate of recidivism.

For this reason, we believe this program ought to be funded robustly. The program was authorized at $60 million. The committee reported a funding level of $50 million, and I would like to ask the chairman if he would work with the ranking member and myself in conference to see if we could boost that funding level from $50 to the authorized $60 million.

Mr. WOLF. Mr. Chairman, if the gentleman would yield, we will work with the gentleman to the best of our ability that we can. I think drug courts make a lot of sense.

Our problem has been just allocations from legal services to NAP and others, but certainly we will work with the gentleman as we get to conference. My colleague has my commitment on that.

Mr. SERRANO. Mr. Chairman, will the gentleman yield?

Mr. WYNN. I yield to the gentleman from New York.

Mr. SERRANO. Mr. Chairman, as I told the gentleman from Maryland, the gentleman from Virginia (Mr. WOLF) has been very much aware and supportive of these kinds of issues, and as this bill moves to conference, sometimes there is a window of opportunity to do some things. While we cannot promise what the end result will be, we certainly promise the gentleman from Maryland that we will work together with him to see that this moves along in a better way.

Mr. WYNN. Mr. Chairman, well, I would like to first thank the chairman for his willingness to work with me on this issue, as well as the ranking member. I would like to thank him. I know this is a tough bill, and there is not a lot of money to work with. So I appreciate any cooperation and support my colleagues can give me.

AMENDMENT NO. 15 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Ms. JACKSON-LEE of Texas:

Page 2, line 7, after the dollar amount, insert the following: "(reduced by $10,000,000)".

Page 26, line 20, after the dollar amount, insert the following: "(increased by $10,000,000)".

Page 28, line 4, after the dollar amount, insert the following: "(increased by $10,000,000)".

Ms. JACKSON-LEE of Texas. Mr. Chairman, my amendment is an amendment that we have had the challenge of discussing for the last couple of sessions of Congress, and that is, dealing with the viability of the Nation's DNA lab.

Since it has come to our attention in the criminal justice system of the value of DNA lab work as relates to the promotion of individuals' innocence or guilt, many of whom have sat on death row, some of whom have been convicted of rape while the actual rapists have gone free, I believe it is imperative that we continue on the President's commitment to eliminate the backlog of DNA analysis and as well the backlog of cases that permeate around the Nation. This $10 million added to the $175 million would make good on our promise to believe in justice.

I am citing, if you will, the troubles that we have experienced in one particular area with a gentleman by the name of Josiah, I will simply use his first name, who sat in jail starting at the age of 17 when he was sentenced to 25 years in prison in 1999 until he was released last year at the age of 21 on the basis of a conviction that proved to be false.

The question there, of course, was a faulty DNA lab. To add insult to injury, our own district attorney, Chuck Rosenthal, refused to join in a request for a full pardon. It was only after the advocacy of many in our community, including elected officials, my office and led by the ministerial community in Houston, that this particular individual was set free.

Josiah, however, is an example of the results of faulty DNA testing around the Nation. It was through this case and many others that the House Committee on the Judiciary considered themselves a viable part of fixing the problem. That problem was fixed by legislation that argued for and worked toward decreasing the backlog of cases of those who are sitting on death row for many of those who likewise are involved in cases that a DNA correction could improve.

I supported H.R. 3214, the Advancing Justice Through DNA Technology Act. As I expressed at that time, this technological tool must be improved because it plays such a key role in streamlining and expediting our criminal justice system. Our law enforcement agencies are becoming increasingly more reliant upon the analysis of the DNA tool to verify or rule out the identity of a suspect or charge an individual in processing criminal justice cases. We will not be able to reach the level of decreasing the backlog unless we invest and put our money where our intent is.

This simple request of $10 million takes it out of the salaries and expenses of the Department of Justice to be able to focus on increasing and improving the DNA lab. It also allows for laboratories around the country to apply for grants to improve the training, to improve the staffing, to improve the analysis, and to expedite the analysis which expedites justice.

I cannot imagine a more important aspect of our work here in this Congress than to promote justice; and adequate, secure, safe and skilled DNA staffing and adequate DNA labs will be part of improving justice.

I would ask my colleagues to support this amendment.

Mr. Chairman, I rise today to offer an amendment to H.R. 2754, the Commerce, Justice, and State Department Appropriations bill. It would call for the reduction of the Salaries and Expenses account in Title I, General Administration (page 2, line 7) by $10 million, the increase of the Community Oriented Policing Services (COPS) account in Title I by $10 million (page 26, line 20), and the specific increase of the provision in that account that deals with DNA analysis (page 28, line 4) by $10 million, amounting to an overall reduction in outlays by $7 million for fiscal year 2005.

In November 2003, I supported H.R. 3214, the "Advancing Justice Through DNA Technology Act," of which I was a co-sponsor. As I expressed at that time, this technological tool must be improved because it plays such a key role in streamlining and expediting our criminal justice system. Our law enforcement agencies are becoming increasingly more reliant upon the analysis of deoxyribonucleic acid (DNA) to verify or rule out the identity of a suspect or a charged individual in processing criminal cases. The more reliant we become, the more our individual rights are at stake. We must, however, significantly raise the bar of our technology and the standards of review for DNA and ballistics crime lab accreditation to minimize mistakes that cost people years of their lives. The Jackson-Lee amendment seeks to so minimize the margin of error that threatens individual liberties and rights.

CRIME LAB ACCREDITATION

The certification of our crime labs for conformance to our accepted standards is done by groups such as the American Society of Crime Laboratory Directors (ASCLD). The accreditation process is part of a laboratory's quality assurance program that should also include proficiency testing, continuing education and other programs to help the laboratory give better overall service to the criminal justice system. Certification and accreditation are done via a process of self-evaluation led by individual crime laboratory directors.

Our labs are not functioning at optimum levels, and this sub-par performance translates to the miscarriage of justice and prosecution of innocent people. Improvement of lab performance begins with tighter employment policies for the lab staff. For example, the ASCLD's Credential Review Committee has a DNA Advisory Board and codified standards for its technical staff. The following was taken from its website:

> DNA Advisory Board Standard 5.2.1.1 provides a mechanism for waiving the educational requirements for current technical leader/technical managers who do not meet the degree requirements of section 5.2.1 but who otherwise qualify based on knowledge and experience. Consequently ASCLD has established this procedure for obtaining a waiver.
>
> One waiver is available per laboratory if the current technical leaders/technical manager does not meet the degree requirements of DAB Standard 5.2.1. Waivers are available only to current technical leaders/technical managers. Waivers are permanent and portable for the recipient individual. A laboratory may request a second waiver if the first recipient leaves the employ of the laboratory.

Although experience is quite important in selecting staff, formal education and increased resources are vital when it comes to technical performance and the legal implications of that performance. We are in desperate need of dollars and appropriate legislation to set forth and maintain the standards of DNA/ballistics lab accreditation.

TEXAS LAW AND CRIME LAB ACCREDITATION

In 2001, Texas passed a law formalizing a process for post-conviction access to DNA testing. The Texas Court of Criminal Appeals, however, has not applied the law as it was designed to work and has denied access to testing in a number of cases.

The Texas House passed a bill in April of this year requiring crime laboratories that test DNA to meet accreditation standards, a law designed to prevent future scandals like the one that recently plagued the Houston Police Department.

The Houston Judicial System convicted Josiah Sutton in 1998 for the rape of a woman whose body was dumped in a Fort Bend County field. But the Court eventually granted him bail in March after an independent lab determined that he was sentenced to 25 years in prison for a rape he didn't commit. An audit and an ongoing series of retesting of DNA samples by the Texas Department of Public Safety and a crime lab professional from Tarrant County revealed potential contamination problems at the subject lab as well as poor working conditions and inadequate training. Attorney Neufeld remarked that "[t]he most important question for the people of Houston and the people of Texas is, 'What went wrong that allowed this young man to be convicted for a crime he didn't commit?' 'And it is absolutely clear that what you have going on is a system of malpractice by the Houston crime laboratory that allows its criminalists to distort and conceal evidence.'" What I fear about the dangers of poor training and placement of checks may be summed up by what Neufeld added,

> One of the biggest problems of . . . [crime labs] is that they [are] much more concerned with being a servant to the police and prosecutors than they [are] to science . . . [a]nd if people want to pursue a career in science, the word science has to come before law enforcement.

The objectivity that is required to make forensic science effective must be divorced from the latitude exercised by some of our law enforcement personnel. Therefore, we must include adequate technology and resources to prevent injustice and the ruination of young lives like the young Houston man, Josiah Sutton.

Furthermore, other problems with DNA testing in criminal cases affect the inmate directly. The discretion with which the decision whether to use DNA testing leaves room for inconsistent adjudication and differential treatment of convicted persons. Statutory guidelines regarding when to order the test would exclude some cases that might not meet the standards but still might deserve testing. Moreover, some inmates who seek exoneration may request executive clemency. In addition to requiring very difficult measures to achieve justice, some argue that the tests administered are inadequate because they do not provide specific, clear, and fair procedures for inmates to bring claims of innocence.

In addition to negligent handling or unskilled analysis of DNA evidence, the backlog of cases causes our criminal justice system to crumble despite the level of sophistication of our technology. Houston police have turned over about 525 case files involving DNA testing to the Harris County district attorney's office, which has said that at least 25 cases warrant re-testing, including those of seven people on Death Row. The numbers will grow significantly as more files are collected and analyzed, according to the assistant district attorney supervising the project.

The Fort Worth police crime lab's serology/DNA unit has been criticized recently for a backlog that was slowing down court cases. The unit's performance suffers from understaffing and overworking.

My concern as to the practice of using these DNA tests is that the inmates' civil liberties and rights to due process are continually placed into jeopardy because of a lack of resources. Furthermore, our staffing and personnel problems threaten to undermine the benefits of technology.

Mr. Chairman, I urge my colleagues to support the Jackson-Lee amendment to increase funding for DNA analysis and crime laboratories so that individual liberties may be better preserved and protected.

Mr. WOLF. Mr. Chairman, I rise in opposition to the gentlewoman's amendment.

The amendment proposes to reduce the Department of Justice's general administration account by $10 million. The bill already reduces the account by $90 million below the request.

Based on the passage of the Manzullo amendment, the reduction will result in massive layoffs and RIFs and hinder the Justice Department's ability to deal with the whole issue of terrorism. I mean, put this on top of Manzullo, it would be devastating.

In regards to the DNA program, and I strongly support that and so does the gentleman from New York (Mr. SERRANO), the gentlewoman proposed to increase this bill. We fully fund the President's $176 million DNA initiative. This is a $77 million increase, a $77 million increase over the current level. This is the largest increase provided to any State and local law enforcement program. It is an increase of 44 percent.

So I urge rejection of the gentlewoman's amendment. It proposes an unacceptable funding reduction, in addition to the Manzullo reduction, with something that we have had additional funding with a 44 percent increase. I oppose the amendment.

Mr. SERRANO. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Let me first continue to do what I have always done and that is to show my respect for the gentlewoman from Texas who always speaks to these issues with great compassion and with great concern; and under normal circumstances, one could agree with her, but these are not normal circumstances: one, because this budget is so tight; two, as I keep repeating, because I believe the chairman has been very fair in providing dollars; and, lastly, we just had an amendment where we were looking for $79 million for SBA. Well, if I add this correctly, this program went up from last year's just about that amount, $79 million. So this program has done very well.

To now strike at legal activities account for another $10 million, I really do not think it is necessary, and so I would oppose it and hope everyone else would; but in anticipation of a good decision by the gentlewoman from Texas, I will now yield to her.

□ 1600

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentleman, and I do respect his opposition. It comes down to simply the question of whether or not we have enough money, so I respect his responsibility for this particular appropriation.

I would just say to the gentleman that we are both supporters and advocates of a better justice system, and enhanced funding to help with DNA labs across the country, I believe, is an effective way to utilize this money.

To the distinguished gentleman from New York and to the chairman I must say that it is tragic that we have had to take money and spend it on a 7(a) program that should have been funded for small businesses, which I supported, I understand that, but let it be known, as a member of the Committee on the Judiciary, and the work we do as authorizers, that every day we are finding DNA labs across the country that contribute to the backlog. We are backlogged in Washington. These dollars were simply to add that provision.

I accept the responsibility that my colleague has. He has to tighten the belt and to worry about where the money is coming from. I hope that as we look forward to working in conference that we will find a way to be able to address squarely this backlog problem, making sure that DNA labs will be able to function as they should.

With that, I ask my colleagues to support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was rejected.

Mr. OXLEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as many of us know, the Child On-line Protection Act, or legislation better known as COPA, was signed into law on October 21, 1998. I was the author of that legislation, which was designed to shield minors from Internet pornography. And despite my attempt to craft a narrowly tailored requirement involving only commercial, on-line pornographers to screen out minors before they distribute or sell pornographic materials on the Internet, by verifying their clients' adult status through the use of credit cards, adult access codes, or other reasonable technologies, last week the Supreme Court, on a 5-to-4 vote, voted to uphold a preliminary injunction that would block COPA from being implemented. This is now 6 years into this issue.

After COPA was enacted, the Supreme Court ruled that mechanisms designed to filter minors away from graphic and obscene images on the Web may not be the least restrictive alternative available to accomplish our goal of protecting minors from porn on the Internet.

I echo the opinion expressed by Justice Stephen Breyer, who wrote in dissent, "My conclusion is that the Act, as properly interpreted, risks imposition of minor burdens on some protected material, burdens that adults wishing to view the material may overcome at modest cost." In other words, Justice Breyer felt that the burden ought to be on the pornographer, not on the parents to provide this kind of protection for their children.

The popularity and growth of the Internet presents opportunities for minors to access information that can frustrate parental supervision and control. Seventy million individuals visit pornographic Web sites each week, of which about 11 million are minors. This is not a Playboy magazine type of situation. These are very, very graphic and very, very much other than the usual centerfold one might expect. Once posted on the Internet, sexually explicit material has entered all communities and virtually any home that has access to the Internet.

Minors often stumble upon sexually explicit material on the Internet by mistake. To use one example, they use copycat URLs to take advantage of innocent mistakes. A child searching the Internet for the official Web site of the White House can be confronted by hard core pornography by mistyping www.whitehouse.com, rather than www.whitehouse.gov. In my mind, COPA's requirement that purveyors of pornographic material on the Web utilize technological safeguards was the practically available and least restrictive way to limit minors' access.

In light of last week's disappointing decision, I was pleased to see the report language for H.R. 4754, which includes $2.605 million for 25 new positions to investigate and prosecute adult obscenity and child exploitation crimes. This level of funding is in addition to the $5.2 million which is included in this bill for the investigation and prosecution of these crimes by the existing staff at the Department of Justice: My thanks go out to the chairman, the gentleman from Virginia (Mr. WOLF), for his leadership in this regard.

Because of the magnitude of the problem of adult obscenity and child exploitation, I believe these 25 new positions at the Department of Justice are a good start. However, I believe it is not proportionate to the volume of obscenity being disseminated by the Web sites of commercial American pornographers. Type the word "sex" into a Internet search engine like Google, and you will get 180 million hits.

Today, pornography accounts for more than one-tenth of all on-line consumer purchases. According to one study, purveyors of pornographic material on the Web earned $12 billion in revenue last year. In the space of a generation, a product that was once available in the back alleys of big cities is now delivered directly into homes by some of the biggest companies in the United States. I have serious concerns that the Congress' $7.8 million is simply not enough to handle the problem.

If the distinguished chairman would join me in a colloquy, I would ask him if he supports the prosecution of adult obscenity and child exploitation crimes.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. OXLEY. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, my answer is "absolutely."

Mr. OXLEY. Reclaiming my time, Mr. Chairman, I look forward to working with the chairman to ensure these crimes are investigated and prosecuted by the Department of Justice.

Mr. WOLF. If the gentleman will continue to yield, as the gentleman said, the bill includes $2.6 million and 25 positions.

Secondly, I want to thank the gentleman, because I went over to the Center for Missing and Exploited Children in Alexandria, and every member of the court ought to go over there and see it. Those two decisions from the court have severely hurt law enforcement with regard to child exploitation.

So, the gentleman from Ohio (Mr. OXLEY) is absolutely right. And if the gentleman comes up with language that he thinks would be appropriate to put on this bill, I will do anything. And I thank the gentleman for what he has done.

I cannot understand, and I stipulate that all the men and women on the court are good people, but I cannot understand. The decision by Justice Kennedy is actually shocking. So I agree with the gentleman, and we will work with him and do anything we can to help.

Mrs. MALONEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, in order to enter into a colloquy with the chairman and the ranking member, would the chairman allow me to ask a question about the funding for the American Community Survey?

Mr. WOLF. Mr. Chairman, will the gentlewoman yield?

Mrs. MALONEY. I yield to the gentleman from Virginia.

Mr. WOLF. I certainly will allow the colloquy.

Mrs. MALONEY. Mr. Chairman, I understand the committee has reduced the funding for the American Community Survey by $19 million. I was concerned about that cut, but I have been told that the Census Bureau has assured the committee that these cuts will have no effect on the quality of the survey; is that correct?

Mr. WOLF. If the gentlewoman will yield once more, that is correct. The Census Bureau and the Department of Commerce have informed us that the American Community Survey can be fielded successfully with the funds allocated in the bill. That is correct.

Mrs. MALONEY. I thank the Chairman.

Currently, this bill does not include group quarters in the American Community Survey for fiscal year 2005. My understanding is that the Census Bureau agrees that students in dorms, inmates in prisons, seniors in nursing homes, some assisted living facilities, and those on military bases in the United States do not need to be included in the survey this fiscal year, and this will not impact accuracy for 2010. Is that also correct?

Mr. WOLF. Mr. Chairman, if the gentlewoman will continue to yield, that is my understanding. The Census Bureau has informed the committee that the survey can be fielded successfully in 2005 without including people living in group quarters.

I would also say to the gentlewoman that there is an amendment to this bill by the gentleman from New York (Mr. WEINER) coming up later on today, which will cut $106 million out of Census. With a cut of $106 million out of Census, Katie bar the door. Census will not be able to do the job.

So I appreciate the gentlewoman's raising this. Her questions are exactly right, but with the adoption of the Weiner amendment, everything we are saying would be wiped out.

Mrs. MALONEY. Reclaiming my time, Mr. Chairman, I agree, and I feel that we need to fund the census. We have to get ready for the census that is to come, and if we do not fund it now, then the census will not be accurate when the time comes to go forward and get an accurate accounting of Americans.

Mr. Chairman, if the ranking member, the gentleman from New York (Mr. SERRANO), would allow me to ask a question about the funding for research on migration into and out of the United States, I understand the committee did not fund a new initiative proposed by the Census Bureau. The Census Bureau was going to spend $1.23 million in fiscal year 2005 to improve the migration estimates and demographic analysis.

As my colleague from New York will remember, the Census Bureau estimates failed to capture the dramatic increase in the migration of Hispanics during the 1990s, and as a result, those estimates were seriously flawed. Is it correct that the committee has eliminated funding to improve those estimates?

Mr. SERRANO. Mr. Chairman, will the gentlewoman yield?

Mrs. MALONEY. I yield to the gentleman from New York.

Mr. SERRANO. Mr. Chairman, the gentlewoman is correct, and I share her concern.

During the last 2 decades of the 20th century, the Census Bureau did not provide sufficient investment in these programs to keep up with the changing social and demographic character of the country. Eventually, the system failed, due to lack of attention.

I was encouraged when the President's budget requested funds to reverse that trend. I am going to work with the chairman to see if there is some way we can rectify this situation in conference.

Mrs. MALONEY. Reclaiming my time, Mr. Chairman, I thank the gentleman and I appreciate his efforts to assure funding not only for the 2010 census, but for the many other important programs at the Census Bureau. I believe this small amount of research funding now will pay great dividends down the road, and that the failure to fund this research will have serious consequences for the accuracy of a great many census programs besides the 2010 census.

Mr. SERRANO. Mr. Chairman, if the gentlewoman will yield once again, I want to thank her for her tireless work on the census. I share her enthusiasm in this area, and I assure her that we will continue to try to make their work easier and better.

Mrs. MALONEY. Mr. Chairman, I thank the chairman and the ranking member.

Mr. CASTLE. Mr. Chairman, I move to strike the last word, and I rise to enter into a colloquy with the chairman, the gentleman from Virginia (Mr. WOLF).

I rise today on behalf of myself, the gentleman from Pennsylvania (Mr. GREENWOOD), and the gentleman from Pennsylvania (Mr. PETERSON) to request that as the gentleman moves forward with this appropriation bill, he will work to include language in conference with the Senate that will instruct the Secretary of Commerce, in cooperation with the Secretaries of Energy and Labor, to study the economic impacts of rising natural gas prices on energy-intensive industries in the United States and potential market adjustments, including energy-intensive industries shifting operations overseas.

We are concerned about the growing imbalance between natural gas supplies and the ever-increasing demands of this fuel source. The goal of this study would be to better understand what effects the volatile rise in natural gas prices and decreases in domestic supply have had on U.S. energy-intensive industries, including how they operate their facilities in the U.S., reducing United States production, postponing plant expansions, and shifting work to parts of the world where energy prices are lower.

The U.S. today has the highest natural gas prices in the industrialized world, forcing companies to shift jobs overseas to countries with greater supply and lower energy costs. U.S. chemical companies have lost an estimated 78,000 jobs since the natural gas shortage began in 2000.

Mr. Chairman, these economic numbers are alarming, and we need to take a closer look at how these energy costs are affecting our country's economic recovery. We hope Chairman WOLF will support this request as he undergoes the difficult task of guiding the fiscal year 2005 Commerce, Justice, State and Judiciary appropriations bill through this process. We thank the gentleman for his leadership on these important economic issues.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. CASTLE. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, let me tell the gentleman from Delaware that if we can do it, we will do it. We will work with him as we move through the process, but stay in touch as we get ready to go to conference.

I thank the gentleman for raising it, as well as the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentleman from Pennsylvania (Mr. PETERSON). I think all three gentleman are right on target, and it is a good idea.

Mr. CASTLE. I thank the gentleman, Mr. Chairman.

AMENDMENT OFFERED BY MR. CROWLEY

Mr. CROWLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment Offered by Mr. CROWLEY:

Page 2, line 7, after the dollar figure insert "(reduced by $50,000)".

Page 2, line 11, after the dollar figure insert "(reduce by $50,000)".

Page 33, line 21, before the semicolon, insert "(increased by $50,000)".

Mr. CROWLEY. Mr. Chairman, it is with no great joy that I rise to offer this amendment. My amendment seeks to transfer $50,000 from the Department leadership account funds at the Office of the Attorney General and shift those funds to the Public Safety Officers Benefits Program under the Office of Justice Program. These funds should be used by the Office of Justice Programs to provide the resources to issue the Public Safety Officer's Medal of Valor posthumously to the 414 public safety officers who lost their lives on September 11, 2001.

After those awful events of September 11, our whole Nation unified together as one people.

□ 1615

We looked with long-deserved respect at our police and fire fighters and emergency medical technicians, as well as court officers, for their heroism and their bravery.

Remember, Mr. Chairman, these are the people who were running into the buildings when everyone else was attempting to escape those buildings. As a posthumous honor for these fallen heroes, I worked with Republicans and Democrats to pass a resolution 2½ years ago, expressing the sense of Congress that the Public Safety Officers Medal of Valor be presented to the public safety officers who had perished for outstanding valor above and beyond the call of duty during the terrorist attacks in the United States on September 11.

That resolution unanimously passed by a vote of 409 to 0. Then under Senator LEAHY's leadership in the Senate, he secured passage of a resolution in that body which was identical to the one that passed here with the unanimous vote just a short while later. While nonbinding, these resolutions put the Congress on record as urging special recognition through the issuance of the Medal of Valor for those individuals. In fact, the authorizing legislation of the Public Safety Officers Medal of Valor allows the special recognition and permits the Attorney General to issue, "and in extraordinary cases," an increase in the number of recipients in a given year for this award.

September 11 was an extraordinary case, and the heroism we saw that day was more than extraordinary. Unfortunately, after a number of meetings with the Attorney General's office and several calls to the White House, still after 2½ years, no action has been taken, nor is it apparent that any action on this issue is forthcoming.

Last year, thank you to the gentleman from Virginia (Mr. WOLF) and to the gentleman from New York (Mr. SERRANO), at my request, they graciously included language in their bill urging the Attorney General to posthumously award the Public Safety Officers Medal of Valor to the 414 public safety officers who perished on September 11 of 2001. I do not understand the holdup of the issuance of this medal.

While I do not begrudge those brave officers who have already received these honors in 2002 and 2003, I believe that the Attorney General should immediately issue these same awards to our heroes of 9/11.

When this amendment passed, and I understand through a negotiation with the majority, they are willing to accept this amendment, it would have been the third time that this House has acted to instruct the Attorney General's Office and the administration to issue the Medal of Valor to those men and women, public safety officers, who fell on 9/11.

We have a medal in place already. We do not need to create a new medal to give to those who paid the ultimate sacrifice and demonstrated the highest acts of bravery on that day. If those who fell on 9/11 do not deserve this medal, I do not know who would. It would be an honor for those who have received it already and an honor for those who will one day receive this medal to know that they are among the 414 men and women who gave the ultimate sacrifice in bravery on 9/11.

Now, it is my understanding in conversations with the administration that there is a hold on issuing this, after 2½ years of foot-dragging on issuing this medal, that there may be an attempt to create a new medal to give at maybe another time. I do not want to specify. I do not know when that time may be, but I would hate to see that this be done for political purposes.

Two and a half years have gone by. Enough time has happened and dragged by. These men and women and their families have been through so much already. They have been anticipating the receipt of this medal, and yet the administration has failed to cooperate and issue this medal to these 414 families who so deservedly are expecting this medal.

I think it is time to put politics aside and stop dragging feet and have this medal that is already in existence. We do not have to create another one. We do not have to spend hundreds of thousands of dollars to create a new medal. One exists today, already, to give to those families and the men and women who paid the ultimate sacrifice in such a brave way on 9/11.

Mr. WOLF. Mr. Chairman, I rise in strong support of the amendment. My dad was a policeman in the city of Philadelphia over 28 years. We will, one, accept the amendment, and what we will do is try to do more than that. We will try to work with the gentleman and his office and call down to the Justice Department.

I will personally place a call to see, I mean, why should we wait until this bill gets signed? Why should we not do something next month, do something in September, do something quickly?

So, one, we will accept the amendment, so it is accepted; but, two, we will make a call and work with the gentleman's office, if he can work with our staff, and we will try to see if we can make a call by the end of this week so he will get some sense of relief.

Mr. CROWLEY. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from New York.

Mr. CROWLEY. Mr. Chairman, I appreciate the chairman's demonstration of desire to make this a reality by what he has just said on the floor, and I too am the son and the grandson of a police officer. And I think most people know that my first cousin was killed on 9/11, John Moran, as well as numerous friends of mine who were police officers and fire fighters. So there is a personal element to this issue as well.

I do appreciate the gentleman's offer to verbally contact the administration and the Attorney General's Office, and I hope, again, that something can be done after 2½ years of really, if nothing else that I can describe, just dragging feet. I wish I had a better answer as to why this has not taken place already. It is not the Senate. It certainly is not you, Mr. Chairman, or anyone in this House.

We have spoken unanimously in the past, and as I said before, this is the third time on the floor that we will have spoken. So I appreciate the gentleman's advice and his counsel on what he will do on his side to make this a reality before this goes any further.

Mr. WOLF. Mr. Chairman, my father's badge number was 3990, and we will get the gentleman an answer by Friday if we can.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would just like to commend the gentleman from New York (Mr. CROWLEY), my friend and colleague, for this effort. Our eyes do not deceive us. It is not $50 million. It is not $50 billion. It is $50,000. But in so many ways it is trillions, because it affects people who have been hurt. And while the gentleman from New York (Mr. CROWLEY) is not to wear this on his sleeve, I happen to know that, as we all do, his family was touched by this tragedy. And so the support that he continues to give the victims and the families is one that makes a lot of sense to all of us.

Again, we have done so much to honor those folks who have served and who gave their lives and the families that were touched; and yet this little symbol, and it is little in the sense of what it costs and yet gigantic in what it means to people, is something that should move ahead.

Mr. FOSSELLA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I commend the gentleman from New York (Mr. CROWLEY) and commend the chairman for doing this. There is nothing that can bring back those brave heroes from September 11, but clearly for so many who lost their lives from Staten Island, Brooklyn, and throughout the city and region, this is one way that our country continues to honor them. I think it is fitting, appropriate and overdue.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. CROWLEY).

The amendment was agreed to.

Mr. BOEHLERT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would ask the gentleman from Virginia (Mr. WOLF) that the report accompanying this bill calls for an external review of the NOAA laboratories and of the management of NOAA's research activities. As the gentleman knows, these issues have been of great interest to the Committee on Science, and indeed are addressed in an NOAA Organic Act that I recently introduced.

Our committees have worked together on these issues of research management, and I would like some assurance from the chairman that our committees will continue to work together on this matter. I would not want to see any directive coming from the Committee on Appropriations in this or any other bill regarding the management and structuring of science at NOAA that did not reflect agreement between our respective committees.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. BOEHLERT. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, we thank the gentleman for his comments. I appreciate our cooperative relationship, particularly since I have known the gentleman since he was a staffer for Mr. Pirnie and I was a staffer for Mr. Biester a long time ago. Absolutely, I can assure the gentleman we will not direct NOAA to make any changes in the structure of its science programs that the gentleman's committee would not approve.

Mr. BOEHLERT. Mr. Chairman, I thank the gentleman for that cooperation and assurance.

Mr. WOLF. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. KING of Iowa) having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4754) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2005, and for other purposes, had come to no resolution thereon.

REPORT ON H.R. 4766, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

Mr. BONILLA, from the Committee on Appropriations, submitted a privileged report (Rept. No. 108–584) on the bill (H.R. 4766) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2005, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

The SPEAKER pro tempore (Mr. KING of Iowa). Pursuant to House Resolution 701 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4754.

☐ 1629

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4754) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and related agencies for the fiscal year ending September 30, 2005, and for other purposes, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the bill was open for amendment from page 2, line 6, through line 22.

Are there further amendments to this paragraph?

The Clerk will read.

The Clerk read as follows:

JOINT AUTOMATED BOOKING SYSTEM

For expenses necessary for the nationwide deployment of a Joint Automated Booking System including automated capability to transmit fingerprint and image data, $20,000,000, to remain available until September 30, 2006.

INTEGRATED AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM

For necessary expenses for the planning, development, and deployment of an integrated fingerprint identification system, including automated capability to transmit fingerprint and image data, $5,054,000, to remain available until September 30, 2006.

LEGAL ACTIVITIES OFFICE AUTOMATION

For necessary expenses related to the design, development, engineering, acquisition, and implementation of office automation systems for the organizations funded under the headings "Salaries and Expenses, General Legal Activities", and "General Administration, Salaries and Expenses", and the United States Attorneys, the United States Marshals Service, the Antitrust Division, the United States Trustee Program, the Executive Office for Immigration Review, the Community Relations Service, the Bureau of Prisons, the Office of Justice Programs, and the United States Parole Commission, $50,000,000, to remain available until September 30, 2006.

NARROWBAND COMMUNICATIONS

For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems, $100,000,000, to remain available until September 30, 2006: *Provided*, That the Attorney General shall transfer to the "Narrowband Communications" account all funds made available to the Department of Justice for the purchase of portable and mobile radios: *Provided further*, That any transfer made under the preceding proviso shall be subject to section 605 of this Act.

ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration-related activities, $202,518,000.

DETENTION TRUSTEE

For necessary expenses of the Federal Detention Trustee, $938,810,000, to remain available until expended: *Provided*, That the Trustee shall be responsible for managing the Justice Prisoner and Alien Transportation System and for overseeing housing related to such detention: *Provided further*, That any unobligated balances available in prior years from the funds appropriated under the heading "Federal Prisoner Detention" shall be transferred to and merged with the appropriation under the heading "Detention Trustee" and shall be available until expended. *Provided further*, That the Trustee, working in consultation with the Bureau of Prisons, shall submit a plan for collecting information related to evaluating the health and safety of Federal prisoners in non-Federal institutions no later than 180 days following the enactment of this Act.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $63,813,000, including not to exceed $10,000 to meet unforeseen emergencies of a confidential character.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized, $10,650,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, $639,314,000, of which not to exceed $10,000,000 for litigation support contracts shall remain available until expended: *Provided*, That none of the funds made available in this Act shall be used in any way whatsoever to support or justify the use of torture by any official or contract employee of the United States Government: *Provided further*, That of the total amount appropriated, not to exceed $1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses: *Provided further*, That notwithstanding any other provision of law, upon a determination by the Attorney General that emergent circumstances require additional funding for litigation activities of the Civil Division, the Attorney General may transfer such amounts to "Salaries and Expenses, General Legal Activities" from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

□ 1630

AMENDMENT OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KING of Iowa:

Page 5, line 22, strike "expended:" and insert "expended, and of which $1,000,000 shall be available for enforcing subsections (a) and (b) of section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373):".

Mr. WOLF. Mr. Chairman, I reserve a point of order.

Mr. KING of Iowa. Mr. Chairman, I offer this amendment today to enforce existing Federal law that prohibits localities from refusing to allow their officers to report aliens who commit crimes to the immigration authorities. My amendment would provide funding for the Department of Justice to enforce current law, which is section 642 of the Illegal Immigration Reform and Immigration Responsibility Act of 1996.

Section 642 of the Illegal Immigration Reform and Immigration Responsibility Act of 1996 does not allow localities to prevent their police officers from reporting immigration information to the Federal Government. However, some cities have continued to refuse to allow their officers to provide information to the Federal Government. Without this information, the Federal immigration authorities cannot take steps to remove these criminal illegal aliens from American streets. Under these so-called sanctuary policies in certain cities, the police cannot report the illegal aliens who commit crimes to the immigration authorities for deportation.

As a result, taxpayers pay to incarcerate illegal alien prisoners who are later released back on to the streets rather than being deported. This sanctuary policy has disastrous consequences for future victims.

Repeat offenses by criminal illegal aliens are preventable crimes. These offenders should have been removed from the United States as soon as their first crime was discovered. Their prompt removal prevents future crimes. We can act to prevent crime by funding enforcement of section 642 by the Department of Justice.

An unfortunate situation that occurred in New York City, a crime that could have been prevented by enforcement of section 642, indicates the urgent need for our action. On December 19, 2002, a 42-year-old mother of two was seized and brutally assaulted in a shanty near railroad tracks in Queens. She and her boyfriend were robbed by a group who then took the woman to the woods, leaving her boyfriend unconscious. During the 2-hour attack, she was abused and her life was threatened. A police canine unit rescued her before her attackers could carry out their deadly threats. In response, the New York Police Department arrested five aliens, four of whom had illegally entered the country and three with extensive arrest warrants in New York City.

This crime could have been prevented. Four of the five suspects had entered the country illegally. Three of these had prior arrests and convictions, and always they were released. Even so, the INS was never contacted about these individuals prior to the 2002 attack. New York City's sanctuary policy prohibited a New York police officer from contacting information authorities about these attackers when they committed their previous crimes or were discovered to be in the United States illegally. As a result, the immigration authorities could not remove these aliens because they did not know that they were illegally present in the United States.

Sanctuary policies tie the hands of local law enforcement officers and keep illegal aliens who commit crimes in our country rather than deporting these criminals according to U.S. law.

My amendment will ensure enforcement of the Federal law that can prevent additional heinous crimes by illegal aliens with criminal records. We must not allow criminal illegal aliens whose presence was never reported to Federal immigration authorities due to illegal sanctuary policies to continue to commit brutal crimes.

We must not provide sanctuary to criminals. Please support my amendment, which funds enforcement of section 642 and reestablishes and supports current law.

Mr. WOLF. Mr. Chairman, I move to strike the last word.

My concern is on the germaneness of the amendment. The function that this is involved with has been transferred to Homeland Security, and so I rise in opposition to it. It would earmark funding for litigation support contracts, really earmarking just the Department of Litigation Support Contracts, but I believe all this function has been transferred also to the Department of Homeland Security out of the Justice Department.

Mr. KING of Iowa. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Iowa.

Mr. KING of Iowa. Mr. Chairman, I looked into this argument; and to transfer this authority to Homeland Security, there is no existing precedent for enforcement of this law by Homeland Security. It is a legitimate function of the Department of Justice to enforce Federal law; and, in fact, this would be bringing an action against local government. And that is something that there is a precedent for under the Department of Justice, but no precedent for that under Homeland Security. So if this were all transferred to Homeland Security, we would not have action that could be brought by the Department of Justice in many other cases as well as this.

I thank the chairman for yielding to me.

Mr. WOLF. Mr. Chairman, I continue to reserve a point of order.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

As I understand this amendment, this brings us into an area that we have discussed before, and it is this whole issue of local law enforcement involved in immigration activities.

This is interesting. When we took this up before on different occasions, we were able through this amendment to unite law enforcement throughout the Nation because local police departments continue to tell us that it is in their best interest not to appear to the immigrant population to be involved in enforcing immigration law. In other words, what the police departments at a local level want more than anything else is to be able to speak to residents of that community, be they citizens, legal residents, or undocumented aliens, needing their information, needing their support, in dealing with crime in the community.

There are many things that are wrong with this amendment. But the one that I single out is that one because what that does is immediately create a wall between local law enforcement and the immigrant community, saying if I go to him to tell him I know who stole that car, if I go to him to tell him I know who robbed the local grocery store, I am then being faced by a local official who has to by law, in these cases, if these amendments are approved, has to turn me in on my immigration status. And that is totally unacceptable.

So if anything else, I would hope that we fully understand that this does not enjoy the support of local law enforcement and should not be a burden. It is, in fact, and I cannot believe I am actually going to say this in one of my conservative moments, it is, in fact, an unfunded mandate because we are telling them to engage in activities that we are not paying for.

For that reason, I rise in strong opposition and hope the amendment is defeated.

Mr. WEINER. Mr. Chairman, I move to strike the requisite number of words.

I will not take the full 5 minutes. I just want to join the leaders of the communities in expressing strong opposition to this amendment. This is not an academic issue in New York City. We had a circumstance after September 11 where FBI agents fanned out into the neighborhoods doing interviews at corner stores in Arab American communities. And the FBI was required to notify the INS anytime they found anything untoward. The word spread within hours, and I think the gentleman from the Bronx would acknowledge this, spread within hours, do not cooperate, do not give the information. The FBI in the City of New York turned to the NYPD and said since they have a trustful relationship with many of these recent immigrants, can they go conduct these interviews.

And a lot of the information that was gathered, including some about threats to blow up the Brooklyn Bridge, was gathered that way. So from a law enforcement perspective, this amendment has no merit. Proof of that is I can read a list as long as my arm of police departments and police organizations who are opposed to this type of initiative. As the gentleman from New York said, they do not want their officers in the position of breaking down what is often years and years of trust because of this type of thing. It is demagogically very appealing to say the minute they find out someone has violated the immigration laws, let us turn them in. But from a realistic, real life, particularly antiterror amendment, one could not imagine a worse amendment.

Mr. KING of Iowa. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I move to strike the last word.

I rise to strike the requisite number of words because I want to thank the chairman and the ranking member for the funding that they put into the MEP program, the Manufacturing Extension Partnership program, and I was not able to be here earlier.

The Members of the House talk constantly about how important manufacturing is to a strong economy, that indeed we cannot have a strong economy if we do not have a strong manufacturing sector. Mr. Chairman, we cannot have a strong manufacturing sector if we do not have strong small manufacturers. The big global manufacturers simply cannot compete if they do not have U.S. small suppliers who are ISO 9000 certified, who are lean and mean, who are high quality, who are high productivity. And if you are one of those small manufacturers like I represent, and so many of the rest that my colleagues represent throughout the country, that have 25 to 60 employees who are struggling hard to meet payroll every single month and facing health care costs increases of 20 percent, who are out there finding customers and orders and dealing with delivery problems, those people just cannot mobilize the time, the focus, the expertise to improve productivity and quality at the pace that our modern economy demands it.

So these Manufacturing Extension Partnership programs are located throughout all 50 States. There are about 400 locations. In Connecticut they are called CONNSTEP. They are one third Federal, one third State, and one third fee based. Our program in Connecticut now is even more fee based. But nationally they have created 35,000 jobs over the year 2002, increased sales by $953 million, retained sales of almost $2 billion, realized cost savings of almost $700 million; and invested $940 million in plant equipment, workforce training, extremely important, and information management systems.

In fact, experts from these centers simply come into a plant, onto the floor with the owner, and help that owner understand, whether he needs to rearrange equipment or make other changes. Does he need to buy new equipment? Is it new manufacturing equipment? Is it new information technology? Is it new energy efficiency capability? Is it a different communications system? And, in fact, they analyze what that small plant can do to do one of two things: improve the quality of the product they are making, improve the productivity.

Without them, the infrastructure that our global manufacturers depend on in America would have disappeared a number of years ago. Without them, lean manufacturing would not have been able to permeate those small manufacturers who day in and day out are struggling to meet payroll in a way that none of us here have to take responsibility for.

So they are important to our very existence as a strong economy. They are important to our global competitiveness. In manufacturing we have developed this remarkable partnership capability to bring to the service of the small manufacturing the engineering expertise, the machinery and equipment expertise, the systems expertise, the ISO 9000 certification expertise, certain expertise in getting European certifications so the small guy can export.

□ 1645

All together, this partnership program has acted exactly like the partnership program we have through our great agricultural extension programs at our Land Grant colleges to help agricultural producers, that is, the farm community, have the expertise they need to develop conservation plans, deal with waste management issues and improve quality of product and productivity in the agricultural area.

We have done very well in agriculture, we have done very well in manufacturing, but we do not know it about ourselves. So this program is always under fire. That is why I have come to the floor to talk about it and to congratulate my friend, the gentleman from Virginia (Mr. WOLF) for standing up for it.

I see my friend, the gentleman from Michigan (Mr. EHLERS), who knows a lot about it and represents a manufacturing community in Grand Rapids, is here to speak also.

This is as important a program, it is as important a partnership, as any single partnership the Federal Government is a part of, bar none, because it not only does the things I have described, but it has helped train workers on more sophisticated machinery, it has helped train workers in language skills, on systems issues and all kinds of things.

I am very proud that our free Nation has understood there is a public-private partnership that strengthens the entrepreneurial manufacturing community and enables us to make good on that promise to our kids, that they will have an economic opportunity equal or better than that of my generation.

This, combined with the Department of Commerce's recent in-depth study on the problems of manufacturing and the issues they are addressing, are going to assure that we will be competitive and strong in the global economy, because we will have a strong manufacturing sector.

Mr. EHLERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I thank the gentlewoman from Connecticut for her astute comments on the Manufacturing Extension Partnership and the role it plays. I have worked extensively on this issue, because it is under my jurisdiction as chairman of the Subcommittee on Environment, Technology and Standards of the Committee on Science. We have spent a considerable amount of time over this past year working on this issue and have developed a bill which will be on the floor tomorrow which will deal with this.

Everything that the gentlewoman from Connecticut has observed about the program is absolutely true, and it has always puzzled me why there is some opposition to this program.

Just to give an example of the benefits of this type of program, I think one of the finest programs we have had in the Agriculture Department for a number of years is the Cooperative Extension Program, which has been invaluable in getting research out of the laboratory and into the field. It has always amazed me that we have an amazing technology transfer rate in the agriculture arena, because of that program. A laboratory researcher at a university can discover something new one year and the farmers are actually using it in the field the next year, a tremendous accomplishment in terms of transferring technology from the lab to actual operations. We certainly do not do that well in most other fields. We do not do that well in manufacturing.

I find it interesting that we, as a Federal Government, spend $441 million per year for the Agriculture Cooperative Extension Program, and yet we seem to fuss and muss a lot about $100 or $110 million for essentially the same program for manufacturers. At the same time, there are only about 1.5 percent of Americans employed in farming, and there are roughly 14 percent employed in manufacturing. So clearly our priorities are wrong if we think we are spending too much in assisting manufacturers.

The MEP program, Manufacturing Extension Program, is designed to help small- and medium-sized businesses, and particularly provides technology transfer from the lab to the marketplace. In addition to that, it also provides business expertise, as the gentlewoman from Connecticut observed, to assist in exporting, and to assist in getting permits from other countries to export. The MEP program has been a very, very valuable program for small- and middle-sized businesses and, in many cases, has allowed them to increase and become large businesses. So it is an excellent program.

I certainly want to support what the gentlewoman has said. This is a good program for us to do, and I hope that tomorrow we will have the support of a large number of Members as we consider the bill which will reauthorize the program. I certainly support what the chairman of this Appropriations subcommittee has done in allocating money for that program.

Mr. NEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, earlier today the Committee on House Administration, which I chair, along with our ranking member the gentleman from Connecticut (Mr. LARSON) and our members, held a hearing on electronic voting system security. A diverse group of technology specialists and election administrators testified before the committee regarding issues relating to the reliability of electronic and computer-based voting systems and discussed what is needed to ensure the integrity of the latest generation of voting systems.

Though a wide range of opinions were offered throughout the course of the hearing, everyone agreed that well-written standards and a rigorous testing and certification process are absolutely necessary for maintaining the integrity of electronic voting systems under the Help America Vote Act of 2002, known as HAVA, of which I am proud to have been a principal author with the gentleman from Maryland (Mr. HOYER) and also the gentleman from Missouri (Mr. BLUNT) and others in the House. That bill is an important bill for voting in the United States, and again, I am proud that that bill has passed.

In that bill, NIST plays a crucial role in both the standards setting and testing and certification processes. First of all, HAVA tasks the director of NIST with chairing the Technical Guidelines Development Committee, known as TGDC, which HAVA created to assist the Election Assistance Commission, known as EAC, in crafting standards to ensure the security and reliability of voting technologies used in our Federal elections.

NIST is also tasked with evaluating testing laboratories and providing recommendations to the EAC as to which laboratories should be accredited for voting systems testing and certification.

Now that jurisdictions across the country are beginning to upgrade their voting systems, the American people demand and deserve to know that the latest generation of voting equipment will cast and count their ballots accurately and will be tamper-proof and free of technical malfunctions, for the purpose of HAVA was to make it easier to vote and harder to cheat.

The successful achievement of this objective of the bill will depend in great part upon the ability of NIST to fulfill its responsibilities under the Help America Vote Act, which in turn will hinge on whether NIST receives sufficient funding specifically allocated for its HAVA-related obligations.

Therefore, I believe it is urgent, and I want to stress urgent, that we get the needed resources to NIST as quickly as possible. I am joining today with my colleague, the gentleman from Maryland (Mr. HOYER), in support of the report language for this bill that urges NIST to devote funds for these functions.

I want to thank the gentleman from Michigan (Mr. EHLERS), who has always supported the idea of NIST. I want to thank the gentleman from Virginia (Chairman WOLF) for his attention to this issue and for his consideration today. I also have been in contact with the gentleman from Oklahoma (Chairman ISTOOK) to see if the money dedicated to NIST, via the EAC, can be included in the Transportation-Treasury appropriations bill.

The vehicle for the funding is not of greatest importance. What is important is that the funding be absolutely provided. Regardless of the vehicle, we need to see that NIST will receive the money it needs to carry out its important statutory obligations.

I would like to note that the White House recently submitted amendments to its fiscal year 2005 budget that would provide an additional $10 million for the Election Assistance Commission. Perhaps funding for NIST to meet its obligations under HAVA could be taken from this amount. I will be talking again to the gentleman from Oklahoma (Chairman ISTOOK).

I want to thank the gentleman from Virginia (Chairman WOLF), and express appreciation for the diligence of our colleague the gentleman from Maryland (Mr. HOYER) on this issue and the bill.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. NEY. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I thank the gentleman for his statement. I thank the gentleman from Ohio (Chairman NEY) for his leadership on the Help America Vote Act. Without his leadership and strong support, it would not have passed. Indeed, the gentleman from Illinois (Speaker HASTERT), the gentleman from Florida (Chairman YOUNG) of the Committee on Appropriations and others were critically important in its passage and funding.

I want to rise with the gentleman from Ohio (Mr. NEY) in strong support of report language that was offered by the gentlewoman from Ohio (Ms. KAPTUR) during the June 23 markup of the bill before us today. I applaud the Committee on Appropriations for including it in the report. I want to thank the gentleman from Virginia (Mr. WOLF) and the gentleman from New York (Mr. SERRANO) for their leadership and attention to this very important matter.

That report language reads: "The committee strongly urges NIST to give priority consideration to Help America Vote Act outreach to the election community; expediting work on a new voting standards accreditation program; and its work with the Technical Guidelines Development Committee working with the Election Assistance Commission. NIST is directed to provide in advance of the fiscal 2006 hearings a report detailing what steps must be taken to bring its activities in line with the timetable established by the act."

The gentleman from Ohio (Chairman NEY) indicated that the gentleman from Michigan (Mr. EHLERS) had worked with us. In fact, of course, the gentleman from Michigan (Mr. EHLERS) was the principal sponsor in assuring that NIST was included as an integral part of the Help America Vote Act.

Obviously, technology is one of the critical issues in the HAVA proposal, which funds new technology for voting around the country. The gentleman from Michigan (Mr. EHLERS) correctly said that we ought to have the best possible advice regarding technology, and NIST was the agency to provide that.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. NEY) has expired.

(On request of Mr. HOYER, and by unanimous consent, Mr. NEY was allowed to proceed for 4 additional minutes.)

Mr. NEY. Mr. Chairman, I continue to yield to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, under the Help America Vote Act of 2002, of which I and the gentleman from Ohio (Mr. NEY) were sponsors, NIST is required to conduct several important research and technical projects connected to election reform. NIST is already busy working with the new Election Assistance Commission to advance HAVA's objectives. However, much more must be done if NIST is to fulfill its important role.

As we learned in the controversial 2000 election, voting systems in many parts of the country are antiquated and obsolete. There continues to be controversy about various technologies. NIST can make a critical difference.

As the 2004 election fast approaches, there are concerns in some quarters about the security and reliability of some voting systems. Properly directed, NIST will make a significant contribution, ensuring that new voting systems are rigorously tested, easy to use and maintain, and secure.

I strongly urge NIST to follow the spirit and substance of the report language and give priority consideration to the Help America Vote Act in fiscal year 2005.

Mr. Chairman, I would follow up with the gentleman from Ohio (Chairman NEY) that I look forward to working with him and the gentleman from Oklahoma (Chairman ISTOOK) as we consider the Transportation-Treasury bill and the additional appropriations for the Election Assistance Commission to attempt to get some of the money that NIST needs for 2005 out of the funds that are authorized for the Election Assistance Commission.

Again, I want to thank the gentleman from Virginia (Mr. WOLF), the chairman of this subcommittee, and I want to thank the gentleman from New York (Mr. SERRANO), the ranking Democrat, for their leadership and assistance in this effort, and I thank the gentleman for his leadership and for yielding me time.

Mr. NEY. Mr. Chairman, reclaiming my time just to close on this issue, let me just say that this funding is a critical component. The entire funding where we get to the $3.9 billion, which we have gotten some money and have a little more to go, the gentleman from Illinois (Speaker HASTERT) has been assisting on that funding. We worked with the gentleman from Florida (Chairman YOUNG), as the gentleman from Maryland (Mr. HOYER) mentioned. Originally when this started we went to the Democratic leader, the gentleman from Missouri (Mr. GEPHARDT) at that time. Everybody along the way has been very good on providing the money.

We still have some more components to go, but this particular aspect right now is just so important, to provide this for NIST to be able to really do its job and to interact with the EAC.

Mr. HOYER. Mr. Chairman, if the gentleman will yield further, I want to thank him for his continuing comments and again express, this was probably the most substantive bipartisan bill that passed in the last Congress. The Speaker indicated that and others have as well. If we, however, fail to fund it properly, it will be a promise unfulfilled, and our democracy will not be as well served as all of us hoped when we supported the Help America Vote Act.

Mr. Chairman, I thank the gentleman for his time.

Mr. NEY. Mr. Chairman, reclaiming my time, I agree with the gentleman.

The CHAIRMAN. Are there further amendments to this paragraph?

If not, the Clerk will read.

The Clerk read as follows:

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $6,333,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

□ 1700

Mr. GREEN of Texas. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will not take my 5 minutes; I just want to put a statement in the RECORD.

I rise in support of this bill for the Subcommittee on Commerce, State, Justice, the Judiciary, and Related Agencies and to say congratulations to both the chairman and ranking member for their efforts. I know there are particular projects, and I would like to put a special word in for NOAA's Coastal and Estuarine Land Protection Program.

Mr. Chairman, I rise today in support of this bill to fund the Departments of Commerce, Justice, State and the Judiciary.

In crafting this legislation, our appropriators faced the difficult task of adequately funding many national priorities. On balance, they did a remarkable job and have produced a bill worthy of our support.

For sure, there are programs that we would all like to see funded at higher levels. One of particular interest to me and my constituents in Houston is NOAA's Coastal and Estuarine Land Protection Program. This program exists to protect important coastal and estuarine areas that have significant conservation, recreation, ecological, or historical values and are threatened by development or conversion.

In Houston, we are involved in an effort to preserve the Buffalo Bayou, which is the historic waterway on which the Allen Brothers founded Houston in 1836.

NOAA's Coastal and Estuarine Land Protection Program has allowed us to partner with the Trust for Public Land to conserve critical tracts of land along the Buffalo Bayou in order to further our conservation efforts.

Ultimately, we seek to revitalize the Buffalo Bayou in a manner that balances the need to conserve the Bayou's wetlands and waterways with the recreational and business development needed to transform the Buffalo Bayou into an active and vibrant urban waterfront center.

While the House bill provides only $3 million for the Coastal and Estuarine Land Protection Program, I am hopeful that our appropriators will see it fit to raise that funding level during conference.

An increased funding level would allow the federal government to continue its investment in areas like the Buffalo Bayou that have been recognized by this Congress and conservation groups alike as nationally and historically significant areas worthy of preservation.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $135,463,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, not to exceed $101,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2005, so as to result in a final fiscal year

2005 appropriation from the general fund estimated at not more than $34,463,000.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including intergovernmental and cooperative agreements, $1,535,000,000; of which not to exceed $2,500,000 shall be available until September 30, 2006, for: (1) training personnel in debt collection; (2) locating debtors and their property; (3) paying the net costs of selling property; and (4) tracking debts owed to the United States Government: *Provided*, That of the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $10,000,000 of those funds available for automated litigation support contracts shall remain available until expended: *Provided further*, That, in addition to reimbursable full-time equivalent workyears available to the Offices of the United States Attorneys, not to exceed 10,238 positions and 10,361 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the United States Attorneys.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized, $172,850,000, to remain available until expended and to be derived from the United States Trustee System Fund: *Provided*, That, notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: *Provided further*, That, notwithstanding any other provision of law, $172,850,000 of offsetting collections pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and remain available until expended: *Provided further*, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 2005, so as to result in a final fiscal year 2005 appropriation from the Fund estimated at $0.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109, $1,220,000.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For necessary expenses of the United States Marshals Service, $752,070,000; of which $17,472,000 shall be available for 106 supervisory deputy marshal positions for courthouse security; of which not to exceed $6,000 shall be available for official reception and representation expenses; and of which $4,000,000 for information technology systems shall remain available until expended; of which not less than $8,221,000 shall be available for the costs of courthouse security equipment, including furnishings, relocations, and telephone systems and cabling, and shall remain available until September 30, 2006: *Provided*, That, in addition to reimbursable full-time equivalent workyears available to the United States Marshals Service, not to exceed 4,578 positions and 4,404 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the United States Marshals Service.

CONSTRUCTION

For construction of United States Marshals Service prisoner-holding space in United States courthouses and Federal buildings, $1,371,000, to remain available until expended.

FEES AND EXPENSES OF WITNESSES

For fees and expenses of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, including advances, $177,585,000, to remain available until expended; of which not to exceed $8,000,000 may be made available for construction of buildings for protected witness safesites; of which not to exceed $1,000,000 may be made available for the purchase and maintenance of armored vehicles for transportation of protected witnesses; and of which not to exceed $7,000,000 may be made available for the purchase, installation, maintenance and upgrade of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, $9,833,000: *Provided*, That notwithstanding any other provision of law, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict resolution and violence prevention activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(B), (F), and (G), $21,759,000, to be derived from the Department of Justice Assets Forfeiture Fund.

PAYMENT TO RADIATION EXPOSURE COMPENSATION TRUST FUND

In addition to amounts appropriated by subsection 3(e) of the Radiation Exposure Compensation Act (42 U.S. Code 2210 note), $72,000,000 for payment to the Radiation Exposure Compensation Trust Fund, to remain available until expended.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the identification, investigation, and prosecution of individuals associated with the most significant drug trafficking and affiliated money laundering organizations not otherwise provided for, to include inter-governmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $561,033,000, of which $50,000,000 shall remain available until expended: *Provided*, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation.

Mr. GEORGE MILLER of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, in 1990, in response to more than 100,000 dolphins killed each year by the tuna fishermen, Congress passed legislation that my colleague, BARBARA BOXER, and I authored, creating the popular "dolphin safe" label on cans of tuna. For over a decade, this label gave consumers the option to purchase tuna with the confidence that the dolphins were not being chased, netted, and killed along with the tuna.

The dolphin-safe label has been a huge success. Since passage of the label, dolphin mortality decreased by 98 percent, to fewer than 2,000 kills each year.

But despite the success of this program, the Bush Commerce Department issued a finding in 2002 that allowed dolphin-safe labels to be placed on tuna harvested through the chase and encirclement method, a manner that kills dolphins.

With this shift in policy, the Commerce Department ignored its own scientific information showing the high dolphin mortalities caused by this harvest technique. Indeed, this change completely undermined the integrity of the dolphin-safe label.

Now, thanks to evidence uncovered by a lawsuit filed against the change, we learn that while the Bush administration was weakening the dolphin-safe label, it knew, it knew that observers from the Inter-American Tropical Tuna Commission on Mexican tuna-fishing vessels were being bribed to misreport tuna as dolphin-safe.

An internal NOAA e-mail states that it "was common knowledge throughout the fleet that the observers were regularly paid off to misreport what happened during the cruise."

Yet the Commerce Department argues that these allegations are irrelevant to its decision to relax restrictions on foreign-caught tuna. And the Commerce Department has not provided an explanation for its modification of the scientific data, nor has Commerce taken the steps that we are aware of to address the bribery issues.

Meanwhile, the U.S. pays much more for its fair share to the Inter-American Tropical Tuna Commission, the body allegedly being bribed to look the other way during dolphin kills.

The appropriations bill that we are considering today provides nearly a 40 percent increase for the Tropical Tuna Commission. Yet, the Commerce Department is apparently doing nothing to ensure that the Tropical Tuna Commission is doing its job.

Without an investigation into these allegations of bribery, and until the Commerce Department decides what science will guide its decisions, we should not be subsidizing foreign fishing practices that damage the dolphin-safe label.

The dolphin-safe label was created at the urging of hundreds of thousands of students from across this country; hundreds of thousands of schoolchildren participated in the process and saw the suggested improvements to protect dolphins enacted into law.

What message is this administration sending to those very same children and to the committed scientists at NOAA by cynically undermining the dolphin-safe label and failing to investigate the allegations of bribery by those who are entrusted to protect the dolphins during the harvest of the tuna, and to make sure that the consumers are aware that, in fact, this is dolphin-free tuna.

Mr. Chairman, I am deeply concerned that we have failed to address these issues while, at the same time, dramatically increasing the funding for the Tropical Tuna Commission.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to engage the chairman in a colloquy on a proposal by the Equal Employment Opportunity Commission to establish a national contact center. Hopefully, we can address the concerns of those Members who have expressed misgivings about this proposal.

Recently, we observed the 40th anniversary of the enactment of the Civil Rights Act of 1964. In the years since the enactment of that landmark legislation, the EEOC has had a pivotal role in fighting discrimination in the workplace and ensuring that all Americans are treated fairly. However, despite the important role of the EEOC, it has experienced the same budget constraints as most other agencies in this bill.

The EEOC sought the assistance of the National Academy of Public Administration in finding ways to streamline its organizational structure and use its personnel to continue meeting its missions in the 21st century.

Among the NAPA recommendations was a proposal to create a National Contact Center using contract employees. The EEOC has proposed to enter into a contract to establish a call center as a 2-year pilot project at an estimated cost of $2 million. Of this amount, $1 million is available through a reprogramming of current-year funding. This bill will provide $1 million in fiscal year 2005.

NAPA made a number of additional streamlining proposals, including possible office closures, which might result in personnel reductions. Although the administration requested funding for a reposition of EEOC resources, the bill does not provide any of the requested increased funding for repositioning because a spending plan has not been submitted to the committee.

Many EEOC employees across the country have heard of these proposals and are worried about losing their jobs as a result of office closures or outsourcing of the call center.

The commission's reorganization proposals, including specifically the National Contact Center, were discussed in detail at a subcommittee hearing earlier this year. At that time, both the gentleman from Virginia (Chairman WOLF) and I expressed concerns about the possible cause of this proposal. Accordingly, we advised the Chair, Cari Dominguez, that the subcommittee expected her to come back to us prior to entry into a contract to establish the call center. Ms. Dominguez made a commitment to us that she would do so. Both the Chair and her staff have continued to reiterate that commitment.

Similarly, Ms. Dominguez has repeatedly reassured the subcommittee that EEOC is not planning to close any of its existing offices or cut jobs or current employees. This bill provides full funding for the commission's current base staffing level.

So I ask the chairman of the subcommittee, is it his understanding that expenditure of any funding in 2005 for the proposed National Contact Center is contingent on the EEOC notifying this subcommittee, consistent with the long-standing requirement of section 605, prior to taking any formal action to obligate the funding?

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. SERRANO. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I thank the gentleman from New York for raising this issue, because it is a concern for Members on my side of the aisle and for many others, and also for constituents of mine. I want to assure the Members and the gentleman that the subcommittee is aware of these issues and will do everything we can to protect the rights of Federal employees. Ms. Dominguez has promised us, and I went back and I looked in the hearing record the other day, that the commission has no intention of closing offices or cutting jobs of current employees and that she will come to the subcommittee before spending any money on the call center or any other reorganization proposal.

So I completely agree.

Mr. SERRANO. Mr. Chairman, reclaiming my time, I thank the chairman, as always, for his support.

Mr. GILCHREST. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise for the purpose of entering into a colloquy with the chairman. I would like to draw the attention of the chairman of the subcommittee to the proposed reductions in the appropriations for NOAA of nearly $400 million.

The appropriation subcommittee over the years, including this one, has been very supportive of the issues dealing with the oceans and those issues that surround our oceans, our exploration, and our coastal problems. I also understand the delicate balance and appreciate the difficulty faced by the subcommittee in allocating limited funds across the board when there are so many pressures. Our oceans and coasts support over 2.8 million jobs, generate over $54 billion in goods and services, and are the most popular destinations for recreation and tourism in the United States.

But I can see next year some major initiatives dealing with the oceans in this particular Congress as a result of the Ocean Commission Report. Some of the more pressing needs include an integrated ocean observing system, ocean science and exploration. We currently know more about the Moon than we know about our oceans. It is important for us to adopt the principles of ecosystem management for our oceans and coasts and focus on control of marine and coastal aquatic invasive species.

So, Mr. Chairman, I would like to work with the gentleman from Virginia (Chairman WOLF) as we move the process along, knowing the difficulties of a limited budget, so that we can continue to fund adequately the science and the kinds of science that NOAA needs.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. GILCHREST. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I thank the gentleman for yielding.

In conference last year, the subcommittee worked with the Senate to make NOAA appropriations a priority, with a 15.6 percent increase over fiscal year 2003 levels. The proposed fiscal year 2005 level, I believe, returns NOAA funding to historic levels and allows the subcommittee to restore necessary funding to certain Department of Justice programs, FBI, and also the MEP program that we did for Commerce that were not adequately addressed; also the COPS program, local law enforcement programs in the President's request.

I understand the significance of the coming year, and I saw the ocean reports that came out. I look forward to working with the gentleman who is really a leader on these issues to ensure that every effort is made to maximize funding support for these purposes in this and coming fiscal years.

Mr. GILCHREST. Mr. Chairman, reclaiming my time, I thank the chairman. I look forward to working with the gentleman from Virginia and his fine staff.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 2,988 passenger motor vehicles, of which 2,619 will be for replacement only; and not to exceed $70,000 to meet unforeseen emergencies of a confidential character pursuant to 28 U.S.C. 530C, $5,205,028,000; of which not to exceed $150,000,000 shall remain available until expended; of which $916,000,000 shall be for counterterrorism investigations, foreign counterintelligence, and other activities related to our national security; of which $56,349,000 shall be for the operations, equipment, and facilities of the Foreign Terrorist Tracking Task Force; and of which not to exceed $20,000,000 is authorized to be made available for making advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to violent crime, terrorism, organized crime, gang-related crime, cybercrime, and drug investigations: *Provided*, That not to exceed $200,000 shall be available for official reception and representation expenses: *Provided further*, That, in addition to reimbursable full-time equivalent workyears available to the Federal Bureau of Investigation, not to exceed 30,078 positions and 29,102 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the Federal Bureau of Investigation.

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of Federally-owned buildings; and preliminary planning and design of projects; $10,242,000, to remain available until expended: *Provided*, That $9,000,000 shall be available to lease a records management facility, including equipment and relocation expenses, in Frederick County, Virginia.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character pursuant to 28 U.S.C. 530C; expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; and purchase of not to exceed 1,461 passenger motor vehicles, of which 1,346 will be for replacement only, for police-type use, $1,661,503,000; of which not to exceed $75,000,000 shall remain available until expended; and of which not to exceed $100,000 shall be available for official reception and representation expenses: *Provided*, That, in addition to reimbursable full-time equivalent workyears available to the Drug Enforcement Administration, not to exceed 8,440 positions and 8,289 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the Drug Enforcement Administration: *Provided further*, That not to exceed $8,100,000 from prior year unobligated balances shall be available for the design, construction and ownership of a clandestine laboratory training facility and shall remain available until expended.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco, Firearms and Explosives, including the purchase of not to exceed 822 vehicles for police-type use, of which 650 shall be for replacement only; not to exceed $18,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and for provision of laboratory assistance to State and local law enforcement agencies, with or without reimbursement, $870,357,000, of which not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by 18 U.S.C. 924(d)(2); and of which $10,000,000 shall remain available until expended: *Provided*, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of Justice, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: *Provided further*, That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 178.118 or to change the definition of "Curios or relics" in 27 CFR 178.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: *Provided further*, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): *Provided further*, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: *Provided further*, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco, Firearms and Explosives to other agencies or Departments in fiscal year 2005: *Provided further*, That no funds appropriated under this or any other Act with respect to any fiscal year may be used to disclose part or all of the contents of the Firearms Trace System database maintained by the National Trace Center of the Bureau of Alcohol, Tobacco, Firearms, and Explosives or any information required to be kept by licensees pursuant to section 923(g) of title 18, United States Code, or required to be reported pursuant to paragraphs (3) and (7) of such section 923(g), to anyone other than a Federal, State, or local law enforcement agency or a prosecutor solely in connection with and for use in a bona fide criminal investigation or prosecution and then only such information as pertains to the geographic jurisdiction of the law enforcement agency requesting the disclosure and not for use in any civil action or proceeding other than an action or proceeding commenced by the Bureau of Alcohol, Tobacco, Firearms, and Explosives, or a review of such an action or proceeding, to enforce the provisions of chapter 44 of such title, and all such data shall be immune from legal process and shall not be subject to subpoena or other discovery in any civil action in a State or Federal court or in any administrative proceeding other than a proceeding commenced by the Bureau of Alcohol, Tobacco, Firearms, and Explosives to enforce the provisions of that chapter, or a review of such an action or proceeding; except that this proviso shall not be construed to prevent the disclosure of statistical information concerning total production, importation, and exportation by each licensed importer (as defined in section 921(a)(9) of such title) and licensed manufacturer (as defined in section 921(a)(10) of such title): *Provided further*, That no funds made available by this or any other Act shall be expended to promulgate or implement any rule requiring a physical inventory of any business licensed under section 923 of title 18, United States Code: *Provided further*, That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code: *Provided further*, That no funds authorized or made available under this or any other Act may be used to deny any application for a license under section 923 of title 18, United States Code, or renewal of such a license due to a lack of business activity, provided that the applicant is otherwise eligible to receive such a license, and is eligible to report business income or to claim an income tax deduction for business expenses under the Internal Revenue Code of 1986.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 780, of which 649 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments, $4,567,232,000: *Provided*, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: *Provided further*, That the Director of the Federal Prison System, where necessary, may enter into contracts with a fiscal agent/fiscal intermediary 'claims processor to determine the amounts payable to persons who, on behalf of the Federal Prison System, furnish health services to individuals committed to the custody of the Federal Prison System: *Provided further*, That not to exceed $6,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $50,000,000 shall remain available until September 30, 2006: *Provided further*, That, of the amounts provided for Contract Confinement, not to exceed $20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980, for the care and security in the United States of Cuban and Haitian entrants: *Provided further*, That the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program from a not-for-profit entity which has operated such program in the past notwithstanding the fact that such not-for-profit entity furnishes services under contracts to the Federal Prison System relating to the operation of prerelease services, halfway houses or other custodial facilities.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, $189,000,000, to remain available until expended, of which not to exceed $14,000,000 shall be available to construct areas for inmate work programs: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation: *Provided further*, That not to exceed 10 percent of the funds appropriated to "Buildings and Facilities" in this or any other Act may be transferred to "Salaries and Expenses", Federal Prison System, upon notification by the Attorney General to the Committees on Appropriations of the House of Representatives and the Senate in compliance with provisions set forth in section 605 of this Act.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $3,429,000 of the funds of the corporation shall be available for its administrative expenses, and for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which such accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, the Missing Children's Assistance Act, including salaries and expenses in connection therewith, the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21), and the Victims of Crime Act of 1984, $217,000,000, to remain available until expended.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) ("the 1994 Act"); the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386); and other programs; $1,255,037,000 (including amounts for administrative costs, which shall be transferred to and merged with the "Justice Assistance" account): *Provided*, That funding provided under this heading shall remain available until expended, as follows—

(1) $634,000,000 for the Edward Byrne Memorial Justice Assistance Grant program pursuant to the amendments made by section 201 of H.R. 3036 of the 108th Congress, as passed by the House of Representatives on March 30, 2004 (except that the special rules for Puerto Rico established pursuant to such amendments shall not apply for purposes of this Act), of which—

(A) $80,000,000 shall be for Boys and Girls Clubs in public housing facilities and other areas in cooperation with State and local law enforcement, as authorized by section 401 of Public Law 104–294 (42 U.S.C. 13751 note);

(B) $15,000,000 shall be available for the National Institute of Justice in assisting units of local government to identify, select, develop, modernize, and purchase new technologies for use by law enforcement, of which not to exceed $1,000,000 shall be for use by the Bureau of Justice Statistics to collect data necessary for carrying out this program; and

(C) $5,000,000 for USA Freedom Corps activities;

(2) $325,000,000 for the State Criminal Alien Assistance Program, as authorized by section 242(j) of the Immigration and Nationality Act;

(3) $15,000,000 for assistance to Indian tribes, of which—

(A) $2,000,000 shall be available for grants under section 20109(a)(2) of subtitle A of title II of the 1994 Act;

(B) $8,000,000 shall be available for the Tribal Courts Initiative; and

(C) $5,000,000 shall be available for demonstration projects on alcohol and crime in Indian Country;

(4) $110,000,000 for discretionary grants authorized by subpart 2 of part E, of title I of the 1968 Act, notwithstanding the provisions of section 511 of said Act;

(5) $10,000,000 for victim services programs for victims of trafficking, as authorized by section 107(b)(2) of Public Law 106–386;

(6) $883,000 for the Missing Alzheimer's Disease Patient Alert Program, as authorized by section 240001(c) of the 1994 Act;

(7) $50,000,000 for Drug Courts, as authorized by Part EE of the 1968 Act;

(8) $1,979,000 for public awareness programs addressing marketing scams aimed at senior citizens, as authorized by section 250005(3) of the 1994 Act;

(9) $10,000,000 for a prescription drug monitoring program;

(10) $52,175,000 for prison rape prevention and prosecution programs as authorized by the Prison Rape Elimination Act of 2003 (Public Law 108–79), of which $2,175,000 shall be transferred to the National Prison Rape Reduction Commission for authorized activities;

(11) $35,000,000 for grants for residential substance abuse treatment for State prisoners, as authorized by part S of the 1968 Act;

(12) $10,000,000 for a program to improve State and local law enforcement intelligence capabilities including training to ensure that constitutional rights, civil liberties, civil rights, and privacy interests are protected throughout the intelligence process; and

(13) $1,000,000 for a State and local law enforcement hate crimes training and technical assistance program:

Provided, That, if a unit of local government uses any of the funds made available under this title to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service.

WEED AND SEED PROGRAM FUND

For necessary expenses to implement "Weed and Seed" program activities, $51,169,000, to remain available until expended, for inter-governmental agreements, including grants, cooperative agreements, and contracts, with State and local law enforcement agencies, non-profit organizations, and agencies of local government engaged in the investigation and prosecution of violent and gang-related crimes and drug offenses in "Weed and Seed" designated communities, and for either reimbursements or transfers to appropriation accounts of the Department of Justice and other Federal agencies which shall be specified by the Attorney General to execute the "Weed and Seed" program strategy: *Provided*, That funds designated by Congress through language for other Department of Justice appropriation accounts for "Weed and Seed" program activities shall be managed and executed by the Attorney General through the Executive Office for Weed and Seed: *Provided further*, That the Attorney General may direct the use of other Department of Justice funds and personnel in support of "Weed and Seed" program activities only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

Mr. WOLF (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 26, line 16 be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The CHAIRMAN. Are there amendments to this portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

COMMUNITY ORIENTED POLICING SERVICES

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) (including administrative costs), $686,702,000, to remain available until expended: *Provided*, That funds that become available as a result of deobligations from prior year balances may not be obligated except in accordance with section 605 of this Act: *Provided further*, That section 1703(b) and (c) of the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act") shall not apply to non-hiring grants made pursuant to part Q of title I thereof (42 U.S.C. 3796dd et seq.). Of the amounts provided—

(1) $113,000,000 is for law enforcement enhancement grants pursuant to the amendments made by section 253 of H.R. 3036 of the 108th Congress, as passed by the House of Representatives on March 30, 2004;

(2) $25,000,000 is for the matching grant program for law enforcement armor vests as authorized by section 2501 of part Y of the 1968 Act: *Provided*, That not to exceed 2 percent of such funds shall be available to the Office of Justice Programs for testing of and research relating to law enforcement armor vests;

(3) $60,000,000 is for policing initiatives to combat methamphetamine production and trafficking and to enhance policing initiatives in "drug hot spots";

(4) $20,000,000 is for Police Corps education and training: *Provided*, That the out-year program costs of new recruits shall be fully funded from funds currently available;

(5) $130,000,000 is for a law enforcement technology program;

(6) $50,000,000 is for grants to upgrade criminal records, as authorized under the Crime Identification Technology Act of 1998 (42 U.S.C. 14601);

(7) $175,788,000 is for a DNA analysis and backlog reduction program;

(8) $40,000,000 is for the Southwest Border Prosecutor Initiative to reimburse State,

county, parish, tribal, or municipal governments only for costs associated with the prosecution of criminal cases declined by local United States Attorneys offices;

(9) $15,000,000 is for an offender re-entry program, as authorized by Public Law 107-273;

(10) $30,000,000 is for Project Safe Neighborhoods to reduce gun violence, and gang and drug-related crime; and

(11) not to exceed $27,914,000 is for program management and administration.

AMENDMENT OFFERED BY MR. WEINER

Mr. WEINER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WEINER:

Page 26, line 20, after the dollar amount, insert the following: "(increased by $106,850,000)".

Page 27, line 4, after the dollar amount, insert the following: "(increased by $106,850,000)".

Page 47, line 8, after the dollar amount, insert the following: "(reduced by $106,850,000)".

Mr. WOLF. Mr. Chairman, I ask unanimous consent that the debate on this amendment and any amendments thereto be limited to 40 minutes to be equally divided and controlled by the proponent and myself, the opponent, except that the chairman and the ranking minority member may each offer one pro forma amendment for the purpose of debate.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

Mr. WEINER. Mr. Chairman, reserving the right to object, the gentleman will be offering a secondary amendment to the amendment? I did not understand.

Mr. WOLF. No, we are not.

Mr. WEINER. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. WEINER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I also want to offer my thanks and gratitude to the chairman and ranking member of the subcommittee who, with great grace and dignity, often have to find ways to put 10 pounds' worth of things into a 5-pound bag.

This amendment is one that simply argues that in one case, the COPS program, we are allowing the program to effectively die in this bill; and we must not have that.

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First, some of the facts. The COPS program has been an enormous success. From coast to coast, big towns, small cities, police departments as few as five members and as many as the New York City Police Department of 40,000 have benefited enormously from the COPS program.

Over the course of time, the program has not only shrunk but morphed and become more efficient. Many of my colleagues, including in the city of New York, have suggested, well, we need less money for hiring, but we do need more money for things like radios and equipment and cars. So the program has morphed into a block grant. The problem is, it has also hemorrhaged to an enormous degree.

In 1997, there was $1.3 billion allocated by this Congress just for hiring. In last year's bill, we were down to $219 million. What we see here is how this reorganization happened. We have now block granted the entire program into the COPS Enhancement Grant Program, something that, by the way, I support; it gives greater flexibility to police departments. But the bottom line is, we have reduced this to $113 million.

Again, to reiterate, we have taken a program, an enormously successful program that at its high-water mark reached $1.3 billion, not decades ago but in 1997; we are now proposing to cut that to $113 million.

It is so bad, there is so much demand, there are 2,000 applications for hiring grants totaling $511 million last year. So far, they are only able to provide funding for $385 million of them. That is only 15 percent of the eligible States and localities that have been able to get grant funding, because this program has hemorrhaged so far.

Everyone agrees that it works. John Ashcroft praised the program. The University of Nebraska did a study to show the COPS program in a 5-year period resulted in a reduction of 756,000 violent crimes.

And just a word, a brief word, about the offset. We propose to take the funds, and here I want to thank my colleagues, the gentleman from Florida (Mr. KELLER), the gentleman from New York (Mr. QUINN), the gentleman from Michigan (Mr. STUPAK), the gentleman from Minnesota (Mr. RAMSTED), the gentleman from New Jersey (Mr. ANDREWS), the gentleman from Pennsylvania (Mr. HOLDEN) and the gentleman from Pennsylvania (Mr. PLATTS), to take the money from the largest step-up that is in the bill, which is the Census Bureau.

I have no beef with the Census Bureau. They do a difficult job. They do it every 10 years, and there is a need to ramp it up, but the ramping up that is going on is coming at the cost of the COPS program. Fiscal year 2005, I believe we are going to have other opportunities to ramp up the Census Bureau.

In fact, at this point in the last census, the software for the census had not even been purchased yet. That is how early we are in the process, but I mean no disregard to that bureau. They do an excellent job. Unfortunately, I believe the COPS program deserves greater attention.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the reduction in the amendment would debilitate the 2010 census, and the census department said it will be the worst census ever in the history of our Nation. Once the cuts are made, there will be no opportunity to restart the program. They said the impact of the cuts, human costs in the loss of more than 1,000 Federal jobs at the U.S. Census Bureau. There is no catching up. The cut wastes the $500 million already spent and adds another $1 billion to the cost for the year 2010 for the census. It would cut the Census Bureau by $106 million, resulting in, as I said, the loss of thousands of jobs.

The bill is already $55 million below the request of the administration. The census is a constitutional responsibility, collected every 10 years to apportion the seats of the House of Representatives. The census is one of America's oldest and most enduring traditions. The first census was collected in 1790. The results were delivered to George Washington during his first term.

The United States is a rapidly changing and growing country. The population has grown by 10 million people since 2000, 10 million since 2000. By 2010, there will be more than 300 million Americans living in America, so we need to keep up and monitor and know about that population.

This population will need more homes, stores, hospitals, roads, new schools, and the information is needed to make good decisions. Most of the data used by State and local governments and the Federal Government have come from the Census Bureau.

Further, the Census Bureau collects mostly all of the Nation's economic data. Gross domestic product is delivered in part by the data of the Census Bureau.

In spite of the unprecedented success of 2000, the General Accounting Office, an arm of the Congress, concluded that Census 2000 was conducted at a high cost and great risk and recommended extensive and early planning for the testing. The funding provided in this bill for the Census Bureau is already scaled back from what the Census Bureau requested to fully fund the planning and testing for the 2010 census and the American Community Survey.

A current Congresswoman informed me earlier today, the gentlewoman from New York (Mrs. MALONEY), who was here today expressing concern that we were even a little bit lower than what the Census Bureau thought was appropriate.

Should there be any additional cuts to the Bureau, there will be both a long- and short-form census that will cost the government upwards of $15 billion.

The budget requests for the Bureau of the Census has already been reduced by $55 million. Further reduction would be irresponsible, as it would endanger our ability to carry out this critical constitutional responsibility.

Regarding the proposed increase to COPS, this bill already significantly improves the President's proposals for State and local law enforcement accounts by providing $886 million above the request. This includes providing an increase of $251 million above the request for programs funded in COPS heading, such as $130 million above the request for law enforcement technologies, $40 million above the request for Meth Hot Spots.

Other important State and local law enforcement programs funded above the request include the Edward Byrne Justice Assistance Grants programs, funded at $125 million above the request, SCAAP funding at $325 million above the request. In fact, that was zeroed out. Juvenile Justice programs are funded at $105 million above the request.

A further increase above the request is not a high priority, particularly if one were taking it from the Census Bureau, which would pretty much decimate that.

So I strongly urge a "no" vote on the Weiner amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. WEINER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just point out, we in this House authorized $1 billion for the COPS program. It is authorized this year at $113 million, and as far as the Census Bureau, I agree they do very important work. In 2000, they acknowledge they made mistakes in the undercount and refused to adjust, so I am not even convinced, if they had the money, they would do it.

Mr. Chairman, I yield 4 minutes to the gentleman from Florida (Mr. KELLER), the cosponsor of the amendment.

Mr. KELLER. Mr. Chairman, I thank the gentleman from New York for yielding me time.

Mr. Chairman, I rise today in strong support of the Weiner amendment to restore funding for the COPS program to last year's level.

Here is the bottom line. At a time when our homeland security threat levels are up, does it make sense that our funding for COPS should go down? Of course not. Yet this bill cuts the COPS grant programs by nearly half. Common sense suggests that cities all across America would be expanding, not decreasing, their police forces in the face of growing homeland security demands.

Now, Homeland Security Secretary Tom Ridge has consistently said that homeland security starts in our hometowns. I can tell you firsthand that when it comes to making our hometowns safer, there is no Federal program more popular with the sheriffs and police chiefs in Orlando, Florida, than the COPS program.

The COPS program has helped local communities in central Florida and all across the Nation by hiring an additional 118,000 additional police officers. A study by the University of Nebraska found that the COPS program is directly linked to the dramatic drop in crime since 1995. Literally every single congressional district has received funding and has benefited in some way from the COPS program.

The COPS program is popular because it works and because it allows local law enforcement agencies to apply directly to the Department of Justice for the money by filling out a simple one-page grant form.

Now, I have listened to the opponents of the Weiner amendment. They are all reasonable, well-intentioned people. And this is essentially what they have to say: They say the bill is fine the way it is because the $3 billion it provides for State and local law enforcement is over the President's budget request, and that the offset of $106 million from the Census Bureau programs is too much of a cut from the Census budget.

On the surface, that argument sounds pretty good, but it is a bit misleading in three areas: The amount of the funding, the type of the funding, and the supposed cuts from the Census Bureau. In the interest of straight talk, I will squarely address each of these three issues.

First, I will address the amount of funding. The total amount appropriated in this bill for local and State law enforcement represents a cut of $103 million from last year's level. The threat levels are up, yet the law enforcement funding level goes down? No, sir, that dog will not hunt.

Second, I will address the type of funding. While the COPS hiring grants have been cut, other types of funding to State and local police agencies are inadequate replacements because these other types of funding do not go directly to the law enforcement agencies, but rather are sent to the States where much of the money is eaten up in administrative costs; and there is a long delay in getting the money sent to law enforcement agencies. Moreover, even when the local law enforcement agencies finally do get the money, it is usually not used to hire new police officers because they are based on a 1-year grant.

In stark contrast, money out of the COPS program goes directly to the local law enforcement agencies, using a one-page form, and can be used right then to hire new police officers for 3 years without bureaucratic delay, red tape and any unnecessary expense.

The third and final flaw deals with the supposed cuts from the Census Bureau. Here is the deal with that: The Census Bureau programs received an increase in funding levels by 32.4 percent this year. By cutting this dramatic increase down to the more reasonable amount of an 8 percent increase, it will allow us to still increase the Census budget and yet restore the COPS funding levels to last year's appropriated level.

Do our COPS, who are on the front lines of homeland security, not need the money more than the bureaucrats at the Census Bureau?

I urge my colleagues to restore funding to the COPS program and vote "yes" on the Weiner amendment.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

First of all, let me go on the record, as I have before and will today and will tomorrow, and say that given an opportunity to have more dollars available to us, the gentleman from Virginia (Mr. WOLF) and I would have done more to provide for the COPS program. I know that. That is not a statement on my part; that is an understanding of his philosophy and what he believes in.

However, in spite of that problem, in spite of the fact that we do not have the dollars in this bill that we want to, because everyone could get up here and tell us what section of the bill should be increased and just about every section, except for a couple that I will mention in a second, could be increased.

In spite of that, it is interesting to know that local law enforcement is $885 million above the President's request in this bill. So there has been a serious effort to deal with this issue.

But here is my problem. My problem is that my colleague from New York (Mr. WEINER), whom I respect and admire, tells us that we can take the money from the census and he, in the process, will devastate not only the Census Bureau but the ability to conduct a census.

If I was to carry this to an extreme, which I never would do, this may be unconstitutional because if there is an issue that is in the Constitution, it is to conduct a census every 10 years. So we do not make those decisions around here.

The Census Bureau, those of us who understand the work, they do fully understand that this cut, which incidentally and we should know this, my colleague, the gentleman from New York (Mr. WEINER), my understanding is will come up with yet a second amendment which cuts more money from the census, so when it is all over today, he will have cut the census by over $225 million.

Well, first of all, 1,000 people would have to be laid off. No one has made a decision in this Congress that those 1,000 people are no longer needed. No one in any of the two Houses has decided that those folks have to go. Yet, this amendment would immediately and arbitrarily decide that those folks have to go.

In addition, we are gearing up for the 2010 census. We are already in 2005, as we speak here today. That means that half the gearing up has been done. One could argue that instead of saving money, this would waste money because all the money that has been spent up to now will be for naught, because obviously the census is not going to be able to function or be conducted the way it should for the next 5 years.

There is a point, however, that is of great interest to me, and that is the census count in the inner cities and especially the census count in the minority communities.

□ 1730

For Hispanics and African Americans and other minorities in this country, there is at times nothing more important than a proper count; and I have been in the past a critic of undercounts, and I continue with the gentlewoman from New York (Mrs. MALONEY) and the gentleman from Virginia (Chairman WOLF) to work with the Census Bureau to get a better count. This would not discuss the issue of a better count. This would discuss the issue of no count at all.

When we speak in the minority community, in the poor community of what we need to do to grow to become part of the American society, we always cite census figures. We say we have grown by this much, and yet our educational level has fallen back by this much. We say we have grown by this much, and yet our per capita income has gone down.

Whatever the issue may be, we run to the Census Bureau to get the numbers to make our argument to build our case that we need help. I would carry this to a point where I say to destroy the Census Bureau, to destroy the next census is a frontal attack on the aspirations of people in my community who need an accurate count and hopefully a better count to make the arguments that we can make.

Now, a lot of what is happening here today, when we say COPS, the program stands for different things, but the short name is COPS, the people right away think of a police officer. Well, my staff just spoke to the City of New York, which always comes up in these discussions. The city folks tell us that because crime is down and the matching funds for any new hires are not in place or not available in New York City's current economy they are not hiring any new cops. So any dollars that supposedly would go to New York would not be available to them at this point. They could not use them.

On the other hand, they say that they look to the census, they look to the next count, they look to the American survey as the one chance that they have to really move ahead and be able to get the dollars necessary for the city in the future, because let us remember, and I will conclude with this, that the census also figures in what different localities get in Federal help based on the population they have.

So for those reasons, and a million more that maybe I will get a chance to elaborate on, I wholeheartedly oppose this amendment and ask for its defeat.

Mr. WEINER. Mr. Chairman, I yield myself such time as I may consume. I just want to address a couple of the points that have come up.

First of all, the chairman as addressed many times the level to which we exceed the President's request for COPS. Yes, the President proposed zero for COPS. He proposed zeroing out the program. This is a bipartisan amendment because we think that is bad idea.

The second point that is made is it is going to cost personnel at the Census Bureau. Well, I would just remind my colleagues we do not touch the salaries and expenses line of this budget. We only refer to the part that is periodic censuses and programs, but I can tell my colleagues what eliminating the COPS program has done. It has meant that less cops are on the beat. We have fired cops in the real world because the COPS program is hemorrhaged.

Finally, if I can make reference to the final point of the distinguished ranking member about how the City of New York does not hire cops with its funding anymore. That is exactly right. That is why the program is now in a block grant formula that allows police departments to buy radios, something the city has done; paid overtime, something the city has done; and provided overtime. These are ways that the program has become more responsive in response to some of the objections that our colleagues have raised about the COPS program. In boom hiring times, it hires. Now, we allow it to backfill for overtime and other types of programs.

The City of New York, as we speak, has an application in for the Safe Schools Program, which is part of the COPS program. Well, they are going to get zero with the budget that is before us now. They will get funded with some certitude if the Weiner amendment passes.

I would make one final point to my friends who are supportive of the Census Bureau, particularly my friends, the gentlewoman from New York (Mrs. MALONEY) and the gentleman from New York (Mr. SERRANO). If someone comes to this floor right now and says the improved funding will lead to a census undercount adjustment in the year 2010, I will withdraw my amendment; but that is not going to happen. We provided them all kinds of funding, and let me tell my colleagues what happened.

In 2000, the Census Bureau, not courts, not Congress, decided we are not going to do an undercount adjustment. What did it cost? The county of the Bronx, $262 million because of that undercount; the county of New York, $212 million as a result of that undercount; and here we are fighting and scratching to defend their funding. Well, God bless them, but they have already showed that money is not their problem. When we give them more money, they acknowledge an undercount and they still do not fix it.

So I have got to tell to my distinguished colleagues from my hometown of New York, at least we know the COPS funding winds up getting to New York. We cannot say that about census funding.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

I thank the gentleman for his comments. I am ready to yield to the gentleman from Florida (Mr. PUTNAM), the Chairman of the Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census; but the account that the gentleman cut with the decennial census does have personnel in it. So he does cut 1,000 jobs, boom, they are gone; and so whether the gentleman is not Xing the counts, he does cut personnel with the amendment.

Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. PUTNAM), the chairman of the subcommittee that has jurisdiction over the census.

Mr. PUTNAM. Mr. Chairman, I thank the gentleman from Virginia (Mr. WOLF), the distinguished chairman, for yielding me the time.

I rise to oppose this amendment, the Weiner amendment. As chairman of the subcommittee that has oversight over the Census Bureau, I must strongly oppose efforts to take the money needed for the important work that the Census Bureau continues to do for our Nation. I want to offer my support to the full mark of $774 million that was voted out of the Committee on Appropriations.

It is ironic that a Member from an area that was affected by an undercount, that is a critic of the effectiveness of the Census Bureau, would respond by gutting it, by taking boots out of the streets that have the effect of making sure that that undercount does not occur, by finding all of those additional people, by making sure that there is a fair and accurate count. He guts the budget that would correct those types of things.

The Census Bureau is the preeminent provider for the data that keeps our Nation running. We have an economy that is information-based. Without the information to make good decisions our economy and our Nation suffers.

I support the efforts of the Census Bureau to plan an accurate and fair census for 2010, and the planning for that is ongoing. It is not something that we ramp up the year before. The modernization and early planning for census 2010 is money well spent, particularly full funding for the American Community Survey.

We cannot be shortsighted when it comes to the census. The American Community Survey, for example, would give a city like New York that has seen a great deal of change since the last census as a result of horrible events beyond our control in 2001, it would give New York accurate data on an annual basis rather than having to wait an entire decade to reflect the change that occurred there on September 11. The American Community Survey, at its heart, is designed to give areas like New York City, like Washington, D.C., like small Midwestern towns that disappear overnight with the fury of a tornado accurate data on an annualized basis rather than having to wait 10 ears to have good, solid, sound information.

This amendment, the Weiner amendment, drastically reduces the money that the Census Bureau needs to do its valuable work to prepare for the 2010 census and to implement the American Community Survey. They have already sustained a $19 million cut from the President's budget request. The money that is needed for the gentleman from New York's (Mr. WEINER) amendment, regardless of its tremendously good intent, is money that the President and full committee have provided to fund the Census Bureau and the implementation of the ACS that will replace the long form and provide the detailed demographic and economic data annually for areas around the Nation.

The impact of the cut proposed by the gentleman from New York (Mr. WEINER) and the Weiner amendment will stop the American Community Survey with no opportunity to restart it. It would mean a loss, as the chairman has said, of over 1,000 Federal jobs at the Census Bureau, boots on the ground that could provide the gentleman the accurate count that he is rightfully concerned about; and it wastes the $500 million already invested on the American Community Survey and would add significant new costs to the 2010 census.

The Census Bureau, Mr. Chairman, does important work every day that keeps our economy running. It is important work to plan for the 2010 census and fully implement the ACS. We cannot eliminate this funding, and I strongly urge the House to reject this.

Mr. WEINER. Mr. Chairman, will the gentleman yield?

Mr. PUTNAM. I yield to the gentleman from New York.

Mr. WEINER. First, I appreciate the gentleman's expertise on this issue. Should I take it from his concerns and comments about the undercount in New York that under his leadership he will commit to doing something the Census Bureau has refused to do, which is a statistical adjustment to take into account the undercount and adjust New York accordingly? I mean, I appreciate the gentleman's protests; but to be honest with him, it was not a shortage of data. It was a shortage of a desire on the part of the Census Bureau to use that data to enfranchise those who were disenfranchised.

Mr. PUTNAM. Mr. Chairman, reclaiming my time, the 2000 census was the most accurate census in this Nation's history. In a Nation as large and diverse as ours, we will never, ever have a perfect count, and they have been doing these since Caesar. There is yet to be a perfect count.

I acknowledge the gentleman's concern with the undercount; and I also acknowledge that gutting their budget, which is what the gentleman's amendment does, will not improve the accuracy of the 2010 census.

Mr. WEINER. Mr. Chairman, I yield myself such time as I may consume. I just want to make a couple of quick points here.

Look, the problem is not that there is an undercount. The problem is they discovered the undercount and steadfastly refused to do anything about it. By the way, in the data that we are going to be accumulating over the next 10 years, we can include the number 7,300. That is the number of employed police officers in the State of Florida today as a result of the COPS program. Those are working men and women in my colleague's hometown, in the hometown of the gentleman from Virginia, in my hometown that are simply not going to be there because we are eviscerating the COPS program.

We have taken a $1.3 billion hiring program, and we propose in this budget to make it $114 million, and to say, well, the President said nothing, so we should be thrilled.

Mr. PUTNAM. Mr. Chairman, will the gentleman yield?

Mr. WEINER. I yield to the gentleman from Florida.

Mr. PUTNAM. Mr. Chairman, would the gentleman answer, for the purpose of enlightening the House, how much additional money local law enforcement New York City has received under homeland security grants?

Mr. WEINER. Under homeland security grants, well, frankly, per capita, about one-sixth the amount of Wyoming. Any other question?

Mr. PUTNAM. Mr. Chairman, if the gentleman would yield, give us the bottom line number for those who are not into per capita, how many billions of dollars has New York received since September 2001?

Mr. WEINER. Reclaiming my time, in homeland security funding? Actually, let us talk about how much is cut.

The COPS program at one time funded 7,000 police officers in the City of New York; and by the way, I can check for a moment if the gentleman gives me his hometown how many funds in his neighborhood and that has been steadily slashed.

John Ashcroft, the Attorney General of the Nation of the United States, said that this is the best program to reduce crime. Secretary Ridge said homeland security starts in our hometown. What are we doing? Slashing the COPS program.

I can assure my colleagues, Mr. Chairman, they oppose slashing the COPS program, not knowing my colleague all that well, but knowing how it has been helpful to his community. We are doing it. We are not happy about doing it.

All I am saying is let us bring it to at least last year's level. Do not bring it to what we authorized in the House, $1 billion. I am sure the gentleman voted for it, $1 billion authorization level, $113 million half of what it was last year.

Listen, I do not have any beef with the census; and as I said, the chairman and the ranking member have a Herculean task trying to make these numbers work. All I am saying is this is one program that is a dramatic step up for something that they are trying to ramp up that I think they should, but we have to be sure we do not ramp down the COPS program into the ground in the process. The COPS program will cease to exist effectively.

As of last year, 15 percent of the States that applied got the grants. Effectively, if we cut that in half, do the math, effectively the COPS program is dead.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I yield 5 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Chairman, while I am extremely sympathetic to the cause my good friend from New York supports, I cannot support this amendment. Taking money from the census planning will cripple that effort and have consequences that will damage the census throughout this decade.

All of our representation in this Congress and our local and State bodies is based on census numbers. The funding that we receive in localities across this Nation are based on census numbers. Working to make it as accurate as possible is absolutely fundamental to the fairness of our democracy.

The 2000 census was the most expensive in history and was not very much more accurate than the 1990 census. Demographic analysis failed to capture the growth in Hispanic migration and, as a result, was of little use in measuring the accuracy of the census.

□ 1745

The census annual estimates of the population were off by almost 8 million in 2000. These and many other errors were the result of a failure of Congress to adequately fund the planning for the 2000 census.

The census is an enormous management undertaking. It is the largest peacetime mobilization the government undertakes. The census requires planning to mobilize hundreds of thousands of workers for a few weeks. In 2000, it took 500 offices and 500,000 workers. The Census Bureau opens those offices, hires a staff, and closes those offices all in a few weeks. Over 100 million forms have to be printed, labeled, and mailed. Those forms have to be returned by mail and the information on them tabulated, and all of this must be done in the 9 months between April 1 and December 31, when the director must submit to the President the State numbers for apportionment.

The budget for 2005 is essential for a fair and accurate census in 2010. The cut called for in this amendment will result in a poorly executed 2010 census. That, in turn, will result in millions of errors that will distort the apportionment of the seats in this House. These cuts will result in a more costly or less accurate census or both.

In this Information Age, we need reliable information in order to make good decisions for this Nation. Without good data, we cannot administer the laws of this country fairly, and I, for one, will continue to do all I can to make sure that the Census Bureau has the capabilities to provide the Congress and the Nation with the ability to provide all of us with high-quality data needed by the public and the private sector and its elected representatives to make informed public policy decisions. Therefore, I urge a "no" vote on this amendment.

Mr. WEINER. Mr. Chairman, I yield myself such time as I may consume.

I have yet to hear a single opponent of the amendment say the words "with full funding we will have a statistical undercount adjustment." And the reason we cannot is that the Census Bureau is not committed to that.

It is not a matter of collecting the information, I say to my colleagues. It is a matter of what you do with it. And simply collecting the information, as we learned in 2000, is not the problem. When you have a Census Bureau that is unwilling to make adjustments, we are arguing for the wrong thing.

I can tell you this though, in the census figures, when they do employment, they are going to have less folks for cops. It is what they will have as a result of this idea of ending the COPS program.

Let us try to remember here what we are talking about. We are talking about a program that has not only hired over 125,000 cops, not only paid overtime in over 4,000 different jurisdictions, not only bought radios and repeaters, and Sprint systems for inside cars in dozens of police forces, it has resulted in the reduction of at least 150,000 violent crimes. It is an enormously successful program. Let us keep our eyes on the ball.

We all recognize here that both programs are good. It is just a matter of whether one will be ramped up very much at the expense of the other. That is all this amendment seeks to do, is to just try to restore the COPS program to a barely living, barely heartbeating pace. If we restore it with my amendment, I want to just caution my colleagues, it will still mean that only 15 percent of the applicants are going to get grants. That is all it means. Last year, they did not accept everyone's applications because we had strangled the money so sharply. They used fiscal year 2003 applications.

If we continue on this path and halve it again, I am convinced, my colleagues, when we come here in future years, the COPS program will cease to exist on almost any level that we know it. We must not allow the structural reforms that we made here to block grant the whole program being an excuse to slash it by 50 percent.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. SERRANO).

Mr. SERRANO. Mr. Chairman, let me make a few brief comments here. We keep talking about full funding and an adjustment to the census count. We have all been in support of that. But let us remember that perhaps the largest reason why the Census Bureau did not adjust the count was for the tremendous congressional pressure that fell upon it when it was discussing that issue.

Now, that is not going to satisfy the sponsor of the amendment. However, I would like just to alert the sponsor of the amendment that the biggest bump-up this year, or in years past, certainly since September 11 of 2001, has not been the Census Bureau. The Census Bureau is just an easy target because, supposedly, it does not have a constituency, except for poor minorities who want to get counted and do not get counted. The big bump-up has been the Department of Justice, the Department of State, and the FBI. But no one would dare take money from there to pay for cops in the city, because that has big congressional, Presidential, administration and local support.

So if we are going to talk about who to take money from, let us sometimes be courageous enough to take it from where it exists, in bundles, and not where we could cripple the future count in our communities.

Mr. WEINER. Mr. Chairman, I yield myself such time as I may consume just to respond to two of the points.

First of all, it was the Census Bureau, the Secretary of Commerce, who decided not to do the undercount. You are absolutely right, some of our colleagues opposed it. It was the Census Bureau that took this to the Supreme Court, insisting they had the right, and the Supreme Court agreed with them. They did it, the administration of the agency that you are standing up for did it.

The second point I would make is that 225 Members of this House supported the reauthorization of the COPS program at $1 billion. If you think that this program is some fringe program that very few people care about, I can show you on the map how many police departments have benefited from it. This is an enormously popular program. The difference is that these are cops that go directly to our neighborhoods, directly to our districts, directly to sheriffs' offices. This even bypasses the States, this program is run so well. That is what we have reduced to virtually nothing in this, and that is what we are trying to at least bump up to last year's level. Not an overly ambitious thing, just to last year's level.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. SERRANO).

Mr. SERRANO. Just one last point, Mr. Chairman. I am, for the record, and continue to be a strong supporter of the COPS program. I will be working with the chairman to see how we can get better in conference and will be working with the chairman next year, hopefully, or should I say that next year the chairman will be working with me to make sure that we can bump up the COPS program.

But just for the record, when President Clinton proposed to this Congress the COPS program, it was a temporary program to reach 100,000 new cops. We are at 119,000 cops. So while it is true that we want to do more, let us not paint it as a failure or a shortcoming. In fact, it has produced and accomplished quite a bit.

Mr. WOLF. Would the Chairman tell us how much time is available for both sides?

The CHAIRMAN. The gentleman from Virginia (Mr. WOLF) has 5 minutes remaining, and the gentleman from New York (Mr. WEINER) has 4 minutes remaining.

Mr. WOLF. Who gets to close?

The CHAIRMAN. The gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I reserve the balance of my time.

Mr. WEINER. Mr. Chairman, I yield myself such time as I may consume. I want to thank the chairman and the ranking member of the subcommittee, both of whom I have profound respect for and the difficulty of the job they face. But I think one thing needs to be made very clear. We have had a dramatic, precipitous drop in crime in this country under Democratic Presidents, under Republican Presidents, under Democratic Congresses, under Republican Congresses.

One thing that has been consistent is that, when that happens, although criminologists wring their hands trying to think of reasons, the bottom line is very simple. We, the Federal Government, got off the sidelines and said this is not just a local problem. This is a national priority. And we started systematically helping localities fund a COPS program. And it has worked; as hiring has gone up, crime has come down.

In the midst of all of that, September 11 happened, where we once again wrapped ourselves in the dogma of support for local law enforcement. We needed to do it. This program is the embodiment of a local law enforcement program that works. And what have we done? We have, through the course of time, virtually eliminated it. It is not hyperbole. We now have a $114 million allocation from a high of $1.4 billion. That is the fact.

What I propose to do in this amendment is frankly quite modest. It is to raise it up to last year's paltry level of $230-something million. And again to reiterate, the Census Bureau, while I have my beefs with it and I know other colleagues do, this is not intended to target them. This is intended to simply prioritize a program that we are ramping up towards a 2010 census and a program that is dying a slow death today, and also a program that I think we all agree is the front line of defense in our homeland security plan.

What we need to recognize with this amendment is that we have been given a false choice that the chairman did not choose and I did not choose. It is to take a bill that is underfunded, indisputably underfunded, take programs that are underfunded, even the census line is below the President's request, and what we are trying to do is trying to make a minor change to this one program which will allow the Census Bureau to go on. We do not touch the personnel line at all. But more importantly, we will allow the COPS program to continue functioning until we can pump some life into it.

We started that process. This Congress authorized the COPS bill that the other body has yet to act on for $1 billion, $1 billion, which is down, but it is still, in comparison to the $114 million that we see in the chairman's mark, obviously, a dramatic increase.

What does my amendment do? It does not stop us from counting people. It does not do that. What does my amendment do? It does not cause a raft of people to be laid off. It says what we are going to do is, we are going to take this ramp-up of the census department, make it a little slower, and we are going to allow the COPS program to breathe, to see another day, in a bipartisan fashion.

The COPS program is probably the most democratic, with a small "d" program, that we in Congress act on each year. There is no pattern of urban and rural, no pattern of north and south. Just about every locality, every city and State, every town and sheriff's department gets funds from it. They used to get hiring funds; now they get funds to either allow backfill with overtime or provide other resources to local police departments.

If my colleagues go home today and ask your police department what program do they care most about that the Federal Government provides, they will doubtlessly say, the COPS program, because they have seen it work.

There is a directory the size of a phone book of State, cities, and localities that have gotten aid from the COPS program. We are now at the point where only 15 percent of all of the eligible applicants are getting funding. If we allow this chairman's mark to pass, that number, by theory, will reduce in half, 7 percent.

What are we going to tell our police departments and our sheriffs' offices? Well, you are eligible for the grant, you got it a couple of years ago, but I am sorry, we cannot because we are funding a ramp-up in the Census Bureau. I do not believe they will be very satisfied with that.

I urge a "yes" vote on the Weiner/Keller/Ramstad/Quinn/Andrews/Van Hollen/Platts amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, I thank my friend, and I thank the gentleman from New York as well. He and I have talked about this amendment.

I am a very strong supporter of the COPS program, I have been and continue to be a very strong supporter of the COPS program. And what the gentleman's amendment does is dramatically point out that the gentleman from Virginia (Mr. WOLF) and the gentleman from New York (Mr. SERRANO) do not have sufficient funds to properly reach the levels that would be appropriate for funding for some very, very worthwhile programs.

On the other hand, when you are in this position, obviously you have to make choices. If you are going to have a zero sum game, that is, add no additional dollars, which would not be allowed, you have to take from some place if you want to increase in another place. The problem with this amendment, as I have told my friend from New York, is not its objective, which is an excellent one, but it is the means that it employs to attain that objective, which will have very serious adverse results, in my opinion.

Now, the gentleman has indicated that he is confident it will have no adverse effect on employment levels. I think that is not the case. It is not the information I have. Now, as I have told the gentleman, obviously, I, as a matter of fact, went to high school a mile down the road from the Census Bureau, so I know something about the Census Bureau. It will, according to the Census Bureau, result in possibly as many as 1,000 RIFs. Now, that is a lot of people.

Now, in addition to adversely affecting the people, the gentleman's amendment will affect the product adversely. Now, what is the product? The product is getting ready for the census of 2010. Now, that sounds very simple, but in fact it is a multiyear process. And if you slow it down, you can never get back that time.

□ 1800

Therefore, although I strongly support the gentleman's objective, I cannot support and will therefore oppose his amendment, the means he employs to obtain that objective. I hope this amendment is defeated not because we should not be expanding the COPS program, but because we should not be doing it in this particular way.

Mr. WOLF. Mr. Chairman, I yield myself the balance of my time.

I thank the gentleman from Maryland (Mr. HOYER) for his comments. He is exactly right. Also, the COPS program is not authorized. It has not passed the Senate. And as the gentleman from New York (Mr. SERRANO) said, the goal was to get 100,000 cops; and they are well beyond.

I think the important points are the reduction, as the gentleman from Florida (Mr. PUTNAM) said, will actually debilitate the 2010 census, resulting in the worse census ever. If this amendment were to pass for 1 year, we would have arguments in the future about how this count is not right and Members would be up in arms.

Secondly, once the cuts are made, there is no opportunity to restart the program.

The impact of this cut in this amendment: 1,000 jobs would be lost, no catching up, stops the census and this wastes the $500 million already spent and adds another $1 billion to the cost to the census in 2010. I urge strong defeat of the amendment.

Mr. STUPAK. Mr. Chairman, I rise in support and as a cosponsor of this very important amendment.

After 9–11, the Federal Government called upon our States and locals to be even more vigilant and prepared for possible acts of terrorism in addition to their daily responsibilities to protect their communities from routine crime.

However, it doesn't make sense to put a whole lot more on their plates and then cut off the resources to help them meet these obligations. For example, this bill cuts the COPS program by more than 50 percent to $113 million.

That's why I am a proud cosponsor of this amendment to restore funding to the 2004 level—$237 million—for the COPS grant program.

We're not talking about a lot of money. In fact that's just a fraction of the $1 billion authorized that this chamber overwhelmingly approved in the DOJ reauthorization bill.

COPS has been repeatedly slashed over the years.

Mr. Chairman, I am also disappointed with the lack of funds in COPS to provide local and State agencies assistance to upgrade their communications systems so they can talk to each other, no matter the jurisdiction or agency. The lack of interoperable communications was a key factor in why at least 121 firefighters died in the World Trade Center's Towers in 2001.

Last year, Congress provided $84 million in the COPS program for interoperability upgrades, That's not much compared to the $10 billion estimate to make our Nation's first responders fully interoperable.

But this year it was zeroed out. And that's exactly what happened in the Homeland Security appropriations bill this chamber approved last month.

Meanwhile, we know it will cost between $6 billion and $10 billion to make our Nation's public safety agencies and first responders interoperable.

Bottom line: There's an awful lot of talk around here about interoperability, but no real, reliable resources to help make that happen so agencies can talk to each other in times of a catastrophic disaster or terrorist attack.

So Mr. Chairman, I urge my colleagues to support the Weiner-Keller-Stupak amendment to at least bring us back to where we were last year.

A 50 percent cut to the COPS grant program is a slap in the face to the millions of police officers who work tirelessly to protect their communities every day.

Mr. QUINN. Mr. Chairman, I rise today on a bipartisan basis to support the amendment offered by my fellow New Yorker, Mr. WEINER, and the gentleman from Florida, Mr. KELLER, that would increase funds for the COPS program to last year's enacted level from what is currently more than a 50 percent cut.

Mr. Chairman, for the past few years, I have worked with countless Members on both sides of the aisle to restore and increase Federal funding for the COPS program. There are few programs that our government funds that work better or more efficiently than the COPS program does. Every day, our police men and women are patrolling our streets, keeping our constituents safe from crime and drugs, and have served as our first responders in times of national crises. Since implementation of the COPS program in the 90s, our Nation's violent crime rate has plummeted, and at least some of this drop must be attributed to the number of officers put on our streets through the COPS program.

The amendment we are offering today is a modest request for maintaining last year's funding level of $219 million. While the program could definitely use more money, and is actually authorized for FY2005 at $1 billion, we must as a Congress put more highly qualified men and women on our streets and at least fund COPS at last year's level.

In closing, while these are tight budgetary times, I believe that funding law enforcement programs like COPS is a justified use of our limited resources.

Thank you, Mr. Chairman. I urge my colleagues to support the Weiner-Keller-Quinn amendment.

Mr. WOLF. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. WEINER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. WEINER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York (Mr. WEINER) will be postponed.

Mr. WEINER. Mr. Chairman, I move to strike the last word.

I have an amendment that I will not be offering, and I just say to the Chairman of the Committee of the Whole and Members, I have taken a good deal of time on the previous amendment, and I will not offer this amendment. But, frankly, it goes to another real weakness that we have to address, not only in this bill but across Congress.

Last year as we pursued the effort to step up the technology of DNA, we recognized that some fundamental things have been going on in the world for the last 10 years or so. As DNA has become an important crime-solving tool, States and localities have begun the process of databasing samples of DNA of convicted offenders. All 50 States have a program of one size or another, capturing one universe or another of convicted offenders; and we need to get all of them essentially in a giant Federal database so we can solve crimes.

But according to data which was collected, a program funded by this Congress through legislation that I wrote in the Committee on the Judiciary, we have found that hundreds of thousands, in the neighborhood of 600,000, victims of crimes at whose crime scenes evidence has been collected is sitting on the shelves waiting to be analyzed for shortage of only one thing, money.

No one thinks it is good policy. In fact, many of those victims are pressing up against the statute of limitations which means their case will not be able to be prosecuted, even if we get around to testing it.

Included in the report was an assessment that there are not enough crime labs, there are not enough facilities to store samples. There is not enough money to do tests. In the committee mark, the chairman does an excellent job of funding the President's request at $175 million. It is estimated we need three times that amount to be able to start to dig out of the backlog.

There is no doubt in anyone's mind that we have a problem. Of the law enforcement agencies surveyed nationwide for this study, 61 percent said they do not have enough space to store their evidence and had to dispose of some of it; 70 percent said the need for more space is highly critical, and State crime labs have an average of a 23.9-week backlog of analyzing data.

When a detective is investigating a sexual abuse case or rape, if they have to wait 23.9 weeks on average before the evidence is returned to them, they will tell you that justice delayed is justice that is denied.

My final point, we have had 154 cold cases solved because of additional DNA testing that the City of New York has funded on its own. We have leads of 204 more cases. What have they learned as they have done these hits, they have learned what we and criminologists already know, that rape and sexual abuse is a highly recidivistic crime. Someone that goes out and does one, chances are is going to find their way back into the system, having committed the crime again and again, finding more and more victims.

In the last exchange, we talked about how crime has plummeted. The one statistic that has not dropped, rape; rape has not. That has stayed virtually level throughout this decline in crime everywhere in the country. One of the ways we can solve six, seven, eight, or perhaps 10 or 20 crimes is by investing in DNA technology. For those who it catches, it obviously finds justice for those victims; and for those whom it frees, it allows those of us who are strong law enforcement types, like myself, to say that the system is working better.

I will not offer my amendment today because I do not want to rehash the same debate we just had; but I would ask that the chairman and the ranking member strongly consider the need for additional increases, and express my gratitude to them for fully funding the President's request.

Mr. WOLF. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I appreciate the gentleman not going through this because of the time. I thank the gentleman for that. I did not want there to be any misunderstanding. In the subcommittee mark, there is a $77 million increase over the current level. We also have gone out of our way to make sure there are earmarks.

This is the largest increase provided to any State and local law enforcement program. It is a 44 percent increase. So I do not want the record to indicate that the committee has been slacking. We have really increased it quite dramatically, even more so particularly in a tight budget. But it is an important program, which I strongly support; and I know the gentleman from New York (Mr. SERRANO) strongly supports it also.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

I rise to enter into a colloquy with the gentleman from Virginia (Chairman WOLF) and the gentleman from New York (Mr. SERRANO).

Before I begin, I would like to thank the chairman and the ranking member for their support of the Legal Services Corporation. Legal Services funds 143 legal aid programs around the Nation to help poor Americans gain access to the judicial system. I appreciate the bipartisan full funding of the LSC program, and I hope we can work together in the neare future to remove some of the few remaining obstacles that are preventing this program from reaching its full potential.

My primary concern is over the "private money restriction" in this bill that applies to any nonprofit legal services organization receiving LSC funding. This restriction precludes these nonprofits from using any of their private funds—including individual donations, foundation grants, and State and local government funds—for any non-LSC-qualified services.

Non-LSC-qualified services include representing many categories of legal immigrants, including battered women and children; representing mothers in prison trying to maintain visitation and custody of their children; filing class actions to stop predatory lenders from preying on elderly homeowners; and educating people about their legal rights and then offering assistance in enforcing those rights. As a result of the private money restriction, most civil legal services providers are forced to stop providing non-LSC-qualified services altogether. Many of the most vulnerable individuals and families find themselves without access to legal services at all.

LSC recognized that this was a problem, but their attempted "fix" of this problem—allowing organizations to use their own private funds for non-LSC-qualified services only if they create physically separate nonprofits with separate staff, offices, and equipment—is prohibitively expensive and will result in fewer families being served.

There is a much simpler and more effective way to address the problem. Congress should require LSC grantees to abide by the same longstanding rules promulgated by OMB for nonprofit grantees of Federal agencies, by the IRS for all nonprofit 501(c)(3) and (c)(4) organizations, and by the Bush administration for faith-based groups. All of these rules authorize nonprofits receiving Federal funds to engage in various privately funded activities—like lobbying and praying—without requiring them to do so through physically separate entities with separate staff and equipment. I am hopeful that future conversations on LSC funding will consider similar rules so that we can remove the physical space requirement, which will make our LSC-funded providers much more effective.

My colloquy focuses on the issue of concentrated media ownership which has concerned colleagues on both sides of the aisle. Among the leaders in this fight is the gentleman from New York (Mr. HINCHEY), who unfortunately could not join us on the floor here today.

On June 2 of last year, the FCC voted to further relax the rules on media ownership in a move which many felt threatened the core democratic values of localism and diversity in the media.

As troubling as these new ownership rules were, the process by which the FCC arrived at them was equally troubling. Despite its mandate to include the American public in its rulemaking procedures, the commission held just one public hearing as it wrote these new rules, and it did not release the rules for public comment until just before it voted on them. Our communities were given virtually no say in the type of programming they are subjected to by broadcast television and radio.

Mr. Chairman, on June 24, the U.S. Court of Appeals for the Philadelphia Circuit echoed the voice of the American people and many in Congress by reversing most of the FCC's media ownership rules. As a result, aside from the national media ownership cap that was adjusted by Congress last year, the rules in effect before the FCC's June 2, 2003, decision are again in place.

As the commission begins the process of proposing any new rules, we must make sure that the process is as open and inclusive as possible. Specifically, I believe the FCC should, first, hold a series of public hearings across the country to collect and analyze the various perspectives raised by citizens.

Secondly, allow sufficient time for public comment on the specifics of any proposed rules before the commission votes on them.

And, thirdly, take into account any independent studies of the effect of media consolidation on the level of indecent programming on the public airwaves.

I would ask my colleagues to comment on these expectations.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. PRICE of North Carolina. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I appreciate the gentleman's comments. The gentleman from North Carolina over the past year has demonstrated that the rules governing media ownership are of great importance to the American people. I agree that the FCC's new media consolidation proceedings should be as open and as inclusive as possible and should include full periods of public comment on proposed rules and full consideration of any relevant independent studies as part of the process.

Mr. PRICE of North Carolina. I thank the gentleman from Virginia.

Mr. SERRANO. Mr. Chairman, will the gentleman yield?

Mr. PRICE of North Carolina. I yield to the gentleman from New York.

Mr. SERRANO. Mr. Chairman, I also offer my strong support for an open, public rulemaking process that includes multiple public hearings, sufficient time for public comments, and any relevant independent studies.

The more than 2 million people who contacted the FCC to register their opposition to the rules offers clear evidence that we cannot rewrite media ownership rules without including the American public in the process. I will be monitoring the FCC's activities closely as it begins this process, and I urge all of my colleagues to do the same.

Mr. PRICE of North Carolina. Mr. Chairman, I thank the gentleman.

Mr. DAVIS of Illinois. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have an amendment at the desk which I will not offer, but I would ask the gentleman from Virginia (Mr. WOLF) and the gentleman from New York (Mr. SERRANO), the ranking member, if they would comment at the end of my comments.

My amendment would have increased money for ex-offender reentry by $50 million. It is unfortunate, Mr. Chairman, that our country has become the most imprisoned Nation on the face of the Earth per capita. We have about 2 million people in jails and penitentiaries in this country. Each year more than 600,000 of them return home to neighborhoods and communities. Many of them obviously have no place to go. Many of them have no programs to access.

Studies have suggested and have shown that if nothing happens with them, about 67 percent of them will have reoffended within a period of 3 years. About 53 percent of them will be back reincarcerated. In many States and localities, they cannot access jobs. For example, in my State, the State of Illinois, there are 57 job titles that an ex-offender cannot hold by State law without some kind of waiver. For example, an individual cannot cut hair, cannot get a license to be a nail technician, to be a cosmetologist, cannot work around any medical facility, cannot wash dishes in a nursing home or a hospital. So many of these individuals revert right back to whatever it was that got them incarcerated in the first place. That is, they are back on the streets in their neighborhoods hauling pills and thrills, nickles and dimes, whatever it is they have done to become a part of the underground economy.

It would seem to me that it would be far more cost effective if we were to create programs to facilitate their reentry back into society. Therefore, there is a need for far more resources to do so. I must confess I was hardened when I heard the President give his State of the Union address and suggested in that address that we needed to do something more for the more than 600,000 people who return each and every year from our Nation's jails and prisons.

Some communities are far more hard hit than others. Obviously, inner city communities that are severely depressed economically and rural depressed communities end up with the bulk of these individuals. Other communities may not feel them at all; but the reality is that if we want to have the opportunity to move freely throughout our Nation, throughout our country, then we have to do a more effective job of helping reclaim those individuals who have been incarcerated and are back trying to make a new life for themselves.

I would appreciate comments from the gentleman from Virginia (Chairman WOLF) and the gentleman from New York (Mr. SERRANO), the ranking member.

Mr. WOLF. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I agree with the gentleman from Illinois (Mr. DAVIS) 100 percent. I was in a program called Man to Man with Charlie Harroway before I got elected to Congress. It was a prison reentry program helping men out of Lorton.

□ 1815

And I completely agree with the gentleman. I have been a great fan of Chuck Colson in Prison Ministries for that very reason. And the night the President offered that, I applauded, although I might tell the gentleman I do not think there was an awful lot of applause when he made that comment. There is $10 million in here. We have a budget problem. There is money in Labor-H. There is also money in VA-HUD.

I would urge the gentleman to also talk to the gentleman from Ohio (Mr. PORTMAN). The gentleman from Ohio (Mr. PORTMAN) and the gentleman from Indiana (Mr. SOUDER) have a very good bill. He may very well be on it, talking about re-entry. And I think it is absolutely critical. Unfortunately, we are number one in the world in the number of people in prisons per capita, and we just cannot put people in prison for years and years, no rehabilitation and no training when they come out and expect them as they get out to come back and be productive.

So I completely agree; and as we work through this process, anything I can do to help the gentleman. I just want to ask the gentleman one question: Why can they not cut hair and why can they not do those jobs that he mentioned?

Mr. DAVIS of Illinois. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Illinois.

Mr. DAVIS of Illinois. Mr. Chairman, in that particular instance, State law prohibits it. There are barriers, hundreds of them, to the successful reentry of these individuals because many people have thought that the best way to handle crime was to have the most severe punishment for individuals that they could come up with. And many of those laws are still lingering on the books in many States throughout the Nation, and they too need to be revisited.

Mr. WOLF. Mr. Chairman, reclaiming my time, in the book of Jeremiah it talks about justice, and I think the people need justice, but it also talks about righteousness and we have to deal with those. And perhaps there is an opportunity for the Committee on the Judiciary or we would be glad to maybe sometime have a hearing on that issue because I agree with everything the gentleman has said. And I have learned most of this really through Chuck Colson. We cannot just open the gate, allow a man to walk out, and expect him to have the opportunity to make it because he goes back to the same neighborhood, the same environment; and they need training. So as we move along, if we can work with the gentleman and do that. And the Portman-Souder bill, is the gentleman on there?

Mr. DAVIS of Illinois. Yes, Mr. Chairman.

Mr. WOLF. Mr. Chairman, if we can work with him and help him, we will be glad to do that. And I appreciate his bringing up the amendment too.

Mr. DAVIS of Illinois. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Illinois.

Mr. DAVIS of Illinois. Mr. Chairman, I thank the gentleman for his response.

And we are working with the gentleman from Ohio (Mr. PORTMAN) and the gentleman from Indiana (Mr. SOUDER). We are all working on that bill.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

Let me first say how I continue to be impressed by the gentleman's passion and ability to present this issue as he presents other issues. He speaks from the heart, and that is something that we always see. And he speaks for people who unfortunately in this society sometimes are totally forgotten. But he is speaking to the right two individuals.

First, no one, no one, does more for the concerns of those inmates than the gentleman from Virginia (Chairman WOLF). The gentleman from Virginia (Chairman WOLF) has through different approaches been careful to make sure that there is not a punishment but a rehabilitation of people, not a forgetting but perhaps a forgiving and a desire to have people be part of the society.

And, of course, as the gentleman knows, I represent an area of the Bronx that has always had an issue of crime and an issue of people wanting to come back into the community and at times being accepted and at times not being accepted.

So I assure the gentleman that we will continue to pay attention to this matter, continue to pay attention to the dollars allocated in the hope that some day this society fully understands the need to rehabilitate and welcome back people in a way that says they did what they did, they paid for that crime, now we want them to be a productive member of society. And I thank the gentleman for his work.

Mr. WOLF. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 47, line 5, be considered as read and printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The text of the bill from page 28, line 19 through page 47, line 5 is as follows:

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

For grants, contracts, cooperative agreements, and other assistance for the prevention and prosecution of violence against women as authorized by the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) ("the 1994 Act"); the Victims of Child Abuse Act of 1990 ("the 1990 Act"); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Juvenile Justice and Delinquency Prevention Act of 1974 ("the 1974 Act"); and the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386); $383,551,000 to remain available until expended, as follows—

(1) $11,484,000 for the court appointed special advocate program, as authorized by section 217 of the 1990 Act;

(2) $1,925,000 for child abuse training programs for judicial personnel and practitioners, as authorized by section 222 of the 1990 Act;

(3) $983,000 for grants for televised testimony, as authorized by Part N of the 1968 Act;

(4) $176,747,000 for grants to combat violence against women, as authorized by part T of the 1968 Act, of which—

(A) $5,200,000 shall be for the National Institute of Justice for research and evaluation;

(B) $10,000,000 shall be for the Office of Juvenile Justice and Delinquency Prevention for the Safe Start Program, as authorized by the 1974 Act; and

(C) $15,000,000 shall be for transitional housing assistance grants for victims of domestic violence, stalking or sexual assault as authorized by Public Law 108–21;

(5) $62,479,000 for grants to encourage arrest policies as authorized by part U of the 1968 Act;

(6) $38,274,000 for rural domestic violence and child abuse enforcement assistance grants, as authorized by section 40295 of the 1994 Act;

(7) $4,415,000 for training programs as authorized by section 40152 of the 1994 Act, and for related local demonstration projects;

(8) $2,950,000 for grants to improve the stalking and domestic violence databases, as authorized by section 40602 of the 1994 Act;

(9) $9,175,000 to reduce violent crimes against women on campus, as authorized by section 1108(a) of Public Law 106–386;

(10) $39,322,000 for legal assistance for victims, as authorized by section 1201 of Public Law 106–386;

(11) $4,458,000 for enhancing protection for older and disabled women from domestic violence and sexual assault as authorized by section 40802 of the 1994 Act;

(12) $14,078,000 for the safe havens for children pilot program as authorized by section 1301 of Public Law 106–386;

(13) $6,922,000 for education and training to end violence against and abuse of women with disabilities, as authorized by section 1402 of Public Law 106–386; and

(14) $10,339,000 for management and administration not elsewhere specified.

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974 ("the Act"), and other juvenile justice programs, including salaries and expenses in connection therewith to be transferred to and merged with the appropriations for Justice Assistance, $349,000,000, to remain available until expended, as follows—

(1) $350,000 for concentration of Federal efforts, as authorized by section 204 of the Act;

(2) $84,000,000 for State and local programs authorized by section 221 of the Act, including training and technical assistance to assist small, non-profit organizations with the Federal grants process;

(3) $70,000,000 for demonstration projects, as authorized by sections 261 and 262 of the Act;

(4) $80,000,000 for delinquency prevention, as authorized by section 505 of the Act, of which—

(A) $10,000,000 shall be for the Tribal Youth Program;

(B) $20,000,000 shall be for a gang resistance education and training program to be administered by the Bureau of Justice Assistance and to be coordinated with the Bureau of Alcohol, Tobacco, Firearms and Explosives and the Office of Juvenile Justice and Delinquency Prevention; and

(C) $25,000,000 shall be for grants of $360,000 to each State and $6,640,000 shall be available for discretionary grants to States, for programs and activities to enforce State laws prohibiting the sale of alcoholic beverages to minors or the purchase or consumption of alcoholic beverages by minors, prevention and reduction of consumption of alcoholic beverages by minors, and for technical assistance and training;

(5) $10,000,000 for Project Childsafe;

(6) $20,000,000 for the Secure Our Schools Act as authorized by Public Law 106–386;

(7) $10,650,000 for Project Sentry to reduce youth gun violence, and gang and drug-related crime;

(8) $14,000,000 for programs authorized by the Victims of Child Abuse Act of 1990; and

(9) $60,000,000 for the Juvenile Accountability Block Grants program as authorized by Public Law 107–273 and Guam shall be considered a State:

Provided, That not more than 10 percent of each amount in this section may be used for research, evaluation, and statistics activities designed to benefit the programs or activities authorized, and not more than 2 percent of each amount may be used for training and technical assistance.

PUBLIC SAFETY OFFICERS BENEFITS

To remain available until expended, for payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), such sums as are necessary, as authorized by section 6093 of Public Law 100–690 (102 Stat. 4339–4340); and $3,615,000, to remain available until expended for payments as authorized by section 1201(b) of said Act; and $2,795,000 for educational assistance, as authorized by section 1212 of the 1968 Act.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 101. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed $60,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses.

SEC. 102. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: *Provided*, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

SEC. 103. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 104. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: *Provided*, That nothing in this section in any way diminishes the effect of section 103 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 105. Authorities contained in the 21st Century Department of Justice Appropriations Authorization Act (Public Law 107–273) shall remain in effect until the effective date of a subsequent Department of Justice appropriations authorization Act.

SEC. 106. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

SEC. 107. Section 114 of Public Law 107–77 shall remain in effect during fiscal year 2005.

SEC. 108. The Attorney General is authorized to extend through September 30, 2006, the Personnel Management Demonstration Project transferred to the Attorney General pursuant to section 1115 of the Homeland Security Act of 2002, Public Law 107–296 (6 U.S.C. 533).

SEC. 109. (a) None of the funds made available in this Act may be used by the Drug Enforcement Administration to establish a procurement quota following the approval of a new drug application or an abbreviated new drug application for a controlled substance.

(b) The limitation established in subsection (a) shall not apply until 180 days after enactment of this Act.

SEC. 110. The limitation established in the preceding section shall not apply to any new drug application or abbreviated new drug application for which the Drug Enforcement Administration has reviewed and provided public comments on labeling, promotion, risk management plans, and any other documents.

SEC. 111. (a) Section 8335(b) of title 5, United States Code, is amended—

(1) by striking "(b)" and inserting "(b)(1)"; and

(2) by adding at the end the following:

"(2) In the case of employees of the Federal Bureau of Investigation, the second sentence of paragraph (1) shall be applied by substituting '65 years of age' for '60 years of age'. The authority to grant exemptions in accordance with the preceding sentence shall cease to be available after December 31, 2009.".

(b) Section 8425(b) of title 5, United States Code, is amended—

(1) by striking "(b)" and inserting "(b)(1)"; and

(2) by adding at the end the following:

"(2) In the case of employees of the Federal Bureau of Investigation, the second sentence of paragraph (1) shall be applied by substituting '65 years of age' for '60 years of age'. The authority to grant exemptions in accordance with the preceding sentence shall cease to be available after December 31, 2009.".

SEC. 112. (a) Subchapter IV of chapter 57 of title 5, United States Code, is amended by adding at the end the following:

"§ 5759. Retention and relocation bonuses for the Federal Bureau of Investigation

"(a) AUTHORITY.—The Director of the Federal Bureau of Investigation, after consultation with the Director of the Office of Personnel Management, may pay, on a case-by-case basis, a bonus under this section to an employee of the Bureau if—

"(1)(A) the unusually high or unique qualifications of the employee or a special need of the Bureau for the employee's services makes it essential to retain the employee; and

"(B) the Director of the Federal Bureau of Investigation determines that, in the absence of such a bonus, the employee would be likely to leave—

"(i) the Federal service; or

"(ii) for a different position in the Federal service; or

"(2) the individual is transferred to a different geographic area with a higher cost of living (as determined by the Director of the Federal Bureau of Investigation).

"(b) SERVICE AGREEMENT.—Payment of a bonus under this section is contingent upon the employee entering into a written service agreement with the Bureau to complete a period of service with the Bureau. Such agreement shall include—

"(1) the period of service the individual shall be required to complete in return for the bonus; and

"(2) the conditions under which the agreement may be terminated before the agreed-upon service period has been completed, and the effect of the termination.

"(c) LIMITATION ON AUTHORITY.—A bonus paid under this section may not exceed 50 percent of the employee's basic pay.

"(d) IMPACT ON BASIC PAY.—A retention bonus is not part of the basic pay of an employee for any purpose.

"(e) TERMINATION OF AUTHORITY.—The authority to grant bonuses under this section shall cease to be available after December 31, 2009.".

(b) The analysis for chapter 57 of title 5, United States Code, is amended by adding at the end the following:

"5759. Retention and relocation bonuses for the Federal Bureau of Investigation.".

SEC. 113. (a) Chapter 35 of title 5 of the United States Code is amended by adding at the end the following:

"SUBCHAPTER VII—RETENTION OF RETIRED SPECIALIZED EMPLOYEES AT THE FEDERAL BUREAU OF INVESTIGATION

"§3598. Federal Bureau of Investigation Reserve Service

"(a) ESTABLISHMENT.—The Director of the Federal Bureau of Investigation may provide for the establishment and training of a Federal Bureau of Investigation Reserve Service (hereinafter in this section referred to as the 'FBI Reserve Service') for temporary reemployment of employees in the Bureau during periods of emergency, as determined by the Director.

"(b) MEMBERSHIP.—Membership in the FBI Reserve Service shall be limited to individuals who previously served as full-time employees of the Bureau.

"(c) ANNUITANTS.—If an annuitant receiving an annuity from the Civil Service Retirement and Disability Fund becomes temporarily reemployed pursuant to this section, such annuity shall not be discontinued thereby. An annuitant so reemployed shall not be considered an employee for the purposes of chapter 83 or 84.

"(d) NO IMPACT ON BUREAU PERSONNEL CEILING.—FBI Reserve Service members reemployed on a temporary basis pursuant to this section shall not count against any personnel ceiling applicable to the Bureau.

"(e) EXPENSES.—The Director may provide members of the FBI Reserve Service transportation and per diem in lieu of subsistence, in accordance with applicable provisions of this title, for the purpose of participating in any training that relates to service as a member of the FBI Reserve Service.

"(f) LIMITATION ON MEMBERSHIP.—Membership of the FBI Reserve Service is not to exceed 500 members at any given time.".

(b) The analysis for chapter 35 of title 5, United States Code, is amended by adding at the end the following:

"SUBCHAPTER VII—RETENTION OF RETIRED SPECIALIZED EMPLOYEES AT THE FEDERAL BUREAU OF INVESTIGATION

"3598. Federal Bureau of Investigation reserve service.".

SEC. 114. Section 5377(a)(2) of title 5, United States Code, is amended—

(1) by striking "and" at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting "; and"; and

(3) by inserting after subparagraph (F) the following:

"(G) a position at the Federal Bureau of Investigation, the primary duties and responsibilities of which relate to intelligence functions (as determined by the Director of the Federal Bureau of Investigation).".

This title may be cited as the "Department of Justice Appropriations Act, 2005".

TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

TRADE AND INFRASTRUCTURE DEVELOPMENT

RELATED AGENCIES

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, $41,552,000, of which $1,000,000 shall remain available until expended: *Provided*, That not to exceed $124,000 shall be available for official reception and representation expenses: *Provided further*, That not less than $2,000,000 provided under this heading shall be for expenses authorized by 19 U.S.C. 2451 and 1677b(c).

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $61,700,000, to remain available until expended.

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and for engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 40118; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $30,000 per vehicle; obtaining insurance on official motor vehicles; and rental of tie lines, $401,513,000, to remain available until expended, of which $8,000,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding 31 U.S.C. 3302: *Provided*, That $47,509,000 shall be for Manufacturing and Services; $39,087,000 shall be for Market Access and Compliance; $58,044,000 shall be for the Import Administration of which not less than $3,000,000 is for the Office of China Compliance; $230,864,000 shall be for the United States and Foreign Commercial Service of which $1,500,000 is for the Advocacy Center, $2,500,000 is for the Trade Information Center, and $2,100,000 is for a China and Middle East Business Center; and $26,009,000 shall be for Executive Direction and Administration: *Provided further*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act of 1961 shall include payment for assessments for services provided as part of these activities.

BUREAU OF INDUSTRY AND SECURITY

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); and purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, $68,393,000, to remain available until September 30, 2006, of which $7,128,000 shall be for inspections and other activities related to national security: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: *Provided further*, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, and for trade adjustment assistance, $289,762,000, to remain available until expended.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $30,565,000: *Provided*, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, title II of the Trade Act of 1974, and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $28,899,000.

ECONOMIC AND INFORMATION INFRASTRUCTURE

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $78,211,000, to remain available until September 30, 2006, of which $2,000,000 is for a grant to the National Academy of Public Administration to study impacts of off-shoring on the economy and workforce of the United States.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $202,765,000.

The CHAIRMAN. Are there points of order to the bill?

If not, are there any amendments to this portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

PERIODIC CENSUSES AND PROGRAMS

For necessary expenses related to the 2010 decennial census, $399,976,000, to remain available until September 30, 2006: *Provided*, That, of the total amount available related to the 2010 decennial census, $173,806,000 is for the Re-engineered Design Process for the Short-Form Only Census, $146,009,000 is for the American Community Survey, and $80,161,000 is for the Master Address File/Topologically Integrated Geographic Encoding and Referencing (MAF/TIGER) system.

AMENDMENT OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HEFLEY:

Page 47, line 8, after "$399,976,000" insert "(reduced by $173,806,000)".

Page 47, lines 10 through 12, strike "$173,806,000 is for the Re-engineered Design Process for the Short-Form Only Census,".

Mr. WOLF. Mr. Chairman, I ask unanimous consent that the debate on this amendment and any amendments thereto be limited to 10 minutes, to be equally divided and controlled by the proponent and myself, the opponent, except that the chairman and ranking minority member may each offer one pro forma amendment for the purpose of debate.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Colorado (Mr. HEFLEY).

Mr. HEFLEY. Mr. Chairman, I yield myself such time as I may consume.

First of all, I would like to commend the gentleman from Virginia (Mr. WOLF) and the gentleman from New York (Mr. SERRANO), ranking member, for the very conscientious job they have done on this bill. They have had a difficult task. There is very much that is good in this bill, and I do not take away from that at all.

Also, I have sat here for an hour listening to the virtues of the Census Bureau; and, indeed, that is a very important function of our government, and I do not want to attack that.

But I do rise today to offer an amendment to reduce the budget for the Census Bureau by approximately $174 million. And the reason for that is that this is a particular thing, and let me read from the bill. $173,806,000 is for the reengineered design process for the short-form-only census. In a time of record or near-record deficits, and at any time, one wonders how in the world we can spend $173 million, almost $174 million, on redesigning a form, and a short form at that. And I think the short form probably does need to be redone, but at what cost? And I would suggest to the gentleman from Virginia (Mr. WOLF) that perhaps they could come back to us next year or the next as we get closer, and we are talking 5 years out, that they could come back to us with a little more reasonable effort about what it takes to redesign a short form. If we do not have people at the Census Bureau, and he talked about the thousand jobs lost and all of that, but if we do not have people at the Census Bureau that have the ability to redesign a form for a whole lot less than $174 million, then we need some new people.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

I rise in strong opposition to the gentleman's amendment. The amendment would strike all funds to conduct a short-form census. In spite of the unprecedented success, as the gentleman from Florida (Mr. PUTNAM) said, in 2000, the General Accounting Office concluded that Census 2000 was conducted at a high cost and great risk. As a result, the GAO recommended extensive and early planning and testing, including re-engineering of the process.

We are already well under way in the planning for 2010 Census. This plan relies on the short-form-only census that fulfills the core constitutional requirement, a complete and accurate count of the population of our country.

The Census Bureau's redesign distributes the cost of the decennial census throughout the decade, rather than lumping the entire cost during the decennial year. It ramps up. The gentleman's amendment would totally eliminate the funds for the short form. The cost of delaying or canceling the 2010 redesign and reverting to the old census method would result in higher costs for the taxpayer. The cost of returning to the old method would cost a total of $15 billion, $4 billion more than the current plan. The White House statement on the bill states clearly that the funding provided in this bill is the minimal amount viable for the 2010 census. So I urge rejection of the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

I have a lot of respect for the gentleman, but I guess today is beat-up-on-the-census day. But a very short point: it would seem to me in saving dollars, as he wishes to do, the net effect is that we cannot have a census. We cannot take away that much money from the preparation and then conduct the census.

So I am not going to repeat all of the comments I made about the importance of the census. Only one, and that is that the community that I represent in the Bronx, the only way that the poorer communities can get a piece of the pie, be counted properly, is to continue to improve the census in how it is conducted and not devastate it. And, again, I do not know and, in fact, I would venture to say that I do not think the gentleman's intent is to stop the census from taking place because that is a constitutional question; but the effect is that while there may be a census taking place, we do not know what kind of a census it would be because if we cut out all the moneys for the preparation and the setup, there is no way that we can conduct it properly.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Chairman, I rise in opposition to this amendment for many of the reasons that the gentleman from New York (Mr. SERRANO) and I gave earlier in support of having an accurate census. It takes years of planning for a census, and the funds people would cut today are the funds that pay for that planning. These cuts will result in a more costly or less accurate census or both. We need to put this funding forward now; and if we do not do it now, we will have to pay for twice the work next year, and that really does not save money.

A lot of the questions that are on the American Community Survey and on the census forms are questions that are required by law and are required by a legislative-mandated program. For example, we collect information on income to determine the number of children in poverty, and this data is used to distribute the title I education funds, and that pays for reading teachers and other specialists.

I know that every one of my colleagues has heard from their local communities when these funds are cut, and all of these funding formulas are tied to census numbers. The more accurate the numbers are, the fairer our democracy is.

So those who would cut the funding for this census and offer no replacement for the functions that the census serves, they would have us do without accurate numbers; and in the absence of accurate information, funds get distributed by those who control the purse strings, not based on the merit of the programs or the merit of the numbers.

So I would urge my colleagues to oppose the Hefley amendment in favor of directing Federal funds to where they can do the most good based on accurate census numbers. I urge a "no" vote on this amendment.

Mr. HEFLEY. Mr. Chairman, I yield myself such time as I may consume.

I do not want to extend the debate on the virtues of the census. We have heard the same things over and over again, and all of us agree with that. And I have no desire whatsoever, as the gentleman from New York (Mr. SERRANO) said, to do away with the census. We are supposed to do the census, and we need to do it as accurately as we possibly can. And we are not with this amendment doing away with all the setup for the census. We are doing away with the engineering of one form at the expense of $174 million, the engineering of one form. And we have 5 additional years to look at this and determine what is reasonable. There is going to have to be some money to do this because the form ought to be redone.

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So we have 5 years for them to come back to us with a reasonable figure, and we will grant that figure so they can do it.

Mr. Chairman, I yield back the balance of my time.

Mr. WOLF. Mr. Chairman, to close, I yield the balance of my time to the gentleman from Florida (Mr. PUTNAM), the chairman of the Committee on Government Reform's Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census.

Mr. PUTNAM. Mr. Chairman, I thank the distinguished chairman from Virginia, and I rise to oppose the Hefley amendment.

Mr. Chairman, it is important that we preserve the American Community Survey for a couple of reasons. One, it is optional. The controversy that has arisen over time is with the intrusiveness of the long form. The ACS replaces that.

But, secondly and even more importantly, the ACS gives communities and States and businesses and demographers annual data, good, solid, accurate annual data, not a snapshot on a decennial basis. If you look at the towns that are wiped out by tornadoes in the Midwest, they have to wait 10 years for the formulas affecting them to be updated. If you look at what has happened to midtown Manhattan since 2001, or northern Virginia, or what happened all around the country for a variety of reasons, the information is not updated until 10 years after the fact. They have to wait until the next big census.

The ACS replaces that with a shorter version that is a sampling of the Nation that is done every year. It is more accurate information, it is more helpful to the local governments who depend upon that information for the formulas that are generated by our government, and frankly, it is less intrusive to the American people.

Defeat the Hefley amendment. Protect the American Community Survey. It is a modernization of the American census.

Mr. SERRANO. Mr. Chairman, will the gentleman yield?

Mr. PUTNAM. I yield to the gentleman from New York.

Mr. SERRANO. Mr. Chairman, just very briefly, for instance, I just came across some information, just to give you an idea of what we are up against here.

The Naomi Berrie Diabetes Center of New York Presbyterian Hospital plans to use the American Community Survey data to identify Bronx, that is my district, neighborhoods with demographic characteristics associated with the risk of Type II diabetes in children.

I bring that up because I have been making the argument you have all day long that this information gathered by the census goes beyond what people think. It is vital information needed to provide incredible services to the community. Once they use those numbers based on the census data, they can make their argument before us at a public hearing, or at any kind of institutional hearing, saying we need this kind of help.

Who would have thought that Type II diabetes would be an issue for the census to be helpful with? That is just one of the countless items that they cover. So I say that, and I thank the gentleman for granting me this time, in agreement and in support of the gentleman's comments and words.

Mr. PUTNAM. Mr. Chairman, reclaiming my time, the gentleman's point is well taken.

The CHAIRMAN pro tempore (Mr. ISAKSON). All time having expired, the question is on the amendment offered by the gentleman from Colorado (Mr. HEFLEY).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. HEFLEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) will be postponed.

The Clerk will read.

The Clerk read as follows:

In addition, for expenses to collect and publish statistics for other periodic censuses and programs provided for by law, $171,140,000, to remain available until September 30, 2006, of which $73,473,000 is for economic statistics programs and $97,667,000 is for demographic statistics programs: *Provided*, That regarding construction of a facility at the Suitland Federal Center, quarterly reports regarding the expenditure of funds and project planning, design and cost decisions shall be provided by the Bureau, in cooperation with the General Services Administration, to the Committees on Appropriations of the Senate and the House of Representatives: *Provided further*, That none of the funds provided in this or any other Act under the heading "Bureau of the Census, Periodic Censuses and Programs" shall be used to fund the construction and tenant build-out costs of a facility at the Suitland Federal Center.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), $15,282,000, to remain available until September 30, 2006: *Provided*, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, and operations, and related services and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: *Provided further*, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For the administration of grants authorized by section 392 of the Communications Act of 1934, $2,538,000, to remain available until expended as authorized by section 391 of the Act: *Provided*, That, notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year.

INFORMATION INFRASTRUCTURE GRANTS

For the administration of prior year grants, recoveries and unobligated balances of funds previously appropriated for grants are available only for the administration of all open grants until their expiration.

UNITED STATES PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the United States Patent and Trademark Office provided for by law, including defense of suits instituted against the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, $1,314,653,000, which shall be derived from offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376, and shall be retained and used for necessary expenses in this appropriation: *Provided*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2005, so as to result in a fiscal year 2005 appropriation from the general fund estimated at $0: *Provided further*, That during fiscal year 2005, should the total amount of offsetting fee collections be less than $1,314,653,000, this amount shall be reduced accordingly: *Provided further*, That not less than 584 full-time equivalents, 602 positions and $78,450,000 shall be for the examination of trademark applications; and not less than 5,435 full-time equivalents, 5,848 positions and $866,007,000 shall be for the examination and searching of patent applications: *Provided further*, That not more than 264 full-time equivalents, 271 positions and $36,861,000 shall be for the Office of the General Counsel: *Provided further*, That from amounts provided herein, not to exceed $1,000 shall be made available in fiscal year 2005 for official reception and representation expenses: *Provided further*, That, notwithstanding section 1353 of title 31, United States Code, no employee of the United States Patent and Trademark Office may accept payment or reimbursement from a non-Federal entity for travel, subsistence, or related expenses for the purpose of enabling an employee to attend and participate in a convention, conference, or meeting when the entity offering payment or reimbursement is a person or corporation subject to regulation by the Office, or represents a person or corporation subject to regulation by the Office, unless the person or corporation is an organization exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code of 1986.

Upon enactment of authorization to increase fees collected pursuant to 35 U.S.C. 41, any resulting increased receipts may be collected and credited to this account as offsetting collections: *Provided*, That not to exceed $218,754,000 derived from such offsetting collections shall be available until expended for authorized purposes: *Provided further*, That not less than 58 full-time equivalents, 72 positions and $5,551,000 shall be for the examination of trademark applications; and not less than 378 full-time equivalents, 709 positions and $106,986,000 shall be for the examination and searching of patent applications: *Provided further*, That not more than 20 full-time equivalents, 20 positions and $4,955,000 shall be for the Office of the General Counsel: *Provided further*, That the total amount appropriated from fees collected in fiscal year 2005, including such increased fees, shall not exceed $1,533,407,000: *Provided further*, That in fiscal year 2005, from the amounts made available for "Salaries and Expenses" for the United States Patent and Trademark Office (PTO), the amounts necessary to pay (1) the difference between the percentage of basic pay contributed by the PTO and employees under section 8334(a) of title 5, United States Code, and the normal cost percentage (as defined by section 8331(17) of that title) of basic pay, of employees subject to subchapter III of chapter 83 of that title; and (2) the present value of the otherwise unfunded accruing costs, as determined by the Office of Personnel Management, of post-retirement life insurance and post-retirement health benefits coverage for all PTO employees, shall be transferred to the Civil Service Retirement and Disability Fund, the Employees Life Insurance Fund, and the Employees Health Benefits Fund, as appropriate, and shall be available for the authorized purposes of those accounts.

SCIENCE AND TECHNOLOGY

TECHNOLOGY ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Under Secretary for Technology Office of Technology Policy, $6,547,000.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, $375,838,000, to remain available until expended, of which not to exceed $8,982,000 may be transferred to the "Working Capital Fund".

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Manufacturing Extension Partnership of the National Institute of Standards and Technology, $106,000,000, to remain available until expended.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation and maintenance of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c–278e, $43,132,000, to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities as authorized, $2,245,000,000, to remain available until September 30, 2006: *Provided*, That fees and donations received by the National Ocean Service for the management of the national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: *Provided further*, That, in addition, $79,000,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries": *Provided further*, That, of the $2,337,000,000 provided for in direct obligations under this heading (of which $2,245,000,000 is appropriated from the General Fund, $79,000,000 is provided by transfer, and $13,000,000 is derived from deobligations from prior years), $351,000,000 shall be for the National Ocean Service, $525,700,000 shall be for the National Marine Fisheries Service, $318,500,000 shall be for Oceanic and Atmospheric Research, $698,700,000 shall be for the National Weather Service, $139,500,000 shall be for the National Environmental Satellite, Data, and Information Service, and $303,600,000 shall be for Program Support: *Provided further*, That no general administrative charge shall be applied against an assigned activity included in this Act or the report accompanying this Act: *Provided further*, That the total amount available for National Oceanic and Atmospheric Administration corporate services administrative support costs shall not exceed $173,600,000: *Provided further*, That any deviation from the amounts designated for specific activities in the report accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years shall be subject to the procedures set forth in section 605 of this Act.

In addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), such sums as may be necessary.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, $840,000,000 to remain available until September 30, 2007: *Provided*, That of the amounts provided for the National Polar-orbiting Operational Environmental Satellite System, funds shall only be made available on a dollar for dollar matching basis with funds provided for the same purpose by the Department of Defense: *Provided further*, That any use of deobligated balances of funds provided under this heading in previous years shall be subject to the procedures set forth in section 605 of this Act: *Provided further*, That none of the funds provided in this Act or any other Act under the heading "National Oceanic and Atmospheric Administration, Procurement, Acquisition and Construction" shall be used to fund the General Services Administration's standard construction and tenant build-out costs of a facility at the Suitland Federal Center.

PACIFIC COASTAL SALMON RECOVERY

For necessary expenses associated with conservation and habitat restoration of Pacific salmon populations listed as endangered or threatened, $80,000,000.

FISHERIES FINANCE PROGRAM ACCOUNT

For the costs of direct loans, $287,000, as authorized by the Merchant Marine Act of 1936: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in the Federal Credit Reform Act of 1990: *Provided further*, That these funds are only available to subsidize gross obligations for the principal amount of direct loans not to exceed $30,000,000 for traditional loan programs, fishing capacity reduction programs, individual fishing quotas, aquaculture facilities, reconditioning of fishing vessels for the purpose of reducing bycatch or reducing capacity in an overfished fishery, and the purchase of assets sold at foreclosure instituted by the Secretary: *Provided further*, That none of the funds made available under this heading may be used for direct loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For expenses necessary for the departmental management of the Department of Commerce provided for by law, including not to exceed $5,000 for official entertainment, $52,109,000: *Provided*, That not to exceed 12 full-time equivalents and $1,621,000 shall be expended for the legislative affairs function of the Department.

AMENDMENT NO. 13 OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment No. 13 offered by Mr. KUCINICH:
>
> Page 57, line 11, after the dollar amount, insert the following: "(reduced by $50,000) (increased by $50,000)".

Mr. WOLF. Mr. Chairman, I ask unanimous consent that debate on this amendment and any amendments thereto be limited to 30 minutes, to be equally divided and controlled by the proponent and myself, the opponent, except that the chairman and ranking minority member may each offer one pro forma amendment for the purpose of debate.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Virginia (Mr. WOLF) will control 15 minutes and the gentleman from Ohio (Mr. KUCINICH) will control 15 minutes.

The Chair recognizes the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Kucinich-Visclosky amendment corrects a significant flaw in the administration's manufacturing policy.

Let us review recent history. During President Bush's term, manufacturing has shrunk, factory jobs have decreased, steel companies have closed; 13 steel companies and 14.6 million tons of capacity have been shut down since this administration took office. Cheap foreign imports are up. The trade deficit is up. This was a $549 billion drag on the economy last year, and that is a record. In other words, on this administration's watch, the manufacturing base of our economy has eroded.

Now, it happens that much of American manufacturing occurs in a few States, and we are in an election year when those States get some attention. After ignoring the deterioration of American manufacturing for most of its term, this administration wants voters to believe that it cares, so the President announced just last month the creation of a Manufacturing Council.

The purpose of the Council, according to a news release, is to "work with the Commerce Department to advocate, coordinate and implement policies that will help U.S. manufacturers compete worldwide."

The Council is comprised of CEOs from a number of industries. However, it is marred by the omission of any union representative or, surprisingly, steel industry representatives. Apparently, we have to remind the administration about the importance of steel.

Steel makes the railroads, it holds up the buildings of our cities, it armors our tanks and ships, but basic steel is completely excluded from the President's Manufacturing Council.

All manufactured goods are made by people. Steel is made by people. These people form unions. Union labor built modern America. Union labor builds steel. But the President excluded union labor from his Manufacturing Council.

How can this administration be serious about manufacturing, when it ignores the basic steel industry and union workers? Does it think that buildings build themselves, that cars forge, stamp and assemble themselves, and that America can make basic steel appear by magic? Or does the administration's manufacturing plan actually consist of offshore factories, freely flowing imports and out-of-work American steelworkers?

The Kucinich-Visclosky amendment sends a clear message to the President: Congress believes that a manufacturing policy for America must include the steel industry and the participation of union labor. The amendment accomplishes this by expanding membership on the President's Manufacturing Council to include the steel industry and America's manufacturing unions. The amendment will cut a nominal amount of funding for the President's Manufacturing Council until that essential change is made, but it will have no effect on spending levels of the bill as a whole.

The Visclosky amendment is supported by the steelworkers union, and at the appropriate point in the record, Mr. Chairman, I will insert a letter from the United Steelworkers of America in favor of the Kucinich-Visclosky amendment.

Mr. Chairman, I urge my colleagues to join with me in correcting a significant flaw in this administration's vision for America's future. A "yes" vote on the Kucinich-Visclosky amendment will encourage a future for domestic basic steel, a future in which respect, as well as good wages, are paid to unionized American workers.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the amendment. The reason is, the amendment really does not do anything. I just read the amendment. It says, "Page 57, line 11, after the dollar amount insert the following: 'Reduced by $50,000) (increased by $50,000).' " So I understand what the gentleman is trying to do, but this does not do it. It just really moves money around.

I understand the gentleman's concern, and I would like to bring to the gentleman's attention to page 46 of the bill, line 22. We put $2 million in the bill for a grant to the National Academy of Public Administration to study the impact of offshoring on the economy and on the workforce in the United States.

I personally believe it is a problem. We have asked the National Academy because they are not involved in the political process. We use them for the FBI reforms and others. So they will look at that issue.

But this amendment, if it had been drafted to do what the gentleman intends it to do, it would be subject to a point of order. Because of that, I object to the amendment and urge a "no" vote.

Mr. Chairman, I reserve the balance of my time.

Mr. KUCINICH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, before I yield time to my good friend, the cosponsor of this amendment, the gentleman from Indiana (Mr. VISCLOSKY), I would like to respond to my good friend from Virginia that it is true that the amendment reduces the spending for the Council by $50,000 and then increases it by $50,000.

Our amendment is intended to condition $50,000 for the Manufacturing Council on the expansion of its membership to correct a serious mistake, and that is omitting basic steel and organized labor from advising them on manufacturing. The form of the amendment has the effect of referring to floor debate to instruct the interpretation of the bill. The amendment will literally do what we say it will do.

I also want to commend the gentleman for the concern that he has expressed about offshoring of our industries. I think it is important that we pay attention to that. This amendment will help this country put a renewed emphasis on a Manufacturing Council which has a glaring omission: They do not have the steel industry represented on it.

Mr. Chairman, I yield 5 minutes to the gentleman from Indiana (Mr. VISCLOSKY), who has been an outstanding champion of American working men and women and the steelworkers, not only in his district, but all across America.

□ 1845

Mr. VISCLOSKY. Mr. Chairman, I want to thank the gentleman for originating the idea for this very necessary amendment; and as my colleague mentioned, the purpose is to point out two very serious flaws with the President's manufacturing council and to work through the adoption of this amendment their correction.

The President in September of last year comprised his manufacturing council theoretically to work with the Commerce Department to advocate, coordinate, and implement policies that will help U.S. manufacturers compete worldwide.

As my colleague from Ohio mentioned, however, the domestic steel industry is not represented on the council. I would point out that since December 31, 1997, 40 companies, more than 40 steel companies, have entered into bankruptcy, many of which have never emerged.

Since December 2000, 35,700 individual workers who were employed in basic steel have lost their jobs. During that period of time since December 31 of the year 2000, we have also seen a decline in tonnage to be produced in the United States by 14.6 million.

We have an industry that over the last 6 years has been in crisis, despite their beginning to come out of that crisis during the last 6 to 9 months. It was a mistake, and it was wrong for the President and the Department of Commerce not to have this very vital industry of our national defense included. They should be.

Secondly, I would note that there is no representative of organized labor on the council. The fact is 2.2 million individual American workers belong to unions and work in manufacturing. We do have Karen Wright, the president of Ariel Corporation, which makes gas compressors in Mt. Vernon, Ohio, on the President's council, but we do not have a member of the Boilermakers. We have Jim Padilla, who is the chief operating officer of Ford Motor Company; but we do not have a member of the United Auto Workers. We have George Gonzalez, who is president of Aerospace Integration Corporation, which is engaged in aircraft modifications; but we do not have a member of the Machinists Union. We have Wayne

Murdy, who is chairman of Newmont Mining Corporation of Denver, Colorado; but we do not have a member of the Mine Workers Union. We have Charles Pizzi, president of Tasty Baking Company, a baking corporation headquartered in Philadelphia; but we do not have one member of the Bakery, Confectionery, Tobacco Workers Or Grain Millers.

We have a lot of people making seven-figure salaries on the commission. We do not have people making five figures. We have Daniel Stowe, president of R.L. Stowe Mills, Inc., who is engaged in dyed yarn; but we do not have any members of the Union of Needle Trades, Industrial Or Textile Employees. We have Scott Thiss, who is chairman of S&W Plastics that does acrylic displays; but we do not have anyone from the Graphics Communications Workers. We do not have anyone from the Electrical Workers. We do not have anyone from the PACE Union. We do not have Sheet Metal Workers, Steelworkers, Teamsters or anyone from the United Food and Commercial Workers.

I do think it is important, given the fact that it is the workers for these very companies who are most at risk who have lost their jobs in the tens of thousands be represented on this council; and I would ask that the colleagues of this body adopt this amendment.

Mr. WOLF. Mr. Chairman, I reserve the balance of my time.

Mr. KUCINICH. Mr. Chairman, I yield myself such time as I may consume to read a brief statement.

Mr. Chairman, I would like to read a brief statement and then yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

I have here a letter from the United Steelworkers of America, which says,

> The United Steelworkers of America urges your support for an amendment that will be offered by Ohio Congressman Dennis Kucinich and Indiana Congressman Peter Visclosky. The United Steelworkers of America strongly supports the Kucinich-Visclosky amendment to H.R. 4754, because it corrects two substantial omissions from the Bush administration's recently created Manufacturing Council.

They go on to point out that no one from Labor is on the council and also that no one from the steel industry is on the council.

Mr. Chairman, I include this for the RECORD as follows:

UNITED STEELWORKERS OF AMERICA,
AFL–CIO–CLC,
Washington, DC, July 7, 2004.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: The United Steelworkers of America (USWA) urges your support for an amendment that will be offered by Ohio Congressman Dennis Kucinich and Indiana Congressman Peter Visclosky to amend the Commerce, Justice, State Appropriations bill. The USWA strongly supports the Kucinich-Visclosky Amendment to H.R. 4754 because it corrects two substantial omissions from the Bush Administration's recently created Manufacturing Council.

The new Council is comprised of CEO's from a number of industries, however, the steel industry was not included; and we can think of no other industry better prepared to offer constructive advice than the newly reconstituted American steel industry. The steel industry has become a national leader in such areas as technological innovation, productivity and labor relations.

The second glaring omission is that no one from labor is included on the Council. The labor movement has worked closely with all of its manufacturing companies to ensure continuing employment opportunities for American workers. The President's Manufacturing Council is seriously handicapped by not having the expertise of American labor in the important areas of health care, pensions and compensation.

The Kucinich-Visclosky amendment would cut a nominal amount of funding for the Council, but will have no effect on spending levels on the bill as a whole. We urge you to vote "YES" on the Kucinich-Visclosky amendment and help to ensure a manufacturing council that represents a broader cross section of American society.

Respectfully,

WILLIAM J. KLINEFELTER,
Assistant to the President, Legislative and Political Director.

Mr. Chairman, I would like to say if someone has steel in their State, if they have a mill that was closed down, if they have workers, steelworkers that have been laid off or who face layoffs, if they have a mill which is at risk of closing, if they have retirees whose benefits have been adversely affected by changes in the economy with respect to steel, this amendment is something that they are going to care about because it says that it is time to give steel full status in the direction of America's manufacturing economy.

Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS), an outstanding voice for workers in this Congress and in America.

Mr. ANDREWS. Mr. Chairman, I thank my friend from Ohio for yielding me this time. I rise in strong support of his amendment.

When I was a child, the three largest employers in my district were a shipyard, a soup factory, and an electronics plant that made radios and television sets. Today, the three largest employers in my district are a mortgage company, a hospital, and the State government. I have seen what it means when your manufacturing base erodes and blows up and shrivels away.

When the country tries to solve this very important problem, we need all voices heard; and it disappoints me that the administration is trying to tackle this problem belatedly, without hearing the two voices that are so very importantly added by this amendment: the steel industry, without which the country cannot defend itself and cannot continue as an industrial power; and the collectively bargained, duly elected voice of organized labor through labor unions.

Now, I know that sometimes the steel industry disagrees with the administration and, often, organized labor disagrees with the administration. But in our country, we do not just listen to people with whom we agree; we welcome all points of view, all interests so that we can come up with the best policy solution for the country.

The Kucinich amendment adds two very important voices: the steel industry and organized labor. Even if one does not agree with their positions on these issues, their positions ought to be heard as we approach the manufacturing atrophy of the United States of America.

So I would urge everyone who wants all voices to be heard to vote for this amendment which is so very much in the tradition of good government in this country. I urge a "yes" vote.

Mr. KUCINICH. Mr. Chairman, I yield back the balance of my time.

Mr. WOLF. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. KUCINICH).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. KUCINICH. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio (Mr. KUCINICH) will be postponed.

Mr. WOLF. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ISAKSON) having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4754) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2005, and for other purposes, had come to no resolution thereon.

LIMITATION ON AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 4754, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

Mr. WOLF. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 4754 in the Committee of the Whole pursuant to House Resolution 701, no further amendment to the bill may be offered except:

Pro forma amendments offered at any point in the reading by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of the debate;

Amendments 4, 7, 8, 9, 10, and 20;

Amendments 5 and 6, each of which shall be debatable for 20 minutes;

Amendment 2, which shall be debatable for 40 minutes;

An amendment by Mr. PITTS regarding Department of State Diplomatic and Consular programs;

An amendment by Mr. WOLF regarding the Sudan;

An amendment by Mr. BACA regarding video violence;

An amendment by Mr. HEFLEY regarding an across-the-board cut of total appropriations;

An amendment by Mr. HEFLEY regarding an across-the-board cut of appropriations not required to be appropriated;

An amendment by Mr. HEFLEY regarding the Court of Federal Claims;

An amendment by Mr. BURGESS regarding the Federal Trade Commission;

An amendment by Mr. WEINER regarding Jerusalem;

An amendment by Ms. MILLENDER-MCDONALD regarding women's business centers;

An amendment by Mr. INSLEE regarding Justice Department detention of individuals;

An amendment by Mr. KING of Iowa regarding litigation support contracts;

An amendment by Mr. SHERMAN regarding enemy combatants, which shall be debatable for 20 minutes;

An amendment by Mr. WOLF or Mr. SERRANO regarding SBA microloans, which shall be debatable for 12 minutes;

An amendment by Mr. FLAKE regarding Cuba, which shall be debatable for 60 minutes;

An amendment by Mr. SMITH of Michigan regarding NIST and Contributions to International Organizations, which shall be debatable for 20 minutes;

An amendment by Mr. SHERMAN regarding preemption of State laws, which shall be debatable for 20 minutes.

Each such amendment may be offered only by the Member designated in this request, or the Member who caused it to be printed in the RECORD or a designee, shall be considered as read, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or the Committee of the Whole.

Except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent. All points of order against each of the amendments shall be considered as reserved pending completion of debate thereon; and each of the amendments may be withdrawn by its proponent after debate thereon. An amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

The Speaker pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

The SPEAKER pro tempore. Pursuant to House Resolution 701 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4754.

□ 1858

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4754) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2005, and for other purposes, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose earlier today, a demand for a recorded vote on amendment No. 13 offered by the gentleman from Ohio (Mr. KUCINICH) had been postponed and the bill was open for amendment from page 47, line 16, through page 57, line 13.

Pursuant to the order of the House of today, no further amendment to the bill may be offered except:

Pro forma amendments offered at any point in the reading by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purposes of debate;

Amendments 4, 7, 8, 9, 10 and 20;

Amendments 5 and 6, each of which shall be debatable for 20 minutes;

Amendment 2, which shall be debatable for 40 minutes;

An amendment by Mr. PITTS regarding Department of State Diplomatic and Consular programs;

An amendment offered by Mr. WOLF regarding the Sudan;

An amendment by Mr. BACA regarding video violence;

An amendment by Mr. HEFLEY regarding an across-the-board cut of total appropriations;

An amendment by Mr. HEFLEY regarding an across-the-board cut of appropriations not required to be appropriated;

An amendment by Mr. HEFLEY regarding the Court of Federal Claims;

An amendment by Mr. BURGESS regarding the Federal Trade Commission;

An amendment by Mr. WEINER regarding Jerusalem;

An amendment by Ms. MILLENDER-MCDONALD regarding women's business centers;

An amendment by Mr. INSLEE regarding Justice Department detention of individuals;

An amendment by Mr. KING of Iowa regarding litigation support contracts;

An amendment by Mr. SHERMAN regarding enemy combatants, which shall be debatable for 20 minutes;

An amendment by Mr. WOLF or Mr. SERRANO regarding SBA microloans, which shall be debatable for 12 minutes;

An amendment by Mr. FLAKE regarding Cuba, which shall be debatable for 60 minutes;

An amendment by Mr. SMITH of Michigan regarding NIST and Contributions to International Organizations, which shall be debatable for 20 minutes;

An amendment by Mr. SHERMAN regarding preemption of State laws, which shall be debatable for 20 minutes.

□ 1900

Each such amendment may be offered only by the Member designated in the request or a designee, or the Member who caused it to be printed in the RECORD or a designee, shall be considered as read, shall not be subject to amendment, and shall not be subject to a demand for a division of the question.

Except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by a proponent and an opponent. All points of order against each of the amendments shall be considered as reserved pending completion of debate thereon; and each of the amendments may be withdrawn by its proponent after debate thereon. An amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

If there are no further amendments to this portion of the bill, the Clerk will read.

The Clerk read as follows:

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $22,249,000.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just take this time because I think it is important for Members to understand that when this bill is opened up that means that Members who think that they are protected under this unanimous consent request, they should not assume that if their amendments are at the end of the bill, they can simply come back tomorrow and they will be handled.

The Members need to protect their rights by being here at the time that the amendments need to be called up or else it is possible they could lose their right.

So I think Members needs to understand, everybody cannot go away and have a drink or supper until 9 o'clock. We are here working and if somebody needs to offer an amendment, they need to protect themselves. They cannot protect them if they are not here.

Mr. WOLF. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 108, line 22, be considered as read and printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The text of the bill from page 57, line 18 to page 108, line 22 is as follows:

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 201. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 202. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefore, as authorized by law (5 U.S.C. 5901–5902).

SEC. 203. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That the Secretary of Commerce shall notify the Committees on Appropriations at least 15 days in advance of the acquisition or disposal of any capital asset (including land, structures, and equipment) not specifically provided for in this or any other Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act.

SEC. 204. Any costs incurred by a department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 205. Hereafter, none of the funds made available by this or any other Act for the Department of Commerce shall be available to reimburse the Unemployment Trust Fund or any other fund or account of the Treasury to pay for any expenses authorized by section 8501 of title 5, United States Code, for services performed by individuals appointed to temporary positions within the Bureau of the Census for purposes relating to the decennial censuses of population.

This title may be cited as the "Department of Commerce and Related Agencies Appropriations Act, 2005".

TITLE III—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice, not to exceed $10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, $58,122,000.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon the Architect by the Act approved May 7, 1934 (40 U.S.C. 13a–13b), $9,979,000, which shall remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, $22,936,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services, and necessary expenses of the court, as authorized by law, $14,888,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, $4,177,244,000 (including the purchase of firearms and ammunition); of which not to exceed $27,817,000 shall remain available until expended for space alteration projects and for furniture and furnishings related to new space alteration and construction projects.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $3,471,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

DEFENDER SERVICES

For the operation of Federal Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964; the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act of 1964 (18 U.S.C. 3006A(e)); the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences; the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d); and for necessary training and general administrative expenses, $676,469,000, to remain available until expended.

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)), $62,800,000, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

COURT SECURITY

For necessary expenses, not otherwise provided for, incident to providing protective guard services for United States courthouses and other facilities housing Federal court operations, and the procurement, installation, and maintenance of security equipment for United States courthouses and other facilities housing Federal court operations, including building ingress-egress control, inspection of mail and packages, directed security patrols, perimeter security, basic security services provided by the Department of Homeland Security, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702), $379,580,000, of which not to exceed $15,000,000 shall remain available until expended, to be expended directly or transferred to the United States Marshals Service, which shall be responsible for administering the Judicial Facility Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, $68,635,000, of which not to exceed $8,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90-219, $21,737,000; of which $1,800,000 shall remain available through September 30, 2006, to provide education and training to Federal court personnel; and of which not to exceed $1,000 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), $32,000,000; to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), $2,000,000; and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), $2,700,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, $13,304,000, of which not to exceed $1,000 is authorized for official reception and representation expenses.

GENERAL PROVISIONS—THE JUDICIARY

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except "Courts of Appeals, District Courts, and Other Judicial Services, Defender Services" and "Courts of Appeals, District Courts, and Other Judicial Services, Fees of Jurors and Commissioners", shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 303. Notwithstanding any other provision of law, the salaries and expenses appropriation for Courts of Appeals, District Courts, and Other Judicial Services shall be available for official reception and representation expenses of the Judicial Conference of the United States: *Provided*, That such available funds shall not exceed $11,000 and shall be administered by the Director of the Administrative Office of the United States Courts in the capacity as Secretary of the Judicial Conference.

This title may be cited as the "Judiciary Appropriations Act, 2005".

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $700,000 of this appropriation), as authorized by section 801 of the United States Information and Educational Exchange Act of 1948; representation to certain international organizations in which the United States participates pursuant to treaties ratified pursuant to the advice and consent of the Senate or specific Acts of Congress; arms control, nonproliferation and disarmament activities as authorized; acquisition by exchange or purchase of passenger motor vehicles as authorized by law; and for expenses of general administration, $3,580,000,000: *Provided*, That not to exceed 71 permanent positions and $8,649,000 shall be expended for the Bureau of Legislative Affairs: *Provided further*, That, of the amount made available under this heading, not to exceed $4,000,000 may be transferred to, and merged with, funds in the "Emergencies in the Diplomatic and Consular Service" appropriations account, to be available only for emergency evacuations and terrorism rewards: *Provided further*, That, of the amount made available under this heading, $319,994,000 shall be available only for public diplomacy international information programs: *Provided further*, That of the amount made available under this heading, $3,000,000 shall be available only for the operations of the Office on Right-Sizing the United States Government Overseas Presence: *Provided further*, That funds available under this heading may be available for a United States Government interagency task force to examine, coordinate and oversee United States participation in the United Nations headquarters renovation project: *Provided further*, That no funds may be obligated or expended for processing licenses for the export of satellites of United States origin (including commercial satellites and satellite components) to the People's Republic of China unless, at least 15 days in advance, the Committees on Appropriations of the House of Representatives and the Senate are notified of such proposed action.

In addition, not to exceed $1,426,000 shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act; in addition, as authorized by section 5 of such Act, $490,000, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section; in addition, as authorized by section 810 of the United States Information and Educational Exchange Act, not to exceed $6,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from English teaching, library, motion pictures, and publication programs and from fees from educational advising and counseling and exchange visitor programs; and, in addition, not to exceed $15,000, which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities.

In addition, for the costs of worldwide security upgrades, $658,701,000, to remain available until expended.

In addition, for the costs of worldwide OpenNet and classified connectivity infrastructure, $40,000,000, to remain available until expended.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, $100,000,000, to remain available until expended, as authorized: *Provided*, That section 135(e) of Public Law 103-236 shall not apply to funds available under this heading.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $30,435,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980 (Public Law 96-465), as it relates to post inspections.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized, $345,346,000, to remain available until expended: *Provided*, That not to exceed $2,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, educational advising and counseling programs, and exchange visitor programs as authorized.

REPRESENTATION ALLOWANCES

For representation allowances as authorized, $8,640,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services, as authorized, $9,894,000, to remain available until September 30, 2006.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926 (22 U.S.C. 292-303), preserving, maintaining, repairing, and planning for buildings that are owned or directly leased by the Department of State, renovating, in addition to funds otherwise available, the Harry S Truman Building, and carrying out the Diplomatic Security Construction Program as authorized, $611,680,000, to remain available until expended as authorized, of which not to exceed $25,000 may be used for domestic and overseas representation as authorized: *Provided*, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture, furnishings, or generators for other departments and agencies.

In addition, for the costs of worldwide security upgrades, acquisition, and construction as authorized, $912,320,000, to remain available until expended.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, $7,000,000, to remain available until expended as authorized, of which not to exceed $1,000,000 may be transferred to and merged with the Repatriation Loans Program Account, subject to the same terms and conditions.

REPATRIATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, $612,000, as authorized: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974. In addition, for administrative expenses necessary to carry out the direct loan program, $607,000, which may be transferred to and merged with the Diplomatic and Consular Programs account under Administration of Foreign Affairs.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act (Public Law 96-8), $19,482,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $132,600,000.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, $1,194,210,000, of which up to $6,000,000 may be used for the cost of a direct loan to the United Nations for the cost of renovating its headquarters in New York: *Provided further*, That such costs, including the cost of modifying such loan, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal of up to $1,200,000,000: *Provided further*, That any payment of arrearages under this title shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: *Provided further*, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings, except that such restriction shall not apply to loans to the United Nations for renovation of its headquarters.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, $650,000,000: *Provided*, That none of the funds made available under this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least 15 days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency as far in advance as is practicable): (1) the Committees on Appropriations of the House of Representatives and the Senate and other appropriate committees of the Congress are notified of the estimated cost and length of the mission, the vital national interest that will be served, and the planned exit strategy; and (2) a reprogramming of funds pursuant to section 605 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission: *Provided further*, That funds shall be available for peacekeeping expenses only upon a certification by the Secretary of State to the appropriate committees of the Congress that American manufacturers and suppliers are being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers: *Provided further*, That none of the funds made available under this heading are available to pay the United States share of the cost of court monitoring that is part of any United Nations peacekeeping mission.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed $6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, $26,800,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, $4,475,000, to remain available until expended, as authorized.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided, for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and for the Border Environment Cooperation Commission as authorized by Public Law 103–182, $9,356,000, of which not to exceed $9,000 shall be available for representation expenses incurred by the International Joint Commission.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, $19,097,000: *Provided*, That the United States' share of such expenses may be advanced to the respective commissions pursuant to 31 U.S.C. 3324.

OTHER

PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by the Asia Foundation Act (22 U.S.C. 4402), $13,000,000, to remain available until expended, as authorized.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 2005, to remain available until expended: *Provided*, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A–110 (Uniform Administrative Requirements) and A–122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 2005, to remain available until expended.

EAST-WEST CENTER

To enable the Secretary of State to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, $5,000,000: *Provided*, That none of the funds appropriated herein shall be used to pay any salary, or enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the Department of State to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, $51,000,000 to remain available until expended.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For expenses necessary to enable the Broadcasting Board of Governors, as authorized, to carry out international communication activities, including the purchase, installation, rent, and improvement of facilities for radio and television transmission and reception to Cuba, and to make and supervise grants to the Middle East Television Network, including Radio Sawa, for radio and television broadcasting to the Middle East, $601,740,000; of which $6,000,000 shall remain available until expended, not to exceed $16,000 may be used for official receptions within the United States as authorized, not to exceed $35,000 may be used for representation abroad as authorized, and not to exceed $39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty; and in addition, notwithstanding any other provision of law, not to exceed $2,000,000 in receipts from advertising and revenue from business ventures, not to exceed $500,000 in receipts from cooperating international organizations, and not to exceed $1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, to remain available until expended for carrying out authorized purposes.

BROADCASTING CAPITAL IMPROVEMENTS

For the purchase, rent, construction, and improvement of facilities for radio transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception as authorized, $8,560,000, to remain available until expended, as authorized.

GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCY

SEC. 401. Funds appropriated under this title shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by 5 U.S.C. 3109; and for hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

SEC. 402. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That not to exceed 5 percent of any appropriation made available for the current fiscal year for the Broadcasting Board of Governors in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided further*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 403. None of the funds made available in this Act may be used by the Department of State or the Broadcasting Board of Governors to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

SEC. 404. (a) The Senior Policy Operating Group on Trafficking in Persons, established under section 406 of division B of Public Law 108–7 to coordinate agency activities regarding policies (including grants and grant policies) involving the international trafficking in persons, shall coordinate all such policies related to the activities of traffickers and victims of severe forms of trafficking.

(b) None of the funds provided in this or any other Act shall be expended to perform functions that duplicate coordinating responsibilities of the Operating Group.

(c) The Operating Group shall continue to report only to the authorities that appointed them pursuant to section 406 of division B of Public Law 108–7.

SEC. 405. (a) Subsection (b) of section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708) is amended—

(1) in paragraph (5) by striking "or" at the end;

(2) in paragraph (6) by striking the period and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(7) the disruption of financial mechanisms of a foreign terrorist organization, including the use by the organization of illicit narcotics production or international narcotics trafficking—

"(A) to finance acts of international terrorism; or

"(B) to sustain or support any terrorist organization.".

(b) Subsection (e)(1) of such section is amended—

(1) by striking "$5,000,000" and inserting "$25,000,000";

(2) by striking the second period at the end; and

(3) by adding at the end the following new sentence: "Without first making such determination, the Secretary may authorize a reward of up to twice the amount specified in this paragraph for the capture or information leading to the capture of a leader of a foreign terrorist organization.".

(c) Subsection (e) of such section is amended by adding at the end the following new paragraph:

"(6) FORMS OF REWARD PAYMENT.—The Secretary may make a reward under this section in the form of money, a nonmonetary item (including such items as automotive vehicles), or a combination thereof.".

(d) Such section is amended—

(1) by redesignating subsections (i) and (j) as subsections (j) and (k), respectively; and

(2) by inserting after subsection (h) the following new subsection:

"(i) MEDIA SURVEYS AND ADVERTISEMENTS.—

"(1) SURVEYS CONDUCTED.—For the purpose of more effectively disseminating information about the rewards program, the Secretary may use the resources of the rewards program to conduct media surveys, including analyses of media markets, means of communication, and levels of literacy, in countries determined by the Secretary to be associated with acts of international terrorism.

"(2) CREATION AND PURCHASE OF ADVERTISEMENTS.—The Secretary may use the resources of the rewards program to create advertisements to disseminate information about the rewards program. The Secretary may base the content of such advertisements on the findings of the surveys conducted under paragraph (1). The Secretary may purchase radio or television time, newspaper space, or make use of any other means of advertisement, as appropriate.".

(e) Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations of the House of Representatives and of the Senate, the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a plan to maximize awareness of the reward available under section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708 et seq.) for the capture or information leading to the capture of a leader of a foreign terrorist organization who may be in Pakistan or Afghanistan. The Secretary may use the resources of the rewards program to prepare the plan.

This title may be cited as the "Department of State and Related Agency Appropriations Act, 2005".

TITLE V—RELATED AGENCIES

ANTITRUST MODERNIZATION COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Antitrust Modernization Commission, as authorized by Public Law 107–273, $1,200,000, to remain available until expended.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

For expenses for the Commission for the Preservation of America's Heritage Abroad, $499,000, as authorized by section 1303 of Public Law 99–83.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $9,096,000: *Provided*, That not to exceed $50,000 may be used to employ consultants: *Provided further*, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: *Provided further*, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days.

COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

SALARIES AND EXPENSES

For necessary expenses for the United States Commission on International Religious Freedom, as authorized by title II of the International Religious Freedom Act of 1998 (Public Law 105–292), $3,000,000, to remain available until expended.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94–304, $1,831,000, to remain available until expended as authorized by section 3 of Public Law 99–7.

CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA

SALARIES AND EXPENSES

For necessary expenses of the Congressional-Executive Commission on the People's Republic of China, as authorized, $1,900,000, including not more than $3,000 for the purpose of official representation, to remain available until expended: *Provided*, That $100,000 shall be for the Political Prisoner Database.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964 (29 U.S.C. 206(d) and 621–634), the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); non-monetary awards to private citizens; and not to exceed $33,000,000 for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act of 1964, sections 6 and 14 of the Age Discrimination in Employment Act, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, $334,944,000: *Provided*, That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,500 from available funds: *Provided further*, That the Commission may take no action to implement any workforce repositioning, restructuring, or reorganization until such time as the Committee has been notified of such proposals, in accordance with the reprogramming provisions of section 605 of this Act.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–5902; not to exceed $600,000 for land and structure; not to exceed $500,000 for improvement and care of grounds and repair to buildings; not to exceed $4,000 for official reception and representation expenses; purchase and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109, $279,851,000: *Provided*, That $272,958,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 2005 so as to result in a final fiscal year 2005 appropriation estimated at $6,893,000: *Provided further*, That any offsetting collections received in excess of $272,958,000 in fiscal year 2005 shall remain available until expended, but shall not be available for obligation until October 1, 2005.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses, $203,430,000, to remain available until expended: *Provided*, That not to exceed $300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718: *Provided further*, That, notwithstanding any other provision of law, not to exceed $101,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation: *Provided further*, That $21,901,000 in offsetting collections derived from fees sufficient to implement and enforce the Telemarketing Sales Rule, promulgated under the Telephone Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6101 et seq.), shall be credited to this account, and be retained and used for necessary expenses in this appropriation: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2005, so as to result in a final fiscal year 2005 appropriation from the general fund estimated at not more than $80,529,000: *Provided further*, That none of the funds made available to the Federal Trade Commission may be used to implement or enforce subsections (a), (e), or (f)(2)(B) of section 43 of the Federal Deposit Insurance Act (12 U.S.C. 1831t) or section 151(b) of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 1831t note).

HELP COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the HELP Commission, $1,000,000, to remain available until expended.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, $335,282,000, of which $316,604,000 is for basic field programs and required independent audits; $2,573,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; $13,160,000 is for management and administration; and $2,945,000 is for client self-help and information technology: *Provided*, That not to exceed $1,000,000 from amounts previously appropriated under this heading may be used for a student loan repayment pilot program.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2004 and 2005, respectively.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92–522, $1,890,000.

NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION

For necessary expenses of the National Veterans Business Development Corporation as authorized under section 33(a) of the Small Business Act, $2,000,000, to remain available until expended.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,000 for official reception and representation expenses, $913,000,000, to remain available until expended; of which not to exceed $10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions; and of which not to exceed $100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (1) such incidental expenses as meals taken in the course of such attendance; (2) any travel and transportation to or from such meetings; and (3) any other related lodging or subsistence: *Provided*, That fees and charges authorized by sections 6(b) of the Securities Exchange Act of 1933 (15 U.S.C. 77f(b)), and 13(e), 14(g) and 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78m(e), 78n(g), and 78ee), shall be credited to this account as offsetting collections: *Provided further*, That not to exceed $893,000,000 of such offsetting collections shall be available until expended for necessary expenses of this account: *Provided further*, That $20,000,000 shall be derived from prior year unobligated balances from funds previously appropriated to the Securities and Exchange Commission: *Provided further*, That the total amount appropriated under this heading from the general fund for fiscal year 2005 shall be reduced as such offsetting fees are received so as to result in a final total fiscal year 2005 appropriation from the general fund estimated at not more than $0.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 106–554, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed $3,500 for official reception and representation expenses, $322,322,000: *Provided*, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan servicing activities: *Provided further*, That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to be available for carrying out these purposes without further appropriations.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $14,500,000.

SURETY BOND GUARANTEES REVOLVING FUND

For additional capital for the Surety Bond Guarantees Revolving Fund, authorized by the Small Business Investment Act, as amended, $11,400,000, to remain available until expended.

BUSINESS LOANS PROGRAM ACCOUNT

Subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2005 commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958, shall not exceed $4,500,000,000: *Provided further*, That during fiscal year 2005 commitments for general business loans authorized under section 7(a) of the Small Business Act, shall not exceed $12,500,000,000: *Provided further*, That during fiscal year 2005 commitments to guarantee loans for debentures and participating securities under section 303(b) of the Small Business Investment Act of 1958, shall not exceed the levels established by section 20(i)(1)(C) of the Small Business Act: *Provided further*, That during fiscal year 2005 guarantees of trust certificates authorized by section 5(g) of the Small Business Act shall not exceed a principal amount of $10,000,000,000.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $128,000,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

For the cost of direct loans authorized by section 7(b) of the Small Business Act, $78,887,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses to carry out the direct loan program, $117,000,000, which may be transferred to and merged with appropriations for Salaries and Expenses, of which $500,000 is for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan program and shall be transferred to and merged with appropriations for the Office of Inspector General; of which $108,000,000 is for direct administrative expenses of loan making and servicing to carry out the direct loan program to remain available until expended; and of which $8,500,000 is for indirect administrative expenses: *Provided*, That any amount in excess of $8,500,000 to be transferred to and merged with appropriations for Salaries and Expenses for indirect administrative expenses shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1992 (Public Law 102–572), $2,227,000: *Provided*, That not to exceed $2,500 shall be available for official reception and representation expenses.

UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States-China Economic and Security Review Commission, $3,000,000, including not more than $5,000 for the purpose of official representation.

UNITED STATES INSTITUTE OF PEACE

OPERATING EXPENSES

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, $23,000,000.

TITLE VI—GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 602. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 605. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2005, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2005, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

SEC. 606. None of the funds made available in this Act may be used for the construction, repair (other than emergency repair), overhaul, conversion, or modernization of vessels for the National Oceanic and Atmospheric Administration in shipyards located outside of the United States.

SEC. 607. (a) It is the sense of Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in the Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 608. None of the funds made available in this Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

SEC. 609. None of the funds made available by this Act may be used for any United Nations undertaking when it is made known to the Federal official having authority to obligate or expend such funds that: (1) the United Nations undertaking is a peacekeeping mission; (2) such undertaking will involve United States Armed Forces under the command or operational control of a foreign national; and (3) the President's military advisors have not submitted to the President a recommendation that such involvement is in the national security interests of the United States and the President has not submitted to the Congress such a recommendation.

SEC. 610. The Departments of Commerce, Justice, and State, the Judiciary, the Securities and Exchange Commission and the Small Business Administration shall provide to the Committees on Appropriations of the Senate and of the House of Representatives a quarterly accounting of the cumulative balances of any unobligated funds that were received by such agency during any previous fiscal year.

SEC. 611. (a) None of the funds appropriated or otherwise made available by this Act shall be expended for any purpose for which appropriations are prohibited by section 609 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999.

(b) The requirements in subparagraphs (A) and (B) of section 609 of that Act shall continue to apply during fiscal year 2005.

SEC. 612. Any costs incurred by a department or agency funded under this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 613. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

SEC. 614. (a) None of the funds appropriated or otherwise made available by this Act shall be expended for any purpose for which appropriations are prohibited by section 616 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999.

(b) The requirements in subsections (b) and (c) of section 616 of that Act shall continue to apply during fiscal year 2005.

SEC. 615. None of the funds appropriated pursuant to this Act or any other provision of law may be used for—

(1) the implementation of any tax or fee in connection with the implementation of subsection 922(t) of title 18, United States Code; and

(2) any system to implement subsection 922(t) of title 18, United States Code, that does not require and result in the destruction of any identifying information submitted by or on behalf of any person who has been determined not to be prohibited from possessing or receiving a firearm no more than 24 hours after the system advises a Federal firearms licensee that possession or receipt of a firearm by the prospective transferee would not violate subsection (g) or (n) of section 922 of title 18, United States Code, or State law.

SEC. 616. Notwithstanding any other provision of law, amounts deposited or available in the Fund established under 42 U.S.C. 10601 in any fiscal year in excess of $650,000,000 shall not be available for obligation until the following fiscal year.

SEC. 617. None of the funds made available to the Department of Justice in this Act may be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.

SEC. 618. None of the funds appropriated or otherwise made available to the Department of State shall be available for the purpose of granting either immigrant or nonimmigrant visas, or both, consistent with the determination of the Secretary of State under section 243(d) of the Immigration and Nationality Act, to citizens, subjects, nationals, or residents of countries that the Secretary of Homeland Security has determined deny or unreasonably delay accepting the return of citizens, subjects, nationals, or residents under that section.

SEC. 619. None of the funds made available to the Department of Justice in this Act may be used for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

SEC. 620. (a) None of the funds appropriated by this Act may be used by Federal prisons to purchase cable television services, to rent or purchase videocassettes, videocassette recorders, or other audiovisual or electronic equipment used primarily for recreational purposes.

(b) The preceding sentence does not preclude the renting, maintenance, or purchase of audiovisual or electronic equipment for inmate training, religious, or educational programs.

Sec. 621. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

Sec. 622. The Departments of Commerce, Justice, State, the Judiciary, the Securities and Exchange Commission and the Small Business Administration shall, not later than two months after the date of the enactment of this Act, certify that telecommuting opportunities are made available to 100 percent of the eligible workforce: *Provided*, That, of the total amounts appropriated to the Departments of Commerce, Justice, State, the Judiciary, the Securities and Exchange Commission and the Small Business Administration, $5,000,000 shall be available only upon such certification: *Provided further*, That each Department or agency shall provide quarterly reports to the Committees on Appropriations on the status of telecommuting programs, including the number of Federal employees eligible for, and participating in, such programs: *Provided further*, That each Department or agency shall designate a "Telework Coordinator" to be responsible for overseeing the implementation and operations of telecommuting programs, and serve as a point of contact on such programs for the Committees on Appropriations.

Sec. 623. (a) Tracing studies conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives are released without adequate disclaimers regarding the limitations of the data.

(b) The Bureau of Alcohol, Tobacco, Firearms and Explosives shall include in all such data releases, language similar to the following that would make clear that trace data cannot be used to draw broad conclusions about firearms-related crime:

(1) Firearm traces are designed to assist law enforcement authorities in conducting investigations by tracking the sale and possession of specific firearms. Law enforcement agencies may request firearms traces for any reason, and those reasons are not necessarily reported to the Federal Government. Not all firearms used in crime are traced and not all firearms traced are used in crime.

(2) Firearms selected for tracing are not chosen for purposes of determining which types, makes or models of firearms are used for illicit purposes. The firearms selected do not constitute a random sample and should not be considered representative of the larger universe of all firearms used by criminals, or any subset of that universe. Firearms are normally traced to the first retail seller, and sources reported for firearms traced do not necessarily represent the sources or methods by which firearms in general are acquired for use in crime.

Sec. 624. None of the funds appropriated or otherwise made available under this Act may be used to issue patents on claims directed to or encompassing a human organism.

Sec. 625. None of the funds made available in this Act may be used to pay expenses for any United States delegation to the United Nations Human Rights Commission if such commission is chaired or presided over by a country, the government of which the Secretary of State has determined, for purposes of section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)), has repeatedly provided support for acts of international terrorism.

Sec. 626. Section 604 of the Secure Embassy Construction and Counterterrorism Act of 1999 (title VI of division A of H.R. 3427, as enacted by section 1000(a)(7) of Public Law 106–113) is amended by adding the following new subsection at the end:

"(e) Capital Security Cost Sharing.—

"(1) Authority.—Notwithstanding any other provision of law, all agencies with personnel overseas subject to chief of mission authority pursuant to section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) shall participate and provide funding in advance for their share of costs of providing new, safe, secure United States diplomatic facilities, without offsets, on the basis of the total overseas presence of each agency as determined annually by the Secretary of State in consultation with such agency. Amounts advanced by such agencies to the Department of State shall be credited to the Embassy Security, Construction and Maintenance account, and remain available until expended.

"(2) Implementation.—Implementation of this subsection shall be carried out in a manner that encourages right-sizing of each agency's overseas presence.

"(3) Exclusion.—For purposes of this subsection 'agency' does not include the Marine Security Guard.".

TITLE VII—RESCISSIONS

DEPARTMENT OF JUSTICE

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

(RESCISSION)

Of the unobligated balances available under this heading, $20,000,000 are rescinded.

COMMUNITY ORIENTED POLICING SERVICES

(RESCISSION)

Of the unobligated balances available under this heading, $61,000,000 are rescinded.

The CHAIRMAN. Are there any points of order to this portion of the bill?

POINT OF ORDER

Mr. DAVIS of Virginia. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. DAVIS of Virginia. Mr. Chairman, I raise a point of order against section 607. This provision violates clause 2(b) of House Rule XXI. It proposes to change existing law, and therefore constitutes legislation on an appropriation bill in violation of House rules.

The CHAIRMAN. Does any other Member wish to be heard on the point of order? If not, the Chair will rule.

The Chair finds that this section, in part, expresses a legislative sentiment. The section, therefore, constitutes legislation in violation of clause 2 of Rule XXI. The point of order is sustained, and the section is stricken from the bill.

Are there further points of order to this portion of the bill?

If not, are there any amendments to this portion of the bill?

Mr. WOLF. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would urge any Members, following up what the gentleman from Wisconsin (Mr. OBEY) said, any Members that have amendments, we have been here since noon and we are waiting on them, so I would urge them, if they are listening, to come to the floor and offer the amendments so we can move the process along. So if Members can hear and are available, we would encourage them to come so amendments could be offered.

AMENDMENT OFFERED BY MR. PITTS

Mr. PITTS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. PITTS:

Page 67, line 19, after the dollar amount, insert the following: "(reduced by $25,000) (increased by $25,000)".

The CHAIRMAN. Pursuant to the order of the House today, the gentleman from Pennsylvania (Mr. PITTS) and a Member opposed each will control 5 minutes.

The gentleman from Pennsylvania (Mr. PITTS) is recognized for 5 minutes.

Mr. PITTS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first of all, I want to commend the gentleman from Virginia (Mr. WOLF) on his leadership in the human rights issues around the world. It is because of his leadership on these issues that I offer my amendment.

Mr. Chairman, the human rights organizations that have produced myriad accounts of torture in detention facilities and prisons around the globe, our own State Department in the annual Country Reports, the Human Rights sections, reports on the use of torture in each nation covered by the report, and our Congress has passed the Torture Victims Relief Act of 1998 to fund recovery programs for victims of torture, both in the United States and abroad.

Men, women, even children have endured torture at the hands of government officials around the world. Although it is difficult to find exact figures, Amnesty International estimates that 117 countries worldwide still practice torture.

My amendment provides $25,000 for the State Department's Bureau of Democracy, Human Rights and Labor to compile and publish a list of foreign government officials who order the use of, are involved in, or engage in torture as defined by the United Nations against torture and other cruel, inhumane and degrading treatment or punishment.

I have had the privilege but heartwrenching experience of hearing about torture from firsthand accounts of the victims, from a woman in North Korea to firsthand reports in Egypt. We remember one case in Al Qush where a government official, in order to find a criminal, arrested and tortured many of the 1,100 Coptics in order to find someone to confess committing the crime.

In China, there are numerous reports of Tibetan Buddhists, Falun Gong members, house church pastors and congregants, democracy activists who spent time in prison reform camps where they endured torture by communist officials. A recent account, Pastor Gong Shengliang, who may die in prison because of the effects of torture, is ongoing.

In May of last year, the Washington Post detailed a story of Concei da Silva who was brutally tortured in Angola. While in prison, officials hung him upside down, his veins were slashed, chunks of flesh were carved out of his chest with a machete, electricity applied to parts of his body, teeth removed. Awful things have happened.

In Latin America, terrible stories of torture. Sister Dianna Ortiz has spoken out strongly regarding her horrible kidnapping torture at the hands of the Guatemalan security forces.

The torture is horrifying, deeply affecting victims' lives. And those responsible for these crimes should be brought to justice. Unfortunately, in many countries the perpetrators will not be punished for their crimes as torture is systemic.

I and many of my colleagues strongly believe that publicizing the names of those involved in torture, government officials, can help in the campaign to end the use of torture by government officials; and I urge my colleagues to support this amendment that provides $25,000 to the Bureau of Democracy, Human Rights and Labor to compile and maintain a public list of individuals involved in torture.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I rise in support of the amendment. I want to thank the gentleman for offering it.

This really follows the principle that was used during the Carter administration and during the Reagan administration by keeping lists. Therefore, if you happen to be going to a country, when you go to China you are able to check to see that X and Y have been tortured, so when you meet with government officials, you can raise those cases. This is the way it was done in the Carter administration and in the Reagan administration.

This is a very good amendment, and I thank the gentleman for offering it, and I rise in strong support of it. I urge that we accept it.

Mr. SERRANO. Mr. Chairman, I join the gentleman from Virginia (Mr. WOLF) in strong support. This is an issue that the chairman has been very strong on. We all are.

The whole situation, however, brings up a question, and I ask the gentleman not to take this as a sarcastic statement; I just need clarification. Does this include any ordering of torture used by a government near to us, like our own government, or is this just for foreign governments?

Mr. PITTS. Mr. Chairman, will the gentleman yield?

Mr. SERRANO. I yield to the gentleman from Pennsylvania.

Mr. PITTS. The gentleman knows that our policy is not to torture. Our system is progressing in the light of day with the investigations and the prosecution of torture, but this would apply to any government officials who use torture.

Mr. SERRANO. But it would be any foreign government official? I know this sounds like some sort of a sarcastic comment, but I am really trying to get to the bottom of this. Are you only applying this to foreign governments, or could this, in fact, be a question of our own government if, in fact, somebody ordered torture on some people in recent times?

Mr. PITTS. We do not specify, we do not say "foreign." We specify that the State Department compile a list of any government officials who use torture.

Mr. SERRANO. Reclaiming my time, the gentleman does open up an issue which is greater perhaps than what he intended to do, but the possibility exists that if the State Department did its job properly, and in this case it probably will not, we will never get to the bottom of the issue of who ordered torture on some people that we may be dealing with in this country. But, nevertheless, I think it is a great thought and a great idea, and I support it.

Mr. PITTS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. PITTS).

So the amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. PAUL

Mr. PAUL. Mr. Chairman, I offer an amendment.

The Chairman. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. PAUL:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used for the American Community Survey.

The CHAIRMAN. Pursuant to the order of the House today, the gentleman from Texas (Mr. PAUL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is an amendment that denies all funding for the American Community Survey. And if anyone has been listening to the debate early on, the Census has come up numerous times already, and much of what I have to propose here has in many ways has been debated. But I do want to bring it up one more time dealing specifically with the American Community Survey.

One of the reasons why it came to my attention is just recently I received this survey in the mail here in my temporary residence in Virginia. It is rather intimidating and it is rather threatening when you receive this in the mail. And I have the envelope here and right up on the front they have warned me. They said "The American Community Survey form enclosed. Your response is required by law."

This was the second time. Evidently, I missed it the first time, so the second time around I have been threatened by the census police that I better jolly well fill it out or the police will be knocking on the door. And that does happen because I have known other individuals who have not filled out the long form, and they come to the door, the police are there deciding they want this information.

It was stated earlier in the discussion about the census that this was certainly the law of the land. The law of the land is very clear that the Congress gave the authority; the Census Bureau certainly does not do this on its own. We, the Congress, gave it the authority to do this. But it just happens to be an authority that we had no right to give. We have no right to give this authority to meddle into the privacy of American citizens.

Article 1, section 2 of the U.S. Constitution mandates a national census every 10 years. I am in support of that, and I vote for funding for a national census every 10 years for the sole purpose of congressional redistricting. But, boy, this is out of hand now. We are talking about hundreds of millions of dollars and it is perpetual. The argument earlier was, we have to have to survey continuously because we save money by spending more money. Ask people a lot of questions, personal questions about bathrooms and incomes and who knows what.

This survey I have got here, here is a copy of it. It is called the American Community Survey. And it says the Census Bureau survey collects information about education, employment, income, housing for the purposes of community uses so that they can do community economic planning.

How did we ever get involved in all of this? It is almost sacred now that we fund these programs and they are going to be perpetual, perpetual meddling in the personal lives of all American citizens, 24 pages here.

I got to wondering, I did not fill it out the first one. I got the second one, and they are threatening me. I know I did not vote for it, but you who did means, you are ready to send the census police out to get me.

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I am getting worried about this. I mean, what is the penalty? So I looked it up, and it is not insignificant. Do you know what my colleagues have done and threatened me with? A $1,000 penalty for every question I do not answer. Wow, that is scary stuff. I had a friend that he did not answer the long form, after a couple of requests, the census police came and knocked on his door and said you better, you better answer all these questions or you are going to be penalized.

So that is the kind of thing that we do and everybody talks about all these wonderful advantages, but it is stuff we do not need. I mean, if we want this information, if people need this information in the communities, they ought to get it themselves. This whole idea that we have to collect all this information for the benefit of our communities to do all this economic planning, I mean, it is just so much more than we need, and we are not talking about 10 or $15 million. We are talking about hundreds of millions of dollars, and it is not just every 10 years.

It is continuous with this perpetual threat, you tell us what we want to know and we are going to put it into the record, and if not, for every question you do not answer, we can fine you $1,000 if you do not tell us your age and where you work and how far you have to go to work and how long it takes you to go to work.

I mean, this is way too much of Big Brother. Let me tell my colleagues, I think the American people cannot be very happy with all this meddling.

So my proposal is let us at least get rid of the American Community Survey, which is the ongoing nuisance that we put up with, and limit what we do here to what the Constitution has told us we can do and what we should do, and that is, count the people every 10 years for the purpose of redistricting. But big deal, who cares. For all we do around here, how often do we really pay attention to the details of the Constitution?

So I ask my colleagues to support this amendment and cut this funding.

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

I rise in opposition. The census is one of the oldest civic functions of our Nation. Article I of the U.S. Constitution requires enumeration of the population every 10 years. The census is the largest peacetime mobilization of our government personnel.

The American Community Survey is designed to replace the long-form portion for future decennial censuses, therefore leaving only the short-form portion.

Many Americans found that filling out the long-form survey to be burdensome, and many said this contributed to the declining response rate of the long form, therefore costing the American taxpayer more money to have census takers returning to the nonresponding households.

The Committee on Government Reform and the Committee on Appropriations have worked to ensure that the Census Bureau has the necessary funding to carry out its mission and to ensure that for 2010 there will only be a short form census.

The question of constitutionality of the American Community Survey is not new. On April 4, 2002, the General Accounting Office responded to the vice-chairman of the Committee on Government Reform's request for an opinion. The GAO stated, "Census clearly has authority to conduct the ACS." There is sufficient legal authority.

If we do not fund the ACS, we will ensure we have a two-form census in 2010, which will cost an additional $4 million for the taxpayer.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I rise today in opposition to the Paul amendment. This amendment would kill funding for the American Community Survey, which is one of the most exciting and innovative improvements to the Census in decades.

The American Community Survey is a new approach for collecting accurate, timely information needed for critical government functions such as funding highway planning, school lunch programs, and community block grants.

The decennial census used to have two parts: (1) it counted the population for reapportionment and redistricting purposes; and (2) it obtained demographic, housing, social, and economic information by asking one out of every six households to fill out a "long form."

This data has been used for the administration of Federal programs and the distribution of billions of Federal dollars funding.

Planners and other data users had to rely on long form information that was only gathered every ten years to make decisions that were expensive and affected the quality of life for thousands of people.

In a nation changing as rapidly and profoundly as ours, using eight, nine or even ten-year-old data was simply unacceptable.

Starting in 1996 the Bureau began developing the American Community Survey to replace the long form. It had three main purposes:

1. To provide Federal, state, and local governments an accurate information base for the administration and evaluation of government programs,
2. To improve the 2010 Census by allowing everyone to only be required to fill out the short form, and
3. To provide data users with timely demographic, housing, social, and economic data updated every year that can be compared across states, communities, and population groups.

In order to insure that the data are available for use in time for the 2010 Census we must fund as completely as possible the ACS for this next fiscal year.

It is also important to point out that Congress mandates every question asked by this survey.

If this amendment were to pass, every one of these questions would still be asked, but the Census would have to use the old-fashioned, less effective long form method.

Finally, I want to take notice of the fact that there have been several amendments offered today which reduce or zero out funding for various aspects of the 2010 Census development. Members need to understand that funding cuts today cannot just be added in three or four years from now. It takes time to develop an excellent Census and Congress should give the Bureau the time it needs to create that Census.

I urge my Colleagues to stand up for our communities and states and oppose the amendment to kill the American Community Survey.

Mr. WOLF. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. PAUL).

The amendment was rejected.

AMENDMENT OFFERED BY MR. WOLF

Mr. WOLF. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WOLF:

Page 92, line 16, before the colon insert the following: ", of which $13,000,000 shall be available for microloan technical assistance, and of which $1,000,000 shall be transferred to and merged with appropriations for 'Business Loans Program Account' and shall remain available until expended for the cost of direct loans".

The CHAIRMAN. Points of order are reserved.

Pursuant to the order of the House of today, the gentleman from Virginia (Mr. WOLF) and a Member opposed each will control 6 minutes.

The Chair recognizes the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

I rise in support of the amendment. We worked with the gentleman from New York (Mr. SERRANO), the ranking member, on this amendment. It restores the microloan program. We are in agreement, and I ask that the amendment be approved.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Does the gentleman from New York (Mr. SERRANO) rise to claim the time in opposition, even though he is in favor?

Mr. SERRANO. Mr. Chairman, let me first clarify something. Am I correct in that there has been a mix-up here and I am no longer allowed to strike the last word on a pro forma basis?

The CHAIRMAN. The pro forma amendments are in order on the bill and not to the amendments.

Mr. SERRANO. Mr. Chairman, I should have read the small print.

Mr. WOLF. Mr. Chairman, would it be possible to reclaim my time?

The CHAIRMAN. Without objection, the gentleman from Virginia (Mr. WOLF) reclaims his time.

There was no objection.

Mr. WOLF. Mr. Chairman, how much time is remaining?

The CHAIRMAN. The gentleman from Virginia (Mr. WOLF) has 5½ minutes remaining.

Mr. WOLF. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. SERRANO).

Mr. SERRANO. Mr. Chairman, I just want to thank the chairman for this amendment. This amendment is one that committee members and other Members had asked for, and it is important that we move ahead on it.

We had a long discussion before on the 7(a) loan, and we passed an amendment. We needed to take care of this one which we already had agreed on in order to really move ahead the support that we put forth for the SBA and for the various loans, and so I am a full supporter, and I thank the chairman for bringing it forward.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. Mr. Chairman, I thank the gentleman for yielding time to me, and Mr. Chairman, I rise in strong support of this bipartisan amendment which the gentleman from Virginia (Mr. WOLF) has offered to restore funding for the Small Business Administration's microloan program, and I want to thank the gentleman from Virginia (Chairman Wolf) and the gentleman from New York (Ranking Member Serrano) and both of their staffs for their good work in bringing the amendment to the floor.

The SBA microloan program began as a 5-year pilot in 1991; and throughout its existence, the program has had strong bipartisan support in both Chambers.

The Small Business Programs Reauthorization Amendments Act of 1997 made the microloan pilot a permanent program, and the accompanying House report in 1997 stated: "Begun in 1991, this program has served the smallest and often least noticed section of the small business community. The committee has recognized the efficacy of this program and changed it from demonstration to permanent program status."

Today, 170 microloan intermediary lenders nationwide provide loans to our smallest businesses whose financial needs can often not be met by traditional lenders.

Since its creation, the program has provided $213 million in loans, as well as technical assistance to 19,000 microenterprises; and in the process, it has created 60,000 jobs. We should remember that the average loan here is about $12,000, well below other SBA programs and far below conventional business loans by banks.

Most importantly, microloans have assisted large numbers of women- and minority-owned businesses, rural businesses and start-up businesses.

The microloan program is the only SBA program to offer both loans and technical assistance to small businesses, a combination that enables an entrepreneur with a good idea to become a businessperson with a good bottom line.

In my district, one intermediary, the Western Massachusetts Enterprise Fund, has made 113 loans totaling over $1.4 million, and that program has made a difference for many entrepreneurs, providing the financing and technical assistance necessary to launch or expand their businesses.

If we fail to restore funding for the microloan program, we will hamper the efforts of small entrepreneurs nationwide. Small businesses bring innovative ideas to market and create much-needed jobs.

I urge a "yea" vote on the Wolf-Serrano amendment.

Mr. WOLF. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. WOLF).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. PAUL

Mr. PAUL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. PAUL:

Insert before the short title at the end of the bill the following title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. (a) None of the funds made available in this Act to the Department of Justice may be used—

(1) to take any legal action against a physician for prescribing or administering a drug not included in schedule I of the schedules of controlled substances under section 202(c) of the Controlled Substances Act for the purpose of relieving or managing pain; or

(2) to threaten legal action in order to prevent a physician from prescribing or administering such a drug for such purpose.

(b) None of the funds made available in this Act to the Department of Justice may be used—

(1) to take any legal action against a person for acts relating to the prescribing or administering by a physician of such a drug for such purpose; or

(2) to threaten any legal action against a person in order to prevent the person from engaging in acts relating to the prescribing or administering by a physician of such a drug for such purpose.

The CHAIRMAN. Points of order are reserved.

Pursuant to the order of the House of today, the gentleman from Texas (Mr. PAUL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, what this amendment does is it denies funding to the Department of Justice to prosecute doctors for prescribing legal drugs.

The reason I bring this up is to call attention to the Members of a growing and difficult problem developing in this country, and that is, that more and more doctors now are being prosecuted by the Justice Department under the laws that were designated for going after drug kingpins, for illegal drug dealers; but they are using the same laws to go after doctors.

It is not one or two or three or four. There are approximately 400 doctors who have been prosecuted, and I know some of them, and I know they are good physicians; and we are creating a monster of a problem. It does not mean that I believe that none of these doctors have a problem. As a physician, I know what they are up against and what they face, and that is, that we have now created a system where a Federal bureaucrat makes the medical decision about whether or not a doctor has prescribed too many pain pills. I mean, that is how bureaucratic we have become even in medicine; but under these same laws that should be used going after kingpins, they are now being used to go after the doctors.

As I say, some of them may well be involved in something illegal and unethical; and because I still want to stop this, this does not mean I endorse it, because all the problems that do exist with some doctors can be taken care of in many different ways. Doctors are regulated by their reputation, by medical boards, State and local laws, as well as malpractice suits. So this is not to give license and say the doctors can do anything they want and cause abuse because there are ways of monitoring physicians; but what has happened is we have, as a Congress, developed a great atmosphere of fear among the doctors.

The American Association of Physicians and Surgeons, a large group of physicians in this country, has now advised their members not to use any opiates for pain, not to give adequate pain pills because the danger of facing prosecution is so great. So the very people in the medical profession who face the toughest cases, those individuals with cancer who do not need a couple of Tylenol, they might need literally dozens, if not hundreds, of tablets to control their pain, these doctors are being prosecuted.

Now, that is a travesty in itself; but the real travesty is what it does to the other physicians, and what it is doing is making everybody fearful. The other doctors are frightened. Nurses are too frightened to give adequate pain medications even in the hospitals because of this atmosphere.

My suggestion here is to deny the funding to the Justice Department to prosecute these modest numbers, 3 or 400 doctors, leave that monitoring to the States where it should be in the first place, and let us get rid of this idea that some bureaucrat in Washington can determine how many pain pills I, as a physician, can give a patient that may be suffering from cancer.

I mean, this is something anyone who has any compassion, any concern, any humanitarian instincts would say we have gone astray; we have done too much harm; we have to do something to allow doctors to practice medicine. It was never intended that the Federal Government, let alone bureaucrats, interfere in the practice of medicine.

So my suggestion is let us take it away, take away the funding of the Justice Department to prosecute these cases, and I think it would go a long way to improving the care of medicine. At the same time, it would be a much fairer approach to the physicians that are now being prosecuted unfairly.

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And let me tell you, there are plenty, because all they have to do is to be reported that they prescribed an unusual number of tablets for a certain patient, and before you know it, they are intimidated, their license is threatened, their lives are ruined, they spend millions of dollars in defense of their case, and they cannot ever recover. And it is all because we here in the Congress write these regulations, all with good intentions that we are going to make sure there is no abuse.

Well, there is always going to be some abuse. But I tell you there is a lot better way to find abusive doctors from issuing pain medication than up here destroying the practice of medicine and making sure thousands of patients suffering from the pain of cancer do not get adequate pain medication.

Mr. WOLF. Mr. Chairman, I claim the time in opposition, and I yield myself such time as I may consume. At this point I just want to say that my mom died of cancer, my father died of cancer, and I would have done anything to help them, and OxyContin can make a big difference. But there has been a lot of abuse. There have been a lot of doctors that have been doctor factories that are just prescribing this.

There were some in my area, and I have seen families that have been devastated in southwest Virginia. I understand what the gentleman from Texas (Mr. PAUL) is saying, but in southwest Virginia, in the rural areas down in Lee County, there is probably not a family that has not been impacted by the abuse of prescriptions. So it is a balance.

I understand the gentleman, being a doctor, how he feels, but there are cases where there is tremendous abuse. That is why I think we have to keep monitoring this.

Mr. SOUDER. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Texas, Mr. PAUL. This amendment would have the practical effect of putting doctors above the law. It would prevent the federal government from taking action against a doctor who abused his privilege of issuing prescriptions for controlled substances, including addictive and dangerous drugs like OxyContin. While I have great respect for doctors, and I know that the vast majority of them are honest, law-abiding and motivated solely by their concern for their patients, we can't exempt them from our drug laws.

First, there is no evidence that the federal government is "persecuting" doctors for prescribing pain killers. Last year, in fiscal 2003, only 50 doctors nationwide were arrested for illegal prescriptions. That is only five one-thousandths of one percent (.005%) of all the doctors who have DEA licenses to write prescriptions. No one can seriously argue that the DEA is engaging in some kind of campaign to stop doctors from writing prescriptions for pain killers.

Second, the tiny number of physicians who were arrested were not arrested just because they prescribed pain medication. They were arrested because they abused the public trust and the clear standards of the profession set by their peers. These were essentially drug dealers hiding behind a white coat. They used their professional status to obtain sexual favors, drugs, and money.

Last year, six doctors were arrested for trading drug prescriptions for sex. Twenty-three doctors were arrested for writing prescriptions in exchange for money, four doctors were arrested for issuing prescriptions in exchange for other illegal drugs, and seventeen were arrested for writing prescriptions to obtain drugs to feed their own drug habits. (I am attaching a listing of those arrests, provided by the DEA, to my statement for the RECORD.)

Let's take a look at some examples. Dr. Bernard Rottschaefer was convicted last March for writing 153 illegal prescriptions for painkillers; five women testified that he demanded sex in exchange for those prescriptions, usually for OxyContin. Another doctor wrote them in the dressing room of an adult nightclub, and another issued prescriptions for sex, firearms, lawn and farm equipment, and labor on his personal property. I don't think anyone in this House would want to give people like that a blanket immunity from the law.

Now, it may be argued that the amendment would only prohibit enforcement when drugs are prescribed "for the purpose of relieving or managing pain". But this distinction is meaningless—because anyone who uses a narcotic can argue that it is to relieve pain. When dealing with problems like drug trafficking and abuse, we can't just rely on the word of drug dealers and addicts. Instead, current law already recognizes a reasonable judge of the conduct of doctors—the professional standards set by their peers. I would like to note that the American Medical Association, the largest professional organization in the country representing doctors, has itself refused to support this amendment—precisely because it would immunize the few bad apples who abuse their professional trust.

In closing, I'd like to point out that this amendment would seriously undermine our goal of reducing OxyContin and other prescription drug abuse. As President Bush stated in the National Drug Control Strategy for 2004, the problem of prescription drug abuse is a growing threat that needs to be addressed. The misuse of prescription drugs was the second leading category of illicit drug use after marijuana, with an estimated 6.2 million Americans having used prescription drugs for nonmedical, illegal purposes. OxyContin was abused in 2002 at a rate ten times higher than in 1999. Abuse by high school seniors of Vicodin is more than double their use of cocaine, ecstasy or methamphetamine. Meanwhile, Internet pharmacies (which frequently rely on illegal prescriptions), "doctor shopping" and other illegal drug diversion tactics are presenting new challenges to law enforcement and the community. Those few doctors who contribute to this problem must be held accountable for their actions. I urge my colleagues to oppose this amendment.

DEA Arrests of Physicians—Fiscal Year 2003

SUMMARY

Prescriptions in exchange for sexual favors—6; prescriptions in exchange for drugs—4; prescriptions for money—23; obtaining drugs by fraud/personal abuse—17. Note: 50 arrests reported for Fiscal Year 2003 which includes 2 separate arrests of the same physician.

PHYSICIANS OF NOTE

Two physicians, Dr. H and Dr. S, maintained medical practices specializing in the treatment of chronic pain. While both physicians treated some legitimate pain patients, they both also practiced outside the scope of legitimate medical practice by prescribing OxyContin for other than legitimate medical reasons. These illegal activities led to their investigation and subsequent arrests. Two individuals died from overdoses of the OxyContin prescribed by one of the physicians. One physician has been convicted of conspiracy to distribute controlled substances. The other physician is awaiting trial.

PRESCRIPTIONS IN EXCHANGE FOR SEXUAL FAVORS

Dr. R—Pittsburgh—provided prescriptions for controlled substances in exchange for sex. Date opened: 4/16/01; date of arrest: 6/3/03; conviction date: pending; charges: unlawful distribution of Oxycodone, Fentanyl, & Xanax.

Dr. W—Washington—wrote prescriptions to female members of motorcycle gangs in exchange for sex. Date opened: 6/10/03; date of arrest: 6/10/03; conviction date: 1/14/04; charges: unlawful distribution of Percocet.

Dr. D—St. Louis—wrote prescriptions in exchange for sex, firearms, lawn and farm equipment and labor on his personal property. Date opened: 4/12/00; date of arrest: 11/25/00; conviction date: pending; charges: unlawful distribution of CS.

Dr. L—Indianapolis—traded prescriptions for sex and stolen property. Entertained juveniles at his home and arrested for sodomy, firearms charges and public intoxication. Date opened: 12/2/87; 6/9/03; date of arrest: 5/30/03; conviction date: pending; charges: unlawful distribution of Hydrocodone.

Dr. O—Hartford—forced patients to have sex with him in exchange for prescriptions (2 arrests in FY 2003). Date opened: 1/30/03; date of arrest: 2/20/03; 5/1/03; conviction date: pending; charges: unlawful distribution of Percocet & Xanax.

PRESCRIPTIONS IN EXCHANGE FOR DRUGS

Dr. P—Kansas City—had friends and other individuals return the prescription medication to him. Continued to write controlled substances after surrendering DEA registration. Date opened: 6/25/01; date of arrest: 5/2/03; conviction date: 10/20/03; charges: conspiracy/obtaining CS by fraud.

Dr. B—St. Louis—wrote prescriptions to individuals who returned the drugs to him. Subsequently overdosed and died. Date opened: 5/22/03; date of arrest: 5/22/03; conviction date: deceased (OD); charges: unlawful distribution of CS.

Dr. S—Tucson—pediatric ophthalmologist who wrote prescriptions in names of patients to procure the drugs (Ritalin and Vicodin) for personal use. Continued to operate on children while abusing drugs. Date opened: 8/8/01; date of arrest: 10/8/02; conviction date: 1/6/04; charges: conspiracy, acquiring CS by fraud.

Dr. E—Detroit—wrote prescriptions to U/C in shopping mall parking lot and required the U/C to split the drugs with him. Date opened: 10/10/02; date of arrest: 11/8/02; conviction date: pending; charges: unlawful distribution of OxyContin.

PRESCRIPTIONS FOR MONEY

Dr. U—Los Angeles—sold prescriptions for cash and allowed others to write prescriptions for controlled substances. U/C agents made several buys from doctor. Date opened: 2/7/03; date of arrest: 2/5/03; conviction date: 7/29/03; charges: unlawful prescribing of CS.

Dr. H—Washington—wrote prescriptions to 45 street level drug dealers in exchange for money. Date opened: 12/7/99; date of arrest: 9/24/03; conviction date: pending; charges: conspiracy; unlawful distribution; health care fraud; CCE.

Dr. C—Tampa—wrote prescriptions for money from the dressing rooms of adult night clubs. Date opened: 6/11/01; date of arrest: 9/9/03; conviction date: pending; charges: trafficking; delivery of a CS.

Physician Assistant—Tampa—P/A for Dr. C. Wrote prescriptions for money from the dressing rooms of adult night clubs. Date opened: 6/11/01; date of arrest: 5/9/02; conviction date: pending; charges: trafficking; delivery of a CS.

Dr. T—Dallas—wrote prescriptions for patients without medical exam and for drugs specifically requested by patient on the Internet. Date opened: 4/4/00; date of arrest: 12/19/02; conviction date: 5/28/03; charges: conspiracy to distribute Hydrocodone.

Dr. O—Dallas—wrote prescriptions for patients without medical exam and for drugs speicifically requested by patient on the Internet. Date opened: 2/15/00; date of arrest: 12/19/02; conviction date: 10/1/03; charges: conspiracy to distribute Hydrocodone.

Dr. S—Dallas—wrote prescriptions for patients without medical exam and for drugs specifically requested by patient on the Internet. Date opened: 2/15/00; date of arrest: 12/9/02; conviction date: 10/1/03; charges: conspiracy to distribute Hydrocodone.

Dr. C—Dallas—wrote prescriptions after his state medical license was suspended. Date opened: 8/23/01; date of arrest: 4/23/03; conviction date: 10/29/03; charges: fraudulent use of DEA registration.

Dr. M—Newark—wrote prescriptions for $75/Rx. Date opened: 1/6/03; date of arrest: 1/30/03; conviction date: deceased; charges: unlawful distribution of CS.

Dr. D—Newark—used DEA registration to fraudulently purchase Hydocodone tablets for illegal distribution. Date opened: 8/25/03; date of arrest: 8/18/03; conviction date: pending; charges: possession w/intent to distribute Hydrocodone.

Dr. M—Orlando—wrote prescriptions to U/C agent in exchange for money. Date opened: 9/18/00; date of arrest: 7/29/03; conviction date: pending; charges: trafficking in Oxycodone and Methadone.

Dr. M—Tampa—wrote prescriptions to drug dealers in exchange for money. U/C buys made in exchange for money. Date opened: 8/19/02; date of arrest: 1/30/03; conviction date: pending; charges: trafficking in Oxycodone and Methadone.

Dr. B—Merrillville—73 U/C buys of prescriptions made in exchange for money. Date opened: 2/16/02; date of arrest: 8/25/03; conviction date: pending; charges: conspiracy to distribute CS.

Dr. M—Puerto Rico—22 U/C buys of prescriptions made in exchange for money. Date opened: 12/3/01; date of arrest: 9/18/03; conviction date: pending; charges: unlawful distribution of CS.

Dr. R—Phoenix—U/C obtained Percocet prescriptions after telling the doctor they made her feel good. Date opened: 10/26/99; date of arrest: 2/25/03; conviction date: pending; charges: unlawful distribution of Percocet.

Dr. L—Hartford—wrote prescriptions to U/C, gave controlled drugs to friends, wrote prescriptions at parties all in exchange for money. Also abused drugs himself. Date opened: 7/2/01; date of arrest: 12/20/01; conviction date: 2/28/03; charges: Unlawful distribution of OxyContin.

Dr. P—Tampa—prescribed drugs to female U/C so she could enhance her performance when she "performed for men". Date opened: 12/2/02; date of arrest: 8/26/03; conviction date: pending; charges: Unlawful distribution of Vicodin.

Dr. H—Albuquerque—prescribed large numbers of narcotics to drug abusers in exchange for money. 10 deaths resulted from his prescriptions. Date opened: 6/7/02; date of arrest: 6/5/03; conviction date: pending; charges: racketeering, conspiracy to distribute, conspiracy to commit murder.

Dr. W—New York—Prescribed large quantities of narcotics to a patient between 1992 and 2001. Patient died of overdose of Dilaudid. Doctor submitted fraudulent bills to Medicare in name of the patient and provided the patient with $700/month in payback money during this period. Date opened: 1/31/03; date of arrest: 6/24/03; conviction date: pending; charges: conspiracy to distribute Hydromorphone.

Dr. G—Louisville—psychiatrist who wrote prescriptions in names of friends who she fraudulently listed as patients. Pre-signed prescriptions for office assistants to fill in and dispense to certain patients. Date opened: 9/25/03; date of arrest: 9/25/03; conviction date: pending; charges: unlawful prescribing of OxyContin & Hydrocodone.

Dr. K—San Francisco—dentist who prescribed narcotics for addiction treatment. Date opened: 11/26/02; date of arrest: 12/02/02; case dismissed: 12/02/02 for further investigation; charges: unlawful distribution.

Dr. S—Columbia—prescribed narcotics to drug addicts in exchange for money. Member of the Caroline Pain Management Clinic. Date opened: 4/2/00; date of arrest: 12/23/02; conviction date: 2/17/04; charges: conspiracy to distribute CS; acquiring CS by fraud.

Dr. B—Detroit—wrote prescriptions for money for over 3 years after his DEA registration was retired. Date opened: 2/25/03; date of arrest: 5/7/03; conviction date: pending; charges: unlawful prescribing of CS.

OBTAINING DRUGS BY FRAUD AND DECEIT/ABUSE OF DRUGS

Dr. O—Buffalo—abused crack cocaine as well as prescription drugs that he obtained through his DEA registration. Date opened: 11/5/02; date of arrest: 7/28/03; conviction date: 10/10/03; charges: acquiring CS by fraud.

Dr. P—Phoenix—used DEA registration to write prescriptions for personal abuse. Date opened: 9/10/01; date of arrest: 10/23/02; conviction date: 11/25/02; charges: acquiring CS by fraud (OxyContin).

Dr. S—Denver—used DEA registration to write prescriptions for personal abuse. Date opened: 7/3/03; date of arrest: 6/29/03; conviction date: pending; charges: acquiring CS by fraud (Hydrocodone).

Dr. W—Phoenix—used DEA registration to write prescriptions for personal abuse. Date opened: 8/10/02; date of arrest: 2/11/03; conviction date: pending; charges: acquiring CS by fraud (Hydrocodone).

Dr. R—Scranton—used DEA registration to write fraudulent prescriptions in other individual names for his own personal abuse. Date opened: 4/29/03; date of arrest: 8/14/03; conviction date: pending; charges: failure to maintain records (in lieu of fraud charges).

Dr. K—St. Louis—arrested for possession of cocaine and marijuana. Date opened: 5/5/03; date of arrest: 3/19/03; 4/30/03; conviction date: pending; charges: possession of cocaine & marijuana.

Dr. R (DVM)—Denver—used DEA registration to order fentanyl Duragesic patches for personal abuse. Date opened: 12/16/02; date of arrest: 12/20/02; conviction date: 7/9/03; charges: unlawful use of Fentanyl.

Dr. R—Utah—used DEA registration to fraudulently obtain drugs from wholesalers and also wrote prescriptions in other individuals' names. Date opened: 2/3/03; date of arrest: 3/29/03; conviction date: 7/3/03; charges: acquiring CS by fraud.

Dr. C—Denver—used DEA registration to write fraudulent prescription for personal abuse. Date opened: 2/12/02; date of arrest: 2/28/02; conviction date: 2/25/03; charges: acquiring CS by fraud.

Dr. N—Phoenix—removed Hydrocodone from hospital for personal abuse. Date opened: 1/29/01; date of arrest: 5/9/03; conviction date: 8/11/03; charges: unlawful possession of CS (Hydrocodone).

Dr. W—Cleveland—used DEA registration to purchase controlled substances for self abuse. Also wrote fraudulent prescriptions for personal abuse. Date opened: 7/5/02; date of arrest: 3/14/03; conviction date: 3/14/03; charges: theft of CS (Alprazolam).

Dr. A—Puerto Rico—wrote prescriptions after losing state license. Also health care fraud charges surrounding prescriptions. Date opened: 6/26/03; date of arrest: 7/11/03; conviction date: pending; charges: unlawful distribution of CS.

Dr. C—Colorado Springs—diverted fentanyl from hospital for personal abuse. Admitted to being addicted and performing anesthesiology while under the influence. Falsified dispensing records. Date opened: 6/20/02; date of arrest: 1/28/03; conviction date: 10/16/03; charges: unlawful possession of CS (Fentanyl).

Dr. A—Dallas—obtained morphine through fraudulent use of another physician's DEA registration. Date opened: 12/19/02; date of arrest: 12/30/02; conviction date: 4/24/03; charges: acquiring CS by fraud (Morphine).

Dr. T—Greensboro—used hospital DEA registration to write prescriptions in phony names for self abuse. Date opened: 4/8/03; date of arrest: 7/17/03; conviction date: pending; charges: acquiring CS by fraud.

Dr. J—Kansas City—diverted Fentanyl from hospital for personal use and falsified patient records to cover up the diversion. Date opened: 12/14/02; date of arrest: 4/1/03;

conviction date: 6/18/03; charges: unlawful possession of CS.

Dr. R—Kansas City—used DEA to fraudulently obtain Hydrocodone for personal use. Date opened: 4/8/02; date of arrest: 12/2/02; conviction date: 11/13/03; charges: acquiring CS by fraud (Hydrocodone).

POINT OF ORDER

Mr. WOLF. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of Rule XXI.

The rule states in pertinent part: "An amendment to a general appropriation bill shall not be in order if changing existing law. The amendment imposes additional duties."

So I ask for a ruling of the Chair.

The CHAIRMAN. Does any Member wish to be heard on the point of order? If not, the Chair is prepared to rule.

The Chair finds that this amendment includes language requiring a new determination, namely the purpose for which certain controlled substances were prescribed. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the amendment is not in order.

AMENDMENT NO. 9 OFFERED BY MR. PAUL

Mr. PAUL. Mr. Chairman, I offer amendment No. 9.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. PAUL:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to pay expenses for any United States contribution to the United Nations Educational, Scientific, and Cultural Organization (UNESCO).

The CHAIRMAN. Points of order are reserved. Pursuant to the order of the House of today, the gentleman from Texas (Mr. PAUL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Chairman, I yield myself such time as I may consume.

This amendment denies funds to UNESCO, and it is an amendment that is identical to what I brought up last year and got a recorded vote on and had a debate on last year.

Last year, I brought it up because we were just getting back into UNESCO. President Ronald Reagan, in 1984, had the wisdom of getting us out of UNESCO because of its corrupt nature, not only because it had a weird, false ideology, contrary to what most Americans believed, but it was also corrupt. He had the wisdom to get us out of it, yet last year we were put back in UNESCO, and I was hoping that we would not fund it.

Last year, the Congress approved $60 million for this purpose, which was 25 percent of UNESCO's budget. Does that mean we have 25 percent of the vote in UNESCO? Do the American people get represented by 25 percent? How much do we get out of it? What is the American taxpayer going to get? The American taxpayer gets a bill, that is all. They do not get any benefits from it.

And there is one part of UNESCO that is particularly irritating to me, and it is called the Cultural Diversity Convention. This is an organization that actually is very destructive and will play havoc with our educational system. It also attempts to control our education through the International Baccalaureate Program, and that, too, introduces programs and offers them to our schools. It is not forced, but there are already quite a few schools that have accepted these programs.

Now, let me just give my colleagues an idea of the type of philosophy they are promoting, but what we as the Congress promote with what the American taxpayers are paying for. Here it is:

"The international education offers people a state of mind, international mindedness. We are living on a planet that is becoming exhausted. And now listen to this, this is what the U.N. UNESCO people are saying about education in the various countries, including ours. Most national educational systems at the moment encourage students to seek the truth, memorize it and reproduce it accurately." Now, one would think that is not too bad of an idea. "The real world is not this simple," so says UNESCO. "International education has to reconcile this diversity with the unity of the human condition."

I mean, if those are not threatening terms about what they want to do, and yet here we are funding this program and the American taxpayers are forced to pay for it. Now, there are a few of us left in the Congress, I see a couple on the floor tonight, that might even object to the Federal Government telling our States what to do with education, and of course there is no constitutional authority for that. We have the Leave No Child Behind, but it looks like everyone is going to be left behind before we know it.

But here it is not the Federal Government taking over our Federal education system; this is the UNESCO, United Nations, taking over our educational system. It does have an influence. Sure, it is minimal now, but it will grow if we allow this to continue.

So I ask my colleagues to please vote for my amendment, and I sure hope they allow a vote on this amendment. It was permitted last year, so it surely would be permitted this year.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I claim the time in opposition to the amendment, and I yield myself such time as I may consume.

Mr. Chairman, when we had a vote on the floor, the gentleman from Illinois (Mr. HYDE) offered the amendment to not join UNESCO. I supported the amendment. I did not believe that we should have joined UNESCO. The decision was made by the Bush administration. Also, on that vote, if my memory serves me, I was on the losing side. I think it may have been Lantos v. Hyde. I voted with the gentleman from Illinois (Mr. HYDE), and we were on the losing side. History will have to check the exact timing of that vote.

The bill includes $71.9 million for the U.S. share of funding for membership in UNESCO, and I have had serious questions about UNESCO. UNESCO was rife with corruption and problems. The Bush administration, who wanted to join, has a very good and a very tough ambassador, a kind of a no-nonsense person. I have met her and think highly of her. The President announced 2 years ago at the United Nations, and I remember seeing the speech, that the U.S. would rejoin UNESCO. The First Lady, Mrs. Bush, addressed the UNESCO plenary session in Paris, France, last year.

The U.S. withdrew from UNESCO in 1984 when the organization was rife with corruption and anti-Western bias, and I think the current ambassador, I have spoken to her, is going to make sure they do not go back to the corruption and anti-Western bias. It was mismanaged, and she has pledged that she would stay after that.

Since that time, they have undergone reforms and the current leadership is committed. They say it stands for fundamental human rights and democratic principles; and participation in the UNESCO, many say, will allow us to be engaged as international partners in a number of issues. This year, the U.S. was elected to the UNESCO legal committee, the intergovernmental biotechnics committee, and other committees.

I think now, although I do tend to agree with the gentleman, I think it is a fact and I think he raises some very, very valid points, but to strike funding for UNESCO just after the Bush administration has joined, just after President Bush's wife, Mrs. Bush, has spoken at a plenary session, I think would send a wrong message. So I reluctantly rise in opposition to the amendment out of respect to the Bush administration, having been on the losing side.

But we are going to watch this. We are going to watch and see what UNESCO does, and I am glad this issue was raised by the gentleman from Texas (Mr. PAUL). But in light of the vote on the floor and in light of the Bush administration request and the President's speech, and in light of the First Lady attending and addressing the plenary session, I would ask defeat of the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. PAUL. Mr. Chairman, how much time do I have?

The CHAIRMAN. The gentleman from Texas has 1 minute remaining.

Mr. PAUL. Mr. Chairman, I yield myself the balance of my time and conclude with another statement from a director of UNESCO, who further explains exactly what they are up to. He said in June that "the program remains committed to changing children's values so they think globally rather than in parochial national terms from their own country's viewpoint". So if we talk about an attack on national sovereignty starting at the lowest level through an educational system, it is right here.

The chairman, obviously, is not very enthusiastic about this. But my job as a representative is not to follow what other people tell me. My job is to read these bills and to know what they say and to represent my district. Because somebody asks us to finance this and our instincts tell us there is something very sinister about this, I would say that that is not a very strong reason to oppose this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. PAUL).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. WOLF. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas (Mr. PAUL) will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. TANCREDO

Mr. TANCREDO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. TANCREDO:

At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act for the State Criminal Alien Assistance Program under the heading "DEPARTMENT OF JUSTICE—OFFICE OF JUSTICE PROGRAMS—STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE" may be used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373).

The CHAIRMAN. Points of order are reserved. Pursuant to the order of the House of today, the gentleman from Colorado (Mr. TANCREDO) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Chairman, I yield myself such time as I may consume, and I rise once again this evening to propose an amendment similar in some respects to one I have proposed in the past and different in others, that is to say, it is similar in that it does this: It says we have a law on the books, it was passed in 1996, and the law says that all States and localities therein are prevented from impeding the flow of information to the Immigration and Naturalization Service. The successor agency is, of course, BICE. They are also prevented by the law from actually stopping any information from coming from the old INS and now BICE.

That is what the law says. It is there, on the books, and every single time I offer this amendment the other side gets up and starts arguing the law as to whether or not we should have the law, why it should be in place, would we not be better off without a law? But that is not the purpose of my amendment, of course, to repeal the law. It is to enforce the law. That is all I ask.

We are a body that makes laws. We should, of course, also encourage the enforcement of those laws or we should repeal them. That is what we should be doing here. It is, I suggest, quite inappropriate in a way for us to pass laws and then essentially tell the country and the people out there that we should wink at them; pretend they do not exist; pretend they are really not on the books, because enforcing them would be problematic from certain standpoints, especially politically.

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Now, what kind of message does that send every time we do this? But every time there is a vote against my amendment, that is essentially what we are saying, that even though we have laws on the books, we will ignore them.

My amendment is designed to prevent those local governments from obtaining SCAAP funding if they violate the law. That is it. If they are in line with the law, doing what the law requires of them to do, no problem. Presently, the law does not have any sort of mechanism that would suggest we are enforcing it. There is no penalty, and so we have got cities, counties, that are in fact violating the law. They are doing that with impunity. We should not allow that to continue. We should either repeal the law if we do not like it, or we should have some sort of mechanism to enforce it.

I have proposed time and time again that we should try and enforce the law. That is all this amendment does.

If State and local governments violate the Federal law and pass sanctuary policies that encourage illegal aliens to come here, why should any American taxpayer be asked to absorb these costs? That is what we are doing. SCAAP funds are funds that we provide to cities and counties for the purpose of reimbursing them for the costs of keeping people in their prisons who are here illegally. They are illegal aliens, and there are costs involved.

On the one hand, we have counties submitting bills to the Federal Government for the incarceration of some of these folks, but on the other hand refusing to provide that information to the Bureau of Immigration Control and Enforcement, BICE. They want the money for what they say they are putting out for enforcement of the law, but then they refuse to actually give that information to BICE. It is not a situation that is sustainable and certainly not one that we should countenance. We should at least say if you are not going to abide by the law of the land that requires you to provide this information, you cannot get the money from the SCAAP funds. That is all it is.

Again, I know we are going to get into this argument about whether or not we should have the law on the books. That is a different argument. Let us just argue whether or not once we have the law on the books we should not try to enforce it.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia (Mr. WOLF) for 10 minutes.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

A similar amendment was offered on DHS, and it failed by a vote of 148 to 259, so we are back to exactly the same thing. SCAAP funds are not available to States that violate current law, and the Justice Department tells us the gentleman's amendment would have no impact.

I understand what the gentleman is trying to do. In the State of Virginia, we have a program where our State police are basically deputized to in essence enforce the immigration laws. But it is like Don Quixote. So what I would recommend the gentleman to do, and I mentioned this to the gentleman from Iowa (Mr. KING) earlier, the gentleman and the gentleman from Iowa (Mr. KING) and others ought to sit down with the administration, with the Department of Justice and also with the Department of Homeland Security and fashion a regulation in that sense. I think there are other ways of doing this. I think you are just sort of coming up against it. My sense may be wrong. Maybe the 148 will go to 152, I do not know.

But I think the gentleman really wants to be successful and do something. However, the Department of Justice says the Tancredo amendment would have no effect on those who receive SCAAP grants. I am not going to take a lot more time, but I would urge the gentleman, and I will be glad to help the gentleman set up a meeting with BICE and with the Department of

Homeland Security and the Department of Justice to see how to do this. But since it does nothing and says nothing and is in essence the same amendment I believe was offered on homeland security, I think the gentleman from Kentucky (Mr. ROGERS) defeated by 148 for and 259 against, for that reason I urge a "no" vote on the amendment, and offer to work with the gentleman, BICE, and the gentleman from Iowa (Mr. KING) to set up a meeting.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentleman for extending his offer in helping the gentleman from Colorado (Mr. TANCREDO) on his amendment.

I think the gentleman has made a very clear point about the Tancredo amendment. I rise to oppose it because it is a law that is already in force; but more importantly when it comes to local and State governments and first responders and people dealing with homeland security, it is threatening to deny them funds because of some inadvertence that might occur as relates to Federal immigration laws.

We recognize what the laws are in this land. We recognize the responsibilities of Federal law enforcement on immigration issues. But if we begin to start cutting resources from local communities, we can be assured that national security will be jeopardized, and that is what the Tancredo amendment does. It makes communities less safe.

Let me say, for those of us who come from very diverse communities, it is particularly difficult for the police to establish relationships that are the foundation of successful police work if the impression is that resources are going to be cut if they do not do the work of the Federal Government. That means they are going to create an atmosphere of fear and intimidation and an attitude that anyone who has a different surname or looks differently is under the scrutiny of local law officials.

I would hope that this amendment would not be supported, and of course recognize that in the exploitation possibilities you also have the potential of criminals exploiting the fear of immigrants by forcing local law enforcement authorities to be immigration officials. I would hope that this amendment would not be supported. It has been defeated, as the gentleman from Virginia (Mr. WOLF) said earlier, earlier in the year, in the homeland security legislation.

I can tell Members it makes it very difficult for communities who are working toward better relationships with our immigrant communities. Might I say to my colleagues, this is not the way to enforce immigration laws. The way to do it is to have real immigration reform that will help secure the homeland and balance the rights of individuals within this country. I think we can do that by not having this amendment which then would further divide Federal and local officials by cutting funds which are so desperately needed for homeland security.

Mr. Chairman, I rise in opposition to Representative TOM TANCREDO's amendment to the Commerce, Justice, and State Appropriations Act for FY2005. The effect of this amendment would be to enact a provision from the CLEAR Act (H.R. 2671) and its Senate counterpart (S. 1906). These bills compel State and local police officers to become Federal immigration agents by denying them access to Federal funds they are already receiving if they refuse these additional duties. Specifically, the Tancredo amendment would deny funds to any State or local government that limits disclosure of immigration status.

We count on State and local governments and law enforcement authorities as first responders when national security is threatened. Since 9/11, they have taken on significant new duties and are facing dwindling resources. Further cutting their resources is not going to help enhance national security, and, in fact, the Tancredo provision could make our communities less safe.

In immigrant communities, it is particularly difficult for the police to establish the relationships that are the foundations for successful police work. Many immigrants come from countries in which people are afraid of police, who may be corrupt or even violent, and the prospect of being reported to the immigration service would be further reason for distrusting the police.

In some cities, criminals have exploited the fear that immigrant communities have of all law enforcement officials. For instance in Durham, NC, thieves told their victims—in a community of migrant workers and new immigrants—that if they called the police they would be deported. Local police officers have found that people are being robbed multiple times and are not reporting the crimes because of such fear instilled by robbers. These immigrants are left vulnerable to crimes of all sorts, not just robbery.

Many communities find it difficult financially to support a police force with the personnel and equipment necessary to perform regular police work. Having State and local police forces report immigration status to the Bureau of Immigration and Customs Enforcement, ICE, would be a misuse of these limited resources.

ICE also has limited resources. It does not have the resources it needs to deport dangerous criminal aliens, prevent persons from unlawfully entering or remaining in the United States, and enforce immigration laws in the interior of the country. Responding to every State and local police officer's report of someone who appears to be an illegal alien would prevent ICE from properly prioritizing its efforts.

Local police can and should report immigrants to the immigration service in some situations. The decision to contact the immigration service, however, should be a matter of police discretion.

I urge you to vote against this amendment.

Mr. TANCREDO. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I rise in strong support of the Tancredo amendment. The gentleman from Colorado (Mr. TANCREDO) stands in front of us today, as he has in the past, as a strong voice to try to gain the attention and support of Members of Congress towards a problem that we refuse to deal with. This Congress is refusing to deal with one of the greatest threats to the well-being of our people. In California, our education system is going down. The health care available to our people is being diluted and people are dying because of this. Our criminal justice system is breaking down. People are being murdered because we are not dealing with this issue. The issue, of course, is illegal immigration. We have to do something about it.

In this case, the gentleman from Colorado (Mr. TANCREDO) is simply saying the cities or States that will not help us enforce the laws that already exist, they should not be getting government money in the name of that enforcement.

If we do not handle this situation, our people are going to pay an even heavier price. I can see a day when the Social Security system totally falls apart because we have not dealt with this issue. It is a disgrace that Congress is refusing to act upon this. At least support this issue which is very reasonable.

Mr. TANCREDO. Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. SERRANO).

Mr. SERRANO. Mr. Chairman, I would like to tell the gentleman from California that he left out in blaming immigrants the Chicago fire and the San Francisco earthquake, which they probably were also responsible for.

It is amazing in 2004 we continue this immigrant-bashing situation. The fact of life is the gentleman read off a list of things that are falling apart in California somehow because people are not being reported or because local police departments are not engaging in activities that local police departments do not want to engage in.

We had 24 discussions before, and it is a simple issue. Local law enforcement does not want to be involved in this issue. Regardless of what we like to see here and how much we would like to bash these folks, local law enforcement does not want to do it. Let me try to say once more why, because no one seems to be paying attention to this issue.

Local law enforcement wants to be able to have a person, regardless of their immigration status, come to them and report a crime, come to them and participate in solving a crime. If they now feel that the local police officer, the local sheriff, has been deputized, if you will, as an immigration officer, we are never going to get any help from the local community.

Now, one issue is the fact that we may have people in this country who are not here with documents. That is one issue. But since they are here, what are we going to do, ignore them, ignore their ability to help us and solve a local crime, ignore their ability to help us be involved in the community?

My God, we talk so much here about how much we want to help local law enforcement and how we stand for them and how much money we want to give them, and now we want to burden them with a situation that they, I repeat for the last time, do not want to be involved with. This amendment should be defeated for what it is, a Latino outreach program that will fail miserably.

Mr. TANCREDO. Mr. Chairman, I yield myself such time as I may consume.

Once again I keep thinking when I hear these arguments that somehow we have not gotten the point across of what exactly this is doing. I wish we had a big sign that said: This is the law and this is my amendment. This is the law that is on the books. This is not debatable at this point, or at least it is not part of my amendment.

If the gentleman does not like the fact that we have a law on the books saying that the people of the cities and counties should help, or let me put it this way, there is a law that says that they should not actively oppose our attempts to actually enforce immigration law, that is what it is. It does not require anything. It does not require deputization of more people or to get them involved with the actual immigration enforcement. It just says you cannot take an action that prevents the flow of information or the acceptance of information. That is it. That is the law that is on the books. What we are trying to do is assess a penalty.

The idea that local law enforcement, they do not want this because somehow people will not come forward, the reality is this, their task is to enforce the law also. They take an oath to do that, just as we do. Here we sit debating as to whether or not we should enforce a law we have already passed. That is the bizarre nature of this debate. It has nothing to do with immigrant bashing or any of the other stuff that gets brought up in this discussion.

It has to do with whether or not the law on the books should be enforced. It is a simple measure that should not be clouded with all of the kind of rhetoric and epithets that are thrown around every time we start to debate this. It is the law. Should we have it? If we should not, let us repeal it. As long as it is there, let us enforce it.

Mr. Chairman, I yield 2½ minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, let us note we are not talking about legal immigrants. Over a million people are permitted in this country legally every year. We can be very proud of that. In fact, the people most concerned about illegal immigration in this country are the million legal immigrants every year who obey the rules and stand in line and who we are slapping in the face by permitting millions of illegals to come into our country.

Trying to blur the distinction between legal and illegal is not an honest way of presenting the case. The bottom line is we are only talking about illegal immigration. We are not talking about local crime. I am not in favor of having the local judiciary to enforce criminal matters that are made criminal by the Federal Government. I am, however, in favor of the Federal Government presiding over its constitutional authority and obligation to control immigration policy in this country. And if States and cities want money from the Federal Government concerning illegal immigration and the incarceration of illegal immigrants, they will have to go along and enforce that Federal law because immigration is the rightful authority of the Federal Government.

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Mr. Chairman, let me just note this. We can make light of the fire that has swept through Chicago and destroyed homes and natural disasters. This is not a natural disaster that is befalling our people, and it is not funny. The fact is our health care system is breaking down in California and people are losing their lives. It is breaking down in other parts of the country. Our criminal justice system is breaking down. People are being murdered. Our citizens are losing their lives because we refuse to deal will illegal immigration.

The Social Security System could fall apart in 10 years if this illegal immigration continues to overwhelm us. What are we doing? Why are we permitting our children to go into our educational institutions to have a diluted education? This is ridiculous.

Mr. WOLF. Mr. Chairman, I yield to the gentleman from New York (Mr. SERRANO) 30 seconds.

Mr. SERRANO. Mr. Chairman, the gentleman from California knows me well and knows I was not being funny when I mentioned the fact that the gentleman left out the Chicago fire and the San Francisco earthquake. My point was that the gentleman is blaming immigrants for everything that is wrong in this country. The fact of life is that that is what we do, and the fact of life is that sometimes we look at people who bash immigrants on a daily basis, and then when an amendment comes before us, we cannot believe that it is anything else. But more of the same, which is immigrant bashing, that is what it is. That is what it looks like, that is what it smells like, and that is how I see it.

Mr. TANCREDO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a difficult issue, because I want to respond to my friend, my colleague's advice and his willingness to work on this issue, and that is a strong allure, because number one, I know he is a gentleman of great integrity, and I do want to do more than just simply make a statement to, as he said, be a Don Quixote. I do want to in fact move this issue forward; and if that is the best way to do it, then perhaps what I will do is withdraw this amendment, but I will do so only after I once again state that it is important for this body to make laws and then enforce them.

We call ourselves a Nation of laws ruled by law. There is only one way we can actually prove that. It is to stop this ridiculous winking at the laws we make. Enforce them or repeal them. That is all I ask, and that is what I hope that we will do. And I will work with the gentleman and take him up on his offer.

Mr. Chairman, I withdraw my amendment.

AMENDMENT NO. 6 OFFERED BY MR. FARR

Mr. FARR. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. FARR:

Insert before the short title at the end the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act to the Department of Justice may be used to prevent the States of Alaska, California, Colorado, Hawaii, Maine, Maryland, Nevada, Oregon, Vermont, or Washington from implementing State laws authorizing the use of medical marijuana in those States.

The CHAIRMAN. Points of order are reserved, and pursuant to the order of the House today, the gentleman from California (Mr. FARR) and the gentleman from Virginia (Mr. WOLF) each will control 10 minutes.

The Chair recognizes the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the purpose of this amendment is very straightforward. In simple terms, the Farr-Rohrabacher-Hinchey-Paul amendment prohibits the use of funds in the bill from preventing States that have medical marijuana laws from implementing them.

As a result, the States have medical marijuana laws on the books they can implement, regulate and enforce them, just like now. States that do not have medical marijuana laws on the books remain subject to the overarching Federal law.

This amendment does not stop law enforcement officials from prosecuting illegal use of marijuana. This amendment does not encourage the use of marijuana. This amendment does not encourage the use of drugs in children. This amendment does not legalize any drugs. This amendment does not change the classification of marijuana. This amendment is recognized as States' rights to oversee the medical scope of practice of doctors in their States, to prescribe drugs as doctors see as necessary for medical conditions.

Today's Los Angeles Times points out that the Justice Department's medical marijuana war seems increasingly out of step with the whole country. Last fall, the Supreme Court upheld a lower court ruling barring Federal officials from prosecuting doctors for their recommendations.

Just 2 weeks ago, the United Methodist Church, the Presbyterian Church, the Evangelical Lutheran Church in America and other mainstream religious groups supported doctors' rights to prescribe pot as a when-all-else-fails treatment for the seriously ill. The best way to thwart casual use of this drug is to let doctors prescribe it in closely circumscribed and regulated ways such as the States do.

Now, there are nine States that have passed these laws. The voters are speaking, and they are doing it more in every State. Just recently Vermont. Alaska, California, Colorado, Hawaii, Maine, Nevada, Oregon, Vermont, and Washington have enacted State medical marijuana laws. Because of these State laws, thousands of patients are able to alleviate their pain and suffering without fear of arrest by State or local authorities.

The threat of arrest by Federal agents, however, still exists. In the past, the Federal Government has impeded research on medical use of marijuana, even though thousands of patients have testified, explained, and acknowledged that it helps relieve some of the debilitating symptoms, such as nausea, pain, loss of appetite associated with serious illness.

Despite Federal admonitions against marijuana, the American people support medical marijuana and pretty overwhelmingly. Most national polls show the support around 70 percent.

This amendment is not necessarily about the actual medical purpose of marijuana, though I know scores of doctors have attested to marijuana's medical benefits. In States where medical marijuana is legal, thousands of licensed physicians have recommended marijuana to their patients. This amendment is not about legalizing drugs, though some will argue that it should be.

No. What this amendment is about is States rights. In so many areas we trust States rights. And I think of us here in the United States Congress. We allowed States to draw our district boundary lines.

We allow States to set the fee we have to pay to run for office. We allow the States to create the primary procedures for getting elected to Congress. We allow the States to fashion Medicaid packages. We allow States to license doctors to practice. We trust the States to do what is best for their residents of that State. When it comes to health care policy or palliative care, the care of alleviating pain, nine States of the United States have determined that it is appropriate public policy to allow the use of marijuana as a prescribed treatment.

If Congress respects States rights in so many other areas, why does it not respect it with regard to medical marijuana?

Mr. Chairman, this amendment would prevent the Federal Government from interfering with state medical marijuana laws. It would end the DEA raids on medical marijuana patients and caregivers who are acting in accordance with state law. It would not—let me repeat—it would not prevent the DEA from arresting individuals who are involved in marijuana-related activities unconnected to medical use.

Here is the simple question posed by this amendment: Should the Federal Government arrest individuals who are trying to alleviate their own suffering or the suffering of others in compliance with state law?

I am only too familiar with the tension between DEA law enforcement and state and locally-sanctioned marijuana cooperatives in California. On September 5, 2002 in Santa Cruz, California—my district—dozens of heavily armed DEA agents stormed into the home of Valerie and Mike Corral where the cooperative garden of the Wo/Men's Alliance for Medical Marijuana (WAMM), a medical marijuana hospice, is tended by collective members. They destroyed 167 plants, which would have been distributed—free of charge—to more than 200 seriously and terminally ill WAMM members. Although the Corrals did not resist, the agents pointed loaded rifles to their heads, forced them to the ground, and handcuffed their hands behind their backs. The DEA agents kept them handcuffed in their home for 4 hours before taking them 30 miles to the Federal courthouse in San Jose where they were eventually released without being charged. Meanwhile, Federal agents handcuffed the Corral's over-night guest, Suzanne Pfeil, a WAMM member who was disabled by polio, and detained two other members, one with AIDS and a caregiver. Pfeil happened to be sleeping when the raid occurred. Despite the fact that her leg braces and crutches were in plain sight, the agents demanded she stand, which she was unable to do with her hands cuffed. Pfeil's blood pressure shot up and she experienced chest pains. Agents then refused to call an ambulance. All this pain, confusion and fear—yet WAMM was operating with the full knowledge and consent of state and local authorities.

Many people who oppose medical marijuana say that there is only anecdotal evidence of its effectiveness. But these anecdotes cannot be simply dismissed; they are the stories of real people who are suffering. Just this morning in Roll Call, there was a powerful example of this. Talk show host Montel Williams discussed his struggle to live with excruciating pain caused by multiple sclerosis. Montel Williams, a former Marine and decorated naval officer, who made anti-drug PSA's for the White House drug czar's office, explained in this article that marijuana is the "only" drug that allows him to function on a day-to-day basis. Now if he is using marijuana with his doctor's advice and is following state law, why on earth should we waste Federal resources trying to prevent him from alleviating his own pain? And taking it a step further, if someone else is growing that marijuana for him and is following state law why should we take that medicine away from him by interfering with the grower?

The answer most opponents of this amendment will give is that marijuana simply is not a medicine. But this had become an absurd claim. First of all, both the Netherlands and Canada have enacted medical marijuana laws, with marijuana available at pharmacies in the Netherlands. In the United States, nine states have medical marijuana laws that allow doctors to recommend marijuana to their patients. And in those states, hundreds of doctors have recommended marijuana to thousands of patients.

Even our Federal Government has acknowledged the therapeutic benefits of marijuana. In 1999, the National Academy of Sciences' Institute of Medicine conducted a study funded by the White House Office of National Drug Policy. The principle investigator from the study said upon its completion, "We concluded that there are some limited circumstances in which we recommend smoking marijuana for medical use." An even stronger endorsement came from the DEA in 1988. Then, Administrative Law Judge Francis Young, after an exhaustive, 2-year study of marijuana, called for its rescheduling on the grounds that "marijuana, in its natural form, is one of the safest therapeutically active substances known to man." He concluded, even 60 years ago, that marijuana offered a "currently accepted medical use in treatment."

Over the past year, medical marijuana has gained even wider acceptance. It has been endorsed by the American Nurses Association, whose 2.6 million members care for the Nation's most seriously ill patients; by the United Methodist Church, the Nation's third largest religious denomination; by the New York and Rhode Island Medical Societies; and by many other health care organizations. Other longtime supporters of medical marijuana include the New England Journal of Medicine, the American Bar Association, and the American Public Health Association.

Do opponents of this amendment honestly believe the American Nurses Association, the New York State Medical Society, the United Methodist Church, the Episcopal Church, and others are supporting this issue because they hope to legalize marijuana for all purposes? Of course that isn't the reason. These organizations support legal access to marijuana for medical purposes because they know one simple fact: it helps sick people.

Other opponents of this amendment say that they will not support medical marijuana until more research is complete. The problem is that the Federal Government has effectively blocked research. To cite just one example, in July 2001, the University of Massachusetts applied to the DEA for a license to manufacture marijuana for medical research. This is the same kind of license a company called GW Pharmaceuticals applied for in England a few years ago. While GW Pharmaceuticals has now concluded Phase III trials and is nearing market approval for its marijuana spray, the DEA—3 years later—has not even bothered to deny the University of Massachusetts' license. Of course, they have not granted it, either. They have just let the application sit in limbo.

Antoher application to the Federal Government, requesting permission to import just 10 grams of marijuana for research has languished for 10 months. Does our government think 10 grams of marijuana is going to increase the drug problem in this Nation? Of course not. The Federal goal seems to be to purposely block research that would prove—or disprove, once and for all—that marijuana has therapeutic benefits.

But let's assume for a minute that all of the obstacles to research were suddenly removed. That does not get us past the immediate question: Should the Federal Government, over the course of the next year, while research is proceeding, arrest patients and caregivers who are complying with state law in order to alleviate their own suffering or the suffering of others?

Another objection raised by opponents of this amendment is that passing it would send the wrong message to children. It would make children think that marijuana is not dangerous. Let me tell you something. Children know how dangerous marijuana is already. Allowing seriously ill patients to use it will not change that. And associating the use of marijuana with AIDS and chemotherapy is not likely to increase its appeal. On the other hand, if you deny cancer, AIDS, and MS patients the opportunity to use this drug to alleviate their pain—while permitting the medical use of powerful addictive drugs like Vicodin and OxyContin—the only message you are sending to children is that you are intellectually dishonest and completely lacking in compassion.

The truth is, where medical marijuana is legal, there has been no increase in marijuana use among teens. In fact, in my home state of California, teen use of marijuana has dropped 34 percent among 7th graders, 44 percent among 9th graders, and 21 percent among 11th graders since the California medical marijuana initiative passed in 1996. The same Institute of Medicine study described earlier noted, "there is no evidence that the medical marijuana debate has altered adolescents' perceptions of the risks associated with marijuana use." Listen closely today to hear whether opponents of this amendment back their warning about sending the wrong message to children with any evidence demonstrating that medical use has caused a change in attitude about recreational use; I doubt there will be any with any scientific weight.

Mr. Chairman, this amendment is reasonably drafted and built on scientific evidence, judicial review, and medical studies. It reflects the grass roots demand and legislative will of nine of our United States. It is time for Congress to recognize the powerful dynamics of this issue and adopt my amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I rise in strong opposition to this amendment. This is a bad amendment. It will be bad for the country.

Marijuana is the most abused drug in the United States. According to the Department of Health and Human Services, more young people are now in treatment for marijuana dependency than for alcohol or for all other legal drugs combined. The amendment does not address the problem of marijuana abuse and possibly, perhaps probably, makes it worse by sending a message to young people that there can be health benefits from smoking marijuana.

In testimony before the Committee on Government Reform, the DEA provided an example of how marijuana trafficking is occurring under the guise of medicine. And there is so much more I could say, and we have the gentleman from Indiana (Mr. SOUDER) here and the gentleman from California (Mr. OSE). This is not a good amendment. The message that this sends to the young people is absolutely wrong. This was overwhelmingly defeated the last time it came up. I urge defeat of the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. FARR. Mr. Chairman I yield 3 minutes and 15 seconds to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, today I call for a broad coalition of my colleagues to support the Hinchey-Rohrabacher amendment to H.R. 4754, introduced by the gentleman from California (Mr. FARR).

Over the past 8 years, 10 States have adopted laws that decriminalize the use of marijuana for medical purposes. These States have passed these laws to allow the use of marijuana to relieve intense pain that accompanies several debilitating diseases, including AIDS, cancer, multiple sclerosis, and glaucoma. In seven of these States, such as my own State of California, these laws were adopted by a direct referendum of the people.

The Federal Government, however, has made it nearly impossible for these States to implement their own laws, the laws that the people voted for. The DEA has conducted numerous raids on homes of medical marijuana users, prosecuting patients who were using marijuana in accordance with State law to relieve intense pain and other symptoms caused by a variety of illnesses. Despite these State laws, the Justice Department is working overtime to put sick people and those who would help them in jail.

It is time for the Federal Government to respect the rights of individual States to determine their own health and criminal justice policies on this matter. A growing movement of Americans from conservative to liberal is calling for the Federal Government to keep its hands off the States that wish to allow their citizens to use marijuana for medical purposes. In my State, the people have spoken overwhelmingly. Both Republican and Democrat counties voted for medical freedom. Our new Governor, Arnold Schwarzenegger, has made it clear in regard to the Federal Government's interference with California's medical marijuana policy in his message to Washington, and what is it? It is "Hasta la vista, baby." Even more poignant, Tom McClintock, Arnold's leading conservative opponent in the recent recall election, has spoken out even more strongly against the Federal interference with California's medical marijuana laws. The Governor of Maryland also, our former Republican colleague, Robert Ehrlich, has signed Maryland's new medical marijuana law and has lobbied Members of Congress on this issue.

As a conservative, I am increasingly troubled by the federalization of criminal law that has occurred in recent years. It seems that more and more crimes are being declared to be Federal crimes. While sometimes this is appropriate, for example in immigration law, which is a federally mandated issue by our Constitution, but criminal justice constitutionally is the domain of the State and local government. This is especially true when the people of these many States determine by their own vote the policy concerning this specific personal behavior.

It is time for the conservatives and liberals to join together in calling for the Federal Government to keep its hands off. Liberals, moderates, and conservatives should unite in order to protect the freedom of our people. This is a freedom issue, and it is also a humanitarian issue. We should make sure that the local people have a right to determine if the doctors in their community, and that is what we are talking about, the doctors are able to prescribe marijuana for people who are suffering from AIDS and suffering from cancer and other types of diseases. This is not fair, and it is not humane to go the other way; and it is un-American to centralize this type of criminal justice matter in the hands of Federal bureaucrats rather than the people who vote in our specific communities.

Mr. WOLF. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. BURGESS).

Mr. BURGESS. Mr. Chairman, I would just like to point out that as a physician before I came to Congress, medical marijuana is actually not necessary because the active ingredient in medical marijuana is delta-9-tetrahydrocannabinol. This is a compound that is readily available not in a handful of States as medical marijuana is, but in every State of the Union. It is legal today. It is called Marinol. It is a pill. It is easy to take. And people who suffer from cancer, people who have anorexia from chemotherapy, people who suffer from AIDS may use Marinol today to their benefit.

Mr. Chairman, it just challenges the imagination. As a physician, I wrote a lot of prescriptions for morphine for patients who were in pain. I would have never recommended to a patient that they go home and score some opium and smoke it. That would be an inappropriate way for them to deliver the drug.

□ 2015

This drug is delivered in a humane and compassionate way. It is delivered in a way that deals with the symptoms it is designed to deal with, and we do not explode the drug culture in this country by doing so.

Mr. FARR. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I, too, am a physician from Texas, but I have a little different opinion about Marinol. No doctor that I know of ever prescribes Marinol.

I think marijuana is a helpful medical treatment for the people who have intractable nausea. I would like to point out this is not something strange that we are suggesting here. For the first 163 years of our history in this country, the Federal Government had total hands off, they never interfered with what the States were doing. They interfered only after 1938 through tax law. So this is something new.

The States' rights issue is almost a dead issue in the Congress, but we ought to continue to talk about it, and I am delighted somebody has brought this up.

But if you do have compassion and care for patients, they ought to have a freedom of choice. I think that is what this is all about, freedom of choice.

I would like to point out one statistic. One year prior to 9/11 there were 750,000 arrests of people who used marijuana; there was one arrest for a suspect that was committing terrorism. Now, that, to me, is a misdirected law enforcement program that we could help address here by at least allowing the States to follow the laws that they already have on the books.

Mr. WOLF. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. BURNS).

Mr. BURNS. Mr. Chairman, in 2001, the FDA approved the pain killer OxyContin, knowing that it had a high probability of being diverted for illicit use. We felt that the gain was worth the risk. The abuse, unfortunately, of OxyContin is now a nationwide epidemic.

In spite of the fact that, unlike OxyContin, there are safe and effective and legal alternatives to smoking pot for pain relief, we are now considering the use of marijuana for its medical purposes.

The active ingredient, as the gentleman from Texas (Mr. BURGESS) pointed out, is readily available in an FDA-approved capsule. This pill delivers THC, it does not carry the dangers inherent with smoking marijuana, nor does it undermine the law enforcement efforts that fight illegal drug use.

Mr. Chairman, the legalization of medical marijuana is simply the first step in a scheme to overturn all the substance abuse laws that we work hard to enforce today. We need to vote "no" on legalization of marijuana and its use in America.

Mr. WOLF. Mr. Chairman, I yield 1 minute of the 3 minutes to the gentleman from California (Mr. OSE)

Mr. OSE. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in absolute, 100 percent opposition to this amendment. I have listened to the arguments of my friends from Texas and my friend from California in one case and my friend from California in the other, and I have to say that their argument on States' rights is a unique application as it relates to so-called "medical marijuana." But I have not yet heard a single bit of testimony dealing with whether or not there is any medical value to the application of marijuana in this case.

Now, the so-called phrase "medical marijuana" is a misnomer. It was invented by the people who passed the proposition in California that, frankly, hoodwinked the voters of California into voting in favor of it. But I just want to run through a couple of things here.

The FDA looks at all sorts of prescription drugs and pharmacological treatments, and they have looked at marijuana, and by and large, we have deferred to the FDA on all these analyses. But, all of a sudden, when it comes to so-called "medical marijuana," the FDA is no longer competent. But I do want to enter into the RECORD that the FDA, in fact, did look at marijuana as a medical substance and found absolutely no value whatsoever to its use.

Now, the FDA has, in fact, looked at Marinol, in which the active ingredient in so-called "medical marijuana" is present, THC, and has approved that for use in treating nausea and pain and the like, and it is readily available by prescription, a true prescription, from a doctor.

Let us dwell for a minute in California, which I am familiar with, on this so-called "medical marijuana" and the facade that people go through to obtain it.

First of all, the referendum requires that a doctor issue a so-called prescription. However, the doctor refuses to issue a prescription on a prescription form for so-called medical marijuana. They write it on a piece of blank paper, because the doctors know that it is not a prescription, it is a facade perpetrated upon the people of California that this has any medical qualities whatsoever.

Now, my friend from Indiana is going to share with you the story of a tragic occurrence in San Francisco, and I am not going to jump the gun on him, because this is absolutely heartbreaking, what he is going to tell you. But I do want to tell you, that incident is not singular in nature.

The fact of the matter is we have children, young people across this country, watching you and me and our peers across this country as it relates to the use of so-called medical marijuana, and if you think for one minute that they are going to turn a blind eye to our acquiescence, that just because it happens to be a little bit difficult to tell people "No, you are not going to be able to smoke dope," just because it happens to be a little bit difficult to tell people that, that we are going to roll over and pass this prohibition on funds, just begs the imagination about what leadership really constitutes.

Mr. WOLF. Mr. Chairman, who has the right to close?

The CHAIRMAN. The gentleman from Virginia has the right to close.

PARLIAMENTARY INQUIRY

Mr. FARR. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. FARR. Mr. Chairman, I thought the author of the amendment has the right to close.

The CHAIRMAN. The chairman of the subcommittee, controlling time in opposition to the amendment, has the right to close.

The gentleman from California (Mr. FARR) has 1¾ minutes remaining, and the gentleman from Virginia (Mr. WOLF) has 4 minutes remaining.

Mr. FARR. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, I rise in support of this amendment because my mother had glaucoma and we bought her marijuana because it was a relief, and that was before this bill was passed in the State of California.

I support this amendment because it respects State authority, because the people in our State believe medical marijuana is a way to relieve those suffering from cancer, from glaucoma, from AIDS, from spastic disorders and other debilitating diseases.

This amendment will do only one thing: It will stop the Justice Department from punishing those who are abiding by their State laws. It changes no law.

Mr. Chairman, I ask my colleagues, support this amendment so that those who suffer from debilitating diseases can get the relief that they need, and they can get it without fear of the Federal Government.

Mr. FARR. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I would like to respond to the comment of the gentleman from Virginia (Mr. WOLF). I am going to read here that in the State of California, teen use of marijuana has dropped 34 percent among seventh graders, 44 percent among ninth graders and 21 percent among eleventh graders since the California medical marijuana initiative passed in 1996.

Also, I would like to point out that this is not such a radical amendment. It only affects the States that have State laws, that have the enforcement. We have not heard from law enforcement opposing this. We have heard from the American Nursing Association, the United Methodist Church, the New York Medical Society, the Rhode Island Medical Society, the New England Journal of Medicine, the American Bar Association, the American Public Health Association and the Episcopal Church. They all support this amendment.

Mr. WOLF. Mr. Chairman, I yield the balance of my time to the gentleman from Indiana (Mr. SOUDER).

The CHAIRMAN. The gentleman is recognized for 4 minutes.

Mr. SOUDER. Mr. Chairman, first, do not let any Member kid themselves; if you cannot enforce a Federal law, you do not have a Federal law. This would eliminate our ability to enforce marijuana laws in States that have passed this.

My friend from California alluded to a very sad case in the State of California. When we as Members use phrases like "medical marijuana" and responsible officials imply that drugs like marijuana are medical, tragedies like this happen.

Irma Perez, age 14, the late Irma Perez, was overdosing on Ecstasy. Her friends had heard that marijuana was medical, and instead of getting her to a doctor, where they said she would have been saved, they gave her marijuana on top of her Ecstasy and she died.

When we have silly debates like this, quite frankly, we bear responsibility. Yesterday, in Ohio, six people died, including a family of four, two adults and two children, when a young person on marijuana and alcohol collided into a truck that hit two other vehicles and killed six people.

If you have medical marijuana laws, like has happened in a court case in the State of Oregon, drug testing laws for truck drivers have been thrown out. It is now being appealed higher, but it is not even clear that you can be assured that our congressional drug testing law for truck drivers will stand up, given the way the courts are interpreting this.

In California, we have a doctor that has given 348 patients under this medical marijuana, including for anxiety and restless leg syndrome. In Oregon, we have a doctor who gave it to 4,000 people over the last few years. We have another doctor in California who uses it, we actually had this person at our hearing, for ADD and hyperactivity, even though she admitted she has no evidence that it worked for those things, but she felt it would make them feel better.

You either believe you have an FDA or you do not have an FDA. We hear about all kinds of other things that FDA cracks down on. Either you have a national FDA or you do not have an FDA.

Furthermore, just last week in Oakland, California, they pulled over a group of guys with about 66 pounds of marijuana. They said it was for medicinal purposes. They found where it was coming from, and they found a warehouse. In this warehouse, they found millions of dollars of marijuana where the people started fleeing, and then these advocates of medical marijuana in California said, Oh, it was so medical.

The person who owned the building had already been busted for transporting illegal drugs. He had lost his license as a pawnbroker. But, no, this was medical marijuana. Some estimate that up to 90 percent of the cases, this is the pro-medical marijuana cases, of marijuana use in California, would be classified as medical.

That is why we have letters, and I will include these in the records, from the Community Antidrug Coalition, and Dr. Dean, who coordinates these efforts, says he opposes it; the Fraternal Order of Police; the Partnership for a Drug-Free America, who plead on behalf of the drug treatment and prevention groups in America to oppose this; the Drug-Free America Foundation; and the U.S. Department of Justice, which is concerned that they will not be able to enforce any drug laws if we do not allow the Federal Government to enforce.

We need to defeat this amendment because it is the wrong message to our youth, it is the wrong message to our law enforcement, it is the wrong message to our drug treatment people, it is the wrong message to the people in the streets of their neighborhoods trying to reclaim their often crime-ridden neighborhoods from drug dealers and addicts in their areas, and it is, quite frankly, unconstitutional.

We fought a Civil War over nullification. States do not have the right. If we can have States nullify an existing Federal law, then on what grounds can this not happen under the same precedent, a lack of enforcement on environmental laws, of civil rights laws, of the Americans with Disabilities Act, of any law? Because once a State can nullify a Federal law by saying, We cannot enforce it, you do not have a Federal system.

This is an amendment fraught with difficulties and should be overwhelmingly defeated by both sides for a multitude of reasons.

Mr. Chairman, I include for the RECORD the letters referred to earlier in my statement.

COMMUNITY ANTI-DRUG
COALITIONS OF AMERICA,
Alexandria, VA, July 1, 2004.

Hon. MARK SOUDER,
House of Representatives, Subcommittee on Criminal Justice, Drug Policy and Human Resources, Rayburn House Building, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the 5,000 coalition members that Community Anti-Drug Coalitions of America (CADCA) represents, I am writing to strongly urge you to oppose an amendment to be offered by Representative Maurice D. Hinchey (D–NY) to the Commerce, Justice, State, Judiciary and Related Agencies FY 2005 Appropriations bill which would effectively prohibit enforcement of Federal law with respect to use of "medical" marijuana. I strongly urge you to oppose this amendment not only because marijuana is an illegal, addictive Schedule I drug, with no medicinal value, but also because this sends the entirely wrong message to the youth of America.

Marijuana is not a harmless drug: it is the most widely abused illicit drug in the nation. According to the Substance Abuse and Mental Health Services Administration's Treatment Episode Data Set, approximately 60% of adolescent treatment cases in 2001 were for marijuana abuse. Research shows that the decline in the use of any illegal drug is directly related to its perception of harm or risk by the user. Advertising smoked marijuana as medicine sends the wrong message to America's youth—that marijuana is not dangerous. Congressman Hinchey's amendment goes even further by removing the ability of law enforcement officials to enforce Federal law. The efforts of the drug legalization movement, to promote the myth of "medical" marijuana and to stifle the efforts of law enforcement agencies to enforce Federal law severely dilutes the prevention efforts that community anti-drug coalitions across America are undertaking to communicate marijuana is dangerous, it has serious consequences, and is illegal.

Congressman Hinchey's amendment is offered under the guise of compassion towards seriously ill patients, when in reality it is a "Trojan horse" to legalize marijuana. To date, the FDA has not approved nor has it found any medicinal value in smoked marijuana, which is why it remains a Schedule I controlled substance. Furthermore, in the States that have legalized marijuana for so-called "medicinal" purposes, seriously ill, elderly patients are not the only patients receiving marijuana—children are also. At a hearing before your Subcommittee on Criminal Justice, Drug Policy and Human Resources, Dr. Claudia Jensen, of Ventura, California, testified that she prescribes marijuana as medicine for adolescents under her care who have been diagnosed with Attention Deficit Disorder (ADD). In a policy statement from the American Academy of Pediatrics stating their opposition to the legalization of marijuana, they state that "Any change in the legal status of marijuana, even if limited to adults, could effect the prevalence of use among adolescents." What kind of a message are the youth of America receiving when doctors willingly give children marijuana—it tells children that marijuana is not a dangerous drug.

Mr. Chairman, I strongly urge you to help us protect our nation's youth and oppose any and all amendments limiting the enforcement of the Federal law pertaining to marijuana use. Thank you for considering my views.

Sincerely,

ARTHUR T. DEAN,
Major General, U.S. Army, Retired,
Chairman and CEO.

GRAND LODGE,
FRATERNAL ORDER OF POLICE,
Washington, DC, July 6, 2004.

Hon. MARK SOUDER,
Chairman, Subcommittee on Criminal Justice, Drug Policy, and Human Resources, Committee on Government Reform, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing on behalf of the membership of the Fraternal Order of Police to advise you of our strong opposition to an amendment which may be offered to H.R. 4754, the appropriations measure for the Departments of Commerce, Justice, State and the Judiciary, which is scheduled to be considered on the House floor this week. The amendment, which was offered last year by Representative Maurice D. Hinchey (D–NY), would effectively prohibit enforcement of Federal law with respect to marijuana in States that do not provide penalties for the use of the drug for so-called "medical" reasons.

In these States, Federal enforcement is the only effective enforcement of the laws prohibiting the possession and use of marijuana. Federal efforts provide the sole deterrent to the use of harder drugs and the commission of other crimes, including violent crimes and crimes against property, which go hand-in-hand with drug use and drug trafficking. Federal investigations of marijuana producers also serve to disrupt larger drug trafficking organizations, particularly in the State of California where marijuana is sometimes traded for precursor chemicals for methamphetamines, and in the Sate of Washington, which is a significant gateway for high-potency marijuana that can sell for the same price as heroin on many of our nation's streets.

Such an amendment threatens to cause a significant disruptive effect on the combined efforts of State and local law enforcement to reduce drug crime in every region of the country. On behalf of the more than 318,000 members of the Fraternal Order of Police, we urge its defeat. If I can be of any further help on this issue, please feel free to contact me or Executive Director Jim Pasco through my Washington office.

Sincerely,

CHUCK CANTERBURY,
National President.

PARTNERSHIP FOR A
DRUG-FREE AMERICA,
New York, NY, July 7, 2004.

Hon. FRANK WOLF,
Chairman, House Subcommittee on Commerce, Justice, and State, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This letter is to express our opposition to an amendment being proposed to the Commerce, Justice, State FY 2005 appropriations bill, scheduled for consideration today. Congressman Maurice Hinchey is proposing an amendment that again seeks to prohibit the enforcement of federal law pertaining to marijuana in states that have decriminalized the use of marijuana for medicinal application. The proposed amendment is likely to have the unintended effect of handicapping federal law enforcement agents from enforcing all laws pertaining to marijuana use and trafficking. Therefore, we encourage you and members of the committee to oppose this amendment.

The issue of medical applications of smoked marijuana is one for the medical and scientific communities to evaluate. As you know, state-based referenda on this issue are not homegrown initiatives, but rather are being driven and financed by a handful of national organizations that seek to legalize marijuana and other drugs. The position of the medical community is quite clear on this issue. The American Medical Association, for example, calls for further adequate and well-controlled studies of smoked THC for serious medical conditions, but the AMA recommends that marijuana be retained in Schedule I of the Controlled Substances Act pending the outcome of such studies.

The last thing we need to do is making marijuana more available on the streets of America. Please ensure that federal law enforcement officials can enforce federal laws relevant to marijuana.

Thank you for your consideration.

Sincerely,

STEPHEN J. PASIERB,
President, Chief Executive Officer.

NATIONAL NARCOTIC OFFICERS'
ASSOCIATIONS COALITION,
West Covina, CA, July 1, 2004.

Hon. MARK SOUDER,
Chairman, Committee on Government Reform, Subcommittee on Criminal Justice, Drug Policy and Human Resources, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN SOUDER: I am writing on behalf of the forty state narcotic officers associations and more than 60,000 state and local law enforcement officers that are represented by the National Narcotic Officers' Associations' Coalition (NNOAC) to offer our strong opposition to an amendment that will be offered in the United States House of Representatives that would effectively prohibit the enforcement of Federal marijuana laws in states that do not provide penalties for the use of what has been deemed "medical" marijuana.

As you know, despite opposition by the American Medical Association and other credible medical and health organizations, drug legalization activists have chosen to seek the medicalization or legalization of marijuana by relying on the emotions of local voters rather than science based data and the recommendations of the medical community. This reckless approach has resulted in several states adopting medical marijuana laws and relying on public emotion rather than science to approve crude, smoked marijuana for medical use. This action has circumvented the patient protections provided in the Pure Food and Drug Act, which have served to keep Americans safe from dangerous or untested remedies since it was enacted in 1906.

Because marijuana enforcement by Federal officials is now the only effective enforcement of the marijuana laws in several states where medical initiatives have all but legalized the drug, the passage of this amendment would have disastrous results. This enforcement of marijuana laws provides a strong deterrent to the use of marijuana, which also helps reduce the use of hard drugs and the resulting property and violent crimes. Enforcement also sends a strong message to our young people that marijuana use is dangerous and unacceptable. And finally, law enforcement provides a social stigma to marijuana use that helps to prevent the normalization of drug use. Without this enforcement, many people will be lured into believing that marijuana use is safe and poses no threat of addiction.

Federal investigations of marijuana cultivators also serve to disrupt larger drug trafficking organizations, particularly in the state of California, where marijuana is sometimes traded for precursor chemicals for methamphetamine into the state of Washington, which is a significant gateway for high potency marijuana that can sell for the same price as heroin. The HINCHEY Amendment threatens to cause a significant disruptive effective on state and local law enforcement of both drug laws and of other crimes affecting public safety in states where it would apply.

The members of the NNOAC strongly encourage you and your colleagues in the Congress to support their local law enforcement officers, health-care workers, educators, and community anti-drug activists, who are dedicated to working towards safe drug free communities by vigorously opposing this dangerous amendment. The passage of the HINCHEY Amendment would have a catastrophic effect and would result in increased drug use and related violence, marijuana related DUI collisions, lost productivity and work place accidents.

Please accept the thanks of our 60,000 members for all that you and your colleagues do to support law enforcement and to help us keep this great nation safe and drug free.

Sincerely,

RONALD E. BROOKS,
President.

JULY 6, 2004.

DEAR REPRESENTATIVE: I have dedicated the past three decades to fighting the war on drugs and as such, I am urging you to oppose the Hinchey-Rohrabacher amendment because of the staggering effect it will have on society.

I have helped form public policy in the United States' campaign against drugs through participation in the White House Conference for a Drug Free America, as a member of the Governor's Drug Policy Task Force in Florida and as a board member of DARE Florida (Drug Abuse Resistance Education.) I presently reside in Rome while my husband serves as the United States Ambassador to the Republic of Italy.

With this experience, I can tell you that drug legalization efforts abound today in the United States with deceptive campaigns that exploit the sick and dying. Medical excuse marijuana is the most common tactic used by legalization proponents. This new amendment intends to prohibit the U.S. Justice Department (including the DEA) from interfering with state medical excuse marijuana laws. If passed, the pro-drug lobby will once again undercut the federal government.

In reference to using the medical marijuana excuse, there has never been controversy about the use of purified chemicals in marijuana to treat any illness; however, marijuana cigarettes are not medicine. The false portrayal of smoked marijuana as a helpful medicine has contributed to the increased use of marijuana and other drugs by young people. Sixty percent of youths in drug treatment today are there for marijuana addiction.

In areas where medical excuse marijuana is legal, people are toking up under the guise of treating conditions such as premenstrual syndrome, athlete's foot and migraines. The Institute of Medicine (IOM), found marijuana effective in addressing symptoms of nausea, appetite loss, pain and anxiety. However, the same report concluded that, "smoked marijuana is unlikely to be a safe medication for any chronic medical condition."

Our nation is under attack by extremely well-financed groups, whose sole intention is to profit from drug legalization. They don't care about civil liberties or our nation's children. They only care about getting rich at the cost of a deteriorated society. They frequently use compassion for the sick and dying as one of their manipulative tactics to normalize drug use. These groups would like nothing more than to eliminate governmental regulation. It is imperative that state government be accountable to federal government, especially when it comes to drug policy.

As a drug prevention and policy expert, caring mother and grandmother, I urge you—do not vote for the Hinchey-Rohrabacher amendment.

Sincerely,

BETTY S. SEMBLER,
Founder and Chair,
Drug-Free America Foundation.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, July 7, 2004.

Hon. FRANK WOLF,
Chairman, Subcommittee on Commerce, Justice, State, and the Judiciary, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Department of Justice would oppose any amendment to appropriations legislation preventing the Justice Department or the Drug Enforcement Administration ("DEA") from enforcing the Controlled Substances Act with respect to marijuana either generally or in specified States. Any such limitation would interfere with the protection of public health and safety against marijuana, which is dangerous to both users and non-users and is the most widely abused illicit drug in America. Moreover, a provision applying only to certain States would unfairly and inappropriately prevent uniform enforcement of Federal law nationwide.

Marijuana is a widespread health and social concern. More young people are currently in treatment for marijuana dependency than for alcohol and all other illegal drugs combined, and mentions of marijuana use in emergency room visits have risen 176 percent since 1994, surpassing those of heroin. Marijuana also can have a dangerous impact on non-users, as demonstrated by the problem of drugged driving. Marijuana affects alertness, concentration, perception, coordination, and reaction time—skills that are necessary for safe driving. Use of marijuana and other illicit drugs also comes at significant expense to society in terms of lost productivity, public health care costs, and accidents. Accordingly, the Justice Department and the DEA continue to vigilantly enforce Federal laws against marijuana trafficking. Any limitation on enforcement of the Controlled Substances Act with respect to marijuana would jeopardize our efforts to continue reducing youth drug use and to protect the public.

The same considerations are important for persons who, contrary to controlling Federal law, would use smoked marijuana for purported medical purposes. States are free to define criminal acts and impose corresponding penalties, under State law, in the manner they see fit. However, it does not follow that the absence of penalties in a particular State for marijuana use in these circumstances "legalizes" conduct that remains clearly illegal under the Controlled Substances Act. Moreover, this issue is not only one of legal form; it also is a compelling problem of public health and safety. Smoked marijuana has not been approved for use under the rigorous Federal drug approval process conducted by the Food and Drug Administration ("FDA"), which prohibits drugs from being sold or distributed in interstate commerce as medicine unless they have been proven in sound clinical studies to be both safe and effective for their intended use. To date, no sound scientific study has shown that smoking marijuana is safe and effective for any disease or condition. The Institute of Medicine has concluded that "[t]here is little future in smoked marijuana as a medically approved medication," and the British Medical Association linked its use to greater risk of heart disease, lung cancer, bronchitis, and emphysema. The DEA, in conjunction with the FDA, has approved and will continue to approve research into whether discrete ingredients of marijuana can be adapted for medical use. However, with respect to smoked marijuana, the clear weight of evidence is that it is not medicine—it is harmful.

Finally, any amendment that would restrict enforcement and prosecution in certain specifically named States, but not in others, would prevent the Department of Justice from uniformly enforcing the law throughout the United States. As a practical matter, residents of States listed in such an amendment would be exempted from Federal enforcement and persecution for cultivation, distribution, and use of marijuana in certain circumstances, while residents of other States would continue to face potential criminal liability for precisely the same conduct. We also note that the amendment would effectively establish a classification among residents of different States with respect to the enforcement of the Federal drug laws. Consequently, Federal persecution of persons in non-covered States for marijuana-related drug violations potentially could be subject to challenge under the equal protection requirements of the Due Process Clause of the Fifth Amendment, particularly in States that may enact future medical marijuana laws that are not covered by the language of this provision.

Again, the Department of Justice opposes any amendment restricting enforcement of the Controlled Substances Act. We appreciate your continued support of our efforts to continue meeting the goals of the President's strategy to reduce youth drug use in America.

If we may be of further assistance in this matter, please do not hesitate to contact us. The Office of Management and Budget has advised that there is no objection to this report from the standpoint of the Administration's program.

Sincerely,

WILLIAM E. MOSCHELLA,
Assistant Attorney General.

Ms. PELOSI. Mr. Chairman, I rise in support of this amendment offered by my colleagues SAM FARR, DANA ROHRABACHER, MAURICE HINCHEY, and RON PAUL, and I salute their courage in bringing it to the House floor.

This amendment to the Fiscal Year 2005 Commerce, Justice, State, and Judiciary Appropriations bill would prohibit the Justice Department from spending any funds to undermine state medical marijuana laws. It would leave to the discretion of the states how they would alleviate the suffering of their citizens.

Eleven states, including my home state of California, have adopted medical marijuana laws since 1996. Most of these laws were approved by a vote of the people. More than 70 percent of Americans support the right of patients to use marijuana with a doctor's recommendation.

I am pleased to join organizations that support legal access to medical marijuana, including the American Academy of Family Physicians, the American Bar Association, the American Nurses Association, the American Public Health Association, and the AIDS Action Council.

Religious denominations supporting legal access to medical marijuana or state discretion on this issue include the Episcopal Church, the Evangelical Lutheran Church, the National Council of Churches, the National Progressive Baptist Convention, the Presbyterian Church, the Union for Reform Judaism, the United Church of Christ, the Unitarian Universalist Association, and the United Methodist Church.

Proven medicinal uses of marijuana include improving the quality of life for patients with cancer, multiple sclerosis, and other severe medical conditions.

In my city of San Francisco, we have lost nearly 20,000 people to AIDS over the last two decades, and I have seen firsthand the suffering that accompanies this awful disease. Medical marijuana alleviates some of the most debilitating symptoms of AIDS, including pain, wasting, and nausea.

In 1999, the Institute of Medicine issued a report that had been commissioned by the Office of National Drug Control Policy. The study found that medical marijuana "would be advantageous" in the treatment of some diseases, and is "potentially effective in treatment pain, nausea, and anorexia of AIDS wasting and other symptoms."

To fight the war on drug abuse effectively, we must get our priorities in order and fund treatment and education. Making criminals of seriously ill people who seek proven therapy is not a step toward controlling America's drug problem.

Again, I commend Mr. FARR, Mr. ROHRABACHER, Mr. HINCHEY, and Mr. PAUL for their leadership on this issue, which affects the health and well-being of so many Americans.

Mr. KUCINICH. Mr. Chairman, I rise to support the Farr/Rohrabacher/Hinchey amendment, which will end federal raids on medical marijuana patients and providers in states where medical marijuana is legal.

Despite marijuana's recognized therapeutic value, including a National Academy of Sciences' Institute of Medicine report recommending its use in certain circumstances, federal law refuses to recognize its medicinal importance and safety. Instead, federal penalties for all marijuana use, regardless of purpose, includes up to a year in prison for the possession of even small amounts.

But since 1996, eight states have enacted laws to allow very ill patients to use medical marijuana in spite of federal law. The present administration, however has sought to override such state statutes, viewing the use of marijuana for medicinal purposes in the same light as the use of heroin or cocaine. In 2002, federal agents raided the Wo/Men's Alliance for Medical Marijuana or WAMM, an organization that under California state law legally dispensed marijuana to patients whose doctors had recommended it for pain and suffering. Eighty-five percent of WAMM's 225 members were terminally ill with cancer or AIDS.

The federal government should use its power to help terminally ill citizens, not arrest them. And states deserve to have the right to make their own decisions regarding the use of medical marijuana. I strongly urge my colleagues to support this amendment.

The CHAIRMAN. All time has expired on this amendment. The question is on the amendment offered by the gentleman from California (Mr. FARR).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FARR. Mr. Chairman, I demand a recorded vote

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California (Mr. FARR) will be postponed.

Mr. WOLF. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. OSE) having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4754) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2005, and for other purposes, had come to no resolution thereon.

MAKING IN ORDER PRO FORMA AMENDMENT BY CHAIRMAN AND RANKING MEMBER TO EACH AMENDMENT MADE IN ORDER DURING FURTHER CONSIDERATION OF H.R. 4754, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

Mr. WOLF. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 4754 in the Committee of the Whole pursuant to House Resolution 701 and the order of the House of earlier today, the chairman and ranking minority member of the Committee on Appropriations or their designees each may offer one pro forma amendment to each amendment for the purpose of further debate.

□ 2030

The Speaker pro tempore (Mr. OSE). Is there objection to the request of the gentleman from Virginia?

There was no objection.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

The SPEAKER pro tempore. Pursuant to House Resolution 701 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4754.

□ 2031

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4754) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2005, and for other purposes, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose earlier today, a demand for a recorded vote on amendment No. 6 offered by the gentleman from California (Mr. FARR) had been postponed, and the bill was open for amendment from page 57, line 18 through page 108, line 22.

Pursuant to the order of the House of today, the chairman and the ranking minority member of the Committee on Appropriations or their designees may offer one pro forma amendment to each amendment for the purpose of further debate.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to implement, administer, or enforce the amendments made to sections 740.12 of title 15, Code of Federal Regulations (relating to license exemptions for gift parcels and humanitarian donations for Cuba), and 740.14 of such title (relating to license exemptions for baggage taken by individuals for travel to Cuba), as published in the Federal Register on June 22, 2004 (69 Fed. Reg. 34565–34567).

The CHAIRMAN. Points of order are reserved. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Flake-Davis-Emerson-Delahunt amendment simply prohibits the enforcement on the new Department of Commerce restrictions published June 22 of this year.

These new restrictions added to the list of items prohibited in the sending of gift parcels, namely, clothing, personal hygiene items, seeds, fishing equipment, soap-making equipment, and veterinary medicine and supplies. As I read through the new list, it occurs to me that these items would promote self-sufficiency among Cubans.

The rationale in the new regulations, however, seems to promote a dependency of Cubans on their oppressive government, the same government that has deprived them of freedom for the past 45 years. To quote the Federal Register that contains these new restrictions: "Such parcels decrease the burden on the Cuban regime to provide for the basic needs of its people." By prohibiting these items from being sent to Cuba, we are, in fact, promoting dependence of these people on a dictator.

This amendment would simply take us back to June 21 of this year, at which point several restrictions were already in place.

The message of this amendment is that it is unreasonable for our government to prevent Americans from sending clothes, personal hygiene items, seeds, et cetera to people in Cuba who are struggling under the dictatorship of Fidel Castro. Withholding of such items will have little effect on Castro and a significant effect on individuals who already struggle for the basics.

This amendment would also prevent the enforcement of the new restriction that says gift parcels can only be sent once a month per household instead of once a month per individual. Again, why should we limit the help that Cuban Americans can send to their families?

Finally, it would prevent the enforcement of the new restriction that says travelers are only allowed to carry 44 pounds of luggage, another way to limit the amount of help that can be sent to struggling families.

In Cuba, the average salary is about $10 a month. When a Cuban family receives simple household items in a parcel, it can save its limited income and spend it on food and other necessities. It is hard to think of an economic sanction that does more harm to the welfare of families in Cuba or does more to make the United States seem mean-spirited towards families who already have the misfortune to live under Communism.

We Republicans have diverse views on the Cuban embargo, but we are united on family values; and we should stand up for them here.

As President Reagan said in 1984, "We must be careful, in reacting to actions by the Soviet Government, not to take out our indignations on those not responsible." I would submit, Mr. Chairman, that that is what we are doing here. We are taking it out on those who are not responsible.

The United States should not be targeting economic sanctions directly against Cuban families, nor should we take away from Cuban Americans the right that all immigrants have, to help loved ones who are left behind.

I urge support of the Flake-Davis-Emerson-Delahunt amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment, and I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to this amendment. Still allowed is food, medicine, medical supplies, equipment; receive only radio equipment for reception. It does not eliminate humanitarian aid. So the amendment prohibits implementation of a regulation that is still under development. This regulation, as I understand it, would provide several categories of items that BIS has approved for export to Cuba, the eligibility requirements for gift parcels that can be sent to Cuba without a license.

The Commerce Department had told us that based on input from the public since they published the regulation and in consultation with the State Department, the Department is revising the rule.

Castro has a number of people that are in prison today, many speaking out for human rights; and I think it would be important to send a message; and, as a result of that, I rise in strong opposition to the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. FLAKE. Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Mr. Chairman, I thank the gentleman for yielding me this time, and I respectfully disagree with the distinguished chairman of the subcommittee. I think this is a human rights issue.

This is not an issue about whether the embargo is going to stand with Cuba. This is a more fundamental issue about the human rights of Cuban-Americans living in the United States: in my home, the Tampa Bay area of the State of Florida, throughout the country, and their families who have been left behind in Cuba.

As the gentleman from Arizona (Mr. FLAKE) alluded to, under the new restrictions that have been announced by the State Department that have taken effect, we now as a country prohibit Cuban-Americans from sending to their own family members, soap, toothpaste, or underwear. Those will no longer be allowed to be mailed by family members in the United States to their families in Cuba. On top of that, these regulations specifically prohibit United States citizens from sending anything to family members other than their mother, father, brother, or sister. In other words, if you had a cousin or an aunt or uncle in Cuba that you care about and are trying to help, under this rule which has now taken effect, you can no longer send to them medicine or food or medical supplies.

This is tragic. This is absurd. This is unforgivable. This is something that we should not countenance as a House. This is not a policy we ever would have adopted as a Congress.

There are a few things that I believe people on both sides of this amendment agree upon: first, that the conditions under the horrific Fidel Castro regime are insufferable for Cubans and their families living down there; secondly, that for years, this government has done very little to help their people and will continue to do very little. We can also agree that one of the few sources of hope and comfort that families in Cuba have is the hope that their own family members will try to help them. I know from visiting Cuba 18 months ago with the gentleman from Arizona (Chairman KOLBE), I saw for myself the horrific, intolerable, unmerciful conditions this regime has inflicted on its own people. There are people walking around without adequate clothing, without adequate food, without adequate medical supplies.

Now, we are telling those people that we are going to take away one of the last sources of hope and support they have: their own family members who are trying to assist them by mailing to them food, medicine, clothing, toothpaste, soap. I represent a lot of people who work very hard so they can set aside money to buy the things that we take for granted every day in our own homes; and they mail it, they used to mail it to their family members, their aunts, their uncles, their cousins, their parents, their children. They can no longer do so under these regulations that are not in development; these regulations are in effect.

This is having an impact today on the lives of people here in the United States and in Cuba who are hanging on for dear life. We all know there are times in our lives where the only person you can count on to help you is your own family because the government lets you down, other people cannot or will not help you. This is one of those times in the horrific history of Cuba where family members are there. They are the only thing that is there to keep people alive, to keep them healthy, to keep them from starving; and we as a government have stepped in, through a rule that was developed very quickly without a lot of public discussion and debate, and we have cut off that family support.

This is not who we are as a country. This is not what we stand for. These are not our values. They are also not the values of these people in Cuba who are fighting to maintain their dignity and their health. We should adopt the Flake-Davis-Delahunt-Emerson amendment. We should repeal these rules. This is a mistake. I urge my colleagues to adopt the amendment.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I asked to go to Cuba. The gentleman from New Jersey (Mr. SMITH) and I asked to go. We were denied. We were denied by Castro for the ability to go visit church leaders in Cuba. Yet, I constantly see, and I guess we are not supposed to mention the names of those in the other body; different members of the other body sort of floating into Havana and coming back out. We were not given the ability to go. The State Department was not able to help us. Castro would not let us go. So it would be a little more objective and a little more fair if those who are opposed to what Castro stands for who basically are taking the Reagan doctrine that he took to Eastern Europe there were able to go.

Even in the Soviet Union under the dark days of Krushchev, we were able to go; and when we went, we brought computers in and different things.

So I just want the record to show there has not been a case that I know of of any Member in this body, and there are good people on both sides, I know both sides do not favor Castro, but I have never seen a Member from this body who strongly opposes and speaks out against Castro to ever be given a visa to visit. You even have to go through the pro-Castro groups to ask for an opportunity to go.

So I think the record ought to show that I want to go. And for those of my colleagues who have been and feel that they speak a little bit and have some influence, pick a time and the gentleman from New Jersey (Mr. SMITH) and I will go and we will go into the prisons; we will go into the churches. But the gentleman from New Jersey (Mr. SMITH) and I have never been able to go.

Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART).

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I thank the gentleman for yielding me this time.

As a matter of fact, when Castro denied the authority, because he knows very well who he does not want to allow from this body to enter Cuba, he called the gentleman from Virginia (Mr. WOLF) and the gentleman from New Jersey (Mr. SMITH) provocateurs for having sought permission to enter, because the dictator knows that the gentleman from Virginia (Mr. WOLF) and the gentleman from New Jersey (Mr. SMITH) would go and try to visit Dr. Oscar Elias Biscet and the other political prisoners, the thousands of political prisoners in Cuba. That is their attempt, and the dictator knows.

The issue here, Mr. Chairman, is very simple. The people who have family in Cuba, Cuban-Americans who send aid to family members in Cuba, are in our districts, in the district that I am honored to represent, in the district of the gentlewoman from Florida (Ms. ROS-LEHTINEN), of the gentleman from Florida (Mr. MARIO DIAZ-BALART), and of the gentleman from New Jersey (Mr. MENENDEZ). But this amendment says, our constituents cannot know what is right for their families. This amendment says, we know better.

By the way, the gentleman from Florida made a series of statements that were factually untrue. He said that the new regulations that have just come into effect promulgated by President Bush prohibit humanitarian aid of food and medicine. I believe the gentleman from Florida said that. That is untrue.

The gentleman also said that the new regulations promulgated by President Bush prohibit family members from sending such humanitarian aid to immediate family members. He said that. That is factually untrue.

□ 2045

So I would recommend to the gentleman from Florida (Mr. DAVIS) that he read the new regulations.

Mr. DAVIS of Florida. Mr. Chairman, will the gentleman yield?

Mr. LINCOLN DIAZ-BALART of Florida. I think the gentleman should read the regulations first.

Mr. DAVIS of Florida. I have read the regulations.

Mr. LINCOLN DIAZ-BALART of Florida. Well, then why would the gentleman say that immediate family members would not be able to receive food and medicine?

Mr. DAVIS of Florida. If the gentleman would yield, I would be happy to answer his question.

Mr. LINCOLN DIAZ-BALART of Florida. Why would the gentleman say that if he had read the regulations?

Mr. DAVIS of Florida. Because under the regulations, if you are trying to send something down to your cousins, to your aunts——

Mr. LINCOLN DIAZ-BALART of Florida. That is not what the gentleman said.

Reclaiming my time, Mr. Chairman, the new regulations, this gentleman said and it is on the record, that food and medicine is prohibited to, he said, children and fathers and sons. So anyway, that is factually incorrect.

I am glad that he said he read the regulations, but obviously he did not understand them. Maybe he should read them again.

Now, Mr. Chairman, prodemocracy leaders inside of Cuba, the gentleman from Virginia (Mr. WOLF) just mentioned that he sought to visit with them, risking their lives, have sent us a statement that we received just a few days ago, supporting President Bush's measures, stating, "These measures of the United States Government are designed to bring about democracy in Cuba. These measures will not only benefit the Cubans who live on the island, but also those in exile, leading Cuba to a peaceful transition, and the people themselves will claim their legitimate rights which were stolen from them by the Communist dictatorship in 1959. The dollars that enter the country go directly into the coffers of Castro's Communist system, allowing them to continue enjoying the goods and pleasures that are denied to the Cuban people. They will continue to live above Cuba's working and exploited class, without even thinking of the common Cuban."

Now, they signed this. They risked their lives to send us this statement. Numerous prodemocracy activists. They are not, by the way, the so-called "dissidents" that are allowed by the regime to travel the world to get awards or to come here to Congress to lobby against sanctions on the dictatorship. These are people in the political prisons or risking their lives because they know that at any moment they could be thrown into those totalitarian gulags and given sham trials where they are sentenced to decades in the gulag.

But this amendment, Mr. Chairman, says, We know better than those people. This amendment, Mr. Chairman, is dishonest. This amendment is condescending. It seeks to undermine an entire policy that President Bush has just implemented to serve the interest of a brutal dictatorship.

The Democratic Party November 30 "Frank País", along with the November 30 Movement in Exile, after debating the pros and cons of the new measures that will be enforced beginning June 30, 2004 state the following consensus:

As far as we are informed, we agree to accept the measures imposed by the United States government. We know that they are designed to bring about democracy in Cuba.

We recognize that many common Cubans will be severely affected and specially the children, the elderly and the ill but we, as members of the Cuban opposition, will try to care for those families as best we can, relying on the unconditional assistance of the Exile community.

On the other hand, there are tens of thousands of Cubans who live off the remittances sent to them by their families in the United States. They even travel to the United States and do nothing to help improve the situation of common Cubans.

We believe, and are almost certain that these measures will not only benefit the Cubans who live on the island, but also those in Exile, leading Cuba to a peaceful transition and the people themselves will claim their legitimate rights, which were stolen from them by the communist dictatorship in 1959.

It is important that the people know that the government of Fidel Castro, as a decaying system, no longer has anywhere to purchase goods because it is in debt to the entire World and the dollars that enter the Country go directly into the coffers of Castro's communist system, allowing them to continue enjoying the goods and pleasures that are denied to the Cuban people. Furthermore, they will continue to live above Cuba's working and exploited class, without even thinking of the common Cuban.

Many families live off the clothes and shoes that their families in Exile work so hard to send them, but the Cubans over there, just like the ones here, must remember that the first one who separated the Cuban family was Castro's communist government, who forbade the people from receiving even a single letter from relatives. Many Cubans—far from going out on the streets in protest—chose to settle in Exile and now they protest against whom they should not protest. They should come and protest against Fidel Castro who is the only one responsible for all these measures.

The double standard must cease, they must go out into the streets if they wish to receive remittances to change the grey and sad destiny of the homeland of Martí. Let no one doubt it, victory is closer each day. We only need the unity of all, and with all, of all and by all, therein lies the success of victory against the dictatorship that for 45 years has sunk the people of Cuba into mud and misery.

We are counting on you, our Cuban brothers and sisters in Exile and within Cuba.

Long Live a Free Cuba!

Havana, June 27, 2004.

Mirta Villanueva.

Reinaldo Gante Hidalgo—activist of the November 30 Movement; Ernesto Medina Pascual—activist of the November 30 Movement; Camilo Pérez Villanueva—activist of the November 30 Movement; Afredo Vapán Márquez—activist of the November 30 Movement; Luis Almansa Veleta—activist of the November 30 Movement; Victor Junier Fernández Martinez—activist of the November 30 Movement; Ada Kaly Márquez Abascal—National Coordinator for functions of the Democratic Party November 30 "Frank País" and correspondent for the Oriental Zone of the Information Bridge Cuba-Miami.

Statement given via telephone by Ada Kaly Márquez Abascal—National Coordinator for functions of the Democratic Party November 30 "Frank País" and correspondent for the Oriental Zone of the Information Bridge Cuba-Miami, for the Information Bridge Cuba-Miami and Net For Cuba on the 27th day of June, 2004.

I would ask all of our colleagues to reject this amendment, to support President Bush's policy to hasten the democratic transition in Cuba. Oppose the Flake amendment.

Mr. FLAKE. Mr. Chairman, I feel compelled to say again, this is not about travel. This is about the freedom of Cuban Americans to send packages of soap and clothing and personal hygiene items to their families in Cuba.

Mr. Chairman, I yield 5½ minutes to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Chairman, I thank the gentleman for yielding me time. I yield to the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. I just want to further respond to the gentleman's comments because I agree, we need to be clear on the facts. We will disagree on the policy. The rule specifically states that if you are sending something to a spouse, a child, a parent or a grandparent, you can send down food and medicine. But if you are sending something to an aunt, uncle or cousin, you cannot, and that is what the regulations say. And with respect to anybody in your family, you are prohibited from sending down soap, toothpaste or clothes. So I think that sets the record straight.

Mr. DELAHUNT. Mr. Chairman, in a recent interview, the chief of staff of Secretary of State Colin Powell said that the U.S. embargo has not worked for 40 years. "It is crazy," he said. And, again, I am quoting the chief of staff to Secretary Powell. He went on to say, "It is the dumbest policy on the face of the Earth." That is his language.

Well, let me suggest now it just got dumber. Several weeks ago, as the others have said, these new regulations were implemented by the administration. Allegedly they are designed to hasten Cuba's transition to a free and open society, which I think we all agree is a worthy goal. But, tragically, the impact of these changes fall heaviest on Cubans on the island and their families here in the United States who want to help them, to assist them.

It is as if 45 years of this tough approach has not already been proven to be an abysmal failure. So today's debate on this moment focuses clearly on one of the most absurd of the new provisions. The regulation of the Department of Commerce that takes the existing restrictions on the contents of gift packages to their relatives from Americans to their relatives in Cuba, and narrows the list even further.

The new rule would make it illegal for U.S. citizens to send Cuban relatives clothing, soap, shampoo, and other personal hygiene items. And furthermore, since June 30 it is now illegal to send parcels to cousins, aunts, nephews, anyone who is not a member of your immediate family. It is also illegal to send more than one nonfood gift parcel each month to a household, for up until now you could send a monthly care package to each individual in a household. But that is over.

So now it is U.S. foreign policy to prohibit American citizens from sending their relatives soap and shampoo and clothes. I would suggest this hardly constitutes weapons of mass destruction. And the U.S. government is breaking new ground, because it is now in the business of defining family for its own citizens.

Under these regulations, grandparents trump uncles and sisters beat out cousins. In past debates in this Chamber about restrictions on the right of Americans to travel to Cuba, I have referred to the travel police. Well, now we have the shampoo police. We have the soap police. We have the deodorant police. We have the clothing police guarding, at taxpayers' expense, against the possibility that these items might make it across the Florida straits.

This is just as much folly as the fact that the Treasury Department now has more people tracking grandmothers bicycling in Cuba than it does looking at the finances of Osama bin Laden and Saddam Hussein. What in the world are we doing? What have we come to?

You might want to review some of the other new regulations, two announced at the same time, like limiting family visits to once every 3 years with no humanitarian exceptions such as the occasion of the death of a mother, the death of a father, the death of a daughter or the death of a son.

President Bush got it right 2 years ago when he went to Miami and said, I love being with my family. There is nothing more important than family in my life. But he got it dead wrong when he announced these regulations. They are antifamily, they are mean-spirited, and they are un-American; and I urge support for this amendment.

Mr. WOLF. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Chairman, sometimes our speeches get away with us and trivialized. The oppression of people in Cuba, sometimes in making a speech we joke about what is going on in Cuba as if it does not even exist. I think that is pretty unfortunate.

People are dying in Cuba. They are imprisoned in Cuba. The entire island is nothing but a prison of a Communist dictator. The author and proponent of the Flake amendment does not intend to help Fidel Castro's brutal regime grind its boot heel of tyranny deeper into the necks of Cuban people, but that is exactly what this amendment will do.

The premise upon which the Flake amendment is based is that gift packages sent from the United States to Cuba will be delivered to their addresses by some chipper little mailman with a wink and a smile.

No, Mr. Chairman, it works more like this:

A family of refugees in Miami hears that their relatives in the proletarian paradise that is modern Cuba are short on capitalist luxuries like clothing or soap. So this family gathers together a package of supplies to help their relatives get through the month.

The U.S. Postal Service delivers the package to Cuba where it is taken to a central depository. Once the package is secured by Castro's goon squads, the relatives are notified of its arrival and of the price that they must pay to have it released.

More than a billion dollars of charitable goods are given to the Cuban people by their friends and families from America every year, either in gift packages or personal deliveries by relatives. That is $1 billion that Castro does not have to spend on government services but instead can spend on overtime for his secret police.

Meanwhile, under this arrangement, Castro's regime has pocketed more than $36 million over the last 2 years in revenues from "delivery fees."

Now, whether this $36 million went to fund international terrorism, more efficiently torture political prisoners, or simply put in an Olympic-size jacuzzi in Castro's rec room, we do not know. What we do know, however, is that Fidel Castro gleefully, gleefully, profits off the generosity of Cuban-Americans and the desperation of the Cuban people.

This is Totalitarian Dictatorship 101, Mr. Chairman. There is practically a chapter on it in the Communist Manifesto. And it is the very arrangement that our Commerce Department will curb with these new regulations. The new regulations ensure, I say to the gentleman from Massachusetts (Mr. DELAHUNT), ensure that the goods sent to Cuba are truly humanitarian. They will thereby cut into Castro's profits. They are supported by the Cuban-American community and, given the chance, they will work.

The Flake amendment, however innocuous it would seem, would undo those regs, further underwriting Communist oppression and welcome Castro's vile snout back to the trough of American charity.

That is why this amendment will not do. And that is why I urge my colleagues to stand with the Cuban people and vote no.

Mr. FLAKE. Mr. Chairman, I yield 5 minutes to the gentlewoman from Missouri (Mrs. EMERSON).

Mrs. EMERSON. Mr. Chairman, the Flake amendment is very simple, and I will repeat what my colleagues have heretofore said. It prevents the Department of Commerce from carrying out new misguided regulations, further restricting gift parcels and personal baggage going to Cuba.

Now, the stated purpose of these regulations, as my colleagues have said, is to prevent gift parcels sent to Cuba from supporting the Castro regime.

□ 2100

In reality, we all know that these regulations will have little effect on the Cuban regime and, instead, will seriously hinder the ability of Cuban-Americans to send critical humanitarian aid to their family members in Cuba.

I want to examine, if I could, Mr. Chairman, again some of the supposedly regime-supporting items that these Commerce Department regulations would prohibit Cuban-Americans from sending to family members in Cuba as a gift parcel.

Seeds, so that a family might plant vegetables or flowers; clothing; personal hygiene items; fishing equipment; soap. Now, do those sound like items that if withheld from the Cuban people are going to bring down Castro's regime? I do not think so. There will be an impact, and there is no question that Cuban families will suffer.

Mr. Chairman, imagine living with the knowledge that a member of your family residing in Cuba cannot afford adequate clothing, and we all know that the Castro regime makes it almost impossible to afford clothing, new items; but imagine that you could not send him or her this very basic item. Oh, you could send them a receive-only short-wave radio, but you cannot send them clothing or Kleenex, toilet paper? Come on. This is absolutely ridiculous.

I know personally that if I had distressed family members in Cuba or any other country, that this country might prohibit me from sending items to them, that I would use every tool available in order to assist them. Securing travel to Cuba, I might try to pack as many essential items for my family that I could fit into my luggage; but then again, my efforts would be in vain because I would run into these restrictive Commerce Department regulations. These regulations would keep me from bringing more than 44 pounds of luggage per passenger, including my own personal clothing for the trip.

By the way, as my colleague, the gentleman from Massachusetts (Mr. DELAHUNT), said, thanks to the new regulations issued by the Treasury Department, I could only visit family in Cuba once every 3 years. It is kind of hard to pack 3 years of assistance to your family in 44 pounds of luggage. In this situation, how am I supposed to send my family clothing and other essentials?

These regulations, Mr. Chairman, do not reflect this Nation's family values. I think, Mr. Chairman, that family values mean letting family members help each other.

The Cuban people have experienced enough oppression. Let us not fund policies that cut them off from their families, intensifying their hardship. Vote for commonsense policies that reflect our values. Vote "yes" for the Flake amendment.

Mr. WOLF. Mr. Chairman, I yield 7 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Chairman, I thank my wonderful friend, the gentleman from Virginia (Mr. WOLF), for his steadfast leadership throughout the years in favor of human rights; and that is really what is before us today.

I know that it is tempting to make quips and jokes about this situation. It is not very funny to the Cuban people. It goes at their expense, but I want to point out some of the facts that have been misrepresented on the other side.

There will be no soap police. There will be no deodorant police. I know this is so funny. There is not much laughter in Cuba since Castro took office illegally. There will be no shampoo police because of these regulations, no toothpaste police. Call the Commerce Department and find out what the regulations say. All of those goods will be allowed to go into Cuba. Call the Commerce Department tomorrow and my colleagues will read what the regulations say. Please read them.

I rise in strong opposition to the Flake amendment. Mr. Chairman, after the deplorable attacks against our Nation on September 11, we committed ourselves to denying terrorists and their sponsors the financial resources to threaten the United States and our allies and our interests, and this became the pillar of our foreign and our domestic policy in our war against terrorism.

Yet, when President Bush takes steps to deny more than $1 billion annually to the Castro regime, a rogue regime that has been repeatedly classified by our own State Department as a state sponsor of terrorism, the President is rebuffed and undermined.

After reviewing the evidence of how the Castro regime has manipulated U.S. regulations to fill the coffers of his regime, the President was compelled to act firmly and expeditiously, and what was this evidence? I will tell my colleagues, Mr. Chairman.

More than $1 billion annually in funds and goods are sent to Cuba from those living outside the island through the shipments of gift parcels, remittances, and from vacations. In the year 2002 to 2003, the Castro regime received over $36 million in revenues from delivery of gift parcels. He is making a lot of money.

The regime earns another $20 million per year from excess baggage fees and customs duties, and the proponents of this amendment would ask us to ignore these facts, and they will claim that they would justify their positions using humanitarian claims, while Castro becomes one of the richest men in our hemisphere.

The facts are the following: the new regulations continue to allow gift parcels for humanitarian reasons. That is the truth. That is the fact, but focus these gift parcels to include truly necessary items such as medicines, medical supplies and devices and unlimited food, just to name a few; and the fact is that gift parcels can be sent to immediate family members. This will ensure that the senior regime and Communist Party officials are not the beneficiaries.

Again, I ask my colleagues, what is wrong with a policy that seeks to deny the Castro dictatorship millions and billions in hard-earned currency? This Castro dictatorship is a regime that just a few days ago, just a few days ago from today hosted the foreign minister of Iran, and other Iranian regime officials. What happened there?

The Iranian officials thanked the Cuban dictator for the regime support for Iran's nuclear quest, and he indicated that Iran and Cuba must stand together against U.S. efforts to deny Iran access to nuclear technology.

The Iranian foreign minister underscored the significance of sharing expertise and technical knowledge between two countries in various enterprises.

He said he "conveyed the warm greetings" of Ayatollah Khomeini and Khatami to Castro for "resisting the political and economic pressure" from the U.S.

What pressure was he referring to, Mr. Chairman? The very regulations and policies that we are debating today, that the proponents of this amendment seek to revoke.

The Iranian foreign minister also referred to Castro's 2002 visit to Iran. He called it a turning point in relations between the two countries, leading to stronger Cuba-Iran ties; and notably, it was during this visit that Fidel Castro, with the Ayatollah, stated, "Together, Cuba and Iran can bring America to its knees."

So this stronger Cuba-Iran relationship that the foreign minister was referring to is built on this mission, this shared goal of destroying the United States.

So I ask, why would we want to assist the Castro regime, a regime that seeks to destroy our country? Why would we want to assist this regime? What is wrong with trying to deny the Castro regime the financial means to pursue this goal of bringing America to its knees?

The facts speak for themselves, Mr. Chairman. The new regulations implemented by the President are in keeping with our global anti-terrorism efforts, specifically targeting terrorism financing. They do not affect true humanitarian flows between the U.S. and the Cuban people. They do not, and as our dear former President Ronald Reagan would say, toward those who would export terrorism and subversion in the Caribbean and elsewhere, especially Cuba, we will act with firmness.

So I hope that our colleagues will act with firmness, will follow the Reagan example and act with firmness against the Castro regime because the Commission for Assistance to a Free Cuba has given us a mandate to identify measures that are going to help the Cuban people bring an end to the Castro dictatorship, and this is an element of a plan for U.S. assistance to a postdictatorship Cuba.

Castro has exploited U.S. humanitarian policies to shift burdens that should be assumed by the Cuban state; and instead, he has used it to generate hard currency that he uses to maintain the regime's repressive apparatus. These families can continue to send on a monthly basis medicine, medical supplies, food, personal hygiene products to their immediate family members, and also, and we have not talked about it, but nongovernmental organizations are providing humanitarian support and assistance to civil society groups in Cuba, and they will continue to do so with the President's recommendations.

I thank the chairman again for his time.

Mr. FLAKE. Mr. Chairman, may I inquire as to the time remaining.

The CHAIRMAN. The gentleman from Arizona (Mr. FLAKE) has 13½ minutes remaining. The gentleman from Virginia (Mr. WOLF) has 14 minutes remaining.

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume before yielding to the gentleman from Massachusetts.

I just wanted to clarify what the rule actually says. The rule we are seeking to amend states this rule removes seeds, clothing, personal hygiene items, veterinary medicine and supplies, fishing equipment and supplies, and soap-making equipment from the list of commodities that may be sent to Cuba in gift parcels.

Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Chairman, I rise in support of the Flake-Davis amendment. This amendment will help not the Cuban regime, but this is an amendment that will help the Cuban people.

Mr. Chairman, for the past 5 years, this House and the other body have voted time and time again to lift various U.S. restrictions on travel and on commercial food and medicine sales. Yet this administration has moved with ruthless determination to tighten and increase restrictions on heretofore legal interactions between Americans and Cubans.

Who have they targeted to be most affected by these new rules and regulations? Who is so subversive, so threatening to our national security that they must face tighter and tighter and tighter restrictions on their activities? Well, it is not members of the Cuban Government. Mr. Chairman, it is Cuban families that will suffer as a result of these new policies.

The Bush administration has even gone so far as to redefine what the word "family" means for Cuban-Americans; and it does not include uncles or aunts or cousins or nephews or nieces, let alone your godparents or godchildren or any other member of your extended family. As far as the Bush administration is concerned, if these extended family members are beloved by a Cuban living in America, too bad.

As the sponsors of this amendment have already described, the new Commerce Department policies demand that Cuban-Americans in the United States restrict humanitarian or gift parcels to just one per household in Cuba once a month, rather than a parcel once a month to each individual family member, and while the package may include food, it cannot include seeds so that the family might grow more of their own food or fishing equipment so that they might catch their own food or veterinary medicines and equipment so that a family might care for animals that help them supplement their diet or income.

While the parcel may include medicines, it cannot include personal hygiene items or soap-making equipment; and I would say to my colleagues here, I have the regulations. They are right here in black and white. I am happy to show them to my colleagues and give them to them so they can read.

While Cuban-Americans can send their family members receive-only radios, they cannot send them clothing. Clearly, in the minds of officials at the Commerce Department, listening to Radio Marti is a greater priority for Cuban families than adequate clothing.

Mr. Chairman, our Nation has always placed an emphasis on families, on family values, on the reunification of families. As a Nation of immigrants, we have thrived on supporting our extended families, both those living in the United States with us and family members still struggling to survive in their mother countries.

The new restrictions issued by the Commerce Department make a mockery of this common heritage that binds all Americans together. No matter what any Member of this body believes about the rightness or wrongness of our current policy toward Cuba, and for the record, Mr. Chairman, I believe that our policy is a miserable failure, but no matter what one believes, we should not place the burden and price of those beliefs on Cuban-Americans and their relatives still living on the island.

No constituency in America has fought more fiercely for a free Cuba. Yet, these are the very families Commerce is going to punish.

□ 2115

These new policies were specifically made to isolate Cubans on the island from their relatives in the United States. They were specifically made to increase the hardships faced by those families.

Mr. Chairman, these new policies are cruel, these new policies are inhuman, and these new policies are cold-hearted and their enforcement should not be funded.

Mr. Chairman, I urge my colleagues to vote in support of the Flake-Davis amendment.

Mr. WOLF. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Virginia has 14 minutes remaining.

Mr. WOLF. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I rise in strong opposition to this amendment, which would weaken the pressure on Castro's gangster regime. Yes, Cuban families will be suffering. Yes, Cuban families will suffer more than they suffer now. But they are not suffering because of the United States of America. No.

It is always America's fault, right? It is always America's fault whether the Cuban people are suffering or any of the people who live under tyranny are suffering anywhere in the world. It is always our fault.

No, the people of Cuba are suffering, as they have for the last 3 and 4 decades, because of the Castro regime. It is a brutal dictatorship that has suppressed the people, that has eliminated freedom, that has permitted the economy, that once-proud economy, one of the most prosperous economies of the hemisphere, to go right down the tubes.

The people of Cuba know why they are suffering. It is not because of the people of the United States. And, in fact, we should have policies that differ between democratic countries and dictatorships. If we have the same policies, what pressure are we going to be able to put on these dictatorships to change? That leaves us with only the military option. We should have an economic policy that will pressure this hemisphere's most brutal dictatorship, and we should make sure that we do not relieve that pressure at this moment.

It is important that the people of Cuba fully understand the consequences of Castro's dictatorship. It is not the fault of the people of the United States, as we have heard here. It is not the fault of this administration. It is the fault of this bearded dictator who has murdered all of his opposition in Cuba. That is why there is no prosperity. That is why the people are living in misery. It is not because of anything we are doing here.

Yes, we should put economic pressure on Cuba to get rid of Castro. Castro has not only a dictatorship that oppresses his people, he supports insurgents and terrorists throughout this hemisphere. He uses his territory as a base of operations that is designed to hurt the people of the United States of America.

Fidel Castro rules with an iron fist. Yes, you do not grow much food when you have iron fists on your hands. That is right, you do not grow much food and you do not have a high standard of living when you spend all your money subsidizing terrorists and a heavy military regime, as Castro has. That is why the people of Cuba are suffering.

The best thing we can do right now is continue the pressure on Castro until he is gone. That is what we can do for the people of Cuba. And if we right now take the measure that is being suggested by the Flake amendment, it will be seen as a weakness on the part of the United States towards this hemisphere's most brutal dictatorship. It will not encourage change for the better, it will encourage intransigence on the part of dictators and terrorists like Fidel Castro.

It is time for us to oppose any type of suggestion like that proposed by the Flake amendment today.

Let us be for Cuba and the people of Cuba, for freedom and democracy, and say, yes; Cuba, si; libertad, si; Castro, no mas.

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume before yielding to the gentleman from Idaho.

I would just say that let us do stand for freedom, let us allow Cuban Americans to observe the freedom that they have to send personal hygiene items and food, medicine, and clothing to their family members in Cuba.

Mr. Chairman, I yield 3½ minutes to the gentleman from Idaho (Mr. OTTER).

Mr. OTTER. Mr. Chairman, I thank the gentleman from Arizona (Mr. FLAKE) for his leadership and once again for bringing forth, I think, a very important doctrine relative to our policy here in the Western Hemisphere.

I rise today in support of this amendment, with great concern about the more than 40 years of failed American policy towards Cuba.

We talk a lot about bringing democracy to Cuba and other parts of the world, especially for those who have suffered under the cruel fist of Communist tyranny for decades. Yet for decades we have worked to shut off their access to their very best hope for freedom, and that is to experience it by conversing with people who are free, or at least were free up until June 30, when once again we adopted another tyrannical national policy toward Cuba.

Instead of bringing about positive change for the people of Cuba, this decrepit policy has hurt ordinary Cubans. It has hurt their families and has deprived ordinary Americans of the opportunity to become ambassadors of freedom. The new restrictions that were put into effect last month only cripple our ability to see change come to the Cuban people.

We say we are trying to help the Cuban people, but by imposing even stricter limits on how Cuban Americans can help their family members in Cuba, these changes hurt not only the Cuban Government but ordinary Cuban citizens who are struggling under that very dictatorship that we try now to depose.

These new restrictions and the underlying policies are unreasonable and fly in the face of what everyone knows is the best way to make people hungry for change, and that is to show them the benefits of what they are missing and the benefits of what they will gain by changing.

Is anyone surprised, then, that in 4 decades we have seen little change in the Cuban political climate? How can we claim to support families while our policies encourage the breakdown of family units by limiting the support of Cuban Americans that can provide family members while they struggle in Cuba? How can we claim to value our God-given freedoms, while denying American citizens the right to move about the world as they please? And how can we claim to want a free and democratic Cuba while refusing the Cuban people the opportunity to see freedom in action and at its best?

Our failed Cuban policies toward Cuba cannot continue. Making them tougher only makes them worse. If we truly seek to end ruthless and brutal human rights violations in Cuba while showing the Cuban people the way toward social and economic freedom, we must begin by changing our own policies of restriction and denial. I urge the support of this amendment.

And let me just say in closing, Mr. Chairman, that I wonder, because I have heard tonight about the iron fist, the restrictions, the suppression, and government directed. Is that not what we are talking about in our directions toward Americans and their want of travel to Cuba? Is that not what we are talking about in our government restricting the activities and relationships between families? Is that not what we are talking about with our religious associations and the lack of our ability to have our religious associations go to Cuba? Is that not what we are talking about when we are afraid, for some reason, to expose the Cuban people to another form of political thought?

I wonder from where that iron fist and that tyrannical hand comes into play?

Mr. WOLF. Mr. Chairman, I yield 30 seconds to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Chairman, I have the greatest respect for my good friends, but as a naturalized American, as a political refugee from an enslaved Communist regime, I would hope that my colleagues would never compare this greatest Nation on Earth, the United States of America, the beacon of hope and democracy for oppressed people everywhere, to what is going on 90 miles from my constituency, the beast of Fidel Castro, who enslaves his people and who denies his people basic liberties.

Please do not insult my adopted country in that manner.

Mr. WOLF. Mr. Chairman, I yield 2½ minutes to the gentleman from Florida (Mr. FEENEY).

Mr. FEENEY. Mr. Chairman, it is an important night tonight, because I find myself in between a fight with two sets of freedom fighters, two groups that care deeply about freedom. But the suggestion made by the last speaker, who is a dear friend of mine, that we are interrupting relations between families, in my view, is a little bit like saying that somehow the United States was responsible for a catastrophe visited upon us by Hitler because we refused to give Anne Frank lunch buckets before the Holocaust.

My colleagues, there is way too much at stake here to sit back and say that this is a totalitarian regime that we are going to do business with. I have freedom fighters, including the sponsor of this amendment, who is a hero of mine, the gentleman from Arizona (Mr. FLAKE), who believes deeply in limited government. He believes deeply in free trade. He believes deeply in the things that make our country and free nations great. But I have to say that the question before us tonight is, are we going to accommodate, will we appease, will we compromise with, will we do business with, will we facilitate, will we provide basic resources to a dictator that has put his own people in jail, under the knife in prison, who has basically undermined every single basic liberty we have ever experienced?

Our own State Department has identified, as one of the sixth major exporters of terrorism, the Cuban government. Are we going to recognize that, or are we going to reward that and facilitate that? That is the question here tonight. The question is what Lady Freedom would do here tonight.

I have freedom fighters on both sides of this argument and people I respect. But fundamentally if we send the message to Castro that he and whoever replaces Castro can stay forever and punish freedom, throw 70 reporters in jail on an annual basis simply for reporting the truth, if they will constantly undermine what is good about our free world, then we have got to live with ourselves as the price comes due for allowing freedom to be undermined.

It is true that this is a policy that for some 45 years has not worked. The first 35 the Soviets supported them. With the last 10 years, we have had a chance to undermine Castro. Mr. Chairman, I ask my colleagues to please oppose the amendment.

Mr. FLAKE. Mr. Chairman, may I inquire as to the time remaining?

The CHAIRMAN. The gentleman from Arizona (Mr. FLAKE) has 5½ minutes remaining and the gentleman from Virginia (Mr. WOLF) has 8 minutes remaining.

Mr. FLAKE. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Chairman, I thank the gentleman for yielding me this time. I think we have to stop and listen and look at what is going on here. What we are talking about is regulations that went into effect 7 days ago. These are new regulations. There was no oversight by Congress. We are providing the opportunity here to give that oversight and to do the checks and balances.

The regulations are anti-American because they only affect us. They do not affect Cubans. We are the ones that cannot do this. Our government is telling us that we cannot be compassionate Americans. We cannot send seeds, cannot send clothing, cannot send fishing equipment, cannot send soap to people in another country. And we are going to have to have a police force that goes out and enforces that? That is not a compassionate America.

We cannot be a country that says that we can leave no child behind when we cannot even send hygiene products to this country. We cannot. Americans cannot. We can send to every other kid in the world something that we cannot send to Cuba. That is not leave no child behind.

What are we afraid of? What are we so afraid of that we have to make these regulations so restrictive that we Americans just cannot send a goodwill package to people? How are we going to have friendships? How are we going to instruct about democracy? How are we going to talk about this great country?

This country is turning into the ugly American, the really ugly American by making these really dumb and anti-American restrictions; and we in Congress should lift them by voting for this amendment.

Mr. WOLF. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, I rise in strong opposition to this amendment. We all know that Castro was kept alive for decades by the Soviet regime, and they have collapsed. So how does he stay alive? One of the things he is doing is he is making a lot of money from people that are going back and forth and back and forth.

□ 2130

There are Americans essentially vacationing down there, and to say, You cannot send packages, you cannot go at all, I mean, these are gross exaggerations.

This is a very well-thought-out policy of the President of the United States, and we should support our President in this. And the Cuban Americans in my district, it amazes me for people to get up and say the Cuban Americans do not like this. The Cuban Americans in my district like this. They think it is a very good thing to do, that Castro is being helped by the previous policy and that this policy will be much, much better for our foreign policy interests, which happen to be to support freedom.

And I think this is a very poorly thought out amendment. Vote against it. Support the gentleman from Virginia (Mr. WOLF) in this.

Mr. FLAKE. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in strong support for this amendment. This, to me, is a freedom issue, as the gentleman from Florida has indicated. I think everyone in this body is concerned about freedom in Cuba, and we should be, and we should do whatever we can to encourage it, but obviously some believe you can encourage freedom by sanctions, which has not worked very well, but it seems to boggle my mind that if we restrain freedom here, that we help freedom there.

This is what we are doing. We are restraining the freedom of our people to send a package, and of course not dealt with in the amendment, but travel as well.

The founders of this country gave strong advice to us, and for 100 years or so we followed it. They said friendship and trade with everyone who is willing, alliances with none; and that is pretty good advice. But what have we done in recent years? We have a hodgepodge when we deal with other countries.

Just think of what has happened recently. We took the gentleman from Libya, the so-called gentleman Omar Qadhafi, who is now scheduled to shoot four nurses and a doctor, and we have given him normal trade sanctions, and we are going to subsidize trade with him. And here he admits to having shot down one of our airplanes or blown up one of our airplanes. He is a terrorist, but here we are dealing with him in that way.

We have trade with China. Things have gone better with China, not worse.

Where are the free traders? It really bothers me when I hear the free traders who promote free trade in every other area except the freedom of an American citizen to send a package to Cuba.

I do not believe you can enhance freedom in Cuba by limiting the freedom of American citizens. We must be more open and more confident that freedom of choice by American citizens is worth something to defend; and I stand strongly for this amendment and I compliment the gentleman from Arizona (Mr. FLAKE) for bringing it to us.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I rise in opposition to this amendment, and I will tell you why. Ask the Cuban exiles if they support this amendment. Every single one of them in my district says no. They know what Castro represents. Ask Cuban exiles all over.

I want to be able to walk into a free Cuba with the gentlewoman from Florida (Ms. ROS-LEHTINEN), with the gentlemen from Florida, the DIAZ brothers, and the millions of people that have been exiled out of Cuba. What is helping the Cubans is to get rid of Castro.

Mr. Chairman, this is also personal. Here sat the gentleman from Texas (Mr. SAM JOHNSON) tortured, tortured brutally by Castro interrogators. They took a pistol and blew the head off of one of our Americans that was a prisoner of war in Vietnam. Remember Elian Gonzales? Remember them shooting down an American airplane that was along their coast?

You know, I do not forget things. Look at the movie Hanoi Hilton. It is not made up. I see people shaking their heads. A Castro torturer stood and held a gun to an American prisoner of war and blew his head off. Ask SAM JOHNSON. He was there. And it is appalling.

Now, there are American stakes. Some of my friends said, Well, DUKE, we are trying to open up agriculture trade. We represent agriculture districts in the opening up of sanctions to Cuba. Sometimes things are worth fighting for. Sometimes things are worth giving up.

Let us give up a little bit so that the Cuban people can be free and that Castro dictator can be eliminated. God bless this country. To hell with Castro.

Mr. FLAKE. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I want to thank the gentleman for yielding me this time and for his leadership in sponsoring this very common-sense amendment.

The point is very simple and clear. Not one dime, not one penny of U.S. tax dollars should be spent to regulate how much soap and toothpaste Cuban Americans can send to their loved ones. Very basic.

I know that many want to topple the Castro government. Regime change, of course, has been central to United States foreign policy under the Bush administration. I happen to believe, however, that we should end the embargo, allow Americans the right to travel, which is their right, and also allow families to embrace each other. Forty-five years of an embargo against an Afro-Hispanic country 90 miles from our shores is fundamentally wrong and immoral.

The United States has normal relations with China. Even the Cuban dissidents believe that ending the embargo makes sense for that cause. This amendment does not even do that. All it does is allow soap and toothpaste and gift boxes to be sent to Cuban people. We should support this modest amendment and stop punishing ordinary people because of a backwards foreign policy.

Mr. WOLF. Mr. Chairman, I yield 3½ minutes to the gentleman from Florida (Mr. MARIO DIAZ-BALART).

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, I just heard that the dissidents in Cuba do not support the sanctions. That is just not correct. As a matter of fact, yesterday, Mr. Antunes, a black Cuban leader who has been in prison since he was 16 years old, imprisoned by that white Spanish son, and grandchildren of Spanish people, Spanish white people who have imprisoned mostly blacks, and again the blacks in prison like Dr. Biscet, like Mr. Antunes, all support these sanctions.

Let me just tell Members who do not support the sanctions: Castro himself does not support sanctions, he supports this amendment as a matter of fact. But the primary reason we have heard today for this amendment, and we have heard it time and time again, is that the Cuban Americans are going to suffer. Those of us who represent the Cuban Americans do not know. The Cuban Americans, you see, according to this amendment, do not know what is right for them. No, those people, we have heard that before, those people do not know what is right for them. So, therefore, this amendment sponsored by people from Arizona and Massachusetts, very far-away places, this amendment knows what is best for that group of Hispanics and their families.

There are two words for what this amendment is, Mr. Chairman, two words for an amendment that says those people, those Hispanics do not know what is right for them, so this amendment has to tell them what is right, two words, "patronizing" and "racist"; you see, because the Cuban American people do know, Mr. Chairman, what is right for themselves and their families. The Cuban American people do know what is the right thing to do, which is why they do not support this amendment. They overwhelmingly support the President's smart, well-thought-out, responsible measures.

Let us oppose this amendment that again tries to tell that group of Hispanics what is right for them, what is right for Cuban Americans. We who represent the Cuban Americans can tell you, they know what is right for them and their families, and they will tell Members to vote "no" on this amendment.

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, up until most recently, this has been an enlightening discussion. I think it is unfortunate that those who seek to enhance the freedom of individuals to decide whether or not they can send their families services or goods, that is considered racist or that is considered patronizing or condescending. Nothing can be further from the truth. We are simply allowing freedom.

It would be the ultimate irony if we allow Fidel Castro, as William F. Buckley said in a column today, it would be the ultimate irony if we allow Fidel Castro to impinge on the rights of Americans.

Mr. Chairman, I yield back the balance of my time.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am somewhat surprised at some of the supporters of this amendment and the way that they are supporting the amendment, as I will. They actually sound like this is on the level. They actually debate this like this is for real.

Let me refresh Members' memories, those who support my position in favor of the Flake amendment on how this happened. A group of Florida legislators wrote the White House and said, if you do not tighten up on Cuba, you are going to lose votes in Florida. That is what happened. That is the truth. So I am surprised that some of my colleagues would actually debate this as if this was real and on the level. This is not on the level.

If you arrived from the moon tomorrow and did not know this was an election year and Florida was in play, how would you have a hint that it was an election year and Florida was in play? Tighten up on Cuba to make Florida not in play, but fall into one column. That is why we bring up Elian Gonzalez, who is playing soccer in Cuba minding his own business. That is why we have decided that Castro stands at the gate and every single dollar and every single tampon and every single Kleenex that goes in Cuba he grabs for himself, and that is why he is the richest guy in the hemisphere, except there is no sign that he is going anywhere and he is nearing 80, so I do not know when he is going to spend all of this money he accumulated.

In 1950, my family came from Puerto Rico. We were not coming from a foreign country, but we felt like we were, and in some cases, we were treated like we were. What do I remember the most? I remember the cold of New York. That was new to me. I arrived in short pants. My father dressed us for Puerto Rico and not for New York.

And I remember my father made $40 a week, and every single Friday upon being paid, he ran to the post office and bought a green money order that he sent back to the folks that we left behind.

So I grew up not understanding a policy that says, to bring about political change, you bring pain to the people you left behind. I do not understand that. That is not right and not correct.

Now, I realize there are rules in the House about how one deals with other Members, and I am one of the most respectful Members when it comes to that, but it was nice to see the majority leader come to the floor and denounce this policy when he is always a leader on trade with China. So whenever he denounces policies like this towards Cuba, I try to see if he is crossing his fingers behind his back since he is such a strong supporter of trading with China.

What are we saying here, that to bring down a government you will deny a family member the ability to visit but once every 3 years. What are we saying, that you are so intent on bringing down a government that has lasted, for whatever reason, for whatever reason, for over 40 years, because you will not allow a cousin toothpaste? Is that who we are as a people? Is that what we believe in?

The gentleman from Virginia (Mr. WOLF) is like a brother to me, one of the most humane Members in this Congress, and I know the role he has to play on this amendment, just like he understands the role I play on other amendments. But he cannot really believe we are hurting people in the Government of Cuba by denying toothpaste to people in Cuba. That is not what we are doing.

Mr. Chairman, what we are doing is looking for votes. And you know something? It might work. But there are hollow victories, and this may be one of those. This may be one of those victories where you say, Sure, I won, but the people lost, and I was supposed to be representing the people.

□ 2145

And so in memory of my father, remembering that $10, $5 check that he sent back every week to help those who stayed behind, in respect to the Dominicans and so many people in my district and Mexican Americans who send money back every day, in respect for all of those folks and for what they stand for, I cannot be part of this policy. The only change now is that I am no longer alone here. There was a time when the Ron Dellums and the gentleman from New York (Mr. RANGEL) and I were totally alone. Now I am glad to say that all those ideas are now Republican ideas, and I welcome that. I love these Republican amendments that try to deal with Cuba in any way.

But, Mr. Chairman, we cannot continue down this route. We are not going anywhere. We are just making enemies of everybody that we can find in Cuba, and that is not the way to do it.

And one last point. Yes, I have seen TV, Spanish radio interviews with dissidents in Cuba who are saying if we want to help them do not do this, that we are just alienating them. And there is one good sign. And it is the hope; it is the future. A significant number in Florida of Cuban-Americans are saying this is wrong. This is not the way to win. This is not the way to help me. Let me talk to my cousin. Let me visit my grandmother. Let me close to the family I left behind because I am in this country, they are not, and I do not want them to miss out on some of the things I have.

Mr. WOLF. Mr. Chairman, I move to strike the last word.

I sometimes think the institution that we serve here is so economically driven that we worship at the alter of trade. We are becoming an economic institution. I remember the days of Ronald Reagan where we were more concerned about freedom than anything else.

The gentleman from Texas (Mr. PAUL) is not here. He said things are better in China. Things are not better in China. I opposed MFN for China. Things are worse in China. There are 11 Catholic bishops in jail in China. They have just arrested the person who was identified with regard to SARS. They are persecuting the Tibetans, the Muslims, the evangelicals. Things are worse in China today with MFN and with trade than they have been for a long time.

Secondly, I am really kind of sorry that we are really divided. We should be together, and I think things like this send messages that are not necessarily positive. I wish there had been more discussion, quite frankly, on both sides about those who are being persecuted and those who have been arrested and those who are in jail. Have any Members read the book, and the gentleman from New Jersey (Mr. SMITH) has met with him, and I have met with him once, by Armando Valladares? The persecution and the suffering that has gone on. I have heard almost no one here tonight say that if Castro were to open up the prisons and the jails and release the people, I may change my position. But we should be asking Castro to do something, and we never do that. Why does Castro not open up the prison doors and allow peaceful people out? Why does Castro not allow the journalists to write whatever they want? Why does he not do that? So there should be more discussion on this and less interest in economic interests on both sides and more on human rights and religious freedom.

Lastly, Ronald Reagan took away MFN from Rumania when all the business interests and the Congress was opposed to it. Ronald Reagan was the one who stood up with regard to Communism. The policy in Castro's Cuba has not been a total failure. They are no longer exporting their political situation around the world.

In the interests of those who are suffering, we should be together; and I would hope that whatever amendment would be offered, and it is too late to amend this amendment, so whatever amendment would be offered would also carry the stipulation that those who are in prison for what they believe in, for religious freedom and persecution, as we do whatever the Flake amendment does, that the prison jails are opened and that people be released.

With that I urge a "no" vote on the amendment.

Ms. WATERS. Mr. Chairman, I thank the gentleman from Arizona [Mr. FLAKE] for the time.

I rise to support the Flake amendment to prohibit the use of funds in this bill to enforce the Commerce Department's recently-announced anti-family restrictions on sending gifts to Cuba.

These restrictions are part of an extensive set of new Bush administration rules that punish Cuban-Americans who have families in Cuba. These regulations include limiting family visits to Cuba by Cuban-Americans to once every three years and further restricting the ability of Cuban-Americans to send money to their families in Cuba.

The Commerce Department's new regulations would make it illegal for Cuban-Americans to send clothing, seeds, soap, personal hygiene products and veterinary medicines to their families in Cuba. Other gifts would be limited to one gift parcel per month per household in Cuba. Gifts could be sent to parents and children, but not to aunts, uncles, nieces, nephews or cousins.

What conceivable rationale could there be for this cruel, misguided assault on Cuban-American families? Is there anyone who truly believes that we are achieving anything productive by keeping Cuban-Americans from helping their family members who remain in Cuba? How dare this administration tell American citizens they can't send clothes, toilet paper or toothpaste to the families they love!

I urge my colleagues to protect the right of Cuban-Americans to assist their families. Let's help these families, not punish them. Support the Flake amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona (Mr. FLAKE) will be postponed.

AMENDMENT NO. 10 OFFERED BY MR. PAUL

Mr. PAUL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. PAUL:

At the end of the bill (before the short title), add the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to pay any United States contribution to the United Nations or any affiliated agency of the United Nations.

The CHAIRMAN. Points of order are reserved.

Pursuant to the order of the House of today, the gentleman from Texas (Mr. PAUL) and the gentleman from Virginia (Mr. WOLF) each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Chairman, I yield myself such time as I may consume.

This is an amendment that I have offered several times in the past, and it is very simple. It says none of the funds made available in this act may be used to pay any United States contribution to the United Nations or any affiliated agency of the United Nations. So very simply, it would defund the United Nations.

The United Nations and the international organizations are now receiving more than $3 billion; so there would be some savings there. But that is not the whole reason why I bring this up. My concern, of course, is for national sovereignty, and I think that we have drifted a long way from the time when this Congress and the President decided on foreign policy to the point now where we are more or less driven by the United Nations. The United Nations has not too long ago set up an international criminal court that we are trying to avoid jurisdiction on our people but nevertheless it hangs out there as a threat to our military. We now pay a larger sum to the United Nations than anybody else. For the administrative part, it is 22 percent, and for the peacekeeping part, it is 27 percent. So essentially we are paying a quarter of the U.N. dues; and, of course, we do not get 25 percent of the vote.

In recent months, we have all become aware of the scandal involving the United Nations, the Food for Oil program, and there is $10 billion missing. And if there was ever a time that we ought to send a message that we do not condone this type of activity, it is now. There is an investigation going on led by Paul Volcker, but he has no subpoena power. The United Nations and the personnel have no intention so far of cooperating. The odds of our really finding out where this $10 billion went are really quite slim.

But the whole process is wrong. So over the years I would say not only the $10 billion that was taken but the many tens of billions, if not hundreds of billions, of dollars that we have pumped into these international organizations have essentially been money down a hole.

But the bigger issue, of course, is the United Nations making decisions for us. We do now capitulate to the WTO. I am a free trader. I have talked this evening about free trade, true free trade. But the WTO is an organization that, because we are a member, we obediently come and change our tax law to conform with what the WTO tells us to do. We should not be very pleased with that type of an organization that does not really even defend free trade. And we have the IMF and the World Bank, and all it is is a big payment and a big burden for the American taxpayer.

Shortly after the United Nations was established, one of the worst acts occurred early on, and that was that our President took us to war in Korea. And it is ongoing. There is a U.N. war that has been going on, and we have had troops in the United Nations there for over 50 years, and that is quite a bit different than if war would be declared by the Congress and we would fight and win wars.

Even the current war that we are having today, it is not a war, but it is a war when it is necessary to call it a war; but we did not declare a war against the Iraqis, and yet in 1991 we went to war under a U.N. resolution. It was said at that time we did not even need a congressional resolution. We could just go because it was under U.N. orders. Even this current time it confuses us quite a bit because when we voted on going again into battle in Iraq, the United Nation was mentioned 21 times to give this authority, but still it was not a declaration of war.

But at the same time that we use the United Nations to do something to enforce U.N. resolutions, then we turn around and we defy the United Nations. They might ask for a resolution of support. We do not get it, but we do it anyway, which does not do a whole lot to build friendship around the world.

So I see this as totally chaotic, not in our interests. It exposes our men and our women to battle in undeclared wars that are generally not won. Ever since World War II, since wars have not been declared and they have been fought essentially under United Nations, wars have not been won, a lot of men and women are killed, and the resolution is never complete.

So my argument is it is time to send a message to those who are questioning whether or not we are too unfriendly to the United Nations, but at least we ought to assume that there should be a responsibility here for us to have the prerogatives of making these decisions ourselves and not by an international body.

The CHAIRMAN. The time of the gentleman from Texas (Mr. PAUL) has expired.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

I rise in strong opposition to the gentleman's amendment. As imperfect as the U.N. is, there is no other forum which exists to further the U.S. goals. The Security Council's unanimous resolution on Iraq on June 8 was critical to a U.S. priority and to the Bush administration, their effort with regard to bringing some sort of resolution to the issue in Darfur in Sudan, the peacekeeping effort to stop the genocide in Liberia and in Sierra Leone and other places. So the U.S. maintains a key factor here. So I think there are so many arguments that in the interest of time I would hope the amendment would be overwhelmingly defeated.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. PAUL).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. PAUL. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas (Mr. PAUL) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: the amendment offered by the gentleman from Arizona (Mr. FLAKE), the amendment offered by the gentleman from New York (Mr. WEINER), the amendment offered by the gentleman from Colorado (Mr. HEFLEY), amendment No. 13 offered by the gentleman from Ohio (Mr. KUCINICH), amendment No. 9 offered by the gentleman from Texas (Mr. PAUL), amendment No. 6 offered by the gentleman from California (Mr. FARR), amendment No. 10 offered by the gentleman from Texas (Mr. PAUL).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. FLAKE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 221, noes 194, not voting 18, as follows:

[Roll No. 329]

AYES—221

Abercrombie
Alexander
Allen
Baca
Baird
Baldwin
Bartlett (MD)
Bass
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Boehlert
Bono
Boozman
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Camp
Capps
Capuano
Carson (OK)
Case
Castle
Clay
Clyburn
Coble
Cooper
Costello
Cramer
Crowley
Cubin
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Ehlers
Emanuel
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Flake
Ford
Frank (MA)
Frost
Gilchrest
Gonzalez
Gordon
Graves
Green (TX)
Greenwood
Grijalva
Gutknecht
Harman
Herseth
Hill
Hinojosa
Hoeffel
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kolbe
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McNulty
Meehan
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Rehberg
Reyes
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shays
Sherman
Sherwood
Shimkus
Slaughter
Smith (MI)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Woolsey
Wynn

NOES—194

Ackerman
Aderholt
Akin
Andrews
Bachus
Baker
Ballenger
Barrett (SC)
Barton (TX)
Beauprez
Berkley
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Cole
Cox
Crane
Crenshaw
Culberson
Cunningham
Davis (AL)
Davis, Jo Ann
Davis, Tom

Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Engel
Feeney
Ferguson
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Green (WI)
Gutierrez
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McInnis
McIntyre
McKeon
Menendez
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Ose
Oxley
Pallone
Pascrell
Pearce
Pence
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Ryun (KS)
Saxton
Schrock
Sessions
Shadegg
Shaw
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Toomey
Turner (OH)
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu

NOT VOTING—18

Blumenauer
Cardin
Cardoza
Carson (IN)
Chandler
Collins
Conyers
Deutsch
Hastings (FL)
Hinchey
Honda
Jones (OH)
LaHood
Matsui
Meek (FL)
Tauzin
Young (AK)
Young (FL)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

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Mrs. WILSON of New Mexico, Mr. TANCREDO, and Mr. HOEKSTRA changed their vote from "aye" to "no."

Mr. FROST and Mr. HOEFFEL changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. WEINER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. WEINER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 206, noes 212, not voting 15, as follows:

[Roll No. 330]

AYES—206

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Bartlett (MD)
Bereuter
Berkley
Berman
Berry
Bilirakis
Bishop (NY)
Bishop (UT)
Boehlert
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brown (OH)
Brown-Waite, Ginny
Burns
Burr
Camp
Capito
Capps
Capuano
Cardoza
Carson (OK)
Case
Chabot
Chandler
Chocola
Coble
Costello
Davis (FL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Doggett
Doyle
Dunn
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Feeney
Ferguson
Filner
Foley
Ford
Fossella
Frank (MA)
Frost
Gerlach
Gibbons
Gingrey
Graves
Green (TX)
Green (WI)
Greenwood
Gutierrez
Harman
Hastings (WA)
Hayworth
Herseth
Hoeffel
Holden
Holt
Hooley (OR)
Hulshof
Inslee
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kind
King (NY)
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Manzullo
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Moran (KS)
Murphy
Nadler
Neal (MA)
Nethercutt
Neugebauer
Obey
Ortiz
Osborne
Ose
Otter
Owens
Pascrell
Paul
Peterson (MN)
Pickering
Platts
Pomeroy
Porter
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Ross
Rothman
Royce
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schiff
Scott (VA)
Sessions
Shaw
Shays
Shimkus
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Souder
Stark
Stearns
Stenholm
Strickland
Stupak
Taylor (MS)
Terry
Thompson (CA)
Tierney
Turner (OH)
Udall (CO)
Udall (NM)
Upton
Vitter
Walden (OR)
Waters
Watt
Weiner
Weldon (PA)
Wexler
Wilson (NM)
Woolsey
Wu

NOES—212

Akin
Bachus
Baker
Ballenger
Barrett (SC)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Biggert
Bishop (GA)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boyd
Brady (TX)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Buyer
Calvert
Cannon
Cantor
Carter
Castle
Clay
Clyburn
Cole
Conyers
Cooper
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Dooley (CA)
Doolittle
Dreier
Duncan
Ehlers
Emerson
English
Everett
Flake
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gephardt
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Grijalva
Gutknecht
Hall
Harris
Hart
Hayes
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoekstra
Hostettler
Houghton
Hoyer
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jackson (IL)
Jenkins
Johnson, E. B.
Johnson, Sam
Kennedy (MN)
Kilpatrick
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Latham
LaTourette
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lucas (OK)
Maloney
McCrery
McInnis
McKeon
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (VA)
Murtha
Musgrave
Myrick
Napolitano
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Olver
Oxley
Pallone
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (PA)
Petri
Pitts
Pombo
Portman
Pryce (OH)
Putnam
Radanovich
Regula
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roybal-Allard
Ryan (WI)
Ryun (KS)
Sabo
Sandlin
Schakowsky
Schrock
Scott (GA)
Sensenbrenner
Serrano
Shadegg
Sherman
Sherwood
Shuster
Simpson
Smith (MI)
Smith (TX)
Solis
Spratt
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (NC)
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner (TX)
Van Hollen
Velázquez
Visclosky
Walsh
Wamp
Watson
Waxman
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Wynn

NOT VOTING—15

Blumenauer
Cardin
Carson (IN)
Collins
Deutsch
Hastings (FL)
Hinchey
Honda
Jones (OH)
LaHood
Matsui
Meek (FL)
Tauzin
Young (AK)
Young (FL)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 2237

Messrs. MARKEY, ABERCROMBIE, BURNS, DICKS, BROWN of Ohio and Ms. MAJETTE changed their vote from "no" to "aye."

Mrs. JO ANN DAVIS of Virginia and Messrs. FORBES, LEWIS of Georgia, MICA and NEY changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. HEFLEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment by the gentleman from Colorado (Mr. HEFLEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 71, noes 342, not voting 20, as follows:

[Roll No. 331]

AYES—71

Baird
Baker
Bartlett (MD)
Boozman
Bradley (NH)
Burton (IN)
Buyer
Chabot
Chocola
Coble
Cox
Cubin
Davis, Jo Ann
Deal (GA)
DeMint
Duncan
Everett
Flake
Fossella
Franks (AZ)
Gillmor
Graves
Green (WI)
Gutknecht
Hefley
Hensarling
Herger
Hostettler
Houghton
Hunter
Isakson
Johnson, Sam
Jones (NC)
King (IA)
Kingston
Manzullo
Marshall
McInnis
McKeon
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Norwood
Otter
Paul
Pence
Petri
Ramstad
Reynolds
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Sensenbrenner
Sessions
Shadegg
Skelton
Smith (MI)
Stearns
Sullivan
Tancredo
Taylor (MS)
Terry
Thornberry
Toomey
Vitter
Weldon (PA)
Wilson (SC)

NOES—342

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Bachus
Baldwin
Ballenger
Barrett (SC)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carson (OK)
Carter
Case
Castle
Chandler
Clay
Clyburn
Cole
Conyers
Cooper
Costello
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Feeney
Ferguson
Filner
Foley
Forbes
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Green (TX)
Greenwood
Grijalva
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Herseth
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Hoyer
Hulshof
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Markey
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (NC)
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn

NOT VOTING—20

Aderholt
Akin
Blumenauer
Cardin
Carson (IN)
Collins
Deutsch
Gutierrez
Hastings (FL)
Hinchey
Honda
Jones (OH)
LaHood
Matsui
Meek (FL)
Scott (VA)
Tauzin
Thomas
Young (AK)
Young (FL)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that 2 minutes remain in this vote.

□ 2243

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 13 OFFERED BY MR. KUCINICH

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. KUCINICH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 232, noes 186, not voting 15, as follows:

[Roll No. 332]

AYES—232

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Boehlert
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Capito
Capps
Capuano
Cardoza
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Ford
Fossella
Frank (MA)
Frost
Gephardt
Gerlach
Gibbons
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hart
Herseth
Hill
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Hoyer
Hunter
Hyde
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Quinn
Radanovich
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Shimkus
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak

Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wu
Wynn

NOES—186

Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Brady (TX)
Brown (SC)
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Carter
Castle
Chabot
Chocola
Coble
Cole
Cox
Crane
Crenshaw
Cubin
Culberson
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Feeney
Flake
Foley
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hostettler
Houghton
Hulshof
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas (OK)
McCrery
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Nethercutt
Neugebauer
Northup
Norwood
Nunes
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shuster
Simpson
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf

NOT VOTING—15

Blumenauer
Cardin
Carson (IN)
Collins
Deutsch
Hastings (FL)
Hinchey
Honda
Jones (OH)
LaHood
Matsui
Meek (FL)
Tauzin
Young (AK)
Young (FL)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 2251

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 9 OFFERED BY MR. PAUL

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. PAUL) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 135, noes 283, not voting 15, as follows:

[Roll No. 333]

AYES—135

Aderholt
Akin
Bachus
Barrett (SC)
Bartlett (MD)
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonilla
Bonner
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Cannon
Cantor
Chabot
Chocola
Coble
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Diaz-Balart, M.
Doolittle
Duncan
Emerson
Everett
Feeney
Flake
Forbes
Fossella
Franks (AZ)
Garrett (NJ)
Gibbons
Gingrey
Goode
Goodlatte
Graves
Green (WI)
Gutkrecht
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Isakson
Istook
Jenkins
Johnson, Sam
Jones (NC)
Keller
King (IA)
King (NY)
Kingston
Kline
Lewis (KY)
Linder
Lucas (OK)
Manzullo
McCotter
McCrery
McInnis
McIntyre
Miller (FL)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Norwood
Otter
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Putnam
Quinn
Radanovich
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (MI)
Souder
Stearns
Sullivan
Tancredo
Taylor (MS)
Terry
Thornberry
Tiahrt
Tiberi
Toomey
Vitter
Wamp
Weldon (FL)

NOES—283

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Ballenger
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blunt
Boehlert
Bono
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Calvert
Camp
Capito
Capps
Capuano
Cardoza
Carson (OK)
Carter
Case
Castle
Chandler
Clay
Clyburn
Cole
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Foley
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gephardt
Gerlach
Gilchrest
Gillmor
Gonzalez
Gordon
Goss
Granger
Green (TX)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Harris
Hefley
Herseth
Hill
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McKeon
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Reyes
Rodriguez
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn

NOT VOTING—15

Blumenauer
Cardin
Carson (IN)
Collins
Deutsch
Hastings (FL)
Hinchey
Honda
Jones (OH)
LaHood
Matsui
Meek (FL)
Tauzin
Young (AK)
Young (FL)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 2258

Mr. NEY changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 6 OFFERED BY MR. FARR

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. FARR) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 148, noes 268, not voting 17, as follows:

[Roll No. 334]

AYES—148

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Bartlett (MD)
Beauprez
Becerra
Bell
Berkley
Berman
Bishop (GA)
Bishop (NY)
Boehlert
Bono
Brady (PA)
Brown (OH)
Capps
Capuano
Case
Clay
Conyers
Crowley
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Engel
Eshoo
Evans
Farr
Fattah
Filner
Flake
Frank (MA)
Garrett (NJ)
Gephardt
Gilchrest
Gonzalez
Graves
Grijalva
Gutierrez
Harman
Holt
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kilpatrick
Kind
Kleczka
Kucinich
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Lewis (GA)
Lofgren
Lowey
Majette
Maloney
Markey
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
Meehan
Michaud
Millender-McDonald
Miller, George
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Otter
Owens
Pascrell
Pastor
Paul
Payne
Pelosi
Porter
Price (NC)
Rangel
Rodriguez
Rohrabacher
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Simmons
Simpson
Slaughter
Smith (WA)
Solis
Stark
Strickland
Tancredo
Tauscher
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wynn

NOES—268

Aderholt
Akin
Alexander
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Barton (TX)
Bass
Bereuter
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boozman
Boswell
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carson (OK)
Carter
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
English
Etheridge
Everett
Feeney
Ferguson
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Gerlach
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Lampson
Langevin
Latham
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Meeks (NY)
Menendez
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Oxley
Pallone
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spratt
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu

NOT VOTING—17

Blumenauer
Boucher
Cardin
Carson (IN)
Collins
Deutsch
Hall
Hastings (FL)
Hinchey
Honda
Jones (OH)
LaHood
Matsui
Meek (FL)
Tauzin
Young (AK)
Young (FL)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). There are 2 minutes remaining in this vote.

□ 2305

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. GRAVES. Mr. Chairman, on rollcall No. 334 I inadvertently voted "yes." I intended to vote "no."

AMENDMENT NO. 10 OFFERED BY MR. PAUL

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. PAUL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 83, noes 335, not voting 15, as follows:

[Roll No. 335]

AYES—83

Akin
Bachus
Barrett (SC)
Bartlett (MD)
Bilirakis
Bishop (UT)
Blackburn
Bonner
Boozman
Brown-Waite, Ginny
Burgess
Burton (IN)
Cannon
Cantor
Coble
Cubin
Culberson
Cunningham
Davis, Jo Ann
DeLay
Doolittle
Duncan
Everett
Feeney
Flake
Foley
Forbes
Franks (AZ)
Garrett (NJ)
Gibbons
Gingrey
Goode
Harris
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hostettler
Hulshof
Hunter
Istook
Johnson, Sam
Jones (NC)
Keller
Kingston
Lewis (KY)
Linder
Lucas (OK)
Manzullo
McCotter
McInnis
Miller (FL)
Moran (KS)
Musgrave
Myrick
Neugebauer
Ney
Norwood
Otter
Paul
Peterson (MN)
Platts
Pombo
Putnam
Radanovich
Rehberg
Renzi
Rogers (AL)
Rohrabacher
Ryun (KS)
Sabo
Sensenbrenner
Sessions
Shuster
Simpson
Stearns
Sullivan
Tancredo
Taylor (MS)
Tiberi
Wamp
Weldon (FL)

NOES—335

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Ballenger
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burns
Burr
Buyer
Calvert
Camp
Capito
Capps
Capuano
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell

Doggett
Dooley (CA)
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gephardt
Gerlach
Gilchrest
Gillmor
Gonzalez
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hart
Hensarling
Herseth
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Houghton
Hoyer
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (PA)
Petri
Pickering
Pitts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn

NOT VOTING—15

Blumenauer
Cardin
Carson (IN)
Collins
Deutsch
Hastings (FL)
Hinchey
Honda
Jones (OH)
LaHood
Matsui
Meek (FL)
Tauzin
Young (AK)
Young (FL)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). There are 2 minutes remaining in this vote.

□ 2312

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. JONES of Ohio. Mr. Speaker, I ask unanimous consent that the following statement appear in the appropriate place in the CONGRESSIONAL RECORD behind the votes for Wednesday, July 7, 2004: unfortunately, I was unavoidably detained. Had I been present for the recorded Rollcall votes number 326 through number 335, I would have voted in the following way:

No. 326—H. Con. Res. 410—Motion to Suspend the Rules and Agree, as Amended Recognizing the 25th anniversary of the adoption of the Constitution of the Republic of the Marshall Islands. I would have voted "yes."

No. 327—H. Con. Res. 257—Motion to Suspend the Rules and Agree Expressing the sense of Congress that the President should posthumously award the Presidential Medal of Freedom to Harry W. Colmery. I would have voted "yes."

No. 328—On agreeing to the Manzullo, Velázquez, Serrano amendment to provide $79.1 million for the Small Business 7(a) loan program, the amount provided last year, to finance more than $13 billion in small business loans. I would have voted in favor of the amendment.

No. 329—On agreeing to the Flake (Arizona) amendment prohibiting use of funds to implement new restrictions on gift parcels and other items allowed for travellers to Cuba. I would have voted "yes."

No. 330—On agreeing to the Weiner amendment increasing COPS funding by $107 million and offsets that funding by cutting funding for the Census. I would have voted "yes."

No. 331—On agreeing to the Hefley amendment eliminating funding for the re-engineering design process for the 2010 short-form only Census. I would have voted "no."

No. 332—On agreeing to the Kucinich amendment on funding for the Commerce Department to expand the membership of the President's "Manufacturing Council." I would have voted "yes."

No. 333—On agreeing to the Paul of Texas amendment No. 9. I would have voted "no."

No. 334—On agreeing to the Farr of California amendment prohibiting funds from being used to prevent states from implementing state laws authorizing the use of medical marijuana. I would have voted "yes."

No. 335—On agreeing to the Paul of Texas amendment No. 10. I would have voted "no."

□ 2313

AMENDMENT OFFERED BY MS. MILLENDER-MCDONALD

Ms. MILLENDER-McDONALD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. MILLENDER-McDONALD:

Page 92, line 16, after the dollar amount insert the following: "(increased by $1,500,000)".

Page 93, line 8, after the dollar amount insert the following: "(reduced by $1,500,000)".

The CHAIRMAN. Points of order are reserved.

Pursuant to the order of the House of today, the gentlewoman from California (Ms. MILLENDER-McDONALD) and a Member opposed will each control 5 minutes.

The Chair recognizes the gentlewoman from California (Ms. MILLENDER-McDONALD).

Ms. MILLENDER-McDONALD. Mr. Chairman, I yield myself such time as I may consume.

My amendment would provide increased funding for the Small Business Administration's Women's Business Centers Program. This amendment would provide for an additional $1.5 million in funding for the Women's Business Centers Program that is currently funded at the level of $12 million, which is included in the committee's version of the report, bringing this total level of program funding to $13.5 million.

The United States Small Business Administration network of Women's Business Centers provide a wide range of services to women business owners at all levels of business development through grant funding to private, nonprofit economic development organizations. These centers are located in 46 States, the District of Columbia, Puerto Rico, American Samoa, and the Virgin Islands, and provide financial and general business management and marketing assistance, as well as long-term training and counseling, to existing and potential women business owners, many of whom are socially and economically disadvantaged.

Many centers make a special effort to assist women on welfare become self-sufficient and administer programs and workshops in business ownership, other employment or a combination of the two. All of the centers provide individual counseling and access to the SBA's programs and services.

I have always been a strong supporter of women-owned small businesses and have led efforts in past Congresses to increase authorized funding levels for the WBC programs.

Mr. Chairman, women-owned businesses are a dynamic and thriving force in the U.S. economy. Business ownership has been one of the most effective means of improving women's economic well-being. Female participation in business ownership at all levels is climbing. Women now own 40 percent of all small businesses and are growing at twice the rate of all other businesses. America's 9.1 million women business owners employ 2.75 million people and contribute $3.6 trillion to the economy.

Additional funding for this program will go a long way to ensuring that both existing and new centers will have the funding to help women entrepreneurs with additional training and technology assistance, especially minority women and start-up businesses.

I would like to thank the chairman and the ranking member for their support and guidance as I have introduced this amendment, and I ask all of my colleagues to support this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. WOLF. Mr. Chairman, we accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. MILLENDER-MCDONALD).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BURGESS

Mr. BURGESS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BURGESS:

Page 108, after line 22, insert the following (and make such technical and conforming changes as may be appropriate):

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. SENSE OF THE CONGRESS REGARDING THE FEDERAL TRADE COMMISSION.

It is the sense of the Congress that the Federal Trade Commission should provide to Independent Physician Associations guidance on contracting with health plans, on practice business arrangements, and on member communications, and a reasonable time for such Associations to ameliorate certain arrangements that could lead to Federal Trade Commission enforcement of antitrust laws against any such Association that has engaged in alleged anticompetitive activities.

The CHAIRMAN. Points of order are reserved.

Pursuant to the order of the House of today, the gentleman from Texas (Mr. BURGESS) and a Member opposed will each control 5 minutes.

Mr. WOLF. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The point of order is reserved.

Mr. BURGESS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is an extremely important issue to physicians and patients around the country.

Over the past few years, the Federal Trade Commission has been targeting groups of doctors known as Independent Physician Associations, alleging anticompetitive business activities. These groups, IPAs, are integrated groups of physicians that can provide a wide array of medical services to patients in their community.

While it is important that the Federal Trade Commission enforce the antitrust laws when organizations engage in anticompetitive behavior, they must understand that the recent complaints brought against IPAs could and do disrupt patient care. This amendment would ask that the Federal Trade Commission keep in mind and provide Independent Physician Associations with guidance and a time to ameliorate any arrangement that could violate the law before the FTC pursues enforcement action.

The fact is, Mr. Chairman, if you are an Independent Physician Association, in the eyes of the FTC, you are by definition a conspirator or in the process of conspiring. In fact, the FTC seems to pursue a mission statement that you are guilty unless you happen to be able to prove your innocence, and these actions are extremely expensive to fight.

My concern is not so much the innocence or guilt of the organizations, but the impact that the lack of guidance from the Federal Trade Commission can have on the provider community and patients who receive a high quality of care from IPAs. IPAs consistently rate high in customer satisfaction and positive health outcomes.

One such organization in north Texas, the North Texas Specialty Physicians, provides excellent health care. With over 600 doctors, they serve around 11,000 patients a day. They are the only Medicare risk provider in north Texas. This is important because Medicare risk is the old Medicare+Choice. Here is the group that took that Medicare HMO and made it work, made it work for the doctors and made it work for the patients; and as a consequence, they are punished for their success.

They accept new Medicare enrollees when many other networks in the area do not. Most emergency calls are responded to by their physicians. Their access ratings are very high. At a time when most doctors will not take new Medicaid clients, they are one of the few networks that take new Medicaid enrollees every day.

Federal agencies should not be punishing businesses when their only transgression is success. By having the FTC give IPAs basic guidance on how they contract with health plans and how they communicate with other IPA members and established business relationships, patient care in the community will not suffer. That should be our concern.

It is important for the FTC to enforce the law. All this amendment asks is that a reasonable standard be applied and care be exercised when patient care could be disrupted.

What brought this to my attention was this particular group which has been charged by the FTC with an action. This group has spent $1 million over the last year and a half, defending itself against what it believes are unfair allegations, and probably the FTC has spent, conservatively, three times that amount, and these are dollars we can scarcely afford out of this appropriation. Groups that are procompetitive and manage risk are being punished.

Mr. Chairman, I plan to withdraw my amendment, but I hope to work with the chairman in the future to bring more balance to this situation.

Mr. Chairman, at this time I withdraw my amendment.

AMENDMENT OFFERED BY MR. WOLF

Mr. WOLF. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WOLF:

At the end of title VI, insert the following:

SEC. 627. It is the sense of the Congress that the Secretary of State, at the most immediate opportunity, should—

(1) make a determination as to whether recent events in the Darfur region of Sudan constitute genocide as defined in the Convention on the Prevention and Punishment of the Crime of Genocide; and

(2) support the investigation and prosecution of war crimes and crimes against humanity committed in the Darfur region of Sudan.

The CHAIRMAN. Points of order are reserved.

Pursuant to the order of the House of today, the gentleman from Virginia (Mr. WOLF) and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment is very simple and concerns recent events in the Darfur region of Sudan, which I visited last week. I offer the amendment on behalf of myself and the gentleman from New Jersey (Mr. PAYNE).

The amendment asks the Secretary of State to support the investigations of war crimes or crimes against humanity in Darfur, and I have done this in consultation with my colleague on the other side, the gentleman from New York (Mr. SERRANO).

Senator BROWNBACK and I just returned from spending 3 days and 2 nights in Darfur, Sudan. During our trip we visited five refugee camps: Abu Shouk; Tawilah; Krinding; Sisi and Morney—all sprawling tent cities jam-packed with thousands of displaced families and fast becoming breeding grounds for disease and sickness. We drove past dozens of pillaged villages and walked through what was left of four burned to the ground. We heard countless stories about rape, murder and plunder.

We talked to rape victims. We saw the scars on men who had been shot. We watched mothers cradle their sick and dying babies, hoping against all odds that their children would survive. We saw armed Janjaweed waiting to prey on innocent victims along the perimeter of refugee camps.

We saw Janjaweed—who are carrying out these attacks—sitting astride camels and horses just a short distance from where young and old have sought what they had hoped would be a safe harbor.

The same stories were repeated at every camp we visited. The raids would happen early in the morning. First comes the low rumble of a Soviet-made Antonov plane to bomb the village. Next come helicopter gunships to strafe the village with the huge machine guns mounted on each side. Sometimes the helicopters would land and unload supplies for the Janjaweed. They would then be reloaded with booty confiscated from a village. One man told us he saw cows being loaded onto one helicopter. The Janjaweed, some clad in military uniforms, would come galloping in on horseback and camels to finish the job of killing, raping, stealing and plundering.

Walking through the burned out villages we could tell the people living there had little or no time to react. They left everything they owned—lanterns, cookware, water jugs, pottery, plows—and ran for their lives. There was no time to stop and bury their dead. The Janjaweed made certain that there would be nothing left for the villagers to come home to. Huts were torched. Donkeys, goats and cows were stolen, slaughtered. Grain containers destroyed. In one village we saw where the Janjaweed even burned the mosque.

ETHNIC CLEANSING

What is happening in Darfur is rooted in ethnic cleansing. Religion has nothing to do with what unfolded over the last year. It was clear that only villages inhabited by black African Muslims were being targeted. Arab villages sitting just next to African ones miles from the nearest towns have been left unscathed.

While government officials are adamant in saying there is no connection between the Government of Sudan and the Janjaweed, the militiamen we saw did not look like skilled pilots who could fly planes or helicopters.

We also were told the Janjaweed are well armed and well supplied. They have satellite phones, an astonishing fact considering most people in the far western provinces of Darfur have probably never even seen or walked on a paved road.

The impunity under which the Janjaweed operate was most telling as we approached the airport in Geneina on our last day in the region for our flight back to Khartoum. In plain sight was an encampment of Janjaweed within shouting distance of a contingent of Government of Sudan regulars. No more than 200 yards separated the two groups. Sitting on the tarmac were two helicopter gunships and a Russian-made Antonov plane.

The situation in Darfur is being described as the worst humanitarian crisis in the world today. We agree. But sadly things could get worse. Some say that even under the best of circumstances, as many as 300,000 Darfuris forced from their homes are expected to die from malnutrition and diarrhea or diseases such as malaria and cholera in the coming months.

The impending rainy season presents its own set of problems, making roads impassable for food deliveries and the likelihood of disease increasing dramatically with the heavy rains.

DIFFICULT LIFE IN IDP CAMPS

Abu Shouk was the first of five IDP (Internally Displaced People) camps we visited. More than 40,000 people live in this sprawling tent city. Families arriving at the camps—almost all after walking for days in the hot sun from their now abandon villages—are only given a tarp, a water jug, cookware and a small amount of grain.

At Mornay, the largest of the IDP camps in Darfur with more than 70,000 inhabitants, it was hard not to step in either human or animal feces as we walked. In a few weeks, when the heavy rains begin, excrement will flow across the entire camp. Mortality from diarrhea, which we were told represents one-third of the deaths in the camps, will only increase.

To their credit, all the non-governmental organizations (NGOs) that have been allowed to operate in Darfur have done—and continue to do—a tremendous job under extremely trying circumstances.

Rapes, we were told, happen almost daily to the women who venture outside the confines of the camps in search of firewood and straw. They leave very early in the morning, hoping to evade their tormentors before they awake. With the camps swelling in size and nearby resources dwindling, they often walk several miles. The farther the women go from the camp, the greater the risk of being attacked by the Janjaweed.

As we approached Mornay, we saw a number of Janjaweed resting with their camels and horses along the perimeter of the camp, easily within walking distance. In one camp we heard the horrific story of four young girls—two of whom were sisters—who had been raped just days before we arrived. They had left the camp to collect straw to feed the family's donkey when they were attacked. They said their attackers told them they were slaves and that their skin was too dark. As they were being raped, they said the Janjaweed told them they were hoping to make more lighter-skinned babies. We were told that some of the rape victims were being branded on their back and arms by the Janjaweed, permanently labeling the women.

We also received a letter during our trip from a group of women who were raped. To protect them from further attacks, we purposely do not mention where they are from or list their names. The translation is heartbreaking:

> We are forty-four raped women. As a result of that savagery, some of us became pregnant, some have aborted, some took out their wombs and some are still receiving medical treatment.
>
> Hereunder, we list the names of the raped women and state that we have high hopes in you and the international community to stand by us and not to forsake us to this tyrannical, brutal and racist regime, which wants to eliminate us racially, bearing in mind that 90 percent of our sisters at (. . .) are widows.

These rape victims have nowhere to turn. Even if they report the attacks to the police, they know nothing will happen. The police, the military and the Janjaweed all appear to be acting in coordination.

DIRE SITUATION IS MAN-MADE

The situation in Darfur is dire, and from what we could see, it is entirely man-made. These people who had managed to survive even the severest droughts and famines during the course of their long history are now in mortal danger of being wiped out simply because of the darker shade of their skin color.

Over the course of 3 days, we saw the worst of man's inhumanity to man, but we also saw the best of what it means to be human: mothers waiting patiently for hours in the hot sun so that they could try to save their babies; NGO aid workers and volunteer doctors feeding and caring for the sick and the dying; and the courage and bravery of men, women and children eager to talk to us so that we would know their story.

The world made a promise in 1994 to never again allow the systematic destruction of a people or race. "Never again"—words said, too, after the Holocaust.

In Darfur, the international community has a chance to stop history from repeating itself. It also has a chance to end this nightmare for those who have found a way to survive. If the international community fails to act, the next cycle of this crisis will begin. The destiny facing the people of Darfur will be death from hunger or disease.

Mr. WOLF. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Virginia (Mr. WOLF).

The amendment was agreed to.

□ 2320

Mr. WOLF. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GINGREY) having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4754) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2005, and for other purposes, had come to no resolution thereon.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3598, MANUFACTURING TECHNOLOGY COMPETITIVENESS ACT OF 2004

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 108–589) on the resolution (H. Res. 706) providing for consideration of the bill (H.R. 3598) to establish an interagency committee to coordinate Federal manufacturing research and development efforts in manufacturing, strengthen existing programs to assist manufacturing innovation and education, and expand outreach programs for small and medium-sized manufacturers, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4755, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2005

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 108–590) on the resolution (H. Res. 707) providing for consideration of the bill (H.R. 4755) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2005, and for other purposes, which was referred to the House Calendar and ordered to be printed.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

ORDER OF BUSINESS

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to take my Special Order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

SMART SECURITY AND IRAQ TRANSFER OF POWER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, at the end of last month, the United States Government handed control of Iraq "back to its people." And everyone I know who is being at all intellectually honest believes that the choice of a June 30 deadline was driven more by the political calendar than anything else.

The Bush administration wants to have it both ways. They want to go before the voters with "clean hands" in the fall to say that the job has been completed just as they tried to declare "mission accomplished" a year ago, but at the same time remaining in charge of this occupation, while even after the handover, U.S. troops and other officials will enjoy full immunity if they should destroy property or kill Iraqi citizens.

Coming on the heels of the Abu Ghraib revelations, this arrogance and lack of accountability is absolutely staggering. The war in Iraq has already cost lives of hundreds of American soldiers, 25,000 being injured, the lives of thousands of innocent Iraqi civilians, and billions of dollars that should have been invested right here at home.

This war has diverted resources from the struggle against al Qaeda, the group actually responsible for the atrocities of 9/11. Now al Qaeda has regrouped and poses as great a strength and threat as ever.

This case for war was built on dubious intelligence and outright deceptions. The 9/11 Commission recently announced that it had access to all the same information as Vice President CHENEY; yet there is "no credible evidence" that Saddam Hussein's government in Iraq collaborated with al Qaeda.

Our presence in Iraq has been met not with gratitude but resentment. Instead of throwing flowers at American troops, Iraqis now throw torches at Humvees.

Mr. Speaker, our current national security approach is an unmitigated disaster, but do not take my word for it. Listen to the statement issued in mid-June by a group of 27 former senior diplomats and military officials. They said the Bush administration "has failed in the primary responsibilities of preserving national security and providing world leadership." They went on to say: "Instead of building upon America's great economic and moral strength to address the causes of terrorism and to stifle its resources, the administration, motivated more by ideology than by reasoned analysis, led the United States into an ill-planned and costly war from which exit is uncertain."

It is clearly time for a new national security policy, Mr. Speaker. And I have introduced H. Con. Resolution 392 to create a SMART security platform for the 21st Century. SMART stands for Sensible Multilateral American Response to Terrorism. SMART security treats war as an absolute last resort. It fights terrorism with stronger intelligence and multilateral partnerships. It controls the spread of weapons of mass destruction with aggressive diplomacy, strong regional security arrangements, and vigorous inspection regimes. SMART security invests in the development of impoverished nations to prevent terrorism from taking root in the first place. SMART security is about preventing war as opposed to preemptive war. It emphasizes brains over brawn. It is tough, but diplomatic; aggressive, but peaceful; pragmatic, but idealistic.

President Bush loves to think that those who support his efforts in Iraq are patriotic and those who think there is a better way are unpatriotic, or worse, un-American. But I can think of nothing more patriotic than pursuing a national security policy that protects America by relying on the noblest of American values, our capacity for global leadership, our compassion for the people of the world, our commitment to peace and freedom.

ORDER OF BUSINESS

Mr. PEARCE. Mr. Speaker, I ask unanimous consent to take my Special Order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

VIOLENCE AGAINST WOMEN IN CIUDAD JUAREZ, MEXICO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico (Mr. PEARCE) is recognized for 5 minutes.

Mr. PEARCE. Mr. Speaker, I often criticize the media for the things that I think are inattentive and improper. Tonight, I would like to rise to give tribute to the media where I think good has been done.

A long-time friend, Rebecca Allen, an editor from the Orange County Register, forwarded to me eight articles in a series they printed in mid-June. The articles, written by the brave and courageous Yvette Cabrera and Minerva Canto, four articles apiece, detailed the difficulties that face young women in Ciudad Juarez, Mexico.

□ 2230

My district butts up to the very corner of Juarez, and I have watched the problems of hundreds of deaths of young women, but until reading a series of articles, it was not personal. The first in the series of articles talked about she never came home. Concentrating on Erendira Ponce, 17, all that she dreamed of was a life beyond her poor neighborhood. At 17 she ended up as one of hundreds of women killed in Juarez, Mexico, skull crushed, raped and just thrown down into the dirt.

The second in the series of articles is about the investigator Angolee Talavera, 29 years old, the lead investigator who still has no one to try for all of the killings.

The third in the series of articles concentrates on a suspect's wife. The police have tried to silence the suspect's wife. The suspect, a truck driver, Victor Javier Garcia Uribe, was summarily arrested by two men who were dressed with masks over their head and other men that came up with Halloween costume masks. Little did they understand that Victor had married his wife Mary Ann Garcia when she was still in a wheelchair from an accident suffered while they were dating. He nursed her back to health, moving in with her, and because of the love and the faith that they have built up, she stands by him continuing to provide more and more evidence that he is innocent. Yet, he stays in prison today. Her persistence is rewarded by three beatings from the local authorities, with the admonition that this is a message from the governor, Stop making noise.

The fourth in the series of articles is about a mother's pain. Irma Monreal just lives with the loss of her 15-year-old, the one around whom her and her family's dreams operated. Her 15-year-old daughter just brought the light and life and laughter into their home. Esmerelda wanted to rescue her mother from the poverty, getting a job as a secretary to pour a new concrete floor in their dirt-floored home. At 15, she was taken and brutally murdered. Her body was found purple and swollen with all of the flesh and even the hair missing, just a blank skull on top of her body. What kind of tremendous terror are the people in Mexico living with and the authorities unable to solve?

The fifth series is about an orphan, the inevitable orphans that suffer from the loss of moms.

The sixth is about an activist, the activists who are ignored, who are threatened to keep silent, to stop making waves.

The seventh was about an imprisoned reporter who dared to write about the loss of her friend and blame the authorities, and now she sits in prison.

And finally the eighth article is the hope for the future, talking about women such as Esther Chavez.

The one common trait, Mr. Speaker, is the impunity with which these young ladies are killed. The common element is the careless violence that discards these young ladies as if they had no value.

Mr. Speaker, I add my voice to those speaking up on behalf of justice. We are told in the Bible that the worst sins are those which are committed against the poor and the fatherless, against those who are innocent and unwilling and unable to provide their own protection. Mr. Speaker, these are the people who are suffering in Mexico today. These are the people who are suffering in Ciudad Juarez. I commend the Orange County Register for printing this bold series of articles and drawing to the attention of the United States the difficulties that lie just across the border for women who have done no wrong.

NEW DEMOCRATIC ADMINISTRATION TO UNITE AMERICA

The SPEAKER pro tempore (Mr. PENCE). Under a previous order of the House, the gentleman from Washington (Mr. McDERMOTT) is recognized for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, last night a Republican from Florida shamed the People's House when he stood at the podium and insulted every Native American in this country. Using cheap partisan rhetoric against the new Democratic vice presidential nominee, the Republican flung bigotry and racism against America's first citizens. And the Republican leadership stood by and said nothing and the administration stood by and said nothing.

The words spoken here were so insulting to Native Americans that I will not repeat them. I will say on behalf of every Native American, and there are many in my home State of Washington, that we categorically detest such rhetoric. I will say on behalf of every Democrat that we wholeheartedly support Native Americans, we support treaty rights, and we recognize that this generation can and must honor the culture and contribution of Native Americans.

Last night, the Republican rhetoric should remind us all that 100 years later, there still is much left to be done in this country. I will say that that Republican from Florida made the case for why America needs people to defend its citizens on the battlefield and in the courtroom.

Civil rights, civil liberties, the First Amendment, the Second Amendment, all the amendments, the right to be safe in your home, the right to be safe from unsafe products and unsafe practices, Americans have rights we have paid for in world wars and in cold wars.

Somehow the Republicans think defending those rights in a court of law is un-American. Somehow the Republicans think that defending Americans in an American courtroom is un-American.

Truth is stranger than fiction these days in Washington, DC. It has gotten so bad that the other body had to reaffirm that the United States actually supports the Geneva Convention. And there is a question about whether the Republicans in this House will even support it here. They may not even bring it to a vote. What kind of message is that? The Geneva Convention is not for us?

We have to take a vote to say moral leadership is something he still think is a good idea. The issue is before Congress because of what administration civilian leaders have done to America's moral leadership in the world.

Senator JOHN EDWARDS, the vice presidential nominee, speaks of two Americas; one for the rich friends of the administration and the other America for the rest of us. How right he is.

America has been divided by this administration into the have-less and the have much, much, much more. The Republicans would like to continue that trend. They shift the money through massive tax cuts to the rich.

Forget the rhetoric. Here are the numbers. Over $112,000 a year to the average millionaire; under 700 bucks for the rest of us.

Now Republicans want to shift power to their corporate patriarchs to ensure that companies can escape responsibility and accountability when they do something wrong. Fairness is not a word in the Republican dictionary, nor is accountability.

They will tell you the fiction that America suffers because lawyers can go to court and defend Americans. I thought protection under the law was something the Founding Fathers thought was a pretty good idea. It seems Republicans think accountability belongs in the same closet with the Geneva Convention, civil liberties and the basic respect for our first citizens.

Republicans like us to believe that every American has a right to keep and bear arms in order to defend themselves. These same Republicans would like us to believe that Americans do not have the right to defend themselves in court.

Republicans advocate unilaterally disarming Americans. Why? Why would the Republican Party want to prevent average Americans from defending themselves in court? Who benefits? Average Americans or corporate lobbyists? You decide for yourself. I think the words defy gravity.

Republicans would have us believe they know best. They are willing to let big corporations operate without the checks and balances our legal system provides for the safety and protection of every American. That is not representative government, it is Republican doctrine. Reward the rich, over and over and over and over again.

There are two Americas today, but that is going to change. America needs one America, the Nation where ordinary people count and where the common good is what we practice, not preach. The world needs one America, the Nation that recognizes its moral leadership is not secondary to military might or arrogance.

The current Republican administration divided America. The new Democratic administration will unite us.

There are only 118 days left. It is a long time to wait. But America is strong enough to hold on and compassionate enough to hold out until JOHN KERRY is President. If you have lost hope, hang on. Help is on the way.

Mr. Speaker, let the President know he only has 117 more days down at the White House, and he ought to start packing.

□ 2340

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEARCE). Pursuant to clause 8 of rule XX, the Chair announces that the House will resume proceedings on H.R. 3980 tomorrow.

EXCHANGE of SPECIAL ORDER TIME

Mr. GINGREY. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from North Carolina (Mr. JONES).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

CONGRATULATING COLUMBUS HIGH SCHOOL BLUE DEVILS BASEBALL TEAM, THE 2004 AAAA BASEBALL CHAMPIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGREY) is recognized for 5 minutes.

Mr. GINGREY. Mr. Speaker, I rise today to congratulate the Columbus High School Blue Devils baseball team in Georgia's 11th Congressional District. Columbus added the 2004 AAAA State baseball crown to its trophy case this year by defeating the Northgate Vikings of Coweta County for the championship.

Columbus is no stranger to State championships. This year's title marks the school's eighth. It was the twelfth time the school had played in the finals.

In this year's 2-game series final, Columbus outscored the Northgate Vikings 20 to 1. The Newnan Times-Herald stated that the Blue Devils, who finished the season with a 35 and 2 record, are arguably the best team in Georgia, regardless of any classification. Two members of the team have signed on to play with Division I college teams.

In two games, Columbus' fielders avoided a single error, while the Blue Devils' pitchers held the Vikings to one run and five hits over two games. At the same time, their offense was at its peak, racking up 23 hits.

Although teammates mobbed Ric Bishop after he caught a foul ball to end game 2, that was not the only memorable moment of the playoffs for the first baseman. Earlier in the week, Bishop hit his 13th home run of the season, a school record. The previous record-holder at Columbus High was former Blue Devil Frank Thomas of the Chicago White Sox. Bishop knocked out another homer in the championship series to finish the year with 14 home runs.

The Blue Devils' pitchers also put in notable performances. Iain Sebastian and Brad Rulon quieted the powerful bats of the Northgate Vikings who entered the series hitting 357 as a team. Sebastian shut out the Vikings and Rulon allowed only one run.

As Coach Bobby Howard told the Columbus Ledger-Enquirer, "Everybody has talked about our hitting, but our common denominator for winning is with our pitching. I would have hated for anybody to try to hit those guys today."

Sebastian's fastballs zipped at speeds up to 90 miles an hour and Rulon notched nine strikeouts. They contributed to an overwhelming team effort for which the high school and the entire Columbus community can be proud.

Congratulations to the Columbus Blue Devils for continuing a tradition of excellence.

JUNE JOBS NUMBERS AND MIDDLE-CLASS SQUEEZE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from New Jersey (Mr. PALLONE) is recognized for half the time until midnight as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, last month we witnessed another disappointing jobs creation month. Economists say our economy must create 150,000 jobs a month just to keep up with increases in population. But last month, only 112,000 jobs were created. And even more troubling, the economy witnessed declines in the length of the average work week and average weekly earnings.

One would think this disappointing news would concern President Bush. After all, he already has the dubious distinction as the only President since Herbert Hoover to lose jobs on his watch. Mr. Speaker, 1.8 million private sector jobs have been lost over the last 3 years, thanks to the economic neglect of both President Bush and Republicans here in Congress.

Instead of showing any concern over these disappointing job numbers, President Bush embraced them, describing them as steady growth. The President also had the audacity to say that our economy does not need "boom or bust-type growth."

Now, I ask my colleagues, Mr. Speaker, when is President Bush going to realize that our economy desperately needs a boom? When is President Bush going to finally realize that the failed economic policies that he has been touting over the last 3 years are not creating enough jobs to put millions of Americans back to work? And when is President Bush going to realize that today's economy, the economy he created with his major tax breaks for the wealthiest Americans, is benefiting the wealthiest Americans to the detriment of middle-class Americans? And when is he going to realize that while middle-class Americans face skyrocketing health care costs and ever-increasing college tuition costs, their paychecks are not even increasing at a rate that will keep them equal with inflation?

The economic record of President Bush and this Republican House of Representatives has been an utter failure, and the President's statement that an economic boom is not needed today shows that he is certainly out of touch with the economic realities middle-class Americans presently face. Perhaps the President has been spending too much time hanging around with his wealthy friends to realize that middle-class Americans are struggling to make ends meet.

A report over the weekend by Bloomberg News determined that record-high corporate profits are not trickling down to U.S. workers in the form of pay increases. Economists Paul Krugman said today's economy is passing working Americans by. Krugman points to the fact that average weekly earnings of nonsupervisory workers rose only 1.7 percent over the past year, lagging well behind inflation. And this dismal increase takes place amid continued gains in worker productivity, the amount that workers produce in an hour. If middle-class workers are performing so well and if their hard work is paying off and making the economy grow, then one might ask, why are their wages not growing as well?

Middle-class Americans are getting squeezed by their employers and by government policies. Since March of 2001, corporate profits skyrocketed by more than 50 percent, while wages and salaries decreased by 1.7 percent. American companies raked in an enviable $1 trillion in profits in the last 3 months of 2003 alone, but even while profits soared, companies froze pay.

Unfortunately, Mr. Speaker, Uncle Sam is only making matters worse by shifting the tax burden from wealth to work. Taxes on wages now average almost 24 percent. Taxes on income from investments, by contrast, like stock and bonds, average less than 10 percent. That means that middle-class Americans who depend more on their paycheck than stock market investments are actually paying more in taxes on individual dollars than they bring in. It is an incredible, incredible fact.

While families are earning less and less, "kitchen table costs," the items that directly affect a family's budget, are soaring. Under President Bush, health care costs have skyrocketed almost 50 percent, college tuition has gone up 35 percent, and gas prices are up more than 25 percent. How does a family face these skyrocketing price increases when their paychecks only increase about 1 percent from year to year?

Now, Mr. Speaker, for the past 3 years, Republicans have been telling the American people that the best way to create jobs and expand the economy was to drastically cut taxes for the wealthiest Americans. Not only has that misguided policy created a $400 billion Federal deficit, but it has just not lived up to the expectations that the Republicans create.

Democrats by contrast have a real plan that would truly boost America's economy. Over the last 3 years, many economists have argued that the most effective job creating policies would be increased aid to State and local governments, extended unemployment insurance, and tax rebates for lower and middle income families. Democrats have been fighting for measures that would create jobs immediately by ending the current tax incentives for shipping jobs overseas, enacting a bipartisan manufacturing tax cut bill, enacting a robust highway bill that would create jobs all over this country and pump millions of dollars into State and local economies, provide a tax credit to small businesses so they can lower health care costs, extend Federal unemployment insurance for more than 2.9 million Americans, and make tax cuts for the middle class permanent and paid for.

Mr. Speaker, President Bush seems content with the economic status quo. Democrats, by contrast, realize that middle-class Americans have been squeezed by the policies of this President and this Republican House. We are not satisfied with the latest economic indicators, and we will not quit fighting until all Americans are back to work and bringing home a paycheck that will not squeeze every last dime.

□ 2350

REAL REPUBLICAN SOLUTIONS

The SPEAKER pro tempore (Mr. GINGREY). Under the Speaker's announced policy of January 7, 2003, the gentleman from Kansas (Mr. TIAHRT) is recognized for the remaining time until midnight as the designee of the majority leader.

Mr. TIAHRT. Mr. Speaker, I wanted to first remind the Members here that there is some convenient memory loss for the Democrats when they want to blame President Bush on the current economy, especially when they want to target the tax relief. So let us just go back to 1999 and remember how our economy got into this current situation.

In 1999, we had the tech bubble burst and we saw tremendous loss of jobs in the tech industry, especially in northern Virginia. It caused the NASDAQ to drop by over half, almost by two-thirds. Then, in 2000, November 2000, the recession technically started while President Clinton was still in office, even before President Bush was sworn in.

And then, of course, who can forget September 11, 2001, when terrorists brought the war on terror to America and attacked us in our homeland and tore down the World Trade Center and attacked the Pentagon and put our economy into a tailspin. It was those events that caused our economy to drop dramatically.

In my hometown of Wichita, Kansas, we had a greater percentage loss of jobs than any other community in America following September 11. We are the air capital of the world, Wichita, Kansas. It is the home of Boeing, Beech, Cessna and Learjet. When you take the number of jobs lost, the percentage of those compared to the total number of jobs in the community, we were the hardest hit. It was because of the September 11 terrorist attacks.

It was the tax relief that President Bush pushed for and that was passed in the House in a bipartisan fashion, passed by the Senate in a bipartisan way, that has turned our economy around.

When tax relief is passed, people can do one of three things with the money they have in their pocket. The first thing they can do is spend it. That is a demand for good, which is a demand for jobs, and that is good for the economy.

The second thing they can do is save it. When they save it, that makes money available for home mortgages. Today, we have the most homeowners in America, more than we have ever had in the history of our Nation. Particularly minorities are owning more homes than they ever have in the history of our Nation, and tax relief has been a part of that.

The third thing they can do is invest the money. When the money is invested, it allows small companies and large companies to expand their plants, to buy more equipment and to hire more workers. And that is what we have been seeing.

Our economy has been growing by 1.5 million jobs just since last August, 1.5 million jobs. Today, there are more Americans working than ever before in the history of our country. We have more homeownership. We have a higher average pay than ever before in the history of our country. The economy is turning around. But the Democrats have convenient memory loss.

Now, we do have a plan, we have a plan for improving the economy even further. Now, we know that the people who keep and create jobs in America have been having to overcome some barriers that were way beyond their control. We have listed these barriers in eight categories, and the Republicans in the House have addressed a plan to provide relief for these categories. Change the environment so we can bring jobs back into America.

These issues were created over the last generation by Congress. Congress with good intentions has, in fact, created bad policy. So we are in the business of changing that bad policy and bringing jobs back into America.

The eight issues we have taken, one a week at a time; we have gone through four issues already this week. We are on the fifth issue. But we started with health care security. We have passed legislation in the House to help reduce the cost of health care in America. We have passed flexible savings accounts, medical savings accounts, medical liability reform. Those issues are going to bring down the health care costs in America.

We next went on to bureaucratic red tape. We are cutting the amount of red tape in America because those are things that are costs to employers that forces them to pay these costs even though they cannot control them, and it prevents them from bringing more jobs back to America.

Then we went on to lifelong learning so that we would have an educated workforce available. Then we moved on to energy self-sufficiency. We heard from an earlier speaker about gas prices going up. Well, it has been the policies of this Congress over the last generation that have caused this problem.

We have not built a new refinery since 1976 in America. We have not allowed for exploration in places that are as far away as the Northern Slope of Alaska. Nobody on this floor has ever been to the North Slope of northern Alaska. And out of the amount of country the size of California, we cannot even allow 1,800 acres to be used to develop more resources which would provide more oil than we are importing from the Middle East today.

So there is a great deal that could be done to bring down the price of energy in America, but we cannot get the policy passed by Members in this Congress. So we are doing an incredible amount to bring down the price of energy to help bring jobs back to America.

This week we are talking about spurring innovation. We have several pieces of legislation that we have brought to the floor. They include the High-Performance Computing Revitalization Act. They include the Department of Energy High-End Computing Revitalization Act. They include the National Windstorm Impact Reduction Act, the Harmful Algal Bloom and Hypoxia Research Amendment Act, and the Manufacturing Technology Competitiveness Act, and the Stock Option Accounting Reform Act.

All of these things are designed to improve research and development or take that research and development and put it into practical application.

Now, tomorrow we will be dealing with legislation that will take research and development and put it into practical application. We are calling it the Manufacturing Extension Partnership Program. It is already in existence, but we are going to authorize it and expand it.

The MEP, or the Manufacturing Existence Partnership, is a network of 60 nonprofit centers in over 400 locations in 50 States. It served 19,000 clients in 2002. When you do a survey of those 19,000 clients, you find out that we created and retained over 35,000 jobs, that we increased $953 million in sales in America. That is production of American goods in the form of sales, $953 million.

We also retained sales of $1.84 billion. So the $953 million is in addition to the $1.84 billion.

We realized $681 million in cost savings by applying research and development to these small companies. And we have invested $940 million in modernization, including plants and equipment and information systems.

Now, how this helps small businesses is very clear. It helps firms understand and applies lean manufacturing technology. We take these good ideas that have been created through research and development, some of it funded by the Federal Government, some of it funded by the Federal Government through the universities, some of it is coming out of industry itself. We take those ideas to small businesses and we allow them to apply them, redesign factory floors, help firms determine what new equipment they need, how they need to place it. It just teaches them how to apply the technology that will help them create more jobs.

So the concept of having a research and development application has been something that is going to be successful in bringing jobs back in to America.

Now we are going to continue on. In the following week we will be dealing with trade fairness and opportunity. Then we will deal with tax simplification. Then we will end up with lawsuit abuse. Right now lawsuit abuse costs us 2.5 percent on any product made in America. We could reduce our costs by 2.5 percent.

Now, when you look at the current Presidential team that the Democrats have, both of them represent trial lawyers. The vice presidential candidate has made millions and millions and millions of dollars by suing companies, and all that gets absorbed back into the cost of creating jobs.

So to think that the Democrat team is going to create jobs, it is just the antithesis of that. They are going to be working in the opposite direction.

We have these eight issues that we are using to break down the barriers and change the environment so we can bring jobs back into America. Again, they are health care security, reducing the bureaucratic red tape, lifelong learning, energy self-sufficiency, spurring innovation, trade fairness and opportunity, tax relief and simplification, and ending lawsuit abuse. Through these issues we will be able to bring jobs back into America.

Kansans and Americans are known for their ingenuity, a trait fostered by our society since Pilgrims found a way to survive the harsh New England winter and develop into a thriving community that eventually became a great nation. Knowledge and ideas are our most important raw materials.

The American economy has led the world because our system rewards innovation. From Benjamin Franklin through Eli Whitney, Thomas Edison, George Washington Carver, the Wright Brothers, Henry Ford, Jonas Salk, and Spaceship One promoter Burt Rutan, our entrepreneurs, scientists and skilled workers create and apply the technologies that have changed and will continue to change our world.

Our leaders have realized that while they shouldn't tell people what to think or how to do things, there is a vital national interest in helping the best ideas come forward. America's strength has been in encouraging thought and exploration, and providing the resources to bringing those dreams to life.

The United States remains the world's most dominant economy and scientific powerhouse. The rest of the world, however, is catching up and challenging our competitiveness. Fundamentally, there has been a significant increase in the quality and quantity of science and engineering (S&E) capacity around the globe. At the same time. America has grown complacent in her position as innovation leaders. Without adequate support at home, the impact of these two factors has been not only a decline in science and engineering professionals, but also the movement of corporate high tech investments and jobs to other countries.

The Republican Congress has made great strides in funding research and development. We have met and exceeded our goal of doubling the National Institutes of Health (NIH) medical research funding, we have made necessary reforms to streamline the Patent and Trademark Office and FDA processes, and we have promoted nanotechnology, broadband dissemination, and a myriad of other important high tech investment. Similarly President Bush has focused on evaluating the scale, quality, and effectiveness of the Federal effort in science and technology.

Research and development investments are still the keys to our nation's future competitiveness, and thus we must increase our efforts to spur innovation. This week, as part of the ongoing 8 week kickoff to the Careers for a 21st Century America competitiveness agenda, the House is focusing on efforts to spur the innovative, creative and entrepreneurial spirit that has always driven America toward phenomenal achievement.

Democrats constantly lament our declining dominance in the sciences, yet offer no solutions. "You need a partnership," says NSF Deputy Director, Josh Bordogna. "You need new knowledge out of universities and labs, new processes from industry, and a government willing to enable it all through appropriate R&D policy and frontier research and education investment, by and for the citizenry." That is the challenge House Republicans have taken to heart.

Instead of political rhetoric, Republicans are offering real solutions. We invite our colleagues to join us in moving America forward.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BLUMENAUER (at the request of Ms. PELOSI) for today after 5:00 p.m. and the balance of the week on account of personal reasons.

Mr. CARDIN (at the request of Ms. PELOSI) for July 6 and today on account of official business.

Mr. LAHOOD (at the request of Mr. DELAY) for today after 2:00 p.m. and the balance of the week on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. McDERMOTT) to revise and extend their remarks and include extraneous material:)

Mr. EMANUEL, for 5 minutes, today.

Mr. LIPINSKI, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. McDERMOTT, for 5 minutes, today.

(The following Members (at the request of Mr. PEARCE) to revise and extend their remarks and include extraneous material:)

Mr. PEARCE, for 5 minutes, today.

Mr. PENCE, for 5 minutes, July 8.

Mr. MORAN of Kansas, for 5 minutes, July 12.

Mr. GINGREY, for 5 minutes, today.

ADJOURNMENT

Mr. TIAHRT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 59 minutes p.m.), the House adjourned until tomorrow, Thursday, July 8, 2004, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8908. A letter from the Acting Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 04-04, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

8909. A letter from the Acting Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 02–06, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

8910. A letter from the Acting Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 04–03, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

8911. A letter from the Secretary of the Air Force, Department of Defense, transmitting notification that the Space Based Infrared System (SBIRS) High System Program exceeds the 15 percent PAUC threshold, pursuant to 10 U.S.C. 2433(e)(1); to the Committee on Armed Services.

8912. A letter from the Secretary, Department of Energy, transmitting a report concerning plutonium storage at the Savannah River Site, located near Aiken, South Carolina, pursuant to Public Law 107–314, section 3183; to the Committee on Armed Services.

8913. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the fourteenth annual report on the Profitability of Credit Card Operations of Depository Institutions, pursuant to 15 U.S.C. 1637 note. Public Law 100–583, section 8 (102 Stat. 2969); to the Committee on Financial Services.

8914. A letter from the Assistant General Counsel (Banking and Finance), Department of the Treasury, transmitting the Department's final rule—Terrorism Risk Insurance Program; Claims Procedures (RIN: 1505–AB07) received June 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8915. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting notification of a significant modification to the auction process for issuing United States Treasury obligations, pursuant to Public Law 103–202, section 203 (107 Stat. 2359); to the Committee on Financial Services.

8916. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting the annual report to Congress on material violations or suspected material violations of regualtions relating to Treasury auctions and other offerings of securities by Treasury, pursuant to Public Law 103–202, section 202 (107 Stat. 2344, 2358–2359); to the Committee on Financial Services.

8917. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting a report stating that during the period of January 1, 2003, through December 31, 2003, no exceptions to the prohibition against favored treatment of a government securities broker or dealer were granted by the Secretary of the Treasury, pursuant to Public Law 103–202, section 202 (107 Stat. 2344, 2357); to the Committee on Financial Services.

8918. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Extension of Minimum Funding Under the Indian Housing Block Grant Program [Docket No. FRL–4825–1–02] (RIN: 2577–AC43) received June 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8919. A letter from the Chairman and President, Export-Import Bank of the United States, transmitting a report on transactions involving U.S. exports to Australia pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

8920. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Commission Guidance Regarding the Public Company Accounting Oversight Board's Auditing and Related Professional Practice Standard No. 1 [Release Nos. 33–8422; 34–49708; FRL–73] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8921. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Disclosure Regarding Approval of Investment Advisory Contracts by Directors of Investment Companies [Release Nos. 33–8433; 34–49909; IC–26486; FILE No. S7–08–04] (RIN: 3235–AJ10) received June 25, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8922. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Collection Practices under Section 31 of the Exchange Act [Release No. 34–49928; File No. S7–05–04] (RIN: 3235–AJ02) received June 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8923. A letter from the Acting Chief Financial Officer, Department of the Tresury, transmitting a copy of the Department's Fleet Alternative Fuel Vehicle Acquisition Report for Fiscal Year 2003, pursuant to 42 U.S.C. 13211–13219; to the Committee on Energy and Commerce.

8924. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of the Warren County So2 Nonattainment and Approval of the Maintenance Plan [PA215–429; FRL–7777–5] received June 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8925. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Revision to the 1-Hour Ozone Maintenance Plan for the Pittsburg-Beaver Valley Area to Reflect the Use of MOBILE6 [PA217–4230a; FRL–7777–9] received June 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8926. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; New Jersey 1-hour Ozone Control Programs [Region 2 Docket No. NJ66–273, FRL–7776–2] received June 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8927. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Missouri; Designation of Areas for Air Quality Planning Purposes, Iron County; Arcadia and Liberty Townships. [R07–OAR–2004–MO–0003; FRL–7779–9] received June 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8928. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Prevention of Significant Deterioration (PSD) and Non-attainment New Source Review (NSR): Equipment Replacement Provision of the Routine Maintenance, Repair and Replacement Exclusion; Reconsideration [AD–FRL–7781–4; E-Docket ID No. OAR–2002–0068; Legacy Docket No. A–2002–04] (RIN: 2060–AK28) received June 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8929. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Prevention of Significant Deterioration (PSD) and Non-attainment New Source Review (NSR): Equipment Replacement Provision of the Routine Maintenance, Repair and Replacement Exclusion; Stay of Effective Date [AD–FRL–7780–1; E-Docket ID No. OAR–2002–0068; Legacy Docket No. A–2002–04] (RIN: 2060–AM28) received June 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8930. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Standards of Performance for Stationary Gas Turbines [OAR–2002–0053, FRL–7780–6] (RIN: 2060–AK35) received June 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8931. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles or defense services under contract with the Republic of Korea (Transmittal No. DDTC 044–04), pursuant to 22 U.S.C. 2776(c) 22 U.S.C. 2776(d); to the Committee on International Relations.

8932. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting A report containing the results of the review of all programs and projects of the International Atomic Energy Agency (IAEA) in the countries described in section 307(a) of the Foreign Assistance Act of 1961, pursuant to 22 U.S.C. 2027 Public Law 107–228 section 1343(a)(2); to the Committee on International Relations.

8933. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that the Deputy Secretary of State (as delegated by the Secretary of State) has determinied that the export to Iraq of flashbang distraction, smoke and riot control grenades and infrared laser sights for exclusive use by Iraqi authorities for internal security operations is in the national interest of the United States, pursuant to Public Law 108–11, section 1504; to the Committee on International Relations.

8934. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Amendment to the International Traffic in Arms Regulations: United States Munitions List and Part 123 (ZRIN: 1400–ZA) received June 25, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

8935. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the Presidential Determination No. 2004–39, Imposition and Waiver of Sanctions Under Section 604 of the Foreign Relations Authorization Act, Fiscal Year 2003; to the Committee on International Relations.

8936. A letter from the Acting Administrator, U.S. Agency for International Development, transmitting the policy justification for a proposed transfer of funds from the Development Assistance account to the account for Operating Expenses of the U.S. Agency for International Development, pursuant to Sections 652 of the Foreign Assistance Act of 1961, as amended, and 515 of the FY 2004 Foreign Appropriations Act (Pub. L. 108–199); to the Committee on International Relations.

8937. A letter from the Attorney General, Department of Justice, transmitting the Department's Strategic Plan for fiscal years 2003–2008; to the Committee on Government Reform.

8938. A letter from the Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting a report on the Agency's competitive sourcing activities during FY 2003, as required by Section 647 of the 2004 Consolidated Appropriations Act; to the Committee on Government Reform.

8939. A letter from the Architect of the Capitol, transmitting a report discussing the Congressional Office recycling programs for traditional and electronic equipment waste (E-waste) for the second quarter of FY 2004, pursuant to the directions issued in House Report 107–576; to the Committee on House Administration.

8940. A letter from the Secretary, Department of Homeland Security, transmitting notification of the plan to replace the terms "the Bureau of" with "United States" with respect to the Bureau of Citizenship and Immigration Services within the Department of Homeland Security, pursuant to Public Law 107-296, section 872; to the Committee on the Judiciary.

8941. A letter from the Ombudsman, CIS, Department of Homeland Security, transmitting the first Annual Report to Congress issued by Citizenship and Immigration Services, pursuant to Public Law 107-296, section 452(c); to the Committee on the Judiciary.

8942. A letter from the Acting President and Chief of Sport Performance, Olympic Committee, transmitting the 2003 Annual Report of the United States Olympic Committee; to the Committee on the Judiciary.

8943. A letter from the Secretary, Department of Homeland Security, transmitting a report to Congress regarding the progress on a demonstration project using the Coast Guard Housing Authorities provided by chapter 18 of title 14, United States Code (14 U.S.C. 680-689), pursuant to Public Law 107-295, section 402(c)(4); to the Committee on Transportation and Infrastructure.

8944. A letter from the Director, Regulations Management, Veterans Health Administration, Department of Veterans Affairs, transmitting the Department's final rule—VA Homeless Providers Grant and Per Diem Program; Religious Organizations (RIN: 2900-AL63) received June 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

8945. A letter from the Director, Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Board of Veterans' Appeals: Rules of Practice—Motions for Revision of Decision on Grounds of Clear and Unmistakable Error: Advancement on the Docket (RIN: 2900-AJ85) received May 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

8946. A letter from the Director, Regulations Management, Veterans Health Administration, Department of Veterans Affairs, transmitting the Department's final rule—Sensori-Neural Aids (RIN: 2900-AL60) received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

8947. A letter from the Director, Regulations Management, Veterans Health Administration, Department of Veterans Affairs, transmitting the Department's final rule—Priorities for Outpatient Medical Services and Inpatient Hospital Care (RIN: 2900-AL39) received June 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

8948. A letter from the Director, Regulations Management, Veterans Health Administration, Department of Veterans Affairs, transmitting the Department's final rule—Change of Effective Date of Rule Adding a Disease Associated With Exposure to Certain Herbicide Agents: Type 2 Diabetes (RIN: 2900-AL93) received June 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

8949. A letter from the Chief, Regulations and Procedures Division, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting the Department's final rule—Removal of Requirement To Disclose Saccharin in the Labeling of Wine, Distilled Spirits, and Malt Beverages [T.D. TTB-12] (RIN: 1513-AA93) received June 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8950. A letter from the Chief, Regulations Branch, Department of Homeland Security, transmitting the Department's final rule—Overtime compensation and premium pay for Customs officers [CBP Dec. 04-19] (RIN: 1651-AA59) received June 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8951. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule—Depreciation of Vans and Light Trucks [TD 9133] (RIN: 1545-BB06) received June 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8952. A letter from the Chief, Publications and Regulations Branch, Legal Processing Division, Internal Revenue Service, transmitting the Service's final rule—Administrative, Procedural, and Miscellaneous [Notice 2004-43] received June 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8953. A letter from the Acting Chief, Publication and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Request For Comments Regarding Rev. Proc. 81-70, 1981-2 C.B. 729 [Notice 2004-44] received June 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8954. A letter from the Acting Chief, Publications & Regulations, Internal Revenue Service, transmitting the Service's final rule—Exemption From Tax on Corporations, Certain Trusts, Etc. (Rev. Rul. 2004-67) received June 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8955. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule—Meritless Filing Position Based on Sections 932(c) and 934(b) [Notice 2004-45] received June 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8956. A letter from the Chairman, U.S. International Trade Commission, transmitting pursuant to Section 2104(f) of the Trade Act of 2002, a report on the Commission's investigation entitled "U.S.-Morocco Free Trade Agreement: Potential Economywide and Selected Sectoral Effects, Inv. No. TA-2104-14, USITC Publication 3704"; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BONILLA: Committee on Appropriations. H.R. 4766. A bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2005, and for other purposes (Rept. 108-584). Referred to the Committee of the Whole House on the State of the Union.

Mr. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 1231. A bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums; with an amendment (Rept. 108-585, Pt. 1). Ordered to be printed.

Mr. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 3737. A bill to increase the minimum and maximum rates of basic pay payable to administrative law judges, and for other purposes; with amendments (Rept. 108-586). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 338. A bill to amend title 5, United States Code, to require that agencies, in promulgating rules, take into consideration the impact of such rules on the privacy of individuals, and for other purposes; with an amendment (Rept. 108-587). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 2934. A bill to increase criminal penalties relating to terrorist murders, deny Federal benefits to terrorists, and for other purposes; with an amendment (Rept. 108-588). Referred to the Committee of the Whole House on the State of the Union.

Mr. LINCOLN DIAZ-BALART of Florida: Committee on Rules. House Resolution 706. Resolution providing for consideration of the bill (H.R. 3598) to establish an interagency committee to coordinate Federal manufacturing research and development efforts in manufacturing, strengthen existing programs to assist manufacturing innovation and education, and expand outreach programs for small and medium-sized manufacturers, and for other purposes (Rept. 108-589). Referred to the House Calendar.

Mr. LINDER: Committee on Rules. House Resolution 707. Resolution providing for consideration of the bill (H.R. 4755) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2005, and for other purposes (Rept. 108-590). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SMITH of Michigan:

H.R. 4767. A bill to amend the Internal Revenue Code of 1986 to triple the amount of the credit allowed for basic research; to the Committee on Ways and Means.

By Mr. SIMMONS (for himself, Mr. RODRIGUEZ, Mr. SMITH of New Jersey, Mr. EVANS, Mr. STEARNS, Mr. MILLER of Florida, Mr. BEAUPREZ, and Mr. FILNER):

H.R. 4768. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to enter into certain major medical facility leases, to authorize that Secretary to transfer real property subject to certain limitations, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. GEORGE MILLER of California (for himself, Mr. KILDEE, Ms. WOOLSEY, Mr. HINOJOSA, Mr. TIERNEY, Mr. KIND, Mr. DAVIS of Illinois, Mr. PAYNE, Mr. KUCINICH, Mrs. MCCARTHY of New York, Mr. GRIJALVA, Ms. MCCOLLUM, Mrs. DAVIS of California, Mr. CASE, Mr. HOLT, Mr. RYAN of Ohio, Mr. VAN HOLLEN, Mr. BISHOP of New York, Mr. CONYERS, Mrs. JONES of Ohio, Mr. MICHAUD, Mr. ALLEN, Mr. MEEKS of New York, Mr. MCDERMOTT, Mr. DOGGETT, and Mr. ANDREWS):

H.R. 4769. A bill making a supplemental appropriation for the Department of Education for the fiscal year ending September 30, 2004, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BAKER:

H.R. 4770. A bill to suspend temporarily the duty on glyoxylic acid; to the Committee on Ways and Means.

By Mr. BAKER:

H.R. 4771. A bill to suspend temporarily the duty on cyclopentanone; to the Committee on Ways and Means.

By Mr. CAPUANO (for himself, Mr. ISRAEL, Mr. FRANK of Massachusetts, Mr. KANJORSKI, Mr. GUTIERREZ, Mr. FROST, Mrs. MALONEY, Ms. WATERS, Mr. CROWLEY, Mr. MOORE, Ms. HOOLEY of Oregon, Mr. MEEKS of New York, Mrs. McCARTHY of New York, Mr. EMANUEL, Mr. SHERMAN, Mr. MILLER of North Carolina, Mr. INSLEE, Mr. SCOTT of Georgia, Mr. LYNCH, Mr. DAVIS of Alabama, Mr. WATT, Mr. MATHESON, Mr. BELL, Mr. CLAY, Mr. ROSS, Mr. GONZALEZ, Mr. KIND, and Mr. SANDLIN):

H.R. 4772. A bill to extend the terrorism risk insurance program; to the Committee on Financial Services.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 4773. A bill to define marriage for all legal purposes in the District of Columbia to consist of the union of one man and one woman; to the Committee on Government Reform.

By Mr. FILNER:

H.R. 4774. A bill to amend the Clean Air Act to delay the effect of reclassifying certain nonattainment areas adjacent to an international border, and for other purposes; to the Committee on Energy and Commerce.

By Mr. REYES (for himself, Mr. ORTIZ, Mr. HINOJOSA, and Mrs. NAPOLITANO):

H.R. 4775. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the El Paso, Texas, water reclamation, reuse, and desalinization project, and for other purposes; to the Committee on Resources.

By Mr. SHIMKUS (for himself and Mr. DAVIS of Illinois):

H.R. 4776. A bill to amend the Safe and Drug-Free Schools and Communities Act to include bullying and harassment prevention programs; to the Committee on Education and the Workforce.

By Mr. WU:

H.R. 4777. A bill to amend the Internal Revenue Code of 1986 to repeal the phaseout of the credit for qualified electric vehicles, to repeal the phaseout of the deduction for clean-fuel vehicle property, and to exempt certain hybrid vehicles from the limitation on the depreciation of certain luxury automobiles; to the Committee on Ways and Means.

By Mr. ENGLISH:

H. Res. 705. A resolution urging the President to resolve the disparate treatment of direct and indirect taxes presently provided by the World Trade Organization; to the Committee on Ways and Means.

By Mr. DINGELL:

H. Res. 708. A resolution providing for the consideration of the bill (H.R. 3004) to improve the reliability of the Nation's electric transmission system; to the Committee on Rules.

By Mr. GOODE (for himself, Mr. BARTLETT of Maryland, Mrs. JO ANN DAVIS of Virginia, Mr. GOODLATTE, Mr. HALL, Mr. JONES of North Carolina, and Mr. FEENEY):

H. Res. 709. A resolution revising the concurrent resolution on the budget for fiscal year 2005 as it applies in the House of Representatives; to the Committee on Rules, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. LANTOS introduced a bill (H.R. 4778) for the relief of Denes and Gyorgyi Fulop; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 99: Mr. FROST.

H.R. 290: Mr. McGOVERN and Mr. REYNOLDS.

H.R. 296: Mrs. JO ANN DAVIS of Virginia.

H.R. 463: Mr. GILLMOR.

H.R. 476: Mr. SCHIFF.

H.R. 504: Mr. FARR.

H.R. 623: Mr. WAXMAN.

H.R. 676: Mr. FRANK of Massachusetts.

H.R. 719: Ms. HERSETH.

H.R. 742: Mr. GONZALEZ and Mr. KANJORSKI.

H.R. 775: Mr. ROHRABACHER and Mr. BRADY of Texas.

H.R. 935: Mr. OWENS.

H.R. 1057: Mrs. WILSON of New Mexico, Mr. CRENSHAW, Mr. REYNOLDS, and Mr. LEWIS of Kentucky.

H.R. 1231: Mrs. WILSON of New Mexico.

H.R. 1258: Ms. McCARTHY of Missouri and Ms. KILPATRICK.

H.R. 1563: Mr. SESSIONS.

H.R. 1592: Mr. GONZALEZ.

H.R. 1639: Mr. THOMPSON of Mississippi.

H.R. 1653: Mr. GONZALEZ.

H.R. 1755: Mr. EHLERS and Mr. HERGER.

H.R. 1859: Mr. McINTYRE and Mr. OWENS.

H.R. 1886: Mr. SPRATT.

H.R. 2023: Mr. McDERMOTT.

H.R. 2133: Mr. AKIN.

H.R. 2303: Mr. CANNON.

H.R. 2510: Mr. OSE.

H.R. 2790: Mr. BISHOP of Georgia.

H.R. 2963: Mr. GALLEGLY.

H.R. 2974: Mr. RYAN of Ohio.

H.R. 3090: Mr. PRICE of North Carolina.

H.R. 3103: Mr. ROSS.

H.R. 3180: Mr. CONYERS.

H.R. 3215: Mr. HOUGHTON and Mr. FRANKS of Arizona.

H.R. 3359: Mr. BISHOP of Georgia.

H.R. 3412: Mr. HOLDEN, Ms. HART, Mr. HALL, Mr. TOM DAVIS of Virginia, Mr. CRANE, Mr. WEXLER, and Mr. SIMMONS.

H.R. 3519: Mr. SANDLIN.

H.R. 3558: Mr. FILNER, Mr. MICHAUD, and Mrs. JO ANN DAVIS of Virginia.

H.R. 3574: Ms. JACKSON-LEE of Texas, Ms. GRANGER, Mrs. BLACKBURN, Mr. SULLIVAN, and Mr. SIMPSON.

H.R. 3641: Mr. HOLT.

H.R. 3683: Mr. NEAL of Massachusetts.

H.R. 3684: Mrs. BIGGERT.

H.R. 3687: Mr. SIMMONS.

H.R. 3729: Mr. UDALL of New Mexico.

H.R. 3730: Mr. GONZALEZ.

H.R. 3780: Mr. WEINER.

H.R. 3896: Mr. SULLIVAN.

H.R. 3953: Mr. FORD.

H.R. 3968: Mr. SCHIFF, Ms. BALDWIN, Ms. ESHOO, and Mr. SIMMONS.

H.R. 3974: Mr. CONYERS and Mr. THOMPSON of Mississippi.

H.R. 3988: Mr. DOGGETT, Mr. WEINER, and Ms. LORETTA SANCHEZ of California.

H.R. 3996: Mr. PRICE of North Carolina.

H.R. 4051: Mr. ISRAEL.

H.R. 4082: Mr. OLVER.

H.R. 4093: Mr. McNULTY and Ms. JACKSON-LEE of Texas.

H.R. 4101: Mr. ROTHMAN.

H.R. 4102: Mr. POMEROY, Mr. KANJORSKI, Mr. FILNER, and Mr. BERMAN.

H.R. 4156: Mr. GORDON.

H.R. 4169: Mr. OLVER, Mr. WEINER, Mr. GONZALEZ, and Mrs. CHRISTENSEN.

H.R. 4206: Ms. DeLAURO, Ms. BALDWIN, and Mrs. BONO.

H.R. 4214: Mr. FROST, Mr. McCOTTER, Mr. HOLDEN, Mr. FLAKE, and Mr. CHOCOLA.

H.R. 4284: Mr. TERRY, Mr. ISSA, Mr. ROHRABACHER, Mr. GARY G. MILLER of California, and Mr. RENZI.

H.R. 4304: Mr. MILLER of North Carolina.

H.R. 4334: Mr. DELAHUNT.

H.R. 4341: Mr. MEEK of Florida and Mr. TOWNS.

H.R. 4346: Mr. GONZALEZ.

H.R. 4358: Mr. MANZULLO.

H.R. 4392: Mr. WILSON of South Carolina.

H.R. 4440: Mr. SAM JOHNSON of Texas and Mr. DEAL of Georgia.

H.R. 4445: Mr. SCOTT of Georgia and Mr. GRIJALVA.

H.R. 4511: Mr. EVANS and Mr. McGOVERN.

H.R. 4530: Mr. NORWOOD, Mrs. JO ANN DAVIS of Virginia, Mr. CALVERT, Mr. SULLIVAN, and Mr. BALLENGER.

H.R. 4533: Mr. FRANKS of Arizona.

H.R. 4547: Mr. SMITH of Texas, Mr. GREEN of Wisconsin, Mr. FEENEY, Mr. CARTER, Mr. COBLE, and Mr. GALLEGLY.

H.R. 4571: Mr. NEUGEBAUER.

H.R. 4578: Mr. BEAUPREZ, Mr. OWENS, Mr. ENGEL, Mr. TANNER, Mr. MEEHAN, Mr. SCHIFF, Mr. GRIJALVA, Mr. NEY, Mr. GREEN of Wisconsin, Mr. LaHOOD, and Mr. YOUNG of Florida.

H.R. 4595: Mr. WOLF.

H.R. 4600: Mr. NEY and Mr. LaHOOD.

H.R. 4622: Mr. CLAY, Ms. SOLIS, Mr. LEWIS of Georgia, and Mr. TERRY.

H.R. 4626: Mr. GORDON and Mr. CUMMINGS.

H.R. 4634: Mr. McCOTTER, Mr. MORAN of Virginia, Mr. LaHOOD, and Mr. SHAW.

H.R. 4655: Mr. GONZALEZ, Mr. MEEHAN, and Mr. BOUCHER.

H.R. 4668: Mr. FROST, Mr. GREEN of Texas, Mr. WOLF, Mr. SERRANO, and Mr. WEINER.

H.R. 4674: Mr. McDERMOTT, Mr. CONYERS, Mr. BLUMENAUER, Mr. FRANK of Massachusetts, Ms. JACKSON-LEE of Texas, Mr. LEWIS of Georgia, Mr. OWENS, and Mr. WAXMAN.

H.R. 4710: Ms. PELOSI, Mr. NADLER, Ms. DeGETTE, and Ms. ESHOO.

H.R. 4711: Mr. HEFLEY, Mr. SANDLIN, Mr. TOWNS, Mr. McGOVERN, Mr. BERRY, Mr. EVANS, Mr. McDERMOTT, Mr. FILNER, Mr. FROST, and Mr. REYES.

H.R. 4718: Mr. NETHERCUTT.

H.R. 4720: Ms. SCHAKOWSKY, Mr. LEWIS of Georgia, Mr. OWENS, and Mrs. CHRISTENSEN.

H.R. 4730: Mr. RYAN of Ohio, Mr. STRICKLAND, Mr. BROWN of Ohio, and Mr. QUINN.

H.R. 4736: Mr. FOLEY.

H.J. Res. 28: Mr. RANGEL and Mr. SCOTT of Georgia.

H.J. Res. 44: Mr. McHUGH.

H.J. Res. 56: Mr. LUCAS of Oklahoma.

H. Con. Res. 99: Mr. STUPAK.

H. Con. Res. 126: Mrs. JO ANN DAVIS of Virginia.

H. Con. Res. 218: Mr. DAVIS of Florida.

H. Con. Res. 390: Ms. SCHAKOWSKY.

H. Con. Res. 425: Mr. EVANS, Mr. WILSON of South Carolina, and Mr. OWENS.

H. Con. Res. 431: Mr. DEAL of Georgia and Mr. SCOTT of Georgia.

H. Con. Res. 465: Ms. KAPTUR.

H. Con. Res. 467: Mr. BROWN of Ohio and Mr. CASE.

H. Res. 466: Mr. CAPUANO.

H. Res. 556: Mr. MICHAUD and Mr. INSLEE.

H. Res. 586: Ms. LEE and Mr. SCOTT of Georgia.

H. Res. 601: Ms. SCHAKOWSKY.

H. Res. 632: Ms. MCCOLLUM and Mr. ROTHMAN.

H. Res. 636: Ms. MCCOLLUM.

H. Res. 647: Ms. KAPTUR, Mr. DEUTSCH, Mr. MCINTYRE, Mr. NORWOOD, Mr. SHAW, Mr. KINGSTON, Mr. GORDON, Ms. BORDALLO, Mr. BURNS, and Mr. KIND.

H. Res. 688: Mr. RENZI.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4754

OFFERED BY: MR. DAVIS OF ILLINOIS

AMENDMENT NO. 21: Page 27, line 24, after the dollar amount, insert the following: "(reduced by $15,000,000)".

Page 28, line 12, after the dollar amount, insert the following: "(increased by $15,000,000)".

H.R. 4754

OFFERED BY: MR. FLAKE

AMENDMENT NO. 22: At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to implement, administer, or enforce the amendments made to sections 740.12 of title 15, Code of Federal Regulations (relating to license exemptions for gift parcels and humanitarian donations for Cuba), and 740.14 of such title (relating to license exemptions for baggage taken by individuals for travel to Cuba), as published in the Federal Register on June 22, 2004 (69 Fed. Reg. 34565–34567).

H.R. 4754

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 23: At the end of the bill, insert after the last section (preceding the short title), the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. (a) For expenses necessary for enforcing subsections (a) and (b) of section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373), $1,000,000.

(b) The amount otherwise provided in this Act for "DEPARTMENT OF JUSTICE—LEGAL ACTIVITIES—SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES" is hereby reduced by $1,000,000.

H.R. 4754

OFFERED BY: MS. MILLENDER-MCDONALD

AMENDMENT NO. 24: Page 57, line 11, after the dollar amount insert the following: "(reduced by $2,500,000)".

Page 92, line 16, after the dollar amount insert the following: "(increased by $2,500,000)".

H.R. 4754

OFFERED BY: MR. SHERMAN

AMENDMENT NO. 25: At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to detain for more than 30 days a person, apprehended on United States territory, solely because that person is classified as an enemy combatant.

SEC. 802. None of the funds made available in this Act may be used to defend in court the detention for more than 30 days of a person, apprehended on United States territory, solely because that person is classified as an enemy combatant.

SEC. 803. None of the funds made available in this Act may be used to classify any person as an enemy combatant if that person is apprehended on United States territory.

H.R. 4754

OFFERED BY: MR. SHERMAN

AMENDMENT NO. 26: At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to detain for more than 30 days a United States citizen, apprehended on United States territory, solely because that citizen is classified as an enemy combatant.

SEC. 802. None of the funds made available in this Act may be used to defend in court the detention for more than 30 days of a United States citizen, apprehended on United States territory, solely because that citizen is classified as an enemy combatant.

SEC. 803. None of the funds made available in this Act may be used to classify any United States citizen as an enemy combatant unless that citizen is apprehended outside the United States.

H.R. 4754

OFFERED BY: MR. SHERMAN

AMENDMENT NO. 27: At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to detain for more than 30 days a United States citizen, apprehended on United States territory, solely because that citizen is classified as an enemy combatant.

H.R. 4754

OFFERED BY: MR. SHERMAN

AMENDMENT NO. 28: At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to defend in court the detention for more than 30 days of a United States citizen, apprehended on United States territory, solely because that citizen is classified as an enemy combatant.

H.R. 4754

OFFERED BY: MR. SHERMAN

AMENDMENT NO. 29: At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to classify any United States citizen as an enemy combatant unless that citizen is apprehended outside the United States.

H.R. 4754

OFFERED BY: MR. WEINER

AMENDMENT NO. 30: Page 26, line 20, after the dollar amount, insert the following: "(increased by $100,000,000)".

Page 28, line 4, after the dollar amount, insert the following: "(increased by $100,000,000)".

Page 47, line 8, after the dollar amount, insert the following: "(reduced by $100,000,000)".

H.R. 4754

OFFERED BY: MR. WEINER

AMENDMENT NO. 31: Page 26, line 20, after the dollar amount, insert the following: "(increased by $124,475,000)".

Page 27, line 4, after the dollar amount, insert the following: "(increased by $124,475,000)".

Page 47, line 8, after the dollar amount, insert the following: "(reduced by $124,475,000)".

EXTENSIONS OF REMARKS

WELCOMING KING MOHAMMED VI

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 2004

Mr. PAYNE. Mr. Speaker, my colleague, Mr. PITTS and I, would like to welcome King Mohammed VI of Morocco to the United States and wish him well during his visit. We strongly urge His Majesty to uphold and implement his nation's agreements regarding the conflict over the Western Sahara. In addition, we urge His Majesty to uphold U.N. Security Council Resolution 1541 as a tribute to former Secretary of State James A. Baker III, who promoted international legality and justice while responding to the true long-term interests of both parties concerned in this conflict. His Majesty's support for the former U.N. Special Envoy Baker's Peace Plan would be the best contribution to peace and stability in the region. In addition, upholding the Peace Plan would demonstrate the effectiveness of the pursuit of national aspirations through non-violence in the greater Middle East, a region that has been the target of much violence.

Mr. Speaker, last week, a number of Members sent a letter to President Bush requesting that during his meeting with the King, he strongly encourage His Majesty to implement the United Nations Settlement Plan in order to achieve a just, peaceful, and lasting resolution to the conflict over Western Sahara. The letter welcomed United Nations Security Council Resolution No. 1541 adopted April 29, 2004, which reaffirmed support for the Peace Plan for Self-Determination of the People of Western Sahara devised by U.N. Secretary General Kofi Annan's Special Envoy, James Baker, and shared deep regret over the departure of Mr. Baker and the circumstances that led to his resignation.

In addition, the letter welcomed the confidence-building measures taken by the Polisario Front which released a further 643 Moroccan POWs since July 2003; the number of POWs the Polisario has liberated since 1991 now totals 1,760. However, the Members of Congress expressed their regret that the Government of King Mohammed VI has not reciprocated in a commensurate way. The fact that the Sahrawis have opted for non-violence in the affirmation of their identity and have respected the terms of the cease-fire signed in 1991 between their representative and Morocco, is telling in terms of who is committed to settlement of the conflict.

Further, the letter expressed great concern that if the conflict between these two parties is left unresolved, it has the potential to disrupt peace and stability in the Maghreb region, thus threatening the interests of the United States. The Members expressed that the United States should use its unique influence in that region to press the Moroccan Government and the Polisario Front to agree to the Peace Plan and to implement it under the supervision of the United Nations. Although U.S. attention is primarily focused, as it should be on Iraq and on the war against terrorism, the letter underscores the concern of the Members that the Western Sahara conflict needs to be addressed urgently and fairly to the benefit of the peoples of the region and in the interest of the United States. A peaceful, successful resolution of the conflict over Western Sahara will provide a signal to the Broader Middle East and North African region that in the 21st century there are successful alternatives to violence in the pursuit of national aspirations.

Mr. Speaker, we again extend our welcome His Majesty and strongly urge him not to stand in the way of progress towards the peaceful resolution of the conflict over Western Sahara.

HONORING GRACE CLAYTON ON THE COMPLETION OF HER INTERNSHIP

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 2004

Mr. GORDON. Mr. Speaker, I rise today to recognize the contributions Grace Clayton has made while interning in my Washington, D.C., office. Grace, a fellow Middle Tennessean, has been a wonderful addition to the office and a great servant to the constituents of Tennessee's Sixth Congressional District.

Grace is finishing her second internship in my Washington, D.C., office, but she must return to the University of Alabama, where she is majoring in public relations. She is a member of Kappa Kappa Gamma, a volunteer for Big Brothers/Big Sisters and an acolyte in the Episcopal church.

During her internship, she has been a tremendous help to me and my staff as she assisted us in numerous projects. Not only did she win us over, but she also won over constituents as she guided them through the U.S. Capitol.

I hope Grace has enjoyed her fast-paced internship as much as we have appreciated her hard work. I wish her all the best in the future.

PERSONAL EXPLANATION

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 2004

Mr. DEUTSCH. Mr. Speaker, I was unavoidably absent from the chamber Wednesday, June 23, Thursday, June 24, and Friday, June 25, during rollcall votes.

Had I been present, I would have voted "Yea" on rollcall No. 288, and "Yea" on rollcall No. 300, "Yea" on rollcall No. 304, "No" on rollcall No. 318, and "Yea" on rollcall No. 325.

HOUSE FOOD SERVICE WORKERS SHOULD BE COMMENDED

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 2004

Mr. KUCINICH. Mr. Speaker, on behalf of the food services workers of the Longworth, Rayburn, and Cannon House Office buildings, I submit for the record a letter signed by thirty-eight Members of Congress to Guest Service Inc. CEO/President Gerald T. Gabrys denouncing his decision to have his workers pay his company a day of wages on The National Day of Mourning.

The men and women who serve Members of Congress, staff, and the public each day in the House cafeterias are some of the most dedicated, hard working, and patriotic workers in our nation. They spend hours on their feet each day, ensuring that the House functions smoothly. Their characteristic smiles are a testament to the professionalism with which they go about their jobs.

But while the House food service workers have served Members of Congress for years—often without recognition—it has become time for Members of Congress to serve them. The rest of nation set aside June 11, 2004 to honor and pay solemn tribute to former President Reagan, but Guest Services Inc. (GSI) used the National Day of Mourning as a unique opportunity to extract compensation from its workforce.

Indeed, as federal employees across the nation were granted a one-day paid "holiday" on the National Day of Mourning, Guest Services employees were barred from reporting to work and required to expend a vacation or sick day to be paid for this previously scheduled day of employment. As a government contractor, GSI knew that Congress or the President could close the government at any time. This is a business risk inherent in GSI's relationship with the government. GSI passed the cost along to its employees.

The thirty-eight Members of Congress who signed this letter believe that decision was wrong. We have called upon GSI to pay its workers for the National Day of Mourning and return any vacation or sick time used as a result of their policy.

The House food service workers should be commended—not punished—for their admirable service to the federal government and our nation.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

CONGRESS OF THE UNITED STATES,
Washington, DC, June 25, 2004.

Mr. GERALD T. GABRYS,
President/CEO, Guest Services Inc.,
Fairfax, VA

DEAR MR. GABRYS: We write to express our concern and disappointment regarding the decision by Guest Services Inc. (GSI) not to pay its food service workers on June 11, 2004, The National Day of Mourning.

As you know, all executive departments, independent establishments, and other governmental agencies were closed on June 11th so that our nation could honor and formally pay its respects to the late former President Ronald Reagan.

While federal employees across the nation were granted a one-day paid "holiday" for this purpose, non-salaried Guest Services employees in the Longworth, Rayburn, and Cannon House Office Buildings were summarily barred from reporting to work, and GSI announced they would not be paid for this previously scheduled day of employment. Instead, GSI employees were told that they would be required to utilize an accrued vacation or sick day.

What GSI has done is to compel its employees to effectively pay GSI one day of wages for the National Day of Mourning. This is extraordinary. As a government contractor, GSI must have been aware of the possibility that Congress or the President could designate a one-day National Holiday shutting down the federal government at any time. But while the rest of the nation set aside June 11th to honor and pay solemn tribute to former President Reagan, GSI appears to have used the National Day of Mourning as a unique opportunity to extract compensation from its workforce in retaliation for a cost inherent in GSI's relationship with the government.

We do not believe this was appropriate or within the spirit of this historically important day. We request that you both pay your workers for the day of June 11th and return any vacation or sick leave utilized by employees in response to your policy. Your employees should be commended—not punished—for their hard work and dedication in service to the federal government and our nation.

We look forward to your prompt response to this request. Please do not hesitate to contact us with any questions.

Sincerely

Dennis J. Kucinich; Max Sandlin; Gary L. Ackerman; Jim Cooper; Ellen O. Tauscher, Stephanie Tubbs Jones; Jim McDermott; Karen McCarthy; José E. Serrano; Gregory W. Meeks; Brad Sherman; Barbara Lee; Bernard Sanders; Sam Farr; Albert Russell Wynn; Lois Capps; Betty McCollum; George Miller; William D. Delahunt; Diane E. Watson; Patrick J. Kennedy; Tammy Baldwin; Mark Udall; Neil Abercrombie; Sheila Jackson-Lee; Jay Inslee; Fortney Pete Stark; Major R. Owens; Sherrod Brown; Brian Baird; Michael E. Capuano; Jerrold Nadler; Tom Udall; Rosa L. DeLauro; Raúl M. Grijalva; Eddie Bernice Johnson; Michael M. Honda; and Chris Van Hollen.

TRIBUTE TO MR. DEREK WINANS

HON. DONALD M. PAYNE

OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 6, 2004

Mr. PAYNE. Mr. Speaker, it is with sorrow that I rise to inform my colleagues of the sudden passing of Derek T. Winans. Mr. Winans, a direct descendent of William Wheeler, a founder of Newark with Robert Treat in 1666, lived in my hometown of Newark for over 40 years. He was known for his deep commitment to civil rights and was a major figure in organizing and winning support for anti-poverty, alternative education, and community development programs.

He was a graduate of St. Paul's in Concord, NH, and of Harvard College. His senior thesis at Harvard received a magna cum laude. His own success in education inspired him to devote himself to providing similar opportunities for the youth in our community. Derek founded the Newark Day Care Council/Springfield Avenue Community School, the Ironbound Community Corporation/Ironbound Children's Center, and the Community Mobilization Center. He was co-founder of the Newark Community Project for People with AIDS, served as secretary of the Newark Coordinating Council, was active with the Newark Community Union Project, and acted as a spokesperson and planner for many civil rights and community-based organizations in Newark. He worked as deputy director for the International Youth Organization (IYO), planning director of the United Community Corporation, and was the staff person for Councilman Donald Tucker during his founding of the NJ Black Issues Convention.

Derek was not only involved locally but he also made an impact nationally. He was very active with Congressman BARNEY FRANK of Massachusetts, a Harvard classmate, on the enactment of the Ryan White Legislation in the early 90's, which significantly increased funding for education and treatment of HIV and AIDS. Earlier this year the House of Representatives approved a proposal written by Derek: The New Jersey Underground Railroad Cultural Heritage Project, for which IYO is serving as the lead agency. It was my privilege to work with Derek not only on these two projects but many others mentioned earlier.

Derek loved public policy, believed in the power of people to govern well, and possessed a long history of civic and political involvement. He was an important figure in many New Jersey political campaigns, with State Assemblyman George Richardson, Mayor Ken Gibson, and the Newark City Council campaign of the late Jesse Allan. He was truly a great friend of mine.

Derek was the son of the late Elizabeth Carrington and James Dusenberry Winans. He is survived by his stepmother, Polly Dudley Winans Beischer of Lakewood, NJ; a brother, Pete Torrey Winans of Amelia Island, FL; two stepbrothers; a stepsister; and numerous nieces and nephews.

Mr. Speaker, I ask you to join me in remembering the life of this remarkable man, and I encourage my colleagues to join me in recalling his lifelong commitment to service, integrity, and compassion. I express my condolences to his family and friends as they grieve his passing.

HONORING THE DEDICATED SERVICE OF PAUL RUMLER

HON. BART GORDON

OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 6, 2004

Mr. GORDON. Mr. Speaker, I rise today to recognize the tremendous contributions Paul Rumler has made to Tennessee's Sixth Congressional District. Paul has been an integral part of my Washington staff for the last few months, but he has moved on to greener pastures.

Paul was a versatile contributor in the office, lending a hand to constituent services and the development of legislation. His research on methamphetamine abuse played an important role in the development of H.R. 4636, the Methamphetamine Remediation Act.

During his time here, he quickly won over the staff as well as Middle Tennesseans who were visiting our Nation's Capitol. His easy-going attitude and gentlemanly demeanor made him a wonderful addition to the office.

Although my staff and I will miss his hard work and enthusiasm, we are happy for Paul as he embarks on his new journey. I wish him all the best.

WESTERN SHOSHONE CLAIMS DISTRIBUTION ACT

HON. RICHARD W. POMBO

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 6, 2004

Mr. POMBO. Mr. Speaker, I request that the following letters between the Committee on Resources and the Committee on Ways and Means regarding H.R. 884, the Western Shoshone Claims Distribution Act, be submitted for the record under General Leave.

As you know, H.R. 884 passed the House under suspension of the rules on June 21, 2004. I wish to include these letters between the two Committees concerning the legislation as part of the RECORD.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
WASHINGTON, DC, JUNE 3, 2004.

Hon. BILL THOMAS,
Chairman, Committee on Ways and Means, Longworth House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I request your help in expediting consideration of H.R. 884, the Western Shoshone Claims Distribution Act, authored by Congressman Jim Gibbons. The bill authorizes the distribution of a monetary judgment awarded to the members of the Western Shoshone tribe in 1979 based on land claims against the United States and mismanagement of their tribal accounts by the federal government. The funds have been appropriated and have been accruing interest for over 20 years. Under current law, legislation is required before the tribal members can receive their awards and to establish an education trust fund for the tribe. The Committee on Resources favorably reported the bill on October 7, 2003.

H.R. 884 is the House companion measure to S. 618, which was passed by the Senate by unanimous consent on October 17, 2003. The

Joint Tax Committee has determined that Section 3(c)(3) of the Senate bill contains revenue provisions and would be subject to a blueslip by your Committee. To avoid this Constitutional problem and to facilitate passage in the Senate, I wish to amend H.R. 884 with the text of S. 618 as passed by the Senate and have this considered by the House of Representatives under suspension of the rules next week.

I recognize the Committee on Ways and Means' jurisdictional interest in Section 3(c)(3) of the proposed amendment but ask that you allow H.R. 884 to go forward. I agree that by allowing the revised bill to be scheduled, the Ways and Means Committee does not relinquish any jurisdiction over H.R. 884 or similar legislation. I would also support your request to be represented on a conference on H.R 884, if one should become necessary. Finally, I will include my letter and your response in the Congressional Record during Floor consideration of the measure.

The Western Shoshone have waited for over 25 years to receive their just awards, and Congressman Gibbons has been a tireless advocate on their behalf. We both appreciate your cooperation on this measure and the able assistance of David Kavanaugh of your staff.

Sincerely,

RICHARD W. POMBO,
Chairman.

COMMITTEE ON WAYS AND MEANS, HOUSE
OF REPRESENTATIVES,
Washington, DC, June 17, 2004.

Hon. RICHARD W. POMBO,
Chairman, Committee on Resources, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN POMBO: Thank you for your letter dated June 3, 2004, regarding H.R. 884, the "Western Shoshone Claims Distribution Act." As you have noted, the Committee on Ways and Means has jurisdiction over Section 3(c)(3) of S. 618, the Senate companion bill to H.R. 884. I appreciate your agreement to amend the text of H.R. 884 and include the language passed by the Senate, thus avoiding any potential Constitutional problems. Further, I appreciate your recognition that this agreement does not prejudice the jurisdictional interests and prerogatives of the Committee on Ways and Means on this provision or any other similar legislation, and it should not be considered as precedent for consideration of matters of jurisdictional interest to the Committee in the future.

Thank you for your assistance and cooperation with this issue. We look forward to working with you in the future.

Best regards,

BILL THOMAS,
Chairman.

HONORING THE MEMORY OF AMELIA, OHIO NATIVE ARMY SERGEANT CHARLES A. KISER, WHO DIED IN IRAQ

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 2004

Mr. PORTMAN. Mr. Speaker, I rise to honor the memory of Army Sergeant Charles A. Kiser, a brave soldier, who died Thursday, June 24, 2004, in an explosion near Mosel, Iraq. Sergeant Kiser is a native of Clermont County, OH, an area I represent.

Sgt. Kiser grew up in Amelia, OH, attended St. Bernadette School, and began competing in track in the third grade. He graduated from McNicholas High School in 1985, where he was a champion sprinter and later a member of the University of Cincinnati's track team. It is said that he was one of the most talented sprinters ever at U.C. Several of Sgt. Kiser's records still stand at U.C., including the 300 yard dash indoors and the 300 meters.

After a year at the University of Cincinnati, he left to join the Navy. He spent 7 years in active duty, mostly in Italy, where he met his wife, Debbie, who was also in the Navy. Sgt. Kiser followed that with 7 years in the Naval Reserve.

They settled in Wisconsin, and had two children, Alicia and Mark. Two years ago, Sgt. Kiser joined the Army Reserve and trained at Ft. McCoy, Wisconsin. He left for Iraq in late 2003 with the 330th Military Police Detachment, based in Sheboygan.

Close to his family, Sgt. Kiser grew up with six women: his mother and five sisters, all of whom still live in the Clermont County area. Last night, there was a community-wide celebration of Sgt. Kiser's life at the Clermont County Courthouse in Batavia.

All of us in the Cincinnati area are grateful for Sgt. Kiser's service to our country, and express our deepest sympathy to his family and many friends.

THOMAS F. FARLEY RETIRES AS DISTRICT ADMINISTRATOR FOR THE VIRGINIA DEPARTMENT OF TRANSPORTATION'S NORTHERN VIRGINIA DISTRICT

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 2004

Mr. WOLF. Mr. Speaker, I rise today to recognize the contributions of Tom Farley to transportation efforts in northern Virginia. For the past 11 years, Tom has served as district administrator for the Virginia Department of Transportation's (VDOT) northern Virginia district which is the most populated and congested area of the Commonwealth.

District administrator for northern Virginia is a difficult job which often bears the brunt of public scrutiny. He is often on the front line when someone has a complaint about roads, snow, or potholes. Nevertheless, Tom has excelled because he is adept at bringing people together to find transportation solutions.

In the course of his career, Tom has worked with hundreds of citizens, homeowners, community groups, and elected officials. Tom has personally been a friend to me and helped with many projects that have benefitted the l0th District. He has also been involved in almost every major transportation issue in northern Virginia in the past 11 years including the Springfield Interchange, the new Woodrow Wilson Bridge, Route 50 traffic calming, the Fairfax County Parkway, and the Capital Beltway Safety Study.

I want to thank Tom for his contributions to northern Virginia and wish him the best as he retires from VDOT knowing that he has been a true public servant to the people of Virginia.

TRIBUTE TO COUNCIL MEMBER-AT-LARGE, DONALD K. TUCKER

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 2004

Mr. PAYNE. Mr. Speaker, I rise today to honor a distinguished public servant from my district. It gives me a great deal of pleasure to recognize Councilman Donald Tucker for his 30 years of service to the City of Newark. This is a major accomplishment, and its celebration is a well deserved honor for Councilman Tucker. Having served on the City Council and Southward Democratic Committee with Councilman Tucker, I can attest to his dedication to our community and would like to share a few of his many passions, projects, and accomplishments with you today.

Since 1974, Councilman Tucker has devoted his time and energy to the pursuit of enhancing the quality of life for the residents of Newark. As the senior member of the City Council, he has the historical perspective that makes him a nationally prominent municipal leader. In addition to serving as the President of the National Black Caucus of Local Elected Officials (NBCLEO) for four years, he was on the Executive Board of the National League of Cities. He has been pro-active in his efforts to assist in making Newark a "Model City." Councilman Tucker is founder and State Chairman of the renowned Black Issues Convention (NJBIC). Under his leadership, NJBIC is the longest serving State Black Issues Convention in the country. He is the main operative of the annual "Newark Day" observance in Atlantic City during the State League of Municipalities Convention.

In addition to his duties as a Councilman, Donald Tucker finds time to serve the community in other ways. He serves on several advisory boards and has received numerous awards and citations for his dedicated service. Always an advocate for children and senior citizens, Councilman Tucker is the founder of The Centre, Inc., a community services multipurpose center that serves these individuals.

I salute Councilman Tucker for his dedication to our community and I am proud to have him in my district. Mr. Speaker, please join me in extending my thanks to Councilman Tucker, and I invite my colleagues to join me in sending our sincere congratulations and best wishes as he celebrates 30 years of service to Newark's deserving citizens.

PAYING TRIBUTE TO FRANCIS S. CURREY FOR HIS HEROIC SERVICE

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 2004

Mr. HINCHEY. Mr. Speaker, I rise today to recognize and honor Francis S. Currey for his heroic service during the Second World War. I am very pleased to submit this tribute to Sergeant Currey, as the Town of Fallsburg in Sullivan County, New York prepares to celebrate "Francis Currey Day," designated for July 10,

2004. The day of festivities will pay homage to the outstanding and invaluable service that Sergeant Currey provided to our nation during World War II, which earned him the Medal of Honor. Mr. Currey is the only living native of Sullivan County to have received this distinguished award.

The details of Sergeant Currey's courageous actions are chronicled in a citation dated July 27, 1945 and signed by President Harry S. Truman. At the time of the events depicted in the citation, Francis Currey was nineteen years of age. It reads as follows:

"Sergeant Francis S. Currey, U.S. Army, Company K, 3rd Battalion, 120th Infantry, 30th Infantry Division. He was an automatic rifleman with the 3rd Platoon defending a strong point near Malmedy, Belgium, on 21 December 1944, when the enemy launched a powerful attack. Overrunning tank destroyers and antitank guns located near the strong point, German tanks advanced to the 3rd Platoon's position and, after prolonged fighting, forced the withdrawal of this group to a nearby factory. Sergeant Currey found a bazooka in the building and crossed the street to secure rockets meanwhile enduring intense fire from enemy tanks and hostile infantrymen who had taken up a position at a house a short distance away. In the face of small arms, machine gun, and artillery fire, he, with a companion, knocked out a tank with one shot. Moving to another position, he observed three Germans in the doorway of an enemy-held house. He killed or wounded all three with his automatic rifle. He emerged from cover and advanced alone to within 50 yards of the house, intent on wrecking it with rockets. Covered by friendly fire, he stood erect, and fired a shot which knocked down half of one wall. While in this forward position, he observed five Americans who had been pinned down for hours by fire from the house and three tanks. Realizing that they could not escape until the enemy tank and infantry guns had been silenced, Sergeant Currey crossed the street to a vehicle, where he procured an armful of antitank grenades. These he launched while under heavy enemy fire, driving the tankmen from the vehicles into the house. He then climbed onto a half-track in full view of the Germans and fired a machine gun at the house. Once again changing his position, he manned another machine gun whose crew had been killed; under his covering fire the five soldiers were able to retire to safety. Deprived of tanks and with heavy infantry casualties, the enemy was forced to withdraw. Through his extensive knowledge of weapons and by his heroic and repeated braving of murderous enemy fire, Sergeant Currey was greatly responsible for inflicting heavy losses in men and material on the enemy, for rescuing five comrades, two of whom were wounded, and for stemming an attack which threatened to flank his battalion's position."

Mr. Speaker, I am delighted to join the Town of Fallsburg in honoring Francis S. Currey, who repeatedly risked his life in order to protect his fellow soldiers and to halt the Nazi offensive near Malmedy, Belgium during the Battle of the Bulge. The enemy offensive that Sergeant Currey thwarted may have prolonged the duration of the War in Europe and cost the lives of many more American soldiers had it been successful. It is with great pleasure that I hereby recognize Sergeant Currey's courageous and selfless actions and express my deep gratitude and appreciation for his tremendous service to this country.

A TRIBUTE TO GREATER FREE GIFT BAPTIST CHURCH

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor of Greater Free Gift Baptist Church in recognition of the church's 50th year of existence, serving as a place of spiritual leadership in the community.

The Free Gift Baptist Mission was first organized on May 9, 1954 in the Home of Reverend J.W. McCray on 714A Monroe Street in Brooklyn, New York. The church leaders included Deacon Lee Gains who was chairman of the deacon board; Deacon Brodie who was treasurer; Sister Gertrude Ortory was who the church clerk; and Deacon Roosevelt Kirkland who served as chairman of the trustee board. There were about 25 charter members.

On the following Sunday, worship services were also held at 494 Lexington Avenue, where Reverend Wayne was pastor. In June of that same year, the church occupied its premises at 77 Sumner Avenue. On October 24, 1955, an Advisory Council meeting of the Eastern Baptist Association was held for the purpose of recognizing Free Gift Baptist Church as a regular Baptist church. In September 1956, the pastor, members, and many visitors and friends marched from 77 Sumner Avenue to 1058 Myrtle Avenue.

In June 1959, Reverend Daniel Webster Batts was called to serve as pastor of the church. In 1961, the Free Gift Baptist Church due to legal reasons changed its name to Greater Free Gift Baptist Church. Under new leadership, congregants continued worshipping at 1058 Myrtle Avenue. In 1962, membership was instructed to look for larger and better quarters, and through the help of the Almighty, church members located its present site at 146 Stockton Street. On December 12, 1991, the church lost its pastor Reverend Dr. Daniel Webster Batts and for three years while under the leadership of the Deacon Board, the church searched for a new pastor.

Finally, on February 26, 1995, the church installed its current pastor, Reverend William Raymond Whitaker, Jr. and since then the ministry has continued to grow. Under Reverend Whitaker's leadership, the church now has a ministerial staff consisting of three ministries, a nurses unit, the Greater Free Gift Bible Institute, which includes a General Bible Class and Child and Youth Evangelism Classes, an in-house library, a remedial reading assistance class, a basic computer training class, two vans, the D.W. Batts Fellowship Hall as well as the formation of the Drama and Dance Ministry and Serenity on Stockton Street. In May 2003, the main sanctuary and the D.W. Batts Fellowship Hall were renovated.

Mr. Speaker, the Greater Free Gift Baptist Church has served as a religious sanctuary for 50 years, inspiring spiritual growth, knowledge and understanding in the community. As such, the church is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable congregation.

HONORING COLONEL JACK V. SCHERER

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 2004

Mr. BERRY. Mr. Speaker, I rise today to pay tribute to an outstanding citizen and an admirable leader, COL Jack Scherer of the U.S. Army Corps of Engineers, Memphis District.

On July 12th, COL Scherer will step down as Memphis District Commander after finishing his 3-year term. He leaves behind a legacy of infrastructure and development all along the Mississippi River from Cairo, Illinois, to Rosedale, Mississippi.

COL Scherer has served his country with distinction as a member of several troop assignments including as Platoon Leader, Company XO and Battalion Logistics Officer for the 326th Engineer Battalion, 101st Airborne Division (Air Assault). He also commanded Company E (Mobile Assault Brigade), 1st Engineer Battalion, and 82nd Engineer Battalion, 1st Infantry Division (Mechanized).

His wide-ranging experience in the field and with the Defense Logistics Agency in Ft. Belvoir, VA, has led to a vision and knowledge of water-borne infrastructure far exceeding the norm. The rivers and levees, especially the Mississippi River and tributaries, of our area have not known a greater advocate than COL Scherer; his absence from our future efforts will be terribly apparent.

In addition to his infrastructure development, COL Scherer has been involved in many humanitarian relief operations. Deployed to Bosnia-Herzegovina in support of Operation Joint Guard, he was the Multi-National Division (North) Engineer. While there, he coordinated the work of eight national engineer units supervising land mine-removal operations.

COL Jack Scherer is a hero not only for his courage and leadership as Army colonel, but for his commitment to the infrastructure our region is so reliant upon. On behalf of the Congress, I extend deep appreciation to COL Scherer for his leadership and his dedication to making the area's waterways efficient and practical.

50TH ANNIVERSARY OF CAMP SHALOM

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 2004

Ms. BALDWIN. Mr. Speaker, I rise today to honor the 50th anniversary of Camp Shalom, the Madison Jewish Community Council's Day Camp. Camp Shalom has become the oldest day camp in the entire Madison area. It continues to serve children without regard to race, gender, religion, ancestry, creed, sexual orientation, political affiliation, disability, or national origin.

During the past five decades, Camp Shalom has fulfilled its commitment of never denying a child access to its facilities due to family finance. It maintains a nurturing, safe, educational, and enjoyable camp experience for children from ages five through thirteen.

From 1954 through 1999, Camp Shalom made its home in Madison's Wingra and Olin Parks. Since 1999, it has been located at the Irwin A. and Robert D. Goodman Jewish Community Campus in Verona. The new facility has an aquatic center, community center, art center, and basketball courts, enabling children to enjoy a diversity of activities while at day camp. Camp Shalom also operates the Irwin A. and Robert D. Goodman Aquatic Center in a joint venture with Madison Schools—Community Recreation. This joint venture exemplifies an ideal partnership between the non-profit and public sectors.

I wholeheartedly congratulate Camp Shalom for fulfilling a fifty year mission of service to the children and families of the Madison-area community and significantly contributing to the advancement of peace.

SPENDING CONTROL ACT OF 2004

SPEECH OF

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4663) to amend part C of the Balanced Budget and Emergency Deficit Control Act of 1985 to establish discretionary spending limits and a pay-as-you-go requirement for mandatory spending:

Mrs. BLACKBURN. Mr. Chairman, I rise today to support the RSC budget amendment. It is a responsible amendment, and necessary in a time of war budgeting—and I would suggest, it should even be applied in times of peace.

Congress can act to reduce spending. Public support is there—I hear it from constituents all the time. People have priorities—the war on terror, economic growth through tax relief, and Less Government. They don't want millions more spent on wasteful programs that benefit narrow special interests.

We passed record tax relief and it has helped fuel growth and to create jobs. Now we can put in motion a plan to bring down federal spending—This is the next step in the Republican economic plan for America.

This amendment reverses the cycle of higher spending and higher taxes; it balances the budget within 5 years through spending caps and real deficit reduction.

HONORING CONGRESSMAN DOUG BEREUTER

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 2004

Mr. BILIRAKIS. Mr. Speaker, I rise today to honor a good friend and outstanding public servant, Congressman DOUG BEREUTER.

I have become familiar with DOUG and his work having served as a member of the U.S. House delegation to the NATO Parliamentary Assembly, which he chairs. I have participated in numerous congressional delegations abroad which he has led and was always impressed with his knowledge of world affairs and his determination to increase understanding among NATO partners.

DOUG also has been a tireless advocate for his Cornhusker State constituents during his 26 year House tenure. He has served longer than any other Nebraskan, during which time he has penned many laws to help his diverse constituency, including ones to promote his State's agricultural exports, improve health care and child welfare, end international hunger, and protect Native Americans.

Mr. Speaker, I am proud to call DOUG BEREUTER a friend and colleague. His constituents and our country are losing an honorable and dedicated public servant, the likes of which bring credit to this hallowed institution in which we are so fortunate to serve. I wish him and his wife, Louise, health and happiness in their future endeavors.

BOWDOIN INTERNATIONAL MUSIC FESTIVAL CELEBRATES ITS 40TH ANNIVERSARY SEASON

HON. THOMAS H. ALLEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 2004

Mr. ALLEN. Mr. Speaker, this summer marks the 40th anniversary season of the world-renowned Bowdoin International Music Festival. I take particular pride in this program, which is housed on the beautiful campus of my alma mater, Bowdoin College, in Brunswick, Maine, in my Congressional District.

Each summer for 6 weeks, more than 200 gifted young musicians of graduate, college and high school levels gather here from around the globe. They learn from and perform with some of the best teaching and performing musicians in the world. In this international community, students and faculty thrive in an intense but joyful atmosphere. The program consists of individual classes and practice, chamber coaching and group practice, master classes, and numerous performance opportunities. These include student concerts and an outreach program, in which students perform at local venues such as retirement homes and resorts. The public is also invited to the festival's "MusicFest," a formal chamber music series that features festival artists and internationally-renowned guest artists, "Upbeat!,"a mix of contemporary and traditional music in an informal atmosphere, and the week-long Charles E. Gamper Festival of Contemporary Music.

The Bowdoin International Music Festival has furthered the artistic mastery of numerous students, enriched Maine's educational and cultural environment, and brought pleasure to thousands of listeners. I am confident that its success will continue for decades to come.

70TH ANNIVERSARY OF THE LADIES AUXILIARY OF CLEARY-KRECH POST #1707, VFW

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 2004

Ms. BALDWIN. Mr. Speaker, I rise today to honor the Ladies Auxiliary of Cleary-Krech Post #1707, Veterans of Foreign Wars, from Portage, Wisconsin, who recently celebrated their 70th anniversary. This group, comprised of wives, widows, mothers, grandmothers, daughters, and sisters of those who were eligible for membership in the Veterans of Foreign Wars, came into existence thanks to the tireless efforts of Ella Johnson and Dorothy Krech.

From its inception, the dedicated women of the Ladies Auxiliary have held fundraisers, including bake sales, card parties, pot-luck dinners, bingo, old time dances, and WLS amateur shows at the armory. Those efforts raised money for the National Home in Eaton Rapids, Michigan and a banner for the Auxiliary. In 1937, the Auxiliary began sponsoring the National Essay Contest, giving cash prizes to the three winning essays from high school students.

In anticipation of the district conference, the Auxiliary formed their now famous kitchen band in order to provide entertainment. This band created music using instruments such as brooms, a wash tub, rolling pins, clothes pins, and a skillet. At several special occasions, the band performed their musical talents, including the Portage Harvest Festival. In 1948, 28 members went to the Veterans Hospital in Tomah where they entertained over 350 veterans.

When the Veterans held their Midwinter Conference in Portage in January of 1950, the attendees had to stay in private homes as the hotels were filled. Two national leaders and five hundred representatives of the Veterans of Foreign Wars attended the conference, making it the largest event ever hosted by the Cleary-Krech Post #1707. In anticipation of this large crowd, the vacated police station was purchased from the city and remodeled so that it could house the participants of the conference.

Currently, the auxiliary offers services to local schools, such as the Patriot Pen Award for the best student essay about democracy. They also provide rehabilitation services to veterans and their families, senior citizens, and at-risk homeless veterans. Today, I join the City of Portage in celebrating the Ladies Auxiliary for seventy years of outstanding service to the community and the nation.

PERSONAL EXPLANATION

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 2004

Mr. COLLINS. Mr. Speaker, I was not present for debate on the Spending Control Act (H.R. 4663), rollcall vote 305, an amendment by Brady (TX); rollcall vote 306, an amendment by Chocola; rollcall vote 307, an amendment by Castle; and rollcall vote 308, an amendment by Hensarling; rollcall vote 309, an amendment by Hensarling; rollcall vote 310, an amendment by Kirk; rollcall vote 311, an amendment by Ryan; rollcall vote 312, an amendment by Ryan; rollcall vote 313, an amendment by Ryan; rollcall vote 314, an amendment by Spratt; rollcall vote 315, an amendment by Hensarling; rollcall vote 316, an amendment by Kirk; rollcall vote 317, a motion to recommit with instructions; and rollcall vote 318, final passage.

Had I been present, I would have voted "yea" for rollcall votes 305, 306, 307, 308, 309, 310, 311, 312, 313, 315, 316, and 318. I would have voted "nay" on rollcall votes 314 and 317.

PERSONAL EXPLANATION

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 2004

Mr. JONES of North Carolina. Mr. Speaker, on Friday, June 25th, I was meeting with constituents in North Carolina and unavoidably missed rollcall votes Nos. 321, 322, 323, 324, and 325.

Had I been present, I would have voted "no" on rollcall vote No. 321; "no" on rollcall vote No. 322; "no" on rollcall vote No. 323; "no" on rollcall vote No. 324, and "yes" on rollcall vote No. 325.

HONORING CONNECTICUT GOVERNOR JODI RELL

HON. ROB SIMMONS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 2004

Mr. SIMMONS. Mr. Speaker, on July 1, 2004, my home state of Connecticut saw the dawning of a new political era. The cloud of controversy that had covered Connecticut in recent months was lifted as Lieutenant Governor Jodi Rell was installed as Connecticut's 87th Governor.

I have known our new governor for many years. We served together in the State Legislature and she has been lieutenant governor for nine and a half years. Jodi Rell understands government at both the legislative and executive levels. She is a leader and a hard worker. She understands that among her primary responsibilities is to bring high standards and confidence back to the office of governor. I have no doubt she will succeed.

On a sunny day last week, Governor Rell took office with a pledge of honor, respect and modesty. She spoke of the "culture of corruption" that has infected Connecticut's state government and she acknowledged that her predecessor's ethical problems had shaken the public's faith in government and belief in the dignity of public service.

Governor Rell said, "Today, we begin to restore faith, integrity and honor to our government. It is our solemn obligation. It will be our lasting legacy."

Governor Rell was gracious towards her predecessor. She said, "These have been very difficult and trying times for everyone, including Governor Rowland and his family. My thoughts and prayers are with them."

It was the proper tone for the day.

It was heartening to see officials from both sides of the aisle rally in support of the new governor. They understand that when faith in government is shaken and when our belief in the intrinsic virtue of public service is called into doubt, it is the business of everyone—regardless of political affiliation—to raise the level of dialogue and conduct. Truly, as Governor Rell stated, "The time to heal has begun."

The public deserves absolutely nothing less than the meritorious and disinterested public service of our elected officials. Connecticut's newest governor understands this and I am proud to offer her my full support.

A TRIBUTE TO JOSEPHINE AND HENRY BOLUS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor of Josephine and Henry Bolus in recognition of their 50th wedding anniversary.

Josephine and Henry first met back in 1948 as junior high school students in lower Manhattan. Their courtship was interrupted when Henry began his service in the Korean war. He was stationed in Japan but had to return home due to a family illness. While home, Henry proposed to Josephine, and the couple got married on May 11, 1954 in Harlem, NY at Mount Zion Lutheran Church.

Henry returned to Japan to continue his service to our country. He would later return, and he and Josephine would start their family in Brooklyn, NY.

Henry and Josephine have two children, Michael and Sabrina, three grandchildren, Michael, Ana Margaret, and Hector, and one great-grandchild, Jasmine.

On May 1, 2004, Josephine and Henry will come together in front of friends and family to renew their vows in celebration, love and commitment to each other.

Mr. Speaker, Josephine and Henry Bolus have dedicated their lives to each through 50 years of wonderful marriage, serving as an example to us all. As such, they are more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable couple.

TRIBUTE TO ARTHUR PHILLIP "PHIL" JONES

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 2004

Mr. BERRY. Mr. Speaker, I rise today to pay tribute to a great civic leader and great Arkansan; I am honored to recognize Phil Jones in the Congress. His recent death was a great loss to his community, his family, his state, and this Nation.

Phil Jones' commitment to Northeast Arkansas was beyond compare. Mr. Jones demonstrated an energy few can match. In addition to tirelessly serving his church and his community, he is survived by his seven children, eight grandchildren and two great-grandchildren.

Mr. Jones was born in Jonesboro, Arkansas, and graduated from Jonesboro High School. He served his country honorably as a supply corps officer in the U.S. Navy during the Korean Conflict and has served in a public accounting practice since the late 1950s. Mr. Jones is a member of the American Institute of Certified Public Accountants and the Arkansas Society of Certified Public Accountants (ASCPA) and received the First Annual ASCPA Outstanding CPA in Business and Industry Award for his accomplishments in the field. Most notable in a distinguished professional career was more than 40 years of service with Hytrol Conveyer Company, most recently as vice chairman of the board of directors prior to his retirement last year.

But Mr. Jones made one of the most important realizations a member of a rural community can make: education and health care drive a region's growth. Mr. Jones graciously served on several boards affecting education issues for students ranging in age from kindergarten to college. He also served on a fund raising committee for St. Bernard's Cancer Treatment Center, as a board member of St. Bernard's Hospital Development Foundation, and as president of the Parish Council at Blessed Sacrament Church.

Mr. Jones' commitment to others did not end at our Nation's borders, however. He and his wife, Flo, helped bring health care to the under-privileged in Mexico, Colombia and the Czech Republic.

Phil Jones knew that in order for a community to thrive, it must be supported by those within it. He was an impassioned community leader and was deeply devoted to his family. On behalf of the Congress, I extend sympathies to his family, and gratitude for all he did to make the world a better place.

HONORING JUDGE ROGER KENT WARREN

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 2004

Mr. SCHIFF. Mr. Speaker, I rise today to honor a great American jurist. He not only served with great distinction on the bench, but went on to improve the quality and caseloads of other judges as well. Today I rise to acknowledge the tremendous service of Judge Roger Kent Warren, the outgoing President of the National Center for State Courts.

Judge Warren received his bachelor of arts degree from William College in 1963, and served on a Fulbright Fellowship to Iran in 1964. He was appointed as a judge to the California Municipal Court in 1976, and was elevated to the superior court in 1982. He held this post until 1993, when he became the first-ever presiding judge of the consolidated superior and municipal courts.

Judge Warren was repeatedly recognized for his excellent conduct on the bench, winning the Sacramento Judge of the Year award in 1987, 1993 and 1994; he was awarded the California Jurist of the Year award in 1995 and won the American Judges Association Award of Merit in 1996.

In March 1996, he was appointed President and Chief Executive Officer of the National Center for State Courts, a non-profit organization designed to provide courts with up-to-date information and hands-on assistance that helps our judges better serve the public. He promptly went about providing invaluable educational and consulting services to the judiciary. He formed the Assembly of Court Associations to encourage collaboration among national judicial organizations, developed initiatives such as Communities of Practice to examine the best practices for dealing with family violence, jury reform, and court performance.

On the occasion of his retirement as President and CEO of the NCSC, I rise to honor Judge Warren. The people of the United States have been fortunate to have been served by a person of his stature, and we wish him and his family the very best in the years to come.

TRIBUTE TO MATTIE STEPANEK

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 2004

Mr. VAN HOLLEN. Mr. Speaker, I rise to pay tribute to Mattie Stepanek—a remarkable poet and precocious young man from my district. Mattie died recently from complications due to a rare form of muscular dystrophy. The 13-year-old captured the hearts of millions with his poetry and message of peace.

Mattie will forever be remembered as a bright-eyed boy with a big, dimpled smile whose personal philosophy was "remember to play after every storm." Mattie's poetry rose to the top of the New York Times best seller list and will now inspire people for generations to come.

Mr. Speaker, Mattie was an incredible role model and inspiration for all Americans. In spite of his hardships, he dedicated his life to spreading harmony and hope. Mattie's message will live on through his poetry. My thoughts and prayers go out to his family and friends during this time of loss.

CONGRATULATIONS TO BROOKE AND MIKE MAROTH

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 2004

Mrs. EMERSON. Mr. Speaker, I rise today to congratulate Brooke and Mike Maroth—the recipients of the 2004 Bill Emerson Good Samaritan Award. Mr. and Mrs. Maroth have provided food aid to thousands of the nation's less fortunate. By greatly expanding the Rock and Wrap it Up! program, they are feeding the hungry in Detroit and around the nation.

Mr. and Mrs. Maroth's innovation came at Mike's workplace—he has been a pitcher for the Detroit Tigers since 2002. After games at Comerica Park, leftover food would simply be thrown away. Brooke and Mike connected their effort to distribute that food with Rock and Wrap It Up—a program which donated leftover food from concert events—and started a whole new facet of the mission. Sports Wrap was the new venture, using the leftover food recovered from the stadium and clubhouse at Comerica. They have fed over 5,000 people in the Detroit area since 2003.

Programs are underway at other stadiums throughout the country. Because of the philanthropic vision of Mr. and Mrs. Maroth, their good work has been repeated in other major-league cities. That is the mark of great volunteers—that others repeat their example. This is truly the case with Mr. and Mrs. Maroth.

This is the vision my husband Bill Emerson had for domestic food aid programs when he worked to pass the Good Samaritan Food Act protecting these donations from liability.

Mr. and Mrs. Maroth have more than earned the Bill Emerson Good Samaritan Award. Bill's hopes for hunger relief in America were very high when he worked to make Rock and Wrap It Up! possible in 1990.

Rock and Wrap It Up! is a volunteer hunger relief charity, which has fed over 20 million since its inception. With over 4,000 volunteers in 500 cities across America, its dedicated supporters recover food in schools, colleges, music concerts, sporting events, and political and corporate functions. Rock and Wrap It Up! was adopted by resolution in 2003 by the United States Conference of Mayors to teach its successful strategies to cities to fill America's food pipeline to feed the indigent.

Brooke and Mike are a major reason the program continues to gain notoriety and grow. They are proof that our commitment to feed America's hungry can always use new initiative and better ideas. As long as there are men, women and children who need the helping hand of other Americans, others like Brooke and Mike Maroth have proven they will be there with a helping hand to offer.

Thank you for your kind service to our nation, Mr. and Mrs. Maroth. Congratulations on earning the 2004 Bill Emerson Good Samaritan Award. Best of luck to both of you as you continue your noble work.

RECOGNIZING PENN STATE'S 150TH ANNIVERSARY

HON. TOM FEENEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 2004

Mr. FEENEY. Mr. Speaker, in 1854, a young and dynamic America witnessed several historic events. The Republican Party was organized. Commodore Matthew Perry signed a treaty opening Japan to American trade. And Penn State University was founded.

Penn State was at the forefront of the uniquely American practice of widespread higher educational opportunity. In 1863, Penn State became one of the first two land grant educational institutions. Penn State now includes over 20 campuses with 83,000 students.

Penn State is nationally known for its athletic triumphs. More importantly, it has affirmed the value of the scholar-athlete. Penn State graduates its athletes at rates substantially higher than fellow Division I schools. It's no accident that Penn State's library is named for its beloved Joe Paterno while its sports arena is named for a former Penn State president.

Penn State consistently demonstrates its prowess in the sciences and engineering. My district's Kennedy Space Center has launched four Penn State alums into space including Guion Bluford, the first African American to fly into space. Penn State ranked ninth in university patent recipients in 2002. Several Penn State graduate schools rank in U.S. News & World Report's top ten.

But alumni are the real interpreters of Penn State. 466,000 serve as teachers, farmers, physicians, lawyers, artists, scientists, engineers, and yes even Congressmen and women.

So this Penn State alum sends his congratulations to Penn State for its sesquicentennial.

A TRIBUTE TO MEDGAR EVERS COLLEGE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 2004

Mr. TOWNS. Mr. Speaker, I rise today to recognize Medgar Evers College for adding a Baccalaureate degree program in Social Work to its curriculum. Social Work is an invaluable profession for creative and positive change in our communities, and I commend Medgar Evers for fulfilling this vital social need.

The announcement of this degree program coincides with National Social Work Month. Being a social worker myself, I know the vital role this profession plays in empowering individuals and enhancing social well-being.

Social workers are able to reach the most disaffected members of our communities. People who otherwise would have fallen through the cracks are taught to identify and manage the underlying environmental forces behind their social problems.

There are approximately half a million social workers actively involved in helping individuals with various needs in areas such as health, mental illness, diversity, children, families, aging, poverty, human rights, and social injustice. Despite the far-reaching benefits of social work it is a profession in need of new members. Nearly three fourths of all social workers were born before 1960, and their median age is 50. Programs like the one being started at Medgar Evers are essential for preparing a new generation of social workers to address the complex problems facing society today.

Social workers are on the front lines, battling the many social problems plaguing our communities. The very nature and goal of social work is to help people. I cannot think of a profession more worthy of praise or more significant in impact.

Medgar Evers College faithfully serves the community by fulfilling its mission of meeting "the educational and social needs of Central Brooklyn through the development and maintenance of high quality, professional career-oriented undergraduate degree programs in the context of liberal education." The creation of a degree in Social Work is another step forward in this fine educational tradition.

I know that my own education in social work has been invaluable in both my personal and professional lives, and I am happy that Medgar Evers is supporting this noble and important profession.

Mr. Speaker, Medgar Evers College is working hard to serve its community through the addition of a Social Work degree to its curriculum. As such, it is worthy of receiving our recognition today, and I urge all of my colleagues to join me in honoring this truly remarkable institution.

HONORING PENN STATE UNIVERSITY

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 2004

Mr. PITTS. Mr. Speaker, Pennsylvania State University is among the most recognizable institutions of our state.

The school is home to one of the country's most storied and successful college football programs.

Today, we celebrate its 150th anniversary, not for its football program, but for its service to our state and its world class academic traditions.

For even the football program, led ably by Joe Paterno, sets the academic standard for programs across the nation. It is part of an athletic department defined by excellence on and off the field.

Penn State graduated 80 percent of student-athletes from the entering class of 1996–97 within 6 years, compared to a national average of 62 percent for student-athletes at all Division I NCAA institutions.

The football team produced an especially noteworthy academic performance, with 86 percent of the freshmen entering in 1996–97 earning their degrees—significantly above the national rate of 54 percent.

Since 1854, when the school was founded as Farmers' High School, Penn State has revolutionized the way our state approaches farming and continues to be among the world's leaders in agricultural research and innovation.

Over the years, Penn State has expanded its offerings to include every serious academic discipline.

U.S. News & World Report's "America's Best Graduate Schools 2004" places a number of Penn State programs among the nation's top ten, including supply chain/logistics, industrial/manufacturing engineering, materials engineering, nuclear engineering, agricultural engineering, higher education administration, administration/supervision, vocational/technical education, counseling services, ceramics, and rehabilitation counseling.

Penn State's Smeal College of Business has been ranked among the nation's top "Best Undergraduate Business Programs" at public universities.

The honors extend to undergraduate disciplines across the academic spectrum. In 2003, 15 Penn State faculty or staff members received regular grants to lecture or conduct research abroad as Fulbright Scholars, more outgoing Fulbright grants than any other institution in the United States.

But the measure of a university extends beyond commencement day and even beyond the classroom or research lab.

A university's reputation in businesses and communities across the nation is carried and enhanced by that university's alumni.

Penn State has 466,000 living alumni worldwide, 240,000 of them in Pennsylvania.

The Penn State Alumni Association, formed in 1870, has more than 146,000 members, making it the largest dues-paying alumni association in the nation.

These men and women carry the standard for their alma mater and are proof of the world-class education Penn State students receive during the time on campus.

I am honored to join my colleagues in both House and Senate from the Keystone State in honoring Penn State and thanking its administrators, professors, students, and support personnel for offering a terrific education at a reasonable price to so many for so long.

It is an honor well-deserved.

HONORING THE 150TH ANNIVERSARY OF THE PENNSYLVANIA STATE UNIVERSITY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 2004

Mr. KANJORSKI. Mr. Speaker, I rise today to speak in support of the resolution congratulating the Pennsylvania State University on its 150th Anniversary and reaffirming its designation as a land grant university.

On February 22, 1855, Pennsylvania Governor William Pollock signed the charter that created what eventually became The Pennsylvania State University. Penn State will be celebrating its 150th anniversary from July 1, 2004 to June 30, 2005. I would like to take this opportunity to congratulate Penn State on its achievements over the years. In addition, I would also like to recognize the importance of the branch campuses to the success of Penn State University.

Initially a small college dedicated to the study of scientific agriculture, Penn State was designated the Commonwealth's sole land-grant institution in 1863. In 1874, the Agriculture College of Pennsylvania became the Pennsylvania State College and in 1954 became the Pennsylvania State University.

Currently, Penn State has an enrollment of 83,000 students, which consists of individuals at the main campus in University Park, the 20 branch campuses, located across Pennsylvania and students at the College of Medicine, the Dickinson School of Law and the Pennsylvania College of Technology. As a result, 1 in every 8 Pennsylvanians with a college degree attended the Pennsylvania State University.

In particular, I would like to take this opportunity to commend the branch campuses in my district for the role they play in educating Penn State students. There are three branch campuses located in my district: Penn State Hazleton, Penn State Wilkes-Barre and Penn State Worthington-Scranton. These branch campuses came about in the 1930's when students could no longer afford to travel away from home to college because of the Depression.

Since then, these branch campuses have evolved, offering the four-year bachelor degrees, associates degrees and a wide range of continuing education classes to students in our area. In addition, the branch campuses offer certificates and professional development credits. As a result, many businesses in my area encourage their employees to take classes at the branch campuses. The branch campuses, therefore, have not only increased the educational attainment level of the workforce in my district, they have also helped promote economic development in the region.

Over the next year, the Pennsylvania State University will mark its anniversary with series of special events highlighting the achievements of the university. I wish them well over the next year and in the years to come as they continue to provide quality education to students in Pennsylvania.

HONORING 150 YEARS OF THE PENNSYLVANIA STATE UNIVERSITY

HON. JAMES C. GREENWOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 2004

Mr. GREENWOOD. Mr. Speaker, since its inception 150 years ago as a pioneering land grant college located in an area now known to millions as "Happy Valley," the Pennsylvania State University has come to the forefront of American collegiate academic and athletic achievement by doing things honorably and exceptionally . . . by doing things "The Penn State Way."

Today, Penn State still maintains their commitment to providing premier agriculture science education while expanding their national prominence in the areas of engineering, business, architecture, meteorology, social sciences, arts, and communications. Penn State's 24 campus locations boasts an unprecedented 83,000 undergraduate, graduate, law and medical students that have the opportunity to take 11,300 courses in 180 degree majors! With so many scholastic avenues worth pursuing and exploring, Penn State provides every undergraduate student with a well-balanced education through their extensive general education requirements. However, Penn State's educational leadership far exceeds the boundaries of the classroom through their distance education and statewide agricultural extension programs.

If you have ever talked to a Penn State alumnus—and with 1 in 720 Americans holding a Penn State degree, it isn't hard to find one, it will take just a moment for them to envelop you with their enthusiastic love for the Nittany Lions. As Americans we have all benefited in one way or another from either a Penn State alumnus, or Penn State research guided achievement. Imagine what our lives today without the only FDA approved heart pump, the electron microscope, the screenplay to "Casablanca" or a Fischer Price toy. In addition to the hundreds of my constituents graduating from Penn State every year, I have been able to personally benefit from Penn State's outstanding academic programs through the knowledge that was imparted to my current staff, Judy Borger, Amanda Murphy, and Jeff Urbanchuk, and to former staff member Sara McGraw.

If you are lucky enough to visit, it can take as little as a walk through Old Main lawn while enjoying a scoop of Peachy Paterno ice cream from the Creamery, or sitting among 108,000 of your closest friends in Beaver Stadium watching the Marching Blue Band perform their signature "Floating Lions" drill to perfection, to understand why Penn State has the largest alumni association in the world . . . because once you've experienced Penn State, you will never want to let go.

For years, Penn State has built a reputation of integrity, respect, and competitiveness in their nationally-renowned programs in fencing, gymnastics, women's volleyball, women's basketball, soccer, and swimming—while more importantly serving as a shining example to other universities by putting the student before the athlete.

And then there's the football. One cannot talk about Penn State's history and achievements without acknowledging the 53 years of unmatched leadership from Joe Paterno—a truly great example of what it means to be Penn State proud. Under his watchful eyes, Penn State has become a national powerhouse in men's college football, accruing 2 national championships and 5 undefeated seasons. However, when asked about his most important successes, Mr. Paterno will not quote these figures for you, nor will he mention that he is one of the most winning coaches in NCAA history, because the most important figure to Mr. Paterno is his team's graduation rate—with over 80 percent of Penn State football players graduating within 6 years, well above the national average.

Even if a student hasn't experienced the pride of playing in the nameless blue and white uniforms, or enjoyed a Saturday afternoon at Beaver Stadium cheering on the team with their friends—every Penn State student has benefited from Mr. Paterno's generosity and philanthropy as he contributed significant funds to an addition of the library that was completed in 2000, and was instrumental in raising more than a billion dollars for the university in only 5 years.

Happy 150th Birthday, Penn State . . . may we all be united in our own personal efforts to stand for your admirable principles and in that respect we will all be able to say, WE ARE . . . PENN STATE!

PENN STATE: 150 YEARS OF SERVICE

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 2004

Mr. SHUSTER. Mr. Speaker, I rise this evening to join my colleagues in recognition of Penn State's 150 years of service to students in pursuit of higher education. Charted in 1854 in response to a request from Pennsylvania State Agriculture Society, Penn State was established as agriculture based school with the goal of applying scientific principles to farming. In time, its ability to draw intellectual talent and broaden its mission enabled it to grow into one of the premier educational institutions in the country.

Over the past 150 years, Penn State has continued to expand its mission to meet the challenges of tomorrow. Today, the University consists of 11 academic schools and 20 campuses throughout the state, including two in my district, located in Altoona and Mont Alto. Additionally, the Penn State system holds a College of Medicine, the Dickinson School of Law and the Pennsylvania College of Technology. All together the combined enrollment in Penn State programs is more than 80,000 students.

To give a sense of this school's impact over the years let me share some facts: one in every eight Pennsylvanians with a college degree is a Penn State graduate and one in 720 people in the U.S. is a Penn State graduate. On personal level, I have felt Penn State's impact in my own life, three of my siblings attended Penn State and numerous members of my staff over the years are Penn State alumni.

So why is it that thousands of students from all walks of life come to Penn State in pursuit of a higher education? They come knowing that their time at Penn State will translate into a top-quality education. Penn State has been consistently recognized as one of the best technical schools in the country and U.S News and World Report's "America's Best Graduate Schools 2004" selected a number of Penn State programs among the nation's top ten. These strong credentials are proof of Penn State's high standards.

Mr. Speaker, once again I want to congratulate Penn State on 150 years of excellence and to thank all of the professors, administrators, staff, students and alumni who dedicate themselves to making Penn State one of the most valuable educational institutions in our state and our nation.

CELEBRATING THE PENNSYLVANIA STATE UNIVERSITY SESQUICENTENNIAL

HON. DON SHERWOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 2004

Mr. SHERWOOD. Mr. Speaker, it is with great pleasure that I rise before you today to honor the Pennsylvania State University as it celebrates its Sesquicentennial. On February 22, 1855, Pennsylvania Governor William Pollock signed the charter that created what is today The Pennsylvania State University. The University will be celebrating its Sesquicentennial for a full year from July 1, 2004 through June 30, 2005.

Penn State was started as a small college dedicated to the study of scientific agriculture; the University was then designated the Commonwealth's sole land-grant institution in 1863 by the Pennsylvania Legislature and has grown to become one of the world's most renowned public universities. The University is well known not only for its agricultural research and extension programs but also engineering, architecture, social sciences, medicine, and law.

Penn State has been instrumental in creating a heart-assist pump developed by medical and engineering faculty in 1976 to prolong the lives of cardiovascular patients. This pump was the first surgically implantable, seam-free, pulsatile blood pump to receive widespread clinical use. It led to the Penn State Heart, the only artificial heart approved by the U.S. Food and Drug Administration. A Penn State surgeon and two engineers also perfected the world's first long-life, rechargeable heart pacemaker.

In 1955, physics Professor Erwin Mueller became the first person to "see" an atom, using a field ion electron microscope of his own invention. The device was a landmark advance in scientific instrumentation that allowed a magnification of more than 2 million times.

Penn State in 1955 became the first university to be issued a federal license to operate a nuclear reactor, which it continues to use for studies in the peaceful uses of atomic energy and the training of nuclear industry personnel.

Penn State is a leader in food science. In 1892 Penn State offered America's first collegiate instruction in ice cream manufacture, followed soon after by a pioneering "short course" program that has helped to make the University an international center for research in frozen confections. Ice cream gurus Ben & Jerry got their start from a correspondence course in ice cream making from Penn State.

Pennsylvania's and the nation's pure food laws stem partly from the work of pioneer chemist William Frear, who in the early 1900s analyzed foods for government agencies and headed an expert committee whose recommendations shaped the landmark Pure Food and Drug Act of 1906.

In the 1920s, Penn State became the first land-grant college to initiate a comprehensive mushroom research program. Researchers developed improved composts and production practices that were adopted by growers worldwide and also helped Pennsylvania retain its leadership as the number one source of domestic mushrooms.

This institution has contributed tremendously to the Commonwealth and the nation, with graduates throughout the world as well as the largest outreach efforts with programs in every state and 87 foreign countries. The University has 11 academic schools and 20 campuses located throughout the Commonwealth, as well as an extension program that reaches nearly one out of two residents annually. Penn State annually host the largest all student run philanthropy in the world raising over 3.5 million dollars for The Four Diamonds Fund which provides money for comprehensive care of children with cancer, support for their families, and for research of pediatric cancer.

One out of every eight Pennsylvanians and one in every 720 people in the United States, as well as one out of every 50 engineers and one out of every four meteorologists has a Penn State degree. The university also boasts the largest dues paying alumni association in the nation that was established in 1870.

The University has also produced many championship Division I athletic teams, as well as a record breaking and legendary football coach Joe Paterno.

The 150th anniversary of Penn State will highlight what is important and good about this distinguished institution and the fine people and research that it produces.

Mr. Speaker, I urge you and my colleagues to congratulate the administration, faculty, staff, alumni and students of Penn State as they celebrate the Sesquicentennial of this fine institution. I wish them all the best during their next 150 years.

A TRIBUTE TO HENRY BOLUS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor of Henry Bolus in recognition of his service to New York City and his country as well as his accomplishments in the beauty industry.

Henry was born to Henrietta and Roy Bolus on February 19, 1934, in City Hospital of New York, located on Welfare Island now known as Roosevelt Island. He was one of 5 children. Henry's solid education was obtained through the New York City public school system, from kindergarten straight through Brooklyn College. Long coupled with his wife, Henry has gone from teenage friend of Josephine, to a loving husband of more than 50 years, and the cherished and respected father of their two children: Michael Henry and Sabrina Jo. Henry is the warm and generous father-in-law of Ana Alicea; the cheerful, playful, and caring grandfather of three, Michael Luis, Ana Margarita, and Hector Luis; and lastly the proud great grandfather of Jasmine. At the urging of his young children, Henry went from never having a single pet, to happily living with cats and dogs.

Throughout his adult life, Henry has had a long history of dedicated and exemplary volunteer service to the community. He has touched and enriched the lives of many. From an altar boy in the Catholic Church, he found his way to becoming a member of the Knights of Columbus. He volunteers each week as an usher at the 10:30 a.m. Mass at the Shrine Church of St. Jude in Canarsie.

Voluntarily enlisting in the U.S. Army, Henry proudly served his country during the Korean conflict. First as a private infantryman, and later as a paratrooper, he served in the 187th Airborne Regimental Combat Team of the U.S. Army. His service, in support of our country's efforts to thwart the spread of communism into South Korea and perhaps beyond, led to his being the humble recipient of a 2003 New York City Council Proclamation which cited his exceptional service to this great Nation.

Henry went from a street-corner shoeshine boy, to an electrical appliance stock clerk, to a beauty equipment salesperson, and finally to a designer of many of Brooklyn's beauty salons & barber shops. His dedication to his clients and the beauty industry earned him the "Cosmetology Man of the Year" Award.

Henry has also become a valuable community activist. Working quietly in the background, yet always willing to help, he has provided transportation for those in need; helped setup health fairs for numerous civic organizations; and assisted in the resurrection of the Canarsie Memorial Day Parade. He has also served on numerous civic and special community associations, such as the Boy Scouts and Girl Scouts of America, the Brooklyn Canarsie Lions Club Inc., the United Parents Fraternal, and Informed Voices of Canarsie, Etc. He has the distinct honor of having served as the only African-American on the 69th Precinct Community Council, in its 35-year history. For his hard work and commitment to the Canarsie Community, he received an award from the Friends United Block Association (FUBA) in 2001. For helping to establish the NYC branch of North Carolina A&T College Alumni, he was awarded an Associate Alumni membership.

As a longtime, 43 years resident of New York City Housing, he established the NYC Bayview Housing Sports Day. This is a festive day of multiple sports events, dancing, food, and awards for the children of the community.

Mr. Speaker, Henry Bolus has dedicated his life to serving his country and his community through his active participation in a vast array of civic organization. As such, he is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

HONORING MILDRED HASTINGS

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 2004

Mr. DEUTSCH. Mr. Speaker, I rise today to offer my sympathies to the Hastings Family. Mrs. Mildred Hastings, mother of Congressman ALCEE HASTINGS, passed away on June 24, 2004 after complications related to a heart disease. Her passing is deeply felt and she will be profoundly missed.

A woman of humble beginnings, Mildred Hastings worked hard to improve the circumstances of her family and those around her. She was revered by many in her community and developed personal bonds with constituents from the district. Mildred Hastings was a great motivator and her positive outlook on life not only influenced her family and friends, but also the members of Congressman HASTINGS' staff. The Congressman's Chief of Staff, Art Kennedy, greatly admired her positive energy and her unwavering support of her son. She has left those close to her with fond memories.

Congressman HASTINGS said, "My mom was my greatest friend and mentor." Mildred Hastings guided her son throughout his life and along his milestones to becoming a lawyer, judge, and now Congressman of Florida's 23rd District, Miramar. Mrs. Hastings is survived by her son, grandchildren, and cousins. She was 82 years old. My sincerest condolences go out to the Hastings family in remembrance of this inspiring woman. She will be greatly missed.

H. CON. RES. 410—RECOGNIZING THE 25TH ANNIVERSARY OF THE ADOPTION OF THE CONSTITUTION OF THE REPUBLIC OF THE MARSHALL ISLANDS

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 2004

Ms. BORDALLO. Mr. Speaker, I rise in support of House Concurrent Resolution 410, which recognizes the 25th anniversary of the adoption of the Constitution of the Republic of the Marshall Islands (RMI) and expresses our nation's gratitude for our shared commitment to the principles of democracy and freedom.

Over the past 25 years and since attaining their independence as a sovereign nation, the RMI has emerged to become one of the greatest and most reliable democratic allies of the United States. Our special relationship with the RMI, embodied in the Compact of Free Association renewed last year, has helped fulfill the two principal U.S. objectives in the Western Pacific of forging strategic alliances and establishing democratic systems of government. The RMI was the first of the three former entities of the United Nations administered Trust Territory of the Pacific Islands, to adopt their own Constitution and gain their independence. Their example and influence helped stabilize the Pacific Region and win the cold war.

For over 400 years, the people of the Marshall Islands were subjected to foreign and colonial control. The Spanish, the Germans, the Japanese, and the Americans all took control of the islands, named for English explorer John Marshall who visited the islands in 1799, at one time or another. Today, the people of the Marshall Islands strive to retain and preserve their identity and traditions. In many respects, they have been amazingly successful, even as they have faced and embraced the forces of Westernization and globalization. In January, I had the good fortune of visiting their beautiful country as a member of the Congressional Delegation led by Mr. POMBO, the

Chairman of the House Resources Committee. While in Majuro, we met with President Kessai Note, as well as elected officials from Bikini, Enewetak, Rongelap and Utrok. We also visited the U.S. Army's Ronald Reagan Ballistic Missile Test Site on Kwajalein Atoll, which is a testament to the strength and dependability of U.S.-RMI relations. With 40 years of cooperation, the Missile Test Site has provided a critical role in development and success of our nation's missile defense and space programs.

On Sunday, July 4th, this nation celebrated our freedom and democratic progress. It has now been 228 years since our founding fathers declared our nation's independence and our democratic form of government. As we reflect upon our democratic experiment and the values we cherish as Americans, it is also fitting that we recognize those who embrace these same values and freedoms. The United States has a proven and trusting friend in the Republic of the Marshall Islands. As we continue to build our relationship, let us work to resolve the remaining issues that the nuclear testing era brought for the benefit of our strategic partnership and special relationship.

I want to thank the gentleman from Arizona, Mr. FLAKE, and my good friend from American Samoa, Mr. FALEOMAVAEGA, for their leadership in introducing this resolution and for their firm commitment to sustaining and strengthening the friendship between the people of the United States and the people of the Marshall Islands. Lastly, I want to recognize and congratulate the Marshalls' Ambassador to the United States for his efforts in strengthening the relationship between our governments, the Honorable Banny de Brum. Si Yu'os Ma'ase and Komol tata.

RECOGNITION OF ANN AND LYDIA ENDREJATIS

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 2004

Mr. SHIMKUS. Mr. Speaker, I rise before you today to recognize Ann and Lydia Endrejatis of Collinsville, Illinois.

Ann and Lydia are recipients of this year's "Spirit of Excellence" award annually awarded by the Collinsville Chamber of Commerce. Ann and Lydia are being recognized for their lifelong commitment to making Collinsville a better place for all of us.

In nominating them, Diane Meyer wrote the following:

Diakonia. If you think diakonia is Greek to you, well you're correct. Diakonia is Greek for service, an ancient art still being practiced today in Collinsville. The number of people volunteering their time and talent for the good of the community is unrivaled. These "servants" exemplify the ancient meaning of the word mercy—concrete acts of kindness. Although most neither seek nor desire the spotlight, they certainly deserve our sincere thanks.

Ann and Lydia Endrejatis.

While many who volunteer specialize in one or two things, Ann and Lydia do about everything and through their many specific acts of kindness, truly define the word "volunteer." Since retiring, one or the other or both have worked for the following entities:

Anderson Hospital Auxiliary, Miner's Theater, Collinsville office of the American Cancer Society, Downtown Collinsville, Inc., Collinsville Senior Citizens, Cahokia Mounds Visitor's Center, City of Collinsville Shuttle Bus Dispatchers, senior citizen income tax preparations, Fox Theater usher, Holy Cross Lutheran Church Altar Guild and senior citizen worship meal, city historic researchers for Lucille Stehman's newspaper series, Meals on Wheels, schools library aid. The amazing thing about this extraordinary list is that it is a partial list.

The story of Ann and Lydia does not end with the work that they do. It continues with their encouragement and support of others who volunteer for the community. If someone is receiving an award, they are there. If something is being dedicated, they are there. If someone puts on a parade, they are there. If there is a civic ceremony, yes, they are there. With encouragement comes hope and with hope comes the wherewithal a city needs to tackle its future. Ann and Lydia Endrejatis provide Collinsville with concrete acts of kindness and to them we give our heartfelt thanks. Diakonia.

I offer my personal congratulations to my friends Ann and Lydia as well as my thanks to the Collinsville Chamber of Commerce for being as moved by Diane's nomination as I was.

COMMMENDATION OF TECH. SGT. THOMAS NEVIN

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 2004

Mr. RYAN of Ohio. Mr. Speaker, it gives me great pleasure to rise today in commendation of Tech. Sgt. Thomas Nevin, recipient of this year's USO Warrior of the Year award for the Cleveland area.

Sgt. Nevin is a member of the 910th Civil Engineer Squadron out of Youngstown Air Reserve Station in my district, and I am proud of his service to America in the war on terrorism. Sergeant Nevin was selected for volunteering to serve in Operation Enduring Freedom and Operation Iraqi Freedom for over a year and a half. While deployed, he received high praise from his superiors as he demonstrated his technical skills in replacing generators, redirecting a power outage, and installing diesel generators. In Iraq, he led a task force that doubled the available power to an airport in an area that was considered potentially dangerous. As our service men and women work hard daily to rebuild and improve Iraq's power grid, I am confident Sergeant Nevin was vital to that effort while deployed.

Mr. Speaker, at a time that calls for men and women to stand up and volunteer, I am privileged to have a constituent that appeals to our best qualities as citizens. It is good to know the people of Ohio's 17th congressional district are represented in uniform by a man with character, courage, and commitment to national service.

PERSONAL EXPLANATION

HON. JIM RYUN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 2004

Mr. RYUN of Kansas. Mr. Speaker, unfortunately, I missed five votes in the House of Representatives on June 25, 2004. Had I been in attendance I would have made the following votes:

Vote on the Sanders amendment to H.R. 4614, Energy and Water Development Appropriations Act of FY 2005. Had I been in attendance, I would have voted "no."

Vote on the Wilson (NM) amendment to H.R. 4614, Energy and Water Development Appropriations Act of FY 2005. Had I been in attendance, I would have voted "no."

Vote on the Meehan amendment to H.R. 4614, Energy and Water Development Appropriations Act of FY 2005. Had I been in attendance, I would have voted "no."

Vote on the Hefley amendment to H.R. 4614, Energy and Water Development Appropriations Act of FY 2005. Had I been in attendance, I would have voted "yea."

Vote on passage of H.R. 4614, Energy and Water Development Appropriations Act of FY 2005. Had I been in attendance, I would have voted "yea."

RECOGNIZING THE 50TH ANNIVERSARY OF THE THORNE ECOLOGICAL INSTITUTE

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 2004

Mr. UDALL of Colorado. Mr. Speaker, I rise today to honor the 50th anniversary of the Thorne Ecological Institute (TEI), its record of providing ecological education and environmental awareness to countless numbers of young people, and its development of forward-looking environmental policies.

I believe that many of the problems which face our Nation can be solved through better understanding and awareness of our natural surroundings. For 50 years, the Thorne Ecological Institute has been dedicated to fulfilling this goal by giving hands-on experience to children and adults in Colorado.

In 1954, Dr. Oakleigh Thorne, II, established the Thorne Ecological Institute in hopes of bringing environmental education to the community of Boulder, Colorado. He taught a variety of courses at the University of Colorado at Boulder, working to increase his students' understanding of the environment and its complex interrelationships. His goal was to "connect people to nature," and the last 50 years have seen this goal met with great success. To this day, the Thorne Ecological Institute maintains its commitment to environmental education, now with a focus on children and young people in the Colorado's Front Range. Innovative programs like Project BEAR—Building Environmental Awareness and Respect—reach inner-city children and establish a connection with the wonders of nature, an invaluable accomplishment and contribution to our society.

In addition to their outstanding efforts with children, the Institute was a catalyst in establishing environmental organizations in Colorado, including the first chapters of the Nature Conservancy, the Sierra Club, and the Denver Audubon Society. These organizations have been essential to the protection and promotion of Colorado's environment, and their impact is a direct result of Dr. Thorne's pioneering work.

I would also like to recognize the Thorne Ecological Institute for its innovation within environmental policy. The City of Boulder has been honored nationally for its policy of buying open-space to ensure a high quality of life for its residents. We must remember, though, that the Institute played a critical role in developing this landmark policy. Moreover, long before the Environmental Protection Agency required environmental impact studies, the TEI was conducting them in Colorado to increase understanding of the consequences of commercial development and to lay the foundation for their mitigation.

Mr. Speaker, environmental understanding and protection of environmental quality are things close to my heart—and the Thorne Ecological Institute has been at the forefront of the environmental movement in the Rockies for 50 years. Under the leadership of Dr. Oakleigh Thorne, II, the TEI has fulfilled the dream of connecting people to nature. I congratulate the Thorne Ecological Institute for its accomplishments and ask my colleagues to join me in appreciation.

A PROCLAMATION HONORING MARION STEWART ON HER 99TH BIRTHDAY

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 2004

Mr. NEY. Mr. Speaker:

Whereas, Marion Stewart was born on July 19, 1905; and

Whereas, Marion Stewart is celebrating her 99th birthday today; and

Whereas, Marion Stewart, is a long-time active participant in the social and civic life of the community; and

Whereas, Marion Stewart has exemplified a love for her family and friends and must be commended for her life-long dedication to helping others.

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in wishing Marion Stewart a very happy 99th birthday.

PENN STATE UNIVERSITY'S 150TH ANNIVERSARY

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 2004

Mr. DOYLE. Mr. Speaker, I rise today to join in this special order commemorating the 150th anniversary of the founding of Penn State University. As a proud alumnus of Penn State University, I can attest to the quality of education offered by this outstanding institution of higher learning.

Beginning like so many other state universities as a school to provide an education in farming and agricultural science to the citizens of Pennsylvania—which, by the way, is still one of its important missions—the Agricultural College of Pennsylvania in Centre County, Pennsylvania, grew rapidly and has educated thousands of Americans over the last 150 years.

Today, The Pennsylvania State University boasts 20 branch campuses across the commonwealth and offers a full range of undergraduate majors and graduate degrees, as well as a college of medicine and a highly respected law school. In fact, many of Penn State's grad schools are considered among the nation's top ten in their fields. It has an enrollment of over 80,000 students each year, and it is considered one of the premier research universities in the nation. I might add that it also has one hell of a football team, which has been led to many victories over the years by its legendary coach, Joe Paterno.

I look back fondly on my years in State College as some of the best years of my life. I received a world-class education at Penn State between 1971 and 1975, and I also had a pretty darned good time on campus.

Consequently, I am proud to mark this milestone in the life of my alma mater by participating in this special order commemorating the 150th anniversary of the founding of this remarkable institution of higher learning. I can't wait to see what Penn State and its alumni achieve in the next 150 years.

IN RECOGNITION OF MARY E. LEISHMAN, LIFELONG COMMUNITY ACTIVIST AND FRIEND OF NEW YORK CITY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 2004

Mrs. MALONEY. Mr. Speaker, I rise to acknowledge the achievements of Mary E. Leishman, a longtime resident and champion of New York City. Ms. Leishman, who passed away on June 12, 2004, leaves behind a large and caring family, devoted friends, loyal colleagues and an incredible record of community service. Mary worked every day to promote the interests of her community and to better the lives of New York City residents. The city and people of New York will miss her dearly.

Ms. Leishman was known as the "Godmother of Yorkville"—the area of Manhattan she called home for the majority of her life. Yorkville lies between the Upper East Side and East Harlem neighborhoods of Manhattan, which are traditionally regarded as the borough's wealthiest and poorest areas. The great diversity of Ms. Leishman's neighborhood fueled her many accomplishments, and provided the setting for her significant contributions to the public good.

Mary was truly a servant of the people, devoting much of her time and energy to New York City politics and public policy. Ms. Leishman served for more than fifteen years as a District Leader of the Eastside Democratic Club and was a longtime delegate to the Democratic County Convention. Mary worked tirelessly for the causes in which she believed, and showed a particular affinity for "grassroots" campaigning. Mary was always available to work at polling locations, collect signatures and perform other administrative tasks—duties that are essential to the functioning of our democracy, but that are often overlooked.

Mary was always attentive to the adage that "all politics is local." Ms. Leishman was a devoted member of Manhattan Community Board Eight, serving in both professional and volunteer capacities. Ms. Leishman was the Chairwoman of Board Eight's Roosevelt Island Committee and for decades visited the island at least twice a week to assess neighborhood concerns and needs. Mary is perhaps best remembered, however, for her efforts to help a great many New Yorkers, particularly veterans and the disabled, find affordable places to live. Indeed, Ms. Leishman led Board Eight's efforts to preserve the Upper East Side's stock of moderate-income housing.

In recent days, many of Ms. Leishman's friends have contacted me to relate stories of Mary's great kindness to individuals in her community. I understand that not too long ago, Ms. Leishman and a friend were walking along 34th Street in Manhattan when a man stopped to ask them for money. Noticing that the man was barefoot, Mary led him to a nearby store and bought him socks and a new pair of shoes. Similarly, Mary was known to regularly provide hot meals to homeless persons she encountered in her travels around the city. These are only a few examples of Mary's generous spirit, but they underscore the fact that Ms. Leishman never ignored the most vulnerable members of her community.

Mr. Speaker, I request that my colleagues join me in honoring the late Mary Leishman, whose lifetime of community service exemplifies the tradition of civic involvement that makes America the greatest nation in the world. To Ms. Leishman's friends, family members and colleagues, I offer my continuing respect, admiration and support.

HONORING FATHER FRANK PERKOVICH

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 2004

Mr. OBERSTAR. Mr. Speaker, I rise today to recognize and honor Father Frank Perkovich, for his fifty years of faithful service and tireless ministry.

A native of my hometown, Chisholm, Minnesota, Father Perkovich recently announced his retirement as pastor of Saint Joseph's Catholic Church in Gilbert, Minnesota, and I know that all who know Father Perkovich will miss his original style of spreading "The Good News."

Father Perk, as he is known, believed it did not matter how one worshiped as long as it raised one's mind and heart to God. Drawing on his strong Slovenian heritage and the culture of his community, Father Perk created a Mass set to the old ethnic melodies of polka music and celebrated the first Polka Mass in 1973. For the next 30 years, this unusual blend of folk music and holy worship has become internationally popular, and Father Perk's recording of the Polka Mass has become one of the top-selling polka albums of all time.

In 1983, Father Perk traveled to Rome and celebrated the Polka Mass on the high altar of St. Peter's Basilica in the Vatican for Pope John Paul II, who blessed the "Polka Priest's" endeavor. It was the experience of a lifetime for a humble pastor from a small town in Minnesota who only wanted to create a liturgical service that would bring people together and closer to God.

On the occasion of his retirement, I want to join his many friends and parishioners to congratulate Father Perkovich for his many years of service to his Catholic faith community and Minnesota's Iron Range.

PERSONAL EXPLANATION

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 2004

Ms. GRANGER. Mr. Speaker, due to a death in my family, I was absent from the House of Representatives on June 24, 2004 and missed votes. Had I been present, I would have voted the following way:

Rollcall No. 303 (H. Res. 692) "yea,"; Rollcall No. 301 (H. Res. 685) "nay,"; Rollcall No. 304 (H. Res. 676) "yea,"; Rollcall No. 319 (H. Res. 691) "yea,"; Rollcall No. 318 (H.R. 4663) "nay."

A PROCLAMATION HONORING MERLE W. MARBURGER ON HIS 90TH BIRTHDAY

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 2004

Mr. NEY. Mr. Speaker:

Whereas Merle W. Marburger was born on July 21, 1914 and is celebrating his 90th Birthday today; and

Whereas, Merle W. Marburger is a long-time active participant in the social and civic life of the community; and

Whereas, Merle W. Marburger has exemplified a love for his family and friends and must be commended for his life-long dedication to helping others.

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in congratulating Merle W. Marburger as he celebrates his 90th Birthday.

RECOGNITION OF THE LIFE OF MICHAEL LEHNEN

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 2004

Mr. SHIMKUS. Mr. Speaker, I rise today to honor the life of Assistant Fire Chief Michael Lehnen of Bethalto, Illinois. Chief Lehnen passed away at the age of 57 after 29 years of service to his community. His funeral held in Bethalto drew large crowds of grateful citizens.

I rise today to honor more than simply one life of one man from my home district. I rise to honor a man, Michael Lehnen, whose work as a fireman represents what's truly good in America. He lived his life, day in and day out, always ready to rush into burning buildings to save the lives of whoever was in danger. Firemen and women, like Mike don't get many monuments, they don't get much in the way of recognition, but they should; because they represent the best that we should all aspire to be ourselves.

We live in a time where sports stars, rock stars and pro-wrestlers are our children's heroes. I hope that we might also commit ourselves to showing our children and grandchildren who are the real heroes in their lives—the many Michael Lehnens who serve their communities each day.

At Michael's funeral there were tears, particularly when the fire alarm sounded again in his honor. But more than sadness it was a celebration. Michael had lived a life of service to others. He put himself at risk of death every day for his fellow man. He is a man who we, while reflecting on his life, can honestly say made a difference.

What greater tribute can there be to a man than when his wife and family looked out at the huge crowd paying their respects, they may have asked themselves who in that crowd wouldn't be there today had Michael not lived. The incredible impact of saving lives has a power that far outlives the hero who makes it happen.

I'm sure some might find it trivial to pay respects to an Assistant Fire Chief from a small town in Illinois. But, Mr. Speaker, I would argue that there are few greater heroes we can praise from this noble House. I extend condolences and our thanks to the family of Michael Lehnen.

COMMENDING CAPTAIN BRENT DAVIS

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 2004

Mr. RYAN of Ohio. Mr. Speaker, today I rise to commend a resident of my district who has raised the bar for personal sacrifice on behalf of others. His name is Captain Brent Davis, and he serves as the chief of public affairs for the 910th Airlift Wing at Youngstown Air Reserve Station.

What impresses me most about Capt. Davis is his desire to serve above and beyond the call of duty. Already serving his country in uniform, Capt. Davis was approached to shore up support for the C.W. Bill Young Dept. of Defense Bone Marrow Program, and he accepted the task with enthusiasm. He registered himself in the program, named for my distinguished colleague who formally served on the Armed Services Committee, and when he received word that he was a perfect match to donate marrow, he was equal to the task. With the support of his wife, Sonya, Capt. Davis went through the rigorous screening process to ensure his compatibility with the recipient, and on December 8th of last year, he successfully donated bone marrow at Georgetown University Hospital.

The recipient was a 17-year-old young man who was suffering with non-Hodgkin's lymphoma, a type of cancer that afflicts the body's lymphatic system. A parent himself, Capt. Davis was determined to help this family. He was concerned first and foremost with the welfare of the recipient and was committed to helping him survive.

Mr. Speaker, our struggle with cancer in all its forms is one we must win. While we search for cures and effective treatments, I take comfort in the fact that there are men and women like Capt. Davis out there, volunteering and even risking their own health so that others may have hope of recovery. I commend Capt. Davis for his courage and sacrifice; he is a model citizen and exemplary officer.

EXPRESSING THE SENSE OF CONGRESS THAT THE PRESIDENT POSTHUMOUSLY AWARD THE PRESIDENTIAL MEDAL OF FREEDOM TO HARRY W. COLMERY

SPEECH OF

HON. JIM RYUN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 2004

Mr. RYUN of Kansas. Mr. Speaker, I rise to recognize the vision and achievements of Mr. Harry W. Colmery, from Topeka, Kansas.

Because of Mr. Colmery's remarkable service to our country, I urge my colleagues to pass H. Con. Res. 257, calling on President Bush to posthumously award the Presidential Medal of Freedom to Harry Colmery. President Truman established the Medal of Freedom in 1945 as an honor for exceptional service in war, and President Kennedy reintroduced the Medal in 1963 for distinguished service in peacetime. Harry Colmery embodied both of these things and is deserving of this highest civilian honor.

After serving as an Army aviator in World War I, Mr. Colmery spent his civilian life actively promoting and defending the rights of America's veterans. In 1929, he was part of a coalition that worked to pass a major veterans' hospital construction bill. In 1936, he was elected National Commander of The American Legion.

In 1943, while staying in Washington's Mayflower Hotel, Harry Colmery wrote the first draft of what would later become the Servicemen's Readjustment Act of 1944, also known as the World War II GI Bill of Rights. This legislation provided historic new benefits to military veterans as they transitioned back into civilian life. Most importantly, the new educational benefit would revolutionize America's higher education system.

Since the enactment of the GI Bill, America has continuously provided educational support for our nation's veterans. Exceeding all expectations, more than two million eligible men and women went to college using these educational benefits in the decade following World War II. The result was an American workforce enriched by 450,000 engineers, 238,000 teachers, 91,000 scientists, 67,000 doctors, 22,000 dentists, and another million college-educated men and women.

Building upon the success of the original GI Bill, Congress subsequently approved the Veterans Readjustment Benefits Act of 1966 and the Veterans' Educational Assistance Program for the post-Vietnam Conflict era. Finally, in 1985, Congress passed the Montgomery GI Bill.

Awarding the Medal of Freedom to Harry Colmery would be a tribute to all veterans in 2004, as we mark the 60th anniversary of the GI Bill.

HONORING PENFIELD TATE III OF DENVER, COLORADO

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 2004

Mr. UDALL of Colorado. Mr. Speaker, it gives me great pleasure to rise today to recognize Mr. Penfield Tate III of Denver, CO, for his outstanding career of public service and his inspiring role as father and husband. I would like to thank him on behalf of all Coloradans for the depth and diversity of contributions he has made to ensure our public life.

Before my election to Congress, I served in the Colorado House of Representatives with a number of remarkable individuals who made a difference through their legislative excellence. I also served with some legislators noted for their warm, energetic personalities. However, in my experience there are very few people as gifted—personally and professionally—as Pen Tate.

Every day I worked with him reaffirmed the ideal qualities of a public official: idealistic, caring, optimistic, intelligent and principled. Spirited in debate, Pen was, nevertheless, always a gentleman, being open-minded and respectful to everyone with whom he worked. As a state representative, state senator, and mayoral candidate he was a tireless seeker for solutions to some of Colorado's most pressing problems, and a peerless advocate for children, seniors, workers, and civil rights, causes he championed both in and out of the State Capitol.

Since ending his tenure in the Colorado Legislature, Pen has returned to his law practice in Denver. He has also been given more time to spend with his wife Faye and daughter Elleana. Although he has returned to life as a private citizen, Pen remains as dedicated to his causes today as he was during his time in the legislature. He is active in many charitable organizations and gives generously to his community.

Not surprisingly, Pen's contagious combination of effective legislator and humanitarian has inspired members of his community to award him numerous civic distinctions. His unyielding pursuit of justice and equality was recognized with the 2003 Civil Rights Award given by the Anti-Defamation League. Most recently, Pen was awarded the 2004 Father of the Year by the National Father's Day Council and the American Diabetes Association. This impressive award is only a token of appreciation to a man who dedicates so much of his time to his family. I am attaching a newspaper report of this honor.

Mr. Speaker, I ask my colleagues to join me in saluting such an honorable person and his distinguished career in public service. My family and I wish him, his wife, Faye, and their daughter, Elleana, good health and happiness in their future together.

[From the Denver Post, June 19, 2004]

A TIP OF THE HAT TO TATE THE DAD

MAYORAL ADVISER IS ONE OF SIX MEN HONORED AS REGIONAL FATHERS OF THE YEAR

(By Erin Cox)

For Elleana Tate, daughter of Denver lawyer and former state senator Penfield Tate III, it only takes a little task for Daddy to make her happy. "Tuck me in," said 14-year-old Elleana, flashing her smile at her father. Tate, nestled next to his disabled daughter on a couch in his 27th-floor downtown Denver office, looked at her with soft eyes. "Tuck you in still?" Tate said, beaming.

Tate, partner in a Denver law firm, adviser to Mayor John Hickenlooper, winner of a 2003 Civil Rights Award and former state senator, is first and foremost a father. The National Father's Day Council and the American Diabetes Association honored him as a 2004 Father of the Year, along with five other Denver men. "It sometimes feels strange to get honored for the things you ought to do," Tate said in his acceptance speech Tuesday night. The diabetes association also named Jeffrey Campos, Thomas Dyk, Steve Kelley, Jay Leeuwenburg and Sam Pegues as regional Fathers of the Year.

The National Father's Day Council was established in 1931 to promote the then little-known Father's Day holiday and has been honoring exceptional fathers across the nation since 1942. Tate was selected for the award because of his ability to balance his personal life with a successful career, organizers said. Tate's list of qualifications for what makes a Father of the Year is a little different. "You have to be loving. You have to be patient, generous, consistent and persistent," he said. "It's a continual reinforcing of things."

Elleana, who has mild cerebral palsy and limited eyesight, spends a lot of time with Tate getting that reinforcement and fatherly support. Born premature, Elleana has made frequent trips to hospitals and surgery rooms during her life. Tate is always there. "I'm bouncing off the walls, and he's very reasoned, measured, thoughtful," said Elleana's mother, Faye Tate. The struggles with Elleana's health and its potential limits have brought Elleana and her father close. She has been by Tate's side on the campaign trail and at his law firm.

Little exceeds Tate's affection for his daughter, whose artwork hangs on the door of his office. "He spends a lot of time instructing Elleana," Faye Tate said. "He lets her do everything. He lets her try everything." Elleana was barely out of the toddler stage when she rode her first horse, with the urging of her father and despite her mother's fears.

Tate believes there is no other way to parent. "I don't know what she can or can't do until she tries. I don't know what she likes until she tries it," he said.

Tate's grandfathers and father shaped his approach to fatherhood. As a child, Tate spent summers with his three sisters and cousins at his grandfather Tate's farm, where his grandfather "was everybody's babysitter. He spent a lot of time talking to you. They really made sure you were connected to family," Tate said. Tate's maternal grandfather, an immigrant from Jamaica, taught him to keep contact with extended family, and Tate's own father, Penfield Tate II, taught him about friendship. "My dad was my best friend. He was my law partner and best man at my wedding," Tate said.

Tate and Elleana are best friends, too. "We keep secrets from Mom sometimes," Tate said. "We talk about boyfriends now, and boys." Elleana wiggled on the couch and gave an enthusiastic nod at the subject. She and her dad share a special language. "They talk in code," said Tate's sister, Paula Tate. "We'll hide under the pillows and just talk about stuff," he said. A father must be "firm and fair. And playful," Tate said.

Tate brushes off the feat of balancing an impressive public career and the role of loving father. "It's all a matter of scheduling," he said. "When you work, you work. When you're home, you're home," he said. Even though fatherhood is a job in itself. "You really have to enjoy being a dad," Tate said. "It's too much work not to enjoy it."

HONORING CARLA BARICZ FOR WINNING NATIONAL HISTORY DAY CONTEST

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 2004

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor Carla Baricz, a rising star at Springstead High School, for her achievements of winning the prestigious National History Day contest and earning a full four year scholarship to Case Western Reserve University in Ohio. Carla drafted a research paper entitled "Vincent van Gogh and the Exploration of Emotion Through Art: An Encounter With the Human Struggle." This lovely manuscript earned Carla second place in the State History Day Contest. Despite this wonderful accomplishment, Carla strived for perfection. She revised the paper and submitted it for the national contest, where Carla's commitment to education separated her from the rest of the competitors and brought her to the forefront of this prominent competition.

I would like to recognize the dedication and drive that Carla Baricz has displayed. As a former educator, I take pride in knowing that students continue to aspire to great dreams and realize that education is the key to success. Carla has used her interests and love for history to create a marvelous opportunity for herself. Carla Baricz is a model student and an inspiration to all. Young people like her fill America with joy and hope as we see the future generation embracing the merits of education and the values of history. Carla is a testament to hard work and dedication. She makes me proud to represent the Fifth District of Florida.

BOOK REVIEW ON PRESIDENT REAGAN BY JUDGE JOHN C. HOLMES

HON. J. D. HAYWORTH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 2004

Mr. HAYWORTH. Mr. Speaker, yesterday was the official end of the period of national mourning for former President Ronald Reagan. During this month there have been many tributes to this great President, all of which were deserving.

Recently, I was given a copy of a book review by the well-respected Administrative Law Judge John C. Holmes, who is now retired. In August 1998, Judge Holmes reviewed Dinesh D'Souza's book, Ronald Reagan: How an Ordinary Man Became an Extraordinary Leader. It was an excellent review that summed up how so many of us view Ronald Reagan and his life. I would like to submit the review for the RECORD and I commend it to my colleagues.

[From the Free Press, 1997]

RONALD REAGAN: HOW AN ORDINARY MAN BECAME AN EXTRAORDINARY LEADER

(By Dinesh D'Souza)

Dinesh D'Souza, who served briefly as a low-level advisor to President Reagan in 1987-88, is an open admirer of Reagan's accomplishments. Yet not even Reagan's harshest critics are more revealing of his character flaws and human weaknesses. Rather than expressing scorn and derision, however, the author is in turn bemused, delighted, curious, and intrigued in candidly reporting the former president's character and personality idiosyncrasies. After careful examination, he concludes that Reagan's very real limitations in fact assisted as much as deterred this seemingly ordinary man in becoming an extraordinary leader. Beneath his apparent simplicity was a complex and sometimes contradictory person.

For example, Reagan's sunny personality and near continuous optimism masked a psychological curtain that could descend on even his most intimate friends and family, keeping them at a distance. There was also the contradiction that, while constantly extolling the virtue of the family and its values, Reagan exhibited a disjointed personal one, having been divorced from his first wife, Jane Wyman, and distant from his son, daughter, and stepdaughter. Reagan's acknowledged short attention span masked a tenacious adherence to those principles and policies that concerned him most. His good-natured jokes and story-telling, sometimes criticized as irreverent and irrelevant, served to disarm and win over adversaries from Tip O'Neill to Mikhail Gorbachev. His famous line in the presidential debate with Walter Mondale that he "would not use Mondale's youth and inexperience against him" caused an involuntary grin and chuckle from his surprised opponent, totally diffusing the increasingly serious campaign issue of Reagan's age, and propelling Reagan into one of the largest presidential victories ever. He loved pomp and cavorted with the wealthy, but had a singular capacity to connect with, and was beloved by, the common man.

The author dispels or modifies some public misconceptions. While Reagan himself self-deprecatingly joked about his nap times, he worked sometimes grueling hours, particularly for a man of his age, exhibiting strong discipline in doing homework on those issues he needed to know. His discipline in keeping physically fit probably saved his life early in his presidency when he was the recipient of a would-be assassin's bullet that lodged less than an inch from his heart. His character was revealed during this frightening time when despite the seriousness of the situation he could extemporaneously joke to his wife Nancy: "Honey, I forgot to duck!" and to his treating physicians: "I hope you're all good Republicans." Such good humor in the face of adversity won him a reservoir of good will by an appreciative public.

TAKING ON THE "EVIL EMPIRE"

Reagan was a naive, rosy optimist, thinking that, if he could only show Gorbachev how ordinary Americans lived, Gorbachev would recognize the differences between the two systems and make big changes for the better. Reagan was a foolhardy, almost comical belligerent, standing at the Berlin Wall and challenging Gorbachev to "tear down this wall!" He was an embarrassment, a blind, unsophisticated patriot who had the gall, bad manners, and political incorrectness to call the free world's adversary an "Evil Empire." He was an actor who knew nothing of foreign policy, a genial dummy who straddled between reckless action and somnolent inattention. Or so he was portrayed and so many believed.

But D'Souza recognizes Reagan's historic accomplishment in fostering the dissolution of the Communist empire, which emanated at least in substantial part from the man's own willful, steadfast purpose. This dissolution was not foreordained, as has become the fashionable view. The author demonstrates the transparency of Reagan's critics, quoting extensively from their pronouncements on the growth, stability, and power of the Soviet economy and the folly of attempting directly to challenge Russia itself. Liberal historian Arthur Schlesinger Jr. observed in 1982 that "those in the United States who think the Soviet Union is on the verge of economic and social collapse are wishful thinkers." John Kenneth Galbraith, Harvard economist and guru during the Kennedy-Johnson years, pronounced that "the Russian system succeeds, because, in contrast with the Western industrial economies, it makes full use of its manpower." Such assessment was concurred in by even "neutral" economists such as Paul Samuelson and Lester Thurow, who as late as 1989 marveled at the Russian growth process.

As for confronting Russian expansion, Sovietologist Stephen Cohen of Princeton University thought that Reagan was pathologically wrongheaded in apparently abandoning the comforting previous policies of containment and detente for the objective of "destroying the Soviet Union as a world power and possibly even its Communist system." Strobe Talbot, then a senior correspondent at Time magazine and later deputy secretary of state in the Clinton administration, indignantly scoffed at Reagan's unrealistic and misguided attempts to return to the '50s goal of rolling back Soviet domination in Europe.

Though criticized as too ideological, Reagan appointed skilled pragmatists to implement his aggressive foreign policy. They included the maligned but effective Bill Casey at the CIA, Cap Weinberger at Defense, and George Schultz at State. Reagan's overarching plan was relatively simple: he would outspend the Russians on defense, thereby showing the vulnerability of the Russian economic system which Reagan, almost alone, was convinced would not keep pace. This culminated in the proposed future deployment of defense missiles and lasers dubbed "Star Wars," a concept ridiculed by many, and not fully understood even by Reagan, but greatly feared by the Russian leadership. D'Souza presents the still-minority viewpoint, which I believe history will eventually confirm, that the elevation by the Russian leadership of Gorbachev was largely stimulated as an antidote for the very presence of Reagan, who by then had emerged as a popular and effective world leader who articulately advocated challenge of Russian aspirations for world dominance. Reagan took an immediate liking to Gorbachev and instinctively felt they could do business. His subsequent perseverance in challenging Gorbachev to reform the system, combined with U.S. military buildup, precipitated the eventual dismembering of the formerly impenetrable Russian political hegemony and military might.

For this accomplishment alone Reagan should be recognized as the single most important person in the second half of this century in pointing our world in the direction of freedom and democracy. However, to the surprise and even anguish of liberal opponents, and the consternation of some conservative friends, his challenge was not limited to the communist totalitarian system, but to dictators everywhere, whether in the Philippines, South America, or Africa. The resulting extensive conversion from socialist and totalitarian states to democracies and free economies was truly remarkable, never before seen in the history of the world.

TAKING ON BIG GOVERNMENT

As Reagan ran against the political wisdom and apparent majority public opinion in advocating defeat of, rather than detente with, communism, so too he opposed the belief that a powerful central government was essential to ensure freedom, justice, and the general welfare. Reagan presented the then-heretical view that central government was the problem, not the solution. While Reagan accepted much of Roosevelt's New Deal as a necessary reaction to the economic emergency following the Great Depression, he felt the Great Society agenda fostered by President Johnson took the country too far along the path toward a suffocating central government that would eventually stifle individual initiative and freedom. His conversion from Democrat to Republican resulted.

Reagan carried his message forward in speech after speech, initially while traveling the country for General Electric. Although the 1964 Republican Convention produced the spectacularly losing campaign of Barry Goldwater, Reagan's nominating speech—which has been since dubbed merely "The Speech"—launched him into the national scene as the future messenger and leader of the conservative cause. It also brought him to the attention of king-makers in California, who lured him into a successful run against the incumbent, the firmly entrenched Governor Pat Brown, who, like every candidate Reagan has run against, underestimated his talents, personality, and character.

As Governor, Reagan preached austerity, but in his first term did little in practice to put California's economic house in order. His main contribution, perhaps, was in standing up to the most radical of the free speakers, thereby keeping the universities open and restoring a modicum of stability during those turbulent times. The author labels Reagan's governorship as only moderately successful. Reagan, however, gained a stage that eventually catapulted him into the presidency.

While running for and entering the presidency, his economic message remained the same: limited government. On the one hand, as his critics are quick to point out, Reagan never directly achieved his economic goals, as the high cost of defense build-up and his insistence on a tax cut made a balanced budget impossible. Moreover, this imbalance was exacerbated by the Democratic-controlled Congress, whose "compromise" meant more spending on cherished domestic programs rather than cuts that would have helped pay for the defense build-up. On the other hand, his intense lobbying efforts on his first budget, while not reaching all the results he envisioned, provided the mechanism for a future more limited domestic spending program, and provided more funds for the private sector through tax cuts. Through a numbing recession in 1982, with critics contending his "voodoo" supply-side economics were a proven failure, Reagan elected to "stay the course," retreating to his California ranch for resuscitation and refusing the siren song to "do something." He was assisted by a supportive Federal Reserve, which tightened credit to reduce the fever of double digit inflation prevalent during the preceding Carter administration. With recover came increasing public and business confidence. A growing economy meant more dollars to pay for the defense build-up.

The author points to the "outrageous" act of firing the air traffic controllers as a further plank in economic recovery. Though their union, the Professional Air Traffic Controllers (PATCO), was one of the few to support Reagan's presidential bid, Reagan had no compunction in firing them and replacing them by non-union workers. Considering them "untouchables," no previous president had so directly taken on unions and government workers. To Reagan, the moral basis was simple: government workers were servants of the people and not their masters. The law supported his viewpoint. Condemned, ridiculed, and pressured even by allies, and temporarily losing popular support, particularly from new-found "Joe Six-Pack" converts to the Republican party, Reagan stuck to his guns. This action, and his subsequent refusal to compromise, so shocked and silenced union leaders and government workers that corporations and government agencies were afforded for years to come the opportunity to downsize and "reorganize." The seemingly forgotten principal that jobs were a privilege and not a right was at least partially restored and the economy further stimulated.

Reagan's goals were not all achieved while in office. Nevertheless, he left an agenda that is still in many respects being followed today. Free international trade through agreements such as NAFTA, and the outline for fiscal savings as drawn up in the "Contract for America," were Reagan initiatives. Even the line-item veto, scorned and laughed at as a campaign throw-away, and impossible to enact, has become law, ironically co-opted by President Clinton and touted as his own accomplishment. While temporarily contributing to a huge unbalanced budget and an unfavorable foreign trade deficit, the successful war against communism eventually allowed a resulting "peace dividend," a prosperous economy, and a curtailed federal government. A balanced budget would be achieved 10 years after he left office.

Reagan again knew instinctively what the most sophisticated economists were oblivious to. Reduction of tax rates during times when government has become too large and costly can actually increase total revenues by freeing the private sector from stifling governmental costs and regulations, thereby enabling sales and profits (as well as taxes paid) to rise. What was to become known worldwide as "privatization" resulted from these policies. Where previous Republican administrations had merely attempted to cut around the edges to make governments a little more efficient and accountable, Reagan attacked it head on, by word and deed freeing the private sector to accomplish its goals with minimal intervention.

TAKING ON "MALAISE"

A third area that Reagan sought to change flowed naturally from and was dependent upon success in his attack on communism and big government: restoration of the prestige and respect of the presidency, and the confidence, optimism, and patriotism of the American people. Following the "Peace and Prosperity" and "Return to Normalcy" of the 1950s under Eisenhower, we had experienced the assassinations of President Kennedy, Martin Luther King, and Robert Kennedy; the quagmire of Vietnam, causing President Johnson's decision not to run; Nixon's seemingly moderately successful presidency brought down by Watergate; and the failed Carter presidency, ending in American hostages being ignominiously held in Iran, communism seemingly on the march in international expansion, and Carter himself describing a "malaise" in the American psyche. Onto the stage strode the unlikely candidate the conservatives lusted for, but mainstream Republicans merely tolerated, and Democrats welcomed as "easy pickings"—seemingly too old, too ideological, and too inexperienced to be elected or to accomplish the job.

The reigns of government had barely been grasped when a sickening feeling of deja vu returned as an attempt was made on Reagan's life. Reagan's humorous reaction and relatively quick recovery boded well, allowing him to initiate his foreign and domestic programs. The sputtering of the economy in late 1981, leading to recession, however, dispelled this good will and left the nation in a sullen mood. As recovery finally came and Reagan's "stay the course" was more or less vindicated, his personality and talents as a "Great Communicator" began to sharpen and shape the American and world landscape. He entreated the people of the United States, the country he felt destined to be "a shining city on the hill," to support and further his program and policies. He restored a sometimes teary-eyed patriotism, encouraging Americans to take pride in and celebrate our country, its meaning, and its history. Using his powers as a former actor and the sincerity of his own belief in the goodness of America, whose "morning had just begun," he sought to enlist the people to assist the world along a better path to a brighter future. He returned a pride in military service, severely wounded since the Vietnam war. His own dedication to duty and pride of office restored dignity and world leadership to the presidency.

History may record Reagan as having been extraordinarily lucky to have accomplished his successes at such an advanced age, barely before senility and the eventual ravages of Alzheimer's disease fully took over. D'Souza does not think so. He credits—too much, some will argue—Reagan's ability to cut through the thicket of unimportant matters and take the correct action at nearly every important juncture. Far from being a mere bystander, Reagan led on matters that mattered, even when his decisions were unpopular.

D'Souza notes a nearly mystical aura that President Reagan himself privately acknowledged as governing some of his actions. While many presidents donned the mantra of churchgoing for public consumption, and Reagan himself supported, mainly as a sop to the religious right, a constitutional amendment to allow public school prayer, his own religious beliefs were more complex. Not an active churchgoer before or during his presidency, he apparently firmly believed in an intervening and active higher authority from whom he privately sought solace and guidance. When asked what person he most admired, Reagan invariably answered, "The man from Galilee." Though public ridicule was made of his wife Nancy's seeking guidance from astrologers, without serious objection and perhaps active support from the President, Reagan's truer belief would have been the personally delivered opinion of Mother Theresa that he had been put on this earth for a divine purpose.

This book will not find favor with liberal economists, with those Jeanne Kirkpatrick labeled "Blame America Firsters," or with apologists for the former Soviet communist system who then had advocated accommodation and appeasement, but many of whom now find its demise historically inevitable and Reagan irrelevant. One of D'Souza's obvious purposes in the book is to attack this attempted instant historical revisionism. In so doing, he can fairly be accused of straying too often from a "pure" chronicle of Reagan to a strident attack on his critics. No doubt in anticipated rebuttal, D'Souza points to a "stacked deck" committee chaired by Arthur Schlesinger Jr. and commissioned by the editors of the New York Times in December 1996 to render a collective verdict on how history will rank the U.S. presidents. Not surprisingly these "history experts," which included Doris Kearns Goodwin, James MacGregor Burns, ex-Governor Mario Cuomo, and ex-Senator Paul Simon, liberals all, ranked Reagan in the lower half, below George Bush and in the undistinguished company of Jimmy Carter, Chester Arthur, and Benjamin Harrison. In contrast, D'Souza believes Reagan should be ranked with the Roosevelts, Wilson, Lincoln, and Washington.

Interestingly, however, the ideologically conservative "true believers" who allege that Reagan was merely a popular messenger for an irresistible movement will not be overjoyed with the book. D'Souza paints Reagan as a unique individual, the likes of which are unlikely to return. Though Reagan articulated the principals of the ascending conservative movement, he was flexible rather than rigid, and his sunny personality lent itself to compromise on everything except his hardcore principals. This enabled Reagan to overcome popular reluctance to accept his conservative agenda.

D'Souza describes an apparently simple, but actually a flawed, complex, and contradictory man who accomplished his aims by concentrating on a few specifics that were fundamental to his beliefs. To this reviewer, who was initially extremely skeptical of

Reagan's governing capability, let alone his electability to the presidency, but who has come to the happy realization that there really was something in the stars that brought forth this unlikely man to lead our country at such an important time in history, Ronald Reagan gets it exactly right.

IN COMMEMORATION OF THE 150TH ANNIVERSARY OF THE PENNSYLVANIA STATE UNIVERSITY

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 2004

Mr. MURTHA. Mr. Speaker, I would like to take this opportunity to congratulate the students, alumni, faculty and administration of The Pennsylvania State University, known more familiarly as Penn State, as the school turns 150 this year.

Established in 1855 as a land grant college, it began modestly as a one-building agriculture school in the center of Pennsylvania. Because there was not even a town there at the time, the town that grew up around the school eventually became incorporated as State College. In testimony to the grit and hardworking tradition of Pennsylvanians, Penn State grew quickly in size as well as academic stature among institutions of higher learning.

Penn State can be proud of its academic tradition. The university boasts a wide array of academic achievements in countless disciplines, from agriculture to engineering, from mathematics to meteorology, from the arts to applied research. Penn State is well-known and respected in national collegiate athletics for the strict academic standards it applies to its athletes. Penn State intercollegiate athletes graduate at a rate significantly above the national average. This sets a national example not only to other collegiate athletes but to college and high school students as well.

I am proud to join my Pennsylvania Colleagues in paying tribute to an institution that has so enriched Pennsylvania and our nation academically and culturally.

CONGRATULATING MRS. FRANCES HARRIETT COBB HART ON HER 75TH BIRTHDAY

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 2004

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, it is with great honor and pleasure I ask my colleagues to join me in congratulating Mrs. Frances Harriett Cobb Hart on her 75th Birthday. Mrs. Hart, a native Floridian, has given much of her life to serving her family, church, community, and nation. She is truly an exemplary American.

Born on June 28, 1929, Mrs. Hart was born to Charles Ernest Cobb and Mary Elliott Cobb. As the daughter of citrus growers, Mrs. Hart spent much of her early life becoming acquainted with Florida's rich agricultural tradition. Not limited simply to citrus farming, Mrs. Hart's family raised both cattle and horses in a rural community once known as Cobb's Landing.

After graduating from Wesleyan College in Macon, Georgia, Mrs. Hart married Methodist Pastor James Wynne Hart. Choosing to leave her Florida roots behind, Mr. and Mrs. Hart have spent much of their adult lives between the hills and mountains of East Tennessee and Western Carolina.

An extremely active woman, Mrs. Hart was an avid athlete in her youth, often partaking in such physically strenuous activities as the amateur rodeo. In her maturity, Mrs. Hart has spent much of her time as a church historian and artisan. Throughout her life Frances has been an active member of her community, both willingly and unselfishly serving those around her.

Mr. Speaker, as we celebrate Mrs. Frances Hart's birthday we also celebrate her legacy as a wife, mother, and community volunteer. For her endless contributions and uncompromising devotion to her family and community we are proud to honor Mrs. Frances Harriet Cobb Hart on her 75th birthday. Let us rise today to honor this great woman of strength, character, and moral standing.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2005

SPEECH OF

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 2004

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4614) making appropriations for energy and water development for the fiscal year ending September 30, 2005, and for other purposes:

Mrs. WILSON of New Mexico. Mr. Chairman, I rise to address serious problems with this bill and particularly with its Report, which cannot be fully remedied by the amendment I propose.

The problem is not so much with the bill, which we have before us, but with the directive report language that goes along with it.

As members, we rarely focus on report language and our vote in favor of the bill does not approve the report language. Usually, report language tracks the provisions of the bill. In the case of this appropriations measure, the report language goes far beyond the authority of the appropriations committee, directly contradicts recorded votes taken by this House, and is inconsistent with the FY05 Defense Authorization Act which the House has passed.

I will vote for this Bill, which in itself generally provides funds necessary for Department of Energy to execute its important responsibilities in scientific research, energy, and national security. In fact, I applaud its increase in research funding for the Office of Science.

But with my "yes" vote today, I also feel compelled to speak in favor of the majority in this House and put in the record our well documented objection to a number of directions to the Department of Energy in the accompanying Report.

The Report language seeks to undermine initiatives supported by recorded votes in the Defense Authorization bill for the past two years, supported by votes on the House floor for two years, and sustained in the other body for two years. These initiatives have been advocated by the House majority in a policy statement; have been supported and requested by the Department of Defense and the Defense Science Board; and have been a sustained part of this Administration's development of a strategic forces policy for the 21st century consistent with reducing our nuclear forces to the lowest levels possible.

Mr. Chairman, we all know that Committee Staff sometimes overreach in reports, and I would bet a dozen Krispy Kreme Donuts that fewer than half a dozen members of this House are even aware of what has been included in the report accompanying this bill in very prescriptive terms. But this report seeks to give legitimacy to policy positions directly contravened by recorded votes in this House and we cannot allow there to be any confusion about where we stand.

The Bill appropriates $6,514,424,000 for Weapon Activities. The Report seeks to give the appearance that the House has limited funding for the Robust Nuclear Earth Penetrator. But we have not. We will vote today to spend those funds and we voted in the FY05 Authorization bill on May 20th of this year to authorize $6,577,953,000, including $27.6M for the Robust Nuclear Earth Penetrator study, approving that bill by a vote of 391–34. An amendment to explicitly remove authorization for this study failed on that same day by a vote of 214–204.

The Report seeks to give the appearance that we would like to restrict Laboratory Directed Research and Development at Department of Energy Laboratories. But we have not. We will vote today to fund out laboratories. Only the House Armed Services Committee can pass legislation to limit the LDRD program. On May 20 we passed the FY05 Defense Authorization Act that continued the previously authorized LDRD program at our laboratories.

After September 11, 2001, we were grateful that those Laboratories had been doing this kind of exploratory research under the LDRD program. The fact they have done so has helped secure our homeland and aid our troops in the field. To chill such research would be unwise.

Further, the Report would have you believe that we are voting to restructure the future LDRD program. But we have not. This bill does not change the LDRD program in any way.

Further, the Report language would have you believe that we are voting to have the NNSA focus solely on its missions of life extension of the existing stockpile and the current stockpile stewardship program. But we are not. The bill does nothing of the sort. In fact, if we were to pay any attention to the report language, we would be threatening those priorities. The Report suggests that we make major reductions in one Life Extension Program unsupported by an assessment of the impact and risks this would imply. It would also require a higher priority for dismantlement activities in a way that will likely come at the expense of meeting current Life Extension milestones for the Department of Defense. It would make significant reductions to numerous areas of the stockpile stewardship program that were designed by the NNSA to address technical needs to assess with adequately small uncertainty the safety, reliability, and performance of our weapons without nuclear tests.

None of this makes any sense and the report language would not stand up to any serious review by elected Members of Congress.

The Report suggests that by voting for this bill we are changing the way NNSA operates with other entities within the DOE. But it does not. The report suggests that we are adding a burdensome procedure for approval of NNSA activities at the request of, other elements of the DOE, and would hold hostage numerous unique activities of the NNSA labs within these energy and science programs.

The Report would suggest that we are approving a review of future requirements for the weapons complex development plan, to be conducted only by people with no experience in doing that work. That would be silly and the bill includes no such thing.

The reason we cannot vote to amend report language under the rules of the House is because report language is not law and does not have the authority of law. The law we are voting on is in the bill before us. In most cases, report language explains and supports the bill.

In this case, those writing the report went far beyond any reasonable authority as staff members and I think we need to make it clear that the measures included in the Report are inconsistent with statute, inconsistent with the FY05 Defense Authorization Act, inconsistent with recorded votes taken by this House and have no force or authority whatsoever. An error of this magnitude must be jettisoned in the conference committee so that agencies affected are not confused by the mixed messages sent here.

Mr. Chairman, the problems in this Report are many. I felt it important to clarify for the record that members of the House are approving the text of the Bill. We do not approve of the Report language, which is replete with practical problems and inconsistent with the law.

VETERANS OF FOREIGN WARS #2055 RECOGNITION

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 2004

Mr. SHIMKUS. Mr. Speaker, I rise today to pay special tribute to the Ladies Auxiliary of the Veterans of Foreign Wars Post #2055. Every year the third weekend in September is set aside as National Prisoners of War and Missing in Action Day. For the last six years, the Ladies Auxiliary of VFW Post #2055 has honored the 196 soldiers from Illinois that are considered to be a prisoner of war or missing in action. I join the Ladies Auxiliary in honoring these brave individuals.

As well, I commend the auxiliary for their efforts to honor these men and their families. May God bless not only these 196 that will be honored by VFW Post #2055 but also those serving today. May God continue to bless America.

ENCOURAGING CONGRESS TO CONTINUE TO FUND INTERNATIONAL CREDIT UNION DEVELOPMENT PROJECTS

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 2004

Ms. KAPTUR. Mr. Speaker, more than 85 million Americans are familiar with the benefits offered by credit unions of a safe place to save, a place to get a good deal on a consumer or home mortgage loan and solid advice on how to manage their families' financial affairs. However, not everyone in the world has the same advantage of being able to choose to save and borrow at a credit union as we do here in the U.S. The World Council of Credit Unions is working on USAID-funded projects on six continents to develop and strengthen credit unions in ten countries. Current development projects have already resulted in nearly three million credit union members who have saved $1.6 billion and received affordable loans up to $1.3 billion in a number of developing countries such as the Philippines, Romania, Ecuador, Guatemala, Poland, Uganda, Rwanda, Uzbekistan and Mexico.

I met recently with representatives from Mexico's two largest credit unions, Caja Popular Mexicana and Caja Libertad, men who spoke with me about how the World Council of Credit Unions, with funds from USAID and U.S. credit unions, has helped more than a million of Mexico's poorest citizens through access to the benefits of credit unions.

The World Council of Credit Unions, as part of the credit union system that includes the Credit Union National Association (CUNA) in the U.S. and its affiliated state credit union leagues, is working in partnership to close the gap between people of the world that "have more" with those who "have less." Today, 1.1 billion people on the planet "have more" and 5.2 billion "have less." By 2050, projections indicate that while the "have more" number will remain constant, those "having less" will rise to 7.8 billion people. This widening gap represents a security risk to the U.S. Credit unions can help alleviate this crisis.

The World Council of Credit Unions' Caja Popular Mexicana project is a $3.5 million four-year project funded by USAID's Office of Microenterprise Development. Since the project began in late 2001, membership in Caja Popular Mexicana has increased by more than 60 percent and loan delinquency decreased by nearly 70 percent, enabling more of Mexico's citizens to access the services of a safer credit union. The World Council of Credit Unions provides Caja Libertad in-house technical assistance to support the credit union's efforts to strengthen its operations, increase its outreach and better compete in the evolving Mexican financial market. Last year, Caja Libertad opened four rural microfinance branches to serve very poor women and strengthened its financial structure with increased provisions for delinquent loans.

Both of these credit unions are involved with the International Remittance Network (IRnet), an international remittance product developed by the World Council of Credit Unions. Caja Popular Mexicana began distributing remittances in August 2003 on a pilot basis and increased distribution to three hundred branches by November of last year. As of May 2004, more than fifteen thousand remittances totaling $6.6 million were distributed. The overwhelming majority of receivers are women, and most receivers are credit union members. Non-members are encouraged to consider taking advantage of the benefits of membership, and are joining at a rate of 5 percent per month. Caja Libertad is on target to begin distributing remittances through IRnet later this year.

Through IRnet, money is sent safely and affordably to friends and family members who use the remittances to pay for food, housing, education, to start new businesses and to save for the future. It is this last part that makes receiving international remittances at a safe and sound credit union so important. Receivers can safely and easily deposit a portion of the remittances into their credit union accounts. A new product being launched by one of these Mexican credit unions will mean a consistent remittance history is even basis for loan approval. Remittance distribution, through credit unions, is enabling the Mexican people to improve their financial standing exponentially.

I congratulate Caja Popular Mexicana and Caja Libertad for their successes in becoming safer credit unions reaching out to more of Mexico's poorest people, and thank them for traveling to the U.S. to share with my colleagues and me the importance of U.S. support of their projects. I encourage Congress, through USAID and other avenues, to continue to fund international credit union development projects that promote the credit union ideal of "people helping people to help themselves," and encourage the World Council of Credit Unions to continue its important work of making credit union membership available throughout the world, especially to those in underdeveloped countries.

THE DEDICATION OF UNION CHURCH IN BERRIEN TOWNSHIP

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 2004

Mr. UPTON. Mr. Speaker, I rise today to honor the dedication of Union Church in Berrien Township, as a Michigan Historical Marker. This celebrated Church has stood and continues to stand as a symbol of faith, hope, and reverence. It is vitally important to preserve our nation's sense of history and ideals, and this marker will certainly maintain both for many years to come.

On July 4, 2004, one hundred and forty-six years after its construction, Union Church's long and illustrious history was honored as a Michigan Historical Marker. I am very pleased that the communities of Southwest Michigan and Berrien Township in particular, were able to come together for this wonderful occasion and historic achievement.

Because of the dedication of individuals within the Union Church Historical Preservation Society, Southwest Michigan and our country continue to be great places to live, work, and worship.

DELAWARE RIVER MAIN CHANNEL DREDGING

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 2004

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise today to set the record straight on the issue of dredging in the Delaware River Main Channel. I fear that some of my colleagues have been misinformed as to the economic and environmental impacts of dredging in the Delaware River.

Mr. Speaker, Delaware River's regional ports handle approximately 58 million tons of cargo yearly. More than 54,000 jobs in the region are dependent upon the Port of Philadelphia alone. The ports in my district bring $3.5 billion into the regional economy, creating $1 billion in wages, and contributing $486 million in state and local revenues. Those effects are not just felt in my district, or in the City of Philadelphia, or even just in Pennsylvania. They are felt in suburban Philadelphia, and in our sister states, Delaware and New Jersey. This project is economically sound and a good use of the taxpayer's money. In February 2004, a supplement to the Comprehensive Economic Reanalysis Report identified $24.2 million in annual benefits and $21 million in annual costs, yielding a net benefit of $1.15 for every $1 spent on the project.

Shipping is a volatile industry, which is increasingly moving toward larger ships. Today's container ships can be more than 1,000 feet long and require at least 45-foot channel depth.

Ports in the United States and throughout the world have undertaken projects to deepen their channels in order to accommodate larger vessels. In order to remain competitive with other ports across the Eastern seaboard, the Delaware River's Main Channel must be deepened.

And, this project is not simply about jobs and the competitiveness of my region's ports. The dredging of the Delaware River main channel is vital to the nation's energy needs and to our ability to wage the war on terror.

Mr. Speaker, the Department of Defense selected the Port of Philadelphia as a Strategic Seaport for the Northeast Corridor of the United States. Since that selection, material has been shipped from Philadelphia in support or our troops under fire. We must have a deep, clear channel in the event that larger vessels are required to meet DoD's needs.

Military logistics often rely heavily on commercial shipping and thus are impacted by industry trends toward larger vessel.

Three quarters of the East Coast's refinery capability is located in the Philadelphia region. Due to the Channel's shallow draft, oil tankers cannot reach the Port of Philadelphia and must off-load oil on to small ships through a process called "lightering." This is environmentally hazardous. Every time oil is off-loaded, there is a real risk of a spill. By deepening the Delaware, oil tankers will be able to sail straight to port, cutting the chance of a spill.

And when some raise the specter of environmental damage due to dredging, I must point out that Several series of tests were conducted using EPA testing procedures which mixed and stirred Delaware River sediment with Delaware River water to approximate dredging, and no toxic releases were found. New York EPA Region 2, and Philadelphia EPA Region 3, have both independently analyzed the river sediment and found the claims of toxic sediment false. Furthermore, both Pennsylvania and New Jersey Departments of Environmental Protection have evaluated the sediment to be dredged and also found it to be not toxic.

It is true that the dredged sediment from the existing Delaware River maintenance project has been placed at Tamaqua, PA, as one of my friends has stated on the floor of this House. However, it was placed there at the request of the Commonwealth of Pennsylvania in order to prevent pollutants from entering streams from existing, unused mines. Mine reclamation is the reduction of acid mine drainage, which is the number one cause of stream degradation in PA. Before being used, the material was tested and passed inspection by the Pennsylvania Department of Environmental Protections. And we are safely using this material even now in my district. The City of Philadelphia is using these so-called spoils to reclaim unusable wet lands at our old Navy Yard and for pier reclamation. And we'll take even more in the future. So, let's put to rest this false rumor about Philly sludge being dumped up state or in New Jersey. We're taking our fair share.

Mr. Speaker, the Delaware River deepening project is important for my constituents, for our region and for the entire nation. I trust that, when they examine the facts about it, every one of my colleagues will join me in supporting it.

PERSONAL EXPLANATION

HON. DENISE L. MAJETTE

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 2004

Ms. MAJETTE. Mr. Speaker, on July 6, 2004 I was not able to be here for two rollcall votes.

On rollcall No. 326 regarding H. Con. Res. 326, recognizing the 25th anniversary of the adoption of the Constitution of the Republic of the Marshall Islands and recognizing the Marshall Islands as a staunch ally of the United States, committed to principles of democracy and freedom for the Pacific region and throughout the world, I would have voted "yea."

On rollcall No. 327 regarding H. Con. Res. 257, expressing the sense of Congress that the President should posthumously award the Presidential Medal of Freedom to Harry W. Colmery, I would have voted "yea."

TRIBUTE TO SAXTON, PENNSYLVANIA AS IT CELEBRATES ITS 150TH BIRTHDAY

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 2004

Mr. SHUSTER. Mr. Speaker, I rise today to commemorate Saxton, Pennsylvania as it celebrates its 150th Birthday. As the largest community in the Broad Top Mountain region of South Central Pennsylvania, the town's emphasis on energy production has made it an instrumental factor in securing the scientific success of America.

In the last one hundred and fifty years industrialization has dictated the progression of this land. The vast opportunities for employment in coal mining, iron production, and railroad construction throughout the nineteenth century attracted an eclectic group of workers, who worked diligently to build the Huntingdon and Broad Top Mountain Railroad and the East Broad Top Mountain Railroad. Proving instrumental in transporting natural resources to keep the communities flourishing, the railroads served the area for one hundred years. Within the last fifty years, Saxton has displayed its versatility, making the transition from the old industries to a community reliant on tourism, logging and manufacturing.

Throughout its history, Saxton has continually been a critical asset to Pennsylvania. It not only contributed to the industrial advances that became vital to the region, but as the home of the Saxton Nuclear Experimental Corp., the town pioneered many experiments from which the people of the United States have profited.

Since its founding, the citizens of Saxton have remained loyal and committed to industry—the very roots upon which this community was founded. The rich history that has been told through the sweat and tears of Saxton's past inhabitants parallels the history of our nation. As you immerse yourselves in this celebration of Saxton's 150th Birthday, you are learning about the people and the events that formed the very foundation of the United States of America.

Happy Birthday Saxton, and best wishes for many more.

CONGRATULATING THE LIONS CLUB OF MAPLE SHADE, NEW JERSEY ON 60 YEARS OF SERVICE TO THEIR COMMUNITY

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 2004

Mr. ANDREWS. Mr. Speaker, it is my honor to rise today in recognition of the Lion's Club of Maple Shade, New Jersey as they celebrate 60 years of service to the township. This coming Sunday, July 10th, will mark the 60th anniversary of this great organization, which has become an important institution of community service in the local neighborhoods of Southern New Jersey.

The International Association of Lions Clubs is the largest service organization in the world with over 1.4 million members in more than 43,000 clubs covering 182 countries and geographic areas. Lions Clubs are not social clubs, although there are social benefits to membership. Rather, Lions Club members give their time, skills and resources to raise funds for charitable giving both in their communities and internationally.

The first organized meeting of the Maple Shade Lions Club was held in the Congregational Church on April 18, 1944. Arthur N. Cutler acted as temporary Chairman of the meeting and was later elected as the first President of the Maple Shade Lions. Since its inception, the Lion Club of Maple Shade has sponsored three clubs in New Jersey: Moorestown in April 1948, Burlington in February 1949, and Levittown (now Willingboro) in May 1959.

The Maple Shade Lions Club regularly donates money, services and needed items to organizations and projects such as the Decker Liver Transplant Fund, the Guide Dog Foundation, Camp Happiness, Camp Marcella, Recording for the Blind, Association of Blind Athletes, Lions Eye Research Foundation, Delaware Valley Eye Bank, Eye Institute of New Jersey, and the Juvenile Diabetes Foundation. In addition, they provide walkers, canes, and wheelchairs, as well as free eye exams and glasses for individuals in need. The Lions also donate funds to the Maple Shade youth sports leagues and the local Boy and Girl Scouts.

The Lions Club of Maple Shade has a simple motto: "We Serve." The individual members of the Lions Club pride themselves on the many contributions that they have made to their community, and the citizens of Maple Shade owe them a sincere debt of gratitude for their efforts. Mr. Speaker, I ask that you join me in congratulating the Lions Club of Maple Shade, New Jersey on their 60 years of loyal service, and expressing appreciation for their continued efforts.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, July 8, 2004 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 13

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine the proposed reauthorization of the Corporation for Public Broadcasting.

SR–253

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the Gramm-Leach-Bliley Act (P.L. 106–102), to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, and other financial service providers.

SD–538

Energy and Natural Resources

To hold hearings to examine the role of nuclear power in national energy policy.

SD–366

Judiciary

To hold hearings to examine Blakely v. Washington and the future of the federal sentencing guidelines.

SD–226

United States Senate Caucus on International Narcotics Control

To hold hearings to examine the abuse of anabolic steroids and their precursors by adolescent amateur athletes.

SD–215

11 a.m.

Conferees

Meeting of conferees on H.R. 3550, to authorize funds for Federal-aid highways, highway safety programs, and transit programs.

Room to be announced

2 p.m.

Judiciary

To hold hearings to examine section 211 of the Department of Commerce Appropriations Act, 1999, as included in the Omnibus Consolidated and Emergency Supplemental Appropriations Act 1999 (Public Law 105–227).

SD–226

2:30 p.m.

Foreign Relations

East Asian and Pacific Affairs Subcommittee

To hold hearings to examine human trafficking issues.

SD–419

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH–219

3 p.m.

Commerce, Science, and Transportation

To hold hearings to examine the nomination of David M. Stone, of Virginia, to be an Assistant Secretary of Homeland Security.

SR–253

JULY 14

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine home products fire safety issues.

SR–253

Foreign Relations

To hold hearings to examine balancing reform and counterterrorism in Pakistan.

SD–419

Rules and Administration

To hold an oversight hearing to examine the Federal Election Commission.

SR–301

10 a.m.

Indian Affairs

Business meeting to consider pending calendar business; to be followed by an oversight hearing on the implementation of the American Indian Religious Freedom Act of 1978.

Room to be announced

Judiciary

To hold hearings to examine the implications of drug importation.

SD–226

11:30 a.m.

Energy and Natural Resources

Business meeting to consider pending calendar business.

SD–366

2:30 p.m.

Foreign Relations

To hold hearings to examine U.S. policy toward Southeast Europe, focusing on the Balkans.

SD–419

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold hearings to examine S. 2317, to limit the royalty on soda ash, S. 2353, to reauthorize and amend the National Geologic Mapping Act of 1992, H.R. 1189, to increase the waiver requirement for certain local matching requirements for grants provided to American Samoa, Guam, the Virgin Islands, or the Commonwealth of the Northern Mariana Islands, and H.R. 2010, to protect the voting rights of members of the Armed Services in elections for the Delegate representing American Samoa in the United States House of Representatives.

SD–366

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings to examine adult stem cell research issues.

SR–253

JULY 15

9 a.m.

Foreign Relations

To hold hearings to examine a report on the latest round of six-way talks regarding nuclear weapons in North Korea.

SD–419

Governmental Affairs

Investigations Subcommittee

To hold hearings to examine current enforcement of key provisions in the Patriot Act combating money laundering and foreign corruption, using a single case study involving Riggs Bank, focusing on Riggs' anti-money laundering program, administration of accounts associated with senior foreign political figures and their family members, and interactions with its primary regulator, the Office of the Comptroller of the Currency.

SD–342

9:30 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings to examine the prevention of chronic disease through healthy lifestyles.
SD–192

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine regulation of the hedge fund industry.
SD–538

Health, Education, Labor, and Pensions
Children and Families Subcommittee
To hold hearings to examine Pell grants for primary education.
SD–430

Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings to examine implementation of the Nielsen local people meter TV rating system.
SR–253

2:30 p.m.
Energy and Natural Resources
National Parks Subcommittee
To hold hearings to examine S. 1852, to provide financial assistance for the rehabilitation of the Benjamin Franklin National Memorial in Philadelphia, Pennsylvania, and the development of an exhibit to commemorate the 300th anniversary of the birth of Benjamin Franklin, S. 2142, to authorize appropriations for the New Jersey Coastal Heritage Trail Route, S. 2181, to adjust the boundary of Rocky Mountain National Park in the State of Colorado, S. 2374, to provide for the conveyance of certain land to the United States and to revise the boundary of Chickasaw National Recreation Area, Oklahoma, S. 2397 and H.R. 3706, bills to adjust the boundary of the John Muir National Historic Site, S. 2432, to expand the boundaries of Wilson's Creek Battlefield National Park, S. 2567, to adjust the boundary of Redwood National Park in the State of California, and H.R. 1113, to authorize an exchange of land at Fort Frederica National Monument.
SD–366

Intelligence
To hold closed hearings to examine certain intelligence matters.
SH–219

JULY 20

10 a.m.
Health, Education, Labor, and Pensions
Substance Abuse and Mental Health Services Subcommittee
To hold hearings to examine performance and outcome measurement in substance abuse and mental health programs.
SD–430

2:30 p.m.
Banking, Housing, and Urban Affairs
To hold an oversight hearing to examine the Semi-Annual Monetary Policy Report of the Federal Reserve.
SH–216

JULY 21

9:30 a.m.
Foreign Relations
To hold hearings to examine combating multilateral development bank corruption, focusing on the U.S. Treasury's role and internal efforts.
SD–419

10 a.m.
Indian Affairs
To hold hearings to examine S. 519, to establish a Native American-owned financial entity to provide financial services to Indian tribes, Native American organizations, and Native Americans.
SR–485

2:30 p.m.
Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold hearings to examine S. 738, to designate certain public lands in Humboldt, Del Norte, Mendocino, Lake, Napa, and Yolo Counties in the State of California as wilderness, to designate certain segments of the Black Butte River in Mendocino County, California as a wild or scenic river, S. 1614, to designate a portion of White Salmon River as a component of the National Wild and Scenic Rivers System, S. 2221, to authorize the Secretary of Agriculture to sell or exchange certain National Forest System land in the State of Oregon, S. 2253, to permit young adults to perform projects to prevent fire and suppress fires, and provide disaster relief, on public land through a Healthy Forest Youth Conservation Corps, S. 2334, to designate certain National Forest System land in the Commonwealth of Puerto Rico as components of the National Wilderness Preservation System, and S. 2408, to adjust the boundaries of the Helena, Lolo, and Beaverhead-Deerlodge National Forests in the State of Montana.
SD–366

JULY 22

9 a.m.
Governmental Affairs
Investigations Subcommittee
To resume hearings to examine the extent to which consumers can purchase pharmaceuticals over the Internet without a medical prescription, the importation of pharmaceuticals into the United States, and whether the pharmaceuticals from foreign sources are counterfeit, expired, unsafe, or illegitimate, focusing on the extent to which U.S. consumers can purchase dangerous and often addictive controlled substances from Internet pharmacy websites and the procedures utilized by the Bureau of Customs and Border Protection, the Drug Enforcement Administration, the United States Postal Service, and the Food and Drug Administration, as well as the private sector to address these issues.
SD–342

SEPTEMBER 21

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of the American Legion.
345 CHOB

HOUSE OF REPRESENTATIVES—*Thursday, July 8, 2004*

The House met at 10 a.m.

The Reverend John M. O'Neill, Pastor, Our Lady of Good Counsel Catholic Church, Vienna, Virginia, offered the following prayer:

God our Father, praise and honor and glory and power forever. Praised be Your Holy Spirit.

Lord God, we come before You this day. Open our hearts and minds to Your words and Divine Will today and every day. Help us to learn Your desires for our lives. Encourage us, through the assistance of those here present, our representatives, to always follow Your lead and to avoid straying from Your compassionate love.

Guide us in our deliberations during this session of Congress and counsel us always to be Your faithful children.

We especially pray, Lord, that You guide the leaders of our Nation and extend Your loving protection to our men and women serving in our Armed Forces around the world, particularly in Afghanistan and Iraq. Grant us the peace which is the fruit of justice and charity, and may Your peace reign in our land and throughout the world. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. BURGESS) come forward and lead the House in the Pledge of Allegiance.

Mr. BURGESS led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

INTRODUCTION OF GUEST CHAPLAIN, FATHER JOHN M. O'NEILL

(Mr. TOM DAVIS of Virginia asked and was given permission to address the House for 1 minute.)

Mr. TOM DAVIS of Virginia. Mr. Speaker, I want to thank Father John O'Neill for joining us as guest chaplain and offering this morning's prayer.

Father O'Neill is the outgoing pastor of Our Lady of Good Counsel Catholic church in Vienna, Virginia, where he has served for the past 12 years. Father O'Neill received his undergraduate degree and master's degree in psychology from Catholic University of America in Washington, D.C. He completed his theological studies at de Sales School of Theology in Washington, D.C., and was ordained in June of 1973. Father O'Neill served as a guidance director/teacher at Bishop Ireton High School for 10 years and then served as the academic dean and teacher at Paul VI High School in Fairfax, Virginia, for 2 years.

Under his guidance as associate pastor and pastor, Our Lady of Good Counsel Catholic Church enriched the spiritual lives of its parishioners and the community around it.

Father O'Neill's contributions both in northern Virginia and throughout the Commonwealth have made him an invaluable spiritual leader for my constituents. As he moves on to his sabbatical in Rome, he will be dearly missed by all of us.

We thank him for offering today's prayer.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will receive 10 1-minute speeches on each side.

DO NOT IGNORE WESTERN SAHARA

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, the King of Morocco is in Washington to tout the newly signed U.S.-Morocco Free Trade Agreement. I am a free trader, but I have serious reservations about this plan.

Morocco today illegally occupies a country in West Africa known as Western Sahara. The King's government has promised people of Western Sahara, the Sahrawi, a vote to determine their own future. It has not happened, and it keeps delaying.

A decade after that promise, powerful friends help the Moroccan Government postpone this vote and consolidate control over the occupied territory. The Sahrawis are a peaceful, pro-Western and prodemocracy people. Despite living under an illegitimate colonial power, they have established a deep-rooted culture of democracy capable of supporting a viable state. They elect their own leaders, many of them women, provide education and equal rights to all of their citizens, men and women.

The only stability a sovereign democratic Western Sahara disrupts is a status quo defined by tyranny. We should keep that in mind when we vote on the trade agreement on the House floor.

TOBACCO FARMERS NEED THE PRESIDENT'S HELP

(Mr. ETHERIDGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ETHERIDGE. Mr. Speaker, I rise this morning to call on the President to get off the sidelines and support the tobacco buyout once and for all.

Mr. Speaker, across the country families are feeling the economic squeeze of higher prices for gasoline, food, and college, record job losses, and an uncertain future. In my State of North Carolina and in other rural areas, tobacco farm families are hurting because of the implosion of the Depression-era quota system. Farmers desperately need a tobacco buyout, which this House has passed, but the President continues to fail to support our farm families.

Yesterday the President flew to Raleigh to raise money for his campaign. Although he collected $25,000 per plate in campaign funds, he failed yet again to stand up for our tobacco farmers and support the buyout.

Let me state clearly: JOHN KERRY supports the tobacco buyout and rural America. JOHN EDWARDS supports the tobacco buyout and rural America. Democrats and Republicans alike in this House and the other body are working together to get it done.

We need leadership for a change from the President of the United States for our small towns and rural communities.

THE EDWARDS AND KERRY LIBERAL AGENDA IS OUT OF TOUCH WITH AMERICA

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, on Tuesday the most liberal Member of the Senate chose the fourth most liberal Member of the Senate to become his running mate for Presidency of the United States.

It is important for Americans to know the truth about JOHN EDWARDS'

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

liberal voting record that is out of touch with the mainstream values of America. JOHN EDWARDS voted twice against President Bush's tax relief that has lifted the economy and helped create 1.5 million new jobs since August. JOHN EDWARDS voted twice against the new prescription drug benefit added to Medicare that will help seniors live longer at reduced cost. JOHN EDWARDS has voted against banning partial birth abortions. JOHN EDWARDS has said he is against the Defense of Marriage Act. JOHN EDWARDS has voted to cut billions from our military. JOHN EDWARDS has also voted six times against President Bush's plan for the new Department of Homeland Security.

JOHN EDWARDS is the same as JOHN KERRY, a liberal Senator that does not represent the mainstream values of America.

In conclusion, may God bless our troops, and we will never forget September 11.

THE BUSH-CHENEY ADMINISTRATION

(Mr. EMANUEL asked and was given permission to address the House for 1 minute.)

Mr. EMANUEL. Mr. Speaker, some people like to make experience the issue for the Vice President of the United States of America.

Let me ask how much experience does it take to wave the banner "Mission Accomplished" and watch another 700 Americans lose their lives and not change their policy? How much experience does it take to watch 44 million Americans without health insurance and have no policy for universal care? How much experience does it take to watch college costs rise by 26 percent and not pass or have any legislation to alleviate the financial pain for middle-class families when it comes to afford college education for their children? How much experience does it take to watch $200 billion worth of retirement savings evaporate and not have a plan for retirement security? How much experience does it take to see household bankruptcies rise by over a third in this country and not have a plan to deal with household bankruptcy? How much experience does it take to watch health care costs rise by a third and not have a plan to deal with the uncontrollable health care inflation in this country?

I am not sure we can take this much experience from the Bush-Cheney administration for another 4 years.

THE TOYOTA PRIUS

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, Congress has been unable to pass an energy bill, an energy policy, that would allow us some measure of independence from foreign oil imports in this country. But a couple of weeks ago just before our break, we were treated to the exhibition of several cars that embrace the hybrid technology, the gas/electric technology, here on Capitol Hill. Many of us did not have the chance to get over and look at those.

But I just wanted to call attention to the 2004 Motor Trend Car of the Year, the Toyota Prius, and if I could quote from their article, that the Prius brilliantly, more than any other car, is a feature-packed and user-friendly gas/electric hybrid capable of delivering an astonishing 60 miles to the gallon in city driving. They go on to say that the all-new 2004 Prius is an altogether more compelling car than any other, that it is the first hybrid that any enthusiast could not only enjoy, but it provides a tantalizing preview of what the future of extreme fuel efficiency, ultralow emissions, and stirring performance where they will happily coexist in one package.

Mr. Speaker, this was truly a bipartisan technology. I understand that on the other side even the gentleman from California (Mr. HONDA) owns a Toyota.

ENRON

(Mr. DeFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DeFAZIO. Mr. Speaker, finally, finally Enron chief executive Kenneth Lay, or "Ken Boy" as the President affectionately called him, has been indicted and done the perp walk. He masterminded Enron, a corporation that built billions from millions in the Western United States while his employees gloated about sticking it to Grandma Milly. Every Oregonian is paying 40 percent more for their electricity because of manipulation of the market by Enron.

Now the President does not return Ken Boy's calls anymore despite his past generosity, but the President should do more. The President should return the $139,500 Ken Lay personally contributed to him, the $602,625 that Enron gave to President Bush. This is money stolen from Grandma Milly and other Western consumers, and the President should give it to a low-income energy assistance fund. It is tainted money. Let us put this chapter behind us, but let us have restitution, Mr. President.

SUPPORT AMENDMENT TO REDIRECT $20 MILLION FROM UNITED NATIONS

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute.)

Mr. SMITH of Michigan. Mr. Speaker, there is going to be a short time for debate this afternoon. I am introducing an amendment today to take $20 million from the U.N. and redirect it to come up to what the President requested for NIST, for research in technology and science.

And I would just suggest to my colleagues, Mr. Speaker, that after the fall of Iraq, information has come to light about the United Nations' Oil for Food program and some of the apparent corruption. Now there is an unwillingness of several countries, including the United Nations itself, to not release the kind of information that is going to help us solve this scandal. The U.N., according to the Wall Street Journal, has kept hundreds of millions of dollars of Oil for Food money that should have gone to the Iraqi people. Now the United States taxpayers are paying that.

I hope my colleagues will support my amendment today.

A NEW PRESIDENTIAL TICKET FOR A NEW AMERICA

(Ms. KILPATRICK asked and was given permission to address the House for 1 minute.)

Ms. KILPATRICK. Mr. Speaker, 3½ years ago when the Bush administration took over, our country had a $236 billion surplus. We also had created in the Clinton administration 22 million new jobs. Today we are in deficit. The deficit will be higher than it ever has been in the history of our country, nearly $500 billion. Today we are losing jobs to outsourcing. And what do the President's advisers say? Outsourcing is good.

President Bush was in Michigan yesterday. Did he talk about our economy, how we are going to save our jobs, how we are going to keep higher tuition from going up? A 26 percent increase in tuition. How are America's children going to learn and have the opportunities they must have?

Something is wrong with this ticket. We have a new ticket: Kerry-Edwards, a new America for new people, so children can prosper, so that our schools can be well, so that our health system can be back to what it ought to be.

I say to America, come on, get out. It is their turn, express their views. A new America for a new American family.

ATTORNEY GENERAL ASHCROFT AND HOMELAND SECURITY FUNDING

(Mr. SHAW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHAW. Mr. Speaker, I come to the floor today for the fifth time to speak in protest of the unfair allocation of Urban Area Security Initiative grants from the Department of Homeland Security. Broward and Palm

Beach Counties in my district have not received nearly enough, no, not nearly enough, of the funding they need to keep our families and our communities safe from terrorist threats.

Attorney General John Ashcroft issued a warning in south Florida on July 1 that the terrorists behind the deadly assaults on September 11 are between 75 and 90 percent complete with their plans for a major attack against the United States this year. Mr. Speaker, our region with its ports, airports and millions of visitors cannot be ruled out as a possible target or terrorist base of operation.

In my district we are very much aware of the area's vulnerability. We are at a high level of intensity in south Florida. Broward County and Palm Beach County must be designated as its own urban area so that we can receive the funding we need to enhance the security measures that will protect our families, our communities and critical infrastructure.

☐ 1015

The City of Miami cannot be trusted to allocate these funds.

FORCING KEN LAY AND FRIENDS TO REPAY STOLEN FUNDS

(Ms. WATSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WATSON. Mr. Speaker, today is the first good day that Grandma Millie has had in a long time. Disgraced former Enron chairman Ken Lay has surrendered to the authorities. This is an important milestone. Many Americans, including myself, worried that Lay's close ties to President Bush would permit him to go free. I am heartened that it appears those fears have been proven wrong.

But while Lay's arrest is an important step on the road to justice, justice will not be complete until the victims of Enron's crimes get back the money that Lay and his cronies stole from them. The full scale of Enron's greed is laid bare on recently released tapes, where Enron traders openly crow about stealing millions of dollars each day from Grandma Millie.

What a shame. My congressional district in Los Angeles is full of Grandma Millies, hard-working homeowners who pay their bills on time and in full. They deserve better than this.

I call upon all of us to join to force Ken Lay and his friends to repay the total amount of stolen money.

SUPPORTING SMALL BUSINESS WITH 7(a) LOANS

(Ms. BERKLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BERKLEY. Mr. Speaker, small businesses are the economic engine of this country. My home State of Nevada is considered one of the most business-friendly States in the Nation. In fact, Nevada has the fastest growing number of women-owned small businesses in the country.

The Bush administration talks about the importance of our small businesses, yet the President's budget eliminated funding for the SBA's 7(a) loan program. Our entrepreneurs depend on these loans as the only source of affordable, long-term financing for their small businesses.

Yesterday, the House voted to restore the funding for this program. That sent a clear message to this administration that we will not tolerate this attempt to jeopardize the strength of the small business community.

Yesterday's vote was a vote for small businesses in Nevada and throughout the United States that depend on the SBA's 7(a) loan program to live their dream of owning a business, expanding their existing business, and hiring new workers.

It is time for new leadership in the White House. We need a President that not only talks about the importance of our small businesses, but follows up those words with action to fight for our small business community.

VALUES

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, the administration likes to wrap itself in so-called middle-class values. Let us compare the rhetoric to the record.

This administration has gutted section 8 housing. America's most vulnerable citizens literally may be evicted from their homes as a result.

This administration has refused to extend unemployment benefits, even though the money is there to help America's economically disadvantaged.

This administration has rolled back environmental regulations, fouling the air we breathe and the water we drink.

This administration has lavished tax cuts on the rich, and crumbs on the middle-class.

This administration has underfunded education to such an extent that every child is left out, not just a few left behind.

This administration did such a good job of working with big drug companies that they were able to raise prices three times the rate of inflation before the prescription drug bill passed.

These are not middle-class values. Middle class values are common sense, common decency and the common good.

Middle-class values are going to return to the United States in 117 days.

Mr. Speaker, let the President know he ought to start packing. They are about to leave.

PRAISING SELECTION OF JOHN EDWARDS AS RUNNING MATE

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, I want to praise JOHN KERRY's selection of Senator JOHN EDWARDS as his running mate.

For more than 2 decades, Senator EDWARDS has been fighting on behalf of the little guy against America's large corporate interests. JOHN KERRY picked the perfect running mate to complete a ticket that brings hope to middle-class Americans that their needs will no longer be ignored at the White House.

Senator EDWARDS talks movingly and effectively about two Americas. Over the past 3 years, the bridge between them has grown dramatically, thanks to failed policies pushed by the Bush administration that benefit only the privileged few. I am confident the Kerry/Edwards ticket will energize Americans to demand a change of course and support a new vision for America.

PROVIDING FOR CONSIDERATION OF H.R. 3598, MANUFACTURING TECHNOLOGY COMPETITIVENESS ACT OF 2004

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 706 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 706

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3598) to establish an interagency committee to coordinate Federal manufacturing research and development efforts in manufacturing, strengthen existing programs to assist manufacturing innovation and education, and expand outreach programs for small and medium-sized manufacturers, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Science. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Science now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. BASS). The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 1 hour.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. LINCOLN DIAZ-BALART of Florida asked and was given permission to revise and extend his remarks.)

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, House Resolution 706 is a structured rule that provides for the consideration of H.R. 3598, the Manufacturing Technology Competitiveness Act of 2004. The rule provides 1 hour of general debate, evenly divided and controlled by the chairman and ranking minority member of the Committee on Science. The rule also provides a motion to recommit, with or without instructions.

This is a fair rule, one that provides for a coherent bill. The underlying legislation is the realized result of extensive discussions on a bipartisan level. It is very important that this legislation move forward and that it be sent to the President's desk in an effort to support and assist our small and medium businesses, especially in the manufacturing sectors.

H.R. 3598 reauthorizes the Manufacturing Extension Partnership, MEP, which continues to be a resounding success. The MEP is a network of not-for-profit centers that assist businesses in their daily operations. From plant management to technical assistance, the MEP continues to strengthen our manufacturers through hands-on assistance.

It only takes a cursory look at a survey in 2003 on MEP's success to realize the benefits. As a result of MEP's help over that year, companies created or retained over 35,000 jobs and invested nearly $1 billion in new technology, equipment and training. During that same period, sales for small and medium MEP-assisted companies rose by $1 billion.

Boasting a long list of success stories, this program received $106 million in the House version of the Commerce, Justice, State, Judiciary appropriations bill which is expected to pass the House later today.

The legislation expands on previous achievement by authorizing a new Collaborative Manufacturing Research Grants program at $40 million in fiscal year 2005. The additional funding will allow manufacturing and small business to focus on the new challenges that face their economic livelihood. As a result of the new grants, manufacturing companies will be able to join with groups such as not-for-profit organizations, research groups and universities to focus on technology changes. All of this research will be used to accelerate industry technology and continue strong viability.

Of the many important small business manufacturers that use these important grants, Hialeah Metal Spinning in my congressional district stands out to me. I meet frequently with Karla Aaron, the president and owner of Hialeah Metal Spinning, regarding important manufacturing issues in south Florida. Ms. Aaron has served on various local, professional and national boards, including the Board of Directors for the National Association of Manufacturers. This incredible company over which she presides, with only 14 employees, is one of the leading manufacturers of precision metal-formed parts.

Hialeah Metal Spinning could not be as successful without MEP assistance. These grants are used to move forward important employee training in a successful effort to stay on the leading edge of manufacturing technology. I was surprised to learn that these grants only pay part of select training sessions, which may range up to $150 per hour. However, constant training is essential to the manufacturing business, and the MEP assistance is extremely important.

Mr. Speaker, this is a good bill that helps all of our local manufacturers. We bring it forward under a fair rule to the floor.

I would like to thank the gentleman from New York (Chairman BOEHLERT) and the gentleman from Michigan (Mr. EHLERS) for their leadership on this important issue. I urge all of my colleagues to support both the rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Florida for yielding me the customary 30 minutes.

Mr. Speaker, historically, manufacturing has been a major generator of good, high-skilled, well-paid jobs and remains a staple of local and State economies throughout the Nation. But manufacturing jobs are disappearing.

From January 2001 to January 2004, the United States lost 2.5 million manufacturing jobs. Manufacturing's decline and the shipping of manufacturing jobs to other countries threaten the livelihood of millions of America's working families.

In western New York, I have seen firsthand the devastation that occurs when communities lose their manufacturing base. Across my district, from Rochester to Buffalo, tens of thousands of high-paying manufacturing jobs have vanished and are vanishing in just the last few years, as companies have been driven out of business by cheaper foreign imports or have outsourced jobs abroad for cheaper labor. Buildings once home to booming businesses and factories now stand abandoned. In western New York and across the country, people are outraged; and they want their Congress to do something.

One small way the Federal Government can help is through the Manufacturing Extension Program. MEPs around the Nation work with small and medium-sized manufacturing businesses to utilize technology so that the companies improve and grow. Experts help train manufacturing employees, adopt better business practices, and take advantage of new technology.

For every Federal dollar spent on MEPs, the client manufacturing companies have benefited more than $8. That is, every $1 benefits by $8. In New York State, over 1,000 manufacturers have benefited from MEPs. In western New York alone, almost 6,000 small manufacturers have been helped.

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Just recently, High Tech Rochester, an MEP provider, joined forces with the New York State Research and Development Authority, the Greater Rochester Enterprise, and the Rochester Institute of Technology in a collaborative effort focused on identifying, incubating, and creating renewable energy companies in western New York. These public-private partnerships are the key to revitalizing our economy and creating good manufacturing jobs.

Inexplicably, the Bush administration wanted to end the MEP program last year. As the economy hemorrhaged jobs, the administration proposed to slash this program that works by 60 percent for fiscal year 2004, threatening as many as 40 MEP centers across the country. I was proud to join my colleague, the gentleman from New York (Mr. QUINN), to protest these ruinous cuts.

Reauthorizing the MEP program is one thing that we can do, but we should be doing more. Congress could require the Secretary of Commerce to develop a revitalization program for the electronic component sector. Such a plan would evaluate the potential impact on the domestic electronic component sector if all America's new weapons and security equipment purchased by the Departments of Defense and Homeland Security contain domestically manufactured electronic components like computer chips. This could bring new life into this manufacturing sector, resulting in good, new jobs for hard-working Americans.

I offered an amendment in the Committee on Rules to require the Commerce Secretary to develop a revitalization plan, but the Committee on Rules refused to allow it. I also offered an amendment expressing the sense of the Congress that the Federal Government can be a partner not only in research and development of new products, but also revitalization of key sectors of domestic manufacturing. The Federal Government can take proactive steps to help revive the domestic electronics component sector by adopting Federal procurement policies that promote or require the use of domestic-made goods. The Committee on Rules also refused to make this amendment in order.

The changes in our Federal procurement policies could reignite the lagging high-tech sector. Why in the world do we not want to do that? Why are we stopping here with very little, albeit important measures? The ripple effect of such policies would be enormous and would help domestic manufacturers to compete with foreign manufacturers in private sector activities. Such an initiative could create jobs in the manufacturing sector.

Mr. Speaker, it is a truth that for most workers in America who have lost good-paying jobs, the second job not only pays less salary, but fewer or no benefits. Consequently, the standard of living is falling in the United States. It is high time that the Congress began to debate that and have a better understanding of what we, the Congress, can do.

Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. BOEHLERT), the distinguished chairman of the Committee on Science.

Mr. BOEHLERT. Mr. Speaker, I rise in support of this rule. It is a fair rule that will enable consideration of all of the amendments that are directly related to this bill.

The stated goal of every Member of this body is to try to help smaller manufacturers compete, and H.R. 3598 is designed to do just that. But H.R. 3598 will only result in real assistance to manufacturers if it gets signed into law. We want something more than press releases. We want something more than the satisfaction derived from doing something worthy in the House only to have it die elsewhere. We want this signed into law. This is a good bill that can get signed into law.

So what we asked the Committee on Rules to do was to craft a rule that would allow debate on all filed amendments directly related to the bill, and I emphasize that: filed amendments directly related to the bill; but only on those amendments, and that is what the Committee on Rules did. It rejected amendments from both Democrats and Republicans that were not directly related to authorizing manufacturing R&D programs run by the National Institute of Standards and Technology. Now, that seems like a reasonable approach.

We can save for another day, and I am sure that day will come, general debates about outsourcing or specific debates about programs that do not focus exclusively on manufacturing, like the Advanced Technology Program. Indeed, any Member truly interested in funding ATP could have offered an amendment to the Commerce, Justice, and State, the Judiciary, and Related Agencies appropriations bill that we have been discussing on the floor this week. So this rule is not cutting off any House debate on broader issues that may impinge on manufacturing. There are other vehicles for that debate. The rule simply says that this important bill should not be encumbered by those debates.

I should add that we had very extensive debate on H.R. 3598 in committee. We seriously considered numerous amendments from the other side of the aisle, and we accepted one amendment as offered and two others in modified form. This bill already reflects an animated, but open-minded discussion. This bill has the fingerprints of Republicans and Democrats alike all over it.

Also, as my colleague, the distinguished gentleman from Tennessee (Mr. GORDON), graciously pointed out at the Committee on Rules yesterday, no one thinks that this is not a good bill. It is a good bill that is needed to ensure the continued health of the Manufacturing Extension Partnership program. We all ought to be doing everything we can to move it swiftly through this House in a form in which it can move through the other body and be signed by the President. This rule will ensure that nothing extraneous can hold up our aid to our manufacturers. That is our number one objective: aiding our manufacturers, while allowing full and open debate on matters within the borders of the bill.

Mr. Speaker, I urge adoption of the rule and of H.R. 3598.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Tennessee (Mr. GORDON).

Mr. GORDON. Mr. Speaker, as I listened to my friend, the gentleman from Florida, present the Committee on Rules majority view on the MEP program, it just reconfirmed my belief in epiphany.

Let me remind my colleagues that the MEP program was a bill and a program that the President of the United States, President Bush, has tried to kill for the last 3 years, that the House appropriators and the majority last year produced no funding for. So we are making progress today. And I am glad to hear, as I say, my friend present the view of the Committee on Rules, and I hope it is the view of the majority of this Congress, that the MEP program is important. And then I listened to my friend who is the chairman of the committee, who does know that the MEP is good, and he has fought for it over the years, say, well, even though there are some other things that we might be able to do to help unemployment, let us wait. Let us not mess up this bill.

Mr. Speaker, I am not prepared to tell those 2 million Americans who have lost their jobs over the last 3 years to wait a little longer, to wait, and maybe we will get to some more progress later. I just do not think we can do that.

For that reason, Mr. Speaker, I rise in opposition to House Resolution 706, the rule for consideration of H.R. 3598, the Manufacturing Technological Competitiveness Act. This rule does not allow for consideration of many excellent Democratic amendments that would improve this bill.

For example, the gentleman from Illinois (Mr. COSTELLO) offered an amendment in committee that would have required data collection, study, and policy responses to offshoring of American jobs. We need to understand how these trends are affecting our manufacturing and professional workforce. It is hard to imagine a more needed or a more nonpartisan provision that could help us work together in addressing the challenges of American manufacturing. How in the world can we be addressing a bill that deals with manufacturing and not think about offshoring, and not at least say, can we have a study to see what are the problems and how can we correct that? How in the world in common sense could we not be dealing with that kind of an amendment today?

The gentleman from Colorado (Mr. UDALL) offered an amendment in committee that would have improved the training of manufacturing technicians at our community colleges. We clearly need to be doing more to address technical training in an increasingly competitive international marketplace. How in the world can we be dealing with a manufacturing bill and not talk about how we can make our workers more productive?

The gentleman from California (Mr. HONDA) offered an amendment in committee that would have funded the Advanced Technological Program at the Department of Commerce at current levels; asking for no additional funds, just let us keep this important program going. The ATP program should be an increasingly important factor in providing needed resources for the entrepreneurs who will create jobs and industries in the future in America. This is not a wish. We know ATP works. It has worked. It has created thousands of jobs all across this country. And there were a number of other worthy amendments that were not made in order as well.

So, Mr. Speaker, during the past 4 years, perhaps nothing has dominated the economic news more than the loss of manufacturing jobs and our manufacturing base. Each new report on job creation and job losses on offshoring and on our growing trade imbalance stimulates lots of hand-wringing and partisan sniping, but the reality is that Congress has done little to directly assist our manufacturing sector, especially our small and medium-sized manufacturing base.

H.R. 3598 provides us with the opportunity to show what Congress can do. The rule for this bill should have provided every Member of this body with the opportunity to offer his or her ideas on dealing with the manufacturing crisis. Surely to goodness we need more ideas, not less ideas, on how to keep jobs here in America. Instead, the rule before us today limits both the amendments that can be offered and the debate time that they can be afforded. It is as if the majority wants to make sure that this bill gets as little public attention as possible. This is not the way one of the most important issues of the day should be handled in this House.

Again, Mr. Speaker, we need more ideas on how to create jobs in this country, how to stop offshoring, not less ideas. For that reason, I encourage a no vote on this rule so that we can come back with an open rule that will allow us to bring all of the ideas to help get America back to work.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Michigan (Mr. EHLERS), a leader in this Congress who has consistently been working for improvement of technologies and in effect for strengthening the economy of the United States.

Mr. EHLERS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise today in strong support of the rule to bring up H.R. 3598, my bill on manufacturing technology competitiveness. I believe this rule is fair and balanced.

The main goal of H.R. 3598 is to authorize manufacturing programs at the National Institute of Standards and Technology that help small and medium-sized manufacturers innovate so they can remain competitive in the global marketplace. One of these programs is the highly successful Manufacturing Extension Partnership program.

This program has roughly 60 centers and 400 satellite offices throughout the country. These centers provide small manufacturers with tools and assistance to increase productivity and efficiency. They do many things, and for one, they try to bring ideas from the laboratory down to the manufacturing floor. Another example, they might help to redesign a factory floor or help to train workers on how to use the latest technology or equipment. The net impact of these centers has been very beneficial on small to medium-sized businesses and is strongly supported by them as well as the National Association of Manufacturers.

The legislation also creates a collaborative grant pilot program to support research partnerships between academia, industry, nonprofits, and other entities to develop innovative technologies and solutions to scientific problems in manufacturing.

To truly help the manufacturers, we must have a bill that can be passed into law. Therefore, I want to keep this legislation focused on these specific programs that have strong bipartisan support. However, others have wanted to add extraneous provisions that, while well intentioned, take away from the focus of the bill. This is why I may oppose some of the amendments made in order, because I believe they will detract from the bill.

This rule largely helps ensure that the debate will remain on the manufacturing programs at NIST. I think that is fair and is in the best interests of our manufacturing community. I urge my colleagues to support this fair and balanced rule.

I would like to take a few minutes to respond to the ranking member of the Committee on Science for his statements a few minutes ago. I have no question that his intentions and the intentions of his colleagues are good. They are genuinely concerned about manufacturing and manufacturing jobs, just as I am. My concern is that it has taken considerable effort to negotiate this bill. They mentioned that several attempts have been made to kill the MEP program. I believe this bill now fully supports that program, and as written will also receive the support of the administration. I urge my colleague to support the rule and the bill.

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I have no difficulty with the ATP program. I think that is something that also has to be revised and resurrected, and I will be working in the future to do precisely that. So I want to assure my colleagues that we are in accord on basic ideas, but we have a lot of work to do before we can proceed with the additional activities that they recommend. And I am certainly willing to help them and work with them as we try to do that in the future.

With that, I conclude by once again urging my colleagues to support this fair and balanced rule, and we hope they will also support the bill and bring it into effect.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois (Mr. COSTELLO).

Mr. COSTELLO. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I rise in opposition to the rule on H.R. 3598, the Manufacturing Technology Competitiveness Act.

The Committee on Rules blocked consideration of several amendments offered by my colleagues on the House Committee on Science to this bill. This body should have the right to discuss and to debate every amendment offered, not only by the members of the Committee on Science but Members of this body.

One of the amendments that was blocked yesterday by the Committee on Rules was an amendment that I offered which would have required the Under Secretary of Commerce for Technology to do a study on the effects that offshoring manufacturing and professional positions is having and will have on the U.S. economy both now and in the future.

Every day more Americans watch their jobs being shipped overseas. Jobs are disappearing from every sector of the economy, from engineering to health care workers, forcing hundreds of thousands of families into unemployment and low-paying jobs.

Since 2000, we have lost 2.7 million manufacturing jobs, of which 500,000 jobs were in high-tech industries such as telecommunications and electronics. Since 2000, 632,000 jobs have disappeared in high-tech service industries. In 48 of the 50 States, jobs in higher-paying industries have been replaced with jobs in lower-paying industries since November of 2001. Between 2000 and 2003, the number of unemployed college graduates grew at a rate of almost 300 percent compared to 155 percent for workers with a high school degree or lower.

A March survey of 216 CFOs found that 27 percent plan to send more workers offshore in the coming year. Twenty-seven percent of 216 CFOs said that they intended to send more jobs offshore this year.

We currently are unable to assess the short- and long-term effects of the problem because we do not have sufficient or accurate data on the problem.

As I testified yesterday before the Committee on Rules, I pointed to the fact that the Wall Street Journal, The Washington Post, and Business Week all have had recent articles pointing to the fact that we lack the data to determine the effects of outsourcing.

Some would have us believe that outsourcing is good for our economy. Others would say that it is negative, and they have drawn their conclusion based upon insufficient data. Mr. Speaker, I intend to offer a motion to recommit, instructing the Committee on Science to report the bill back to the House with a provision requiring the Commerce Department to complete a study on the effects that outsourcing is having and how we can address this issue both in the short and long term.

The administration, the Congress, and the American people deserve to know the facts so that we can work to make business more competitive and create better-paying jobs here at home. Mr. Speaker, I cannot understand why the majority, both on the Committee on Science, in the Committee on Rules, and the majority on the floor that will be voting on this legislation either today or tomorrow would not want additional information concerning the problem of outsourcing.

We simply are saying give us an independent study, assess the problem, tell us where these jobs are going and why they are going offshore, and also what effects it not only is having on our economy today and the future but also on young people who are trying to determine right now what fields to enter in and major in in college. Where are their jobs going to be tomorrow? Where will they be 10 years down the road?

So, Mr. Speaker, I would ask my colleagues to vote "no" on the rule so that we can have an open debate on outsourcing and the other amendments that Members choose to offer.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume to make sure any colleagues who are actually listening to the debate realize what we are talking about. The bill we are bringing to the floor extends the Manufacturing Extension Partnership, the MEP, which is a very important program that helps small business stay competitive, which trains workers who are employed by small businesses to retain their competitiveness and increase, obviously, their skills in new technologies. It is a very important program, and that is what we are bringing to the floor today.

A lot of things can be said, and some of them are even true, about macroeconomics and the reality of the world we live in. But what we are bringing forward to the floor today is a bill that extends an important program, and this MEP program is important to small businesses, especially to the manufacturing sector in this country. That is what we are bringing forward.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished ranking member, who I have just promoted, but, in any event, the leader of the Committee on Rules, for yielding me this time.

I start out that way because I hope someone is listening to this debate. I believe it is important to add clarification to my good friend from Florida and to be able to tell the American people and our colleagues what we are really talking about. I wish it were as simple and as sedate as he has so effectively made it seem, but that is not what we are speaking about, Mr. Speaker.

Frankly, we are talking about a very small and narrow representation by our good friends in the majority to answer an enormous and devastating problem that Americans are facing every single day, and that is the loss of manufacturing jobs and the toppling of America as a major economic force, as a singular economic force in this world. We are talking about an R&D bill when we should be talking about retooling the manufacturing infrastructure of America.

The reason why we should be doing that is because we have lost over 3 million jobs, and are continuing to do so. We gained only 112,000 jobs in the last month, when we need 150,000 to barely keep up.

This rule does not do what we asked our colleagues to do in the Committee on Rules, which was to create an open rule so that together, in a bipartisan way, we could focus on creating manufacturing jobs in America. Our distinguished colleague, the gentlewoman from New York (Ms. SLAUGHTER), talked about "buy America," ensuring that industries here, American-based industries, stay here; and not selfishly denying our international posture, but making sure we make jobs and keep jobs in America.

Why would we not have the Costello amendment that simply asks a question about outsourcing, which is the major burnout of manufacturing jobs in America? The fact that we are outsourcing, along with other type of necessary skills gives us a gaping hole in the creation of jobs in America. Why would we not want to have education and training, when we have thousands upon thousands of college students coming out of school and possibly not being skilled in the necessary skills of jobs of today? Why would we not suggest that that helps to create a better trained population?

The Advanced Technology Program has helped us generate increased and cutting-edge technology. Why we would not want to have that amendment to really have a vigorous debate on creating manufacturing jobs, I just do not know.

I am offering an amendment to ensure that the MEP centers are not stopped and closed, and I would hope my colleagues would support those amendments that would increase the opportunity for the MEP centers to be in place.

Mr. Speaker, what I wanted today was a vigorous discussion on creating manufacturing jobs and keeping them in America. I am sad to say we have not reached that point with this rule. I hope my colleagues will see fit to not support a rule so that we can have an open rule and do what we are asked to do, bring jobs back to America.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado (Mr. UDALL).

Mr. UDALL of Colorado. Mr. Speaker, I thank the distinguished leader of the Committee on Rules for yielding me this time, and I rise in opposition to this rule. It makes in order only three of the 10 Democratic amendments offered.

The essence of the bill, as well as many of the amendments offered at the Committee on Rules, were derived from legislation I introduced last year, the American Manufacturing Works Act, a bill that the gentleman from Michigan (Mr. EHLERS) cosponsored before introducing his own bill 4 months later.

It is said that imitation is the sincerest form of flattery, so I must say that I am flattered that so much of the bill we are considering today originated from my bill and from Democratic efforts. But the imitation and flattery stopped during the committee markup, during which it was made clear that amendments not acceptable to the administration would not be viewed favorably. This is despite the fact that the amendments being offered made good policy sense and were endorsed, in many cases, by manufacturing groups, such as the Modernization Forum, which presumably have some knowledge about what the manufacturing sector needs to regain its health.

So along with many others, I offered an amendment that was voted down in the committee. My amendment recognized that one of the most critical elements of our manufacturing competitiveness is to have a technically trained workforce. This amendment would have expanded the National Science Foundation's Advanced Technology Education Program to include the preparation of students for manufacturing jobs.

Now, apparently, the Committee on Rules determined, as the Committee on Science majority already did, that providing training for our workforce is not important. The Committee on Rules also determined that we do not need a study assessing trends related to outsourcing and that we do not need to authorize the Advanced Technology Program, a program that the chairman, the gentleman from New York (Mr. BOEHLERT), and subcommittee chairman, the gentleman from Michigan (Mr. EHLERS), support and that they recommended in testimony before the Appropriations Subcommittee be funded at $169 million.

The committee's decision, Mr. Speaker, unfortunately, seems shortsighted, especially since the manufacturing sector is still suffering. In fact, 11,000 manufacturing jobs were lost last month, for a total of 2.7 million jobs lost over the last 3 years.

Mr. Speaker, as I conclude, it is obvious this rule does not give Members an opportunity to improve the bill. It seems like the majority is more interested in getting the bill's provisions right in order to meet the administration's requirements than they are interested in getting the bill right. So for that reason, Mr. Speaker, I oppose this rule and I urge my colleagues to do the same.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 3½ minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Speaker, I thank my good friend from upstate New York for yielding me this time, and I rise in strong opposition to this rule because I had offered an amendment that was to literally add President Bush's own legislative initiative, the Jobs for the 21st Century Initiative.

On April 5, President Bush, finally realizing that we had a crisis in America of a loss of manufacturing jobs, offered the Jobs Initiative For the 21st Century. That was on April 5, just a short time ago. He said, and let me quote President Bush, "We are not training enough people to fill the jobs for the 21st century. There is a skills gap. And if we do not adjust quickly, if we do not use our community colleges, we will have a shortage of skilled workers in the decades to come."

Now, this is a rare moment of bipartisanship on my side. I agreed with the President, and I thought he was right. Now, what happened? You all craft a piece of legislation, and showing a total disrespect for President Bush, you did not include his own initiative on manufacturing jobs.

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So I picked up the mantle, and I offered his amendment, his concept, his ideas that he put together; and the Committee on Rules did not think it was worthy of being included. It may not be. Maybe President Bush is not that smart when it comes to manufacturing jobs. He did lose 2.7 million manufacturing jobs under his watch.

The other side of the aisle, when they drafted the legislation, did not include it. There was an amendment offered by a Democrat, and they did not include that amendment. I cannot think of anything more disrespectful to the President than what the majority has done by not including his ideas, his concepts of how to prepare American workers for the 21st century.

Mr. Speaker, they left it on the editing floor. I gave them an opportunity, and they chose partisanship and politics over the skills of American workers for the 21st century.

However, I took a step back and thought about it. It makes total sense to me now that I think about it, because, in fact, the program that we are authorizing, the manufacturing extension program, President Bush has tried to eliminate every year in his budget. As a matter of fact, just a short time ago in his economic plan, his economic advisers said flipping hamburgers should be redefined as a manufacturing job. No disrespect to our hamburger flippers in America, McDonald's and Wendy's and Burger King, they work and do a good job; and we are outperforming Japan and Germany and China in the hamburger-flipping business.

But when this administration has an economic strategy that defines hamburger flipping as a manufacturing job, that literally tries to eliminate the manufacturing extension program year after year, and now in their moment of shame, after 3½ years of being the stewardship of lost jobs, they try to act in this holy picture that they are doing something, not one Republican had the common sense or decency or courtesy to include the President's own plan. And I tried to do it and was shown total disrespect.

Mr. Speaker, the President was not even up here, nor were the President's lobbyists up here, trying to get his initiative included. There is a reason we have lost 2.7 million jobs in manufacturing, because the other side of the aisle does not have a strategy for it and does not give a whit for it.

Mr. Speaker, I will probably in the end vote for the bill because there are some good things in here, but what has become clear to all of us is the President and this Congress run by Republicans do not care about 21st century jobs and the technical skills and the training that is required to fill those jobs.

As the President said, we can add and train an additional 100,000 workers each year, but what did the other side of the aisle do? They left those 100,000 workers and their skills on the editing floor.

Ms. SLAUGHTER. Mr. Speaker, I yield the balance of my time to the gentleman from Tennessee (Mr. GORDON).

Mr. GORDON. Mr. Speaker, I think we all recognize that we are in a manufacturing crisis right now, and it is going to impact the quality of life and the standard of living not only for our generation, but for my little girl's generation and for my grandchildren's generation. We have a crisis. By all accounts, a major portion of that problem is around outsourcing and offshoring of jobs. I have always understood that we cannot solve a problem until we better understand the problem.

We had an opportunity today to try to do something about understanding that problem. The gentleman from Illinois (Mr. COSTELLO) had an excellent amendment that would help us understand it, and I would like to have the gentleman explain to us how we are going to try to understand this problem of outsourcing.

Mr. COSTELLO. Mr. Speaker, will the gentleman yield?

Mr. GORDON. I yield to the gentleman from Illinois.

Mr. COSTELLO. Mr. Speaker, let me first say I was utterly amazed in the Committee on Science when I offered my amendment. I thought it would be noncontroversial. We had a number of amendments that there may have been some controversy and debate back and forth on, but I thought offering an amendment that would require an independent study of our government to address one of the major problems in the United States today, the loss of manufacturing and other high-tech jobs offshore, certainly would be acceptable to both sides of the aisle.

Mr. GORDON. It was just a study?

Mr. COSTELLO. Mr. Speaker, it was exactly that. It calls for a study. It would mandate a study. The Secretary of Commerce would be required within 60 days after the President signed this legislation, he would be required to enter into a contract either with the RAND Corporation or any other credible company to do an independent study, report back within a year, and at the conclusion of the year, the Secretary of Commerce would have 4 months to put together his recommendation based upon the results of that study and make recommendations to the Congress.

So that is why I was amazed and again amazed yesterday at the Committee on Rules. We are asking simply to study the problem, identify how many jobs have been lost in what sectors, what does the future look like as far as outsourcing is concerned, and then take action. Members are talking about the number of jobs we are losing overseas, but no one is taking action. With this study the administration would have a blueprint and a plan as to what needs to be done.

Mr. GORDON. Mr. Speaker, I would ask the gentleman, did any Republicans on the Committee on Science vote for the amendment? Did they vote against it?

Mr. COSTELLO. Mr. Speaker, I would say to the gentleman, yes, they did. It was a partisan vote right down the line. The Democrats supported it, and the Republicans opposed it. I was told at the time the reason the Republicans opposed it was because of process; they were concerned about jurisdiction and that other committees would claim jurisdiction. And, of course, we have dealt with that problem before by exchanging letters.

Mr. GORDON. Mr. Speaker, I would point out that now we are on the House floor, and so there is no jurisdictional problem.

Mr. COSTELLO. Mr. Speaker, if the gentleman would continue to yield, there is no jurisdictional problem on the House floor, and the gentleman from Tennessee (Mr. GORDON) made that point very clearly to the Committee on Rules, that if they allowed this amendment in order today, there would be no jurisdictional problem.

I frankly believe if this amendment had been allowed in order and debated, I cannot see how any Member of this House would vote against an independent study addressing the major problem that we have in this country of outsourcing jobs.

Mr. GORDON. Mr. Speaker, just to be clear, we are getting ready to vote on this rule, and if we vote for this rule, any Member who votes for this rule is voting not to allow us to have the opportunity to have a study on outsourcing?

Mr. COSTELLO. Mr. Speaker, I would tell the gentleman that any Member who votes for this rule, in my opinion, is voting for the status quo, to take no action whatsoever to try to determine, to try to collect the data and determine what is going on with the offshoring of jobs and how to address the problem.

Mr. GORDON. But, Mr. Speaker, if we vote against this rule, we can turn right around and come back and have a vote not only on trying to find out better the problems of outsourcing, but allow any Member who has a good idea about trying to improve and increase our manufacturing base in this country, to allow them to bring it to the floor and try to improve this situation; is that correct?

Mr. COSTELLO. That is correct. If we defeat the rule, we can come back and debate the issue of outsourcing. I have to believe there are a number of our colleagues on the other side of the aisle who will vote against this rule in order to move forward with the study so we can gather the data and come up with a blueprint to address this problem.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, will the gentleman yield?

Mr. GORDON. I yield to the gentlewoman from Texas.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to address H.R. 3598, the Manufacturing Technology Competitiveness Act of 2004.

I find it very important that we address manufacturing technology competitiveness at a time when over 8.2 million Americans are without employment and over 10 percent of African Americans are currently jobless.

Today the American economy is facing challenges unlike any that it has ever faced before. The sector most drastically affected by this decline is the manufacturing industry. Historically, the manufacturing sector has been a pillar of the American economy. Without a strong manufacturing base, we will not have a strong economic recovery. Not only is manufacturing a key source of skilled, high-paying jobs, but it also is critical to our economic and national security that we have the ability to manufacture goods we need in this country.

In my home State of Texas, more than 156,000 jobs have been lost since January 2001. The manufacturing unemployment rate continued to rise last month.

Mr. Speaker, when this bill was marked up in the committee, the vast majority of the suggestions from this side of the aisle were dismissed. The markup was uncommonly partisan. No matter how good the amendment was, and there were many amendments spoken about as being good, but no support.

So as we debate this bill on the House floor today, I am hopeful we can reach constructive consensus on many of the amendments being offered today, and I do ask that as many Members as possible join me in voting against the rule.

Mr. GORDON. Mr. Speaker, I thank the gentlewoman from Texas for her remarks.

Ms. SLAUGHTER. Mr. Speaker, I yield back the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, as a student of representative democracy, I continue to be amazed at the imagination demonstrated by our friends on the other side of the aisle. They talk about problems and talk about problems; we bring forth solutions.

Today we bring forth with this rule legislation that will authorize $160 million for the manufacturing sector of our economy for training of workers in small businesses in the manufacturing field to retain their competitive edge in technology. We bring forth solutions. We have to deal with things. When in the majority, we have to deal with things like whether amendments are germane and other technical matters, which sometimes may seem too technical, but they are important.

So it is nice to engage in theoretical debate, even about very important problems, like we have seen today. I maintain that it is even nicer to bring forth solutions for the problems of the people of this country. We have done that with this rule. We bring forth a very important piece of legislation. The $160 million for the manufacturing sector for training is critical at this time to retain jobs in this country. It is not theory, it is reality.

So I would ask all of our colleagues, Mr. Speaker, to support not only the very important underlying legislation, but the rule that will make possible the consideration by this House of this very important underlying legislation in order to help the manufacturing sector of our economy which is so important.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. FOSSELLA). The question is the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR CONSIDERATION OF H.R. 4755, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2005

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 707 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 707

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4755) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2005, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. No amendment to the bill shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1115

The SPEAKER pro tempore (Mr. FOSSELLA). The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 707 is a structured rule providing for the consideration of H.R. 4755, the Legislative Branch Appropriations Act of 2005. It is a fair and appropriate rule and should be approved by the House so we can move on to consideration of the underlying legislation.

H. Res. 707 provides 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The resolution waives all points of order against consideration of the bill. It also provides that the bill shall be considered as read.

H. Res. 707 waives points of order against provisions in the bill for failure to comply with clause 2 of rule 21, which prohibits unauthorized appropriations or legislative provisions in an appropriations bill.

The rule makes in order only those amendments put in the Committee on Rules report accompanying this resolution. H. Res. 707 provides that the amendments printed in the report may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in the report.

Finally, H. Res. 707 provides for one motion to recommit with or without instructions.

Mr. Speaker, I want to commend my friend and colleague from Georgia (Mr. KINGSTON), the chairman of the subcommittee. He has worked very closely with his ranking minority member, the gentleman from Virginia (Mr. MORAN of Virginia), in crafting this bill, and for that he deserves our support. This appropriations bill is one of the more challenging bills to manage, and he does so with respect to the institution in which we all serve.

I do want to specifically note that this is a fiscally responsible bill, and I commend the gentleman from Georgia's (Chairman KINGSTON) management oversight that will certainly ensure that organizational changes are managed better within the agencies of the legislative branch of government.

Mr. Speaker, this rule provides for a fair amendment process for consideration of the legislative branch appropriations bill. I urge my colleagues to support the rule.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Georgia for yielding me the customary 30 minutes.

Mr. Speaker, I was shocked to learn that House committee was sending mail into the committee members' districts. During yesterday's Committee on Rules hearing on the appropriations bill for the legislative branch, we learned that the Committee on Resources is sending mail to committee members' districts touting the individual Member's accomplishments on that committee. Mailed under the chairman's frank, these laudatory mail pieces are sent out as Committee on Resources reports.

But listen to what they say: "Members of Arizona's congressional delegation are making a difference for Arizonans every day through their work on the House Committee on Resources. Arizona is fortunate to have Congressmen RICK RENZI, J.D. HAYWORTH, JEFF FLAKE and RAÚL GRIJALVA on these important issues."

It goes on to read, "Committee members RENZI, HAYWORTH and FLAKE supported the Healthy Forest Restoration Act, which provides resource managers with the tools they need to combat the dangers of overstocked forests."

Mr. Speaker, I ask unanimous consent to have four of these committee mailings submitted for the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

The committee mailings are as follows:

RESOURCES COMMITTEE FIELD HEARING

What is the impact of the Endangered Species Act on southeast New Mexico? It's your chance to learn more.

What: Examining the Impacts of the Endangered Species Act on Southern New Mexico.

When: Monday, June 7th, 2004 at 9 a.m.

Where: Pecos River Village, Carousel Building, 701 Muscatel Avenue, Carlsbad, New Mexico.

Learn About the Impact of the Endangered Species Act on Southeast New Mexico.

Congressman Steve Pearce Represents the 2nd District of New Mexico. After a very successful hearing on the impact of the endangered silvery minnow last year in Belen, NM, Congressman Steve Pearce has asked the Resources Committee to learn about the impact of endangered species legislation on jobs and lifestyle in southeast New Mexico.

Congressman Pombo is Chairman of the House Resources Committee. Join Congressman Pearce and Congressman Pombo in Carlsbad on June 7th where they will hear first-hand from family farmers, ranchers, irrigation providers, oil and gas producers and local governments about how the Endangered Species Act has brought pain and suffering to their communities and families. The Resources Committee welcomes the opportunity to travel to New Mexico to personally visit with people who are directly affected by this outdated, onerous and unreasonable policy.

RESOURCES COMMITTEE REPORT ON HEALTHY FORESTS RESTORATION ACT

America's National Forests have become unnaturally dense, diseased, and insect infested, leaving them incredibly susceptible to catastrophic wildfire. To date, wildfires have burned over three million acres in the United States in 2003. These fires not only destroy forests, they kill wildlife and pollute air and water alike.

California has had more than its fair share of wildfire disasters. The House Resources Committee and its members are committed to protecting our environment from the devastating effects of catastrophic forest fires.

This report is meant to update you on what the Resources Committee and your California Representatives are working on to help keep our forests healthy and keep fires from destroying forests, property, and jobs.

RICHARD POMBO,
House Resources Committee Chairman.

"The Resources Committee and its members are charged with the responsibility of coordinating federal efforts to encourage, enhance and improve programs for the protection of the environment and the conservation of natural resources within our Public Forest areas. I am honored to have such dedicated and knowledgeable committee members to work with as we work to balance resource preservation and usage. I am particularly honored to work with California Congressmen in efforts to prevent further forest fires from devastating California's incredible resources and beauty. Together we will continue to work on the issues affecting California and the West."—Richard Pombo

RESOURCES COMMITTEE WORK VALUABLE TO CALIFORNIA

Members of California's Congressional Delegation are making a difference for Californians every day through their work on the House Resources Committee. The Resources Committee deals with issues such as wildfire prevention, water rights, environmental protection, and land-use. California is fortunate to have so many able men and women on this committee to work on these important issues.

CALIFORNIA CONGRESSMEN HELP PASS "HEALTHY FORESTS RESTORATION ACT"

Committee Members Baca, Miller, Cardoza, Radanovich, Dooley, Nunes, Gallegly and

Calvert supported this bill, which provides resource managers with the tools they need to combat the dangers of overstocked forests.

The "Healthy Forests Restoration Act" establishes streamlined procedures to increase use of scientifically-proven management techniques of thinning and prescribed burning to avoid catastrophes to our forests, homes and water supply.

Additionally, the Act calls for additional open public meetings on all projects that fall under the Healthy Forests legislation, providing an opportunity for public input over-and-beyond current public hearing requirements.

And this landmark legislation makes for better forest management and helps protect communities from the dangers of uncontrolled wildfires.

It protects the rights of private landowners.

RESOURCES COMMITTEE REPORT ON ENDANGERED SPECIES ACT REFORM

As you may know, the application of the Endangered Species Act (ESA) has caused economic hardship and to farmers, ranchers, small businesses, and individuals—and it has done little to actually protect endangered species of animals.

The law has become more powerful than Congress ever intended it to be. It has been applied across millions of acres and hundreds of miles of waterways, at a cost of billions of dollars. We can improve this law—limiting unwarranted impacts—if we define the scientific standard federal agencies must meet when making ESA decisions.

This report is meant to update you on what the Resources Committee and your Arizona Representatives are working on to ensure that improper application of the Endangered Species Act will never threaten the economic security of Arizona and its people.

RICHARD POMBO,
House Resources Committee Chairman.

"Congress' efforts to improve the ESA stems from an April 2001 decision by the Federal government to shut off irrigation water to nearly 1,200 farmers and ranchers in the Klamath Basin in California in order to protect several species of endangered fish. This decision was later examined by a panel of the National Academy of Sciences (NAS), which found that the order to shut off the water had 'no sound scientific basis.' As a result of this decision—with 'no sound scientific basis'—the livelihoods of hundreds of farmers and ranchers in the area were destroyed, and the local economy and community was severely harmed. Your Arizona Representatives are working in Congress to reform the ESA to prevent this type of devastation from ever occurring in Arizona."—Richard Pombo

RESOURCES COMMITTEE WORK VALUABLE TO ARIZONA

Members of Arizona's Congressional Delegation are making a difference for Arizonans every day through their work on the House Resources Committee. The Resources Committee deals with issues such as wildfire prevention, water rights, environmental protection, and land use. Arizona is fortunate to have Congressmen Rick Renzi, J.D. Hayworth, Jeff Flake, and Raul Grijalva working on these important issues.

RESOURCES COMMITTEE WORKING TO ENACT ESA REFORMS

Congressmen Renzi, Hayworth and Flake are co-sponsors of H.R. 1662, "The Sound Science for Endangered Species Act Planning Act," to improve the way the law uses science and to further involve the public.

- Requires peer-reviewed science as basis for ESA decisions.
- Creates an independent process to amend the ESA to make certain that all aspects of science in the implementation of that act are sound and peer-reviewed.
- Establishes a mandatory independent scientific review requirement for all ESA listing and de-listing proposals to ensure the use of sound science and provide a mechanism for resolving scientific disputes during the rulemaking process.
- Requires the Secretary of the Interior to solicit and obtain additional data from landowners and others that would assist in the development of recovery plans, including the recovery goals.
- Requires that an action, including an action for injunctive relief, to enforce the prohibition against the incidental taking of a species must be based on pertinent evidence using scientifically valid principles.

RESOURCES COMMITTEE REPORT ON HEALTHY FORESTS RESTORATION ACT

America's National Forests have become unnaturally dense, diseased, and insect infested, leaving them incredibly susceptible to catastrophic wildfire. To date, wildfires have burned over three million acres in the United States in 2003. These fires not only destroy forests, they kill wildlife and pollute air and water alike.

Arizona has had its fair share of wildfire disasters. The House Resources Committee and its members are committed to protecting our environment from the devastating effects of catastrophic forest fires.

This report is meant to update you on what the Resources Committee and your Arizona Representatives are working on to help keep our forests healthy and keep fires from destroying forests, property, and jobs.

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House Resources Committee Chairman.

"The Resources Committee and its members are charged with the responsibility of coordinating federal efforts to encourage, enhance and improve programs for the protection of the environment and the conservation of natural resources within our Public Forest areas. I am honored to have such dedicated and knowledgeable committee members to work with as we work to balance resource preservation and usage. I am particularly honored to work with Arizona Congressmen in efforts to prevent further forest fires from devastating Arizona's incredible resources and beauty. Together we will continue to work on the issues affecting Arizona and the Southwest."—Richard Pombo

RESOURCES COMMITTEE WORK VALUABLE TO ARIZONA

Members of Arizona's Congressional Delegation are making a difference for Arizonans every day through their work on the House Resources Committee. The Resources Committee deals with issues such as wildfire prevention, water rights, environmental protection, and land use. Arizona is fortunate to have Congressman Rick Renzi, J.D. Hayworth, Jeff Flake, and Raul Grijalva working on these important issues.

ARIZONA CONGRESSMEN HELP PASS "HEALTHY FORESTS RESTORATION ACT"

Committee Members Renzi, Hayworth and Flake supported this bill, which provides resource managers with the tools they need to combat the dangers of overstocked forests.

The "Healthy Forests Restoration Act" would establish streamlined procedures to increase use of scientifically-proven management techniques of thinning and prescribed burning to avoid catastrophes to our forests, homes and water supply.

Additionally, the Act calls for additional open public meetings on all projects that fall under the Healthy Forests legislation, providing an opportunity for public input over-and-beyond current public hearing requirements.

And this landmark legislation makes for better forests management and helps protect communities from the dangers of uncontrolled wildfires.

It protects the rights of private landowners.

RESOURCES COMMITTEE WORK FOCUSES ON SOUTHWEST'S FORESTS

Congressman Renzi introduced the Southwest Forest Health and Wildfire Prevention Act of 2003 to promote the use of adaptive ecosystem management to reduce the risk of wildfires and restore the health of fire-adapted forest and woodland ecosystems. Resources Committee member J.D. Hayworth is a co-sponsor of this bill, along with Arizona Representative Jim Kolbe. The Resources Committee passed the act this summer helping solidify the future of Northern Arizona University's Ecological Restoration Institute.

This is an important first step toward the future application of practical science-based forest restoration treatments that will reduce the risk of severe wildlife and improve the health of dry forest and woodland ecosystems across the country.

Mr. Speaker, this is an outrage that I think the Members of the House simply do not know anything about. That committee received a large increase in funding last year in order to send out this propaganda into Members' districts. I have heard of income protection, but this goes way too far. There is no excuse in the world for it, and I think we ought to take measures to stop it.

During the 107th and 108th Congress, most communities requested franking allocations somewhere between $10,000 and $30,000, and most spent far less than those allocations.

For example, the Committee on Government Reform franking allocation was $35,000. They spent less than 10,000. Not counting the Committee on Resources, the largest request in Congress was the Committee on the Judiciary, which asked for $80,000 for franking. However, the Committee on Resources requested a franking allocation of $500,000, half a million. It is more than a 10,000 percent increase over the amount of the money that the Committee on Resources actually spent on franking in the 107th Congress. What is even more shocking is that the House rules do not prohibit a committee from sending out this propaganda with taxpayer dollars.

The gentleman from California (Mr. SHERMAN) offered an amendment to close this loophole to stop this practice. The amendment would limit mailing expenses for any committee to $25,000, which is more than generous. On a party-line vote, the Committee on Rules refused to make the sensible solution in order, and it is troubling that this problem has slipped under the radar for a year and a half and that the Committee on Rules refused to allow the full House to discuss the issue and vote up or down on this straightforward amendment. Debate on this serious problem has been quashed with a soft promise of future action.

Again and again, the Republicans silence the Democrats and the voices of millions of Americans. There is little time left on the legislative calendar. This problem deserves immediate attention. It is shocking in that this body will not even have the opportunity to debate the problem and to consider the solution of the gentleman from California (Mr. SHERMAN).

This cries out for attention from this Congress, and I demand it, Mr. Speaker.

Mr. Speaker, I reserve the balance of my time.

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to note that we did have this discussion in the Committee on Rules about the printing yesterday. It just came up yesterday for the Republicans being criticized forever for rushing things to the floor. This seems a bit quick for the Democrats to do so. None of us on the Committee on Rules, Republican side, have seen that yet, but the committee of jurisdiction is actually the Committee on House Administration, and I think it would be appropriate to let the authorizing committee have a shot at this to take a look at the problem before we move to address it on the House floor in an appropriations bill.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 7 minutes to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Speaker, we need to defeat this rule so that I can offer an amendment to simply say that no committee in any year can spend more than $25,000 on just postage. That would be $50,000 a Congress. Why would such a limit be needed? Why is the $25,000 limit needed? After all, in the year 2002, the average committee spent only $2,104 on postage. The largest amount spent by any committee during the 107th Congress on an annualized basis was $6,807.

I know the gentlewoman from New York cited the amounts requested by committees. They requested a bit more than these figures. But when we look at what they actually spent, no committee needed to spend in the average year more than $6,807 in the 107th Congress.

But a new phenomenon has arisen. The Committee on Resources has decided it needs more resources. In the 107th Congress it spent $2,483 per year on postage. For the 108th Congress they requested a quarter million dollars per year for postage; $500,000, half a million dollars, for the whole 108th Congress.

Think of this from a fiscal responsibility standpoint. That is a 4,445 percent increase over what they requested before. Maybe that is not too bad. After all, 4,445 percent increase in the cost of a government agency, no fiscally responsible person would object to that. But do not compare it to what they requested last Congress. Compare it to what they actually spent. Then it is a 9,968 percent increase. Maybe somebody with some fiscal conservatism would be concerned about that, a committee which in the last Congress spent $2,483 on postage now wants to spend $250,000 on postage.

We do not know what they are spending all this money for. It is hard to get the information. But we do know that last quarter, just in 3 months, the committee spent $49,587 on postage, and when they spend money on postage, they inevitably have to spend money on printing, and, yes, they spent $40,732 on printing.

What did they use the money for? Not to carry on committee business in the sense of telling the press what the committee is doing, writing to experts to see if they can gather information. This is not individually sent-out letters, no. These were mass mailings into individual Members' districts, $250,000 per year. What kind of mailings went out? Here is an example that was referred to by the gentlewoman from New York. We will see that this mailing went out to Arizona. Our information is that it went it to the gentleman from Arizona's (Mr. RENZI) district, who happens to be one of the most targeted Members in the entire Congress by one political party. It praises three Members of the Arizona delegation for cosponsoring a bill, and if we read it very carefully, it attacks or implicitly criticizes a fourth Member of the Arizona delegation for not cosponsoring this bill. I might add it is a terrible bill, but the mailing praises those who cosponsor it. Our information is that it went just to the gentleman from Arizona's (Mr. RENZI) district; so the fact that it implicitly criticizes the gentleman from Arizona (Mr. GRIJALVA) is not of great significance unless he has statewide ambitions I am unaware of.

In any case, what does this mailing do? It lauds a Member. Some of these mailings are going out in violation or possible violation of the blackout period. So we are used to not sending out mailings 90 days before an election. Apparently the committee chairmen can. This mailing seems rather benign in that it lauds a Member, and it does so only on one issue.

Mark my words: If we do not draw the line now, the next piece will be a hit piece, and it will not be limited to one issue. It will not even be limited to a committee's jurisdiction. It will be an attack piece sent out a day or a week before an election.

How is this all different from the Member communications that we are aware of? Because many of us send mail to our constituents. First, a Member gets a limited Members' representational allowance. We are responsible to our districts, to the recipients of that mail. If the mail is informative, then I can tell my constituents we sent them informative mail that came out of our budget, which we could otherwise have used to hire personnel. But a committee chairman is not responsible to the people who receive the mailing, so they could look at it and say this is wildly uninformative. It is a terrible waste of money. It says it was paid for at taxpayer expense. I do not like it, but it does not matter because my Member did not send it. It comes out of the budget of some Washington committee.

Second, the MRA funds are at least distributed relatively equally by party. Each Member gets their own account. This $500,000 went solely to one political party. And it is not just $500,000. If we do not draw the line now, it will be 5 million, it will be 25 million. It will not be one committee; it will be every committee.

Members also know what information their constituents need to receive. Committee chairmen, with all due respect to the gentleman from California (Mr. POMBO), I do not think he is an expert at what information people in the gentleman from Arizona's (Mr. RENZI) district need to hear. Then we are going to be told that these are to announce field hearings. I might add this piece of mail has nothing to do with any field hearing. But we could have a rule that we have these slush funds, but only if we are announcing a field hearing.

□ 1130

A field hearing should be a field hearing, not an excuse for propaganda, not a district-wide town hall on behalf of an endangered Member or a targeted Member.

Finally, I know here in Washington that our targeted watchdog groups publish lists. They criticize those who spend money on postage and printing. They wonder whether that is a good use of government resources.

Well, wait a minute. None of these groups caught this. They will attack a Member for spending $100,000 on postage. How about $250,000 on postage?

We need to do something about it, and we need to do something about it today. If you vote for this rule, you are voting for giant political slush funds, not just of half a million dollars, but for as large as they are done by whichever party controls this House. You cannot say you are going to deal with it tomorrow if you vote against dealing with it today. Vote against the rule.

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to point out that the gentleman came very close to impugning the motives of the chairman and the actions of the committee. I would just suggest that he tread a bit more lightly on that.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, all I can say in response to the last comment is if the committees adhere more closely to the spirit of the rules of the House, maybe we will not tread so closely in questioning their motives.

Let me say, Mr. Speaker, I am not going to vote for this bill, and I am not going to vote for it for two reasons.

Number one, we have the continued saga of that ridiculous hole out in front of the Capitol, the Capitol Visitors Center. You remember back in the good old days when we had a budget surplus, and then we were told by the Republican majority that we could pass $6 trillion in tax cuts and still have money left over? Now we have dug ourselves into a huge deficit hole again, the biggest deficit in the history of the country. That hole in front of the Capitol, created for the construction of the so-called visitors center, really, in my view, is a symbol of what we have done to the Nation as a whole. We have dug a huge hole for the Nation.

In this case, in the case of the visitors center, you have an addition to the Capitol which started out to cost about a quarter of a billion dollars; it is now up to half a billion dollars. And the completion date, I would bet you, before it is over, will slip to sometime in 2007. I just continue to think it is a ridiculous, overblown use of taxpayers money.

But there is something else in this bill that really bugs me. I happen to believe that the number one national disgrace in this country is the fact that some 44 million people are struggling every day without health care coverage. There is a provision in this bill which enables a study to go forward to see whether or not we will add supplemental health and dental benefits for Members of Congress under our health care plan.

Now, I happen to believe that congressional employees should have dental coverage, and I think that Members of Congress should have dental coverage. But I also think that every citizen of this country ought to have access to health care and ought to have decent dental coverage.

We just marked up the Labor-Health-Education appropriations bill; and in contrast to the consideration that we are going to give Members of Congress about adding new health care benefits, what did the committee do this morning with respect to health care benefits for the rest of Americans?

I will tell you: the chairman's mark on the Labor-Health-Education bill today entirely terminates the Community Access Program, which is the glue that makes health delivery to the poor work in 70 communities in this country.

The chairman's mark cut several other programs. It cuts Rural Health Outreach grants, which support primary health care, dental care and mental health and telemedicine projects. It cuts those projects by 24 percent.

The Maternal and Child Health Care block grant is only 2.9 percent above the fiscal 2001 level, which means that we have a 10 percent loss of purchasing power for that program for average Americans.

Then, if you go on, you see that childhood immunization, the cost to immunize a child has gone up by 24 percent since 2001. Appropriations have increased by only 15 percent. So we are having a growing gap in terms of our ability to immunize children in this country.

So it just seems to me, Mr. Speaker, that there is a substantial gap between what we are willing to consider doing for the average American when it comes to health care and what we are willing to consider doing for Members of Congress.

I do not want to vote to deny health care coverage of any kind to anybody, but I want to say this to the majority in this House: if you vote for this legislative appropriations bill today, by God, do not dare to bring out an expansion of health care benefits for Members of Congress until you have also brought out legislation to this floor that covers health care for every American. And make sure that those Americans have the same kind of coverage, including dental care, that you would like to see for the average Member of Congress. Unless you do that, you will be giving hypocrisy a bad name.

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I feel certain that the gentleman was not referring specifically to me, because I do not have Federal health insurance.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank the gentlewoman from New York for yielding me time.

Mr. Speaker, I do want to say that I plan to vote for this bill, but there is no way I can support this rule.

There were a total of eight amendments submitted. There were seven by Democrats, one by a Republican. The one by the Republican was allowed. Only one out of the seven submitted by Democrats was allowed.

A lot of them had no political overtones whatsoever. What is wrong, for example, with studying ways to improve and expand day care services on the Hill for our employees? That is hardly political. The only thing I can imagine is wrong is that a Member of the majority did not think of it; and I am sure if they had, it would have been made in order. But that should have been allowed, to study it.

Now, I acknowledge that at least four of the amendments have some political overtones, and I can appreciate the embarrassment that Members of the majority must experience when their legislative actions stretch the bounds of proper rules and procedures of the House.

How long, I think we know how long, what, 3 hours we kept that vote open on Medicare prescription drugs. We have subsequently read about all of the promises and the threats that were thrown back and forth to change the result, successfully, I might add.

Then, on a separate issue, how often have we seen conference agreements completed before the conference was even convened? The gentlewoman from New York (Mrs. MALONEY) had every right to bring our attention to that abuse of power.

I doubt the majority would have approved any of those amendments, but they should have been debated.

Then there are the two amendments by the gentleman from California (Mr. SHERMAN). First, should C–SPAN tapes be rebroadcast for political purposes? I am not sure, but I think it is something that ought to be discussed on the floor of the House, and I regret the fact that we did not get an opportunity to discuss it.

He had a second amendment to curb another potential abuse of power. I think it could be a pretty serious one. It is inappropriate to use the franking privilege out of committee resources to mail mass propaganda pieces on behalf of any Member, on the majority or the minority side.

Now, if you look at the numbers that we have, the Committee on Resources apparently has asked for about half a million dollars to be mailing pieces into other Members' districts. We saw the explanation by the gentleman from California (Mr. SHERMAN). No matter how much we want to cooperate with the other side, this is a major potential abuse of power, if somebody does not stand up and say wait a minute, there is something wrong with this.

This has to be discussed. The public needs to be aware of it before we embark on this. Of course, if nothing is said, other committees are likely to do the same thing, and no ranking member has that ability.

So this was an amendment that really needed to be discussed, and perhaps in that discussion we could get an explanation that would show us that this is not as abusive as it appears at first glance. Perhaps there is a logical explanation, but we sure ought to get that kind of explanation. The fact that we were denied the opportunity to discuss this is reason enough to vote against the rule.

What we are looking for is fairness. We are looking for the resources in this bill to continue this great institution at a reasonable level, a fiscally responsible level, one that is acceptable to both sides. But when the process is clearly not acceptable to both sides, I think we have an obligation to stand up and say no.

I would like to see some support from the other side of the aisle for raising objection to the way in which this rule was put together.

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am in no way trying to defend or impugn any question of what the Committee on Resources did, but I think the appropriate place to have a look at that is through the Committee on House Administration or through the bipartisan Committee on Franking. I expect that will be done. Not on the floor of the House.

I know they do not want to miss an opportunity to make political hay over this, but the fact of the matter is, this is an inappropriate place to have that discussion.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, let me thank my friend from New York for yielding me this time.

Mr. Speaker, let me take this time just to express my disappointment with this rule and my opposition to it. I listen frequently where Members of Congress like to say that we do not want to treat ourselves differently than we treat the general public. Yet on this appropriations bill that affects our budget, we use different standards than we do on other appropriations bills. That is wrong.

The ranking member, the gentleman from Virginia (Mr. MORAN), pointed out there are only eight amendments that were offered to the Committee on Rules. It would have been very easy to allow those amendments to be considered and then use the democratic process to either vote up or down those amendments. But, no, the majority refuses to allow us to have a debate on this floor on issues that affect the manner in which we operate the legislative branch.

I am particularly disappointed that the amendment offered by the gentleman from California (Mr. SHERMAN) was not made in order. We have an obligation to make sure that the resources of this body are used appropriately. That is the Committee on Appropriations' responsibility; that is the responsibility of our debate on the legislative branch bill. Yet we are not going to have an opportunity to see whether we could use a better standard on the franking privileges of our committees.

It is my understanding that the majority controlled that. The minority has no opportunity. The majority has used that at least in one committee in a partisan manner. That is wrong. We should have a chance to be able to debate that issue.

We work together to try to make sure that the resources of the legislative are used appropriately. In this case, it looks like it was not. Our opportunity to speak is when the legislative appropriation bill is on the floor. We are going to be denied that opportunity, because the majority refused to make in order an amendment so we could have that debate. That is wrong.

Therefore, I would ask my colleagues to reject this amendment, reject this rule, so that we have an opportunity to be able to have a full discussion on the legislative branch appropriation, as we would on any other appropriations bill that comes before this body.

□ 1145

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Let me just close by saying, Mr. Speaker, that the amendment offered by our colleague, the gentleman from California (Mr. SHERMAN), was perfectly germane. The only reason in the world it was turned down was for political reasons. It was a major embarrassment that they had been found out, and I have to assure the people who are listening today that on my part, and I am sure on the part of others, that we will not rest until we rectify this mistake, although it is not a mistake. It is a blatant attempt, frankly, to misuse taxpayers' money as incumbent protection.

Mr. Speaker, I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I urge my colleagues to support the rule, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. FOSSELLA). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This vote will be followed by two 5-minute votes on House Resolution 706 and H.R. 3980.

The vote was taken by electronic device, and there were—yeas 223, nays 194, not voting 16, as follows:

[Roll No. 336]

YEAS—223

Abercrombie
Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holt
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI).
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—194

Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Bishop (GA)
Bishop (NY)
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell

Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Herseth
Hill
Hinojosa
Hoeffel
Holden
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—16

Berry
Blumenauer
Carson (IN)
Collins
Deutsch
Gephardt
Hastings (FL)
Hinchey
Honda
LaHood
Meehan
Meek (FL)
Oxley
Platts
Quinn
Tauzin

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FOSSELLA) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1211

Mr. DAVIS of Tennessee, Mr. BACA and Mrs. DAVIS of California changed their vote from "yea" to "nay."

Mrs. NORTHUP changed her vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 3598, MANUFACTURING TECHNOLOGY COMPETITIVENESS ACT OF 2004

The SPEAKER pro tempore. The pending business is the question of agreeing to the resolution, H. Res. 706, on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

The vote was taken by electronic device, and there were—yeas 217, nays 196, not voting 20, as follows:

[Roll No. 337]

YEAS—217

Aderholt
Akin
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson. Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Kolbe
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—196

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Bishop (GA)
Bishop (NY)
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Herseth
Hill
Hinojosa
Hoeffel
Holden
Holt
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—20

Bachus
Berry
Blumenauer
Carson (IN)
Collins
Deutsch
Gephardt
Hastings (FL)
Hinchey
Honda
Knollenberg
LaHood
Meek (FL)
Mica
Oxley
Platts
Quinn
Sherman
Tauzin
Weldon (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FOSSELLA) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1219

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NATIONAL WINDSTORM IMPACT REDUCTION ACT OF 2004

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 3980, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. NEUGEBAUER) that the House suspend the rules and pass the bill, H.R. 3980, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 387, nays 26, not voting 20, as follows:

[Roll No. 338]

YEAS—387

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Herseth
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Young (AK)

NAYS—26

Blackburn
Burton (IN)
Cannon
Coble
Culberson
Duncan
Fattah
Flake
Goode
Hefley
Hostettler
Johnson, Sam
Jones (NC)
Kingston
Miller (FL)
Myrick
Otter
Paul
Pence
Royce
Sensenbrenner
Sessions
Shadegg
Simpson
Stearns
Toomey

NOT VOTING—20

Berry
Blumenauer
Carson (IN)
Collins
Deutsch
Gephardt
Hastings (FL)
Hinchey
Honda
LaHood
Meek (FL)
Oxley
Platts
Quinn
Rush
Tauzin
Waters
Wicker
Wynn
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1228

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. WICKER. Mr. Speaker, on rollcall No. 338 I was unavoidably detained. Had I been present, I would have voted "yea."

Mr. SAM JOHNSON of Texas. Mr. Speaker, on rollcall vote No. 338 I voted "nay." It was my intention to vote "yea." Therefore, I ask unanimous consent that this be noted in the CONGRESSIONAL RECORD.

PERSONAL EXPLANATION

Mr. OXLEY. Mr. Speaker, earlier today I attended the funeral of the Honorable John Stozich, former State representative and former mayor of my hometown of Findlay, Ohio.

As a result, I was absent from the House during rollcall votes on H. Res. 707, H. Res. 706, and H.R. 3980. Had I been present, I would have voted in favor of each.

REREFERRAL OF H.R. 4668 TO COMMITTEE ON RESOURCES

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the bill (H.R. 4668) to designate the third floor of the Ellis Island Immigration Museum as the "Bob Hope Memorial Library" be rereferred to the Committee on Resources.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

GENERAL LEAVE

Mr. WOLF. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the further consideration of H.R. 4574, and that I may include tabular material on the same.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

The SPEAKER pro tempore. Pursuant to House Resolution 701 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4754.

☐ 1228

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4754) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2005, and for other purposes, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, July 7, 2004, the amendment by the gentleman from Virginia (Mr. WOLF) had been disposed of, and the bill was open for amendment from page 57, line 18, through page 108, line 22.

AMENDMENT NO. 2 OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. SANDERS: At the end of the bill (before the short title), insert the following new title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to make an application under section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) for an order requiring the production of library circulation records, library patron lists, library Internet records, book sales records, or book customer lists.

The CHAIRMAN. Points of order are reserved.

Pursuant to the order of the House of yesterday, the gentleman from Vermont (Mr. SANDERS) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Chairman, I yield myself 5½ minutes.

Mr. Chairman, I have a bipartisan amendment at the desk which is cosponsored by the gentleman from Idaho (Mr. OTTER), the gentleman from Michigan (Mr. CONYERS), the gentleman from Texas (Mr. PAUL) and the gentleman from New York (Mr. NADLER).

This amendment, which addresses section 215 of the USA Patriot Act, is supported by citizens across the ideological spectrum, from conservative to progressive. This amendment is a narrower version of H.R. 1157, the Freedom to Read Protection Act, a bill I introduced last year and which now has 145 bipartisan cosponsors.

To date, 181 national and regional library, publishing, civil liberty and privacy groups have endorsed this legislation, including the American Library Association, the American Book Sellers Association and the NIA. In fact, book sellers are way on their way to securing 1 million signatures on a petition drive on this issue.

Mr. Chairman, as the Members of this House are well aware, in October 2001, Congress hastily passed the USA Patriot Act. This Patriot Act significantly broadened the government's investigational powers. Unfortunately, given the speed with which the Congress passed the Patriot Act, it should come as little surprise that this new law has created consequences that many Members did not intend.

Every Member of this body was appalled by the terrorist attack of 9/11, and I know that we all are going to work together to do everything we can to protect the American people from future attacks, but I am sure that I speak for the vast majority of the Members of this body when I say that while we fight terrorism vigorously, we must do it in a way that does not undermine the basic constitutional rights of the American people, what makes us a free country.

□ 1230

That is what this amendment is all about.

Mr. Chairman, this concern about protecting constitutional rights while we fight terrorism is not an ideological issue. Again, on this point I agree with people who I often disagree with. Let me quote Republican majority leader, former leader Dick Armey, when he said, "Are we going to save ourselves from international terrorism in order to deny the fundamental liberties we protect to ourselves?"

I agree with Dick Armey. I agree with Newt Gingrich, who also voiced concerns about the USA PATRIOT Act. But also what we have are four State legislatures, including my own State of Vermont, 332 municipalities all across the country, conservative, progressive, going on record in passing resolutions expressing their concerns about this or that aspect of the PATRIOT Act.

Now, one of the areas of the PATRIOT Act that has received the most attention is section 215 as it relates to the government's ability to gain access to the files of America's libraries and bookstores. Mr. Chairman, under 215, government agents can go into a secret FISA court and get an order requiring that a library or bookstore turn over records that would tell them what innocent Americans are reading. They do this by informing the judge that they are doing an investigation on international terrorism, and having said that, a judge in the FISA court is obliged to give them a warrant to go into a library or into a bookstore so that they can determine the books that innocent Americans are reading. They do not need to have probable cause or specific information on an individual who is alleged to be a terrorist.

Mr. Chairman, just so the Members of this House understand how broad this authority is, let me quote from an October 29, 2003, declassified memo from the FBI's general counsel to all field offices. The memo expressly states that a request under section 215 "is not limited to the records of the target of a full investigation. The request must simply be sought for a full investigation. Thus, if the records relating to one person are relevant to the full investigation of another person, those records can be obtained, despite the fact that there is no open investigation of the person to whom the subject of the records pertain."

To make matters even worse, Mr. Chairman, all the proceedings are secret, so the innocent persons whose records are sought will not even know that his or her records have been seized.

Mr. Chairman, there are opponents of this amendment who are suggesting that if we pass this, the FBI and law enforcement officials will be unable to go into libraries and bookstores to track terrorists and that exempting libraries would "create a terrorist safety zone." This is absolutely not the case, not the case. This amendment does not except libraries and book sellers from searches.

The FBI will still have many legal tools at its disposal as it always has, including search warrants and criminal grand jury subpoenas to attain library and bookstore records.

Mr. Chairman, we have an opportunity today to show the American people, yes, we are going to fight terrorism vigorously; but we are going to do it while we protect the constitutional rights of our people. Conservatives, progressive, moderates agree, let us pass this amendment.

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment and yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the gentleman's amendment. The gentleman's amendment is an attempt to roll back part of the PATRIOT Act, which should not be done on an appropriations bill with 20 minutes on each side. This is a matter that the Committee on the Judiciary, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS), ought to be holding hearings on and have an opportunity to take a look at it. The business records provision the gentleman wishes to amend sunsets at the end of 2005.

I think it is a great opportunity that the Congress has oversight on this issue, and I know that the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) will be doing that aggressively, whereby the gentleman from Vermont (Mr. SANDERS) and others from both sides can come and testify; but the Committee on the Judiciary must be given an opportunity to review this policy, determine whether the gentleman's amendment is a good idea, whether it would create a potential safe haven for terrorists at libraries and address any of these issues particularly; and that is why the Congress legitimately wanted it to sunset.

Finally, and I would tell the gentlemen on both sides, OMB's Statement of Administration Policy states if any amendment that would weaken the USA PATRIOT Act were adopted and presented to the President for his signature, the bill would be vetoed.

I urge a "no" vote, and let the gentleman from Michigan (Mr. CONYERS) and let the gentleman from Wisconsin (Mr. SENSENBRENNER) really take a lot of time to bring the best constitutional authority together and look at this. That is the right way to go.

Mr. Chairman, I yield 2 minutes to the gentleman from Idaho (Mr. OTTER), who has done a great job on this issue.

Mr. OTTER. Mr. Chairman, I thank the gentleman from Vermont for his leadership and for once again bringing this amendment before us.

Last year I believe if we had this amendment before us when we had the Otter amendment and several others relative to the PATRIOT Act, we would have had and should have had at least 309 votes for this amendment as we did the Otter amendment.

I would just like to speak to a couple of things. I know my office and several other offices have received calls regarding a veto threat on this amendment. This is the ninth such amendment that we have received a veto threat on.

Well, I would tell you that if there is that much consideration, if there is that much concern on this bill as a whole, then maybe we ought to take the bill back to committee and reconsider the bill itself rather than just the amendment.

There is no greater threat to this Nation in terms of terrorism than the drugs that are on our streets today. There is no greater threat and no greater form of terrorism against our children than the pornographers in this country, and there has been no greater threat in the past on a civil and law-abiding society than organized crime.

Yet, rather than add "domestic terrorism" to this list, we have taken domestic terrorism and elevated it above those three elements with special laws. We continue to say we are doing the same thing with domestic terrorism as we have done with pornography, as we have done with drugs and as we have done with organized crime.

Not so. Not so, Mr. Chairman, because what we have done with domestic terrorism is we have removed judicial oversight and that most important role that the judiciary plays—shining that bright constitutional light into the dark shadows of probable cause.

And so I would like to join the gentleman from Vermont. I would like to join others who are prepared to say we think that these other acts of terrorism against our children and against our civil society as a whole are no less important to fight against than domestic terrorism, and, in fact, have probably taken, no, have taken, Mr. Chairman, many more lives than were lost on 9/11.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume before I recognize the gentleman from North Carolina (Mr. COBLE), to respond.

We just received a letter from the Justice Department, and I wanted to read it for the Members.

It said, "In anticipation of the U.S. House of Representatives' consideration of an amendment that would prevent the Justice Department from obtaining records from public libraries and book stores under section 215 of the USA PATRIOT Act, your staff has recently inquired about whether terrorists have ever utilized public library facilities to communicate with others about committing acts of terrorism. The short answer is 'yes.'"

The letter continued: "You should know that we have confirmed that, as recently as this past winter and spring, a member of a terrorist group closely affiliated with al Qaeda used Internet services provided by a public library. This terrorist used the library's computer to communicate with his confederates. Beyond this we are unable to comment."

This letter is to the gentleman from Wisconsin (Mr. SENSENBRENNER), Mr. Chairman; and I am providing it herewith for the RECORD.

DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, July 8, 2004.

Hon. F. JAMES SENSENBRENNER, Jr.,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR CHAIRMAN SENSENBRENNER: In anticipation of the U.S. House of Representatives' consideration of an amendment that would prevent the Justice Department from obtaining records from public libraries and bookstores under section 215 of the USA PATRIOT Act, your staff has recently inquired about whether terrorists have ever utilized public library facilities to communicate with others about committing acts of terrorism. The short answer is "Yes."

You should know we have confirmed that, as recently as this past winter and spring, a member of a terrorist group closely affiliated with al Qaeda used internet services provided by a public library. This terrorist used the library's computer to communicate with his confederates. Beyond this, we are unable to comment.

We hope this information is useful to you and your colleagues as you consider amendments relating to the USA Patriot Act.

Sincerely,
WILLIAM E. MOSCHELLA,
Assistant Attorney General.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. Mr. Chairman, I thank the gentleman from Virginia for yielding me this time.

Mr. Chairman, reasonable men and women can disagree, and hopefully disagree agreeably, and this is a situation where this is going to happen. I think convincing arguments can be made on each side of the issue. And I do not want to sound like I am knee-jerking responding to this, but should terrorists be able to use taxpayer-funded public library facilities to plot a major attack without fear they will be investigated by the FBI?

I think that could come to play if this amendment is, in fact, enacted. As I understand my friend from Vermont, the amendment would exempt public libraries and book stores from section 215 of the USA PATRIOT Act, which permits the FBI, after obtaining a Federal court order, and I repeat, after obtaining a Federal court order, to obtain documents and other records relevant to international terrorism and espionage cases.

Now, there has been no abuse in this matter, Mr. Chairman. On September 18 of last year, the number of times to date that the Justice Department had utilized section 215 of the USA PATRIOT Act relating to the production of business records was declassified, and at that time it was made known that the number of times section 215 had been used as of that date was zero. So, obviously, there is no abuse here.

Furthermore, section 215, Mr. Chairman, provides for a thorough congressional oversight. Every 6 months the Attorney General is required to inform the Congress on the number of times agents have sought a court order under section 215, as well as the number of times its requests were granted, modified, or denied. No abuse at all on this. And I just believe we should vote down the amendment.

Mr. SANDERS. Mr. Chairman, I yield myself 15 seconds before I yield to the gentleman from New York (Mr. NADLER) to tell my friends that it is not accurate that under this amendment that the FBI cannot go into libraries and book stores. They sure can. They can get subpoenas. They can go to the grand jury. They can do it in the conventional way. We have no objection to that. But they cannot have a carte blanche, no probable cause to check on the reading records of the American people.

Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, we have to be very careful that because of this war on the Islamic terrorists we do not destroy our own civil liberties. The PATRIOT Act was passed in great haste, and parts of it do exactly that.

The gentleman from Virginia says this amendment should not be considered without hearings by the Committee on the Judiciary and given proper consideration, but the fact is there were no hearings before we passed the PATRIOT Act. The PATRIOT Act was warm to the touch. No one read it before it passed this House. No one knew what was in it. The bill that came out of committee was not the bill considered by the House. So that is where the original flaw lies.

We should now pass this amendment not to make libraries an exempt zone. As the sponsor, the gentleman from Vermont (Mr. SANDERS), said, police will still be able to obtain records, so long as they can justify their actions based on probable cause. What is the difference if this amendment passes?

The difference is between good police work and a fishing expedition.

Do we want the government rummaging through the records of average Americans without reason, or do we want to insist at the very least that searches be based on probable cause? That is the issue. That is the issue: probable cause.

The Supreme Court of the United States, the Rehnquist court, gave a rap in the teeth to the administration last week for claiming powers that no executive in an English-speaking society has claimed since before Magna Carta. We do not want tyranny. We do not want tyranny.

This amendment is designed to say you can read without being afraid the government will someday reveal what you are reading. We do not want the chilling effect on free speech. If there is a real reason, if the government suspects someone is looking up how to make atom bombs, go to a court and get a search warrant, show probable cause. That is the way it worked for 200 years. It worked against the Nazis in World War II, it worked in the Civil War, and it will work today. We need not surrender fundamental liberty, and we should not.

That is what this amendment is about, and that is why we should urge its adoption.

Mr. WOLF. Mr. Chairman, I yield 3 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, I thank the gentleman for yielding me this time.

I have 70 constituents who lost their rights on September 11; and to hear this debate, I am not sure we seem to care about that. Something told me on September 11 that we had received a wake-up call from hell, and that wake-up call from hell indicated we have to detect and prevent, because the old Cold War philosophy of contain and react and mutually assured destruction went out the window.

□ 1245

On an appropriations bill, we are trying to amend the PATRIOT Act because some librarians find it offensive that we may want to go in and find out who a terrorist talks with when they use a computer, and we are going to have another amendment that basically says we need to tell them first that we think they are a terrorist.

If we are going to detect and prevent, we have to break into these cells, and the only alternative left if we see this amendment pass is that we would then have to go before a grand jury and state our case, without probable cause, I might add, but state our case when we are talking about significant national security issues. We may be talking about a chemical weapon, a nuclear weapon. We may be talking about a biological agent. We may be talking about breaking into a cell to prevent that, and yet we are going to be told now we need to go before a grand jury to do the same things we can do in ordinary criminal cases.

I am amazed beyond comprehension at the lack of recognition that it is not a question of if; it is a question of when, where, and what magnitude we are going to have to face these kinds of attacks.

And I know what is going to happen when these attacks happen. There will be Members coming back to the floor saying how come the CIA did not know? How come our intelligence community did not know? Why did they fail us again? And we are going to tie their hands behind their backs anyway and say we have to let a terrorist know first before we break into a terrorist cell.

The gentleman from Vermont (Mr. SANDERS) can throw his hands any way he wants, but the bottom line is we are at war with terrorists and we want to break into those cells and detect what is going on; and we sure as hell do not want to tell them we're coming.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

Let me first say I am troubled by the comments of the gentleman from Connecticut (Mr. SHAYS). To tell a New Yorker, to have a New Yorker hear that we somehow do not care for the victims of September 11 is really the cheapest kind of blow a Member can put on this House floor. I care and everybody else cares.

But in the process of caring for the victims of September 11, no one said we were supposed to throw away the Constitution of this country. If in fact we were attacked, as some people would propose, because we are different, if in fact we were attacked because we are a great democracy, if in fact as some people propose we were attacked because people hate our freedom and hate our way of life, then the one thing we have to make sure in defending ourselves and getting the bad guys is we do not harm the good guys and throw away the Constitution. That would be the biggest victory for the terrorists.

I know that the gentleman from Connecticut (Mr. SHAYS) is not listening to us now, but I personally take great offense to the fact; and I am glad that the gentleman from Connecticut is now listening because I think that was a low blow. I knew people that died there. I was friends with people who died there. We all are. Everybody in this country became a New Yorker that day. That is a fact of life. From Oklahoma to Portland, Oregon to Miami, Florida, everybody became an American and a New Yorker that day; so do not mix one with the other.

The fact of life is that we are talking here about a very difficult situation. The FBI still has the right under the gentleman's amendment to look at what terrorists are reading and at what terrorists are doing. We want them to do that. We want them to do that. That is why we support the FBI's efforts. But what somebody else is reading which has nothing to do with terrorists, with an opportunity now to invade our privacy like we have never seen before in this country, that is not what this argument is about, and it should not be mixed that way. I think it is offensive to some of us who believe we can defend our country and protect our Constitution to be reminded every day that if we question this policy and if we question the PATRIOT Act, we are somehow un-American and not patriotic enough. No one should ever question us. I never question anybody's patriotism or their love for this country.

Now there is traveling around the possible threat of a veto. If our President wants to veto this bill that funds the FBI's effort against terrorism, that funds the embassy security for our men and women who work overseas, that funds our war on drugs, that continues like in the homeland security bill, our fight on terrorism and the protection of our liberty and our system, let him veto it. Let the President explain to the American people that he vetoed it because the gentleman from Vermont (Mr. SANDERS) wanted to make one small change.

My friends, the PATRIOT Act, and I must commend the leaders of this House, they are good at taking a bill that does just the opposite and calling it something that it is not. The PATRIOT Act is everything but the PATRIOT Act. It is probably the act that takes away a lot of our abilities to continue to be patriots, but that is another issue.

This bill is what it is. The gentleman from Vermont (Mr. SANDERS) is just trying to make it better. But I think my most important point here today is we should be careful what we say and how we say it because this is not the time to divide the country; this is the time to simply unite it.

Let me conclude my comments by reminding us of what one of our Founding Fathers, Benjamin Franklin, said: "They that give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety." That is our problem at the present moment.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

I think one of the major issues, though, is this is something that should not be handled on the floor of the House in the heat of the moment with 20 minutes on each side. It is a serious issue.

Secondly, I was one of the Members who supported the 9/11 Commission. Thirty people from my congressional district died in the attack on the Pentagon. I think instinctively, no matter which side Members are on, they would want to wait until the 9/11 Commission.

I know some have been critical of the 9/11 Commission. I have not. I have been supportive of it. We would want to see what the 9/11 Commission said; did they think this was a problem. I am sure that they are looking at it. We have been in contact with the 9/11 Commission on the reorganization of the FBI, so there are two issues.

We would want to wait to hear them, and we would also want to bring in the librarians, constitutional scholars, the Federal Bureau of Investigation, and others to come and review with thoughtful consideration, rather than a heated debate with 20 minutes on each side.

Mr. Chairman, I yield 4 minutes to the gentleman from Florida (Mr. GOSS), chairman of the Permanent Select Committee on Intelligence.

Mr. GOSS. Mr. Chairman, I rise today in opposition to this amendment. The PATRIOT Act is not designed to be a Draconian assault on our rights, despite the description some have given it. Rather, it is a necessary fool which allows for effective communication between law enforcement and intelligence agencies. Let me say that again: it is an effective communication tool between law enforcement and intelligence agencies.

Those of us who have studied what went wrong on 9/11 came up with a very dramatic conclusion which was published in a joint report put out by the House and Senate which said the problem was communication, there was a wall that needed to be taken down; and in fact the PATRIOT Act helped accomplish this, and it was a useful legislative contribution by the United States Congress as the legislative body to help fight the war on terrorism.

We have agencies that set forth every day in our country with the goal of keeping America safe. That is no small proposition these days. We have all read on the front page of the New York Times, the very New York Times the gentleman is referring to, that city we are all concerned about, the concerns about domestic attack, about right-now worries that there are things that should give us concern about our safety from terrorists, that their attention may very well be focused there. That has been reported on the front page of the New York Times.

The PATRIOT Act makes the task of dealing with these people and these threats a lot easier, and I continue to support the PATRIOT Act, and those who are working behind the scenes with our national security organizations do too.

We all know that no piece of legislation this body or any body produces is going to be perfect. We all know about unintended consequences. And so Congress has done something else. We have provided for oversight capability in case we got something wrong, and we have the capacity to investigate and correct any instances of misuse of the PATRIOT Act, just as we would in other cases where wrongdoing is alleged.

The Permanent Select Committee on Intelligence, which I am the chairman of, regularly conducts oversight, and it has proven to be effective and reliable. To that end I have frequently described the Intelligence Committee when I make public speeches, which I do frequently, as the metaphorical 1–800 number for anybody who has concerns about abuses under the PATRIOT Act or any intelligence-related activities. The number to the House Permanent Select Committee on Intelligence has been and continues to be publicly listed and available to anybody who wants to call from around the world. If you have experienced a specific problem with the PATRIOT Act, you can now call us at our toll-free number. It only costs the taxpayers. The number is 1–877–858–9040. We will be happy to receive comments and exercise our congressional right to oversight as appropriate.

If there are problems with the PATRIOT Act, fine. Let us fix them in the kind of way that the chairman has properly suggested. I think the gentleman from Virginia (Mr. WOLF) has exactly described the right process that we should have questioning all the time whether we are getting it right, particularly in areas of our own rights; and I think debate is well warranted.

But this amendment and the half-truths which have been perpetuated against the PATRIOT Act are not the answer.

In closing, Members might be interested to know that we have not had any specific abuse complaints brought to our attention. Let me say that again: we have not had any specific abuse complaints brought to our attention. And on the contrary, we have had significant testimony that has shown utility of the PATRIOT Act. It is not unfair to say that the PATRIOT Act has been and is a vital weapon in the war on terrorism. I would say, in my judgment, that lives have been saved, terrorists have been disrupted, and our country is safer. I fully endorse the idea of oversight by Congress, I fully endorse a reporting system for any abuses, and I am happy to report I know of none, and I think I am in a position to report fairly on that. I urge opposition to the amendment.

Mr. SANDERS. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in strong support of the Sanders amendment. Let me say that the problem of 9/11 was not with what Americans were reading in the libraries. It is what the intelligence community and the FBI were not reading from its regional offices.

Mr. SANDERS. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Chairman, I think it would be proper to rename this amendment and call it the "partial restoration of the fourth amendment," and that is our attempt here. We are doing exactly what the gentleman early on suggested: this is oversight; this is our responsibility. This is the proper place to have the debate. It was the Congress that created the PATRIOT Act; it is the responsibility of the Congress to do something about it if it was a mistake. And it, indeed, was a mistake.

I would like to think that the American people are with us entirely, and I know a large number already are with us on trying to straighten up some of the mess caused by the Patriot Act, but I would like to say that there is one basic principle that we should approach this with, something I approach all legislation with, and that is the principle of a free society is that we never have to sacrifice liberty in order to preserve it.

The whole notion that the purpose of providing freedom and liberty to this country is that we have to give up some, I do not believe is necessary. It is never necessary to give up freedom to preserve freedom. I do think we made some serious mistakes. We made a mistake in passing the PATRIOT Act under conditions of an emergency and under the conditions of post-9/11. We did not do a very good job at Tora Bora. We failed to find the individuals responsible for 9/11 and we have not concentrated on the people who committed this crime. Instead, we have decided to invade and occupy a foreign country rather than protecting and providing security here, at home providing freedom for our people and more security for this country.

Mr. WOLF. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Chairman, I thank the gentleman from Virginia (Chairman WOLF) for yielding me this time.

Mr. Chairman, I oppose the Sanders amendment which would make libraries and bookstores a sanctuary for terrorists. There are many misconceptions about the PATRIOT Act, but section 215 has received an unfair amount of criticism. Section 215 covers access to business records. Library records, among other types of business records, have always been accessible under this provision.

□ 1300

These records have been subject to subpoenas by grand juries for more than 30 years. For example, in 1997 a murder case in Florida allowed a grand jury to subpoena the records from the public libraries in Miami.

Section 215 actually provides more protections than the subpoena powers of grand juries. First, this provision does not apply to ordinary citizens engaging in ordinary criminal activity. In order to conduct a search of records, the FBI must have a court order.

Second, there are narrow restrictions on when such a record search may take place. It can only be used to obtain foreign intelligence information concerning a noncitizen of the United States or to obtain information relating to international terrorism or clandestine intelligence activities.

Again, this type of record search is not available in ordinary crimes or even for domestic terrorism. Library records can provide a legitimate source of information on individuals planning terrorist attacks against us. If we exempt library and book store records from foreign intelligence investigations, then terrorists will know exactly how to hide what they are doing. If this amendment passes, terrorists will know that if they use computers at taxpayer-funded public libraries, the FBI would be powerless to get records of their terrorist activities. When drug dealers or crime syndicates use these computers, these very same computers, these records have always been available to grand juries. Why not the terrorist records as well?

Mr. Chairman, finally, I would like to add that this is an issue that should be considered by the Committee on the Judiciary, not as an amendment to an appropriations bill.

Mr. SANDERS. Mr. Chairman, I yield 1½ minutes to the gentleman from Michigan (Mr. CONYERS), ranking member of the Committee on the Judiciary, a hero of many.

Mr. CONYERS. Mr. Chairman, my congratulations to the gentleman from Vermont for bringing this forward.

Mr. Chairman, there are two ways that we can get the information from libraries, book stores, video stores, and that is through a regular criminal warrant and through a grand jury subpoena, all of which is frequently used. But doing it this way violates the fourth amendment, unreasonable searches and seizures; the fourteenth amendment, due process; the first amendment, freedom of speech; and the fifth amendment, due process.

For those who think they can call the Department of Justice's hotline and get the information, this information is classified. They will not reveal to the Committee on the Judiciary whether they have used it and how much they have used it. We know that they have through an American Civil Liberties Union lawsuit, which in the course of the suit it came out that they use it, but they will not give this information.

For those who want to suggest that the oversight by Congress will take care of the Sanders amendment, let me tell them the entire PATRIOT bill was substituted the night before it was unanimously reported from the House Committee on the Judiciary by the Department of Justice up in the Committee on Rules. So much for oversight by Congress. Support the Sanders amendment.

Mr. WOLF. Mr. Chairman, I reserve the balance of my time.

Mr. SANDERS. Mr. Chairman, I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Chairman, I rise in strong support of the freedom to read amendment. It is imperative that we do all we can to protect our country against terrorism, but reinstating laws that allow the FBI to conduct searches on libraries with search warrants and criminal subpoenas would not jeopardize national security. It would merely protect our constitutional right to privacy and make our Nation's libraries free once again.

But under the PATRIOT Act, the use of our local library is no longer free. It can cost us our civil liberties. And in the U.S. that makes it very expensive.

We are talking about the basic right to inform oneself without the threat of the Federal Government looking over their shoulder for whatever reason it likes or analyzing their intellectual curiosity for whatever reason they want. This is a chilling thought in a country that calls itself the land of the free.

The first amendment protects our right to express ourselves. We should not need a constitutional amendment that protects our right to inform ourselves, but section 215 of the PATRIOT Act makes us think it should be removed. I support this amendment.

Mr. Chairman, I rise in strong support of the Freedom to Read amendment.

This amendment would abolish section 215 of the PATRIOT Act. Section 215 gives the FBI unlimited power to examine our library records and book-store purchases—without providing any evidence that one is under suspicion of terrorism.

The free library is one of America's great educational and cultural traditions, and a cornerstone of our communities. But under the PATRIOT Act, use of the local library is no longer free. It can cost you your civil liberties, and in the United States of America, that makes it very expensive.

We aren't talking about flag burning here. We're talking about the basic right to inform yourself without the threat of the Federal Government looking over your shoulder for whatever reason it likes.

When you are doing research in a library or browsing the bookshelves at Barnes and Noble, you shouldn't have to think twice about how your intellectual curiosity might be analyzed in a Federal investigation. This is a chilling thought in a country that calls itself the Land of the Free.

The first amendment protects our right to express ourselves. We shouldn't need a constitutional amendment that protects our right to inform ourselves. But section 215 of the PATRIOT Act makes you wonder.

It's imperative that we do all we can to protect our country against terrorism.

Reinstating laws that allow the FBI to conduct searches on library and bookstore records with search warrants and criminal subpoenas would not jeopardize national security. It would merely protect our constitutional right to privacy and make our Nation's libraries free again.

Support the Freedom to Read amendment.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman for yielding me this time. I have high regard for the gentleman from Vermont, my good friend, and the gentleman from Idaho (Mr. OTTER), and I regret that I have to oppose their amendment. But I want to tell the Members why.

Obviously the PATRIOT Act does suspend some constitutional liberties. I am one of those people who loves the Constitution and believes we should not tamper with it. The problem that we have is that on 9/11 we had over 3,000 of our fellow Americans killed by terrorists because we did not know in advance what was going to happen. This is not the kind of situation where we can wait and say, okay, we suspect something is going on, we go get a court order from a judge and say, we think this guy is going to do something, and we go get him because in the interim he may have killed 4-, 5-, or 10,000 people. We have to nail that son of a gun before the act takes place.

So although some of our liberties have been temporarily suspended, the FBI told us yesterday, and many of us were at that meeting, that the PATRIOT Act has been very beneficial in stopping further terrorist attacks here in the United States of America.

The PATRIOT Act expires in the year 2005, next year; so we will have a chance to review it again. It has to be renewed because it has a sunset provision because we are all concerned about the Constitution. But we are in a war against terrorism right now. We cannot wait for a terrorist attack to take place and then say, oh, my gosh, why did we not do something about it? We have to use every tool that is available to us to prevent that attack from taking place in the first place, because once it happens, then God help us all.

So the FBI and the CIA and all of our intelligence people tell us right now the PATRIOT Act is a very valuable tool in preventing further terrorist attacks on America. We should not be tinkering with it right now. Next year we can review it, but right now in a war against terrorism, we were told yesterday that we may be in attacks this summer, and we have to do everything we can to prevent it. And that means do not mess with this thing right now, even though I love my good friend from Vermont.

Mr. SANDERS. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, let me just rise today in strong support of this amendment and thank the sponsors, especially the gentleman from Vermont for his leadership on this issue. Last year the gentleman from Vermont (Mr. SANDERS) came to my district where hundreds came to express opposition to this provision of the very onerous legislation that we are talking about before us today. Under section 215 of the PATRIOT Act, the FBI has the power to search for any tangible things, including books, records, papers, documents, and other items, in any location after showing minimal justification. This punishes all Americans and really has nothing to do with tracking down terrorists.

This amendment would allow the FBI to follow the procedures already in current law to obtain warrants to retrieve records for terrorist-related or criminal investigations. But come on. Families should not be afraid to check out children's books for fear that they may be investigated for collaborating with terrorists.

This amendment would restore and protect the privacy which is afforded to us by our first amendment, the rights of library and book store patrons which were in place before the USA PATRIOT Act. Those that did not know this was written in in the dark of the night, this was written in, we now know. Today we have a chance to get back the rights guaranteed by our Founding Fathers.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. HOSTETTLER).

Mr. HOSTETTLER. Mr. Chairman, eliminating these authorities, as this amendment would do, would mean that we can get library records for run-of-the-mill criminal investigations with a grand jury subpoena that does not require a court order or judicial review, and it would also mean that we would be eliminating or restricting section 215 of the PATRIOT Act, and that would preclude the government from getting the identical library records as the run-of-the-mill investigation I mentioned earlier to protect national security interests of the United States. This is at best inconsistent with regard to law enforcement.

Congress recognized this inconsistency and corrected it in the U.S. PATRIOT Act. For example, today by grand jury subpoena the government can obtain similar records, library or other business records, related to the crime of cattle rustling under Title 18 U.S.C. section 2316. But under this amendment we could not get identical records using a court order for terrorism-related information.

Section 215 of the PATRIOT Act only applies to the foreign intelligence investigations and allows only for the collection of records for an investigation to protect against international terrorism or clandestine intelligence activities. This authority requires judicial review, whereas a grand jury subpoena for cattle rustling on the criminal side does not.

By exempting library records from the business records authority under section 215 of the PATRIOT Act, this amendment creates a safe haven for terrorists to communicate and do research on the next attack that is not created for cattle rustlers.

Mr. SANDERS. Mr. Chairman, I yield 45 seconds to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, I believe in the freedom to read, and Americans' right to read and purchase books without fear of government monitoring has been wiped out, it has been erased, it has been undone by the passage of the PATRIOT Act. Congress must repeal this unconstitutional provision, and we must do it today with this amendment.

The PATRIOT Act forces library users to self-censor their reading choices out of fear. Mr. Chairman, censorship is not what America is about. The existing law would make one believe that by reading a book, the 9/11 terrorists came into existence. The existing law would lead one to believe that books are the enemy. Let us not forget the book burnings in Germany. Books are only the enemy if we do not want our population to be educated.

Mr. SANDERS. Mr. Chairman, I yield 45 seconds to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, just a short time away from the memorializing of the loss of over 3,000 of our brothers and sisters during 9/11, we stand on the floor to acknowledge our commitment in the war against terror and for homeland security. But not one single terrorist that perpetrated that heinous act was found in the libraries of America on 9/11. And so I rise to support this amendment on the simple premise that it reinstates legal standards for investigations of libraries and book stores which are part of the constitutional protection of the first amendment, and protectionss that were eliminated under the U.S. PATRIOT Act.

I simply ask my colleagues to recognize that the war on terror does not require us to drop our constitutional rights at the door of this body or the courthouse. Let us stand for the balance between democracy and security and support this amendment and defeat the unconstitutional intrusion on our rights!

□ 1315

Mr. SANDERS. Mr. Chairman, I yield 45 seconds to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Chairman, I rise in strong support of the Sanders amendment. I voted for the PATRIOT Act, I voted for all the appropriations for the war against terror, I voted for all the intelligence appropriations, and will continue to do so. But I think we have to be careful. We have to carefully balance the war against terror with our personal freedoms.

With the passage of the PATRIOT Act, the FBI gained the unprecedented power to search libraries and book-buying records without probable cause of any crime or intent to commit a crime. Furthermore, librarians and others who are required to turn over records are barred from informing anyone that the search has occurred or that records were given to the government. This means that average Americans could have their privacy violated wholesale without justification or proper judicial oversight.

This amendment will not limit the ability of the FBI and the Department of Justice to fight terrorism. This amendment will ensure that library or bookstore records relating to an American who is not the subject of an investigation will not wind up in the government's hands without the benefit or protection of the courts.

Mr. SANDERS. Mr. Chairman, I yield 45 seconds to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, 9/11 was a great tragedy. An even greater tragedy is the destruction of our Bill of Rights.

The PATRIOT Act gives the government the right to search library reading lists. Our government should not care what people are reading; it should care that our people can read. Fear passed the PATRIOT Act, and fear will destroy our democracy.

When Francis Scott Key wrote that "Star Spangled Banner," he raised a question: Does that star spangled banner yet wave, over the land of the free and the home of the brave? He made the connection between freedom and bravery, between courage and democracy.

This is a time for America to have courage. Courage, America. Freedom, America. Liberty, America. Support the Sanders amendment.

Mr. SANDERS. Mr. Chairman, I yield 45 seconds to the gentleman from New Mexico (Mr. UDALL).

Mr. UDALL of New Mexico. Mr. Chairman, I rise today in strong support of the Sanders-Otter amendment, which would help restore the privacy and first amendment rights of library and bookstore patrons.

On the day the PATRIOT Act passed in this body, few Americans were aware of its harmful impact. Today, I can tell you Americans and my constituents are appalled at the emasculation of our Constitution.

Section 215 granted authorities unprecedented powers to search or order a search of library and bookstore records without probable cause or the need for search warrants. This is absolutely unprecedented. Those rights to a search warrant, to probable cause, are in the United States Constitution. They were swept aside in the PATRIOT Act.

We should make the commonsense changes that this amendment makes. I urge support of the Sanders-Otter amendment.

Mr. WOLF. Mr. Chairman, I yield 1 minute to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, with all due respect, I think we are swallowing camels and straining out gnats. We talked about the fact that you need probable cause under the PATRIOT Act. You do not need it under existing law. You can go to a grand jury under existing law and get this information, right now.

I would submit that we are not thinking straight. We are at war with terrorists. We need to respond to what we most fear: A chemical, biological, or nuclear attack. Or even a conventional weapon used in a pretty horrific way, with dirty weapons, dirty nuclear material. That is a fact. I am not inventing something. I have had 50 hearings on this.

The bottom line is, you remove this from the PATRIOT Act, and they can still do all the bad things they want. Under the PATRIOT Act, you have to go to the Justice Department, you have to go to FISA, and then you have to get a court order. I would submit it is a safer way.

The advantage is you do not have to tell a whole lot of people you are doing it. You get the records of what they are reading, what they are talking about, and then know whether we need to act more strongly.

Mr. SANDERS. Mr. Chairman, I yield 45 seconds to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Chairman, in the Bush-CIA-created democracy in Iraq, they just adopted martial law. The human rights minister said it is just like the American PATRIOT Act.

The Congress has tackled some unusual legislation recently. The Senate just voted to reaffirm that we actually support the Geneva Conventions, and today we are in the House debating no less than the freedoms guaranteed by the first amendment in our Constitution, freedoms that were compromised in a rush to judgment by this administration.

They did not get in martial law here yet, but they have got it in mind. They want to have the government able to reach into our lives, no matter what we are doing, no matter what you read in the library. Do not buy a ticket to "Fahrenheit 9/11" on the Internet, because they will get your Internet records. They are going to get everything about your life, and they will continue to do it until we finally wind up with martial law.

The amendment before the House would grant Americans the freedom to read books from the local library or your favorite bookstore, without the FBI looking over your shoulder.

Yes, we are here to restore one of the founding principles of this Nation. Today, we have to legislate freedom. There is a strong possibility that Republicans will vote against the amendment and kill the right for an American to read without fear of snooping by the government

There is every reason to believe that Americans will end this day not really knowing whether the book they just checked out of the library has placed them on the FBI watch list. Who is to say what books might get you placed under surveillance by the government.

Maybe you like history and want to know about the people who led nations against us. That alone would prompt Attorney General John Ashcroft to consider you a subversive. And, you will never know.

The so-called Patriot Act has made a patsy out of the first amendment. There is a secret court that can let the government peer into your private life. They can pry, snoop, spy, intrude, watch, poke around, and access your records, your life, without your knowledge, forget about consent.

The Attorney General wants the power. He insists he must have the power to protect America from Americans, any American he deems shady. What's the threshold? Well, that's a secret and a moving target. Today, maybe John Ashcroft won't like Catcher in the Rye and consider you subversive if you check it out. Tomorrow, maybe it will be The Great Gatsby, or perhaps Germany's Secret Weapons of World War II, or The Da Vinci Code. There's no limit to what the Attorney General might consider subversive. There's no limit to the spying he can order. There's no limit on government intrusion in your life. There are, however, new limits, severe limits to what this country is all about—freedom.

Are there bad people out there? Of course there are. And there are effective laws available to the Attorney General and the FBI to find these people. Every American does not need to be put under surveillance in order to protect America.

If you let government break into any American's private life without a rational check and balance, a cold wind will blow across this Nation and make us less free and no less vulnerable. We can fight the war on terror without declaring war on freedom. We can keep America safe and keep America free.

I urge the House to restore freedom to every American. I urge the House to pass the Freedom to Read Protection Act. If we are to remain the Land of the Free, we need to defend civil liberty as vigorously as we prosecute the war on terror.

Mr. SANDERS. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let me conclude. I am distressed by anybody in this body who suggests that any Member of this body is not going to do everything that he or she can to fight terrorism. We are all in that together. But in the process of fighting terrorism, it is imperative that this body maintain the basic constitutional rights which have made us a free country.

There is nothing in this amendment which prohibits the FBI or the government from going into libraries or bookstores as quickly as they can when they have to. This legislation that we are supporting is supported by conservatives, by moderates, by progressives, by people who are fighting hard, not only against terrorism, but fighting hard to maintain the basic freedoms which make our country the envy of the world and a free Nation. And in the fight against terrorism, we have got to keep our eyes on two prizes, the terrorists and the United States Constitution.

Mr. WOLF. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I again rise in opposition. The debate has been good, though; and I think it is good we have had it.

Let me say, first, that the PATRIOT Act does not allow or authorize martial law. It is important we know that. It does not.

Second, in the statement the gentleman from New York (Mr. NADLER) made, it was inaccurate when he stated that grand jury subpoenas issued for business records, including library records, in ordinary criminal investigations are governed by a probable cause standard. That is not so. Rather, grand jury subpoenas in criminal investigations are governed by a standard of relevance, the same standard that applies to the issuance of court orders for the production of business records in intelligence investigations pursuant to section 215 of the PATRIOT Act.

So, really, you cannot just get down here and say this and say that, because we are moving people. People are listening back in their offices.

Third, there has been a lot of talk about legal issues here. We have not been hit since 9/11. No one has died in an attack on this country since 9/11. We know that.

We also know that al Qaeda, and frankly, Osama bin Laden lived in Sudan from 1991 to 1995 and nobody did a darn thing about it. Nobody did a thing about it. They could have picked him up several times, and they did nothing about it. But we know that Osama bin Laden and others want to bring about death and destruction and kill American citizens. We have seen the beheading of Nicholas Berg and others.

Has the PATRIOT Act helped us and our safety? I believe it has, and based on briefings that other Members on both sides have had, they do believe that it has actually helped us and kept what took place at the Pentagon, in my area, and I agree with what the gentleman from New York (Mr. SERRANO) said, up in their area, where they have deep, deep concern. We know it does and has helped.

Now, on this amendment, was Mr. Mueller, the Director of the FBI, and the gentleman from New York (Mr. SERRANO) would agree, has been asked what he thinks of this amendment? Has he been asked if this amendment hurt their efforts with regard to cutting off al Qaeda and other groups from killing United States citizens?

We see the letter that came from the Justice Department. I put it in the RECORD. It said, "You should know," this was to the gentleman from Wisconsin (Mr. SENSENBRENNER), "we have confirmed that as recently as this past winter and spring," winter and spring, two times apparently, "a member of a terrorist group closely affiliated with al Qaeda," the al Qaeda who did the 9/11, al Qaeda who did Tanzania, al Qaeda who did Nairobi, al Qaeda who did the USS *Cole*, al Qaeda who did the World Trade Center in 1993, that al Qaeda that "used Internet services provided by a public library."

Now, this says in here to the gentleman from Wisconsin (Mr. SENSENBRENNER) that in the winter and the spring somebody connected with al Qaeda used the Internet at a public library. If we can stop what took place in my area with regard to the Pentagon, then I want to stop that, because we have gone to enough funerals, and you all have gone to enough, and two of my children live in New York City, and I know how the gentleman from New York (Mr. SERRANO) and those of you feel. It says they have used it.

Lastly, will this create a safe haven? I do not know. Let us let the gentleman from Michigan (Mr. CONYERS) and the gentleman from Wisconsin (Mr. SENSENBRENNER) and the members of the Committee on the Judiciary look at it.

It comes to an end. The Congress had wisdom to bring it to a sunset in 2005. Have hearings been held? I would ask the gentleman, Have hearings been held on this issue by the Committee on the Judiciary? There have not been. I see the gentleman from Michigan (Mr. CONYERS), and I say to the gentleman from Michigan (Mr. CONYERS), I will not be at that 2 o'clock meeting we are going to have. The hearings have not been held.

Since hearings have not been held, since the FBI has not been asked, since we have not been hit, I strongly urge Members on both sides, even though you have reservations and doubts, to vote down this amendment and allow the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) to do their work and make sure that whatever they do is appropriate and constitutional and in the best interests of this country.

Mr. Chairman. I urge members for a "no" vote.

Ms. HARMAN. Mr. Chairman, although I have expressed serious concerns about our government's ability to search library and book store records, I do not believe that the Sanders amendment is the proper vehicle for addressing this concern. I will reluctantly oppose it.

The PATRIOT Act is a flawed law. It was passed just 7 weeks after September 11, 2001, without meaningful debate about how its new, wide-ranging powers would impact civil liberties. The Act contains some important provisions, such as modernizing law enforcement tools. But it also contains some highly problematic provisions, such as those that potentially give law enforcement officials a license to go on fishing expeditions for personal information unrelated to terrorism.

I believe we must carefully review the PATRIOT Act when it comes up for reauthorization next year. Congress should decide which provisions are necessary to win the war on terrorism, and which are unnecessarily harmful to civil liberties. This process should not be done "on the fly" in the middle of an election year, before we have an opportunity to understand the Act's full ramifications.

That is why I also oppose any effort to make permanent the PATRIOT Act. We adopted this bill in a rush. We wisely included sunset provisions that kick-in after sufficient time has passed to allow us to carefully assess the effectiveness of the provisions and their impact on civil liberties. Let's not rush to make permanent any of the provisions without the careful review we initially envisioned.

The responsible course of action is to revise the PATRIOT Act after we understand how best to improve it.

Mr. OTTER. Mr. Chairman, the freedom to read what we want—it may not be the first thing that comes to mind when we talk about those basic, unalienable rights for which generations of American heroes have fought and died. The idea of a government controlling what we read is the stuff of history books and horror stories about tyrants and dictators. It is not something we expect to face here in America—the Land of the Free.

That was before the passage of the USA PATRIOT Act. Section 215 of that law has given Americans reason to wonder whether the government might be looking over their shoulders when they check out books and materials from their local library. It has dangerously undermined the people's confidence in their government and threatens the precious freedoms we enjoy under the First amendment.

That's why I support this amendment today. I fully recognize the need to provide our law enforcement officers with the tools necessary to combat terrorism and keep Americans safe. However, security bought at the price of the freedoms on which our Nation was founded is no real security at all. Certain parts of the Patriot Act, including Section 215, may have seemed understandable in the short term, but they are intolerable over time. We need to set things right before our precious constitutional rights are eroded beyond recognition.

We sacrifice something much more dear than our physical safety when we fail to be diligent in defending our freedoms. Once lost, they seldom if ever are regained. And whether the tyranny that robs me of my liberties comes from abroad or starts here at home makes no difference. It is equally unwelcome. I am just as committed to protecting Americans from their own government's excesses as from the violence of foreign extremists.

The degree to which that commitment has captured America's imagination and has found growing support here among my colleagues is one of the most gratifying experiences in my public life. A vote for this amendment is a vote to restore Americans' confidence in the ability of Congress to protect the freedoms they hold dear.

Mr. WOLF. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont (Mr. SANDERS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SANDERS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Vermont (Mr. SANDERS) will be postponed.

Mr. SMITH of Michigan. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The amendment offered by the gentleman from Michigan (Mr. SMITH) addresses a portion of the bill that has been passed in the reading. Does the gentleman ask for unanimous consent for its consideration at this point in the reading?

Mr. SMITH of Michigan. Mr. Chairman, I do.

The CHAIRMAN. Is there objection to its consideration at this point in the reading?

Mr. SERRANO. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. WOLF. Mr. Chairman, I move to strike the last word.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield.

Mr. WOLF. I yield to the gentleman from Michigan.

□ 1330

Mr. SMITH of Michigan. This amendment would take money from the United Nations and would put that $20 million in NIST, the National Institute of Standards and Technology, at a level that was recommended by the President.

I am offering this amendment, taking money from the United Nations appropriations, international organizations and, because I am concerned about the additional money that the United Nations has taken and has in their possession from the Oil-for-Food program.

I think this Congress should be very concerned about what has happened in the Oil-for-Food program. This particular line item appropriation was increased 19.4 percent above last year, even though there are reports that the U.N. kept $100 million of the Oil-for-Food money to pay for its own operating expenses. This money was intended to rebuild Iraq, but instead the

American taxpayer is currently paying the tab.

Also, the U.N. collected .8 percent of the Oil-for-Food transactions to pay for weapons inspections, but between 1999 and 2002, the U.N. collected $400 million for weapons inspection, even though no inspections took place.

So that is where the $20 million would come from. It goes to increase the appropriation up to the President's request for the National Institute of Standards and Technology, NIST.

You know, it is a simple amendment that I think is fair, that I would hope would be in order so that this body could consider how far we wanted to go increasing some of the appropriations to the United Nations, again by 19.4 percent at a time when it is reported that they have, in effect, confiscated $400 million for weapons inspections that they did not make; at a time when they have taken another $100 million off according to an article in the Wall Street Journal, to pay for their own administrative expenses.

I think it is reasonable and appropriate that we send a signal to the United Nations that we are not going to have this dramatic 19.4 percent increase in those kind of appropriations, at a time when the United Nations has issued orders apparently to not release the background of the Oil-for-Food program, when countries that were involved in the Oil-for-Food program such as Russia, such as France, such as some of the other countries that now have instructed their people not to release the information so that we can appropriately investigate what happened in the misuse of that Oil-for-Food program funds.

Recently, both my Agriculture and International Relations Committees held hearings on the United Nation's Oil-for-Food (OFF) program scandal. That program taught us a lot about the United Nations' (UN) weaknesses and explain the actions of countries like France and Russia when they worked against us last year.

The UN placed trade sanctions on Iraq after Saddam Hussein invaded Kuwait in 1991. By 1995, the sanctions were widely blamed for a developing humanitarian crisis in Iraq. The United States and Britain realized that Iraq, which has the second largest oil reserves in the world, could trade oil for food and medicine. We pushed for UN Security Council Resolution 986, and the OFF program was created. If effective, it would have reduced the humanitarian impact of the sanctions while preventing Hussein from buying weapons.

Unfortunately, Hussein cheated OFF and the UN didn't stop it. He managed to get his hands on at least $10 billion of OFF money. Other countries were complicit in helping him cheat. France and Russia demanded that we let Hussein design OFF. It allowed Hussein to pick the price for his oil, to pick his customers, and to control the people who audited him. Within a few years, the flawed program allowed Hussein to sell at low prices in exchange for kickbacks that were funneled into Swiss bank accounts. This was suspected at the time, but it was impossible to fix it. Fixing it would have required unanimous support of the Permanent Members of the Security Council, including France and Russia. At the time, these countries said that they wanted to end the sanctions completely. France, Russia, and China all had oil contracts with Iraq that would have been activated, resulting in huge benefits for these countries had the sanctions been removed.

At the same time, UN bureaucrats in Iraq were slow to file reports and bring irregularities to the attention of the Security Council and its oversight committee. Furthermore, Iraq paid its UN auditors. The more trading they allowed, the more money the UN got. These arrangements have only come to light since Saddam Hussein's fall. There are reports that even the UN's head of the Oil-for-Food program, Benon Sevan, was on the take from Hussein.

The United States and Britain have pushed for an audit to find out what happened. Paul Volcker, a former Chairman of the Federal Reserve, is heading a UN investigation. However, the UN is stonewalling. Sevan sent letters ordering UN offices to refuse to cooperate. Russia has asserted that it will not release any documents. And other UN bureaucrats have refused to share papers. I have sponsored legislation that would cut U.S. support for the UN if it doesn't cooperate.

The real story here is that many countries make decisions based solely on what is good for their country, with no regard for the goals and ideals of the UN Charter. Certainly, this calls the Security Council's moral authority into question and degrades its capacity to respond appropriately to events. Is it any wonder that, under pressure from these countries, UN could not agree to support us in Iraq? And is it any wonder that at the first threat of danger, the UN pulled out? We need to carry out a full and thorough investigation and make changes if the United States is to continue with some degree of confidence.

And with that, Mr. Speaker, we can proceed to the point of order. I would hope that inasmuch as this amendment was included in the unanimous consent to be allowed to be considered, that we would allow my amendment to be considered.

Mr. Chairman, I would like to question the ruling of the chair on whether or not the amendment has been passed.

The CHAIRMAN. The unanimous consent request to consider the amendment at this point was objected to. The amendment is not pending.

PARLIAMENTARY INQUIRY

Mr. SMITH of Michigan. May I have a parliamentary inquiry, Mr. Chairman?

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. SMITH of Michigan. Mr. Chairman, I refer to the unanimous consent request that was made last night asking unanimous consent that during further consideration of this bill, H.R. 4754, that the following amendments be allowed to be offered, and my amendment is included in that list.

The CHAIRMAN. That order of the House of yesterday did not waive the requirement that the amendment come at the appropriate place in the reading.

Mr. SMITH of Michigan. Mr. Chairman, I am not questioning the points of order against the amendment. I am questioning the ruling of the Chair that this amendment cannot be offered at this time.

The CHAIRMAN. The portion of the bill adderssed by the gentleman's amendment has already been passed in the reading. Therefore, the gentleman would need unanimous consent to return to that portion of the bill without which, the amendment would be subject to a point of order.

Mr. SMITH of Michigan. And I guess, Mr. Chairman, reluctantly I will accept the ruling of the Chair.

AMENDMENT NO. 20 OFFERED BY MR. AKIN

Mr. AKIN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 20 offered by Mr. AKIN:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used in contravention of the provisions of subsections (e) and (f) of section 301 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108–25; 22 U.S.C. 7631(e) and (f)).

The CHAIRMAN. All points of order are reserved. Pursuant to the order of the House of yesterday, the gentleman from Missouri (Mr. AKIN) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Missouri (Mr. AKIN) for 10 minutes.

Mr. AKIN. Mr. Chairman, I yield myself such time as I may consume.

About a year or so ago we passed the $15 billion AIDS package, and we did so because we believed in the principles of prevention coupled with treatment.

Now, the amendment that I am offering here today is to make a crystal-clear understanding that the intention of the United States Congress and the American people is in regard to the distribution of this money.

The amendment simply codifies existing law by ensuring that no taxpayer funds designated for this bill, which has to do with tuberculosis, malaria, as well as AIDS, may be used to promote or advocate the legalization of prostitution or sex trafficking, and that no funds may be given to any group or organization that does not have a policy that is explicitly opposing prostitution and sex trafficking.

We have received word that there are groups who actively promote prostitution on their Web site, that they have received U.S. tax dollars in the past, and that is why this language is important and why it must be enforced.

If we subsidize any organization, we unavoidably enrich and empower all of the activities of that particular organization, and clearly it is not in the interest of our foreign policy to enrich or empower organizations that refuse to denounce prostitution and sex trafficking.

Now, I probably should make this point very clear that, first of all, my amendment applies only to the $15 billion of AIDS money, and also, that this amendment in no way prevents the distribution of condoms or medications to prostitutes or women sold into the sex trade. It simply mandates that the organization distributing these items must have a statement opposing prostitution and sex trafficking. In fact, in paragraph (e) of the law, it says, "Nothing in the preceding sentence shall be construed to preclude the provision to individuals of," and it goes on to the different types of medical care.

Mr. Chairman, when the United States sends tax dollars to treat and prevent AIDS in Africa, we are telling women that we are interested in their well-being, and we must never confuse that message by financially supporting organizations that actually promote prostitution and sex trafficking.

Now, this may be a little bit theoretical; sometimes we deal with statistics in this Chamber. But in my own experience, traveling to India, to Mumbai, we had a tour of the red light district, and we saw the people that were victims of the sex traffic trade. In fact, we saw their children, about two dozen of them. And one of the things that we were told is that when those children come, first of all, to this house where they can be finally treated decently, and they are told that they have a bed, when it comes nighttime, they crawl underneath the bed. They crawl under the bed because that is where their mother trained them to stay while she was making her living in the evenings.

So we do not want to have any way that any of our policies could be construed with United States money for in any way endorsing or supporting any organization that is not explicitly willing to denounce the trafficking and the misuse of women and children in the sex trade.

Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Chairman, just for 30 seconds. This is a good amendment, and I strongly, strongly support it. I want to thank the gentleman from Missouri for offering it.

The exploitation of women is very common, and, unfortunately, a growing, growing problem. I appreciate the leadership of the gentleman from New Jersey (Mr. SMITH) and the gentleman from Pennsylvania (Mr. PITTS) and others on this issue.

So I strongly support the amendment.

Mr. AKIN. Mr. Chairman, I reserve the balance of my time.

Mr. SERRANO. Mr. Chairman, I rise to claim the time in opposition, and I yield myself such time as I may consume.

To be honest, there is some confusion around here as to where this amendment is going. I know that the chairman already said it is a good amendment, and I understand my colleague said he would accept the amendment. But we are just trying to figure out if, indeed, this amendment should be on this bill at all, or if it should be in the foreign operations bill.

I would like to ask the chairman that question, if he feels this belongs here, or if he feels it belongs in the foreign operations bill. And secondly, if he understands, as I do, that this bill really speaks not to one section of our bill I guess, but to all sections, that if someone does not have a written policy, a policy, by the way, that no one is against in this House or should be against, that this would go into effect. In other words, this would not be the first time that there is some confusion on an amendment, and that is what we are trying to say.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. SERRANO. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, we have been led to believe that only, as the gentleman said, applies to the section that he made clear earlier, only to that section dealing with HIV/AIDS. I personally, though, would make it apply to everything, because of the thought of the exploitation to women. But unfortunately, it just applies to that one very narrow section.

I think it is appropriate on this bill, because we have extensive funding in this bill with regards to sexual trafficking. But unfortunately, it does just cover that narrow section with regard to HIV/AIDS.

Mr. SERRANO. Mr. Chairman, reclaiming my time, the amendment extends the prohibition against all funds in this bill to assist any group or organization that does not have an explicit policy against prostitution or sex trafficking; again, something we are all in favor of getting rid of.

The bill funds the Justice Department, the Commerce Department, and the Judiciary. The question is why should we refuse to help a small manufacturing firm that seeks MEP assistance, for instance, because they do not have a written policy against prostitution? Why should we encumber COPS funds to local police departments or tell the courts they cannot pay a court reporting organization that does not explicitly prohibit prostitution? What effect does this amendment have on scientific grants from NIST and contracts from NOAA?

There are some who will question the motives of the opponents of this amendment and suggest that we do not fight strongly enough against prostitution and sex trafficking. I am just concerned that this will cast aspersions on us because we think this is an overbroad amendment with unintended consequences. I just wish, Mr. Chairman, that we would really take a closer look here in consultation with the sponsor, because this, I think, accomplishes or does much more than we think it does.

Mr. Chairman, I reserve the balance of my time.

Mr. AKIN. Mr. Chairman, I yield the balance of my time to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, I rise in strong support of the Akin amendment which affirms, reaffirms existing U.S. policy of two of the most heinous practices known to humankind: sex trafficking and prostitution.

It should be very clear that the Akin amendment reiterates that funding in this bill cannot be used to circumvent provisions already existing in law, Public Law 108–225. As with the existing law, the Akin amendment states that no taxpayer funds designated for HIV/AIDS prevention may be used to promote or to advocate the legalization of prostitution or sex trafficking, and that no funds may be given to any group or organization that does not have a policy explicitly opposing prostitution or sex trafficking.

As the author of both the Trafficking Victims Protection Act of 2000 and the Trafficking Victims Reauthorization Act of 2003, I believe that the U.S. should do everything in its power to combat and to eliminate human trafficking in prostitution.

Those who advocate the legalization of prostitution, I believe, are doing a grave disservice to women and demeaning their dignity.

□ 1345

Individuals and groups seeking to receive U.S. assistance to fight AIDS who believe that the legalization of prostitution or they turn a blind eye to prostitution are part of the problem. They are not part of the solution.

Mr. Chairman, the horrors of sex trafficking, which is indeed modern-day slavery, and the ugliness of prostitution cannot be understated. The recently released "Trafficking in Persons Report," which was done pursuant to our Act, has pointed out that some 600,000 to 800,000 people are trafficked every year across borders. I urge a "yes" vote for the Akin amendment.

Mr. SERRANO. Mr. Chairman, I yield myself such time as I may consume.

I would just make my last appeal to the gentleman. I think this may be an issue that people want to discuss; but it is certainly, from everything we can gather, not intended to be part of this bill. Secondly, it leaves incredible questions open. As I said before, anyone seeking a grant under this bill, this bill has many areas where you can, in fact, seek funding to do medical research, to do all kind of research, to contract with the government; and this is so open that nowhere else I think in our government do we say that you must first sign a document committing yourself to something before you can even be involved in receiving Federal dollars.

There are laws that cover behavior, yes, that is true, fair housing, discrimination and so on. But this one, my God, there are people who have not even looked at this issue. And to suggest that if they do not have it down in writing, they have a policy that they have to present this policy, they cannot engage in research or engage in building or something else, it is totally out of left field to me. I really think this is overreaching. This is too broad, and I was really hoping that the chairman would see it that way and oppose it for the time being. I hope we could reconsider it.

Ms. LEE. Mr. Chairman, I rise in opposition to the amendment offered by the gentlemen from Missouri, Mr. AKIN.

Not only is this amendment redundant and unnecessary, because the existing language is already contained in last year's Global HIV/AIDS bill, but this amendment is also an extension of a bad piece of public health policy.

Mr. Chairman, of course we don't support the legalization of either of these practices, and we would never allow the taxpayers money to be used to advocate or support for their legalization.

But to deny funding to an organization, any organization mind you, because it doesn't have a specific policy that is opposed to either of these practices is counterprodutive to achieving our long term goals of reducing the spread of the disease, and treating those already infected.

How can an organization that is seeking to mitigate the risk of infection for sex workers reach out to these women when we require them to have an affirmative policy in place that would turn these very women away from receiving education and treatment for HIV/AIDS?

It's not like the women who get involved in the sex trade are doing it as a matter of choice. They are doing it to survive. They are forced to sell their bodies to put food on the table for themselves and their families. For them, it is survival sex.

Last year I traveled to Zambia on a Congressional Delegation, where I had the opportunity to meet some of these women at Chirundu, one of the border crossings into Zimbabwe.

I can tell you, the women who live in the surrounding community at Chirundu are economically destitute with no employment opportunities, they are forced into the commercial sex industry to survive.

What incentive will such a woman have to learn about how to protect herself from contracting HIV, or how to avoid spreading it, if every organization she turns to rejects the very basis of her situation, of her existence? How can she trust an organization that believes that prostitution is a choice for her?

Just take a look at the case of Thailand. On Sunday the 15th International AIDS Conference will take place there, and I think we should take a look at how Thailand confronted its own HIV epidemic among its sex workers.

The government wasn't saying one thing and doing another by proclaiming its opposition to the commercial sex industry.

It was actively trying to reach out to sex workers and to make it easy for them to come into a health clinic, get information about HIV/AIDS, get access to condoms, and mitigate their risk of getting, or further spreading the disease.

Like the case in Thailand, we should be reaching out to these women, not turning them away. We should also be helping them to get an education, start a business, and hold down a job.

The amendment we passed last year was a flawed piece of public policy, and by extending this policy, this amendment we are considering today is equally flawed.

I urge my colleagues to oppose it.

Mr. SERRANO. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. AKIN).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. AKIN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on this motion are postponed.

AMENDMENT NO. 4 OFFERED BY MR. OTTER

Mr. OTTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. OTTER:

Insert before the short title at the end the following:

TITLE VIII—NOTICE OF SEARCH WARRANTS

SEC. 801. Section 3103a of title 18, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "may have an adverse result (as defined in section 2705)" and inserting "will endanger the life or physical safety of an individual, result in flight from prosecution, or result in the destruction of or tampering with the evidence sought under the warrant"; and

(B) in paragraph (3), by striking "a reasonable period" and all that follows and inserting "seven calendar days, which period, upon application of the Attorney General, the Deputy Attorney General, or an Associate Attorney General, may thereafter be extended by the court for additional periods of up to seven calendar days each if the court finds, for each application, reasonable cause to believe that notice of the execution of the warrant will endanger the life or physical safety of an individual, result in flight from prosecution, or result in the destruction of or tampering with the evidence sought under the warrant."; and

(2) by adding at the end the following new subsection:

"(c) REPORTS.—(1) On a semiannual basis, the Attorney General shall transmit to Congress and make public a report concerning all requests for delays of notice, and for extensions of delays of notice, with respect to warrants under subsection (b).

"(2) Each report under paragraph (1) shall include, with respect to the preceding six-month period—

"(A) the total number of requests for delays of notice with respect to warrants under subsection (b);

"(B) the total number of such requests granted or denied; and

"(C) for each request for delayed notice that was granted, the total number of applications for extensions of the delay of notice and the total number of such extensions granted or denied.".

The CHAIRMAN. Points of order are reserved.

Pursuant to the order of the House of yesterday, the gentleman from Idaho (Mr. OTTER) and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from Idaho (Mr. OTTER).

Mr. OTTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, earlier today on another amendment, we heard the distinguished chairman of the subcommittee mention that we should leave the PATRIOT Act and my amendments there up to the gentleman from Wisconsin (Mr. SENSENBRENNER) and up to the gentleman from Michigan (Mr. CONYERS).

Mr. Chairman, we did not leave the PATRIOT Act up to the Committee on the Judiciary, up to the gentleman from Michigan (Mr. CONYERS) and up to the gentleman from Wisconsin (Mr. SENSENBRENNER), as was discussed and has never been refuted. This PATRIOT Act that we have been having to deal with for the last 3 years was snuck in at the very last minute.

So the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS), who the chairman now wants to turn over the jurisdiction for the PATRIOT Act, never got a chance to take a final look at the actual PATRIOT Act itself.

Mr. Chairman, I rise today to discuss an amendment that, I believe, renews an important balance between protecting our liberties and protecting our Nation. I understand that the language is subject to a point of order, and I am prepared to deal with that. However, this issue drives to the core of who we are, or who I hope we are as Americans. And I believe it is important to address today.

The fourth amendment which protects us from unreasonable searches and seizures by government came from a firsthand experience of our Founding Fathers. Then King George III called it what it really was, writs of assistance, and before that it was also mentioned in the Magna Carta.

So what we have done with the PATRIOT Act and sneak-and-peek provisions of search warrants has destroyed many, many years of efforts by freedom fighters throughout the decades. This idea of individuality, that each person is created unique, is something unique to the United States and cannot and should not be taken away, especially not by its own government. If we cannot trust our own government to not make war on its own people, how can we trust this same government to make war with our enemies? That is why I am so concerned about the way we have expanded the power of government to do sneak-and-peek searches. The issue at hand is not when or where or how often these warrants may be executed or may be used; the fact that government has the power at all should be something of great concern to all of us.

I do not doubt that the provisions of the PATRIOT Act that address sneak-and-peek were well intended. It is important to know that we are safe and secure within the borders of this country. Mr. Chairman, we cannot, we will not be safe in this country unless we are secure under the fourth amendment to the privacy of our own person and our own property.

I understand that the sneak-and-peek warrants were used before the passage of the PATRIOT Act. We discussed that earlier. There were certain provisions which the authorities had to go through before they could simply waltz into somebody's home. By broadening the use of the sneak-and-peek warrants and making them the standard rather than the exception, the PATRIOT act threatens our liberties that were given us by our Creator and are now protected by the Constitution. That is why I am offering this amendment today.

As Americans, I believe our fundamental belief that each of us is ultimately responsible for safeguarding ourselves. It is our obligation and our duty as citizens to this great Nation to see to it that we are secure in our own liberties, and it is our responsibility first and then the government's.

We would be justifiably enraged if some individual or a group acted to destroy our Constitution, all at once to wipe away in one terrible moment the centuries of struggle and countless lives sacrificed to winning the liberties we hold so dear.

It is equally important that we jealously guard against allowing our freedoms to be chipped away piece by piece before our eyes, that we do all we can to hold back those small, but insignificant, strokes of tyrannical erosion which can in time fell even the greatest of our institutions, the Declaration of Independence and the Constitution of the United States.

I am not the first to have these concerns. Those before me have said it more eloquently than I. James Madison recognized the importance of guarding our individual liberties with constant vigilance when he said: "Since the general civilization of mankind, I believe there are more instances of the abridgment of freedom of the people by gradual and silent encroachments of those in power than by violent and sudden usurpations."

Ben Franklin was already quoted today. And Thomas Jefferson, cautioning us against relinquishing our inalienable rights to even a well-meaning government said: "A freedom government is founded in jealousy, not confidence. It is jealousy and not confidence which prescribes limited constitutions to bind those we are obliged to trust with power. So in questions of political power, speak to me not of confidence in men, but bind them down from mischief with the chains of the Constitution."

Mr. Chairman, this is the deepest root in our tree of liberty and that is the rights of individuals to be free to exercise under the fourth amendment and to be secure in their own homes and their own privacy. A vote for the people and not the government is a vote for this amendment.

Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise in support of the amendment offered by my colleague, the gentleman from Idaho, of which I am a co-sponsor.

The Fourth Amendment provides that "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

The Fourth Amendment's protections against unreasonable searches and seizures are put into practice, in part, by the Federal Rules of Criminal Procedure. Rule 41 specifically requires the government to obtain a warrant before a search is conducted. It also requires that the government give notice to a person whose property was seized during a search, or from whose premises property was seized. And the Supreme Court has traditionally held that an officer must knock and announce his presence before serving a search warrant, absent exigent circumstances such as reasonable belief such notice would jeopardize life or limb, or result in destruction of evidence or escape of the person named in the warrant. Moreover, while delayed notice for searches of oral and wire communications are authorized by law under certain conditions, as a general rule, covert physical searches for physical evidence were not permitted prior to the PATRIOT Act.

The notice requirement enables the person whose property is to be searched to assert his or her Fourth Amendment rights by pointing out irregularities such as the police have the wrong address, or ensuring that only those areas specified are searched, if the area to be searched is a room in a house, that does not include the car in the garage.

The so called "sneak and peek" secret search warrant provision allows law enforcement to conduct a secret search on a person's premises or computer without notice. If they get the wrong house or business and it happens to be yours, you may never know about it. Or if the search is conducted improperly, but nothing incriminating is found, you may never know about it. Sneak and peek warrants provide no sanction for failure to notify the subject of the search or for unlawful activity if nobody is aware of it and if no incriminating evidence is found. Law enforcement personnel will need to validate a search only when property is seized and then delayed notice must be given. Meanwhile, the notice can be weeks or even months after the fact. And in that time period, several searches may have been conducted without any results or continuing justification.

Moreover, this gives law enforcement officials access to someone's personal property and information without the person's knowledge. Law enforcement personnel can search through your drawers, go through your files including medical and financial records, read your diaries, and surf through computer websites you have visited, just to name a few invasive practices. The person conducting the search will have access to very private, very personal, information about you and your family, without your knowledge. And what if the government agent conducting the search happens to be your neighbor or someone you see at the store or at a PTA meeting? Without your knowledge, that person has continuing access to—and knows the most intimate of details about—your life. This level of privacy invasion is unjustifiable.

Preventing terrorism has become a more urgent and necessary goal of law enforcement since the 9/11 tragedies. Yet, we don't want to accomplish for the terrorists something they could not accomplish themselves—reducing the rights, freedoms, and protections our system provides us all. The Otter amendment finds a working middle-ground that will satisfy our country's need for heightened security while at the same time ensuring that our freedoms and protections remain intact. The amendment limits the reasons for sneak and peek warrants to three specific circumstances, when notice would cause either the life or physical safety of a person to be put in danger, flight from prosecution, or the destruction of evidence. It also includes a seven-day time limit for the delayed notice. This time limit creates a pattern of uniformity for those involved in law enforcement and is a reasonable period by which to inform the person subject to the warrant of the clandestine search. In the case where a court finds that notice of the warrant within the seven-day period will lead to one of the three enunciated circumstances, the amendment authorizes unlimited additional seven-day delays. This amendment encourages use of these warrants in appropriate circumstances, will prevent misuse of the practice, and ensures the protection of our civil liberties.

Encouraging the judiciary to issue sneak and peek warrants without offering any meaningful guidance on their use will end in disaster. This amendment is unequivocally American. It recognizes the need to protect our country and our selves. It gives meaning to Section 213 of the PATRIOT Act within the parameters of our democracy so that it can be an effective tool rather than a wasted provision.

Mr. Chairman, safeguarding the rights guaranteed to us by the Constitution is not a partisan issue. I ask my colleagues to join me in support of this essential legislation to protect the rights of all Americans.

POINT OF ORDER

Mr. WOLF. Mr. Chairman, I appreciate the gentleman's strong feelings and he makes a very powerful case, and I can see how passionate he is about it. I think this is one of those cases that ought to be done by the gentleman from Michigan (Mr. CONYERS) and the gentleman from Wisconsin (Mr. SENSENBRENNER).

As a result of that, Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law constituting legislation in an appropriations bill and, therefore, violates clause 2 of rule XXI. The rule states in pertinent part: "An amendment to a general appropriation bill shall not be in order if changing existing law."

This amendment directly amends existing law. I ask for a ruling from the Chair. I am certain that this will be an issue that will be discussed quite deeply by the committee.

The CHAIRMAN. Does the gentleman from Idaho wish to be heard on the point of order?

Mr. OTTER. Mr. Chairman, I fully appreciate what the good chairman has said relative to my amendment and its being out of order.

Mr. Chairman, I withdraw the amendment.

The CHAIRMAN. The amendment is withdrawn.

AMENDMENT NO. 23 OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 23 offered by Mr. KING of Iowa:

At the end of the bill, insert after the last section (preceding the short title), the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. (a) For expenses necessary for enforcing subsections (a) and (b) of section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373), $1,000,000.

(b) The amount otherwise provided in this Act for "DEPARTMENT OF JUSTICE—LEGAL ACTIVITIES—SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES" is hereby reduced by $1,000,000.

The CHAIRMAN. Points of order are reserved. Pursuant to the order of the House of yesterday, the gentleman from Iowa (Mr. KING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I offer this amendment today to enforce existing Federal law that prohibits localities from refusing to allow their officers to report aliens who commit crimes to the immigration authorities.

My amendment would provide funding for the Department of Justice to enforce section 642 of the Illegal Immigration Reform and Immigration Responsibility Act of 1996. Section 642 of the act forbids localities from preventing their police officers from reporting immigration information to the Federal Government. However, some cities and counties have continued to refuse to allow their officers to provide information to the Federal Government, and that is in violation of Federal law.

Without this information, the Federal immigration authorities cannot take steps to remove these criminal illegal aliens from American streets. Under these so-called "sanctuary policies" in certain cities and counties, the police cannot report the illegal aliens who commit crimes to the immigration authorities for deportation. As a result, taxpayers pay to incarcerate illegal alien prisoners who are later released back on to the street.

These sanctuary policies have disastrous consequence for future victims. Repeat offenses by criminal illegal aliens are preventable crimes. These offenders should have been removed from the United Nations as soon as their first crimes were discovered. Their prompt removal prevents future crimes. We can act to prevent crime by funding enforcement of section 462 by the Department of Justice.

The Subcommittee on Immigration, Border Security and Claims held an oversight hearing on the public safety consequences of local immigration sanctuary policies on February 27, 2003. But despite that February 2003 hearing, sanctuary policies remain in place with disastrous consequences. Less than 4 months after that hearing in June of 2003, a 9-year-old girl was dragged from her San Jose home in broad daylight and was kidnapped, tortured, and raped over 3 days before finally being released by her assailant.

According to press reports, the man arrested and charged with nine felony counts related to the terrifying abduction and sexual assault was an illegal alien who had already admitted a crime. Originally, the suspect was arraigned under the name Enrique Sosa Alvarez, but a fingerprint check identified him as David Montiel Cruz. Under the name Cruz, this man was previously convicted of auto theft. According to the San Jose Police Department's policy, section L7911 of the Line and Operations Procedure, officers may not "initiate police action when the primary objective is directed towards discovering the alien status of a person."

Because the officer who investigated the previous auto theft could not ask about Mr. Cruz's immigration status, his hands were tied and he could not verify with the Federal Government whether Mr. Cruz was allowed in the United States. We will never know if this crime against this 9-year-old girl could have been prevented if Federal law were enforced.

My amendment would fund enforcement of section 642. This section does not require local authorities to report all immigration information they would uncover to the Federal immigration authorities, but rather it simply prohibits local authorities from having a blanket policy to refuse to communicate this information with the Federal Government.

This is essential because in the example I just spoke of, the accused kidnapper and rapist never should have been in this country in the first place. We must not allow illegal aliens whose presence was never reported to Federal immigration authorities due to illegal sanctuary policies to continue to commit brutal crimes. We must not provide sanctuary to criminals.

I look forward to working with the gentleman from Virginia (Mr. WOLF), and I appreciate his work on this entire bill and other Members to encourage the Department of Justice to enforce the Federal law which prohibits localities from having sanctuary policies.

I urge support for my amendment which funds enforcement of section 642.

Mr. Chairman, I yield back the balance of my time.

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Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

I support what the gentleman is trying to do, but what agency would get the money?

Mr. KING of Iowa. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Iowa.

Mr. KING of Iowa. Mr. Chairman, the agency that this amendment transfers to is the Department of Justice.

Mr. WOLF. But this law is not enforced by the Department of Justice. This law is enforced by Department of Homeland Security.

I rise in opposition to the gentleman's amendment. The gentleman's amendment provides $1 million to enforce two sections of the Illegal Immigration Reform and Immigrant Responsibility Act. However, the amendment does not specify what agency would receive this funding.

Secondly, what agency would get this funding and be tasked with enforcing these immigration provisions? Enforcement of this section of the immigration law is the responsibility of the Department of Homeland Security. The Homeland Security Act specifically changed the responsibility from the Attorney General to the Department of Homeland Security. No agency funded in this bill has that responsibility. The gentleman should have done the amendment on the right bill as the other Members sought to do. So it just does not fit.

Now, I would say, and I have offered the gentleman a number of times and I will do it again, that I think either the gentleman is trying to get something out to get a vote to see what happens, or he is trying to get it done. I would rather get it done, and I know that it is a problem. That is a problem even in my region and other regions.

The way to do it is to bring the administration up, to bring the Justice Department up, bring the Department of Homeland Security up, and sit down and have them resolve the issue, and honey gets people more than a stick, and particularly this agency that the gentleman is amending the bill for the Justice Department is not the agency to enforce it.

I will be glad to set up the meetings and see what we can do to resolve this. Because of this reason, I oppose the amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Iowa (Mr. KING) yielded back his time. Is the gentleman asking unanimous consent to reclaim his 30 seconds he yielded back?

Mr. KING of Iowa. I do.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The CHAIRMAN. The gentleman from Iowa is recognized for 30 seconds.

Mr. KING of Iowa. Mr. Chairman, I yield myself such time as I may consume.

I would just point out that the Attorney General enforces the laws of the United States, and enforcement of this section would be under the Department of Justice and Attorney General.

Mr. Chairman, I yield back the balance of my time.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

It almost gets tiresome to deal with the fact that this amendment keeps coming up every so often, and it just looks different, or it attempts to sound different, but it is the same amendment. And we have to understand that, but we need to explain it over and over again.

What these amendments try to do, and the King amendment is part of this approach, is to engage local law enforcement, local police departments, local sheriffs departments in enforcing immigration law. On its face that does not sound terrible, but in reality it is a major problem. That is the reason why just about every single local police department in the Nation has repeatedly stated that they do not want to take on the duties of enforcing immigration law.

Here is the problem. Whether you are here undocumented, or whether you are here legally awaiting citizenship or another status, and, in fact, I would venture to say if you are a citizen who looked at the immigration department as a group of folks who were not interested necessarily in helping you but making your life difficult, you do not feel comfortable dealing with immigration officials.

On the other hand, local police departments throughout this country have done a great job in letting immigrants, regardless of their status, know that they are here to help and they are here to work together with them. So what the local police departments have been able to accomplish above all is to gain the confidence of newly-arrived folks in this country so that when they see a crime, when they see someone committing a crime, they come forth, give information, participate and assist the police.

The reason local law enforcement does not want any of these amendments to pass or their involvement in enforcing immigration law, which would be the effect of this, is that they then would be seen by those immigrants as someone that cannot be trusted, someone they cannot deal with, and they will lose their ability to do what they do best, which is solve local crime and get the bad folks who create problems in our communities.

So, please, I would want everyone who looks at this series of amendments to pay attention to the fact that while it may look good on its face, the final result is local law enforcement officials being seen by the immigrant community as adversaries, as enemies in some cases. This is not what the police departments want to do. This is not what they should do, and this is not what we should ask them to do.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

We are opposed to the amendment. I want to put in the RECORD that we will be glad to work with the gentleman and bring the Department of Homeland Security and the Department of Justice up and see if we can try to do what this amendment does not do, but we can really try to accomplish what they are trying to accomplish.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in opposition to Representative King's amendment to the Commerce Justice, and State Appropriations Act for FY2005. This is an indirect attempt to further the objectives of the CLEAR Act (H.R. 2671) and its Senate counterpart (S. 1906). These bills would compel State and local police officers to become federal immigration agents by denying them access to Federal funds they are already receiving if they refuse to become immigration agents.

Subsections (a) and (b) of section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, 8 U.S.C. § 1373, (IIRIA) prohibits Federal, State or local government officials from preventing or restricting any government entity from exchanging information with the Bureau of Immigration and Customs Enforcement (ICE) regarding the citizenship status or immigration status of any individual. The King amendment would provide additional funds for enforcing these provisions. While these provisions just prohibit State and local governments from preventing this exchange of information, the ultimate objective, which is expressed in the CLEAR Act, is to require State and local police officers to assist ICE in enforcing the civil provisions of the Immigration and Nationality Act (INA). I oppose this objective.

In immigrant communities, it is particularly difficult for the police to establish the relationships that are the foundations for successful police work. Many immigrants come from countries in which people are afraid of police, who may be corrupt or even violent, and the prospect of being reported to the immigration service would be further reason for distrusting the police.

In some cities, criminals have exploited the fear that immigrant communities have of all law enforcement officials. For instance in Durham, North Carolina, thieves told their victims—in a community of migrant workers and new immigrants—that if they called the police they would be deported. Local police officers have found that people are being robbed multiple times and are not reporting the crimes because of such fear instilled by robbers. These immigrants are left vulnerable to crimes of all sorts, not just robbery.

Many communities find it difficult financially to support a police force with the personnel and equipment necessary to perform regular police work. Having State and local police forces report immigration status to ICE would be a misuse of these limited resources.

ICE also has limited resources. it does not have the resources it needs to deport dangerous criminal aliens, prevent persons from unlawfully entering or remaining in the United States, and enforce immigration laws in the interior of the country. Responding to every State and local police officer's report of someone who appears to be an illegal alien would prevent ICE from properly prioritizing its efforts.

Local police can and should report immigrants to the immigration service in some situations. The decision to contact the immigration service, however, should be a matter of police discretion.

I urge you to vote against this amendment.

Mr. SMITH of Texas. Mr. Chairman, I support the King Amendment, which would designate funds to enforce a section of the United States Code that has been law since 1996.

The Illegal Immigration Reform and Immigrant Responsibility Act of 1996, prohibits states and localities from refusing to share information with the Federal government on the immigration status of individuals.

Some localities don't allow their officers to report the illegal status of criminal aliens to the Federal government. This is a direct violation of Federal law and hinders our efforts to remove criminal immigrants from the United States. It turns these localities into resorts for illegal immigrants.

The Federal government cannot do its job of deporting criminal aliens if law enforcement is not telling the Federal government who these individuals are. This results in a situation where criminal aliens are arrested, jailed, and then released into our communities where they commit more crimes.

When State and local law enforcement officers arrest someone for a crime, and it becomes apparent that the person is an illegal alien, this should be reported to the Federal government so the individual can be deported. To hide the illegal status of a criminal alien only means more crime.

This amendment does nothing to change existing immigration law. This amendment simply requires the Federal government to enforce current law.

Mr. WOLF. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. KING of Iowa. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on this question will be postponed.

AMENDMENT OFFERED BY MR. SMITH OF MICHIGAN

Mr. SMITH of Michigan. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SMITH of Michigan:

Page 72, line 17, after the dollar amount insert "(reduced by $20,000,000)".

The CHAIRMAN. All point of orders are reserved.

Pursuant to the order of the House of yesterday, the gentleman from Michigan (Mr. SMITH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Chairman, I yield myself such time as I may consume.

This amendment is offered partially representing my concern that under the UC that was offered last night, this body would not allow the full amendment. However, under that UC this amendment is appropriate, according to the Parliamentarian.

My concern is that this body should express concern, if not outrage, about the actions of the United Nations in the Oil-for-Food program. It should be a heads-up, a reminder, that we cannot ask the United Nations to be responsible for so many things that affect our future.

The particular language of this amendment takes appropriations and dollars from United Nations contributions to international organizations line item. This appropriation is reduced by $20 million. I would call to my colleagues' attention that this appropriation is increased 19.4 percent over last year. Even with this amendment, there is still a 17.4 percent increase.

Recently, both my Committee on Agriculture and Committee on International Relations held hearings on the United Nations Oil-for-Food, the so-called OFF program, scandal. That program taught us a lot about the United Nations' weaknesses and I think explains the actions of countries like France and Russia when they worked against us over the last several years.

The U.N. placed trade sanctions on Iraq after Saddam Hussein invaded Kuwait in 1991. By 1995, the sanctions were widely blamed for the developing humanitarian crisis in Iraq.

The U.S. and Britain realized that Iraq, which has the second largest oil reserves in the world, could trade oil for food and medicine. We pushed the U.N. Security Council Resolution 986, and the so-called Oil-for-Food program was created. If effective, it would have reduced the humanitarian impact of the sanctions while preventing Hussein from buying weapons.

Unfortunately, Hussein cheated the OFF program, and the U.N. did not stop it. He managed to get his hands on at least $10 billion of Oil-for-Food money. Other countries were complicit in helping him cheat. France and Russia demanded that we let Hussein design the OFF, the Oil-for-Food, program. It allowed Hussein to pick the price for his oil, to pick his customers, to control the people who audited him, and within a few years the flawed program allowed Hussein to sell at low prices in exchange for kickbacks that were funneled into Swiss bank accounts.

This was suspected at the time, but it was impossible to fix. Fixing it would have required unanimous support from the permanent members of the Security Council, including France and Russia, and at the time these countries said that they wanted to end the sanctions completely. Of course, France and Russia and China all had oil contracts with Iraq and Hussein that would have been activated, resulting in huge benefits for those countries had the sanctions been removed.

I repeat, this funding for this appropriation that we are trying to reduce by $20 million is from a line item that is increased 19.4 percent over last year, and even with the $20 million reduction still results in a 17.4 percent increase.

The U.N. bureaucrats and what is happening in the U.N. should concern us. There is no question that the U.N. was slow to file reports and bring irregularities to the attention of the Security Council and its oversight committee.

Furthermore, Iraq paid its U.N. auditors. Iraq, Saddam Hussein, was paying the auditors that were supposed to audit them, and the more trading they allowed, the more money the U.N. got.

These arrangements have only come to light since Saddam Hussein's fall. There are reports that even the U.N.'s head of the Oil-for-Food program, Benon Sevan, was on the take from Hussein.

Mr. Chairman, let us not go through this bill of making these kinds of huge appropriations from the United States taxpayers to the U.N. without calling to attention these kinds of discrepancies. The U.S. and Britain have pushed for an audit to find out what happened.

Paul Volcker, a former Chairman of the Federal Reserve, is heading a U.N. investigation. However, the U.N. is stonewalling. Mr. Sevan sent letters ordering U.N. offices to refuse to cooperate. I am going to say that again. This U.N. official sent letters ordering the U.N. offices to refuse to cooperate. Russia has asserted that it will not release any documents, and other U.N. bureaucrats have refused to share papers.

I have sponsored legislation that would cut U.S. support for the U.N. if it does not cooperate. I would hope that bill would at least come to this floor for debate.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The Chair would clarify that pursuant to the order of yesterday, this amendment is debatable for 10 minutes by the gentleman from Michigan (Mr. SMITH) and 10 minutes by an opponent.

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Virginia is recognized for 10 minutes.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

I rise in strong opposition to the amendment. I want to congratulate the gentleman from Michigan (Mr. SMITH) for his persistence. He should get an "A" for that, if not for the content.

I called Volcker after this happened, and I have the same concern. I want to bring to the gentleman's attention, and the gentleman from Michigan (Mr. SMITH) might get a copy of the report, page 107. Here is what we said.

"The Committee directs the Department to bring all necessary resources to bear on the investigation of fraud and bribery allegations regarding the United Nations Oil-for-Food program. The Committee expects the Department to provide all requested documentation to Congressional Committees, and to provide any requested support to the Secretary General's Independent Inquiry Committee. The Committee strongly supports this Inquiry and expects the Inquiry Committee's review to be thorough, rigorous and expeditious."

Secondly, the gentleman from Connecticut (Mr. SHAYS), who has really done a good job, has been holding hearings.

I called Director Mueller, the Director of the FBI, and asked him would he give the best FBI agents that he has to be on the team with Volcker. He has agreed. He said he would get some of his best white-collar crime people. Mr. Volcker then called me and thanked me for that and is moving ahead, and he said when we need your help, we will ask you for that help.

We also are going to get FinCEN, the financial service center of the Department of the Treasury, to also be involved. We have also asked the Secret Service that does money laundering to be involved.

The gentleman from Michigan (Mr. SMITH) is right, this ought to be condemned, and if the U.N. does not participate, if Volcker says he is not getting the cooperation, the only criticism of the Smith amendment is it will not do enough. It should not do $20 million; that is wimpy.

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It should do $50 million, $60 million. It will be a wimpy amendment if they do not cooperate. Volcker has said he wants to pursue this, and he believes he is making progress. And the FBI and FinCEN and Secret Service will be involved.

Now, let me tell my colleagues what the Smith amendment does. It has nothing to do with that. It has nothing to do with that. It would cut money from the Food and Agricultural Organization. The Food and Agricultural Organization, where our former colleague, and my very best friend, Congressman Tony Hall, is running it and doing a lot to abolish hunger in the world, and talking about GMA and things that the gentleman is interested in, would be cut. That program would be cut.

The World Food Program. Jim Morris, an American, running the World Food Program, one of the people who are trying to bring food to Sudan and to Darfur, where there is a genocide, perhaps, going on. That organization would be involved.

Also, this amendment would impact on the International Atomic Energy Agency, whereby we are trying to make sure that Iran does not have nuclear weapons and is trying to deal with the issue of North Korea. Why would we want to go after them?

Lastly, NATO. This would cut all the international organizations. Why would we, when NATO is in Afghanistan and we are trying to get NATO to participate, as I believe they should in Iraq, and quite frankly I am disappointed that the Germans and French have not participated with us, why would we do this at this time?

Now, I think in fairness, that is not the intention of the gentleman from Michigan (Mr. SMITH). I think the gentleman is trying to make a point, but the point is a very blunt point. And to cut FAO, to cut the Atomic Energy Agency, to go after NATO, and to deal with the World Food Program and the FAO, which is trying to bring an end to the famine and the hunger in Eritrea, Ethiopia, and particularly in Darfur would be a mistake.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Michigan.

Mr. SMITH of Michigan. Well, Mr. Chairman, let me just say that this is cut from one of the largest expenditures in the United Nations appropriations, that is, to the contributions to international organizations. I think the American taxpayer in general is not willing to increase this account by 19.4 percent at a time that the gentleman from Virginia admits that the U.N. is doing something that is unconscionable and that should not be acceptable.

When we have other countries that are complicit, apparently, in this graft-type program of oil for food, along with what appears to be a reluctance of the United Nations to cooperate, we need a signal. I would hope this $20 million would be spent for science and research, because I chair the Subcommittee on Research.

Mr. WOLF. Reclaiming my time, it is not. And I do not think the gentleman would want to do anything that would hurt Volcker with regard to the efforts. I would rather have the FBI and the Secret Service and the Financial Center there.

Also, when the gentleman says independent agencies, that is also the World Food Program. That is also the issue with regard to the SARS outbreak in China. We do not want SARS to come here to the United States. And NATO.

So for all those reasons, and God bless the gentleman from Michigan (Mr. SMITH), I give him an A for the intention and effort to pursue this, and I hope we see his son here next year taking his place, but this amendment that he meant to do does not do what he meant to do. I think it would do a lot of harm; and due to that, I oppose the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

One of the reasons I did not ask the chairman for time and took my own time is I did not want to say anything the chairman did not agree with on his time. But I would imagine that the sponsor of this amendment has not voted against expenditures for the war, and yet he is concerned about expenditures for international organizations, my point being that this is probably the worst time in our history to withdraw from international organizations.

We are, and I am one of those who believes that we were wrong in invading Iraq; I am one of those who believes that we were misled on every issue, including weapons of mass destruction and to go into this war. But whether we were misled or not and whether one agrees with me or not, the end result is the same. We are rebuilding the country; and an incredible amount of money, paid for by the taxpayers, is going into Iraq.

And especially at a time now when so many people in that region and throughout the world have lost respect for us, this is not the time to withdraw from international organizations. On the contrary, this is the time when we should take some of that money we are spending on rebuilding in Iraq, some of that money we are spending on that war and use it to join still more organizations.

Why? Because, unlike the war, and unlike the invasion, these organizations give us an opportunity to look as the people we are, a good, caring Nation that cares about the rest of the people in the world and wants to help; not one that invades people on false assumptions and premises.

So I would say to the gentleman that his concern about taxpayer dollars being spent here, right now this is probably one of the better areas to spend taxpayer dollars, and not in the areas we are spending them right now. I would really wish that the gentleman would reconsider this amendment, because this amendment, unfortunately, may get some people's excitement up and foolishly support it in a way that would hurt our involvement.

Even President Bush, lately, has been quoted as saying that he is supportive of the work the U.N. is doing and the kinds of things that have to be done.

Lastly, the gentleman is still, as some Members are, upset at the fact that the Germans and the Russians and the French did not agree with us on this particular invasion. Well, we do not agree with them on a lot of things and that does not mean we drop out of dealing with them on a daily basis and working with them to make a better world for all of us.

So I would hope the gentleman would reconsider this. If not, then I would hope that people vote "no" on this amendment.

Mr. SMITH of Michigan. May I ask how much time I have remaining, Mr. Chairman.

The CHAIRMAN. The gentleman from Michigan has 4 minutes remaining.

Mr. SMITH of Michigan. Mr. Chairman, I yield myself such time as I may consume.

I would ask the ranking member if he does not object to the fact that the United Nations took $400 million of what was intended to be money to pay for inspections at a time when they were not having inspections.

I would ask the ranking member if he is not concerned with a report from the Wall Street Journal that the U.N. took $100 million from the Oil-For-Food Program and used it for operations.

I would be concerned whether the ranking member or any Republican or any Democrat is not concerned with the fact that a United Nations employee who was handling the Oil-For-Food Program, Mr. Sevan, has now written letters, according to Mr. Volcker's staff, suggesting that the information not be released regarding this program.

It is obvious there has been some misuse of money. I would like to suggest that the real story here is that many countries make decisions based on what is good for their country as representatives to the United Nations with no regard for the goals and ideals of the U.N. charter. Certainly this calls the Security Council's moral authority into question and degrades its capacity to respond appropriately to events throughout the world.

Is it any wonder that under pressure from these countries the U.N. could not agree to support us in Iraq? Is it any wonder that at the first threat of danger the U.N. pulled out of Iraq?

It seems to me, Mr. Chairman, that we need to carry out a full and thorough investigation and make changes if the U.S. is to continue with some degree of confidence. And we need to send this signal of this reduction with this kind of testimony regarding a $20 million reduction for the U.N. I think this action sends the beginning of a message that our country and the taxpayers of this country will not stand for this kind of abuse.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. How much time do I have left, Mr. Chairman?

The CHAIRMAN. The gentleman from Virginia has 4½ minutes remaining.

Mr. WOLF. And then I can strike the last word?

The CHAIRMAN. Plus the gentleman has the pro forma motion.

Mr. WOLF. I thank the Chair. I wanted to be sure there was time for the gentleman from Connecticut (Mr. SHAYS) to speak.

Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, if all the things have been done that the gentleman from Michigan (Mr. SMITH) thinks have been done, and I think they may have, the Smith amendment is a power puff amendment. It is too weak. We will follow this carefully. If they have done it, then I think it should be more drastic.

I would call to the attention of the gentleman from Michigan page 26 of the report. It says: "Oil-For-Food: The committee directs the FBI to provide assistance in the United Nations' investigation of the Oil-For-Food Program, if requested by the recently established independent inquiry committee chaired by Paul Volcker. The committee strongly supports this investigation and encourages the FBI to make resources available as appropriate to assure its successful conclusion."

So I think what the gentleman from Michigan is saying is accurate; and we will be very, very aggressive, but we called Mr. Volcker. I personally called the director of the FBI. He personally gave me a commitment to put his very best agents on this.

Having said that, I think the gentleman's language would be better if it had been conditional, saying that if there is not cooperation by the Russians and by others, then this will be the case. But I do not want to do anything to keep Volcker from getting to the bottom of this.

There are probably people involved in this that may very well go to jail, and I want to see the Secret Service, the Financial Service, and the FBI deal with this. So the amendment does not deal with that; it cuts, potentially, contributions to NATO or something like that.

Mr. SHAYS. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Connecticut.

Mr. SHAYS. Mr. Chairman, I appreciate the gentleman yielding to me. I will place my full statement in the RECORD and just make a few other points.

First off, this is a huge scandal. I do not know any scandal that comes close to it. We are talking about a $5.7 billion smuggling of oil, a $4.4 billion underselling of oil and getting kickbacks, and overbuying for commodities and getting kickbacks. We are talking about the outing of U.N. and government officials around the world by, ironically, an Iraqi free press, exposed by a government leak of the Iraqi Governing Council.

This is huge. And I submit to my colleagues that the French and the Russians and the Chinese and U.N. officials never thought it would be known, because they knew they had their records and they would keep them. They would never share them with anyone, and we certainly would not get the records from Iraq because we would never attack Iraq and never free the Iraqi people. I guess that is what people thought.

The problem with this amendment is it is misguided, in the sense that we need the cooperation of the U.N. right now. If we do not get it, and if the gentleman from Michigan (Mr. SMITH) is still here, we should pursue that. But when he asks is anyone concerned, I know the ranking member is concerned. I clearly know the chairman is because he came to me and told me that in conversations with Mr. Volcker he promised him that we would provide all the cooperation and provide him the best resources available. So I appreciate what the gentleman from Virginia (Mr. WOLF) has done.

Are we concerned? Absolutely. We have the Committee on Government Reform and my Subcommittee on National Security, Emerging Threats and International Relations, conducting investigations. We have staff dedicated to looking at this. I think we have the Committee on Agriculture looking at this. We have the Committee on International Relations looking at this. We will get to the bottom of the corrupt Oil-For-Food Program with or without U.N. support.

When we do, I do think people will be going to jail. I think it will be extraordinarily embarrassing for some governments. I think it might explain somehow why the French act like the French, and why the Chinese and the Russians were reluctant to confront the Saddam regime. I think it is going to tell us a lot of things about corrupt people, corrupt actions, and the motivations of government. But right now we need as much cooperation as we can get from the U.N.

I would request, frankly, Mr. Chairman, that the gentleman withdraw his amendment and not require folks to vote for or against it, because I think the concern of the Members will be shown of the next few months. But I appreciate the opportunity the gentleman has given us to debate this issue.

Mr. Chairman, while I appreciate and share the gentleman from Michigan's concern about the Oil-For-Food scandal, I rise in opposition to this amendment.

Getting to the bottom of this scandal is the reason my Subcommittee on National Security, Emerging Threats, and International Relations convened a hearing on April 21; we want to help pierce the veil of secrecy that still shrouds the largest humanitarian aid effort in history.

This much we know about the Oil-for-Food Program; Something went wrong. The Hussein regime reaped an estimated $10.1 billion from this program: $5.7 in smuggled oil and $4.4 in oil surcharges and kickbacks on humanitarian purchases through the Oil-For-Food Program. There is no innocent explanation for this.

We want the State Department, the intelligence community, and the U.N. to know there has to be a full accounting of all Oil-For-

Food transactions, even if that unaccustomed degree of transparency embarrasses some members of the Security Council.

The purpose of our investigation, beyond returning to the Iraqi people that which was stolen from them, should be to improve the United Nations, not to create an excuse to withdraw our support from the body.

In Iraq, and elsewhere, the world needs an impeccably clean, transparent U.N. The dominant instrument of multilateral diplomacy should embody our highest principles and aspirations, not systematically sink to the lowest common denominator of political profiteering.

This emerging scandal is a huge black mark against the United Nations and only a prompt and thorough accounting, including punishment for any found culpable, will restore U.N. credibility and integrity.

That is why it is critical to get to the bottom of the corruption.

In the early 1990s, because of concerns about United Nations operations and the lack of reforms by that body, the United States began withholding its payments to the U.N. and fell into arrears. We subsequently debated this issue for years, and, in November 1999, Congress and the administration finally agreed on a plan to repay our longstanding debt to the U.N. in exchange for significant reforms by the world body.

Mr. Chairman, as the U.N.'s single largest contributor, the United States is granted unparalleled power to craft the U.N.'s agenda and budget. Our financial leadership truly gives us the ability to shape world events.

Countries all over the world are looking to the United States for leadership, yet if this amendment were to pass, what they would see is a very powerful and wealthy country refusing to live up to its international commitments. Why, as a nation, would we want to unnecessarily complicate our diplomatic efforts at a time when we need every ounce of leverage?

While we must continue examining its operations and recommending operational improvements, the United Nations deserves U.S. support as it continues to combat terrorism, promote economic growth and assist countries in moving toward democracy.

I urge opposition to this amendment.

Mr. SMITH of Michigan. Mr. Chairman, I yield myself such time as I may consume.

I would just like to ask the previous speaker, the gentleman from Connecticut (Mr. SHAYS), if he agrees with a 19.4 percent increase in this appropriation line item.

Mr. SHAYS. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Michigan. I yield to the gentleman from Connecticut.

Mr. SHAYS. Absolutely I do. Because the U.N. needs these resources for a lot of reasons and the nongovernment organizations that are involved in trying to help create some peace in Iraq, et cetera, et cetera, et cetera. I do not think it is advisable, though, to subtract this money.

Mr. SMITH of Michigan. Reclaiming my time, Mr. Chairman, I do not think a 19.4 percent increase is justified at a time when the United Nations has instructed its people to withhold information from the Volcker Commission.

I do not think it is justified; and I would say to the chairman, if there was unanimous consent from him and the ranking member, and if there is no objection and it would be appropriate, I would be delighted to amend this amendment to say that this $20 million would be withheld on condition of full cooperation by other countries and by the United Nations.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Michigan. I yield to the gentleman from Virginia.

□ 1430

Mr. WOLF. I would have no objection to that at all.

Mr. SMITH of Michigan. Would you support the amendment with that language?

Mr. WOLF. If it would say what again?

Mr. SMITH of Michigan. If it says that the $20 million is going to be withheld unless and until there is full cooperation by the United Nations and participating countries releasing available information on the Oil-for-Food program?

Mr. WOLF. Absolutely I would support it, and perhaps it maybe ought to be changed from 20- to 40-, but yes, I would support it.

Mr. SMITH of Michigan. Mr. Chairman, I would be glad to change that, too. If there is no objection, I would make that amendment. I would ask for unanimous consent.

I understand that it has to be in writing. Is that correct, Mr. Chairman?

The CHAIRMAN. If the gentleman would withdraw his amendment, he could redraft his amendment so that it is clear, then without prejudice it could be considered, without objection.

Mr. SMITH of Michigan. Mr. Chairman, I withdraw it, with the understanding that I could redraft it and bring it to the desk.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan that the amendment be withdrawn without prejudice?

There was no objection.

AMENDMENT NO. 25 OFFERED BY MR. SHERMAN

Mr. SHERMAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 25 offered by Mr. SHERMAN:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to detain for more than 30 days a person, apprehended on United States territory, solely because that person is classified as an enemy combatant.

SEC. 802. None of the funds made available in this Act may be used to defend in court the detention for more than 30 days of a person, apprehended on United States territory, solely because that person is classified as an enemy combatant.

SEC. 803. None of the funds made available in this Act may be used to classify any person as an enemy combatant if that person is apprehended on United States territory.

The CHAIRMAN. All points of order are reserved. Pursuant to the order of the House of yesterday, the gentleman from California (Mr. SHERMAN) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Chairman, I yield myself 5 minutes.

As I indicated, I have two amendments that I would hope that those who wish to speak on either of them would be on the way to this floor.

My first amendment deals with the enemy combatant doctrine, and what the bill does is that it provides that none of the funds in this act can be used to detain for more than 30 days anyone apprehended on U.S. territory solely because that person is identified as an enemy combatant. That is to say, detention of over 30 days of anyone apprehended in the United States would be done under our regular criminal law.

Now, first let us talk about what this amendment is not. This amendment does not try to protect our privacy. There will be incursions into our privacy in this war on terror, but it is one thing to say the government may know something about what we are doing or reading. It is another thing to say that the executive branch alone can incarcerate any of us permanently, and that is the wrong that this amendment addresses.

Second, this amendment is not about those apprehended on foreign battlefields or on any foreign territory. It addresses only those apprehended on U.S. territory.

Third, this amendment does not authorize any Federal agency to do anything. It is a limitation amendment, and so by its terms, it prevents the use of funds to detain someone for over 30 days. That does not authorize anyone to detain someone for 29 days. This is an additional limitation on the expenditure of funds.

Now, the enemy combatant doctrine is the most dangerous doctrine propounded by anyone in this country. What does our criminal law do, and how does it work? First, Congress defines what is a crime. Then the judicial branch determines whether facts have occurred so that the defendant is guilty of that crime.

What is the enemy combatant doctrine? The administration vaguely defines what might be the crime, and that is subject to change any time they want, and the administration, whoever that might be, determines whether facts have occurred that cause someone to have committed that crime or that wrong.

So is someone an enemy combatant if they plant a bomb? Are they an enemy combatant if they applaud a bomb planter? Are they an enemy combatant if they defend someone who applauds planting a bomb? We do not know, but we do know that if you are classified as an enemy combatant, you can be incarcerated immediately, permanently, or at least until the end of the war on terror, which I would say means the same as permanently.

Now, is someone a bomb planter, or is it a case of mistaken identity? Under the enemy combatant doctrine, the courts do not determine whether a particular individual planted a bomb. The executive branch determines, locks the person up permanently or for as long as they think that person is dangerous, no matter how mistaken they might be.

Now, the courts have not solved this problem. We do have a recent court opinion, actually three of them, but in dealing with this issue, we have not a majority opinion, but a plurality opinion. So the court has not spoken with the majority. And on the key issues involved that I am speaking about, they remanded the case to a lower court.

It is time now for Congress to do all it can to reign in this doctrine of enemy combatants. To do otherwise, to be silent, as we have been for over a year, is to acquiesce in a new doctrine of criminal law where the executive can arrest anyone, after that arrest determine what it is that makes up the definition of enemy combatant, and then decide what facts have occurred, subject to no judicial review, as to whether that person has, in fact, violated those wrongs as previously determined by the administration. This is indeed a dangerous doctrine.

Today I do not know whether it is being misused, but if we do not act, I assure you it will be misused in the future. Someone will be erroneously accused of bomb-making by some local enemy of theirs. The executive will have detained that person for as long as they think they are dangerous and for as long as the war on terrorism continues. That could be for a long time.

Tomorrow those who simply loudly protest the war on terrorism will be called enemy combatants.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia (Mr. WOLF) for 10 minutes.

Mr. WOLF. Mr. Chairman, I yield 2½ minutes to the gentleman from California (Mr. HUNTER), the chairman of the Committee on Armed Services.

Mr. HUNTER. Mr. Chairman, let me say one does not have to go too far with this amendment before finding a very strong point for defeating the amendment and objecting to it. Quoting section 802, it states that none of the funds made available in this act may be used to defend in court. So the U.S. cannot even send in people to defend in court the detention for more than 30 days of a person apprehended on United States territory solely because that person is classified as an enemy combatant.

Very simply, we have people who have been in Guantanamo, in fact who have been released from Guantanamo, who have been proven to have gone back to the battlefield and taken up arms against the United States.

If the Sherman amendment passed, if we caught Osama bin Laden in the U.S. tomorrow, the Department of Justice would not be able to legally defend his detention as an enemy combatant. That makes absolutely no sense.

It states further that none of the funds made available in this act may be used to classify any person as an enemy combatant if that person is apprehended on United States territory. We could have somebody driving a hijacked airplane and clearly in an act of aggression against the United States, and none of the funds available in this act, even if that person intended and was attempting to drive that airplane into a U.S. building, killing Americans, none of the funds in this act could be used to classify that person as an enemy combatant.

So interestingly, the Supreme Court cases that have held on this subject have said at least the combatant is entitled to some type of a hearing to determine whether, in fact, he is a combatant and whether he is being held legally. Well, a hearing requires that there are attorneys present and that there are advocates for and against the position. If we take section 208 of the Sherman amendment, we cannot spend any of this money to have the lawyer representing the United States of America to make his point that that person is a combatant and that we cannot hold him for longer than 30 days.

I would simply ask Members to vote against this amendment on this basis: It makes absolutely no sense. It in no way represents or reflects determinations made in the relevant court cases with respect to enemy combatants, detainees at Guantanamo or any other place.

Mr. SHERMAN. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, what we use to protect American citizens is our criminal law. If bin Laden arrives in the United States, he has already been indicted. If someone smashes an airplane into a building, I suggest they be arrested for murder. What defends us from terrorists; how do we deal with mass murderers? We arrest them.

Why do we need instead to use this new doctrine of enemy combatant? To say that our only choice is to abdicate to the executive branch determining who has committed a wrong and what wrongs justify incarceration, or we have to incarcerate no one ignores the criminal law as we know it.

Yes, those who commit crimes should be arrested and detained, not under the doctrine of enemy combatancy, but under the doctrine of criminal law.

Mr. Chairman, I yield 1½ minutes to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Chairman, while I was watching the spectacular fireworks July 4 over the Washington Monument, I was reminded that our Revolution and experiment in freedom and liberty is still going on. We are still faced with struggles to protect our basic freedoms. We are still faced with the need to occasionally rein in unchecked authority of the executive branch of government.

We still need to stand up for the proposition that no Chief Executive should be able to throw into a dark, deep cell an American citizen without eventually affording that citizen a trial. That is a basic American proposition.

We still believe that reviewing an incarceration decision by the judicial system is the best way to ensure both security and liberty. And make no mistake, we face real threats to our physical safety, and those miscreants ought to be punished to the full extent of the law.

But we have always founded our democracy on the proposition that detention ultimately must be subject to a hearing and a review, and we should not abandon that principle now out of fear. In the words of Supreme Court Justice Stevens, we "have created a unique and unprecedented threat to the freedom of every American citizen," and that "unconstrained executive detention for the purpose of investigating and preventing subversive activity is the hallmark of the Star Chamber."

Freedom is not free. It demands us to stand up against threats to freedom. It calls for us to speak against unchecked executive authority, just like what was done in 1776. And while I disagree with the gentleman from California (Mr. SHERMAN), I am against the right of any President to throw someone in a dark cell and never give him a trial.

Mr. WOLF. Mr. Chairman, I yield 2½ minutes to the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Chairman, this amendment, while I believe misguided, is nonetheless a very important amendment because it changes the parameters, or at least it seeks to change the parameters, of the definition of enemy combatant.

☐ 1445

It seeks to force in this case the United States to treat enemy combatants as criminals rather than as enemy combatants, and it fails to recognize, therefore, one very significant change that has taken place, something that is very different about this war that then existed in any war in modern history, and that is that there is no doubt that the attacks of September 11 constituted acts of war, and, therefore, by definition the United States territory, the 50 States and our territories, are part of the battlefield.

The gentleman from California's (Mr. SHERMAN) amendment does not seek to curb the definition of enemy combatant as it applies to Guantanamo or as it applies to Iran or Afghanistan, just the United States. So the gentleman makes a difference between the part of the battlefield that is offshore and the part of the battlefield that is onshore in this case. And I think that goes to create a mistake, because it places 30-day limits on the detention of an enemy combatant by the Department of Justice. What that means is that if the FBI apprehends an enemy combatant in the process of trying to carry out an act of terrorism in the United States, and he is charged by the Department of Justice and imprisoned, he can only be held for 30 days, and that seems to me to go in the wrong direction. It means that if Mohammad Atta were picked up and identified as an enemy combatant, that he would have to be released in 30 days.

The Sherman amendment kind of reminds me of when I chaired the Subcommittee on Fisheries Conservation, Wildlife and Oceans for 6 years, and it sounds like what the gentleman from California (Mr. SHERMAN) really wants to do is he wants the war on terror to be run like a catch-and-release fish tournament, and that obviously is something that we do not want to see done here.

So I urge my colleagues on both sides of the aisle to oppose this well-intended amendment, but which takes us in exactly the opposite direction we should be going.

Mr. SHERMAN. Mr. Chairman, I yield myself such time as I may consume.

The gentleman assumes that we have no criminal law. He suggests that if a bomber is caught red-handed, we cannot charge him with being a bomber. We cannot arrest him. We cannot indict him. We cannot try him. We either have to release him, or we have to have this new doctrine of enemy combatants. I suggest if we catch a bomber, we arrest him. He suggests a doctrine in which anyone could be called an enemy combatant for doing whatever the administration thinks is harmful to the United States and incarcerated forever, and that the only alternative is to release all terrorists to swim amongst us.

What a preposterous alternative. What an attempt to put in the hands of the executive branch the right to arrest anyone and permanently detain them and to say that the only alternative is to release Mohammad Atta.

Mr. Chairman, I yield 1½ minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, in most of our wars, we have done things that have trampled civil liberties in the name of national security. Invariably we end up apologizing for it later when historians say that the internment of the Japanese Americans in World War II or the Alien and Sedition Acts of 1798 or whatever did not, in fact, aid national security. We are doing it again.

The Supreme Court 1½ weeks ago made very clear that we cannot simply hold people indefinitely by labeling them an enemy combatant. They gave a broad hint that when the Padilla case comes up, they will tell us that this amendment is mild, and that the power the President claims to throw anybody in jail in the United States because the gentleman from New Jersey (Mr. SAXTON) says that the United States is a battlefield and hold them there indefinitely simply on their own say-so with no due process, this is a power that nobody has claimed since before the Magna Carta. Habeas corpus was invented to say that the President is a President; even a king is not a dictator.

Let me finally say that this amendment is necessary to say that we will fight this war against the terrorists, but we will fight it as Americans in the tradition of liberty.

The CHAIRMAN. The time of the gentleman from California (Mr. SHERMAN) has expired.

Mr. SHERMAN. Mr. Chairman, I ask unanimous consent that each side be given an additional 15 seconds.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SHERMAN. Mr. Chairman, I yield 15 seconds to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I will quote from Sir Thomas More in the play "A Man for all Seasons," because we are told we must eliminate our traditions of liberty to get at the terrorists. Sir Thomas More was asked: "So now you'd give the Devil benefit of law?

And More said: "Yes. What would you do? Cut a great road through the law to get after the devil?"

"I'd cut down every law in England to do that."

And Sir Thomas More finally said: "Oh? And when the last law was down and the Devil turned round on you, where would you hide, the laws all being flat? This country's planted thick with laws from coast to coast, and if you cut them down, do you really think you could stand upright in the winds that would blow then? Yes, I'd give the Devil benefit of law, for my own safety's sake."

And that is why this amendment must pass.

Mr. WOLF. Mr. Chairman, I yield 2½ minutes to the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Chairman, I thank the gentleman for yielding me this time.

This amendment raises serious constitutional issues which we should not deal with on this appropriations bill. This amendment has no limitations as to applying only to U.S. citizens or only applying to the global war on terrorism. It applies to any situation where the U.S. may be in conflict, and it would apply to anyone, not only U.S. citizens.

Under the proposed amendment, the President would not be able to detain anyone who is in this country on a mission for al Qaeda or any organization or country that had chosen to attack the United States. He would not be able to detain that person for more than 30 days as an enemy combatant. Instead, he would have to release the citizen or that person or prosecute him criminally. That change in the law would deprive the Commander in Chief of one of the traditional tools used in warfare and one that is particularly critical in the struggle with a secretive enemy like the current war on terrorism, like al Qaeda, because of the extent to which the United States must rely on intelligence sources to ferret out al Qaeda plots.

The reason that the executive may need the ability to detain a citizen as an enemy combatant is that proving a criminal case in court will often require compromising critical intelligence sources. As the Deputy Attorney General recently explained in discussing the Jose Padilla case, the one and only case of an American citizen seized as an enemy combatant in the United States, "Had we tried to make a case against Jose Padilla through our criminal justice system," it would have "jeopardized intelligence sources." And to be very clear, in this war jeopardizing the intelligence sources means putting American lives at risk. It is to avoid that very real threat to continued success of the war effort that criminal prosecutions may not always be a practical possibility for dealing with enemy combatants.

This amendment, although well intentioned, and though perhaps raising some issues that need to be discussed, they should be discussed going through the committee process and should not be hastily put onto an appropriations bill as an amendment without going through a full debate.

I urge my colleagues to be opposed to this amendment because of the severe limitations it will place on the executive branch, it will place on our ability to conduct not only a global war on terrorism, but any enemy combatants in the future.

Mr. WOLF. Mr. Chairman, I yield 2½ minutes to the gentleman from Indiana (Mr. BUYER), who serves on the Committee on Armed Services.

Mr. BUYER. Mr. Chairman, I think this is an area we have to be pretty careful about. This is a very serious question, and, in fact, it raises grave constitutional questions that are unsettled, the principles of separation of power.

But with that aside, it also gets kind of confusing. So let us go back to not only our own Constitution, but also the Geneva Conventions. The Geneva Conventions under Article 5 say if one captures an individual and they know who they are, then they are automatically by the capturing power given POW status. If there is any doubt with regard to their status, under the Geneva Conventions, the capturing power then is to conduct what are called Article 5 tribunals.

What has happened here is when there is no doubt of the status of the individual, the executive branch has made the decision, then obviously they are not a POW; so they are not afforded the protections of the Geneva Conventions. And if they are not afforded in a tribunal Article 5 because their status is not in doubt, there is a term of art that has been used. They are called an enemy combatant, but they also can be called security detainees, unprivileged belligerents, unlawful combatants.

This is a very dangerous area what this amendment tries to do. It tries to dance into the area of the executive branch and say we cannot classify individuals as to these types of things.

Mr. Chairman, we are in a very unsettled part of the law. I have made a couple of notes with regard to the speakers who spoke before me who said that we need to rein in the doctrine. That is false because this is a doctrine that has been used very sparingly. In the 3 years for which we have had the war on terrorism, there is only one United States citizen that has been classified as an enemy combatant and has been detained, and if we were to only use the "criminal process," what we then do is jeopardize our intelligence. And we are operating a war predominantly in the dark world. It is an intelligence war against a secret enemy, and for us to jeopardize that by going to the public domain is foolish on our part.

Doing this on an appropriations bill, number one, using the word "foolish," that is foolish. We should not be doing that. The gentleman would like to entertain greater discussions on this. Let us take it through the authorizing committees, and let us, in fact, do that.

The other said that it is unchecked executive authority. That is false. It is not unchecked because we have the checks and balances, and that is why this case was taken to the Supreme Court.

I also would like to note that there is nothing, nothing, in current law requires resorting solely to criminal prosecutions. In the recent Hamdi decision, the United States Supreme Court did not directly address the Padilla scenario, but a majority of the Justices clearly agreed that "there is no bar to this Nation's holding one of its own citizens as an enemy combatant."

The CHAIRMAN. The gentleman from Virginia (Mr. WOLF) has 15 seconds remaining.

Mr. WOLF. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from California (Mr. COX), chairman of the Select Committee on Homeland Security.

Mr. COX. Mr. Chairman, we are playing a dangerous game here. If the gentleman from California (Mr. SHERMAN) had written an amendment that dealt with how U.S. citizens are treated, whether they can be found to be enemy combatants and detained, we might have had an interesting discussion. There has been, for example, discussion of the Jose Padilla case during this debate. But that is not the amendment that he wrote.

The amendment that he wrote does not even apply strictly to terrorism. It applies to conventional warfare. So that if Adolph Hitler's Panzer Division were to land here in America, every single one of the Nazi troops would have to be sent through the judicial system. We could not deal with them as an enemy force. If Kim Jong-il sends his million-man army to land on America's shores, if they were to arrive in amphibious vehicles and roll tanks through our streets, every single one of those millions would have to be treated as a litigant in court under this amendment.

We have never done this before. Least of all should we be doing this in an appropriations bill. These sorts of novel concepts that strip the Commander in Chief of his authority to conduct war for the United States of America that I would say that go so far as to completely upend the legal right of the United States to defend itself should not be written on the back of an envelope and attached as authorizing language essentially in an appropriations bill.

Here is what the amendment says. It is a very short amendment. It says that we cannot use any of the funds available in this act to detain for more than 30 days a person apprehended on U.S. territory even if that person is an enemy combatant.

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So we are not talking about people who might or might not be enemies of the United States. We are talking about people from foreign soil, not U.S. citizens, whether they be generals or troops, armies, coming over here. These people must be handled through the judicial legal system.

This is an outrageous interference with the ability of the United States to defend itself. It is very dangerous. I strongly urge my colleagues to defeat it.

Mr. WOLF. Mr. Chairman, I yield 1 minute to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Chairman, I thank the chairman for yielding me time.

Mr. Chairman, I would like to follow up on what the gentleman from California said about this very simple amendment, and it is a very simple amendment. It simply says that if Mohamad Atta, you remember him, the leader of the 19 hijackers, if Mohamad Atta had been caught in this country prior to 9/11, this act would prohibit him from being classified as an enemy combatant. It would prohibit the funds to hold him for more than 30 days; it would prohibit the Justice Department from using any money to designate him as an enemy combatant.

If a terrorist in Iraq blows up a car bomb and it kills 50 people, he can be held an unlimited amount of time. If he is in the United States, this says if he is in the United States, whether he is a citizen or not, he cannot be held for over 30 days, and this says no funds may be used to classify any person as an enemy combatant.

Mr. Chairman, we are in a war; and there are people in this country who are against us, and they need to be designated as such.

Mr. WOLF. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I rise in strong opposition to this amendment. To drop this on this committee a day before it is brought up, I do not care what side you are on, it just should not be done that way.

How would this amendment treat Osama bin Laden? How would it treat Mohamad Atta? How would it treat people like that?

This amendment should be certainly covered by extensive hearings by the Committee on the Judiciary and also the Committee on Armed Services, but not language that we got yesterday with no opportunity to look at the impact.

Would this language result in the release of a terrorist? Should we look at and fully explore the ramifications and the consequences? Could the result of this be the release of a terrorist within the United States to commit further terrorist acts?

The amendment would prevent an enemy combatant from being detained, would prevent Osama bin Laden, let us not say enemy combatant, would prevent Osama bin Laden from being detained for more than 30 days. What is the rationale for only being able to detain Osama bin Laden for 30 days? Should it be 45 days?

A bad amendment, late, not the approach. I urge a "no" vote.

Mrs. MALONEY. Mr. Chairman, I rise today in support of the Sherman amendment that would limit the use of the enemy combatant doctrine to detain persons indefinitely.

While this amendment would only apply to those apprehended on U.S. soil, the government has detained American citizens, individuals whose rights are without a doubt protected by the U.S. Constitution, without charging them or allowing their case to be brought before our judicial system. This is simply wrong.

How can we expect the rest of the world to respect our way of life if we do not even adhere to the principles we claim to hold dear?

How can we expect our own constituents to believe in the protection of their rights if the rights of others are trampled on?

The Supreme Court recently determined that foreign citizens detained at Guantánamo Bay and American citizens detained in military brigs are entitled to their day in court.

Clearly, it's time that this Administration begin to respect the rights of the people it claims are criminals. The Fifth Amendment of the Constitution provides for due process of law, and it's time we remembered that.

I thank my friend Representative SHERMAN for offering this amendment today, and I urge my colleagues to support his amendment.

Mr. WOLF. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. SHERMAN).

The amendment was rejected.

VACATING WITHDRAWAL OF SMITH OF MICHIGAN AMENDMENT

Mr. WOLF. Mr. Chairman, I ask unanimous consent that the proceedings by which the Smith amendment was withdrawn without prejudice be vacated, to the end that the Chair now put the question thereon.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

Mr. SMITH of Michigan. Mr. Chairman, I reserve the right to object.

The CHAIRMAN. Does the gentleman wish to speak on his reservation?

Mr. SMITH of Michigan. I do, Mr. Chairman, just for an explanation to the body. Originally, we thought we could work out a word change that would be acceptable, but it would still be subject to a unanimous consent request. We were informed there would be an objection, so that is why we vacated the rewording of the amendment.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. SMITH).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SMITH of Michigan. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan (Mr. SMITH) will be postponed.

AMENDMENT OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HEFLEY:

At the end of the bill (before the short title), insert the following:

TITLE ___—ADDITIONAL GENERAL PROVISIONS

SEC. ___. Of the funds appropriated in this Act under the first paragraph of the heading "COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES—SALARIES AND EXPENSES", not more than $7,500,000 shall be available for the United States Court of Federal Claims.

The CHAIRMAN. Points of order are reserved.

Pursuant to the order of the House of yesterday, the gentleman from Colorado (Mr. HEFLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado (Mr. HEFLEY).

Mr. HEFLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to offer an amendment to reduce the budget for the U.S. Court of Federal Claims by one-half. Due to an unchecked law, a handful of Federal judges who decide claims against the government are collecting full-time wages for less than part-time work.

The judges on the U.S. Court of Federal Claims are appointed for 15 years, but jurists turn their terms into lifetime appointments by remaining as senior judges and collecting their full six-figure salaries. Currently, the Federal claims court has 16 active judges, and it has 13 senior-status judges.

The workload of the court is hardly burdensome, as it averages fewer than two trials a year. While a handful of senior judges work a full docket, others handle only a fraction of their former caseloads; and still others, Mr. Chairman, still others do no cases whatsoever. They keep an empty docket. Yet all of them are paid the full-time Federal judge salary of $158,000 a year.

This is known in the legal profession by lawyers who know this court, it is called "charmed existence," and it is an abuse of judicial authority and a waste of taxpayer money. I would hope we would support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The CHAIRMAN. The gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to this amendment; but the committee will look at this issue, because I tend to agree with the gentleman on the circumstances involved. If they want to retire, they should retire. But, unfortunately, I do not think this amendment gets to that.

The amendment would effectively reduce the amount of funds available to the U.S. Court of Federal Claims. A $7.5 million reduction would more than fully encompass the entire budget of the Clerk's office, both operating expenses, as well as salaries and benefits for the approximately 30 staff employed by the court, which is currently about $3 million.

It is uncertain how the remaining reduction would be absorbed, since most of the remaining costs are contractual, rent and the judges' salaries and benefits. So while the judges and chambers staff would remain on board, with no Clerk's office staff or operating funding, the court would eventually cease operations, few if any cases could be tried, and the backlog would grow.

In addition, this would result in extreme delay for plaintiffs in the more than 2,000 cases that are currently pending before the court that are waiting to have their cases against the U.S. Government.

In addition, because the court was created in part to give citizens a court with jurisdiction to consider claims against the government, it would not be unreasonable to think that this could be viewed by some as a way to eliminate the government's liability in cases brought against it.

So for those reasons, what it would do to the court, I oppose the amendment. But I would urge the Committee on the Judiciary to look into this whole issue of terms. I think once they are judges, they are judges. When they retire, to take a senior status and take no or few cases and still draw their full salary, quite frankly, it is not right.

So I think what the committee will do is to draft a letter, send a letter to the court of claims, the chief justice, to ask them to look into this. But I do not want to shut the whole court down.

Because of that, I oppose the amendment.

Mr. HEFLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I appreciate the chairman agreeing to look into this; and I think that is important, whether this amendment passes or not.

There is somewhat of a movement within the other body to shut that court down completely. The value of it, there is a real question about it.

In a recent Associated Press story, let me just quote a few lines from it, it says, "Judges on a little known Federal court that decides claims against the government are appointed for 15 years, but collect their full six-figure salaries for the lifetime of the workload average, and they average fewer than two trials each in one recent year." It goes on to say, "Taxpayers are spending top dollar for full-time judges who do not even perform part-time work."

Finally, the statement is made, "They go from doing next to nothing to doing nothing and we are paying for it."

We still leave over $7 million in the budget for this court. We are not doing away with the court entirely. That decision is not being made at this point. I do not think this would be the appropriate place to do that. But this is a way to get at the abuse that is going on with that particular court and the abuse of taxpayer dollars.

Again, Mr. Chairman, I would ask for an "aye" vote.

Mr. Chairman, I yield back the balance of my time.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I again rise in opposition. But I think the Committee on the Judiciary, and we will also look at whether this court ought to be abolished, I think this Congress passes things and creates things. Maybe this ought to be transferred to the D.C. Court of Appeals or some other court. If the conditions are the way that the gentleman said, my sense is maybe it just ought to be abolished. But until it is there, these 2,000 cases are moving. So maybe I would be very supportive of abolishing it, but I think they have to be able to operate.

So for that reason, we will do a letter. We will do a letter to the gentleman from Wisconsin (Mr. SENSENBRENNER) asking him to look at this issue, as to whether or not the court ought to stay in existence.

Mr. Chairman, I oppose the amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. HEFLEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HEFLEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) will be postponed.

AMENDMENT OFFERED BY MR. SHERMAN

Mr. SHERMAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SHERMAN:

At the end of the bill (before the short title), insert the following new title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act to the Department of Justice may be used to implement, litigate or defend the legality of, or enforce the regulations prescribed by the Comptroller of the Currency and published in the Federal Register on January 13, 2004, at 69 Fed. Reg. 1895—1904 (relating to the scope of visitorial powers of the Comptroller of the Currency) and at 69 Fed. Reg. 1904—1917 (relating to applicability and preemption of State law with respect to national bank operations).

The CHAIRMAN. Points of order are reserved.

Pursuant to the order of the House of yesterday, the gentleman from California (Mr. SHERMAN) and a Member opposed will each control 10 minutes.

The Chair recognizes the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Chairman, I yield myself such time as I may consume.

This is the Sherman-Otter-Gutierrez amendment dealing with an issue very different from the one I was speaking about just a few minutes ago. But before I address this amendment, let me address that other amendment dealing with the enemy combatant doctrine.

First, of course, we did lose on the voice vote. I should point out for the record there were only six Members present here on the floor at the time.

The reason I did not call for a recorded vote is because I agree with some of the speakers on the other side. We need a better-crafted, more-considered amendment than the one I wrote. That is why the authorizing committees, particularly the Committee on the Judiciary, need to focus on this issue.

It is only frustration that after a year the Committee on the Judiciary has slept while this doctrine, which would allow not for the arrest only of Osama bin Laden, he could be arrested tomorrow, he has already been indicted, not for the arrest of Mohamad Atta, he could be arrested in a minute on a whole variety of charges. Somebody caught red-handed making a bomb could be arrested in a minute. But, rather, we have a doctrine out there that could lead to the permanent detention of people due to mistaken identity, could lead to somebody being permanently detained, because there is some local enemy that mis-accuses the individual, and eventually could be used by an administration to detain anyone it felt was an enemy of that administration.

So I look forward to a Committee on the Judiciary that does its job and a criminal code that criminalizes those things for which people should be incarcerated, and we do not incarcerate people because only one branch of government acts.

Now let me shift to the Sherman-Otter-Gutierrez amendment. It deals with an entirely different issue. That issue is that renegade regulators at the OCC published just a few months ago a regulation stating that all national banks are exempt from all State consumer protection laws.

□ 1515

This is an extreme and an absurd regulatory provision. It is one that would cause national banks to be free from all of the attempts by State governments to prevent predatory lending.

Now, I believe that we ought to have national standards, national standards to protect consumers from predatory lending practices and national standards to make sure that subprime borrowers are able to get credit. But to have this decision made by a renegade regulator is absurd.

I agree with those who say that this is an issue that should be dealt with by the relevant committee, the Committee on Financial Services. In fact, the relevant chairwoman of the Subcommittee on Oversight and Investigations had urged the OCC to wait and not publish these rules until Congress had had a chance to act. She was ignored.

I would hope that the Committee on Financial Services would go beyond the mere hearings that we have held, and we have had several, and would mark up a bill, either mark up a bill to tell the OCC that they cannot willy-nilly exempt all national banks from State regulation, or, perhaps even better, one that could also provide strong consumer protections and good access to capital to all those in the subprime borrowing market, protecting people from predatory lending practices.

Since we have not had action in the form of a markup at the Committee on Financial Services, since the OCC ignored the request that they wait for publishing their rules, I thought it was important to come to this floor and offer an amendment to act immediately.

I know that the gentleman from Idaho (Mr. OTTER) and the gentleman from Illinois (Mr. GUTIERREZ) would like to speak and will be to the floor soon.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment, and I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to this amendment. The Comptroller of the Currency is not within this subcommittee's jurisdiction, it is within the Department of Treasury. This is not the right bill to change the Comptroller of the Currency's policies concerning the regulation of national banks and State roles in regulated banks. It is a complex issue. The gentleman seems to acknowledge that the Committee on Financial Services ought to be the one to deal with it. I understand the Committee on Financial Services opposes the language to be included in the bill, so I strongly urge that we defeat the amendment and that he offer it maybe when another bill comes up dealing with the Comptroller of the Currency.

Mr. Chairman, I reserve the balance of my time.

Mr. SHERMAN. Mr. Chairman, I yield 3 minutes to the gentleman from Idaho (Mr. OTTER).

Mr. OTTER. Mr. Chairman, I thank the gentleman for yielding me this time. I also thank the gentleman from Virginia (Chairman WOLF) for his comments. Whether or not this is the proper place to make this correction, I think it is terribly important that the correction be made.

The dual banking system in our Nation has a long and very productive and rich history. It has played a major role in making ours the strongest and most confirmed banking system in the world. The balance between the State-chartered banks and the national banks provides critical fuel to our economy, fosters innovation and competition, and provides Americans with a safe and sound banking system as a whole.

I am deeply concerned that the OCC's preemptive rules would take that balance and put it into jeopardy. These rules could radically change our financial regulation structure, and overriding State law enforcement authority and the State laws for national banks can have serious repercussions on our Nation's banking economy and on the consumers in the State of Idaho.

We do not have to look back very far in history, Mr. Chairman, to see the long-reaching effects of preempting State financial laws. Let us take, for example, the savings and loan or the thrift industry. Until 1980, State-chartered thrifts outnumbered those of Federal charters. But in 1980, the Federal regulator issued a preemptive policy similar to the OCC's recent rulings. As a result, we have watched the number of State-chartered thrifts decline until they now make up less than 10 percent of all of the thrifts in the country.

Until 1980, in my State of Idaho we had five State-chartered thrifts. Today, all thrifts in Idaho have national charters. None have State charters. Since 1980, 14 banks have received new State commercial bank charters, but there has not been a single thrift chartered in the past 24 years.

Our economy in Idaho depends on small community banks. These banks serve the members in their communities and constantly improve the way we do business in America and through innovation and diversity. If we allow the OCC to tip the balance toward the national banks, we put consumers at risk. State and local agencies in Idaho are better equipped than any Federal bureaucracy to meet the needs and address the problems of Idahoans. Allowing our banking system to be dominated by a single Federal regulator would harm consumers and our economy.

Mr. Chairman, I urge my colleagues' support for this amendment. My apologies to the gentleman from Virginia (Chairman WOLF), because if this is the wrong place to make this correction, I would like to work with the chairman to make that correction in the proper place.

Mr. WOLF. Mr. Chairman, I yield 6 minutes to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Chairman, I thank the gentleman for yielding me this time.

First I want to start by agreeing with something that the gentleman from California (Mr. SHERMAN) has said today, something that was published in the newspaper The American Banker this morning. He was talking about the amendment which he now brings to the floor. What he says about it is, "This is a crazy way to do it." I would agree with that. It is, as he said, "This is a crazy way to do it."

The gentleman from Idaho (Mr. OTTER) has said this is an important issue. I agree with him; it is an important issue. It is one that ought to be debated. It is one that ought to be addressed. And, in fact, the Committee on Financial Services has had two hearings on this matter. Numerous Members, including the gentleman from Ohio (Mr. NEY) and the gentleman from Pennsylvania (Mr. KANJORSKI), to name two, have introduced legislation to address this OCC issue. The committee is working on it.

This particular amendment actually goes to the heart of the Committee on the Judiciary's jurisdiction. This is something that ought to be before the Committee on the Judiciary, because what it is, and I go back to what the gentleman from California (Mr. SHERMAN) says, and I agree with him, he says, what we are trying to do here is effectively pull the teeth out of the regulations. In other words, the OCC passed some regulations, he does not agree with those regulations, so he wants to effectively pull the teeth out of those regulations. Well, there are certain ways to do that. What he is doing is saying, so, I am going to prohibit the Justice Department from representing the OCC in court. But that is not the way to do it.

If you disagree with the regulations, you have, one thing you have is the Congressional Review Act, and our colleague on this amendment actually filed legislation under that act to review this regulation, and that is the proper way to do this. As the gentleman from California (Mr. SHERMAN) said, this is a crazy way to do it. This is a crazy amendment. It is a crazy way to do it.

We have rules in this House. I have rules at my house. There are rules. We all have rules, and we need to go by those rules. We either need to change those rules, or we need to go by those rules.

The place to address these issues, if we want to talk about whether the Justice Department ought to have the right to be a legal advocate for the OCC, and I sure hope that our governmental agencies, when they go into court as a representative of the people of the United States, I hope that they are going to have the right to legal counsel. If this amendment is passed, the OCC will be denied legal counsel. They will be denied Justice Department legal counsel. As the gentleman says, this is a crazy way to do it.

The gentleman from Idaho (Mr. OTTER) talked about something earlier that concerns all of us. We have State regulations, we have Federal regulations. They are both important. We ought to watch what we do in this regard. What ought to watch what we do when we preempt State regulations.

He is concerned about the number of national charters as opposed to State charters, that the national charter appears to be getting more valuable. That is something that ought to be addressed, but you do not address that in an appropriations bill. You let the committees that have jurisdiction over these matters, which are the Committee on Financial Services, and they are having hearings on these matters; there is numerous pieces of legislation introduced, that is where we address it.

I do not think any appropriators will vote for this particular legislation. If they do, I would say to them, this is authorizing legislation. Why would we support something like that in appropriations? Appropriators, and I say to all Members who are appropriators, you would not want the authorizing committee, you would not want the Committee on the Judiciary passing legislation appropriating funds for the Justice Department or the Commerce Department. Neither would you want the Committee on Financial Services to start making appropriations, and neither should the appropriating committee start doing authorizations. Members of the Committee on Ways and Means out there, they are charged with certain jurisdictions. The Committee on Commerce, the Committee on International Relations, all of these committees, that is where we authorize legislation. That is the rule. This amendment, although it is crafted in a way which simply says the OCC will be denied legal representation in court, which is a crazy thing, as the gentleman from California (Mr. SHERMAN), the maker of this amendment, says, that is the only way that he could sort of bring this up to the body.

And I will say this to my colleague: The fact he brought this out, he mentions it, he has said that it ought to be addressed, I commend the gentleman for that. But this is not the mechanism.

I would say to any Member that votes for this, if you vote for this, you are voting really to disregard the rules and the structure of this whole body. If you serve on authorizing committees, you are basically saying it is okay for appropriators to authorize. If you vote for this legislation, you will say it is okay for the Committee on Appropriations to start doing the work of the Committee on the Judiciary. If you vote for this amendment, you will be saying I do not care if this is the Committee on Financial Service's matter, it is within their clear jurisdiction, but I do not care, I am going to vote for it on an appropriations bill.

What that will result in, if amendments like this continue to be brought up as they are, and that is why we are here for several days instead of addressing things that ought to be addressed in this bill, then this body will gravitate into mayhem.

I urge my colleagues for the right reasons to oppose this amendment.

Mr. SHERMAN. Mr. Chairman, I yield 2 minutes and 45 seconds to the gentleman from Illinois (Mr. GUTIERREZ).

Mr. GUTIERREZ. Mr. Chairman, I am proud to be an original cosponsor of this bipartisan amendment, which would provide no funds in the bill be used to defend the OCC preemption regulations in a court of law.

Earlier this year, the OCC issued preemption rules that indicated that many State laws did not apply to national banks, did not apply to national banks, and State officials such as the attorneys general elected in each and every one of our States did not have authority over national banks and to help consumers.

I think that is crazy. I think that is insane. And it does not defend the consumers.

The gentleman from California (Mr. SHERMAN), the gentleman from Idaho (Mr. OTTER), and I and our staffs, with their inspiration and innovation, have brought this amendment to the floor because we want to defend consumers.

The Office of the Comptroller of the Currency, or the OCC, regulates national banks. The name of the agency causes most people to think of it as the Mint or that it would be responsible for printing money. It is certainly not the agency that consumers think to call for help when a bank has violated the law, and perhaps it is because the OCC's Consumer Call Center is open only for business 28 hours a week and closed on Fridays. At least the attorneys general and your bank regulators in your States are open Monday through Friday, 40 hours a week, to defend consumers.

□ 1530

That is what the OCC thinks about consumer protections. They will not even defend you 5 days a week. When my constituents have a problem with the bank, they call the Illinois Attorney General, as I am sure in every other State people call their Attorneys General. But according to the OCC, the Attorney General has virtually no authority over the big powerful national banks. And that is wrong.

I remember when the gentleman from Alabama came here talking about States right and saying they are the incubator of ideas. Everything is done better at the local level. Yet, the gentleman from Alabama comes here, and we should have struck his words, I will not, calling us crazy on five different occasions.

It is not crazy to protect consumers. It is crazy not to protect consumers because that is our main responsibility, to defend the people and not to be quoting from the Bankers Journal. They publish that journal to defend their interests, and it should be our priority to defend the interests of consumers, as crazy as that may seem given all the special interest money that runs around the Congress of the United States.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I respectfully and reluctantly rise in opposition to the amendment offered by my friend and colleague, the gentleman from California (Mr. SHERMAN), whom I respect.

As a member of the Committee on Financial Services, I have been at numerous hearings that have been held on the issue of OCC preemption. What the OCC did in promulgating these regulations is well within, in my opinion, their scope as a regulator of national banks. But I believe the issue is bigger than that of the powers of national versus State chartered banks or the presumed powers of the OCC. The real question here deals with ensuring the greatest protections of all American banking consumers with respect to stopping abusive lending practices. And that is why I salute the OCC's actions.

Our constituents have no idea where their bank is chartered, and they really do not care. But they really do care about protecting their money and their investments and keeping the access to capital free flowing. This action by the OCC will allow that to happen. For example, I know much has been made in Washington by some of my colleagues about a possible weakening of consumer protections between banks and their customers due to these OCC regulations. I disagree.

The famous First Tennessee case in New York proves this point, as once the OCC entered the dialogue, the case resolved in favor of the consumer in a matter of days, and the customers' losses were refunded, and their legal bills paid. Additionally, with the powers the OCC has, including on-site examiners actually in the actual banks on a day-to-day basis, they know the operations and the rules. They know how to make banks comply with them.

Remember, it was not the FBI who caught Al Capone. It was the IRS. That is the same approach under which the OCC will approach its bad actors with its on-site staff that have the ability to shut down banks.

Finally, these OCC regulations also created one uniform Federal standard for all national banks and their operating subsidiaries with respect to predatory lending as a way of creating a level playing field for all national banking customers.

While I do believe these predatory lending regulations that have been put in place are weak at best, their establishment drives home the need for real action by this Congress this year to address predatory lending with a strong national law that governs lending at all financial institutions and their operating subsidiaries, regardless of where they are chartered.

Mr. SHERMAN. Mr. Chairman, I yield myself such time as I may consume.

The OCC gets its $500 million budget from the banks it regulates. It is financially accountable to the banks rather than Congress. That is why we had to offer an amendment dealing with the Department of Judiciary's budget. The gentleman from Illinois (Mr. GUTIERREZ), who spoke with such passion and wisdom just a second ago, introduced in our committee, when we expressed our budget views and estimates, language criticizing these OCC regulations. And that language passed 34 to 28 with the support of the relevant subcommittee chairman, the gentlewoman from New York (Mrs. KELLY).

I would point out that now it is time for the Committee on Financial Services and this Congress not to just express our views but to legislate. That is why I will withdraw this amendment and hope that our committee will act instead of simply expressing views.

Mr. Chairman, I withdraw the amendment.

The CHAIRMAN. The amendment is withdrawn.

AMENDMENT OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HEFLEY:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. Total appropriations made in this Act are hereby reduced by 1 percent.

The CHAIRMAN. Points of order are reserved. Pursuant to the order of the House of yesterday, the gentleman from Colorado (Mr. HEFLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado (Mr. HEFLEY).

Mr. HEFLEY. Mr. Chairman, I yield myself such time as I may consume.

This is an amendment I have offered on a great many appropriations bills over the last few years. In my desire to begin to get a grip on the deficit spending that we are doing now, and it is not a reflection on the chairman or the committee and the job they have done, there is a great deal of good in this bill; but I rise today to offer an amendment to cut by 1 percent the level of funding in this appropriations bill. For the CJS appropriations bill that amends amounts to $398 million, and that translates to one penny on every dollar we spend. One penny is all we are talking about on every dollar that we are spending.

I recognize there are many important law enforcement provisions contained within this bill, which is why I have structured my amendment using the Holman rule so that the administration may choose the accounts in which they want to reduce the spending in this bill. The tendency always is when you want to cut something or a Department is to say that the most desirable things are the things it will cut. No, it is not. The FBI that will get cut here or some of those law enforcement things, it will be the things that are the least important, if we do it in this way and under this particular rule.

As most Members are aware, as I said earlier, I have introduced similar amendments that would have cut spending in other appropriations bills and I have plans to continue doing so in other appropriations bills that are brought to the floor. My amendments are intended to draw a line. The budget for fiscal year 2005 is too large. We have the power to do something about the budget deficit right now. By voting for my amendment, Members are stating to the American taxpayers they should not have to pay higher taxes in the future because we could not control spending today.

Our budgets would be no different than the taxpayers' budgets at home. When we have less money, we simply need to spend less money, and there are plenty of places within the Federal budget where we are spending money that clearly does not make any sense whatsoever.

Mr. Chairman, I offer this 1 percent cut in the budget.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

The amendment would take $400 million from the bill. As you can see from the debate, other Members feel that the funding for a host of programs is inadequate. The budget resolution passed by the House, we are within that budget resolution. The bill we are considering stays well within it. A number of accounts in the bill are funded very close to the bone. For a number of reasons that other people would realize, we urge strong opposition to the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. HEFLEY. Mr. Chairman, I yield myself such time as I may consume.

There is not a member of this Congress that is more conscientious or more concerned about the deficit than the chairman of the committee, the gentleman from Virginia (Mr. WOLF). I have the highest respect for him. I still say, Mr. Chairman, that we can find one penny on the dollar to cut in this particular appropriations bill. I would ask for an "aye" vote.

Mr. Chairman, I yield back the balance of my time.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this bill was put together by two staffs and two members in a very tight situation with a very low allocation. As I have said on many occasions during this debate, I think the bill is fair, but we know it is tight. And this is a large amount of money to take out of this bill, especially across the board, without any consideration to all the negotiations that went in to putting the bill together.

I just think it is a bad idea, and it should be defeated.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. HEFLEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HEFLEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on this amendment are postponed.

AMENDMENT OFFERED BY MR. WEINER

Mr. WEINER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WEINER:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used in contravention of the provisions of section 214(d) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228).

The CHAIRMAN. Points of order are reserved. Pursuant to the order of the House of yesterday, the gentleman from New York (Mr. WEINER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York (Mr. WEINER).

Mr. WEINER. Mr. Chairman, I yield myself such time as I may consume. I will not take the full 5 minutes. As a member of the Democratic baseball team, we have a date with destiny shortly.

I just wanted to explain the amendment, and then I will yield back my time.

This Congress in the 2003 State Department Authorization Act said that once and for all, any documents like passports and the like that refer to Jerusalem have to say the country. It is the only instance in our Nation where it says a city but it does not refer to the country, a strange form of record keeping that we clarify.

There are now some lawsuits from people who are trying to enforce that law that this Congress passed overwhelmingly, and the Justice Department and the State Department are fighting those suits. Mine would be an amendment saying that no funds can be used to stop Congress's will from being put into place. I urge a "yes" vote.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

This amendment reiterates current law. We have no objection, and we accept the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. WEINER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. WEINER).

The amendment was agreed to.

The CHAIRMAN. Are there any further amendments?

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

Amendment No. 2 by the gentleman from Vermont (Mr. SANDERS); amendment No. 20 by the gentleman from Missouri (Mr. AKIN); amendment No. 23 by the gentleman from Iowa (Mr. KING); the amendment by the gentleman from Michigan (Mr. SMITH); the amendment by the gentleman from Colorado (Mr. HEFLEY); the amendment by the gentleman from Colorado (Mr. HEFLEY).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MR. SANDERS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Vermont (Mr. SANDERS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 210, noes 210, answered "present" 1, not voting 13, as follows:

[Roll No. 339]

AYES—210

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Bartlett (MD)
Becerra
Berkley
Berman
Bishop (NY)
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Case
Castle
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Duncan
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Flake
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Herseth
Hill
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kirk
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Petri
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Renzi
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Simpson
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wu
Wynn
Young (AK)

NOES—210

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Dunn
Edwards
Emerson
English
Everett
Feeney
Ferguson
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Oxley
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

ANSWERED "PRESENT"—1

Lofgren

NOT VOTING—13

Bell
Berry
Bishop (GA)
Blumenauer
Carson (IN)
Collins
Deutsch
Gephardt
Hastings (FL)
Hinchey
LaHood
Quinn
Tauzin

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

PARLIAMENTARY INQUIRY

Mr. SANDERS (during the vote). Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman from Vermont will state his parliamentary inquiry.

Mr. SANDERS. Mr. Chairman, how much time is allowed for a vote to be cast? My understanding is 17 minutes.

The CHAIRMAN. The minimum time for electronic voting on this question is 15 minutes.

Mr. SANDERS. Will the gentleman tell me how much time has expired on this vote at this point?

The CHAIRMAN. Longer than the minimum time.

Mr. SANDERS. My understanding is over 24 minutes have expired.

PARLIAMENTARY INQUIRY

Mr. NADLER (during the vote). Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman from New York will state his parliamentary inquiry.

Mr. NADLER. My parliamentary inquiry is twofold. How much time has elapsed on this vote, and how much time will be allowed on this vote beyond what the rules provide for? How much time has elapsed on this vote? The time has expired.

How much time has elapsed on this vote? Are we going to hold this vote open until enough arms are twisted?

The CHAIRMAN. The Chair would attempt to respond to the parliamentary inquiry. The minimum time for this electronic vote, as stated earlier, is 15 minutes. And, as always, if there are Members in the well attempting to vote, the vote will remain open.

PARLIAMENTARY INQUIRY

Mr. NADLER (during the vote). Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman from New York will state his parliamentary inquiry.

Mr. NADLER. I have two parliamentary inquiries. One you did not answer I asked before. How much time has elapsed on this vote so far? Not the minimum. How much time so far has elapsed?

The CHAIRMAN. The Chair will repeat that the minimum requirement is 15 minutes. That has elapsed.

Mr. NADLER. That was not my question.

The CHAIRMAN. The time elapsed thus far is 29 minutes. As long as there are Members wishing to vote in the well, the vote will remain open.

Mr. NADLER. My second question, sir, is I do not see anyone in the well waiting to vote. Is there anyone in the well waiting to vote?

PARLIAMENTARY INQUIRY

Ms. PELOSI (during the vote). Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentlewoman will state her parliamentary inquiry.

Ms. PELOSI. Mr. Chairman, in a previous response to a parliamentary inquiry, the Chair stated the vote would remain open as long as there were Members in the well wishing to vote. That case does not exist at this time, so when will the Chair be gaveling this vote down?

Mr. Chairman, apparently the basis for the Chair's response before is no longer true. Members are not in the well wishing to vote.

The CHAIRMAN. The Chair would remind Members that the rules state that the vote shall be open for a minimum of 15 minutes, and as long as there are Members in the well to vote, the vote will remain open.

Ms. PELOSI. Mr. Chairman, how long has the vote been open?

The CHAIRMAN. The Chair is about to ask if any Member wishes to change his or her vote, so that changes may be reported.

□ 1622

Ms. HARRIS, Mrs. CUBIN, Messrs. GILCHREST, BEREUTER, TOM DAVIS of Virginia, BILIRAKIS, KINGSTON, SMITH of Michigan, BISHOP of Utah, WAMP, TANCREDO and Mrs. MUSGRAVE changed their vote from "aye" to "no."

Messrs. ACKERMAN, LANGEVIN, ALEXANDER, CRAMER, and SHERMAN changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 20 OFFERED BY MR. AKIN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Missouri (Mr. AKIN) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 306, noes 113, not voting 14, as follows:

[Roll No. 340]

AYES—306

Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Biggert
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carson (OK)
Carter
Castle
Chabot
Chandler
Chocola
Coble
Cole
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Etheridge
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Hooley (OR)
Hostettler
Houghton
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Lampson
Langevin
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Marshall
Matheson
McCarthy (NY)
McCollum
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sánchez, Linda T.
Sandlin
Saxton
Schiff
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—113

Abercrombie
Ackerman
Andrews
Baldwin
Berkley
Berman
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Case
Clay
Clyburn
Conyers
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeGette
DeLauro
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Grijalva
Gutierrez
Harman
Holt
Honda
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kilpatrick
Kolbe
Kucinich
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McDermott
McGovern
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mollohan
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Rodriguez
Roybal-Allard
Rush
Sabo
Sanchez, Loretta
Schakowsky
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Solis
Stark
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Van Hollen
Velázquez
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey

NOT VOTING—14

Bell
Berry
Bishop (GA)
Blumenauer
Carson (IN)
Collins
Deutsch
Gephardt
Hastings (FL)
Hinchey
LaHood
Quinn
Sanders
Tauzin

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

□ 1631

Ms. CORRINE BROWN of Florida and Mr. SHAYS changed their vote from "aye" to "no."

Mr. ENGLISH and Mr. HOLDEN changed their vote from "no" to "aye."

Mr. ABERCROMBIE changed his vote from "present" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 23 OFFERED BY MR. KING OF IOWA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Iowa (Mr. KING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 139, noes 278, not voting 16, as follows:

[Roll No. 341]

AYES—139

Akin
Baker
Barrett (SC)
Bartlett (MD)
Beauprez
Bilirakis
Bishop (UT)
Blackburn
Blunt

Bonner
Boozman
Bradley (NH)
Brady (TX)
Brown-Waite, Ginny
Burgess
Burns
Buyer
Camp
Cantor
Carson (OK)
Carter
Castle
Chabot
Chandler
Chocola
Coble
Cole
Cox
Crane
Cubin
Culberson
Cunningham
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Doolittle
Duncan
Emerson
Everett
Feeney
Foley
Forbes
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gingrey
Goode
Goodlatte
Goss
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hayes
Hayworth
Hefley
Hensarling
Herger
Hoekstra
Hostettler
Hulshof
Hunter
Isakson
Issa
Istook
Jenkins
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
Kingston
Kline
Latham
Lewis (KY)
Lucas (OK)
Manzullo
Matheson
McCotter
McCrery
McHugh
McInnis
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Ney
Norwood
Nussle
Otter
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Pombo
Portman
Putnam
Ramstad
Rehberg
Renzi
Rogers (AL)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Simpson
Smith (MI)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Tanner
Taylor (MS)
Thornberry
Toomey
Upton
Vitter
Wamp
Wilson (SC)

NOES—278

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Ballenger
Barton (TX)
Bass
Becerra
Bereuter
Berkley
Berman
Biggert
Bishop (NY)
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burr
Burton (IN)
Calvert
Cannon
Capito
Capps
Capuano
Cardin
Cardoza
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Flake
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gerlach
Gilchrest
Gillmor
Gonzalez
Gordon
Granger
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hart
Hastings (WA)
Herseth
Hill
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hyde
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Nadler
Neal (MA)
Nethercutt
Northup
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Porter
Price (NC)
Pryce (OH)
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Sherwood
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—16

Bell
Berry
Bishop (GA)
Blumenauer
Carson (IN)
Collins
Deutsch
Gephardt
Hastings (FL)
Hinchey
LaHood
Napolitano
Peterson (PA)
Quinn
Tauzin
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1639

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mrs. NAPOLITANO. Mr. Chairman, on rollcall No. 341, had I been present, I would have voted "no."

AMENDMENT OFFERED BY MR. SMITH OF MICHIGAN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. SMITH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 129, noes 291, not voting 13, as follows:

[Roll No. 342]

AYES—129

Akin
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bilirakis
Bishop (UT)
Blackburn
Bonner
Boozman
Bradley (NH)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Camp
Cannon
Cantor
Carter
Chabot
Chocola
Coble
Costello
Cox
Cramer
Crane
Culberson
Cunningham
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Duncan
Everett
Feeney
Flake
Forbes
Fossella
Franks (AZ)
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Graves
Green (WI)
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hoekstra
Hostettler
Hulshof
Hunter
Isakson
Istook
Jenkins
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
Kingston
Kline
Lewis (KY)
Linder
Manzullo
McCotter
McCrery
McInnis
McIntyre
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Norwood
Osborne
Otter
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Platts
Pombo
Ramstad
Rehberg
Renzi
Rogers (AL)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (MI)
Souder
Stearns
Stenholm
Sullivan
Tancredo
Taylor (MS)
Thornberry
Tiahrt
Toomey
Vitter
Walden (OR)
Wamp
Whitfield
Wilson (SC)
Young (AK)

NOES—291

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Ballenger
Beauprez
Becerra
Bereuter
Berkley
Berman
Biggert
Bishop (NY)
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burns
Burr
Calvert
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Case
Castle
Chandler
Clay
Clyburn
Cole
Conyers
Cooper
Crenshaw
Crowley
Cubin
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Foley
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gilchrest
Gonzalez
Goss
Granger
Green (TX)
Greenwood
Grijalva
Gutierrez
Harman
Harris
Herseth
Hill
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hyde
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)

Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pickering
Pitts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—13

Bell
Berry
Bishop (GA)
Blumenauer
Carson (IN)
Collins
Deutsch
Gephardt
Hastings (FL)
Hinchey
LaHood
Quinn
Tauzin

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1647

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. HEFLEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) regarding the U.S. Court of Federal Claims on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 67, noes 347, not voting 19, as follows:

[Roll No. 343]

AYES—67

Bartlett (MD)
Beauprez
Bishop (UT)
Blackburn
Bradley (NH)
Chabot
Coble
Cubin
Davis, Jo Ann
Deal (GA)
DeMint
Duncan
Everett
Feeney
Flake
Franks (AZ)
Gallegly
Garrett (NJ)
Goode
Goodlatte
Graves
Green (WI)
Gutknecht
Hastings (WA)
Hefley
Hensarling
Herger
Hunter
Isakson
Johnson, Sam
Jones (NC)
Keller
Kingston
Kline
Lewis (KY)
Manzullo
McInnis
Mica
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Norwood
Otter
Paul
Pence
Petri
Pitts
Ramstad
Rehberg
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Sensenbrenner
Sessions
Shadegg
Smith (MI)
Stearns
Tancredo
Terry
Toomey
Udall (CO)
Visclosky
Vitter
Young (AK)

NOES—347

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Barton (TX)
Bass
Becerra
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop (NY)
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chandler
Chocola
Clay
Clyburn
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Gordon
Goss
Granger
Green (TX)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hayes
Hayworth
Herseth
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kleczka
Knollenberg
Kolbe
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Van Hollen
Velázquez
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—19

Bell
Berry
Bishop (GA)
Blumenauer
Brady (TX)
Carson (IN)
Collins
Deutsch
Gephardt
Hastings (FL)
Hinchey
Jones (OH)
Kirk
Kucinich
LaHood
Quinn
Reynolds
Tauzin
Weller

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Two minutes remain in this vote.

☐ 1654

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. WELLER. Mr. Chairman, on rollcall No. 343 I was unavoidably detained. Had I been present, I would have voted "no."

AMENDMENT OFFERED BY MR. HEFLEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) regarding an across-the-board cut of total appropriations, on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 81, noes 327, not voting 25, as follows:

[Roll No. 344]

AYES—81

Akin
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bilirakis
Bishop (UT)
Blackburn
Brady (TX)
Burgess
Burton (IN)
Capuano
Chabot
Chocola
Coble
Cox
Crane
Cubin
Deal (GA)
DeMint
Diaz-Balart, M.
Doggett
Duncan
Everett
Feeney
Flake
Fossella
Franks (AZ)
Garrett (NJ)
Gibbons
Graves
Gutknecht
Hall
Hayworth
Hefley
Hensarling
Herger
Hoekstra
Hostettler
Issa
Jenkins
Johnson, Sam
Jones (NC)
Keller
King (IA)
Lewis (KY)
Linder
McInnis
Mica
Miller (FL)
Miller, Gary
Musgrave
Neugebauer
Norwood
Otter
Paul
Pence
Petri
Pitts
Ramstad
Rogers (MI)
Rohrabacher
Royce
Rush
Ryan (WI)
Ryun (KS)
Sensenbrenner
Sessions
Shadegg
Shimkus
Stearns
Tancredo
Tanner
Taylor (MS)
Terry
Thornberry
Toomey
Vitter
Wilson (SC)

NOES—327

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Ballenger
Becerra
Bereuter
Berkley
Berman
Biggert
Bishop (NY)
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chandler
Clay
Clyburn
Cole
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Foley
Forbes
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Green (TX)
Green (WI)
Grijalva
Gutierrez
Harman
Harris
Hart
Hastings (WA)
Hayes
Herseth
Hill
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Sullivan
Sweeney
Tauscher
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—25

Bell
Berry
Bishop (GA)
Blumenauer
Boehlert
Carson (IN)
Collins
Culberson
Davis (FL)
Deutsch
Diaz-Balart, L.
Eshoo
Ford
Gephardt
Greenwood
Hastings (FL)
Hinchey
Isakson
Kaptur
LaHood
Lipinski
Quinn
Ryan (OH)
Stupak
Tauzin

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Two minutes remain in this vote.

□ 1701

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. OSBORNE. Mr. Chairman, I appreciate the hard work of the members of the committee, and of Chairman FRANK WOLF and Ranking Member JOSÉ SERRANO on H.R. 4754.

Caseloads for U.S. district judges in Nebraska have climbed steadily. In fact, criminal cases have more than doubled since 1995.

Like many other states in the Midwest, Nebraska has been plagued in recent years by an influx of methamphetamine (meth), and criminal cases involving meth represent a significant increase in Nebraska's drug docket.

Interstate 80, which runs the length of the state of Nebraska, is one of the primary transit routes used for drug trafficking across the central United States.

Nebraska's ability to prosecute interstate drug trafficking affects the whole country.

In fact, Nebraska's judges carry a heavier criminal caseload than judges in New York City, Chicago, and Los Angeles.

Mr. Chairman, while I am grateful for the increased funding provided in this bill for the federal court system, the substantial increase in Nebraska's criminal trials leaves Nebraska's federal judges with impossibly heavy caseloads.

I also appreciate the generous funding the CJSJ committee has allocated in the last several years towards fighting meth in Nebraska. These funds have made a significant difference.

My colleague from Nebraska, Mr. BEREUTER, has introduced H.R. 4301, to authorize an additional district judgeship for the district of Nebraska.

The Senate has already passed legislation that included Nebraska in the list of judgeships to be made permanent and I am hopeful the House will do the same.

A fourth judgeship is critically important to Nebraska, and without it, criminal cases will move more slowly and handling civil cases will become increasingly burdensome.

I support and urge passage of the underlying appropriations bill and I look forward to continuing to work with the authorizing committee to address the judgeship issue in Nebraska.

Mr. KUCINICH. Mr. Chairman, I rise today in support of the Flake-Davis-Emerson-Delahunt amendment to the Commerce, State & Justice Appropriations bill. This bipartisan amendment would de-fund Commerce Department enforcement of its new anti-family regulations. These regulations set greater limitations on gift parcels that Cuban-Americans are allowed to send to their family members. Gift parcels are no longer allowed to contain such humanitarian aid items as clothing, seeds, personal hygiene items, veterinary medicines and supplies, fishing equipment and supplies, and soap-making equipment. Additionally, this regulation limits the delivery of gift parcels to Cuba to once per month per household, instead of once per month per individual recipient. The gift parcels can only be sent to the immediate family of a donor: grandparents, grandchildren, parents, siblings, spouses or children. All cousins, uncles, aunts, nieces, or nephews, or in-laws are excluded.

According to the Commission for Assistance to a Free Cuba, appointed by President Bush, gift parcels "decrease the burden of the Castro regime to provide for the basic needs of its people" which therefore allows the regime to "dedicate more of its limited resources to strengthening its repressive apparatus." This is ludicrous. The reality is that there are many Cubans living in poverty whose only way of getting necessary living materails—soap, clothes, sustenance supplies—is through gift parcels from their relatives residing in the United States.

This regulation is a human rights travesty; it directly hurts Cuban people and their concerned Cuban-American relatives. Family ties stretch across borders, despite foreign policy mandates, and denying family members from sending aid to their relatives does not only show complete disregard to the value of human rights, but also to the value of the family institution. Support the Flake-Davis-Emerson-Delahunt amendment to de-fund Commerce Department enforcement of its anti-family regulations.

Mr. ACEVEDO-VILÁ. Mr. Chairman, I rise today to urge my colleagues to vote in favor of H.R. 4754; Making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2005. This bill includes a very important amendment that will address the inaccessibility to affordable capital for small businesses. This bill also includes important funding increases for the Drug Enforcement Administration and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

One of the biggest problems that small businesses in Puerto Rico and on the mainland face is access to affordable capital. The 7(a) loan program is the Small Business Administrations' core lending program and accounts for roughly 30 percent of all long-term small business borrowing in America. This public-private partnership provides important financing for our nation's small business at a good value for the American taxpayer. This means there can be more loans, more small businesses and greater job creation. These loans are the only source of affordable, long-term financing for many of our nation's small businesses. The continuation of this program is fundamental to a sound economic recovery.

The CJS Appropriations Act also includes $1.66 billion for the Drug Enforcement Administration. This represents a $77 million increase above the Fiscal Year '04 funding. These funds will go to keep drugs off our streets and out of the hands of our children. Additionally, it contains $870 million for the Bureau of Alcohol, Tobacco, Firearms and Explosives, representing a $43 million increase over fiscal 2004 funding. These necessary additions will provide for a safer society.

I urge my colleagues to vote "yes" on the passage of H.R. 4754.

Mr. UDALL of Colorado. Mr. Chairman, I rise in reluctant support of this bill.

Parts of the bill advance good policy.

The most welcome provision in the bill is the $106 million included for the Manufacturing Extension Program (MEP), a program the Administration has tried to eliminate for several years. Last year, MEP served more than 18,000 small manufacturers across the country. In 2002, MEP assistance resulted in $2.79 billion in increased/retained sales, $681 million in cost savings, $940 million investment in modernization, and 32,000 jobs created and retained. Every federal dollar appropriated for MEP leverages $2 in state and private-sector funding, which means that a small federal investment of $106 million translates into billions of dollars in benefits for the economy in terms of jobs created and retained, investment, and sales. While it is overdue, the appropriators' acknowledgement of MEP's importance is welcome—especially as manufacturers continue to experience tough economic times.

The bill also provides essential funding for the Department of Justice, the FBI, and the Drug Enforcement Administration, as well as for Office of Justice programs such as the State Criminal Alien Assistance program.

The bill improves on the President's request in some cases. It includes funding for the Community Oriented Policing Services (COPS) program and state and local law enforcement assistance—less than the current funding level for these programs, but at much higher levels than the request. I do hope that conferees will see fit to increase funding to current levels for these programs in the final version of the bill.

On the international side, I'm pleased that the bill increases funding for education and cultural exchange programs, which are the most effective public diplomacy programs we can fund, and that it directs the State Department to establish a new permanent office to plan for reconstruction and post-conflict stability, making clear the preeminent role of the State Department—not the Pentagon—in such planning.

The bill also includes important language prohibiting any funds from being used in any way to support or justify the use of torture by any U.S. government official or contract employee. It also directs the Justice Department's Inspector General to submit a report to Congress detailing all internal and interagency documents regarding the obligation to the U.S. under the Geneva Conventions and related international agreements. I'm glad that the House supports this critical provision on a bipartisan basis, as the Administration to date has refused to provide these documents.

But I only reluctantly support this bill for the reasons I have expressed year after year—namely, that it attacks the Department of Commerce laboratories in my district in Colorado, the National Institute of Standards and Technology (NIST) and the National Oceanic and Atmospheric Administration (NOAA).

The trend of cutting these agencies to the bone continues. It continues not because there is fat to cut at these facilities, but because the Subcommittee allocation simply doesn't provide enough money to go around.

Under the bill as it stands, the NIST and NOAA laboratories will see more jobs lost and more cuts in funding. The bill cuts NIST fully 15 percent from last year's levels. Funding for NIST's Scientific and Technical Research and Services (STRS)—at $376 million—is at least 9 percent below the request. Never mind that the Manufacturing Technology Competitiveness Act, which the House will pass this week, includes $425 million in FY2005 for STRS. The bill includes funding for important construction projects, but at levels 18 percent below the request.

The bill reduces NOAA funding by $543 million—a 15 percent cut from FY2004 levels. The office of Oceanic and Atmospheric Research (OAR), which funds the important work being conducted in the labs in my district, is funded at $319 million in the bill—12 percent below the request level, and 16 percent below FY2004 levels. The bill zeros out funding for Abrupt Climate Research and Paleoclimate research, and the overall NOAA budget for climate and global change research has been reduced by an additional $6 million. These NOAA research programs are vital to improving our understanding of the impacts of climate change—something the president has said is a priority for his administration.

In addition to concerns about reduced funding for NOAA, I am also concerned about language included in the bill's report. The report notes: "The Committee continues to believe that resource limitations require NOAA to act expeditiously on laboratory consolidation. The Research Review Team report provides a necessary first step toward rationalization of the enterprise-wide research effort." As far as I am aware, the Committee has never provided a definition for "laboratory consolidation." If done because of "resource limitations," it seems to me that "consolidation" is just a code word for program elimination. I will continue to fight to ensure that before NOAA takes any steps in this direction, it must provide Congress with further explanation as to the reasons for and outcomes expected from such action.

Mr. Chairman, clearly I have deep concerns about the parts of this bill that affect my district and that affect science and technology funding at the Department of Commerce. But the bill includes funding for many other deserving programs. So I will vote for this bill, and will work to see that it is improved in conference.

Mr. SHAYS. Mr. Chairman, I rise in opposition to the Paul Amendment on UNESCO.

During a speech before the UN General Assembly on September 12, 2002, President Bush announced that the United States would return to UNESCO. I support the President's decision, and I oppose efforts to prohibit funding to the organization.

Rejoining UNESCO reflects our national understanding that the body has a decisive role in advancing U.S. foreign policy goals. These goals include promoting education and understanding in areas of the world where desperate populations are susceptible to the preaching of those who would seek to destroy our Nation.

UNESCO is actively pursuing the UN's Millennium Development Goals, including achieving universal primary education in all countries by 2015; eliminating gender disparity in primary and secondary education by 2005; helping countries implement a national strategy for sustainable development by 2005; and reversing current trends in the loss of environmental resources by 2015.

Why wouldn't the United States want to be an active participant and contributor to this process?

We've debated these issues, and this body has decided the United States should continue to be a member in good standing at the UN and rejoin UNESCO.

Prohibiting funding sends a particularly bad message to the global community at a time when international support is needed for many of our initiatives, including the war on terror.

As a contributor and participant, the United States is granted owner to influence UNESCO's goals, programs and management. We should not pass up that opportunity.

Ms. HERSETH. Mr. Chairman, yesterday the House of Representatives narrowly defeated an amendment to the fiscal year 2005

Commerce, Justice and State Appropriations bill that would have increased funding for the Community Oriented Policing Services (COPS) program by $106 million.

I voted in favor of this amendment because I believe it is critical to restore cuts that this bill makes to the COPS program. COPS has been a critical part of our nation's effort to put more police officers on the streets in order to reduce crime and improve homeland security. Given the increased security needs our country faces, there is no question that the COPS program is needed now more than ever.

This was a difficult vote because funding to pay for this amendment was taken from the Census Bureau, which is charged with the important responsibility of counting the American population. I fully support the mission of the Census Bureau. It is particularly important to ensure that the Bureau has the resources it needs to count hard-to-find populations, including Native Americans in South Dakota. Because of inadequate housing and high levels of poverty, Native Americans are traditionally undercounted by the Census. This means that they often do not receive their fair share of federal resources desperately needed to provide jobs, health care and education.

It is important to note that this bill provides the Census Bureau with a $149 million increase in funding over last year's level. The amendment would have shifted $106 million of these funds to the COPS program, thus restoring COPS to last year's level of funding while still providing the Census Bureau with an overall increase in funding. I felt that this approach was fair, and that it would improve homeland security and public safety while still ensuring that the Census can carry out its mission.

Ms. SCHAKOWSKY. Mr. Chairman, I rise today to express my disappointment with the wholly inadequate level of funding in the Departments of Commerce, Justice, and State Appropriations bill for Fiscal Year 2005 for grants to combat violence against women. Women in this country are in the midst of a crisis, continuing to be terrorized by sexual assault, domestic violence, and stalking, and the situation is not getting much better. According to the Centers for Disease Control and Prevention, at least one out of every six women and girls in the United States will have been beaten or sexually abused in her lifetime.

So what is the Republican leadership's response? According to this bill, it is to cut funding for grants to states to combat violence against women. This bill closely follows the President's request and cuts VAWA funding by 1 percent from last year's levels down to $383.5 million. Funding for Violence Against Women Act (VAWA) programs in the Department of Justice, programs which serve to protect older and disabled women from violence, to provide transitional housing for women fleeing abusive partners, to protect students on campus from sexual assault, to reduce stalking, remains $55 million short of full funding. this is simply unacceptable.

We have the money in this country to help every women who is raped, to provide counseling and services to every family trying to overcome domestic violence, to train police officers to help victims of stalking—yet the President's budget chooses not to do this. Instead, the Republican majority chooses to spend more of our money on tax cuts for the wealthy.

I go back to my district and I see women who have worked so hard to survive domestic abuse and sexual assault. I meet families who have lost a mother or a sister to domestic violence. When they ask me—what is my government doing to help me? What is my government doing to make sure this doesn't happen to another woman?—I will have to tell them that the government is not doing nearly enough. The Republican leadership is cutting funding for programs to prevent violence against women. This is a disgrace.

Mrs. CAPPS. Mr. Chairman, while I rise in support of the FY05 Commerce, Justice, State appropriations bill, I am deeply disappointed in the significant cuts proposed to the National Oceanic and Atmospheric Administration budget.

As you know, the 23rd Congressional District, on California's Central Coast, is an incredibly diverse and productive coastal and marine area.

Tourism and commercial and recreational fishing are major industries on the Central Coast and a staple of our local economy. The money spent by tourists and the fish caught by fisherman pay the bills and put food on the table for the people living in these communities.

Unfortunately, they know better than anyone that our oceans and coasts are facing a greater array of problems than ever before.

The impact of coastal development, pollution and some fishing practices have led to declining prospects for many of our oceans, coasts and marine life.

With the recent release of the Pew Oceans Commission report and the U.S. Commission on Ocean Policy report, we have an unprecedented opportunity to move forward to dramatically reform ocean policy.

That's why investment in our nation's coasts and oceans is needed now.

Sadly, the bill before us proposes over $400 million in cuts—that's a 15 percent cut—to the agency in charge of caring for and managing these assets. I am particularly worried by the decrease in funds proposed for the National Ocean Service and the National Marine Fisheries Service.

The National Ocean Service is the primary federal agency working to protect and manage America's coastal waters and habitats. Unfortunately, this bill proposes a debilitating cut of $160 million from 2004 enacted levels.

Critical National Ocean Service programs have been severely cut, including activities that support managing coastal zones and national marine sanctuaries, restoring coral reefs, protecting sensitive coastal estuaries and reducing coastal pollution.

These cuts will cripple the agency and will impact all Americans who use our beaches and coastal waters for swimming, boating and recreation, in addition to threatening the 3 million U.S. jobs that our coasts and oceans support.

Mr. Chairman, I am also concerned by the proposed cuts to the National Marine Fisheries Service. The $96 million in cuts from the 2004 enacted level will further jeopardize our already troubled commercial and recreational fisheries.

While the bill does provide additional funds for expanding fisheries stock assessments, it fails to make available critical dollars for fishery observer programs, cooperative research, essential fish habitat protection, and efforts to conserve protected species like marine mammals and sea turtles.

Mr. Chairman, I recognize the Subcommittee has difficult choices to make this year. And, I appreciate the Chairman and Ranking Member's commitment to work toward rectifying the funding levels for NOAA in the final bill.

However, the verdict is in—our oceans and coasts are in trouble.

We need to invest in our oceans to ensure that future generations will be able to enjoy clean beaches, healthy seafood, abundant ocean wildlife, and thriving coastal communities.

As we move into conference, I look forward to working with my colleagues on the Subcommittee to address the challenges and threats confronting our oceans and coasts.

Mr. FARR. Mr. Chairman, today this House considers the Commerce, Justice, and State Appropriations bill. I rise to speak on the Commerce portion of the bill—and more specifically, the massive cuts in funding for National Oceanic and Atmospheric Administration (NOAA) programs.

Sadly, the bill we debate today cuts NOAA funding by 15 percent when compared to fiscal year 2004 levels. The decision to cut the funding of vital NOAA programs flies in the face of two in-depth oceans studies, The Preliminary Report of the U.S. Commission on Ocean Policy and the Pew Oceans Commission Report, both released during the past year. These two reports document the crises facing our oceans—crises, as noted by the reports, which require attention now. Today. Unfortunately, instead of using the findings of the two reports to take steps forward, we will in fact be taking many steps backward if we decide to under-fund NOAA programs, especially those within the National Ocean Service and the National Marine Fisheries Service.

Before I speak about some of the specific programs hardest hit, I want to thank CJS Chairman WOLF and Ranking Member SERRANO for the commitment they made during full committee mark-up to work to increase the funding levels for conservation programs, particularly programs within the National Ocean Service and the National Marine Fisheries Service, during conference with the Senate. I am grateful that they have acknowledged the importance of increasing the funding levels. I also thank Ranking Member OBEY for stating his concerns regarding the NOAA funding cuts.

As a co-chair of the House Oceans Caucus, I helped to lead a bi-partisan letter than garnered a total of 59 signatures supporting a variety of NOAA programs, including state coastal zone management grants, coastal nonpoint and community resource grants, the national estuarine research reserve system, the coastal and estuarine land conservation program, the national marine sanctuary system, coral reef conservation, ocean exploration, fisheries research and observer programs, marine mammal protection, and invasive species initiatives, among others. This letter was not for parochial projects; it was for national programs for this Country's largest public trust resource—our oceans. Despite this letter, the bill in front of us today actually cuts the funding levels of many of the programs we specifically noted were important to protect.

Mr. Chairman, let me highlight some of the most severe cuts and briefly discuss the likely consequences of the cuts.

When combining the cuts from decreases in coastal zone management grants and coastal nonpoint pollution grants—both of which are important to state efforts to address threats to the coastal ocean—many states will be left scrambling. For example, Florida will have a net loss of $345,000; Virginia a net loss of $620,000; and my state of California will lose $620,000. These numbers may not seem like high dollar amounts since we are used to dealing in millions; however, the states rely on these funds and it is unfortunate that we can't provide them.

Cooperative Fisheries Research programs have been dealt a huge blow—going from an FY04 enacted level of $19.9 million to $5 million in the bill before us. Cooperative Research programs bring scientists together with the fishing community to foster trust and to conduct collaborative studies aimed at better understanding our fisheries resources. If we are serious about resolving over-fishing issues, we cannot afford to cut a program that brings together the critical players.

Lastly, I am deeply concerned by the funding levels for marine mammal protection. Under the funding levels put forth in the bill, the National Marine Fisheries Service will not be able to fund top priority studies as identified by the multi-stakeholder Take Reduction Teams; the agency won't be able to conduct research on marine mammal population trends, health, and demographics; and sadly, the National Marine Fisheries Service will not be able to carry out marine mammal education or enforcement programs. Another unfortunate aspect of the bill in front of us today is that funding for the marine mammal health and stranding response program was zeroed out last year and the funds were not restored in this year's bill. This program funds investigations of die-offs of large numbers of marine mammals, including a recent bottlenose dolphin die-off in Florida that involved more than 100 animals. Without the restoration of this program, we lose the opportunity to study marine mammals during die-off events.

Mr. Chairman, our oceans are this Country's largest public trust resource. When are we going to start treating them as such in this chamber, including adequately funding ocean programs? Our job is to ensure a future in which our oceans remain vital components of our economy, our communities, and our lives. To do this, we must fund NOAA programs today.

Despite concerns by my constituents, many of whom are members of the more than 24 national organizations that signed a letter delivered to every member of the House urging a commitment for increasing NOAA funding, I am dedicated to moving this bill forward. Both the chairman and ranking member of the subcommittee have given me their commitment to work diligently to increase the funding levels for the NOAA programs hardest hit by today's bill. I sincerely appreciate their commitment and look forward to working with them. However, in the future, I hope that this House will adequately fund NOAA programs so that we don't find ourselves depending on the good will of the Senate to increase the funding levels of programs that so many of our constituents care so deeply about.

Mr. OLVER. Mr. Chairman, I rise in strong support of the Flake, Davis, Emerson, Delahunt amendment.

The Bush Administration recently announced a series of measures that tighten restrictions on travel to Cuba, and further limit the items that Cuban-Americans can send to their relatives on the island.

Mr. Chairman, it is inhumane and un-American to prevent Cuban-Americans from sending clothing and personal hygiene items to their relatives in Cuba. These restrictions deny the rights of Americans to help their families in Cuba who rely on packages from the United States to provide things that they cannot get at home.

Ironically, like the ongoing travel ban and embarge, these restrictions will do little to harm the Castro regime.

Our Cuba policy should not be built on punishing families and limiting the rights of Americans. We should support more family contact between Cubans and Americans and endorse a strategy of engagement. These latest restrictions may have some electoral impact in Florida, but 40 years of failure prove they will not loosen Fidel Castro's grip on power. We should reject these new restrictions and vote for this amendment.

Mr. SHAYS. Mr. Chairman, I rise in opposition to this very harmful amendment, the Paul Amendment on U.N. funding.

In the early 1990s, because of concerns about United Nation's operations and the lack of reforms by that body, the United States began withholding its payments to the U.N. and fell into arrears.

We subsequently debated this issue for years, and, in November 1999, Congress and the Administration finally agreed on a plan to repay our longstanding debt to the U.N. in exchange for significant reforms by the world body.

This agreement conditioned U.S. payments of $819 million on substantial reforms at the U.N. In return for the United States making good on its commitment, the U.N. reduced our contributions to its regular budget from 25 to 20 percent, and to the peacekeeping budget from 31 to 25 percent. The U.N. also agreed to open up its financial books to the United States and to establish an office of an Inspector General at each of its program offices.

We've debated these issues, and this body has decided the United States should continue to be a member in good standing at the U.N. This amendment would send us back to a debate settled more than three years ago.

Mr. Chairman, as the U.N.'s single largest contributor, the United States is granted unparalleled power to craft the U.N.'s agenda and budget. Our financial leadership truly gives us the ability to shape world events.

Countries all over the world are looking to the United States for leadership, yet if this amendment were to pass, what they would see is a very powerful and wealthy country refusing to live up to its international commitments. Why, as a nation, would we want to unnecessarily complicate our diplomatic efforts at a time when we need every ounce of leverage?

While we must continue examining its operations and recommending operational improvements, the United Nations deserves U.S. support as it continues to combat terrorism, promote economic growth and assist countries in moving towards democracy.

The CHAIRMAN. Are there further amendments?

The Clerk will read the last three lines.

The Clerk read as follows:

This Act may be cited as the "Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2005".

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. THORNBERRY) having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4754) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2005, and for other purposes, pursuant to House Resolution 701, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

□ 1701

MOTION TO RECOMMIT OFFERED BY MR. HOYER

Mr. HOYER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore (Mr. THORNBERRY). Is the gentleman opposed to the bill?

Mr. HOYER. In its present form, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. HOYER of Maryland moves to recommit the bill, H.R. 4754, to the Committee on Appropriations with instructions to report the bill forthwith with the following amendment:

At the end of the bill (before the short title), insert the following new title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to make an application under section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) for an order requiring the production of library circulation records, library patron lists, library Internet records, book sales records, or book customer lists.

The SPEAKER pro tempore. The gentleman from Maryland (Mr. HOYER) is recognized for 5 minutes in support of his motion.

Mr. HOYER. Mr. Speaker, some time ago we passed an act. It was called the PATRIOT Act. It was voted upon by the overwhelming majority of us. The objective then was to ensure the safety of democracy and the survival of freedom. That was the objective of the PATRIOT Act.

Now, there are many in this House, indeed the majority, who believed that there were provisions in that act that undermined democracy. The gentleman from Vermont (Mr. SANDERS) and the gentleman from Idaho (Mr. OTTER) and others raised a very specific provision of that PATRIOT Act as undermining of our democracy, of our civil liberties, and of our freedom.

The vote was called on that amendment, and at the expiration of 15 minutes, the majority of the House indicated that they supported the amendment offered by the gentleman from Vermont (Mr. SANDERS), the gentleman from Idaho (Mr. OTTER), and others. And then the vote continued, and it continued, and it continued, for over twice as long as the Speaker of the House early this year indicated votes would be held; indeed, for 38 minutes.

Now, I say to my colleagues, let me remind my colleagues of the remarks of our Vice President in 1987, when a similar tactic was employed, and I am quoting the remarks of the Vice President of the United States, RICHARD CHENEY, who at that point in time was a Member of this House. "The Democrats," he said, "have just performed the most grievous insult inflicted on Republicans in my time in the House, a vote held open for a shorter period of time." He went on to say that it was "the most arrogant, heavy-handed abuse of power I have ever seen in the 10 years that I have been here." He went on to say, referring to the Speaker of the House of Representatives at that time, Jim Wright from the State of Texas, "He is a heavy-handed son," and I will delete the next two words, "and he doesn't know any other way to operate, and he will do anything he can to win at any price. There is no sense of comity left," said the Vice President, DICK CHENEY, then a Member of the House of Representatives.

Perhaps he felt better after he said that.

But my friends, if you campaign on changing the tone in Washington, if your objective was to bring comity to this House, if your objective, by voting for the PATRIOT Act, was to protect democracy, then protect it here. Protect it here in the People's House. Protect it here where every one of you has an opportunity to say that we will have a fair vote in a fair time frame, and the majority will prevail, not the intimidated will prevail.

Mr. Speaker, I yield to the gentleman from Vermont (Mr. SANDERS), the sponsor of the amendment.

Mr. SANDERS. Mr. Speaker, let me begin by thanking the 191 Democrats and 18 Republicans who voted for that important amendment, but I am not going to discuss the substance of that amendment, because that debate took place, and I respect the people on both sides of that debate.

But what I do not respect is that when we are having a debate about basic American democratic rights and what our Constitution is supposed to be, I resent bitterly, on behalf of the American people, that the Republican leadership rigged the game. That is wrong. At the end of nine innings of a baseball game, at the end of nine innings of a baseball game, the team that has the most runs wins. At the end of the 17 minutes tonight, our side won, and it was not even close.

Now, what kind of lesson, what kind of lesson are we showing the children of America when we tell them, get involved in the political process, that we are a free country, that we are fighting abroad for democracy, when we rig a vote on this floor? Shame, shame, shame.

Mr. WOLF. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

Mr. WOLF. Mr. Speaker, I will just make one comment, and then I will yield to the chairman of the Committee on the Judiciary.

I want to read a letter that came out today. I wish it had come up yesterday and the day before, but it did not. I think every Member ought to know; it deals with the Sanders amendment. Here is what it says.

It says: "Dear Chairman SENSENBRENNER. In anticipation of the U.S. House of Representatives' consideration of an amendment that would prevent the Justice Department from obtaining records from public libraries and book stores under section 215 of the USA PATRIOT Act, your staff has recently inquired about whether terrorists have ever utilized public library facilities to communicate with others about committing acts of terrorism. The short answer is 'Yes.'"

And then they go on to say, "You should know we have confirmed that, as recently as this past winter and spring, a member of a terrorist group closely affiliated with al Qaeda used Internet services provided by a public library. This terrorist used the library's computer to communicate with his confederates. Beyond this, we are unable to comment."

I wish the Justice Department letter had really come up yesterday or the day before so all Members could have been able to see it before the vote.

Mr. Speaker, I yield to the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Speaker, this motion to recommit should be defeated as the amendment was defeated, and the reason is that section 215, which this amendment proposes to defund, provides more rights to public libraries and booksellers than a grand jury subpoena would. Let us look at what section 215 does.

First, it requires the FBI to get a court order. To get a court order, a judge has to be convinced that the court order is necessary, and the burden of proof is on the Justice Department.

The section has a narrow scope. It can only be used to obtain foreign intelligence information not concerning a United States person or to protect against international terrorism or clandestine intelligence activities. That is what this motion to recommit proposes to do away with.

So the people who are being protected are not United States persons, and people who are engaged in international terrorism or clandestine intelligence activities.

Section 215 cannot be used to investigate ordinary crimes or even domestic terrorists.

The section preserves first amendment rights, and it expressly provides that the FBI cannot conduct investigations of United States persons solely on the basis of activities protected by the first amendment to the Constitution of the United States.

Now, if section 215 goes down, then the Justice Department can get a grand jury subpoena. Now, with a grand jury subpoena, there is no court order, there is no court review, and the person who receives the grand jury subpoena, a librarian or a bookseller, if you will, has to spend thousands of dollars hiring a lawyer at their expense to make a motion to quash the subpoena in the United States district court. And the burden of proof is on the bookseller or the librarian who wants to have the subpoena quashed.

I would submit to my colleagues that if we look at what this amendment proposes to get rid of, it gets rid of a procedure that grants more protection to booksellers and is of much narrower scope than the alternative of the grand jury subpoena.

Let us use common sense and not emotion and vote this motion to recommit down.

The SPEAKER pro tempore. All time for debate has expired.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. HOYER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the time for an electronic vote on final passage of the bill.

The vote was taken by electronic device, and there were—ayes 194, noes 223, answered "present" 1, not voting 16, as follows:

[Roll No. 345]

AYES—194

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Bishop (NY)
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Herseth
Hill
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—223

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Lofgren

NOT VOTING—16

Bell
Berry
Bishop (GA)
Blumenauer
Carson (IN)
Collins
Deutsch
Foley
Gephardt
Hastings (FL)
Hinchey
Isakson
LaHood
Quinn
Tauzin
Turner (TX)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. THORNBERRY) (during the vote). Members are reminded there are 2 minutes to cast their votes.

□ 1732

So the motion was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 397, nays 18, not voting 18, as follows:

[Roll No. 346]

YEAS—397

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Herger
Herseth
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)

McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—18

Capuano
Cubin
Deal (GA)
Duncan
Flake
Franks (AZ)
Gutknecht
Hefley
Hensarling
Jones (NC)
Miller (FL)
Norwood
Otter
Paul
Petri
Shadegg
Taylor (MS)
Toomey

NOT VOTING—18

Bell
Bishop (GA)
Blumenauer
Carson (IN)
Collins
Cox
Deutsch
Gephardt
Goss
Hastings (FL)
Hinchey
Isakson
Johnson, E. B.
LaHood
Quinn
Tauzin
Turner (TX)
Waxman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. THORNBERRY) (during the vote). Members are advised 2 minutes remain in which to cast their votes.

□ 1739

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO ADJOURN

Mr. NADLER. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from New York (Mr. NADLER).

The motion is not debatable.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. NADLER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 64, nays 324, not voting 46, as follows:

[Roll No. 347]

AYES—64

Abercrombie
Allen
Andrews
Baldwin
Berry
Boyd
Brady (PA)
Brady (TX)
Capps
Capuano
Davis (IL)
DeFazio
DeLauro
Doggett
Engel
Evans
Farr
Filner
Ford
Frank (MA)
Grijalva
Gutierrez
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kaptur
Kilpatrick
Lantos
Larson (CT)
Levin
Lipinski
Lynch
Maloney
Markey
Matsui
McCarthy (MO)
McDermott
McGovern
Meehan
Miller (NC)
Nadler
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Pelosi
Peterson (MN)
Ryan (OH)
Schakowsky
Skelton
Snyder
Solis
Stenholm
Strickland
Taylor (MS)
Tierney
Towns
Velázquez
Waters
Watson
Wynn

NOES—324

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Bradley (NH)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
English
Etheridge
Everett
Fattah
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
Lampson
Langevin
Latham
LaTourette
Leach
Lee
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Majette
Manzullo
Marshall
Matheson
McCarthy (NY)
McCollum
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Napolitano
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Paul
Payne
Pearce
Pence
Peterson (PA)
Petri
Pickering
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Sanchez, Loretta
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Slaughter
Smith (NJ)
Smith (TX)
Souder
Spratt
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Young (AK)

NOT VOTING—46

Ackerman
Baca
Baird
Bell
Bishop (GA)
Blumenauer
Carson (IN)
Clyburn
Collins
Delahunt
Deutsch
Dooley (CA)
Doyle
Eshoo
Gephardt
Goode
Goss
Hastings (FL)
Hinchey
Holden
Hunter
Isakson
LaHood
Larsen (WA)
Meeks (NY)
Murtha
Norwood
Oxley
Pascrell
Pitts
Quinn
Rangel
Sabo
Sánchez, Linda T.
Sanders
Smith (MI)
Smith (WA)
Stark
Stupak
Tauzin
Turner (OH)
Wamp
Watt
Waxman
Weller
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. THORNBERRY) (during the vote). There are 2 minutes remaining in this vote.

□ 1757

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4766, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 108–591) on the resolution (H. Res. 710) providing for consideration of the bill (H.R. 4766) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2005, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2828, WATER SUPPLY, RELIABILITY, AND ENVIRONMENTAL IMPROVEMENT ACT

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 108–592) on the resolution (H. Res. 711) providing for consideration of the bill (H.R. 2828) to authorize the Secretary of the Interior to implement water supply technology and infrastructure programs aimed at increasing and diversifying domestic water resources, which was referred to the House Calendar and ordered to be printed.

SPECIAL ORDERS

The SPEAKER pro tempore (Ms. HARRIS). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

INFLATION HURTS MIDDLE CLASS AND LOW-INCOME AMERICANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Madam Speaker, all government spending represents a tax. The inflation tax, while largely ignored, hurts middle-class and low-income Americans the most. The never-ending political squabbling in Congress over taxing the rich, helping the poor, PAYGO, deficits, and special interests ignores the most insidious of all taxes, the inflation tax.

□ 1800

Simply put, printing money to pay for Federal spending dilutes the value of the dollar, which causes higher prices for goods and services. Inflation may be an indirect tax, but it is a very real tax, and the individuals who suffer most from the cost-of-living increases certainly pay a tax.

Unfortunately, no one in Washington, especially those who defend the poor and the middle class, cares about this subject. Instead, all we hear is that tax cuts for the rich are the source of every economic ill in the country. Anyone truly concerned about the middle class suffering from falling real wages, underemployment, a rising cost of living and a decreasing standard of living should pay a lot more attention to monetary policy. Federal spending, deficits and Federal Reserve mischief hurts the poor while transferring wealth to the already rich. This is a real problem, and raising taxes on those who produce wealth only make conditions worse.

This neglect of monetary policy may be out of ignorance, but it may well be deliberate. Fully recognizing the harm caused by printing money to cover budget deficits might create public pressure to restrain spending, something the two parties do not want. Expanding entitlements is now an accepted prerogative of both parties. Foreign wars and nation building are accepted as the foreign policy of both parties.

The left hardly deserves credit when complaining about Republican deficits. Likewise, we have been told by our Vice President that Ronald Reagan proved that deficits do not matter, a tenet of supply-side economics. With this the prevailing wisdom in Washington, no one should be surprised that spending and deficits are skyrocketing. The vocal concerns expressed about high deficits coming from the big spenders on both sides are nothing more than political grandstanding. If Members feel so strongly about spending and deficits, Congress simply can do what it ought to do: cut spending. That, however, is never seriously considered by either side.

If those who say they want to increase taxes to reduce the deficit got their way, who would benefit? No one. There is no historic evidence to show that taxing productive Americans to support both the rich and poor welfare beneficiaries help the middle class, produces jobs, or stimulates the economy.

Borrowing money to cut the deficit is only marginally better than raising taxes. It may delay the pain for a while, but the cost of government eventually must be paid. Federal borrowing means the cost of interest is added, shifting the burden to a different group than those who benefited, and possibly even to another generation. Eventually borrowing is always paid for through taxation. All spending ultimately must be a tax, even when direct taxes and direct borrowing are avoided.

The third option is for the Federal Reserve to create credit to pay the bills Congress runs up. Nobody objects, and most Members hope that deficits do not really matter if the Fed accommodates Congress by creating more money. Besides, interest payments to the Fed are lower than they would be if funds were borrowed from the public, and payments can be delayed indefinitely merely by creating more credit out of thin air to buy U.S. treasuries. No need to soak the rich; a good deal it seems for everyone. But is it?

Paying for government spending with Federal Reserve credit instead of taxing or borrowing from the public is anything but a good deal for everyone. In fact, it is the most sinister, seductive "tax" of them all. Initially it is unfair to some, but dangerous to everyone in the end. It is especially harmful to the middle class, including lower-income working people who are thought not to be paying taxes.

The "tax" is paid when prices rise as a result of a depreciating dollar. Savers and those living on fixed income are hardest hit as the cost of living rises. Low-and middle-income families suffer the most as they struggle to make ends meet while wealth is literally transferred from the middle class to the wealthy. Government officials stick to their claim that no significant inflation exists, even as certain necessary costs are skyrocketing and incomes are stagnating. The transfer of wealth comes as savers and fixed income families lose purchasing power, large banks benefit, and corporations receive plush contracts from the government, as in the case of military contractors. These companies use the newly printed money before it circulates while the middle class and the poor are forced to accept it at face value later on. This becomes a huge hidden tax on the middle class, many of whom never object to government spending in hopes that the political promises will be fulfilled and they will receive some of the goodies. But surprise, it does not happen. The result instead is higher prices for prescription drugs, energy and other necessities. The freebies never come.

The Fed is responsible for inflation by creating money out of thin air. It does so either to monetize Federal debt or in the process of economic planning through interest rate manipulation. This Fed intervention in our country, although rarely even acknowledged by Congress, is more destructive than Members can imagine.

Not only is the Fed directly responsible for inflation and economic downturns, it causes artificially low interest rates that serve the interests of big borrowers, speculators and banks. This unfairly steals income from frugal retirees who chose to save and place their funds in interest bearing instruments like CDs.

The Fed's great power over the money supply, interest rates, the business cycle, unemployment, and inflation is wielded with essentially no Congressional oversight or understanding. The process of inflating our currency to pay for government debt indeed imposes a tax without legislative authority.

This is no small matter. In just the first 24 weeks of this year the M3 money supply increased $428 billion, and $700 billion in the past year. M3 currently is rising at a rate of 10.5 percent. In the last 7 years the money supply has increased 80 percent as M3 has soared $4.1 trillion. This bizarre system of paper money worldwide has allowed serious international imbalances to develop. We own just four Asian countries $1.5 trillion as a consequence of a chronic and staggering current account deficit now exceeding 5 percent of our GDP. This current account deficit means Americans must borrow $1.6 billion per day from overseas just to finance this deficit. This imbalance, which until now has permitted us to live beyond our means, eventually will give us higher consumer prices, a lower standard of living, higher interest rates, and renewed inflation.

Rest assured the middle class will suffer disproportionately from this process.

The moral of the story is that spending is always a tax. The inflation tax, though hidden, only makes things worse. Taxing, borrowing and inflating to satisfy wealth transfers from the middle class to the rich in an effort to pay for profligate government spending, can never make a nation wealthier. But it certainly can make it poorer.

REMEMBERING WHY WE FIGHT

The SPEAKER pro tempore (Ms. HARRIS). Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

Mr. SCHIFF. Madam Speaker, in the early days of World War II, the government commissioned director Frank Capra to make a series of films that would explain the nature of the war to a hastily mobilized Nation.

Over the course of the next 3 years, Capra produced a remarkable series of films collectively known as "Why We Fight." These films were instrumental in elevating the war from a fight for land and resources to a struggle between the "free world" of the Allies and the "slave world" of Nazi Germany and Imperial Japan.

As a Nation rooted in an ideology rather than ethnic or geographical identity, the United States has always looked at its wars as ideological conflicts between freedom and tyranny. Our national reluctance to go to war has shaped the prerequisite that when we fight, we do so for a high moral purpose that honors our principles and values.

When he addressed the Congress, the Nation and the world in the wake of the September 11 attacks, President Bush laid out the challenge posed by terrorism. Al Qaeda and radical Islamists, the President declared, attacked us because "they hate our freedoms, our freedom of religion, freedom of speech, our freedom to vote and assemble and disagree with each other."

The moral clarity the President expressed nearly 3 years ago has been clouded by the administration's ambiguity over whether the rule of law applied to the prosecution of the war on terrorism or in Iraq. The abuse at Abu Ghraib and the unreviewable and potentially unlimited detention of Americans and others as enemy combatants are incompatible with a Nation born in a struggle against tyranny and caprice.

Last week, three courts in three countries reminded us of what is at stake in the war on terrorism and in our efforts to rebuild Iraq.

In Iraq, Saddam Hussein and the surviving leaders of his government were arraigned for their crimes against the Iraqi people and for crimes against humanity. The sight of the former dictator and his henchmen in a court of law was a glimmer of hope that chaos and bloodshed will one day give way to a better life for Iraq's people.

Here in the United States, the Supreme Court circumscribed the President's power over its own citizens and others when it ordered that Americans and foreigners held as enemy combatants had a right to contest their detention before a neutral arbiter. Expressing confidence that courts would be able to balance individual rights and national security, Justice O'Connor wrote "that a state of war is not a blank check for the President."

Perhaps the most extraordinary assertion of principle was made in Jerusalem by the Israeli Supreme Court, which ordered the government to reroute part of the security fence it is building to prevent Palestinian suicide bombers from infiltrating into Israel. In reaching their decision, the Israeli justices conceded that from a military point of view, the alteration might not make protection against terrorism easier. "This is the destiny of a democracy," the court said. "She does not see all means acceptable, and the ways of her enemies are not always open before her."

The ways of our enemies are not open to us. We do not behead our adversaries on camera for their families to witness in all its gruesome barbarity. Nonetheless, facing greater foes than we face now, we have prevailed and we will prevail again. At root, the rule of law is the source of our strength in war as it is in peace, and the assertion of the rule of law by courts in Iraq, Israel and here at home is a moving reminder of why we fight and also how we must fight to win the America we cherish.

RELIGIOUS FREEDOM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Madam Speaker, I was, like everybody else in the Congress, home during July 4 and enjoyed being back in my district and meeting the people and listening to the people. I could not help but think that July 4 has different meanings for all of us: Freedom, independence. We think about what July 4 means and has meant to the history of our Nation.

I went back and found an article written in 1995 that was in the Boston Globe by Jeff Jacoby, and he had in the article about the Founders of this great Nation, the writers of the Constitution. I do not know if this is a quote from one of the leaders of that period of time or from Mr. Jacoby, but I want to share it: "Religion can survive in the absence of freedom, but freedom without religion becomes dangerous and unstable."

In addition, I would also like to share a quote by Alexis de Tocqueville. Alexis de Tocqueville was a French philosopher and historian who traveled to America in the 1830s, and he was so impressed with this great Nation. He wrote, "In the end, the state of the Union comes down to the character of the people. I sought for the greatness and genius of America in her commodious harbors, ample rivers, and it was not there. I sought for it in the fertile fields, and boundless prairies, and it was not there. I sought it in her rich mines, and vast world commerce, and it was not there. Not until I went into the churches of America and heard her pulpits aflame with righteousness did I understand the secret of her genius and power."

Madam Speaker, I share that because our churches and synagogues in America are under attack. A lot of people would be surprised with me saying that, but recently the bishop of Colorado Springs, Bishop Sheridan, a Catholic bishop, wrote a three-page pastoral letter to every Catholic in his district. He did not say anything about Bush or KERRY, he did not say anything about Republican or Democrat, but being a Catholic, the Catholic Church stands for protecting the unborn. It is opposed to stem cell research and euthanasia. He said nothing about a party, nothing about a candidate.

But because he used the word "pro-life," Barry Lynn of the Americans for Separation of Church and State filed a complaint because this bishop is following the teachings of his church and his belief in Christ. And yet a complaint was filed that would challenge the 501(c)(3) status of that diocese.

It is a sad day in America when we have men and women overseas fighting for freedom for the Iraqis and the American people, and yet the reason why Mr. Lynn filed a complaint was because of code words.

I have introduced a bill, H.R. 235, that would eliminate the Johnson amendment that has put the restrictions on our churches, synagogues and mosques. But in addition to the Johnson law, in the early 1990s the IRS decided to expand the definition of the Johnson law, so now they have code words, and I will submit those later for the RECORD.

Regarding code words, this is what it says. The concern by the Internal Revenue Service is that 501(c)(3) organizations may support or oppose a particular candidate in a political campaign without specifically naming the candidate by using code words to substitute for the candidate's name in its message, such as conservative, liberal, prolife, prochoice, antichoice, Republican, Democrat, et cetera. When this occurs, it is quite evident what is happening, and an intervention is taking place.

What a sad commentary on the greatness of this Nation. From the beginning of America until 1954, there was never any restriction of speech on our churches, synagogues and mosques in this country, never until the Johnson amendment that went through the Senate on a revenue bill, never debated. Now ministers, priests and rabbis have the Federal Government through the Internal Revenue Service looking in on what they have to say when they are before their congregation.

Madam Speaker, I think that is a sad commentary on America. I think it is a sad commentary on those who have worn the uniform for this Nation and fought for freedom for the American people. If this was 1953, I would not be before this House because there would be no problem, there would be no restriction of speech. The first amendment right would be protected for those who speak on behalf of their Lord.

Madam Speaker, I close by saying that I hope that those of us in Congress on both sides of the aisle will do our part to make sure that the first amendment right applies to those who are spiritual leaders of America and protect their rights for which men and women have worn the uniform or are wearing the uniform.

Madam Speaker, I ask God to please bless our men and women in uniform and their families. I close by asking God to please bless America.

□ 1815

ORDER OF BUSINESS

Mrs. JONES of Ohio. Madam Speaker, I ask unanimous consent to take my Special Order at this time.

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

IN HONOR OF PRIVATE FIRST CLASS SAMUEL BOWEN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Mrs. JONES) is recognized for 5 minutes.

Mrs. JONES of Ohio. Madam Speaker, I rise today in honor of one of my constituents who gave the ultimate sacrifice for this country, Private First Class Samuel Bowen. Private Bowen was killed in action yesterday in Iraq. He was a member of the 112th Engineer Battalion of Brookpark. Private Bowen was a resident of the city of Cleveland, a husband, and a father of three children.

Just last month Private Bowen saved the life of a fellow soldier during a rocket attack in Baghdad. I would like to read a portion of an article from today's Cleveland Plain Dealer that includes a quote from the soldier whose life Private Bowen saved.

It reads: "I cannot believe he was under attack twice in 3 weeks," said Ron Eaton, who was rescued by Bowen's heroism June 16 north of Baghdad.

Another quote: "I just wish that I would have been there for him like he was there for me."

"He took care of me before he took care of himself, Eaton said. And he said, "As soon as I got out of surgery, he called me. He told me that he needed to talk with me because I was his battle buddy, and he needed to hear my voice. I can't believe how hard this is."

Private Bowen is the third soldier lost to the war in Iraq from my congressional district. It has been over a year since we declared major combat operations over in Iraq, yet our young people continue to die in this conflict. My heart aches for all of the families who have lost loved ones during this war.

I have been a vocal opponent of the war in Iraq, as many of my colleagues are aware. I have also been vocal in my support of the military troops over in the Middle East and across the world as well.

I pause today in remembrance of this brave young man, Private Samuel Bowen, who gave his life for our country. May the Lord bless and keep his family during this trying time.

I would ask that my colleagues join me in a moment of silence for Private First Class Samuel Bowen.

I do not pretend to be a great student of the Bible, yet my Sunday school lessons remain cemented in my head. All of those lessons talked about the importance of prayer, and some of them discussed how to pray; that a prayer can be general and that a prayer can be specific. My specific prayer is focused on all of the servicemen and women still serving in Iraq. I pray for their safe return and that the family of each young military men and women be comforted by their faith in God, a mighty God who will never let us down.

There is a passage in the Bible that reads: "Put on the whole armor of God, that you may be able to stand against the wiles of the devil. For we are not contending against flesh and blood, but against the principalities, against the powers, against the world rulers of this present darkness, against the spiritual hosts of wickedness in the heavenly places. Therefore take the whole armor of God that you may be able to withstand in the evil day, and having done all, to stand. Stand therefore, having girded your loins with truth, and having put on the breastplate of righteousness, and having shod your feet with the equipment of the gospel of peace; besides all these, taking the shield of faith, with which you can quench all the flaming darts of the evil one."

SMART SECURITY AND ACCOUNTABILITY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, the administration's war in Iraq has failed. It has failed to make the world a safer place. In fact, I fear that we are actually less safe from terrorism than we were. The world has actually been made less safe and more susceptible to acts of terror.

Who should be held accountable for this mess? The war is not going too well. Nearly 900 brave American soldiers have already lost their lives as a result of this deadly conflict, not to mention the thousands of innocent Iraqi civilians that have been killed. Worse, as many as 25,000 American troops have been evacuated from Iraq for medical reasons, 25,000. That is one-sixth of the number of troops currently stationed in Iraq.

This speaks to a systematic failure of leadership, and, sadly, examples of this failure are widespread and easily recalled: the failure to secure Iraq's borders, the failure to prevent postwar looting, and the failure to provide the security necessary for reconstruction. In fact, the abuse of POWs at the Abu Ghraib prison is yet another example of failed leadership by the Bush administration. And it is also an example of failed leadership in planning for the war and postwar reconstruction in Iraq.

But the most shameful aspect of our involvement in Iraq, our greatest failure of all, is our failure to provide adequately for our soldiers when it comes to equipment, the guidance, and the leadership they need to ensure their survival in Iraq and the success that they need to complete their stay in that country.

We failed to immediately provide our soldiers with the essential tools for their survival, body armor capable of stopping bullets, armor for tanks that would help prevent the destruction of U.S. military convoys, and the necessary water equipment to keep them hydrated in the desert heat. This issue is one that should have been accounted for during the planning phases of the war, not as an afterthought when our troops were stationed halfway across the world.

I ask my colleagues again who should be held accountable for this mess? Should it be Secretary of Defense Donald Rumsfeld, whom President Bush claimed was doing a "superb job," and whom Vice President CHENEY, in an absurd statement, called the best Secretary of Defense in our Nation's history? If Rumsfeld is doing a superb job, if he is the best Defense Secretary in history, then I really want to know who is the worst and what is a bad job.

Rumsfeld's consistent failure to adequately plan for the war in Iraq and the postwar phase, during which the lives of far more American soldiers have been lost than during the war itself, Donald Rumsfeld should resign his post with the best interests of the Nation in mind.

But we must also take heed of the quote made famous by President Harry S. Truman: "The buck stops here." President Bush would be well served to embrace this policy, a policy that served President Truman and our Nation well during an earlier wartime. Secretary Rumsfeld must not be used as a scapegoat for the President's failures.

I have introduced legislation to create a SMART security platform for the 21st century, H. Con. Res. 392. SMART stands for Sensible, Multilateral American Response to Terrorism. Three wonderful organizations, Physicians for Social Responsibility, Friends Committee on National Legislation, and Women's Action for New Directions, helped in writing this legislation.

SMART treats war as an absolute last resort. It fights terrorism with stronger intelligence and multilateral partnerships. It controls the spread of weapons of mass destruction with a renewed commitment to nonproliferation. And it aggressively invests in the development of impoverished nations with an emphasis on women's health and women's education.

The Bush doctrine of unilateralism has been tried, and it has failed. It is time for a new national security strategy based on our commitment to peace, our commitment to freedom, our compassion for the people of the world, and our capacity for multilateral leadership. Let us be smart about our future. SMART security, H. Res. 392, is tough, is pragmatic, is patriotic, and it will keep America safe.

ENRON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Madam Speaker, just before the July 4 recess, the Democrats on our side of the aisle attempted to offer an amendment to force the Federal Energy Regulatory Commission, chaired by Pat Wood of Texas, appointed by George Bush of Texas, from continuing to conceal documents regarding Enron of Texas and the scandal and the fraud of which Enron has perpetrated upon the people of the Western United States, costing us tens of billions of dollars, a huge runup in our electricity costs, something that is continuing to hurt the economy of Oregon, Washington, and California. All the businesses depended upon energy, small businesses and residential consumers.

The Republicans would not allow that amendment to be debated on the floor of the House because of its kind of embarrassing links between Enron and the Bush administration and the fraud that was perpetrated on the Western United States.

Ken Lay, as the chief executive of Enron, was the mastermind of this fraud. He bilked billions of dollars from millions of people for his own personal profit and that of his executives, and he was finally today brought to justice. We finally saw him in handcuffs on television, and hopefully he will have a long stay in jail, and hopefully he will also have to work during that stay and not just get free room and board, because he has already extracted enough cost from hard-working Americans.

When we asked for a meeting with Vice President CHENEY during the huge runup in prices in the Western United States, we got together; he got together with the Northwest delegation. And he, in response to concerns I raised, said that I was really stupid, and I just did not understand that this had nothing to do with fraud, abuse, or market manipulation. This was all about market forces. I just did not understand markets and that Enron was a leader in markets, and I just did not understand markets, and unless we build one 500-megawatt plant every week for the next 15 years, and this is Vice President CHENEY, the $4,000 megawatt prices, about 100 times normal, would continue forever.

Of course, then we appealed to the Federal Energy Regulatory Commission, seeing that the Vice President's mind was slightly closed on the matter. And the Federal Energy Regulatory Commission, chaired by Pat Wood of Texas, with a couple of other appointees chosen by Ken Lay of Texas, of Enron, refused to look into it. Finally, after additional pressure was raised, they said they would look into it. Then they said, no, it is just market forces. There is no market manipulation.

Then a strange thing happened. The Senate changed hands. When the Senator from Vermont changed to Independent, and the Democrats took over the Senate, and DIANE FEINSTEIN from California threatened to hold hearings on what was going on in the Western energy market, suddenly the Federal Energy Regulatory Commission reviewed its records and found, lo and behold, there was a scandal.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman will refrain from referencing individual Senators.

Mr. DEFAZIO. Madam Speaker, certainly. I would not want to mention any individual Senators.

So the Federal Energy Regulatory Commission then suddenly said, oh, no, there is something wrong here. It is a little bit weird that prices are up to 100 times normal. And they reimposed the price caps, which we had during the Clinton administration.

Now we have the tapes of the Enron Corporation, and Ken Lay says he did nothing wrong. The tapes are incredible. The marketers talk about shutting off plants to drive up prices. They talk about gouging Grandma Milly. They talk about getting rid of the Clinton administration, price caps are gone, and Ken Lay is going to run things in this country, and, by God, they are going to make a lot of money. And they did for a while at tremendous pain and cost to the Western United States, all while the Bush administration looked the other way.

Pat Wood of Texas is still in charge of the Federal Energy Regulatory Commission. The Bush administration is continuing to push for more deregulation. They think the only thing that Enron did wrong and the only thing wrong with deregulation is that Enron got caught, because they were having a wonderful time making a bunch of money.

Now it comes that Ken Lay of Texas is the largest single, individual, lifetime contributor to George Bush of Texas, the President of the United States, and he has contributed over his life $139,500 to President Bush. His company contributed $625,000 to President Bush.

I would call upon the President to return these ill-gotten gains, the money that Ken Lay stole from Grandma Milly and others in the Western United States, and to show that he understands and has compassion. He could contribute the money to low-income energy funds in the Western United States to help Grandma Milly, who was taken to the cleaners by Ken Lay of Texas, of Enron, Mr. Bush's best friend, "Ken Boy" Lay.

□ 1830

ORDER OF BUSINESS

Mr. MCDERMOTT. Madam Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

WAR WITHOUT END

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. McDERMOTT) is recognized for 5 minutes.

Mr. McDERMOTT. Madam Speaker, another four soldiers died today in Iraq. Families mourn the loss of loved ones. Our Nation mourns the loss of brave soldiers. Over 900 Americans have died in Iraq so far. As many as 10 times that number have been injured. Americans spent $150 billion, and we know tens of billions dollars more will be spent this year. If only one soldier had died, the number would be too high, but the casualties and the grief are much worse.

The truth is we have not even begun to see the casualties of the Iraq war. The truth is that thousands of soldiers will face a lifetime of injury from the war. The truth is we will have not even begun to count the casualties that will come from post-traumatic stress disorder.

The magnitude of the coming casualties among returning U.S. soldiers is staggering. The prestigious New England Journal of Medicine in its most recent issue, which I will enter into the RECORD, gives a glimpse into the coming medical crisis facing our soldiers, families, and the Nation. The journal is known for credibility, thoughtful and factual reporting and analysis. The journal conservatively estimates that one in five soldiers will be afflicted with PTSD. In many cases, the symptoms will not even surface for a year or more. The casualties from the President's war of choice will affect tens of thousands of soldiers. There are 160,000 soldiers in Iraq today. Using the journal's conservative estimate, 30,000 U.S. soldiers will become post-traumatic stress disorder casualties in this war. Most do not even know that they are sick yet. Most do not exhibit any symptoms outwardly and will not for months or years. Tragically, when symptoms do appear, many soldiers will not ask for help.

Call it the tough-guy stigma. Soldiers are trained to be fearless no matter what the danger. Too many consider it a sign of weakness to need help. They will try to suffer in silence, but PTSD is as powerful as an artillery shell. Without help, PTSD can tear too many brave military men and women to shreds psychologically. I know. I was a Navy doctor and psychiatrist who treated soldiers returning from Vietnam with the post-traumatic stress disorder. Gut-wrenching is the only polite way to describe the anguish and suffering these soldiers experienced. Many of them still struggle against the demons of this disease.

As a doctor, you can do everything you can to help. All too often it is not enough, and all too often the only thing you can do is comfort the afflicted. You realize just how inadequate modern medicine is.

Some wonder why I strongly oppose the President's war of choice. Because I have seen the casualties. I have seen the pain inside the mind that no bandage can cover. I have treated the wounded, only to know in the dead of night just how little I and every doctor could do. We wanted to end the suffering. Who would not? We wanted to heal their wounds. Who would not?

Years later, long after the Vietnam War, years later after the media moved on to other issues, PTSD was still there haunting soldiers' minds. I saw it when I was a doctor working and treating prisoners in the King County jail. They include former soldiers who got into trouble because they struggled keeping their emotions under control. They struggled with PTSD. People who had served their country with no prior history of mental illness suddenly found themselves on the wrong side of the law. Were they felons or fallen heroes in need of help? I know what I think.

PTSD preys on the peace and happiness every American deserves, especially those who were drafted to fight in a war which this country came to loathe. After Vietnam, soldiers did not even have the thanks of a grateful Nation. We blamed them for the government's arrogance. It took decades before the wounds of the Nation began to heal. Thousands of names on a wall made us realize how much we had lost, how little we had gained, and how wrong it all was.

At least today America honors our soldiers, even as the opposition to the President's war grows. And it should. We are just beginning to realize the consequences of the President's war of choice. America has about 10,000 soldiers already dead or wounded. We face another 30,000 casualties. The wounds have already been inflicted. They are just not visible yet.

And they wonder why I strongly oppose the President's war of choice. The administration keeps inventing new reasons why we had to invade Iraq. They cannot even explain why 10,000 have already suffered or why 30,000 more will.

This is not about my opposition to the war, though. This is about preparing to help the men and women coming home from war. This is about honoring our soldiers by facing the truth about the coming wave of casualties here at home from PTSD. This is about a call to action in every city and town across America and in every home and every workplace. We must help them.

This is about a call to action in every city and town across America, in every home, in every workplace, PTSD is as real, as painful, as devastating as any shrapnel wound. If the effects could be seen like a bullet wound, we'd race the patient to the hospital for immediate care.

But PTSD doesn't work that way. It's silent. It's almost invisible. It's a war raging inside a person and we have to help. We can help by debunking the tough guy stigma. We can help by talking, listening and watching for signs of stress as our loved ones come home. We must help by demanding that the Veteran's Administration receives the funding to treat our returning soldiers. It's not a one-year supplement.

It is the recognition of the long-term consequences of the Iraq War. It is the commitment to treat our soldiers afflicted with PTSD with the best possible care for as long as necessary—and it will be years for many.

Every night the evening news graphically shows us the latest casualties and consequences of this war. It's awful. It didn't have to happen. And the overwhelming number of casualties are ahead of us, not mission accomplished. Before it is over, Iraq's casualties will top 40,000 U.S. soldiers. For what? Nothing at all.

[From The New England Journal of Medicine, July 1, 2004]

ACKNOWLEDGING THE PSYCHIATRIC COST OF WAR

(By Matthew J. Friedman, M.D., Ph.D.)

The date presented by Hoge and associates in this issue of the Journal about members of the Army and the Marine Corps returning from Operation Iraqi Freedom or Operation Enduring Freedom in Afghanistan force us to acknowledge the psychiatric cost of sending young men and women to war. It is possible that these early findings underestimate the eventual magnitude of this clinical problem. The report is unprecedented in several respects. First, this is the first time there has been such an early assessment of the prevalence of war-related psychiatric disorders reported while the fighting continues. Second, there are predeployement data, albeit cross-sectional, against which to evaluate the psychiatric problems that develop after deployment. Third, the authors report important data showing that the perception of stigmatization has the power to deter active-duty personnel from seeking mental health care even when they recognize the severity of their psychiatric problems. These findings raise a number of questions for policy and practice. I focus here on post-traumatic stress disorder (PTSD), because there is better information about this disorder than about others and because PTSD was the biggest problem noted in the responses to an anonymous survey among those returning from active duty in Iraq or Afghanistan.

The rigorous evaluation of war-related psychiatric disorders is relatively new, having begun with the National Vietnam Veterans Readjustment Study. This national epidemiologic survey of male and female veterans of Vietnam was conducted in the mid-1980s. The veterans were therefore assessed 10 to 20 years after their service in Vietnam. The prevalence of current PTSD was 15 percent among men and 8 percent among women. The lifetime prevalence of PTSD was higher—30 percent among male veterans and 25 percent among female veterans.

A retrospective cohort study of veterans of the Gulf War that was conducted between 1995 and 1997 showed a prevalence rate of 10.1 percent for PTSD among those who had experienced combat duty, in contrast to a prevalence rate of 4.2 percent in a matched cohort of Gulf War-era veterans who had not seen combat. The adjusted odds ratio for PTSD for those who had been in combat was

3.1; this is similar to the odds ratios in the present study of 2.84 for soldiers and 2.66 for Marines after deployment to active duty, as compared with soldiers before deployment.

In a longitudinal study of New England veterans of the Gulf War, the prevalence of PTSD more than doubled between the initial assessment performed immediately after their return to Fort Devens, Massachusetts, and the follow-up assessment performed two years later. The rates increased from 3 percent to 8 percent among male veterans and from 7 percent to 16 percent among female veterans. Higher levels of symptoms have been reported among members of the National Guard and the Reserves than among active-duty personnel.

Finally, a retrospective survey of American male and female soldiers deployed to Somalia between 1992 and 1994 showed an estimated prevalence of PTSD of approximately 8 percent, with no difference according to sex. When the focus of this mission shifted from a United Nations' humanitarian peacekeeping operation to a more traditional military deployment to subdue to Somali warlords, there was greater exposure to traumatic situations and a higher prevalence of PTSD among the American troops.

It is unclear at this time whether the prevalence of PTSD among those returning from Operation Iraqi Freedom or Operation Enduring Freedom will increase or decrease. On the one hand, it is encouraging that the Department of Defense has been active in providing mental health care in the war zone and psychiatric resources in the United States and has demonstrated a commitment to monitor psychiatric disorders, as reflected by the present report. Furthermore, the findings of the National Vietnam Veterans Readjustment Study suggest that considerable recovery for PTSD among veterans is possible, as shown by the difference between the lifetime and the current prevalence of this disorder.

On the other hand, the National Vietnam Veterans Readjustment Study cannot tell us whether the onse of PTSD occurred while Vietnam veterans were still in uniform or at some time later, during the 10 to 20 years between their exposure to war and the survey for the study. Indeed, there is reason for concern that the reported prevalence of PTSD of 15.6 to 17.1 percent among those returning from Operation Iraqi Freedom or Operation Enduring Freedom will increase in coming years, for two reasons. First, on the basis of the findings of the Fort Devens study, the prevalence of PTSD may increase considerably during the two years after veterans return from combat duty. Second, on the basis of studies of military personnel who served in Somalia, it is possible that psychiatric disorders will increase now that the conduct of war has shifted from a campaign for liberation to an ongoing armed conflict with dissident combatants. In short, the estimates of PTSD report by Hoge and associates may be conservative not only because of the methods used in their study but also because it may simply be too early to assess the eventual magnitude of the mental health problems related to deployment to Operation Iraqi Freedom or Operation Enduring Freedom.

A recent reanalysis of the data from the National Vietnam Veterans Readjustment Study and the Hawaii Vietnam Veterans Project suggest that after the development of PTSD, the risk factors for persistent PTSD are "primarily associated with variables relating to the current time frame: current emotional sustenance, current structural social support, and recent life events." This information is clearly useful for mental health policy and planning, because it raises the hopeful possibility that PTSD may be reversible if patients can be helped to cope with stresses in their current life.

There are obviously important distinctions between the period after the Vietnam War and the present. Americans no longer confuse war with the warrior, those returning from Iraq or Afghanistan enjoy nation support, despite sharp political disagreement about the war itself. In addition, the field of study of PTSD has matured to the point where effective evidence-based treatment and practice guidelines are available for use by the Departments of Defense and Veterans Affairs and by civilian mental health practitioners. Cognitive—behavioral therapies have been successful in the treatment of PTSD, and two selective serotonin-reuptake inhibitors have been approved by the Food and Drug Administration. Practitioners in the Departments of Defense and Veterans Affairs are sophisticated and strongly motivated to continue to improve their skills in treating PTSD. Collaboration between mental health professionals in the Department of Defense and those in the Department of Veterans Affairs is at an all-time high. For example, the Veterans Affairs National Center for PTSD and the Defense Department's Walter Reed Army Medical Center collaborated to develop the Iraq War Clinician Guide (available at www.ncptsd.org/topics/war.html) and to conduct a multisite, randomized trial of cognitive—behavioral therapy for PTSD among female veterans and female active-duty personnel.

In the best-case scenario, active-duty, Reserve, and National Guard personnel as well as veterans of Operation Iraqi Freedom or Operation Enduring Freedom with symptoms of PTSD will take advantage of the many mental health services available through the Departments of Defense and Veterans Affairs. Educational initiatives will be implemented to help veterans and active-duty personnel recognize that the loss of social support or the effect of recent adverse life events may precipitate a return of the symptoms of PTSD. Veterans and active-duty personnel will also be encouraged to monitor their psychological health and to seek treatment if and when it becomes necessary.

Alas, there is also a worst-case scenario that demands immediate attention. Hoge and associates report that concern about possible stigmatizaion was disproportionately greatest among the soldiers and Marines most in need of mental health care. Owing to such concern, those returning from Operation Iraqi Freedom or Operation Enduring Freedom who reported the greatest number of the most severe symptoms were the least likely to seek treatment for fear that it could harm their careers, cause difficulties with their peers and with unit leadership, and become an embarrassment in that they would be seen as weak.

These findings are consistent with those in an earlier report that showed low use of mental health services among Navy and Marine Corps personnel. In contrast to a rate of 28.5 percent among male civilians with a psychiatric disorder who sought treatment, only 19 percent of servicemen with a psychiatric disorder sought treatment, Furthermore, among military personnel with PTSD, the rate of seeking treatment was only 4.1 percent, which is substantially lower than that for other psychiatric disorders. This finding may indicate that within the military culture, "succumbing" to PTSD is seen as a failure, a weakness, and as evidence of and innate deficiency of the right stuff.

Hoge and associates suggests that the perception of stigmatization can be reduced only by means of concerted outreach—that is, by providing more mental health services in primary care clinics and confidential counseling through employee-assistance programs. The sticking point is skepticism among military personnel that the use of mental health services can remain confidential. Although the soldiers and Marines in the study by Hoge and colleagues were able to acknowledge PTSD-related problems in an anonymous survey, they apparently were afraid to seek assistance for fear that scarlet P could doom their careers.

Our acknowledgment of the psychiatric costs of war has promoted the establishment of better methods of detecting and treating war-related psychiatric disorders. It is now time to take the next step and provide effective treatment to distressed men and women, along with credible safeguards of confidentiality.

SOURCE INFORMATION

From the National Center for PTSD, Department of Veterans Affairs, White River Junction, Vt.; and the Departments of Psychiatry and Pharmacology and Toxicology, Dartmouth Medical School, Hanover, N.H.

HONORING RACHEL GRANGER AND KYLE BAKER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Hampshire (Mr. BRADLEY) is recognized for 5 minutes.

Mr. BRADLEY of New Hampshire. Madam Speaker, I rise this evening to pay tribute to two New Hampshire residents. First, I pay tribute to a New Hampshire resident who recently passed away after fighting a long battle against a tough and debilitating illness. Rachel Granger died on Saturday, June 5, after a brave fight with Lou Gehrig's disease, or ALS. ALS is a fatal neurodegenerative disease that leaves its victims paralyzed, but still mentally alert.

On average, a person who has been diagnosed with ALS will die within 2 to 5 years of diagnosis, and 50 percent of patients die within 18 months. ALS is truly one of the most debilitating diseases to affect patients and their families.

In the last few months of her life, Rachel was unable to speak and to enjoy many of the activities she once loved, such as needlepoint and boating on Lake Winnipesaukee.

Rachel showed tremendous courage in attending a town meeting I hosted in Wolfeboro last year. Though she was afflicted with ALS and had many difficulties with mobility, she wanted to attend the meeting in order to shed light on a problem that affects thousands of other terminally ill patients. Rachel was having trouble getting her Social Security disability claim processed in enough time to actually receive any benefits before she passed away.

Her courage to bring this problem to my attention has encouraged me to work with my colleagues and the Social Security Administration to address this situation for all terminally ill patients. Rachel's determination to help others who face the same situation is commendable and inspiring. Rachel's friends remember her as someone who was full of life and always made others laugh, despite her physical handicap.

I am fortunate to have met Rachel during her lifetime and have been able to share in some of her triumphs and tragedies. Her courage and determination should not, and will not, be forgotten.

Madam Speaker, the second New Hampshire resident I rise tonight to honor is Kyle Baker of Milton. Mr. Baker is the national winner in the 2004 Veterans of Foreign Wars' Voice of Democracy Scholarship contest. This contest is held each year to give high school students the opportunity to voice their opinion on their responsibility to our country. The following is Mr. Baker's essay:

"It is a bright summer day, and a soft breeze gently whispers through the maple leaves. A little boy is playing alone in the driveway at his grandmother's house. Above him the American flag billows and waves, trying to remove itself from its anchor at the top of the flagpole and drift down in front of him to make its presence known. The boy plays on, not realizing what it took to keep that flag flying high.

"A few years later, on the 11th of September, 2001, the same boy, now a bit older, stares at the television in shock and disbelief. He watches as the towers collapse, ending so many lives and bringing anguish to so many families. The boy's classmates sitting all around him reflect in their eyes the desperation, sorrow and helplessness the boy himself feels. He realizes at that moment how precious the freedoms are that he sometimes takes for granted. He realizes what a privilege it is to live in America, and that the future of his country is now changed forever. He goes home that night wondering what he can do for his country at such a time of loss, what commitment can he possibly make to the future of America after such a tragedy:

"Now it is July of 2003, and the boy stands in front of the Vietnam Memorial seeing 'The Wall' for the very first time. He is overcome by how many names there are. He walks solemnly and slowly, passing by the countless flowers, letters, photographs, even teddy bears left at the wall by the families of the fallen. He wonders if some of the people walking near him are searching for one of the names, an uncle maybe, or even a father. He can picture a young man only a few years older than himself, crouching, frightened in the thick jungle brush, wondering if he will ever come home. He can picture this young man removing a photograph wrapped in plastic from his pocket. It is a photograph of the young man's high school girlfriend, the same girl this man had decided he would ask to marry as soon as he came home from the war. 'Be mine forever,' he would have undoubtedly said as he kissed her good-bye. 'Was it their last good-bye,' the boy wonders? 'Was this young man's name engraved here on the wall somewhere?'

"The boy walks on, gazing at panel after panel, feeling sadness, but also an immense gratitude with the passing of each and every name. He reads the names, trying to imagine what each man might have looked like. He wonders how many children they might have had or whether or not they, like the other young men he pictured, left a sweetheart behind when they went to fight for their country. So many names. So many faceless reminders of the highest commitment one can fulfill.

"The boy keeps moving slowly, when something at the foot of the wall catches his eye. He bends down to look, and there sits a small American flag, resting amongst a bouquet of flowers. Tears well up inside of him for a moment, and the boy can think of only one thing that he can do to show his appreciation for those lives reflected in the marble. He places one hand on a panel, closes his eye, and whispers 'thank you.'

"It is October 22, 2003, and that same little boy who used to play in the driveway at his Grandma's house underneath a billowing American flag sits in a classroom, wondering how he can write about his commitment to America's future. He wonders whether or not he should promise to do great things with his life, or whether or not he should tell the story of someone else who had. Yes. That little boy is me.

"Upon preparing for this essay I realized that it would not do to recite the words of our country's great leaders or prominent citizens, regardless of how moving and profound those words may be. I realized that this essay was not about how much research I had done, or how much I knew about the political structure of our nation. No. I realized that this time I needed to convey what I considered to be my commitment to America's future, using my own words, and expressing my own feelings. Well, here is what my commitment to America's future is. My commitment to America's future is simply to remember America's past.

"I will remember our fallen heroes, those brave souls who paid the ultimate price to ensure the safety of future generations. I will remember those that live on, continuing with the task bestowed upon them by the voices of days gone by. I will never lose sight of all that it took to provide me with the freedoms that I once took for granted, and I do not, and should not, stand alone with my commitment. When I see the flag in Grandma's driveway billowing proud and tall in the same soft breeze, I am reminded of why that flag is still flying. This is my commitment to America's future, and it is something that not only I, but all of us, as Americans, must never forget."

CONCERN ABOUT DEMOCRATIC VICE PRESIDENT NOMINEE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MICA) is recognized for 5 minutes.

Mr. MICA. Madam Speaker, I come before the House tonight as a Member of Congress concerned about the impending Presidential race and particularly concerned about the Vice Presidential nominee chosen this week by the Democrat nominee for President.

I am very concerned, Madam Speaker, because the choice that has been made is a divider rather than a uniter, and I think we are about to engage in a debate that will determine who will lead us for the next 4 years. I am very concerned that someone has been chosen that has talked about two Americas, and that is a great concern to me, the framing of this debate around two Americas.

Quite frankly, Madam Speaker, I am concerned about two Americas. I am concerned about giving access and a platform to the trial lawyers in America, a stage and the ability to launch their efforts, which is unprecedented in the history of our Republic.

I see two Americas. A lot of trial lawyers, attorneys are my best friends, but I see an America with a few trial lawyers who have benefited greatly and substantially financially, and I see an America in which the rest of us have paid and are paying every day for what those trial lawyers have done to our society and our country.

This is a very serious issue because we are going to decide in this campaign if we continue to let trial lawyers have two Americas, where a few benefit, and then we all pay.

□ 1845

I do not know any American that has been paying lower hospital bills or lower medical care costs. And if we look at the root of the higher costs, it is because of the system that has evolved. A few are suing, and a few are benefiting. I am very concerned about what I see for health care costs and, in manufacturing, the jobs that have been driven out of this country. I come from the business sector. I am so pleased I am not in business because of the threat of lawsuits today.

Everything we do in our society now, the cost is dramatically affected; not just prescription drugs or health care, access to health care, but also manufacturing, our ability to compete in the world. Sometimes we compete on a wage basis, but when we look at lawsuits, I will give two examples.

One, the only bill that we overrode when President Clinton was in office was one in which we attempted to do something about civil aircraft manufacturing. We were losing it in the United States, and we had lost most of it. We did override a veto, and we did restore some civil aviation manufacturing. However, we have lost all regional jet manufacturing, lost 50 percent of the large aircraft manufacturing. If we look around the States, North Carolina, the South, the North, Ohio, we see manufacturing closing down, because we would not want to manufacture in the United States when we can take that activity outside the United States.

Another example is Orlando Helicopter, in my own backyard in central Florida. It does not exist anymore. They moved to South America and China. Why? Because of liabilities.

So I see two Americas. I see an America where we may have a great opportunity for people to get health care at affordable costs, I see opportunity where we can expand jobs and have great economic opportunity, but I do not see it with, unfortunately, the Democratic nominee who is being brought forth.

What concerns me, too, having just survived 2 years ago a $5 million unprecedented election by a contestant who was a trial lawyer who spent $5 million to oust me from office, I see that same onslaught of funds coming in to try to capture the second highest office in our land. I see two Americas, and I see one that does concern me.

STOP PLAYING GAMES WITH AFRICA

The SPEAKER pro tempore (Mrs. Miller of Michigan). Under a previous order of the House, the gentlewoman from California (Ms. Watson) is recognized for 5 minutes.

Ms. WATSON. Madam Speaker, as we mark the first anniversary of the President's historic tour of Africa, we cannot help but wonder when, if ever, the government of this country will end the "promise game" they are so adept at playing with the peoples of Africa.

The administration's whirlwind, 1-week tour was ostensibly undertaken in pursuance of a policy "to work with others for an African continent that lives in liberty, peace, and growing prosperity." It offered a laundry list of financial aid and development initiatives that could wipe out its poverty and dependence.

It is up to us to insist that the promises are kept and not relegated to unfunded programs for Africa, so characteristic of compassionate conservatives.

Startled by the realities of the HIV/AIDS pandemic, a threat potentially more devastating than global terrorism, the administration announced a tripling of its relatively modest commitment to battling the spread of the dreaded disease in Africa. The proposed $15 billion appropriation over the next 5 years in a region in which the pandemic has infected more than 30 million people, a tenth of them being children under the age of 15, is a drop in the bucket compared to the several billions we are committing annually to the pursuit of geopolitical strategies of a significantly less danger to the world at large.

But as generous and noble as this initiative is and touted to be, it is subject to political strings and is actually presented as another means of imposing our ideological concepts on the suffering people of Africa.

The other priority of the administration's African policy is the so-called advancement of political and economic freedom. Considering the means by which this government sat itself in power, it remains a source of wonder that they have had the unmitigated gall to propose to lecture any other state, least of all ancient African kingdoms, on the arts of governance and the democratic path to freedom.

The supposedly well-intended African Growth and Opportunity Act, known as an AGOA, is designed to build trade capacity with Africa and will, no doubt, be renewed and extended. Yet its full effect may never be realized until its implementation is not limited to those African nations that place themselves under the thumb of U.S. business interests.

The administration's third African policy priority is, they say, to create peace and regional stability. This would and could have been a lofty goal in itself had it not been proffered by an administration whose overall relations with other nations is based on a doctrine of preemptive aggression and regime change by violent external force.

We of the Congressional Black Caucus have been dubbed the conscience of this Congress. It is our duty to watch over the actions and activities of this government and to insist that, in words as well as in deeds, the interests of our constituency primarily and of the Nation ultimately are served.

In closing, Madam Speaker, our priority, therefore, is to ensure that the advantageous promises made to Africa are kept, and that every cent committed is spent as appropriated; that this and every other administration become fully convinced that its appropriations to Africa are not charitable contributions, but at least are reparations for past exploitations and, at the most, investments in the prosperity of Africa's people and all of the world.

CONGRESSIONAL RECORD PROVES USEFUL FOR PRESERVING REMARKS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. Burgess) is recognized for 5 minutes.

Mr. BURGESS. Madam Speaker, we have heard from several people tonight on the other side of the aisle who spoke out against the activity in Iraq and said that they were opposed to the activity in Iraq, and that is their right, their privilege, their obligation to do so.

Madam Speaker, I was not here when the Congress voted on authorizing the use of military force in the country of Iraq. I think had I been here that I would have voted in favor of that use of military force, but that is merely speculation. I was not here.

But, Madam Speaker, I think it is useful to go back in the Congressional Record and read the remarks of people who were here who had those debates, who had to work through those issues, and who did then ultimately vote for the use of force in Iraq.

I quote the Congressional Record from September 12, 2002, where an individual said, "I firmly believe the issue of Iraq is not about politics, but it is about national security. We know or have known for at least 20 years that Saddam Hussein has aggressively and obsessively sought weapons of mass destruction by any means available. We know that he has chemical and biological weapons today. He has used them in the past, and he is doing everything he can to build more. Each day he inches closer to his long-term goal of a nuclear capability, a capability that could be less than a year away. I believe," this speaker said, "I believe that Saddam Hussein's Iraqi regime wants a clear threat to the United States, to our allies, to our interests around the world, and to the values of freedom and democracy that we hold dear."

Madam Speaker, this individual went on to say, "Saddam has proved his willingness to act irrationally and brutally against his neighbors and against his own people. Iraq's destructive capability has the potential to throw the entire Middle East into chaos and poses a moral threat to our vital allies. Furthermore, the threat against America is all too clear. Thousands of terrorist operatives around the world would pay anything to get their hands on Saddam's arsenal."

The speaker went on to say, "There is every possibility that he could turn those weapons over to terrorists. No one can doubt that if the terrorists had had weapons on September 11, had had those weapons of mass destruction, they would have used them. On September 12, 2002, we can hardly forget the terrorist threat and the serious danger that Saddam would allow his arsenal to be used. Iraq has continued to develop its arsenal in defiance of the collective will of the international community as expressed through the United Nations Security Council. It, Iraq, is violating terms of the ceasefire that ended the Gulf War and is ignoring as many as 16 United Nations

Security Council resolutions, including 11 resolutions concerning Iraq's efforts to develop weapons of mass destruction. These U.N. resolutions are not unilateral American demands; they involve obligations that Iraq has undertaken to the international community. By ignoring them, Saddam Hussein is undermining the credibility of the United Nations."

Let me repeat that.

"By ignoring them, Saddam Hussein is undermining the credibility of the United Nations openly and openly violating international law and making a mockery of the very idea of international collective action."

Madam Speaker, this individual on September 12 of 2002 wrapped things up with the very concise statement that goes on to say, "The path of confronting Saddam is full of hazards, but the path of inaction is far more dangerous. This week, a week before we remember the sacrifice of thousands of innocent Americans made on 9/11, the choice could not be starker. Had we known that such attacks were imminent, we surely would have used every means at our disposal to prevent them and to take out the plotters."

Well, Madam Speaker, unfortunately, these words were spoken by a Member of the other body, and the decorum of the House prevents me from properly attributing them, but most people would recognize the speaker of these words as the man who has recently been designated for the second highest office in this land, the Democratic, purported Democratic nominee for Vice President of the United States.

ORDER OF BUSINESS

Mr. SMITH of Michigan. Madam Speaker, I ask unanimous consent to proceed with my 5 minute at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

A TRIBUTE IN HONOR OF ROLLAND "BOB" LYONS OF ANN ARBOR, MICHIGAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Michigan. Madam Speaker, I rise this evening to honor and remember Rolland "Bob" Lyons, who lost his struggle with cancer June 17, 2004.

Bob was born in Ann Arbor, Michigan, and lived in several Michigan cities before graduating from Kalamazoo High School in 1948. He served his country in Korea as a second lieutenant in the Army. A graduate of the University of Michigan, he founded the Michigan Trenching Service, Incorporated, and became a prime contractor for service companies. Although he was a highly successful businessman, he humbly referred to himself as "just a ditch digger from Ann Arbor."

Bob Lyons inspired optimism and a community-minded spirit that has left a lasting mark on those who were fortunate enough to have known him. Bob's commitment to improving society can be seen through his membership on the Mackinac Center Board of Directors. However, he will best be remembered, I think, for his boundless energy and commitment to numerous causes: Cleary University, St. Joseph Hospital, the Boy Scouts, the Hands On Museum, and many, many others.

Bob Lyons' humor and outgoing personality made him a natural at fundraisers and political events where he was a regular. He recruited, encouraged, supported and helped elect many political candidates.

Bob was passionate for his causes and was a role model for all of us who seek to improve our communities and our country. Thank you, Bob, for all you did for us. You will be remembered fondly. We offer our condolences to your beloved wife Jan, daughter Suezahn, son Rob. Bob, your service to your community and your country will be remembered.

☐ 1900

HONORING DOUG BEREUTER

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Under the Speaker's announced policy of January 7, 2003, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 60 minutes as the designee of the majority leader.

GENERAL LEAVE

Mr. OSBORNE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. OSBORNE. Madam Speaker, at this time we would like to honor the gentleman from Nebraska (DOUG BEREUTER), who is from the First Congressional District. I would like to begin the Special Orders by recognizing the gentleman from California (Mr. THOMAS), who is the chairman of Committee on Ways and Means and who graciously arranged this hour for us.

Mr. THOMAS. Madam Speaker, I want to thank the gentleman from Nebraska (Mr. OSBORNE) because those of us who came in the 96th Congress in 1979, and I see my friend and colleague, the gentleman from California (Mr. LEWIS), is with us who was a member of that class, there were 77 of us, both Democrats and Republicans who came. And when you come in the same class, you then have seniority established alphabetically.

So you need to understand that from the first day DOUG BEREUTER was envied by me for the seniority which he achieved immediately in the House. However, the years, and it is now 25, DOUG and Louise and my wife, Sharon, and I have gotten to know each other in a way that you can say that we are colleagues. We professionally deal with a number of issues, but probably as much as any other person in the House, DOUG is a friend, and I admire him so much.

If you look at his background, rarely is anyone as prepared as he was to take on the responsibilities as a Member of the House of Representatives. And then when you look at what he has done and the manner in which he has done it, I admire him so much for the professionalism that he has brought to this House. And I know that as he now decides to go a different way, and Louise leaves her home by the river and they move into other activities, that Sharon and I will keep in touch with them because the memories that we have shared will be renewed as he moves on.

I will conclude, I will tell the gentleman from Nebraska (Mr. OSBORNE), by saying this: Republicans have now been in the majority for a decade. Some of us have been privileged to be able to chair committees in this great body. I can without refutation say that up to this point the most well-qualified mind-set approach, Member of the majority not to be able to be a chairman is DOUG BEREUTER. It saddens me. Although he has done a marvelous job in his professional career here in the House, in a number of committee assignments, I want to underscore that DOUG BEREUTER should have been a chairman of a full committee.

He and I will lament that over drinks in a number of countries over the next few years as we continue to share our lives in many ways. I am saddened to see DOUG go, but I am not sad because I get to move up one spot in seniority. I thank the gentleman very much.

Mr. OSBORNE. I thank the gentleman for his comments. I know Mr. BEREUTER appreciates very much those comments as well.

At this time, I would like to yield to the gentlewoman from California (Mrs. TAUSCHER), and I appreciate her participation in this Special Order.

Mrs. TAUSCHER. Madam Speaker, I rise today to pay tribute to one of the finest Members of this institution, DOUG BEREUTER of Nebraska. After 26 years of service, DOUG is retiring from the House to be the president of the Asia Foundation, and this body will not be the same without him.

In his time in the House of Representatives, Madam Speaker, DOUG BEREUTER has embodied the best of public service. His commitment to his constituents and his Nation has never waivered. While staying true to his values, he has worked across party lines to achieve compromise and advance sound public policy. He is known all over Capitol Hill as a man with strong convictions but even stronger commitment to working in a bipartisan, collegial manner and a dedication to doing good.

DOUG BEREUTER is a committed internationalist who understands that in this world of ever increasing globalization, it is essential that our Nation maintain strong relationships around the world. DOUG has dedicated a significant part of his career to improving international cooperation, and he is known and respected around the world.

I have had the opportunity to travel with DOUG and Louise Bereuter as a member of the NATO Parliamentary Assembly. I have been very impressed by his knowledge of our European allies and his grasp of the issues the alliance faces. I have seen the ease with which he relates to foreign leaders. And I have also seen the grace with which he conducts diplomacy.

On a very personal note, and I am sure to the great good news to my colleagues from California, I am pleased to tell you that not only will DOUG and Louise be relocating to the San Francisco Bay area, they are moving not only to my district but my home town. So I have the blessing of not losing DOUG and Louise completely. Although he has a very nonpartisan job, I believe that they will enjoy living in my town, and it is a beautiful place indeed. And we will be very, very blessed to have them. They will add greatly.

Louise is especially someone I have gained tremendous appreciation for. She is an artist, a great mom and a great grandmother; and I am happy to say that we are proud to have DOUG BEREUTER and Louise Bereuter moving to California. We are happy to have his service to the people of Nebraska and our Nation, and I wish him the best of luck. When he sees the gentleman from California (Mr. THOMAS), he will be drinking California wine.

I thank the gentleman from Nebraska (Mr. OSBORNE) for hosting us.

Mr. OSBORNE. Madam Speaker, I thank the gentlewoman for her comments.

At this time I would like to call upon the gentleman from California (Mr. LEWIS), chairman of the Subcommittee on Defense of the Committee on Appropriations.

Mr. LEWIS of California. Madam Speaker, I thank the gentleman from Nebraska (Mr. OSBORNE) very much for yielding to me. I must say to the coach that he has always associated himself with class throughout his career. I can see he is doing this one more time by handling this Special Order on behalf of a wonderful Member of the House of Representatives.

DOUG BEREUTER is one of the classiest people to have ever served in this place. As my friend, the gentleman from California (Mr. THOMAS), suggested, there are few and far between those who have his kind of class.

The gentleman from California (Mr. THOMAS) and I came to Congress with DOUG. At that point, there were 79 Members in our class as freshmen; 10 of us remain. And, indeed, as DOUG leaves us, all who remain will remember him for as long as we can possibly maintain contact.

California is a long ways for some, but it is not very far for several of us. It is my intention as I visit my grandchildren up north, to certainly come visit DOUG and Louise and remember the times we had together way back when, several years ago when we arrived here in the House of Representatives.

DOUG BEREUTER is one of those classic Members for a number of reasons, not the least of which is the leadership that he has demonstrated in the field of foreign affairs. He is a Member of the House during my service here who has, from at least a Republican perspective, caused our caucus to focus in a way that recognizes that we are living in a shrinking world. And it is very, very important in that arena not to dwell upon partisan politics alone, recognizing that whoever the Commander in Chief is, whoever the President of the United States is, as we leave this country we need to speak in one voice on behalf of country.

In a very special way, he penetrated our caucus in connection with that understanding. DOUG BEREUTER is a person who I very much regret see leaving the House. But as he goes forth on his work on the part of the Asia Foundation, he will have a special way of communicating there as well, I am certain.

DOUG's impact here in the House of Representatives now will have a very special impact upon a very important part of the world, as we all know Southeast Asia is such a significant part of our future.

To my friend, the gentleman from Nebraska (Mr. OSBORNE), I really want him to know how much we appreciate his taking this time, this special effort to pay tribute to our mutual friend. It is a pleasure to be here with him.

Mr. OSBORNE. Madam Speaker, I thank the gentleman very much. I know Mr. BEREUTER will particularly appreciate the gentleman's comments.

At this time, I would like to yield to the gentleman from Tennessee (Mr. TANNER), who has shown great patience, endurance, who has even delayed a medical procedure to help us tonight. So we are honored to have him with us.

Mr. TANNER. I thank the gentleman. I wanted to be here tonight because I think so highly of DOUG and Louise Bereuter. I have had the privilege of traveling with DOUG and Louise, Betty and I have for the last 8 or 10 years, to the NATO Parliamentary Assembly, which is arguably now in this age of worldwide global terrorism, one of the stronger links that we have with Europe, one of the most important relationships we have with respect to international cooperation and international help as it relates to our foreign policy.

I must tell Members, I know DOUG has been a terrific representative for the people of Nebraska while he has served here in the House, but he has made an enormous contribution to this country. As my friend, the gentlewoman California (Mrs. TAUSCHER), said earlier, his diplomacy and his ability to relate with legislators, parliamentarians from other countries around the world, and particularly in the time that I have been with him in Europe, is something that is going to be sorely, sorely missed.

We need the cooperation, respect and the help of other countries as we attempt to lead the world in this war of international terrorism. DOUG BEREUTER has made a contribution presently serving as President of the NATO Parliamentary Assembly. And I want to pick up on something the gentleman from California (Mr. LEWIS) said. When we go to Europe to the NATO meetings, DOUG does not go as a Republican. I do not go as a Democrat. We go as American parliamentarians, American Members of Congress, to try to further our country's interests abroad.

He was a quintessential and is a quintessential salesman, a man who is respected not so much because they always agree with him or us, but because he always treats people with the kind of kindness, understanding, and commitment to their point of view that we expect them to extend to us. And so I just wanted to come tonight and say thanks in this formal way to DOUG and Louise for their many years of service to our country and particularly for their leadership within the European sphere.

He is moving on now to the Asia Foundation, and I would hope and I know that his service there will be as rewarding and as fruitful to the country, to his country, to our country as his time serving in Europe has been.

I thank the gentleman from Nebraska (Mr. OSBORNE) for hosting us tonight in this tribute to DOUG. We appreciate it very much.

Mr. OSBORNE. Madam Speaker, I thank the gentleman very much. I appreciate his comments.

At this time, I would like to yield to the gentleman from Ohio (Mr. REGULA), the chairman of the Subcommittee on Labor, Health and Human Services and Education of the Committee on Appropriations.

Mr. REGULA. Madam Speaker, I wanted to thank the gentleman from Nebraska (Mr. OSBORNE). He is a good neighbor to DOUG, and he is doing a great service to bring and have this Special Order.

I would like to begin my tribute to the service of DOUG BEREUTER by quoting a noted Irish statesman and philosopher, Edmund Burke, who said: "Your representative owes you not his industry only, but his judgment; and he betrays instead of serving you if he sacrifices it to your opinion."

This quote reflects the hallmark of DOUG BEREUTER's service to his constituents and his country.

☐ 1915

He has brought integrity and leadership to his service in the Congress and the people of Nebraska have been well-served by his dedication to effective government.

On a personal note, Mary and I treasure the friendship of DOUG and Louise. We have been with them on their little farm out in Nebraska. It has been a wonderful relationship to have them as friends over the years.

It has also been a special privilege to be part of a U.S. delegation to the NATO Parliamentary Assembly under the very capable leadership of DOUG. I am pleased today to join my colleagues in wishing DOUG Godspeed in his new challenge for service to our Nation.

Mr. OSBORNE. Madam Speaker, I thank the gentleman for his comments and appreciate his patience in being here this evening. At this time, I yield to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Madam Speaker, I thank the gentleman for yielding. I appreciate his taking out this Special Order tonight to honor our colleague DOUG BEREUTER, retiring after 26 years of distinguished service in this body.

I first got to know DOUG as a thoughtful and productive Member of the House Committee on Banking soon after my arrival here, but I soon came to admire him even more for his knowledge and his involvement in foreign affairs. He is now completing his 22nd year on the Committee on International Relations where he chairs the Subcommittee on Europe. He is in his 10th year of service on the Permanent Select Committee on Intelligence where he chairs the Subcommittee on Intelligence Policy and National Security and serves as vice-chair of the full committee.

For most of his congressional career, DOUG has made it his business to understand the foreign policy challenges facing our country, and he has made enormous contribution to the House's capacity for and exertion of international leadership. He has earned the respect of Members on both sides of the aisle and among his counterparts in other parliaments. He has been a delegate to the NATO Parliamentary Assembly since 1986. He has led the U.S. delegation since 1995, and he was elevated to the presidency of the assembly 2 years ago.

DOUG represents our country's interests forthrightly and effectively in international forums, and he is equally skilled in informal diplomacy, listening well and engaging in candid dialogue, forming ties of mutual respect with leaders abroad. He has taken a particular interest in the challenges facing the NATO alliance after the Cold War, the role of the alliance in conflicts in the Balkans and beyond Europe, and the collective response to terrorism.

Under his leadership, the Assembly has played an important role in the eastward expansion of NATO, both in debating the terms of that expansion and in establishing ties with parliamentarians in the new member States.

Like others in this body, I have greatly enjoyed and benefited from my travels with DOUG, often with his wife Louise and my wife Lisa, on parliamentary exchanges, Aspen Institute seminars and NATO Assembly meetings.

Most recently, we have collaborated in drafting a resolution, H. Res. 642, establishing a commission in the House of Representatives to assist parliaments in emerging democracies. It is our hope that this commission might continue the work begun in Eastern Europe by the Frost-Solomon Commission in the 1990s, working in the Balkans, the Caucasus and other areas as they develop freely functioning parliaments.

Madam Speaker, as much as we respect DOUG's work, we also admire him as a colleague and value him as a friend. DOUG's a warm and sincere and genuine person, persistent and determined when he needs to be, but also cooperative, collaborative, willing to share the limelight and eager to help others succeed. One measure of DOUG's personal qualities and the loyalty friends feel to him is the longevity of his staff here. DOUG's staff obviously believes in him, and they have served for impressive periods of time.

Carol Lawrence has served for 26 years, plus 3 years when he was a State legislator. Robin Evans, 22 years; Jodi Detwiler, 18 years; Susan Olson, his chief of staff, 17 years, and we know Susan well from her NATO assembly work; Mike Ennis, 16 years; Alan Feyerherm, 15 years. That is remarkable. That is a remarkable display of not just staff longevity but staff loyalty, a kind of personal loyalty that DOUG inspires.

Mr. Speaker, DOUG BEREUTER has made a distinctive contribution to this House and to our country. We will miss him here, but we bid him and Louise farewell in the sure hope that we will have continuing opportunities to see them and to work with them. We know that DOUG's talents will find a worthy outlet in the presidency of the Asia Foundation, and we wish him well in that important work.

Mr. OSBORNE. Madam Speaker, I thank the gentleman and appreciate him being here this evening. At this time, I yield to the gentleman from Florida (Mr. GOSS), the chairman of the Permanent Select Committee on Intelligence, who has worked very closely with Mr. BEREUTER.

Mr. GOSS. Madam Speaker, I thank the gentleman for yielding, and I want to thank my colleague the gentleman from Nebraska (Mr. OSBORNE) for his generosity and his leadership this evening. It is nice to be among colleagues talking about such pleasant things. Obviously we are all honored to rise to honor our friend DOUG BEREUTER and say good-bye. I hope it is not good-bye. I think in his new role we will be able to see more of him in a different capacity, but it is clear that I think the House feels we are losing a really nice guy and terrific resource. He has served us well.

I have actually had the pleasure, as most of us have tonight who have been talking, of working with DOUG in a number of capacities. How many times have we all flown back and forth across the Atlantic with DOUG? How many different airports have we stopped at on that airplane that sits out there that we sort of groan when we see, thinking how often we are going to have to stop for gas to get where we are going?

For all those years on the Parliamentary Assembly that he has worked and taken over the leadership, he has been working hard for the United States of America's position of a changing world, a changing times, and it has not been easy as we all know.

He has served as the chief congressional spokesman on NATO issues during the most difficult debates we had, I think, in Bosnia, Kosovo and Serbia, and he did it with eloquence and with clarity and a great amount of patience. Maybe patience should be underscored when we are talking about the NATO parliamentarians.

DOUG certainly diffused a number of disputes that have come up, and I think from everything from things as easy as the European Security Defense Initiative, which was relatively calm, to things like handling Mr. Zhirinovsky, a presidential candidate for Russia who continuously provokes our delegation with obnoxious effrontery on every occasion, DOUG did an absolutely tireless, fabulous and successful job on behalf of the United States and this institution, and I think everybody needs to know that and applaud it.

DOUG was rewarded for his efforts by being elected President of NATO Parliamentary Assembly. I am not sure that is a reward, but he took the job on and was celebrated for doing it so well, and it is an honor to have that position. It is also a lot of hard work, and he held that position at a very hard time, when NATO was admitting more members. Enlargement was not a subject that came across without controversy, and I think that now even controversies we hardly even dare breach out-of-area operations for NATO or things that are actually happening given what is going on in Afghanistan.

DOUG has been there during these critical times, providing leadership for the delegation, and it is very true to say he has helped direct NATO's support on the global war on terrorism, something of great interest to us all.

I am particularly appreciative, of course, in my position, for his service as the vice-chairman of the Permanent Select Committee on Intelligence and particularly the chairman of that subcommittee that tries to link up policy with our national security capabilities. That is not an easy job. It is unique. It is the only place I know where that happens, where that work is done, and I single out two issues in particular where DOUG has made a positive impact in the community.

First, he led the community's push to eliminate what we call the Deutsch Guidelines, the risk avoidance question, the hindrance to the agent requirement that crippled our ability to recruit productive assets, and DOUG was a tiger on that. When things were passed into law under his leadership and were not properly effected and executed, he went back and made it happen, and I take my hat off to him for his persistence and his vision on that.

Secondly, he has recently been responsible for crafting a comprehensive legislative package addressing the linguistic needs of the intelligence community. He and many others on both sides of the aisle have contributed, but he led the charge and he did it efficiently and he did it in a short period of time. We just passed an authorization bill that now provides for language capabilities that are critical to this country we did not have before.

I am very well aware that language capability is not a front page story for the New York Times, but it is essential for our collection of information that our Nation needs to pursue its foreign policy objectives. DOUG took on the task. His recommendations on language received enthusiastic bipartisan support, and now it is a major component of a passed authorization bill in the House, and I believe the Senate will see it the same way.

I guess I would sum up and say, as he ends his tenure on the Permanent Select Committee on Intelligence, I will say without equivocation that DOUG BEREUTER has left the intelligence community better than he found it through his extensive, conscientious, creative initiatives, and those are words I would not say casually because those are things that matter a great deal to me. He has left a positive mark and left a great improvement for us.

He has also been a great friend and colleague, as everybody is here to say. I first met DOUG and talked about town planning. We had that in common together. He exposed me to the Niobrara River debate which was a very vigorous debate, important in his district, and he carried the day against big odds on that, and he did it with grace and helped out a lot of us who did not know much about that river to know a lot more quickly.

It is not a permanent good-bye. We wish DOUG and Louise the best, of course, and I think it is sort of strange. The ultimate irony is that the man we are celebrating so much tonight for all of his leadership on the transatlantic and the across Atlantic area interests is also a man who has huge experience on the Pacific side. So, DOUG, as you and Louise go from the Atlantic to the Pacific, we all wish you well and Godspeed. We now have another reason to visit San Francisco, which is a good thing. I would say that you are truly a global man for the global century ahead. God bless you and good luck.

Mr. OSBORNE. Madam Speaker, I thank the gentleman very much for his kind kinds. At this time I yield to the gentleman from Kansas (Mr. MOORE).

Mr. MOORE. Madam Speaker, I thank the gentleman from Nebraska (Mr. OSBORNE) for providing this forum tonight.

We are here tonight to thank the gentleman from Nebraska (Mr. BEREUTER) for his distinguished service to our country. Congressman DOUG BEREUTER is a gentleman whose congressional service is characterized by civility, integrity and gentlemanly conduct. I have never heard any Member of Congress, Republican or Democrat, say an unkind word about DOUG BEREUTER. That may be a rarity around here.

DOUG has honored this institution of Congress with his service. He has provided leadership as the President of the NATO Parliamentary Assembly, which I have had the honor to serve with DOUG and work. He has worked to further the objectives of NATO and strengthen the ties between each of the Nations who are parties to NATO.

Most importantly, perhaps DOUG BEREUTER is a good, decent man, and I am grateful he is my friend. DOUG, may you have great success in your new career. My wife Stephanie and I wish you and Louise the very best.

I again thank the gentleman from Nebraska (Mr. OSBORNE) for providing this forum this evening.

Mr. OSBORNE. Madam Speaker, I thank the gentleman and appreciate his kindness in coming down here and waiting. At this time, I yield to the gentleman from Ohio (Mr. GILLMOR).

Mr. GILLMOR. Madam Speaker, I thank the gentleman for yielding, and I am going to be brief because there are a number of speakers tonight. I will enter my full statement in the RECORD, but I am very pleased to have the opportunity to pay tribute to a very special Member of this body who is leaving after 25 years of service.

All of us who serve here know the respect with which DOUG is held by his colleagues here, but what many Members of this body do not know is how widely known, how respected he is by parliamentarians all across this globe.

Throughout his 25 years in the House, DOUG BEREUTER has served on an exceptionally large number of important committees. He has also held the gavel as chairman of three different subcommittees. He has played a lead role in the House of Representatives for years, but throughout his 18 years of service on the U.S. delegation to the NATO Parliamentary Assembly and his membership on numerous other congressional exchanges and international task forces, Congressman DOUG BEREUTER has become one of the most experienced voices in congressional debate on international affairs.

I have had the pleasure of serving with DOUG for 10 years on the NATO Parliamentary Assembly, and my wife Karen and I have had the opportunity to know both he and his wife Louise very well as a result of that experience. I think it is an example of the high regard in which he is held, the fact that he is now serving as the President of the NATO Parliamentary Assembly. He was unanimously elected to that position by the parliamentarians of the all the NATO countries. NATO has now grown to 26 countries with the recent expansion.

His important achievements, both in Congress and abroad, will continue to pay tribute to his esteemed career as an effective legislator and accomplished diplomat.

His presence in this House will be sorely missed as he has been one of those Members who has always worked on behalf, not only of the American people, but also his Nebraska constituency.

□ 1930

It is a responsibility that he assumes going to the Asia Foundation, a very large and important institution; but it fits perfectly with his background, his experiences, his talent, where he will no doubt make a major contribution. He will be helping not only the United States but the many Asian countries where the foundation is active.

I wish Congressman DOUG BEREUTER and his wife, Louise, and his family the very best of luck in the years to come.

Mr. OSBORNE. Madam Speaker, I would like to say a few words about Mr. BEREUTER, and then I will yield to the gentleman from Nebraska (Mr.

TERRY) for the remaining 30 minutes or 25 minutes, whatever we have left, to manage the last part of the hour.

I would just like to comment on the fact that DOUG BEREUTER has served an extraordinarily long period of time here in the House of Representatives, actually longer than any other Nebraskan has served in the House. As a matter of fact, it is rumored that he served under Roosevelt, Teddy Roosevelt, that is, and so his 26-odd years of service have been greatly appreciated.

DOUG represents a very diverse constituency, and he has represented that constituency very well. This was exemplified by the fact that when we redistricted in 2000, three of the counties in DOUG's district were going to be allocated to my district, and there was almost a complete revolt from those three counties. They did not want to leave DOUG and come with me, and so I think one of them managed to stay in DOUG's district.

DOUG is a small-town guy, Utica, Nebraska. He is proud of the fact that he has held over 1,000 town hall meetings. So he has really maintained close touch with his constituency. DOUG carried an extremely heavy work load here in Congress. He served on the Committee on Financial Services, Committee on International Relations, chairman of the Subcommittee on Europe, Committee on Transportation and Infrastructure, Permanent Select Committee on Intelligence, was vice chairman of the full committee, chairman of the Subcommittee on Intelligence, Policy and National Security, vice chairman of the Subcommittee on Terrorism and Homeland Security. So very, very few, if any, people in Congress served in that large number of committees.

Also he is the president of the NATO Parliamentary Assembly. He has been prominent in world trade issues and world hunger programs. DOUG attended the University of Nebraska-Lincoln where he was a Phi Beta Kappa. He went to Harvard graduate school and was a faculty member and guest lecturer at Harvard, University of Nebraska-Lincoln and Kansas State University, also in private business, United States Army, Nebraska State legislature. So there are very few people in Congress who have had the varied experience and the excellent background that DOUG BEREUTER has had.

His past committee memberships, honorary positions are really too numerous to mention; but the most important thing about DOUG, and this is what I would like to emphasize, it is really not so much what he has done as how he has done them. DOUG has been exceptionally self-sacrificing, not noisy, abrasive, and certainly not self-serving; and this has been appreciated by all of his colleagues. And I think this is an example of why so many people have shown up tonight to speak on his behalf.

His focus has been on serving the best interest of the country and his district and not on self-promotion. He has worked very well with Members of both parties, and I think that probably the finest compliment that was paid to DOUG was paid by EARL BLUMENAUER, a Member of the other party, who was not, unfortunately, able to be here because of an emergency, but EARL said that DOUG was one of those people who were the glue that held this place together. And I guess when you leave Congress, if somebody can say that about you from the other side of the aisle, that is an extreme compliment.

So DOUG certainly is somebody who has been a healer, somebody who has pulled people together; and I guess the last thing I would mention to you that, again, displays DOUG's character is the fact that I arrived here as a 64-year-old freshman who knew a little bit about football and almost nothing about politics. And DOUG and his wife, Louise, had Nancy, my wife, and myself out to dinner. And he tried to give us the basics, kind of Congress 101. And so he tried to steer me in the right direction and was always available, and I guess it is always the mark of a person's character as to how he treats somebody that can do nothing for him. Obviously, I had no seniority, was not anyone of any influence in Congress; and yet his kindness will long be appreciated and remembered. So DOUG was a great influence on me and on this body and will be greatly missed.

Madam Speaker, I yield the remaining time that we have to the gentleman from Nebraska (Mr. TERRY), who is also a great friend of DOUG's; and I am honored that he would come down here tonight and manage the last part of this hour.

The SPEAKER pro tempore. Without objection, the gentleman from Nebraska will control the remaining time.

There was no objection.

Mr. TERRY. Madam Speaker, I thank the gentleman for yielding the time, and I do think it honors DOUG by us doing this as a team approach. Certainly, though, you have taken much of the responsibility for tonight, and thank you for doing that.

Madam Speaker, I yield to the gentleman from California (Mr. BERMAN) for as much time as he may consume.

Mr. BERMAN. Madam Speaker, I thank the gentleman from Nebraska for yielding me this time. I will not repeat many of the comments of my colleagues talking about specific aspects of DOUG's really quite incredible Congressional career. We all in this body have good days and bad days, and one of the really bad days for me was awakening to learn that, I think I was in California then, that Congressman BEREUTER of Nebraska had decided to retire at the end of this term, that somebody as essential to the work that I was interested in, particularly in international relations, who conducted himself in such a professional and thoughtful way, whose approach to every issue, sort of he had his philosophy and he had his values, but essentially it was a very meticulous, merit-based analysis of issues and what made the most sense, and he constantly stood firm and steadfast for the conclusions he had reached through that kind of an analysis. He did not pigeon-hole issues. He looked at each one fresh and came to terms with the merits after a great deal of thought and analysis.

One of the good days in this institution was the day when I learned he was going to seek and then get the presidency of the Asia Foundation, a very important organization doing very important work on the rule of law, human rights, and democracy in Asia and that part of the world, from Afghanistan to Indonesia, critical countries, large, important countries, and that DOUG would be devoting his professional career now to this. And I certainly wish him and Louise, whom I am also very fond of, great success. They will do an organization that has already made an excellent name for itself a great service by giving their efforts to that organization.

For me, what some of us over here view as the national tragedy of the 1994 elections, which shifted the majority control to the other party and all of the drama that surrounded that for those of us who had enjoyed being in the majority and all that went with that status, I got a consolation prize that I think a lot of my Democratic colleagues did not get, because I went from being a chairman of a subcommittee on the Committee on International Relations to being a ranking member of a subcommittee, the Asia subcommittee, which DOUG BEREUTER was the chairman of. And in the 4 years that I was ranking and that he was chair of that committee, I cannot remember a single issue where I left any meeting, any markup, any hearing without the greatest respect for his intellect, for his commitment, for his willingness to work on a bipartisan way, for the approach which I think is an important one that has been not always observed as well as it should be, but a tradition that in this body politics ends at the water's edge. And this is a gentleman who would never hesitate to work with the minority party or with minority Members that were willing to work with him in pursuit of what he saw as the national interest.

He had a number of different accomplishments; many of them have been touched on. The one that I did not hear mentioned, he played a very key role in drafting the Hong Kong Policy Act, which placed the issue of Hong Kong's continuing autonomy after the handover front and center in terms of our relationship with China. He did incredible work in terms of trying to deal with the human rights issue in the context of MFN status for China.

Over and over again, I could take more than enough time as allotted talking about specific issues and specific accomplishments. I am only sorry that I did not get to serve on the Committee on International Relations with him as chairman or, even better, with him as ranking member of that particular committee. I know he would have done a wonderful job, but I look forward to continuing to see him and Louise and to work with him at the time when it is appropriate on issues that the Asia Foundation will be engaged in, which will be issues that are very much in our national interest.

Madam Speaker, I thank the gentleman for yielding and for conducting this Special Order.

Mr. TERRY. Madam Speaker, I thank the gentleman for his words of high praise.

Madam Speaker, I yield to the gentleman from Illinois (Mr. MANZULLO), chairman of the Committee on Small Business.

Mr. MANZULLO. Madam Speaker, I thank the gentleman for yielding. It is a real joy to pay tribute to a person who has been a real role model, a mentor, and a teacher for the years that I have had the privilege of representing the people of the 16th Congressional District of Illinois.

For a long period of time, I served with DOUG on the Subcommittee on Asia and the Pacific on the Committee on International Relations, of which DOUG was the chairman.

In 1999, he invited me to go with him to Hong Kong in December of that year on an oversight mission to take a look at the result of the turnover of Hong Kong to Mainland China in the summer of that year, and I had never been to China before and really did not want to go, but knowing that DOUG BEREUTER would be the chairman of that little group gave me so much of a sense of confidence that, in case we got in trouble, he could get us out of it.

So we went over there and met with various people in China, including the Premier; and I recall when we were flying from Shanghai to Beijing, we encountered a diversion in the weather, and there was a huge dust storm that was blowing the dirt off the Gobi Desert. And so we just could not make it to Beijing. And the pilot came on, and he said, We are going to have to divert to Hohhot Inner Mongolia.

And the only thing I knew about Inner Mongolia was that it is right next to Outer Mongolia; and as the plane landed, we were given these reboarding passes that said, "When in Hohhot, stay at the Inner Mongolia Hotel," which was owned by the Chinese airline. And we looked at each other, and our small delegation got in this bus. I know it was very quiet. I had two coats, and they were both stored in the belly of the airplane, and we rode late at night to this mysterious hotel and were greeted there in the lobby by so much confusion going on. It was just absolutely chaos broke loose in the lobby, and a man who was a complete stranger to our U.S. delegation, probably about eight people including Members and staff, came over and he said, "If you give me your passports, I will get you your room."

We did not even know who this guy was, except he looked official. And I looked at DOUG, we all looked at each other, took out our passports and gave them to this complete stranger, who then proceeded to get us our rooms and took care of that.

□ 1945

The next 2 days we were trying to find out ways we could get to Beijing. We thought about planes, trains, and automobiles. There were several people on that airplane from Israel, and we heard that they got in a van and drove across the Gobi Desert at night to get to Beijing. We called the U.S. Consul, and they said no, we do not want a bunch of Congressmen and their staff riding in a van across the Gobi Desert. It is a pretty dangerous place.

Eventually the weather cleared up, and we got on the airplane, landed in Beijing, and what a great opportunity to spend several days with a person who has such a deep sense of history, a real love of his country, and who took hours of his time to instruct me on his thoughts on the changing face of China.

Now, I am the chairman of the American-Chinese Interparliamentary Exchange and have been there several times subsequent to the 1999 trip with the gentleman from Nebraska (Mr. BEREUTER). And a year ago in January, I had an opportunity to lead the largest delegation of Members of Congress to China. Were it not for the gentleman's insistence that I go with him to China in 1999, knowing that I had such a desire and interest in that country, I probably would not be the chairman of this Interparliamentary Exchange, probably would never have had an opportunity to open up markets over there and work on areas of human rights. I can only attribute this to the gentleman from Nebraska (Mr. BEREUTER).

He is one of the most decent people and kind individuals that I have met in my entire life. He has never raised his voice, always with a smile, and a sense of knowing that not only have the people of his congressional district been well served, brilliantly served by a truly dedicated public servant, but the people of America as a whole have been served by this outstanding individual.

It is retirement from Congress but not from life, and that is the good news. We look forward to working with the gentleman. I am excited about the possibilities of being the chairman of the American-Chinese Interparliamentary Exchange and to have the opportunity in the future to work with the gentleman and to continue to be his student.

Mr. TERRY. Madam Speaker, I thank the gentleman from Illinois (Mr. MANZULLO), and I yield to the gentleman from Texas (Mr. LAMPSON).

Mr. LAMPSON. Madam Speaker, it is an honor to rise to salute my colleague, the gentleman from Nebraska (Mr. BEREUTER), on a quarter century of service to this body and particularly to thank him for the opportunity to bring an issue that was so close to me, international parental abduction, to the attention of our NATO counterparts.

I remember meeting the gentleman for the first time on one of our bipartisan retreats just a couple of months after I came into the House of Representatives. We were on that train that we have taken a number of times; and DOUG and his wife, Louise, came up to me and my wife, Susan, and carried on a conversation. He suggested that I look into his involvement with the NATO Parliamentary Assembly. I was aware of it, but it was at his invitation that I requested to become a member. I have been honored to attend many of the meetings in the last 6 years and speak at the Assembly's European meetings and to serve as a committee vice-chair.

My participation would not have been possible without DOUG's support. He reached over the magic aisle that runs through the middle of the room and reached out to me with the same kind of encouragement that he gave to every one of the delegates, regardless of party. Like one of my district predecessors, Jack Brooks, the gentleman from Nebraska (Mr. BEREUTER) as chairman of the NATO Parliamentary Assembly displayed a strong belief in the collaborative values that the assembly stands for. He generates that belief among fellow Members of Congress.

In 2001, I was very proud to cosponsor legislation that he introduced to enlarge NATO as articulated by our current and past Presidents. Beyond his leadership in our delegation, the gentleman from Nebraska (Mr. BEREUTER) served as both vice president and president of the Parliamentary Assembly representing the United States of America admirably in both rolls.

Madam Speaker, I will certainly miss the gentleman from Nebraska (Mr. BEREUTER) and Louise when we had an opportunity of being with them, and the gentleman particularly as a Member of Congress. His efforts here will inspire future Members to reach across the aisle and across national boundaries to fix problems that demand collaborative solutions. I wish him a fond farewell from this Chamber, and I know that our appreciation of his service will continue long after he leaves this body.

Mr. TERRY. Madam Speaker, I yield to the gentleman from Michigan (Mr. EHLERS), my very professorial friend, for his comments.

Mr. EHLERS. Madam Speaker, I have been in Congress almost 10½ years, and I have enjoyed the friendship of the gentleman from Nebraska (Mr. BEREUTER) almost that entire time. I have always been extremely impressed with him. He is a very fine person.

Approximately a decade ago, the gentleman from Nebraska (Mr. BEREUTER) pulled me aside in his role as leader of the congressional delegation to NATO. He explained to me what the NATO Parliamentary Assembly was, explained to me that Europeans all had scientists serving on the Science Committee, but no one from the U.S. did. He asked me to serve since I am a physicist by training. I acquiesced rather reluctantly because it seemed like a huge assignment as a brand-new Member of Congress, but it has given me an opportunity to come to know DOUG and Louise much better.

I would like to talk about the gentleman from Nebraska (Mr. BEREUTER) as a diplomat. He is a consummate diplomat. He is patient, with a calm demeanor. He is always polite, no matter what point of view he is being forced to listen to. He is a careful listener. He is a good negotiator, and a decent person, a man of integrity. All of these are hallmarks of a good diplomat. DOUG has served not only Congress but our Nation well as a diplomat in his position of serving and leading the NATO Parliamentary Assembly delegation from the United States. It has been a pleasure to serve with him and to learn from him in that role.

His wife, Louise, is also a good diplomat in the many contacts she has had to make over the years with Members and their spouses, but also with members and spouses from other countries, and she has handled this role with grace, tact, and great care.

Also, I have been impressed with the gentleman from Nebraska (Mr. BEREUTER) as a legislator. He has done such good work in so many different areas but above all in international relations. Frankly, my heart is broken that he is leaving us, because I was looking forward to the day he would become chairman of the Committee on International Relations, and I knew he would be a superb chairman.

I would also like to mention DOUG as a friend. He has been a good friend to me, a confidante and an adviser. I could not have had a better friend and confidante to discuss issues with. He always had wise advice and helpful comments to make when I discussed with him the problems I was having on the Science Committee, particularly in dealing with recalcitrant members from other countries who seemed to enjoy making trouble more than making progress.

With his help, I was able to serve 4 years as a rappateur on the Science Committee. The rappateur controls all reports which come before the committee, in fact has to write most of them, and I am currently vice chairman of the Science Committee of the NATO Parliamentary Assembly and was asked to serve as president and declined with some regret simply because of my heavy workload in the Congress.

I am very pleased that DOUG has finally achieved the job of his dreams, to serve in this new position. He is a perfect fit for the job, and the job is a perfect fit for him. I certainly want to wish him and Louise well as they leave this area and move to San Francisco to take up this new position. We hate to see you go, DOUG and Louise; but we certainly wish you well and we know you will do well as well.

Mr. TERRY. Madam Speaker, I yield at this time to my classmate and good friend, the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Madam Speaker, many of us here in the House of Representatives woke up one day and said, say it is not so, DOUG. We did not want to see him go. For many Members here, it was hard to understand how someone who did the job so well would want to leave voluntarily, but he has so much to give and will continue to give. I have worked with him on the Permanent Select Committee on Intelligence, others on the Committee on International Relations. We all think he would be an outstanding committee chairman, and one of the things we lament is he is leaving before he gets to serve in that way.

Most recently, I worked with the gentleman from Nebraska (Mr. BEREUTER) on efforts to improve the proficiency of Americans in foreign languages. I must say, it was a delightful and very productive experience working with him on that issue.

The House will be diminished by his departure. There are very, very few people like the gentleman from Nebraska (Mr. BEREUTER) here. He is industrious, he is astute, he is judicious, he is well informed. He has a very broad perspective, and I mean that geographically, historically, and ideologically. By that I mean he is not ideologically entrenched. Sure, he has solid values and is a person with integrity, but he can work with others. A word that comes to mind is collegial. He is not self-serving. He is about serving others, his constituents, and, yes, other Members of the House, junior and senior Members. He is considerate. In every respect, in every circumstance, in every forum, I have seen nothing but the utmost consideration from the gentleman from Nebraska (Mr. BEREUTER). In fact, I would say he is truly wise because he understands that kindness is the greatest wisdom.

We all wish the gentleman from Nebraska (Mr. BEREUTER) and his wife, Louise, well. It is the gain of the Asia Foundation. I am sure he will contribute a great deal there, and I am here to join my colleagues to say thank you, DOUG, for your service to us, to the House, to your constituents, and to America at large.

Mr. TERRY. Madam Speaker, I appreciate the gentleman coming down here to speak.

Frankly, this is my 6th year, and we have seen classmates come and go; but I do not know if I have seen a Member so balanced between Republicans and Democrats. Members have used words like collegial, diplomatic, intellectual, considerate, and friend when talking about the gentleman from Nebraska (Mr. BEREUTER). And the fact is that we have already used up one full hour, and I too will miss the gentleman from Nebraska (Mr. BEREUTER). What I will miss about DOUG leaving this body is not only his friendship and his steady leadership and his counsel, but his quiet sense of humor, too.

I remember the only time in 6 years of serving with the gentleman I heard him, and it struck me as odd because he almost spoke ill of someone, there is a gentleman who has a particular reputation for harshness when he speaks, and DOUG was speaking to me and then said, Wait, I want to listen to this person because he sometimes is a little too partisan when he speaks. I want to hear what he says.

□ 2000

That is as bad as he has ever said about anyone in this body, which is really rare.

Let me talk about the gentleman from Nebraska (Mr. BEREUTER) as just a person, because he was elected in 1978 at the age of 39. He and Louise had two elementary schoolchildren, boys, Kirk and Eric.

Madam Speaker, I will submit the rest of my statement in the RECORD.

Doug Bereuter has two sons, Kirk and Eric, one daughter-in-law, and a grandson, Ethan.

Elected to Congress in November of 1978 at the age of 39, Doug has served in the U.S. House of Representatives longer than any citizen of the Cornhusker State.

He's won every election with at least 60 percent of the vote. Last election he pulled in 85 percent of the vote.

During my first term here in the House of Representatives, I was lucky enough to have two of the most respected members of this body as my seniors in the Nebraska House Delegation. Bill Barrett, who has since retired, and the man we're here to honor today, DOUG BEREUTER.

I know everything that goes into moving a young family from Nebraska to Washington, DC. I did it myself after my first election. Granted, even though we made our move almost two decades later, it was still not easy. Eventually, my family and I left Virginia to go back to our home state of Nebraska, and I travel back and forth every week.

But this was not always an option. When DOUG, Louise and his elementary school-aged boys got in the car and drove to Washington, the world was a different place. The options were limited to (a) move your entire family to D.C. or (b) go for weeks without seeing your loved ones.

One thing I've always liked about DOUG and Louise is that, even though they chose option (a), they never left Nebraska behind. In 26 years, DOUG has always been a true Nebraskan.

Those first years, there wasn't the direct flight from D.C. to Nebraska like there is now. Depending on the time of day, it's possible to be in our state in just a few hours. DOUG, during his first years in Congress, spent many nights on the floor of O'Hare, thanks to the weather, to make the trip to Nebraska and back.

But he always did it, because that was what was required of him.

Sometimes, those sleepless nights in Chicago were trips back for one of his many, many town hall meetings. These are meetings that we all do. DOUG would do between 30 and 45 town hall meetings a year. For over a quarter of a century. Just the thought of how many people he talked with, argued with, laughed with at these meetings is amazing.

Through the years, he was also able to get to know the towns and cities in his district very well. Not surprisingly, he always knows where to get good ice cream after a town hall meeting.

Speaking of snacks, I'm not sure if everyone knows that Congressman BEREUTER loves popcorn, exactly as a good Cornhusker should. While my friend and colleague may never be known as a chef, he knows how to make popcorn.

Nebraskans have watched DOUG's family grow up in their annual Christmas card, which always included a recipe and a drawing or picture by a family member.

They are a part of Nebraska, just as much as they would be had they grown up in Lincoln, Utica, or Oakland, Nebraska. His sons looked for and found jobs in Nebraska. In this quarter of a century, DOUG's office has always been a little bit of home-away-from-home here in D.C.

I would also like to take a moment to compliment his staff. They are proud of the fact that even when a non-Nebraskan takes a job in their office, within a week they have them saying "You bet" and referring to "pop" instead of soda. It's little things like that which keeps the office in touch with Nebraska.

And they are loyal. Carol Lawrence, his press secretary, who is a wonderful person and has helped my office out on numerous occasions, has been with Doug since 1974, the same year my press secretary was born!

Mr. UDALL of New Mexico. Madam Speaker, I want to pay tribute today to a colleague and good friend who will be leaving the House when the 108th Congress adjourns, Representative DOUG BEREUTER.

DOUG brings to a close an impressive career working for Nebraska. For 26 years DOUG has been a strong advocate for the First Congressional District as well as a respected advocate on foreign affairs and intelligence issues, especially his efforts on the NATO Parliamentary Assembly. On these crucial issues he has consistently set partisanship aside, rolled up his sleeves and gotten the work done.

Not only does he retire as Nebraska's longest-serving member of the House, he has the third-longest service in Congress. He has a bipartisan record and close relationship with is constituents—nurtured at more than 900 town hall meetings. His constituents kept sending him back to Washington because he could be counted on to do what was right.

DOUG will next head The Asia Foundation as its new president. His leadership on the House International Relations Committee has well-prepared him for this challenging assignment. He brings precisely the right mix of qualifications: seasoned judgment, policy expertise, management acumen and well-developed rapport with key Asian leaders.

Madam Speaker, I am honored to join my colleagues in wishing only the best for DOUG and Louise as they move on to the next chapter in their lives.

Mrs. TAUSCHER. Madam Speaker, I rise today to pay tribute to one of the finest members of this institution, DOUG BEREUTER of Nebraska. After 26 years of service DOUG is retiring from the House to be President of the Asia Foundation, and this body will not be the same without him.

In his time in the House of Representatives, Madam Speaker, DOUG BEREUTER has embodied the best of pubic service. His commitment to his constituents and his Nation has never waivered. While staying true to his values, he has worked across party lines to achieve compromise and advance sound public policy. He is known on Capitol Hill as a man with strong convictions but an even stronger commitment to working in a bipartisan, collegial manner and a dedication to doing good.

DOUG BEREUTER is a committed internationalist who understands that in this world of ever increasing globalization it is essential that our Nation maintain strong relationships around the world. DOUG has dedicated a significant part of his career to improving international cooperation and he is know and respected around the world.

I have had the opportunity to travel with DOUG as a member of the NATO Parliamentary Assembly. I have been impressed by his knowledge of our European allies and his grasp of the issues the alliance faces. I have seen the ease with which he related to foreign leaders. And I have seen the grace with which he conducts diplomacy.

On a personal note, Madam Speaker, I am pleased that DOUG and his wife Louise will be relocating to the San Francisco Bay Area and that they will live in my district. I hope to see them regularly and continue to benefit from their kindness and wisdom.

I am grateful that DOUG BEREUTER has given so much of his life to the people of Nebraska and to this Nation. I wish him the best of luck as he leaves Congress and begins the next chapter of his life.

Mr. ROYCE. Madam Speaker, I would like to join my colleagues in honoring DOUG BEREUTER and commending the 13 terms he has served in the House of Representatives. I have had the privilege of working with Congressman BEREUTER on the Financial Services Committee and the International Relations Committee for a number of years now. As we have heard today, he is a highly esteemed and respected member of these committees.

Congressman BEREUTER has been one of the House's resident experts on foreign policy matters—especially in Asia. I had the privilege of serving on the Asia Subcommittee when Congressman BEREUTER served as its Chairman and worked with him to strengthen U.S. ties with our allies in Asia. Congressman BEREUTER and I also had a chance to travel to Asia together during this time.

As this House knows, Congressman BEREUTER's interest in foreign affairs has not been confined to Asian nations. He plays an active role in European parliamentary exchanges and serves as Chairman of the European Subcommittee with distinction. As President of the NATO Parliamentary Assembly, Congressman BEREUTER has highlighted the importance of establishing strong transatlantic relationships and the role of sustained and meaningful dialogue between the United States and Europe in achieving those goals. He worked diligently to include nations like Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia in the North Atlantic Treaty Organization, Congressman BEREUTER and I have been encouraging greater involvement by NATO partners in promoting security in Afghanistan.

Congressman BEREUTER has also proved himself to be an expert on intelligence matters. As Chairman of the Intelligence Policy and National Security Subcommittee and Vice Chairman of the Terrorism and Homeland Security Subcommittee, he has led careful oversight of the transformation of U.S. intelligence agencies after September 11th. He has worked hard to improve the organization and operation of the intelligence community, enhance their language education and training, and improve the coordination of the Federal Government in identifying and responding to weak or failing countries that endanger international security or stability.

I have long respected DOUG's thoughtful and attentive manner and his focus on substance rather than rhetoric. When he spoke, people listened. This House will undoubtedly miss his presence and work.

Mr. SENSENBRENNER. Madam Speaker, I rise today to recognize the distinguished career of Representative DOUG BEREUTER. The people of Nebraska's First District wisely voted Mr. BEREUTER into the House of Representatives in November of 1978, the same year I was first elected to this chamber. As a member of the same freshman class I got to know Representative BEREUTER during those weeks preceding our first terms. Over that period, and in the years since, I have found Congressman BEREUTER to be a consummate professional and a remarkable representative for the people of Nebraska.

He is the quintessential public servant, having served as an officer in the United States Army, as well as various capacities within Nebraska's State government, including service as a State Senator, prior to his election to Congress.

Mr. BEREUTER has announced his retirement effective at the end of the 108th Congress. During his distinguished career, Mr. BEREUTER has left his mark in the halls of Congress. I know that Congressman BEREUTER will be missed in this body for the integrity with which he dealt with each person he came across during his tenure.

Madam Speaker, I join my colleagues in congratulating Congressman BEREUTER on a job well done. The people of Nebraska have been well served for the past twenty-six years. He has served with distinction, and will retire with the respect of his peers. Congratulations and best wishes for a long and prosperous retirement, Congressman BEREUTER.

Mr. BILIRAKIS. Madam Speaker, I rise today to honor a good friend and outstanding public servant, Congressman DOUG BEREUTER.

I have become familiar with DOUG and his work having served as a member of the U.S. House delegation to the NATO Parliamentary Assembly, which he chairs. I have participated in numerous congressional delegations abroad which he has led and was always impressed with his knowledge of world affairs and his determination to increase understanding among NATO partners.

DOUG also has been a tireless advocate for his Cornhusker State constituents during his twenty-six year House tenure. He has served longer than any other Nebraskan, during which time he has penned many laws to help his diverse constituency, including ones to promote his state's agricultural exports, improve health care and child welfare, end international hunger, and protect Native Americans.

Madam Speaker, I am proud to call DOUG BEREUTER a friend and colleague. His constituents and our country are losing an honorable and dedicated public servant, the likes of which bring credit to this hallowed institution in which we are so fortunate to serve. I wish him and his wife, Louise, health and happiness in their future endeavors.

Mr. PETRI. Madam Speaker, I am honored to participate in this special order recognizing the many years of dedicated service to the 1st District of Nebraska and to our country by our good friend and colleague, DOUG BEREUTER.

DOUG is one of the hardest working, dedicated and principled Members to serve in this House. In his quiet way, he has successfully worked to bring about significant reforms and accomplishments in many areas. Through it all, he has done so with the highest moral character, unquestioned integrity, and has been true to his convictions. DOUG has been an example to us all by working in an effective and bipartisan manner, more interested in policy and legislation than scoring political points. He considers each issue on the merits and isn't afraid to follow his own convictions and do what he believes is right. If DOUG proposes a legislative initiative, you can count on it being well-considered and carefully thought out.

Perhaps his strength of character and principled behavior comes from his Midwestern Nebraska roots that go back five generations. He has served Nebraska and his constituents well, never losing sight of the special needs and concerns of his district. DOUG has been a leader in many varied initiatives that have benefited his constituents and the country. He has been active in promoting a national trail program that improves the quality of life for all Americans. As a colleague on the Transportation and Infrastructure Committee, I know he has been diligent in tending to the various transportation needs of his district. While not a Member of the Agriculture Committee, he nonetheless has been active in promoting proposals to aid farmers.

Just this year, the Financial Services Committee and the House have acted on other initiatives he has spearheaded for many years, including flood insurance reform and home loan guarantee programs.

Perhaps the area for which DOUG has become most recognized here in the House and, literally, around the world is that of foreign affairs. He is recognized as one of the hardest working members of the International Relations Committee and has served admirably as Chairman of the Asian Subcommittee and the Europe Subcommittee.

For many years he was the Chairman of the House delegation to the British American Parliamentary Group and remains an active member today. He is currently Chairman of the U.S. House Delegation to the NATO Parliamentary Assembly as well as President of the NATO PA itself, positions that require countless hours of work and effort on a continuing basis. He is a co-founder of the Congressional-Executive Commission on China that was essential in winning permanent normal trade relations with China while ensuring that we continue to monitor human rights, guard against prison labor exports and put in place other related safeguards. The many other boards, commissions and task forces he has served on over the years are too numerous a to mention.

While I regret DOUG leaving the House, he is undoubtedly well suited for his next position as president of The Asia Foundation. He is keenly aware of the increasingly important role of Asia and in the benefit to Asia and to the U.S. in helping to encourage growth and prosperity from within the region. The goal of the Asian Foundation is the "development of a peaceful, prosperous, and open Asia-Pacific region." It accomplishes this through supporting programs that help improve governance, economic reform and development, increased participation of women, and other internal reforms. I know all of these are principles that DOUG shares, and he will provide strong and steady guidance to the organization.

I would be remiss if I didn't note another important ingredient to DOUG's—success—lovely wife Louise. An accomplished artist and musician, Louise has been a loyal and steadfast partner as DOUG has faced his many responsibilities. I will long remember one night on a recent BAPG trip to Ditchley Park outside Oxford. Louise played one song after another on the piano as the rest of us struggled to sing along. I'm afraid our vocal abilities were no match for her musical skills. But it was a lot of fun, and that is how I will always think of DOUG and Louise—good and decent people who know how to enjoy life.

So I wish them well as they move to San Francisco and begin this new phase of their life together. DOUG can be proud of his service here in the House, an I am proud to have served with him and to consider him a friend.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BISHOP of Georgia (at the request of Ms. PELOSI) for today after 2:00 p.m. on account of official business in the district.

Mr. QUINN (at the request of Mr. DELAY) for today after noon and the balance of the week on account of family medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. McDERMOTT) to revise and extend their remarks and include extraneous material:)

Mr. SCHIFF, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today..

Mr. LIPINSKI, for 5 minutes, today.

Mr. McDERMOTT, for 5 minutes, today.

Mrs. JONES of Ohio, for 5 minutes, today.

Ms. WATSON, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

(The following Members (at the request of Mr. PAUL) to revise and extend their remarks and include extraneous material:)

Mr. PEARCE, for 5 minutes, today.

Mr. BRADLEY of New Hampshire, for 5 minutes, today.

Mr. MICA, for 5 minutes, today.

Mr. BURGESS, for 5 minutes, today.

ADJOURNMENT

Mr. OSBORNE. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 1 minute p.m.), the House adjourned until tomorrow, Friday, July 9, 2004, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8957. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Authorization of Major General Henry A. Obering, United States Air Force, to wear the insignia of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

8958. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Authorization of Rear Admiral James M. Zortman, United States Navy, to wear the insignia of vice admiral in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

8959. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Authorization of Rear Admiral Jonathan W. Greenert, United States Navy, to wear the insignia of vice admiral in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

8960. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Authorization of Major General Russel L. Honore, United States Army, to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

8961. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Authorization of Lieutenant General Richard A. Cody, United States Army, to wear the insignia of the grade of general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

8962. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Authorization of Major General Carl A. Strock, United States Army, to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

8963. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Authorization of Major General Michael W. Wooley, United States Air Force, to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

8964. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Authorization of Lieutenant General Paul V. Hester, United States Air Force, to wear the insignia of the grade of general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

8965. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Authorization of Major General Jeffrey B. Kohler, United States Air Force, to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

8966. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Authorization of Major General John F. Regni, United States Air Force, to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

8967. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Authorization of Rear Admiral (lower half) James G. Stavridis, United States Navy, to wear the insignia of vice admiral in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

8968. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule—Health Care Fraud and Abuse Data Collection Program: Technical Revisions to Healthcare Integrity and Protection Data Bank Data Collection Activities (RIN: 0991-AB31) received June 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8969. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule—Privacy Act Regulations—received June 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8970. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule—Participation in Education Department Programs by Religious Organizations; Providing for Equal Treatment of All Education Program Participants (RIN: 1890-AA11) received June 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8971. A letter from the Regulations Analyst, Transportation Security Administration, Department of Homeland Security, transmitting the Department's final rule—Privacy Act of 1974: Implementation of Exemption [Docket No. TSA-2003-15900] (RIN: 1652-AA28) received June 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8972. A letter from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting the Administration's final rule—Revision of NARA Research Room Procedures (RIN: 3095-AB10) received June 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8973. A letter from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting the Administration's final rule—Restrictions on the Use of Records (RIN: 3095-AB11) received June 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8974. A letter from the Group Manager, Regulatory Affairs, Department of the Interior, transmitting the Department's final rule—Location, Recording, and Maintenance of Mining Claims or Sites [WO-320-1430-00-24 1A] (RIN: 1004-AD62) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8975. A letter from the Acting General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule—Disaster Assistance Definitions; Statutory Change (RIN: 1660-AA19) received May 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LINDER: Committee on Rules. House Resolution 710. Resolution providing for consideration of the bill (H.R. 4766) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2005, and for other purposes (Rept. 108-591). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 711. Resolution providing for consideration of the bill (H.R. 2828) to authorize the Secretary of the Interior to implement water supply technology and infrastructure programs aimed at increasing and diversifying domestic water resources (Rept. 108-592). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. WELDON of Florida (for himself and Mr. DOYLE):

H.R. 4779. A bill to amend the Public Health Service Act to provide for clinical research support grants, clinical research infrastructure grants, and a demonstration program on partnerships in clinical research, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DEFAZIO:

H.R. 4780. A bill to require the United States Trade Representative to pursue a complaint of anti-competitive practices against certain oil exporting countries; to the Committee on Ways and Means.

By Ms. BORDALLO (for herself, Mrs. CHRISTENSEN, Mr. FALEOMAVAEGA, and Mr. ACEVEDO-VILÁ):

H.R. 4781. A bill to amend titles XVIII and XIX of the Social Security Act to provide for equitable treatment of residents of territories with respect to transitional assistance and low-income subsidies under the Medicare prescription drug benefit program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARSON of Oklahoma:

H.R. 4782. A bill to designate the facility of the United States Postal Service located at 120 East Illinois Avenue in Vinita, Oklahoma, as the "Francis C. Goodpaster Post Office Building"; to the Committee on Government Reform.

By Mr. CARSON of Oklahoma:

H.R. 4783. A bill to adjust the boundaries of the Ouachita National Forest in the States of Oklahoma and Arkansas; to the Committee on Resources.

By Ms. DELAURO:

H.R. 4784. A bill to provide a grant program to support the establishment and operation of Teachers Institutes; to the Committee on Education and the Workforce.

By Mr. HULSHOF (for himself, Mr. BOSWELL, Mrs. EMERSON, Mr. GUTKNECHT, Mr. LEACH, Mr. SHIMKUS, Mr. LAHOOD, Mr. COSTELLO, Mr. MANZULLO, Mr. JOHNSON of Illinois, Mr. EVANS, Mr. AKIN, Mr. SKELTON, Mr. NUSSLE, Mr. PETERSON of Minnesota, Mr. WELLER, Mr. LATHAM, and Mr. KING of Iowa):

H.R. 4785. A bill to enhance navigation capacity improvements and the ecosystem restoration plan for the Upper Mississippi River and Illinois Waterway System; to the Committee on Transportation and Infrastructure.

By Mr. PALLONE:

H.R. 4786. A bill to provide grants to tribes to assist those tribes in participating in the Federal acknowledgement process; to the Committee on Resources.

By Mr. ROGERS of Michigan:

H.R. 4787. A bill to amend title 18, United States Code, to prohibit the sale to, and possession by, unauthorized users of traffic signal preemption transmitters, and for other purposes; to the Committee on the Judiciary.

By Mr. WU:

H.R. 4788. A bill to provide grants to States for tuition assistance for undergraduate studies for members of the Selected Reserve at public institutions of higher learning; to the Committee on Education and the Workforce.

By Mr. EMANUEL (for himself, Mr. HYDE, and Mr. FOLEY):

H. Con. Res. 470. Concurrent resolution recognizing the 60th anniversary of the Warsaw Uprising during World War II; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. FRANK of Massachusetts introduced a bill (H.R. 4789) for the relief of Veronica Mitina Haskins; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 97: Mr. BROWN of South Carolina, Ms. VELÁZQUEZ, and Mr. LIPINSKI.

H.R. 99: Mr. COLE.

H.R. 107: Mr. LEWIS of Georgia and Mr. MCGOVERN.

H.R. 290: Ms. HERSETH.

H.R. 391: Mr. DREIER and Mr. WHITFIELD.

H.R. 466: Ms. BALDWIN.

H.R. 717: Mr. SMITH of Washington.

H.R. 729: Ms. MAJETTE.

H.R. 734: Mr. DOGGETT.

H.R. 785: Mr. JENKINS.

H.R. 806: Mr. SHIMKUS.

H.R. 819: Mrs. CHRISTENSEN.

H.R. 890: Ms. ROS-LEHTINEN.

H.R. 1052: Ms. SLAUGHTER and Mr. WEXLER.

H.R. 1083: Mr. LEVIN.

H.R. 1157: Mr. BRADY of Pennsylvania and Mr. FATTAH.

H.R. 1225: Mr. NETHERCUTT.

H.R. 1229: Mr. EHLERS.

H.R. 1406: Mr. RAMSTAD and Mr. NETHERCUTT.

H.R. 1421: Mr. RENZI.

H.R. 1422: Mr. NORWOOD and Mr. NEAL of Massachusetts.

H.R. 1477: Mr. FATTAH and Mr. MCNULTY.

H.R. 1563: Mr. PLATTS.

H.R. 1639: Mr. FILNER.

H.R. 1861: Ms. LINDA T. SÁNCHEZ of California.

H.R. 1935: Mr. WEXLER.

H.R. 2011: Mrs. WILSON of New Mexico.

H.R. 2107: Ms. SLAUGHTER.

H.R. 2173: Mr. DAVIS of Florida, Mr. SIMMONS, and Mr. TOWNS.

H.R. 2187: Mr. VAN HOLLEN.

H.R. 2203: Mr. FRANK of Massachusetts.

H.R. 2233: Mrs. DAVIS of California.

H.R. 2239: Ms. LINDA T. SÁNCHEZ of California.

H.R. 2504: Mr. FILNER.

H.R. 2821: Mr. BOEHLERT and Mr. FILNER.

H.R. 2823: Mr. HYDE.

H.R. 2885: Mr. SIMMONS.

H.R. 2895: Mr. PITTS.

H.R. 2944: Mr. MILLER of Florida.

H.R. 3148: Mr. PASTOR, Ms. ROYBAL-ALLARD, Ms. LEE, Mr. GONZALEZ, Mr. WOLF, Mr. CUMMINGS, Mr. TERRY, Mr. KENNEDY of Rhode Island, and Mr. HOBSON.

H.R. 3194: Mr. FRANK of Massachusetts.

H.R. 3201: Mr. PLATTS.

H.R. 3308: Mr. SHIMKUS.

H.R. 3324: Mr. ANDREWS.

H.R. 3337: Mr. KUCINICH and Mr. ANDREWS.

H.R. 3474: Mr. SCHROCK, Mr. DAVIS of Illinois, and Ms. HERSETH.

H.R. 3545: Ms. KAPTUR.

H.R. 3593: Mr. UDALL of New Mexico.

H.R. 3634: Mr. MCGOVERN.

H.R. 3683: Ms. WATSON, Mr. FATTAH, Mr. BROWN of Ohio, Ms. LEE, and Mr. MCNULTY.

H.R. 3755: Mr. WEINER.

H.R. 3765: Mr. RANGEL and Ms. LEE.

H.R. 4016: Mr. KILDEE.

H.R. 4035: Mr. JACKSON of Illinois and Mr. DAVIS of Illinois.

H.R. 4057: Mr. MCKEON.

H.R. 4067: Mr. MICHAUD and Mr. JACKSON of Illinois.

H.R. 4093: Mr. FROST.

H.R. 4126: Mr. SAM JOHNSON of Texas.

H.R. 4217: Mr. PLATTS.

H.R. 4225: Mr. WELLER.

H.R. 4234: Mr. UDALL of Colorado.

H.R. 4340: Mr. JENKINS.

H.R. 4350: Ms. HERSETH.

H.R. 4356: Ms. HERSETH, Mr. DEFAZIO, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 4358: Mr. LEVIN.

H.R. 4390: Ms. BERKLEY, Mr. COOPER, Ms. DELAURO, Mr. ETHERIDGE, Mr. FARR, Mr. HOEFFEL, Ms. KAPTUR, Ms. KILPATRICK, Ms. LEE, Mr. MCDERMOTT, Mr. MCGOVERN, Mrs. MALONEY, Ms. NORTON, Mr. OBERSTAR, Mr. STRICKLAND, Mr. SNYDER, Mr. TAYLOR of Mississippi, Mr. TOWNS, Mr. UDALL of Colorado, and Mr. WAXMAN.

H.R. 4431: Mr. REYES.

H.R. 4454: Mr. CUNNINGHAM and Mr. HASTINGS of Washington.

H.R. 4469: Mrs. LOWEY.

H.R. 4479: Mr. RANGEL.

H.R. 4533: Mrs. CUBIN.

H.R. 4586: Mr. BLUNT.

H.R. 4595: Mr. ISRAEL, Mr. CLAY, Mr. TOM DAVIS of Virginia, Mr. JOHN, and Mr. DEUTSCH.

H.R. 4610: Mrs. CHRISTENSEN, Mr. HAYWORTH, and Mr. MCCOTTER.

H.R. 4622: Mr. ISSA.

H.R. 4662: Mr. HOSTETTLER.

H.R. 4671: Ms. LOFGREN, Mr. WEINER, Mr. MEEHAN, and Ms. BALDWIN.

H.R. 4679: Mr. DELAHUNT and Mr. MILLER of North Carolina.

H.R. 4701: Mr. SERRANO, Mr. OWENS, Mr. KUCINICH, Mr. BERMAN, and Mr. RANGEL.

H.R. 4746: Mr. KUCINICH.

H.R. 4758: Ms. CORRINE BROWN of Florida and Mr. DAVIS of Florida.

H.R. 4769: Mr. MORAN of Virginia, Ms. MAJETTE, and Mr. UDALL of New Mexico.

H.R. 4772: Mr. HOYER, Mr. MATSUI, Mr. HINOJOSA, Mr. GORDON, and Mr. MORAN of Virginia.

H.R. 4776: Mr. FROST.

H. Con. Res. 456: Mr. KILDEE.

H. Con. Res. 467: Mr. BLUMENAUER, Mr. HOLT, Ms. BERKLEY, Mrs. JONES of Ohio, Mr. MCNULTY, Ms. MCCOLLUM, and Mr. ENGEL.

H. Con. Res. 469: Mr. WEXLER, Ms. BERKLEY, Mr. NADLER, Mr. KING of New York, Mr. TOWNS, Mr. WILSON of South Carolina, and Mrs. JO ANN DAVIS of Virginia.

H. Res. 596: Mr. MILLER of Florida.

H. Res. 646: Ms. NORTON.

H. Res. 666: Mr. MEEKS of New York.

H. Res. 688: Mr. SESSIONS.

H. Res. 690: Mr. BERMAN, Mr. MARKEY, Mr. ACKERMAN, Mr. FRANK of Massachusetts, and Ms. BALDWIN.

H. Res. 695: Mrs. WILSON of New Mexico, Mr. RYAN of Ohio, and Mr. PORTMAN.

H. Res. 702: Mrs. MILLER of Michigan, Mr. UPTON, Mr. LEVIN, Mr. MCCOTTER, Mr. CONYERS, Mr. ROGERS of Alabama, Mr. CAMP, Mr. KILDEE, Mr. SMITH of Michigan, Ms. KILPATRICK, Mr. HOEKSTRA, Mr. KNOLLENBERG, Mr. STUPAK, and Mrs. BONO.

H. Res. 703: Mr. ENGLISH.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4754

OFFERED BY: MR. SHERMAN

AMENDMENT NO. 32: At the end of the bill (before the short title), insert the following new title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act to the Department of Justice may be used to implement, litigate or defend the legality of, or enforce the regulations prescribed by the Comptroller of the Currency and published in the Federal Register on January 13, 2004, at 69 Fed. Reg. 1895—1904 (relating to the scope of visitorial powers of the Comptroller of the Currency) and at 69 Fed. Reg. 1904—1917 (relating to applicability and preemption of State law with respect to national bank operations).

H.R. 4754

OFFERED BY: MR. WEINER

AMENDMENT NO. 33: At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used in contravention of the provisions of section 214(d) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228).

H.R. 4766

OFFERED BY: MS. KAPTUR

AMENDMENT NO. 1: Add at the end (before the short title), the following new section:

SEC. 7___. The amounts otherwise provided by this Act are revised by reducing the amount made available under title I for "COMMON COMPUTING ENVIRONMENT" and by increasing the amounts made available under title I for "MARKETING SERVICES" and "LIMITATION ON ADMINISTRATIVE EXPENSES" under the heading "AGRICULTURAL MARKETING SERVICE" (for the Farmers Market Promotion Program and administrative expenses related to such program), by $6,000,000, $6,000,000, and $250,000, respectively.

H.R. 4766

OFFERED BY: MS. KAPTUR

AMENDMENT NO. 2: In title I, under the heading "COMMON COMPUTING ENVIRONMENT", insert after the dollar amount the following: "(reduced by $6,000,000)".

In title I, under the headings "AGRICULTURAL MARKETING SERVICE-MARKETING SERVICES", insert after the dollar amount the following: "(increased by $6,000,000)".

In title I, under the headings "AGRICULTURAL MARKETING SERVICE-LIMITATION ON ADMINISTRATIVE EXPENSES", insert after the dollar amount the following: "(increased by $250,000)".

SENATE—*Thursday, July 8, 2004*

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

O God, the King of Glory, Your never failing providence sets in order all things both in Heaven and Earth. You give comfort to all who seek You. You have promised to supply all our needs with riches from Your celestial bounty.

You are at work in the events of our lives, bringing melody from cacophony and unity from division.

Bless our Senators as they trust Your mighty power. Bless, also, the members of their families who support them in their arduous work. Remind each of us that righteousness is the only true national defense.

O God, we wait for You to answer and trust You with our future. Help us to live by faith, so that we are acceptable to You. May the lives we live tell the world of Your marvelous deeds.

Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 60 minutes, with the first 30 minutes under the control of the majority leader or his designee, and the second 30 minutes under the control of the Democratic leader or his designee.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

THE TRANSPORTATION BILL

Mr. DASCHLE. Mr. President, this week we have been talking about a fundamental standard to guide our debates in the Senate.

As we do our work, we need to ask a simple question: "Are we doing right by America?" We need to ask that question on policies affecting farmers, seniors, and veterans. And we always need to ask whether we are doing right by American families when it comes to economic policies.

While the economy has finally started adding jobs these past few months, this comes after 2½ years in which the economy lost jobs every month. What is clear to many of us is that we still have a long way to go, and we need to do more to help improve our economy. That is one of the main reasons it is so unfortunate that we have not completed the long-overdue transportation reauthorization bill—legislation that expired at the end of last September.

The ability to plan how roads and bridges will be built has suffered greatly due to Congress's failure to get this bill completed on time. Well over 100,000 jobs have been lost due to this delay. And each month that we do not complete our work brings more job losses.

Job creation will suffer, too—in South Dakota and across the country. In my State, because our construction season is short, there is not enough time to plan ahead and put people to work, even if we passed a bill today. But we will not pass a bill today.

Earlier this year, on February 12, the Senate passed S. 1072, the Safe, Accountable, Flexible, and Efficient Transportation Equity Act. It was passed by an overwhelming, bipartisan vote of 76 to 21. The Senate bill would authorize $318 billion over 6 years and is revenue-neutral. It is fully paid for and does not increase gas taxes.

Nearly 400 organizations, representing the full spectrum of transportation interests, all support the Senate funding level.

The Chamber of Commerce, the Associated General Contractors, the governors, the State legislators—the list goes on and on. All attest to the need for this kind of infrastructure investment.

The Senate bill would create over 1.7 million jobs—new, good jobs for the millions of Americans who are looking for work. In my State, the Senate bill would create over 6,500 jobs. It would also provide for important transportation needs on our rural roads and Native American reservations, and would allow us to move forward with high-priority projects in towns like Sioux Falls, Rapid City, Yankton, and Pierre. These are important projects that simply will not get completed without the assistance of the Federal Government.

One might ask: "What was the Bush administration's response to the Senate's bipartisan job-creating bill?" Their response has been, a veto threat—hardly the answer that Republicans and Democrats alike were hoping for; hardly the response that the economy needs; and hardly the response that the infrastructure deficit we have in this country cries out for.

Fast forward to April 2. After a bipartisan House plan to offer a bill at a $375 billion level was scuttled by the Bush administration and the Republican House leadership, the House passed H.R. 3550, the Transportation Equity Act. This bill authorizes only $284 billion over 6 years, and is not fully paid for. Again, one might ask: "What was the Bush administration's response to the House bill?" If it did not like the original bipartisan House proposal at $375 billion, and it did not like the bipartisan Senate bill at $318 billion, how about the reduced bipartisan House bill at $284 billion? The answer was another veto threat.

Again, hardly the answer that House and Senate Republicans and Democrats were hoping for from their President and hardly the response the economy needs.

Fast forward one more time to June 23, when the Senate conferees voted in the conference committee meeting with the House to resolve the differences between the two bills. The Senate made a formal offer to the House in the amount of $318 billion and requested that the House respond to the offer at the next meeting on July 7. So, yesterday, after 2 weeks' time, the House and Senate met again. There had been hopeful signs that the House conferees might be prepared to accept the Senate's funding level, and many of us thought we might have a breakthrough that would move the bill forward. But what did we hear yesterday? The House was not yet prepared to respond to the Senate's offer.

What is clear to many of us is that unless the White House and the Republican leadership in the House release their stranglehold on House conferees, we will not have a transportation bill this year.

Transportation has almost always been—and has been in the Senate again this year—a bipartisan priority. Chairman INHOFE has done a superb job of guiding the bill forward. But he cannot do it alone.

I remain hopeful that the Bush administration will realize that our economy, our infrastructure, and American families need and deserve a good transportation bill, a bill that will create good jobs and provide the investments in our Nation's infrastructure that are so desperately needed.

We need more than a President who simply says "no"—a President who says he will veto a final transportation bill with either the Senate or the House spending levels.

By continuing to say "no," the President jeopardizes 1.7 million new jobs in our Nation and 6,500 jobs in South Dakota alone. He puts at risk necessary improvements for rural and Native American roads.

Next Tuesday, there will be another meeting of the conferees. I hope this critical issue of the investment level will be resolved, and that we can get on with the business the American people expect us to conduct. If we ask ourselves, Are we doing right by America on this transportation bill? The answer is that the Senate has done right. The House has made a start. But, unfortunately, without the President's constructive participation, we cannot complete the assignment. We will not have a transportation bill. We will not create needed jobs. We will be failing the American people.

I urge all Americans to let their Representatives in the House know, and let the President know, that we cannot afford to fail when it comes to this important bill.

We can do better, and I remain hopeful that the President will confront the challenge, reverse his continued opposition, and join the Senate in supporting a transportation bill that makes sense for our country.

Mr. President, I also want to address a concern that many of us expressed yesterday about our current circumstances, procedurally and parliamentarily.

The majority leader threw down the gauntlet again last night in a very unfortunate decision. That decision, of course, was to file cloture. Having filled the tree, which means not only are Senate Democrats precluded from offering amendments before we have even offered the first amendment or had one vote, it is now the majority's decision to thwart the effort to have the kind of debate that all of us anticipated on class action and, simply said, we will have wasted an entire week in what is a very limited legislative period to begin with.

There is no question the cloture vote will be defeated. We will have wasted that week. We could have disposed of most of the amendments by now. Most of my colleagues had already expressed to me a willingness to offer their amendments with very short time limits. How ironic that in the name of saving time we have wasted time.

I made a legitimate and bona fide heartfelt offer yesterday that we limit Democratic nonrelevant amendments to 5, relevant amendments to 10. I thought it was an interesting juxtaposition—the majority leader actually offered an unlimited list of relevant amendments which would have prolonged debate perhaps for weeks if that had been agreed to.

We have made a good-faith offer. I am troubled and again frustrated that we have come to this point. We have wasted a week. We will waste many more days, if not weeks, in the future with this practice. We have learned from the past how unproductive these approaches to debate can be. It is too bad we have to learn all over.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Utah.

Mr. REID. Mr. President, will the Senator from Utah yield for a unanimous consent request?

Mr. BENNETT. I am happy to.

ORDER OF PROCEDURE

Mr. REID. First of all, I ask consent morning business be extended 5 minutes on each side.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask on the Democratic side, when our time occurs in half an hour, that Senator HARKIN be given 15 minutes, Senator LAUTENBERG 10 minutes, and Senator CANTWELL 10 minutes.

The PRESIDING OFFICER (Ms. MURKOWSKI). Without objection, it is so ordered.

THE ECONOMY

Mr. BENNETT. Madam President, one of the things that has struck me since I have been in the Senate is that during debate in the Senate, particularly during morning business, Senators seem to have no sense of history. They seem to create a crisis out of the moment and have no sense of placing their statements in any kind of historic context. This is an opportunity for missing what really is happening. If you do not place something in its context, you do not understand it properly. For that reason, I have decided to talk a little bit about the debates that have been going on with respect to the economy, where the economy is, where the economy is going.

Let me take listeners back to the election of 1992. I have particular focus there because that is the election in which I was first chosen to come to the Senate. During that election, there was a lot of conversation about the economy. We were in a recession, everybody said. We are in a terrible slowdown, everybody said. In fact, as we now know, looking at it in historic context, things were on the rise. There had, in fact, been a recession, but we were in recovery during the election of 1992. It just did not feel like a recovery.

That is one of the historic lessons we should all learn. The sense of where we are is almost always lagging events. That is, we have a feel that we are in a recession when, in fact, we are in a recovery. On the flip side of that, we can have a feel that we are in a recovery when we are, in fact, in a recession. It is because things take a little while to sink into the consciousness even though they are going on in reality.

In 1992, then-Governor Clinton and I, running, obviously, for different offices, both were faced with an electorate that felt the economy was in trouble. We both talked about what we needed to do to get the economy out of trouble. Then, when the normal course of the business cycle brought the economy back, the temptation on the part of all politicians was to take credit for that, as if the recovery that was taking place in 1993 and 1994 occurred solely because we had been elected. That is very satisfying for a politician to want to do. It does not happen to be intellectually accurate, but it is something everybody does.

As I say, I was elected in 1992. In 1993, I joined the Banking Committee. As a member of the Banking Committee, I had the occasion to listen to the Chairman of the Federal Reserve Board when he came before the Banking Committee to make his report on the state of the economy. I remember very clearly because the Chairman of the Federal Reserve Board, Alan Greenspan, had been appointed by a Republican President and was viewed as a Republican holdover, some of the Democratic members of the Banking Committee were very critical of him at the time. They said: If this is a recovery—voices dripping with sarcasm—where are the jobs? I remember charts being held up in the Banking Committee to confront Alan Greenspan to say, if it is a recovery at all, it is a jobless recovery. Where are the jobs? Greenspan was subjected to heavy criticism from Democratic members of the Banking Committee because somehow it must be his fault that there was a jobless recovery.

Looking back, again in the context of history, we know that the creation of jobs is always what the economists call a lagging indicator. That is, a recovery starts; it takes hold; the jobs that had been lost in a recession are always the last thing to come back in a recovery.

The jobs started to come back in 1994, in 1995. The Clinton administration took credit for that: We did it; the only reason the jobs came back is because Bill Clinton was elected President in 1992. The Republicans had an answer to that: No, we did it; the only reason the jobs came back is because Newt Gingrich became Speaker in 1995. In fact, of course, the business cycle was well entrenched, the recovery was underway, and the jobs came back, probably without regard to who was President or who was Speaker. It was part of the standard business cycle.

Then we got into that period of boom, and everybody was excited that the boom was going to go on forever. I remember asking Alan Greenspan in one of his other appearances before the Banking Committee, as we were talking about the continual rise in the economy: Mr. Chairman, have we repealed the business cycle? Is the business cycle over, and we are never going to have another recession?

Chairman Greenspan smiled that wry smile of his and said: No, Senator, we have not repealed the business cycle, and there will be a correction, a recession—call it what you will—at some point in the future. We cannot predict when and we cannot predict how deep, but it will be there.

The point of this in political terms is that President Clinton and the Congress that was elected with him in 1992 inherited a strong recovery tide in the economy. However much we took credit for it ourselves, we really had little or nothing to do with it.

Now, let's go ahead 8 years to the election of 2000. In the election of 2000, it felt as if the economy was still enormously strong. Remember, I discussed our feelings of how things are going usually lag reality. In fact, we now know that the economy started to slow down in 2000. We now know that gross domestic production growth, which is the main measure of recessions and recoveries, was dropping sharply in the last two quarters of 2000, but it did not feel like it. The layoffs had not started yet because businesses were hoping this was temporary. Employment was still up, and we talked about this enormously strong economy we were having.

Looking back on it now, we know that the President who was elected in 2000 inherited a slowing economy headed toward recession, in contrast to the President who was elected in 1992, who inherited a strong recovery headed toward a period of great growth. Naturally, in the political world, that President was blamed for that slowdown. It all happened on his watch, so it was all his fault.

Interestingly enough, I recall that in the election of 2000, there was one candidate who spoke of the coming slowdown, and he was attacked for trying to talk down the economy for political purposes. That was Governor George W. Bush of Texas, holder of a Harvard MBA, who could see the signs that this slowdown was coming and talked about it during the campaign, only to be attacked by his political opponents for his pessimism.

But he inherited a slowing economy, a slowdown that started in 2000. The GDP went negative in the first quarter of 2001 and hit its worst point in the third quarter of 2001, simultaneous with September 11 and the hit that gave to the economy.

So we did have a recession. It was advertised and forecast by the economic information that preceded it, and the President and the Congress have been struggling with that recession and the recovery that has followed ever since.

It is interesting to me that even though that recession was shorter and shallower than the recession that had occurred 8 or 9 years before, the rhetoric on the Senate floor referred to it as "the worst economy in 50 years." We were told this President was "the worst President since Herbert Hoover." No sense of history, no understanding of the reality, no connection with the real data—but that kind of rhetoric has been used on the floor of the Senate.

It is also interesting that the same attack that was made when Bill Clinton was a fresh President was made again with respect to this recovery: Where are the jobs? The same questions I heard thrown at Alan Greenspan by the Democrats on the Banking Committee have now been thrown not at Alan Greenspan but at George W. Bush: Where are the jobs? Once again, economic history shows that jobs are the lagging indicator, that jobs come at the end of the turnaround and not in the middle of it. And now, exactly on time where economic history would indicate, the jobs have started to appear.

All of a sudden, the argument that this is a jobless recovery no longer holds any water. We have increased jobs for 10 consecutive months. In the months of March, April, and May, we added more jobs to the economy than were lost in the 3 months following 9/11. We had the disaster of 9/11 and 3 months of a loss of jobs. As the airline industry went into the tank, the hospitality industry and others were shattered by the 9/11 situation. We lost a tremendous number of jobs. In March, April, and May of 2004, we added more jobs than were lost in that corresponding 3-month period following 9/11.

So now we do not hear about the jobless recovery any more. Now the rhetoric has shifted to "the middle-class squeeze." I heard one Senator on the Senate floor stand here and say: Property taxes in my State have gone up so high the middle class cannot handle it—to which I want to say, you mean George W. Bush is responsible for the fact that property values in your State have gone up, and your State legislature has responded to that by reassessing property and raising property taxes in your State? That is the President's fault?

Well, in today's political atmosphere, of course, it is the President's fault. Anything that happens is the President's fault.

The point I want to make is, in historic terms, just as President Clinton inherited an economy that was on the rise because of forces that were in place prior to his election, just as President Bush inherited an economy where the forces were on the decline prior to his election, the next President, the one who will be inaugurated on January 20, 2005—whoever he may be—will inherit an economy that is strongly on the rise where all of the economic indicators are up and where the groundwork for a significant period of growth and prosperity has already been laid. Whoever that President is will take credit for that growth, even though the groundwork for it has been laid prior to his inauguration.

Now, I will say that if that President is George W. Bush, he might be entitled to some of that credit. But the fact is, the combination of the actions in monetary policy by the Federal Reserve Board and in fiscal policy by the Congress of the United States has been responsible for creating the atmosphere of economic growth and strength the next President and the next administration will preside over.

I repeat what I say here often: We politicians need to have a greater sense of humility and reality and understand we do not control whether the economy is good or bad. If we could control that, the economy would constantly be good. What politician of either party would deliberately preside over policies that make the economy go bad and the voters get mad? If it were up to the Congress to say, "Do this, and the economy will be good" or "Do that, and the economy will be bad," every Congress, regardless of ideological stripe, would always say, "Let's do what makes the economy good."

So maybe it is time to visit just a little bit about what causes the business cycle. It is not elections. Recessions are caused by one of two general categories of events. One which we cannot control is outside shocks, such as 9/11, such as the oil shock that set off the recession in the 1970s. Recessions are caused by shocks that are outside our control.

Or the second general category: They are caused by a series of mistakes, mistakes that business men and women make. They make decisions about purchasing stock and then discover they have too much inventory. They make decisions about going into a market and discover that the market will not work, and they have to lay people off. They make decisions about the future of their product and then discover the product will not sell, so they have to cut back.

When the number of decisions that are wrong exceeds the number of decisions that are right, in an $11 trillion economy, you get a recession. The recession is the way those mistakes are paid for. The recession is the way the impact of those mistakes are corrected.

Perhaps the most dramatic one I can think of was the recession of 1958 where the automobile industry collectively made a series of major mistakes. They assumed the boom they had in previous years—1955 model year, 1956 model year, 1957 model year—was going to go forward, and then suddenly they discovered they had huge amounts of inventory on their hands, as people did not buy cars at the same level they had projected. As a consequence, the automobile industry started to shut down until the inventory got sold off. That meant the steel industry, the aluminum industry, the glass industry, the rubber industry, all had to shut down because they were not building cars, and we had one of the most difficult recessions we have had in the postwar period in 1958. The recession was the way you corrected those mistakes. It did not have anything to do with who was elected President or who was elected to the Congress; it was caused by a series of bad business decisions on the part of people in the automobile industry.

Look at the recession we have just gone through. What did it come on the heels of? Yes, 9/11 was there. Yes, there were some outside shocks. But it came after what we called the dot-com bubble. A lot of jobs were created in companies that were not earning anything. They had no income other than selling stock on the stock market. People got caught up in the froth of the dot-com bubble: This is going to be a great future; we are going to buy the stock, and we are going to get rich.

Somewhere along the line somebody said: But where are the earnings? When it dawned on people these companies with these brilliant projections and plans had no earnings, shareholders decided they did not want to hold those stocks anymore. The dot-com bubble burst. The stock market collapsed, and we were on our way toward a correction or, if you will, recession. It had nothing to do with who got elected.

But this point I want to make: Maybe we in government can't create economic growth. Maybe it doesn't matter who gets elected in terms of economic power. But we can certainly do dumb things that can hurt it. The Federal Government can't create jobs, but the Federal Government can mess up the economy in such a way that jobs are destroyed.

How do we do it? One of the ways that we disrupt the economy, and we do it regularly, is by our tax policy. We can create an atmosphere where it is easier for the economy to grow, or we can create an atmosphere where there are penalties in the form of taxes when the economy grows.

I have told this story before about my own experience founding a company and making it grow in what some have called the decade of greed. When Ronald Reagan was President and the Congress created a situation where the top marginal tax rate was 28 percent, oh, what a tremendous windfall for the rich to have the top marginal tax rate at 28 percent. What they don't realize, those who talk about how terrible this was, is that the enormous economic growth we had in the 1980s, and indeed on into the 1990s, in my view, was spurred by the fact that a company like ours, starting with four employees and growing ultimately to 4,000, was able to finance that growth because we were able to keep 72 cents out of every dollar we earned.

When the Clinton administration came in, and the Congress responded to his call, the top marginal tax rate went effectively to over 40 percent, which meant a starting business was able to keep only 60 cents out of every dollar that it earned and had to go someplace else to finance its growth rather than from internal funds.

I have made these points before. I have learned in the Senate there is no such thing as repetition because on the other side of the aisle we get the repetition day after day about how terrible the economy is.

I say again, in conclusion, the next President, whoever he is, will preside over a strong and robust economy. The groundwork for that reality has been laid during the last 4 years. Whoever takes credit for it in the next 4 years will be taking credit for work that was done prior to his taking office.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

VENUE SHOPPING

Mr. THOMAS. Madam President, I appreciate the comments of the Senator from Utah. Certainly, the impact of the economy on all these things is a little hard to determine and easy to make political. I hope we can understand and stick with some of the economic elements that are there and then deal with the political ones that go with it.

First, let me say I am a little disappointed in the way we are moving in the Senate, frankly. We don't have many days left to deal with a number of issues. Frankly, I think we have about four or five issues that we ought to be dealing with. One, of course, is the difficult one called the budget.

Some people out there say: Why do you fool with it? You don't pay any attention to it anyway.

That is not true. It is a way to protect spending within the limits of the budget. If you don't have one, that makes it difficult.

Appropriations, of course, must be done by the end of September in order to continue to deal with the things we must do.

I believe our energy policy, where we are going in the future, ought to be laid out. That is one of the most important issues we have before us.

And as the Democratic leader said this morning, the highway bill has the most direct impact on the creation of jobs of anything we could do, and we have completed all the efforts on that for some time.

I am certainly hoping that we can move forward. Unfortunately, we have been held up by this idea of having unrelated amendments to every bill. We ought to fix that issue. When we are on an issue, we ought to stick with that issue and have only amendments that are pertinent. But that is not the case, of course. We use every bill as an opportunity to bring up something totally unrelated, and that has been a problem.

In any event, I will discuss a little while this morning something that is related to what we are talking about on the Senate floor. It isn't part of the bill, nor do I expect to put it in as an amendment, but I think it is something that is quite important to the legal system, particularly as it affects decisions vis-a-vis public lands. Of course, being from Wyoming—the Presiding Officer being from Alaska—a large percentage of our States is public lands. So how decisions are made with respect to those is very important.

Furthermore, we find ourselves with an increasing number of lawsuits. Unfortunately, we almost have ourselves in a position of managing through lawsuits as opposed to managing based on good decisions.

I would like to talk a moment about venue shopping. We have been steamrolled in Federal land issues by judges who are thousands of miles away from the area where the question is raised. Specifically, these courts have systematically denied access to Yellowstone and Grand Teton National Parks. We have national parks to protect them, and at the same time, so that people can enjoy them and have access to them. Those are the important things.

Special interest groups that have different feelings about it like to search out over the country for a venue where they think they can go that will give them the best opportunity to succeed in the lawsuits that they have filed. Environmentalists tend to go to a venue in Washington, DC, for a more sympathetic court than those courts they are closest to and deal with the issues that are there. This action, of course, is contrary to the system of circuit courts, judges thousands of miles away from disputes involving certain impacted areas. Those lawsuits should be tried in the courts of primary jurisdiction because they are the courts that are there.

We have had a real problem in Yellowstone National Park. The district court judge here in Washington decided to move back again on something that we thought was resolved. The Park Service had asked for relief from Judge Sullivan's December order because it would have left an impossible decision. It then moved back to a Wyoming court where it belonged, a Federal circuit court, of course. So now we find ourselves with 2 years of indecisiveness which means we have not made a decision. People don't know whether they can go into Yellowstone Park in the winter.

I have introduced legislation that would limit the ability of individuals to venue shop. Federal land issues arising in a particular State ought to go to that circuit court in which the Federal judges there are involved. These Federal judges have the same qualifications as anywhere else, and that is what Federal courts are for. That is why we have different venues. So it is important. Access to public lands is very important to our State and certainly we need to exercise the system that has been set up.

The Federal judiciary is a system of circuits. Wyoming is in the Tenth Circuit. Unfortunately, this system now allows people to go around the Tenth Circuit and go to another place where they think they will have better success.

My friend from Montana is here. I hope and I am pushing for a bill that says you ought to go to the circuit in which the problem arises for the Federal court jurisdiction.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

A ROCKY START

Mr. BURNS. Madam President, we all came back from our States after the Fourth of July break knowing that we would be working on a short timeline. Lots of legislation and policy has to be done before we end this Congress and all go home and campaign for election and reelection. We are off to kind of a rocky start. Not only do we not have a budget and the rules that we must abide by within a budget in order to proceed to appropriations and to make any sense out of the appropriations process, but we also do not have our appropriations process as being sort of supplanted, that we may have to take another tack in order to pass them and keep the Nation's Government in business.

This week, we have witnessed that we are not really ready to pass any legislation in this body. We, as 100 Senators, are concentrating on votes and issues that lean to doing the business of a political party rather than doing the people's business, which we were sent here to do. This is the people's forum. All people in this country expect us to get our work done. We have issues that are held up, yes, in policy, but the business of financing this Government in a direction that faces the challenges that we do at this time is also being held up.

I am sorry we could not move on to the class action legislation. It was not the intent of this Senate to do that, as objections were thrown out that blocked the legislation no matter what the conditions were, let alone amendments—no agreement on them or a timeframe in which to finish the legislation.

This is important for small business. Class action is important for a State such as mine, because we are a State of small businesses. We don't have any large corporations in the State of Montana. Lawsuits—and frivolous lawsuits—are just sapping the life out of the people who perform the services and deliver the goods for the rest of the citizenry in the State of Montana. That is not being allowed to move forward. Under any condition, there is an objection. Are we heading toward the small end of the tunnel whenever we get down to the end of the session, and then everything breaks loose—issues, bills, and articles are moved much faster. Sometimes they move so fast there are some unintended consequences.

I am disappointed that we don't finish our business. This is the people's house. Issues are on the line. We are just wasting our time. In fact, we are doing it to the point where we might as well be home, working at home, and whenever we decide we want to do business, then we will come back to town and complete the Nation's work.

It is incumbent upon all of us who share the same responsibility, not only to our States but to this country, to complete the work at hand, providing economic opportunities for more people, which we have done.

Look at the statistics. More people own homes now in the United States than ever before in the history of this country, and the same is true about Montana. More people are working today than any other time in Montana history. We gained jobs in the last 4 years, when the rest of the country was struggling. We want to keep that trend going, expanding. Yet we are held up here on issues that are very important in order to make sure that the expansion continues.

I appeal to my colleagues on both sides of the aisle. It is time to move from the frivolous discourse that we have heard in the last couple of weeks and this week, and get on with the business at hand and vote. Let the will of the American people be heard and done. It is our responsibility. It falls on each and every one of our shoulders, and if we are part of an obstructionist move, we must reassess our position and understand what is at stake.

I appeal to my colleagues. It is time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Is this Senator allotted a certain amount of time?

The PRESIDING OFFICER. Fifteen minutes.

CIA AGENT REVEALED

Mr. HARKIN. Madam President, yesterday I stood before the Senate and noted that it had been almost a full year since the identity of a covert CIA agent was revealed in print by the columnist Robert Novak. It has been 360 days and counting. Next Wednesday, it will be 1 full year. It is time to ask, Why hasn't the White House cleared this up?

Madam President, 360 days have gone by since a CIA agent's name was revealed by top White House officials. We know how agent Valerie Plame's coverage was blown. Back in September, the Washington Post reported that two senior White House officials called at least six Washington journalists and disclosed the identity of a covert CIA agent.

It has also become fairly clear why the agent's cover was blown. It was part of an ongoing effort to discredit and retaliate against critics of this administration, especially those who revealed that intelligence used to justify the war in Iraq was flawed or fabricated. Now Ms. Plame, as we know now, is married to former Ambassador Joseph Wilson. Ambassador Wilson was sent on a factfinding mission to Niger to examine claims that Saddam Hussein had sought to purchase uranium from that nation. He found no evidence to support the claim. But President Bush, nonetheless, made that claim in his State of the Union Address.

How those famous 16 words read by the President to the listening Nation about the efforts by Saddam Hussein to purchase uranium from Niger made it into the State of the Union Address remains a great literary mystery. Who lied in President Bush's State of the Union speech? We still don't know. We do know that Ambassador Wilson published an article disputing the uranium claim in the New York Times. Apparently to discredit and punish Mr. Wilson, senior White House officials leaked the identity of Wilson's wife and the fact that she was a CIA operative.

One day Ms. Plame was a valued human intelligence asset; the next day she was political cannon fodder. What we still don't know almost 1 year later is who the senior White House officials responsible for this destructive leak were. We still don't know who it was that gave this classified information to the White House, to the leakers. Was it someone at the NSC? Was it someone at the CIA? Was it the same person who made the decision to include the false claims about uranium from Niger in the State of the Union Message?

Madam President, 20 years of training and experience and millions of dollars were invested in this agent. Leaking her identity violated the law and constituted a betrayal of this country. Yet, for all we know, the person responsible for this betrayal could at this very moment still be exercising a senior decisionmaking role in this administration. This apparently is an administration where the buck never stops, an administration where abuses occur, but no one at the top is ever forced to accept responsibility.

In her 20-year career, Valerie Plame operated with unofficial cover, which means she had no diplomatic immunity. Effectively, her only defense was a painstakingly created and maintained cover. She worked closely with undercover operatives and a network of contacts. All were potentially placed in jeopardy and exposed to danger by the disclosure of her status.

Last November, we heard testimony from three former CIA experts. They all agreed on the far-reaching damage this disclosure represented for Ms. Plame's broader network of contacts and for the intelligence community as a whole. After all, what guarantee does any intelligence agent now have that they could not be the next victim of some administration's smear campaign?

Vincent Cannistraro, former chief of operations and analysis at the CIA Counterterrorism Center, said of the Plame disclosure:

> The consequences are much greater than Valerie Plame's job as a clandestine CIA employee—they include the damage to the lives and livelihoods of many foreign nationals with whom she was connected and it has destroyed a clandestine cover mechanism that may have been used to protect other CIA nonofficial cover officers.

James Marcinkowski, a former CIA operations officer, seconded this by saying:

> The deliberate exposure and identification of Ambassador Wilson's wife, by our government, was unprecedented, unnecessary, harmful and dangerous.

Larry Johnson, a former CIA analyst and State Department employee, said:

> For this administration to run on a security platform and allow people in the administration to compromise the security of intelligence assets, I think is unconscionable.

No one in this Chamber, after listening to these three men, could have any doubts about the damage this act has done to the relationship between the intelligence community and the administration. From all reports, the special prosecutor, finally appointed the day before New Year's, Mr. Fitzgerald, has been conducting a very aggressive investigation. He has issued subpoenas, called witnesses before a grand jury, and interviewed the President and Vice President.

I inquired as to whether the President or Vice President were put under oath. I am informed they were not. Now I find this more than passing strange that the previous President of the United States, President Clinton, when he was being questioned about his relationship with a White House intern, was put under oath and filmed, and yet this President and this Vice President, the head of an administration where people leaked the identity in clear violation of the law of a CIA operative, are interviewed; they are not put under oath; they are not filmed. Would someone please explain the priorities?

In fact, the President has been kind of cavalier and dismissive of this entire situation. In his only public statement about the leak, he told reporters, and this is a direct quote from President Bush:

> . . . I don't know if we are going to find out the senior administration official. Now, this is a large administration, and there's a lot of senior officials. I don't have any idea.

That is what George Bush said on October 7, 2003.

What I would like to know is, where is the President's outrage? Where is the recognition that this is not the same as leaking promising numbers on the economy? Where is the President's fury that one of his own valuable intelligence assets has been destroyed? And what about the Vice President? We know he can be relentless when he is on a quest for information to justify the case for the war in Iraq. Where is his determination to find the people who have destroyed the confidence of the intelligence community in this administration?

All we hear from the President and the Vice President is silence on this issue, as if they do not want to know who leaked this information, or they know and they do not want to be held accountable. In either case, it is inexcusable for the President or Vice President.

The disclosure of Ms. Plame's identity represents an extremely damaging breach of national security. She worked gathering human intelligence, exactly the type of intelligence we have heard over and over again since September 11, 2001 that is so critical to our fighting terrorism.

Only 2 days ago, National Public Radio reported on the fact that there is a growing consensus on the need to improve our human intelligence capacity. There is a recognition that after years of increasing reliance on intercepts and satellite imagery, only solid human intelligence can help us deal with the type of insurgency we face in Iraq in effectively fighting al-Qaida.

The other critical point that was made is that sending troops to a training course on intelligence gathering is not enough. According to one CIA agent, he said it takes 10 years to season somebody as a case officer in order to judge the information and the people they are dealing with, check on bona fides. That is the kind of asset Valerie Plame used to be, and, as Mr. Cannistraro pointed out, the damage that was done was not only to her but to her network and potentially to all CIA human intelligence operatives.

One publication reported after reading of her own blown cover, Ms. Plame immediately sat down to make a list of all of her contacts and associates who could be in jeopardy. I can only hope when we find out the identity of this leaker or leakers, that person is forced to see this list and be confronted with the full extent of their betrayal of this country and our citizens.

Usually when the cover of agents like Valerie Plame is blown and their contacts placed in jeopardy, it is a result of espionage. The perpetrators, when convicted, face life in prison or even death. In many ways, it is almost worse that this was done as an act of political revenge. The disclosure of Ms. Plame's identity was unquestionably a vicious act of political intimidation and retribution, but it is much more than that. It is part of a clear pattern of coverup, concealment, and contempt for the truth. That is why so much rests on the outcome of Mr. Fitzgerald's investigation.

We need to identify and prosecute those responsible for this damaging episode, and in so doing we need to send a clear message to the President and the Vice President that sacrificing intelligence assets and breaching national security is too high a price to pay for maintaining the issue of deceit that was used to justify the war in Iraq to the American people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

ENERGY POLICY

Ms. CANTWELL. Madam President, I rise this morning to talk about where we are going with our Nation's energy policy and what this body and the House of Representatives are going to do in protecting consumers and ratepayers from continued market manipulation and energy fraud.

This morning, most of America woke up to a picture of one of America's corporate leaders led off to an indictment in handcuffs. Yes, that is right, Ken Lay from the Enron Corporation, while not found guilty today, was indicted on 11 different counts, including wire fraud, securities fraud, and making false and misleading statements. The question is whether this 65-page indictment of Ken Lay, which does prove that no one is above the law, is going to bring justice to ratepayers and consumers in America who have suffered from market manipulation at the hands of Enron.

I say that because there are still about 10 States in America that have utilities that are being sued by Enron. That is right, even though Enron has manipulated contracts, even though there are documents from Federal investigators showing that market manipulation has happened, Enron still has the audacity to sue utilities across the country forcing them to pay on fraudulent contracts. For the State of

Washington there has not been an insignificant consequence for our economy. The fact that people in Snohomish County had a more than 50-percent rate increase and have had that rate increase in place for some time, shows the great impact it has had on our ability to keep jobs, keep people in their homes with proper heating. Even the school districts have had challenges. Snohomish, Mukilteo, and Everett School Districts have estimated that they will pay $2-plus million in energy costs if their utility is forced to pay Enron. That money could go for hiring teachers, putting classroom materials together, and helping to promote programs under the No Child Left Behind Act, but at the same time they are getting hit with exorbitant energy costs.

So my constituents want to know whether this 65-page indictment is going to lead to justice for Americans who have been impacted by this matter.

Washington is not the only State. Nevada, the State of the Presiding Officer who understands this issue well, has been impacted. There are States in the Midwest. There are many utilities that cannot believe that with all this information that has come about they are being asked to pay on these fraudulent contracts.

I think the question that Federal regulators ought to be asking themselves, and those who are responsible for the indictment of Ken Lay—I want to applaud the Department of Justice for doing the great work they have done in actually bringing about this indictment today. But the question becomes, How did Mr. Lay influence the rest of the regulatory process? If you are the Department of Justice you are bringing about justice to individuals believed to have manipulated the market, financial documents, or made false or misleading statements. Then is the Department of Justice not doing its job? The Securities Exchange Commission, an independent organization that has basically helped in producing this indictment, showing that there has been accounting fraud, aren't they doing their job? The question remains, Why aren't energy regulatory officials doing their job. They are the ones who are supposed to make sure there are just and reasonable rates and that there isn't market manipulation. And, basically, they have said you are right, there weren't just and reasonable rates as it relates to manipulated contracts, but we are keeping those contracts in place.

I raise the question this morning, with Ken Lay's indictment, whether in fact Mr. Lay did not have undue influence on the process of actually helping to get FERC Commissioners on board, and influencing policy by saying to them, stay the course with the California crisis and in the impact it is having on western markets. Today, I say we definitely need relief from these Enron contracts.

Still, Mr. Lay sent a letter to the executive branch basically saying: I am attaching a list of potential candidates we think would do an excellent job on the Federal Energy Regulatory Commission. Basically, he went on in that document to then give a list of issues that he thought were very important to consider for the Commission appointees that he thought would help influence the process. Specifically, he talked about how basically the free market should continue to be allowed, that they should not push in the energy crisis for a variety of resolutions.

In fact, he actually said one of the criteria should be: Willingness to abolish current native load preference under current tariffs. For us in the Northwest, right there he was lobbying the administration to say, only appoint Commissioners to the Federal Energy Regulatory Commission who are going to let us have our way, putting whatever Enron power on the grid that can go on the grid. If we are willing to pay to put Enron energy onto the grid and pay more money than the Bonneville Power Administration is willing to pay, nominate FERC Commissioners that are going to let us do that.

He goes on to say that he wants to select people who are going to ensure that there are free markets and open access, which is a concern. While he mentions orderly rules of the road, one of the issues has been whether there have been any orderly rules of the road. I think that is part of the concern that we have with his indictment: how much did he influence the regulatory process?

A second thing came to light within the context of the Governmental Affairs Committee. The committee performed an investigation of how much Enron did influence the Commission. In fact, after reviewing memos that had been sent by Ken Lay to the Federal Government, to various individuals, including his support for the nomination of two of the Commissioners, basically the Senate Governmental Affairs Committee said that "documents obtained indicate that Enron attempted to directly and indirectly influence the FERC investigation of the California markets and subsequent decision-making."

So here we have Federal regulators that have been basically nominated and pushed by Ken Lay, and not in the normal, let's nominate somebody to head up an independent commission with such an important role for our economy and Government, way. He sent a letter basically with a litmus test:

> Support these people to be Commissioners of the FERC if in fact they support this philosophy of continuing to let the market go without the proper rules and regulations, and basically let standard market design, something that this body has had a lot of concern about, let that be the policy of the day.

Well, one of our committees, the Government Affairs Committee, basically found that Enron attempted to have direct and indirect influence upon FERC's investigation of the market; that they were trying to lobby FERC, if you will, to do nothing about the California crisis. I find that a very interesting connection in this particular issue, again, because my ratepayers are continuing to pay exorbitant amounts for energy, being sued by Enron. They are on the hook for millions more. Madam President, $122 million just from the utility in my home county is what they want to get out of our ratepayers, when they have admitted market manipulation. I find this interesting. The day that Ken Lay actually sent the letter to the executive branch was January 8, 2001. In it, he is basically saying: I want to get Commissioners who think like Enron does. I want to get those people making these important policy decisions. Here are the policy decisions I think they should make. Make sure these markets continue to operate in the way that Enron likes.

I find it amazing because instead of Ken Lay doing his job on a daily basis as a CEO, with oversight over an organization, he was lobbying for FERC commissioners. Meanwhile, less than 2 days after Ken Lay writes this letter we have audiotapes from Enron traders talking about the ricochet scheme, which was selling power outside of California and then selling it back in, doing that because it could get a higher price.

So he writes this letter on January 8, and we have audiotapes on January 18 of Enron discussing how they were manipulating the market using the ricochet scheme. On January 23, about 2 weeks after he writes this, there are tapes of Enron traders on the phone discussing how they are going to take a contract with a utility in my State, in Snohomish County, and jack up the price, lying to make them think there was a higher demand for the power, and that way the county would pay more money.

Just after that, 2½ weeks after he sends this letter, there is another audiotape where Enron traders are discussing how much money they are going to make off of the Snohomish County deal and how they are going to account for it in two different ways, one at $10 million and the other at $20 million, just because that is the way they keep the books.

Here is a CEO who is spending his time lobbying Federal regulators on how they should not take a hard stance in California, how they should do nothing about the crisis, how they should continue to let the free market work its will, and at the same time his own employees are on the phone talking about how to manipulate price and gouge consumers.

In fact, 2 days after this letter—sent on January 8—on January 10, traders discuss whether they should lie to the Wall Street Journal about their activities.

Here are the people who work for this company. He could have been doing oversight of the people within his company and the market manipulation, particularly since these individuals, executives of his company, had come before Congress basically telling everybody that they were doing their job and that market manipulation was not occurring.

I have a great deal of concern about whether this indictment of Ken Lay is going to bring justice for the American people and the ratepayers. Again, I applaud DOJ for getting the indictment, but the question is whether people who are still being impacted by this crisis are going to get relief.

What does Chairman Pat Wood of the Federal Energy Regulatory Commission say about Enron? At the time this happened, Pat Wood continued to be, I guess, a market-oriented person even though the deregulation experiment in California had proven to be ill-fated, it was proven people would take advantage and manipulate the market. The publication, Inside FERC, wrote that Pat Wood believed that "the marketmaking style created by Enron should be emulated by other companies and supported by regulators."

This is after Enron's bankruptcy. Enron had gone bankrupt and we had the chairman, supported by Ken Lay—we had the Federal regulator, who is the policeman on the beat supposedly protecting people—saying Enron should be emulated.

The PRESIDING OFFICER. The Senator's time has expired.

Ms. CANTWELL. I ask unanimous consent for an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. CANTWELL. I thank the Chair. What else did Chairman Pat Wood say about Enron and the market manipulation? I get that he thinks a market needs to be open, but a market without transparency and a market without aggressive regulators to make sure they monitor for manipulation is not a true market.

Pat Wood, again according to Inside FERC, shortly after Enron went bankrupt, said, While Enron may be a "goner," . . . "the innovation and entrepreneurial [spirit] that characterized this company remain . . . "

I will hope Mr. Wood's observations have changed by today with the 65-page, 11-count indictment of Mr. Lay. There are lots of things going on here, and the entrepreneurial spirit that he thought existed in 2001 has definitely been characterized in a different light today. It has been shown that market manipulation has happened and was perpetrated by Enron.

I think where we are is taking a closer look at a deeper philosophy of what Chairman Wood really believes. It is a philosophy, again, where Chairman Wood of the Federal Energy Regulatory Commission was quoted as saying:

> . . . the new breed of energy company, in fact, is going to be the only game in town 5 years from now.

That is his philosophy. This leads to the kind of hands-off approach for which Ken Lay lobbied. And again, an approach that the Governmental Affairs Committee said Enron attempted to put in place through direct and indirect influence on the Federal energy regulators. This is basically the policy I think got us into so much trouble in California, without regulators responding in due time. It is the same philosophy that has gotten utilities in about 10 States in financial risk because Enron continues to sue them. Pat Wood is clear in his philosophy. He thinks that the Enron model is the only game in town and it is the way we should proceed.

I can tell you, I don't think it is the only game in town. I don't think we are doing enough on this matter. This body needs to take a firm stand that market manipulation is wrong. It can't be just and reasonable. It can't be in the public interest. And it is not what we ratepayers across the country should be forced to pay on.

Again, Pat Wood, Chairman of the Federal Energy Regulatory Commission, has said, "We're doing the maximum we can do."

We are doing the maximum we can do. He said that in January of this year. In January of this year, while the utility in my State, in Snohomish County, was being the policeman on the beat, transcribing audiotapes, looking through documents, doing all the homework the Federal energy regulators should be doing. While Pat Wood was making the same statement saying we are doing all we can do, my constituents in Washington State were proving there was a heck of a lot more to do to give ratepayers justice.

Again, I applaud what the Department of Justice has done in the indictment of Ken Lay. They are going to try to get to the bottom of this story. But what my colleagues need to realize, and understand, is we have an imbalance. We cannot have the Department of Justice doing a great job with its Enron task force and prosecution of various Enron executives on accounting and securities fraud. We can't have the SEC doing a great job on making sure there are new securities regulations in place to make sure these violations don't happen again, and then have the Federal energy regulators who are in charge of protecting ratepayers fall down on the job. That is exactly what has happened. They have fallen down on the job, they are not protecting ratepayers. We are going to see that after this indictment we are going to continue to pursue this case in the Senate, if we have to, and in the House of Representatives, to make sure that all Federal agencies do their job, and they are giving justice to ratepayers who have been impacted by fraudulent contracts.

I yield the floor.

Mr. BINGAMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ENSIGN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

CLASS ACTION FAIRNESS ACT OF 2004

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 2062, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2062) to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes.

Pending:

Frist amendment No. 3548, relative to the enactment date of the act.

Frist amendment No. 3549 (amendment No. 3548), relative to the enactment date of the act.

Frist amendment No. 3550 (to the instructions of the motion to commit), relative to the enactment date of the act.

Frist amendment No. 3551 (amendment No. 3550), relative to the enactment date of the act.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I know that most in the Chamber, and those who are in their offices, went home to their home States over the Fourth of July break. It is always a treat for me to do that because, frankly, I think I come from one of the most beautiful places in the world. For me to go to California and get "rooted" in why I want this job, to protect that beautiful place, and to protect the people who live there and to work for them, it is always a joy.

Constituents asked me: What are you going to be doing when you come back? They had asked me about a number of issues they cared about. They are worried about this economy. They say it is uneven. They point out that college tuition is going up more than 20 percent. They are squeezed. They point out that gasoline prices in our State are raging. It is costing them more. They point out that their health care premiums are going up. They are worried about even keeping health insurance. Some of them do not have any.

Those on Medicare are very worried about what they view as a false promise of the administration's Medicare proposal which was supposed to be so great for them in terms of prescription drugs. It turns out the thing is so bureaucratic and such a nightmare they cannot figure it out.

Not only that, they express shock when I tell them in that bill we do something outrageous, saying to Medicare, you cannot negotiate for lower prices for the people on Medicare. Constituents say: Wait a minute. Why does that make sense? If you are sitting across the table from someone and you represent 40 million senior citizens, you have a good card in your hand that you can play. You can say, if you want to have your high blood pressure medicine on our formulary, if you want to have your heart medicine on our formulary, if you want to have an arthritis drug on our formulary, you have to give us a better deal.

No, this administration and the majority in this body decided to tell Medicare they could not negotiate for lower drug prices for our seniors.

When I go home, people are flooding me with these questions. They are very worried about Iraq. What is the plan? What is the plan to get more help there? Why are we spending so much there? Why aren't we focusing on our problems at home? This is what I heard all over my State.

They ask: Senator, what is on the agenda when you get back? Which one of these issues are you going to take up? What about rail security? We are worried about that because we have a lot of Amtrak ridership in California. What about nuclear plant security? When are you doing more about that? I have to tell them the truth; that is, I am not in charge. My party is not in charge of the Senate. The Republican leadership has chosen, instead of putting any of those issues you have mentioned on the agenda, they are taking up class action reform because there is too much forum shopping—at which point they look at me and ask, What?—and we have to protect business from these consumer complaints.

They kind of look at me quizzically and say: There are other things that mean a lot more to my family. Then they ask: What are you going to take up after you take up class action reform? We are going to talk about gay marriage. And they say: Well, wait a minute. Every day in my life I have all these pressing issues; I thought the States handled that issue. Well, I say, you are right; the States have always handled that issue.

I find it amazing, given the Republicans are in charge of this Senate and they always believe in States rights and local control, they are now going to bring up the issue of gay marriage, and not only take it up—it was taken up once before; Bob Barr in the House wrote the Defense of Marriage Act, and Bob Barr said that would take care of everything and still says it takes care of everything—but, no, they are going it take the most precious document known to human kind, the Constitution of the United States, and they are going to now talk about marriage in the Constitution. In fact, marriage has been sacred in the various religions, along with the rules surrounding marriage, and the States have handled marriage for years.

My constituents are completely confused. They have many worries. They have many concerns. They are worried about the fact they are not respected abroad. They are worried about this recovery that they see as very wobbly. They see better corporate profits—although those seem not to be going as well—and they do not see the increases in their standard of living.

If we look at the numbers, the increase in the take-home pay, when you include inflation and the high cost of living, has only gone up about 1 percent, while all the other issues have gone up over 20 percent, the issues people deal with every day.

Now I come back to Washington and I am called to a meeting in a secret room in the Capitol. The press knows all about this. We are called to a secret room in the Capitol. We have to discuss the threats to our country. This is very serious stuff. Of course, I cannot go into everything that was said, but I can state what has been reported in the press, which is not classified. And that is, we need to be on the alert at home. We have known since September 11 that al-Qaida has cells in our country and that they never give up. If they fail, they go back again. We know all this. We need to stay ahead of the threat.

That is why I am so proud to be on the Commerce Committee. I am so proud to have as part of the portfolio of the Commerce Committee, rail security, aviation security, and port security. These are key issues. Since Madrid, for example, and the horrible bombing of the train there, we need to be on our toes. That means we need to pass rail security legislation.

This is the great news I have for my constituents and for all Americans. At a time when we are in the middle of an election, where there is a lot of disagreement, where we have even seen language that is prohibited to be used in the Senate being used by the Vice President of the United States—in other words, a time where emotions are running high politically—guess what happened on rail security. Every single member of the committee voted for that bill—every single member. From liberal to conservative, to moderate, everybody voted for that bill. That means we could easily take up that bill. That means we could easily pass that bill.

But what do we have before the Senate? Class action. The people who want us to pass this bill say there is a lot of abuse and that we need to make sure we take these cases away from the States and put them more into the Federal courts. Again, I find it unbelievable that we have a Republican majority that keeps saying, States rights, States take care of it, States do it, but when they are not happy with the way it goes—oops, forget that. As Roseanne Rosanna-Dana used to say, "Never mind." Take it to the Federal court. Everyone knows what will happen there.

A lot of these cases are very important. We remember Dalkon Shield was one of those class action cases where women were dying. Not until there was a class action lawsuit was that fixed. That does not mean there aren't abuses. It does not mean that we cannot have reforms.

It does say to me that there is no crying need to take this up when we are called to room 407 for a secret briefing about the threats that face this country before the election. It is extraordinary to me. And I believe the American people who are watching what we do here are thinking: What is the Senate doing about my life, about my family, about what I need for my kids?

I went to a press conference on the minimum wage. Do you know the minimum wage has not been raised in 8 years? Every colleague here has had a pay raise. For 8 years the minimum wage has not been raised. People are living below the poverty line. Mr. President, 61 percent of those people happen to be women, many single moms. All we want is a chance to do that. We should do that by unanimous consent today. Why do we need to debate it? Eight years long and no increase in the minimum wage, zero.

These are people who work hard. These are not mostly teenagers; these are grownups who are working hard to support their families on the minimum wage. The cost of living has gone up 14 percent in those 8 years. The minimum wage has stayed stagnant. These people are falling, falling, falling, falling—and we talk about family values here? And we are rushing to do a marriage amendment when the States are taking care of that?

My State has decided what it wants to do. They have a law. It is not perfect. It says there are domestic partnerships and they have rights and responsibilities. We could make it better. But do you know what. My State has taken care of this, thank you very much.

It is all about politics, folks, let's face it. For 5 minutes, why don't we put aside politics and pass the minimum wage and help the millions of people who need it to be done? What are we talking about? We are talking about an increase, over a couple years, of $3,800 a year for these people, who will still be below the poverty line. I bet if you had a vote in this Senate, the way it is made up, to give more tax breaks to the people making a million bucks a year, it would fly through here, it would fly through this place, even though those in the million-dollar range are already getting back hundreds of thousands of dollars a year. Imagine.

So every once in a while I come down to this Senate floor and I say: Why am I here? What are we doing? Are we meeting the needs of the people? And this is a perfect time to do it because there is a bill on the Senate floor that not one person in my State, except high-paid lobbyists in very fancy suits, want to take up. This is true. The things we should take up, the things we talk about in that room, that secret room in the Capitol—making our rail systems safe, making our ports safe, making our buses safe—oh, no, we do not have time for that because after we do this for the big businesses in this country, oh, we are going to go on to gay marriage before the Democratic Convention so some people can cast a vote that might hurt them in their election. Shame on us. We should be better than that as Senators. We should be better. So I am going to give us a chance to be better.

UNANIMOUS CONSENT REQUEST—S. 2273

Mr. President, I ask unanimous consent that the Senate proceed to calendar No. 536, S. 2273, the Rail Transportation Security Act, that the bill be read a third time and passed, and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. The Chair informs the Senator from California that in my capacity as a Senator from the State of Nevada, I object at this time.

Mrs. BOXER. I understand.

Mr. REID. Mr. President, will the Senator yield for a question?

Mrs. BOXER. I will yield for a question.

Mr. REID. Is the Senator from California saying that we should be engaged on the Senate floor today on issues relating to homeland security; that is, the security of the State of California, the State of Nevada, and the other 48 States, and that we should not be wasting our time on class action? Next we are going to go to a gay marriage amendment. Would the Senator acknowledge no matter how strongly people feel about this gay marriage amendment, it has no—zero—I am from Nevada; I do not gamble personally, but I know a little bit about it, having been chairman of the Gaming Commission—it has zero chance of passing. None. It won't pass. And we are going to spend valuable Senate floor time on an amendment that stands absolutely no chance of passing when we have at the desk the homeland security appropriations bill, and I have been told today we are not going to go to that until September.

Now, is the Senator saying we should not be doing class action, we should not be doing gay marriage, we should be doing things that make my family and your family and the rest of America safe from these evil terrorists?

Mrs. BOXER. Mr. President, I thank my friend. It is obvious he sees it the way I see it.

We were called up to a secret meeting today to hear about all the threats on our Nation. That is not an idle trip up to that room. If it is to mean anything, we better get busy. I meet with my local police and fire. Do you know what? When there is a terrorist attack, the White House does not get the call; the Senate does not get the call; the House does not get the call. They dial 911, and our local people—be they in Nevada, be they in New Mexico, be they in California—get the call. They are hurting.

The bill I wanted to get us to vote on today—and I have a couple of others I am going to ask since we got objection to this one. The Rail Transportation Security Act—this is one that passed out of the Commerce Committee, I say to the assistant Democratic leader, unanimously. It is very important. I will tell my friend what it does. The bill authorizes grants to all of our railroads and to hazardous material shippers for freight and passenger rail security. It is a critical bill.

We saw what happened in Madrid. You do not have to haul me up to any secret room. The minute we saw that happen in Madrid, the Commerce Committee, which the Presiding Officer of the Senate is on and participated in this, we for the second time voted in a unanimous fashion—100 percent of the committee—for this rail security bill. Unfortunately, there has been objection to it because the Republicans, who control the Senate, are not interested in moving this bill.

UNANIMOUS CONSENT REQUEST—S. 2279

So I am going to give them a chance to move another bill, and that is the port security bill. Port security is another bill that passed out of our committee without one dissenting vote. We know the problem at our ports. We have containers coming into them. They are not checking them. We do not know who is going to be putting something in one of those containers. We are doing better, but we are not giving it the attention it deserves.

Mr. President, I ask unanimous consent that the Senate proceed to calendar No. 530, S. 2279, the Maritime Security Act of 2004.

The PRESIDING OFFICER. The Chair again informs the Senator from California that in my capacity as a Senator from the State of Nevada, I object.

Mr. REID. Mr. President, will the Senator yield for a question?

Mrs. BOXER. I will be happy to yield.

Mr. REID. Ships coming into the United States today have on them transponders. The purpose of that is so those people ashore can find out where the ship is and have a better idea of where they are. As we speak, there are about 43,000 very large ships on our oceans—43,000. For them to come to the United States, one of the requirements is they have a transponder on them, like an airplane has, like the situation we had a few weeks ago where the plane was coming into National and the transponder was not working.

I say to my friend from New York, even though those ships have transponders——

Mrs. BOXER. I am from California. I was born in New York, but I am from California.

Mr. REID. I am sorry?

Mrs. BOXER. You said: I say to my friend from New York. I was born there, but I am from California and have been since I was 25 years old.

Mr. REID. We have only known each other 22 years.

Mrs. BOXER. I know. When we have known each other 23 years, you will get it right, I know.

Mr. REID. So I say to my friend, there is a transponder on every ship coming into the United States, but we do not have the equipment on shore to have the transponders picked up on shore. Why? Because we have not spent the money to do it.

The distinguished Senator from South Carolina has fought to have money placed in these bills so we can have the transponders on shore so we can do what they do with airplanes, with ships.

Is the Senator aware we don't even do that?

Mrs. BOXER. I am quite aware we have not done what Senator HOLLINGS has long asked us to do. We have not done the work of homeland security. There is a lot of talk. There are a lot of meetings. There is a lot of yack-yack about it. But when it comes down to where we are putting the dollars and where we are putting the emphasis, we are on some bill here I can honest to God tell you, not one person except a highly paid lobbyist has ever talked to me about, class action. I can honestly tell you, on the gay marriage, people have a lot of views in my State, but they believe our State is handling that issue in a good way. So there is no reason to go to this.

In Madrid, 200 people died, 1,400 people were injured in that rail accident. And we go up to 407 up here and we hear all the talk about what we need to do. I am suggesting as a result of my unanimous consent requests today, both being objected to, when you have this majority party, it is very clear: there is a lot of talk, but there is no action.

That is a reason why people are disenchanted. It is the reason why people want change around here. They want us to be strong at home. They want us to be respected in the world. And it is time for many changes to occur. I am looking forward to those changes, to the day when we can vote these bills out of the Commerce Committee without one single objection, and no one on the floor here would then object to taking them up.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I came to the floor intending to talk about an amendment I had prepared to offer to the class action legislation, the underlying class action legislation. I think instead of getting into a discussion of that amendment, let me express my disappointment that we are not doing anything this week here in the Senate.

I was asked last week, as I am sure all of us were by our constituents, what are you doing in the Senate? What is Congress doing these days? I tried to answer honestly and said: Nothing. We are treading water in the Senate. We are not doing anything.

I checked with the Parliamentarian about the procedural status we are in in the Senate this morning. I am informed this is the status: We have S. 2062, which is this bill to reform class action procedures. There is an amendment offered to that by Senator FRIST, a perfecting amendment. There is a second-degree perfecting amendment offered to that. There is a motion to commit that has been made by Senator FRIST. There is a Frist perfecting amendment to the motion to commit, and there is a Frist second-degree perfecting amendment to the first-degree perfecting amendment to the motion to commit. So the obvious question I put to the Parliamentarian is, what is there that is in order for us to offer at this time for the Senate to consider? The answer is, nothing. Nothing is in order. The tree is full, as the parliamentary expression goes, and nothing can be offered.

There is also a cloture motion that has been filed on the underlying measure. That would be a motion that will come to a vote presumably tomorrow to bring the debate on the underlying bill to a close. Of course, that motion will come up without Senators having been able to offer amendments. I would doubt seriously that that cloture motion would prevail, but that would be a surmise. I don't know that that is the case.

All of this procedural mumbo jumbo I am reciting in order to make the point that there is no effort I am aware of to move ahead with a lot of the important items that need to be dealt with in the Senate. The Senator from California raised a couple of those items that relate to homeland security. There are many others also we could get unanimous consent to move ahead on and that would be good policy initiatives that would benefit our country. I am frustrated—as I am sure many Senators are—that we are in this circumstance. I am frustrated this week is essentially lost to any productive activity.

Next week I am informed we will be debating a constitutional amendment on gay marriage. I concur with the comments of the Senator from Nevada that there is no chance the necessary two-thirds vote of the Senate is going to be there to pass that constitutional amendment. The Founding Fathers had great wisdom in saying, when you are amending the Constitution, you can't just do it with a majority vote. You have to have a two-thirds vote. I can say with very little fear of contradiction, there are not two-thirds of all Senators who favor going ahead and passing a constitutional amendment at this time. So again, that will be another wasted week next week.

We have one more week then, and then we are in recess for 6 weeks. Then we come back in the second week in September and presumably have a few weeks of work there before we adjourn. I regret we are not able to do more. I regret our procedural circumstance we find ourselves in prevents me from offering the amendment I had intended to offer. But I will look forward to an opportunity to offer that amendment, if and when we get to a point where amendments are in order on this pending legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. What is the parliamentary situation?

The PRESIDING OFFICER. The pending question is the second-degree amendment to the motion to commit.

Mr. HATCH. Mr. President, I would like to take a moment to address a few remarks made by my colleagues on the other side of the aisle during yesterday's debate on the class action bill. First, they repeatedly accused the leader of jeopardizing the chances of getting this bill passed by filling in the amendment tree. Give me a break. That is the phoniest argument I have ever heard. The fact is, they are trying to kill this bill, and they are probably going to be effective in doing so.

I hate to give up—and I haven't given up yet—but that is what is happening. I have been through it so many times around here that I know when there is a real desire to kill a bill. The way you do it is with nongermane amendments that are called killer amendments or poison pills, because they are political amendments one side or the other does not want. The leader filled the tree because he wanted to protect the bill from extraneous amendments that would eliminate any chances of this measure becoming law. Anybody who argues otherwise is being deceptive.

Everyone here knows the class action bill was an extremely attractive vehicle for extraneous amendments, especially those amendments that were sure to be offered for the sole purpose of scoring political points during an election year. But what my Democratic colleagues conveniently overlook is this bill will find itself in the recycle bin if it is saddled with a host of irrelevant amendments. While this is certainly a win/win situation for those on the other side of the aisle who oppose this bill, apparently including some of the Democratic leadership, I find it a truly puzzling outcome for those who say they support class action reform. Not only does a loaded bill risk peeling away Senate votes from the underlying class action measure, it will, in all certainty, undergo changes when it goes through the House. And what happens then? Do we have a conference to resolve our differences? I think the answer is a resounding no. I don't think the other side is going to permit this because this bill flies in the face of the demands of one of their greatest hard money constituent givers, and that is the trial lawyers of America.

We all know there is little time left in this Congress to go through the motion of doing a conference. I think the chances of getting a conference done in this election year with two conventions and with all the problems we have to address. The appointment of conferees is further cast into doubt by virtue of the minority leader's threat earlier in the year to the appointment of conferees for the rest of the year. So if you add these poison amendments to this bill, these extraneous amendments that have nothing to do with the bill, you are basically killing the bill. Everybody knows that. The majority leader had no choice other than to do what he did.

I certainly did not hear any assurances from the minority leader yesterday on whether he would consent to the appointment of conferees to this bill. As such, I am led to believe his position remains unchanged. But even if he did consent, I don't think there would be enough time to do a conference. We have 62 people who said they would support this bill. That means all 62 should vote for cloture so we can actually pass this bill. But unfortunately, we have some who agreed they would vote for cloture—that was the whole reason for the agreement last November—and are now changing their minds and saying, well, this is something I can't support because we want our colleagues to have their right to put poison pills on this bill.

(Mr. TALENT assumed the Chair.)

Mr. HATCH. Well, they cannot have it both ways. Let me be clear. It is because of the potential feeding frenzy that the leader moved to safeguard the bill from an open season on nongermane, nonrelevant, extraneous amendments. He did it to advance the ball on this legislation so it can be considered without the same initiatives we saw with other measures that were considered by the Senate this year. He did it with the hope of reaching a time agreement on amendments. He was not being unreasonable. He even allowed one nongermane amendment the Democrats have tried to get an up or down vote on all year, which members on this side feel is a terrible amendment. But probably it would pass, who knows. At least some think it would probably pass. I think there needs to be a substitute amendment to it that would probably pass.

I want to remind my Democratic colleagues the majority leader made three extremely generous offers regarding the consideration of germane and nongermane amendments.

First, he asked unanimous consent that amendments be limited to five related amendments to be offered by each side. So nobody would be foreclosed from offering the amendments they might think are important. When the minority leader objected to the offer, he expanded the request to include 10 related amendments on each side. I don't know how he could have been more fair. When the minority leader rejected this even more generous counterproposal, the majority leader yet again expanded the agreement to include an unlimited number of related amendments. In other words, amendments that are pertinent to the bill, that are at least germane. Again, the minority leader rejected this third offer. Of course, let us not forget each offer included an up-or-down vote on a nongermane amendment that the Democrats demanded, which is an amendment by Senator KENNEDY on the minimum wage.

We also heard yesterday that filling the amendment tree was unprecedented, and we are somehow committing a terrible wrong against the institution of the Senate. How soon we forget the past. I remind my colleagues that the minority leader filled the tree in October of 2002 on the homeland security bill, which was even a more important bill than this one, although this is an extremely important bill for this country. Mind you, he filled the tree after promising at the beginning of his tenure as then-majority leader he would never fill the tree. But he did so, anyway. To be sure, we even saw Senator BYRD do it when he was the majority leader. Unprecedented? Come on, give me a break. Terrible wrong?

Let us not hide behind Senate process in order to play both sides of the fence on class action reform. I said it yesterday, and I will say it again today: S. 2062 represents a bipartisan agreement we reached in good faith with key Democrats who say they support class action reform. We agreed to a number of their amendments in order to get them to agree to vote for cloture. That was the agreement. And implied in that agreement was to vote down poison pill amendments that would kill the bill. Otherwise, they weren't sincere; we know they must have been at the time, but they would not have been sincere in the bipartisan agreement we reached. We reached a compromise because I thought the ultimate goal was to get class action enacted into law.

Let me be clear when I say my agreement to further moderate this bill was in no way predicated on letting this legislation become a "Christmas tree" for unrelated measures. This is never the way we have done business around here. Our agreement was about getting class action reform enacted, and that is the very direction our leader is moving us toward. I can only hope my colleagues on the other side of the aisle who say they support this bill can see that. A deal is a deal. They should not break it because politically it might be in their best interest to do so. That works both ways. We should not break it because politically it might be in our best interest to bring up extraneous, nongermane amendments and make them vote on them.

Another argument my colleagues on the other side raised repeatedly yesterday was the Judicial Conference and the Chief Justice of the United States are somehow opposed to this bill. I have heard this point made over and over. I think it is about time to set the record straight.

Let me start by saying Chief Justice Rehnquist has never written a letter, issued a statement, nor published an opinion that comes out in opposition to this bill. Rather, my colleagues who make this claim rely on outdated letters from the Federal Judicial Conference espousing opinions on prior iterations of this bill—prior iterations, not the same language of this bill.

On two prior occasions, the Judicial Conference expressed opposition to earlier bills, as offered in the 106th and 107th Congresses that would have expanded Federal diversity jurisdictions over purported class actions. But in March of last year, a substantial shift in position occurred. In a March 26, 2003, letter to the Judiciary Committee, the Judicial Conference expressed its position on the bill by stating:

> That Congress may decide to base a statutory approach to remedy current problems with class action litigation by using minimal diversity litigation. The Conference position recognizes that the use of minimal diversity may be appropriate to the maintenance of significant multi-State class action litigation in the Federal courts.

The Judicial Conference also suggested employing provisions to raise the jurisdictional threshold and fashioning exceptions that would preserve a role for the State courts in the handling of in-State class actions.

Senator FEINSTEIN offered an amendment during the ensuing markup that was directly responsive to these suggestions. Those changes were reflected in the version of the bill reported favorably by the Judiciary Committee in early April 2003.

Perhaps more important than what was said is what was not said. Nowhere in the letter does the Judicial Conference express opposition to the bill now in consideration. I think this silence is deafening and speaks for itself on where the Judicial Conference stands.

I ask unanimous consent that the March 26 Judicial Conference letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUDICIAL CONFERENCE
OF THE UNITED STATES,
Washington, DC, March 26, 2003.

Hon. ORRIN G. HATCH,
Chair, Committee on the Judiciary, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN HATCH: I write to provide you with the recently adopted views of the Judicial Conference of the United States, the policy-making body for the federal judiciary, on class action legislation, including S. 274, the "Class Action Fairness Act of 2003," introduced by you and other co-sponsors.

On March 18, 2003, the Judicial Conference unanimously adopted the following recommendation:

That the Judicial Conference recognize that the use of minimal diversity of citizenship may be appropriate to the maintenance of significant multi-state class action litigation in the federal courts, while continuing to oppose class action legislation that contains jurisdictional provisions that are similar to those in the bills introduced in the 106th and 107th Congresses. If Congress determines that certain class actions should be brought within the original and removal jurisdiction of the federal courts on the basis of minimal diversity of citizenship and an aggregation of claims, Congress should be encouraged to include sufficient limitations and threshold requirements so that federal courts are not unduly burdened and states' jurisdiction over in-state class actions is left undisturbed, such as by employing provisions to raise the jurisdictional threshold and to fashion exceptions to such jurisdiction that would preserve a role for the state courts in the handling of in-state class actions. Such exceptions for in-state class actions may appropriately include such factors as whether substantially all members of the class are citizens of a single state, the relationship of the defendants to the forum state, or whether the claims arise from death, personal injury, or physical property damage within the state. Further, the Conference should continue to explore additional approaches to the consolidation and coordination of overlapping or duplicative class actions that do not unduly intrude on state courts or burden federal courts.

The Conference in 1999 opposed the class action provisions in legislation then pending (s. 353; H.R. 1875, 106th Cong.). That opposition was based on concerns that the provisions would add substantially to the workload of the federal courts and are inconsistent with principles of federalism. The March 2003 position makes clear that such opposition continues to apply to similar jurisdictional provisions.

The Conference recognizes, however, that Congress may decide to base a statutory approach to remedy current problems with class action litigation by using minimal diversity jurisdiction. The Conference position recognizes that the use of minimal diversity may be appropriate to the maintenance of significant multi-state class action litigation in the federal courts. The use of the term "significant multi-state class action litigation" focuses on the possibility of multi-state membership within the plaintiff class. The actions to which this term applies are nationwide class actions, as well as class actions whose members include claimants from states within a smaller region or section of the country. Minimal diversity in these cases would facilitate the disposition of litigation that affects the interests of citizens of many states and, through their citizens, affects the many states themselves.

Parallel in-state class actions in which the plaintiff class is defined as limited to the citizens of the forum state are not included within the term "significant multi-state class action litigation." Parallel in-state class actions might share common questions of law and fact with similar in-state actions in other states, but would not, as suggested herein, typically seek relief in one state on behalf of citizens living in another state. Accordingly, parallel in-state class actions would not present, on a broad or national scale, the problems of state projection of law beyond its borders and would present few of the choice of law problems associated with nationwide class action litigation. In addition, to the extent problems arise as a result of overlapping and duplicative in-state class actions within a particular state, the state legislative and judicial branches could address the problem if they were to create or utilize an entity similar to the Judicial Panel on Multidistrict Litigation, as some states have done.

Further, the position seeks to encourage Congress to include sufficient limitations and threshold requirements so as not to unduly burden the federal courts and to fashion exceptions to the minimal diversity regime that would preserve a role for the state courts in the handling of in-state class actions. The position identifies three such factors that may be appropriately considered in crafting exceptions to minimal diversity jurisdiction for class actions. These factors are intended to identify those class actions in which the forum state has a considerable interest, and would not likely threaten the coordination of significant multi-state class action litigation through minimal diversity. (The factors do recognize certain situations where plaintiffs from another state may be included in an otherwise in-state action.)

The first factor would apply to class actions in which citizens of the forum state make up substantially all of the members of the plaintiff class. Such an in-state class action exception could include consumer class action claims, such as fraud and breach of warranty claims. The second factor would apply to a class action in which plaintiff class members suffered personal injury or physical property damage within the state, as in the case of a serious environmental disaster. It would apply to all individuals who suffered personal injuries or losses to physical property, whether or not they were citizens of the state in question. The third factor recognizes that it may be appropriate to consider the relationship of the defendants to the forum state. Such consideration is not intended to embrace the term "primary defendants" (or a similar term), which language has been used in past and present class action bills as part of an exception to minimal diversity. Such a reading could extend minimal diversity jurisdiction to cases in which a single important defendant lacked in-state citizenship. While the relationship of the defendant to the forum may have some bearing on state adjudicatory power, an insistence that all primary defendants maintain formal in-state citizenship is too limiting and may preclude in-state class actions where a defendant has sufficient contacts with the forum state, regardless of citizenship.

We would appreciate your consideration of these comments and the position of the Judicial Conference. Should you or your staff have any questions, please contact Michael W. Blommer, Assistant Director, Office of Legislative Affairs, Administrative Office of the U.S. Courts, at (202) 502-1700.

Sincerely,

LEONIDAS RALPH MECHAM,
Secretary.

Mr. HATCH. To be sure, on the very day the bill was reported from committee, the ranking member sent letters to the Judicial Conference requesting comments on the revised version of S. 274 as reported out of committee and further urging that the Judicial Conference propose alternative legislative language reflecting its views on how the jurisdictional provisions should be structured.

I ask unanimous consent that the letter of April 11, 2003, from Senator LEAHY be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, April 11, 2003.

LEONIDAS RALPH MECHAM,
Secretary, Judicial Conference of the United States, Washington, DC.

DEAR MR. MECHAM: Today, the Senate Judiciary Committee approved S. 274; the "Class Action Fairness Act of 2003," with several amendments. The bill, as amended, would determine whether a federal court has jurisdiction over a class action based on the fraction of the plaintiff class members that are citizens of the same state as the primary defendant.

I value the unique perspective of the Judicial Conference regarding class action litigation. Therefore, I request that the Judicial Conference provide Members of the Senate Judiciary Committee with its views on S. 274, the "Class Action Fairness Act," as reported out of the Committee today, by April 25, 2003.

If you have any questions about this request, please do not hesitate to contact Ed Pagano or Susan Davies of my staff. They can both be reached at 202-224-7703. Thank you for your assistance and continued insight on class action litigation.

Sincerely,

PATRICK LEAHY,
United States Senator.

Mr. HATCH. In its April 25 response, the Judicial Conference noted that the markup changes to S. 274 were responsive to its previous comments about changing the jurisdictional threshold and preserving the role of the State courts in handling State class actions. Indeed, the Judicial Conference expressed no opposition to the revised version of S. 274 reported favorably by the Judiciary Committee.

The Judicial Conference explicitly declined Senator LEAHY's invitation to propose alternative language. The Judicial Conference's resolution deliberately avoided specific legislative language out of deference to Congress' judgment and the political process. The letter further noted that:

> [T]hese issues implicate fundamental interests and relationships that are political in nature and are peculiarly within Congress' province.

I ask unanimous consent that the letter of April 25, the Judicial Conference response, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUDICIAL CONFERENCE
OF THE UNITED STATES,
Washington, DC, April 25, 2003.

Hon. PATRICK J. LEAHY,
Ranking Member, Committee on the Judiciary, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR LEAHY: Thank you for your letters of April 9, 2003, and April 11, 2003. In those letters, you requested that the Judicial Conference provide the Senate Judiciary Committee with legislative language implementing the Judicial Conference's March 2003 recommendations on class-action litigation and the views of the Conference on S. 274, the "Class Action Fairness Act of 2003," as reported by the Senate Judiciary Committee on April 11, 2003.

As you know, at its March 18, 2003, session, the Judicial Conference adopted the following resolution:

That the Judicial Conference recognize that the use of minimal diversity of citizenship may be appropriate to the maintenance of significant multi-state class action litigation in the federal courts, while continuing to oppose class action legislation that contains jurisdictional provisions that are similar to those in the bills introduced in the 106th and 107th Congresses. If Congress determines that certain class actions should be brought within the original and removal jurisdiction of the federal courts on the basis of minimal diversity of citizenship and an aggregation of claims, Congress should be

> encouraged to include sufficient limitations and threshold requirements so that the federal courts are not unduly burdened and states' jurisdiction over in-state class actions is left undisturbed, such as by employing provisions to raise the jurisdictional threshold and to fashion exceptions to such jurisdiction that would preserve a role for the state courts in the handling of in-state class actions. Such exceptions for in-state class actions may appropriately include such factors as whether substantially all members of the class are citizens of a single state, the relationship of the defendants to the forum state, or whether the claims arise from death, personal injury, or physical property damage within the state. Further, the Conference should continue to explore additional approaches to the consolidation and coordination of overlapping or duplicative class actions that do not unduly intrude on state courts or burden federal courts.
>
> S. 274, as reported by the Senate Judiciary Committee, generally provides for federal jurisdiction of a class action based on minimal diversity of citizenship if the matter in controversy exceeds the sum of $5 million, exclusive of interest and costs. (S. 274 as introduced established a $2 million minimum amount in controversy.) The bill also now permits a federal district court, in the interests of justice, to decline to exercise jurisdiction over a class action in which greater than one-third but less than two-thirds of the members of all proposed plaintiff classes in the aggregate and the primary defendants are citizens of the state in which the action was originally filed. The court would be required to consider five specified factors when exercising this discretion. (This discretionary provision was not included in the bill as introduced.)
>
> In addition, S. 274 as reported provides that the federal district courts shall not have original jurisdiction over any class action in which: (A) two-thirds or more of the members of all proposed plaintiff classes in the aggregate and the primary defendants are citizens of the state in which the action was originally filed; (B) the primary defendants are states, state officials, or other governmental entities against whom the district court may be foreclosed from ordering relief; or (C) the number of members of all proposed plaintiff classes in the aggregate is less than one hundred. As introduced, the second and third exceptions were the same, but the first one originally precluded federal jurisdiction where "the substantial majority of the members of the proposed plaintiff class and the primary defendants are citizens of the State in which the action was originally filed" and "the claims asserted therein will be governed primarily by the laws of" that state. The replacement language in essence substitutes a numerical ratio for "substantial majority" and eliminates the choice-of-law requirement.
>
> We are grateful that Congress is working to resolve the serious problems generated by overlapping and competing class actions. The Judicial Conference "recognizes that the use of minimal diversity of citizenship may be appropriate to the maintenance of significant multi-state class action litigation in the federal courts." At the same time, the Judicial Conference does not support the removal of all state law class actions into federal court. Appropriate legislation should "include sufficient limitations and threshold requirements so that federal courts are not unduly burdened and states' jurisdiction over in-state class actions is left undisturbed." Finding the right balance between these objectives and articulating that balance in legislative language implicate important policy choices.
>
> Any minimal-diversity bill will result in certain cases being litigated in federal court that would not previously have been subject to federal jurisdiction. The effects of this transfer should be assessed in determining the appropriateness of various limitations on the availability of minimal diversity jurisdiction.

Mr. HATCH. The Judicial Conference concluded its letter by stating:

> We are grateful that Congress is working to resolve the serious problems generated by overlapping and competing class actions.

Finally, another piece of evidence that counters the Judicial Conference's purported opposition to the class action bill is Chief Justice Rehnquist's 2003 year-end report on the Federal judiciary. While this report criticizes various legislative measures considered by the Congress, absolutely no mention is made of class action reform efforts.

I suppose this begs the question then, if the Judicial Conference and Chief Justice Rehnquist stand opposed to this bill, why is there no reference to such a measure in their year-end report?

Again, I think the silence speaks for itself. I ask my colleagues to refer to the 2003 Year-End Report on the Federal Judiciary which can be found easily enough on the Supreme Court's website.

With all of this said, is it credible to suggest that the Judicial Conference, much less the Chief Justice of the United States, stands somehow opposed to the class action bill? I think not.

I will refer to this "myth" chart. The myth is that the Federal Judicial Conference opposes the Class Action Fairness Act.

These are the facts: The Conference's opposition was directed at class action bills in previous Congresses. In March 2003, the Conference strongly criticized the current class action system and suggested several areas to modify the Class Action Fairness Act.

After the Class Action Fairness Act was modified during markup, the Conference declined an invitation to criticize or revise the version favorably reported by the Judiciary Committee and thanked the Senate for its efforts to clean up the State court class action mess.

That certainly rebuts everything that was said on the floor yesterday and today by those who are looking for any excuse they can to scuttle this bill. Unfortunately, some of them are people who have agreed to support the bill. That seems apparent to me. I hope it is apparent to all of those in the various States who have relied on these agreements, and at least this agreement made last November, that we would at least vote for cloture. That was the whole issue. Then, of course, they could still have any amendment they wanted to bring up that would be germane, and they might even be able to bring up nongermane amendments if they could get a supermajority vote on them. So nothing would stop them from at least an attempt to bring up nongermane amendments.

I would like to also reply to comments made yesterday in defense—can anyone believe it?—of Madison County, IL. I heard suggestions that the Madison County court is not as renegade as we have portrayed it. After all, the number of certifications has not escalated at the same rate as the number of cases brought.

Now, this fact may have some appeal on its surface but when one looks at why the certifications are so low, I think they will find themselves right back to the inescapable conclusion that this court is a downright embarrassment to our civil justice system. Any attempt to defend Madison County's record on class certification must account for the number of class actions that were not certified because the defendants, knowing that the judicial deck was stacked against them, simply conceded defeat and settled rather than go through the motion of defending their lawsuit in this court.

As I said yesterday, the plaintiffs' lawyers who descend on this small rural courthouse in southwestern Illinois know class certification is a sure thing and that all they need to do is come up with a complaint in order to extort a settlement from the unfortunate defendants. These settlements come well before the class certification phase of the lawsuit and is exactly why this court is so attractive to greedy, dishonest lawyers—greedy, flagrantly dishonest lawyers—looking to make a quick buck, money hungry lawyers looking to buy their next Gulfstream at the expense of everyday Americans such as Hilda Bankston, dishonorable lawyers looking to pay off their next multimillion-dollar mansion in Palm Beach, FL, at the expense of shattering public confidence in our civil justice system, and unscrupulous lawyers seeking to fund the next campaign of a State court judge who can tilt the playing field for them in yet another magnet jurisdiction.

There is something clearly rotten in middle America, and when it comes to Madison County, there is only one way to describe it: If you go there, they will pay. If someone is brought in as a defendant there, even though they do minimal business in that State, they are going to pay.

Finally, I would like to respond to the wild accusations from the other side of the aisle that the Republicans are trying to kill this bill because the measure does not go far enough to achieve class action reform. Give me a break. I do not think this accusation merits a real response, other than to observe that my colleagues on the other side of the aisle will resort to just about anything in order to justify their vote against this bill, in order to justify this filibuster against this bill.

Despite all the rhetoric we have heard from the other side about how they support class action reform, about how terrible this system has become and about how we have a modest bill that fixes the problem, we will know their true colors when we vote on cloture either tonight or tomorrow.

It makes absolutely no difference whether Senators vote no because they oppose the bill or because they want to preserve the sanctity of the Senate process. A vote against cloture is a vote against class action reform. It does not get any simpler than that.

By the way, how can they make that argument when they have a right to bring up any amendment they want to after cloture is invoked? True, nongermane amendments will have to have a supermajority vote to pass, but all germane amendments only have to have a majority vote to pass. How can they make these types of clownish arguments?

To make a long story short, it is apparent that sometimes money does count around here, and the only reason this thing is fought so hard is because the major funding institution in this country happens to be the trial lawyers for those on the other side of the aisle.

Now, what galls me is that last November, when we had 59 votes for cloture, 1 less than was necessary to end the debate, we then made all kinds of concessions to three more Democrats—and I think the business community knows who they are—that are now in this bill to get their agreement that they would vote for cloture when the time came. There was no misunderstanding. Everybody knew there would be an attempt to load this bill up with poison pill amendments or killer amendments, if one wants to call them that. It meant that we at least go to cloture and get 62 votes for cloture, and I believe it meant more than that.

I think when we make a deal, those who enter into that deal agree to support the bill, against all amendments, unless we can agree otherwise. Unfortunately, that is not the interpretation of some who agreed to the deal last November. But there could be no misunderstanding. Their agreement last November was to vote for cloture. The whole issue was we lacked one vote in putting this bill before the Senate as a whole and letting it have its day in court, so to speak, in a court that is much more fair, much more balanced, and much more considerate than the courts in Madison County, IL.

There is no excuse for the arguments that have been made by the other side. If this bill goes down because we cannot get 60 votes for cloture, then shame on those who entered into the agreement with us. It was not an easy agreement for some of us because we had to make changes that literally some of us would not have made otherwise. So anybody who says this side does not want this bill to go forward is being less than candid, and I will put it in those terms, although I think probably more stark terms would be acceptable.

This is an important bill. This bill will correct some of the major wrongs in our society from a litigation standpoint. This bill is fair. It is not going to stop truly in-State lawsuits from being tried, even in Madison County, but this bill does correct some tremendously rotten situations in our country. It also would be supported by decent, honest lawyers throughout the country, at least lawyers who do not always think of the almighty dollar as the only reason they are practicing law.

This is a very important bill. There are a lot of great trial lawyers out there who I believe are embarrassed by some of the arguments that have been made by my Democratic colleagues. There are a lot of great trial lawyers who do not need phony courts, or dishonest courts, or courts that go way beyond reasonability, or courts that favor them, or magnet courts to win their cases. Great lawyers are going to be able to win their cases whether they are in State court or Federal court. In fact, I suggest they probably have an easier chance in Federal court because people automatically think those courts are more august and the cases more serious.

But here we have a case where true advantage is being taken of the class action system by a limited number of lawyers in our society who are getting fabulously wealthy and rich because of forum shopping to courts like the Madison County court that are going to find for the plaintiffs no matter what the law or the facts say. That is wrong. When plaintiffs are right, they ought to recover, but when they are not right, they should not recover. The courts ought to be the bulwark of standing for what is right and not what is wrong. In the political system that exists in Madison County, IL, it is a system that, if it is not corrupt, it is the closest thing to it.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TALENT. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HATCH). Without objection, it is so ordered.

Mr. TALENT. Mr. President, I thank my friend from Utah for being willing to assume the chair for a few minutes so I could make a brief statement about the bill pending before us. I want to say, as I listened when I was in the chair, I appreciated his eloquence on behalf of the bill.

The Senate will realize pretty soon that I have a bit of a cold. If I pause to take a sip of water now and then, it is not for the dramatic effect but so I can finish the statement.

I had originally not intended to say anything about the legislation, although I support it. Anybody who has gotten around their States and heard about the destructive impact of abusive lawsuits on jobs and economic growth has to support doing something. I was not planning to speak on it, but the other night I was presiding when this debate began, and I was fortunate to hear Senator CARPER from Delaware give one of his initial remarks. I don't think he realized I was listening as I was presiding because I was doing a little paperwork, but I did listen.

I heard him give examples of abuses of class actions that have occurred around the country, items such as a class action lawsuit in Illinois against a bottled water giant named Poland Spring which claimed that the company's water wasn't pure and wasn't from a spring. Under the settlement the consumers received coupons for discounts on the water. The company didn't agree they had done anything wrong, didn't agree to change the water, and all the plaintiffs got were coupons to buy more of the water they were complaining about. But their attorneys got $1.35 million.

In a Texas class action settlement with Blockbuster over late fees on movie rentals, class members received coupons for more movie rentals. The attorneys received $9.25 million. I don't know how my family missed out on those coupons—I guess because we didn't live in Texas.

I could go on, but Senator CARPER made the point that there was obviously a need to remedy these abuses and a need to do that without undermining the efficacy of the class action lawsuit in principle. In other words, we need to be able to have class action lawsuits because sometimes a whole lot of people will be done a small wrong. Each of them will experience some wrong that is so small it is not worthwhile for any one individual to sue, so if they can get together in a class we can remedy that wrong and the attorneys can get reasonable attorney's fees.

But when there is, in fact, no remedy for the plaintiffs, when there may have been no wrong, and when there are these outside attorneys' fees, it is obviously something unjust because it is unjust to make people pay when they have not done anything wrong and it is not very good for the rest of us.

We all know how it works. Those awards are paid and then it is passed along in the form of higher prices or fewer jobs. Senator CARPER's point was it should not be all or nothing at all. We should not have to have a system where either we have no class action remedies or we allow these abuses to continue year after year. There is no reason in principle why we should not be able to fix the abuses while keeping the remedy.

He is right. There is no reason in principle we should not be able to do that. There are people of good will on both sides of the aisle who want to do that. There is obviously a solid majority of the Senate who wants to do that. Yet year after year, we do not do that. Why?

It was his speech and my thinking about it that led me to decide to come down here and make a statement because I think I know the reason why. It is because of the filibuster, or more precisely it is because of the way the Senate allows the filibuster to be conducted.

This principle of filibusters is actually a pretty good thing. I think if a determined minority in any legislative body believes something is really bad, it makes sense to give them some remedy to stop that legislation from passing. In fact, I submit to you that the filibuster has been consistently abused in the Senate. Why has that happened? Because the discipline on the filibuster is public accountability. The public doesn't like obstructionism for its own sake. If they see that happening, they will not like it; and if the American people do not like something happening here and focus on it, it tends to stop. I have been around here long enough to see that.

But because of the way the filibuster is conducted in this body, it is almost invisible. Therefore, the people do not know it is happening, and therefore there is no accountability. That is why we have the abuses of it. Why is it invisible? In the Senate, in the first place, as you know, the passage of a bill requires many different steps: the introduction of the bill, assignment to a committee, first and second readings, and all of that.

In most legislative bodies, those steps are pro forma. In the Senate, many of those steps are debatable. And anything that can be debated can be filibustered.

The classic idea of a filibuster, as in "Mr. Smith Goes to Washington," with final passage of some bill, people speaking all night to prevent it from being voted on doesn't have to happen in the Senate. You can filibuster a bill on any number of points. You can filibuster it after it has passed to keep it from going to conference. The public doesn't know what is happening.

The second and bigger reason is that in the Senate, as all of us here know—and I think the public may be beginning to realize—you don't have to talk to filibuster.

I have served now in my third legislative body. It is a tremendous honor to serve here. The pinnacle of the legislative career is to serve in the Senate. In most legislative bodies, when people are finished talking about the proposition that is pending, you vote on the proposition.

Many times I have sat in the Chair where the distinguished Senator from Utah is now sitting. When the last speaker has finished some eloquent set of remarks, I have asked, Who seeks recognition? And nobody seeks recognition. It doesn't mean we vote. It means we go to a quorum call, as we did a little while ago. You don't have to speak to filibuster. You don't have to debate. You just have to decline to agree that debate will end. Unless everybody here either agrees to a unanimous consent agreement, or vote by a 60-vote majority to end debate on a cloture motion, which itself is a rather clumsy way to end debate, the debate goes on and on.

To allow a filibuster in that way, and make it so invisible, tends to empower the extremes in a legislative body in any given proposition.

In most legislative bodies the power in any given proposition, once it reaches the floor of that body, belongs in the middle. It makes sense, doesn't it? Because to pass it you have to have the middle with you, typically. But here the filibuster empowers those folks who like confrontation most. I am not running them down. Every legislative body has to have people whose instinct is to say: I am not going to give in. I am going to stand up for this. I believe in this, or I think it is wrong, or I think it is right, and I am not going to give in much. It is important to have those folks in a legislative body. But you can't have them running the whole show all the time. It empowers those people. It tends to educate people to the temper of partisanship.

It is so tempting when you are in the minority to stop everything through the invisible filibuster and then blame the majority for not being able to pass something. That happens in this whole Congress. I don't blame my friends on the other side of the aisle.

It is so tempting it would require almost a heroic effort, particularly given how divided the country is on a partisan and philosophical standpoint, for them not to have done that.

The way the Senate does it makes interest groups more militant. This bill is a classic example of that. Everybody who looks at this issue knows that we have problems with litigation, at least in certain areas. We have problems in State class action abuses. We have problems with the whole asbestosis system which is driving dozens of big companies into bankruptcy and reducing the number of deep pockets that are available to pay for people who really are sick and have asbestosis. We clearly need reform in these areas.

What would happen if the process was healthier is that our friends in the personal injury bar would know that something was going to happen and would sit down and negotiate, and we would come up with a moderate bill, I think, probably pretty similar to what we have before us today. We would pass it more or less by consensus. But what do you do when you have this filibuster? You can just say no. You can say it doesn't matter how bad it gets, we are going to pressure and lean on those in the Senate who are generally with us philosophically, and we will stop everything from happening. We are empowering the tactically more extreme in this body. We are educating people to the temper of partisanship. We are driving interest groups, which are pretty militant anyway, to be even more extreme. Then we are gumming up the few bills that do pass because now, if you are sitting here and you have some constructive measure you are trying to pass, and you know the only legislation that is going to get through this body this year is the defense authorization, let us say, or the tax relief bill for manufacturers that we have to pass—because if we don't pass it we are going to get increasing trade sanctions all over the world—if these are the two or three bills you know you are going to pass, what do you do? You take your constructive measure which you have wanted to pass for months but can't because nothing else is going through the Senate, and you say: Well, that train is leaving the station and maybe none of the others are, so I am going to put my bill on that.

You use the opportunity to offer nongermane amendments, which personally I like and support. So you offer all kinds of amendments that are completely unrelated to the bill before you just because you know it is the only opportunity you are going to have to pass anything.

Then the public wonders how we get immigration bills on class action reform bills, or how I did this: I put a bill that I believe in very strongly to help fight sickle cell disease on a tax relief bill for manufacturing, and I would do it again. But that is because of the way we are running this place.

What is the effect? It affects everything that gets filibustered. We have seen filibusterss so far in this Senate and in this Congress on the Energy bill, medical malpractice reform, the welfare bill, a number of judges, the asbestosis bill, the class action bill, and a number of other bills which are slow-walked through—the highway bill, the JOBS bill, the faith-based bill. And that doesn't even count all the bills that aren't even brought up because the leadership knows they are going to be filibustered.

Nobody is ever held accountable. The public wonders why the Senate doesn't work.

I am going to say something. I get around this town and I get around Missouri. I am afraid that we are being held in increasingly low regard. I am afraid the Senate is being reduced to its constitutional minimum of authority and effectiveness in this town. We are like a big roadblock. Ideas don't come out of here and go places. It is like the commercial about the roach motel. They check in but they don't check out. That is what happens here. The legislative ideas check in and they never check out.

I know some people say that is a good thing. We don't want anything to pass.

I just sat down this morning preparing these remarks and I made a list of the things which I think we are going to have to address. This is a top 10 list: Keep America strong; a long-term solvency issue involving Social Security and Medicare—I am on the Aging Committee. I will go into that more in a moment. The Senator from Idaho, Mr. CRAIG, has spoken eloquently on those issues.

The rising cost of health care is a problem, shortage of oil and natural gas, need for alternative energy sources to protect our energy independence and security, the failing electricity transmission grid in all parts of the country, the need to renew the distressed and urban neighborhoods, a burgeoning immigration system, a crumbling transportation infrastructure system, shortages of water in parts of the country, contamination of water resources, management of federally owned natural resources, and a policy we are going to take regarding defense both in the war on terror and also the potential rising power of competitors, such as England and China.

This is the top 10 list. I am not even counting the more divisive issues or the cultural issues on which it would be nice if we could work them out and be able to act. Some of these problems may go away on their own. I am a believer in that.

America is a great country. Maybe if we do not do anything, some of them are going to go away. But they are not all going to go away. Some of them are going to get worse. We cannot solve any of them without some element of participation by the Federal Government. Maybe it is just reform of regulations to allow people in the country to solve the problem.

We are going to have to have Federal participation. That will require, at some point, a Senate that works better than the Senate is working now. We have reached the point where the paralysis in this body is threatening the welfare of the people. Some may say—and I heard it said with response to the motion for cloture—respect for the traditions of the Senate means we cannot do anything about this. Everyone who has been here a while, and I have not been here a while, tells me that never before has the filibuster been taken to this degree.

If we were to apply a corrective, we would be restoring rather than overturning the traditions of this great body. And it is a great body. It is a privilege to be here. I don't know that I have ever worked with as motivated and passionate and intelligent a group of people. I call on Members on both sides of the aisle to consider carefully whether it is not time to change our practices in a way that permits us to work together, that encourages those who seek compromise solutions to the problems facing the country. Not to do so would be a historic abdication of the responsibilities of this Senate.

I yield the floor.

The PRESIDING OFFICER (Mr. TALENT). The Senator from Utah.

Mr. HATCH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I will speak in a moment about this class action bill and why I oppose it. I want to start by noting my strong disagreement with the procedural tactics used by the majority to block amendments to the bill. I have some familiarity with the strategy of filling the amendment tree. This was done time after time, year after year, when campaign finance reform legislation was brought to the Senate floor. This is the procedure that is used to block the Senate from working its will on a bill.

The Senate has a long tradition of an open process for amendments. Any Senator has the right under our rules to offer any amendment to any bill. That is how the Senate works. It is amazing to me that the majority leader would engage in this tactic when he has not only majority support for the bill, but a supermajority in support.

Democratic supporters of the bill thankfully are not prepared to block their colleagues from offering amendments. So I guess it appears that this bill is going to be sacrificed in order to prevent amendments from being offered. I commend my Democratic colleagues who support this bill for not being intimidated by the arguments made on the Senate floor that they somehow are breaking their agreement by standing up for the rights of their colleagues to offer amendments. From the very start, it was clear that these Senators had agreed to support the motion to proceed in order to get the bill to the floor of the Senate and to vote for cloture, if that motion was again filibustered. They never agreed to vote against all amendments or to block all amendments.

Turning to the bill itself, I oppose the Class Action Fairness Act, S. 2062, and I will vote against the bill.

The main reason for my opposition is that notwithstanding its title, I do not think this bill is fair. I do not think it is fair to citizens who are injured by corporate wrongdoers and are entitled to prompt and fair resolution of their claims in a court of law. I do not think it is fair to our State courts, which are treated by this bill as if they cannot be trusted to issue fair judgments in cases brought before them. I do not think it is fair to State legislatures, which are entitled to have the laws that they pass to protect their citizens interpreted and applied by their own courts. This bill is not only misnamed, it is bad policy. It should be defeated.

Make no mistake, by loosening the requirements for Federal diversity jurisdiction over class actions, S. 2062 will result in nearly all class actions being removed to Federal court. This is a radical change in our Federal system of justice. We have 50 States in this country with their own laws and courts. State courts are an integral part of our system of justice. They have worked well for our entire history. It is hard to imagine why this Senate, which includes many professed defenders of federalism and the prerogatives of State courts and State lawmakers, would support such a wholesale stripping of jurisdiction from the States over class actions. By removing these actions to State court, Congress would shift adjudication away from State lawmakers and State judges towards Federal judges, who are often unfamiliar with the nuances of State law. In my opinion, the need for such a radical step has not been demonstrated.

Class actions are an extremely important tool in our justice system. They allow plaintiffs with very small claims to band together to seek redress. Lawsuits are expensive. Without the opportunity to pursue a class action, an individual plaintiff often simply cannot afford his or her day in court. But through a class action, justice can be done and compensation for real injuries can be obtained.

Yes, there are abuses in some class actions suits. Some of the most disturbing have to do with class action settlements that offer only discount coupons to the members of the class and a big payoff to the plaintiffs' lawyers. I am pleased that the issue of discount coupons is addressed in the bill, because the bill we considered in October 2003 did nothing about that problem. The bill now requires that contingency fees in coupon settlements will be based on coupons redeemed, not coupons issued. Attorney's fees will also be determined by reasonable time spent on a case and will be subject to court approval. The bill also allows a court to require that a portion of unclaimed coupons be given to one or more charitable organization agreed to by the parties. These are all good changes, but they do not change my view that the bill, as a whole, unfairly interferes with the States' administration of justice.

There are three possible outcomes of this bill being enacted. Either the State courts will be deluged with individual claims, since class actions can no longer be maintained there, or there will be a huge increase in the workload of the Federal courts, resulting in delays and lengthy litigation over procedural issues rather than the substance of the claims, or many injured people will never get redress for their injuries.

I don't believe any of these three choices is acceptable.

I appreciate that the supporters of S. 2062 modified the new diversity jurisdiction rules for class actions in an effort to allow plaintiffs in class actions more opportunities to remain in State court. Under the new bill, a district court must decline jurisdiction if two-thirds of the plaintiffs and the primary defendants are from the state where the action was filed, there is at least one defendant who is a citizen of that State from whom significant relief is sought and whose alleged conduct forms a significant basis for the claims asserted by the proposed class. In addition, the principal injuries resulting from the alleged conduct of each defendant must have occurred in the State in which the action was originally filed. Finally, the new bill provides that district court can only decline jurisdiction if during the 3-year period preceding the filing of the action, no other similar class action has been filed against any of the defendants even if the case is filed on behalf of other plaintiffs.

These criteria are an improvement on the underlying bill. But the jurisdictional requirements for class actions to remain in State courts are still too burdensome. Under the new language, for example, a class action brought by Wisconsin citizens against a Delaware-based company for selling a bad insurance policy would probably be removed to Federal court even if Wisconsin-based agents were involved in selling the policies. And the filing of a class action in one State court may lead to the successful removal of a similar case filed in another State on behalf of plaintiffs in that State. The bottom line is that this bill will continue to send the majority of class actions to Federal court. The proponents of this bill have chosen a remedy that goes far beyond the alleged problem.

Furthermore, under S. 2062, many cases that are not class actions at all are included in the definition of "mass action," a new term coined by this bill. S. 2062 simply requires that the plaintiff must be seeking damages of more than $75,000 for the case to be considered a mass action and removable to Federal court. This provision unfairly limits State court authority to manage its docket and to consolidate claims in order to more efficiently dispense justice.

A particularly troubling result of this bill will be an increase in the workload of the Federal courts. These courts are already overloaded. The Congress has led the way in bringing more and more litigation to the Federal courts, particularly criminal cases. Criminal cases, of course, take precedence in the Federal courts because of the Speedy Trial Act. So the net result of removing virtually all class actions to Federal court will be to delay those cases.

There is an old saying with which I'm sure we are all familiar: "justice delayed is justice denied." I hope my colleagues will think about that aphorism before voting for this bill. Think about the real world of Federal court litigation and the very real possibilities that long procedural delays in overloaded Federal courts will mean that legitimate claims may never be heard.

One little-noticed aspect of this bill illustrates the possibilities for delay that this bill provides, even to defendants who are not entitled to have a case removed to Federal court under the bill's relaxed diversity jurisdiction standards. Under current law, if a Federal court decides that a removed case should be remanded to State court, that decision is not appealable. The only exception is for civil rights cases removed under the special authority of 28 U.S.C. § 1443. The original version of this bill allowed defendants to immediately appeal a decision by a Federal district court that a case does not qualify for removal.

Fortunately, the revised bill now requires such appeals to be decided promptly. It does not, however, do anything about the fact that the lower court may take months or even years to make a decision on the motion to remand. That means that a plaintiff class that is entitled, even under this bill, to have a case heard by a State court may still have to endure years of delay while its remand motion is pending in the Federal district court. Where is the "fairness" in that? I plan to offer an amendment, if I even get the chance to address that problem and I hope the bill's sponsors and supporters will give it serious consideration.

It is important to remember that this debate is not about resolving questions of Federal law in the Federal courts. Federal question jurisdiction already exists for that. Any case involving a Federal statute can be removed to Federal court under current law. This bill takes cases that are brought in State court solely under State laws passed by State legislatures and throws them into Federal court. This bill is about making it more time-consuming and more costly for citizens of a State to get the redress that their elected representatives have decided they are entitled to if the laws of their state are violated.

Diversity jurisdiction in cases between citizens of different States has been with us for our entire history as a Nation. Article III, section 2 of the Constitution provides: "The judicial Power shall extend . . . to Controversies between Citizens of different States." This is the constitutional basis for giving the Federal courts diversity jurisdiction over cases that involved only questions of State law.

The very first Judiciary Act, passed in 1789, gave the Federal courts jurisdiction over civil suits between citizens of different States where over $500 was at issue. In 1806, in the case of Strawbridge v. Curtiss, the Supreme Court held that this act required complete diversity between the parties—in all other instances, the Court said, a case based on State law should be heard by the State courts. So this bill changes a nearly 200-year-old practice in this country of preserving the Federal courts for cases involving Federal law or where no defendant is from the State of any plaintiff in a case involving only State law.

Why is such a drastic step necessary? Why do we need to prevent State courts from interpreting and applying their own State laws in cases of any size or significance? One argument we hear is that the trial lawyers are extracting huge and unjustified settlements in State courts, which has become a drag on the economy. We also hear that plaintiffs' lawyers are taking the lion's share of judgments or settlements to the detriment of consumers. But a recent empirical study contradicts these arguments. Theodore Eisenberg of Cornell Law School and Geoffrey Miller of NYU Law School recently published the first empirical study of class action settlements. Their conclusions, which are based on data from 1993–2002, may surprise some of the supporters of this bill.

First, the study found that attorneys' fees in class action settlements are significantly below the standard 33 percent contingency fee charged in personal injury cases. The average class action attorney's fee is actually 21.9 percent. In addition, the attorneys' fees awarded in class action settlements in Federal court are actually higher than in State court settlements. Attorney fees as a percent of class recovery were found to be between 1 and 6 percentage points higher in Federal court class actions than in State court class actions.

A final finding of the study is that there has been no appreciable increase in either the amount of settlements or the amount of attorneys' fees awarded in class actions over the past ten years. The study indicates that there is no crisis here. No explosion of huge judgments. No huge fleecing of consumers by their lawyers. This bill is a solution in search of a problem. It is a great piece of legislation for wrongdoers who would like to put off their day of reckoning by moving cases to courts that are less convenient, slower, and more expensive for those who have been wronged. It is a bad bill for consumers, for State legislatures, and for State courts.

This bill seems not to be about class action abuses, but about getting cases into Federal court where it takes longer and is more expensive for plaintiffs to get a judgment. The cumulative effect of this bill is to severely limit State court authority and ultimately limit victims' access to prompt justice. Despite improvements made since the last time the Senate considered this bill, the bill will still place significant barriers for consumers who want to have their cases heard in State court. Remand orders are still appealable, and the mass tort definition does not protect State courts' authority to consolidate cases and manage their dockets more efficiently. All the elements outlined in the bill before us will result in the erosion of State court authority and the delay of justice for our citizens. Therefore, I cannot support this unfair "Class Action Fairness Act" bill, and I will vote no.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. CLINTON. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THREATS TO OUR NATION

Mrs. CLINTON. Madam President, this is a very difficult time for our Nation. A few hours ago, the Secretary of the Department of Homeland Security appeared at a press conference to discuss in some detail what he could say publicly about the continuing threats our Nation confronts because of the diabolical plots of the terrorists to undermine our way of life, to destroy American life, to disrupt American life. Earlier today there was a closed door hearing for the Senate that went into even greater detail.

A few weeks ago I personally was briefed by representatives of the Department of Homeland Security, the FBI, the CIA, others within our Government who follow the terrorist threats on a daily, even hourly basis. I believe it is fair to say there has been, ever since September 11 and I think one can argue even before, a concerted effort by those who subscribe to the nihilistic philosophy or theology that underlies the fundamentalist Islamic terrorists that whatever they could do to strike against our country or American interests or American allies anywhere in the world somehow furthered their perverted cause, their sense of purpose to try to strike against freedom and democracy, against women's rights and roles, against what the United States represents as a beacon of opportunity for so many around the world.

Representing the State of New York, I saw firsthand the horrific damage the terrorists caused because of their attacks on the World Trade Center and of course at the Pentagon, and then the crash in Pennsylvania of a plane thought to be headed toward either this building or the White House.

I have met recently, about 2 hours ago, with a group of interns who came to my office. I love meeting with the young people who work here in Washington during the summer. They come with such energy and enthusiasm. They were asking me a variety of questions. One of them said: Senator, what do you spend most of your time doing?

I told them that certainly, because of September 11, I have spent the bulk of my time worrying about and working on behalf of New York to help us recover from the attacks, to help us rebuild, to help us try to repair, so far as possible, the shattered lives and lost dreams of so many thousands of people. Then, once having become a member of the Armed Services Committee in January, a year and a half ago, I have been immersed in the details and challenges of how we defend our country, how we best protect our interests, how we take care of the young men and women in uniform.

Running through all of that work has been a commitment to do everything I could do as a U.S. Senator to ensure that we were vigilant, we took every step necessary and possible to protect our fellow men, women, and children.

I have taken that responsibility very seriously. I have introduced legislation to try to put both more resources into homeland security and to allocate those more effectively to ensure that our first responders, our police and our firefighters and our emergency workers, had the resources necessary to do the job we expected them to do because, in effect, they are our frontline homeland soldiers.

I have worked to protect our rail lines and our courts, to ensure that our critical infrastructure has been given whatever help can be offered so we are prepared, so we are vigilant, because none of us can predict whether there will be an attack or where one might occur. I am well aware of that. That is not something that we can stand here today and say we know is going to happen, but we can say with confidence there are people right now, meeting throughout the world in cafes in Europe, in tents in North Africa, in caves in Afghanistan, who wish us ill and who will do everything they possibly can to kill as many Americans, to injure as many Americans, and to destroy as much of America as possible.

I don't think we have a higher priority in the Senate than to work together in a bipartisan—frankly, a nonpartisan—way to provide the resources and to do what is necessary to protect the people we represent.

That is why it grieves me to come to the floor of this Senate having watched now for several weeks as we have done nearly everything but focus on the real business of America. We have an appropriations bill standing in line for homeland security that we cannot get to the floor. Instead, we are engaged in these nonsensical, futile, parliamentary, politically partisan games. It is a shame, and it reflects on all of us, but it reflects most on the majority leadership of this body.

It is one thing not to know exactly all we should be doing to protect our homeland. It is something altogether different not to be doing the business we are expected to do to provide as many resources effectively deployed as possible to try to ensure that so far as humanly possible we have done our job.

Look at what we are doing today.

One can argue about whether dealing with class action is a priority given everything else going on in our world, but we can't even deal with that.

The majority leader comes to the floor, and in a parliamentary move makes it impossible to present any other issue, whether that issue is to try to raise the minimum wage for people who haven't had a raise in years or whether it is to try to bring about the reimportation of drugs from Canada so that people can pay an affordable price for the drugs they should be able to use for their prescriptions.

Some issues we hear about all the time. It is indeed frustrating that we are not even dealing with what is allegedly on the Senate floor.

But what really frustrates and disappoints me is that this impasse, this games playing, this pure, unadulterated partisan politics, is preventing us from dealing with the urgent business, the threats, and the dangers that confront our country. The Homeland Security appropriations bill just sits there. We can't get it to the floor. We have passed out of our requisite committees not once but several times steps to make our ports safer, to make our rail lines safer. For heaven's sake, we saw what happened in Madrid. How can we in good conscience act as though we don't have an obligation and a responsibility to protect our rail lines and our ports, our critical infrastructure?

We have just appropriated some additional funds to make sure we have more security in Boston and New York which will be the home of the Democratic and Republican Conventions, part of our great political democratic tradition in our country.

What about the people who do their job every day? What about the police officers in New York who walk the streets every day picking up information and conveying it to the intelligence-gathering operations of our New York Police Department and detectives coordinating with the FBI? What are we doing for them? We are cutting the COPS Program. That is what we are doing. We are not even adding additional money to homeland security. We are cutting the very lifeblood of what keeps the police on the streets in a city such as New York and so many other great cities around our country.

What about our firefighters? With budget cuts and cutbacks, we are not fulfilling the needs they confront for interoperable communications for hazardous materials, both training and equipment for the personnel that are needed with the highly developed skills to deal with chemical, biological, and radiological attacks.

I feel as if I am living in some kind of fantasy world, some parallel area.

We have the Department of Homeland Security Secretary standing before our Nation talking about the danger and threats we face. We have closed-door briefings for Members of the Senate and the House. Yet we don't get about the business of doing all we can to make sure we are prepared. It is bewildering.

When Secretary Ridge announced this morning that we have credible reporting that al-Qaida is moving forward with its plan to carry out a large-scale attack on the United States, then I think we act as though we have nothing better to do, at our peril. Shame on us. Yet here we are. We have a person in our Government responsible for giving us this information based on credible reports, and we are ground to a halt in the Senate.

This is one of those times when I think history is watching and will judge us harshly.

We are 4 days after our Independence Day, 4 months before the November elections, nearly 5 months after the President submitted his budget request to Congress, and the U.S. Congress has yet to send a single appropriations bill to fund the U.S. Government to the President for his signature.

The Department of Defense, Homeland Security, Department of Justice, Federal Bureau of Investigation, Secret Service, responsible for coordinating security at both conventions, Federal Emergency Management Agency, and a host of others charged with the solemn responsibility of protecting our country have not yet been funded. As is so painfully clear, we haven't even taken up the Homeland Security appropriations yet.

We could be right now debating on the floor of the Senate how much money our first responders need and whether we are going to take seriously the obvious threat to rail lines. And what about those ports with those thousands of containers that come in?

Last week, I was privileged to be in Seattle, WA, with my good friend and colleague, Senator MURRAY, who is the No. 1 champion of port security in this body. In fact, she was named Port Person of the Year because of her advocacy for our ports.

We went out across the water from downtown Seattle with the skyline spread before us to an island that processes a lot of the container traffic. We talked to the Coast Guard, Immigration, and other personnel who run that operation. It is an overwhelming task. You think about this, one of our ports—we have so many of them. The biggest are Los Angeles and Long Beach, Seattle-Takoma, and of course, New York-New Jersey. We have made some progress. I am proud of that progress. But we haven't done what we know needs to be done.

We have had report after report after report by distinguished Americans, by experts in security and intelligence, by people who understand the perverse mentality of our enemies, and they have said over and over again that we are not ready, we are not prepared, we have not done our part.

Let us get back to business. Let us get serious around here. Elections take care of themselves. That comes and goes. Our job is to do the people's work right now, today, in July, to deal with important pressing matters, and there isn't any that is more critical than homeland security.

We still have time, although it is a little hard to believe, but we only have about 2 more weeks, which usually translates around here into 6 days of work, and a day like today when nothing happens. It is discouraging.

There are 100 very smart, energetic, able people in this body who know how to work and how to get things done. They might as well be on a beach somewhere for all their efforts amount to with respect to the important issues facing us and the one I am most concerned about; namely, the security in our country.

Every intelligence report, every briefing, always mentions New York. It mentions other places, too, but it always mentions New York. The people I represent, who have already gone through so much—the firefighters and police officers I represent, who have already set the world class standard for courage and class—I don't want to have to look them in the face and say, We could not get around to giving you the funds you needed to be sure you got those additional pieces of equipment that were required. We could not figure out how we were going to have the Senate deal with the business as to whether you live or die.

I am proud and honored to serve in the Senate. I am especially proud and honored to represent New York. But it is hard to understand how we could be turning our collective backs on the most pressing need confronting our country.

In 2 weeks we are going to be recessing—Democrats will go to Boston; the Republicans, later in August, will go to New York—and I guess everyone hopes and crosses their fingers and prays to God Almighty that nothing bad happens.

I was raised in a faith tradition that believed God helps those who help themselves; that we were given a soul, a heart, and head, and we were expected to use all three. I can only hope we will get a signal from our majority leader that we are going to go back to business, we are going to get this process moving again, we are going to bring the appropriations for the Department of Homeland Security to this Senate and we are going to act—not that we can prevent every bad thing from happening but that we will have done our duty. There is still time. I hope, for all our sakes, we act.

Mr. REID. Will the Senator yield?

Mrs. CLINTON. Certainly.

Mr. REID. I say through the Chair to the distinguished Senator from New York, there is no question the citizens from your State, more than any State in the Union, are troubled every day because every day there is a story that something bad is going to happen, and New York, as the Senator indicated, is always mentioned.

I heard the Senator from New York state today that we, the Senate, are wasting our time. Class action is important, but is it as important to my family as having better security for my family? I have family members in the Washington, DC area, in Nevada, and one of my sons moved to Utah. I would rather we were working on this bill, Homeland Security, to make my family members more secure.

To top this off, when we leave class action—and the majority has decided they simply cannot allow a vote on immigration, or certainly they cannot allow a vote on drug reimportation—we are going to move off this legislation and are going to the gay marriage amendment. I know people have strong emotions about that one way or the other. However, I am willing to say the people for New York and the people of Nevada, if we weigh on one side the gay marriage amendment and on the other side the Homeland Security appropriations bill, this scale would tip 95 to 5. Does the Senator agree we have our priorities mixed?

And let me ask one other question. I went to my luncheon today and one of my friends in the press said, do you realize what the Republicans are doing?

They are going to say you are obstructing everything.

Does the Senator from New York understand that is their game? They will say we are the ones obstructing these bills, when, in fact, they do not want to address these issues because they do not want to take a vote on overtime, they do not want to vote on extending unemployment benefits, they do not want to have a debate on immigration and drug reimportation.

Would the Senator agree when a government is controlled by one party—President, the House, the Senate and, I am sad to say, the Supreme Court—it is a little hard to blame the other party for obstructing? Does the Senator agree?

Mrs. CLINTON. Certainly, I agree with my good friend and my distinguished leader who makes some excellent points.

Even more than that, as the Senator from Nevada knows so well, in the face of a disaster or another attack, all of this becomes unimportant, trivial, even frivolous.

I have enough respect for all of my colleagues that I hope we are not putting ourselves in a position where in the event what has been predicted, and given voice to today by Secretary Ridge, comes to pass, and people rightly can turn and ask, Where were our elected representatives?

This goes way beyond politics. This is not about Democrats and Republicans. This is about us as Americans. What are our priorities? What do we think is important? What are we willing to fight for, stand up for?

As my good friend points out, the majority has made a different set of choices. They have decided they want to create an atmosphere of gridlock and obstructionism which means we go so far as not even to take up the Homeland Security appropriations.

It is profoundly sad. It would be sad any time, but it is extraordinarily disheartening that on a day when the Senate was briefed behind closed doors about the threats, when the Secretary of the Department of Homeland Security went before the world to talk about the threats, that we cannot get a debate on the appropriations for the Department of Homeland Security.

I have no doubt my good friend is right, there must be some political machinations going on in some back room, there must be some pollster whispering in someone's ear and saying, If you do this, that, and the other, you can come. Maybe people will be fooled into believing—even though you are in charge, and as my friend points out, you are in charge of the White House, the House, and the Senate—that somehow the fact that nothing has happened has to be the other side's fault.

I am sure people are saying that, but how pathetic is that. What does that say about our values and priorities as a nation? If that is what they care about, trying to score cheap political, partisan points at the expense of bringing up the Department of Homeland Security appropriations in the face of the warnings we received today, then it is going to be clear for all to see the responsibility rests on their shoulders.

It is not too late. There are a lot of Members who have worked day and night to deal with the real business of America. I am sure my good friend, our deputy leader on this side of the aisle who is literally here every waking hour, would be here even more in order to deal with the people's business. And what is the people's business? No. 1, keeping the people safe.

Again, I hope we get about what is important, that our majority leadership decide they want to put aside these petty, partisan, political games dealing with scoring cheap points at somebody's advantage, and work for the good of all of our people.

Mr. DURBIN. If the Senator from New York would yield for a question.

Mrs. CLINTON. Certainly.

UNANIMOUS CONSENT REQUEST—S. 2537 AND H.R. 4567

Mr. DURBIN. Madam President, I would like to ask the Senator from New York if she would allow me to make a unanimous consent request at this time that the appropriations bills for homeland security be brought for immediate consideration on the floor of the Senate.

These bills—S. 2537 and H.R. 4567—are currently on the Senate calendar. After the warnings we received today from Secretary Ridge, could there be anything more important for us to do at this moment in time but to move to these bills so that units of government in New York, in Illinois, in Alaska, in Nevada are provided with the funds they need immediately, so we can move this process beyond all the political rhetoric and debate on so many issues that take a distant second place to the security of this Nation.

I wonder if it would be appropriate for the Senator to yield to me to make that request, and then I would return the floor to her.

Mrs. CLINTON. I so yield.

Mr. DURBIN. Madam President, I ask unanimous consent that the Senate take up for immediate consideration S. 2537, the Homeland Security Act of 2005.

The PRESIDING OFFICER. In my capacity as a Senator from the State of Alaska and on behalf of Senate Leadership, I object.

Mr. DURBIN. Madam President, I ask unanimous consent that the Senate take up for immediate consideration H.R. 4567, the Homeland Security Act of 2005.

The PRESIDING OFFICER. In my capacity as a Senator from the State of Alaska, I object.

Mr. DURBIN. Madam President, I am disappointed with that decision based on what we have seen today and heard. I hope and I pray nothing happens in this country between now and the time we take these bills up. It reflects so badly on the U.S. Senate that we have been given fair warning by this administration that we face one of the most serious security threats since 9/11 and the Senate is unwilling—there has been an objection to even considering the Homeland Security bills at this moment when, in fact, we have nothing else to do here. I hope that history proves that this was not a wrong decision, but it is a decision which, sadly, we will have to live with until the leadership of this Senate decides to return.

At this point, I yield the floor.

Mrs. CLINTON. I thank my good friend from Illinois and I yield the floor.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from Illinois.

Mr. DURBIN. Mr. President, what those who are following the Senate debate just witnessed is, sadly, a commentary on what has happened to the Senate. We are embroiled in debate on a class action bill relative to reforming the laws of America about how lawsuits can be filed. Many Members, in frustration, have wanted to consider many other issues: Should America now, after almost 6 years-plus of not increasing the minimum wage, finally increase the minimum wage for American workers? The Senator from Idaho has joined the Senator from Massachusetts in addressing a very important issue about agricultural workers and immigration. They would like to offer an amendment for that purpose, and it has broken down. There can be no agreement reached—at least there has not appeared to be an agreement reached.

Now we are just at rest, at ease, standing and doing nothing. It is hard to imagine that any of us were elected to the Senate for that purpose and particularly as many Members of the Senate, myself included, were called to a secret meeting, classified meeting this morning, with the Secretary of the Department of Homeland Security, Tom Ridge, as well as the Director of the Federal Bureau of Investigation, Robert Mueller, and were told at that briefing that we face an extraordinary threat to America's security. I am not saying anything out of school because I can tell you that Secretary Ridge had a press conference immediately after that private meeting and said as much to the American people.

It strikes me that under those circumstances we should be moving to consider issues relative to homeland security, not just the appropriations bills but issues relative to port security and railroad security. There are bills on this calendar which have just been languishing. At this moment in time, when we have nothing else going on on the floor of the Senate, why are we not moving as quickly as possible to consider those important appropriations bills?

Mr. STEVENS. Will the Senator yield for a question, Mr. President?

Mr. DURBIN. I will yield in just a minute. I will be happy to yield after I make my statement.

I just pray that we can reach a point where we can get to these bills before anything serious happens in America. But I know in my State of Illinois and in every other State there are units of local government as well as law enforcement units and those who are looking for the resources to be able to respond to a national emergency.

If something serious should occur, God forbid, it is not likely that people will be calling the Senate switchboard. They are going to be dialing 911. They are going to be hoping that on the other end of the line there will be a police department, a fire department, an ambulance, or a hospital that can respond extremely quickly. And the question is, obviously: Are we doing all we should do on a timely basis to provide the resources to these units of local government?

Secretary Ridge said today—and I have the highest respect for him; he is an old friend. I came to Congress with him over 20 years ago. He was an excellent appointment by the President. But he said how much we rely on State and local first responders. If that is the case, wouldn't we want to move as quickly as possible to make resources available for them so they can be prepared to defend America? That is why we should consider this legislation.

The Senator from California, Mrs. BOXER, came to the Senate floor today and made the same unanimous consent request to go to these issues. Again, the majority said no, we are not going to consider these issues. There is nothing more important. I would hope we would move to them quickly.

I yield to the Senator from Alaska for a question.

Mr. STEVENS. Well, I will seek the floor when the Senator is through.

Mr. DURBIN. All right. I would just say, in conclusion, then, at a time and place, I hope we can find this bipartisan agreement to move to these issues. The sooner the better. Once having moved to these issues, I think the Senate can dispatch them quickly, on a bipartisan basis, as it should.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

UNANIMOUS CONSENT REQUEST—H.R. 4567 AND S. 2537

Mr. STEVENS. Mr. President, I am sort of surprised with the Senator from Illinois. I attended the same briefing. The Homeland Security bill has been reported by the committee to the Senate floor. We have been trying to get it to the Senate floor. I am prepared to present a motion to take up the bill right now, and I do.

I ask unanimous consent that at a time to be determined by the majority leader today, the Senate proceed to consideration of Calendar No. 588, H.R. 4567, an act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes. Further, I ask unanimous consent that all after the enacting clause be stricken, that the text of Calendar No. 583, S. 2537, the Senate-reported bill, be inserted and agreed to in lieu thereof, without waiving any points of order by virtue of this agreement, and that the bill, as amended, be considered as original text for the purpose of further amendment; provided that no amendments shall be in order which will increase total discretionary spending provided by the bill in excess of the Senate-reported bill totals of $32 billion in budget authority and $29.729 billion in outlays; provided that no other points of order shall be waived thereon by virtue of this agreement; provided further that 2 hours be equally divided on the bill, that up to an extra hour be equally divided on each amendment, that all amendments be relevant and germane, that all votes occur before 5 p.m. on Monday, and that final passage occur by the same time, 5 p.m. Monday.

Now, I have an urgency to get this bill before the Senate, too. I am delighted the Senator has come to floor. I think it is the first time I have ever seen a member of the committee come to the floor of the Senate and ask to take up a bill without consulting the chairman. But I am prepared to take it up. We were prepared to offer this motion today. I ask for the unanimous consent agreement to start today—to start today—and we will finish it by 5 o'clock Monday.

Just as Governor Ridge indicated, there is a real urgency behind this bill. I would like to take it up. What this time agreement means is the bill will be subject to amendment, but anyone who wants to add money has to find some source to take it out. This bill is consistent with the budget resolution we are operating under, which is the budget resolution of 2004. We do not have a new budget resolution, but we do have the budget resolution for 2004, which put caps on 2005.

So I am ready to take up this bill. The chairman of the committee is ready to take it up. If the minority wants to come and ask that it come up, I am ready. We are ready right now. We will finish it by 5 o'clock Monday. We will have it to the President by 5 o'clock a week from tomorrow, I guarantee you that.

So I present the unanimous consent request, Mr. President.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, I would object, but I would ask the distinguished chair of the Appropriations Committee, who has worked harder than anyone I know in this Chamber to try to move the appropriations process forward, if we could not simply do what he is suggesting; that is, bring up the Homeland Security bill this afternoon. We can get agreement to go to the bill. No one has seen this bill. To be limited to a time limit without having had the opportunity to see it—we could even work out an agreement on relevant amendments. We could certainly work out a time agreement on amendments themselves. But there is no question that we could resolve these procedural issues immediately.

I ask unanimous consent that we set aside the pending business and take up the Homeland Security bill at 3 o'clock this afternoon.

Mr. STEVENS. My motion is before the Senate, Mr. President.

The PRESIDING OFFICER. The Senator is correct.

Mr. DASCHLE. Actually, I objected to that, and I have offered a counterproposal.

The PRESIDING OFFICER. Objection is heard.

Mr. STEVENS. The bill I have referred to was reported to the Senate. It was reported to the Senate on June 21. It has been before the Senate for quite some time. All I have asked is we have the amendments—it is open to amendment—and that there be an hour on each amendment. All I have asked is the amendments be germane and relevant and that there be an hour on each amendment. The only difference between what the distinguished minority leader and I have requested is I asked that no amendment would be in order which will increase total discretionary spending provided by the bill in excess of the Senate-reported bill totals which, again, is the amount that is consistent with the existing budget resolution.

I resubmit that unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, again, I think we are very close to reaching an agreement here. That is probably the good news that comes in this colloquy. I would object only because I am not sure I understand the implications of the final provision within his unanimous consent request having to do with the budget. There is no budget. We don't have a budget resolution. So I don't know how we can be guided by a budget resolution that doesn't exist. If anybody offers an amendment, my guess is it would be declared out of order, as the distinguished chairman is currently proposing. I don't think that is his intent, but I think that would be the interpretation. And that would, therefore, nullify any opportunity to make any alteration to the bill itself. If a 60-vote point of order is required on any amendment, it negates whatever opportunity there is to amend the bill.

I would hope perhaps within the hour we could work through that concern and come back and take up the bill this afternoon and, as the distinguished chairman suggests, finish the bill by early next week.

I will talk, of course, with our distinguished ranking member who would certainly need to be consulted before we agreed to do anything on the Senate floor. The distinguished ranking member has also expressed concern about our inability to move forward on this legislation, as well as the ranking member of the subcommittee. But I am pleased that the chairman has responded to our desire to move this legislation. Let's hope before the end of the afternoon we can have an agreement in place and take up the Homeland Security bill. No one could have been upstairs and heard what we heard and not want as much as possible to deal with all of the issues that are confronting us right now. The very least we need to do is to provide the funding necessary for the infrastructure that is already in place, and we have not even done that. So it is time we do it. It is time we recognize the concerns that are out there and deal with the responsibilities we have to fund the Homeland Security Department and all the related departments and not let this legislation languish as we tie ourselves up in procedural knots on legislation that has no place, at least right now, given our circumstances.

I will work with the chairman, work with the ranking member. Hopefully, we can come back to the floor sometime this afternoon and reach agreement.

The PRESIDING OFFICER. Objection is heard.

Mr. STEVENS. Mr. President, the distinguished leader has missed part of my unanimous consent request; that is, that the final vote take place at 5 o'clock on Monday. So we could go to conference with the House and expect to bring this bill back before we leave for the convention recess. Again, I state, I have a few years around here. I don't remember any Appropriations Committee member raising an issue to bring up a bill without consulting the chairman. I remember the days when had a Member done that, the Appropriations Committee chairman would not have forgotten it. So again, I say to the Senate, we are prepared to take up this bill under this time agreement and only under this time agreement today.

I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Let me again respond to the distinguished Senator from Alaska, chairman of the committee. I don't know why we have to have all these conditions for taking up an important bill like this. What is wrong with coming to the floor, working through the bill, dealing with amendments. I am frustrated, I suppose, by the extraordinary demands put before the Senate. Here it is Thursday afternoon. One of the most important appropriations bills we will confront and we must deal with, the Senator from Alaska, as well intended as I know he is, is asking the Senate to take it up on a Friday, when he knows most people travel, and then resolve it before the end of Monday which is also a travel day. We can argue how productive Fridays and Mondays are. And yes, we ought to be able to work here 5 days a week.

That has not been the practice. And certainly if we gave Senators warning, those who have already made travel arrangements could probably cancel those travel arrangements. But here we are. He can't really mean what he has suggested, that he is going to finish an important bill like this over 2 travel days and a weekend. That doesn't work. That certainly wouldn't be recognized by any standard as a good-faith offer.

Let's work this bill. Let's get it done. Let's have a debate. Let's have amendments. But let's recognize if we are going to do this, showcasing and posturing for purposes of trying to make it appear as if we are getting the work done is not going to satisfy the Senate. We need to lay this bill down. We need to work through it. We need to get it done. We ought to be doing it rather than playing all these political games with class action and all the other things that are contemplated now by the majority.

Mr. REID. Will the Senator yield for a question?

Mr. DASCHLE. Yes.

Mr. REID. Mr. President, the Senator from Alaska—and we all care deeply about him; he is our President pro tempore—said he wanted to bring up the bill—that was objected to—the Homeland Security bill, but under specific conditions, limiting debate and amendments. Does the Senator from South Dakota believe every bill that comes up we want to create a new Senate? We never want to do things the way the Senate has acted for 200-plus years. We want to do things the way the House does it. We want to have a rule on every piece of legislation.

This is my second question. Doesn't the Senator believe we could take this bill up and do it in the ordinary course of business, as we used to do things? We could finish this bill in a couple of days?

Mr. DASCHLE. The Senator from Nevada is absolutely right. There are too many on the other side who want the House rules but the 6-year term. If they want the House rules, I would advise them to run for the House. We have rules in the Senate that allow for debate. One of the advantages of being a Senator is, you have an opportunity to offer amendments and have a good debate about issues. That doesn't mean they have to be extended indefinitely. These issues can be resolved and have been. But issues as important as homeland defense and appropriations ought to have an opportunity to be debated, to be vetted, to be discussed, and considered in a thoughtful way.

What the Senator has suggested, that somehow we take up the bill this afternoon and, with 2 travel days and a weekend, resolve all of these questions is not reasonable and certainly not realistic.

Mr. REID. Mr. President, will the Senator yield for one more question?

Mr. DASCHLE. I am happy to.

Mr. REID. We have completed on this floor—and we did it in expedited fashion—the Defense Appropriations bill. The Senator from South Dakota consented to going to conference. We agreed to do it the day after the bill passed. The conferees were appointed. I have here the Senate calendar. The conferees were appointed June 24.

Is the Senator from South Dakota, our minority leader, aware of the fact that since this important bill passed the Senate, the House of Representatives—and now it is July 8—has simply never even appointed conferees? So all this about having to do it by 5 o'clock so we can go to conference is yelling out words that mean nothing. The House hasn't appointed conferees on the Defense Appropriations bill since June 24.

Mr. DASCHLE. Mr. President, I acknowledge the Senator from Nevada is absolutely correct. It is mystifying that they would allow a bill as important as this to languish and not appoint the conferees we had every expectation would have been appointed the same day we did it in the Senate. Again, it is another illustration of the hyperbolic rhetoric we get about concern for conference and process, but when given the opportunity, no action is taken. That has been true on Defense, as well as many other bills. It is regrettable.

Clearly, this is another illustration of how unfortunate this whole schedule has been. We have wasted another week. We wasted a week with the Defense Appropriations conference report. We could have completed our work on the Homeland Security bill this week. Instead, I don't think we have had a vote. If we have had a vote, except for the nomination, I don't recall it. We had one vote on a nominee and no votes on any legislative substance. We have wasted this week.

We will waste next week, and as we continue to languish with all of this legislative work before us, we inexplicably have no opportunity to offer amendments and consider the legislative agenda that would make this a secure country. That is very unfortunate.

Mr. DURBIN. Will the Senator yield for a question?

Mr. DASCHLE. Yes.

Mr. DURBIN. Does the Senator from South Dakota, our minority leader, see any objection to our considering this appropriation bill first thing Tuesday, taking this up on the same type of expedited schedule by which we took up the Defense Appropriations bill, subject to the same basic rules and completing it next week? This could be done quickly, could it not, if we follow the precedence and rules of the Senate, and there would not be a necessity for some of the conditions the Senator from Alaska has asked for?

Mr. DASCHLE. The Senator from Illinois is exactly correct. We would be prepared to accept virtually the same conditions we have agreed to in the past on Defense Appropriations and other legislation. If that is what it takes to expedite consideration of Homeland Security, I think it is critical that we attempt to accommodate the Senate and try to work through this very important legislative priority in an expeditious way. So the Senator from Illinois makes a very good suggestion. This is yet another approach. Let's decide to pick it up on Tuesday and move through the legislation. We can probably finish by the middle or certainly the end of the next week, and get to conference, even though they have not appointed conferees in the House.

My hope is when it comes to Homeland Security, given what we have heard today at the briefing, it would be imperative for us to deal with both of these bills in the most expeditious manner.

Mr. DURBIN. Mr. President, I am not going to make a unanimous consent request. The Senator from Alaska doesn't care for that from a member of the committee. I would like to suggest to the Senator from South Dakota that I hope there could be a conversation involving our leader on the Appropriations Committee, Senator BYRD, and Senator STEVENS, as well as Senator FRIST. I hope we can propose specifically to begin consideration of the Department of Homeland Security Appropriations bill on Tuesday morning and bring it to a conclusion and completion as quickly as possible.

I ask the Senator from South Dakota if he would consider trying to convene such a conversation with his fellow Senators.

Mr. DASCHLE. Mr. President, that will be, once again, the topic of discussion as I discuss the schedule with the majority leader. There cannot be a higher priority for our country and the Senate than dealing with homeland security issues.

Why we have not taken up the railroad security issue is another matter that is troubling to many of us. There are a number of bills related to our security that ought to be addressed, ought to have the highest priority. Certainly, Homeland Security Appropriations, railroad security, a number of other issues continue to sit without consideration. I cannot think of a better time to take it up than this afternoon and tomorrow, but no later than Tuesday; and I think the suggestion made by the Senator from Illinois is a good one. I will make it to the majority leader.

Mr. REID. Will the Senator yield for a question?

Mr. DASCHLE. Yes, I will.

Mr. REID. Mr. President, I think we also have to project ourselves into next week. I have read in the press that the majority, when we get off of the bill we have been dealing with all week, class action, is going to go to a constitutional amendment dealing with gay marriage. Now is there anybody who believes that amendment, which is doomed to failure no matter how you feel about it—how do the people in South Dakota feel about going to an amendment dealing with gay marriage instead of doing an appropriations bill dealing with homeland security?

Mr. DASCHLE. I am sure the people of South Dakota share the same feeling as the people in Nevada, Illinois and across the country. They want us to do our work and they want us to recognize there are very serious obligations we have that ought to be met. I cannot think of a more serious obligation than to provide for the security of this country. The longer we ignore it, the more we put our country at peril. I think it is critical we address these issues in a bipartisan way, a nonpoliticized way, an expeditious way; and certainly by taking this legislation up next week, we would be doing that.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

Mr. BYRD. Mr. President, what is the current business before the Senate?

The PRESIDING OFFICER. The Senate is considering S. 2062, the class action bill.

Mr. BYRD. I thank the Chair.

The Chair has indicated that the Senate is presently considering the class action bill; therefore, I would think it appropriate for me to add a title to the remarks I am about to make, a title which would be as follows: "Protecting the People's Interests Instead of the Campaign Interests."

This morning, Homeland Security Secretary Tom Ridge and FBI Director Mueller briefed Senators, and I am told that he indicated that al-Qaida cells are operating in the United States and that multiple and simultaneous attacks are possible before the November elections.

Now, I have been listening, as I sat home with my sick wife, to talk about an amendment to the Constitution. I have been married now more than 67 years to a coal miner's daughter, and I have been listening to all of the wrangling that has been going on on this floor. I therefore felt it appropriate to make these few remarks, especially in the light of what I am told Secretary Ridge said; namely, credible reporting now indicates that al-Qaida is moving forward with its plans to carry out a large-scale attack in the United States in an effort to disrupt our Democratic process.

Just a month ago, the Attorney General announced that he had credible intelligence from multiple sources that al-Qaida plans to hit the United States hard in the next few months.

In the weeks following the Madrid railway bombing, the Washington Post reported that the President informed the Republican congressional leadership that he was all but certain that terrorists would attempt a major attack on the United States before the November elections.

Why are we wrangling over this political bill? Why not be talking about protecting the people of the United States and their properties against such an al-Qaida attack? It would seem to me that should have priority over politics.

Your lives, the people out there who are watching this Senate floor through those electronic lenses, your lives, we are told, are at stake. Then why do we have before this Senate this class action bill? Why not talk about the people's lives that are at stake? The administration says the people's lives are at stake and that we may expect multiple attacks. What a sinister threat we are obviously facing in this country. What are we doing on this floor? Wrangling, wrangling, wrangling over a class action bill. That is not going to sit very well with the American people, I don't believe, once they stop and think about it.

It would also be appropriate at this point, although it isn't very common that it is done on this floor—the Holy Bible is probably not something that one should carry onto the floor of the Senate, but I am going to read just two verses of Scripture from the book of St. Luke, chapter 13. These two verses are the sixth and seventh verses:

> He [meaning Jesus] spake also this parable; A certain man had a fig tree planted in his vineyard; and he came and sought fruit thereon, and found none.
>
> Then said he unto the dresser of his vineyard, Behold, these three years I come seeking fruit on this fig tree, and find none: cut it down;—

Cut it down—
why cumbereth it the ground?

I believe there is a day of reckoning coming and it isn't afar off, when the American people are going to look at this fig tree and say: These 3 years I come looking for fruit on this fig tree and I found none, cut it down. They are going to say that to this administration, to this White House. These 3 years—these 3 years—behold, these 3 years I come seeking fruit on this fig tree and find none.

Where are all the wranglers? The people of this country are going to render a reckoning to those who are in the leadership in this country and they are going to say: Behold, these 3 years I came here seeking fruit on this tree and found none: cut it down; why cumbereth it the ground?

Just a few weeks ago, the 9/11 Commission released interim reports concluding that the terrorists who are intent on doing us harm are cunning and agile. These reports also indicate that our Government agencies were not prepared to deter or respond to such attacks. I fear that we are still not prepared to deter or respond to such attacks. Despite the threats, despite the dangers, despite even today's warnings from Secretary Ridge, the Senate this afternoon continues to debate legislation to reform the class action lawsuit process.

The Senate has spent 3 days on the bill without a single rollcall vote. Next week it is expected that the Senate will debate a proposed constitutional amendment on marriage.

Now, hear me, listen to that, a proposed constitutional amendment on marriage. There are few people in this Chamber who know as much about that subject as I do. My wife and I having been married now 67 years, going on toward 70, if it is the Lord's will.

It is expected that the Senate will debate a proposed constitutional amendment on marriage. Well, these are important matters. Nobody would say otherwise. But, frankly, they are not that urgent. They are not life or death issues, but they are the priority for the Senate majority leadership.

I believe there are other, more urgent matters that we should be considering. The Senate Appropriations Committee unanimously reported the Homeland Security appropriations bill 3 weeks ago, on June 17. Since June 17, the bill has sat collecting dust. Why are we not debating that bill? I say to the leadership: Why are we not debating that bill?

In response to the Madrid train bombings, both the Senate Banking Committee and the Senate Commerce Committee reported bills authorizing new Federal programs to secure our mass transit systems and our rail systems. The Governmental Affairs Committee has reported a bill authorizing first responders grants. The Senate has passed an authorization bill to increase resources for the Coast Guard. But where is the bill? The bill is mired in conference.

Why are we not moving forward on these bills? Why are we piddling around here, talking about a political bill, class action suits—class action suits? In the face of all the dire warnings that this administration, this White House, this Secretary of the Department of Homeland Security, this President—all of the dire warnings that we have heard, in the face of that yet we are here piddling around, dawdling, arguing, wrangling over a class action bill. How about that, those of you people out there in the prairies, out there on the rivers and the river valleys, out there in the Rocky Mountains, those of you in Appalachia? How about that? Your life, the lives of your children are at stake.

They say these terrorists are prepared to strike in multiple places and yet the Senate is dawdling, talking about a class action bill.

We only have 2 weeks left after this one. We need to act. Are we going to wait until we go home? Are we going to wait until after the conventions meet? Are we going to wait another 6 weeks and then come back and bring up the appropriations bill making appropriations for the Department of Homeland Security? Is that what we propose to do, daudle? Fiddle-faddle? What is wrong with the Senate?

The Senate is a do-nothing place these days, a far cry from what the Senate has been in the years I have seen go by.

While the Bush administration has consistently promised the American people that they are making this country safe, the facts show the administration has consistently put homeland security on the back burner. Time after time after time, the distinguished Democratic whip who sits on the Appropriations Committee of the Senate, not only a highly respected member of that committee but a very able member of that committee, knows that we have tried time and time and time again to add moneys for homeland security in that committee and here on the Senate floor. And time and time and time again, we have been turned down by a Republican administration and by the Republican leadership of this body. Deny that, if you may. I can furnish chapter and verse regarding the amendments that we have called up trying to bring greater safety to the American people against a terrorist attack, and time and time again those amendments have been defeated on the floor of the Senate.

For this administration, homeland security can wait and wait and wait and then wait. What do they want to do, wait another 6 weeks now until we come back after the August recess and then take up the Homeland Security appropriations bill? Is that the game? What might happen in the meantime?

This administration created a new Department of Homeland Security that rearranges the deck chairs, but it cannot energize that Department with the financial resources that it needs to make America and the American people safer, and many of the resources that are provided to the Department have yet to be spent. Get that. Many of the moneys are still in the pipeline. They have been in the pipeline. They have yet to be spent.

What a dawdling White House.

In response to the terrorist threat, one might have anticipated that the President would have requested the supplemental appropriations for securing our mass transit systems, for inspecting more containers coming into our ports, for increasing inspections of air cargo, or for increasing the number of Federal air marshals. One might have expected that the President would have amended his 2005 budget request to increase his anemic, 3-percent proposed increase for the Department of Homeland Security. What a shame. What a sad commentary on a White House that plays Russian roulette with the lives of the American people.

Instead, the White House did nothing. Instead, the Department seems satisfied with a go-slow, business-as-usual approach to homeland security.

The Department issued advice to mass transit systems for improving security but provided no funding to increase law enforcement presence or to deploy K–9 teams.

Despite the approach of a busy summer season for airline passengers, the Department of Homeland Security has allowed the number of Federal air marshals to shrink precipitously, and the President's budget would result in even deeper reductions next year.

I have worked with the distinguished chairman of the Appropriations Committee, Senator STEVENS of Alaska, year after year, month after month, time after time to increase appropriations for the Department of Homeland Security. Senator STEVENS and his committee have brought out bill after bill, and we brought bill after bill to the Senate floor over these years. We have joined together hand in hand on many occasions to seek the administration's help and have asked the administration to send up Tom Ridge before the Senate Appropriations Committee to testify back before he became a Secretary and subject to the confirmation of the Senate. Our requests fell upon deaf ears.

Despite concerns about the safety of our borders, the Department, in March, imposed a hiring freeze on Customs officers and Immigration inspectors. Millions of dollars that Congress approved for port security, for bus security, for hazardous materials grants 9 months ago have not been awarded. Millions of dollars that Congress approved in February of 2003, 17 months ago, for the purchase of additional emergency equipment for the 28 urban search and rescue teams have not been spent. Millions of dollars have not been spent.

Having this money sit in Washington, DC, does not make any American citizen any safer.

As a result of the President's decision not to seek supplemental appropriations, the Transportation Security Administration was forced to cut funding for training passenger and baggage screeners and for purchasing equipment for airport checkpoints.

You who listen today, it is your life and the lives of your family members and your neighbors and your friends that are at stake.

As the lines at our airports get longer and longer this summer, our citizens will wonder who is responsible. Who is responsible for this lackadaisical, careless attitude on the part of our government? Where are our government leaders? Where is the Senate? Why is the Senate so mute? That great deliberative body, where is it? Why is it so mute? Why are we today debating a class action bill when our lives are at stake?

It has been 2½ years since Richard Reid, the so-called shoe bomber, tried to blow up an aircraft in flight over the ocean with explosives that he carried onto the aircraft. Are we any closer to deploying systems that could check passengers for explosives? Sadly, sadly, the answer is no, no, no.

It has been over 2½ years since the Congress passed the USA Patriot Act and set a goal of tripling the Border Patrol and Customs officers on the northern border. Have we met the goal? Sadly, we are 1,428 officers short of the goal.

It has been nearly 3 years since 9/11 when police and firemen in the World Trade Center could not talk to one another on their radios and tragically hundreds of them perished never to rise in this world again.

Are we any closer to providing police and firemen across the Nation with interoperable communications equipment? Sadly, the answer is no.

The EPA has estimated that there are 100 chemical plants in this country—several of them down in southern West Virginia, where one of the greatest chemical complexes in the Western Hemisphere exists. The EPA has estimated that there are 100 chemical plants in this country, each of which if attacked could harm over 1 million people. In February of 2003, the National Infrastructure Protection Center, which is now part of the Department of Homeland Security, issued a threat warning that al-Qaida may attempt to launch conventional attacks on nuclear or chemical plants. A year and a half later, has the Department actually hardened the security of the chemical plants? Sadly, that same old refrain: No.

More than 95 percent of the Nation's overseas cargo moves through our ports. The U.S. Coast Guard estimates that a 1-month closure of a major U.S. port would cost our national economy $60 billion. We inspect only 9 percent of the cargo containers that come into our ports. There are 361 ports.

In order to help secure the ports, the Coast Guard estimates $1.1 billion is required to implement the Maritime Transportation Security Act in the first year and $5.4 billion over 10 years. How much did the President request? The President requested only $46 million for port security grants, a cut of 62 percent.

We need to do more than that. The American people expect more than that. The American people have a right to expect more than that. The American people have a right to expect from this administration, this White House, better consideration, better safety, greater concern.

There is a day of reckoning coming, and it is not far off.

Let me turn to this old book our fathers and mothers read.

> A certain man had a fig tree planted in his vineyard; and he came and sought fruit thereon, and found none.

He found none.

> Then, said he unto the dresser of his vineyard, Behold, these three years I come seeking fruit on this fig tree and find none; cut it down. Why cumbereth it the ground?

The owner of that vineyard is coming soon, just a few more months. The American people are coming to that vineyard seeking fruit thereon and they are going to say these 3 years we have come seeking fruit on this fig tree and found none. Cut it down.

Listen to that, White House. Cut it down.

On March 11 of this year, terrorists attacked commuter trains in Madrid, Spain, killing nearly 200 innocent passengers. The President of the United States has not requested a dime for mass transit security. No one is suggesting we set up a passenger screening system at our train stations like we have at airports, but we should be investing in additional guards, better training, additional K–9 teams, better surveillance. Americans use public transportation over 32 million times per workday. The Senate Banking Committee has reported a bill authorizing over $3.5 billion for fiscal year 2005 for mass transit security and the Senate Commerce Committee has reported a bill authorizing $1 billion for rail and Amtrak security. Our citizens deserve to be secure as they travel to work and back home again.

Time and time again over the last 3 years I have offered amendments to provide funding for securing our mass transit systems and the White House consistently called the amendments wasteful or unnecessary spending. We need to do more.

The Hart-Rudman report on the terrorist threat in this country recommended a $98 billion investment in equipping and training for our first responders over the next 5 years, yet the President did not request an increase in first responder funding. Instead, the President has proposed to cut first responder funding in the Department by over $700 million, including a $246 million cut in fire grants, and governmentwide the President is proposing cuts of $1.5 billion. We need to do more, not less. We are living in perilous times. Perilous times. We are a country that faces increasing threats from terrorists right here at home.

As Secretary Ridge was said to have explained to the country this morning, there is a growing concern about a potential terrorist attack before the November election. We are vulnerable, and the continual warnings and calls for vigilance only magnify that vulnerability.

What is our response to the Secretary's warnings in this Senate, in this dear old body which has been my home for almost 46 years? We give whistles to staff in the Capitol and we hope for the best. We sit back and wait and wait and wait on an appropriations bill that is right here that could have been called up days ago. We sit back and wait and wait on this appropriations bill that would improve Homeland Security. Instead of action, we delay. Instead of action, we call up a class action bill. Instead of action, we get wrangled in political arguing. We delay Homeland Security funds for police officers and firefighters. We delay immediate investments in border security and port security. We say loudly for all the country to hear, Homeland Security can wait.

No, it cannot wait. Homeland Security cannot wait. And remember, there will be a day of reckoning. It will come as surely as I stand here in this place, as sure as the sparks fly upward. That day of reckoning is coming ever near around the corner.

Indeed, the majority leader could have scheduled the Homeland Security appropriations bill this week, but rather than bring up that critical legislation this week the majority chose to go to the class action bill. And once the Senate began consideration of the class action bill, then it was decided that Senators could only offer those amendments the leadership deemed appropriate. Now, how is that? How is that for filling the tree?

Here we are in the middle of July, with 11 more legislative days left before the Senate recesses for the respective party conventions; and that is going to be for 45 days we will recess, take or give a little. So the Senate has acted on exactly one appropriations bill, the Defense Appropriations bill.

Now that is not the fault of the Senate Appropriations Committee. No, you can bet on that. That is not the fault of the Senate Appropriations Committee.

It is said that actions speak louder than words, and I believe that to be true in this case. Given all of the priorities facing this country, the majority leader has said, I am told, the most urgent need the Senate should consider is the class action bill and has further indicated that next week the Senate will consider a constitutional amendment that no one believes has the number of votes needed for adoption. Amend the Constitution of the United States—here it is, folks. I hold it in my hand. Let's just amend it one more time.

Homeland security funding will sit on the sidelines. Is that what the Senate should be about, I ask you, the people out there? This Senate should step back from this folly and put the people's interests first—the people's business, the people's lives.

I simply do not understand why the Senate is twiddling its thumbs on legislation that could be considered at some other time rather than addressing homeland security issues when it matters most.

I watched them tear the building down,
A gang of men in a busy town;
With a ho-heave-ho, and a lusty yell,
They swung a beam and a sidewall fell.
I asked the foreman, "Are these men skilled,
And the men you would hire if you had to build?"
He gave a laugh and said, "No, indeed;
Just common labor is all you need.
I could easily wreck in a day or two
What builders have taken years to do."
I thought to myself as I went away,
Which of these roles have I tried to play:
Am I a builder who works with care,
Measuring life by the rule and square,
Am I shaping my deeds to a well-made plan,
Patiently doing the best I can?
Or am I a wrecker who walks the town,
Content with the labor of tearing down?

Think about it.

Now, I had not been told about my dear friend's, the chairman's, proposal about taking this up, even though I am the ranking member, actually the senior member of the committee, the only person on that committee who has been on it for 46 years, the senior Democrat in this whole creation here. I was not told about any proposal that my chairman was about to make.

I would be happy to consider any proposal. I want to work with the chairman. I say, why not take up this bill on Monday of next week? Why not? Why not bring this bill up on Monday, and let's have at it? I will leave that question for the leadership. I hope it will receive some consideration.

> A certain man had a fig tree planted in his vineyard; and he came and sought fruit thereon, and found none.
>
> Then said he unto the dresser of his vineyard, Behold, these three years I come seeking fruit on this fig tree, and find none: cut it down; why cumbereth it the ground?

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SMITH. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

GARRETT LEE SMITH MEMORIAL ACT

Mr. SMITH. Mr. President, there are many arguments hot and heavy being made today about the important issues that confront our country, issues about our security, about our troops, about the hot summer that is threatened by terrorists, about our economy and its recovery, and I know there are strong feelings on both sides of the aisle. But I hope today to show the American people that we are bigger than just partisans, that there are times when our Nation's elected officials can come together, put aside political and party differences, and actually debate and pass legislation.

My bill that I am talking about now in the company of MIKE DEWINE, the Senator from Ohio—and I believe Senator DODD of Connecticut will soon join us—is a bill, I suppose, on a smaller subject than war and peace and economic recovery, but it is nevertheless a bill about life and death, so it is important. It is not a far-reaching bill. It is not even all that expensive, certainly not in relationship to all that our Congress will consider, but it represents an important milestone in our country's battle against mental illness and specifically youth suicide.

Later tonight, this bill will be introduced by the majority leader. I thank him for his sensitivity and willingness to proceed on this bill. He has been of enormous help to my wife and me in this struggle. I thank also Senator DASCHLE for truly making this a bipartisan issue. See, what Senator FRIST and Senator DASCHLE understand is that mental illnesses do not register by party; they afflict Republican and Democratic families alike.

I would like to thank Senator GREGG, the chairman of the committee, and his staff for their willingness to proceed with this legislation. It would not have happened without him.

I would like to thank Senator DEWINE. He and his wife Fran know something about family suffering, having lost a child of their own, so he has been unusually sensitive to Sharon and me on this issue. He has championed one of the bills, the major part of this bill we will take up today.

I thank you, Senator DEWINE.

I want to show further how we as partisans, as Republicans and Democrats, are first Americans. During the hearing we had on this bill, it was Senator DODD, who is the ranking member of the committee, who suggested that if we accomplish little else in this Congress, we at least ought to do this much. Senator DODD is one of the nicest and most decent Members of this Chamber.

There are other Senators of whom I want to take note.

Senator JACK REED has been especially sensitive and has helped to write a big portion of this bill as it relates to campus suicide.

Senator HARRY REID, the Democratic whip—his family also having suffered with a suicide—has been a champion of mental health issues and specifically on the issue of how to intervene, interdict, and to stop suicide when it is at all possible.

Finally, I would like to speak of Senator KENNEDY. I have looked at him often in this Chamber. I have thought of him as a lion in winter. He certainly has a lion's roar in this Chamber. Yet underlying the lion's roar, Senator KENNEDY has a heart that is filled with compassion for people. No one on either side of the aisle should ever question his motive, and his motive is as good as gold even though you can reasonably disagree with his method. He has been of unusual help to me and to Sharon as we suffer the loss of our son. He has known much suffering in his days, and I thank Senator KENNEDY.

Finally, I must mention ARLEN SPECTER, the subcommittee chairman of the Appropriations Committee that helps fund the mental health issues. For a long time, he has found ways to fund programs to help with mental illnesses. And he has been helpful in a tight year with a tight budget trying to find the resources that can be utilized for the authorization of funds this bill will provide.

Enough of those things, and now to the substantial.

Most of you can probably discern by now that my emotions are still somewhat tender. I didn't volunteer to be a champion of this issue. But it arose out of the personal experience of being a parent who lost a child to mental illness through suicide.

Last September, Sharon and I lost our son Garrett Lee Smith to a long battle that he suffered from mental illness. He suffered emotional pain that I cannot begin to comprehend, and he ultimately sought relief by taking his life. While Sharon and I think about Garrett every day and mourn his loss, we take solace in the time we had with Garrett and say to all those who suffer the loss of loved ones that the very best antedote for grief is the gratitude you had for your loved one for a time on Earth. Sharon and I have committed ourselves each in our own way to preserving Garrett's memory by trying to help others so that other families and children do not suffer a similar fate.

Sharon and I adopted Garrett a few days after his birth. He was a beautiful child, a handsome baby boy.

Forgive me.

He was thoughtful of everyone around him as he grew older. His life, however, began to dim in his elementary years. He struggled to spell. His reading and writing were stuck in the rudiments. We had him tested and were surprised to learn that he had an unusually high IQ, but he struggled with a severe overlay of learning disabilities, including dyslexia.

However, it would be many years later until we learned how extensive his true illness was because of his diagnosis, which was a bipolar condition. Bipolar disorder, also known as manic-depressive illness, is a brain disorder that causes unusual shifts in a person's mood, energy, and ability to function. Different from normal ups and downs that we all experience, the symptoms of bipolar disorder are severe. People who suffer from bipolar experience swings from manic highs where sleep and eating are not desired, to deep catastrophic depressions where simply getting out of bed can be too much of a challenge.

In the United States, more than 2 million American adults suffer from bipolar disorder. This illness typically develops in late adolescence or early childhood. However, some people have their first symptoms during childhood, while others develop them late in life. It can be a debilitating illness. And, as in Garrett's case, it can lead to worse tragedies.

As his parents, we knew how long and how desperately Garrett had suffered from his condition and his very dark depression. While we knew intuitively that suicide was possible in his case, there are simply no parental preparations adequate for this crisis in one's own child, no owner's manual to help one in burying a child, especially when the cause is suicide.

So I have committed myself to trying to find meaning in Garrett's life by helping to pass, with the help of my colleagues, an important first step to ending the epidemic of youth suicide. It is no small task, but one that I believe should be a top priority of this Congress because every year approximately 30,000 Americans commit suicide in the United States—a number that is almost twice as high as the number of homicides in our country. Almost 700,000 Americans are treated in hospitals every year for self-inflicted wounds and attempted suicides. But keep in mind these figures don't tell the whole story. They do not account for the families, the friends, the coworkers who are affected by each suicide. Suicide and attempts do not simply leave an impression on the individual's life, it leaves a deep impact on everyone who knows the person or a family member of that person.

America's youth are committing suicide at staggering rates. Suicide is the third leading cause of death for people age 10 to 24 years—the third leading cause. That is why this bill, at MIKE DEWINE's suggestion, named the Garrett Lee Smith Memorial Act, is so vitally important. It takes the first significant step toward creating and funding an organized effort at the Federal and State levels to prevent and intervene when youth are at risk for mental and behavioral conditions that can lead to suicide.

The loss of life to suicide at any age is tragic and traumatic. But when it happens to someone who has just begun life, has just begun to fulfill their potential, the impact somehow seems harsher, sadder, more out of season, more tragic.

Garrett had just begun to reach his potential. His big smile and generous spirit allowed him to befriend everyone, popular or not. Wisely or not, his mother and I showered him with creature comforts as yet another way to show him that we loved him and that we valued him. But as a testament to his character, we later found out that much of what we gave him in a material way he readily gave to others less fortunate.

He also wanted to accomplish three things in life. He wanted to be an Eagle Scout, he wanted to graduate from high school, and he wanted to serve his church on a mission. He accomplished those three things, largely because of the efforts of his angel mother. He loved his mission companions, he loved his church, he deeply loved his Savior, and a chance of serving others in his name. Unfortunately, his struggle against his periods of deep depression became too much. We sought out help from school and church counselors, psychologists, and ultimately a psychiatrist. But words of encouragement, prayers earnestly offered, and the latest medical prescriptions could not repair our son's hard-wiring defects.

Garrett's bipolar condition was a cancer to him, as lethal as leukemia to anyone else. It filled his spirit with hopelessness and clouded his future in darkness. He saw only despair ahead and felt only pain in the present, pain and despair so potent that he sought suicide as a refuge, a release. The bill I offer today with these great colleagues, Republican and Democrat alike, is intended to help other people who suffer from mental illnesses that are so devastating it places them at risk for taking their own lives. No family should experience the pain we have suffered and no child should face the challenges of mental illness alone.

When signed into law, this bill will authorize $60 million over 3 years to create a system focused on establishing in each State a statewide early intervention and prevention strategy. It ensures that 85 percent of the funding will be provided to the entities focused on identifying and preventing suicide at the State and community levels. Entities apply to the State for funding and can utilize a variety of options to implement the tenets of statewide strategy.

One option that Sharon and I have recently championed in our own hometown is the Columbia University Teen Screen Program. We have chosen to endow this program in our community in our son's memory, in the town of Pendleton, OR, from which I hail.

All sixth graders who have their parents' consent will be screened each year for mental illnesses that can lead to suicide and they will receive referrals for treatment. Our hope in sponsoring this program is to help as many children as possible at as early an age, as young as possible, because if we identify mental illness early, we may be able to prevent thousands upon thousands of youth suicides.

The bill also authorizes the Suicide Prevention Resource Centers that will provide technical assistance to States and local grantees to ensure they are able to implement their statewide early intervention and prevention strategies. It also will collect the data related to the programs, evaluate the effectiveness of the program, and identify and distribute best practices to other States around the country. Sharing technical data and program best practices is necessary to ensure that Federal funding is being utilized in the best manner possible. That information is being circulated among participants.

Finally, the bill will provide funding to help colleges and universities establish mental health programs or enhance existing mental health programs focused on increasing access to and enhancing the range of mental and behavioral health services for students.

Entering college can be one of the most disruptive and demanding times of a young person's life, but for persons with mental illnesses the challenges can be overwhelming. Loss of their parental support system, familiar and easily accessible health care providers can often become too much of a burden to bear. That is why we have, for the first time, focused Federal funding on improving the support structures available at our colleges and universities.

I simply say with emphasis to my colleagues, we have a suicide epidemic on American university campuses because kids leave their homes and need support structures. As in the case of our son, when you are not there and they do not have someone to fall back on, sometimes the most innocent kinds of disappointments for you and me can be life ending to them. These are the kinds of situations which we hope to better predict.

I say in conclusion, the components of this bill will ensure that we begin to address the staggering problem of youth suicide. I am pleased to be a champion of this cause, not because I volunteered for it but because I have suffered over it. This bill, with the support of my colleagues, will be a marvelous beginning to say to the American mothers and fathers, we care about you, we know your struggles, we know your suffering, and we are trying to help.

Where you cannot be there, we are going to do our level best to make sure there are professionals, there are people to help, so we can put an end to this epidemic and let our youth know that mental illness is not something from which they should shrink but something about which they should seek help.

If we do this, my colleagues, I assure you, whatever else we may or may not accomplish in this Congress, we can leave here with pride that we did a very good thing for the young men and women of the United States of America. I urge the passage of this bill.

I yield the floor.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. REID. As my friend from Oregon knows, my father committed suicide. My situation was totally different than that experienced by my friend from Oregon. With my dad there was nothing that had happened that suggested a problem.

I went to watch Muhammad Ali work out, spent the morning with Muhammad Ali. I had a wonderful time. I took somebody who was working with me. Two of us were alone with Muhammad Ali for a long time. I returned to my office and walked in the door. Joan was the receptionist. I can still see her. This was many years ago. She said: Your mother is on the phone. I picked up the phone and she said: Your pop shot himself.

My dad had killed himself at home in Searchlight. For a long time, I was embarrassed; I did not know how to handle that. I, of course, acknowledged my dad was dead but like most people who deal with suicide, it takes a while to accept that.

My acceptance came many years later when I was part of the Aging Committee in the Senate. Bill Cohen was the chairman. We had a hearing on senior depression. Mike Wallace, a reporter on "60 Minutes," testified before the committee. He said: A lot of times I wanted to die. I did the most dangerous things I could do, hoping that maybe something would happen that I would not return. He said: But you know, I now take a little bit of medication; I had the opportunity to talk to someone and I no longer feel that way.

So I shared, for the first time ever publicly, what happened to my dad. My dad was 56 or 57 years old, much younger than most members in the Senate. I said at that time to Chairman Cohen that I thought we should have a hearing on senior suicide. I shared, for the first time, the story of my dad's death.

I didn't know Garrett. Gordon didn't know my dad. My dad was a person who, as we look back, had been depressed his whole life. I cannot give a long dialog about my dear dad other than to say he was a very strong, physical person, bigger than I am, bigger than his four sons. He never lifted a weight, but with his shirt off at the age he was, people would think he had lifted weights. He had big arms, a big chest. He was very strong.

He didn't like to be around people, only his family. About a week before he killed himself, we came out to visit him in Searchlight. My dad did not have much in the way of material possessions, but he had one thing for which he was very proud. It was a specimen.

My dad worked hard all of his life, never made any money doing anything, but he worked like a dog. One time he had a lease on a mine and he found some very rich ore at the Blossom. The vein was very small. It was in a talc-like formation, and it assayed at $18,000 a ton. He got a few sacks of this. It was in such small quantities you could not even fill up a truck with it.

He saved a specimen. All he had left was a specimen; that was valuable to him, at least. Approximately a week before he died, he gave it to me. It was unlike my dad. But, of course, as I look back, he had been planning what he was going to do for some time. His health was not good and he had miner's consumption, and I am sure other problems. He smoked like a chimney all of his life. He coughed every night when I was a little boy. I thought all kids' dads coughed like my dad.

But had this legislation, introduced by my friend, been in effect, my dad may not have had all the problems he had as he proceeded through life. Suicide is an American tragedy. We know that at least 31,000 Americans every year kill themselves. We know that because those are the deaths that we can say: This was a suicide. But there are, I believe, thousands of others—automobile accidents, hiking accidents—that are really suicides.

So we have done a few things since my work with Senator Cohen. We are now studying, for the first time—it is hard to comprehend this—but for first time in the history of this country, we are trying to figure out why people kill themselves. We do not know for sure. One of the phenomenons is that most of the suicides are in the western part of the United States. We do not know why. You would think just the opposite, with the Sun shining and the wide open spaces. But we are studying that. The Surgeon General of the United States has stated it is a national problem.

I want my friend from Oregon to understand how important it is that he is stepping forward on this issue. Landra and I attended Garrett's funeral. We were so impressed because no one—no one—tried to mask what happened to Garrett Smith. Every speaker talked about this fine young man. Some of the speakers had known him his whole life. But there was not a single speaker who tried to make an excuse or cover up the fact that this young man had taken his own life.

You see, we have come a long way. After my dad died, killed himself, I bought a book on suicide. It was not long ago that you could not bury someone who committed suicide in a cemetery. Most religions would not accept and allow the normal religious ceremonies to take place if somebody had killed themselves. We have gone beyond that in most every instance, and that is good.

I want the Senator from Oregon to know how I appreciate his moving forward on this national problem. Nevada leads the Nation in suicide. I believe that anything we can do to focus attention on this problem is going to be of benefit to so many people.

Since this situation with my dad in the committee, we now have a national organization. They have a full-time lobbyist now. SCAN is the name of the organization. Their whole existence is based on dealing with the suicide problem that faces this country.

I appreciate very much the Senator from Oregon, I say for the third time, moving forward on this issue. It is a happy day and a sad day because, as life is, I do not focus on that day when my dad—I went out and saw my dad on the bed where he had killed himself. I do not focus on that, but I did today, and it is good for me that I did focus on it.

It is good for us that we focus on this. I used to think suicides happened to other people, but they happen to us. There are so many people who I come in contact with who have had a father, a mother—I had a wonderful TV reporter in Las Vegas—and you know it is all business with these journalists—who said to me once: Could I talk to you sometime alone? I said: Sure. She told me about the fact that her brother committed suicide, her father committed suicide. This story did not end there. She called me later, after we had our private conversation; her own sister then killed herself.

Suicide is an illness of which we have to get ahold. It is something that does not happen to others; it happens to us.

I am so glad I was able to hear the heartfelt remarks of the Senator from Oregon today.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I compliment my colleague from Oregon, Senator SMITH, for his statement and also for the work he has done in putting together this legislation. I ask unanimous consent to be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I also compliment my colleague and friend, Senator REID, for his statement. I have a similar experience. My father also committed suicide. I am not going to go into the details, but it is a lot of pain. It is very evidenced by the pain in the expression by Senator SMITH and Senator REID that this is a very serious problem throughout our country. It is a serious problem, as Senator SMITH has experienced, unfortunately, particularly with teenagers.

For teenagers, this is a problem that most people cannot comprehend. I did know Garrett. Garrett was a troubled young man with mental illness. He was also a very fortunate young man because he had outstanding and loving parents. He had an angel for a father and a mother, and he received more love than most children would ever dream of receiving. Now maybe he is in some ways giving a gift to the country because Senator SMITH, in trying to rationalize maybe, combat this very serious problem, is trying to tackle it nationally. I have no doubt as a result of us passing this legislation we will end up saving a lot of lives, maybe thousands of lives. So I just want to associate myself with my very good friend Gordon Smith but thank and compliment him because we will never know—we will never know—did this save someone's life somewhere in Oregon or Oklahoma or Nevada or New York because there are a lot of troubled kids out there, frankly, who have not received the attention they need. Maybe it will also lead to greater research in combating suicide as a whole because it is a big problem throughout this country for many ages, particularly for teenagers.

I compliment Senator SMITH for the love and attention and focus both he and Sharon focused on Garrett. Garrett was a very fortunate young man to have such loving parents. The Senate is very fortunate, our country is very fortunate, to have his leadership on this very difficult, sensitive issue for them and, frankly, for our country. I compliment him for his work and yield the floor.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from Connecticut.

Mr. DODD. Mr. President, first of all, let me thank both of my colleagues from Nevada and Oklahoma as well. Their remarks were very moving today. In the midst of all these other matters we debate and discuss—matters we think are of such great and global and national importance—I don't think anything we have listened to has been as important as the comments that have been made by our good friend and colleague from Oregon, GORDON SMITH, and my good friends and colleagues, HARRY REID and DON NICKLES. I was aware of the circumstance of my friend from Nevada. I was not aware of the circumstance of my friend from Oklahoma. I appreciate both of them adding their voices today to this discussion. Particularly, though, I think we all feel a special bond with Senator SMITH and what he and his lovely wife Sharon have gone through. I commend him for his courage and determination to share his story with us and the country today.

Time does heal wounds. I suspect my friend from Nevada and friend from Oklahoma still feel tremendous pain, and I suppose that time does remove some of the bitterness. But we know that our friend from Oregon lost his son only a matter of months ago, and we know the fact that he came to me, to MIKE DEWINE and Senator REED, to others, asking with great determination if there was a way to clear the legislation before us this year. I am so glad that he came to us. I will forever remember the hour or so we spent—not many weeks ago—talking about this legislation in my office and trying to find a way to clear it. Gordon, it is because of you that we are here today.

I commend the majority leader and the Democratic leader and others for insisting that we find some time here to allow this legislation to be considered and, I believe, adopted unanimously by our colleagues. I know the other body is considering legislation as well.

If I could, I would like to spend a couple of minutes speaking about this important issue, and I hope this time maybe there are people listening. I know occasionally people follow C-SPAN. There are probably times when they wonder why they are watching us at all, but maybe today, as a result of our conversation and the tremendous remarks by our colleagues who have talked about this issue in very personal terms, in addition to the underlying legislation, there will be people listening whose lives might be transformed. My admiration for the three of our colleagues who have spoken today, particularly our colleague from Oregon, is unlimited. He has done a great service, if nothing else, by sharing his story with America. That has great value.

There are people listening to this who I know full well are going through similar circumstances and wondering how to cope, or a child out there who may be wondering whether anyone can pay any attention to his or her needs, or trying to find a place he or she can go to try and resolve these conflicts. I think this discussion is a worthy one for this historic Chamber to be engaged in.

Adolescent years are the most difficult in many ways. We spend a lot of time talking about early childhood development, and rightfully so. Those are formative years in a child's life. There is much more we could do to try and assist parents and young children beginning the journey of life to get it right from the beginning. And we spend a great deal of time talking about higher education, talking about the cost and getting jobs and the like. Certainly that has great value as well. However, we don't spend enough time talking about those adolescent years, those middle years from age six to 24. I can think of only a few instances where we have actually had hearings and talked about the problems of adolescents, those tremendously changing years that can be so terribly complex for an individual of that age.

I hope that as a result this discussion, the legislation we are introducing will have some ability, some impact, maybe, in focusing our attention on those questions. Let me go back and, first of all, again thank my colleague Senator MIKE DEWINE, with whom I have worked on this issue, JACK REED of Rhode Island, who has done a tremendous job as well on this legislation, and my colleague RICHARD DURBIN of Illinois, who wants to be added as a cosponsor. I ask unanimous consent that he be added as a cosponsor to this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. As has been pointed out by our friend from Oregon, suicide among our Nation's young people is an acute crisis that knows no socioeconomic boundaries. My State of Connecticut, as well as all other states in the nation, suffer from this tragedy. In fact, my hometown of East Haddam, Connecticut—a small rural community of 8,000 people—has not been immune.

In 2001, I chaired the first Congressional hearing on youth suicide, and I was alarmed at the disturbing statistics that were read at that hearing. Well, those statistics have not changed and they are worth repeating again today. According to the most recent data from the Centers for Disease Control and Prevention, almost 3,000 young people—10 percent of all suicides—take their lives in the United States every year. It is the third overall cause of death between the ages of 10 and 24. Young people under the age of 25 account for 15 percent of all suicides completed. In fact, more children and young adults die from their own hand than from cancer, heart disease, AIDS, birth defects, stroke, and chronic lung disease combined.

Equally alarming are the numbers of young people who consider taking or attempt to take their own lives. Again, recent CDC figures estimate almost 3 million high school students or 20 percent of young adults between the ages of 15 to 19 consider suicide each year, and over 2 million children and young adults actually attempt suicide. Simply put, these figures are totally unacceptable and of a crisis proportion.

Sadly, we rarely find these facts disseminated widely among public audiences. We rarely read them in newspapers or hear them on television. Individual cases, yes, but not the national numbers.

We know youth suicide is integrally linked to mental health issues such as depression and substance abuse. Yet we also know all too well that both youth suicide and children's mental health continue to carry an unfortunate stigma, a stigma that all too often keeps these crucial issues unspoken and discourages children and young adults from seeking the help they so desperately need.

We have a societal obligation to break through this stigma attached to youth suicide and children's mental health. Again, the comments of our colleagues this afternoon have taken a major step in that direction. When people in public life can address these issues in public forums and talk about them in personal terms, then they help us break down the barriers and stigmas that exist. That is why I feel so strongly about the willingness of our colleagues today, particularly Senator SMITH, to share their personal thoughts with us.

We also have a societal obligation to instill in our young people a sense of value, of self-worth and resilience. All too often children and young adults considering suicide lose sight of themselves, their talents, their potential in life, and all too often they lose sight of the love their families, friends, and communities have for them, as our friend from Oregon so eloquently described.

I am pleased our Nation has already taken positive steps toward better understanding the tragedy of youth suicide and its emotional and behavioral risk factors. Several recent reports like the President's New Freedom Commission on Mental Health, the National Strategy for Suicide Prevention, and the Surgeon General's Call to Action to Prevent Suicide have made youth suicide a top national public and mental health priority.

Today hundreds of community-based programs across the country offer a variety of early intervention and prevention services to thousands of children and young adults—services that include comprehensive screening, assessment, and individualized counseling. Every State and many tribal nations have begun developing or already have implemented a youth suicide early intervention and prevention strategy that coordinates appropriate services in schools, juvenile justice systems, foster care systems, mental health programs, substance abuse programs, and other youth-oriented settings.

Furthermore, the Federal Government has stepped up in its role in both supporting these community-based activities and conducting relevant research and data collection. Several mental health and public health agencies have shown a great interest in youth suicide, including the Substance Abuse and Mental Health Services Administration, the Health Resources and Services Administration, the Centers for Disease Control and Prevention, and the National Institutes of Health. However, despite these important gains, we still face significant challenges.

Today a large number of States, localities, tribes, and service providers are finding themselves with unprecedented budget deficits, making the establishment of new services and the retention of existing services increasingly more difficult.

Furthermore, youth suicide early intervention and prevention strategies are often underfunded or understaffed to be properly effective. And while a number of Federal agencies have supported youth suicide activities, there have been no comprehensive interagency strategies implemented to share data, disseminate research, or evaluate the efficacy of youth suicide early intervention and prevention programs.

Today I am introducing bipartisan legislation with my colleagues Senators MIKE DEWINE, JACK REED, GORDON SMITH, HARRY REID, and DICK DURBIN, named in memory of Garrett Lee Smith. This legislation further supports the good work being done at the community level, the State level, and the Federal level with regard to youth suicide, early intervention and prevention in four principal ways.

First, it establishes new grant initiatives for the further development and expansion of youth suicide early intervention and prevention strategies and the community-based services they seek to coordinate.

Second, it authorizes a dedicated technical assistance center to assist States, localities, tribes, and community service providers with planning, implementation, and evaluation of these strategies and services.

Third, it establishes a new grant initiative to enhance and improve early intervention and prevention services specifically designed for college-age students.

And last, it creates a new interagency collaboration to focus on policy development and the dissemination of data specifically pertaining to youth suicide. I continue to believe that funding for concrete, comprehensive, and effective remedies for the epidemic of youth suicide cannot be done by lawmakers on Capitol Hill alone. They must also come from individuals, such as doctors, psychiatrists, psychologists, counselors, nurses, teachers, advocates, clergymen, survivors, and affected families who are dedicated to this issue or spend each day with children and young adults who suffer from illnesses related to youth suicide.

I believe we have made an important first step with this legislation today. That step has been implemented by the comments of my colleagues on the floor of the Senate. However, I also know that our work is not done. I sincerely hope that as a society we can continue to work collectively both to understand better the tragedy of this incredible problem of youth suicide and to develop innovative and effective and public mental health initiatives that reach every child and young adult in this great Nation of ours, compassionate initiatives to give them encouragement, hope, and love, and most important, life.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. DEWINE. Mr. President, let me first congratulate my colleagues from Nevada and Oklahoma for their very moving statements in regard to their dads. Let me also say to my colleague from Oregon that his statement was certainly one of the most moving statements I think any of us have ever heard in this Senate Chamber. Our hearts, collectively as Senators, continue to go out to our colleague and Sharon for the loss of Garrett.

Senator SMITH and Sharon have taken their tragedy, the pain of this tragedy, the loss of Garrett and there is nothing in the world worse than the loss of a child—and focused it on trying to do good. We see it today with this legislation for which Senator SMITH has been such a strong advocate. We are on the Senate floor, frankly, because of him. We would not have been to this point without him, without his advocacy. We saw it in the testimony when Senator SMITH and Sharon came to our committee hearing that Senator DODD and I held several months ago. They publicly talked about Garrett's death; they talked about him and talked about the issue. Senator SMITH described earlier the community teen screening with sixth graders in Pendleton that they have established. So they are courageous. They have taken this immense pain and, in spite of that, in the face of that, they are doing something very positive.

Those of us in the Senate are blessed and we are burdened with the opportunity to use the bully pulpit of the Senate to focus public attention on issues. I say to my colleague that there are many parents, tragically, as he knows, who have suffered as he and Sharon have this year. He has the unique opportunity—and has taken that, as he is in a public spotlight; it is a burden he has, but he has taken that burden and done something with it. What he has done with it is he has taken that spotlight and used the bully pulpit of the Senate to talk to the American people about this issue. Many people today will watch this and many more will read about it tomorrow. There are many people who read about the committee hearing we held, and they heard when Senator SMITH and his wife talked about this issue. Many people they will never know have been impacted, or maybe they were alerted to a problem they might have with their child, and maybe parents were given inspiration and encouragement to seek help. These are things that individuals don't ever know about. But I know, and we all know, that what they have done has truly made a difference. This bill will truly make a difference.

I thank Senator DODD and Senator JACK REED for their work. This bill we are introducing today is a combination of two bills. One was introduced by Senator REED as the lead sponsor. It was his idea; he took the lead. I was the Republican cosponsor. We introduced a bill. The other bill was Senator DODD's bill. He was the lead on that, and I was the cosponsor. We worked on that bill together. This is a combination of those two bills that we bring to the floor today.

I also thank Senator HARRY REID for his great support and his work. I thank the majority leader. I thank Senator DASCHLE and I thank Senator GREGG. They all have been very supportive. We thank them for allowing us to bring this bill to the floor today.

We have held hearings on the mental health concerns of youth and children. As chairman of the Subcommittee on Substance Abuse and Mental Health Services, I have been able to do this. The one hearing we talked about, Senator DODD cochaired with me. At the hearing on youth suicide, it became clear that thorough and actionable plans are needed to deal with this issue affecting our children and young adults.

At that hearing, as I indicated, Senator SMITH, supported by his wife Sharon, courageously shared the story of their son Garrett. They told of his struggle, their family's brave struggle with his depression, and Garrett's struggle with that depression, a battle that he tragically lost this past September. In honor of their son, GORDON and Sharon are dedicated to helping other youth and their families who are struggling with mental illness.

At that same hearing in March, the Reverend Dr. Paul Tunkle courageously spoke of the loss of his daughter. Reverend Tunkle is an Episcopal priest now serving in Baltimore. His wife Judy is a psychotherapist. Their daughter Althea, or Lea to those close to her, began to exhibit symptoms of psychological problems when she was in grade school. She began to experience additional problems as she began her university studies. Her grades began to suffer. Exacerbating her mental health problems, Lea was raped while away at school. After attempting suicide twice, Lea killed herself on her third attempt at the age of 22.

Tragically, these stories that we have heard are not uncommon. Statistics tell us that approximately every 2 hours a person under the age of 25 commits suicide. We also know that from 1952 to 1995 the rate of suicide in children and young adults in this country tripled, and that between 1980 and 1997 the rate of suicide in 15- to 19-year-olds increased by 11 percent.

According to the National Institute of Mental Health, suicide was the 11th leading overall cause of death in the United States in the year 2001; however, it was the third leading cause of death for youths aged 15 to 24. Shockingly, we also know that suicides outnumber homicides 3 to 2 for the overall population. These alarming numbers emphasize the need for early intervention or prevention efforts. Too often, the signs may be subtle or hidden until it is too late. While research has created improved medications and methods for helping those with mental health problems to recover, there is still much work to be done in identifying those who need help.

Study has been done in identifying and categorizing the risk factors related to suicide. In children and youth, these are known to include depression, alcohol or drug use, physical or sexual abuse, and disruptive behavior. Of people who die from and who attempt suicide, many suffer from co-occurring mental health and substance abuse disorders. Children with these risk factors, as well as children who are known to be in situations at risk for acquiring them, should be included in comprehensive State plans.

Children and youth specifically addressed in State plans should include those who attend school, including colleges and universities, those already receiving substance abuse and mental health services, and those involved in the juvenile justice system, as well as those in foster care.

We also learned at our hearing that our colleges and universities are suffering under an ever-growing caseload and they need additional resources to help students in these critical years. We know that suicide is the second leading cause of death in college students today, and reports indicate there has been a dramatic increase in college students seeking care at campus counseling centers.

From 1992 to the year 2002, Big Ten Schools, for example, noticed a 42-percent increase in the number of students seen at these counseling centers. Surveys conducted over the past decade suggest the prevalence of depression among college students is growing and eclipses the rate of the general public. Many public and private schools have been dealing with budget crises recently which do not allow them to respond adequately for this growth in need. In fact, last year 27 percent of counseling centers reported cuts to their budgets.

The accreditation standards for university and college counseling centers recommend that the counselor-to-student ratio be 1 counselor per 1,000 to 1,500 students; however, alarmingly, the 2003 ratio in schools with over 15,000 students is instead 1 counselor per 2,500 students, and that is a problem. Due to these numbers, schools are reporting that students are forced to wait, sometimes days, to see a counselor. In the year 2002, 116 college students committed suicide; however, only 20 of these students had been seen by a college counselor before the suicide.

As a result of the need for increased attention to the problem of suicide and the need for increased access to help, Senators DODD, SMITH, JACK REED, HARRY REID, and I are introducing the Garrett Lee Smith Memorial Act. This bill will provide grants to States, tribes, and State-designated nonprofit organizations to create statewide plans for early intervention and prevention efforts in schools, juvenile justice systems, substance abuse programs, mental health programs, foster care systems, and other child and youth support organizations. These plans will seek to serve the children where the children are. This bill will help ensure that States with youth suicide rates that are higher than the national average are given preference so they are better equipped to combat this tragic problem.

This act also will authorize a suicide prevention resource center. This center will provide information, training, and technical assistance to States, tribes, and nonprofit organizations involved in suicide prevention and intervention for a number of purposes, including the development of suicide prevention strategies, studying the costs, effectiveness of statewide strategies, analyzing how well new and existing suicide intervention techniques and technologies work, and promoting the sharing of data.

Further, the Garrett Lee Smith Memorial Act would provide competitive grants to institutions of higher education to create or expand mental and behavioral health services to students. These grants will help financially strapped college and university mental health centers obtain the necessary resources to serve the mental and behavioral health needs of the students.

Let me again thank my colleagues for their support of this very important legislation. Our children are simply too important to not properly address their mental health needs. This is a good bill, and it is the right thing to do.

I add one final comment. I think this bill will be signed into law. This bill will save lives. This bill will make a difference. I thank everyone who has worked so hard on it. I thank my colleague again for being the spark behind this. He has been the person who has been talking to Members, getting their support, making the plea. I thank him so very much for doing it.

We are going to pass this bill and it is going to make a difference, but there is something else we should be doing, and that is the Mental Health Parity Act. This Senate, this Congress, must get around to this bill. That bill also will save lives. It will make a difference. It will make mental health services available to people.

I see my colleague from New Mexico, who just walked into the Chamber. He has been an advocate for this bill. The time is ripe for the Mental Health Parity Act to come to the Senate floor, to be voted on, and to be passed. I thank my colleagues. I thank the Chair.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I join my colleagues, Senators SMITH, DODD, DEWINE, and REID, to discuss the Garrett Lee Smith Memorial Act which will be introduced today. I thank and commend them.

I particularly commend Senator GORDON SMITH. We are here today literally because he has worked tirelessly to bring this legislation to the Senate floor, to work with us and to advocate strenuously that this legislation come to the floor of the Senate today. It is rightfully designated the Garrett Lee Smith Memorial Act.

Garrett, unfortunately, struggled for years and sadly took his own life last September. We heard this afternoon the heartfelt words of his father talking about this wonderful young man. We all sense that as Garrett struggled, he did it with loving and caring parents.

As my colleague Senator DEWINE pointed out, the Smiths have taken their pain and transformed it into purposeful action to ensure that other families and other young people do not have to suffer and endure even today the pain that lingers at the loss of this fine young man, and I thank the Senator for his leadership and for his decent and gallant heart.

We are here today because we are responding to an extraordinary problem, a problem that seems to many of us to be difficult to comprehend: why a young person, in the prime of life, with so much ahead, would take their own life.

Sadly, suicide takes the lives of over 4,000 children and young adults each year. It is now the third leading cause of death among 10 to 24 year olds in America. The rate of suicide has tripled from 1952 to 1995. Yet despite the astounding statistics, we still do not fully understand what is driving so many young people to the extreme of taking their own life.

What we hope to achieve with this legislation is to show them that there is an answer, that suicide is not the way out, that there is help for whatever is troubling them, and that they can live lives that are full, happy, and complete.

A Chronicle of Higher Education survey found that rates for depression in college freshmen are on the rise. Without treatment, the Chronicle points out, depressed adolescents are at risk for social failure, social isolation, promiscuity, self-medication with drugs and alcohol, and suicide. That is a description of failure, not a description of successful living.

A 2003 Gallagher's Survey of Counseling Center Directors found that 85 percent of counseling centers on college campuses are reporting an increase in the number of students in need of services.

Mr. President, 81 percent were concerned that increasing numbers of students are there with severe psychological problems; 67 percent reported a need for more psychiatric services, and 63 percent reported problems with growing demand for services without an appropriate increase in resources. That is why, working with Senator DEWINE, working with my colleagues Senator DODD and Senator SMITH, we have incorporated in this act support for college counseling centers. It is not coincidental that Garrett was beginning his first year at the University of Utah, had left home, was in a new environment, was struggling with all of the powerful forces of independence and of change young people experience when they go off to school. That is a particularly vulnerable time.

We understand college is a time of great intellectual development, but it is also a time of extraordinary personal and interpersonal growth and change. When children go off to college, we need to make sure they have the support they need during this critical transitional period.

Additionally, there are many adults going to college and they have a particular dilemma of balancing their studies with their family responsibilities. Yet campus after campus lacks the resources to support their counseling staffs to deal with these real issues, these real psychological issues.

Part of what we seek to do through the Garrett Lee Smith Memorial Act is ensure colleges and universities around the country have the resources to reach out to students, to provide essential mental and behavioral health services, and to educate families about potential signs of trouble.

Part of this process is not only treating the youngster, it is making parents aware of these signs so they can intervene successfully and in a timely fashion. Our colleges and universities are struggling to address the wide range of problems experienced by students—drug and alcohol problems, eating disorders, depression, schizophrenia, suicide attempts. With insufficient resources, many schools offer limited or very cursory services to students. We hope to begin to change that with this legislation.

We hope through this legislation to begin to shine a light on the growing problem of youth suicide. This legislation provides resources and technical assistance to States to develop and implement robust early intervention and suicide prevention strategies across the Nation. It also seeks to address the overwhelming need for mental and behavioral health services on college campuses, as I have discussed. This is an important bipartisan measure and a tribute, a fitting tribute to Garrett and to the faith and dedication and decency of the Smith family, GORDON and Sharon.

I again express my thanks to Senator DODD and Senator DEWINE. When you look at legislation in this body that attempts to provide practical support and help to young people, you usually find two names on the legislation—DODD and DEWINE. It is always a privilege to join these gentlemen.

I also want to thank Senator HARRY REID, who spoke movingly of his own experience, the death of his father through suicide. Senator DON NICKLES similarly gave a moving tribute to Sharon and GORDON. Let me also thank Dr. Harsh Trivedi, a fellow in my office, a psychiatrist who is now on a fellowship up in Boston. He did most of the work on the Campus Care and Counseling Act, which is the legislation incorporated in this act. I also thank Lisa German of my staff, who does so much to help us on these issues, and also Catherine Finley on Senator SMITH's staff, who has been of remarkable help and assistance.

Let me thank the leadership, Senator DASCHLE, Senator FRIST, Senator REID, Senator NICKLES, because they let us bring this bill to the floor today to move forward to pass it.

This is an example of the kind of work we can do when we work together, the kind of work the American people demand of us. It is, as I said, a fitting tribute to Garrett and I hope an enduring tribute to his father who worked so hard to get it to the floor today and to pass it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, the leadership on the majority side asked if we could move the vote to an earlier time tonight, rather than have the cloture vote in the morning. I am sorry to report that the Senator from Delaware, Senator CARPER, has indicated he will not agree with that. All other Members on our side have agreed to the vote tonight. It is now set for the morning.

I apologize to all my colleagues that we cannot do this tonight. There are a lot of things Members have to do tonight, and especially tomorrow. It would save everyone a lot of time.

I want the record to reflect that I think it is unwise that that is the case. I told my friend from Delaware I would indicate he is the problem with our having the vote earlier.

I apologize, because I have had a number of calls from Senators on this side of the aisle. We thought we were going to be able to work that out, but we have been unable to do that.

The PRESIDING OFFICER. The Senator from New Mexico.

CAMPUS CARE AND COUNSELING ACT

Mr. DOMENICI. Mr. President, I first want to say to Senator SMITH, I want you to know that since we weren't going to do anything today, I had gone home. I don't live very far, so it is not a terrible sacrifice. But I was in less than good clothes, starting a restful evening a little early when I heard what was going on and I decided to quickly—maybe I look that way—dress up and come over here, after I heard you speak.

Let me say to you, I am very proud of you. I am not totally familiar with the bill, but I hope you will make me a cosponsor. I ask consent that Senator HUTCHISON be made a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I want to talk to the Senate today about a very sad situation. I want to address these remarks at a couple of Republicans, whose names I don't know, but I will soon, who have holds on the most important bill that has to do with mental illness in America. I am very hopeful we can carve out a niche as you desire, to try to give some help to those who are suffering so much that they commit suicide, and all of the various participants in that activity from mothers and fathers to doctors to counselors—everyone. I am hopeful we will get that done.

Second, I didn't hear anyone mention, but I will mention to you, Senator, the doctors, the general practitioners who see thousands and thousands of our young teenage men and women who are most vulnerable. Maybe we need an annual crash course for them because they are not seeing the basic signals of mental illness in their patients. I tell you, I am not a doctor and I am not a genius, but I can tell you, because I have already learned, what I would look for in a patient who came to me for anything so I could rule out whether they had depression; so I could rule out whether they were manic depressive, or one of the other serious mental illnesses. But I am afraid we are going to have to start with some system of insisting that our doctors find out about it as the first and biggest clearance mechanism in the United States.

Having said that, I want to discuss a little bit about the worst thing happening in the United States about mental illness. First, Senator SMITH, you are speaking of the effect of mental illness. Because someone is a depressive, they have an illness, and the illness may or may not lead to suicide. But there are five major illnesses that are mental, and any of them might cause suicide. But the most important thing is all of them cause tremendous sorrow and tremendous grief and tremendous misunderstanding on the part of parents and friends of those who have the disease.

I might say, Senators, we have at least moved away from the stigma and everybody is at least willing to talk about these as illnesses. Everyone is talking about how do we help rather than how do we hide.

Everyone is talking about getting these people who have symptoms to a good doctor so they can get both discussions going and medicines that are so helpful. Everybody is talking about that. But, my friends, the real problem is all children with these diseases are not the fortunate children of that Senator. They are the unfortunate children of poor people, of people who make a little bit of money, with a loving mother and father and a schizophrenic child who perhaps are living on $25,000 a year. The problem is they don't have enough money to have caregivers help them. Guess what. The insurance companies don't help them either because we have a definition of sick and illness in the insurance policies that is 50 years old. They did not know anything about mental illness. So they ruled it out.

I don't know if you know this, but almost every group insurance policy in America writes coverage for cancer, coverage for tuberculosis, and coverage for every major disease. But when it comes to mental illness, it is either stricken or it has an asterisk down at the bottom. It gets significantly less coverage, or none.

There are parents who have given up on their children because they cannot pay the bills anymore. They go look for their children in the slums; they go look for their children in jails, because there are more children with mental illness in the jails of America than in the hospitals to take care of the mentally ill people. Why are they there? Because nobody takes care of them. Why doesn't anybody take care of them? Because most people went broke trying to take care of them.

Sitting up there at that desk is a bill called parity—equal—parity of insurance coverage for the mentally ill. It has been cleared on that side. It came out of committee. And somehow or other a couple of Republican Senators have a hold on it. I will try to find out who they are and I will go beg them to let us pass the parity bill. But I tell you: If it doesn't work, we are going to take it up. I know the leader wants to get bills through expeditiously. But I am going to tell him tonight, patience has run thin and we have to get it done. It has been worked through the committee chaired by JUDD GREGG. He has one amendment. That is great. He has at least told us he wants one hour. But others are not even letting us know who they are, and they are holding up this bill.

Let me tell you what happened to America. America has the greatest medicine, the greatest services, and the greatest caretaking machine for the hearts of our people. If you have something wrong with your heart, they know how to take care of it. They will put you in a hospital. There is coverage by insurance if you have group insurance.

In the meantime, the tests, the knowledge, the information about heart conditions gets a lot of resources. Clinics are built and hospitals are built because there are resources because heart is covered by insurance.

We take care of our hearts and we fail to take care of our heads, our brains. We take care of our heart and spend money on it, and we will not spend anything on mental illnesses. It is no longer a joke. It is no longer a stigma. Everybody around knows. Our President, as recently as 6 months ago, said, Don't bother me. I already know it is a disease. Let us find some way to help. That is what I say. If your bill does it, let's pass it. I am on it. I would like to pass it.

But we are ready to pass the most significant bill to help anyone who has any of the major illnesses and be sure that the group insurance policy covers them. Thus, their parents can take them to doctors, parents can see to it their children get medical care rather than the asterisk on the policy that says you get less or nothing if the disease or illness is mental illness.

I came down here not because I wanted to set aside or argue or contend that I have the most important bill. There were 80 Senators on this bill at one time—79, bipartisan, the bill for parity.

I submit to my friend GORDON SMITH, who came to the floor and told us from his heart what this is all about, that you would agree and probably would agree wholeheartedly that all of the medicines and doctors you called upon to help your son did something good. You probably are not bashful or regretful of what you paid. But how much worse would you be in your heart if you couldn't afford it and you had an insurance policy from your business group and you took them to a doctor and they said schizophrenia isn't covered because it wasn't covered when we knew nothing about it, so we are going to leave it uncovered, even when we know something about it. It is still exempt.

This bill at the desk for parity is not a big cost. People say it is going to break business, and insurance companies are going to have to raise rates. We think we know what that is going to be. We are prepared to answer it.

But let me tell you, I am as capitalist as anyone here. I am as concerned about business and business men and women as anyone here. But this society has a real problem when it exempts insurance companies from having to pay the cost of mental illness while they pay the cost of all other illnesses. That isn't right.

I saw my friend Senator REID on the floor speaking about his family and his father. I saw the great Senator, Senator SMITH. I saw Senator NICKLES also. I don't have to tell you about my daughter. You all know about my daughter. I have eight children and I have one who has been sick since she was 13. So I know all about this. I am glad we can afford to pay for what she needs. But I would feel bad if I had an insurance policy and it covered everybody else in my family for diabetes and a heart condition and didn't cover her.

I think we have to pass the bill. I am really tired. When it comes to pushing, I am probably as easy a pushover as anyone around, so I just let it go by. It will come up someday. But I am saying it is going to get passed in this Senate before we get out of here.

I am going to tell our leader he has been patient with me. We weren't going to do anything until it got out of committee. We told you that. We worked hard and long to get it out of committee. It took a long time.

Now it is sitting at that desk. We are taking up all kinds of things while we are not able to send a signal to the 7½ million or 8 million parents who need this bill, who need some indication that we care, that we are not going to have an insurance policy that covers our heart and not an insurance policy that covers our brain.

That is what the issue is about. Can you imagine a country as great as ours saying, Well, when we first started writing health insurance policies we didn't know that schizophrenia was a disease. We did not know manic depression was a disease. We did not know severe depression was a disease.

We go through the years and we find out these illnesses are diseases, but since they weren't originally known to be a disease, we are going to let group insurance policies continue to exempt them.

Now we know. There is no one, I say to my friend Senator DODD, who has been a greater help on discussing the issue of whether these dread mental illnesses I have just enumerated are illnesses or diseases. Yet we let insurance companies continue to write policies as if we did not know it was a disease.

From my standpoint, I will do anything in any area that will help us help those with mental illness. If you have a bill that will help prevent suicide, I am for it. But I can state that if we do not have a bill that forces group insurance policies to cover mental illness as other illnesses, the effect of the suicide bill is going to be minimized to the extent that parents cannot afford what they need.

Mr. REID. Will the Senator yield?

Mr. DOMENICI. I would be pleased to yield.

Mr. REID. On our side, as the Senator knows, we have pushed very hard for this bill authored by you and the late Senator Paul Wellstone. It was an odd couple, Wellstone-Domenici, but it was one bound with friendship. The two Senators found a place where they agreed and they went to all ends to make sure that legislation passed.

As the Senator told me when I was talking a few minutes ago, we need to do this for a lot of reasons, but one is to respect the memory of Paul Wellstone.

On our side, we would be willing to take up that bill and spend 1 hour. We will do it at midnight, 6 o'clock in the morning. One hour is all we want. We will only take 30 minutes of that hour. I want everyone to understand, on our side, we want 30 minutes. If that is too much time, we will cut it down.

Does the Senator understand we will do everything? Everyone knows we have worked closely together for so many years on appropriations. What the Senator has done on this mental health parity will go down in the history books. We need to make sure it passes, and the history books have something definitive, not a matter only initiated.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. DOMENICI. I yield to the Senator from Oregon.

Mr. SMITH. Mr. President, I ask unanimous consent that Senator DOMENICI be added as an original cosponsor of the Garrett Lee Smith Memorial Act, along with Senator CORZINE and my colleague Senator WYDEN, from Oregon, and Senator HATCH, who have also requested they be added as original cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH. Mr. President, I say to my friend, the Senator from New Mexico, in the darkest of hours after my son's death, his call was one of the most important that I received because he has struggled with his daughter. He has now spoken here with a passion on mental health issues so that I think all America better understands, if they listened to him.

PETE DOMENICI of New Mexico was the first person who said to me that my son had an illness that I could not fix. My son had an illness not unlike leukemia or cancer or congestive heart failure; that it was, in fact, a lethal illness and not to beat myself up about it. I beat myself up, anyway—I still do—wondering, would have, could have, should have, but PETE DOMENICI helped this Senator to go back to work, to find joy again in living, and to share with him the passion that comes from suffering and the understanding that comes from a loved one who is beyond rational reach.

I have come to believe that it is true, what PETE DOMENICI taught me in my darkest hour; that is, that mental health is just as real a problem as physical health and that we need to learn more about it. We need more professionals trained about it; we need more focus on it. It has ramifications for business that result in lost worktime, no-shows, layoffs, family tragedies.

With a little bit of intervention, a little more compassion, we can get ahead of this and begin to treat it as we might other diseases.

I admit, we have a lot more to learn. My bill, our bill, does not include parity. My bill is a start. My bill is a slice of the problem. The Senator from New Mexico is right. His bill takes on the whole problem in a way that ultimately we need to resolve as a Congress and as a country.

I thank Senator DOMENICI for listening to me, for putting his clothes back on, for coming back on down here, sharing with me, with all of America who care about this issue, that this problem is bigger than my bill addresses, our bill addresses, but it is legislating within the realm of the possible.

It is a good beginning, an important beginning. Perhaps it is aimed at just the most vulnerable among us, and that is our youth who need a little more help than we have been giving as a country.

I thank the Senator. I turn back his time to him.

Mr. DODD. Will the Senator yield?

Mr. DOMENICI. Let me make an observation and I will yield.

When one is involved in an issue such as this for 15 years, as I have, you go to a lot of meetings. You go to a lot of meetings with mothers and fathers, with groups of those who are mentally ill. We hear the saddest stories one could ever imagine.

I remember a gentleman and his wife came up to me and said: We have two children.

I asked: Where are they?

She looked up at him as if, Should we tell him? He was a CPA, very proud. She said: Tell him. He said: Senator, we don't know where our two children are. Well, we think they are in the slums of some city or in the jails of some city.

I said: What are you talking about?

He said: Well, they are both sick with schizophrenia and we don't have any more money to pay for them. We are broke.

I said: Do you have insurance?

He said: Oh, we have a lot of insurance, but the insurance doesn't cover our kids' illnesses. So we spent everything we had and then they got arrested because they did not act right. They don't act right. They do everything strange. They steal; if they see these little carts, they steal hotdogs. Maybe somebody arrested them for that and put them in jail.

When people start telling these stories, it is not an accident, they did not tell of a one-time event. You know there has to be a lot more, right? You run into one in your own constituency—if you start running into one, two, or three problems that had to do with your mail, you would come home and ask: What is wrong with the mail? You don't say: What is wrong with the letter that came from HARRY REID that you didn't answer, but you know something is wrong when you have two or three people telling you, for a couple of days, about this thing that I just described.

It is a big problem. I can tell you there is no reason it has to be.

Last, there are no shelters. There is nobody in the business of providing facilities because there is no money to pay for anything, right? If money flows from the back of a mentally ill person—there is a little knapsack on him that says "insurance"—if it flows from him, it will flow to businessmen who might build these kinds of facilities. But nobody is going to do that because there are no resources.

So with that, instead of yielding to my wonderful friend, Senator DODD, I am just going to yield the floor.

I yield the floor.

The PRESIDING OFFICER (Mr. CORNYN). The Senator from Connecticut.

Mr. DODD. Mr. President, I was going to ask my colleague to yield, but he has spoken eloquently enough. I was just going to once again thank him and Nancy, his lovely spouse, as well, who have been real champions on this issue for as long as I have been here, almost a quarter of a century.

I was thinking of the number of times, in my own public service of now almost 30 years, that I have been with audiences—50 people, 100 people, 200 people—talking about this subject matter. I oftentimes will turn to the audience and say to the audience: I want any of you here who have not been affected by this issue to raise your hand. If there is someone in the audience out here who has not had a father or a mother or a sister or a best friend or a cousin who has been affected by one form of mental illness or another, just raise your hand. I am curious to know if there is anybody here who has not been touched by this issue. I have never, in my 30 years of public service, in my home State of Connecticut, when I have ever raised this issue, ever had anybody raise their hand—in 30 years. Everyone—every single American—has been touched by this issue.

You would think, in this kind of environment, when we all understand this issue—and we have gone through one of the most moving moments of my 24 years in the Senate today, listening to the eloquent comments of my colleagues from Oregon and Nevada and Oklahoma speaking about their own personal experiences—you might think at a moment like this we would be able to come together to not only deal with the legislation that we have authored together to deal specifically with teenage suicide and related issues, but we might also find some time, right now, in the midst of this, to bring up and vote on a bill that enjoys overwhelming support in this body.

It would be one thing if the Senator from New Mexico and others who have joined him in this matter were in a minority, but there is a majority of us who believe exactly as does the Senator from New Mexico, that it is the 21st century—we are not in the 17th, 18th, 19th, or even 20th century—and we are still treating this issue as if somehow it belongs in the recesses and shadows and darkness of some corner, despite the fact that almost every single one of our fellow citizens understands this issue because they have confronted it very directly in their own homes and in their own neighborhoods. Yet we can't seem to find, as the Senator from Nevada has suggested, the 15, 20, 30 minutes or an hour to give us a chance to vote. Maybe people will want to vote against it. If they do, that is their business. But I believe there is a majority of us who would like to see this get done.

So I want to say to my friend from New Mexico, who I have worked with on this issue—and I appreciate our colleague from Nevada raising the name of Paul Wellstone, who was a great champion of this issue as well during his service in the Senate—that I don't know when this is going to happen—I hope sooner rather than later—but I want my friend from New Mexico to know: Don't you ever doubt for a single second this is not going to get done. It may not be today and it may not be tomorrow or next week, but I promise you that before long—hopefully before this session ends, if not sooner—we are going to get this legislation passed, and we are going to give the President an opportunity to sign it into law to begin to make a difference for the people in this country. So then I can not only ask the question to those audiences in my own State, "Is there anyone who has not been affected by this?" but I can ask, "Is there anybody who cannot get help?" because we have insisted the insurance companies and others start treating this condition as if it were any other ailment people can get coverage for and their families get protection.

Once again, I thank my friend from Oregon, and I thank his lovely wife Sharon and their family for their courage and their willingness to share with the country their feelings.

There have been many moments of pride when you watch a piece of legislation become law. There are very few that will equal the moment we are going to have this evening. My hope is that we will adopt this legislation named after Garrett.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, one of our very able Senate staff brought to me something I need to share with everyone here today. This is a report from the New York Times, dated today. Among other things, it says:

> Congressional investigators—

This was a House committee, which I am sure does competent work—

> said Wednesday that 15,000 children with psychiatric disorders were improperly incarcerated last year because no mental health services were available.

This was a report. This came out yesterday. The study:

> . . . found that children as young as 7 were incarcerated because of a lack of access to mental health care. More than 340 detention centers, two-thirds of those that responded to the survey, said youths with mental disorders were being locked up because there was no place else for them to go while awaiting treatment. Seventy-one centers in 33 states said they were holding mentally ill youngsters with no charges.
>
> The 15,000 youths awaiting mental health services accounted for 8 percent of all youngsters in the responding detention centers.
>
> Dr. Ken Martinez of the New Mexico Department of Children, Youth and Families said the data showed "the criminalization of mental illness" as "juvenile detention centers have become de facto psychiatric hospitals for mentally ill youth."
>
> Mental health advocates, prison officials, and juvenile court judges all testified and recommended three types of solutions. . . .

The main one is "more extensive insurance coverage."

Just a couple more things from this same report.

In Tennessee, a juvenile detention center administrator said:

> Those with depression are locked up alone to contemplate suicide. I guess you get the picture.

That is a direct quote.

Carol Carothers, who directs the Maine chapter of the National Alliance for the Mentally Ill, says:

> Surely we would not dream of placing a child with another serious illness, like cancer for example, in a juvenile detention center to await a hospital bed or community based treatment. It is outrageous that we do this to children with mental illness.

So I say to my distinguished friend from New Mexico, thank you for coming down today and enlarging this debate. It needs to be enlarged. We so believe that we need to pass Senator SMITH's legislation that I proudly cosponsor. But we also have to move to the next step because the next step is just as important, if not more so, because it includes so many more people.

The Senator from New Mexico is known for a lot of things, but his resume will never have anything on it more important. I repeat, we need to get it passed.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH. Mr. President, I received a note from Senator HILLARY CLINTON asking that she be added as an original cosponsor to the Garrett Lee Smith Memorial Act. So on her behalf, I ask unanimous consent that she be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Utah.

Mr. HATCH. Mr. President, this afternoon, I have listened to my colleagues speak courageously about their family members they have lost to suicide. My heart goes out to all of them, especially, my colleague and dear friend, Senator GORDON SMITH. By speaking openly about the circumstances of his son, Garrett's death, he has raised awareness to the serious matter of youth suicide. I am proud to be an original cosponsor of the Garrett Lee Smith Memorial Act. I believe the Senate will approve this legislation today due primarily to Senator SMITH's courage to speak openly about his own family's experience.

This legislation is necessary because it raises awareness of the alarmingly high rate of youth suicide—it is much higher than most would believe. Suicide is the third leading cause of death for young people aged 15 to 24, and the fourth leading cause of death for children between 10 and 14. My own State of Utah is ranked among the top 10 states in the nation for suicide.

I cosponsored this bill because it provides grant funding to states so each may develop a youth suicide and intervention strategy through the administrator of the Substance Abuse and Mental Health Services Administration in order to prevent teen suicide. This money may be used to develop statewide early prevention and suicide intervention strategies in schools, educational institutions, juvenile justice systems, substance abuse programs, mental health programs, foster care programs and other child and youth support organizations.

The bill also creates a federal Suicide Technical Assistance Center to provide guidance to state and local grantees on establishing standards for data collection and the evaluation of this data. Finally, this legislation provides grant funding to colleges and universities to establish or enhance their mental health outreach and treatment centers and improve their youth suicide prevention and intervention programs.

I became deeply interested in this issue when I found out that my home State of Utah suicide rates for those ages 15 to 19 have increased almost 150 percent in the last 20 years. According to the CDC, in the mid-1990s, Utah had the tenth highest suicide rate in the country and was 30 percent above the U.S. rate. This is one statistical measure on which I want to see my state at the bottom.

Teen suicide is an issue that is rapidly becoming a crisis not only in my State of Utah but throughout the entire country. Young people in the United States are taking their own lives at alarming rates. The trend of teen suicide is seeing suicide at younger ages, with the United States suicide rate for individuals under 15 years of age increasing 121 percent from 1980 to 1992.

Suicide is the second leading cause of death among college students. In a 1997 study, 21 percent of the nation's high school students reported serious thoughts about attempting suicide, with 15.7 percent making a specific plan. Although numerous symptoms, diagnoses, traits, and characteristics have been investigated, no single fact or set of factors has ever come close to predicting suicide with any accuracy.

We need to understand what the barriers are that prevent youth from receiving treatment so that we can facilitate the development of model treatment programs and public education and awareness efforts. This bill provides the funding to get these types of initiatives started.

Again, I am proud to be an original cosponsor of this legislation and I commend my colleague, Senator GORDON SMITH for his commitment and dedication on this matter. I know it is such a difficult subject for him but his openness today will make a difference tomorrow.

In fact, I believe our floor discussion today on the Garrett Lee Smith Memorial Act has already made a difference because families who have lost someone to suicide now know that they are not alone. And, if one life is saved because of our consideration of this bill today, we have done our job.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I might add, I think Senator KENNEDY as well wants to be added as a cosponsor. I ask unanimous consent that Senator KENNEDY be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered

Mr. DODD. Mr. President, I do not know if there is any further discussion on this subject matter. If not, I want to move back to the subject matter of the bill.

I see my colleague from New Mexico.

Mr. DOMENICI. Mr. President, I ask if I might speak for a minute.

Mr. DODD. Mr. President, I am glad to yield to my colleague.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I want to say that the parity bill, which is now at the desk, had to go through a standing committee. Senator KENNEDY is the ranking member of that committee, I say to Senator DODD. I thank him because he was pushing very hard for a long time that we get that bill taken care of. It took a long time, but it is out now, and it is in a form that very few can object to.

So I say thank you to Senator DODD and Senator REID for giving me the reassurance that we are going to get it done. I cannot believe we are so inept that we cannot. I will, because of tonight, reinstate my dedication, and we will get it done before the session is over for sure.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LEVIN. Will the Senator from Connecticut yield?

Mr. DODD. I am happy to yield.

Mr. LEVIN. Mr. President, I ask unanimous consent that I be added as an original cosponsor of the Garrett Lee Smith Memorial Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I want to let my colleagues know what I am going to do at the end of these remarks. So that there will be no surprises, I am going to ask unanimous consent that the anticipated vote on cloture that is going to occur later today or tomorrow morning be vitiated indefinitely. I am not making that motion yet, but I am going to make the motion. I want to give them notice so they can find someone here who may want to object. I am going to make the motion because my view is that we have worked long and hard on getting this class action reform bill done. This bill is not perfect, but it is a reasonable bipartisan compromise that will reform the nation's class action system.

Having worked on this legislation last fall with a number of my colleagues, we now find ourselves in the middle of July dealing with this issue. I still have never received an adequate explanation of why this matter was not brought to the floor in January, February, March, April, or any point earlier. Why we waited until as late as we have to bring up an issue that has been as important as this makes little sense.

But my plea to the leadership, particularly the majority leader, is to not insist upon this cloture vote right now. Instead, I would like to give the leadership some ample time over the weekend to see if they can't fashion a compromise which would allow for the consideration of a number of amendments, both relevant and nonrelevant, as is the normal course of Senate business. Then we would come to a final vote and go to conference on the class action reform act.

I thought the decision to invoke cloture was one that was made last evening out of frustration because we were not getting very far with the class action reform bill. We began Tuesday night, but there were no votes that evening. On Wednesday morning, before any amendments were offered at all, the majority leader filled the amendment tree, precluding any amendments from being offered without getting his approval. Then Wednesday night, the decision was made to file cloture.

I am looking at a piece of correspondence dated July 6, the day before the decision to invoke cloture, from the National Association of Manufacturers. In his letter to all 100 Senators—dated July 6, not July 7—he notes a cloture vote will occur and that it is going to be considered a vote that will be scored on their annual legislative report card.

I ask unanimous consent to print the letter in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JULY 6, 2004.

DEAR SENATOR: On behalf of the 14,000 member companies of the National Association of Manufacturers (NAM), including more than 10,000 small and medium-sized manufacturers, I urge you to vote for S. 2062, the Class Action Fairness Act; vote in favor of cloture; and vote against all amendments except managers' amendments.

Created for the purpose of efficiently addressing large numbers of similar claims, far too many class action lawsuits are brought solely for settlement value and fees as opposed to helping aggrieved consumers. The Class Action Fairness Act would help mitigate the current situation by giving federal courts original jurisdiction over class action lawsuits where diversity of citizenship occurs and by creating a "Bill of Rights" for class members to stem the most flagrant abuses of the current system. Federal courts more consistently decide when class actions should be allowed, and these courts are better equipped to deal with complex cases involving interstate commerce fairly and efficiently. The current system allows plaintiff-friendly jurisdictions to unduly influence national policy through litigation.

S. 2062 does not make any changes to substantive law. Rather, it is a reasonable response to an unanticipated problem with the federal rules of judicial procedure and simply reinforces the intent of the Founders that lawsuits involving litigants from different states should be heard in federal court. The NAM believes that this bipartisan legislation will increase judicial efficiency and provide a forum better suited to adjudicating complex class action litigation.

Votes for cloture and in favor of S. 2062, the Class Action Fairness Act, and against any weakening amendments (including those that would endanger final passage), substitutions or motions to recommit will be considered for designation as Key Manufacturing Votes in the NAM voting record for the 108th Congress.

Sincerely,

JERRY JASINOWSKI,
President.

Mr. DODD. My point is, I would have thought this letter might have been dated on July 7, not the day before the decision to invoke cloture. It raises some suspicion that maybe the intention was all along to file cloture and not to give us a chance to go through the normal processes of debate and amendments.

Apparently the fix was in even before we started, which indicates to this Senator that the intention was never to get to this bill. There were numerous meetings over the last several. One of the things we talked about was the importance of setting aside an adequate amount of time for the full consideration of this bill.

The Democratic leader offered a proposal of limiting several nongermane amendments and a limited number of relevant amendments. The majority leader countered and offered to have even fewer nongermane amendments and an unlimited amount of germane or relevant amendments. I was mystified by that offer because had it been accepted, we could have spent weeks on this bill without ever invoking cloture if we had had hundreds of amendments filed that were germane to the underlying bill.

I am convinced there is still a formulation of germane/nongermane amendments that would allow us to consider those in a relatively expedited fashion and then get to final passage of the class action reform bill. My plea will be at the appropriate time that we vitiate the cloture vote, let the leaders over the weekend see if they can't come up with some formulation on amendments, and then next week or so to return to the legislation.

It is a great travesty that we are going to abandon this bill many of us have worked long and hard on because a small minority are unhappy over the possibility that we might consider as amendments several proposals that enjoy broad support in this institution. I realize that can be difficult. But nonetheless, it seems to me you don't shut down the underlying bill entirely because there are some proposals that may be offered that are unappealing to only a handful. Yet that is the situation in which we find ourselves.

For those who have worked on this, we are about to miss this opportunity, maybe not only for this Congress but for many years to come. That can happen. I have been around here long enough to know if you don't strike when the iron is hot, you may lose the opportunity for a long time down the road.

I appeal to the majority leader, who filed the cloture petition last evening, to vitiate that cloture motion. Give himself, the Democratic leader, and others who are interested a chance over the next several days to see if they can't come up with a formulation that will allow for the consideration of several amendments under time agreements. That ought to be the way we proceed, rather than abandoning this effort.

I am told the next two issues to be brought up—and the minority whip can correct me if I am wrong—are a constitutional amendment on gay marriage and a flag-burning constitutional amendment, neither of which have any chance of passage in this body. I don't believe anyone agrees there is any chance of them becoming the law of the land. Yet we are going to shove class action reform, based on the decision of the majority leader, off the table, maybe permanently, in order to consider two matters that have no chance of being adopted whatsoever.

If that is in fact the situation, then those who have been such strong supporters of this proposal outside of this Chamber ought to understand what the game is. As I have often said, I was born at night, but not last night. I think I understand what is going on here. Maybe all this time was only a game to bring the issue up with the full knowledge that once you close the opportunity for further amendments, you are then guaranteeing the outcome we are about to have.

I am terribly disappointed, after a lot of time being spent on this effort, that we have come to this particular moment. We just listened to the eloquent comments of our colleague from Oregon on legislation that will be adopted later this evening or next week dealing with teenage suicide. We have listened to the Senator from New Mexico, Mr. DOMENICI, who has worked for 15 years on trying to achieve parity in the provisions providing coverage for people with mental illnesses. There is a significant majority of us in this body who believe that legislation ought to be adopted and then sent to the House for their consideration. They may reject it. It may not be adopted in conference, but we owe those who have fought long and hard a chance to vote on these measures. Certainly the American public might be more impressed with the Senate if we were to deal with the issue of mental health rather than with the issue of gay marriage or flag burning.

Literally thousands of cases, I am told, by people out there are being filed in State courts when they belong in Federal courts. I am a strong supporter of that effort. Are people here to tell me the flag-burning amendment and a gay marriage constitutional amendment are more important than dealing with reforming the class action system or the issue of mental health parity? I hate to see what the outcome would be if I polled the American public what they felt about the priorities of the Senate so close to the election.

What issues would America like to see us address? We have the issue of the minimum wage. Senator CRAIG of Idaho has an issue dealing with immigration and joblessness which enjoys the cosponsorship of three-quarters of the Members of this body and the support of the White House. We can't get it to the floor of the Senate. We have the provisions offered by our colleagues from Hawaii who are seeking some support for legislation that is critically important to their State. I mentioned the minimum wage. I mentioned mental health parity. These are only some of the issues.

On the question of importation of drugs, we are constantly being told that matter is going to come to the Senate floor for debate. Yet we are finding all of these issues being scuttled, including class action reform, to the sidelines so we can deal with a couple of issues that have limited support in this Chamber and I think marginal support if people thought about them out across the country.

So I am disappointed by the priorities here. I realize the majority has the right to set the agenda; it is their business to set the agenda. The majority party controls this Chamber, they control the other body, and they control the White House. They set the agenda. They have decided that the agenda—America's agenda—ought not to be class action reform, ought not to be mental health parity, ought not to be the minimum wage, ought not to be immigration reforms, which the Latino and Hispanic community and agribusinesses care about so much, and ought not to be the legislation offered by my colleague from Hawaii. Instead, it ought to be gay marriage and flag burning, neither of which have any chance of being adopted by this body.

My colleagues know full well constitutional amendments require supermajorities in order to leave here for consideration by the various States.

I see the presence of a colleague on the other side. I wanted to make sure someone was here before I make a unanimous consent request.

I ask unanimous consent that the motion to invoke cloture, scheduled for tomorrow morning, be vitiated indefinitely, and that the reason for doing it is to give the leadership an opportunity to try to formulate a structure that will allow for the consideration of the class action reform bill in some manner that we can all endorse, support, and allow us to get to that issue. I make that request.

The PRESIDING OFFICER. Is there objection?

Mr. CHAMBLISS. Mr. President, I respectfully object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Michigan is recognized.

SENATE INTELLIGENCE COMMITTEE REPORT

Mr. LEVIN. Mr. President, tomorrow's report of the Senate Intelligence Committee will be intensely and extensively critical of the CIA for its intelligence failures and mischaracterizations regarding Iraq's possession of weapons of mass destruction. That report is an accurate and a hard-hitting and well-deserved critique of the CIA.

It is, of course, but half of the picture. Earlier today I released an example of the other half.

A few days ago the CIA finally answered, in an unclassified form, the question I have been asking them about whether the Intelligence Community believes that a meeting between an Iraqi intelligence official and Mohamed Atta, one of the 9/11 hijackers, occurred in Prague in the months before al-Qaida's attack in America on 9/11. The answer of the CIA illustrates the point that tomorrow's Intelligence Committee report is extremely useful regarding the CIA's failure, but it does not address another central issue—the administration's exaggerations of the intelligence that the CIA provided to them. That is left for the second phase of the Intelligence Committee's investigation.

This newly released, unclassified statement by the CIA demonstrates that it was the administration, not the CIA, that exaggerated the connections between Saddam Hussein and al-Qaida. The new CIA answer states that the CIA finds no credible information that the April 2001 meeting occurred and, in fact, that it is unlikely that it did occur.

A bit of history. On December 9, 2001, Tim Russert asked the Vice President whether Iraq was involved in the September 11 attack. The Vice President replied:

> It's been pretty well confirmed that he [Mohamed Atta] did go to Prague and he did meet with a senior official of the Iraqi intelligence service in Czechoslovakia last April, several months before the attack.

Vice President CHENEY also said in his interview with CNBC on June 17 of this year that the report from the Czechs was evidence that Iraq was involved in the 9/11 attacks. In his interview with the Rocky Mountain News on January 9 of this year, the Vice President also said that the alleged meeting between the hijacker, Atta, and an Iraqi intelligence official in Prague a few months before 9/11 "possibly tied the two together to 9/11."

President Bush frequently exaggerated the overall relationship between al-Qaida and Saddam Hussein. For instance, on the deck of the aircraft carrier, President Bush stated:

> The liberation of Iraq is a crucial advance in the campaign against terror. We have removed an ally of al-Qaida.

Now, relative to the alleged Prague meeting itself, Vice President CHENEY continues the misleading rhetoric by stating that we cannot prove one way or another that the so-called Prague meeting occurred. Vice President CHENEY said on June 17 on CNBC:

> We have never been able to prove that there was a connection there on 9/11. The one thing we had is the Iraq—the Czech intelligence service report saying that Mohamed Atta had met with a senior Iraqi intelligence official at the embassy on April 9, 2001. That's never been proven; it's never been refuted.

But what the Vice President continues to leave out is the critical second half of the CIA's now unclassified assessment that "although we cannot rule it out, we are increasingly skeptical that such a meeting occurred."

The Vice President also omits the key CIA statement:

> In the absence of any credible information that the April 2001 meeting occurred, we assess that Atta would have been unlikely to undertake the substantial risk of contacting any Iraqi official as late April 2001, with the plot already well along toward execution.

In summary, the CIA says there is no credible evidence that the meeting occurred, and it is unlikely that it did occur. The American public was led to believe before the Iraq war that Iraq had a role in the 9/11 attack on America, and that the actions of al-Qaida and Iraq were "part of the same threat," as Deputy Secretary of Defense Paul Wolfowitz has put it.

Well, it was not the CIA that led the public to believe that; it was the leadership of this administration.

Mr. President, I ask unanimous consent that four documents, which I referred to in the body of my remarks, be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RESPONSE OF DIRECTOR OF CENTRAL INTELLIGENCE GEORGE TENET TO SENATOR LEVIN QUESTION FOR THE RECORD, MARCH 9, 2004, ARMED SERVICES COMMITTEE HEARING

Question 8. Director Tenet, do you believe it is likely that September 11 hijacker Muhammad Atta and Iraqi Intelligence Service officer Ahmed al-Ani met in Prague in April 2001, or do you believe it unlikely that the meeting took place?

Answer. Although we cannot rule it out, we are increasingly skeptical that such a meeting occurred. The veracity of the single-threaded reporting on which the original account of the meeting was based has been questioned, and the Iraqi official with whom Atta was alleged to have met has denied ever having met Atta.

We have been able to corroborate only two visits by Atta to the Czech Republic: one in late 1994, when he passed through enroute to Syria; the other in June 2000, when, according to detainee reporting, he departed for the United States from Prague because he thought a non-EU member country would be less likely to keep meticulous travel data.

In the absence of any credible information that the April 2001 meeting occurred, we assess that Atta would have been unlikely to undertake the substantial risk of contacting any Iraqi official as late as April 2001, with the plot already well along toward execution.

It is likewise hard to conceive of any single ingredient crucial to the plot's success that could only be obtained from Iraq.

In our judgment, the 11 September plot was complex in its orchestration but simple in its basic conception. We believe that the factors vital to success of the plot were all easily within al-Qa'ida's means without resort to Iraqi expertise: shrewd selection of operatives, training in hijacking aircraft, a mastermind and pilots well-versed in the procedures and behavior needed to blend in with US society, long experience in moving money to support operations, and the openness and tolerance of US society as well as the ready availability of important information about targets, flight schools, and airport and airline security practices.

NEW CIA RESPONSE RAISES QUESTION AGAIN: WHERE DOES VICE PRESIDENT CHENEY GET HIS INFORMATION?

On July 7th, I finally received an unclassified answer to a Question for the Record that

I had posed to Director of Central Intelligence George Tenet after he appeared before the Armed Services Committee on March 9, 2004. I am releasing this response today, because it is further evidence that Vice President Cheney has and continues to misstate and exaggerate intelligence information to the American public. This pattern, the record of which has continued to grow over time suggests that Vice President Cheney is getting his intelligence from outside of the U.S. Intelligence Community. In February I asked him to clarify the basis for some of his statements, but he has not yet responded to my request (letter attached). I am therefore left to continue wondering what his sources are.

ALLEGED ATTA MEETING IN PRAGUE

Vice President Cheney persists in his representation that a leader of the 9/11 hijackers, Mohammed Atta, may have met with an Iraqi intelligence official in Prague in April, 2001. When asked on Meet the Press on December 9, 2001 about possible links between Iraq and the 9/11 attacks, he claimed that the April Atta meeting was "pretty well confirmed." His subsequent statements on the Prague meeting have been more qualified, but he continues to present the alleged meeting as if it were something about which there wasn't enough information to make an informed judgment, i.e., it may have happened, or we don't know that it didn't happen. Most recently, on June 17, he wrapped the suggestion in the following verbal package: "We have never been able to confirm that, nor have we been able to knock it down, we just don't know . . . I can't refute the Czech claim, I can't prove the Czech claim, I just don't know. . . . That's never been proven; it's never been refuted."

This characterization does not fairly represent the views of the Intelligence Community. I have long been aware of this difference, and have pressed the Central Intelligence Agency (CIA) to declassify their views on whether they believe this meeting took place. Finally, a few days ago, they provided a public, unclassified response to that question.

The CIA states publicly, for the first time, that they lack "any credible information" that the alleged meeting took place. They note that the report was based on a single source whose "veracity . . . has been questioned," and that the Iraq intelligence official who was purportedly involved and who is now in our custody denies the meeting took place. Further, they assess that Atta is "unlikely" to have ever sought such a meeting because of the substantial risk that it would have involved. The full CIA response is attached.

As we learned Tuesday, the 9/11 Commission reviewed all of the intelligence, including investigations by both U.S. and Czech officials, and indeed all of the intelligence that the Vice President received, and stands by its conclusion that the meeting did not occur.

The CIA and 9/11 Commission staff statements are not equivocal; while it is impossible to disprove a negative, after a systematic and thorough review of the evidence it is their judgment that the meeting was unlikely or did not take place. However, the Vice President continues to simply claim that the evidence is some how ambiguous or unclear, and leaves out the conclusion of the CIA. On June 17, Vice President Cheney said that "we just don't know" whether the meeting took place. He went further to suggest that the report has "never been refuted," but acknowledged that the only piece of evidence he'd ever seen to support an Iraq connection to September 11 was "this one report from the Czechs." This is the one report from the single source that the CIA now publicly acknowledges has been called into question.

Earlier this year in a January 9, 2004 interview with the Rocky Mountain News, Vice President Cheney said that, after the initial Czech report of a meeting, "we've never been able to collect any more information on that." But again, this is simply not true: the 9/11 Commission lays out information that was gathered by the FBI that places Atta in the United States during the week of the alleged meeting in Prague, and the CIA clearly had information about the unreliability of the source as well as the refutation by the other purported party in the meeting.

In his numerous public statements Vice President Cheney has not been reflecting the view of the Intelligence Community on the issue of the Atta meeting. On what information has the Vice President been relying?

Outside of the Intelligence Community, the only other U.S. government source of information I know on the Iraq-al Qaeda connection, including the alleged Atta meeting in Prague, is the Office of Under Secretary of Defense for Policy Douglas Feith. Under Secretary Feith has acknowledge that his office provided information to Vice President Cheney's office on these matters.

In the summer of 2002, Under Secretary Feith prepared several versions of a classified briefing on the Iraq-al Qaeda relationship. The briefing was given first to Secretary of Defense Rumsfeld, then to Director Tenet and the CIA in August, and finally to the staffs of the Office of the Vice President (OVP) and the National Security Council (NSC) in September. The version of the briefing given to Vice President Cheney's staff included three slides that were not included in the version given to the CIA.

One of those slides, which has since been declassified at my request and is attached, was critical of the way the Intelligence Community was assessing the Iraq-al Qaeda relationship. Under Secretary Feith has acknowledged to Armed Services Committee staff that he added two other slides which concerned the Atta meeting issue, and which were not part of the briefing given to the CIA,

The two slides remain classified despite my request for declassification.

The Atta meeting is, unfortunately, not the only instance in which the Vice President appears to have relied on analysis other than that of the Intelligence Community. As the Intelligence Committee report to be released tomorrow will indicate, the CIA intelligence was way off, full of exaggerations and errors, mainly on weapons of mass destruction. But it was Vice President Cheney, along with other policymakers, who exaggerated the Iraq-al Qaeda relationship.

WEEKLY STANDARD ARTICLE ON IRAQ-AL QAEDA COOPERATION

On January 9, 2004, Vice President Cheney told the Rocky Mountain News that, on the question of the relationship between Iraq and al qaeda, "one place you ought to go look is an article that Stephen Hayes did in the Weekly Standard here a few weeks ago, that goes through and lays out in some detail, based on an assessment that was done by the Department of Defense and forwarded to the Senate Intelligence Committee some weeks ago. That's your best source of information."

The article to which Vice President Cheney astonishingly enough referred as the "best source of information" says it was based on a leaked Defense Department Top Secret/Codeword document. Aside from the sense of wonder that is engendered when the Vice President seems to confirm highly classified leaked information by calling it the "best source" of information, the Intelligence Community did not even agree with the Defense Department document on which the Weekly Standard article was purportedly based. On March 9th, when I asked Director Tenet, the Director of Central Intelligence, about Vice President Cheney's comments, allegedly based on the classified Defense Department document, he said that the CIA "did not agree with the way the data was characterized in that document." He also said that he would speak to Vice President Cheney, to tell him that the Intelligence Community had disagreements with the Defense Department document.

The document in question was prepared by Under Secretary Feith. It was very similar to the series of briefings that Under Secretary Feith had provided to Secretary of Defense Rumsfeld, then to Director Tenet and the CIA, and finally to the staffs of the Office of the Vice President and the National Security Council in the summer of 2002.

OTHER EXAMPLES OF EXAGGERATION BY VICE PRESIDENT CHENEY

Unfortunately, these are not the only cases where the Vice President, as just one key Administration spokesman, has exaggerated or misstated the intelligence on issues related to Iraq. In fact, they are just two examples of a consistent pattern of such exaggeration where the policymakers—not the CIA—were the exaggerators, before and after the start of the war, and continuing up to the present. There are others.

IRAQ'S MOBILE BIOLOGICAL WEAPONS VANS

As late as January 22, 2004, Vice President Cheney said to National Public Radio that "we know for example that prior to our going in that he had spent time and effort acquiring mobile biological weapons labs, and we're quite confident he did, in fact, have such a program. We've found a couple of semi trailers at this point which we believe were, in fact, part of that program." He concluded by saying "I would deem that conclusive evidence, if you will, that he did in fact have programs for weapons of mass destruction."

That is not what the Intelligence Community believed at the time. David Kay, the CIA's chief inspector in Iraq said the previous October that the Iraq Survey Group had "not yet been able to corroborate the existence of a mobile BW [biological warfare] production effort," and that it was still trying to determine "whether there was a mobile program and whether the trailers that have been discovered so far were part of such a program."

When I asked Director Tenet about Vice President Cheney's comments, he said he had spoken to him about it, to tell him that was not the view of the Intelligence Community.

ALUMINUM TUBES FOR NUCLEAR WEAPONS

On September 8, 2002, Vice President Cheney made an unqualified statement about the aluminum tubes on Meet the Press:

"He [Saddam] is trying, through his illicit procurement network, to acquire the equipment he needs to be able to enrich uranium to make the bombs."

Tim Russert: "Aluminum tubes."

VP Cheney: "Specifically aluminum tubes. . . . it is now public that, in fact, he has been seeking to acquire, and we have been able to intercept and prevent him from acquiring through this particular channel, the kinds of tubes that are necessary to build a centrifuge. . . . But we do know, with absolute certainty, that he is using his procurement system to acquire the equipment he needs in order to enrich uranium to build a nuclear weapon."

There was a fundamental debate within the Intelligence Community before the war as to the intended purpose of the aluminum tubes that Iraq was trying to import. The Department of Energy, the Nation's foremost nuclear weapons experts, and the State Department's Bureau of Intelligence and Research, did not believe the aluminum tubes were for centrifuges to make nuclear weapons. Instead, they believed they were for conventional artillery rockets. But Vice President Cheney did not acknowledge any division within the Intelligence Community. He stated that the U.S. knew "with absolute certainty" that Iraq was trying to obtain the tubes for nuclear weapons purposes.

Tomorrow the CIA will be properly called to account for their failures expressed in Phase I of the Intelligence Committee report. Phase II will follow, regarding the policymakers' use of intelligence.

The CIA's belated public acknowledgment to my earlier question that the Intelligence Community has no credible evidence of an Iraqi-al Qaeda meeting in April 2001 dramatizes the need for that Phase II review.

Fundamental Problems With How Intelligence Community Is Assessing Information

Application of a standard that it would not normally obtain: IC does not normally require juridical evidence to support a finding.

Consistent underestimation of importance that would be attached by Iraq and al Qaeda to hiding a relationship: Especially when operational security is very good, "absence of evidence is not evidence of absence".

Assumption that secularists and Islamists will not cooperate, even when they have common interests.

U.S. Senate,
Committee on Armed Services,
Washington, DC, February 12, 2004.

The Vice President,
The White House,
Washington, DC

Dear Mr. Vice President: I am writing about two intelligence matters related to Iraq: the first concerning weapons of mass destruction, and the second concerning alleged cooperation between Iraq and al Qaeda.

On January 22, 2004, you made the following comment during an interview with National Public Radio concerning two trailers in Iraq: "we know for example that prior to our going in that he had spent time and effort acquiring mobile biological weapons labs, and we're quite confident he did, in fact, have such a program. We've found a couple of semi trailers at this point which we believe were, in fact, part of that program. . . . I would deem that conclusive evidence, if you will, that he did in fact have programs for weapons of mass destruction."

In his speech on February 5, 2004, Director of Central intelligence George Tenet said that "there is no consensus within our community over whether the trailers were for that use [biological weapons] or if they were used for the production of hydrogen."

David Kay, former leader of the Iraq Survey Group, testified to Congress on October 2, 2003 that "we have not yet been able to corroborate the existence of a mobile BW [biological warfare] production effort." He indicated that the ISG was still trying to determine "whether there was a mobile program and whether the trailers that have been discovered so far were part of such a program."

In July, David Kay was interviewed by BBC television for a program that aired in England in late November, and here in the United States on January 22, 2004. In response to a question as to whether he thought it had been premature for the Administration to assert in May that the two trailers were intended to produce biological weapons agents, Kay said "I think it was premature and embarrassing." He said "I wish that news hadn't come out," and concluded "I don't want the mobile biological production facilities fiasco of May to be the model of the future."

On January 28, 2004, Dr. Kay stated in testimony before the Senate Armed Services Committee that "I think the consensus opinion is that when you look at those two trailers . . . their actual intended use was not for the production of biological weapons."

Given those assessments, I would appreciate knowing what is the intelligence basis for your statements that "we're quite confident [Saddam] did, in fact, have such a [mobile biological weapons labs] program," that the trailers "we believe were, in fact, part of that program," and that those trailers are "conclusive evidence" that Iraq "did, in fact, have programs for weapons of mass destruction?"

I would be pleased to receive that information on an unclassified or classified basis.

With respect to the second intelligence issue, during your interview with the Rocky Mountain News on January 9, 2004, you recommended a source of information relative to the issue of whether there was a relationship between al Qaeda and Iraq: "One place you ought to look is an article that Stephen Hayes did in the Weekly Standard here a few weeks ago, that goes through and lays out in some detail, based on an assessment that was done by the Department of Defense and was forwarded to the Senate Intelligence Committee some weeks ago. That's your best source of information"

That article states that it is based on "a top secret U.S. government memorandum" prepared by the Defense Department, which was purportedly leaked to the Weekly Standard. The article then goes on to describe in detail and quote extensively from the document it says was leaked.

On October 15, 2003, the Defense Department had issued a News Release about the article that seems to disagree with what you said. According to the Defense Department, "News reports that the Defense Department recently confirmed new information with respect to contacts between al Qaeda and Iraq in a letter to the Senate Intelligence Committee are inaccurate."

Furthermore, the DOD news release noted that the "classified annex" sent by the Defense Department to the Senate Intelligence Committee "was not an analysis of the substantive issue of the relationship between Iraq and al Qaeda, and it drew no conclusions."

I would appreciate if you would advise whether you were quoted accurately.

I look forward to your reply.

Sincerely,

Carl Levin,
Ranking Member.

Mr. LEVIN. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Coleman). Without objection, it is so ordered.

Mr. CHAMBLISS. Mr. President, I rise today in support of S. 2062. I am sorry the Senator from Connecticut is not in the Chamber.

Mr. REID. Will the Senator yield?

Mr. CHAMBLISS. Certainly.

Mr. REID. We have had a signoff—people heard me a little earlier today say we had an objection to having a vote on the cloture motion that the majority leader has filed. We can now do that. I understand the majority wants that to take place. I ask unanimous consent that the cloture vote on the matter now scheduled for tomorrow occur tonight at 6:30.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, as I was saying, I am sorry the Senator from Connecticut is not in the Chamber because I have such great respect for his opinion, particularly his opinion regarding this bill. I know what a keen interest he has in this bill, and when he talks about the fact that we ought to delay this for 1 more week because the majority has set the agenda and the agenda next week calls for matters that might not be relevant to this particular issue, I simply remind the Senator from Connecticut, who is my dear friend, that this bill has not just come to the floor.

As a member of the Judiciary Committee, I was there in April of 2003 when this particular bill was voted out of the Judiciary Committee. We were all here in November of 2003 when we had a cloture vote on this bill. So this is not something new that has just come about. This bill has been under negotiation actually since the 105th Congress.

In 1996, the negotiations began on a class action bill. I think to now ask for another delay for another week on the cloture vote is just simply not called for, and that is the reason we need to go ahead with the vote tonight. My colleagues are either for class action reform, they are either for a bill that is a bipartisan bill, or they are against it. It is that simple at this point in the negotiations.

There was a proposal made by this side of the aisle to the other side of the aisle that when this bill came to the floor that we allow only germane amendments, amendments that are relevant to the issue of class action, to be brought to the floor as legitimate amendments that would be debated and voted on. The other side of the aisle would not agree to that. So therefore we have evolved into a different format on the floor today.

I do rise in strong support of S. 2062, the Class Action Fairness Act of 2004. It is a product of negotiations between Senators on both sides of the aisle in an effort to gain the 60 votes needed to invoke cloture and proceed to an up-or-down vote on the merits of the bill. To a great extent, the bulk of the tort reform needed in this country will be handled on the State court level, where most civil complaints are filed.

That is a very significant point. As a trial lawyer, I remember that I usually wanted to file my cases in State court, and they ought to still have that right to do so. But there are times when it was dictated to you as a lawyer that you had to go to Federal court. It is because we have had a handful of State court jurisdictions in the United States where a grossly disproportionate number of class action suits are filed, and that is just not right. That is why these negotiations were instituted in 1996. That is why over the last 8 years we have been going back and forth with Members on both sides of the aisle being involved and have come up with a fair bill that does allow for certain exceptions that I am going to talk about in just a minute.

People have referred to these jurisdictions where a majority of the class actions have been filed as magnet courts because they draw in class action suits with their soft juries and their pro-plaintiff judges. That is just a matter of fact. Under the Class Action Fairness Act, businesses can break loose from these magnet State courts and get a fair trial in a Federal jurisdiction.

S. 2062 differs from the previous versions of the class action bill in several ways, and those changes have been negotiated on both sides of the aisle over the period not from just last April or November, but from 1996, over the last 8 years. I am going to focus my remarks on one change I think makes a lot of sense, and that is the addition of a local class action exception.

Under the provisions of S. 2062, class action cases will remain in State court if the following conditions are met: First, more than two-thirds of class members have to be citizens of the forum State. Second, there has to be at least one in-State defendant from whom significant relief is sought by members of the class and whose conduct forms a significant basis of the plaintiffs' claims. Third, the principal injuries resulting from the alleged conduct or related conduct of each defendant have to have been incurred in the State where the action was originally filed. Finally, there cannot be any other class action cases asserting the same or similar factual allegations against any of the defendants on behalf of the same or other persons filed in the preceding 3 years.

Those are pretty fair and reasonable exceptions. You are still going to have probably most of the class action suits filed in State court with this exception being in place.

Under the local class action exception, a limited group of local class action cases would be allowed to stay in State court where the facts of the case warrant this treatment. Some examples would be a plant explosion or an oil spill, where one or more of the defendants are in the same State as the catastrophe and a supermajority of the plaintiffs are there as well. These are truly local actions and ought to be treated as such because they do not lend themselves to the egregious forum shopping that lands cases which should be filed in Federal court in one of these so-called magnet courts around the country.

Despite all of the progress we have made in our negotiations on S. 2062, it seems we have some Senators who plan to offer amendments that would weaken this bipartisan legislation or weight it down with nongermane issues that will lead to the bill's defeat. The passage of nongermane amendments to this class action reform bill will probably doom its passage. For this reason, I will vote against all nongermane amendments, and I plan to vote against any germane amendments that would weaken S. 2062 in its present form.

In summary, we now have a class action bill which is supported by both sides of the aisle. Despite the misinformation that has been spread around, this bill will actually promote the proper assignment of class action cases between State court and Federal court dockets. I urge my colleagues to vote against any amendments that would weaken or kill S. 2062 and then to vote in favor of this bill as a first step in restoring fairness and balance to our Nation's tort system.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAHAM of South Carolina. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM of South Carolina. Mr. President, I, like others of my colleagues, would like to see closure on this issue. Before I got into politics, I was a lawyer. I admire our legal system. In many ways, people have their chance to be judged by their neighbors. I am very respectful of the jury trial. However, in the class action arena of the law, I find more abuses than solutions. I don't believe the Constitution ever envisioned the class action litigation model that we have come up with where you can create your own false diversity and you can run everybody to Illinois or Mississippi because business is involved.

I believe the removal process in this bill where the judge has discretion to remove cases from State court to Federal court will correct some abuses. I believe the coupon cases were never what the law was meant to be about.

The legal reforms in this bill I support. I have an amendment. I hope we can get to it. It would allow a procedure to be had in terms of pursuing settlement. Consumers need to be told about the Pinto case and need to be informed when products are dangerous, but companies need not be required to give proprietary information without having their say.

I have an amendment that would allow the judge in a particular case to rule on whether documents would be subject to seal. I think the South Carolina rule is a very reasonable rule. But whether we get to this, I believe this bill's time has come, and it is now time for the Senate to act. The abuses that are going on in class action are not about treating people fairly, they are about simple greed. These abuses need to be stopped for the betterment of us all. Claimants and businesses find themselves subject to this.

I urge my colleagues to vote in favor of cloture on S. 2062, the Class Action Fairness Act of 2004. As a member of the Judiciary Committee, I supported the bill during committee consideration and I will be voting in favor of cloture and final passage as well.

The need for this bill is pointed out daily by stories of abuse. We hear of attempts to sue McDonald's because people who eat there are getting fat. We hear of lawyers negotiating coupon settlements for their clients, while they receive millions of dollars in fees. We hear of class members actually losing money on settlements.

I am a lawyer and I am not happy with that state of affairs. I don't think anyone is more in favor of a strong legal system than I am. And I define a strong legal system as one where all parties are treated fairly, wrongs are redressed, and justice is afforded equally and without bias.

The Class Action Fairness Bill of 2004 does not weaken our legal system. It rectifies the current imbalance in some areas where some parties are not treated fairly; new wrongs are committed, not redressed; and justice is overlooked, if not outright disregarded.

I say to my friends who oppose this bill that, just as it is important to make sure that victims have an opportunity to be heard in our courts, it is just as important to insure that the defendant is treated fairly. And I don't believe anyone can credibly claim that that is the case today in many areas of our country. Justice requires that we act to remedy that.

Although I may not believe this bill is perfect, and actually have an amendment or two of my own, I do not believe we should delay this bill one moment longer. My amendment is slightly technical, but very simple.

It would merely provide for uniform judicial scrutiny of sealed documents. I have based my amendment on the South Carolina district rule for how to obtain a protective order for trade secrets or other proprietary information. I haven't heard from one person in South Carolina who doesn't like the way it works.

It puts all parties on equal footing and preserves judicial discretion. However, though I firmly believe my amendment would improve the bill, I will be voting for cloture because this bill is more important.

I firmly believe that the Class Action Fairness Act of 2004 is exactly that, fair to all parties.

It is narrowly aimed at some of the most egregious abuses of the class action system. In fact, I have heard from some folds that the bill does not go far enough. However, in my opinion, it is a reasonable first step in the effort to control what are clearly abuses of the system.

It is reasonable because I don't think anyone in the chamber can complain about judges taking a look at settlements to make sure the class members are not being victimized further. I don't think anyone can complain about giving federal judges the power to block worthless settlements based on coupons or other gimmicks.

We have even had some firms sanctioned for filing cases just to settle with no damages for the class, but significant attorneys' fees for them. We have had other lawsuits end with the lead plaintiffs and their lawyers receiving large sums and other class members receiving nothing, but losing their right to legal action in the future.

When the very people class actions are supposed to help are being hurt, it is time to do something different.

This bill is a reasonable step in the right direction. While some of my friends on the other side of the aisle may not like some provisions, they have to admit that there is a problem that needs to be addressed.

In closing, I would just like to urge my colleagues to help us move this bill to conclusion. File your amendments, I have one myself, but don't let your personal desire to offer your amendment get in the way of this much needed legislation.

Mr. McCONNELL. Mr. President, I rise to speak about a case that I think perfectly illustrates some of the problems produced by our current class action system. This case is, unfortunately, not unique. These outrageous decisions happen all too frequently. The bill currently under consideration will help fix some of these problems.

Reproduced on this poster beside me is an actual settlement check from a recently settled class action lawsuit. This check is made payable to a member of my staff who received it in the mail earlier this year. You will notice that on the check's "pay to the order of" line, I have covered the name of my staffer so that she may remain anonymous.

I have also obscured the name of the defendant in this case. Plaintiff's lawyers have soaked them once already. I would hate to see others sue this company just because they heard the company settled one class action suit.

Along with this settlement check, my staffer received a letter, which says in part:

> You have been identified as a member of the class of . . . customers who are eligible for a refund under the terms of a settlement agreement reached in a class action lawsuit . . . The enclosed check includes any refunds for which you were eligible.

Now as you know, Senate staffers are certainly not the highest paid people in this town. So this woman on my staff reports she was excited about receiving some unexpected money.

And then she looked at the enclosed check to see just how big her windfall was. It was a whopping 32 cents. That is right, she received a check made out to her in the amount of 32 cents.

I guess it goes without saying that she was a bit disappointed in her newfound riches.

Now, don't misunderstand me. I am not suggesting my staffer deserved a bigger settlement check. In fact, she tells me she had no complaint whatsoever against the defendant. And she never even asked to be part of this lawsuit.

Apparently, she just happened to be a customer of a defendant who was sued, and it was determined that she theoretically could bring a claim against the defendant, and so she became a member of "a class" that was due a settlement.

If this doesn't precisely illustrate the absurdity of the current class action epidemic in this country, I don't know what does.

To demonstrate just how far out of whack the system is, let's start with the letter notifying my staffer that she was a member of a class action lawsuit, and had been awarded a settlement. This letter and check arrived via the U.S. mail. The last I knew, it cost 37 cents to mail an envelope. The settlement check is for 32 cents.

You can probably see where I'm going with this.

It cost the defendant in this class action suit, 37 cents to send a settlement check worth 32 cents. That sure makes you pause and think about the absurdity of our class action system.

Now, I don't claim to have the economic expertise of some—like my good friend, the distinguished former Senator Gramm of Texas—but I can tell you that forcing a defendant to spend 37 cents to send someone a 32-cent check doesn't make much economic sense. And it certainly defies common sense.

But let me point out the most disturbing element about this lawsuit. My staff researched this case and it may interest my colleagues to know that while the unwitting plaintiff received just 32 cents in compensation from this class action lawsuit, her attorneys pocketed in excess of $7 million.

All in all, not a bad settlement—if you happen to be a plaintiff's lawyer rather than a plaintiff.

And in case you think this plaintiff received an unusually low settlement in this litigation, let me quote from the letter accompanying the settlement check:

So, you see, even before the settlement, it was clear that each plaintiff would on average receive less than $1. Yet the attorneys still got more than $7 million.

My colleagues may also be interested to know how much the defendant was forced to spend defending this lawsuit.

Knowing the extent of the defendant's defense costs is instructive in demonstrating how unjust these abusive suits can be. So we asked the defendant how much it spent defending this suit that provided a plaintiff with pennies and her lawyers with millions. But perhaps not surprisingly, the defendant was not willing to discuss that matter.

You see, the defendant told us that if it were readily known just how much they spent defending these types of suits, then that information would almost certainly be used against them in the future.

This defendant feared that if their defense costs were known, then another opportunistic plaintiff's lawyer would file another one of these suits. And then that lawyer would offer to settle for just slightly less than the millions he knew it would cost the defendant to defend the action.

That perfectly illustrates how plaintiff's lawyers exploit and abuse defendants under the current system.

Can there be any doubt that the current class action system is in need of repair? When the lawyers get more than $7 million and a plaintiff gets a check for 32 cents, something is terribly wrong. When defendants fear disclosing how much they spend fighting these ridiculous suits because to do so would invite more litigation, something is terribly wrong.

Justice is supposed to be distributed fairly. This is clearly not a fair way to distribute justice.

Let's try to correct some of the abuses in class action litigation by passing this legislation.

We are not going to end every 32-cent award to plaintiffs and multimillion dollar award to attorneys, but surely we can curb some of this nonsense.

Mr. LEAHY. Mr. President, I rise to express my continued disappointment in the Republican leadership's ability to manage the Senate floor effectively. As my colleagues are aware, we have only a few weeks left in this legislative session. Instead of negotiating short-time agreements on a finite number of important amendments, the Republican leader has decided that he would rather slam the door shut for all nongermane amendments.

The Republican leader's actions have frustrated Members on both sides of the aisle who sincerely want to have a productive legislative session. The citizens of this country did not elect us to engage in a staring contest. We should be using our remaining floor time to accomplish consensus legislation.

I note that yesterday the Senior Senator from Idaho observed the following:

> We have watched an unusual process this morning. There are a good many of us in a bipartisan spirit who are reacting to and I am one of those who does not appreciate what the majority leader has now just done.

Senator DASCHLE, who has frequently called for civility and bipartisan action on the floor, similarly expressed frustration. I could not agree with them more.

Senators have a right to have their legislation be considered by their colleagues. And despite the majority leader's actions, even Senators in the minority should be allowed to offer amendments to the class action legislation before us.

Senate CRAIG acknowledged as much when he "recognized that Senators, unless effectively blocked by [the] procedural action that has just occurred, do have the right to offer amendments. Germane or relevant and non-relevant."

Yesterday, the senior Senator from Idaho hoped to offer an amendment with wide bipartisan support that would help protect the security of our country. He should be allowed to offer this legislation. Similarly, other Members of this body should be allowed time for the normal amendment process.

Time and again, the Republican leadership has accused my colleagues of obstructing and refusing to give certain measures an up-or-down vote. Well, this most recent procedural tactic is the majority leader's latest attempt at looking busy with full knowledge that nothing will be accomplished.

Senator FRIST's drastic action yesterday has stymied the legislative process and threatened the underlying class actions bill that many of my colleagues have worked so hard on over the past few years.

I am disappointed that the Republican leadership has decided that we can afford to waste another week of floor time when bipartisan measures could have been considered and enacted.

Mr. President, yesterday I received a letter on behalf of 16 environmental protection organizations—American Rivers, Clean Water Action, Defenders of Wildlife, Earthjustice, Earthworks, Environmental Working Group, Friends of the Earth, Greenpeace, League of Conservation Voters, National Environmental Trust, Natural Resources Defense Council, Sierra Club, The Ocean Conservancy, The Wilderness Society, 20/20 Vision, and the U.S. Public Interest Research Group—in opposition to this class action bill.

These environmental protection advocates declare that this bill "is patently unfair to citizens harmed by toxic spills, contaminated drinking water, polluted air and other environmental hazards involved in class action cases based on state environmental or public health laws."

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JULY 7, 2004.

ENVIRONMENTAL HARM CASES DO NOT BELONG IN CLASS ACTION BILL

DEAR SENATOR: Our organizations are opposed to the sweepingly drawn and misleadingly named "Class Action Fairness Act of 2004." This bill is patently unfair to citizens harmed by toxic spills, contaminated drinking water, polluted air and other environmental hazards involved in class action cases based on state environmental or public health laws. S. 2062 would allow corporate defendants in many pollution class actions and "mass tort" environmental cases to remove these kinds of state environmental matters from state court to federal court, placing the cases in a forum that could be more costly, less timely, and disadvantageous to your constituents harmed by toxic pollution. State law environmental harm cases do not belong in this legislation and we urge you to exclude such pollution cases from the class action bill.

Class actions protect the public's health and the environment by allowing people with similar injuries to join together for more efficient and cost-effective adjudication of their cases. All too often, hazardous spills, water pollution, or other toxic contamination from one source affects large numbers of people, not all of whom may be citizens of the same state or may be from the same state as the defendants who caused the harm. In such cases, a class action lawsuit in state court based on state common law doctrines of negligence or nuisance, or upon rights and duties created by state statutes in the state where the injuries occur, is often the best way of fairly resolving these claims.

For example, thousands of families around the country are now suffering because of widespread groundwater contamination caused by the gasoline additive MTBE, which the U.S. Government considers a potential human carcinogen. According to a May, 2002 GAO report, 35 states reported that they find MTBE in groundwater at least 20 percent of the time they sample for it, and 24 states said that they find it at least 60 percent of the time. Some communities and individuals have brought or soon will bring suits to recover damages from MTBE contamination and hold the polluters accountable, but under this bill, MTBE class actions or "mass actions" based on state law could be removed by the oil and gas companies to federal court in many of these cases.

This could not only make these cases more expensive, more time-consuming and more difficult for injured parties, but could also result in legitimate cases getting dismissed by federal judges who are unfamiliar with or less respectful of state law claims. For example, in at least one federal court MTBE class action, a federal court dismissed the case based on oil companies' claim that the action was barred by the federal Clean Air Act (even though that law contains no tort liability waiver for MTBE). Yet a California state court rejected a similar federal preemption argument and let the case go to a jury, which found oil refineries, fuel distributors, and others liable for damages. These cases highlight how a state court may be more willing to uphold legitimate state law claims. Other examples of state law cases that would be weakened by this bill include lead contamination cases, mercury contamination, perchlorate pollution and other "toxic torts" cases.

In a letter to the Senate last year, the U.S. Judicial Conference expressed their continued opposition to such broadly written class action removal legislation. Notably, their letter states that, even if Congress determines that some "significant multi-state class actions" should be brought within the removal jurisdiction of the federal courts, Congress should include certain limitations and exceptions, including for class actions "in which plaintiff class members suffered personal injury or personal property damage within the state, as in the case of a serious environmental disaster." The Judicial Conference's letter explains that this "environmental harm" exception should apply "to all individuals who suffered personal injuries or losses to physical property, whether or not they were citizens of the state in question."

We agree with the Judicial Conference—cases involving environmental harm are not even close to the type of cases that proponents of S. 2062 cite when they call for reforms to the class action system. Including such cases in the bill does no more than benefit polluters in state environmental class actions at the expense of injured parties in those cases for no reason other than to benefit the polluters. No rationale has been offered by the bill's supporters for including environmental cases in S. 2062's provisions. We are unaware of any examples offered by bill supporters of environmental harm cases that represent alleged abuses of the state class actions.

More proof of the overreaching of this bill is that the so-called "Class Action Fairness Act" is not even limited to class action cases. The bill contains a provision that would allow defendants to remove to federal court all environmental "mass action" cases involving more than 100 people—even though these cases are not even filed as class actions. The S. 2062 contains a narrow exception to the "mass action" removal rule if the injury to the plaintiffs is caused by a "sudden, single accident," but has no exception for injuries caused by toxic exposure that occurs over days, months, or years, as frequently happens in environmental harm cases.

For example, the bill would apply to cases similar to the recently concluded state court trial in Anniston, Alabama, where a jury awarded damages to be paid by Monsanto and Solutia for injuring more than 3,500 people the jury found were exposed—with the companies' knowledge—to cancer-causing PCBs over many years. Documents uncovered in the case showed that Monsanto kept the public in the dark for decades regarding what the company knew about PCBs, so the "sudden, single incident" exception would not apply in large measure because of the companies' own bad behavior. There is little doubt in the Anniston case that, had S. 2062 been law, the defendants would have tried to remove the case from the state court serving the community that suffered this devastating harm. It is, at best, unjustified to reward this kind of reckless corporate misbehavior by giving defendants in such cases the right to remove state law cases to federal court over the objections of those they have injured.

The so-called "Class Action Fairness Act" would allow corporate polluters who harm the public's health and welfare to exploit the forum of federal court whenever they perceive an advantage to doing so. It is nothing more than an attempt to take legitimate state court claims by injured parties out of state court at the whim of those who have committed the injury.

Cases involving environmental harm and injury to the public from toxic exposure should not be subject to the bill's provisions; if these environmental harm cases are not excluded, we strongly urge you to vote against S. 2062.

Sincerely,

Ken Cook, Executive Director, Environmental Working Group.

Ed Hopkins, Director, Environmental Quality Programs, Sierra Club.

Betsy Loyless, Vice President for Policy and Lobbying, League of Conservation Voters.

William J. Snape III, Vice President for Law and Litigation, Defenders Of Wildlife.

Sara Zdeb, Legislative Director, Friends of the Earth.

Karen Wayland, Legislative Director, Natural Resources Defense Council.

Anna Aurilio, Legislative Director, U.S. Public Interest Research Group.

Tom Z. Collina, Executive Director, 20/20 Vision.

S. Elizabeth Birnbaum, Director of Government Affairs, American Rivers.

Kert Davies, Research Director, Greenpeace US.

Kevin S. Curtis, Vice President, National Environmental Trust.

Stephen D'Esposito, President, Earthworks.

Linda Lance, Vice President for Public Policy, The Wilderness Society.

Joan Mulhern, Senior Legislative Counsel, Earthjustice.

Julia Hathaway, Legislative Director, The Ocean Conservancy.

Paul Schwartz, National Campaigns Director, Clean Water Action.

Mr. JEFFORDS. Mr. President, I rise today to express my extreme disappointment over the procedural bind the Senate is in on the class action reform bill.

Last October I was one of the 59 Senators who voted to allow the Senate to proceed to the Class Action Fairness Act because I believed that it was an issue that should be considered and debated in the Senate. I still believe that this is an appropriate matter to be considered in the Senate, and was looking forward to a constructive debate on the legislation this week.

In meetings with both supporters and opponents of the legislation I have continually stressed that there needs to be a fair and open debate on the matter. To me, this means that Senators must be allowed to offer amendments to the bill. Unfortunately, even before the debate had even really begun, the majority leader came to the floor and created a procedural situation where no Senator would be allowed to offer an amendment, on class action reform or any other issue.

It is regrettable that this path was chosen for consideration of this legislation. I find this to be especially true when the minority leader has offered to limit the number of amendments to the legislation, even though he opposes the bill. If the Republican leadership had accepted this offer we could have been working on substance rather than discussing procedure for the last few days.

As this debate has not been free or fair, in fact no amendments have been considered, debated and voted upon, I cannot at this time support limiting debate on the Class Action Fairness Act. I am hopeful that the majority will reconsider its rejection of the minority leader's offer to proceed on this legislation with limited amendments and that we can then begin to actually debate the legislation.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I would like to be standing here today to debate the merits of why we should be voting for cloture on this bill. But since we all know how this vote will turn out, I just want to congratulate in advance some of my colleagues on the other side of the aisle for killing yet another civil justice reform measure this Congress.

The constituents that they serve—the powerful and well financed plaintiffs bar—owe them a deep debt of gratitude for not only killing class action reform but also derailing the asbestos trust fund bill, the medical malpractice reform bill, and gun liability reform bill, to name a few. Their truly special interest constituent has survived yet another year devoid of tort reform, and as a result, will continue raking in millions of dollars in cash to help finance the Democratic party in the coming months.

I am hoping the 62 people who committed to vote for cloture last November will vote for it. We can even lose two of them as long as we have 60 to vote for cloture. If we have 60, then I will feel a lot better than I do in giving these remarks.

But unlike the caution chorus that they rolled out to kill the asbestos bill, the tactics used by my Democratic colleagues to defeat class action reform have been disappointing at best, and downright disingenuous, at worst. We tried to proceed on this bill last year and were led to believe that we would command enough votes to overcome a Democratic filibuster. Indeed, before the cloture vote, we had certain members declare their support publicly for the bill. But when the moment of truth came, there was at least one member from the other side who voted against proceeding on the bill despite statements to the contrary. And what happened? We fell one vote shy of invoking cloture.

After the vote, we had three additional Democratic members come to us just days before our Thanksgiving recess eager to strike a deal on class action reform. So we listened, and we negotiated, and then we compromised. And at the end of the day, we reached an agreement on a more modest version of the class action bill. But the honeymoon certainly did not last long as the supporters of the measure started demanding extraneous labor-oriented amendments that included a measure to raise the minimum wage; a measure to extend unemployment insurance; and a measure to overturn the administration's overtime regulations.

We gave them votes on two of the three and then offered yesterday to give them a vote on the third. But of course, we all know that three was not enough.

We heard the stories of how the Senate must work its will, and how the hallmark of this institution's procedures cannot be compromised; that we must take on more extraneous amendments that have absolutely nothing to do with the business at hand. But what these colleagues know very well is that the more amendments this bill takes on, the less likely it will become law.

We have a bipartisan deal on class action reform that now stands on the verge of collapse—a broken deal that will forever stain the honor of this hallowed institution the minute the supporters of this bill cast a no vote on cloture. In a court of law, we would call it a breach of contract, but in the Senate we are not governed by common law principles when we legislate. Rather, we are governed by honor and credibility—attributes that will lose stock the minute this bill fails.

Let me just finish by saying that a vote against cloture means that you are not committed to class action reform. Let us not dance around the issue any further, and just call a spade a spade.

A vote against cloture means that you care more about helping certain unscrupulous plaintiffs' lawyers rather than every day consumers like Martha Preston, Irene Taylor and Hilda

Bankston. These are the real victims whose horror stories will fall on deaf ears.

And a vote against cloture means that a deal will never be a deal unless strings are attached. That true bipartisanship will always come at a price to be disclosed later.

I have been here 28 years. I have never seen, when we finally put a deal together, people who have not been willing to live up to their commitment.

Everybody knew back in November of last year that we needed one more vote to get cloture. We compromised. We accepted amendments which we probably wouldn't have accepted because we had—we had 59 who would have voted for the bill as it was—to get those extra votes. Now there is some indication that those three votes will not be there, and we will probably lose on cloture again. I am hoping that is not true. I am hoping all three votes will be there, or at least one that will be there so that we can invoke cloture and proceed on this bill. If we can't, then I have to say this is one of the few times that I have seen where commitments are made that have not been honored that should have been honored, and it is a disgrace to this institution, in my humble opinion.

Keep in mind that if we invoke cloture, that doesn't mean those who want to bring up extraneous, nongermane amendments or nonrelevant amendments can't do it. They can bring them up after cloture, but they are going to have to get a supermajority vote to win. That doesn't foreclose them.

Anybody who argues that they ought to be able to bring up any amendments they want when it is hurting the Senate, is not shooting straight. The fact is, they can bring up any amendments they want. They just have to get the votes to win. Maybe they will postcloture. I don't know.

But in all honesty, we all know the game. It is either we are going to get cloture and people are going to live up to their commitment or not, and bipartisanship is even hurt more than it has been up until now. It has been in shambles as far as I can see almost all year long. This has been one of the worst years in my Senate career because of the lack of partisanship, the lack of comity that normally exists in this body in the desire to make everything political and the effectiveness of making everything political as well.

This is one bill that does not deserve that kind of unfair treatment, especially since we compromised last year and took amendments we would not have taken and changed the bill we would not have changed, all for the purpose of getting enough votes to vote for cloture. And now we are here again this year—another year, 6 years in a row—whereby the same people who said they were for this bill and talked us into all these amendments on the basis that they would vote for cloture may not. I personally hope they will. If they will, it will do more for comity in this body, more for bipartisanship than we have seen all year. It would be a ray of hope to everybody in this body that maybe there is a chance of us getting together on things that are important, the things that are right, things that we promised, things that will benefit the business community, things that will correct the ills which literally have been wrecking this institution and hurting our country immeasurably and will put the screws to these jurisdictions, these magnet jurisdictions, that do not seem to care about the law or anything else.

CLOTURE MOTION

The PRESIDING OFFICER. The clerk will report the cloture motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 430, S. 2062, a bill to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes:

> Bill Frist, Orrin Hatch, Charles Grassley, Peter Fitzgerald, Craig Thomas, Mitch McConnell, Ted Stevens, Robert F. Bennett, Jim Talent, George Allen, Jon Kyl, Rick Santorum, Jeff Sessions, Pete Domenici, Susan Collins, Lamar Alexander, John Cornyn.

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

The question is, Is it the sense of the Senate that debate on S. 2062, a bill to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Colorado (Mr. CAMPBELL), the Senator from Nevada (Mr. ENSIGN), the Senator from Wyoming (Mr. ENZI), the Senator from Illinois (Mr. FITZGERALD), the Senator from Nebraska (Mr. HAGEL), and the Senator from Pennsylvania (Mr. SANTORUM) are necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from California (Mrs. BOXER), the Senator from West Virginia (Mr. BYRD), the Senator from New York (Mrs. CLINTON), the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

The yeas and nays resulted—yeas 44, nays 43, as follows:

[Rollcall Vote No. 154 Leg.]

YEAS—44

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Crapo
DeWine
Dole
Domenici
Frist
Graham (SC)
Grassley
Gregg
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McConnell
Miller
Murkowski
Nelson (NE)
Nickles
Roberts
Sessions
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NAYS—43

Akaka
Baucus
Bayh
Bingaman
Breaux
Cantwell
Carper
Conrad
Corzine
Craig
Daschle
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCain
Murray
Nelson (FL)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Shelby
Stabenow
Wyden

NOT VOTING—13

Biden
Boxer
Byrd
Campbell
Clinton
Edwards
Ensign
Enzi
Fitzgerald
Hagel
Kerry
Mikulski
Santorum

The PRESIDING OFFICER. On this vote, the yeas are 44, the nays are 43. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that there be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO HENRY COUZENS

Mr. McCONNELL. Mr. President, I wish today to pay tribute to Henry Couzens, a genuine World War II hero and survivor. Mr. Couzens performed extraordinary acts of courage during some of world history's most difficult and tumultuous times.

The day after his 18th birthday in 1942, Mr. Couzens applied for the Aviation Cadets, and after passing all requirements was accepted into the Air Corp Training School. A year later, Mr. Couzens graduated as a pilot and was commissioned as a second lieutenant to fly P-47 fighter planes. In early 1944, Mr. Couzens arrived in England to fight on the front lines in the European Theatre alongside the 8th Infantry and 356th Fighter Group. His unit's assignment was to control an area along the English Channel. Their purpose was to escort and protect B-17s and B-24s on bombing missions to Germany and other occupied countries.

On April 23, 1944, Mr. Couzens was assigned to destroy German airplanes on the ground. His target that day was the airfield at Haguenau, France. On his third pass over the airfield, he was hit by German anti-aircraft fire. The hit was so substantial it stopped the engine of his plane, forcing him to "Belly in." While he was fortunate enough to land alive, the group commander and another pilot were shot down. For a little over a year, Mr. Couzens was a prisoner of the Germans at the famous Stalag Luft III Camp. He endured one of the coldest winters in decades and finally saw freedom when they were liberated on April 29, 1945, and became part of General Patton's Third Army.

Thank you, Mr. Couzens for defending freedom and democracy. The heroics you and your comrades displayed will forever be remembered; you truly are the Greatest Generation.

TRADE AGREEMENTS

Mr. BAUCUS. Mr. President, I rise to address the value of free trade, and of the process by which we get it.

From ancient times, people have learned that trade among nations means more economic growth and higher incomes. People have better standards of living, thanks to trade.

Free trade allows each nation to devote more resources and energy to those things for which it has a comparative advantage. Partners to free trade thereby get goods and services at lower cost than they would in isolation.

Conversely, protectionism stunts growth and reduces income. Tariffs are taxes. And like other taxes, they can impede the efficient allocation of resources. Where nations impose quotas and tariffs, goods and services cost more. People live less well than they would with free trade.

But you don't have to take my word for it. Look at the record. Take America's two biggest recent trade agreements.

America entered into the North American Free Trade Agreement, NAFTA, in 1993, and the Uruguay Round Agreements, the WTO, in 1994. In the years following those major trade agreements, America experienced one of its strongest economic expansions.

Yes, balancing the budget and funding education also had something to do with it. But trade helped.

America experienced 8 years of economic growth. The American economy created more than 20 million new jobs. The average household's real income rose 15 percent. Americans' standard of living improved.

Put the other way around: The opponents of free trade have a difficult job to explain how those major trade agreements hurt the American economy in the 1990s.

I am a proud advocate of trade. I am an advocate of stronger economic growth and higher incomes. I want a better standard of living for Americans.

So how can we achieve freer trade? How do we lower barriers to trade? That brings us to a discussion of trade procedures.

The Senate considers trade agreements under somewhat unique procedures. These special procedures go by several names: fast-track, trade negotiating authority, or trade promotion authority.

Under these procedures, legislation to implement a trade agreement gets an up-or-down vote within a limited time. Debate is limited to 20 hours. No amendments. No filibusters.

The Senate is about to consider legislation under these procedures to implement the United States-Australia Free Trade Agreement. We may also soon consider legislation under these procedures to implement the United States-Morocco Free Trade Agreement.

Two other agreements with six Central American countries and Bahrain are signed and ready for us to consider whenever the administration chooses to move them.

With so much trade activity, it is a good time to review the applicable procedures.

It all begins with the Constitution. Article I, section 8, clause 3 says that: "The Congress shall have the power . . . to regulate Commerce with foreign Nations." Since the founding of our Country, it is, and has always been, Congress that holds primary responsibility for trade.

Now, 535 Members of Congress cannot negotiate trade agreements. The logistics are unimaginable. So our predecessors figured out fairly early that the actual negotiating would have to be delegated to the executive branch.

But that does not mean that Congress has delegated its Constitutional responsibilities. To the contrary, under United States law no trade agreement is self-executing. It has no effect on domestic law until Congress passes implementing legislation.

A system where one branch of government negotiates trade agreements and another must accept them and turn them into domestic law presents challenges.

The system worked well enough in the early days of the General Agreement on Tariffs and Trade. Back then, the executive branch was negotiating agreements to reduce tariffs. Congress would delegate authority to the President to agree to cuts within a specific range. All the President had to do was proclaim those changes once agreed to.

In the 1960s, however, the United States and its trading partners in the GATT began to expand the scope of trade negotiations to non-tariff measures. Without any advance authorization from Congress, the administration negotiated several deals on non-tariff measures in the GATT's Kennedy Round.

It brought those agreements back to Congress. Congress rejected the agreements, refusing to implement them into domestic law. This embarrassed the administration. And it frustrated our trading partners. They learned that negotiating with the executive branch is not enough. The final word lies with Congress.

Our trading partners became wary. They didn't want to devote years of effort to another round of trade negotiations in the GATT if American negotiators could not keep the promises they made. The executive branch wanted advance authorization from Congress to negotiate non-tariff trade agreements.

The administration proposed treating tariff and non-tariff agreements the same. The executive branch said: Congress should simply authorize the President in advance to negotiate and implement the deals that the President makes.

The Finance Committee resisted. Yes, tariff deals are easy to approve in advance. All Congress has to do for a tariff deal is to tell the Executive how low the negotiators can go.

But non-tariff deals are more complicated. They can cover things like Customs rules, trade remedies, food safety rules, and intellectual property rights. It would be too difficult for Congress to approve parameters for these kinds of agreements in advance. Congress would want to see the details before deciding to approve and implement these deals.

Congress and the President reached a compromise and enacted it in the Trade Act of 1974. That Act created the so-called "fast-track" process.

Fast-track has something for everyone. It gives the Executive express authority to negotiate tariff and non-tariff agreements, so long as our trade representatives meet general negotiating objectives set out by Congress. And it guarantees our trade partners that any agreement will receive an up-or-down vote by a date certain. That way, when they negotiate with the United States, they know that Congress cannot later amend the agreement or kill it with a filibuster.

But, most importantly, fast-track preserves Congress's Constitutional primacy on trade. No agreement gets implemented unless a majority of Congress approves.

Fast-track procedures require close collaboration between the Executive and Congress at every stage. The President must notify committees of jurisdiction and consult with them before a negotiation begins and regularly throughout the negotiations. Once talks are complete, the President must notify Congress 90 days before signing the agreement, to permit Congress time to review the terms of the deal.

Once the agreement is signed, the President must submit it to Congress, along with a draft implementing bill, for approval. Congress has no more than 90 days in which the Congress is in session to act. And amendments are not in order.

But the time when close coordination between the Executive and Congress is most critical is the period between when the agreement is signed and when the President submits the agreement to Congress.

This is the time when the administration and the trade committees sit down together to craft an implementing bill. The law requires the Executive to consult with the committees of jurisdiction. But because the details of this consultative process are not spelled out by law, some call this stage the "informal process" or the "mock process."

No one should be fooled by these titles. This cooperative drafting venture—while not spelled out in the law—is the centerpiece of the fast-track process.

It is at this stage—before the implementing bill becomes unamendable—that the trade committees can weigh in and bring their own ideas to the table.

Congress and the President first used the procedures adopted in the Trade Act of 1974 to implement the GATT Tokyo Round agreements in 1979. The Government has since used these procedures to implement the WTO Uruguay Round Agreements, as well as free trade agreements with Israel, Canada, Mexico, Singapore, and Chile.

From the beginning, the Finance Committee has strived to make the informal process operate as much as possible like the normal legislative process.

For that reason, the Finance Committee always holds a mock markup of the draft implementing bill. Like any markup, this event is open to the public. And Members are free to offer amendments to the draft bill that has been developed by the administration and committee staff.

The committee holds a recorded vote on each amendment offered. It then votes on whether to approve the draft bill, as amended, in a recorded vote.

Amendments are common events at mock markups. When the Committee considered the United States-Israel Free Trade Agreement in 1984, committee members offered 13 amendments, and the Committee adopted 3. In 1988, when the committee considered the Canada-United States Free Trade Agreement, members offered 9 amendments, all of which were adopted. When the Finance Committee considered draft implementing legislation for the North American Free Trade Agreement in 1993, members offered at least 15 amendments, of which 14 were adopted. There were more than 30 differences between the Senate and House versions of the bill at the end of the mock markups.

By contrast, no amendments were offered last year when the committee considered the Singapore and Chile implementing bills. That was unusual.

In each of these cases, consideration of amendments was followed by a committee vote to approve the draft bill, as amended.

In every case except Singapore and Chile, amendments added in the mock markup led to differences between the versions of the draft bill approved by the Finance Committee and the bill approved by the Ways and Means Committee.

Consistent with normal legislative practice, the two committees resolved these differences in an informal or "mock" conference. Each House appointed conferees to participate.

To begin the conference process, staff from both parties and both Houses jointly prepared a document identifying all the differences between the two versions of the draft bill. Where agreement was possible, staff recommended a resolution.

Typically, the House and Senate exchanged offers on more difficult issues, which were then resolved at the Member level. In each case, Members and staff were able to resolve all or virtually all conflicts. Both committees could then recommend identical draft bills to the administration for formal submission.

This time-tested process really works. It allows Congress to exercise its Constitutional prerogatives in full, while still guaranteeing the President and our trading partners a timely vote on trade agreements.

Although these informal procedures are not statutory, they were certainly on my mind when I worked to secure a renewal of the President's trade negotiating authority in the Trade Act of 2002. I firmly believe that Congress should continue to insist on a meaningful and robust informal process.

One of the keys to a meaningful informal process is time. In the case of the U.S.-Canada Free Trade Agreement, the informal process took 7 months. That is how much time elapsed between when the U.S. signed the agreement and when the President formally submitted the implementing bill to Congress. During that time, the Finance Committee held hearings, conducted several weeks of informal drafting, and held four mock markup sessions. The informal conference alone included 3 days of Member-level meetings and took close to 2 months to complete.

The informal process for NAFTA lasted a full year. It included five hearings in the Finance Committee as well as hearings in five other committees. The Finance Committee staff worked with the administration for months on legislative drafting. The Finance Committee's markup involved 3 sessions over 2 weeks, followed by a conference.

The informal process for the Uruguay Round Agreements Act took about 9 months.

The Singapore and Chile FTAs took less time. That makes sense. The agreements required many fewer changes to U.S. law than those that came before.

After walking through the draft bills in detail with the administration, with Committee staff, and with legislative counsel, Members were satisfied. They chose not to offer any amendments at the mock markups. No conference was necessary.

Affording sufficient time to the process pays off. After the President formally submits an implementing bill, the fast-track procedures allow Congress up to 90 days to complete action. That is 90 days on which Congress is in session not calendar days.

But nowhere near that much time has ever been used. The formal process took 56 calendar days for the U.S.-Canada Agreement—including the August recess. NAFTA, Singapore, and Chile took a mere 16 days each.

What lesson can we learn from all this experience? Process matters.

Congress needs to be engaged throughout the negotiations. The trade committees need to play an active role in drafting implementing legislation. Committee members need to have enough time to give meaningful consideration to amendments and to resolve any differences between the Houses before the Government completes an implementing bill. When that happens, the formal fast-track process goes quite smoothly.

What does this mean for the future? First, we should not get overconfident. Just because the process works smoothly and quickly for some agreements, like Singapore and Chile, doesn't mean we can start skipping steps. In fact, with a vote on whether to extend the President's trade promotion authority for an additional 2 years possible next summer, now is no time to get sloppy.

More complex agreements may be ahead. CAFTA involves six countries and could raise controversial new issues. Any agreements that come out of the WTO Doha Round or the FTAA talks could require extensive new implementing legislation. In sum, we would be foolish to assume the process of developing implementing bills will always be as easy in future as our recent experience with Singapore and Chile.

Second, timing should always be Member-driven. Members should have the time that they need to review the relevant materials and participate in the informal process. We should never cut that time short just to meet artificial deadlines.

When we shortchange the process, we shortchange the Constitution. When we start cutting corners on process, we begin to abdicate Congress's constitutional role in making trade law.

A good agreement is no excuse for bad process. A good agreement is no excuse for Congress to surrender its Constitutional role. The ends do not justify the means.

Let us work together to advance the process of free trade. Let us ensure a fair process for reaching our trade agreements, and thereby make future trade agreements easier to achieve. And by advancing those agreements, let us work together to earn those benefits of free trade of greater economic growth and higher standards of living for generations of Americans yet to come.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

On November 20, 1995, a young transsexual woman named Chanelle Picket was beaten severely and then strangled to death after leaving a gay bar in downtown Boston.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

SUPPORT FOR PRIVATE RELIEF

Mrs. FEINSTEIN. Mr. President, I offer into the RECORD my statement of support of S. 2548, private relief legislation to provide lawful permanent residence status to Shigeru Yamada, a 22-year-old Japanese national who lives in Chula Vista, CA.

I have decided to offer private relief legislation on his behalf because I believe that Shigeru Yamada represents a model American citizen for whom removal from this country would represent an unfair hardship. Without this legislation, Mr. Yamada will be forced to return to a country in which he lacks any linguistic, cultural or family ties.

Mr. Yamada legally entered the United States with his mother and two sisters in 1992 at the young age of 10. The family was fleeing from Mr. Yamada's alcoholic father, who had been physically abusive to his mother, the children and even his own parents. Since then, he has had no contact with his father and is unsure if he is even alive. Tragically, Mr. Yamada experienced further hardship when his mother was killed in a car crash in 1995. Orphaned at the age of 13, Mr. Yamada spent time living with his aunt before moving to Chula Vista to live with a close friend of his late mother.

The death of his mother marked more than a personal tragedy for Shigeru Yamada; it also served to impede the process for him to legalize his status here. At the time of her death, Mr. Yamada's family was living legally in the United States. His mother had acquired a student visa for herself and her children qualified as her dependents. Her death revoked his legal status in the United States. Tragically, Mr. Yamada's mother was engaged to an American citizen at the time of her death. Had she survived, her son would likely have become an American citizen through this marriage.

Mr. Yamada has exhausted his options under our current immigration system of the United States. Throughout high school, he contacted attorneys in the hopes of becoming a citizen. Unfortunately, time has run out and, for Mr. Yamada, the only option available to him today is private relief legislation.

For several reasons, it would be tragic for Mr. Yamada to be removed from the United States and sent to Japan.

First, since arriving in the United States, Mr. Yamada has lived as a model American. He graduated with honors form Eastlake High School in 2000, where he excelled in both academics and athletics. Academically, Mr. Yamada earned a number of awards including being named an "Outstanding English Student" his freshman year, an All-American Scholar, and earning the United States National Minority Leadership Award. His teacher and coach, Mr. John Inumerable, describes him as being "responsible, hard working, organized, honest, caring and very dependable." His role as the vice president of the Associated Student Body his senior year is an indication of Mr. Yamada's high level of leadership, as well as, his popularity and trustworthiness among his peers. As an athlete, Mr. Yamada was named the "Most Inspirational Player of the Year" in junior varsity baseball and football, as well as, varsity football. His football coach, Mr. Jose Mendoza, expressed his admiration by saying that he has "seen in Shigeru Yamada the responsibility, dedication and loyalty that the average American holds to be virtuous."

Second, Mr. Yamada has distinguished himself as a local volunteer. As a member of the Eastlake High School Link Crew, Mr. Yamada helped freshmen find their way around campus, offered tutoring and mentoring services, and set an example of how to be a successful member of the student body. Since graduating from high school, he has volunteered his time as the coach of the Eastlake High School girl's softball team. The head coach, Mr. Charles Sorge, describes him as an individual full of "integrity" who understands that as a coach it is important to work as a "team player." His level of commitment to the team was further illustrated to Mr. Sorge when he discovered, halfway through the season, that Mr. Yamada's commute to and from practice was 2 hours long each way. It takes an individual with character to volunteer his time to coach and never bring up the issue of how long his commute takes him each day. Mr. Sorge hopes that, once Mr. Yamada legalizes his status, he can be formally hired to continue coaching the team.

Third, sending Mr. Yamada back to Japan would be an immense hardship for him and his family. Mr. Yamada does not speak Japanese. He is unaware of the nation's current cultural trends. And, he has no immediate family members that he knows of in Japan. Currently, both of his sisters are in the process of gaining American citizenship. His older sister has married a United States citizen and his younger sister is being adopted by a maternal aunt. Since all of his family lives in California, sending Mr. Yamada back to Japan would serve to split his family apart and separate him from everyone and everything that he knows. His sister contends that her younger brother would be "lost" if he had to return to live in Japan on his own. It is unlikely that he would be able to find any gainful employment in Japan due to his inability to speak or read Japanese.

As a member of the Chula Vista community, Mr. Yamada has distinguished himself as an honorable individual. His teacher, Mr. Robert Hughes, describes him as being an "upstanding 'All-American' young man". Until being picked up during a routine check of his immigration status on a city bus, he had never been arrested or convicted of any crime. Mr. Yamada is not, and has never been, a burden on the State. He has never received any Federal or State assistance.

Currently, Mr. Yamada is a sophomore at Southwestern Community College, where he is working on finishing his general education so that he can go on to earn his BA in criminal justice from San Diego State University. Mr. Yamada's commitment to his education is admirable. He could have easily taken a different path but, through his own individual fortitude, he has dedicated himself to his studies so that he can live a better life. In the future, Mr. Yamada is interested in pursuing a career in criminal law enforcement by serving as a police officer or an FBI agent.

With his hard work and giving attitude, Shigeru Yamada represents the ideal American citizen. Although born in Japan, he is truly American in every other sense. I ask you to help right a wrong and grant Mr. Yamada permanent status so that he can continue towards his bright future.

I ask unanimous consent three letters of recommendation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EASTLAKE HIGH SCHOOL,
Chula Vista, CA, May 21, 2004.
Hon. DIANNE FEINSTEIN,
U.S. Senator.

I am writing to bring to your attention the need to support a fine young man, Shigeru Yamada. I am a teacher and coach at Eastlake High School; I have known Shigeru for 8 years, both as a student and as a volunteer coach during the last 5 years. What has singularly impressed me about this young man is that he has created himself and never complained about his life's struggles. His mother died when he was young. He got little support from his aunt—materially, emotionally, spiritually. Yet all the while you would not have known that. He set goals for himself academically and athletically; modeled himself on good ideals of community service and service to his school. He was vice-president of the Associated Student Body at Eastlake High and would have pursued an academic future at UCLA were it not for his citizenship status. Instead, he did what he could do and has gone to community college in an effort to pursue his college degree.

All the while, he volunteered his time during these past 5 years to help coach our school's softball team (as well as other sports on campus). It was only recently that I had discovered that it would take him 2 hours with bus transfers just to get to softball practice.

I provide this information to you as a testimonial to the character of this young man. Exceptional in attitude and determination. We need this kind of spirit and resolve in America. We do not want to export it somewhere else. Please help.

Respectfully,
CHARLES R. SORGE, EdD,
English Teacher and Head Softball Coach.

EDMINSTER LEARNING CENTER,
EASTLAKE HIGH SCHOOL,
Chula Vista, CA, April 23, 2001.
To Mr. BOB FILNER:

I'm honored to write this letter for Shigeru Yamada. I have known Shigeru since 1997. A very energetic, bright young man whose personal charge and get after if attitude toward accomplishing his goals, have no equal. A person who personifies the notion of a "hard charger."

As an Instructional aide and Varsity Football coach I have earned great admiration toward Shigeru's work ethic. While in high school, Shigeru received academic honors as an All-American Scholar ('99), United States National Minority Leadership Award ('99 & '00), the National Honor Roll ('00), Golden State Awards, and Who's Who Among High School Students ('98–'00). His commitment toward his duties goes with out question. He managed to be a member of the Associative Student Body. Here he received a Presidential Award ('00), ASB Leadership Award ('00), and Eastlake High School ASB Life Membership Award ('00).

Through his many academic accomplishments Shigeru managed to dedicate himself to many extra curricular activities, such as Football, Baseball, and Wrestling. Other activities included, the Boys Choir (The "E" Males), AVID (Advancement via Individual Determination), and Link Crew (assisting incoming freshmen).

Through my personal experiences as a squad leader in the United States Army (Infantry) and Department Head at Home Depot. I have seen in Shigeru Yamada the responsibility, dedication and loyalty that the average American holds to be virtuous.

So with great appreciation please endorse a Bill, so that Shigeru Yamada can stay in the United States and become a patriotic citizen.

Sincerely,
JOSE MENDOZA,
Instructional Aide.

EASTLAKE HIGH SCHOOL,
Chula Vista, CA.
To Whom It May Concern:

I would like to write this letter of recommendation on behalf of Shigeru Yamada for his outstanding contributions to Eastlake High School and the Eastlake Community. I have been closely tied to Shigeru for approximately 2 years as teacher, coach, and as a friend. Throughout his years at Eastlake High School, Shigeru has participated successfully in many extra-curricular activities and has earned the respect and admiration from staff members, fellow students and the surrounding community. Shigeru has developed into an outstanding performer in Eastlake's football, wrestling and baseball programs. He is strongly admired for his sportsmanship, work ethic and most of all his natural ability as a team leader. For his efforts, Shigeru was recognized for athletic and academic achievements by being selected to the 1998–99 San Diego Union Tribune All-Academic Wrestling Team. Although Shigeru spends much of his time with competitive sports, he always finds time to help other students in need. Shigeru is an active participant with the Eastlake Link Crew. This organization was established to assist our ninth graders with finding their way around campus, learning school traditions, tutoring, mentoring, monitoring academic progress and setting examples of how to be a successful member of our campus environment. Academically, Shigeru excels in the mathematics and is presently taking Honors Pre-Calculus while carrying a 3.8 overall Grade Point Average. In addition, Shigeru is an active member in the AVID (Advancement Via Individual Achievement) program. This program helps our students develop academic skills that are beneficial for them when they attend college. Shigeru is also a member of the Associated Student Body. The ASB is the bloodline of our campus. This outstanding group of students work endless hours organizing pep assemblies and lunchtime activities, sells concessions at all extra-curricular events and assist in all campus elections and dances as well as providing support services for faculty and staff members. In several conversations, I have discovered that Shigeru has a strong interest in the field of Physical Therapy with an emphasis in Sports Medicine. I strongly believe that Shigeru is capable of reaching his goals because he is highly motivated, conscientious and extremely competent.

It is very easy to praise Shigeru for his personal achievements, but I think his personality is what makes him a great human being. Shigeru is responsible, hard working, organized, honest, caring and very dependable. On a daily basis, Shigeru volunteers his time selling concessions during nutrition break and lunch hour for the ASB food services. This job holds Shigeru accountable for large sums of money, an accurate account of inventories and timely service. Very few students have been trusted with this major responsibility. Another word that describes Shigeru is resiliency. Within the past couple of years Shigeru lost both of his parents in a tragic automobile accident. Consequently, this sad episode has left a permanent impression on Shigeru. Fortunately, Shigeru has overcome this tragedy and has maintained a standard for other young people to follow. Shigeru has proven to me that life is too important to waste and to enjoy every moment by being an active member of society, not just a spectator.

Sincerely,
JOHN INUMERABLE.

TRIBUTE TO PHISH

Mr. LEAHY. Mr. President, on August 15 in Coventry, VT, a beloved chapter in American music history will come to a close as the jam band Phish holds its final concert for legions of devoted "phans" and "Phish-heads." We in Vermont are well known for our superb maple syrup, our wonderful ice cream, our award-winning cheese and our beautiful scenery, but after 21 remarkable years, the jam band Phish has certainly become one of our most famous exports.

The four musicians of Phish—Trey Anastasio, Mike Gordon, Page O'Connell, and Jon Fishman—met and started playing together as undergraduates at the University of Vermont in the early 1980s. The band quickly moved beyond its humble beginnings in a dormitory basement to playing a small nightclub in Burlington called Nectar's. While they toured for 5 years before releasing any commercial albums, the buzz around the band spread as their striking melodies and lively jam sessions endeared them to a growing legion of fans.

Phish released its first commercial album, Junta, in 1989. Since then, the band has put out more than 35 studio and live albums that have sold millions of copies. They have more than 200 original songs, and many of the songs die-hards love most were never recorded in the studio.

But the magic of Phish is not as much in its studio recordings as it is in its live performances. In an era when slick marketing techniques often overshadow the musical accomplishments of the artists themselves, this talented band from Vermont has provided a refreshing contrast by promoting free spiritedness and individuality in their music.

The band has always been unconcerned about releasing catchy singles and making millions of dollars from record sales. Instead they play long jams—oftentimes with songs lasting 30 minutes or longer—and tour year-round. Bucking a trend in the industry, they even encouraged people to tape their shows for free and trade them on the Internet. For the members of Phish, it really is all about their music and their fans.

Every night on stage is a new and different showcase for the talents of the versatile and endlessly creative band members. Whether they are playing electric guitars, keyboards, drums, or vacuum cleaners, Phish's improvisational talent has never disappointed. Many fans—often referred to as "Phish-heads"—follow the band from concert to concert living off veggie burritos, grilled cheese sandwiches and the charity of others.

Through it all, Phish has always considered Vermont home. In a tribute to their Burlington roots, the band's first album produced with a major record company was titled A Picture of Nectar. And the band's share of proceeds from sales of the popular "Phish Food" Ben and Jerry's ice cream flavor goes directly toward environmental projects in Vermont's Lake Champlain Watershed. Now, as they prepare for their final show in Vermont, it is appropriate that they finish where they started.

Though Phish has sold millions of albums and become a huge success, in spirit they remain a group that is unpretentious and unfailingly loyal to their fans. Their admirable generosity has fostered a sense of community among those who follow the group. The band's break-up is a source of sadness to all of us who know and love them.

I congratulate Trey Anastasio, Mike Gordon, Jon Fishman and Page O'Connell on their remarkable success. I am grateful for all they have done for Vermont, for American music, and for their fans. Most importantly, we sincerely appreciate their authenticity, their enthusiasm and their generosity.

While no one wants to see Phish stop playing after this summer, we can all take some solace that their music will live on, in these words from their song, "Down With Disease."

Waiting for the time when I can finally say
That this has all been wonderful, but now
I'm on my way.
But when I think it's time to leave it all behind,
I try to find a way, but there's nothing I can
say to make it stop.

ADDITIONAL STATEMENTS

LAUREN AMBER COOK

• Mr. BUNNING. Mr. President, I pay tribute and congratulate Lauren Amber Cook of Princeton, KY on being awarded the William R. Sprague Scholarship from the Kentucky Farm Bureau Education Foundation. This academic scholarship will provide Lauren with $4,000 toward her education.

Lauren has proven to be a very able and competent student by winning this prestigious award. She will represent the graduates of Caldwell County High School very well when she enrolls at Vanderbilt University in the autumn. There she plans to study chemical engineering with a focus on agriculture.

The citizens of Caldwell County should be proud to have a young woman like Lauren Amber Cook in their community. Her example of dedication and hard work should be an inspiration to the entire Commonwealth.

She has my most sincere appreciation for this work, and I look forward to her continued service to Kentucky.•

COMMUNITY DEVELOPMENT HOMEOWNERSHIP TAX CREDIT ACT

• Mr. SANTORUM. Mr. President, President Bush officially declared the month of June as "National Homeownership Month," and with this annual tradition, America's attention was again drawn to the importance of homeownership and the stability it can bring to families and neighborhoods. It is often homeownership that financially anchors American families and civically anchors our communities. But I believe our focus on homeownership also returns our attention to the basic ideals of the American Dream. Ensuring access to homeownership, and through it access to the American Dream, is among the most significant ways we can empower our citizens to achieve the happy, productive and stable lifestyle everyone desires.

Having a house of one's own that provides security and comfort to one's family and that gives families an active, vested interest in the quality of life their community provides is central to our collective ideas about freedom and self-determination. As a nation, we know that homeownership helps the emotional and intellectual growth and development of children. We know that homeowners show greater interest and more frequent participation in civic organizations and neighborhood issues. We know that when people own homes, they are more likely to accumulate wealth and assets and to prepare themselves financially for such things as their children's education and retirement.

In America today, homeownership is at a record high. Unfortunately, however, there remains a significant gap between minority and non-minority populations, leaving homeownership an elusive financial prospect for many. The homeownership rate for the nation's African American and Hispanic households lags more than 25 percentage points below White households.

In Congress, we have the responsibility of ensuring that the dream of homeownership is possible for more of our citizens. Last year, Senator JOHN KERRY and I drafted and sponsored S. 875, the "Community Development Homeownership Tax Credit Act," a bill that enjoys strong bipartisan support in the Senate. This legislation would give developers and investors an incentive to participate in the rehabilitation and construction of homes for low- and moderate-income buyers. This measure is aimed at reaching President Bush's goal of increasing American minority homeownership by 5.5 million families, thus making 5.5 million new dreams come true.

Owning a home is an integral part of attaining the security, continuity, and comfort of living the American Dream. I will continue to advocate policies that help make this dream become a reality for our Nation's families. I ask my colleagues to join me in supporting homeownership by cosponsoring S. 875.•

TRIBUTE TO LIEUTENANT GENERAL ROBERT B. FLOWERS

• Mr. CONRAD. Mr. President, I want to take a few moments today to publicly thank Lieutenant General Robert Flowers, who left his post as commander and chief of engineers of the U.S. Army Corps of Engineers on July 1. General Flowers is one of the finest individuals I have worked with as a U.S. Senator representing North Dakota. He is not only a fine, trusted public servant, he is also a good friend.

North Dakota and the Nation owe General Flowers a deep debt of gratitude. He served as chief of engineers for 4 years, and he served admirably. During that period, he helped advance the construction of the Grand Forks flood control project and other important flood control projects in the Red River Valley. He also fought hand in hand with the North Dakota congressional delegation as we have worked to implement solutions to the chronic flood at Devils Lake. Throughout it all, he has always gone above and beyond the call of duty.

General Flowers is one of the most capable leaders of the Corps of Engineers I have ever had the pleasure of working with. He is a true professional, and has a unique ability to walk into a difficult condition, assess the situation, and calmly, but decisively, take action. He listens carefully to people and has a leadership style that invites creative solutions to complex problems.

General Flowers is also a man of tremendous integrity. He cares deeply about the people of this Nation, and his commitment to doing the right thing was unmatched. He was willing to fight for the needs of common citizens, even if it meant leading an uphill fight and challenging others within the Corps. To General Flowers, "no" was simply unacceptable. He worked diligently to turn over every stone and formulate solutions that are workable and responsive to the water challenges faced by communities across the country.

I know that the General Flowers leaves the Corps a much better organization due to his leadership. The General set high standards for his team, and they delivered time and time again. I will not forget the contributions General Flowers has made to the people of my State and the country.

I want to again express my deep appreciation and respect for General Flowers for his service to my state and to our Nation. We in North Dakota will miss you, General, but wish you all the best.●

RETIREMENT OF ADMIRAL JAMES O. ELLIS, JR. FROM U.S. STRATEGIC COMMAND

● Mr. NELSON of Florida. Mr. President, today, it is my honor and my privilege to recognize one of the finest officers in the U.S. Navy, and a good friend of mine, ADM James O. Ellis, Jr.

For the past 3 years, ADM Jim Ellis has demonstrated his leadership as commander of United States Strategic Command. During his time at Offutt AFB, in Nebraska, Jim Ellis personified the Navy's core values of integrity, selfless service, and excellence in all things. I join the many Members and staff who enjoyed the opportunity to meet with him on a variety of strategic issues and came to appreciate his ability to integrate his many talents at Offutt.

Admiral Ellis is retiring from his post tomorrow. There will be a ceremony in Omaha to honor him that I will attend.

Today, it is my privilege to recognize with admiration and thanks some of Admiral Ellis' many accomplishments since he entered the military 35 years ago, and to commend the superb service he provided the Navy, the Congress and the Nation. Admiral Ellis is a 1969 graduate of the U.S. Naval Academy. He was designated a Naval aviator in 1971 and has held a variety of sea and shore assignments since 1972.

His sea duty billets as a Navy fighter pilot included tours with Fighter Squadron 92 aboard USS *Constellation*, CV 64, and Fighter Squadron 1 aboard USS *Ranger*, CV 61.

From early in his career, Jim Ellis' exceptional leadership skills were evident as he repeatedly proved himself in select command positions. Admiral Ellis was the first Commanding Officer of Strike/Fighter Squadron 131, deploying in 1985 with new F/A-18 Hornets aboard USS *Coral Sea*, CV 43. He served as executive officer of the nuclear-powered aircraft carrier USS *Carl Vinson*, CVN 70, and as commanding officer of USS *LaSalle*, AGF 3, the Arabian Gulf flagship of the Commander, Joint Task Force, Middle East.

In 1991, Admiral Ellis assumed command of the USS *Abraham Lincoln*, CVN 72, and participated in Operation Desert Storm while deployed during her maiden voyage in the western Pacific and Arabian Gulf. In June 1995, Admiral Ellis assumed command of Carrier Group FIVE/Battle Force SEVENTH Fleet, breaking his flag aboard USS *Independence*, CV 62, forward deployed to the Western Pacific and homeported in Yokosuka, Japan. As carrier battle group commander he led contingency response operations to both the Arabian Gulf and Taiwan Straits.

Admiral Ellis also excelled in a variety of key shore and staff assignments that included tours as an experimental/operational test pilot, service in the Navy Office of Legislative Affairs, and duty as F/A-18 program coordinator, deputy chief of Naval Operations, Air Warfare. He also served as deputy commander and chief of Staff, Joint Task Force FIVE, the counternarcotics force for U.S. Commander in Chief Pacific. In November 1993 he reported as inspector general, U.S. Atlantic Fleet, and subsequently served as director for Operations, Plans and Policy, N3/N5, on the staff of the commander in chief, U.S. Atlantic Fleet. He assumed duties as deputy chief of Naval Operations—Plans, Policy and Operations—in November 1996.

Admiral Ellis became commander in chief, U.S. Naval Forces, Europe headquartered in London, England, and commander in chief, Allied Forces, Southern Europe headquartered in Naples, Italy, in October 1998. During his time serving in Europe, Admiral Ellis provided support to NATO forces as they waged war over Kosovo.

I was especially pleased when he was nominated to continue service to the Nation as commander, U.S. Strategic Command in 2001. As such, Admiral Ellis is responsible for the global command and control of U.S. strategic forces and provides a sweeping range of strategic capabilities and options for the President and Secretary of Defense. While combatant commander in 2002, Admiral Ellis oversaw the merger of U.S. Space Command with U.S. Strategic Command, demonstrating exemplary leadership during a critical period of transition.

Over the years, Admiral Ellis's leadership, professionalism and expertise enabled him to foster exceptional rapport with many Members of both the Senate and the House. I am personally grateful for his friendship. I offer congratulations to him and his wife, Polly, on his exceptionally well-deserved retirement. The Congress and country applaud the selfless commitment his entire family has made to the Nation in supporting his military career. I know I speak for all my colleagues in expressing my heartfelt appreciation to Admiral Ellis. We wish our friend the best of luck. He is truly a credit to both the Navy and the Nation.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 12:26 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1856. An act to reauthorize the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998, and for other purposes.

H.R. 3890. An act to reauthorize the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1998.

H.R. 4218. An act to amend the High-Performance Computing Act of 1991.

H.R. 4516. An act to require the Secretary of Energy to carry out a program of research and development to advance high-end computing.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 301. Concurrent resolution supporting the goals and ideals of the World Year of Physics.

MEASURES REFERRED

The following bills were read the first time and the second times by unanimous consent, and referred as indicated:

H.R. 1856. An act to reauthorize the harmful Algal Bloom and Hypoxia Research and Control Act of 1998, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 3890. An act to reauthorize the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988; to the Committee on Energy and Natural Resources.

H.R. 4218. An act to amend the High-Performance Computing Act of 1991; to the Committee on Commerce, Science, and Transportation.

H.R. 4516. An act to require the Secretary of Energy to carry out a program of research and development to advance high-end computing; to the Committee on Energy and Natural Resources.

MEASURES PLACED ON THE CALENDAR

The following joint resolution was read the second time, and placed on the calendar:

S.J. Res. 40. Joint resolution proposing an amendment to the Constitution of the United States relating to marriage.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 2629. A bill to amend the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 to eliminate the coverage gap, to eliminate HMO subsidies, to repeal health savings accounts, and for other purposes.

S. 2630. A bill to amend title 5, United States Code to establish a national health program administered by the Office of Personnel Management to offer Federal employee benefits plans to individuals who are not Federal employees, and for other purposes.

S. 2631. A bill to require the Federal Trade Commission to monitor and investigate gasoline prices under certain circumstances.

S. 2632. A bill to establish a first responder and terrorism preparedness grant information hotline, and for other purposes.

S. 2633. A bill to amend the Federal Power Act to provide refunds for unjust and unreasonable charges on electric energy in the State of California.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–8307. A communication from the Acting Assistant Secretary for Management, Department of the Treasury, transmitting, pursuant to law, a report relative to the Department's competitive sourcing efforts; to the Committee on Banking, Housing, and Urban Affairs.

EC–8308. A communication from the Deputy Chief Financial Officer, Department of Housing and Urban Development, transmitting, pursuant to law, a report relative to the Department's competitive sourcing efforts; to the Committee on Banking, Housing, and Urban Affairs.

EC–8309. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, the report of a transaction involving U.S. exports to Australia; to the Committee on Banking, Housing, and Urban Affairs.

EC–8310. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Fair Credit Reporting Act" received on June 24, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8311. A communication from the Assistant General Counsel for Banking and Finance, Departmental Offices, Department of the Treasury transmitting, pursuant to law, the report of a rule entitled "Terrorism Risk Insurance Program—Claims Procedures" (RIN1505–AB07) received on June 24, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8312. A communication from the Deputy Secretary, Division of Investment Management, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Disclosure Regarding Approval of Investment Advisory Contracts By Directors of Investment Companies" (RIN3235–AJ10) received on June 25, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8313. A communication from the Senior Paralegal for Regulations, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Assessments and Fees" (RIN1550–AB89) received on July 6, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8314. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Suretyship and Guaranty; Maximum Borrowing Authority" received on July 4, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8315. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "12 C.F.R. Part 745 Share Insurance and Appendix" received on July 4, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8316. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Organization and Operations of Federal Credit Unions; Loan Participation" received on July 4, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8317. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "12 C.F.R. Part 708a; Conversion of Insured Credit Unions to Mutual Savings Banks" received on July 4, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8318. A communication from the Deputy Secretary, Division of Market Regulation, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Rule 31—Section 31 Transaction Fees; Rule 31T—Temporary Rule Regarding Fiscal Year 2004; Form R31—Form for Reporting Covered Sales and Covered Round Turn Transactions Under Section 31 of the Securities and Exchange Act of 1934" (RIN3235–AJ02) received on July 6, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8319. A communication from the Chairman, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, a report relative to the profitability of the credit card operations of depository institutions; to the Committee on Banking, Housing, and Urban Affairs.

EC–8320. A communication from the Deputy Secretary, Division of Investment Management, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Investment Adviser Codes of Ethics" (RIN3235–AJ08) received on July 6, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8321. A communication from the Chief Counsel, Bureau of the Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "31 CFR Part 344, U.S. Treasury Securities—State and Local Government Series" received on July 6, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8322. A communication from the Administrator, Small Business Administration, transmitting, pursuant to law, a report relative to the Administration's competitive sourcing efforts; to the Committee on Small Business and Entrepreneurship.

EC–8323. A communication from the Co-Chairs, Abraham Lincoln Bicentennial Commission, transmitting, pursuant to law, the Commission's Interim Report; to the Committee on the Judiciary.

EC–8324. A communication from the Assistant Attorney General for Administration, Department of Justice, transmitting, pursuant to law, a report relative to the Department's competitive sourcing efforts; to the Committee on the Judiciary.

EC–8325. A communication from the Attorney General of the United States, transmitting, pursuant to law, the Department of Justice's Strategic Plan for Fiscal Years 2003–2008; to the Committee on the Judiciary.

EC–8326. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report relative to the Victims Compensation Fund; to the Committee on the Judiciary.

EC–8327. A communication from the Deputy General Counsel and Designated Reporting Official, Office of National Drug Control Policy, transmitting, pursuant to law, the report of a vacancy in the position of Deputy Director for Supply Reduction, Office of National Drug Control Policy, received on July 1, 2004; to the Committee on the Judiciary.

EC–8328. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of a nomination confirmed for the position of Under Secretary, Department of Education, received on June 25, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–8329. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of a nomination for the position of Under Secretary, Department of Education, received on June 25, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–8330. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of a nomination for the position of Deputy Secretary, Department of Education, received on June 25, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–8331. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of the discontinuation of service in acting role for the position of Deputy Secretary, Department of Education, received on June 25, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–8332. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of a nomination confirmed for the position of Deputy Secretary, Department of Education, received on June 25, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–8333. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary, Office of Special Education and Rehabilitative Services, Department of Education, received on June 25, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–8334. A communication from the Acting Director, National Science Foundation, transmitting, pursuant to law, the Foundation's report on its competitive sourcing efforts for FY 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–8335. A communication from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled "Revision of NARA Research Room

Procedures'' (RIN3095–AB10) received on July 6, 2004; to the Committee on Governmental Affairs.

EC–8336. A communication from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled ''Restrictions on the Use of Records'' (RIN3095–AB11) received on July 6, 2004; to the Committee on Governmental Affairs.

EC–8337. A communication from the Secretary, Smithsonian Institution, transmitting, pursuant to law, the Institution's report relative to its competitive sourcing efforts; to the Committee on Governmental Affairs.

EC–8338. A communication from the Director, Woodrow Wilson International Center for Scholars, transmitting, pursuant to law, a report relative to the Center's competitive sourcing efforts; to the Committee on Governmental Affairs.

EC–8339. A communication from the Attorney General of the United States, transmitting, pursuant to law, the Department of Justice's Fiscal Year 2003 Performance and Accountability Report; to the Committee on Governmental Affairs.

EC–8340. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the Office's report on Federal agencies' use of the physicians comparability allowance (PCA) program; to the Committee on Governmental Affairs.

EC–8341. A communication from the Chairman, Postal Rate Commission, transmitting, pursuant to law, a report relative to International Mail Costs, Revenues, and Volumes; to the Committee on Governmental Affairs.

EC–8342. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the report of the Office of Inspector General for the period ended March 31, 2004; to the Committee on Governmental Affairs.

EC–8343. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–460, ''National Capital Revitalization Corporation Eminent Domain Clarification and Skyland Eminent Domain Approval Temporary Amendment Act of 2004''; to the Committee on Governmental Affairs.

EC–8344. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–463, ''Omnibus Public Safety Agency Reform Amendment Act of 2004''; to the Committee on Governmental Affairs.

EC–8345. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–442, ''Omnibus Alcoholic Beverage Amendment Act of 2004''; to the Committee on Governmental Affairs.

EC–8346. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–456, ''Office of Employee Appeals Amendment Act of 2004''; to the Committee on Governmental Affairs.

EC–8347. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–455, ''Youth Pollworker Amendment Act of 2004''; to the Committee on Governmental Affairs.

EC–8348. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–457, ''Advisory Commission on Sentencing Structured Sentencing System Pilot Program Act of 2004''; to the Committee on Governmental Affairs.

EC–8349. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–458, ''Closing of a Portion of a Public Alley in Square 235, S.O. 03–2526, Act of 2004''; to the Committee on Governmental Affairs.

EC–8350. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–459, ''Removal from the Permanent System of Highways, a Portion of 22nd Street, S.E., and the Dedication of Land for Street Purposes (S.O. 00–89) Technical Amendment Act of 2004''; to the Committee on Governmental Affairs.

EC–8351. A communication from the Deputy Secretary of Defense, Department of Defense, transmitting, pursuant to law, the report of the Office of Inspector General for the period from October 1, 2003 through March 31, 2004; to the Committee on Governmental Affairs.

EC–8352. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the incidental capture of sea turtles in commercial shrimping operations; to the Committee on Finance.

EC–8353. A communication from the Assistant Secretary for Legislative Affairs, transmitting, pursuant to law, a report relative to the compliance of Armenia, Azerbaijan, Kazhakstan, Moldova, the Russian Federation, Tajikstan, Ukraine, and Uzbekistan with the 1974 Trade Act's freedom of emigration provisions; to the Committee on Finance.

EC–8354. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the United States-Australia Free Trade Agreement; to the Committee on Finance.

EC–8355. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Qualified Residential Rental Projects'' (Rev. Proc. 2004–39) received on July 6, 2004; to the Committee on Finance.

EC–8356. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Charitable Contributions and Conservation Easements'' (Notice 2004–41) received on July 6, 2004; to the Committee on Finance.

EC–8357. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Effective Date of Relative Value Regulations'' (Ann. 2004–58) received on July 6, 2004; to the Committee on Finance.

EC–8358. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Internal Revenue Code Sec. 482: Allocation of Income and Deductions Among Taxpayers'' (Rev. Proc. 2004–40) received on July 6, 2004; to the Committee on Finance.

EC–8359. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Information Reporting for Advance Payments of Health Coverage Tax Credit'' (Notice 2004–47) received on July 6, 2004; to the Committee on Finance.

EC–8360. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Meritless Filing Position Based on Sections 932(c) and 934(b)'' (Notice 2004–45) received on July 6, 2004; to the Committee on Finance.

EC–8361. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Health Savings Accounts—Transition Relief for State Mandates'' (2004–43) received on July 6, 2004; to the Committee on Finance.

EC–8362. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Depreciation of Vans and Light Trucks'' (RIN1545–BB06) received on July 6, 2004; to the Committee on Finance.

EC–8363. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Tax Analysts v. Internal Revenue Service F. Supp.2d 192 (D.D.C. 2002), Reversed, 350 F.3d 100 (D.C. Cir 2003) Action on Decision'' (AOD2004–29) received on July 6, 2004; to the Committee on Finance.

EC–8364. A communication from the Regulations Coordinator, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Medicare Ambulance MMA Temporary Rate Increases Beginning July 1, 2004'' (RIN0938–AN24) received on July 6, 2004; to the Committee on Finance.

EC–8365. A communication from the Chief, Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Import Restrictions Imposed on Archaeological Material Originating in Honduras'' (RIN1505–AB50) received on July 6, 2004; to the Committee on Finance.

EC–8366. A communication from the Chairman, International Trade Commission, transmitting, pursuant to law, a report relative to the U.S.-Morocco Free Trade Agreement; to the Committee on Finance.

EC–8367. A communication from the Director, Regulations and Forms Services, Bureau of Immigration and Customs Enforcement, transmitting, pursuant to law, the report of a rule entitled ''Authorizing Collection of the Fee Levied on F, J, and M Nonimmigrant Classifications Under Public Law 104–208; SEVIS'' (RIN1653–AA23) received on July 6, 2004; to the Committee on Finance.

EC–8368. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; State of Alaska; Anchorage Carbon Monoxide Nonattainment Area; Designation of Areas for Air Quality Planning Purposes'' (FRL#7777–1) received on June 24, 2004; to the Committee on Environment and Public Works.

EC–8369. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Virginia; Emission Standards for Mobile Equipment Repair and Refinishing Operations in the Northern Virginia Volatile Organic Compound Emission Control Area'' (FRL777–7) received on June 24, 2004; to the Committee on Environment and Public Works.

EC–8370. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Illinois; Definition of

Volatile Organic Material or Volatile Organic Compound" (FRL#7661-8) received on June 24, 2004; to the Committee on Environment and Public Works.

EC-8371. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of Volatile Organic Compound Emissions from Portable Fuel Containers" (FRL#7671-4) received on June 24, 2004; to the Committee on Environment and Public Works.

EC-8372. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Primary Drinking Water Regulations: Minor Corrections and Clarification to Drinking Water Regulations; National Primary Drinking Water Regulations for Lead and Copper" (FRL#7779-4) received on June 24, 2004; to the Committee on Environment and Public Works.

EC-8373. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revision to the Preamble of the Final Rule to Implement the 8-Hour Ozone National Ambient Air Quality Standard—Phase 1; Correction" (FRL#7779-2) received on June 24, 2004; to the Committee on Environment and Public Works.

EC-8374. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of the Warren County SO2 Nonattainment Areas and the Mead and Clarendon Unclassifiable Areas to Attainment and Approval of the Maintenance Plan" (FRL#7777-5) received on June 24, 2004; to the Committee on Environment and Public Works.

EC-8375. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Revision to the 1-Hour Ozone Maintenance Plan for the Pittsburgh-Beaver Valley Area to Reflect the Use of MOBILE6" (FRL#7777-9) received on June 24, 2004; to the Committee on Environment and Public Works.

EC-8376. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; New Jersey 1-Hour Ozone Control Programs" (FRL#7776-2) received on June 24, 2004; to the Committee on Environment and Public Works.

EC-8377. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Missouri; Designation of Areas for Air Quality Planning Purposes, Iron County; Arcadia and Liberty Townships" (FRL#7779-9) received on June 24, 2004; to the Committee on Environment and Public Works.

EC-8378. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Prevention of Significant Deterioration (PSD) and Non-attainment New Source Review (NSR): Equipment Replacement Provision of the Routine Maintenance, Repair, and Replacement Exclusion; Reconsideration" (FRL#7781-4) received on June 24, 2004; to the Committee on Environment and Public Works.

EC-8379. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Prevention of Significant Deterioration (PSD) and Non-attainment New Source Review (NSR): Equipment Replacement Provisions of the Routine Maintenance, Repair, and Replacement Exclusion: Stay of Effective Date" (FRL#7780-1) received on June 24, 2004; to the Committee on Environment and Public Works.

EC-8380. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Standards of Performance for Stationary Gas Turbines" (FRL#7780-6) received on June 24, 2004; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. WARNER, from the Committee on Armed Services, with amendments:

S. 2386. An original bill to authorize appropriations for fiscal year 2005 for intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. No. 108-300).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. WARNER for the Committee on Armed Services.

Marine Corps nomination of Lt. Gen. James E. Cartwright.

Navy nomination of Adm. Vernon E. Clark.

By Mr. HATCH for the Committee on the Judiciary.

Michael H. Watson, of Ohio, to be United States District Judge for the Southern District of Ohio.

Isaac Fulwood, Jr., of the District of Columbia, to be a Commissioner of the United States Parole Commission for a term of six years.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LEAHY:

S. 2619. A bill to designate the annex to the E. Barrett Prettyman Federal Building and United States Courthouse located at 333 Constitution Ave. Northwest in Washington, District of Columbia, as the "Judge William B. Bryant Annex to the E. Barrett Prettyman Federal Building and United States Courthouse"; to the Committee on Environment and Public Works.

By Mr. JEFFORDS (for himself, Mr. Lautenberg, Mr. Reid, Mr. Wyden, Mr. Carper, Mr. Harkin, Mr. Leahy, and Mrs. Clinton):

S. 2620. A bill to provide for the establishment of an Office of High-Performance Green Buildings, and for other purposes; to the Committee on Environment and Public Works.

By Mr. GRAHAM of Florida:

S. 2621. A bill to amend the Federal Water Pollution Control Act to extend the pilot program for alternative water source projects; to the Committee on Environment and Public Works.

By Mr. BINGAMAN (for himself and Mr. Domenici):

S. 2622. A bill to provide for the exchange of certain Federal land in the Santa Fe National Forest and certain non-Federal land in the Pecos National Historical Park in the State of New Mexico; to the Committee on Energy and Natural Resources.

By Mr. SMITH (for himself, Mr. Kohl, and Mr. Lugar):

S. 2623. A bill to amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide a 2-year extension of supplemental security income in fiscal years 2005 through 2007 for refugees, asylees, and certain other humanitarian immigrants; to the Committee on Finance.

By Mr. LAUTENBERG (for himself, Mr. Durbin, Mr. Levin, and Mr. Reid):

S. 2624. A bill to require the United States Trade Representative to pursue a complaint of anti-competitive practices against certain oil exporting countries; to the Committee on Finance.

By Mr. SMITH (for himself and Mr. Wyden):

S. 2625. A bill to establish a national demonstration project to improve intervention programs for the most disadvantaged children and youth, and for other purposes; to the Committee on the Judiciary.

By Mr. NELSON of Florida:

S. 2626. A bill to provide for a circulating quarter dollar coin program to honor the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. FEINSTEIN (for herself, Mr. Akaka, and Mr. Leahy):

S. 2627. A bill to express the policy of the United States with respect to the adherence by the United States to global standards in the transfer of small arms and light weapons, and for other purposes; to the Committee on Foreign Relations.

By Mr. AKAKA (for himself, Ms. Collins, Mr. Grassley, Mr. Levin, Mr. Leahy, Mr. Durbin , Mr. Fitzgerald, Mr. Pryor, Mr. Voinovich, Mr. Johnson, Mr. Dayton, Mr. Lieberman, and Mr. Lautenberg):

S. 2628. A bill to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, and for other purposes; to the Committee on Governmental Affairs.

By Mrs. BOXER (for herself and Ms. Mikulski):

S. 2629. A bill to amend the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 to eliminate the coverage gap, to eliminate HMO subsidies, to repeal health savings accounts, and for other purposes; read the first time.

By Mrs. BOXER:

S. 2630. A bill to amend title 5, United States Code to establish a national health program administered by the Office of Personnel Management to offer Federal employee health benefits plans to individuals who are not Federal employees, and for other purposes; read the first time.

By Mrs. BOXER:

S. 2631. A bill to require the Federal Trade Commission to monitor and investigate gasoline prices under certain circumstances; read the first time.

By Mrs. BOXER:

S. 2632. A bill to establish a first responder and terrorism preparedness grant information hotline, and for other purposes; read the first time.

By Mrs. BOXER:

S. 2633. A bill to amend the Federal Power Act to provide refunds for unjust and unreasonable charges on electric energy in the State of California; read the first time.

By Mr. DODD (for himself, Mr. DeWine, Mr. Reed, Mr . Smith, Mr. Reid, Mr. Daschle, Mr. Frist, Mr. Kennedy, Mrs. Clinton, Mr. Lautenberg, Mr. Levin, Mr. Kohl, Ms. Stabenow, Mr. Pryor, Mrs. Hutchison, Mr. Domenici, Mr. Warner, Mr. McConnell, Mr. Graham of South Carolina, Mr. Akaka, Mr. Roberts, Mr. Leahy, Ms. Murkowski, Mr. Harkin, Mr. Johnson, Mr. Bingaman, Mr. Jeffords, Mr. Lieberman, Mrs. Murray, Mr. Dorgan, Ms. Snowe, Mr. Nickles, Mr. Corzine, Mr. Hatch, Mr. Wyden, and Mr. Durbin):

S. 2634. An act to amend the Public Health Service Act to support the planning, implementation, and evaluation of organized activities involving statewide youth suicide early intervention and prevention strategies, to provide funds for campus mental and behavioral health service centers, and for other purposes; considered and passed.

By Ms. COLLINS (for herself and Mr. Lieberman):

S. 2635. A bill to establish an intergovernmental grant program to identify and develop homeland security information, equipment, capabilities, technologies, and services to further the homeland security needs of Federal, State, and local governments; to the Committee on Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BIDEN (for himself, Mr. Allen, Mr. Bond, Mrs. Boxer, Mr. Breaux, Mr. Bunning, Mr. Campbell, Ms. Cantwell, Mr. Carper, Mr. Chafee, Mr. Chambliss, Mrs. Clinton, Mr. Cochran, Mr. Coleman, Ms. Collins, Mr. Conrad, Mr. Cornyn, Mr. Corzine, Mr. Dayton, Mrs. Dole, Mr. Dorgan, Mr. Durbin, Mr. Feingold, Mrs. Feinstein, Mr. Graham of Florida, Mr. Grassley, Mr. Gregg, Mr. Hagel, Mr. Hollings, Mr. Inouye, Mr. Johnson, Mr. Kennedy, Ms. Landrieu, Mr. Levin, Mr. Lieberman, Mrs. Lincoln, Mr. Lugar, Mr. Miller, Ms. Murkowski, Mrs. Murray, Mr. Nelson of Florida, Mr. Rockefeller, Mr. Sarbanes, Mr. Sessions, Ms. Snowe, Mr. Specter, Mr. Sununu, Mr. Talent, Mr. Thomas, Mr. Voinovich, Mr. Warner, Mr. Wyden, and Mr. Smith):

S. Res. 401. A resolution designating the week of November 7 through November 13, 2004, as "National Veterans Awareness Week" to emphasize the need to develop educational programs regarding the contributions of veterans to the country; to the Committee on the Judiciary.

By Mr. BINGAMAN (for himself and Mr. Domenici):

S. Con. Res. 121. A concurrent resolution supporting the goals and ideals of the World Year of Physics; to the Committee on Energy and Natural Resources.

ADDITIONAL COSPONSORS

S. 68

At the request of Mr. Nelson of Florida, his name was added as a cosponsor of S. 68, a bill to amend title 38, United States Code, to improve benefits for Filipino veterans of World War II, and for other purposes.

S. 307

At the request of Mr. DeWine, the name of the Senator from Florida (Mr. Nelson) was added as a cosponsor of S. 307, a bill to designate the Federal building and United States courthouse located at 200 West 2nd Street in Dayton, Ohio, as the "Tony Hall Federal Building and United States Courthouse".

S. 700

At the request of Mr. Campbell, the name of the Senator from Massachusetts (Mr. Kerry) was added as a cosponsor of S. 700, a bill to provide for the promotion of democracy, human rights, and rule of law in the Republic of Belarus and for the consolidation and strengthening of Belarus sovereignty and independence.

S. 720

At the request of Mr. Jeffords, the name of the Senator from Alabama (Mr. Sessions) was added as a cosponsor of S. 720, a bill to amend title IX of the Public Health Service Act to provide for the improvement of patient safety and to reduce the incidence of events that adversely effect patient safety.

S. 1068

At the request of Mr. Dodd, the name of the Senator from Indiana (Mr. Lugar) was added as a cosponsor of S. 1068, a bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, and for other purposes.

S. 1142

At the request of Mr. Bingaman, the name of the Senator from New Jersey (Mr. Lautenberg) was added as a cosponsor of S. 1142, a bill to provide disadvantaged children with access to dental services.

S. 1428

At the request of Mr. McConnell, the names of the Senator from Oklahoma (Mr. Inhofe), the Senator from Idaho (Mr. Crapo) and the Senator from Minnesota (Mr. Coleman) were added as cosponsors of S. 1428, a bill to prohibit civil liability actions from being brought or continued against food manufacturers, marketers, distributors, advertisers, sellers, and trade associations for damages or injunctive relief for claims of injury resulting from a person's weight gain, obesity, or any health condition related to weight gain or obesity.

S. 1704

At the request of Ms. Collins, the name of the Senator from Illinois (Mr. Durbin) was added as a cosponsor of S. 1704, a bill to amend the Public Health Service Act to establish a State family support grant program to end the practice of parents giving legal custody of their seriously emotionally disturbed children to State agencies for the purpose of obtaining mental health services for those children.

S. 1988

At the request of Mr. Edwards, the name of the Senator from New York (Mrs. Clinton) was added as a cosponsor of S. 1988, a bill to amend titles XVIII and XIX of the Social Security Act to establish minimum requirements for nurse staffing in nursing facilities receiving payments under the Medicare or Medicaid Program.

S. 2175

At the request of Mr. Dodd, the names of the Senator from Vermont (Mr. Jeffords), the Senator from Alaska (Ms. Murkowski) and the Senator from Vermont (Mr. Leahy) were added as cosponsors of S. 2175, a bill to amend the Public Health Service Act to support the planning, implementation, and evaluation of organized activities involving statewide youth suicide early intervention and prevention strategies, and for other purposes.

S. 2305

At the request of Mr. Hagel, the name of the Senator from Hawaii (Mr. Inouye) was added as a cosponsor of S. 2305, a bill to authorize programs that support economic and political development in the Greater Middle East and Central Asia and support for three new multilateral institutions, and for other purposes.

S. 2367

At the request of Mr. Reid, the name of the Senator from Hawaii (Mr. Inouye) was added as a cosponsor of S. 2367, a bill to amend chapters 83 and 84 of title 5, United States Code, to provide Federal retirement benefits for United States citizen employees of Air America, Inc., its subsidiary Air Asia Company Limited, or the Pacific Division of Southern Air Transport, Inc.

S. 2416

At the request of Mr. NELSON of Florida, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 2416, a bill to ensure that advertising campaigns paid for by the Federal Government are unbiased, and for other purposes.

S. 2436

At the request of Mr. INOUYE, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 2436, a bill to reauthorize the Native American Programs Act of 1974.

S. 2503

At the request of Mr. KYL, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 2503, a bill to make permanent the reduction in taxes on dividends and capital gains.

S. 2526

At the request of Mr. BOND, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2526, a bill to reauthorize the Children's Hospitals Graduate Medical Education Program.

S. 2533

At the request of Ms. MIKULSKI, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Texas (Mr. CORNYN) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 2533, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. 2534

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 2534, a bill to amend title 38, United States Code, to extend and enhance benefits under the Montgomery GI Bill, to improve housing benefits for veterans, and for other purposes.

S. 2545

At the request of Mr. NELSON of Florida, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 2545, a bill to amend titles XVIII and XIX of the Social Security Act and title III of the Public Health Service Act to improve access to information about individuals' health care options and legal rights for care near the end of life, to promote advance care planning and decisionmaking so that individuals' wishes are known should they become unable to speak for themselves, to engage health care providers in disseminating information about and assisting in the preparation of advance directives, which include living wills and durable powers of attorney for health care, and for other purposes.

S. 2551

At the request of Mr. FRIST, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2551, a bill to reduce and prevent childhood obesity by encouraging schools and school districts to develop and implement local, school-based programs designed to reduce and prevent childhood obesity, promote increased physical activity, and improve nutritional choices.

S. 2566

At the request of Mr. BINGAMAN, the names of the Senator from Maryland (Mr. SARBANES), the Senator from New York (Mr. SCHUMER) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 2566, a bill to amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes.

S.J. RES. 40

At the request of Mr. ALLARD, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Idaho (Mr. CRAIG) were added as cosponsors of S.J. Res. 40, a joint resolution proposing an amendment to the Constitution of the United States relating to marriage.

S. CON. RES. 110

At the request of Mr. CAMPBELL, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of S. Con. Res. 110, a concurrent resolution expressing the sense of Congress in support of the ongoing work of the Organization for Security and Cooperation in Europe (OSCE) in combating anti-Semitism, racism, xenophobia, discrimination, intolerance, and related violence.

S. CON. RES. 119

At the request of Mr. CAMPBELL, the names of the Senator from Louisiana (Mr. BREAUX), the Senator from Utah (Mr. HATCH) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. Con. Res. 119, a concurrent resolution recognizing that prevention of suicide is a compelling national priority.

S. RES. 389

At the request of Mr. CAMPBELL, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. Res. 389, a resolution expressing the sense of the Senate with respect to prostate cancer information.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY:

S. 2619. A bill to designate the annex to the E. Barrett Prettyman Federal Building and United States Courthouse located at 333 Constitution Ave. Northwest in Washington, District of Columbia, as the "Judge William B. Bryant Annex to the E. Barrett Prettyman Federal Building and United States Courthouse"; to the Committee on Environment and Public Works.

Mr. LEAHY. Mr. President, I am pleased to introduce a bill to designate the recently-constructed annex to the E. Barrett Prettyman United States Courthouse in Washington, DC as the "William B. Bryant Annex."

Thomas F. Hogan, this Court's current Chief Judge, has expressed his support and the unanimous support of the other judges on the District Court for the District of Columbia. I am proud to join with Congresswoman ELEANOR HOLMES NORTON in moving ahead with the Chief Judge's request.

Judge Bryant served with distinction of the U.S. District Court for the District of Columbia since 1965. He was the Chief Judge on that court from March 1977 to September 1981.

Judge Bryant graduated from Howard University in 1932, and from Howard University Law School, receiving an LL.B. in 1936.

Judge Bryant's lengthy public service career is one of great distinction. In addition to the time he spent on the Federal bench, Judge Bryant served in the United States Army during World War II and as an Assistant U.S. Attorney for the District of Columbia. After serving four and one half years as Chief Judge, Judge Bryant took senior status in January of 1982.

Naming the new annex to the E. Barrett Prettyman courthouse after Judge Bryant would be a fitting tribute to this distinguished jurist. Much like Judge Prettyman, Judge Bryant had an illustrious career in public service and on the bench. I am honored to offer this legislation, and I urge my colleagues to join Congresswoman NORTON and me in support of this well-deserved commendation.

By Mr. JEFFORDS (for himself, Mr. LAUTENBERG, Mr. REID, Mr. WYDEN, Mr. CARPER, Mr. HARKIN, Mr. LEAHY, and Mrs. CLINTON):

S. 2620. A bill to provide for the establishment of an Office of High-Performance Green Buildings, and for other purposes; to the Committee on Environment and Public Works.

Mr. JEFFORDS. Mr. President, I rise today to introduce the "High Performance Green Buildings Act of 2004."

I would like to thank Senator LAUTENBERG and the other cosponsors for working with me to introduce this important legislation.

Preliminary studies are showing that high-performance green buildings generate huge savings in operations and maintenance costs due to their efficient operating systems. These studies have also demonstrated that high-performance green buildings provide a healthier work environment for the occupants, resulting in fewer absences due to illness. The outcome is huge savings in health related costs. All of these savings are generated, while sustaining very little impact on their surrounding environment.

In the United States, buildings account for: 36 percent of total energy use; 65 percent of electricity consumption; 30 percent of greenhouse gas emissions; 30 percent of raw materials use; 30 percent of waste output and 12 percent of potable water consumption. Why not build buildings that strive to conserve our precious resources and reduce the harmful pollutants that are damaging to the environment?

In an era of great security concern, green buildings have reduced energy requirements and may use renewable sources of energy that are off the electricity grid. Green buildings also use less water and some even collect rainwater to use throughout the building. Should there be a terrorist act that damages or destroys our Nation's resources, these buildings could assist in keeping our government up and running.

There is no downside to utilizing high-performance buildings. This initiative is taking off in the private sector. According to the US Green Building Council, there are 118 certified green buildings across the United States with 1,395 in the pipeline. This legislation would ensure that the Federal Government is keeping pace with the real world and doing its part to protect the environment and provide a safe work place for its employees.

The General Services Administration, GSA, is the largest landlord in the United States, with over 8,700 buildings in their current inventory. This legislation creates an office within GSA to oversee the green building efforts of agencies within the government. GSA is a natural leader to focus on our federal buildings and ensure that they are safe, healthy, and efficient.

This legislation will coordinate the efforts within the Federal Government to promote high-performance green buildings, provide public outreach, and expand existing research.

The bill creates an Interagency Steering Committee to advise the Office within GSA. The Committee will be comprised of key representatives of each relevant agency, state and local governments, nongovernment organizations, and experts within the building community. This Committee will ensure that the Federal Government stays up to date with technology and the latest advancements to ensure that high-performance buildings operate efficiently while continuing to provide a healthier environment for the occupants.

In addition, research efforts will be expanded to focus on buildings and the impacts that their systems have on human health and worker productivity. We just don't know enough. Are we making our employees sick by providing poor workspace?

The High-Performance Green Buildings Act also requires that a good hard look be taken at the budget process we have used for years and explore ways to improve the approval process for government projects. We need to grow with the times and ensure that our budget process allows us to take into account life-cycle costing. This means that we allow our financial experts to factor in savings that green buildings generate over time, and don't just look at the upfront cost of a building. It has been documented that high-performance green buildings recover any initial upfront costs from incorporating efficient systems within the first few years of operation. The average life of a federal building is 50 years. In the times of soaring budget deficits, it is imperative that the Federal Government pursue all cost-saving options.

High-performance green buildings are not just for federal buildings, but involve any type of building, including schools. This legislation also focuses on providing healthier, more efficient school facilities for our children. The bill provides $10 million in grants to state and local education agencies for technical assistance and the implementation of the Environmental Protection Agency's, EPA, Tools for Schools Program. The bill will help schools develop plans to focus on the design, construction, and renovation of school facilities, and look at systematic improvements for school siting, indoor air quality, reducing contaminants, and other health issues. This legislation also encourages research to study the effects that these systems are having on student health and productivity. Our children deserve to learn in an environment that is safe and conducive to learning.

Lastly, this bill will promote leadership within the Federal Government and provide incentives for government agencies to build high-performance green buildings. It also creates a clearinghouse to keep individuals and entities, including Congress and the government, informed on the information and services that the Office will provide.

I strongly encourage your support of the "High-Performance Green Buildings Act of 2004." This has been a long time coming and will benefit all of us.

I ask unanimous consent that the "High-Performance Green Buildings Act of 2004" be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2620

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "High-Performance Green Buildings Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents
Sec. 2. Findings
Sec. 3. Definitions

TITLE I—OFFICE OF HIGH-PERFORMANCE GREEN BUILDINGS.

Sec. 101. Oversight.
Sec. 102. Office of High-Performance Green Buildings.
Sec. 103. Interagency Steering Committee.
Sec. 104. Public outreach.
Sec. 105. Research and development.
Sec. 106. Budget and life-cycle costing.
Sec. 107. Authorization of appropriations.

TITLE II—HEALTHY HIGH-PERFORMANCE SCHOOLS.

Sec. 201. Grants for schools.
Sec. 202. Federal guidelines for siting of school facilities.
Sec. 203. Education research program.
Sec. 204. Authorization of appropriations.

TITLE III—STRENGTHENING FEDERAL LEADERSHIP.

Sec. 301. General Accounting Office.

TITLE IV—DEMONSTRATION PROJECT.

Sec. 401. Coordination of goals.
Sec. 402. Authorization of appropriations.

SEC. 2. FINDINGS.

Congress finds that—

(1) buildings have profound impacts on the environment, energy use, and health of individuals, and numerous studies suggest that building environments affect worker productivity;

(2) buildings in the United States consume 37 percent of the energy, 68 percent of the electricity, and 12 percent of the potable water used in the United States, and overall construction of buildings (including construction of related infrastructure) consumes 60 percent of all raw materials used in the economy of the United States (excluding materials used for food or fuel);

(3) in the United States, buildings generate—

(A) 40 percent of the nonindustrial waste stream;

(B) 31 percent of the mercury in municipal solid waste; and

(C) 35 percent of the carbon dioxide (the primary greenhouse gas associated with climate change), 49 percent of the sulfur dioxide, and 25 percent of the nitrogen oxides found in the air;

(4) buildings contribute to the "heat island effect" by eliminating vegetative cover and using paving and roofing materials that absorb heat and raise ambient temperatures, accelerating the reaction that forms ground-level ozone;

(5) according to the Environmental Protection Agency, on average, people in the United States spend approximately 90 percent of their time indoors, where the concentration of pollutants may be 2 to 5 times and, in some cases, 100 times, higher than pollution concentrations in outdoor air;

(6) the Centers for Disease Control and the Environmental Protection Agency have connected poor indoor air quality to significantly elevated rates of mortality;

(7) health impacts from building materials, such as adhesives, paints, carpeting, and pressed-wood products, which may emit pollutants such as formaldehyde or other volatile organic compounds, are still uncertain but are believed to be potentially significant;

(8) according to the Building Owners and Managers Association, because costs relating to employees, at $130 per square foot annually (including health insurance costs), are by far the highest business costs of a building, as opposed to total energy costs at $1.81

per square foot, measures to improve the indoor air quality of a building can be an important investment in reducing long-term employee costs;

(9) the use of energy efficient systems and alternative sources of energy—

(A) reduces building costs; and

(B) improves the security of the United States by ensuring continuing operations despite any potential interruptions in the primary energy supply of the United States as a result of terrorism or other disruptions of the electricity grid;

(10) by integrating issues relating to natural resource use, human health, materials use, transportation needs, and other concerns into planning the life cycle of a building, architects, designers, and developers can construct buildings that—

(A) are healthier for occupants;

(B) reduce environmental impacts; and

(C) are less wasteful of resources;

(11) a well-designed high-performance green building can be less expensive to build and operate throughout the lifetime of the building than a building that is not a high-performance green building;

(12) in 2003, in the document entitled "The Federal Commitment to Green Building: Experiences and Expectations", the Office of the Federal Environmental Executive found that "[t]here is a mixture of diverse Federal green building mandates in law, regulation, and Executive Orders, but not one definitive, clear, and unified policy statement on environmental design. Many within the Federal government are working on green buildings, but additional coordination and integration are needed.";

(13) a central coordinating Federal authority for green buildings would increase efficiency of, improve communication between, and reduce duplication within green building programs; and

(14) the General Services Administration, as the largest civilian landlord in the United States, managing more than 8,300 buildings owned or leased by the United States, is the appropriate agency to provide Federal agency coordination of green building programs.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of General Services.

(2) COMMITTEE.—The term "Committee" means the steering committee established under section 103(a).

(3) HIGH-PERFORMANCE GREEN BUILDING.—The term "high-performance green building" means a building the life cycle of which—

(A) increases the efficiency with which the building—

(i) reduces energy, water, and material resource use;

(ii) improves indoor environmental quality, reduces indoor pollution, improves thermal comfort, and improves lighting and noise environments that affect occupant health and productivity;

(iii) reduces negative impacts on the environment throughout the life cycle of the building, including air and water pollution and waste generation;

(iv) increases the use of environmentally preferable products, including biobased, recycled content, and nontoxic products with lower life-cycle impacts;

(v) reduces the negative impacts of emissions under the Clean Air Act (42 U.S.C. 7401 et seq.);

(vi) integrates systems in the building; and

(vii) reduces the environmental impacts of transportation through building location and site design that support a full range of transportation choices for users of the building;

(B) considers indoor and outdoor impacts of the building on human health and the environment, including—

(i) improvements in worker productivity;

(ii) the life-cycle impacts of building materials and operations; and

(iii) other factors that the Office considers to be appropriate.

(4) HIGH-PERFORMANCE SCHOOL.—The term "high-performance school" has the meaning given the term "healthy, high-performance school building" in section 5586 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7277e).

(5) LIFE CYCLE.—The term "life cycle", with respect to a high-performance green building, means all stages of the useful life of the high-performance green building (including components, equipment, systems, and controls of the building) beginning at conception of a green building project and continuing through siting, design, construction, landscaping, commissioning, operation, maintenance, renovation, deconstruction, and removal of the green building.

(6) LIFE CYCLE ASSESSMENT.—The term "life cycle assessment" means a comprehensive system approach for measuring the environmental performance of a product or service that includes an analysis of the environmental impacts of—

(A) each stage in the life of the product or service (including acquisition of raw materials, product manufacture, transportation, installation, operation and maintenance, and waste management); and

(B) each component of the product or service.

(7) LIFE-CYCLE COSTING.—The term "life-cycle costing", with respect to a high-performance green building, means an analysis of economic costs of impacts and choices made regarding materials used and activities carried out with respect to the life cycle of the high-performance green building.

(8) LOCAL EDUCATIONAL AGENCY.—The term "local educational agency" has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(9) OFFICE.—The term "Office" means the Office of High-Performance Green Buildings established under section 102(a).

TITLE I—OFFICE OF HIGH-PERFORMANCE GREEN BUILDINGS

SEC. 101. OVERSIGHT.

(a) IN GENERAL.—The Administrator shall establish within the General Services Administration, and appoint an appropriate individual to, a position in the career-reserved Senior Executive service to—

(1) establish and oversee the Office of High-Performance Green Buildings in accordance with section 102; and

(2) carry out other duties as required under this Act.

(b) COMPENSATION.—The compensation of the individual appointed under subsection (a) shall not exceed the maximum rate of basic pay for the Senior Executive Service under section 5382 of title 5, United States Code, including any applicable locality-based comparability payment that may be authorized under section 5304(h)(2)(C) of that title.

SEC. 102. OFFICE OF HIGH-PERFORMANCE GREEN BUILDINGS.

(a) ESTABLISHMENT.—The individual appointed under section 101(a), in partnership with the Administrator of the Environmental Protection Agency, the Office of the Federal Environmental Executive, the Secretary of Energy, the Secretary of Commerce, the Secretary of Defense, the Secretary of Homeland Security, the Secretary of Health and Human Services, the Director of the Office of Management and Budget, and heads of other relevant Federal agencies, shall establish within the General Services Administration an Office of High-Performance Green Buildings.

(b) DUTIES.—The Office shall—

(1) ensure full coordination and collaboration with all relevant agencies;

(2) establish a senior-level Federal interagency steering committee in accordance with section 103;

(3) provide information through—

(A) outreach;

(B) education;

(C) the provision of technical assistance; and

(D) the development of a national high-performance green building clearinghouse in accordance with section 104;

(4) provide for research and development relating to high-performance green building initiatives under section 105(a);

(5) in partnership with the Comptroller General, review and analyze budget and life-cycle costing issues in accordance with section 106;

(6) complete and submit a report in accordance with subsection (c); and

(7) carry out implementation plans described in subsection (d).

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, and biennially thereafter, the Office shall submit to Congress and the Comptroller General a report that—

(1) describes the status of the implementation of programs under this Act and other Federal programs in effect as of the date of the report, including—

(A) the extent to which the programs are being carried out in accordance with this Act; and

(B) the status of funding requests and appropriations for those programs;

(2) identifies steps within the planning, budgeting, and construction process of Federal facilities that inhibit new and existing Federal facilities from becoming high-performance green buildings, as measured by—

(A) a silver rating, as defined by the Leadership in Energy and Environmental Design Building Rating System standard established by the United States Green Building Council; or

(B) an improved or higher rating standard as identified, and reassessed biannually, by the Committee;

(3) identifies inconsistency of Federal agencies with Federal law in product acquisition guidelines and high-performance product guidelines;

(4) recommends language for uniform standards for use by Federal agencies in environmentally responsible acquisition; and

(5) includes, for the 2-year period covered by the report, recommendations to address each of the matters, and a plan and deadline for implementation of each of the recommendations, described in paragraphs (1) through (4).

(d) IMPLEMENTATION PLAN.—The Office, in consultation with the Comptroller General, shall carry out each plan for implementation of recommendations under subsection (c)(5).

SEC. 103. INTERAGENCY STEERING COMMITTEE.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Office shall establish within the Office a steering committee.

(b) MEMBERSHIP.—The Committee shall be composed of representatives of, at a minimum—

(1) each agency referred to in section 102(a);

(2) State and local governments;

(3) nongovernmental organizations, including the United State Green Building Council, the American Council for an Energy-Efficient Economy, and the Rocky Mountain Institute;

(4) building design, development, and finance sectors in the private sector; and

(5) building owners, developers, and equipment manufacturers, including renewable, control, combined heat and power, and other relevant technologies, as determined by the Office.

(c) DUTIES.—The Committee shall—

(1) assess Federal activities and compliance with Federal law applicable to high-performance green buildings;

(2) make recommendations for expansion of existing efforts and development of new efforts to support activities relating to the life cycles of high-performance green buildings by the Federal Government, including consideration of the benefits to national security and implementation of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);

(3) evaluate current high-performance green building standards and recommend improved, higher, or supplemental rating standards, as necessary, that are consistent with the responsibilities of the Federal Government under this Act and other applicable law; and

(4) provide to the individual appointed under section 101(a) such recommendations relating to Federal activities carried out under sections 104 through 106 as are agreed to by a majority of the members of the Committee.

SEC. 104. PUBLIC OUTREACH.

(a) ESTABLISHMENT.—The Office, in close coordination with Federal agencies and departments that perform related functions, shall carry out public outreach—

(1) to inform individuals and entities in the public sector, including the Federal Government, of the information and services available through the Office; and

(2) to determine how to most effectively deliver that information to the individuals and entities.

(b) DUTIES.—In carrying out this section, the Office, in close cooperation with Federal agencies and departments that perform related functions, shall—

(1) establish and maintain a national high-performance green building clearinghouse on the Internet that—

(A) coordinates and enhances existing similar efforts; and

(B) provides information relating to high-performance green buildings, including—

(i) information on, and hyperlinks to Internet sites that describe, the activities of the Federal Government;

(ii) hyperlinks to Internet sites relating to—

(I) State and local governments;

(II) the private sector; and

(III) international activities; and

(iii) information on the exposure of children to environmental hazards in school facilities, as provided by the Administrator of the Environmental Protection Agency;

(2) develop clear guidance and educational materials for use by Federal agencies in implementing high-performance green building practices;

(3) develop and conduct training sessions with budget specialists and contracting personnel from Federal agencies and budget examiners to apply life-cycle cost criteria to actual projects;

(4) provide technical assistance on methods of using tools and resources to make more cost-effective, health protective, and environmentally beneficial decisions for constructing high-performance green buildings;

(5) assist all branches of government at the Federal, State, and local levels, and any other interested entity, by providing information on relevant application processes for certifying a high-performance green building, including certification and commissioning;

(6) assist interested persons, communities, businesses, and branches of government with technical information, technical assistance, market research, or other forms of assistance, information, or advice that would be useful in planning and constructing high-performance green buildings, particularly with respect to tools available to conduct life-cycle cost assessment;

(7) provide technical training and guidance on high-performance green buildings; and

(8) obtain such information from other Federal offices, agencies and departments as is necessary to carry out this Act.

SEC. 105. RESEARCH AND DEVELOPMENT.

(a) ESTABLISHMENT.—The Office shall carry out research and development—

(1) to survey and coordinate existing research and studies;

(2) to recommend new areas for research; and

(3) to promote the development and dissemination of high performance green building tools.

(b) DUTIES.—In carrying out this section, the Office shall—

(1) ensure interagency coordination of relevant research;

(2) develop and direct a Federal high-performance green building research plan that identifies information needs and research that should be addressed and provides measurement tools—

(A) to quantify the relationships between human health and occupant productivity and each of—

(i) pollutant emissions from materials and products in the building;

(ii) natural day lighting;

(iii) ventilation choices and technologies;

(iv) heating and cooling choices and technologies;

(v) moisture control and mold;

(vi) maintenance, cleaning, and pest control activities;

(vii) acoustics; and

(viii) other issues relating to the health, comfort, productivity, and performance of occupants of the building;

(B) to monitor and assess the life-cycle performance of public facilities (including demonstration projects) built as high-performance green buildings, including through consideration of the report required under section 401(b)(1)(D); and

(C) to quantify, review, and standardize techniques for use in performing life cycle assessments;

(3) assist the budget and life-cycle costing functions of the Office under section 106 in the development and implementation of performance-based standards and life-cycle cost measures, including the development of performance measure tools and software for use by Federal agencies and other interested entities; and

(4) support other research initiatives determined by the Office to contribute to mainstreaming of high-performance planning, design, construction, and operation and management of buildings.

SEC. 106. BUDGET AND LIFE-CYCLE COSTING.

(a) ESTABLISHMENT.—The Office, in coordination with the Office of Management and Budget and relevant agencies, shall carry out budget and life-cycle costing for green buildings.

(b) DUTIES.—In carrying out this section, the Office shall—

(1) consult, as necessary, the report of the Office of the Federal Environmental Executive entitled "The Federal Commitment to Buildings: Experiences and Expectations" and dated September 2003;

(2) be responsible for—

(A) examining policy of the Office of Management and Budget relating to life-cycle costing for Federal capital investments;

(B) assisting in the development of clear guidance and implementation of life-cycle cost policy with budget offices of other Federal agencies by establishing a consistent standard of life-cycle cost practices for Federal agencies;

(C) identifying tools that could support the use of life-cycle costing to assist sound Federal budget decisionmaking; and

(D) examining—

(i) the practicability of linking high performance green building life cycle stages with Federal budgets;

(ii) the effect that such a link would have in reducing barriers to the construction of high-performance green buildings and renovation of existing buildings; and

(iii) means by which to incorporate the short-term and long-term cost savings that accrue from high-performance green buildings.

SEC. 107. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title $2,000,000 for each of fiscal years 2005 through 2010.

TITLE II—HEALTHY HIGH-PERFORMANCE SCHOOLS

SEC. 201. GRANTS FOR SCHOOLS.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency may provide grants to State educational agencies and local educational agencies for use in—

(1) providing intensive technical assistance for and assisting the implementation of the Tools for Schools Program of the Environmental Protection Agency; and

(2) development of State-level school environmental quality plans, in partnership with the Environmental Protection Agency, that may include—

(A) standards for school building design, construction, and renovation;

(B) identification of ongoing school building environmental problems in the State;

(C) proposals for the systematic improvement (including benchmarks and timelines) of environmental conditions in schools throughout the State, including with respect to—

(i) school building siting, construction, and maintenance;

(ii) indoor air quality;

(iii) pest control;

(iv) radon contamination;

(v) lead contamination;

(vi) environmentally preferable purchasing of products for instruction and maintenance;

(vii) hazard identification and remediation; and

(viii) maximization of transportation choices for students, staff, and other members of the community; and

(D) recommendations for improvements in the capacity of the State to track child and adult health complaints relating to schools.

(b) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of a project or activity carried out

using funds from a grant under subsection (a) shall not exceed 90 percent.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of a project or activity carried out using funds from a grant under subsection (a) may be provided in the form of cash or in-kind goods and services, including goods and services used to create prototypical designs.

(c) GRANT PRIORITY.—

(1) IN GENERAL.—In providing grants under this section for use in carrying out the program referred to in subsection (a)(1), the Administrator of the Environmental Protection Agency shall give priority to school districts that have a demonstrated need for environmental improvement.

(2) RESPONSIBILITY OF SCHOOL DISTRICTS AND STATE EDUCATIONAL AGENCIES.—

(A) SCHOOL DISTRICTS.—Not later than 2 years after the date of enactment of this Act, and annually thereafter, each school district that receives funds from the Administrator of the Environmental Protection Agency to carry out a program described in subsection (a) shall submit to the State educational agency with jurisdiction over the school district a report that includes—

(i) a list of schools in the districts that, as of the date of the report, have accepted funds or other assistance from the Environmental Protection Agency for use in carrying out this section; and

(ii) an evaluation of the impact of the funds, including—

(I) general data regarding measures of student health and attendance rates before and after the intervention; and

(II) descriptions of toxic or hazardous cleaning, maintenance, or instructional products eliminated or reduced in use as part of the promotion or remediation of the indoor air quality of schools within the school district; and

(iii) basic information on the potential influence of other factors (such as the installation of carpet and HVAC systems and similar activities) on air quality.

(B) STATE EDUCATIONAL AGENCY REPORTS.—Not later than 180 days after the date on which each State educational agency has received the annual reports under subparagraph (A) from all participating school districts, the State educational agency shall submit to the Administrator of the Environmental Protection Agency and Congress a consolidated report of all information received from the school districts.

SEC. 202. FEDERAL GUIDELINES FOR SITING OF SCHOOL FACILITIES.

(a) IN GENERAL.—Using as a model guidelines such as those of the "Child Proofing Our Communities" School Siting Committee of the State of California, the Administrator of the Environmental Protection Agency shall develop school site acquisition guidelines.

(b) VULNERABILITY.—The guidelines should contain an analysis of means by which to account for the special vulnerability of children to chemical exposures in any case in which the potential for contamination at a potential school site is assessed.

(c) ACCESSIBILITY.—The guidelines shall include an analysis of means by which to maximize transportation choices for students, staff, and other members of the community.

SEC. 203. EDUCATION RESEARCH PROGRAM.

The Administrator of the Environmental Protection Agency, in partnership with the Secretary of Education, shall carry out an education research program that—

(1) describes the status and findings of Federal research initiatives established under this Act and other Federal law with respect to education, including relevant updates on trends in the field, such as the impact of school facility environments on—

(A) student and staff health, safety, and productivity;

(B) students with disabilities or special needs; and

(C) student learning capacity;

(2) provides technical assistance on siting, design, management, and operation of school facilities, including facilities used by students with disabilities or special needs;

(3) once the relevant metrics have been identified or developed in accordance with section 105, quantifies the relationships between—

(A) human health, occupant productivity, and student performance; and

(B) with respect to school facilities, each of—

(i) pollutant emissions from materials and products;

(ii) natural day lighting;

(iii) ventilation choices and technologies;

(iv) heating and cooling choices and technologies;

(v) moisture control and mold;

(vi) maintenance, cleaning, and pest control activities;

(vii) acoustics; and

(viii) other issues relating to the health, comfort, productivity, and performance of occupants of the school facilities;

(4) cooperates with federally funded pediatric environmental health research centers to assist in on-site school environmental investigations;

(5) assists States and State entities in better understanding and improving the environmental health of children; and

(6) provides to the Office a biennial report of all activities carried out under this section.

SEC. 204. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title $10,000,000 for the period of fiscal years 2005 through 2010.

TITLE III—STRENGTHENING FEDERAL LEADERSHIP

SEC. 301. GENERAL ACCOUNTING OFFICE.

(a) RESTRUCTURING OF CAPITAL BUDGETS.—Not later than 180 days after the date of submission of the report under 102(c), the Comptroller General shall—

(1) review the current budget process; and

(2) develop and submit to Congress an implementation plan for life-cycle costing that—

(A) identifies and incorporates the short-term and long-term cost savings that accrue from high-performance green buildings; and

(B) includes recommendations for—

(i) restructuring of budgets to require the use of complete energy- and environmental-cost accounting;

(ii) the use of operations expenditures in budget-related decisions while simultaneously incorporating productivity and health measures (as those measures can be quantified by the Office, with the assistance of universities and national laboratories); and

(iii) means by which Federal agencies may be permitted to retain and reuse all identified savings accrued as a result of the use of high-performance life cycle costing for future high-performance green building initiatives.

(b) AUDITS.—The Comptroller General may conduct periodic audits of a Federal project over the life of the project to inspect whether—

(1) the design stage of high performance green building measures were achieved; and

(2) the high performance building data were collected and reported to the Office.

TITLE IV—DEMONSTRATION PROJECT

SEC. 401. COORDINATION OF GOALS.

(a) IN GENERAL.—The Office shall establish guidelines for a demonstration project conducted as a public-private partnership to contribute to the research goals of the Office.

(b) PROJECTS.—In accordance with guidelines established by the Office under subsection (a) and the duties of the Office described in section 101(b), the individual appointed under section 101(a) shall carry out—

(1) for each of fiscal years 2005 through 2008, a demonstration project, in a Federal building selected by the Office in accordance with the criteria described in subsection (c)(1), that—

(A) provides for the evaluation and, as practicable, use of the information obtained through the conduct of projects and activities under this Act;

(B) requires at least 1 project or activity referred to in subparagraph (A) to achieve a platinum rating, as defined by the Leadership in Energy and Environmental Design Building Rating System standard established by the United States Green Building Council (or equivalent rating), for each fiscal year; and

(C) requires the submission to the Office of an annual report describing recommendations for the use of information gathered as a result of programs carried out under this Act; and

(2) a demonstration project involving at least 4 universities, that, as determined by the Office in accordance with subsection (c)(2), have appropriate research capability and relevant projects to meet the goals of the demonstration project established by the Office.

(c) CRITERIA.—

(1) FEDERAL BUILDINGS.—With respect to the Federal building at which a demonstration project under this section is conducted, the Federal building shall—

(A) be an appropriate model for a project involving—

(i) location and design that promote access to the Federal building through walking, biking, and mass transit;

(ii) construction or renovation to meet high indoor environmental criteria;

(iii) deployment, and assessment of effectiveness, of high performance technologies;

(iv) analysis of life cycles of all materials, components, and systems in the building; and

(v) assessment of beneficial impacts on public health and the health of individuals that enter or work in the building; and

(B) possess sufficient technological and organizational adaptability.

(2) UNIVERSITIES.—With respect to the 4 universities at which a demonstration project under this section is conducted—

(A) the universities should be selected based on—

(i) successful and established public-private research and development partnerships;

(ii) demonstrated capabilities to construct or renovate buildings that meet high indoor environmental qualities;

(iii) organizational flexibility;

(iv) technological adaptability;

(v) energy and environmental effectiveness throughout the life cycles of all materials, components, and systems deployed within the building; and

(vi) the demonstrated capacity of at least 1 university to replicate lessons learned among nearby or sister universities, preferably by participation in groups or consortia that promote sustainability;

(B) each university shall be located in a different climatic region of the United States, each of which regions shall have, as determined by the Office—

(i) a hot, dry climate;

(ii) a hot, humid climate;

(iii) a cold climate; or

(iv) a mild climate;

(C) each university shall agree that the focuses of the project shall be—

(i) the effectiveness of various high performance technologies in each of the 4 climatic regions of the United States described in subparagraph (B);

(ii) the identification of the most effective ways to use high performance building and landscape technologies to engage and educate undergraduate and graduate students; and

(iii) quantifiable and nonquantifiable beneficial impacts on public health and worker and student performance.

SEC. 402. AUTHORIZATION OF APPROPRIATIONS.

(a) FEDERAL DEMONSTRATION PROJECT.—There is authorized to be appropriated to carry out the Federal demonstration project described in section 401(b)(1) $5,000,000 for the period of fiscal years 2005 through 2010.

(b) UNIVERSITY DEMONSTRATION PROJECTS.—There is authorized to be appropriated to carry out the university demonstration projects described in section 401(b)(2) $10,000,000 for the period of fiscal years 2005 through 2010.

Mr. LAUTENBERG. Mr. President, I am pleased to join Senator JEFFORDS today in introducing the High-Performance Green Buildings Act. This legislation will reenergize the Federal Government's commitment to building design and construction into the 21st Century.

Buildings have an enormous impact on environmental quality, on energy use, and on natural resource consumption. The statistics are staggering. Buildings devour 37 percent of the energy used in this country, including 68 percent of electricity. They are responsible for 35 percent of carbon dioxide emissions, the primary greenhouse gas associated with climate change. And they account for 49 percent of sulfur dioxide and 25 percent of nitrogen oxide emissions and generate 40 percent of the Nation's non-industrial waste stream. Moreover, building construction and demolition produce 136 million tons of waste in this country, and use 12 percent of potable water in the U.S. Mr. President, for too long these prodigious effects have gone unrecognized.

The impacts are even more far reaching than that. Since Americans spend an average of 90 percent of their time indoors, buildings have a considerable influence on public health. According to the Environmental Protection Agency, EPA, indoor air pollution concentrations may be two to five times, and in some cases 100 times, higher than in outdoor air. EPA scientists estimates that about 20,000 deaths occur related to indoor levels of radon, and that 3000 lung cancer deaths occur among nonsmoking adults due to second-hand smoke each year.

Experts at the Centers for Disease Control and Prevention, CDC, estimate that an additional 35,000 coronary disease deaths occur each year in this country among nonsmoking adults due to second-hand smoke. These losses do not include exposure to toxic pollutants emitted from building materials, such as adhesives, paints, carpets, and pressed-wood products, which many researchers believe to be significant. We must confront these environmental and public health challenges and to do so we need a vision for the future. Our legislation offers that vision.

High-performance green buildings are designed and constructed in ways that significantly reduce or eliminate negative effects on the environment, on energy use, and on resource consumption. They are also designed to reduce or eliminate harmful pressures on the health and productivity of building occupants. According to the U.S. Green Building Council, a national nonprofit organization, green design and construction practices are directed at five broad areas: 1. Sustainable site planning; 2. Safeguarding water and water efficiency; 3. Energy efficiency and renewable energy; 4. Conservation of materials and resources; and 5. Indoor environmental quality.

Green buildings have many benefits, and while the initial investment may be higher (although not necessarily) than for a traditional buildings, they significantly lower long-term costs for things such as heating and cooling. Since new government buildings are intended to be used for a long period of time—at least 50 years—it is easier to justify any initial higher investment costs. By improving working conditions and increasing daylighting, case studies have shown that green buildings improve occupant productivity and reduce employee absenteeism. This legislation would provide for research to capture and measure those impacts and incorporate the lessons learned into future construction.

The High-Performance Green Building Act focuses Federal Government efforts to promote the environmental, energy, health, and economic benefits that can be realized from green buildings. This legislation incorporates the findings of two reports that make recommendations for improving the Federal Government's role in relation to high-performance green buildings. The first report, "Building Momentum: National Trends and Prospects for High-Performance Green Buildings," was prepared by the U.S. Green Building Council and the second report, "The Federal Commitment to Green Building: Experiences and Expectations," was released by the President's Office of the Federal Environmental Executive.

Our legislation changes the way the Federal Government manages its thousands of buildings. The bill establishes an Office of High-Performance Green Buildings within the General Services Administration, GSA, which is the logical place for this office since this agency is the Federal Government's primary landlord. GSA manages over 8,700 buildings owned or leased by the United States. The new office will promote public outreach, coordinate and focus research and development, and improve life-cycle analysis and budgeting for building construction. This title also creates an Interagency Steering Committee to improve coordination across Federal agencies, and with state and local governments.

This bill would expand the role of EPA in supporting healthier buildings at the nation's schools. Schools can serve as the vanguard for the effort to protect our children's health and the environment, so this title authorizes the Agency to administer grants to state and local education agencies to support implementation of EPA's effective Tools for Schools Program. It also authorizes the Agency to develop Federal guidelines for school location siting that take into account the special vulnerabilities of children to the contamination of land and water.

This legislation would incorporate building life-cycle costing as a tool to achieve more efficient and economical long-term investments in government buildings, by requiring the Comptroller General to review the annual Federal budget process and submit a plan to reach these goals to Congress.

In closing, investing in green buildings is good public policy for a variety of reasons. Our bill will allow the Federal Government to take a leadership role in promoting green buildings. We have a commitment to our children and grandchildren to protect and conserve the planet's resources and to safeguard public health. I urge my colleagues to support this important bill.

By Mr. GRAHAM of Florida:

S. 2621. A bill to amend the Federal Water Pollution Control Act to extend the pilot program for alternative water source projects; to the Committee on Environment and Public Works.

Mr. GRAHAM. Mr. President, the Authorization for the Alternative Water Sources Act of 2000, which I originally introduced, expires this year. I am introducing a bill to extend this law for five years through Fiscal Year 2009 at an average authorization level of $25 million per year.

Our Nation's water supply needs are great and growing. For instance, each day the State of Florida adds 900 residents. To satisfy the water needs of this daily population increase, Florida must supply 200,000 more gallons of fresh water per day. Furthermore, the additional infrastructure needed to accommodate new residents blocks rainwater penetration into aquifers, lowering the water table. In fact, residents of Florida's west coast are increasingly resorting to drinking desalinated water as fresh water sources no longer suffice. Depletion of fresh water has resulted in saltwater intrusion into inland aquifers tainting water supplies and reducing the ability of soils to grow plants.

Other States are facing similar crises.

In southern New Jersey, water demands are so great that groundwater withdrawals from aquifers have lowered the water table by 200 feet, causing saltwater intrusion.

In Georgia and South Carolina, excessive water demand has significantly lowered water levels causing the upward migration of salt water in the Brunswick area and an encroachment of seawater into the aquifer at the northern end of Hilton Head Island.

On the East Coast, which gets on average 40 inches of rain per year, water resources have long been thought to be inexhaustible. However with changing population patterns and increasing personal and commercial water use, many water-rich areas are finding that the water will not always be there when they need it.

The extension of the Alternative Water Sources Act will provide States with the assistance they need to meet the needs of growing populations without harming the environment. It will also provide funds on a cost-shared basis to States for development of non-traditional water resources that will provide much needed water and prevent future environmental damages.

The bill I introduce today, authorizes the EPA to provide grants, at an average $25 million a year for Fiscal Years 2005 through 2009, on a cost-shared basis for alternative water source projects. The EPA administrator is required to take into account the eligibility of a project for funding under the existing programs when selecting projects for funding under this nationwide program.

This law is critical to the environmentally friendly development of water resources in the United States. It authorizes funds for innovative water reuse, reclamation and conservation projects—helping many States meet current and future water supply.

Populations in water-rich areas are drawing increasingly on limited groundwater supplies. In the past, groundwater users in the East might have been characterized as private wells and small public water systems. Today, as people move away from traditional population centers along major rivers, groundwater use is increasing. In Pennsylvania, about six million people rely on groundwater.

Yet, trillions of gallons of fresh water in the United States are wasted and flood into the sea annually. For instance, in Florida, every year approximately 970 billion gallons of fresh water are diverted into canals that flow into the Gulf of Mexico and the Atlantic. This precious fresh water would otherwise have replenished aquifers or nourished fragile aquatic ecosystems. If properly captured and stored, this water could be used for industrial or commercial activities, reducing pressure on precious drinking water sources.

Our increasing water needs require immediate attention.

We continue to make progress in conservation. In the South Florida Water Management District, nearly 200 million gallons of water are being reused per day. However, demands remain great. For instance, each resident in South Florida uses nearly 175 gallons of fresh water per day—almost twice the national average. Much of this potable water is used for watering landscaping. We must find ways to reserve potable water for drinking and make better use of other sources of water for agricultural, commercial and outdoor watering purposes.

With innovations in water quantity management, we can curtail such tremendous wastes of water and reuse the water that supply storage facilities now cannot absorb.

In 1999, I sponsored S. 968, the Alternative Water Sources Act, which authorized funding for alternative water projects in States that do not receive funds for water supply projects. In 2000, my bill was incorporated into S. 835, the Estuaries and Clean Waters Act of 2000, which became Public Law 106–457. Unfortunately, the authorization for the Alternative Water Sources Act is due to expire this year. With our Nation facing many water quantity management issues, we must act now to renew the authorization.

Congress can provide tools to ensure that Americans have the water they need for a healthy and productive future. The Alternative Water Sources Act is one such tool, and we must not let it expire. I hope that Congress will approve an extension of the Act before the end of the year.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2621

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PILOT PROGRAM FOR ALTERNATIVE WATER SOURCE PROJECTS.

Section 220(j) of the Federal Water Pollution Control Act (33 U.S.C. 1300(j)) is amended in the first sentence—

(1) by striking "$75,000,000" and inserting "$125,000,000"; and

(2) by striking "2002 through 2004" and inserting "2005 through 2009".

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 2622. A bill to provide for the exchange of certain Federal land in the Santa Fe National Forest and certain non-Federal land in the Pecos National Historical Park in the State of New Mexico; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, today, I am introducing along with Senator DOMENICI the "Pecos National Historical Park Land Exchange Act of 2004". This bill will authorize a land exchange between the Federal Government and a private landowner that will benefit the Pecos National Historical Park in my State of New Mexico.

Specifically, the bill will enable the Park Service to acquire a private inholding within the Park's boundaries in exchange for the transfer of a nearby tract of National Forest System land. The National Forest parcel has been identified as available for exchange in the Santa Fe National Forest Land and Resource Management Plan and is surrounded by private lands on three sides.

The Pecos National Historical Park possesses exceptional historic and archaeological resources. Its strategic location between the Great Plains and the Rio Grande Valley has made it the focus of the region's 10,000 years of human history. The Park preserves the ruins of the great Pecos pueblo, which was a major trade center, and the ruins of two Spanish colonial missions dating from the 17th and 18th centuries.

The Glorieta Unit of the Park protects key sites associated with the 1862 Civil War Battle of Glorieta Pass, a significant event that ended the Confederate attempt to expand the war into the West. This Unit will directly benefit from the land exchange.

I ask unanimous consent that the full text of the bill I have introduced today be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2622

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pecos National Historical Park Land Exchange Act of 2004."

SEC. 2. DEFINITIONS.

In this Act:

(1) FEDERAL LAND.—The term "Federal land" means the approximately 160 acres of Federal land within the Santa Fe National Forest in the State, as depicted on the map.

(2) LANDOWNER.—The term "landowner" means the 1 or more owners of the non-Federal land.

(3) MAP.—The term "map" means the map entitled "Proposed Land Exchange for Pecos National Historical Park", numbered 430/80,054, dated November 19, 1999, and revised September 18, 2000.

(4) NON-FEDERAL LAND.—The term "non-Federal land" means the approximately 154

acres of non-Federal land in the Park, as depicted on the map.

(5) PARK.—The term "Park" means the Pecos National Historical Park in the State.

(6) SECRETARIES.—The term "Secretaries" means the Secretary of the Interior and the Secretary of Agriculture, acting jointly.

(7) STATE.—The term "State" means the State of New Mexico.

SEC. 3. LAND EXCHANGE.

(a) IN GENERAL.—On conveyance by the landowner to the Secretary of the Interior of the non-Federal land, title to which is acceptable to the Secretary of the Interior.

(1) the Secretary of Agriculture shall, subject to the conditions of this Act, convey to the landowner the Federal land; and

(2) the Secretary of the Interior shall, subject to the conditions of this Act, grant to the landowner the easement described in subsection (b).

(b) EASEMENT.—

(1) IN GENERAL.—The easement referred to in subsection (a)(2) is an easement (including an easement for service access) for water pipelines to 2 well sites located in the Park, as generally depicted on the map.

(2) ROUTE.—The Secretary of the Interior, in consultation with the landowner, shall determine the appropriate route of the easement through the Park.

(3) TERMS AND CONDITIONS.—The easement shall include such terms and conditions relating to the use of, and access to, the well sites and pipeline, as the Secretary of the Interior, in consultation with the landowner, determines to be appropriate.

(4) APPLICABLE LAW.—The easement shall be established, operated, and maintained in compliance with applicable Federal law.

(c) VALUATION, APPRAISALS, AND EQUALIZATION.—

(1) IN GENERAL.—The value of the Federal land and non-Federal land—

(A) shall be equal, as determined by appraisals conducted in accordance with paragraph (2); or

(B) if the value is not equal, shall be equalized in accordance with paragraph (3).

(2) APPRAISALS.—

(A) IN GENERAL.—The Federal land and non-Federal land shall be appraised by an independent appraiser selected by the Secretaries.

(B) REQUIREMENTS.—An appraisal conducted under subparagraph (A) shall be conducted in accordance with—

(i) the Uniform Appraisal Standards for Federal Land Acquisition; and

(ii) the Uniform Standards of Professional Appraisal Practice.

(C) APPROVAL.—The appraisals conducted under this paragraph shall be submitted to the Secretary of the Interior for approval.

(3) EQUALIZATION OF VALUES.—

(A) IN GENERAL.—If the values of the non-Federal land and the Federal land are not equal, the values may be equalized by—

(i) the Secretary of the Interior making a cash equalization payment to the landowner;

(ii) the landowner making a cash equalization payment to the Secretary of Agriculture; or

(iii) reducing the acreage of the non-Federal land or the Federal land, as appropriate.

(B) CASH EQUALIZATION PAYMENTS.—Any amounts received by the Secretary of Agriculture as a cash equalization payment under section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)) shall—

(i) be deposited in the fund established by Public Law 90–171 (commonly known as the "Sisk Act") (16 U.S.C. 484a); and

(ii) be available for expenditure, without further appropriation, for the acquisition of land and interests in land in the State.

(d) COSTS.—Before the completion of the exchange under this section, the Secretaries and the landowner shall enter into an agreement that allocates the costs of the exchange between the Secretaries and the landowner.

(e) APPLICABLE LAW.—Except as otherwise provided in this Act, the exchange of land and interests in land under this Act shall be in accordance with—

(1) section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716); and

(2) other applicable laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretaries may require, in addition to any requirements under this Act, such terms and conditions relating to the exchange of Federal land and non-Federal land and the granting of easements under this Act as the Secretaries determine to be appropriate to protect the interests of the United States.

(g) COMPLETION OF THE EXCHANGE.—

(1) IN GENERAL.—The exchange of Federal land and non-Federal land shall be completed not later than 180 days after the later of—

(A) the date on which the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) have been met; or

(B) the date on which the Secretary of the Interior approves the appraisals under subsection (c)(2)(C).

(2) NOTICE.—The Secretaries shall submit to Committee on Energy and Natural Resources of Senate and the Committee on Resources of the House of Representatives notice of the completion of the exchange of Federal land and non-Federal land under this Act.

SEC. 4. ADMINISTRATION.

(a) IN GENERAL.—The Secretary of the Interior shall administer the non-Federal land acquired under this Act in accordance with the laws generally applicable to units of the National Park System, including the Act of August 25, 1916 (commonly known as the "National Park Service Organic Act") (16 U.S.C. 1 et seq.).

(b) MAPS.—

(1) IN GENERAL.—The map shall be on file and available for public inspection in the appropriate offices of the Secretaries.

(2) TRANSMITTAL OF REVISED MAP TO CONGRESS.—Not later than 180 days after completion of the exchange, the Secretaries shall transmit to the Committee on Energy and Natural Resources of the United States and the Committee on Resources of the United States House of Representatives a revised map that depicts—

(A) the Federal land and non-Federal land exchanged under this Act; and

(B) the easement described in section 3(b).

Mr. DOMENICI. Mr. President, today, Senator BINGAMAN and I are introducing the "Pecos National Historical Park Land Exchange Act of 2004". This bill will authorize a land exchange between the Federal Government and a private landowner that will benefit the Pecos National Historical Park in my State of New Mexico.

I am pleased to be working on this legislation again with Senator BINGAMAN. This bill is nearly identical to a bill that we worked on and marked up in the Energy and Natural Resources Committee in the 106th Session of Congress.

The bill will enable the Park Service to acquire a private inholding within the Pecos National Historic Park's boundaries in exchange for the transfer of a nearby tract of National Forest System land. The National Forest parcel has been identified as surplus and available for exchange in the Santa Fe National Forest Land and Resource Management Plan and is surrounded by private lands on three sides.

The Pecos National Historical Park is located between the Great Plains and the Rio Grande Valley and that has made it the focus of the region's 10,000 years of human history. The park preserves the ruins of the great Pecos pueblo—a major trade center—and the ruins of two Spanish colonial missions dating from the 17th and 18th centuries.

The Glorieta Unit of the Park, where this exchange is located, protects key sites associated with the 1862 Civil War Battle of Glorieta Pass, a significant event that ended the Confederate attempt to expand the war into the west. This unit will directly benefit from the land exchange.

By Mr. SMITH (for himself, Mr. KOHL, and Mr. LUGAR):

S. 2623. A bill to amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide a 2-year extension of supplemental security income in fiscal years 2005 through 2007 for refugees, asylees, and certain other humanitarian immigrants; to the Committee on Finance.

Mr. SMITH. Mr. President, I am pleased to be joined today by my colleagues, Senators KOHL and LUGAR to introduce this important piece of legislation. Legislation that will ensure the United States government does not turn its back on political asylees or refugees who are the most vulnerable citizens seeking safety in this great country of ours.

As many of you may know, Congress as part of Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) modified the SSI program to include a seven-year time limit on the receipt of benefits for refugees and asylees. This policy was intended to balance the desire to have people who emigrate to the United States to become citizens, with an understanding that the naturalization process also takes time to complete. To allow adequate time for asylees and refugees to become naturalized citizens Congress provided the seven-year time limit before the expiration of SSI benefits.

Unfortunately, the naturalization process often takes longer than seven years because applicants are required to live in the United States for a minimum of five years prior to applying for citizenship and the INS often takes three or more years to process the application. Because of this time delay, many individuals are trapped in the system faced with the loss of their SSI benefits.

If Congress does not act to change the law, reports show that over the next four years nearly 30,000 elderly and disabled refugees and asylees will lose their Supplemental Security Income (SSI) benefits because their seven-year time limit will expire before they become citizens. Many of these individuals are elderly who fled persecution or torture in their home countries. They include Jews fleeing religious persecution in the former Soviet Union, Iraqi Kurds fleeing the Saddam Hussein regime, Cubans and Hmong people from the highlands of Laos who served on the side of the United States military during the Vietnam War. They are elderly and unable to work, and have become reliant on their SSI benefits as their primary income. To penalize them because of delays encountered through the bureaucratic process seems unjust and inappropriate.

I would like to share the story of Yelena, a victim of religious persecution in the former Soviet Union who sought refuge in the United States seven years ago and is currently living in Portland, Oregon. At the age of 82, Yelena relies on SSI and other public benefits programs to buy food and pay her monthly bills. Yelena is now stuck in a multi-year backlog waiting for her green card, the first step toward citizenship. She was raised in a small village in the Soviet Union where she had little access to formal education and never learned English. She has struggled to grasp the language since arriving in the US and as a result, her seven-year anniversary arrived before she was able to naturalize. Yelena is now without her SSI benefits and still fighting to become a citizen. We must help Yelena and others like her.

The Administration in its fiscal year 2005 budget acknowledged the necessity to correct this problem by dedicating funding in its budget to extend refugee eligibility for SSI beyond the seven-year limit. While I am pleased that they have taken the first step in correcting this problem, I am concerned the policy does not go far enough. Data shows that most people will need at least an additional two years to navigate and complete the naturalization process. Therefore, my colleagues and I have introduced this bill, which will provide a two-year extension. We believe this will provide the time necessary to complete the process.

I hope my colleagues will join me in support of this bill, and I look forward to working with Chairman GRASSLEY and other members of the Finance Committee to secure these changes.

Mr. KOHL. Mr. President. In December, 2003, the U.S. government unexpectedly announced plans to resettle up to 15,000 Hmong refugees from Laos currently living in Thailand. These refugees will be reunited with some 200,000 Hmong family members who were resettled here in the years after the Vietnam War, some as recently as the 1990s. Many of these Hmong fought with the CIA in Laos during the Vietnam War, providing critical assistance to U.S. forces. After the fall of Saigon, thousands of Hmong fled Laos and its communist Pathet Lao government. The United States remains indebted to these courageous individuals and their families.

While we work with the Department of Health and Human Services to identify funds to help these new refugees resettle, it is extremely important that we act to help those refugees and asylees already living in the United States. In addition to the Hmong, America has served as a shelter for Jews and Baptists fleeing religious persecution in the former Soviet Union; and for Iraqis and Cubans escaping tyrannical dictatorships. Our policy toward refugees and asylees embodies the best of our country—compassion, opportunity, and freedom. I am proud of the example our policies set with respect to the treatment of those seeking refuge.

But I am disappointed in our decision to allow these people to enter the country and then deny them the means to live. Thousands of people who fled religious and political persecution to seek freedom in the U.S. will now be punished by a short-sighted policy. A provision in the 1996 welfare reform bill restricted the amount of time that elderly and disabled refugees and asylees could be eligible for Supplemental Security Income (SSI) benefits. These benefits serve as a basic monthly income for individuals who are 65 or older, disabled or blind. Over the next 4 years, it is estimated that 40,000 refugees and political asylees could lose these important benefits on which they often rely.

The 1996 welfare law included a 7-year time limit on SSI benefits for legal humanitarian immigrants. In order to avoid losing this important support, refugees and asylees must become citizens within the 7-year limit. Unfortunately, this has proved impossible for far too many. The process of becoming a citizen only truly begins after a refugee has resided in the U.S. for 5 years as a lawful permanent resident. And beyond that, there are many other barriers, such as language skills and processing and bureaucratic delays within the various agencies, which an immigrant must overcome before they become naturalized. Beginning in 2003, immigrants trapped in this process—too often the most vulnerable elderly and families—began to lose their SSI benefits with no hope of recourse.

This inherent flaw in the system has to be changed. That is why Senators SMITH, LUGAR and I are introducing the SSI Extension for Disabled and Elderly Refugees Act. This legislation extends the amount of time that refugees and asylees have to become citizens to nine years. The legislation will retroactively restore benefits to many who have already lost them, and will protect those who are scheduled to lose benefits in the next two years.

I cannot stress how important this legislation is to many in the State of Wisconsin. Just last month, an article in the Green Bay Press-Gazette told of the difficulties facing 79-year-old Sia Xiong, a Hmong refugee who could lose benefits in the coming months. Like many elderly refugees, she doesn't know English, which poses a huge barrier in her application for citizenship. Despite the assistance that has been given to refugees like Xiong from agencies such as Lutheran Social Services or Kajsiab House or the Neighborhood Law Project in Madison, the length of the naturalization process has proved overwhelming to too many refugees.

Congress must take action immediately to help people like Xiong, and her family. In addition to the Hmong population in Wisconsin, almost every State in the country is home to immigrants who will be affected by the limit. Our country has long been a symbol of freedom, equality and opportunity. Our laws should reflect that. Every day that goes by could result in the loss of a refugee's support system—I urge my colleagues to support this legislation and restore the principles we were put here to protect.

By Mr. LAUTENBERG (for himself, Mr. DURBIN, Mr. LEVIN, and Mr. REID):

S. 2624. A bill to require the United States Trade Representative to pursue a complaint of anti-competitive practices against certain oil exporting countries; to the Committee on Finance.

Mr. LAUTENBERG. Mr. President, today I am introducing legislation, with Senators DURBIN, LEVIN and REID, with Congressman DEFAZIO in the House, to bring fairness to the oil markets and do something to reverse the recent spikes in gas prices.

Our legislation will force the United States Trade Representative (USTR) to initiate World Trade Organization (WTO) proceedings against OPEC nations. Under WTO rules, countries are not permitted to maintain export quotas. But OPEC nations actually collude to set such quotas.

OPEC is an illegal cartel, plain and simple. We've allowed this cartel to operate for too long—it's time to put an end to it.

The American people are feeling the effects of the OPEC cartel every day at the gas pumps. Many families are already struggling with lost jobs, stagnant wages and the rising costs of health care. High gas prices have only made matters worse.

When President Bush took office, a gallon of gas cost $1.47. Today, a gallon of gas averages $1.90. For someone who buys one tank of gas a week, that increase costs $350 per year.

All this adds up. Oil imports now account for $125 billion annually, or one-quarter of America's trade deficit. That money could be invested here at home to create American jobs, but instead we are being gouged by oil exporters.

While Americans suffer, President Bush has done nothing to bring down gas prices. He says he will talk to his Saudi friends in the oil business. But talk is cheap. The American people want action. This bill today is an opportunity for action.

I have also released a report today, explaining the basis for a WTO complaint against OPEC.

In some ways, the allegations are simple and straightforward: OPEC manipulates world oil markets by imposing export quotas on oil. These quotas keep the price of oil artificially high.

Without OPEC, market analysts have estimated that the free market price of a barrel of oil would be around 10 to 15 dollars lower than today's price. That would make a difference in gas prices of 20 to 45 cents per gallon, saving American families hundreds of dollars per year. There is no reason to continue to tolerate OPEC's anti-competitive behavior.

Collusion to put quotas on oil exports—or any exports—is illegal under WTO rules. For example, the WTO has found that a treaty between the United States and Japan limiting semiconductor exports violated WTO rules.

The Bush administration has been lax in dealing with OPEC. In my view, President Bush's ties to the Saudis and to big oil companies prevent him from sticking up for the American consumer.

Indeed, while the squeeze was being put on American consumers, oil companies and refineries reported record profits in the first quarter of this year for operations in the United States. Earnings for U.S. domestic refining and marketing operations increased by 294 percent for Chevron-Texaco, 165 percent for BP, 125 percent for ExxonMobil, and 44 percent for ConocoPhillips over last year's levels.

So while OPEC and their oil company allies have seen a boom, American families have seen a bust. In fact, for those middle-income Americans who will see any benefit at all from the recent tax cuts, rising gas prices alone will eat up half of those cuts.

Since the Bush administration has failed to live up to its responsibilities, it's time for the Congress to stand up for the American people and force it to take action against OPEC.

I urge support of this common-sense legislation, and I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2624

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) Gasoline prices have risen 80 percent since January, 2002, with oil recently trading at more than $40 per barrel for the first time ever.

(2) Rising gasoline prices have placed an inordinate burden on American families.

(3) High gasoline prices have hindered and will continue to hinder economic recovery.

(4) The Organization of Petroleum Exporting Countries (OPEC) has formed a cartel and engaged in anti-competitive practices to manipulate the price of oil, keeping it artificially high.

(5) Six member nations of OPEC—Indonesia, Kuwait, Nigeria, Qatar, the United Arab Emirates and Venezuela—are also members of the World Trade Organization.

(6) The agreement among OPEC member nations to limit oil exports is an illegal prohibition or restriction on the exportation or sale for export of a product under Article XI of the GATT 1994.

(7) The export quotas and resulting high prices harm American families, undermine the American economy, impede American and foreign commerce, and are contrary to the national interests of the United States.

SEC. 2. ACTIONS TO CURB CERTAIN CARTEL ANTI-COMPETITIVE PRACTICES.

(a) DEFINITIONS.—

(1) GATT 1994.—The term "GATT 1994" has the meaning given such term in section 2(1)(B) of the Uruguay Round Agreements Act (19 U.S.C. 3501(1)(B).

(2) UNDERSTANDING ON RULES AND PROCEDURES GOVERNING THE SETTLEMENT OF DISPUTES.—The term "Understanding on Rules and Procedures Governing the Settlement of Disputes" means the agreement described in section 101(d)(16) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(16)).

(3) WORLD TRADE ORGANIZATION.—

(A) IN GENERAL.—The term "World Trade Organization" means the organization established pursuant to the WTO Agreement.

(B) WTO AGREEMENT.—The term "WTO Agreement" means the Agreement Establishing The World Trade Organization entered into on April 15, 1994.

(b) ACTION BY PRESIDENT.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the President shall, not later than 15 days after the date of enactment of this Act, initiate consultations with the countries described in paragraph (2) to seek the elimination by those countries of any action that—

(A) limits the production or distribution of oil, natural gas, or any other petroleum product,

(B) sets or maintains the price of oil, natural gas, or any petroleum product, or

(C) otherwise is an action in restraint of trade with respect to oil, natural gas, or any petroleum product,

when such action constitutes an act, policy, or practice that is unjustifiable and burdens and restricts United States commerce.

(2) COUNTRIES DESCRIBED.—The countries described in this paragraph are the following:

(A) Indonesia.

(B) Kuwait.

(C) Nigeria.

(D) Qatar.

(E) The United Arab Emirates.

(F) Venezuela.

(c) INITIATION OF WTO DISPUTE PROCEEDINGS.—If the consultations described in subsection (b) are not successful with respect to any country described in subsection (b)(2), the United States Trade Representative shall, not later than 60 days after the date of enactment of this Act, institute proceedings pursuant to the Understanding on Rules and Procedures Governing the Settlement of Disputes with respect to that country and shall take appropriate action with respect to that country under the trade remedy laws of the United States.

By Mr. SMITH (for himself and Mr. WYDEN):

S. 2625. A bill to establish a national demonstration project to improve intervention programs for the most disadvantaged children and youth, and for other purposes; to the Committee on the Judiciary.

Mr. SMITH. Mr. President, I rise today with my colleague, Mr. WYDEN, to introduce the "Friends of the Children National Demonstration Act" to authorize funding for Friends of the Children.

Friends of the Children is a promising early intervention program established in Portland, Oregon, in 1993. The program identifies the most disadvantaged children at the kindergarten or first grade level and matches those children with "professional mentors" (also known as "Friends"). Once matched, professional mentors work with children for a period of up to 12 years.

Started over a decade ago with just three Friends serving as mentors to 24 children, Friends of the Children has grown to serve over 600 children in 11 communities throughout the United States. The mission of Friends of the Children is to help our Nation's most disadvantaged children to develop the relationships, goals, and skills necessary to break the cycles of poverty, abuse, and violence in order to become a contributing member of society.

Extensive research has shown that the single most important factor that fosters resiliency in children is having a long-term relationship with a caring, supportive adult. Friends of the Children is a unique program that provides just such a relationship for disadvantaged children.

In 1993, Friends of the Children welcomed T.R., a first grader, into the Portland program. At home, T.R. was routinely exposed to drug use, gang activity, and violence. Through the program, T.R. was matched with his mentor, Jerrell, to help maintain a support system in T.R.'s life. Jerrell tutors, counsels, advises and is a companion to T.R. whether it is discussing T.R.'s plans for the future or dealing with his family relationships. Without the help of someone like Jerrell, T.R. believes that he would probably have dropped out of school or joined a gang. Now, T.R. is giving back to his community by working for Self Enhancement, Inc., an organization that teaches leadership skills to middle school students. T.R. has overcome great adversity to mature into a responsible young adult. T.R. aspires to pursue a career in business and would like to run his own company one day.

Last week, T.R. became one of the first students to graduate from the Friends of the Children program. Along with his classmates, T.R. was identified by the program over a decade ago. He was part of a group of children identified as the most in danger of abuse, neglect, juvenile delinquency, gang and drug involvement, school failure, and teenage pregnancy. Today, these children have grown into young adults. They have positive values and show great potential to become healthy, productive members of their communities.

"The Friends of the Children National Demonstration Act" will establish a national demonstration project to promote learning about successful early and sustained childhood intervention programs. This bill would authorize funding for Friends of the Children activities and local program operations at existing sites including ongoing evaluation, and dissemination of findings for the benefit of policy makers and other youth programs.

I look forward to working with my colleagues to enact this bill and make a commitment to improving the lives of disadvantaged children and youth.

Mr. WYDEN. Mr. President, I am introducing today, along with my colleague, Senator SMITH, the "Friends of the Children National Demonstration Act" to authorize funding for Friends of the Children. The companion of this bill is being introduced in the House today by Congressman EARL BLUMENAUER.

This innovative program is truly a best practice in the field of youth development. Friends of the Children was started in Portland, OR, and was modeled on extensive research indicating that the strongest protective factor for highly disadvantaged children is an ongoing relationship with a supportive, caring adult. Today, Friends of the Children is the only program in the Nation that provides carefully screened full-time professional mentors to disadvantaged youth for 12 years starting in kindergarten or first grade. Friends of the Children's first class of students is now graduating. These young people have outperformed their peer group of disadvantaged youth in every respect. They are in school, have passing grades, have not been incarcerated, do not abuse drugs or alcohol, and have not become involved in gang violence.

Let me share the story of one of these friends. In 1993, a first grader named Demarcus joined the Friends of the Children-Portland program in an attempt to overcome a family history of substance abuse and violence. His mother was raising three children as a single parent and she was overwhelmed. As a participant in the Friends of the Children program, Demarcus was matched with a "Friend," Ruben, who has been his mentor for the past eight years. Ruben and Demarcus have developed a strong relationship through activities ranging from playing basketball to having serious conversations about life and preparing for the future. Ruben has helped Demarcus develop anger management skills and maturity. While many of Demarcus's friends and family have been incarcerated or have been victims of gun violence, Demarcus is a success story. Now 17 years old, he is a responsible young man who makes good choices and knows that actions have consequences. When he graduates from high school, he hopes to work toward becoming a pilot, either by joining the military or attending college. Friends of the Children mentors have been major supporters of Demarcus and his goal to attain higher education. The mentors have helped him grow into the focused young adult he is today.

Last week in Portland, the first class of Friends of the Children, including Demarcus, graduated from the program. By all accounts these children have beaten the odds and are success stories. Twelve years ago these young people were identified by their elementary schools as most likely to fail. Today, they are soon-to-be high school graduates.

Currently, Friends of the Children serves over 600 children in 11 communities across the United States. "The Friends of the Children National Demonstration Act" will establish a national demonstration project to promote learning about successful early and sustained childhood interventions. This bill would authorize funding for Friends of the Children activities and local program operations at existing sites, ongoing evaluation, and dissemination of findings for the benefit of policy makers and other youth-serving programs.

I look forward to working with my colleagues to pass this bill and make a commitment to improving the lives of disadvantaged children and youth.

By Mr. AKAKA (for himself, Ms. COLLINS, Mr. GRASSLEY, Mr. LEVIN, Mr. LEAHY, Mr. DURBIN, Mr. FITZGERALD, Mr. PRYOR, Mr. VOINOVICH, Mr. JOHNSON, Mr. DAYTON, Mr. LIEBERMAN, and Mr. LAUTENBERG):

S. 2628. A bill to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, and for other purposes; to the Committee on Governmental Affairs.

Mr. AKAKA. Mr. President, today I rise to introduce the Federal Employee's Protection of Disclosures Act. Last year I introduced similar legislation, S. 1358, to amend employee safeguards for disclosing government waste, fraud, and abuse with the support of Senators GRASSLEY, LEVIN, LEAHY, DURBIN, DAYTON, PRYOR, JOHNSON, and LAUTENBERG.

Today, I am pleased that we can introduce a strong bipartisan version of this legislation with the additional support of Senators COLLINS, LIEBERMAN, FITZGERALD, and VOINOVICH. Thanks to the work of the bill's cosponsors, we have developed legislation that strikes the right balance between the protection of Federal whistleblowers and our national security.

As my colleagues know, the events of September 11, 2001, have brought renewed attention to the security lapses at our Nation's airports, nuclear facilities, borders, and law enforcement agencies. However, in many cases, the current whistleblower system fails to protect those who would disclose information that could ensure the safety and welfare of the American people. As of May 2004, Federal whistleblowers have prevailed on the merits of their claims before the Federal Circuit Court of Appeals only once since 1994. This record sends the wrong message. How can we expect civil servants to protect and defend the United States when we permit agencies to retaliate against them for doing their job?

I know the Department of Justice (DOJ) has objected to previous legislation concerning this problem. This comes as no surprise as the Department has an institutional conflict of interest with restoring whistleblower rights as it is charged with defending agencies charged with retaliating against the whistleblower. Nonetheless, I have worked with my colleagues on the Governmental Affairs Committee to address some the concerns raised by the Justice Department while still protecting federal employees.

One of the most significant changes in the bill relates to the protection of employees who find their security clearances stripped as a means of retaliation for blowing the whistle. Current law does not permit the whistleblower to have his or her case heard by an independent adjudicator when this type of retaliation occurs.

Under our bill, the whistleblower would be able to bring a case before the Merit Systems Protection Board (MSPB) on an expedited basis when the employing agency revokes, suspends, denies, or makes another determination in relation to an employee's security clearance or access to classified materials. However, the employing agency need only prove by a preponderance of the evidence that it would have taken the action against the employee irrespective the whistleblower's disclosure. By lowering the burden of proof for the employing agency from clear and convincing, as is the standard with other whistleblower cases, to preponderance of the evidence, our legislation strikes a balance between having an open and transparent process for whistleblowers and the need to make security clearance or access determinations in the interests of national security.

The Department of Justice was also concerned with a provision in the prior bill, S. 1358, which granted independent litigating authority to the Special Counsel. In testimony before the Governmental Affairs Committee last November, the Department claimed that extending this authority to the Special Counsel would usurp DOJ's traditional unifying role as the Executive Branch's representative in court. The Department also claimed that the provision would undermine a number of important policy goals, including the presentation of uniform positions on significant legal issues and the objective litigation of cases by attorneys unaffected by concerns of a single agency that may be inimical to the interests of the Government as a whole.

However, many agencies have independent litigating authority, including the Equal Employment Opportunity Commission, the MSPB, the Environmental Protection Agency, and the Federal Labor Relations Authority. Moreover, interagency disputes are not unique. It is inappropriate for the Office of Special Counsel (OSC), the agency charged with protecting the Whistleblower Protection Act (WPA), to seek approval from DOJ, the agency charged with protecting agencies alleged to have retaliated against whistleblowers, in order to carry out its mission. Nonetheless, our bill would not provide the Special Counsel with independent litigating authority but rather provide it with independent authority to file amicus briefs with federal courts. This authority will allow the Special Counsel to protect the WPA while addressing concerns raised by the Justice Department.

In addition, our compromise measure would still provide protection to whistleblowers subject to retaliatory investigations, but not for routine or nondiscretionary investigations of the employee and codify the definition of reasonable belief an employee must have in order to determine when an employee has made a protected disclosure. I am pleased that our new bill, among other things, retains language restoring congressional intent regarding the definition of a protected disclosure, codifying the anti-gag provision that has been in every appropriations law since 1988, and establishing a more reasonable test for determining government mismanagement instead of irrefragable proof. According to the Federal Circuit, in order to determine that the federal government has engaged in gross mismanagement, the whistleblower must have irrefragable proof, meaning proof impossible to refute.

The bill also retains language, subject to a five-year sunset, providing whistleblowers the opportunity to have their cases heard by federal courts other than the Federal Circuit Court of Appeals. These provisions are necessary to facilitate disclosures of government mismanagement in order for Congress to do its job and make informed decisions when carrying out its legislative, appropriation, and oversight functions for the protection the American people,

Our government is responsible for services and programs that touch all Americans. The Federal employees who carry out these responsibilities on behalf of the American people must be able to communicate with Congress without fear of losing their jobs when reporting threats to public health and safety and government mismanagement. We must have a credible and functioning WPA. I urge my colleagues to support this bipartisan bill and ensure real protection for Federal whistleblowers.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2628

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROTECTION OF CERTAIN DISCLOSURES OF INFORMATION BY FEDERAL EMPLOYEES.

(a) Short Title.—This Act may be cited as the “Federal Employee Protection of Disclosures Act”.

(b) Clarification of Disclosures Covered.—Section 2302(b)(8) of title 5, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking “which the employee or applicant reasonably believes evidences” and inserting “, without restriction to time, place, form, motive, context, or prior disclosure made to any person by an employee or applicant, including a disclosure made in the ordinary course of an employee's duties, that the employee or applicant reasonably believes is evidence of”; and

(B) in clause (i), by striking “a violation” and inserting “any violation”;

(2) in subparagraph (B)—

(A) by striking “which the employee or applicant reasonably believes evidences” and inserting “, without restriction to time, place, form, motive, context, or prior disclosure made to any person by an employee or applicant, including a disclosure made in the ordinary course of an employee's duties, of information that the employee or applicant reasonably believes is evidence of”; and

(B) in clause (i), by striking “a violation” and inserting “any violation (other than a violation of this section)”; and

(3) by adding at the end the following:

“(C) any disclosure that—

“(i) is made by an employee or applicant of information required by law or Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs that the employee or applicant reasonably believes is direct and specific evidence of—

“(I) any violation of any law, rule, or regulation;

“(II) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; or

“(III) a false statement to Congress on an issue of material fact; and

“(ii) is made to—

“(I) a member of a committee of Congress having a primary responsibility for oversight of a department, agency, or element of the Federal Government to which the disclosed information relates and who is authorized to receive information of the type disclosed;

“(II) any other Member of Congress who is authorized to receive information of the type disclosed; or

“(III) an employee of Congress who has the appropriate security clearance and is authorized to receive information of the type disclosed.”.

(c) Covered Disclosures.—Section 2302(a)(2) of title 5, United States Code, is amended—

(1) in subparagraph (B)(ii), by striking “and” at the end;

(2) in subparagraph (C)(iii), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(D) ‘disclosure’ means a formal or informal communication or transmission, but does not include a communication concerning policy decisions that lawfully exercise discretionary authority unless the employee providing the disclosure reasonably believes that the disclosure evidences—

“(i) any violation of any law, rule, or regulation; or

“(ii) gross management, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.”.

(d) Rebuttable Presumption.—Section 2302(b) of title 5, United States Code, is amended by amending the matter following paragraph (12) to read as follows:

“This subsection shall not be construed to authorize the withholding of information from Congress or the taking of any personnel action against an employee who discloses information to Congress, except that an employee or applicant may be disciplined for the disclosure of information described in paragraph (8)(C)(i) to a Member or employee of Congress who is not authorized to receive such information. For purposes of paragraph (8), any presumption relating to the performance of a duty by an employee who has authority to take, direct others to take, recommend, or approve any personnel action may be rebutted by substantial evidence. For purposes of paragraph (8), a determination as to whether an employee or applicant reasonably believes that they have disclosed information that evidences any violation of law, rule, regulation, gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety shall be made by determining whether a disinterested observer with knowledge of the essential facts known to and readily ascertainable by the employee would reasonably conclude that the actions of the Government evidence such violations, mismanagement, waste, abuse, or danger.”.

(e) Nondisclosure Policies, Forms, and Agreements; Security Clearances; and Retaliatory Investigations.—

(1) Personnel action.—Section 2302(a)(2)(A) of title 5, United States Code, is amended—

(A) in clause (x), by striking "and" after the semicolon; and

(B) by redesignating clause (xi) as clause (xiv) and inserting after clause (x) the following:

"(xi) the implementation or enforcement of any nondisclosure policy, form, or agreement;

"(xii) a suspension, revocation, or other determination relating to a security clearance or any other access determination by a covered agency;

"(xiii) an investigation, other than any ministerial or nondiscretionary fact finding activities necessary for the agency to perform its mission, of an employee or applicant for employment because of any activity protected under this section; and".

(2) Prohibited personnel practice.—Section 2302(b) of title 5, United States Code, is amended—

(A) in paragraph (11), by striking "or" at the end;

(B) in paragraph (12), by striking the period and inserting a semicolon; and

(C) by inserting after paragraph (12) the following:

"(13) implement or enforce any nondisclosure policy, form, or agreement, if such policy, form, or agreement does not contain the following statement:

"'These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code (governing disclosures of illegality, waste, fraud, abuse, or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosures that could compromise national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Control Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by such Executive order and such statutory provisions are incorporated into this agreement and are controlling.'; or

"(14) conduct, or cause to be conducted, an investigation, other than any ministerial or nondiscretionary fact finding activities necessary for the agency to perform its mission, of an employee or applicant for employment because of any activity protected under this section.".

(3) Board and court review of actions relating to security clearances.—

(A) In general.—Chapter 77 of title 5, United States Code, is amended by inserting after section 7702 the following:

"§7702a. Actions relating to security clearances

"(a) In any appeal relating to the suspension, revocation, or other determination relating to a security clearance or access determination, the Merit Systems Protection Board or any reviewing court—

"(1) shall determine whether paragraph (8) or (9) of section 2302(b) was violated;

"(2) may not order the President or the designee of the President to restore a security clearance or otherwise reverse a determination of clearance status or reverse an access determination; and

"(3) subject to paragraph (2), may issue declaratory relief and any other appropriate relief.

"(b)(1) If, in any final judgment, the Board or court declares that any suspension, revocation, or other determination with regards to a security clearance or access determination was made in violation of paragraph (8) or (9) of section 2302(b), the affected agency shall conduct a review of that suspension, revocation, access determination, or other determination, giving great weight to the Board or court judgment.

"(2) Not later than 30 days after any Board or court judgment declaring that a security clearance suspension, revocation, access determination, or other determination was made in violation of paragraph (8) or (9) of section 2302(b), the affected agency shall issue an unclassified report to the congressional committees of jurisdiction (with a classified annex if necessary), detailing the circumstances of the agency's security clearance suspension, revocation, other determination, or access determination. A report under this paragraph shall include any proposed agency action with regards to the security clearance or access determination.

"(c) An allegation that a security clearance or access determination was revoked or suspended in retaliation for a protected disclosure shall receive expedited review by the Office of Special Counsel, the Merit Systems Protection Board, and any reviewing court.

"(d) For purposes of this section, corrective action may not be ordered if the agency demonstrates by a preponderance of the evidence that it would have taken the same personnel action in the absence of such disclosure.".

(B) Technical and conforming amendment.—The table of sections for chapter 77 of title 5, United States Code, is amended by inserting after the item relating to section 7702 the following:

"7702a. Actions relating to security clearances.".

(f) Exclusion of Agencies by the President.—Section 2302(a)(2)(C) of title 5, United States Code, is amended by striking clause (ii) and inserting the following:

"(ii)(I) the Federal Bureau of Investigation, the Central Intelligence Agency, the Defense Intelligence Agency, the National Imagery and Mapping Agency, the National Security Agency; and

"(II) as determined by the President, any executive agency or unit thereof the principal function of which is the conduct of foreign intelligence or counterintelligence activities, if the determination (as that determination relates to a personnel action) is made before that personnel action; or".

(g) Attorney Fees.—Section 1204(m)(1) of title 5, United States Code, is amended by striking "agency involved" and inserting "agency where the prevailing party is employed or has applied for employment".

(h) Disciplinary Action.—Section 1215(a)(3) of title 5, United States Code, is amended to read as follows:

"(3)(A) A final order of the Board may impose—

"(i) disciplinary action consisting of removal, reduction in grade, debarment from Federal employment for a period not to exceed 5 years, suspension, or reprimand;

"(ii) an assessment of a civil penalty not to exceed $1,000; or

"(iii) any combination of disciplinary actions described under clause (i) and an assessment described under clause (ii).

"(B) In any case in which the Board finds that an employee has committed a prohibited personnel practice under paragraph (8) or (9) of section 2302(b), the Board shall impose disciplinary action if the Board finds that the activity protected under paragraph (8) or (9) of section 2302(b) was a significant motivating factor, even if other factors also motivated the decision, for the employee's decision to take, fail to take, or threaten to take or fail to take a personnel action, unless that employee demonstrates, by preponderance of evidence, that the employee would have taken, failed to take, or threatened to take or fail to take the same personnel action, in the absence of such protected activity.".

(i) Special Counsel Amicus Curiae Appearance.—Section 1212 of title 5, United States Code, is amended by adding at the end the following:

"(h)(1) The Special Counsel is authorized to appear as amicus curiae in any action brought in a court of the United States related to any civil action brought in connection with section 2302(b)(8) or (9), or subchapter III of chapter 73, or as otherwise authorized by law. In any such action, the Special Counsel is authorized to present the views of the Special Counsel with respect to compliance with section 2302(b) (8) or (9) or subchapter III of chapter 77 and the impact court decisions would have on the enforcement of such provisions of law.

"(2) A court of the United States shall grant the application of the Special Counsel to appear in any such action for the purposes described in subsection (a).".

(j) Judicial Review.—

(1) In general.—Section 7703(b)(1) of title 5, United States Code, is amended to read as follows:

"(b)(1)(A) Except as provided in subparagraph (B) and paragraph (2), a petition to review a final order or final decision of the Board shall be filed in the United States Court of Appeals for the Federal Circuit. Notwithstanding any other provision of law, any petition for review must be filed within 60 days after the date the petitioner received notice of the final order or decision of the Board.

"(B) During the 5-year period beginning on the effective date of the Federal Employee Protection of Disclosures Act, a petition to review a final order or final decision of the Board in a case alleging a violation of paragraph (8) or (9) of section 2302(b) shall be filed in the United States Court of Appeals for the Federal Circuit or any court of appeals of competent jurisdiction as provided under subsection (b)(2).".

(2) Review obtained by Office of Personnel Management.—Section 7703(d) of title 5, United States Code, is amended to read as follows:

"(d)(1) Except as provided under paragraph (2), this paragraph shall apply to any review obtained by the Director of the Office of Personnel Management. The Director of the Office of Personnel Management may obtain review of any final order or decision of the Board by filing, within 60 days after the date the Director received notice of the final order or decision of the Board, a petition for judicial review in the United States Court of Appeals for the Federal Circuit if the Director determines, in his discretion, that the Board erred in interpreting a civil service law, rule, or regulation affecting personnel management and that the Board's decision will have a substantial impact on a civil service law, rule, regulation, or policy directive. If the Director did not intervene in a matter before the Board, the Director may not petition for review of a Board decision under this section unless the Director first petitions the Board for a reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceeding before the Court of Appeals. The granting of the petition for judicial review shall be at the discretion of the Court of Appeals.

"(2) During the 5-year period beginning on the effective date of the Federal Employee Protection of Disclosures Act, this paragraph shall apply to any review relating to paragraph (8) or (9) of section 2302(b) obtained by the Director of the Office of Personnel Management. The Director of the Office of Personnel Management may obtain review of any final order or decision of the Board by filing, within 60 days after the date the Director received notice of the final order or decision of the Board, a petition for judicial review in the United States Court of Appeals for the Federal Circuit or any court of appeals of competent jurisdiction as provided under subsection (b)(2) if the Director determines, in his discretion, that the Board erred in interpreting paragraph (8) or (9) of section 2302(b). If the Director did not intervene in a matter before the Board, the Director may not petition for review of a Board decision under this section unless the Director first petitions the Board for a reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceeding before the court of appeals. The granting of the petition for judicial review shall be at the discretion of the Court of Appeals.".

(k) NONDISCLOSURE POLICIES, FORMS, AND AGREEMENTS.—

(1) IN GENERAL.—

(A) REQUIREMENT.—Each agreement in Standard Forms 312 and 4414 of the Government and any other nondisclosure policy, form, or agreement of the Government shall contain the following statement: "These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by such Executive order and such statutory provisions are incorporated into this agreement and are controlling.".

(B) ENFORCEABILITY.—Any nondisclosure policy, form, or agreement described under subparagraph (A) that does not contain the statement required under subparagraph (A) may not be implemented or enforced to the extent such policy, form, or agreement is inconsistent with that statement.

(2) PERSONS OTHER THAN GOVERNMENT EMPLOYEES.—Notwithstanding paragraph (1), a nondisclosure policy, form, or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that such forms do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.

(l) CLARIFICATION OF WHISTLEBLOWER RIGHTS FOR CRITICAL INFRASTRUCTURE INFORMATION.—Section 214(c) of the Homeland Security Act of 2002 (Public Law 107-296) is amended by adding at the end the following: "For purposes of this section a permissible use of independently obtained information includes the disclosure of such information under section 2302(b)(8) of title 5, United States Code.".

(m) ADVISING EMPLOYEES OF RIGHTS.—Section 2302(c) of title 5, United States Code, is amended by inserting ", including how to make a lawful disclosure of information that is specifically required by law or Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs to the Special Counsel, the Inspector General of an agency, Congress, or other agency employee designated to receive such disclosures" after "chapter 12 of this title".

(n) SCOPE OF DUE PROCESS.—

(1) SPECIAL COUNSEL.—Section 1214(b)(4)(B)(ii) of title 5, United States Code, is amended by inserting ", after a finding that a protected disclosure was a contributing factor," after "ordered if".

(2) INDIVIDUAL ACTION.—Section 1221(e)(2) of title 5, United States Code, is amended by inserting ", after a finding that a protected disclosure was a contributing factor," after "ordered if".

(o) EFFECTIVE DATE.—This Act shall take effect 30 days after the date of enactment of this Act.

By Ms. COLLINS (for herself and Mr. LIEBERMAN):

S. 2635. A bill to establish an intergovernmental grant program to identify and develop homeland security information, equipment, capabilities, technologies, and services to further the homeland security needs of Federal, State, and local governments; to the Committee on Governmental Affairs.

Ms. COLLINS. Mr. President, the United States and Israel share a strong and enduring friendship. We also share the threat of terrorist attacks against our citizens. Yet, while terrorism within our borders is relatively new to us, Israelis have confronted this danger for decades. Israel's long history of fighting terrorism has spurred Israeli businesses, researchers and academics to develop highly sophisticated homeland security technologies, particularly in the fields of border integrity, transportation security, and first responder equipment. As the United States pursues new approaches to protecting our Nation, it only makes sense to look to Israel's extensive expertise in this area.

This is why I am introducing legislation with Senator LIEBERMAN to establish a program to provide funds to eligible joint ventures between American firms and businesses in countries such as Israel that are already highly focused on the homeland security issue and have demonstrated the capacity for fruitful cooperation with America in the area of counterterrorism.

This program will act as a revolving fund to develop new homeland security technologies. As these technologies are deployed and become profitable, the businesses that developed them will be required to repay the program for the amount of the funds. This requirement, which has worked for similar existing programs, will help sustain the availability of funds for future funds.

The program will be managed by the Department of Homeland Security. It will dedicate $25 million toward these joint ventures that develop, manufacture, sell, or otherwise provide products and services with applications related to homeland security.

This legislation will build upon a number of other highly successful public-private partnerships between businesses in the United States and those located in countries such as Israel. Since its founding in 1977, the Bi-National Industrial Research and Development Foundation (BIRD) has created numerous research and development partnerships between American and Israeli businesses. The BIRD Foundation has invested $180 million in 600 projects during the past 27 years. Similar partnerships also exist in the development of agricultural, defense, telecommunications, and other technologies. This record demonstrates the potential of a similar binational foundation in the area of homeland security.

As recent international events have demonstrated, the fight against terrorism knows no borders. This legislation will enable our Nation to deploy the highest quality and most innovative tools to improve our homeland security. I ask you to join me in supporting this effort to enhance our Nation's fight against terrorism.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 401—DESIGNATING THE WEEK OF NOVEMBER 7 THROUGH NOVEMBER 13, 2004, AS "NATIONAL VETERANS AWARENESS WEEK" TO EMPHASIZE THE NEED TO DEVELOP EDUCATIONAL PROGRAMS REGARDING THE CONTRIBUTIONS OF VETERANS TO THE COUNTRY

Mr. BIDEN (for himself, Mr. ALLEN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BUNNING, Mr. CAMPBELL, Ms. CANTWELL, Mr. CARPER, Mr. CHAFEE, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORNYN, Mr. CORZINE, Mr. DAYTON, Mrs. DOLE, Mr. DORGAN, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM of Florida, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HOLLINGS, Mr. INOUYE, Mr. JOHNSON, Mr. KENNEDY, Ms. LANDRIEU, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MILLER, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SESSIONS, Ms. SNOWE, Mr. SPECTER, Mr. SUNUNU, Mr. TALENT, Mr. THOMAS, Mr. VOINOVICH, Mr. WARNER, Mr. WYDEN, and Mr. SMITH) submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 401

Whereas tens of millions of Americans have served in the Armed Forces of the United States during the past century;

Whereas hundreds of thousands of Americans have given their lives while serving in the Armed Forces during the past century;

Whereas the contributions and sacrifices of the men and women who served in the Armed Forces have been vital in maintaining the freedoms and way of life enjoyed by the people of the United States;

Whereas the advent of the all-volunteer Armed Forces has resulted in a sharp decline in the number of individuals and families who have had any personal connection with the Armed Forces;

Whereas this reduction in familiarity with the Armed Forces has resulted in a marked decrease in the awareness by young people of the nature and importance of the accomplishments of those who have served in the Armed Forces, despite the current educational efforts of the Department of Veterans Affairs and the veterans service organizations;

Whereas the system of civilian control of the Armed Forces makes it essential that the future leaders of the Nation understand the history of military action and the contributions and sacrifices of those who conduct such actions; and

Whereas, on November 10, 2003, President George W. Bush issued a proclamation urging all the people of the United States to observe November 9 through November 15, 2003, as "National Veterans Awareness Week": Now, therefore, be it

Resolved,

SECTION 1. NATIONAL VETERANS AWARENESS WEEK.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that the President should designate the week of November 7 through November 13, 2004, as "National Veterans Awareness Week".

(b) PROCLAMATION.—The Senate requests the President to issue a proclamation—

(1) designating the week of November 7 through November 13, 2004, as "National Veterans Awareness Week" for the purpose of emphasizing educational efforts directed at elementary and secondary school students concerning the contributions and sacrifices of veterans; and

(2) calling on the people of the United States to observe National Veterans Awareness Week with appropriate educational activities.

SENATE CONCURRENT RESOLUTION 121—SUPPORTING THE GOALS AND IDEALS OF THE WORLD YEAR OF PHYSICS

Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted the following concurrent resolution; which was referred to the Committee on Energy and Natural Resources:

S. CON. RES. 121

Whereas throughout history, physics has contributed to knowledge, civilization, and culture around the world;

Whereas physics research has been and continues to be a driving force for scientific, technological, and economic development;

Whereas many emerging fields in science and technology, such as nanoscience, information technology, and biotechnology, are substantially based on, and derive many tools from, fundamental discoveries in physics and physics applications;

Whereas physics will continue to play a vital role in addressing many 21st-century challenges relating to sustainable development, including environmental conservation, clean sources of energy, public health, and security;

Whereas Albert Einstein is a widely recognized scientific figure who contributed enormously to the development of physics, beginning in 1905 with Einstein's groundbreaking papers on the photoelectric effect, the size of molecules, Brownian motion, and the theory of relativity that led to Einstein's most famous equation, $E = mc^2$;

Whereas 2005 will be the 100th anniversary of the publication of those groundbreaking papers;

Whereas the General Assembly of the International Union of Pure and Applied Physics unanimously approved the proposition designating 2005 as the World Year of Physics; and

Whereas the Department of Energy is the leading source of Federal support for academic physics research, accounting for a majority of Federal funding for physics: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) supports the goals and ideals of the World Year of Physics, as designated by the General Assembly of the International Union of Pure and Applied Physics;

(2) encourages the people of the United States to observe the World Year of Physics as a special occasion for giving impetus to—

(A) education and research in physics; and

(B) the public's understanding of physics;

(3) calls on the Secretary of Energy to lead and coordinate Federal activities to commemorate the World Year of Physics;

(4) encourages the Secretary, all science-related organizations, the private sector, and the media to highlight and give enhanced recognition to—

(A) the role of physics in social, cultural, and economic development; and

(B) the positive impact and contributions of physics to society; and

(5) encourages the Secretary and all people involved in physics education and research to take additional steps (including strengthening existing and emerging fields of physics research and promoting the understanding of physics) to ensure that—

(A) support for physics continues; and

(B) physics studies at all levels continue to attract an adequate number of students.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3555. Mrs. BOXER (for herself, Mr. KENNEDY, Mr. BYRD, Ms. MIKULSKI, Mrs. CLINTON, Mr. LIEBERMAN, Mr. LEVIN, Mr. FEINGOLD, Mr. CORZINE, Mr. SCHUMER, Mr. LEAHY, and Mr. WYDEN) submitted an amendment intended to be proposed by her to the bill S. 2062, to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes; which was ordered to lie on the table.

SA 3556. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2062, supra; which was ordered to lie on the table.

SA 3557. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2062, supra; which was ordered to lie on the table.

SA 3558. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2062, supra; which was ordered to lie on the table.

SA 3559. Mr. ENSIGN (for himself, Mr. SUNUNU, and Mr. ALLEN) submitted an amendment intended to be proposed by him to the bill S. 2062, supra; which was ordered to lie on the table.

SA 3560. Mr. KENNEDY (for himself, Mr. CORZINE, Ms. MIKULSKI, Ms. CANTWELL, Mrs. MURRAY, and Mr. AKAKA) submitted an amendment intended to be proposed by him to the bill S. 2062, supra; which was ordered to lie on the table.

SA 3561. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 2062, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3555. Mrs. BOXER (for herself, Mr. KENNEDY, Mr. BYRD, Ms. MIKULSKI, Mrs. CLINTON, Mr. LIEBERMAN, Mr. LEVIN, Mr. FEINGOLD, Mr. CORZINE, Mr. SCHUMER, Mr. LEAHY, and Mr. WYDEN) submitted an amendment intended to be proposed by her to the bill S. 2062, to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . FAIR MINIMUM WAGE.

(a) SHORT TITLE.—This section may be cited as the "Fair Minimum Wage Act of 2004".

(b) INCREASE IN THE MINIMUM WAGE.—

(1) IN GENERAL.—Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

"(1) except as otherwise provided in this section, not less than—

"(A) $5.85 an hour, beginning on the 60th day after the date of enactment of the Fair Minimum Wage Act of 2004;

"(B) $6.45 an hour, beginning 12 months after that 60th day; and

"(C) $7.00 an hour, beginning 24 months after that 60th day;".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect 60 days after the date of enactment of this Act.

(c) APPLICABILITY OF MINIMUM WAGE TO THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.—

(1) IN GENERAL.—Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) shall apply to the Commonwealth of the Northern Mariana Islands.

(2) TRANSITION.—Notwithstanding paragraph (1), the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) shall be—

(A) $3.55 an hour, beginning on the 60th day after the date of enactment of this Act; and

(B) increased by $0.50 an hour (or such lesser amount as may be necessary to equal the minimum wage under section 6(a)(1) of such Act), beginning 6 months after the date of enactment of this Act and every 6 months thereafter until the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under this subsection is equal to the minimum wage set forth in such section.

SA 3556. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2062, to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes; which was ordered to lie on the table; as follows:

On page 21, lines 1 and 2, after "defendant" insert "or by the court sua sponte".

On page 21, line 9, strike "solely".

SA 3557. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2062, to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes; which was ordered to lie on the table; as follows:

On page 18, line 7, strike "or".

On page 18, line 8, insert "over a class action in which" after "(B)".

On page 18, line 11, strike the period and insert "; or".

On page 18, between lines 11 and 12, insert the following:

"(C) except for a class action in which any member of a proposed plaintiff class is a citizen of a State different from any defendant, over a class action in which—

"(i) the alleged harm that resulted in injuries to the person or risk to the person's life occurred in the State in which the action is filed;

"(ii) the products, goods, or services responsible for causing the injuries to the person or risk to the person's life were sold, marketed, distributed, purchased, or obtained in the State in which the action is filed;

"(iii) the time the alleged harm occurred, all the plaintiff class members were citizens of the State in which the action is filed;

"(iv) the time the alleged harm occurred, the defendant was registered to do business in the State in which the action is filed; and

"(v) the claims asserted allege violations of State law.

SA 3558. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2062, to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes; which was ordered to lie on the table; as follows:

On page 26, strike line 21 and insert the following:

SEC. 9. EXCLUDED ACTIONS.

(a) IN GENERAL.—This Act, and the amendments made by this Act, shall not apply to any civil action relating to a tobacco product.

(b) DEFINED TERM.—As used in this section, the term "tobacco product" means—

(1) a cigarette, as defined in section 3 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1332);

(2) a little cigar, as defined in section 3 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1332);

(3) a cigar, as defined in section 5702(a) of the Internal Revenue Code of 1986;

(4) pipe tobacco;

(5) loose rolling tobacco and papers used to contain that tobacco;

(6) a product referred to as smokeless tobacco, as defined in section 9 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C.4408); and

(7) any other form of tobacco intended for human consumption.

SEC. 10. EFFECTIVE DATE.

SA 3559. Mr. ENSIGN (for himself, Mr. SUNUNU, and Mr. ALLEN) submitted an amendment intended to be proposed by him to the bill S. 2062, to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes; which was ordered to lie on the table; as follows:

On page 26, line 23, strike "commenced" and insert "in which the entry of a class certification order (as defined in section 1332(d)(1)(C) of title 28, United States Code) occurs".

SA 3560. Mr. KENNEDY (for himself, Mr. CORZINE, Ms. MIKULSKI, Ms. CANTWELL, Mrs. MURRAY, and Mr. AKAKA) submitted an amendment intended to be proposed by him to the bill S. 2062, to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes; which was ordered to lie on the table; as follows:

On page 15, strike lines 3 through 7, and insert the following:

"(B) the term 'class action'—

"(i) means any civil action filed under rule 23 of the Federal Rules of Civil Procedure or similar State statute or rule of judicial procedure authorizing an action to be brought by 1 or more representative persons as a class action; and

"(ii) does not include—

"(I) any class action brought under a State civil rights law prohibiting discrimination on the basis of race, color, religion, sex, national origin, age, disability, or other classification specified in that law; or

"(II) any class action or collective action brought to obtain relief under State law for failure to pay the minimum wage, overtime pay, or wages for all time worked, failure to provide rest or meal breaks, or unlawful use of child labor;

SA 3561. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 2062, to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

DIVISION —WORKFORCE REINVESTMENT AND ADULT EDUCATION

SEC. 1. SHORT TITLE.

This division may be cited as the "Workforce Reinvestment and Adult Education Act of 2003".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this division is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. References.

TITLE I—AMENDMENTS TO TITLE I OF THE WORKFORCE INVESTMENT ACT OF 1998

Sec. 101. Definitions.
Sec. 102. Purpose.
Sec. 103. State workforce investment boards.
Sec. 104. State plan.
Sec. 105. Local workforce investment areas.
Sec. 106. Local workforce investment boards.
Sec. 107. Local plan.
Sec. 108. Establishment of one-stop delivery systems.
Sec. 109. Eligible providers of training services.
Sec. 110. Eligible providers of youth activities.
Sec. 111. Youth activities.
Sec. 112. Comprehensive program for adults.
Sec. 113. Performance accountability system.
Sec. 114. Authorization of appropriations.
Sec. 115. Job Corps.
Sec. 116. Native American programs.
Sec. 117. Youth challenge grants.
Sec. 118. Technical assistance.
Sec. 119. Demonstration, pilot, multiservice, research and multistate projects.
Sec. 120. Evaluations.
Sec. 121. Authorization of appropriations for national activities.
Sec. 122. Requirements and restrictions.
Sec. 123. Nondiscrimination.
Sec. 124. Administrative provisions.
Sec. 125. General program requirements.

TITLE II—ADULT EDUCATION

PART A—ADULT BASIC SKILLS AND FAMILY LITERACY EDUCATION

Sec. 201. Table of contents.
Sec. 202. Amendment.

PART B—NATIONAL INSTITUTE FOR LITERACY

Sec. 211. Short title; purpose.

Sec. 212. Establishment.
Sec. 213. Administration.
Sec. 214. Duties.
Sec. 215. Leadership in scientifically based reading instruction.
Sec. 216. National Institute for Literacy Advisory Board.
Sec. 217. Gifts, bequests, and devises.
Sec. 218. Mails.
Sec. 219. Applicability of certain civil service laws.
Sec. 220. Experts and consultants.
Sec. 221. Report.
Sec. 222. Definitions.
Sec. 223. Authorization of appropriations.
Sec. 224. Reservation.
Sec. 225. Authority to publish.

PART C—GENERAL PROVISIONS

Sec. 241. Transition.

TITLE III—AMENDMENTS TO THE WAGNER-PEYSER ACT

Sec. 301. Amendments to the Wagner-Peyser Act.

TITLE IV—AMENDMENTS TO THE REHABILITATION ACT OF 1973

Sec. 401. Chairperson.
Sec. 402. Rehabilitation Services Administration.
Sec. 403. Director.
Sec. 404. State goals.
Sec. 405. Authorizations of appropriations.
Sec. 406. Helen Keller National Center Act.

TITLE V—TRANSITION AND EFFECTIVE DATE

Sec. 501. Transition provisions.
Sec. 502. Effective date.

SEC. 3. REFERENCES.

Except as otherwise expressly provided, wherever in this division an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the amendment or repeal shall be considered to be made to a section or other provision of the Workforce Investment Act of 1998 (20 U.S.C. 9201 et seq.).

TITLE I—AMENDMENTS TO TITLE I OF THE WORKFORCE INVESTMENT ACT OF 1998

SEC. 101. DEFINITIONS.

Section 101 (29 U.S.C. 2801) is amended—

(1) in paragraph (8)(C), by striking “not less than 50 percent of the cost of the training” and inserting “a significant portion of the cost of training, as determined by the local board”;

(2) by striking paragraph (13) and redesignating paragraphs (1) through (12) as paragraphs (2) through (13) respectively;

(3) by inserting the following new paragraph after “In this title:”:

“(1) ACCRUED EXPENDITURES.—The term ‘accrued expenditures’ includes the sum of actual cash disbursements for direct charges for goods and services, the net increase or decrease in the amounts owed by recipients, goods and other property received for services performed by employees, contractors, subgrantees, or other payees, and other amounts becoming owned for which no current service or performance is required.”;

(4) by striking paragraph (24) and redesignating paragraphs (25) through (32) as paragraphs (24) through (31), respectively;

(5) in paragraph (24) (as so redesignated)—

(A) in subparagraph (B), by striking “higher of—” and all that follows through such subparagraph and inserting “poverty line for an equivalent period;”; and

(B) by redesignating subparagraphs (D) through (F) as subparagraph (E) through (G), respectively, and inserting after subparagraph (C) the following:

“(D) receives or is eligible to receive free or reduced price lunch;”; and

(6) by striking paragraph (33) and redesignating paragraphs (34) through (53) as paragraphs (32) through (51), respectively.

SEC. 102. PURPOSE.

Section 106 (29 U.S.C. 2811) is amended by inserting at the end the following: “It is also the purpose of this subtitle to provide workforce investment activities in a manner that promotes the informed choice of participants and actively involves participants in decisions affecting their participation in such activities.”.

SEC. 103. STATE WORKFORCE INVESTMENT BOARDS.

(a) MEMBERSHIP.—

(1) IN GENERAL.—Section 111(b) (29 U.S.C. 2821(b)) is amended—

(A) by amending paragraph (1)(C) to read as follows:

“(C) representatives appointed by the Governor, who are—

“(i)(I) the lead State agency officials with responsibility for the programs and activities that are described in section 121(b) and carried out by one-stop partners;

“(II) in any case in which no lead State agency official has responsibility for such a program or activity, a representative in the State with expertise relating to such program or activity; and

“(III) if not included under subclause (I), the director of the State unit, defined in section 7(8)(B) of the Rehabilitation Act of 1973 (29 U.S.C. 705(8)(B)) except that in a State that has established 2 or more designated State units to administer the vocational rehabilitation program, the board representative shall be the director of the designated State unit that serves the most individuals with disabilities in the State;

“(ii) the State agency officials responsible for economic development;

“(iii) representatives of business in the State who—

“(I) are owners of businesses, chief executive or operating officers of businesses, and other business executives or employers with optimum policy making or hiring authority, including members of local boards described in section 117(b)(2)(A)(i);

“(II) represent businesses with employment opportunities that reflect employment opportunities in the State; and

“(III) are appointed from among individuals nominated by State business organizations and business trade associations;

“(iv) chief elected officials (representing both cities and counties, where appropriate);

“(v) representatives of labor organizations, who have been nominated by State labor federations; and

“(vi) such other representatives and State agency officials as the Governor may designate.”; and

(B) in paragraph (3), by striking “paragraph (1)(C)(i)” and inserting “paragraph (1)(C)(iii)”.

(2) CONFORMING AMENDMENT.—Section 111(c) (29 U.S.C 2811(c)) is amended by striking “subsection (b)(1)(C)(i)” and inserting “subsection (b)(1)(C)(iii)”.

(b) FUNCTIONS.—Section 111(d) (29 U.S.C. 2811(d)) is amended—

(1) by amending paragraph (3) to read as follows:

“(3) development and review of statewide policies affecting the integrated provision of services through the one-stop delivery system described in section 121, including—

“(A) the development of criteria for, and the issuance of, certifications of one-stop centers;

“(B) the criteria for the allocation of one-stop center infrastructure funding under section 121(h), and oversight of the use of such funds;

“(C) approaches to facilitating equitable and efficient cost allocation in one-stop delivery systems; and

“(D) such other matters that may promote statewide objectives for, and enhance the performance of, one-stop delivery systems within the State;”;

(2) in paragraph (4), by inserting “and the development of State criteria relating to the appointment and certification of local boards under section 117” after “section 116”;

(3) in paragraph (5), by striking “sections 128(b)(3)(B) and 133(b)(3)(B)” and inserting “sections 128(b)(3) and 133(b)(3)”; and

(4) in paragraph (9), by striking “section 503” and inserting “section 136(i)”.

(c) ELIMINATION OF ALTERNATIVE ENTITY AND PROVISION OF AUTHORITY TO HIRE STAFF.—Section 111(e) (29 U.S.C. 2821(e)) is amended to read as follows:

“(e) AUTHORITY TO HIRE STAFF.—The State board may hire staff to assist in carrying out the functions described in subsection (d).”.

SEC. 104. STATE PLAN.

(a) PLANNING CYCLE.—Section 112(a) (29 U.S.C. 2822(a)) is amended by striking “5-year strategy” and inserting “2-year strategy”.

(b) CONTENTS.—Section 112(b)(17)(A) (29 U.S.C. 2822(b)(17)(A)) is amended—

(1) in clause (iii) by striking “and”;

(2) by amending clause (iv) to read as follows:

“(iv) how the State will serve the employment and training needs of dislocated workers (including displaced homemakers and formerly self-employed and transitioning farmers, ranchers, and fisherman) low income individuals (including recipients of public assistance), homeless individuals, ex-offenders, individuals training for nontraditional employment, and other individuals with multiple barriers to employment (including older individuals);”; and

(3) by adding the following new clause after clause (iv):

“(v) how the State will serve the employment and training needs of individuals with disabilities, consistent with section 188 and Executive Order 13217 (relating to community-based alternatives for individuals with disabilities) including the provision of outreach, intake, assessments, and service delivery, the development of performance measures, and the training of staff; and”.

(c) MODIFICATION TO PLAN.—Section 112(d) (29 U.S.C. 2822(d)) is amended by striking “5-year period” and inserting “2-year period”.

SEC. 105. LOCAL WORKFORCE INVESTMENT AREAS.

(a) DESIGNATION OF AREAS.—

(1) CONSIDERATIONS.—Section 116(a)(1)(B) (29 U.S.C. 2831(a)(1)(B)) is amended by adding at the end the following clause:

“(vi) The extent to which such local areas will promote efficiency in the administration and provision of services.”.

(2) AUTOMATIC DESIGNATION.—Section 116(a)(2) (29 U.S.C. 2831(a)(2)) is amended to read as follows:

“(2) AUTOMATIC DESIGNATION.—

“(A) IN GENERAL.—Except as provided in subparagraph (B) of this paragraph and subsection (b), the Governor shall approve a request for designation as a local area from—

“(i) any unit of general local government with a population of 500,000 or more; and

“(ii) an area served by a rural concentrated employment program grant recipient that served as a service delivery area or substate area under the Job training Partnership Act (29 U.S.C. 1501 et seq.),

for the 2-year period covered by a State plan under section 112 if such request is made not later than the date of the submission of the State plan.

"(B) CONTINUED DESIGNATION BASED ON PERFORMANCE.—The Governor may deny a request for designation submitted pursuant to subparagraph (A) if such unit of government was designated as a local area for the preceding 2-year period covered by a State plan and the Governor determines that such local area did not perform successfully during such period.".

(b) REGIONAL PLANNING.—Section 116(c)(1) (29 U.S.C. 2831(c)(1)) is amended by adding at the end the following: "The State may require the local boards for the designated region to prepare a single regional plan that incorporates the elements of the local plan under section 118 and that is submitted and approved in lieu of separate local plans under such section.".

SEC. 106. LOCAL WORKFORCE INVESTMENT BOARDS.

(a) COMPOSITION.—Section 117(b)(2)(A) (29 U.S.C. 2832(b)(2)(A)) is amended—

(1) in clause (i)(II), by inserting ", businesses that are in the leading industries in the local area, and large and small businesses in the local area" after "local area";

(2) by amending clause (ii) to read as follows:

"(ii) superintendents of the local secondary school systems, administrators of entities providing adult education and literacy activities, and the presidents or chief executive officers of postsecondary educational institutions (including community colleges, where such entities exist);";

(3) in clause (iv), by striking the semicolon and inserting "and faith-based organizations; and"; and

(4) by striking clause (vi).

(b) AUTHORITY OF BOARD MEMBERS.—Section 117(b)(3) (29 U.S.C. 2832(b) is amended—

(1) in the heading, by inserting "AND REPRESENTATION" after "MEMBERS"; and

(2) by adding at the end the following: "The members of the board shall represent diverse geographic sections within the local area.".

(c) FUNCTIONS.—Section 117(d) (29 U.S.C. 2832(d)) is amended—

(1) in paragraph (2)(B), by striking "local area" and all that follows and inserting "local area."; and

(2) in paragraph (4) by inserting "and ensure the appropriate use and management of the funds provided under this title for such programs, activities, and system" after "area".

(d) AUTHORITY TO ESTABLISH COUNCILS AND ELIMINATION OF REQUIREMENT FOR YOUTH COUNCILS.—Section 117(h) (29 U.S.C. 2832(h)) is amended to read as follows:

"(h) ESTABLISHMENT OF COUNCILS.—The local board may establish councils to provide information and advice to assist the local board in carrying out activities under this title. Such councils may include a council composed of one-stop partners to advise the local board on the operation of the one-stop delivery system, a youth council composed of experts and stakeholders in youth programs to advise the local board on activities for youth, and such other councils as the local board determines are appropriate.".

(e) REPEAL OF ALTERNATIVE ENTITY PROVISION.—Section 117 (29 U.S.C. 2832) is further amended by striking subsection (i).

SEC. 107. LOCAL PLAN.

(a) PLANNING CYCLE.—Section 118(a) (29 U.S.C. 2833(a)) is amended by striking "5-year" and inserting "2-year".

(b) CONTENTS.—Section 118(b) (29 U.S.C. 2833(b)) is amended—

(1) by amending paragraph (2) to read as follows:

"(2) a description of the one-stop delivery system to be established or designated in the local area, including a description of how the local board will ensure the continuous improvement of eligible providers of services through the system and ensure that such providers meets the employment needs of local employers and participants."; and

(2) in paragraph (4), by striking "and dislocated worker".

SEC. 108. ESTABLISHMENT OF ONE-STOP DELIVERY SYSTEMS.

(a) ONE-STOP PARTNERS.—

(1) REQUIRED PARTNERS.—Section 121(b)(1) (29 U.S.C. 2841(b)(1)) is amended—

(A) in subparagraph (B)—

(i) by striking clauses (ii) and (v)

(ii) by redesignating clauses (iii) and (iv) as clauses (ii) and (iii), respectively, and by redesignating clauses (vi) through (xii) as clauses (iv) through (x), respectively;

(iii) in clause (ix) (as so redesignated), by striking "and";

(iv) in clause (x) (as so redesignated), by striking the period and inserting "; and"; and

(v) by inserting after clause (x)(as so redesignated) the following:

"(xi) programs authorized under part A of title IV of the Social Security Act (42 U.S.C. 601 et. seq.), subject to subparagraph (C)."; and

(B) by adding after subparagraph (B) the following:

"(C) DETERMINATION BY THE GOVERNOR.—The program referred to in clauses (xi) of subparagraph (B) shall be included as a required partner for purposes of this title in a State unless the Governor of the State notifies the Secretary and the Secretary of Health and Human Services in writing of a determination by the Governor not to include such programs as required partners for purposes of this title in the State.".

(2) ADDITIONAL PARTNERS.—Section 121(b)(2)(B) (29 U.S.C. 2841(b)(2)(B)) is amended—

(A) by striking clause (i) and redesignating clauses (ii) through (v) as clauses (i) through (iv) respectively;

(B) in clause (iii) (as so redesignated) by striking "and" at the end;

(C) in clause (iv) (as so redesignated) by striking the period and inserting a semicolon; and

(D) by adding at the end the following new clauses:

"(v) employment and training programs administered by the Social Security Administration, including the Ticket to Work program (established by Public Law 106-170);

"(vi) programs under part D of title IV of the Social Security Act (42 U.S.C. 451 et seq.) (relating to child support enforcement); and

"(vii) programs carried out in the local area for individuals with disabilities, including programs carried out by State agencies relating to mental health, mental retardation, and developmental disabilities, State Medicaid agencies, State Independent Living Councils, and Independent Living Centers.".

(b) PROVISION OF SERVICES.—Subtitle B of title I is amended—

(1) by striking subsection (e) of section 121;

(2) by moving subsection (c) of section 134 from section 134, redesignating such subsection as subsection (e), and inserting such subsection (as so redesignated) after subsection (d) of section 121; and

(3) by amending subsection (e) (as moved and redesignated by paragraph (2))—

(A) in paragraph (1)(A), by striking "subsection (d)(2)" and inserting "section 134(c)(2)";

(B) in paragraph (1)(B)—

(i) by striking "subsection (d)" and inserting "section 134(c)"; and

(ii) by striking "subsection (d)(4)(G)" and inserting "section 134(c)(4)(G)";

(C) in paragraph (1)(C), by striking "subsection (e)" and inserting "section 134(d)";

(D) in paragraph (1)(D)—

(i) by striking "section 121(b)" and inserting "subsection (b)"; and

(ii) by striking "and" at the end; and

(E) by amending paragraph (1)(E) to read as follows:

"(E) shall provide access to the information described in section 15(e) of the Wagner-Peyser Act (29 U.S.C. 49l–2(e)).".

(c) CERTIFICATION AND FUNDING OF ONE-STOP CENTERS.—Section 121 (as amended by subsection (b)) is further amended by adding at the end the following new subsections:

"(g) CERTIFICATION OF ONE-STOP CENTERS.—

"(1) IN GENERAL.—The State board shall establish procedures and criteria for periodically certifying one-stop center for the purpose of awarding the one-stop infrastructure funding described in subsection (h).

"(2) CRITERIA.—The criteria for certification under this subsection shall include minimum standards relating to the scope and degree of service integration achieved by the centers involving the programs provided by the one-stop partners, and how the centers ensure that such providers meet the employment needs of local employers and participants.

"(3) EFFECT OF CERTIFICATION.—One-stop centers certified under this subsection shall be eligible to receive the infrastructure grants authorized under subsection (h).

"(h) ONE-STOP INFRASTRUCTURE FUNDING.—

"(1) PARTNER CONTRIBUTIONS.—

"(A) PROVISION OF FUNDS.—Notwithstanding any other provision of law, as determined under subparagraph (B), a portion of the Federal funds provided to the State and areas within the State under the Federal laws authorizing the one-stop partner programs described in subsection (b)(1)(B) and participating additional partner programs described in (b)(2)(B) for a fiscal year shall be provided to the Governor by such programs to carry out this subsection.

"(B) DETERMINATION OF GOVERNOR.—Subject to subparagraph (C), the Governor, in consultation with the State board, shall determine the portion of funds to be provided under subparagraph (A) by each one-stop partner and in making such determination shall consider the proportionate use of the one-stop centers by each partner, the costs of administration for purposes not related to one-stop centers for each partner, and other relevant factors described in paragraph (3).

"(C) LIMITATIONS.—

"(i) PROVISION FROM ADMINISTRATIVE FUNDS.—The funds provided under this paragraph by each one-stop partner shall be provided only from funds available for the costs of administration under the program administered by such partner, and shall be subject to the limitations with respect to the portion of funds under such programs that may be used for administration.

"(ii) FEDERAL DIRECT SPENDING PROGRAMS.—Programs that are Federal direct spending under section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c)(8)) shall not, for purposes of this paragraph, be required to provide an amount in excess of the amount determined to be equivalent to the proportionate use of the one-stop centers by such programs in the State.

"(2) ALLOCATION BY GOVERNOR.—From the funds provided under paragraph (1), the Governor shall allocate funds to local areas in accordance with the formula established under paragraph (3) for the purposes of assisting in paying the costs of the infrastructure of One-Stop centers certified under subsection (g).

"(3) ALLOCATION FORMULA.—The State board shall develop a formula to be used by the Governor to allocate the funds described in paragraph (1). The formula shall include such factors as the State board determines are appropriate, which may include factors such as the number of centers in the local area that have been certified, the population served by such centers, and the performance of such centers.

"(4) COSTS OF INFRASTRUCTURE.—For purposes of this subsection, the term 'costs of infrastructure' means the nonpersonnel costs that are necessary for the general operation of a one-stop center, including the rental costs of the facilities, the costs of utilities and maintenance, equipment (including adaptive technology for individuals with disabilities), strategic planning activities for the center, and common outreach activities.

"(i) OTHER FUNDS.—

"(1) IN GENERAL.—In addition to the funds provided to carry out subsection (h), a portion of funds made available under Federal law authorizing the one-stop partner programs described in subsection (b)(1)(B) and participating partner programs described in subsection (b)(2)(B), or the noncash resources available under such programs shall be used to pay the costs relating to the operation of the one-stop delivery system that are not paid for from the funds provided under subsection (h), to the extent not inconsistent with the Federal law involved including—

"(A) infrastructure costs that are in excess of the funds provided under subsection (h);

"(B) common costs that are in addition to the costs of infrastructure; and

"(C) the costs of the provision of core services applicable to each program.

"(2) DETERMINATION AND GUIDANCE.—The method for determining the appropriate portion of funds to be provided by each program under paragraph (1) shall be determined as part of the memorandum of understanding under subsection (c). The State board shall provide guidance to facilitate the determination of appropriate funding allocation in local areas.".

SEC. 109. ELIGIBLE PROVIDERS OF TRAINING SERVICES.

Section 122 (29 U.S.C. 2842) is amended to read as follows:

"SEC. 122. IDENTIFICATION OF ELIGIBLE PROVIDERS OF TRAINING SERVICES.

"(a) IN GENERAL.—The Governor shall establish criteria and procedures regarding the eligibility of providers of training services described in section 134(c)(4) to receive funds provided under section 133(b) for the provision of such training services.

"(b) CRITERIA.—

"(1) IN GENERAL.—The criteria established pursuant to subsection (a) shall take into account the performance of providers of training services with respect to the indicators described in section 136 or other appropriate indicators (taking into consideration the characteristics of the population served and relevant economic conditions), and such other factors as the Governor determines are appropriate to ensure the quality of services, the accountability of providers, how the centers ensure that such providers meet the needs of local employers and participants, and the informed choice of participants under chapter 5. Such criteria shall require that the provider submit appropriate, accurate and timely information to the State for purposes of carrying out subsection (d). The criteria shall also provide for periodic review and renewal of eligibility under this section for providers of training services. The Governor may authorize local areas in the State to establish additional criteria or to modify the criteria established by the Governor under this section for purposes of determining the eligibility of providers of training services to provide such services in the local area.

"(2) LIMITATION.—In carrying out the requirements of this subsection, no personally identifiable information regarding a student, including Social Security number, student identification number, or other identifier, may be disclosed without the prior written consent of the parent or eligible student in compliance with section 444 of the General Education Provisions Act (20 U.S.C. 1232g).

"(c) PROCEDURES.—The procedures established under subsection (a) shall identify the application process for a provider of training services to become eligible to receive funds under section 133(b), and identify the respective roles of the State and local areas in receiving and reviewing applications and in making determinations of eligibility based on the criteria established under this section. The procedures shall also establish a process for a provider of training services to appeal a denial or termination of eligibility under this section that includes an opportunity for a hearing and prescribes appropriate time limits to ensure prompt resolution of the appeal.

"(d) INFORMATION TO ASSIST PARTICIPANTS IN CHOOSING PROVIDERS.—In order to facilitate and assist participants under chapter 5 in choosing providers of training services, the Governor shall ensure that an appropriate list or lists of providers determined eligible under this section in the State, accompanied by such information as the Governor determines is appropriate, is provided to the local boards in the State to be made available to such participants and to members of the public through the one-stop delivery system in the State.

"(e) AGREEMENTS WITH OTHER STATES.—States may enter into agreements, on a reciprocal basis, to permit eligible providers of training services to accept individual training accounts provided in another State.

"(f) RECOMMENDATIONS.—In developing the criteria, procedures, and information required under this section, the Governor shall solicit and take into consideration the recommendations of local boards and providers of training services within the State.

"(g) OPPORTUNITY TO SUBMIT COMMENTS.—During the development of the criteria, procedures, and information required under this section, the Governor shall provide an opportunity for interested members of the public, including representatives of business and labor organizations, to submit comments regarding such criteria, procedures, and information.".

SEC. 110. ELIGIBLE PROVIDERS OF YOUTH ACTIVITIES.

Section 123 (29 U.S.C. 2843) is amended to read as follows:

"SEC. 123. ELIGIBLE PROVIDERS OF YOUTH ACTIVITIES.

"(a) IN GENERAL.—From the funds allocated under section 128(b) to a local area, the local board for such area shall award grants or contracts on a competitive basis to providers of youth activities identified based on the criteria in the State plan and shall conduct oversight with respect to such providers.

"(b) EXCEPTIONS.—A local board may award grants or contracts on a sole-source basis if such board determines there are an insufficient number of eligible providers of training services in the local area involved (such as rural areas) for grants to be awarded on a competitive basis under subsection (a).".

SEC. 111. YOUTH ACTIVITIES.

(a) STATE ALLOTMENTS.—

(1) IN GENERAL.—Section 127(a) (29 U.S.C. 2852(a)) is amended to read as follows:

"(a) ALLOTMENT AMONG STATES.—

"(1) YOUTH ACTIVITIES.—

"(A) YOUTH CHALLENGE GRANTS.—

"(i) RESERVATION OF FUNDS.—Of the amount appropriated under section 137(a) for each fiscal year, the Secretary shall reserve 25 percent to provide youth challenge grants under section 169.

"(ii) LIMITATION.—Notwithstanding clause (i), if the amount appropriated under section 137(a) for a fiscal year exceeds $1,000,000,000, the Secretary shall reserve $250,000,000 to provide youth challenge grants under section 169.

"(B) OUTLYING AREAS AND NATIVE AMERICANS.—After determining the amount to be reserved under subparagraph (A), of the remainder of the amount appropriated under section 137(a) for each fiscal year the Secretary shall—

"(i) reserve not more than ¼ of one percent of such amount to provide assistance to the outlying areas to carry out youth activities and statewide workforce investment activities; and

"(ii) reserve not more than 1 and ½ percent of such amount to provide youth activities under section 166 (relating to Native Americans).

"(C) STATES.—

"(i) IN GENERAL.—Of the remainder of the amount appropriated under section 137(a) for a fiscal year that is available after determining the amounts to be reserved under subparagraphs (A) and (B), the Secretary shall allot—

"(I) the amount of the remainder that is less than or equal to the total amount that was allotted to States for fiscal year 2003 under section 127(b)(1)(C) of this Act (as in effect on the day before the date of enactment of the Workforce Reinvestment and Adult Education Act of 2003) in accordance with the requirements of such section 127(b)(1)(C); and

"(II) the amount of the remainder, if any, in excess of the amount referred to in subclause (I) in accordance with clause (ii).

"(ii) FORMULAS FOR EXCESS FUNDS.—Subject to clauses (iii) and (iv), of the amounts described in clause (i)(II)—

"(I) 33 and ⅓ percent shall be allotted on the basis of the relative number of individuals in the civilian labor force who are ages 16–19 in each State, compared to the total number of individuals in the civilian labor force who are ages 16–19 in all States;

"(II) 33 and ⅓ percent shall be allotted on the basis of the relative number of unemployed individuals in each State, compared to the total number of unemployed individuals in all States; and

"(III) 33 and ⅓ percent shall be allotted on the basis of the relative number of disadvantaged youth who are ages 16 through 21 in each State, compared to the total number of disadvantaged youth who are ages 16 through 21 in all States.

"(iii) MINIMUM AND MAXIMUM PERCENTAGES.—The Secretary shall ensure that no State shall receive an allotment for a fiscal year that is less than 90 percent or greater than 130 percent of the allotment percentage of that State for the preceding fiscal year.

"(iv) SMALL STATE MINIMUM ALLOTMENT.—Subject to clause (iii), the Secretary shall ensure that no State shall receive an allotment under this paragraph that is less than 3/10 of 1 percent of the amount available under subparagraph (A).

"(2) DEFINITIONS.—For the purposes of paragraph (1), the following definitions apply:

"(A) ALLOTMENT PERCENTAGE.—The term 'allotment percentage', used with respect to fiscal year 2004 or a subsequent fiscal year, means a percentage of the remainder described in paragraph (1)(C)(i) that is received through an allotment made under this subsection for the fiscal year. The term, with respect to fiscal year 2003, means the percentage of the amounts allotted to States under this chapter (as in effect on the day before the date of enactment of the Workforce Reinvestment and Adult Education Act of 2003) that is received by the State involved for fiscal year 2003.

"(B) DISADVANTAGED YOUTH.—The term 'disadvantaged youth' means an individual who is age 16 through 21 who received an income, or is a member of a family that received a total family income, that, in relation to family size, does not exceed the poverty line.

"(3) SPECIAL RULE.—For purposes of the formulas specified in paragraph (1)(C), the Secretary shall, as appropriate and to the extent practicable, exclude college students and members of the Armed Forces from the determination of the number of disadvantaged youth.

(2) REALLOTMENT.—Section 127 (29 U.S.C. 2552) is further amended—

(A) by striking subsection (b);

(B) by redesignating subsection (c) as subsection (b);

(C) in subsection (b) (as so redesignated)

(i) by amending paragraph (2) to read as follows:

"(2) AMOUNT.—The amount available for reallotment for a program year is equal to the amount by which the unexpended balance, excluding accrued expenditures, at the end of such program year of the total amount of funds available to the State under this section during such program year (including amounts allotted to the State in prior program years that remain available during the program year for which the determination is made) exceeds 30 percent of such total amount.";

(ii) in paragraph (3)—

(I) by striking "for the prior program year" and inserting "for the program year in which the determination is made"; and

(II) by striking "such prior program year" and inserting "such program year";

(iii) by amending paragraph (4) to read as follows:

"(4) ELIGIBILITY.—For purposes of this subsection, an eligible State means a State which does not have an amount available for reallotment under paragraph (2) for the program year for which the determination under paragraph (2) is made.".

(b) WITHIN STATE ALLOCATIONS.—

(1) RESERVATION FOR STATEWIDE ACTIVITIES.—Section 128(a) is amended to read as follows:

"(a) RESERVATION FOR STATEWIDE ACTIVITIES.—

"(1) IN GENERAL.—The Governor of a State shall reserve not more than 10 percent of the amount allotted to the State under section 127(a)(1)(C) for a fiscal year for statewide activities.

"(2) USE OF FUNDS.—Regardless of whether the amounts are allotted under section 127(a)(1)(C) and reserved under paragraph (1) or allotted under section 132 and reserved under section 133(a), the Governor may use the reserved amounts to carry out statewide youth activities under section 129(b) or statewide employment and training activities under section 133.".

(2) WITHIN STATE ALLOCATION.—Section 128(b) is amended to read as follows:

"(b) WITHIN STATE ALLOCATION.—

"(1) IN GENERAL.—Of the amounts allotted to the State under section 127(a)(1)(C) and not reserved under subsection (a)(1)—

"(A) 80 percent of such amounts shall be allocated by the Governor to local areas in accordance with paragraph (2); and

"(B) 20 percent of such amounts shall be allocated by the Governor to local areas in accordance with paragraph (3).

"(2) ESTABLISHED FORMULA.—

"(A) IN GENERAL.—Of the amounts described in paragraph (1)(A), the Governor shall allocate—

"(i) 33 and ⅓ percent shall be allotted on the basis of the relative number of individuals in the civilian labor force who are ages 16–19 in each local area, compared to the total number of individuals in the civilian labor force who are ages 16–19 in all local areas in the State;

"(ii) 33 and ⅓ percent shall be allotted on the basis of the relative number of unemployed individuals in each local area, compared to the total number of unemployed individuals in all local areas in the State; and

"(iii) 33 and ⅓ percent on the basis of the relative number of disadvantaged youth who are ages 16 through 21 in each local area, compared to the total number of disadvantaged youth who are ages 16 through 21 in all local areas in the State.

"(B) MINIMUM AND MAXIMUM PERCENTAGES.—The Governor shall ensure that no local area shall receive an allocation for a fiscal year under this paragraph that is less than 90 percent or greater than 130 percent of the allocation percentage of the local area for the preceding fiscal year.

"(C) DEFINITIONS.—

"(i) ALLOCATION PERCENTAGE.—For purposes of this paragraph, the term 'allocation percentage', used with respect to fiscal year 2004 or a subsequent fiscal year, means a percentage of amount described in paragraph(1)(A) that is received through an allocation made under this paragraph for the fiscal year. The term, with respect to fiscal year 2003, means the percentage of the amounts allocated to local areas under this chapter (as in effect on the day before the date of enactment of the Workforce Investment Act Amendments of 2003) that is received by the local area involved for fiscal year 2003.

"(ii) DISADVANTAGED YOUTH.—The term 'disadvantaged youth' means an individual who is age 16 through 21 who received an income, or is a member of a family that received a total family income, that, in relation to family size, does not exceed the poverty line.

"(3) YOUTH DISCRETIONARY ALLOCATION.—The Governor shall allocate to local areas the amounts described in paragraph (1)(B) in accordance with such demographic and economic factors as the Governor, after consultation with the State board and local boards, determines are appropriate.

"(4) LOCAL ADMINISTRATIVE COST LIMIT.—

"(A) IN GENERAL.—Of the amounts allocated to a local area under this subsection and section 133(b) for a fiscal year, not more than 10 percent of the amount may be used by the local boards for the administrative costs of carrying out local workforce investment activities under this chapter or chapter 5.

"(B) USE OF FUNDS.—Funds made available for administrative costs under subparagraph (A) may be used for the administrative costs of any of the local workforce investment activities described in this chapter or chapter 5, regardless of whether the funds were allocated under this subsection or section 133(b).".

(3) REALLOCATION.—Section 128(c) (29 U.S.C. 2853(c)) is amended—

(A) in paragraph (1), by striking "paragraph (2)(A) or (3) of";

(B) by amending paragraph (2) to read as follows:

"(2) AMOUNT.—The amount available for reallocation for a program year is equal to the amount by which the unexpended balance, excluding accrued expenditures, at the end of such program year of the total amount of funds available to the local area under this section during such program year (including amounts allotted to the local area in prior program years that remain available during the program year for which the determination is made) exceeds 30 percent of such total amount.";

(C) by amending paragraph (3)—

(i) by striking "subsection (b)(3)" each place it appears and inserting "subsection (b)";

(ii) by striking "the prior program year" and inserting "the program year in which the determination is made";

(iii) by striking "such prior program year" and inserting "such program year"; and

(iv) by striking the last sentence; and

(D) by amending paragraph (4) to read as follows:

"(4) ELIGIBILITY.—For purposes of this subsection, an eligible local area means a local area which does not have an amount available for reallocation under paragraph (2) for the program year for which the determination under paragraph (2) is made.".

(c) YOUTH PARTICIPANT ELIGIBILITY.—Section 129(a) (29 U.S.C. 2854(a)) is amended to read as follows:

"(a) YOUTH PARTICIPANT ELIGIBILITY.—

"(1) IN GENERAL.—The individuals participating in activities carried out under this chapter by a local area during any program year shall be individuals who, at the time the eligibility determination is made, are—

"(A) not younger than age 16 or older than age 24; and

"(B) one or more of the following:

"(i) school dropouts;

"(ii) recipients of a secondary school diploma or the General Equivalency Diploma (GED) (including recognized alternative standards for individuals with disabilities) who are deficient in basic skills;

"(iii) court-involved youth attending an alternative school;

"(iv) youth in foster care or who have been in foster care; or

"(v) in school youth who are low-income individuals and one or more of the following:

"(I) Deficient in literacy skills.

"(II) Homeless, runaway, or foster children.

"(III) Pregnant or parents.

"(IV) Offenders.

"(V) Individuals who require additional assistance to complete an educational program, or to secure and hold employment.

"(2) PRIORITY FOR SCHOOL DROPOUTS.—A priority in the provision of services under this chapter shall be given to individuals who are school dropouts.

"(3) LIMITATIONS ON ACTIVITIES FOR IN-SCHOOL YOUTH.—

"(A) PERCENTAGE OF FUNDS.—For any program year, not more than 30 percent of the funds available for statewide activities under subsection (b), and not more than 30 percent of funds available to local areas under subsection (c), may be used to provide activities for in-school youth meeting the requirements of paragraph (1)(B)(v).

"(B) NON-SCHOOL HOURS REQUIRED.—Activities carried out under this chapter for in-school youth meeting the requirements of paragraph (1)(B)(v) shall only be carried out in non-school hours or periods when school is not in session (such as before and after school or during summer recess.".

(d) STATEWIDE YOUTH ACTIVITIES.—Section 129(b) (29 U.S.C. 2854(b)) is amended to read as follows:

"(b) STATEWIDE ACTIVITIES.—

"(1) IN GENERAL.—Funds reserved by a Governor for a State as described in sections 128(a) and 133(a)(1) may be used for statewide activities including—

"(A) additional assistance to local areas that have high concentrations of eligible youth;

"(B) supporting the provision of core services described in section 134(c)(2) in the one-stop delivery system;

"(C) conducting evaluations under section 136(e) of activities authorized under this chapter and chapter 5 in coordination with evaluations carried out by the Secretary under section 172, research, and demonstration projects;

"(D) providing incentive grants to local areas for regional cooperation among local boards (including local boards in a designated region as described in section 116(c)), for local coordination of activities carried out under this Act, and for exemplary performance by local areas on the local performance measures;

"(E) providing technical assistance and capacity building to local areas, one-stop operators, one-stop partners, and eligible providers, including the development and training of staff, the development of exemplary program activities, and the provision of technical assistance to local areas that fail to meet local performance measures;

"(F) operating a fiscal and management accountability system under section 136(f); and

"(G) carrying out monitoring and oversight of activities under this chapter and chapter 5.

"(2) LIMITATION.—Not more than 5 percent of the funds allotted under section 127(b) shall be used by the State for administrative activities carried out under this subsection and section 133(a).

"(3) PROHIBITION.—No funds described in this subsection or in section 134(a) may be used to develop or implement education curricula for school systems in the State.".

(e) LOCAL ELEMENTS AND REQUIREMENTS.——

(1) PROGRAM DESIGN.—Section 129(c)(1) (29 U.S.C. 2854(c) (1)) is amended—

(A) in the matter preceding subparagraph (A), by striking "paragraph (2)(A) or (3), as appropriate, of";

(B) in subparagraph (B), by inserting "are directly linked to one or more of the performance outcomes relating to this chapter under section 136, and that" after "for each participant that"; and

(C) in subparagraph (C)—

(i) by redesignating clauses (i) through (iv) as clauses (ii) through (v), respectively;

(ii) by inserting before clause (ii) (as so redesignated) the following:

"(i) activities leading to the attainment of a secondary school diploma or the General Equivalency Diploma (GED) (including recognized alternative standards for individuals with disabilities);";

(iii) in clause (ii) (as redesignated by this subparagraph), by inserting "and advanced training" after "opportunities";

(iv) in clause (iii) (as redesignated by this subparagraph), by inserting "that lead to the attainment of recognized credentials" after "learning"; and

(v) by amending clause (v) (as redesignated by this subparagraph) to read as follows:

"(v) effective connections to employers in sectors of the local labor market experiencing high growth in employment opportunities.".

(2) PROGRAM ELEMENTS.—Section 129(c)(2) (29 U.S.C. 2854(c)(2)) is amended—

(A) in subparagraph (A), by striking "secondary school, including dropout prevention strategies" and inserting "secondary school diploma or the General Equivalency Diploma (GED) (including recognized alternative standards for individuals with disabilities), including dropout prevention strategies";

(B) in subparagraph (I), by striking "and" at the end;

(C) in subparagraph (J), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

"(K) on-the-job training opportunities; and

"(L) financial literacy skills.".

(3) ADDITIONAL REQUIREMENTS.—Section 129(c)(3)(A) (29 U.S.C. 2854(c)(3)(A)) is amended in the matter preceding clause (i) by striking "or applicant who meets the minimum income criteria to be considered an eligible youth";

(4) PRIORITY AND EXCEPTIONS.—Section 129(c) (29 U.S.C. 2854(c)) is further amended—

(A) by striking paragraphs (4) and (5);

(B) by redesignating paragraph (6) as paragraph (4);

(C) by redesignating paragraph (7) as paragraph (5), and in such redesignated paragraph (5) by striking "youth councils" and inserting "local boards"; and

(D) by redesignating paragraph (8) as paragraph (6).

SEC. 112. COMPREHENSIVE PROGRAM FOR ADULTS.

(a) TITLE OF CHAPTER 5.—

(1) The title heading of chapter 5 is amended to read as follows:

"CHAPTER 5—COMPREHENSIVE EMPLOYMENT AND TRAINING ACTIVITIES FOR ADULTS".

(2) CONFORMING AMENDMENT.—Table of contents in section 1(b) is amended by amending the item related to the heading for chapter 5 to read as follows:

"CHAPTER 5—COMPREHENSIVE EMPLOYMENT AND TRAINING ACTIVITIES FOR ADULTS".

(b) GENERAL AUTHORIZATION.—Section 131 (29 U.S.C. 2861) is amended—

(1) by striking "paragraphs (1)(B) and (2)(B) of"; and

(2) by striking ", and dislocated workers,".

(c) STATE ALLOTMENTS.—

(1) IN GENERAL.—Section 132(a) (29 U.S.C. 2862(a)) is amended to read as follows:

"(a) IN GENERAL.—The Secretary shall—

"(1) reserve 10 percent of the amount appropriated under section 137(b) for a fiscal year, of which—

"(A) not less than 75 percent shall be used for national dislocated worker grants under section 173;

"(B) not more than 20 percent may be used for demonstration projects under section 171; and

"(C) not more than 5 percent may be used to provide technical assistance under section 170; and

"(2) make allotments from 90 percent of the amount appropriated under section 137(b) for a fiscal year in accordance with subsection (b).".

(2) ALLOTMENT AMONG STATES.—Section 132(b) (29 U.S.C. 2862(b)) is amended to read as follows:

"(b) ALLOTMENT AMONG STATES FOR ADULT EMPLOYMENT AND TRAINING ACTIVITIES.—

"(1) RESERVATION FOR OUTLYING AREAS.—From the amount made available under subsection (a)(2) for a fiscal year, the Secretary shall reserve not more than ¼ of 1 percent to provide assistance to outlying areas to carry out employment and training activities for adults and statewide workforce investment activities.

"(2) STATES.—Subject to paragraph (5), of the remainder of the amount referred to under subsection (a)(2) for a fiscal year that is available after determining the amount to be reserved under paragraph (1), the Secretary shall allot to the States for employment and training activities for adults and for statewide workforce investment activities—

"(A) 26 percent in accordance with paragraph (3); and

"(B) 74 percent in accordance with paragraph (4).

"(3) BASE FORMULA.—

"(A) FISCAL YEAR 2004.—

"(i) IN GENERAL.—Subject to clause (ii), the amount referred to in paragraph (2)(A) shall be allotted for fiscal year 2004 on the basis of allotment percentage of each State under section 6 of the Wagner-Peyser Act for fiscal year 2003.

"(ii) EXCESS AMOUNTS.—If the amount referred to in paragraph (2)(A) for fiscal year 2004 exceeds the amount that was available for allotment to the States under the Wagner-Peyser Act for fiscal year 2003, such excess amount shall be allotted on the basis of the relative number of individuals in the civilian labor force in each State, compared to the total number of individuals in the civilian labor force in all States, adjusted to ensure that no State receives less than 3/10 of one percent of such excess amount.

"(iii) DEFINITION.—For purposes of this subparagraph, the term 'allotment percentage' means the percentage of the amounts allotted to States under section 6 of the Wagner-Peyser Act that is received by the State involved for fiscal year 2003.

"(B) FISCAL YEARS 2005 AND THEREAFTER.—

"(i) IN GENERAL.—Subject to clause(ii), the amount referred to in paragraph(2)(A) shall be allotted for fiscal year 2005 and each fiscal year thereafter on the basis of the allotment percentage of each State under this paragraph for the preceding fiscal year.

"(ii) EXCESS AMOUNTS.—If the amount referred to in paragraph (2)(A) for fiscal year 2005 or any fiscal year thereafter exceeds the amount that was available for allotment under this paragraph for the prior fiscal year, such excess amount shall be allotted on the basis of the relative number of individuals in the civilian labor force in each State, compared to the total number of individuals in the civilian labor force in all States, adjusted to ensure that no State receives less than 3/10 of one percent of such excess amount.

"(iii) DEFINITION.—For purposes of this subparagraph, the term 'allotment percentage' means the percentage of the amounts allotted to States under this paragraph in a fiscal year that is received by the State involved for such fiscal year.

"(4) CONSOLIDATED FORMULA.—

"(A) IN GENERAL.—Subject to subparagraphs (B) and (C), of the amount referred to in paragraph (2)(B)—

"(i) 60 percent shall be allotted on the basis of the relative number of unemployed individuals in each State, compared to the total number of unemployed individuals in all States;

"(ii) 25 percent shall be allotted on the basis of the relative excess number of unemployed individuals in each State, compared to the total excess number of unemployed individuals in all States; and

"(iii) 15 percent shall be allotted on the basis of the relative number of disadvantaged adults in each State, compared to the total number of disadvantaged adults in all States.

"(B) MINIMUM AND MAXIMUM PERCENTAGES.—

"(i) MINIMUM PERCENTAGE.—The Secretary shall ensure that no State shall receive an allotment under this paragraph for a fiscal year that is less than 90 percent of the allotment percentage of the State under this paragraph for the preceding fiscal year.

"(ii) MAXIMUM PERCENTAGE.—Subject to clause (i), the Secretary shall ensure that no State shall receive an allotment for a fiscal year under this paragraph that is more than 130 percent of the allotment of the State under this paragraph for the preceding fiscal year.

"(C) SMALL STATE MINIMUM ALLOTMENT.—Subject to subparagraph (B), the Secretary shall ensure that no State shall receive an allotment under this paragraph that is less than 2/10 of 1 percent of the amount available under subparagraph (A).

"(D) DEFINITIONS.—For the purposes of this paragraph:

"(i) ALLOTMENT PERCENTAGE.—The term 'allotment percentage', used with respect to fiscal year 2004 or a subsequent fiscal year, means a percentage of the amounts described in paragraph (2)(B) that is received through an allotment made under this paragraph for the fiscal year. The term, with respect to fiscal year 2003, means the percentage of the amounts allotted to States under this chapter (as in effect on the day before the date of enactment of the Workforce Reinvestment and Adult Education Act of 2003) and under reemployment service grants received by the State involved for fiscal year 2003.

"(ii) DISADVANTAGED ADULT.—The term 'disadvantaged adult' means an individual who is age 22 through 72 who received an income, or is a member of a family that received a total family income, that, in relation to family size, does not exceed the poverty line.

"(iii) EXCESS NUMBER.—The term 'excess number' means, used with respect to the excess number of unemployed individuals within a State, the number that represents the number of unemployed individuals in excess of 4 and ½ percent of the civilian labor force in the State.

"(5) ADJUSTMENTS IN ALLOTMENTS BASED ON DIFFERENCES WITH UNCONSOLIDATED FORMULAS.—

"(A) IN GENERAL.—The Secretary shall ensure that for any fiscal year no State has an allotment difference, as defined in subparagraph (C), that is less than zero. The Secretary shall adjust the amounts allotted to the States under this subsection in accordance with subparagraph (B) if necessary to carry out this subparagraph.

"(B) ADJUSTMENTS IN ALLOTMENTS.—

"(i) REDISTRIBUTION OF EXCESS AMOUNTS.—

"(I) IN GENERAL.—If necessary to carry out subparagraph (A), the Secretary shall reduce the amounts that would be allotted under paragraphs (3) and (4) to States that have an excess allotment difference, as defined in subclause (II), by the amount of such excess, and use such amounts to increase the allotments to States that have an allotment difference less than zero.

"(II) EXCESS AMOUNTS.—For purposes of subclause (I), the term 'excess' allotment difference means an allotment difference for a State that is—

"(aa) in excess of 3 percent of the amount described in subparagraph (C)(i)(II); or

"(bb) in excess of a percentage established by the Secretary that is greater than 3 percent of the amount described in subparagraph (C)(i)(II) if the Secretary determines that such greater percentage is sufficient to carry out subparagraph (A).

"(ii) USE OF AMOUNTS AVAILABLE UNDER NATIONAL RESERVE ACCOUNT.—If the funds available under clause (i) are insufficient to carry out subparagraph (A), the Secretary shall use funds reserved under section 132(a) in such amounts as are necessary to increase the allotments to States to meet the requirements of subparagraph (A). Such funds shall be used in the same manner as the States use the other funds allotted under this subsection.

"(C) DEFINITION OF ALLOTMENT DIFFERENCE.—

"(i) IN GENERAL.—For purposes of this paragraph, the term 'allotment difference' means the difference between—

"(I) the total amount a State would receive of the amounts available for allotment under subsection (b)(2) for a fiscal year pursuant to paragraphs (3) and (4); and

"(II) the total amount the State would receive of the amounts available for allotment under subsection (b)(2) for the fiscal year if such amounts were allotted pursuant to the unconsolidated formulas (applied as described in clause (iii)) that were used in allotting funds for fiscal year 2003.

"(ii) UNCONSOLIDATED FORMULAS.—For purposes of clause (i), the unconsolidated formulas are:

"(I) The requirements for the allotment of funds to the States contained in section 132(b)(1)(B) of this Act (as in effect on the day before the date of enactment of the Workforce Reinvestment and Adult Education Act of 2003) that were applicable to the allotment of funds under such section for fiscal year 2003.

"(II) The requirements for the allotment of funds to the States contained in section 132(b)(2)(B) of this Act (as in effect on the day before the date of enactment of the Workforce Reinvestment and Adult Education Act of 2003) that were applicable to the allotment of funds under such section for fiscal year 2003.

"(III) The requirements for the allotment of funds to the States that were contained in section 6 of the Wagner-Peyser Act (as in effect on the day before the date of enactment of the Workforce Reinvestment and Adult Education Act of 2003) that were applicable to the allotment of funds under such Act for fiscal year 2003.

"(IV) The requirements for the allotment of funds to the States that were established by the Secretary for Reemployment Services Grants that were applicable to the allotment of funds for such grants for fiscal year 2003.

"(iii) PROPORTIONATE APPLICATION OF UNCONSOLIDATED FORMULAS BASED ON FISCAL YEAR 2003.—In calculating the amount under clause (i)(II), each of the unconsolidated formulas identified in clause (ii) shall be applied, respectively, only to the proportionate share of the total amount of funds available for allotment under subsection (b)(2) for a fiscal year that is equal to the proportionate share to which each of the unconsolidated formulas applied with respect to the total amount of funds allotted to the States under all of the unconsolidated formulas in fiscal year 2003.

"(iv) RULE OF CONSTRUCTION.—The amounts used to adjust the allotments to a State under subparagraph (B) for a fiscal year shall not be included in the calculation of the amounts under clause (i) for a subsequent fiscal year, including the calculation of allocation percentages for a preceding fiscal year applicable to paragraphs (3) and (4) and to the unconsolidated formulas described in clause (ii).".

(3) REALLOTMENT.—Section 132(c) (29 U.S.C. 2862(c)) is amended—

(A) by amending paragraph (2) to read as follows:

"(2) AMOUNT.—The amount available for reallotment for a program year is equal to the amount by which the unexpended balance, excluding accrued expenditures, at the end of such program year of the total amount of funds available to the State under this section during such program year (including amounts allotted to the State in prior program years that remain available during the program year for which the determination is made) exceeds 30 percent of such total amount.";

(B) in paragraph (3)—

(i) by striking "for the prior program year" and inserting "for the program year in which the determination is made"; and

(ii) by striking "such prior program year" and inserting "such program year"; and

(C) by amending paragraph (4) to read as follows:

"(4) ELIGIBILITY.—For purposes of this subsection, an eligible State means a State that does not have an amount available for reallotment under paragraph (2) for the program year for which the determination under paragraph (2) is made.".

(d) WITHIN STATE ALLOCATIONS.—

(1) RESERVATION FOR STATE ACTIVITIES.—Section 133(a) (29 U.S.C. 2863(a)) is amended to read as follows:

"(a) RESERVATION FOR STATEWIDE ACTIVITIES.—The Governor of a State may reserve up to 50 percent of the total amount allotted to the State under section 132 for a fiscal year to carry out the statewide activities described in section 134(a).".

(2) ALLOCATIONS TO LOCAL AREAS.—Section 133(b) (29 U.S.C. 2863(b)) is amended to read as follows:

"(b) ALLOCATIONS TO LOCAL AREAS.—

"(1) IN GENERAL.—Of the amounts allotted to the State under section 132(b)(2) and not reserved under subsection (a)—

"(A) 85 percent of such amounts shall be allocated by the Governor to local areas in accordance with paragraph (2); and

"(B) 15 percent of such amounts shall be allocated by the Governor to local areas in accordance with paragraph (3).

"(2) ESTABLISHED FORMULA.—

"(A) IN GENERAL.—Of the amounts described in paragraph (1)(A), the Governor shall allocate—

"(i) 60 percent on the basis of the relative number of unemployed individuals in each local area, compared to the total number of unemployed individuals in all local areas in the State;

"(ii) 25 percent on the basis of the relative excess number of unemployed individuals in each local area, compared to the total excess number of unemployed individuals in all local areas in the State; and

"(iii) 15 percent shall be allotted on the basis of the relative number of disadvantaged adults in each local area, compared to the total number of disadvantaged adults in all local areas in the State.

"(B) MINIMUM AND MAXIMUM PERCENTAGES.—The Governor shall ensure that no local area shall receive an allocation for a fiscal year under this paragraph that is less than 90 percent or greater than 130 percent of the allocation percentage of the local area for the preceding fiscal year.

"(C) DEFINITIONS.—

"(i) ALLOCATION PERCENTAGE.—The term 'allocation percentage', used with respect to fiscal year 2004 or a subsequent fiscal year, means a percentage of amount described in paragraph (1)(A) that is received through an allocation made under this paragraph for the fiscal year. The term, with respect to fiscal year 2003, means the percentage of the amounts allocated to local areas under this chapter (as in effect on the day before the date of enactment of the Workforce Reinvestment and Adult Education Act of 2003) that is received by the local area involved for fiscal year 2003.

"(ii) DISADVANTAGED ADULT.—The term 'disadvantaged adult' means an individual who is age 22 through 72 who received an income, or is a member of a family that received a total family income, that, in relation to family size, does not exceed the poverty line.

"(iii) EXCESS NUMBER.—The term 'excess number' means, used with respect to the excess number of unemployed individuals within a local area, the number that represents the number of unemployed individuals in excess of 4.5 percent of the civilian labor force in the local area.

"(3) DISCRETIONARY ALLOCATION.—The Governor shall allocate to local areas the amounts described in paragraph (1)(B) based on a formula developed in consultation with the State board and local boards. Such formula shall be objective and geographically equitable and may include such demographic and economic factors as the Governor, after consultation with the State board and local boards, determines are appropriate.

"(4) LOCAL ADMINISTRATIVE COST LIMIT.—

"(A) IN GENERAL.—Of the amounts allocated to a local area under this subsection and section 128(b) for a fiscal year, not more than 10 percent of the amount may be used by the local boards for the administrative costs of carrying out local workforce investment activities under this chapter or chapter 4.

"(B) USE OF FUNDS.—Funds made available for administrative costs under subparagraph (A) may be used for the administrative costs of any of the local workforce investment activities described in this chapter or chapter 4, regardless of whether the funds were allocated under this subsection or section 128(b).".

(3) REALLOCATION AMONG LOCAL AREAS.—Section 133(c) (29 U.S.C. 2863(c)) is amended—

(A) in paragraph (1), by striking "paragraph (2)(A) or (3) of";

(B) by amending paragraph (2) to read as follows:

"(2) AMOUNT.—The amount available for reallocation for a program year is equal to the amount by which the unexpended balance, excluding accrued expenditures, at the end of such program year of the total amount of funds available to the local area under this section during such program year (including amounts allotted to the local area in prior program years that remain available during the program year for which the determination is made) exceeds 30 percent of such total amount.";

(C) by amending paragraph (3)—

(i) by striking "subsection (b)(3)" each place it appears and inserting "subsection (b)";

(ii) by striking "the prior program year" and inserting "the program year in which the determination is made";

(iii) by striking "such prior program year" and inserting "such program year"; and

(iv) by striking the last sentence; and

(D) by amending paragraph (4) to read as follows:

"(4) ELIGIBILITY.—For purposes of this subsection, an eligible local area means a local area which does not have an amount available for reallocation under paragraph (2) for the program year for which the determination under paragraph (2) is made.".

(e) USE OF FUNDS FOR EMPLOYMENT AND TRAINING ACTIVITIES.—

(1) STATEWIDE EMPLOYMENT AND TRAINING ACTIVITIES.—

(A) IN GENERAL.—Section 134(a)(1) (29 U.S.C. 2864(a)(1) is amended to read as follows:

"(1) IN GENERAL.—

"(A) REQUIRED USE OF FUNDS.—Not less than 50 percent of the funds reserved by a Governor under section 133(a) shall be used to support the provision of core services in local areas, consistent with the local plan, through one-stop delivery systems by distributing funds to local areas in accordance with subparagraph (B). Such funds may be used by States to employ State personnel to provide such services in designated local areas in consultation with local boards.

"(B) METHOD OF DISTRIBUTING FUNDS.—The method of distributing funds under this paragraph shall be developed in consultation with the State board and local boards. Such method of distribution, which may include the formula established under section 121(h)(3), shall be objective and geographically equitable, and may include factors such as the number of centers in the local area that have been certified, the population served by such centers, and the performance of such centers.

"(C) OTHER USE OF FUNDS.—Funds reserved by a Governor for a State—

"(i) under section 133(a) and not used under subparagraph (A), may be used for statewide activities described in paragraph (2); and

"(ii) under section 133(a) and not used under subparagraph (A), and under section 128(a) may be used to carry out any of the statewide employment and training activities described in paragraph (3).".

(B) STATEWIDE RAPID RESPONSE ACTIVITIES.—Section 134(a)(2) (29 U.S.C. 2864(a)(2)) is amended to read as follows:

"(2) STATEWIDE RAPID RESPONSE ACTIVITIES.—A State shall carry out statewide rapid response activities using funds reserved as described in section 133(a). Such activities shall include—

"(A) provision of rapid response activities, carried out in local areas by the State or by an entity designated by the State, working in conjunction with the local boards and the chief elected officials in the local areas; and

"(B) provision of additional assistance to local areas that experience disasters, mass layoffs or plant closings, or other events that precipitate substantial increases in the number of unemployed individuals, carried out in local areas by the State, working in conjunction with the local boards and the chief elected officials in the local areas.".

(C) STATEWIDE EMPLOYMENT AND TRAINING ACTIVITIES.—Section 134(a)(3) (29 U.S.C. 2864(a)(3)) is amended to read as follows:

"(3) STATEWIDE ACTIVITIES.—Funds reserved by a Governor for a State as described in sections 133(a) and 128(a) may be used for statewide activities including—

"(A) supporting the provision of core services described in section 134(c)(2) in the one-stop delivery system;

"(B) conducting evaluations under section 136(e) of activities authorized under this chapter and chapter 4 in coordination with evaluations carried out by the Secretary under section 172, research, and demonstration projects;

"(C) providing incentive grants to local areas for regional cooperation among local boards (including local boards in a designated region as described in section 116(c)), for local coordination of activities carried out under this Act, and for exemplary performance by local areas on the local performance measures;

"(D) providing technical assistance and capacity building to local areas, one-stop operators, one-stop partners, and eligible providers, including the development and training of staff, the development of exemplary program activities, and the provision of technical assistance to local areas that fail to meet local performance measures;

"(E) operating a fiscal and management accountability system under section 136(f);

"(F) carrying out monitoring and oversight of activities carried out under this chapter and chapter 4;

"(G) implementing innovative programs, such as incumbent worker training programs, programs serving individuals with disabilities consistent with section 188;

"(H) developing strategies for effectively serving hard-to-serve populations and for integrating programs and services among one-stop partners;

"(I) implementing innovative programs for displaced homemakers, which for purposes of this subparagraph may include an individual who is receiving public assistance and is within 2 years of exhausting lifetime eligibility under Part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.); and

"(J) implementing programs to increase the number of individuals training for and placed in nontraditional employment.".

(D) LIMITATION ON STATE ADMINISTRATIVE EXPENDITURES.—Section 134(a) is further amended by adding the following new paragraph:

"(4) LIMITATION.—Not more than 5 percent of the funds allotted under section 132(b) shall be used by the State for administrative activities carried out under this subsection and section 128(a).".

(2) LOCAL EMPLOYMENT AND TRAINING ACTIVITIES.— Section 134(b) (29 U.S.C. 2864(b)) is amended—

(A) by striking "under paragraph (2)(A)" and all that follows through "section 133(b)(2)(B)" and inserting "under section 133(b)";

(B) in paragraphs (1) and (2), by striking "or dislocated workers, respectively" both places it appears; and

(C) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(3) REQUIRED LOCAL EMPLOYMENT AND TRAINING ACTIVITIES.—

(A) ALLOCATED FUNDS.—Section 134(c)(1) (29 U.S.C. 2864(c)(1)) (as redesignated by paragraph (2)) is amended to read as follows:

"(1) IN GENERAL.—Funds allocated to a local area for adults under section 133(b) shall be used—

"(A) to establish a one-stop delivery system as described in section 121(e);

"(B) to provide the core services described in paragraph (2) through the one-stop delivery system in accordance with such paragraph;

"(C) to provide the intensive services described in paragraph (3) to adults described in such paragraph; and

"(D) to provide training services described in paragraph (4) to adults described in such paragraph.".

(B) CORE SERVICES.—Section 134(c)(2) (29 U.S.C. 2864(c)(2)) (as redesignated by paragraph (2)) is amended—

(i) by striking "who are adults or dislocated workers";

(ii) in subparagraph (A), by striking "under this subtitle" and inserting "under the one-stop partner programs described in section 121(b)";

(iii) by amending subparagraph (D) to read as follows:

"(D) labor exchange services, including—

"(i) job search and placement assistance, and where appropriate career counseling;

"(ii) appropriate recruitment services for employers; and

"(iii) reemployment services provided to unemployment claimants.";

(iv) in subparagraph (I), by inserting "and the administration of the work test for the unemployment compensation system" after "compensation"; and

(v) by amending subparagraph (J) to read as follows:

"(J) assistance in establishing eligibility for programs of financial aid assistance for training and education programs that are not funded under this Act and are available in the local area; and".

(C) INTENSIVE SERVICES.—Section 134(c)(3) (29 U.S.C. 2864(c)(3) (as redesignated by paragraph (2) of this subsection) is amended—

(i) by amending subparagraph (A) to read as follows:

"(A) IN GENERAL.—

"(i) ELIGIBILITY.—Funds allocated to a local area under section 133(b) shall be used to provide intensive services for adults who—

"(I) are unemployed and who have been determined by the one-stop operator to be—

"(aa) unlikely or unable to obtain suitable employment through core services; and

"(bb) in need of intensive services in order to obtain suitable employment; or

"(II) are employed, but who are determined by a one-stop operator to be in need of intensive services to obtain or retain suitable employment.

"(ii) DEFINITION.—The Governor shall define the term 'suitable employment' for purposes of this subparagraph."; and

(ii) in subparagraph (C)—

(I) in clause (v), by striking "for participants seeking training services under paragraph (4)"; and

(II) by adding the following clauses after clause (vi):

"(vii) Internships and work experience.

"(viii) Literacy activities relating to basic work readiness, and financial literacy activities.

"(ix) Out-of-area job search assistance and relocation assistance.".

(D) TRAINING SERVICES.—Section 134(c)(4) (as redesignated by paragraph (2) of this subsection) is amended—

(i) by amending subparagraph (A) to read as follows:

"(A) IN GENERAL.—

"(i) ELIGIBILITY.—Funds allocated to a local area under section 133(b) shall be used to provide training services to adults who—

"(I) after an interview, evaluation, or assessment, and case management, have been determined by a one-stop operator or one-stop partner, as appropriate, to—

"(aa) be unlikely or unable to obtain or retain suitable employment through intensive services under paragraph (3)(A);

"(bb) be in need of training services to obtain or retain suitable employment; and

"(cc) have the skills and qualifications to successfully participate in the selected program of training services;

"(II) select programs of training services that are directly linked to the employment opportunities in the local area involved or in another area in which the adults receiving such services are willing to commute or relocate;

"(III) who meet the requirements of subparagraph (B); and

"(IV) who are determined eligible in accordance with the priority system in effect under subparagraph (E).

"(ii) The Governor shall define the term 'suitable employment' for purposes of this subparagraph.";

(ii) in subparagraph (B)(i), by striking "Except" and inserting "Notwithstanding section 479B of the Higher Education Act of 1965 (20 U.S.C. 1087uu) and except";

(iii) by amending subparagraph (E) to read as follows:

"(E) PRIORITY.—

"(i) IN GENERAL.—A priority shall be given to unemployed individuals for the provision of intensive and training services under this subsection.

"(ii) ADDITIONAL PRIORITY.—If the funds in the local area, including the funds allocated under section 133(b), for serving recipients of public assistance and other low-income individuals, including single parents, displaced homemakers, and pregnant single women, is limited, the priority for the provision of intensive and training services under this subsection shall include such recipients and individuals.

"(iii) DETERMINATIONS.—The Governor and the appropriate local board shall direct the one-stop operators in the local area with regard to making determinations with respect to the priority of service under this subparagraph.";

(iv) in subparagraph (F), by adding the following clause after clause (iii):

"(iv) ENHANCED INDIVIDUAL TRAINING ACCOUNTS.—Each local board may, through one-stop centers, assist individuals receiving individual training accounts through the establishment of such accounts that include, in addition to the funds provided under this paragraph, funds from other programs and sources that will assist the individual in obtaining training services."; and

(v) in subparagraph (G)(iv), by redesignating subclause (IV) as subclause (V) and inserting after subclause (III) the following:

"(IV) Individuals with disabilities.".

(4) PERMISSIBLE ACTIVITIES.—Section 134(d) (as redesignated by paragraph (2)) is amended—

(A) by amending paragraph (1) to read as follows:

"(1) DISCRETIONARY ONE-STOP DELIVERY ACTIVITIES.—

"(A) IN GENERAL.—Funds allocated to a local area under section 133(b) may be used to provide, through the one-stop delivery system—

"(i) customized screening and referral of qualified participants in training services to employers;

"(ii) customized employment-related services to employers on a fee-for-service basis;

"(iii) customer support to navigate among multiple services and activities for special participant populations that face multiple barriers to employment, including individuals with disabilities; and

"(iv) employment and training assistance provided in coordination with child support enforcement activities of the State agency carrying out subtitle D of title IV of the Social Security Act.

"(B) WORK SUPPORT ACTIVITIES FOR LOW-WAGE WORKERS.—

"(i) IN GENERAL.— Funds allocated to a local area under 133(b) may be used to provide, through the one-stop delivery system and in collaboration with the appropriate programs and resources of the one-stop partners, work support activities designed to assist low-wage workers in retaining and enhancing employment.

"(ii) ACTIVITIES.—The activities described in clause (i) may include assistance in accessing financial supports for which such workers may be eligible and the provision of activities available through the one-stop delivery system in a manner that enhances the opportunities of such workers to participate, such as the provision of employment and training activities during nontraditional hours and the provision of on-site child care while such activities are being provided."; and

(B) by adding after paragraph (3) the following new paragraph:

"(4) INCUMBENT WORKER TRAINING PROGRAMS.—

"(A) IN GENERAL.—The local board may use up to 10 percent of the funds allocated to a local area under section 133(b) to carry out incumbent worker training programs in accordance with this paragraph.

"(B) TRAINING ACTIVITIES.—The training programs for incumbent workers under this paragraph shall be carried out by the local area in conjunction with the employers of such workers for the purpose of assisting such workers in obtaining the skills necessary to retain employment and avert layoffs.

"(C) EMPLOYER MATCH REQUIRED.—

"(i) IN GENERAL.—Employers participating in programs under this paragraph shall be required to pay a proportion of the costs of providing the training to the incumbent workers. The Governor shall establish, or may authorize the local board to establish, the required portion of such costs, which shall not be less than—

"(I) 10 percent of the costs, for employers with 50 or fewer employees;

"(II) 25 percent of the costs, for employers with more than 50 employees but fewer than 100 employees; and

"(III) 50 percent of the costs, for employers with 100 or more employees.

"(ii) CALCULATION OF MATCH.—The wages paid by an employer to a worker while they are attending training may be included as part of the requirement payment of the employer.".

SEC. 113. PERFORMANCE ACCOUNTABILITY SYSTEM.

(a) STATE PERFORMANCE MEASURES.—

(1) IN GENERAL.—Section 136(b)(1) (29 U.S.C. 2871(b)(1)) is amended—

(A) in subparagraph (A)(i), by striking "and the customer satisfaction indicator of performance described in paragraph (2)(B)"; and

(B) in subparagraph (A)(ii), by striking "paragraph (2)(C)" and inserting "paragraph (2)(B)".

(2) INDICATORS OF PERFORMANCE.—Section 136(b)(2) (29 U.S.C. 2871(b)(2)) is amended—

(A) in subparagraph (A)(i), by striking "(except for self-service and information activities) and (for participants who are eligible youth age 19 through 21) for youth activities authorized under section 129";

(B) by amending subparagraph (A)(i)(IV) to read as follows:

"(IV) the efficiency of the program in obtaining the outcomes described in subclauses (I) through (III).";

(C) by amending subparagraph (A)(ii) to read as follows:

"(ii) CORE INDICATORS FOR ELIGIBLE YOUTH.—The core indicators of performance for youth activities authorized under section 129 shall consist of—

"(I) entry into employment, education or advanced training, or military service;

"(II) attainment of secondary school diplomas or the General Equivalency Diploma (GED) (including recognized alternative standards for individuals with disabilities);

"(III) attainment of literacy or numeracy skills; and

"(IV) the efficiency of the program in obtaining the outcomes described in subclauses (I) through (III).";

(D) by striking subparagraph (B);

(E) by redesignating subparagraph (C) as subparagraph (B), and by adding at the end of such subparagraph (as so redesignated) the following new sentence: "Such indicators may include customer satisfaction of employers and participants with services received from the workforce investment activities authorized under this subtitle.".

(3) LEVELS OF PERFORMANCE.—Section 136(b)(3)(A) (29 U.S.C. 2871(b)(3)(A)) is amended—

(A) in clause (i), by striking "and the customer satisfaction indicator described in paragraph (2)(B)";

(B) in clause (ii), by striking "and the customer satisfaction indicator of performance, for the first 3" and inserting "for the 2";

(C) in clause (iii)—

(i) in the heading, by striking "FOR FIRST 3 YEARS"; and

(ii) by striking "and the customer satisfaction indicator of performance, for the first 3" and inserting "for the 2";

(D) in clause (iv)—

(i) by striking subclause (I);

(ii) by redesignating subclauses (II) and (III) as subclauses (I) and (II), respectively; and

(iii) in subclause (I) (as so redesignated)—

(I) by striking "taking into account" and inserting "which shall be adjusted based on";

(II) by inserting "such as unemployment rates and job losses or gains in particular industries" after "economic conditions"; and

(III) by inserting "such as indicators of poor work history, lack of work experience, low levels of literacy or English proficiency, disability status, and welfare dependency" after "program";

(E) by striking clause (v); and

(F) by redesignating clause (vi) as clause (v).

(4) ADDITIONAL INDICATORS.—Section 136(b)(3)(B) is amended by striking "paragraph (2)(C)" and inserting "paragraph (2)(B)".

(b) LOCAL PERFORMANCE MEASURES.—Section 136(c) (29 U.S.C 2871(c)) is amended—

(1) in paragraph (1)(A)(i), by striking ", and the customer satisfaction indicator of performance described in subsection (b)(2)(B),";

(2) in paragraph (1)(A)(ii), by striking "subsection (b)(2)(C)" and inserting "subsection (b)(2)(B)"; and

(3) by amending paragraph (3) to read as follows:

"(3) DETERMINATIONS.—In determining such local levels of performance, the local board, the chief elected official, and the Governor shall ensure such levels are adjusted based on the specific economic characteristics (such as unemployment rates and job losses or gains in particular industries), demographic characteristics, or other characteristics of the population to be served in the local area, such as poor work history, lack of work experience, low levels of literacy or English proficiency, disability status, and welfare dependency.".

(c) REPORT.—Section 136(d) (29 U.S.C. 2871(d)) is amended—

(1) in paragraph (1), by striking "and the customer satisfaction indicator" in both places that it appears;

(2) in paragraph (2)(E), by striking "(excluding participants who received only self-service and informational activities)"; and

(3) by adding at the end the following:

"(4) DATA VALIDATION.—In preparing the reports described in this subsection, the States shall establish procedures, consistent with guidelines issued by the Secretary, to ensure the information contained in the report is valid and reliable.".

(d) SANCTIONS FOR STATE.—Section 136(g) (29 U.S.C. 2871(g)) is amended—

(1) in paragraph (1)(A), by striking "or (B)"; and

(2) in paragraph (2), by striking "section 503" and inserting "section 136(i)".

(e) SANCTIONS FOR LOCAL AREAS.—Section 136(h) (29 U.S.C. 2871(h)) is amended—

(1) in paragraph (1), by striking "or (B)"; and

(2) by amending paragraph (2)(B) to read as follows:

"(B) APPEAL TO GOVERNOR.—A local area that is subject to a reorganization plan under subparagraph (A) may, not later than 30 days after receiving notice of the reorganization plan, appeal to the Governor to rescind or revise such plan. In such case, the Governor shall make a final decision not later than 30 days after the receipt of the appeal.".

(f) INCENTIVE GRANTS.—Section 136(i) (29 U.S.C. 2871(i)) is amended to read as follows:

"(i) INCENTIVE GRANTS FOR STATES AND LOCAL AREAS.—

"(1) INCENTIVE GRANTS FOR STATES.—

"(A) IN GENERAL.—From funds appropriated under section 174, the Secretary may award grants to States for exemplary performance in carrying programs under this chapters 4 and 5 of this title. Such awards may be based on States meeting or exceeding the performance measures established under this section, on the performance of the State in serving special populations, including the levels of service provided and the performance outcomes, and such other factors relating to the performance of the State under this title as the Secretary determines is appropriate.

"(B) USE OF FUNDS.—The funds awarded to a State under this paragraph may be used to carry out any activities authorized under chapters 4 and 5 of this title, including demonstrations and innovative programs for special populations.

"(2) INCENTIVE GRANTS FOR LOCAL AREAS.—

"(A) IN GENERAL.—From funds reserved under sections 128(a) and 133(a), the Governor may award incentive grants to local areas for exemplary performance with respect to the measures established under this section and with the performance of the local area in serving special populations, including the levels of service and the performance outcomes.

"(B) USE OF FUNDS.—The funds awarded to a local area may be used to carry out activities authorized for local areas under chapters 4 and 5 of this title, and such demonstration or other innovative programs to serve special populations as may be approved by the Governor.".

(g) REPEAL OF DEFINITIONS.—Sections 502 and 503 (and the items related to such sections in the table of contents) are repealed.

SEC. 114. AUTHORIZATION OF APPROPRIATIONS.

(a) YOUTH ACTIVITIES.— Section 137(a) (29 U.S.C. 2872(a)) is amended by striking "such sums as may be necessary for each of fiscal years 1999 through 2003" and inserting "$1,250,000,000 for fiscal year 2004 and such sums as may be necessary for each of fiscal years 2005 through 2009".

(b) ADULT EMPLOYMENT AND TRAINING ACTIVITIES.—Section 137(b) (29 U.S.C. 2872(b)) is amended by striking "section 132(a)(1), such sums as may be necessary for each of fiscal years 1999 through 2003" and inserting "132(a), $3,079,800,000 for fiscal year 2004 and such sums as may be necessary for each of fiscal years 2005 through 2009".

(c) DISLOCATED WORKER EMPLOYMENT AND TRAINING ACTIVITIES.—Section 137 is further amended by striking subsection (c).

SEC. 115. JOB CORPS.

(a) COMMUNITY PARTICIPATION.—Section 153 (29 U.S.C. 2893) is amended—

(1) by amending subsection (a) to read as follows:

"(a) BUSINESS AND COMMUNITY PARTICIPATION.—The director of each Job Corps center shall ensure the establishment and development of the business and community relationships and networks described in subsection (b) in order to enhance the effectiveness of such center.";

(2) in subsection (b)—

(A) in the heading, by striking "RESPONSIBILITIES" and inserting "NETWORKS"; and

(B) by striking "The responsibilities of the Liaison" and inserting "The activities carried out by each Job Corps center under this section"; and

(3) in subsection (c), by striking "The Liaison for" and inserting "The director of".

(b) INDUSTRY COUNCILS.—Section 154(b) (29 U.S.C. 2894(b)) is amended—

(1) in paragraph (1)(A), by striking "local and distant"; and

(2) by adding after paragraph (2) the following:

"(3) EMPLOYERS OUTSIDE OF LOCAL AREAS.—The industry council may include, or otherwise provide for consultation with, employers from outside the local area who are likely to hire a significant number of enrollees from the Job Corps center.".

(c) INDICATORS OF PERFORMANCE AND ADDITIONAL INFORMATION.—Section 159(c) (29 U.S.C. 2893(c)) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) CORE INDICATORS.—The Secretary shall annually establish expected levels of performance for Job Corps centers and the Job Corps program relating to each of the core indicators for youth identified in section 136(b)(2)(A)(ii)."; and

(2) in paragraph (2), by striking "measures" each place it appears and inserting "indicators".

SEC. 116. NATIVE AMERICAN PROGRAMS.

(a) Advisory Council.—Section 166(h)(4)(C) (29 U.S.C. 2911(h)(4)(C)) is amended to read as follows:

"(C) Duties.—The Council shall advise the Secretary on the operation and administration of the programs assisted under this section.".

(b) Assistance to American Samoans in Hawaii.—Section 166 (29 U.S.C. 2911) is further amended by striking subsection (j).

(c) Migrant and Seasonal Farmworker Programs.—Section 167(d) is amended by inserting "(including permanent housing)" after "housing".

SEC. 117. YOUTH CHALLENGE GRANTS.

Section 169 (29 U.S.C. 2914) is amended to read as follows:

"SEC. 169. YOUTH CHALLENGE GRANTS.

"(a) In General.—Of the amounts reserved by the Secretary under section 127(a)(1)(A) for a fiscal year—

"(1) the Secretary shall use not less than 80 percent to award competitive grants under subsection (b); and

"(2) the Secretary may use not more than 20 percent to award discretionary grants under subsection (c).

"(b) Competitive Grants to States and Local Areas.—

"(1) Establishment.—From the funds described in subsection (a)(1), the Secretary shall award competitive grants to eligible entities to carry out activities authorized under this section to assist eligible youth in acquiring the skills, credentials and employment experience necessary to succeed in the labor market.

"(2) Eligible entities.—Grants under this subsection may be awarded to States, local boards, recipients of grants under section 166 (relating to Native American programs), and public or private entities (including consortia of such entities) applying in conjunction with local boards.

"(3) Grant period.—The Secretary may make a grant under this section for a period of 1 year and may renew the grants for each of the 4 succeeding years.

"(4) Authority to require match.—The Secretary may require that grantees under this subsection provide a non-Federal share of the cost of activities carried out under a grant awarded under this subsection.

"(5) Participant eligibility.—Youth ages 14 through 19 as of the time the eligibility determination is made may be eligible to participate in activities provided under this subsection.

"(6) Use of funds.—Funds under this subsection may be used for activities that are designed to assist youth in acquiring the skills, credentials and employment experience that are necessary to succeed in the labor market, including the activities identified in section 129. The activities may include activities such as—

"(A) training and internships for out-of-school youth in sectors of economy experiencing or projected to experience high growth;

"(B) after-school dropout prevention activities for in-school youth;

"(C) activities designed to assist special youth populations, such as court-involved youth and youth with disabilities; and

"(D) activities combining remediation of academic skills, work readiness training, and work experience, and including linkages to postsecondary education, apprenticeships, and career-ladder employment.

"(7) Applications.—To be eligible to receive a grant under this subsection, an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

"(A) a description of the activities the eligible entity will provide to eligible youth under this subsection;

"(B) a description of the programs of demonstrated effectiveness on which the provision of the activities under subparagraph (A) are based, and a description of how such activities will expand the base of knowledge relating to the provision of activities for youth;

"(C) a description of the private and public, and local and State resources that will be leveraged to provide the activities described under subparagraph (A) in addition the funds provided under this subsection; and

"(D) the levels of performance the eligible entity expects to achieve with respect to the indicators of performance for youth specified in section 136(b)(2)(A)(ii).

"(8) Factors for award.—In awarding grants under this subsection the Secretary may consider the quality of the proposed project, the goals to be achieved, the likelihood of successful implementation, the extent to which the project is based on proven strategies or the extent to which the project will expand the knowledge base on activities for youth, and the additional State, local or private resources that will be provided.

"(9) Evaluation.—The Secretary may reserve up to 5 percent of the funds described in subsection(a)(1) to provide technical assistance to, and conduct evaluations of the projects funded under this subsection (using appropriate techniques as described in section 172(c)).

"(c) Discretionary Grants for Youth Activities.—

"(1) In general.—From the funds described in subsection(a)(2), the Secretary may award grants to eligible entities to provide activities that will assist youth in preparing for, and entering and retaining, employment.

"(2) Eligible entities.—Grants under this subsection may be awarded to public or private entities that the Secretary determines would effectively carry out activities relating to youth under this subsection.

"(3) Participant eligibility.—Youth ages 14 through 19 at the time the eligibility determination is made may be eligible to participate in activities under this subsection.

"(4) Use of funds.—Funds provided under this subsection may be used for activities that will assist youth in preparing for, and entering and retaining, employment, including the activities described in section 129 for out-of-school youth, activities designed to assist in-school youth to stay in school and gain work experience, and such other activities that the Secretary determines are appropriate.

"(5) Applications.—To be eligible to receive a grant under this subsection, an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(6) Additional requirements.—The Secretary may require the provision of a non-Federal share for projects funded under this subsection and may require participation of grantees in evaluations of such projects, including evaluations using the techniques as described in section 172(c).".

SEC. 118. TECHNICAL ASSISTANCE.

Section 170 (29 U.S.C. 2915) is amended—

(1) by striking subsection (b);

(2) by striking "(a) General Technical Assistance.—";

(3) by redesignating paragraphs (1), (2), and (3) as subsections (a), (b), and (c) respectively, and moving such subsections 2 ems to the left;

(4) in subsection (a) (as redesignated by paragraph (3))—

(A) by inserting "the training of staff providing rapid response services, the training of other staff of recipients of funds under this title, peer review activities under this title, assistance regarding accounting and program operation practices (when such assistance would not be duplicative to assistance provided by the State)," after "localities,"; and

(B) by striking "from carrying out activities" and all that follows up to the period and inserting "to implement the amendments made by the Workforce Reinvestment and Adult Education Act of 2003"; and

(5) by inserting, after subsection (c) (as redesignated by paragraph (3)), the following:

"(d) Best Practices Coordination.—The Secretary shall establish a system whereby States may share information regarding best practices with regards to the operation of workforce investment activities under this Act.".

SEC. 119. DEMONSTRATION, PILOT, MULTISERVICE, RESEARCH AND MULTISTATE PROJECTS.

(a) Demonstration and Pilot Projects.—Section 171(b) (29 U.S.C. 2916(b)) is amended—

(1) in paragraph (1)—

(A) by striking "Under a" and inserting "Consistent with the priorities specified in the";

(B) by amending subparagraphs (A) through (D) to read as follows:

"(A) projects that assist national employers in connecting with the workforce investment system established under this title in order to facilitate the recruitment and employment of needed workers and to provide information to such system on skills and occupations in demand;

"(B) projects that promote the development of systems that will improve the effectiveness and efficiency of programs carried out under this title;

"(C) projects that focus on opportunities for employment in industries and sectors of industries that are experiencing or are likely to experience high rates of growth;

"(D) projects carried out by States and local areas to test innovative approaches to delivering employment-related services;";

(C) by striking subparagraph (E);

(D) by redesignating subparagraphs (F) and (G) as subparagraphs (E) and (F), respectively;

(E) by inserting after subparagraph (F) (as so redesignated) the following:

"(G) projects that provide retention grants to qualified job training programs upon placement or retention of a low-income individual trained by that program in employment with a single employer for a period of 1 year, provided that such employment is providing to the low-income individual an income not less than twice the poverty line for that individual."; and

(F) by striking subparagraph (H); and

(2) in paragraph (2)—

(A) by striking subparagraph (B); and

(B) by redesignating subparagraph (C) as subparagraph (B).

(b) Multiservice Projects.—Section 171(c)(2)(B) (29 U.S.C. 2916(c)(2)(B)) is amended to read as follows:

"(B) Net impact studies and reports.—The Secretary shall conduct studies to determine the net impacts of programs, services, and activities carried out under this title. The Secretary shall prepare and disseminate to the public reports containing the results of such studies.".

(c) WAIVER AUTHORITY TO CARRY OUT DEMONSTRATIONS AND EVALUATIONS.—Section 171 (29 U.S.C. 2916(d)) is further amended by striking subsection (d).

SEC. 120. EVALUATIONS.

(a) IN GENERAL.—Section 173 (29 U.S.C. 2916) is amended—

(1) by amending the designation and heading to read as follows:

"SEC. 173. NATIONAL DISLOCATED WORKER GRANTS.";

and

(2) in subsection (a)—

(A) by striking "national emergency grants" in the matter preceding paragraph (1) and inserting "national dislocated worker grants"; and

(B) in paragraph (1), by striking "subsection (c)" and inserting "subsection (b)".

(b) ADMINISTRATION.—Section 173 (29 U.S.C. 2918) is further amended—

(1) by striking subsection (b) and redesignating subsections (c) and (d) as subsections (b) and (c), respectively; and

(2) by striking subsection (e) and redesignating subsections (f) and (g) as subsection (d) and (e), respectively.

(c) ELIGIBLE ENTITIES.—Section 173(b)(1)(B) (29 U.S.C. 2918(b)(1)(B)) (as redesignated by subsection (b) of this section) is amended by striking ", and other entities" and all that follows and inserting a period.

(d) CONFORMING AMENDMENT.—The table of contents in section 1(b) is amended by amending the item related to section 173 to read as follows:

"Sec. 173. National dislocated worker grants.".

SEC. 121. AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL ACTIVITIES.

(a) IN GENERAL.—Section 174(a)(1) (29 U.S.C. 2919(a)(1)) is amended by striking "1999 through 2003" and inserting "2004 through 2009".

(b) RESERVATIONS.—Section 174(b) is amended to read as follows:

"(b) TECHNICAL ASSISTANCE; DEMONSTRATION AND PILOT PROJECTS; EVALUATIONS; INCENTIVE GRANTS.—There are authorized to be appropriated to carry out sections 170 through 172 and section 136 such sums as may be necessary for each of fiscal years 2004 through 2009.".

SEC. 122. REQUIREMENTS AND RESTRICTIONS.

(a) IN GENERAL.—Section 181(c)(2)(A) (29 U.S.C. 2931(c)(2)(A)) is amended in the matter preceding clause (i) by striking "shall" and inserting "may".

(b) LIMITATIONS.—Section 181(e) is amended by striking the first sentence.

SEC. 123. NONDISCRIMINATION.

Section 188(a)(2) (29 U.S.C. 2931(a)(2)) is amended—

(1) by striking "EMPLOYMENT.—No" and inserting "EMPLOYMENT.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), no"; and

(2) by adding at the end the following subparagraph:

"(B) EXEMPTION FOR RELIGIOUS ORGANIZATIONS.—Subparagraph (A) shall not apply to a recipient of financial assistance under this title that is a religious corporation, association, educational institution, or society, with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, or society of its activities. Such recipients shall comply with the other requirements contained in subparagraph (A).".

SEC. 124. ADMINISTRATIVE PROVISIONS.

(a) PROGRAM YEAR.—Section 189(g)(1) (29 U.S.C. 2939(g)(1)) is amended to read as follows:

"(1) IN GENERAL.—Appropriations for any fiscal year for programs and activities carried out under this title shall be available for obligation only on the basis of a program year. The program year shall begin on July 1 in the fiscal year for which the appropriation is made.".

(b) AVAILABILITY.—Section 189(g)(2) (29 U.S.C. 2939(g)(2)) is amended by striking "each State" and inserting "each recipient".

(c) GENERAL WAIVERS.—Section 189(i)(4) (29 U.S.C. 2939(i)(4)) is amended—

(1) in subparagraph (A), in the matter preceding clause (i), by inserting ", or in accordance with subparagraph (D)," after "subparagraph (B)"; and

(2) by adding the following subparagraph:

"(D) EXPEDITED PROCESS FOR EXTENDING APPROVED WAIVERS TO ADDITIONAL STATES.—In lieu of the requirements of subparagraphs (B) and (C), the Secretary may establish an expedited procedure for the purpose of extending to additional States the waiver of statutory or regulatory requirements that have been approved for a State pursuant to a request under subparagraph (B). Such procedure shall ensure that the extension of such waivers to additional States are accompanied by appropriate conditions relating the implementation of such waivers.".

SEC. 125. GENERAL PROGRAM REQUIREMENTS.

Section 195 (29 U.S.C. 2945) is amended by adding at the end the following new paragraph:

"(14) Funds provided under this title shall not be used to establish or operate standalone fee-for-service enterprises that compete with private sector employment agencies within the meaning of section 701(c) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(c)). For purposes of this paragraph, such an enterprise does not include one-stop centers.".

TITLE II—ADULT EDUCATION

PART A—ADULT BASIC SKILLS AND FAMILY LITERACY EDUCATION

SEC. 201. TABLE OF CONTENTS.

The table of contents in section 1(b) is amended by amending the items relating to title II to read as follows:

"TITLE II—ADULT BASIC SKILLS AND FAMILY LITERACY EDUCATION

"Sec. 201. Short title.
"Sec. 202. Purpose.
"Sec. 203. Definitions.
"Sec. 204. Home schools.
"Sec. 205. Authorization of appropriations.

"CHAPTER 1—FEDERAL PROVISIONS

"Sec. 211. Reservation of funds; grants to eligible agencies; allotments.
"Sec. 212. Performance accountability system.
"Sec. 213. Incentive grants for states.

"CHAPTER 2—STATE PROVISIONS

"Sec. 221. State administration.
"Sec. 222. State distribution of funds; matching requirement.
"Sec. 223. State leadership activities.
"Sec. 224. State plan.
"Sec. 225. Programs for corrections education and other institutionalized individuals.

"CHAPTER 3—LOCAL PROVISIONS

"Sec. 231. Grants and contracts for eligible providers.
"Sec. 232. Local application.
"Sec. 233. Local administrative cost limits.

"CHAPTER 4—GENERAL PROVISIONS

"Sec. 241. Administrative provisions.
"Sec. 242. National leadership activities.".

SEC. 202. AMENDMENT.

Title II is amended to read as follows:

"TITLE II—ADULT BASIC SKILLS AND FAMILY LITERACY EDUCATION

"SEC. 201. SHORT TITLE.

"This title may be cited as the 'Adult Basic Skills and Family Literacy Education Act'.

"SEC. 202. PURPOSE.

"It is the purpose of this title to provide instructional opportunities for adults seeking to improve their basic reading, writing, speaking, and math skills, and support States and local communities in providing, on a voluntary basis, adult basic skills and family literacy programs, in order to—

"(1) increase the basic reading, writing, speaking, and math skills necessary for adults to obtain employment and self-sufficiency and to successfully advance in the workforce;

"(2) assist adults in the completion of a secondary school education (or its equivalent) and the transition to a postsecondary educational institution;

"(3) increase the basic reading, writing, speaking, and math skills of parents to enable them to support the educational development of their children and make informed choices regarding their children's education; and

"(4) assist immigrants who are not proficient in English in improving their reading, writing, speaking, and math skills and acquiring an understanding of the American free enterprise system, individual freedom, and the responsibilities of citizenship.

"SEC. 203. DEFINITIONS.

"In this title:

"(1) ADULT BASIC SKILLS AND FAMILY LITERACY EDUCATION PROGRAMS.—The term 'adult basic skills and family literacy education programs' means a sequence of academic instruction and educational services below the postsecondary level that increase an individual's ability to read, write, and speak in English and perform mathematical computations leading to a level of proficiency equivalent to secondary school completion that is provided for individuals—

"(A) who are at least 16 years of age;

"(B) who are not enrolled or required to be enrolled in secondary school under State law; and

"(C) who—

"(i) lack sufficient mastery of basic reading, writing, speaking, and math skills to enable the individuals to function effectively in society;

"(ii) do not have a secondary school diploma or the General Equivalency Diploma (GED) (including recognized alternative standards for individuals with disabilities), and have not achieved an equivalent level of education; or

"(iii) are unable to read, write, or speak the English language.

"(2) ELIGIBLE AGENCY.—The term 'eligible agency'—

"(A) means the sole entity or agency in a State or an outlying area responsible for administering or supervising policy for adult basic skills and family literacy education programs in the State or outlying area, respectively, consistent with the law of the State or outlying area, respectively; and

"(B) may be the State educational agency, the State agency responsible for administering workforce investment activities, or the State agency responsible for administering community or technical colleges.

"(3) ELIGIBLE PROVIDER.—The term 'eligible provider' means—

"(A) a local educational agency;

"(B) a community-based or faith-based organization of demonstrated effectiveness;

"(C) a volunteer literacy organization of demonstrated effectiveness;

"(D) an institution of higher education;

"(E) a public or private educational agency;

"(F) a library;

"(G) a public housing authority;

"(H) an institution that is not described in any of subparagraphs (A) through (G) and has the ability to provide adult basic skills and family literacy education programs to adults and families; or

"(I) a consortium of the agencies, organizations, institutions, libraries, or authorities described in any of subparagraphs (A) through (H).

"(4) English language acquisition program.—The term 'English language acquisition program' means a program of instruction designed to help individuals with limited English proficiency achieve competence in reading, writing, and speaking the English language.

"(5) Essential components of reading instruction.—The term 'essential components of reading instruction' has the meaning given to that term in section 1208 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6368).

"(6) Family literacy education programs.—The term 'family literacy education programs' means educational programs that—

"(A) assist parents and students, on a voluntary basis, in achieving the purposes of this title as described in section 202; and

"(B) are of sufficient intensity in terms of hours and of sufficient duration to make sustainable changes in a family, are based upon scientific research-based principles, and for the purpose of substantially increasing the ability of parents and children to read, write, and speak English integrate—

"(i) interactive literacy activities between parents and their children;

"(ii) training for parents regarding how to be the primary teacher for their children and full partners in the education of their children;

"(iii) parent literacy training that leads to economic self-sufficiency; and

"(iv) an age-appropriate education to prepare children for success in school and life experiences.

"(7) Governor.—The term 'Governor' means the chief executive officer of a State or outlying area.

"(8) Individual with a disability.—

"(A) In general.—The term 'individual with a disability' means an individual with any disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)).

"(B) Individuals with disabilities.—The term 'individuals with disabilities' means more than one individual with a disability.

"(9) Individual with limited English proficiency.—The term 'individual with limited English proficiency' means an adult or out-of-school youth who has limited ability in reading, writing, speaking, or understanding the English language, and—

"(A) whose native language is a language other than English; or

"(B) who lives in a family or community environment where a language other than English is the dominant language.

"(10) Institution of higher education.—The term 'institution of higher education' has the meaning given to that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

"(11) Literacy.—The term 'literacy' means the ability to read, write, and speak the English language with competence, knowledge, and comprehension.

"(12) Local educational agency.—The term 'local educational agency' has the meaning given to that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

"(13) Outlying area.—The term 'outlying area' has the meaning given to that term in section 101 of this Act.

"(14) Postsecondary educational institution.—The term 'postsecondary educational institution' means—

"(A) an institution of higher education that provides not less than a 2-year program of instruction that is acceptable for credit toward a bachelor's degree;

"(B) a tribally controlled community college; or

"(C) a nonprofit educational institution offering certificate or apprenticeship programs at the postsecondary level.

"(15) Reading.—The term 'reading' has the meaning given to that term in section 1208 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6368).

"(16) Scientifically based reading research.—The term 'scientifically based reading research' has the meaning given to that term in section 1208 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6368).

"(17) Secretary.—The term 'Secretary' means the Secretary of Education.

"(18) State.—The term 'State' means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(19) State educational agency.—The term 'State educational agency' has the meaning given to that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

"(20) Workplace literacy program.—The term 'workplace literacy program' means an educational program that is offered in collaboration between eligible providers and employers or employee organizations for the purpose of improving the productivity of the workforce through the improvement of reading, writing, speaking, and math skills.

"SEC. 204. HOME SCHOOLS.

"Nothing in this title shall be construed to affect home schools, whether or not a home school is treated as a home school or a private school under State law, or to compel a parent engaged in home schooling to participate in an English language acquisition program, a family literacy education program, or an adult basic skills and family literacy education program.

"SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this title $584,300,000 for fiscal year 2004 and such sums as may be necessary for fiscal years 2005 through 2009.

"CHAPTER 1—FEDERAL PROVISIONS

"SEC. 211. RESERVATION OF FUNDS; GRANTS TO ELIGIBLE AGENCIES; ALLOTMENTS.

"(a) Reservation of Funds.—From the sums appropriated under section 205 for a fiscal year, the Secretary—

"(1) shall reserve 1.75 percent to carry out the National Institute for Literacy Establishment Act;

"(2) shall reserve up to 1.72 percent for incentive grants under section 213; and

"(3) shall reserve up to 1.55 percent to carry out section 242.

"(b) Grants to Eligible Agencies.—

"(1) In general.—From the sums appropriated under section 205 and not reserved under subsection (a) for a fiscal year, the Secretary shall award a grant to each eligible agency having a State plan approved under section 224 in an amount equal to the sum of the initial allotment under subsection (c)(1) and the additional allotment under subsection (c)(2) for the eligible agency for the fiscal year, subject to subsections (f) and (g).

"(2) Purpose of grants.—The Secretary may award a grant under paragraph (1) only if the eligible agency involved agrees to expend the grant in accordance with the provisions of this title.

"(c) Allotments.—

"(1) Initial allotments.—From the sums appropriated under section 205 and not reserved under subsection (a) for a fiscal year, the Secretary shall allot to each eligible agency having a State plan approved under section 224—

"(A) $100,000, in the case of an eligible agency serving an outlying area; and

"(B) $250,000, in the case of any other eligible agency.

"(2) Additional allotments.—From the sums appropriated under section 205, not reserved under subsection (a), and not allotted under paragraph (1), for a fiscal year, the Secretary shall allot to each eligible agency that receives an initial allotment under paragraph (1) an additional amount that bears the same relationship to such sums as the number of qualifying adults in the State or outlying area served by the eligible agency bears to the number of such adults in all States and outlying areas.

"(d) Qualifying Adult.—For the purpose of subsection (c)(2), the term 'qualifying adult' means an adult who—

"(1) is at least 16 years of age;

"(2) is beyond the age of compulsory school attendance under the law of the State or outlying area;

"(3) does not have a secondary school diploma or the General Equivalency Diploma (GED) (including recognized alternative standards for individuals with disabilities); and

"(4) is not enrolled in secondary school.

"(e) Special Rule.—

"(1) In general.—From amounts made available under subsection (c) for the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau, the Secretary shall award grants to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau to carry out activities described in this title in accordance with the provisions of this title as determined by the Secretary.

"(2) Termination of eligibility.—Notwithstanding any other provision of law, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau shall be eligible to receive a grant under this title until an agreement for the extension of United States education assistance under the Compact of Free Association for each of the Freely Associated States becomes effective.

"(3) Administrative costs.—The Secretary may provide not more than 5 percent of the funds made available for grants under this subsection to pay the administrative costs of the Pacific Region Educational Laboratory regarding activities assisted under this subsection.

"(f) Hold-Harmless Provisions.—

"(1) In general.—Notwithstanding subsection (c), and subject to paragraphs (2) and (3), for fiscal year 2004 and each succeeding fiscal year, no eligible agency shall receive an allotment under this title that is less than 90 percent of the allotment the eligible agency received for the preceding fiscal year under this title.

"(2) Exception.—An eligible agency that receives for the preceding fiscal year only an initial allotment under subsection 211(c)(1) (and no additional allotment under 211(c)(2)) shall receive an allotment equal to 100 percent of the initial allotment.

"(3) Ratable reduction.—If for any fiscal year the amount available for allotment under this title is insufficient to satisfy the provisions of paragraph (1), the Secretary shall ratably reduce the payments to all eligible agencies, as necessary.

"(g) Reallotment.—The portion of any eligible agency's allotment under this title for a fiscal year that the Secretary determines will not be required for the period such allotment is available for carrying out activities under this title, shall be available for reallotment from time to time, on such dates during such period as the Secretary shall fix, to other eligible agencies in proportion to the original allotments to such agencies under this title for such year.

"SEC. 212. PERFORMANCE ACCOUNTABILITY SYSTEM.

"(a) Purpose.—The purpose of this section is to establish a comprehensive performance accountability system, composed of the activities described in this section, to assess the effectiveness of eligible agencies in achieving continuous improvement of adult basic skills and family literacy education programs funded under this title, in order to optimize the return on investment of Federal funds in adult basic skills and family literacy education programs.

"(b) Eligible Agency Performance Measures.—

"(1) In general.—For each eligible agency, the eligible agency performance measures shall consist of—

"(A)(i) the core indicators of performance described in paragraph (2)(A); and

"(ii) employment performance indicators identified by the eligible agency under paragraph (2)(B); and

"(B) an eligible agency adjusted level of performance for each indicator described in subparagraph (A).

"(2) Indicators of performance.—

"(A) Core indicators of performance.—The core indicators of performance shall include the following:

"(i) Measurable improvements in basic skill levels in reading, writing, and speaking the English language and basic math, leading to proficiency in each skill.

"(ii) Receipt of a secondary school diploma or the General Equivalency Diploma (GED) (including recognized alternative standards for individuals with disabilities).

"(iii) Placement in postsecondary education or other training programs.

"(B) Employment performance indicators.—Consistent with applicable Federal and State privacy laws, an eligible agency shall identify in the State plan the following individual participant employment performance indicators—

"(i) entry into employment;

"(ii) retention in employment; and

"(iii) increase in earnings.

"(3) Levels of performance.—

"(A) Eligible agency adjusted levels of performance for core indicators.—

"(i) In general.—For each eligible agency submitting a State plan, there shall be established, in accordance with this subparagraph, levels of performance for each of the core indicators of performance described in paragraph (2)(A) for adult basic skills and family literacy education programs authorized under this title. The levels of performance established under this subparagraph shall, at a minimum—

"(I) be expressed in an objective, quantifiable, and measurable form; and

"(II) show the progress of the eligible agency toward continuously and significantly improving the agency's performance outcomes in an objective, quantifiable, and measurable form.

"(ii) Identification in State plan.—Each eligible agency shall identify, in the State plan submitted under section 224, expected levels of performance for each of the core indicators of performance for the first 3 program years covered by the State plan.

"(iii) Agreement on eligible agency adjusted levels of performance for first 3 years.—In order to ensure an optimal return on the investment of Federal funds in adult basic skills and family literacy education programs authorized under this title, the Secretary and each eligible agency shall reach agreement on levels of student proficiency for each of the core indicators of performance, for the first 3 program years covered by the State plan, taking into account the levels identified in the State plan under clause (ii) and the factors described in clause (iv). The levels agreed to under this clause shall be considered to be the eligible agency adjusted levels of performance for the eligible agency for such years and shall be incorporated into the State plan prior to the approval of such plan.

"(iv) Factors.—The agreement described in clause (iii) or (v) shall take into account—

"(I) how the levels involved compare with the eligible agency's adjusted levels of performance, taking into account factors including the characteristics of participants when the participants entered the program; and

"(II) the extent to which such levels promote continuous and significant improvement in performance on the student proficiency measures used by such eligible agency and ensure optimal return on the investment of Federal funds.

"(v) Agreement on eligible agency adjusted levels of performance for second 3 years.—Prior to the fourth program year covered by the State plan, the Secretary and each eligible agency shall reach agreement on levels of student proficiency for each of the core indicators of performance for the fourth, fifth, and sixth program years covered by the State plan, taking into account the factors described in clause (iv). The levels agreed to under this clause shall be considered to be the eligible agency adjusted levels of performance for the eligible agency for such years and shall be incorporated into the State plan.

"(vi) Revisions.—If unanticipated circumstances arise in a State resulting in a significant change in the factors described in clause (iv)(I), the eligible agency may request that the eligible agency adjusted levels of performance agreed to under clause (iii) or (v) be revised.

"(B) Levels of employment performance.—The eligible agency shall identify, in the State plan, eligible agency levels of performance for each of the employment performance indicators described in paragraph (2)(B). Such levels shall be considered to be eligible agency adjusted levels of performance for purposes of this title.

"(c) Report.—

"(1) In general.—Each eligible agency that receives a grant under section 211(b) shall annually prepare and submit to the Secretary, the Governor, the State legislature, eligible providers, and the general public within the State, a report on the progress of the eligible agency in achieving eligible agency performance measures, including the following:

"(A) Information on the levels of performance achieved by the eligible agency with respect to the core indicators of performance and employment performance indicators.

"(B) The number and type of each eligible provider that receives funding under such grant.

"(2) Information dissemination.—The Secretary—

"(A) shall make the information contained in such reports available to the general public through publication and other appropriate methods;

"(B) shall disseminate State-by-State comparisons of the information; and

"(C) shall provide the appropriate committees of the Congress with copies of such reports.

"SEC. 213. INCENTIVE GRANTS FOR STATES.

"(a) In General.—From funds appropriated under section 211(a)(2), the Secretary may award grants to States for exemplary performance in carrying out programs under this title. Such awards shall be based on States meeting or exceeding the core indicators of performance established under section 212(b)(2)(A) and may be based on the performance of the State in serving populations, such as those described in section 224(b)(10), including the levels of service provided and the performance outcomes, and such other factors relating to the performance of the State under this title as the Secretary determines appropriate.

"(b) Use of Funds.—The funds awarded to a State under this paragraph may be used to carry out any activities authorized under this title, including demonstrations and innovative programs for hard-to-serve populations.

"CHAPTER 2—STATE PROVISIONS

"SEC. 221. STATE ADMINISTRATION.

"Each eligible agency shall be responsible for the following activities under this title:

"(1) The development, submission, implementation, and monitoring of the State plan.

"(2) Consultation with other appropriate agencies, groups, and individuals that are involved in, or interested in, the development and implementation of activities assisted under this title.

"(3) Coordination and avoidance of duplication with other Federal and State education, training, corrections, public housing, and social service programs.

"SEC. 222. STATE DISTRIBUTION OF FUNDS; MATCHING REQUIREMENT.

"(a) State Distribution of Funds.—Each eligible agency receiving a grant under this title for a fiscal year—

"(1) shall use an amount not less than 82.5 percent of the grant funds to award grants and contracts under section 231 and to carry out section 225, of which not more than 10 percent of such amount shall be available to carry out section 225;

"(2) shall use not more than 12.5 percent of the grant funds to carry out State leadership activities under section 223; and

"(3) shall use not more than 5 percent of the grant funds, or $75,000, whichever is greater, for the administrative expenses of the eligible agency.

"(b) Matching Requirement.—

"(1) In general.—In order to receive a grant from the Secretary under section

211(b), each eligible agency shall provide, for the costs to be incurred by the eligible agency in carrying out the adult basic skills and family literacy education programs for which the grant is awarded, a non-Federal contribution in an amount at least equal to—

"(A) in the case of an eligible agency serving an outlying area, 12 percent of the total amount of funds expended for adult basic skills and family literacy education programs in the outlying area, except that the Secretary may decrease the amount of funds required under this subparagraph for an eligible agency; and

"(B) in the case of an eligible agency serving a State, 25 percent of the total amount of funds expended for adult basic skills and family literacy education programs in the State.

"(2) NON-FEDERAL CONTRIBUTION.—An eligible agency's non-Federal contribution required under paragraph (1) may be provided in cash or in kind, fairly evaluated, and shall include only non-Federal funds that are used for adult basic skills and family literacy education programs in a manner that is consistent with the purpose of this title.

"SEC. 223. STATE LEADERSHIP ACTIVITIES.

"(a) IN GENERAL.—Each eligible agency may use funds made available under section 222(a)(2) for any of the following adult basic skills and family literacy education programs:

"(1) The establishment or operation of professional development programs to improve the quality of instruction provided pursuant to local activities required under section 231(b), including instruction incorporating the essential components of reading instruction and instruction provided by volunteers or by personnel of a State or outlying area.

"(2) The provision of technical assistance to eligible providers of adult basic skills and family literacy education programs for development and dissemination of scientific research-based instructional practices in reading, writing, speaking, math, and English language acquisition programs.

"(3) The provision of assistance to eligible providers in developing, implementing, and reporting measurable progress in achieving the objectives of this title.

"(4) The provision of technology assistance, including staff training, to eligible providers of adult basic skills and family literacy education programs, including distance learning activities, to enable the eligible providers to improve the quality of such activities.

"(5) The development and implementation of technology applications or distance learning, including professional development to support the use of instructional technology.

"(6) Coordination with other public programs, including welfare-to-work, workforce development, and job training programs.

"(7) Coordination with existing support services, such as transportation, child care, and other assistance designed to increase rates of enrollment in, and successful completion of, adult basic skills and family literacy education programs, for adults enrolled in such activities.

"(8) The development and implementation of a system to assist in the transition from adult basic education to postsecondary education.

"(9) Activities to promote workplace literacy programs.

"(10) Activities to promote and complement local outreach initiatives described in section 242(7).

"(11) Other activities of statewide significance, including assisting eligible agencies in achieving progress in improving the skill levels of adults who participate in programs under this title.

"(b) COORDINATION.—In carrying out this section, eligible agencies shall coordinate where possible, and avoid duplicating efforts, in order to maximize the impact of the activities described in subsection (a).

"(c) STATE-IMPOSED REQUIREMENTS.—Whenever a State or outlying area implements any rule or policy relating to the administration or operation of a program authorized under this title that has the effect of imposing a requirement that is not imposed under Federal law (including any rule or policy based on a State or outlying area interpretation of a Federal statute, regulation, or guideline), the State or outlying area shall identify, to eligible providers, the rule or policy as being imposed by the State or outlying area.

"SEC. 224. STATE PLAN.

"(a) 6-YEAR PLANS.—

"(1) IN GENERAL.—Each eligible agency desiring a grant under this title for any fiscal year shall submit to, or have on file with, the Secretary a 6-year State plan.

"(2) COMPREHENSIVE PLAN OR APPLICATION.—The eligible agency may submit the State plan as part of a comprehensive plan or application for Federal education assistance.

"(b) PLAN CONTENTS.—The eligible agency shall include in the State plan or any revisions to the State plan—

"(1) an objective assessment of the needs of individuals in the State or outlying area for adult basic skills and family literacy education programs, including individuals most in need or hardest to serve;

"(2) a description of the adult basic skills and family literacy education programs that will be carried out with funds received under this title;

"(3) a description of how the eligible agency will evaluate and measure annually the effectiveness and improvement of the adult basic skills and family literacy education programs based on the performance measures described in section 212 including—

"(A) how the eligible agency will evaluate and measure annually such effectiveness on a grant-by-grant basis; and

"(B) how the eligible agency—

"(i) will hold eligible providers accountable regarding the progress of such providers in improving the academic achievement of participants in adult education programs under this title and regarding the core indicators of performance described in section 212(b)(2)(A); and

"(ii) will use technical assistance, sanctions, and rewards (including allocation of grant funds based on performance and termination of grant funds based on nonperformance);

"(4) a description of the performance measures described in section 212 and how such performance measures have significantly improved adult basic skills and family literacy education programs in the State or outlying area;

"(5) an assurance that the eligible agency will, in addition to meeting all of the other requirements of this title, award not less than one grant under this title to an eligible provider that—

"(A) offers flexible schedules and necessary support services (such as child care and transportation) to enable individuals, including individuals with disabilities, or individuals with other special needs, to participate in adult basic skills and family literacy education programs; and

"(B) attempts to coordinate with support services that are not provided under this title prior to using funds for adult basic skills and family literacy education programs provided under this title for support services;

"(6) an assurance that the funds received under this title will not be expended for any purpose other than for activities under this title;

"(7) a description of how the eligible agency will fund local activities in accordance with the measurable goals described in section 231(d);

"(8) an assurance that the eligible agency will expend the funds under this title only in a manner consistent with fiscal requirements in section 241;

"(9) a description of the process that will be used for public participation and comment with respect to the State plan, which process—

"(A) shall include consultation with the State workforce investment board, the State board responsible for administering community or technical colleges, the Governor, the State educational agency, the State board or agency responsible for administering block grants for temporary assistance to needy families under title IV of the Social Security Act, the State council on disabilities, the State vocational rehabilitation agency, other State agencies that promote the improvement of adult basic skills and family literacy education programs, and direct providers of such programs; and

"(B) may include consultation with the State agency on higher education, institutions responsible for professional development of adult basic skills and family literacy education programs instructors, representatives of business and industry, refugee assistance programs, and faith-based organizations;

"(10) a description of the eligible agency's strategies for serving populations that include, at a minimum—

"(A) low-income individuals;

"(B) individuals with disabilities;

"(C) the unemployed;

"(D) the underemployed; and

"(E) individuals with multiple barriers to educational enhancement, including individuals with limited English proficiency;

"(11) a description of how the adult basic skills and family literacy education programs that will be carried out with any funds received under this title will be integrated with other adult education, career development, and employment and training activities in the State or outlying area served by the eligible agency;

"(12) a description of the steps the eligible agency will take to ensure direct and equitable access, as required in section 231(c)(1), including—

"(A) how the State will build the capacity of community-based and faith-based organizations to provide adult basic skills and family literacy education programs; and

"(B) how the State will increase the participation of business and industry in adult basic skills and family literacy education programs; and

"(13) a description of how the eligible agency will consult with any State agency responsible for postsecondary education to develop adult education that prepares students to enter postsecondary education without the need for remediation upon completion of secondary school equivalency programs.

"(c) PLAN REVISIONS.—When changes in conditions or other factors require substantial revisions to an approved State plan, the eligible agency shall submit the revisions of the State plan to the Secretary.

"(d) CONSULTATION.—The eligible agency shall—

"(1) submit the State plan, and any revisions to the State plan, to the Governor, the chief State school officer, or the State officer responsible for administering community or technical colleges, or outlying area for review and comment; and

"(2) ensure that any comments regarding the State plan by the Governor, the chief State school officer, or the State officer responsible for administering community or technical colleges, and any revision to the State plan, are submitted to the Secretary.

"(e) PLAN APPROVAL.—A State plan submitted to the Secretary shall be approved by the Secretary only if the plan is consistent with the specific provisions of this title.

"SEC. 225. PROGRAMS FOR CORRECTIONS EDUCATION AND OTHER INSTITUTIONALIZED INDIVIDUALS.

"(a) PROGRAM AUTHORIZED.—From funds made available under section 222(a)(1) for a fiscal year, each eligible agency shall carry out corrections education and education for other institutionalized individuals.

"(b) USES OF FUNDS.—The funds described in subsection (a) shall be used for the cost of educational programs for criminal offenders in correctional institutions and for other institutionalized individuals, including academic programs for—

"(1) basic skills education;

"(2) special education programs as determined by the eligible agency;

"(3) reading, writing, speaking, and math programs; and

"(4) secondary school credit or diploma programs or their recognized equivalent.

"(c) PRIORITY.—Each eligible agency that is using assistance provided under this section to carry out a program for criminal offenders within a correctional institution shall give priority to serving individuals who are likely to leave the correctional institution within 5 years of participation in the program.

"(d) DEFINITIONS.—For purposes of this section:

"(1) CORRECTIONAL INSTITUTION.—The term 'correctional institution' means any—

"(A) prison;

"(B) jail;

"(C) reformatory;

"(D) work farm;

"(E) detention center; or

"(F) halfway house, community-based rehabilitation center, or any other similar institution designed for the confinement or rehabilitation of criminal offenders.

"(2) CRIMINAL OFFENDER.—The term 'criminal offender' means any individual who is charged with, or convicted of, any criminal offense.

"CHAPTER 3—LOCAL PROVISIONS

"SEC. 231. GRANTS AND CONTRACTS FOR ELIGIBLE PROVIDERS.

"(a) GRANTS AND CONTRACTS.—From grant funds made available under section 211(b), each eligible agency shall award multiyear grants or contracts, on a competitive basis, to eligible providers within the State or outlying area that meet the conditions and requirements of this title to enable the eligible providers to develop, implement, and improve adult basic skills and family literacy education programs within the State.

"(b) LOCAL ACTIVITIES.—The eligible agency shall require eligible providers receiving a grant or contract under subsection (a) to establish or operate one or more programs of instruction that provide services or instruction in one or more of the following categories:

"(1) Adult basic skills and family literacy education programs (including proficiency in reading, writing, speaking, and math).

"(2) Workplace literacy programs.

"(3) English language acquisition programs.

"(4) Family literacy education programs.

"(c) DIRECT AND EQUITABLE ACCESS; SAME PROCESS.—Each eligible agency receiving funds under this title shall ensure that—

"(1) all eligible providers have direct and equitable access to apply for grants or contracts under this section; and

"(2) the same grant or contract announcement process and application process is used for all eligible providers in the State or outlying area.

"(d) MEASURABLE GOALS.—The eligible agency shall require eligible providers receiving a grant or contract under subsection (a) to demonstrate—

"(1) the eligible provider's measurable goals for participant outcomes to be achieved annually on the core indicators of performance and employment performance indicators described in section 212(b)(2);

"(2) the past effectiveness of the eligible provider in improving the basic academic skills of adults and, for eligible providers receiving grants in the prior year, the success of the eligible provider receiving funding under this title in meeting or exceeding its performance goals in the prior year;

"(3) the commitment of the eligible provider to serve individuals in the community who are the most in need of basic academic skills instruction services, including individuals who are low-income or have minimal reading, writing, speaking, and math skills, or limited English proficiency;

"(4) the program—

"(A) is of sufficient intensity and duration for participants to achieve substantial learning gains; and

"(B) uses instructional practices that include the essential components of reading instruction;

"(5) educational practices are based on scientifically based research;

"(6) the activities of the eligible provider effectively employ advances in technology, as appropriate, including the use of computers;

"(7) the activities provide instruction in real-life contexts, when appropriate and scientifically based, to ensure that an individual has the skills needed to compete in the workplace and exercise the rights and responsibilities of citizenship;

"(8) the activities are staffed by well-trained instructors, counselors, and administrators;

"(9) the activities are coordinated with other available resources in the community, such as through strong links with elementary schools and secondary schools, postsecondary educational institutions, one-stop centers, job training programs, community-based and faith-based organizations, and social service agencies;

"(10) the activities offer flexible schedules and support services (such as child care and transportation) that are necessary to enable individuals, including individuals with disabilities or other special needs, to attend and complete programs;

"(11) the activities include a high-quality information management system that has the capacity to report measurable participant outcomes and to monitor program performance against the performance measures established by the eligible agency;

"(12) the local communities have a demonstrated need for additional English language acquisition programs;

"(13) the capacity of the eligible provider to produce valid information on performance results, including enrollments and measurable participant outcomes;

"(14) adult basic skills and family literacy education programs offer rigorous reading, writing, speaking, and math content that are based on scientific research; and

"(15) applications of technology, and services to be provided by the eligible providers, are of sufficient intensity and duration to increase the amount and quality of learning and lead to measurable learning gains within specified time periods.

"(e) SPECIAL RULE.—Eligible providers may use grant funds under this title to serve children participating in family literacy programs assisted under this part, provided that other sources of funds available to provide similar services for such children are used first.

"SEC. 232. LOCAL APPLICATION.

"Each eligible provider desiring a grant or contract under this title shall submit an application to the eligible agency containing such information and assurances as the eligible agency may require, including—

"(1) a description of how funds awarded under this title will be spent consistent with the requirements of this title;

"(2) a description of any cooperative arrangements the eligible provider has with other agencies, institutions, or organizations for the delivery of adult basic skills and family literacy education programs; and

"(3) each of the demonstrations required by section 231(d).

"SEC. 233. LOCAL ADMINISTRATIVE COST LIMITS.

"(a) IN GENERAL.—Subject to subsection (b), of the amount that is made available under this title to an eligible provider—

"(1) at least 95 percent shall be expended for carrying out adult basic skills and family literacy education programs; and

"(2) the remaining amount shall be used for planning, administration, personnel and professional development, development of measurable goals in reading, writing, speaking, and math, and interagency coordination.

"(b) SPECIAL RULE.—In cases where the cost limits described in subsection (a) are too restrictive to allow for adequate planning, administration, personnel development, and interagency coordination, the eligible provider may negotiate with the eligible agency in order to determine an adequate level of funds to be used for noninstructional purposes.

"CHAPTER 4—GENERAL PROVISIONS

"SEC. 241. ADMINISTRATIVE PROVISIONS.

"(a) SUPPLEMENT NOT SUPPLANT.—Funds made available for adult basic skills and family literacy education programs under this title shall supplement and not supplant other State or local public funds expended for adult basic skills and family literacy education programs.

"(b) MAINTENANCE OF EFFORT.—

"(1) IN GENERAL.—

"(A) DETERMINATION.—An eligible agency may receive funds under this title for any fiscal year if the Secretary finds that the fiscal effort per student or the aggregate expenditures of such eligible agency for activities under this title, in the second preceding fiscal year, were not less than 90 percent of the fiscal effort per student or the aggregate expenditures of such eligible agency for adult basic skills and family literacy education programs, in the third preceding fiscal year.

"(B) PROPORTIONATE REDUCTION.—Subject to paragraphs (2), (3), and (4), for any fiscal year with respect to which the Secretary determines under subparagraph (A) that the fiscal effort or the aggregate expenditures of an eligible agency for the preceding program year were less than such effort or expenditures for the second preceding program year, the Secretary—

"(i) shall determine the percentage decreases in such effort or in such expenditures; and

"(ii) shall decrease the payment made under this title for such program year to the agency for adult basic skills and family literacy education programs by the lesser of such percentages.

"(2) COMPUTATION.—In computing the fiscal effort and aggregate expenditures under paragraph (1), the Secretary shall exclude capital expenditures and special one-time project costs.

"(3) DECREASE IN FEDERAL SUPPORT.—If the amount made available for adult basic skills and family literacy education programs under this title for a fiscal year is less than the amount made available for adult basic skills and family literacy education programs under this title for the preceding fiscal year, then the fiscal effort per student and the aggregate expenditures of an eligible agency required in order to avoid a reduction under paragraph (1)(B) shall be decreased by the same percentage as the percentage decrease in the amount so made available.

"(4) WAIVER.—The Secretary may waive the requirements of this subsection for not more than 1 fiscal year, if the Secretary determines that a waiver would be equitable due to exceptional or uncontrollable circumstances, such as a natural disaster or an unforeseen and precipitous decline in the financial resources of the State or outlying area of the eligible agency. If the Secretary grants a waiver under the preceding sentence for a fiscal year, the level of effort required under paragraph (1) shall not be reduced in the subsequent fiscal year because of the waiver.

"SEC. 242. NATIONAL LEADERSHIP ACTIVITIES.

"The Secretary shall establish and carry out a program of national leadership activities that may include the following:

"(1) Technical assistance, on request, including assistance—

"(A) on requests to volunteer community- and faith-based organizations, including but not limited to, improving their fiscal management, research-based instruction, and reporting requirements, and the development of measurable objectives to carry out the requirements of this title;

"(B) in developing valid, measurable, and reliable performance data, and using performance information for the improvement of adult basic skills and family literacy education programs;

"(C) on adult education professional development; and

"(D) in using distance learning and improving the application of technology in the classroom.

"(2) Providing for the conduct of research on national literacy basic skill acquisition levels among adults, including the number of adults functioning at different levels of reading proficiency.

"(3) Improving the coordination, efficiency, and effectiveness of adult education and workforce development services at the national, State, and local levels.

"(4) Determining how participation in adult basic skills and family literacy education programs prepares individuals for entry into and success in postsecondary education and employment, and in the case of prison-based services, the effect on recidivism.

"(5) Evaluating how different types of providers, including community and faith-based organizations or private for-profit agencies measurably improve the skills of participants in adult basic skills and family literacy education programs.

"(6) Identifying model integrated basic and workplace skills education programs, coordinated literacy and employment services, and effective strategies for serving adults with disabilities.

"(7) Supporting the development of an entity that would produce and distribute technology-based programs and materials for adult basic skills and family literacy education programs using an intercommunication system, as that term is defined in section 397 of the Communications Act of 1934 (47 U.S.C. 397), and expand the effective outreach and use of such programs and materials to adult education eligible providers.

"(8) Initiating other activities designed to improve the measurable quality and effectiveness of adult basic skills and family literacy education programs nationwide.".

PART B—NATIONAL INSTITUTE FOR LITERACY

SEC. 211. SHORT TITLE; PURPOSE.

(a) SHORT TITLE.—This part may be cited as the "National Institute for Literacy Establishment Act".

(b) PURPOSE.—The purpose of this part is to establish a National Institute for Literacy to provide national leadership in promoting reading research, reading instruction, and professional development in reading based on scientifically based research by—

(1) disseminating widely information on scientifically based reading research to improve academic achievement for children, youth, and adults;

(2) identifying and disseminating information about schools, local educational agencies, and State educational agencies that have effectively developed and implemented classroom reading programs that meet the requirements of subpart 1 of part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6361 et seq.), including those State educational agencies, local educational agencies, and schools that are identified as effective through the External Evaluation of Reading First under section 1205 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6365);

(3) serving as a national resource for information on reading instruction programs that contain the essential components of reading instruction as supported by scientifically based reading research, and that can lead to improved reading outcomes for children, youth, and adults;

(4) developing print and electronic materials that describe and model the application of scientifically based reading research;

(5) providing national and regional reading leadership for State and local personnel for the application and implementation of scientifically based reading research;

(6) coordinating efforts among Federal agencies, especially the Department of Labor, the Department of Health and Human Services, and the National Institute of Child Health and Human Development, that provide reading programs, conduct research, and provide services to recipients of Federal financial assistance under titles I and III of the Elementary and Secondary Education Act of 1965, the Head Start Act, the Individuals with Disabilities Education Act, and the Adult Basic Skills and Family Literacy Education Act, and each Bureau funded school (as defined in title XI of the Education Amendments of 1978 (25 U.S.C. 2001 et seq.)); and

(7) informing the Congress, Federal departments and agencies, schools of education, and the public of successful local, State, and Federal program activities in reading instruction that are determined to be effective based on the findings of scientifically based reading research.

SEC. 212. ESTABLISHMENT.

(a) IN GENERAL.—There is established the National Institute for Literacy. The Institute shall be administered, in accordance with this part, under the supervision and direction of a Director. There shall be an agreement between an Interagency Group (comprised of the Secretary of Education, the Secretary of Labor, and the Secretary of Health and Human Services) and the Institute on how the purposes of the Institute may be achieved effectively. Such agreement—

(1) shall be regularly reviewed, and modified as needed to remain current with any changes in the purposes of the Institute; and

(2) shall be updated no later than 1 year after the enactment of this part.

(b) DIRECTOR.—

(1) APPOINTMENT.—The Interagency Group shall appoint a Director of the Institute, who has an understanding of, supports, and is familiar with scientifically based reading research, instruction, and professional development applicable to children, youth, and adults. If a vacancy in the position of the Director of the Institute occurs, the Interagency Group shall appoint an Interim Director until such time as a new Director can be appointed.

(2) PAY.—The Director of the Institute shall receive the rate of basic pay for level IV of the Executive Schedule.

(3) TERM.—The Director of the Institute shall be appointed for an initial term of 3 years and may serve not more than 1 additional term of 3 years.

SEC. 213. ADMINISTRATION.

(a) IN GENERAL.—The Director of the Institute shall be responsible for administering the Institute. The Director of the Institute shall—

(1) provide leadership for the Institute, consistent with the purposes described in section 211(b);

(2) supervise all employees in the Institute;

(3) assign responsibility to carry out the duties of the Institute among officers ad employees, and offices of the Institute;

(4) prepare requests for appropriations for the Institute and submit those requests to the Interagency Group;

(5) oversee the expenditure of all funds allocated for the Institute to carry out the purposes under section 211(b); and

(6) ensure that the Institute's standards for research quality are consistent with those promulgated by the Institute for Education Sciences.

(b) OFFICES.—The Institute shall have separate offices from the Department of Education, the Department of Labor, and the Department of Health and Human Services, and shall have maximum flexibility in its operations to carry out the purposes of the Institute.

(c) ADMINISTRATIVE SUPPORT.—The Secretary of Education shall provide administrative support for the Institute, including the administration of grants, contracts and cooperative agreements, personnel, legal counsel, and payroll.

SEC. 214. DUTIES.

(a) IN GENERAL.—In order to provide leadership for the improvement and expansion of the system for delivery of scientifically based reading instructional practices, the Director of the Institute shall—

(1) establish a national electronic database of effective reading programs for children, youth, and adults that include the essential components of reading instruction, and disseminate such information to parents, teachers, State and Federal elected officials, and the public;

(2) develop print and electronic materials for professional development that provide applications of scientifically based reading research, and instructional practices in reading for children, youth, and adults;

(3) provide technical assistance to the Congress, school Boards, Federal agencies, State departments of education, adult education programs, local school districts, local public and private schools, and schools of education, on scientifically based reading instructional practices including diagnostic and assessment instruments and instructional materials;

(4) collaborate and support Federal research programs in reading instruction, including, where appropriate, those areas of study addressed by the National Institute of Child Health and Human Development, the Institute for Education Sciences, the National Science Foundation, the Department of Labor, and the National Research Council;

(5) coordinate with the Department of Education, the Department of Labor, the Department of Health and Human Services, and the National Institute of Child Health and Human Development on all programs that include improving reading instructional practices for children, youth, and adults, and teacher training in reading instructional practices;

(6) use and support the collection of the best possible information in carrying out this section, and where appropriate, including reviews of research on instruction using the criteria for quality identified by the Institute for Education Sciences;

(7) conduct reviews of research, including randomized field trials, on reading programs, and conduct reviews of Federal reading policies and reading program implementation using a board of visitors as described in subchapter 300 of the National Science Foundation Administrative Manual; and

(8) develop an Internet site that provides useful information to educators and the public on reading literacy that is consistent with the purposes described in section 211(b).

(b) GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.—The Institute may award grants to, or enter into contracts or cooperative agreements with, individuals, public or private institutions, agencies, organizations, or other legal entities to carry out the activities of the Institute.

(c) RELATION TO OTHER LAWS.—The duties and powers of the Institute under this part are in addition to the duties and powers of the Institute under subparts 1, 2, and 3 of part B of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 1201 et seq.) (commonly referred to as Reading First, Early Reading First, and the William F. Goodling Even Start Family Literacy Programs, respectively).

SEC. 215. LEADERSHIP IN SCIENTIFICALLY BASED READING INSTRUCTION.

(a) IN GENERAL.—The Director of the Institute may award fellowships, with such stipends and allowances as necessary, to outstanding individuals who are pursuing careers in scientifically based research in reading instruction or pre-service or in-service training in reading instruction, including teaching children and adults to read.

(b) FELLOWSHIPS.—Fellowships awarded under this subsection shall be used, under the auspices of the Institute, to engage in research, education training, technical assistance, or other activities to advance the field of scientifically based reading instruction for children, youth, and adults, including the training of volunteers in such reading skills instruction.

(c) INTERNS AND VOLUNTEERS.—The Director of the Institute may award paid and unpaid internships to individuals seeking to assist the Institute in carrying out its mission. Notwithstanding section 1342 of title 31, United States Code, the Institute may accept and use voluntary and uncompensated services as the Institute deems necessary.

SEC. 216. NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There shall be a National Institute for Literacy Advisory Board, which shall consist of 10 individuals appointed by the President with the advice and consent of the Senate.

(2) COMPOSITION.—The Board shall be comprised of individuals who are not otherwise officers or employees of the Federal Government and who are knowledgeable about scientifically based reading instruction, and the findings of scientifically based reading research. The members of the Board may include—

(A) representatives from teacher training institutions where scientifically based reading instruction is a major component of preservice training;

(B) teachers who have been successful in teaching children to read proficiently;

(C) members of the business community who have developed successful employee reading instruction programs;

(D) volunteer tutors in reading who are using scientifically based reading instruction;

(E) reading researchers who have conducted scientifically based research; and

(F) other qualified individuals knowledgeable about scientifically based reading instruction, including adult education.

(b) DUTIES.—The Board shall—

(1) provide advice to the Director of the Institute to ensure that the purposes of the Institute under section 211 are carried out effectively; and

(2) approve the annual report to the Congress;

(c) FEDERAL ADVISORY COMMITTEE ACT.—Except as otherwise provided in this part, the Board established by this section shall be subject to the provisions of the Federal Advisory Committee Act (5 U.S.C. App.).

(d) APPOINTMENTS.—

(1) IN GENERAL.—Each member of the Board shall be appointed for a term of 3 years, except that the initial terms for members may be 1, 2, or 3 years in order to establish a rotation, in which ⅓ of the members are selected each year. Any such member may be appointed for not more than 2 consecutive terms.

(2) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office.

(e) QUORUM.—A majority of the members of the Board shall constitute a quorum, but a lesser number may hold hearings. Any recommendation of the Board may be passed only by a majority of the Board members present.

(f) ELECTION OF OFFICERS.—The Chairperson and Vice Chairperson of the Board shall be elected by the members of the Board. The term of office of the Chairperson and Vice Chairperson shall be 2 years.

(g) MEETINGS.—The Board shall meet at the call of the Chairperson, or a majority of the members of the Board, but not less than quarterly.

SEC. 217. GIFTS, BEQUESTS, AND DEVISES.

(a) IN GENERAL.—The Institute may accept, administer, and use gifts or donations of services, money, or property, whether real or personal, tangible or intangible.

(b) RULES.—The Director of the Institute shall establish written rules setting forth the criteria to be used by the Institute in determining whether the acceptance of contributions of services, money, or property whether real or personal, tangible or intangible, would reflect unfavorably upon the ability of the Institute or any employee to carry out the responsibilities of the Institute or employee, or official duties, in a fair and objective manner, or would compromise the integrity or the appearance of the integrity of the Institute's programs or any official involved in those programs.

SEC. 218. MAILS.

The Board and the Institute may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

SEC. 219. APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.

The Director of the Institute and the staff of the Institute may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the annual rate of basic pay payable for level IV of the Executive Schedule.

SEC. 220. EXPERTS AND CONSULTANTS.

The Institute may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

SEC. 221. REPORT.

(a) IN GENERAL.—The Institute shall submit a biennial report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate. Each report submitted under this section shall include—

(1) a comprehensive and detailed description of the Institute's operations, activities, financial condition, and accomplishments in carrying out the purposes of the Institute as specified in section 211, for the period covered by the report; and

(2) a summary description of how the Institute will advance the purposes of the Institute for the next biennium.

(b) FIRST REPORT.—The Institute shall submit a report under this section not later than 1 year after the date of enactment of this part.

SEC. 222. DEFINITIONS.

For purposes of this part—

(1) the term "Board" means the National Institute for Literacy Advisory Board;

(2) the term "Institute" means the National Institute for Literacy;

(3) the term "Interagency Group" means the Secretary of Education, the Secretary of

Labor, and the Secretary of Health and Human Services;

(4) the term "literacy" means the ability to read, write, and speak the English language with competence, knowledge, and comprehension; and

(5) the terms "reading", "scientifically based reading research", and "essential components of reading instruction" have the meanings given those terms in section 1208 of part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6368).

SEC. 223. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to administer and carry out this part $6,700,000 for fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years.

SEC. 224. RESERVATION.

From amounts appropriated to the Institute, the Director of the Institute may use not more than 5 percent of such amounts for the administration of information dissemination under section 1207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6367).

SEC. 225. AUTHORITY TO PUBLISH.

The Institute, including the Board, may prepare, publish, and present (including through oral presentations) such research-based information and research reports as needed to carry out the purposes and mission of the Institute.

PART C—GENERAL PROVISIONS

SEC. 241. TRANSITION.

The Secretary shall take such actions as the Secretary determines to be appropriate to provide for the orderly implementation of this title.

TITLE III—AMENDMENTS TO THE WAGNER-PEYSER ACT

SEC. 301. AMENDMENTS TO THE WAGNER-PEYSER ACT.

The Wagner-Peyser Act (29 U.S.C. 49 et. seq.) is amended—

(1) by striking sections 1 through 13;

(2) in section 14 by inserting "of Labor" after "Secretary"; and

(3) by amending section 15 to read as follows:

"SEC. 15. WORKFORCE AND LABOR MARKET INFORMATION SYSTEM.

"(a) SYSTEM CONTENT.—

"(1) IN GENERAL.—The Secretary of Labor, in accordance with the provisions of this section, shall oversee the development, maintenance, and continuous improvement of a nationwide workforce and labor market information system that includes—

"(A) statistical data from cooperative statistical survey and projection programs and data from administrative reporting systems that, taken together, enumerate, estimate, and project employment opportunities and conditions at national, State, and local levels in a timely manner, including statistics on—

"(i) employment and unemployment status of national, State, and local populations, including self-employed, part-time, and seasonal workers;

"(ii) industrial distribution of occupations, as well as current and projected employment opportunities, wages, benefits (where data is available), and skill trends by occupation and industry, with particular attention paid to State and local conditions;

"(iii) the incidence of, industrial and geographical location of, and number of workers displaced by, permanent layoffs and plant closings; and

"(iv) employment and earnings information maintained in a longitudinal manner to be used for research and program evaluation;

"(B) information on State and local employment opportunities, and other appropriate statistical data related to labor market dynamics, which—

"(i) shall be current and comprehensive;

"(ii) shall meet the needs identified through the consultations described in subparagraphs (A) and (B) of subsection (e)(2); and

"(iii) shall meet the needs for the information identified in section 134(d);

"(C) technical standards (which the Secretary shall publish annually) for data and information described in subparagraphs (A) and (B) that, at a minimum, meet the criteria of chapter 35 of title 44, United States Code;

"(D) procedures to ensure compatibility and additivity of the data and information described in subparagraphs (A) and (B) from national, State, and local levels;

"(E) procedures to support standardization and aggregation of data from administrative reporting systems described in subparagraph (A) of employment-related programs;

"(F) analysis of data and information described in subparagraphs (A) and (B) for uses such as—

"(i) national, State, and local policymaking;

"(ii) implementation of Federal policies (including allocation formulas);

"(iii) program planning and evaluation; and

"(iv) researching labor market dynamics;

"(G) wide dissemination of such data, information, and analysis in a user-friendly manner and voluntary technical standards for dissemination mechanisms; and

"(H) programs of—

"(i) training for effective data dissemination;

"(ii) research and demonstration; and

"(iii) programs and technical assistance.

"(2) INFORMATION TO BE CONFIDENTIAL.—

"(A) IN GENERAL.—No officer or employee of the Federal Government or agent of the Federal Government may—

"(i) use any submission that is furnished for exclusively statistical purposes under the provisions of this section for any purpose other than the statistical purposes for which the submission is furnished;

"(ii) make any publication or media transmittal of the data contained in the submission described in clause (i) that permits information concerning individual subjects to be reasonably inferred by either direct or indirect means; or

"(iii) permit anyone other than a sworn officer, employee, or agent of any Federal department or agency, or a contractor (including an employee of a contractor) of such department or agency, to examine an individual submission described in clause (i); without the consent of the individual, agency, or other person who is the subject of the submission or provides that submission.

"(B) IMMUNITY FROM LEGAL PROCESS.—Any submission (including any data derived from the submission) that is collected and retained by a Federal department or agency, or an officer, employee, agent, or contractor of such a department or agency, for exclusively statistical purposes under this section shall be immune from the legal process and shall not, without the consent of the individual, agency, or other person who is the subject of the submission or provides that submission, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding.

"(C) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to provide immunity from the legal process for such submission (including any data derived from the submission) if the submission is in the possession of any person, agency, or entity other than the Federal Government or an officer, employee, agent, or contractor of the Federal Government, or if the submission is independently collected, retained, or produced for purposes other than the purposes of this Act.

"(b) SYSTEM RESPONSIBILITIES.—

"(1) IN GENERAL.—The workforce and labor market information system described in subsection (a) shall be planned, administered, overseen, and evaluated through a cooperative governance structure involving the Federal Government and States.

"(2) DUTIES.—The Secretary, with respect to data collection, analysis, and dissemination of labor employment statistics for the system, shall carry out the following duties:

"(A) Assign responsibilities within the Department of Labor for elements of the workforce and labor market information system described in subsection (a) to ensure that all statistical and administrative data collected is consistent with appropriate Bureau of Labor Statistics standards and definitions.

"(B) Actively seek the cooperation of other Federal agencies to establish and maintain mechanisms for ensuring complementarity and nonduplication in the development and operation of statistical and administrative data collection activities.

"(C) Eliminate gaps and duplication in statistical undertakings, with the systemization of wage surveys as an early priority.

"(D) In collaboration with the Bureau of Labor Statistics and States, develop and maintain the elements of the workforce and labor market information system described in subsection (a), including the development of consistent procedures and definitions for use by the States in collecting the data and information described in subparagraphs (A) and (B) of subsection (a)(1).

"(E) Establish procedures for the system to ensure that—

"(i) such data and information are timely;

"(ii) paperwork and reporting for the system are reduced to a minimum; and

"(iii) States and localities are fully involved in the development and continuous improvement of the system at all levels, including ensuring the provision, to such States and localities, of budget information necessary for carrying out their responsibilities under subsection (e).

"(c) NATIONAL ELECTRONIC TOOLS TO PROVIDE SERVICES.—The Secretary is authorized to assist in the development of national electronic tools that may be used to facilitate the delivery of core services described in section 134 and to provide workforce information to individuals through the one-stop delivery systems descried in section 121 and through other appropriate delivery systems.

"(d) COORDINATION WITH THE STATES.—

"(1) IN GENERAL.—The Secretary, working through the Bureau of Labor Statistics and the Employment and Training Administration, shall regularly consult with representatives of State agencies carrying out workforce information activities regarding strategies for improving the workforce and labor market information system.

"(2) FORMAL CONSULTATIONS.—At least twice each year, the Secretary, working through the Bureau of Labor Statistics, shall conduct formal consultations regarding programs carried out by the Bureau of Labor Statistics with representatives of each of the 10 Federal regions of the Department of

Labor, elected from the State directors affiliated with State agencies that perform the duties described in subsection (e)(2).

"(e) STATE RESPONSIBILITIES.—

"(1) DESIGNATION OF STATE AGENCY.—In order to receive Federal financial assistance under this section, the Governor of a State shall—

"(A) designate a single State agency to be responsible for the management of the portions of the workforce and labor market information system described in subsection (a) that comprise a statewide workforce and labor market information system and for the State's participation in the development of the annual plan; and

"(B) establish a process for the oversight of such system.

"(2) DUTIES.—In order to receive Federal financial assistance under this section, the State agency shall—

"(A) consult with State and local employers, participants, and local workforce investment boards about the labor market relevance of the data to be collected and disseminated through the statewide workforce and labor market information system;

"(B) consult with State educational agencies and local educational agencies concerning the provision of employment statistics in order to meet the needs of secondary school and postsecondary school students who seek such information;

"(C) collect and disseminate for the system, on behalf of the State and localities in the State, the information and data described in subparagraphs (A) and (B) of subsection (a)(1);

"(D) maintain and continuously improve the statewide workforce and labor market information system in accordance with this section;

"(E) perform contract and grant responsibilities for data collection, analysis, and dissemination for such system;

"(F) conduct such other data collection, analysis, and dissemination activities as will ensure an effective statewide workforce and labor market information system;

"(G) actively seek the participation of other State and local agencies in data collection, analysis, and dissemination activities in order to ensure complementarity, compatibility, and usefulness of data;

"(H) participate in the development of the annual plan described in subsection (c); and

"(I) utilize the quarterly records described in section 136(f)(2) of the Workforce Investment Act of 1998 to assist the State and other States in measuring State progress on State performance measures.

"(3) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as limiting the ability of a State agency to conduct additional data collection, analysis, and dissemination activities with State funds or with Federal funds from sources other than this section.

"(f) NONDUPLICATION REQUIREMENT.—None of the functions and activities carried out pursuant to this section shall duplicate the functions and activities carried out under the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.).

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 2004 through 2009.

"(h) DEFINITION.—In this section, the term 'local area' means the smallest geographical area for which data can be produced with statistical reliability.".

TITLE IV—AMENDMENTS TO THE REHABILITATION ACT OF 1973

SEC. 401. CHAIRPERSON.

Section 705(b)(5) of the Rehabilitation Act of 1973 (29 U.S.C. 796d(b)(5)) is amended to read as follows:

"(5) CHAIRPERSON.—The Council shall select a chairperson from among the voting membership of the Council.".

SEC. 402. REHABILITATION SERVICES ADMINISTRATION.

Section 3(a) of the Rehabilitation Act of 1973 (29 U.S.C. 702(a)) is amended—

(1) by striking "Office of the Secretary" and inserting "Department of Education";

(2) by striking "President by and with the advice and consent of the Senate" and inserting "Secretary, except that the current Commissioner appointed under the authority existing on the day prior to the date of enactment of this Act may continue to serve in the former capacity"; and

(3) by striking ", and the Commissioner shall be the principal officer,".

SEC. 403. DIRECTOR.

(a) IN GENERAL.—The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.) is amended by striking "Commissioner" each place it appears, except in section 21, and inserting "Director".

(b) EXCEPTION.—Section 21 of the Rehabilitation Act of 1973 (29 U.S.C. 718) is amended—

(1) in subsection (b)(1)—

(A) by striking "Commissioner" the first place it appears and inserting "Director of the Rehabilitation Services Administration"; and

(B) by striking "(referred to in this subsection as the 'Director')"; and

(2) by striking "Commissioner and the Director" each place it appears and inserting "both such Directors".

SEC. 404. STATE GOALS.

Section 101(a) of the Rehabilitation Act of 1973 (29 U.S.C. 721(a)) is amended—

(1) in paragraph (11)(D)(i) by inserting ", which may be provided using alternative means of meeting participation (such as video conferences and conference calls)" before the semicolon; and

(2) in paragraph (15)—

(A) in subparagraph (A), by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively, and inserting after clause (i) the following:

"(ii) include an assessment of the transition services provided under this Act, and coordinated with transition services under the Individuals with Disabilities Education Act, as to those services meeting the needs of individuals with disabilities."; and

(B) by amending subparagraph (D)(i) to read as follows:

"(i) the methods to be used to expand and improve the services to individuals with disabilities including—

"(I) how a broad range of assistive technology services and assistive technology devices will be provided to such individuals at each stage of the rehabilitative process and how such services and devices will be provided to such individuals on a statewide basis; and

"(II) how transition services will be better coordinated with those services under the Individuals with Disabilities Education Act in order to improve transition services for individuals with disabilities served under this Act;".

SEC. 405. AUTHORIZATIONS OF APPROPRIATIONS.

The Rehabilitation Act of 1973 is further amended—

(1) in section 100(b)(1) by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2004 through 2009";

(2) in section 100(d)(1)(B) by striking "fiscal year 2003" and inserting "fiscal year 2009";

(3) in section 110(c) by amending paragraph (2) to read as follows:

"(2) The sum referred to in paragraph (1) shall be, as determined by the Secretary, not less than 1 percent and not more than 1.5 percent of the amount referred to in paragraph (1) for each of fiscal years 2003 through 2009.";

(4) in section 112(h) by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2004 through 2009";

(5) in section 201(a) by striking "fiscal years 1999 through 2003" each place it appears and inserting "fiscal years 2004 through 2009";

(6) in section 302(i) by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2004 through 2009";

(7) in section 303(e) by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2004 through 2009";

(8) in section 304(b) by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2004 through 2009";

(9) in section 305(b) by striking "fiscal years 1999 through 2003" and insert "fiscal years 2004 through 2009";

(10) in section 405 by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2004 through 2009";

(11) in section 502(j) by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2004 through 2009";

(12) in section 509(l) by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2004 through 2009";

(13) in section 612 by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2004 through 2009";

(14) in section 628 by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2004 through 2009";

(15) in section 714 by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2004 through 2009";

(16) in section 727 by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2004 through 2009"; and

(17) in section 753 by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2004 through 2009".

SEC. 406. HELEN KELLER NATIONAL CENTER ACT.

(a) GENERAL AUTHORIZATION OF APPROPRIATIONS.—The first sentence of section 205(a) of the Helen Keller National Center Act (29 U.S.C. 1904(a)) is amended by striking "1999 through 2003" and inserting "2004 through 2009".

(b) HELEN KELLER NATIONAL CENTER FEDERAL ENDOWMENT FUND.—The first sentence of section 208(h) of such Act (29 U.S.C. 1907(h)) is amended by striking "1999 through 2003" and inserting "2004 through 2009".

TITLE V—TRANSITION AND EFFECTIVE DATE

SEC. 501. TRANSITION PROVISIONS.

The Secretary of Labor shall take such actions as the Secretary determines to be appropriate to provide for the orderly implementation of this division.

SEC. 502. EFFECTIVE DATE.

Except as otherwise provided in this division, this division and the amendments made by this division, shall take effect on the date of enactment of this division.

NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON NATIONAL PARKS

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks of the Committee on Energy and Natural Resources. The purpose of this hearing is to conduct oversight on the implementation of the National Parks Air Tour Management Act of 2000, Public Law 106-181.

The hearing will take place on Thursday July 22, 2004 at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD-364 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please contact: Tom Lillie at (202) 224-5161 or Sarah Creachbaum at (202) 224-6293.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. SMITH. Mr. President, I ask unanimous consent that the committee on Armed Services be authorized to meet during the session of the Senate on July 8, 2004, at 10 a.m., in open session to consider the following nominations: Admiral Vernon E. Clark, USN, for reappointment to the grade of Admiral and to be chief of Naval Operations; and Lieutenant General James E. Cartwright, USMC, for appointment to the grade of General and to be Commander, United States Strategic Command.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SMITH. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, July 8, 2004, at 9:30 a.m. on S. 2411—Assistance to Firefighters Act of 2004.

COMMITTEE ON THE JUDICIARY

Mr. SMITH. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, July 8, 2004, at 9:30 a.m. in Dirksen Senate Building Room 226.

Agenda:

I. Nominations: Claude A. Allen to be U.S. Circuit Judge for the Fourth Circuit, Michael H. Watson to be U.S. District Judge for the Southern District of Ohio, David W. McKeague to be United States Circuit Judge for the Sixth Circuit, Richard A. Griffin to be United States Circuit Judge for the Sixth Circuit, Virginia Maria Hernandez Covington to be United States District Judge for the Middle District of Florida.

II. Legislation: S. 1635, L-1 Visa (Intracompany Transferee) Reform Act of 2003, Chambliss, S.J. Res. 4, Proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States Act of 2003, Hatch, Feinstein, Craig, Sessions, DeWine, Grassley, Graham, Cornyn, Chambliss, Specter, Kyl, S. 1700, Advancing Justice through DNA Technology Act of 2003, Hatch, Biden, Specter, Leahy, DeWine, Feinstein, Kennedy, Schumer, Durbin, Kohl, Edwards, S. 2396, Federal Courts Improvement Act of 2004, Hatch, Leahy, Chambliss, Durbin, Schumer.

THE PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FINANCIAL MANAGEMENT, THE BUDGET, AND INTERNATIONAL SECURITY

Mr. SMITH. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs' Subcommittee on Financial Management, the Budget, and International Security be authorized to meet on Thursday, July 8, 2004 at 10:30 a.m. for a hearing entitled, "Oversight Hearing on the Federal Government's 2003 Financial Statement: Improving Accountability of American Taxpayers' Dollars."

THE PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that privilege of the floor be granted to Sam Kang and Ryan Ball for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH. Mr. President, I ask unanimous consent that two of my interns, Evan Mueller and Dana Dryer, be granted the privilege of the floor during this discussion.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that Jessica Segall from the Office of Senator CHRIS DODD be granted floor privileges during the Senate consideration of the Class Action Fairness Act of 2004.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARPER. Mr. President, I would like to be recognized for 10 minutes.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

CLASS ACTION REFORM

Mr. CARPER. Mr. President, we just concluded a vote and a very disappointing chapter in our effort to reform the way part of our legal system works in this country.

We have debated for the last several days how we might change the current system where people have been harmed by goods or services provided for their use by some company and did not get what they should have—they have been shortchanged or maybe even exposed to a dangerous product or harmed by it in some way—and how we might make sure they are made whole and that we have the opportunity to assemble that group of harmed people across States or across the country so they can have their day in court. We are looking for a way to make sure the companies that harmed those people are held accountable and know they are going to face a serious financial consequence if they do something untoward or just wrong with respect to their products or services which they provide.

Today we were not able to proceed to the bill and have the opportunity to offer amendments which are germane, pertinent to the bill, relevant to the bill, or those which maybe were not.

My colleague who is presiding has been here for a year and half or so. I know these are issues he has worked on a lot in those 18 months. This class action reform is probably an issue on which he has spent the most time.

As we leave here tonight with this business unfinished, I am deeply disappointed. We come to the end of a chapter, not the end of the book. We have to turn a page and figure out how to go forward.

Our system of justice is out of whack. It is out of balance. The tragedy of it all is we had a very good legislative product here to debate and fix. The system worked the way it was supposed to. We had hearings, I think as many as 10, on this issue and how to fix it. The committees of jurisdiction held hearings in the House and in the Senate. The committees of jurisdiction had a chance to actually debate and vote on the bills and to amend them. They had the opportunity to report those bills out. The House debated this on the floor. In the Senate, we had the opportunity. In the Senate, we fell one vote short of bringing the bill to the Senate floor last fall. We had the opportunity coming out of that disappointing vote to go back to make the bill even better and to bring a truly bipartisan bill to the floor of the Senate which would be supported by a Republican majority and with a good deal of Democratic support.

Given that 65 Members in the Senate were prepared to vote for it, to go home tonight not having had a chance to actually vote for amendments, relevant amendments and nonrelevant amendments, is very disappointing. I am not going to get into assigning blame. There is probably enough on both sides.

I said to the press in an earlier interview that this week in the Senate reminds me of maybe a new television reality show, a dysfunctional family. It is not pretty to watch or, frankly, to be a part of.

When I came here, I wanted to fix things and right wrongs. I know most of us came here with that in mind. This is a wrong that needs to be made right. We had a great opportunity in this bill to do that.

I leave here tonight bewildered, in a sense. One sure way to stymie a bill and stop progress on it this week was to bring the bill to the floor of the Senate in a way that closed off the opportunity for the minority to offer some reasonable number of nongermane amendments.

I have said so many times to our friends on the other side of the aisle, when you bring the bill to the Senate floor, think of it as a bottle of wine we are opening. We are popping the cork and letting it breathe for a while. Maybe set aside a week and give us a week to debate the bill itself, relevant amendments and a reasonable number of nongermane amendments.

If it becomes clear after several days or a week that our side is being dilatory, if it becomes clear our side is simply not interested in passing the bill, they are just playing games, those Democrats who support a bill will support an effort to close off debate and to force a final vote on the bill.

For the life of me, after saying repeatedly since January that the one way to kill the bill is to bring it to the Senate in a way that stymies debate and closes off amendments that might be nongermane, the very first thing out of the box presented was a cloture motion and a move to fill the amendment tree so our side is precluded from offering amendments, except for those that are germane, I don't understand it.

In the words of a colleague on our side who is opposed to the bill, the only way those who are opposed to the bill could have won was by bringing the bill to the Senate today, invoking cloture, and inflaming Democratic opposition to the bill, united Democratic opposition to the bill.

There are at least a dozen or more on this side who very much want to pass class action legislation this year. God knows I do, and I know people on both sides have worked to get us to this point. For the life of me, I do not understand why we could not open that bottle of wine, let it breathe for a while, debate the amendments, germane and nongermane. If it became clear we were wasting our time and people were playing games, we could have cut it off, but do not do it right out of the box.

I leave here bewildered and, frankly, more than a little bit disappointed. I say to those folks around the country who are as disappointed as I am, and others who support the bill, I am not one who gives up easily.

Some of my colleagues hear me talk about my four core values that we built an administration on when I was Governor of Delaware and which I brought with me and I try to use them here with my legislative initiatives.

One, figure out the right thing to do and do it. I am convinced changing this part of our legal system is the right thing to do.

The second core value is to commit to excellence in everything we do. By golly, I know we can do better than the status quo with respect to this aspect of our legal system.

My third core value is the Golden Rule: treat other people the way I want to be treated. When consumers are harmed, they ought to be compensated. When companies misbehave, they ought to have to pay damages. It is that simple. The way our system runs today is wrong. It is wrong for consumers and, frankly, it is wrong for companies, in many cases. It is a wrong that needs to be righted.

My fourth core value is don't give up. I am not one who ever gives up. I, for sure, am not going to give up.

While I go home disappointed, I will come back next week committed to do whatever we can this year to pass this bill and get it signed into law.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REFERRAL OF NOMINATIONS

Mr. FRIST. Mr. President, as in executive session, I ask unanimous consent that Executive Calendar Nos. 697 and 698 be rereferred to the Finance Committee and referred to the Banking Committee. I further ask unanimous consent that when the nominations are reported by the Banking Committee, they be automatically discharged from the Finance Committee and placed on the Executive Calendar. Finally, I ask unanimous consent that this agreement be specific to these nominations only.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to executive session for consideration of the following nominations on the Executive Calendar: Military nominations reported by the Armed Services Committee during today's session. I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

IN THE NAVY

The following named officer for reappointment as Chief of Naval Operations, United States Navy, for an additional term of two years, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 5033:

To be admiral

Adm. Vernon E. Clark, 8489

IN THE MARINE CORPS

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. James E. Cartwright

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

GARRETT LEE SMITH MEMORIAL ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2634, introduced earlier today by Senators DODD, DEWINE, REED, SMITH, REID, DASCHLE, and others.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 2634) to amend the Public Health Service Act to support planning, implementation, and evaluation of organized activities involving statewide youth suicide early intervention and prevention strategies, to provide funds for campus mental and behavioral health service centers.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2634) was read the third time and passed, as follows:

S. 2634

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Garrett Lee Smith Memorial Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) More children and young adults die from suicide each year than from cancer,

heart disease, AIDS, birth defects, stroke, and chronic lung disease combined.

(2) Over 4,000 children and young adults tragically take their lives every year, making suicide the third overall cause of death between the ages of 10 and 24. According to the Centers for Disease Control and Prevention suicide is the third overall cause of death among college-age students.

(3) According to the National Center for Injury Prevention and Control of the Centers for Disease Control and Prevention, children and young adults accounted for 15 percent of all suicides completed in 2000.

(4) From 1952 to 1995, the rate of suicide in children and young adults has tripled.

(5) From 1980 to 1997, the rate of suicide among young adults ages 15 to 19 increased 11 percent.

(6) From 1980 to 1997, the rate of suicide among children ages 10 to 14 increased 109 percent.

(7) According to the National Center of Health Statistics, suicide rates among Native Americans range from 1.5 to 3 times the national average for other groups, with young people ages 15 to 34 making up 64 percent of all suicides.

(8) Congress has recognized that youth suicide is a public health tragedy linked to underlying mental health problems and that youth suicide early intervention and prevention activities are national priorities.

(9) Youth suicide early intervention and prevention have been listed as urgent public health priorities by the President's New Freedom Commission in Mental Health (2002), the Institute of Medicine's Reducing Suicide: A National Imperative (2002), the National Strategy for Suicide Prevention: Goals and Objectives for Action (2001), and the Surgeon General's Call to Action To Prevent Suicide (1999).

(10) Many States have already developed comprehensive Statewide youth suicide early intervention and prevention strategies that seek to provide effective early intervention and prevention services.

(11) In a recent report, a startling 85 percent of college counseling centers revealed an increase in the number of students they see with psychological problems. Furthermore, the American College Health Association found that 61 percent of college students reported feeling hopeless, 45 percent said they felt so depressed they could barely function, and 9 percent felt suicidal.

(12) There is clear evidence of an increased incidence of depression among college students. According to a survey described in the Chronicle of Higher Education (February 1, 2002), depression among freshmen has nearly doubled (from 8.2 percent to 16.3 percent). Without treatment, researchers recently noted that "depressed adolescents are at risk for school failure, social isolation, promiscuity, self medication with drugs and alcohol, and suicide—now the third leading cause of death among 10–24 year olds.".

(13) Researchers who conducted the study "Changes in Counseling Center Client Problems Across 13 Years" (1989–2001) at Kansas State University stated that "students are experiencing more stress, more anxiety, more depression than they were a decade ago." (The Chronicle of Higher Education, February 14, 2003).

(14) According to the 2001 National Household Survey on Drug Abuse, 20 percent of full-time undergraduate college students use illicit drugs.

(15) The 2001 National Household Survey on Drug Abuse also reported that 18.4 percent of adults aged 18 to 24 are dependent on or abusing illicit drugs or alcohol. In addition, the study found that "serious mental illness is highly correlated with substance dependence or abuse. Among adults with serious mental illness in 2001, 20.3 percent were dependent on or abused alcohol or illicit drugs, while the rate among adults without serious mental illness was only 6.3 percent.".

(16) A 2003 Gallagher's Survey of Counseling Center Directors found that 81 percent were concerned about the increasing number of students with more serious psychological problems, 67 percent reported a need for more psychiatric services, and 63 percent reported problems with growing demand for services without an appropriate increase in resources.

(17) The International Association of Counseling Services accreditation standards recommend 1 counselor per 1,000 to 1,500 students. According to the 2003 Gallagher's Survey of Counseling Center Directors, the ratio of counselors to students is as high as 1 counselor per 2,400 students at institutions of higher education with more than 15,000 students.

SEC. 3. AMENDMENT TO THE PUBLIC HEALTH SERVICES ACT.

Title V of the Public Health Service Act (42 U.S.C. 290aa et seq) is amended—

(1) in section 520E (42 U.S.C. 290bb–36)—

(A) in the section heading by striking "CHILDREN AND ADOLESCENTS" and inserting "YOUTH";

(B) by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—The Secretary shall award grants or cooperative agreements to public organizations, private nonprofit organizations, political subdivisions, and Federally recognized Indian tribes or tribal organizations to implement the State-sponsored statewide or tribal youth suicide early intervention and prevention strategy as developed under section 596A.";

(C) in subsection (b), by striking all after "coordinated" and inserting "with the Strategy for Suicide Prevention Federal Steering Group and the suicide prevention resource center provided for under section 596B.";

(D) in subsection (c)—

(i) in the matter preceding paragraph (1), by striking "A State" and all that follows through "desiring" and inserting "A public organization, private nonprofit organization, political subdivision, and Federally recognized Indian tribes or tribal organization desiring";

(ii) by redesignating paragraphs (1) through (9) as paragraphs (2) through (10), respectively;

(iii) by inserting before paragraph (2) (as so redesignated), the following:

"(1) comply with the State-sponsored statewide early intervention and prevention strategy as developed under section 596A;";

(iv) in paragraph (2) (as so redesignated), by striking "children and adolescents" and inserting "youth";

(v) in paragraph (3) (as so redesignated), by striking "best evidence-based,";

(vi) in paragraph (4) (as so redesignated), by striking "primary" and all that follows and inserting "general, mental, and behavioral health services, and substance abuse services;";

(vii) in paragraph (5) (as so redesignated), by striking "children and" and all that follows and inserting "youth including the school systems, educational institutions, juvenile justice system, substance abuse programs, mental health programs, foster care systems, and community child and youth support organizations;";

(viii) by striking paragraph (8) (as so redesignated), and inserting the following:

"(8) offer access to services and care to youth with diverse linguistic and cultural backgrounds;"; and

(ix) by striking paragraph (9) (as so redesignated), and inserting the following:

"(9) conduct annual self-evaluations of outcomes and activities, including consulting with interested families and advocacy organizations;";

(E) by striking subsection (d) and inserting the following:

"(d) USE OF FUNDS.—Amounts provided under a grant or cooperative agreement under this section shall be used to supplement, and not supplant, Federal and non-Federal funds available for carrying out the activities described in this section. Applicants shall provide financial information to demonstrate compliance with this section.";

(F) in subsection (e)—

(i) by striking "contract,"; and

(ii) by inserting after "Secretary that the" the following: "application complies with the State-sponsored statewide early intervention and prevention strategy as developed under section 596A and";

(G) in subsection (f), by striking "contracts,";

(H) in subsection (g)—

(i) by striking "A State" and all that follows through "organization receiving" and inserting "A public organization, private nonprofit organization, political subdivision, and Federally recognized Indian tribes or tribal organization receiving"; and

(ii) by striking "contract," each place that such appears;

(I) in subsection (h), by striking "contracts,";

(J) in subsection (i)—

(i) by striking "A State" and all that follows through "organization receiving" and inserting "A public organization, private nonprofit organization, political subdivision, and Federally recognized Indian tribes or tribal organization receiving"; and

(ii) by striking "contract,";

(K) in subsection (k), by striking "5 years" and inserting "3 years";

(L) in subsection (l)(2), by striking "21" and inserting "24"; and

(M) in subsection (m)—

(i) by striking "APPROPRIATION.—" and all that follows through "For" in paragraph (1) and inserting "APPROPRIATION.—For"; and

(ii) by striking paragraph (2);

(2) by inserting after part I (42 U.S.C. 290jj et seq), the following:

"PART J—SUICIDE EARLY INTERVENTION AND PREVENTION";

(3) by redesignating section 520E (42 U.S.C. 290bb–36), as amended by paragraph (1), as section 596 and transferring such section to part J (as added by paragraph (2)); and

(4) by adding at the end of part J (as added by paragraph (2) and amended by paragraph (3)), the following:

"SEC. 596A. YOUTH SUICIDE EARLY INTERVENTION AND PREVENTION STRATEGIES, TRAINING, AND TECHNICAL ASSISTANCE.

"(a) YOUTH SUICIDE EARLY INTERVENTION AND PREVENTION STRATEGIES.—

"(1) IN GENERAL.—The Secretary acting through the Administrator of the Substance Abuse and Mental Health Services Administration, shall award grants or cooperative agreements to eligible entities to—

"(A) develop and implement State-sponsored statewide or tribal youth suicide early intervention and prevention strategies in schools, educational institutions, juvenile justice systems, substance abuse programs, mental health programs, foster care systems, and other child and youth support organizations;

"(B) support public organizations and private nonprofit organizations actively involved in State-sponsored statewide or tribal youth suicide early intervention and prevention strategies and in the development and continuation of State-sponsored statewide youth suicide early intervention and prevention strategies;

"(C) collect and analyze data on State-sponsored statewide or tribal youth suicide early intervention and prevention services that can be used to monitor the effectiveness of such services and for research, technical assistance, and policy development; and

"(D) assist eligible entities, through State-sponsored statewide or tribal youth suicide early intervention and prevention strategies, in achieving targets for youth suicide reductions under title V of the Social Security Act (42 U.S.C. 701 et seq.).

"(2) ELIGIBLE ENTITY.—

"(A) DEFINITION.—In this subsection, the term 'eligible entity' means—

"(i) a State;

"(ii) a public organization or private nonprofit organization designated by a State to develop or direct the State-sponsored statewide youth suicide early intervention and prevention strategy; and

"(iii) a Federally-recognized Indian tribe or tribal organization (as defined in the Indian Self-Determination and Education Assistance Act) or an urban Indian organization (as defined in the Indian Health Care Improvement Act) that is actively involved in the development and continuation of a tribal youth suicide early intervention and prevention strategy.

"(B) PREFERENCE.—In awarding grants and cooperative agreements under this section, the Secretary shall give preference to States that have rates of youth suicide that significantly exceed the national average as determined by the Centers for Disease Control and Prevention.

"(C) LIMITATION.—In carrying out this section, the Secretary shall ensure that each State is awarded only one grant or cooperative agreement under this section. For purposes of the preceding sentence, a State shall be considered to have been awarded a grant or cooperative agreement if the eligible entity involved is the State or an entity designated by the State under subparagraph (A)(ii). Nothing in this subparagraph shall be construed to apply to entities described in subparagraph (A)(iii).

"(3) PREFERENCE.—In providing assistance under a grant or cooperative agreement under this subsection, an eligible entity shall give preference to public organizations, private nonprofit organizations, political subdivisions, and tribal organizations actively involved with the State-sponsored statewide or tribal youth suicide early intervention and prevention strategy that—

"(A) provide early intervention and assessment services, including screening programs, to youth who are at risk for mental or emotional disorders that may lead to a suicide attempt, and that are integrated with, school systems, educational institutions, juvenile justice systems, substance abuse programs, mental health programs, foster care systems, and other child and youth support organizations;

"(B) demonstrate collaboration among early intervention and prevention services or certify that entities will engage in future collaboration;

"(C) employ or include in their applications a commitment to evaluate youth suicide early intervention and prevention practices and strategies adapted to the local community;

"(D) provide timely referrals for appropriate community-based mental health care and treatment of youth who are at risk for suicide in child-serving settings and agencies;

"(E) provide immediate support and information resources to families of youth who are at risk for suicide;

"(F) offer access to services and care to youth with diverse linguistic and cultural backgrounds;

"(G) offer appropriate post-suicide intervention services, care, and information to families, friends, schools, educational institutions, juvenile justice systems, substance abuse programs, mental health programs, foster care systems, and other child and youth support organizations of youth who recently completed suicide;

"(H) offer continuous and up-to-date information and awareness campaigns that target parents, family members, child care professionals, community care providers, and the general public and highlight the risk factors associated with youth suicide and the lifesaving help and care available from early intervention and prevention services;

"(I) ensure that information and awareness campaigns on youth suicide risk factors, and early intervention and prevention services, use effective communication mechanisms that are targeted to and reach youth, families, schools, educational institutions, and youth organizations;

"(J) provide a timely response system to ensure that child-serving professionals and providers are properly trained in youth suicide early intervention and prevention strategies and that child-serving professionals and providers involved in early intervention and prevention services are properly trained in effectively identifying youth who are at risk for suicide;

"(K) provide continuous training activities for child care professionals and community care providers on the latest youth suicide early intervention and prevention services practices and strategies;

"(L) conduct annual self-evaluations of outcomes and activities, including consulting with interested families and advocacy organizations; and

"(M) provide services in areas or regions with rates of youth suicide that exceed the national average as determined by the Centers for Disease Control and Prevention.

"(4) REQUIREMENT FOR DIRECT SERVICES.—Not less than 85 percent of grant funds received under this subsection shall be used to provide direct services.

"(b) SUICIDE PREVENTION RESOURCE CENTER; TRAINING AND TECHNICAL ASSISTANCE.—

"(1) OPERATION OF CENTER.—The Secretary, acting through the Administrator of the Substance Abuse and Mental Health Services Administration and in consultation with the National Strategy for Suicide Prevention Federal Steering Group, shall award a competitive grant or contract to a public or private nonprofit entity for the establishment of a Suicide Prevention Resource Center to carry out the activities described in paragraph (3).

"(2) APPLICATION.—To be eligible for a grant or contract under paragraph (1), an entity shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(3) AUTHORIZED ACTIVITIES.—The Suicide Prevention Resource Center shall provide appropriate information, training, and technical assistance to States, political subdivisions of a State, Federally recognized Indian tribes, tribal organizations, public organizations, or private nonprofit organizations for—

"(A) the development or continuation of statewide or tribal youth suicide early intervention and prevention strategies;

"(B) ensuring the surveillance of youth suicide early intervention and prevention strategies;

"(C) studying the costs and effectiveness of statewide youth suicide early intervention and prevention strategies in order to provide information concerning relevant issues of importance to State, tribal, and national policymakers;

"(D) further identifying and understanding causes and associated risk factors for youth suicide;

"(E) analyzing the efficacy of new and existing youth suicide early intervention techniques and technology;

"(F) ensuring the surveillance of suicidal behaviors and nonfatal suicidal attempts;

"(G) studying the effectiveness of State-sponsored statewide and tribal youth suicide early intervention and prevention strategies on the overall wellness and health promotion strategies related to suicide attempts;

"(H) promoting the sharing of data regarding youth suicide with Federal agencies involved with youth suicide early intervention and prevention, and State-sponsored statewide or tribal youth suicide early intervention and prevention strategies for the purpose of identifying previously unknown mental health causes and associated risk-factors for suicide in youth; and

"(I) other activities determined appropriate by the Secretary.

"(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection, $3,000,000 for fiscal year 2005, $4,000,000 for fiscal year 2006, and $5,000,000 for fiscal year 2007.

"(c) COORDINATION AND COLLABORATION.—

"(1) IN GENERAL.—In carrying out this section, the Secretary shall collaborate with the National Strategy for Suicide Prevention Federal Steering Group and other Federal agencies responsible for early intervention and prevention services relating to youth suicide.

"(2) CONSULTATION.—In carrying out this section, the Secretary shall consult with—

"(A) State and local agencies, including agencies responsible for early intervention and prevention services under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), the State Children's Health Insurance Program under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.), programs funded by grants under title V of the Social Security Act (42 U.S.C. 701 et seq.), and programs under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.);

"(B) local and national organizations that serve youth at risk for suicide and their families;

"(C) relevant national medical and other health and education specialty organizations;

"(D) youth who are at risk for suicide, who have survived suicide attempts, or who are currently receiving care from early intervention services;

"(E) families and friends of youth who are at risk for suicide, who have survived suicide attempts, who are currently receiving care from early intervention and prevention services, or who have completed suicide;

"(F) qualified professionals who possess the specialized knowledge, skills, experience, and relevant attributes needed to serve youth at risk for suicide and their families; and

"(G) third-party payers, managed care organizations, and related commercial industries.

"(3) Policy development.—The Secretary shall—

"(A) coordinate and collaborate on policy development at the Federal level with the National Strategy for Suicide Prevention Federal Steering Group; and

"(B) consult on policy development at the Federal level with the private sector, including consumer, medical, suicide prevention advocacy groups, and other health and education professional-based organizations, with respect to State-sponsored statewide or tribal youth suicide early intervention and prevention strategies.

"(d) Rule of Construction; Religious Accommodation.—Nothing in this section shall be construed to preempt any State law, including any State law that does not require the suicide early intervention for youth whose parents or legal guardians object to such early intervention based on the parents' or legal guardians' religious beliefs.

"(e) Evaluations and report.—

"(1) Evaluations by eligible entities.—Not later than 18 months after receiving a grant or cooperative agreement under subsection (a), an eligible entity shall submit to the Secretary the results of an evaluation to be conducted by the entity concerning the effectiveness of the activities carried out under the grant or agreement.

"(2) Report.—Not later than 2 years after the date of enactment of this section, the Secretary shall submit to the appropriate committees of Congress a report concerning the results of—

"(A) the evaluations conducted under paragraph (1); and

"(B) an evaluation conducted by the Secretary to analyze the effectiveness and efficacy of the activities conducted with grants, collaborations, and consultations under this section.

"(f) Authorization of Appropriations.—For the purpose of carrying out subsection (a), there are authorized to be appropriated $7,000,000 for fiscal year 2005, $16,000,000 for fiscal year 2006, $25,000,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 and 2009.

"SEC. 596B. MENTAL AND BEHAVIORAL HEALTH SERVICES ON CAMPUS.

"(a) Purpose.—It is the purpose of this section to increase access to, and enhance the range of, services for students with mental and behavioral health problems that can lead to school failure, such as depression, substance abuse, and suicide attempts, so as to ensure that college students have the support necessary to successfully complete their studies.

"(b) Program Authorized.—From funds appropriated under subsection (j), the Secretary shall award competitive grants to institutions of higher education to create or expand mental and behavioral health services to students at such institutions, to provide such services, and to develop best practices for the delivery of such services. Such grants shall, subject to the availability of such appropriations, be for a period of 3 years.

"(c) Eligible Grant Recipients.—Any institution of higher education that seeks to provide, or provides, mental and behavioral health services to students is eligible to apply for a grant under this section. Services may be provided at—

"(1) college counseling centers;

"(2) college and university psychological service centers;

"(3) mental health centers;

"(4) psychology training clinics; and

"(5) institution of higher education supported, evidence-based, mental health and substance abuse screening programs.

"(d) Applications.—Each institution of higher education seeking to obtain a grant under this section shall submit an application to the Secretary. Each such application shall include—

"(1) a description of identified mental and behavioral health needs of students at the institution of higher education;

"(2) a description of currently available Federal, State, local, private, and institutional resources to address the needs described in paragraph (1) at the institution of higher education;

"(3) an outline of program objectives and anticipated program outcomes, including an explanation of how the treatment provider at the institution of higher education will coordinate activities under this section with existing programs and services;

"(4) the anticipated impact of funds provided under this section in improving the mental and behavioral health of students attending the institution of higher education;

"(5) outreach strategies, including ways in which the treatment provider at the institution of higher education proposes to reach students, promote access to services, and address the range of needs of students;

"(6) a proposed plan for reaching those students most in need of services;

"(7) a plan to evaluate program outcomes and assess the services provided with funds under this section;

"(8) financial information concerning the applicant to demonstrate compliance with subsection (h); and

"(9) such additional information as is required by the Secretary.

"(e) Peer Review of Applications.—The Secretary, in consultation with the Secretary of Education, shall provide the applications submitted under this section to a peer review panel for evaluation. With respect to each application, the peer review panel shall recommend the application for funding or for disapproval.

"(f) Use of Funds.—Funds provided by a grant under this section may be used for 1 or more of the following activities:

"(1) Prevention, screening, early intervention, assessment, treatment, management, and education of mental and behavioral health problems that can lead to school failure, such as depression, substance abuse, and suicide attempts by students enrolled at the institution of higher education.

"(2) Education of families to increase awareness of potential mental and behavioral health issues of students enrolled at the institution of higher education.

"(3) Hiring staff trained to identify and treat mental and behavioral health problems, including residents and interns such as those in psychological doctoral and post doctoral programs.

"(4) Evaluating and disseminating outcomes and best practices of mental and behavioral health services.

"(g) Additional required elements.—Each institution of higher education that receives a grant under this section shall—

"(1) provide annual reports to the Secretary describing the use of funds, the program's objectives, and how the objectives were met, including a description of program outcomes;

"(2) perform such additional evaluations as the Secretary may require, which may include—

"(A) increases in range of services provided;

"(B) increases in the quality of services provided;

"(C) increases in access to services;

"(D) college continuation rates;

"(E) decreases in college dropout rates;

"(F) increases in college graduation rates; and

"(G) accepted and valid measurements and assessments of improved mental health functionality; and

"(3) coordinate such institution's program under this section with other related efforts on campus by entities concerned with the general mental and behavioral health needs of students.

"(h) Supplement not Supplant.—Grant funds provided under this section shall be used to supplement, and not supplant, Federal and non-Federal funds available for carrying out the activities described in this section. Grantees shall provide financial information to demonstrate compliance with this subsection.

"(i) Requirement for Direct Services and Limitations.—

"(1) Direct services.—Not less than 75 percent of grant funds received under this section shall be used to provide direct services.

"(2) Administrative costs.—Not more than 5 percent of grant funds received under this section shall be used for administrative costs.

"(3) Prohibition on use for construction or renovation.—Grant funds received under this section shall not be used for construction or renovation of facilities or buildings.

"(j) Authorization of Appropriations.—There are authorized to be appropriated for grants under this section, $5,000,000 for fiscal year 2005, $7,000,000 for fiscal year 2006, $10,000,000 for fiscal year 2007, and such sums as may be necessary for each fiscal years 2008 and 2009.

"SEC. 596C. DEFINITIONS.

"In this part:

"(1) Early intervention.—The term 'early intervention' means a strategy or approach that is intended to prevent an outcome or to alter the course of an existing condition.

"(2) Educational institution; institution of higher education; school.—The term—

"(A) 'educational institution' means a school or institution of higher education;

"(B) 'institution of higher education' has the meaning given such term in section 101 of the Higher Education Act of 1965; and

"(C) 'school' means an elementary or secondary school (as such terms are defined in section 901 of the Elementary and Secondary Education Act of 1965).

"(3) Prevention.—The term 'prevention' means a strategy or approach that reduces the likelihood or risk of onset, or delays the onset, of adverse health problems.

"(4) Youth.—The term 'youth' means individuals who are between 6 and 24 years of age.".

MEASURES READ THE FIRST TIME—S. 2629, S. 2630, S. 2631, S. 2632, and S. 2633

Mr. FRIST. Mr. President, I understand that five bills are at the desk. I ask unanimous consent that they be read for the first time en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will read the bills for the first time.

The legislative clerk read as follows:

A bill (S. 2629) to amend the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 to eliminate the coverage gap, to eliminate HMO subsidies, to repeal health savings accounts, and for other purposes.

A bill (S. 2630) to amend title V, United States Code, to establish a national health program administered by the Office of Personnel Management to offer Federal employee health benefits plans to individuals who are not Federal employees, and for other purposes.

A bill (S. 2631) to require the Federal Trade Commission to monitor and investigate gasoline prices under certain circumstances.

A bill (S. 2632) to establish a first responder and terrorism preparedness grant information hotline, and for other purposes.

A bill (S. 2633) to amend the Federal Power Act to provide refunds for unjust and unreasonable charges on electric energy in the State of California.

Mr. FRIST. Mr. President, I now ask for their second reading and, in order to place the bills on the calendar under the provisions of rule XIV, I object to further proceeding on these matters en bloc.

The PRESIDING OFFICER. The bills will be read the second time on the next legislative day.

MEASURE PLACED ON THE CALENDAR—S.J. RES. 40

Mr. FRIST. I understand there is a joint resolution at the desk that is due for a second reading.

The PRESIDING OFFICER. The clerk will read the joint resolution by title for the second time.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 40) proposing an amendment to the Constitution of the United States relating to marriage.

Mr. FRIST. I object to further proceedings on the measure at this time in order to place the joint resolution on the calendar under the provisions of rule XIV.

The PRESIDING OFFICER. Objection having been heard, the joint resolution will be placed on the calendar.

ORDERS FOR FRIDAY, JULY 9, 2004

Mr. FRIST. I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., on Friday, July 9. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period for morning business with the first 4 hours equally divided between the two leaders or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, tomorrow the Senate will be in a period for morning business throughout the day. There will be no rollcall votes during tomorrow's session, but Senators are encouraged to come to the floor to speak on the constitutional amendment regarding marriage, which we hope to consider next week.

A few moments ago we failed to invoke cloture on a very important bill, the class action bill, that we have spent the majority of this week debating. As I said at the outset, I had hoped we would be able to address this important bill, consider all relevant amendments, with no time limit on those relevant amendments, so we could pass a bill that is very important to the American people, to the economy, and to the concepts of equity and fairness. We were unsuccessful, in spite of our very best attempt to consider all relevant amendments and take up a bill that 62 people in this body support.

The problem was that Members from both sides of the aisle insisted on offering or wanting to offer and debate very complicated but, most importantly, unrelated amendments at this time. We set up a procedural process by which we could consider individual relevant amendments, but a decision was made, and it played out in the cloture vote today, that we would not proceed on this important bill at this juncture because some people thought we would need to include a lot of nongermane amendments. There were a lot of nonrelevant amendments that appeared.

I am very hopeful, because I am a strong supporter of this bill as written, that we can come to some agreement given the fact there are a majority of people in this Senate who believe in this bill strongly, that we can come to some agreement in terms of time to consider this bill with relevant amendments debated so that we can serve the American people. That seems not to be now. Discussions hopefully will continue.

If we cannot do it in a reasonably short period of time and stay on relevant amendments, we just simply are not going to be able to do it in this session. We have somewhere around 30 legislative days remaining and we have a range of issues, some that were brought up on the floor today, issues such as homeland security and issues concerning the institution of marriage.

We have the Australia trade bill that hopefully we can consider very quickly in the near future. We have 13 appropriations bills, spending bills, that we must consider. There are 12 we need to consider in some way in the next several weeks. Then there are a number of judges who we must continue to move on. We have all of that in a period of about 30 days.

It means that as majority leader I need to insist on reasonable, disciplined, and regular order in the sense that when we go to a bill, we debate that bill, those issues, consider amendments that are relevant to that bill and not consider the broad range of issues that we naturally have as Senators. We have to have an orderly process. The orderly process led today, because of the insistence on these nongermane, nonrelevant amendments, to a point that we are not going to be able to consider class action reform now.

So I think what we will see predominately tomorrow is debate on a very important issue to the American people and to the values of the United States of America, and that is the issue of marriage. We will likely see debate on that tomorrow, and that debate will continue on the constitutional amendment Monday and Tuesday. I would think somewhere during the middle of next week, probably Wednesday, we will have a vote, the nature of which I will be talking to the Democratic leader over the course of tomorrow morning.

So we had a good debate this week. I am very disappointed in the fact that the other side of the aisle—for the most part it was the other side of the aisle—insisted on having other amendments. I am disappointed we were unable to fully address class action reform. Hopefully, we can come back to it at some point in the future.

ADJOURNMENT UNTIL 9:30 TOMORROW

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:18 p.m., adjourned until Friday, July 9, 2004, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate July 8, 2004:

DEPARTMENT OF DEFENSE

VALERIE LYNN BALDWIN, OF KANSAS, TO BE AN ASSISTANT SECRETARY OF THE ARMY, VICE SANDRA L. PACK, RESIGNED.

DEPARTMENT OF STATE

CHRISTOPHER J. LAFLEUR, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO MALAYSIA.

IN THE COAST GUARD

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS PERMANENT COMMISSIONED REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 211:

To be commander

LAURIE J. MOSIER, 4195

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED

WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JAMES L. CAMPBELL, 9858

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN M. BROWN III, 0258

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. ROBERT F. WILLARD, 1564

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. ALBERT T. CHURCH III, 9703

IN THE AIR FORCE

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

NORMAN L. WILLIAMS, 3339

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

THOMAS R. BIRD, 7891

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

REX A. HINESLEY, 7802
JERI K. SOMERS, 5885

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

PETER W. BICKEL, 2839
WILLIAM D. TAYLOR, 8827

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

DONALD A. AHERN, 6228
DOUGLAS M. AIKEN, 3663
MARK G. ALLEN, 4155
GEORGE W. ASBELL, 6612
JAMES E. ASTOR, 6820
DAVID L. AUGUSTINE, 5848
ROBERT J. BECKLUND, 5879
GEORGE H. BENEFIELD JR., 4116
STEVEN J. BERRYHILL, 3482
ROBERT M. BRANYON, 2965
ERIC W. CAMPBELL, 1053
DAVID E. CANTRELL, 2678
THOMAS H. CANTWELL, 2522
DEBRA J. CARROLL, 4340
THOMAS S. CAUTHEN, 1053
STEWART W. CEARLEY, 9358
STEPHEN L. CHASE, 0091
RUTH A. CHRISTOPHERSON, 6125
JAMES D. COBB, 1322
JAMES F. COLEMAN, 9033
CARLAND D. COLVIN, 6693
JAMES R. COMPTON, 1432
DAVID M. CRUZ JR., 0856
CHARLES S. DORSEY, 4834
ALAN C. DORWARD, 9822
RICHARD J. EVANS III, 6009
LYNN D. FEES, 7352
TERRENCE B. FORNOF, 3057
MICHAEL C. FOSTER, 7172
MARK E. GOERGEN, 8845
TIMOTHY R. GRAMS, 7404
ANN M. GREENLEE, 1151
GREG A. HAASE, 2085
JEFFREY W. HAUSER, 1979
STUART A. HEMMINGSON, 3631
MICHAEL E. HUSTED, 0070
GARY W. KEEFE, 3517
JOHN E. KENT, 8003
CHARLES G. KING, 1547
RANDALL S. KING, 8919
WAYNE E. LEE, 3709
BRADLEY S. LINK, 6498
RICKIE B. MATTSON, 3063
GARY H. MAUPIN, 2950
MICHAEL P. MCDONOUGH, 1955
STEVEN D. MCMAHON, 3910
DONALD R. MCPARTLAND JR., 7096
EDWARD E. METZGAR, 5235
RITA C. MEYER, 0680
GARY J. MOE, 8916
JOHN S. MORAWIEC, 7366
JON K. MOTT, 7058
KENNETH E. NERESON, 7720
RYAN A. ORIAN, 1900
GERALD E. OTTERBEIN, 7775
THOMAS J. OWENS II, 2829
ROBERT J. PARTHENAIS, 8923
WALLACE J. PASCHAL II, 7395
GREGORY P. PIETROCOLA, 5996
PAUL A. POCOPANNI JR., 0212
NORMAN A. POKLAR, 1059
JONATHAN T. PROEHL, 7802
RONALD V. SACHSE, 4584
TERRANCE W. SANDO, 2272
EWIN R. SANSOM, 6986
DENISE O. SCHOFIELD, 6831
GEORGE R. SKUODAS, 6788
JEFFREY S. SMILEY, 8319
EDWIN C. SMITH, 3504
KERRY M. TAYLOR, 0061
CARL J. THOMAE, 2873
TIMOTHY G. VAUGHAN, 1442
JOHN H. WAKEFIELD, 8501
WILLIAM B. WALKUP, 4339
KEITH A. WEAVER, 1587
GARY V. WELLS, 7762
JOHN F. WHITE, 9479
BRUCE T. WILLDEN, 0275
JONATHAN D. WILLIAMS, 0556
MICHAEL A. WOBBEMA, 2830

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

MYLES E. BROOKS JR., 6698
HILLARY KING JR., 5620
JAMES E. WATTS, 9053

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

BILLY M APPLETON, 9239
BENEDICT J BROWN, 2968
KENNETH D COUNTS, 5130
ROBERT J COYLE, 8467
JAMES T DENLEY, 5023
MICHAEL L GREENWALT, 6814
ALAN M HANSEN, 4956
J. P HEDGES JR., 0046
MARK R HENDRICKS, 2873
MICHAEL G MUELLER, 5108
CARLOS B ORTIZ, 5937
TIMOTHY L OVERTURF, 5378
BRENT W SCOTT, 8695
STUART D SMITH, 1089
DAVID A TUBLEY, 6919
STEVEN P UNGER, 6316
MIL A YI, 0125

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

CARLA M ALBRITTON, 9300
MICHAEL L ANDERSON, 4719
THOMAS S ARMSTRONG, 2971
RAYMOND W BICHARD, 4879
VICTOR D BLANCO, 5570
PAUL J BOURGEOIS, 2810
FORREST R BROWNE III, 5345
JOHN D BRUGHELLI, 5842
JOSE CERVANTES, 3866
KURT M CHIVERS, 5862
CHARLES E CHURCHWARD, 9302
WILBURN A CLARKE, 3440
MICHAEL E CORSEY, 7662
WILLIAM J DARNEY III, 4104
DANE A DENMAN, 2151
KIT A DUNCAN, 8947
KENNETH W EPPS, 2330
RACHEL M FANT, 5472
MARTIN F FIELDS JR., 6048
MATTHEW J GIBBONS, 1433
JOHN E GILLILAND, 4001
ROWDY C GRIFFIN, 5793
ROBERT J HAMMOND, 2710
TIMOTHY J HARRINGTON, 3344
MARK K HARRIS, 3629
RICHARD D HEINZ, 8602
JAMES M JOHNSON, 6489
KEVIN M JONES, 5381
DAVID H KAO, 9356
ROBERT J KILLIUS, 7673
BRYANT W KNOX, 3311
JAMES A LAPOINTE, 6896
FRANK J LORENTZEN, 4853
KYLE P LUKSOVSKY, 1053
DAVID A MARCH, 2863
THOMAS R MARSZALEK, 3149
SCOTT T MCCAIN, 8807
PATRICK J MCCLANAHAN, 1090
THOMAS J MOREAU, 3014
JOSEPH H NEUHEISEL, 3030
DANIEL J NOLL, 9323
GARY J POWE, 8524
JOE F RAY, 0701
MICHAEL L RENEGAR, 6695
DAVID D SANDERS, 8395
TIFFANY A SCHAD, 3756
VINCENT P SCHIAVONE, 9636
DAVID A SHEALY, 3697
EDWARD E SIMPSON, 5924
ROBERT F SKJONSBY, 8281
SCOTT C SMITH, 7792
JOHN D SORACCO, 9320
CHRISTOPHER T SOSA, 6674
ALESSANDRO I STAMEGNA, 3096
TERRY M SURDYKE, 7580
DERRIC T TURNER, 4042
HAROLD W VALENTINE, 3241
MARK S WHEELER, 3469
POLLY S WOLF, 3510
EDWARD L ZAWISLAK, 0518

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

MICHAEL T ACROMITE, 4237
TROY G ANDERSON, 3566
JOSEPH C AQUILINA, 9366
BRIAN K AUGE, 5096
JOHN B BACCUS III, 3355
LAUREN D BALES, 7404
RICHARD D BARROW II, 4047
JOHN L BASTIEN, 2867
ANTHONY G BATTAGLIA, 8622
MARY F BAVARO, 8811
MARY BECKETT, 6235
STEPHANIE A BERNARD, 2423
SANDRA L BIERLING, 4661
CHARLES S BLACKADAR, 1560
CAROL L BLACKWOOD, 4652
JEFFREY A BLAIR, 8187
OCTAVIO A BORGES, 1254
PAMELA J BRETHAUER, 8727
STACY A BRETHAUER, 3046
WILLIAM J BRUNSMAN, 7418
BRYAN S BUCHANAN, 0016
KEVIN D BUCKLEY, 4167
THOMAS B BUTTOLPH, 0042
JANIS R CARLTON, 1538
THOMAS M CHUPP, 2865
JOSEPH B CLEM, 6719
VICKI J COLAPIETRO, 5491
MICHAEL E COMPEGGIE, 7797
MARY N COOK, 1861
CARL R COWEN, 0543
THOMAS A CRAIG, 4775
STEVEN D CRONQUIST, 9182
MICHAEL P DALGETTY, 3494
ANTHONY E DELGADO, 1036
ANNE DENYS, 8826
MARK L DICK, 2344
RICHARD R DOBHAN, 2575
ROBERT J DONOVAN, 8365
CHRISTINE E DORR, 4771
BRAD H DOUGLAS, 7742
ROBERT DUNBAR JR., 5173
THEODORE D EDSON, 2034
JOHN C ELKAS, 6848
MARK J FLYNN, 5072
STEVEN E GABELE, 4049
MICHELE L GASPER, 0601
DAVID W GIBSON, 1147
COLLEEN M GILSTAD, 4705
JOHN GILSTAD, 8532
PATRICK H GINN, 4420
WAYNE M GLUF, 4947
TIMOTHY S GORMLEY, 0844
DANIEL L GRAMINS, 1983
CHRISTOPHER A HAM, 4577
JOHN S HAMMES, 0123
TONY S HAN, 4303
JAMES L HANCOCK, 5079
CARY E HARRISON, 6205
JOHN F HAWLEY, 0118
DANIEL J HEBERT, 9985
ELIZABETH M HOFMEISTER, 6939
NICHOLAS M HOLMES, 2409
ANTHONY R HOOVLER, 7683
TIM B HOPKINS, 0252
DARRYL K ITOW, 8503
JENNIFER M JAGOE, 7154
PETER M JOHNSON, 6673
STEVEN A KEWISH, 4888
BRIAN S KING, 6822
NEIL M KING, 0801
BARBARA E KNOLLMANNRITSCHEL, 2860
CHRISTOPHER A KURTZ, 2133
TRI H LAC, 0283
LOUIS V LAVOPA, 3349
BENJAMIN K LEE, 0339
HEIDI LYSZCZARZ, 6622
JOHN L LYSZCZARZ, 2858
DANIEL F MAHER, 4237

ELIZABETH A MALEY, 9699
JEANETTE H MATTHEWS, 6207
SCOTT T MAURER, 7831
PAUL D MCADAMS, 0599
MICHAEL S MCCLINCY, 7342
MICHAEL B MCGINNIS, 0275
LISA M MCGOWAN, 7238
PATRICIA L MCKAY, 0286
MELANIE J MERRICK, 8980
ROBERT N MILLER JR., 1325
ERIN M MOORE, 1205
LISA P MULLIGAN, 5059
PATRICK M MULLIN, 7094
DAVID P MURPHY, 8812
DAVID F MURRAY, 5903
JANET N MYERS, 7455
DIPAK D NADKARNI, 8388
SCOTT L NASSON, 2400
DAVID K NAUGLE, 8743
AMY L OBOYLE, 4773
PHILIP M OCONNELL, 7281
WILLIAM S PADGETT, 4523
DAVID PALMER, 6342
GEORGE A PAZOS, 7503
MICHAEL G PENNY, 7514
MICHAEL J PHIPPS, 7824
LEE A PIETRANGELO, 9219
STEVEN J PORTOUW, 4553
MARTIN W PRUSS, 1495
TRENT D RASMUSSEN, 5464
WARD L REED III, 1818
ROY R RICE, 8119
MATTHEW C RINGS, 6545
PETER F ROBERTS, 0043
ANTHONIO RODRIGUEZ, 6790
MILDRED RODRIGUEZ, 4880
JUAN A ROSARIOCOLLAZO, 7042
JOSEPH D RUGGIERO, 8362
RICHARD J SAVARINO JR., 2797
ASHLEY A SCHROEDER, 7763
ERIC L SCHWARTZMAN, 4383
CHRISTINE L G SEARS, 4396
STEPHEN T SEARS, 9071
PAUL D SEEMAN, 9271
ERIC S SHERCK, 9282
SOHAIL A SIDDIQUE, 8351
AMANDA J SIMSIMAN, 4987
GEORGE H SMITH, 5546
LOREN J SMITH, 3996
IFEOLUMIPO O SOFOLA, 4795
JOEL D STEWART, 1211
JAMES A STOREY, 5020
ROGER L SUR, 8508
ROSEMARIE C TAN, 8549
JAMES K TARVER, 2713
JAMES E TOLEDANO, 3528
EDWARD T WATERS, 1518
WILLIAM D WATSON, 2930
STEVEN M WECHSLER, 0978
CHRISTOPHER WESTBROOK, 2272
WILLIAM M WIKE, 9642
GREGORY A WRIGHT, 1875
KIMBERLY S WYATT, 1733
JAMES C YOUNG, 9748
CRAIG M ZELIG, 9435

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

TIMOTHY A ACKERMAN, 4775
STEPHEN G ALFANO, 4100
KENNETH A BELL, 3050
BRADLEY R BURNETT, 9716
HECTOR A CABALLERO, 6230
SOOK K CHAI, 6597
JORGE A GRAZIANI, 7383
SCOTT KOOISTRA, 6429
SEAN C MEEHAN, 3611
BRETT T METCALF, 8919
ANTHONY J OPILKA, 7193
SCOTT T OZAKI, 7937
VICTOR T Y PAK, 7572
TONY L PETERSON, 5779
JOHN J RICHARD, 0429
WILLIAM G SHOEMAKER, 7176
CHRISTOPHER A STEWART, 5157
TODD E SUMNER, 8159
TIMOTHY B TINKER, 5151
KEVIN R TORSKE, 1026
DAVID T TURBYFILL, 8738
TERRY D WEBB, 7335

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

STEVEN E ALLEN, 3077
TIMOTHY D BARNES, 2327
LUIS A BENEVIDES, 3063
RICHARD D BERGTHOLD, 0599
SEAN BIGGERSTAFF, 1633
PHILIP J BLAINE, 4264
CHRISTOPHER A BLOW, 6374
JIMMY A BRADLEY, 3116
LEON F BRADWAY, 7224
MICHAEL D BRIDGES, 4210
KARI A BUCHANAN, 1475
MARQUEZ F CAMPBELL, 1152
JAMES G CHRISTENSON, 6872
DANIEL J CORNWELL, 4843
MARK C CROWELL, 5974
CATHI L CULVER, 9407
MARY F DAVID, 9373
ANDREW M DAVIDSON, 7224
WILLIAM F DAVIS, 7303
DANNY W DENTON, 0069
KRISTI B DEPPERMAN, 5626
BEVERLY A DEXTER, 7726
JAIME E DIAZSOLA, 0677
THOMAS L DRIVER, 3526
DAVID W DROZD, 2318
JOSEPH B ESSEX, 9096
DEANN J FARR, 5351
JOHN F FERGUSON, 5076
BRICE A GOODWIN, 0867
JOSEPH L GRANADO, 3999
WILLIAM O HAISSIG, 4134
MICHELE A HANCOCK, 5789
GERALYN A HARADON, 0676
PATRICK L HAWKINS, 9230
RICHARD D HAYDEN, 3109
BRIAN R HOSKINS, 7670
PAUL B JACOB, 9809
RICHARD J JEHUE, 9325
MARY E JENKINS, 7258
SCOTT L JOHNSTON, 0591
DAVID E JONES, 1891
MARVIN L JONES, 9454
JEANMARIE P JONSTON, 8212
STANLEY J JOSSELL, 8997
RONALD A JURAS, 1367
KAREN J KASOWSKI, 7543
FREDERIC J KELLEY III, 5428
KEVIN L KLETTE, 0208
SCOTT P LAWRY, 3258
RANDAL K LEBLANC, 7011
JOHN W LEFAVOUR, 1406
JAMES A LETEXIER, 6160
LARRY L LOOMIS, 2830
WILLIAM P MACCHI, 2898
MARIA K MAJAR, 4445
ANN C MARQUEZ, 3181
CARLOS J MARTINEZ, 7528
SCOTT A MCCLELLAN, 5007
MARTIN D MCCUE, 9715
MICAH L MEYERS, 3306
ADAM S MICHELS, 3872
LESLIE A MOORE, 6897
THOMAS A MOWELL, 8894
JOSEPH S MYERS JR., 0260
MANUEL E NAGUIT, 7499
ROBERT E NEWELL, 7910
EDWARD C NORTON JR., 2207
ROBERT E OBRECHT, 7241
LUIS M PEREZ, 3876
NORA M PEREZ, 4055
JOSEPH J PICKEL, 1832
JEFFREY M PLUMMER, 8009
ANTHONY V POTTS, 8234
JOHN A RALPH, 5770
DYLAN D SCHMORROW, 7860
RUSSELL D SHILLING, 1754
BRENDA D SMITH, 1101
DEBRA R SOYK, 9042
MARK J STEVENSON, 5006
VERONICA SULLIVANFREDERICK, 0518
ANNE M SWAP, 7797
STEVEN D TATE, 9189
PAULINE M TAYLOR, 5410
JEFFREY C TROWBRIDGE, 5274
KEN H UYESUGI, 7982
MICHAEL P VENABLE, 9405
MICHIAL S WARRINGTON, 8500
TIMOTHY H WEBER, 8305
BRIAN K WILLIAMSON, 3991
SHARON M WRIGHT, 1171

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

KRISTEN N ATTERBURY, 6205
CATHERINE A BAYNE, 5910
JAMES G BEASLEY, 9339
MARGARET S BEAUBIEN, 2476
VALERIE J BEUTEL, 7553
CHERYL W BLANZOLA, 4884
JULIA C BUCK, 6943
JOSEPH F BURKARD, 5655
PATRICIA M BURNS, 8604
MAUREEN R N BUTLER, 2215
SARAH M BUTLER, 7373
IRIS A BYERS, 2457
BARBARA G CAILTEUXZEVALLOS, 8939
PAULA Y CHAMBERLAIN, 8182
SUZANNE M CLARK, 8547
BRIAN D CLEMENT, 1376
SHERI R COLEMAN, 3907
NANCY K CONDON, 8941
KEVIN J COOLONG, 2809
CRAIG L COOPER, 5282
LUZ M CRELLIN, 5713
BRIAN J DREW, 9962
VICKI L EDGAR, 4279
TERRY J HALBRITTER, 9141
BRADLEY J HARTGERINK, 3993
SANDRA K HEAVEN, 3903
PENNY M HEISLER, 2131
ANITA M HENRY, 6963
LINDA J A HOUDE, 8322
KARON V JONES, 0097
TAMMY C JONES, 8196
FRANCES G KELLER, 6136
BARBARA J KINCADE, 4249
KATHLEEN A KNIGHT, 5339
RONNELL R LEFTWICH, 5837
SHARRON A LEWIS, 4006
CATHERINE M MACDONALD, 8613
IAN A MACKENZIE, 5859
REBECCA A MALARA, 7611
TRISHA C MARTIN, 6474
JOHN P MAYE, 9005
JONIE L MCBEE, 5929
CATHERINE J MCDONALD, 4836
CHERYL L MCDONALD, 8776
JOY L MURRAY, 8813
MICHAEL A NACE, 2998
LAURA A PAGANO, 4560
JOANNE M PETRELLI, 6101
TANYA M PONDER, 5093
PAMELA J PORTER, 6067
KAREN S PRUETT, 0260
DON S RAYMUNDO, 3500
KURK A ROGERS, 4893
CHRISTOPHER E SCHMIDT, 3662
KIMBERLY W SHIPLEY, 3914
GLENDA D SINK, 4130
DOROTHEA A SLEDGE, 0231
GORDON R SMITH, 1162
LAVENCION V STARKS, 6692
SUSAN A STEINER, 6003
AMY M TARBAY, 0432
PERRY J WEIN, 3601
MOISE WILLIS, 9285
PATRICIA A WIRTH, 3328
JAMIE H WISE, 6736
CONSTANCE L WORLINE, 4168
MARY A YONK, 3406

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

DAVID A BERGER, 2557
TIERNEY M CARLOS, 6140
REBECCA A CONRAD, 5810
MATTHEW C DOLAN, 4445
JOEL A DOOLIN, 9507
ANNE B FISCHER, 4264
BABETTE R GORDON, 4001
HOLIDAY HANNA, 1500
ERROL D HENRIQUES, 4859
SEAN P HENSELER, 3337
THOMAS C HEROLD, 6141
MATTHEW R HYDE, 8580
MICHAEL J JAEGER, 8028
PAUL C KIAMOS, 4995
LOURAE LANGEVIN, 2601
DON A MARTIN, 1201
ANTHONY J MAZZEO, 8138
JAMES R MCFARLANE, 1403
GORDON E MODARAI, 7715
WILLIAM F OBRIEN, 1194
JAMES A PROTIN, 0796
MARY S REISMEIER, 4308
ADRIAN J ROWE, 3848
GARY E SHARP, 9938
STEPHANIE M SMART, 1062
ERIN E STONE, 1572

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

JOHN J ADAMETZ, 3899
JOHN C ALBERGHINI, 1209
MICHAEL J ANGERINOS, 6368
HECTOR A ARELLANO JR., 1870
GARTH B BERNINGHAUS, 7733
TIMOTHY P COWAN, 8137
MARK K EDELSON, 3962
ROBERT M FAIRBANKS, 7925
EDDIE G GALLION, 0846
ROBERT W GANOWSKI, 3161
PETER E HANLON, 6057
TODD B HENRICKS, 1732
JEFFREY D HICKS, 3287
JOHN A KLIEM, 6268
RONALD F KRAMPS, 7467
MICHELLE C LADUCA, 4787
GREGORY D LUNSFORD, 2096
CYNTHIA J MANNING, 7192
RAYMOND J MARDINI, 9655
TIMOTHY R MARKLE, 9191
CARMELO MELENDEZ, 8999
ROLAND A MINA, 5377
RODNEY M MOORE, 5313
BRUCE C NEVEL, 6281
CRAIG S PRATHER, 8833
ARMAND T QUATTLEBAUM, 3968
STEPHEN K REVELAS, 4004
KEVIN L ROYE, 8433
GLENN A SHEPHARD, 3343
STEVEN L SIMS, 4863
LESLIE S STEELE, 7011
GEORGE N SUTHER, 4559
GARY A TAVE, 9149
PAUL J VANDENBERG, 4655
JOHN D WHITE, 3586
BARNEY S WILLIAMS, 9560

CONFIRMATIONS

Executive nominations confirmed by the Senate July 8, 2004:

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. JAMES E. CARTWRIGHT

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR REAPPOINTMENT AS CHIEF OF NAVAL OPERATIONS, UNITED STATES NAVY, FOR AN ADDITIONAL TERM OF TWO YEARS, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5033:

To be admiral

ADM. VERNON E. CLARK

EXTENSIONS OF REMARKS

A SPECIAL TRIBUTE TO RUTH LARABEE ON THE OCCASION OF HER RETIREMENT

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 2004

Mr. GILLMOR. Mr. Speaker, it is my great pleasure to pay special tribute to Mrs. Ruth Larabee, upon her retirement from her position as the Director of the Wood County Department of Job and Family Services in Bowling Green, Ohio.

Ruth Larabee grew up in the small community of Landeck, Ohio, in Allen County where the leadership skills which have served her well over the years were instilled at an early age. Ruth graduated from Notre Dame College in South Euclid, Ohio with majors in biology and physical science. Upon graduation, Ruth began her career of serving others by teaching Junior High School. When Ruth became a mother of six, she stopped teaching so that she could dedicate all her time and resources to raising her children.

Mr. Speaker, as Ruth's children grew; she accepted a position with the WSOS Head Start Administration. It was in this capacity that she embarked on a career of compassion, always wanting to assist those less fortunate.

Ruth accepted her current position as Director of the Wood County Department of Job and Family Services in 1987, where she has provided constant leadership. Drawing upon her past experiences, she has brought stability and calm to an agency which has seen tremendous change. Despite shifts in public policy brought on by welfare reform, demands for increased services for children and the growing needs of the unemployed, Ruth has continued to be a steadfast leader.

As Director of the Wood County Job and Family Services, Ruth has displayed great leadership by effectively communicating the mission at hand and adapting to the ever changing world around her. Through her drive and leadership, Ruth has worked tirelessly to better the life of abused children, people in need of public housing, the elderly, and those desperately seeking employment. Through her 17 years of distinguished service to the residents of Wood County, Ruth leaves behind the legacy of an Agency inspired by dedication and compassion.

Mr. Speaker, I ask my colleagues to join me in paying special tribute to Mrs. Ruth Larabee. Our communities are served well by having such honorable and giving citizens, like Ruth, who care about their well being and stability. We wish Ruth and her family all the best as we pay tribute to one of Ohio's finest citizens.

HONORING THE BAY SPECIAL CARE HOSPITAL

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 2004

Mr. KILDEE. Mr. Speaker, I rise before you today to honor the faculty and staff of Bay Special Care Hospital of Bay City, Michigan, for providing 10 years of superior medical care to patients requiring extended care management. On July 15, 2004, the hospital, along with the community, will commemorate this special occasion.

Bay Special Care Hospital, a McLaren health service, opened in 1994, and is the first of its kind in Northeastern Michigan. The mission of Bay Special Care is to provide extended care to patients with complex medical needs and require a 25-day or longer stay. The hospital is staffed with a team of highly skilled healthcare professionals, who have committed themselves to providing each patient with intensive personalized care.

Bay Special Care has consistently received high marks for its service from the Michigan Department of Consumer and Industry Services and most importantly from the patients they serve. I commend these men and women for their dedication to detail and commitment to sustaining life.

Mr. Speaker, it is indeed an honor and a pleasure for me to have this opportunity to recognize this outstanding group of medical professionals. Many families have benefited from their care and services. The staff considers it their duty and privilege to protect and defend human dignity and the quality of life for their patients. I am grateful for Bay Special Care's commitment to go beyond the ordinary when providing healthcare services. I ask my colleagues in the 108th Congress to please join me in paying tribute to the Bay Special Care Hospital for 10 years of outstanding service to the community.

INTRODUCTORY STATEMENT FOR H.R. 4768, VETERANS MEDICAL FACILITIES MANAGEMENT ACT OF 2004

HON. ROB SIMMONS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 2004

Mr. SIMMONS. Mr. Speaker, I am introducing H.R. 4768, the Veterans Medical Facilities Management Act of 2004. This legislation will help address needs in the Department of Veterans Affairs (VA) to modernize health care facilities, make better use of VA's existing portfolio of properties and dispose of unneeded properties over the next several years.

In legislation I introduced last year that was included in Public Law (P.L.) 108–170, the Veterans Health Care, Capital Asset, and Business Improvement Act of 2003, a three-year program of delegated authorizations was established to allow the Secretary to update, improve, establish, restore or replace major VA health care facilities. Congress delegated authority to the Secretary to approve individual facility projects based on recommendations of an independent capital investments board and on criteria that places a premium on projects to protect patient safety and privacy; improve seismic protection; provide barrier-free accommodations; and improve VA patient care facilities in specialized areas of concern.

Many VA community based clinics operate in leased facilities. P.L. 108–170 did not provide the Secretary any new authority concerning execution of major medical facility leases. The Department has identified the need for authorization or renewal of major medical facility leases under title 38, United States Code, section 8104(a)(2) at a cost of approximately $24 million in fiscal year 2005. This legislation would authorize leases in the Department's recommended locations as follows:

Site	*Annual lease cost*
Wilmington, North Carolina Outpatient Clinic	$1,320,000
Greenville, North Carolina Outpatient Clinic	1,220,000
Norfolk, Virginia Outpatient Clinic	1,250,000
Summerfield, Florida Marion County Outpatient Clinic	1,230,000
Knoxville, Tennessee Outpatient Clinic	850,000
Toledo, Ohio Outpatient Clinic	1,200,000
Crown Point, Indiana Outpatient Clinic	850,000
Fort Worth, Texas Tarrant County Outpatient Clinic	3,900,000
Plano, Texas Collin County Outpatient Clinic	3,300,000
San Antonio, Texas Northeast Central Bexar County Outpatient Clinic	1,400,000
Corpus Christi, Texas Outpatient Clinic	1,200,000
Harlington, Texas Outpatient Clinic	650,000
Denver, Colorado Health Administration Center ...	1,950,000
Oakland, California Outpatient Clinic	1,700,000
San Diego, California North County Outpatient Clinic	1,300,000
San Diego, California South County Outpatient Clinic	1,100,000

This bill would also provide that the Department may enter into a long-term lease of up to 75 years for land to construct a new medical facility on the Fitzsimons Campus of the University of Colorado, in Aurora, Colorado. It is anticipated that this new VA facility will be

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

a significant shared facility with the University. The extended lease authority will enable all parties to the relationship to obtain a higher level of confidence in planning and constructing an important health care facility for veterans throughout the intermountain west.

Mr. Speaker, this legislation would facilitate the Secretary's authority to transfer unneeded real property currently in VA's portfolio and under the exclusive jurisdiction of the Secretary. The bill would require fair market value for any such transfers, except when transferred to a provider of homeless veterans services receiving a grant under section 2011 of title 38, United States Code.

This bill would also repeal the defunct Nursing Home Revolving Fund, in section 8116 of title 38, United States Code. It would establish a new fund to be known as the Capital Asset Fund, to help defray VA's cost of transferring real property, including demolition, environmental restoration, maintenance, repair, historic preservation and administrative expenses.

VA controls the fourth-largest inventory of owned, leased, and operated federal real property. It is estimated that more than half of VA's facilities are over 50 years old. Many date from the 19th century and many more were constructed in the late 1940s and early 1950s. A large number of properties are listed on the National Register of Historic Places. Given this rich array of heritage assets, H.R. 4768 would also allow the Secretary to enter into partnerships or agreements with public or private entities dedicated to historic preservation and to use resources from the Capital Asset Fund to facilitate the transfer, leasing or adaptive use of these properties. The bill requires a series of reports, beginning with a complete inventory of historic properties, followed up with an annual update of the status of each property for two subsequent reporting cycles.

The bill would require in the Department's annual budget submission inclusion of information on each proposed and completed transfer. The Department also would report to Congress the annual deposits and expenditures from the Fund.

This bill includes a provision to permit the construction of surface parking when incidental to an authorized major medical facility construction project. Also, the bill would provide the Secretary additional flexibility in using funds to develop advanced planning for major construction projects previously authorized by law.

VA major medical facility projects are already exempt under section 8166(a) of title 38, United States Code, from State and local laws relating to building codes, permits, and inspections unless the Secretary consents to participate in such state and local regulation. The bill would exempt VA from State and local land use (zoning) laws.

Mr. Speaker, I trust that my colleagues will agree with me that this is a bill worthy of their support. I strongly urge my colleagues to support this bill and help enact it as a high priority to assist the Department of Veterans Affairs with its capital asset needs.

RECOGNIZING THE LIFE AND LEGACY OF GLORIA ANZALDÚA

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 2004

Ms. SOLIS. Mr. Speaker, I rise to recognize the life and legacy of Gloria Anzaldúa, an internationally renowned scholar and activist who recently passed away.

A highly talented and versatile writer, Gloria Anzaldúa is recognized for representing the finest in the Chicano/Latino literature. She skillfully expressed her thoughts and feelings in a variety of genres including poetry, essays, children's books, and narratives. She is best known for her 1987 hybrid collection of poetry and prose titled Borderlands/La Frontera: The New Mestiza. This volume was a best seller and was listed among the 100 Best Books of the Century by the Hungry Mind Review and Utne Reader. Her other published works include This Bridge Called My Back (1981), Making Face, Making Soul (1990), Prietita and the Ghost Woman (1995), and This Bridge We Call Home (2002).

Gloria Anzaldúa was celebrated by some of the most well respected publishing and educational institutions. Her awards include the Before Columbus Foundation American Book Award, Lambda Lesbian Small Book Press Award, National Endowment for the Arts Fiction Award, and the American Studies Association Achievement Award.

As one of the first openly lesbian Chicana authors, Anzaldúa played a major role in redefining contemporary Chicano/a and gay/lesbian identities through her written work. A pioneer in developing an inclusive feminist movement, she won the hearts of countless readers from all walks of life and inspired many to become activists in their communities.

Gloria Anzaldúa passed away on May 15, 2004, at the age of 61. Her mother, Amalia, her sister, Hilda, and two brothers, Urbano and Oscar, survive her. Although she will be greatly missed, our nation will always remember her illustrious professional career. Her powerful vision will be embraced and cherished by future generations of activists, readers, and leaders from all walks of life.

HONORING THE CHICAGO HISTORICAL SOCIETY ON THE FOURTH OF JULY

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 2004

Mr. EMANUEL. Mr. Speaker, today it is my privilege to recognize the contributions of the Chicago Historical Society toward preserving our glorious heritage and the legacy of great Chicagoans, on the occasion of its 45th Annual 4th of July Celebration. America has come a long way since the Founding Fathers signed the Declaration of Independence, and I applaud the CHS for capturing the pivotal moments of this journey in its "Documents of Freedom" and "Free to Vote" exhibitions.

By consistently demonstrating its commitment to historical accuracy and preservation, the Chicago Historical Society has earned its place atop the pillar of Chicago's treasures. Its commitment to this cause makes it the perfect backdrop for a celebration of our nation's history on Independence Day.

We make the Fourth of July as the beginning of a revolution to secure those unalienable rights from tyranny, but the struggle began long before that date and would continue to be defended by Americans long afterward. Guided by courage, faith, respect for human dignity, and love of freedom, our forefathers fought valiantly to protect our ideals and liberties. In the two and a quarter centuries that have since passed, America has seen the highest peaks and preserved through some difficult times while the values that gave birth to our country have endured.

These values that we hold so dear are preserved for eternity here at the Chicago Historical Society. And as the Historical Society has earned its place as an integral element of Chicago's museum community, the 4th of July celebration has become ingrained in Lincoln Park's culture, and holds a permanent place on the community calendar. Men and women who grew up with their parents here on the 4th of July, now bring their children along with them. And so, these values and traditions will continue to be passed on to future generations.

Mr. Speaker, I applaud the leadership of Lonnie Bunch, Hill Hammock, and the other leaders of the Chicago Historical Society on another fantastic 4th of July celebration. I hope that the Historical Society will continue to enrich our lives and educate Chicagoans for many, many more years.

A TRIBUTE TO THE PENNSYLVANIA STATE UNIVERSITY ON ITS SESQUICENTENNIAL

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 2004

Mr. WOLF. Mr. Speaker, I am pleased to rise today in support of H. Res. 703, a resolution offered by my colleague Representative JOHN PETERSON, congratulating my alma mater, The Pennsylvania State University, on 150 years of service and commending Pennsylvania's designation of the university as Pennsylvania's sole land-grant institution.

As a native Pennsylvanian, I was proud to attend Penn State and earn my undergraduate there in 1961. I also met someone there who would become the most important person in my life—a fellow Penn State student named Carolyn Stover who accepted my proposal to be my wife.

We have many fond memories of our time together at Penn State, strolling together past Old Main, and our dates to the Creamery, enjoying the best ice cream in the world—bar none.

Mr. Speaker, you may not know the tradition of the Creamery. It all started in 1892, when Penn State became the first American institution of higher education to establish collegiate-level instruction in ice cream manufacture, a program that has helped make the university an internationally recognized center for research in frozen confections.

Penn State without question has had an outstanding 150 years as one of the finest land grant institutions in the Nation. Its list of achievements is long and impressive. It was the first institution of higher education in the country to offer undergraduate degrees in industrial engineering, fuel science, and turf grass science. Its strong and varied undergraduate program draws students from across the country and the world.

Penn State's graduate programs also are impressive. It's supply chain/logistics, industrial/manufacturing engineering, materials engineering, nuclear engineering, agricultural engineering, higher education administration, administration/supervision, vocational/technical education, counseling services, ceramics, and rehabilitation counseling graduate programs rank among the Nation's top ten, according to U.S. News and World Report. Penn State's medical, law, and business graduate programs are also stellar.

It is important to note that one in every eight Pennsylvanians with a college degree, one in every 720 Americans, one in every 50 engineers, and one in very four meteorologists are alumni of Penn State.

Penn State is an institution that not only trains the mind, but the body as well. The Nittany Lions are known throughout the intercollegiate sports world for its outstanding teams. Penn State's football team is synonymous with gridiron excellence. Coach Joe Paterno is a football legend, and became the all-time leader in wins in college football in 2001. Penn State also fields quality teams in cross-country, women's volleyball, and gymnastics, just to name a 3 few. The Penn State athletic tradition is robust, and the university has garnered an impressive 56 national team championships in its history.

Penn State's scholar/athletes have impressive academic credentials: the university graduated 80 percent of its scholar/athletes from the entering class of 1996—1997 within six years, compared to a national average of 62 percent for scholar/athletes at all Division I NCAA institutions. Penn State maintains an emphasis on education and athletics that is to be envied.

Penn State's history is full of accomplishments and its future is full of promise. I will insert for the record a list of 50 ways Penn State has shaped the world. This is just a fraction of the ways the students, faculty, staff and all those associated with Penn State have helped to make our Nation and the world a better place.

The education I received at Penn State and the relationships I developed—the most important of which was meeting my future wife—helped shape my life and the public service path I pursued. Carolyn and I, both proud Penn State alumni, congratulate the university on its sesquicentennial, and look forward to celebrating Penn State's future accomplishments.

50 Ways Penn State Has Shaped the World

Since its founding in 1855, Penn State and its people have been leaving their mark on the world. From the viewing of the first atom, to the leading roles played by alumni in Desert Storm, Penn Staters have had a profound impact on the world and are leaving a legacy of contribution.

1. American Literature—Fred Lewis Pattee, who joined the faculty in 1894, became the first in the Nation to hold the title of Professor of American Literature, a field then considered a minor subdiscipline of English literature. He helped make Penn State one of the earliest centers for American literature studies.

2. Animal Nutrition—In the early 1900s Professor Henry Armsby used a respiration calorimeter to try to determine the net energy value of food—that is, the portion of food energy that an animal used to produce milk or meat. His experiments attracted worldwide interest and helped to develop livestock feeds of higher nutritive value.

3. Architectural Engineering—Penn State offers America's oldest continuously accredited (since 1936) curriculum in this field. It introduced the curriculum in 1910 to provide "liberal training in both the aesthetic and construction sides of architecture."

4. Art Education—Penn State became an international center for art education when Austrian-born Viktor Lowenfeld joined the faculty in 1946. Lowenfeld was the most influential art educator of the 20th century and wrote the field's dominant book, Creative and Mental Growth, based on his pioneering work in psychology and the art of the visually impaired.

5. Artificial Insemination—Over a 30-year period beginning in 1946, dairy scientist John Almquist perfected commercially viable artificial insemination techniques for dairy cattle. His research has led to more than $600 million worth of increased food production and cost savings worldwide.

6. Artificial Organs—A heart-assist pump developed by medical and engineering faculty in 1976 to prolong the lives of cardiovascular patients was the first surgically implantable, seam-free, pulsatile blood pump to receive widespread clinical use. It led to the Penn State Heart, the only artificial heart approved by the U.S. Food and Drug Administration.

7. Astronauts—Four Penn Staters have flown in space: alumni Paul Weitz, Robert Cenker and Guion S. Bluford Jr. (the first African-American astronaut, who flew on the space shuttle Challenger in 1983), and Assistant Professor of Kinesiology James Pawelczyk.

8. Astronomy—Penn State, with the University of Texas, operates the Hobby-Eberly spectroscopic survey telescope, the largest instrument of its kind in the world, which measures individual wavelengths of light to reveal information about stars, galaxies, and other deep-space phenomena.

9. Atom First "Seen"—In 1955, physics Professor Erwin Mueller became the first person to "see" an atom, using a field ion electron microscope of his own invention. The device was a landmark advance in scientific instrumentation that allowed a magnification of more than 2 million times.

10. Best-Selling Authors—Vance Packard (The Hidden Persuaders, The Status Seekers) earned his degree from Penn State in 1936. Jean Craighead George, a member of the class of 1941, authored the Newberry Award-winning children's book, Julie of the Wolves.

11. Cinema—Penn State alumnus Julius Epstein won an Oscar for his screenplay for the classic Humphrey Bogart film, "Casablanca." Character actor Ed Binns, class of 1937, received critical praise for supporting roles in such box office favorites as "Patton" and "Fail Safe."

12. Commercial Television—Penn State alumni who have made their mark in television include Carmen Finestra, an executive producer and writer for the hit ABC-TV comedy "Home Improvement," Jonathan Frakes (Commander Will Riker on the hit television series "Star Trek: The Next Generation"), and writer and director Stanley Lathan ("Cagney and Lacey," "Remington Steele" and "Sanford and Son").

13. Correspondence Courses—In 1892, Penn State became the first American college or university to offer correspondence courses in agriculture, an initiative that was followed by national expansion of correspondence instruction in many technical fields.

14. Diesel Engineering—One of the world's first academic research programs in diesel engineering began at Penn State in 1923. Discoveries in such areas as supercharging and scavenging helped to bring about today's fuel-efficient and powerful engines.

15. Discovering Planets—Alexander Wolszczan, professor of astronomy and astrophysics, discovered the existence of three planets orbiting outside of our solar system—the first scientist to do so.

16. Driver Education—Amos Neyhart taught America's first classes for driver education teachers at Penn State in 1936, three years after he began the Nation's first driver education course at nearby State College High School.

17. Engineers Everywhere—One in 50 professionally licensed engineers in the U.S. is a Penn State graduate.

18. Environmentally Correct—Polymer scientist Bernard Gordon III developed a biodegradable plastic that, with the assistance of water, disappears in two years. Early tests indicate that molecular weight of the polymer reduces as water is added, and at 120 degrees to 140 degrees Fahrenheit, the material falls apart in three days.

19. Environmental Stress—The Noll Physiological Research Center, established in 1963, was the Nation's first academic research center dedicated to studying human tolerance to heat, cold and other environmental stresses, and served as the prototype for similar labs worldwide.

20. Family Doctors—Penn State's Milton S. Hershey Medical Center in 1967 became the Nation's first medical school to establish a department of family and community medicine on the same level as traditional medical specialities. It also introduced a residency in the field, thus foreshadowing a renewed emphasis Nationwide on family practitioners.

21. First AG Degrees—Penn State was the first American institution to confer baccalaureate degrees in agriculture, in 1861.

22. Geraniums—Penn State researchers developed the world's first commercially successful geranium grown from seed, the Nittany Lion Red.

23. Greek Leadership—With 56 fraternities and 29 sororities, Penn State has the largest number of Greek organizations of all colleges and universities in the country.

24. Heavy Water—Penn State physicist Ferdinand Brickwedde in 1931 produced the world's first measurable amount of deuterium, a hydrogen isotope needed to make "heavy water"—an essential ingredient in basic atomic research.

25. Ice Cream—In 1892 Penn State offered America's first collegiate instruction in ice cream manufacture, followed soon after by a pioneering "short course" program that has helped to make the University an international center for research in frozen confections. Ice cream gurus Ben & Jerry got their

start from a correspondence course in ice cream making from Penn State.

26. Industrial Engineering—The world's first baccalaureate curriculum in industrial engineering was introduced at Penn State in 1908.

27. Management Education—Established in 1915 as one of the nation's first continuing education programs for business and industry, Penn State's management education classes boosted Pennsylvania's economy by tailoring instruction to thousands of clients statewide in such fields as time management, employee motivation and leadership, and served as models for similar efforts nationally.

28. Materials Research—In 1960, Penn State established the nation's first interdisciplinary curriculum in solid state technology and in 1962, created one of the first interdisciplinary research laboratories, which has since won international acclaim in materials synthesis, electroceramics, diamond films and chemically bonded ceramics.

29. Mathematics—Mathematician Haskell Brooks Curry's research in the 1950s into the foundations of mathematics, especially his development of combinatory logic, later found significant application in computer science, particularly in the design of programming languages.

30. Meteorologists—One in every four meteorologists in the United States is a Penn State graduate.

31. Minority Enrollment—Among more than 100 colleges and universities in Pennsylvania, Penn State ranks second in the enrollment of African Americans and graduates more of these students than any other institution in the Commonwealth.

32. Mushroom Research—In the 1920s, Penn State became the first land-grant college to initiate a comprehensive mushroom research program. Researchers developed improved composts and production practices that were adopted by growers worldwide and also helped Pennsylvania retain its leadership as the No. 1 source of domestic mushrooms.

33. Music—Fred Waring, nationally beloved choral leader ("The man who taught America how to sing") and founder of The Pennsylvanians, was a Penn Stater. So is Grammy Award-winning singer, songwriter and pianist Mike Reid ("Stranger in the House," "Lost in the Fifties Tonight").

34. Nobel Prize—Stanford University biochemist Paul Berg, a member of Penn State's class of 1948, won a Nobel Prize in 1980 for his study of the biochemistry of nucleic acids.

35. Nuclear Reactor—Penn State in 1955 became the first university to be issued a federal license to operate a nuclear reactor, which it continues to use for studies in the peaceful uses of atomic energy and the training of nuclear industry personnel.

36. Pacemaker—A surgeon and two engineers at Penn State perfected the world's first long-life, rechargeable heart pacemaker.

37. Penn Staters Everywhere—Penn State has more than 466,000 living alumni. One in every 720 Americans, and one in every 70 Pennsylvanians, is a graduate of Penn State.

38. Personality Tests—In 1931, psychologist Robert Bernreuter began refining his "Bernreuter Personality Inventory," a pioneer multiphastic test of traits that became the standard by which other personality tests were measured and is still used worldwide for counseling and personnel selection.

39. Petroleum Research—In the 1920s, Penn State researchers began pioneering investigations that identified the components of crude oil, leading to significant improvements in the refining process and the development of today's widely used lubricants that can withstand extremes of heat and cold.

40. Playwrights—The hit Broadway play "Give'em Hell, Harry," based on the life of President Harry Truman and authored by Penn State alumnus Samuel Gallu, was made into a critically acclaimed motion picture. So was Penn Stater John Pielmeier's "Agnes of God," which received three Academy Award nominations.

41. Progesterone—Pioneer steroid chemist Russell Marker's work in synthesizing the hormone progesterone in the 1930s laid the foundation for the birth control pill and such medical applications as cortisones and various hormone and steroid therapies.

42. Public Television—The first national conference of educators and broadcasters was held at Penn State in 1952 and urged the Federal Communications Commission to set aside licenses for noncommercial use. The FCC responded favorably, thus providing the regulatory basis for today's system of public television stations.

43. Pure Food—Pennsylvania's and the Nation's pure food laws stem partly from the work of pioneer chemist William Frear, who in the early 1900s analyzed foods for government agencies and headed an expert committee whose recommendations shaped the landmark Pure Food and Drug Act of 1906.

44. R Values—This widely adopted standard of heat resistance, used to measure the insulating properties of such materials as fiberglass and window glass, was developed by Everett Shuman, who in the 1960s headed Penn State's Building Research Institute.

45. School Administrators— One out of every four senior school administrators in Pennsylvania is a graduate of Penn State.

46. Science, Technology, and Society—In 1969–70, Penn State established the Nation's first interdisciplinary program in science, technology and society. Its integrative courses addressing critical issues in these areas served as a model for similar programs at many other universities.

47. Telecommunications—Penn State alumnus Charles Krumreich invented the telephone jack. More than a billion of his patented Jack-11 square plastic plugs are used worldwide for telephones, modems, and fax machines.

48. Toymaker—Herman Fisher, co-founder and longtime chairman of the board of Fisher Price, one of the Nation's largest toymakers, graduated from Penn State in 1921.

49. Visionary Educator—Evan Pugh, Penn State's first president (1859–64), was among the first nationally recognized advocates of adding science, agriculture and engineering to traditional collegiate studies.

50. Weather Prediction—Meteorologist Hans Panofsky conducted fundamental work at Penn State (1952–82) that led to a new understanding of atmospheric turbulence, air pollution, ozone depletion and planetary atmospheres, and was among the first to apply computer analysis to weather prediction.

PERSONAL EXPLANATION

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 2004

Mr. COBLE. Mr. Speaker, on Friday, June 25, I missed rollcall votes 321–325. Had I been present on this date, I would have voted "no" on rollcall votes Nos. 321–323 and "aye" on rollcall votes 324–325. On this date, I had committed to participating in an event in my congressional district that I was unable to miss.

DAILY INTERLAKE ARTICLE

HON. DENNIS R. REHBERG

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 2004

Mr. REHBERG. Mr. Speaker, I'd like to submit this article from the Daily Interlake in Kalispell, Montana for the RECORD.

The Plum Creek Timber Company, Inc. is the second largest private timberland owner in the United States, including 1.3 million acres in my home state of Montana.

Last month, Plum Creek received the Patriot Award for contributing to national security through its personnel policies that support employee participation in the National Guard and Reserve.

On May 19, 2004, Brigadier General Randy Mosley of the Montana Army National Guard visited Plum Creek's Columbia Falls, Montana office and presented the award, on behalf of the Department of Defense, to Art Vail, Flathead Unit Manager; Tom Ray, General Manager of Resources; and Hank Ricklefs, Vice President of Manufactured Products.

Plum Creek Senior Forester, Don Sneck from the Flathead Unit submitted the nomination for the award but was unable to attend the ceremony because he is presently serving in Iraq. He has served in the guard for 20 years and today flies a helicopter air ambulance, evacuating injured soldiers from southern Iraq to Kuwait. This is Don's third deployment in the last two years.

I congratulate Plum Creek on receiving this prestigious award and thank Don for his hard work on behalf of Plum Creek, his home state of Montana and his country.

[From the Daily Inter Lake, May 20, 2004]

PLUM CREEK HONORED FOR SOLDIER SUPPORT

(By Candace Chase)

Brig. Gen. Randy Mosley of the Montana Army National Guard brought certificates and thanks Wednesday to Plum Creek Timber Co. in Columbia Falls.

The company and three of its executives received patriot awards for contributing to national security by supporting their employee citizen soldiers.

Don Sneck, an employee and deployed guardsman, submitted their nominations.

Mosley honored Henry Ricklefs, vice president of manufactured goods; Tom Ray, general manager of resources; and Art Vail, Flathead unit manager. They received certificates at a management meeting in the Plum Creek board room.

In remarks before the ceremony, Mosley said he couldn't over-emphasize the importance of an employer's support for deployed soldiers in Iraq.

"It's an environment fraught with danger and uncertainty," he said. "We want to concentrate on what is in front of them."

Sneck couldn't attend the ceremony he initiated because he still serves in Iraq. Mosley said Sneck flies a helicopter air ambulance, evacuating injured soldiers from southern Iraq to Kuwait.

"There is no better sight than an air ambulance coming in," Mosley said.

According to Mosley, Sneck has served in the guard for 20 years. His unit has deployed three times in the last two years.

When not called to active duty, Sneck works as a senior forester at Plum Creek Timber.

Another Plum Creek employee soldier did attend the patriot award ceremony. Staff Sgt. Tavia Syme of the 889th Quartermaster Co. has returned to her job after deploying in Iraq.

The reservist said she worked in water purification. Syme said she had a tough time adjusting to heels in her administrative assistant job after 14 months in combat boots.

Syme estimated that about 20 to 25 others perform double duty as Plum Creek employees and part-time soldiers.

She said she appreciated her company's support as expressed in regularly shipped care packages of goodies such as pretzels, jerky, hard candy and greeting cards. The company also sponsored a welcome-home brunch for Syme.

As part of the award ceremony, the general showed a video called "A Soldier's Journey" which documented the experiences of soldiers like Syme before and during recent deployments.

"These are all Montanans—all soldiers who deployed," Mosley said. "Some are still deployed."

The general said that the nation intentionally organized the armed services with dependence on the Reserves and Guard. Once viewed as a strategic reserve, Mosley said changing times now require citizen soldiers to deploy in seven days or less.

"All of a sudden you receive a phone call and your world is turned upside down," he said.

According to Mosley, the country has now deployed the largest force of reserves and guardsmen since World War II.

"This doesn't work without the support of their bosses," he said.

Mosley serves as assistant adjutant general for the Montana Army National Guard.

PAYING TRIBUTE TO DAVID DUNNAGAN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 2004

Mr. McINNIS. Mr. Speaker, it is my privilege to pay tribute to David Dunnagan and thank him for his work as Hospital Service Coordinator for the Disabled American Veterans Department of Colorado. His years of commitment and dedication as a public servant is certainly commendable and worthy of recognition before this body of Congress and this Nation today. Along with my fellow Americans, I am grateful for all that he has accomplished during his years of service.

As a Hospital Service Coordinator, David is stationed at the Grand Junction VA Medical Center, and works hard to ensure that the veterans and their dependents receive the benefits to which they are entitled. David's primary objective is to provide them with the best service possible.

David is a decorated combat veteran, who served in the U.S. Army for twelve years from 1966 to 1978, and retired from the National Guard in March 1997. He knows firsthand the struggles and conflicts that veterans and their families often face, and helps cut through the confusion that is often connected with seeking veterans benefits. His knowledge and expertise provides them with the comfort they need. They understand that he is working for them and securing their future.

Mr. Speaker, it is clear that David has been an invaluable resource to the Disabled American Veterans Department of Colorado and it is my honor to recognize his service and dedication before this body of Congress and this Nation. I am grateful for the opportunity to work with devoted public servants like David Dunnagan. On behalf of the citizens that have benefited from the hard work and commitment he has given to the Disabled American Veterans Department of Colorado and constituents it serves, I extend my appreciation for his years of enthusiastic service.

PAYING TRIBUTE TO ANN BOND

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 2004

Mr. McINNIS. Mr. Speaker, it is my privilege to pay tribute to Ann Bond and thank her for her work as a Public Affairs Specialist with Bureau of Land Management (BLM). Her years of commitment and dedication as a public servant is certainly commendable and worthy of recognition before this body of Congress and this nation today. I, along with my fellow Americans, am grateful for all that she has accomplished during her years of service.

Ann came to the Federal agencies with a long history of dealing with the public and the media in southwestern Colorado. She has served as the Public Affairs Specialist for the San Juan National Forest since 1988, and assumed the joint responsibilities of the Bureau of Land Management Public Affairs Specialist for the San Juan Public Lands in 1995.

In her current role, Ann is the lead for all Forest Service and BLM public affairs and congressional activities, excluding fire related actions, affecting about 2.5 million acres of public land in southwestern Colorado. She excels at going beyond the minimal news release approach to public affairs by insisting on clear, candid communications with the media and the public, and by establishing an expectation for the public to be informed and to participate responsibly in land use decisions.

Mr. Speaker, it is clear that Ann Bond has been an invaluable resource to the Bureau of Land Management and it is my honor to recognize her service and dedication before this body of Congress and this nation. I am grateful for the opportunity to work with devoted public servants like Ann. On behalf of the citizens that have benefited from the hard work and commitment she has given to the Forest Service and the Bureau of Land Management and constituents they serve, I extend my appreciation for her years of enthusiastic service.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2005

SPEECH OF

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4548) to authorize appropriations for fiscal year 2005 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

Mr. HASTINGS of Florida. Mr. Chairman, I rise to express my gratitude to the men and women of the Intelligence Community for their service to our country. Indeed, hey are our nation's greatest intelligence asset.

I also rise to express my continued concern over the Intelligence Community's ability to attract and retain a quality workforce that reflects the ethnic and cultural diversity of the United States. Doing so is required to ensure the Intelligence Community is properly postured to meet the formidable global challenges of the future.

Data collected by the Intelligence Community demonstrates that the proportion of women and minorities in the Intelligence Community continues to be significantly lower than their representation in the general Federal government and private sector workforce. While some improvements have been made by individual agencies in select areas, one fact remains—Women and minorities remain underrepresented in core mission areas, management and senior ranks of the Intelligence Community. This is unlikely to change given the respective representation of women and minorities in student and career development programs, and feeder pools. Meaningful steps, including investment in untraditional initiatives, will be required to reverse this trend.

I commend outgoing Director of Central Intelligence George Tenet for taking the first in a series of needed steps—the convening of a panel of distinguished individuals with extensive Federal government and private sector experience. I look forward to reviewing the panel's findings and recommendations, and to working with the new Director of Central Intelligence and individual agency directors to ensure implementation of constructive programs to improve the Intelligence Community's ability to attract and retain a diverse, highly-skilled workforce.

PAYING TRIBUTE TO BILLY O. HIGHTOWER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 2004

Mr. McINNIS. Mr. Speaker, it is my privilege to pay tribute to Billy Hightower and thank him for his work as Mesa County Veterans Service Officer with the Veteran's Affairs Department. His years of commitment and dedication as a public servant is certainly commendable and worthy of recognition before this body of Congress and this nation today. Along with my fellow Americans, I am grateful for all that he has accomplished during his years of service.

Billy bravely served in the U.S. Air Force as a jet mechanic in the Korean War, and later went on to teach psychology and sociology at both Grand Junction Central High School and Mesa State College. He became active in helping veterans when he began working with the Disabled American Veterans (DAV) organization serving as the 1976–1977 Colorado State Commander, the 1977–1978 National Senior Vice Commander and the 1978–1979 National Commander. During his tenure at the DAV, Billy worked on an outreach program for veterans called Project Forgotten Warrior that was adopted by the Veterans Affairs Department all across the country.

In 1979, Billy became a Health Systems Specialist with the Department of Veterans Affairs. Throughout his eighteen years with the Veterans Affairs Department his extraordinary talent and dedication led him to work with the Salt Lake City Regional Director, the Virginia Regional Office Director, and the Veterans Affairs Under Secretary for Health. He also served as a Grand Junction Organizational Development Specialist, and Patient Advocate before taking his current position as the Mesa County Veterans Service Officer.

Mr. Speaker, it is clear that Billy Hightower has been an invaluable resource to the Department of Veterans Affairs. It is my honor to recognize his service and dedication before this body of Congress and this nation. I am grateful for the opportunity to work with devoted public servants like Billy. On behalf of the citizens that have benefited from the hard work and commitment he has given to the Department of Veterans Affairs and the constituents it serves, I extend my appreciation for his years of enthusiastic service.

PAYING TRIBUTE TO LINDA KOILE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 2004

Mr. McINNIS. Mr. Speaker, I rise to pay tribute to Linda Koile of Oak Creek, Colorado, and to thank her for her service to her community. Linda is the town's new code enforcement officer, a position that requires great commitment and dedication to her community. Linda is a valuable member of her community and I am honored to recognize her commitment before this body of Congress and this nation today.

A resident of Oak Creek, Linda jumped at the opportunity to serve the citizens of her hometown when the job as the town's code enforcement officer became available. Linda was excited to fill the opening and ready to begin a new challenge. Accepting the job required Linda to teach herself a new occupation. Being a code enforcement officer requires extensive knowledge of the municipal codes and of law enforcement. Linda felt she could do a better job and better serve her town if she furthered her education. With that in mind, she financed her own training at the Colorado Mountain College Law Enforcement Academy. Upon graduation, Linda will join the Oak Creek Police Department as an official officer, both enforcing the town's municipal codes and assuming additional responsibilities.

Mr. Speaker, I believe it is appropriate to honor the hard work and selflessness of Linda Koile before this body of Congress and this nation. I am a former police officer, and I understand the challenges that law enforcement presents. Her work demonstrates how commitment and dedication from people like Linda can strengthen the community. I thank Linda for her work and wish her all the best in her future endeavors.

PERSONAL EXPLANATION

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 2004

Mr. TAYLOR of North Carolina. Mr. Speaker, on July 6, 2004 on Rollcall Vote 327, I inadvertently cast a "nay" vote. It was my intention to vote "aye" on the resolution. I would ask that the record reflect my intention to vote "aye" on H. Con. Res. 257, expressing the sense of Congress that the President should posthumously award the Presidential Medal of Freedom to Harry W. Colmery.

PAYING TRIBUTE TO REGINALD AND BEVERLY GRAHAM

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 2004

Mr. McINNIS. Mr. Speaker, I rise today to pay tribute to Reginald and Beverly Graham of Durango, Colorado, and their tireless dedication toward educating our youth. "Reg" and "Bev," as they are affectionately known, have committed to Fort Lewis College as contributing members of the academic community for many years, and I think it is appropriate to highlight their efforts before this body of Congress and this nation today.

Reg and Bev have dedicated their lives to our youth's education. At Fort Lewis College, Reg taught as a professor in business and Bev taught as a specialist in learning and writing. In addition to her time teaching higher education, Bev also taught music at the elementary and middle levels. Fort Lewis College has always been important to Reg and Bev, and now that they are retired from teaching, it still remains special. Recently, in order to better Fort Lewis College, they donated to endow a chair in the business department. This provides one source of funding to staff educational positions in the business department.

Reg and Bev are committed to the community beyond the walls of the classroom. Jumping at an opportunity to take part in the public education and positively impact students prior to college, Reg chaired the committee for school improvement in the Durango School District. Reg's additional dedication to the community is apparent through his work as a member of Kiwanis and as a planner of Meals on Wheels for the First United Methodist Church. Bev is a member of Phi Delta Kappa and active in both the Methodist Church Choir and Durango Society.

Mr. Speaker, it is my pleasure to honor Reg and Bev Graham before this body of Congress and this nation today. Reg and Bev are establishing a legacy that reflects their commitment to excellence in education at Fort Lewis College. I praise Reg and Bev for their dedication to education as seen through their work as faculty members and their continued support of Fort Lewis College. I wish them the best in their future endeavors.

PAYING TRIBUTE TO CURTIS MUCKLOW

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 2004

Mr. McINNIS. Mr. Speaker, it is my privilege to rise and pay tribute today to Curtis Mucklow of Steamboat Springs, Colorado for his work in the agricultural community. Curtis has dedicated his career to providing the educational resources necessary for successful cultivation of agriculture in his community, and it is my pleasure to recognize Curtis before this body of Congress and this nation.

Curtis's first involvement with agriculture was as a ranch hand in Clark, Colorado. From there he went on to receive his bachelors and masters degree in animal science, and began a career as an extension agent in Elbert County. As an extension agent, he works as an educational liaison to develop resources for the agricultural community and identify and implement solutions to agricultural problems. In 1989, he assumed the role of extension agent for Routt County, a job that would allow him to be a major influence on agriculture in Steamboat Springs and the surrounding area. During his tenure, he has achieved many successes. Significant achievements include creating the "Guide to Rural Living," a source providing information about the business of farming, and creating a scholarship in Routt County for 4-H students.

Mr. Speaker, I am pleased to acknowledge the contributions of Curtis Mucklow before this body of Congress and this nation. He has worked hard to improve agriculture in Routt County. He is known for his passion for his job in addition to his knowledge. I thank Curtis for his work in the Steamboat Springs community and wish him luck in his future endeavors.

RECOGNIZING DR. ROBERT A. COOK ON HIS 50TH BIRTHDAY

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 2004

Mrs. LOWEY. Mr. Speaker, I rise today to commend and honor Dr. Robert A. Cook, Doctor of Veterinary Medicine, of Larchmont in the

18th Congressional District of New York. On Saturday, July 10, surrounded by friends and family, he will celebrate his 50th birthday.

Dr. Cook has long been committed to the practice of veterinary care. His passion for his work has led him on a constant search for new skills, and new ways to use those skills to enhance the well-being of animals and wildlife.

Dr. Cook's career is a testament to his commitment to both public service and personal fulfillment. He has blazed trails to improve his profession and expand its public mission. As the Chief Veterinarian, Director of Wildlife Health and then Vice President of Wildlife Health, of the Wildlife Conservation Society in the Bronx, New York, Dr. Cook has lead wildlife health care at Central Park, Queens, and Prospect Park Wildlife Centers, the Bronx Zoo, the New York Aquarium and the Wildlife Survival Center in St. Catherines Island, Georgia.

This work has spurred Dr. Cook to pioneer veterinary care for free-ranging wildlife, to forge invaluable expansions of the public's involvement and commitment to wildlife care, and to take the lessons learned in the great state of New York around the globe. From Bolivia to Bangkok, and from Tanzania to Thailand, Dr. Cook applied his unique skills and programs, and shared them with other parts of the world where they can be of help.

Dr. Cook's work as a veterinarian for the Wildlife Conservation Center is impressive in its own right, but I am staggered by the powerful example he has set with his commitment to the public mission of his organization and profession. Dr. Cook's expansive view of his own role has allowed the success of his work to be amplified far beyond the bounds of what we might expect from one person. It is a shining example to all of us that commitment to community and others can provide the truest and best rewards.

Mr. Speaker, in closing I would like to pay tribute to Dr. Robert A. Cook on the occasion of his 50th birthday, and I ask my colleagues to join me in congratulating him for all that he has accomplished.

PAYING TRIBUTE TO KERRY KERRIGAN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 2004

Mr. McINNIS. Mr. Speaker, it is my honor to rise to pay tribute to Kerry Kerrigan of Steamboat Springs, Colorado for her courage as a citizen and her dedication as a teacher. She is a valuable source of inspiration and strength in her community, and I am honored to recognize her accomplishments before this body of Congress and this nation today.

An athletic young woman, Kerry was a skier and a gymnast before her bone cancer diagnoses left her no option, but to amputate one of her legs. This slowed her down, but the setback would not prevent her from pursuing her yearning to educate our youth. She is currently a successful elementary school teacher that makes a difference in her student's lives.

In recognition of her excellent teaching record, she was a runner up for 2000 Colorado Teacher of the Year, one of five to receive the honor. Her passion for teaching compliments her courageous life. Recently she rescued a struggling young girl from Charlie's Hole rapids on the Yampa River. As an active leader in the community, she partakes in leadership roles in the Humble Ranch Education and Therapy Center and the Steamboat Marathon children's fun run. Kerry is still able to maintain an active lifestyle, and enjoys kayaking, swimming and mountain biking.

Mr. Speaker, it is my great pleasure to share Kerry Kerrigan's good works with this body of Congress and this nation. Her record of achievements in the community is so consistent that nothing she does can surprise the people of the Yampa Valley. I recognize her extra effort and thank her for her deeds.

RANCHO DEL CHAPARRAL GIRL SCOUT CAMP CELEBRATES 35TH ANNIVERSARY

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 2004

Mr. UDALL of New Mexico. Mr. Speaker, I would like to recognize the 35th anniversary of the Girl Scouts of Chaparral Council's resident camp, Rancho del Chaparral, located on 1,200 acres of forest, river and meadow in the Jemez Mountains. "A piece of blue sky and all there is beneath it" is the theme for Rancho, as it is affectionately called.

On July 17, Girl Scouts from New Mexico and across the United States will reunite to mark this historic occasion, exemplifying the strong bond of friendship that young women gain through their Girl Scout experiences. Such relationships are vital for young women and foster an appreciation for helping others, whether it be in the community, at school, or at home. It is clear that these women have cherished the spirit of the Girl Scout tradition as they now gather 35 years later to renew their friendships.

Rancho is located on part of the San Diego Land Grant bestowed to Francisco Garcia de Noreigo in 1790 by the Governor of New Mexico. It was purchased in 1963 by funds raised through Girl Scout cookie sales.

Rancho replaced Camp Elza Seligman, which had served the girls of the council since the early 1940's. Camp Seligman, located near Ponderosa, was no longer adequate for the growing needs of the council. Parents and friends of Girl Scouts raised funds through a Capital Campaign in 1967, and Rancho was dedicated on July 13, 1969. It was designed by the architectural firm, George Wright Associates, and built by La Mesa Builders, Inc.

Today, Rancho's El Bosque continues to welcome Brownie, Junior, Cadette and Senior Girl Scout troops, along with their leaders, for an exciting camp experience. El Prado—with its Adirondacks, hogans and covered wagons—houses individual girls participating in a variety of outdoor activities.

Rancho develops girls strong in mind, body and spirit by creating a cooperative and supportive community that encourages self-reliance and self-discovery. Girls experience hiking, horseback riding, arts and crafts, campfires, star gazing, archery, canoeing, and much more. There are even programs for the entire family.

During the celebration, there will be a memorial dedication to Captain Tamara Long-Archuleta, a former Chaparral Girl Scout, who was tragically killed last year in Afghanistan. Tammy was the copilot of the helicopter that crashed while on a rescue mission, killing all six aboard. She was from Adelino, near Belen, and her life was a shining example of what being a Girl Scout is all about. Tammy was valedictorian of her class and a world karate champion. She graduated from the University of New Mexico with honors, and while there became involved with Air Force ROTC. She had wanted to become a fighter pilot, but instead decided to do rescue work.

Tammy left behind a 3-year-old son and planned to marry a fellow Air Force pilot. Sadly, she was two weeks away from returning home when the accident occurred.

Girl Scouts of Chaparral Council serves more than 6,800 girls and 2,500 adults in nine counties in New Mexico and five counties in southwestern Colorado. Chaparral Council is committed to helping girls, ages 5–17, develop values, social consciousness, self-esteem and skills for success in the future. I have met hundreds of Chaparral Girl Scouts over the years and am constantly reminded through these experiences, our younger generations are ready, willing, and able to assume their rightful role as tomorrow's leaders.

Mr. Speaker, Rancho del Chaparral will forever be a place where friendships flourished and lessons were learned about life and the importance of our natural resources. Most of all, these women were instilled with the Girl Scout tradition, something they have passed down to their children and grandchildren. Thousands of girls' lives have been touched and enriched through their experience with the Chaparral Council. I am pleased to commemorate the 35th anniversary of this very special place that has meant so much to so many.

PAYING TRIBUTE TO ROBERT C. YOUNG

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 2004

Mr. McINNIS. Mr. Speaker, it is with a heavy heart that I rise today to pay tribute to the life of Robert Charles Young of Grand Junction, Colorado. Robert, known affectionately as "Bob", leaves behind a legacy of hard work and dedication to his community and I am honored to remember his life before this body of Congress and this nation today.

Bob was a Colorado native, born and raised in Denver. Living in Denver, he went on to study accounting, a profession that would shape his career. In 1944, a possible business prospect moved Bob to Glenwood Springs. This began his career as the consummate businessman. Using his business savvy, Bob saw an opportunity to capitalize on his accounting expertise to service a market devoid of other accountants. Seeking to better serve his community, he accepted a position in public service when he was elected as the Justice of the Peace in Glenwood Springs, a position which later changed in title to municipal judge.

After retiring from his accounting firm Bob took time to relax and enjoy the simple things in life. He had a penchant to see the world and fulfilled it by traveling with his wife, Jeris. In 2002, he moved with his wife to Grand Junction, Colorado, a community where he had many friends. People will remember Bob most for his close personal relationships with his family and friends. He made it a point to meet everyday with friends over a cup of coffee at one of his favorite local restaurants.

Mr. Speaker, the communities of Grand Junction and Glenwood Springs will sorely miss Robert Charles Young. He will be remembered for his work in business as well as public service, but most of all, he will be remembered as a great friend. I wish to express my deepest sympathies to his family and friends.

THE TRANSPORTATION BILL

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 2004

Mr. RAHALL. Mr. Speaker, I rise today to discuss the Transportation bill. As the remaining days until the August District Work Period tick down, it is looking more and more likely as though we are not going to get a bill finalized this year.

This is a sad state of affairs. The White House clearly does not want us to finalize this bill in an election year, and the House Republican Leadership just follows the orders of the Cheney-Bush Administration. We should complete the bill, and if the White House wants to veto it, it can go ahead; there are clearly enough Republican and Democrat votes to override a veto and get the Transportation bill finished. But by doing nothing, the House Republican leadership is siding with the White House, and it is preventing Congress from carrying out its Constitutional role as a co-equal branch of government.

To add insult to injury, the Washington Post reported on July 3, 2004, on page A9, that the White House has only spent $366 million of the $18.4 billion that it got Congress and the Republican Leadership to appropriate for Iraqi reconstruction. Why the Cheney-Bush White House won't now spend the money that it insisted it needed is anybody's guess. But this is money that could and should have gone to reinvestment in America rather than into Iraq in the first place. Instead, it lies unused and serving no purpose.

Under the Constitution, as my dear friend Senator BYRD has noted so many times, it is the responsibility of the Congress to decide how federal funds should be spent; it is not the White House's role. Yet, this White House has insisted on investing in Iraq rather than America, and it has gotten its way even if it doesn't know what it wants to do with the money.

States like my home state of West Virginia have been waiting for far too long now to see just what, if anything, they could expect to receive from the federal government in order to finance important highway and transit projects, to focus on congestion mitigation, and to provide good-paying jobs that are sorely needed in this uncertain job market.

Mr. Speaker, I have an editorial from a distinguished newspaper in my district, the Bluefield Daily Telegraph, which I would like to submit for the record to accompany my remarks. This insightful viewpoint from yesterday's paper demonstrates quite clearly the problems with which we are saddling the states due to Congressional inaction. The article reads as follows:

> FUNDING SETBACK: HOUSE DELAYS HIGHWAY, STREETSCAPE WORK
>
> Not only did the U.S. House's extension of the federal highway funding bill last week cause a slow down on financing new or continued construction on I-73/74 through the West Virginia coalfields area, it also causes problems for existing programs that rely on the bill.
>
> One such project is the downtown Streetscape project in Bluefield.
>
> The program is ready for Phase II, a refurbishing of Chicory Square between Bland and Federal streets.
>
> The city earlier received funding for an extensive project in downtown that involved sidewalk replacement, new lighting and the installation of high-tech communications infrastructure. Phase I got underway in 2003.
>
> City officials said the Coal Heritage Authority has three projects that can't be started until a new highway bill is approved.
>
> Bluefield officials were hoping for a smooth transition between the first two phases of the downtown Streetscape project with the passage of a new six-year federal highway administration spending bill.
>
> But, for the fourth time, the majority party in the House has decided to use its power to delay consideration and passage of the bill.
>
> Needing even more funding, the King Coal Highway Association, which joins Tolsia Highway in the I-73/74 project through the southern coalfield counties from Huntington to Bluefield, is awaiting millions of dollars to carry through with work already planned on the $2 billion undertaking. They had hoped to be able to move forward with those projects this summer.
>
> Most political observers think there will be no action on the new federal spending act until after the November presidential election. That means communities like Bluefield, Kimball, Mount Hope and all those anticipating construction jobs for I-73/74 have lost a year in financing.
>
> Maybe voters should find out which Representatives are holding up the bill and remember them in November.

PAYING TRIBUTE TO TOM SHARP

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 2004

Mr. MCINNIS. Mr. Speaker, today I rise to honor the achievements of Tom Sharp of Steamboat Springs, Colorado. Tom has played an important role in the community as exemplified through his work as a businessman and a civic leader. It is my pleasure to recognize his efforts before this body of Congress and this nation today.

Tom grew up in a rural community in Monte Vista, Colorado. After law school, he tried city life when he worked as a clerk for a judge, but found living in the city unfulfilling. He soon moved to Steamboat Springs, finding the smaller community provided an environment more conducive to his lifestyle. Tom has since ascended forty of Colorado's 14,000 foot mountains locally named "Fourteeners." He is also an avid skier.

Reaching the summit of mountains is thematic in Tom's life. He pursues challenges in his business and personal life, the same way he climbs the mountains. The goal is the top, and he will reach it. One of his most notable contributions to the community is his work in water law. Starting in 1977, he served on the board of directors for the Upper Yampa Water Conservancy District. Recently, he expanded his role in water rights statewide by assuming the Governor appointed position on the Colorado Water Conservation Board. Tom has never taken his civic responsibility lightly. He served on the local school board, the local county board for Habitat for Humanity, and other local boards for local businesses.

Mr. Speaker, I am honored to recognize the work Tom Sharp has done for the community. It is under the leadership of people like Tom that a small town builds a strong cohesive community. His work is commendable and I wish him all the best in his future endeavors.

PAYING TRIBUTE TO JACK SMITH

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 7, 2004

Mr. MCINNIS. Mr. Speaker, it is my pleasure to rise and recognize the dedication of Jack Smith of Rifle, Colorado to our youth as a teacher and coach at Rifle High School over the past forty-five years. Jack has been instrumental in shaping the lives of student-athletes in his community. I am honored to recognize his accomplishments before this body of Congress and this nation today.

Born in Cotopaxi, Colorado, Jack graduated from Florence High School. He went on to serve this nation in the United States Marine Corps, and, following his military service, graduated from Western State College and went into teaching. He has amassed an impressive record of accomplishments in his time, as a teacher and a coach. He first began as a full time teacher and assistant basketball and football coach in 1960 at Rifle High School. Over his time spent coaching, Jack served as a head or assistant coach, coaching both boys and girls in five different sports. Now, he stays active in the education of our youth, serving as an assistant coach for the girl's basketball team.

Mr. Speaker, it is my privilege to recognize Jack Smith for his work as a coach and a teacher at Rifle High School. Teachers and coaches play a very important role in developing our next generation's leaders. Jack's passion for coaching demonstrates a tremendous commitment to the future of our nation's youth. I thank Jack for his service to the community and wish him the best of luck in his future endeavors.

HONORING MANATAWNY MANOR

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 2004

Mr. GERLACH. Mr. Speaker, I rise today to honor Manatawny Manor in recognition of 30 years of dedicated service to the senior citizens of Chester County, Pennsylvania.

On July 8, 1974, Manatawny Manor opened its doors to provide care for senior citizens in need. It was founded by two notable men: Thomas Natoli and Frank Genuardi. These men created Manatawny Manor with a vision of providing unsurpassed service to the senior citizens of Chester County. Originally, Manatawny Manor was a one-story structure with 99 beds and five nursing staff members. On its first night of operation, there was only one resident. Since then, the numbers of citizens that Manatawny Manor has cared for has greatly increased. In the past thirty years, Manatawny Manor has provided and cared for over 4,897 residents.

Just four years after Manatawny Manor opened, substantial improvements were made to the facility. In 1978, a 107 bed personal care unit opened and, in 1986, an adult day care facility was added. The day care facility made more services available to senior citizens and can accommodate up 28 clients.

Increased need for bed capacity in 1989 and 1996 led to renovation projects that expanded upon the original building, bringing the number of beds to 133. These additions and improvements were not focused solely on bed space, but also on improvements in the administrative offices, and the Rehabilitation Services Department.

In 1998, Manatawny Manor was purchased by the Lutheran Home at Topton, thus becoming a part of Lutheran Services Northeast. On January 1, 2000, through the affiliation of Lutheran Services Northeast and Tressler Lutheran Services, Manatawny Manor became a facility of the Diakon Lutheran Social Ministries. Diakon is a private, non-profit charitable organization of the Evangelical Lutheran Church of America. Diakon Lutheran Social Ministries has sought to provide the very best in long-term care through continuing care retirement communities, assisted living services, special care for those with dementia or Alzheimer's disease, short and long-term care skilled nursing, and outpatient rehabilitation.

Mr. Speaker, I ask that my colleagues join me today in recognizing Manatawny Manor and Diakon Lutheran Social Ministries for 30 years of exceptional long term care and service to the people of Chester County, Pennsylvania.

PAYING TRIBUTE TO THOMAS PETERSON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 2004

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to the life and memory of Thomas Peterson of Durango, Colorado. Thomas passed away after a long fight with kidney disease at the age of fifty-nine. He proudly served our country and worked hard to maintain his own business. As his family and community mourn his passing, I think it is appropriate to recognize his life and legacy before this body of Congress and this nation.

At the ripe age of ten, Thomas first began his long career as a Durango businessman. Preparing him to takeover, Thomas's father started grooming him as a young employee in the family business, Peterson Office Supply. In 1971, his father passed away and Thomas assumed control of the family business. Leaving his business legacy behind, Thomas's presence as a business leader and longstanding staple of the Durango community will be sorely missed.

A proud citizen, Thomas served our country with honor for twenty-three years as a member of the National Guard. He retired from service in 1988 as a First Sergeant. In addition to his service, he spent thirty-years as a committed member of the Elks Lodge. As a leader in the community, Thomas was a trustee for the Elks Lodge.

Mr. Speaker, it is my honor to rise and recognize the life of Thomas Peterson today. The Durango community will remember Thomas for his big heart and willingness to give to others. As a loyal and trusting individual, he demonstrated the strengths of America's smaller communities. I would like to express my deepest regrets and extend my sympathy to the family and friends of Thomas Peterson.

A TRIBUTE TO STEVEN RUFFIN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor of Steven Ruffin in recognition of his tireless efforts to strengthen the community through his work as a member of the New York City Police Department.

Steven Ruffin was born and raised in the Bedford Stuyvesant community in Brooklyn. He is the oldest of four children. His interests include jazz, Afro-centric art, sports and working with the community.

He was appointed to the New York City Police Department on January 21, 1985 and was assigned to the Neighborhood Stabilization Unit, where he performed foot patrol within the 73rd, 75th and the 81st precincts.

In January 1985, Officer Ruffin was assigned to the 79th precinct. He performed patrol duties there for ten years. Later, in 1995, he was assigned as the Explorer/Auxiliary Coordinator, making him responsible for the supervision of the Explorer and Auxiliary members.

For the past four years, Officer Ruffin's experience and expertise has resulted in improved community relations. He has accomplished this by developing a prosperous partnership between the community and the 79th precinct, which has been instrumental in closing the gap between the community and police. He encourages his fellow officers to become more involved and concerned with the neighborhood in the area they serve and protect.

Officer Ruffin has also successfully collaborated with local officials, neighborhood organizations, schools, and churches in Bedford Stuyvesant to strengthen the community. He has also played an active role in organizing youth programs, parades, demonstrations, rallies, and various events. For all of his contributions, Officer Ruffin has received numerous awards for his community service.

Mr. Speaker, Steven Ruffin has dedicated both his professional and personal life to strengthening the community. As such, he is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

CHESTER GRAY

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 2004

Mrs. JONES of Ohio. Mr. Speaker, today I rise to honor Chester Gray of Cleveland, Ohio.

Chester Gray, born on April 1, 1912, in Cleveland, Ohio, was one of two sons born to Morgan J. Gray and Elandra Holt Gray. Morgan, a Pullman Porter, originally from London, Ontario, and Elandra, daughter of a Canadian Baptist minister, raised their sons in an "upper poor" but loving home. Throughout his life Chester valued advice he received from his mother, "Be yourself, and be somebody." He also shared his parent's belief in the efficacy of education.

After graduating from Cleveland's East High School, Chester wanted to attend Fisk University, however his father advised him to stay home. A friend took him to meet the Jesuits, and soon he was riding the streetcar to the college at West 30th Street. So began his lifetime association with his alma mater John Carroll University. Chester enjoyed sharing memories about John Carroll where he was one part of the trio of young black men who were the first men of color to attend the University.

Chester, "Chet" had a life filled with many interests. As a youngster he ice skated with his buddies at the old Elysium or played sandlot football. At John Carroll he played the French Horn and was a member of the university's first marching band. "Chet" dreamed of attending medical school after earning his bachelor in Philosophy, however money was short so, he ventured in other directions: He worked at the Cedar Branch YMCA, volunteered at Karamu House, joined the National Youth Administration and before long arrived at the Ohio Bureau of Employment, a destination that was to direct his future as a prolific public servant and consummate community citizen.

Chester Gray was a brave man. In 1965 he was the lone Black man who was part of a three-man team of officials who traveled into the heart of Klu Klux Klan territory in Birmingham, Alabama. Their mission was to end job discrimination in the local steel mill. The officials endured insults, threats and possible physical harm, but they got their job done. They told the employers they'd have to follow minority guidelines mandated by the Civil Rights Act of 1964. Thus began a new era in employment.

Reflecting on his years and training at John Carroll University "Chet" gave evidence of his quick humor. Describing sitting through the daily Mass conducted in Latin he said, "There was an equality of ignorance. None of us knew what the hell was going on." He also noted that the skills he learned in critical thinking and understanding people were tolls that served him throughout his life.

Perhaps one of the most profound life lessons Chester carried away from John Carroll was "The bedrock of the Jesuit philosophy of doing good for others. Do the best you can for yourself, but also do something to make life better." He spent his life practicing the philosophy and had Ninety-Two glorious years of taking small and giant steps to make life better for his community.

LET THE WORK I'VE DONE SPEAK FOR ME

May the work I've done speak for me. When I'm resting in my grave, there is nothing that can be said. May the work I've done, speak for me. May the life I've lived speak for me. May the service I gave speak for me. When I've done the best I can, and my friends don't understand, may the service I gave speak for me. The works I've done seemed so small. Sometimes they seemed like nothing at all. But when I stand before my God. I want to hear Him say "Well Done." May the work I've done speak for me.

National Youth Administration, youth supervisor and state supervisor of recreation and community affairs

Chief of Minority Group Services, Ohio Bureau of Employment Service

American Red Cross, Military Welfare Branch

Deputy director of operations, Ohio Civil Rights Commission

Staff Director of Equal Employment Opportunity Program for Cleveland district contact management office of U.S. Air Force

Director, U.S. Equal Employment Opportunity Commission for Ohio

Elected to John Carroll University board of trustees

Consultant, Cleveland Board of Education

Interim executive director for Cuyahoga Metropolitan Housing Authority

Appointed to John Carroll University board of regents

Inspiration and Consultant for "Forever JCU", the first ever alumni of color event

Former Board member Fairhill Center for Aging

Guest Lecturer: Michigan State University, Western Reserve University and numerous public and private organizations

Member and Former Trustee, Mt. Zion Congregational Church

Member of: Omega Psi Phi Fraternity Inc., Tau Boule of Sigma Pi Phi Fraternity and past President of Cleveland City Club

"Service is the rent we pay to be living. It is the very purpose of life and not something you do in your spare time"

—MARIAN WRIGHT EDELMAN.

Chester Gray was constantly described as "a gentleman", one of a vanishing breed of men who was elegant, articulate and cultured. But he was more, he was compassionate, a friend, a supporter and mentor. He had high standards and expectations. "Chet" or as he liked to refer to himself, "The Silver Fox", had a zest for living. Unaffected by the passage of time he was debonair, worldly, a man of great humor, twinkling eyes and a broad smile. He believed in finding positive solutions and believed in conciliation.

Chester had a Forty-Seven year long love affair with his beloved Frances, who preceded him in death. They were blessed with one son, Chester, Jr. a resident of Philadelphia, Pa. Chester lived life to the fullest: golfing, traveling, dancing, cooking, reading, writing, practicing Tai Chi, sharing time with his wonderful world of diverse friends. He was indeed a "Man for all Seasons". We will miss him, but remember him with love.

A PROCLAMATION RECOGNIZING AUBRIE WASICEK

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 2004

Mr. NEY. Mr. Speaker:

Whereas, Aubrie Wasicek is an outstanding student and loving daughter; and

Whereas, Aubrie Wasicek has been acknowledged by Adams Elementary School for her outstanding academic achievements; and

Whereas, Aubrie Wasicek should be commended for her academic excellence, for her dedication to learning, and for her willingness to obtain and share the knowledge she has gained; and

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in honoring and congratulating Aubrie Wasicek for her outstanding accomplishment.

MOURNING THE LOSS OF SGT. GERARDO MORENO

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 2004

Mr. HALL. Mr. Speaker, I rise today to express my deep sorrow for the loss of a young soldier from my district, Sgt. Gerardo Moreno, 23, of Terrell, Texas. Gerardo, who was assigned to the 1st Battalion, 5th Cavalry, 1st Cavalry Division based in Fort Hood, Texas, died on April 6 in Ashula, Iraq, in support of Operation Iraqi Freedom. He had been in Iraq since early January and was killed in a grenade attack.

Following graduation from Terrell High School in 1999, Gerardo enlisted in the Army. He was a dedicated soldier and upstanding citizen of Terrell, Texas. In a show of support for the fallen soldier, the residents of Terrell lined Moore Avenue on the morning of his funeral to pay their respects. He was laid to rest in Dallas/Fort Worth National Cemetery.

Gerardo was also a devoted family man. He is survived by his wife, Teresa Moreno of Terrell and their two children, Dominique and Marrisol Moreno. Mourning his death are also his mother, Sandra E. Iracheta, and her husband, Noe Iracheta; father, Gerardo Moreno; brother, Jose J. Moreno; stepsisters, Yara and Yadira Perez; grandmother, Rita Iracheta of Terrell; grandfather, Israel Iracheta of San Antonio, and other family members.

Mr. Speaker, Gerardo left Texas in defense of our Nation, and he returned to Texas a hero. He made the ultimate sacrifice for our Nation, and we are forever indebted to him and to our brave men and women who are serving in our armed forces. As we adjourn today in the House of Representatives, let us do so by joining with the good citizens of Terrell in honoring this American hero, Sgt. Gerardo Moreno, and extending our deepest condolences to his family and friends. May God bless them and bring them comfort in their time of sorrow.

CONGRATULATING INDUCTEES AND MEMBERS OF THE NATIONAL JUNIOR HONOR SOCIETY OF BELL OAKS UPPER ELEMENTARY SCHOOL IN BELLMAWR, NEW JERSEY

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 2004

Mr. ANDREWS. Mr. Speaker, I rise today to congratulate and recognize the newest inductees and two-year members of the National Junior Honor Society of Bell Oaks Upper Elementary School in Bellmawr, New Jersey. These students have earned this recognition due to their excellence both inside and outside the classroom, and they should be proud of their accomplishments.

The National Junior Honor Society was established in 1929, 8 years after the establishment of the National Honor Society. Both organizations were established to recognize outstanding students who demonstrate excellence in the areas of Scholarship, Leadership, Service, and Character. Students are expected to demonstrate proficiency not just in their classroom studies, but in school activities and community service as well. Each of the recent inductees and current members of the Bell Oaks National Junior Honor Society is to be commended for their dedication to knowledge and service.

On May 24 at 7 p.m. Bell Oaks Upper Elementary School inducted the following 7th Graders: Caitlin Concannon, Charles Dyer, David Funk, Breelynn Hammerle, Jake Huffner, John Ippolite, Maryam Jamil, Erica Lopez, Jacob McGranaghan, Stephen Miles, Joseph Newsham, Priyanka Patel, Charles Robinson, Mark Unger, Judith Wallen, Brett Walren, and Lidia Wilczynska. The 8th Graders inducted were Justin Borrelli, Bryan Cheeseman, Donovan Ortiz, Ashley Parker, Steven Sheehan, and Christopher Todd. The National Junior Honor Society Two Year Members are as follows: Michael Anthony, Hinnah Aslam, Lorin Barry, Joshua Bloomquist, Laura Buonpastore, Lauren Burmylo, Anthony DiLolle, Edward DiMattesa, Nicholas Fishman, Danielle Landis, Brittany Magnin, Michael Malason, Meghan Mitchell, Sean O'Donnell, Stephen Paul, Brittney Rehrig, Amanda Roop, Blair Rundsmom, Matthew Salvano, Jessie Sibiski, Thomas Teschko, and Britney Yocum.

Mr. Speaker, I ask that you join me in congratulating each of these students on their dedication to scholarship and commitment to community service. Their enthusiasm for learning and helping others is admirable, and I am certain that they will continue to excel in these areas and remain leaders in their community.

TRIBUTE TO MS. DORCAS R. HARDY

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 2004

Mr. BROWN of South Carolina. Mr. Speaker, I rise today to pay tribute to Ms. Dorcas R. Hardy, who, among her many noteworthy accomplishments, served as the Chairman of the Vocational Rehabilitation and Employment (VR&E) Task Force.

In May 2003, VA Secretary Anthony Principi established the Task Force to give the VR&E program "an unvarnished, top-to-bottom independent examination, evaluation, and analysis." Chairman Hardy fulfilled the challenge with an extensive testimony before the House Veterans' Affairs Committee on the operations, findings, and recommendations to improve the VR&E program.

Included among the Task Force's 100-plus recommendations is a new, five-track employment process aimed at assisting veterans with finding and retaining employment. The report also includes recommendations focusing on four categories: programs, organizations, work processes, and integrating capacities. Ms. Hardy summarized the recommendations best by saying that they are necessary for the program "to be effective in the 21st Century" and they will help "to communicate to veterans and partners that the purpose of the program is employment." Indeed, long-term sustained employment should be the goal of every vocational rehabilitation participant.

Ms. Hardy received her B.A. from Connecticut College, her M.B.A. from Pepperdine University, and completed the Executive Program in Health Policy and Financial Management at Harvard University.

Ms. Hardy is also the President of Dorcas R. Hardy & Associates, a government relations and public policy firm serving a diverse portfolio of clients in the health services, insurance, financial and associated industries. She has a distinguished record of public service culminating with her appointment in 1986 by the late President Ronald Reagan as the Commissioner of Social Security.

With Ms. Hardy's continued dedication to public service, America and her veterans benefit. For this, I pay her tribute.

PAYING TRIBUTE TO MAILE KELLER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 2004

Mr. McINNIS. Mr. Speaker, today I rise to recognize MaiLe Keller of Glenwood Springs, Colorado for her ability to overcome obstacles placed before her and excel in her endeavors. Diagnosed with a hearing impairment before the age of three, MaiLe has excelled as a student-athlete at Glenwood Springs High School.

This spirit of perseverance is thematic in her life. MaiLe has learned to communicate in different ways to overcome her hearing loss, including learning to read lips. Determined to receive an athletic letter at Glenwood Springs High School, MaiLe took up golf during her sophomore year. After many hours of practice with a swing coach, she found a love and appreciation for the game. As a testament to her dedication to the sport, success soon followed as MaiLe took second place at the Demon Invitational golf tournament.

Her hard work is not exclusive to golf; she is also a very dedicated student and has the grades to prove it. Her plans for the future include attending the University of Northern Colorado to study visual arts with the help of a scholarship from the Western Colorado Golf Foundation.

Mr. Speaker, it is my privilege to recognize MaiLe Keller for her accomplishments on the green and in her life. She has overcome the obstacles that have been laid in her path, and I congratulate her on her success and wish her the best of luck in future endeavors.

A TRIBUTE TO ARCHBISHOP WILBERT S. McKINLEY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor of Archbishop Wilbert S. McKinley in recognition of his spiritual leadership in the community.

Archbishop Wilbert S. McKinley is the senior pastor of The Elim International Fellowship.

The doors of the church were opened for ministry on July 26, 1964. As the founding pastor, Archbishop McKinley has served the church faithfully for forty years.

Archbishop McKinley has an overwhelming passion to introduce people, especially men, to the Church and the teachings of Jesus Christ. Archbishop McKinley believes that these teachings hold the key to every door. He is especially called to reach black men with the message of hope through Jesus Christ and with the necessity of embracing one's spiritual, national and racial identity.

Archbishop McKinley has been a gift to the Church. In addition to his pastoral duties, he is a leader who is committed to sharing his time and talent with others.

Mr. Speaker, Archbishop Wilbert S. McKinley has been a spiritual leader in his community for more than forty years. As such, he is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

DANNY CAMERON

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 2004

Mrs. JONES of Ohio. Mr. Speaker, today I rise to honor Danny Cameron of Cleveland, Ohio.

I want to thank Mr. Cameron for all he has done during his 36-year career with National City Bank to give quality service to the citizens of the 11th Congressional District. As President of the National City Development Corporation he served our community for the past 22, assisting customers make their dreams a reality. For too long, many deserving people were denied an opportunity to build businesses and futures because of the lack of availability of a helping hand. Danny has used his position with the Development Corporation to say "yes" rather than "no," to offer hope rather than despair to the people of Greater Cleveland. I thank him for making our community a better place.

I am very happy that he has reached this wonderful time, being young enough to retire and start a new life. I am sorry, however, that he and his wife, Dorothy, are leaving Cleveland for new beginnings in Georgia.

On behalf of the citizens of the 11th Congressional District, Ohio, I extend our gratitude to Danny Cameron for his many years of service, not only as a banker but also as an involved community citizen. He has brightened many lives. On a personal note, I also want to thank him for his years of friendship and support. He has always been there for me.

I wish Danny, Dottie and their family many years of health and happiness. May they fulfill many of their dreams and also find many new adventures. We'll miss you.

A PROCLAMATION RECOGNIZING WORKING WARDROBES

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 2004

Mr. NEY. Mr. Speaker:

Whereas, Working Wardrobes is a dedicated and tireless organization worthy of merit and recognition; and

Whereas, Working Wardrobes has been acknowledged for its philanthropic service; and

Whereas, Working Wardrobes should be commended for its excellence in service and for its unwavering dedication to helping individuals obtain the necessary skills to obtain employment; and

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in honoring and congratulating Working Wardrobes for its outstanding accomplishment.

CONGRATULATING THE "TREASURES OF THE TEXAS COAST" CHILDREN'S ART CONTEST 2004 WINNERS

HON. RALPH M. HALL
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 8, 2004

Mr. HALL. Mr. Speaker, I am honored today to recognize Sammy Clegg, Chelsea Schneider and Daniel Sagrero as the 2004 winners of the Treasures of the Texas Coast Children's Art Contest.

As part of the Texas Adopt-A-Beach program, the "Treasures of the Texas Coast" art contest is open to Texas students grade K–6. Hosted annually by the Texas General Land Office, the core objectives of the contest are to encourage young artists while promoting the cause to keep Texas beaches clean. This year's winners, Chelsea Schneider and Daniel Sagrero of Lee Intermediate School in Gainsville, Texas, and Sammy Clegg of Rowlett Elementary School in Rowlett, Texas, masterfully demonstrated those objectives.

Each young artist beautifully displayed the concept of keeping Texas beaches clean by using an elaborate and colorful palette. The winning artwork was displayed in the Capitol Building in Austin, Texas, as well as compiled into a statewide calendar for all to see. Mr. Speaker, I would like to extend congratulations to these outstanding students.

WAR WITH IRAQ

HON. ROBERT E. ANDREWS
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 8, 2004

Mr. ANDREWS. Mr. Speaker, I rise today to address some dangerous and potentially harmful conjectures that have been made by some of our colleagues in Congress regarding the reasons for going to war with Iraq.

Our decision to go to war with Iraq and remove Saddam Hussein from power was the right decision. The record shows that at various times the defeated Iraqi regime of Saddam Hussein possessed biological and chemical weapons and desired to possess nuclear weapons. Failure to oust Saddam Hussein would have put the American people at a grave risk.

Some have questioned the quality of intelligence that U.S. policy makers received prior to the start of the war in Iraq. I agree that this is a matter of grave importance that requires a complete and full public evaluation. Any faulty intelligence on such grave matters is a serious problem. If we are relying on the same potentially faulty intelligence to protect the lives of our troops still serving in Iraq, or to consider military action elsewhere in the world, that is a dangerous risk to our security and a grave flaw in our foreign policy decision making processes. While these matters are investigated, however, it is crucial that we do not recklessly suggest alternate reasons that the war was pursued.

Some Members of Congress have made statements claiming that the true reason for this war was to move along the Administration's plan to secure a peaceful Israel. These statements are baseless, and quite divisive. While Israel, like the rest of the World, will surely benefit from a stable, democratic Iraq, this war was not entered into for Israel's benefit. Granted, a democratic force in the region will be welcome by the Israeli government, but a stable Iraq will be no means ensure an end to the dangers faced by our allies in Israel. Suggesting that the United States waged this war solely to advance its Middle East policies will only serve to increase the anti-Semitism that already permeates the area, and potentially increase the violence that the Israeli citizens have been forced to endure for years. It is true that, prior to the commencement of the War with Iraq, President Bush stated, "A new regime in Iraq would serve as a dramatic and inspiring example of freedom for other nations in the region." I fully agree with this statement, and feel that it is important to recognize that the spread of freedom and democracy in the region is of great benefit to the entire world, not just Israel. The spread of democracy will directly lead to the spread of peace. There has not been one instance in modern history where a democratic government has gone to war with another democratic government—not one. Achieving such a peaceful existence is of monumental importance to the United States, Israel, and all other nations opposed to violence and terror tactics.

While I certainly do not expect each of my colleagues to agree with me on the question of whether or not we should have entered this war, I do urge all Members of Congress to think carefully about the potential effects that their statements may have, both on the war and on other subjects of a sensitive nature.

TRIBUTE TO DR. LAY KHIN KAY

HON. HENRY E. BROWN, JR.
OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 8, 2004

Mr. BROWN of South Carolina. Mr. Speaker, I rise today to pay tribute to Dr. Lay Khin Kay, co-founder and chief medical director of QTC Medical Services, Inc., for dedicating the past 23 years of her career to the development of medical claims technology.

Dr. Kay's career began in Burma when she obtained her Doctor of Medicine degree from the prestigious Rangoon Institute of Medicine. She came to the United States to further her education and obtain certification as a Board Certified Internal and Occupational Specialist. Dr. Kay devoted years of service performing disability evaluations at the Social Security Administration where she identified a major disconnect between traditional medical evidence development and rating requirements. The medical evidence collected by an evaluating physician rarely met the expectations of ratings requirements; consequently, long delays and appealed cases increased.

In 1981, Dr. Kay co-founded QTC Medical Services to develop a rating-driven disability evaluation protocol, and worked to educate thousands of evaluating physicians. As technology progressed, Dr. Kay continued to develop new techniques to improve the evaluation process. She created QTC's Medical Knowledge Library, which serves as the main database for KMEP (Dr. Kay's Medical Evaluation Protocol), a web-based application designed to help physicians generate disability medical examination content. Instead of using a standardized physician examination guide, KMEP software produces claimant-specific, protocol-based, field-level evaluation worksheets. These worksheets ensure that each physician will completely and accurately address every medical issue of the claimant according to the corresponding disability program's standards.

In 1997, the Department of Veterans Affairs (VA) awarded its first performance-based contract to QTC to conduct a pilot program that was established by Congress to perform compensation and pension examinations (C&P) for veterans filing disability claims through VA. QTC now performs about 50 percent of the VA's C&P exams through 10 of its regional offices. In 2003, the KMEP application aided the QTC examining physicians in the production of over 69,000 disability exam reports with near-perfect adequacy ratings.

Dr. Kay's efforts have given disabled veterans a simplified evaluation process, which eliminates the need for retraining, costs less money, and produces timelier quality reports. Thank you, Dr. Kay, for your innovative and cost-effective contributions to the veterans' claims disability process.

PAYING TRIBUTE TO MARTA AND CHARLIE PETERSON

HON. SCOTT McINNIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 8, 2004

Mr. McINNIS. Mr. Speaker, it is my privilege to rise today and to pay tribute to the service of Marta and Charlie Peterson to Mesa Verde National Park. Recently, after over thirty years of dedicated service to our nation park system, the couple announced their retirement. They leave behind a great legacy of dedication and commitment to our lands and I am honored to recognize their service before this body of Congress and this nation today.

Marta and Charlie joined the park service in 1969 on separate journeys. They met while working at adjacent parks in their first year and married soon after. Together they have worked in nine National Parks, acclimating to the changing conditions and terrain, finding happiness in each and every park. After seven years at Mesa Verde National Park, Charlie retires as the chief ranger and Marta retires as the administrative assistant to the park superintendent.

Charlie and Marta's dedication to our National Parks is evident through the numerous awards and recognition they have received over the years. Charlie received the Department of Interior's Medal of Valor and the park service's Harry Yount Award. The Medal of Valor was given for his role in saving his friend from drowning. Working as scuba divers cleaning drains to improve the flood conditions, his friend was pulled into the drain, only to be saved by Charlie. The Harry Yount award honors rangers considered by their peers to be the top rangers in the National Park Service.

Mr. Speaker, I am honored to recognize Marta and Charlie Peterson before this body of Congress and this nation today. They have provided years of dedicated service to our national parks. I thank them for their hard work and service, and wish them all the best and happiness in their future endeavors.

TRIBUTE TO CLIFFORD BARNETT CROWLEY

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 2004

Mr. EVERETT. Mr. Speaker, I rise to honor the memory of a distinguished citizen and friend to many in my Congressional District, Mr. Clifford Barnett Crowley, who passed away on July 6 of an extended illness at the age of 92.

Mr. Crowley was a native of Houston County, Alabama where he and his wife, Donnie Vernell Wilkinson, established a family farm. Crowley was well known for his ingenuity and keen ability to adjust to change in agriculture. This skill earned him state wide distinction as Alabama Peanut Farmer of the Year in 1969 and 1970.

Crowley was an active member of Pine Hill Free Will Baptist Church in Dothan, serving as a Sunday School teacher, deacon and trustee. He was also much beloved for his participation in a local musical group which entertained fellow seniors, family and friends.

I offer my condolences to Mr. Crowley's wife and extended family. We have lost a valued and much respected member of our community.

PERSONAL EXPLANATION

HON. ANNE M. NORTHUP

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 2004

Mrs. NORTHUP. Mr. Chairman, on July 7, 2004, I inadvertently voted "nay" on an amendment to the fiscal year 2005 Commerce, Justice, State and the Judiciary Appropriations bill (H.R. 4754). I respectfully request the RECORD reflect that I supported the Paul Amendment withholding funds from the United National Educational, Scientific, and Cultural Organization (UNESCO), and intended to vote "aye" on rollcall vote No. 333.

PAYING TRIBUTE TO LANCE CORPORAL MANUEL ADRIAN CENICEROS

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 2004

Ms. SOLIS. Mr. Speaker, I rise to pay tribute to Lance Corporal Manuel "Manny" Adrian Ceniceros, United States Marine Corps, a member of the Regimental Combat Team 1 Headquarters Company, 1st Marine Division, 1st Marine Expeditionary Force, Camp Pendleton, Calif.

Manuel Adrian Ceniceros was born on November 15, 1980. He was a good son to his mother Angela De La Cruz and a loving husband to his wife Elizabeth. He enjoyed life and lived it to the fullest. His hobbies included drawing and playing the trumpet. Manuel and Elizabeth dreamed of starting a family some day. They lived in East Los Angeles, just a few blocks from my office, before he was deployed.

Manuel epitomized what every man should be—a good son and loving husband, a caring friend and considerate neighbor, a good-hearted young man who enjoyed life and strived to ensure that others did as well.

For love of our country, and to protect its freedoms, Lance Corporal Manuel Adrian Ceniceros volunteered to participate in a convoy mission, not knowing that it would be his last unselfish act of honor and courage. On June 26, 2004, he was killed in an explosion in the Iraqi Province of Al Anbar. Manny was laid to rest on July 6 in Santa Ana, the city of his birth. He is survived by his wife Elizabeth and mother Angela de La Cruz.

A TRIBUTE TO ST. BLASÉ "KC" CHARLES

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor of St. Blasé "KC" Charles in recognition of his significant cultural and economic development contributions to the community.

St. Blasé Charles, better known as KC, hails from the twin island Nation of Trinidad and Tobago in the Caribbean. He has been an entertainer for more than 30 years. Famous for his Caribbean-style rendition of the "father of soul," Mr. James Brown, KC is also affectionately known as the "Local James Brown" throughout the entertainment circles in North America and members of his international fan club. Along with his own musical group, the International Band, KC has performed at major events and famous places including the West Indian Labor Day Parade in Brooklyn, the Harlem Day Parade, Manhattan's Annual Halloween Parade, the MGM and Sahara casino in Las Vegas, and the Royal Caribbean and Carnival cruises, just to name a few.

KC's summer concerts were launched in 1989 at his garage at East 87th Street in East Flatbush, Brooklyn where he held a huge block party on Memorial Day. In order to accommodate the growing crowd that came to the yearly event, in 1991, KC moved his Caribbean style street festival to Ditmas Avenue near his East 87th Street garage. The event covered ten blocks. The event continued at Ditmas Avenue until 1996, when KC took his show and a loyal following of thousands to its new home on Atlantic Avenue.

Spanning 10,000 square feet and a maximum occupancy of 4,300, the Hideaway is a spacious outdoor venue located at 2494 Atlantic, in an industrial section of Brooklyn. Since 1998, the Hideaway, which is owned and managed by KC, has been hosting its hallmark Summer Concert Series featuring today's leading soca, calypso, and reggae musical acts from around the Caribbean and here in the United States. Along with top performers, the Hideaway showcases some of the most popular Caribbean-American DJs. It is also equipped with a fully licensed bar, a professional sized stage, and an elevated VIP lounge where performing artist and special guests can view and enjoy the shows.

KC's Hideaway has become a major attraction for thousands of Caribbean music lovers from around the world who are drawn to Brooklyn, the Caribbean Capital of the United States, year after year to celebrate the West Indian Labor Day Carnival season, which begins in May. The venue stages around 66 shows a year and the number of concertgoers has steadily increased over the past three years. The concert grew from an audience of about 80,000 for the season in 1998, to approximately 165,000 for this season.

Mr. Speaker, St. Blasé "KC" Charles has developed and created a major cultural event in his community, which has brought thousands of people to Brooklyn each year to celebrate their Caribbean heritage. As such, he is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

TRIBUTE TO JAMES L. FLINN III

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 2004

Mr. CRAMER. Mr. Speaker, I rise today to recognize James L. Flinn III upon his retirement after thirty-five years of outstanding civil service for the United States Army, the majority of which he served at Redstone Arsenal in Huntsville.

An Alabama native, Jim first entered the civil service in 1969 after receiving a Bachelor of Science Degree in Finance and Management from the University of Alabama. Through many challenging and diverse assignments, Jim has distinguished himself by his knowledge and ability to consistently lead others. He has been a constant and stabilizing presence at Redstone and has helped ensure Redstone's high level support of the warfighter.

Mr. Speaker, throughout Jim's remarkable career his hard work and dedication have been an inspiration for others and he has been recognized by his peers through numerous honors and awards. In 2003, he was awarded the Department of the Army Senior Executive Service Distinguished Presidential Rank Award, which is the highest honor a public sector employee can receive. In addition, in 1993 and 1998 he received the DA SES Meritorious Presidential Rank Award and most recently, he was awarded the 2004 National Defense Industrial Association Defense Management Award. Jim also serves on numerous boards and holds many leadership positions in North Alabama. Most recently, he was appointed by the Governor of Alabama to the Alabama Space Science Exhibit Commission, which oversees the U.S. Space and Rocket Center in Huntsville.

Mr. Speaker, on behalf of the people of North Alabama, I congratulate James L. Flinn on his thirty-five years of service to our country and wish him well in his retirement.

PAYING TRIBUTE TO PATRINE RICE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 2004

Mr. McINNIS. Mr. Speaker, I stand and recognize the selflessness of Patrine Rice of Grand Junction, Colorado. She has committed herself to the community, which is evident through her accomplished record as a volunteer. It is my pleasure to acknowledge Patrine's efforts to make her neighborhood stronger before this body of Congress and this nation today.

Patrine's career as a volunteer began when she moved to Grand Junction in 1986. Ever since, she has shelved books for six to eight hours per week at the Mesa County Public Library. Her work at the library is a natural extension of her years spent as a teacher of foreign language. Nearly eighty years old, self sufficiency would satisfy most at that distinguished age, but not Patrine. In addition to taking care of her yard and her garden, she finds time to dedicate herself to others. Through a program called "Support Our Seniors," she drives other seniors requiring transportation to their destinations. In acknowledgement of her work as a volunteer in her area, she was recently honored with the "Above and Beyond Award" by the Mesa County Department of Human Services and the League of Women Voters.

Mr. Speaker, Patrine Rice's fondness for helping others contributes significantly to make Grand Junction a cohesive community. This spirit of volunteerism is a role model for others to follow. I thank Patrine for her civic pride and wish her the best in her future endeavors.

HONORING MOTHER THELMA MACK

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 2004

Mr. THOMPSON of Mississippi. Mr. Speaker, I would like to recognize Thelma Mack, the epitome of a community mother, who spent her entire life being a stalemate and community pillar.

As an African-American woman of Indianola, Mississippi, born in April of 1934, Thelma endured the strife of segregated life in the South. During the Civil Rights era, Thelma exemplified her motherly role through housing and feeding passers-by committed to the equal rights mission.

Thelma Mack's most notable career work was in the area of childcare, where she started a daycare at her home. In August of 1968, Thelma became the Director of the Sunflower-Humphreys County Headstart, where she served for over 20 years.

Thelma Mack's faithful service and dedication to upholding the traditional family structure and values is the backbone of our communities. I applaud the life and legacy of Thelma Mack.

CHILD NUTRITION AND WIC REAUTHORIZATION ACT OF 2004

SPEECH OF

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2004

Mr. BOEHNER. Mr. Speaker, effective, fair vendor cost containment is critical to ensure that federal funds for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) are managed appropriately. It is equally important that this objective be achieved with balance. WIC cost containment measures in S. 2507 should provide assurance that WIC-Only stores have prices that are consistent with traditional retail WIC vendors. It is the intent of Congress that the provisions of this bill be implemented in a fair and equitable manner. Cost containment measures contained in S. 2507 are not to be used to drive vendors out of the program.

Central to the vendor cost containment provisions is the authority to establish a series of vendor peer groups, each with its own competitive price criteria and allowable reimbursement levels. These vendor peer groups recognize that there are economic realities that cause pricing to vary among stores based on store size and geographic location. Large supermarket chains and box stores bypass wholesalers and purchase directly from manufacturers. Other stores, including some WIC-Only stores do not. Much more important, supermarket chains receive significant price discounts and concessions from manufacturers, such as allowances for product promotion, product shelf placement, etc. Independently owned stores, including independently owned chains and most WIC-Only stores, generally do not have the negotiating power to bargain for these benefits. As a result, independently owned stores may spend as much to purchase a product at wholesale as the retail price at a big chain. Because of this, vendor peer groups should allow for somewhat higher prices at small stores, relative to the larger supermarkets.

During implementation of vendor peer groups to achieve cost-containment, it is vital that transparent, objective criteria be used in defining peer group characteristics. It is expected that the criteria that have traditionally been used, the square footage of stores or the number of store registers, will continue to be used as appropriate. However, there is clear authority for adoption of other readily discernible, objective criteria that define appropriate peer group distinctions. WIC sales volume alone may not be an appropriate basis for defining peer groups since it accounts for only a portion of the sales of a given product and, in many situations, would be a poor indicator of factors that affect retail pricing decisions.

Special authority is provided for establishing competitive price criteria and allowable reimbursement levels for WIC-Only stores because those stores are insulated from marketplace price competition. It is not discriminatory to regulate them in a different manner. However, it would be inconsistent with the intent of Congress to use that unique regulatory treatment to apply a different standard to WIC-Only stores.

The objective of cost containment measures contained in S. 2507 is for WIC Program food costs to be the same regardless of whether program participants redeemed food instruments at a WIC-Only store or comparable market-based vendor. This neutrality objective is expressed by the dual statements in the bill: First, the bill provides for establishing and publishing competitive price criteria and allowable reimbursement levels that do not result in higher food costs in WIC-Only stores than in other authorized vendors. Second, the bill is clear that it is not to be construed to compel a State agency to achieve lower food costs in WIC-Only stores than in other authorized vendors. The objective is neutrality; for WIC-Only store costs to be at the same level as costs at comparable market-based vendors.

The language now before the House is different from the language reported by the Senate Committee on Agriculture, Nutrition, and Forestry, but the neutrality objective has been consistently pursued throughout this legislative process. Refinements in that language are intended to remove any question that the objective is cost neutrality.

S. 2507 includes language requiring that competitive price criteria and allowable reimbursement levels will "not result in higher food costs if program participants redeem supplemental food vouchers" at WIC-Only stores than other vendors. This language is a statement of the general cost neutrality objective previously explained. It is not to be construed to compel a rigid cost limitation test. Neither USDA nor individual states can know with absolute certainty or ongoing precision what food prices will be.

In the bill's system of vendor peer groups, provision is made for peer groups for WIC-Only stores. It does not necessarily require a single peer group for WIC-Only stores because not all WIC-Only stores are alike. WIC-Only store peer groups are to have their prices limited to the same levels as prices of comparable market-based stores. The legislation is not prescriptive in specifying characteristics that make stores "comparable." However, as with the regulatory basis for defining peer groups, the basis for comparing peer groups must be objective and readily discernable. Absent compelling basis for a different approach, the same criteria as are used to distinguish between traditional vendor peer groups should be used to distinguish between peer groups in WIC-Only stores and to identify peer groups of comparable market-based stores.

Another provision that warrants close oversight is a prohibition on certain marketing practices for WIC-Only stores. The Department of Agriculture is charged with promulgation of a rule to prohibit WIC-Only stores from giving certain "incentive items" to WIC participants unless the vendor proves that the incentive items were obtained at no cost. The provision was adopted because of reports that some WIC-Only stores have given incentive items that are out of the bounds of traditional vendor marketing practices. It is the intent of this provision to halt such marketing practices and to ensure that the acquisition of incentive items does not increase WIC Program costs.

This provision is intended to prevent marketing practices that are wholly inconsistent with those that occur in traditional food retailing. It is not intended that this provision would be used to create a situation where WIC-Only stores are prohibited from employing the same marketing practices that traditional stores use to induce customers. The fact that this restriction applies only to WIC-Only stores must not be viewed as an intention to create marketing restrictions that afford traditional vendors a competitive advantage over WIC-Only stores. The Secretary has authority in its implementing rulemaking to require a State Agency to waive restrictions on marketing practices of WIC-Only stores where competing traditional vendors engage in those practices.

The bill makes clear that merchandise of nominal value and food are not to be prohibited. Likewise, this provision does not provide authority to restrict incentives other than free merchandise. Specifically, it does not authorize restriction of services provided to program participants that are attendant to the redemption of supplemental food vouchers, such as assistance in complying with WIC program rules as they select their purchases or assistance in getting the food to their transportation or home, even if traditional vendors do not provide such services. The provision only authorizes restriction of use of non-food merchandise in marketing practices; it does not authorize restriction of retail services. Therefore, the Department of Agriculture rulemaking is to prohibit merchandise gifts that are inconsistent with marketing practices of the traditional food retail trade, but not marketing practices that are employed by other authorized vendors.

Mr. Speaker, I commend my colleagues for including vendor provisions in S. 2507 that will provide for effective cost containment, particularly in WIC-Only stores that are generally insulated from marketplace price competition. This bill does a commendable job in providing fair and balanced regulation. WIC-Only stores have become very popular with WIC participants because of their convenience and service. That should continue.

INTRODUCING THE MMA TERRITORIAL EQUITY FOR LOW-INCOME INDIVIDUALS ACT OF 2004

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 2004

Ms. BORDALLO. Mr. Speaker, today I am introducing legislation that will treat Medicare-eligible citizens of Guam, the Virgin Islands, American Samoa, the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands the same as low-income citizens in the 50 States and the District of Columbia with respect to the Medicare prescription drug transitional assistance program and, beginning in 2006, premium and cost-sharing subsidies under the national Medicare prescription drug program. I am joined by Congresswoman DONNA M. CHRISTENSEN of the Virgin Islands, Congressman ENI F. H. FALEOMAVAEGA of American Samoa and Resident Commissioner ANÍBAL ACEVEDO-VILÁ of Puerto Rico as original co-sponsors of this legislation, which will provide health care equality to seniors in the insular areas with respect to the prescription drug benefit.

Currently, citizens of the insular areas contribute to the Medicare Trust Fund in the same manner as citizens in the 50 States and the District of Columbia. However, while the Medicare Modernization Act (MMA) created a transitional assistance program authorizing up to $600 in prescription drug subsidies for individual low-income Medicare beneficiaries in both 2004 and 2005, the territories receive only a small Federal block grant ($35 million in aggregate for both years to cover an estimated 450,000 Medicare beneficiaries) to help defray the costs of implementing local prescription drug plans through their respective public health departments. While exact data is not available, it is estimated that beneficiaries in the insular areas will receive significantly less relief than their counterparts in the 50 States and the District of Columbia. The MMA also does not include citizens in the territories for the purposes of the full national prescription drug plan authorized for Medicare beneficiaries beginning on January 1, 2006. Again, a separate Federal block grant is allotted to the territories in lieu of full participation.

Citizens of the insular areas face greater challenges to accessing adequate health care and prescription drug services than citizens in the States and the District of Columbia. Transportation costs and smaller economies of scale increase the cost of prescription drugs available in these areas. Furthermore, the insular areas are home to many different minority groups, many of which are genetically disposed to certain illnesses. For example, African American, Hispanic and Pacific Island Americans are all genetically disposed to diabetes, which is particularly prevalent among the age 40–and-over category. Therefore, access to prescription drugs will, in addition to increasing the quality of life among citizens of the insular areas, help resolve other health disparities such as prevention and treatment of genetically-disposed illnesses.

My legislation recognizes that health care inequalities exist with respect to the treatment of citizens in the insular areas. It further recognizes that, in the case of the new transitional assistance and prescription drug programs authorized under the MMA, citizens of the insular areas pay into the Medicare Trust Fund in the same manner as citizens in the 50 States and the District of Columbia and should, therefore, receive parity with respect to benefits. The current protocol for block granting prescription drug funding to the insular areas will ensure that health care disparities will continue to exist in these areas. The best solution with regard to fairness and parity is to allow citizens of the territories to participate directly in these Federal prescription drug assistance programs.

My bill would ensure parity with respect to the application of the MMA in the insular areas by eliminating the current prescription drug block grant formula in favor of including low-income Medicare beneficiaries in Federal prescription drug assistance programs. Support for this legislation will ensure that all Americans receive the benefits to which they are entitled under the MMA.

PAYING TRIBUTE TO MARTIEY MILLER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 2004

Mr. MCINNIS. Mr. Speaker, it is my privilege to recognize Martiey Miller for her outstanding dedication to her Grand Junction, Colorado community. Her effort as general manager at Cumulus Broadcasting in Grand Junction has done much to ensure the high quality of radio programming that characterizes the network. As Martiey moves on in her accomplished career, I believe it is appropriate to acknowledge her service to her community before this body of Congress and this nation today.

Martiey moved to Grand Junction nineteen years ago in order to be closer to family. She took a job as a receptionist at the local radio station and began her ascent through the ranks. Jumping at every opportunity, she took a position in sales, and then became the sales manager, before assuming the position of general manager at Cumulus Broadcasting in Grand Junction running KEKB and KOOL Radio. During her tenure at Cumulus Broadcasting she played an important role in turning a struggling company into a successful business.

For Martiey's efforts and successes at the station, she has been recognized nationally. In 1994, she was named the outstanding radio sales manager by the Radio Advertising Bureau. Two years later, she was honored as the Colorado's Broadcast Citizen of the Year by the Colorado Broadcasters.

Beyond her career, Martiey has been very active in the community. She previously held positions as the president of both the Kiwanis and Grand Junction Chamber of Commerce, as well as being a member of the JUCO committee and the Hilltop Board. Her most notable achievement in public service came as co-chair of the citizens' committee to pass a school bond issue and override the budget. Her efforts proved successful when the bond issue and budget override passed.

Mr. Speaker, it is my honor to recognize the success of Martiey Miller as a leader in the Grand Junction community. She is moving on to a new job in Minneapolis, but let it be known that she has left a great legacy of commitment and dedication to Grand Junction and the State of Colorado. I congratulate her on her new job and wish her continued success in her future endeavors.

A TRIBUTE TO GLENORE M. ANDERSON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor of Glenore M. Anderson in recognition of her civic participation and business success.

Glenore is a living testimony to the power of hard work and effort. A banker by profession, it took Ms. Anderson eleven years to move up the corporate ladder to her current position as Vice President/Branch Manager of the Broadway and Driggs Street Office of HSBC Bank, one of the largest branches of HSBC Bank USA in Brooklyn, NY.

Born on the island of Trinidad and Tobago in the West Indies, Glenore immigrated to the United States in the summer of 1992. She moved here with her family after successfully completing her studies in her home country. A few short months after taking up residence in New York City, she was hired as a customer service representative with Marine Midland bank, which later became HSBC Bank USA. She quickly moved through the ranks and excelled as a sales representative, sales manager, OIC (officer in charge), and Vice President/Branch manager.

Glenore continues to exemplify this spirit of excellence in her current position as the Branch Manager. She continuously works toward motivating her staff of 16 by employing a "hands on" approach. In so doing, she demonstrates her abilities as a team player and team leader. She believes that it is important for her staff to see that she can do whatever task is required of them. Due to this type of cohesive effort and leadership skills, the operation of the branch has been very successful, which boasts assets totaling $105 million.

In addition to her expertise in banking, Glenore has also earned accolades for her efforts to strengthen the community. As such, she was honored with the Caribbean American Chamber of Commerce and Industry award for Women History makers of 2000; the Network Journal award for 40 Under Forty Achievers of 2001; and an award from the New Deeper Life Tabernacle in 2003.

During the month of February in 2001, 2002 and 2003, she brought this sense of community to the branch by hosting a celebration of Black History Month. The celebrations took the form of an art exhibit mounted in conjunction with Art Groupie.Com, which featured the works of four African/Caribbean American artists.

Married and the mother of one, Glenore receives strong support from her family and friends who believe whole-heartedly in her potential to reach the stars.

Mr. Speaker, Glenore M. Anderson has excelled in the business world while still finding time to contribute to her community. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

WELCOMING KING MOHAMMED VI

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 2004

Mr. PITTS. Mr. Speaker, Mr. PAYNE and I welcome King Mohammed VI of Morocco to the United States and wish him well during his visit. We strongly urge His Majesty to uphold and implement his nation's agreements regarding the conflict over the Western Sahara. In addition, we urge His Majesty to uphold UN Security Council Resolution 1541 as a tribute to former Secretary of State James A. Baker III, who promoted international legality and justice while responding to the true long-term interests of both parties concerned in this conflict. His Majesty's support for the former U.N. Special Envoy Baker's Peace Plan would be the best contribution to peace and stability in the region. In addition, upholding the Peace Plan would demonstrate the effectiveness of the pursuit of national aspirations through nonviolence in the greater Middle East, a region that has been the target of much violence.

Mr. Speaker, last week, a number of Members sent a letter to President Bush requesting that during his meeting with the King, he strongly encourage His Majesty to implement the United Nations Settlement Plan in order to achieve a just, peaceful, and lasting resolution to the conflict over Western Sahara. The letter welcomed United Nations Security Council Resolution No. 1541 adopted April 29, 2004, which reaffirmed support for the Peace Plan for Self-Determination of the People of Western Sahara devised by UN Secretary General Kofi Annan's Special Envoy, James Baker, and shared deep regret over the departure of Mr. Baker and the circumstances that led to his resignation.

In addition, the letter welcomed the confidence-building measures taken by the Polisario Front which released a further 643 Moroccan POWs since July 2003; the number of POWs the Polisario has liberated since 1991 now totals 1,760. However, the Members of Congress expressed their regret that the Government of King Mohammed VI has not reciprocated in a commensurate way. The fact that the Sahrawis have opted for non-violence in the affirmation of their identity and have respected the terms of the cease-fire signed in 1991 between their representative and Morocco, is telling in terms of who is committed to settlement of the conflict.

Further, the letter expressed great concern that if the conflict between these two parties is left unresolved, it has the potential to disrupt peace and stability in the Maghreb region, thus threatening the interests of the United States. The Members expressed that the United States should use its unique influence in that region to press the Moroccan Government and the Polisario Front to agree to the Peace Plan and to implement it under the supervision of the United Nations. Although U.S. attention is primarily focused, as it should be, on Iraq and on the war against terrorism, the letter underscores the concern of the Members that the Western Sahara conflict needs to be addressed urgently and fairly to the benefit of the peoples of the region and in the interest of the United States. A peaceful, successful resolution of the conflict over Western Sahara will provide a signal to the Broader Middle East and North African region that in the 21st century there are successful alternatives to violence in the pursuit of national aspirations.

Mr. Speaker, we again extend our welcome to His Majesty and strongly urge him not to stand in the way of progress towards the peaceful resolution of the conflict over Western Sahara.

TRIBUTE TO THE WHITE HOUSE COMMISSION ON REMEMBRANCE AND THE "SANDS OF REMEMBRANCE" MEMORIAL AT NORMANDY BEACH

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 2004

Mr. SESSIONS. Mr. Speaker, I rise today to recognize the White House Commission on Remembrance and the Sands of Remembrance Memorial constructed this past Memorial Day at Normandy beach during the 60th anniversary of D-Day.

The White House Commission on Remembrance was established by Congress (PL 106–579) in 2000 and is an independent government agency honoring America's fallen, recognizing our men and women who have served our nation, and recognizing the veterans who have made the ultimate sacrifice as well as those who continue to serve our country.

The Commission also promotes the values of Memorial Day throughout the year.

In 2002, Carmella LaSpada, the Director of the White House Commission on Remembrance and sand sculptors John Gowdy (American), and Dale Murdock (Canadian) discussed an idea: to create, from the very sand on which blood was shed for freedom, a life-size and historically accurate sand sculpture on the Normandy Beach to commemorate the 60th Anniversary of D-Day. Thus, the "Sands of Remembrance" was born.

So from May 25 through May 29 a team of award-winning sand sculptors from the United States, Canada, and the United Kingdom began an effort to create one of the most memorable and beautiful artistic memorials dedicated to one of the most heroic events in our history. To honor D-Day's fallen heroes in a symbolic and tangible way, this sand sculpture was an act of remembrance. This sculpted sand served as a touching and unique reminder of the sacrifices made for freedom to those who visited the memorial.

The team of award-winning sand sculptors created a 30 x 30 life-size sand sculpture of the D-Day landing commemorating the 60th Anniversary of that historic event. Dear Abby and Home Box Office (HBO) partnered with the White House Commission on Remembrance for the "Sands of Remembrance" memorial, initiated by the Commission.

Some of the reactions of those who witnessed the sculpture were:

"It brought tears to my eyes."

"So inspiring."

"It makes you feel gratitude."

"It makes you think."

"Spectacular!"

"Superb!"

"Stupendous!"

"Awesome!"

"Astonishing!"

"Incredible!"

"I've never seen anything like it!"

"Magnificent."

"Marvelous."

"How could this have been done? It's unbelievable."

"What a tribute!"

"It's so personal and emotional."

"It touches the mind and the heart."

"No other commemoration for those who died has so much meaning."

"I feel the presence of those who died."

For the sculpture, fifty tons of sand from the five landing beaches: Gold, Juno, Omaha, Sword, and Utah, depicted soldiers landing on the Normandy Beaches.

For the first time in history sand sculptors John Gowdy and Matthew Deibert (United States); Mark Anderson and Edward Dudley (United Kingdom); and Dale Murdock (Canada) created a historically accurate sand sculpture. These sculptors worked for six days, putting in approximately 10 hours each day to create the sculpture. Throngs of thousands from many countries viewed the sculpture as they attended ceremonies marking the 60th Anniversary of D-Day. Of the international community of visitors that visited the "Sands of Remembrance", a Russian woman said emotionally, "It brought tears to my eyes."

The sand sculpture, located in Vierville-sur-Mer on Omaha Beach in Normandy, France, was dedicated on May 30 and remained on exhibit through June 8.

I want to thank the White House Commission on Remembrance, the sculptors who made the Sands of Remembrance a reality, and of course, the men and women who made freedom a reality on the shores of Normandy 60 years ago.

TRIBUTE TO EDWARD J. PHILBIN SUPERINTENDENT OF SCHOOLS CLINTON, MASSACHUSETTS

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 2004

Mr. McGOVERN. Mr. Speaker, a little more than a week ago, Edward J. Philbin retired as Superintendent of Schools for the Town of Clinton, Massachusetts marking the end of an extraordinary thirty-five year career in public education. As a foreign language teacher, department chair, high school principal and administrator, Ed Philbin earned a well-deserved reputation for passionate and tireless devotion to the education and development of children and young people. On June 24, 2004, a reception attended by more than 200 of his colleagues, family members, former students and friends was held at the Clinton Town Hall to honor his lasting contributions to the communities of Clinton and Worcester. Due to votes scheduled here in the House of Representatives, I was unable to attend that reception to personally express my great respect, deep gratitude and best wishes to Ed Philbin for a happy and healthy retirement. However, I would like to submit for the record the remarks delivered at that tribute by his son Chris, a member of my congressional staff, which I think capture the essence of this remarkable man.

REMARKS BY CHRISTOPHER R. PHILBIN ON BEHALF OF THE PHILBIN FAMILY HONORING EDWARD J. PHILBIN ON THE OCCASION OF HIS RETIREMENT JUNE 24, 2004, FALLON MEMORIAL AUDITORIUM, CLINTON, MASSACHUSETTS

It has been alluded to earlier tonight, but I think it bears repeating. The only thing our Father has done longer and with more success than work in public education, is to be married to our Mother for nearly 36 years, his closest friend and most loyal supporter. So on behalf of our Mom, my brother Ed and his wife Lynn; my sister Cara, a high school English teacher in New Jersey, and her husband Tim who couldn't be here tonight; my brother Matthew and his longtime girlfriend Christie Mullin; and the rest of our family, we would like to thank all of you for being here to pay tribute to a guy that we happen to think very highly of. We are especially pleased that our Grandmother, Dorothy Philbin, is here tonight for this special occasion.

As many of you know, this retirement party was originally supposed to be a surprise because our Dad would have much preferred come June 30th to leave the keys on the desk with a kind note for Mr. Gaw and quietly slip out the side door. But that was not to be, and so when our Father found out about this party it required some persuasion from the gang of four that he affectionately refers to as the 'girls'—you all know them as Mary Neeley-Winkler, Marilyn Tierney, Maureen Weatherell and Christine Bonci—to convince him to allow this party to go forward. It was a closed-door meeting from which no minutes will be released but I'm guessing that when our Dad protested he was told something like "shut up, smile and be gracious!"

Our family would like to thank the four of them for the work they've put into planning and organizing this party and for being so good to our Dad these last five years; for putting a smile on his face; and for educating him on the finer points of KENO. We would especially like to thank Mary Neeley-Winkler who in addition to being our Dad's right hand these last several years has helped my brother and his wife find a house, plan my sister's wedding and given my brother Matt a part-time summer job. In short, we are all indebted to Mary and without saying much more, as far as we're concerned, you can't put a price on what Mary Neeley means to this family.

I'm not sure Matt and Cara will remember this, but Tripp certainly will. Growing up, one of the many summer rituals in our house was to accompany our Dad to the old high school in early August to help him unpack and date stamp the new foreign language text books for the upcoming school year. We would follow him down the long promenade into the school, past the trophy cases in the lobby, and down the hall to the second door on the left marked "STORAGE". At the time, that storage closet doubled as the chairman of the foreign language department's office and inside there were makeshift shelves filled with books toppling in on his desk with barely enough room to turn around. Our Dad would lead us out of his office into the language lab where we would fool around with the tape recorders and earphones for awhile before he put us to work unpacking the boxes of books. During the rather mundane process of unpacking the books, what quickly became apparent to us even at that early age, was the excitement and enthusiasm our Dad had for the coming school year. His passion was palpable. This is a man who clearly loved to teach.

It wasn't long after each school year started, that our parents would have scores of students parading through our house to videotape an installment of the long-running French Soap Opera or French Newscast that he had his students both script and act in as a way to learn the language. Each of us were granted a cameo appearance in those productions but I think Cara set the record by appearing in twelve consecutive editions of the French Soap Opera. When his students weren't shooting a movie in our house, they were there sampling foreign cuisine our Mother prepared for members of the International Club which our Dad founded or compiling photographs for the yearbook when he served as the faculty advisor to that activity. Our Dad never suffered from that notion that teachers had to keep their students at a safe distance; that you had to erect a firewall between what you did for work and what you did at home. He wanted to know all of his students and wanted his students to know him. Some of his students were actually granted the unique privilege of babysitting his children and many of them bear the physical and emotional scars to prove it. Others are still in therapy from the experience and were advised by their counselors not to come tonight.

When our Dad wasn't inviting students into our home, he was inviting them to travel around the world with him to London and Paris, to Quebec and to Rome, and he bears the physical and emotional scars from those trips. Our Dad sought to do more than just teach a language, he tried to introduce his students to another culture and he thought to do that best you often times had to go and meet those cultures where they are. His approach also included assigning his students novels by French authors and philosophers. In fact, he may be the only French teacher in the world who assigned Camus and Satre to high school students. In hindsight, I'm not sure that No Exit and The Stranger were the best choices for 16-year-old kids worried about finding a date for the prom. That may have been a little too much existential angst for them at that age but he assigned them nonetheless.

The one book that our Dad insisted every one of his students read and actually memorize parts of is his favorite book, the children's story, Le Petit Prince. Over the years, as I've grown to be friends with many of my Dad's former students, a number of them after inquiring about my Dad have spontaneously quoted a passage from that book to me: "Il faux exiger de chacun, ce que chacun peut donner," which loosely translated means "Ask of a person only that which they can give."

I think anyone who had our Dad as a student would agree that he certainly gave all of himself to teaching. He seemed to believe that just about anyone can instruct students on conjugating verbs or using the proper accent but it takes something extra, something special, to actually inspire them. He managed to do that—to inspire them—and perhaps the best evidence of that are the postcards and letters he continues to receive from former students that have traveled all around the world. A few have even become foreign language teachers which is something that I know gives him a tremendous amount of pride and satisfaction.

When the time came for our Dad to move from teaching into administration, I think we were all more than a little surprised because he never seemed to be inclined in that direction. Believe it or not, he is not an especially ambitious person. But, sometimes circumstances tap you on the shoulder and life pulls you in a certain direction. Or, to put it another way, the cream has a way of always rising to the top. As a principal, quadrant manager and superintendent, our Dad brought the same level of energy and passion he displayed in the classroom to the oftentimes dispassionate duties that those positions require. And, just as he used to bring his students into our home, he also brought the demands of those positions home with him. Particularly as a principal, I distinctly remember him being completely exasperated by his inability to help one child who was trapped in a terrible home situation. But he never gave up on that kid or any other for that matter. With an unrivaled work ethic he never stopped trying to find new and innovative ways to help children, improve the curriculum and expand and enrich the opportunities available to students. He resisted mediocrity at every turn and categorically rejected the suggestion that a student's academic success is based largely on socio-economic status or ethnicity. He rejected that idea because he knew otherwise. He had been a teacher and some of his best students were the children of immigrants and themselves first-generation Americans. The real difference, he would often tell us at the dinner table, is expectations. As a teacher and as an administrator he constantly tried to raise them and that, more than anything else will likely be remembered as the hallmark of his career.

I know it will not come as a surprise to any of you that in addition to being very dedicated to his job, our Dad has always been very devoted to his family. So much so, that we can scarcely remember a soccer game, a dance recital or an academic awards banquet, not mine by the way, where our Dad was not present. You could usually find him in the last row of the bleachers, or up against the wall in the back of the auditorium or along the fence at the soccer field but he was always there—a constant reassuring presence. Many years ago a friend of mine spotted my Dad at some event that one of my siblings was participating in and remarked to me without realizing how profound a statement he was making, " Boy, your Dad is always where he is supposed to be." And, it struck me then as it does tonight as being so absolutely true. Our Dad is always where he is supposed to be.

Growing up, our Dad encouraged each of us to seek our own interests and he was content to let us find our way without trying to live his own life vicariously through us. He was always just one step behind, providing a nudge when needed, or sometimes a whisper and less frequently a bark but always right there. In fact, growing up there were two things we knew were important to our Dad without him ever having told us: (1) that we were expected to be educated; and (2) that we vote democrat. I think he thought that if we did the first, the second would follow naturally.

When the time came for us to apply to college, our parents made it abundantly clear that it was our job to get in to the best school we could and their obligation to pay for it. We would be expected to help but it was made plain to us that we would never be denied an opportunity based on the cost of tuition. For as far as we wanted to go, for as long as it took and whatever it took, they would be there to help us. And to that end, they did what many parents in this room have done. My Mom took a second job at the walk-in medical center in downtown Clinton and our Dad joined many of his fellow administrators, some of whom are here tonight, working nights and weekends as a security guard for the William Polack Security Agency, an elite, top-flight force of highly-trained professionals. Sometimes, our Dad even worked a third part-time job tutoring inmates at MCI-Shirley which was another job he loved.

You see, for our Dad, supporting education was not just a bumper sticker you slapped on the back of your car, or a slogan you repeated at PTA meetings. For him, education has been more than a career; it has been a way of life.

For all of our Dad's native intelligence and his worldly sophistication, he is really a very simple man with very simple tastes. He likes a cheap glass of wine and a good glass of scotch. He likes an all-you-can-eat buffet or any restaurant he has a coupon to. He likes a good long walk, preferably by the ocean. He likes short sermons at Mass. He likes 60 Minutes on Sunday nights. He likes a good book, the Boston Sunday Globe and anything Tom Farragher writes he believes is the best thing he has ever read. He also likes his so-called off-site construction meetings with Phil Bailey and pizza with Carol Ann Hamilton and Joan Strang. And, he likes family vacations or any other occasion, with the possible exception of tonight, that brings his children and grandchildren together.

In addition to these simple tastes, there are a handful of institutions that our Dad holds dear and the only one that rivals his affection for the Clinton Public Schools is his alma-matter, the University of Notre Dame, which he shares with both of his brothers, two of his four children, and his friend and former colleague Pat Burke.

About 12 years ago, my older brother came across a letter to the editor in the Notre Dame Student Newspaper, The Observer, which he shared with me. I saved it because it is as near-perfect description of our Dad that I have ever seen reduced to writing and if you'll indulge me a little bit longer, I'd like to read a portion of it for you now.

"A man is someone who cares passionately about things that need caring about. Someone who refuses to accept things that are wrong, even though accepting them would be easier. Someone who yells sometimes and fights sometimes and cries sometimes and is not afraid to do any of those things when he feels a need to. Someone who doesn't always win or even come close, but who know instinctively that trying is what counts. Someone Notre Dame is proud of."

For fully thirty-five years, our Dad has tried and succeeded in making the students in his care and the schools systems in his charge the very best they could be. And so, by that standard, or any other for that matter, I think tonight it is fair to say:

Dad, the University of Notre Dame is proud of you. Your profession is proud of you. The Town of Clinton is proud of you. And, most especially, your children are, as we have always been, so very proud of you.

PAYING TRIBUTE TO ROCKY FORD DAILY GAZETTE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 2004

Mr. MCINNIS. Mr. Speaker, it is a privilege to rise today and pay tribute to the Rocky Ford Daily Gazette and its hard working staff in Rocky Ford, Colorado. The Daily Gazette has long been the source of local news for the community and year after year has demonstrated excellence in reporting. As they celebrate their one-hundredth Anniversary, let it be known that it is my pleasure to honor the Daily Gazette and their dedicated staff before this body of Congress and this nation today.

The paper was initially started in 1887 by Harry V. Alexander under the name of the Rocky Ford Enterprise. In 1904 the name was changed to the Rocky Ford Daily Gazette. Reaching its first centennial as the Daily Gazette demonstrates the staying power that results from the hard work and dedication the staff has shown. Fifty years ago, the Daily Gazette changed ownership when Ross and Anne Thompson purchased the town's newspaper, and it has remained in the family ever since. They have passed the responsibility of managing editor on to their son, J.R. Thompson.

As a result of their hard work and dedication serving the community, they have received several honors. Ross and Anne were awarded the 1979 honor of publisher of the year by the Colorado Press Association. In 1984, Anne won the Emma McKinney Award for her demonstration of distinguished service to the community. The Gazette now serves thousands of readers in two counties.

Mr. Speaker, the staff of the Rocky Ford Daily Gazette have committed to the betterment of their community by using the free press to inform their fellow citizens. The dissemination of information plays an important role in maintaining the tight knit society characteristic of our country's smaller towns. I congratulate the Gazette for one-hundred years of success and wish its staff all the best in their future endeavors.

HONORING PATRICIA McCUNNIFF REGAN

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 2004

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today to honor a notable Kansas City resident, Patricia McCunniff Regan, on her 79th birthday. Patty, as she is affectionately called by all who know her, has devoted her life to being a spirit of friendliness and benevolence wherever she goes. With her late husband, Bob, and friends and neighbors, she created "Westports of the World," an assembly of Westport sister cities stretching across our great nation and the globe from New Zealand to Ireland. Global Westport residents have been meeting in a sister city since the assembly's inception. Westport in Kansas City hosted a pioneer meeting in 1985 and a worldwide convention in 1995.

Throughout her life, Patty has focused on creating positive change in the community around her by participating in campaigns and exercising her rights as a citizen. She assists those in need and is a model of exemplary public service. Patty and Bob worked for civil rights and fair housing in the 1960's while raising their children. As she approaches her eighth decade, Patty continues to make our community and country a better place.

Patty and Bob welcomed nine children into this world. Without doubt, their children and grandchildren are a tribute and a great source of pride. Despite e.g.. losing son Timothy at age seven in 1961 and husband Bob in 1986, Patty maintains her "joie de vivre." Terry Leager, Amy Schulz, Danny Regan, Becky Regan, Peggy Regan, Jenny Krizman, Patrick Regan, and Carol Braun are fortunate, indeed, as are their children. They exemplify the generosity of character and fun loving spirit of Patty and Bob.

Patty truly lives the axiom she taught her children—to think of others before oneself. She demonstrates selfless optimism and generosity through her community activities, by her service as a Eucharistic minister in the Guardian Angels parish, and in giving blood every eight weeks for most of her adult life. I have personally benefited from her loving generosity on numerous occasions in the more than quarter century we Irish lassies have depended upon each other. What would Christmas be without Regan cookies and luminarias created at their Roanoke abode?

Mr. Speaker, please join me in congratulating Patty Regan on her 79th birthday. I am grateful for her friendship and am honored to recognize her for a lifetime of giving back to her community. Westport is a better place for her being in it, as are all the lives she has touched in her 79 years of extraordinary good works.

A TRIBUTE TO ANTHONY JOSEPH

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor of Anthony Joseph in recognition of his entrepreneurial success in the marketing and communications field.

As a product of New York City public school system, Anthony parlayed his academic achievement and his experience as an All-City championship football player into a walk-on position on the Boston University squad. Anthony promoted campus parties and events to subsidize his tuition. After graduation, he quickly turned a temp job in The New York Times' finance department into a staff position in the paper's marketing department.

With just one experience as an employee with the New York Times, Anthony combined his knowledge of urban landscape with his marketing expertise to incorporate the fastest rising marketing/communication company in the urban field. Anthony laid the foundation for his urban success by moonlighting with Vital Marketing Group VMG while still at the Times. Through contacts at a major apparel and an advertising agency, Anthony was able to participate in business meetings where he was able to present strategies, which, over time, turned into contracts with Tommy Hilfiger, Hush Puppies, and Wolverine Boots.

Eventually, Anthony's growing client base necessitated his departure from the Times. He partnered with the African-American media company that established the billboard beachhead on Harlem's 125th Street, utilized by so many entertainment companies at the time. Together they formed VMG, with Anthony leading the charge. After merely four years of business, its roster counts big-timers such as the U.S. Army, Nike, Tommy Hilfiger, Coca Cola, Remy Martin, Foot Action, Posner Cosmetics and Universal Records to name a few. It has an income of over $7 million in annual revenue.

Vital Marketing's unusual methodology and its consistent success can be credited in great part to its founder and president, Anthony Joseph. The Queens-bred son of a Jamaican mother and Puerto Rican father, Anthony, understood the significance of culture early on as it related to marketing.

In May 2001, VMG was presented with the Black Enterprise Rising Star Award, in honor of the high revenues garnered by VMG's high profile clients. A year later, VMG offered further proof that they were on the assent when they turned a cold call and a year of conversation into a multimillion dollar contract with the U.S. Army via advertising giant Leo Burnett.

Mr. Speaker, Anthony Joseph has created a successful company through his own hard work and ingenuity. As such, he is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

PAYING TRIBUTE TO GRETCHEN SEHLER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 2004

Mr. McINNIS. Mr. Speaker, it is my privilege to rise today to pay tribute to Gretchen Sehler of Steamboat Springs, Colorado. As a ski instructor and an avid outdoorswoman, Gretchen has inspired the community to take full advantage of the outdoor recreation opportunities in her community. I would like to join my colleagues here today and recognize Gretchen before this body of Congress and this nation.

Gretchen first moved to Steamboat Springs to work as a ski instructor in 1983. Every winter she dedicates herself to teaching interested people the fundamentals of skiing and, in doing so, has had the opportunity to share her passion for the outdoors. When the ski slopes close for the year, her desire for outdoor recreation remains. In the past, she has spent time as a life guard at the Steamboat Springs Health and Recreation Center, but her current passion is mountain biking. Working for the Parks and Recreational Services Department, she has organized a series of eight mountain bike races involving over eight-hundred riders. Recently, Gretchen and two friends started Rocky Peak Productions and created a new twenty-four hour endurance mountain bike race in Steamboat Springs.

Mr. Speaker, it is a pleasure to recognize Gretchen Sehler and her commitment to improving the lifestyles of her fellow citizens. Outdoor recreation is very important in Colorado's communities and Gretchen's work exemplifies this spirit for recreation. I thank Gretchen for her work and wish her all the best in her future endeavors.

TRIBUTE TO MR. WALTER ALLEN III

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 2004

Mr. GARY G. MILLER of California. Mr. Speaker, I rise to pay tribute and congratulate Mr. Walter Allen, III as the newly appointed director of the California Youth Authority by Governor Arnold Schwarzenegger. As the director, Mr. Allen oversees one of the largest youth corrections agencies in the nation, with over 4,000 wards, nine institutions, four camps, 16 parole offices and two regional parole offices.

Born and raised in Oakland, California, Mr. Allen earned a Bachelor of Science degree in Urban Planning from California Polytechnic University in Pomona. Following graduation, Mr. Allen began his long and dedicated career in law enforcement beginning as a Police Officer with the Chino Police Department and transitioning to a Special Agent for the California Department of Justice, Bureau of Narcotic Enforcement. Over the past 20 years, Mr. Allen has distinguished himself in every avenue of his career where he has earned special agent assignments and leadership appointments. Most recently, Mr. Allen served as the Assistant Chief for the California Department of Justice, Bureau of Narcotic Enforcement.

In 1997, Mr. Allen became active in local politics and was elected to serve on the city council for Covina, California, where he has actively participated as Mayor Pro Tem and Mayor. Currently, Mr. Allen serves as council member and continues to work towards maintaining a high quality of life for the citizens of Covina.

Throughout his life, Mr. Allen has demonstrated his commitment to public service through his career and political activism. He has proven to be an honorable citizen and has admirably embraced his civic duty to his country. I am proud to honor Mr. Allen's achievements and congratulate him on his new appointment.

THE TEACHER PROFESSIONAL DEVELOPMENT INSTITUTES ACT

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 2004

Ms. DELAURO. Mr. Speaker, I rise today to introduce the Teacher Professional Development Institutes Act, legislation based on a unique and highly successful partnership between the New Haven Public School System and Yale University. Based on the model which has been operating at Yale for over 25 years, my proposal would establish eight new Teacher Professional Development Institutes throughout the country each year over the next five years.

Today, it is more important than ever for our nation's teachers to have access to the skills and resources they need to prepare our children for the future. Since 1978, the Institute has been providing area educators with the opportunity to strengthen themselves professionally through annual seminars in the humanities and sciences—by working with program participants to bring the curriculum and lessons of the seminars to the classroom.

In this bill, every Teacher Institute would consist of a partnership between an institution of higher education and the local public school system in which a significant proportion of the students come from low-income households. The program strengthens the present teacher workforce by giving participants the opportunity to gain more sophisticated content knowledge and a chance to develop curriculum units that can be directly applied in classrooms. For example, the Yale-New Haven program it is based on has offered several thirteen-session seminars each year, led by Yale faculty, on topics that teachers have selected to enhance their mastery of the specific subject area that they teach.

The result is that teachers have been found to gain confidence in their deeper understanding of the subject matter and enthusiastically deliver their new curriculum to the classroom—qualities that translate into higher expectations for their students and in turn, higher student achievement.

And student achievement is what this effort is about. By allowing teachers to determine the seminar subjects—by providing them the resources to develop curricula for their classroom and their students—this legislation lifts up our students by empowering teachers. With a K through 12 teacher shortage forecast in the near-future, those already teaching will do the majority of teaching in the classrooms in the very near future. As such, it is imperative that we invest in methods to strengthen our present teaching workforce.

Like the Yale-New Haven Teachers Institute before it, we believe this program can provide a model for communities around the country. And so, it is my distinct honor to introduce the Teacher Professional Development Institutes Act, and I look forward to its consideration in this body.

CONGRATULATING FOR THE LOVE OF THE LAKE

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 2004

Mr. HENSARLING. Mr. Speaker, today, I would like to congratulate a very special organization on a very special anniversary. On Saturday, July 10, 2004, White Rock Lake's "For the Love of the Lake" organization will mark the 100th consecutive month of shoreline spruce-ups that have helped keep the shores of White Rock Lake clean and the surrounding park looking beautiful.

For the Love of the Lake is a truly grassroots effort, made up of caring volunteers who are dedicated to improving White Rock Lake and the surrounding area. The organization is a shining example of conservation and volunteerism in action. For the Love of the Lake shows what good people can do when they come together to accomplish something for the betterment of their community.

My wife, Melissa. and our two young children enjoy White Rock Lake very much. The lake area is important, not just to those who live in the neighboring streets, but to all of the people that come to White Rock Lake to enjoy the beautiful landscape, water, trees and parks.

For the Love of the Lake volunteers understand that we have a duty to protect and preserve these wonderful natural resources for our children and future generations. Since its inception in 1995, thousands of people have given their time, effort and energy in a variety of ways to help keep White Rock Lake looking beautiful, from picking up litter, to painting murals and buildings at the park, to attending fund raising events, or helping with White Rock Marathons.

Over the years, For the Love of the Lake has been honored with countless awards and recognized by numerous organizations for their outstanding work. Dallas Observer magazine said, "For the Love of the Lake is easily one of Dallas' best volunteer service organizations," and I could not agree more.

On behalf of all of the people in Dallas, especially those who live in neighborhoods near White Rock Lake, I would like to congratulate the For the Love of the Lake organization and volunteers on their tremendous accomplishment. I would also like to thank them for their continued and valuable service to our community.

PAYING TRIBUTE TO EDMUND CHELEWSKI

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 2004

Mr. MCINNIS. Mr. Speaker, it is with a solemn heart that I rise today to recognize the life and passion of Edmund Chelewski of Rifle, Colorado. He will be remembered as a dedicated servant to our nation and an innovative farmer in his community. As his family and community mourn his passing, I would like to take this opportunity to remember the life of this exceptional man.

Edmund was born and raised in Saint Paul, Nebraska. During the Korean War he faithfully served in the United States Army as a member of H Company in the First Infantry Regiment. When he returned from the war he worked as a farmer in Nebraska and Colorado for over two decades. In 1948, he married Doris Price. He and his family moved to the town of Rifle in 1963. His innovativeness thrived in Rifle. He was the first to use an irrigation system on Silt Mesa and he developed farm equipment that he would later patent. One piece of farm equipment that he designed and patented was shared with the world at the 1965 World's Fair. He saw an opportunity in 1972 to get out of farming and open Chelewski Pipe & Supply, but still remained active in cultivating agriculture in his garden whenever he had the time. Edmund was active in the community as a supporter of Future Farmers of America and as a member of the Bookcliff Soil Conservation District.

Mr. Speaker, I am honored to pay tribute to the life of Edmund Chelewski. He will be remembered in his community for his creativity and inventiveness, his hard work as a farmer, and his commitment as a soldier. My heart goes out to his family and community during this difficult time of bereavement.

TRIBUTE TO THOMAS KLESTIL, PRESIDENT OF AUSTRIA

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 2004

Mr. LANTOS. Mr. Speaker, earlier this week, Thomas Klestil, President of the Republic of Austria, passed away just two days before he was to turn over the office of President to his elected successor. President Klestil was a man of distinction whom I knew, admired and considered a friend.

Thomas Klestil was born in Vienna in 1932, the youngest of five children of a tram driver. After completing a doctorate in economics and business in 1957, he entered the Austrian diplomatic service. Some 18 years of his diplomatic career of 35 years was spent in the United States, first as a junior diplomat in Washington and later as Consul General in Los Angeles, Ambassador to the United Nations in New York, and then as Ambassador to the United States here in Washington. I worked with him during the time he served as Ambassador in Washington. Following his election as President, I met with him in Vienna on more than one occasion.

Mr. Speaker, Thomas Klestil was elected to the office of President at a difficult time in Austria's post-World War II history. His predecessor as Austrian President was Kurt Waldheim, former Secretary General of the United Nations. Austria's international reputation was severely damaged by the disclosure that Waldheim had lied about his Nazi military service during World War II.

Klestil played an important role in helping to restore Austria's image, and in acknowledging and taking steps to remedy the ugly taint of Austria's Nazi past. He spoke out numerous times about Austria's complicity with the Nazi regime during World War II, and he expressed sympathy and regret for the victims of the Holocaust. During an official visit to Israel in 1994, he spoke before the Israeli Knesset and reaffirmed a statement made by Chancellor Franz Vranitzky in 1991 acknowledging the responsibility of Austrians in the Holocaust and admitting that Austrians were not only victims, but also active collaborators with Hitler's regime.

Mr. Speaker, although Klestil was elected President as the candidate of the Austrian People's Party, he clashed with the party leader Wolfgang Schossel. He was critical of Schossel's decision to form a coalition government with the far-right Freedom Party of Jorg Haider in 2000. Several months of international diplomatic sanctions against Austria resulted from the formation of that government. Though the role of Austrian President is largely ceremonial and representational, Klestil demonstrated his disapproval of the coalition government with the Freedom Party by publicly exhibiting stern disdain as he ceremonially swore the new government into office.

He later stated in an interview, "The Freedom Party is not a Nazi party, but, unfortunately, the highest officials of this party continue to use a language which disqualifies them for every political office."

President Klestil also played an important role in strengthening Austria's ties with the Central European states emerging from almost half a century of Soviet domination. In 1993, the year after his election, he began convening yearly meetings with the heads of state of these new democracies, which strengthened their ties with Austria and also helped the new governments to strengthen their commitment to democratic principles.

Mr. Speaker, I invite my colleagues to join me in expressing our most sincere condolences to the family of President Thomas Klestil and to the people of Austria on the death of this principled statesman, who has done so much to foster positive relations with the United States and to help his country and its people deal with their past.

COMMEMORATING COMPLETION OF PHASE ONE OF THE JOHN N. HARDEE AIRPORT EXPRESSWAY

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 2004

Mr. WILSON of South Carolina. Mr. Speaker, I along with my colleague, Mr. BARRETT of South Carolina, would like to take this opportunity to commemorate the completion of Phase One of the John N. Hardee Airport Expressway. This will be announced to the people of South Carolina at a ribbon cutting ceremony on Monday, July 10. The completion of this 2.8 mile expressway will provide easy and direct access to the Columbia Metropolitan Airport.

This expressway, which widened Airport Road from Airport Boulevard in Cayce to Platt Springs Road in Springdale, will make a vast difference in the way South Carolinians and visitors commute to the airport. We are looking forward to the next and final phase of the project, which is currently under design and should begin construction in 2006. This will provide for a new four-lane road extending Airport Road to Interstate 26. Coupled with the success of the John N. Hardee Expressway, these two new roadways will reduce traffic and provide direct access to the growing Columbia Metropolitan Airport by passenger and cargo vehicles, removing some 25,000 vehicles each year from the local network surrounding the airport.

We would like to thank the people at the South Carolina Department of Transportation (SCDOT) for all of their hard work in completing this important project. Mrs. Elizabeth Mabry, Executive Director of SCDOT, and Mr. John Hardee, SCDOT Second District Commissioner for whom the expressway is named, thank you for your tireless dedication in getting this phase of the project completed. This expressway will be helpful to the people of the entire state of South Carolina, and for this you are appreciated.

HONORING THE CONTRIBUTIONS OF DR. BRENDAN GODFREY

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 2004

Mr. RODRIGUEZ. Mr. Speaker, I rise today to recognize Dr. Brendan Godfrey, a great scientist, leader, and friend. As the Deputy Director of the 311th Human Systems Wing at Brooks City-Base, formerly Brooks Air Force Base, since 1998, Dr. Godfrey has served the medical and human system needs of the Air Force and the San Antonio community.

Dr. Godfrey has proven his leadership skills and abilities, to the benefit of Brooks, the Air Force, and the San Antonio community. Dr. Godfrey has been a true partner in the transformation of Brooks from an Air Force base to the first city-base in the country. He has provided good counsel, creative ideas, and tremendous energy to make this first-ever transition a reality.

Brooks City-Base has greatly benefited from Dr. Godfrey's 30 years of scientific and managerial experience. He has successfully managed large staffs and budgets, and under Dr. Godfrey's direction, Brooks City-Base has increased its productivity and has forged unprecedented community partnerships that have benefited both Air Force warfighters and the local community.

Dr. Godfrey's accomplishments have distinguished him from his peers, and his colleagues have recognized his leadership skills by naming him the Director of the Air Force Office of Scientific Research. I am happy to congratulate him on this new assignment; however, I know Brooks City-Base and the San Antonio community will miss his valuable service. I am confident that he will continue to create innovations that will enable the Air Force to better serve its military members and our country.

It is a pleasure to recognize and thank Dr. Godfrey for his many contributions and public service. I ask the Members of the House of Representatives to join me in honoring this gentleman on his promotion as the new Director of the Air Force Office of Scientific Research and wish Dr. Brendan Godfrey and his family all the best.

SENATE—*Friday, July 9, 2004*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray:

Lord God Almighty, you have set Your glory above the heavens. Righteous and true are Your ways. You alone are the King of nations. Search our hearts and examine our motives so that we may walk in Your paths. Help us to put our mistakes and blunders behind us as we strive for Your ideal of sacrificial service. Remind us often of the price that was paid for our redemption.

Today, give our lawmakers the grace to glorify You. Bless them as they wrestle with the complicated issues of freedom. May their debates be characterized by candor and civility. In Your unfailing love, lead us all to paths of abundant liberty.

We pray this in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. ALLARD. Mr. President, today the Senate will be in a period of morning business throughout the day. The majority leader announced last night there will be no rollcall votes during today's session, but Senators are encouraged to come to the Senate floor to speak on the constitutional amendment regarding marriage, which has been slated for floor consideration early next week.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business with the first 4 hours equally divided between the two leaders or their designees.

As a Senator from Alaska, I ask I be notified if anyone makes a motion pertaining to any appropriations bill this morning.

PROPOSING AN AMENDMENT TO THE CONSTITUTION RELATING TO MARRIAGE

Mr. ALLARD. Mr. President, I rise today to start what I hope will be constructive debate on my amendment, S.J. Res. 40, the marriage amendment, which states:

> Marriage in the United States shall consist only of the union of a man and a woman.
>
> Neither this Constitution, nor the constitution of any State, shall be construed to require that marriage or the legal incidents thereof be conferred upon any union other than the union of a man and a woman.

Before making my formal comments I would also like to express my sincere gratitude to my colleagues who have cosponsored this amendment. It has taken countless hours of study and discussion to get to this point and each of our cosponsors has shown courage and commitment to protecting marriage.

I would like to express my appreciation to the majority leader for his commitment and leadership. Without the support of Senate leadership, the public may never have had an opportunity to address this vitally important issue in a democratic body.

I also thank President Bush for his early commitment to the principles embodied in this amendment. Marriage, the union between a man and a woman, has been the foundation of every civilization in human history. The definition of marriage crosses all bounds of race, religion, culture, political party, ideology, and ethnicity. Marriage is embraced and intuitively understood to be what it is. Marriage is a union between a man and a woman.

As an expression of this cultural value, the definition of marriage is incorporated into the very fabric of civic policy. It is the root from which families, communities, and government are grown. Marriage is the one bond on which all other bonds are built.

This is not some controversial ideology being forced upon an unwilling populace by the Government. It is in fact the opposite. Marriage is the ideal held by the people and Government has long reflected this. The broadly embraced union of a woman and a man is understood to be the ideal union from which people live and children best blossom and thrive.

As we have heard in hours upon hours of testimony in various Senate committees over the last 2 years, marriage is a pretty good thing. A good marriage facilitates a more stable community, allows kids to grow up with fewer difficulties, increases the lifespan and quality of life of those involved, reduces the likelihood of incidences of chemical abuse and violent crime, and contributes to the overall health of the family. It is no wonder so many single adults long to be married, to raise kids, and to have families branching out in every direction.

Today there are numerous efforts to redefine marriage to be something that it isn't. When it comes to same-gender couples there is a problem of definition. Two women or two men simply do not meet the criteria for marriage as it has been defined for thousands of years. Marriage is, as it always has been, a union between a man and a woman. American society has come to recognize the stability and commitment of same-gender couples in a way unimaginable in many other countries. In some State's partnership laws and civil union statutes have been created—contractual bonds among same-gender couples—to symbolize and codify these relationships. Some cities and States have elected to express this legal recognition while others have not. Some employers extend benefits to same-gender partners while others do not. In virtually every town and city, America's tolerance and respect for diversity is second to none in the world. I believe that our democracy continually, systemically expresses these values.

Marriage, however, is what it is. It is a union between a man and a woman. Gays and lesbians are entitled to the same legal protections as any one else. Gays and lesbians have the right to live the way they want to. But they do not have the right to redefine marriage.

I believe the Framers of the Constitution felt that this would never be an issue, and if they had it would have been included in the U.S. Constitution. Like the vast majority of Americans it would have never occurred to me that the definition of marriage, or marriage itself, would be the source of controversy. A short time ago it would have been wholly inconceivable that this definition—this institution that is marriage—would be challenged, redefined, or attacked. But we are here today because it is.

Traditional marriage is under assault. I say assault because the move to redefine marriage is taking place

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

not through democratic processes such as State legislatures or the Congress or ballot initiatives around the Nation. This assault is taking place in our courts and often in direct conflict with the will of the people, State statute, Federal statute, and even State constitutions.

Activists and lawyers have devised a strategy to use the courts to redefine marriage. This strategy is a clear effort to override public opinion and the long standing composition of traditional marriage and to force same-sex marriage on society.

Over the course of the last 10 years, traditional marriage laws have been challenged in courts across the Nation. Alaska, Arizona, California, Florida, Hawaii, Indiana, Maryland, Massachusetts, Montana, Nebraska, New Jersey, New Mexico, New York, North Carolina, Oregon, Vermont, Washington, and West Virginia have all seen traditional marriage challenged in court. Cases are pending today in 11 of those States. But this is not a strategy based on tilting at windmills. It is a strategy that has been employed with a good deal of success.

The first success in this legal strategy was in Vermont in 1999. The Vermont State Supreme Court ordered State legislators to either legalize same-sex marriage or create civil unions. The second, and to date the most widely covered success in the effort to destroy traditional marriage, came more recently in the State of Massachusetts where four judges forced the entire State to give full marriage licenses to same-sex couples.

This edict came despite the fact that the populace of Massachusetts opposed this redefinition of marriage and despite the fact that no law had ever been democratically passed to authorize such a radical shift in public policy. Proponents of same-sex marriage have shopped carefully for the right venues, exploited the legal system, and today stand ready to overturn any and all democratically crafted Federal or State statute that would stand between them and a new definition of humanity's oldest institution.

The question of process is very important in this debate—it is in fact the very heart of this debate. While recent court decisions handed down by activist judges may not respect the traditional definition of marriage, these decisions also highlight a lack of respect for the democratic process. No State legislature has passed legislation to redefine the institution of marriage. Not one.

Any redefinition of marriage has been driven entirely by the body of government that remains unaccountable and unelected—the courts.

Many colleagues do not feel we should be talking about marriage in the Senate. I say we must. Our government is a three-branch government. The Congress is the branch that represents the people most directly. We have a duty to, at the very least, discuss the state of marriage in America. If we do not take this up, if we do not overcome procedural hurdles and objections we abdicate our responsibility. We will allow the courts sole dominion on the state and future of marriage. This Senate, the world's most deliberative body, must provide a democratic response to the courts.

Legislatures across the country have joined Congress in recent years in affirming a 1996 law called the Defense of Marriage Act—DOMA. DOMA defines marriage at the Federal level as a union between a man and a woman and essentially prohibits one State from forcing its will on another on the question of marriage. This bipartisan legislation passed with the support of more than three-quarters of the House of Representatives and with the support of 85 Senators before being signed into law by then-President Bill Clinton. To date 38 States have enacted statutes defining marriage in some manner, and 4 States have passed State constitutional amendments defining marriage as a union of one man and one woman. These State DOMAs and constitutional amendments, combined with Federal DOMA, should have settled the question as to the democratic expression of the will of the American public. As I outlined before, these laws—these expressions of the public—have been ignored by the activist courts.

State court challenges in Massachusetts or Vermont or Maryland may seem well and good to those concerned with the rights of States to determine most matters, a position near and dear to my heart. These challenges, however, have spawned greater disrespect, even contempt, for the will of the other States than any of us could have predicted. It seems to me that there are long-term implications for both Federal DOMA and the rights of States to define unions through either state DOMA or the State constitutional amendment process. It is clear to me that we are headed to judicially mandated recognition of same-gender couples regardless of State or Federal Statute.

The same-sex marriage proponents achieved some success in Vermont and Massachusetts by forcing the hand of those States' legislatures.

The national effort to redefine marriage has also been buoyed by decisions made by the U.S. Supreme Court. In June 2003 the Court inferred that a right to same-sex marriage could be found in the U.S. Constitution in Lawrence v. Texas. A variety of experts, including Justice Scalia and Harvard Professor Lawrence Tribe, forecast that this decision points to the end of traditional marriage laws—including Federal and State DOMAs. The Massachusetts court relied heavily on the Lawrence decision to strike down the State's traditional marriage law in that Goodridge case. The court further specifically threatened and questioned the validity of DOMA and traditional marriage laws around the Nation.

When Goodridge took effect on May 17 of this year, same-sex couples became entitled to Massachusetts marriage licenses.

In anticipation of Goodridge, a handful of local officials in New York, California, and Oregon began issuing licenses to same sex couples in February and March. To date, through the combined efforts of lawless local officials and those licenses issued in Massachusetts, couples from at least 46 State shave received licenses in those jurisdictions and returned to their home States. These 46-plus States are State and Federal DOMA challenges just waiting to happen. A couple will file for recognition—sue for recognition—under the full faith and credit clause. What we know about the Lawrence decision, that all traditional marriage laws are unconstitutional, dooms those State DOMAs.

There is a case pending in Seattle today to force recognition of an Oregon marriage license. More of these cases are expected and we look forward to nothing less than a patchwork of marriage laws, crafted by judges and forced on to one State from another outside the democratic process, regardless of the will of the voters.

It is important to highlight what is going on in the State of Nebraska where an even more odious turn of events is unfolding. Nebraskans passed a State constitutional amendment, defining marriage as a union between a man and a woman, that passed with 70 percent of the vote. The ACLU and the Lambda Legal Foundation are now suing Nebraska in a Federal court to undo the will of the voters.

According to testimony in the Senate Judiciary Constitution Subcommittee, Nebraska Attorney General Jon Bruning, whose office moved to dismiss the case and was denied, the language in the court's order signals that Nebraska will very likely lose the case at trial. I find it chilling that the will of an entire State, expressed democratically, may be undone by a Federal judge in an unelected position and tenured for life.

So we find ourselves here today, seeking to debate an amendment to the United States Constitution that reads in its entirety as follows:

> Marriage in the United States shall consist only of the union of a man and a woman. Neither this Constitution, nor the constitution of any State, shall be construed to require that marriage or the legal incidents thereof be conferred upon any union other than the union of a man and a woman.

Our amendment defines marriage as it has been defined for thousands of years in hundreds of cultures around the world. This text further defines that any establishment or non-establishment of civil unions or partnership laws be created democratically, by the States themselves, and not by courts.

I have said it time and time again and I say here today for the record, the amendment does not seek to prohibit in any way the lawful, democratic creation of civil unions. It does not prohibit private employers from offering benefits to same-gender partners. It denies no existing rights.

What our amendment does is to define and protect traditional marriage at an appropriate level, the highest possible level—the Constitution. Importantly, the consideration of this amendment in the Senate represents the discussion of marriage in America in a democratic body of elected officials. This is something too long denied this important topic.

I have heard from those who claim this amendment discriminates against people; that the very definition of marriage is somehow a tool for oppression.

To those who believe that our marriage protection amendment is discriminatory, I ask them this: Do you truly believe that marriage, the traditional and foundational union between a man and a woman, is discrimination? Is it discrimination to hold as ideal that a child should have both a mother and a father?

It is important to make clear that on the question of federalism and States' rights, I stand where I always have. While an indisputable definition of marriage will be a part of our Constitution, all other questions will be left to the states. Gregory Coleman, former Solicitor General of the State of Texas, testified before the Senate Judiciary Subcommittee on the Constitution last September and made the following statement on this matter:

> Some have objected to a proposed constitutional amendment on federalism grounds. These concerns are misplaced. The relationship between the states and the Federal government is defined by the Constitution and, a fortiori, a constitutional amendment cannot violate principles of federalism and States' rights.
>
> A federal constitutional amendment is perhaps the most democratic of all processes—because it requires ratification by three-fourths of the states—and simply does not raise federalism concerns. The real danger to States' rights comes from the recognition of unenumerated constitutional rights in which the states have had no participation.

I share those sentiments and cannot express them any more clearly. We stand today at the commencement of the most democratic, most federalist process in all our government. Those around the country who have watched as activist courts have wildly disregarded these principles I say to you, watch the Senate; watch the House of Representatives, watch your elected officials and see where they stand on this most important debate.

This body and that on the other side of the Capitol represent the American people more fully and completely than any other and it is time we make this discussion truly national and truly democratic.

Those serving in the Congress understand that there is a great deal of emotion on both sides of this issue, and not every one of us will agree on this matter. It is my hope that we can agree that in matters concerning marriage, the most fundamental of all social institutions, this debate can not take place exclusively in the courts. The democratic process compels this Congress to discuss marriage and what is taking place—the judicial redefinition of marriage.

Marriage, the union between a man and a woman, has been the foundation of every civilization in human history. This definition of marriage crosses all bounds of race, religion, culture, political party, ideology, and ethnicity. It is not about politics or discrimination, it is about marriage and democracy. It is incumbent upon us to remember that and to move forward.

The PRESIDING OFFICER (Mr. CORNYN). The Senator from Oregon is recognized.

Mr. SMITH. Mr. President, I thank Senator ALLARD for his willingness to change and clarify the proposal he makes today so that it leaves open to the States the elbow room that is appropriate to define legal rights for nontraditional families, gays and lesbians, and others.

It is a fact that sociologists say marriage, as we have traditionally known and practiced it, is the ideal circumstance for the creation and rearing and nurturing of children. But it is a fact that not all children have the opportunity of a family with a mother and a father, though what marriage does as a legal institution is to say to children here and those yet unborn that there is a legal framework in which they can enjoy protection and have the society of a mother and a father.

It is clear as we wrestle with this sensitive issue, it is clear to the conscience of the American people that boys and girls need moms and dads. Not all get them, but the law has provided a framework for it. Those children who do not have it should also enjoy legal protections not unlike those that are enjoyed in the institution of marriage.

In all the time that I have been a U.S. Senator, I have been an advocate of gay rights. Yet throughout that time I also have believed it right to defend traditional marriage. I have tried hard to be clear, consistent, and careful about this issue and this debate. I know my position as being for gay rights but for traditional marriage is a disappointment to many of my gay and lesbian friends.

I also note for the record I get little credit from the right because I do advocate for many gay rights. Indeed, the other night on his radio program, Dr. James Dobson said to a national audience, which included many Oregonians, that I was not going to vote for traditional marriage. I wish he hadn't done that. I believe that is a form of bearing false witness because I have been clear and I have been consistent on this point. He may owe me no apology, but I wish he would make it clear to my constituents.

I make no apology for supporting many of the needs of gay and lesbian Americans. Issues of public safety, housing, employment, benefits: these are rights that we take for granted, rights which many of them have felt out of reach, So I have believed it is not just right to advocate for these things but it even be a part of my belief system to advocate for those who are oppressed and to show tolerance by helping those in need. Matthew Shephard comes to mind, and many others who have suffered hate crimes against them in the most vicious of fashion. I think our society is changing its heart on these issues in ways that Americans want to be tolerant, they want to be careful, they want to say to gays and lesbians that we love you, we include you, we care about you.

But in saying that, I think many feel intuitively to be careful on the issue of marriage. Marriage is a word. Words have meaning. Few words have more meaning to our culture and our future and our civilization than marriage because marriage ultimately is about more than just consenting adults. It is about the natural rearing and nurturing of children, preparing them for citizenship under the most ideal circumstances possible.

Senator ROBERT BYRD often comes to this Chamber, and I love it when he quotes Cicero, an ancient Roman Senator. So I quote Cicero this morning. Cicero said very long ago, "The first bond of society is marriage." I believe Cicero was right. He was not a religious man, he was a secular man. He was a nonbeliever. But he also saw the incredible benefit to building up citizens of Rome through this first bond of society which was then and is still marriage.

I suppose I take this position, a nuanced position, to be sure, because I am somewhat of an old-fashioned idealist. However imperfectly practiced by the American people, marriage still is a perfect ideal. I think the American people deserve a debate on this that is civil, that is respectful, and that includes all Americans.

Some have come to this floor, and will in the coming days, to hold up the Constitution. Here is a copy of it. They will say this is a sacred document, a document that should not be amended. I will admit to the Presiding Officer it would be better that we not have to do this, to even resort to a constitutional amendment. But this is what Article V of the Bill of Rights says:

> The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two-thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as part of this Constitution. . . .

It goes on.

They would not have included this Article V in the Bill of Rights if it were not intended that this be a living document. But they intended the Constitution to be a living document, and the United States has amended this Constitution 27 times.

Were it not a living document, this document would have failed. Were it not subject to amendment, the most egregious kinds of actions would have been put in place that would have made us ashamed forever.

For example, perhaps the most dreadful decision ever rendered under this Constitution was that of Dred Scott. Roger B. Taney, the Chief Justice of the Supreme Court, held that African Americans were not human and were the subject of property and could be controlled as property like any other chattel. That is a decision that goes down in infamy, if ever there was one. It took a Civil War and then the thirteenth and fourteenth amendments to the Constitution, which before was silent on the issue of slavery, to ultimately overcome this insidious practice in parts of the United States.

Some say: Well, that is a sacred thing that was done. And I agree, it was. I believe the Constitution is both sacred and secular, but living and improving, and open to debate.

I mentioned the last time the Constitution was amended was in 1992. It is the twenty-seventh amendment. It reads:

> No law varying the compensation for the services of the Senators and Representatives, shall take effect until an election of Representatives shall have intervened.

That is the twenty-seventh amendment. It is about money. It is about salaries for Senators and Representatives. I suggest to you that may be appropriate to be in the Constitution because it went through the process, but there is nothing sacred about that.

So the question then becomes, Is it appropriate to put a definition of marriage into our Constitution? I would say, as a matter of preference, it is better not to put cultural issues in the Constitution, until you come to this question: Shall the Constitution be amended? And I tell everyone, the Constitution of the United States is about to be amended. The question is: By whom? Will it be done by a few liberal judges in Massachusetts, a lawless mayor in San Francisco, or clandestine county commissioners, or by the American people in a lawful, constitutional process, as laid out in our founding document?

You will hear lots of people beating on their chests and sounding very sanctimonious in this debate that: We should not do this or that. But the truth is, the Constitution is going to be amended. And I say: Include the American people.

Now, some also say: The issue of marriage has nothing to do with the Federal Government. Leave it to the States. My family has an interesting history in regard to leaving it to the States. My ancestors were, for the most part, Mormon pioneers who came from England in little boats, crossed the ocean, and walked across the country. They had a peculiar practice among them. It is found throughout the pages of the Bible, particularly in the Old Testament. They practiced a principle they called "plural marriage." The marriages practiced by Abraham, Isaac, and Jacob.

My great-grandfather David King Udall had two wives, one large, happy family. I am descended from the second. He came to America, helped found the State of Arizona, and spent time in prison because he violated a Federal law, the Edmunds-Tucker law from the 1870s, in which the Federal Government defined marriage as "one man and one woman." He was a great man, a great pioneer, had great sons and daughters who helped the desert of the West blossom as a rose.

He has a large posterity. He sacrificed much for the principle of his faith. But he paid a price because the Federal Government, long ago, defined what marriage was. Ultimately, Grover Cleveland pardoned him, and he named one of his sons Grover Cleveland Udall.

Some people would say this is enacting discrimination into the Constitution. Well, my progenitors were discriminated against, I guess, but the truth is, our country through a lawful process in the 1860s and 1870s defined marriage at the Federal level.

Now what is happening? What is happening in our country is we have elected officials and unelected judges reinterpreting the Constitutions of their States and of our Nation to find in it rights that are not mentioned in it. This has happened a lot in recent years. I have concluded it is better that these things be resolved with the American people than without them.

The American people have a sense of fairness and tolerance and justice and right and wrong. What is happening is their views, their values, their beliefs, their respect for law is being trampled upon by a few liberal elites. That is not right.

In my own State of Oregon, in 1862, Oregon passed its law on marriage. Mr. President, 142 years have transpired, 142 years of Oregon law and practice and custom. But what happened recently? Four or five county commissioners in one of our counties ignored 142 years of law, ignored 1,000 years and more of human history, and, without notice, without a public meeting, changed the law. To me, this is deeply disappointing and terribly undemocratic. Before this happens again, I think it is appropriate, on an issue this central to our country, to our civilization, to the future, we involve "we the people." The only way to do that is through a constitutional process.

Now, I wish this cup would pass from us. I do not like this. I love people. I believe in tolerance. But I believe in democracy. Many will tell you we should leave this alone. But if you leave this alone, you will leave it to others. And if you leave it to others, they will dictate to the American people what it has to be. The only recourse then available—when a Federal judge nullifies all State DOMA or constitutional provisions of the several States, finding an equal protection right to same-gender marriage—the only recourse then is through the constitutional process laid out by the fifth amendment in the Bill of Rights.

That is how you include the American people. I say public meetings, public notice, public debates, let people vote, let their elected representatives in the several States vote on it. If we are going to change it, let's change it with the American people, not at the American people. Unfortunately, that seems to be what many who will argue against this want to happen. They want to do this to us, not with us.

For the record, let me express to my gay and lesbian friends, I don't mean to disappoint you, but I can't be true to you if I am false to my basic beliefs. I believe that marriage, as we have known and practiced it in this country for hundreds of years now, is something that should be preserved. New structures can be created, new legal rights conferred, without taking down this word that represents an ideal—not about adults but including children. I mean to hurt no one's feelings in my position. I intend to be your champion on many issues in the future, if you want me. But on this one, I have to be able to get up in the morning and look in the mirror and be true to myself.

I have spoken what I believe to be true this morning. I believe marriage is more profoundly important than we might now recognize. Before we let a few tell the many what it is going to be, I think we ought to debate it, carefully consider it, because while we debate issues of war and peace and recession and prosperity, some will say there are so many more important things to discuss than this.

I say to you, there probably isn't a more important issue to discuss than the legal structure that binds men and women together for the creation and the rearing and nurturing of future generations of Americans. I make no apology for my vote for this process, for an amendment that defines marriage, because that is where it is headed, because the courts will compel it. And our legal structure gives American citizens an avenue to be included. So with my vote, I say include we the people.

I yield the floor and suggest the absence of a quorum, and I ask unanimous consent that the time be equally divided between both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUICIDE EPIDEMIC ON INDIAN RESERVATIONS

Mr. DORGAN. Mr. President, yesterday on the Senate floor and this morning watching an interview on NBC's "Today Show" by my colleague from Oregon, Senator SMITH, there was a great deal of discussion about the issue of youth suicide. All of us in this Chamber, as part of the Senate family, have extended our hearts, thoughts, and prayers to the Smith family upon the loss of their son. It is devastating to lose a child. I lost a beautiful, wonderful daughter some while ago to heart disease.

Yesterday, as I listened to my colleague, Senator SMITH, describe the loss of his son and discuss the issue of suicide, I know that it adds a dimension to what is an almost unbearable burden of losing a child, to lose a child to suicide. So my thoughts and prayers have been with the Smith family, and I know, too, that what Senator SMITH has done in providing leadership for the legislation passed last evening is going to save lives.

We will not know their names, but there are going to be young people in this country whose lives are going to be saved because the grants and the resources that are going to be made available through the legislation passed by the Senate last night. I am glad to be an original cosponsor of this bill. It is going to give kids who are despondent and have despair and depression hope, opportunity, and counseling. So what the Senate did last night is going to save lives, and we owe a great debt of gratitude to Senator SMITH. I hope the lives that are saved in the years ahead in some way are a memorial to the late son of Senator SMITH and his family.

I had come to the floor some 2 months or so ago intending to speak about a young girl on the Spirit Lake Nation Indian Reservation in North Dakota. When I came to the floor, I saw my colleague was in the Chair at that point and I decided that I really did not want to describe the circumstances of her death because she had committed suicide. I knew the burden the Smith family had been dealing with surrounding the loss of their son. So I did not describe that young girl's death in any detail, but I would like to today in light of the speech that was delivered and in light of the action the Senate took last evening, which has given me some hope.

I will describe this young girl. This young girl was named Avis Littlewind. She died a few months ago now. She took her own life. She was 14 years of age. She lived on the Spirit Lake Nation Indian Reservation. She was a seventh grader at the Four Winds Middle School. I am told she enjoyed riding horses, playing basketball, grooming her animals, and listening to music. The day after she died, someone told me about the plight of this little girl. So I called the reservation and talked to the psychologist and the social worker involved. Since that time, I have gone to that reservation, I have sat around in a circle for an hour visiting with her classmates in the seventh grade, talked to the counselors, talked to the school administrators, talked to members of the tribal council about what is happening on our Indian reservations. Because, although I am speaking today about Avis Littlewind, there is an epidemic of suicides on Indian reservations. The legislation that Senator SMITH, Senator DODD, and others offered in the Senate last evening will help address this epidemic by making tribal governments also eligible for grant funding for suicide prevention.

Avis Littlewind died just recently by her own hand. Her sister took her life 2 years ago. Her father took his life in a self-inflicted bullet wound 12 years ago. But it is more than that. The tragedy of suicides is not just a problem on the Spirit Lake Indian reservation—Just in North Dakota, I have gone on the same mission to talk to people at the Standing Rock Sioux Reservation when there was an epidemic of threats of suicide by young people.

In this case with Avis Littlewind, there were a lot of warning signs. This little seventh grade girl missed 90 days of school up until April. She was lying in her bed day after day in a near fetal position.

Tragically, she had an appointment to see the IHS social worker later the same day that she took her life. She did not live long enough to make that appointment.

When I called the reservation to talk to leaders about these issues and then subsequently went there to visit with them, this is what I discovered: The reservation has one psychologist and one social worker. They did not have nearly the capability to follow up with these cases. They just could not cope. They did not have the capability to give somebody a ride to the clinic. They have to borrow a car, beg somebody to give someone a ride to some medical help.

It is interesting to me, and tragic as well, that the Federal Government is directly responsible for the health care of only two groups of people. We have a trust responsibility for the health care of American Indians. That is a trust responsibility. That is not optional, that is our responsibility. And we have a responsibility for the health care of Federal prisoners.

Do you know that on a per capita basis we spend almost twice as much for health care for Federal prisoners as we do for health care for American Indians? So little girls like Avis Littlewind are found dead by suicide, and we don't have the mental health services to reach out and help these kids. The mental health services are not available. Just call around and ask.

There are kids who, for their own reasons, are desperate, are depressed, are reaching out, and yet the services are not available to them. We must do much better than that.

Let me describe the circumstances on our Indian reservations in this country because on many of them it looks as if you are visiting a Third World country. Alcoholism, seven times—not double, triple, quadruple—but seven times the rate of the national average; tuberculosis, seven times the rate of the national average; suicide, double the national average in this country; homicide, double; diabetes, four times. On the Fort Berthold Reservation, the rate of diabetes is 12 times the national average. We have to do much better. We have a responsibility.

I never met this young girl, but I met her classmates and they told me about her. She, like a lot of kids, was a wonderful young woman, but she lived in a circle of poverty in a family in which two other family members had taken their lives. Her cousin, incidentally, 2 weeks after Avis Littlewind's death, threatened suicide and had to be hospitalized.

But it is not just this family. It is an epidemic on our Indian reservations with young people. We need resources to deal with it. That is why I was so pleased last evening to hear the speech given by Senator SMITH, a speech that was obviously very difficult for him to give on the Senate floor. Then that was followed by legislation enacted by this Senate that will begin the long road to do something about this problem, to save the lives of kids like Avis Littlewind. She may not long be remembered because she is just a statistic with respect to teen suicides on Indian reservations, but this young girl, I am sure, wanted the things that we want and that our children want—a good life, an opportunity. She wanted to have hope for the future. She is now lying in a grave, having taken her own life.

We bear some responsibility because the resources that were necessary, needed to help treat the depression that this young girl had, were simply not available. I met with the school administrators, the tribal council, all those folks. The fact is, it was clear to me no one took it upon themselves to reach out. If you have a young 14-year-old lying in bed for 90 days, not attending school, in desperate condition, something is wrong. Someone needs to intervene. Someone should have saved her life.

I am not blaming anybody today. I am just saying today there is hope. There was not before. Today there is hope. The Senate has taken action on a significant piece of legislation that I think will save lives. It is too late to save Avis Littlewind's life, but it will save other lives. Today I commend my colleague, Senator SMITH, whom I believe, through the pain and suffering that his family has experienced, has done something that will give others hope and offer life and opportunity to others.

I yield the floor.

The PRESIDING OFFICER (Mrs. DOLE). The Senator from Utah.

Mr. HATCH. Madam President, let me add to the Senator's remarks. I listened to my dear friend, my partner, GORDON SMITH, yesterday on the Senate floor, and I was very impressed, having seen what he and his family have gone through and what others have gone through. It meant so much to have him lead the fight for this particular bill.

I certainly appreciated the remarks of the distinguished Senator from North Dakota. There is no question, this is a serious problem for young people throughout our country—again, especially for those who are Native Americans. I believe the bill, sponsored by my dear friend from Oregon, and of course a number of the rest of us, will go a long way toward helping to resolve and alleviate some of these problems.

I compliment all concerned for their sensitivity and their desire to do what we can to alleviate these problems and to help our children throughout our country.

My home state of Utah has one of the highest suicide rates in the country, in fact, suicide rates in Utah for those 15 to 19 years of age have increased close to 150 percent over the last 20 years. In response to these disturbing statistics, I authored legislation in 2000 to direct the Secretary of Health and Human Services to provide grants to states and other entities in order to create programs to reduce suicide deaths among children and adolescents. This legislation was included in the Children's Health Act of 2000 which was signed into law by the President.

Again, I am proud to be an original cosponsor of the Garrett Lee Smith Memorial Act and I credit its rapid passage through the Senate last night to one person—my dear friend, Senator GORDON SMITH.

PROPOSING AN AMENDMENT TO THE CONSTITUTION RELATING TO MARRIAGE

Mr. HATCH. Madam President, I have been around here for 28 years. I have seen a lot of very important issues. I have seen a lot of phony arguments through the years. One of the phoniest arguments I have seen is, Why are you moving toward this constitutional amendment to preserve the traditional definition of marriage? We have so many other more important things to do. Why, we have the economy, we have the war—we can name thousands of things that are more important to some of the opponents of this measure than this particular measure. But I say I don't know of anything in our society or in our lives or in our country or in the world that is more important than preserving our traditional family definition.

I don't know of anything that is more important to children. I don't know of anything that is more important to morality. I don't know of anything that is more important to education. I don't know of anything that is more important to strengthen our country. I don't know of anything that is more important to the overall well-being of our citizens than the preservation of the traditional marriage definition that has been the rule for 5,000-plus years in this world; that is, marriage should be between a man and a woman.

Everybody in this body knows I have led the fight in three AIDS bills. I have been the primary sponsor of those bills along with Senator KENNEDY. Everybody knows that I have fought hard against hate crimes. One of the principal bills that lies before us is the Hatch-Smith-Kennedy-Feinstein bill against hate crimes, part of which are hate crimes against gay people. I do not believe in discrimination of any kind, and I do not believe that what some people have done to gay people in our society is relevant or right.

Some of it has been purely prejudicial. I don't believe that type of thinking should see the light of day.

But like my colleague from Oregon and others, I draw the line when it comes to traditional marriage and the definition of traditional marriage. So I rise in support of an amendment to our Constitution that would maintain the institution of marriage between a man and a woman, an institutional arrangement that is to this date supported by all of our State legislatures, every State legislature in the country. The bedrock of American success is the family, and it is traditional marriage that undergirds the American family.

The disintegration of the family in this country correlates to the many serious social problems, including crime and poverty. We are seeing soaring divorce rates. We are seeing soaring out-of-wedlock birth rates that have resulted in far too many fatherless families. Weakening the legal status of marriage at this point will only exacerbate these problems, and we simply must act to strengthen the family. It is one of the most important things that we can consider and that we should do.

To me, the question comes down to whether we amend the Constitution or we let the Supreme Court do it for us. I know which is the more democratic option, and that is for us, as elected officials, to amend the Constitution. Questions that are as fundamental as the family should simply not be left to the courts to decide. If we permit ourselves to be ruled by judges, we further erode the citizenly responsibility that is central to our republican form of government.

Many in this body, in the ivory tower, often fret that Americans do not take politics seriously enough. Perhaps that is because we, through our inaction, routinely suggest to the electorate that the most important questions facing us as a political community should be decided by a handful of Harvard-educated lawyers, rather than by the people themselves. A free citizenry should not accept such a goal, and should not accept such thin gruel.

Our hope for this amendment is that it will maintain the traditional right of American people to set marriage policy for themselves.

We do not take this proposal lightly. The Constitution has functioned to secure and extend the rights of citizens in this Nation, and it serves as a beacon of hope for the world. Aside from the Bill of Rights, it has rarely been amended, but when it is, we have done so to expand the rights of democratic self-government and to resecure the Constitution's original meaning.

That is precisely what we are intending here. Marriage policy has traditionally been set by the States. The States have made their opinion on this subject clear. They have overwhelmingly acted in recent years to preserve traditional marriage.

Still, absent an amendment, we should have no faith that the courts will uphold these State decisions. Believe me, there are other ways we would rather spend our time. We did not choose this schedule—the courts did. But as public representatives, bound by the oath to defend the Constitution, we will not hide from our obligations.

Our case is simple. Last fall, in its Goodridge v. Department of Public Health decision, the Supreme Judicial Court of Massachusetts declared same-sex marriage to be the policy of the Commonwealth of Massachusetts.

Today, same-sex marriage couples live in 46 States, and activists are implementing a well-funded, multifaceted, and highly coordinated legal assault on traditional marriage.

Look at this. Not one legislature has voted to recognize same-sex unions. But in 1996, States with same-sex marriage couples, zero; in 2004, States with same-sex marriage couples, 46. That is what has happened as a result of this particular decision by the Massachusetts Supreme Judicial Court.

The inescapable conclusion is that absent an amendment to the Constitution, same-sex marriage is coming whether you like it or not.

Regardless of what the people think, regardless of what elected representatives think, it is going to be imposed on America because of one 4-to-3 version of an activist Massachusetts Supreme Court.

The opponents of this amendment urge us to remain patient. Our actions are premature, they tell us. Those opposed to protecting traditional marriage keep moving the goal line, and to ignore this strategy is to guarantee defeat.

Marriage first became a national issue in 1996. Then, as now, a State court threatened to impose same-sex marriage on citizens of their own State, and in so doing they jeopardized the traditional marriage laws of the entire Nation.

Given this scenario, it would have been flatly irresponsible for us not to act. So when faced with the potential of the Supreme Court of Hawaii dictating marriage policy for all 50 States, we passed the Defense of Marriage Act, or DOMA.

Then, as now, our opponents accused us of playing election year politics—the same phony argument they are accusing us of today, or in this particular matter. The opposition insisted there was no need for DOMA, the Defense of Marriage Act. In fact, Senator JOHN KERRY argued, and others with him, that it was not necessary since no State has adopted same-sex marriage. That was their argument. Eight years later, a bare majority of JOHN KERRY's own State's supreme court has brought same-sex marriage to the State and to the citizens of Massachusetts.

What is his position now? Sounding much as he did 8 years ago, he said, and I quote:

> I oppose this election-year effort to amend the Constitution in an area that each State can adequately address, and I will vote against such an amendment if it comes to the Senate floor.

Keep in mind, the only thing that would permit each State to decide this issue on its own is DOMA, the Defense of Marriage Act. What was Senator KERRY's opinion on DOMA? I don't mean to just single him out; there are others on the other side who have taken the same position. What was their opinion on DOMA? Senator KERRY called it "fundamentally unconstitutional." In fact, that was the opinion of much of the Democratic Party and our academic legal establishment at the time.

Let me refer you to this chart. But isn't DOMA unconstitutional? Senator KERRY said: You don't have to worry about it because we have the Defense of Marriage Act.

This is what he said on September 3, 1996:

> DOMA does violence to the spirit and letter of the Constitution.

Senator KENNEDY, our other distinguished Senator from Massachusetts, in his remarks on the Senate floor on September 10, 1996, said:

> Scholarly opinion is clear. DOMA is plainly unconstitutional.

Professor Laurence Tribe, Harvard Law School professor, in a letter submitted for the RECORD in Senate proceedings, said on June 6, 1996:

> My conclusion is unequivocal. Congress possess no power under any provision of the Constitution to legislate as it does in DOMA any such categorical exemption from the Full Faith and Credit Clause of article IV.

The ACLU, in a background briefing in February of 1996, says:

> DOMA is bad constitutional law . . . an unmistakable violation of the Constitution.

Think about that.

So let me get this straight. We do not need DOMA, was the argument because no State has actually pursued same-sex marriage.

That is what Senator KERRY said against DOMA when he argued against it back then. But now that Massachusetts has, we do not need an amendment because we fortunately have DOMA. How convenient. Except for the fact they are all arguing that DOMA is unconstitutional. It just doesn't seem to fit.

I have seen these ads on Senator KERRY flip-flopping. We all know that around here. That is what he does. But this is the grand flip-flop, one of the grandest of all times. A person's head starts to spin just trying to undo this logical mess.

But in the end, that is the point. They hope to confuse and to obfuscate and cast aspersions, and, by so doing, maybe succeed in lulling citizens into apathy on this subject.

Fortunately, this issue is actually rather simple for those who approach it with any sincerity. There are, in fact, only two questions that Senators must answer before voting on this amendment; that is, if the filibuster will be ended and we are able to proceed to the constitutional amendment and debate it.

The first thing is whether they support traditional marriage. Bulletproof majorities in this body do. No question about that. The American people do, as well.

The second is whether the majority's desire to protect traditional marriage can be guaranteed without a constitutional amendment.

The assertion this was a State issue, that the States can protect marriage, neglects the likelihood that the courts will overturn the well-considered opinion of citizens in every State. Skeptics and opponents of this constitutional amendment claim, sometimes relying on traditional Republican and conservative principles of federalism and limited government, that this is not the time nor the place for the National Government to act.

We must be clear. The States have already acted. Since marriage first became an issue in 1996, over 40 States—look at this—over 40 States have acted explicitly to shore up their traditional marriage laws—40 States. What a national consensus? States where legislatures have approved same-sex marriage, zero; not one State legislature, that is. The people's representatives, the ones who have to stand for reelection, not one State. States where legislators and citizens have recently acted to protect traditional marriage, 40 States.

But all of this legislation has been in danger by the Massachusetts court's actions this past fall and by recent decisions by the U.S. Supreme Court. The courts, in an elite legal culture out of touch with average Americans, have made this a national issue. It can no longer be adequately resolved by the States. More and more coordinated lawsuits are being filed every day, and the question of same-sex marriage will terminate in Federal courts at which point same-sex marriage will become the law of the land, in spite of the desires of the elected representatives throughout at least 40 States, and I believe other States would follow suit in time to preserve traditional marriage.

Let me say this slowly so it can sink in. Absent a constitutional amendment that protects the rights of the States to maintain their traditional understanding of marriage, the Supreme Court will decide this issue for them.

The Massachusetts Supreme Judicial Court commanded, in a fit of hubris, that the State must extend marriage to same-sex couples. Never mind that the Massachusetts Constitution created by the hand of John Adams himself clearly did not contemplate this conclusion. Never mind there is an obvious national basis for the States' traditional marriage laws and never mind the people in the Bay State were adamantly opposed to this judicial usurpation of policy development best left to legislative judgment. No, they went right ahead and issued a decision that certainly made them the toast of the town on the cocktail party and academic lecture circuit, but they put their personal self-satisfaction ahead of their judicial responsibilities. By doing so, they knowingly threatened the marriage laws in every State in our country.

The people of Massachusetts acted quickly to amend their constitution and overturn this egregious abuse of judicial authority. The problem is that amendment will not be ratified for at least 2 years—a fact, by the way, of which the Massachusetts Supreme Court was keenly aware. In the meantime, people will be married in Massachusetts and they will move to other States. What will become of these same-sex marriages? Will they be recognized? Will they be dissolved? Can these people get divorces in other States? Who will have custody of the children in the event of disillusion? Already, as a result of the lawless issuing of marriage licenses to same-sex couples by the mayor of San Francisco, same-sex marriage couples live in 46 States now. Together, these actions have stirred up a hornet's nest of litigation.

When allowed to choose, legislatures protect marriage rather than dismantle it; therefore, advocates of same-sex marriage resort to strategies involving the executive or judicial branches. In States such as California, Oregon, New York, and New Mexico, rogue local officials have simply defied their own State marriage laws and married thousands of same-sex couples. While saying that New York law does not allow same-sex marriages, State attorney general Elliot Spitzer will nonetheless recognize such marriages performed in other States. That is his opinion. These actions have an impact on the legal landscape for sure, but in most cases advocates turn to the courts to impose their preferred policies on fellow citizens. Their legal war against traditional marriage has at least five fronts.

Remember article IV of the Constitution, full faith and credit clause. Most authorities believe the Massachusetts Supreme Court will be binding on every other State in the Union, not that they will have to allow same-sex marriages themselves in defiance of traditional marriage beliefs, but they will have to recognize the marriages that are performed in Massachusetts that come to their States under the full faith and credit clause. Most constitutional authorities agree with that, and it is believed that the U.S. Supreme Court will uphold that and thus rule DOMA, or the Defense of Marriage Act, unconstitutional.

There are five legal fronts of attack on the Defense of Marriage Act or traditional marriage. First, as in Massachusetts, gay citizens who wish to marry allege that State laws protecting traditional marriage are violations of their own State constitutions. So far, there are 11 States facing these challenges to their marriage laws.

This week, the ACLU filed suit in Maryland arguing that the State's failure to recognize same-sex unions violates the State's constitution.

In California, even though more than 60 percent of the voters recently approved a statewide ballot initiative to maintain traditional marriage, the California Supreme Court is now considering the constitutionality of that democratic action.

In Nebraska, the ACLU has actually challenged a duly passed State constitutional amendment that defines marriage as being between a man and a woman. Similar challenges are pending in Florida, Indiana, Washington, and West Virginia, all of which have passed laws to secure traditional marriage just in the last 10 years as a result of this focused consideration of the subject by citizens of those States.

The legislatures in Delaware, Illinois, Michigan, North Carolina, and Vermont are considering actual amendments to protect traditional marriage. Montana, North Dakota, Ohio, and Oregon have signature-gathering campaigns underway. Amendments are already on the ballot in Arkansas, Georgia, Kentucky, Michigan, Mississippi, Missouri, Oklahoma, and my own home State of Utah.

One would expect and hope that given this public concentration on the subject, a proper respect would be given to a popular resolution of this issue. We can be sure, though, that the legal advocates of same-sex marriage will not display any such reservations.

The second case against traditional marriage will emerge once two citizens legally married in Massachusetts move to Ohio, Louisiana, or some other State and seek to have their marriage recognized. It is simply implausible to deny that this scenario will unfold. Already a suit has been filed in Washington State requesting that Washington recognize same-sex marriages performed in Oregon under a now halted order issued by a rogue county chairman even though Washington law expressly precludes such unions.

The third and fourth cases also specifically involve challenges to the Defense of Marriage Act now passed by 40 States and I believe will ultimately be passed by all 50 States.

One of the standard crutches of those opposed to an amendment is that DOMA, the Defensive of Marriage Act, remains the law of the land. In the hearing before the Judiciary Committee several weeks ago, Senator DURBIN said that DOMA has "never been challenged in court." This is simply untrue. DOMA has been challenged for violating the U.S. Constitution. It is being challenged right now.

The Defense of Marriage Act did two things. For the purposes of Federal benefits, such as Social Security, it reserved the definition of marriage to traditional unions, and, most importantly, it gave a blanket exception to the full faith and credit laws for marriage policy.

As it is now, the Constitution requires that, barring a rational public policy to the contrary, my marriage in Utah must be recognized in Virginia. DOMA ensures that States would not be compelled under the Constitution to recognize same-sex marriages performed in other States. The first prong of DOMA is being challenged in a Federal court. There is no doubt that a suit will eventually be filed challenging the constitutionality of DOMA's exception to the full faith and credit clause.

Fifth, State laws protecting traditional marriage will be challenged as violating the Federal Constitution. That the U.S. Constitution protects no such right will hardly be an obstacle to these suits. The death penalty is explicitly provided for in the fifth amendment, but that does not stop liberal interest groups from attempting to undo this through judicial action. They cannot get these matters through the elected representatives, so they always try to get these activist court judges to do their bidding for them and to enact legislation from the bench that they could never get through the elected representatives of the people. This is a perfect illustration.

The first amendment was obviously intended to guarantee political speech, but that does not stop the ACLU from getting nude dancing declared a constitutional right. Nothing in the Constitution guarantees a right to an abortion, but, through a creative analysis of the text, the Court was persuaded to create a right to privacy extended in recent years to include "the right to define one's own concept of existence of the universe, and of the mystery of human life."

These cases will inevitably wind up in Federal court. We cannot wash our hands of the implications of this issue's likely judicial resolution. As a Senator, my oath obligated me to protect the Constitution. That includes protecting it from corruption at the hands of the judiciary. These corruptions have become commonplace, and they are extremely difficult to undo once secured.

We have tried in the past, when constitutional meaning was violated in the moment-of-silence cases, in abortion rights cases, in religious liberty cases, in flag burning cases—all judicial activists' decisions—we attempted to undo these decisions and to restore the original Constitution. We have never been successful in succeeding along those lines. If this becomes the law of the land by judicial fiat of 4-to-3 verdict in the Massachusetts Supreme Court and because the full faith and credit clause will impose it on every other State in the Union, then we will have had the judges legislate for all of America against every State's law that we now must do away with traditional marriage or at least allow this new form of marriage.

Now, there is a constitutional responsibility, I would suggest to my colleagues in the Senate. In fact, once these decisions are in place, the very people who tell us to wait for the courts to decide abdicate their stewardship of the Constitution. It is a phony argument to say wait until the courts decide. I think it is all too clear that if we rely on that, we are going to have the courts tell Americans what they must believe on this matter, and that is in contradiction to all of the elected representatives' rights to determine these types of issues.

As an example, consider the response of some Democratic lawmakers to the Supreme Court's rulings on abortion. In a recent letter to Roman Catholic Cardinal Theodore McCarrick of Washington, DC, 48 Catholic Members of the House of Representatives explained that:

> [W]e live in a nation of laws and the Supreme Court has declared that our Constitution provides women with a right to an abortion. Members who vote for legislation consistent with that mandate are not acting contrary to our positions as faithful members of the Catholic Church.

Now, regardless of the beliefs of the Catholic Church, or even the merits of the arguments for or against abortion, this is a monumentally irresponsible attitude. These legislators, charged with protecting the Constitution, argue that they must vote against legislation that curtails abortion because the Supreme Court obligates them to. In other words, the Constitution, apparently, is what the Supreme Court says it is to these people.

Well, I think the Supreme Court has gotten it wrong on a number of occasions. But on this particular issue, when the Supreme Court rules that DOMA is unconstitutional, that will be one of the most monumentally wrongful decisions in the history of this country.

Now, with all due respect, these arguments that these Members of the House raised on the issue of abortion are absurd. Abraham Lincoln, the founder of my political party, understood this. When Chief Justice Roger Taney handed down his infamous Dred Scott decision, Lincoln did not defer to the Court. He did not accept its decision as a proper interpretation of the Constitution. He rejected it root and branch, and explained that:

> [T]he candid citizen must confess that if the policy of the government upon vital questions affecting the whole people is to be irrevocably fixed by decisions of the Supreme Court . . . the people will have ceased to be their own rulers.

That was Lincoln speaking, and we ought to follow that type of logic and that type of reasoning, that type of truth. We cannot just sit by and let the courts rule our country. That is not their job. Their job is to interpret the laws that we make as people who have to stand for reelection. We passed a law that is now approved by 40 States, and I believe will be approved by the other 10 States given time.

Now, this popular constitutional responsibility is a bipartisan affair. When Franklin Roosevelt's New Deal was repeatedly stymied by the Supreme Court, he did not throw up his hands and explain that the Depression would have to continue because the Supreme Court did not allow him to regulate the economy. Of course, he did not. Rather, he continued to push his policies and explained to the American people why the Court's interpretation of the Constitution was wrong.

The Members of this body have a sacred trust as constitutional officials, and we must take seriously the results of our inaction. If we fail to pass an amendment, and we delegate our authority over this matter to the Supreme Court of the United States, the decision will come as no surprise. On this point, the Justices have made themselves amply clear. There is no reason to believe that State marriage laws protecting traditional marriage will be allowed to stand.

In the Lawrence decision handed down just last year, the Supreme Court announced its intentions by effectively overturning Bowers v. Hardwick. Bowers was hardly an antique. It was decided only in 1986, and it basically put the brakes on 20 years of judicially created privacy rights. That decision concluded that the States remained able to regulate certain sexual practices in order to protect the health, safety, and morals within its political community.

But in Lawrence the court reversed course. There, the Court concluded that:

> Liberty presumes an autonomy of self that includes freedom of thought, belief, expression, and certain intimate conduct, and therefore, our laws and tradition afford constitutional protection to personal decisions relating to marriage, procreation, contraception, family relationships, child rearing, and education.

Now, according to the Court, in Lawrence, these are fundamental rights, and the States must, therefore, advance a compelling reason for any legislation that denies them. Unfortunately, in Romer v. Evans, the Court has previously held that any such legislation could only be based on an "irrational animus" toward homosexuals.

So what, then, of same-sex marriage, which denies to homosexuals the privilege of marrying? In his dissent in Lawrence, Justice Scalia understood that:

> State laws against . . . same-sex marriage . . . are likewise sustainable only in light of Bowers' validation of laws based on moral choices. Every single one of these laws is called into question by today's decision; the Court makes no effort to cabin the scope of its decision to exclude them from its holding.

Those who favored the decision at the time said it did no such thing. Privately, however, they understood exactly what it meant. And the judges in the Goodridge case were quick studies. In the decision to rewrite the Massachusetts Constitution to compel same-sex marriage, the Goodridge court relied heavily on these rulings. Their conclusions that marriage is a fundamental right and that the decision to restrict that right is patently irrational were taken straight out of the U.S. Supreme Court playbook. Goodridge has shown us the way. DOMA, the Defense of Marriage Act, will not stand, and absent DOMA, the States will have to defend their marriage laws on their own. Their success, of course, is in serious doubt.

I do not subscribe to the conclusions of the courts. There is an obviously rational basis for legislation that protects traditional marriage. Only a discriminatory animus against people who hold any religious beliefs at all could lead someone to conclude otherwise. For a simple and compelling reason, traditional marriage has been a civilizational anchor for thousands of years. Society has an interest in the future generations created by men and women.

Decoupling procreation from marriage in order to make some people feel more accepted denies the very purpose of marriage itself. Marriages between men and women are the essential institutions to which future generations are produced and reared. Political communities are only as solid as their foundation, and these families and homes, the first schoolyards of citizenship, are essential for the future of republican government.

The fact that so many in the Democratic Party are openly opposed to same-sex marriage should undercut the conclusion that the desire to maintain traditional marriage is grounded simply in rank bigotry.

Let me refer to this chart again. These are leading Democrats who have spoken out on same-sex marriage. The first one is Senator KERRY:

> I believe marriage is between a man and a woman. I oppose gay marriage and disagree with the Massachusetts Court's decision.

I don't think it could be any more clear.

Senator DASCHLE:

> The word "marriage" means only a legal union between one man and one woman as a husband and wife.

How about Representative RICHARD GEPHARDT:

> I do not support gay marriage.

Or how about Governor Bill Richardson of New Mexico:

> I do believe that marriage is between a man and woman. So I oppose same-sex marriage.

Or how about former President Bill Clinton:

> I have long opposed governmental recognition of same-gender marriages.

Or how about former Vice President Al Gore:

> I favor protecting the institution of marriage as it has been understood between a man and a woman.

These are leading Democrats, who I personally respect in many ways, who have come out against this very dramatic change in traditional marriage that is occurring in our society today.

I have to say that I think JOHN KERRY was right in making that statement at the time. I think TOM DASCHLE was right. I think RICHARD GEPHARDT was right. I think Governor Bill Richardson was right. President Bill Clinton was right, and Vice President Al Gore was right when he said that. These Democrats are merely responding to a certain common sense articulated by the American people, and that common sense has expressed itself in legislative actions in nearly every State.

The Supreme Court of the United States, in order to defend itself against the accusation that it is determining constitutional meaning from their morning reading of the New York Times, has taken to defending only those rights supported by a developing national consensus. In this case, there is a developing national consensus on the issue of same-sex marriage, but it is developing in the other direction.

State after State has acted to protect this vital institution of traditional marriage. Still it would be a fool's wager to rely on the Supreme Court to affirm this consensus of all the people out there. When California acted through the superdemocratic process of a Statewide referendum to protect traditional marriage, that did not stop the liberal mayor of San Francisco from defying this law and instituting his own preferred policy preference instead. When it comes to a liberal agenda at odds with the beliefs of average Americans, legal impediments or even simple respect for these popular decisions do not long stand in the way.

It is important to mention another effect of abandoning our definition of marriage. We have vast numbers of institutions and individuals in our society who will be stigmatized and marginalized by courts trying to enforce a new moral norm. A group of notable legal scholars in Massachusetts, including Mary Ann Glendon, warned about the danger to religious institutions in this country in a recent legal opinion.

They said:

> Precedent from our own history and that of other nations suggests that religious institutions could even be at risk of losing tax exempt status, academic accreditation, and media licenses, and could face charges of violating human rights codes or hate speech laws.

Is this the road we want to go down? Gays and lesbians have a right to live as they choose. I would be the first to say that. But I am sorry, they do not have the right to define marriage and to redefine it away from the concepts of traditional marriage that have been in existence for over 5,000 years. I have been a leader in advocating hate crimes legislation against gays and lesbians. I know prejudice remains against gay and lesbian citizens. I reject each and every substantiation of it. But this amendment is not about discrimination. It is not about prejudice. It is about safeguarding the best environment for our children.

African-American and Hispanic leaders, Catholics and Jews, Democrats and Republicans, people from every State, religion, and every walk of life support traditional marriage as the ideal for this very same reason. I do not doubt alternative families can lovingly raise children, but decades of study show children do best when raised by a father and a mother.

My own faith, which has been badly maligned through the years—and I have personally been badly maligned, even by some who should be allies—only yesterday or within this week had this to say. It was issued on July 7:

> The First Presidency of the Church of Jesus Christ of Latter-day Saints issued the follow statement today. This is a statement of principle in anticipation of the expected debate over same gender marriage. It is not an endorsement of any specific amendment.
>
> The Church of Jesus Christ of Latter-day Saints favors a constitutional amendment preserving marriage as the lawful union of a man and a woman.

I have no doubt my faith and so many others would prefer and recognize the need of a constitutional amendment to resolve this problem. It is the right way to do it. For us to ignore it means we are abandoning our responsibilities. Given the acknowledged importance of this institution, popular reservations about undoing it should be given the utmost importance. Same-sex marriage is an unproven experiment, though other nations have had some experience with it.

The Netherlands has recognized same-sex unions since 2001 and registered partnerships since 1998. Since those reforms began, there has been a marked decline in marriage culture. Just yesterday, in a letter published in a Dutch newspaper, a group of respected academics from the fields of social science, philosophy and law made a modest assertion. The decision to recognize same-sex marriage depended on the creation of a social and legal separation between the ideas of marriage and parenting. And in that time, there has been, in their words, a spectacular rise in the number of illegitimate births. These scholars do not argue that this rise is solely attributable to the decision to recognize same-sex partnerships. But the correlation is undeniable. They conclude that further research is needed to establish the relative importance of all the factors.

Precisely! The jury is out on what the effects on children and society will be and only legislatures are institutionally-equipped to make these decisions. If nothing else, given the uncertainty of a radical change in a fundamental institution like marriage, popular representatives should be given deference on this issue. However, recent actions by courts prove that no such deference is being given.

This is why we need an amendment. Without an amendment to the Constitution, same-sex marriage will be imposed by judges on an American people who would not choose this institution for themselves.

Here is the language of the amendment. It contains two simple sentences:

> Marriage in the United States shall consist only of the union of a man and a woman.

The second sentence:

> Neither this Constitution, nor the constitution of any State, shall be construed to require that marriage or the legal incidents thereof be conferred upon any union other than the union of a man and a woman.

The amendment does nothing more than preserve perhaps the most fundamental relationship in society. The amendment does not violate the principles of Federalism and limited government.

Among other things the Constitution guaranteed to the people a right to govern themselves; in most instances, through their State governments. The Constitution protected traditional State prerogatives over subjects such as marriage and family policy. And should those be in danger, the Constitution guaranteed to the people a right to resecure these prerogatives through the amendment process. This is precisely the situation we face here.

The States have acted on this issue time and time again. They have rejected same-sex marriage. Yet we face legal advocates and a judicial system that care little for these judgments and that are ready and willing to substitute their own judgments for the common sense of the American citizenry.

In the end, the only argument against this amendment is that the Supreme Court is the sole institution that determines the meaning of our Constitution. I reject that conclusion. It grossly misstates the history of this Nation. The Alien and Sedition Acts were repealed through legislative actions, not through the courts.

The Civil War amendments that guaranteed citizenship and the right to vote to black citizens came through Congress and the state legislatures. The New Deal protected Americans in a time of need. The 1964 Civil Rights Act promoted the rights of racial minorities.

President Ronald Reagan readjusted the New Deal settlement, protecting the rights of small business owners and encouraging property ownership and innovation. And in recent years this body has acted to protect the rights of female victims of violence, the victims of hate crimes, and the rights of disabled citizens.

The popular branches of Government, not the courts, are the primary guarantors of our rights. As Senators, we are obligated to interpret the Constitution, and in this case we are not denying rights to same-sex couples, but protecting and extending the right of citizens to govern themselves and to determine marriage policy on their own, and to preserve traditional marriage.

To delay action on the marriage amendment now is like agreeing to repair a cracked dam only after it has burst and forever changed the landscape. We know what the legal situation is on this issue and we know what we have to do to repair it. A Constitutional amendment is the only viable alternative to protect this most foundational relationship in society. We must act, and we must act now.

We need to send a message to our children about marriage and traditional life and values. The American people must have a voice. The people, through their elected representatives—not judges—should decide the future of marriage.

Montana, Louisiana, West Virginia, Colorado, Washington, Maine, North Dakota, Ohio, New Hampshire, Nebraska, South Carolina, Arkansas, Alaska, Pennsylvania.

All of these states and many others have made independent determinations to protect same-sex marriage. Without an amendment to the Constitution, all that work will be for naught. They have made those independent determinations to protect traditional marriage, not same-sex marriage. I respectfully ask my colleagues to do the right thing here and to guarantee that the right to self-government on important issues such as this remains with the people rather than in the courts.

This is an important issue. Anybody who argues this issue isn't as important as anything that can possibly come before this body fails to recognize that traditional marriage and the rights of families and children are the most important elements of our societal function and we need to protect them. We need to do it now and not wait until 2 or 3 years from now when all this becomes mush and nothing will be able to be done, such as on other bills that have occurred through the years.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, I understand we will be going back and forth. I wondered, because I have a time schedule, if I might ask unanimous consent that after the Senator from Vermont speaks—might I ask how long he plans to speak?

Mr. LEAHY. I can't imagine I will speak much more than probably 10, 15 minutes at most.

Mr. BOND. Might I ask that I be recognized for 5 minutes and then the previous order, which was for the Senator from Texas and the Senator from Alabama to be recognized.

The PRESIDING OFFICER. There is no such order in effect.

Mr. BOND. I ask unanimous consent to make such a request.

Mr. LEAHY. Following me.

Mr. BOND. Following the Senator from Vermont.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Vermont is recognized.

(The remarks of Mr. LEAHY pertaining to the introduction of S. 2636 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

FEDERAL BUDGET RESOLUTION

Mr. LEAHY. Madam President, there is another important issue we have before the Senate. We don't yet have a Federal budget resolution, even though we were supposed to have done that this spring.

It is July. We have considered only one appropriations bill, and that has not been resolved with the House. We have not yet even considered the other 12 appropriations bills, including the Homeland Security appropriations bill. These are usually considered must-pass legislation, whether there is a Republican-controlled Congress or a Democratic-controlled Congress. Instead of passing these bills, however, we sit around not doing any work on the things that we absolutely need to do. We are working on political matters. The divisive constitutional amendment to federalize marriage is an example of that.

For 215 years, we have left it up to States to define marriage. All of a sudden, are we going to tell them they do not know what they are doing? Are we going to take over the marriage issue from the States and define it for them? Are we going to treat this as a matter of urgency, that we must proceed to immediately while setting aside homeland security and the budget?

Heck, the Senate Judiciary Committee, which held a few hearings on this issue, has not even considered the language of this Federal Marriage Amendment. We have not even voted on it in the Republican-controlled Judiciary Committee. The fact that the Committee has been bypassed, and the FMA brought immediately to the Senate floor, is an unmistakable sign that political expediency—and haste in the furtherance of political expediency—is why it is here.

Political expediency, whatever it takes, seems to be the leadership's guidepost, not the pressing needs of the country for homeland security funding or a budget. I am afraid that the paramount thing for the Republican leaders in this body at the moment are such divisive matters as federalizing marriage law by constitutional amendment. I remember the days when the Republican Party would say we are going to keep the Federal Government out of the doings of the States. Well, now we seem not only to politicize judicial nominations, making independent judges a wing of the Republican Party, but to politicize the Constitution itself.

I think it is wrong. I think it is corrosive to seek partisan advantage at the expense of the independent Federal judiciary or our national charter, the Constitution. Maybe we should have a corollary to the Thurmond rule, which is that in Presidential elections, after the Fourth of July we do not consider judicial nominations, except by unanimous consent. Maybe we should have something called the "Durbin rule."

The senior Senator from Illinois observed that we should prohibit consideration of constitutional amendments within 6 months of a Presidential election. I think he is right in pointing out that the Constitution is too important to be made a bulletin board for campaign sloganeering. Somehow we should find a way to restrain the impulse of some to politicize the Constitution. I think we have 50 or 60 proposed constitutional amendments before the Congress right now.

While we are doing this political posturing, let us talk about what we might have been doing. I will take one issue, homeland security. This week, we received further warnings from the Republican administration about impending terrorist attacks. So what are we doing in the Senate to respond to those attacks? Why, we are going to launch a debate over gay marriage.

The Homeland Security appropriations bill is stalled, but notwithstanding the warnings by the administration that there are impending terrorist attacks, first and foremost the Senate has to have a constitutional amendment banning gay marriage. We cannot take time to bring up the Homeland Security bill, something that will probably pass in a day and a half.

If the American people are uneasy about their security during the summer traveling season, that may be because of the conflicting signals they are receiving from the Government. At least this time it was Secretary Ridge and not the Attorney General who appeared on our Nation's television screens to warn of an impending al-Qaida attack. We may remember a few weeks ago, when the Attorney General made dire warnings the same day that Secretary Ridge, the Secretary of Homeland Security, told Americans to go out and have some fun this summer.

The American people must wonder what is going on. They must find it hard to believe what is going on in this Senate, how we are using our time now.

I believe Congress should get on with providing the funding needed to address our security vulnerabilities, even at the cost of forsaking some of the President's tax cuts or a fruitless debate on marriage.

We have heard the administration say we are in dire danger. We have given them everything they have wanted: the Homeland Security Department; we have gone deep into debt; we have actually threatened the Social Security fund by our huge deficits to give hundreds of billions of dollars on the fight against terrorism.

It appears we simply cannot meet our needs with the resources we have available. But what do we do? Do we address this in the Senate, the greatest deliberative body on Earth? Heck, no. We are going to talk about gay marriages.

Of course, the Republican Leadership has a history of not getting too concerned about the substance of homeland security issues. The issue of homeland security has been politicized from the start, and even the creation of the Department of Homeland Security is a case study on the political partisanship of my friends in the Republican Party. We may recall that at first they resisted strongly the idea of having a Department of Homeland Security especially the President himself.

Then we heard the partisan attacks from many Republicans on the 9/11 Commission, which the administration allowed to go forward in the first place only after great resistance.

I hope and pray we can return to a time as we used to do, and as it was when I came to the Senate, when security issues were not used for partisan effect or political benefit. Given the track record of this administration for secrecy, unilateralism, overreaching, and abject partisanship, however, I certainly understand why many question their assertions. An administration that can hide legal memoranda justifying torture and then, when forced to acknowledge them, disavow them, does not earn our trust. An administration that reports that terrorism had decreased last year and then, when questioned, had to admit that it was wrong and reissue the report has basic credibility problems.

So I wish we would turn away from these divisive legislative maneuvers and work together on the Nation's agenda. The senior member of the Senate, Senator BYRD, said it all better than I can. He spoke yesterday afternoon about the need to get about our business and the Nation's business. Senator BYRD offered wise counsel to the Republican leadership. I wish it had been listened to.

Roll Call reported earlier this week that this week's activities amount to a showdown prompted by the Republicans' desire for a wedge issue they can use with undecided voters in November. That is a shame and a sham. When we should be considering measures to strengthen homeland security, Republican partisans are focused on devising wedge issues for partisan political purposes. Well, that is wrong. I urge the Republican administration and the Republican leaders in the House and the Senate to come back to the work of Congress, not the work of political partisans. Let us complete our work for the American people.

The Senate does not have to be a battlefront for the Presidential campaign. There is plenty of time for that. In fact, I wonder if we are not setting ourselves up for people to say during the election season that the Republican-controlled Congress did not do the work of the people. Let us get on with doing it. One of the first things we can do is take the stalled Homeland Security appropriations bill and actually vote on it.

If the hundreds of billions of dollars we have spent so far have not made us safe, then let us debate that and find what will.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

REPORT OF SELECT COMMITTEE ON INTELLIGENCE

Mr. BOND. Madam President, I am very pleased to announce that today, about 90 minutes ago, the report of the Select Committee on Intelligence on the pre-Iraq war has finally been released. We were bound not to talk about it until it was released at 10:30 today. Our staff has done an excellent job reviewing 15,000 documents and 200 witnesses, going back time and again to get the facts straight.

We came up with the unanimous conclusions that I think this body and our friends around the country, including the media, ought to pay attention to what is actually in that report. Some of my colleagues spent yesterday talking about the report and putting their spin on it.

I have been very distressed that the spin had nothing to do with the facts that are actually in the report. It is a lengthy report. For the benefit of my colleagues who have not been on the Intelligence Committee, let me tell you a couple of things that were in the report.

First, the intelligence used by the President, the Vice President, the chairman, and ranking member of the Intelligence Committee, the chairman and ranking member of the Armed Services Committee, along with the rest of us, was the intelligence given to them by the CIA. This was intelligence given to them through three administrations. On the basis of that, on the floor the statement was made on September 19, 2002:

> We begin with the common belief that Saddam Hussein is a tyrant and a threat to the peace and stability of the region. He has ignored the mandate of the United Nations and is building weapons of mass destruction and the means of delivering them.

Senator LEVIN stated that.

On October 10, 2002:

> There is unmistakable evidence that Saddam Hussein is working aggressively to develop nuclear weapons and will likely have nuclear weapons within the next 5 years. We also should remember we have always underestimated the progress Saddam has made in the development of weapons of mass destruction.

Senator JAY ROCKEFELLER stated that.

These were conclusions that came from the best intelligence we had available, that other intelligence agencies had available. Actually, if you look at it, Iraqi Survey Group leader David Kay, when he came back to the United States, said we know that Iraq was a far more dangerous place, even than we had learned from our intelligence because of other things that were going on that were not fully reported.

We identified problems in this report. There was no human intelligence, which you absolutely need. There was faulty analysis in sharing of information among the various agencies. Some analysts did not fully qualify the information that was not confirmed.

But despite the breathless headlines, despite the political charges that are being made on the other side of the aisle, no one was pressured to change judgments or reach specific judgments. In fact, the committee interviewed over 200 people, searching, searching, and searching for those who might be pressured.

Chairman ROBERTS asked repeatedly, publicly and in hearings, that anybody who had information on pressure to change conclusions, come forward. Nobody did. They chased rabbits all through every brush pile that could be imagined. Anybody who had an idea of pressure was challenged. Do you know what they found? There was tremendous pressure on the analysts because they had not put together the right information prior to 9/11. They felt pressure, but they all said it was pressure to get it right. They said it is the job of the intelligence community to respond to the most searching questions of the people, the policymakers who use it.

Let me cite three conclusions from the report, which I think are very important on intelligence. From page 284: conclusion 83:

> The committee did not find any evidence that administration officials attempted to coerce, influence, or pressure analysts to change their judgments related to Iraq's weapons of mass destruction capabilities.

Page 285, conclusion 84:

> The committee found no evidence that the Vice President's visits to the Central Intelligence Agency were attempts to pressure analysts, were perceived as intended to pressure analysts by those who participated in the briefings of Iraq's weapons of mass destruction programs, or did pressure analysts to change their assessments.

On page 359, conclusion 102:

> The committee found that none of the analysts or other people interviewed by the committee said they were pressured to change their conclusions related to Iraq's links to terrorism. After 9/11, analysts were under tremendous pressure to make correct assessments to avoid missing a credible threat and to avoid an intelligence failure.

These are the findings upon which we unanimously agreed. I think the Vice President and others who have been politically maligned are entitled to an apology.

Do you know what this all comes back to? This comes back to a plan that we learned about on November 6, 2003. I have in my mind a FOX News report on this memo from a Democratic staffer. Nobody has denied it. In fact, they are playing their plays out of that game book now.

It talks about:

> No. 1: Pull the majority along as far as we can on issues that may lead to major new disclosures. . . .
>
> No. 2: Assiduously prepare Democratic "additional views" to attach to any interim or final reports. . . .
>
> No. 3: We will identify the most exaggerated claims and contrast them with the intelligence estimates that have since been declassified. Our additional views will also, among other things, castigate the majority for seeking to limit the scope of the inquiry.

That is exactly what the game plan is that they are following. When you look at the conclusion, the summary of that memo, it says:

> Intelligence issues are clearly secondary to the public's concern regarding the insurgency in Iraq. Yet, we have an important role to play in revealing the misleading—if not flagrantly dishonest methods and motives—of senior administration officials who made the case for a unilateral, preemptive war. The approach outlined above seems to offer the best prospects for exposing the administration's dubious motives and methods.

I ask unanimous consent that be printed in the RECORD following my statement.

The PRESIDING OFFICER (Mr. HATCH). Without objection, it is so ordered.

(See exhibit 1.)

Mr. BOND. To sum it up, we are at war with terrorists. The terrorists were in Iraq. They had access to the weapons of mass destruction that Saddam Hussein had produced in the past and were willing to produce in the future. We have received increased briefings on recent threats in the United States. The greatest danger we fear is that Saddam Hussein, had we not taken him out, would be supplying those terrorists with chemical and biological weapons.

Our troops remain under fire, but some on this floor and some commentators I have heard seem to be more interested in politicizing the problems in the Intelligence Committee rather than getting at the root of the problem. I hope we can put these partisan charges aside because there is much work to do to improve the gathering, the analysis, and the dissemination of intelligence. For the good of this country, we need to put behind us this partisan effort to fingerpoint and make accusations that have been explicitly disabused and disavowed by this intelligence report.

I commend the staff of the Intelligence Committee. I thank the many thousands of dedicated people in the intelligence community who are doing their best, under difficult circumstances, to get information under systems that were not adequate for the needs at the time. We need to build a system where we get human intelligence, where we analyze it better, and where we share it among agencies that we have not done adequately in the past.

I thank my colleagues from Texas and Alabama for their courtesy.

EXHIBIT 1

RAW DATA: DEM MEMO ON IRAQ INTEL

[From FOX News, Nov. 6, 2003]

We have carefully reviewed our options under the rules and believe we have identified the best approach. Our plan is as follows:

(1) Pull the majority along as far as we can on issues that may lead to major new disclosures regarding improper or questionable conduct by administration officials. We are having some success in that regard. For example, in addition to the president's State of the Union speech, the chairman has agreed to look at the activities of the Office of the Secretary of Defense as well as Secretary Bolton's office at the State Department. The fact that the chairman supports our investigations into these offices and co-signs our requests for information is helpful and potentially crucial. We don't know what we will find but our prospects for getting the access we seek is far greater when we have the backing of the majority. (Note: we can verbally mention some of the intriguing leads we are pursuing.)

(2) Assiduously prepare Democratic "additional views" to attach to any interim or final reports the committee may release. Committee rules provide this opportunity and we intend to take full advantage of it. In that regard, we have already compiled all the public statements on Iraq made by senior administration officials. We will identify the most exaggerated claims and contrast them with the intelligence estimates that have since been declassified. Our additional views will also, among other things, castigate the majority for seeking to limit the scope of the inquiry. The Democrats will then be in a strong position to reopen the question of establishing an independent commission (i.e. the Corzine amendment).

(3) Prepare to launch an independent investigation when it becomes clear we have exhausted the opportunity to usefully collaborate with the majority. We can pull the trigger on an independent investigation at any time—but we can only do so once. The best time to do so will probably be next year either:

(A) After we have already released our additional views on an interim report—thereby providing as many as three opportunities to make our case to the public: (1) additional views on the interim report; (2) announcement of our independent investigation; and (3) additional views on the final investigation; or

(B) Once we identify solid leads the majority does not want to pursue. We could attract more coverage and have greater credibility in that context than one in which we simply launch an independent investigation based on principled but vague notions regarding the "use" of intelligence.

In the meantime, even without a specifically authorized independent investigation, we continue to act independently when we encounter foot-dragging on the part of the majority. For example, the FBI Niger investigation was done solely at the request of the vice chairman; we have independently submitted written questions to DoD; and we are preparing further independent requests for information.

SUMMARY

Intelligence issues are clearly secondary to the public's concern regarding the insurgency in Iraq. Yet, we have an important role to play in revealing the misleading—if not flagrantly dishonest methods and motives—of the senior administration officials who made the case for a unilateral, preemptive war. The approach outline above seems to offer the best prospect for exposing the administration's dubious motives and methods.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. I ask unanimous consent to speak for up to 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROPOSING AN AMENDMENT TO THE CONSTITUTION RELATING TO MARRIAGE

Mr. CORNYN. First, Madam President, my remarks pertain to the issue of marriage. Of course, I have been here this morning while the distinguished Senator, the current occupant of the chair, the chairman of the Senate Judiciary Committee, comprehensively laid out the reasons why this is an important debate.

I have also heard Senator ALLARD from Colorado and Senator SMITH from Oregon speak about this issue. I would like to associate myself with each of those comments. But I want to explain briefly my own reasons why I believe this is such an important issue.

First, I would like to respond to the comments made by the ranking member, the Senator from Vermont, the ranking member of the Judiciary Committee. This is something that the chairman of the Judiciary Committee has already touched on, but I think it is so important. We keep hearing the same argument over and over again, so we really need to hit this issue hard.

But I think it is so important.

It is amazing to me to hear the Senator from Vermont and others say we have no time to talk about the issue of marriage and the American family because there are more important issues we ought to be debating. The truth is, while there have been Members on this side of the aisle talking about this issue all morning long, there has been virtually dead silence on the other side of the aisle.

Then we hear comments that are made about, well, this really isn't that important, and there are more important issues for us to talk about: homeland security, the budget, appropriations, and the like.

But I concur with the comments made this morning by the present occupant of the chair, the chairman of the Senate Judiciary Committee, that there is no issue more important in this country today than the American family and preserving the traditional institution of marriage as the most basic building block in our society, one created for children in their best interests.

You know this common theme, that this issue is not important; it is not one that has been demonstrated by the lack of presence on the Senate floor by our colleagues on the other side of the aisle, or even the overt comments made about this not being an important issue. We have had numerous hearings in the Senate Judiciary Committee and the Subcommittee on the Constitution, which I am honored to chair, and other committees in the Senate. Essentially, we have been met with either overt hostility or, in many instances no-shows, where Senators have chosen to boycott a good-faith desire to have an honest discussion about this issue and the threat that has been posed to the traditional family.

I, for one, am shocked and amazed at the attitude. Unfortunately, it is the reality we confront today and which the American family confronts.

Of course, I have been concerned about this issue, as I think most Americans have been, for a long time. But I note that in January of 1999 when I served as Texas Attorney General, one of my responsibilities—it was one of the few attorney general offices that had this responsibility—was child support enforcement. It was my obligation, my duty, my privilege to enforce child support orders for about 1.2 million Texas children.

It is no secret to any of us that due to the growth of out-of-wedlock childbirths now—about one out of every three children born in America are born outside of marriage; unfortunately, a fact that we all bemoan but a real and present reality—that half of the marriages end in divorce; that the American family is in fragile condition.

That is one reason I was so concerned when on May 17, 2004, we saw an assault launched on the American family and the institution of marriage. But the truth is, we should have seen this coming. There were a few people who did, but most did not.

I worry that the American family will not be able to sustain itself against this continued attempt to marginalize the importance of traditional families and the importance of every child having a loving and supportive mother and father, which we all know as a matter of common sense, a matter of observation, and as a matter of social science is the optimal situation for a child to be raised and grow up in.

I would be the first to say that there are heroic parents—single parents and children living in other arrangements—that adults do a heroic job of raising children in other-than-traditional family households. I congratulate them, and we ought to do everything we can to support them in every way we can because we know the optimal is not always possible.

But that shouldn't cause us to shy away from or refuse to defend the importance of the traditional family unit as the optimal situation in which children are born and raised into productive adults and have a chance to live up to their God-given potential.

We know that, as a sad fact of social science, children who are raised in a less than optimal situation through no fault of their own are at higher risk, that they are at higher risk of a host of social ills. We hope and pray that they may overcome these higher risks. But we know, tragically, that too many cannot. We see the evidence of that with dropout students who fail to pursue their education because they simply drop out of school, children who become involved in drugs and other self-destructive activity, children engaged in premature sexual experimentation and pregnancy, and other problems that affect their ability to grow up as fully productive and contributing citizens.

So we should not shy away from this debate when it comes to talking about what is optimal, what is in the best interests of American children and American families.

I believe that fundamentally is what this debate is about.

Some people have asked me, Why is it that some seem to shy away from this debate? I will tell you this: I think part of the reason is that some people just prefer not to be called names or to have their motives cast in doubt. But I will tell you this: I believe with all my heart that the people of this country believe in two fundamental propositions in addition to others.

No. 1, the American people believe in the essential dignity and worth of every human being.

At the same time, I think the American people overwhelmingly believe in the importance of traditional marriage and the traditional family as the bedrock institution of our society and in the best interests of children. I don't think there is any conflict there. I think you can believe in both at the same time.

This is not about phobias. This is not about a desire to hurt anyone. This is a discussion—an important discussion that we ought to have and we are going to have about the institution of the American family and traditional marriage as the optimal situation.

I fail to see how any one of us can remain neutral or on the sidelines when this debate is going forward. Indeed, we did not choose to engage in this debate at this time on this amendment. There is a difference between launching an attack and acting in self-defense. The American people know the difference. But I believe we must answer the call to action now on behalf of the American family.

It was on May 17, 2004, when the Massachusetts Supreme Court declared traditional marriage—remember these words because these are important—"a stain that must be eradicated."

The Supreme Court, four members, the majority of that court, called it invidious discrimination to limit marriage to persons of the opposite sex, what we call traditional marriage.

They said "limiting traditional marriage between members of the opposite sex lacks any rational basis."

As has already been noted and as we observed on cable television and the nightly news, this attack on the family and on traditional marriage that occurred in Massachusetts was joined by lawless officials in San Francisco and elsewhere around the country.

Soon the American people saw same-sex unions occurring on our television screens, in our newspapers, and reported on the radio.

Tragically, it is not the adults who pay the price for the marginalization of marriage as our most basic societal institution, it is our children who pay and pay and pay some more. Social science confirms what common sense and simple observation dictate: When the institution of marriage is marginalized, children are at higher risk, as I mentioned before. In short, they are at higher risk for the sort of consequences that will follow them for the rest of their lives.

When the Massachusetts Supreme Court, following the decision of the U.S. Supreme Court, which I will discuss briefly in a minute, launched into this radical social experiment in redefining the institution of marriage, we have some glimpse of what that experiment may yield by what social scientists have been able to evaluate in Europe and elsewhere. We have seen what happens when government pretends this problem does not exist until it is too late. We cannot afford to look back years from now and say we stood idly by while the American family was marginalized into irrelevance.

How did we get here? How in the world did the Massachusetts Supreme

Court, on May 17, 2004, decide that traditional marriage was a stain that must be eradicated, represented invidious discrimination, and had no rational basis? They did not dream it up on their own. The origins of this language and this rationale for that decision came from the case of Lawrence v. Texas. I have excerpted a segment of Justice Kennedy's opinion for the majority of the Court because this is the germ, this is the seed out of which this concept has grown and which now, as I have stated, threatens to jeopardize the American family, further marginalizing the American family and, indeed, the traditional institution of marriage.

Relying on an earlier decision in Planned Parenthood of Southeastern Pennsylvania v. Casey, the Court reaffirmed the substantive force of the liberty protected by the due process clause. For nonlawyers, they were relying on this earlier decision and said that they were reaffirming the basis of that decision here. The Court went on to say:

> The Casey decision again confirmed that our laws and traditions afford constitutional protection to personal decisions relating to marriage, procreation, contraception, family relationships, child rearing, and education.

In this following sentence, stated in the same place where they talked about the liberty interests that protect marriage, they conclude by saying:

> Persons in a homosexual relationship may seek autonomy for these purposes, just as heterosexual persons do.

As Justice Scalia noted in his dissent, it was this juxtaposition of marriage and this right of individual autonomy in one's relationships that extends not just to heterosexuals in marriage but also to homosexuals in their relationships that is the basis for the Court's decision here. Not surprisingly, that was the very case cited by the Massachusetts Supreme Court in the Goodridge case when they held that traditional marriage was a stain that must be eradicated, that it represents invidious discriminations to allow heterosexuals to enter into that relationship but not homosexuals, and said that limiting marriage to traditional marriage between persons of the opposite sex had no rational basis.

Of course, the American people have not had a chance to express their views on this issue. As was pointed out eloquently earlier, neither did the people of Massachusetts. As it turned out, when the people of Massachusetts had the chance to have their voice heard on this issue, they chose to overrule the decision of the Massachusetts Supreme Court. The problem is in Massachusetts a constitutional amendment takes two consecutive sessions of the legislature, and they cannot amend the constitution until 2006 in that State. In the meantime, as we all know, since May 17, clerks have been ordered to issue licenses for same-sex marriages, and this pending constitutional amendment of 2006 is too late to effectively let the people's voice be heard and control this debate.

We have seen what some have called "government by the judiciary." We believe in our fundamental constitutional documents. Our Constitution provides for government of the people, by the people, and for the people, not government of the judiciary, by the judiciary, and for the judiciary but government of the people, by the people, and for the people. When we see an overturning, in essence, of the Massachusetts Constitution, 224 years after it was written, by a radical redefinition of marriage by a majority on the Massachusetts Supreme Court, it amazes me some of our colleagues would expect us to stand on the sidelines, mute, and expect us to be mere spectators in what is perhaps one of the most important debates we could possibly be having in this body or anywhere else around this country, and that is the preservation of the American family and the preservation of traditional marriage as the most important stabilizing factor in our society in a relationship that is most important for the raising and nurturing of children.

Some have suggested that this is not a Federal issue, this is not something the U.S. Congress should have anything to do with. Some have said in good faith—I think naively so but in good faith—well, let Massachusetts deal with that; that does not affect us. As already has been pointed out, people have married in Massachusetts under Massachusetts law and moved to 46 different States. Indeed, there are a number of lawsuits—I think at last count roughly nine lawsuits, maybe more—where those persons, same-sex couples who married in Massachusetts, have moved to other States and filed lawsuits seeking to require those States to recognize the validity of those marriages even though the laws of those other States do not recognize same-sex marriage.

As was pointed out a little earlier, we should have seen this coming. It has been coming for quite some time. It really did not start with Lawrence v. Texas. Some of the most well-known legal scholars in the United States, such as Laurence Tribe, have been advocating this position all along. He concludes after Lawrence, as he did beforehand, that this was the death knell for traditional marriage in America. But he said, "You'd have to be tone deaf not to get the message from Lawrence that anything that invites people to give same-sex couples less than full respect is constitutionally suspect." That is what left-leaning liberal legal scholars have been saying for some time and what the Supreme Court embraced in Lawrence and now we have seen carried to the next step, the logical conclusion, by the Goodridge court in Massachusetts.

But I guess what causes me such disappointment at the absence of our colleagues on the other side of the aisle and of their statements—those who have come to the floor and those who have shown up in committee—is saying this is not an important issue, that there are more important issues.

This is not a partisan issue. The reason I say that is because in 1996 the Congress passed—indeed, the Senate passed, by 85 votes—the Defense of Marriage Act which, as a matter of Federal law, defines marriage as the union of one man and one woman.

Now what I fear is our colleagues who oppose this amendment, who voted for the Defense of Marriage Act—they understand the Defense of Marriage Act is under threat and that a constitutional challenge will be made to the Defense of Marriage Act based on this Lawrence rationale. Indeed, that has already occurred in the States of Utah, Florida, and Nebraska, a Federal constitutional challenge that says: Your laws that limit marriage to traditional marriage, a marriage between one man and one woman, now violate the Constitution, using the very rationale I described earlier in Lawrence, agreeing, perhaps, with Professor Tribe. We are told this is not important, this is not worthy of debate, and there are other things that are more important. I disagree. I think the American people, when this finally begins to sink in, will disagree as well.

Some people have asked me: Why is it there is not a greater popular uprising and outcry about this issue? Well, I remember when we saw people getting married in San Francisco, same-sex couples there, and in Massachusetts, there was sort of a blip on the radar screen. Polls showed that the American people, once they realized what was going on, disapproved of what they saw. But, of course, we are all busy raising families and going to work, and this perhaps has not been something that has been sustained in their consciousness and their awareness. But, indeed, this is an important issue and one that is under attack.

Some have said, though: Why can't we let Massachusetts do its own thing? And why can't each State decide for itself what its policy will be? Well, we have seen, because of same-sex couples getting married in Massachusetts and moving to other States, that is not possible. Realistically that is not possible.

If you think about another aspect of what we call family law—let's say the law of adoption—if one State says you can adopt a child under certain circumstances, when that family moves to another State—when they move to Texas, Utah, or somewhere else—we recognize the validity of that adoption, of that family law decision.

What I believe is some of our colleagues, indeed some of the American people, are, No. 1, in shock at this radical transformation in our society's most basic institution. Secondly, after shock, people sometimes are in denial. They do not want to believe it. They do not want to think they are going to have to deal with it. And then, after a while, the reality begins to sink in that this is indeed something that needs to be addressed.

There are some who said: Well, if this is such a threat, why can't we wait until after the U.S. Supreme Court joins the Massachusetts Supreme Court in saying you cannot limit marriage to opposite-sex couples, based on this rationale and the logical conclusion of the language I have already described?

As you know, the U.S. Constitution has been amended 27 times. We have some history, some track record of how long it takes the process to go forward. It requires, of course, as you know, a two-thirds vote in the Congress. It requires ratification by three-quarters of the States. In other words, it takes a little time. Some amendments have been adopted and ratified in as short as 8 months, but typically they take a little bit longer.

So what people are saying—if they want us to wait until after the Federal courts declare traditional marriage unconstitutional, if they want us to wait until that time to raise this constitutional amendment—they are, I suggest to you, inviting the same sort of chaos we are seeing happening in Massachusetts. Because once same-sex marriages occur, if months and maybe years later the Constitution is amended to reinstate the status quo of traditional marriage, it may very well be too late.

So I will conclude, because I see the distinguished Senator from Alabama in the Chamber, who I know has been waiting to address this issue. This is an important issue. This is an issue that deserves serious debate by serious people. This is an issue that cannot be limited to one State. And this is an issue the American people deserve a right to be heard on through the amendment process.

I would say, in conclusion, there are some who say the U.S. Constitution is a sacred document and should not be amended. If the American people do not exercise their rights under Article V of the Constitution to amend the Constitution as they see fit—given that high bar, and given the deliberation that is required in order to meet that high standard—the only people who are going to amend the Constitution are judges—Federal, life-tenured judges who are accountable to no one.

I submit that is antidemocratic, it is contrary to the concept of self-government that is ensconced in our Constitution and was embraced by our Founding Fathers, and simply will not stand up under any close scrutiny. The whole concept that Federal judges ought to be the only ones to speak on what the laws are that govern us is antithetical to a constitution that guarantees government of the people, by the people, and for the people.

Finally, I would say we have on this last chart a statement of intent by those who intend to pursue legal action across the country until they reach their ultimate goal:

> We will not stop until we have [same-sex] marriage nationwide.

This was stated by a spokesperson for Lambda Legal, which is an organization that supports much of this concerted legal action across the country in State and Federal courts, the logical conclusion of which is the judicial mandate of same-sex marriage.

I look forward to the additional debate and the words offered by my colleagues on this subject. I hope those who have a different view will have the courage to come here and tell the American people why it is they think the preservation of the American family and the preservation of traditional marriage is unimportant. I think we can have a pretty good debate. I hope they do not choose, instead, to stay in their offices or at home and hide from this issue. This is simply too important to the kind of country America is and the kind of country we will become.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, today the Senate has begun the formal debate on the constitutional amendment that does something very simple; that is, protect marriage. The question before us is fundamental: Should marriage remain the union between a husband and a wife? Marriage is the union between a man and a woman for the purpose of procreation, and has been, until this point, one of the great settled questions of human history and culture.

Yet our current legal system seems alarmingly out of step with this historical understanding of marriage. Over and against 5,000 years of recorded human experience and social development, the Massachusetts Supreme Court has thrown out the definition of marriage. Marriage is no longer to be understood as a covenant between a husband and wife in the interest of their future children but, rather, the consummation of romantic attraction between any two adults. And they, these judges, appointed lawyers to these positions, imposed this radical change over the strong objections of the people of Massachusetts, the Legislature of Massachusetts, and the Governor of Massachusetts.

Indeed, a number of local governments in California and Oregon and New York followed the lead of the Massachusetts court, offering marriage licenses in violation of State laws, in violation of State constitutions. Same-sex couples from 46 States applied for marriage licenses in these jurisdictions. There are pending lawsuits to overturn marriage laws in 11 other States. It has become clear that the issue is a national issue, and it requires a national solution, and thus this debate on the floor of the Senate.

Last year's Supreme Court decision in Lawrence v. Texas, combined with the Court's views of the constitutional clauses on full faith and credit, equal protection, and due process, have convinced legal scholars of all political persuasions that the existing Defense of Marriage Act will be struck down. Harvard law school professor Laurence Tribe said:

> You'd have to be tone deaf not to get the message from Lawrence that anything that invites people to give same-sex couples less than full respect is constitutionally suspect.

Yale law professor William Eskridge agreed that the Lawrence decision will add to the momentum for recognition of same-sex marriage.

The Harvard Law Review, last month, weighed in with its opinion: "The time is ripe for a constitutional challenge to DOMA" because the 1996 act "violates equal protection principles."

The truth is, the Constitution is about to be amended. The only question is whether it will be amended by the U.S. Congress, as the representative of the people, or by judicial fiat. Will activist judges amend the Constitution? Will they undo marriage as the union of a man and a woman? Or will the people amend the Constitution to preserve marriage?

I say the people should have a voice. On such a fundamental question, the only sure option is a constitutional amendment.

Some have argued marriage is already a weakened institution in America and expanding marriage to same-sex couples will strengthen it. It is true that marriage in this Nation today is not as strong as it should be. But I question whether changing the definition of marriage will help us strengthen the institution. We can look at what has happened in other countries.

Scholar Stanley Kurtz has found that 10 years of de facto same-sex marriage in Scandinavia has further weakened marriage. A majority of children in Sweden and Norway are today born to unmarried parents.

In the Netherlands, which adopted de facto same-sex marriage in 1997, the proportion of children born outside of marriage has tripled. This isn't surprising. When the laws of a nation teach the next generation that marriage no longer has anything important to do with bringing mothers and fathers together for their children's sake, how can we expect otherwise? Rather than making marriage stronger, it has made marriage optional for childbearing. And we know from social science and from common sense that children do best in stable two-parent households.

Conversely, children in broken and unstable homes suffer. They are more prone to delinquency, more prone to poorer grades, high-risk behaviors, a whole raft of negative social outcomes. Children need moms and dads. Marriage recognizes and addresses that need.

Yes, marriage is about love. But it is also crucially about pointing men and women to the kind of loving union that binds them together and to their children. Far from strengthening the family, separating marriage from childbearing and child rearing undermines the family and distorts what we teach our children about the meaning of adult commitment, responsibility, mutual loyalty.

As Governor Mitt Romney recently testified, the pressures to change have already begun. The Massachusetts Department of Health has begun to insist that even birth certificates must change. The lines for mother and father are being replaced by parent A and parent B. One wonders if parent A and parent B are even expected to be more than casually acquainted. So we can see that the implications of radically redefining marriage are far reaching. They are dramatic. They are not private. They are not measured.

As we proceed to debate this serious and intense issue, I urge all sides to accord one another respect. Let us agree at least on this one point, that the Harvard Law Review is wrong and irresponsible when it says that Americans who want to protect marriage are motivated by animus or bigotry. And Cheryl Jacques of the Human Rights Campaign is wrong when she described marriage amendment proponents as "hate-filled people who will stop at nothing to achieve their discriminatory, offensive goals."

Such allegations are neither fair nor true about the vast majority of decent, law-abiding Americans. Nor do they help us understand the issues before us. Americans of all races, creeds, and parties are coming together to protect marriage as the union of husband and wife. We do so with respect for those Americans who disagree. The debate over something as basic and fundamental as marriage may be passionate and intense, but it need not be ugly and divisive. Amending the Constitution is a serious matter. We do not consider this action lightly. It is a serious matter that has to be addressed with the utmost respect, time for debate, consideration, and deliberation. That is what we will see play out on the floor of the Senate over the course of today and Monday and Tuesday.

Too many important decisions have been made by unelected judges. Far from settling issues, such sweeping decisions have only fueled the controversy. The American people have a right to settle this question of what marriage will be in the United States. That can only be done through the mechanism our Founding Fathers gave us for settling questions of great national import. And that is the constitutional process. It is not autocratic but supremely democratic, consistent with the great principles of federalism. The Constitution can only be amended if two-thirds of both Houses of Congress agree and three-quarters of the States, and it will only happen if the great majority of the American people across this land agree. That is the democratic process.

Marriage is an issue that rightly belongs in the hands of the American people. If the people do not speak, then the courts become our masters by default.

Marriage and family are the bedrock of society. Before we embark on a vast untested social experiment for which children will bear the ultimate consequences, we need a thorough public debate. It is my hope that our debate in this body will add to the larger marriage debate already underway.

Marriage is worth the time, energy, and attention of this Senate and of all the American people. The model of the family bound by marriage to fulfill its attendant responsibilities, indeed, is a worthy ideal.

The matter before us is critical. The debate before us is essential. Let's hold it with civility and respect. Let the debate be spirited, let it be substantive, and let it be held now in this body, the Senate, for this and future generations of Americans.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

PRIORITIES AND ABSENCES

Mr. LAUTENBERG. Mr. President, I wish to talk for a few minutes about a subject different than the one we have been hearing about most of this morning.

I rise as a proud member of the Senate. I treasure every moment that I serve here. I look at my voting record of over 20 years and I am proud of that record. It is important; whatever we do here is important. So I rise today to raise a question about a disturbing television ad that President Bush is running against our colleague, Senator KERRY. The ad opens up with the President saying, "I approve of this message."

The President's commercial is called "priorities." It criticizes Senator KERRY for missing votes here. The President's advertisement says that "leadership means choosing priorities." I could not agree more because Senator KERRY has chosen the correct priorities, while President Bush has been absent from leadership—sometimes referred to as AWOL.

If you look at the priorities of these two men throughout their lives, you learn a lot about who was absent and who was a leader. Senator KERRY has never been absent, AWOL, from his responsibilities. The President, on the other hand, has been absent at times when it required leadership. During the Vietnam war, an era in which 58,000 American soldiers lost their lives, and many more than that were wounded, President Bush was AWOL from leadership, AWOL from serving our country. He was assigned to the Texas Air National Guard, but he was absent from mandatory physicals, so he was grounded from flying. He was absent from his duties. We will never know all of the facts about the President's National Guard service because, today, the New York Times revealed that his records have been destroyed "by mistake."

If you look at Senator KERRY's history, you see a totally different picture. You see a man who signed up not just to join the Navy, but to go to Vietnam to serve his country. Even though he disagreed with that policy, he served bravely and courageously in a leadership role. He commanded a swift boat and he led it bravely.

Last week, I had the opportunity to visit with Del Sandusky, one of Senator KERRY's crewmen in the Navy. He tells many moving stories about the bravery and leadership of Senator KERRY in Vietnam.

By the time he returned from Vietnam, Senator KERRY earned a Silver Star and a Bronze Star, which are high-standing awards for bravery and courage in serving his country; and three awards of the Purple Heart for his service in combat. In fact, a question has been raised about whether he deserved the third Purple Heart. I don't know what that means. Does it mean we want to measure the depth of the wound to see whether you pass a certain line, and the Purple Heart is one color or another? The military has a process, and they said he is entitled to three Purple Hearts. In my view, he is also entitled to the gratitude of this country for speaking up after he finished his service to talk about what might have gone wrong with the decisions in Vietnam. But he didn't ever relinquish or shirk his duties.

What about the President's service at this time? They won't reveal the specifics. The records were destroyed, as we now know, and we will never find out. In this current war, as our brave soldiers are battling insurgents in Iraq, the President has not been honest about the true cost of this war. I am talking about the human cost as well as in monetary terms.

The President has ordered that no cameras be allowed to film the flag-draped coffins of heroes returning from battle. In my view, that is disrespectful to these men and women who gave their lives for this country.

I went to a funeral at Arlington Cemetery, and I also went to the funeral service of President Reagan. Each funeral had a similarity. They had an honor guard of proud service people escorting the coffin, doing their duty to say this Nation is grateful to these people they considered heroes. One act that the honor guard is required to perform is the folding of the flag and to finally put it into a triangle that can be handed over to the family. I watched at Arlington Cemetery when, crease by crease, each pair of service people—soldiers, marines, sailors—turned their part of the flag over. Finally, they folded it into a triangle, and the head of the honor guard walked over to the mother of this man who died and handed it to her. You could see the pride and the tears in her eyes with her family as she received this tribute from her country for her son's life.

The President has ordered that no cameras be allowed to film the flag-draped coffins of heroes returning from battle. In my view, it is disrespectful. Other Presidents weren't afraid to show the American people images of the honor guard receiving their coffins. In fact, President Reagan stood on the tarmac and publicly and openly received the coffins of 241 marines killed by Iranian-backed terrorists in Beirut in 1983. President Clinton did the same for flag-draped coffins returning from Kosovo. But President Bush hasn't been there. He is AWOL from this solemn duty.

When it comes to domestic issues, the President is AWOL from leadership. He was absent from funding the No Child Left Behind program. He signed it into law with great fanfare. But when the cameras were shut off, his leadership stopped. The latest budget underfunds No Child Left Behind by $9.4 billion. The budget also proposes the elimination of 38 educational programs. That is absence from leadership.

When it comes to protecting the environment, the President is absent. He refuses to make polluters pay for Superfund cleanups. He has proposed an outrageous rule to allow powerplants to spew mercury into the air and water, which brings potential harm to our children and those who are on the way to being born.

In the fight to cure disease, the President is absent. We have great tools to cure diseases such as Alzheimer's and juvenile diabetes at our disposal, and that tool is the use of embryonic stem cells, but the President is refusing to allow such research to proceed for political reasons. That is an absence of leadership.

When it comes to our Nation's transportation needs, the President has been AWOL. He has threatened to veto the highway bill even though it enjoys overwhelming bipartisan support. That puts 1.7 million jobs at risk at a time when we need to create jobs.

Thirty-eight percent of our roads are in fair or poor condition and 28 percent of our bridges are structurally deficient. Traffic congestion costs Americans more than $69 billion annually in lost time and productivity and 5.7 billion gallons of fuel annually is wasted while motorists sit in traffic. This absence of leadership on transportation is harming American families across the country.

The President signed a Medicare drug bill into law and the law has turned into a confusing nightmare for our Nation's senior citizens, who are barely going to see little, if any, monetary benefit. That is an absence of leadership. Of course, the main benefit does not kick in until 2006, conveniently past the next election. He does not want the American public to really see what is in that Medicare bill.

On homeland security, the President talks tough, but is he really there? The President's budget would reduce funding for grants to local police, fire, and emergency medical personnel from $4.2 billion in 2004 to $3.5 billion in 2005, more than a 15-percent decrease. Would anyone suggest we have less to worry about from terrorists when we just heard the dismal review by the Secretary of Homeland Security? The President's proposal will also cut first responder training by 43 percent.

The lack of leadership is not just at the White House. Unfortunately, my Republican colleagues in the Congress almost always march in lockstep with the White House, even at the peril of their constituents. This blind allegiance to the White House is having devastating effects. We have seen our budget surplus turn into deficits as far as the eye can see.

In Iraq, we bought the White House line and ignored military leaders. Look at the case of GEN Eric Shinseki, who said we need 300,000 troops in Iraq to do the job. He was right, but he was fired for telling the truth. We have recently heard from one of the leading Army generals who said our forces are too thin, and as a result of that, it is fair to say we have seen terrible casualties—879 Americans killed in Iraq, over 5,000 injured. If we had listened to General Shinseki and other military experts rather than the White House, perhaps those numbers would be less.

When the President said to the Congress, do not let Medicare negotiate for drug prices, we should have said: Too bad. Prices are out of control. We see that in the newspapers regularly now. We need to do this. Instead, the Republican majority said, "yes, sir," and followed the White House's orders, and drug prices keep soaring.

I say enough is enough. We are a coequal branch of the Government. Let us act like it. My Republican colleagues should stand up to the President when they think he is wrong.

Senator KERRY is on a noble mission to change the direction of this country for the better. In doing so, he is leading us down a path toward a stronger America, and I can think of no better reason to pursue that goal with every minute of time, with every ounce of effort, with every bit of intellect he can muster. We wish him good health and success, to lift our country out of the misery of worry about their children, their jobs, their parents, and their Nation. We wish Senator KERRY Godspeed and hardly think of him as being AWOL. His record disproves any notion of that.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COCHRAN). Without objection, it is so ordered.

ACTIVIST COURTS IN AMERICA

Mr. SESSIONS. Mr. President, as we finish up today, I want to share a few thoughts on the problem we have with the activist courts redefining marriage.

Marriage has been defined by every legislature that has ever sat in the United States from every State, now 50 States, the same way, but now we have unelected judges altering and changing that fundamental institution.

It is not a little matter. It is a very big matter. It is a matter the American people have a right to be asked about. It is a matter the American people have a right to be engaged in. It is an institution that no one can dispute is central to American culture. Regarding the culture of any country in the world, the status of family and marriage is critical to that culture.

I had the privilege of chairing a committee that had a hearing on marriage. It was a remarkable thing. Barbara Dafoe Whitehead was one of the witnesses. She had written an article that was voted one of the most significant articles in a news magazine in the second half of the 20th century. The Presiding Officer, the Senator from Mississippi, served with Dan Quayle, the former Vice President and Senator of this body. The name of the article was, "Dan Quayle Was Right."

She has since continued to study the science of families. She told us when she originally did her report she was criticized by academics around the country, but in the 10 years since she wrote that article there is no dispute that children do so much better—every objective scientific test shows that—if they are in a traditional two-parent family. Indeed, the husband and wife do better. It is a healthy relationship that the State, the Government—without any doubt, it seems to me—has every right to want to affirm and nurture and encourage through legislation.

To me, there is no discrimination whatsoever in a State deciding they are going to give a special protection to the marriage relationship that produces children, who will eventually run our country when we are gone. Any nation, any country, and any State has an interest in producing children who will take over and lead their country in the future.

They also have an interest in how those children are raised. It is a big deal here. Some people in this body continually push for more State and Federal Government involvement in the raising of children. I will ask you this: If there are not families to raise those children, who will raise them? Who will do that responsibility? It will fall on the State. There will be a much less effective job done, at greater cost to the taxpayers. Who could dispute that? I think the State has a remarkable and deep interest in it.

Likewise, when you have a universal, unequivocal, unbroken, consistent decision by every State and virtually every nation, until the last few years, that a marriage should be between a man and a woman, I think anybody ought to be reluctant to up and change it; to come along and say, well, you know, everybody has been doing this for 2000 years, but we think we ought to try something different.

We should not do that. I mean, if you want to bring it up in the legislature of the State of Alabama or the State of Massachusetts and you want to debate it and have hearings on it and take evidence and then you decide you want to vote on it, maybe that is one thing. But what we have had in this circumstance is a situation in which the Supreme Judicial Court of Massachusetts, citing language from the U.S. Supreme Court, up and declared it violates the equal protection clause of their Constitution to treat same-sex unions differently from heterosexual unions.

Maybe that is an equal protection violation. Maybe we could say that is what the Constitution says. But nobody, since the founding of this country, has ever interpreted it that way. What happens if a court makes a mistake? What happens if a group of judges says: I don't like the way the legislature has been handling this marriage thing. I don't think they have been affirming same-sex couples' unions and they ought to do it. Why don't we rule that way? Why don't we do that?

Somebody says, How are you going to do it? They say, We will study the Constitution. Here, it says everyone should be given equal protection of the laws. So we can overrule the State legislatures and we will say treating those two unions differently violates the equal protection of the laws. We will declare it unconstitutional.

Where did that leave the people of Massachusetts? We are on the verge of it, if the U.S. Supreme Court does it, for the entire United States. Where does that leave the people?

I remember in the early 1980s, Hodding Carter, who used to work for President Jimmy Carter, was on "Meet the Press" or one of those shows he was on regularly and they were talking about judicial activism. He said the sad truth is we liberals have gotten to the point where we ask the court to do for us that which we can no longer win at the ballot box.

This cannot be won at the ballot box. It can only be imposed on the people of America through a judicial ruling under the guise of interpreting the Constitution. That is what activism is. It is judges allowing personal political views to infect their decision-making process, where they override the actions of the legislature.

I am sure some say they will pass a law and overturn the Supreme Court. You cannot do that. It is important for everybody in this body to understand that. If the Supreme Court of the United States declares the Constitution prohibits a differentiation between a traditional marriage and other unions, the Constitutions of Massachusetts, or Illinois, or Alabama, or Mississippi is ineffective. It is trumped by the U.S. Constitution.

If we in the Congress pass a piece of legislation, a DOMA-like piece of legislation—I am sure it has been referred to earlier—it will not be effective in the face of a declaration by the U.S. Supreme Court that it is a violation of the equal protection clause of the U.S. Constitution to treat these unions differently. So it is a big deal for us.

We have one of the great institutions of our entire culture, for which there is virtually unanimous public support, virtually unanimous support among all the legislatures who have ever sat in the States of the United States of America, and it is in danger of being wiped out by the Federal courts.

I know Massachusetts has already so ruled on May 17. Less than 2 months ago they began to conduct same-sex marriages in Massachusetts. They say those unions have to be given the same, equal treatment as the other unions.

I would ask, what about two sisters who live together, care for one another, have been together 40, 50, 60 years? Are they treated as a marital relationship? Why don't we call that a marriage? Two brothers? A brother and sister? A mother and a daughter who live together many years without any kind of sexual activity? Why is this same-sex union given a preferential treatment over those unions?

When you get away from the classical definition of marriage, we get into big trouble about where those lines will stay. The reason a State has an interest in preserving marriage, traditional marriage, is because children are produced in that arrangement. Out of that arrangement a new generation is born, raised, nurtured, trained, and educated. We need to affirm that.

We had an African American who spoke to a group of us yesterday.

He was Secretary of State of Ohio and he talked about that and how deeply people felt about it and how important he thought it was.

Another African American was pastor of a 2,000-member church. He was a bishop. He was also a city councilman in Detroit. He talked about how hard they have worked to overcome the breakdown of marriage in America and strengthen marriage in America.

We ought to be passing laws that encourage marriage, not discourage it. We ought to be, as a policymaking body, involved in establishing policies that affirm that relationship. We know scientifically, we know intuitively, and we know morally that this is the better way.

I am not putting down single parents. I am not condemning people who have a different sexual orientation. I don't mean that in any way whatsoever. But the State, the government, has a right to define marriage in the classical term because that is where children are born, that is where they are nurtured, raised, and cared for. If the parents don't do it, I guess the State has to, which is what is happening in Europe.

Earlier today, one of the Senators may have mentioned a new letter that has come out of the Netherlands. Five scholars—social scientists and lawyers—have written a letter to warn that their actions in the Netherlands to affirm through legislation same-sex unions may well have contributed to the collapse, decline, and very rapid disorder of marriage in the Netherlands. We know that over 50 percent of the children in Norway, which a number of years ago created defacto same-sex marriage, are born out of wedlock. It is an incredible collapse of marriage in northern Europe—Norway, Sweden and Denmark have declined, and the Netherlands has shown a rapid decline. These social scientists warned other nations that are considering going in this direction, that are considering passing laws in this direction, that it would further weaken marriage and family.

We ought to pay heed to that. Why would we want to go down that way? We do not follow the European model of national defense. We have an extraordinary, modern, and effective national defense capability that the Europeans do not have. We do not follow the European model on taxing and spending. That is why our Nation is stronger, more economically dynamic, and is growing far faster than the European nations. They are not growing.

Their growth rate is down. Their population is aging. They are having fewer and fewer children. Their welfare rolls are growing. They have a workweek of 35 hours. We are supposed to find more people more jobs so more people can work. And their unemployment is about twice ours.

We don't follow their idea on the economy, thank goodness. The socialist model has not worked there and they are in a pell-mell race to secularize Europe. And we have not done that either. They don't allow a Muslim child to wear a scarf, or Christian child to wear a cross.

Why would we want to go that way? We should not go that way. We do not have to. We can make a choice to go a different way.

Some in this country, and I think some on our courts, seem to believe this is the wave of the future; that this is the enlightened Europe, and we ought to follow the enlightened Europe with a negative growth rate, I guess, and a rapid increase in secular relations in society. I don't think we need to go there.

There is an opportunity and a big moment. This is a big moment. It is an opportunity for this Senate to allow the people of the United States to speak on this issue, to say how they want the future of this country to be handled, for them to say who is in charge of this country. As Senator CORNYN from Texas said earlier, when an unelected judge makes a ruling in a political manner, like on the definition of marriage, it is an anti-democratic act. These are people, unelected, with lifetime appointments, not answerable to the public. If we vote wrong, you can remove us from office. That is the way the system works and the Founding Fathers all thought about it. That is what democracy is. But we have unelected people not having hearings, not having debate, not going out and having town hall meetings throughout their State, as I do and most Senators do, listening to the people, thinking about the issues, having a sensitivity of what is occurring in society. They are sitting up there in their robes rendering rulings to go to the heart of who we are as a people. I am concerned about it. I think we have every right to be concerned.

The substance of the matter is large. It is a very big deal. The dynamics of it are very crucial.

It is time for us as a people to utilize the power of the Constitution given us through our elected representatives to amend the Constitution. That is what it provides.

Frankly, when a judge redefines the Constitution's traditional meaning and makes it say something it does not, that judge has amended the Constitution contrary to the provisions in that document.

I remember back when I was U.S. attorney in Alabama. I had a parent come to me and show me the textbook in the classroom. It said how the Constitution is amended. The one way was the amendment process, as provided for in the Constitution. And they mentioned another way: Amended by ruling of the court. They are teaching children—the truth—which is courts, through their rulings, if they are not true and faithful to the document itself, amend the Constitution.

We ought not to allow that to occur.

I think this would be in no way extreme, in no way improper, and highly appropriate for this Senate to say let's let the American people decide about this fundamental institution of marriage, and let us tell the courts that we control life in this country, not them. They are not accountable.

Some say, well, this is all not going to happen; that you are not going to have the courts do this. It is not just not going to happen. It is not thinkable. Was it thinkable that the 9th Circuit Court of Appeals in this country, the largest court of appeals in the United States, would rule that "under God" could not be in the Pledge of Allegiance? When it got to the Supreme Court of the United States, do you see what happened? They punted. They moved it out on procedural grounds and did not state clearly what their view of it is. A number of their rulings, frankly, would indicate that it is not appropriate.

The Supreme Court has a problem in a lot of issues. They are not perfect. People are not without flaw. Many of these decisions are made by just a slim majority. It is not nine votes that are needed out of nine; it is only five, a majority. Five judges can redefine marriage and do a lot of other definitions that can impact significantly this country if they don't show personal discipline and fidelity to the law.

Let me just say this: This is the whole basis of a debate in this body between our Members on the other side of the aisle and on this side of the aisle and President Bush over judges. It is over whether or not judges will show restraint, whether they will remain true to the document, and not use the opportunity to rule as an opportunity to impose their personal views on the American public. That is what this debate is about over judges. It is not Republicans this, and Democrats that, how many judges I confirmed here and how many judges you confirmed there. It is a deep, fundamental difference.

The liberal activist groups in this country cannot win at the ballot box. So they are determined to utilize court rulings like this to further their agendas that are contrary to the American people.

I make one point before I wrap up. We have the language from the U.S. Supreme Court, our Supreme Court. In Lawrence v. Texas, Justice Kennedy, writing for a six-person majority, says:

> In Planned Parenthood of Southeastern Pennsylvania v. Casey, the court reaffirmed the substantive force of the liberty protected by the Due Process Clause.

When the Presiding Officer was in law school and was taught law, I am not sure he was told there was a substantive due process right to liberty. I don't think substantive due process is mentioned in the Constitution, but here we have "liberty protected by the Due Process Clause. The Casey decision again confirmed that our laws and tradition afford constitutional protection to personal decisions relating to marriage, procreation, contraception, family relationships, child rearing, and education . . ."

This case has to do with whether a State could prohibit sodomy, and they ruled they could not. It says in the case, Casey confirmed that our laws and our tradition afford constitutional protection. So we are defining the Constitution, this says. The Constitution says you have a right to "protection to personal decisions relating to marriage, procreation, contraception," and more.

Then further it says:

> Persons in a homosexual relationship may seek autonomy for these purposes, just as heterosexual persons do.

Obviously referring back to marriage above.

That is a pretty good indication that the Supreme Court—in dicta, not a holding of the case but in language and logic—made a clear suggestion they were prepared to rule that heterosexual marriage could not exist without homosexual marriage.

Let's hear how one of the brilliant Justices of the Court, Justice Scalia, who believes the Court should show restraint, analyzed the impact of it. Justice Scalia said it does mean we must recognize same-sex marriages.

Justice Kennedy says in the decision, "The present case . . . does not involve whether the government must give formal recognition to any relationship that homosexual persons seek to enter." But, the logic and language I read earlier indicated that.

Justice Scalia, who dissented from the case, said in his dissent, "This case 'does not involve' the issue of homosexual marriage only if one entertains the belief that principle and logic have nothing to do with the decisions of this court."

Justice Scalia is correct. If you read the logic of that Court decision, the language they used—dicta that it was—would indicate that is where they are heading, and six judges signed off on that language. It only takes five.

When a case comes up of this kind, we can say with certainty there is a likelihood, and many scholars believe a very high likelihood, that the Court would rule that traditional marriage is too restrictive, it has to be changed from the way the people have defined it. We do not have to accept that. We have every right to amend the Constitution. The laws in the Constitution provided for slavery—that was changed. The laws of the Constitution provide for free speech. It applies to every State. The right to keep and bear arms. All kinds of guarantees are in our Constitution. The American people can define what marriage is.

This amendment is narrowly drawn. It does not in any way threaten liberties. It does not take our money, it will not put us in jail, it will not do all these horrible things that sometimes you have to deal with in the law if you are not careful and the Constitution might get away from you. It is a narrowly drawn matter dealing with one issue, and that is marriage. We have every right to do that.

I am disappointed that some of the people I know, particularly on the other side of the aisle, are not going to vote for this constitutional amendment, and they are not even here to talk about the amendment. They don't want to talk about it. They say it is somehow wrong to discuss it during a time when we are leading up to an election. What is wrong with that? What is wrong with having a vote?

The reason it is coming up now is because a month and a half ago is when the marriages first started being conducted in Massachusetts, November was when the first ruling came out of there, and last year was Lawrence v. Texas.

This has been building. Law reviews by liberal law professors are pushing this issue all over the country. Lawsuits are being filed throughout the country.

The pressure is on to destroy the traditional definition of marriage. It is time and perfectly appropriate for us to deal with it. I hope we will. The American people need to be watching this vote, watching the issues that are debated. They need to ask themselves how much confidence they have in their representatives if they do not share their views on this important issue.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLARD). Without objection, it is so ordered.

NONGERMANE AND NONRELEVANT AMENDMENTS UNDER CLOTURE

Mr. REID. Mr. President, yesterday the chairman of the Judiciary Committee, my friend, the distinguished Senator from Utah, Mr. HATCH, just prior to the cloture vote on the class action bill, made a statement that I want to talk about briefly today.

He said Members can bring up nongermane or nonrelevant amendments after cloture is invoked. I am reading from page S7818 of the CONGRESSIONAL RECORD where he said:

> Keep in mind that if we invoke cloture, that doesn't mean those who want to bring up extraneous, nongermane amendments or nonrelevant amendments can't do it. They can bring them up after cloture, but they are going to have to get a supermajority vote to win. That doesn't foreclose them.

That simply is not valid.

If cloture is invoked, you can bring up a nongermane amendment, but if anyone raises a point of order that your amendment is not germane, that amendment falls automatically. There is no such supermajority motion available like there is under the Budget Act. The amendment fails without a vote—fails or falls without a vote, however you want to term it. The only way you can get a vote is if you choose to appeal the Chair's ruling that your amendment is not germane. If you are successful, you will set a precedent that will permanently throw out the germaneness rule under cloture, and such an appeal of the Chair's ruling is a majority vote, not a supermajority vote.

So the fact remains: Nongermane and nonrelevant amendments are not in order once cloture is invoked, and there is no such supermajority motion available to make them in order.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I want to add to the statement I completed. In the situation Senator HATCH talked about and I commented on, you could the day before file a special motion and ask that the rules be set aside and that would take a two-thirds vote. So I guess that could be the supermajority he was talking about. It would be extremely difficult to do. You would have to file a notice the day before. I don't think that would likely happen. But I wanted to make sure the record was clear that I did not miss anything.

BURMA

Mr. MCCONNELL. Mr. President, I want to commend the President for renewing import sanctions against the repressive military junta in Burma. The quick action of both Congress and the President on this matter underscores America's commitment to freedom and justice in that country.

Unfortunately, there have been no significant developments inside Burma since I last spoke on this issue several weeks ago. In 2006, Burma is expected to assume chairmanship of the Association of Southeast Asian Nations, ASEAN; there could be no greater loss of face to ASEAN or the region.

I am pleased that some of our allies in the European Union, E.U. have taken a principled stand over Burma's participation in the upcoming Asia-Europe Meeting, ADEM. However, the United Nations must do more to restore democracy to the Burmese people.

We need a full court press on the junta, which must entail the downgrading of diplomatic relations with the illegitimate State Peace and Development Council, SPDC, by placing its senior representative in Washington on the next flight to Southeast Asia. We do not have a U.S. Ambassador in Rangoon; the junta should not have one here.

I ran into the SPDC's "ambassador" in Washington at a July 4th celebration at the State Department, and told Mr. Linn Myaing to free Burmese democracy leader DAW Aung San Suu Kyi.

I find it incredible that someone from such an odious regime would be invited to celebrate the independence of the freest country in the world. Someone is clearly asleep at the wheel over in Foggy Bottom.

HONORING OUR ARMED FORCES

HONORING STAFF SGT. STEPHEN G. MARTIN

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man from Warsaw, IN. Staff Sgt. Stephen G. Martin, 39 years old, died in the Walter Reed Army Medical Center in Washington, DC, after sustaining serious injuries at the hands of a suicide bomber, just outside a U.S. military compound in Mosul, Iraq. Stephen sacrificed his own life to save the lives of hundreds of fellow soldiers by causing the suicide bomber to ignite the bomb before entering the compound. One other soldier also lost his life in this selfless and heroic action.

Stephen spent his early childhood and junior high years in Columbia City, IN. He then moved to Pennsylvania and graduated from East Pennsboro High School in 1983. Stephen later joined the Army's 101st Airborne Division and worked to become a member of the Trenton, NJ Police Department, until he moved to Rhinelander, WI where he was a sergeant in the department. Just last year, Stephen joined the Army Reserve 330th Military Police Detachment. He was deployed to Iraq to help train local police forces. Stephen's sister, Susan Fenker, told the Fort Wayne Journal Gazette that Stephen told his family "he was proud to help Iraqis build a free society and give hope to the next generation." With his entire life before him, Stephen chose to risk everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

Stephen was the twenty-ninth Hoosier soldier to be killed while serving his country in Operation Iraqi Freedom. This brave young soldier leaves behind his father, Jim; his mother, Carolyn; his wife, Kathy; his two daughters, Jessica and Brianna; his son, Seth; and stepdaughters Jackie, Jessica and Kaitlyn. May Stephen's children grow up knowing that their father gave his life so that young Iraqis will some day know the freedom they enjoy.

Today, I join Stephen's family, his friends and all Americans in mourning his death. While we struggle to bear our sorrow over his death, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Stephen, a memory that will burn brightly during these continuing days of conflict and grief.

Stephen was known for his dedicated spirit and his love of country. When looking back on the life of his late friend and co-worker, Rhinelander Police Chief Glenn Parmeter told the Fort Wayne Journal Gazette, "He was always a soldier striving to bring about a better life for everyone, whether as a Rhinelander police officer or a military policeman in Iraq." Today and always, Stephen will be remembered by family members, friends and fellow Hoosiers as a true American hero and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Stephen's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Stephen's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Stephen G. Martin in the official record of the United States Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Stephen's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Stephen.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

On October 14, 1992, Robert K. Woelfel, a transgendered individual, was shot twice by a shotgun blast. Harold Maas, the assailant, claimed to have been assaulted by an unidentified transgendered individual the year before and allegedly shot Woelfel in retribution for that crime.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

POLITICAL EXPEDIENCY

Mr. LEAHY. Mr. President, I am struck by the way the Republican majority is managing the Senate. I have noted that we do not yet have a Federal budget resolution. It is July and we have as yet considered only one appropriations bill, and that one bill still has to be resolved with the House. We have yet even to consider the other 12 appropriations bills that are normally regarded as "must pass" legislation—that is unless Republicans intend to shut the Government down, again.

Instead, the Republican majority has apparently decided to devote the July work period to partisan political matters. We are reading press accounts about Republicans maneuvering to bring the divisive constitutional amendment to federalize marriage to this floor for debate. The Senate Judiciary Committee has held a few hearings on this issue but has yet to consider language of a proposed constitutional amendment. Bypassing the committee of jurisdiction to bring this or any constitutional amendment to the Senate floor is an unmistakable sign that political expediency and haste, in the furtherance of political expediency, are the guiding principles for the Republican majority in scheduling the Senate's time. Political expediency—whatever it takes—is their guidepost, not the pressing needs of the country to act on a budget or on the annual appropriations bills. Paramount to Republican leaders at the moment are such matters as the divisive, hot-button topic of federalizing marriage law, by constitutional amendment. Republican partisans seem intent on politicizing not only judicial nominations but also the Constitution itself during this election cycle.

Democrats fulfilled our commitment to the White House when we considered the 25th judicial nomination that was part of our arrangement this year. I read that Republicans will now insist on devoting a good portion of the Senate's remaining time to the most divisive and contentious of the President's judicial nominees. They are intent on following the advice of the Washington Times editorial page to, they believe, make Democrats look bad, when in fact it is the President who is seeking to make judicial confirmations a partisan political issue. Democrats have cooperated in confirming almost 200 judges already. That is more than the total confirmed in President Clinton's last term, the President's father's presidency or in President Reagan's first term. Federal judicial vacancies have been reduced to their lowest level in decades.

It is wrong and it is corrosive to seek partisan advantage at the expense of the independent Federal judiciary or our national charter, the Constitution. I wonder in Presidential election years whether we should not have a corollary to the "Thurmond Rule" on judicial nominations that we could call the "Durbin Rule." The astute Senator from Illinois recently observed that we should prohibit consideration of constitutional amendments within 6 months of a Presidential election. He is right in pointing out that the Constitution is too important to be made a bulletin board for campaign sloganeering. We should find a way to restrain the impulse of some to politicize the Constitution.

This week the Republican leadership has stalled action for days on any legislation as it resists amendments to the class action legislation from both Democratic and Republican Senators. The Republican leadership's handling of this bill is a prescription for non-action, not for legislative movement forward.

Just yesterday Roll Call published an insightful editorial lamenting what it called the "Big Mess Ahead." I think we may already be stuck in that big mess. The editorial noted that "July should be appropriations month in the Senate." I agree. This traditionally has been when we were focused on getting our work done and making sure the funding for the various functions of the Federal Government were appropriated by the Congress, in fulfilling Congress's responsibilities and its power of the purse. Not this year.

Roll Call observes that "the second session of the 108th Congress is poised to accomplish nothing." The way things are going, under Republican leadership, this session will make the "do-nothing" Congress against which President Harry Truman ran seem like a legislative juggernaut by comparison.

I ask unanimous consent that the July 7, 2004, Roll Call editorial be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Roll Call, July 7, 2004]

BIG MESS AHEAD

Here we go again. The Senate can't pass a budget resolution. Only one of the 13 appropriations bills has cleared both the House and Senate, July is a short legislative month, and everyone will be gone in August. You know what this means: a lame-duck session in November and a messy, pork-riddled omnibus spending bill.

And it's not just on the money front that the second session of the 108th Congress is poised to accomplish nothing. The House and Senate can't agree on an energy bill despite high gasoline prices, last year's Northeast blackout, repeated urging from the White House and constant reminders of America's over-dependence on risky Mideast oil. Bankruptcy-reform legislation is stymied. So is welfare-reform reauthorization. Maybe there will be a Transportation reauthorization bill, maybe not. Even the Defense reauthorization bill faces a tough conference.

Sure, the House and Senate have done a few must-do things. The United States is in a war, so both chambers have passed a Defense appropriations bill. And both have approved legislation repealing a $5 billion-a-year export subsidy after the World Trade Organization ruled against it and authorized imposition of punitive tariffs against U.S. products. Despite complaints from both parties about expanding budget deficits, however, the House's repeal measure contained $15 billion in new corporate tax breaks; the Senate added $17 billion.

As any House Member will tell you, the perennial locus of delay in Congress is "The Other Body." And so it is this year. The House has passed four appropriations bills, and three more have cleared committee. In the Senate, it's one and one. July should be appropriations month in the Senate, but instead Majority Leader Bill Frist (R-Tenn.) has scheduled class-action tort reform—which had the 60 votes necessary for passage last November—and an anti-gay-marriage constitutional amendment designed mainly to embarrass Democrats before their national convention.

Republicans blame Democrats for Senate "obstructionism," but the failure to pass a budget resolution—which would have made it easier to pass appropriations bills—is mainly an intra-GOP affair. Moderates want to impose a pay-as-you-go system to restrain spending. Conservatives, ironically enough, don't. The situation has the conservative Senate leadership so exercised that it's trying to acquire the means to threaten wayward moderates with the loss of committee chairmanships.

It's true that if Senate Republicans drop the seniority system and give leaders the power to make committee assignments and choose chairmen, they simply will be following the authoritarian patter of Senate Democrats and of both parties in the House. Still, the effect would be to smother centrism—what there is left of it—and enhance partisanship and polarization. That's a distinct Congressional pattern: When things are going badly, make them worse.

INTERROGATION AND TREATMENT OF FOREIGN PRISONERS

Mr. LEAHY. Mr. President, a number of us remain concerned about the abuse of foreign prisoners, and about the guidance provided by the President's lawyers with regard to torture. Much has happened since June 17, 2004, when the Judiciary Committee defeated, on a party-line vote, a subpoena resolution for documents relating to the interrogation and treatment of detainees and June 23, when the Senate defeated an amendment to the Defense Authorization bill on a party-line vote that would have called upon the Attorney General to produce relevant documents to the Senate Judiciary Committee. Because of continued stonewalling by the administration, we remain largely in the dark.

Several Republican Senators have indicated that we should give the administration more time to respond to inquiries, although some of us had been asking for information for more than a year. The Republican administration continues its refusal to provide the documents that have been requested and refused even to provide an index of the documents being withheld.

The Department of Justice admitted in the July 1 letter that it had "given specific advice concerning specific interrogation practices," but would not disclose such advice to members of this committee, who are duly elected representatives of the people of the United States, as well as members of the committee of oversight for the Department of Justice. USA Today reported on June 28, 2004, that the Justice Department issued a memo in August 2002 that "specifically authorized the CIA to use 'waterboarding,'" an interrogation technique that is designed to make a prisoner believe he is suffocating. This memo is reportedly classified and has not been released. According to USA Today: "Initially, the Office of Legal Counsel was assigned the task of approving specific interrogation techniques, but high-ranking Justice Department officials intercepted the CIA request, and the matter was handled by top officials in the deputy attorney general's office and Justice's criminal division."

So while former administration officials grant press interviews and write opinion articles denying wrongdoing; while the White House and Justice Department hold closed briefings for the media to disavow the reasoning of this previously relied upon memoranda and to characterize what happened; Senators of the United States are denied basic information and access to the facts. The significance of such unilateralism and arrogance shown to the Congress and to its oversight committees cannot continue.

I have long said that somewhere in the upper reaches of this administration a process was set in motion that rolled forward until it produced this scandal. To put this scandal behind us, first we need to understand what happened. We cannot get to the bottom of this until there is a clear picture of what happened at the top. It is the responsibility of the Senate, including the Judiciary Committee, to investigate the facts, from genesis to final approval to implementation and abuse. The documents must be subject to public scrutiny, and we will continue to demand their release.

There is ample evidence that American officials, both military and CIA, have used extremely harsh interrogation techniques overseas, and that many prisoners have died in our custody. Administration officials admit that 37 foreign prisoners have died in captivity, and several of these cases are under investigation, some as homicides. On June 17, David Passaro, a CIA contractor, was indicted for assault for beating an Afghan detainee with a large flashlight. The prisoner, who had surrendered at the gates of a U.S. military base in Afghanistan, died in custody on June 21, 2003, just days before I received a letter from the Bush administration saying that our Government was in full compliance with the Torture Convention.

Some individuals who committed abusive acts are being punished, as they must be. But what of those who gave the orders, set the tone or looked the other way? What of the White House and Pentagon lawyers who tried to justify the use of torture in their legal arguments? The White House has now disavowed the analysis contained in the August 1, 2002, memo signed by Jay Bybee, then head of the Office of Legal Counsel. That memo, which was sent to the White House Counsel, argued that for acts to rise to the level of torture, they must go on for months or even years, or be so severe as to generate the type of pain that would result from organ failure or even death. The White House and DOJ now call that memo "irrelevant" and "unnecessary" and say that DOJ will spend weeks rewriting its analysis.

As we all know, on June 22, 2004, the White House released a few hundreds of pages of documents—a self-serving and highly selective subset of materials. The documents that were released raised more questions than they answered. Now, more than two weeks later, none of those issues have been resolved.

For example, the White House released a January 2002 memo signed by President Bush calling for the humane treatment of detainees. Did the President sign any orders or directives after

January 2002? Did he sign any with regard to prisoners in Iraq?

Why did Secretary Rumsfeld issue and later rescind tough interrogation techniques? And how did these interrogation techniques come to be used in Iraq, where the administration maintains that it has followed the Geneva Conventions?

Where is the remaining 95 percent of material requested by members of the Senate Judiciary Committee? Why is the White House withholding relevant documents dated after April 2003?

I was gratified that the Senate on June 23 passed an amendment that I offered to the Defense authorization bill that will clarify U.S. policy with regard to the treatment of prisoners and increase transparency. But the stonewalling continues: The Pentagon opposes this amendment. I am hopeful that we will prevail in keeping this provision in the bill. Five Republican Senators supported the amendment against an attempt to table it. I thank each of them. I also want to commend the Senate for adopting, also as part of the Defense authorization bill, the Durbin amendment against torture, and I want to acknowledge an important step taken in the House on the same day. The House Appropriations Committee added language to the 2005 Justice Department spending bill that would prohibit any department official or contractor from providing legal advice that could support or justify use of torture.

As it completed its term, the Supreme Court issued its decisions in highly significant cases involving the legal status of so-called enemy combatants. The Court reaffirmed the judiciary's role as a check and a balance, as the Constitution intends, on power grabs by the executive branch. The Court ruled that the Bush administration's assertion that the President can hold suspects incommunicado, indefinitely and without charge, is as arrogant as are its legal arguments that the President can authorize torture. No President is above the law or the Constitution. The Court properly rejected the administration's plea to 'just trust us' and repudiated its assertion of unchecked power.

This Senate and in particular the Judiciary Committee continues to fall short in its oversight responsibilities. President Bush has said he wants the whole truth, but he and his administration instead have circled the wagons to forestall adequate oversight. The President must order all relevant agencies to release the memos from which these policies were devised. There needs to be a thorough, independent investigation of the actions of those involved, from the people who committed abuses, to the officials who set these policies in motion. Only when these actions are taken will we begin to heal the damage that has been done.

We need to get to the bottom of this scandal if we are to play our proper role in improving security for all Americans, both here at home and around the world.

THREAT TO ONLINE PRIVACY

Mr. LEAHY. Mr. President, I want to address a recent court decision that has exposed America's e-mails to snooping and invasive practices. The 2-to-1 decision by the First Circuit Court of Appeals in a case called United States v. Councilman has dealt a serious blow to online privacy. The majority—both, Republican-appointed judges—effectively concluded that it was permissible for an Internet Service Provider to comb through its customers' emails for corporate gain. If allowed to stand, this decision threatens to eviscerate Congress's careful efforts to ensure that privacy is protected in the modern information age.

The indictment in Councilman charged the defendant ISP with violating the Federal Wiretap Act by systematically intercepting, copying, and then reading its customers' incoming emails to learn about its competitors and gain a commercial advantage. This is precisely the type of behavior that Congress wanted to prohibit when it updated the Wiretap Act in 1986, as part of the Electronic Communications Privacy Act (ECPA), to prohibit unauthorized interceptions of electronic communications. Congress's goal was to ensure that Americans enjoyed the same amount of privacy in their online communications as they did in the offline world. Just as eavesdroppers were not allowed to tap phones or plant "bugs" in order to listen in on our private conversations, we wanted to ensure that unauthorized eyes were not peering indiscriminately into our electronic communications.

ECPA was a careful, bipartisan and long-planned effort to protect electronic communications in two forms—from real-time monitoring or interception as they were being delivered, and from searches when they were stored in record systems. We recognized these as different functions and set rules for each based on the relevant privacy expectations and threats to privacy implicated by the different forms of surveillance.

The Councilman decision turned this distinction on its head. Functionally, the ISP in this case was intercepting emails as they were being delivered, yet the majority ruled that the relevant rules were those pertaining to stored communications, which do not apply to ISPs. The majority rejected the Government's argument that an intercept occurs—and the Wiretap Act applies—when an email is acquired contemporaneously with its transmission, regardless of whether the transmission may have been in electronic storage for milliseconds at the time of the acquisition. As the dissenting judge found, the Government's interpretation of the Wiretap Act is consistent with Congressional intent and with the realities of electronic communication systems. I agree, and urge the Justice Department to continue to press this position in the courts. The Department has been a powerful proponent of privacy rights in this case, and I commend its efforts.

I also will be taking a close look at possible changes to the law to ensure that there is no room to skirt the wiretap provisions and engage in the type of privacy violation at issue in the Councilman case. We have an obligation to ensure that our laws keep up with technology, and it may be that advances in communications warrant change. It is imperative that we continue to safeguard privacy adequately in our modern information age.

In a world where Americans are already inundated with targeted mass marketing and mailings, the Councilman decision opens the door to even more invasive activity. With this kind of precedent, ISPs need not offer free services in exchange for reduced online privacy. They could simply snoop in secret, and their unsuspecting customers would never know.

The Councilman decision also opens the door to Government over-reaching. For practical reasons, surveillance devices are often installed at the point of millisecond-long temporary storage prior to an e-mail's arrival at its final destination. To date, law enforcement agencies have treated this as what it is—an interception—and have sought appropriate wiretap approval. But this decision allows law enforcement agents to potentially skip the rigors of the wiretap laws, and perhaps could unleash unrestrained use of search programs like Carnivore. This outcome belies the realities of electronic communications in today's society, undercuts Congress' intent, and is inconsistent with the current approach to such communications in law enforcement practice.

The Councilman decision creates an instant and enormous gap in privacy protection for email communications, and we need to address it swiftly and responsibly. I urge my colleagues to make this a top priority as we finish up the session. I ask unanimous consent to have printed in the Record four recent editorials and articles on this issue.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Washington Post, July 2, 2004]

DERAIL E-MAIL SNOOPING

Imagine that your friendly local mail carrier, before delivering a letter for you, decides to steam it open and read its contents. An outrageous and illegal infringement on your privacy, obviously. But a Federal appeals court in Boston has just permitted an

Internet service provider to engage in exactly this kind of snooping when the message is sent in cyberspace rather than by snail mail. This ruling is an unnecessarily cramped parsing of a law that Congress meant to guard, not eviscerate, the privacy of communications. The Justice Department, whose prosecution of the ISP executive was thrown out by the appeals court, should seek a review of the ruling. If that doesn't work—if the Federal wiretapping law has been outpaced by the technology it was supposed to regulate—Congress should quickly step in to fix the glitch.

The wiretapping law makes it a crime to intentionally intercept "any wire, oral, or electronic communication." This language dates to 1986, when e-mail was at an embryonic stage but Congress, in an effort to account for and anticipate that and other technological changes, enacted the Electronic Communications Privacy Act.

The appeals court, however, ruled that opening and reading e-mails isn't covered by the wiretapping law because the messages weren't actually intercepted, as the law defines that term, but were, rather, in "electronic storage" and therefore covered by another, looser law. That finding stems from the peculiar nature of e-mail transmission, in which messages are briefly stored as they're transmitted from computer to computer. As the court itself acknowledged, that would leave little privacy for e-mail: "It may well be that the protections of the Wiretap Act have been eviscerated as technology advances."

In practical terms, the implications of the ruling are perhaps more troubling for the restraints it lifts on law enforcement than for the theoretical leeway it gives service providers to copy and read e-mails. The facts of the case were unusual: A small online company that sold out-of-print books and also provided free e-mail service wanted to peek at Amazon.com's sales strategy and copied all of Amazon's messages to the smaller company's customers. Mainstream ISPs have policies that eschew such spying, and the customer backlash that would ensure if they engaged in similar practices would probably deter them from doing so. But the ruling highlights the need for stringent privacy policies in which customers give clear—and informed—consent.

Of more concern, the case could make it far easier for law enforcement agents to engage in real-time monitoring of e-mail and similar traffic, like instant messaging, without complying with the strict rules applied to wiretaps. Under this reading of the law, agents would still need to show probable cause to obtain search warrants from a judge. But they wouldn't have to hew to the more exacting requirements of the wiretap law.

E-mail has become too ubiquitous, too central a facet of modern life, for this ruling to stand.

[From the New York Times, July 2, 2004]

INTERCEPTING E-MAIL

When you click on "send" to deliver that e-mail note to your lover, mother or boss, you realize that you are not communicating directly with that person. As you well know, you have stored the e-mail on the computer of your Internet service provider, which, as you also know, may read, copy and use the note for its own purposes before sending it on.

What, you didn't know all this? Sounds ludicrous? We would have thought so, too, but a Federal appeals court recently ruled that companies providing e-mail services could read clients' e-mail notes and use them as they wish. Part of its rationale was that none of this would shock you because you have never expected much online privacy.

Count us among the shocked. The decision, on a 2-to-1 vote by a panel of the United States Court of Appeals for the First Circuit in Massachusetts, sets up a frightening precedent, one that must be reversed by the courts, if not the Congress. It's true that people are aware of some limits on online privacy, particularly in the workplace. But the notion that a company like America Online, essentially a common carrier, has the right to read private e-mail is ludicrous.

All major I.S.P.s, including AOL, say they have no interest in doing that and have privacy policies against it. The case before the First Circuit involved a small online bookseller, no longer in business, that also provided e-mail service. To learn about the competition, the company copied and reviewed all e-mail sent from Amazon.com to its e-mail users. One of its executives was indicted on an illegal-wiretapping charge.

Both the trial and appeals courts ruled that the Federal wiretap law, which makes it a crime to intercept any "wire, oral or electronic communication," did not apply because there had been no actual interception. Technically speaking, the judges held, the bookseller had simply copied e-mail notes stored on its servers, and different laws apply to the protection of stored communications.

These laws were drafted before e-mail emerged as a form of mass communication, so there is some ambiguity in how to apply them. But as the dissenting judge on the appellate panel noted, his two colleagues interpreted the wiretap statute far too narrowly. What's more, their analysis was predicated on the bizarre notion that our e-mail notes are not in transit once we send them, but in storage with an intermediary. The same logic would suggest that the postal service can read your letters while they are in "storage."

Americans' right to privacy will be seriously eroded if e-mail is not protected by wiretap laws. The implications of this erosion extend beyond the commercial realm. The government will also find it easier to read your e-mail if it does not have to get a wiretap order to do so. Congress ought to update the law to make it clear that e-mail is entitled to the same protection as a phone call.

COURT CREATES SNOOPERS' HEAVEN

(By Kim Zetter)

It was a little court case, but its impact on e-mail users could be huge.

Last week a Federal appeals court in Massachusetts ruled that an e-mail provider did not break the law when he copied and read e-mail messages sent to customers through his server.

Upholding a lower-court decision that the provider did not violate the Wiretap Act, the 1st U.S. Circuit Court of Appeals set a precedent for e-mail service providers to legally read e-mail that passes through a network.

The court ruled (PDF) that because the provider copied and read the mail after it was in the company's computer system, the provider did not intercept the mail in transit and, therefore, did not violate the Wiretap Act.

It's a decision that could have far-reaching effects on the privacy of digital communications, including stored voicemail messages.

In 1998, Bradford C. Councilman was the vice president of Interloc, a company selling rare and out-of-print books that offered book-dealer customers e-mail accounts through its Web site. Unknown to those customers, Councilman had engineers write and install code on the company network that would copy any e-mail sent to customers from Amazon.com, a competitor in the rare-books field.

Although Councilman did not prevent customers from receiving their e-mail, he read thousands of copied messages to discover what books customers were seeking and gain a commercial advantage over Amazon. Interloc was later bought by Alibris, which was unaware that Councilman had installed the code on the system.

Councilman wasn't caught because customers complained about his actions; a tip about another, unrelated issue led authorities to discover what he had done.

But just what had Councilman done that was so bad?

Everyone knows that e-mail is an insecure form of communication. Like a postcard, unencrypted correspondence sent over the Internet is open to snooping by anyone.

Additionally, companies have the right to read their employees' e-mail, since the companies own the computer systems through which the correspondence passes, and employees send the mail on company time. And ISPs scan e-mail for viruses and spam all the time, before delivering the mail to the provider's customers.

But there is an expectation that service providers will access communications only with permission from customers, or when they need to do so to maintain their network. In fact, the Wiretap Act states that a provider shall not "intercept, disclose, or use" communication passing through its network "except for mechanical or service quality control checks."

In April, Google launched an e-mail program called Gmail that gives customers 1 GB of e-mail storage in exchange for letting Google's computers scan the content of incoming e-mails to seed them with related text ads. Gmail customers agree to let a computer read their e-mail.

In contrast, Councilman personally read customers' messages to undermine his competitors' business. He did no without customers' permission and with the knowledge that if his customers found out, his company would likely lose their business.

And yet the court found him innocent of violating the specific law under which authorities charged him.

The court ruled that because the mail was already on Councilman's computer network when he accessed it, he didn't intercept it in transit and therefore was not guilty under the Wiretap Act. The court said the mail was in storage at that point and, therefore, was governed under the Stored Communications Act.

In a similar case in 1991, the U.S. Secret Service seized three computers belonging to a company called Steve Jackson Games. The company, in addition to producing fantasy books and games, hosted an online bulletin board for gamers to communicate with one another. An employee of the company was under suspicion for activities conducted outside work, but the Secret Service confiscated his employer's computers as well. The Secret Service accessed, read and deleted 162 e-mail messages that were stored on the computers used for the bulletin board.

In a suit filed by the game company against the Secret Service, a federal district court found that while the Secret Service agents did not intercept the e-mail, and thus violate the Wiretap Act, they did violate the Stored Communications Act.

Pete Kennedy, the lawyer from the Texas-based firm that litigated the case, called the decision "a solid first step toward recognizing that computer communications should be as well-protected as telephone communications."

The Stored Communications Act, along with the Wiretap Act, is part of the Electronic Communications Privacy Act, which protects electronic, oral and wire communications.

But because Councilman was charged under the Wiretap Act and not the Stored Communications Act, the court had to rule in his favor. But even if prosecutors had wanted to charge him under the Stored Communications Act, they could not have done so, since service providers are exempted under the Act.

What this means is that before the Councilman case, ISPs that read their customers' mail without permission could only have been prosecuted under the Wiretap Act. But now the Councilman case eliminates that possibility as well.

The problem with interpreting e-mail on an ISP's server as stored communication is that it opens the possibility for e-mail even outside the ISP to be viewed as stored e-mail.

At many points during its path from sender to recipient, e-mail passes through a number of computer systems and routers that temporarily store it in RAM while the system determines the next point to send it on the delivery route. Under the court's definition, an ISP could access, copy and read the mail at any of these points. Anyone who is not exempt under the Stored Communications Act, however, could still be charged under that law, though penalties for violating this law are less severe than penalties for violating the Wiretap Act.

Last week's ruling means that e-mail has fewer protections than phone conversations and postal mail. Granting e-mail providers the ability to read e-mail is equivalent to granting postal workers the right to open and read any mail while it's at a post office for sorting, but not while it's in transit between post offices or being hand-delivered to a recipient's home or business.

The ruling also has repercussions for voicemail messages, as long as certain provisions in the Patriot Act remain law.

Before the Patriot Act, the legal definition of wire communication included voicemail messages. This meant that authorities had to obtain a wiretap order to access voicemail messages or face charges of illegal interception under the Wiretap Act. Under the Patriot Act, however, the definition of wire communication *changed*. Voicemail messages are now considered stored communication, like e-mail. As a result, law enforcement authorities need only a search warrant to access voicemail messages, a much easier process than obtaining a wiretap order.

The provision in the Patriot Act that changed this is set to sunset in December 2005, but if the current administration has its way, the law will be renewed.

The changes in the Patriot Act, combined with the decision in the Councilman case, also mean that a phone company could now access voicemail messages without customers' permission and not be charged with intercepting the messages under the Wiretap Act. They also would not be charged under the Stored Communications Act, since they are exempt from this statute.

If all of this is hard to follow, it's just as confusing to the people who make their living interpreting the law.

"This is one of the most complex and convoluted areas of the law that you will run across," said Lee Tien, senior staff attorney for the Electronic Frontier Foundation. "The statutes themselves are not models of clarity. Even for the judges it's complicated, and then, on top of the statutes, you add the changing technology."

In the end, in the absence of laws to preserve privacy, the best solution for e-mail users to protect their privacy is to use encryption. But until encryption for voicemail messages becomes common, you'll have to settle for talking in tongues.

[From the New York Times, July 6, 2004]

YOU'VE GOT MAIL (AND COURT SAYS OTHERS CAN READ IT)

(By SAUL HANSELL)

When everything is working right, an e-mail message appears to zip instantenously from the sender to the recipient's inbox. But in reality, most messages make several momentary stops as they are processed by various computers en route to their destination.

Those short stops may make no difference to the users, but they make an enormous difference to the privacy that e-mail is accorded under federal law.

Last week a Federal appeals court in Boston ruled that federal wiretap laws do not apply to e-mail messages if they are stored, even for a millisecond, on the computers of the Internet providers that process them—meaning that it can be legal for the government or others to read such messages without a court order.

The ruling was a surprise to many people, because in 1986 Congress specifically amended the wiretap laws to incorporate new technologies like e-mail. Some argue that the ruling's implications could affect emerging applications like Internet-based phone calls and Gmail Google's new e-mail service, which shows advertising based on the content of a subscriber's e-mail messages.

"The court has eviscerated the protections that Congress established back in the 1980's," said Marc Rotenberg, the executive director of the Electronic Privacy Information Center, a civil liberties group.

But other experts argue that the Boston case will have little practical effect. The outcry, said Stuart Baker, a privacy lawyer with Steptoe & Johnson in Washington, is "much ado about nothing."

Mr. Baker pointed out that even under the broadest interpretation of the law, Congress made it easier for prosecutors and lawyers in civil cases to read other people's e-mail messages than to listen to their phone calls. The wiretap law—which requires prosecutors to prove their need for a wiretap and forbids civil litigants from ever using them—applies to e-mail messages only when they are in transit.

But in a 1986 law, Congress created a second category, called stored communication, for messages that had been delivered to recipients' inboxes but not yet read. That law, the Stored Communications Act, grants significant protection to e-mail messages, but does not go as far as the wiretap law: it lets prosecutors have access to stored messages with a search warrant, while imposing stricter requirements on parties in civil suits.

Interestingly, messages that have been read but remain on the Internet provider's computer system have very little protection. Prosecutors can typically gain access to an opened e-mail message with a simple subpoena rather than a search warrant. Similarly, lawyers in civil cases, including divorces, can subpoena opened e-mail messages.

The case in Boston involved an online bookseller, now called Alibris. In 1998, the company offered e-mail accounts to book dealers and, hoping to gain market advantage, secretly copied messages they received from Amazon.com. In 1999, Alibris and one employee pleaded guilty to criminal wiretapping charges.

But a supervisor, Bradford C. Councilman, fought the charges, saying he did not know about the scheme. He also moved to have the case dismissed on the ground that the wiretapping law did not apply. He argued that because the messages had been on the hard drive of Alibris's computer while they were being processed for delivery, they counted as stored communication. The wiretap law bans a company from monitoring the communications of its customers, except in a few cases. But it does not ban a company from reading customers' stored communications.

"Congress recognized that any time you store communication, there is an inherent loss of privacy," said Mr. Councilman's lawyer, Andrew Good of Good & Cormier in Boston.

In 2003, a Federal district court in Boston agreed with Mr. Councilman's interpretation of the wiretap law and dismissed the case. Last week, the First Circuit Court of Appeals, in a 2-to-1 decision, affirmed that decision.

Because most major Internet providers have explicit policies against reading their customers' e-mail messages, the ruling would seem to have little effect on most people.

But this year Google is testing a service called Gmail, which electronically scans the content of the e-mail messages its customers receive and then displays related ads. Privacy groups have argued that the service is intrusive, and some have claimed it violates wiretap laws. The Councilman decision, if it stands, could undercut that argument.

Federal prosecutors, who often argue that wiretap restrictions do not apply in government investigations, were in the somewhat surprising position of arguing that those same laws should apply to Mr. Councilman's conduct. A spokesman for the United States attorney's office in Boston said the department had not decided whether to appeal.

Mr. Baker said that another Federal appeals court ruling, in San Francisco, is already making it hard for prosecutors to retrieve e-mail that has been read and remains on an Internet provider's system.

In that case, Theofel v. Farey-Jones, a small Internet provider responded to a subpoena by giving a lawyer copies of 339 e-mail messages received by two of its customers.

The customers claimed the subpoena was so broad it violated the wiretap and stored communication laws. A district court agreed the subpoenas were too broad, but ruled they were within the law. The plaintiffs appealed, and the Justice Department filed a friend of the court brief arguing that the Stored Communications Act should not apply.

In February, the appeals court ruled that e-mail stored on the computer server of an Internet provider is indeed covered by the Stored Communications Act, even after it has been read. The court noted that the act refers both to messages before they are delivered and to backup copies kept by the Internet provider. "An obvious purpose for storing a message on an I.S.P.'s server after delivery," the court wrote, "is to provide a second copy of the message in the event that the user needs to download it again—if, for example, the message is accidentally erased from the user's own computer."

Calling e-mail "stored communication" does not necessarily reduce privacy protections for most e-mail users. While the Councilman ruling would limit the applicability of wiretap laws to e-mail, it appears to apply to a very small number of potential cases. The Theofel decision, by contrast, by defining more e-mail as "stored communications," is restricting access to e-mail in a wide range of cases in the Ninth Circuit, and could have a far greater effect on privacy of courts in the rest of the country follow that ruling.

ADDITIONAL STATEMENTS

IBM AND THE RESEARCH TRIANGLE PARK

• Mrs. DOLE. Mr. President, when IBM joined the Research Triangle Park as its first major tenant in 1965, this company helped establish the Research Triangle Park as the premier technological, biotech, and economic development powerhouse for North Carolina.

Today I thank and congratulate IBM for its decades of support and investment in the Research Triangle Park and the surrounding communities in North Carolina. As the largest employer in the Triangle Park, IBM is an excellent example of corporate citizenship that provides dependable, high-paying jobs in both the area and worldwide.

With over 13,000 jobs in the Triangle Park alone, the largest concentration of IBM jobs worldwide, IBM uses the graduates and resources from the State's extensive college and university system. IBM invests in our State by helping to keep North Carolina talent at home.

Please join me and other North Carolina leaders in congatulating IBM on its commitment to build a better company for our region and wishing IBM and the Research Triangle Park ongoing success as they broaden their partnership with the people of my home State.•

MESSAGE FROM THE HOUSE

At 3:02 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4754. An act making appropriations for the Department of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2005, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4754. An act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2005, and for other purposes; to the Committee on Appropriations.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 2629. A bill to amend the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 to eliminate the coverage gap, to eliminate HMO subsidies, to repeal health savings accounts, and for other purposes.

S. 2630. A bill to amend title 5, United States Code to establish a national health program administered by the Office of Personnel Management to offer Federal employee health benefits plans to individuals who are not Federal employee, and for other purposes.

S. 2631. A bill to require the Federal Trade Commission to monitor and investigate gasoline prices under certain circumstances.

S. 2632. A bill to establish a first responder and terrorism preparedness grant information hotline, and for other purposes.

S. 2633. A bill to amend the Federal Power Act to provide refunds for unjust and unreasonable charges on electric energy in the State of California.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROBERTS, from the Select Committee on Intelligence:

Special Report entitled "Report of the Select Committee on Intelligence on the U.S. Intelligence Community's Prewar Intelligence Assessments on Iraq" (Rept. No. 108–301). Additional views filed.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred to as indicated:

By Mr. LEAHY:

S. 2636. A bill to criminalize Internet scams involving fraudulently obtaining personal information, commonly known as phishing; to the Committee on the Judiciary.

By Mr. GRAHAM of South Carolina:

S. 2637. A bill to amend the National Labor Relations Act to ensure the right of employees to a secret-ballot election conducted by the National Labor Relations Board; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HARKIN (for himself, Mr. COCHRAN, Mr. ROBERTS, Mr. DASCHLE, Mr. CRAPO, Mr. FITZGERALD, Mr. CONRAD, Mr. COLEMAN, Mr. LEAHY, Mrs. LINCOLN, Mr. KOHL, Mrs. CLINTON, Mr. JOHNSON, Mr. DORGAN, Mr. LUGAR, and Mr. DAYTON):

S. Res. 402. A resolution expressing the sense of the Senate with respect to the 50th anniversary of the food aid programs established under the Agricultural Trade Development and Assistance Act of 1954; considered and agreed to.

By Ms. SNOWE (for herself, Mr. MCCAIN, Mr. HOLLINGS, Mr. DODD, Mr. KENNEDY, Mr. CHAFEE, Mrs. BOXER, Mrs. COLLINS, Mr. FITZGERALD, Mr. REED, Mr. CORZINE, Mr. JEFFORDS, Mr. WYDEN, Mr. BIDEN, and Mr. LIEBERMAN):

S. Con. Res. 122. A concurrent resolution expressing the sense of the Congress regarding the policy of the United States at the 56th Annual Meeting of the International Whaling Commission; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 1411

At the request of Mr. KERRY, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 1411, a bill to establish a National Housing Trust Fund in the Treasury of the United States to provide for the development of decent, safe, and affordable housing for low-income families, and for other purposes.

S. 1890

At the request of Mr. ENZI, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1890, a bill to require the mandatory expensing of stock options granted to executive officers, and for other purposes.

S. 2313

At the request of Mr. GRAHAM of Florida, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2313, a bill to amend the Help America Vote Act of 2002 to require a voter-verified permanent record or hardcopy under title III of such Act, and for other purposes.

S. 2338

At the request of Mr. BOND, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2338, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 2340

At the request of Mr. BINGAMAN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 2340, a bill to reauthorize title II of the Higher Education Act of 1965.

S. 2412

At the request of Mr. BOND, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2412, to expand Parents as Teachers programs and other programs of early childhood home visitation, and for other purposes.

S. 2526

At the request of Mr. BOND, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 2526, a bill to reauthorize the Children's Hospitals Graduate Medical Education Program.

S. 2568

At the request of Mr. BIDEN, the names of the Senator from Delaware (Mr. CARPER) and the Senator from Illinois (Mr. FITZGERALD) were added as cosponsors of S. 2568, a bill to require the Secretary of the Treasury to mint coins in commemoration of the tercentenary of the birth of Benjamin Franklin, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY:

S. 2636. A bill to criminalize Internet scams involving fraudulently obtaining personal information, commonly known as phishing; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today I am introducing a bill, the Anti-Phishing Act of 2004, that targets a large and growing class of crime that is spreading across the Internet.

Phishing is a rapidly growing class of identity theft scams on the Internet that is causing both short-term losses and long-term economic damage.

In the short-term, these scams defraud individuals and financial institutions. Some estimates place the cost of phishing at over two billion dollars just over the last 12 months.

In the long run, phishing undermines the Internet itself. By making consumers uncertain about the integrity of the Internet's complex addressing system, phishing threatens to make us all less likely to use the Internet for secure transactions. If you can't trust where you are on the web, you are less likely to use it for commerce and communications.

Phishing is spelled "P-H-I-S-H-I-N-G." Those well-versed in popular culture may guess that it was named after the phenomenally popular Vermont band, Phish. But phishing over the Internet was in fact named from the sport of fishing, as an analogy for its technique of luring Internet prey with convincing email bait. The "F" is replaced by a "P-H" in keeping with a computer hacker tradition.

Phishing attacks usually start with emails that are, in Internet jargon, "spoofed." That is, they are made to appear to be coming from some trusted financial institution or commercial entity. The spoofed email usually asks the victim to go to a website to confirm or renew private account information. These emails offer a link that appears to take the victim to the website of the trusted institution. In fact the link takes the victim to a sham website that is visually identical to that of the trusted institution, but is in fact run by the criminal. When the victim takes the bait and sends their account information, the criminal uses it—sometimes within minutes—to transfer the victim's funds or to make purchases. Phishers are the new con artists of cyberspace.

To give an idea of how easy it is to be fooled, we have reproduced some recent phishing charts, with the help of the Anti-Phishing Working Group. These are just two examples of a problem that affects countless companies. The website on the right is an actual website of MBNA, a well-established financial institution and credit card issuer. On the left is a recently discovered phishing site that mimicked the MBNA site.

As you can see, the two websites are practically identical. Both have the MBNA logo, and both have the same graphics, in the same layout. But if you end up going to the website on the left, when you enter your account information, you are giving it to an identity thief.

As another example, the next two websites both appear to be from eBay. Again, the one on the right is from the genuine website. The one on the left is a fake website that is controlled by a phisher. As you can see, if you end up at the website on the left, it would be next to impossible to know that you are not at the real eBay website. Informed Internet users can avoid this problem if they simply use their web browser to go to the website, instead of using a link sent to them in an email, but far too many people do not do this.

This is a growing problem. Phishing is on the rise. In recent months there has been an explosion of these types of attacks. As you can see from the next chart, these attacks are growing at an alarming rate. Roughly one million Americans already have been victims of phishing attacks.

And phishing attacks are increasingly sophisticated. Early phishing attacks were by novices, but there is evidence now that some attacks are backed by organized crime. And some attacks these days include spyware, which is software that is secretly installed on the victim's computer, which waits to capture account information when the victim even goes to legitimate websites.

Phishers also have become more sophisticated in how they cast their huge volumes of email bait on the Internet waters. Security experts recently discovered that vast networks of home computers are being hijacked by hackers using viruses, and then they are rented to phishers—all without the knowledge of the owners of these home computers.

Some phishers can be prosecuted under wire fraud or identity theft statutes, but often these prosecutions take place only after someone has been defrauded. Moreover, the mere threat of phishing attacks undermines everyone's confidence in the Internet. When people cannot trust that websites are what they appear to be, they will not use the Internet for their secure transactions. So traditional wire fraud and identity theft statutes are not sufficient to respond to phishing.

The Anti-Phishing Act of 2004 protects the integrity of the Internet in two ways. First, it criminalizes the bait. It makes it illegal to knowingly send out spoofed email that links to sham websites, with the intention of committing a crime. Second, it criminalizes the sham websites that are the true scene of the crime.

It makes it illegal to knowingly create or procure a website that purports to be a legitimate online business, with the intent of collecting information for some criminal purpose.

There are important First Amendment concerns to be protected. The Anti-Phishing Act protects parodies and political speech from being prosecuted as Phishing.

We have worked closely with various public interest organizations to ensure that the Anti-Phishing Act does not impinge on the important democratic role that the Internet plays.

To many Americans, phishing is a new word. It certainly is a new form of an old crime. It also is a serious crime, and we need to act aggressively to keep phishing from infecting the Internet and from eroding the public's trust in online commerce and communication. I look forward to working with others in the Senate in addressing this growing threat to the Internet, with effective and responsible action.

Again, this is called the Anti-Phishing Act. It targets a large and growing class of crime that is spreading across the Internet.

Phishing is a rapidly growing class of identity theft scams. It causes both short-term losses, but long-term economic problems. In the short-term, these scams defraud individuals and financial institutions.

To give some idea that this is not a minor matter, some estimates place the cost of phishing at over $2 billion over the last 12 months. You can imagine the outcry in this country if they said we had $2 billion worth of bank robberies in that same period of time. But it is not only the economic loss that undermines the Internet itself; it makes consumers uncertain about the integrity of the Internet's complex addressing system. It makes us all less apt to use it for commerce and communication, because if you cannot trust where you are on the Web, you are not going to use it for commerce or communication.

Incidentally, fishing is spelled P-H-I-S-H-I-N-G. Those who are well versed in popular culture might think it was named after the phenomenally popular Vermont band called Phish. But phishing over the Internet was named for the sport of fishing, as an analogy for its technique of luring Internet prey with a convincing e-mail bait. The "F" was replaced by "PH" in keeping with computer hacker tradition.

Phishing usually starts with e-mails that are, in Internet jargon, "spoofed."

They appear to come from some trusted commercial entity or financial institution. The spoofed e-mail asks the victim to go to a Web site and confirm their identity, in effect, their Social Security number, credit card numbers, and so on. What it does is, the victim thinks they are going to a trusted institution, perhaps one they have dealt with for years. Instead, it takes them to a sham Web site that is visually identical to that of the trusted institution, but it is run by a criminal. When the victim takes the bait, when they send their account information, of course, the criminal uses it. Sometimes they use it within minutes. They can transfer the victim's funds or make purchases. These phishers are new con artists of cyberspace.

I will give you an idea of how easy it is to do it. Here on this chart we have the genuine Web site. We actually had to mark them as "genuine Web site" and "fake Web site" because they look so identical. I am a heavy user of the Internet, and I could not tell them apart. On the other side, of course, is the fake Web site. They both have the MBNA logo. That is a trusted financial institution. They have the same graphic layout.

Suppose you were a customer of MBNA and they asked you to put your user name in, your password, and so on, and you go on there and they would continue to ask information. You would have given up your account number, whatever ID number you use, and it could be 20 minutes later, when you go on the right site and you want to withdraw some money or make a cash transfer, you may find it is all gone in that short time.

In fact, we also have a chart for eBay. I wasn't going to show it, but it is worthwhile, I think. We will show the two from eBay. Again, I have had them marked "genuine Web site" and "fake Web site." Here is the genuine one. For those who use PayPal, it is increasingly used if you are using eBay. Anybody who has done that is well aware of PayPal. It is something you could be safe with, you know where your money is going, you know who is handling it, and you know you are going to get paid for something you might have sold.

Look what we have here. When you look at it, it is hard to tell the difference. Of course, the internal address is different. What do you do? You send money, you pay money, you are supposed to receive money. You are not going to do it. Somebody else is going to do it and they are going to walk off not only with your money but with your trust of the Internet.

That is why it is important that we do this, that we have some way of criminalizing this. We have in every one of our States businesses that thrive and survive because they can use the Internet. This is trying to stop them. Again, we must address this growing threat to Internet users.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 402—EXPRESSING THE SENSE OF THE SENATE WITH RESPECT TO THE 50TH ANNIVERSARY OF THE FOOD AID PROGRAMS ESTABLISHED UNDER THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954

Mr. HARKIN (for himself, Mr. COCHRAN, Mr. ROBERTS, Mr. DASCHLE, Mr. CRAPO, Mr. FITZGERALD, Mr. CONRAD, Mr. COLEMAN, Mr. LEAHY, Mrs. LINCOLN, Mr. KOHL, Mrs. CLINTON, Mr. JOHNSON, Mr. DORGAN, Mr. LUGAR, and Mr. DAYTON) submitted the following resolution; which was considered and agreed to:

S. RES. 402

Whereas, in the aftermath of the Second World War, many countries did not have sufficient cash to buy the agricultural commodities needed to feed the people of those countries, especially in war-torn Europe and Asia;

Whereas, during the term of President Dwight David Eisenhower, it became apparent that the abundance of food available in the United States could be used as an instrument in building a durable peace after the Second World War;

Whereas a concessional credit program was established under title I of the Agricultural Trade Development and Assistance Act of 1954 (commonly known as "P.L. 480") (7 U.S.C. 1701 et seq.), signed into law on July 10, 1954, to allow for sales of agricultural commodities from the United States to developing countries for dollars on generous credit terms or for local currencies, with proceeds to be used by participating governments or nongovernmental private entities to encourage economic development;

Whereas since the enactment of the Agricultural Trade Development and Assistance Act of 1954, the title I program has facilitated sales of agricultural commodities from the United States, totaling an estimated $30,000,000,000 to nearly 100 countries;

Whereas the Food for Peace program was established under title II of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1721 et seq.), to provide humanitarian assistance to poor and hungry people in developing countries, based on legislation originally introduced by Senator Hubert Humphrey;

Whereas during the half-century since the establishment of the Food for Peace program, the United States Agency for International Development and the Department of Agriculture have worked together to provide 107,000,000 tons of food aid to developing countries, helping an estimated 3,400,000,000 people through 2003;

Whereas the government of the United States has depended on the commitment, skill, and experience of dozens of private voluntary organizations based in the United States, as well as the United Nations World Food Program, to carry out the Food for Peace program on the ground in developing countries; and

Whereas a number of countries that were early beneficiaries of both programs have emerged as democracies and strong commercial trading partners, including South Korea, Taiwan, the Philippines, Thailand, Malaysia, Singapore, Mexico, and Turkey, in part as a result of development projects and food distribution programs conducted using agricultural commodities from the United States: Now, therefore, be it

Resolved, That the Senate—

(1) on the 50th anniversary of the date of enactment of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.) on July 10, 1954, recognizes the United States Agency for International Development, the Department of Agriculture, and associated partners for—

(A) providing emergency food assistance to address famine or other extraordinary relief requirements;

(B) forging linkages between the abundance of food produced under the agricultural system of the United States and people in need of assistance throughout the world;

(C) undertaking activities to alleviate hunger;

(D) promoting economic, agricultural, educational, and community development in developing countries;

(E) identifying the private partners capable of carrying out the mission of the programs established under that Act;

(F) implementing procedures governing the use and evaluation of the programs and funds; and

(G) overseeing the use of taxpayers dollars to carry out the programs; and

(2) declares that July 10, 2004, is a day that recognizes—

(A) the 50th anniversary of the establishment of the concessional credit program and the Food for Peace program under the Agricultural Trade and Development Act of 1954 (7 U.S.C. 1691 et seq.); and

(B) the accomplishments of the United States Agency for International Development, the Department of Agriculture, and associated private voluntary organization and nongovernmental organization partners in alleviating hunger and poverty, bolstering development, and restoring hope around the world.

SENATE CONCURRENT RESOLUTION 122—EXPRESSING THE SENSE OF THE CONGRESS REGARDING THE POLICY OF THE UNITED STATES AT THE 56TH ANNUAL MEETING OF THE INTERNATIONAL WHALING COMMISSION

Ms. SNOWE (for herself, Mr. MCCAIN, Mr. HOLLINGS, Mr. DODD, Mr. KENNEDY, Mr. CHAFEE, Mrs. BOXER, Ms. COLLINS, Mr. FITZGERALD, Mr. REED, Mr. CORZINE, Mr. JEFFORDS, Mr. WYDEN, Mr. BIDEN, AND Mr. LIEBERMAN) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 122

Whereas whales have very low reproductive rates, making many whale populations extremely vulnerable to pressure from commercial whaling;

Whereas whales migrate throughout the world's oceans and international cooperation is required to successfully conserve and protect whale stocks;

Whereas in 1946 a significant number of the nations of the world adopted the International Convention for the Regulation of

S. 2568

At the request of Mr. BIDEN, the names of the Senator from Delaware (Mr. CARPER) and the Senator from Illinois (Mr. FITZGERALD) were added as cosponsors of S. 2568, a bill to require the Secretary of the Treasury to mint coins in commemoration of the tercentenary of the birth of Benjamin Franklin, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY:

S. 2636. A bill to criminalize Internet scams involving fraudulently obtaining personal information, commonly known as phishing; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today I am introducing a bill, the Anti-Phishing Act of 2004, that targets a large and growing class of crime that is spreading across the Internet.

Phishing is a rapidly growing class of identity theft scams on the Internet that is causing both short-term losses and long-term economic damage.

In the short-term, these scams defraud individuals and financial institutions. Some estimates place the cost of phishing at over two billion dollars just over the last 12 months.

In the long run, phishing undermines the Internet itself. By making consumers uncertain about the integrity of the Internet's complex addressing system, phishing threatens to make us all less likely to use the Internet for secure transactions. If you can't trust where you are on the web, you are less likely to use it for commerce and communications.

Phishing is spelled "P-H-I-S-H-I-N-G." Those well-versed in popular culture may guess that it was named after the phenomenally popular Vermont band, Phish. But phishing over the Internet was in fact named from the sport of fishing, as an analogy for its technique of luring Internet prey with convincing email bait. The "F" is replaced by a "P-H" in keeping with a computer hacker tradition.

Phishing attacks usually start with emails that are, in Internet jargon, "spoofed." That is, they are made to appear to be coming from some trusted financial institution or commercial entity. The spoofed email usually asks the victim to go to a website to confirm or renew private account information. These emails offer a link that appears to take the victim to the website of the trusted institution. In fact the link takes the victim to a sham website that is visually identical to that of the trusted institution, but is in fact run by the criminal. When the victim takes the bait and sends their account information, the criminal uses it—sometimes within minutes—to transfer the victim's funds or to make purchases. Phishers are the new con artists of cyberspace.

To give an idea of how easy it is to be fooled, we have reproduced some recent phishing charts, with the help of the Anti-Phishing Working Group. These are just two examples of a problem that affects countless companies. The website on the right is an actual website of MBNA, a well-established financial institution and credit card issuer. On the left is a recently discovered phishing site that mimicked the MBNA site.

As you can see, the two websites are practically identical. Both have the MBNA logo, and both have the same graphics, in the same layout. But if you end up going to the website on the left, when you enter your account information, you are giving it to an identity thief.

As another example, the next two websites both appear to be from eBay. Again, the one on the right is from the genuine website. The one on the left is a fake website that is controlled by a phisher. As you can see, if you end up at the website on the left, it would be next to impossible to know that you are not at the real eBay website. Informed Internet users can avoid this problem if they simply use their web browser to go to the website, instead of using a link sent to them in an email, but far too many people do not do this.

This is a growing problem. Phishing is on the rise. In recent months there has been an explosion of these types of attacks. As you can see from the next chart, these attacks are growing at an alarming rate. Roughly one million Americans already have been victims of phishing attacks.

And phishing attacks are increasingly sophisticated. Early phishing attacks were by novices, but there is evidence now that some attacks are backed by organized crime. And some attacks these days include spyware, which is software that is secretly installed on the victim's computer, which waits to capture account information when the victim even goes to legitimate websites.

Phishers also have become more sophisticated in how they cast their huge volumes of email bait on the Internet waters. Security experts recently discovered that vast networks of home computers are being hijacked by hackers using viruses, and then they are rented to phishers—all without the knowledge of the owners of these home computers.

Some phishers can be prosecuted under wire fraud or identity theft statutes, but often these prosecutions take place only after someone has been defrauded. Moreover, the mere threat of phishing attacks undermines everyone's confidence in the Internet. When people cannot trust that websites are what they appear to be, they will not use the Internet for their secure transactions. So traditional wire fraud and identity theft statutes are not sufficient to respond to phishing.

The Anti-Phishing Act of 2004 protects the integrity of the Internet in two ways. First, it criminalizes the bait. It makes it illegal to knowingly send out spoofed email that links to sham websites, with the intention of committing a crime. Second, it criminalizes the sham websites that are the true scene of the crime.

It makes it illegal to knowingly create or procure a website that purports to be a legitimate online business, with the intent of collecting information for some criminal purpose.

There are important First Amendment concerns to be protected. The Anti-Phishing Act protects parodies and political speech from being prosecuted as Phishing.

We have worked closely with various public interest organizations to ensure that the Anti-Phishing Act does not impinge on the important democratic role that the Internet plays.

To many Americans, phishing is a new word. It certainly is a new form of an old crime. It also is a serious crime, and we need to act aggressively to keep phishing from infecting the Internet and from eroding the public's trust in online commerce and communication. I look forward to working with others in the Senate in addressing this growing threat to the Internet, with effective and responsible action.

Again, this is called the Anti-Phishing Act. It targets a large and growing class of crime that is spreading across the Internet.

Phishing is a rapidly growing class of identity theft scams. It causes both short-term losses, but long-term economic problems. In the short-term, these scams defraud individuals and financial institutions.

To give some idea that this is not a minor matter, some estimates place the cost of phishing at over $2 billion over the last 12 months. You can imagine the outcry in this country if they said we had $2 billion worth of bank robberies in that same period of time. But it is not only the economic loss that undermines the Internet itself; it makes consumers uncertain about the integrity of the Internet's complex addressing system. It makes us all less apt to use it for commerce and communication, because if you cannot trust where you are on the Web, you are not going to use it for commerce or communication.

Incidentally, fishing is spelled P-H-I-S-H-I-N-G. Those who are well versed in popular culture might think it was named after the phenomenally popular Vermont band called Phish. But phishing over the Internet was named for the sport of fishing, as an analogy for its technique of luring Internet prey with a convincing e-mail bait. The "F" was replaced by "PH" in keeping with computer hacker tradition.

Phishing usually starts with e-mails that are, in Internet jargon, "spoofed."

They appear to come from some trusted commercial entity or financial institution. The spoofed e-mail asks the victim to go to a Web site and confirm their identity, in effect, their Social Security number, credit card numbers, and so on. What it does is, the victim thinks they are going to a trusted institution, perhaps one they have dealt with for years. Instead, it takes them to a sham Web site that is visually identical to that of the trusted institution, but it is run by a criminal. When the victim takes the bait, when they send their account information, of course, the criminal uses it. Sometimes they use it within minutes. They can transfer the victim's funds or make purchases. These phishers are new con artists of cyberspace.

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Look what we have here. When you look at it, it is hard to tell the difference. Of course, the internal address is different. What do you do? You send money, you pay money, you are supposed to receive money. You are not going to do it. Somebody else is going to do it and they are going to walk off not only with your money but with your trust of the Internet.

That is why it is important that we do this, that we have some way of criminalizing this. We have in every one of our States businesses that thrive and survive because they can use the Internet. This is trying to stop them. Again, we must address this growing threat to Internet users.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 402—EXPRESSING THE SENSE OF THE SENATE WITH RESPECT TO THE 50TH ANNIVERSARY OF THE FOOD AID PROGRAMS ESTABLISHED UNDER THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954

Mr. HARKIN (for himself, Mr. COCHRAN, Mr. ROBERTS, Mr. DASCHLE, Mr. CRAPO, Mr. FITZGERALD, Mr. CONRAD, Mr. COLEMAN, Mr. LEAHY, Mrs. LINCOLN, Mr. KOHL, Mrs. CLINTON, Mr. JOHNSON, Mr. DORGAN, Mr. LUGAR, and Mr. DAYTON) submitted the following resolution; which was considered and agreed to:

S. RES. 402

Whereas, in the aftermath of the Second World War, many countries did not have sufficient cash to buy the agricultural commodities needed to feed the people of those countries, especially in war-torn Europe and Asia;

Whereas, during the term of President Dwight David Eisenhower, it became apparent that the abundance of food available in the United States could be used as an instrument in building a durable peace after the Second World War;

Whereas a concessional credit program was established under title I of the Agricultural Trade Development and Assistance Act of 1954 (commonly known as "P.L. 480") (7 U.S.C. 1701 et seq.), signed into law on July 10, 1954, to allow for sales of agricultural commodities from the United States to developing countries for dollars on generous credit terms or for local currencies, with proceeds to be used by participating governments or nongovernmental private entities to encourage economic development;

Whereas since the enactment of the Agricultural Trade Development and Assistance Act of 1954, the title I program has facilitated sales of agricultural commodities from the United States, totaling an estimated $30,000,000,000 to nearly 100 countries;

Whereas the Food for Peace program was established under title II of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1721 et seq.), to provide humanitarian assistance to poor and hungry people in developing countries, based on legislation originally introduced by Senator Hubert Humphrey;

Whereas during the half-century since the establishment of the Food for Peace program, the United States Agency for International Development and the Department of Agriculture have worked together to provide 107,000,000 tons of food aid to developing countries, helping an estimated 3,400,000,000 people through 2003;

Whereas the government of the United States has depended on the commitment, skill, and experience of dozens of private voluntary organizations based in the United States, as well as the United Nations World Food Program, to carry out the Food for Peace program on the ground in developing countries; and

Whereas a number of countries that were early beneficiaries of both programs have emerged as democracies and strong commercial trading partners, including South Korea, Taiwan, the Philippines, Thailand, Malaysia, Singapore, Mexico, and Turkey, in part as a result of development projects and food distribution programs conducted using agricultural commodities from the United States: Now, therefore, be it

Resolved, That the Senate—

(1) on the 50th anniversary of the date of enactment of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.) on July 10, 1954, recognizes the United States Agency for International Development, the Department of Agriculture, and associated partners for—

(A) providing emergency food assistance to address famine or other extraordinary relief requirements;

(B) forging linkages between the abundance of food produced under the agricultural system of the United States and people in need of assistance throughout the world;

(C) undertaking activities to alleviate hunger;

(D) promoting economic, agricultural, educational, and community development in developing countries;

(E) identifying the private partners capable of carrying out the mission of the programs established under that Act;

(F) implementing procedures governing the use and evaluation of the programs and funds; and

(G) overseeing the use of taxpayers dollars to carry out the programs; and

(2) declares that July 10, 2004, is a day that recognizes—

(A) the 50th anniversary of the establishment of the concessional credit program and the Food for Peace program under the Agricultural Trade and Development Act of 1954 (7 U.S.C. 1691 et seq.); and

(B) the accomplishments of the United States Agency for International Development, the Department of Agriculture, and associated private voluntary organization and nongovernmental organization partners in alleviating hunger and poverty, bolstering development, and restoring hope around the world.

SENATE CONCURRENT RESOLUTION 122—EXPRESSING THE SENSE OF THE CONGRESS REGARDING THE POLICY OF THE UNITED STATES AT THE 56TH ANNUAL MEETING OF THE INTERNATIONAL WHALING COMMISSION

Ms. SNOWE (for herself, Mr. MCCAIN, Mr. HOLLINGS, Mr. DODD, Mr. KENNEDY, Mr. CHAFEE, Mrs. BOXER, Ms. COLLINS, Mr. FITZGERALD, Mr. REED, Mr. CORZINE, Mr. JEFFORDS, Mr. WYDEN, Mr. BIDEN, AND Mr. LIEBERMAN) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 122

Whereas whales have very low reproductive rates, making many whale populations extremely vulnerable to pressure from commercial whaling;

Whereas whales migrate throughout the world's oceans and international cooperation is required to successfully conserve and protect whale stocks;

Whereas in 1946 a significant number of the nations of the world adopted the International Convention for the Regulation of

Whaling, which established the International Whaling Commission to provide for the proper conservation of whale stocks;

Whereas in 2003 the Commission established a Conservation Committee, open to all members of the Commission, for the purpose of facilitating efficient and effective coordination and development of conservation recommendations and activities, which are fully consistent with the conservation objectives stated in the 1946 Convention;

Whereas the Commission adopted a moratorium on commercial whaling in 1982 in order to conserve and promote the recovery of whale stocks, many of which had been hunted to near extinction by the commercial whaling industry;

Whereas the Commission has designated the Indian Ocean and the ocean waters around Antarctica, as whale sanctuaries to further enhance the recovery of whale stocks;

Whereas many nations of the world have designated waters under their jurisdiction as whale sanctuaries where commercial whaling is prohibited, and additional regional whale sanctuaries have been proposed by nations that are members of the Commission;

Whereas two member nations currently have reservations to the Commission's moratorium on commercial whaling, and one member nation is currently conducting commercial whaling operations in spite of the moratorium and the protests of other nations;

Whereas the Commission has adopted several resolutions at recent meetings asking member nations to halt commercial whaling activities conducted under reservation to the moratorium and to refrain from issuing special permits for research involving the killing of whales;

Whereas one member nation of the Commission has taken a reservation to the Commission's Southern Ocean Sanctuary and also continues to conduct unnecessary lethal scientific whaling in the Southern Ocean and in the North Pacific Ocean;

Whereas one member nation of the Commission has taken a reservation to the Commission's Southern Ocean Sanctuary and also continues to conduct unnecessary lethal scientific whaling in the Southern Ocean and in the North Pacific Ocean;

Whereas whale meat and blubber is being sold commercially from whales killed pursuant to such unnecessary lethal scientific whaling, further undermining the moratorium on commercial whaling;

Whereas the Commission's Scientific Committee has repeatedly expressed serious concerns about the scientific need for such lethal research and recognizes the importance of demonstrating and expanding the use of non-lethal scientific research methods;

Whereas last year one member nation unsuccessfully sought an exemption allowing commercial whaling of up to 150 minke whales and 150 Bryde's whales, contrary to the moratorium and without review of the scientific committee, and continues to seek avenues to allow lethal takes of whales by vessels from specific communities in a manner that would undermine the moratorium on commercial whaling;

Whereas more than 8500 whales have been killed in lethal scientific whaling programs since the adoption of the commercial whaling moratorium and the lethal take of whales under scientific permits has increased both in quantity and species, with species now including minke, Bryde's, sei, and sperm whales; and

Whereas engaging in commercial whaling under reservation and lethal scientific whaling undermines the conservation program of the Commission: Now, therefore, be it Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) at the 56th Annual Meeting of the International Whaling Commission the United States should—

(A) remain firmly opposed to commercial whaling;

(B) support the purposes and functions of the Conservation Committee, which provides a system for ensuring good governance of the Commission's conservation activities;

(C) initiate and support efforts to ensure that all activities conducted under reservations to the Commission's moratorium or sanctuaries are ceased;

(D) oppose the unnecessary lethal taking of whales for scientific purposes, seek support for expanding the use of non-lethal research methods, and seek to end the sale of whale meat and blubber from whales killed for unnecessary lethal scientific research;

(E) seek the Commission's support for specific efforts by member nations to end trade in whale meat;

(F) support the permanent protection of whale populations through the establishment of whale sanctuaries in which commercial whaling is prohibited; and

(G) support efforts to expand data collection on whale populations, monitor and reduce whale bycatch and other incidental impacts, and otherwise expand whale conservation efforts; and

(2) the United States should make full use of all appropriate diplomatic mechanisms, relevant international laws and agreements, and other appropriate mechanisms to implement the goals set forth in paragraph (1).

The PRESIDING OFFICER. The majority leader.

AMENDING THE E-GOVERNMENT ACT OF 2002

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 610, H.R. 1303.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1303) to amend the E-Government Act of 2002 with respect to rulemaking authority of the Judicial Conference.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1303) was read the third time and passed.

50TH ANNIVERSARY OF THE FOOD AID PROGRAM

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 402, which was submitted earlier today by Senators HARKIN and COCHRAN.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 402) expressing the sense of the Senate with respect to the 50th anniversary of the Food Aid Program established under the Agricultural Trade Development and Assistance Act of 1954.

There being no objection, the Senate proceeded to consider the resolution.

Mr. HARKIN. Mr. President, in recognition of the 50th anniversary of the Food for Peace and concessional credit programs established in the Agricultural Trade and Development Act of 1954 enacted on July 10, 1954, Senator COCHRAN and I are submitting a Senate Resolution to honor those programs' many achievements over the past half century.

The 83rd Congress, working with the Eisenhower administration, recognized that the productive capacity of the U.S. agricultural sector was outstripping the food and feed needs of our domestic economy and that citizens of many war-torn countries had need for our food but could not afford to pay for it. They saw that the abundance of food available in the United States could be utilized as an instrument in building a durable peace after the Second World War.

Through the past 50 years, the various programs established under the Agricultural Trade and Development Act of 1954, known as P.L. 480, have helped billions of people in developing countries. According to USDA estimates, the Title I program, which provides concessional credit to developing countries to purchase U.S. agricultural commodities, has enabled the sale of $30 billion worth of commodities to nearly 100 countries. In addition, the Food for Peace program, authorized under the provisions of Title II of the Act, has helped an estimated 3.4 billion people through 2003. These figures represent accomplishments we should be proud of.

Behind these figures lie many years of commitment and hard work by employees of the U.S. Agency for International Development, the U.S. Department of Agriculture and their partners in private voluntary organizations and intergovernmental organizations such as Catholic Relief Services, CARE, World Vision, and the UN's World Food Program. Their crucial efforts include delivering food and development projects on the ground in developing countries, assembling and shipping commodities from the United States under the program, and evaluating project requests and monitoring the programs in Washington, DC. The successful implementation of the programs also requires the cooperation of governments and non-governmental organizations in the developing countries in which the projects occur.

With such a record of achievement in the past half century, it is crucial that

Members of Congress and the administration do all they can to make sure these programs remain vigorous over the next half century and beyond.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 402) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 402

Whereas, in the aftermath of the Second World War, many countries did not have sufficient cash to buy the agricultural commodities needed to feed the people of those countries, especially in war-torn Europe and Asia;

Whereas, during the term of President Dwight David Eisenhower, it became apparent that the abundance of food available in the United States could be used as an instrument in building a durable peace after the Second World War;

Whereas a concessional credit program was established under title I of the Agricultural Trade Development and Assistance Act of 1954 (commonly known as "P.L. 480") (7 U.S.C. 1701 et seq.), signed into law on July 10, 1954, to allow for sales of agricultural commodities from the United States to developing countries for dollars on generous credit terms or for local currencies, with proceeds to be used by participating governments or nongovernmental private entities to encourage economic development;

Whereas since the enactment of the Agricultural Trade Development and Assistance Act of 1954, the title I program has facilitated sales of agricultural commodities from the United States, totaling an estimated $30,000,000,000 to nearly 100 countries;

Whereas the Food for Peace program was established under title II of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1721 et seq.), to provide humanitarian assistance to poor and hungry people in developing countries, based on legislation originally introduced by Senator Hubert Humphrey;

Whereas during the half-century since the establishment of the Food for Peace program, the United States Agency for International Development and the Department of Agriculture have worked together to provide 107,000,000 tons of food aid to developing countries, helping an estimated 3,400,000,000 people through 2003;

Whereas the government of the United States has depended on the commitment, skill, and experience of dozens of private voluntary organizations based in the United States, as well as the United Nations World Food Program, to carry out the Food for Peace program on the ground in developing countries; and

Whereas a number of countries that were early beneficiaries of both programs have emerged as democracies and strong commercial trading partners, including South Korea, Taiwan, the Philippines, Thailand, Malaysia, Singapore, Mexico, and Turkey, in part as a result of development projects and food distribution programs conducted using agricultural commodities from the United States: Now, therefore, be it

Resolved, That the Senate—

(1) on the 50th anniversary of the date of enactment of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.) on July 10, 1954, recognizes the United States Agency for International Development, the Department of Agriculture, and associated partners for—

(A) providing emergency food assistance to address famine or other extraordinary relief requirements;

(B) forging linkages between the abundance of food produced under the agricultural system of the United States and people in need of assistance throughout the world;

(C) undertaking activities to alleviate hunger;

(D) promoting economic, agricultural, educational, and community development in developing countries;

(E) identifying the private partners capable of carrying out the mission of the programs established under that Act;

(F) implementing procedures governing the use and evaluation of the programs and funds; and

(G) overseeing the use of taxpayers dollars to carry out the programs; and

(2) declares that July 10, 2004, is a day that recognizes—

(A) the 50th anniversary of the establishment of the concessional credit program and the Food for Peace program under the Agricultural Trade and Development Act of 1954 (7 U.S.C. 1691 et seq.); and

(B) the accomplishments of the United States Agency for International Development, the Department of Agriculture, and associated private voluntary organization and nongovernmental organization partners in alleviating hunger and poverty, bolstering development, and restoring hope around the world.

SUPPORTING THE GOALS OF NATIONAL MARINA DAY

Mr. FRIST. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of S. Res. 361 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 361) supporting the goals of National Marina Day and urging marinas to continue providing environmentally friendly gateways to boating.

There being no objection, the Senate proceed to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 361) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 361

Whereas the people of the United States highly value their recreational time and their ability to access the waterways of the United States, one of the Nation's greatest natural resources;

Whereas in 1928, the National Association of Engine and Boat Manufacturers first used the word "marina" to describe a recreational boating facility;

Whereas the United States is home to more than 12,000 marinas that contribute substantially to local communities by providing safe and reliable gateways to boating;

Whereas the marinas of the United States serve as stewards of the environment and actively seek to protect the waterways that surround them for the enjoyment of this generation and generations to come;

Whereas the marinas of the United States provide communities and visitors with a place where friends and families, united by a passion for the water, can come together for recreation, rest, and relaxation; and

Whereas the Marina Operators Association of America has designated August 14, 2004, as "National Marina Day" to increase awareness among citizens, policymakers, and elected officials about the many contributions that marinas make to communities: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals of National Marina Day; and

(2) urges that the marinas of the United States continue to provide environmentally friendly gateways to boating for the people of the United States.

MEASURES PLACED ON THE CALENDAR—S. 2629, S. 2630, S. 2631, S. 2632, S. 2633

Mr. FRIST. Mr. President, I understand there are five bills due for a second reading. I ask unanimous consent that the clerk read the titles for a second time en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will read the bills for the second time.

The assistant legislative clerk read as follows:

A bill (S. 2629) to amend the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 to eliminate the coverage gap, to eliminate HMO subsidies, to repeal health savings accounts, and for other purposes.

A bill (S. 2630) to amend title 5, United States Code, to establish a national health program administered by the Office of Personnel Management to offer Federal employee health benefits plans to individuals who are not Federal employees, and for other purposes.

A bill (S. 2631) to require the Federal Trade Commission to monitor and investigate gasoline prices under certain circumstances.

A bill (S. 2632) to establish a first responder and terrorism preparedness grant information hotline, and for other purposes.

A bill (S. 2633) to amend the Federal Power Act to provide refunds for unjust and unreasonable charges on electric energy in the State of California.

Mr. FRIST. Mr. President, I object to further proceeding en bloc.

The PRESIDING OFFICER. Objection is heard, and the bills will be placed on the calendar.

FEDERAL MARRIAGE AMENDMENT—MOTION TO PROCEED

Mr. FRIST. Mr. President, I now move to proceed to Calendar No. 620, S.J. Res. 40. I ask unanimous consent that the motion be set aside to recur on Monday, July 12.

The PRESIDING OFFICER. Is there objection?

The Senator from Nevada.

Mr. REID. Is this the matter——

The PRESIDING OFFICER. Is there objection?

Mr. REID. Asking through the Chair a question to the majority leader, is this the matter we are going to be working on next week?

Mr. FRIST. It is.

Mr. REID. I have worked a lot this afternoon and this morning clearing with our Members the fact that it would not be necessary that we deal with cloture on the motion to proceed. We have cleared that. We would also be in a position to have no amendments on the constitutional amendment that we are going to debate next week. Whatever the majority believes to be a reasonable time to debate that, we will be in agreement with that and have a vote on the resolution. We are cleared on our side to do that.

We would hope, if the majority leader can get a clearance on that, we can move forward and have a definite time sometime next week for a vote on the resolution itself. We are ready to move forward on it.

Yesterday, we believed it was necessary that we have the leader file this cloture motion on the motion to proceed, but we will not need that now. We are ready to rock and roll on the debate of this issue.

Mr. FRIST. Mr. President, for the benefit of our colleagues, we are talking about the issue surrounding marriage and the constitutional amendment and procedurally how best to address the issue. We have had debate and discussion over the course of the day. Because of the late hour, I was not able to talk to the managers on our side and have the same discussions as the other side has had as far as the best way to address the issue procedurally. Because of the late hour, I have not been able to reach our managers of the bill, but over the course of the weekend we will do that.

For the benefit of our colleagues, we will substantively be debating the issue Monday and Tuesday. In all likelihood, we will have a vote on Wednesday through one of the two modes that have been mentioned, but we will make a final decision Monday morning after we have had the opportunity to talk to the managers on our side as well.

Mr. REID. I simply state again, procedurally we are not going to be in the way. We are ready to move forward.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. If I could ask one other question before the majority leader begins to speak, are we going to have any votes on Monday? I have gotten a number of requests through Senator DASCHLE.

Mr. FRIST. We will not be voting on Monday. We will have no rollcall votes in Monday's session.

Mr. REID. We are coming in to debate the issue?

Mr. FRIST. Let me go ahead and do the unanimous consent, and then I will make another statement that is unrelated.

Mr. REID. Certainly.

ORDERS FOR MONDAY, JULY 12, 2004

Mr. FRIST. I ask unanimous consent that when the Senate completes its business today, it adjourn until 1 p.m. on Monday, July 12. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of the motion to proceed to S.J. Res. 40; provided further that the time until 6 p.m. be equally divided between the chairman and ranking member or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE JOBS BILL

Mr. FRIST. Mr. President, in a few moments, I am going to be making another statement before closing, but before doing that, I want to point out to our colleagues that over the course of today, there have been a number of meetings held between both sides of the aisle and leadership to keep moving along issues that are important to this body and to the American people. One of the bills that the assistant Democratic leader and myself and the Democratic leader and our leadership addressed earlier this morning is the jobs in manufacturing bill, the FSC/ETI bill, and the efforts that we are making to move toward conference. This bill has passed the Senate, it has passed the House of Representatives, and now we are doing our best to address how to get to conference. This is a time-sensitive matter because the tariffs on U.S. products are increasing.

Since we passed the Senate bill and the House bill, these tariffs, which started at 5 percent in March and reached 9 percent on July 1, continue to increase at 1 percent a month.

We spent 14 days debating the bill. We had 100 amendments, made real progress, and now it is important that we go to conference to fully address and resolve the differences between the House and the Senate bills. For the benefit of all of our colleagues, I wanted to let them know that we are in constant discussion about how best to get to conference.

HIV/AIDS

Mr. FRIST. Mr. President, I want to very briefly, before bringing us formally an end to this week, address an issue that sits on the back burner all too often. It is an issue that affects mankind globally in a very direct way, in a moral sense. It is the HIV/AIDS virus. I speak today because on Tuesday of this week, UNAIDS released a comprehensive report on the spread of global HIV/AIDS.

This little, tiny virus, which people knew nothing about 23 years ago, has killed over 23 million people. The sobering statistics that were released this week are grim. Last year, the number of newly infected victims reached an all-time high of 5 million. The number of people living with this little virus has gone up in nearly every region of the world. The numbers have increased. The UNAIDS chief told the Associated Press:

> The virus is running faster than all of us.

Every 14 seconds a child is orphaned by AIDS. According to the U.N. report:

> An estimated 15 million children under the age of 18 worldwide have lost one or both parents to AIDS.

In Swaziland and in Botswana, over a third of the population, one in three people, has the HIV virus. One-third of the country, if not treated, will end up dying from a terrible, a painful, and an entirely preventable disease.

One out of three people in Swaziland and Botswana, these are staggering numbers. It is hard to comprehend. When you hear the statistics, it is hard to relate them to real people on the ground. I have had the opportunity to do just that because each year I travel, not as a Senator but as a physician, to Africa. While I am there, I see the devastation in real people's eyes and lives, the destruction of the family, the destruction of the most productive fabric of society—dying, disappearing because of this little virus.

Every time I go to Africa—last year I was there in September—I am overwhelmed by the devastation this little vicious virus causes. To me, and I know to the distinguished Senator occupying the chair now, who also has spent his life studying disease and viruses and the like, it is remarkable because in 1983 we didn't know this thing existed. It probably didn't really exist as we know it today in the United States of America in 1983, when both I and probably the distinguished Senator in the chair were not that old. I was in my training at the time. To think that little virus is devastating the world in the way it has over a 21-year period is just unbelievable to me.

If you walk through a village in Africa, or parts of Africa, it becomes apparent what this virus is doing. You see older people and you see little kids running around. What you do not see is people from about 19 years of age to 28 or 30 years of age, or 35, right through that age. That whole layer of the population has been wiped out by this virus. That segment is also usually the most productive, strongest part of a society and it is just wiped out.

The young boys and girls you see running around, if you project that out, are left to fend for themselves. They might live with their grandparents or great-grandparents, but they generally don't have the sort of mentors which that age would otherwise be provided. Mature beyond their years, these little kids watch hopelessly as their parents die, as their uncles die, as their aunts die. When I say 35 percent of the population has HIV/AIDS, that is what it means when you are on the ground.

That is depressing. That is the depressing part. Despite that depressing picture, there is a lot of hope. If you look in countries such as Brazil and Thailand, there has been a real success in keeping those infection rates down. Uganda has achieved remarkable success.

President Museveni, from Uganda, was here a few weeks ago. I had the opportunity to speak with him about their success. They have used some innovative programs. They have really pioneered programs we know are successful.

The one we talk about the most and has become a model for much of the global effort is the ABC program, a program of A, abstinence; B, be faithful to your partner; and C, condom use if the A and B are ineffective. So the strategy of ABC was pioneered in Uganda. It took Presidential leadership there. President Museveni was the President who, in every speech, talked about HIV/AIDS, which really wasn't popular when he started, about 15 years ago, to do so.

The strategy incorporates both reducing the risk through the use of condoms with a strategy of risk avoidance through the message of limiting sexual partners.

It is totally preventable. The disease itself, this little virus and the contagiousness of the virus is totally preventable.

The comprehensive strategy is working. Uganda's HIV/AIDS infection rate has steadily declined. In 2001, the infection rate for 18- to 49-year-olds was 5 percent. In Kampala, which is a major urban center in Uganda, where HIV/AIDS once raged, aggressive intervention lowered it from 29 percent down to 8 percent.

I had the opportunity to operate at a wonderful hospital in Kampala about 2 years ago, 3 years ago. So to see that remarkable progress, cutting the infection rate from 30 down to 8 percent, has been remarkable.

The world community must respond. The world community is responding. The United States of America has stepped up to lead the battle. Last year, Congress passed and the President signed a global HIV/AIDS bill which projects out $15 billion over 5 years for the prevention and treatment of HIV/AIDS. At the end of the program's first year, over 200,000 people will be on treatment with 1.1 million people receiving care. In the past few months, the U.S. has released $865 million in HIV/AIDS funding to the 15 nations receiving those emergency funds.

This year, America will provide $2.4 billion to combat that HIV/AIDS virus, as well as tuberculosis and malaria, two other infectious diseases that cause about between 1 and 2 and 3 million deaths in addition, each year, respectively. Ultimately, America's efforts will prevent 7 million new infections. It will provide antiretroviral drugs for 2 million HIV-infected people. It will provide care for 10 million HIV-infected individuals with AIDS and AIDS orphans. This will bring hope to millions of people around the world. It is a lofty goal of a great and compassionate nation.

I have taken the opportunity to mention this today, on Friday, because much of that is from the report of last Tuesday.

Next week there will be some very significant meetings. Over 15,000 scientists and AIDS activists and advocates will gather in Thailand, in Bangkok, for the International AIDS Conference. They will look at prevention efforts. They will look at treatment efforts. They will look at real-life experience. They will look at what works and what does not work, so we can better address this global epidemic.

Americans can be proud of our commitment and compassion. The United States of America is the most generous nation in the world today in fighting HIV/AIDS and providing substantial resources for that prevention, care, and treatment for those infected with the virus.

We will spend about $2.4 billion on global AIDS this year and an estimated $2.8 billion next year. We have already provided over $1.1 billion to the Global Fund to Fight AIDS, Tuberculosis, and Malaria. That is approximately one-third of all the commitments to the fund. Our country, the United States of America, has provided about one-third of all the commitments to the fund and the rest of the world makes up the other two-thirds.

We can't do it alone. It is going to take participation of the recipient countries. They must do their part to promote effective prevention and treatment strategies. It takes demonstrated national leadership such as the leadership of President Museveni in Uganda. Our friends and our allies must continue to provide firm financial and moral support. Nations are contributing. We want to encourage them to contribute more, and that is reflected in the statistics from last week. But demand continues to outstrip or grow faster than supply. Other wealthy nations must increase their contributions. We cannot rely on the Global Fund alone to combat global HIV/AIDS. It takes sustained, focused efforts on the part of individual countries, rich and poor, to lift the shadow of HIV/AIDS. Our Congress, this body, and the President of the United States have shown tremendous leadership in the battle against HIV/AIDS.

It is my hope this week's U.N. report and next week's conference will not just be occasions for more talk but will be catalysts for greater action on the part of the world's leaders. History is going to judge whether the global community stood by and permitted one of the greatest destructions of human life in recorded history or stepped in and performed one of its most heroic rescues. America has chosen the latter. Let us hope the world will, too.

PROGRAM

Mr. FRIST. Mr. President, let me remind my Senators one more time that on Monday, Senators are encouraged to come to the floor to speak on the constitutional amendment on marriage. I will be discussing with the Democratic leader a process for debate and consideration of that joint resolution. Given the amount of debate, I do not foresee a vote on Monday. Thus, as I mentioned a few minutes ago, there will be no rollcall votes during Monday's session.

ADJOURNMENT UNTIL MONDAY, JULY 12, 2004, AT 1 P.M.

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 3:22 p.m., adjourned until Monday, July 12, 2004, at 1 p.m.

HOUSE OF REPRESENTATIVES—*Friday, July 9, 2004*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. LaTourette).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 9, 2004.

I hereby appoint the Honorable Steven C. LaTourette to act as Speaker pro tempore on this day.

J. Dennis Hastert,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Father of Eternal Light, how shall we be measured in Your sight?

In a culture of achievement, we can carry over competitive attitudes to our relationship with You, O Lord, and to those we love or serve. But once we realize there is nothing we can do to make You love us more than You already do, we can be set free to simply love as You love, unconditionally, and serve others with abandonment. To give of ourselves in love and service is enough.

In a culture of success, the worst thing that can seem to happen is to fail, when all You ask of us, O Lord, is to do what is right, speak what is true, and give of ourselves in service of others without counting the cost.

Then the full measurement of ourselves will be not to impress others but to love others as You love and bring Your love to all we do in Your Holy Name.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. McNULTY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New York (Mr. McNulty) come forward and lead the House in the Pledge of Allegiance.

Mr. McNULTY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 218. An act to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 2634. An act to amend the Public Health Service Act to support the planning, implementation, and evaluation of organized activities involving statewide youth suicide early intervention and prevention strategies, to provide funds for campus mental and behavioral health service centers, and for other purposes.

The message also announced that pursuant to section 710, 2(A)(ii) of Public Law 105–277, the Chair, on behalf of the Majority Leader, appoints the following individual to serve as a member of the Parents Advisory Council on Youth Drug Abuse:

Laurens Tullock of Tennessee

The message also announced that pursuant to Public Law 105–18, the Chair, on behalf of the Democratic Leader announces the appointment, made during the adjournment, of the following individual, to serve as a member of the National Commission on the Cost of Higher Education.

Clara M. Cotton of Massachusetts.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that he will receive 5 one-minute speeches on each side.

RECOGNIZING T.J. PATTERSON

(Mr. NEUGEBAUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEUGEBAUER. Mr. Speaker, I rise today in recognition of a good friend, T.J. Patterson, who this week ended 20 years of service on Lubbock's City Council. T.J. served on 10 city councils and under five different mayors.

I had the pleasure of serving with councilman T.J. Patterson, and what I learned in my 6 years in serving with T.J. is what most folks in Lubbock know, that he is a strong community leader and a tireless fighter for the values of the people he serves.

T.J. is a man of many firsts. After serving his country in Vietnam, T.J. became the first African American elected to the Lubbock City Council. He was also the first African American elected to be president of the Texas Municipal League. He founded the Texas Association of Black City Council Members and also the publication Southwest Digest.

During his 20 years of service, T.J. Patterson fought so hard for the things that matter to the citizens of Lubbock and Lubbock families: educating our kids and protecting Lubbock's youth from gangs and drugs.

The people in Lubbock and myself are grateful for T.J. Patterson's tireless service to his community.

200TH ANNIVERSARY OF THE DEATH OF ALEXANDER HAMILTON

(Mrs. CHRISTENSEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, I rise today to call attention to the 200th anniversary of the death of Alexander Hamilton, one of the Founding Fathers of the United States of America. Although everyone recognizes that he was a great American, it is not widely known that he was from St. Croix, my home.

Alexander Hamilton relocated to St. Croix from Nevis at the age of 9. There he developed the exceptional accounting, finance, and writing skills which

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☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

later propelled his career. Many of Hamilton's later values and ideals were shaped by his experiences in St. Croix. A prime example was his opposition to slavery.

Best known as the first Secretary of the Treasury, Hamilton was a military man and a true statesman and public servant. Today in St. Croix where we walk where he lived and worked, we are celebrating his life. We celebrate too our invaluable contribution to the birth of this Nation and its early formative years.

On this anniversary of Hamilton's unfortunate death, let us remember him for his outstanding public service, his dedication to his country, and his contributions to our great history. However, when reflecting on his illustrious career, let us not forget that he is also a true Virgin Island son.

WE CONTINUE TO OVERSPEND

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, first I feel somewhat obligated to explain that my wife was not in town this week and I had to pick out my own tie.

As we approach more decisions on appropriations, this is the chart that I used on my Social Security presentation. I want to focus on the fact that 14 percent of total Federal spending is interest on the debt. That now amounts to about $300 billion a year. So let us be conscious of the fact of how much we are spending and overspending.

This year we are going to spend about $500 billion more than we are taking in. That is going to add to the debt. Interest rates are going up. We are putting a huge burden on our kids and our grandkids and future generations as this body and the Senate and the White House continue to overspend. Let us be frugal; let us realize that the imposition on our kids and grandkids is not fair and jepordizes their future.

THEY STOLE THE VOTE

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, the Congress voted to restore civil liberties yesterday, and then the Republican Party stole the election. Again.

In America, you get to vote once, but not in a Republican America. In Republican America, they vote again and again and again and again until the Republicans get the preordained outcome the administration decrees. That is what happened yesterday in this Chamber.

The House has gotten to the point where the U.N. will have to send election monitors to ensure the votes are not rigged in the elections on November 2.

The vote was rigged yesterday. Today, they can spy on your private lives. Today, they can see what you read, what you watch, and play with your mind about what you are thinking. Today, they say America is safer because everybody is afraid. America is only more vulnerable and less free.

Yesterday's vote was not about anything but controlling the American people's freedom to read and dissent. This administration wants to end dissent. They want no one to say anything about anything they do whether it is in a prison at Abu Ghraib or giving contracts to Halliburton or anything. That is what yesterday was about.

RESEARCH AND DEVELOPMENT FUNDING IS PRICELESS

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, the cost of basic and applied research is priceless. Most Federal Government R&D is by the military with a current goal for basic research of 3 percent of the DOD budget.

The National Science Foundation supports nearly 50 percent of the nonmedical basic research at our colleges and universities, including the University of Maryland, which comprises only 4 percent of Federal R&D spending.

Federal Government military R&D spending peaked in 1962 and declined beginning in 1965 until President Reagan's first term, during which R&D rose and surpassed 1962 levels and peaked in 1987. It then declined in 1993.

Beginning in fiscal year 1996, bipartisan support in the Congress supported increases in R&D above administration requests. Beginning in 2000 the downward trend was reversed. President Bush's increases have been increased further with bipartisan support.

The United States spends a smaller percentage of our GDP on R&D than any other major industrial power. That is the exact equivalent of a farmer eating his seed corn. Tomorrow's innovations come from today's R&D. America will remain the world's premiere military and economic leader only if we increase our spending on R&D.

REPUBLICAN HOUSE LEADERSHIP CONTINUES TO ABUSE ITS POWER

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, yesterday we saw another example of how the Republican House leadership continues to abuse its power. The gentleman from Vermont (Mr. SANDERS) offered an amendment to an appropriations bill that would have blocked a controversial provision in the PATRIOT Act.

At the end of the 15 minutes of voting time, the Sanders amendment looked well on its way to victory with 20 Republicans voting with the majority of the Democrats. But the Republican leadership would not give the gentleman from Vermont (Mr. SANDERS) a victory and refused to gavel the vote. Despite the fact that no more Members were still waiting to vote, the Republican leadership left the vote open an additional 20 minutes. What were they doing during these 20 minutes? They were exerting intense strong-arm pressure on their own Republican colleagues who had the audacity to vote against the leadership.

The Republican leadership finally threatened enough Republicans to defeat the amendment. Yesterday's outrageous action was just another example of the Republican leadership's win-at-all-costs approach at running this House.

The gentleman from Vermont (Mr. SANDERS) played by the rules yesterday. Unfortunately, the Republican leadership long ago threw the rules out the window in this House. I conclude with the words chanted by many of my Democratic colleagues during the 20 minute delay: shame, shame on the Republican leadership.

MIAMI IRRESPONSIBLE ON HOMELAND SECURITY FUNDING

(Mr. SHAW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHAW. Mr. Speaker, I rise again today to protest the unfair allocation of urban area security funding by the city of Miami. Miami is unfairly withholding the essential funds that my district needs to improve antiterrorism measures.

The city of Miami wants to keep the lion's share of the urban area security funding and to buy a helicopter, a helicopter, when Broward is receiving an embarrassing 10 percent of the money and Palm Beach County is receiving zero dollars.

It is ridiculous for Miami to be buying a helicopter with tax dollars of hard-working Americans. That is just plain egregious. All Broward and Palm Beach counties want is a fair share of what we need to protect our citizens against a terrorist attack.

One month after the 9/11 attack, anthrax was used to kill Robert Stevens, a 63-year-old photo editor in Palm Beach. And it is well known that the 9/11 terrorists made south Florida their base of operation. How much more evidence do we need to prove that

Broward and Palm Beach counties are at risk and that we need some Federal assistance to help us address these very real threats.

The city of Miami cannot be trusted to spend in money on behalf of the region. President Bush, Secretary Ridge, Attorney General Ashcroft, Governor Bush, on down to the American taxpayers ought to be livid at what is going on. I know I am and so are my constituents.

CORRUPTION OF THE REPUBLICAN LEADERSHIP

(Mr. GEORGE MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, Members of the House, yesterday a bipartisan majority in this House voted to change the PATRIOT Act so the government cannot wantonly snoop and peer in what people are reading in their public libraries and at their book stores. But that bipartisan majority was unable to be sustained because of the corruption of the Republican leadership in this House, because of the corruption of the rules of this House, and because of the corruption of the principles of this country by that Republican leadership.

What they could not stand was the fact that there was a majority that disagreed with the handful in the Republican leadership. So they nullified the vote. They nullified the principles of democracy; they nullified the principles of majority rule in the House of Representatives.

That very same day, thousands of families and schoolchildren came through the Capitol and they were told this is where democracy reigns. This is the beacon to the world. This is where freedom exists. But it does not exist on the floor of the House of Representatives because of the corruption of the leadership of the Republican Party.

Every time they believe the majority is going to win out here, a bipartisan coalition majority whether it is on minimum wage, whether it is on overtime, they prevent that vote from taking place. The people who are truly afraid of the majority in this country is the corrupt Republican leadership in this House.

HONORING WILLIAM F. BUCKLEY'S STEWARDSHIP OF NATIONAL REVIEW

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, today the conservative movement in America stands on the shoulders of giants: men such as Edmund Burke, T.S. Elliot, F.A. Hayek, Whittaker Chambers, and William F. Buckley, Jr. Of all these theorists, no one has made a deeper and more profound impression on my life than William F. Buckley, Jr.

Since attending high school, I have read National Review, the magazine founded by Mr. Buckley in 1955. Through his stewardship of conservatism's flagship magazine, he was able to direct our visions and coherently communicate our positive philosophy. Indeed, Mr. Buckley defined the conservative movement as one that promotes a strong national defense to defeat communism and terrorism and for limited government, lower taxation, personal responsibility, individual freedom.

These principles are still the basis of conservatism today, and the National Review after nearly 50 years is still our guidebook.

Last week, Mr. Buckley turned over his ownership of National Review and ended a special era in American history. I ask all of my colleagues to join me in thanking William F. Buckley, Jr., for his service to the American political dialogue.

In conclusion, may God bless our troops and we will not forget September 11.

PUBLIC TRANSIT NEEDS MORE FUNDING FOR SECURITY

(Mrs. MALONEY asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY. Mr. Speaker, it does not hurt to remind Americans to be vigilant against terrorist attacks, but yesterday's infomercial from the Department of Homeland Security was similar to warnings in April and May that did not tell the American people what to do and glossed over serious gaps in the administration's effort to protect our rail and transit systems.

One-third of all terrorist attacks worldwide target transit systems, and public transit is the most frequent target. What happened in Madrid could easily happen in New York. And we know for sure that the al Qaeda had plans to attack Washington D.C.'s Metro system last year.

We know that public transit carries 16 times more passengers than the airlines, but the Federal Government provides 90 times more funding for airline security. Something is very wrong with this security funding formula, and yesterday's press conference did nothing to fix it.

COMMUNICATION FROM THE HON. NANCY PELOSI, DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable NANCY PELOSI, Democratic Leader:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
July 8, 2004.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 1501(b) of the National Defense Authorization Act for Fiscal Year 2004 (P.L. 108–136), I hereby appoint to the Veterans' Disability Benefits Commission Col. Larry G. Brown of Oregon and Mr. Joe Wynn of Washington, DC.

Best regards,
NANCY PELOSI.

PROVIDING FOR CONSIDERATION OF H.R. 2828, WATER SUPPLY, RELIABILITY, AND ENVIRONMENTAL IMPROVEMENT ACT

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 711 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 711

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 2828) to authorize the Secretary of the Interior to implement water supply technology and infrastructure programs aimed at increasing and diversifying domestic water resources. The bill shall be considered as read for amendment. The amendment in the nature of a substitute recommended by the Committee on Resources now printed in the bill shall be considered as adopted. All points of order against the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Resources; (2) the further amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Calvert of California or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for 20 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 711 is a modified closed rule providing for the consideration of H.R. 2828, the Water Supply Reliability and Environmental Improvement Act.

The rule provides 1 hour of debate in the House equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. The rule also waives all points of order against the bill, provides that the amendment recommended by the Committee on Resources now printed in the bill shall be considered as adopted and waives all points of order against the bill as amended.

The rule further provides for consideration of the amendment in the nature of a substitute printed in the Committee on Rules report and accompanying the resolution, if offered by the gentleman from California (Mr. CALVERT) or his designee. Said amendment shall be considered as read and shall be separately debated for 20 minutes equally divided and controlled by a proponent and an opponent.

Finally, the rule waives all points of order against the amendment in the nature of a substitute printed in the report and provides one motion to recommit with or without instructions.

Mr. Speaker, H.R. 2828 was introduced by the gentleman from California (Mr. CALVERT) and passed by the Committee on Resources on May 5, 2004, by a voice vote. The bill would authorize the Secretary of the Interior to implement badly needed water supply technology and infrastructure programs aimed at increasing and diversifying domestic water supplies.

As is the case in many parts of the West, considerable controversy has arisen over allocation of water from a vast network of rivers, marshes, wetlands, and open water known as the California Bay-Delta. This area covers 780,000 acres and supplies water to two-thirds of California's population and nearly 7 million acres of farm land through a series of pumps, canals, and dams operated by the Federal and State governments.

The competing demands for Bay-Delta water have stretched the resources capacity to provide reliable amounts of water to users and the ecosystem and cause conflicts among farmers, urban water contractors, and environmental groups.

The California Bay-Delta program, known as CALFED, was initiated in 1995 to resolve these water conflicts. Although a record of decision for the current CALFED program was issued in 2000, legislation to implement that program has yet to be enacted by Congress. H.R. 2828 establishes within the Office of the Secretary of the Interior an office of the Federal Water Resources Coordinator to be responsible for coordinating the activities of all Federal agencies involved in implementing the activities authorized under this act.

The bill directs the Secretary to undertake a competitive grant program to, one, investigate and identify opportunities for studying, planning, and designing water resource activities; and, two, construct demonstration and permanent facilities to further these purposes as well as other programs, projects and activities.

The bill also authorizes the Federal agencies to participate in the CALFED Bay-Delta program in accordance with the objectives and solution principles that will be set forth in the Record of Decision.

In addition, H.R. 2828 authorizes the Secretary to establish a program for the construction of rural water systems in the reclamation States in cooperation with other Federal agencies with rural water programs as well as non-Federal project entities.

Mr. Speaker, CBO estimates that implementing H.R. 2828 would cost $427 million over the 2005 to 2009 time period and $65 million after 2009. These amounts do not include the cost of constructing four new water storage projects authorized by this bill because construction would be begin after 2009.

CBO estimates that the Federal share of those additional construction costs could range from $200 million to $400 million over the 2010 to 2020 time period.

Enacting this bill would not affect direct spending or revenues. H.R. 2828 contains no intergovernmental or private sector mandates as defined by the Unfunded Mandates Reform Act and would impose no costs on the State, local, or tribal governments.

Mr. Speaker, those of us from western States in particular are acutely aware of the importance of providing adequate water supplies in ways that protect sensitive environmental resources. Indeed, this is among the most challenging areas of domestic policy that we have. I commend the gentleman from California (Mr. CALVERT) and his colleagues on the Committee on Resources for tackling this difficult issue in a way that strikes a reasonable balance between economic development and environmental protection.

This bill is badly needed and long overdue. So accordingly, Mr. Speaker, I urge my colleagues to support both the rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Washington (Mr. HASTINGS) for yielding me the customary 30 minutes so we can talk about H. Res. 711 which is providing for the consideration of H.R. 2828, the Water Supply, Reliability and Environmental Improvement Act. I was kind of hoping the gentleman might yield me 38 minutes instead of the customary 30 minutes; but then again, he is not in the chair so he is not able to do that today.

Mr. Speaker, what happened yesterday on this House floor was a disgrace. And the Republican leadership who run this House should be ashamed of themselves. The majority Members who allowed that to happen yesterday should also be ashamed of themselves.

The gentleman from Vermont along with several of his colleagues offered an amendment to strike a controversial provision of the PATRIOT Act. This provision allows authorities to demand library and Internet records of people who use our public libraries.

Three years ago, Mr. Speaker, I voted against the PATRIOT Act because it expanded the authority of the Attorney General and the FBI without requiring any corresponding accountability. And yesterday I voted for the Sanders amendment because it protects the American people and our public libraries and book stores from the overreaching arm of the Department of Justice.

Mr. Speaker, the Sanders amendment won. And this deliberative body, in this place where democracy is the standard, the Sanders amendment won. And after 15 minutes there were 213 people voting for the amendment, and only 206 voting against it. That is a clear victory. One does not need a Ph.D. in mathematics to figure out that the Sanders amendment won, fair and square.

Yet the House Republican leadership held the vote open for 23 more minutes for a total of 38 minutes so they could twist the arms of their rank and file to change their vote so they could rig this vote. After these 38 minutes were over and the vote was finally closed, the vote was tied 210 to 210.

The Republican leadership did what they do best, they hijacked the democratic process and they did it. And they did it because they could, and they did it because they could get away with it.

What happened yesterday on the House floor was unique in only one respect, Mr. Speaker, and that is it happened in broad daylight. Usually, this heavy-handedness happens late into the night or in the early morning hours so that nobody is watching, so that there is nobody in the press gallery who was watching, so that people at home are asleep. So what happened yesterday was unique only in that one respect.

Mr. Speaker, the actions of the Republican majority have diminished the people's House. They have made a mockery of democracy, and they have demonstrated a heavy-handedness that is becoming all too common here.

Yesterday, once again, the Republican majority demonstrated an incredible arrogance toward the American people. They demonstrated an incredible contempt for the Members of this House, Members of their own party who they intimidated into changing their votes.

Quite frankly, Mr. Speaker, they are unqualified to run this people's House. They have made a laughing stock of this place. They have turned this House into a national embarrassment. This is unacceptable. This is unacceptable, Mr. Speaker. And the American people need to know what is going on here. This is not a deliberative body anymore. This is not a place of democracy. This is not a place where people can debate ideas, where people then can vote, Members can vote and then the majority wins. This place is not being run the way it is supposed to be run. It is an absolute disgrace.

Mr. Speaker, this bill addresses an issue that affects the State of California—the distribution of water from north to south, and other related issues unique to California. However, I am concerned with many of the provisions in the bill and their potential to impact all of us. Specifically, I'm concerned about a seemingly technical provision in this bill that could have far-reaching effects on how water is used in California and how we conduct our business here in Congress.

Section 103(b)(5)(A) of this bill grants an ongoing, rolling authorization to the Federal Bureau of Reclamation to plan and build water projects in the California Bay-Delta area. In plain English, this means that Congress would be writing a blank check to the Department of Interior to build as many billion-dollar dams in central California as they want, even if these projects end up harming the environmentally sensitive areas we say we want to protect.

Mr. Speaker, the way our legislative process is supposed to work is that Congress writes the laws and sets the policies about how and where our tax dollars get spent. The job of the executive branch is to implement these laws through the various agencies of the Federal government.

This bill sets up a process that turns the legislative process on its head. It hands over the Congressional power to spend public funds to an unaccountable Federal agency. It tells officials in the Department of Interior they can spend billions of the taxpayers' dollars any way they want and then, only afterwards, check in with Congress. And if Congress doesn't act in 120 days, the Department can continue on its merry way, spending billions of dollars on dams and other water projects that may or may not accomplish the objectives of the CALFED water agreement.

Supporters of this provision claim there are precedents for their so-called "non-project-specific authorization" language, but their precedents involve only small projects and small dollar amounts.

In the case of the CALFED Water Project, the public policy stakes are just too high for Congress to hand over our decision-making responsibilities to a Federal agency. Congress has a constitutional responsibility to make these kinds of decisions, and we shouldn't shirk those responsibilities by passing the buck to a Federal agency. The way the CALFED project is managed over the next 30 years will have a profound effect on the 35 million water-drinking citizens of the State of California, the State's agricultural industry, and some of our country's most fragile and endangered ecosystems.

And what about our responsibility to be careful stewards of taxpayer dollars? I constantly hear fiscal conservatives on the other side of the aisle complain about the lack of budget discipline. Prior to the recess, these fiscal conservatives led a charge trying to slow down Federal spending, and make it harder for Congress to spend taxpayer dollars. But this bill basically gives the executive branch a blank check to spend on potentially costly projects like dams and canals.

I hope that some of those same members join me today in expressing concern about a policy that allows an agency to "Spend the money first, then check in with Congress later." That doesn't strike me as a policy that will help us get out of the deep budget deficit hole—a hole that has been deepened by President Bush and this Republican Congress.

Mr. Speaker, this provision is bad policy and this bill is poorly drafted. I will vote against this bill, and I urge my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. CALVERT), the author of this legislation and one who has been a leader on this issue.

□ 0930

Mr. CALVERT. I thank the gentleman from Washington for yielding me this time.

Mr. Speaker, I rise in favor of this rule. Certainly water is extremely important, not just to California but the entire west, and certainly to all of those who have been associated with the current CALFED program, ecosystem restoration activities appears to be somewhat haphazard. The measurable outcome has focused on dollars spent rather than increased numbers of fish and wildlife. This legislation proposes new congressional oversight and accountability, requiring Federal agencies to report on certain ecosystem restoration program goals and accomplishments. For example, landowners want to see accomplishments of land and water management plans and how new ecosystem restoration plans will fit into the big picture.

The manager's amendment to the bill will be reducing the Federal cost of implementation of this from over a billion dollars 4 years ago, and $890 million as introduced to a Federal authorization of $427 million.

This bill has bipartisan support. H.R. 2828 is the product of congressional deliberation and lengthy negotiations. That is why it was reported by the Committee on Resources with bipartisan support. Democrats and Republicans throughout the State of California support this bill because it is balanced in nature and it will be, as I mentioned, not just good for California but the entire West.

I urge the adoption of this rule.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I know that we are debating the rule on legislation that is being proposed this morning, but I have to say, I do not really know what the rules are anymore in the House of Representatives. I listened last night when the Sanders amendment came up and all that the majority were trying to do, the bipartisan majority, was to protect Americans' civil liberties. After the vote took place, all of a sudden the floor and the vote stays open for another 30 plus minutes, even though everyone had voted and there was not anyone left in the well to cast a vote. It is a total abuse of power by the Republican majority here on the floor of the House of Representatives.

Think about it. When you go to the polls and vote in a general election, in New Jersey the polls close at 8 o'clock. Then you count the votes. You do not have the opportunity to keep the voting machine open and have the people come back and say, well, I changed my mind because I heard about something new that somebody told me and now I want to change my vote, so let's keep it open.

How long is the vote going to be kept open here in the House of Representatives until the Republican majority get their will regardless of what the American people and their representatives want. Will we keep it open 30 minutes as it was yesterday on the Sanders amendment? Will we keep it open 3 hours as we did on the Medicare prescription drug bill which was a lousy bill and the majority, including a significant number of Republicans, were against it until they were cajoled in a 3-hour delay and promised all kinds of things and probably laws were violated to get Members on the Republican side to change their vote. What are the rules?

We act as if this is the House of Representatives that is based on rules. That is why we are having a debate on a rule today for a piece of legislation. But there are no rules. The majority abuses its power and does whatever it pleases. We never know at any given time when the vote is going to be over. I think if this continues, it is just going to be worse and worse for our system of government, the democratic system that we value and cherish here in the House of Representatives and across the country. All that everyone who voted for the Sanders amendment yesterday were trying to do was to protect civil liberties.

One may disagree, think that the PATRIOT Act is good or think it is bad, but when a majority on a bipartisan basis makes a decision that it should be amended and should be changed because they want to protect civil liberties, then that majority should be allowed to vote in a fair way. We do not keep the vote open as we go around and tell Members, well, maybe I am going to give you this or give you that if you change your vote on something that is so basic to American civil liberties. It is just not right. It is shameful.

I just want to join with my colleagues again, on both sides of the aisle, essentially last night who said shame, shame on the Republican majority for what they continue to do and this abuse of power. Something has got to be done so that we know what the rules are. I do not know what the rules are anymore around here and how this Republican leadership goes about deciding what the rules are.

Mr. HASTINGS of Washington. Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 6 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, as we discuss the rules, it is impossible for those of us on our side to proceed without talking about the degrading spectacle of yesterday. It is particularly ironic that the Republican leadership chose to use extremely undemocratic tactics because there was a fear that democracy might break out in the law. What you had was a bipartisan coalition which formed a majority of the House seeking to change a provision of the PATRIOT Act.

POINT OF ORDER

Mr. HASTINGS of Washington. Mr. Speaker, point of order.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman will state his point of order.

Mr. HASTINGS of Washington. Mr. Speaker, I make a point of order that the gentleman is in violation of House rule XVII, which requires that a Member's remarks in debate shall be confined to the question under debate, and ask to be heard on my point of order.

Mr. Speaker, House rule XVII, pertaining to Decorum and Debate provides in part that when a Member desires to speak or deliver any matter to the House, they shall on being recognized confine themselves to the question under debate.

To quote from section 948 of the House Rules and Manual:

"Debate on a special order providing for the consideration of a bill may range to the merits of the bill to be made in order, since the question of consideration of the bill is involved, but should not range to the merits of a measure not to be considered under that special order."

Mr. Speaker, nothing in this rule or the bill it makes in order has anything to do with what occurred on the floor yesterday afternoon.

Therefore, I urge that the Chair uphold this point of order against this irrelevant debate.

The SPEAKER pro tempore. Does the gentleman from Massachusetts wish to be heard on the point of order?

Mr. FRANK of Massachusetts. I wish to be heard on the point of order and to contest it vigorously.

I understand the sensitivity of the author of the point of order to discussion of the events over which he presided yesterday, but we are talking about the rules of the House, and we were confronted with what we believed to have been a grievous abuse of the spirit of the rules of the House and we need some reassurance that we will not have a repetition of this as we go forward.

We are, after all, now debating whether or not we will have a previous question motion. If it were to fail, we would then be able to offer some amendments that might prevent that kind of abuse. So I believe a discussion of the abusive pattern of behavior of yesterday is directly relevant to a discussion about whether we ought to go forward with a rule with a previous question or whether or not we ought to be allowed to propose some amendments to this rule that will protect us against the abuse of power of yesterday.

The SPEAKER pro tempore. The Chair finds that the gentleman from Washington is correct, that the remarks during this debate should be confined to the special order of business before the House. The pending business before the House is not a discussion of the rules of the House generally. It is the rule that is pending before the House.

Mr. FRANK of Massachusetts. Mr. Speaker, I appeal the decision of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE OFFERED BY MR. HASTINGS OF WASHINGTON

Mr. HASTINGS of Washington. Mr. Speaker, I move to lay the appeal on the table.

The SPEAKER pro tempore. The question is on the motion to table offered by the gentleman from Washington (Mr. HASTINGS).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FRANK of Massachusetts. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 197, nays 165, not voting 71, as follows:

[Roll No. 348]

YEAS—197

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boucher
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Crane
Crenshaw
Cubin
Cunningham
Davis, Jo Ann
Davis, Tom
DeLay
DeMint
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Ehlers
Emerson
Everett
Feeney
Ferguson
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gingrey
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Osborne
Ose
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NAYS—165

Abercrombie
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Boswell
Boyd
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Chandler
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Grijalva
Gutierrez
Harman
Herseth
Hill
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kucinich
Lampson
Langevin
Lantos
Larson (CT)
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz

Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Watt
Weiner
Woolsey
Wu
Wynn

NOT VOTING—71

Ackerman
Barton (TX)
Bell
Bishop (NY)
Blumenauer
Bono
Brown, Corrine
Burton (IN)
Carson (IN)
Case
Clay
Collins
Cox
Culberson
Cummings
Deal (GA)
Delahunt
Diaz-Balart, L.
Dooley (CA)
Dunn
Engel
English
Fattah
Flake
Gephardt
Gerlach
Gillmor
Goode
Green (TX)
Hastings (FL)
Herger
Hinchey
Hinojosa
Isakson
Jefferson
John
Johnson, Sam
Jones (OH)
Kleczka
LaHood
Larsen (WA)
Lee
Linder
Lipinski
Majette
McIntyre
McKeon
Meeks (NY)
Miller, George
Norwood
Oberstar
Otter
Owens
Paul
Pitts
Platts
Quinn
Reyes
Reynolds
Rohrabacher
Ros-Lehtinen
Sullivan
Sweeney
Tanner
Tauzin
Turner (TX)
Waters
Watson
Waxman
Wexler
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

PARLIAMENTARY INQUIRIES

Mr. McGOVERN (during the vote). Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. McGOVERN. I would like to ask the Speaker how long he is going to keep this roll call open.

The SPEAKER pro tempore. The rules of the House provide for a minimum duration of 15 minutes.

The Chair would also advise the gentleman that at the moment, because this is the first vote of the day, the Chair is attempting to afford courtesy to Members. The Chair will continue to exercise its discretion and will let the Members know.

Mr. FRANK of Massachusetts. Mr. Speaker, I have a further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. FRANK of Massachusetts. Mr. Speaker, I appreciate the fact that the Speaker is offering this courtesy to Members in keeping the roll call open, but there will be no need to keep it open for too long because I assume the Speaker is aware that this time you are winning.

The SPEAKER pro tempore. The gentleman has failed to state a parliamentary inquiry.

□ 1008

Messrs. CARDOZA, MILLER of North Carolina, DOGGETT, GORDON, STARK and FORD changed their vote from "yea" to "nay."

Ms. HARRIS, Mrs. MYRICK, and Messrs. GREEN of Wisconsin, BONNER, DEMINT, BALLENGER, BONILLA and HOBSON changed their vote from "nay" to "yea."

So the motion to table the appeal of the ruling of the Chair was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. LATOURETTE). Before the last vote, the gentleman from Massachusetts (Mr. FRANK) was under recognition. The gentleman has 3½ minutes remaining of the 4 minutes yielded to him.

Mr. McGOVERN. Mr. Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Massachusetts.

Mr. McGOVERN. Mr. Speaker, in an attempt to avoid today the travesty which occurred on the House floor yesterday, I am going to urge my colleagues at the end of this debate on the rule to vote no on the previous question so that I will be able to offer an amendment that will state very simply that during consideration of H.R. 2828, a record vote by electronic device shall not be held open for the sole purpose of reversing the outcome of a vote.

So I will urge my colleagues to vote no on the previous question.

Mr. FRANK of Massachusetts. Mr. Speaker, reclaiming my time, I thank the gentleman from Massachusetts.

Mr. Speaker, it is now very clear we are talking here about whether or not we should keep open this rule to amendment, and the amendment that the gentleman from Massachusetts will offer will be to prevent keeping open the roll call for the purpose of manipulation.

Now, I was talking about that before, and I was told I was out of order. It is an interesting sequence. Yesterday, many of us thought we were changing a provision of the PATRIOT Act, which we find to be insufficiently cognizant of democratic values, and the majority then used what many of us believed to be very undemocratic procedures to prevent us from dealing with an undemocratic provision. And today, to complete the trifecta of disrespect for democracy, I was silenced when I tried to talk about, in an open forum, the undemocratic approach to yesterday's democracy.

Now, I know one of the things we are trying to do is to instruct the people of Iraq, to help the people of Iraq understand democracy. We want them to be open. We want them to fully engage debate, not to suppress dissension. And the only thing I can say is this, Mr. Speaker, and I know we are not supposed to address the television audience, so I address this to you.

I hope you will convey to any Iraqis who might be watching the proceedings of this House on television with regard to democracy, if they see what we are doing, please do not try this at home.

Now, let me explain why we are upset about the delay. It is not simply "the delay." Delay is not bad. We will have a chance today to show, in fact, that we are prepared to delay things as well. The question is what happens during the delay.

The purpose of delaying a roll call, the reason the gentleman from Massachusetts (Mr. McGOVERN) will offer this amendment, is to preserve the integrity of the House, because here is what happens. We have a roll call and Members vote, and Members will have, in some cases, said to their constituents, I support this position and I will vote that way.

Then the vote tally is taken, and when the vote tally is taken, it turns out that the Republican side has lost. Then the roll call is held open, and that is why we want to prevent the reoccurrence and why we will be offering this amendment if the previous question is defeated.

What happens then is this: The roll call is held open indefinitely so that Members who have told people in their districts they will vote one way can be pressured into voting another way. That is the purpose of holding the roll call open, to orchestrate a scheme by which the voters are misled; to orchestrate a scheme in which people can take a certain position, with the silent footnote that that position that they are taking will hold only so long as it does not prevail. But if it looks as if what they have told their constituents will prevail, they are prepared under the pressure from their leadership to abandon it.

So we are not simply talking about the convenience of the House, we are talking about the integrity of the democratic process, because the sole purpose of that sort of delay, we are not trying to accommodate people just so they can vote, this is a very particular form of delay. It is a "DeLay-delay." And this kind of "delay squared," carried out at the behest of the majority leader, is to allow Members of the Republican leadership to press members of the Republican Party who have voted one way to now abandoned that position lest the way they voted prevail. And the only reason for that, as I said, is to perpetuate misinformation. So let us not have this situation.

By the way, there is one other thing the voters ought to understand, Mr. Speaker. What we used to have in this Congress was individual Members voting, they consulted with their party leadership and then they voted.

What has become clear now, and it was clear in the Medicare prescription drug bill, it is clear with the PATRIOT Act, it is now clear the Republican leadership is not prepared to allow its Members to vote contrary to the Republican leadership position if it will prevail. Republicans are allowed by their leadership the freedom of their conscience, as long as it is not operative. But if, in fact, there is any danger that what they say they are for will, in fact, reach fruition, the rug is yanked out from under them and they have to change their position.

What it means is people should understand, come election, no matter who they think they are voting for, they are voting for the Republican leadership, because the Republican leadership is prepared to change the spirits of these rules, to hold roll calls open indefinitely, as long as it takes to pressure Republican Members who have voted one way, presumably having told people in their districts they will vote that way, to switch their votes.

The sole purpose of these open roll calls is to allow deception, to undermine democracy.

I hope that we vote down the previous question, that the gentleman's amendment is adopted, and that we restore the principle of intellectual honesty and integrity and democracy to this House.

Mr. HASTINGS of Washington. Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 3½ minutes to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, I rise in opposition to the previous question in order to consider the McGovern amendment, and I do so because I think the question before this House really is under what set of rules are we operating?

We say we have the Jefferson book, and we bring it out here and it is a foot thick, of all the rules this place runs under. But the leadership on the other side operates on another set of rules called the King George II rules. Those rules have made it possible for the President of the United States to serve for 3½ years without using his veto pen on one single occasion.

The White House sends down the message to the gentleman from Texas (Mr. DELAY) and says this is what I want, and the gentleman from Texas (Mr. DELAY) says yes, sir, and comes out on the floor, and if it is not coming out that way, we switch from the House rules to the King George II rules.

Now, you might say yesterday was an anomaly. No, this is just a little blip in the curve. We all remember fast track. Fast track came out here and it got to a point where it had lost; and the word came from the White House, and, lo and behold, some arms were broken, there were bodies down here in the well, and suddenly we had four or five votes from the Carolinas and other places that suddenly changed that vote.

Then we came to Medicare and we see that this is a bill that came out here, and it lost, it was going to lose. And the message came from the White House, keep that vote open. They sent Mr. Thompson over from HHS, they sent everybody in sight over here to walk around on this floor to make sure that that vote came out under the King George II rules.

□ 1015

Yesterday, we have the President of the United States, we have the Attorney General going nationwide, trying to pump up people to believe that the PATRIOT Act is the best thing since sliced bread. But on a bipartisan basis on this floor, we turned it down. We said, we need to tighten it up. We opened it too much when it was passed some months ago. But the King George rules turned on and said no, no, you are not changing one word. You are not going to change one word. When we send something over there to you guys, you remember how the PATRIOT Act came to be. It was worked out in committee. It was a vote, bipartisan effort, it came out of the Committee on the Judiciary; it went to the Committee on Rules and the King George rules came into play: throw that in the wastebasket. Here is the bill that we will print tonight and tomorrow morning you will vote on. Very few of us knew the details of that bill. Having seen it in action, we now want to change some of it. That is the democratic process. But the King George rules are meant to shut down debate, to shut down dissent.

What would this body be if suddenly people from all over the country; in this legislative body, the first part of the Constitution, article I, says we are the ones who are supposed to decide the policy in this country. Yet, when we come to a decision, suddenly a phone call from the White House and bingo, it turns over. The gentleman from Texas (Mr. DELAY) is not a free man. I do not think he is a bad guy. I think he is doing what he is told. This is a one-party government that is trying to stop dissent, and we need to resist that. We need to vote for the McGovern amendment.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, I rise in opposition to the previous question so that we may consider and support the McGovern amendment.

What happened here yesterday was not an affront to the members of the minority. It was not even an affront to the 140 million people that we represent. It was an affront to the tradition of this institution that says that rules should reign over personal agendas.

We all come here believing passionately in the rightness of our cause, and we fight passionately for victory for our causes. But we have learned that when we lose that fight, the right result is to come back tomorrow and fight again. When you lose, Mr. Speaker, the right result is not to wait until you can win by manipulating the rules. That is just plain wrong. And it has become a malignant practice here in this House.

When we considered the Medicare legislation, probably the most important legislation this Congress will consider, the vote was held open for more than 3 hours because the majority lost the vote. And during those 3 hours, the majority took advantage of whatever leverage it had, and some of that leverage is now the subject of an investigation by the Committee on Standards of Official Conduct. It took advantage of every piece of leverage it had to alter the outcome of the vote.

Yesterday, on a very significant vote regarding the civil liberties of the people of this country who go to a library or a bookstore, the majority lost the vote and was unwilling to settle for that response.

We have a tradition in this institution and in this country. You fight fiercely for the things in which you believe; but when you lose, you lose, and the remedy is to come back tomorrow and fight again. The remedy is not to bend and subvert the rules so that you do not lose.

Our party lost the majority in this House a decade ago because there was a perception that we had subverted some of those rules. You, my friends in the majority, are in danger not only of losing your majority, but you are in danger of jeopardizing something far more important, and that is a basic understanding in this country that we all play under the rules.

Do not sacrifice the integrity of this institution again for some short-term, hallow political victory.

Vote against the previous question and adopt the McGovern amendment.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman for yielding me this time, and I rise to oppose the previous question so that the McGovern amendment might be considered.

I want to join in the plea of the gentleman from New Jersey for civility and responsibility in this body. I could not think of a better document to bring to this floor than to refer my colleagues to the opening language of the Constitution where it states: "We, the people of the United States, in order to form a more perfect union, establish justice and secure the blessings of liberty to ourselves and our posterity."

Tragically, yesterday, my good friends on the other side of the aisle, and I do call them good friends because I would hope that they would take an oath of office to do what is right for the American people, began to utilize their majority in the context of tyranny. They began to reemphasize the very reason why this Union was formed, and that is to eliminate persecution. What they did yesterday is they persecuted the issues of liberty, because they denied the majority vote the right to prevail.

We prevailed yesterday in a bipartisan vote. That vote established the conscience of this Congress as it relates to the protection of civil liberties. What better stand than to take a bipartisan stand on the question of protecting all of these people who are here, their civil liberties, so that when a mother takes a child to the library, or a father takes a child to the library, they do not have to be intimidated by the law enforcement offices of this Nation. What a tragedy that this side disallowed the posterity of liberty, the liberty that we are blessed with. How they ignored it yesterday by refusing to allow an amendment that would protect our liberties and to stand united for civil liberties in a bipartisan way. What a tragedy that reflected on this body in the worst of ways.

Might I say, even with the pronouncement yesterday by Secretary Ridge, which many of us wonder in its substance and its timing, and as a member of the Committee on Homeland Security, I do not take lightly the protection of this homeland, but I also hope that the executive does not take lightly the protection of our Constitution and our civil liberties.

But, Mr. Speaker, let me tell my colleagues what else yesterday reminded me of: the sad day in November 2000 when an election was lost, not by the people of the United States, because they voted in the majority for a candidate that would have assumed the Presidency of the United States, but it was because we lost votes that could not be found and, ultimately, a decision was made in the judiciary and not by the people of the United States of America.

Yesterday, the people voted and won but the majority denied that vote. I ask that we defeat and oppose the previous question so that the McGovern amendment can be heard, Mr. Speaker, so that the people can speak again on the floor of the House of the United States of America.

Mr. McGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, I rise in support of the McGovern amendment and in opposition to the pending motion to support the McGovern amendment.

Let us remind ourselves what the McGovern amendment says. If we defeat the previous question, we will be able to consider this amendment, and all the amendment says is that a record vote by electronic device shall not be held open for the sole purpose of reversing the outcome of a vote. Since the majority party here rigged the vote yesterday, rigged the vote for Medicare in November, they are afraid to vote on this amendment, because they want to have the ability to continue to rig the votes.

Let us understand what this really means. A Republican senior leadership aide is quoted in this morning's Congress Daily as saying, a senior GOP aide said, "It was important to defeat the amendment. It is not normal to hold a vote open, but it is not that unusual either. It happens."

In other words, whenever it is necessary to defeat the amendment or the vote, we will hold the vote open. What does that mean? It means that if you can hold the vote open for as long as necessary to twist arms for days, if necessary, then whoever holds the gavel can never lose the vote. It means it does not matter who the people elect and send here. It does not matter the convictions of people here. All that matters is who holds the gavel. Because if they can keep the vote open forever until the vote goes right, the majority party can never lose the votes. That means there is no democracy in the House.

So what we are discussing now is are we going to have democracy in the House, are we going to have a democratic form of government in this country. Because what the Republicans have done by showing a willingness to hold the vote open for 3 hours last November, for 38 minutes yesterday, for 2 days next week, who knows, is when a vote matters, they will not lose it no matter what the votes, because democracy does not matter.

For that alone, for destroying democracy in the House, for not being ashamed of it, this party ought to hang its head in shame and ought to surrender in November the right to govern this House until it learns how to be a party in a democracy again.

Mr. McGOVERN. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, early on after 9/11, it was said that this country was attacked by terrorists because the terrorists hated our freedom and hated our democracy.

What is it about our freedoms and our democracy that the Republican leadership does not like? What is it about the concept of majority rule that the Republican leadership does not like? What is it about the idea of a free and open debate that the Republican leadership does not like? What is it about the fact that if you can put together a bipartisan coalition to win a point, to win an amendment, to defeat a bill or to pass a bill, if it is not consistent with the Republican leadership, they get to then overturn it, they get to nullify the majority? They get to nullify the actions, as they did yesterday when the time came to end the vote; they nullified the actions of over half of the people in the country of the United States of America because their representatives voted to amend the PATRIOT Act. But that is not what the Republican leadership wanted, so they simply held the vote open until they could nullify the will of the majority in this country.

If the Republican leadership stays at it long enough, there will not be any freedoms. There will not be any democracy for the terrorists to hate, because the Republican leadership in this House is doing an incredible job of destroying the history of this House, the history of open debate, the history of the majority prevailing, while protecting the minority.

This Republican leadership, the White House, and so many people, say we have to go and deliver democracy to Iraq, to Iran, to Uzbekistan, Afghanistan, Pakistan. What about a little democracy on the floor of the House of Representatives of the United States of America? What about a little respect for democracy here? What about a little respect for the Rules of the House? What about a little respect for the rights of the majority to prevail on a vote? What about respect for the right of the minority to raise the point to offer an amendment? If you have a good amendment and they think you will prevail on the floor, you will get enough Republicans and Democrats to vote for that amendment, the Committee on Rules will not allow it in order.

☐ 1030

If you sneak one by them and the majority surprises them and you win a vote on the floor of the House of Representatives, they take that vote away from you.

This is not what democracy is about. This is not what freedoms are about. This is not what people think they are dying for around the world. This is not what they pursue when they pursue the hope of America, they have seen that beacon of liberty, that Statue of Liberty. Do they really think that when they are all done, they get the dictatorship of the Republican majority to shut down democracy?

Would that be worth dying for? Would that be worth putting your life on the line for? Would that be worth to sacrifice when people take to streets all over the world so that they can become like America only to be tricked and find out that in America, in the House of Representatives, the Republican dictatorship has shut down that democracy, has shut down that freedom. And when the majority in this country through their representatives suggest that they want to make sure that their freedoms and their rights were protected in the PATRIOT Act, the dictatorship of the Republican majority said no. A majority vote on protecting the rights and the freedoms that are so fundamental to the heritage, to the culture, to the history, to the future of this country. A majority vote was nullified by the Republican dictatorship.

It is a sad, sad day for democracy in the House of Representatives, the people's House of the United States of America.

The SPEAKER pro tempore (Mr. LaTOURETTE). The gentleman from Massachusetts (Mr. McGOVERN) has 1½ minutes remaining.

Mr. McGOVERN. Mr. Speaker, I just want to inquire of the gentleman from Washington (Mr. HASTINGS), I will be closing on my side.

Mr. HASTINGS of Washington. The distinguished chairman of the Committee on Rules will close on our side, so if the gentleman would like to close.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the sad reality is that there are no rules in this House of Representatives. Tradition and procedures of this House are routinely ignored. Members will be treated with disrespect, members even on the Republican side. This Republican leadership has diminished the people's House. It is shameful.

I appeal to Members on the Republican side to stand up to the bullying of their own leadership. This trampling of the rules and traditions of this House is not an isolated problem. It happens every day. And the only way it will stop is for good people to stand up and to say enough is enough.

I am urging Members to vote no on the previous question so I can offer an amendment which says simply that during the consideration of H.R. 2828, a record vote by electronic device shall not be held up for the sole purpose of reversing the outcome of a vote. That is all it says. How can you be against that?

I urge Members to vote no on the previous question. Vote yes on my amendment to stand up with us for what is right. We know what happened yesterday was wrong. Show some guts.

Mr. Speaker, I ask unanimous consent that the text of the amendment be printed in the RECORD immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

MOTION TO ADJOURN

Mr. McGOVERN. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from Massachusetts (Mr. McGOVERN).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. McGOVERN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 54, nays 334, not voting 46, as follows:

[Roll No. 349]

YEAS—54

Alexander
Allen
Baldwin
Berman
Capuano
Clyburn
Conyers
Crowley
Davis (FL)
Davis (IL)
Dingell
Doggett
Emanuel
Evans
Farr
Filner
Ford
Frank (MA)
Grijalva
Gutierrez
Honda
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Lantos
Larson (CT)
Lewis (GA)
Lofgren
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
Millender-McDonald
Miller (NC)
Neal (MA)
Owens
Pelosi
Pomeroy
Rothman
Sánchez, Linda T.
Sanders
Schakowsky
Shimkus
Snyder
Solis
Spratt
Stark
Stupak
Tierney
Towns
Udall (CO)
Velázquez
Watson
Woolsey

NAYS—334

Abercrombie
Aderholt
Akin
Andrews
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Coble
Cole
Cooper
Costello
Cramer
Crane
Crenshaw
Cubin
Cunningham
Davis (AL)
Davis (CA)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Eshoo
Etheridge
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
Lampson
Langevin
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
McCollum
McCotter
McCrery
McDermott
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Nethercutt
Neugebauer
Ney
Northup
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Loretta
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Stearns
Stenholm
Strickland
Sullivan
Tancredo
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (FL)

NOT VOTING—46

Ackerman
Baird
Bell
Bishop (NY)
Blumenauer
Boyd
Brown, Corrine
Carson (IN)
Clay
Collins
Cox
Culberson
Cummings
Deal (GA)
Delahunt
Engel
Fattah
Fossella
Gephardt
Gerlach
Green (TX)
Hastings (FL)
Hinchey
Isakson
John
Jones (OH)
LaHood
Lee
Lipinski
Majette
Meeks (NY)
Norwood
Nussle
Paul
Pitts
Platts
Quinn
Reyes
Sweeney
Tanner
Tauzin
Turner (TX)
Waters
Waxman
Wexler
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LaTOURETTE) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1058

Mr. HEFLEY, Mr. VITTER and Ms. ROYBAL-ALLARD changed their vote from "yea" to "nay."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H.R. 2828, WATER SUPPLY, RELIABILITY, AND ENVIRONMENTAL IMPROVEMENT ACT

The SPEAKER pro tempore. The Chair would advise that the gentleman from Massachusetts (Mr. McGOVERN) has 30 seconds remaining. The gentleman from Washington (Mr. HASTINGS) has 23½ minutes remaining.

Mr. McGOVERN. Mr. Speaker, if I could ask my colleague from Washington, does he have only one speaker to close?

Mr. HASTINGS of Washington. I have one speaker left. So if the gentleman is prepared to close, I am.

Mr. McGOVERN. Mr. Speaker, I yield myself the remaining time.

I want to urge my colleagues to vote "no" on the previous question so that I could bring up an amendment which simply says that during the consideration of H.R. 2828, a record vote by electronic device shall not be held open for the sole purpose of reversing the outcome of a vote.

Yesterday was a disgrace, and the only way it will never happen again is if some of my Republican colleagues stand up to the bully of their own leadership. Vote "no" on the previous question. Vote "yes" on the McGovern amendment. Show some guts.

Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield as much time as he may consume to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I rise in strong support of the previous question and the rule. Rule XX, clause 2(a) makes it very clear there is a minimum, a minimum, a minimum of 15 minutes to be allowed on each recorded vote or quorum call. There has been a long-standing tradition in this great deliberative body of people having the opportunity to change their minds.

I am looking at my friend, the gentleman from Massachusetts (Mr. FRANK). He and I came together here in 1980. I served for 14 years as a member of the minority, and I will say that that long-standing tradition of Members, at the invitation of the leadership, to change their mind is something that has existed on both sides of the aisle for decades and decades and decades. That is why we have leaders.

☐ 1100

That is why we have leaders, to provide that kind of very strong leadership to do just that.

Now, we know that there has been complete compliance with the rules, and we are here, we are here at this moment, Mr. Speaker, to pass a rule for a very important bipartisan piece of legislation. It is a bipartisan bill that has been in the works for a decade and a half, and I want to congratulate my colleague, the gentleman from California (Mr. CALVERT), who has been so diligent, diligent over the period of time we have been addressing this issue to bring about a final resolution which we are going to address today in a bipartisan way.

So with that sense of bipartisanship, I would like to close by congratulating our baseball team for the great victory they achieved.

Ms. WOOLSEY. Mr. Speaker, I believe in the freedom to read, and Americans' right to read and purchase books without fear of Government monitoring. This freedom has been wiped out, it has been erased, it has been undone by the passage of the PATRIOT Act. Congress must repeal this unconstitutional provision. By yesterday's tampering with the important vote to give back freedoms, the majority leadership's abuse of power stepped in and forced their members to change their votes . . . to deny the majority vote the right to prevail.

The PATRIOT Act forces library users to self-censor their reading choices out of fear. Mr. Speaker, censorship is not what America is about. The existing law would make one believe that by reading a book, the 9/11 terrorists came into existence. The existing law would lead one to believe that books are the enemy. Let us not forget the book burnings in Germany. Books are only the enemy if we do not want our population to be educated.

The majority leadership has spoken. They have prevented a true bi-partisan decision to protect America's right to democracy.

The material previously referred to by Mr. McGOVERN is as follows:

AMENDMENT TO H. RES. 711 OFFERED BY MR. McGOVERN

At the end of the resolution add the following:

SEC. 2. During consideration of H.R. 2828, a record vote by electronic device shall not be held open for the sole purpose of reversing the outcome of a vote.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. LATOURETTE). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. McGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—ayes 216, noes 180, not voting 38, as follows:

[Roll No. 350]

AYES—216

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Cox
Crane
Crenshaw
Cubin
Cunningham
Davis, Jo Ann
Davis, Tom
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sabo
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—180

Abercrombie
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Carson (OK)
Case
Chandler
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr

Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Grijalva
Gutierrez
Harman
Herseth
Hill
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Weiner
Woolsey
Wu
Wynn

NOT VOTING—38

Ackerman
Bell
Bishop (NY)
Blumenauer
Brown, Corrine
Cardoza
Carson (IN)
Clay
Collins
Culberson
Deal (GA)
Delahunt
Fattah
Fossella
Gephardt
Gerlach
Green (TX)
Hastings (FL)
Hinchey
Isakson
John
Jones (OH)
LaHood
Lee
Lipinski
Majette
Meeks (NY)
Norwood
Paul
Pitts
Platts
Quinn
Reyes
Sweeney
Tanner
Tauzin
Waxman
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE) (during the vote). Members are advised that 2 minutes remain in this vote.

☐ 1121

Mr. SHUSTER changed his vote from "no" to "aye."

So the previous question was ordered.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. FOSELLA. Mr. Speaker, on rollcall Nos. 349 and 350 I was unavoidably detained. On rollcall No. 349, a motion to adjourn. I would have voted "no." On rollcall No. 350, ordering the previous question, I would have voted "yes."

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. McGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 237, noes 158, not voting 38, as follows:

[Roll No. 351]

AYES—237

Aderholt
Akin
Alexander
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carter
Castle
Chabot
Chocola
Coble
Cole
Costello
Cox
Crane
Crenshaw
Cubin
Cunningham
Davis, Jo Ann
Davis, Tom
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Issa
Istook
Jackson-Lee (TX)
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Lynch
Manzullo
Matheson
McCotter
McCrery
McHugh
McInnis
McKeon
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pastor
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sánchez, Loretta
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—158

Abercrombie
Allen
Andrews
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Carson (OK)
Case
Chandler
Clyburn
Conyers
Cooper
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank (MA)
Frost
Gordon
Grijalva
Gutierrez
Harman
Herseth
Hill
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kilpatrick
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Michaud
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Payne
Pelosi
Pomeroy
Price (NC)
Rangel
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Weiner
Woolsey
Wu
Wynn

NOT VOTING—38

Ackerman
Bell
Bishop (NY)
Blumenauer
Brown, Corrine
Carson (IN)
Clay
Collins
Culberson
Deal (GA)
Delahunt
Fattah
Gephardt
Gerlach
Green (TX)
Hastings (FL)
Hinchey
Isakson
John
Jones (OH)
LaHood
Lee
Lipinski
Majette
Marshall
Meeks (NY)
Norwood
Paul
Pitts
Platts
Quinn
Reyes
Simmons
Sweeney
Tanner
Tauzin
Waxman
Wexler

☐ 1129

So the resolution was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. Without objection, a motion to reconsider is laid on the table.

Mr. McGOVERN. I object, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard.

Mr. WICKER. Mr. Speaker, I move to reconsider the vote.

MOTION TO TABLE OFFERED BY MR. HASTINGS OF WASHINGTON

Mr. HASTINGS of Washington. Mr. Speaker, I move to lay the motion to reconsider on the table.

The SPEAKER pro tempore. The question is on the motion to table offered by the gentleman from Washington (Mr. HASTINGS).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. McGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX and the Chair's previous announcement, this will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 210, noes 181, answered "present" 1, not voting 41, as follows:

[Roll No. 352]

AYES—210

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Cox
Crane
Crenshaw
Cubin
Cunningham
Davis, Jo Ann
Davis, Tom
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Hall
Harris
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hyde
Issa
Istook
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McDermott
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Napolitano
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—181

Abercrombie
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (OK)
Case
Chandler
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Grijalva
Gutierrez
Harman
Herseth
Hill
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Lowey
Lucas (KY)
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Weiner
Woolsey
Wu
Wynn

ANSWERED "PRESENT"—1

Cardoza

NOT VOTING—41

Ackerman
Bell
Bishop (NY)
Blumenauer
Boozman
Carson (IN)
Clay
Collins
Culberson
Deal (GA)
Delahunt
Fattah
Gephardt
Gerlach
Green (TX)
Gutknecht
Hart
Hastings (FL)
Hinchey
Hunter
Isakson
Jenkins
John
Jones (OH)
LaHood
Lee
Lipinski
Lofgren
Majette
Meeks (NY)
Norwood
Paul
Pitts
Platts
Quinn
Reyes
Souder
Sweeney
Tauzin
Waxman
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE) (during the vote). Members are advised two minutes are left in this vote.

☐ 1138

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

MOTION TO ADJOURN

Mr. McGOVERN. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from Massachusetts (Mr. McGOVERN).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. McGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 41, noes 353, not voting 39, as follows:

[Roll No. 353]

AYES—41

Abercrombie
Allen
Baldwin
Bishop (GA)
Capuano
Clay
Conyers
Crowley
Dingell
Filner
Ford
Grijalva
Gutierrez
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kilpatrick
Lantos
Larson (CT)
Lewis (GA)
Lofgren
Matsui
McCarthy (MO)
McGovern
Miller (NC)
Neal (MA)
Owens
Pastor
Payne
Rodriguez
Sanders
Schakowsky
Shimkus
Stark
Stupak
Tierney
Towns
Velázquez
Waters
Watson
Woolsey

NOES—353

Aderholt
Akin
Alexander
Andrews
Baca
Baird
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, M.
Dicks
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jenkins
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee

Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
Lampson
Langevin
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
McCarthy (NY)
McCollum
McCotter
McDermott
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Nethercutt
Neugebauer

Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano

Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—39

Ackerman
Bachus
Bell
Bishop (NY)
Blumenauer
Camp
Carson (IN)
Collins
Culberson
Deal (GA)
Delahunt
Diaz-Balart, L.
Fattah

Gephardt
Gerlach
Green (TX)
Gutknecht
Hastings (FL)
Hinchey
Isakson
John
Johnson (CT)
Jones (OH)
LaHood
Lee
Lipinski

Majette
McCrery
Meeks (NY)
Norwood
Paul
Pitts
Platts
Quinn
Reyes
Sweeney
Tauzin
Waxman
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. THORNBERRY) (during the vote). Members are reminded to record their votes.

□ 1154

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

WATER SUPPLY, RELIABILITY, AND ENVIRONMENTAL IMPROVEMENT ACT

Mr. CALVERT. Mr. Speaker, pursuant to House Resolution 711, I call up the bill (H.R. 2828), to authorize the Secretary of the Interior to implement water supply technology and infrastructure programs aimed at increasing and diversifying domestic water resources, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 711, the bill is considered read for amendment.

The text of H.R. 2828 is as follows:

H.R. 2828

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Water Supply, Reliability, and Environmental Improvement Act".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Definitions.
Sec. 4. Purposes.

TITLE I—DEPARTMENT OF INTERIOR, COMPETITIVE GRANT PROGRAM

Sec. 101. General authority.
Sec. 102. Authority to study, plan, design, and construct.
Sec. 103. Criteria for grants.
Sec. 104. Annual report.
Sec. 105. Authorization of appropriations.
Sec. 106. Limitation on eligibility for funding.

TITLE II—CALIFORNIA WATER SECURITY AND ENVIRONMENTAL ENHANCEMENT ACT

Sec. 201. CALFED Bay-Delta Program.
Sec. 202. Management.
Sec. 203. Implementation schedule report.
Sec. 204. Authorization of appropriations.
Sec. 205. Federal share of costs.
Sec. 206. Use of existing authorities and funds.
Sec. 207. Compliance with State and Federal law.

TITLE III—SALTON SEA

Sec. 301. Funding to address Salton Sea.

TITLE IV—ESTABLISHMENT OF CENTRALIZED REGULATORY OFFICE

Sec. 401. Establishment of office.
Sec. 402. Acceptance and expenditure of contributions.

TITLE V—RURAL WATER SUPPLY PROGRAM

Sec. 501. Rural water supply program.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) BAY-DELTA SOLUTION AREA.—The term "Bay-Delta solution area" means the Bay-Delta watershed and the San Francisco Bay/Sacramento-San Joaquin Delta Estuary, California, and the areas in which diverted/exported water is used.

(2) BAY-DELTA WATERSHED.—The term "Bay-Delta watershed" means the Sacramento River-San Joaquin River Delta, and the rivers and watersheds that are tributary to that delta.

(3) CALFED BAY-DELTA PROGRAM.—The term "CALFED Bay-Delta Program" means the programs, projects, complementary actions, and activities undertaken through coordinated planning, implementation, and assessment activities of the State and Federal agencies in a manner consistent with the Objectives and Solution Principles of the CALFED Bay-Delta Program as stated in the Record of Decision.

(4) CONGRESSIONAL AUTHORIZING COMMITTEES.—The term "congressional authorizing committees" means the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

(5) COMMISSIONER.—The term "commissioner" means the Commissioner of the Bureau of Reclamation.

(6) ENVIRONMENTAL WATER ACCOUNT.—The term "Environmental Water Account" means the water account established by the Federal agencies and State agencies pursuant to the Record of Decision to reduce incidental take and provide a mechanism for recovery of species.

(7) FEDERAL AGENCIES.—The term "Federal agencies" means the Federal agencies that are signatories to Attachment 3 of the Record of Decision.

(8) GOVERNOR.—The term "Governor" means the Governor of the State of California.

(9) IMPLEMENTATION MEMORANDUM.—The term "Implementation Memorandum" means the Calfed Bay-Delta Program Implementation Memorandum of Understanding dated August 28, 2000, executed by the Federal agencies and the State agencies, as such record of decision may be adapted or modified by the Secretary in accordance with applicable law.

(10) RECLAMATION STATES.—The term "Reclamation States" means the States of Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah,. Washington, Wyoming, and Texas.

(11) RECORD OF DECISION.—The term "Record of Decision" means the Federal programmatic Record of Decision dated August 28, 2000, issued by the Federal agencies and supported by the State.

(12) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(13) STATE.—The term "State" means the State of California.

(14) STATE AGENCIES.—The term "State agencies" means the California State agencies that are signatories to Attachment 3 of the Record of Decision.

(15) WATER RESOURCE AGENCIES.—The term "Water resource agencies" means the Federal agencies that are signatories to Attachment 3 of the Record of Decision.

(16) WATER SUPPLY.—The term "water supply" means a quantity of water that is developed or derived from—

(A) increased water yield;

(B) recycling existing sources;

(C) desalination of seawater or brackish water;

(D) surface or ground water storage;

(E) conservation; or

(F) other actions or water management tools that improve the availability and reliability of water supplies for beneficial uses in all water year types, including critically dry years.

(17) WATER YIELD.—The term "water yield" means a new quantity of water in storage that is reliably available in critically dry years for beneficial uses.

SEC. 4. PURPOSES.

The purposes of this Act are as follows:

(1) To enhance and improve water supply, water yield, and water reliability coordinated through the Secretary, in cooperation, and consultation with Water Resource Agencies.

(2) To foster and promote the development of supplemental and new water supplies, coordinated through the Secretary, in consultation and coordination with the Water Resource Agencies, through water reuse and salinity management.

(3) To establish a competitive, performance-based program, coordinated through the Secretary, in consultation and coordination with the Water Resource Agencies, to provide financial incentives to entities to develop demonstration projects designed to treat seawater and brackish water, wastewater and impaired ground water.

(4) To establish an office, in any Reclamation State requesting such an office, for the use of all Federal and State agencies that will be involved in issuing permits and conducting environmental reviews for water supply, water supply capital improvement projects, levee maintenance, and delivery systems in any Reclamation State requesting such an office.

(5) To provide assistance to States, municipalities, other local governmental agencies (including soil and water conservation districts) and investor-owned utilities that provide municipal water supply service pursuant to State law in the design and construction of projects to desalinate seawater and put to beneficial use impaired ground water and brackish water.

(6) To implement and abide by the 4 primary objectives and solution principles set forth in the CALFED Bay-Delta Program. To authorize funding and coordinate sustained funding sources, through the Secretary, for the implementation of a comprehensive program to achieve increased water yield and water supply, improved water quality, and enhanced environmental benefits as well as improved water system reliability, water use efficiency, watershed management, water transfers, and levee protection.

(7) To implement other related provisions to improve water supply and yield.

TITLE I—DEPARTMENT OF INTERIOR, COMPETITIVE GRANT PROGRAM

SEC. 101. GENERAL AUTHORITY.

(a) ESTABLISHMENT OF A WATER RESOURCES COORDINATION OFFICE.—There shall be established within the Office of the Secretary the Office of the Federal Water Resources Coordinator (referred to in this title as the "Coordinator") who shall be responsible for coordinating the Water Resource Agencies activities addressing water desalination (including sea and brackish water), impaired ground water, brine removal, and water reuse projects and activities authorized under this title.

(b) SECRETARIAL RESPONSIBILITY.—The Secretary, through the Coordinator, shall carry out the responsibilities, as specifically identified as a responsibility of the Coordinator under this title, and may not delegate these responsibilities to the Water Resource Agencies. The Coordinator at its sole option may use the services of the Water Resource Agencies on any project deemed necessary.

(c) ASSESSMENT OF EXISTING FEDERAL AUTHORITIES.—The Secretary, through the Coordinator and in consultation with the Water Resource agencies, shall develop and transmit to Congress no later than 60 days after enactment of this Act, an assessment report that identifies the following:

(1) A list of authorities, including mandatory and discretionary trust funds, other than those under this title, to undertake activities under section 102.

(2) A list of all Water Resource Agencies expenditures since fiscal year 1998 undertaken for projects and activities related to this title.

(3) A plan of Water Resource Agencies coordination to meet the criteria, and guidelines as determined under this title.

(4) A detailed/coordinated Water Resource Agencies budget review document, including outyears funding requirements.

(5) Recommendations for alternative financing mechanisms.

(d) ESTABLISHMENT OF GUIDELINES FOR ACTIVITIES UNDERTAKEN BY THE COORDINATOR.—

(1) RULES AND GUIDELINES.—In carrying out activities under this title the Secretary, acting through the Coordinator, in coordination with the Water Resource Agencies, shall issue rules and guidelines for the submission of selection, solicitation, and timelines of eligible projects and activities seeking grants assistance to analyze, plan, develop and construct, including but not limited to, the following:

(A) Sea and brackish water desalination projects, including analysis and technology development, reclamation of wastewater, and impaired ground and surface waters.

(B) Brine management and disposal, including analysis and technology development. Such analysis shall include, but not be limited to, the effects of concentrate disposal and possible mitigation measures.

(C) Water reuse, including, but not limited to, techniques for cleanup and treatment of ground water contamination, especially ground water basins that are the primary source of drinking water supplies.

(2) EQUITABLE SELECTION.—The Secretary shall ensure the rules and guidelines provide for the equitable selection, to the maximum extent practicable, of projects and distribution of grants among the eligible activities identified under this section.

(3) TIMEFRAME.—Such rules and guidelines shall be issued not later than 90 days after the date of the enactment of this Act.

(e) AGENCY PARTICIPATION.—The Coordinator, in consultation with the Water Resource Agencies, shall—

(1) determine available and appropriate accounts, both mandatory and permanent, including Federal trust funds; and

(2) direct the Federal agency heads to spend authorized funds, if available within their agency, based on their proportional Federal interest.

SEC. 102. AUTHORITY TO STUDY, PLAN, DESIGN, AND CONSTRUCT.

(a) IN GENERAL.—The Secretary, through the Coordinator, in cooperation and consultation with the Water Resource Agencies, shall undertake a competitive grant program—

(1) to investigate and identify opportunities for the study, plan, and design of activities under this title; and

(2) to construct demonstration and permanent facilities, or the implementation of other programs and activities, to meet the criteria under this title.

(b) CONDITIONS.—No grant may be made under this title for the design and construction of any project until after—

(1) an appraisal investigation and a feasibility study (which may be performed, if applicable, by the non-Federal sponsor and submitted to the Secretary, through the Coordinator, for review) have been completed and approved by the Secretary, through the Coordinator;

(2) the Secretary, through the Coordinator, has determined that, if applicable, the non-Federal project sponsor has the financial resources available to fund the non-Federal share of the project's costs; and

(3) the Secretary, through the Coordinator, has approved, if applicable, a cost-sharing agreement with the non-Federal project sponsor that commits the non-Federal project sponsor to funding its share of the project's construction costs on an annual basis, and ongoing operations and maintenance.

SEC. 103. CRITERIA FOR GRANTS.

In making grants pursuant to this title, the Secretary, acting through the Coordinator shall give priority to those projects which meet at least one of the following criteria:

(1) The requirements of the Secretary, as applicable, and any applicable State requirements.

(2) Is agreed to by the Federal and non-Federal entities with authority and responsibility for the project.

(3) Increase water supply yield.

(4) Improve water use efficiency and water conservation.

(5) Reduce or stabilize demand on existing Federal and State water supply facilities.

(6) Improve water quality.

(7) Employ innovative approaches, including but not limited to, ground water recharge.

(8) Facilitate the transfer and adoption of technology.

(9) Employ regional solutions that increase the availability of locally and regionally developed water supplies.

(10) Remediate a contaminated ground water basin.

(11) Provide a secure source of new water supplies for national defense activities.

(12) Reduce the threat of a water supply disruption as a result of a natural disaster or acts of terrorism.

(13) Help Water Resource Agencies meet existing legal requirements, contractual water supply obligations, Indian trust responsibilities, water rights settlements, water quality control plans and department of health requirements, Federal and State environmental laws, the Federal Water Pollution Control Act, or other obligations.

(14) Promote and applies a regional or watershed approach to water resource management or cross-boundary issues, implements an integrated resources management approach, increases water management flexibility, or forms a partnership with other entities.

(15) Improve health and safety of the general public.

(16) Provide benefits outside the region in which the project occurs.

(17) Provide benefits to the agricultural community.

SEC. 104. ANNUAL REPORT.

The Secretary shall provide the Congress an annual report that includes the following:

(1) A list of projects, and project details, amount of past, current, and projected funding.

(2) Documentation of the accounts within the Water Resource Agencies funding.

(3) The benefits gained by projects, and to which beneficiaries and users, funded under this title.

(4) An assessment of how the project met each of the evaluation criteria under this title.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

(a) ACTIVITIES AND PROJECTS UNDER THIS TITLE.—

(1) DETERMINATION OF WATER RESOURCES AGENCY PARTICIPATION.—If existing authorities are not available to carry out activities addressed under this title, the Coordinator, in consultation with the Water Resource agencies, shall make the determination of Federal participation and Federal agency cost share.

(2) FUNDING.—Subject to section 105(a)(1) and section 105(b), there are authorized to be appropriated—

(A) $50,000,000 for fiscal year 2004; and

(B) $100,000,000 for each fiscal year thereafter.

(b) LIMITATIONS ON GRANTS.—

(1) LOCATION OF PROJECT.—Grants carried out by the Secretary, through the Coordinator, may be carried out through the 50 States.

(2) PER STATE LIMIT.—Except as provided in under this section, of the amount available in a fiscal year for grants under this title, not more than 30 percent may be used for projects in a single State.

(c) COST SHARING.—Except as provided under this section, and notwithstanding any other provision of this title. Grants for projects receiving Federal assistance under this title shall not exceed the lesser of $50,000,000 (indexed annually for inflation) or 35 percent of the total cost of the project.

SEC. 106. LIMITATION ON ELIGIBILITY FOR FUNDING.

A project that receives funds under this Act shall be ineligible to receive Federal funds from any other source for the same purpose unless such funds are provided to ensure compliance with a Federal mandate.

TITLE II—CALIFORNIA WATER SECURITY AND ENVIRONMENTAL ENHANCEMENT ACT

SEC. 201. CALFED BAY-DELTA PROGRAM.

(a) FINDINGS.—Congress finds as follows:

(1) The mission of the CALFED Bay-Delta Program is to develop and implement a long-term comprehensive plan that will increase water supply and yield, improve water management, and restore the ecological health of the Bay-Delta solution area.

(2) The CALFED Bay-Delta Program was developed as a joint Federal-State program to deal effectively with the multijurisdictional issues involved in managing the Bay-Delta Watershed.

(b) IN GENERAL.—

(1) AUTHORIZATION.—The Federal agencies, in consultation with State agencies, are authorized to participate in the CALFED Bay-Delta Program, in accordance with this title, and consistent with the Objectives and Solution Principles set forth in the Record of Decision.

(2) GOALS.—The goals of the CALFED Bay-Delta Program shall consist of components that include water supply and yield, ecosystem restoration, water supply reliability, conveyance, water use efficiency, water quality, water transfers, watersheds, Environmental Water Account, levee stability, and science.

(3) BALANCE.—CALFED Bay-Delta Program activities consisting of protecting water quality, including but not limited to, drinking water quality, restoring ecological health, improving water supply reliability, including additional water supply and water yield and conveyance, and protecting levees in the Bay-Delta watershed, shall progress in a balanced manner.

(c) ADMINISTRATION OF ACTIVITIES.—

(1) IN GENERAL.—The Secretary and the heads of the Federal agencies are authorized to carry out the activities described in this title, subject to the cost-share and other provisions of this title, if the activity—

(A) has been subject to environmental review and approval as required under applicable Federal and State law; and

(B) has been approved and certified by the Secretary to be consistent with the Objectives and Solution Principles of the CALFED Bay-Delta Program as stated in Record of Decision.

(2) MULTIPLE BENEFIT PROJECTS FAVORED.—The Secretary and Federal agencies are authorized to carry out the activities set forth in this title. In selecting projects and programs for increasing water yield and water supply, improving water quality, and enhancing environmental benefits, projects and programs with multiple benefits shall be emphasized.

(3) ELEMENTS REGULATED.—To the extent that CALFED Bay-Delta Program projects and elements are subject to regulation under section 404 of the Clean Water Act, the United States Army Corps of Engineers and the United States Environmental Protection Agency shall not consider, as alternatives to projects that are elements of the overall CALFED Bay-Delta Program, programs, projects, or actions beyond those described in the Record of Decision, nor shall they favor one CALFED Bay-Delta Program project or element over another.

(4) BALANCE.—The Secretary shall ensure that all elements of the CALFED Bay-Delta Program need to be completed and operated cooperatively to maintain the balanced progress in all CALFED Bay-Delta Program areas.

(d) PROGRAM ACTIVITIES.—

(1) WATER STORAGE.—Except as provided by section 207(b), the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this Act, no more than $102,000,000 may be expended for the following:

(A) WATER STORAGE SUPPLY AND YIELD.—For purposes of implementing the CALFED Bay-Delta Program, the Secretary is authorized to undertake all necessary planning activities and feasibility studies required for the development of recommendations by the Secretary to Congress on the construction and implementation of specific water supply and yield, ground water management, and ground water storage projects and implementation of comprehensive water management planning. The requirements of section 9(a) of the Act of August 4, 1939 (43 U.S.C. 485h(a); 53 Stat. 1193) shall be deemed to be met through the performance of a feasibility study as authorized within this section as well as those feasibility studies authorized under the Consolidated Appropriations Resolution Fiscal Year 2003, Public Law 108–7, House Report 108–10, division D, title II, section 215.

(B) FEASIBILITY STUDIES.—All feasibility studies completed for storage projects as a result of this section shall include identification of project benefits and beneficiaries and a cost allocation plan consistent with the benefits to be received, for both governmental and non-governmental entities.

(C) DISAPPROVAL RESOLUTION.—If the Secretary determines a project to be feasible, and meets the requirements under subparagraph (B), the report shall be submitted to Congress. If Congress does not pass a disapproval resolution of the feasibility study during the first 120 days before Congress (not including days on which either the House of Representatives or the Senate is not in session because of an adjournment of more than three calendar days to a day certain) the project shall be authorized, subject to appropriations.

(D) WATER SUPPLY AND WATER YIELD STUDY.—(i) The Secretary, acting through the Bureau of Reclamation and in consultation with the State, shall conduct a study of available water supplies and water yield and existing demand and future needs for water—

(I) within the units of the Central Valley Project;

(II) within the area served by Central Valley Project agricultural water service contractors and municipal and industrial water service contractors; and

(III) within the Bay-Delta solution area.

(ii) RELATIONSHIP TO PRIOR STUDY.—The study under clause (i) shall incorporate and revise as necessary the study required by section 3408(j) of the Central Valley Project Improvement Act of 1992 (Public Law 102–575).

(E) REPORT.—The Secretary shall submit a report to the congressional authorizing committees by not later than 180 days after the date of the enactment of this title describing the following:

(i) Water yield and water supply improvements, if any, for Central Valley Project agricultural water service contractors and municipal and industrial water service contractors.

(ii) All water management actions or projects that would improve water yield or water supply and that, if taken or constructed, would balance available water supplies and existing demand for those contractors and other water users of the Bay-Delta watershed with due recognition of water right priorities and environmental needs.

(iii) The financial costs of the actions and projects described under clause (ii).

(iv) The beneficiaries of those actions and projects and an assessment of their willingness to pay the capital costs and operation and maintenance costs thereof.

(F) OTHER ACTIVITIES.—Studying, developing and implementing ground water management and ground water storage projects (not to exceed $50,000,000); and

(G) PLANNING.—Comprehensive water management planning (not to exceed $6,000,000).

(2) CONVEYANCE.—Except as provided by section 207(b), the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this Act, no more than $77,000,000 may be expended for the following:

(A) South Delta Actions (not to exceed $45,000,000):

(i) South Delta Improvements Program for the following:

(I) To increase the State Water Project export limit to 8500 cfs, subject to subclause (VI).

(II) To install permanent, operable barriers in the south Delta. The Federal Agencies shall cooperate with the State to accelerate installation of the permanent, operable barriers in the south Delta, with the intent to complete that installation not later than the end of fiscal year 2006.

(III) To design and construct fish screens and intake facilities at Clifton Court Forebay and the Tracy Pumping Plant facilities.

(IV) To increase the State Water Project export to the maximum capability of 10,300 cfs.

(ii) Reduction of agricultural drainage in south Delta channels and other actions necessary to minimize impacts of such drainage on water quality, including but not limited to, design and construction of the relocation of drinking water intake facilities to delta water users. The Secretary shall coordinate actions for relocating intake facilities on a time schedule consistent with subclause (i)(II).

(iii) Design and construction of lower San Joaquin River floodway improvements.

(iv) Installation and operation of temporary barriers in the south Delta until fully operable barriers are constructed.

(v) Actions to protect navigation and local diversions not adequately protected by the temporary barriers.

(vi) Actions to increase pumping shall be accomplished in a manner consistent with California law protecting:

(I) deliveries to, costs of, and water suppliers and water users, including but not limited to, agricultural users, that have historically relied on water diverted from the Delta; and

(II) the quality of water for existing municipal, industrial, and agricultural uses.

(vi) Actions at Franks Tract to improve water quality in the Delta.

(B) North Delta Actions (not to exceed $12,000,000):

(i) Evaluation and implementation of improved operational procedures for the Delta Cross Channel to address fishery and water quality concerns.

(ii) Evaluation of a screened through-Delta facility on the Sacramento River.

(iii) Design and construction of lower Mokelumne River floodway improvements.

(C) Interties (not to exceed $10,000,000):

(i) Evaluation and construction of an intertie between the State Water Project and the Central Valley Project facilities at or near the City of Tracy.

(ii) Assessment of the connection of the Central Valley Project to the State Water Project's Clifton Court Forebay with a corresponding increase in the Forebay's screened intake.

(D) Evaluation and implementation of the San Luis Reservoir lowpoint improvement project (not to exceed $10,000,000).

(3) WATER USE EFFICIENCY.—Of the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this Act, no more than $153,000,000 may be expended for the following:

(A) Water conservation projects that provide water supply reliability, water quality, and ecosystem benefits to the Bay-Delta solution area (not to exceed $61,000,000).

(B) Technical assistance for urban and agricultural water conservation projects (not to exceed $5,000,000).

(C) Water recycling and desalination projects, including but not limited to projects identified in the Bay Area Water Recycling Plan and the Southern California Comprehensive Water Reclamation and Reuse Study (not to exceed $84,000,000), as follows:

(i) In providing financial assistance under this clause, the Secretary shall give priority consideration to projects that include regional solutions to benefit regional water supply and reliability needs.

(ii) The Secretary shall review any feasibility level studies for seawater desalination and regional brine line projects that have been completed, whether or not those studies were prepared with financial assistance from the Secretary.

(iii) The Secretary shall report to the Congress within 90 days after the completion of a feasibility study or the review of a feasibility study for the purposes of providing design and construction assistance for the construction of desalination and regional brine line projects.

(iv) The Federal share of the cost of any activity carried out with assistance under this clause may not exceed the lesser of 35 percent of the total cost of the activity or $50,000,000.

(D) Water measurement and transfer actions (not to exceed $1,500,000).

(E) Certification of implementation of best management practices for urban water conservation (not to exceed $1,500,000).

(4) WATER TRANSFERS.—Of the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this Act, no more than $3,000,000 may be expended for the following:

(A) Increasing the availability of existing facilities for water transfers.

(B) Lowering transaction costs through permit streamlining.

(C) Maintaining a water transfer information clearinghouse.

(5) ENVIRONMENTAL WATER ACCOUNT.—Of the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this Act, no more than $75,000,000 may be expended for implementation of the Environmental Water Account.

(6) INTEGRATED REGIONAL WATER MANAGEMENT PLANS.—Of the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this Act, no more than $95,000,000 may be expended for the following:

(A) Establishing a competitive grants program to assist local and regional communities in California in developing and implementing integrated regional water management plans to carry out the Objectives and Solution Principles of the CALFED Bay-Delta Program as stated in the Record of Decision.

(B) Implementation of projects and programs in California that improve water supply reliability, water quality, ecosystem restoration, and flood protection, or meet other local and regional needs, that are consistent with, and make a significant contribution to, Stage 1 of the CALFED Bay-Delta Program.

(7) ECOSYSTEM RESTORATION.—(A) Of the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this title, no more than $100,000,000 may be expended for projects under this subsection.

(B) The Secretary is authorized to undertake the following projects under this paragraph:

(i) Restoration of habitat in the San Francisco Bay-Delta watershed, San Pablo Bay, and Suisun Bay and Marsh, including tidal wetlands and riparian habitat.

(ii) Fish screen and fish passage improvement projects.

(iii) Implementation of an invasive species program, including prevention, control, and eradication.

(iv) Development and integration of State and Federal agricultural programs that benefit wildlife into the Ecosystem Restoration Program.

(v) Financial and technical support for locally-based collaborative programs to restore habitat while addressing the concerns of local communities.

(vi) Water quality improvement projects to manage salinity, selenium, mercury, pesticides, trace metals, dissolved oxygen, turbidity, sediment, and other pollutants.

(vii) Land and water acquisitions to improve habitat and fish spawning and survival in the Bay-Delta watershed.

(viii) Integrated flood management and levee protection projects for improving ecosystem restoration.

(ix) Scientific evaluations and targeted research on program activities, including appropriate use of adaptive management concepts.

(x) Preparation of management plans for all properties acquired, and update current management plans, prior to the purchase or any contribution to the purchase of any interest in land for ecosystem.

(xi) Strategic planning and tracking of program performance using established protocols and/or bio-indicators.

(C) Project Initiation Report for each project, describing project purpose, objective, and cost, shall be transmitted to Congress following Secretarial certification, 30 days (not including days on which either the House of Representatives or the Senate is not in session because of an adjournment of more than three calendar days to a day certain) prior to implementing ecosystem restoration actions as described under this paragraph. Such reports shall be required for all ecosystem projects, (including comprehensive projects that are composed of several components and are to be completed by staged implementation) exceeding $20,000 in Federal funds. Annual ecosystem restoration project summary reports shall be submitted to Congress through the Secretary highlighting progress of the project implementation. The reports required to be submitted under this paragraph shall consider the following on each project:

(i) A description of ecological monitoring data to be collected for the restoration projects and how the data are to be integrated, streamlined, compatible, and designed to measure overall trends of ecosystem health in the Bay-Delta watershed.

(ii) Whether the restoration project has integrated monitoring plans and descriptions of protocols, or bio-indicators, to be used for gauging cost-effective performance of the project.

(iii) Whether the proposed project is a part of a larger, more comprehensive restoration project in a particular part of the solution area, and if so, how the proposed project contributes to the larger project.

(iv) A secretarial determination, or strategy, that utilizes existing Federal land, State land, or other land acquired for ecosystem restoration, with amounts provided by the United States or the State, to the extent that such lands are available within the CALFED solution area.

(v) A determination of the potential cumulative impacts, or induced damages of fee title, easement, and/or lease acquisition of land on local and regional economies, and adjacent land and landowners; and a description of how such impacts will be mitigated.

(vi) A description of actions that will be taken to mitigate any induced damages from the conversion of agriculture land including the degree to which wildlife and habitat values will increase due to the land conversion.

(D) Conditions, if applicable, for projects and activities under this paragraph are as follows:

(i) A requirement that before obligating or expending Federal funds to acquire land, the Secretary shall first determine that existing Federal land, State land, or other land acquired for ecosystem restoration with amounts provided by the United States or the State, to the extent such lands are available, is not available for that purpose. If no public land is available the Secretary, prior to any federal expenditure for private land acquisition, shall—

(I) make an accounting of all habitat types located on publicly owned land throughout the solution area;

(II) not convert prime farm land and unique farm land, to the maximum extent as practicable, as identified by local, State, or Federal land use inventories, including the Natural Resources Conservation Service;

(III) not conflict with existing zoning for agriculture use; and

(IV) not involve other changes in existing environment due to location and nature of converting farmland to non-farmland use.

(ii) A requirement that in determining whether to acquire private land for ecosystem restoration, the Secretary shall—

(I) conduct appropriate analysis, including cost valuation to assure that private land acquisitions prioritize easements and leases over acquisition by fee title unless easements and leases are unavailable or unsuitable for the stated purposes;

(II) consider the potential cumulative impacts on the local and regional economies of transferring the property into government ownership and—

(aa) describe the actions that will be taken, to the maximum extent practicable, to mitigate any induced damages; and

(bb) determine that the land acquired will add increasing value to the purposes of ecosystem restoration;

(III) mitigate any potential induced damage, to the maximum extent practicable, of any conversion of agriculture land for ecosystem restoration due to the implementation of the CALFED Bay-Delta Program; and

(IV) partner with landowners and local agencies to develop cooperating landowner commitments that are likely to meet coequal objectives of achieving local economic and social goals and implementing the ecosystem restoration goals.

(8) WATERSHEDS.—Of the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this Act, no more than $50,000,000 may be expended for the following:

(A) Building local capacity to assess and manage watersheds affecting the Bay-Delta solution area.

(B) Technical assistance for watershed assessments and management plans.

(C) Developing and implementing locally-based watershed conservation, maintenance, and restoration actions.

(9) WATER QUALITY.—Of the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this Act, no more than $50,000,000 may be expended for the following:

(A) Addressing drainage problems in the San Joaquin Valley to improve downstream water quality, including habitat restoration projects that reduce drainage and improve water quality, provided that—

(i) a plan is in place for monitoring downstream water quality improvements;

(ii) State and local agencies are consulted on the activities to be funded; and

(iii) this clause is not intended to create any right, benefit, or privilege.

(B) Implementing source control programs in the Bay-Delta watershed.

(C) Developing recommendations through technical panels and advisory council processes to meet the CALFED Bay-Delta Program goal of continuous improvement in water quality for all uses.

(D) Investing in treatment technology demonstration projects.

(E) Controlling runoff into the California aqueduct and other similar conveyances.

(F) Addressing water quality problems at the North Bay Aqueduct.

(G) Studying recirculation of export water to reduce salinity and improve dissolved oxygen in the San Joaquin River.

(H) Projects that may meet the Objectives and Solution Principles of the water quality component of CALFED Bay-Delta Program.

(I) Development of water quality exchanges and other programs to make high quality water available to urban areas.

(J) Development and implementation of a plan to meet all existing water quality standards for which the State and Federal water projects have responsibility.

(10) LEVEE STABILITY.—Of the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this Act, no more than $70,000,000 may be expended for the following:

(A) Assisting local reclamation districts in reconstructing Delta levees to a base level of protection not to exceed $20,000,000.

(B) Enhancing the stability of levees that have particular importance in the system through the Delta Levee Special Improvement Projects program not to exceed $20,000,000.

(C) Developing best management practices to control and reverse land subsidence on islands in the Bay-Delta watershed (not to exceed $1,000,000).

(D) Refining the Delta Emergency Management Plan (not to exceed $1,000,000).

(E) Developing a Delta Risk Management Strategy after assessing the consequences of failure levees in the Bay-Delta watershed from floods, seepage, subsidence, and earthquakes (not to exceed $500,000).

(F) Developing a strategy for reuse of dredged materials on islands in the Bay-Delta watershed (not to exceed $1,500,000).

(G) Evaluating and, where appropriate, rehabilitating the Suisun Marsh levees (not to exceed $6,000,000).

(H) Integrated flood management, ecosystem restoration, and levee protection projects, including design and construction of lower San Joaquin River and lower Mokelumne River floodway improvements and other projects under the Sacramento-San Joaquin Comprehensive Study (not to exceed $20,000,000).

(11) MONITORING AND ANALYSIS.—Of the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this Act, no more than $50,000,000 may be expended for the following:

(A) Establishing and maintaining an independent technical board, technical panels, and standing boards to provide oversight and peer review of the CALFED Bay-Delta Program.

(B) Conducting expert evaluations and scientific assessments of all CALFED Bay-Delta Program elements.

(C) Coordinating existing monitoring and scientific research programs.

(D) Developing and implementing adaptive management experiments to test, refine, and improve technical understandings.

(E) Establishing performance measures and monitoring and valuating the performance of all CALFED Bay-Delta Program elements.

(F) Preparing an annual science report.

(12) PROGRAM MANAGEMENT, OVERSIGHT, AND COORDINATION.—Of the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this Act, no more than $25,000,000 may be expended by the Secretary, in cooperation with the State, for the following:

(A) CALFED Bay-Delta Program-wide tracking of schedules, finances, and performance.

(B) Multi-agency oversight and coordination of CALFED Bay-Delta Program activities to ensure program balance and integration.

(C) Development of interagency cross-cut budgets and a comprehensive finance plan to allocate costs in accordance with the beneficiary pays provisions of the Record of Decision.

(D) Coordination of public outreach and involvement, including tribal, environmental justice, and public advisory activities under the Federal Advisory Committee Act.

(E) Development of annual reports.

(13) DIVERSIFICATION OF WATER SUPPLIES.—Of the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this Act, no more than $30,000,000 may be expended to diversify sources of level 2 refuge supplies and modes of delivery to refuges and to acquire additional water for level 4 refuge supplies.

(e) AUTHORIZED ACTIONS.—The Secretary and the Federal agency heads are authorized to carry out the activities authorized by this title through the use of grants, loans, contracts, and cooperative agreements with Federal and non-Federal entities where the Secretary or Federal agency head determines that the grant, loan, contract, or cooperative agreement is likely to assist in implementing the authorized activity in an efficient, timely, and cost-effective manner.

SEC. 202. MANAGEMENT.

(a) COORDINATION.—In carrying out the CALFED Bay-Delta Program, the Federal agencies shall coordinate, to the maximum extent practicable, their activities with the State agencies.

(b) PUBLIC PARTICIPATION.—In carrying out the CALFED Bay-Delta Program, the Federal agencies shall cooperate with local and tribal governments and the public through a federally chartered advisory committee or other appropriate means, to seek input on program elements such as planning, design, technical assistance, and development of peer review science programs.

(c) OBJECTIVE REVIEW AND ANALYSIS.—In carrying out the CALFED Bay-Delta Program, the Federal agencies shall seek to ensure, to the maximum extent practicable, that—

(1) all major aspects of implementing the CALFED Bay-Delta Program are subjected to credible and objective scientific review and economic analysis; and

(2) major decisions are based upon the best available scientific information.

(d) AGENCIES' DISCRETION.—This Act shall not affect the discretion of any of the Federal agencies or the State agencies or the authority granted to any of the Federal agencies or State agencies by any other Federal or State law.

(e) STATUS REPORTS.—The Secretary shall report, quarterly to the Congressional Committees, on the progress in achieving the water supply targets as described in Section 2.2.4 of the Record of Decision, the environmental water account requirements as described in Section 2.2.7, and the water quality targets as described in Section 2.2.9, and any pending actions that may affect the ability of the CALFED Bay-Delta Program to achieve those targets and requirements.

SEC. 203. IMPLEMENTATION SCHEDULE REPORT.

(a) The Secretary, in cooperation with the Governor, shall submit a report of the CALFED Bay-Delta Program not later than 90 days after the date of the enactment of this Act and December 15 of each year thereafter to the appropriate authorizing and appropriating Committees of the Senate and the House of Representatives that describes the status and projected implementation schedule of all components through fiscal year 2008 of the CALFED Bay-Delta Program. The Report shall contain the following:

(1) STATEMENT OF BALANCE.—The report shall identify the progress in each of the categories listed in paragraph (2). The Secretary, in cooperation with the Governor, shall prepare and certify a statement of whether the program is in balance taking into consideration the following:

(A) The status of all actions, including goals, schedules, and financing agreements and funding commitments.

(B) Progress on storage projects, including yield, conveyance improvements, levee improvements, water quality projects, and water use efficiency programs and reasons for any delays.

(C) Completion of key projects and milestones identified in the Ecosystem Restoration Program.

(D) Development and implementation of local programs for watershed conservation and restoration.

(E) Progress in improving water supply reliability and implementing the Environmental Water Account.

(F) Achievement of commitments under State and Federal endangered species laws.

(G) Implementation of a comprehensive science program.

(H) Progress toward acquisition of the State and Federal permits, including permits issued under section 404(a) of the Clean Water Act, for implementation of projects in all identified program areas.

(I) Progress in achieving benefits in all geographic regions covered by the CALFED Bay-Delta Program.

(J) Status of actions that compliment the Record of Decision.

(K) Status of mitigation measures addressed under section 201(d)(7).

(L) Revisions to funding commitments and CALFED Bay-Delta Program responsibilities.

(2) Accomplishments in the past fiscal year and year-to-date in achieving the objectives of—

(A) additional and improved water storage; including supply and yield;

(B) water quality;

(C) water use efficiency;

(D) ecosystem restoration;

(E) watershed management;

(F) levee system integrity;

(G) water transfers;

(H) water conveyance; and

(I) water supply reliability.

(3) REVISED SCHEDULE.—If the report and statement of balance under subsection (a) concludes that the CALFED Bay-Delta Program is not progressing in a balanced manner so that no certification of balanced implementation can be made, the Secretary, in consultation with the Governor, shall prepare a revised schedule to ensure that the CALFED Bay-Delta Program is likely to progress in a balanced manner consistent with the objectives and solution principles of the Record of Decision and in consideration of subsections (a) and (b) of this section. This revised schedule shall be subject to approval by the Secretary, in consultation by the Governor, and upon such approval shall be submitted to the appropriate authorizing and appropriating Committees of the Senate and the House of Representatives.

(b) CROSSCUT BUDGET AND AUTHORIZATION OF APPROPRIATIONS.—

(1) CROSSCUT BUDGET.—The President's Budget shall include the appropriate departmental and agency authorities, and request for the level of funding for each of the Federal agencies to carry out its responsibilities under the CALFED Bay-Delta Program. Such funds shall be requested for the Federal agency with authority and programmatic responsibility for the obligation of such funds. No later than 30 days after submission of the President's Budget to the Congress, the Director of the Office of Management and Budget shall submit to the appropriate authorizing and appropriating committees of the Senate and the House of Representatives an updated interagency budget crosscut report, as required under Public Law 108-7.

(2) FINANCIAL SUMMARY.—As part of the crosscut budget submission, a financial report certified by the Secretary, and the Office of Management and Budget, containing a detailed accounting of current year, budget year and all funds received and obligated by all Federal and State agencies responsible for implementing the CALFED Bay-Delta Program in the previous fiscal year, a budget for the proposed projects (including a description of the project, authorization level, and project status) to be carried out through fiscal year 2008 the Federal portion of funds authorized under this title, and a list of all projects to be undertaken in the upcoming fiscal year with the Federal portion of funds authorized under this title.

SEC. 204. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary and the heads of the Federal agencies $880,000,000 to pay the Federal share of programs and activities under this title for fiscal years 2004 through 2007, in accordance with the provisions of this title. The funds shall remain available without fiscal year limitation.

SEC. 205. FEDERAL SHARE OF COSTS.

(a) IN GENERAL.—The Federal share of the cost of implementing of the CALFED Bay-Delta Program as set forth in the Record of Decision shall not exceed 33.3 percent.

(b) CALFED BAY-DELTA PROGRAM BENEFICIARIES.—

(1) IN GENERAL.—The Secretary shall ensure that all beneficiaries, including the environment, shall pay for benefits received from all projects or activities carried out under the CALFED Bay-Delta Program. This requirement shall not be limited to storage and conveyance projects and shall be implemented so as to encourage integrated resource planning.

SEC. 206. USE OF EXISTING AUTHORITIES AND FUNDS.

(a) GENERALLY.—The heads of the Federal agencies shall use the authority under the alternative Acts identified by the Secretary to carry out the purposes of this title. Funds available under the alternative Acts shall be used before other funds made available under this title for the same activities.

(b) USE OF FUNDS.—In addition to funds authorized and appropriated for section 201(d)(1) or section 201(d)(2), the Secretary, in consultation with the heads of the Federal agencies, may use money appropriated for any activity authorized under this title for any activity authorized under section 201(d)(1) or section 201(d)(2) if the Secretary, in consultation with the heads of the Federal agencies, determines that the funds appropriated for the other activity cannot be used for that other activity. This section shall be construed to apply to funds appropriated after the date of the enactment of this Act unless the Act appropriating the funds specifically and explicitly states that this section shall not apply to those funds.

(c) USE OF UNEXPENDED BUDGET AUTHORITY.—The Secretary is authorized to utilize all unexpended budget authority under this title for any activity authorized under section 201(d)(1) or section 201(d)(2).

(d) REPORT.—Not later than 60 days after the date of the enactment of this Act and annual thereafter, the Secretary, in consultation with the heads of the Federal agencies, shall transmit to Congress a report that describes the following:

(1) A list of all existing authorities, including the authorities listed in subsection (a), under which the Secretary or the heads of the Federal agencies may carry out the purposes of this Act.

(2) A list funds authorized in the previous fiscal year for the authorities listed under paragraph (1).

(3) A list of the projects carried out with the funds listed in paragraph (2) and the amount of funds obligated and expended for each project.

SEC. 207. COMPLIANCE WITH STATE AND FEDERAL LAW.

Nothing in this Act—

(1) invalidates of preempts State water law or an interstate compact governing water;

(2) alters the rights of any State to any appropriated share of the waters of any body of surface or ground water, whether determined by past or future interstate compacts or final judicial allocations;

(3) preempts or modifies any State or Federal law or interstate compact governing water quality or disposal; or

(4) confers on any non-federal entity the ability to exercise any Federal right to the waters of any stream or to any ground water resource.

TITLE III—SALTON SEA

SEC. 301. FUNDING TO ADDRESS SALTON SEA.

There is authorized to be appropriated to the Secretary $300,000,000 for activities to address issues surrounding the Salton Sea.

TITLE IV—ESTABLISHMENT OF CENTRALIZED REGULATORY OFFICE

SEC. 401. ESTABLISHMENT OF OFFICE.

The Secretary shall establish an office, in Sacramento California, and may establish other offices in the capitol of any Reclamation State requesting such an office, for projects within their State, for the use of all Federal agencies and State agencies that are likely to be involved in issuing permits and conducting environmental reviews for water supply, water supply capital improvement projects, levee maintenance, and delivery systems in California or any Reclamation State requesting such an office.

SEC. 402. ACCEPTANCE AND EXPENDITURE OF CONTRIBUTIONS.

(a) IN GENERAL.—The Secretary may accept and expend funds contributed by non-Federal public entities to expedite the consideration of permits and the conducting of environmental reviews for all projects described in section 401 and to offset the Federal costs of processing such permits and conducting such reviews. The Secretary shall allocate funds received under this section among Federal agencies in accordance with the costs such agencies incur in processing such permits and conducting such reviews. The allocated funds shall be for reimbursements of such costs.

(b) PROTECTION OF IMPARTIAL DECISIONMAKING.—In carrying out this section, the Secretary and the heads Federal agencies receiving funds under this section shall ensure that the use of the funds accepted under this section will not impact impartial decisionmaking with respect to the issuance of permits or conducting of environmental reviews, either substantively or procedurally, or diminish, modify, or otherwise affect the statutory or regulatory authorities of such agencies.

TITLE V—RURAL WATER SUPPLY PROGRAM

SEC. 501. RURAL WATER SUPPLY PROGRAM.

(a) IN GENERAL.—The Secretary is authorized to establish a program to plan, design, and construct rural water systems in coordination with other Federal agencies with rural water programs, and in cooperation with non-Federal project entities.

(b) REQUIREMENTS.—Provisions to be included in the establishment of a rural water system shall include the following:

(1) Appraisal investigations.

(2) Feasibility studies.

(3) Environmental reports.

(4) Cost sharing responsibilities.

(5) Responsibility for operation and maintenance.

(6) Prohibition for funding for irrigation.

(c) CRITERIA.—The Secretary is authorized to develop criteria for determining which projects are eligible for participation in the program established under this section.

(d) REPORTS TO CONGRESS.—The Secretary shall submit to Congress the program developed under this section.

(e) RECLAMATION STATES.—The program established by this section shall be limited to Reclamation States.

The SPEAKER pro tempore. The committee amendment in the nature of a substitute printed in the bill is adopted.

The text of H.R. 2828, as amended, is as follows:

H.R. 2828

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE.

This Act may be cited as the "Water Supply, Reliability, and Environmental Improvement Act".

TITLE I—CALIFORNIA WATER SECURITY AND ENVIRONMENTAL ENHANCEMENT

SEC. 101. SHORT TITLE.

This title may be cited as the "California Water Security and Environmental Enhancement Act".

SEC. 102. DEFINITIONS.

In this title:

(1) CALFED BAY-DELTA PROGRAM.—The terms "Calfed Bay-Delta Program" and "Program" mean the programs, projects, complementary actions, and activities undertaken through coordinated planning, implementation, and assessment activities of the State and Federal Agencies in a manner consistent with the Record of Decision.

(2) ENVIRONMENTAL WATER ACCOUNT.—The term "Environmental Water Account" means the cooperative management program established pursuant to the Record of Decision to reduce incidental take and provide a mechanism for recovery of species.

(3) FEDERAL AGENCIES.—The term "Federal agencies" means the Federal agencies that are signatories to Attachment 3 of the Record of Decision.

(4) GOVERNOR.—The term "Governor" means the Governor of the State of California.

(5) RECLAMATION STATES.—The term "Reclamation States" means the States of Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, Wyoming, and Texas.

(6) RECORD OF DECISION.—The term "Record of Decision" means the Calfed Bay-Delta Program Record of Decision, dated August 28, 2000.

(7) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(8) STATE.—The term "State" means the State of California.

(9) STATE AGENCIES.—The term "State agencies" means the California State agencies that are signatories to Attachment 3 of the Record of Decision.

(10) WATER YIELD.—The term "water yield" means a new quantity of water in storage that is reliably available in critically dry years for beneficial uses.

SEC. 103. BAY DELTA PROGRAM.

(a) IN GENERAL.—

(1) RECORD OF DECISION AS GENERAL FRAMEWORK.—The Record of Decision is approved as a general framework for addressing the Calfed Bay-Delta Program, including its components relating to water storage and water yield, ecosystem restoration, water supply reliability, conveyance, water use efficiency, water quality, water transfers, watersheds, the Environmental Water Account, levee stability, governance, and science.

(2) SPECIFIC ACTIVITIES.—The Secretary and the heads of the Federal agencies are authorized to undertake, fund, participate in, and otherwise carry out the activities described in the Record of Decision, subject to the provisions of this title, so that the activities of the Calfed Bay-Delta Program consisting of protecting drinking water quality, restoring ecological health, improving water supply reliability (including additional water storage and water yield and conveyance), and protecting Delta levees will progress in a balanced manner.

(b) AUTHORIZED ACTIVITIES.—

(1) IN GENERAL.—The Secretary and the heads of the Federal agencies are authorized to carry out the activities described in paragraphs (2) through (5) in furtherance of the Calfed Bay-Delta Program as set forth in the Record of Decision, subject to the cost-share and other provisions of this title.

(2) MULTIPLE BENEFIT PROJECTS FAVORED.—In selecting projects and programs for increasing water yield and water supply, improving water quality, and enhancing environmental benefits, projects and programs with multiple benefits shall be emphasized.

(3) BALANCE.—The Secretary shall ensure that all elements of the Calfed Bay-Delta Program need to be completed and operated cooperatively to maintain the balanced progress in all Calfed Bay-Delta Program areas.

(4) EXISTING AUTHORIZATIONS FOR FEDERAL AGENCIES.—The Secretary of the Interior and the heads of the Federal agencies are authorized to carry out the activities described in subparagraphs (A) through (J) of paragraph (5), to the extent authorized under existing law.

(5) DESCRIPTION OF ACTIVITIES UNDER EXISTING AUTHORIZATIONS.—

(A) WATER STORAGE AND WATER YIELD.—Activities under this subparagraph consist of—

(i) FEASIBILITY STUDIES AND RESOLUTION.—

(I) For purposes of implementing the Calfed Bay-Delta Program, the Secretary is authorized to undertake all necessary planning activities and feasibility studies required for the development of recommendations by the Secretary to Congress on the construction and implementation of specific water supply and water yield, ground water management, and ground water storage projects and implementation of comprehensive water management planning.

(II) FEASIBILITY STUDIES REQUIREMENTS.—All feasibility studies completed for storage projects as a result of this section shall include identification of project benefits and beneficiaries and a cost allocation plan consistent with the benefits to be received, for both governmental and non-governmental entities.

(III) DISAPPROVAL RESOLUTION.—If the Secretary determines a project to be feasible, and meets the requirements under subparagraph (B), the report shall be submitted to Congress. If Congress does not pass a disapproval resolution of the feasibility study during the first 120 days before Congress (not including days on which either the House of Representatives or the Senate is not in session because of an adjournment of more than three calendar days to a day certain) the project shall be authorized, subject to appropriations.

(ii) WATER SUPPLY AND WATER YIELD STUDY.—The Secretary, acting through the Bureau of Reclamation and in consultation with the State, shall conduct a study of available water supplies and water yield and existing demand and future needs for water—

(I) within the units of the Central Valley Project;

(II) within the area served by Central Valley Project agricultural water service contractors and municipal and industrial water service contractors; and

(III) within the Bay-Delta solution area.

(iii) RELATIONSHIP TO PRIOR STUDY.—The study under clause (ii) shall incorporate and revise as necessary the study required by section 3408(j) of the Central Valley Project Improvement Act of 1992 (Public Law 102–575).

(iv) MANAGEMENT.—The Secretary shall conduct activities related to developing and implementing groundwater management and groundwater storage projects.

(v) COMPREHENSIVE WATER PLANNING.—The Secretary shall conduct activities related to comprehensive water management planning.

(vi) REPORT.—The Secretary shall submit a report to the congressional authorizing committees by not later than 180 days after the date of the enactment of this title describing the following:

(I) Water yield and water supply improvements, if any, for Central Valley Project agricultural water service contractors and municipal and industrial water service contractors.

(II) All water management actions or projects that would improve water yield or water supply and that, if taken or constructed, would balance available water supplies and existing demand for those contractors and other water users of the Bay-Delta watershed with due recognition of water right priorities and environmental needs.

(III) The financial costs of the actions and projects described under clause (II).

(IV) The beneficiaries of those actions and projects and an assessment of their willingness to pay the capital costs and operation and maintenance costs thereof.

(B) CONVEYANCE.—

(i) SOUTH DELTA ACTIONS.—In the case of the South Delta, activities under this clause consist of the following:

(I) The South Delta Improvement Program through actions to accomplish the following:

(aa) Increase the State Water Project export limit to 8,500 cfs.

(bb) Install permanent, operable barriers in the south Delta. The Federal Agencies shall cooperate with the State to accelerate installation of the permanent, operable barriers in the south Delta, with the intent to complete that installation not later than the end of fiscal year 2006.

(cc) Increase the State Water Project export to the maximum capability of 10,300 cfs.

(II) Reduction of agricultural drainage in south Delta channels, and other actions necessary to minimize the impact of drainage on drinking water quality.

(III) Design and construction of lower San Joaquin River floodway improvements.

(IV) Installation and operation of temporary barriers in the south Delta until fully operable barriers are constructed.

(V) Actions to protect navigation and local diversions not adequately protected by temporary barriers.

(VI) Actions to increase pumping shall be accomplished in a manner consistent with California law protecting—

(aa) deliveries to, costs of, and water suppliers and water users, including but not limited to, agricultural users, that have historically relied on water diverted for use in the Delta; and

(bb) the quality of water for existing municipal, industrial, and agricultural uses.

(ii) NORTH DELTA ACTIONS.—In the case of the North Delta, activities under this clause consist of—

(I) evaluation and implementation of improved operational procedures for the Delta Cross Channel to address fishery and water quality concerns;

(II) evaluation of a screened through-Delta facility on the Sacramento River; and

(III) evaluation of lower Mokelumne River floodway improvements.

(iii) INTERTIES.—Activities under this clause consist of—

(I) evaluation and construction of an intertie between the State Water Project California Aqueduct and the Central Valley Project Delta Mendota Canal, near the City of Tracy; and

(II) assessment of a connection of the Central Valley Project to the Clifton Court Forebay of the State Water Project, with a corresponding increase in the screened intake of the Forebay.

(iv) PROGRAM TO MEET STANDARDS.—Prior to increasing export limits from the Delta for the purposes of conveying water to south-of-Delta Central Valley Project contractors or increasing deliveries through an intertie, the Secretary shall, within one year of the date of enactment of this title, in consultation with the Governor, develop and implement a program to meet all existing water quality standards and objectives for which the CVP has responsibility. In developing and implementing the program the the Secretary shall include, to the maximum extent feasible, the following:

(I) A recirculation program to provide flow, reduce salinity concentrations in the San Joaquin River, and reduce the reliance on New Melones Reservoir for meeting water quality and fishery flow objectives through the use of excess capacity in export pumping and conveyance facilities.

(II) The implementation of mandatory source control programs and best drainage management practices to reduce discharges into the San Joaquin River of salt or other constituents from wildlife refuges that receive Central Valley Project water.

(III) The acquisition from willing sellers of water from streams tributary to the San Joaquin River or other sources to provide flow, dilute discharges from wildlife refuges, and to improve water quality in the San Joaquin River below the confluence of the Merced and San Joaquin rivers and to reduce the reliance on New Melones Reservoir for meeting water quality and fishery flow objectives.

(v) USE OF EXISTING FUNDING MECHANISMS.—In implementing the Program, the Secretary shall use money collected pursuant to section 3406(c)(1) of the Central Valley Project Improvement Act of 1992 (Public Law 102–575) to acquire from voluntary sellers water from streams tributary to the San Joaquin River or other sources for the purposes set forth in subclauses (I) through (III) of clause (iv).

(vi) PURPOSE.—The purpose of the authority and direction provided to the Secretary in clause (iv) is to provide greater flexibility in meeting the existing water quality standards and objectives for which the Central Valley Project has responsibility so as to reduce the demand on water from New Melones Reservoir used for that purpose and to allow the Secretary to meet with greater frequency the Secretary's obligations to Central Valley Project contractors from the New Melones Project.

(C) WATER USE EFFICIENCY.—Activities under this subparagraph consist of—

(i) water conservation projects that provide water supply reliability, water quality, and ecosystem benefits to the Bay-Delta system;

(ii) technical assistance for urban and agricultural water conservation projects;

(iii) water recycling and desalination projects, including groundwater remediation projects and projects identified in the Bay Area Water Plan and the Southern California Comprehensive Water Reclamation and Reuse Study and other projects, giving priority to projects that include regional solutions to benefit regional water supply and reliability needs;

(I) The Secretary shall review any feasibility level studies for seawater desalination and regional brine line projects that have been completed, whether or not those studies were prepared with financial assistance from the Secretary.

(II) The Secretary shall report to the Congress not later than 90 days after the completion of a feasibility study or the review of a feasibility study. For the purposes of this Act, the Secretary is authorized to provide assistance for projects as set forth and pursuant to the existing requirements of the Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575; title 16) as amended, and Reclamation Recycling and Water Conservation Act of 1996 (Public Law 104–266).

(iv) water measurement and transfer actions;

(v) certification of implementation of best management practices for urban water conservation; and

(vi) projects identified in the Southern California Comprehensive Water Reclamation and Reuse Study, dated April 2001 and authorized by section 1606 of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h–4); and the San Francisco Bay Area Regional Water Recycling Program described in the San Francisco Bay Area Regional Water Recycling Program Recycled Water Master Plan, dated December 1999 and authorized by section 1611 of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h–9) are determined to be feasible.

(D) WATER TRANSFERS.—Activities under this subparagraph consist of—

(i) increasing the availability of existing facilities for water transfers;

(ii) lowering transaction costs through regulatory coordination as provided in sections 301 through 302; and

(iii) maintaining a water transfer information clearinghouse.

(E) INTEGRATED REGIONAL WATER MANAGEMENT PLANS.—Activities under this subparagraph consist of assisting local and regional communities in the State in developing and implementing integrated regional water management plans to carry out projects and programs that improve water supply reliability, water quality, ecosystem restoration, and flood protection, or meet other local and regional needs, in a manner that is consistent with, and makes a significant contribution to, the Calfed Bay-Delta Program.

(F) ECOSYSTEM RESTORATION.—

(i) Activities under this subparagraph consist of—

(I) implementation of large-scale restoration projects in San Francisco Bay and the Delta and its tributaries;

(II) restoration of habitat in the Delta, San Pablo Bay, and Suisun Bay and Marsh, including tidal wetland and riparian habitat;

(III) fish screen and fish passage improvement projects; including the Sacramento River Small Diversion Fish Screen Program;

(IV) implementation of an invasive species program, including prevention, control, and eradication;

(V) development and integration of Federal and State agricultural programs that benefit wildlife into the Ecosystem Restoration Program;

(VI) financial and technical support for locally-based collaborative programs to restore habitat while addressing the concerns of local communities;

(VII) water quality improvement projects to manage and reduce concentrations of salinity, selenium, mercury, pesticides, trace metals, dissolved oxygen, turbidity, sediment, and other pollutants;

(VIII) land and water acquisitions to improve habitat and fish spawning and survival in the Delta and its tributaries;

(IX) integrated flood management, ecosystem restoration, and levee protection projects;

(X) scientific evaluations and targeted research on Program activities;

(XI) strategic planning and tracking of Program performance; and

(XII) preparation of management plans for all properties acquired, and update current management plans, prior to the purchase or any contribution to the purchase of any interest in land for ecosystem.

(ii) A RESTORATION MANAGEMENT PLAN REPORT.—The Secretary shall submit a restoration management plan report to Congress, 30 days (not including days on which either the House of Representatives or the Senate is not in session because of an adjournment of more than three calendar days to a day certain) prior to implementing ecosystem restoration actions as described under this paragraph. Such plan reports shall be required for all ecosystem projects, (including comprehensive projects that are composed of several components and are to be completed by staged implementation) exceeding $20,000 in Federal funds. The Restoration Management Plan required to be submitted under this paragraph, shall, at a minimum—

(I) be consistent with the goal of fish, wildlife, and habitat improvement;

(II) be consistent with all applicable Federal and State laws;

(III) describe the specific goals, objectives, and opportunities and implementation timeline of the proposed project. Describe to what extent the proposed project is a part of a larger, more comprehensive project in the Bay-Delta watershed;

(IV) describe the administration responsibilities of land and water areas and associated environmental resources, in the affected project area including an accounting of all habitat types. Cost-share arrangements with cooperating agencies should be included in the report;

(V) describe the resource data and ecological monitoring data to be collected for the restoration projects and how the data are to be integrated, streamlined, and designed to measure the effectiveness and overall trend of ecosystem health in the Bay-Delta watershed;

(VI) identify various combinations of land and water uses and resource management practices that are scientifically-based and meet the purposes of the project. Include a description of expected benefits of the restoration project relative to the cost of the project;

(VII) analyze and describe cumulative impacts of project implementation, including land acquisition, and the mitigation requirements, subject to conditions described in clause (iii)(I). Complete appropriate actions to satisfy requirements of NEPA, CEQA, and other environmental permitting clearance; and

(VIII) describe an integrated monitoring plan and measurable criteria, or bio-indicators, to be used for evaluating cost-effective performance of the project.

(iii) CONDITIONS.—Conditions, if applicable, for projects and activities under this paragraph, and which are to be described in the restoration management plan report, are as follows:

(I) a requirement that before obligating or expending Federal funds to acquire land, the Secretary shall first determine that existing Federal land, State land, or other land acquired for ecosystem restoration with amounts provided by the United States or the State, to the extent such

lands are available within the Calfed solution area, is not available for that purpose. If no public land is available the Secretary, prior to any federal expenditure for private land acquisitions, shall—

(aa) not convert prime farm land and unique farm land, to the maximum extent as practicable, as identified by local, State, or Federal land use inventories, including the Natural Resources Conservation Service;

(bb) not conflict with existing zoning for agriculture use; and

(cc) not involve other changes in existing environment due to location and nature of converting farmland to non-farmland use.

(II) a requirement that in determining whether to acquire private land for ecosystem restoration, the Secretary shall—

(aa) conduct appropriate analysis, including cost valuation to assure that private land acquisitions prioritize easements and leases over acquisitions by fee title unless easements and leases are unavailable or unsuitable for the stated purposes;

(bb) consider and partner with landowners and local agencies to develop cooperating landowner commitments that are likely to meet co-equal objectives of achieving local economic and social goals and implementing the ecosystem restoration goals; and

(cc) consider the potential cumulative impacts of fee title, easement, or lease acquisition on the local and regional economies and adjacent land and landowners, of transferring the property into government ownership, and—

(AA) describe the actions that will be taken, to the maximum extent practicable, to mitigate any induced damages; and

(BB) determine and describe the degree to which land acquired will add value to fish, wildlife, and habitat purposes.

(iv) ANNUAL ECOSYSTEM RESTORATION PROJECT SUMMARY REPORT.—The Secretary shall, by no later than December 31 of each year, submit to Congress an annual report on the use of financial assistance received under this title. The report shall highlight progress of project implementation, effectiveness, monitoring, and accomplishment. The report will identify and outline the need for amendments or revisions to the plan to improve the cost-effectiveness of project implementation.

(G) WATERSHEDS.—Activities under this subparagraph consist of—

(i) building local capacity to assess and manage watersheds affecting the Calfed Bay-Delta system;

(ii) technical assistance for watershed assessments and management plans; and

(iii) developing and implementing locally-based watershed conservation, maintenance, and restoration actions.

(H) WATER QUALITY.—Activities under this subparagraph consist of—

(i) addressing drainage problems in the San Joaquin Valley to improve downstream water quality (including habitat restoration projects that reduce drainage and improve water quality) if—

(I) a plan is in place for monitoring downstream water quality improvements;

(II) State and local agencies are consulted on the activities to be funded; and

(III) except that no right, benefit, or privilege is created as a result of this clause;

(ii) implementation of source control programs in the Delta and its tributaries;

(iii) developing recommendations through scientific panels and advisory council processes to meet the Calfed Bay-Delta Program goal of continuous improvement in Delta water quality for all uses;

(iv) investing in treatment technology demonstration projects;

(v) controlling runoff into the California aqueduct, the Delta-Mendota Canal, and other similar conveyances;

(vi) addressing water quality problems at the North Bay Aqueduct;

(vii) supporting and participating in the development of projects to enable San Francisco Area water districts and water entities in San Joaquin and Sacramento counties to work cooperatively to address their water quality and supply reliability issues, including—

(I) connections between aqueducts, water transfers, water conservation measures, institutional arrangements, and infrastructure improvements that encourage regional approaches; and

(II) investigations and studies of available capacity in a project to deliver water to the East Bay Municipal Utility District under its contract with the Bureau of Reclamation, dated July 20, 2001, in order to determine if such capacity can be used to meet the objectives of this clause;

(viii) development of water quality exchanges and other programs to make high quality water available for urban and other users;

(ix) development and implementation of a plan to meet all water quality standards for which the Federal and State water projects have responsibility;

(x) development of recommendations through technical panels and advisory council processes to meet the Calfed Bay-Delta Program goal of continuous improvement in water quality for all uses; and

(xi) projects that may meet the framework of the water quality component of the Calfed Bay-Delta Program.

(I) SCIENCE.—Activities under this subparagraph consist of—

(i) establishing and maintaining an independent science board, technical panels, and standing boards to provide oversight and peer review of the Program;

(ii) conducting expert evaluations and scientific assessments of all Program elements;

(iii) coordinating existing monitoring and scientific research programs;

(iv) developing and implementing adaptive management experiments to test, refine, and improve scientific understandings;

(v) establishing performance measures, and monitoring and evaluating the performance of all Program elements; and

(vi) preparing an annual science report.

(J) DIVERSIFICATION OF WATER SUPPLIES.—Activities under this subparagraph consist of actions to diversify sources of level 2 refuge supplies and modes of delivery to refuges.

(6) NEW AND EXPANDED AUTHORIZATIONS FOR FEDERAL AGENCIES.—The Secretary and the heads of the Federal agencies described in the Record of Decision are authorized to carry out the activities described in paragraph (7) during each of fiscal years 2005 through 2008, in coordination with the Bay-Delta Authority.

(7) DESCRIPTION OF ACTIVITIES UNDER NEW AND EXPANDED AUTHORIZATIONS.—

(A) CONVEYANCE.—Of the amounts authorized to be appropriated under section 110, not more than $184,000,000 may be expended for the following:

(i) Feasibility studies, evaluation, and implementation of the San Luis Reservoir lowpoint improvement project.

(ii) Feasibility studies and actions at Franks Tract to improve water quality in the Delta.

(iii) Feasibility studies and design of fish screen and intake facilities at Clifton Court Forebay and the Tracy Pumping Plant facilities.

(iv) Design and construction of the relocation of drinking water intake facilities to Delta water users. The Secretary shall coordinate actions for relocating intake facilities on a time schedule consistent with subparagraph (5)(B)(i)(I)(bb) or other actions necessary to offset the degradation of drinking water quality in the Delta due to the South Delta Improvement Program.

(v) In addition to the other authorizations granted to the Secretary by this title, the Secretary shall acquire water from willing sellers and undertake other actions designed to decrease releases from New Melones Reservoir for meeting water quality standards and flow objectives for which the Central Valley Project has responsibility in order to meet allocations to Central Valley Project contractors from the New Melones Project. Of the amounts authorized to be appropriated under paragraph (7)(A), not more than $5,260,000 may be expended for this purpose.

(B) ENVIRONMENTAL WATER ACCOUNT.—Of the amounts authorized to be appropriated under section 110, not more than $90,000,000 may be expended for implementation of the Environmental Water Account provided that such expenditures shall be considered a nonreimbursable Federal expenditure. In order to reduce the use of New Melones reservoir as a source of water to meet water quality standards, the Secretary may use the Environmental Water Account to purchase water to provide flow for fisheries, to improve water quality in the San Joaquin river and Delta.

(C) LEVEE STABILITY.—Of the amounts authorized to be appropriated under section 110, not more than $90,000,000 may be expended for—

(i) reconstructing Delta levees to a base level of protection;

(ii) enhancing the stability of levees that have particular importance in the system through the Delta Levee Special Improvement Projects program;

(iii) developing best management practices to control and reverse land subsidence on Delta islands;

(iv) refining the Delta Emergency Plan;

(v) developing a Delta Risk Management Strategy after assessing the consequences of Delta levee failure from floods, seepage, subsidence, and earthquakes;

(vi) developing a strategy for reuse of dredged materials on Delta islands;

(vii) evaluating, and where appropriate, rehabilitating the Suisun Marsh levees; and

(viii) not more than $2,000,000 may be expended for integrated flood management, ecosystem restoration, and levee protection projects, including design and construction of lower San Joaquin River and lower Mokelumne River floodway improvements and other projects under the Sacramento-San Joaquin Comprehensive Study.

(D) PROGRAM MANAGEMENT, OVERSIGHT, AND COORDINATION.—Of the amounts authorized to be appropriated under section 110, not more than $25,000,000 may be expended by the Secretary or the other heads of Federal agencies, either directly or through grants, contracts, or cooperative agreements with agencies of the State, for—

(i) program support;

(ii) program-wide tracking of schedules, finances, and performance;

(iii) multiagency oversight and coordination of Program activities to ensure Program balance and integration;

(iv) development of interagency cross-cut budgets and a comprehensive finance plan to allocate costs in accordance with the beneficiary pays provisions of the Record of Decision;

(v) coordination of public outreach and involvement, including tribal, environmental justice, and public advisory activities in accordance with the Federal Advisory Committee Act (5 U.S.C. App.); and

(vi) development of Annual Reports.

SEC. 104. MANAGEMENT.

(a) COORDINATION.—In carrying out the Calfed Bay-Delta Program, the Federal agencies shall coordinate their activities with the State agencies.

(b) PUBLIC PARTICIPATION.—In carrying out the Calfed Bay-Delta Program, the Federal agencies shall cooperate with local and tribal governments and the public through an advisory committee established in accordance with the Federal Advisory Committee Act (5 U.S.C. App.) and other appropriate means, to seek input on Program elements such as planning, design, technical assistance, and development of peer review science programs.

(c) SCIENCE.—In carrying out the Calfed Bay-Delta Program, the Federal agencies shall seek to ensure, to the maximum extent practicable, that—

(1) all major aspects of implementing the Program are subjected to credible and objective scientific review; and

(2) major decisions are based upon the best available scientific information.

(d) ENVIRONMENTAL JUSTICE.—The Federal agencies and State agencies, consistent with Executive Order 12898 (59 FR Fed. Reg. 7629), should continue to collaborate to—

(1) develop a comprehensive environmental justice workplan for the Calfed Bay-Delta Program; and

(2) fulfill the commitment to addressing environmental justice challenges referred to in the Calfed Bay-Delta Program Environmental Justice Workplan, dated December 13, 2000.

(e) LAND ACQUISITION.—Federal funds appropriated by Congress specifically for implementation of the Calfed Bay-Delta Program may be used to acquire fee title to land only where consistent with the Record of Decision and section 103(b)(5)(F)(iii).

(f) AGENCIES' DISCRETION.—This title shall not affect the discretion of any of the Federal agencies or the State agencies or the authority granted to any of the Federal agencies or State agencies by any other Federal or State law.

(g) STATUS REPORTS.—The Secretary shall report, quarterly to Congress, on the progress in achieving the water supply targets as described in Section 2.2.4 of the Record of Decision, the environmental water account requirements as described in Section 2.2.7, and the water quality targets as described in Section 2.2.9, and any pending actions that may affect the ability of the Calfed Bay-Delta Program to achieve those targets and requirements.

SEC. 105. REPORTING REQUIREMENTS.

(a) REPORT.—

(1) IN GENERAL.—Not later than February 15 of each year, the Secretary, in cooperation with the Governor, shall submit to the appropriate authorizing and appropriating Committees of the Senate and the House of Representatives a report that—

(A) describes the status of implementation of all components of the Calfed Bay-Delta Program;

(B) sets forth any written determination resulting from the review required under subsection (b); and

(C) includes any revised schedule prepared under subsection (b).

(2) CONTENTS.—The report required under paragraph (1) shall describe—

(A) the progress of the Calfed Bay-Delta Program in meeting the implementation schedule for the Program in a manner consistent with the Record of Decision;

(B) the status of implementation of all components of the Program;

(C) expenditures in the past fiscal year for implementing the Program;

(D) accomplishments during the past fiscal year in achieving the objectives of additional and improved—

(i) water storage, including water yield;

(ii) water quality;

(iii) water use efficiency;

(iv) ecosystem restoration;

(v) watershed management;

(vi) levee system integrity;

(vii) water transfers;

(viii) water conveyance; and

(ix) water supply reliability;

(E) program goals, current schedules, and relevant financing agreements;

(F) progress on—

(i) storage projects;

(ii) conveyance improvements;

(iii) levee improvements;

(iv) water quality projects; and

(v) water use efficiency programs;

(G) completion of key projects and milestones identified in the Ecosystem Restoration Program;

(H) development and implementation of local programs for watershed conservation and restoration;

(I) progress in improving water supply reliability and implementing the Environmental Water Account;

(J) achievement of commitments under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and endangered species law of the State;

(K) implementation of a comprehensive science program;

(L) progress toward acquisition of the Federal and State permits (including permits under section 404(a) of the Federal Water Pollution Control Act (33 U.S.C. 1344(a))) for implementation of projects in all identified Program areas;

(M) progress in achieving benefits in all geographic regions covered by the Program;

(N) legislative action on—

(i) water transfer;

(ii) groundwater management;

(iii) water use efficiency; and

(iv) governance issues;

(O) the status of complementary actions;

(P) the status of mitigation measures; and

(Q) revisions to funding commitments and Program responsibilities.

(b) ANNUAL REVIEW OF PROGRESS AND BALANCE.—

(1) IN GENERAL.—Not later than November 15 of each year, the Secretary, in cooperation with the Governor, shall review progress in implementing the Calfed Bay-Delta Program based on—

(A) consistency with the Record of Decision; and

(B) balance in achieving the goals and objectives of the Calfed Bay-Delta Program.

(2) REVISED SCHEDULE.—If, at the conclusion of each such annual review or if a timely annual review is not undertaken, the Secretary, or the Governor, determine in writing that either the Program implementation schedule has not been substantially adhered to, or that balanced progress in achieving the goals and objectives of the Program is not occurring, the Secretary, in coordination with the Governor and the Bay-Delta Public Advisory Committee, shall prepare a revised schedule to achieve balanced progress in all Calfed Bay-Delta Program elements consistent with the the Record of Decision.

(c) FEASIBILITY STUDIES.—Any feasibility studies completed as a result of this title shall include identification of project benefits and a cost allocation plan consistent with the beneficiaries pay provisions of the Record of Decision.

SEC. 106. CROSSCUT BUDGET.

(a) IN GENERAL.—The budget of the President shall include requests for the appropriate level of funding for each of the Federal agencies to carry out the responsibilities of the Federal agency under the Calfed Bay-Delta Program.

(b) REQUESTS BY FEDERAL AGENCIES.—The funds shall be requested for the Federal agency with authority and programmatic responsibility for the obligation of the funds, in accordance with paragraphs (2) through (5) of section 103(b).

(c) REPORT.—At the time of submission of the budget of the President to Congress, the Director of the Office of Management and Budget, in coordination with the Governor, shall submit to the appropriate authorizing and appropriating committees of the Senate and the House of Representatives a financial report certified by the Secretary containing—

(1) an interagency budget crosscut report that—

(A) displays the budget proposed, including any interagency or intra-agency transfer, for each of the Federal agencies to carry out the Calfed Bay-Delta Program for the upcoming fiscal year, separately showing funding requested under both pre-existing authorities and under the new authorities granted by this title; and

(B) identifies all expenditures since 2000 by the Federal and State governments to achieve the objectives of the Calfed Bay-Delta Program;

(2) a detailed accounting of all funds received and obligated by all Federal agencies and State agencies responsible for implementing the Calfed Bay-Delta Program during the previous fiscal year;

(3) a budget for the proposed projects (including a description of the project, authorization level, and project status) to be carried out in the upcoming fiscal year with the Federal portion of funds for activities under section 103(b); and

(4) a listing of all projects to be undertaken in the upcoming fiscal year with the Federal portion of funds for activities under section 103(b).

SEC. 107. FEDERAL SHARE OF COSTS.

(a) IN GENERAL.—The Federal share of the cost of implementing the Calfed Bay-Delta Program for fiscal years 2005 through 2008 in the aggregate, as set forth in the Record of Decision, shall not exceed 33.3 percent.

(b) CALFED BAY-DELTA PROGRAM BENEFICIARIES.—

(1) IN GENERAL.—The Secretary shall ensure that all beneficiaries, including the environment, shall pay for benefits received from all projects or activities carried out under the Calfed Bay-Delta Program. This requirement shall not be limited to storage and conveyance projects and shall be implemented so as to encourage integrated resource planning.

SEC. 108. USE OF EXISTING AUTHORITIES AND FUNDS.

(a) GENERALLY.—The heads of the Federal agencies shall use the authority under existing authorities identified by the Secretary to carry out the purposes of this title.

(b) REPORT.—Not later than 60 days after the date of the enactment of this Act and annual thereafter, the Secretary, in consultation with the heads of the Federal agencies, shall transmit to Congress a report that describes the following:

(1) A list of all existing authorities, including the authorities listed in subsection (a), under which the Secretary or the heads of the Federal agencies may carry out the purposes of this title.

(2) A list of funds authorized in the previous fiscal year for the authorities listed under paragraph (1).

(3) A list of the projects carried out with the funds listed in paragraph (2) and the amount of funds obligated and expended for each project.

SEC. 109. COMPLIANCE WITH STATE AND FEDERAL LAW.

Nothing in this title—

(1) invalidates or preempts State water law or an interstate compact governing water;

(2) alters the rights of any State to any appropriated share of the waters of any body of surface or ground water, whether determined by

past or future interstate compacts or final judicial allocations;

(3) preempts or modifies any State or Federal law or interstate compact governing water quality or disposal; or

(4) confers on any non-federal entity the ability to exercise any Federal right to the waters of any stream or to any ground water resource.

SEC. 110. AUTHORIZATION OF APPROPRIATION.

There are authorized to be appropriated to the Secretary and the heads of the Federal agencies to pay the Federal share of the cost of carrying out the new and expanded authorities described in paragraphs (6) and (7) of section 103(b), $389,000,000 for the period of fiscal years 2005 through 2008, to remain available until expended.

TITLE II—ESTABLISHMENT OF CENTRALIZED REGULATORY COORDINATION OFFICES

SEC. 201. ESTABLISHMENT OF OFFICES.

For projects authorized by this Act and located within the State of California, the Secretary shall establish a centralized office in Sacramento, California, for the use of all Federal agencies and State agencies that are or will be involved in issuing permits and preparing environmental documentation for such projects. The Secretary may, at the request of the Governor of any Reclamation State, establish additional centralized offices for the use of all Federal agencies and State agencies that are or will be involved in issuing permits and preparing environmental documentation for projects authorized by this Act, or under any other authorized Act, and located within such States.

SEC. 202. ACCEPTANCE AND EXPENDITURE OF CONTRIBUTIONS.

(a) IN GENERAL.—The Secretary may accept and expend funds contributed by non-Federal public entities to coordinate the preparation and review of permit applications and the preparation of environmental documentation for all projects authorized by this Act, or any other authorized Act, and to offset the Federal costs of processing such permit applications and environmental documentation. The Secretary shall allocate funds received under this section among Federal agencies with responsibility for the project under consideration and shall reimburse those agencies in accordance with the costs such agencies incur in processing permit applications and preparing environmental documentation.

(b) PROTECTION OF IMPARTIAL DECISIONMAKING.—In carrying out this section, the Secretary and the heads of Federal agencies receiving funds under this section shall ensure that the use of the funds accepted under this section will not impact impartial decisionmaking with respect to the issuance of permits or preparation of environmental documentation, either substantively or procedurally, or diminish, modify, or otherwise affect the statutory or regulatory authorities of such agencies.

TITLE III—RURAL WATER SUPPLY PROGRAM

SEC. 301. RURAL WATER SUPPLY PROGRAM.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of constructing rural water systems in coordination with other Federal agencies with rural water programs, and in cooperation with non-Federal project entities.

(b) REQUIREMENTS.—The study referred to in subsection (a) shall consider each of the following:

(1) Appraisal investigations.

(2) Feasibility studies.

(3) Environmental reports.

(4) Cost sharing responsibilities.

(5) Responsibility for operation and maintenance.

(c) CRITERIA.—As part of the study referred to in subsection (a), the Secretary shall develop criteria for determining which projects are eligible for participation in the study referred to under this section.

(d) REPORTS TO CONGRESS.—The Secretary shall submit to Congress the study developed under this section.

(e) RECLAMATION STATES.—The program established by this section shall be limited to Reclamation States.

TITLE IV—SALTON SEA STUDY PROGRAM

SEC. 401. SALTON SEA STUDY PROGRAM.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of reclaiming the Salton Sea.

(b) REQUIREMENTS.—The study referred to in subsection (a) shall consider each of the following:

(1) Appraisal investigations.

(2) Feasibility studies.

(3) Environmental Reports.

(4) Cost sharing responsibilities.

(5) Responsibility for operation and maintenance.

(c) REPORT TO CONGRESS.—The Secretary shall submit to Congress the study developed under this section no later than 1 year after the date of enactment.

The SPEAKER pro tempore. After 1 hour of debate on the bill, as amended, it shall be in order to consider the further amendment printed in the report, if offered by the gentleman from California (Mr. CALVERT) or his designee, which shall be considered read, and shall be debatable for 20 minutes, equally divided and controlled by the proponent and an opponent.

The gentleman from California (Mr. CALVERT) and the gentlewoman from California (Mrs. NAPOLITANO) each will control 30 minutes of debate on the bill.

The Chair recognizes the gentleman from California (Mr. CALVERT).

GENERAL LEAVE

Mr. CALVERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. R. 2828.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CALVERT. Mr. Speaker, today's consideration of this bill is a giant step forward in resolving California's water supply problems.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. POMBO), the chairman of the full committee.

Mr. POMBO. Mr. Speaker, I thank the gentleman for yielding me this time.

I am pleased today to support the subcommittee chairman, the gentleman from California (Mr. CALVERT), on this historic legislation. For over 10 years we have been trying to move this process forward to develop a comprehensive water plan to benefit all of California, and this legislation does just that.

This legislation addresses the water needs of California by bringing adversaries together for the first time on many of these issues.

For over 30 years, sides have not resolved the Sacramento/San Joaquin Bay-Delta water quality issues. This legislation includes a historic agreement between these parties to once and for all improve water quality by addressing many concerns in the Delta and its tributaries.

By improving water quality, everybody benefits. Improved water quality in the Delta means better drinking water for our cities, better water for our farmers, and better water quality for our fish. This bill provides the Secretary with a variety of tools to address this very serious issue, including the purchase of water from voluntary sellers to meet water quality standards. It also gives direction for the implementation of an operational plan for the New Melones Reservoir that will rely on the best available science and coordinate releases to benefit both the fisheries and the water quality for municipal and agricultural users.

This bill increases California's water supply through water reclamation and recycling projects, water storage, better operation, and the coordination of Federal and State projects, and the development of water conservation projects that benefit all of California. With an ever-increasing demand for water in the State of California, there is a need to move all of the projects of every type forward quickly and efficiently, and this bill does that.

I again want to congratulate the gentleman from California (Mr. CALVERT) on the great work that he did on this bill, and the gentlewoman from California (Mrs. NAPOLITANO) for working with her subcommittee chairman to make this work. I appreciate all that she put in to make this a good bill.

Mrs. NAPOLITANO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank my friend and colleague, the gentleman from California (Mr. CALVERT), the subcommittee chairman and the sponsor of H.R. 2828, for his tireless work to keep the CALFED authorization moving forward, and also the gentleman from California (Chairman POMBO) for his unwavering support.

As ranking member of the Subcommittee on Water and Power, I have had the privilege of working with the chairman on many water issues. His commitment to a fair and open legislative process is indeed very commendable.

The State of California needs a more reliable water supply; we can all agree on that. We now face, like many other States, severe restrictions specifically on the use of the Colorado River, and we must reduce our water use to meet the terms of the Colorado River Compact.

The gentleman from California (Chairman CALVERT) and others on our committee are well aware of my strong support for water recycling, desalinization, and groundwater cleanup projects. With H.R. 2828, the gentleman from California (Chairman CALVERT) has raised the importance of these projects to unprecedented levels. He deserves our combined thanks and our support for his commitment.

Efficient water use, water recycling, ground water treatment, new storage, and desalinization projects are all critically important if we in Southern California are to succeed in our effort to cut back our use of the Colorado River. With increased emphasis on using water more efficiently, we can increase our available water supply by more than half a million acre feet of water per year, and we can do it cheaply and quickly.

Mr. Speaker, by working together, we have taken a huge step forward towards authorizing the CALFED program. The gentlemen from California (Chairman POMBO) and (Chairman CALVERT) and their staffs have cooperated with us fully, and we have together made many improvements to this legislation. I look forward to continuing our progress on CALFED as we move this bill towards the White House. I urge all of my Democratic and Republican colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. CALVERT. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. DOOLITTLE).

Mr. DOOLITTLE. Mr. Speaker, I want to compliment the gentleman from California (Mr. CALVERT). Putting this bill together has been very difficult and has taken a number of years. He and his staff and the gentleman from California (Mr. POMBO) and his staff have done an outstanding job.

I remember when CALFED was first unleashed, and it was I think in 1996, and it was done in an appropriations bill. So, really, this is the first proper authorization that we have actually had, and it has been a long time in coming.

It has been mentioned that this bill brings balance between the ecological work that has been done, which has received almost all of the focus and all of the funding, and balance for water yield. Yield means water that is available in critically dry years, that is reliably available; and this bill emphasizes that and creates studies and commences processes that will produce what is needed to meet the growing needs of our State.

This bill also subjects to accountability everything that is going on in CALFED. These projects have been going on for nearly 10 years; and yet there has been very little accountability.

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Now we will have the accountability that we need so that the Congress can assess what is working and what is not, and so that Congress can also assure that we are meeting all the objectives of CALFED, not just some.

I also wish to draw attention to the limitation on the water use fees that are contained in the report accompanying this bill that provides that only direct beneficiaries of projects benefiting the Bay Delta region will be subject to the beneficiary pays provision. This means that upstream water users who participate in projects to improve the region are not subject to fees or taxes imposed on beneficiaries of the project. In addition, this legislation does not authorize the creation of a broad-based fee or tax for water users. Any fee or tax that is developed will be directly proportional to the benefit received from specific projects authorized by the program.

Mr. Speaker, I thank my colleagues and appreciate the cooperation we have had. I thank the gentlewoman from California (Mrs. NAPOLITANO) for her work and her staff and commend everyone for finally being able to bring this great package together. Everyone who cares about water and the future in California should be supporting this bill.

Mrs. NAPOLITANO. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, the CALFED process is an unprecedented undertaking and one that is crucial to the water security of all people in California, both northern and southern, urban and rural. That is why we need a balanced reauthorization bill that respects the hard work done over the past years by all CALFED stakeholders in the blueprint record of decision agreed upon in 2000.

I fear that H.R. 2828 does not achieve the delicate balance necessary because of the preauthorization of the dam projects that are controversial in their communities and among the stakeholders. So I would urge that H.R. 2828 be opposed and that the motion to recommit offered by the gentleman from California (Mr. GEORGE MILLER) and the gentlewoman from California (Mrs. TAUSCHER) that would correct the preauthorization provision be supported.

However, I do want to give credit to the gentlewoman from California (Mrs. NAPOLITANO) and to all who have worked on this, because I am confident that once we get through this process in working with our Senators who have a parallel effort that avoids the flaw in this bill, that we will end up with a bill that all of us support. It is important that the CALFED process move forward.

Mr. CALVERT. Mr. Speaker, I yield myself 3½ minutes.

Mr. Speaker, before I make a statement about this bill, I want to also thank the ranking member, the gentlewoman from California (Mrs. NAPOLITANO) for all her great work on this bill. She has spent many hours and days traveling across the State of California. I think we probably were in most congressional districts throughout California as this process took place. Certainly I thank her for her great work in this legislation.

This bill represents great progress in helping solve the water problems of the west by making California more self-reliant and carefully using its own water supply. We have come a long way over the last few years. The Subcommittee on Water and Power conducted three field hearings in California, a legislative hearing, two markups, and too many meetings to count to get where we are today.

Individually, many of the members of our committee have helped to shepherd often contentious quantification settlement agreements, for instance, that was delayed, but we finally came to a decisive conclusion. My friends in the upper-lower basin States should know that this bill today is another positive step in California weaning itself from historically overdrafting the Colorado River.

As we have found with the plumbing in California's water system, everything in the world of water is related to everything else. Thus, achievements like the quantification settlement agreement helped us conclude the carefully balanced agreement on CALFED that we have before us today. Water is not and should not be a partisan issue. I worked constructively with the Committee on Resources chairman, the gentleman from California (Mr. POMBO), Senator FEINSTEIN, as I mentioned, the ranking Democratic member; the gentlewoman from California (Mrs. NAPOLITANO); the gentleman from California (Mr. DOOLEY); the gentleman from California (Mr. CARDOZA); of course, the gentleman from California (Mr. GEORGE MILLER); and the full committee ranking member, the gentleman from West Virginia (Mr. RAHALL) and many, many more to make sure this bill before us is a consensus that I believe that it is.

I am proud to have many Democratic members of the Committee on Resources supporting this bill. The original intent of CALFED was to provide balance to a complex water delivery system, to ensure that everybody gets better together. That is what this bill does. H.R. 2828 simply and truly means that the environment, recreation, drinking water, agriculture and industries gets better together.

As our distinguished colleague, the gentleman from California (Mr. POMBO) said, This bill makes historic strides in water quality improvements in the Sacramento-San Joaquin Bay Delta. Improved water quality helps everyone across the board. We have also created new water supplies for southern California through my friend, the gentlewoman from California's (Mrs. NAPOLITANO) water recycling amendment, and we enhanced surface storage to improve water quality for families in our colleagues' district in the Bay area and beyond as evidenced by the support of such water districts as the Northern California Water District, Contra Costa Water District, Central Contra Water District and many others.

We have created a right to know provision by making Federal agencies report how they will spend the money. Congress and the American taxpayer deserve government accountability and this bill provides it.

Mr. Speaker, I will continue to work with my colleagues in the House and the Senate to bring ultimate resolution to this bipartisan effort. Our bill includes and supports a diverse approach to solving our water problems, including conservation, reclamation, desalinization, conjunctive use, ground water storage and, of course, surface storage options that have been carefully studied and negotiated down to the bare minimum.

We have made significant progress and we can see the light at the end of the tunnel. With today's vote, we will pass this bill and we will make that light shine even brighter. I urge support.

Mr. Speaker, I reserve the balance of my time.

Mrs. NAPOLITANO. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. DOOLEY).

Mr. DOOLEY of California. Mr. Speaker, I want to commend the gentleman from California (Mr. CALVERT) and the gentlewoman from California (Mrs. NAPOLITANO) for the terrific work they have done in crafting this legislation.

Obviously, one of the greatest challenges we face in California and, indeed, the entire west, is how do we provide adequate water for all of our needs, whether they be consumptive needs, as well as the environment. And this legislation is a step forward to providing greater certainty that in the future we will have the water resources that are needed for the expanding population. We will have the water resources that are needed for our agriculture sector as well as our industrial sector. Most importantly, it also ensures that we are going to provide the protection that our environment needs.

This legislation is clearly something that is going to meet the needs of all the citizens of California. And while there are some of our colleagues in California that do not think this is a perfect piece of legislation, I would agree with them that it might not be perfect but it would be foolhardy for us to not allow this legislation to move forward so that we could eventually see a compromise and a final consensus developed that will, in fact, contribute to the needs of California.

Mr. Speaker, I rise in strong support of H.R. 2828, the Water Supply, Reliability, and Environmental Improvement Act and commend the leadership of my subcommittee Chairman KEN CALVERT and Ranking Member GRACE NAPOLITANO for bringing this important legislation to its place on the floor today.

I also want to recognize the very significant role that the senior Senator from California has played in developing and moving a counterpart bill in the Senate on a parallel track, paving the way for a bill to become law later this year.

This bipartisan water bill has been long in the making. Federal authorization for funding the Calfed Bay-Delta Program, commonly referred to as CALFED, expired in 2000—the same year that a consortium of Federal and State agencies issued a Record of Decision (ROD) setting forth a 30-year plan for CALFED.

Since 2000, various versions of reauthorizing legislation have been under consideration by the Congress. Until today, however, none of the earlier versions was able to reach the House floor.

The fact that today we finally have a bipartisan CALFED bill on the House floor reflects the long and arduous process of seeking input, balancing interests and making compromises. Many, many stakeholders were consulted in the development of this bill, including representatives of agricultural, urban, environmental, fishery, and business interests. None of them are likely to say that this is the "perfect" bill from their individual perspectives. But the bill we now have before us represents a constructive effort to forge a thoughtful and balanced approach to the management of California's water supplies. It deserves our support today.

A sound bill when it was introduced last year, H.R. 2828 improved when it was marked up by the Resources Committee on May 5, and several provisions of Senator FEINSTEIN's bill were incorporated. Additional refinements to the legislative language have been included in today's managers' amendment, enhancing the prospects for an expeditious conference with the Senate and enactment this year.

Many in this body are aware of the legal conflicts and tensions that have evolved over the years on California water issues. The intent of this bill is to reduce those conflicts and tensions by providing guidance and authority for improving water supply reliability and water quality, while at the same time enhancing the environment. The bill recognizes the CALFED 2000 Record of Decision as the framework for implementing the program, and ensures that implementation moves ahead on a balanced basis.

There are many important provisions in the bill. I will comment on only a few of them.

For those of us in the Central Valley of California, this bill provides important assurances of improved conveyance of water supplies through the Delta. It authorizes evaluation and construction of much-needed new barriers and interties. It also recognizes the importance of improving drainage in south Delta channels to minimize impact on drinking water quality. It thus requires implementation of a program to meet water quality standards in the San Joaquin River and the Delta prior to increased pumping or deliveries.

The bill is designed to give the Secretary more flexibility in meeting water quality standards in the Delta while reducing the reliance on the New Melones Project for meeting water quality and fish flows standards. To help meet this goal, the Secretary is authorized to use a variety of tools, including the purchase of water from willing sellers on the tributaries of the San Joaquin River. The legislation further allows the Secretary to use the CVP Restoration Fund to help pay for these water purchases and other designated actions.

It is important to recognize that water purchases and the use of the Restoration Fund monies are merely tools that the Secretary may use to achieve a goal. They are not mandates that supercede existing water rights or water supply contracts or replace existing Restoration Fund priorities. The Program to Meet Standards created by H.R. 2828 does not give the Secretary any new authority to acquire or re-allocate water from anyone but willing sellers.

On another issue—that of cost allocation—the Committee report on H.R. 2828 makes clear that the costs of implementing the CALFED program are to be allocated in a way that relates directly to benefits to be received. This "beneficiaries pay" principle precludes the imposition of water-use fee, tax or surcharge that would force water agencies or individuals to pay for CALFED projects or programs from which they do not benefit. Nothing in this legislation provides the basis for the imposition of such a fee or tax.

Some critics of this bill are claiming that it cedes congressional authority over water storage projects. I wish to make it clear that such a claim is not true.

The bill does give the Secretary blanket authority under the framework of the CALFED program to undertake feasibility studies for water storage projects. Such an authorization makes sense, given the fact that a Record of Decision for the CALFED program has already been issued and the extensive Federal-State-stakeholder consultation process within CALFED itself provides for due deliberation of project proposals.

If as a result of a specific feasibility study, the Secretary determines that a particular project is indeed feasible, the Secretary cannot simply move ahead, but first must submit a report to Congress identifying project benefits and beneficiaries and a cost allocation plan. Congress then has 120 legislative days—not calendar days, but legislative days—to consider the report and recommendation, and pass a disapproval resolution if we disagree with the Secretary's recommendation. Such a disapproval resolution procedure, as we all know, is not an uncommon procedure for congressional oversight of proposed administration actions. In addition to the 120-day layover period, congressional approval through the enactment of appropriations for the project must occur. We all know this is no small step.

So the bill does delegate more authority to the Secretary at the beginning of the feasibility process, enabling proposals to be explored and developed on an expeditious basis, but still retains the ultimate congressional authority to stop any particular water storage project as well as to determine its appropriations, if any. This process is thus a bit streamlined from the existing procedures for water storage projects. However, it provides adequate safeguards for congressional prerogatives while enhancing the expeditious consideration of worthy project proposals.

Before closing, I wish to thank the staff of the Water and Power Subcommittee, on both sides of the aisle, for their hard work and cooperation in helping us arrive to this point today. Their openness and professionalism are deeply appreciated by me and my staff.

Mr. Speaker, passage of this legislation is long overdue. If we are to have any chance of CALFED being reauthorized in this session of Congress, we must pass this bill today and forward it to the Senate for its consideration. I urge my colleagues to support this bill and vote "aye."

Mr. CALVERT. Mr. Speaker, I yield 3½ minutes to the gentleman from California (Mr. RADANOVICH).

Mr. RADANOVICH. Mr. Speaker, in California, wine is for drinking and water is for fighting. The gentleman from California (Mr. POMBO) and the gentleman from California (Mr. CALVERT) and the gentlewoman from California (Mrs. NAPOLITANO) have done a Herculean job task of putting together all the interests in California in a water bill that is supported by just about every interest group out there, and that was an incredible task. That is why I am a proud co-sponsor and supporter of H.R. 2828.

The central valley of California comprises the largest agriculture producing county in the Nation, where over 250 of California's crops are grown. With its fertile soil and temperate climate, the valley produces 8 percent of the ag output of the United States on less than 1 percent of the Nation's total farmland. Valley farmers alone grow nearly half the fresh fruits and vegetables grown in the entire Nation.

The most fundamental challenge facing California's Central Valley is assuring adequate long term supplies of water to meet the demands of the agriculture, environmental and urban water needs. A dependable and affordable water supply is necessary to meet the long term needs of the State. The key to providing this water supply is adequate storage facilities to hold water in times of surplus for use during water shortages.

With H.R. 2828, California will have a more reliable and efficient water supply, and water throughout the west will be more stable because California will have the tools necessary to provide for its own water. Specifically, among other projects, H.R. 2828 allows for the continued storage studies in the Upper San Joaquin River and will provide critical water storage in the region that I represent.

The legislation also makes progress towards balance in CALFED Bay Delta program by underscoring the need for new surface storage facilities, as well as ensuring improved water quality and providing continued support for ecosystem restoration activities.

There are a few provisions which I would like to clarify in the RECORD if I may. The first of these pertains to CALFED fees. H.R. 2828 sanctions the principle of beneficiary pays, and I support this standard. This means exactly what it says. Those who benefit from a CALFED project or program should pay for what they receive. It also means that those who do not benefit from CALFED programs and projects should not have to pay for the fees.

The legislation does not authorize or impose water diversion fees, charges or taxes on CALFED beneficiaries and non-beneficiaries. Such charges go against the beneficiaries pay principle of this bill and the CALFED record of decision, and this is the clear intention of the House Committee on Resources when it reported H.R. 2828.

The second issue I would like to clarify is the new program to meet standards which was created to give added flexibility to the Secretary of the Interior to meet existing water quality standard in the Delta. For the record, I wanted to state that nothing in H.R. 2828 requires water users in the San Joaquin River and its tributaries to provide more water or more money than they are currently providing to meet existing water quality standards and fishery objectives. Nothing in the legislation authorizes the Secretary to make involuntary acquisitions of water from the central valley project contractors or water rights holders on the tributaries of the San Joaquin.

Finally, nothing in the bill gives the program to meet standards a higher priority to receive funding for the restoration fund than existing programs and projects supported by the fund.

With that, Mr. Speaker, I encourage my colleagues to support the passage of H.R. 2828.

Mrs. NAPOLITANO. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. BACA).

Mr. BACA. Mr. Speaker, I rise in support of H.R. 2828, the Water Supply Reliability and Environmental Improvement Act known as the CALFED, a historical giant step in improving the quantity and quality of water in California.

CALFED is a State and Federal partnership formed to increase water storage and improve water reliability. It is crucial to the future of the home of the State of California. Without clean water or enough water, there can be no development of jobs and housing, I state no development of jobs and housing. And without clean water, my children, my grandchildren or any child cannot enjoy normal, healthy lives.

I am proud to be a co-sponsor of this legislation. I commend the gentleman from California (Mr. CALVERT). I commend the minority leader, the gentlewoman from California (Mrs. NAPOLITANO). I am also proud that this legislation includes the environmental justice language that I promoted. This bill states that environmental justice a goal of CALFED, making sure that everyone, regardless of race or income deserves the same protections for environment and health hazards.

I recommend and I ask my colleagues to support this legislation. CALFED provides a means to respond to rapid population growths, especially in my area, in my district. California deserves to have a good quality of water and a good quantity of water. And it will help the State of California improve.

Mr. CALVERT. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I rise to again extend congratulations, as I did earlier, to my colleagues. I have lived in California since I was a freshman in college since 1971. I remember very vividly during the past 3 decades the constant struggle that has gone on between north and south over this issue of water, the battles over the Colorado River water. And this notion of coming to some kind of reconciliation on a partnership between the State of California and the Federal Government is something that many believed could never ever happen.

Because of the leadership of my colleague, the gentleman from California (Mr. CALVERT), working under the gentleman from California (Mr. POMBO) as chairman of the Committee on Resources, and closely with the gentlewoman from California (Mrs. NAPOLITANO), and I have seen so many Californians involved in this debate here on the House floor. The gentleman from California (Mr. DOOLITTLE) was speaking earlier, and I saw the gentleman from California (Mr. NUNES) talking, and I know we have a couple of people in our delegation who are not on board.

But the fact of the matter is we have been able to, I believe, bring together an overwhelming majority of Democrats and Republicans from California to deal with this very important and pressing need.

Remember, Mr. Speaker, there are 35 million people in our State. And I know that there are a lot of people around here who are not as crazy about California as those of us who represent it, but the fact of the matter is, California, is the largest State in our union, and virtually everyone around the country has some kind of tie to California.

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So it is important for us to, as a body and as a government, address this very important need; and so I thank, again, my friend, the gentlewoman from California (Mrs. NAPOLITANO), who has worked so tirelessly. I was very honored to be at a water treatment facility that we have had as we worked together to deal with groundwater contamination in the area that the gentlewoman from California (Mrs. NAPOLITANO) and I represent with the discovery of per chlorate, which has created very serious problems. We have come together in a bipartisan way to address water issues, and passage of this legislation is going to be a great testament to the bipartisanship of our delegation.

Mrs. NAPOLITANO. Mr. Speaker, I yield 1½ minutes to the distinguished gentlewoman from California (Ms. MILLENDER-McDONALD).

Ms. MILLENDER-McDONALD. Mr. Speaker, I would like to acknowledge also the great work of the gentleman from California (Mr. CALVERT), the chairman, and the gentlewoman from California (Mrs. NAPOLITANO), the ranking member, for their tireless efforts in bringing about a much-needed piece of legislation. These two leaders have done a yeoman's job for us in bringing H.R. 2828, and they have come to my district many times to hold hearings on this issue of water.

I would like to specifically thank the chairman and the ranking member for including the strong water use efficiency section in H.R. 2828. This section will meet my community's strong demand for water supply and reliability, not by taking more water from the Bay-Delta ecosystem, not taking more water from the Colorado River in our neighboring States, but from recycling and cleaning up Southern California's existing water supply and investing in sea water desalination projects.

H.R. 2828 specifically clarifies that in addition to recycling and desalination projects, groundwater cleanup projects for contaminants such as per chlorate, nitrates, and volatile organic compounds will qualify for CALFED program funding.

Continued Federal investment in desalination technology, such as the one in Long Beach, will verify and further develop energy savings and optimize the process so that it can be enlarged and duplicated throughout the United States.

The Long Beach Water Department's desalination pilot plant is on the cutting edge, and I am looking forward to seeing this technology fully developed.

Again, I support and commend these two for their outstanding work.

Mr. CALVERT. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. THOMAS), the chairman of the Committee on Ways and Means.

Mr. THOMAS. Mr. Speaker, I would like to take my short time to address all those Members of the House of Representatives who are not from California. They do create a majority in this body after all.

We have a rather unique situation with the chairman of the full committee from California, the ranking member of the subcommittee from California, and the chairman of the subcommittee from California; but that is not what is important.

What is important for my colleagues not from California to understand is this is a State of more than 30 million people that has a significant impact on the economy of the United States and, frankly, the quality of life in the United States.

In the 1930s, the Federal Government began developing the water resources on the east side of California. Californians in the 1960s took the responsibility on themselves to build a multibillion dollar water project on the west side of California.

They have been discussing CALFED. The State and the Federal Government water projects have never been coordinated, and the resources of California have never been maximized for the benefit both of the environment and the economy and individuals.

Our colleague, the gentlewoman from California (Mrs. NAPOLITANO), talked about the fact that as other States, Arizona and others in the area of the Colorado River, have gained population, California is using a source of water that we have relied on for a long time. This is the first time that we have not had a partisan fight; that we are not going to have a regional fight; and that California has come together to begin to solve the water problems of the largest State in the Union.

I would ask my colleagues, if they are not from California, witness the bipartisanship, witness finally in California the understanding that north and south need to work together, and please, give us a strong vote on this legislation which is important to California and important to the United States.

Mrs. NAPOLITANO. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Speaker, I regretfully rise in opposition to the bill as it currently is constructed; and as a Californian, I fully understand the urgent need to pass legislation to reauthorize CALFED; but if we fail to reauthorize this program, we will sacrifice millions of dollars scheduled to go to important water infrastructure projects. But in its current form, this legislation will jeopardize the delicate balance of water interests in California that we have worked so hard to achieve and make it more difficult for us to reauthorize CALFED.

Instead of codifying the Record of Decision that was agreed to in the CALFED process, this bill disrupts the balance that it created. This bill sets the dangerous precedent of authorizing large-scale projects before they have undergone comprehensive review and analysis. The preauthorization language is bad policy and bad politics.

The gentleman from California (Mr. GEORGE MILLER), the gentleman from West Virginia (Mr. RAHALL), and I will offer a motion to recommit this bill that would strip the preauthorization language from the legislation. I urge my colleagues to support the motion so that we can pass a CALFED bill this year and get it signed by the President.

Mr. CALVERT. Mr. Speaker, I yield myself what time I may consume for a short comment.

Congressional approval of water projects from planning through construction is not a new concept. The Corps of Engineers has authority through the Water Resources Development Act, WRDA, to implement projects following a favorable Chief's, or some people call it feasibility, report.

Through WRDA, Congress approves projects from planning through construction, subject to the conditions stated in a favorable Chief's report. Numerous examples of the corps' projects can be found in WRDA 1996, WRDA 1999, and WRDA 2000 which authorize construction following a favorable Chief's report.

In the last three WRDAs, over 50 projects were approved from planning through construction, with conditional authorization subject to a favorable Chief's report. New projects were conditionally authorized, and there were additional project modifications that were conditionally authorized.

WRDA projects conditionally authorized included the Bel Marin Keys Unit, California, well over $100 million; Kill Van Kull, New York and New Jersey navigation project, $325 million authorization to $750 million; the Savannah Harbor Expansion navigation project $230 million, and I can go on and on and on.

Are my colleagues saying we should replace the 120-day congressional authorization which is in the present bill with extensively used WRDA language that Congress has accepted and continues to support?

H.R. 2828 includes provisions that approve water recycling projects from planning through construction which was proposed by the Southern California Democrats. By the way, these four projects that are in this bill are in the Record of Decision which has been negotiated over the years, as all my friends know, and a very difficult negotiation, to bring this process of CALFED in a balanced manner forward.

So I would say to my colleagues, this is nothing new. People would like to see these projects built if, in fact, they are feasible; and all the environmental processes, NEPA, CEPA, Endangered

Species Act, et cetera, et cetera, et cetera, must be met to make sure that these projects are viable and feasible under the law.

Mr. Speaker, I reserve the balance of my time.

Mrs. NAPOLITANO. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentlewoman for yielding time to me, and I want to commend her for her work on this legislation, also to the gentleman from California (Mr. CALVERT) for all of his work on this legislation.

Regretfully, I must oppose this legislation because I think at the moment, as this is currently drafted, this legislation fails to address what is, I believe, a fatal defect. Not only do I think it will delay the consideration of this legislation for a successful passage through the Congress, I also believe that it has a very real possibility of throwing much of this legislation back into the court, something we are trying to avoid with the CALFED process, and that is, the preauthorization of future California water projects.

I appreciate what the gentleman said about WRDA; but I think if he takes a close look at WRDA he will find, in fact, it is a much different process than what we envision here. In fact, the language of this legislation says that virtually any water project or water supply or water yield can move into construction after a feasibility study. It does not say a favorable report, as it says in the WRDA or the Chief's. It simply says if you have the feasibility study, you can move on; and I think what, in fact, we will see is that those people who are critics of many of the projects that all of us support in this legislation will start to raise Cain at the local level about the process being rigged.

They will take this to the courts, take this to the bow, and we will go through a process that is just going to be unacceptable in terms of meeting the goals that the gentleman from California (Mr. CALVERT) and the gentlewoman from California (Mrs. NAPOLITANO) have for this legislation.

The SPEAKER pro tempore (Mr. THORNBERRY). The Chair would inform the House that the gentleman from California (Mr. CALVERT) has 11 minutes remaining. The gentlewoman from California (Mrs. NAPOLITANO) has 21 minutes remaining.

Mrs. NAPOLITANO. Mr. Speaker, I yield 1½ minutes to the distinguished gentlewoman from California (Ms. LORETTA SANCHEZ).

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I would like to enter into a colloquy with the gentleman from California (Mr. CALVERT).

I rise in support, full support and strong support, of H.R. 2828. I think maximizing the use of our limited water resources in California is an issue that is close to my Orange County district, and it is close to me.

In fact, the gentleman from California (Mr. GARY G. MILLER) and I are the sponsors of a bill, H.R. 1156, which would allow Orange County to complete its revolutionary Groundwater Replenishment System. That system would create a new water supply of 72,000 acre feet per year and serve 2.3 million residents of the north and central portion of Orange County.

The bill would increase the authorized Federal share for this project from $20 million to $80 million, and I would like to inquire if the Chairman continues to support this very important bill that, unfortunately, is not in this good CALFED bill, but which is very important to Orange County.

Mr. CALVERT. Mr. Speaker, will the gentlewoman yield?

Ms. LORETTA SANCHEZ of California. I yield to the gentleman from California.

Mr. CALVERT. Mr. Speaker, I thank the gentlewoman for her support and inquiry.

As the gentlewoman knows, I strongly support recycling as a way to reduce Southern California's dependence on imported water and help drought-proof the region. That is why I supported H.R. 1156, a bill championed by our colleagues, the gentleman from California (Mr. ROHRABACHER), whose district includes the Groundwater Replenishment System, and the gentlewoman here today from the 47th district.

I am fully supportive of House passage of H.R. 1156, H.R. 2991, introduced by our colleague the gentleman from California (Mr. DREIER), and other recycling bills reported by the House Committee on Resources, but I know that it is up to the leadership on both sides of the aisle to determine which bills are debated on the House floor.

In the meantime, I will continue to strongly support H.R. 1156, and I thank the gentlewoman's support for H.R. 2828.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I ask the support of our colleagues for this bill on the floor today.

Mrs. NAPOLITANO. Mr. Speaker, I am pleased to yield 1½ minutes to the distinguished gentleman from Southern California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I rise to engage in a colloquy with the gentleman from California (Mr. CALVERT), the chairman, on an issue which I would hope to have seen more about in this bill, and that is the restoration of the Salton Sea.

As we know, an earlier version of the bill provided for a feasibility study and $300 million in restoration funds. We all know about the importance of the Salton Sea in our ecology and in our economy. It is critical for the Pacific flyway for migratory birds, as well as the Colorado River's delta, and is home to a variety of wildlife, including fish, birds, microbes, and wetlands species. The sea also provides many recreational opportunities such as camping, bird watching, fishing, boating, hiking, hunting, and off-roading.

If the sea were no longer able to support life, it would cause irreparable harm to Southern California's ecosystem and economy.

The Salton Sea lies mostly in my district in Southern California. It is the third largest saline lake in the nation, and the largest inland body of water west of the Rockies. The Sea is an important natural resource, one that is valued not only by residents of the area, but also by the many who come from around the country to enjoy its bounty.

The Salton Sea does not have an outlet to keep the water fresh, so as water evaporates from the saline lake, the salt left behind continues to concentrate. As the salinity of the Sea continues to rise, and the environmental quality continues to decline, it will no longer be able to support life and will begin to die. If that were to happen, it will cause irreparable harm to Southern California's ecosystem and economy.

The surrounding areas of the Coachella and Imperial Valleys rely on the Sea to support their agricultural and recreational economies. I share the concerns of many about what might occur if the elevation of the Sea drops, becomes too saline to support fish or birds, and further impairs air quality due to blowing sediment.

The Salton Sea is also an essential link in increasing and diversifying our domestic water resources, and therefore needs funding for restoration. A recently signed federal water transfer agreement between Southern California water agencies will reduce flows to the Salton Sea. While the water transfer will assist Southern California in staying within its Colorado River water allocation, inflows to the Sea may be reduced dramatically. With that diminished amount of inflow, the Salton Sea presents a particularly difficult challenge in protecting and restoring it, while at the same time reducing California's use of Colorado River water.

The gentleman from California (Mr. CALVERT) has been very supportive of the Salton Sea and has been involved in this issue for well over a decade.

I would like to inquire as to further support of the Salton Sea as part of the CALFED legislative process, and would ask for the gentleman to comment on that.

Mr. CALVERT. Mr. Speaker, will the gentleman yield?

Mr. FILNER. I yield to the gentleman from California.

Mr. CALVERT. Mr. Speaker, I thank the gentleman for his support of the Salton Sea. I would like to assure him that I and many of our Southern California colleagues, including the gentlewoman from California (Mrs. BONO) and certainly the gentleman from California (Mr. HUNTER), continue to strongly support the restoration of the

Salton Sea, and we will work with him and others in our delegation to continue these efforts.

Mr. FILNER. Mr. Speaker, I thank the distinguished gentleman and look forward to that work and urge support of the bill.

□ 1230

Mr. CALVERT. Mr. Speaker, I yield 30 seconds to the gentleman from California (Mr. OSE).

Mr. OSE. Mr. Speaker, I rise today to enter into a very brief colloquy with the chairman of the subcommittee; that being, does this bill change existing law as it relates to area of origin?

Mr. CALVERT. Mr. Speaker, will the gentleman yield?

Mr. OSE. I yield to the gentleman from California.

Mr. CALVERT. Mr. Speaker, the answer to the gentleman's question is: No.

Mr. OSE. Mr. Speaker, I thank the gentleman.

Mrs. NAPOLITANO. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CARDOZA)

Mr. CARDOZA. Mr. Speaker, I rise today to urge my colleagues to support an issue that has been addressed in this House for nearly a decade yet has never made it quite this far before today. This is an enormous accomplishment and I applaud my colleagues, the gentleman from California (Mr. POMBO), the gentlewoman from California (Mrs. NAPOLITANO), and our subcommittee chairman, the gentleman from California (Mr. CALVERT), as well as our esteemed Senator from California, Senator FEINSTEIN, for overcoming numerous hurdles that have prevented this issue from passing in recent years.

This is an immense amount of work from both sides of the aisle and both Chambers that has gone into this measure; and, finally, we are poised to formalize our commitment to ensuring a safe, reliable water supply for California.

This proposal will greatly strengthen California's agricultural economy as well as address the needs of a fast-growing population, while at the same time maintaining our commitment to the environment. In fact, I believe this bill strongly enhances the environment and, in particular, the Delta of California.

This delicate balance, while difficult to achieve, is critical to the success of CALFED. In my mind, the true test of the value of the bill is whether it has achieved a level of compromise. While no one is completely satisfied with this measure, everyone's concerns were considered and addressed. This measure passes the test by leaps and bounds. This bill has brought together parties that in the past have had conflicts that have just torn the State apart. These stakeholders have worked diligently now for years to develop some creative opportunities for additional conveyance, while addressing some of the extremely tough water quality and water supply challenges in California.

Mr. Speaker, time is of the essence. If the Federal Government does not act now on this legislation, the future of CALFED and our agricultural economy and viability hangs in the balance. I believe that those of us who have pushed for additional surface storage are finally being heard. These projects are critical to California's future and must move forward now without pure obstructionists standing in the way.

This is a good bill for the environment, this is a good bill for the economy, and it is a good bill for California. I urge my colleagues to vote "aye."

Mrs. NAPOLITANO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have been going through trying to get reauthorization for CALFED for a number of years and have been unable to because of the differences of opinions from many areas of needs. I think it is time that we move forward and begin to work on getting this CALFED passed, which has had a lot of give on the side that we have been working on, and for that, I thank the chairman.

We look forward to making sure that we continue to work on anything else that some of my colleagues might want on another venue, and I certainly would urge all my colleagues, Democrat and Republican, to vote for this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. CALVERT. Mr. Speaker, I yield myself such time as I may consume to close, and I want to again thank the gentlewoman from California (Mrs. NAPOLITANO) for her good work and her dedication on this legislation. She spent many hours and much of her time traveling through the State of California and throughout the western United States as we came to understand the issue of water.

There are very few subjects that bring out more emotion and passion than water, and certainly I have grown to understand the subject much better over the last number of years. I am looking forward to passing this bill today and moving ahead.

Mr. HERGER. Mr. Speaker, I rise today to oppose the bill offered by my good friend from California and Chairman of the Resources Subcommittee on Water and Power, Congressman KEN CALVERT.

Mr. Speaker, on balance, H.R. 2828 is not a good bill for rural Northern California. While it takes some positive steps forward to improve the administration of CALFED by instituting greater financial accountability and ecosystem reporting requirements, it still allows the implementation of an expensive, and ill-advised program that has not produced storage nor positive results for Northern California. The bill basically adopts and focuses on the CALFED Record of Decision (ROD) as a framework, which does not provide a comprehensive water solution for the State. CALFED has always been heavily weighted toward ecosystem restoration and increasing exports from the Delta. I don't see that changing sufficiently under this bill. New storage under CALFED has been only empty promises, and the language in H.R. 2828 doesn't ensure otherwise. The state should take a new direction that places a greater emphasis on water storage and constrains the ability of state and federal agencies to buy more land and water. In short, there is not much to be gained, but much to be lost under H.R. 2828 for our area. As such, I strongly oppose it.

I originally supported the CALFED program in concept. Recognizing the very serious water challenges facing our state, I shared the view held by many other Members of Congress from California that such a joint state-federal program could provide an opportunity for developing a framework to solve our water woes for the long-term. Unfortunately, rather than providing a realistic solution to allow the water interests in the state to "get well together," as CALFED had originally promised, the program has become heavily weighted toward ecosystem restoration and focused on buying land and water to shift around already constrained water supplies, rather than on developing new water storage to meet our state's growing water needs. In addition, there has never been sufficient local control. Instead, federal agencies have been empowered to make important decisions about land and water resources impacting communities.

California faces a water deficit of potentially crisis proportions. The water supply in the state is already stretched to its practical limits. To put the current situation in perspective, recognize that the State Water Project was constructed when California's population was only 16 million people. Today it is over 34 million, and growing at a rate of roughly 600,000 new citizens a year. Yet California's water supply yield has increased by a mere 2 percent over the last 20 years. And the California Water Plan Update, Bulletin 160–98 from a few years ago indicates that existing supply shortages will get appreciably worse over the next 20 years as the state's population continues to increase. Water deficits are projected to reach approximately 2.4 million acre feet in an average water year and 6.2 million acre feet in drought years by the year 2020. If history is any guide, Californians are likely to face major drought conditions not unlike the 500-year drought that is currently plaguing the Colorado basin states some time in the near future. Yet despite this pending crisis, the central focus of the CALFED program has been a plethora of costly environmental projects and plans to increase ability of the State and Federal water projects to move more water to Southern California.

CALFED has failed to make the hard decisions necessary to meet this incredible challenge. While it publicly recognizes water shortfalls, the storage solutions it has proposed will not provide sufficient supply benefits. A new Sites Reservoir, raising Shasta Dam and augmenting Los Vaqueros could be essential pieces of our water puzzle, but my concern is they really won't inject significant additional water "yield" into the system. CALFED has taken solutions such as an Auburn Dam, a Yuba Dam, and other on-stream reservoirs off the table because of the environmental controversy they might cause, despite the fact that they present opportunities for new cost-effective water supplies, and provide other benefits like flood control, electricity generation and recreation.

Our current situation is so desperate, and the possible impacts to the economy and public safety of another sustained drought so horrific, that we're not in a position to take these options off the table because they're politically unpalatable. To the contrary, we should be vigorously pursuing them, setting deadlines and goals, streamlining environmental review requirements, and updating federal laws to ensure cost-effective, feasible projects will actually be built and provide water to communities and farmers. Yet, despite several years and millions of dollars of investments from the state and federal government, CALFED has only studied and restudied a limited number of small storage options, without moving the ball down the field. Meantime, our water needs continue to grow dramatically. Fundamentally, when the problem is too many people and not enough water, I believe the answer is to create additional water storage, not sacrifice some parts of the state, including California's thriving agriculture industry, so others can get better. Carving up and reallocating an already constrained water system will not allow everyone to "get well together."

The "Water Supply, Reliability and Environmental Improvement Act" takes some positive steps forward in some areas, and will institute some accountability into a program that desperately needs it. For example, CALFED has spent taxpayer dollars without Congress or the public knowing or understanding where those funds have gone, and what the benefits for the state have been. H.R. 2828's financial reporting requirements will help Congress better track those expenditures. In addition, the annual reporting requirements for ecosystem restoration provided for in the bill will help Congress better monitor those projects, including land and water purchases. The bill also clarifies that local fish screen projects are a legitimate and helpful way to help local farmers meet federal and state endangered species requirements. I believe each of these program changes represent positive steps forward.

That being said, I do not feel this bill goes far enough to fix a program that is fundamentally flawed and moving in the wrong direction. While its expedited "preauthorization" process for CALFED storage projects elevates storage as a principle and could set an important new precedent for future infrastructure development, it appears to authorize only those projects approved pursuant to the CALFED ROD. I have long argued that CALFED's storage proposals are woefully insufficient to address our state's water needs. According to some estimates, a small Shasta raise, a new Sites Reservoir and a project at Los Vaqueros—the CALFED ROD's storage projects—the approximate yield would be only about 300,000 acre feet—far short of addressing a water shortfall in the millions of acre feet.

The bill also does not require expedited consideration for these projects. We have seen time and again how CALFED has dithered and stalled in pursuing new storage. In my view, a responsible CALFED should set hard and fast deadlines and move storage forward on an aggressive schedule. Moreover, the federal environmental review process, as we have seen on forest health projects, can take years and cost millions of dollars, only to be obstructed in the end by radical environmentalists through appeals and court challenges. The bill does not recognize and address those hard realities. In my view, it doesn't do enough to streamline the environmental review process, or to address the obstacles that unbalanced environmental laws are likely to pose to their ultimate development.

There is nothing in the bill to prevent CALFED agencies from continuing to purchase land and water as proposed in the ROD. Indeed, the bill explicitly authorizes the purchase of land and water as an acceptable CALFED activity under existing authority. And while there are reporting requirements, the impetus is on Congress to specifically defund these agency-approved acquisitions, rather than on the agencies to ask Congress to specifically approve and justify them. Because of the community impacts and private property rights concerns of additional land and water acquisitions, it should be the other way around.

I am also concerned by proposals to place the burden of CALFED funding on the shoulders of Sacramento Valley water users, but I understand Chairman Calvert has attempted to address that issue. In accordance with language contained in the report accompanying H.R. 2828, the "beneficiary pays" principle specifically applies to direct beneficiaries of projects that improve the Delta. According to this principle, project participants in the CALFED solution area are not considered direct beneficiaries of the CALFED program. Therefore, Sacramento Valley water users who participate in projects to improve the Delta are not subject to any fees or taxes imposed on beneficiaries of the CALFED program.

In closing, something needs to be done—and soon—about the water situation in California. It is only getting worse with each passing day. Today's legislation takes some positive steps forward and I commend my colleagues for their efforts in this regard. However, I fear that the task at hand is so great that unless stronger and more aggressive changes are made to the CALFED program, the state will fail to meet today's and tomorrow's infrastructure challenges.

Mr. SMITH of Michigan. Mr. Speaker, I oppose H.R. 2828, the California Water Bill because it preauthorizes wasteful projects.

It forces federal taxpayers to pick up more than a $1.5 billion tab for a California-only project. It would not prevent taxpayers from getting stuck with the cost for large water projects, and would open the Federal treasury to raids by disingenuous water users. H.R. 2828 would "preauthorize" major water projects. A "yes" vote on H.R. 2828 would mean Congress gives up its long-standing right to have a say over taxpayer funded projects. Why should the rest of the country pay for California's water problem? They have 35 million taxpayers to pay for it.

Mr. DREIER. Mr. Speaker, I rise today in strong support of the Water Supply, Reliability and Environmental Improvement Act, H.R. 2828, widely known as CALFED. The mission of the CALFED Bay-Delta Program is to develop and implement a long-term comprehensive plan that improves water management for beneficial uses of the Bay-Delta System. The San Francisco Bay/Sacramento-San Joaquin Delta Estuary, the Bay-Delta, is a region of critical importance to California, often described as the hub of the State's water supply system.

The authorization of the CALFED program has been a priority for California and its neighboring States for many years. And while the existing program has accomplished a great deal in managing our water supply and improving the ecosystem of the Bay-Delta, this bill provides the comprehensive Congressional accountability it has been lacking. H.R. 2828 provides the authority for Federal agencies to fully engage in a partnership with the State of California and the stakeholders of the CALFED program.

We have also long recognized the importance of improving management and coordination of existing water supply projects for meeting present and future water demands. Preserving and enhancing the ecosystem, while developing new sources of water for growing consumptive needs, and allocating existing supplies to meet changing demands, is a great challenge.

This challenge was met head on by the House Resources Committee under the leadership of Chairman RICHARD POMBO, and Subcommittee on Water and Power Chairman KEN CALVERT. I congratulate both of them for their extraordinary work in achieving this level of negotiation, compromise, and support. What is even more remarkable is that the work produced by Mr. CALVERT will be voted on today without any amendments offered to it on the House floor, with the exception of the substitute that he crafted. This is a testament to his tenacity in providing Californians with the best water plan possible.

I also know that Mr. CALVERT and this legislation have widespread support back home in California, beginning with Governor Arnold Schwarzenegger. One of his first acts as then Governor-Elect in late October, 2003, was to send a strong letter of support for CALFED legislation to Congress expressing his desire to see Mr. CALVERT's legislation succeed and making CALFED authorization a priority for the State.

H.R. 2828 will provide a long-term comprehensive plan to address challenges in the Bay-Delta region by balancing water resource management issues including supply, quality, and ecosystem restoration. I strongly urge my colleagues to vote for the Water Supply, Reliability and Environmental Improvement Act.

Mr. YOUNG of Alaska. Mr. Speaker, I am pleased that today the House is considering H.R. 2828, the Water Supply Reliability, and Environmental Improvement Act.

This bill reauthorizes the CALFED Bay-Delta Program, a Federal-State cooperative effort to manage water resources in California.

The purpose of the program is to increase the supply of available water for municipal, agricultural, and industrial use, and to engage in watershed restoration.

Water is a very precious resource, particularly in the West.

The supply of water is governed by State law. However, many Federal and State programs and projects also manage water resources and impact water supply.

Eighteen Federal and State agencies are partners in the CALFED program. Two of those agencies, the Environmental Protection Agency and the Army Corps of Engineers, fall under the jurisdiction of the Transportation and Infrastructure Committee.

EPA has some existing authorities that can help meet the goals of the CALFED program. The Corps also has many water resources development projects either under study or under construction in the Bay-Delta area, including the Sacramento/San Joaquin river basins comprehensive study.

This legislation does not authorize any EPA programs or Corps projects, even if a project is specifically mentioned in the August 28, 2000, programmatic record of decision that H.R. 2828 establishes as the general framework for addressing the CALFED program.

EPA and Corps activities in furtherance of the CALFED program must fall under existing authorities and nothing in this bill changes those authorities, or directs the USA of EPA or Corps funds.

Additional Corps projects in the Bay-Delta area may be authorized later, but those projects will go through the regular Corps of Engineers feasibility study process and regular authorization process in a water resources development act.

This does not mean that EPA and the Corps are not full participants in the CALFED program. In carrying out existing programs and projects, EPA and the Corps will coordinate their activities with all the Federal agencies participating in CALFED, and the State of California.

I congratulate Mr. CALVERT and Mr. POMBO for bringing this legislation to the House floor. It has been a long time coming and reflects a lot of hard work by many Members.

I urge all Members to support this bill.

Mr. CALVERT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. THORNBERRY). All time for general debate has expired.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. CALVERT

Mr. CALVERT. Mr. Speaker, I offer an amendment in the nature of a substitute.

The SPEAKER pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. CALVERT:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Water Supply, Reliability, and Environmental Improvement Act".

TITLE I—CALIFORNIA WATER SECURITY AND ENVIRONMENTAL ENHANCEMENT

SEC. 101. SHORT TITLE.

This title may be cited as the "California Water Security and Environmental Enhancement Act".

SEC. 102. DEFINITIONS.

In this title:

(1) CALFED BAY-DELTA PROGRAM.—The terms "Calfed Bay-Delta Program" and "Program" mean the programs, projects, complementary actions, and activities undertaken through coordinated planning, implementation, and assessment activities of the State and Federal Agencies in a manner consistent with the Record of Decision.

(2) CALIFORNIA BAY-DELTA AUTHORITY.—The terms "California Bay-Delta Authority" and "Authority" mean the California Bay-Delta Authority, as set forth in the California Bay-Delta Authority Act (Cal. Water Code 79400 et seq.).

(3) ENVIRONMENTAL WATER ACCOUNT.—The term "Environmental Water Account" means the cooperative management program established under the Record of Decision.

(4) FEDERAL AGENCIES.—The term "Federal agencies" means—

(A) the Department of the Interior, including—

(i) the Bureau of Reclamation;

(ii) the United States Fish and Wildlife Service;

(iii) the Bureau of Land Management; and

(iv) the United States Geological Survey;

(B) the Environmental Protection Agency;

(C) the Army Corps of Engineers;

(D) the Department of Commerce, including the National Marine Fisheries service (also known as "NOAA Fisheries");

(E) the Department of Agriculture, including—

(i) the Natural Resources Conservation Service;

(ii) the Forest Service; and

(F) the Western Area Power Administration.

(5) GOVERNOR.—The term "Governor" means the Governor of the State of California.

(6) RECORD OF DECISION.—The term "Record of Decision" means the Calfed Bay-Delta Program Record of Decision, dated August 28, 2000.

(7) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(8) STATE.—The term "State" means the State of California.

(9) STATE AGENCIES.—The term "State agencies" means the California State agencies that are signatories to Attachment 3 of the Record of Decision.

(10) WATER YIELD.—The term "water yield" means a new quantity of water in storage that is reliably available in critically dry years for beneficial uses.

SEC. 103. BAY DELTA PROGRAM.

(a) IN GENERAL.—

(1) RECORD OF DECISION AS GENERAL FRAMEWORK.—The Record of Decision is approved as a general framework for addressing the Calfed Bay-Delta Program, including its components relating to water storage and water yield, ecosystem restoration, water supply reliability, conveyance, water use efficiency, water quality, water transfers, watersheds, the Environmental Water Account, levee stability, governance, and science.

(2) REQUIREMENTS.—In General.— The Secretary and the heads of the Federal agencies are authorized to carry out the activities under this title consistent with—

(A) the Record of Decision; and

(B) the requirement that Program activities consisting of protecting drinking water quality, restoring ecological health, improving water supply reliability (including additional storage and conveyance) and water yield, and protecting Delta levees will progress in a balanced manner.

(b) AUTHORIZED ACTIVITIES.—

(1) IN GENERAL.—The Secretary and the heads of the Federal agencies are authorized to carry out the activities described in paragraphs (2) through (5) in furtherance of the Calfed Bay-Delta Program as set forth in the Record of Decision, subject to the cost-share and other provisions of this title, if the activity has been:

(A) subject to environmental review and approval, as required under applicable Federal and State law; and

(B) approved and certified by the relevant Federal agency to be consistent with the Record of Decision and within the scope of the agency's authority under existing law.

(2) MULTIPLE BENEFIT PROJECTS FAVORED.—In selecting projects and programs for increasing water yield and water supply, improving water quality, and enhancing environmental benefits, projects and programs with multiple benefits shall be emphasized.

(3) BALANCE.—The Secretary shall ensure that all elements of the Calfed Bay-Delta Program need to be completed and operated cooperatively to maintain the balanced progress in all Calfed Bay-Delta Program areas.

(4) AUTHORIZATIONS FOR FEDERAL AGENCIES UNDER APPLICABLE LAW.—

(A) SECRETARY OF THE INTERIOR.—The Secretary of the Interior is authorized to carry out the activities described in subparagraphs (A) through (J) of paragraph (5), to the extent authorized under the reclamation laws, the Central Valley Project Improvement Act (title XXXIV of Public Law 102-575; 106 Stat. 4706), the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and other applicable law.

(B) THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.—The Administrator of the Environmental Protection Agency may carry out the activities described in subparagraphs (C), (E), (F), (G), (H), and (I) of paragraph (5), in furtherance of the Calfed Bay-Delta program, to the extent authorized under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), and other laws in effect on the day before the date of enactment of this title.

(C) THE SECRETARY OF THE ARMY.—The Secretary of the Army may carry out the activities described in subparagraphs (B), (F), (G), (H), and (I) of paragraph (5), in furtherance of the CALFED Bay-Delta Program, to the extent authorized under flood control, water resource development, and other laws in effect on the day before the date of enactment of this title.

(D) SECRETARY OF COMMERCE.—The Secretary of Commerce is authorized to carry out the activities described in subparagraphs (B), (F), (G), and (I) of paragraph (5), to the extent authorized under the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and other applicable law.

(E) SECRETARY OF AGRICULTURE.—The Secretary of Agriculture is authorized to carry out the activities described in subparagraphs (C), (E), (F), (G), (H), and (I) of paragraph (5), to the extent authorized under title XII of the Food Security Act of 1985 (16 U.S.C. 3801 et seq.), the Farm Security and Rural Investment Act of 2002 (Public Law 107-171; 116 Stat. 134) (including amendments made by that Act), and other applicable law.

(5) DESCRIPTION OF ACTIVITIES UNDER EXISTING AUTHORIZATIONS.—

(A) WATER STORAGE AND WATER YIELD.—Activities under this subparagraph consist of—

(i) FEASIBILITY STUDIES AND RESOLUTION.—

(I) For purposes of implementing the Calfed Bay-Delta Program, the Secretary is authorized to undertake all necessary planning activities and feasibility studies required for the development of recommendations by the Secretary to Congress on the construction and implementation of specific water supply and water yield projects, and to conduct comprehensive water management planning.

(II) FEASIBILITY STUDIES REQUIREMENTS.—All feasibility studies completed for storage projects as a result of this section shall include identification of project benefits and beneficiaries and a cost allocation plan consistent with the benefits to be received, for both governmental and non-governmental entities.

(III) DISAPPROVAL RESOLUTION.—If the Secretary determines a project to be feasible, and meets the requirements under subparagraph (B), the report shall be submitted to Congress. If Congress does not pass a disapproval resolution of the feasibility study during the first 120 days before Congress (not including days on which either the House of Representatives or the Senate is not in session because of an adjournment of more than three calendar days to a day certain) the project shall be authorized, subject to appropriations.

(ii) WATER SUPPLY AND WATER YIELD STUDY.—The Secretary, acting through the Bureau of Reclamation and in consultation with the State, shall conduct a study of available water supplies and water yield and existing demand and future needs for water—

(I) within the units of the Central Valley Project;

(II) within the area served by Central Valley Project agricultural water service contractors and municipal and industrial water service contractors; and

(III) within the Bay-Delta solution area.

(iii) RELATIONSHIP TO PRIOR STUDY.—The study under clause (ii) shall incorporate and revise as necessary the study required by section 3408(j) of the Central Valley Project Improvement Act of 1992 (Public Law 102–575).

(iv) MANAGEMENT.—The Secretary shall conduct activities related to developing groundwater storage projects to the extent authorized under existing law.

(v) COMPREHENSIVE WATER PLANNING.—The Secretary shall conduct activities related to comprehensive water management planning to the extent authorized under existing law.

(vi) REPORT.—The Secretary shall submit a report to the congressional authorizing committees by not later than 180 days after the State's completion of the updated Bulletin 160 describing the following:

(I) Water yield and water supply improvements, if any, for Central Valley Project agricultural water service contractors and municipal and industrial water service contractors, including those identified in Bulletin 160.

(II) All water management actions or projects, including those identified in Bulletin 160, that would improve water yield or water supply and that, if taken or constructed, would balance available water supplies and existing demand for those contractors and other water users of the Bay-Delta watershed with due recognition of water right priorities and environmental needs.

(III) The financial costs of the actions and projects described under clause (II).

(IV) The beneficiaries of those actions and projects and an assessment of their willingness to pay the capital costs and operation and maintenance costs thereof.

(B) CONVEYANCE.—

(i) SOUTH DELTA ACTIONS.—In the case of the South Delta, activities under this clause consist of the following:

(I) The South Delta Improvement Program through actions to accomplish the following:

(aa) Increase the State Water Project export limit to 8,500 cfs.

(bb) Install permanent, operable barriers in the south Delta. The Federal Agencies shall cooperate with the State to accelerate installation of the permanent, operable barriers in the south Delta, with the intent to complete that installation not later than the end of fiscal year 2007.

(cc) Increase the State Water Project export to the maximum capability of 10,300 cfs.

(II) Reduction of agricultural drainage in south Delta channels, and other actions necessary to minimize the impact of drainage on drinking water quality.

(III) Evaluation of lower San Joaquin River floodway improvements.

(IV) Installation and operation of temporary barriers in the south Delta until fully operable barriers are constructed.

(V) Actions to protect navigation and local diversions not adequately protected by temporary barriers.

(VI) Actions to increase pumping shall be accomplished in a manner consistent with applicable law California and Federal protecting—

(aa) deliveries to, costs of, and water supplies for in-delta water users, including in-delta agricultural users that have historically relied on water diverted for use in the Delta;

(bb) the quality of water for existing municipal, industrial, and agricultural uses;

(cc) water supplies for areas of origin, and

(dd) Delta dependent native fish species.

(ii) NORTH DELTA ACTIONS.—In the case of the North Delta, activities under this clause consist of—

(I) evaluation and implementation of improved operational procedures for the Delta Cross Channel to address fishery and water quality concerns;

(II) evaluation of a screened through-Delta facility on the Sacramento River; and

(III) evaluation of lower Mokelumne River floodway improvements.

(iii) INTERTIES.—Activities under this clause consist of—

(I) evaluation and construction of an intertie between the State Water Project California Aqueduct and the Central Valley Project Delta Mendota Canal, near the City of Tracy; and

(II) assessment of a connection of the Central Valley Project to the Clifton Court Forebay of the State Water Project, with a corresponding increase in the screened intake of the Forebay.

(iv) PROGRAM TO MEET STANDARDS.—Prior to increasing export limits from the Delta for the purposes of conveying water to south-of-Delta Central Valley Project contractors or increasing deliveries through an intertie, the Secretary shall, within one year of the date of enactment of this title, in consultation with the Governor, develop and initiate implementation of a program to meet all existing water quality standards and objectives for which the CVP has responsibility. In developing and implementing the program the Secretary shall include, to the maximum extent feasible, the following:

(I) A recirculation program to provide flow, reduce salinity concentrations in the San Joaquin River, and reduce the reliance on New Melones Reservoir for meeting water quality and fishery flow objectives through the use of excess capacity in export pumping and conveyance facilities.

(II) The Secretary shall develop and implement a best management practices plan to reduce the impact of the discharges from wildlife refuges that receive water from the federal government and discharge salt or other constituents into the San Joaquin River. Such plan shall be developed in coordination with interested parties in the San Joaquin Valley and the Delta. The Secretary shall also coordinate activities with other entities that discharge water into the San Joaquin River to reduce salinity concentrations discharged into the River, including the timing of discharges to optimize their assimilation.

(III) The acquisition from willing sellers of water from streams tributary to the San Joaquin River or other sources to provide flow, dilute discharges from wildlife refuges, and to improve water quality in the San Joaquin River below the confluence of the Merced and San Joaquin rivers and to reduce the reliance on New Melones Reservoir for meeting water quality and fishery flow objectives.

(IV) Use of existing funding mechanisms.—In implementing the Program, the Secretary may use money collected pursuant to Section 3407 of the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4727) to acquire from voluntary sellers water from streams tributary to the San Joaquin River or other sources for the purposes set forth in subclauses (I) through (III) of clause (iv).

(V) The purpose of the authority and direction provided to the Secretary in clause (iv) is to provide greater flexibility in meeting the existing water quality standards and objectives for which the Central Valley Project has responsibility so as to reduce the demand on water from New Melones Reservoir used for that purpose and to allow the Secretary to meet with greater frequency the Secretary's obligations to Central Valley Project contractors from the New Melones Project. The Secretary shall update the New Melones operating plan to consider, among other things, the actions outlined in this Act designed to reduce the reliance on new Melones Reservoir for meeting water quality and fishery flow objectives and to insure that operation of New Melones Reservoir is governed by the best available science.

(C) WATER USE EFFICIENCY.—Activities under this subparagraph consist of—

(i) water conservation projects that provide water supply reliability, water quality,and ecosystem benefits to the Bay-Delta system;

(ii) technical assistance for urban and agricultural water conservation projects;

(iii) water recycling and desalination projects, including groundwater remediation projects and projects identified in the Bay Area Water Plan and the Southern California Comprehensive Water Reclamation and Reuse Study and other projects, giving priority to projects that include regional solutions to benefit regional water supply and reliability needs;

(I) The Secretary shall review any feasibility level studies for seawater desalination and regional brine line projects that have been completed, whether or not those studies were prepared with financial assistance from the Secretary.

(II) The Secretary shall report to the Congress not later than 90 days after the completion of a feasibility study or the review of a feasibility study. For the purposes of this Act, the Secretary is authorized to provide assistance for projects as set forth and pursuant to the existing requirements of the Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–9575; title 16) as amended, and Reclamation Recycling and Water Conservation Act of 1996 (Public Law 104–266).

(iv) water measurement and transfer actions;

(v) implementation of best management practices for urban water conservation; and

(vi) projects identified in the Southern California Comprehensive Water Reclamation and Reuse Study, dated April 2001 and authorized by section 1606 of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h–4); and the San Francisco Bay Area Regional Water Recycling Program described in the San Francisco Bay Area Regional Water Recycling Program Recycled Water Master Plan, dated December 1999 and authorized by section 1611 of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h–9) are determined to be feasible.

(D) WATER TRANSFERS.—Activities under this subparagraph consist of—

(i) increasing the availability of existing facilities for water transfers;

(ii) lowering transaction costs through regulatory coordination; and

(iii) maintaining a water transfer information clearinghouse.

(E) INTEGRATED REGIONAL WATER MANAGEMENT PLANS.—Activities under this subparagraph consist of assisting local and regional communities in the State in developing and implementing integrated regional water management plans to carry out projects and programs that improve water supply reliability, water quality, ecosystem restoration, and flood protection, or meet other local and regional needs, in a manner that is consistent with, and makes a significant contribution to, the Calfed Bay-Delta Program.

(F) ECOSYSTEM RESTORATION.—

(i) ACTIVITIES UNDER THIS SUBPARAGRAPH CONSIST OF—

(I) implementation of large-scale restoration projects in San Francisco Bay and the Delta and its tributaries;

(II) restoration of habitat in the Delta, San Pablo Bay, and Suisun Bay and Marsh, including tidal wetland and riparian habitat;

(III) fish screen and fish passage improvement projects; including the Sacramento River Small Diversion Fish Screen Program.

(IV) implementation of an invasive species program, including prevention, control, and eradication;

(V) development and integration of Federal and State agricultural programs that benefit wildlife into the Ecosystem Restoration Program;

(VI) financial and technical support for locally-based collaborative programs to restore habitat while addressing the concerns of local communities;

(VII) water quality improvement projects to manage and reduce concentrations of salinity, selenium, mercury, pesticides, trace metals, dissolved oxygen, turbidity, sediment, and other pollutants;

(VIII) land and water acquisitions to improve habitat and fish spawning and survival in the Delta and its tributaries;

(IX) integrated flood management, ecosystem restoration, and levee protection projects;

(X) scientific evaluations and targeted research on Program activities; and

(XI) strategic planning and tracking of Program performance.

(ii) ANNUAL ECOSYSTEM PROGRAM PLAN.—

(I) Prior to October 1 of each year, with respect to an ecosystem restoration action carried out by or for the Secretary, the Secretary shall submit an annual ecosystem program plan report to the appropriate authorizing and appropriating committees of the Senate and the House of Representatives. The purpose of the report is to describe the projects and programs to implement the activities under this subsection in the following fiscal year, and to establish priorities for funding in subsequent years. For the ecosystem program, and each ecosystem project the report shall describe—

(aa) the goals and objectives

(bb) program accomplishments,

(cc) major activities,

(dd) the administration responsibilities of land and water areas and associated environmental resources, in the affected project area including an accounting of all habitat types. Cost-share arrangements with cooperating agencies should be included in the report, and

(ee) the resource data and ecological monitoring data to be collected for the restoration projects and how the data are to be integrated, streamlined, and designed to measure the effectiveness and overall trend of ecosystem health in the Bay-Delta watershed;

(ff) implementation schedules and budgets;

(gg) monitoring programs and performance measures; and

(hh) the status and effectiveness of minimizing and mitigating the impacts of the program on agricultural lands.

(ii) a description of expected benefits of the restoration program relative to the cost.

(II) For Federal projects and programs to be carried out by or for the Secretary not specifically identified in the annual program plans the Secretary, in coordination with the State, shall submit recommendations on proposed plans, no later than 45 days prior to approval, to the Senate Committee on Energy and Natural Resources, the House Resources Committee, and the public. The recommendations shall—

(aa) describe the project selection process, including the level of public involvement and independent science review;

(bb) describe the goals, objectives, and implementation schedule of the projects, and the extent to which the projects address regional and programmatic goals and priorities;

(cc) describe the monitoring plans and performance measures that will be used for evaluating the performance of the proposed projects;

(dd) identify any cost-sharing arrangements with cooperating entities; and

(ee) identify how the proposed projects will comply with all applicable Federal and State laws, including the National Environmental Policy Act.

(III) Projects involving acquisition of private lands shall be included in subsection (I) of the Annual Ecosystem Program Plan. Each project identified shall—

(aa) describe the process and timing of notification of interested members of the public and local governments;

(bb) minimize and mitigate impacts on agricultural lands;

(cc) include preliminary management plans for all properties to be acquired with Federal funds. Such preliminary management plans shall include an overview of existing conditions, the expected ecological benefits, preliminary cost estimates, and implementation schedules;

(dd) identify federal land acquisition in total, by a county by county basis; and,

(ee) provide a finding of consistency with all applicable State and Federal law.

(G) WATERSHEDS.—Activities under this subparagraph consist of—

(i) building local capacity to assess and manage watersheds affecting the Calfed Bay-Delta system;

(ii) technical assistance for watershed assessments and management plans; and

(iii) developing and implementing locally-based watershed conservation, maintenance, and restoration actions.

(H) WATER QUALITY.—Activities under this subparagraph consist of—

(i) addressing drainage problems in the San Joaquin Valley to improve downstream water quality (including habitat restoration projects that reduce drainage and improve water quality) if—

(I) a plan is in place for monitoring downstream water quality improvements;

(II) State and local agencies are consulted on the activities to be funded; and

(III) except that no right, benefit, or privilege is created as a result of this clause;

(ii) implementation of source control programs in the Delta and its tributaries;

(iii) developing recommendations through scientific panels and advisory council processes to meet the Calfed Bay-Delta Program goal of continuous improvement in Delta water quality for all uses;

(iv) investing in treatment technology demonstration projects;

(v) controlling runoff into the California aqueduct, the Delta-Mendota Canal, and other similar conveyances;

(vi) addressing water quality problems at the North Bay Aqueduct;

(vii) supporting and participating in the development of projects to enable San Francisco Area water districts and water entities in San Joaquin and Sacramento counties to work cooperatively to address their water quality and supply reliability issues, including—

(I) connections between aqueducts, water transfers, water conservation measures, institutional arrangements, and infrastructure improvements that encourage regional approaches; and

(II) investigations and studies of available capacity in a project to deliver water to the East Bay Municipal Utility District under its contract with the Bureau of Reclamation, dated July 20, 2001, in order to determine if such capacity can be used to meet the objectives of this clause;

(viii) development of water quality exchanges and other programs to make high quality water available for urban and other users;

(ix) development and implementation of a plan to meet all water quality standards for which the Federal and State water projects have responsibility;

(x) development of recommendations through technical panels and advisory council processes to meet the Calfed Bay-Delta Program goal of continuous improvement in water quality for all uses; and

(xi) projects that may meet the framework of the water quality component of the Calfed Bay-Delta Program.

(I) SCIENCE.—Activities under this subparagraph consist of—

(i) supporting establishment and maintenance of an independent science board, technical panels, and standing boards to provide oversight and peer review of the Program;

(ii) conducting expert evaluations and scientific. assessments of all Program elements;

(iii) coordinating existing monitoring and scientific research programs;

(iv) developing and implementing adaptive management experiments to test, refine, and improve scientific understandings;

(v) establishing performance measures, and monitoring and evaluating the performance of all Program elements; and

(vi) preparing an annual science report.

(J) DIVERSIFICATION OF WATER SUPPLIES.—Activities under this subparagraph consist of actions to diversify sources of level 2 refuge supplies and modes of delivery to refuges while maintaining the diversity of level 4 supplies pursuant to Central Valley Project Improvement Act section 3406(d)(2), Public Law 102–575 (106 Stat. 4723).

(6) NEW AND EXPANDED AUTHORIZATIONS FOR FEDERAL AGENCIES.—

(A) SECRETARY OF THE INTERIOR.—The Secretary of the Interior is authorized to carry out the activities described in subparagraphs (A) , (B), (C) and (D) of paragraph (7) during each of fiscal years 2005 through 2008, in coordination with the State of California.

(B) THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY AND THE SECRETARY OF THE ARMY.—The Administrator of the Environmental Protection Agency and the Secretary of the Army may carry out activities described in subparagraph (D) of paragraph 7 during each of fiscal years 2005 through 2008, in coordination with the State of California.

(C) THE SECRETARIES OF AGRICULTURE AND COMMERCE.—The Secretary of Commerce, and the Department of Agriculture, are authorized to carry out the activities described in paragraph (7)(D) during each of fiscal years 2005 through 2008, in coordination with the State of California.

(7) DESCRIPTION OF ACTIVITIES UNDER NEW AND EXPANDED AUTHORIZATIONS.—

(A) CONVEYANCE.—Of the amounts authorized to be appropriated under section 109, not more than $184,000,000 may be expended for the following:

(i) Feasibility studies, evaluation, and implementation of the San Luis Reservoir lowpoint improvement project and increased capacity of the intertie between the SWP California Aqueduct and the CVP Delta Mendota Canal, near the City of Tracy.

(ii) Feasibility studies and actions at Franks Tract to improve water quality in the Delta.

(iii) Feasibility studies and design of fish screen and intake facilities at Clifton Court Forebay and the Tracy Pumping Plant facilities.

(iv) Design and construction of the relocation of drinking water intake facilities to delta water users. The Secretary shall coordinate actions for relocating intake facilities on a time schedule consistent with subparagraph (5)(B)(i)(I)(bb) or other actions necessary to offset the degradation of drinking water quality in the Delta due to the South Delta Improvement Program.

(v) In addition to the other authorizations granted to the Secretary by this title, the Secretary shall acquire water from willing sellers and undertake other actions designed to decrease releases from New Melones Reservoir for meeting water quality standards and flow objectives for which the Central Valley Project has responsibility in order to meet allocations to Central Valley Project contractors from the New Melones Project. The authorization under this provision is solely meant to add flexibility for the Secretary to meet the Secretary's obligation to the Central Valley Project contractors from the New Melones Project by reducing demand for water dedicated to meeting water quality standards in the San Joaquin River. Of the amounts authorized to be appropriated under paragraph (7)(A), not more than $15,260,000 may be expended for this purpose.

(B) ENVIRONMENTAL WATER ACCOUNT.—Of the amounts authorized to be appropriated under section 109, not more than $90,000,000 may be expended for implementation of the Environmental Water Account; *Provided* That such expenditures shall be considered a nonreimbursable Federal expenditure.

(C) LEVEE STABILITY.—Of the amounts authorized to be appropriated under section 109, not more than $90,000,000 may be expended for—

(i) reconstructing Delta levees to a base level of protection;

(ii) enhancing the stability of levees that have particular importance in the system through the Delta Levee Special Improvement Projects program;

(iii) developing best management practices to control and reverse land subsidence on Delta islands;

(iv) refining the Delta Emergency Management Plan;

(v) developing a Delta Risk Management Strategy after assessing the consequences of Delta levee failure from floods, seepage, subsidence, and earthquakes;

(vi) developing a strategy for reuse of dredged materials on Delta islands;

(vii) evaluating, and where appropriate, rehabilitating the Suisun Marsh levees; and

(D) PROGRAM MANAGEMENT, OVERSIGHT, AND COORDINATION.—Of the amounts authorized to be appropriated under section 109, not more than $25,000,000 may be expended by the Secretary or the other heads of Federal agencies, either directly or through grants, contracts, or cooperative agreements with agencies of the State, for—

(i) program support;

(ii) program-wide tracking of schedules, finances, and performance;

(iii) multiagency oversight and coordination of Program activities to ensure Program balance and integration;

(iv) development of interagency cross-cut budgets and a comprehensive finance plan to allocate costs in accordance with the beneficiary pays provisions of the Record of Decision;

(v) coordination of public outreach and involvement, including tribal, environmental justice, and public advisory activities in accordance with the Federal Advisory Committee Act (5 U.S.C. App.); and

(vi) development of Annual Reports.

SEC. 104. MANAGEMENT.

(a) COORDINATION.—In carrying out the Calfed Bay-Delta Program, the Federal agencies shall coordinate their activities with the State agencies.

(b) PUBLIC PARTICIPATION.—In carrying out the Calfed Bay-Delta Program, the Federal agencies shall cooperate with local and tribal governments and the public through an advisory committee established in accordance with the Federal Advisory Committee Act (5 U.S.C. App.) and other appropriate means, to seek input on Program elements such as planning, design, technical assistance, and development of peer review science programs.

(c) SCIENCE.—In carrying out the Calfed Bay-Delta Program, the Federal agencies shall seek to ensure, to the maximum extent practicable, that—

(1) all major aspects of implementing the Program are subjected to credible and objective scientific review; and

(2) major decisions are based upon the best available scientific information.

(d) ENVIRONMENTAL JUSTICE.—The Federal agencies and State agencies, consistent with Executive Order 12898 (59 FR Fed. Reg. 7629), should continue to collaborate to—

(1) develop a comprehensive environmental justice workplan for the Calfed Bay-Delta Program; and

(2) fulfill the commitment to addressing environmental justice challenges referred to in the Calfed Bay-Delta Program Environmental Justice Workplan, dated December 13, 2000.

(e) LAND ACQUISITION.—Federal funds appropriated by Congress specifically for implementation of the Calfed Bay-Delta Program may be used to acquire fee title to land only where consistent with the Record of Decision and section 103(b)(5)(F)(ii)(I)(jj).

(f) AGENCIES' DISCRETION.—This title shall not affect the discretion of any of the Federal agencies or the State agencies or the authority granted to any of the Federal agencies or State agencies by any other Federal or State law.

(g) NO NEW AUTHORITY.—The United States Environmental Protection Agency and the United States Army Corps of Engineers.—

(1) IN GENERAL.—Nothing in this title confers any new authority, except as provided under section 103(b)(7)(D) to the United States Environmental Protection Agency and the United States Army Corps of Engineers.

(2) COORDINATION.—In carrying out activities identified in the Record of Decision under authorities provided under other provisions of law, the United States Environmental Protection Agency and the United States army Corps of Engineers shall coordinate such activities with Federal agencies and State agencies.

(h) GOVERNANCE.—

(1) IN GENERAL.—In carrying out the Calfed Bay-Delta Program, the Secretary and the Federal agency heads may participate as nonvoting members of the California Bay-Delta Authority, as established in the California Bay-Delta Authority Act (Cal. Water Code 79400 et seq.), to the extent consistent with Federal law, for the full duration of the period the Authority continues to be authorized by State law.

SEC. 105. REPORTING REQUIREMENTS.

(a) REPORT.—

(1) IN GENERAL.—Not later than February 15 of each year, the Secretary, in cooperation with the Governor, shall submit to the appropriate authorizing and appropriating Committees of the Senate and the House of Representatives a report that—

(A) describes the status of implementation of all components of the Calfed Bay-Delta Program;

(B) sets forth any written determination resulting from the review required under subsection (b); and

(C) includes any revised schedule prepared under subsection (b).

(2) CONTENTS.—The report required under paragraph (1) shall describe—

(A) the progress of the Calfed Bay-Delta Program in meeting the implementation schedule for the Program in a manner consistent with the Record of Decision;

(B) the status of implementation of all components of the Program;

(C) expenditures in the past fiscal year for implementing the Program;

(D) accomplishments during the past fiscal year in achieving the objectives of additional and improved—

(i) water storage, including water yield;

(ii) water quality; including the progress in achieving the water supply targets as described in Section 2.2.4 of the Record of Decision, the environmental water account requirements as described in Section 2.2.7, and the water quality targets as described in Section 2.2.9, and any pending actions that may affect the ability of the Calfed Bay-Delta Program to achieve those targets and requirements.

(iii) water use efficiency;

(iv) ecosystem restoration;

(v) watershed management;

(vi) levee system integrity;

(vii) water transfers;

(viii) water conveyance; and

(ix) water supply reliability;

(E) program goals, current schedules, and relevant financing agreements;

(F) progress on—

(i) storage projects;

(ii) conveyance improvements;

(iii) levee improvements;

(iv) water quality projects; and

(v) water use efficiency programs;

(G) completion of key projects and milestones identified in the Ecosystem Restoration Program; including progress on project effectiveness, monitoring, and accomplishments;

(H) development and implementation of local programs for watershed conservation and restoration;

(I) progress in improving water supply reliability and implementing the Environmental Water Account;

(J) achievement of commitments under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and endangered species law of the State;

(K) implementation of a comprehensive science program;

(i) progress on project effectiveness;

(L) progress toward acquisition of the Federal and State permits (including permits under section 404(a) of the Federal Water Pollution Control Act (33 U.S.C. 1344(a))) for implementation of projects in all identified Program areas;

(M) progress in achieving benefits in all geographic regions covered by the Program;

(N) legislative action on—

(i) water transfer;

(ii) groundwater management;

(iii) water use efficiency; and

(iv) governance issues;

(O) the status of complementary actions;

(P) the status of mitigation measures;

(Q) revisions to funding commitments and Program responsibilities; and

(R) a list of all existing authorities, including the authorities listed in section 103(b)(4) provided by the relevant Federal agency, under which the Secretary or the heads of the Federal agencies may carry out the purposes of this title."

(b) ANNUAL REVIEW OF PROGRESS AND BALANCE.—

(1) IN GENERAL.—Not later than November 15 of each year, the Secretary, in cooperation with the Governor, shall review progress in implementing the Calfed Bay-Delta Program based on—

(A) consistency with the Record of Decision; and

(B) balance in achieving the goals and objectives of the Calfed Bay-Delta Program.

(2) REVISED SCHEDULE.—If, at the conclusion of each such annual review or if a timely annual review is not undertaken, the Secretary, or the Governor, determine in writing that either the Program implementation schedule has not been substantially adhered to, or that balanced progress in achieving the goals and objectives of the Program is not occurring, the Secretary, in coordination with the Governor and the Bay-Delta Public Advisory Committee, shall prepare a revised schedule to achieve balanced progress in all Calfed Bay-Delta Program elements consistent with the Record of Decision.

(c) FEASIBILITY STUDIES.—Any feasibility studies completed as a result of this title shall include identification of project benefits and a cost allocation plan consistent with the beneficiaries pay provisions of the Record of Decision.

SEC. 106. CROSSCUT BUDGET.

(a) IN GENERAL.—The President's budget shall include such requests as the President considers necessary and appropriate for the level of funding for each of the Federal agencies to carry out its responsibilities under the Calfed Bay-Delta Program.

(b) REQUESTS BY FEDERAL AGENCIES.—The funds shall be requested for the Federal agency with authority and programmatic responsibility for the obligation of the funds, in accordance with paragraphs (2) through (5) of section 103(b).

(c) REPORT.—Not later than 30 days after the submission of the budget of the President to Congress, the Director of the Office of Management and Budget, in coordination with the Governor, shall submit to the appropriate authorizing and appropriating committees of the Senate and the House of Representatives a financial report certified by the Secretary containing—

(1) an interagency budget crosscut report that—

(A) displays the budget proposed, including any interagency or intra-agency transfer, for each of the Federal agencies to carry out the Calfed Bay-Delta Program for the upcoming fiscal year, separately showing funding requested under both pre-existing authorities and under the new authorities granted by this title; and

(B) identifies all expenditures since 1998 by the Federal and State governments to achieve the objectives of the Calfed Bay-Delta Program;

(2) a detailed accounting of all funds received and obligated by all Federal agencies and State agencies responsible for implementing the Calfed Bay-Delta Program during the previous fiscal year;

(3) a budget for the proposed projects (including a description of the project, authorization level, and project status) to be carried out in the upcoming fiscal year with the Federal portion of funds for activities under section 103(b); and

(4) a listing of all projects to be undertaken in the upcoming fiscal year with the Federal portion of funds for activities under section 103(b).

SEC. 107. FEDERAL SHARE OF COSTS.

(a) IN GENERAL.—The Federal share of the cost of implementing the Calfed Bay-Delta Program for fiscal years 2005 through 2008 in the aggregate, as set forth in the Record of Decision, shall not exceed 33.3 percent.

(b) CALFED BAY-DELTA PROGRAM BENEFICIARIES.—The Secretary shall ensure that all beneficiaries, including the environment, shall pay for benefits received from all projects or activities carried out under the Calfed Bay-Delta Program. This requirement shall not be limited to storage and conveyance projects and shall be implemented so as to encourage integrated resource planning.

SEC. 108. COMPLIANCE WITH STATE AND FEDERAL LAW.

Nothing in this title—

(1) invalidates or preempts State water law or an interstate compact governing water;

(2) alters the rights of any State to any appropriated share of the waters of any body of surface or ground water;

(3) preempts or modifies any State or Federal law or interstate compact governing water quality or disposal; or

(4) confers on any non-Federal entity the ability to exercise any Federal right to the waters of any stream or to any ground water resource;and,

(5) alters or modified any provision of existing Federal law, except as specifically provided in this title.

SEC. 109. AUTHORIZATION OF APPROPRIATION.

There are authorized to be appropriated to the Secretary and the heads of the Federal agencies to pay the Federal share of the cost of carrying out the new and expanded authorities described in paragraphs (6) and (7) of section 103(b), $389,000,000 for the period of fiscal years 2005 through 2008, to remain available until expended.

TITLE II—SALTON SEA STUDY PROGRAM

SEC. 201. SALTON SEA STUDY PROGRAM.

(a) IN GENERAL.—The Secretary of the Interior shall conduct a study to determine the feasibility of reclaiming the Salton Sea.

(b) REQUIREMENTS.—The study referred to in subsection (a) shall consider each of the following:

(1) Appraisal investigations.

(2) Feasibility studies.

(3) Environmental Reports.

(4) Cost sharing responsibilities.

(5) Responsibility for operation and maintenance.

(c) REPORT TO CONGRESS.—The Secretary shall submit to Congress the study developed under this section no later than 1 year after the date of enactment.

The SPEAKER pro tempore. Pursuant to House Resolution 711, the gentleman from California (Mr. CALVERT) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from California (Mr. CALVERT) on his amendment.

Mr. CALVERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have been working hard to improve this bill since its introduction. The amendment in the nature of a substitute is a bipartisan amendment that has been carefully crafted based on input from Senator FEINSTEIN and her staff, the administration, the State of California, and water groups. This amendment was not crafted in a vacuum, and I believe it addresses many concerns voiced over the last several weeks.

Reflecting the dynamic that differing regions of California represent, as opposed to the whole State, the amendment also includes necessary policy provisions:

Bay-Delta water quality protections: Bay-Delta water quality issues have not been adequately addressed in the past and they need to be fixed now. It is not fair that the constituents of the gentleman from California (Mr. POMBO), or the constituents of the gentleman from California (Mr. GEORGE MILLER), or the constituents of the gentleman from California (Mr. CARDOZA) should bear the highest water quality burdens because of circumstances outside their control.

These water quality provisions addressed in this bill are the results of discussions between water users throughout California, including in-Delta water uses. Most importantly, these provisions do not allow increased pumping unless water quality standards are met.

Water storage: Everyone wants to have more flexibility delivering water supplies throughout the State. Increased storage will give us more flexibility and improve water quality. In fact, my good friends in districts in the Bay area and beyond recently supported the Los Vaqueros expansion for these very purposes. My amendment provides that CALFED storage projects are subject to appropriate feasibility studies and if Congress does not act to disapprove them in 120 days, then construction is authorized.

Ensuring that adequate storage is part of a balanced CALFED is important here since CALFED expenditures so far have been imbalanced. This provision helps develop CALFED storage, and in no way undermines the regulatory process, including the Endangered Species Act, NEPA, SEQA, the Clean Water Act, and a number of other Federal acts and laws. Furthermore, these projects are still subject to appropriations.

Ecosystem restoration: The amendment has a "right to know" provision on how taxpayer dollars are being spent on ecosystem restoration. These provisions ask the Federal agencies to submit a management plan for CALFED-related ecosystem projects. These management plans would require a cost analysis, possible alternatives, disclosure of impacts, and required mitigation. All other projects, like storage projects, require much more detailed feasibility reports. We are only asking for a management plan that sits before Congress, which has no veto authority over such a management plan. This is nothing more than a good government plan that in no way hinders ecosystem restoration.

Mr. Speaker, there has never been a water bill that everybody likes. God knows I know that. But this is getting close. We have worked hard to resolve concerns and will continue to work with my colleagues and stakeholders on these issues. We cannot let the perfect be the enemy of the good. I urge my colleagues to support this amendment and the bill.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. Does the gentlewoman from California (Mrs. NAPOLITANO) seek to control the time in opposition to the amendment?

Mrs. NAPOLITANO. No, I do not.

The SPEAKER pro tempore. Does any Member seek to control time in opposition?

If not, without objection, the gentlewoman from California (Mrs. NAPOLITANO) may control the time reserved for opposition; and the gentlewoman is recognized for 10 minutes.

There was no objection.

Mrs. NAPOLITANO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I certainly want to thank my good friend, the chairman of the subcommittee, the gentleman from California (Mr. CALVERT), for accommodating suggestions from minority staff and myself to improve this bill.

In particular, I am very pleased that the language that was inserted earlier in the week to allow the use of Central Valley Project Restoration Fund for the Environmental Water Account purchases has been deleted. This revision would make it clear that the CVP Restoration Fund cannot be used inappropriately.

I am very thankful and look forward to continuing to work on California's water projects, as well as other projects for the rest of the Nation.

Mr. Speaker, I yield back the balance of my time.

Mr. CALVERT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate on the amendment has expired.

Pursuant to House Resolution 711, the previous question is ordered on the bill, as amended, and on the further amendment in the nature of a substitute by the gentleman from California (Mr. CALVERT).

The question is on the amendment in the nature of a substitute offered by the gentleman from California (Mr. CALVERT).

The amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

Mr. GEORGE MILLER of California. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. GEORGE MILLER of California. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. George Miller of California moves to recommit the bill H.R. 2828, to the Committee on Resources, with instructions to report the bill forthwith with the following amendment:
>
> Strike Section 103(b)(5)(A)(i)(III).

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the motion to recommit, and every Member of the House who is concerned about runaway spending should join me in this vote.

The motion seeks to delete just one feature of this bill: The so-called "preauthorization of future California water projects" that ends a century of congressional review and design of massive, costly, and sometimes controversial water projects.

Passing this bill without deleting the so-called preauthorization provision grants a blank check to bureaucrats and Federal agencies to spend billions of dollars on dams, conveyance facilities, and other potentially controversial water projects in California without any further authorization by Congress.

This provision grants special privileges to California projects. They alone, not projects in Arizona, Colorado, or New Mexico, or anywhere else in the reclamation west, would be cleared for construction based upon a study done by the planners in the Department of the Interior. A study might reveal serious fiscal, legal, or environmental problems. But the project goes ahead anyway unless Congress passes a bill to stop it. If that bill is not brought to the floor of the House, the project goes forward.

So as projects in other States are forced to wait for bills to pass authorizing their construction, California moves to the front of the line, awaiting no authorization, freed from the scrutiny that will be imposed on projects in every other State. Those of you who have been here for a while know that water projects typically move in packages so that no State is left behind. Well, say goodbye to that process if this bill passes with the California preauthorization process, because many of the biggest, most expensive, most controversial projects will be off and running while you are still in the paddock.

Now, some may ask, why would I, as a Californian, raise this concern? Because I am a strong supporter of CALFED, I am a strong supporter of the record of decision, and I would like to support this legislation. But as the former chairman of both the Subcommittee on Water and Power and the full Committee on Resources, I know that a project that bypasses the authorization process is going to face withering opposition in the appropriations process and in the regulatory and judicial process and among the voters back at home, and that is why I offer this motion to recommit.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in strong support of the Miller-Tauscher motion to recommit.

As a member of California who represents a large part of the San Francisco Bay-Delta, I fully understand the importance of reauthorizing the CALFED program. Now more than ever, California needs the Federal Government to be an active financial partner in helping restore the delta's ecosystem and meeting our State's growing water needs.

However, the preauthorization language in this bill severely jeopardizes our ability to renew this critical State-Federal partnership. Not only is it bad economic and environmental policy, but insisting on preauthorization, knowing that the other body will reject it, is a failed strategy for reaching agreement this year. Passing this bill as it is currently drafted is a divisive step that fails to really help Californians.

Mr. Speaker, with less than 30 legislative days remaining in the 108th Congress, we must have a smart strategy to get a CALFED bill done for the people of California before we adjourn. I urge my colleagues to support this motion, which will simply remove one paragraph from the bill and immediately return it to the House for consideration.

Our constituents sent us here to make timely progress on water policies that will help them. Removing this objectionable roadblock provision will help us move forward. I urge my colleagues to support the motion to recommit.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume, and I thank the gentlewoman for her comments, and say to the House that if this motion is passed, the bill would come back immediately to the House for its consideration and then it would move on to the Senate without this very controversial provision that has substantial Senate opposition and we can get on with passing this bill that the people have worked so terribly hard on and which our State needs.

Mr. CALVERT. Mr. Speaker, I rise in opposition to the motion to recommit.

Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. POMBO).

Mr. POMBO. Mr. Speaker, I thank the gentleman for yielding me this time.

This is not about setting a precedent over the way legislation is done. As the gentleman from California (Mr. CALVERT) has already pointed out, this is done very regularly in the process here.

□ 1245

My colleagues that offer this motion to recommit are not offering a motion to strip out everything that is authorized in this bill. They are only going after specifically the water storage projects. This is a bill that has been in the process, as has been said, many times for over 10 years of trying to come up with a compromise that everybody, Northern California, Southern California, east and west, everybody supported.

We were able to put together a compromise with the good work of the subcommittee chairman and ranking member, and now we have somebody coming to the floor trying to blow that up. It is the same thing that we fought through with all of the water problems in California. You always have somebody who thinks they did not get everything they wanted or that somebody else may be getting something, and they try to blow it up. That is exactly what is going on here.

I urge my colleagues to vote against the motion to recommit.

Mr. CALVERT. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Mrs. NAPOLITANO), the ranking Democrat.

Mrs. NAPOLITANO. Mr. Speaker, I rise in opposition to the motion to recommit on H.R. 2828. The passage of this motion would prevent a bipartisan measure from moving forward, and we have worked in good faith with the chairman and his staff to try to develop the California water bill. And I know, as has been said, we do not all get what we want. I know I did not get everything I needed and wanted.

The gentleman from California (Chairman CALVERT) has stripped numerous provisions that I objected to, including language relating to the Clean Water Act, the Beneficiary Pays, the role of the Record of Decision, and the role of the Interior Department in implementing the CALFED program.

I am sympathetic to the issue. However, I cannot support this motion to recommit at this time.

Mr. CALVERT. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. CARDOZA).

Mr. CARDOZA. Mr. Speaker, I regretfully rise in opposition to this motion. H.R. 2828 has been negotiated in a bipartisan manner, and I have been pleased to be part of such a fair and open process. The gentleman from California (Chairman POMBO) and the gentleman from California (Mr. CALVERT) have maintained a very open process, as both the gentlewoman from California (Mrs. NAPOLITANO) and I can attest.

The majority has accepted several of the requests that were put forward by the Democratic committee members, including critical water quality and water recycling language, and have acted in good faith. To send this bill back to committee now would mean the likely end to CALFED this year. If we do not act today and send this bill to conference where ongoing conversations with Senator FEINSTEIN can resume, we will lose precious time and I fear lose our remaining window of opportunity to address the water crisis in California.

Because of the job-creation impact, the building trades unions mentioned in my previous Dear Colleague wholeheartedly support final passage of H.R. 2828.

I urge my Democratic colleagues to defeat this motion.

Mr. CALVERT. Mr. Speaker, I yield myself such time as I may consume.

As my friend, the gentleman from California (Mr. GEORGE MILLER), knows, negotiating water agreements is not easy; and we have had numerous conversations about the subject of water over the years. And certainly he has a long history in water in the State of California. As everyone knows who has been involved in water negotiations, they are difficult. There are conflicts all over the place. One of the concepts that we took when we went down this road was balance; and the Record of Decision that was a difficult Record of Decision to come to a conclusion, part of that was water storage on four projects. There were a lot more water projects that were being considered in that Record of Decision, but it was weaned down in difficult negotiations to really a limited amount of water storage.

Over $12 million has been spent to date on looking at the feasibility of these four projects. All of the environmental laws must be met, and that is considerable, before any of these projects could ever become feasible. And even then if in fact they are deemed feasible, you would have to go through the appropriation process.

As I would point out to my friends, the Auburn Dam is an authorized project. I doubt if it will ever get appropriations to build. Unless a project is feasible, unless it has the political support in order to build, it will not happen.

And so I would say this motion to recommit takes the balance out of the process that we put together, and I believe it would remove all support for this CALFED process to continue. So I would urge my colleagues to vote "no" on the motion to recommit and vote "yes" on final passage.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. THORNBERRY). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. GEORGE MILLER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the time for any electronic vote, if ordered, on the question of passage.

The vote was taken by electronic device, and there were—yeas 139, nays 255, not voting 40, as follows:

[Roll No. 354]

YEAS—139

Abercrombie
Alexander
Allen
Andrews
Baird
Baldwin
Becerra
Berkley
Berman
Boucher
Boyd
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Chandler
Clay
Clyburn
Conyers
Cooper
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutsch
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Filner
Frank (MA)
Grijalva
Gutierrez
Harman
Hill
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Murtha
Nadler
Neal (MA)
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watt
Weiner
Woolsey
Wu
Wynn

NAYS—255

Aderholt
Akin
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Bradley (NH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Cunningham
Davis (AL)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Evans
Everett
Farr
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hinojosa
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
King (IA)
Kingston
Kline
Knollenberg
Kolbe
Lampson
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
Matheson
McCollum
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Napolitano
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Ortiz
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Loretta
Sandlin
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Watson
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—40

Ackerman
Bell
Bishop (NY)
Blumenauer
Brady (TX)
Carson (IN)
Collins
Culberson
Deal (GA)
Delahunt
Dicks
Fattah
Gephardt
Gerlach
Green (TX)
Gutknecht
Hastings (FL)
Hinchey
Isakson
John
Jones (OH)
King (NY)
Kirk
LaHood
Lee
Lipinski
Lofgren
Majette
Meeks (NY)
Norwood
Paul
Pitts
Platts
Quinn
Rangel
Reyes
Tanner
Tauzin
Waxman
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. THORNBERRY) (during the vote). Members are reminded to record their votes.

☐ 1312

Mr. MORAN of Kansas and Mrs. CUBIN changed their vote from "yea" to "nay."

Ms. SLAUGHTER and Messrs. RYAN of Ohio, DAVIS of Illinois, STRICKLAND, RUSH, and ANDREWS changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. KIRK. Mr. Speaker, on July 9, 2004, I missed rollcall vote No. 354, the motion to recommit for H.R. 2828. I missed the vote due to a meeting I had with the President of the World Bank. Had I been present I would have voted "no."

The SPEAKER pro tempore. The question is on passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BOEHLERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill, H.R. 3598, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

MANUFACTURING TECHNOLOGY COMPETITIVENESS ACT OF 2004

The SPEAKER pro tempore. Pursuant to House Resolution 706 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3598.

☐ 1312

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3598) to establish an interagency committee to coordinate Federal manufacturing research and development efforts in manufacturing, strengthen existing programs to assist manufacturing innovation and education, and expand outreach programs for small and medium-sized manufacturers, and for other purposes, with Mr. TERRY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from New York (Mr. BOEHLERT) and the gentleman from Tennessee (Mr. GORDON) each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. BOEHLERT).

☐ 1315

Mr. BOEHLERT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am very pleased to be able to bring this bill before the House today, and I want to thank the gentleman from Michigan (Mr. EHLERS), chairman of the Subcommittee on Environment, Standards, and Technology of the Committee on Science for his insight and persistence in introducing this bill and refining it to the point that it can be signed into law.

Let me tell you what this bill is all about. It is about my favorite four letter word; and do not get nervous, it is a four letter word that you can use in polite company and on the floor of the people's House. This is a jobs bill. The programs that we reauthorize and create in this bill will enable American manufacturers to create and retain good, high-paying jobs in the United States of America.

Other than ensuring national security, this Congress has no task more important than promoting job creation and retention; that is, ensuring economic security.

I can say this is a jobs bill without fear of contradiction. Most of the programs in this bill are not new experiments. We are reauthorizing programs that have a proven track record of saving and creating jobs. What is more important?

The Manufacturing Extension Partnership program, which I and others helped create back in the 1980s, has helped countless small manufacturers by giving them the knowledge they need to use the latest technology and manufacturing processes. A survey of just one-third of MEP customers found that they had created or saved more than 35,000 jobs, and that is just one-third of the customers, thanks to this program. And the MEP centers help more than 18,000 small companies each and every year.

I do not need to look any further than my own congressional district to see the good this program has done, and I am sure that is true of every Member of this House. To take just one evocative example from upstate New York, our local MEP center helped an olive oil manufacturer reorganize its factory floor in a way that enabled it to remain competitive in a highly competitive business and stay in business, preserving jobs. And MEP centers have greased the wheels of commerce all across this great Nation of ours.

This bill also reauthorizes the internal laboratories of the National Institute of Standards and Technology, or NIST, the Nation's oldest federal laboratory, a home to Nobel Laureates, and the Federal lab most focused on the problems of industry, including manufacturing.

I want to thank the gentleman from Colorado (Mr. UDALL) for the amendment that added the NIST authorization to this bill. I have to admit, as my colleagues on the other side of the aisle will no doubt point out, that Congress has underfunded these programs in recent years, over my objections, I would add. But this bill commits us to ensuring that the MEP programs and NIST's laboratories remain healthy so that they can help American manufacturers remain healthy.

I should add that the appropriators are already following through on the headway we are making in this bill. The Commerce appropriation we approved yesterday includes $106 million for MEP and a healthy increase for NIST laboratories. I congratulate the appropriators, and I congratulate my colleagues in the House for passing that bill just yesterday.

This bill, this jobs bill, will keep those programs on a healthy path in the future. The bill authorizes increases in the Manufacturing Extension Partnership so that in fiscal year 2008, MEP centers should be receiving 14 percent more than we hope they will receive next year, and that is more than a 200 percent jump from the $39 million in fiscal year 2004.

But this bill does more than just reauthorize old programs, although that alone would boost American manufacturing. The bill creates several new programs: A new grant program for the MEP centers, to help them design new ways to assist businesses; a new grant program to encourage businesses and universities to work together to solve industrial problems through applied research; and a new fellowship program to entice both graduate students and senior researchers into conducting research in the manufacturing sciences.

This is a good bill. It is a bill designed to help manufacturers, it is a bill designed to help small businesses. In short, this entire bill is based on a simple principle: You cannot get ahead by standing still. This bill will help our manufacturers get ahead by enabling them to take advantage of the latest research, the latest technology and the latest ideas about how to organize manufacturing, and all that will translate into jobs.

Now, we will be hearing an animated debate over the next hour or so on amendments to this bill. That debate should not obscure the fundamental bipartisan agreement on the importance of this measure. The gentleman from Tennessee (Mr. GORDON) pointed out in the Committee on Rules how necessary and sound this bill is. The gentleman from Colorado (Mr. UDALL) pointed out on the floor in yesterday's debate how necessary and sound this bill is, while pointing, quite rightly, to his own significant contribution to it.

The issue we will be debating with some of the amendments is whether we should do even more with this bill. I say "with this bill," because, of course, we should be doing more overall. There are programs in other agencies that help manufacturers. There are other steps unrelated to research that we can take and have taken to help manufacturers. But we should not weigh down this bill because we can do even more in other arenas.

Our manufacturers need the help this bill will provide, and they need it now. Let us move ahead with this portion of our jobs agenda, and then we can turn our attention to other matters.

I urge my colleagues to support H.R. 3598 in its current form, which can be signed into law. And that is what we need, legislation that can be signed into law.

Mr. Chairman, I reserve the balance of my time.

Mr. GORDON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to talk about an unfortunate missed opportunity. We are debating H.R. 3598, the Manufacturing Technology Competitiveness Act, a bill designed to help our manufacturing sector. In the end, I will vote for this bill, but it is a shell of what could have been accomplished had we worked together in a bipartisan fashion.

I think we can all agree that our manufacturing sector has been hard hit during the past 4 years. Exports had their largest drop in 50 years, more than 2.7 million manufacturing jobs have been lost, and the manufacturing recovery has been the slowest on record. Last month, we lost another 11,000 manufacturing jobs.

While H.R. 3598 is a small step in the right direction, it is hardly the comprehensive manufacturing bill that could have been produced by the Committee on Science or by this House. The bill does little beyond authorizing modest funding for the manufacturing extension partnership program, MEP. I strongly support the MEP, but should not be the only Federal program that assists and supports our manufacturing sector.

During the Committee on Science's markup, Democratic Members offered a series of amendments designed to strengthening the bill. Most of these amendments were defeated on a party-line vote. Our chairman reluctantly opposed the amendments, not on substantive grounds, but because of administration objections.

In fact, through a series of negotiations, in which the minority was not invited to participate, the White House whittled H.R. 3598, as introduced by the gentleman from Michigan (Mr. EHLERS), down to the bare bones MEP authorization we see today.

The original bill presented by the gentleman from Michigan (Mr. EHLERS) included the creation of an Undersecretary For Manufacturing and Technology. Now it is gone. The gentleman from Michigan (Mr. EHLERS) originally included $514 million for the MEP program, which, after unilateral negotiations with the administration, was cut by $60 million. The gentleman from Michigan (Mr. EHLERS) originally included $192 million in research activities related to manufacturing, which, after unilateral negotiations with the administration, was slashed to $55.6 million.

The bill before us today shows that this administration just does not get it. We would have liked to have offered several amendments to restore the cuts that the gentleman from Michigan (Mr. EHLERS) made to his own bill at the behest of the administration. However, many of our amendments were not made in order by the Committee on Rules.

Today, I and some of my colleagues on the Committee on Science will be offering a few amendments that were actually made in order by the Committee on Rules. But let me give you an example of an amendment that was not made in order by the Committee on Rules.

First, the amendment offered by the gentleman from California (Mr. HONDA) to provide an authorization for the Advanced Technology Program, ATP. Yesterday, during the debate on the rule, the gentleman from New York (Chairman BOEHLERT) said that this amendment was not made in order because the Advanced Technology Program really is not a manufacturing-oriented program.

That is just not the case. Almost 40 percent of ATP funds currently support manufacturing projects. The rest of the ATP funds support the development of new technologies, technologies that will create the manufacturing industries of the future.

New chip technologies will result in new chip manufacturing factories and more jobs for Americans. The administration's own analysis for ATP shows that the benefits from just a few of the ATP projects reviewed to date are projected to exceed $17 billion. ATP supports our current manufacturing base and supports the development of our future manufacturing base.

So H.R. 3598 represents a bit of the pie, but not the whole pie. Some groups reluctantly support this bill, figuring that it is better to get something rather than nothing at all. While this may be true at times, it is not the right thing to do in this case.

Manufacturing is just too important to the economic health of our Nation. It is also often forgotten that the manufacturing multiplier effect creates 8 million additional jobs in other sectors. We need to do our best not only to maintain, but also to strengthening our manufacturing base, and to keep these high-paying jobs here at home.

Mr. Chairman, I will say that we have missed a great opportunity to support our manufacturing community and our constituents who work in the manufacturing fields. I hope that by passing our amendments to H.R. 3598 today, we can come together in a bipartisan way to strengthen this bill, to help our workers and our firms.

In conclusion, Mr. Chairman, let me just say that in the last 3½ years, we have lost 2.5 million jobs. Millions more Americans are concerned about losing their job. They deserve better than half a loaf. They deserve better than saying we will get to you later. They deserve better than to say we are afraid to do the right thing, because the administration does not like it.

We are an equal branch of the Federal Government. We need to stand up on our own legs today and demonstrate that, and do the right thing for our manufacturing sector in this Nation.

Mr. Chairman, I reserve the balance of my time.

Mr. BOEHLERT. Mr. Chairman, I am pleased to yield 7 minutes to the gentleman from Michigan (Mr. EHLERS), the distinguished chairman of the Subcommittee on Environment, Standards, and Technology.

Mr. EHLERS. Mr. Chairman, I thank the chairman for yielding me time.

Mr. Chairman, I rise today in strong support of H.R. 3598, the Manufacturing Technology Competitiveness Act. The goal of my legislation is simple: It is to help small and medium-sized manufacturers better compete in the global marketplace. Why is this necessary? Because manufacturing is in trouble in the United States.

You have heard the figures of the over a million jobs lost in manufacturing in the past few years. At the same time, the funding has been cut for this particular program.

Like communities all over the United States, industries in my hometown of Grand Rapids, Michigan, face countless challenges. Globalization is rapidly changing the way business is done, and our small and medium-sized firms are particularly vulnerable to these changes.

□ 1330

Many are literally fighting for survival.

I asked them what I could do to help. In talking to manufacturers in my district, one thing was clear. They all said the Manufacturing Extension Partnership program was a tremendously important program in helping them remain competitive.

The MEP program has roughly 60 centers and 400 satellite offices throughout the country. These centers provide small manufacturers with tools and assistance to help increase productivity and efficiency.

As an example, the Michigan MEP regional office in Grand Rapids, known as the Right Place Program, helped the family-owned Wolverine Coil Spring Company to develop a more efficient packaging and auditing system that cut in half the wait time for delivery of finished products.

Unfortunately, Congress cut funding for the MEP program from $106 million in fiscal year 2003 to $39 million in 2004. This limited funding caused many centers to lay off people and cut back their services at a time when businesses needed them most.

Another major concern raised by my constituents was technological advances by other countries. For our firms to compete today and in the future, I was told we need more research and development into how to manufacture products better, faster, and cheaper. I also learned that we need to provide a way for manufacturers to learn quickly about the latest advances from the research community.

With these thoughts in mind, I developed H.R. 3598, the Manufacturing Technology and Competitiveness Act. This bill specifically will establish an interagency committee and external advisory committee on manufacturing research and development to ensure that Federal agencies will coordinate their programs related to manufacturing R&D and target them on concerns that matter most to industry. It will also help industry improve manufacturing processes and technology by establishing a pilot grant program that would fund joint efforts by universities and industry to solve challenges in manufacturing technology. It would also train more students and senior researchers in the manufacturing sciences by establishing post-doctoral and senior research fellowships at the National Institute for Standards and Technology. In addition, it would authorize the MEP program at $110 million to ensure all centers remain open.

Let me just offer a comparison to show that this is certainly a perfectly acceptable amount of funding. If we compare it to the Agriculture Extension Service, which everyone agrees has worked very, very well for a very long time, to the extent that what is discovered in the lab one year is used out in the fields the next year, we find the Cooperative Extension Service of the Agriculture Department is funded at over $440 million per year, four times what we are suggesting for the MEP program. At the same time, in agriculture, we have just 1.5 percent of the American workforce. Manufacturing has approximately 14 percent of the workforce. Clearly, we need a program such as MEP so that we can do for manufacturing what for years we have done for agriculture.

The bill also provides new ways to help small and medium-sized manufacturers by establishing a competitive grant program for MEP centers. And it authorizes the laboratory programs at the National Institute for Standards and Technology, which provides critical research and standards for most of our industries.

This legislation has received widespread and bipartisan support. The National Association of Manufacturers, the U.S. Small Manufacturing Coalition, and the National Council for Advanced Manufacturing, just to name a few, all support this legislation. I have also worked with the administration to ensure the bill can be passed into law and will receive the President's signature.

Mr. Chairman, this is the key point I want everyone to understand: I wanted to develop legislation that would help our manufacturers and that could make it through the entire congressional and administrative process to become law. Our manufacturers need our help and support now. Some of my colleagues are going to offer amendments that would seriously jeopardize the bill from passing into law.

One such amendment will be offered by my colleague, the gentleman from Tennessee (Mr. GORDON). His amendment would increase the authorization of MEP by an additional $90 million over the next 4 years and increase the amount the Federal Government contributes to the program from one-third to one-half. While well intentioned, this amendment will upset the delicate balance of support for full funding of the MEP program and could lead to some centers receiving less money. We are back on the right track with the fiscal year 2005 Commerce, Justice, State appropriations bill which passed the House yesterday with $106 million included for MEP, and I do not want to jeopardize the commitments made to achieve this funding level.

I acknowledge the hard work of my colleague, the gentleman from Virginia (Mr. WOLF), and the gentleman from Michigan (Mr. KNOLLENBERG) for their help on getting this appropriation.

As I said from the beginning, my goal was to develop and pass into law legislation that would help our small manufacturers better compete in the global marketplace, and H.R. 3598 does just that.

I want to conclude by thanking the gentleman from Colorado (Mr. UDALL), the ranking member of my subcommittee, and the gentleman from Tennessee (Mr. GORDON), the ranking member of the full committee, for their help and input throughout this process. I especially want to thank the gentleman from New York (Mr. BOEHLERT), the esteemed chairman of the Committee on Science, who has done an outstanding job on that committee; and I thank him for his unwavering commitment to move this legislation through the Congress and be signed into law.

Mr. Chairman, I strongly urge everyone to support small and medium-sized manufacturers by supporting H.R. 3598.

Mr. GORDON. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, with 2.5 million manufacturing jobs lost in 3 years, including 40,000 in my State of Connecticut, many outsourced to other countries like China and Singapore, we all understand that steps must be taken to revive what is the very backbone of America's economy. Reauthorizing the valuable Manufacturing Extension Partnership, a critical program that supports high-risk, early-stage research and development, is certainly a part of that effort.

If we are going to help manufacturers become more productive and innovative, if we are going to boost sales and invest in modernization and employment, a strong reauthorization of the MEP program is critical.

But none of us are under any illusion that this program alone will revive the struggling sector; and, frankly, the other provisions in this bill are little more than a Band-Aid for an economic sector that is bleeding jobs. What our manufacturers need from this body is not window dressing; what they need is a bold vision, one that makes our Federal Tax Code work for, and not against, our manufacturers.

American companies should not have to resort to transferring jobs to countries where workers make less and have fewer benefits just to stay competitive. We should encourage good corporate citizenship and incentivize work done right here on our shores. We should ban the use of taxpayer dollars to outsource or take offshore work formerly done in the United States. We should get serious about making our trading partners live up to their obligations under the World Trade Organization, and we should reform our nonimmigrant visa programs that allow companies to displace American workers by bringing foreign workers in at lower wages, and we should prohibit companies that move their headquarters overseas to avoid paying American taxes from receiving any Federal contracts. That is what we should be doing to keep this country competitive, but we are not.

While I am glad the administration has finally agreed to support the MEP program at the levels that we supported 2 years ago, I believe we have missed a real opportunity to do something meaningful on behalf of all of our manufacturers, whether they be large or small. That is what the task of this body ought to be, rather than just putting off what we ought to do for manufacturers in this country.

Mr. BOEHLERT. Mr. Chairman, I am pleased to yield 3½ minutes to the gentlewoman from Connecticut (Mrs. JOHNSON), a real leader in the effort to protect domestic manufacturing.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise in strong and enthusiastic support of this bill and congratulate the gentleman from New York (Chairman BOEHLERT) and my colleague, the gentleman from Michigan (Mr. EHLERS), in the development of this legislation.

Indeed, small and medium-sized manufacturers are the unsung heroes of America's strong economy. All of our large multinational firms depend on the strong, vibrant, and productive domestic manufacturing sector. Their ability to compete in a global economy is tied to our home-grown, small and medium-sized manufacturing firms.

The Manufacturing Technology Competitiveness Act will reauthorize the MEP program, which is the most successful Federal program supporting manufacturing. When America was an agricultural economy, we built land grant universities explicitly to provide the knowledge base necessary to assure continuous product development, continuous improvements in quality, and continuous improvements in productivity in the agricultural sector. That partnership between government and the private sector is well developed in agriculture and is successful.

What this bill does is to broaden the partnership between manufacturing and government to assure the continual improvement of product and process to assure the competitiveness of manufacturing in a global economy.

Not only does this bill reauthorize the MEP program, the bill also ensures that all Federal programs dealing with manufacturing will coordinate their activities so we will get the most bang for the buck and the small manufacturer will be most able to take advantage of Federal support where appropriate. It will also fund a program that will improve collaboration with researchers and industry.

We need to foster stronger relationships between the research community and the business community to strengthen manufacturing in a period in which changes in technology, in process, and in management capability are occurring at a historic pace.

In my home State, the MEP program funds CONNSTEP, a public-private partnership that has created 1,300 jobs just in 2003. CONNSTEP provides a hand up for small manufacturers by giving them access to advances in technology and management techniques. Most importantly, it is a cost-effective partnership. For every one dollar in government investment, CONNSTEP creates $4 in tax revenue.

America's free market philosophy has allowed us to be leaders in the global economy. However, we can never forget that our competitors in Asia, Europe, and elsewhere have a long history of using the powers and resources of the state to bolster their companies.

Our companies, large and small, have demonstrated time and time again that they are the best because they are innovative and highly adaptable.

This bill, by my esteemed colleagues, the gentleman from Michigan (Mr. EHLERS) and the gentleman from New York (Mr. BOEHLERT), modernize the public-private partnership that in our country strengthens our manufacturing sector, but does it in a way that respects their independence, their ingenuity, vitality, and responsibility to be competitive. This bill will help our companies live up to the lofty goals of our economy, and I urge its support.

Mr. GORDON. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. HONDA).

Mr. HONDA. Mr. Chairman, I am disappointed that the Committee on Science has missed a golden opportunity to fashion a meaningful bipartisan manufacturing bill. The bill we are debating does little, other than providing an authorization for the Manufacturing Extension Program.

As much as I appreciate the MEP, a program President Bush has repeatedly tried to shut down, by the way, pretending that authorizing this single program is the only worthwhile step that can be taken to help our manufacturing sector shows a lack of imagination and political will.

I do not have time to cover all of the good amendments that Democrats offered in the committee, but I would like to discuss my amendment to authorize funding for the Advanced Technology Program, which was not made in order for the floor.

During the debate on the rule for consideration of this bill, it was said that this amendment should not be allowed because this bill was only supposed to be about Federal programs that were dedicated to manufacturing. But according to its statute, ATP was created "for the purpose of assisting United States businesses in creating and applying the generic technology and research results necessary to, one, commercialize significant new scientific discoveries and technologies rapidly; and, two, refine manufacturing technologies."

Mr. Chairman, ATP does provide significant support for manufacturing. In 43 competitions held between 1990 and 2004, 39 percent of the awards involve either direct or indirect development of advanced manufacturing technologies. ATP does this by helping small businesses, small companies. Over 85 percent of all manufacturing technical awards go to small companies, and average employment growth of small company projects is over 180 percent.

In light of these facts, I tried to offer an amendment to authorize money for ATP at $169 million per year for fiscal years 2005 through 2008 and focus the funding on manufacturing projects.

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I am not alone in my support for ATP. The Committee on Science's 2004 Views and Estimates, on the budget supported funding ATP at the same level in my amendment.

In fact, the gentleman from New York (Mr. BOEHLERT) and the gentleman from Michigan (Mr. EHLERS) both testified before the Subcommittee on Commerce, Justice, State of the Committee on Appropriations that ATP is "necessary to help provide the edge that U.S. manufacturers need to compete in the global economy."

Many associations support this. Let me close by saying I am disappointed that we are missing this opportunity to deal comprehensively with the long-festering problems of the U.S. manufacturing base. Unfortunately, because the Bush administration told the committee Republicans in negotiations that did not involve committee Democrats, that the President would not sign the bill if it did anything bold. And today we will be approving a bill that is not all it can be.

Mr. BOEHLERT. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Chairman, I thank the chairman of the Committee on Science for yielding me time, and I congratulate him and the gentleman from Michigan (Mr. EHLERS) for his work on this legislation in bringing it to the floor today.

It is absolutely critical that we pass this legislation and to provide some assistance back to our manufacturing sector. The administration in its report "Manufacturing in America, A Comprehensive Strategy To Address the Challenges to U.S. Manufacturers," highlighted the need for investment and innovation through enhanced partnerships for the transfer of technology and support for the Manufacturing Extension Partnership Program, the MEP program.

The U.S. has an excellent research foundation from which to develop manufacturing technology, but this process and the people that do technology transfer, they need help.

Manufacturing in America faces stiff challenges. The challenges today come from the nature of the competition. It is now a global economy. Competitors across the world are responding quicker, faster and more effectively to the needs of their customers. We need to help provide our manufacturers with the tools to compete. One of those tools is technology and innovation. The MEP program is that type of a program.

In west Michigan, this has been a very, very successful program. In Michigan, the MEP program has worked with over 587 small and medium-sized manufacturing firms throughout the State. In their 13-year history, they have worked with 25 percent of all small and medium sized manufacturers in Michigan. This assistance increased and retained sales in amounts over $70 million in just 2002. This assistance also aided in the creation or retention of over 800 jobs that would not have otherwise occurred.

I know this bill does not solve all of the issues or do everything that this Congress would like to do, specifically an amendment that was proposed by the gentleman from Illinois (Mr. EMANUEL) which would have fully funded the Jobs for the 21 Century Initiative, a program initiated by the President.

I look forward to working with my colleague to pass that legislation and do it through the Committee on Labor which has jurisdiction over that legislation.

Mr. GORDON. Mr. Chairman, I yield 2½ minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, let me thank our leaders on the committee and our esteemed ranking member of the full committee.

I rise today and speak in support of my colleagues and the gentleman from Tennessee's (Mr. GORDON) amendment to the Manufacturing Technology Competitiveness Act of 2004.

The Gordon amendment provides a robust MEP program authorized for fiscal year 2005 to 2008; 10 percent above the fiscal year 2004 total; in fiscal year 2005, $116 million and 10 percent per year increases. This compares with approximately a 4 percent increase per year in the base bill. The amendment also adjusts the current one-third Federal cost-share for 6 years and older MEP centers to be as much as one-half in the fiscal year 2005 only.

Unfortunately, when this bill was marked up in committee, this amendment along with all of the amendments that were offered by the Democratic side were voted down. Not because of the merit but because apparently they said the White House had indicated that they would not sign the bill if they did not do it the way they wanted them to do it. But let me assure you that we have lost so many manufacturing jobs.

In Texas alone, we have lost 178,000 since 2001 and overall 8.2 million throughout the country. And you can look at there chart and see all the jobs lost. Every State has lost many jobs. This is the area which we are talking about, manufacturing. And this is also where we need to give attention most.

We are not going to get the manufacturing jobs back that have left this country but we do have to create more. Any country without a manufacturing base will never have a stable economy, and the only way we are going to get it is to do the research, involve the small companies involved.

Let me conclude by saying that when we have this many people, 8.2 million Americans without employment, which accounts for 5.6 percent and over 10 percent African Americans are jobless, we have to give attention to this manufacturing. I do not know what we are going to do instead of it, but I can assure you, Mr. Speaker, that we are missing the boat when it comes to making sure that Americans will have jobs in the future.

Mr. Chairman, I rise today to speak in support of my colleague's, Mr. GORDON'S amendment to the Manufacturing Technology Competitiveness Act of 2004.

The Gordon amendment provides a robust MEP program authorization for FY 2005–2008 (10 percent above FY 2004 totals in FY 2005 ($116 million) and 10 percent per year increases for FY 2006–2008). This compares with an approximately 4 percent increase per year in the base bill. The amendment also adjusts the current one-third federal cost-share for 6-year and older MEP Centers to be as much as one-half in fiscal year 2005 only. Unfortunately, when this bill was marked up in the Committee, this amendment, along with the vast majority of amendments from the Democratic side of the committee voted down.

This language is a necessary addition to the manufacturing bill because it provides a decent level of MEP authorization—essentially a small increase in FY 2005 and $5 million per year more for FY 2006–2008.

This is certainly an improvement on the Bush administration's efforts to kill the program, but we can do better.

MEP's services continue to be under-utilized because of a lack of resources. A recent study by the National Association of Public Administrators found that small manufacturers are underserved by the MEP.

Given the tremendous leverage generated among small businesses by the program, its funding should be ramped up toward a doubling over the next 6–7 years.

In FY 2004, because of the Bush administration's budget proposal and the actions of the Republican Congress, the MEP program was only provided with one-third ($39 million) of the funding necessary to maintain the existing network of MEP Centers (full funding would be $106 million).

According to the Modernization Forum (the umbrella group of state MEP Centers), as of April, MEP Centers will have closed 58 regional offices and reduced staffing by 15 percent. If no additional funds are provided in FY 2005, 16 states may close their MEP Centers. Overall, the MEP Centers could reduce their staff by 50 percent and close half of their regional offices.

Another impact of the current funding shortfall is that Centers are focusing on larger manufacturers that can afford large dollar projects, raising rates beyond the reach of many small manufacturers, and serving few small manufacturers overall. This is a very important addition, especially at a time when over 8.2 million Americans are without employment, which accounts for 5.6 percent, and over 10% of African Americans are currently jobless.

Manufacturing had long been the engine that drove the American economy. Much of manufacturing is still in recession even as the rest of the economy moves forward.

As we debate this bill on the House floor today, I am hopeful that we can reach constructive consensus on many of the amendments being offered today.

Mr. BOEHLERT. Mr. Chairman, I yield 2 minutes to the gentlewoman from Pennsylvania (Ms. HART) who is a valued member of the committee and a leader in enhancing the domestic manufacturing sector's ability to compete in a global marketplace.

Ms. HART. Mr. Chairman, I thank the gentleman for those kind words and thank him for moving this legislation.

The Manufacturing Technology Competitiveness Act is extremely important not only nationally, but for our competitiveness in the world. Western Pennsylvania, where I am from, has a long history of manufacturing and I support the programs that help our manufacturers to remain competitive.

H.R. 3598 supports small and medium-sized manufacturers. It helps them to improve their manufacturing processes. It also helps to improve their technology by establishing a pilot program to fund collaborations between universities and industries, that is our employers, to solve problems in manufacturing technology that companies and universities have not been able to solve on their own.

This legislation also ensures that Federal agencies will coordinate their programs related to manufacturing R&D and target them towards the concerns that matter most to industry by establishing an interagency committee on manufacturing research and development and an advisory committee of representatives from outside the Federal Government.

We have a shortage in this country of scientists and engineers. This bill will help train more students and senior researchers in the manufacturing sciences by establishing post-doctoral and senior research fellowships at NIST. This will help us fill that gap.

One provision in particular that I have been working on with my colleagues to secure funding for is the Manufacturing Extension Partnership program. We will reauthorize and improve MEP by passing this bill. We will help manufacturers to improve their processes, reduce waste, and train workers to become more efficient. MEP receives a third of its funding from the Federal Government, a third from the States, and a third from fees charged to those small manufacturers who participate. There are 60 MEP centers and 400 satellite institutions throughout the Nation. These programs make it possible for even the smallest firms to tap into the expertise of knowledgeable manufacturing and business specialists.

Each center, such as Catalyst Connection Pittsburgh, works directly with the manufacturers to provide expertise and service tailored most to their critical needs.

Mr. Chairman, I appreciate the gentleman bringing up this bill. I understand it will help our manufacturers be globally competitive, that will help us maintain our manufacturing sector and have it grow in the future.

Mr. GORDON. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Chairman, I thank gentleman from Tennessee (Mr. GORDON) for yielding me time.

Since 2001 the country has lost 2.7 million manufacturing jobs. Now, I offered an amendment which was President Bush's 21st Century Job Initiative in an act of bipartisanship. Let me quote what he said on April 5 when he introduced his initiative. "We are not training enough people to fill the jobs for the 21st century. There is a skills gap," the President says, "and if we do not adjust quickly, if we do not use our community colleges, we are going to have a shortage of skilled workers in the decades to come."

Now, when you were designing this bill, you did not include the President's initiative on the 21st Century for manufacturing jobs, so I offered it as an amendment. What does the Committee on Rules do? They knock it down and said, forget it.

I do not know how many times you are going to show disrespect to the President of the United States when he is trying to help with manufacturing jobs. He did not come up here and lobby for it, though. He did not send anybody here to lobby for his initiative, so I do not really so much think that you are showing disrespect because why should you include something the President does not care about? But it makes sense. Every budget he has proposed, he has tried to eliminate the manufacturing extension program, and we have resulted in 2.7 million jobs lost.

On top of that, when the President's economic advisor issued a report, he wanted to redefine flipping hamburgers as a manufacturing job. That is one way America can regain the manufacturing jobs we lost in America. Redefine them. No disrespect to the hamburger flippers in America, but I think there is something critically important about training workers using community colleges to, in fact, add and increase 100,000 workers, as the President of the United States said, in the high technology area of manufacturing. But this bill does not include it.

I still will support this bill because I do not believe in making the perfect the enemy of the good, or in this case, the good the enemy of the adequate. And that is all this bill will try to do, adequately tread water.

The fact is we have lost jobs over the last 3 years in manufacturing, 2.7 million of them, and the result has been because of basic attitude towards the manufacturing sector of benign neglect. The net result is Americans have lost their jobs, their health care, their retirement and their kids' college education because of it. I tried to offer the President's own initiative for the 21st century, and we will lose those jobs because we are not doing what we should be doing in a bipartisan fashion.

Mr. BOEHLERT. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. SMITH), the distinguished chairman of the Committee on Research and the Committee on Science.

Mr. SMITH of Michigan. Mr. Chairman, this bill, H.R. 3598, will ensure that the Federal agencies will coordinate their programs. That is important. It expands the effort to have more students be trained in the manufacturing science. That is important. It ups the authorization amount for the MEP program.

Yesterday we passed a bill that increased the appropriations for that program, the Manufacturing Extension Program. I will just urge every small and medium-sized manufacturer in this country, everyone that knows somebody that works in that kind of industry, to take advantage of this program.

Look, you are getting expert advice for one-third of what it is otherwise going to cost you as a manufacturer for expert advice. The State provides one-third, the feds under our program provides one-third, that leaves one-third for the participating manufacturers. Use the program.

If you know somebody that is in the manufacturing arena, tell them to go to the Web site. Type in MEP and NIST and let a search engine find it. If you want the details, it is www.MEP.NIST.gov/state-affairs. It is a good program. Use it.

Mr. GORDON. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), a leader on the Committee on Science.

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Ms. JACKSON-LEE of Texas. Mr. Chairman, I know full well the ranking member's commitment to job creation and knowing my good friend, the chairman, I also realize his commitment not only to the Committee on Science but also to creating opportunities for Americans; and I thank the ranking member and the subcommittee Chair, subcommittee ranking member also for their leadership.

But let me tell you why we are on the floor today as I support this legislation, obviously a bill that my good friend, the gentleman from Colorado (Mr. UDALL), first introduced to the United States Congress, because we are bleeding manufacturing jobs. We are losing them, and we are losing the ability to produce.

There are many things that America is all about, including our wonderful democratic principles, our courage; but we are producers, we manufacture. And my friends, if you look at this, you will understand why we are at the bottom of the heap on job creation and producing; and I think that we need more than this legislation on the floor of the House today. We know in Texas alone we are number two in the worst job loss in America, but it continues across the Nation. East coast, west coast, Midwest, South, Northwest, all of these States, 2.5 million jobs that we have lost.

So, frankly, what I am arguing for today is that we realize that we need a more expansive commitment to creating jobs, the elimination, if you will, of outsourcing so we can create jobs, the idea that we are given to do things with our hands and minds so that we can produce. Agricultural production is one thing, but building things is another; and that is how we built great cities in the Midwest when we had steel factories producing steel and producing cars.

And so what I am asking for is that we do more than what this legislation says and that we enhance the creation of manufacturing jobs and that the President support and stand with us.

Let me also say we have all supported the MEPs. I am glad to hear my colleagues on the other side of the aisle support the MEPs. If you support MEP centers, then support the Jackson-Lee amendment which will preclude the closing of MEPs because under the present structure of the bill, all of our manufacturing partnership programs will be cancelled out because we will be recompeting.

I ask my colleagues to support my amendment ultimately, but also to work with us to better create manufacturing jobs.

I will support H.R. 3598, the Manufacturing Technology Bill, because it is basically inoffensive. This bill started as a bold initiative from my colleague from Colorado Mr. UDALL. I wish we could have kept it stronger, and done more to make jobs for our struggling manufacturing sector. However, I do commend my colleagues from the Science Committee, Mr. EHLERS, and Chairman BOEHLERT for their leadership in pushing for some relief and stimulus for our sagging manufacturing sector.

The United States economy lost 2.5 million manufacturing jobs between January 2001 and January 2004. Although there have been some recent signs of movement in the job markets, too many people are still struggling with unemployment or underemployment. Texas was the second hardest hit of all States—losing over 45,000 jobs between August 2001 and August 2002.

Science and technology are truly the keys that will open the economy and careers of the future. Not only can technology develop products of the future—it can also be used to make making those products more efficient and cost-effective. That makes our businesses more competitive in the world market as they take market share, demand rises, and jobs are created. A solid manufacturing base is the bedrock of any strong economy. America has one of the greatest, hardest-working workforces in the world. The entrepreneurial spirit is strong in America. Small Federal investments and seed monies can be catalytic, and unleash the enormous potential of our manufacturing sector.

I know budgets are tight, due to fiscal mismanagement and a violent and expensive foreign policy. But we should not quit making smart investments in the future of our economy. That would be "penny wise but a pound foolish." We should be investing, not only in traditional manufacturing jobs, but also in alternative energy sources like windmills and geothermal and solar panels and fuel cells. These are the fuels and jobs of the future. This bill seems to be being expedited to make the newspapers by election time. I think if we had all worked together, we could have made this a more powerful Act, and still could have shown the voters what the 108th Congress is capable of.

Regardless, there are some good provisions of this bill. H.R. 3598 would establish an Interagency Committee on Manufacturing Research and Development to coordinate Federal manufacturing R&D efforts, and an advisory committee to guide those efforts. The interagency committee would prepare a strategic plan for manufacturing R&D, produce a coordinated intergency budget, and write an annual report on the Federal programs involved in manufacturing R&D. The President may designate existing bodies to serve as the committees.

It will establish a 3-year cost-shared, collaborative manufacturing R&D pilot grant program at NIST. It will establish a post-doctoral and senior research fellowship program in manufacturing sciences at NIST.

H.R. 3598 will reauthorize the MEP program and create an additional competitive grant program from which MEP centers can obtain supplemental funding for manufacturing-related projects.

Finally, the bill will authorize funding for NIST's Scientific, Technical, and Research Services account, the Baldrige Quality Award program, and the Construction and Maintenance account. H.R. 3598 would also establish a standards education grant program at NIST and authorize funding for it at $773,000 in FY 2005, increasing to $844,000 in FY 2008.

I will be offering an amendment later that will make these efforts stronger by protecting one of the most effective tools in the Federal manufacturing toolbox—the Manufacturing Extension Partnership program—from a wasteful recompetition, aimed at scaling back this vital program.

I hope my colleagues will support it, and support the underlying bill.

Mr. BOEHLERT. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Chairman, I thank the gentleman for yielding me this time.

I stand today, I guess, as a pig at a wedding here between those who want to fund the program that probably ought to be defunded and those who want to fund it more than it is being funded at current.

The President said that we ought to hold the line at about $35 million. The OMB analyzed the MEP and said, "Ultimately firms should be willing to pay for the cost of services that contribute to profitability if they determine the services are worth it."

That is what we as Republicans ought to stand for, and instead we are saying let us help them out some more. For those who do not believe this is corporate welfare, I would suggest that you do go to the Web site, which says MEP is a nationwide network of not-for-profit centers in over 400 locations nationwide whose sole purpose is to provide small and medium-sized manufacturers with the help they need to succeed.

Well, I would suggest that if a business is having trouble succeeding, it is probably because there is not a market for its good or services or its competitors are doing it better.

Now, is it our role as government to actually try to go in and help them out? I would say yes, but we ought to do it by little more of what the gentleman suggested was benign neglect. I think our small and medium-sized businesses out there are crying for a little benign neglect when it comes to government in terms of lesser taxes and less regulation. Let us give them more of what we have been over the past couple of years, which is lower taxes, less regulation, and let them compete on their own.

Now, I come from Arizona where we are long-suffering in terms of professional football. The Cardinals had fewer rushing touchdowns last year than they have in years past. What are we to do? Dispatch a government team or a bunch of experts to tell them how they can have more rushing touchdowns and compete a little more, put a little more fannies in the seats? I do not think we are going to do that, but reading this, I think, What is next? If we are going to do it for manufacturing, why not professional sports?

I would say it is time to back away. Government's role is to provide a conducive regulatory and tax environment and then please stay out of the way, particularly in times of human deficits, $400 billion deficit this year, and we are increasing spending on this program. I would urge a rejection of the bill.

Mr. GORDON. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, we have lost over 2.5 million jobs, manufacturing jobs, under this administration. Actually, we have lost 2.7 million jobs. I guess we should not be surprised, considering that the President's economic report suggested fixing the job-loss problem by reclassifying fast-food jobs as manufacturing jobs and by nominating the exporter of U.S. jobs, Anthony Raimondo, as the new manufacturing czar. And he just did that 4 months ago.

Obviously, this administration does not get it, and neither does the leadership in the House. Why else would Republicans bring up a bill that would increase tax breaks for multinational corporations that ship jobs abroad? And why else would the President's chief economist endorse outsourcing as a long-term benefit for jobless Americans?

Well, obviously I believe that we need to be doing a lot more to encourage an increase in the number of manufacturing jobs in our country, but I am glad that after ignoring the country's manufacturing crisis for the last 3 years, we are here today taking a small step forward to reauthorize the Manufacturing Extension Partnerships. I am just sorry that we are not doing more.

Mr. GORDON. Mr. Chairman, I yield 2½ minutes to the gentleman from Colorado (Mr. UDALL).

Mr. UDALL of Colorado. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I have got to tell you I am disappointed with this bill, but I do have to also tell you I support it, because it does more for our manufacturing sector than the administration is doing now. As my colleague, the gentlewoman from Texas (Ms. JACKSON-LEE), mentioned, the essence of the bill is a version of legislation I introduced last year, the America Manufacturing Works Act; but unlike my bill, this bill does little more than provide an authorization for the Manufacturing Extension Partnership. We could have and should have done so much more, such as authorizing the widely supported ATP program, strengthening the MEP program, which we are discussing now, authorizing an independent study on outsourcing and bolstering our manufacturing workforce education, among many other things.

Still, though, reauthorizing MEP is critical. It is one of the most successful Federal-State partnerships in government; and at a time when our manufacturing base is threatened, it makes no sense to eliminate a program that helps small and mid-sized American manufacturers modernize in order to compete in the demanding global marketplace they face.

Whether for reasons of substance or politics, this administration has finally recognized that eliminating MEP is a bad idea. Now, of course we will not know how sincere they are until we see the proposed funding levels for fiscal year 2006. But today this House has an opportunity to save this important program.

The Chairman, my good friend from New York, mentioned the reauthorization of the funding for NIST core laboratory programs; and this is important because as he knows and we all know, NIST worked to set standards and put measurement activities together to directly support the U.S.'s manufacturing base.

I am troubled, and I know the chairman knows I am, that we have refused to include specific amounts for the construction funding at NIST's Boulder campus, and in the past he has indicated his support for construction funds; and I hope that as we move forward he and I can work together so that such language translates into something meaningful.

In conclusion, as I did say, I support this bill. I believe it is a modest and narrow effort to support this country's manufacturing base. We have much more work to do, but this is a first step; and I urge its passage today.

I thank the gentleman for yielding me the time.

Mr. GORDON. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Chairman, I do not have the privilege of being a member of this committee, so maybe I can be blunt, though, I have affection for the Chair and my friend, the gentleman from Michigan (Mr. EHLERS). But when I look at these figures on the Manufacturing Extension Program (MEP), I think it is pretty clear what is happening here, and that is, we have an election-year conversion by the House majority to really cover a President who is still asleep at the switch on manufacturing.

We have lost, as has been said here, 2.7 million manufacturing jobs; but while this was happening, what did the House do and the Congress do last year? It cut the MEP by almost 63 percent, almost 63 percent. Now the majority comes back here and says let us restore the cut. That is the conversion.

As to where the President is, despite this mammoth loss of jobs, he proposed in 2003, $12.9 million essentially to phase out MEP. He repeats that in 2004, phase it out essentially. Then 2005, with all of this loss of manufacturing, the President's request is $39 million for MEP. That shows a lack of concern about what has been happening to manufacturing in my State and in this Nation.

Then the suggestion was, have an assistant Secretary for manufacturing. We said it was shuffling chairs. They did nothing to fill that shuffling of chairs for 6 months, and then they appoint somebody else who cannot be confirmed, and now they appoint somebody else and we are still waiting for confirmation.

No, this country needs leadership that is committed to manufacturing in the United States. I hope we will adopt the Gordon amendment. It would be a step forward.

Mr. GORDON. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I commend the committee for trying to do something to change the way we address the manufacturing needs in this Nation. We have many challenges facing the manufacturing sector today. With this bill, it is a start; but I am really disappointed that the bill continues to take the business-as-usual approach.

This is not a time for business as usual. We have lost, as my colleagues can see, throughout this country about 2.8 million manufacturing jobs since President Bush took office. In Michigan, like Ohio, Pennsylvania, Illinois, Texas, North Carolina, we have lost manufacturing jobs under this administration.

This legislation is only a drop in the bucket as to what we need. It cannot be the President's business-as-usual when it comes to manufacturing jobs.

I urge this administration, and we have written to Secretary Evans, we have written to the President, we have urged them to change course and support real action now to help our U.S. manufacturers. The administration must change course and respond to the skyrocketing health care costs with a prescription drug card benefit that supports employer-provided coverage; address the employer/employee pension issues so that employers can contribute the appropriate amount to the pension funds, freeing up resources for investment, hiring, and wage increases; take action to level the international playing field on these so-called trade agreements we have. They are not fair, but they are certainly free and giving away our jobs.

We urge the President and this administration to support partnerships with the States, businesses and employees which promote research and development, future technologies and a trained workforce. Until we do this, as we Democrats have been advocating for some time, this bill will only be a drop in the bucket to support our U.S. manufacturing.

Mr. BOEHLERT. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Georgia (Mr. GINGREY), a valued member of the committee.

Mr. GINGREY. Mr. Chairman, I thank the chairman for yielding me the time.

Mr. Chairman, my colleague on this side of the aisle and my teammate on the Republican congressional baseball team was just in the well, and I think he was speaking against this bill and making an analogy between professional sports teams. I think he mentioned the football team in Arizona and that if we are going to support the manufacturers, we might as well be for supporting professional sports. With all due respect to the gentleman from Arizona, I think the manufacturing sector in this country is a lot more important than any professional sports team.

H.R. 3598 supports small and medium-sized manufacturers by reauthorizing and improving the highly successful Manufacturing Extension Partnership program, MEP. This program helps businesses improve manufacturing processes, reduce waste, and train workers on how to use new equipment. MEP receives one-third of its funding from the Federal Government, one-third from the States, and one-third actually from fees charged to participating small businesses, small manufacturers.

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There are 60 MEP centers and 400 satellite institutions throughout the country.

But, Mr. Chairman, let me talk briefly about Georgia. The Georgia Manufacturing Extension Partnership consists of 19 regional offices, four of which are in my district, the 11th District of Georgia, Carrollton, Cartersville, Newman, and Rome, Georgia. It is lead by the Economic Development Institute at my alma mata, the Georgia Institute of Technology, Georgia Tech.

The MEP program has a proven track record. It works directly with local manufacturers to help them improve manufacturing processes, train workers, improve business practices, and apply information technology to their companies. Solutions are offered through a combination of direct assistance from center staff and outside experts.

The Rome-Floyd Recycling Center, Mr. Chairman, is a perfect example. They were struggling, about to go under. But when the MEP program came and helped them and brought in engineers and showed them how to process that recycling and streamline that operation, they began making money and employing people right in my district.

In Georgia, during 2002, MEP assistance helped companies retain or create more than 1,300 jobs, invest more than $33 million, and cut $13 million in unnecessary costs and increase or retain $61 million in sales.

Mr. Chairman, H.R. 3598 and its authorization of returning funding levels for MEPs back to an effective level will greatly influence the retention and creation of manufacturing jobs throughout Georgia and the Nation. Let us support this good legislation on behalf of the distressed manufacturing sector.

Mr. GORDON. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. MILLER), an active member of the Committee on Science.

Mr. MILLER of North Carolina. Mr. Chairman, I thank the gentleman from Tennessee for yielding me this time, and I agree that this is a bill with disappointingly modest ambitions, but one that we must support today.

Many Members have talked about manufacturing job losses in the country. In North Carolina, it is 150,000 manufacturing jobs in the last 3 years. It has cut into the backbone of the traditional basis of the North Carolina economy. There have been textile industry jobs, tobacco jobs, furniture jobs, the jobs that North Carolinians have depended on to support themselves and their families.

I have talked to a lot of workers who have lost their jobs. They are very realistic. They do not ask how are we are going to bring those jobs back. They know those jobs are gone forever. The employers have not simply cut a shift, they have closed the factory. It is padlocked and the equipment sold. The employees have either gone overseas or they are just flat out of business. Their question, instead, is where are the new jobs going to come from and what are we doing to bring new jobs here? And my answer is: We are not doing nearly enough. We are not doing nearly enough.

They know that service sector jobs will be no answer. We cannot prosper as a service economy. We cannot simply cut each other's hair or sell each other insurance or give each other golf lessons. We have to make things. The heart and soul of our economy is manufacturing. It is the basis upon which our economy exists. It is the basis of our prosperity and we are not doing nearly enough to protect it.

Let me tell you what the Manufacturing Extension Partnership has done in our State. In 2002, there was an independent Federal survey of the MEP program, which is called the Industrial Extension Service in North Carolina. As a result of the help, the service, the advice that the Industrial Extension Services gave to some 367 employers that year, they achieved $85.6 million in savings as a result of the efficiencies they were able to achieve. As a result of that, North Carolina was able to save 1,119 jobs and create 193 new ones.

Mr. Chairman, the Industrial Extension Service, the Manufacturing Extension Partnership, is something we should be doing better by, not cutting.

Mr. GORDON. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN pro tempore (Mr. SIMPSON). The gentleman from Tennessee (Mr. GORDON) has 3 minutes remaining, and the gentleman from New York (Mr. BOEHLERT) has 2½ minutes remaining.

Mr. GORDON. Mr. Chairman, I yield myself the balance of my time to close, then. And let me just respond very quickly to a statement that the gentleman from Arizona (Mr. FLAKE) made in the well of the House earlier. And I think it was a very honest statement on his part about his feelings, and I think it reflects that of the administration and, really, of the majority of the Republicans over the last 3 years, and that is, let the strong survive and the weak will move aside, and that is the best thing we can do for our economy. Well, unfortunately, the strong are surviving, but they are surviving by or prospering by sending jobs offshore.

So let me say what MEP really is about, for the 99 percent of America who do not know what these initials stands for. Right now, small- and medium-sized manufacturing businesses cannot afford to have full-time experts, specialists, and technicians on their staff like the big guys can. So what MEP does, it is a State-based program that allows these small- and medium-sized manufacturers to combine their resources and go to the State and get some help on a project here, a project there, where they could not afford to have that full-time expert. It makes them more productive, it allows them to be more competitive internationally, it creates additional jobs, and it returns many, many, many more dollars to the Federal Government than is sent out.

Also, let me explain the leveraging that goes on here. The money that the Federal Government puts into the MEP program is matched by the State. And States that are hard-pressed now are glad to get whatever money they can. So the Federal Government puts up one-third, the State puts up one-third, and then the local manufacturer puts up one-third, because they think it is that important. Together, they are then able to pool their resources and have this additional expertise to make our country more productive.

That is what the MEP is all about, and that is why we want to see MEP not done away, as the gentleman from Arizona (Mr. FLAKE) honestly suggested, but it should be expanded to help our country be more productive.

Mr. Chairman, I yield back the balance of my time.

Mr. BOEHLERT. Mr. Chairman, I yield myself such time as I may consume, and before I actually close, let me thank all of the staff who worked so hard on this over the past year: Olwen Huzley, Eric Webster, Amy Carroll, David Goldston on the committee staff; and Cameron Wilson on the staff of the gentleman from Michigan (Mr. EHLERS), who, happily, could not be with us today because of the birth of Nolan Eric Wilson. We wish Nolan, Cameron and Laura Wilson our very best. Our staff finds many ways to contribute to the Nation's future.

And, Mr. Chairman, let me thank my colleagues on the other side of the aisle. We have worked in a bipartisan fashion to create a good bill. There are some differences over the level of funding, but I will say that we are on the same wavelength with respect to our admiration and affection for the Manufacturing Extension Partnership and we can proudly go forward with the committee's bill.

That is what this bill is all about. It is about jobs, it is about helping the manufacturing sector. And to the gentleman from Arizona (Mr. FLAKE) I would point out, if manufacturing in America was subsidized to the extent that government subsidized professional sports is, they would be in heaven.

H.R. 3598 will help ensure that our Nation has good, high-paying, productive manufacturing jobs for years to come, and I urge its adoption.

Mr. KIND. Mr. Chairman, America's manufacturing sector has been in crisis for the past 4 years with over 2.7 million quality jobs lost, including 80,000 in my home state of Wisconsin. Congress must act to stem this trend and invest in programs that help our Nation's manufacturers compete and grow in the global economy.

Throughout the Third Congressional District, I have been meeting with local business owners, workers, educators, and government officials to discuss economic challenges facing Wisconsin to determine what can be done to help Wisconsin businesses grow. As a member of the Congressional Manufacturing Task Force, I have focused on how the federal government can most effectively help small- and medium-sized manufacturers compete and grow. There are no easy answers to this problem, but through good investments and smart practices, the federal government can better assist American companies and help America keep its economic edge.

One of the most successful programs helping manufacturers throughout the Nation is the Manufacturing Extension Partnership (MEP) program within the Department of Commerce's National Institutes of Standards and Technology. Through a national network of manufacturing extension centers, MEP is designed to benefit domestic manufacturers by providing expertise and services tailored to their most critical needs. This includes assistance in process improvements, worker training, and information technology applications. In Wisconsin, MEP has served over 110 firms.

To strengthen this program, I support an amendment offered by Representative GORDON to increase the authorization limit for MEP and help states match funding so more businesses can benefit. With our manufacturing sector suffering, it is important that we build on the successes of the MEP program.

In addition, I support the amendment offered by Representative JACKSON-LEE to halt a misguided proposal by the Administration to "recompete" MEP centers. Recompetition of MEP centers could destroy the effective national system of centers established over the past 14 years. This could result in fewer projects initiated and consumes valuable resources that could be used to help American businesses.

Mr. Chairman, it is important that we step up and help manufacturers in real, measurable ways. I urge my colleagues on both sides of the aisle to continue to invest in small- and medium-sized businesses.

Mr. CASTLE. Mr. Chairman, I rise today to strongly support this legislation. The Delaware Manufacturing Extension Partnership (DEMEP) has been part of the national MEP program since 1994 and in 1999 it entered into a partnership with the Delaware Chamber of Commerce, the Delaware State Technical and Community College, and the Delaware Economic Development Office.

The Federal funding they receive through the national MEP program has helped them to develop the resources to be able to reach the small and medium-sized manufacturers in their delivery area.

Delaware MEP has 3 locations in Delaware and is currently assisting 1,100 Delaware manufacturers. Delaware MEP is showing a greater than 8 to 1 impact in terms of economic impact per every Federal dollar spent. The manufacturing sector in Delaware is dealing with the same burdens that are affecting all U.S. manufacturers—among them are the rising costs of labor, health care, energy, and regulatory costs. These obstacles contributed to the October 2003 statistics shared by the Delaware Department of Labor that measured 3,900 manufacturing jobs lost in the last 12 months. The Delaware MEP exists to strengthen local manufacturers by assisting them in dealing with these issues.

This year marks the 10th anniversary of the Delaware MEP, a strong Federal, State, and industry partnership. For 10 years, they have successfully strengthened competitiveness, improved productivity, and increased profits for Delaware manufacturers by guiding them in the implementation of best practices.

Programs such as Lean Manufacturing and Quality Management Systems have helped companies record significant improvements in productivity and profitability. ILC Dover, Inc., a manufacturer of protective equipment and engineered inflatables for NASA shuttle astronauts and other industrial customers, reported production improvements gains of 41 percent in 6 months from use of the Lean Manufacturing program.

Many other Delaware manufacturers have increased their productivity and decreased waste, thanks to this program. Allied Precision Inc., a Newark-based manufacturer of precision components for the aerospace, automotive, and military industries, risked losing a major client unless they adopted international standards of quality. They turned to the Delaware MEP quality management program for assistance to meet those standards and were able to gain international registration for meeting those standards and are now competing for and being awarded foreign contracts.

The Delaware MEP will continue to access its many local, regional and national resources to bring innovative programs to Delaware manufacturers to serve their competitive needs and help companies compete and prosper.

Mr. Chairman, this bill will be a key driver in supporting the Delaware and the U.S. manufacturing sectors and help them create jobs to further strengthen our economy. Support this legislation.

Mr. HONDA. Mr. Chairman, I am disappointed that the Science Committee has missed a golden opportunity to fashion a meaningful, bipartisan manufacturing bill. The bill we are debating does little other than providing an authorization for the Manufacturing Extension Program (MEP). As much as I appreciate MEP, a program President Bush has repeatedly tried to shut down by the way, pretending that authorizing this single program is the only worthwhile step that can be taken to help our manufacturing sector shows a lack of imagination and political will.

I don't have time to cover all of the good amendments that Democrats offered in Committee, but I would like to discuss my amendment to authorize funding for the Advanced Technology Program (ATP), which was not made in order for floor consideration. During debate on the Rule for consideration of this bill, it was said that this amendment should not have been allowed because this bill was only supposed to be about Federal programs that were dedicated to manufacturing. But according to its statute, ATP was created "for the purpose of assisting United States businesses in creating and applying the generic technology and research results necessary to

(1) commercialize significant new scientific discoveries and technologies rapidly and (2) refine manufacturing technologies. And ATP does provide significant support for manufacturing. In 43 competitions held between 1990 and 2004, 39 percent of the awards involve either direct or indirect developments of advanced manufacturing technologies. ATP does this by helping small companies—over 85 percent of all manufacturing technical awards go to small companies, and average employment growth of small company projects is over 180 percent.

In light of these facts, I tried to offer an amendment to authorize funding for ATP at $169 million per year for fiscal years 2005 through 2008, and focus the funding on manufacturing projects. I am not alone in my support for ATP—the Science Committee's 2004 Views and Estimates on the Budget supported funding ATP at the level in my amendment. In fact, Chairman BOEHLERT and Chairman EHLERS both testified before the Commerce, Justice, State Appropriations subcommittee that ATP is "necessary to help provide the edge that U.S. manufacturers need to compete in the global economy." Many outside groups have expressed support for ATP, including the Electronics Industries Alliance, the International Economic Development Council, ASTRA (The Alliance for Science and Technology Research in America), the Council on Competitiveness, the National Association of Manufacturers (NAM) and its Coalition for the Future of Manufacturing.

One of the members of the Majority on the Rules Committee said that we should be taking guidance from the National Association of Manufacturers (NAM) as we consider this bill. Well, I did, and they said we need to fund ATP. But apparently the Rules Committee wasn't listening to NAM when they prevented me from offering my amendment.

I am going to support the underlying bill, because it is not objectionable. But I am disappointed that we are missing this opportunity to deal comprehensively with the long-festering problems of the U.S. manufacturing base.

Outside experts have told us that the future of American manufacturing lies in our ability to promote risk taking. We should be doing a little risk taking ourselves here today and investing in the innovation that will be needed to preserve the future of American manufacturing. Unfortunately, because the Bush Administration told the committee Republicans in negotiations that did not involve committee Democrats that the President would not sign the bill if it did anything bold, today we will be approving a bill that is not all that it could be.

Mr. BOEHLERT. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. All time for general debate has expired. Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule, and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 3598

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Manufacturing Technology Competitiveness Act of 2004".

SEC. 2. INTERAGENCY COMMITTEE AND ADVISORY COMMITTEE.

(a) INTERAGENCY COMMITTEE.—

(1) ESTABLISHMENT.—The President shall establish or designate an interagency committee on manufacturing research and development, which shall include representatives from the Office of Science and Technology Policy, the National Institute of Standards and Technology, the Science and Technology Directorate of the Department of Homeland Security, the National Science Foundation, the Department of Energy, and any other agency that the President may designate. The Interagency Committee shall be chaired by the Under Secretary of Commerce for Technology.

(2) FUNCTIONS.—The Interagency Committee shall be responsible for the planning and coordination of Federal efforts in manufacturing research and development through—

(A) establishing goals and priorities for manufacturing research and development, including the strengthening of United States manufacturing through the support and coordination of Federal manufacturing research, development, technology transfer, standards, and technical training;

(B) developing, within 6 months after the date of enactment of this Act, and updating every 3 years for delivery with the President's annual budget request to Congress, a strategic plan, to be transmitted to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, for manufacturing research and development that includes an analysis of the research, development, technology transfer, standards, technical training, and integration needs of the manufacturing sector important to ensuring and maintaining United States competitiveness;

(C) proposing an annual coordinated interagency budget for manufacturing research and development to the Office of Management and Budget; and

(D) developing and transmitting to Congress an annual report on the Federal programs involved in manufacturing research, development, technical training, standards, and integration, their funding levels, and their impacts on United States manufacturing competitiveness, including the identification and analysis of the manufacturing research and development problems that require additional attention, and recommendations of how Federal programs should address those problems.

(3) RECOMMENDATIONS AND VIEWS.—In carrying out its functions under paragraph (2), the Interagency Committee shall consider the recommendations of the Advisory Committee and the views of academic, State, industry, and other entities involved in manufacturing research and development.

(b) ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—Not later than 6 months after the date of enactment of this Act, the President shall establish or designate an advisory committee to provide advice and information to the Interagency Committee.

(2) RECOMMENDATIONS.—The Advisory Committee shall assist the Interagency Committee by providing it with recommendations on—

(A) the goals and priorities for manufacturing research and development;

(B) the strategic plan, including proposals on how to strengthen research and development to help manufacturing; and

(C) other issues it considers appropriate.

(3) REPORT.—The Advisory Committee shall provide an annual report to the Interagency Committee and the Congress that shall assess—

(A) the progress made in implementing the strategic plan and challenges to this progress;

(B) the effectiveness of activities under the strategic plan in improving United States manufacturing competitiveness;

(C) the need to revise the goals and priorities established by the Interagency Committee; and

(D) new and emerging problems and opportunities affecting the manufacturing research community, research infrastructure, and the measurement and statistical analysis of manufacturing that may need to be considered by the Interagency Committee.

(4) FEDERAL ADVISORY COMMITTEE ACT APPLICATION.—Section 14 of the Federal Advisory Committee Act shall not apply to the Advisory Committee.

SEC. 3. COLLABORATIVE MANUFACTURING RESEARCH PILOT GRANTS.

The National Institute of Standards and Technology Act is amended—

(1) by redesignating the first section 32 as section 34 and moving it to the end of the Act; and

(2) by inserting before the section moved by paragraph (1) the following new section:

"SEC. 33. COLLABORATIVE MANUFACTURING RESEARCH PILOT GRANTS.

"(a) AUTHORITY.—

"(1) ESTABLISHMENT.—The Director shall establish a pilot program of awards to partnerships among participants described in paragraph (2) for the purposes described in paragraph (3). Awards shall be made on a peer-reviewed, competitive basis.

"(2) PARTICIPANTS.—Such partnerships shall include at least—

"(A) 1 manufacturing industry partner; and

"(B) 1 nonindustry partner.

"(3) PURPOSE.—The purpose of the program under this section is to foster cost-shared collaborations among firms, educational institutions, research institutions, State agencies, and nonprofit organizations to encourage the development of innovative, multidisciplinary manufacturing technologies. Partnerships receiving awards under this section shall conduct applied research to develop new manufacturing processes, techniques, or materials that would contribute to improved performance, productivity, and competitiveness of United States manufacturing, and build lasting alliances among collaborators.

"(b) PROGRAM CONTRIBUTION.—Awards under this section shall provide for not more than one-third of the costs of a partnership. Not more than an additional one-third of such costs may be obtained directly or indirectly from other Federal sources.

"(c) APPLICATIONS.—Applications for awards under this section shall be submitted in such manner, at such time, and containing such information as the Director shall require. Such applications shall describe at a minimum—

"(1) how each partner will participate in developing and carrying out the research agenda of the partnership;

"(2) the research that the grant would fund; and

"(3) how the research to be funded with the award would contribute to improved performance, productivity, and competitiveness of the United States manufacturing industry.

"(d) SELECTION CRITERIA.—In selecting applications for awards under this section, the Director shall consider at a minimum—

"(1) the degree to which projects will have a broad impact on manufacturing;

"(2) the novelty and scientific and technical merit of the proposed projects; and

"(3) the demonstrated capabilities of the applicants to successfully carry out the proposed research.

"(e) DISTRIBUTION.—In selecting applications under this section the Director shall ensure, to the extent practicable, a distribution of overall awards among a variety of manufacturing industry sectors and a range of firm sizes.

"(f) DURATION.—In carrying out this section, the Director shall run a single pilot competition to solicit and make awards. Each award shall be for a 3-year period.".

SEC. 4. MANUFACTURING FELLOWSHIP PROGRAM.

Section 18 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–1) is amended—

(1) by inserting "(a) IN GENERAL.—" before "The Director is authorized"; and

(2) by adding at the end the following new subsection:

"(b) MANUFACTURING FELLOWSHIP PROGRAM.—

"(1) ESTABLISHMENT.—To promote the development of a robust research community working at the leading edge of manufacturing sciences, the Director shall establish a program to award—

"(A) postdoctoral research fellowships at the Institute for research activities related to manufacturing sciences; and

"(B) senior research fellowships to established researchers in industry or at institutions of higher education who wish to pursue studies related to the manufacturing sciences at the Institute.

"(2) APPLICATIONS.—To be eligible for an award under this subsection, an individual shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require.

"(3) STIPEND LEVELS.—Under this section, the Director shall provide stipends for postdoctoral research fellowships at a level consistent with the National Institute of Standards and Technology Postdoctoral Researcn Fellowship Program, and senior research fellowships at levels consistent with support for a faculty member in a sabbatical position.".

SEC. 5. MANUFACTURING EXTENSION.

(a) MANUFACTURING CENTER EVALUATION.—Section 25(c)(5) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(c)(5)) is amended by inserting "A Center that has not received a positive evaluation by the evaluation panel shall be notified by the panel of the deficiencies in its performance and may be placed on probation for one year, after which time the panel may reevaluate the Center. If the Center has not addressed the deficiencies identified by the panel, or shown a significant improvement in its performance, the Director may conduct a new competition to select an operator for the Center or may close the Center." after "sixth year at declining levels.".

(b) MANUFACTURING EXTENSION CENTER COMPETITIVE GRANT PROGRAM.—Section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k) is amended by adding at the end the following new subsection:

"(e) COMPETITIVE GRANT PROGRAM.—

"(1) ESTABLISHMENT.—The Director shall establish, within the Manufacturing Extension Partnership program under this section and section 26 of this Act, a program of competitive awards among participants described in paragraph (2) for the purposes described in paragraph (3).

"(2) PARTICIPANTS.—Participants receiving awards under this subsection shall be the Centers, or a consortium of such Centers.

"(3) PURPOSE.—The purpose of the program under this subsection is to develop projects to solve new or emerging manufacturing problems as determined by the Director, in consultation with the Director of the Manufacturing Extension Partnership program, the Manufacturing Extension Partnership National Advisory Board, and small and medium-sized manufacturers. One or more themes for the competition may be identified, which may vary from year to year, depending on the needs of manufacturers and the success of previous competitions. These themes shall be related to projects associated with manufacturing extension activities, including supply chain integration and quality management, or extend beyond these traditional areas.

"(4) APPLICATIONS.—Applications for awards under this subsection shall be submitted in such manner, at such time, and containing such information as the Director shall require, in consultation with the Manufacturing Extension Partnership National Advisory Board.

"(5) SELECTION.—Awards under this subsection shall be peer reviewed and competitively awarded. The Director shall select proposals to receive awards—

"(A) that utilize innovative or collaborative approaches to solving the problem described in the competition;

"(B) that will improve the competitiveness of industries in the region in which the Center or Centers are located; and

"(C) that will contribute to the long-term economic stability of that region.

"(6) PROGRAM CONTRIBUTION.—Recipients of awards under this subsection shall not be required to provide a matching contribution.".

SEC. 6. SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES.

(a) LABORATORY ACTIVITIES.—There are authorized to be appropriated to the Secretary of Commerce for the scientific and technical research and services laboratory activities of the National Institute of Standards and Technology—

(1) $425,688,000 for fiscal year 2005, of which—

(A) $55,777,000 shall be for Electronics and Electrical Engineering;

(B) $29,584,000 shall be for Manufacturing Engineering;

(C) $50,142,000 shall be for Chemical Science and Technology;

(D) $42,240,000 shall be for Physics;

(E) $62,724,000 shall be for Material Science and Engineering;

(F) $23,594,000 shall be for Building and Fire Research;

(G) $60,660,000 shall be for Computer Science and Applied Mathematics, of which $2,800,000 shall be for activities in support of the Help America Vote Act of 2002;

(H) $17,445,000 shall be for Technical Assistance; and

(I) $78,102,000 shall be for Research Support Activities;

(2) $446,951,000 for fiscal year 2006;

(3) $469,299,000 for fiscal year 2007; and

(4) $492,764,000 for fiscal year 2008.

(b) MALCOLM BALDRIGE NATIONAL QUALITY AWARD PROGRAM.—There are authorized to be appropriated to the Secretary of Commerce for the Malcolm Baldrige National Quality Award program under section 17 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a)—

(1) $5,400,000 for fiscal year 2005;

(2) $5,535,000 for fiscal year 2006;

(3) $5,674,000 for fiscal year 2007; and

(4) $5,815,000 for fiscal year 2008.

(c) CONSTRUCTION AND MAINTENANCE.—There are authorized to be appropriated to the Secretary of Commerce for construction and maintenance of facilities of the National Institute of Standards and Technology such sums as may be necessary for each of fiscal years 2005 through 2008.

SEC. 7. STANDARDS EDUCATION PROGRAM.

(a) PROGRAM AUTHORIZED.—(1) As part of the Teacher Science and Technology Enhancement Institute Program, the Director of the National Institute of Standards and Technology shall carry out a Standards Education program to award grants to institutions of higher education to support efforts by such institutions to develop curricula on the role of standards in the fields of engineering, business, science, and economics. The curricula should address topics such as—

(A) development of technical standards;

(B) demonstrating conformity to standards;

(C) intellectual property and antitrust issues;

(D) standardization as a key element of business strategy;

(E) survey of organizations that develop standards;

(F) the standards life cycle;

(G) case studies in effective standardization;

(H) managing standardization activities; and

(I) managing organizations that develop standards.

(2) Grants shall be awarded under this section on a competitive, merit-reviewed basis and shall require cost-sharing from non-Federal sources.

(b) SELECTION PROCESS.—(1) An institution of higher education seeking funding under this section shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require. The application shall include at a minimum—

(A) a description of the content and schedule for adoption of the proposed curricula in the courses of study offered by the applicant; and

(B) a description of the source and amount of cost-sharing to be provided.

(2) In evaluating the applications submitted under paragraph (1) the Director shall consider, at a minimum—

(A) the level of commitment demonstrated by the applicant in carrying out and sustaining lasting curricula changes in accordance with subsection (a)(1); and

(B) the amount of cost-sharing provided.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce for the Teacher Science and Technology Enhancement Institute program of the National Institute of Standards and Technology—

(1) $773,000 for fiscal year 2005;

(2) $796,000 for fiscal year 2006;

(3) $820,000 for fiscal year 2007; and

(4) $844,000 for fiscal year 2008.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) MANUFACTURING EXTENSION PARTNERSHIP PROGRAM.—There are authorized to be appropriated to the Secretary of Commerce, or other appropriate Federal agencies, for the Manufacturing Extension Partnership program under sections 25 and 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278k and 278l)—

(1) $110,000,000 for fiscal year 2005, of which not more than $4,000,000 shall be for the competitive grant program under section 25(e) of such Act (15 U.S.C. 278k(e));

(2) $115,000,000 for fiscal year 2006, of which not more than $4,100,000 shall be for the competitive grant program under section 25(e) of such Act (15 U.S.C. 278k(e));

(3) $120,000,000 for fiscal year 2007, of which not more than $4,200,000 shall be for the competitive grant program under section 25(e) of such Act (15 U.S.C. 278k(e)); and

(4) $125,000,000 for fiscal year 2008, of which not more than $4,300,000 shall be for the competitive grant program under section 25(e) of such Act (15 U.S.C. 278k(e)).

In any fiscal year for which appropriations are $106,000,000 or greater, none of the funds appropriated pursuant to this subsection shall be used for a general recompetition of Centers established under section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k).

(b) COLLABORATIVE MANUFACTURING RESEARCH PILOT GRANTS PROGRAM.—There are authorized to be appropriated to the Secretary of Commerce for the Collaborative Manufacturing Research Pilot Grants program under section 33 of the National Institute of Standards and Technology Act—

(1) $10,000,000 for fiscal year 2005;
(2) $10,000,000 for fiscal year 2006; and
(3) $10,000,000 for fiscal year 2007.

(c) FELLOWSHIPS.—There are authorized to be appropriated to the Secretary of Commerce for Manufacturing Fellowships at the National Institute of Standards and Technology under section 18(b) of the National Institute of Standards and Technology Act, as added by section 4 of this Act—

(1) $1,500,000 for fiscal year 2005;
(2) $1,750,000 for fiscal year 2006;
(3) $2,000,000 for fiscal year 2007; and
(4) $2,250,000 for fiscal year 2008.

The CHAIRMAN pro tempore. No amendment to the committee amendment is in order excepted those printed in House Report 108–589. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

It is now in order to consider amendment No. 1 printed in House report 108–589.

AMENDMENT NO. 1 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Ms. JACKSON-LEE of Texas:

In section 8(a), strike "In any fiscal year for which appropriations are $106,000,000 or greater, none" and insert "None".

The CHAIRMAN pro tempore. Pursuant to House Resolution 706, the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentleman from New York (Mr. BOEHLERT) each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas (Ms. JACKSON-LEE of Texas.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume, and I want to thank again the ranking member for his leadership as well as the chairman. In many instances, we have come to this floor in a bipartisan manner.

Let me say to my colleagues that I frankly believe most of my argument has already been made by the Members on the floor. If I might cite my good friend, the gentleman from Georgia (Mr. GINGREY), he said MEPs have a proven track record. They have helped save 1,300 jobs and they have helped reinstate or boost up some $61 million.

If we look at a map, we will see that MEPs, that is centers that help create manufacturing jobs, are spread throughout the Nation. I hold up for you four or five pages of MEP centers around the Nation. This must mean that they are important to us. But, unfortunately, this legislation suggests something other than that. Because what this legislation asks these centers to do is to recompete.

Now, in terms of productivity, that means we are wasting time on paperwork when it has already been established that these are efficient, effective centers that help create American jobs. All centers have already successfully competed for funding. Furthermore, according to an existing Public Law and NIST regulations, they are reviewed for performance every 2 years. The administration now wants to make all centers, regardless of past performance, reapply and recompete for funding. This is redundant and it is a waste of time.

Ask any small business whether or not they want to have a center in their locale stop work for 45 to 60 days to fool around with what they already do, which is a competitive, accurate and very detailed review every 2 years, while that small business's doors are being closed.

The administration wants to use recompetition to lock the program in to last year's low funding. What that mean, my colleagues? According to the gentleman from Georgia (Mr. GINGREY) it means those with a proven track record, those that have already proven to be effective, and those centers, according to the gentleman from Tennessee (Mr. GORDON), whose excellent assistance is very much valued, it means we are targeting them for closing. This will just continue the downward trend of the loss of manufacturing jobs.

As I said, under current law, the centers are reviewed every 2 years. They are located all over the Nation. And, in fact, rescissions in 4 of the past 5 years have lowered the amount of money we have appropriated. So what is in the bill does not work. My good friend, the chairman, has put in $106 million and says we do not have to recompete. Well, my colleagues, we have no guarantee it will be $106 million, and, before we know it, we will be closing these centers all over the country.

Let me cite for a moment what happened in Texas with the Texas Manufacturing Extension Center. Following a tour of Garrett's manufacturing facility, that is a place in Texas, we found out that they had problems. Imagine, if you will, with the work of the Texas Manufacturing Assistance Center, we put that Garrett Company right back on its feet, and I am delighted to report that they have increased their production between 2001 and 2003 and they reduced their required floor space by 33 percent. They are producing jobs, making things with their hands and their minds. That is what these centers help us do.

I offer this amendment because it strikes this recompetition, because recompetition, my colleagues, means closing down these centers and losing manufacturing jobs.

Mr. Chairman, I yield 1 minute to the gentleman from Tennessee (Mr. GORDON), the distinguished ranking member.

Mr. GORDON. Mr. Chairman, I rise in strong support of the Jackson-Lee amendment.

Mr. Chairman, I know our chairman, the gentleman from New York (Mr. BOEHLERT), strongly supports the MEP program, but he also knows that this administration does not. In the last 3 years, they have tried to close down the MEP program. The Jackson-Lee amendment simply stops the administration from doing administratively what they have not been able to do legislatively.

I ask my colleagues to support this amendment and to keep a strong MEP program.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself the balance of my time, and I thank the distinguished ranking member.

Let me just say that I am prepared to support this legislation. As I indicated, it is a partnership between the bill offered by the gentleman from Colorado (Mr. UDALL), which would have flourished more, but we recognize and respect what has been attempted here. I wish we could work in a bipartisan way on this, but I am not going to stand by, and I do not think any Member should stand by, and as our ranking member said, do a back-door closing of these centers which are valuable in creating jobs.

Mr. Chairman, every one of us can cite examples of the value of this program. And I just want to remind my colleagues that if they allow this engagement in recompetition, they will be engaged in a shutdown of centers in their communities. But, more importantly, they are going to shut them down for 60 days while small businesses and manufacturing companies need them.

We can adhere to a system that works, the 2-year review, and I will cite the gentleman from Georgia once again. This program has a proven track record and we do not need to have a recompetition. I ask for support of the Jackson-Lee amendment.

Mr. Chairman, my amendment will ensure that already-tight funding of the vital Manufacturing Extension Partnership (MEP) program is not wasted on an unnecessary "re-competition" process. MEP has proven itself to be one of the most sound investments we have made in our manufacturing sector.

In all of our districts, there are many small businesses that have gone to MEP centers, and taken advantage of the federal seed monies, and state/local partnerships—to make their businesses more productive and competitive—ultimately making more jobs for our constituents. Members of the House and Senate, from both sides of the aisle, have realized that cutting funding of the MEP programs last year was not smart considering our still-struggling manufacturing sector. I am pleased to hear that there are plans to reinstate the MEP with full funding; however, it seems that the Administration is trying to lock us in to the inappropriately low funding-levels.

The U.S. Department of Commerce CFO sent a letter to Chairman JUDD GREGG of the Senate Appropriations Committee in May of this year, explaining that the Administration plans to force all MEP centers—regardless of how well they are performing—to re-compete for funding to make it easier to scale back the number of MEP centers. However, MEP grants are already awarded on a highly-competitive basis, and ongoing funding is already subject to continual review.

Currently, P.L. 100–418 (passed on August 23, 1988) requires each Center to be evaluated during the third and sixth years and every two years thereafter by a panel of experts. Moreover, Section 290.8 (Reviews of Centers), Part 290, Title 15 of the Code of Federal Regulations mandates the conduct of periodic year reviews of Centers by a Merit Review Panel.

NIST has established specific guidelines, "The MEP Periodic Panel Reviews: Purpose and Overview." The purpose of this NIST review is to: 1) Ensure Program Accountability, 2) Promote Continuous Improvement; and 3) Contribute to Intra-MEP System Knowledge Sharing. The guidelines go as far to state, "The results of the review process should provide NIST MEP with information needed to help with the decision as to whether to continue Federal funding for the reviewed Center." In the case of a negative review, there may be another Follow-up Review that would be in addition to any regularly scheduled Panel or Annual Review.

Given the rigor of the current review process, I'm not certain what this section is trying to fix. This Committee has held no hearings on the MEP Center review process, nor has any Member brought this issue up with the administration representatives during any hearings we have had. I would note that as recently as our budget hearing which included Phil Bond, Undersecretary for Technology, who has responsibility for MEP, not one Member questioned Undersecretary Bond about the MEP review process or perceived problems with it.

Re-competition fixes a problem that doesn't exist. It seems that it is simply enabling the long-term goal of the Administration to scale back this program, and ultimately to zero-it-out. When our economy is struggling to get back on track, and so many American workers remain either unemployed or underemployed, this is the wrong time to cut a program so valuable for stimulating productivity in our small businesses and industries.

The Department of Commerce's recent suggestion that all centers throughout the country face re-competition will destroy an effective national infrastructure that has taken 14 years to build and will reduce services to manufacturers.

Officials from the MEP center in Texas have explained that having to re-compete will cause them to halt services for 45–60 days so that their small over-burdened staff can evaluate needs and complete applications. If we start to tinker with this successful program, manufacturers and MEP Centers will be reluctant to initiate projects for fear that Centers may not exist to complete projects. This break in productivity will waste taxpayer dollars and serve no one.

MEP is widely recognized for its effectiveness and efficiency. It has been recognized by the National Academy of Public Administration, was a finalist for Harvard University's Innovations in American Government award, and fared well in OMB's PART analysis.

The people of Texas have seen the benefits of the MEP program. Just one example is Garrett Metal Detectors of Garland, Texas, manufacturers of security and hobby metal detectors. There was tremendous demand for metal detectors after the 9/11 attacks, but their small business couldn't compete in the world market. So, they came to the Texas Manufacturing Assistance Center (TMAC). Following a tour of Garrett's manufacturing facilities, TMAC identified major improvement strategies for the Company's production assembly. The Garrett/TMAC team significantly improved product flow and implemented Lean Manufacturing techniques. Overall production increased 35% between 2001 and 2003, as they reduced required floor space by 33%. This extra efficiency enabled them to become a leader in the field and to increase their work force by one-third. And we are all safer for it—all for a very small initial federal investment of less than $17,000.

In the Science Committee mark-up, I offered an amendment that would have blocked the use of appropriated funds for a general re-competition of MEP Centers. It seemed that Chairman BOEHLERT agreed with the sentiment, but he modified my amendment by blocking re-competition as long as funding is at least $106 million. He argued that appropriators are planning on funding MEP at $106 million, implying that his amendment would thus prevent a wasteful and unnecessary re-competition for 2005. However, if across-the-board cuts are applied again this year as predicted—even if only 0.1 or 0.2%—funding will fall below $106 million and could trigger a re-competition that no one in Congress seems to be arguing for. Besides, putting in any re-competition cut-off line, or trigger, is a mistake. When funding is low, it makes even less sense to waste money and resources on re-competition.

Most of our MEP centers are performing admirably, making small businesses more competitive and creating jobs, with small federal investments. Those that are not are already subject to review and de-funding. Let's not waste taxpayer dollars hampering this important program. I hope you will support this amendment.

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Mr. BOEHLERT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment was defeated in committee because, quite frankly, it is not a particularly good idea.

This amendment sounds great on the surface. It says let us not let the administration have a competition in which all of the MEP centers compete against each other to see who stays in business. Such a general competition sounds like a hostile act which should be prevented. If there is enough money to fund all of the centers, as we hope there will be, then a recompetition would be a hostile act. But what if Congress fails to appropriate sufficient funding for all of the centers. How is any administration supposed to decide which centers should continue?

It makes no sense at all to prevent a recompetition if there is not enough money for all of the centers to function effectively.

If the gentlewoman's amendment passed and funding became low, the administration would simply have to reduce funding to any center which would prevent all of them from doing their jobs well. That simply makes no sense.

In committee, we thought what the gentlewoman from Texas (Ms. JACKSON-LEE) might be trying to do was to prevent successful centers from being closed even when funding was adequate, so we added language to the bill that says the administration cannot recompete the centers if funding is at or above $106 million, what everyone considers the minimum necessary to keep all of the existing centers operating well, and the level that the House approved in the Commerce appropriation bill within the past 24 hours. So they have the message. We sent it, they received it. They acted favorably on it.

So this bill already protects the centers from any hostile recompetition if funding is sufficient to fund all of them. The bill will prevent any spurious efforts to close centers, so I am truly baffled about what the gentlewoman is trying to accomplish here.

The way to avoid a recompetition is to provide full funding which this bill authorizes. But if we fail to provide the promised funding, all this amendment would do is force all of the centers to function less efficiently because none would have enough money to do their job. This amendment creates problems without solving any. I urge its defeat.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. SIMPSON). The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) will be postponed.

It is now in order to consider amendment No. 2 printed in House Report 108–589.

AMENDMENT NO. 2 OFFERED BY MR. LARSON OF CONNECTICUT

Mr. LARSON of Connecticut. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. LARSON of Connecticut:

In section 2(a)(1), strike "Commerce for Technology" and insert "Commerce for Manufacturing and Technology".

Redesignate section 8 as section 9.

After section 7, insert the following new section:

SEC. 8. MANUFACTURING AND TECHNOLOGY ADMINISTRATION.

Section 5 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3704) is amended to read as follows:

"SEC. 5. MANUFACTURING AND TECHNOLOGY ADMINISTRATION.

"(a) ESTABLISHMENT.—There is established in the Department of Commerce a Manufacturing and Technology Administration, which shall operate in accordance with the provisions, findings, and purposes of this Act. The Manufacturing and Technology Administration shall include—

"(1) the National Institute of Standards and Technology;

"(2) the National Technical Information Service; and

"(3) a policy analysis office, which shall be known as the Office of Manufacturing and Technology Policy.

"(b) UNDER SECRETARY AND ASSISTANT SECRETARIES.—The President shall appoint, by and with the advice and consent of the Senate, to the extent provided for in appropriations Acts—

"(1) an Under Secretary of Commerce for Manufacturing and Technology, who shall be compensated at the rate provided for level III of the Executive Schedule in section 5314 of title 5, United States Code;

"(2) an Assistant Secretary of Manufacturing who shall serve as a policy analyst for the Under Secretary; and

"(3) an Assistant Secretary of Technology who shall serve as a policy analyst for the Under Secretary.

"(c) DUTIES.—The Secretary, through the Under Secretary, as appropriate, shall—

"(1) manage the Manufacturing and Technology Administration and supervise its agencies, programs, and activities;

"(2) conduct manufacturing and technology policy analyses to improve United States industrial productivity, manufacturing capabilities, and innovation, and cooperate with United States industry to improve its productivity, manufacturing capabilities, and ability to compete successfully in an international marketplace;

"(3) identify manufacturing and technological needs, problems, and opportunities within and across industrial sectors, that, if addressed, could make significant contributions to the economy of the United States;

"(4) assess whether the capital, technical, and other resources being allocated to domestic industrial sectors which are likely to generate new technologies are adequate to meet private and social demands for goods and services and to promote productivity and economic growth;

"(5) propose and support studies and policy experiments, in cooperation with other Federal agencies, to determine the effectiveness of measures for improving United States manufacturing capabilities and productivity;

"(6) provide that cooperative efforts to stimulate industrial competitiveness and innovation be undertaken between the Under Secretary and other officials in the Department of Commerce responsible for such areas as trade and economic assistance;

"(7) encourage and assist the creation of centers and other joint initiatives by State or local governments, regional organizations, private businesses, institutions of higher education, nonprofit organizations, or Federal laboratories to encourage technology transfer, to encourage innovation, and to promote an appropriate climate for investment in technology-related industries;

"(8) propose and encourage cooperative research involving appropriate Federal entities, State or local governments, regional organizations, colleges or universities, nonprofit organizations, or private industry to promote the common use of resources, to improve training programs and curricula, to stimulate interest in manufacturing and technology careers, and to encourage the effective dissemination of manufacturing and technology skills within the wider community;

"(9) serve as a focal point for discussions among United States companies on topics of interest to industry and labor, including discussions regarding manufacturing, competitiveness, and emerging technologies;

"(10) consider government measures with the potential of advancing United States technological innovation and exploiting innovations of foreign origin and publish the results of studies and policy experiments; and

"(11) assist in the implementation of the Metric Conversion Act of 1975 (15 U.S.C. 205a et seq.).".

The CHAIRMAN pro tempore. Pursuant to House Resolution 706, the gentleman from Connecticut (Mr. LARSON) and the gentleman from Michigan (Mr. EHLERS) each will control 5 minutes.

The Chair recognizes the gentleman from Connecticut (Mr. LARSON).

Mr. LARSON of Connecticut. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to join in thanking both the ranking member and the distinguished chairs for the hard work which has been put forward on this bill. I just think we need an administration worthy of their ideas.

As we look at this particular bill, I want to go into the genesis of this thought. As the gentleman from Tennessee (Mr. GORDON) has pointed out in his opening remarks, the gentleman from Michigan (Mr. EHLERS) initially included this in his approach to the administration. It is strongly needed.

At a Chamber of Commerce meeting in my district between the communities of Bristol, Berlin and Southington, they talked at great length. In fact, if I closed my eyes, I was astonished, it seemed like I was at an AFL–CIO meeting, and yet they were talking about the concerns that small manufacturers have today and the need to have a strong voice within the Department of Commerce.

They wondered out loud how is it in this great country of ours we can have a Department of Agriculture and not have a department of manufacturing, and not have at least an under secretary who is going to speak out on their behalf. Candidly, they would say to me after the meeting, when we first saw labor being outsourced, when we first saw what was happening to labor, we kind of looked the other way, never thinking we would be next. Now we know it is happening to us, and now we need to have a strong voice in Congress and the administration.

The gentleman from Arizona (Mr. FLAKE) said before he hoped what we could achieve is something in the area of benign neglect. Would it be it was just benign neglect. What we have in this case is outright negligence on the part of Congress by not dealing with these issues; and if I dare say, plain indifference on the part of this administration to the problems that individuals are facing.

It is because of that indifference, indifference to the labor force, indifference to the small manufacturers, indifference to the working people and the hard work which has been put forth on behalf of these individuals and the loss of jobs in this country that we put forward this amendment.

This amendment simply states very clearly to create an under secretary within the Department of Commerce so we can refocus once begin the great energies and harness the great engine of industry here in this country. In doing so, we did so within existing resources. We did so knowing that we did not want to have another assistant to the assistant to the assistant and mix that with service sector industries. We wanted what the manufacturers wanted, an under secretary who would focus on the area of technology.

Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, I believe there is a real need for a manufacturing czar. The administration has said it much, but one would never know it from the underlying bill. They have created a position not of real authority and substance, but rather a marginal position in the trade agency, and this administration has shown its hand by doing this.

The National Coalition For Advanced Manufacturing has said this position should focus solely on manufacturing. It should be an under secretary position within the Department of Commerce. Instead, the administration has named an assistant secretary for manufacturing and services within the International Trade Administration, an agency that does not have the range of expertise to address the issues before our manufacturers. As if to prove they are not serious about this position, the administration proposes no funding to support it.

Mr. Chairman, what we should be doing is creating a manufacturing and technology administration that provides a comprehensive approach, and sends a signal that Congress takes this crisis seriously.

Mr. Chairman, 8.2 million workers are unemployed in this country right now. They face rising health care costs, rising college tuition, and rising gas prices. What could possibly be more important than revitalizing one of the backbones of our economy? Nothing, Mr. Chairman. Support the Larson amendments.

Mr. LARSON of Connecticut. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I would just close by saying that this accounts for more than 17 percent of our Nation's GDP, it provides for 71 percent of our exports, and funds 67 percent of our Nation's R&D investments. That is what we are talking about when we are addressing this issue of manufacturing. Roosevelt said it best about this administration, "They are frozen in the ice of their own indifference," indifference towards working people and indifference towards the small manufacturers of this country.

Mr. EHLERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am afraid I have not provided a built-in cheering and applause section, but I believe my ideas are probably worth more applause.

What the gentleman proposes is not a bad idea. I had proposed this myself some time ago, and not only in this department but also in the Energy Department I have worked on a similar proposal. The administration at the same time has advanced a proposal to reduce the number of under secretaries and does not support the development of new under secretaries.

But what the administration did in response to our request to create this under secretary for manufacturing in the Department of Commerce, the administration heeded these calls and it created a new assistant secretary for manufacturing and took other steps to create a focus on manufacturing in the department, such as creating a manufacturers' council which met just 2 weeks ago. They had their initial meeting. I was present at that meeting, and I was impressed with the quality of the appointees, and I am delighted that the President and the administration took these steps.

So I think it is really time to declare victory and go home on this issue because we basically got what we asked for. If instead the Larson amendment were adopted at this point, and if it passed through the Senate and were signed into law, it would force the administration to reorganize yet again. I think that would be counterproductive at that point. I am quite willing to live with the assistant secretary for a time and make sure it works out. If it does not work out, in a few years, we will resurrect the under secretary proposal.

In addition, I object to the reorganization the gentleman from Connecticut (Mr. LARSON) has proposed. I do not think it is the best way to proceed because it would add to the bureaucracy that sits on top of NIST, the National Institute of Standards and Technology, when in fact, our goal should be to get NIST out from under the burden of overmanagement. We would like it to have as much of its own funding as possible, as much latitude as possible, and control its own destiny through its own management structure. So I certainly object to that provision in the Larson amendment regardless of the rest of it.

I could go on regarding several other points, but I know there are many people anxious to have this debate ended soon and have the opportunity to go home and be with their families for the weekend. Let me close by saying I urge the defeat of this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Connecticut (Mr. LARSON).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. EHLERS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Connecticut (Mr. LARSON) will be postponed.

It is now in order to consider amendment No. 3 printed in House Report 108–589.

AMENDMENT NO. 3 OFFERED BY MR. PETERSON OF PENNSYLVANIA

Mr. PETERSON of Pennsylvania. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment No 3 offered by Mr. PETERSON of Pennsylvania:
>
> Page 10, line 21, strike "subsection" and insert "subsections".
>
> Page 12, after line 17, insert the following:
>
> "(f) AUDITS.—A center that receives assistance under this section shall submit annual audits to the Secretary in accordance with Office of Management and Budget Circular A–133 and shall make such audits available to the public on request.".

The CHAIRMAN pro tempore. Pursuant to House Resolution 706, the gentleman from Pennsylvania (Mr. PETERSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to first thank the members of this committee, the gentleman from New York (Chairman BOEHLERT), the gentleman from Michigan (Mr. EHLERS), and the ranking member, the gentleman from Tennessee (Mr. GORDON) for their good work at not only reauthorizing this program, but restrengthening this program. I think it is vital at this time that we do that; but I think also if programs are going to serve us well, it is important that they are accountable, that they are accountable to the public they serve.

Currently in law, they have to have audited budgets that go back to the State and Federal agency that fund them. But I have had the unfortunate situation of having one of these agencies who, when members of the community or the press asked for a copy of their audited budget, they were told that they were a 501(c)(3) not for profit and they were private. This was private business.

Mr. Chairman, when programs are funded with Federal dollars, with State tax dollars, they are public programs. In my view, accountability can be obtained from Federal and State oversight, but real accountability comes when the people they service and press and interested citizens locally have the ability to look and evaluate their records.

My amendment simply says, it clarifies and ensures these audits are available to OMB, but they are also available to the public and press upon request. I think that is important in making sure that these programs are efficient, that they are well-run, and they are on the right priorities, that they are serving the right part of the manufacturing community, and that our other economic development agencies have the ability to work closely with them and ensure that we get the biggest bang for the buck.

Mr. BOEHLERT. Mr. Chairman, will the gentleman yield?

Mr. PETERSON of Pennsylvania. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, I wanted to thank the gentleman from Pennsylvania (Mr. PETERSON) for working with us on this amendment. The amendment very sensibly codifies existing procedures to ensure just what the gentleman wants to do. Taxpayer money is not wasted. We accept the amendment.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I thank the gentleman very much and congratulate him for his good work.

Mr. GORDON. Mr. Chairman, I ask unanimous consent to claim the time in opposition, although I do not oppose this amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. GORDON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in the spirit of bipartisanship, I want to accept this modest amendment to a modest bill that makes a modest improvement.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. PETERSON).

The amendment was agreed to.

☐ 1445

The CHAIRMAN pro tempore (Mr. SIMPSON). It is now in order to consider amendment No. 4 printed in House Report 108–589.

AMENDMENT NO. 4 OFFERED BY MR. GORDON

Mr. GORDON. Mr. Chairman, I offer an amendment.

The Chairman pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. GORDON:

Redesignate section 8 as section 9.

After section 7, insert the following new section:

SEC. 8. MANUFACTURING EXTENSION CENTERS.

(a) MANUFACTURING TECHNOLOGY CENTER COST SHARING.—Section 25(c)(5) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(c)(5)) is amended by inserting ", except that for each of fiscal years 2005 through 2008 such funding may be as much as a one half of such costs" after "Center under the program".

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce, or other appropriate Federal agencies, for the Manufacturing Extension Partnership program under sections 25 and 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278k and 278l)—

(1) $120,600,000 for fiscal year 2005, of which not more than $4,000,000 shall be for the competitive grant program under section 25(e) of such Act (15 U.S.C. 278k(e));

(2) $132,400,000 for fiscal year 2006, of which not more than $4,100,000 shall be for the competitive grant program under section 25(e) of such Act (15 U.S.C. 278k(e));

(3) $145,300,000 for fiscal year 2007, of which not more than $4,200,000 shall be for the competitive grant program under section 25(e) of such Act (15 U.S.C. 278k(e)); and

(4) $159,500,000 for fiscal year 2008, of which not more than $4,300,000 shall be for the competitive grant program under section 25(e) of such Act (15 U.S.C. 278k(e)).

In any fiscal year for which appropriations are $106,000,000 or greater, none of the funds appropriated pursuant to this subsection shall be used for a general recompetition of Centers established under section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k).

The CHAIRMAN pro tempore. Pursuant to House Resolution 706, the gentleman from Tennessee (Mr. GORDON) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. GORDON).

Mr. GORDON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a very straightforward amendment. My amendment increases funding for the Manufacturing Extension Partnership program by 10 percent a year, starting in fiscal year 2005, continuing through fiscal year 2008. In addition, it provides the administration with greater flexibility in determining the Federal cost-share of the MEP centers.

This is a much-needed amendment. Last year through the combined actions of the administration and this Congress, MEP was essentially gutted with a two-thirds funding cut. While I am pleased that the Commerce appropriations bill passed on the floor yesterday provided MEP with $106 million, we can and should do better for MEP both this year and the future.

From 2000 to 2003, the MEP was held level at about $105 million. These numbers are down from the $127 million in fiscal year 1999. Over this period there has been no adjustment for inflation during a time when, in the face of fierce international competition, small manufacturers are closing at a record pace across our country.

Study after study has shown that small manufacturers are underserved by MEP. There just is not enough funding for MEP to reach out to help all the small manufacturers who need their assistance. My amendment would correct this situation.

I would also like to point out that H.R. 3598 as introduced by the gentleman from Michigan (Mr. EHLERS) late last year contained significantly more funding for MEP, $60 million more than what is on the floor today. I think the gentleman from Michigan (Mr. EHLERS) got it right the first time before he began negotiating with the administration and moved backwards.

My amendment also allows for flexibility in the Federal cost-sharing for MEP. Currently the Federal cost-share can be no more than one third of the center's total cost. This amendment would allow the Federal cost-share to be up to one half of the center's total cost. The size of the cost-share will be determined by the administration. The National Association of Public Administrators at the administration's request recently completed a 2-year study of the MEP. One of the recommendations was to allow more flexibility in the Federal cost-sharing. My amendment does just that.

The Modernization Forum, the umbrella group representing MEP centers, has said that my amendment would benefit the MEP centers. However, they are under the impression that the acceptance of this amendment would jeopardize passage of the bill.

Do we really believe the President would veto this bill because of a provision which simply endorses a small increase in MEP funding? I would remind my colleagues that this House frequently adopts bills or amendments that the White House opposes. That is why we have separation of powers in our Constitution, so that we can reach judgments independent of those mandated by the White House. Just yesterday the House passed the Manzullo amendment, allocating more needed funding for the Small Business Administration by a margin of 281 to 137. And I remind the Members that the gentleman from New York (Mr. BOEHLERT) and 13 of the 24 House Committee on Science Republicans voted "yes." The majority of the House which supported the Manzullo amendment did not seem to be concerned about endangering the passage of the bill.

The argument that my amendment would doom this bill is a red herring. The real reason that the majority opposes this amendment is pretty obvious. The administration is unwilling to admit that it has systematically tried to ruin the MEP program, and it refuses to support realistic levels of funding that the MEP needs to support our Nation's small manufacturers.

I am asking the Members today to do the right thing and vote "yes" on an amendment that sends a strong signal that this treatment must stop and that puts the MEP on the right track.

Mr. Chairman, I reserve the balance of my time.

Mr. BOEHLERT. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from New York (Mr. BOEHLERT) is recognized for 10 minutes.

Mr. BOEHLERT. Mr. Chairman, I yield myself such time as I may consume.

I rise in opposition to the amendment offered by the gentleman from Tennessee (Mr. GORDON), my good friend. I would say that, in an ideal world, this would be a good amendment. I would define an ideal world as one in which money was unlimited. In short, it is a world very different from the one in which we live.

This amendment would add $88 million in additional spending to the bill. That is just not realistic in this budget environment. And quite rightly, the administration is not going to support a bill that adds that much more money. So what this amendment would do is kill the bill. If we truly want to help manufacturers, we need to defeat this amendment. And let me emphasize once again that this bill already contains a significant increase for the MEP program, an increase of more than 200 percent from current levels. So this is hardly a parsimonious bill. The additional money the gentleman from Tennessee (Mr. GORDON) is proposing would be nice, but it is not critical to the success of the MEP program. The money that is already in the bill is critical, a 200 percent increase; and we should be doing what we can to ensure that this bill becomes law.

In addition to adding money, the gentleman from Tennessee's (Mr. GORDON) amendment would increase the Federal share of the MEP centers' budgets. I know that the MEP centers have not had the best year, but I do not think that increasing the share from the Federal Government is necessarily a good idea. Let me remind my colleagues that the original version of the MEP centers was that they would not receive any money after their 6th year.

The current MEP formula involves a true partnership between the Federal Government, the States, and the MEP's clients. That is a good partnership that ensures that MEPs are truly providing valiant services. I do not think we should tinker with a successful formula.

So I urge defeat of this amendment. The base bill already provides the money the MEP centers need most through a formula that ensures that the centers will continue to be responsive to their States and, most importantly, to the customers that they are trying to help. This amendment would sink the bill, a pretty high price to pay for an amendment that does not provide anything that is necessary and that tinkers with a recipe that has led to MEP's success, and I urge its defeat.

Mr. Chairman, I reserve the balance of my time.

Mr. GORDON. Mr. Chairman, I yield 1½ minutes to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise in strong support of the Gordon amendment that would increase funding for the Manufacturing Extension Partnership program.

The MEP program has successfully helped small manufacturers to modernize and stay competitive in the global marketplace. I do not believe that the administration would veto a whole bill based upon the fine amendment of the gentleman from Tennessee (Mr. GORDON).

For example, I know that MEP has directly helped a number of companies in my district including Jacquart Fabric Products with 100 workers in Ironwood and Horner Flooring Company, which employs 100 people in Dollar Bay, Michigan.

At a time when millions of manufacturing jobs are being lost, we need to fully fund the Manufacturing Extension Partnership, not continually undercutting this valuable program which the administration insists on doing every year.

The program is currently authorized at $106 million, but the President only asked for a mere $39 million in fiscal year 2005. $39 million for MEP will cost the U.S. tens of thousands more manufacturing jobs. This is not what we need in this country.

These programs help small manufacturers with everything from plant modernization to employee training. Also, if the majority is really serious about helping manufacturers, it would fund MEP in this bill at the necessary authorization level instead of flat-funding it.

The gentleman from Tennessee's (Mr. GORDON) amendment, however, recognizes the need for additional resources and calls for $129 million in fiscal year 2005 followed by a 10 percent yearly increase through fiscal 2008. This is not a time to shortchange American manufacturers when they need it most. Support the Gordon amendment.

Mr. BOEHLERT. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Chairman, I must rise in opposition to the amendment being offered by the gentleman from Tennessee.

There are two reasons. First of all, it increases the MEP authorization by a considerable amount above the levels that are likely to succeed in the House and the Senate and through the administration; and we simply cannot, given the budget situation this year, increase the level that much and have any expectation that the appropriations will match that.

Furthermore, the second reason is that the Gordon amendment will increase the Federal share of money for the centers; and given the shortage of money that we have this year, we want to maximize the use of the funds that we do have available and certainly do not want to add to the Federal burden, particularly because there might be some danger that the States will simply say, well, if the Federal Government has more money to give, we are going to reduce our share because, as we know, every State of this Union is facing severe financial difficulties. We certainly do not want to try to change the formula, first of all, because we do not have the money to do it and pay more and, secondly, because of the fear that the States may use this as an opportunity to reduce their share.

So I oppose the Gordon amendment; and perhaps when better times come and we have a better budget situation, it will be entirely appropriate to increase the authorization levels and also the funding levels, and it would be my dream that that happens. But it is not going to happen this year or next fiscal year, and I doubt very much it will happen during the lifetime of this authorization.

So I urge the defeat of the Gordon amendment, and I urge all my colleagues to support our efforts to defeat it.

Mr. GORDON. Mr. Chairman, I yield 1½ minutes to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Mr. Chairman, I thank the gentleman for yielding me this time for this opportunity on this phenomenal amendment.

I come from the great State of Ohio that has been getting blistered as far as losing manufacturing jobs, and I think this amendment should not be 10 percent. This amendment should be 100 percent. This bill should be doubled and tripled. These are investments that we need to make in this country. We need to invest in the manufacturing sector of this country. And I think we have done a real disservice over the past few years in this Chamber with the political rhetoric that makes it sound like the government does not do anything well, that government investment does not work, and that the government needs to get out and let the free market work.

But when we look at the history of this country, when we look at Eli Whitney, when we look at Samuel Morris, when we look at RCA, and when we look at the Wright Brothers, all of these began with the Federal Government stepping in and making an investment. We are good at this. We are good at this. And we need to keep going.

And we are not playing in a free market. When we have to compete with China with no labor laws, no environmental laws, no human rights, how can we compete? China is doing programs like this. Taiwan is doing programs like this. Japan, Europe. The United States is trying to establish a rules-based system, and every other country is playing to win, and it is time the United States Government plays to win.

And I am sick and tired of hearing how we do not have any money in this Congress. We do not have money because we are giving billions away in tax cuts and we are losing the manufacturing war, and we need to start making these investments.

Mr. BOEHLERT. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Michigan (Mr. KNOLLENBERG).

Mr. KNOLLENBERG. Mr. Chairman, I thank the gentleman from New York (Mr. BOEHLERT) for sitting in the chair, and I also want to thank the gentleman from Michigan for being so involved in this whole process.

Mr. Chairman, as a strong supporter of MEP, I have come to the floor to urge a vote against this amendment. I am for MEP, but I am against this amendment.

Let me tell the Members why. I am against it because funding MEP at $106 million, which is the level of funding the program has provided in H.R. 4754, the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act for fiscal year 2005, is exactly what we want. Just yesterday the House of the Representatives passed the CJS by an overwhelming margin, 397 to 18. The $106 million level is the point at which all MEP centers will continue to provide their valuable service to our Nation's manufacturers.

Additionally, the bill before us today already authorizes significantly increased funding for the MEP program. In fact, the legislation already increases MEP funding by more than 200 percent compared to the current fiscal year 2004 level.

□ 1500

Furthermore, the amendment offered by the gentleman from Tennessee (Mr. GORDON) would allow the Federal-State-private network match to increase from one-third to one-half. An increase to a one-half match would jeopardize the MEP network and increase its vulnerability.

The one-third match has been in place for many years, and centers have long known that they cannot rely exclusively on Federal funds. This one-third match from the Federal Government, State governments and the private sector, is critical to maintaining the balanced program well into future.

Mr. Chairman, I oppose the Gordon amendment, and urge my colleagues to vote no.

In closing, let me again commend the gentleman from Michigan (Mr. EHLERS) for his leadership in bringing this to the floor. He has been an outstanding champion on this bill and a great example.

I urge a no vote on the Gordon amendment.

Mr. GORDON. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the ranking member for yielding me time.

Mr. Chairman, I have listened to my friends on the other side of the aisle, including the chairman, and they seem to be confused, particularly when they speak in opposition to amendments offered by Democrats that, by and large and overall, do nothing but strengthen the MEPs and make them stronger.

Just a few minutes ago, we, in a collegial and respective manner, accepted the amendment of the gentleman from Pennsylvania (Mr. PETERSON) because that too would strengthen MEPs.

Let us put the facts on the table. The Gordon amendment is necessary. It keeps the MEPs, the Manufacturing Extension Partnership centers, from closing across the Nation, frankly.

Do you know that what is done by the administration is that the 200 percent increase is on $39 million? My friends who are on the floor talking about how great the MEPs are, when you vote against the Gordon amendment, if you do that, you are voting to close that. If you vote against the Larson Amendment or the Jackson-Lee amendment, you are voting to close these things down.

Is it not interesting that we would suggest that the amendment that I offered did not make any sense? Well, I tell you, if we cut the NIH by $1 million next year, would it make any sense for us to recompete every medical research lab in the country? No, it would not.

The amendment offered by the gentleman from Tennessee (Mr. GORDON) gives full funding where it should be. He acknowledges the fact in a reasonable and responsible manner that we need to increase by a modest $5 million per year for FY 2006 and 2008, and this is an improvement on the Bush administration's effort to kill the program. But, of course, we can do better, and he goes on to provide extra incentives for this program.

I simply ask my colleagues to support the Gordon amendment and all the Democratic amendments, because that means you are for keeping the MEP centers and building manufacturing jobs.

Mr. BOEHLERT. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, the issue here is not about the manufacturing extension program, the issue is about the dollars. When we talk about the issue of dollars, we talk about the practicality of the limited resources in the Federal Government that are distributed over a wide range of areas.

All of us collectively agree that the Manufacturing Extension Program is fundamental, it is good, so our argument is, let us make sure that we get this bill passed. It is $470 million over 4 years, a 200 percent increase.

It will increase the ability for production, for efficiency in energy costs, for marketing strategies, for new technologies. It will dramatically increase the base of the manufacturing sector in this country by pulling together the collective ingenuity of partnerships from the Federal Government, one is one-third, the State government, which is one-third, and fees, which is one-third.

So I urge my colleagues, let us vote to ensure that we have a program that is reality, and not have a program in hopes of having a program, but in fact does not actually pass.

So I reluctantly urge my colleagues to vote against the Democratic amendments and vote for the base bill.

Mr. GORDON. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, in closing, let me just say without a doubt my friend, the gentleman from Michigan (Chairman EHLERS) and the gentleman from New York (Chairman BOEHLERT) support the MEP program. They have been champions for the MEP program. Probably we would not have the program right now if it had not been for their help and leadership, so I do clearly acknowledge that.

But it is simply not a credible argument to say that they must oppose this amendment because this $60 million increase, which is pretty much in line with what the gentleman from Michigan (Mr. EHLERS) originally proposed, would bring down this bill because the administration thinks it is too much, when yesterday they both, as well as many other Members sitting here in the Chamber, Republican Members, voted for almost a $80 million increase, against the administration's wishes, in a much-needed Small Business Administration program. So it is just not a credible argument.

We most all agree that the MEP is a good program. Let us try to fund it at least in a way that it can be efficient. As we mentioned earlier, for every $1 that the Federal Government puts in, it is matched by $1 more from the State and $1 additional from the private sector. That is good leverage, that is good business, and it is also a vote for the American worker.

Mr. Chairman, I yield back the balance of my time.

Mr. BOEHLERT. Mr. Chairman, I yield 15 seconds to the distinguished gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I simply wanted to thank my colleague the gentleman from Michigan (Mr. KNOLLENBERG) for coming to the floor to indicate his support for this bill, and especially to thank him for his hard work on the Committee on Appropriations in getting the $106 million funding for this year.

I also want to join in thanking the staff, Eric Webster, Olwen Huxley and David Goldston, who have worked so hard on this bill, as well as my staff member, Cameron Wilson. They have done yeoman work, and I deeply appreciate it.

Mr. BOEHLERT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in closing, just let me say that this bill will prevent centers from closing. This bill will prevent centers from closing, without any amendments. I urge defeat of the Gordon amendment.

Mr. Chairman, I yield back the balance of my time.

THE CHAIRMAN pro tempore (Mr. SIMPSON). The question is on the amendment offered by the gentleman from Tennessee (Mr. GORDON).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. GORDON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, this vote on Amendment No. 4 by Mr. GORDON will be followed by 5 minute votes on amendments on which further proceedings were postponed in the following order: Amendment No. 1 by Ms. JACKSON-LEE of Texas, Amendment No. 2 by Mr. LARSON of Connecticut.

The vote was taken by electronic device, and there were—ayes 170, noes 192, not voting 71, as follows:

[Roll No. 355]

AYES—170

Abercrombie
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Berman
Berry
Bishop (GA)
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Burr
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank (MA)
Frost
Gonzalez
Goode
Gordon
Green (WI)
Grijalva
Gutierrez
Harman
Herseth
Hill
Hinojosa
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Lowey
Lucas (KY)
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McIntyre
Meehan
Meek (FL)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Peterson (MN)
Pomeroy
Porter
Price (NC)
Rangel
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Weiner
Woolsey
Wu
Wynn

NOES—192

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Buyer
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Cole
Cox
Crane
Crenshaw
Cubin
Cunningham
Davis, Jo Ann
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gingrey
Goodlatte
Granger
Graves
Greenwood
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hyde
Issa
Istook
Jenkins
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Latham
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pombo
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—71

Ackerman
Becerra
Bell
Berkley
Bishop (NY)
Blumenauer
Boyd
Calvert
Camp
Carson (IN)
Case
Coble
Collins
Culberson
Davis, Tom
Deal (GA)
Delahunt
DeMint
Deutsch
Dicks
Emanuel
Fattah
Franks (AZ)
Gephardt
Gerlach
Gillmor
Goss
Green (TX)
Gutknecht
Hastings (FL)
Hinchey
Hoeffel
Houghton
Hunter
Isakson
Jefferson
John
Johnson (CT)
Jones (OH)
Kilpatrick
LaHood
LaTourette
Leach
Lee
Linder
Lipinski
Lofgren
Majette
McGovern
McNulty
Meeks (NY)
Mica
Norwood
Ortiz
Pastor
Paul
Payne
Pelosi
Pitts
Platts
Quinn
Rahall
Reyes
Sandlin
Shaw
Tancredo
Tauzin
Turner (TX)
Wamp
Waxman
Wexler

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. SIMPSON) (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1530

Messrs. TURNER of Ohio, TIAHRT and NETHERCUTT changed their vote from "aye" to "no."

Messrs. HONDA and DEFAZIO changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. PASTOR. Mr. Chairman, on rollcall No. 355, had I been present, I would have voted "aye."

AMENDMENT NO. 1 OFFERED BY MS. JACKSON-LEE OF TEXAS

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 166, noes 197, not voting 70, as follows:

[Roll No. 356]

AYES—166

Abercrombie
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Berry
Bishop (GA)
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Grijalva
Gutierrez
Hall
Harman
Herseth
Hill
Hinojosa
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Lowey
Lucas (KY)
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McIntyre
Meehan
Meek (FL)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Pomeroy
Porter
Price (NC)
Rangel
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Weiner
Woolsey
Wu
Wynn

NOES—197

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Cole
Cox
Crane
Crenshaw
Cubin
Cunningham
Davis, Jo Ann
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Greenwood
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hyde
Issa
Istook
Jenkins
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Latham
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas (OK)
Manzullo
Marshall
McCotter
McCrery
McHugh
McInnis
McKeon
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pombo
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—70

Ackerman
Becerra
Bell
Berkley
Berman
Bishop (NY)
Blackburn
Blumenauer
Boyd
Calvert
Camp
Carson (IN)
Case
Coble
Collins
Culberson
Davis, Tom
Deal (GA)
Delahunt
DeMint
Deutsch
Dicks
Emanuel
Fattah
Gephardt
Gerlach
Gillmor
Goss
Green (TX)
Gutknecht
Hastings (FL)
Hinchey
Hoeffel
Houghton
Hunter
Isakson
John
Johnson (CT)
Jones (OH)
Kilpatrick
LaHood
LaTourette
Leach
Lee
Linder
Lipinski
Lofgren
Majette
McGovern
McNulty
Meeks (NY)
Mica
Norwood
Ortiz
Paul
Payne
Pelosi
Pitts
Platts
Quinn
Rahall
Reyes
Scott (GA)
Shaw
Skelton
Tancredo
Tauzin
Wamp
Waxman
Wexler

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1536

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. LARSON OF CONNECTICUT

The CHAIRMAN pro tempore (Mr. SIMPSON). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Connecticut (Mr. LARSON) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 170, noes 189, not voting 74, as follows:

[Roll No. 357]

AYES—170

Abercrombie
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Berman
Berry
Bishop (GA)
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (OK)
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dingell
Dooley (CA)
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank (MA)
Frost
Gingrey
Gonzalez
Gordon
Grijalva
Harman
Hefley
Herseth
Hill
Hinojosa
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Lowey
Lucas (KY)
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McIntyre
Meehan
Meek (FL)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Pomeroy
Price (NC)
Rangel
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Weiner
Woolsey
Wu
Wynn

NOES—189

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Cole
Cox
Crane
Crenshaw
Cubin
Cunningham
Davis, Jo Ann
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gibbons
Gilchrest
Goode
Goodlatte
Granger
Graves
Green (WI)
Greenwood
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hyde
Issa
Istook
Jenkins
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Latham
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Northup
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shuster
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—74

Ackerman
Becerra
Bell
Berkley
Bishop (NY)
Blumenauer
Boyd
Calvert
Camp
Cardoza
Carson (IN)
Case
Coble
Collins
Culberson
Davis, Tom
Deal (GA)
Delahunt
DeMint
Deutsch
Dicks
Doggett
Emanuel
Everett
Fattah
Gallegly
Gephardt
Gerlach
Gillmor
Goss
Green (TX)
Gutierrez
Gutknecht
Hastings (FL)
Hinchey
Hoeffel
Houghton
Hunter
Isakson
John
Johnson (CT)
Jones (OH)
Kilpatrick
King (IA)
LaHood
LaTourette
Leach
Lee
Linder
Lipinski
Lofgren
Majette
McGovern
McNulty
Meeks (NY)
Mica
Norwood

Ortiz
Paul
Payne
Pelosi
Pitts
Platts
Quinn
Rahall
Reyes
Rogers (MI)
Rothman
Shaw
Tancredo
Tauzin
Wamp
Waxman
Wexler

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1542

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. KING of Iowa. Mr. Chairman, on rollcall No. 357, had I been present, I would have voted "no."

The CHAIRMAN pro tempore. Are there any further amendments?

The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PETRI) having assumed the chair, Mr. SIMPSON, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3598) to establish an interagency committee to coordinate Federal manufacturing research and development efforts in manufacturing, strengthen existing programs to assist manufacturing innovation and education, and expand outreach programs for small and medium-sized manufacturers, and for other purposes, pursuant to House Resolution 706, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. COSTELLO

Mr. COSTELLO. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. COSTELLO. I am, Mr. Speaker, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Costello moves to recommit the bill H.R. 3598 to the Committee on Science with instructions to report the same back to the House forthwith with the following amendment:

Redesignate section 8 as section 9, and insert after section 7 the following new section:

SEC. 8. MANUFACTURING AND PROFESSIONAL EMPLOYMENT STUDY.

(a) STUDY.—Not later than 60 days after the date of enactment of this Act, the Under Secretary of Commerce for Technology shall enter into a contract with the RAND Corporation, or a similar organization, for a study, as relates to the manufacturing sector including manufacturing research and technology, assessing—

(1) the nature and number of United States manufacturing and professional jobs moving outside the United States;

(2) the nature and number of jobs that have been moved outside the United States to support exports to the United States market;

(3) reemployment prospects for United States workers displaced by United States manufacturing and professional jobs moving outside the United States;

(4) the number of nonimmigrant alien H–1B and L–1 visas that have been issued, and what jobs they are being used for;

(5) the nature and number of jobs created in the United States by foreign investment in the United States;

(6) the nature and number of jobs moved outside the United States that are supported by Federal contractors and subcontractors; and

(7) the effects that the movement of United States manufacturing and professional jobs outside the United States is having on student career choices.

(b) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Under Secretary of Commerce for Technology shall transmit to the Congress a report on the results of the study conducted under subsection (a).

(c) POLICY RECOMMENDATIONS.—Not later than 4 months after the transmittal of the report under subsection (b), the Under Secretary of Commerce for Technology shall transmit to the Congress policy recommendations based on the findings of the study conducted under subsection (a).

Mr. COSTELLO (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The gentleman from Illinois (Mr. COSTELLO) and a Member opposed each will be recognized for 5 minutes.

The Chair recognizes the gentleman from Illinois (Mr. COSTELLO).

Mr. COSTELLO. Mr. Speaker, I yield myself such time I may consume.

Mr. Speaker, my motion to recommit would send this legislation back to the Committee on Science with instructions to immediately report the bill back to the House with a provision requiring the Department of Commerce to complete an independent study on the short and long term effects of the outsourcing of jobs from the United States to other countries.

Mr. Speaker, since the year 2000 the United States has lost 2.7 million manufacturing jobs, of which 500,000 jobs were in high tech industries such as telecommunications and electronics. Since the year 2000, almost 650,000 jobs have disappeared in high tech service industries. In 48 of the 50 States, jobs in high-paying industries have been replaced with lower paying jobs.

A survey taken in March of this year of 216 CFOs found that 27 percent of those CFOs plan to send more jobs offshore this year. The Wall Street Journal, the Washington Post, Business Week and others have recently published articles that point to the fact that we lack sufficient and accurate data and information in order to determine the short- and long-term effects of offshoring. There are some in the Bush administration who have said that offshoring is a good thing and it is good for the U.S. economy.

□ 1545

Others say that it is bad for our country. My motion would require an independent study to provide exactly the information and data that we now lack to lay out a plan to address this critical problem.

I offered this amendment in the Committee on Science at our markup. Unfortunately, it was voted down on a party-line vote. I was told at the time that the majority had a problem with jurisdiction issues, that other committees may, in fact, claim jurisdiction. I went to the Committee on Rules. The Committee on Rules refused to allow a vote on my amendment.

My amendment would simply require an independent study of the outsourcing problem which is a problem for each congressional district in every State in the United States. This administration and future administrations, this Congress and future Congresses, and the American people deserve the facts about outsourcing so we can prepare to deal with the problems both short and long term.

Mr. GORDON. Mr. Speaker, will the gentleman yield?

Mr. COSTELLO. I yield to the gentleman from Tennessee, the ranking member of the Committee on Science.

Mr. GORDON. Mr. Speaker, am I correct in saying that all the gentleman is asking for in his motion is that the administration conduct an independent study to gather data on offshoring of jobs and then to make some policy recommendations to the Congress on how we can jointly address this growing problem?

Mr. COSTELLO. The gentleman is correct.

Mr. GORDON. If the gentleman would continue to yield, is it true that if this motion is adopted, there would be no delay because the House could immediately reconsider the bill?

Mr. COSTELLO. Again, the gentleman is correct.

Mr. GORDON. Mr. Speaker, so a "yes" vote on the gentleman's motion is a vote to consider an independent study of offshoring and a "no" vote against the gentleman's motion is to reject a study by the Commerce Department on offshoring and recommendations for correcting the problem?

Mr. COSTELLO. Mr. Speaker, reclaiming my time, the gentleman is correct.

Mr. BOEHLERT. Mr. Speaker, I rise in opposition to the motion. This motion sounds good on the surface, but it is both misguided and unnecessary.

I have to say I am a little bit surprised to see my colleagues on the other side of the aisle get so excited over a study.

Outsourcing, they say correctly, is a major problem and their solution, a study. They are going to accuse us of foot dragging, not doing enough to keep and create jobs here at home, and as an alternative, they offer a study?

We have a bill before us that takes real, proven, practical and immediate steps to help American manufacturers. Is the other side arguing that the one thing it lacks is a study? That is political nonsense.

It is even worse, really, because if my colleagues across the aisle had done their homework, they would have discovered that the House has already approved a study on outsourcing and even has provided money for it and is part of a bill that will not get held up over other issues. We did not do this so long ago that they might have forgotten. The House approved the bill just yesterday.

The Commerce appropriation bill includes $2 million for the National Academy of Public Administration, an independent, nongovernment body, to conduct a study. That is important. The entire House is already on record in not only supporting an independent study of offshoring but actually funding it. So we back up our words with deeds.

Let us not encumber this bill with an unnecessary and duplicative study. Let us pass the bill and take real steps to help American manufacturers.

The SPEAKER pro tempore (Mr. PETRI). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. COSTELLO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by a 5-minute vote, if ordered, on passage of the bill and on the Speaker's approval of the Journal.

The vote was taken by electronic device, and there were—ayes 171, noes 193, not voting 69, as follows:

[Roll No. 358]

AYES—171

Abercrombie
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Berman
Berry
Bishop (GA)
Boswell.
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dingell
Doggett
Dooley (CA)
Doyle
Duncan
Edwards
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Grijalva
Gutierrez
Harman
Herseth
Hill
Hinojosa
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Lowey
Lucas (KY)
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McIntyre
Meehan
Meek (FL)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Peterson (MN)
Pomeroy
Price (NC)
Rangel
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Shimkus
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Weiner
Woolsey
Wu

NOES—193

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Cole
Cox
Crane
Crenshaw
Cubin
Cunningham
Davis, Jo Ann
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Dunn
Ehlers
English
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Issa
Istook
Jenkins
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Latham
Leach
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shays
Sherwood
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—69

Ackerman
Becerra
Bell
Berkley
Bishop (NY)
Blumenauer
Boyd
Calvert
Camp
Carson (IN)
Case
Coble
Collins
Culberson
Davis, Tom
Deal (GA)
Delahunt
DeMint
Deutsch
Dicks
Emanuel
Everett
Fattah
Gephardt
Gerlach
Gillmor
Goss
Green (TX)
Greenwood
Gutknecht
Hastings (FL)
Hefley
Hinchey
Hoeffel
Houghton
Isakson
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kilpatrick
LaHood
LaTourette
Lee
Linder
Lipinski
Lofgren
Majette
McGovern
McNulty
Meeks (NY)
Mica
Norwood
Ortiz
Paul
Payne
Pelosi
Pitts
Platts
Quinn
Rahall
Reyes
Shaw
Tancredo
Tauzin
Wamp
Waxman
Wexler
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PETRI) (during the vote). There are 2 minutes remaining in this vote.

☐ 1608

Mrs. EMERSON and Mr. DUNCAN changed their vote from "no" to "aye."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I missed rollcall No. 358, because of an interview on a network. If I had been present I would have voted "aye."

PERSONAL EXPLANATION

Mr. MCGOVERN. Mr. Speaker, I was unavoidably detained on rollcall vote Nos. 355–358. If I were present, I would have voted: "Yes" on rollcall vote No. 355 (the Gordon Amendment); "yes" on rollcall vote No. 356 (the Jackson-Lee Amendment); "yes" on rollcall vote No. 357 (the Larson Amendment); "yes" on rollcall vote No. 358 (the Motion to Recommit).

PERSONAL EXPLANATION

Ms. KILPATRICK. Mr. Speaker, personal reasons will prevent me from being present for legislative business scheduled after 2 p.m. today, Friday, July 9, 2004. Had I been present, I would have voted "aye" on the amendment offered by Mr. GORDON (rollcall No. 355); "yes" on the amendment offered by Ms. JACKSON-LEE (rollcall No. 356); "aye" on the amendment offered by Mr. LARSON (rollcall No. 357); "aye" on the motion to recommit the bill H.R. 3598 (rollcall No. 358).

PERSONAL EXPLANATION

Mr. EMANUEL. Mr. Speaker, due to a family commitment, I was not present in the Chamber on Friday, July 9, to cast my votes on rollcalls 355 through 358. Had I been present, I would have voted "yes" on each measure.

The SPEAKER pro tempore. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

Pursuant to clause 1, rule I, the Journal stands approved.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3889

Mrs. MYRICK. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 3889.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I take this time, as much as may be required, to inquire of the gentleman from California (Mr. DREIER), chairman of the Committee on Rules, of the schedule for next week.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding to me, and as we have just observed, we have completed our business for the day and for the week.

The House will convene on Monday at 12:30 for morning hour and 2 p.m. for legislative business. We plan to consider several measures under suspension of the rules. A final list of those bills will be sent to Members' offices by the end of this day. Any votes called for on those measures will be rolled until 6:30 p.m.

Members should be aware we also plan to consider the rule for the fiscal year 2005 agriculture appropriation bill, as well as H.R. 4755, the fiscal 2005 Legislative Branch appropriation bill on Monday.

On Tuesday, and the balance of the week, we expect to consider additional legislation under suspension of the rules. We plan to complete consideration of the agriculture appropriation bill, as well as consider additional bills under a rule:

S. 15, the Project Bioshield Act; H.R. 4759, the U.S.-Australia Free Trade Agreement; and the fiscal year 2005 foreign operations appropriation bill.

Finally, and I know this will be pleasant news to all of our colleagues after a long Friday, we would like Members to know that a week from today, on Friday, July 16, we do not expect any votes on the floor.

And I would be happy to accept any questions that my friend from Maryland, the distinguished minority whip, might like to proffer.

Mr. HOYER. Reclaiming my time, Mr. Speaker, I thank the gentleman for the information and appreciate his being open to additional questions.

To clarify the schedule for the appropriation bills the gentleman has listed for next week, does the gentleman anticipate on Monday that we will complete the Legislative Branch bill?

Mr. DREIER. Mr. Speaker, if the gentleman will yield further, yes, the Legislative Branch appropriation bill, we hope. Then, as I say, we will be bringing up the rule on the agriculture appropriation bill. And I doubt that that will be completed at that time. It will go over.

Mr. HOYER. So on Tuesday the gentleman expects we will complete the Ag bill?

Mr. DREIER. Mr. Speaker, if the gentleman will continue to yield, yes, the agriculture appropriation bill will be our work primarily on Tuesday.

Mr. HOYER. Mr. Speaker, does the gentleman have a feel for when we will consider the Foreign Ops appropriation bill?

Mr. DREIER. Probably on Thursday of next week we would most likely consider the Foreign Ops bill.

Mr. HOYER. Will we consider the BioShield bill on that day as well?

Mr. DREIER. No, our plan is to, on Wednesday, deal with both the BioShield Act as well as the U.S.-Australia Free Trade Agreement.

Mr. HOYER. Mr. Speaker, I thank the gentleman. Now, on the Australia Free Trade Agreement, or any other trade bill, what day does the gentleman anticipate we will be considering the Australia Free Trade bill?

Mr. DREIER. Mr. Speaker, as I said, along with the BioShield Act on Wednesday we also anticipate considering the U.S.-Australia Free Trade Agreement.

Mr. HOYER. All right. I thank the gentleman. On the appropriation bills that we will consider, will they be considered under the usual rule? I understand perhaps the legislative rule may be a restrictive rule.

And I yield to the gentleman, Mr. Speaker.

Mr. DREIER. Yes, if the gentleman will continue to yield, Mr. Speaker, as the gentleman knows, we have already addressed the issue of the rule for the legislative branch appropriation bill, and that is in fact a structured rule. It is our intention on the other measures that are before us to consider them under the standard open amendment process, just as we have this week on the appropriation issues that we have addressed.

Mr. HOYER. I thank my friend for the information.

Mr. DREIER. I thank my friend for yielding.

Mr. HOYER. In closing, Mr. Speaker, and I do not want to get deeply into this, but can we anticipate votes on any of these? And if we can anticipate votes on them, will they be in the approximate range of 15 to 20 to 25 minutes? Or does the gentleman have any idea what our plan is?

Mr. DREIER. If the gentleman will continue to yield, I would simply say that it is our intention, as is always the case, to have the majority comply with rule XX, clause 2(a), which states that all votes should be held within a minimum of 15 minutes. And then, if my friend would further yield, I would say it is also quite possible that some Members, either still coming to the chamber or who are in the Chamber, who might either have not voted if they are coming to the Chamber or if they are here, may want to consider changing their votes.

As has often been the case, as I said in my closing remarks on the rule today, when I served in the minority, during those wonderful 14 years that my friend was in the majority before 1994, and also since we have been in the majority, we have clearly done that.

So I thank my friend for yielding, and it is our intention to simply comply with clause 2(a), rule XX, when it comes to dealing with votes.

Mr. HOYER. Mr. Speaker, I thank the gentleman for that explanation, I suppose is the kindest adjective to apply. I appreciate the gentleman's observation. I will say that the gentleman treats gingerly the changing of opinions. That is, obviously, as the gentleman noted in his closing argument, the subject of debate and also subject to discussion that goes on on this floor, which is clearly appropriate.

But I will tell the gentleman that his party believed that the keeping of the votes open for an extended period of time, i.e. in excess of 20 minutes, was corrupt, and the Vice President said it was corrupt. The Vice President said it undermines civility. The Vice President, when he then had my job, minority whip, said that it was undemocratic.

The gentleman has indicated that we did, in fact, from time to time, keep the vote open for longer than 20 minutes. The gentleman is absolutely accurate. But we did not claim it was undemocratic, undermining civility or corrupt. It was the gentleman's side that claimed that.

Mr. DREIER. If the gentleman would yield.

Mr. HOYER. In just one second.

Mr. Speaker, I suppose, then, the question becomes, in the context of situational ethics, has something changed that has brought about this recognition of it as a lack of corruption, lack of undermining the democratic process, and a lack of undermining civility? And I yield to my friend.

Mr. DREIER. Well, Mr. Speaker, I thank my friend for yielding, and I think he raises a very good point.

I have said on a number of occasions that the year I was born was the last time that my party was elected to serve in the majority here in the House of Representatives, until we won our majority in 1994. In fact, the gentleman referenced the now Vice President of the United States, the former minority whip, Mr. CHENEY. And Mr. CHENEY never served as a member of the majority here in the House of Representatives.

I have admitted that there are a number of things that we have learned, with not a single Member having served in the majority once we emerged to that status following the election of 1994. So it is true we understand that leadership does entail making tough decisions, and, occasionally, as I said in my closing remarks on the rule earlier today, involve extending an invitation to Members to deliberate and, in fact, on occasion, change their mind. That is part of the democratic process.

☐ 1615

So I will admit that the process which we observed on numerous occasions when the gentleman's party was in the majority is something which did provide an opportunity for us to learn from.

One thing I will say, when we look at the issue of slowing up a process or creating challenges, I think about the other body which as we all know has this very unique ability to allow one Member to hold up an entire process and delay the opportunity to move forward on a number of issues, including confirmations. So I think we, having a 38-minute vote here, it is not unprecedented. I will say we did in fact see the democratic process work.

Mr. HOYER. Mr. Speaker, reclaiming my time, was the Vice President, acting as the minority whip, wrong when he said this was a corrupt practice?

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, what I will say is there was no one in the minority at that time who had the experience that many of my colleagues on the other side of the aisle have had up to that point in 1994 when we won the majority.

Mr. HOYER. Mr. Speaker, I heard the assertion of the lack of experience in the majority, but my question was: Was the Vice President wrong?

Mr. DREIER. Mr. Speaker, I am not going to characterize rightness or wrongness. What I am saying is when we on this side of the aisle have extended the invitation to Members to consider changing a vote, we saw that done many times on the other side of the aisle. I can only speak for myself, but I am a Member who has learned that process is a very important part of the legislative process itself, and the process of democratic governance.

Mr. HOYER. Mr. Speaker, I want to say very seriously I have served along with the gentleman from California (Mr. DREIER) for over 2 decades in this institution. I care a great deal about this institution, and the attacks made on this institution for the 14 years that I was in the majority and the assertions that were made and the characterization which I did not fully express on the floor that the minority whip made of Mr. Wright, the Speaker of the House of Representatives, and the names or the epithets that were used against him, there has never been an apology for that, notwithstanding this new information and new perspective that the Republican Party has gained now that they are in the majority and perhaps see the necessity to take actions that at some point in time they thought were corrupt, undemocratic, and undermining of civility.

We are not going to resolve this, but I will state that the gentleman and I have had discussions about comments the gentleman made about open rules, about amendments, about motions to recommit, about time for debate, about time for consideration prior to the Committee on Rules meeting and reporting out bills, and that perspective, as has been noted in our discussions in the Committee on Rules, has somewhat changed.

Mr. DREIER. Mr. Speaker, if the gentleman would continue to yield, I am happy that in that litany of issues raised, the gentleman raised the issue of motions to recommit.

As the gentleman knows very well, when we were in the minority, we were often denied motions to recommit. Yet when we won the majority in 1994, because of the expertise that so many of us had had serving in the minority for so many years, we made a determination at that time that we would change the rules to in fact provide the minority with at least one bite at the apple, meaning an opportunity to vote on that motion to recommit; and in most instances, not every, I will acknowledge, but in most instances, two opportunities for the minority to have a chance to modify and change a piece of legislation by providing a substitute at the end of a bill itself.

I will acknowledge when it came to the issue of the amendment process itself, we are here Friday afternoon having gone through a long and drawn out appropriations process, which we are in the midst of right now, most of these bills are being considered under an open amendment process. We have a very narrow majority in the House. When the gentleman's party was in the majority, they had a 70-vote margin. We have a responsibility to move our agenda, so we have often done it under a structured amendment process. But at the end of the day, we still have provided something that did not exist when we were in the minority, that being the right to offer a recommittal motion.

Mr. HOYER. Mr. Speaker, reclaiming my time, prolonging this will not be very educational for Members or others who might be interested, but I will observe that oftentimes the offering of a motion to recommit without the provision for the waivers that are given to the majority in terms of the germaneness of those motions to recommit with instructions essentially precludes the minority party from offering the alternative which they believe is the best alternative.

Mr. DREIER. Mr. Speaker, if the gentleman would yield on that point, I would just remind the gentleman when we were debating an issue which is very important to this institution, that is the continuity of Congress, we had a recommittal motion offered by the gentleman from North Carolina. And as the gentleman knows, that was accepted on this side as we were moving ahead with that very important quest to try to bring about a bipartisan solution to the challenge of dealing with a potential catastrophe to this institution.

Mr. HOYER. Mr. Speaker, I would ask the gentleman, is that the same bill on which the committee refused to have a hearing on that very critically important issue, the alternative offered by the gentleman from Washington (Mr. BAIRD)?

Mr. DREIER. Mr. Speaker, if the gentleman will continue to yield, the last Congress did hold a hearing on that legislation, and when the request was made to deal with the proposals of the constitutional amendment, they were not even offered by Members of the Committee on the Judiciary when they did proceed with the markup in that committee.

Mr. HOYER. My question was for this year. There was no hearing, am I correct?

Mr. DREIER. The gentleman is correct, although I recall testifying on this issue before the Committee on House Administration this year as we dealt with this issue.

Mr. HOYER. Mr. Speaker, I thank the gentleman for his observations.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DREIER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from California?

There was no objection.

ADJOURNMENT TO MONDAY, JULY 12, 2004

Mr. DREIER. Mr. Speaker, I ask unanimous consent when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debates.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from California?

There was no objection.

REPUBLICANS WIN COVETED ROLL CALL TROPHY

(Mr. OXLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OXLEY. Mr. Speaker, I am pleased to announce the results of the 43rd Annual Roll Call Baseball Game for Charity between the Democrats and Republicans. While the gentleman from Maryland (Mr. HOYER) is still on the floor, I want to thank him for his warm hospitality in his district at the Prince George's County Stadium and his graciousness, despite losing. And I particularly want to thank all of the players and the gentleman from Minnesota (Mr. SABO), the Democrat manager, for being such great sportsmen. We are pleased for one more year to possess this coveted Roll Call trophy, which is all one word, coveted Roll Call trophy. I am glad to have it here on the floor, and I will have it protected in my office for the next year. The score was 14–7.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. OXLEY. I yield to the gentleman from Maryland.

Mr. HOYER. The gentleman from Minnesota (Mr. SABO), the manager of the Democratic team, is not on the floor, but I know he would want me to congratulate you. As painful as defeat is, we graciously acknowledge that the second inning was devastating in which you scored 9, 10, 11 runs. It is going up, 10 runs, I guess. And it would be not as gracious to observe that other than that second inning, the game was pretty good. But I congratulate the gentleman on behalf of the somewhat gracious losers.

Mr. OXLEY. Mr. Speaker, I thank the gentleman. The final score was 14–7. I thank the sponsors of this event. There were over 5,000 people, the largest crowd at the event ever, and it will produce over $100,000 for the Adult Literacy Council and Boys and Girls Clubs of the Washington area. They are always very worthy recipients.

Thanks to the gentleman from Minnesota (Mr. SABO), half of the budget of the Adult Literacy Council will be provided from the proceeds of this game. We are very pleased about that. I notice the gentleman from New Jersey (Mr. SAXTON), one of the announcers for the game, he and former member Martin Russo. We thank them for their fine work. And finally, I want to thank Hall of Famer Lou Brock, who was brought here by the auspices of the Baseball Hall of Fame, as well as Major League Baseball. He was very gracious, threw out the first ball, threw a strike, signed autographs for the kids, and had pictures taken. To Lou Brock and his wife, thank you for making the 43rd annual baseball game one to remember.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN THE ENGROSSMENT OF H.R. 2828, WATER SUPPLY, RELIABILITY, AND ENVIRONMENTAL IMPROVEMENT ACT

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 2828, the Clerk be authorized to make technical and conforming changes as may be necessary to reflect the action of the House just taken.

The SPEAKER pro tempore (Mr. GINGREY). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

WE NEED A DIFFERENT ECONOMIC POLICY

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, Vice President CHENEY was in Cleveland this week trying to explain the President's economic policy to a State which has lost one-sixth of its manufacturing jobs since President Bush and Vice President CHENEY took office, a State that has lost almost 200,000 jobs overall, a State that has lost 195 jobs every single day of the Bush administration.

His answer to Ohio's economic problems is more tax cuts for the wealthiest people in the State hoping those tax cuts will trickle-down and create jobs. That clearly has not worked. And his other answer is more trade agreements like NAFTA and other trade agreements which have hemorrhaged jobs and shipped jobs overseas.

Clearly we need a new direction. The Bush economic policies are not working in the industrial Midwest. They are not working in small-town Ohio; they are not working in the big cities. We need a different economic policy. The Bush program simply is not working.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

□ 1630

CONGRATULATING ALCEE HASTINGS

The SPEAKER pro tempore (Mr. GINGREY). Under a previous order of the House, the gentleman from Maryland (Mr. HOYER) is recognized for 5 minutes.

Mr. HOYER. Mr. Speaker, I rise with a great deal of pride to announce to the Members of the House the election of our colleague, the gentleman from Florida (Mr. HASTINGS), as president of the Organization on Security and Cooperation in Europe's Parliamentary Assembly.

That assembly, Mr. Speaker, is an assembly of 55 signatory states to the Helsinki Final Act. Those 55 nations were represented by over 300 parliamentarians at their annual meeting in Edinburgh, Scotland, this past week.

Earlier today, Edinburgh time, the gentleman from Florida (Mr. HASTINGS) received on the first ballot over 55 percent of the votes. This is a historic occasion. He is the first American ever elected president of the OSCE Parliamentary Assembly. Not only that, he is the first minority to be elected president of the Organization on Security and Cooperation in Europe and, based upon the information I have, I believe the first and only African American to ever be elected president of one of the interparliamentary assemblies, combining Europe and the United States.

The gentleman from Florida (Mr. HASTINGS), a distinguished member of our body, has served on the Commission on Security and Cooperation in Europe since 2001 and has been vice president of the OSCE for the past 2 years. He also has gained important experience in international affairs as a member of the Permanent Select Committee on Intelligence. The gentleman from Florida (Mr. HASTINGS) is now serving his seventh term in the Congress of the United States.

I want to thank the gentleman from Illinois (Speaker HASTERT) and the bipartisan delegation. The gentleman from Florida (Mr. HASTINGS) serves in this body and is a Democrat; but he ran as an American, and he was supported by the American delegation, Republicans and Democrats. And I want to thank the gentleman from New Jersey (Mr. SMITH) for his leadership of our delegation, the chairman of the Organization of Security and Cooperation in Europe Commission here in the Congress.

The gentleman from Illinois (Speaker HASTERT), in his letter supporting the gentleman from Florida (Mr. HASTINGS), said, "Never one to retreat from a challenge, Alcee Hastings possesses an instinctive ability to identify solutions and build common ground for their implementation."

It was that ability, that quality, that determination that the gentleman from Florida (Mr. HASTINGS) had which led to his overwhelming election. Gert Weisskirchen, in Germantown, who withdrew in favor of the gentleman from Florida (Mr. HASTINGS) this week, said to the Palm Beach Post that the gentleman from Florida (Mr. HASTINGS) represents the best of the United States. Now, Mr. Weisskirchen and the gentleman from Florida (Mr. HASTINGS) have served together for almost a decade in the organization's parliamentary assembly, so his observations are well founded and based upon his experience.

The gentleman from Florida (Mr. HASTINGS) will bring credit to our country, credit to our Congress, and credit to the Parliamentary Assembly. I will tell my colleagues that the United States has the privilege next year in July on our July 4 break of hosting the 55 nations that make up the Parliamentary Assembly. I know that all of us look forward to welcoming our colleagues from throughout Europe and Canada, the signatory states, with the gentleman from Florida (Mr. HASTINGS) as the president of that organization to our Capitol city and showing them American hospitality, while at the same time cementing a relationship with our allies and raising very significant and important issues to international security, peace, and economic well-being.

Mr. Speaker, I thank you for this time to honor our colleague, the gentleman from Florida (Mr. HASTINGS), on this historic election as president of the Parliamentary Assembly of the OSCE.

EXCHANGE OF SPECIAL ORDER TIME

Mr. PENCE. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Texas (Mr. PAUL).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

OUTRAGEOUS RULING BY THE INTERNATIONAL COURT OF JUSTICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. PENCE) is recognized for 5 minutes.

Mr. PENCE. Mr. Speaker, this is a dark day in the history of international law. Today, the International Court of Justice, at the request of the United Nations General Assembly, ruled, "The construction of the wall being built by Israel, the occupying power in the occupied Palestinian territory, including in and around east Jerusalem and its associated regime, is contrary to international law."

With this extraordinarily biased decision, the International Court of Justice has become an international disgrace. This outrageous ruling confirms what many of us have feared, that opponents of Israel have overtaken the judicial process at the U.N.'s highest judicial court and have begun to use it for political aims on the world stage.

Mr. Speaker, the referral of this issue itself was biased and prejudged Israel. The referral actually used contestable political language such as "occupied Palestinian territory" and referred to the Israeli security fence repeatedly as a wall. It is as if the court simply did a cut and paste of those terms and issued them in their ruling today, completely failing in their multipage ruling to talk about context, namely years of brutal terrorism at the hands of Palestinian extremists against Israeli civilians.

Mr. Speaker, it is crucial today that we make a pair of points that the International Court of Justice completely ignored. Number one, Israel's security fence prevents terrorism; and, number two, the ICJ had no authority to hear this case.

These two points, Mr. Speaker, are actually reflected in a resolution that I authored along with the gentlewoman from Nevada (Ms. BERKLEY) that has garnered nearly 163 co-sponsors, Republicans and Democrats alike. The Pence-Berkley resolution resolves, in effect, that Congress supports the construction by Israel of a security fence to prevent Palestinian terrorist attacks; and, number two, that Congress condemns the decision by the UN General Assembly to request the Court of Justice to act.

Mr. Speaker, I rise humbly today to say Congress would do well in the coming days to act with all expeditious speed on this legislation, on this resolution, and make a statement that America stands with Israel.

I authored this resolution after my wife, Karen, and I toured Israel in January of this year. Seen in this photograph, we are standing with Israeli defense forces along the side of a chain-linked fence, which the International Court of Justice today repeatedly described as a wall. A chain-linked fence that nevertheless has proven to be an effective tool in thwarting terrorist attacks.

In the north of Israel, where a section of the fence has been completed, there has not been a single suicide attack in more than 8 months. Before the first stage of the fence became operational in July of 2003, the average number of attacks was 8.6 per month. In the past 11 months, that figure has dropped dramatically to only 3.2 attacks per month.

In the 2 hours that we toured the security fence this day in January in Israel, the security officials traveling with us received in my presence three separate calls on their radios about attempted terrorist incursions. In 2 hours, three separate terrorist incursions. These incursions, while they do not succeed but on an intermittent basis, the reality is that the attempts are a daily reality for Israelis. The truth is the Israeli Security Fence has prevented terrorism, and that was a fact completely lost on the International Court of Justice.

Also lost is that under international norms, the Israeli Supreme Court, just like if it was the United States Supreme Court and not the court in the Hague, has sole jurisdiction over this matter. In fact, the Israeli Supreme Court is an independent judiciary of a sovereign and democratic nation. Its rulings on the Israeli Security Fence has struck a fair balance between the rights of Israelis to live free from suicide bombings and the right of Palestinians to their economic well-being, and there is no legal basis for the court in the Hague to usurp its authority.

So I rise today, Mr. Speaker, to urge this Congress to act on House Concurrent Resolution 371 that the gentlewoman from Nevada (Ms. BERKLEY) and I introduced and enjoys 163 cosponsors and to act deliberately. Or if not on our resolution, that in the next several days to rise with one voice, Democrats and Republicans alike, to condemn this unjust decision by the International Court of Justice.

I also challenge my colleagues, as we think about funding issues and resources that will be spent in the direction of the United Nations, that we seriously reconsider any effort to direct U.S. taxpayer dollars to this international court, if I may say, of injustice.

Like so many million Americans I pray for the peace of Jerusalem and I stand with Israel, believing as those same millions do that He will bless those who bless her, He will curse those who curse her.

Let the voice of the American people be heard. Let us condemn this unjust and disgraceful decision by the International Court of Justice.

EXCHANGE OF SPECIAL ORDER TIME

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent to take the Special Order time of the gentlewoman from California (Ms. WOOLSEY).

The SPEAKER pro tempore (Mr. GINGREY). Is there objection to the request of the gentleman from Ohio?

There was no objection.

THE REPUBLICAN MAJORITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, it has been a bad week in Washington. Adding to their laundry list of legislative arm twisting, House Republicans yesterday once again bent democracy to fit their needs by holding a traditional 15-minute vote open for 38 minutes until they were able to change the outcome of the vote to their favor.

It was not an isolated incident of arrogant disregard for the political process by Republican leadership in this Congress. It was an example yesterday of the "modern-day" Republican and their win-at-all-cost style of governance. Never before when the Democrats were in control or when Newt Gingrich was Speaker of the House, never before has this House of Representatives operated in such secrecy.

At 2:54 a.m. on a Friday in March, 2003, the House cut veterans' benefits by three votes. At 2:39 a.m. on a Friday in April, the House slashed education and health care by five votes. At 1:56 a.m. on a Friday in May, the House passed the tax cut bill, weighted especially towards millionaires, by a handful of votes. At 2:33 a.m. on a Friday in June, the House passed the Medicare privatization bill by one vote. At 12:57 a.m. on a Friday in June, the House eviscerated Head Start by one vote. And then, after returning from summer recess, at 12:12 a.m. on a Friday in October, the House voted $87 billion for Iraq. Always in the middle of the night, always after the press had passed their deadlines, always after the American people had turned off the news and gone to bed.

What did the public see? At best, Americans read a small story with a brief explanation of the bill and the vote count in the Saturday newspaper. And people here, the Republican leadership, knows that Saturday is the least read newspaper of the week.

What did the public miss? They did not see the House votes, which normally take 15, 17, sometimes 20 minutes, they did not see them dragging on for as long as one hour as members of the Republican leadership trolled for enough votes to cobble together a Republican victory. They did not see GOP leaders stalking the floor for whoever was not in line. They did not see the gentleman from Illinois (Speaker HASTERT); they did not see the gentleman from Texas (Mr. DELAY), majority leader; they did not see the gentleman from Missouri (Mr. BLUNT), majority whip coerce enough Republican Members, arm-twisting them, berating them sometimes, threatening them sometimes, offering them things sometimes. They did not see them switching their votes to produce the desired results. In other words, they did not see the subversion of democracy.

Then in November they did it again. The most sweeping changes in Medicare in its 38-year history were forced through the House at 5:55 on a Saturday morning. The debate started at midnight. The roll call began at 3 o'clock late Friday night/early Saturday morning. Most of us voted with this plastic card that we were given within the 20 minutes allotted. Normally the Speaker would have gaveled the vote. The vote would be completed. But not this time because the bill was losing.

By 4 a.m., the bill had been defeated, 216 to 218. Still the Speaker refused to gavel the vote closed. Then the assault began. The gentleman from Illinois (Speaker HASTERT); the gentleman from Texas (Mr. DELAY); the gentleman from Missouri (Mr. BLUNT); the gentleman from California (Mr. THOMAS), the Committee on Ways and Means chairman; and the gentleman from Louisiana (Mr. TAUZIN), the Committee on Energy and Commerce chairman, all searched the House floor for Republican Members to bully.

I watched them surround the gentleman from Cincinnati, Ohio (Mr. CHABOT), trying first a carrot, then a stick. He believes what he does. He remained defiant. He showed his integrity. Next they aimed at the gentleman from Michigan (Mr. SMITH), retiring congressman, and these are his words as I tell this story, whose son is running to succeed him. They promised support if he changed his vote to "yes." They promised $100,000 for his son's campaign. They said if he refused, they threatened his son's future.

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He stood his ground, again showing integrity and courage.

Many of the two dozen Republicans who voted against the bill had fled the floor. One Republican headed into the Democratic cloakroom. I saw her there about 5:30.

By 4:30, the browbeating had moved into the Republican cloakroom, out of sight of the C–SPAN cameras and out of sight of the insomniac public. Republican leaders woke President Bush, a White House aide passed a cell phone from one recalcitrant Republican Member to another.

At 5:55, two hours and 55 minutes after the roll call had begun, twice as long, twice as long, as any roll call had ever taken in this House of Representatives, two western Republicans emerged from the cloakroom. They walked down this aisle, ashen and cowed, to the front of the Chamber. They picked up cards on this table, they picked up a green card, they surrendered their card to the Clerk, the Speaker gaveled the vote closed, and Medicare privatization passed.

You can do a lot in the middle of the night, under the cover of darkness.

That is what the Republicans did again this week. You wonder how they are going to violate democracy in the weeks ahead as we preach democracy in Iraq and around the world.

ECONOMIC POLICIES OF CURRENT ADMINISTRATION WORKING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. SAXTON) is recognized for 5 minutes.

Mr. SAXTON. Mr. Speaker, each month the Joint Economic Committee has the opportunity to receive job growth data from the Labor Department's Bureau of Labor Statistics. This month, the JEC was pleased to receive good news; fortunately, good news of two kinds: First, many good paying jobs are being created in large numbers in the U.S. economy; and, second, job growth continues at a rapid rate.

The June payroll employment increases pushed the total employment gains since August to 1.5 million jobs. According to the new data released a week ago by the Bureau of Labor Statistics, job growth continues today as the payroll employment increased by 112,000 jobs in June.

During the past few days, however, some have contended that most of the recent employment gains are in low wage jobs. Quite the contrary is true. Occupations that are relatively well paid accounted for over 70 percent of the net increases in employment between June of 2003 and June of 2004.

Although this does not mean that all of the jobs that were created in these categories were high-paying, most of them were. The jobs in these occupational categories are generally highly paid. It does indicate that most of the recent employment gains have not been disproportionately in low-wage occupations, as some in this House have claimed.

Specifically, according to the statistics from the Bureau of Labor Statistics Household Survey, between June 2003 and June 2004, 71.4 percent of the net increase in employment was in three relatively well-paid occupational categories: Management, professional and related occupations, that category comprised 23.1 percent of the job gains; construction and extraction occupations, that is, mining occupations, accounted for 36.1 percent; and installation, maintenance and repair occupations accounted for 12.2 percent.

The earnings in these occupational categories are higher than the median and much higher than the earnings of the typical low-income worker. Most of the workers in well-paid occupations have earnings in the middle range or higher.

These employment figures indicate that most of the new jobs are not at low wage levels, but at higher levels of earnings. We have been hearing assertions about "hamburger flippers," jobs dominating employment for about 20 years now. Those stories have not come true. It just is not happening. We are not about to become a Nation of hamburger flippers.

The data shows that most of the recent employment gains have been in relatively well paid occupations. This is good news for the American worker and is good news for the American family. It means that the low-paying job problem that accompanied the economic downturn which began in the last half of 2000, during the Clinton administration, has been rectified.

It further means that the economic policies of the current administration are working to bring pocketbook issues into a positive state.

KNOWLEDGE IS POWER IN AMERICAN POLITICS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. McDERMOTT) is recognized for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, knowledge is power. That is the hope for America right now. That is the hope, that the American people will see what is happening in the people's House at the direction of the White House.

Democracy was subverted in a brazen manner here, and it is because of the administration that has a policy that States' ignorance is a virtue.

The President of the United States proudly says, "I don't read newspapers. I don't read books, except for children's books when there is a photo-op possibility. I only take information that is pre-chewed by my staff and brought in to me and given to me." We will talk more about that later.

But the fact is the reason they want the PATRIOT Act is because as a part of this "ignorance is a virtue" policy, we have got to keep the American people ignorant. How can you do that? Keep them out of the libraries. We do not want them going into the libraries and reading books and finding out things that the President does not even know. What will happen if the people know more than the President?

So, the PATRIOT Act says, give the CIA and the FBI the ability to come into the library and see what you, the American people, are reading. What is going on here?

Now, this body came out here and took that power away. But it was suppressed. Democracy was suppressed in this body. After we restored the basic freedoms and civil liberties guaranteed by the Constitution and the Bill of Rights, we took away the people's right to read whatever they want without having the government snooping over their shoulder.

Democracy was censored after the American people's representatives had spoken loudly and clearly through their elected representatives, Democrats and Republicans. This was not just Democrats. The people told us to restore some of the basic freedoms and the civil liberties subverted by the PATRIOT Act. We did it out here on this floor.

But King George III did not want that. He wanted a different outcome. Democracy was subverted in a brazen display of raw political arrogance ordered by the administration and executed by the Republicans. America has never been so divided.

The Republican America is a place where the polls stay open until the Republicans win. Now, you have all voted in an election. You go to the polls and they close at 8 o'clock. You cannot come at 8:10 and say, "Hey, I want to vote." They are closed. It is over. You only can vote until then.

The Republican America is a place where the voice of the people is drowned out by the iron will of this administration. They did it right here on the floor. The Republican America is a place where fear is useful and greed is very, very good.

The Republican America is a place where democracy is endangered by an administration unwilling to accept the will of the American people.

Mr. Speaker, knowledge is power. The administration preordained the war in Iraq. They decided they were going to war. They manufactured reasons and they remanufactured responses as knowledge of the President's war choices began to reach the American people and turned out to be false.

The Senate Intelligence Committee has just put out a report which is just the tip of the iceberg. They say the CIA gave bad information to the President. Remember, the President does not read anything himself. He does not read the newspapers, he does not read books. He lets people he trusts come in and tell him what has happened.

So, the CIA is at fault for why we are in Iraq. There is no other answer. Our President could not be at fault, because he took the word of people he trusted.

Now, the CIA is not without fault, but they are not solely to blame. What about the trips that Vice President CHENEY made out to Langley to the CIA headquarters, and twisted arms and said, "Can't you find some reason here why we can go into Iraq?" He did it five times, so that when the information came from the CIA to the President, who did not know anything else, he took what Mr. CHENEY squeezed out of the CIA. The process behind the intelligence was tainted. What did the administration know? What did they ignore, mischaracterize or discount, because it did not fit their agenda?

The checks and balances of this government were broken down by an administration that had a blank check from the Congress: "Go out and do anything you want on the war on terror." So they had the blank check in their pocket.

Then they had to have a clear intent for why they should invade Iraq, so they had to go to the CIA: "Give us a reason. Come on, give us a reason. There has got to be a reason. Come on."

The CIA is not without fault, but they are far from alone in leading us to war in Iraq. The administration will happily make them a scapegoat. Put it all on them and send them out in the wilderness. Blame George Tenet, blame all the analysts, public servants, all the public officials. Nothing at the White House. "We are blameless," they say.

I ask every American to compare what the administration will do in the next few days. On this weekend they are going to spin that idea all weekend. "We are blameless. We are blameless. The CIA is to blame."

Just compare that with what John Kennedy did after the Bay of Pigs. President Kennedy accepted responsibility. He had the CIA telling him things. He listened to them and he allowed it to happen, and he said "The buck stops at my desk. I made the decision. I was wrong."

Now, does anybody in this country believe that the President will admit that any mistakes have occurred in Iraq because of his decision making? Will this administration tell the American people that they should be held accountable for a needless war in Iraq?

Can you imagine the President coming on television and saying, "Well, we made some mistakes and I shouldn't have taken us into Iraq. The 1,000 people who have died were for naught."

John Kennedy accepted the blame. Will this President do that? The buck stops at the White House with this bunch for only 116 more days.

WE MUST PROTECT OUR BORDER COMMUNITIES FROM DIRTY AIR AND UNFAIR SANCTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, we all know that pollution knows no boundaries. As much as we wish they could, the Border Patrol is not able to stop air pollution from coming over our international borders.

Right now, communities on our international border are being bombarded with pollutants from our neighboring countries. It is making air quality along the border even worse and leaves those communities with no recourse.

I introduced a bill, H.R. 4774, to provide Federal assistance to combat air pollution at the border, to ensure that our communities are not unfairly penalized.

Imperial County in my Southern California district, which takes up much of the U.S. Mexico border in the State, is severely impacted by air pollution because it sits in the middle of an air basin that straddles the international border with Mexico.

Mexico simply does not have the same strict air quality standards as does the United States. Imperial County has not met national and State air quality standards as a result, so any air pollution created in the international air basin has serious consequences for the health of my community's citizens.

I have deep concerns about a recent Federal Court ruling regarding the air quality of Imperial County and the subsequent actions on the part of the Environmental Protection Agency.

Imperial County has demonstrated to EPA that the county would have only moderate pollution were it not for serious air pollution from Mexicali, Mexico. EPA agreed. However, outside groups took EPA to court and they ruled in turn that Imperial County's air pollution should indeed be classified as serious.

This is a devastating ruling for Imperial County. Unemployment averages 20 to 30 percent. The ability to attract new employment opportunities will be greatly hindered. Economic development will be halted. Agricultural activities will not be able to begin.

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The chaos and expense to Imperial County will not address the real cause of nonattainment: cross-border pollutants.

Imperial County has an asthma rate that is off the charts, the worst in the State, probably the worst in the Nation. Asthma-related hospitalization rates are five to six times greater than the overall rate in California. This statistic is a statistic that I and many others in our community are fighting to change, but we cannot change it if we are not pushed to work with our neighbor to the south.

For that reason, I introduced the bill H.R. 4774, the FAIR Air Act, fair meaning the Foreign Air Impact Regulation, which will compel the United States at the Federal level to work more closely with our neighbors in trying to reduce air pollution. This bill says that if pollution from another country causes nonattainment of pollution regulations, EPA and the Secretary of State should work together to lower it; do not put it on the backs of the farmers and the working people in Imperial County.

My bill would direct the Secretary of State to negotiate with his or her counterparts in the foreign country to develop a plan to improve air quality. It requires EPA to deliver a report to Congress that lays out the agreed-upon binational steps with binational funding to back it up, those steps to improve the air quality in the region; and directs the EPA to take action to help the region implement the plan; and, finally, delays EPA's authority to move border air quality regions to a higher pollution nonattainment status until the previous items have been completed.

We simply cannot put this international problem on the backs of those who simply happen to live along the border. There truly needs to be a binational cooperative solution. We live in the same air shed, and we are interested in good neighborly relations.

I am fighting to help our binational communities come into compliance with air quality standards with help from both sets of governments. It is only with cooperation and working together to achieve a common goal that we can indeed reduce air pollution and keep the children in Imperial County from suffering from asthma.

Mr. Speaker, H.R. 4774, the FAIR Air Act, will help to achieve that purpose. I urge my colleagues to support that bill.

INTERNATIONAL COURT OF JUSTICE RULES AGAINST ISRAEL'S RIGHT TO PROTECT ITSELF

The SPEAKER pro tempore (Mr. GINGREY). Under a previous order of the House, the gentleman from New York (Mr. ENGEL) is recognized for 5 minutes.

Mr. ENGEL. Mr. Speaker, today the so-called International Court of Justice, which I think would be better named the "International Court of Injustice," ruled against Israel putting up a security fence, which she put up in order to protect her people against suicide bombers.

No condemnation from the "International Court of Injustice" about suicide bombers and the killing of innocent civilians and the terror campaign that has been waged against Israel by the Palestinians for the past 3 years. No talk about the children, the schoolchildren who have been blown up as they go to school on buses, or the pregnant women that have been killed because of Palestinian terror. But only, once again, a ruling condemning the State of Israel.

I do not think that any Nation, having the need to protect its citizens, would act any differently than the State of Israel in putting up this fence to keep suicide bombers out. It is hypocrisy for the International Court of Justice, it is hypocrisy for the United Nations, the hypocrisy of these countries that would have one standard for the State of Israel and one standard for every other country.

Other nations have fences, yet we hear no condemnation towards those countries from the International Court of Justice. India, Saudi Arabia, Turkey all have fences to deal with insurgencies or terrorism, but yet the very countries that condemn Israel for the same thing, we hear nary a peep from them about other countries.

The International Court of Justice should not have even heard this case. But, again, of course, they have one separate standard for the State of Israel and one separate standard for every other country.

Today's decision by the International Court of Justice is in itself a travesty of justice. The Israeli security barrier is not only protecting innocent Israeli civilians from terrorism; it is allowing Palestinians to achieve a greater degree of normalcy as Israeli checkpoints have been removed and terrorists are less able to pass through Palestinian communities.

The Prime Minister of Israel's disengagement plan endorsed by our country, the European Union, the United Nations, and Russia was based in large part on steps by Israel to achieve greater security, including the establishment of this temporary security fence. As soon as Palestinian terrorism ends, there will no longer be a need for this antiterrorism barrier. The ruling of the ICJ sets back the Middle East peace process by undermining the disengagement plan and the road map.

The Israeli Supreme Court recently ruled that the security barrier is a legitimate and legal tool to prevent terror, but that there must be a balance between security and the impact on Palestinian communities. I cannot comprehend why an international tribunal has taken up and now reached a decision on a case which had already been competently handled by a national court.

Now, this decision is merely advisory. I call upon the members of the United Nations General Assembly to correct this mistake by not taking up a resolution to implement the recommendations of the International Court of Justice. If they do, the United Nations will once again show that it is not functioning the way it was intended; that instead of being an impartial group, it is leaning heavily on one side, and as Abba Eban, the late Foreign Minister of Israel, used to say, you could have a resolution at the United Nations saying that the Earth is flat, and if it were put forward by an Arab country, it would automatically get 70 or more votes.

The fence that Israel has put up is a fence that any nation would put up to defend its people and keep terrorism away. Just as we in the United States are doing everything possible to prevent another terrorist attack on our country, Israel has every right to do the same thing to prevent terrorist attacks on its country. Terrorism is a terrible tool that some think can be used as a negotiating tool. We must stomp out this scourge of terrorism wherever it rears its ugly head.

I commend Israel for the security barrier, and I condemn the "International Court of Injustice" for once again showing that they are nothing more than a travesty of justice.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BECERRA (at the request of Ms. PELOSI) for today after 2:30 p.m. on account of personal reasons.

Mr. BOYD (at the request of Ms. PELOSI) for today after 2:00 p.m. on account of family responsibilities.

Mr. EMANUEL (at the request of Ms. PELOSI) for today after 3:00 p.m. on account of personal reasons.

Mr. GREEN of Texas (at the request of Ms. PELOSI) for today on account of personal reasons.

Ms. KILPATRICK (at the request of Ms. PELOSI) for today after 3:00 p.m. on account of personal reasons.

Ms. LOFGREN (at the request of Ms. PELOSI) for today after 12:30 p.m. on account of a family commitment.

Mrs. JONES of Ohio (at the request of Ms. PELOSI) for today on account of personal reasons.

Mr. ORTIZ (at the request of Ms. PELOSI) for today after 2:10 p.m. on account of official business.

Mr. REYES (at the request of Ms. PELOSI) for today on account of personal reasons.

Mr. CULBERSON (at the request of Mr. DELAY) for today on account of illness.

Mr. GERLACH (at the request of Mr. DELAY) for today on account of official business.

Mr. GUTKNECHT (at the request of Mr. DELAY) for today after 11:00 a.m. through 6:00 p.m. on July 13 on account of the death of his father.

Mr. TAUZIN (at the request of Mr. DELAY) for the week of July 6 on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCDERMOTT) to revise and extend their remarks and include extraneous material:)

Mr. HOYER, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. SAXTON) to revise and extend their remarks and include extraneous material:)

Mr. GUTKNECHT, for 5 minutes, July 13.

Mr. PENCE, for 5 minutes, today.

Mr. OXLEY, for 5 minutes, today.

Mr. SAXTON, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. ENGEL, for 5 minutes, today.

SENATE BILLS REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2634. An act to amend the Public Health Service Act to support the planning, implementation, and evaluation of organized activities involving statewide youth suicide early intervention and prevention strategies, to provide funds for campus mental and behavioral health service centers, and for other purposes; to the Committee on Energy and Commerce.

ADJOURNMENT

Mr. ENGEL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 8 minutes p.m.), under its previous order, the House adjourned until Monday, July 12, 2004, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8976. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Vice Admiral Kevin P. Green, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

8977. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Vice Admiral Michael D. Malone, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

8978. A letter from the Principal Deputy Under Secretary, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the grade indicated in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

8979. A letter from the Acting Under Secretary, Department of Defense, transmitting two enclosed reports, the first report is the Department of Defense Chemical, Biological, Radiological, and Nuclear (CBRN) Defense Program Annual Report, the second is the Department of Defense CBRN Defense Program Performance Plan for Fiscal Years 2003–2005, as required by H. Rpt. No. 106–945 and S. Rpt. 108–46, pursuant to 50 U.S.C. 1523; to the Committee on Armed Services.

8980. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's FY 2002 report entitled, "Implementation of the Waste Isolation Pilot Plant Land Withdrawal Act" required under Section 23(a)(2)of the Act; jointly to the Committees on Energy and Commerce and Armed Services.

8981. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 7(a) of the Jerusalem Embassy Act of 1995 (Pub. L. 104–45), a copy of Presidential Determination No. 2004–36 suspending the limitation on the obligation of the State Department Appropriations contained in sections 3(b) and 7(b) of that Act for six months as well as the periodic report provided for under Section 6 of the Act covering the period from December 16, 2003, to the present; jointly to the Committees on International Relations and Appropriations.

8982. A letter from the Director, National Film Preservation Foundation, transmitting the Foundation's Report to the U.S. Congress for the Year Ending December 31, 2003, pursuant to 36 U.S.C. 5706; jointly to the Committees on the Judiciary and House Administration.

8983. A letter from the Secretary, Department of Veterans Affairs, transmitting a draft bill "To amend title 38, United States Code, to improve the authorities of the Department of Veterans Affairs relating to compensation, dependency and indemnity oompensation, life insurance benefits, memorial beneifts, and education benefits, and for other purposes"; jointly to the Committees on Veterans' Affairs and Armed Services.

8984. A letter from the Chairman, Labor Member, and Management Member, Railroad Retirement Board, transmitting a report on the actuarial status of the railroad retirement system, including any recommendations for financing changes, pursuant to 45 U.S.C. 231f–1; jointly to the Committees on Ways and Means and Transportation and Infrastructure.

8985. A letter from the Administrator, General Services Administration, transmitting proposed legislatin to authorize the transfer of the Nebraska Avenue Complex (NAC) from the U.S. Navy to the General Services Administration (GSA) for the use of the Department of Homeland Security (DHS); jointly to the Committees on Armed Services, the Judiciary, Transportation and Infrastructure, and Homeland Security (Select).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BARTON: Committee on Energy and Commerce. H.R. 4600. A bill to amend section 227 of the Communications Act of 1934 to clarify the prohibition on junk fax transmissions; with an amendment (Rept. 108–593). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII the Committee on Energy and Commerce discharged from further consideration. S. 1146 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

S. 144. Referral to the Committee on Agriculture extended for a period ending not later than July 31, 2004.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. JOHN:

H.R. 4790. A bill to amend the Federal Food, Drug, and Cosmetic Act to authorize the importation of prescription drugs from Canada and certain other countries, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HUNTER:

H.R. 4791. A bill to direct the Secretary of the Interior to conduct a feasibility study to design and construct a three-reservoir intertie system for the purposes of improving the water supply reliability and water yield of San Vicente, El Capitan, and Loveland Reservoirs in San Diego County, California in consultation and cooperation with the Sweetwater Authority, and for other purposes; to the Committee on Resources.

By Ms. LEE (for herself, Mr. Lantos, Mr. Wexler, Mr. Payne, Mr. McGovern, Mr. Grijalva, Ms. Corrine Brown of Florida, Mr. Owens, Mr. Rush, Ms. Waters, Ms. Norton, Mr. Conyers, Mr. Brown of Ohio, Mr. Bell, Mr. McDermott, Mr. Crowley, Mr. Gutierrez, Ms. Carson of Indiana, Mr. Pallone, Mr. Davis of Illinois, Mrs. Maloney, Mr. Delahunt, Mrs. Christensen, Mr. Cummings, Mr. Doggett, Mr. Olver, Mr. Frank of Massachusetts, Ms. Jackson-Lee of Texas, Mr. Waxman, Ms. Watson, Ms. Kilpatrick, Ms. Eddie Bernice Johnson of Texas, Mr. Thompson of Mississippi, Mr. Jackson of Illinois, Mr. Scott of Virginia, Mr. Scott of Georgia, Mr. Lewis of Georgia, Mr. Clyburn, Ms. Millender-McDonald, Mr. Bishop of Georgia, Ms. McCollum, Mr. Wynn, Mr. Kucinich, Mr. Rangel, Ms. Solis, Mr. Dicks, Ms. Schakowsky, Mrs. McCarthy of New York, Mr. Meeks of New York, Mr. Dingell, Mr. Berman, Ms. DeLauro, Mrs. Jones of Ohio, Mr. Moran of Virginia, and Mr. Serrano):

H.R. 4792. A bill to require the President to establish a comprehensive, integrated, and culturally appropriate HIV prevention strategy that emphasizes the needs of women and girls for each country for which the United States provides assistance to combat HIV/AIDS, and for other purposes; to the Committee on International Relations.

By Ms. WATERS (for herself, Mr. Leach, Mr. Frank of Massachusetts, Mr. Bachus, Ms. Lee, and Mrs. Maloney):

H.R. 4793. A bill to provide for the cancellation of debts owed to international financial institutions by poor countries, and for other purposes; to the Committee on Financial Services.

By Mr. HUNTER (for himself, Mr. Filner, Mr. Cunningham, Mr. Issa, and Mrs. Davis of California):

H.R. 4794. A bill to amend the Tijuana River Valley Estuary and Beach Sewage Cleanup Act of 2000 to extend the authorization of appropriations, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 4795. A bill to amend the Employee Retirement Income Security Act of 1974 to exclude cooperative employing units from multiple employer welfare arrangements; to the Committee on Education and the Workforce.

By Mr. BALLENGER (for himself, Mrs. Johnson of Connecticut, Mr. Cantor, Mr. Rohrabacher, Mr. Goode, Mr. Paul, and Mr. Platts):

H.R. 4796. A bill to amend the Internal Revenue Code of 1986 to improve the operation of employee stock ownership plans, and for other purposes; to the Committee on Ways and Means.

By Mr. DAVIS of Illinois (for himself, Mr. Waxman, Mr. Hoyer, Ms. Norton, Mr. Cummings, Mr. Wynn, Mr. Ruppersberger, Mr. Owens, and Mr. Kucinich):

H.R. 4797. A bill to provide for a demonstration project to enhance the ability of Federal agencies to continue to operate during an extended emergency situation, and for other purposes; to the Committee on Government Reform.

By Mr. FORD:

H.R. 4798. A bill to improve post-traumatic stress disorder treatment for veterans of service in Afghanistan and Iraq and the war on terror; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GORDON (for himself, Mr. Davis of Illinois, Mr. Osborne, Mr. Walden of Oregon, Mr. Duncan, and Mr. Stupak):

H.R. 4799. A bill to amend the Public Health Service Act to support the planning, implementation, and evaluation of organized activities involving statewide youth suicide early intervention and prevention strategies, to provide funds for campus mental and behavioral health service centers, and for other purposes; to the Committee on Energy and Commerce.

By Ms. HOOLEY of Oregon:

H.R. 4800. A bill to support specialty crop producers and production in the United States, to improve the program of value-added agricultural product market development grants by routing the grant funds through State departments of agriculture, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISRAEL:

H.R. 4801. A bill to direct the Administrator of the Federal Aviation Administration to issue an order regarding secondary cockpit barriers; to the Committee on Transportation and Infrastructure.

By Mr. MEEHAN:

H.R. 4802. A bill to require information on railroad tank cars containing hazardous materials to be available to first responders; to the Committee on Transportation and Infrastructure.

By Mr. MICHAUD:

H.R. 4803. A bill to designate the memorial to Edmund S. Muskie located in Rumford, Maine, as a national memorial; to the Committee on Resources.

By Mr. MICHAUD:

H.R. 4804. A bill to authorize the Secretary of the Interior to conduct a special resources study to determine the suitability and feasibility of designating the memorial to Edmund S. Muskie located in Rumford, Maine, as a unit of the National Park System; to the Committee on Resources.

By Mr. MURPHY (for himself, Mrs. Johnson of Connecticut, Mr. Kennedy of Rhode Island, Mr. Greenwood, Mr. Weldon of Florida, Mr. Weldon of Pennsylvania, Ms. Ginny Brown-Waite of Florida, and Mr. Gingrey):

H.R. 4805. A bill to direct the Secretary of Health and Human Services to establish a demonstration program under which the Secretary offsets the costs of electronic prescribing systems of Medicare health care providers; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NEUGEBAUER:

H.R. 4806. A bill to provide for a land exchange involving Federal lands in the Lincoln National Forest in the State of New Mexico, and for other purposes; to the Committee on Resources.

By Mr. OSE (for himself, Mr. Cardoza, Mr. Filner, Mr. Sherman, Mr. McKeon, Mr. Doolittle, Mr. Matsui, Mr. Pombo, Mr. Herger, Ms. Lee, Ms. Watson, Mr. Gary G. Miller of California, Mr. Schiff, Mr. Rohrabacher, Ms. Eshoo, Ms. Millender-McDonald, Mr. Lewis of California, Mr. Royce, Mr. Farr, Mr. Nunes, and Mr. Honda):

H.R. 4807. A bill to designate the facility of the United States Postal Service located at

140 Sacramento Street in Rio Vista, California, as the "Adam G. Kinser Post Office Building"; to the Committee on Government Reform.

By Mr. PEARCE:

H.R. 4808. A bill to provide for a land exchange involving private land and Bureau of Land Management land in the vicinity of Holloman Air Force Base, New Mexico, for the purpose of removing private land from the required safety zone surrounding munitions storage bunkers at Holloman Air Force Base; to the Committee on Resources.

By Mr. RYAN of Wisconsin:

H.R. 4809. A bill to make permanent the reduction in taxes on dividends and capital gains; to the Committee on Ways and Means.

By Ms. LORETTA SANCHEZ of California:

H.R. 4810. A bill to require that 50 percent of the amounts provided under certain grants provided by the Department of Homeland Security for first responders shall be distributed directly to local entities, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. CROWLEY introduced a bill (H.R. 4811) for the relief of Saikou A. Diallo; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. Smith of Michigan.

H.R. 189: Mr. Towns.

H.R. 480: Mr. Crowley, Mr. Meeks of New York, Mrs. Maloney, Mrs. McCarthy of New York, Mr. Ackerman, Mr. Bishop of New York, and Mr. Engel.

H.R. 677: Ms. Majette.

H.R. 792: Mr. Walden of Oregon, Mrs. Christensen, Mr. Udall of New Mexico, and Mr. Petri.

H.R. 839: Mr. Hastings of Washington, Mr. Saxton, Mr. Nadler, and Mr. Dicks.

H.R. 970: Mr. Watt.

H.R. 1097: Ms. Majette, Mr. Rangel, and Mr. Michaud.

H.R. 1258: Mr. Ackerman.

H.R. 1336: Ms. Majette and Mr. Towns.

H.R. 1414: Mrs. Maloney.

H.R. 1615: Mr. Pallone.

H.R. 1634: Mr. Walden of Oregon.

H.R. 1823: Mr. Smith of New Jersey.

H.R. 1863: Ms. Baldwin, Mr. Strickland, and Ms. Slaughter.

H.R. 1873: Mr. Shays and Mr. Istook.

H.R. 1886: Mr. Gonzalez.

H.R. 1994: Ms. Majette.

H.R. 1995: Mr. Frost.

H.R. 2068: Ms. Kilpatrick, Ms. McCollum, and Mr. Moore.

H.R. 2071: Mr. Meehan.

H.R. 2387: Mr. Tierney and Mr. George Miller of California.

H.R. 2562: Mr. Scott of Georgia.

H.R. 2674: Mr. McGovern and Mr. Udall of New Mexico.

H.R. 2747: Mr. Souder.

H.R. 2839: Mr. Vitter.

H.R. 2843: Mr. Meehan and Mr. Weller.

H.R. 2916: Mrs. Maloney.

H.R. 2959: Mr. Delahunt, Mr. Lewis of Georgia, Mr. Serrano, and Mr. Miller of North Carolina.

H.R. 2967: Mr. LoBiondo.

H.R. 2983: Mr. Cole.

H.R. 3042: Mr. Pence.

H.R. 3085: Mr. Weiner.

H.R. 3111: Mrs. Wilson of New Mexico, Ms. McCollum, Mr. DeFazio, Mrs. Lowey, and Mr. English.

H.R. 3193: Mr. Turner of Ohio.

H.R. 3242: Mr. Shuster and Mr. Taylor of North Carolina.

H.R. 3310: Mr. Gary G. Miller of California.

H.R. 3313: Mr. Lewis of Kentucky and Mr. Sessions.

H.R. 3361: Ms. Eshoo.

H.R. 3558: Mr. LaHood.

H.R. 3579: Mr. Meek of Florida.

H.R. 3676: Mr. Rangel.

H.R. 3809: Mr. Capuano.

H.R. 3816: Mr. Lipiniski.

H.R. 3831: Mr. Towns, Mr. Davis of Illinois, Mr. Wynn, Mr. Rangel, Mr. Schiff, Ms. Watson, Mr. Berman, Mr. Conyers, Mr. Jackson of Illinois, Mr. Rush, and Mr. Davis of Alabama.

H.R. 3858: Mr. Reynolds, Mr. Delahunt, and Mr. Lewis of Georgia.

H.R. 3968: Mrs. Tauscher.

H.R. 4046: Mr. Crowley, Mr. Fossella, Ms. Velázquez, Mr. Walsh, Mr. Nadler, Mr. Engel, Mr. Reynolds, Mr. Quinn, Mr. Sweeney, and Mr. King of New York.

H.R. 4113: Mr. Shaw.

H.R. 4126: Mr. Gordon.

H.R. 4249: Ms. Solis, Ms. Millender-McDonald, Mr. Berry, Mr. Lewis of Georgia, Mr. Rush, Mr. Emanuel, Mr. Snyder, Mr. Ruppersberger, Mr. Wynn, Mr. Neal of Massachusetts, Mr. Markey, Mr. Cardin, Mr. Oberstar, Mr. Thompson of Mississippi, Mr. Larson of Connecticut, Mr. Conyers, Mr. Payne, Ms. McCarthy of Missouri, Mr. Israel, Mrs. McCarthy of New York, Mr. Nadler, Mr. Weiner, Mr. Towns, Mr. Owens, and Mrs. Maloney.

H.R. 4256: Ms. Schakowsky.

H.R. 4262: Mr. Lewis of Georgia, Ms. Millender-McDonald, and Ms. Bordallo.

H.R. 4284: Mr. Otter and Mr. Calvert.

H.R. 4306: Mr. Lipinski.

H.R. 4341: Mr. Larson of Connecticut.

H.R. 4356: Mr. Meeks of New York.

H.R. 4358: Mr. Simmons.

H.R. 4375: Mr. George Miller of California, Mr. McDermott, Mr. Towns, Mr. McIntyre, and Mr. Souder.

H.R. 4391. Mr. Shays.

H.R. 4396: Mr. Wilson of South Carolina.

H.R. 4430: Mr. Burr, Mr. Mica, Mr. Camp, Mr. Kennedy of Minnesota, and Mr. Franks of Arizona.

H.R. 4450: Mr. Lewis of Georgia and Mr. Lipinski.

H.R. 4468: Mr. Spratt.

H.R. 4491: Mr. Brown of Ohio, Mrs. Jones of Ohio, Mr. Jenkins, Mr. Shuster, and Mr. McHugh.

H.R. 4530: Mr. Taylor of Mississippi and Mr. Rogers of Alabama.

H.R. 4557: Mr. Duncan, Mr. Ford, Mr. Cooper, and Mr. LaHood.

H.R. 4561: Mr. Kildee, Mrs. McCarthy of New York, and Mr. Wexler.

H.R. 4585: Mr. Rangel, Mr. Etheridge, Mr. Bell, Mrs. Davis of California, and Mrs. Jones of Ohio.

H.R. 4598: Mr. Stearns.

H.R. 4600: Mr. Manzullo.

H.R. 4634: Mrs. Johnson of Connecticut.

H.R. 4636: Mr. Lewis of Georgia, Mr. Etheridge, Mr. Case, Mr. Lampson, Ms. Woolsey, Mr. Wu, and Mr. Honda.

H.R. 4654: Ms. Kaptur, Ms. Woolsey, and Mr. McGovern.

H.R. 4655: Mr. Peterson of Minnesota.

H.R. 4680: Mr. Renzi and Mr. Issa.

H.R. 4714: Mr. Portman.

H.R. 4730: Mr. Souder, Ms. Hart, Mr. Berry, Mr. Oberstar, Mr. Davis of Illinois, and Mr. Lipinski.

H.R. 4739: Mr. Boehlert.

H.R. 4740: Ms. Schakowsky.

H.R. 4758: Mr. Brown of Ohio.

H.R. 4769: Mr. Oberstar and Mr. Frost.

H.R. 4785: Mr. Davis of Illinois.

H. Con. Res. 375: Mr. Hoyer, Mr. Isakson, Mr. Nadler, and Mrs. Lowey.

H. Con. Res. 390: Mr. Weiner, Mr. Tancredo, and Mr. Schiff.

H. Con. Res. 462: Mr. Simmons.

H. Con. Res. 467: Mr. Bachus, Mr. Filner, Mr. McGovern, Mr. Brady of Pennsylvania, Mr. Hinchey, Ms. Lofgren, Mr. Evans, Mr. Kleczka, Mr. Gordon, Mr. Nadler, Mr. Franks of Arizona, and Mr. Capuano.

H. Res. 567: Ms. Pelosi and Mr. George Miller of California.

H. Res. 568: Mr. Ryan of Wisconsin, Mr. Paul, Mr. Boozman, and Mr. Everett.

H. Res. 629: Ms. Slaughter and Mr. Owens.

H. Res. 647: Mr. Frost, Mr. Blunt, and Mr. Pallone.

H. Res. 687: Mr. Van Hollen.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3889: Mrs. Myrick.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4766

Offered By: Ms. Kaptur

Amendment No. 3: In title I, under the heading "COMMON COMPUTING ENVIRONMENT", insert after the dollar amount the following: "(reduced by $8,000,000)".

In title III, under the heading "RENEWABLE ENERGY PROGRAM", insert after the dollar amount the following: "(increased by $8,000,000)".

H.R. 4766

Offered By: Mr. Lucas of Oklahoma

Amendment No. 4: At the end of the bill (before the short title), insert the following:

TITLE —ADDITIONAL GENERAL PROVISIONS

Sec. . (a) Section 1241(b) of the Food Security Act of 1985 (16 U.S.C. 3841(b)) is amended—

(1) in paragraph (1), by striking "paragraph (2)" and inserting "paragraphs (2) through (4)"; and

(2) by adding at the end the following:

"(3) FARMLAND PROTECTION PROGRAM, GRASSLAND RESERVE PROGRAM, ENVIRONMENTAL QUALITY INCENTIVES PROGRAM, WILDLIFE HABITAT INCENTIVES PROGRAM, AND GROUND AND SURFACE WATER CONSERVATION PROGRAM.—

"(A) In general.—Effective for fiscal year 2005 and subsequent fiscal years, Commodity

Credit Corporation funds made available to carry out a conservation program specified in paragraphs (4) through (7) of subsection (a) of this section or the ground and surface water conservation program under section 1240I shall not be available for the provision of technical assistance for any other of such programs.

"(B) SEPARATION OF GROUND AND SURFACE WATER CONSERVATION PROGRAM FROM THE ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.—For purposes of subparagraph (A), the ground and surface water conservation program under section 1240I shall be considered to be a program separate and apart from the rest of the environmental quality incentives program under chapter 4 of subtitle D.

"(4) CONSERVATION RESERVE PROGRAM AND WETLANDS RESERVE PROGRAM.—Effective for fiscal year 2005 and subsequent fiscal years, Commodity Credit Corporation funds made available to carry out a conservation program specified in paragraph (1) or (2) of subsection (a) shall be available for the provision of technical assistance for the program.".

H.R. 4766

OFFERED BY: MR. LUCAS OF OKLAHOMA

AMENDMENT NO. 5: At the end of the bill (before the short title), insert the following:

TITLE —ADDITIONAL GENERAL PROVISIONS

SEC. . (a) None of the funds made available in this Act for the Environmental Quality Incentives Program authorized by chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa–3839aa-9), the Wildlife Habitat Incentive Program authorized by section 1240N of such Act (16 U.S.C. 3839bb-1), the Grassland Reserve Program authorized by subchapter C of chapter 2 of such subtitle (16 U.S.C. 3838n–3838q), or the Farmland Protection Program authorized by subchapter B of such chapter 2 (16 U.S.C. 3838h–3838j) may be used to provide technical assistance under the Conservation Reserve program authorized by subchapter B of chapter 1 of such subtitle (16 U.S.C. 3831–3835a) or under the Wetlands Reserve Program authorized by subchapter C of such chapter 1 (16 U.S.C. 3837–3837f).

(b) None of the funds made available in this Act for the Conservation Reserve program authorized by subchapter B of chapter 1 of subtitle D of the Food Security Act of 1985 (16 U.S.C. 3831–3835a) may be used to provide technical assistance under the Wetlands Reserve Program authorized by subchapter C of such chapter (16 U.S.C. 3837–3837f).

(c) None of the funds made available in this Act for the Wetlands Reserve Program authorized by subchapter C of chapter 1 of subtitle D of the Food Security Act of 1985 (16 U.S.C. 3837–3837f) may be used to provide technical assistance under the Conservation Reserve Program authorized by subchapter B of such chapter (16 U.S.C. 3831–3835a).

EXTENSIONS OF REMARKS

PAYING TRIBUTE TO RUSTY CALDWELL

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. McINNIS. Mr. Speaker, it is my honor to rise before this body of Congress and this Nation to pay tribute to Rusty Caldwell for his admirable service to his country and dedication to his Colorado community. Rusty is a true American hero and patriot, and a beloved friend and colleague to many in his community. In his years spent in the armed forces, Rusty embodied the ideals of integrity and courage that we, as Americans, have come to expect from our military personnel. He has led an amazing life and I believe it is appropriate to recognize this exceptional man, and his many contributions to his community, state and country.

Rusty began his career of service after high school. In 1943, he went off to fight in World War II, and was assigned to the destroyer escort USS Weaver. His missions consisted of going ashore with Marine units and directing naval artillery on to the beaches. Throughout the war, Rusty went ashore nine times, and was hit by enemy fire twice, earning him two purple hearts. He saw action in most of the infamous engagements in the South Pacific including, Tarawa, Kwajelein, Eniwetok, Yap, Palau, Iwo Jima and Leyte Gulf.

After the war he came home and married Eva Dean, and earned a degree in vocational agricultural education from Oklahoma State. This tranquility didn't last long however, and in 1950 he was called for service once again, this time in the Korean War. This time Rusty was trained as a forerunner of today's special forces units and Navy Seals. His mission was to track down and capture enemy commanders. Rusty survived frostbite, mine explosions, rifle shots, and a knife wound while he was in Korea and earned him five more purple hearts.

After Korea, he spent 31 years as an agricultural teacher in Oklahoma and Iowa before moving to Parachute, Colorado in 1993. He is active in his community, singing in a community chorus, traveling, and participating in his Veterans of Foreign Wars post.

Mr. Speaker, it is clear that Rusty Caldwell has a strong commitment to his country. His efforts to strengthen and secure his Nation and the world are truly remarkable. It is my privilege to recognize the accomplishments and service of Rusty before this body of Congress and this Nation. I sincerely thank him for his service and wish him the best in his future endeavors.

A TRIBUTE TO YEON HWAN PARK

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. TOWNS. Mr. Speaker, I rise today to recognize the educational and athletic achievements of Master Yeon Hwan Park.

Master Park is an 8th dan (degree) black belt, and coach of the USA Olympic National and Pan American Tae Kwon Do teams. He is the world's premier authority on Tae Kwan Do and his knowledge is without parallel in this martial arts discipline. Master Park has been featured in the New York Times, Newsday and has graced the covers of virtually every martial arts publication. Master Park is renowned for having translated his fighting ability into teaching ingenuity, something few successful competitors have been able to do. He brought his techniques and the austere conditions of his native Korean training halls to the African nation of Lesotho. He trained their secret service and special police agents for 2 years. He, also, trained and led their Tae Kwon Do team to the Seoul Olympics. The women's team took first place and the men's team finished second.

Master Park has established himself as a great teacher and an outstanding community leader. He has done much to bring Tae Kwon Do to national prominence. Presently, he is President of the NY State Tae Kwon Do Association. And, he has served the United States as an Olympic coach and as a coach at the Pan American Games. Though Mr. Park has been busy in the sport that he loves, he has not forgotten the welfare of the community. He promotes the fundraising programs for the March of Dimes, The American Cancer Society, the American Cystic Fibrosis Foundation and many other organizations. He has also served as the president of the Korea American Association of Long Island and is a current member of the Nassau County Youth Board.

Mr. Park graduated from Korea University with honors in history. He studied at the United States Olympic Academy XII at Penn State University. He has published many books including "Tae Kwon Do for Children" and "Tae Kwon Do DINOSAURS". He has been honored by Nassau County, the United States Olympic Committee, Korea University, and the World Tae Kwon Do Federation, and many others.

He and Sunwoo (also known as Connie) were married in 1982 and they have two sons, Edward and Elliot, and one daughter, Nina.

Mr. Speaker, Master Yeon Hwan Park's worldwide contributions to the sport of Tae Kwon Do and his New York community make him more than worthy of receiving our recognition today.

HONORING THE LINCOLN PARK ZOO

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. EMANUEL. Mr. Speaker, I wish to extend my best wishes to everyone associated with Chicago's Lincoln Park Zoo on the occasion of its Swing! 2004 Zoo Ball. I would especially like to commend the Women's Board of Lincoln Park Zoo for starting what has become the zoo's largest fundraiser.

The Zoo Ball is always one of the highlights of Chicago's social scene, and this year's event promises to be no exception. Transforming the Zoo into a 1940's supper club complete with big bands and classic cocktails, the 2004 Zoo Ball will be an event not to be missed.

Chicago is proud to be home to one of the finest and oldest zoos in the Nation, serving the community since 1868. With over 3 million visitors every year, the Lincoln Park Zoo is consistently one of the top cultural and entertainment attractions in the city. Located within the beautiful confines of Lincoln Park, the Zoo is not only an attraction within our community, it is also an integral part of our community. The Lincoln Park Zoo is truly a unique cultural institution because it remains free to all its visitors, ensuring that everyone has the opportunity to learn about and appreciate the wonders of nature that exist in our world.

The Lincoln Park Zoo has earned a reputation as a world-class institution committed to conservation, science, and education. With state-of-the-art facilities such as the newly opened Regenstein Center for African Apes, the Zoo continues to provide the finest facilities for its inhabitants. With four times the size of the old building, the new building allows gorillas and chimpanzees to move freely from inside to outside facilities, and gives visitors an even fuller understanding of the lives of these immense creatures. The facility also serves as a research, training and education center that will enable conservationists and scientists from around the globe to study apes.

As with all great institutions, a lot of effort goes into maintaining excellence. The Lincoln Park Zoo is fortunate for the leadership provided by its president, Kevin Bell, and the dedication given by Jay Proops and other members of the Board of Directors. And I would like to particularly thank the Gala's Event Chairs, Josephine E. Heindel and Myra Reilly, and the President of the Women's Board of Lincoln Park Zoo, Debra Clamage.

Mr. Speaker, it gives me great pleasure to honor the hard work and dedication of the staff and friends of the Lincoln Park Zoo on the occasion of its Zoo Ball, and I thank everyone in attendance for ensuring that this jewel of Chicago continues to shine.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

PERSONAL EXPLANATION

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, yesterday I missed rollcall vote No. 347. Had I been present, I would have voted "yes."

REMEMBERING SERGEANT BRIAN M. WOOD

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Ms. MILLENDER-MCDONALD. Mr. Speaker, this morning I rise to honor and pay tribute to one of my constituents who recently died serving his Nation in Iraq.

Sergeant Brian M. Wood was killed when his military vehicle pulled off the road and hit a mine while he was on patrol. Sergeant Wood was only 21 years old.

Brian Wood was assigned to the Army's 9th Engineer Battalion, 2nd Brigade Combat Team, 1st Infantry Division, which is based in Schweinfurt, Germany.

Mr. Speaker, Brian Wood sent an e-mail to his family less than 24 hours before his death and reported that he felt he was making a difference in the lives of the Iraqi people by locating and disarming land mines.

Mr. Speaker, Brian's family reports that he was a young man with tremendous personality and a great sense of humor.

I would like to extend my condolences to the family and friends of Sergeant Brian Wood, and my thoughts and prayers are with his family during this difficult time. Brian's honorable service to his country will be long remembered.

TRIBUTE TO THE WOLNIAK BROTHERS

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. WALSH. Mr. Speaker, I rise today to pay tribute to a group of extraordinary individuals, the Wolniak brothers of Syracuse, New York. There are five brothers in all, Joseph, Michael, Nicholas, Andrew and Steven. The family migrated from the Ukraine in the early 20th century led by Matthew Wolniak, father of 10. What makes the brother's account so astonishing is the courage and dedication displayed during a time of great peril, World War II.

Joseph Wolniak served in the Illinois National Guard as a Private First Class. Michael Wolniak served five years as Staff Sergeant in the Army Air Corps with the 65th Fgt. Sq. and 57th Fgt. Gp. Nicholas Wolniak served for over five years as a Private First Class in the 33rd Division, 130 Infantry, 1st Company. Andrew Wolniak served five years as a Private First Class in the 33rd Infantry Regimental Combat Team, E Company, 2nd Battalion. And Steven Wolniak served several years as Corporal in the 125 AACS Sq.

The Wolniak brothers' were active in a variety of theaters ranging from India, New Guinea, the Philippines, the invasion of Japan, to the jungles of Burma. Needless to say, having five members of a family involved in wartime operations creates an atmosphere of stress and tension. Faced with these overwhelming set of circumstances, the Wolniak brothers knew freedom and democracy come at a cost and require sacrifice. Keeping this in mind, the brothers served their country with dignity and honor.

The most enjoyable part of this anecdote was the safe return of all five brothers from the European and Asian theatres. This phenomenon was almost unparalleled as the United States casualties exceeded 400,000 with the majority of American's experiencing a loss of a loved one.

I am proud to state that the Wolniak's are part of our Central New York community, as four of the brothers still reside in the Syracuse area. Nick, Mike, and Steve can still be seen at a local McDonald's for an early morning gathering while Andy remains in his DeWitt home.

Mr. Speaker, I say to those listening today, America owes a great debt to the Wolniak brothers and all who served during World War II. Had it not been for the valor and devotion of the Allied Powers, both Europe and America would be a very different place today.

PAYING TRIBUTE TO WILLIAM SHAFFER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. MCINNIS. Mr. Speaker, it is my privilege to pay tribute to William Shaffer and thank him for his work as the Congressional Services Representative with the General Services Administration. His years of commitment and dedication as a public servant is certainly commendable and worthy of recognition before this body of Congress and this Nation today. Along with my fellow Americans, I am grateful for all that he has accomplished during his years of service.

William was born in Pennsylvania and served in the U.S. Air Force in Denver, Colorado, before going on to earn a Bachelor of Science degree from the University of Northern Colorado in 1973. He began his federal career with the Veterans Administration hospital in Hot Springs, South Dakota as a Recreation Therapist. After pursuing further training with the Veterans Affairs Personnel Administration Training Program, he worked as a Personnel Specialist in Maryland, Utah, Wyoming, Kentucky and finally Denver, Colorado.

In 1991, William moved to the General Services Administration as the Personnel Liaison at the Denver Federal Center, and later for the entire Rocky Mountain region. He was responsible for the Region's Congressional Support Program working to provide support services to ninety-six U.S. House of Representatives district offices and U.S. Senators State offices in Montana, Utah, Wyoming, Colorado, North Dakota, and South Dakota. These support services included procurement of office furniture, equipment and supplies, maintenance and rehabilitation; property disposal; storage and relocation. William is also an ordained Pastor with the Presbyterian Church. In his spare time, he enjoys playing softball and volunteers at a Denver intercity food pantry.

Mr. Speaker, it is clear that William Shaffer has been an invaluable resource to the General Services Administration and it is my honor to recognize his service and dedication before this body of Congress and this nation. I am grateful for the opportunity to work with devoted public servants like William Shaffer. On behalf of the citizens that have benefited from the hard work and commitment he has given to the General Services Administration and the constituents it serves, I extend my appreciation for his years of enthusiastic service.

A TRIBUTE TO REVEREND GUN HA SONG

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor of Reverend Gun Ha Song in recognition of his business accomplishments and spiritual leadership in the community.

Reverend Song came to the United States in 1979. He founded the Good Pickin' store in 1982 and he continues to manage it successfully today. Reverend Song is the president of the Korean Association of Brooklyn.

Reverend Song's passion is his faith. He leads his congregation in Brooklyn. In preparation of his pastoral duties, Reverend Song has studied extensively, earning advanced degrees in the area of religious thought. He has earned a Masters Degree of S.B.E. Christian Education. He received an additional Masters Degree from Chongshin Theological Seminary. Finally, Reverend Song also holds a Doctor of Christian Education from Cumberland University.

Mr. Speaker, Reverend Gun Ha Song came to this country about 25 years ago and has made several contributions to this country through his entrepreneurial spirit and spiritual leadership. As such, he is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

HONORING THE IRISH AMERICAN HERITAGE CENTER

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. EMANUEL. Mr. Speaker, it is my privilege today to recognize the contributions of

Chicago's Irish American Heritage Center toward preserving the glorious heritage and culture of Chicago's Irish community, on the occasion of its Annual Irish Fest.

The Irish American Heritage Center continues to be an integral part of the Irish Community in Chicago. The Annual Irish American Heritage Festival on July 9th, 10th, and 11th will showcase many of the great traditions and talents of Ireland. The festival will feature traditional Irish dancing, numerous musical acts, and the great Irish food we all love.

The Irish American Heritage Center has consistently demonstrated its commitment to keeping the Irish heritage alive and thriving in Chicago. Its museum, library, and festivals all contribute to the success of the organization, and I applaud those who work and volunteer their time to continue this important mission.

But, the Irish American Heritage Center festival is much more than good food and entertainment. It is a chance to remember and honor all of the hard work and accomplishments made by the Irish Community. It is through this awareness by which younger generations can pass on the traditions and values of Ireland.

The museum was officially opened by the President of Ireland, Mrs. Mary Robinson, on October 13, 1991. Museum acquisitions include: a magnificent collection of Belleek Parian China; a historic chair commissioned by the Irish Fellowship Club of Chicago on the occasion of the visit of U.S. President William Howard Taft on St. Patrick's Day 1910; and the first organ from St. Patrick's Church in St. Charles, Illinois.

The Irish American Heritage Centers Library houses many special collections, including a facsimile edition of the world's most famous illuminated manuscript, The Book of Kells, which has been described as the "work of angels, not of men."

Mr. Speaker, I am honored on behalf of the Fifth District, and indeed all of Chicago, to call attention to all of the meaningful work occurring at the Irish American Heritage Center at the time of its Irish American Heritage Festival. I wish the Center continued success and a fantastic Irish fest.

CONGRATULATING LAKEWOOD ON SPORTS ILLUSTRATED AWARD

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise proudly today to congratulate the city of Lakewood for being named Sports Illustrated magazine's "Sportstown" for the State of California. This prestigious award recognizes the city in California with the best community sports programs. And since California is Sports Illustrated's No. 1 State, that means Lakewood is the number one sports town in the entire country. Sports and outdoor living are part of the fabric of life in this wonderful city, which I represent, in the 39th District of California.

Every year, Mr. Speaker, more than 13,000 Lakewood citizens participate in sports leagues or volunteer as coaches or referees. Kids of all ages in Lakewood play sports in one of the many city-sponsored leagues. The city's leagues are free of charge so all kids in the city can participate, and learn the values of teamwork and sportsmanship while they are having fun and making friends. The grownups in Lakewood also join in adult basketball, softball, tennis and volleyball leagues.

And if you live in Lakewood and sports leagues aren't your cup of tea you can go to one of the 10 public parks, two public swimming pools, or two public Community Centers and get some exercise or just have a good time.

This prestigious award recognizing Lakewood's community sports programs comes during the same year that Lakewood is celebrating its 50th anniversary.

So, to the people of the City of Lakewood I say, "Congratulations for being the best sports city in America, and Happy 50th Anniversary!"

REMEMBERING SECOND LIEUTENANT ANDRE D. TYSON

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Ms. MILLENDER-McDONALD. Mr. Speaker, I rise this morning to pay tribute to a young man from my district who was killed in action serving in the Iraqi conflict.

Second Lieutenant Andre D. Tyson was charged with patrolling and gathering intelligence on insurgents in the farmlands in Balad. He died, at 33, when enemy forces ambushed his ground patrol.

Called to active duty last fall, Second Lieutenant Tyson was assigned to the 579th Engineer Battalion, Army National Guard, which is based in Petaluma, California.

Mr. Speaker, Andre Tyson told a reporter 10 days before his death, that local people were hospitable to the soldiers, giving them tea and bread that he described as being "almost like homemade tortillas." His cousin said, "All of his e-mails spoke positively about his experiences in Iraq."

Mr. Speaker, Andre's family said he was a man that commanded respect and his peers looked up to him.

It is important to honor and pay tribute to all of the brave men and women across the Nation who have given their lives in defense of the freedoms we enjoy every single day, and all leave behind families who miss their sons and daughters. Too many of our young people have their lives cut way too short, but their sacrifice will be long remembered.

I would like to extend my condolences to the family and friends of Second Lieutenant Andre D. Tyson, and my thoughts and prayers are with his family during this difficult time.

TRIBUTE TO BRISTOL-MYERS SQUIBB COMPANY

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. WALSH. Mr. Speaker, I rise today in tribute to the Bristol-Myers Squibb Company's Syracuse, New York facility, which will receive the 2004 Presidential Green Chemistry Challenge Award in the alternative synthetic pathways category presented by the United States Environmental Protection Agency (EPA).

Bristol-Myers Squibb earned this great honor through the development of an environmentally friendly synthesis for the cancer drug Taxol®. The EPA's Presidential Green Chemistry Challenge Program has been promoting pollution prevention through voluntary partnership with the chemical community since 1996. The annual awards recognize outstanding accomplishments in the development of chemical technologies that incorporate the principles of green chemistry into chemical design, manufacture, and use. To date winning technologies have eliminated over 460 million pounds of chemical and solvent pollutants, saved over 440 million gallons of water, and eliminated over 170 million pounds of atmospheric carbon dioxide emissions.

I express my congratulations to the men and women of the Bristol-Myers Squibb Company in Syracuse for receiving such an outstanding honor. Bristol-Myers Squibb has truly shown itself to be a leader in environmental technology innovation.

TRIBUTE TO BERTRAND SEIDMAN

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. MORAN of Virginia. Mr. Speaker, I rise today to pay tribute to a man who spent his entire life devoted to helping working men and women and their families. Bertrand Seidman a constituent of my district and legend in the labor movement, recently passed away after a lifetime of advocating for working people in the United States.

After earning his Master's degree in economics from the University of Wisconsin at Madison, Mr. Seidman began his stellar career at the Bureau of Labor Statistics in Washington, DC. In 1944, he started performing his service as a conscientious objector clearing a path for the Blue Ridge Parkway. During this time he began educating his fellow workers in industrial relations and later led a year-long strike after the government stopped paying conscientious objectors while still having them work.

In 1948 he began his distinguished career with the AFL–CIO as an economist in their research department and later served as the European representative for the AFL–CIO. He continued his service to the nation as a member of the United States delegation to the United Nations' International Labor Organization from 1958 to 1976 and then from 1987 to 1988.

It was after this service that Bert Seidman was appointed to become head of the AFL–CIO's Social Security department. He worked there for twenty four years and ensured that the labor movement would continue to focus on social welfare issues. He was especially interested in health care, pensions and occupational health for all. Mr. Seidman was also active in making sure that Social Security would not be privatized and that all Americans would have health insurance, regardless of their economic status.

Our nation lost an activist when Bert Seidman passed away on June 24th. He will always be remembered for his role in our nation's labor movement. Bert wanted to make sure that when people worked their whole lives, they would be taken care of in their retirement, and if they were ill or injured, they would have ample health care to help their recovery. Most importantly, he was for the most basic right, equality. I am grateful for his vision, his dedication and the many years of service he gave to our nation. May his memory and the ideals he fought so hard to protect be preserved so future generations of working people are assured of basic rights and protections in a vastly changing workplace.

A NATIONAL MEMORIAL FOR EDMUND S. MUSKIE

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. MICHAUD. Mr. Speaker, I am introducing two bills to designate the Edmund S. Muskie Memorial, located in Rumford, Maine, as a national monument. Surely, the incredible accomplishments of this distinguished American deserve national recognition.

Edmund S. Muskie was born March 28, 1914, in Rumford, Maine, the second of six children and the son and grandson of Polish immigrants. Ed Muskie attended public schools in Rumford, graduated as valedictorian of his high school and with cum laude honors from Bates College. After Cornell University Law School, he began practicing law in Waterville. In 1942, he enlisted in the U.S. Navy and served as a Lieutenant in both the Atlantic and Pacific theaters.

Ed Muskie began his political career in the Maine House of Representatives, where he served from 1946–1951. Later he went on to be twice elected as Governor of Maine and then to the United States Senate, where he served for twenty-one years. During his tenure in the Senate, Ed Muskie served on the Foreign Relations, Governmental Affairs, and Environmental and Public Works committees, and was the founder and first chair of the Senate Committee on the Budget.

Joining Democratic Presidential nominee Hubert H. Humphrey, Ed Muskie ran for Vice President on the Democratic ticket in 1968, and then made his own bid for the Presidential nomination in 1972. After retiring from the Senate in 1980, he was made Secretary of State by President Carter, practiced law in Washington, D.C., and was named to President Reagan's Special Review Board to investigate the Iran-Contra affair.

Few people served this nation as long, or as honorably, as Edmund Muskie. His dedication to public service was obvious and his commitment to environmental issues ahead of his time.

I have introduced a bill to authorize the Secretary of the Interior to conduct a special resources study to determine the suitability and feasibility of designating the memorial to Edmund S. Muskie located in Rumford, Maine, as a unit of the National Park System. I have also introduced a bill to then officially designate the memorial as a national memorial. I am hopeful that these bills can be considered and passed soon so that we can have a fitting, national tribute to Edmund Muskie.

PERSONAL EXPLANATION

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. HONDA. Mr. Speaker, on Tuesday, July 6, Wednesday, July 7, and during the morning of Thursday, July 8, I was unavoidably detained due to official international election monitoring efforts I took part in and was not present for rollcall votes on those days.

Had I been present I would have voted the following:

Rollcall 326, recognizing the 25th anniversary of the adoption of the Constitution of the Republic of the Marshall Islands, I would have voted "yea";

Rollcall 327, expressing the sense of Congress that the President should posthumously award the Presidential Medal of Freedom to Harry W. Colmery, I would have voted, "yea";

Rollcall 328, on the Manzullo amendment, which would provide $79.1 million for the Small Business 7(a) loan program to finance more than $13 billion in small business, I would have voted "yea";

Rollcall 329, on the Flake amendment, which would prohibit the use of funds to implement the Commerce Department's new restrictions on gift parcels to Cuba and the amount of personal baggage allowed for travelers to Cuba, I would have voted "yea";

Rollcall 330, on the Weiner amendment, which would increase COPS funding by $107 million and offsets that funding by cutting funding for the Census, I would have voted "no";

Rollcall 331, on the Hefley amendment eliminating funding ($174 million) for the re-engineered design process for the 2010 short-form only Census, I would have voted "no";

Rollcall 332, on the Kucinich amendment, expanding the membership of the President's "Manufacturing Council" to include representatives from unions and the steel industry, I would have voted "yea";

Rollcall 333, on the Paul amendment prohibiting funds to pay expenses for any U.S. contribution to the United Nations Educational, Scientific, and Cultural Organization, I would have voted "no";

Rollcall 334, on the Farr amendment prohibiting funds from being used to prevent states from implementing state laws authorizing the use of medical marijuana I would have voted "yea";

Rollcall 335, on the Paul amendment prohibiting funds from being used to pay any U.S. contribution to the United Nations or any affiliated agency of the United Nations, I would have voted, "no";

Rollcall 336, on the rule providing for consideration of Legislative Branch Appropriations Act for Fiscal Year 2004, 1 would have voted, "no";

Rollcall 337, on the rule providing for consideration of the Manufacturing Technology Competitiveness Act of 2003 I would have voted, "no"; and

Rollcall 338, on the National Windstorm Impact Reduction Act of 2004, I would have voted, "yea."

PAYING TRIBUTE TO CAROL SEALE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. McINNIS. Mr. Speaker, it is with a heavy heart that I rise to recognize the life and passing of Carol Mae "Peppy" Seale of Durango, Colorado. As one of the founders of women's athletics at Fort Lewis College, she was dedicated to the nation's youth and committed to establishing greater opportunities for the nation's female youth population. She will forever be remembered as a pillar of her community, and as her family and community mourn her passing, I believe it appropriate to pay tribute to this exceptional woman before the body of Congress and this nation.

Peppy first moved to Durango in 1969 after she received her teaching degree from Carroll College and her master's degree from the University of Northern Colorado. She then went into coaching women's athletics at Fort Lewis College. She committed herself to the volleyball team for fourteen seasons, acting as the coach for the squad as well as providing all the transportation for the team to and from competitions. During her tenure as the head volleyball coach, she led the team to 148 wins. In addition, she spent time coaching other sports, including the basketball, softball, skiing and tennis teams. Outside work, Peppy had a love for the farm she lived on and the animals that inhabited it.

In recognition of her dedication to athletes and her success as a coach, Fort Lewis has inducted her into the Fort Lewis Athletic Hall of Fame. For her work advancing the cause of women in women's athletics she was named by the Women's Resource Center as an Extraordinary Woman of the Community.

Mr. Speaker, it is my honor to celebrate the life and achievements of Carol Mae Seale before this body of Congress and this nation today. She played an important role in founding athletic programs for women at Fort Lewis College, and was a valuable asset to the Fort Lewis community. My thoughts go out to Peppy's loved ones in this difficult time of bereavement.

A TRIBUTE TO SHARON DEVONISH-LEID

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor of Sharon Devonish-Leid in recognition of her dedication to strengthening the community.

Sharon is a Community Relations Specialist for the Brooklyn District Attorney's Office in the Community Relations Bureau. In this capacity, she serves as the link between the community, the police, and the DA's office. Ms. Devonish-Leid is responsible for four police precincts (93rd, 69th, 73rd, and 75th), and two police service areas (1 and 2).

In this capacity, she has developed the Young People's Law program in the Community Relations Bureau. This program is an offspring of the People's Law School program, which District Attorney Hynes developed to educate adults about the criminal justice system. She is also responsible for developing the East New York College and Career Fair at Maxwell High School. Additionally, she has implemented other informational fairs and conferences that bring important information to our communities.

Sharon has always had a passion for the field of law. In fact, she earned her Bachelor of Science degree in Criminal Justice, with merit, from John Jay College of Criminal Justice. Even as an undergraduate, she participated in community programs that helped others. These experiences helped her develop her interest and skills in community relations.

Prior to joining the Community Relations Bureau, she worked as a senior paralegal in various bureaus in the District Attorney's office. She worked as a legal secretary in the Eastern District office of the United States Attorney General.

Sharon's biggest love is working with our community's young people as she is always willing to volunteer her knowledge and experience to help others. Remarkably, she plans to serve as an example to our students by continuing her education in law school.

Mr. Speaker, Sharon Devonish-Leid has been a shining star in the community by bringing residents and law enforcement together. As such, she is more than worthy of receiving our recognition today, and I urge my colleagues to join me in honoring this, truly remarkable person.

HONORING JERRY PRETE

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. EMANUEL. Mr. Speaker, I rise today to join with the Elderly Housing Development & Operations Corporation and the people of Chicago in honoring the late Jerry Prete with the dedication of the "Appreciation Garden" at North Park Village in Illinois. A man who committed himself to helping his fellow citizens, Jerry Prete lived life to its fullest. His family, friends and the seniors of the Chicago area are testament to the quality of his character, honor and integrity.

Jerry Prete achieved his success through hard work and determination. He dedicated his life to public service and the people of Chicago. An active member of the Christian Family Movement since 1950, he assisted in developing leadership training and motivation for them until the 1970s. In the 1960s, the Chicago Senior Senate was formed and expanded into 400 chapters with Jerry's leadership.

In this quest, Jerry united with the National Council of Senior Citizens to submit a proposal to the Department of Housing and Urban Development for the funding of subsidized living at North Park Village. Today, the Prete, Senate, and North Park Village Apartments are considered some of the finest senior citizen apartment buildings in the Nation.

Jerry made a lifelong commitment towards helping seniors gain access to affordable housing—eventually assisting the implementation of about 30 multiple dwelling units around the United States. He was a champion of many causes for seniors including the expansion of Social Security and Medicare benefits, lowering the cost of prescription drugs, lowering taxes, and working toward the creation of the Circuit Breaker program.

Aside from working to help seniors, Jerry was a passionate advocate for the religious community. From the mid-1950s until 1995, Jerry and his wife Anne operated the Alverno Bookstore, which they established to meet the needs of the local Christian community.

Mr. Speaker, I join with the Elderly Housing Development & Operations Corporation and the seniors of North Park Village in honoring Jerry Prete. Today, numerous Chicagoans have reaped the benefits of one man's heroic dream. May God bless the Prete family and the memory of a man who was truly loved by his friends, his community and his family.

A TRIBUTE TO THE LIFE OF MR. BILL THURSTON OF VALLEJO, CALIFORNIA

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. GEORGE MILLER of California. Mr. Speaker, I would like to take this opportunity to call to my colleagues' attention the recent passing of a good friend, an outstanding educator and public servant, and a wonderful husband, Bill Thurston of Vallejo, California in my congressional district.

I urge my colleagues to read the article that follows below about Mr. Thurston's life, his passion, and his significant contributions to the city of Vallejo and the greater Solano County community. Bill was a longtime history and political science instructor at Solano Community College and a member of its board of trustees. He served on the county and state Democratic Central Committees for 22 years, and served eight years on the Democratic National Committee.

He was a friend and supporter to my father for his work in the state legislature and he was a mentor to me about the education of children and the needs of our community.

To Bill's wife of over 25 years, Rosemary Thurston, and to all of Bill's family I offer my sincere condolences at this time. For the many of us who were lucky enough to know Bill and to call him our friend, our lives are richer for it and we will always carry a place for him in our hearts. May he rest in peace.

[From the Vallejo Times Herald, July 7, 2004]

LONGTIME VALLEJO EDUCATOR AND ACTIVIST DIES AT 74

(By Robert McCockran)

Bill Thurston, a longtime history teacher, state Democratic Committee leader and Solano Community College trustee died Tuesday. He was 74.

A family member said Thurston, 74, was having shortness of breath (about, 10:25 a.m.) and had to be rushed to (Kaiser Permanente Medical Center) and collapsed in the hospital."

Another family member said Thurston's wife, Rosemary, was distraught and unable to talk about her husband's death.

"We can say that he's gone and we can say that he didn't suffer," the family friend said, adding that a memorial service will be arranged.

For 20 years, Thurston taught political science and history at Solano Community College.

"I feel very sad, very sad," said Pam Keith, a fellow trustee. "He was just a very special person to me and I'm going to miss him very, very much."

"There will be a lot of people turn out for this guy, whatever the situation is. He's got 500 children, grandchildren, great-grandchildren, (and) great-great-great-grandchildren, And he's touched so many lives over the years, one way or another. People that you don't even know about," Keith said.

Another fellow board member, Willie McKnight, called Thurston "a great educator" and noted that they were fraternity brothers, having joined Alpha Phi Alpha in 1979.

McKnight said Thurston loved music, although he didn't play any instrument and, he often spoke at his church. "He always was willing to speak and was always trying to uplift our black boys and girls."

Pelton Stewart, executive director of the Continentals of Omega Boys and Girls Club, said when he first came to Vallejo Thurston took him under his wing and "told me some pitfalls to avoid politically in our little city."

"He was a real long time dedicated supporter of the Boys and Girls Club. He and his wife were always at our banquets, always supporting. He was just a great man," Stewart said.

"He gave a lot back to the Vallejo community. He was very proud of his African ancestry and helped with the African American library in Oakland and very proud of the education system here in Solano County."

Thurston was born Jan. 15, 1930 in Logtown, Mississippi. As a young child, he once recalled watching police wake a sleeping African-American man at a train station. They kicked him, then shot him in cold blood, Thurston told an interviewer.

Thurston's family moved to California in 1944, and at age 17, he joined the military. He served in Korea, Germany, the Philippines and Okinawa before leaving the service in 1964.

Thurston earned an AA degree at Solano Community College and a BA at California

State University at Hayward. In 1972, he began teaching at Solano Community College.

"I never taught a class without dealing with reality," he once told a reporter.

"In all the U.S. history classes I taught, I always included segments on the failures of Reconstruction after the Civil War and on the struggles of women. I taught the bad things and the good."

In January 1985, Thurston was elected vice-chairman of the California Democratic Party.

He served on the county and state Democratic Central committees for 22 years, retiring in 1994. He also served eight years on the Democratic National Committee.

In May 1988, Thurston was a delegate for presidential nominee Michael Dukakis.

But Thurston was not so partisan that he ignored weaknesses of his fellow Democrats. He once referred to Oakland Mayor and former California governor Jerry Brown as a "flake" and said he was not overly impressed with former President Bill Clinton.

Frank Jackson, former president of the Vallejo Chapter NAACP, said of Thurston: "We go way back. Bill and I were real close friends."

Jackson said he served with Thurston on an affirmative action committee at Solano Community College.

"The thing I liked about Bill, he was fair and equitable. When something wasn't right, he'd say 'this isn't right' or 'this is the thing that we're doing,'" Jackson said of his fellow NAACP member.

"Any time I would call on him and ask him to do anything he was always willing to help out. And, anytime anybody called me about anything political, I would tell them to call Bill Thurston," Jackson said.

Mel Jordan, an architect for the Vallejo City Unified School District who designed Jesse Bethel High School, said he was very close to Thurston.

"Basically, Bill Thurston is almost like a second father to me. In other words, a mentor. He really assisted me in a lot of decision-making types of things for my own personal life," Jordan said.

"He's extremely going to be a loss to me, but he's passed on so much wisdom. It's almost like passing on the torch because we connected so much over the years," Jordan said. Former Vallejo mayor Terry Curtola said he'd known Thurston most of his adult life.

"Always was an adviser to me in my political career. Just what I like to call a good old boy Vallejoan. He was always supporting everything that went on. Always had the best of Vallejo at heart. Just a good man," Curtola said.

"I think what I like the most about Bill more than anything, he covered all the diversities of our whole community. You could never pinpoint him. He was just a man that I always went to for advice. Even when I didn't go to him for advice, he'd call and give it to me anyway." Curtola said.

INTRODUCTION OF NEW UNITED STATES GLOBAL HIV PREVENTION STRATEGY TO ADDRESS THE NEEDS OF WOMEN AND GIRLS ACT OF 2004

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Ms. LEE. Mr. Speaker, I rise today to talk about an urgent need in regards to our Global HIV/AIDS Initiative—the need to address the disproportionately growing effect of HIV/AIDS upon women and girls.

Today there are an estimated 40 million people infected with HIV/AIDS throughout the world.

For a number of reasons, women and girls are biologically, socially, and economically more vulnerable to HIV infection than men, and today they represent more than half of all individuals who are infected with HIV worldwide.

In sub-Saharan Africa the story is even worse, as women and girls make up 60 percent of those infected with HIV/AIDS.

Today we are undoubtedly facing a dramatic feminization of the global pandemic.

Why are women more vulnerable?

In many cases, women still have inadequate information about how HIV is transmitted, how it can be prevented, and how it can be treated.

Cultural and social norms in many developing countries, and in some cases even here in the United States, prevent frank and open discussion about sex and HIV/AIDS.

But perhaps worst of all, women are most vulnerable because of the continuing legal, social, and economic inequalities that contribute to, and are the result of persistent and culturally ingrained gender discrimination throughout the world.

This gender discrimination is responsible for devaluing the rights of women to attend school, earn an independent living, control their own bodies and choose their own sexual partners, retain control over their own property, and speak their minds.

And with the loss of each such right, women become more vulnerable to HIV infection.

Studies show that without an education, women are at a much higher risk of acquiring HIV/AIDS.

Without an independent source of income, women are forced to rely on men for food, clothing, shelter, etc., thus perpetuating an unequal power balance in their relationships.

Without being able to control their own bodies and choose their sexual partners, women are frequently treated as commodities to be bought or sold, without rights under the law.

This perpetuates a culture that accepts rape and violence against women as something that is commonplace, and without punishment.

And women who have no right to refuse the sexual advances of men cannot control the circumstances of their sexual encounters and are unable to insist on abstinence, faithfulness on behalf of their partners, or the use of condoms.

Without the ability to own or inherit property, women are in constant danger of being kicked out of their own homes, and losing control of their families most basic productive resources.

Ultimately, women who fear the consequences of speaking openly are powerless to advocate for any of these rights and are consigned to accept a second class status in their societies.

In the context of our moral tradition and our common humanity, that is just plain wrong.

But when it comes to combating HIV/AIDS, for women it can be deadly.

Working jointly with my colleagues in Congress and the Administration, last year we established the Emergency Plan for AIDS Relief to treat 2 million people, prevent 7 million new infections, and care for 10 million individuals.

But Mr. Speaker, I believe that if we do not aggressively target the needs of women, and work to eliminate the factors that contribute to the increased vulnerability of women to HIV, we will never reach our targets.

That is why today, along with 54 of my colleagues, I am introducing a bill entitled the New United States Global HIV Prevention Strategy to Address Women and Girls Act of 2004.

By recognizing the inadequacy of our current HIV Prevention efforts, which focus on the "ABC" approach of Abstinence, Being faithful, or using a Condom, my bill would seek to revise our current HIV Prevention strategy to place an emphasis on the needs of women and girls.

In doing so, my bill would require the President to develop a comprehensive, integrated, and culturally appropriate HIV prevention strategy for each of the countries receiving assistance to combat HIV/AIDS that includes: .

Increasing access to female condoms—including training to ensure effective and consistent use. Accelerating the de-stigmatization of HIV/AIDS—as women are generally at a disadvantage in combating stigma. Empowering women and girls to avoid cross-generational sex and reduce the incidence of child-marriage. Reducing violence against women. Supporting the development of microenterprise programs and other such efforts to assist women in developing and retaining independent economic means. Promoting positive male behavior toward women and girls. Supporting expanded educational opportunities for women and girls. Protecting the property and inheritance rights of women. Coordinating HIV prevention services with existing health care services—including mother to child transmission programs—and family planning and reproductive health services. Promoting gender equality by supporting the development of civil society organizations focused on the needs of women, and by encouraging the creation and effective enforcement of legal frameworks that guarantee women equal rights and equal protection under the law.

At the same time, my bill would also seek to balance funding for our HIV prevention initiatives by stripping out misguided language in last year's Global AIDS bill that guaranteed that 33% of our prevention funds would go towards abstinence only programs.

Instituting a blanket requirement for abstinence spending in our global prevention programs sends the message that religious ideology coming out of Washington DC is driving our global HIV/AIDS programs rather than sound science and the reality of the situation on the ground.

Our policy should be to provide flexibility in our global HIV prevention strategies to support a variety of culturally appropriate prevention initiatives based on need and the specific HIV infection trends and gaps of each country.

In the best interests of improving the Emergency Plan for AIDS Relief, and achieving our goal of preventing 7 million new infections, I believe that we must make this change.

And we must also make this change because we owe it to all the women who are left vulnerable and powerless because of social, political, legal, and economic inequalities that allow HIV to fester and spread.

If we do not address these underlying issues in a comprehensive manner, then I fear that our efforts to prevent the disease from spreading will only be in vain.

I invite all my colleagues to join me in support of this legislation, and I urge the International Relations Committee to move swiftly to take it up.

HONORING THE MEMORY OF THE HON. JOHN HAWKINS

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. BONNER. Mr. Speaker, Jefferson County, Alabama, and indeed the entire state recently lost a dear friend, and I rise today to honor him and pay tribute to his memory.

Representative John Hawkins was a devoted family man who spent over 28 years in public service, serving from 1959 until 1965 in the Alabama House of Representatives, and from 1966 until 1974 in the Alabama State Senate. Following a period of sixteen years out of the public spotlight, he again answered the call to service and began a new period in the state house in 1990. He was continuing to represent House District 47 in the state capital when he became ill earlier this year.

Throughout his professional career, he was dedicated to bringing better opportunities to all the residents of Hoover, Vestavia Hills, and Jefferson County in Alabama, and was a tireless advocate for his constituency. Representative Hawkins sponsored countless bills during his career in the legislature, but is perhaps best known for his championing the cause of automobile safety. In 1991, he was instrumental in the passage of Alabama's first state law that requires drivers and front-seat passengers to use safety belts. Eight years later, he helped to push through an amendment that gives police officers the authority to stop vehicle operators for violations of the seatbelt law alone.

Representative Hawkins was also a strong proponent of projects designed to benefit the residents of his district. Throughout his career, he emphasized providing funding for such projects as library additions, a reading initiative for area schools, drug testing for student athletes, and a multitude of highway projects. In fact, his efforts at securing transportation funding for his district led the citizens of Hoover, Alabama, to request that four miles of Alabama 150 be named after him because of his assistance in ensuring the widening of that highway.

Representative Hawkins, a graduate of Marion Military Institute in Marion, Alabama, and the University of Alabama, was a distinguished veteran of World War II. He was retired from Alabama Power Company after a long tenure as a special projects manager.

Mr. Speaker, I ask my colleagues to join me in remembering a dedicated public servant and long-time advocate for Jefferson County, Alabama. Representative Hawkins will be deeply missed by his family—his wife, Betty Hawkins, and his sons, John Hawkins, III, Bill Hawkins, and Davis Hawkins—as well as the countless friends he leaves behind. Our thoughts and prayers are with them all at this difficult time.

HONORING THE MEMORY OF MR. RALPH R. WILCOX, SR.

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. BONNER. Mr. Speaker, Mobile County, Alabama, and indeed the entire First Congressional District recently lost a dear friend, and I rise today to honor him and pay tribute to his memory.

Ralph Wilcox, Sr., was a devoted family man and dedicated community servant throughout his entire life. He was retired following a long career with the Kimberly Clark Corporation, and in 1982 assumed a position on the board of directors of the Mobile County Water, Sewer and Fire Protection Authority. As a part of this organization, Mr. Wilcox and his fellow board members were responsible for oversight of one of the largest public utility and fire protection organizations in the State of Alabama, consisting of over 400 miles of water lines in Mobile County.

A lifelong resident of Theodore, Alabama, Mr. Wilcox was also actively involved in the life of his community, participating in several area youth organizations. He served on the council for the Boy Scouts of America and was an active member of the board of the Theodore Athletic Association. In 1980, he was inducted as member of the Mobile Youth Baseball Hall of Fame, and was nominated by the Tillman's Corner Chamber of Commerce as its Citizen of the Year.

Mr. Speaker, I ask my colleagues to join me in remembering a dedicated community servant and long-time advocate for Mobile County, Alabama. Ralph Wilcox, Sr., will be deeply missed by his family—his wife, Margaret Floyd Wilcox, his daughters, Stephanie Van Cleave and Margie Wilcox, his son, Ralph "Hoppy" Wilcox, Jr., his sister, Lucy Clark, seven grandchildren, and one great-grandchild—as well as the countless friends he leaves behind. Our thoughts and prayers are with them all at this difficult time.

ESOP PROMOTION AND IMPROVEMENT ACT OF 2004

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. BALLENGER. Mr. Speaker, I am introducing legislation today to promote employee ownership through employee stock ownership plans (ESOPs). Most of our colleagues are familiar with these plans, but are they aware that the most common form of providing stock ownership to non-managerial employees today is through ESOPs?

During my service in the House, Congress has expanded employee ownership in America. I have worked to expand ownership through ESOPs by introducing, cosponsoring and advocating legislation. Many new provisions of ESOP law first surfaced in legislation I introduced in 1990, 1991, 1993, and 1995. Through the years, I have worked to build bipartisan support for ESOPs in Congress.

Let me say to my colleagues that ESOPs are not just special arrangements for the top executives in a company. ESOPs are broad-based stock ownership plans that, over the past 30 veers. have created significant wealth for employees. In many instances, they have been the innovators in participatory management practices that respect the individual while maximizing the performance of the company.

Studies demonstrate that the overwhelming majority of employee-owned companies are more successful and treat their employees better than non-employee-owned companies. For example, in the most comprehensive study of ESOP companies ever done, over 1100 ESOP companies were matched against their counterparts for an eleven-year period. The ESOP companies had a survivability rate 15 percent greater than the non-ESOP companies, had annual sales 2.4 percent greater on average, and provided more retirement benefits than their counterparts. In another study, Washington State's Economic Development Office found in 1997 and 1998 that ESOP companies in Washington State, when compared with non-employee-owned companies, paid higher wages, had better retirement, and had twice the retirement income for employees.

Despite all this favorable data, I cannot say that ESOP companies are always successful. But, I will say that they are usually high-performing companies that share with employees the wealth they help create and bring a real ownership culture into the workplace.

Overall, we have good ESOP laws on the books through our tax code and the Employee Retirement Income Security Act, which is overseen by the Department of Labor. My legislation does not unravel existing law, nor does it overreach with new, costly tax incentives for ESOP creation. Rather, my bill is a modest step toward aiding the creation of employee ownership through ESOPs and helping existing ESOP companies maximize their ownership structure.

Primarily, the ESOP Promotion and Improvement Act of 2004 would make minor changes in tax law to treat S-corps the same as C-corps in the ESOP arena, which would help foster ESOP creation. My legislation would also extend to ESOPs some of the popular features accorded to retirement programs such as 401K's. Following is a brief explanation of my legislation:

First, I will clarify what was really an oversight in the drafting of the 1997 law encouraging S corporations to sponsor ESOPs. The 1997 law prevented S corporations from taking a tax deduction for dividends ('distributions on current earnings'). Since S corporations do not pay a corporate level tax, it is reasonable not to give a corporate level tax deduction. However, under current law, distributions from current earnings on ESOP stock paid to employees of S-corps are subject to a 10 percent penalty tax because the payments are treated as if they were early withdrawals from plan contributions to the ESOP. Clearly, Congress never intended for S corporations to have their dividends on ESOP stock treated more harshly than C corporation dividends paid on ESOP stock.

To address this problem, my legislation does away with the unfair 10 percent penalty and makes it clear that, as in C corporations, dividends paid by an S corporation on ESOP stock can be deducted if the deduction is used to pay the debt incurred to acquire the stock for the employees through the ESOP.

Next, my legislation permits the owners of S corporation stock to sell that stock to an ESOP and, under tight rules, to defer the gain on that sale if the following conditions are met. First, the ESOP must hold at least 30 percent of the outstanding stock of the S corporation. Second, the seller must reinvest his or her proceeds in American companies. This treatment has been permitted for owners of C stock of a private company since 1984, and it has been a boon to ESOP creation. In fact, surveys by the ESOP Association show that 70 to 75 percent of the ESOP companies in America were created by exiting shareholders of private companies using this 1984 law. I believe that if this provision, Code Section 1042, is expanded to include S corporations, there will be many more S corporation ESOPs.

I believe we also need to clarify a 1989 law that the IRS has stretched too far. Under an IRS regulation interpreting the corporate Alternative Minimum Tax (AMT), C corporation dividends that are paid on ESOP stock are calculated as part of a company's adjusted current earnings, which is used in calculating the corporate AMT. Three taxpayers have taken cases all the way to the Court of Appeals saying the IRS went beyond the reach of the law in this interpretation. However, the Courts have rejected these claims, stating that the IRS has wide discretion in promulgating regulations. We should reaffirm our commitment to ESOP creation and clarify that Congress never intended to make an ESOP benefit a tax liability by overturning these IRS rulings.

Finally, my bill contains two technical amendments clearing up some unfair and out of date elements of the 1984 IRC 1042 provision. My bill clarifies who can participate in a 1042 ESOP, and it permits the proceeds from a 1042 sale to be invested in mutual funds of U.S. stock, versus requiring direct stock purchases. In addition, my bill brings parity to ESOPs with other defined contribution plans by permitting ESOP participants to withdraw money from the ESOP under limited circumstances to pay for a first-time home or college tuition.

With these few provisions, my legislation will do much to advance the cause of employee ownership, making ESOPs more effective and fostering the creation of many more ESOP companies. I thank the House and my colleagues for their time, and I ask that they consider joining me by cosponsoring this legislation.

Section-by-Section Explanation of ESOP Promotion and Improvement Act of 2004

Makes six amendments to the Internal Revenue Code to improve the operation of existing ESOPs for both the plan sponsor and the employee participants, and in some instances make the creation of a new ESOP easier and more attractive.

Section 1. Clarifies that the 1996 and 1997 laws permitting S corporations to sponsor employee ownership through ESOPs allows S corporation distributions on current earnings (referred to as dividends in C corporations) on ESOP shares to be utilized in the same way as dividends under a 1984 law and 1986 law applying to dividends in a C corporation. Specifically, this section would permit the distributions from current earnings by an S corporation on ESOP stock to be passed through to employees without the 10 percent early withdrawal tax currently imposed on the employees. It would also permit distributions on current earnings on ESOP stock to be used to pay the ESOP acquisition debt. Regular income tax will still be due and, in keeping with current law, the S corporation would not be permitted a tax deduction for the distributions from current earnings on ESOP stock. *(The distributions from current earnings are not to be confused with regular contributions to the ESOP by the S corporation which would still continue to be subject to early withdrawal penalties if withdrawn by an employee before death, termination, disability, or retirement.)*

Section 2. Permits the seller of stock to an S corporation ESOP to utilize the current law ESOP tax deferral rollover tax benefit (IRC 1042), under the same restrictions applied to sellers to C corporation ESOPs. In general, to take advantage of IRC 1042, the ESOP most hold at least 30 percent of the corporation's highest class of stock at close of transaction, and the seller must reinvest the proceeds of the sale into the equities of operating U.S. corporations. If these conditions and others are met, the seller may defer the capital gains tax on his or her proceeds until he or she disposes of the qualified replacement property acquired with the sale proceeds. Furthermore, the benefit is applicable only to sales of non-publicly traded stock.

Section 3. Reverses a series of federal court decisions that have upheld a 1989 regulation by the Internal Revenue Service that includes tax deductions taken for dividends paid on ESOP stock when calculating a C-corp's AMT liability. This IRS regulation imposes the corporate AMT under an interpretation of IRC Section 56 that deductible ESOP dividends are included under the preference item known as ACE, or adjusted current earnings. Despite reasoned challenges to the IRS regulation by three taxpayers, courts have upheld the IRS regulations.

Section 4. Makes two minor changes to IRC Section 1042 (first enacted in 1984). The changes would make this ESOP tax benefit more reasonable, particularly due to developments since its enactment. Specifically, this section permits the proceeds from a 1042 sale to be reinvested in mutual funds that are invested in U.S. equities, and provides that an owner of 25 percent or more of one class of non-voting stock will not be automatically prohibited from participating in an ESOP with 1042 securities, and aggregates the 25 percent owner restriction on participation in a 1042 ESOP to all of the outstanding shares of the corporation, not just one class of shares.

Section 5. Permits early withdrawals from ESOPs (as with other ERISA plans) for purposes of a first time home purchase or payment of college tuition, with various restrictions, including that the withdrawal may not be more than 10 percent of an account balance, and the individual has had to participate five years in the ESOP.

PAYING TRIBUTE TO SCOTT TUCKER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. McINNIS. Mr. Speaker, it is my privilege to rise today to recognize Scott Tucker of Golden, Colorado. Recently, Scott announced his retirement from his position as the executive director of the Urban Drainage and Flood Control District. As he moves on to future challenges, I would like to acknowledge his dedication and commitment to better his community before this body of Congress and this nation.

Scott has committed his career to addressing and solving problems pertaining to water resources in urban communities. After receiving a bachelor's and master's degree in civil engineering, Scott began his career in water resources. He first came to work in Colorado in 1970 for the Urban Water Resources Research Program. Two years later he joined the Urban Drainage and Flood Control District, where he is now the Executive Director. As Executive Director, he oversaw programs involving master planning, design and construction, maintenance, floodplain management, and projects involving the South Platte River. He retires from Urban Drainage and Flood Control District after thirty-two years of service.

In addition to his work in water resources, he is an active member of his community. As an avid skier, he is involved in the National Ski Patrol System, where he holds the leadership position of Treasurer. Additionally, he participates in competitive bicycle racing and is a member of the Bicycle Racing Association.

Mr. Speaker, it is a pleasure to honor the accomplishments and service of Scott Tucker. Scott has dedicated his career to dealing with an issue many people take for granted, water as a resource. His leadership at the Urban Drainage and Flood Control District will be greatly missed, and I wish Scott all the best in his future endeavors.

A TRIBUTE TO REGINA KIM

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor Regina Kim in recognition of her assistance to victims of domestic violence and abuse.

For the past 16 years Regina Kim has reached out to thousands of helpless, desperate, and battered women. As the Executive Director of the Korean Family Counseling and Research Center, Regina assists women victims of domestic violence, physical and mental harassment, and substance abuse with her compassion and dedication. Through counseling and a 24–hour hotline, crisis intervention services, victim advocacy and public education, the Center's mission of helping women and girls taking charge of their lives is put in practice every day. Regina's round-the-clock dedication to those in need is both inspiring and heartwarming.

The Korean Family Counseling and Research Center was the only counseling center for New York's Korean community when it was founded 31 years ago. Today, the rapid growth in Korean immigration to our city has increased the important role of the center.

By providing hope and encouragement to countless women and their families, Regina has won admiration from her colleagues, the local community, as well as people in Korea. In 1992, she was presented the Social Services Recognition Award by the Korean government for her contribution to the Korean-American community. She has also been honored by the City of New York with an award for Distinguished Leadership in the field of Social Services and an award for Exemplary Leadership, Commitment, and Advocacy on Behalf of all New Yorkers.

Regina was educated at the Chong-gu College in Dae-gu, Korea and at the St. Stephens Outreach Network (Social Welfare). She is an active member of The Advisory Council on Democratic and Peaceful Unification and the Civil Air Patrol. This organization also presented her with an award for Distinguished Social Services.

Mr. Speaker, Regina Kim has helped thousands of women who have been victims of domestic violence and abuse. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

SPEECH OF

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 2004

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4754) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2005, and for other purposes.

Mr. HINOJOSA. Mr. Chairman, I rise today in strong opposition to the Tancredo amendment.

Earlier this summer, I came to the floor to oppose a similar amendment, and I felt obligated, as an American, to come to the floor today to oppose this misguided one.

Community policing has been successful in our diverse neighborhoods because police have proactively convinced immigrants that they should come forward and talk to local police. Mr. Tancredo's amendments would instill additional fear in immigrants, already under attack from certain political forces despite our Nation's history of welcoming them.

The Tancredo amendment is a veiled attempt to paint immigrants as terrorists and security threats. These immigrants contribute to our economy. They harvest our food, work in our factories and only want to realize the American dream for themselves and their families.

I quoted it the last time I came to the floor, and I will quote it as often as necessary to make my point.

As is inscribed on the Statue of Liberty, we need to remember here in Congress the generous invitation that the United States has always extended to the world: "Bring me your tired, your poor, your huddled masses, yearning to be free, the wretched refuse of your teaming shores. Send these, the homeless tempest tossed to me. I lift my lamp beside the Golden Door."

I fully understand that we need a responsible immigration policy that enhances and ensures our national security. However, the Tancredo amendment is divisive and will, in fact, reduce our security. I strongly encourage my colleagues to oppose this amendment.

TRIBUTE TO PAUL MENDRICK

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Ms. DEGETTE. Mr. Speaker, I rise to honor the notable accomplishments of Paul Mendrick. This remarkable gentleman merits both our recognition and esteem as his impressive record of leadership and invaluable service have improved the lives of countless people.

Paul Mendrick has devoted much of his time, skill and energy to making our State and our community a better place. Born to Joseph and Alice Mendrick in Pueblo, Colorado on October 23, 1948, he graduated from Pueblo South High School and attended classes at Southern Colorado State College. Paul enlisted in the United States Navy in 1970 and served as Yeoman to the Chaplin aboard ship until 1972.

Paul has been a labor leader, political activist and has remained in the vanguard of those dedicated to economic and social justice. During his distinguished career with the United States Postal Service, Paul served in various capacities with the Denver Metro Area Local of the American Postal Workers Union (APWU). He served as President from 1976 to 1992 and again from 1995 until his retirement in 2003. Under Paul's leadership, the Denver local became one of the most progressive locals, and he worked diligently to ensure that Postal Workers were represented fairly and their voices were heard in the United States Congress.

Those who know Paul know that fairness for the working people matters. He is well known for being forthright and a skilled leader not only within the APWU, but in the Labor Movement. For Paul, solidarity has meaning. In 1980, when the Air Traffic Controllers (PATCO) were on strike, Paul and other labor activists opted to travel to the APWU National Convention in Miami, Florida, by motor home rather than cross picket lines to travel by air. As a board member of the Denver Postal Credit Union, Paul was instrumental in lobbying Congress against a proposed tax levy on credit unions which still stands today. In 1986, he was among the delegates selected by the AFL–CIO to travel to South America to be part of a grassroots movement to build a worldwide Labor movement.

Paul has also dedicated his life to his family and recently became a grandfather. But for all of life's demanding pressures, Paul has found the time to give back to the community, and he has supported numerous charitable causes. He has spent endless hours working on behalf of the Special Olympics in Colorado and for Muscular Dystrophy. The APWU in Denver has always been a yearly participant in the March of Dimes Walk and, under Paul's leadership, the APWU has continually raised money to feed the homeless and take care of those less fortunate.

It comes as no surprise that Paul was recently elected Secretary-Treasurer of the Colorado AFL–CIO and continues to lobby for worker rights and a decent workplace. He has dedicated his life to working people and has brought both respect and dignity to the Labor Movement. He has used his inestimable skills and talents to advance the public good and the well-being of all our people.

Please join me in commending Paul Mendrick, a distinguished citizen. It is the strong leadership he exhibits on a daily basis that continually enhances our lives and builds a better future for all Americans.

IN HONOR OF GEORGE W. DAVIS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. FARR. Mr. Speaker, I rise today to honor the life of George W. Davis, a longtime member of the Watsonville community, who passed away June 7th, 2004 at the age of 83. George is survived by his wife of 60 years, Mildred Davis, his daughter, his sister, and numerous nieces and nephews.

George served in the Navy as a blimp pilot in 1941 during World War II. He transferred to the Watsonville airport following the war, starting his own construction business in 1948. Throughout the next decades, George built more than 100 area schools, including facilities at Cabrillo College, University of California at Santa Cruz, Aptos High School, Salesian Sisters and Moreland Notre Dame School. He also built numerous churches and other public buildings, including the Watsonville Youth Center. George's dedication to the youth of our community is outstanding, a commitment that we will cherish always. His accomplishments have shaped the Central Coast into the strong community it has become today.

Mr. Speaker, I am immensely grateful for the tremendous gift George gave to our community. His legacy will be cherished for countless generations. I would like to extend my condolences to his family and friends.

HONORING JERRY WHYATT MONDESIRE

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor the accomplishments of journalist, former Congressional staffer, Pennsylvania State NAACP Vice President, Philadelphia NAACP President, and activist Jerry Whyatt Mondesire. Mr. Mondesire has consistently proven himself to be a proponent of civil rights and an agent of social activism here in the United States and around the world.

Mr. Mondesire's career as a journalist began in college, where he discovered that each of his school's four student newspapers intentionally overlooked the concerns and affairs of the school's African-American student minority. In response to this negligence, and to address the diverse needs of the student body, he helped found an Afrocentric magazine. Within a year, Mondesire took control of one of the campus' weekly papers and set up a fully integrated staff.

Mr. Mondesire's post-collegiate journalistic career was further marked by the activism that had so deeply characterized his years in college. After a decade in mainstream journalism, he concluded that the "glass ceiling" that denied African-Americans to work and excel to their full potential was present in that field. He left his editorial position at a major Philadelphia newspaper in order to become Chief of Staff for the Majority Whip of the U.S. Congress; there he was able to utilize his talents to combat both foreign and domestic social inequities. After spending 12 years in the most prestigious Congressional staff position, he rekindled his passion, revitalized his journalistic career and sought to address the issue of the journalistic glass ceiling by helping start The Philadelphia Sunday Sun.

In the past twelve years, Jerry Mondesire has become the host of a radio public affairs program on WDAS FM, the host of a cable television program called "Freedomquest", President of the Philadelphia National Association for the Advancement of Colored People, and Vice President of the Pennsylvania state NAACP. This gentleman is clearly an example of social activism at its best.

It is a privilege to recognize someone whose ambition, motivation, and desire for social equality are an inspiration to all Americans. I ask you and my other distinguished colleagues to join me in commending Mr. Mondesire for his lifetime of activism, journalistic integrity, and perseverance.

COMMERCIALIZATION OF GOVERNMENT RESEARCH AND DEVELOPMENT (HEALTHY IT ECOSYSTEM)

HON. TIM HOLDEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. HOLDEN. Mr. Speaker, I rise today in recognition of the Government's vital role in developing a healthy and growing information technology sector.

A variety of national and international studies indicate that the broad-based deployment of information technology can have a substantial impact on our nation's economic productivity and growth as well as the educational and social success of our citizens. Accordingly, it is our task to ensure that the Government formulates policies that foster the continued development of the IT sector while also providing for citizens' access to technology and opportunity for economic advancement.

Among the most important ways that the Government can assure the robustness of our information technology sector and broad deployment of technology are by continuing to fund IT research and development and by adhering to technology-neutral policies that support market-based innovation, including by enabling firms to capitalize on the intellectual property they add to government-funded technologies. Private firms are generally willing to commercialize publicly funded research only if they can protect the intellectual property they contribute to the development process in a manner that allows them to secure a return on their investment. Thus, for example, it is vital that the government licenses software developed with public research funds under terms that enable private resources to develop such software into commercially viable products.

Over the years, U.S. businesses and industry have proven extremely adept at developing successful new products from cutting-edge technologies. Many of the private sector's most successful products and technologies have been developed in no small part due to sound public policy that fosters innovation. This is especially true in the information technology sector. With the support of the Federal Government—both through funding and through technology-neutral policies that promote commercialization—we can ensure that the information technology sector remains robust and continues to innovate for the benefit of our economy and the health and welfare of our citizens.

PAYING TRIBUTE TO MILES STOTTS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. McINNIS. Mr. Speaker, it is my privilege to rise and pay tribute to Miles Stotts of Pitkin County, Colorado. Recently, Miles announced his retirement from his position as Director of Natural Resources for Pitkin County. As he moves on in his career to undertake new challenges, I would like to take this opportunity to recognize his accomplishments before this body of Congress and this nation.

In 1996, Miles came to Pitkin County, when he accepted a position as Manager of Construction overseeing the remaking of the county's landfill. Upon successfully creating one of the most ecological landfills in the state, he took a job as the county's Director of Natural Resources. This job required managing a wide variety of responsibilities for the county. During his tenure, he has been responsible for accrediting restaurants, preventing the spread of the West Nile virus, and monitoring septic systems, water quality and wildlife. One of his most significant achievements was overseeing the successful passage of the Wildlife Protection Ordinance, a mandate for bearproof garbage cans.

Mr. Speaker, Miles Stotts has shown his commitment to the citizens of Pitkin County in his care for the environment. Miles leaves behind a legacy for his work as the Director of Natural Resources, and his oversight and leadership in developing the county's new landfill. Thanks for all your hard work Miles, and I wish you the best in your future endeavors.

A TRIBUTE TO KEITH ALEXANDER GLASCOE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor of Keith Alexander Glascoe.

This weekend a street in New York City will be dedicated and named in honor of Keith Alexander Glascoe. This is a fitting tribute to an honorable man.

In his life, he traveled down many streets and by-ways. The message of his life was to always keep moving down the road and to never be sidetracked by any obstacles.

As we know, he played football from the time he was a child. He had the rare ability to be both a team player and an outstanding individual player. He not only contributed to several championships on his high school and college teams, he also had the rare opportunity to try out for the New York Jets and played professional football in Italy.

As a testament to his ability to move between many arenas, this athlete was also an actor. And I think that the fact that he was able to accumulate so many acting credits in such a short period of time, not only speaks to his talent, but also his perseverance. Few people have this kind of uncommon versatility coupled with determination. But Keith was not only a determined person, he was a concerned person. He wanted to make things better for others.

So this athlete and actor, added public servant to his list of credits. This is why he worked at New York City's Child Welfare Agency and this is why he went to work for the New York City Fire Department.

And this is exactly the right street to name in honor of Keith because it is situated between Adam Clayton Powell, Jr Boulevard and Malcolm X Boulevard. Keith's street belongs between these two streets that are named after two African-American men who devoted themselves to improving the lives of ordinary people.

Keith Glascoe was the kind of man who saw a problem and wanted to find a solution. He was the kind of man who saw a need and sought to fill it. He was the kind of man who helped others. And gave his life in the process of doing so. That is why it is fitting that we name this street after this great public servant.

INTRODUCTION OF THE CLINICAL RESEARCH ACT OF 2004

HON. DAVE WELDON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. WELDON of Florida. Mr. Speaker, I am very pleased to join with my colleague from Pennsylvania, Mr. DOYLE to introduce the "Clinical Research Act of 2004." This bill will address many of the problems confronting our Academic Health Centers as they attempt to leverage the enormous biomedical research gains made in the past century.

Breakthroughs in basic biomedical sciences, including human genomics, biomedical engineering, molecular biology, and immunology, over the past five decades have provided an unprecedented supply of information for improving human health. As a member of the Labor-HHS-Education Appropriations Subcommittee I am proud to say that the remarkable strides that have been made in basic science would not have occurred without the support of Congress and the general public. While we realize that research may not produce results overnight, we, as stewards of the taxpayers' dollar have every right to expect that the fruits of that research will result in better treatments for patients. This requires a clinical research infrastructure capable of translating, in a systemic and rational way, the fruits of basic research into improved patient care.

I, along with many of my colleagues in the Congress and the public in general, have become increasingly concerned that we have been too slow in getting improved patient therapies and interventions from the enormous investment we have made in basic research. Many in this Congress have expressed concern about the apparent disconnect between the promise of basic science and the delivery of better health care for the citizens of this country. Without strong Academic Health Centers capable of conducting clinical research the promise of improving the health of the American people will continue to elude us.

Unfortunately, the clinical research environment in the Academic Health Centers is encumbered by rising costs, inadequate funding, mounting regulatory burdens, fragmented infrastructure, incompatible databases, and a shortage of both qualified investigators and willing study participants.

This bill, through its clinical research support grants, infrastructure grants, and partnerships in clinical research grants will provide our Nation's Academic Health Centers with the resources they need and the opportunity to meet the public's expectations. This bill is specifically aimed at improving the translation of this new medical science knowledge to directly benefit those suffering from a wide array of diseases that impact all too many lives.

If we are going to fully benefit from the enormous investment of taxpayer dollars in biomedical research it is important that we move this legislation forward.

I urge my colleagues to support this bill.

INTRODUCTION OF H.R. 4787

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. ROGERS of Michigan. Mr. Speaker, over the years, the safety of vehicles and passengers in a funeral procession have been of significant concern to both funeral directors and law enforcement officials. Various means have been utilized to alert the public to a funeral procession and to protect its integrity. However, these methods are haphazard, lack uniformity and rely on local and state rules and regulations, if any, for enforcement. With the advent of private vehicles with daytime running lights as a standard feature, increased traffic congestion in urban areas, road rage and an increase in the number and variety of law enforcement and emergency vehicles, funeral processions have become more and more vulnerable to accidents and other hazardous conditions. Furthermore, with this increased risk comes increased liability exposure for the funeral home and funeral director resulting in increased financial strain. Therefore, the use of Mobile Infrared Transmitters by authorized personnel only as well as increased use of law enforcement personnel as funeral procession escorts would go a long way in addressing this very real problem. My bill would protect the authorized user and impose penalties and jail time for an unauthorized user or seller.

HONORING THE MEMORY OF MRS. VICTORIA SOTO CANDELARIA

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. VISCLOSKY. Mr. Speaker, it is with great admiration that I rise today to honor the memory of Mrs. Victoria Soto Candelaria for her lifelong contributions to her community. Victoria passed away unexpectedly on July 4, 2004. Victoria was a pioneer educator who touched the lives of numerous students, both in and out of the classroom. She was also a union leader, activist, and community advocate, and her numerous accomplishments are worthy of the highest commendation.

After earning a bachelor's degree from Indiana University and a master's degree from Purdue University, Victoria devoted twenty-nine years to the School City of East Chicago teaching English and Spanish. In 1987, she was elected President of the East Chicago, Indiana Federation of Teachers, Local 511, a position she held until 2001. Additionally, Victoria was President of the Indiana Teachers Federation from 1997 until 2003. As well as being dearly loved and respected by her family and community, Victoria was known for her passionate belief in helping to educate the working people in her community.

Victoria strongly believed in the importance of community involvement as well as political activism. She served as secretary of the Northwest Indiana Federation of Labor and as Vice President of the Indiana AFL–CIO. She also served on the Board of Directors for the Lake County Integrated Services Delivery and for the Lake Area United Way. Victoria was a trustee for Ivy Tech State College and for the Indiana Federation of Teachers. In the political arena, she was a member of the Indiana Governor's Roundtable on Education and a member of the Governor's Commission for Hispanic and Latino Affairs. She was a three time National Education Policy advisor to President Clinton, a delegate to the Indiana Democratic Convention, and a delegate to the Democratic National Convention in 1992 and 1996. Victoria received invitations to the presidential inaugurations in 1993 and 1997. She was also honored with the Sagamore of the Wabash in 1997.

While her work in the educational and political fields placed extraordinary demands on her time, Victoria always found time to spend with her most important interest, her family. By providing unwavering guidance to her children, she instilled in them the morals and fortitude that have molded her children into successful adults who are raising families of their own. She is survived by her loving husband of 42 years, Isabelino, three sons and one daughter, eight grandchildren, and a host of other relatives.

Mr. Speaker, Victoria Soto Candelaria dedicated her life to educating the nation's youth and serving as a leader and role model for all Americans. Because of her lifetime work and achievements, Mrs. Candelaria has been lauded as a tireless, passionate, and visionary advocate of the people. I respectfully ask that you and my other distinguished colleagues join me in remembering Mrs. Candelaria and her outstanding contributions to Indiana's First Congressional District. She will be admirably remembered and truly missed.

PROVIDING SUPPORT FOR PUBLIC AND PRIVATE SECTOR RESEARCH AND DEVELOPMENT

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. PICKERING. Mr. Speaker, I rise today to express support for one of government's most important contributions to the economic welfare of this nation: providing support for public and private sector research and development.

U.S. businesses and industry have proven extremely adept at developing successful new products from cutting-edge technologies. Many of the technologies that underlie these products and spur economic growth were originally developed with federal support.

The extent to which publicly funded research stimulates further innovation depends in large part on whether it is disseminated under terms that attract the private investment needed to commercialize the research. Private firms, however, are generally willing to commercialize publicly funded research only if they can protect the intellectual property they contribute to this process in a manner that allows them to secure a return on their investment.

The importance of intellectual property rights in driving new research and its commercialization is illustrated by this Nation's own experience in funding university R&D activities. In the 1970s, too little federally funded research was being commercialized as a result of tight restrictions on licensing, varying patent protections among federal agencies, and the lack of exclusive manufacturing rights. Indeed, in 1980 only five percent of U.S. government-owned patents resulted in new or improved products.

In response to this problem, the U.S. Congress in 1980 passed the Bayh-Dole Act, which established a uniform government patent policy and allowed universities and other nonprofits to retain title to federally-funded inventions and to work with private-sector companies in bringing them to market.

By any measure, the Bayh-Dole Act has been remarkably successful and today the federal government provides a majority of all university research funding. According to the last survey on the impact of the Bayh-Dole Act conducted by the U.S. Association of University Technology Managers, in 2000 alone this research spawned 347 new products, 13,032 invention disclosures, 6,375 U.S. patent applications, 3,764 U.S. patents issued from previous applications, 4,362 new licenses, and the creation of 454 new companies. Moreover, universities received $1.26 billion in licensing revenue from these activities. Much of this money in turn is reinvested in further research and development.

Technological innovation and government support for it are central not only to the Nation's economy, but also to the health and vitality of our citizens. With the continued support of the Federal Government—both through funding and through licensing policies that promote commercialization such as those embodied in the Bayh-Dole Act—we can continue to ensure that technology is developed and made available to the private sector in a manner that spawns further innovation, for the benefit of our economy and the health and welfare of our citizens.

SAN DIEGO WATER STORAGE AND EFFICIENCY ACT OF 2004

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. HUNTER. Mr. Speaker, my San Diego Congressional District suffers from the same problem that exists throughout all of the West—a diminishing supply of usable water. As populations increase, and resources are evermore stretched between agriculture, municipal, and environmental uses, we must be smarter with our current water use. To address this problem, San Diego has had great success. In recent months, we completed a landmark deal with our Imperial County neighbors that will provide up to 200,000 acre feet of new water per year for our growing city. San Diego County has embarked on a remarkable regional seawater desalination program to tap the nearby Pacific Ocean. Water efficiency efforts spearheaded by the San Diego County Water Authority have resulted in our ability to rely on the same amount of water we used in the year 1990—even though our population has swelled by nearly 20 percent. This is great progress, but we have more to do.

For this reason, today I am proud to introduce the San Diego Water Storage and Efficiency Act of 2004. The legislation helps the Sweetwater Authority, which administers much of the water supply in my district, make maximum use of the water they manage by enabling them to more fully use their existing reservoirs.

In 1993, the Army Corps of Engineers determined that one of the top methods to ensure greater water reliability in San Diego County was to connect three isolated reservoirs—the San Vicente, which receives raw, imported water, and the Loveland and El Capitan Reservoirs, which receive only local runoff and are rarely full. By connecting the three, we can ensure that the ability to use available water storage is maximized. This legislation authorizes a $3 million federal feasibility study of the reservoir intertie project.

I look forward to working with House Resources Committee Chairman POMBO, as well as Water and Power Subcommittee Chairman CALVERT, both stalwart advocates for our State's water needs, in advancing this legislation.

Mr. Speaker, this bill will promote conservation and increase the reliability of our regional water supply, and I urge my colleagues' thoughtful consideration of the San Diego Water Storage and Efficiency Act.

FREEDOM FOR MIGDALIA HERNÁNDEZ ENAMORADO

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Migdalia Hernández Enamorado, a prisoner of conscience in totalitarian Cuba.

Mrs. Hernández Enamorado is a wife, a mother of three and a peaceful pro-democracy activist. Because she believes that a free and democratic Cuba is the best hope for her young children and every citizen trapped in totalitarian Cuba, she has worked to liberate Cuba from the tyrannical regime.

As a result of the tyrant's brutal March 2003 crackdown on peaceful pro-democracy activists, Mrs. Hernández Enamorado, along with her husband Rafael Benitez Chui, went to a police unit in Guantanamo, Cuba, and protested the arrests of Manuel Ubals and Juan Carlos Herrera Acosta. Unfortunately, the tyrant's thugs arrested the married couple while they peacefully protested the abhorrent crackdown on their fellow advocates for freedom and human rights in totalitarian Cuba.

On September 18, 2003, after being held in the inhuman gulag for 7 months, Mrs. Hernández Enamorado was "sentenced" to 2 years in the despotic gulag for the supposed crime of "contempt." In the same sham trial, her husband was sentenced to 4 years. Let me be very clear, Mrs. Hernández Enamorado's three children are living without their parents because these noble pro-democracy activists believe in freedom.

According to a report from Guantanamo by Ada Kaly Márquez Abascal, Mrs. Hernández Enamorado is being abused by prison guards, suffering from high blood pressure, and ailing from a myriad of physical maladies caused by the deplorable conditions in the totalitarian gulag. It is also reported that she is only allowed to see her children for 5 minutes a week and some weeks she is not even allowed that brief visit.

Mr. Speaker, it is unconscionable that Mrs. Hernández Enamorado is languishing in the totalitarian gulag because of her belief in freedom. It is categorically unacceptable that her three daughters are growing up without their parents, and unable to even visit their mother for more than 5 minutes, simply because Mrs. Hernández Enamorado wants them to be raised in liberty instead of repression. My Colleagues, we must demand the immediate release of Migdalia Hernández Enamorado, her husband Rafael Benitez Chui, and every prisoner of conscience suffering under the terrorist regime in Havana.

PAYING TRIBUTE TO GARY WERMERS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. MCINNIS. Mr. Speaker, it is my privilege to rise to pay tribute to Gary Wermers of

Pueblo, Colorado. As a science teacher at Heaton Middle School, he has shown commitment toward educating our youth. Gary is a valuable member of his community, and I am honored to join my colleagues in recognizing Gary's tremendous work before this body of Congress and this nation today.

Gary teaches science to seventh grade students at Heaton Middle School in Pueblo. His value in teaching goes well beyond his ability to convey the subject matter in the curriculum as he strives to stress moral and civilized behavior of his students. For his efforts and accomplishments in the classroom, he was recently awarded the 2004 Teacher of the Year Award from the Wal-Mart Corporation. In addition to his time teaching in classrooms, he attempts to connect with students as a mentor in activities where students find interest. He coaches the boys' basketball team, and sponsors the student council and the Fellowship of Christian Hawks.

Mr. Speaker, Gary Wermers has clearly been an outstanding influence on our youth. The community benefits from him as an excellent educator, but it is the individual students who benefit the most from his personal and lasting style of teaching. I thank Gary for his important work in his community, and wish him all the best in his future endeavors.

HIGH PERFORMANCE COMPUTING

HON. GIL GUTKNECHT

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. GUTKNECHT. Mr. Speaker, high performance computing has become very important to the competitiveness of this country. Supercomputers help us solve some of the most critical scientific, business, and homeland security problems in this nation. I would like to highlight what the citizens in my district working at IBM are doing to advance high performance computing.

I recently visited the Rochester, MN facility of IBM in my district. There I learned about IBM's newest supercomputer, Blue Gene/L.

Blue Gene is an IBM project to build a new family of supercomputers optimized for bandwidth, scalability, and the ability to handle large amounts of data while consuming a fraction of the power and floor space required by today's fastest systems. IBMers in my district are exploring how to harness Blue Gene's massive computing power to model the folding of human proteins. This technique is expected to give medical researchers better understanding of diseases and potential cures.

Two prototypes of IBM's Blue Gene/L now rank #4 and #8 on the latest list of the Top 500 fastest supercomputers. When Blue Gene/L is finished, it is expected to rank #1 on the Top 500 list next year, overtaking the Japan's Earth Simulator.

The citizens of my district and IBM take their commitment to innovation, competitiveness, and the advancement of high performance computing in this nation very seriously. The most advanced supercomputing skills in the world are right here in the United States—and in my district. With the leadership of IBM and the Minnesotans it employs, the innovative advances keeping our county competitive will remain firmly rooted in the U.S.

NATIONAL INNOVATION INITIATIVE

HON. JOHNNY ISAKSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. ISAKSON. Mr. Speaker, America's ability to innovate will determine our citizens' standards of living and competitiveness in the 21st century. I would like to highlight what leaders in my district, IBM and Georgia Tech, are doing to ensure that America remains the most innovative country in the world.

Sam Palmisano, the CEO of IBM, and Wayne Clough, the President of Georgia Tech, launched a National Innovation Initiative last fall through the Council on Competitiveness. They have pulled together hundreds of the nation's top minds from industry, academia, and government to develop a national agenda that will be released in December of this year. An interim report will be issued soon.

These leaders understand that innovation relies on much more than science and technology funding, although that remains important. Innovation is putting new ideas into action to better our lives—a blend of invention, insight and entrepreneurism that launches new growth industries and creates high-value jobs. Innovation can be a new product, process—or increasingly in our economy—a service.

Our future relies on whether we establish an ecosystem of smart policies that recognize how innovation is changing in our global, open and connected economy. The National Innovation Initiative will sharpen our understanding of contemporary innovation and recommend bold action on many fronts to ensure that America has the talent, infrastructure, and investment to succeed.

I salute IBM and Georgia Tech for their leadership; look forward to reviewing the National Innovation Agenda; and pledge to be a partner in keeping the United States at the forefront of innovation.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. BECERRA. Mr. Speaker, on Tuesday, July 6, 2004, I was unable to cast my floor vote on rollcall Nos. 326 and 327. The votes I missed include rollcall vote 326 on the Motion to Suspend the Rules and Agree, as amended, to H. Con. Res. 410, Recognizing the 25th Anniversary of the Adoption of the Constitution of the Republic of the Marshall Islands; and rollcall vote 327 on the Motion to Suspend the Rules and Agree to H. Con. Res. 257, Expressing the sense of Congress that the President should posthumously award the Presidential Medal of Freedom to Harry W. Colmery.

Had I been present for the votes, I would have voted "aye" on rollcall votes 326 and 327.

PERSONAL EXPLANATION

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. CARDIN. Mr. Speaker, on July 6 and July 7, I was away from Washington on official Congressional business. During that time, I was unable to vote on several issues of importance to the people of my district. Had I been present, I would have voted "aye" on rollcall No. 328, "aye" on rollcall No. 329, "no" on rollcall No. 331, and "aye" on rollcall No. 332.

PERSONAL EXPLANATION

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. BERMAN. Mr. Speaker, I was unavoidably detained and unable to cast a number of rollcall votes. Had I been present, I would have voted "no" on rollcall No. 305, "no" on rollcall No. 306, "no" on rollcall No. 307, "no" on rollcall No. 308, "no" on rollcall No. 309, "no" on rollcall No. 311, "no" on rollcall No. 312, "yes" on rollcall No. 314, "no" on rollcall No. 315, "no" on rollcall No. 316, "no" on rollcall No. 317, "no" on rollcall No. 318, "yes" on rollcall No. 319; "no" on rollcall No. 320, "yes" on rollcall 322, "yes" on rollcall No. 323, "no" on rollcall No. 324, and "yes" on rollcall No. 325.

ADAM G. KINSER POST OFFICE BUILDING

HON. DOUG OSE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. OSE. Mr. Speaker, a national hero, a loving son and brother, a dedicated student, athlete, and a proud father to-be. These are just a few of the phrases that can be used to describe Adam Kinser of Rio Vista, CA. Although no list of descriptions can ever fully do justice to understanding the bravery and compassion of a young man who gave his life for his country at the age of 21.

Adam Gareth Kinser was born in 1983 in Valencia, CA and grew up in Rio Vista with his parents and four younger siblings from the time he was five. There was nothing typical about Adam, who from a young age was a standout, not only among his peers and teammates, but to his teachers and family as well. Adam was a hard-working student, even serving as a teaching assistant in some classes.

Bill Fulk, a former teacher of Adam's, praised the young man as the "best the United States had to offer" He was a role model to other students, demonstrating a positive attitude, kind heart and willingness to help. He was an outstanding varsity athlete, running track, playing basketball, and was the starting quarterback for 3 years. His strong leadership and commitment didn't end at school or on the field though, he was also a mentor and protector to his younger siblings, one of whom recalls that Adam "was always protecting me even when I didn't want it."

Perhaps it was not a surprise that Adam also wanted to serve and protect his country, when he joined the Army Reserve during his senior year of high school. Adam was in boot camp at Fort Bragg, NC, when the terrorists attacked the World Trade Center on September 11, 2001, and was sent to Afghanistan in July 2003.

Adam returned home during Christmas, where his wife, Tiffany, surprised him with an ultrasound of their soon-to-be-born son. He was ecstatic and could not wait to be a father, counting down the days until he would be reunited with his wife and new baby. This did not stop Adam from taking pride in the job he was doing for his country and in the bonds that he treasured with his fellow soldiers.

Adam returned to Afghanistan after Christmas, serving in the Army Reserve's 304th Psychological Operations Company. However, on January 29, 2004, Adam and eight other soldiers were working near a weapons cache near Ghanzi, 60 miles southwest of Kabul, when an explosion took place that claimed his life and those of his fellow soldiers.

Adam's death has sent Rio Vista into a period of mourning and loss for the young man that many of them knew and loved so well, and had watched mature into a brave leader. The community of Rio Vista remembers him fondly, and will surely miss him, not least of all his family and newborn son.

Adam was the first Rio Vistan to give his life in wartime since the Korean War. As Rio Vista Mayor Marcie Coglianese said, "he is the embodiment of all our values." In order to ensure that the memory and name of this young man, father, and soldier, lives on, the least we can do is to re-name the post office in his home town, as an honor for the town, family and country that produced such a great man.

HONORING THE LIFE OF U.S. MARINE RODERICKA ANTWAN YOUMANS

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. WILSON of South Carolina. Mr. Speaker, this week South Carolina learned the sad news that a U.S. Marine, Private Rodericka Antwan Youmans from Allendale, S.C., was killed by terrorists while serving in Iraq.

Pvt. Youmans will be remembered for making the ultimate sacrifice to protect American families in the War on Terror. The thoughts and prayers of the entire Wilson family are with his friends and family.

I ask all of my colleagues to join me in expressing our deepest sympathies to Pvt. Youman's two children, fiancé, brother and parents.

I request that the following article from The State be added to the RECORD.

[From The State, July 8, 2004]

ALLENDALE MARINE DIES IN IRAQ

(By Chuck Crumbo)

A bomb attack by Iraqi insurgents has killed a 22-year-old Marine from Allendale, the man's family said Wednesday.

Pvt. Rodericka Antwan Youmans was one of four Marines who died Tuesday near Fallujah in Iraq's Al-Anbar province, said his father, Johnny Youmans.

The elder Youmans said Marine Corps officials notified him of his son's death Tuesday.

"I was coming home, and I saw a government truck in front of the house. I knew it was nothing good," said Youmans, a 29-year military veteran.

The Marines had not released by late Wednesday the name of Pvt. Youmans as one of the fallen Leathernecks. The Marines said only that the troops were conducting security operations in the province.

Three Marines died Monday in a similar incident in An-Anbar.

Twenty-one other members of the armed services with ties to South Carolina have died in the Iraq war. He is the second casualty from Allendale County.

Marine casualty officers notified the family of his son's death about 4:30 p.m. Tuesday, Youmans said.

The Marines first broke the news to Youmans' wife, Amanderlene. As he approached the house, his 17-year-old daughter, Sholanda, came out and told him Rodericka was dead, Johnny Youmans said.

Johnny Youmans, a staff sergeant in 163rd Support Battalion of the S.C. Army National Guard, has been on active duty for 1½ years. He is serving on a security detail at Seymour-Johnson Air Force Base, N.C.

Youmans said his son called home last week to say he was doing fine and that "he loved all of us."

On Monday, Rodericka Youmans called his 20-year-old fiancee, Stephanie Cuthbertson of Allendale.

They were planning to marry in September when his unit was scheduled to return to Camp LeJeune, Cuthbertson said.

"I loved everything about him. His sense of humor and the way he treated me. He was very sweet and very giving," she said.

Rodericka Youmans, a graduate of Allendale-Fairfax High School, joined the Marines about a year ago and went through boot camp at Parris Island, Youmans said.

"He was almost 21 when he joined. He couldn't find a job and when he did, he'd get laid off because the economy was so bad. He had two kids (ages 4 and 1) and needed to support them."

Rodericka quickly fell in love with the Marines and wanted to make a career out of the military, Youmans said.

"He liked the respect that he received. It changed his whole life. He wanted to do the right thing."

Other survivors include his children, A-Miyah, 4, and Mekhi, 1; and a brother, Johnny Youmans Jr., 24.

Cave Funeral Service is in charge of arrangements.

CONGRATULATING THE PENNSYLVANIA STATE UNIVERSITY ON ITS 150TH ANNIVERSARY

HON. TIM HOLDEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. HOLDEN. Mr. Speaker, I rise today to congratulate the Pennsylvania State University on its 150th year serving the citizens of Pennsylvania and beyond. As the Commonwealth's only land grant institution, Penn State has played a vital role over the years in promoting agricultural and scientific research, workforce development, education, as well as many other initiatives; fulfilling the mission that Congress laid out in The Morrill Act of 1862.

Since its founding in 1854, Penn State has proven to be a leading institution of higher learning. The most recent U.S. News and World Report survey of graduate schools ranks a number of programs at Penn State among the nation's top ten, encompassing a wide array of subjects ranging from nuclear engineering to vocational/technical education.

Penn State has also continued to be a leader in Pennsylvania's largest industry: Agriculture. The University has a long history of innovations in this field, beginning in 1861 when it was the first American institution to confer baccalaureate degrees in agriculture. Today, Penn State's College of Agricultural Sciences continues to lead the way in agricultural research and promotion through such programs as the Penn State Cooperative Extension, a number of international exchange programs, and the Penn State Agricultural Council. As a member of the House Agriculture Committee, I have seen first hand the exceptional work that College of Agricultural Sciences does and the services it provides to Pennsylvania's farmers.

Penn State University is also nationally recognized for the exceptional research and patient care provided at the College of Medicine, located in my Congressional District in Hershey, PA. This includes the recent partnership with the National Naval Medical Center to conduct cancer research. This joint venture will lead to important new advances in discovery, early detection, evaluation, treatment and prevention of cancer that will benefit both the military and civilian population. The Penn State College of Medicine has demonstrated great benefits to the local community as well as the state in general. According to a recent study, the College of Medicine has generated nearly $35 million in state tax revenue and created more than 13,500 jobs both directly and indirectly. In a state that has recently experienced a lack of new and competitive jobs, the value of this cannot be overstated.

Mr. Speaker, over its 150-year history, the Pennsylvania State University has proven to be an invaluable asset not only to Pennsylvania, but also to the entire nation as well. I'm extremely proud to have three Penn State Campuses located within my Congressional district. I ask my colleagues in the United States House of Representatives to join me in congratulating the Pennsylvania State University as we celebrate its 150th Anniversary.

PAYING TRIBUTE TO FRANCISCO CARMONA

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. McINNIS. Mr. Speaker, it is my privilege to pay tribute to Francisco Carmona and thank him for his work as Customer Service manager with the Seattle Washington Passport Agency. His years of commitment and dedication as a public servant is certainly commendable and worthy of recognition before this body of Congress and this nation today. Along with my fellow Americans, I am grateful for all that he has accomplished during his years of service.

Francisco attended the University of Washington. In 1986, he joined the State Department in Washington DC, where he assisted in researching routine and intricate passport cases. Francisco became an expert at complex citizenship law as a result of his research. In 1996, he transferred to the Seattle Washington Passport Agency and became the Customer Service manager. Francisco has been instrumental in assisting constituents with obtaining passports in life or death emergencies, complex citizenship cases, and expedited passports for last minute travelers. Francisco has been known to stay late, come in on the weekends and go the extra mile to help the constituents he is serving. He is highly regarded by his peers and superiors.

Mr. Speaker, it is clear that Francisco Carmona has been an invaluable resource to the Seattle Washington Passport Agency. It is my honor to recognize his service and dedication before this body of Congress and this nation. I am grateful for the opportunity to work with devoted public servants like Francisco. On behalf of the citizens that have benefited from the hard work and commitment he has given to the Seattle Passport Agency and the State Department and the constituents they serve, I extend my appreciation for his years of enthusiastic service.

HONORING DR. BLAINE SAYRE

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. CLAY. Mr. Speaker, I rise today to honor Dr. Blaine Sayre for being awarded the "Local Hero in Community Pediatrics Award" from the American Academy of Pediatrics. This award recognizes Dr. Sayre for being a leader through action and advocacy for children in the St. Louis community.

Dr. Sayre is highly committed to improving the health of children. As Medical Director of Health Care for Kids, Dr. Sayre maintains evening and weekend hours to provide accessible, high quality health care services to medically underserved and uninsured inner city children. He also serves as the Medical Director for Healthy Kids Express, which places two large medical vans near inner city schools and community locations to care for kids.

Mr. Speaker, his steadfast commitment and his passionate devotion have earned him the privilege of being honored today before Congress. His sincere dedication to the health of children in the St. Louis community makes him worthy of our recognition and I urge my colleagues to join me in commending Dr. Blaine Sayre.

HONORING THE MARYLAND SHOCK TRAUMA CENTER

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. RUPPERSBERGER. Mr. Speaker, it is truly my honor to stand and recognize the men and women of the Maryland Emergency Medical Services System and the R. Adams Cowley Shock Trauma Center at the University of Maryland Medical Center in Baltimore. After a near-fatal car crash in 1975, I was airlifted to the Shock Trauma Center where a team of dedicated physicians and nurses saved my life. It was a turning point for me and I am grateful.

The Maryland EMS system was the first of its kind in the Nation and the Shock Trauma Center stands as the "core element" of that system. In the late 1950's, long before we watched heroic doctors save lives on television's ER, Dr. Cowley of Maryland envisioned a medical facility dedicated to the mission of saving lives during that first critical "golden hour." What began as a 2-bed unit has grown to become a 102-bed dedicated trauma hospital that treats approximately 7,000 severely injured patients each year.

Dr. Cowley's vision has since become the national model for a fully integrated statewide EMS and trauma system. The Maryland Shock Trauma Center's survival rate is 98 percent. This survival rate is the product of Maryland Shock Trauma's faculty and staff, as well as, its pioneering techniques. Its state-of-the-art facilities and equipment attracts some of the best medical talent in the Nation. Through fellowships and other programs, the center will only continue to set the standard. However, Shock Trauma's success also rests on the efforts of the pre-hospital providers, both career and volunteer, the Maryland State Police Medevac system, the regional trauma centers throughout Maryland and the foresight and leadership of the Maryland Institute for Emergency Medical Services Systems (MIEMSS).

Proud, though I am of these accomplishments, don't just take my word on this. Recently the National Highway Traffic Safety Administration (NHTSA) conducted an assessment of Maryland's EMS and Trauma system. The Maryland EMS system was compared to predetermined "gold standards" and is recognized as positioned "to offer national leadership in promoting the continued development and improvement of other state systems". The report goes on to say that the system's acheivements "have much to offer in terms of promoting improved emergency care throughout the United States". This is a well-deserved and hard-won honor to so many dedicated and devoted emergency care professionals in the State of Maryland. Dr. Cowley's vision has become a reality that has exceeded everyone's expectations thanks to the unceasing efforts of pre-hospital providers, doctors and nurses and administrators, along with the unfailing support of Maryland's elected officials and its citizens.

I am grateful for the Maryland EMS and Trauma system, and particularly the Maryland Shock Trauma Center—for my family and the families of so many thousands of other survivors. I am honored to stand here today and recognize this amazing trauma system.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent for votes in this Chamber on July 6, 2004. I would like the RECORD to show that, had I been present, I would have voted "yea" on rollcall votes 326 and 327.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

SPEECH OF

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 2004

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4754) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2005, and for other purposes:

Mr. KIND. Mr. Chairman, I want to thank Chairman WOLF and Ranking Member SERRANO for all their hard work in putting the Commerce-State-Justice and Related Agencies Appropriations bill together. This legislation, while never perfect, includes important funding for programs helping our local economies grow, and keeping our communities safe.

I particularly commend the Appropriations Committee for providing $106 million for the Manufacturing Extension Partnership (MEP) program within the Department of Commerce's National Institutes of Standards and Technology. Through a national network of manufacturing extension centers. MEP is designed to benefit domestic manufacturers by providing expertise and services tailored to their most critical needs. This includes assistance in process improvements, worker training, and information technology applications. In Wisconsin, MEP has served over 110 firms. Unfortunately, the Bush Administration has repeatedly cut funding for MEP; the President's budget request has consistently cut funding for MEP, proposing an 83 percent reduction in FY04 and a 60 percent reduction in FY05.

In western Wisconsin, the Northwest Manufacturing Outreach Center (NWMOC), one of two MEP Centers in Wisconsin, has provided assistance to more than 900 companies over the past 10 years. Frank Borg, Joe Benkowski, and their team at NWMOC travel throughout northern Wisconsin helping companies ensure businesses are able to compete and grow in the global marketplace. Restoring funding to $106 million is critical to MEP's success in Wisconsin and throughout the Nation.

I also want to thank the Committee for restoring funding for State and local law enforcement activities which the President's budget proposed slashing by over 80 percent. The legislation restores funding for the Byrne Justice Assistance Grants and Bryne Discretionary Grants. In addition, the legislation rejects drastic cuts proposed by the President for the COPS program. In western Wisconsin, and throughout the Nation, the COPS program is more important than ever. As many rural law enforcement offices are being called up for service in the National Guard and military Reserves, the COPS program provides resources necessary to help communities meet law enforcement challenges.

In addition, the legislation provides $60 million to help fight methamphetamine production and distribution. Methamphetamine abuse has been increasing in rural Wisconsin, and we must continue to help fight against this dangerous drug.

Mr. Chairman, the legislation before us provides many important resources for our local communities, and I urge my colleagues to support it.

TRIBUTE TO TONY NAPOLET

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. RYAN of Ohio. Mr. Speaker, I rise today to pay tribute to Mr. Tony Napolet. Coach Napolet was recently recognized as Man of the Year by The Mahoning Valley Italian-American Sports Hall of Fame. Born on July 4, 1938 in Warren, Ohio, Mr. Napolet has long been an active leader in our community.

His service and leadership in the community began with his football career at St. Mary's High School in Warren, where in his senior year he led his team as captain. Mr. Napolet went on to play football while attending Marquette University where he received his undergraduate degree in Education, beginning a career dedicated to teaching both in and out of the classroom. He started his football coaching career at Marquette while studying at Marquette Law School. Returning to Ohio in 1961, Coach Nap taught at Harry B. Turner Junior High School while coaching the football, basketball and track teams. His amazing coaching skills and extraordinary dedication to the sport led to his first head football coaching assignment at JFK High School in 1970. Coach Napolet went on to coach at a number of different schools over the years, including a position at St. Mary's Middle School, which he describes as one of the most rewarding experiences he has had in athletics.

In 1990, Coach Napolet returned as head football coach at JFK High School. Thanks to his impressive leadership, his first year back resulted in the Kennedy Eagles winning the State Championship. During the sixteen years as the Eagles' head coach, Mr. Napolet has had seven playoff appearances and has won 124 out of 180 games.

It is also with great honor that I recognize the members of Coach Napolet's family: his three children: Harold, Mario, and Natalie; and his grandchildren: Aarika Marie, Anthony Mauro, Mario Anthony and Olivia Rose. I am pleased to know Coach Napolet and to consider him a friend. He is well known for his community work at St. Mary's Church and his constant involvement in many church affiliated projects.

His longstanding support of local baseball, basketball, and football teams has allowed the community's youth to participate actively in sports. Mr. Napolet is a proud descendant of Italian-Americans, and on behalf of the people of the 17th Congressional District, I want to thank Mr. Napolet for his outstanding commitment to our youth, education, and community. Mr. Napolet stands as an inspiration for all of us.

RECOGNIZING THE JOHNS HOPKINS HOSPITAL FOR ITS 14TH CONSECUTIVE YEAR IN TOPPING U.S. NEWS & WORLD REPORT'S RANKING OF AMERICA'S HOSPITALS

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. CUMMINGS. Mr. Speaker, I rise the 14th consecutive year that the Johns Hopkins Hospital has topped U.S. News & World Report's assessments of American hospitals. This distinction places them in the company of well-respected hospitals such as the Mayo Clinic and Massachusetts General Hospital.

Located in my district in Baltimore, Maryland, Johns Hopkins Hospital ranks in the top ten for 16 out of the 17 specialty categories including: #1 in Gynecology, Otolaryngology and Urology; #2 in Geriatrics, Kidney Disease, Neurology/Neurosurgery, Ophthalmology and Rheumatology; #3 in Cancer, Digestive Disorders, Hormonal Disorders, Pediatrics, Psychiatry and Respiratory Disorders; and #4 in Heart/Heart Surgery and Orthopedics.

Time and time again Johns Hopkins has been noted as one of the country's best hospitals, boasting some of the world's most renowned surgeons, notably my friend, Dr. Ben Carson—so it is no surprise that Hopkins has once again received this great distinction.

Though these rankings bode well for the institution, the true recipients of these accolades are the doctors, nurses and staff. These people commit their time and energy to the work of the Hospital and the patients, and it is their professional excellence, like the 2003 Nobel Prize in Chemistry (won by Peter Age), for the first triple-swap kidney transplant and other similar distinctions, that encouraged this collective recognition of Johns Hopkins Hospital.

Mr. Speaker, this recognition represents Johns Hopkins Hospital's commendable strides to improve development and to encourage the most conducive working environments. In 2003, the Hospital increased its infrastructure development as they moved scientists into a $140 million research building-the new front door to the School of Medicine-and broke ground on a second Cancer Research Building. Also, construction commenced on infrastructure for two patient care towers at The Johns Hopkins Hospital and at the Howard County General Hospital to open larger inpatient operating rooms, while the suburban outpatient facilities continue to expand.

In addition to this development, Hopkins Hospital has continually supported excellence in global education and healthcare—evident in the Hospital's 2003 opening of its first overseas division in Singapore where twelve full-time faculty members will lead training and research on diseases endemic to Southeast Asia.

Consistent with its desire to curb pandemic crisis abroad, Hopkins Medical has taken an active stance against the spread of disease and infection at home with their fight against bioterrorism. On the national front, with major federal grants, Hopkins' teams will apply lessons learned on-site to enhance safety in 55 Michigan hospital intensive care units and to develop nationwide hospital plans.

It is a wonderful moment when the nation recognizes the outstanding achievements of an institution that helps so many people here in America and abroad. However, my pride is not based on this recognition alone. Instead, it is based on the knowledge that my constituents and fellow citizens achieved this honor through their constant and estimable work. Work, which was dedicated not with the desire to receive an award, but with the intent to make a genuine difference.

HONORING MR. DALE FREESE FOR HIS 30 YEARS OF SERVICE TO THE CITY OF WESTLAND

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. McCOTTER. Mr. Speaker, I rise today in honor of Mr. Dale Freese and his 30 years of service to the City of Westland.

After serving honorably in Vietnam as an Air Force Staff Sergeant, Dale was approached by his family asking him to take over Norman's Market, a grocery market owned by his father, Norman Freese. Immediately after taking over, Dale expanded the store and improved the shopping environment, thus increasing sales. But Dale also used the store for the purpose of philanthropy, giving many organizations the use of his store for fund-raising purposes, including the March of Dimes and the Muscular Dystrophy Association. Dale has also given his own time for many worthy causes. In particular, he has provided his own resources to homeless shelters and has helped improve the job skills of local students through his participation in the Garden City High School co-op program. Above all, his generosity and civic activism have made him an important member of Westland.

Mr. Speaker, I extend my sincere appreciation to Dale Freese for all he has done and his fine example of how local business can make a difference in the community.

TRIBUTE TO CONGRESSMAN DOUG BEREUTER

SPEECH OF

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 2004

Mr. LANTOS. Mr. Speaker, during my entire 24 years in Congress, it has been my great pleasure to serve with my good friend and colleague from Nebraska, Congressman Doug Bereuter. As Doug is serving his last term in the House before assuming the Presidency of the Asia Foundation, I would like to take a few moments to share my thoughts on such an exceptional Member of Congress.

For the past 26 years in Congress, Doug has been a highly respected expert on American foreign policy, and has developed an immense network of national and international leaders who seek out his views on the global issues facing us today. For the more than two decades that we have served together on the International Relations Committee, Doug has been rewarded with increasingly important leadership roles. He served as Ranking Minority Member when I was serving as Chair of the Subcommittee on International Security, International Organizations and Human Rights in the early 1990s. A few years later, I served as Ranking Minority Member of the Subcommittee on Asia and the Pacific when Doug served as Chair.

Doug played a critical role in the key foreign policy debates in the International Relations Committee, always fighting for the responsible, internationalist position on important global issues. Colleagues on the Committee relied upon Doug because they knew he had done his homework, paid attention to the details, and consulted with the world's leading experts before pursuing an initiative. Doug has always been, and will continue to be, an invaluable resource for other Members of Congress.

Mr. Speaker, Doug's influence on American foreign policy, however, far transcends his important role in the International Relations Committee. Since 1986, Doug has served as a member of the NATO Parliamentary Assembly, which is the inter-parliamentary organization of legislators from the member countries of the NATO Alliance as well as Association NATO Members. Just two years ago, Doug was elected President of that important body—a measure of the high respect world leaders have for him. In that capacity he has played an important role in the NATO enlargement process. He personally visited every new member state and worked to assist these countries make the transition. In this position, Doug has brought credit, not only to himself, but to all of us who serve in the United States Congress.

Doug has also worked tirelessly to involve other Members of Congress in the NATO Parliamentary Assembly. He lobbied other NATO parliamentarians to ensure that at least three other U.S. Members were able to hold leadership roles in that body. CODELs to these meetings always included some 10–15 Members who were well prepared and involved, thanks in part to Doug's personal involvement and encouragement.

Doug has also been exceptionally loyal to his staff, many of whom have worked with him for decades. This is a tribute to his kindness, consideration and respect of others. And as a result, Doug has maintained one of the most effective and well connected staffs on Capitol Hill.

Doug and Louise will be greatly missed here in Washington, but we are pleased to learn that he will be residing in the Bay Area and leading an exceptionally-important institution, the Asia Foundation. We hope to continue our friendship and working relationship as he embarks on this new venture. Annette and I both wish him and Louise well.

SENATE—*Monday, July 12, 2004*

The Senate met at 1 p.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O Lord God, the Almighty and the all wise, how unreachable are Your judgments and Your ways past finding out. You are the source of all joy and the one who orders the morning. Let Your truth govern our words, dwell in our thoughts, purify our dealings, occupy and redeem our time.

Lord, bless our Senators with strength sufficient for today's challenges and illuminate their paths with Your light. May they walk in the way of integrity and sacrifice. Help them to give You their anxieties as they incline their hearts toward unity. Teach us all to cheerfully do Your will, so we may not fear the power of any adversaries. We pray this in Your powerful Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting Republican leader is recognized.

SCHEDULE

Mr. SANTORUM. Mr. President, today the Senate will resume consideration of the motion to proceed to S.J. Res. 40, the Federal marriage amendment. Discussions continue as to how best to proceed to the consideration of this constitutional amendment. While those negotiations continue, Senators are encouraged to come to the floor to speak on the amendment.

Friday, a number of Members came to the floor to talk on this issue, and we expect to resume the robust debate today. There will be no rollcall votes during today's session.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDENT pro tempore. The acting Democratic leader is recognized.

VOTING

Mr. REID. Mr. President, through the Presiding Officer to the acting leader, as we announced on Friday, we, the minority, would be willing to move to the resolution without a vote on a motion to proceed. We are willing to do that and set a time whenever the leader desires on Wednesday to vote on the resolution. Of course, that is with the understanding there would be no amendments to the resolution. We think that would be a fair way to approach this very important issue. There would be whatever time the leader wants. If he wanted to vote on Thursday, that would be fine. Whatever time is deemed necessary to the majority leader, we would be willing to abide by that. It would avoid a lot of the extraneous issues. It allows us to proceed without any procedural impediments and move right to the resolution.

We want to make sure there is no misunderstanding, that it is very simple. We are willing to move at any time convenient to the majority to a vote on the resolution itself, of course, with no amendments.

FEDERAL MARRIAGE AMENDMENT—MOTION TO PROCEED

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to S.J. Res. 40, which the clerk will report.

The legislative clerk read as follows:

> A motion to proceed to consideration of Senate Joint Resolution 40, a joint resolution proposing an amendment to the Constitution of the United States relating to marriage.

The PRESIDENT pro tempore. Under the previous order, the time until 6 p.m. shall be equally divided between the chairman and ranking member or their designees.

Mr. SANTORUM. Mr. President, in response to the Senator from Nevada, I appreciate his offer. I suggest we continue to work together to see if we can come up with a plan on how to proceed. It would be optimal to have a vote, a substantive vote.

As the Senator from Nevada may not be aware, there are different opinions on how to best address this issue. There are a couple of other proposals that have been floated out there that Members on our side would like to vote on by way of amendment to the underlying legislation.

This is an important piece of legislation. It is a piece of legislation on first impression here to the Senate and, given the importance of this legislation, it begs a full debate and the opportunity for different points of view to be expressed through the amendment process. While I appreciate the chance for an up-or-down vote on the Allard text, I do know of many Members who have different ideas and would like to see those ideas be reflected by way of amendment.

At this point, we are not capable of agreeing to that but we would be anxious to work with the Senator to see if there is some construct we can put together to allow this issue to be fully debated for those who have different points of view with respect to how to deal with this very important issue of protecting traditional marriage, that they have their opportunity to express their language, their preferable constitutional amendment as opposed to the one the Senator from Colorado has put forth.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, I have not spoken to anyone, but it appears from the body language I pick up and what I believe I hear my friend from Pennsylvania saying, they do not like the measure now before the body and they want to change it.

That is the problem we have when we report legislation directly to the floor without the necessary hearings. As to this matter that is now before the Senate, it is my understanding we have not had hearings before the Judiciary Committee where they should have gone on. The Senate Chamber is not the place to do what committees are there to do.

If there is some mistake or some other amendment that the Senators would rather have on the majority side, I suggest they take this back to the Judiciary Committee, have a full hearing, and decide really what they do want. It goes without saying it will not wind up being very pleasant if, in fact, we ever got to the resolution itself and this amendment were open to the amendment process. Everyone knows if that happens, this amendment would be bogged down with Christmas-tree-like ornaments called amendments.

We thought when we arrived and worked with our Members—Friday morning I personally called probably a dozen telling them what our plan was, not to have a procedural bottleneck to

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

this legislation—that we would move immediately to that. That was not really what some wanted to do. Some wanted an up-or-down vote on the motion to proceed. We were able to show them it was better for the system that we move directly to the resolution.

We also thought we have so many things to do. Just last week we had a closed evidentiary presentation on what is going on around the world and in our country with homeland security. There are things we need to do in that regard. Last week the distinguished Presiding Officer was here where my friend, the junior Senator from Pennsylvania, now stands trying to work something out so that we could move forward on the Appropriations Subcommittee on Homeland Security bill. That is something we should work on. We have all the appropriations bills to do. There is so much this body needs to do and we were trying to open up as much time in the remaining time we have left in this short legislative session before the August break, before the two national conventions, to provide more time on the Senate floor.

The leader told me last week one of the things he was considering is going to the Australian Free Trade Agreement. Some Members feel very strongly about that. I know the committee has had hearings on this issue. I have spoken to Senator HATCH on more than one occasion.

My only point is that we should not be amending this resolution on the Senate floor.

It is my feeling the best way to move to this is to move immediately to the resolution itself, do not have a motion to proceed which, if cloture is attempted on the motion to proceed, I do not think we will ever get to the resolution, and that is not fair. People in the State of Nevada feel strongly about it, as in the State of Pennsylvania, the State of Colorado, and the State of Alaska, one way or the other.

We should have the opportunity to vote up or down on this resolution, not on some procedural issue. But it appears to me that is where we are headed. We are headed as we are doing on so many other issues. Class action: I was not a supporter of the class action legislation, but for the class action legislation there was a 5-foot jumpshot to make that legislation succeed. I have to say, the majority did not miss the jumpshot; they did not even bother to take the 5-foot jumpshot. They walked away from that legislation.

I think the same thing has happened on a number of other issues. It appears to me what the majority wants is the issue, not a resolution of the issue. And now, if we are going to have to vote on the motion to invoke cloture on the motion to proceed, the majority can walk out and say: See what those Democrats did. They wouldn't even let us vote on the resolution.

I will tell everyone within the sound of my voice, we will allow a vote on the resolution. We want to go immediately to the resolution that is now before the Senate. I believe it is two sentences long, so it should not take a lot of thought as to what the resolution contains. I would say, with the great minds we have on the Republican side—and I do not say that in any way to castigate anyone; I believe we have people with great legislative experience in the majority, and this issue has been around for a long time—why in the world would they bring something before the Senate they do not want?

So I hope we can avoid procedural pitfalls and move directly at a time convenient.

I also say this: Senator KERRY and Senator EDWARDS would like to vote on the resolution. But if we cannot set a time certain, set a time uncertain, and they may or may not make it. We do want a time certain within a respectable period of time, but I hope this is not being done, so they are being prevented from voting on it. As you know, we had an important issue here a couple weeks ago where we set a time certain, we thought we had a time certain, and, as a result of our misunderstanding, Senator KERRY wasted a whole day here and was not able to vote.

So for whatever reason the majority appears not to want us to vote on the resolution itself, I hope that can be resolved. We want to get along. We want to allow as much time as possible on other issues, so there can be adequate debate on other legislation other than this matter.

What is going to happen if we proceed down this road, I would assume, is if the majority leader decides to file a cloture motion on the motion to proceed tonight, we will vote on it Wednesday, and that will be the end of this debate. That would be too bad, because I think people should vote on the resolution itself and not be able to hide under some procedural vote.

Maybe there are those on the other side who would rather not vote on the amendment itself. I think if we had a good, straight, up-or-down vote on the resolution, I would be surprised if we did not get 8 to 12 Republican Senators voting against the resolution now before this body. That may be another part of what the leadership is doing in this instance, saying simply: We are not going to allow the embarrassment to take place where this resolution gets 40 or 42 votes, when 67 are needed.

There are many who have said—and we have heard speeches on the floor—why are we doing this? Why are we voting on something that is doomed to failure? It will not pass. The constitutional amendment will not pass the Senate. In fact, as I said, if we had an up-or-down vote, maybe 42 votes would be in favor of it. That is 25 short of enough to meet the constitutional muster.

So for whatever reason, for whatever plan the majority has, we want a vote on the resolution. However, if the majority decides to bring this resolution to the floor, and it is amendable, I do not think the motion to proceed will prevail. I cannot speak for every Senator over here, but I can speak for a few of them.

The PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I appreciate the willingness of the Democratic whip to agree to having substantive votes because I think it is important to have a substantive vote. As someone who is a cosponsor of the amendment, I will assure you, I have no desire to have anything but an up-or-down vote on the amendments that have been talked about over here on this side of the aisle.

The point I would simply want to make to the Senator from Nevada is, No. 1, this issue has had many hearings. There have been seven hearings in congressional committees, four in the Judiciary Committee, ranging from one that was on September 4 of last year, one on March 3 of this year, one on March 23 of this year, and one on May 13. The first three were in the Judiciary Committee. The Subcommittee on Science, Technology and Space had one on May 13. The Finance Committee had one on May 5. The HELP Committee had one on April 28. And recently, the Judiciary Committee again had one on June 22. So there have been seven hearings.

This issue has been studied. As a result of the study, there are predominantly two different tracks people would like to take here. You have many who are supporting Senator ALLARD's approach. There is another approach many Members on our side would like to take. All we are suggesting is that at least those two ideas be given the opportunity to be voted on.

I do not think we are going to look for a whole long list of amendments. My guess is we would be content with one amendment to provide a little different option for Members on both sides of the aisle to look at, and maybe both sides of the aisle to be supportive of. This may be a situation where we have options available that can attract bipartisan support. Obviously, Senator ALLARD's amendment has bipartisan support; Senator MILLER is on that amendment.

It sort of bothers me a little bit when I hear the comment made—and it has been made over and over, not only here on the floor but by many pundits—about we have more important things to do. I cannot think of anything more important to America than family and marriage. I cannot think of anything more important than the basic social building block of our country, and that is what marriage is, that is what the family is. And it is in jeopardy. It is in serious, real jeopardy as a result of what the courts are doing—certainly in Massachusetts and potentially around the country—what mayors are doing, what county executives are doing, and others who are unlawfully acting. But in the case of Massachusetts, under the color of law, at least, or maybe lawfully, if you concede that, they are reinterpreting the Constitution to change the definition of marriage.

Now, to me, that is a very serious issue. I cannot think of a more important issue to come before the Senate than to say: What should the future of our culture look like? I think we need to do that in a way that is thoughtful and that is open to different ideas on how to address this issue, because one person, as well meaning as he may be—and I strongly support his amendment—he has one idea, a group of us have an idea. But there are other ideas out there that should be considered when this very important issue is debated. Why? So we can find the sweet spot, we can find what can build the greatest consensus in the Senate to do something to protect an institution which is at the core of who we are as a culture.

While I would say, yes, as we say around here, we try to keep the trains running on time and passing appropriations bills, I think the chairman of the Appropriations Committee, who happens to be the Presiding Officer at this time, will tell you we are not ready to pass all the appropriations bills at this point, that we are still waiting for the House to act and to do things to put us in position to deal with that. There are important issues at hand, but I cannot think of anything more important than this issue.

So I say to the Senator from Nevada, I would hope he would constructively engage in negotiation with us so we can have a full and fair debate, so we can have different alternatives so the Senate can work its will and hopefully try to find some language that will accommodate a supermajority of Members. I haven't heard any Member come down here and debate the substance of this issue. I suspect I will not hear any Member of the Senate come down here in the next 48 hours or longer and say that marriage should be something other than one man and one woman. There may be, but so far I have not heard that in the Senate.

Most who are opposing the constitutional amendment do so for a variety of reasons but not because they don't support the definition of traditional marriage. If that is the case, I would think we would want to work hard to try to find some way in which to protect this institution. Everybody admits, even those who are not for this constitutional amendment that has been proposed, that traditional marriage is under assault in the courts. Some would suggest this is an issue we just should not deal with. Some would suggest this is too heavyhanded a way.

Let's bring some people together. Let's bring the debate together. Let's see if we can find the language that would address this issue and stop what I believe is the death knell of our society, which is the ultimate breakdown of the traditional family and the meaning of that to future generations of children.

I know the sponsor of the amendment is here. I will yield the floor to allow him to speak. If the Senator from Nevada has a comment, I would be happy to yield.

Mr. REID. The Senator is giving up the floor?

Mr. SANTORUM. I yield the floor.

Mr. REID. Mr. President, I will be very brief because I know the Senator from Colorado has worked hard on this issue. I always thought we were going to vote on one constitutional amendment. It appears now—we haven't seen the request and I acknowledge neither has the Senator from Pennsylvania but I know the staff is working on a unanimous consent request to present to us—we will be voting on two constitutional amendments. That wasn't what I think any of us contemplated.

We will be happy to review in detail any of the proposals that the majority has. We always try to be as fair as we can. I hope we can do that sooner rather than later. We will respond as quickly as we can to the good-faith efforts of the majority, and we will respond in as good faith as we can to their offer.

I appreciate the comments of my friend from Pennsylvania. He and I disagree on a number of issues, not as many as some would think. I understand how seriously he feels about this issue. His heartfelt concern is something that is shared by many people in this body, both Democrats and Republicans. It is an important issue. Therefore, I think we should move to the resolution before the Senate and have an up-or-down vote on it as quickly as possible.

Let me say to the Senator from Colorado, who has spent so much time on this issue, I recognize his deep concern. I apologize to him because he has been here since we started.

The PRESIDENT pro tempore. The Senator from Colorado.

Mr. ALLARD. Mr. President, I wish to briefly respond. First, I thank the majority leader and the minority leader for working on this issue. I think we can get it worked out as to how we should proceed on the floor. This is an important issue this country faces in how we are going to deal with marriage. It has not been an issue hastily brought to the floor of the Senate. There have been hearings for at least almost 10 months now on this very issue.

We have had four hearings in the Judiciary Committee and the other three scattered throughout other committees, talking about the impact on children and what has happened from a socioeconomic change in countries—for example, Scandinavian countries that have recognized same-sex marriage for some time, how that has deteriorated and the fact there are so many children today born out of wedlock in those countries, whereas before that societal change happened where we define marriage, babies born out of wedlock was not such a high number. In fact, in the Scandinavian countries now, we have a greater incidence of babies born out of wedlock than are born in wedlock.

We have countries, such as the Netherlands, just more recently accepting the idea of same-sex marriage which have been recognized prior to that as countries that valued the traditional institution of marriage and actually had a very low divorce rate and very low rate as far as children born out of wedlock. But when we look at the Netherlands now, we see, with the demeaning of the value of marriage, that there are more and more children being born out of wedlock. That is a disturbing trend to many of us.

When you go to put together language that goes in the Constitution, it is with a lot of consideration and you have to spend a lot of time visiting with a lot of constitutional scholars. I have done that. This has been debated among our Federal colleagues. There are people who have different views, as with any constitutional amendment that has ever been brought to the Senate or before the Congress. There are always different views on that. I can't recall a constitutional amendment that ever came before the Congress when there was not some debate on it.

When you are asking to bring it to the floor, you have to expect there are going to be some differences of views. The preponderance has been that those provisions we have in this particular amendment that I have put together and introduced is the right balance because we define marriage as a union between a man and a woman. I don't think there is any doubt about that language. It is very straightforward.

We have a second sentence in the amendment that says there is a limited role for the courts. In other words, the courts shall not go ahead and define marriage other than what we have defined here. But we recognize there is a definite role for the States. We allow States to move ahead, through the democrat process, and to deal with issues such as civil unions and domestic partnerships and the benefits that may accrue with those types of classifications through the legal system.

This has been carefully thought out. We have individuals over here who have sort of the Federalist philosophy. I have sort of a Federalist philosophy.

I don't want to see the Government messing around in State affairs, so we have kept that at a very minimum. All we do is define marriage at the Federal level. Then we say it is up to the States now to decide how they want to deal with civil unions and domestic partnerships. We needed to do that in order to limit the power of the courts.

This is a constitutional amendment. It deserves a lot of thought and debate. I am very pleased to have a number of cosponsors. The hearings have gone very well. I do wish that in our hearings we had had more participation from the Democrats. In fact, I can recall a number of hearings where nobody showed up from the other side. There were two hearings held where there was a lot of participation from the other side, but at the other five hearings there wasn't any participation at all. So this is an opportunity for people to participate.

Anytime you talk about some kind of rule that you are going to put forward in the Senate where you limit debate, limit people's ability to participate, it is always going to be somewhat controversial. I don't think the assistant minority leader should be particularly alarmed at the fact we are having some discussions about how we should move forward. The last time I looked, I think there were some four bills that have been blocked from becoming major bills—such as the energy bill, for example—from coming to the floor of the Senate because of a filibuster. We have a number, I think about four bills or so that have passed the Senate and are not allowed to go anywhere because the other side has not appointed conferees. We have had the obstruction going on with the judges.

That is well known. I don't need to go over that, what has been debated. We spent a couple of all-nighters in the Senate talking about the obstruction of the judges and how it is important that we fill those positions.

My hope is we can move forward and come up with a reasonable rule, where everybody feels comfortable. That is what we are trying to do on this side. The two meetings that had such good participation were both in the Judiciary Committee. At the first one we had, I and a number of other individuals had an opportunity to testify in front of the committee. Another was with Governor Romney from Massachusetts who came forth to testify. He pointed out to the committee the complications they have had in their State as a result of this debate, how it needs to be clarified, and that he came down in support of defining marriage as being between a man and a woman.

There were a lot of implications that I think came out of his testimony and needed to be debated and brought out. I hope we will be able to have an opportunity—in fact, if nobody does it, I plan on putting his testimony in the RECORD. I thought it was very good testimony.

So here we are, and we have before us now, after the initiation of the debate last Friday, this amendment that talks about marriage. Again, I want to make clear that everybody understands the language. It says:

> Marriage in the United States shall consist only of the union of a man and a woman.

The second sentence is:

> Neither this Constitution, nor the constitution of any State, shall be construed to require that marriage or the legal incidents thereof be conferred upon any union other than the union of a man and a woman.

That language came about after a lot of deliberation, which included staff and members of the Judiciary Committee. Even though it wasn't voted formally out of the committee, there has been a considerable amount of debate and a lot of scholarly thought about it, and constitutional experts have been approached as far as what would be the best language.

I think we need to move forward with the debate. I am looking forward to hearing from the other side on this important issue. So far, we have had red herring arguments and them wanting to talk about something else other than this amendment and the issues it brings up. I hope we can now settle down and get a good debate from the other side about why they don't think marriage ought to be defined as a union between a man and woman, or why they don't think this is a good amendment. So far we have heard argument on procedure and that doesn't get to the meat of the debate.

I urge my colleagues on the other side to step forward. Let's hear their views and have this debate on this most important amendment.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

Mr. SANTORUM. Mr. President, I was not here on Friday, so I did not get a chance to hear a lot of the debate going on. I commend my colleagues. I read some of their statements. I thank them for the high level of debate that has taken place so far.

Whether it was Senator SMITH's comments, or Senator CORNYN's comments, or Senator ALLARD's, and others, they are trying to bring to the debate two fundamental points, which are that every person in America, every person in this world, has worth and dignity and we should respect them, irrespective of the choices they make in their lives. That is an important concept that I hope we do not stray from in this debate; that this is not a debate about questioning the value or worth of an individual or the dignity of an individual or the rights of an individual. What this is about is the fundamental importance to our society of preserving, protecting, and promoting marriage as a union between one man and one woman.

So I hope we can engage in a debate where we can keep both things in mind, because sometimes it is thought that if you are for traditional marriage, somehow you are against somebody. That is not how I see it. I think traditional marriage is good for everyone. It results in a healthier society, more stable children.

I am going to refer throughout the course of my remarks over the next couple of days to a paper that was presented at Emory University on May 14, 2003, which I think is one of the best studies I have seen in looking at this issue of marriage. One of the reasons I think it is so good is, No. 1, it responds to all of the allegations or charges made against those who support traditional marriage. It is authored by two people, one of whom is gay. So you are hearing arguments from someone who you would think normally would agree that traditional marriage should be redefined; in fact, he argues in this paper, quite effectively and forcefully, that traditional marriage is important to be maintained—not because he thinks it discriminates against him, but because it is important for our culture and society.

I want to read a few things from the summary of that report just to give people a sense of why this is such an important issue to be debated. In this country, we tend to take marriage for granted, thinking that somehow or another it will just happen, that people will get together and marry and will have children, whether we have an institution called marriage or whether that institution of marriage is redefined to include a whole host of other different relationships that really won't affect the basic traditional marriage. In other words, some might say, how will my relationship affect me? How will that affect your marriage?

Well, let me address that because I think this summary does a pretty good job in doing this. The name of the article is "Marriage Ala Mode; Answering Advocates of Gay Marriage," by Professor Katherine Young and Paul Nathanson.

The summary begins:

> There's nothing wrong with homosexuality. One of us, in fact, is gay. We oppose gay marriage, not gay relationships.

They go on to say:

> Most people assume that heterosexuality is a given of nature and thus not vulnerable to cultural change, that nothing will ever discourage straight people from getting together and starting families. But we argue—and this is important—that heterosexual bonding must indeed be deliberately fostered by a distinctive and supportive culture.
>
> Because heterosexual bonding is directly related to both reproduction and survival, and because it involves much more than copulation, all human societies have actively fostered it. . . .This is done through culture: rules, customs, laws, symbols, rituals, incentives, rewards, and other public

> mechanisms. So deeply embedded are these, however, that few people are consciously aware of them.
>
> Much of what is accomplished in animals by nature ("biology," "genetics," or "instinct") must be accomplished in humans by culture (all other aspects of human existence, including marriage). If culture were removed, the result wouldn't be a functioning organism whether human or nonhuman. Apart from any other handicap would be the inability to reproduce successfully. Why? Because mating (sexual intercourse), which really is largely governed by a biological drive, isn't synonymous with the complex behaviors required by family life within a larger human society.

What are they saying? Will heterosexuals continue to copulate, have sexual relations? Sure. Will they build families. Nobody is suggesting that if we get rid of the definition of traditional marriage, there is going to be a explosion of nontraditional marriage. That is not what they are saying or what I am saying. I suggest that in those countries that have, in fact, adopted whether it is same-sex marriages or civil unions, they have not seen a traumatic growth in the number of same-sex unions or same-sex marriages. In fact, there have been very few of them in the countries that have adopted those laws.

But what has happened? There is a gradual and systematic decline in heterosexual marriages, not heterosexual unions. People will continue to hook up. In fact, that is what occurs more and more in cultures, even in this country, where marriage is not held up as something that is important. We see it around us. There are cultures and subcultures in America where marriage is seen to be an older, passe convention.

What happens is there is actually more sexual activity, certainly among multiple partners and, what? Breakdown of the family, children being born out of wedlock, and communities and cultures in decay. That is what I see on the horizon for America.

It is not the reaffirmation of marriage by including more people in it but the degradation of marriage because it becomes simply a social convention without meaning. One may say: What is the big deal? What is the problem if that happens? The problem, if we look at communities in America where marriage has broken down, we see communities that are not functioning very well. We see children who are the most at risk in our society because moms and dads are not around the home to provide for them. So we have community breakdown, we have family breakdown, and we have government intervention trying to repair this situation.

There have been huge government expenditures over the last 40, 50 years trying to repair what is broken as a result of the family not being there to raise these children.

I was a student at Penn State many years ago. I always like to get back to my college campus. A few years ago, I went to speak to a group of students, the editorial board of the Daily Collegian. The Daily Collegian is the college paper. I am not sure that in the 14 years I have been in public life they have ever said anything positive about me. Nevertheless, I went to meet with them.

We had a very animated discussion, as one tends to have on college campuses with young people with vibrant ideas and a zeal for ideology. We were disagreeing on everything, not surprising. I do not know how it came up—I have been digging my memory banks and I cannot remember exactly how it came up—but I asked the question, What do you see as the biggest problem facing America? One young man in the back raised his hand and said: The breakdown of the traditional family. The breakdown of the family.

I thought immediately when he said that, first, he must not have been engaged in the discussion for the previous half hour, and I thought he would be laughed at and ridiculed by others around the table. What I found was unanimous agreement. One after another of these young folks, who would not be considered traditionalists or conservatives, went on about how the breakdown of the family is sort of at the root of the instability or insecurity they are feeling in their lives and that the culture is experiencing at this time. They talked about divorce. They talked about how marriage was not what it used to be.

In fact, there was a survey done where they asked kids in the 1970s whether divorce should be harder to get, and about 50 percent of the kids said, yes, divorce should be harder to get.

They asked a similar group of kids 25 years later, in the late 1990s, whether divorce should be harder to get, and 75 percent of the kids now say divorce should be harder to get. Why? Because they realize the impact of the breakdown of marriage and family.

One of the criticisms we hear from those who oppose this constitutional amendment is: Marriage is already in very bad shape. Divorce rates are high. Marriage does not work already in America. This is no big deal. You cannot really hurt marriage.

I make the opposite point. I think it is obvious. They are right, marriage is already in tough shape. Many commentaries have said heterosexuals have messed up marriage as bad as they can in this country and in other countries around the world.

I make the claim that further deluding and debilitating marriage is not the answer because we know of the dire consequences that a breakdown in marriage results in with respect to children.

I make the opposite argument: Yes, I would argue divorce laws should be tougher. I agreed with Louisiana when they put in covenant marriages. I believe the no-fault divorce laws in the 1970s changed the essence of marriage, which is about a man and a woman entering into a selfless relationship, a union on which they would further give of themselves in the creation of new human life and nurturing that life. It was a selfless act, giving of oneself, giving up things to each other. That is how successful marriages work, and that is how successful marriages nurture successful children.

With no-fault divorce and with the culture that came along with it, we have marriage being about adults, not about children. It is no longer about forming a union for the raising of children in the next generation. It is about: Am I happy in my marriage? Am I being fulfilled? It is less selfless and a little bit more selfish.

So if we look at this next generation of marriage, what is that? Is it about the selfless or is it about the selfish definition? Is it about children? Certainly a change in the definition of traditional marriage to include people of the same sex is not about children, it is about adults. That further takes us away from the central principal purpose of marriage, which is the bonding of a man and a woman for the purpose of creating a union by which children for the next generation are born. So we continue to get further away from the ideal, and when we do that, children suffer and cultures die.

I repeat, I do not know why people come here and insist that somehow this is not important; that somehow this discussion does not rise to the level of a constitutional amendment. That is another real funny one. I am sure that was discussed on Friday. The Presiding Officer gave an absolutely brilliant opening statement on Friday, and I commend him for his wonderful statement. I know he knows what the last constitutional amendment was.

I have heard two complaints about constitutional amendments: This issue is not important enough to rise to a constitutional amendment. That is No. 1. This is not important enough. No. 2, this limits rights, and no other constitutional amendments have limited rights.

The last constitutional amendment, the 27th amendment to the Constitution, limited pay raises for Members of Congress. So let's throw out the limiting rights. My rights have been limited as a result of the 27th amendment. As a Member of Congress, we cannot pass a pay raise and accept it midterm. Constitutional amendments have been used to limit rights.

No. 2, this does not rise to a level of importance. I do not think in the grand scheme of things whether Members of the House and Senate can receive a pay raise during their term is one of the great pressing issues that face our culture and our country. So the idea that the Constitution is not used for issues that are not of great weight and do not limit rights is ridiculous.

The second point is, I do not believe this limits rights. What this does is promote a public good. It does not limit rights. It simply promotes a public good, and it is the union of a man and a woman for the purpose of forming that union and providing for the next generation.

I suggest this constitutional amendment is necessary and is important enough to be debated today. Again, I hope we can come up with some agreement that will allow the different points of view as to how we solve this problem, and maybe some other points of view from the other side of the aisle as to how we solve this problem.

To get to the bottom line of this debate, the bottom line is children need mothers and fathers, and society should be all about that. Society should be all about creating the best possible chance for children to have a mother and a father. Unless the State endorses that, unless our laws enforce that, then I think it is fairly obvious that our culture will not, and that left to our own devices, as these authors say, we will simply not have these unions.

In fact, if we look at other countries, Stanley Kurtz has done some research in countries around the world where this has occurred. In his article, "Decline in Marriage in Scandinavia and the Netherlands," he talks about the reduction in the rate of marriage among heterosexuals. He talks about the increase in the number of children born out of wedlock as a result of the institution of a different definition of marriage. So we see in other countries that when marriage is changed, it is devalued. It does not become special. It does not become unique. It is not reinforced by society as something as the ideal. As a result, people do not engage it.

For example, the countries of Denmark, Sweden, and Norway have either marriage or civil unions for same-sex couples. Sixty percent of first-born children in those countries are now born out of wedlock. Now, that is equivalent to some of the poorest neighborhoods in our society. Remember, I talked earlier about how the breakdown of marriage has affected the poorest communities in our society and our culture, and in many of those cultures marriage is not accepted, and as a result the Government has to come in and bail out those communities because there are no unions, there are no families, there is no support network for these children? In middle-class and upper middle-class, socialistic, equality-driven Scandinavia, where there are no ghettos of poverty that we see in America, 60 percent of first-born children in these countries are born out of wedlock. Why? Because marriage is not important. It has no meaning. So people simply do not get married.

There is a long laundry list which I will get into in more detail. I am trying to make a general overview of some of the arguments, but I will be getting into more detail throughout the next couple of days.

Marriage is about children. Marriage is about the glue that holds the basic foundational societal unit together, and that is the family. When we change the composition of that glue, we weaken the bonds of marriage and then we weaken the American family.

Why a constitutional amendment? I think the Senator from Colorado said it, and I know others have, too, that if we really believed we could solve this problem short of a constitutional amendment, let me assure everyone I would not be on the floor of the Senate today arguing this issue. This is hard. It is hard to come to the Senate floor and argue for any constitutional amendment. It is doubly hard to actually pass one because 67 votes are needed in the Senate, plus three-quarters of the States. If we could come up with a legislative solution that would solve the problem that I see of runaway courts, I would be very anxious to find it. We tried back in 1996 with the Defense of Marriage Act, but just about every legal scholar who has come around has said the Defense of Marriage Act will not stand, from the left to the right, and I will get into that in further discussion.

I see the Senator from California is in the Chamber, so I am not going to spend much more time, but the idea that we could pass a statute to constrain the courts from reinterpreting the Constitution I believe is folly. We cannot. The only way for us to have the American people define what marriage is, instead of State courts defining what marriage is, is through the constitutional amendment process.

Some will get up and say, let us leave it to the States, let the States fight this, like Massachusetts is doing, let the States fight this battle. What we are seeing in Massachusetts is the States cannot fight this battle. Ultimately, if one looks at the Lawrence v. Texas decision and the full faith and credit clause, there is no question in my mind that the States will be powerless to defend themselves against these runaway judges.

In essence, the Constitution will be amended. It will either be amended by a group of State judges who will grab from the language of the Constitution a right for anybody to be married to anybody else or the American people through the process that was established in our Constitution, which is a very difficult process.

As a citizen, it is rather upsetting to look at the Constitution as a document and say, well, to create new rights under the Constitution we have to have two-thirds of the Senate, two-thirds of the House and three-quarters of the State legislatures, or four judges in Massachusetts. I looked through the Constitution many times and I never saw that four-judges-in-Massachusetts clause, but that is what goes on. We either do it that way or go through this complex process that is very hard. Why? Because constitutional rights are big deals. It is an important thing. We should not create new rights in our Constitution without a very deliberative, thoughtful process, and the American public should be engaged in that process. That is what we are about today. We are about engaging the American people in the thoughtful process of determining what marriage should be in America.

I would argue that those who oppose this process are saying one thing: Let the courts do the work that I do not have the courage to stand up and fight for myself. Let's be clear about that. Let the courts do the work that I do not have the courage to articulate for myself. Oh, we will all get up and say we are for traditional marriage and we like traditional marriage. If my colleagues are for traditional marriage, there is one way to make sure it is maintained. They can say, I do not like this idea or I do not like that idea, but there is one way to make sure, if they are really for traditional marriage, if they really believe this is an important building block of our society, if they really believe marriage is about the union of one man and one woman for the purpose of the future of our culture, there is one guaranteed sure-fire way to make sure that is maintained, and that is through a constitutional amendment.

Now, my colleagues can argue until the cows come home that they do not like this way of doing that, and that is fine, and that there are other alternatives to pursue, but if they really care about preserving one man and one woman in a union called marriage, there is one sure-fire way to do it, and that is to vote for a constitutional amendment that does it. Any other excuse is simply that—an excuse to let someone else do their dirty work.

I do not hear any of my colleagues who say this is not the way to amend the Constitution writing letters to the litigants in Massachusetts and 11 other States who are suing to change the marriage laws in those States to allow for a redefinition of marriage. Where is the outrage? Where are they writing saying, oh, we do not think that is the way it should be changed, either. We do not hear them criticizing those who want to change traditional marriage and saying do not do this, do not file these lawsuits, do not seek to have these marriages recognized. We hear nothing. We just hear, we will just let someone else handle this.

All it takes for this change in marriage in America is for well-meaning, good people to moderately, deliberately, simply do nothing—just sit back, claim their virtue, claim their belief in one man and one woman in marriage, and allow someone else to change it, and then come and say, well, it is too late, or we cannot take marriage away; these people are already married. How can we take that right away?

If my colleagues believe in their heart, for the betterment of America, that marriage must be maintained for the good of the American family as a union between a man and a woman, there is only one choice, and that is to vote yes. Anything short of that is a hollow act, is a smokescreen, to the American people and to their constituents. My colleagues cannot claim to be for something and then vote against it and let someone else do the exact opposite of what they say they want, and that is what the courts will do. So I plead with my colleagues, who I believe have every good intention, to search their souls and to think about the consequences for America.

Because other speakers have arrived, I will yield the floor in a minute. I know people come with good intentions and I know people do not want to be seen as intolerant, and they do not want to be seen as hateful or mean spirited or being against anybody.

It is not easy, standing up against this popular culture in which we live. But think about the future of America. Think about the future of America without the institution of marriage because that is what we are debating. It is not a matter of redefining marriage. It is simply that marriage will be a social convention which will have no meaning and therefore we will be without it.

Think about the future of children in America, where we say they do not deserve a mother and a father and that we are not going to give them the legal force to encourage it and hold it up as the right thing to do.

Look in the faces of those children and say: You just were not important enough for us to stand against what is very unpopular in the culture of today. I daresay, this debate, this vote, this issue will be read in history books in America—I hope in America—years from now as that turning point. I hope my colleagues are on the right side of history.

I yield the floor.

The PRESIDING OFFICER (Mr. SMITH). The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I wish to make an argument directly contrary to the arguments just presented by the distinguished Senator from Pennsylvania. I do not consider myself an expert on marriage. I have been married for a long time. I have one daughter, three stepdaughters, and five grandchildren. I celebrate marriage. I understand the difficulties in working to keep it together. But I believe this is a waste of time.

The votes are not present to submit this amendment to the States. The timing is just a few months before an election, and family law has always been relegated to the States. This essentially would be the first departure from that.

My argument today is based on my understanding of the law. My understanding of what is happening in the States indicates to me that the States are well able to handle the issue of marriage on their own. The tenth amendment of the U.S. Constitution clearly states:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Marriage is not once mentioned in the Constitution. Most authorities believe it to be a power reserved to the States.

As early as 1890, that is 114 years ago, in In Re Burrus, the United States Supreme Court, in a child custody dispute, stated:

> The whole subject of the domestic relations of husband and wife, parent and child, belongs to the laws of the states, and not to the laws of the United States.

Later, in a 1979 Supreme Court decision, Hisquierdo v. Hisquierdo, the Court stated in dicta:

> Insofar as marriage is within temporal control, the States lay on the guiding hand.

Furthermore, the courts have long held that no State can be forced to recognize a marriage that offends a deeply held public policy of that State. States, as a result, have frequently and constitutionally refused to recognize marriages from other States that differ from their public policy. Polygamous marriages, for example, even if sanctioned by another State, have consistently been rejected. Marriages between immediate family members have also been rejected by States, even if those marriages are accepted in other parts of the country. In no case that I know of has the full faith and credit clause of the U.S. Constitution been used to require a State to recognize a type of marriage that would violate its own strong public policy. So States have been on their own with respect to family law, including marriage.

Even as we consider the Federal Marriage Amendment, we see that the States are taking their right and powers as they relate to family law and marriage very seriously. Thirty-three States have passed their own Defense of Marriage Acts, banning same-sex marriages, and five have passed ballot initiatives banning same-sex marriages.

My own State, California, passed a Defense of Marriage Act in the year 2000. Proposition 22 was ratified by an overwhelming majority of Californians, 61 percent. The California Family Code now states that:

> Only marriage between a man and a woman is valid or recognized in California.

That is the law of my State. That policy statement trumps all local and other law.

Earlier this year, the mayor of my city, Gavin Newsom, of San Francisco, decided this law was unconstitutional and ordered the county clerk to issue marriage licenses to same-sex couples. These actions did not go unnoticed, and the California State Supreme Court subsequently enjoined the county clerk from issuing any further marriage licenses, and the county complied. Oral arguments were heard on the cases on May 25, and the State Supreme Court will issue its decision within 90 days.

However, I want to make clear, crystal clear, that the Court is not deciding on the constitutionality of Proposition 22, which said that marriage shall be between a man and a woman. Rather, the Court issued orders to show cause in Lewis v. Alfaro and Lockyer v. City and County of San Francisco, limited to the following issue: Were the officials of the city and county of San Francisco exceeding or acting outside the scope of their authority in refusing to enforce the provisions of Family Code sections 300, 301, 308.5, and 355 in the absence of a judicial determination that those statutory provisions are unconstitutional? In other words, acting in defiance of the statewide referendum?

The orders to show cause are specifically limited to this legal question, and they do not include the substantive constitutional challenge to the California marriage statutes themselves. The marriage statute, therefore, is not in jeopardy of being overturned.

When we look around, we see that California is not the only State where people are speaking out about same-sex marriage. In fact, a lively debate is taking place throughout the country.

On July 6, the Washington Times ran an article entitled, "Marriage Gets a Boost in Michigan." The article notes that the supporters of traditional marriage in Michigan recently turned in approximately 475,000 signatures to put a State constitutional amendment before the voters this November. An organizer of the effort was quoted to say:

> The people responded. . . . They're tired of politicians and activist judges making changes without having a voice. This gives them a voice.

The article goes on to say:

> Michigan's achievement marks a four-for-four victory for those who want marriage amendments on the November ballot.

Montana, Oregon and Arkansas will place similar measures on their ballots this November. Mr. President, your own State will have one on the ballot. North Dakota and Ohio are collecting signatures necessary for ballot measures.

As you can see, the States have taken up the just powers accorded to them by the Constitution of the United States and are responding to this issue, and that is as it should be.

The Family Research Council reported in a press release on July 9:

> [A]n unprecedented nine States already have State constitutional amendments on the ballot this fall and that number is expected to increase to at least 14 States. Thirty-eight States have previously gone on record stating marriage is between one man and one woman. The people are making their voices heard in their States but unfortunately that is not enough.

Yet in the words of the Family Research Council, these actions by States are "unprecedented" and show that a process is, indeed, taking place throughout the country and that the people are active participants. Through that process, the people do have a voice and they are being heard. I believe interference from Washington in this political process is premature, unnecessary, and not in the context of the Constitution of the United States.

In light of this, it appears that proponents of the Federal Marriage Amendment disregard the debate occurring in the States and point only to Massachusetts and the fact that marriage licenses are being issued legally to same-sex couples there. They argue that the same-sex marriages in Massachusetts, the first State to allow such marriages, are what is driving the need to enshrine in the Constitution language that marriage is between a man and a woman. I disagree.

Even in Massachusetts, the State legislature has begun work on a State constitutional amendment to bar same-sex marriages but allow civil unions. This amendment is certainly not guaranteed to pass, but it is clear that the people of Massachusetts are dealing themselves with the issue as was intended and, again, it would seem without the need of assistance from Washington.

Because several dozen States have already passed a prohibition on same-sex marriage, it seems clear that in those States an argument could be made that strong public policy would lead to a refusal to recognize out-of-State same-sex marriages.

So it is not a problem demanding an immediate solution. There is a process taking place in the States throughout the country as was envisioned by the Constitution. For us to act now is not only premature but it isn't going to work because the votes are not here.

So why are we doing this? Why are we doing this when we have only passed one appropriations bill? Why are we doing this when last week we just had a briefing on the impact of terrorism on this Nation and we haven't passed a Homeland Security bill? Why are we doing this when the Constitution has reserved family law to the States and when States by the dozens have already taken up the issue and passed, either by legislature or by vote of the people, marriage amendments? Why are we doing this?

The only answer I can come up with is because this is political. It is to drive a division into the voters of America, into the people of America, one more wedge issue at a very difficult time to be used politically in elections. Everybody in this body knows they are nowhere close to 67 votes. If there were a motion to proceed, there might not even be enough votes for a motion to proceed.

Why are we doing this? Why are we stirring up the Nation? I probably have 53,000 pieces of mail on this subject alone. People do not understand that the Constitution relegates family law to the States, and has relegated the issue of adoption, marriages, and everything having to do with family law to the States.

My daughter happens to be the supervising judge of the family court in San Francisco. You can talk to any judge and see just that. The States have responded. It is not as if the States have ignored those issues. More than 36 States—more than three dozen States—have passed legislation, and 8 are moving shortly.

For the life of me, I don't understand what honest motive there is in putting this in front of this body to philosophically debate marriage on a constitutional amendment that is not going to happen, and which is enormously divisive in all of our communities.

I hope my colleagues will exercise prudence and tread carefully with our Constitution. I don't think we want to put out an amendment—I don't think we can, but let us say with some change and there were 67 votes, as the Senator from Pennsylvania correctly said, it then has to go to a vote of three-quarters of the State legislatures. When three-quarters of the States have already taken action, why would they ratify this? I think it is a useless exercise.

I have been on the Judiciary Committee long enough now to be able to take an issue and see if it is properly before us. I don't believe a constitutional amendment reserving the right of marriage to a man and a woman is properly before us because I believe that is an area clearly relegated to the States, and the States are exercising that right.

Thank you very much. I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I have been watching this debate and there hasn't been much from the other side, but I commend the distinguished Senator from California for at least coming to the floor and expressing her viewpoints on this. As you know, she is a very important member of the Senate Judiciary Committee, and I enjoy working with her. I also understand her arguments that the States ought to decide these issues. But more preferably interpreted, if she likes the status quo that means the State courts must decide these issues and not the people of the States or the State legislatures. Frankly, I agree that the States should be able to decide these types of issues. The powers should not be taken away from them and given to the courts.

In fact, 40 States have decided this issue in the Defense of Marriage Act, called DOMA. You would think that would be enough. I believe the other 10 States will adopt the Defense of Marriage Act over time which provides a marriage should be between a man and a woman.

If my colleagues believe that the States ought to decide these matters, then they have to acknowledge that the 40 States which have should trump the 4-to-3 decision by an activist Massachusetts Supreme Court.

The debate over marriage boils down to two fundamental questions: Should our goal be to keep marriage limited to a man and a woman? And, if so, is amending the U.S. Constitution necessary to accomplish that goal?

The answer to both questions is yes.

The first question, whether we should keep marriage between a man and a woman, can be examined in several ways. First, we can look at different kinds of polls. In the last few months, polls by reputable news organizations such as CBS News, FOX News/Opinion Dynamics, Newsweek, Time/CNN show that by at least 2 to 1 Americans would not redefine marriage. Not only is this polling overwhelming, but it exists in the face of a barrage by the liberal media urging a different answer to this question. These polls tell something about the opinions of individual Americans, again, that flies in the face of having four justices in Massachusetts decide under the full faith and credit clause to impose this upon everybody in America rather than have the people in America or the people within the individual States decide these matters. These polls tell something about the opinions of individual Americans.

Another kind of poll examines what the elected representatives of the American people do on their behalf. Two years ago, the Supreme Court repeated its long-held guidance that "the clearest and most reliable objective evidence of contemporary values is the legislation enacted by the country's legislatures." That evidence confirms the same conclusion: The American people oppose redefining traditional marriage.

In 1996, Congress overwhelmingly passed the Defense of Marriage Act. As I mentioned, 40 States have adopted it and President Clinton, a Democratic President, signed it into law. As its name implies, this legislation was intended to defend what marriage has always been, a union between a man and a woman.

Since 1996, the citizens and legislatures in nearly every State in the Union have taken one or more steps to further protect traditional marriage. Again this year, citizens in several more States have collected hundreds of thousands of signatures to put before voters State constitutional protection for traditional marriage.

Speaking of signatures, last Friday, some of my colleagues received nearly 1.5 million petitions from Americans to protect traditional marriage and more are on the way.

This issue is not going to go away. Whether traditional marriage should remain what it always has been, the goal most Americans support, requires amending the U.S. Constitution. If the answer is yes, no one should be able to get away with professing support for traditional marriage but refusing to do what is necessary to make it real. Some have indeed tried to have it both ways, saying they want to keep marriage between a man and a woman but refusing to take any real steps to do so.

Last Friday, for example, I pointed out how Senator **KERRY**, the distinguished Senator from Massachusetts, has publicly said marriage should be between a man and a woman, yet voted against the Defense of Marriage Act which would allow that to occur. I pointed out he said there is no reason to vote for the Defense of Marriage Act because the States have enacted contrary to it. His own State, since then, has.

Does that mean he would vote for a new Defense of Marriage Act or does it mean that he would vote for the only thing that can possibly change the situation, and that is a constitutional amendment? He has indicated he will not.

Members cannot have it both ways. Members cannot vote against DOMA, argue it is unconstitutional, and now say that a constitutional amendment is not necessary because DOMA won't protect us. This is exactly what the junior Senator from Massachusetts is doing.

Look at this chart, "But isn't DOMA unconstitutional?"

Senator **KERRY** said in the Advocate, September 3, 1996:

> DOMA does violence to the spirit and letter of the Constitution.

In other words, it is unconstitutional, he said in 1996.

The distinguished senior Senator from Massachusetts, Senator **KENNEDY**, in his remarks on the floor of the Senate September 10, 1996, said:

> Scholarly opinion is clear: [DOMA] is plainly constitutional.

Professor Laurence Tribe of Harvard Law School, a heralded liberal professor, for whom I personally have high regard and consider a friend, in a letter submitted to the record of Senate proceedings on June 6, 1996, said:

> My conclusion is unequivocal: Congress possesses no power under any provision of the Constitution to legislate—

As it does in DOMA—

> any such categorical exemption for the Full Faith and Credit Clause of Article IV.

And the ACLU, in February of 1997, said:

> DOMA is bad constitutional law . . . An unmistakable violation of the Constitution.

These are leading liberals who do not think DOMA or the Defense of Marriage Act was constitutional, yet today argue against the only way to resolve this matter. Oddly enough, most all of them are saying the States ought to decide these matters.

I agree. If we pass a constitutional amendment, it will be up to the States whether or not that constitutional amendment will be ratified, and three-quarters of the States will have to ratify it in order for it to be ratified. I might add, that means the people themselves will have to be very much involved in it throughout the country, unlike having four judges in Massachusetts decide this issue for all of America. Once they decided that Massachusetts law, then under article IV of the Constitution, the full faith and credit clause, every State in the Union must recognize those Massachusetts marriages, which would upset the domestic relation laws of 49 other States.

Let's face it, one of the reasons so many of my friends across the aisle will argue strenuously this week that the time is not ripe for consideration of this issue on the Senate floor, or that the Senate has much more important things to do, is because they wish to avoid getting crosswise with the tens of millions of Americans who support traditional marriage. It is more than tens of millions, it is hundreds of millions of Americans who support traditional marriage. Yet, also, they do not want to offend their many supporters who wish to allow these novel, non-traditional, same-gender marriages.

I cannot blame them for feeling that way, but sometimes you have to make decisions in this body that make sense and that are right, that are moral decisions. There is nothing more important than marriage and traditional family marriage at that. Sustaining traditional marriage is absolutely critical to our country. I don't care how important economics or any other issue is, this is one of the most important issues in the minds of most Americans, and it should be because our moral climate depends on what we do here.

For my friends on the other side, their politically expedient solution is this: As quietly as possible, vote against the marriage amendment today and leave it up to the court to reinterpret the Constitution tomorrow. That sounds pretty good. Why don't we just leave it up to the courts? We have had a lot of 5-to-4 decisions in the Supreme Court. This was a 4-to-3 decision in a State supreme court that will bind all of America. That is what they want. They want the courts to do that which they could never get through the elected representatives of the people as evidenced by both the distinguished Senator from Massachusetts, who is running for President and his Vice Presidential nominee who is from North Carolina, who is also running. They both believe traditional marriage ought to be maintained, but they do not believe we should do anything about it if it is not. I hope we can change their minds.

The real question is whether protecting traditional marriage requires amending the Constitution. As Senator **SMITH**, the distinguished Senator from Oregon, said in the Senate last Friday, it would be better if the answer were no. Polls suggest that many Americans would prefer their elected representatives be able to legislate in this area. That, indeed, is the way it was traditionally done.

In polling, as in life, however, the devil is in the details. A CBS News/New York Times poll in March asked whether laws should be determined by the "Federal Government or by each State government." This sounds as if the choice is between the Federal or State legislatures. That, however, is not the choice and never has been. The choice today is between the judiciary and the legislature. But the polls never asked about that. In other words, polls are polls are polls, depending on how the question is raised.

The fact is, the judiciary is deciding for all of America, and an obscure supreme court in Massachusetts, at that is deciding this issue for all of America. So the States really do not have a chance to decide this issue on their own because if the supreme court of the State of Massachusetts, if that ruling is continuously upheld, and it appears it will be, even by the Supreme Court under the Lawrence case, then every State in the Union is going to be bound by those marriages.

Another poll taken at the same time—this one by ABC News and the Washington Post—asked whether Americans would support amending the U.S. Constitution "or should each state make its own laws"—another false choice. Activist judges are rapidly making it impossible for States to make their own laws regarding marriage, making a constitutional amendment the only option, if we want to preserve traditional marriage.

The polls never ask about that. These highly misleading polls make one wonder whether the liberal media outlets conducting them have some kind of agenda here. No. I know that is being skeptical, but I think almost anybody with brains would conclude they do have an objective here.

Does protecting traditional marriage require amending the U.S. Constitution? The best prescription depends on an accurate diagnosis. Simply put, when an issue such as this one that traditionally was decided by State legislatures is redefined by judges in constitutional terms, the only effective option is amending the Constitution.

The judiciary has been flexing its cultural muscles for decades, imposing its own values upon the American people, supposedly in the name of the Constitution. There can be no doubt that traditional marriage is in the path of what Supreme Court Justice Antonin Scalia, in 1992, called the judiciary's "social engineering bulldozer."

That same year, the Supreme Court invented a constitutional right to define "one's own concept of existence, of meaning, of the universe, and of the mystery of human life."

Four years later, the Court said resistance to making public policies more favorable to homosexuals "seems inexplicable by anything but animus."

Last year, the Court combined these ideas to take away from State legislatures the ability to prohibit certain kinds of sexual practices. The Lawrence v. Texas case in 2003: these are some quotes directly out of that case. Justice Antonin Scalia, who dissented in that case, said:

> Today's opinion dismantles the structure of constitutional law that has permitted a distinction to be made between heterosexual and homosexual unions, insofar as formal recognition in marriage is concerned . . .
>
> If moral disapprobation of homosexual conduct is "no legitimate state interest" for purposes of proscribing that conduct. . . . what justification could there possibly be for denying the benefits of marriage to homosexual couples exercising "[t]he liberty protected by the Constitution?"

I might add, also in the Lawrence case, Justice Kennedy argued that:

> The present case . . . does not involve whether the government must give formal recognition to any relationship that homosexual persons seek to enter.

Justice Scalia understood, however, that

> This case "does not involve" the issue of homosexual marriage, only if one entertains the belief that principle and logic have nothing to do with the decisions of this Court.

Justice Scalia said the Lawrence decision:

> "leaves on pretty shaky grounds state laws limiting marriage to opposite-sex couples."

If that is so, and he is right—and he certainly has been proven right so far—then the argument of the distinguished Senator from California really does not hold any water because the States are going to be overruled, 40 of them at least, and I believe all 50 in the end. If we do not do something about it, they are going to be overruled in their desire to keep traditional marriage alive.

Now, Evan Wolfson, the director of Freedom to Marry, said this:

> But when [Scalia's] right, he's right. We stand today on the threshold of winning the freedom to marry.

Finally, the Supreme Judicial Court of Massachusetts applied all of this by inventing a constitutional right to same-sex marriage. That was not a legislature. That was not the people speaking. In fact, it was not even a unanimous court speaking. It was a 4-to-3 decision by four of the most liberal State justices in the country versus three very liberal justices in the country. It was a hard-fought decision. It was hardly the will of the people being met.

It is almost ludicrous to come here and say the will of the people should be met here. If that is true, then we ought to give them that chance with a constitutional amendment which will be submitted to the will of the people out there. Everybody in America who can vote will have a right to vote for or against this constitutional amendment. We ought to at least give them that chance.

Well, as I say, the Supreme Judicial Court of Massachusetts applied all this by inventing a constitutional right to same-sex marriage. Step by step, by recasting these cultural questions in constitutional terms, the courts took them away from the American people and their elected representatives.

Now, that flies in the face of what we have heard from those on the other side of this issue: Let the States take care of this. Give me a break. Four liberal justices versus three liberal justices have said this is going to be applied to all of America, because it applies as law in Massachusetts, and under the full faith and credit clause that law must be recognized in every State in the Union.

Well, these were not a bunch of random, coincidental legal events. These falling dominoes were part of the very same strategy that today is targeting State and Federal laws protecting traditional marriage.

Last Friday, I outlined the five current fronts in the legal war to redefine marriage. There may be more on the way. Politically driven lawyers are nothing if not creative. This is why nearly all legal analysts and scholars, either grudgingly or enthusiastically, conclude that the ability of legislatures to make real decisions in this area may already be a thing of the past. In other words, the people's right—the people's right—to make real decisions in this area may be a thing of the past. Why not just let these four liberal justices against three liberal justices make this decision for everybody?

This is why a constitutional amendment to preserve traditional marriage is the only effective solution, and why this is not premature. It might have been premature if the Supreme Court's "cultural bulldozer" were still idling. It might have been premature if the Supreme Court had not embraced the insulting and false conclusion that traditional views on certain cultural questions are nothing but irrational animus. It might have been premature if the Supreme Court had not created a constitutional right to sexual autonomy. It might have been premature were there not already dozens of lawsuits challenging laws protecting both State and Federal laws protecting traditional marriage.

But these things have already happened, and more aggressive legal assaults are coming. The judiciary's "cultural bulldozer" is in gear, on the move, and has already done too much damage. If anything, we are behind the curve, not ahead of it.

Some call this election year politics. Well, I suppose any measure considered by a political institution can be called politics. Yes, this is an election year. This is merely a cliche substituting for an argument. Those who use it perhaps have no real argument, and so they use this cliche to imply that we would not be trying to defend traditional marriage if this were 2003 or 2005. Simply saying that demonstrates how absurd that argument is.

Supporters of traditional marriage, that is to say, the large majority of the American people—that is the people out there in the States who they are calling upon to make these decisions but are having it taken away from them by a four-liberal-justice to three-liberal-justice decision in Massachusetts—have not dictated the timetable here. The minority who want to redefine marriage have done that. They brought the lawsuits that took these issues from the American people.

Since the Supreme Judicial Court of Massachusetts had used the State constitution to redefine marriage, amending the State constitution is the only way to protect it. Yet the court gave the legislatures just 6 months to do what it knew in Massachusetts takes 3 years to do under their constitutional form of government. This issue is already out of the people's hands.

As Senator SMITH said on this floor last week, words have meaning. Activists, with the help of judges, are seeking to change the meaning of the word "marriage" to further their political agenda. The proponents of the marriage amendment are saying: Stop. We want to retain the word "marriage" to its real meaning of a male and female union, and it is inescapable that amending the U.S. Constitution is the only way to accomplish that goal.

Think about it. I don't have any desire to discriminate against anybody, let alone homosexuals in our society or gay people. I know the distinguished Senator from Oregon feels exactly the way I do about it. I have been the author of the three AIDS bills along with Senator KENNEDY. We fought those through here on this floor against what were overwhelming odds at the time and passed them overwhelmingly because of the arguments we made. It is no secret that along with Senators SMITH, FEINSTEIN, KENNEDY, and others, I am the author of a hate crimes statute that I believe would do justice in our society while still preserving capital punishment. But it is a long way from where we have been.

There is no question that I do not believe in discriminating against gays. But like my friends on this side who have always argued, particularly my friend from Oregon, I draw the line, as do he and others, when it comes to traditional marriage. I believe it is the basic fabric of our country. Traditional marriage means children. It means raising children born to that marriage. I believe gay people ought to be able to do whatever they believe they should in the privacy of their own homes, but I don't think they should have the right to redefine traditional marriage.

We have had traditional marriage in this world for over 5,000 years. This is not some itty-bitty, inconsequential, off-the-subject debate. This is one of the most important debates in history. Because if we don't stand up for traditional marriage at a time when a lot of things seem to be falling apart, we are going to reap the whirlwind.

This is an age where any child can bring up pornography on the Internet. At one time if you clicked on Harry Potter, you would get pornography geared to those children. We all know that. Click on almost any children's book or subject or title or person mentioned in a children's book and you get pornography for children. I don't need to go through all the other ills of our society to let everybody know that we are living in a world where there is a lot of filth, a lot of degradation. We have to stand up against it. We have to protect the traditions that do make sense in our society, and traditional marriage is at the top of the list.

We might differ on some other matters, but it is difficult for me to see how anybody could differ on traditional marriage, even though I know my gay friends do. Does that justify the laws in some, if not all, States that prohibit a gay partner from being able to go into an intensive care unit and care for his or her gay partner? That doesn't justify that. I think that is terrible, that our laws do not take care of that. Does it mean a gay person can't benefit from the laws of estates and trusts? I believe under current laws they can, but if they can't, we ought to correct those laws. Does it mean they can't buy insurance for their gay partner? We ought to make it possible that they can. You could go through various things where there are inequities, but we don't solve those inequities by changing a 5,000-plus-year definition of traditional marriage. We should solve those problems, and I am willing to work on these problems with my liberal counterparts on the other side and conservatives as well, I am willing to work and try to resolve the problems. But I simply draw the line when it comes to traditional marriage.

Gay people have a right to be free, to not be discriminated against. They have a right to live in their relationships within the privacy of their own homes, just like others who have different approaches toward life. But that doesn't give them or anybody else the right to define traditional marriage.

I come from a culture where at one time polygamy was a religious belief and was practiced by a small percentage of people in my faith. My great-grandfather was one of the great colonists, one of the great pioneers of the West. Jeremiah Hatch had 3 wives and 30 children. Those were the days when they lived this principle because they believed it to be a spiritual principle. They believed it was important to bring as many children into the world as they could, among other things. They believed it was a spiritual principle of the faith. But when Reynolds v. Simms came down, the Supreme Court case not allowing plural marriage, basically my faith did away with plural marriage. I have to say no one would argue that it should ever come back. Just to make the point, I would never argue that it should come back. I have been offended by some people indicating that there might be some argument for it.

What is important here is that all we are asking in this amendment is, sentence one:

> Marriage in the United States shall consist only of the union of a man and a woman.

That is 5,000 years of practice throughout the world.

And the second sentence says:

> Neither this Constitution, nor the constitution of any State, shall be construed to require that marriage or the legal incidents thereof be conferred upon any union other than the union of a man and a woman.

That does not say you cannot have civil unions because if a State determines that is what they should do, then the State can determine that. If you want to leave it up to the States, this is the way to do it. Not only would 38 States have to ratify this amendment—and I believe all 50 would—but they would also have the right, if they so choose, to resolve these problems I have been mentioning here that are problems for gay people that ought to be resolved.

The important thing is that if we are going to leave it up to the people, this is the way to do it. It is the only way to do it. Otherwise we are leaving it up to four liberal justices in Massachusetts versus three liberal justices in Massachusetts who didn't agree with them and who basically opted for traditional marriage or at least who seemed to opt for traditional marriage.

There is a vast movement beginning in America in every State legislature to amend their constitutions to prohibit or should I say to reaffirm the respective State's belief in traditional marriage. Assuming that most States will do this—and I believe most will—would those State constitutions be upheld under the Lawrence case or under any future cases? There is a real question whether that may be the case.

The best way to allow the people to decide this is to have a constitutional amendment so that they really have a say in what goes on. I can live with whatever the people decide to do. But doing it this way, by allowing a 4-to-3 vote in Massachusetts to bind every State in the Union to Massachusetts marriages through the full faith and credit clause, seems to me to be something that flies in the face of 5,000 years of traditional marriage and family life.

I notice the distinguished Senator from Kentucky here.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. BUNNING. Mr. President, I thank the chairman for yielding. I rise to discuss probably the most important issue this body or I have ever debated on the floor of the Senate since I have been a member, 6 years.

Our Nation faces a potential disaster. I hope my colleagues in the Senate realize we have a responsibility to affirm the ideal of marriage and protect one of the most basic building blocks of our society: the family.

The first thing we have to understand is that Government did not create marriage or the union between man and woman. It is something much more fundamental than legislation or laws. Marriage is older than the Constitution of the United States. It is older than America. Marriage exists in every known human society, bringing men and women together to create and to provide for the next generation of society, and it is not the right of any government anywhere to undermine or destroy it. It is a shame that some of my colleagues in the Senate do not recognize the pressing need before us to safeguard a cultural institution that has served human beings so well for thousands of generations. We must act before it is too late.

In America today, we are facing a depressing situation, where unelected officials are attempting, because of their own arrogance, to redefine marriage. I do not know the reason why these judges believe they are so wise and how they cannot see the dangerous consequences of their actions. But they now threaten our way of life. It is up to us to act to ensure that the American people have the opportunity to decide what is right for the society in which they live.

Marriage matters to our society. Mothers and fathers both matter to children. Only a man and a woman have the ability to create children. It is the law of nature. No matter how much some might not like it or want to change it or push for technology to replace it, this law is irrefutable. It is upon this law that so much of our society and our cultural institutions are based—families, communities, work, schools.

When the families suffer, when they are undermined, we all suffer. We know that weak families lead to more poverty, welfare dependence, child abuse, substance abuse, illness, educational failure, and even criminal behavior. Failing to protect marriage will send the message to the next generation that we do not care about them and that we have thrown away a cultural institution that has served human beings throughout recorded history.

Traditional marriage has been central to the understanding of family in Western culture from the very beginning, and the central reason for marriage has been for the rearing of children. Children have the best chance to succeed when they are reared in stable, traditional families. A loving family provides the foundation children need to succeed, and strong families with a man and a woman bonded together for life always have been and always will be the key to such families.

Eight years ago, Congress tried to protect marriage by passing the Defense of Marriage Act, which defined marriage as the legal union between one man and one woman as husband and wife. As a member at that time of the U.S. House of Representatives, I was proud to support that legislation. But since then, activist judges and some local officials have aggressively tried to circumvent the law and the will of the people in redefining marriage. These extremists have devised a clever strategy to override public opinion and force a redefinition of marriage on the Nation through the court system. Because they knew they could not make their case through elected legislatures, they decided to work through unaccountable officials in hand-picked areas of this country.

The liberals' effort started in Vermont when the State supreme court ordered the State legislature to legalize same-sex marriages or create same-sex civil unions. Then they moved to Massachusetts, where the supreme court forced the State to give full marriage licenses to same-sex couples. This happened even though the citizens of Massachusetts opposed the effort and no law had been passed to authorize it. Nevertheless, in Massachusetts, same-sex marriages became a reality.

The activists will not stop trying to impose their extreme views on all of the rest of us, and they have now plotted a State-by-State strategy to increase the number of judicial decisions redefining marriage without—I say without—the voice of the people being heard.

Under our Constitution, States are required to give full faith and credit to the laws of other States. While the Federal Defense of Marriage Act was once thought to be enough protection for States that did not want to allow same-sex marriages, it now is very clear that the liberals who have no respect for the law are pushing a strategy to completely undermine the Defense of Marriage Act. Now the only recourse left to those of us who want to follow the law and to defend our cultural institutions is to amend the U.S. Constitution.

I wish this were not the case. But States are profoundly threatened by these activist court decisions, and we have been backed into a corner. In the meantime, couples from all over the country have traveled to those States with same-sex marriages to receive their licenses and plan to return to their home States.

At least 42 States have statutes that define marriage as a union of a man and a woman, but because of the acts of a few extremists, all of these laws are threatened. In fact, at least 10 States currently face court challenges to their marriage laws, and 9 States, including my own, Kentucky, expect to have a constitutional amendment on the ballot this fall in efforts to protect traditional marriage. So we are facing a situation where our Constitution and our laws are going to be amended one way or the other—by the people's representatives or by unelected judges.

Those of us who defend traditional marriage were not looking for this struggle, but it has been forced upon us, and I feel we must do what we can to prevail. We believe there is little else left more important to our Nation and to our future. When a small handful of unelected activists take it upon themselves to rewrite laws and to try to overturn cultural institutions we have always relied upon, then we must use every tool at our disposal to defend what we believe is right.

I do not take amending the Constitution of the United States lightly. None of us in this body does. However, the only way to prevent this social misjudgment from being made by the courts is to allow the people to speak on the issue through a constitutional amendment process. It is the most democratic, grassroots, political mechanism available left to let the people speak. The people are the ones who live under the law. They should be able to decide if they want to make such a fundamental and drastic change.

I hear from constituents of the Commonwealth of Kentucky every day asking me, begging me, to support the Federal marriage amendment so they can be heard. In fact, I hear more about this than probably any other issue since I was elected to office. It is that important to that many people. And because it is such a critical issue—traditional marriage—any attempt to change something so fundamental should be ultimately left to all of the people and not a select few to decide.

We must act, and we must act now. I urge my colleagues to let the voice of the people be heard and act to save marriage. Please support this constitutional amendment to define what marriage is. It is the most important action we can take in this Senate.

I urge support, and I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I suggest the absence of a quorum and ask that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, today I rise in support of S. J. Res. 40, the Federal marriage amendment to the U.S. Constitution. I do so with conviction that this course is the right one, but with considerable frustration that we have come to this point as a nation. This constitutional amendment, in my view, should not be necessary.

The core definition of Western civilization's most stable and important social institution, traditional marriage, should not be jeopardized by litigation and court decisions. Activist trial lawyers should not be filing lawsuits asking courts to change the basic rules of marriage for all society. Judges should not be denouncing traditional marriages as a stain on the Constitution that must be washed away. But that is where we are: Confronting a coordinated, well-funded, and persistent campaign in the courts to undermine marriage.

After careful study, I have come to the conclusion that the only way to protect traditional marriage from these undemocratic forces is to pursue a constitutional amendment that protects traditional marriage. Only through such a constitutional amendment process will the American people genuinely have the opportunity to speak out and guarantee that traditional marriage is protected.

I wish to spend a few moments explaining why I think this issue is so important.

In short, traditional marriage—marriage as the union between a man and a woman—exists, first and foremost, as the best environment for the protection and nurturing of children. Traditional families are where we hope the children will be born and raised, and where we expect them to receive their values. And we hope these things for a good reason.

As one social scientist who testified before the Finance Committee earlier this year said, children on average experience the highest levels of overall well-being in the context of healthy marital relationships.

This testimony is consistent with an overwhelming body of social science testimony received by the Finance, Health, Judiciary, and Commerce Committees earlier this year. If we want our Nation's children to do well, we need to do what we can to ensure they grow up with mothers and fathers. So we need to protect the place where mothers and fathers properly unite—marriage.

I believe traditional marriage is an institution worth saving, and I believe we send a very important message to our children when we stand up for the institution of marriage. We tell them that marriage matters; that traditional family life is a thing to be honored, valued, and protected. We tell them marriage is the best environment for raising children, and we tell them every child deserves a mother and a father. We point them to the ideal and that the radical redefinition of marriage through the court threatens this ideal.

We cannot strip marriage of its core—that it be the union of a man and woman—and expect the institution to survive, as we have come to know it.

It is because I feel so strongly about preserving and even encouraging a healthy marriage culture that I have been so disturbed by the legal developments our Nation has witnessed over the past 10 years. We are on the Senate floor discussing an amendment to the Constitution because activist lawyers persist in filing lawsuits to force States to redefine marriage to include same-sex couples. These activists are dodging the will of the American people who overwhelmingly oppose a redefinition of marriage and instead have been asking judges to rewrite the marriage laws.

More than a year ago, I asked the staff of the Republican Policy Committee, which I am privileged to chair, to analyze the court campaign of these activists and to speculate on their prospects for success. We concluded at that time the Massachusetts high court would likely find traditional marriage unconstitutional, and that a number of lawsuits attacking marriage would begin to expand dramatically.

While some quarreled with those predictions, unfortunately they have proven to be 100 percent correct. I wish to summarize briefly these legal developments that brought us to the point we are.

There is in this country a collection of activist lawyers who genuinely and sincerely believe marriage should be redesigned so couples of the same sex could marry. Groups such as the ACLU, Lambda Legal, and Gay and Lesbian Advocates and Defenders, GLAD, and others have frankly explained their strategy. Their goal is to use the courts to force the entire Nation to adopt same-sex marriage. They understand they cannot do it through the democratic process convincing people of the wisdom of their position, but must rather succeed in convincing judges to overturn our long-time understanding of the meaning of marriage.

They saw their first great victory in Vermont in 1999. In response to a suit by the ACLU and other activist groups, the Vermont State Supreme Court ordered the legislature to recognize same-sex marriage or to create some form of civil union that was exactly like marriage.

Vermont citizens at the time opposed both same-sex marriages and civil unions, but the court mandate was clear: Legislators must create same-sex marriage or some form of same-sex civil union or the court would do it for them. The legislators chose civil unions in the face of the court's dictate, but it can hardly be said that they acted in accordance with the democratic process. No, this was ruled by lawsuit, not by legislation.

These activist lawyers who had succeeded in Vermont quickly turned to new States, this time aiming for a complete transformation of the marriage laws. It is true that homosexual couples had gained all the rights and benefits available under Vermont law as married couples. The same-sex marriage activists did not just want rights and benefits, they wanted to redefine marriage itself to change the cultural norms that have characterized this institution of man and woman for ages.

These groups acted carefully. They put most of their efforts into a new lawsuit in Massachusetts. The people of Massachusetts opposed same-sex marriage, and their legislators would never change the law to allow it. But the activists were not interested in a democratic solution. They knew they could not convince many millions of citizens to undermine traditional marriage, so they decided to focus on just four people, the majority of the supreme court of the State. They did what too many Americans do nowadays, they filed a lawsuit. The result was a resounding defeat for traditional marriage and the people of Massachusetts who continue to oppose same-sex marriage in their State.

In November 2003, a 4-to-3 majority of the Massachusetts Supreme Judicial Court ruled in Goodridge v. Massachusetts Department of Health that the State constitution required the State to recognize same-sex marriages.

Of course, the State constitution said no such thing. It contained the same basic equal protection and due process clauses that exist in most State constitutions and in our U.S. Constitution. These clauses had never been understood to require the rewriting of marriage itself, but that is what the four judges determined.

As breathtaking as this decision was, even more stunning was the disdain that these four judges showed for traditional marriage and its supporters. The court wrote that there was "no rational reason" to preserve traditional marriage laws; that support for traditional marriage was rooted in little more than "persistent prejudices" and that the several-thousand-year-old institution of marriage was little more than "an evolving paradigm" that could be redrafted and rewritten by the courts whenever they desired.

One judge even scoffed at what he called the "mantra of tradition." In a followup opinion reaffirming and expanding the earlier decision a few months later, the same four justices even said that the marriage laws of Massachusetts were "a stain on the Constitution," and that the stain must be eradicated by the court.

Incredibly, the court even suggested that it would be better to abolish civil marriage altogether than preserve it in its traditional form.

On May 17 of this year, the Goodridge decision took effect, and the State began issuing same-sex marriage licenses in Massachusetts. Many same-sex couples from other States traveled to Massachusetts and then returned back to their own States.

While the Massachusetts Legislature has given preliminary approval to a State constitutional amendment to return marriage to its traditional meaning, it will be more than 2 years before the citizens can even vote on that amendment. In the meantime, for hundreds of people who have traveled to Massachusetts from all over the country, same-sex marriage is a reality.

So what happens next? Is it realistic to believe that same-sex marriage can be isolated to Massachusetts? Will the activist lawyers who brought that suit continue to press their claims on behalf of these "couples" who return to their States of residence? The answer is clear. The activist groups already are seeking to bypass the legislative process and impose their agenda through courts in other States.

There are now more than 35 lawsuits pending in 11 States across our Nation in which States' marriage laws have been challenged as unconstitutional, States such as California, Florida, Indiana, Maryland, Nebraska, New Jersey, New Mexico, New York, Oregon, Washington, and West Virginia. Many of these lawsuits are brought by the same lawyers who filed suits in Vermont and Massachusetts, activists from the ACLU, LAMBDA Legal, and GLAD in particular. In fact, the lawsuit in Maryland was filed only last week by the same legal team at the ACLU that is managing lawsuits in New Jersey and elsewhere. Many more lawsuits surely will follow.

As I said, the activist court strategy is no secret. The ACLU, LAMBDA Legal, a group calling itself Freedom to Marry, are very open about their hopes of imposing same-sex marriage through the courts.

Let us look at some of the lawsuits we can expect. First, these activists will file more suits challenging State marriage laws the same way they did in Massachusetts and are doing in 11 other States today.

Second, there will be lawsuits seeking to strike down the Defense of Marriage Act so that same-sex couples can get access to Federal benefits such as tax filing status, Social Security benefits from same-sex partners, and many of the other benefits or rights that the Federal Government grants to married spouses.

Already, for example, there is a lawsuit pending in Florida that directly claims that DOMA is unconstitutional.

Third, these activists will file lawsuits trying to force other States to recognize same-sex marriages in Massachusetts and any other place where they can convince judges to change the marriage laws against the people's will. Such a lawsuit currently is pending in Washington State, where a same-sex couple received a marriage license in Oregon and now insists that Washington must recognize that marriage, despite clear State law to the contrary.

Finally, there will be many other lawsuits that cannot be anticipated that will happen as same-sex married couples move from State to State, as many Americans nowadays do. These couples will try to get divorced when marriages fail. They will try to execute and enforce wills when one of them dies. They will have all kinds of run-of-the-mill business disputes as happens in other situations, and courts will struggle to figure out how to treat their legal relationships when these disputes arise.

Those struggles will take on a constitutional dimension. For example, two women who received a marriage license in Canada later decided to declare bankruptcy in Washington State. They filed their petition jointly as though they were married. Because all bankruptcies are filed in Federal court pursuant to Federal law, the Defense of Marriage Act is implicated. The bankruptcy trustee has objected to their joint petition, citing DOMA's provision that for the purposes of all Federal law, marriage is the union of a man and a woman.

The bankruptcy petitioners now argue that DOMA itself is unconstitutional and that the bankruptcy court must recognize the Canadian same-sex marriage. Thus, a simple bankruptcy petition has taken on constitutional dimensions. Cases such as this will proliferate, some filed by activists and some filed by citizens just trying to live their lives, as appears to be the case in the bankruptcy petition in Washington State.

The result will be tremendous confusion in the courts throughout the Nation, as some States recognize same-sex marriage for some purposes while other States recognize them only for other purposes.

As these lawsuits progress, it will be the courts, not the people, that make the decisions on whether same-sex marriage will spread throughout the entire Nation.

In the not too distant future, the legal activists who are managing this attack on traditional marriage laws will decide that they are ready for the big case, a case before the U.S. Supreme Court. After wreaking havoc on traditional marriage throughout the Nation, these activists will tell the Supreme Court that the confusion in the States demands a national solution. They will argue, not unpersuasively, that we are one Nation, that we cannot long function with such fundamentally inconsistent understandings of marriage.

When that day comes, when the U.S. Supreme Court is presented with the opportunity to rule traditional marriage laws unconstitutional, it is very possible that the Court will side not with the oft-surveyed views of the American people but rather will find a constitutional reason to say the people have been wrong all this time.

Legal and cultural confusion cannot long endure on this question. When a case reaches the Supreme Court, it most likely will craft a national solution. What the same-sex marriage activists expect and hope for is exactly the result that concerns me. Once the Court has spoken, while there surely will be great public outcry if contrary to public opinion, our history shows it is very difficult to change a Supreme Court decision by constitutional amendment.

The only way the American people will ever have a voice in this matter is if Congress sends to the States for ratification a constitutional amendment defining and protecting traditional marriage. Federal DOMA, which has already been challenged, could easily be struck down by the courts. Marriage laws in the States likely will be struck down just as happened in Massachusetts. No Federal law, no Federal regulation, no State law, no State constitutional amendment, can prevent this from happening. The only solution is an amendment to the Constitution and the only question is when to start the process. The more time that elapses with conflicting State law and same-sex couples seeking to have their marriages recognized in different States, the more our society will be conflicted and the more lawyers and judges will be making the decisions.

The constitutional process is the most democratic, the most grassroots, the most respectful process available for the establishment of national policy. A constitutional amendment requires the support of two-thirds of both Houses of Congress. Then it requires the support of the legislatures of three-fourths of the States of the Union. Then, and only then, can the amendment become effective.

This is, as it should be, a very high hurdle. But it is a high hurdle that guarantees that the American people have a full and complete opportunity to speak to the issue, that they can express their views to their Senators, to their Congressmen, and to their State legislators. It takes time, but in the end, as opposed to court decisions, if a constitutional amendment passes, we know that the American people want it.

Look at the proposed constitutional amendment that is before us and examine what it will do. It is on the chart directly behind me. The first sentence reads:

> Marriage in the United States shall consist only of the union of a man and a woman.

The sentence is straightforward. It provides a common definition of marriage throughout the United States, one man and one woman. It guarantees that the central definition of marriage is preserved throughout our country. It protects the American people who overwhelmingly believe traditional marriage should survive against those who would undermine it. We are one nation. While we have a wide variation in many thousands of laws among different jurisdictions, for the central, core issues in the way we organize our society, we have common views and common laws.

That is why, as a nation, we denied one State admission into the Union until it outlawed polygamy. We recognized that marriage was only between one man and one woman, and we would not even let that State enter the Union if it did not agree with that basic, core value.

This first sentence just reaffirms what has long been our national policy and ensures that no court can say otherwise.

Now, turning to the second sentence, it reads.

> Neither this Constitution, nor the constitution of any State, shall be construed to require that marriage or the legal incidents thereof be conferred upon any union other than the union of a man and a woman.

This sentence simply ensures that only the people or their elected representatives, not judges, can decide whether to allow marriage or its legal incidents can be conferred on people. This would prevent what happened in Vermont. The State supreme court hijacked the democratic process and coerced the legislature to create same-sex civil unions. The people didn't want it but the court decreed it. The second sentence of this amendment would prevent that kind of result.

The reason to add the second sentence, thus, would be to ensure no court would be able to construe the State or Federal constitution to require the creation of same-sex marriage or any institution or arrangement containing the incidents or benefits that derive from marriage itself. In other words, courts will not be able to create a right to civil unions based on the equal protection or due process clauses of the Constitution. They will not be able to twist the constitutional language, in other words, to serve these narrow policy goals.

However, the marriage amendment in no way bars or bans these kinds of special civil union or domestic partnership arrangements, as long as they are enacted through the legislative process. The marriage amendment preserves our current State organized regime by protecting the rights of citizens to act in their State legislatures to provide whatever benefits to same-sex couples that they should choose. Those benefits could be narrow, granting special inheritance rights, for example, or they could be broad, a full civil union law, for example.

In another example the legislatures of California and New Jersey have recently created arrangements they call domestic partnerships, that grant many of the benefits of marriage to same-sex couples.

Let me say again, the legislatures of those States passed those laws. Benefits were granted through the democratic process. Nothing in the marriage amendment prevents the citizens of a State from acting through their regular legislative process to grant benefits to same-sex couples in that State. So if a State wanted to create marriage-like "civil unions," it could still do so. A legislature's only constraint is it could not create same-sex marriage.

Before I close, I would like to say a few words to address a concern about the amendment that I have heard expressed by some of my Senate colleagues. Some claim the question of same-sex marriage can be handled effectively on a State-by-State basis. Some, including people I respect very much, have told me if Massachusetts wants to have same-sex marriage, it should be able to do so and that Arizonans should not care. They argue that because our States tend to manage most family law matters, there is no reason to place this issue in the U.S. Constitution. They think of the issue as a thing of the distant future, something that we need not bother with. "Let Massachusetts worry it," in effect.

I respect those who make this argument, but I strongly disagree with the notion that Congress can punt on the protection of marriage. The problem, it seems to me, with this line of thinking is that it assumes—in perfectly good faith, I am sure—a world that simply does not exist. The citizens of each State are not being permitted to decide this question. We should all sympathize with the citizens of Massachusetts who have been forced to see marriage in their State redefined and undermined, without the vote of the legislature or the citizens of that State.

Massachusetts is only the beginning. We see from the 35-plus lawsuits in 11 different States that the activists will continue to campaign in the courts. The lawyers who are championing this cause are not going to permit a State-by-State democratic solution. States rights implies not the courts but the people making the decisions.

The most prominent leader of the same-sex marriage movement, Evan Wolfson, who helped file the lawsuits in Vermont and Massachusetts and elsewhere, has candidly made the point. He scoffs at those who think the Nation can tolerate fundamentally different conceptions of marriage on a State-by-State basis. He understands that it is all or nothing. As he says on his Web site:

> America is one country, not 50 separate kingdoms. If you're married you're married.

In other words, people move around so much in this Nation that we cannot long endure a scenario in which some marriages disappear at the State line. The legal, social, and cultural complications are simply too great. The question of whether traditional marriage is to survive must ultimately be decided for the entire Nation.

In conclusion, the question is, Who decides? Will it be judges, scattered across the land and ultimately over in the Supreme Court? Or will it be the American people, through the constitutional amendment process? This is not some idle question of political theory. The process determines the result. If courts make the decision, they will redefine marriage for every State. If the people can decide, I have confidence they will stand up for marriage.

So, in conclusion, I call on my colleagues not to stand in the way of the people's right to speak. Let the American people make the ultimate decision as to whether we will jettison thousands of years of history and reinvent marriage or whether we will stand by the institution that we all rely upon so much for the future of our children.

I will say it again. This question cannot and will not ever be decided on a State-by-State basis. Either we will preserve traditional marriage in this Nation or we will see it redefined everywhere. The vote we will have in this Chamber is the first step, and I hope my colleagues will join me in making the right one.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Will the Senator from Arizona yield for a question?

Mr. KYL. I am happy to yield.

Mr. SANTORUM. The last point my colleague made is one that is very important. A lot of people in the Senate, and even some across the country, have suggested that the Defense of Marriage Act will stand.

There is a lot of legal opinion. The Senator from Utah spoke about how the Defense of Marriage Act probably will not stand. But your point is, even if the Defense of Marriage Act stands, the Defense of Marriage Act only protects States from other States forcing their laws on us.

Your point is even if that State can resist that, you lose anyway. Can you explain that? I think that is a very important point. The Defense of Marriage Act really doesn't save marriage.

Mr. KYL. Mr. President, I think the Senator from Pennsylvania is exactly correct. I would like to argue that the Defense of Marriage Act is constitutional, but I share the same concerns that have been expressed by others, that the Court will find it unconstitutional. But in either result, this challenge will continue in the State courts. We have the precedent of Massachusetts, and a very clear strategy that the lawyers on the other side have outlined. They have not tried to hide their intentions. They have been very forthright about their intentions of getting State courts to declare State laws and the State constitutions to require same-sex marriage, just as they did in the State of Massachusetts. These 35 lawsuits in 11 different States—at least some of them—will argue this precise point. It is quite possible that on the same basis that the Massachusetts Supreme Court decided that its due process and equal protection language required the recognition of same-sex marriages, that identical language or almost identical language in all of the State constitutions—identical also, by the way, to the Federal Constitution—would require that other States like Massachusetts recognize same-sex marriage. So it won't matter that DOMA says that one State doesn't have to recognize the marriages of another if State by State the courts decide that in those respective States the law requires or the Constitution requires otherwise.

Mr. SANTORUM. The potential exists if DOMA is maintained and protected that you could have—let us just say some of the more liberal State courts that we have out there, whether it is Massachusetts, New Jersey, California, New York, big States—most of these are actually fairly large States that we are talking about—if marriage were defined in those States and let us say not in Pennsylvania, Arizona, Utah, or Alabama, what would be the result? How would America function? What would marriage be in America? What would be the environment in which we would be living? It is a very interesting question we are now faced with just in Massachusetts, but we have sort of seen one isolated little case that is still in question. But as an accepted matter that there are now in many States potentially couples who are married who are not traditional couples, what would be the impact on our society?

Mr. KYL. Mr. President, there is one area I agree with the proponents of same-sex marriage on, and that is, the country is going to go one way or the other. You cannot survive a situation in which some States recognize certain benefits, other States recognize other benefits, other States don't recognize any, others recognize same-sex marriages, others, civil unions, and so forth. He makes the point that it has to ultimately be all or nothing. I don't see how on that point he is wrong because people in this country move around.

I cited the case of the bankruptcy petition filed by the Canadian couple, but it could have just as easily been a married couple in Oregon and moving to Washington. The fact is disputes will arise all over the country in courts of States that didn't necessarily confront the question but will have to confront some element of it. When two people present themselves as having been lawfully married in another State and they have some dispute between them, the court of my State, for example, isn't going to be able to avoid the issue and will have to decide one way or other.

We are going to end up, I fear, in the situation in which a definition of marriage has many different meanings all across the country. Something as fundamental as that—as I said, the one thing I agree with the proponents of same-sex marriage on—cannot stand. You have to either define it one way or the other for our society to function—just to function. It becomes a question of, A, what that definition should be—and that is why I have a disagreement with those folks—and, B, who makes the decision.

My primary point is that the people of the country should be making the decision, not just a few lawyers and judges. The best way for people to have a voice in this is by the constitutional process in which they are directly and indirectly involved through the Senate, through the House, and through their own State legislatures.

Mr. SANTORUM. I thank the Senator.

Mr. SESSIONS. Mr. President, will the Senator from Arizona yield?

Mr. KYL. I would be happy to yield. I actually give up the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I thank the Senator from Arizona. He is one of the Senate's finest legal scholars. He has argued a number of cases before the Supreme Court, I believe three or more. He won all of those cases. There is not one lawyer in a thousand in America who has argued a case before the Supreme Court, much less three.

I would like to just ask one simple fundamental question, if the Senator could explain it to our colleagues and to the people of this country. If the Supreme Court found, as they indicated that they may in the case of Lawrence v. Texas, that marriage under the Due Process or Equal Protection clauses of the Constitution has to include same-sex marriages rather than just the traditional marriage form, will that not wipe out all of the constitutional amendments that are being passed in the States of America and all the statutes in America and the Defense of Marriage Act that we passed in this Congress?

Mr. KYL. Mr. President, the Senator from Alabama is also an extraordinarily fine lawyer in his own right. Of course, the answer is yes. Once the Supreme Court has spoken, and there is language in this Lawrence case that suggests to many that the Court would be inclined to rule in that fashion, then the Court has just enunciated the supreme law of the land and no State constitutional provision or Federal law in any way could attempt to override that. That would be the law of the land.

Mr. SESSIONS. If California passed it with 90 percent of the vote, or 60 percent, as I believe they did pass a statute by ballot initiative, no matter what the people voted, it would be trumped and wiped out by the ruling.

Mr. KYL. Mr. President, the Senator from Alabama is correct. The Federal Constitution trumps State constitutions. Even if the people of a State amend their own State constitution, were the Supreme Court to declare that same-sex marriages are required by the equal protection or the due process clause of the U.S. Constitution, that would be the supreme law of the land, overriding any other Federal law, State law, or State constitution.

Mr. SESSIONS. I thank the Senator from Arizona.

Mr. President, I would like to share a few thoughts this afternoon. I thank him for his insight into the complexity and the confusion that will result if we don't have a national standard as we have always had on marriage.

I thank the Senator from Pennsylvania for his courage and compassion and understanding of the importance of family.

I thank the President for his eloquent remarks last Friday on this important matter.

I thank the chairman of the Judiciary Committee, Senator HATCH, for his brilliance and for the comprehensive statements he made today and Friday concerning the need for and the custom and the legality of a constitutional amendment on this question.

People say, Why do we need to do it now?

I was in a hearing and one of the individuals said, Well, the State of Massachusetts may pass a constitutional amendment, and that would sort of, he indicated, solve the problem. I asked him, if it is all right for the people of Massachusetts or Michigan or Alabama or Utah to pass a constitutional amendment that defines marriage, what is wrong with the people of the United States and the Federal system passing a constitutional amendment to deal with marriage?

All of the people who seem to be questioning and suggesting we should not go forward with this kind of amendment are doing so on the basis that State constitutions are being amended. But as we heard from Senator KYL, a State constitution will not solve the matter if the Supreme Court acts as they have indicated they will. I believe it is perfectly appropriate for the people of the United States to consider whether they would want to amend our Constitution.

Some say that marriage is just not important, that this is not a matter we ought to spend any time on, and why now. They say, you are just bringing this up because there is an election ongoing. Let me say that it was just last year that the Supreme Court ruled in Lawrence. It was less than a year ago when Massachusetts ruled in their case that made so much of an impact, and the result of the Massachusetts case was just brought into effect May 17 of this year.

What started this debate was not people who believe in family as we have always known it. They didn't start this debate. They didn't start the discussion, the debate and legal activism, that attempts to change a fundamental American institution. It was the courts that did so activist lawyers and activist judges.

It would indeed be unthinkable to most people that we would ever need to discuss a constitutional amendment to defend marriage. Unfortunately, the integrity of the legal system is being eroded as political agendas are being implemented more and more through rulings of the courts. That, let me say, fundamentally goes to the heart of the American democracy.

Democracy in this country rests power with the people. But lifetime-appointed judges usurp this power—and it does not even take all nine on the Supreme Court, or all seven on the Massachusetts Supreme Court. In fact, it was four out of the seven judges on the Massachusetts Supreme Judicial Court, unaccountable to the public, who issued an opinion and cannot be held to account.

If we vote on issues the American people do not affirm, do not approve of and object to, we can be removed from office. That is the way the system works.

We must not allow this power to go to the courts. In fact, that is precisely the issue that has driven the debate ever since President Bush has been in office, even going back to President Reagan: What do you want out of judges on the courts of America? Do we want judges who impose agendas to do what they think is right under the circumstances? Or do you want judges who follow the law—Judges who care about the law and are respectful of it and indeed respectful of the people of the United States of America who, through their elected representatives, they believe should be setting social policy in this country.

That is the challenge we are facing. That is the second important part of this debate. The first is marriage is an institution of tremendous importance and the rulings we have seen in courts today will undoubtedly erode the validity, impact, and power of that institution that has helped raise healthy generations of Americans year after year. That is one aspect.

The other aspect is the power of unelected judges. That power is frightening. We have seen a number of opinions from the Supreme Court of the United States that cause concern. We saw the Supreme Court avoid ruling recently on the Pledge of Allegiance case that challenged the "under God" language in the Pledge. They could have ruled on that and nailed that issue down. I suspect it suggests the Court is undecided about that. Certainly a number of their opinions have given a basis for the Ninth Circuit Court of Appeals to strike down the Pledge of Allegiance.

The Supreme Court of the United States, in my view, is seriously drifting from its principles. We have had members of that court, more than one, start talking about European law as they analyze legal matters. They have forgotten the American Constitution is a contract between the American people and their Government. It empowers our Government to carry on certain powers and not to do others and retain to the democratic process other actions.

This amendment will have a twofold impact. No. 1, it will protect the integrity of marriage, a critical institution to our culture; No. 2, it will indicate to our courts that the American people are not incapable of defending their liberties when they are under attack by courts. They seem to think this issue will be stirred up for a number of months and then it will settle down and people will go away; that is the way it is going to be, do not worry about it. There will be editorials and church people will carry a sign and someone will sign a petition, but we have lifetime appointments and we are like philosopher kings. We can see the long term and what is good for America. We have decided this is the right thing for America to do. We will take the heat for a few months or a year or two and it will go away, we will be affirmed, and we will affirm our view and stand by it and that will be the end of that. These small-minded citizens will go away.

I am afraid there is an arrogance in some of these opinions that goes that far. It disturbs me.

One of the dissenting justices in the State of Massachusetts, I suppose the most liberal State in the country, certainly the most liberal judiciary, stated that the Goodridge v. Massachusetts decision "exceeds the bounds of judicial restraint," and he went on to note this decision "replaces the intent of the legislature with that of the court."

In other words, that is precisely what they did. The judges on the court, four of the seven, got it in their minds how marriage ought to be defined in America and they went back and took the equal protection clause of the state constitution, very similar to the U.S. Constitution, and the Massachusetts Supreme Judicial Court interpreted that clause to effect a policy change that the founders and the drafters of that constitution certainly never thought possible many years before when that equal protection clause was passed.

I suggest, without doubt, it replaced the intent of a legislature, a body in Massachusetts that is accountable to the public, with the intent of the court. That is what activism is. That is what Senator HATCH so eloquently talked about for many years in the committee he chairs. When judges impose their personal or political views, liberal or conservative, through the redefinition of the meaning of language in the Constitution, they are activist judges. We need to deal with that.

I will take a moment to go over something that has been discussed before, the Lawrence v. Texas case in 2003. Some say the Supreme Court is not going to say we have to recognize same-sex marriages along with traditional marriage. Read that opinion. Senator HATCH pointed it out.

This is the language of the Court:

> In Planned Parenthood in Southeastern Pa. v. Casey, the court reaffirmed the substantive force of the liberty protected by the Due Process Clause.

That is broad language, trust me. I don't know what that means, but it is not good.

I repeat: "reaffirmed the substantive force of the liberty protected by the Due Process Clause."

And continuing:

> The Casey decision again confirmed that our laws and tradition afford constitutional protection to personal decisions relating to marriage, procreation, contraception, family relationships, child rearing, and education . . .

And they went on to state:

> Persons in a homosexual relationship may seek autonomy for these purposes, just as heterosexual persons do.

So, persons "in homosexual relationship may seek" the same protections for these purposes, the purposes above, which includes marriage.

Justice Kennedy, who wrote the opinion for the majority in Lawrence, made clear that the holding of the case did not involve formal recognition of same-sex marriage because the holding of the case had to do with sodomy laws in Texas. It didn't have anything to do with marriage. It does not involve whether the Government must give formal recognition to any relationship that "homosexual persons seek to enter." He suggests it was not about marriage.

The Court did not issue a decision about marriage—that is correct. Justice Scalia is also correct in responding, saying "this case 'does not involve' the issue of homosexual marriage only if one entertains the belief that principle and logic have nothing to do with the decisions of this court."

In other words, the logic of the case is so compelling and powerful that if properly applied to the next case that comes before the Court, it will hold that homosexual marriage must be recognized in the same way.

That is why we are here. No one, in my view—not one Member of this body—would be able to say that marriage, as we have traditionally known it in America, is not in jeopardy as a result of this opinion. Everybody knows the Supreme Court of the United States is on the verge or may be on the verge of ruling like the Massachusetts Supreme Judicial Court did.

So marriage in America under the U.S. Supreme Court is in jeopardy. Marriage as we know it is in jeopardy by the Supreme Court. So what is wrong with this body simply allowing the American people, through their elected representatives, to pass a constitutional amendment on something as important as marriage? It is not unimportant. I reject the idea that this institution which is so valuable to our culture is not important and not worth debate in this body. They are the same ones who say: Oh, look, States are passing constitutional amendments. We don't need to pass one. But if States can pass a constitutional amendment, what is wrong with the Federal Government passing one?

And talk about confusion, as Senator KYL said, let's say the Supreme Court rules consistent with Massachusetts. How long will it take for a constitutional amendment to be passed? In the meantime, what will happen to the marriages and all the arrangements that will be accruing around the country legally? Are they all going to be upset?

So if we are concerned about the power of the courts—I know Senator

HATCH is because they are reaching beyond the traditional role of a court through activist decisions—and if we are concerned about marriage, why don't we move on this amendment? Why don't we send it forward to the people of the United States so they can consider it? Somebody said: Well, I don't like every word that is in this constitutional amendment. Maybe I could support it, but I would like it to be a little different. Well, if we move this amendment forward on the floor so it can be considered by this body, then people can offer amendments to change it. We will debate and talk about how to better word the amendment if it needs to be changed. I feel comfortable with the way it is, but I am willing to debate and talk about any changes.

I believe this body can make a difference. I believe we need to speak on this issue for several reasons. One is because we need to send a message to the courts that we control the culture of this country, we control how intimate relationships like marriage ought to be defined; that is, we the people, and not unelected, lifetime-appointed judges.

I have another chart to show; a lot of liberal lawyers in the country also agree with what I have been saying. Laurence Tribe, from Harvard Law School, last fall, right after the decision in Lawrence or about the time this decision was rendered, said:

> You'd have to be tone deaf not to get the message from Lawrence that anything that invites people to give same-sex couples less than full respect is constitutionally suspect.

So again, isn't that affirmation of what I have said, that the Supreme Court is on the verge or may yet step forward with a Massachusetts-type ruling?

There is another quote I think is interesting. In Justice Scalia's dissent, he said the Lawrence decision:

> leaves on pretty shaky grounds state laws limiting marriage to opposite-sex couples.

"Pretty shaky grounds."

Evan Wolfson, director of the Freedom to Marry group that favors the Massachusetts ruling, said:

> But when [Scalia's] right, he's right. We stand today on the threshold of winning the freedom to marry.

He is talking about the U.S. Supreme Court.

I believe this Senate needs to consider the matter of marriage in America. We need to think seriously about it. We need to consider whether the social science evidence I have discussed and others have discussed earlier indicate these rulings will further undermine marriage in America, thereby endangering our culture, as it inevitably will. And we need to consider the reach of Federal judges which continues to expand beyond their legitimate role.

This amendment provides an opportunity for the people to speak on both those questions. I think it is important for us. I urge my colleagues to think clearly about it. This is not harmful or negative or targeted to anybody. It is an amendment that will focus on affirming traditional marriage, family, and children, which is what a State has a right to be interested in: the institution that nurtures, raises, and educates the next generation who will lead our country. Those are important issues. I hope we will move forward with the debate, we will allow this issue to come before the Senate, we will debate it and debate the language of the amendment—and if we improve it, so be it—and then pass it and send it out to the people of America.

I thank the Presiding Officer and yield the floor.

The PRESIDING OFFICER (Mr. SUNUNU). Who yields time?

Mr. HATCH. Mr. President, I suggest the absence of a quorum and ask that the time be divided equally.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. I ask unanimous consent that I be permitted to speak for such time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I want to speak for a few minutes about the social impact of the marginalization of the American family and traditional marriage over the past years. First, I want to address specifically some of the questions that have been raised both here in this Chamber and in the media and by others who have asked two main questions that seem to be coming back time and time again. One is, why can't we leave this to the States? Secondly, there are those who ask, why now? Why do we need a Federal constitutional amendment now before the U.S. Supreme Court strikes down traditional marriage laws? And then I would like to address more of the social consequences of what we are seeing.

First, the idea of leaving this decision to the States, while an appealing concept in theory, as a practical matter is impossible. Indeed, as I and others on this floor have said so on many occasions in talking about this issue, it has been decisions out of the U.S. Supreme Court interpreting the Federal Constitution and creating a broad right of personal autonomy that have, even addressing the marriage context and relationships between people of the same sex as well as traditional couples and the institution of marriage, it is that broad rationale that has now been bootstrapped by the Massachusetts Supreme Court in the Goodrich case to create this right, this right that did not exist in 1780 when John Adams wrote the Massachusetts Constitution, but all of a sudden was discovered some 224 years later by the Massachusetts Supreme Court.

Of course, the Massachusetts Supreme Court was not the one who dreamed up this right. We have to give credit where credit is due. And that is to the decision of the U.S. Supreme Court in Griswold v. Connecticut, in the Roemer case out of Colorado, and then in the Lawrence v. Texas case last summer.

It would be nice if we could say, for those of us who do believe in the primary authority of the States in all matters except insofar as the Constitution mandates that it is a Federal Government responsibility, I would at first blush find it appealing to be able to leave such matters and others to the States. But we know as a practical matter that that is impossible; first, because of the likelihood that the current challenges to State marriage laws under the Federal Constitution may succeed under the framework, under the roadmap that has been laid out by the U.S. Supreme Court in Lawrence v. Texas. And those challenges currently exist in Utah, Florida, and Nebraska. So no matter what State laws exist, obviously the Federal Constitution, as interpreted by the U.S. Supreme Court, has supremacy. That is what the supremacy clause is all about.

So while it may be appealing to say that we would like to leave this matter up to the States, the very real and present risk is that a Federal court, interpreting the Federal Constitution, will strike down all State marriage laws that stand in the way of same-sex marriages under the rationale used by the U.S. Supreme Court in Lawrence, as embraced by the Massachusetts Supreme Court in interpreting their State constitution in the Goodridge case.

But there is also another practical consideration, and that is on May 17, when the Massachusetts Supreme Court called traditional marriage a "stain that must be eradicated," terming it "invidious discrimination" and without rational basis, when they embraced this revolutionary and radical notion, redefining the traditional institution of marriage after these many years, they didn't just affect the rights of people within the confines of the State of Massachusetts.

What happened, of course, is that couples came to Massachusetts from other States and took advantage of the laws of Massachusetts—at least insofar as interpreted by the Massachusetts Supreme Court—and said they wanted to be married and then move back to the States where they live. Indeed, we know that happened. Same-sex couples have come to Massachusetts and married and returned to their States in 46 different States.

So to suggest that what happens in Massachusetts stays in Massachusetts is wrong, as a practical matter. But the problem is, of course, that now we know there are a handful—I think at last count perhaps 9 or 10—of challenges to State laws restricting marriage or protecting traditional marriage by those who were married in Massachusetts—same-sex couples—who then moved back to their home State and filed a lawsuit in their State courts seeking to force their State to recognize the validity of that same-sex marriage.

As I and others have talked about on numerous occasions, the fact is, this is part of a national litigation strategy by those who would seek to overturn traditional marriage between a man and a woman. And we are not playing offense on this issue; we are playing defense in trying to defend traditional marriage against this national litigation strategy.

So those are just two reasons it is putting your head in the sand to say that this is a matter that is just limited to one State. As a practical matter, we saw on television in San Francisco where one mayor and local officials, in violation of California law, invited people to come there and get married. Now, of course, that issue is balled up in litigation pending before the California Supreme Court. So this is not a local issue confined to the States, nor is it a matter that can be handled, practically or legally or otherwise, by individual States, no matter how hard they might try.

The other question that has been raised is, Why now? The U.S. Supreme Court has not ruled traditional marriage to be unconstitutional and required same-sex marriages a national constitutional matter—not yet. Although it is clear in the hearings that we had in the Senate Judiciary Committee that using the tools that the U.S. Supreme Court provided in these cases that I have already discussed, clearly there is a path mapped out, and the logical conclusion of the rationale used in those decisions is to strike down traditional marriage as we know it.

But the question is, Why now? Some said, well, this may happen—I was talking to one of my colleagues on the other side of the aisle at about noon. He said: Well, this may happen in 3, 4, or 5 years, but it is not an imminent threat right now. So why in the world would we seek to amend the Constitution at this time?

Well, I point, by way of practical example, to what is happening in Massachusetts today. The decision to embrace this radical redefinition of marriage on May 17 was not put to a vote of the people of Massachusetts; it was an edict from the supreme court of that State. But once we saw that the elected representatives of the people of Massachusetts decided to meet and discuss this issue, well, we have seen that they have chosen to reject the decision of the Massachusetts Supreme Court and to protect traditional marriage. The problem is, in Massachusetts, their law requires two successive sessions of the Massachusetts Legislature to meet and agree on the constitutional amendment before it can be passed by the people, effectively meaning that there is no constitutional amendment in that State possible until 2006.

In the meantime, what are the people to do? Well, the people of that State and their elected representatives are watching this progression of same-sex marriages because the Supreme Court of Massachusetts demanded it and ordered it. Even though it is going to ultimately be overruled by the people, in the meantime you are going to have a couple of years in which couples—same-sex couples—are going to seek to be married and be officially married under the laws of Massachusetts, only to have it then prohibited in 2006 going forward.

Well, I would think that people who ask why now would see that as an example of why it is important to do it here and now—before the Federal courts in this country adopt the reasoning of that Massachusetts case.

We know the U.S. Constitution has been amended 27 times. We know it is reserved for special cases, and the burden on someone who would seek to amend the Constitution is very high—a two-thirds vote of the Congress and three-quarters of the States having to vote to ratify. And that is appropriately so. But it is, as we have discussed, the only way that we the people can have a vote and can have a voice on this important issue, especially once the Federal courts, under the guise of interpreting the Federal Constitution, were to hold otherwise.

We know just from the history of those 27 amendments that, on average, they have taken about 8 years. I could be wrong on that figure, and I will doublecheck that, but it has taken roughly 8 years to ratify an amendment to the Constitution, on average. So we know if, in fact, a Federal court today were to hold that traditional marriage violated the Constitution, then the American people were to decide, through their elected representatives, to pass a constitutional amendment, we may find ourselves in effectively the same box that the people of Massachusetts find themselves in now, where in that case you have effectively a 2-year period in which same-sex couples are getting married under the auspices of the decision of the Massachusetts Supreme Court, and to effectively not be able to undo this example of a very aggressive judicial activism. So the same situation would apply under the Federal Constitution because of the amount of time it usually takes to get a Federal constitutional amendment to pass.

So those are two questions that I wanted to address specifically. But I must also say, Mr. President, that I have been profoundly disappointed at the silence that has been basically the only response we have heard from our colleagues on the other side of the aisle. I truly believe that they would prefer that this issue would just go away and that it not draw too much attention because they know if the American people get energized on this issue, they will agree with those of us who believe that traditional marriage and families are worthy of protection by virtue of this constitutional amendment.

They are hoping that nobody pays very much attention, that it will sort of slide by, and that they will not feel the negative repercussions of their objection to this important amendment and the protection of traditional family and traditional marriage through this process.

I wish rather than just not saying very much at all or anything, they would come to the floor and actually debate the issue. If they think they have a strong case, if they think that reason and justice and logic are on their side, I say let's talk about it.

This is sometimes called the world's greatest deliberative body, but it is hard to have very much deliberation, it is hard to have very much debate if the opponents to this amendment simply boycott the debate and hope the issue passes without many people paying much attention, and they are able, as I said, to avoid the wrath of the people for failing to take what steps we find it within our means and ability to take to protect traditional marriage.

Last March, I chaired a hearing in the Senate Judiciary Subcommittee on the Constitution regarding the decision I mentioned a moment ago, the U.S. Supreme Court's decision in Lawrence v. Texas. The Goodridge decision had not actually been handed down last September when we first had that hearing. But in the interim, between that time and this, of course, in March and then May, we had the Goodridge decision handed down which has resulted in an explosion of litigation across America.

During those hearings, both in September and then later on—we actually had a total of three hearings in the Subcommittee on the Constitution—we had some thought-provoking testimony. But at the hearing in March, I was personally moved by the sentiments of Pastor Daniel de Leon of the Templo Calvario Church in California and the testimony of Rev. Richard Richardson of the African Methodist Episcopal Church in Boston whom we were honored to have in attendance.

Both testified they would rather be at home working with the members of their congregations rather than having to come to Washington to testify why it is important to defend traditional marriage. But it is because of the work they do, because they see the results in the decline of marriage and traditional families in their communities every day, that they believe traditional marriage is so important and worth defending.

Some say we are not likely to win this vote that, as I understand, could happen on Wednesday. Regardless of the outcome of this amendment at this time, I believe it is important we have a national discussion on the importance of marriage and a discussion that is based on facts.

We have heard a lot of people talk about the benefit of marriage for adults. We have heard some discussion about hospital visiting rights and inheritance rights, even though many of these issues could be solved simply by a matter of contract between the parties involved. We have learned that people who want to can actually enter into arrangements that will achieve the results they want short of marriage by signing a few simple documents.

We have even heard some discussion about government benefits, even though with these benefits come burdens, and the actual financial ramifications of these benefits are a matter for debate.

Yet I have heard little conversation about what I believe to be the most important issue that is related to what we are discussing, and that is the benefits of marriage for children. It is easy for some people to step back and say this issue does not affect them, but the facts, the social science research that we see from other countries demonstrates otherwise.

This research shows us that this issue affects everyone but particularly children. None of us can, if we are going to claim to be in good faith about this debate, ignore these facts and these examples, nor should we, I believe, be neutral or merely stand on the sidelines.

Scandinavia, as we have heard before, has treated same-sex households as marriage for more than a decade. This practice was instituted in Denmark in 1989, in Norway in 1993, and in Sweden in 1994. The direct reaction to these decisions was relatively small. Few people, it seems, were actually interested in the new arrangements, in the new rights they achieved to marry a person of the same sex, and to this day the number of participating households is rather low.

But the greatest effect was not upon those who sought this new institution but on the society at large. Sad to say, there has been an enormous rise of family dissolution and out-of-wedlock childbirth. Today, about 15 years after Denmark created this new institution, a majority of children in Scandinavia are born out of wedlock, including more than 50 percent in Norway and 55 percent of the children in Sweden, and in Denmark, a full 60 percent of first-born children have unmarried parents.

In Scandinavia, as a whole, traditional marriage is now an institution entirely separated from the idea of child rearing or childbearing, and it is an incidental union, no longer an important one, much less a unique one.

Scandinavia is not alone. In the Netherlands, during the mid-1990s, the rate of out-of-wedlock childbirth began to shoot up by an astonishingly high rate of 2 percentage points a year, a rate matched by no other country in Europe.

By 2003, the out-of-wedlock birthrate had nearly doubled to 31 percent of all Dutch births. It is no coincidence that these were the years when the social debate over legalizing same-sex marriage was the loudest in the Netherlands.

During Holland's drive for same-sex marriage, advocates in Parliament and elsewhere openly scorned the idea that marriage ought to be defined by its childbearing and child rearing character. Of course, there is always a risk that if you spend a decade telling people that marriage is not about family and it is not about children they might just start believing you. But that is apparently what happened in the Netherlands. The Dutch people simply stopped getting married, even when they had children. When it is no big deal, marriage becomes just another choice on a menu of relationship options, and the children pay the price.

Respected British demographer Kathleen Kiernan drew on the Scandinavian case to form a four-stage model by which to gauge a country's movement toward Swedish levels of out-of-wedlock births.

She said in stage 1 the vast majority of the population produces children without marriage, such as in Italy. In the second stage, cohabitation is tolerated as a testing period before marriage, and it is generally a childless phase, such as we currently have in America. In stage 3, cohabitation becomes increasingly acceptable, and parenting is no longer automatically associated with marriage. While Norway was once at this stage, recent demographic and legal changes have pushed it into stage 4, along with Sweden and Denmark.

In the fourth stage, marriage and cohabitation become practically indistinguishable, with many children, even most children, born and raised outside of traditional marriage.

According to Kiernan, once a country has reached a stage, return to an earlier phase is very unlikely.

As you can see, Mr. President, the dissolution of marriage is passed on to children, to the next generation, and the devaluation of marriage as an important institution continues.

In America, the results could be even more significant than in Scandinavia or the Netherlands because, after all, we already have a significant problem of out-of-wedlock childbirth in our own country. When the example of traditional marriage is removed, when cohabitation and marriage are equally respected and when childbearing is no longer something that ought to ideally come in the context of traditional marriage, I fear the problem of single-parent households will only worsen.

We have a wealth of social science research from hundreds of sources over the course of decades which consistently reflects both the positive ramifications for children of a stable, traditional marriage and the negative effects of family breakup, including divorce and out-of-wedlock childbirth. Marriage provides the basis for the family, which remains the strongest and most important social unit.

As we have heard, countless statistics and research attest to the fact that when marriage becomes less important because it is expanded beyond its traditional definition to include other arrangements, that untoward consequences such as greater out-of-wedlock childbirths occur. People simply regard marriage as less significant and certainly, by definition, no longer unique.

Let me be clear. There are literally thousands, tens of thousands, probably hundreds of thousands, of single parents in this country who do a heroic job of raising their children in single-parent households. Nothing I have suggested is meant at all to disparage the great work they do. It is only to point out what social science and common experience would tell us is true, and that is, if possible, the optimal condition to raise any child, in terms of the family in which they are raised, is a family that is intact and where they have a loving father and a loving mother.

We recognize there are circumstances where that is not possible for a variety of circumstances for every child, but that should not deter us from seeking the optimal situation for every child if it is, in fact, possible.

Here in America we made the decision we ought to particularly encourage and support those who marry and have children. This, of course, is not a partisan issue. That is one reason why I am so disappointed by the silence with which we are met on the other side of the aisle, talking about this important issue. In fact, it was one of the most distinguished Democratic Members of this body, Senator Daniel Patrick Moynihan, who argued more than a decade ago that we must stop "the breakup of family inevitably" as best we can. He said:

> The principle social objective of American National Government at every level . . . should be to see that children are born into intact families and that they remain so.

We don't raise our neighbors' children as our own, but we do help all the children in every community every time we affirm and reinforce the importance of traditional marriage, through our speech, by our actions, in our culture, and by our laws. It is a position reinforced through our laws and our practices, and I believe it is right. Government should not be neutral, nor should it pretend to be neutral when it comes to children and families.

Most Americans take for granted that traditional definitions of family and marriage as we know them will always exist but that, as we have seen, is a mistake. We see in Scandinavia and the Netherlands why that assumption would be a mistake. Now we see that same development occurring in one of our States and being spread through litigation throughout the country.

The American people are not persuaded that this radical redefinition of marriage is needed or that it is a good thing. When given the opportunity to express themselves, they have always supported traditional marriage clearly and forthrightly.

I, for one, believe that a national discussion of this issue is a good thing. Those of us on the side of traditional marriage must not flinch and we should not back down and we should not allow people to paint our motivations as hateful or hurtful because, indeed, they are not.

We recognize two simple propositions simultaneously in this country. One is the essential dignity and worth of every human being. But, second and at the same time, we recognize that we see enormous benefits to our children, to society, and to all of us by preserving the traditional institution of marriage. We are merely seeking to defend the fundamental bedrock of our society, the wellspring of families and the welfare of children. That is what we are for. We, who have the responsibility of serving in elective office, have the duty to act to protect marriage as a social good, not to ignore this issue until it is too late.

Some believe traditional marriage itself is about discrimination, that all traditional marriage laws are unconstitutional and therefore must be abolished by the courts. They align themselves with four justices in Massachusetts who contend the traditional institution of marriage is "rooted in persistent prejudices" and "invidious discrimination" and not in the best interests of children.

These activists, out of the mainstream as they are, accuse others of writing discrimination into the Constitution. Yet they are the ones who are willing to write the American people out of our constitutional democracy.

Now that the threat to traditional marriage is a Federal threat, a Federal constitutional amendment is the only way to preserve traditional marriage laws nationwide before it is too late. We need stable marriages and stable families. The institution of marriage is just too important to leave to lawyers and lawsuits and to chance.

Unless and until the American people are persuaded otherwise, we have a duty as their representatives to defend the laws they have passed, indeed the laws that we have passed, such as the Defense of Marriage Act in 1996, and not let extremists in the courts or outside them reshape society according to their own whim. We can be confident in the fact that a constitutional amendment is the most representative process we have in American law.

There is no possible response to this judicial activism, to this rewriting of the Constitution by judicial fiat, but an amendment. Give the States a voice. Give the people a voice. They deserve no less on such an important issue.

I suggest the burden of proof is on those who seek to experiment with traditional marriage, an institution that has sustained society for countless generations. The experimenters must present their case to us, that the radical new social unit they propose is good for the community, is good for families, and most of all good for children. Thus far, the laboratory where this experiment has already been run, in Scandinavia and the Netherlands, has given us nothing but disastrous results.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the majority's time has expired. The Senator from Mississippi.

Mr. LOTT. I ask unanimous consent that I be allowed to proceed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Mississippi is recognized.

Mr. LOTT. Mr. President, I thank the distinguished Senator from Texas for his leadership on this issue and for his comments. To have a former State attorney general of the State of Texas and a former member of the Texas Supreme Court speak on this subject as an enlightened judge and as an authority, in my opinion, on the Constitution, is a very important part of this process. So I look forward to hearing more of his thoughts on this subject as he has talked about the case law, the legal precedents, and what is at stake with this amendment.

I know others have done it, but let me take a moment to read the amendment we are proposing to the Constitution, because there has been a lot of discussion about what we should do. I have seen a number of different amendments or language being proposed, many of them a couple of paragraphs, quite long or complicated. This one is very simple, direct, right to the point and I think does what needs to be done. Some people would say it does not go far enough, but I think this is the careful way the Constitution should be amended.

> Marriage in the United States shall consist only of the union of a man and a woman.
>
> Neither this Constitution, nor the constitution of any State, shall be construed to require that marriage or the legal incidents thereof be conferred upon any union other than the union of a man and a woman.

It is quite simple and direct. Will it lead to some court consideration in the future? Surely. But what has caused this problem is the aggressive actions of the activist courts to take decisions in Massachusetts and in other places that have left us no alternative. So I rise today in strong support of S.J. Res. 40, the Federal marriage amendment. It would amend the Constitution to provide specific protection for the institution of traditional marriage. I am an original cosponsor of this measure because I believe marriage should only consist of a union between a man and a woman.

Traditional marriage has existed as a fundamental building block of our society for thousands of years, and we have learned that it provides the best and most stable environment for nurturing the children who become America's and the world's next generations. Now we see the courts have been moving in this area on what I consider a radical quest to sweep away the traditional definition of marriage, one man and one woman, by allowing same-sex couples to marry.

This undemocratic activism by the courts can only be stopped, the future stability of our society protected, and this whole area clarified, by the safeguard of a constitutional amendment. Some Senators have argued that while they support traditional marriage, they do not believe a constitutional amendment is necessary or proper at this time. They maintain the Defense of Marriage Act, passed in 1996, is sufficient to protect traditional marriage by allowing individual States to bar the recognition of same-sex marriages that may be allowed in other States. Unfortunately, I am convinced they are incorrect.

When the Supreme Court of Massachusetts directed the Massachusetts legislature to authorize same-sex marriages, the inadequacy of the Defense of Marriage Act, DOMA, as it is commonly referred to, was exposed. Approximately three-fourths of the States have laws protecting traditional marriage, indicating the democratically enshrined views of the residents of those respective States. But activist courts in many of those States could unfortunately overturn these laws by forcing that State to authorize same-sex marriage or to recognize same-sex marriages performed in other States. Additionally, now that the State of

Massachusetts has endorsed same-sex marriages, the legal system in every other State will be impacted when couples of the same sex are married in Massachusetts but go to other States to seek divorces or probate wills, even if that particular State chooses not to recognize such marriage. This development could obviously create, and is beginning to create, legal chaos in the country.

Furthermore, sadly, it is only a matter of time before the Defense of Marriage Act is overturned by unelected Federal judges who "find" rights in the U.S. Constitution which simply are not there, such as the U.S. Supreme Court did in the Lawrence v. Texas case. Therefore, a constitutional amendment protecting marriage is the only way to adequately guarantee the sanctity of this fundamental institution.

Those who oppose the amendment say the U.S. Constitution should only be amended on rare occasions and for crucial reasons, if at all. I agree, and I think this is a rare situation and a critical one. I have been disappointed occasionally over the years that we have not been able to succeed in amending the Constitution. A few years ago we lost in the Senate by one vote to have a constitutional amendment requiring a balanced budget. A few years after that, we actually had balanced budgets and a number of Senators said, see, we do not need it. Well, here we are again.

By the way, there would have been an exception for national emergencies or national security requirements that we are now dealing with.

When we look at the Constitution, wonderful document that it is, the original Constitution turned out not to be perfect. We had the articles of the Constitution and we went through Article V, Article VI, Article VII, and stopped, and then we had the 10 amendments that are referred to as the Bill of Rights. So there were 10 amendments that were soon added, and in the last century alone we added 12 amendments. Most people would say some of those amendments are not exactly earth-shattering amendments. The 27th, being the last one, is one that took almost the entirety of this country's history to get through the process to actually be ratified, but it had to do with the compensation of the services of Senators and Representatives. I will bet if we asked the American people to list the 10 things they think the Constitution should perhaps be amended for, that would not be one of the top 10.

It is a sacred document. It is one we should defend and protect. We take an oath to it. We do not take an oath to the people. We take an oath to protect and defend the Constitution, and I think we should do that.

There are occasions when we should consider the process. They should be in areas that are critical and they should be rare. We have not had a serious debate on a constitutional amendment now for about 6 or 8 years. A constitutional amendment dealing with marriage being between one man and one woman seems to me to be an issue that is important enough for us to have a debate on amending the Constitution.

There are those who say it should not be amended lightly. I certainly agree with that. But our Founding Fathers made sure it would not be done often and that it would not be done lightly. The process for ratification of an amendment is a very difficult and lengthy one. Under the Constitution, within Article V itself, it says it requires a two-thirds vote of both Houses of Congress to approve a constitutional amendment and three-fourths of the State legislatures must ratify the amendment for it to become a part of the Constitution.

There is one other very difficult procedure in the Constitution in which a convention process can be conducted to get an amendment approved. I know how difficult that is, too, because some years ago I actually joined in a bipartisan effort to try to go through the State legislatures to take advantage of this part of the Constitution to have a convention that would lead to a balanced budget requirement in the Constitution. My own State legislature took that action, as well as several other States, but it soon fizzled out and I do not believe that process has been used in the history of our country. So this is not an issue we should take lightly. It is rare, it is exceptional, and it is one that will take a lot of thought and debate before we get through the process.

Some people say, well, what about federalism? What about the rights of the States? That is what we are talking about.

If we do not deal with this issue that may arise from the full faith and credit clause, some States such as, say, Alabama or Oklahoma are going to have a real problem in dealing with what the courts have directed in the State of Massachusetts.

Full faith and credit says we have to respect each other's laws. But I do think we need clarity in this very critical area. I think the Constitution deserves to be amended when it deals with something so traditional and which is such a vital part of our country and our future.

Marriage is our most basic social institution, and its traditional definition as the union of a man and a woman is intended to be the best environment for rearing children. There is a reason that we have a "traditional" definition of marriage: God's design and the resulting evidence of science and common sense clearly demonstrates that the union of a man and a woman is the best, most secure and nurturing atmosphere in which to bring up children.

This does not mean that single parents, foster parents, and others cannot do heroic jobs of raising children—because many children are being raised by these heroes. However, marriage is meant to affirm the ideal model in which to bring up the next generation. Mothers and fathers both matter, and both make critical contributions in the lives of children. A man and a woman united in marriage can uniquely provide the many different attributes that children need as they are reared to become our next generation, and both make important contributions.

I am going to yield the floor at this point, since I am about to lose my voice talking about this subject, but I think this is an issue whose time has come. I commend the leader and Senator SANTORUM for making sure this issue is debated in the Senate.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I ask unanimous consent that Senator SANTORUM be recognized for so much time as he may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SANTORUM. Mr. President, I ask unanimous consent that that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANTORUM. Mr. President, I ask unanimous consent to be able to speak for such time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANTORUM. I thank the Chair.

Mr. President, I congratulate both the Senator from Mississippi and the Senator from Texas for their excellent comments and for adding to this debate.

I think one of the main facts we tend to overlook in this institution is the importance of the debate—the importance of engaging in a subject matter and having a colleague focus on an issue and having the American public focus on an issue.

I think in a very short period of time the issue of marriage actually has come to the fore in America—to actually start to think about what marriage is. What is the purpose of marriage? What is it all about, and how does it fit into American culture?

I told the story when the Massachusetts decision was first handed down about being questioned by college students. As the Presiding Officer knows, we are constantly bombarded by high school and college students who come down and visit with us. It is a wonderful thing when you get a chance to stay in touch with what the young mind is thinking and the popular culture they are influenced by.

Once Goodridge was handed down, I would get the question, How do you feel about changing the definition of marriage? I would enter into a discussion. I came up with the idea of asking those young people, before I answered that question, What is the purpose of marriage? Absolutely without fail, for about a 2-month period of time, as I would do that almost on a daily basis when we were in session because the issue was a hot issue at the time, I would get three or four hands going up. The answer would be to affirm the love between two people. That was the answer.

I would ask several other folks, generally speaking, some sort of variation on that theme. There would usually be some young man—usually a young man, occasionally a young lady, in the back, always in the back—who would put his hand up and sheepishly say something like procreation and rearing of children.

I have to tell you that for a several-month period of time, when that young man or young lady would raise their hand and would say that, the majority of the kids in the group would laugh, which somewhat startled me. Then, of course, I would say I agree with that man in the back or that young lady in the back about the principal purpose of marriage. Yet to many of our young people that was not something which was considered. The only thing that was considered was about them in a sense. Consider yourself. Why do you want to be married? Well, to make me happy, to join me with someone I love. That is what marriage is about. It is about me.

I would suspect, if you went back and talked to your grandmother or great-grandmother, and you asked what the purpose of marriage is, they would probably give you a very different answer. Thankfully, I am getting a different answer now when I ask that question. More and more people are saying what that sheepish young boy or young girl would say in the back, and there are fewer and fewer laughs when they say it is about children.

I can only give as a reason for that the fact that we have had this debate as to what marriage means and the importance of it to our society. It is like the oxygen we breathe. We breathe it and we know it is there. It is essential to life, but we sort of take for granted that it is just going to be there. That is our bodily function because it is just going to be there. The body politic, the body, the social body, that culture that is in America sort of takes marriage for granted. When we see places where marriage maybe has been taken too much for granted or simply been pushed aside as something that isn't necessary, we see how culture and society suffer greatly.

One of the things I wanted to do in the little time I have here—and I think the Senator from Kansas is here, and I know he wants to speak—is talk about what the purpose of marriage is. Why is this issue so central? We tend to talk about what the need for this amendment is and get sort of wrapped up in the procedure.

I think one of the great blessings of the Senate is an opportunity to debate, educate, and to think through things.

I earlier quoted a study by professors Young and Nathan. I will go through a little bit more of this article. But they lay out in a paragraph of the study the purpose, if you will, the reason for marriage, and why society must encourage it.

As I mentioned in my earlier comments, if society doesn't encourage marriage and fidelity between a man and a woman, the natural inclination is certainly—as I think we have seen in many subcultures in America—not to be faithful, not to be responsible fathers, not to be involved with a woman for a long-term commitment. This is something which, if not nurtured by culture, could cause us to evolve very quickly into a rather self-absorbed, self-centered culture, with men being the principal stirrer of that lethal cocktail in America.

But to quote professors Young and Nathan:

> The culture of marriage must encourage at least five things. A, the bonding between men and women that ensures their cooperation for the common good; B, the birth and rearing of children, at least to the extent necessary for preserving and fostering society in a culturally approved way; C, bonding between men and children so that men are likely to become active participants in family life; D, some healthy form of masculine identity which is based on the need for at least one distinctive, necessary and publicly valued contribution to society and is especially important today because the other two cross-cultural definitions of manhood, provider and protector, are no longer distinctive now that women have entered the public realm; and E, the transformation of adolescence into sexually responsible adults so young men and women are ready for marriage and the beginning of a new cycle.

So why do we support marriage? Why do we hold up marriage as a special institution to which we give prestige and esteem, that we support with cultural and social norms, to which we give legal preferences, legal protection? Why do we do this as a culture? Why has every culture in the history of man provided the same kind of nurturing and support for husbands, for men and women to become husbands and wives and fathers and mothers?

We do this for the reasons that are laid out here—at least for these reasons laid out here. Some of them are really interesting, if you dig into them as to how, without this kind of nurturing, we can see very clearly how our society would be harmed.

I haven't heard anybody get up and argue that marriage between a man and a woman is bad. I haven't heard anybody get up and suggest that we should change the definition of "traditional." In fact, I haven't heard anybody here, nor do I expect to hear anyone here, advocate for the States to change the definition of traditional marriage.

One wonders if there is unanimity of opinion as to what marriage is. And I suspect, although I would be happy to hear people come forward and disagree with these elements that I have just laid forth—but if there is agreement as to what marriage is and the purpose and the benefits of society for marriage, why are we so reticent in doing what we know for sure will protect that institution?

Again, Members can make the arguments up and down that there are other ways we can protect marriage: The States can do it, the State courts can do it, the legislatures can do it, the DOMA statute, or the House, which is looking at some sort of limitation of jurisdiction. We can look at a whole variety of different things and say this could work, this might work, this may happen, but ultimately we know for sure one thing will work. A constitutional amendment defining marriage will, without question, work.

We have to ask ourselves, if marriage is this institution so critical to the future of our society, it is so foundational for our children and for men and women to build these bonds for the common good—and after the Senator from Kansas speaks, I will go through chart after chart of the benefits children gain from being in a married family—if we accept that social good, then why is there not overwhelming support for something most people even 10 years ago would have said: This is common sense. Of course marriage is between men and women. We do not have to put that into the Constitution. Everyone agrees with that.

Yes, everyone agrees, but Members will stand up in the Senate and say: We all agree with that, but it does not belong in the Constitution. Marriage is not important enough. Families are not important enough to be protected by our Constitution, to be protected from rogue judges who say things like marriage is a stain on our laws that must be eradicated.

I believe ultimately we will protect marriage. Let's start now. Let's come together and make some commonsense decisions about protecting the institution that is so valuable to this country, that we know is a public good. We can do that starting this week.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I ask unanimous consent to speak on the proposed marriage amendment for up to 30 minutes.

The PRESIDING OFFICER (Mr. SESSIONS). Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I rise to speak on this proposed amendment, constitutional amendment to protect marriage. I am an original cosponsor. I support the Allard amendment. He has done an absolutely fabulous job of bringing this forward. I will articulate those reasons for my colleagues and for others.

This is a critical battle. We are at a critical stage in the culture of the United States. What happens on this particular issue will have a profound impact on the future of the United States of America. It is that which we are actually debating today.

I have no doubt it is imperative we act now by means of a constitutional amendment to protect marriage. As some of my distinguished colleagues have already pointed out, this action has been made necessary not by election year politics but by the reckless actions of a judiciary bent on radical social experimentation.

Let there be no mistake, the stakes in this battle of the future of our culture are enormous. This attempt by the judiciary to radically redefine marriage is both a grave threat to our central social institution and a serious affront to the democratic rule in our Nation.

On our reaction to this threat hinges the future of marriage and our future as a self-governing people. Both are at stake. Most Americans believe homosexuals have a right to live as they choose. They do not believe a small group of activists or a tiny judicial elite have a right to redefine marriage and impose a radical social experiment on our entire society.

Let us be clear, this is not a battle over civil rights; it is a battle over whether marriage will be emptied of its meaning in contradiction to the will of the people and their duly elected representatives. We are a democracy, not a people ruled by a judicial dictator. In order to reach a predetermined outcome with regard to marriage, judges such as the five judges responsible for the Goodridge decision in Massachusetts are disregarding thousands of years of custom and experience, the laws of every society, and the beliefs of every major religious tradition. Unless action is taken by Congress to protect marriage by means of a constitutional amendment, the marriage laws of 50 States will be at the mercy of Federal judges, and marriage itself will be redefined out of all recognition.

The Defense of Marriage Act passed by Congress in 1996 is not enough. Without a constitutional amendment, Federal judges will likely rule DOMA, the Defense of Marriage Act, unconstitutional under the doctrine of full faith and credit, and marriages recognized in one State will be required to be recognized in all.

As several of my distinguished colleagues have noted, challenges to DOMA are already making their way through the courts. This radical attempt to redefine marriage also highlights the need to rein in an increasingly reckless judiciary. When activist judges show no regard for legal intent or precedent, using their positions to achieve policy goals, they must be resolutely opposed. In fundamentally altering the definition of marriage and changing duly approved marriage laws, these judges show contempt for the democratic process itself.

The choice is clear: Either we amend the Constitution and protect the rights of the people to self-determination in this process or the Constitution will be amended, in effect, by the edict of judges.

The time has come to act. If we continue to let activist judges determine the fate of marriage, the battle may be lost and we could lose the institution of marriage. Marriage can be lost.

It is important to take a step back from the heat of this controversy in order to understand why defending the institution of marriage is so important to the Nation's future. America's political system is framed around a particular understanding of human freedom, an understanding of freedom not as mere license but as something that must be guided and governed by a fundamental internal moral code. In keeping with human nature, the direction is toward both the individual good and the common good.

Our great experiment and freedom as a nation has not been without its difficult moments of trial when we have struggled with our very identity as a people as we attempted to resolve the tensions inherent in the responsible exercise of freedom. The attempts to grapple with the evils of slavery in the 19th century and civil rights struggles of the 20th century are primary examples.

In the long view of history, it seems likely we will look back at the social changes identified with the decline of marriage and the family, which began to make cultural inroads in the 1960s, and conclude that this vast cultural experiment has been a very harmful one, particularly harmful on children. That experiment, of course, continues today, but there are indications America is beginning to reevaluate that experiment, to assess where it is heading, and whether, as a people, we need to correct course.

A vitally important part of this assessment is to study the social science data regarding what happens when sexuality and children are taken outside of the context of marriage and what happens when marriage declines as an institution as a result of a culture in which divorced or out-of-wedlock births, cohabitation, and single parenthood have become a social norm.

One of the central questions before our society right now is whether this course is desirable and, if not, what can be done to avert it. Particularly important is what the social science evidence has to tell about how children have been affected by the weakening of the institution of marriage over the last 40 years. It is incumbent upon those who deal with public policy issues to investigate this trend and its consequences on society.

A very wise man who served in this body for a number of years, the late Democratic Senator from New York, Daniel Patrick Moynihan, was a great cultural commentator. He once wrote this:

> [T]he central conservative truth is that it is culture, not politics, that determines the success of a society. The central liberal truth is that politics can change a culture and save it from itself.

I think we see both truths in action in this debate.

Senator Moynihan also wrote:

> [T]he principal objective of American government at every level should be to see that children are born into intact families and that they remain so.

The "principal objective," according to the late-Senator Moynihan.

I have no doubt about what the outcome of this debate over an amendment to protect marriage would be if more of us in the public policy arena adhered to this principle, because seeing to it "that children are born into intact families and that they remain so" is, in a nutshell, what this whole debate is all about. And the only way to achieve that laudable aim is to protect the traditional meaning of marriage as the union between one man and one woman and prevent rogue judges from defining marriage out of existence.

The costs to our society, should Federal judges force the States to recognize the legal equivalence of same-sex unions, would be significant—even disastrous—when measured in terms of the effects on our central social institution, the family.

Marriage is at the center of the family, and the family is the basis of society itself. The Government's interest in the marriage bond, and the reason it treats heterosexual unions in a manner unlike all other relationships, is closely related to the welfare of children. Government registers and endorses marriage between a man and a woman in order to ensure a stable environment for the raising and nurturing of children. Social science on this matter is conclusive: Children need both a mom and a dad.

Study after study shows children do best in a home with a married, biological mother and father, and the Government has a special responsibility to safeguard the needs of children. The social costs of not doing so are tremendous. Child Trends, a mainstream child welfare organization, has noted:

> [R]esearch clearly demonstrates that family structure matters for children, and the family structure that helps the most is a family headed by two biological parents in a low-conflict marriage. Children in single-parent families, children born to unmarried mothers, and children in stepfamilies or cohabitating relationships face higher risks of poor outcomes. . . . There is thus value for children in promoting strong, stable marriages between biological parents.

Giving public sanction to homosexual "marriage" would violate this Government responsibility to safeguard the needs of children by placing individual adult desires above the best interests of children. There is no reliable social science data demonstrating that children raised by same-sex couples do as well as children raised by married, heterosexual parents. Redefining marriage is certain to harm children and the broader social good if that redefinition weakens Government's legitimate goal of encouraging men and women who intend on having children to get married.

If the experience of the last 40 years tells us anything, it is that the consequences of weakening the institution of marriage are tragic for society at large. While it has become fashionable to champion a wide variety of "alternative family forms," it is abundantly clear that children are much less likely to thrive in the absence of their biological father. Children who grow up without their fathers are two to three times more likely to fail in school, and two to three times more likely to suffer from an emotional or behavioral problem. They can achieve, but it is a much more difficult route.

I have a series of charts to share with my colleagues to make this point.

Developmental problems are less common in two-parent families. To show where this goes, they are five times more likely to be poor. Nearly 80 percent of all children suffering long-term poverty come from broken or never-married families—80 percent of all children suffering long-term poverty.

I want to show this chart to my colleagues. Eighty percent of children suffering long-term poverty come from broken or never-married families.

The crisis of child poverty in this country is, in large degree, a crisis of marriage. The percentage of children in intact families living in poverty is very small compared to those in families where the father is not present.

I want to show another chart to my colleagues: Percentage of children in poverty in 2000. You can see across the chart, for children in never-married families, 67 percent of the children are in poverty. If you go down on the chart to those children in families where the parents are in their first marriage, where the parents stay in that union, less than 12 percent of the children are in poverty.

Marriage has the effect of lifting families and children out of poverty. After the birth of a child out of wedlock, only 17 percent of poverty-level income mothers and children remain poor if the mother marries the child's father. More than half of those mothers and children remain poor if the mother remains single.

That is shown on this chart. If the mother remains single, over half remain below the poverty level. If she gets married, less than 17 percent remain below the poverty level.

Divorce, on the other hand, impoverishes families and children. It has been estimated that the average income of families with children declines by 42 percent after divorce.

This is the impact of divorce on the income of families with children. As this chart shows, you can see, after divorce, the income level of that average family declines 42 percent. Divorce is a key contributor and creator of child poverty.

Children who grow up fatherless are also at a much increased risk of serious child abuse. A child whose mother cohabits with a man who is not the child's father is 33 times more likely to suffer abuse than a child living with both biological parents in an intact marriage—33 times more likely to suffer child abuse.

You can see the child abuse levels in families: with married biological parents, comparative rates of abuse, 1 percent; biological mother cohabiting, 33 percent. Indeed, one of the most dangerous environments for a child today is in a home with a mother cohabiting with someone to whom she is not married. It is an incredibly dangerous situation overall—not for everybody and not in all circumstances, but the numbers just go up dramatically.

Married mothers are also half as likely to be victims of domestic violence than mothers who have never been married. As teenagers, fatherless children are more likely to commit crime, engage in early and promiscuous sexual activity, and to commit suicide.

It is clear that both children and society as a whole pay an enormous price in fatherless homes.

The American people realize this. A Gallup poll from several years ago showed almost 80 percent of the public agrees with the proposition that "the most significant family or social problem facing America is the physical absence of the father from the home."

It is a problem that requires urgent attention in our country. Nearly 25 million children today reside in a home where the father is absent. Half of these children have never stepped foot in their father's home. Less than half of all teenagers currently live with their married biological mothers and fathers.

That is what this chart shows us. Less than half of all teenagers live with their married biological mothers and fathers.

This year, approximately 1 million children will endure the divorce of their parents and an additional 1.2 million will be born out of wedlock. Altogether, the proportion of children entering broken homes has more than quadrupled since 1950.

You can see this chart goes from 1950 up until about the year 2000. This shows children born out of wedlock, children born in previous years whose parents are divorced, and you can see that trend line and what that has done in America since 1950.

This is a crisis for both our children and our country, the fact that so many children are growing up without fathers. It has been exacerbated by the decline of the institution of marriage. According to the Census Bureau, the number of cohabiting couples has increased from a half million to almost 5 million in the last 30 years. The number of households with neither marriage nor children present has gone from 7 million in 1960 to just under 41 million in 2000.

All this is not to say that good children cannot be raised in other family settings. They can. Many healthy children are raised in difficult circumstances. Many single parents struggle heroically and successfully to raise good children. Still, social science is clear, the best place for a child is with a mom and a dad. Both are needed.

Traditional marriage is a social good because it dramatically reduces the social costs associated with dysfunctional behavior. Supporting and strengthening marriage significantly diminishes public expenditure on welfare, raises government revenues, and produces a more engaged, responsible citizenry.

There is a real question about the future of societies that do not uphold traditional marriage. Once a society loses sight of the central importance of marriage in raising children, the institution can go into a tailspin. If marriage begins to be viewed as the way two adults make known their love for each other, there is no reason to marry before children are born rather than after. And if it is immaterial whether a couple should be married before the birth of a child, then why should they marry at all?

In Europe, many parents have stopped marrying altogether because they no longer view marriage as having anything to do with parenthood or children. The legalization of same-sex marriage has been instrumental in working this change in perspective, leading most to think of marriage as simply the expression of mutual affection between two consenting adults. As a result, couples are marrying later and later after children are born, or simply foregoing marriage altogether. Rates of parental cohabitation have skyrocketed, and family dissolution has become endemic.

The experience of other nations demonstrates that the imposition of same-sex "marriage" and civil unions leads to a weakening of marriage. As scholar Stanley Kurtz has shown, in Scandinavia, the system of marriage-like same-sex registered partnerships established in the late 1980s has contributed significantly to the ongoing decline of marriage in that region. In The Netherlands, same-sex marriage has increased the cultural separation of marriage from parenthood, resulting in a soaring out-of-wedlock birthrate. Kurtz warns that same-sex "marriage" could widen the separation between marriage and parenthood here in the United States, and perhaps undo the progress we have made in arresting the once seemingly inexorable trend towards higher rates of illegitimacy among some communities in the United States.

And Stanley Kurtz is not alone in pointing to the negative effects these developments have had on marriage in The Netherlands.

I think it is important to go into this point at some length, because we have a case study of what can happen to the institution of marriage when it is redefined to include same-sex relationships. We have a case study. We know what happens when you redefine it. It has happened in The Netherlands.

In a letter released just last Thursday addressed to "parliaments around the world debating the issue of same-sex marriage," a group of Dutch scholars raised concerns about gay marriage's negative effects on the institution of marriage in The Netherlands. In a letter published in the July 8 edition of a Dutch paper, five Dutch academics suggested that "there are good reasons to believe the decline in Dutch marriage may be connected to the successful public campaign for the opening of marriage to same-sex couples in The Netherlands."

The letter's signatories came from several academic disciplines, including the social sciences, philosophy, and law. The scholars caution against attributing all of the recent decline of Dutch marriage to the adoption of same-sex marriage, but they did say, "There are undoubtedly other factors which have contributed to the decline of the institution of marriage in our country. Further scientific research is needed to establish the relative importance of all these factors." However, they conclude, "At the same time, we wish to note that enough evidence of marital decline already exists to raise serious concerns about the wisdom of the efforts to deconstruct marriage in its traditional form."

In recent years, they note, there is statistical evidence of Dutch marital decline, including "a spectacular rise in the number of illegitimate births." By creating a social and legal separation between the ideas of marriage and parenting, these scholars warn, same-sex marriage may make young people in The Netherlands feel less obligated to marry before having children.

The publication of the letter of warning in this Dutch paper was accompanied by a front page news story and an interview with two of the signatories. In the interview, Dutch law professor M. van Mourik said that "the reputation of marriage as an institution [in Holland] is in serious decline." According to Mourik, the Dutch need to have a national debate on how to restore traditional marriage. The decision to legalize gay marriage, said Mourik, should certainly never have happened. "In my view that has been an important contributing factor to the decline in the reputation of marriage."

One of the letters' other signatories, Dr. Joost van Loon, is a Dutch citizen who heads a research unit on culture and communication at Britain's Nottingham Trent University. Van Loon has done comparative studies of family life and sexual attitudes in The Netherlands and Britain, and is also acquainted with research on American marriage. Van Loon believes that gay marriage has contributed to a decline in the reputation of Dutch marriage. He says, it's "difficult to imagine" that the Dutch campaign for gay marriage did not have "serious social consequences," said Van Loon, citing "an intensive media campaign based on the claim that marriage and parenthood are unrelated."

Mr. President, I ask unanimous consent that this letter and background documentation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DUTCH SCHOLARS ON SSM

[New statement. Here it is in Dutch. What follows is an unofficial English translation]

At a time when parliaments around the world are debating the issue of same-sex marriage, as Dutch scholars we would like to draw attention to the state of marriage in The Netherlands. The undersigned represent various academic disciplines in which marriage is an object of study. Through this letter, we would like to express our concerns over recent trends in marriage and family life in our country.

Until the late 1980's, marriage was a flourishing institution in The Netherlands. The number of marriages was high, the number of divorces was relatively low compared to other Western countries, the number of illegitimate births also low. It seems, however, that legal and social experiments in the 1990's have had an adverse effect on the reputation of man's most important institution.

Over the past fifteen years, the number of marriages has declined substantially, both in absolute and in relative terms. In 1990, 95,000 marriages were solemnized (6.4 marriages per 1,000 inhabitants); by 2003, this number had dropped to 82,000 (5.1 marriages per 1,000 inhabitants). This same period also witnessed a spectacular rise in the number of illegitimate births—in 1989 one in ten children were born out of wedlock (11 percent), by 2003 that number had risen to almost one in three (31 percent). The number of never-married people grew by more than 850,000, from 6.46 million in 1990 to 7.32 million in 2003. It seems the Dutch increasingly regard marriage as no longer relevant to their own lives or that of their offspring. We fear that this will have serious consequences, especially for the children. There is a broad base of social and legal research which shows that marriage is the best structure for the successful raising of children. A child that grows up out of wedlock has a greater chance of experiencing problems in its psychological development, health, school performance, even the quality of future relationships.

The question is, of course, what are the root causes of this decay of marriage in our country. In light of the intense debate elsewhere about the pros and cons of legalising gay marriage it must be observed that there is as yet no definitive scientific evidence to suggest the long campaign for the legalisation of same-sex marriage contributed to these harmful trends. However, there are good reasons to believe the decline in Dutch marriage may be connected to the successful public campaign for the opening of marriage to same-sex couples in The Netherlands. After all, supporters of same-sex marriage argued forcefully in favour of the (legal and social) separation of marriage from parenting. In parliament, advocates and opponents alike agreed that same-sex marriage would pave the way to greater acceptance of alternative forms of cohabitation.

In our judgment, it is difficult to imagine that a lengthy, highly visible, and ultimately successful campaign to persuade Dutch citizens that marriage is not connected to parenthood and that marriage and cohabitation are equally valid 'lifestyle choices' has not had serious social consequences. There are undoubtedly other factors which have contributed to the decline of the institution of marriage in our country. Further scientific research is needed to establish the relative importance of all these factors. At the same time, we wish to note that enough evidence of martial decline already exists to raise serious concerns about the wisdom of the efforts to deconstruct marriage in its traditional form.

Of more immediate importance than the debate about causality is the question what we in our country can do in order to reverse this harmful development. We call upon politicians, academics and opinion leaders to academics and opinion leaders to acknowledge the fact that marriage in The Netherlands is now an endangered institution and that the many children born out of wedlock are likely to suffer the consequences of that development. A national debate about how we might strengthen marriage is now clearly in order.

Signed,

Prof. M. van Mourik, professor in contract law, Nijmegen University.

Prof. A. Nuytinck, professor in family law, Erasmus University Rotterdam.

Prof. R. Kuiper, professor in philosophy, Erasmus University Rotterdam J. Van Loon PhD, Lecturer in Social Theory, Nottingham Trent University H. Wels PhD, Lecturer in Social and Political Science, Free University Amsterdam.

STATEMENT OF NICHOLAS ZILL, PH.D., VICE PRESIDENT AND DIRECTOR, CHILD AND FAMILY STUDY AREA, WESTAT, INC., ROCKVILLE, MD

TWO-PARENT FAMILY GOOD FOR CHILDREN

"On average, the presence of two married parents is associated with more favorable outcomes for children both through, and independent of, added income. Children who live in a household with only one parent are substantially more likely to have family incomes below the poverty line, and to have more difficulty in their lives than are children who live in a household with two married parents." (quoting annual report published by the Federal Interagency Forum on Child and Family Statistics, 2003)

"[T]he research evidence clearly shows that indicators of children's achievement and social behavior are more favorable in two parent biological families than in two-parent step, adoptive, or foster families."

FACTS ON TODAY'S CHILDREN

Nearly 25% of U.S. children under the age of 18 are living with only their mothers, typically as a result of marital separation or divorce or birth outside of marriage. (U.S. Census Bureau)

5% of U.S. children are living with only their fathers. (U.S. Census Bureau)

4% of U.S. children are living with neither parent. (U.S. Census Bureau)

10% to 15% of U.S. children are living in a stepfamily situation, with their mother and a stepfather or their father and a stepmother. (U.S. Census Bureau)

69% of U.S. children are living with two married parents, but only 55% of U.S. children are living with two married biological parents. (U.S. Census Bureau)

About 1 in 3 children born in the U.S. today is born to unmarried parents—"many of whom will never get married to each other."

STATEMENT OF PATRICK F. FAGAN, WILLIAM H.G. FITZGERALD FELLOW IN FAMILY AND CULTURE ISSUES, HERITAGE FOUNDATION

IMPACT OF FAMILY BREAKDOWN

60% of U.S. children born in 2000 entered a broken family: 33% born out of wedlock and 27% suffering the divorce of their parents. In contrast, only 12% of U.S. children born in 1950 entered a broken family: 4% born out of wedlock and 8% suffering the divorce of their parents. (CDC/NCHS Series Report)

"The children of parents who reject each other suffer: in deep emotional pain, ill health, depression, anxiety, even shortened life span; more drop out of school, less go to college, they earn less income, they develop more addictions to drugs and alcohol, and they engage in increased violence or suffer it within their homes."

U.S. children from intact families that worship God frequently have an average GPA of 2.94, while children from fragmented families that worship little or not at all have an average GPA of 2.48. Children from intact families that worship little or not at all have an average GPA of 2.75. Children from fragmented families that worship frequently have an average GPA of 2.72. (National Longitudinal Survey of Adolescent Health).

Mr. BROWNBACK. We have studied this question thoroughly. I and a number of my distinguished colleagues have held extensive hearings on the importance of protecting and strengthening the institution of marriage. Traditional marriage is a boon to society in a variety of ways, and government has a vital interest in encouraging and providing the conditions to maintain as many traditional marriages as possible. Marriage has economic benefits not only for the spouses but for the economy at large. Even in advanced industrial societies such as ours, economists tell us that the uncounted but real value of home activities such as child care, senior care, home carpentry, and food preparation is still almost as large as the "official" economy. Not least of the reasons heterosexual marriage is a positive social good is the fact that, in the married state, adults of both sexes are vastly healthier, happier, safer, wealthier and longer lived.

It is ironic, then, that the very governments that stand to benefit in so many ways from intact, traditional unions have, in recent years, seemed determined to follow policies that have the effect of weakening marriage.

If the movement for civil unions and same-sex marriage succeeds, we may well be dealing a fatal blow to an already-vulnerable institution. It is possible to lose the institution of marriage in America. And that is precisely the hidden agenda of many in this cultural battle: To do away with the traditional definition of the family entirely. An influential organization of lawyers and judges, the American Law Institute, has already recommended sweeping changes in family law that would equalize marriage and cohabitation, extending rights and benefits now reserved for married couples to cohabiting domestic partners, both heterosexual and homosexual.

Once the process of "defining marriage down" begins, it is but a short step to the dissolution of marriage as a vital institution altogether.

It is incumbent on this Senate to protect the institution of marriage from this vast social experiment to redefine it out of existence. I urge my colleagues to vote for this constitutional amendment and to do so now.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

DEATH OF AMERICAN SOLDIERS IN IRAQ

Mr. REID. Mr. President, over 11,212 constitutional amendments have been offered in Congress since the Bill of Rights was ratified. As I said here this morning, I certainly understand the depth of feeling of the Senators who have spoken on this issue. I watched the Presiding Officer speak this morning. I watched the Senator from Texas, the Senator from Kansas. I have tried to follow the debate very closely. I know the intensity of their feelings on this matter.

I would like to change direction a little bit and get back to some of other topics that are also important. One of the issues I wanted to talk about is what is going on in Iraq. Over the weekend, I don't know how many soldiers were killed in Iraq. It was more than 10, probably 12.

In today's paper, the Washington Post, on page A11, there is a very short story: "Insurgents Kill Three U.S. Troops in Northern Iraq." But if you read more closely, this very short story talks about the death of not three but seven American soldiers.

This has become so routine, the death of our military in Iraq, that we bury it someplace in the back of the newspapers.

This is a large newspaper, the Washington Post. I would not be surprised if most papers in the country don't even have a story on it—seven soldiers killed. Between the publication of this yesterday morning and today, seven soldiers were killed, all with families.

Today, in America, there are people who are still crying and will cry for weeks and will never forget the deaths of their loved ones—sons, husbands, neighbors.

Mr. President, in addition to the depth of the feeling we have on this constitutional amendment now before the body, let's understand that we have a war going on in Iraq, and our men and women are being killed on a daily basis in significant numbers. I hope we will understand that when we have seven soldiers killed in Iraq, it should be more than a headline on page A-11 of the newspaper.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, I know the majority leader is expected on the floor of the Senate shortly to file cloture on the resolution currently pending. I must say I am baffled by the decisions and actions taken by the majority on occasions such as this. I am baffled because when I left on Friday, I had made a proposal to the majority leader that we were prepared for an up-or-down vote on this resolution, with 2 days of debate, and we would move on, preferably, hopefully, to homeland security. I left with the understanding that would be the order.

I find now, for reasons that are still unclear to me, it is the majority that is unwilling to accept that unanimous consent request. We have no objections on our side, none. We could go to that resolution under unanimous consent, with no amendments, with an up-or-down vote. I have told several of our colleagues that would be the order, having had the conversation I did with Senator FRIST. So it is an amazing position to be in to come back today and realize that it is the majority that cannot produce the unanimous consent request that would allow us the vote we expected we would have on Friday. Of course, this is on top of the unanimous consent vote we were expecting to have last week with regard to amendments and an ultimate final passage on class action. So we will have wasted a couple of weeks once again. I don't know how many weeks we have wasted this year. I am going to go back and try to find out how many weeks have been totally devoid of any legislative accomplishments.

In spite of the fact that we have agreed, I hear all these charges of obstructionism. The obstructionism oftentimes is on the other side. They cannot get their act together. That is clearly the case here. No one should be misled. No one should misunderstand why we are having to deal with a cloture motion on the motion to proceed, because our Republican friends don't have one version, they have now several versions they would like to bring to the Senate floor to have voted on because they cannot agree on one version. That is the truth.

It is all the more ironic and troubling because this is legislation that ought to go through the committee, if any should go through. We are treating this as a sense-of-the-Senate resolution. We are amending the U.S. Constitution, and we are bringing language to the floor of the Senate that hasn't had the benefit of consideration in committee, hasn't had the hearings, hasn't had the vote. We are treating it as just another old amendment.

This is an amendment that will be added to a document that is precious, that we treasure, that we ought to have respect for. Frankly, to be in a situation like we are in now, to be forced into a debate under these circumstances, is just wrong.

I intend to make a unanimous consent request. I will wait until the majority leader comes to the Senate floor to do so, but I will then ask unanimous consent that we have an arrangement like I thought we were scheduled to agree to last Friday; that is, we take up this resolution, we have a good debate, we have a vote, and then we move on. Under these circumstances, we could be at this for weeks, if not months, given all of the other pressing issues we must face. We have yet to deal with appropriations bills. We have just been briefed about the serious threat our country is facing—arguably as great a threat as any we have seen since 9/11—and we have yet to pass a homeland security bill. We have yet to pass the railroad security bill. We have yet to pass legislation to deal with our porous borders, our ports, our railroad tunnels. We have yet to find ways in which to help first responders. But somehow we can add amendment after amendment on gay marriage.

Mr. President, this is a matter that Lynne Cheney had right this weekend. The wife of the Vice President said this ought to be left to the States. The wife of the Vice President was right. We ought to listen to her advice and let the States continue to make these decisions, and we ought to get on with the business of the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I know the majority leader is coming to the Senate floor, and I know the Democratic leader has kindly waited until he has arrived to make his unanimous consent request.

In the couple of minutes that remain until he gets here, I would like to offer my own response, not on behalf of anybody else other than this one Senator from Texas. I, frankly, don't think it is a waste of time to talk about the institution of the American family, traditional marriage, which is my strong belief. I don't think the American people feel it is a waste of time. We have a lot of important issues to discuss. I certainly think this deserves to be at the top of the list, although there are certainly many important issues.

Mr. REID. Will my friend yield for a question?

Mr. CORNYN. As soon as I get through, I will be glad to.

One of the concerns I personally have about the unanimous consent request that will be proffered is it would not allow for any amendments to be made. I just point out to the distinguished Democratic leader my own concern that, as he pointed out, this has not actually been voted out by the Judiciary Committee, but it has been through a number of committee hearings, three of which I have chaired, and I believe there have been at least two others chaired on this important issue by the Judiciary Committee and others.

I am concerned with the offer that we have an up-or-down vote on this matter on Wednesday, without the opportunity for anyone to offer amendments. That is a concern I have shared with the majority leader and others. Indeed, it was just last week on the class action bill, where the majority leader offered that piece of legislation but filled the amendment tree so there was no opportunity for our friends on the other side to offer an amendment, they objected mightily because no amendments were allowed. So I remind my colleagues that if it is a concern that you cannot offer amendments on a piece of ordinary legislation, it is doubly a matter of concern—at least it is to me, and I speak for myself—where there would be no opportunity to offer amendments on this legislation.

Finally, it is my understanding that a cloture motion is being circulated. So we are not talking about weeks and months of debate on this issue; I think we are talking about a matter of days. I believe we ought to have a full and fair debate and let everybody have a chance to be heard.

So far, we have not heard very much from our colleagues on the other side of the aisle on this issue. There have been some who, like the Democratic leader, have said we ought to leave it to the States. I and others have tried to articulate why that is not possible. I wish it was possible.

Mr. REID. Will my friend yield now for a question?

Mr. CORNYN. I will be glad to yield for a question.

Mr. REID. Mr. President, there is no one who disagrees this matter should not be debated, but the Senator from Texas has indicated there should be a full and complete debate. We have agreed to debate it for however long he wants. Our suggestion is 2 days. Does the Senator think the debate should be more than 2 days? If not, for how many days does he think it should be?

Mr. CORNYN. I think 2 days of good, strong debate would not be a bad idea, but I would not want to, at least up front, totally preclude the possibility of offering any amendments, and that may, indeed, necessitate longer debate, depending on what happens during the course of the give-and-take on the floor.

Mr. REID. Again, through the Chair to my distinguished colleague from Texas, he also understands one of the ways we get bogged down on issues—on some occasions, not always—is by unlimited amendments. The Senator from Texas will recall in the matter dealing with class action, there was no desire on our behalf, that is, the minority, to have unlimited amendments. We indicated we would have a limited number of amendments.

On this constitutional amendment, the Senator understands if the majority offers an amendment, we have people on our side who are champing at the bit to offer amendments. Does the Senator understand that?

Mr. CORNYN. I was not aware, Mr. President, that our colleagues on the other side of the aisle had any interest in offering any amendments or really debating this subject very much, for that matter, given their absence on the floor today. I was not aware of any amendments that might be offered by our colleagues on the other side of the aisle. I think that is not a bad idea myself.

Mr. REID. Mr. President, again I say through the Chair to my distinguished colleague, he also understands, under the rules in the Senate, it would be very easy to delay this process for at least a couple weeks. As the Senator knows, we have all kinds of legislation to do, some of which was laid out by the distinguished Democratic leader.

We believe—I am speaking for myself—it would be in the interest of the Senate if we could dispose of this amendment that was brought to the Senate floor at an early date and, the time we would want to debate it, of course, would be up to the majority leader. We are willing to debate it for whatever time the Senator believes appropriate. Two days is certainly appropriate.

I would also say to my distinguished colleague, we had people speak on the amendment today on this side. I spoke this morning before the Senator from Texas arrived. I know Senator FEINSTEIN has spoken, and there are others who certainly will speak at some time.

The fact there has been more Republicans than Democrats speaking on the amendment today does not take away from the serious view we have of this most important legislation.

Mr. CORNYN. Mr. President, I appreciate the questions and the opportunity the Democratic whip has given to respond, but that has not changed my view that it is not a good idea for this body, on something as serious as a constitutional amendment, to have one on the Senate floor, but then enter into a unanimous consent agreement that no amendments be considered. I agree time is precious, especially with the short time that remains for legislative action, but I do think on something as fundamental as the American family and preservation of traditional marriage that a little bit of time—certainly a couple of days, maybe even a week I would be willing to do if it was necessary to actually get some action to address this important issue. I would personally want to take longer. Here I defer to the discussions between the distinguished Democratic leader and the majority leader.

I yield the floor.

Mr. DASCHLE. Mr. President, I will respond. As I understand it, Senator FRIST is not planning to come to the floor in the immediate time period, but I will just say, as the distinguished Senator from Texas knows, a constitutional debate is a different kind of debate on the Senate floor. This is not any other bill. The debate, of course, last week had to do with whether we could use the so-called class action bill as a vehicle to raise other issues that are of great importance to us in statutory form. This is a constitutional amendment, amending the Constitution of the United States, therefore leaving open other amendments relating to the Constitution.

Somebody could offer an amendment eliminating the first amendment, modifying the first amendment, and all it takes is 51 votes. Somebody could offer an amendment—as I understand it, Senator HOLLINGS is thinking very seriously about offering an amendment limiting campaign spending. That is actually one amendment that I have supported in the past. That takes 51 votes.

Anyone who thinks that whatever amendments would be offered would be simply relevant to marriage I think would be faced with a rude awakening that this could open up the whole Constitution to a series of amendments, and maybe a good discussion about some of these other issues may be warranted. Again, it is a question of time.

It is a question of thoughtful consideration about whether we want to amend the Constitution in ways outside of marriage for which there have not been hearings. I am told there was one hearing on this particular text, but most of the hearings that have been held have been held on the general issue of amending the Constitution and defining marriage.

There is no argument, in my view, among many of us, most of us, about whether a marriage ought to be between a man and a woman. It ought to. The real question is whether or not we ought to amend the U.S. Constitution, and then if we open it up to amendment, whether we ought to amendment it in other ways as well, including campaign finance reform, maybe victims' rights, maybe limitations on the first amendment. Others have suggested an amendment on flag burning. There are a lot of amendments out there. In fact, I am told in the 108th Congress, just last week I was informed that 67 constitutional amendments have been proposed in this Congress, in the 108th Congress. I am quite sure, of course, that not all of them were offered in the Senate.

I can just imagine the array of ideas presented by our colleagues regarding amending the U.S. Constitution. As I say, it takes 51 votes. Ultimately, of course, it takes 67 votes to pass whatever package has been approved. But that is what we get ourselves into. We need to think very carefully. We all say we would support and defend the Constitution each time we are sworn in as a U.S. Senator—support and defend the Constitution. Some of us see this as supporting and defending the Constitution in its most important way. So we do not take lightly these challenges, these situations.

I will say again, I think it is regrettable we have not been able to reach a unanimous consent agreement on how to proceed. We are actually going to vote on a motion to proceed without knowing what proceeding means because we do not have any way of knowing how many different ideas for amending the Constitution will be offered.

As the Senator from Nevada noted, we could be on this for a long time.

I will wait to proffer this request, and if I am not here, I know the distinguished assistant Democratic leader will offer this consent request, but we will be prepared to offer it at the appropriate time.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FITZGERALD). Without objection, it is so ordered.

Mr. FRIST. Mr. President, over the course of Friday, through the weekend and through today, we have been discussing the process for consideration of the marriage amendment. We have had a good discussion, good debate in the Senate both Friday and today in talking about the substance of the underlying amendment.

There has been frustration expressed on the other side of the aisle that we had not agreed to their unanimous consent agreement. This started discussions within the last week of a proposal that had been made to have debate and then a vote on the one amendment. I appreciate both sides of the aisle talking, trying to bring this to appropriate closure.

As majority leader, as I told the assistant Democratic leader at the end of last week, I thought it was very important to consult the rest of my colleagues beginning Friday afternoon. We had the discussion Friday and into today. After consultation with my colleagues, I found there is great interest in offering one amendment which is literally a one-sentence amendment. The Democratic leader has made statements in the Senate and made mention that the overall process could take a long period of time. I disagree. I don't think this needs to be a long, arduous process.

From this side of the aisle, we have offered an agreement that allows for two votes, one on the Allard amendment and then a one-sentence amendment. We are giving the other side of the aisle both of those amendments. This does not have to be a difficult process. It does not have to be as difficult as portrayed by the other side. We can be done with the whole process by 1 o'clock on Wednesday. That would be the plan. I don't think this is an inordinate amount of time to spend on such an important issue to the American people.

I find a lot of the comments that have been made interesting because we have had our share of difficulties in moving as expeditiously on any piece of legislation recently, and now we have a proposed agreement by the other side of the aisle for a very quick vote. There seems to be, from their standpoint, this disbelief that we might have an amendment.

There are many important issues to be considered by the Senate. I wish we did not have as much delay so we could schedule them in a timely way. This particular matter on marriage is a very important matter. We can handle this constitutional amendment in a very responsible, judicious, and civil way. That is certainly my intent.

We have offered a unanimous consent agreement to do this. I am awaiting an answer from the other side of the aisle.

Mr. REID. Mr. President, the problem with what has transpired over the weekend is Senator DASCHLE and I spent Friday until somewhat late in the afternoon calling Democrat Senators to see if they would be willing to go forward on gay marriage without offering any amendments. There really was a kickback from a number of the Senators saying they had amendments to offer. We were able to contact Senators and convince them it was the best thing for the Senate to go directly to a vote on the amendment. This was reported in the Senate.

We simply are unable to agree to the suggestion of the Senator from Tennessee, the distinguished majority leader, because if you offer an amendment, we offer an amendment, it would just go on forever.

Mr. President, I ask unanimous consent the motion to proceed to S.J. Resolution 40 be agreed to, that no amendments or motions be in order to the joint resolution, and that the Senate vote on passage of the joint resolution at 12 noon on Wednesday, July 14.

Mr. FRIST. Mr. President, reserving the right to object, as I mentioned in my comments a few moments ago, from our side of the aisle there is a wish to offer one other amendment. Again, it is an amendment we presented to the other side of the aisle.

I, as majority leader, do not want to cut off that discussion, that debate, because this obviously is a very important consideration dealing with marriage.

That being the case, I would ask the assistant Democratic leader to modify his unanimous consent request with the following:

I ask unanimous consent that the motion to proceed be agreed to; provided further that the only amendments in order to the resolution be a first-degree amendment offered by Senator ALLARD and a first-degree amendment to be offered by Senator SMITH; provided further that no other amendments or motions be in order to the joint resolution, and that all debate time on the resolution and amendments be equally divided between the chairman and ranking member or their designees; provided further that at 12 noon, on Wednesday, July 14, the Senate proceed to a vote on the Allard amendment, to be followed by a vote on the Smith amendment, to be followed by third reading and a vote on passage of S.J. Res. 40, again, as amended, if amended, with no other intervening action or debate.

The PRESIDING OFFICER. Does the Senator so amend his request?

Mr. REID. Reserving the right to object, Mr. President, here is the quandary in which we find ourselves. If amendments are offered to a constitutional amendment on the floor, it only takes a simple majority of the Senate to amend the resolution that is on the floor.

So let's assume that someone offers an amendment dealing with flag burning, even though it takes 67 votes to pass a constitutional amendment dealing with flag burning, by a simple majority that could be attached to S.J. Res. 40. Or let's assume that in addition to that, someone offers an amendment on victims' rights. Again, it would take 67 votes to pass a constitutional amendment. But in this instance, it would take 51.

So we would have this gay marriage amendment strapped with not only the gay marriage amendment—in whatever fashion we find that with the amendments suggested by the distinguished majority leader—but it would also have a flag burning amendment attached to it. It would have a victims' rights amendment attached to it. And Senator HOLLINGS, as we all know, wants to offer an amendment dealing with campaign finance reform. So it just will not work.

I know how hard the distinguished majority leader is trying to work something out, but I think he is going down the wrong road. What we should do is get rid of this amendment. And I do not say that in any derogatory fashion. I say "get rid of" so we can go to other matters; we can go to something that we need to work on Wednesday afternoon.

In a colloquy I had with the distinguished Senator from Texas, Mr. CORNYN, former attorney general of the great State of Texas, he said: We need sufficient time to discuss this amendment. I said: Two days? That is what we have agreed to. If you want 3 days, we will do that.

So we are trying to be reasonable. I know how strongly people feel about this issue, but we cannot accept a modification. Therefore, Mr. President, I object.

The PRESIDING OFFICER. The Senator does not modify his request.

Does the majority leader object?

Mr. FRIST. Reserving the right to object, and I plan to object, Mr. President, but just to clarify, our unanimous consent request is just two amendments and not opening it up to other amendments like a flag burning amendment, victims' rights, or other amendments.

Mr. REID. Mr. President, I understand that.

Mr. FRIST. So our intent is to very much keep it very controlled in the consideration of amendments. With that being the case, having heard the objection to the modification, I object to the request.

The PRESIDING OFFICER. Objection is heard.

CLOTURE MOTION

Mr. FRIST. Mr. President, I send a cloture motion to the desk to the pending motion.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 620, S.J. Res. 40, a joint resolution proposing an amendment to the Constitution of the United States relating to marriage.

Bill Frist, Orrin Hatch, Jim Talent, Wayne Allard, Mike Crapo, Mitch McConnell, Jeff Sessions, Larry E. Craig, John Cornyn, Craig Thomas, Jim Inhofe, Richard Shelby, Conrad Burns, Sam Brownback, George Allen, R. F. Bennett, Elizabeth Dole.

Mr. REID. Mr. President, if I could be heard very briefly. I know the time is late.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, we on this side are disappointed with the objection that the distinguished majority leader made to our request. But I would like to add that upon the disposition of this matter, the marriage amendment, we are prepared to proceed to the consideration of the Homeland Security appropriations bill, not under the restrictions that were suggested by the distinguished Senator from Alaska, but we are willing to work with the majority on coming up with some way to proceed to that most important legislation. We would hope the majority would consider going to that, if not next, soon thereafter.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I appreciate the comments of the assistant Democratic leader. Since last week, we have been in discussion, and we are working closely with Senator STEVENS, the distinguished chairman, and others in terms of an appropriate arrangement to proceed to homeland security.

Mr. President, I ask unanimous consent that the live quorum as required under rule XXII be waived; provided further that notwithstanding the provisions of rule XXII this vote occur at 12 noon on Wednesday, July 14.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators speaking for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

BUDGET SCOREKEEPING REPORT

Mr. NICKLES. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under Section 308(b) and in aid of Section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the First Concurrent Resolution on the Budget for 1986.

This report shows the effects of congressional action on the 2004 budget through June 25, 2004—the last day that the Senate was in session before the recent recess. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 2004 Concurrent Resolution on the Budget, H. Con. Res. 95, as adjusted.

The estimates show that current level spending is above the budget resolution by $8.6 billion in budget authority and by $28 million in outlays in 2004. Current level for revenues is $3.1 billion above the budget resolution in 2004.

Since my last report dated April 20, 2004, the Congress has cleared and the President has signed the following acts which changed budget authority, outlays, or revenues for 2004: the Surface Transportation Extension Act of 2004, Part II—P.L. 108-224; the TANF and Related Programs Continuation Act of 2004—P.L. 108-262; the Surface Transportation Extension Act of 2004, Part III—P.L. 108-263; the Child Nutrition and WIC Reauthorization Act of 2004—P.L. 108-265; and, an act approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003—P.L. 108-272. In addition, the Congress has cleared for the President's signature H.R. 4103, the African Growth and Opportunity Acceleration Act of 2004.

I ask unanimous consent that the budget scorekeeping report be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 12, 2004.

Hon. DON NICKLES,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed tables show the effects of Congressional action on the 2004 budget and are current through June 25, 2004 (the last day that the Senate was in session before the recent recess). This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2004, as adjusted.

Since my last letter, dated April 19, 2004, the Congress has cleared and the President has signed the following acts, which changed budget authority, outlays or revenues for 2004:

The Surface Transportation Extension Act of 2004, Part II (Public Law 108-224);

The TANF and Related Programs Continuation Act of 2004 (Public Law 108-262);

The Surface Transportation Extension Act of 2004, Part III (Public Law 108-263);

The Child Nutrition and WIC Reauthorization Act of 2004 (Public Law 108-265); and

An act approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003 (P.L. 108-272).

In addition the Congress has cleared for the President's signature H.R. 4103, the AGOA Acceleration Act of 2004.

The effects of these actions are detailed in Table 2.

Sincerely,
DOUGLAS HOLTZ-EAKIN,
Director.

Enclosures.

TABLE 1.—SENATE CURRENT-LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2004, AS OF JUNE 25, 2004

[In billions of dollars]

	Budget resolution	Current level[1]	Current level over/under (–) resolution
On-Budget			
Budget Authority	1,873.5	1,882.1	8.6
Outlays	1,897.0	1,897.0	*
Revenues	1,331.0	1,334.1	3.1
Off-Budget			
Social Security Outlays	380.4	380.4	0
Social Security Revenues	557.8	557.8	*

[1] Current level is the estimated effect on revenue and spending of all legislation that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made.

Note.—* = less than $50 million.

SOURCE: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE SENATE CURRENT-LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2004, AS OF JUNE 25, 2004

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in previous sessions:			
Revenues	n.a.	n.a.	1,330,756
Permanents and other spending legislation [1]	1,117,131	1,077,938	n.a.
Approproiation legislation	1,148,942	1,179,843	n.a.
Offsetting receipts	–365,798	–365,798	n.a.
Total, enacted in previous sessions:	1,900,275	1,891,983	1,330,756
Enacted this session:			
Surface Transportation Extension Act of 2004 (P.L. 108–202)	1,328	0	0
Social Security Protection Act of 2004 (P.L. 108–203)	685	685	0
Welfare Reform Extension Act of 2004 (P.L. 108–210)	107	59	0
An act to reauthorize certain school lunch and child nutrition programs through June 30, 2004 (P.L. 108–211)	6	6	0
Pension Funding Equity Act of 2004 (P.L. 108–218)	0	0	3,363
An act to require the Secretary of Defense to reimburse members of the United States Armed Forces for certain transportation expenses (P.L. 108–220)	13	7	0
Surface Transportation Extension Act of 2004, Part II (P.L. 108–224)	482	0	0
TANF and Related Programs Continuation Act of 2004 (P.L. 108–262)	80	35	0
Surface Transportation Extension Act of 2004, Part III (P.L. 108–263)	422	0	0
Child Nutrition and WIC Reauthorization Act of 2004 (P.L. 108–265)	7	6	0
An act approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003 (P.L. 208–272)			–2
Total, enacted this session	3,130	797	3,361
Passed pending signature: AGOA Acceleration Act of 2004 (H.R. 4103)	0	0	–2
Entitlements and mandatories: Difference between enacted levels and budget resolution estimates for appropriated entitlements and other mandatory programs	–21,334	4,221	n.a.
Total Current Level [1] [2]	1,882,071	1,897,001	1,334,115
Total Budget Resolution	1,873,459	1,896,973	1,331,000
Current Level Over Budget Resolution	8,612	28	3,115
Current Level Under Budget Resolution	n.a.	n.a.	n.a.

[1] Pursuant to section 502 of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2004, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the current level excludes $82,460 million in budget authority and $36,644 million in outlays from previously enacted bills.

[2] Excludes administrative expenses of the Social Security Administration, which are off-budget.

Source: Congressional Budget Office.

Notes: n.a. = not applicable; P.O. = Public Law.

TRIBUTE TO RONALD R. MAZIK

Mr. HARKIN. Mr. President, today I want to take a few minutes to remember Ronald R. Mazik and pay tribute to the many contributions he has made to his community, to his profession, and to this country.

Ron played many roles and achieved much in his lifetime. As an athlete, engineer and businessman, he excelled in a wide array of endeavors. Of his many achievements, one is particularly deserving of mention: as a pioneer in the field of telehealth.

Ron conceptualized and initiated innovations in the use of video and advanced communication systems, which are revolutionizing the way health services are provided to people with exceptional needs. His seminal work in interactive video promises to improve both the accessibility and quality of supports to those with developmental, mental and physical challenges, and brings us closer to our dream of insuring that all citizens lead a full and healthy life. The intellect and energy that Ron applied toward that goal must be regarded as an olympic performance.

Of Ron's contributions to the field of telehealth and to society, those close to him knew that he most valued his role as a father to his sons, Ron and Ken. With his many accomplishments, he unfailingly looked to his sons as his greatest source of pride and of joy.

It is an honor to recognize Ronald R. Mazik for his contributions to all of our lives.

RETIREMENT OF JAMES E. McMULLEN

Mr. SPECTER. Mr. President, today I rise to honor James E. McMullen, Deputy Assistant Secretary, Budget and Strategic Planning of the Department of Labor on the occasion of his retirement. In his capacity as Deputy Assistant Secretary, Mr. McMullen was responsible for the Department's management and implementation of the Government Performance and Results Act, GPRA, and provided senior departmental staff with recommendations, guidance, and assistance in making decisions and selecting appropriate alternatives to meet short- and long-range budget goals. Mr. McMullen was also responsible for the development of policies, systems, and procedures for the Department's budget of $60 billion, and was charged with planning, directing, and coordinating the formulation and presentation of the Department's budget submissions to the Office of Management and Budget and to Congress.

Mr. McMullen has served as Associate Deputy Secretary of Labor. In that position he assisted the Deputy Secretary in the Development of positions on major policy issues and provided policy guidance and program direction to Assistant Secretaries.

Mr. McMullen previously served as the Deputy Assistant Secretary for Administration and Management. In that position, he was responsible for the day-to-day management of the Department's budget, human resources, information technology, administrative services, grant and contract policy, civil rights, and safety and health.

Mr. McMullen served as the Department of Labor's Budget Director for several years. He joined the Department's Office of Budget in August 1980 and held several positions of increasing responsibility. Mr. McMullen came to the Department of Labor as a Presidential management intern. During his internship, he worked for the House Appropriations Committee and the Office of Management and Budget, as well as several locations within the Department.

In April 2004 he received the Philip Arnow Award, which is the highest honor given to a career employee in the Department of Labor. In 1999 he received the Meritorious Executive Rank Award, and he has received special recognition from the William A. Jump Memorial Foundation for his outstanding achievements in public service.

I have been either chairman or ranking member of the Labor-HHS-Education Appropriations Subcommittee since January 1989, working in partnership with Senator TOM HARKIN. For all these years, Jim McMullen has been a fixture at our budget hearings, and has provided outstanding assistance to our committee. His will be hard shoes to fill, and he will be missed. We wish him well in his future endeavors, and thank him for his dedication to duty, hard work, and professionalism that set such a high standard for others to follow in public service.

AMERICAN LEGION PENNSYLVANIA DEPARTMENT COMMANDER ROBERT D. "BOB" SHALALA

Mr. SPECTER. Mr. President, today I recognize an American patriot whose commitment and dedication to the cause of our veterans has been long established. From 1960 to 1964, Bob Shalala served on active duty in the United States Navy aboard the U.S.S. *Galveston*, the U.S.S. *Wright* and the U.S.S. *Fred T. Berry*. Before his active duty ended, he served as the aide to the Commanding Officer of a naval air squadron and was also selected to join the Navy's Blue Jacket Choir, which entertained audiences around the country. Returning to Pennsylvania, he started his illustrious 40-year career as a Philadelphia police officer and twice was selected as Police Officer of the Year.

His remarkable career in the American Legion of Pennsylvania began with the Legion's Philadelphia Police Post. In the next 37 years, Bob gave new meaning to the word "leadership" as he served in every position from the Post level to District Commander to Sectional Commander to the top position—Department Commander. In between, he managed to chair a host of different committees and served as the Pennsylvania American Legion top membership recruiter for 2 years while placing second nationally in the Legion's membership effort.

Not surprisingly, Bob Shalala's goal as Department Commander over the past year has been to improve and promote membership. The American Legion in the State of Pennsylvania is the largest in the country and the position of Department Commander is a formidable one. From peers and members comes that Bob accepted the challenge of leadership and has set a high standard for his successors to emulate. An excellent spokesman, Bob Shalala departs his position as Department Commander in July 2004 with the gratitude of the Department's 240,000 members for a job performed exceedingly well. As the mantle of leadership passes to a new Department Commander, I express my gratitude to Bob Shalala for serving Pennsylvania veterans with such alacrity and dedication. He has faced the churning sea and completed his mission. In nautical terms that Navy men will understand, I raise high the flag hoist signaling Bravo Zulu—well done.

PENNSYLVANIA AMERICAN LEGION AUXILIARY PRESIDENT ANN CONEYBEER

Mr. SPECTER. Mr. President, today, I honor the many women who serve our veterans through their tireless efforts and membership in auxiliaries of such organizations as the Veterans of Foreign Wars and the American Legion to name a few. These women, the wives, mothers, sisters and daughters of veterans give tirelessly of their time to provide needed assistance and funding to veterans and their families in the communities.

In particular, I cite Ann Coneybeer—the outgoing President of the Pennsylvania American Legion Auxiliary. In July 2004, Ann will complete her tour of duty in this elected position.

Ann had four brothers who served in World War II thus making her eligible for membership in the Legion. For the past 41 years she has been a very active member where she has served as Unit President, Western Vice President and Department Vice President. In between Ann held a number of chairmanships at the State level including Leadership, Americanism, Constitution and By-Laws, Finance, Membership, Parliamentarian, Poppy and Veterans Affairs & Rehab and Children and Youth. Serving as Chairman is often a thankless job, but Ann fulfilled these responsibilities with dedication, energy and persistence.

As Ann Coneybeer departs office, I extend to her my thanks and the thanks of Pennsylvania veterans and their families for her many years of service, for her leadership and, most of all, for her belief in the cause of our Nation's veterans and our Nation's principles. She is truly a great American and it is a privilege that I honor her today.

ADDITIONAL STATEMENTS

LOCAL LAW ENFORCEMENT ACT OF 2003

• Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

On February 10, 2000, in Bay Shore, NY, Javier Morales was charged with allegedly assaulting a man he believed was gay.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.●

RETIREMENT OF DR. TALLEY

● Mr. JOHNSON. Mr. President, I rise today to acknowledge the work of a wonderfully talented individual, whose leadership has helped the University of South Dakota Medical School grow, and advance an excellent reputation within the national health care community during his 17-year tenure as dean. At the age of 68, Dr. Robert Talley retires from his role as dean to become the University of South Dakota's interim director for internal medicine residency in Sioux Falls, where he will continue to teach and guide our South Dakota medical community.

Dr. Talley graduated from the University of Michigan in 1958 and from the University of Chicago Medical School in 1962. He went on to Yale New Haven Hospital where he pursued an internship and residency. He then completed cardiology and clinical pharmacology fellowships at Grady Memorial Hospital in 1969.

Dr. Talley's career took him to various positions in San Antonio, with the University of Texas Medical School and Veterans Administration Hospital from 1969 through 1975. He became the chairman of the USD Department of Internal Medicine in 1975, and was promoted to dean in 1987. Dr. Talley was a founding member of the Medical Service Plan, the predecessor of University Physicians.

While Dr. Talley served as dean, the medical school received full accreditation during each review. Dr. Talley developed a model of medical student clinical education, which is considered cutting edge in the United States, and helped to form unique partnerships with the South Dakota Health Science Research Foundation and the Wegner Health Science Information Center. In the past 5 years, funded research in the basic biomedical sciences division alone grew 189 percent, resulting in great part from Dr. Talley's reorganization of the basic biomedical sciences division at the university. Dr. Talley provided outstanding leadership in medical education and is responsible for significant innovation in USD's approach to the education of South Dakota's health care providers.

At the national level, Talley is a member of the Liaison Committee on Medical Education, which accredits 125 undergraduate medical education programs in the United States. He served as chair of the American Medical Association Section on Medical Schools and chair of the Internal Medicine Committee, National Board of Medical Examiners. Most recently, the American College of Physicians—American Society of Internal Medicine bestowed a Mastership rank on Dr. Talley in recognition of his distinguished contributions to internal medicine.

Dr. Talley could have devoted his talents to private practice. But instead he chose to be an educator—he chose to use his skills in a manner that would enable him to reach a wide circle of individuals and which has had profoundly important public policy consequences.

He knows his students by name and utilizes the wide range of his students' abilities to enhance classroom discussion. His approach to teaching enriches health education on multiple levels that will prepare students for real-life situations in working with patients. Dr. Talley's impact on the University of South Dakota, its students and faculty, and on the entire State will be felt for generations to come.●

TRIBUTE TO KENT A. SMITH

● Mr. HARKIN. Mr. President, as a Member of the Senate who has worked in the area of medical research and health care, I draw the attention of the Congress—and Nation—to the retirement of a truly outstanding civil servant: Kent A. Smith. For the past quarter century, Mr. Smith, as deputy director, has managed the day-to-day operation of the National Library of Medicine, a part of the National Institutes of Health, U.S. Department of Health and Human Services. The National Library of Medicine is the largest medical library in the world, and it serves as the indispensable hub of national and international scientific medical communication.

The administrative and managerial astuteness of Mr. Smith has converted the vision of the Library's directors, Donald A.B. Lindberg, M.D., and his predecessor, Martin M. Cummings, M.D., into outstanding operational programs. There are many examples. One of the great success stories at the Library and the National Institutes of Health in the last decade is the National Center for Biotechnology Information. This institution, which serves as the collector and disseminator of molecular sequence data resulting from the Human Genome Program, is absolutely indispensable to the conduct of 21st century biomedical science. Its various web services are used almost a billion times each year by people around the globe. Mr. Smith provided invaluable support to members of the House and Senate, and their staff, in developing the legislation that created the center.

He has also been closely associated with the amazingly successful entry of the National Library of Medicine into the world of web-based consumer health information relied on by millions of Americans. His skill at managing people and budgets has allowed the Library to move beyond its traditional emphasis on serving exclusively scientists and health professionals. Today, such heavily used consumer information services as MedlinePlus, ClinicalTrials.gov, NIHSeniorHealth.gov, and the Household Products Database are testimony to his success in administering such a diverse institution as the Library now is.

Kent Smith, trained in mathematics, economics, and management, is known to medical librarians around the world. In our country he has had close ties to the 5,000 member institutions of the National Network of Libraries of Medicine, and he has championed their cause in many venues. His leadership and tireless efforts have had great impact on the development of federal information policies that ensure broad public access to an expanding universe of electronic government health information resources.

He is also known for his strong leadership of national and international organizations in the information field. He has served as President of the National Federation of Abstracting and Indexing Services, President of the International Council of Scientific and Technical Information, Chair of the Policy Group of the Federal Library and Information Center Committee, Vice President of the UNESCO General Information Program, and Chairman of CENDI, a group of federal scientific and technical information and technology managers.

I am aware that there are many farsighted and dedicated managers serving the people of the United States. It is a pleasure for me to honor one with whom I am personally acquainted and who, on the occasion of his retirement, richly deserves our thanks for a job well done.●

IOWA AMERICAN LEGION AUXILIARY UNITS

● Mr. GRASSLEY. Mr. President, I wish to take this opportunity to recognize the activities of two American Legion Auxiliary Units in Iowa, the Walter T. Enneberg 358 Auxiliary Unit in St. Ansgar, IA, and Auxiliary Unit 278 in Osage, IA. I thank them for their contributions to their communities. I ask unanimous consent that a newspaper article detailing the activities of the St. Ansgar unit and a summary of the activities of the Osage Unit be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[April 17, 2004]

AMERICAN LEGION UNIT #358 REVIEW

The American Legion Unit #358 of St. Ansgar, meets on the second Tuesday of each month. The evening starts with a potluck supper with the members of the Legion, followed by our business meeting. We presently have 106 paid up members.

The hostesses for each month send personal care kits to the Mental Health Institute at Independence, the Iowa Veteran's Home at Marshalltown, the Iowa Training School at Eldora, the USVA Hospital at Knoxville, or the Mitchell County Care Facility at Osage.

We have been busy with many pleasant and worthwhile activities this year, including:

Sponsoring a high school junior at Girl's State and having her present a report at one of our meetings.

Sponsoring two blood drives with the Blood Center of Iowa.

Conducting a Poppy Day in St. Ansgar.

Sponsoring a Fluff and Pillow cleaning as a fund raiser.

Presenting apples to the St. Ansgar School administrators, teachers, support staff and school board members during American Education Week.

Providing a special article for our local newspaper during American Education Week featuring a picture and short interview with each teacher of our school district.

Presenting each of the residents of Mitchell County Care Facility with a personal, specially selected Christmas gift. This year the cost of this special project was about $250.

Awarding a $200 scholarship to a second year college student—some years we have given more than one scholarship.

Assisting with food and decorations for the annual Birthday Ball sponsored by the St. Ansgar American Legion and sharing the cost of this lovely evening.

Giving special contributions on Flag Day to support our special projects. This replaces the bake sale and coffee hour that we use to sponsor.

Marching in the Memorial Day parade..

Entering a patriotic float in the parade on June 21st to celebrate 150th anniversary of the founding of St. Ansgar.

Presenting a special program on July 3 at the Good Samaritan Center in St. Ansgar about the history of our flag. Legion members conducted the 13 folds of the flag for the residents.

Taking paper back books to the Veterans Home in Marshalltown.

Paying one half of the cost of food for the annual Legion/Auxiliary membership dinner in November.

Contributing $25 toward the cost of cases of microwave popcorn sent by Alamo Scouts to our troops in Iraq.

Sharing the cost with the Legion for a new flag for the St. Ansgar Senior Citizens Center.

Providing walkers, wheel chairs and other medical equipment as needed by anyone in the community.

Contributing $100 toward the project headed by Ruth Loney to provide stockings from Fox River Mills for our servicemen and women.

Contributing $100 toward President Rozena MaVey's project for a lighted flag at the entrance of the Veteran's Home in Marshalltown.

Sending coupons to service families in Germany.

Osage Unit 278 held their annual Bake Sale Luncheon on April 16th at the American Legion Post home in Osage. Each year the proceeds of this event are used to award $250.00 scholarships to worthy graduating seniors of Osage High School.

This year's event was highly successful and the Unit will be awarding five (5) scholarships of $250.00 each to seniors chosen through the application and interview process. Awards will be presented at the Osage High School Awards Assembly the week of April 20th.

Osage Auxiliary Unit 278 takes pride in performing many acts of service to the community, state and nation. Our greatest endeavor is to support our veterans and our troops in this current war which has placed many of our young men and women in the military in harm's way.●

HONORING THE CITY OF LENNOX

● Mr. JOHNSON. Mr. President, I wish to honor and publicly recognize the 125th anniversary of the founding of the town of Lennox, SD. The town of Lennox has a proud past and a promising future. In 1879, the Milwaukee Railroad established a branch where the town stands today.

The town of Lennox was named after B.G. Lennox, private secretary to S.S. Merrill, a railroad executive. By 1880, 90 people lived in Lennox, and the town has experienced steady growth since then. The 2000 census listed Lennox as having a population of just over 2,000 people.

Lennox is governed by a seven-person city council. There are numerous projects and major developments underway in Lennox. Currently, the city is upgrading its water system, with two new water towers and a new well to ensure that the city has plenty of water. The Lennox Commercial Club has many of the town's businesses as members and meets monthly to sponsor promotions and encourage business growth. An active senior center, the Good Samaritan Center, the Hilda's Heritage Home all provide support for seniors.

Small towns like Lennox are the backbone of rural States such as South Dakota. A growing community built by good neighbors and a strong foundation is a great place to raise a family. The town has been celebrating throughout the year and is continuing through July with events at the high school, community church and a sauerkraut/polka party on the town's main street. This sort of wholesome, small town celebration is a great example of rural South Dakota's commitment to good values and local history. It is with great honor that I share this great community with my colleagues.●

RECOGNIZING GREG CANNELL OF AMERICAN FALLS, IDAHO

● Mr. CRAIG. Mr. President, I rise to recognize Mr. Greg Cannell of American Falls, ID, for his heroic actions in saving the life of a rural mail carrier. Last December, Greg selflessly and fearlessly jumped into near-freezing waters to save a mail carrier who had skidded off a winding mountain road and into the nearby river.

On December 1, 2003, Ron Meadville, a rural mail carrier, was returning from his 110-mile route along the remote North Fork road northwest of Salmon, ID. Greg Cannell and a friend, Tina Taysom, were traveling ahead of Meadville on the same road. Cannell and Taysom pulled over to look at some deer, and Meadville passed them. When Cannell pulled back on the road and rounded a bend, he couldn't see the mail truck but saw a set of skid marks that veered off the road, toward the near-frozen river. Meadville had hit a patch of ice that sent his truck hurtling over the 25-foot embankment to land upside down in the Salmon River, in more than 5 feet of 33-degree water. Greg Cannell acted immediately. He stopped his truck, jumped out, slid down the steep embankment and plunged into the river. After several strenuous attempts, Cannell was able to pull open the truck door, grab Meadville's hand, and pull him out through an opening between the seat and the doorjamb. By this time, Meadville was experiencing hypothermia.

Cannell and Taysom pulled Meadville up the embankment to their vehicle. Meadville managed to tell them that he lived about a mile from where they were. Cannell took him to his home where he helped Meadville's wife care for him. Cannell refused any care for himself until he knew Meadville was safe.

Greg Cannell risked his own life to save a stranger. He refuses to be called a hero, but he is truly a hero to Ron Meadville and his family. Without his courageous actions, Ron Meadville would not be alive today. Greg Cannell's actions truly were heroic and it is a pleasure for me to honor him and share his story.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 1:04 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2828. An act to authorize the Secretary of the Interior to implement water supply technology and infrastructure programs aimed at increasing and diversifying domestic water resources.

H.R. 3980. An act to establish a National Windstorm Impact Reduction Program.

H.R. 3598. An act to establish an interagency committee to coordinate Federal manufacturing research and development efforts in manufacturing, strengthen existing programs to assist manufacturing innovation and education, and expand outreach programs for small and medium-sized manufacturers, and for other purposes.

The message also announced that pursuant to section 1501(b) of the National Defense Authorization Act for Fiscal Year 2004 (P.L. 108–136), the Minority Leader appoints the following individuals on the part of the House of Representatives to the Veterans' Disability Benefits Commission: Col. Larry G. Brown of Oregon and Mr. Joe Wynn of Washington, DC.

At 3:23 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1167. A bill to resolve the boundary conflicts in Barry and Stone Counties in the State of Missouri.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3598. An act to establish an interagency committee to coordinate Federal manufacturing research and development efforts in manufacturing, strengthen existing programs to assist manufacturing innovation and education, and expand outreach programs for small and medium-sized manufacturers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 3980. An act to establish a National Windstorm Impact Reduction Program; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–8381. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, a report entitled "Implementation Guidance for the Filter Backwash Recycling Rule"; to the Committee on Environment and Public Works.

EC–8382. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, two Uniform Resource Locators for documents that the Agency recently issued; to the Committee on Environment and Public Works.

EC–8383. A communication from the Group Manager, Regulatory Affairs, Bureau of Land Management, transmitting, pursuant to law, the report of a rule entitled "Location, Recording, and Maintenance of Mining Claims or Sites" (RIN1004–AD62) received on July 6, 2004; to the Committee on Energy and Natural Resources.

EC–8384. A communication from the Acting Chair, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Subsistence Management Regulations for Public Lands in Alaska, Subpart C and D—2004–2005 Subsistence Taking of Wildlife Regulations" (RIN1018–AJ25) received on June 24, 2004; to the Committee on Energy and Natural Resources.

EC–8385. A communication from the Administrator, National Nuclear Security Administration, Department of Energy, transmitting, pursuant to law, a report relative to the Agreement Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes; to the Committee on Energy and Natural Resources.

EC–8386. A communication from the Administrator, National Nuclear Security Administration, Department of Energy, transmitting, pursuant to law, a report relative to calendar year 2003 sales to designated Tier III countries of computers capable of operating at a speed in excess of a specified number of theoretical operations per second by companies that participated in the Advanced Simulation and Computing Program of the Department; to the Committee on Energy and Natural Resources.

EC–8387. A communication from the Secretary of Homeland Security, transmitting, pursuant to law, a draft of proposed legislation relative to maritime transportation security, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC–8388. A communication from the Secretary of Homeland Security, transmitting, pursuant to law, a report relative to progress on a demonstration project using the Coast Guard Housing Authorities; to the Committee on Commerce, Science, and Transportation.

EC–8389. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Navigation and Navigable Waters; Technical, Organizational, and Conforming Amendments" (RIN1625–ZA02) received on July 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8390. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Special Anchorage Area; Madeline Island, WI" (RIN1625–AA01) received on July 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8391. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zones (Including 6 Regulations)—COTP San Francisco Bay 03–009, CGD13–04–002, COTP San Francisco Bay 03–026, CGD09–04–001, CGD01–03–020, CGD08–04–004" (RIN1625–AA00) received on July 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8392. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Fire-Suppression Systems and Voyage Planning for Towing Vessels [USCG–2000–6931]" (RIN1625–AA60) received on July 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8393. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Training and Qualifications for Personnel on Passenger Ships [USCG–1999–5610]" (RIN1625–AA24) received on July 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8394. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulations (Including 4 Regulations)—CGD11–04–005, CGD05–04–118, CGD01–04–047, CGD01–04–048" () received on July 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8395. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations (Including 7 Regulations)—CGD01–04–019, CGD01–04–033, CGD01–03–115, CGD01–04–021, CGD01–04–027, CGD01–00–228, CGD07–04–010" () received on July 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8396. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Penalties for Non-Submission of Ballast Water Management Reports [USCG–2002–13147]" (RIN1625–AA51) received on July 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8397. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Country of Origin Codes and Revision of Regulations on Hull Identification Numbers [USCG–2003–14272]" (RIN1625–AA53) received on July 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8398. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Update of Rules on Aids to Navigation Affecting Buoys, Sound Signals, International Rules at Sea, Communications Procedures, and Large Navigational Buoys [USCG–2001–10714]" (RIN1625–AA34) received on July 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8399. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zones (Including 17 Regulations)—CGD09–04–034, CGD09–04–032, CGD09–04–025, CGD09–04–024, CGD09–04–023, CGD09–04–035, CGD09–04–030, CGD09–04–031, CGD09–04–027, CGD01–04–075, CGD05–04–106, COTP San Francisco Bay 04–013, CGD05–04–105, COTP Huntington 04–001, CGD01–04–053, COTP Charleston 04–046, COTP San Francisco Bay 04–012" (RIN1625–AA00) received on July 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8400. A communication from the Acting Under Secretary and Acting Director, United States Patent and Trademark Office, transmitting, pursuant to law, the report of a rule entitled "Revision of Power of Attorney and Assignment Practice" (RIN0651–AB63) received on June 25, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8401. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Office of Sustainable Fisheries, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Implement Amendment 63 to the FMP for Groundfish in the Gulf of Alaska" (RIN0648–AR73) received on June 24, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8402. A communication from the Regulations Analyst, Office of the Chief Counsel, Transportation Security Administration, transmitting, pursuant to law, the report of a rule entitled "Privacy Act of 1974: Implementation of Exemption" (RIN1652–AA28) received on June 25, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8403. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Closure of Fishing for Species that Comprise the Deep-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska" () received on July 1, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8404. A communication from the Attorney Advisor, Department of Transportation, transmitting, pursuant to law, the report of the discontinuation of service in acting role for the position of Assistant Secretary for Budget and Programs, Department of Transportation, received on July 1, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8405. A communication from the Attorney Advisor, Department of Transportation, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary for Budget and Programs, Department of Transportation, received on July 1, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8406. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, a report relative to the Commission's competitive sourcing efforts; to the Committee on Commerce, Science, and Transportation.

EC–8407. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report relative to the International Anti-Bribery and Fair Competition Act of 1998; to the Committee on Commerce, Science, and Transportation.

EC–8408. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed license for the export of defense articles or services sold commercially under a contract in the amount of $100,000,000 or more to Poland; to the Committee on Foreign Relations.

EC–8409. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed license for the manufacture of defense articles or services in the amount of $50,000,000 or more to the Republic of Korea; to the Committee on Foreign Relations.

EC–8410. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed license for the manufacture of significant military equipment abroad; to the Committee on Foreign Relations.

EC–8411. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed license for the export of defense articles that are firearms sold commercially under a contract in the amount of $1,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–8412. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed license for the export of major defense equipment sold commercially under a contract in the amount of $14,000,000 or more to South Korea; to the Committee on Foreign Relations.

EC–8413. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed license for the export of defense articles or services sold commercially under a contract in the amount of $50,000,000 or more to Sweden; to the Committee on Foreign Relations.

EC–8414. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed license for the manufacture of significant military equipment abroad; to the Committee on Foreign Relations.

EC–8415. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed license for the major defense equipment valued at $14,000,000 or more to the Government of Sweden; to the Committee on Foreign Relations.

EC–8416. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed license for the export of defense articles or services sold commercially under a contract in the amount of $50,000,000 or more to Israel; to the Committee on Foreign Relations.

EC–8417. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, a report on Bulgaria's status as an adherent to the Missile Technology Control Regime; to the Committee on Foreign Relations.

EC–8418. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to Danger Pay to government civilian employees; to the Committee on Foreign Relations.

EC–8419. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to Danger Pay to government civilian employees; to the Committee on Foreign Relations.

EC–8420. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the Department's report relative to its competitive sourcing efforts; to the Committee on Foreign Relations.

EC–8421. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report relative to countries that are not cooperating fully with U.S. antiterrorism efforts; to the Committee on Foreign Relations.

EC–8422. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of Presidential Determination 2004–31 relative to waiving prohibition on United States Military assistance with respect to Burkina Faso and Dominica; to the Committee on Foreign Relations.

EC–8423. A communication from the Acting Administrator, U.S. Agency for International Development, transmitting, pursuant to law, a report relative to the transfer of funds from the Development Assistance Account to the account for Operating Expenses of the Agency; to the Committee on Foreign Relations.

EC–8424. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Community Reinvestment Act Joint Interim Rule with Request for Comments" (Doc. No. R–1205) received on July 8, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8425. A communication from the Director, Legislative and Regulatory Activities Division, Comptroller of the Currency, transmitting, pursuant to law, the report of a rule entitled "Community Reinvestment Act Regulations" received on July 7, 2004 ; to the Committee on Banking, Housing, and Urban Affairs.

EC–8426. A communication from the Acting General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations; 69 FR 29662" (Doc. No. FEMA–B–7446) received on July 7, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8427. A communication from the Acting General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations; 69 FR 31026" (Doc. No. FEMA–B–7557) received on July 7, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8428. A communication from the Acting General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility; 69 FR 31022" (Doc. No. FEMA–B–7833) received on July 7, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8429. A communication from the Acting General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determination; 69 FR 31028" (44 CFR 67) received on July 7, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8430. A communication from the Acting General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations; 69 FR 31024" (4 CFR 65) received on July 7, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8431. A communication from the CEO and Managing Director, transmitting, pursuant to law, the 2003 management reports of the twelve Federal Home Loan Banks; to the Committee on Banking, Housing, and Urban Affairs.

EC–8432. A communication from the Chief Operating Officer and President, Resolution

Funding Corporation, transmitting, pursuant to law, the Corporation's statement on the system on internal controls; to the Committee on Banking, Housing, and Urban Affairs.

EC–8433. A communication from the Chief Operating Officer and President, Financing Corporation, transmitting, pursuant to law, the Corporation's statement on the system on internal controls; to the Committee on Banking, Housing, and Urban Affairs.

EC–8434. A communication from the President and Chief Executive Officer, Federal Home Loan Bank of Seattle, transmitting, pursuant to law, the Bank's statement on the system of internal controls; to the Committee on Banking, Housing, and Urban Affairs.

EC–8435. A communication from the President and Chief Executive Officer, Federal Home Loan Bank of San Francisco, transmitting, pursuant to law, the Bank's statement on the system of internal controls; to the Committee on Banking, Housing, and Urban Affairs.

EC–8436. A communication from the President and Chief Executive Officer, Federal Home Loan Bank of Topeka, transmitting, pursuant to law, the Bank's statement on the system of internal controls; to the Committee on Banking, Housing, and Urban Affairs.

EC–8437. A communication from the President and Chief Executive Officer, Federal Home Loan Bank of Chicago, transmitting, pursuant to law, the Bank's statement on the system of internal controls; to the Committee on Banking, Housing, and Urban Affairs.

EC–8438. A communication from the President and Chief Executive Officer, Federal Home Loan Bank of Indianapolis, transmitting, pursuant to law, the Bank's statement on the system of internal controls; to the Committee on Banking, Housing, and Urban Affairs.

EC–8439. A communication from the President and Chief Executive Officer, Federal Home Loan Bank of Des Moines, transmitting, pursuant to law, the Bank's statement on the system of internal controls; to the Committee on Banking, Housing, and Urban Affairs.

EC–8440. A communication from the President and Chief Executive Officer, Federal Home Loan Bank of New York, transmitting, pursuant to law, the Bank's statement on the system of internal controls; to the Committee on Banking, Housing, and Urban Affairs.

EC–8441. A communication from the President and Chief Executive Officer, Federal Home Loan Bank of Dallas, transmitting, pursuant to law, the Bank's statement on the system of internal controls; to the Committee on Banking, Housing, and Urban Affairs.

EC–8442. A communication from the President and Chief Executive Officer, Federal Home Loan Bank of Boston, transmitting, pursuant to law, the Bank's statement on the system of internal controls; to the Committee on Banking, Housing, and Urban Affairs.

EC–8443. A communication from the President and Chief Executive Officer, Federal Home Loan Bank of Pittsburgh, transmitting, pursuant to law, the Bank's statement on the system of internal controls; to the Committee on Banking, Housing, and Urban Affairs.

EC–8444. A communication from the President and Chief Executive Officer, Federal Home Loan Bank of Atlanta, transmitting, pursuant to law, the Bank's statement on the system of internal controls; to the Committee on Banking, Housing, and Urban Affairs.

EC–8445. A communication from the President and Chief Executive Officer, Federal Home Loan Bank of Cincinnati, transmitting, pursuant to law, the Bank's statement on the system of internal controls; to the Committee on Banking, Housing, and Urban Affairs.

EC–8446. A communication from the Senior Paralegal for Regulations, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Community Reinvestment Act Regulations" (RIN1550–AB91) received on July 8, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8447. A communication from the Fiscal Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, the Treasury Bulletin and a report entitled "Security of Personal Financial Information"; to the Committee on Banking, Housing, and Urban Affairs.

EC–8448. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a vacancy, designation of acting officer, and nomination for the position of Under Secretary of Defense, Comptroller, Department of Defense, received on July 7, 2004; to the Committee on Armed Services.

EC–8449. A communication from the Principal Deputy for Personnel and Readiness, Office of the Under Secretary of Defense, transmitting, pursuant to law, a list of officers authorized to wear the insignia of the next highest grade; to the Committee on Armed Services.

EC–8450. A communication from the Principal Deputy for Personnel and Readiness, Office of the Under Secretary of Defense, transmitting, pursuant to law, a report relative to female members of the Armed Forces; to the Committee on Armed Services.

EC–8451. A communication from the Deputy Chief of Naval Operations, Office of the Chief of Naval Operations, Department of Defense, transmitting, pursuant to law, a report relative to the Naval Warfare Center, Weapons Division Administration at China Lake and Point Mugu, CA; to the Committee on Armed Services.

EC–8452. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Sulfuric Acid; Exemption from the Requirement of a Tolerance" (FRL #7364–4) received on July 7, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. COLEMAN:

S. 2638. A bill to amend title 38, United States Code, to require an annual plan on outreach activities of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BAYH:

S. Res. 403. A resolution encouraging increased involvement in service activities to assist senior citizens; to the Committee on the Judiciary.

By Mrs. CLINTON (for herself, Mr. SCHUMER, Mr. CORZINE, and Mr. LAUTENBERG):

S. Con. Res. 123. Concurrent resolution recognizing and honoring the life and legacy of Alexander Hamilton on the bicentennial of his death because of his standing as one of the most influential Founding Fathers of the United States; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 977

At the request of Mr. FITZGERALD, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 977, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage from treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease.

S. 1392

At the request of Mr. HARKIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1392, a bill to amend the Richard B. Russell National School Lunch Act to improve the nutrition of students served under child nutrition programs.

S. 1411

At the request of Mr. KERRY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1411, a bill to establish a National Housing Trust Fund in the Treasury of the United States to provide for the development of decent, safe, and affordable housing for low-income families, and for other purposes.

S. 1630

At the request of Mrs. CLINTON, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1630, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral services, and for other purposes.

S. 1840

At the request of Mr. CONRAD, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1840, a bill to amend the Food Security Act of 1985 to encourage owners and operations of privately-held farm and ranch land to voluntarily make their land available for access by the public under programs administered by States.

S. 1902

At the request of Mr. REED, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from Ohio (Mr. DEWINE) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 1902, a bill to establish a National Commission on Digestive Diseases.

S. 1909

At the request of Mr. COCHRAN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1909, a bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 2176

At the request of Mr. BINGAMAN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2176, a bill to require the Secretary of Energy to carry out a program of research and development to advance high-end computing.

S. 2363

At the request of Mr. HATCH, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 2363, a bill to revise and extend the Boys and Girls Clubs of America.

S. 2461

At the request of Mr. DEWINE, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 2461, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 2502

At the request of Mr. CRAIG, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 2502, a bill to allow seniors to file their Federal income tax on a new Form 1040S.

S. 2542

At the request of Mr. KENNEDY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2542, a bill to provide for review of determinations on whether schools and local educational agencies made adequate yearly progress for the 2002–2003 school year taking into consideration subsequent regulations and guidance applicable to those determinations, and for other purposes.

S. 2551

At the request of Mr. FRIST, the names of the Senator from Texas (Mr. CORNYN), the Senator from Illinois (Mr. DURBIN) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 2551, a bill to reduce and prevent childhood obesity by encouraging schools and school districts to develop and implement local, school-based programs designed to reduce and prevent childhood obesity, promote increased physical activity, and improve nutritional choices.

S. 2560

At the request of Mr. LEAHY, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 2560, a bill to amend chapter 5 of title 17, United States Code, relating to inducement of copyright infringement, and for other purposes.

S. 2600

At the request of Mrs. CLINTON, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 2600, a bill to direct the Architect of the Capitol to enter into a contract to revise the statue commemorating women's suffrage located in the rotunda of the United States Capitol to include a likeness of Sojourner Truth.

S. 2603

At the request of Mr. SMITH, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2603, a bill to amend section 227 of the Communications Act of 1934 (47 U.S.C. 227) relating to the prohibition on junk fax transmissions.

S. RES. 389

At the request of Mr. CAMPBELL, the names of the Senator from New Mexico (Mr. DOMENICI) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. Res. 389, a resolution expressing the sense of the Senate with respect to prostate cancer information.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. COLEMAN:

S. 2638. A bill to amend title 38, United States Code, to require an annual plan on outreach activities of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

Mr. COLEMAN. Mr. President, today I have introduced the Veterans Benefits Outreach Act.

Caring for our veterans is a commitment that supersedes politics. The President and Congress are united in our promise to provide veterans with access to quality care and benefits.

Spending for veterans medical care has doubled since 1993. President Bush's budget for the VA increased by 9 percent in fiscal year 2002, 13 percent in 2003 and another 4 percent in 2004. We in the Senate passed a budget resolution calling for another 5 percent increase next year. We have begun giving veterans concurrent receipt of their disability and retirement benefits, and are working to fix the survivor benefit plan.

But what good are these benefits if people don't know they can apply for them? According to an article that ran on the front page of the St. Paul Pioneer Press today entitled: "Wounded and Forgotten," there are an estimated half a million veterans who are eligible for Federal disability payments but are not receiving them—simply because they don't know that they can.

We need to do a better job of educating veterans about their rights. To this end, my legislation calls for the Veterans Administration to develop a strategy each year to reach out to veterans who are not taking advantage of the programs they're eligible for—to give them a chance to make an informed decision about the benefits America has promised them.

In addition to veterans who are not getting their benefits because they are unaware of them, there are some veterans who know they are eligible but have been turned away because of lost documents. You see, in 1973, the National Personnel Records Center in Missouri caught on fire, destroying thousands of veterans' personnel records.

The law already calls for the VA to give veterans the benefit of the doubt when they are missing documents that had been destroyed in the fire. But it is clear that in practice this is simply not the case. Too many veterans get nothing more than a postcard telling them their case cannot be proven because of the destruction of their records three decades ago.

It is simply unconscionable that these veterans should have to suffer because their records were ruined while in the custody of the government. To deal with this problem, my legislation also directs the VA to set up an appeals process for those whose applications are rejected because of documents lost in that fire.

My legislation is about going the extra mile to do the right thing. These are not hand-outs, these are not new entitlement programs—these are benefits prescribed under the law for people who have already qualified for them by serving their country. We must do whatever it takes to give America's veterans the benefits we promised them.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2638

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans Benefits Outreach Act of 2004".

SEC. 2. ANNUAL PLAN ON OUTREACH ACTIVITIES.

(a) ANNUAL PLAN REQUIRED.—Subchapter II of chapter 5 of title 38, United States Code, is amended by inserting after section 523 the following new section:

"§ 523A. Annual plan on outreach activities

"(a) ANNUAL PLAN REQUIRED.—The Secretary shall prepare each year a plan for the outreach activities of the Department for the following year.

"(b) ELEMENTS.—Each annual plan under subsection (a) shall include the following:

"(1) Plans for efforts to identify veterans who are not enrolled or registered with the Department for benefits or services under the programs administered by the Secretary.

"(2) Plans for informing veterans and their dependents of modifications of the benefits and services under the programs administered by the Secretary, including eligibility for medical and nursing care and services.

"(c) COORDINATION IN DEVELOPMENT.—In developing an annual plan under subsection (a), the Secretary shall consult with the following:

"(1) Directors or other appropriate officials of organizations recognized by the Secretary under section 5902 of this title.

"(2) Directors or other appropriate officials of State and local education and training programs.

"(3) Representatives of non-governmental organizations that carry out veterans outreach programs.

"(4) Representatives of State and local veterans employment organizations.

"(5) Businesses and professional organizations.

"(6) Other individuals and organizations that assist veterans in adjusting to civilian life.

"(d) INCORPORATION OF ASSESSMENT OF PREVIOUS ANNUAL PLANS.—In developing an annual plan under subsection (a), the Secretary shall take into account the lessons learned from the implementation of previous annual plans under such subsection.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 523 the following new item:

"523A. Annual plan on outreach activities.".

SEC. 3. APPEAL OF CLAIMS DENIED BECAUSE OF LOSS OF RECORDS RESULTING FROM 1974 FIRE AT THE NATIONAL PERSONNEL RECORDS CENTER.

The Secretary of Veterans Affairs shall develop and implement procedures by which veterans may appeal claims denied by the Secretary on the basis that records destroyed in the 1974 fire at the National Personnel Records Center could substantiate such claims.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 403—ENCOURAGING INCREASED INVOLVEMENT IN SERVICE ACTIVITIES TO ASSIST SENIOR CITIZENS

Mr. BAYH submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 403

Whereas approximately 13,000,000 individuals in the United States have serious long-term health conditions that may force them to seek assistance with daily tasks;

Whereas 56 percent of the individuals in the United States with serious long-term health conditions are age 65 or older;

Whereas the percentage of the population over the age of 65 is expected to rise from 13 percent in 2004 to 20 percent in 2020;

Whereas 15 percent of all seniors over the age of 65 suffer from depression;

Whereas studies have suggested that 25 to 50 percent of nursing home residents are affected by depression;

Whereas approximately 1,450,000 people live in nursing homes in the United States;

Whereas by 2018 there will be 3,600,000 seniors in need of a nursing home bed, which will be an increase of more than 2,000,000 from 2004;

Whereas as many as 60 percent of nursing home residents do not have regular visitors;

Whereas older patients with significant symptoms of depression have significantly higher health care costs than seniors who are not depressed;

Whereas people who are depressed tend to be withdrawn from their community, friends, and family;

Whereas the Corporation for National and Community Service (CNS) Senior Corps programs currently provide seniors with the opportunity to serve their communities through the Retired and Senior Volunteer Program, Foster Grandparent Program, and Senior Companion Program;

Whereas through the Senior Companion Program in particular, in the 2002 to 2003 program year, more than 17,000 low-income seniors volunteered their time assisting 61,000 frail elderly and homebound individuals who have difficulty completing daily tasks;

Whereas numerous volunteer organizations across the United States enable Americans of all ages to participate in similar activities;

Whereas Faith in Action, 1 volunteer organization, brings together 40,000 volunteers of many faiths to serve 60,000 people with long-term health needs or disabilities across the country, 64 percent of whom are 65 years of age or older;

Whereas the thousands of volunteers that, through the Senior Companion Program and volunteer organizations nationwide, provide companionship and assistance to frail elderly individuals, nursing home residents, and homebound seniors, deserve to be commended for their work;

Whereas the demand for these services outstrips the number of volunteers, and organizations are seeking to enlist more individuals in the United States in the volunteer effort;

Whereas companionship and assistance programs for seniors with long-term health needs offer many demonstrated benefits, such as: allowing frail elderly individuals to remain in their homes; enabling seniors to maintain independence for as long as possible; providing encouragement and friendship to lonely seniors; and providing relief to home care givers;

Whereas regular visitation and assistance is the best way of assuring seniors that they have not been forgotten, and State and local recognition of regular visitation programs can call further attention to the importance of volunteering on an ongoing basis; and

Whereas a month dedicated to service for seniors and recognized across the United States will call attention to volunteer organizations serving seniors and provide a platform for recruitment efforts: Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of August as "Service for Seniors Month";

(2) recognizes the need for companionship and assistance with daily tasks among seniors with long-term health conditions throughout the year, and encourages the people of the United States to volunteer regularly at a nursing home or long-term care facility;

(3) encourages volunteer organizations that offer companionship and assistance to seniors to incorporate "Service for Seniors Month" in their recruitment efforts;

(4) encourages individuals in the United States to volunteer in these service organizations in order to give back to a generation that sacrificed so much; and

(5) requests that the President issue a proclamation calling on the people of the United States and interested groups to observe "Service for Seniors Month" with appropriate ceremonies and activities that promote awareness of, and volunteer involvement service for, seniors with long-term health needs.

SENATE CONCURRENT RESOLUTION 123—RECOGNIZING AND HONORING THE LIFE AND LEGACY OF ALEXANDER HAMILTON ON THE BICENTENNIAL OF HIS DEATH BECAUSE OF HIS STANDING AS ONE OF THE MOST INFLUENTIAL FOUNDING FATHERS OF THE UNITED STATES

Mrs. CLINTON (for herself, Mr. SCHUMER, Mr. CORZINE, and Mr. LAUTENBERG) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 123

Whereas Alexander Hamilton dedicated his life to serving his adopted country as a Revolutionary soldier, aide-de-camp to General George Washington, Representative to the Continental Congress, member of the New York State Assembly, first Secretary of the Treasury of the United States, and Inspector General of the Army;

Whereas Alexander Hamilton was a poor teenage immigrant to New York from the West Indian Islands of Nevis and St. Croix;

Whereas in the early days of the Revolutionary War Alexander Hamilton was commissioned as a captain and raised and trained his own New York artillery regiment and served valiantly in the battles of Long Island and Manhattan;

Whereas Alexander Hamilton quickly captured the attention of General George Washington who made him his aide-de-camp and confidant throughout the most difficult days of the Revolutionary War;

Whereas in 1781, Lieutenant Colonel Alexander Hamilton of the Continental Army led a bold attack of New York troops during the siege of Yorktown, the decisive and final battle of the Revolutionary War;

Whereas in 1782, Alexander Hamilton was elected as a member of the Continental Congress from New York;

Whereas as a private citizen Alexander Hamilton served many philanthropic causes and was a co-founder of the New York Manumission Society, the first abolitionist organization in New York and a major influence on the abolition of slavery from the State;

Whereas Alexander Hamilton was a strong and consistent advocate against slavery and believed that Blacks and Whites were equal citizens and equal in their mental and physical faculties;

Whereas Alexander Hamilton was one of the first members of the founding generation to call for a convention to drastically revise the Articles of Confederation;

Whereas Alexander Hamilton joined James Madison in Annapolis, Maryland in 1786 to officially request that the States call a constitutional convention;

Whereas Alexander Hamilton was elected as a delegate to the Constitutional Convention of 1787 from New York, where he played an influential role and was the only delegate from New York to sign the Constitution;

Whereas Alexander Hamilton was the primary author of the Federalist Papers, the single most influential interpretation of American constitutional law ever written;

Whereas Alexander Hamilton was the most important individual force in achieving the ratification of the Constitution in New York against the strong opposition of many of the delegates to the ratifying convention;

Whereas Alexander Hamilton was the leading voice of the founding generation in support of the controversial doctrine of judicial review, which is the backbone for the role of the Supreme Court in the constitutional system of the United States;

Whereas on September 11, 1789, Alexander Hamilton was appointed by President George Washington to be the first Secretary of the Treasury;

Whereas as Secretary of the Treasury Alexander Hamilton salvaged the public credit, created the first Bank of the United States, and outlined the basic economic vision of a mixed agricultural and manufacturing society supported by a strong financial system that would underlie the great economic expansion of the United States for the next 2 centuries;

Whereas Alexander Hamilton was the leading proponent among the Founding Fathers of encouraging a strong manufacturing base for the United States in order to create good paying middle-class jobs and encourage a society built on merit rather than class or skin color;

Whereas in pursuit of this vision Alexander Hamilton founded The Society for Establishing Useful Manufactures which in turn founded the town of Paterson, New Jersey, one of the first industrial centers of the United States;

Whereas Alexander Hamilton proposed and oversaw the creation of the Coast Guard for law enforcement in territorial waters of the United States;

Whereas in 1798, President John Adams called upon Alexander Hamilton to raise an army in preparation for a possible war with France and, as Inspector General of the Army, he trained a powerful force of well-equipped soldiers who were able to help deter war at this vulnerable stage in the founding of the United States;

Whereas throughout the founding era Alexander Hamilton was the leading advocate of a strong national union led by an efficient Federal Government with significant protections for individual liberties;

Whereas on July 11, 1804, Alexander Hamilton was fatally wounded in a duel in Weehawken, New Jersey at the hands of Vice President Aaron Burr; and

Whereas Alexander Hamilton died in Manhattan on July 12, 1804, and was eulogized across the country as one of the leading visionaries of the founding era: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) honors the great importance of the life and legacy of Alexander Hamilton to the United States of America on the bicentennial of his death;

(2) recognizes the tremendous significance of the contributions of Alexander Hamilton to the United States as a soldier, citizen, and statesman; and

(3) urges the people of the United States to share in this commemoration so as to gain a greater appreciation of the critical role that Alexander Hamilton had in defense of America's freedom and the founding of the United States.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, July 20, 2004 at 10 a.m. in Room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 2590, a bill to provide a conservation royalty from Outer Continental Shelf revenues to establish the Coastal Impact Assistance Program, to provide assistance to States under the Land and Water Conservation Fund Act of 1965, to ensure adequate funding for conserving and restoring wildlife, to assist local governments in improving local park and recreation systems, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150.

For further information, please contact Kellie Donnelly at 204-224-9360 or Shane Perkins at 202-224-7555.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I announce that the Committee on Indian Affairs will meet on Tuesday, July 20, 2004, at 10 a.m. in Room 485 of the Russell Senate Office Building to conduct a hearing on S. 2605, the Snake River, Nez Perce, Water Rights Act of 2004.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I announce that the Committee on Indian Affairs will meet on Wednesday, July 21, 2004, at 10 a.m. in Room 485 of the Russell Senate Office Building to conduct a business meeting on pending Committee matters, to be followed immediately by a hearing on S. 519, the Native American Capital Formation and Economic Development Act of 2003.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I announce that the Committee on Indian Affairs will meet on Thursday, July 22, 2004, at 10 a.m. in Room 485 of the Russell Senate Office Building to conduct a business meeting on pending Committee matters, to be followed immediately by an oversight hearing on pending legislation to reauthorize the Indian Health Care Improvement Act.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

RECOGNIZING THE 25TH ANNIVERSARY OF THE ADOPTION OF THE CONSTITUTION OF THE REPUBLIC OF THE MARSHALL ISLANDS

Mr. FRIST. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of H. Con. Res. 410, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 410) recognizing the 25th anniversary of the adoption of the Constitution of the Republic of the Marshall Islands and recognizing the Marshall Islands as a staunch ally of the United States, committed to principles of democracy and freedom for the Pacific region and throughout the world.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the concurrent resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 410) was agreed to.

The preamble was agreed to.

VITIATION OF APPOINTMENT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate's action with respect to the appointment of Clare M. Cotton, of Massachusetts, to serve as a member of the National Commission on the Cost of Higher Education, be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, JULY 13, 2004

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:45 a.m. on Tuesday, July 13. I further ask consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business for up to 60 minutes, with the first 30 minutes under the control of the Democratic leader or his designee, and the final 30 minutes under the control of the majority leader or his designee; provided that following morning business, the Senate resume consideration of the motion to proceed to S.J. Res. 40, with the time until 8 p.m.

equally divided between the chairman and ranking member or their designees.

I further ask consent that the Senate recess from 12:30 p.m. until 2:15 p.m. for the weekly party luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, tomorrow, following morning business, the Senate will resume debate on the motion to proceed to the marriage amendment. Senators will be speaking on this issue throughout the day tomorrow, and I encourage those Members who have not had a chance to speak to come to the floor during tomorrow's session. I remind my colleagues that moments ago I filed cloture on the motion to proceed to the joint resolution. I felt it necessary to file cloture in order to ensure that we not only be able to bring the legislation up for consideration, but also to ensure the ability to offer amendments. If we are able to reach an agreement, then we would vitiate that scheduled cloture vote.

THE JOBS BILL

Mr. FRIST. One final mention this evening, and it relates to the FSC/ETI or JOBS bill. We believe it is very important for the interests of the United States for us to go to conference on the FSC/ETI or jobs in manufacturing bill. The House-passed measure is here, and we need to act soon to get that bill moving forward. I do encourage Members to allow us to go forward and to proceed to conference and have the will of that conference be expressed on this very important issue.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:39 p.m., adjourned until Tuesday, July 13, 2004, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate July 12, 2004:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

JAMES BALLINGER, OF ARIZONA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2010, VICE CLEO PARKER ROBINSON, TERM EXPIRING.

TERENCE ALAN TEACHOUT, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2010, VICE GORDON DAVIDSON, TERM EXPIRING.

JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION

GEORGE PERDUE, OF GEORGIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR A TERM EXPIRING NOVEMBER 5, 2006, VICE CARROLL A. CAMPBELL, JR., TERM EXPIRED.

UNITED STATES SENTENCING COMMISSION

RUBEN CASTILLO, OF ILLINOIS, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION FOR A TERM EXPIRING OCTOBER 31, 2009. (REAPPOINTMENT)

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS DEPUTY JUDGE ADVOCATE GENERAL OF THE NAVY IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 5149:

To be rear admiral

CAPT. BRUCE E. MACDONALD, 9816

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS JUDGE ADVOCATE GENERAL OF THE NAVY IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 5149:

To be rear admiral

REAR ADM. JAMES E. MCPHERSON, 8989

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. BRENT E. WINGET, 6522

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. GLENN K. RIETH, 2761

WITHDRAWAL

Executive message transmitted by the President to the Senate on July 12, 2004, withdrawing from further Senate consideration the following nomination:

JAMES M. STROCK, OF CALIFORNIA, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2006, WHICH WAS SENT TO THE SENATE ON NOVEMBER 21, 2003.

HOUSE OF REPRESENTATIVES—*Monday, July 12, 2004*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. ADERHOLT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 12, 2004.

I hereby appoint the Honorable ROBERT B. ADERHOLT to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BROWN) for 5 minutes.

LEGISLATIVE ARM TWISTING

Mr. BROWN of Ohio. Mr. Speaker, last Thursday was a bad day for democracy in the House of Representatives. Adding to their laundry list of legislative arm twisting, House Republicans once again bent democracy to fit their needs by holding a vote open for 38 minutes until they were able to change the outcome of the vote. Thursday was not an isolated incidence of arrogant disregard for the political process by Republican leadership in this Congress. It was an example of the modern-day Republican win-at-all-cost style of governance.

This shameful record speaks for itself. Never before, when the Democrats were in control, when Newt Gingrich was Speaker with the Republicans in control, never before until the last year or so has the House of Representatives operated in such secrecy.

At 2:54 a.m. on a Friday in March last year, the House cut veterans benefits by 3 votes.

At 2:39 a.m. on a Friday in April last year, the House slashed education and health care by 5 votes.

At 1:56 a.m. on a Friday in May, the House passed the leave no millionaire behind tax cut bill by a handful of votes.

At 2:33 a.m. on a Friday in June, the House passed the Medicare privatization and prescription drug bill by one vote.

At 12:57 a.m. on a Friday in July last year, the House eviscerated Head Start by one vote.

And then after returning from summer recess at 12:12 a.m. on a Friday in October, the House voted $87 billion for Iraq. Always in the middle of night, always after the press had passed their deadlines, and always after the American people had turned off the news and gone to bed.

What did the public see? At best, Americans read a small story with a brief explanation of the bill and the vote count in Saturday's papers, understanding that Saturday is the least-read paper of the week; no accident there. But what did the public miss? They did not see the House votes which normally take 17, 18, 19, 20 minutes dragging on for as long as an hour as Members of the Republican leadership trolled for enough votes to cobble together a majority.

They did not see GOP leaders stalking the floor for whoever was not in line. They did not see the gentleman from Illinois (Speaker HASTERT); the gentleman from Texas (Mr. DELAY), the majority leader; and the majority whip, the gentleman from Missouri (Mr. BLUNT) coerce enough Republican Members into switching their votes in the middle of the night to produce their desired results. In other words, the American people did not see the subversion of democracy.

In November, they did it again. The most sweeping change to Medicare in its 38-year history was forced through the House at 5:55 a.m. on a Saturday morning. The debate started at midnight, the rollcall began at 3. Most of us voted within the typical 20 minutes. Normally the Speaker would have gaveled the vote closed, but not this time because the Republican leadership Medicare privatization bill was losing. By 4 a.m., the bill had been defeated 216 to 218. Then the assault began. The gentleman from Illinois (Speaker HASTERT), the gentleman from Texas (Mr. DELAY), the gentleman from Missouri (Mr. BLUNT), the Committee on Ways and Means chairman, the gentleman from California (Mr. THOMAS) and the chairman of the Committee on Energy and Commerce (Mr. TAUZIN) all searched the floor, walked around the Chamber looking for House Republicans to bully, the 25 Republicans that had the integrity and the guts to vote against their leadership and to do the right thing.

I watched them surround the gentleman from Cincinnati, Ohio (Mr. CHABOT) trying first a carrot and then a stick; but he, with integrity intact, remained defiant. They then aimed at a retiring Member, the gentleman from Michigan (Mr. SMITH) whose son is running to succeed him. They promised support if he changed his vote to "yes." They promised retaliation if he did not change his vote to "yes." He stood his ground.

Many of the two dozen Republicans who voted against the bill simply went home because they did not want to deal with the pressure. I found one Republican Member in the Democratic Cloak Room in order to avoid Republican arm twisting. By 4:30, the browbeating had moved into the Republican Cloak Room in the back of the Chamber, out of sight of C–SPAN cameras and the insomniac public. Republican leaders woke up President Bush, and a White House aide passed a cell phone from one recalcitrant Member to another in the Cloak Room. At 5:55 a.m., 2 hours and 55 minutes after the rollcall began, twice as long ever as any rollcall had taken in the history of the House of Representatives, two western Republicans, one from Arizona and one from Idaho, emerged from that Cloak Room, walked down the aisle, picked up one of these cards, a green card, scrawled their name and their district number on it, and sheepishly surrendered it to the Clerk of the House. The Speaker gaveled the vote closed 2 hours and 55 minutes after it began. Medicare privatization had passed.

To paraphrase Yogi Berra, I guess it is not over until the drug companies and the Republican leadership says it is over.

Mr. Speaker, Republicans can do a lot in the middle of the night under the cover of darkness. Last week, House Republican leadership demonstrated a new bravado, the same kind of thing they did last year, month after month, by holding this vote open in broad daylight.

What can the American people expect to see from the Republican leadership in the future?

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

CELEBRATING LIFE OF MICHAEL C. SAVAGE

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the gentleman from Illinois (Mr. DAVIS) is recognized during morning hour debates for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, I have always been told that life is filled with uncertainty. Therefore, we should always endeavor to do as much as we can while we can because we never know when the time will come when we cannot do.

Such has been the life of Michael C. Savage who recently died in a boating accident. Mike was young, 51 years of age. He was openly gay, had a partner of 15 years, was a loving son to his mother, Ms. Maureen Savage, and brother to his siblings, Chuck and Cindy.

Mike was the chief executive officer of Access Community Health Network, probably the most successful group of community health centers in the country. Mike worked on AIDS and gay issues in Chicago, moved away to Boston to become executive director of the Fenway Community Health Center, and then returned to Chicago to run the Access Community Health Corporation.

When Mike took over Access in 1994, they had nine sites. At the time of his death, he had grown the network into 41 sites and increased its annual budget from $19 million a year to almost $70 million, and they served over 160,000 patients a year. In addition to his full time professional job, Mike was an active member of Dignity Chicago, a community of lesbian, gay, transgender, bisexual and straight Catholics. He was also active with United Power For Action, Stand Against Cancer, and was a board member of the National Association of Community Health Centers.

Mr. Speaker, I have been around the community health center movement for many years; as a matter of fact, since its inception, and I have never encountered a more talented, energetic, visionary and effective leader, planner, and manager. It is indeed unfortunate Mike passed on so soon. Fortunately, he did much good while he was here.

Therefore, I express condolences to his family, friends and colleagues, and trust that Access will continue as the best of its kind in the Nation. We simply pause to say thank you to Mike Savage.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 40 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. TERRY) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Ever-faithful Lord God, to create a new order among Your people, the prophet Ezekiel established a new scheme of weights and measures for all aspects of daily life and business.

His prophetic action causes us to ask what criteria do we use to measure and judge ourselves, others, and the performance of institutions today. Only You, O Lord, hold the light to see honestly the highest aspirations and, at the same time, the deepest limitations of Your people.

Help America to live in the light of Your eternal wisdom. Guide the determinations of this Congress as they formulate laws based upon America's ideals and yet practical enough to address our limitations in facing the most important problems of today and tomorrow.

Free government leaders from all self-deception and the manipulation of others, that they may accomplish Your good purpose for this Nation and be measured themselves honestly by their constituents. In You alone is the balance of mercy and justice now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. PETRI. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. PETRI. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Wisconsin (Mr. PETRI) come forward and lead the House in the Pledge of Allegiance.

Mr. PETRI led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

> H.R. 1303. An act to amend the E-Government Act of 2002 with respect to rulemaking authority of the Judicial Conference.

CONGRESS MUST ACT TO PASS REFORM TO CURRENT MEDICAL JUSTICE SYSTEM

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, $230 billion. That is the cost last year of the medical justice system in this country. Of that figure, 20 percent went to compensate patients for actual pain and damages, 20 percent went to lawyers' fees, 20 percent went to insurance overhead, and 25 percent was paid out in noneconomic damages for things like pain and suffering.

Mr. Speaker, we can scarcely afford this continued type of expenditure in this country; and, indeed, this House has passed, twice in the past 2 years, legislation seeking to reform this system. Unfortunately, that legislation has languished on the other side of the Capitol.

Mr. Speaker, it is more than just the monetary damages, though. It is the cost in terms of the human capital that we are losing today from doctors who are leaving practice early, hospitals that are having to close their doors. But even more important than that, Mr. Speaker, is the cost of human capital that will never be developed. I am talking about students in medical school, undergraduate school, and high school who will look at their medical career ahead of them and decide it is just not worth the effort.

Mr. Speaker, we must act in this Congress.

CONDOLENCES TO FAMILY AND FRIENDS OF ARMY LT. ROBERT COLVILL

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, the sad news reached Hoosiers last week. Army Lieutenant Robert Colvill, Junior, of Anderson, Indiana, lost his life fighting to liberate Iraq and defend American ideals overseas. He and three other soldiers died as a result of wounds suffered during a terrorist car bombing and mortar attack.

Robert Colvill, Jr., was a hero who believed in this great Nation. In the ninth grade, he determined he would serve his country in the Marine Corps. And so, after graduating from Madison Heights High School in 1991, he joined the Marines. He retired after 8 years of service, having achieved the status of sergeant. But his passion for fighting for his country was too much to ignore; and Robert Colvill, Jr., enlisted in the United States Army after only 1 year as a civilian.

I think Mayor Kevin Smith of Anderson, Indiana, said it best when he said, "Soldiers like Lt. Colvill represent the best of the United States of America, men and women of ideals who are unafraid to fight for freedom for themselves, their country, and other peoples of the world."

Mr. Speaker, Lt. Robert Colvill, Jr., is a hero whose service and sacrifice brought freedom to 25 million Iraqis. His memory and the memory of that sacrifice will forever be emblazoned on the hearts of two grateful nations.

I offer my deepest condolences to his family and friends and the community at large as we deal with the loss of a hero.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

EXPRESSING SENSE OF CONGRESS THAT DINAH WASHINGTON BE RECOGNIZED AS ONE OF THE MOST TALENTED VOCALISTS IN AMERICAN POPULAR MUSIC HISTORY

Mr. PETRI. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 144) expressing the sense of Congress that Dinah Washington should be recognized for her achievements as one of the most talented vocalists in American popular music history.

The Clerk read as follows:

H. CON. RES. 144

Whereas Dinah Washington was born in August 1924;

Whereas Dinah Washington was a singer and performer whose early influence and focus was gospel music and spirituals, and who first toured the Nation to perform in 1940;

Whereas Dinah Washington was hired to sing with Lionel Hampton's big band in 1943, and through this exposure gained her first recording contract;

Whereas Dinah Washington was recording with jazz stars and leaders in the industry by 1948, and was a full-fledged pop music star by the late 1950s after recording the ballad, "What a Difference a Day Makes";

Whereas Dinah Washington recorded in jazz, blues, rhythm and blues, and pop, and was considered a preeminent figure and enormously gifted vocalist in each; and

Whereas Dinah Washington died on December 14, 1963, after dominating the charts in the late 1940s and 1950s, and by today's measures would have been considered a tremendous crossover superstar: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that Dinah Washington should be recognized for her versatility, remarkable musical talent, and for influence on female vocalists in jazz, blues, rhythm and blues, pop, and gospel.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. PETRI) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. PETRI).

GENERAL LEAVE

Mr. PETRI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H. Con. Res. 144.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of H. Con. Res. 144.

Mr. Speaker, House Concurrent Resolution 144, which expresses the sense of Congress that Dinah Washington should be recognized for her achievements as one of the most talented vocalists in American popular music history.

Born in 1924, Dinah Washington was a singer and performer whose early influence and focus was gospel music and spirituals. She began touring the country in 1940, was hired to sing with Lionel Hampton's big band, and signed her first recording contract in 1943.

Dinah Washington was recording with jazz stars and leaders in the industry by 1948 and was a full-fledged pop music star by the late 1950s after recording the ballad "What a Difference a Day Makes."

Throughout her career, Dinah Washington recorded in jazz, blues, rhythm and blues, and pop and was considered a preeminent figure and an enormously gifted vocalist in each genre. After dominating the charts in the late 1940s and 1950s, Dinah Washington died on December 14, 1963. By today's measure, she would have been considered a tremendous crossover superstar.

House Concurrent Resolution 144 is simple and straightforward. It expresses the sense of Congress that Dinah Washington should be recognized for her versatility, remarkable music talent, and for influence on female vocalists in jazz, blues, rhythm and blues, pop, and gospel. I urge my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I commend the gentleman from New York (Mr. RANGEL) for his introduction of this resolution, and I rise in support of H. Con. Res. 144, which recognizes the tremendous talent and accomplishments of Dinah Washington.

I have always been told that music is universal and everlasting. Therefore, Ms. Washington's impact on music can be felt and seen even among today's contemporary talents. While Dinah Washington was born in the 1920s, her true impact on music began in the late 1940s and 1950s.

Ms. Washington's early focus was on gospel music and spirituals, yet she did not believe in mixing the secular and spiritual. And once she entered the nonreligious music world professionally, she refused to include gospel in her repertoire. She became a full-fledged pop music star by the late 1950s, giving her the title of the Most Popular Black Female Recording Artist at that time.

She was noted as one of the most versatile and gifted vocalists in American popular music history. Ms. Washington's talent lent itself to making recordings in jazz, blues, rhythm and blues, and pop.

Despite her passing in December of 1963, her music continues to influence artists today. In 1993, her memory and influence on music became forever as we remember she was inducted into the Rock and Roll Hall of Fame. Her face became a symbol of soul as her voice does in her music, as she is portrayed in one of the black history commemorative stamps.

In closing, Mr. Speaker, I want to urge Members to support this resolution. I remember some of the titles of songs, "What a Difference a Day Makes," "Just 24 Little Hours," "My Yesterday Was Blue But Today I'm a Part of You"; and forever in the annals of music history will Dinah Washington be a part of us. What a difference a day makes and what a difference she made.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. PETRI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. PETRI) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 144.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

CONGRATULATING CALIFORNIA STATE UNIVERSITY FULLERTON TITANS BASEBALL TEAM ON 2004 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I COLLEGE WORLD SERIES

Mr. PETRI. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 704) congratulating the California State University, Fullerton Titans baseball team for winning the 2004 National Collegiate Athletic Association Division I College World Series.

The Clerk read as follows:

H. Res. 704

Whereas on June 27, 2004, the California State University, Fullerton Titans baseball team won the 2004 National Collegiate Athletic Association (NCAA) Division I College World Series Championship, the fourth College World Series Championship for the Titans baseball team;

Whereas the Titans defeated the top ranked University of Texas Longhorns by scores of three to two and six to four in consecutive games of the best-of-three World Series Championship in Omaha, Nebraska;

Whereas the Titans completed a remarkable season capped by finishing first in the Big West Conference during the regular season, winning the Big West Conference tournament championship, and winning the NCAA Championship in the same year after starting the season with a record of 15 wins and 16 losses;

Whereas Titans Head Coach George Horton was named the 2004 Big West Conference Coach of the Year for the third time in his career;

Whereas Titans baseball team members Kurt Suzuki and Jason Windsor were honored as All-Americans for the 2004 season by Baseball America;

Whereas the Titans baseball team has displayed outstanding dedication, resilience, and sportsmanship throughout the season in achieving the highest honor in collegiate baseball;

Whereas the students, alumni, and faculty of California State University, Fullerton, and other fans of California State University, Fullerton Titans baseball have shown tremendous commitment and support to the Titans baseball program; and

Whereas the Titans have brought pride to the California State University, Fullerton, community and to the State of California: Now, therefore, be it

Resolved, That the House of Representatives congratulates the California State University, Fullerton Titans baseball team for winning the 2004 National Collegiate Athletic Association Division I College World Series Championship.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. PETRI) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. PETRI).

GENERAL LEAVE

Mr. PETRI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H. Res. 704.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. PETRI. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. ROYCE), the author of the resolution.

Mr. ROYCE. Mr. Speaker, I rise in support of House Resolution 704, which is legislation that I introduced. And this legislation congratulates my alma mater, the Cal State Fullerton Titans baseball team, on winning the 2004 College World Series. I am pleased that my colleagues from Orange County have joined me in acknowledging this triumphant season for the Titans.

For those of us who grew up in Orange County, this is a momentous occasion. This is the fourth time in the school's history that the Titans have won the College World Series championship.

☐ 1415

The Titans' victory was far from predicted. They were the underdog from the start. They started this season with a 15–16 won-loss record at midseason. Despite their early struggles, the Titans continued to display character and resiliency by working hard. This scrappy Cal State-Fullerton baseball team went on to beat the odds and did so in the most humble fashion possible, through good old-fashioned teamwork.

Cal State-Fullerton went on to win the Big West Conference over perennial conference powerhouse Long Beach State. This contentious conference is hard fought year after year, with the Titans always displaying consistency and determination, although favorable results are not always the outcome. However, this season, as in some seasons past, the Titans emerged victorious alongside their passionate coach George Horton, who sees every opportunity as one in which positive results may rise.

The Titans continued their inspiring display of teamwork and will to win throughout the College World Series. They defeated the University of Miami Hurricanes and then the University of South Carolina Gamecocks in the semifinals. This run of the Titans culminated with their sweep of the best-of-three championship series by defeating the top-ranked University of Texas Longhorns 6–4 and 3–2 in come-from-behind victories.

The Cal State-Fullerton Titans finished with an overall record of 47 wins and 22 losses and a postseason record of 11 wins and 2 losses. This victory for Cal State-Fullerton head coach George Horton was bittersweet as he defeated his longtime mentor and friend Augie Garrido who led the Titans in the past for 21 seasons during which he won three national championships before leaving to coach the University of Texas Longhorns back in 1996.

The atmosphere at both the stadium in Omaha, Nebraska, and back home in Orange County was electrifying. Fans across Orange County displayed their Titan pride in waves by wearing Cal State-Fullerton colors identified by the distinguishable orange and blue.

The Titans were welcomed home by an enthusiastic crowd of supporters upon their arrival in Orange County where a parade took place in honor of these exceptional college athletes.

Throughout the season, the Titans were led by a gutsy group of players such as All-Americans Kurt Suzuki, who hit a single with two outs in the bottom of the seventh inning driving home the game-winning run in the final game of the series, and Jason Windsor, who pitched his second complete game of the College World Series, earning him Most Outstanding Player honors as they captured the NCAA Division I baseball championship.

Mr. Speaker, I congratulate the Cal State-Fullerton Titans' players, coaches, staff and fans who were instrumental in bringing the College World Series championship back to Fullerton for a fourth time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join with the gentleman from Wisconsin in consideration of this resolution, and so I rise in support of H. Res. 704, recognizing the NCAA men's baseball championship earned by the California State-Fullerton Titans. The Titans started 15–16, highly unusual, but they capped a memorable run to the 2004 national championship with a 3–2 win over Texas. Cal State-Fullerton's All-American catcher, Kurt Suzuki, hit an RBI single in the bottom of the seventh inning to put the Titans ahead to stay.

Despite the loss, Texas coach Augie Garrido, the Texas players and their fans should be proud of a well-played season. By winning this championship, California State-Fullerton's coach George Horton and the rest of the Titans have a lifelong memory to treasure. Cal State's fans and the entire university community should be proud, as they are, of their team's accomplishments.

I want to urge Members to support this resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. PETRI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TERRY). The question is on the motion offered by the gentleman from Wisconsin (Mr. PETRI) that the House suspend the rules and agree to the resolution, H. Res. 704.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

RESOLVING BOUNDARY CONFLICTS IN BARRY AND STONE COUNTIES, MISSOURI

Mr. BURNS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1167) to resolve boundary conflicts in Barry and Stone Counties in the State of Missouri.

The Clerk read as follows:

S. 1167

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RESOLUTION OF BOUNDARY CONFLICTS, VICINITY OF MARK TWAIN NATIONAL FOREST, BARRY AND STONE COUNTIES, MISSOURI.

(a) DEFINITIONS.—In this section:

(1) The term "appropriate Secretary" means the Secretary of the Army or the Secretary of Agriculture.

(2) The term "boundary conflict" means the situation in which the private claim of ownership to certain lands, based on subsequent Federal land surveys, overlaps or conflicts with Federal ownership of the same lands.

(3) The term "Federal land surveys" means any land survey made by any agency or department of the Federal Government using Federal employees, or by Federal contract with State-licensed private land surveyors or corporations and businesses licensed to provide professional land surveying services in the State of Missouri for Table Rock Reservoir.

(4) The term "original land surveys" means the land surveys made by the United States General Land Office as part of the Public Land Survey System in the State of Missouri, and upon which Government land patents were issued conveying the land.

(5) The term "Public Land Survey System" means the rectangular system of original Government land surveys made by the United States General Land Office and its successor, the Bureau of Land Management, under Federal laws providing for the survey of the public lands upon which the original land patents were issued.

(6) The term "qualifying claimant" means a private owner of real property in Barry or Stone County, Missouri, who has a boundary conflict as a result of good faith and innocent reliance on subsequent Federal land surveys, and as a result of such reliance, has occupied or improved Federal lands administered by the appropriate Secretary.

(7) The term "subsequent Federal land surveys" means any Federal land surveys made after the original land surveys that are inconsistent with the Public Land Survey System.

(b) RESOLUTION OF BOUNDARY CONFLICTS.—The Secretary of the Army and the Secretary of Agriculture shall cooperatively undertake actions to rectify boundary conflicts and landownership claims against Federal lands resulting from subsequent Federal land surveys and correctly reestablish the corners of the Public Land Survey System in Barry and Stone Counties, Missouri, and shall attempt to do so in a manner which imposes the least cost and inconvenience to affected private landowners.

(c) NOTICE OF BOUNDARY CONFLICT.—

(1) SUBMISSION AND CONTENTS.—A qualifying claimant shall notify the appropriate Secretary in writing of a claim that a boundary conflict exists with Federal land administered by the appropriate Secretary. The notice shall be accompanied by the following information, which, except as provided in subsection (e)(2)(B), shall be provided without cost to the United States:

(A) A land survey plat and legal description of the affected Federal lands, which are based upon a land survey completed and certified by a Missouri State-licensed professional land surveyor and done in conformity with the Public Land Survey System and in compliance with the applicable State and Federal land surveying laws.

(B) Information relating to the claim of ownership of the Federal lands, including supporting documentation showing that the landowner relied on a subsequent Federal land survey due to actions by the Federal Government in making or approving surveys for the Table Rock Reservoir.

(2) DEADLINE FOR SUBMISSION.—To obtain relief under this section, a qualifying claimant shall submit the notice and information required by paragraph (1) within 15 years after the date of the enactment of this Act.

(d) RESOLUTION AUTHORITIES.—In addition to using existing authorities, the appropriate Secretary is authorized to take any of the following actions in order to resolve boundary conflicts with qualifying claimants involving lands under the administrative jurisdiction of the appropriate Secretary:

(1) Convey by quitclaim deed right, title, and interest in land of the United States subject to a boundary conflict consistent with the rights, title, and interest associated with the privately-owned land from which a qualifying claimant has based a claim.

(2) Confirm Federal title to, and retain in Federal management, any land subject to a boundary conflict, if the appropriate Secretary determines that there are Federal interests, including improvements, authorized uses, easements, hazardous materials, or historical and cultural resources, on the land that necessitates retention of the land or interests in land.

(3) Compensate the qualifying claimant for the value of the overlapping property for which title is confirmed and retained in Federal management pursuant to paragraph (2).

(e) CONSIDERATION AND COST.—

(1) CONVEYANCE WITHOUT CONSIDERATION.—The conveyance of land under subsection (d)(1) shall be made without consideration.

(2) COSTS.—The appropriate Secretary shall—

(A) pay administrative, personnel, and any other costs associated with the implementation of this section by his or her Department, including the costs of survey, marking, and monumenting property lines and corners; and

(B) reimburse the qualifying claimant for reasonable out-of-pocket survey costs necessary to establish a claim under this section.

(3) VALUATION.—Compensation paid to a qualifying claimant pursuant to subsection (d)(3) for land retained in Federal ownership pursuant to subsection (d)(2) shall be valued on the basis of the contributory value of the tract of land to the larger adjoining private parcel and not on the basis of the land being a separate tract. The appropriate Secretary shall not consider the value of any Federal improvements to the land. The appropriate Secretary shall be responsible for compensation provided as a result of subsequent Federal land surveys conducted or commissioned by the appropriate Secretary's Department.

(f) PREEXISTING CONDITIONS; RESERVATIONS; EXISTING RIGHTS AND USES.—

(1) PREEXISTING CONDITIONS.—The appropriate Secretary shall not compensate a qualifying claimant or any other person for any preexisting condition or reduction in value of any land subject to a boundary conflict because of any existing or outstanding permits, use authorizations, reservations, timber removal, or other land use or condition.

(2) EXISTING RESERVATIONS AND RIGHTS AND USES.—Any conveyance pursuant to subsection (d)(1) shall be subject to—

(A) reservations for existing public uses for roads, utilities, and facilities; and

(B) permits, rights-of-way, contracts and any other authorization to use the property.

(3) TREATMENT OF LAND SUBJECT TO SPECIAL USE AUTHORIZATION OR PERMIT.—For any land subject to a special use authorization or permit for access or utilities, the appropriate Secretary may convert, at the request of the holder, such authorization to a permanent easement prior to any conveyance pursuant to subsection (d)(1).

(4) FUTURE RESERVATIONS.—The appropriate Secretary may reserve rights for future public uses in a conveyance made pursuant to subsection (d)(1) if the qualifying claimant is compensated for the reservation in cash or in land of equal value.

(5) HAZARDOUS SUBSTANCES.—The requirements of section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9620(h)) shall not apply to conveyances or transfers of jurisdiction pursuant to subsection (d), but the United States shall continue to be liable for the cleanup costs of any hazardous substances on the lands so conveyed or transferred if the contamination by hazardous substances is caused by actions of the United States or its agents.

(g) RELATION TO OTHER CONVEYANCE AUTHORITY.—Nothing in this section affects the Quiet Title Act (28 U.S.C. 2409a) or other applicable law, or affects the exchange and disposal authorities of the Secretary of Agriculture, including the Small Tracts Act (16 U.S.C. 521c), or the exchange and disposal authorities of the Secretary of the Army.

(h) ADDITIONAL TERMS AND CONDITIONS.—The appropriate Secretary may require such additional terms and conditions in connection with a conveyance under subsection (d)(1) as the Secretary considers appropriate to protect the interests of the United States.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out the purposes of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. BURNS) and the gentleman from California (Mr. DOOLEY) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia (Mr. BURNS).

Mr. BURNS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to ask the House of Representatives to pass S. 1167, the Senate companion to H.R. 2304. This legislation provides a mechanism for the Forest Service and the

Army Corps of Engineers to resolve boundary conflicts between the Mark Twain National Forest and adjacent private landowners. The dispute over boundaries stems from recent surveys conducted by contractors to the U.S. Army Corps of Engineers, which have frequently been found to be severely flawed by the State.

The measure sets a process for dealing with the disputed boundaries. A landowner would notify the Secretary of Agriculture of a disputed boundary, prompting a new land survey. If the Secretary determines the boundary conflict is the result of a reliance on a previous land survey, the land in dispute can be returned to the private property owner.

It is important to note that the bill does not require the conveyance of any particular lands. Where a new survey shows that the lands in question were surveyed improperly, the Forest Service can either execute a quit claim to the land, assert Federal ownership if the Federal Government has improved the land, or compensate the landowner for the land.

This is a case where the Federal Government has not exercised adequate due diligence in maintaining their land surveys to the detriment of their neighbors. Rather than redrawing map boundaries from Washington, we are creating a process where these folks can address their claims closer to home. The Committee on Agriculture regards this as an equitable solution to a local problem created by the Federal Government. I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. DOOLEY of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 1167, which seeks to correct a number of boundary conflicts that have occurred in the vicinity of the Mark Twain National Forest in Barry and Stone Counties, Missouri.

The boundary conflicts at issue resulted from discrepancies between recent land surveys conducted by the U.S. Forest Service and decades-old surveys conducted by the Army Corps of Engineers. As a result of the more recent Forest Service land surveys, private property lines adjoining Federal lands were moved and private property landowners discovered that, due to their reliance on the older Army Corps of Engineers land surveys, they had inadvertently trespassed on Federal lands.

S. 1167 will remedy these boundary conflicts by authorizing and directing either the Secretary of Agriculture or the Secretary of the Army to convey title to U.S. Forest Service land on which private landowners can demonstrate that they inadvertently trespassed due to their innocent reliance on a previous inaccurate Federal survey, or relied on a survey based on a previous inaccurate survey.

This legislation largely mirrors H.R. 2304 which passed the House on November 17. While most of the differences between S. 1167 and H.R. 2304 are technical, S. 1167 gives the Secretary of Agriculture or the Secretary of the Army more flexibility in resolving the boundary conflicts by explicitly allowing the appropriate Secretary to use existing authorities to resolve the conflicts, in addition to the process outlined in the legislation.

I urge my colleagues to support this legislation so that these boundary conflicts can be resolved.

Mr. Speaker, I yield back the balance of my time.

Mr. BURNS. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri (Mr. BLUNT), the distinguished majority whip.

Mr. BLUNT. Mr. Speaker, I thank my friends both for supporting this bill and the gentleman from Georgia for yielding to me to talk about it a few minutes.

This is a bill, as the gentleman from California said, that the House has passed at an earlier time. It does seem occasionally that even in a very small, local issue that it takes an act of Congress to resolve a problem that one would think that common sense would be able to resolve, but in this case that is not the case and it takes this bill, Senate bill 1167, to provide a speedy resolution to really a boundary dispute affecting private property owners in my district.

The historic boundary lines neighboring the Mark Twain National Forest and Table Rock Lake in Missouri's Barry County and Stone County were blurred when the U.S. Forest Service decided in the recent past to restore the mid-1800s Corners Program. The only problem with restoring this program is that nobody, including the Corps of Engineers, had paid any attention to it since the mid-1880s and land surveys conducted in the 1970s by and for the Corps of Engineers have found that major discrepancies would be the case if these old markers somehow became the rule of how property would be determined. Instead, property has been based on a 1950s survey when Table Rock Lake was built.

A fight with the Federal Government over a boundary line can really be an uphill battle, as we all know or could imagine. Don Ayers of Shell Knob in my district tells me that the Forest Service showed up on his property and moved his boundary by 30 feet. When they did that they essentially repossessed his driveway, took part of his garage and an outbuilding on the land that he had every reason to believe he owned and clearly not only had paid taxes on but had made improvements, including those improvements that the Forest Service said now would belong to them once that boundary line was moved. Recognizable and verifiable boundary lines are essential to private property ownership.

This bill, sponsored by my colleague from Missouri, Senator BOND, sets a process for dealing with disputed boundaries in Barry and Stone Counties. As the gentleman from California said, we passed similar legislation in this body last November. This bill allows us to go ahead and get that job done.

The Federal Government already owns one-third of the Nation's land, and inaccuracies in Federal surveys should never force landowners to forfeit their property. I urge my colleagues to support this commonsense legislation.

Mr. BURNS. Mr. Speaker, I urge my colleagues to support S. 1167.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. BURNS) that the House suspend the rules and pass the Senate bill, S. 1167.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BURNS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 1167, the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

EXPRESSING SENSE OF THE HOUSE ON ESTABLISHING NATIONAL COMMUNITY HEALTH CENTER WEEK

Mrs. MILLER of Michigan. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 646) expressing the sense of the House of Representatives that there should be established a National Community Health Center Week to raise awareness of health services provided by community, migrant, public housing, and homeless health centers.

The Clerk read as follows:

H. RES. 646

Whereas community, migrant, public housing, and homeless health centers are nonprofit, community owned and operated health providers and are vital to the Nation's communities;

Whereas there are more than 1,000 such health centers serving 15,000,000 people in over 3,500 urban and rural communities in all 50 States, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands;

Whereas such health centers have provided cost-effective, high-quality health care to the Nation's poor and medically underserved (including the working poor, the uninsured, and many high-risk and vulnerable populations), acting as a vital safety net in the Nation's health delivery system, meeting escalating health needs, and reducing health disparities;

Whereas these health centers provide care to individuals in the United States who would otherwise lack access to health care, including 1 of every 8 uninsured individuals, 1 of every 9 Medicaid beneficiaries, 1 of every 7 people of color, and 1 of every 9 rural Americans;

Whereas these health centers and other innovative programs in primary and preventive care reach out to over 621,000 homeless persons and more than 709,000 migrant and seasonal farmworkers;

Whereas these health centers make health care responsive and cost effective by integrating the delivery of primary care with aggressive outreach, patient education, translation, and enabling support services;

Whereas these health centers increase the use of preventive health services such as immunizations, Pap smears, mammograms, and glaucoma screenings;

Whereas in communities served by these health centers infant mortality rates have been reduced between 10 and 40 percent;

Whereas these health centers are built by community initiative;

Whereas Federal grants provide seed money empowering communities to find partners and resources and to recruit doctors and needed health professionals;

Whereas Federal grants on average form 25 percent of such a health center's budget, with the remainder provided by State and local governments, Medicare, Medicaid, private contributions, private insurance, and patient fees;

Whereas these health centers are community oriented and patient focused;

Whereas these health centers tailor their services to fit the special needs and priorities of communities, working together with schools, businesses, churches, community organizations, foundations, and State and local governments;

Whereas these health centers contribute to the health and well-being of their communities by keeping children healthy and in school and helping adults remain productive and on the job;

Whereas these health centers engage citizen participation and provide jobs for over 70,000 community residents; and

Whereas the establishment of a "National Health Center Week" for the week beginning August 8, 2004, would raise awareness of the health services provided by health centers: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) there should be established a "National Health Center Week" to raise awareness of the health services provided by community, migrant, public housing, and homeless health centers; and

(2) the President should issue a proclamation calling on the people of the United States and interested organizations to observe such a week with appropriate programs and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Michigan (Mrs. MILLER) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Michigan (Mrs. MILLER).

GENERAL LEAVE

Mrs. MILLER of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

Mrs. MILLER of Michigan. Mr. Speaker, I yield myself such time as I may consume.

House Resolution 646 supports national community health centers and their invaluable work in numerous American communities. The great Americans that work at these centers serve the unfortunate and, as the resolution states, their service acts as a vital safety net in the Nation's health delivery system. Their work is so very important to the welfare of many, many men, women and children who have a variety of health and wellness needs.

Community health centers and public housing provide food, shelter and care to the Nation's needy.

□ 1430

And I am so pleased to join the gentleman from Illinois (Mr. DAVIS), my distinguished colleague on the Committee on Government Reform, in support of this legislation. I hope its adoption today raises important awareness of the compassionate contributions to society provided by community, migrant, public housing, and homeless health centers. The concerned men and women who provide these centers' health services deserve our gratitude. I congratulate the gentleman from Illinois for advancing House Resolution 646.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join with my colleague from Michigan in consideration of this resolution.

Mr. Speaker, I rise today as the proud sponsor of this resolution to establish a National Community Health Center Week. As we continue to discuss health care and as we continue hopefully to move towards enactment of a national health plan which covers everyone without regard to their ability to pay and as we continue to discuss access, affordability, and strategic deployment of services, we can take pride in some of our accomplishments in health care; and one of the most important and effective accomplishments since the enactment of Medicare and Medicaid has been the development of community health centers.

Fortunately, community health centers are available throughout the Nation to help those in need or those who get displaced by job status or other economic conditions. Community health centers have become the safety net within the health care system, caring for one of every eight uninsured individuals, one of every nine Medicaid beneficiaries, one of every seven people of color, and one of every nine rural Americans, as well as reaching out to over 621,000 homeless persons and more than 709,000 migrant and seasonal farm workers.

Community health centers are established in almost every corner of our Nation representing every aspect of any congressional district, whether it be assisting the working poor in the inner city or in the rural farmland, migrant workers, or even those who have insurance but do not have access to any other health facilities.

These health centers provide high-quality, cost-effective health care as they continue to meet escalating health needs and assist in reducing health disparities as they provide high levels of quality care. With the weakened economy and unemployment reaching its highest point in almost a decade, our Nation's health centers are feeling and will continue to feel the brunt of increasing volume of patients, especially the uninsured. So by establishing a week to raise awareness of community health centers, we will also be highlighting each year the great accomplishments these nonprofit community-owned and -operated health providers offer to many communities throughout the Nation.

With recent numbers indicating that the Nation's uninsured population is even higher than once thought, at a startling 60 million, if our Nation will not realize the need for universal health care, we need to at least realize the importance and the need to better fund our community health centers.

So I am pleased to note the significant increase in the fiscal year 2005 budget that our community health centers that are in great need are receiving in order to continue and expand these services as well as construction for new and expanded facilities.

One of the most amazing and important aspects of community health centers is the involvement of the community. Each center tailors their services to best meet the needs and priorities of the communities in which they reside. Citizens in these communities become active participants in their community's health care decision-making. Health centers even provide approximately 70,000 jobs to the residents in communities of these areas.

Mr. Speaker, community health centers are indeed the safety net which is committed to serving all individuals with the mission that everyone deserves quality health care services regardless of where they reside, if they can pay or whether or not they have insurance. They are vital to ensuring that even the poor and disadvantaged in this country have the greatest opportunity to be healthy. These centers are indeed a hallmark of development of our Nation's health care delivery system.

I am pleased that I can stand and be a part of promoting the awareness that they exist and the accomplishments which they have achieved.

Mr. MATHESON. Mr. Speaker, I rise today to express my strong support for House Resolution 646, legislation expressing the sense of the House that a week in August should be set aside to promote public awareness of the many health services provided by community, migrant, public housing, and homeless health centers.

Every day our Nation's health centers provide high quality, affordable primary care and preventive health services to people who might not otherwise have access to health care. Through their cost-effective, community-based approach, health centers serve a very important role in our efforts to ensure that all Americans have access to health care.

I am very pleased with the work of Utah's community-based health centers. In 2002, Utah's Health Centers provided comprehensive health care services for over 93,000 Utahns, and they are working to expand their services to meet the needs of Utah's working poor, homeless, elderly, minority, and rural populations. I have long supported the community health center program and am proud of the efforts of Utah's Community Health Centers to increase access to health care and preventive health services in a community-oriented fashion.

I believe it is very fitting that we recognize the commitment of our Nation's health centers with National Community Health Center Week and I urge my colleagues to join me in supporting this important resolution.

Mr. DAVIS of Illinois. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. MILLER of Michigan. Mr. Speaker, I certainly urge all Members to support House Resolution 646. I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TERRY). The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and agree to the resolution, H. Res. 646.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

HONORING DAVID S. TIDMARSH, 2004 SCRIPPS NATIONAL SPELLING BEE CHAMPION

Mrs. MILLER of Michigan. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 684) honoring David Scott Tidmarsh, the 2004 Scripps National Spelling Bee Champion.

The Clerk read as follows:

H. RES. 684

Whereas Mr. David Scott Tidmarsh was a student at Edison Intermediate Center located in South Bend, Indiana;

Whereas Mr. Tidmarsh earned his right to compete for the national spelling bee title by winning the City of South Bend, Indiana spelling bee;

Whereas the 77th Annual Scripps National Spelling Bee was held in Washington, D.C. June 1 through 3, 2004;

Whereas 265 spellers from across the United States, American Samoa, the Bahamas, Jamaica, Puerto Rico, Saudi Arabia, and the United States Virgin Islands all competed for the title;

Whereas Mr. Tidmarsh, competitor number 76, competed in the bee and survived 15 rounds of competition; and

Whereas Mr. Tidmarsh's achievement brings an immense sense of pride to Edison Intermediate Center, his hometown of South Bend, and the state of Indiana: Now, therefore, be it

Resolved, That the United States House of Representatives—

(1) congratulates David Scott Tidmarsh on his mastery of the English language, culminating in his correctly spelling "autochthonous" in Round 15, and becoming the 77th Annual Scripps National Spelling Bee champion;

(2) recognizes the dedication and achievement of Mr. Tidmarsh;

(3) wishes Mr. Tidmarsh much success in achieving his life goals; and

(4) directs the Clerk of the House of Representatives to make available enrolled copies of this resolution to Edison Intermediate Center, located in South Bend, Indiana, for appropriate display and to transmit an enrolled copy of this resolution to David Scott Tidmarsh and his family.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Michigan (Mrs. MILLER) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Michigan (Mrs. MILLER).

GENERAL LEAVE

Mrs. MILLER of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

Mrs. MILLER of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the House acknowledges the accomplishments and the contributions of many deserving Americans during the course of every year. But today during the consideration of House Resolution 684, we congratulate one of our youngest honorees, and certainly one of the most impressive as well. Thanks to the work of the distinguished gentleman from Indiana (Mr. CHOCOLA), today the House of Representatives salutes the winner of the 77th Annual Scripps National Spelling Bee. This is a 14-year-old boy named David Scott Tidmarsh. He lives in South Bend, Indiana.

David won the South Bend city spelling bee to earn a trip to the Scripps National contest here in Washington, D.C. from June 1 through June 3. And during the championship, David survived 15 nail-biting rounds against a couple of hundred of the most gifted spellers from across the Nation; and he clinched the championship on the word, and I hope I can even pronounce the word, "autochthonous," I believe it is pronounced. It was very impressive, I would say. For those who are scoring at home, let me spell it for them. That is a-u-t-o-c-h-t-h-o-n-o-u-s.

While it is not surprising, due to his very clear mastery of the English language, it is important to note that David is a straight-A student who loves to read. Reportedly David's favorite books are mysteries and science fiction. And I also understand he enjoys learning about politics; so I would certainly urge both the national political parties to think about recruiting this young fellow very early on. David obviously has a very bright future ahead of him no matter what he decides to do.

Mr. Speaker, on behalf of the whole House, we wish David Scott Tidmarsh the very best in his continued schooling and in the future. Again, I want to thank the gentleman from Indiana (Mr. CHOCOLA) for recognizing David's incredible accomplishment, of which David should be very proud.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to join with the gentlewoman from Michigan in consideration of this resolution honoring David Scott Tidmarsh, the 2004 Scripps National Spelling Bee Champion.

Mr. Speaker, I rise today to congratulate a very special student for possessing a great skill. This year David Scott Tidmarsh survived 15 challenging rounds to win the 77th Annual Scripps National Spelling Bee by spelling a very challenging word. As a matter of fact, I was saying to myself that had not it been for the fact that Mrs. Beadie King taught us to read phonetically, that is, to break words apart and separate them, I probably never would be able to enunciate this word. But it is "autochthonous," and I thank Mrs. Beadie for the phonetic way in which she taught us to read. That helps me.

But the National Spelling Bee is a wonderful competition that celebrates a child's intellect and thirst for learning. Each year, students compete within their schools, then within their region, and then, if successful, at the national competition in Washington, D.C.

David Scott Tidmarsh advanced to the national competition by winning the Edison Intermediate Center competition in South Bend, Indiana, and then by winning the citywide competition.

At the National Spelling Bee, Tidmarsh was pitted against 265 other talented spellers from all over the U.S., as well as American Samoa, the Bahamas, Jamaica, Puerto Rico, Saudi Arabia, and the United States Virgin Islands. Using concentration and determination, Mr. Tidmarsh persevered to become national champion.

Mr. Speaker, I would like to congratulate David Scott Tidmarsh. His willingness to study hard and to work toward a difficult goal is an example from which all Americans can learn. He is indeed a rare and talented young person. Again, I extend to him my congratulations.

Mrs. MILLER of Michigan. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. CHOCOLA).

Mr. CHOCOLA. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, today I rise in support of H. Res. 684, a resolution honoring David Scott Tidmarsh, the 2004 Scripps National Spelling Bee champion. I want to thank my colleague, the gentleman from Virginia (Mr. DAVIS), the chairman of the Committee on Government Reform, for moving this resolution so quickly through his committee.

Mr. Speaker, 14-year-old David Tidmarsh is truly a remarkable young man. Having had the opportunity to meet him and witness his accomplishments, I think I can say that with great confidence.

This soon-to-be freshman at Adams High School in South Bend, Indiana, is no stranger to the national spelling bee contest. He finished tied for 16th place in last year's spelling bee, but this year he knew he could do better, and he set out on a plan to achieve that goal.

David Tidmarsh has four dictionaries that he calls his own in his personal collection, including one that is so well worn that, if you shook it, it would probably fall apart. He has read through that one cover to cover twice. In fact, he compiled a list of words he thought might be included in the contest and typed them into his family's home computer. He also studied word lists from prior competitions.

Mr. Speaker, I think it is safe to say this is a very determined young man.

I was surprised to learn that in the 77-year history of the Scripps National Spelling Bee there has never been a winner from Indiana until this young man correctly spelled "autochthonous," which is hard enough to say, very hard to spell, in the 15th round.

Mr. Speaker, I know that people from all over the country were holding their breath, watching David spell that final word on ESPN. I also know that his school and his hometown of South Bend, Indiana, was overwhelmed with excitement when he claimed the championship.

In fact, he has had quite a whirlwind tour since winning. He won the trophy on Thursday, June 3. That very night, he and his family traveled to New York City, and the next morning he appeared on the CBS Early Show, ABC's Good Morning America, NBC's Today Show, and, after that, he appeared on Fox News and CNN as well.

After that, he came back here to Washington, D.C., to deliver the speech at the bee's banquet that evening; and then he finally went back home to South Bend, Indiana, on Saturday.

On Monday, he attended a rally in his honor at his school, Edison Intermediate Center, hosted by the City of South Bend and the South Bend Community School Corporation. At the celebration, he was praised by Indiana's Governor, Joe Kernan, for the way he handled his victory. In fact, Governor Kernan was so impressed that he awarded David the State of Indiana's highest honor, the Sagamore of the Wabash Award.

But that was only the beginning of the accolades. South Bend Mayor Steve Luecke presented David with the key to the city and declared June 7, 2004, David Scott Tidmarsh Day. In St. Joseph County, Commissioner Cindy Bodle presented David with a key to the county.

Since that time in early June, David has thrown out his first pitch at a South Bend Silverhawks game, and I might say it was a strike, I was there to witness it, and he has appeared in numerous local parades and even had the opportunity to visit with the President of the United States in the Oval Office.

Everyone, including his very proud parents, his classmates, his extended Hoosier family, the Indiana Congressional Delegation and myself, are all extremely proud of David's accomplishments.

Mr. Speaker, I urge my colleagues to support this resolution.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. MILLER of Michigan. Mr. Speaker, I strongly support House Resolution 684, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and agree to the resolution, H. Res. 684.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

HONORING FORMER PRESIDENT GERALD R. FORD ON HIS 91ST BIRTHDAY

Mrs. MILLER of Michigan. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 702) honoring former President Gerald R. Ford on the occasion of his 91st birthday and extending the best wishes of the House of Representatives to former President Ford and his family.

The Clerk read as follows:

H. RES. 702

Whereas Gerald Rudolph Ford was born on July 14, 1913;

Whereas Gerald R. Ford is the only person from the State of Michigan to have served as President of the United States;

Whereas Gerald R. Ford graduated from the University of Michigan where he was a star center on the football team and later turned down offers to play in the National Football League;

Whereas Gerald R. Ford attended Yale University Law School and graduated in the top 25 percent of his class while also working as a football coach;

Whereas in 1942, Gerald R. Ford joined the United States Navy Reserves and served valiantly on the U.S.S. Monterey in the Philippines during World War II, surviving a heavy storm during which he came within inches of being swept overboard;

Whereas the U.S.S. Monterey earned 10 battle stars, awarded for participation in battle, while Gerald R. Ford served on the ship;

Whereas Gerald R. Ford was released to inactive duty in 1946 with the rank of Lieutenant Commander;

Whereas in 1948, Gerald R. Ford was elected to the House of Representatives where he served with integrity for 25 years;

Whereas in 1963, President Lyndon Johnson appointed Gerald R. Ford to the Warren Commission investigating the assassination of President John F. Kennedy;

Whereas from 1965 to 1973, Gerald R. Ford served as minority leader of the House of Representatives;

Whereas from 1974 to 1976, Gerald R. Ford served as the 38th President of the United States, taking office at a dark hour in the history of the United States and restoring the faith of the people of the United States in the Presidency through his wisdom, courage, and integrity;

Whereas in 1975, the United States signed the Final Act of the Conference on Security and Cooperation in Europe, commonly known as the "Helsinki Agreement", which ratified post-World War II European borders and supported human rights;

Whereas since leaving the Presidency, Gerald R. Ford has been an international ambassador of American goodwill, a noted scholar and lecturer, and a strong supporter of the Gerald R. Ford School of Public Policy at the University of Michigan, which was named for the former President in 1999;

Whereas Gerald R. Ford was awarded the Congressional Gold Medal in 1999; and

Whereas on July 14, 2004, Gerald R. Ford will celebrate his 91st birthday: Now, therefore, be it

Resolved, That the House of Representatives honors former President Gerald R. Ford on the occasion of his 91st birthday and extends its congratulations and best wishes to former President Ford and his family.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from

Michigan (Mrs. MILLER) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Michigan (Mrs. MILLER).

GENERAL LEAVE

Mrs. MILLER of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

Mrs. MILLER of Michigan. Mr. Speaker, I yield myself such time as I may consume.

It is certainly a true pleasure today to rise in support of House Resolution 702. This is a resolution that wishes former President Gerald R. Ford a wonderfully happy 91st birthday on behalf of the House of Representatives. President Ford certainly holds a unique place in American history. Within a 1-year period during the very destructive Watergate scandal, he held the positions of House minority leader, of Vice President, and President because he was such a respected national leader of unquestioned integrity and principle.

Mr. Speaker, Gerald Rudolph Ford was born in Omaha, Nebraska, on July 14, 1913; and then he moved to Grand Rapids in the great State of Michigan shortly after his birth. He was always an exceptional student and athlete and was very active in extracurricular activities, even attaining the rank of Eagle Scout.

President Ford attended the University of Michigan to study economics and political science; and as a member of the U of M's football team, he won two national championships in 1932 and 1933. In 1934, he was named the team's most valuable player.

Rejecting offers to play professional football with either the Detroit Lions or the Green Bay Packers, Gerald Ford took a job at Yale University as a boxing coach and an assistant football coach, and he received his law degree then at Yale in 1941.

The war was on, and he joined the U.S. Naval Reserve during the war; and then he returned to Grand Rapids after the war, in 1946, to work as a lawyer. In 1948, he defeated the incumbent United States Representative in that district in the primary election and then won the general election by a very wide margin.

Mr. Speaker, Gerald Ford was a Member of this body from 1949 to 1973 and he served as House minority leader from 1965 to 1973.

□ 1445

In the Congress, Ford was an ardent proponent of strong national defense, and he realized the important role that the United States played in the global theater.

In October of 1973, as the Watergate scandal gradually unfolded, President Richard Nixon nominated Ford to succeed Spiro Agnew as Vice President of the United States. Ford became Vice President on December 6, 1973, and, in doing so, he also became the first Vice President to be appointed under the procedures of the 25th amendment.

Mr. Speaker, Gerald Ford's vice presidential tenure lasted less than a year. When Nixon resigned due to continued revelations of Watergate, Ford became President on August 9, 1974. In a move he deemed the best for the sake of the Nation, he issued a complete pardon to Nixon in an effort to end what he categorized as the Nation's long nightmare.

During his inauguration speech, President Carter paid immediate tribute to President Ford's role in helping America through such a difficult period saying, "For myself and for our Nation, I want to thank my predecessor for all he has done to heal our land."

On April 20, 1995, President Ford's boyhood home in Grand Rapids was designated as an historic site. I bring that up, Mr. Speaker, because at the time I was the Michigan Secretary of State, and one of my duties and responsibilities was serving as Michigan's official historian.

Certainly one of my fondest memories was hosting the President and his wonderful wife, his very gracious wife, Betty Ford, for the home's dedication. There was a huge crowd of family and friends and neighbors, and the President was standing on the front porch of his home telling everybody about some of his fond remembrances of living in that home in Grand Rapids and how he used to play baseball out in front of the house.

Gerald Ford is an extraordinary man and yet he grew up in an ordinary neighborhood, just like thousands of other neighborhoods all across our Nation. President Ford and his great accomplishments epitomize the greatness the American spirit, and I was truly honored to stand next to a living piece of American history that day.

Mr. Speaker, I thank the distinguished gentleman from the great State of Michigan, the dean of the House of Representatives, the gentleman from Michigan (Mr. DINGELL) for introducing this highly deserved tribute to our 38th President of the United States, Gerald Ford. Our entire Nation thanks him for his service, and we wish him a very happy 91st birthday.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I am pleased to join with the gentlewoman from Michigan in consideration of this resolution, and it is my pleasure to yield such time as he may consume to the gentleman from Michigan (Mr. DINGELL), the author of this resolution and one of the most distinguished and longest-serving Members of this body, the dean of the institution and the ranking member of the Committee on Energy and Commerce.

Mr. DINGELL. Mr. Chairman, I thank my distinguished friend and colleague for yielding me time. I commend him for handling this legislation, as I do the gentlewoman from Michigan, who has done such a fine job of presenting the case for this legislation.

Today, we honor and congratulate a former President of the United States on his 91st birthday, and we extend to him and to his wife the best wishes of this body on this 91st birthday which he is celebrating Wednesday.

We are proud of his service, not only in this body, but elsewhere. He will be 91, as I mentioned, on July 14, which is Wednesday. He is married to a distinguished lady, Elizabeth "Betty" Ford, who is much loved in this body and much loved elsewhere.

He attended the University of Michigan, Yale University Law School, served with distinction in the United States Navy in the Philippines during World War II. He served in the House of Representatives for 25 years and was appointed to and served with distinction on the Warren Commission by President Johnson.

He was minority leader of this body from 1965 to 1973 and Vice President from 1973 through 1974. He was sworn in as President on August 9, 1974, and served in this great capacity for 2 years.

The thing which I think we can best remember about Gerry Ford is not all of the distinguished actions which he took or the high offices which he held but, rather, the fact that in a very difficult time he brought this country together out of a period of ill will and misfortune, which I think is almost unique in the history of this country. With that healing leadership, he will be long remembered for what he has done for us. The University of Michigan School of Public Policy is named after him, and he is much loved also in our State.

I want to commend and thank my colleagues who have joined in the cosponsorship of this legislation: the gentlewoman from California (Mrs. BONO), who is at this time his Congresswoman; the gentleman from Michigan (Mr. CONYERS); the gentleman from Michigan (Mr. HOEKSTRA); the gentlewoman from Michigan (Ms. KILPATRICK); the gentleman from Michigan (Mr. LEVIN); the gentlewoman from Michigan (Mrs. MILLER); the gentleman from Michigan (Mr. SMITH); the gentleman from Michigan (Mr. UPTON); the gentleman from Michigan (Mr. CAMP); the gentleman from Michigan (Mr. EHLERS); the gentleman from Michigan (Mr. KILDEE); the gentleman from Michigan

(Mr. KNOLLENBERG); the gentleman from Michigan (Mr. MCCOTTER); the gentleman from Michigan (Mr. ROGERS); and the gentleman from Michigan (Mr. STUPAK).

We from the Michigan delegation have unanimously suggested that this is a good resolution for this body to adopt. We celebrate the accomplishments, the great humanity and decency of a wonderful citizen of our State and of the United States who served with distinction in the Presidency and in many other offices, and we do at this time wish him, through this resolution and in other ways, the best wishes of this body, of the House of Representatives and of all of us individually, and those many other American citizens who have had fine reason to love a great American who still serves his country with distinction.

Mrs. MILLER of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I certainly urge all Members to support the adoption of House Resolution 772, that extends 91st birthday wishes to President Gerald Ford.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join with my colleagues today to pay tribute to former President Gerald Ford on the occasion of his 91st birthday and to thank him for his service to our Nation. President Ford assumed the office of President under difficult circumstances and guided us with strength and steadiness that helped us to regain confidence that we had lost in our Nation's most important office.

Looking back on President Ford's life, it is easy to see that he would distinguish himself as a leader. At the University of Michigan, he excelled both at his studies and at football. He received a law degree from Yale University. When duty called, he enlisted in the Navy, where he earned the rank of lieutenant commander during World War II.

Following the war, President Ford returned to his home State of Michigan and was elected to the House of Representatives for his first of 13 terms. An innate ability to lead helped President Ford rise quickly through the ranks of Congress. He was soon assigned to the influential Committee on Appropriations and rose to became the ranking Republican on the Subcommittee on Defense of the Committee on Appropriations.

In 1972, Gerald Ford was nominated as Vice President. He became President in 1974, following the resignation of President Richard Nixon. Faced with many challenges when he took office, President Ford worked to repair the damaged relationship between the American people and its government and the image of America with the rest of the world.

Two of his historic accomplishments were bringing an end to the Vietnam War and facilitating improved relations between Egypt and Israel. Improved relations between Israel and Egypt would lead to a peace pact between the two rival nations, an unprecedented step towards peace in the region.

On his inauguration day President Jimmy Carter began his speech by saying, "For myself and for our Nation, I want to thank my predecessor for all he has done to heal our land."

While we all may not agree with all of the decisions President Ford made during his political career, we can all concur that he carried himself with dignity at a time when our Nation needed it most.

Mr. Speaker, I again want to thank President Ford for his service. I commend the gentleman from Michigan for introducing this resolution.

Mrs. BONO. Mr. Speaker, I rise today to honor a man who holds a distinguished record of life-long public service to the United States. President Gerald R. Ford, the 38th President of the United States, celebrates his 91st birthday today. Since 1913, President Ford has been a diligent, humble steward of public service to our great country. He is a role model for all of us involved with public office, and I am fortunate to also call him a dear friend and constituent. It is with great pleasure that I congratulate President Ford, and extend best wishes to his family on this day of celebration.

President Ford's public service began in high school, where he achieved the honor of Eagle Scout. He later earned ten battle stars as lieutenant commander in the Navy, served the State of Michigan in Congress for 12 terms, eventually served as House Minority Leader in 1965, and finally, he served our country as the 38th President. As President, he lead America through the weakest economy of the post-World War II period, confronting tough issues as rising levels of both inflation and unemployment.

After completing his term as President, he returned to Rancho Mirage—a region of southern California that I have the privilege of representing. Now, even at the age of 91, he continues to invest time, energy, and experience into improving our community. His investments in the Rancho Mirage region helped to spark unprecedented levels of economic growth that began in 1983 and continue today. His commitments include support for the McCallum Theatre in Palm Desert, the Living Desert and Desert Museum, and the Eisenhower Medical Center and the Betty Ford Center.

In 1997, Ford joined Gen. Colin Powell in Philadelphia for the formation of America's Promise. In my district, he brought the goals of helping young people to fruition by chairing an America's Promise chapter in the Coachella Valley.

President Bill Clinton presented Ford with the Medal of Freedom in 1999, recognizing his role in guiding the nation through the turbulent times of Watergate, the Nixon resignation and the end of the Vietnam war. Also in 1999, he received the Congressional Medal of Honor for, "dedicated public service and outstanding humanitarian contributions."

In my district, President Ford is heralded as a man who consistently puts country over political party. He is a respected and honored leader, who tirelessly and passionately fights for principles of freedom, hope, and justice. On a personal note, President Ford has provided me with advice and inspiration to better serve the people of the 45th District of California.

Ford and his wife, Betty, continue to support numerous local and national charities and service projects. Despite Ford's long list of honors, his humble spirit remains as a shining example to us all. When asked about his and Betty's unrelenting investment of public service, he simply responded: "We're trying to do our full share." After decades of compassionate leadership, President Ford remains a trusted, proven leader, who views giving back to the community as a civic responsibility of all Americans, not just the task of elected officials.

On behalf of my constituents, the people of California, and the people of America, I am pleased to honor a man who has dedicated a lifetime to public service on this very special day. Happy 91st Birthday, President Gerald Ford. You are a continuous inspiration, admired leader, and valued friend.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of my time.

Mrs. MILLER of Michigan. Mr. Speaker, happy birthday to a great American, President Gerald R. Ford.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TERRY). The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and agree to the resolution, H. Res. 702.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

SERGEANT FIRST CLASS PAUL RAY SMITH POST OFFICE BUILDING

Mrs. MILLER of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4380) to designate the facility of the United States Postal Service located at 4737 Mile Stretch Drive in Holiday, Florida, as the "Sergeant First Class Paul Ray Smith Post Office Building".

The Clerk read as follows:

H.R. 4380

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SERGEANT FIRST CLASS PAUL RAY SMITH POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 4737 Mile Stretch Drive in Holiday, Florida, shall be known and designated as the "Sergeant First Class Paul Ray Smith Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Sergeant First Class Paul Ray Smith Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Michigan (Mrs. MILLER) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Michigan (Mrs. MILLER).

□ 1500

Mrs. MILLER of Michigan. Mr. Speaker, I yield myself such time as I may consume.

GENERAL LEAVE

Mrs. MILLER of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore (Mr. TERRY). Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

Mrs. MILLER of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4380 commemorates the incredible bravery and patriotism of Army Sergeant First Class Paul Ray Smith. On April 4 of 2003, Sergeant Smith of Holiday, Florida, was tragically killed in action in Operation Iraqi Freedom during a fierce fire fight near Baghdad.

Mr. Speaker, Sergeant Smith was a member of the Bravo Company, Eleventh Engineer Battalion of the Army's Third Infantry Division. He enlisted after graduating from high school and served an accomplished 13-year career in the Army. Sergeant Smith served valiantly in Operation Desert Storm, Operation Desert Shield, Kosovo, and Bosnia. He earned several military honors, including the Bronze Star as well as the Purple Heart.

Mr. Speaker, Sergeant Smith leaves behind a wife and two children in Holiday, Florida; and we pray and we hope that this post office designation will always remind them of the bravery and the love of their husband and father, Paul Ray Smith. Our entire Nation owes Sergeant Smith an incredible debt, and that is why I strongly urge the passage of H.R. 4380. I certainly thank the gentleman from Florida (Mr. BILIRAKIS) for advancing this legislation that honors the courageous Sergeant Paul Ray Smith.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the House Committee on Government Reform, I am pleased to join my colleague in consideration of H.R. 4380, legislation designating the United States Postal Facility in Holiday, Florida, after Sergeant First Class Paul Ray Smith. This measure, which was introduced by the gentleman from Florida (Mr. BILIRAKIS) on May 18, 2004, was unanimously reported by our committee on July 8, 2004. The bill enjoys the support and cosponsorship of the entire Florida delegation.

When Paul Smith graduated in 1989 from Tampa Bay Vocational-Technical High School, he did what a lot of young men and women do: he joined the Army. Sergeant First Class Paul Smith served in the Army's Eleventh Engineer Battalion, Bravo Company from Fort Stewart's Third Infantry Division, Mechanized. His unit was assigned to build a compound for Iraqi prisoners of war near the captured Baghdad Airport. As a combat engineer, Smith was part of a group that built bridges for troops to cross to difficult areas and found and destroyed enemy weapons.

According to news accounts, it was during the early morning of April 4, 2003, when Sergeant First Class Smith and his combat engineers were working on setting up roadblocks on the highway between the old Saddam International Airport and Baghdad. His battalion was attacked after knocking down the gate to a Republican Guard complex. At that point, a small group of American soldiers was confronted with over 100 Iraqi fighters.

Sergeant First Class Smith, after looking after his wounded troops, jumped into a damaged tank and fired upon the Iraqis with 50 caliber bullets for an hour and a half. His unit credits him with killing 30 to 50 of the enemy. When the fighting was over, Sergeant First Class Paul Smith was found shot in the head, the only soldier of his unit to die that day.

For killing the enemy and defending his unit against attack, Sergeant First Class Paul Ray Smith has received the Bronze Star and the Purple Heart. He has been nominated for the highest military honor: the Medal of Honor.

Mr. Speaker, I commend my colleague for seeking to honor Sergeant First Class Paul Ray Smith in this manner. Sergeant First Class Smith was a loving husband and father, and now a hero. I urge swift passage of this resolution.

Mr. Speaker, I yield back the balance of my time.

Mrs. MILLER of Michigan. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Florida (Mr. BILIRAKIS), the sponsor of this resolution.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentlewoman from Michigan (Mrs. MILLER) and the gentleman from Illinois (Mr. DAVIS) particularly, and the leadership for their cooperation in bringing this bill to the floor as quickly as we have.

I too rise with great honor to support my bill, H.R. 4380, which will name the post office at 4737 Mile Stretch Drive in Holiday, Florida, the Sergeant First Class Paul Ray Smith Post Office. I cannot think of anything more fitting than to name the only post office in Holiday, Florida, after one of her bravest citizens, Sergeant First Class Paul Ray Smith. While Paul was many things to many people, he can be remembered best as a distinguished soldier and American hero and a great family man.

Paul was raised in Tampa, Florida, by a single mother who instilled the values of hard work and determination in Paul and his three siblings. Paul would later use these values in battle in Baghdad.

Paul attended the Tampa Vocational-Technical High School in 1989 and joined the U.S. Army following graduation. He served tours of duty in Saudi Arabia during the first Gulf War and during the Bosnia and Kosovo conflicts. Throughout his career, Sergeant Smith distinguished himself as a fine soldier. He was awarded five Army Commendation Medals, six Army Achievement Medals, a Kuwaiti Liberation Medal, a NATO Liberation Medal, two National Defense Service Medals, three Good Conduct Medals, a Sergeant Morales Club for his courageous actions during combat, the Bronze Star and the Purple Heart.

His most valiant action as a soldier occurred on April 4, 2003, outside of Saddam International Airport in Baghdad. Sergeant Smith's unit, the Bravo Company of the Eleventh Engineer Battalion of the Third Infantry, was tasked with securing a prison for Iraqi prisoners of war at the Baghdad Airport, which had just been secured by American forces. Sergeant Smith immediately thought of the grassy courtyard he had seen that was encompassed by a tall stone wall and next to a tower that overlooked it.

He gave the orders to build a prison, not knowing that the tower and surrounding area was still occupied by members of the Iraqi Republican Guard. While Sergeant Smith and his men were working in the POW prison, they spotted members of the Republican Guard nearby. Paul called for a Bradley, which was at a nearby road block, and he prepared his men for engagement. Sergeant Smith took charge and led the effort while they waited for the Bradley, which would bring an intimidating fire force.

Even though Sergeant Smith and his men were outnumbered by more than two to one, they continued to fight back. Paul jumped on an Army vehicle and began firing a 50 caliber machine gun. He fired and reloaded and continued to fire. Sergeant Smith's determination and bravery gave him the strength to lead the fight until he was shot and killed.

Sergeant Paul Smith, Mr. Speaker, never wavered, he never questioned his decisions, and he never gave up. He fought the hard fight, and by doing so he saved the lives of all of his men and the more than 100 American soldiers in the surrounding area. For his efforts, Sergeant Smith has been nominated for the Congressional Medal of Honor, the military's highest honor. As my colleagues know, the Medal of Honor is awarded in the name of Congress by the President of the United States. Only some 3,400 men and women who have distinguished themselves, as the famous words state, "at the risk of his life, above and beyond the call of duty," have received the Medal of Honor since its inception in 1861. The last action in which the Medal of Honor was awarded was in 1993 posthumously, to two soldiers who died fighting in Somalia. Sergeant Paul Smith's courage under pressure and his undying honor to protect the men under his guard make him the perfect candidate for the Medal of Honor.

While Sergeant Paul Smith epitomizes the phrase "American hero" and will not be forgotten because of his fearlessness and conviction, he will always be remembered as a devoted husband, a loving father, and a deserving son and brother. Not only did he leave his men in the battlefield that day, but he also left behind his wife, Birgit, and their children, Jessica and David; his mother and stepfather, Donald and Janice Rvirre, and two sisters and a brother. I hope they understand the importance of what Paul did that day and know that America thanks him and his family for the incredible sacrifice he made.

Mr. Speaker, for these many reasons, I believe that naming the Holiday, Florida, post office, which is just miles from where the Smith family now resides, after Paul is just one small way we as Americans can show our appreciation for the most precious sacrifice Paul made for us and generations to come.

Ronald Reagan once said, "Freedom is never more than one generation away from extinction. We didn't pass it to our children in the bloodstream. It must be fought for, protected, and handed on for them to do the same, or one day we will spend our sunset years telling our children and our children's children what it was once like in the United States where men were free."

Mr. Speaker, may Paul Ray Smith's memory be eternal, and may God bless the Smith family, and may God bless America.

Mrs. MILLER of Michigan. Mr. Speaker, I would certainly urge all Members to support H.R. 4380, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BURGESS). The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and pass the bill, H.R. 4380.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 3 o'clock and 10 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1730

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CULBERSON) at 5 o'clock and 30 minutes p.m.

PROVIDING FOR CONSIDERATION OF H.R. 4766, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 710 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 710

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4766) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2005, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except as follows: Beginning with the colon on page 3, line 25, through "out" on page 4, line 6; section 717; and section 751. Where points of order are waived against part of a paragraph, points of order against a provision in another part of such paragraph may be made only against such provision and not against the entire paragraph. The amendment printed in the report of the Committee on Rules accompanying this resolution may be offered only by a Member designated in the report and only at the appropriate point in the reading of the bill, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment. All points of order against that amendment are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, H. Res. 710 provides for the consideration of H.R. 4766, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriation Act of 2005, under an open rule, as is customary with annual appropriations measures. I am pleased that the normal open amendment process outlined in H. Res. 710 will allow any member to offer an amendment to the bill as long as it complies with the standing rules of the House.

The rule provides 1 hour of debate in the House on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The resolution waives all points of order against consideration of the bill. H. Res. 710 waives points of order against provisions in the bill for failure to comply with clause 2 of rule XXI, which prohibits unauthorized appropriations or legislative provisions in an appropriations bill, except as specified in the resolution.

H. Res. 710 also provides that the amendment printed in the Committee on Rules report accompanying the resolution may be offered only by a member of the subcommittee designated in the report and only at the appropriate point in the reading of the bill, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by a proponent and an opponent, and shall not be subject to amendment. H. Res. 710 waives all points of order against the amendment printed in the report.

The resolution gives the chair the ability to provide priority in recognition to those members who have preprinted amendments in the CONGRESSIONAL RECORD. This procedure will help the House in considering amendments in a more orderly manner.

Finally, H. Res. 710 provides for one motion to recommit with or without instructions.

Mr. Speaker, I want to begin by commending the work product of the chairman of the Committee on Appropriations Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies, the gentleman from Texas (Mr. BONILLA). He has done a good job in crafting this funding bill, especially as we face budgetary limitations, and the bill deserves the support of the House today.

With regard to the underlying legislation, I do want to briefly note that this appropriations bill provides for more than $83 billion in funding. Included in this bill is $43 million in higher funding levels for food safety and counterterrorism activities. Also included is an increase of $20 million for BSE, or mad cow disease, detection and prevention activities.

We are also fulfilling the commitments to our food and nutrition programs with an increase in the Special Supplemental Nutrition Program for Women, Infants and Children, the WIC program. This measure also provides an increase in funding for Agricultural Research Service, including full funding to complete construction of the National Centers For Animal Health.

Mr. Speaker, this rule provides for an open amendment process for consideration of the agriculture appropriations bill. I urge my colleagues to support this fair rule.

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume, and I thank the gentleman from Georgia for yielding me the customary 30 minutes.

Mr. Speaker, this rule will allow for the consideration of H.R. 4766, the fiscal year 2005 agriculture appropriations bill. This important bill provides funding for the U.S. Department of Agriculture, the Food and Drug Administration, select programs at the Department of Health and Human Services, and other agriculture and nutrition-related programs at various Federal agencies.

Like the other fiscal year 2005 appropriations bills, this bill is grossly underfunded. The allocation for these important programs continues to be reduced each year. Even though this bill is 1 percent more than the amount requested by President Bush, it is still below last year's funding level; and, unfortunately, it is the farmers, children, pregnant mothers, and seniors who rely on these programs who are hurt by these low allocations.

The gentleman from Texas (Chairman BONILLA), the gentlewoman from Ohio (Ms. KAPTUR), and the members of the Committee on Appropriations Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies have made the best out of a bad situation. The gentleman from Texas (Mr. BONILLA) did the best he could by stretching the limited funds he was allocated to fund many of the programs that are important to the American people.

While I am disappointed that the allocation is low, and I will urges the conferees, once appointed, to do what they can to increase the funding for these important programs, I want to commend the gentleman from Texas (Mr. BONILLA); the ranking member, the gentlewoman from Ohio (Ms. KAPTUR); and the members of this subcommittee for doing the best they could with this bill.

Specifically, I want to commend the gentleman from Texas (Mr. BONILLA) and the ranking member, the gentlewoman from Ohio (Ms. KAPTUR), and the entire committee for providing $75 million for the George McGovern-Robert Dole Food For Education and Child Nutrition Program. This important and successful program provides nutritious meals to hungry children around the world in a school setting. The McGovern-Dole Program received only $50 million last year, and I am very pleased that President Bush requested an increase for fiscal year 2005.

This program began as the Global Food For Education Initiative, a pilot program to use surplus American commodities to feed hungry children around the world. The pilot program received $300 million and provided school breakfasts, school lunches, and other supplemental food to 7 million children in 38 countries.

The McGovern-Dole program, authorized in the farm bill, made this program permanent and subject to appropriations. While I support providing $300 million for this program, which would restore funding for this program to the original level of the pilot program, I am pleased that this bill increases funding for the McGovern-Dole program over last year's level.

Mr. Speaker, I am not alone in supporting $300 million for this program. In December, 102 members of this body sent a bipartisan letter to President Bush requesting that $300 million be allocated for the McGovern-Dole program in fiscal year 2005.

Mr. Speaker, that letter is as follows:

CONGRESS OF THE UNITED STATES,
Washington, DC, December 11, 2003.

Hon. GEORGE W. BUSH,
President of the United States,
Washington, DC.

DEAR MR. PRESIDENT: We are writing to urge you to provide $300 million in your Fiscal Year 2005 Budget Proposal for the George McGovern-Robert Dole International Food for Education and Child Nutrition Program. We believe it is urgent to restore funding for this program at levels similar to those of the original pilot program.

We strongly believe this funding is critical for sustaining and expanding the McGovern-Dole Program in order to combat terrorism and to help build and consolidate democracy in the Middle East, southern Asia, the Near East, and in other regions critical to U.S. national security. As you are aware, the McGovern-Dole Program provides donations of U.S. agricultural products, as well as financial and technical assistance, for school feeding and maternal and child nutrition programs in low-income countries. We note that recommendations made by the General Accounting Office (GAO) in February 2002 on how to strengthen and improve the administration and implementation of school feeding programs were fully integrated into the law establishing the McGovern-Dole Program, enhancements that we believe contribute to its success.

Both the initial pilot program and the current McGovern-Dole Program have a proven track record at reducing the incidence of hunger among school-age children and improving literacy and primary education, especially among girls, in areas devastated by war, hunger, poverty, HIV/AIDS, and the mistreatment or marginalization of women and girls. School meals, teacher training, and related support have helped boost school enrollment and academic performance. McGovern-Dole nutrition and school feeding programs also improve the health and learning capacity of children both before they enter school and during the years of primary and elementary school.

In February 2003, the U.S. Department of Agriculture evaluated the McGovern-Dole pilot program and found significant positive results. Specifically—"The results to date show measurable improvements in school enrollment, including increased access by girls. In projects involving more than 4,000 participating schools, the WFP reports an overall enrollment increase exceeding 10 percent, with an 11.7 percent increase in enrollment by girls. The PVO's report an overall enrollment increase of 5.75 percent in GFE-participating schools. In some projects, increases in enrollment were as high as 32 percent compared with enrollment rates over the previous three years." (USDA, the Global Food for Education Pilot Program: A Review of Project Implementation and Impact, page 2 February 2003)

We firmly believe that these programs reduce the risk of terrorism by helping to eliminate the hopelessness and despair that breed terrorism. American products and commodities are directly associated with hunger alleviation and educational opportunities, encouraging support and good will for the United States in these communities and countries.

We strongly urge that you restore the capacity of this critically important program by providing $300 million for Fiscal Year 2005.

Sincerely,

James P. McGovern, Frank Wolf, Jo Ann Emerson, Marcy Kaptur, Doug Bereuter, Tom Lantos, Earl Pomeroy, Amo Houghton, Barbara Lee, Sam Graves, Edolphus Towns, Don Manzullo, Vic Snyder, Jim Leach, Tammy Baldwin, Christopher Smith (NJ), Marty Meehan, Doc Hastings (WA), Dennis Moore, George Nethercutt, John Olver, Jerry Moran (KS), Bennie G. Thompson (MS), Todd Tiahrt, Adam Schiff, David Price, Maurice Hinchey, James Oberstar, Betty McCollum, William Delahunt, Bob Filner.

Jan Schakowsky, Sheila Jackson-Lee, Leonard Boswell, Gary Ackerman, George Miller, Dale Kildee, Julia Carson (IN), Albert Wynn, Carolyn Maloney, Bobby Rush, Diana

Christensen, Raúl M. Grijalva, Bob Etheridge, Pete Stark, Jim McDermott, Jim Matheson, Jerry Costello, Mike Capuano, Joseph Crowley, Susan Davis (CA), Rosa DeLauro, Martin Frost, Rick Larsen (WA), Sander Levin, Ed Markey, John Tierney, Lynn Woolsey, Donald Payne, Hilda Solis, Mike McNulty, Elijah Cummings, Mike Doyle, Joseph Hoeffel.

Lucille Roybal-Allard, Bernie Sanders, Sam Farr, Neil Abercrombie, Jim Marshall, Charles Gonzalez, Ruben Hinojosa, Eleanor Holmes Norton, Earl Blumenauer, Robert Wexler, Rob Andrews, Madeleine Z. Bordallo, José Serrano, Maxine Waters, Lane Evans, Barney Frank, Ron Kind, Sanford Bishop, Jr., Sherrod Brown (OH), Henry Waxman, Steve Rothman, Nancy Pelosi, Dennis Kucinich, Tom Allen, Jim Moran (VA), Rick Boucher, Brad Sherman, Carolyn Kilpatrick, Lois Capps, Karen McCarthy, Patrick Kennedy (RI), Jane Harman, Alcee Hastings (FL), William Jefferson, Chris Van Hollen, Chaka Fattah, Stephen Lynch, Charles Rangel.

Mr. Speaker, I urge the gentleman from Texas (Mr. BONILLA) and others to work with the other body to further increase these funds as this bill moves into and through the conference committee.

This program is important, I believe, not only to helping feed hungry children around the world. I also believe it is important in combating terrorism because it gets to some of the root causes where terrorist groups go to recruit people to be involved in some of the terrible events that we have seen unfold over the last several years.

Mr. Speaker, I am also pleased that the fiscal year 2005 agriculture appropriations bill includes language blocking the FDA from spending money to enforce its ban on prescription drug reimportation.

Mr. Speaker, it is clear that a bipartisan majority of our colleagues supports the reimportation of prescription drugs. It is even clearer that the American people support reimportation. They are being gouged by the high cost of prescription drugs, and they deserve access to these lower-cost prescription drugs. The current Medicare drug card and prescription drug plan are hardly a panacea for the high cost of prescription drugs.

It is vital that we provide access, especially for our seniors, to these low-cost prescription drugs. Until we can repeal this misguided law and pass a genuine and real prescription drug benefit that will provide genuine and real relief for seniors who rely on these import medicines, reimportation in many respects is our only option; but it is also our best option.

Mr. Speaker, this bill is underfunded. There is no doubt about that. It is underfunded because of misguided tax cuts for rich people and wasteful spending adopted by this administration and I would say by those who are running this House of Representatives. It is underfunded because in 3 short years they turned record surpluses into record deficits. Now the programs that require Federal funds and especially the people who rely on these programs are paying the price for these misguided policies.

The low allocation for this bill means that WIC, our most important nutrition and health program for pregnant mothers and newborn children, will not be fully funded. It means homeland security activities at USDA's Food Safety and Inspection Service are underfunded. And it means rural water and waste programs and the rural single family housing direct loan program are funded below even last year's levels.

The policies enacted over the past few years, the tax cuts for rich people and the wasteful spending, are taking their toll on these programs. However, Mr. Speaker, having noted these concerns and reservations, I believe that the gentleman from Texas (Mr. BONILLA) and the ranking member, the gentlewoman from Ohio (Ms. KAPTUR), have done the best they could with such an inadequate allocation. I commend them for this bill. I look forward to voting for it.

Mr. Speaker, I reserve the balance of my time.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. LATHAM), a member of the committee.

Mr. LATHAM. Mr. Speaker, I rise in support of this rule and the underlying bill. This is a good rule, and it is a good bill. The committee has worked to put together a bipartisan bill, and I believe that goal has been accomplished.

The bill provides critical funding for basic agricultural programs, but it goes farther than that. It also supports rural and economic development, human nutrition, agricultural exports, land conservation and renewable energy, as well as food, drug, and medical safety. This bill will deliver benefits to every one of your constituents every day, no matter what kind of district you represent.

I would say to all Members that they can support this bill and tell all of their constituents that they voted to improve their lives while maintaining fiscal responsibility. Support the rule; support the bill.

Mr. MCGOVERN. Mr. Speaker, I yield 6 minutes to the gentlewoman from Ohio (Ms. KAPTUR), the ranking member on the committee.

Ms. KAPTUR. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MCGOVERN) for yielding me time and for all the attention that he, in particular, pays to this important bill on agriculture and the Food and Drug Administration. I also wanted to thank the representative of the Committee on Rules, the gentleman from Georgia (Mr. LINDER), today for this consideration under an open rule. We, therefore, support the rule. And to my good friend, the gentleman from Iowa (Mr. LATHAM), from the committee for as hard as he has worked along with all of us on both sides of the aisle in trying to bring this measure before the full House.

This bill obviously has been put together under some of the most trying budget circumstances that we have ever seen. When last year's bill came before us, I said we were trying to stuff a size 10 foot into a shoe that was actually size 7. This in our country that needed more than we could provide in that bill. This year we have a size 6 shoe, and we have a size 11 foot. And so we have many more needs than we can accommodate in this bill.

We literally had requests from Members from across our country, hundreds and hundreds and hundreds of requests that we could simply not address. They are not addressed in this bill at all.

The discretionary portion of this bill totals $16.772 billion, which is a reduction of $67 million over this year, and compared to fiscal year 2003, a reduction of over $1.1 billion. That is nearly a 6 percent reduction compared to 2 years ago.

☐ 1745

That means that all the Members who came to us for water and sewer projects, rural water and sewer projects, we just simply could not meet the requests.

The Women, Infant and Children's food program, though, we have raised it from last year, is probably $150 million short in view of the rising need around our country, the unevenness, of the economy and lackluster job creation. We just simply do not have adequate money in these bills to meet all needs.

At the same time, our country is now spending over $100 billion in Iraq and Afghanistan. Imagine if we were able to take and divide that up and give every State in our Union an additional $2 billion, $2 billion that they could share with our localities that are short on funds. We seem to be able to find money for some things around the world. But then we do not find money for very other worthy needs across this Nation.

For example, in our Commodity Supplemental Food Program, we want to take surplus food commodities and give them to our food banks and to people who need them. We are about $15 million short in that account, despite all the need across this country and the greater and greater numbers of people coming into our soup kitchens and our feeding kitchens all over this Nation.

Meanwhile, in this budget, we have been forced to put money into accounts to take care of what we call invasive species, that is, all these little critters that are coming into our country for which there is no known biological control. The cost of this now totals hundreds of millions of dollars compared to 10 years ago. Whether it is the Asian Longhorned Beetle eating all those trees in Chicago and New York City or whether it is the Emerald Ash Borer in States like Michigan and Ohio, those invasive species are just eating their way through all the forest lands, with those cost burdens now being put on the taxpayer. We basically take this money from a very inadequate allocation and divert it in order to try to prevent additional damage, and really these costs should not be the responsibility of the localities and of the Federal Government but those commercial interests that caused the damage in the first place.

I just want to say that agricultural America, and rural small towns, are trying as hard as they can. They have always demonstrated a real vision toward the future. We hope that as this bill moves towards the Senate we will be able to fix some of the inadequacies that currently exist in this bill.

I want to thank the gentleman from Texas (Chairman BONILLA), the chairman of our subcommittee, for his willingness to work across the aisle and to do the best we could, again with a size eleven foot bill when, in fact, we only have a shoe about size six. We just cannot meet all the needs that are being asked of us. But we have done the best we can.

I rise in support of the rule and ask the Members to vote for the rule and ultimately for the bill.

I will also say that when the bill comes to the floor for full consideration tomorrow we will be offering amendments in the area of biofuels, trying to help to generate new industry across this country, a renewable fuels industry in ethanol and biodiesel and some of the new alcohol based fuels we have not even invented yet.

We will have an amendment on Iraq and will bring to the attention of the country the misuse of the Commodity Credit Corporation back during the 1980s and 1990s which has led us to have to bail out banks in the Middle East as a result of what was done back then and potentially what could happen again by what is being proposed in this bill now.

We will have an amendment dealing with outsourcing of call centers by the Food Stamp Program, trying to bring those call centers back to the United States, to our own people who need work.

Finally, we may have amendments dealing with the reimportation of prescription drugs, and we want to keep the base amendment that we were able to insert at the subcommittee level, which is to allow the reimportation of drugs from nations like Canada so that our people can buy them at affordable prices. We want to be able to keep that in the bill.

We will have an amendment on the Farmers Market Promotion Program, trying to bring it to a level where it can serve a majority of our people.

So, again, I ask for the support of the membership on the rule, and I thank the gentleman for yielding me this time.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Let me just close by again saying I want to commend the work of the gentleman from Texas (Chairman BONILLA) and the gentlewoman from Ohio (Ranking Member KAPTUR) for doing the best they could with the low allocation. It is not their fault they had a low allocation. The fault lies with the President and the White House and the leadership of this Congress.

I think that during this debate I think we will hear a number of Members question their sense of priorities when, in fact, the need, especially in this area of agriculture, is so great, and yet we do not have the resources to be able to address all those challenges.

They have done a good job with not a lot of resources. They deserve to be commended.

We have no problem with this rule, and I would urge adoption of the rule, and I also will vote for this bill and hope that in conference that Members will be able to get the allocation up to a more reasonable level.

Mr. Speaker, I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I urge my colleagues support both the rule and the underlying bill. I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KINGSTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4755 and that I may include tabular material on the same.

The SPEAKER pro tempore (Mr. CULBERSON). Is there objection to the request of the gentleman from Georgia?

There was no objection.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2005

The SPEAKER pro tempore. Pursuant to House Resolution 707 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4755.

□ 1753

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4755) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2005, and for other purposes, with Mr. LINDER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Georgia (Mr. KINGSTON) and the gentleman from Virginia (Mr. MORAN) each will control 30 minutes.

The Chair recognizes the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Chairman, I yield myself such time as I may consume.

I rise today to present the Legislative branch appropriation bill for fiscal year 2005 to the House for consideration, and I want to start by thanking not just the gentleman from Virginia (Mr. MORAN), my ranking member, but I wanted to say thanks to all the subcommittee staff who have worked hard to make this bill possible: Liz Dawson, who is our Chief Clerk; Chuck Turner, our Staff Assistant; Kathy Rohan; Celia Alvarado; Tom Forhan; Tim Aiken; Bill Johnson; Heather McNatt; and Jennifer Hing.

I wanted to say to the gentleman from Virginia (Mr. MORAN), the ranking member, that I have enjoyed working with him and working with all the subcommittee members. We have put together I think a good bill. We have had a number of amendments, some committee debate on it, and I think the product is a better bill because of that.

It is a bipartisan bill and somewhat noncontroversial. I am not aware of any angst that Members have; although I know everybody would improve it here or there, given the opportunity.

This bill actually funds the House of Representatives and all the various support agencies, including the Capitol Hill Police, the Architect of the Capitol, the Library of Congress, the Government Printing Office and the General Accounting Office.

The bill is $2.7 billion, which does not include the Senate items; and traditionally we do not fill in the blanks for the Senate. They do not fill in the blanks for us.

The bill came in below the budget request and is basically flat, meaning that the size of it is about the same as what it was last year. It does, however, provide for the current staffing levels. It includes cost of living increases and other increases here and there for inflationary reasons. There are no deductions in force, and yet we have kept new initiatives off it and tried to defer funding on certain projects.

Overall, the bill started out with a request level of $3.1 billion, and we were able to work that down to the $2.7 billion.

My colleagues may also recall that the fiscal year 2004 bill was brought to the floor with a decrease from the 2003 levels. So the Subcommittee on Legislative of the Committee on Appropriations has done its best to practice fiscal restraint and try to keep the President's goal in mind of a 1 percent increase for nondefense and homeland security discretionary spending, and we are actually below that.

There are a number of important things in this bill, but what I might do is I see some Members are here to speak on it. At this point, I see the gentleman from Virginia (Mr. MORAN), the ranking member, is here; and I will give him an opportunity to speak.

Mr. Chairman, I reserve the balance of my time.

Mr. MORAN of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman from Georgia (Mr. KINGSTON) has, in fact, been fair. We have worked out an appropriations bill that we can both live with. So this should not take an inordinate amount of time.

Mr. Chairman, as my colleagues know, there is some disagreement over the rule, and the gentleman from California (Mr. SHERMAN) I know will be addressing a consideration of the rule, but that was not a matter that was left open to the gentleman from Georgia (Mr. KINGSTON) or myself. It was an amendment that might have been added.

The gentleman from New Jersey (Mr. HOLT) has an amendment that he would at least like to talk about, and I think it has considerable merit, but there are a lot of things that had considerable merit that are not included within this bill.

We had a very tight, tough 302(b) allocation; and it was felt that the Congress itself has to lead by example. Our original requests were not realistic. They would have increased spending in this appropriations bill by more than 14 percent above last year's spending level; and some of the major parts of this campus, the Capitol Police, the Architect of the Capitol, et cetera, had increases that were over 30 percent this year over last year. So they were not granted.

What we have before us is basically a flat bill. It is actually a .1 percent cut below last year's level. It is probably unprecedented. Maybe somebody is going to find an appropriation bill that was actually cut below the prior year, but I am skeptical that there is such a thing. I think all of us would have liked more money for a number of components of this bill, but it is responsible, and, as far as I am concerned, it is a fair bill. It covers in full, mandatory cost increases without resorting to any layoffs or RIFs.

In terms of percentages, the Office of the Attending Physician, who does a great job, Dr. Eisold and his colleagues are terrific and often called for in crisis situations, they receive a 13.7 percent increase, well justified, but the Open World Leadership Program, which I also think is well-justified, fared the worst with a 50 percent cut.

□ 1800

Hopefully, we will be able to restore some of that money in conference.

Now, somewhere in between those two ends of the spectrum, all the other legislative branch agencies, the Congressional Budget Office, the Office of Compliance, Government Printing Office, our own Members' Representational Allowance, they will receive considerably less than was requested, but certainly enough to carry out their primary responsibilities and missions.

The Capitol Police will be given approximately a 6 percent increase and additional flexibility to use unobligated funds from last year to cover most of their new equipment needs.

I am disappointed that this bill, though, does impose such a stiff cut to the Open World Leadership program, because it promotes democracy by bringing foreign leaders from Russia and other countries that were satellites of the Soviet Union to study our democratic institutions, something that is very much needed. And when we consider the relative costs if we do not get democracy embedded in those countries, it is substantially greater, obviously.

I am also troubled the public printer will lack the funds to modernize the functions of the Government Printing Office. But I am pleased that, despite the overall freeze, the chairman agreed, and I think we had the consensus of our subcommittee, that we should finally establish a staff fitness center. So I trust that the staff is going to be very pleased with that, and it is something that a number of us have been wanting to see go forward.

The Congress, of course, is the institution that is at the heart of this great Republic's democracy. A $2.75 billion budget is less than .15 percent of the proposed total Federal budget. It is a small price to pay for a legislative body that represents the world's greatest democracy.

So while the bill is fair, we do fall far short of what we may need to do in the future to provide for this institution's needs, the people who work here, and the people who visit here. If we attempt to continue such a tight budget in future years, and I am afraid that the same justification is going to apply, with large looming deficits for the next decade, then this institution will truly suffer.

The flat funding we have in this budget will not be sustainable. It will trigger reductions in force, it will compromise security, it will render our now current computer information systems obsolete and ineffective, and it will undermine improvements in productivity and efficiency that will subsequently drive up future maintenance costs. Popular initiatives, like digitizing the Library of Congress' collections and sharing its wealth of literary material with the public, simply will not happen.

We cannot balance the budget by freezing the legislative branch's budget. In fact, we cannot even balance the budget by freezing all of discretionary spending. So we do have some fundamental differences about our Nation's priorities, but those fall outside the scope of this committee. I am not going to dwell on them.

This year's appropriation bills mark the beginning of what in the past has been an abstract budget debate, but we are now getting into the real consequences of a budget resolution that I think is insufficient, and we are going to have to address those 302(b) allocations in the future.

Again, specifically, the legislative branch appropriation bill is a fair bill. I think it is reasonable and sustainable, at least for this year.

Mr. Chairman, I reserve the balance of my time.

Mr. KINGSTON. Mr. Chairman, I yield myself such time as I may consume.

I wanted to say, Mr. Chairman, that we have a lot of good things in this bill. We had some good subcommittee- and committee-level debates and a number of amendments. One such amendment actually encourages Members of Congress to lease or use hybrid fuel-efficiency cars. This amendment was debated and offered by the gentleman from Tennessee (Mr. WAMP) and successfully put on it. He is here, and he is going to address that.

Mr. Chairman, I yield 3 minutes to the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. Mr. Chairman, I thank the chairman for yielding me this time, and I thank both the ranking member and the chairman for the work they do. Having served on this subcommittee for 6 years, I know the important work that they do.

Mr. Chairman, the American people probably do not pay a whole lot of attention to this bill, because a lot of it is inside the Beltway, but I know the American people are keenly aware of the rising cost of gasoline and the need for our country to be independent of energy sources and not so dependent on oil. And I do not want to encourage any extra government spending whatsoever.

A number of Members either take a mileage reimbursement for official travel, which is totally permissible under the rules, or they lease a vehicle at government expense. And in either case, this resolution encourages Members to use hybrid electric or alternatively fueled vehicles. Why? Because the American people expect us to lead. And a lot of them are asking what are we going to do about our dependence on foreign oil; what can we do to lower our cost of fuel.

In the past, the options have not been too good. But this fall, in this country, there are at least eight hybrid electric vehicles in the marketplace for American consumers, including domestic vehicles, from pickup trucks to SUVs, where you can double your gas mileage. The new Ford Escape, and I have one on order, will get 38 miles per gallon. It is a small SUV. Throw your kids in the back, or if you are taking staff around the district, drive one of those. Or even a foreign model, if your constituents like that or will allow that. Some will not. But you have all the options, and we want to encourage this.

The resolution simply says it is the sense of the House of Representatives that Members of the House who use vehicles in traveling for official or representational purposes, including Members who lease vehicles for which the lease payments are made using funds provided under the Members' Representational Allowance, are encouraged to use hybrid electric or alternatively fueled vehicles whenever possible, as the use of these vehicles will help to move our Nation forward toward the use of a hydrogen fuel cell vehicle and reduce our dependence on oil.

We need to accelerate the transition to a hydrogen economy away from a petroleum-based economy, clean up the air, secure our liberty, and Members should lead by example. As the cochairman of the Renewable Energy and Energy Efficiency Caucus here in the House, the Republican cochairman, with my colleague, the gentleman from Colorado (Mr. UDALL), we have over 228 to 232 Members, well over a majority of this body are members, we encourage the use of these hybrid electric vehicles, and it begins with us. Lead by example.

If my colleagues are taking the mileage or if you lease a vehicle, we encourage you to use these alternative-fuel vehicles, double your gas mileage, and move us towards a secure energy future. I commend the chairman for including this important language.

Mr. MORAN of Virginia. Mr. Chairman, I yield 7 minutes to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. I thank the gentleman from Virginia for yielding me this time, Mr. Chairman.

I rise to deal with one aspect of this bill, and that is that it does not impose, as I would like it to, a $25,000 limit on the amount of postage spent by any one committee in any one year. That would be $50,000 a Congress or $25,000 as an annual limit.

After all, in the 107th Congress, encompassing 2002 and 2001, the average amount spent by the highest-spending committee was $6,807. In fact, in looking at the entire history of this House, I cannot find an example where any committee prior to the 108th Congress ever needed to spend more than $10,000 on postage.

A $25,000 limit seems like it provides plenty of room, particularly for a country that faces the kinds of fiscal problems that we face. And yet, why would I even think it necessary in a House where no committee had until the 108th Congress spent even $10,000 on postage, why would I think it necessary to come to this floor to seek a $25,000 annual limit? The reason is that one committee, and this could be the opening of Pandora's box, decided in the 108th Congress to engage in a program of mass mailings in selected Members' districts.

That committee, in the 107th Congress, spent an average of $2,483, that is less than $2,500 on postage. But in the 108th Congress, they came before the Committee on House Administration and asked for $250,000 for postage for 1 year, and in fact asked for $.5 million on postage for the 2 years making up the 108th Congress.

So think of this. This is a 4,445 percent increase over what that same committee had requested for the prior Congress. But if that does not bother the fiscal conservatives in this room, reflect that it was a 9,968 percent increase over what that committee actually spent in the prior Congress.

Now, in fact, the Committee on House Administration did not provide for this one authorizing committee to have $.5 million for postage, but they did provide $50,000 for 2003 and another $50,000 for 2004. And this committee in fact spent $49,587 on postage just in one invoice in December 2003. And, in fact, in order to have something to mail for $49,000 in postage, they spent $40,000 printing the material that was mailed, just to send out material into a very few Members' districts.

Now, the affected Members did not, to my knowledge, have any objection to the contents. But mark my words, this is the beginning. If we pass this legislative approps bill with no limits, then this one authorizing committee may come and ask for $.5 million on postage for the 109th Congress. They may ask for $2 million or $3 million in postage. Other committees may get in on the deal, and then we may have a circumstance where the Chair of each committee has a multi-million dollar postage slush fund to do mailings in the different Members' districts.

Now, how is this different for the Member communications that we are all aware of? Because we all mail into our own districts newsletters, et cetera. Well, first, each Member gets a limited MRA. In contrast, the amount that could be provided under this leg approps bill for a single committee to do mass mailings is unlimited.

Secondly, and I think this is the most important difference, every mailing says published and mailed and printed at government expense, so that the recipients of the mailing can hold the author accountable. If I am sending out useless mailings to my constituents, they can circle that line and remember it when the ballot box is in play.

In contrast, if a Chair mails into my district or mails into another Member's district, and the recipients of that mailing think that it is useless, that it is highly political, that it is propaganda, that it is on a subject they are not interested in, what recourse do they have?

I guess they could pick up and move to the district of the Chair who sent out the mailing. But assuming they are unwilling to move from one part of the country to the other, they have no recourse. So once we have Chairs sending out mailings, these mailings have no check on them. There is no accountability, and there is no way for the recipients to register their belief that the mailing is useless.

In addition, MRA funds are distributed equally to Members regardless of their political party. But if we see $.5 million appropriated by this bill allocated to a particular chairman to do mass mailings into Members' districts, that will be entirely money for one party and zero for Members of the other party.

Now, I want to stress my proposal here is bipartisan. In fact, it is designed to affect Democratic chairmen. That is to say, it affects the 2005 fiscal year, when I hope and expect Democratic Chairs will be the ones that will be able to do these mass mailings. But I do not care whether it is Democrats or Republicans. We should not have mass mailings going out by Chairs. That is why I would like to enter into the RECORD a letter from the National Taxpayers Union and another from Citizens Against Government Waste.

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Each of them says that we ought to limit to $25,000 a year as a first step the amount spent on postage by any committee. This marks the first time that any legislative proposal of mine has been formally endorsed by the National Taxpayers Union and by Citizens Against Government Waste.

I know that people will want to come to this floor and reflexively vote against any motion to recommit, at least members of the majority, but your vote determines whether you endorse opening Pandora's box to unlimited mailings.

NATIONAL TAXPAYERS UNION,
Alexandria, VA, July 12, 2004.

Hon. BRAD SHERMAN,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN SHERMAN: On behalf of the 350,000-member National Taxpayers

Union (NTU), I am responding to your request for NTU's views on a proposal to limit each Committee's expenditure on postage to the sum of no more than $25,000 per year.

Even as overall postage and printing expenditures have declined from the $100 million-plus levels once seen in Congress 15 years ago, franking remains a source of fiscal and political interest to NTU. The already-generous limits governing the use of postage by House Members' personal offices were lifted in 1999, while new computer technologies have allowed lawmakers to maximize the impact of their mailings in ways that were not feasible as recently as ten years ago. Today, it is still possible for an incumbent House Member to spend as much on franking in a year as a challenger spends on his or her entire campaign. Rules regarding the content and proximity of mailings to elections only modestly offset this tremendous political advantage.

During our 15-year campaign on behalf of franking reform, NTU has focused on Member offices because they are the primary source of unsolicited mass mailings and associated expenditures. We were thus surprised to learn of a single Committee's FY 2005 postage request for $250,000 in the Legislative Branch Appropriations Bill.

NTU is greatly concerned over the prospect of any Committee in Congress receiving postage fundings in these amounts, as it would mark a significant expansion of the franking privilege that had traditionally been utilized in large part by Member offices. Such concern is irrespective of the immediate policy issue at hand or the parties involved. If the House sets a budget precedent now, taxpayers will very shortly face the unwelcome prospect of tens of millions in additional franking expenditures in future Congresses. Equally, important Americans would be forced to contend with a new set of issues affecting the balance of the political process.

Years of efforts from groups like NTU and reformers within Congress have yielded an improved, yet imperfect, franking disclosure process. Despite instances of poor recordkeeping, inadequate disclosure, and overly-permissive rules, today constituents at least have limited access to basic franking information—giving them a chance to hold House Members politically accountable for the unsolicited mass mailings they send into their districts at taxpayer expense. Allowing such a practice at the Committee level, where ties between Members and constituents are less direct, would undermine even this limited progress.

It is especially galling that Congress would even consider an additional taxpayer-financed expansion of the franking privilege under the current fiscal and political circumstances. Amidst FY 2005 budget deficit estimates approaching $400 billion, and a campaign finance law that further hamstrings political challengers, allowing such a huge postage funding request for any Committee will further reinforce Congress's reputation as an institution incapable of self-restraint.

Given the historical patterns of Committee expenditures, a $25,000 annual limit on postage for each Committee is more than adequate for any legitimate communication needs. Seemingly minor budget requests such as the one before Congress now can have major consequences for taxpayers in the not-too-distant future. For this reason alone, the House of Representatives can and should restrict Committee postage expenditures—and a $25,000 annual limit is a reasonable first step.

Please feel free to contact me should you have an additional questions regarding our position.

Sincerely,

PETE SEPP,
Vice President for Communications.

COUNCIL FOR CITIZENS
AGAINST GOVERNMENT WASTE,
Washington, DC, July 12, 2004.

Representative BRAD SHERMAN,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE SHERMAN: The more than one million members and supporters of the Council for Citizens Against Government Waste would like to express their appreciation for your cost-saving effort to limit each Committee to spending $25,000 a year on postage.

Sincerely,

THOMAS SCHATZ,
President.

Mr. KINGSTON. Mr. Chairman, I yield myself such time as I may consume.

I want to respond to my friend from California a little bit.

Number one, this, as we all know, is an appropriation bill; and the proper place to deal with a franking issue, of course, would be on an authorizing bill. I hope that our friend is taking his concerns to the proper committee, which would be the Committee on House Administration.

But I also wanted to say, in the spirit of good government, what I would like to see is Members of Congress and the institution going out into America, into the States a little bit more. As I understand it, talking to some committee chairmen, they actually use this franking privilege in their field hearings.

I sit on the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies. I used to be on the Committee on Agriculture. What is more important than our food policy out there? If we had the Committee on Agriculture going out and talking about the dairy program or the peanut program or whatever, sending out letters to people to say, come to this congressional hearing that is going to be in your neighborhood, come raise Cain with your Congressman, I think that would be a good thing.

Certainly the Committee on Ways and Means, the taxing committee, my folks down in the little briar patch that I represent would love to go out and, frankly, raise hell with everybody that writes our tax policy.

Then there is the Committee on Energy and Commerce. They control telecommunications. We passed several years ago the slamming bill. That is something that I know has affected a lot of people. If there was an opportunity for the common, everyday citizen to go to a field hearing and raise Cain about how slamming was done on their phone service, I think that would be a healthy thing.

I am not sure that a $25,000 limit would be good enough to have people come, but I think what we need is more sunshine and more public input. That is why I am hesitant to accept the $25,000 limit just on face value because I know that these notices are important. But I also know, Mr. Chairman, that the committees who use these have them signed off by the minority and the majority party and so there is a system of fairness.

Again, in terms of fiscal restraint, I want to congratulate the gentleman from California for getting an endorsement from the National Taxpayers Union, but I also want to say that this bill, we are very happy to say, is flat funding, if not a little less than last year. So we are with him at least on that angle.

Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. LAHOOD), who has come up through the ranks as a former staffer and worked very hard and continues to work hard on staff quality of life. One of the issues that we are facing, we lose lots of staff here on Capitol Hill. The gentleman from Illinois has worked tirelessly to protect the quality of life for somebody who works here.

Mr. LAHOOD. Mr. Chairman, I thank the gentleman from Georgia for yielding me this time and for his leadership on the Subcommittee on Legislative. I certainly rise in support.

I would ask Members, after reviewing the amendments, to vote against the amendments. I think the gentleman from Virginia (Mr. MORAN) and the gentleman from Georgia (Mr. KINGSTON) have worked very hard on this bill to make sure it is the right mix of staffing for the House of Representatives, the right mix of staffing for our law enforcement personnel, the right mix for the Library of Congress and for all those who serve the Members of Congress.

I know Members like to take the opportunity from time to time when they have a complaint maybe against another Member or against another committee or somebody else to come to the floor and use this bill to try and carry out some kind of a complaint or a gripe that they have. This is not the bill to do it. I would urge Members to vote against the amendments that are being proposed.

As a member of the subcommittee, I have worked very hard over the last several years on the issue of improving the quality of life for employees of the House of Representatives, particularly as it relates to their health care, particularly as it relates to the issue of whether our employees of the House of Representatives should have some kind of health fitness center similar to the kind of center that we have for Members where staff, who work here pretty much 24/7 when we are in session, can have the opportunity to go and to work out and to keep healthy. We have accomplished that goal.

I want to thank the gentleman from Georgia for his leadership in providing the funding in this bill and also the gentleman from Virginia, who obviously represents a lot of the employees, for his leadership for including the money so that we can begin, once this bill is signed by the President, to have the construction of a health fitness center for our employees for the House of Representatives.

This is an important issue. There is a lot of talk about obesity and health care and how do we all stay healthy. Working around here is very, very demanding. I can think of no other opportunity that we can provide to our hardworking employees than an opportunity to have a place to stay healthy, to be healthy and to have it right here on the premises.

I thank the gentleman from Illinois (Mr. KIRK), too, for his leadership. As a former staffer, he also worked hard around here and continues to work hard on behalf of the staff.

I just want to say a word about the people that make all of us look good, the people that are gathered here in the House Chamber, the Parliamentarians, the lawyers, the doctors, the police, the law enforcement who work here 24/7 to make sure that we are well protected, that we are well taken care of, that every word that we speak is taken down. There are so many people that work in the House complex that average, ordinary citizens, certainly taxpayers, never see, but they help make this institution what it is, the great institution that it is, in terms of our ability to do our work and pass bills and make new laws and solve problems in the country. We could not do it without the many wonderful employees that work so hard on behalf of the Members of the House of Representatives. My hat is off to them.

This bill is the bill that takes care to make sure they have the equipment, make sure they have the information and the means to do their jobs. In supporting this bill and asking Members to look carefully at the amendments and rejecting the amendments because of the good work that has gone on by the chair and the ranking member, I say to the employees of the House of Representatives, job well done, and this is our way of saying thank you. I appreciate the opportunity to serve on this committee.

Mr. KINGSTON. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. KIRK), another distinguished member of the subcommittee who is also a former staffer, as the gentleman from Illinois (Mr. LAHOOD) said, and has worked on not just the issue of quality of life for staffers and the gym but also one that has to do with our security around here, the Capitol Hill police, the use of horses, among other things.

Mr. KIRK. Mr. Chairman, I thank the distinguished chairman and the ranking minority member for their strong leadership.

As a former staffer, the construction of a staff gym is one I am very proud to see move forward. Congress spends a lot of money each year on programs to promote physical fitness and to fight obesity. Finally, the Congress is doing that right here. This legislation includes a $3 million fund for the construction of a staff gym located in the Rayburn garage. Along with my colleague, the gentleman from Illinois (Mr. LAHOOD), who has advocated this for so long, we have finally begun the process of the construction of a staff health and fitness center because it is time to give our staffs the same opportunities that Members have right here.

We employ over 17,000 people in the legislative branch. Any employer of that size in Chicago would have long provided such facilities to their employees. The staff gym gives men and women who serve here in the House the opportunity to be fitter and be able to better handle the stress of their jobs, handling the long hours and under sometimes low-paying conditions working for our constituents.

I want to thank the subcommittee staff, especially Liz Dawson for her work in making this a reality.

During the subcommittee markup, another issue was addressed to halt funding for the Capitol Police mounted horse unit. I offered an amendment to deny funding because of fiscal constraints in the face of security threats. It is imperative that we invest funds in protecting the Capitol and spend them wisely. I applaud the Capitol Police for their cooperative work with law enforcement agencies to minimize the threat but do not believe that investing taxpayer dollars in 18th century technology represents fiscal responsibility.

We should not fund a program that has so many unresolved issues. A perfect example is the issue of quartering horses on the Capitol grounds. Last year, the committee was told the horses would be using Park Police stables on the far side of the mall. At very little expense, they were supposed to be housed close to the Capitol complex. However, that is not happening.

Currently, the Capitol Police horses are stabled at a Bureau of Land Management facility on Gunston Road in Lorton, Virginia, 1 hour's drive with trailers from the Capitol. The Architect of the Capitol does not have a current cost estimate for constructing a stable or handling manure on the new location, but the K-9 kennel construction cost over $1 million, and one could easily hazard a guess that horse stables would cost even more than the K-9 facility that we have built. If the program continues, Congress would have to pay for use of the BLM facilities or constructing an entirely new horse stables and waste disposal system at taxpayer expense. By blocking funding for a new mounted unit, the committee has taken the action to save taxpayers approximately $1.8 million over the next 10 years.

Mr. Chairman, I urge adoption of this legislation. I thank the ranking minority member and the chairman for their work on this legislation.

Mr. MORAN of Virginia. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Chairman, just to quickly respond to the gentleman from Georgia who argues that these mass mailings by committees are justified.

If we do not have a limit, they will grow. What was a $500,000 request this time may be a $1 million request or a $2 million request for the 109th Congress. Never before the 108th Congress has any committee ever needed more than $10,000.

The idea of having a field hearing as a reason to mail out a districtwide mailing, or several districtwide mailings, is relatively absurd. If the field hearing is really of interest, the press will publicize that field hearing; and people will come if they are interested. A field hearing has never in the history of this House up until this Congress been used as an excuse for mass propaganda into a Member's district; and if the gentleman thinks it should be, that is a revolutionary change. It is not one I would like to see in the 109th Congress.

Mr. KINGSTON. Mr. Chairman, I want to say to my friend from California, I understand he has a motion to recommit, and we will debate it a little bit more then, but I certainly think there is a lot to say about it. Again, one of our things is that the Committee on House Administration needs to be doing the authorizing on that.

Mr. Chairman, this bill does have a lot of good things in it. It includes one thing that I did not mention, that we are asking the Architect of the Capitol to contract out the management of the Capitol power plant as a private entity. We are doing that in the spirit of how can we lead the way to continue to make the Capitol a little more efficient.

We are also asking for a review of the legislative branch agencies. Some of the heads of these agencies are appointed by the President. Some have a 10-year term. Some have a 14-year term. Some have the approval of the Senate. Some have the approval of the Senate and the House. We just think that it is time to review some of these things. They have a different retirement program.

There are a lot of proposals out there. The Capitol Hill Police Chief, for example, for whom I have a lot of respect, has suggested that we build a wall around the U.S. Capitol. The gentleman from California (Mr. FARR), among others, has made sure that we have language in our bill to say that we do not want a wall around the U.S. Capitol compound. We want people to be able to get in here.

We have taken a look at everything under our jurisdiction in a very serious way and just asked the questions, can we do it better? I will submit many of the changes that we have recommended for the record.

Mr. Chairman, I reserve the balance of my time.

Mr. MORAN of Virginia. Mr. Chairman, I yield myself such time as I may consume. I will be the last speaker before we move to amendments, unless the gentleman from Georgia would like to offer some concluding remarks.

Again, I will summarize what I said earlier. It is a fair bill. I thank the gentleman from Georgia very much. I want to thank Liz Dawson of the majority staff. The Democratic staff person has been Tom Forhan, who has done an excellent job, and Tim Aiken, my legislative director.

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I have got a whole list here, and I ought to mention them. Chuck Turner deserves mentioning, Kathy Rohan, Clelia Alvarado, and I have already mentioned the others, and Heather McNatt. I thank them.

Again, I want to say a word about something that the gentleman from Illinois (Mr. KIRK) mentioned, this business of the mounted police on the Capitol. I wholly agree with the gentleman from Illinois (Mr. KIRK) and the chairman. I do not think this is a necessary adjunct to our Capitol Police. I think it is a strange and illogical addition, in fact, and particularly when I learned that the Capitol Police have to spend what must be a good hour driving down to the BLM property on Gunston Road. I was involved with the gentleman from Virginia (Mr. TOM DAVIS) in setting that aside for the Bureau of Land Management. I am very much familiar with it. But I never imagined it would be housing horses that had to be deployed on the Capitol grounds. So they pick up the horses. They schlep the poor horses all the way back to the Capitol for a few hours, I guess, galloping around, and then they schlep them all the way back to this BLM property down in Lorton, Virginia, down Route 1. It is congested; so it is bumper to bumper. That is almost inhumane in itself, but it is certainly inefficient and a strange use of our resources. I am glad that that was eliminated.

There are a number of things that we chose not to fund, but I think in subsequent years are probably going to have to be funded. As I said, I know a .1 percent cut in the legislative branch appropriations bill is not reasonable in the long term, although we can clearly get along with it this year.

I do hope we will restore the Open World Leadership program in conference. We do have dental and vision benefits for the people who work here in the legislative branch, and that is an appropriate thing to do, and it is largely consistent with what we do with the executive branch. The gentleman from New Jersey (Mr. HOLT) is going to have an amendment with regard to science and technology. We do need a resource to avail ourselves of when it comes to scientific and technological issues which change every day, and we really do need a good deal of expertise to assist us in that. But he is going to have an amendment to address that issue.

With that, I think we can go on to the amendments, and I suspect shortly we will have a full complement of House Members to be able to vote.

Mr. NUSSLE. Mr. Chairman, I rise today to speak on H.R. 4755, the Legislative Branch Appropriations Act for Fiscal Year 2005. This is the sixth bill we are considering pursuant to the 302(b) allocations adopted by the Appropriations Committee on June 9. I am pleased to report that it is consistent with the levels established in the conference report to S. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2005, which the House adopted as its fiscal blueprint on May 19. Conforming with a long practice—under which each chamber of Congress determines its own needs—appropriations for the other body are not included in the reported bill.

H.R. 4755 provides $2.751 billion in new budget authority, which is within the 302(b) allocation to the House Appropriations Subcommittee on Legislative and outlays of $2.92 billion. The bill contains no emergency-designated new budget authority, nor does it include rescissions of previously enacted appropriations.

Accordingly, the bill complies with section 302(f) of the Budget Act, which prohibits consideration of bills in excess of an appropriations subcommittee's 302(b) allocation of budget authority and outlays established in the budget resolution.

I commend Chairman KINGSTON's remarks in the accompanying report underscoring the fact that with record deficits, a war on terrorisms, troops on the ground in Afghanistan and Iraq, the budget request from agencies of the legislative branch cannot continue to be presented with requested increases as high as 50 percent. I welcome his efforts and the efforts of other members of the Appropriations Committee as we try to hold discretionary spending to a reasonable level.

In reading the final version of this bill I noted that the accompanying report directs the General Accounting Office to review the statutory responsibility and overlap of the jurisdiction of joint committees of Congress, the Congressional Budget Office and the Congressional Research Service. We should pause before we ask one congressional agency to examine the jurisdiction of other congressional agencies and committees of Congress. Also, it might not be appropriate for GAO to assume this role when it may duplicate the functions of some of the agencies it is being charged with evaluating.

With that reservation, I express my support for H.R. 4755.

Mr. LARSON of Connecticut. Mr. Chairman, I rise today to announce that I am going to vote for H.R. 4755, the Legislative Branch Appropriations Bill for Fiscal Year 2005, for one simple reason: It provides enough resources for the legislative branch agencies to fulfill their responsibilities to the American people during the coming fiscal year.

First, I would like to thank Subcommittee Chairman KINGSTON and especially Ranking member MORAN for all of their hard work on this legislation. Mr. MORAN and Tim Aiken of his staff, as well as Tom Forhan of Mr. OBEY's staff, worked closely with my staff and me on a number of issues in this bill and this cooperation is much appreciated.

In the aggregate, the bill holds legislative branch spending, excluding the Senate items that are not before us, at $2.4 million below the level of new budget authority provided for fiscal 2004. Despite holding at last year's spending level, the Committee on Appropriations has managed to fund the agencies' mandatory increases, including an expected 3.5 percent Federal wage adjustment, and avoid requiring agencies to lay off employees. The Committee was also able to achieve significant savings, year-on-year, because it has benefited from non-recurring items from last year, deferred new capital projects and delayed others. This is appropriate, since our Federal budget deficit has reached mammoth proportions in just 4 years' time. It is hard for me to imagine that when I first came to this House, in January 1999, the Federal budget was in surplus. Today, our Federal deficit has reached massive proportions, eclipsing those considered horrendous in 1990 when the first President Bush was in office. The legislative branch must expect to participate in efforts to reduce that deficit, and this bill strikes an appropriate balance in this regard.

While I will support the bill, I want to highlight several matters of interest to me as the ranking minority member of the Committee on House Administration, which has authorizing jurisdiction over several accounts funded in the measure, and others.

First, I join with the Appropriations Committee in commending the staff of the numerous entities who helped to make last month's state funeral for President Reagan an occasion of which the entire legislative branch could be proud. Without the tireless efforts of countless individuals in the office of the Architect of the Capitol, the Capitol Police, the Government Printing Office, the Capitol Guide Service, the Attending Physician's Office, as well as the House and Senate leadership, committees, and others, Americans could not have paid proper respects to their former President. On behalf of my constituents in Connecticut, I wish to thank all of the dedicated legislative branch employees who made that funeral possible.

I also thank the Appropriations Committee for its report language encouraging legislative agencies with respect to their employees' use of the transit-subsidy program. Wherever we can encourage Federal employees in the Washington area, and elsewhere, to use mass transit, we can not only clean the air, reduce traffic congestion, and reduce our dependence on foreign oil, I believe we can make our employees more productive. The program works here in the House and elsewhere, and I am pleased the Appropriations Committee expressed its continuing support.

At total funding of $1.1 billion, including the House office buildings, the bill provides sufficient funds for the people's House. I am delighted that the Appropriations Committee has found $3 million to establish a new in-house fitness facility for staff, made a reality through the efforts of the gentlemen from Illinois (Mr. LAHOOD) and Virginia (Mr. MORAN), both of whom are devoted to the health and welfare of all our dedicated employees. I am also pleased that the Committee eliminated the prohibition on exploring options for developing a supplemental vision and dental benefit for Members and employees. Many House staff have expressed interest in the availability of such benefits, for which they would pay.

I appreciate the work of the gentleman from North Carolina (Mr. PRICE), who recently discovered that the chief administrative officer was improperly making prepayments for certain Web-related services, Federal law generally prohibits pre-payments for Federal services, and the CAO has moved swiftly to address the problem in his Finance Office.

Finally, I hope the sense-of-the-House language included by the Committee at the behest of the gentleman from Tennessee (Mr. WAMP) and the gentlewoman from Ohio (Ms. KAPTUR), encouraging the use of hybrid and alternative-fueled vehicles wherever possible, will indeed spur the use of these cutting-edge technologies so important to our Nation's future.

This bill provides adequate funds for the Capitol Police for the coming year, and eliminates funding for its new mounted unit. Mounted patrols may make sense for the U.S. Park Police, which must operate in the many thousands of forested acres of Rock Creek Park in northwest Washington. But in my judgment, horses, though perhaps harkening back to the "Charge of the Light Brigade," make little sense in the comparatively small, confined, clean and manicured urban park that is the Capitol grounds, given the animals' unavoidable by-products. I also agree with the Committee, which included language prohibiting the study or construction of a fence around the Capitol grounds at this time. The people's House must not, even symbolically, erect a barrier between itself and the people we represent.

I am glad this bill authorizes the Office of Compliance to institute a student-loan repayment program. Similar programs, including those established recently in the House and Senate, are designed to help agencies attract and retain qualified employees, and the Compliance Office's needs for talented staff are no different.

The Library of Congress will receive adequate funding overall under the bill, enabling it to continue fulfilling its important missions. I appreciate the Committee's decision to provide level funding of $14.8 million for the National Audio-Visual Conservation Center in Culpeper, VA. I hope the relevant committees will take whatever action may be required in order to reauthorize the National Film Preservation Board and the National Film Preservation Foundation, so this important work can continue unabated. The pending bill does not include the $500,000 provided for these activities last year, because the authorizations have expired. There is ample time to reauthorize it before this bill becomes law.

I am pleased that the Committee also provided adequate funding for the coming year for the Government Printing Office, which has faced financial trouble. Our House Administration Committee convened an oversight hearing on April 28. We heard from the new Public Printer, Bruce James, who has exciting ideas for how GPO, which has made great strides in the last decade, can continue moving forward in the electronic age. Labor witnesses expressed concerns about Mr. James's plans, and about spending at the agency, which must run like a business and generally earn its keep. I hope the differing views expressed by Mr. James and labor at our hearing, and thereafter, reflect a misunderstanding of each other's goals for the agency in these challenging times.

Finally, the Appropriations Committee report includes several far-reaching assignments for the General Accounting Office, directing that agency to examine every legislative branch agency in search of savings and efficiencies, including by "outsourcing" of agency functions where appropriate. While I am willing to consider every reasonable way to save the public money in these times of massive Federal budget deficits caused largely by the policies of the present Administration, "outsourcing" is hardly reasonable if the term means transferring the performing of inherently governmental functions overseas. I trust the Committee does not mean to suggest, for example, that government printing should be performed overseas.

I thank the Appropriations Committee for its work, and look forward to working with the Committee on these and other matters in the months remaining in this session.

Mr. MORAN of Virginia. Mr. Chairman, I yield back the balance of my time.

Mr. KINGSTON. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule.

No amendment to the bill shall be in order except those printed in House Report 108–590. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered read, debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

It is now in order to consider amendment No. 1 printed in House Report 108–590.

AMENDMENT NO. 1 OFFERED BY MR. HOLT

Mr. HOLT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. HOLT:

Page 20, line 7, after the dollar amount insert "(reduced by $15,000,000)".

Page 33, line 21, after the dollar amount insert "(reduced by $15,000,000)".

Page 38, line 4, after the dollar amount insert "(increased by $30,000,000)".

The CHAIRMAN. Pursuant to House Resolution 707, the gentleman from New Jersey (Mr. HOLT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Chairman, I yield myself such time as I may consume.

My amendment would add $30 million to the salaries and expenses account of the General Accounting Office for the development of Scientific and Technology Assessment. This is something that is vital to us here in Congress. It would meet a bipartisan need of Congress to receive more objective expert and timely advice on the scientific and technological aspects of the issues before us. My amendment would avoid creating any new government agency or bureaucracy, but it would provide Congress with reputable and partial timely advice and analysis of emerging scientific and technological issues.

This is something that was, until 10 years ago, offered by an in-house agency. That is no longer available to us, but the GAO has begun on a pilot basis assuming some of this need and providing us with scientific and technological assessment. Not to have that today is hampering us in doing our work. So this certainly should be added to the appropriation.

It would enable Congress to understand the scientific and technological aspects of current and future legislative choices, be they in homeland security or national defense or medicine or telecommunications, agriculture, transportation, computer science. This is not just science for science's sake. This is to look at those scientific and technological aspects that are present in virtually everything we do here in Congress.

When the Office of Technology Assessment was operating until a decade ago, they produced studies in such areas as colorectal cancer screening, teachers in technology, Super Fund actions, wage record information system, defense of medicine and medical malpractice, grain dust explosion, policy with regard to antibiotic-resistant bacteria. The GAO in the last couple of years, picking up on this need that is currently unmet, has begun with some studies in the areas, for example, of biometrics, protecting against cyberattack. They have under way studies looking at smuggling of weapons of mass destruction and containing forest fires.

I do not think there is anyone in this body who could argue that we do not need to be well informed in such areas. Whether it is aviation safety or AIDS education or Alzheimer's disease or testing in American schools, we need technological assessment. This legislation, this amendment to this appropriations bill, would provide that through the organ of the General Accounting Office.

Because there has been resistance to reviving OTA, the Office of Technology Assessment, as it was, a number of us have been exploring other approaches, recognizing that every year that goes by without this capacity for in-house technological assessment represents lost opportunities, opportunities to save lives, to protect our towns and cities, and to commercialize new discoveries. This amendment will provide that.

Mr. Chairman, I yield 1 minute to the gentleman from Washington State (Mr. McDERMOTT).

Mr. McDERMOTT. Mr. Chairman, when I came to Congress a number of years ago, I served on the OTA with the gentleman from New York (Mr. HOUGHTON) and the bipartisan group that made the decisions. There were four Democrats, four Republicans from the Senate and the House. It was not a partisan committee. It was a committee set up to give us good advice.

A decision was made in 1994 to disband that, and we have since that point been really operating more on ideology I think sometimes than on real scientific bases. We need that. We appropriate billions of dollars on issues like treatment of AIDS and what are appropriate kinds of energy questions, and we have no knowledge except for the prejudices of one or another Member about what it is. It is very helpful to have a nonpartisan group to whom we can hand that problem to and say look, at this issue, tell us where we can make the best decisions.

And I commend the gentleman from New Jersey (Mr. HOLT) for doing this. I think that we need it, and it is time that we get back on a scientific footing in this Congress.

Virtually every issue facing America today has roots in science and technology.

From battling terrorism, to alternative fuels, from fighting HIV/AIDS, to stem cell research, not a day goes by that we don't rely on science and technology.

Yet, virtually every day, critical decisions involving science and technology are being made using a hodge-podge of data and opinion from well-intended groups. They often lack the resources and scientific expertise to provide the in-depth analysis we need.

There's nothing wrong with opinion, but it is not a substitute for empirical data and analysis.

We've got too much at stake as a nation to let things continue this way.

Congress needs credible data. The nation needs confidence that we are making decisions based on evidence and not conjecture.

Today the General Accounting Office provides independent, bi-partisan reports to Congress.

It's time science and technology gets the same level of attention.

The GAO is a great working model, so let's use it as the home for a Center for Science and Technical Assessment.

We can't hope we get it right when we make a decision.

There's far too much at stake to do anything but recognize we have a problem and a solution is at hand.

Mr. KINGSTON. Mr. Chairman, I rise in opposition to the amendment, and I yield myself such time as I may consume.

I want to certainly thank the gentleman from New Jersey for bringing this up, as he has spoken to me many times about it. However, I am unable to support it at this time, but I wanted to compliment him. I understand in his district there is a popular bumper sticker that says: "My congressman is a rocket scientist," and I think probably the gentleman from New Jersey (Mr. HOLT) and maybe the gentleman from Georgia (Mr. BURNS), who is our one member of the Fulbright Scholarship Alumni Association, have some of the greatest intellectual capacity of this body.

However, some background in terms of the Office of Technology Assessment. In 1995 on a bipartisan level, we eliminated it, and the belief at that time was that there were other committees that we could turn to to get technology studies and technology assessment. Some of these, for example, are the National Academy of Sciences, the National Academy of Engineering, the Institute of Medicine, and the National Research Council. All of them have hundreds of people who are technically educated. And then in addition to that, there are 3,273 people at the General Accounting Office and 729 at the Congressional Research Service. We have not suffered because of the loss of technology assessment. It is perhaps true that we could rearrange some of the food on the plate and make sure that it does not get shuffled to the back burner; but if my colleagues think about it, Mr. Chairman, we actually have thousands of people out there doing studies, and we just need to make sure that this does not fall through the cracks.

As a result of eliminating the Office of Technology Assessment, we have saved $274 million, which is serious money in tight budget times, and that is money that we can put into many other worthy causes; and, of course, that is what the debate is all about.

In terms of the specifics of the Holt amendment, it reduces the Architect's office $15 million and the printing office another $15 million; and the problem with that is in terms of the Architect, we are actually almost 13 percent below their budget request. If we did cut them an additional $15 million, it would be a 19 percent reduction, which would result in the RIF, or the reduction in force, of about 67 people, and this comes from the Architect's office; and it would slow down a number of the projects that they are working on. And goodness knows, one of the projects that we want to get finished as a committee is the Capitol Visitors Center. We want to get that done as quickly as possible. A reduction of 67 people could hurt making those deadlines.

In terms of the printing office, we have reduced this account by about 2 percent below last year's level. If we accept the Holt amendment, it would result in an additional cut of 17 percent. And these are things that have to be done anyhow, CONGRESSIONAL RECORDS, bills, resolutions, amendments, hearing volumes and reports and so forth; and that is what the printing office does with that.

So with those words, Mr. Chairman, I urge Members to reject the Holt amendment.

Mr. RUPPERSBERGER. Mr. Chairman, I rise in support of the Holt amendment to create the Center for Scientific and Technical Assessment.

In this day and age it is imperative that Members of Congress understand technology and the rapidly changing world of innovative advances. But what we really need is fair and balanced information to make those decisions.

This new initiative is a bipartisan office that will quickly respond to Congress and our inquiries into new technology. This office will provide Congress with the basic on how the technology works, how new technology integrates with current policy, how the new technology will affect business.

This office is vitally important because if Congress makes the wrong decision or advances the wrong technology we could set our country back a few years. We could hurt business and let our international competitors take over a technology sector. We could slow innovation and hurt what is still one of our greatest economic engines which is the research and development of new technology.

I ask my colleagues to support the Center for Scientific and Technical Assessment so that we are all educated when we make decisions on technology and technology policy.

I ask my colleagues to support the Holt amendment.

Mr. KINGSTON. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. HOLT).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HOLT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey (Mr. HOLT) will be postponed.

It is now in order to consider amendment No. 2 printed in House Report 108–590.

AMENDMENT NO. 2 OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. HEFLEY:

At the end of the bill (before the short title), insert the following new section:

SEC. ___. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 1 percent.

The CHAIRMAN. Pursuant to House Resolution 707, the gentleman from Colorado (Mr. HEFLEY) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Colorado (Mr. HEFLEY).

☐ 1845

Mr. HEFLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today, first of all, to congratulate the gentleman from Georgia (Chairman KINGSTON) and the ranking member, the gentleman from Virginia (Mr. MORAN), for crafting a bill that actually spends less money than it did last year. My amendment is not in any way intended to slight the chairman or ranking member. They are good friends and work hard at this, and they have done in many respects an excellent job. I know it is a difficult task to draft, and I want to express my appreciation for their hard work.

However, I am going to offer again, as I have on many of the other appropriations bills, an amendment to cut the bill by 1 percent. I know in committee how it works. In committee, it is difficult to get these bills out, and you have to get them out. So you make compromises, and you give a little here and you give a little there, and they usually come out, in my opinion, at least at a higher figure than is desirable if we are serious about trying to balance the budget.

So we do the best we can in committee and bring it to the floor, and I am asking for us to consider cutting one penny on every dollar so we can move towards that elusive idea of a balanced budget. If we would do just this 1 percent on each of the appropriations bills, it would have a tremendous impact on moving towards that balanced budget.

Mr. Chairman, I encourage an aye vote.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Who seeks time in opposition?

Mr. KINGSTON. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN. The gentleman from Georgia (Mr. KINGSTON) is recognized for 5 minutes.

Mr. KINGSTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to say to my friend from Colorado that, as he knows, I always appreciate his "let's go at it one more time and try to find some more money to reduce," and I have in the past supported a number of the Hefley amendments. This one, however, I find myself on the opposite side of and have to oppose.

The reason I have to oppose this, Mr. Chairman, is that we on the House control the House side. The Senate controls the Senate side. If we were to accept the Hefley amendment, this would tie one of our hands behind our back in terms of a level playing field with the Senate. This would result in a $10 million cut to the House.

One of the problems that we have as House Members is we often lose our staff to the Senate because they see bigger responsibility, bigger title, but most importantly, bigger salary, and we have to keep our salary levels up in order to maintain good people on the House side. That alone makes me say I think we have to hold off on this.

There are other reductions that would come from this bill, I think approximately $27 million total, so another $17 million would come out of the Architect and the Library of Congress and so forth. But we have already cut those from their requests, in many cases from their last year's funding level, and I am not sure we could get another $17 million out of there. If we could go back and find it, though, I would certainly support the Hefley amendment, but at this point we are not able to do so.

I want to point out one example. We are trying to privatize the power plant, which we think it would be a good thing in terms of streamlining the Office of the Architect. Things like that we are doing in the spirit of fiscal restraint, and we are going to continue on that pathway. But, unfortunately, at this time we have to reject his amendment.

Mr. Chairman, I yield the balance of my time to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I do rise in opposition to the amendment as well, although I share the very deep respect and warm regard for the author of the amendment.

I concede that 1 percent is not a whole lot of money in the scheme of things, but the fact is that your own chairman has very skillfully already cut the spending in this bill.

As was said, this bill is already $395 million below what was requested, so I think we want to acknowledge and almost reward the committees when they do cut below last year's level. Imagine, it is below last year's appropriation level, and the fact is that it is as low as we can go, because if it goes any more, even a 1 percent cut will trigger reductions in our workforce.

We are also told it would compromise our plans to upgrade security, and it would slow down or cancel investments to improve the effectiveness and efficiency of the legislative branch's operations.

It is based on two assumptions, which I think we are going to find are not entirely the case. One is that the large budget deficits in growth in Federal spending is the exclusive result of discretionary spending increases. That is not the case. And, two, that there is enough waste, fraud and abuse that a 1 percent cut could actually improve government efficiency. I think we are going to find that is not the case as well.

The fact is that discretionary spending is the one portion of the Federal budget that has grown the least and is subject to the greatest level of scrutiny and control by the Congress through our appropriations bills.

I have to say, we ought to be boasting about the fact that we have the most honest and professional public employee workforce in the world. I am proud of the people who toil long hours to serve our needs and ensure that this body operates efficiently and effectively. Any waste, fraud and abuse that exists is far more likely to be the result of conflicting, outdated or inconsistent Federal policies.

I cannot understand why we are spending taxpayer money on many other things that I would like us to look at, such as national roads and national forests. We encourage timber harvests and then cover the costs of the building of roads that do not necessarily have to be built and that cost the taxpayer a great deal of money. We have enormous agricultural support subsidies to any number of industries. In fact, there will be a number of programs in the next appropriations bill that we will consider, the agriculture bill, that we ought to look at, entitlement programs. But I do not think a 1 percent across-the-board cut to the workforce in the legislative branch is warranted at this time. I urge Members to reject the amendment.

Mr. HEFLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I cannot think of any two gentleman that I hate being on the opposite side of more than these two gentlemen, because they are so conscientious.

Let me say that I think there are ways that we can get at this 1 percent without doing all the damage that has been suggested. For instance, I have not used frank mailing in years. Maybe we do not need as big a frank mailing budget. I have never had my full complement of staff that they allow us to have. Maybe we do not need as many staff as they say we can have.

There are things like that that I think we could do to bring this budget down. I give several hundred thousand dollars each year back into the pot that I simply do not spend, because that is a budget that I can control. So if I mean what I say about balancing the budget, I feel I ought to try to control it. That has amounted to many millions of dollars over the time I have been here. So there are ways.

Mr. Chairman, I encourage an aye vote.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. HEFLEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HEFLEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 1 offered by the gentleman from New Jersey (Mr. HOLT); and Amendment No. 2 offered by the gentleman from Colorado (Mr. HEFLEY).

The Chair will reduce to 5 minutes the time for the second electronic vote.

AMENDMENT NO. 1 OFFERED BY HOLT

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. HOLT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 115, noes 252, not voting 66, as follows:

[Roll No. 359]

AYES—115

Ackerman
Allen
Baca
Baldwin
Becerra
Bereuter
Berkley
Berman
Bishop (NY)
Boswell
Boucher
Brown (OH)
Capps
Cardin
Cardoza
Case
Chandler
Clay
Clyburn
Cooper
Crowley
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Dingell
Doggett
Doyle
Edwards
Emanuel
Etheridge
Evans
Filner
Gonzalez
Gordon
Green (TX)
Greenwood
Grijalva
Harman
Hastings (FL)
Hill
Holt
Honda
Hooley (OR)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jones (OH)
Kanjorski
Kaptur
Kelly
Kind
Kleczka
Kucinich
Lampson
Larsen (WA)
Leach
Lewis (GA)
Lofgren
Lynch
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Michaud
Miller (NC)
Mollohan
Nadler
Napolitano
Neal (MA)
Olver
Pallone
Payne
Pelosi
Price (NC)
Rangel
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sandlin
Schakowsky
Schiff
Sherman
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stearns
Strickland
Stupak
Tauscher
Thompson (MS)
Udall (CO)
Udall (NM)
Velázquez
Watson
Watt
Weiner
Woolsey
Wu

NOES—252

Abercrombie
Aderholt
Akin
Alexander
Baird
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Berry
Biggert
Bilirakis
Bishop (GA)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Eshoo
Everett
Farr
Ferguson
Flake
Foley
Forbes
Ford
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hobson
Hoekstra
Holden
Hoyer
Hulshof
Hunter
Hyde
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Manzullo
Matsui
McCotter
McCrery
McHugh
McInnis
McKeon
Meek (FL)
Meeks (NY)
Mica
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Ose
Otter
Oxley
Pastor
Paul
Pearce
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiberi
Towns
Turner (OH)
Turner (TX)
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson (NM)
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—66

Andrews
Bachus
Baker
Bass
Bell
Bishop (UT)
Brown, Corrine
Burr
Burton (IN)
Capuano
Carson (IN)
Carson (OK)
Collins
Conyers
Delahunt
DeLauro
DeMint
Deutsch
Dicks
Dooley (CA)
Engel
Fattah
Feeney
Fossella
Frank (MA)
Garrett (NJ)
Gephardt
Goss
Gutierrez
Gutknecht
Hinchey
Hinojosa
Hoeffel
Hostettler
Houghton
Isakson
Johnson, E. B.
Keller
Lee
Lipinski
Majette
Maloney
Markey
Meehan
Menendez
Miller, George
Moore
Owens
Pascrell
Peterson (PA)
Quinn
Sabo
Sanders
Scott (VA)
Shays
Shuster
Skelton
Stark
Tiahrt
Tierney
Toomey
Vitter
Waxman
Wexler
Whitfield
Wilson (SC)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1916

Mrs. MYRICK, Ms. ROS-LEHTINEN and Mr. SMITH of Michigan changed their vote from "aye" to "no."

Mr. BOSWELL, Mr. MOLLOHAN and Ms. LINDA T. SÁNCHEZ of California changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. HEFLEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 87, noes 278, not voting 68, as follows:

[Roll No. 360]

AYES—87

Akin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bilirakis

Blackburn
Bradley (NH)
Brady (TX)
Brown-Waite, Ginny
Burgess
Buyer
Cannon
Chabot
Chocola
Coble
Cooper
Cox
Crane
Cubin
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
Diaz-Balart, M.
Doggett
Duncan
Edwards
Everett
Flake
Forbes
Franks (AZ)
Gibbons
Goode
Goodlatte
Graves
Green (TX)
Green (WI)
Hall
Hayes
Hayworth
Hefley
Hensarling
Herger
Hooley (OR)
Hulshof
Jenkins
Jones (NC)
Kennedy (MN)
King (IA)
Lampson
Lewis (KY)
LoBiondo
Marshall
McCotter
McInnis
Mica
Miller (FL)
Moran (KS)
Musgrave
Myrick
Neugebauer
Norwood
Otter
Paul
Pence
Petri
Pitts
Ramstad
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (MI)
Smith (WA)
Souder
Stearns
Stenholm
Tancredo
Tanner
Taylor (MS)
Wamp
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Serrano
Shaw
Sherman
Sherwood
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Solis
Spratt
Strickland
Stupak
Sullivan
Sweeney
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Waters
Watson
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—278

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Baca
Baird
Baldwin
Ballenger
Becerra
Bereuter
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown (SC)
Burns
Calvert
Camp
Cantor
Capito
Capps
Cardin
Cardoza
Carter
Case
Castle
Chandler
Clay
Clyburn
Cole
Costello
Cramer
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeGette
DeLay
Diaz-Balart, L.
Dingell
Doolittle
Doyle
Dreier
Dunn
Ehlers
Emanuel
Emerson
English
Eshoo
Etheridge
Evans
Farr
Ferguson
Filner
Foley
Ford
Frelinghuysen
Frost
Gallegly
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Gordon
Granger
Greenwood
Grijalva
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Herseth
Hill
Hobson
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Linder
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Pallone
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Pickering
Platts

NOT VOTING—68

Andrews
Bachus
Baker
Bass
Bell
Bishop (UT)
Brown, Corrine
Burr
Burton (IN)
Capuano
Carson (IN)
Carson (OK)
Collins
Conyers
Davis, Tom
Delahunt
DeLauro
DeMint
Deutsch
Dicks
Dooley (CA)
Engel
Fattah
Feeney
Fossella
Frank (MA)
Garrett (NJ)
Gephardt
Goss
Gutierrez
Gutknecht
Hinchey
Hinojosa
Hoeffel
Hostettler
Houghton
Isakson
Johnson, E. B.
Keller
King (NY)
Lee
Lipinski
Majette
Maloney
Markey
Meehan
Menendez
Miller, George
Moore
Owens
Oxley
Pascrell
Peterson (PA)
Quinn
Sabo
Sanders
Scott (VA)
Shays
Shuster
Stark
Tiahrt
Tierney
Toomey
Vitter
Waxman
Wexler
Whitfield
Wilson (SC)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1925

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. BASS. Mr. Chairman, owing to weather-caused flight delays, I was regrettably absent on Monday, July 12, 2004, and consequently missed recorded votes numbered 359 and 360. Had I been present, I would have voted "no" and "aye" respectively on these votes.

The CHAIRMAN. There being no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SHIMKUS) having assumed the chair, Mr. LINDER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4755) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2005, and for other purposes, pursuant to House Resolution 707, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. SHERMAN

Mr. SHERMAN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SHERMAN. I am, Mr. Speaker, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. SHERMAN moves to recommit the bill, H.R. 4755, to the Committee on Appropriations with instructions to report the bill promptly with an amendment prohibiting the use of funds for postage expenses of any single committee in an aggregate amount exceeding $25,000.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes in support of his motion.

Mr. SHERMAN. Mr. Speaker, under this motion, the bill would be amended so that we would have a $25,000 limit on the amount that any single committee would spend on postage during fiscal 2005.

Before I discuss why such a limit is necessary, I will enter two letters into the RECORD.

NATIONAL TAXPAYERS UNION,
Alexandria, VA, July 12, 2004.

Hon. BRAD SHERMAN,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN SHERMAN: On behalf of the 350,000-member National Taxpayers Union (NTU), I am responding to your request for NTU's views on a proposal to limit each Committee's expenditure on postage to the sum of no more than $25,000 per year.

Even as overall postage and printing expenditures have declined from the $100 million-plus levels once seen in Congresses 15 years ago, franking remains a source of fiscal and political interest to NTU. The already-generous limits governing the use of postage by House Members' personal offices were lifted in 1999, while new computer technologies have allowed lawmakers to maximize the impact of their mailings in ways that were not feasible as recently as ten years ago. Today, it is still possible for an incumbent House Member to spend as much on franking in a year as a challenger spends on his or her entire campaign. Rules regarding the content and proximity of mailings to elections only modestly offset this tremendous political advantage.

During our 15-year campaign on behalf of franking reform, NTU has focused on Member offices because they are the primary source of unsolicited mass mailings and associated expenditures. We were thus surprised to learn of a single Committee's FY 2005 postage request for $250,000 in the Legislative Branch Appropriations Bill.

NTU is greatly concerned over the prospect of any Committee in Congress receiving postage funding in these amounts, as it would mark a significant expansion of the franking privilege that had traditionally been utilized in large part by Member offices. Such concern is irrespective of the immediate policy issue at hand or the parties involved. If the House sets a budget precedent now, taxpayers will very shortly face the unwelcome prospect of tens of millions in addition franking expenditures in future Congresses. Equally important, Americans would be forced to contend with a new set of issues affecting the balance of the political process.

Years of efforts from groups like NTU and reformers within Congress have yielded an improved, yet imperfect, franking disclosure process. Despite instances of poor recordkeeping, inadequate disclosure, and overly-permissive rules, today constituents at least have limited access to basic franking information—giving them a chance to hold House Members politically accountable for the unsolicited mass mailings they send into their districts at taxpayer expense. Allowing such a practice at the Committee level, where ties between Members and constituents are less direct, would undermine even this limited progress.

It is especially galling that Congress would even consider an additional taxpayer-financed expansion of the franking privilege under the current fiscal and political circumstances. Amidst FY 2005 budget deficit estimates approaching $400 billion, and a campaign finance law that further hamstrings political challengers, allowing such a huge postage funding request for any Committee will further reinforce Congress's reputation as an institution incapable of self-restraint.

Given the historic patterns of Committee expenditures, a $25,000 annual limit on postage for each Committee is more than adequate for any legitimate communication needs. Seemingly minor budget requests such as the one before Congress now can have major consequences for taxpayers in the not-too-distant future. For this reason alone, the House of Representatives can and should restrict Committee postage expenditures—and a $25,000 annual limit is a reasonable first step.

Please feel free to contact me should you have any additional questions regarding our position.

Sincerely,

PETE SEPP,
Vice President for Communications.

COUNCIL FOR CITIZENS
AGAINST GOVERNMENT WASTE,
Washington, DC, July 12, 2004.

Representative BRAD SHERMAN,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE SHERMAN: The more than one million members and supporters of the Council for Citizens Against Government Waste would like to express their appreciation for your cost-saving effort to limit each Committee to spending $25,000 a year on postage.

Sincerely,

THOMAS SCHATZ,
President.

I will quote them in part. The first is from the National Taxpayers Union, and it states in part, "The House of Representatives can and should restrict committee postage expenditures, and a $25,000 limit is a reasonable first step."

The second states, on behalf of the 1 million members of Citizens Against Government Waste, that they would like to express their appreciation to me for my cost-saving efforts to limit each committee to spending $25,000 and no more per year on postage.

This is the first time that any of my legislative proposals have been endorsed by both the National Taxpayers Union and Citizens Against Government Waste.

Mr. Speaker, I hope that does not count against my time, but it is so nice to be applauded by my colleagues on that side of the aisle.

Mr. Speaker, in the history of this House, as far as I can determine, no committee up until the 108th Congress ever found it necessary to even spend $10,000 on postage.

In the 107th Congress, the committee that spent the most on postage spent an average of $7,000 a year during the 2 years of the 107th Congress.

In the 108th Congress, a new philosophy was born. That philosophy caused one authorizing committee to seek $500,000 just for postage just for the 108th Congress. That was $250,000 a year. That request represented a 4,445 percent increase over what that committee had requested for the 107th Congress. The Committee on House Administration allowed that committee only $50,000 a year, only $100,000 for postage.

□ 1930

But we are not talking about prior fiscal years. If we do not change this bill, committees will be asking for half a million dollars a year again, and in a few years it will be commonplace for individual committee Chairs to have half a million, a million, several million dollars of postage. And an equal amount for printing in political slush fund that they can use to mail into Members' districts, hit pieces or praise pieces. It is just around the corner. And we will hear from the gentleman or gentlewoman who rises against this motion that maybe it is a good thing and maybe this House should determine that it is a good thing that each committee Chair controls millions of dollars and sends out mail, perhaps justified by field hearing programs, without a field hearing, but either way with attacks or praise for individual Members mailing into their districts.

Now, this one committee on just one day in December spent $49,587 on postage and another $40,732 printing up the material that was to be mailed.

Now, when I say this bill is about the future and people on this side of the aisle need to hear this, this motion affects the 2005 fiscal year. It restricts Chairs; and when I talk about 2005, I mean Democratic Chairs, or perhaps Republican. Either way it is important that the Chairs of either party not be tempted to spend hundreds of thousands of dollars punishing or rewarding individual members of their committee. This is especially important because the House rules are not clear, and it is possible that you can send out committee mailings right until election day.

Now, how is this different than Member mailings? Mr. Speaker, when a Member mails to his or her own district, the recipients of that mail can punish the Member if they think that sending that mail is a waste of government resources. When a Chair mails into some district that is not his or her own, there are not ways to hold that Chair accountable.

This is the one chance we have in this House to vote to draw the line. We can think of some perfect world where we have an authorizing bill where we can vote. We will not have this chance. Do not fool yourselves. You can open Pandora's box by defeating this. You can open Pandora's box to a day when committee Chairs have hundreds and thousands and millions of dollars to spend on postage attacking individual Members, or you can vote for this motion and draw the line now.

The SPEAKER pro tempore (Mr. SHIMKUS). Does the gentleman from Georgia (Mr. KINGSTON) oppose the motion?

Mr. KINGSTON. Yes, I do.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. KINGSTON) is recognized for 5 minutes in opposition to the motion.

Mr. KINGSTON. Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. POMBO).

Mr. POMBO. Mr. Speaker, I could take the entire 2½ minutes allotted to me to try to correct all of the facts that the gentleman from California (Mr. SHERMAN) just put out over the last week or so here. Unfortunately, 2½ minutes is not enough time to do that, so I would like to get to the substance of what his amendment is trying to do.

Earlier in the debate, the gentleman from California (Mr. SHERMAN) said that this was a new day in politics for committees to begin to frank. And committees have franked before, but I hope it is a new day. I hope it is a new era that we are entering into because when I took over as chairman of the Committee on Resources, one of the things that I did commit to was getting Members of Congress outside the Beltway, out across the country to listen to people that are affected by the laws that we pass in this House.

As a result of that, we have held 41 field hearings on the Committee on Resources. And members of my committee, Democrats and Republicans alike, have gone all over this country from Maryland to California, from Florida to Washington to listen to the people that were impacted by the issues that are under our committee. And, yes, we have franked.

We have gone into areas and said we are holding the field hearing in this region and we have told people that we are coming and we are going to be there. Now, the gentleman from California (Mr. SHERMAN) said earlier in the debate that if it was an interesting enough hearing that the press should be able to cover that and we should not have to frank. And I found that quite interesting coming from him, seeing that last year he sent out 12 notices telling people he was having town hall meetings in his district. So if they were interesting enough, you would not have had to do that.

Well, quite frankly, sometimes it is in the best interest of good government to tell people that you are having a field hearing and you are going out there.

One of the things that the gentleman from California (Mr. SHERMAN) has intimated over and over and over in this debate over the last week was that this was partisan. We sent out pieces in the Democrat districts, in the Republican districts. Everything we sent out had all of the names of the members of the Committee on Resources on it. It was done in a bipartisan fashion.

One of the things that we have tried to do on this committee is to work in a bipartisan fashion. And with the gentleman from West Virginia (Mr. RAHALL) and myself, we have accomplished that over the last 2 years. And to have you come in and try to do this, I think, is absolutely ridiculous. This is something we should be doing. Vote against the motion to recommit.

Mr. KINGSTON. Mr. Speaker, I yield 2½ minutes to the gentleman from Ohio (Mr. NEY).

Mr. NEY. Mr. Speaker, let me make it clear, first of all, because we have heard the half a million dollar figure bandied about a couple times now. The gentleman from California (Mr. POMBO) never asked me for half a million dollars.

Now, I can produce today about nine to 10 different sheets that we have had over the last 4 years in House administration of people asking for all types of money, minority and majority. So the half a million dollar figure is absolutely erroneous. And to actually stand here today and think that House Administration would be able to produce a half a million per committee in the future is also ridiculous. And I also think the gentleman does not want to start to talk about the history of spending in House Administration in this House, especially in the last 9 years when we, in fact, have pared down hundreds and hundreds of staff and cut one-third of the size of this House, in fact.

So I do not think you want to get into today the spending history. But let me make it clear. The gentleman from California (Mr. POMBO) followed the rules to the T. This was bipartisan. This was mailed out for Democrats. This was mailed out for Republicans.

Another statement today that is incorrect, I am sure the gentleman did it in error, is about the fact of limits, Members in this House are unlimited in how much they would spend. Your 70-some mailers in the last 2 years, you are unlimited, and that is your choice; and I do not today disparage you for mailing those. That is a Member's choice.

As far as the committee affects the entire United States, they have every right, every right to communicate in today's society. These were bipartisan. This was bipartisanly approved by House Administration. The gentleman from California (Mr. POMBO) followed this to the T. But I can assure you, House Administration has been responsible with the last ranking member to the current ranking member, and I am sure it is going to be responsible in the future. There is absolutely no way there is going to be millions of dollars of accounts. That is a type of fear spreading that simply will not occur. But I will close.

I respect the gentleman's tenacity. And also, it was a pleasure to be here in the pinnacle of your year when you got the National Taxpayers Union because I am sure it is the last time I will see it.

Mr. KINGSTON. Mr. Speaker, I urge a "no" vote on this, and I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. SHERMAN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clauses 8 and 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes as ordered on the question of passage and the Speaker's approval of the Journal.

The vote was taken by electronic device, and there were—ayes 163, noes 205, not voting 65, as follows:

[Roll No. 361]

AYES—163

Ackerman
Alexander
Allen
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Capps
Cardin
Chandler
Clay
Clyburn
Coble
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Doggett
Doyle
Edwards
Emanuel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Hastings (FL)
Hefley
Herseth
Hill
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sandlin
Schakowsky
Schiff
Scott (GA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Weiner
Woolsey
Wu
Wynn

NOES—205

Abercrombie
Aderholt
Akin
Baca
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carter
Case
Castle
Chabot
Chocola
Cole
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Greenwood
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Hyde
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Pastor
Pearce
Pence
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce

Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiberi
Turner (OH)
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson (NM)
Wolf
Young (AK)

NOT VOTING—65

Andrews
Bachus
Baker
Bell
Bishop (UT)
Brown, Corrine
Burr
Burton (IN)
Capuano
Carson (IN)
Carson (OK)
Collins
Conyers
Davis, Tom
Delahunt
DeLauro
DeMint
Deutsch
Dicks
Dooley (CA)
Engel
Fattah
Fossella
Frank (MA)
Garrett (NJ)
Gephardt
Goss
Gutierrez
Gutknecht
Harman
Hinchey
Hinojosa
Hoeffel
Hostettler
Houghton
Isakson
Johnson, E. B.
King (NY)
Lee
Majette
Maloney
Markey
Meehan
Menendez
Miller, George
Owens
Oxley
Pascrell
Peterson (PA)
Quinn
Sabo
Sanders
Scott (VA)
Shays
Shuster
Stark
Tiahrt
Tierney
Toomey
Vitter
Waxman
Wexler
Whitfield
Wilson (SC)
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS) (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1959

So the motion was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 327, nays 43, not voting 63, as follows:

[Roll No. 362]

YEAS—327

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Baird
Baldwin
Ballenger
Barrett (SC)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Cole
Cooper
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Deal (GA)
DeFazio
DeGette
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Foley
Ford
Frelinghuysen
Frost
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goodlatte
Gordon
Granger
Greenwood
Grijalva
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth
Hill
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hoyer
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kilpatrick
King (IA)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Olver
Ortiz
Osborne
Ose
Pallone
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sánchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stenholm
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson (NM)
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—43

Bartlett (MD)
Berry
Coble
Costello
Davis, Jo Ann
Doggett
Duncan
Flake
Forbes
Franks (AZ)
Goode
Graves
Green (TX)
Green (WI)
Hayworth
Hefley
Hensarling
Hulshof
Jones (NC)
Kennedy (MN)
Kildee
Kind
LoBiondo
Lofgren
Matheson
McCollum
Miller (FL)
Moore
Neugebauer
Obey
Otter
Paul
Petri
Royce
Sensenbrenner
Sherman
Slaughter
Smith (MI)
Souder
Stearns
Stupak
Taylor (MS)
Wu

NOT VOTING—63

Andrews
Bachus
Baker
Bell
Bishop (UT)
Brown, Corrine
Burr
Burton (IN)
Capuano
Carson (IN)
Carson (OK)
Collins
Conyers
Davis, Tom
Delahunt
DeLauro
DeMint
Deutsch
Dicks
Dooley (CA)
Engel
Fattah
Fossella
Frank (MA)
Garrett (NJ)
Gephardt
Goss
Gutierrez
Gutknecht
Hinchey
Hinojosa
Hoeffel
Hostettler
Houghton
Isakson
Johnson, E. B.
King (NY)
Lee
Lewis (CA)
Majette
Maloney
Markey
Meehan
Menendez
Miller, George
Owens
Oxley
Pascrell
Peterson (PA)
Quinn
Sabo
Sanders
Shays
Shuster
Stark
Tiahrt
Tierney
Toomey
Vitter
Waxman
Wexler
Whitfield
Wilson (SC)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS) (during the vote). There are 2 minutes remaining in this vote.

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Mr. JONES of North Carolina changed his vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BURTON of Indiana. Mr. Speaker, due to inclement weather in Indiana, I was regrettably delayed in my return to Washington, DC and therefore unable to be on the House Floor for rollcall votes 359, 360, 361 and 362. Had I been here I would have voted "no" for rollcall vote 359, "aye" for rollcall vote 360, "no" for rollcall vote 361, and "aye" for rollcall vote 362.

PERSONAL EXPLANATION

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, unfortunately, I missed four votes in the House of Representatives on July 12, 2004. Had I been in attendance I would have made the following votes:

Vote on the Holt amendment to H.R. 4755—Legislative Branch Appropriations Act for FY05. Had I been in attendance, I would have vote "aye."

Vote on the Hefley amendment to H.R. 4755—Legislative Branch Appropriations Act for FY05. Had I been in attendance, I would have voted "no."

Vote on the Motion to Recommit—4755—Legislative Branch Appropriations Act for FY05. Had I been in attendance, I would have vote "aye."

Vote on passage of H.R. 4755—Legislative Branch Appropriations Act for FY05. Had I been in attendance, I would have vote "aye."

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

Pursuant to clause 1, rule I, the Journal stands approved.

PERSONAL EXPLANATION

Mr. GREEN of Texas. Mr. Speaker, on July 9, 2004, I was unable to be present for the following votes. Had I been present, I would have voted as follows:

On rollcall 348, to table the appeal of the ruling of the Chair, I would have voted nay;

On rollcall 349, on the motion to adjourn, I would have voted nay;

On rollcall 350, on ordering the previous question, I would have voted nay;

On rollcall 351, on agreeing to House Resolution 711, I would have voted yea;

On rollcall 352, on tabling the motion to reconsider, I would have voted nay;

On rollcall 353, on the motion to adjourn, I would have voted nay;

On rollcall 354, on the motion to recommit with instructions, I would have voted nay;

On rollcall 355, on agreeing to the Gordon amendment, I would have voted yea;

On rollcall 356, on agreeing to the Jackson-Lee amendment, I would have voted yea;

On rollcall 357, on agreeing to the Larson amendment, I would have voted yea;

On rollcall 358, on the motion to recommit with instructions, I would have voted yea.

GENERAL LEAVE

Mr. BONILLA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill (H.R. 4766) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2005, and for other purposes, and that I may include tabular and other extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

The SPEAKER pro tempore. Pursuant to House Resolution 710 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4766.

The Chair designates the gentleman from New Hampshire (Mr. BASS) as Chairman of the Committee of the Whole, and requests the gentleman from Nebraska (Mr. TERRY) assume the chair temporarily.

□ 2006

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4766) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2005, and for other purposes, with Mr. TERRY (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Texas (Mr. BONILLA) and the gentlewoman from Ohio (Ms. KAPTUR) each will control 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. BONILLA).

Mr. BONILLA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am very proud to present the agriculture appropriation bill to the full House tonight. It is a bill that we are proud of. It is a product of a bipartisan effort that we have had on our subcommittee and our full committee. The subcommittee that produces this bill has a history of working in a bipartisan way and always trying to include the input of every member of the subcommittee on an annual basis.

This is a subcommittee that had to entertain over 2,100 individual requests for items to be included in this bill, and we did the best we could. This year, we had an unusual constraint, and that is a tighter budget, a more fiscally responsible budget that has forced us to appropriately present a bill that is $67 million less than it was last year. And I might point out that the bill we did last year was below the previous year as well.

So fiscal conservatives should be proud of this product as well, and those who support agriculture issues in this country should be proud. Agriculture research, Food and Drug Administration, there are so many parts to this bill that affect so many people in this country. This bill, of course, also funds the Food Stamp program, the Women, Infants and Children program, we fund Food Safety, and the list goes on and on.

We have a very good subcommittee, and I mention them on a regular basis, but I would like to take the opportunity tonight to mention some of the people behind the scenes that do the grunt work day in and day out, oftentimes when Members of Congress are back in their congressional districts meeting with constituents and spending time with family. They are the ones back here going through every line item and looking for every opportunity to make this bill a good bill, which is what we are presenting here this evening.

Martha Foley, of the minority staff, is someone we work with in good faith, and she does a great job for us every day; Maureen Holohan, Leslie Barrack, and Joanne Perdue of the majority staff. We also had two detailees helping us this year, Tom O'Brien and Mike Gregoire. And then, of course, I would like to single out the clerk, Martin Delgado, who is clerking for the first time for this subcommittee and doing an outstanding job.

Mr. Chairman, the Subcommittee began work on this bill with the submission of the President's Budget on February 2nd. We had ten public hearings beginning on February 25th, and we completed our hearings on March 25th. The transcripts of these hearings, the Administration's official statements, the detailed budget requests, several thousand questions for the record, and the statements of Members and the public are contained in eight hearing volumes that are all printed.

The Subcommittee and Full Committee marked up the bill on June 14th and June 23rd, respectively. I can confirm to you that the interest in this bill is completely bipartisan. However, I would point out that my own support for a member's needs independent on that member's support of the Committee in general, and of this bill in particular.

Mr. Chairman, you may hear a lot of talk today about funding items that are not in this bill, or accounts that may be a little short, but I can assure you and the members of this body that given the allocation we had, that this is a fair, and fiscally-responsible bill.

This bill has increases over fiscal year 2004 in some cases, or over the budget request in others, for programs that have always enjoyed strong bipartisan support. Those increases include:

Agricultural Research Service, $69 million above the request;

Animal and Plant Health Inspection Service, $92 million above last year, but $20 million below the request;

Food Safety and Inspection Service, $45 million above last year;

Farm Service Agency, $25 million above last year;

Natural Resources Conservation Service, $34 million below last year, but $84 million above the request;

Rural Community Advancement Program, $86 million below last year, but $125 million above the request;

For the Women, Infants, and Children program the bill is $295 million above last year, and $120 million above the request;

Food and Drug Administration, $84 million over last year, and $32 million below the request.

Mr. Chairman and Members of the Committee, we refer to this bill as the agriculture bill, but it goes farther than assisting basic agriculture. It also supports rural and economic development, human nutrition, agricultural exports, land conservation, as well as food, drug, and medical safety. This bill will deliver benefits to every one of your constituents every day, no matter what kind of district you represent.

I would say to all Members that they can support this bill and tell all of their constituents that they voted to improve their lives while maintaining fiscal responsibility.

The bill is a bipartisan product with a lot of hard work and input from both sides of the aisle. I would like to thank the gentleman from Florida (Chairman YOUNG), and the gentleman from Wisconsin (Mr. OBEY), who serve as the distinguished chairman and ranking member of the Committee on Appropriations. I would also like to thank all my subcommittee colleagues: the gentleman from New York (Mr. WALSH); the gentleman from Georgia (Mr. KINGSTON); the gentleman from Washington (Mr. NETHERCUTT); the gentleman from Iowa (Mr. LATHAM); the gentlewoman from Missouri (Mrs. EMERSON); the gentleman from Virginia (Mr. GOODE); the gentleman from Illinois (Mr. LAHOOD); the gentlewoman from Connecticut (Ms. DELAURO); the gentleman from New York (Mr. HINCHEY); the gentleman from California (Mr. FARR); and the gentleman from Florida (Mr. BOYD).

I also want to thank the gentlewoman from Ohio (Ms. KAPTUR), the distinguished ranking member of the subcommittee, for all her good work on this bill this year and the years in the past.

Mr. Chairman, I am submitting for the RECORD at this point tabular material relating to the bill.

AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS (H.R. 4766)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - AGRICULTURAL PROGRAMS					
Production, Processing, and Marketing					
Office of the Secretary	5,062	5,185	5,185	+123	---
Executive Operations:					
Chief Economist	8,656	14,949	10,810	+2,154	-4,139
National Appeals Division	13,589	14,826	14,526	+937	-300
Office of Budget and Program Analysis	7,694	8,146	8,246	+552	+100
Homeland Security staff	496	1,491	508	+12	-983
Office of the Chief Information Officer	15,402	22,093	15,608	+206	-6,485
Common computing environment	118,585	136,736	120,957	+2,372	-15,779
Office of the Chief Financial Officer	5,650	8,063	5,811	+161	-2,252
Working capital fund	---	12,850	12,850	+12,850	---
Total, Executive Operations	170,072	219,154	189,316	+19,244	-29,838
Office of the Assistant Secretary for Civil Rights	803	819	803	---	-16
Office of Civil Rights	18,123	22,283	19,452	+1,329	-2,831
Office of the Assistant Secretary for Administration	669	808	669	---	-139
Agriculture buildings and facilities and rental payments	(155,546)	(203,938)	(165,883)	(+10,337)	(-38,055)
Payments to GSA	123,179	128,319	128,319	+5,140	---
Building operations and maintenance	32,367	41,642	35,564	+3,197	-6,078
Repairs, renovations, and construction	---	33,977	2,000	+2,000	-31,977
Hazardous materials management	15,519	15,730	15,730	+211	---
Departmental administration	22,119	26,361	22,939	+820	-3,422
Office of the Assistant Secretary for Congressional Relations	3,774	4,263	3,852	+78	-411
Office of Communications	9,174	10,288	9,378	+204	-910
Office of the Inspector General	76,825	78,392	78,392	+1,567	---
Office of the General Counsel	34,495	38,589	35,486	+991	-3,103
Office of the Under Secretary for Research, Education, and Economics	592	805	592	---	-213
Economic Research Service	70,981	80,032	76,575	+5,594	-3,457
National Agricultural Statistics Service	128,161	137,594	128,661	+500	-8,933
Census of Agriculture	(25,279)	(22,520)	(22,520)	(-2,759)	---
Agricultural Research Service:					
Salaries and expenses	1,082,468	987,597	1,057,029	-25,439	+69,432
Buildings and facilities	63,434	178,000	202,000	+138,566	+24,000
Total, Agricultural Research Service	1,145,902	1,165,597	1,259,029	+113,127	+93,432
Cooperative State Research, Education, and Extension Service:					
Research and education activities	617,780	501,540	628,607	+10,827	+127,067
Native American Institutions Endowment Fund	(9,000)	(12,000)	(12,000)	(+3,000)	---
Extension activities	439,125	421,174	440,349	+1,224	+19,175
Integrated activities	50,195	76,865	66,255	+16,060	-10,610
Outreach for socially disadvantaged farmers	5,935	5,935	5,935	---	---
Total, Cooperative State Research, Education, and Extension Service	1,113,035	1,005,514	1,141,146	+28,111	+135,632
Office of the Under Secretary for Marketing and Regulatory Programs	721	804	721	---	-83
Animal and Plant Health Inspection Service:					
Salaries and expenses	716,329	828,361	808,823	+92,494	-19,538
Buildings and facilities	4,967	4,996	4,996	+29	---
Total, Animal and Plant Health Inspection Service	721,296	833,357	813,819	+92,523	-19,538

AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS (H.R. 4766)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
Agricultural Marketing Service:					
Marketing Services	74,985	85,998	75,892	+907	-10,106
Standardization user fees	(5,000)	(5,000)	(5,000)	---	---
(Limitation on administrative expenses, from fees collected)	(62,577)	(64,459)	(64,459)	(+1,882)	---
Funds for strengthening markets, income, and supply (transfer from section 32)	15,392	15,800	15,800	+408	---
Payments to states and possessions	3,318	1,347	1,347	-1,971	---
Total, Agricultural Marketing Service	93,695	103,145	93,039	-656	-10,106
Grain Inspection, Packers and Stockyards Administration:					
Salaries and expenses	35,678	44,150	37,540	+1,862	-6,610
Limitation on inspection and weighing services	(42,463)	(42,463)	(42,463)	---	---
Office of the Under Secretary for Food Safety	595	803	595	---	-208
Food Safety and Inspection Service	779,882	838,660	824,746	+44,864	-13,914
Lab accreditation fees	(1,000)	(1,000)	(1,000)	---	---
Total, Production, Processing, and Marketing	4,602,719	4,836,271	4,923,548	+320,829	+87,277
Farm Assistance Programs					
Office of the Under Secretary for Farm and Foreign Agricultural Services	631	933	631	---	-302
Farm Service Agency:					
Salaries and expenses	982,934	1,007,877	1,007,597	+24,663	-280
(Transfer from export loans)	(841)	(1,033)	(1,033)	(+192)	---
(Transfer from P.L. 480)	(1,053)	(3,119)	(1,269)	(+216)	(-1,850)
(Transfer from ACIF)	(281,350)	(305,011)	(289,445)	(+8,095)	(-15,566)
Subtotal, transfers from program accounts	(283,244)	(309,163)	(291,747)	(+8,503)	(-17,416)
Total, Salaries and expenses	(1,266,178)	(1,317,040)	(1,299,344)	(+33,166)	(-17,696)
State mediation grants	3,951	4,000	4,000	+49	---
Dairy indemnity program	100	100	100	---	---
Subtotal, Farm Service Agency	986,985	1,011,977	1,011,697	+24,712	-280
Agricultural Credit Insurance Fund Program Account:					
Loan authorizations:					
Farm ownership loans:					
Direct	(128,396)	(200,000)	(200,000)	(+71,604)	---
Guaranteed	(944,395)	(1,400,000)	(1,400,000)	(+455,605)	---
Subtotal	(1,072,791)	(1,600,000)	(1,600,000)	(+527,209)	---
Farm operating loans:					
Direct	(613,860)	(650,000)	(650,000)	(+36,140)	---
Unsubsidized guaranteed	(1,192,920)	(1,200,000)	(1,200,000)	(+7,080)	---
Subsidized guaranteed	(264,678)	(266,253)	(266,253)	(+1,575)	---
Subtotal	(2,071,458)	(2,116,253)	(2,116,253)	(+44,795)	---
Indian tribe land acquisition loans	(2,000)	(2,000)	(2,000)	---	---
Natural disasters emergency insured loans	---	(25,000)	---	---	(-25,000)
Boll weevil eradication loans	(100,000)	(60,000)	(100,000)	---	(+40,000)
Total, Loan authorizations	(3,246,249)	(3,803,253)	(3,818;253)	(+572,004)	(+15,000)

AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS (H.R. 4766)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
Loan subsidies:					
Farm ownership loans:					
Direct	28,350	10,700	10,700	-17,650	---
Guaranteed	5,100	7,420	7,420	+2,320	---
Subtotal	33,450	18,120	18,120	-15,330	---
Farm operating loans:					
Direct	88,519	65,585	65,585	-22,934	---
Unsubsidized guaranteed	39,724	38,760	38,760	-964	---
Subsidized guaranteed	33,799	35,438	35,438	+1,639	---
Subtotal	162,042	139,783	139,783	-22,259	---
Indian tribe land acquisition	---	105	105	+105	---
Natural disasters emergency insured loans	---	3,235	---	---	-3,235
Total, Loan subsidies	195,492	161,243	158,008	-37,484	-3,235
ACIF expenses:					
Salaries and expense (transfer to FSA)	281,350	305,011	289,445	+8,095	-15,566
Administrative expenses	7,901	8,000	8,000	+99	---
Total, ACIF expenses	289,251	313,011	297,445	+8,194	-15,566
Total, Agricultural Credit Insurance Fund	484,743	474,254	455,453	-29,290	-18,801
(Loan authorization)	(3,246,249)	(3,803,253)	(3,818,253)	(+572,004)	(+15,000)
Total, Farm Service Agency	1,471,728	1,486,231	1,467,150	-4,578	-19,081
Risk Management Agency	71,001	91,582	72,044	+1,043	-19,538
Total, Farm Assistance Programs	1,543,360	1,578,746	1,539,825	-3,535	-38,921
Corporations					
Federal Crop Insurance Corporation:					
Federal crop insurance corporation fund	3,765,000	4,095,128	4,095,128	+330,128	---
Commodity Credit Corporation Fund:					
Reimbursement for net realized losses	22,937,000	16,452,377	16,452,377	-6,484,623	---
Hazardous waste management (limitation on expenses)	(5,000)	(5,000)	(5,000)	---	---
Total, Corporations	26,702,000	20,547,505	20,547,505	-6,154,495	---
Total, title I, Agricultural Programs	32,848,079	26,962,522	27,010,878	-5,837,201	+48,356
(By transfer)	(283,244)	(309,163)	(291,747)	(+8,503)	(-17,416)
(Loan authorization)	(3,246,249)	(3,803,253)	(3,818,253)	(+572,004)	(+15,000)
(Limitation on administrative expenses)	(110,040)	(111,922)	(111,922)	(+1,882)	---

AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS (H.R. 4766)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE II - CONSERVATION PROGRAMS					
Office of the Under Secretary for Natural Resources and Environment	741	936	731	-10	-205
Natural Resources Conservation Service:					
Conservation operations	847,971	710,412	813,673	-34,298	+103,261
Watershed surveys and planning	10,500	5,083	11,083	+583	+6,000
Watershed and flood prevention operations	86,487	40,173	86,487	---	+46,314
Watershed rehabilitation program	29,629	10,091	30,091	+462	+20,000
Resource conservation and development	51,641	50,760	51,641	---	+881
Farm bill technical assistance	---	92,024	---	---	-92,024
Total, Natural Resources Conservation Service	1,026,228	908,543	992,975	-33,253	+84,432
Total, title II, Conservation Programs	1,026,969	909,479	993,706	-33,263	+84,227
TITLE III - RURAL DEVELOPMENT PROGRAMS					
Office of the Under Secretary for Rural Development	632	929	632	---	-297
Rural Development:					
Rural community advancement program	752,956	541,979	667,408	-85,548	+125,429
Tree assistance (sec. 747)	---	---	---	---	---
(Transfer out)	(-28,000)	---	---	(+28,000)	---
Total, Rural community advancement program	752,956	541,979	667,408	-85,548	+125,429
RD expenses:					
Salaries and expenses	141,032	149,749	143,625	+2,593	-6,124
(Transfer from RHIF)	(440,687)	(465,886)	(448,889)	(+8,202)	(-16,997)
(Transfer from RDLFP)	(4,247)	(6,656)	(4,321)	(+74)	(-2,335)
(Transfer from RETLP)	(37,630)	(39,933)	(38,323)	(+693)	(-1,610)
(Transfer from RTB)	(3,152)	(3,328)	(3,152)	---	(-176)
Subtotal, Transfers from program accounts	(485,716)	(515,803)	(494,685)	(+8,969)	(-21,118)
Total, RD expenses	(626,748)	(665,552)	(638,310)	(+11,562)	(-27,242)
Total, Rural Development	893,988	691,728	811,033	-82,955	+119,305
Rural Housing Service:					
Rural Housing Insurance Fund Program Account:					
Loan authorizations:					
Single family direct (sec. 502)	(1,351,397)	(1,100,000)	(1,100,000)	(-251,397)	---
Unsubsidized guaranteed	(2,709,094)	(2,725,185)	(3,309,297)	(+600,203)	(+584,112)
Subtotal, Single family	(4,060,491)	(3,825,185)	(4,409,297)	(+348,806)	(+584,112)
Housing repair (sec. 504)	(34,797)	(35,000)	(35,000)	(+203)	---
Rental housing (sec. 515)	(115,857)	(60,000)	(116,063)	(+206)	(+56,063)
Site loans (sec. 524)	(5,045)	(5,045)	(5,045)	---	---
Multi-family housing guarantees (sec. 538)	(99,410)	(100,000)	(100,000)	(+590)	---
Multi-family housing credit sales	(1,491)	(1,501)	(1,501)	(+10)	---
Single family housing credit sales	(10,000)	(10,000)	(10,000)	---	---
Self-help housing land develop. (sec. 523)	(2,421)	(5,000)	(10,000)	(+7,579)	(+5,000)
Total, Loan authorizations	(4,329,512)	(4,041,731)	(4,686,906)	(+357,394)	(+645,175)

AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS (H.R. 4766)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
Loan subsidies:					
Single family direct (sec. 502)	125,274	127,380	127,380	+2,106	---
Unsubsidized guaranteed	39,668	33,608	33,608	-6,060	---
Subtotal, Single family	164,942	160,988	160,988	-3,954	---
Housing repair (sec. 504)	9,555	10,171	10,171	+616	---
Rental housing (sec. 515)	49,830	28,254	54,654	+4,824	+26,400
Site loans (sec. 524)	---	---	---	---	---
Multi-family housing guarantees (sec. 538)	5,915	3,490	3,490	-2,425	---
Multi-family housing credit sales	659	727	727	+68	---
Single family housing credit sales	---	---	---	---	---
Self-help housing land develop. (sec. 523)	75	---	---	-75	---
Total, Loan subsidies	230,976	203,630	230,030	-946	+26,400
RHIF administrative expenses (transfer to RD)	440,687	465,886	448,889	+8,202	-16,997
Rental assistance program:					
(Sec. 521)	574,689	586,100	586,100	+11,411	---
(Sec. 502(c)(5)(D))	5,865	5,900	5,900	+35	---
Total, Rental assistance program	580,554	592,000	592,000	+11,446	---
Total, Rural Housing Insurance Fund	1,252,217	1,261,516	1,270,919	+18,702	+9,403
(Loan authorization)	(4,329,512)	(4,041,731)	(4,686,906)	(+357,394)	(+645,175)
Mutual and self-help housing grants	33,799	34,000	34,000	+201	---
Rural housing assistance grants	45,949	42,500	42,500	-3,449	---
Farm labor program account	36,093	36,765	36,765	+672	---
Subtotal, grants and payments	115,841	113,265	113,265	-2,576	---
Total, Rural Housing Service	1,368,058	1,374,781	1,384,184	+16,126	+9,403
(Loan authorization)	(4,329,512)	(4,041,731)	(4,686,906)	(+357,394)	(+645,175)
Rural Business-Cooperative Service:					
Rural Development Loan Fund Program Account:					
(Loan authorization)	(39,764)	(34,213)	(34,213)	(-5,551)	---
Loan subsidy	17,206	15,868	15,868	-1,338	---
Administrative expenses (transfer to RD)	4,247	6,656	4,321	+74	-2,335
Total, Rural Development Loan Fund	21,453	22,524	20,189	-1,264	-2,335
Rural Economic Development Loans Program Account:					
(Loan authorization)	(14,914)	(25,003)	(25,003)	(+10,089)	---
Direct subsidy	2,776	4,698	4,698	+1,922	---
Rural cooperative development grants	23,858	21,000	23,500	-358	+2,500
Rural empowerment zones and enterprise communities grants	12,592	---	11,419	-1,173	+11,419
Renewable energy program	22,864	10,770	15,000	-7,864	+4,230
Total, Rural Business-Cooperative Service	83,543	58,992	74,806	-8,737	+15,814
(Loan authorization)	(54,678)	(59,216)	(59,216)	(+4,538)	---

AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS (H.R. 4766)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
Rural Utilities Service:					
Rural Electrification and Telecommunications Loans Program Account:					
Loan authorizations:					
Electric:					
Direct, 5%	(240,000)	(120,000)	(120,000)	(-120,000)	---
Direct, Municipal rate	(1,000,000)	(100,000)	(100,000)	(-900,000)	---
Direct, FFB	(1,900,000)	(1,620,000)	(2,000,000)	(+100,000)	(+380,000)
Direct, Treasury rate	(750,000)	(700,000)	(1,000,000)	(+250,000)	(+300,000)
Guaranteed electric	(99,410)	(100,000)	(100,000)	(+590)	---
Guaranteed underwriting	(1,000,000)	---	(1,000,000)	---	(+1,000,000)
Subtotal, Electric	(4,989,410)	(2,640,000)	(4,320,000)	(-669,410)	(+1,680,000)
Telecommunications:					
Direct, 5%	(145,000)	(145,000)	(145,000)	---	---
Direct, Treasury rate	(248,525)	(250,000)	(250,000)	(+1,475)	---
Direct, FFB	(120,000)	(100,000)	(125,000)	(+5,000)	(+25,000)
Subtotal, Telecommunications	(513,525)	(495,000)	(520,000)	(+6,475)	(+25,000)
Total, Loan authorizations	(5,502,935)	(3,135,000)	(4,840,000)	(-662,935)	(+1,705,000)
Loan subsidies:					
Electric:					
Direct, 5%	---	3,648	3,648	+3,648	---
Direct, Municipal rate	---	1,350	1,350	+1,350	---
Guaranteed electric	60	60	60	---	---
Subtotal, Electric	60	5,058	5,058	+4,998	---
Telecommunications:					
Direct, 5%	---	---	---	---	---
Direct, Treasury rate	124	100	100	-24	---
Subtotal, Telecommunications	124	100	100	-24	---
Total, Loan subsidies	184	5,158	5,158	+4,974	---
RETLP administrative expenses (transfer to RD)	37,630	39,933	38,323	+693	-1,610
Total, Rural Electrification and Telecommunications Loans Program Account	37,814	45,091	43,481	+5,667	-1,610
(Loan authorization)	(5,502,935)	(3,135,000)	(4,840,000)	(-662,935)	(+1,705,000)
Rural Telephone Bank Program Account:					
(Loan authorization)	(173,503)	---	(175,000)	(+1,497)	(+175,000)
Direct loan subsidy	---	---	---	---	---
RTB administrative expenses (transfer to RD)	3,152	3,328	3,152	---	-176
Total, Rural Telephone Bank Program Account	3,152	3,328	3,152	---	-176
High energy costs grants (by transfer)	(27,835)	---	---	(-27,835)	---
Distance learning, telemedicine, and broadband program:					
Loan authorizations:					
Distance learning and telemedicine	(300,000)	---	(50,000)	(-250,000)	(+50,000)
Broadband telecommunications	(598,101)	(331,081)	(464,038)	(-134,063)	(+132,957)
Total, Loan authorizations	(898,101)	(331,081)	(514,038)	(-384,063)	(+182,957)

AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS (H.R. 4766)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
Loan subsidies:					
Distance learning and telemedicine:					
Direct	---	---	710	+710	+710
Grants	38,770	25,000	25,000	-13,770	---
Broadband telecommunications:					
Direct	13,039	9,884	9,884	-3,155	---
Grants	8,947	---	9,000	+53	+9,000
Total, Loan subsidies and grants	60,756	34,884	44,594	-16,162	+9,710
Total, Rural Utilities Service	101,722	83,303	91,227	-10,495	+7,924
(Loan authorization)	(6,574,539)	(3,466,081)	(5,529,038)	(-1,045,501)	(+2,062,957)
Total, title III, Rural Economic and Community Development Programs	2,447,943	2,209,733	2,361,882	-86,061	+152,149
(By transfer)	(513,551)	(515,803)	(494,685)	(-18,866)	(-21,118)
(Loan authorization)	(10,958,729)	(7,567,028)	(10,275,160)	(-683,569)	(+2,708,132)
TITLE IV - DOMESTIC FOOD PROGRAMS					
Office of the Under Secretary for Food, Nutrition and Consumer Services	595	799	595	---	-204
Food and Nutrition Service:					
Child nutrition programs	6,717,780	6,060,860	6,227,595	-490,185	+166,735
Transfer from section 32	4,699,661	5,319,697	5,152,962	+453,301	-166,735
Discretionary spending	---	---	---	---	---
Total, Child nutrition programs	11,417,441	11,380,557	11,380,557	-36,884	---
Special supplemental nutrition program for women, infants, and children (WIC)	4,611,861	4,787,250	4,907,250	+295,389	+120,000
Food stamp program:					
Expenses	26,403,176	30,501,798	29,047,276	+2,644,100	-1,454,522
Reserve	3,000,000	3,000,000	3,000,000	---	---
Nutrition assistance for Puerto Rico and Samoa	1,402,805	---	1,448,522	+45,717	+1,448,522
The emergency food assistance program	140,000	140,000	140,000	---	---
Total, Food stamp program	30,945,981	33,641,798	33,635,798	+2,689,817	-6,000
Commodity assistance program	149,115	169,416	178,797	+29,682	+9,381
Nutrition programs administration	137,488	152,227	133,742	-3,746	-18,485
Total, Food and Nutrition Service	47,261,886	50,131,248	50,236,144	+2,974,258	+104,896
Total, title IV, Domestic Food Programs	47,262,481	50,132,047	50,236,739	+2,974,258	+104,692

AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS (H.R. 4766)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE V - FOREIGN ASSISTANCE AND RELATED PROGRAMS					
Foreign Agricultural Service:					
Salaries and expenses, direct appropriation	131,368	143,077	137,722	+6,354	-5,355
(Transfer from export loans)	(3,286)	(3,440)	(3,440)	(+154)	---
(Transfer from P.L. 480)	(1,069)	(1,102)	(1,102)	(+33)	---
Total, Salaries and expenses program level	(135,723)	(147,619)	(142,264)	(+6,541)	(-5,355)
Public Law 480 Program and Grant Accounts:					
Program account:					
Loan authorization, direct	(130,892)	(100,000)	(100,000)	(-30,892)	---
Loan subsidies	103,274	86,420	86,420	-16,854	---
Ocean freight differential grants	27,835	22,723	22,723	-5,112	---
Title II - Commodities for disposition abroad:					
Program level	(1,184,967)	(1,185,000)	(1,180,002)	(-4,965)	(-4,998)
Appropriation	1,184,967	1,185,000	1,180,002	-4,965	-4,998
Salaries and expenses:					
Foreign Agricultural Service (transfer to FAS)	1,069	1,102	1,102	+33	---
Farm Service Agency (transfer to FSA)	1,053	3,119	1,269	+216	-1,850
Subtotal	2,122	4,221	2,371	+249	-1,850
Total, Public Law 480:					
Program level	(1,184,967)	(1,185,000)	(1,180,002)	(-4,965)	(-4,998)
Appropriation	1,318,198	1,298,364	1,291,516	-26,682	-6,848
CCC Export Loans Program Account (administrative expenses):					
Salaries and expenses (Export Loans):					
General Sales Manager (transfer to FAS)	3,286	3,440	3,440	+154	---
Farm Service Agency (transfer to FSA)	841	1,033	1,033	+192	---
Total, CCC Export Loans Program Account	4,127	4,473	4,473	+346	---
McGovern-Dole international food for education and child nutrition program grants	49,705	75,000	75,000	+25,295	---
Total, title V, Foreign Assistance and Related Programs	1,503,398	1,520,914	1,508,711	+5,313	-12,203
(By transfer)	(4,355)	(4,542)	(4,542)	(+187)	---

AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS (H.R. 4766)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE VI - RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION					
DEPARTMENT OF HEALTH AND HUMAN SERVICES					
Food and Drug Administration					
Salaries and expenses, direct appropriation	1,378,779	1,494,517	1,462,517	+83,738	-32,000
Prescription drug user fee act	(249,825)	(284,394)	(284,394)	(+34,569)	---
Medical device user fee act	(31,654)	(33,938)	(33,938)	(+2,284)	---
Animal drug user fee act	(5,000)	(8,000)	(8,000)	(+3,000)	---
Subtotal	(1,665,258)	(1,820,849)	(1,788,849)	(+123,591)	(-32,000)
Mammography clinics user fee (outlay savings)	(16,576)	(16,919)	(16,919)	(+343)	---
Export and color certification	(6,649)	(6,838)	(6,838)	(+189)	---
Payments to GSA	(119,594)	(123,015)	(129,815)	(+10,221)	(+6,800)
Buildings and facilities	6,959	---	---	-6,959	---
Total, Food and Drug Administration	1,385,738	1,494,517	1,462,517	+76,779	-32,000
INDEPENDENT AGENCIES					
Commodity Futures Trading Commission	89,901	95,327	93,327	+3,426	-2,000
Farm Credit Administration (limitation on administrative expenses)	(40,900)	---	(42,900)	(+2,000)	(+42,900)
Total, title VI, Related Agencies and Food and Drug Administration	1,475,639	1,589,844	1,555,844	+80,205	-34,000
TITLE VII - GENERAL PROVISIONS					
Hunger fellowships	2,982	---	2,500	-482	+2,500
National Sheep Industry Improvement Center revolving fund	496	---	500	+4	+500
Tree assistance (sec. 747)	14,912	---	---	-14,912	---
Northern Great Plains Regional Authority	1,491	---	---	-1,491	---
Denali Commission	994	---	---	-994	---
Food stamp program freeze	1,988	---	---	-1,988	---
Total, title VII, General provisions	22,863	---	3,000	-19,863	+3,000
OTHER APPROPRIATIONS					
Consolidated Appropriations Act, 2004 (P.L.108-199) Conservation Programs					
Natural Resources Conservation Service (Sec. 102(d)):					
Emergency watershed protection program (emergency)	149,115	---	---	-149,115	---
Tree assistance program (emergency) (Sec. 102(e))	12,426	---	---	-12,426	---
Emergency conservation prog. (emergency) (Sec. 102(f))	12,426	---	---	-12,426	---
Commodity Credit Corporation Fund:					
Livestock indemnity prog. (emergency) (Sec.102(g))	497	---	---	-497	---
Total, Other appropriations	174,464	---	---	-174,464	---
Grand total:					
New budget (obligational) authority	86,761,836	83,324,539	83,670,760	-3,091,076	+346,221
Appropriations	(86,587,372)	(83,324,539)	(83,670,760)	(-2,916,612)	(+346,221)
Emergency Appropriations	174,464	---	---	-174,464	---
(By transfer)	(801,150)	(829,508)	(790,974)	(-10,176)	(-38,534)
(Loan authorization)	(14,335,870)	(11,470,281)	(14,193,413)	(-142,457)	(+2,723,132)
(Limitation on administrative expenses)	(150,940)	(111,922)	(154,822)	(+3,882)	(+42,900)

Mr. Chairman, I reserve the balance of my time.

Ms. KAPTUR. Mr. Chairman, I yield myself such time as I may consume, and I wish to thank the chairman of the subcommittee, the gentleman from Texas (Mr. BONILLA), for a very good working relationship this year and the type of hearings that help us all build a better Nation.

This fiscal 2005 agriculture appropriation bill has been put together under some of the most trying budget circumstances that we have ever seen. And even though this is an appropriation bill, and I guess people refer to it as one of those green-eyeshade bills, it is important for the American people to know that what this bill is really all about is that no child in our country should go hungry; that American agriculture begins to regain some global market edge internationally; and that we keep winning more markets rather than losing markets, and taking actions that can help that.

This bill affects every American consumer in whether or not the meat that we eat is safe. It involves new research into the new plants, many of them undergirding new medicines of the future. Really, the best agriculture and food and drug research in the world. This bill touches every single person in our country and so many people around the world.

So I want to thank the gentleman from Texas (Chairman BONILLA) for all his efforts, as well as the majority staff, under the direction of our new majority clerk, Martin Delgado, who is joined by Maureen Holohan, Leslie Barrack, Joanne Perdue, and our detailees Tom O'Brien and Mike Gregoire. I also want to thank our minority clerk, who is with us here tonight, Martha Foley, for her efforts not only on behalf of our membership but of our entire country, for her very, very hard and largely unrecognized work.

Last year, I described this bill as a size 7 shoe for a size 10 foot. Well, it is a new year now. We have 293 million Americans in our country, more than last year. But, unfortunately, the bill this year has an even smaller shoe size but a bigger foot. Our needs are increasing as a country, but our resources are increasing. So we now have a size 6 shoe for a size 11 foot. And if you think the bunions are starting to pinch now, new stories regarding the early steps in preparing for next year's bill suggests matters will only be getting worse. Much more difficult.

The bill before us today provides a total of slightly more than $83 billion, that is no small change, with nearly $66 billion, or 80 percent, four-fifths of the bill, that we are mandated to spend. That means that programs, such as our Food Stamp program, we must spend those dollars to meet growing needs in the country. And in this year's bill that totals about $33 billion.

If you think the economy is improving, you will not find evidence of that claim in this bill. In fact, this bill contains $16.772 billion in what we call discretionary spending. That is the part of the bill where we can really try to direct resources to very important needs in the country, but this year we have a $67 million reduction over the prior year. And, in fact, it is a 6 percent reduction compared to 2 years ago for the fiscal 2003 budget. In fact, it is $1.100 billion below that.

So this bill is not going up by any measure. And with more mandatory spending necessary to meet unmet economic needs, that cuts into the discretionary spending that we have so many draws upon all over this country.

The people who live in agricultural America and our small towns have the same needs and concerns as their friends in big cities. They need jobs, and more often than not are experiencing plant shutdowns. There are huge job washouts in many small towns in this country. And, in fact, there are no new employers that are readily seen on the horizon. We have offshoring of so much of our work and higher unemployment in many, many corners of rural America. People there need health care, but often have fewer hospitals, or much longer distances to travel to secure care. And the accounts in this bill dealing with telemedicine for rural America are severely underfunded.

People in rural America want economic development, but they find the services available to them are so oversubscribed or heavily weighted towards loan, that they often cannot get the assistance they need. People in rural America want community services, but they find that their smaller population base and smaller economic base make it even harder to finance the water and sewer systems, clean water systems, the power utility systems, and the telecommunication systems that so many other Americans, frankly, take for granted.

So the fiscal 2005 agriculture appropriation bill is a classic exercise in the futility of a budget process that has effectively obligated the bulk of Federal funds before we have really had a fair opportunity to address all the needs of our Nation here at home. Decisions made in recent years by some in this Congress on taxes and on foreign policy are sapping our ability to meet real domestic obligations.

To date, our country has spent over $100 billion in Iraq and Afghanistan, and that number grows every day. Imagine if we could take that money and divide it, $2 billion for each of our 50 States to share with their local towns and cities, what an incredible difference that would make.

□ 2015

But that is not the choice that we will make tonight.

I know that while the gentleman from Texas worked to provide funding within our restrictive allocation, there are a number of shortcomings that we need to recognize. Because of these budget limitations, the bill before us will cut the community facilities program by $36 million, so all the Members that asked us for more help for their particular communities, we could not do that.

In the rural water and sewer grant program, we are $86 million underfunded. That is just to meet where we were last year, because the needs are so much greater.

It looks as though we are going to be at least $150 million short in the women, infants and children's food program, WIC, and nearly $15 million short in the commodity supplemental food program under this bill, despite appreciated increases. I want to thank the gentleman from Texas for his efforts there.

At the same time, we are also in this bill forced to debate tomorrow cutting renewable energy programs. We are also not funding needed market development tools. And we have a Department of Agriculture that may be preparing to extend additional credits to Iraq, but meanwhile forgiving $4 billion in accumulated principal and interest owed by the Rafidain Bank of Iraq. We want to make sure that whatever is done relative to Iraq upholds existing law and does not permit the type of fraud that occurred during the 1980s and 1990s and the misuse of the Commodity Credit Corporation programs in arming Saddam Hussein and strengthening his power. That was done during the Reagan-Bush administrations and the Bush-Quayle administrations, over the strong objections of this Congress.

They say that we cannot expand the senior farmers market program to all States so that needy seniors can purchase locally grown fruit and vegetables from farmers who earn from the market, not transfer payments. Yet we know that over half the States in the Union still do not even have beginning funds to bring that important program on-line to really help farmers who are diversified close to our cities.

In international trade, there continues a downward trend as the U.S. moves for the first time in its history toward becoming a net food importer. Meanwhile, the Department of Agriculture cannot give us effective solutions for controlling and assessing liability for invasive species that are a huge and rising cost to the American taxpayer due to misapplied free trade policies, mismanaged, misapplied, misguided.

In this bill, there are hundreds of millions of dollars of tax money that has to be diverted to take care of the Asian longhorn beetle in New York, Chicago and many other places and the emerald ash borer in places like Michigan and Ohio. Those bills should not come to rest at the foot of the American taxpayer. They should be paid for by the commercial interests that bring those critters into this country, and they should not be getting off Scott free for the damage that they are causing. Nonetheless, we have to fund those remediation programs in this bill. Those costs have been rising exponentially during this decade of the 1990s and into this new millennium.

Officials that are charged with ensuring the safety of our food supply cannot answer basic questions about how many cattle have been tested to ensure public health and safety or tell us when procedures for dealing with this national need will at long last be satisfied. It is amazing that the Department of Agriculture cannot do that. What a shame.

Meanwhile, export markets remain closed even to producers who are willing to pay themselves for the testing so that our export customers can reopen their markets. America's family farmers and ranchers have always had a vision for America's future. They daily demonstrate a willingness to work harder and smarter than their competitors. They possess a keen appreciation for the fact that their accomplishments provide a safe and bountiful food supply which allows most Americans to expend their energies in other industries and business endeavors. We need to support the efforts of these productive Americans by providing them with the tools for continued success, fair prices, fair trade policies, fair access to new technologies, and fair and consistent standards imposed on imported products that do not place economic burdens on domestic producers.

Mr. Chairman, in closing my more formal remarks this evening, let me just say that it has been a great pleasure to work on both sides of the aisle to complete the bill that we will bring to the floor tomorrow for amendment. We look forward to working with our colleagues on completing it tomorrow.

Mr. Chairman, I reserve the balance of my time.

Mr. BONILLA. Mr. Chairman, I yield myself such time as I may consume.

Earlier, Mr. Chairman, I recognized the fine work that the subcommittee staff has done. I would now like to single out a young man in my office, Walt Smith, a fine young man from Hillsboro, Texas, that is known to all agriculture interests and groups around the country, who worked side by side with the subcommittee staff to put this bill together. We wanted to acknowledge the good work that he does as well.

Mr. Chairman, I yield 5 minutes to the gentleman from Iowa (Mr. LATHAM), the distinguished vice chairman of the subcommittee.

Mr. LATHAM. Mr. Chairman, I would like to engage the distinguished chairman of the subcommittee in a colloquy.

Mr. Chairman, as the gentleman from Texas knows, I have been and remain concerned about the funding level for the renewable energy program. The bill before us today funds this program at $15 million; and even though this funding level is a $4.2 million increase above the budget request, it is $8 million below the fiscal year 2004 funding level.

As we have discussed, this program is important to Iowa and the whole country, particularly in the wind and biomass areas, because it makes grants available to rural, small businesses, agricultural producers and others who purchase renewable energy systems or make energy improvements. This program has the potential to improve rural living standards and economic opportunities and to create jobs. In short, there is a significant value-added component for rural areas that comes with this program.

Mr. BONILLA. Mr. Chairman, will the gentleman yield?

Mr. LATHAM. I yield to the gentleman from Texas.

Mr. BONILLA. The gentleman from Iowa has been a champion of the renewable energy program, and I think all of his constituents back home clearly understand that. I agree with the gentleman from Iowa, and I have appreciated his input on this subject as we have been putting this bill together. As we have discussed, this year has been a difficult one in terms of funding decisions we have had to make.

Mr. LATHAM. I know that the chairman has worked very hard to fashion a balanced bill and that he has done everything possible to accommodate the concerns of all Members. I had intended to offer an amendment to increase the renewable energy funding level by $8 million. However, with the chairman's assurances that we will work in conference to raise the funding level of this program, I will not offer that amendment.

Mr. BONILLA. If the gentleman will yield further, the gentleman has my assurances that I will work with him and do everything I can to increase the renewable energy program funding level in conference. Again, I congratulate the gentleman for his stout work on this issue day in and day out.

Mr. LATHAM. I thank the gentleman very much. I look forward to working with him on this.

Mr. Chairman, I want to encourage Members to support this bill as it is a well-balanced measure. The chairman has done an outstanding job of trying to ensure that sufficient resources are available for the broad range of programs that are funded under this bill.

Like many of the Members, I have my thoughts as to some programs that I wish could be a bit more generously funded, but given the need to produce a balanced product under the agricultural allocation, I am pleased with this bill.

I want to comment on a few other areas of interest that I believe are important beyond the renewable energy program that the chairman and I just discussed. For example, we must continue to focus on agricultural research which I think is an area that holds great promise for the future of agriculture economies and the consuming public that those economies feed.

I also think that we should remain diligent about the development of an animal identification program that is reliable and easy to work with for all parties needing to access it. In this regard, it is important that we have adequate resources for animal health monitoring and surveillance, and this bill contains such resources.

Also, I want to mention my support for land conservation which this bill funds. In this regard, I know many Members have constituencies with interests in the conservation security program. The program is of considerable interest in Iowa, not only among those in the agriculture production arena but also those who are generally concerned about the environment in general. I share that concern and want to see the conservation security program as a concept developed in an optimal way. On the other hand, it would be unwise to begin full-scale implementation of the CSP and spend billions of dollars before that program is fine-tuned.

In numerous conversations that I and my staff have had about the CSP in Iowa and elsewhere, the prevailing view is that the CSP program needs work. Both corn and soybean association representatives as well as others with whom I have talked support CSP, but at this point they believe that the program is not ready to go forward at full speed.

I also want to personally thank the chairman and the staff that did such a tremendous job on this bill.

One extraordinarily important item in the bill is the full funding for the National Animal Disease Center at Ames, Iowa. It is a large number in the bill. It is one that the staff and the chairman have really worked hard to secure those funds for us. I certainly thank the President for including funding for the Animal Disease Center in his budget request. This is an extraordinarily important facility similar to the CDC for livestock and animals and very, very important for the security of our Nation, when we talk about anthrax, when we talk about mad cow disease, all of those things. It is very, very important that we have this facility on-line and that it is completed on a timely, expedited basis.

Ms. KAPTUR. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. FARR), a very respected and extraordinarily hard-working member of our subcommittee.

Mr. FARR. Mr. Chairman, I thank the gentlewoman for yielding me this time and for being a member of this great committee.

I want to compliment the chairman on the good work done in bringing this bill to the floor, but I also want to point out I think something that all of us on the committee, the committee that spends the money on agriculture in America and the U.S. Department of Agriculture, what we realize is a problem, and that is that we have in this great country of ours, we still have nutritional problems and people going to bed at night hungry.

One of the big difficulties in the way the budget process is set up in this country is that 80 to 85 percent of the money we spend goes to mandatory food programs. That leaves only about 16 percent or so that is discretionary. Why we need to have more input into how the Federal Government spends its money on food and nutrition is because half of the budget of the USDA is dedicated towards nutrition. So it is not a small program. It is more than half of the entire budget of the U.S. Department of Agriculture. That is important. That is good. That is a good priority. But we still have areas where the demand is increasing.

Frankly, food and nutrition is so essential to life and we talk on the committee about problems we are having with obesity, what we ought to be doing with our nutritional programs, particularly in schools as we feed kids. The United States government has some specialized programs in the school lunch program and the school breakfast program, and we assist schools. Those are for kids who come from a low-income family, but essentially the school lunch program that all the kids eat is a public policy because it is run by the schools, and in that program alone you will notice that when I look through what America buys to feed kids, it is not exactly the same as what we have invested money in doing research on, in telling people what is healthy for Americans. That is, our nutritional voice does not meet our spending practices.

I am a big advocate for trying to get more fresh fruits and vegetables in schools. Schools have used the school lunch program and school breakfast program to provide for vending machines in schools, for finding other ways to raise money and have not really paid attention to the fact that the health of the children and the students is really dependent on how well they are fed and how good that health is. The committee has addressed a lot of these issues, but we are also faced with the same problems that other committees are and that is our discretionary funding is limited.

□ 2030

And what we have seen with that is the food stamps, as the economy goes up and down, and as the Members know, it has been sort of in a recession in the last few years, that means more people have been unemployed. Yes, we see people getting back on the employment rolls, and that is a good thing; but we still have had since 2001 a 45 percent increase in demand for the food stamp program.

We have taken a lot of steps in that area to try to streamline it and better manage the program through automatic debit cards, to swipe cards rather than having to go through the line and go through this ticket process of whether the stamps one is using are eligible to buy the product that they picked off the shelf, and the debit card allows it to show that right away on the computer and does not sort of put the recipient and the cashier in an awkward situation.

The WIC program, the Women, Infants and Children, we have a program in America to feed women who are expecting in prenatal conditions and in postnatal conditions, giving them nutritious food to feed the infant. It is a very successful program. It is one that America can be very proud of. But we see that may need an increase, meaning that people just do not have the resources to buy that kind of food, or it is not readily available in their neighborhood.

I have spoken of a school lunch and school breakfast program. We have a Temporary Emergency Food Assistance Program called TEFAP. The money that has been flatlined for a number of years, we may need in the future to increase that.

We have the Commodity Supplemental Food Program. That is mainly the things we have seen, Meals on Wheels and other entities taken to senior citizens where the commodity foods are put into a local senior citizen nutritional program. The money has been frozen in that despite the fact that we have an aging population in America; and as that aging population increases, and it is going to increase tremendously because I was just told the demographics of California, the census data shows that by the year 2015, one out of every five persons over the age of 65 will live in the State of California, that is going to be a huge burden on the State. It could also be a great asset because these people have come with a lot of experiences; but on the other hand, as we know, the aging population is staying alive longer, and we are going to need more services, and those are usually expensive services. So these types of programs may be hurt in the future if they are flatlined.

So the point of my raising this is that I am really excited to be a member of this committee. I think it is a tremendous committee that works in a very strong, bipartisan fashion. The chairman has been excellent. The staff has been excellent. The other members of the committee, we all get along very well and try to work out our differences. And what I am trying to point out in my comment today is that despite the good workings inside Congress and despite the fact that we are the wealthiest country on the Earth and the most agriculturally abundant and productive, I mean just in abundancy alone, one of the three counties I represent produces 85 crops.

When I talked to Members here in Congress and to the U.S. Department of Agriculture, I found that there was no other State in the United States that produced 85 crops alone. California, being the largest ag State, has the greatest variety in it, and what I would like to see our country do is move more into buying the fruits and vegetables and the things that we describe in our nutrition. Frankly, the things we see in all these fad diets that are going on right now, those are all about healthy foods and healthy fruits and vegetables, and if we use the government resources to purchase those more and get those into the school lunch program, into the WIC program, into the feeding programs, into the senior meals programs, and, frankly, into our institutional feeding. We feed the military. We feed hospitals. We feed big institutions like the Federal Prison System. If we could get our sister States and counties and cities to be able to work on their institutional feeding, we could do a much better job of getting the kind of food that is necessary to the people who need it, and we could have a better distribution of how agriculture functions in America.

So I want to compliment the committee on the direction it is headed. I think we have a few problems on the horizon. I think if we put our minds to it, we can address those.

Mr. BONILLA. Mr. Chairman, I reserve the balance of my time.

Ms. KAPTUR. Mr. Chairman, I yield such time as she may consume to the gentlewoman from South Dakota (Ms. HERSETH), a new Congresswoman, who will provide to this Congress a much-needed, strong voice for agriculture and rural area.

Ms. HERSETH. Mr. Chairman, I want to thank the gentlewoman from Ohio for yielding me this time.

I rise this evening in support of this legislation. It provides essential funding for programs important to farmers, ranchers, and consumers across South Dakota. I am pleased that it contains increases in funding for the Food Safety and Inspection Service by $45 million and for the Food and Drug Administration by $72 million. I commend the gentleman from Texas (Chairman BONILLA) and the gentlewoman from Ohio (Ms. KAPTUR), ranking member, as well as other members of the subcommittee and their staff for working together to forge the difficult compromises that are evident in this bill.

I do, however, want to voice a couple of concerns I have about funding levels for some of the programs addressed in this appropriations measure. I have heard from several of my constituents, concerns about funding levels for two very important programs in South Dakota. One of the programs I hear about consistently from the agricultural producers in my State is the Environmental Quality Incentives Program or EQIP. EQIP offers financial and technical assistance for eligible farmers and ranchers to enable them to implement environmentally beneficial land management practices.

I am pleased that EQIP was reauthorized in the 2002 farm bill and given increasing authorization levels over the next several years. Unfortunately, I feel this appropriations bill significantly underfunds this important program. It falls $190 million below what the 2002 farm bill had authorized. I understand and appreciate the need for fiscal restraint, but I disagree with some of the priorities reflected in this bill, particularly the funding level for the EQIP program.

The ramifications of this funding level are made quite clear when we consider the backlog of projects that exist under this important program. By some estimates, the backlog for EQIP funding nationwide is in excess of $1 billion, with the backlog in South Dakota alone in the tens of millions of dollars. These are commendable projects that do a great deal to improve water quality and wildlife habitat across the country.

I appreciate the stringent budgetary constraints under which we are currently operating, but this is not the program that should be the target of such substantial cuts.

Another important program is the Wildlife Habitat Incentive Program, or WHIP. WHIP is a voluntary program for people who want to develop and improve wildlife habitat on private land. USDA provides both technical assistance and up to 75 percent cost-share assistance to establish and improve fish and wildlife habitat.

WHIP has proven to be a highly-effective and widely-accepted program across the country. By targeting wildlife habitat projects, WHIP provides assistance to conservation-minded landowners who are unable to meet the specific eligibility requirements of other USDA conservation programs.

Unfortunately, this bill would fund WHIP at $25 million below its authorized levels for fiscal year 2005. While $25 million may not seem like a large sum of money relative to other amounts considered by this body, keep in mind that this bill funds the entire program at $60 million. The difference between $85 million and $60 million is almost 30 percent. This is a significant shortfall, and one I think should be reevaluated in conference.

Again, I voice my overall support for this legislation and will vote in favor of final passage, but I am concerned with some of the funding choices that were made. I urge my colleagues that will serve as conferees to seek additional funding for both the EQIP and WHIP programs.

Mr. BONILLA. Mr. Chairman, I yield such time as he may consume to the gentleman from Alabama (Mr. EVERETT).

Mr. EVERETT. Mr. Chairman, I thank the chairman for yielding me this time.

I rise to engage in a colloquy with the gentleman from Texas (Mr. BONILLA), chairman of the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Subcommittee.

For the past 3 years, the committee and Congress have supported funding for the Tri-States Joint Peanut Research project between Auburn University, the University of Florida, and the University of Georgia. In the past this project has focused on a sod-based rotation with peanuts, cotton, and other row crops.

This year the project was renamed the Tri-States Initiative to incorporate fruits, nut crops, and vegetables in the rotation. This created some confusion and was unfortunately viewed as a new start and subsequently received no funding. As the gentleman is aware, producers in southern States face the problem of compacted soils, which can be greatly improved with the use of proper crop rotation. This research would allow southeastern producers to make informed decisions on how to diversify their operations while increasing farm profitability and improving soil characteristics.

The Tri-States Initiative is a reasonable extension of a previously funded project. Since the project was viewed as a new start, I ask the chairman to be supportive of restoring the fiscal year 2004 funding for the project in conference.

Mr. BONILLA. Mr. Chairman, will the gentleman yield?

Mr. EVERETT. I yield to the gentleman from Texas.

Mr. BONILLA. Mr. Chairman, I thank the gentleman for yielding to me.

The gentleman is correct. The naming of this program did cause confusion, but it is clear that this is a continuation of the program that the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Subcommittee has funded for the past 3 years. The Tri-State Initiative conducts important commodity research in Alabama, Florida, and Georgia; and I would be happy to work with the gentleman to restore funding for this program in conference.

Mr. EVERETT. Mr. Chairman, reclaiming my time, I thank the chairman for his response, and I appreciate his willingness to work with me in conference to restore this important program.

Ms. KAPTUR. Mr. Chairman, I yield myself such time as I may consume.

As we close this evening, I just want to say that the gentlewoman from South Dakota (Ms. HERSETH) and I intend to offer a biofuels amendment tomorrow to the bill with great hope that we can help push America into a new energy age, a new renewable energy age, starting right in rural America; and I wanted to acknowledge that while she is still on the floor with us tonight.

I did also want to, for the record, thank deeply Roger Szemraj of our own staff for the tremendous work that he does and for the time he takes away from his own family to be with us even tonight on this floor as we move this important bill for fiscal year 2005 agriculture appropriations.

Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. BONILLA. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. TERRY). All time for general debate has expired.

Mr. BONILLA. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HENSARLING) having assumed the chair, Mr. TERRY, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4766) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2005, and for other purposes, had come to no resolution thereon.

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SPECIAL ORDERS

The SPEAKER pro tempore (Mr. HENSARLING). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE GARRETT LEE SMITH MEMORIAL ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

Mr. OSBORNE. Mr. Speaker, I rise today to discuss a subject that is very difficult for many of us to address, and that is the subject of suicide.

Last Friday, along with the gentleman from Tennessee (Mr. GORDON), the gentleman from Oregon (Mr. WALDEN), the gentleman from Illinois (Mr. DAVIS) and the gentleman from Michigan (Mr. STUPAK), I introduced H.R. 4799, the Garrett Lee Smith Memorial Act. This legislation offers a comprehensive strategy toward addressing suicide, suicide prevention and mental health in high schools and on college campuses.

So why is it important to address this critical issue? I would like people to consider these facts.

Number one, more children and young adults die from suicide each year than from cancer, heart disease, AIDS, birth defects, stroke and chronic lung disease combined.

Number two, over 4,000 children and young adults take their own lives every year, making suicide the third overall cause of death between the ages of 10 and 24.

From 1952 to 1995, the rate of suicide in children and young adults has tripled.

The American College Health Association found that 61 percent of college students reported feeling hopeless, 45 percent said they feel so depressed they could barely function, and 9 percent felt they were suicidal.

According to the Chronicle of Higher Education, depression among college freshmen has nearly doubled to 16.3 percent. I find these statistics very troubling and somewhat alarming.

According to the 2001 National Household Survey on Drug Abuse, 20 percent of full-time undergraduate college students use elicit drugs, and 18.4 percent of adults ages 18 to 24 are dependent on or are abusing illicit drugs or alcohol, and all of this drug abuse and alcohol abuse oftentimes leads to suicide as well.

The Garrett Lee Smith Memorial Act works to address in a proactive way this national problem.

The legislation consists of two parts:

Part one provides grant funding to States for development of a youth suicide prevention and intervention strategy through educational systems, juvenile justice systems, local governments and private nonprofit entities that are engaged in activities focused on mental health. The bill also provides for screening programs for youth that can identify mental health and behavioral conditions that place youth at risk for suicide. The bill also establishes a Federal Suicide Prevention Technical Assistance Center.

Part 2 of this bill provides grant funding to colleges and universities to establish or enhance their mental health outreach and treatment centers and enhance their focus on youth suicide prevention and intervention.

The bill authorizes a total of $15 million for fiscal year 2005, gradually increasing funding over the next 2 years.

Mr. Speaker, I would like to just take a minute and discuss the genesis of this particular legislation. This bill is named in honor of the son of Senator GORDON SMITH of Oregon. Garrett Lee was his son and took his life last year after several years of struggle with bipolar disorder. Senator SMITH and his wife, Sharon, are determined to turn their private tragedy into something positive. I admire the Smith family's courage in speaking publicly about their son, and I hope that their efforts will raise awareness and save other young people from the same fate. I invite other Members of the House to support this important legislation.

There was a time when suicide was not mentioned. However, only when we openly discuss the problem, confront the statistics, and work towards solutions such as those proposed by the Garrett Lee Smith Memorial Act can we start to prevent these tragedies from happening.

STATUS REPORT ON CURRENT SPENDING LEVELS OF ON-BUDGET SPENDING AND REVENUES FOR FY 2005 AND THE 5-YEAR PERIOD FY 2005 THROUGH FY 2009

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. NUSSLE) is recognized for 5 minutes.

Mr. NUSSLE. Mr. Speaker, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 2005 and for the 5-year period of fiscal years 2005 through 2009. This report is necessary to facilitate the application of sections 302 and 311 of the Congressional Budget Act and section 401 of the Conference Report on the Concurrent Resolution on the Budget for Fiscal Year 2005 (S. Con. Res. 95), which is currently in effect as a concurrent resolution on the budget in the House under H. Res. 649. This status report is current through July 9, 2004.

The term "current level" refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature.

The first table in the report compares the current levels of total budget authority, outlays, and revenues with the aggregate levels set forth by S. Con. Res. 95. This comparison is needed to enforce section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for years after fiscal year 2005 because appropriations for those years have not yet been considered.

The second table compares the current levels of budget authority and outlays for discretionary action by each authorizing committee with the "section 302(a)" allocations made under S. Con. Res. 95 for fiscal year 2005 and fiscal years 2005 through 2009. "Discretionary action" refers to legislation enacted after the adoption of the budget resolution. This comparison is needed to enforce section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 302(a) discretionary action allocation of new budget authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a).

The third table compares the current levels of discretionary appropriations for fiscal year 2005 with the "section 302(b)" suballocations of discretionary budget authority and outlays among Appropriations subcommittees. The comparison is also needed to enforce section 302(f) of the Budget Act because the point of order under that section equally applies to measures that would breach the applicable section 302(b) suballocation.

The fourth table gives the current level for 2006 of accounts identified for advance appropriations under section 401 of S. Con. Res. 95. This list is needed to enforce section 401 of the budget resolution, which creates a point of order against appropriation bills that contain advance appropriations that are: (i) not identified in the statement of managers or (ii) would cause the aggregate amount of such appropriations to exceed the level specified in the resolution.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET: STATUS OF THE FISCAL YEAR 2005 CONGRESSIONAL BUDGET ADOPTED IN S. CON. RES. 95, REFLECTING ACTION COMPLETED AS OF JULY 9, 2004

[On-budget amounts, in millions of dollars]

	Fiscal year 2005	Fiscal years 2005–2009
Appropriate Level:		
Budget Authority	2,012,726	(1)
Outlays	2,010,964	(1)
Revenues	1,454,637	8,638,287
Current Level:		
Budget Authority	1,165,717	(1)
Outlays	1,489,191	(1)
Revenues	1,482,789	8,687,742
Current Level over (+) / under (−) Appropriate Level:		
Budget Authority	−847,009	(1)
Outlays	−521,773	(1)
Revenues	28,152	49,455

[1] Not applicable because annual appropriations Acts for fiscal years 2006 through 2009 will not be considered until future sessions of Congress.

BUDGET AUTHORITY

Enactment of measures providing new budget authority for FY 2005 in excess of $847,009,000,000 (if not already included in the current level estimate) would cause FY 2005 budget authority to exceed the appropriate level set by S. Con. Res. 95.

OUTLAYS

Enactment of measures providing new outlays for FY 2005 in excess of $521,773,000,000 (if not already included in the current level estimate) would cause FY 2005 outlays to exceed the appropriate level set by S. Con. Res. 95.

REVENUES

Enactment of measures that would result in revenue reduction for FY 2005 in excess of $28,152,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate level set by S. Con. Res. 95.

Enactment of measures resulting in revenue reduction for the period of fiscal years 2005 through 2009 in excess of $49,455,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate levels set by S. Con. Res. 95.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR DISCRETIONARY ACTION, REFLECTING ACTION COMPLETED AS OF JULY 9, 2004

[Fiscal years, in millions of dollars]

House Committee	2005		2005–2009 Total	
	BA	Outlays	BA	Outlays
Agriculture:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Armed Services:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Education and the Workforce:				
Allocation	68	56	236	230
Current Level	66	57	234	226
Difference	−2	1	−2	−4
Energy and Commerce:				
Allocation	576	483	4,350	3,381
Current Level	0	0	0	0
Difference	−576	−483	−4,350	−3,381
Financial Services:				
Allocation	1	1	17	17
Current Level	−1	−1	−5	−5
Difference	−2	−2	−22	−22
Government Reform:				
Allocation	1	1	19	19
Current Level	1	1	19	19
Difference	0	0	0	0
House Administration:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
International Relations:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Judiciary:				
Allocation	15	15	35	35
Current Level	0	0	0	0
Difference	−15	−15	−35	−35
Resources:				
Allocation	2	2	10	10
Current Level	0	0	0	0
Difference	−2	−2	−10	−10
Science:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Small Business:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Transportation and Infrastructure:				
Allocation	1,737	4	22,070	12
Current Level	0	0	0	0
Difference	−1,737	−4	−22,070	−12
Veterans' Affairs:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Ways and Means:				
Allocation	1,368	804	3,470	3,244
Current Level	122	138	133	174
Difference	−1,246	−666	−3,337	−3,070
Reconciliation	0	0	4,600	4,600
Current Level	0	0	0	0
Difference	0	0	−4,600	−4,600

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2005—COMPARISON OF CURRENT LEVEL WITH APPROPRIATIONS COMMITTEE 302(a) ALLOCATION AND APPROPRIATIONS SUBCOMMITTEE 302(b) SUBALLOCATIONS

[In millions of dollars]

Appropriations Subcommittee	302(b) Suballocations as of June 15, 2004 (H. Rpt. 108-543)		Current level reflecting action completed as of July 9, 2004		Current level minus suballocations	
	BA	OT	BA	OT	BA	OT
Agriculture, Rural Development	16,772	18,113	14	5,351	−16,758	−12,762
Commerce, Justice, State	39,815	40,463	0	11,825	−39,815	−28,638
National Defense	390,931	415,987	17	149,234	−390,914	−266,753
District of Columbia	560	554	0	60	−560	−494
Energy & Water Development	27,988	27,972	0	9,558	−27,988	−18,414
Foreign Operations	19,386	26,735	0	19,813	−19,386	−6,922
Homeland Security	32,000	29,873	2,528	12,126	−29,472	−17,747
Interior	19,999	20,208	36	6,364	−19,963	−13,844
Labor, HHS & Education	142,526	141,117	19,151	96,225	−123,375	−44,892
Legislative Branch	3,575	3,696	0	708	−3,575	−2,988
Military Construction	10,003	10,015	0	7,557	−10,003	−2,458
Transportation-Treasury	25,434	69,283	37	38,224	−25,397	−31,059
VA-HUD-Independent Agencies	92,930	101,732	2,198	48,957	−90,732	−52,775
Total (Section 302(a) Allocation)	821,919	905,748	23,981	406,002	−797,938	−499,746

Statement of FY2006 Advance Appropriations Under Section 401 of S. Con. Res. 95—Reflecting Action Completed as of July 9, 2004

(In millions of dollars)

	Budget Authority
Appropriate Level	23,158
Current Level:	
Interior Subcommittee:	
Elk Hills	0
Labor, Health and Human Services, Education Subcommittee:	
Employment and Training Administration	0

	Budget Authority
Education for the Disadvantaged	0
School Improvement	0
Children and Family Services (Head Start)	0
Special Education	0
Vocational and Adult Education	0
Transportation and Treasury Subcommittee:	
Payment to Postal Service	0
Veterans, Housing and Urban Development Subcommittee:	
Section 8 Renewals	0
Total	0
Current Level over (+) / under (−) Appropriate Level	−23,158

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 12, 2004.
Hon. JIM NUSSLE,
Chairman, Committee on the Budget,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2005 budget and is current through July 9, 2004. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2005. The budget resolution figures incorporate revisions submitted by the Committee on the Budget to the House to reflect funding for wildland fire suppression and for technical reasons. These revisions are authorized by sections 312 and 313 of S. Con. Res. 95.

Since the beginning of the second session of the 108th Congress, the Congress has cleared and the President has signed the following acts that changed budget authority, outlays, or revenues for 2005:

The TANF and Related Programs Continuation Act of 2004 (Public Law 108–262);

The Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004 (Public Law 108–264);

The Child Nutrition and WIC Reauthorization Act of 2004 (Public Law 108–265);

The GAO Human Capital Reform Act of 2004 (Public Law 108–272);

An act to renew import restrictions on Burma (Public Law 108–272).

In addition, the Congress has cleared the following legislation for the President's signature: The AGOA Acceleration Act of 2004 (H.R. 4103).

This is my first report for fiscal year 2005.

Sincerely,
DOUGLAS HOLTZ-EAKIN,
Director.

Enclosure.

FISCAL YEAR 2005 HOUSE CURRENT LEVEL REPORT AS OF JULY 9, 2004

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in previous sessions:			
Revenues	n.a.	n.a.	1,482,831
Permanents and other spending legislation	1,179,653	1,133,168	n.a.
Appropriation legislation [1]	0	391,841	n.a.
Offsetting receipts	−398,008	−398,008	n.a.
Total, enacted in previous sessions	781,645	1,127,001	1,482,831
Enacted this session:			
TANF and Related Programs Continuation Act of 2004 (P.L. 108–262)	122	138	0
Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004 (P.L. 108–264)	−1	−1	0
Child Nutrition and WIC Reauthorization Act of 2004 (P.L. 108–265)	66	57	0
GAO Human Capital Reform Act of 2004 (P.L. 108–271)	1	1	0
An act to renew import restrictions on Burma (P.L. 108–272)	0	0	−11
Total, enacted this session	188	195	−11
Passed, pending signature: AGOA Acceleration Act of 2004 (H.R. 4103)	0	0	−32
Entitlements and mandatories: Difference between enacted levels and budget resolution estimates for appropriated entitlements and other mandatory programs	383,884	361,995	n.a.
Total Current Level [1]	1,165,717	1,489,191	1,482,789
Total Budget Resolution	2,012,726	2,010,964	1,454,637
Current Level Over Budget Resolution	n.a.	n.a.	28,152
Current Level Under Budget Resolution	847,009	521,773	n.a.
Memorandum:			
Revenues, 2005–2009:			
House Current Level	n.a.	n.a.	8,687,742
House Budget Resolution	n.a.	n.a.	8,638,287
Current Level Over Budget Resolution	n.a.	n.a.	49,455

[1] For purposes of enforcing section 311 of the Congressional Budget Act in the House, the budget resolution does not include Social Security administrative expenses, which are off-budget. As a result, the current level excludes these items.

Source: Congressional Budget Office.

Notes.—n.a. = not applicable; P.L. = Public Law. Numbers may not sum to total because of rounding.

DEMOCRATS CHOSE LIBERAL CANDIDATES FOR PRESIDENT AND VICE PRESIDENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Georgia (Mr. KINGSTON) is recognized for 60 minutes as the designee of the majority leader.

Mr. KINGSTON. Mr. Speaker, I wanted to rise tonight to talk a little bit about the upcoming election, which I understand is on everybody's minds these days.

It is interesting, Mr. Speaker, that we are in a position in America now that, with 50 States, the Presidential election actually seems to boil down to 12 to 18 States that are still in contention. I guess my home State of Georgia they have decided is probably going to go to Mr. Bush, and your home State of Texas certainly is going to go for Mr. Bush. And then there is other States, like California, that will go for Mr. KERRY. And then, of course, there is North Carolina, which is wide open, despite the fact that Mr. KERRY has chosen a running mate that is from that State.

I think it is interesting as we contrast the two tickets to see what one stands for and the other one stands for. But never before has the Democrat party chosen the first and fourth most liberal Members of the Senate to represent it in the Presidential campaign. It is even more liberal than the disastrous Mondale-Ferraro ticket of 1984.

Here we have, if you think this through a minute, JOHN KERRY scored a 97 percent liberal rating in 2003. He beat out BARBARA BOXER from California. He beat out HILLARY CLINTON. HILLARY CLINTON got an 89 percent liberal rating. And TED KENNEDY. Now, if I was to ask the good folks in Texas, well, who is the most liberal Member of Congress, of the Senate, they are always going to say TED KENNEDY. Well, not so. JOHN KERRY has the 97 percent rating, and KENNEDY is sitting at a mere 88 percent, almost a moderate by JOHN KERRY's standards. And then TOM DASCHLE, a guy we like to curse quite often back home for his stances, he is at 80 percent. So here is JOHN KERRY, 97 percent; TOM DASCHLE, 80 percent.

The Florida Times Union pointed out that, "While Kerry is from the North and Edwards is nominally from the South, there is absolutely no philosophical balance whatsoever." I think that is true.

EDWARDS has made a lot of money practicing law, and so he is heavily supported by the trial lawyers. In fact, he has received over $11 million from law firms, and that was per the KENNEDY campaign. You can find that on www.newsmax.com.

The trial lawyers are weighing in heavily on this race, and for those of us trying to make healthcare more affordable and more accessible, we know what a problem frivolous medical lawsuits are. Yet that seems to be what JOHN EDWARDS has made his money on.

It is interesting what JOHN KERRY said just a couple of months ago, in February, during the campaign. He said, "Edwards says he is the only one who can win the South, yet he can't even win his own State." I guess things have changed.

It is interesting also, and I will often say about Mr. Bush, he takes the NASCAR crowd and the mom and dad with 2½ kids and two income families, people who are out there working.

There was an article in the New York Post, actually, I think it was in USA Today and a number of other newspapers, that showed JOHN KERRY's five houses, and they were five mansions, and it had this picture of JOHN KERRY snowboarding.

I will ask you, Mr. Speaker, how many guys do you know over 60 years old who know how to snowboard? There just are not too many of them. Yet KERRY is shown very proudly snowboarding. I guess since he bought five ski resorts to learn how. He wanted to flaunt it a little bit. But, to me, if you have a guy that age and he knows how to snowboard, he has not only too much money, but he has too much time on his hands as well.

So where did these people, men of the people, make their announcement? In a union hall? Certainly the Democrats get a lot of good support from unions. Did they make it in an African American church? They said over and over again, we want the African American vote. Did they do it in Boston or North Carolina?

No, they made the announcement at Mrs. Kerry's estate in Pennsylvania. Just for those of you who come from middle-class backgrounds, an estate is what rich people call their houses.

It is interesting that JOHN KERRY wanted to get a middle class, regular guy to be his running mate, somebody who was just like us. And I guess in his world, a guy like JOHN EDWARDS, who is worth a mere $50 million, that is middle-class. After all, when you got a net worth of a billion, what is a guy at $50 million?

So, these two small town guys got together at the estate at Pennsylvania and they broke tea and crumpets to tell the masses that they were ready to lead the world.

Well, I will say this: I would rather have my President know NASCAR from a church softball game than know Sauvignon Blanc from brie and merlot.

The House Democrats' leadership has announced that one of the Democrat campaigns for the fall will be to repeal the Medicare prescription drug plan. Now, does that make any sense whatsoever? I do not know why Mr. KERRY would want to repeal the Medicare prescription drug bill.

This is the first time in history that low-income seniors are getting up to $600 in free prescription drugs. It is the first time that seniors are getting about a 50 percent discount, once we get the program going, on their prescription drugs, and I think it is a good first step. Prescription drug coverage is very, very important to the lives of seniors these days.

If you go into almost any audience, almost any age, and you say how many of you in this room have to take or have somebody in your family who has to take five to six to seven to eight pills each and every day to survive, well, about 70 percent of the hands go up. But if you asked that same question to a similar audience back in 1965 when Medicare started, no one would raise his hand, because it was not out there then.

Now we have these miracle drugs, and these miracle drugs help us to live longer with less pain and do more things, stay active and stay out of hospitals and nursing care. And yet we get from the House Democrat leader that they want to repeal the prescription drug bill. That does not make sense.

But I guess if you are worth $1 billion like JOHN KERRY, millions of dollars like JOHN EDWARDS, it does not matter to you what the cost of it is. They are not the kinds of people who, when the gas goes from $1.60 to $1.72, they do not drive around the next block looking for the best deal so they can pump it themselves.

Several House Democrats have asked that the United Nations monitor the Presidential elections. Now, you know, you could understand that maybe at Tammany Hall, the Chicago machine, or maybe down in Texas when LBJ was running against Coke Stevenson, you might want somebody to come in to monitor the election.

But here we are Americans. We do not need the United Nations to come in and tell us anything. We want to cooperate with the United Nations where it is mutually in the best interests of everyone. But can you imagine, Mr. Speaker, Members of the United States Congress writing Kofi Annan and asking him to send election monitors to the United States of America? I would be embarrassed to go home and, despite my partisanship, try to spin that to a constituency. I think that is just such an insult to people.

We are getting a lot of complaints that we are not spending enough on intelligence, and yet if you look at what our budget has done since 9/11, it spiked. What I see as an appropriator is that a lot of people are getting their budgets I think in many cases overswelled or overgrown because they are saying it is in security.

But if you look at it, candidate KERRY not only has voted for amendments to cut intelligence, they have often authored amendments to cut intelligence, and that does not quite make sense to me for somebody turning around and saying that we are not spending enough.

□ 2100

Mr. Speaker, I wanted to go on with this fascinating Democrat Presidential ticket, although I will say, while it is fascinating, it certainly has no diversity of philosophy whatsoever. If we look at where they are on certain things, they voted pretty much down the line together. They opposed many of the Bush initiatives on fighting terrorism, and they opposed Bush initiatives for reducing taxes. They have supported pretty much across the board any kind of pro-abortion legislation. Just to give an example, they both voted against the 2001 and 2003 tax cuts. They voted against the full marriage tax penalty relief. They voted against the child tax credit. They voted against fully repealing the death tax, and they both voted against the energy bill, and they both oppose free trade agreements. Litigation this year in America alone will be $233 billion, that is 2.23 percent of our entire GDP, yet these are the most pro-trial lawyers candidates that we have ever had run for office.

Mr. KERRY has voted at least six times against banning partial-birth abortion. While on the campaign trail, he skipped a vote on passage of the partial-birth abortion bill. I always feel strongly that when one is in office, one is paid to vote and one should be there for their votes, but he skipped a heck of a lot of them.

He was one of 14 Senators who voted against the Defense of Marriage Act in 1996, which would have banned the Federal recognition of gay marriage and same-sex partners. And in 2003, he said he might eventually support gay marriage if it became publicly acceptable. Well, I guess that is kind of couching his words.

EDWARDS said in response to President Bush's proposed constitutional amendment, I am against the President's constitutional amendment on banning gay marriage.

I am going to skip around. There are a lot of things here. But our colleague, the gentleman from Indiana (Mr. PENCE), has actually written something about the qualifications of a Vice President. The gentleman from Indiana (Mr. PENCE) has a BA in American history from Hanover College, so he is a bit of a historian. But he looked into what was the average years of experience that Vice Presidents had, and he found out that out of 46 previous Vice Presidents, only three engaged in public service for less than 10 years prior to being elected. One of them was a Secretary of Agriculture during the Great Depression, another was a Governor of Indiana, and another was a war hero who turned Congressman and was offered the mission to Spain by President Pierce. So these guys have all had a lot of experience.

The Democrat nominee JOHN EDWARDS has not served a single term in one Chamber of one branch of our Federal Government. If elected, his 6 years, or 5 at this time, I do not think we could give the guy 6 when he is not there all the time, would represent one of the fewest years of preparations to serve as President of the United States as anybody has ever had. His experience would be 20 percent of the average years of experience of previous Vice Presidents. The gentleman from Indiana (Mr. PENCE) has given us a pretty good list.

Now, what is interesting is we are not going to hear much from the media about this. The media is going to ask him such tough questions as: Is it true your dad worked in a mill? Whereas when Dan Quayle was appointed by Mr. Bush Senior, all kinds of questions: Senator, what makes you think you are qualified to become President in the event something unfortunate should happen to Mr. Bush? What is it that would make you qualified? He spent 12 years in Congress with a special emphasis on national security work, but that was not enough. What executive experience do you have? I once worked in the Governor's office in Indiana, Quayle said. And I would admit, not that much. Reporters asked about Quayle's nonservice in Vietnam. Others asked if Quayle had any connection to the Iran-Contra scandal. Others asked about a lobbyist who apparently donated to a golf trip that he had, even though there was no other connection. That is what they wanted.

Then they asked questions about his money: Senator Quayle, it has been quoted that your net worth is $20 million, is that correct? And if so, isn't this going to put off the blue color vote and the low-income vote. One reporter said to Mr. Quayle: "Since you don't want the Republican Party to seem like the party for the rich, why pick another millionaire for a running mate?

All of these I would say, they are fair questions; but it is interesting that the press is not going to ask these questions of the Democrat candidate. We can say liberal media, but of course that would be being redundant.

One would have to say that EDWARDS in 2004 does not measure up to Quayle in 1988. Quayle had 12 years in Congress. He ran for the House in 1976 and won. He was reelected in 1978. He ran for the Senate in 1980, at that time beating Democrat Senator Birch Bayh. He was reelected in 1986, winning 61 percent of the vote which, by the way, was the largest landslide ever in the Indiana Senate race.

For his part, EDWARDS has never run for public office before winning the 1998 North Carolina race, and he only got 51 percent in that. As the 2004 race approached, EDWARDS faced very iffy prospects with reelection; and we know that our colleague, RICHARD BURR, was running for that seat with or without EDWARDS as the incumbent, and all the pollsters and experts said this guy is vulnerable. He has not been home. And as for money, the reporter who asked if Quayle's net worth was $200 million, he was way off. It turns out that Quayle's net worth at the time was less than $1 million.

Now, I know that his wife had wealth and I am not sure how the trust reads, so I am not going to say that is just $1 million versus $50 million or whatever EDWARDS is worth, but EDWARDS is a very successful trial lawyer who has led the life of Riley, and I think to say that he is just a regular middle-class guy is silly, if nothing else.

EDWARDS' youthful experience and the Vice President's age and demeanor, the two men were not that far apart in age when they were chosen for the job. EDWARDS is 51. CHENEY was 59 when George Bush chose him as his running mate. And if we go on down the list, it is interesting that the questions and the scrutiny that Dan Quayle had to live up to, we are not hearing anything from the folks in the media in terms of EDWARDS, and we hope that we will.

Jumping around a little bit and getting back to KERRY, some of his more outstanding votes of note lately was KERRY voted against the $87 billion to fund American troops in Iraq and Afghanistan, and that included programs like additional body armor. And, Mr. Speaker, we have been to Iraq and Afghanistan. We know how important that is. We heard lots of complaints by folks, making sure that everybody had all the body armor that they wanted. In fact, the gentlewoman from California (Ms. PELOSI), the Democrat leader, tried to make a big issue that we did not have enough body armor going around, and yet it is her party's nominee who voted against it.

And then in 1994, this is very disturbing, right after the first attack on the World Trade Center, this was when Mr. Clinton was President and chose to not do anything, or not do much about it, KERRY had proposed to gut the Select Committee on Intelligence budget by $6 billion, and that was right after the first attack on the World Trade Center. If we go back to 1990, Mr. KERRY wanted to cut $10 billion from the defense budget.

The other thing, and I do not have the quote right in front of me, but Mr. LIEBERMAN who ran against Mr. KERRY said that we do not need a flip-flopper. And there is all kinds of evidence of him flip-flopping.

There are some ways, though, a group called the Black Five, and I am not sure what that is, but they came up with a way to decide if you should vote for JOHN KERRY. They said, How do you know for sure, and one way to do it is you could take this test. If you believe that the AIDS virus is spread by the lack of Federal funding, you might want to vote for JOHN KERRY. If you believe that the same school system that cannot teach fourth graders how to read is somehow the best qualified to teach, those same kids all about sex, you might want to vote for JOHN KERRY. If you believe that guns in the hands of law-abiding Americans are more of a threat than U.S. nuclear weapons technology in the hands of Chinese Communists, you might want to vote for JOHN KERRY. If you believe there was no art before Federal funding, JOHN KERRY is your guy.

If you believe that global temperatures are less affected by cyclical, documented changes in the Earth's climate and more affected by Americans driving SUVs; I got a laugh when I saw the SUVs. What was it that KERRY was speaking to, Mr. Speaker? Who was the crowd? It was a Detroit group. I think they were auto workers or maybe a chamber of commerce in the Detroit area, and he was saying, I am proud that we have SUVs. And actually, it is interesting, he had a fleet of cars.

I guess if you have five mansions around the world, you need a fleet of cars because, heaven knows, you would not want to rent. By the way, on that subject, his main residence, this man of the people we are talking about, his main residence in Beacon Hill, Massachusetts, is valued at over $6.6 million. That is his main residence. I do not know if my colleagues know this story, but one time Mrs. Kerry got some parking tickets for parking over in front of a fire hydrant. Now, what would you do if you were a liberal Democrat? Under that circumstance, you would think, I would pay the fine. In fact, I would send a little more because I believe in government, and I want to help subsidize government. This is a great chance. No. Instead, they simply moved the fire hydrant.

Now, I am telling my colleagues, that is some serious money. When your wife gets a ticket for parking in front of a fire hydrant and you have the fire hydrant moved, you have some money. But that is the approach to government.

They also, though, have a 90-acre family estate near Pittsburgh. That is valued at $3.7 million. Then they have a ski vacation home in Idaho that is a $5 million job purchased in 1988, and then there is the waterfront estate in Nantucket Harbor. This beachfront property is valued at about $9.1 million, and KERRY tools around the sound in his 42-foot power boat that is worth $695,000. What a guy of the people. I mean, I can just see him driving around in the pickup truck, going down to the little cafeteria down the street and joining the coffee club and talking about how gas prices jumped from $1.75 to $1.78, and how that is going to set them back.

□ 2115

And of course here in Washington a 23-room townhouse in Georgetown valued at $4.7 million, I do not know why the guy wants to move in the White House. That is certainly a cut in lifestyle, although I think it has got a pretty cool plane and your own police force and things he would like.

Getting back to this Blackfive thing, if one is against capital punishment but supports abortion on demand, JOHN KERRY is your guy. If one believes that businesses create oppression and government creates prosperity, JOHN KERRY is your guy. If one believes that hunters do not care about nature but loony activists in Seattle do, JOHN KERRY is your guy. If one believes that self-esteem is more important than actually doing something to earn it, JOHN KERRY is your guy.

There is a number of other tests that this group has, and I might just recommend that people look at www.blackfive.net and just take the test for themselves.

We have been joined, Mr. Speaker, by the gentleman from Florida (Mr. MARIO DIAZ-BALART), and I wanted to yield the floor for him.

And is the gentleman from Georgia (Mr. GINGREY) with us? Well, I apologize for overlooking the gentleman. I thought the gentleman just wanted to hear some brilliance and was waiting for the next speaker to give it.

Let me yield to the gentleman from Florida.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I thank the gentleman for yielding.

When I was listening to the gentleman a little while ago and he was mentioning about how Mr. KERRY tries to portray himself as one of the regular folk and he was talking about how he, frankly, is one of the very privileged folk, I think that kind of explains, though, some of his votes and some of the things that he says after some of his votes.

If the gentleman will recall that he voted against President Bush's tax relief plan in 2001 and also in 2003. By the way, that tax relief plan, i.e., in other words, government taking a little bit less of the people's money, it is not a gift that the government has given, just the government taking a little bit less of people's money, that is the reason why we are finally now in this economic upturn. And, again, they might try to scream and complain, but the bottom line is everybody has had to recognize that, because of that, the economy is doing much better.

But then since it is working and since more people are getting jobs and since over a million jobs have been created in the last year because of the President's leadership, and then they said, well, but the President's tax cuts were tax cuts on the rich. And, Mr. Speaker, again, I am in awe of what I hear up here sometimes. I am new here. This is my first term, and I am sometimes in awe of what I hear up here.

The tax cuts that the President proposed and this Congress passed, Senator KERRY, now, he would know what a tax cut on the rich is, obviously, because he is very wealthy, and nothing wrong with that, but I do not know about the State of Massachusetts. It is a different world. We know that the State of Massachusetts is a different world. It is the State that gave us JOHN KERRY and TED KENNEDY.

But, in Florida, everybody dies. In Florida, eventually everybody dies, and one of the tax cuts that this President supported, proposed and Senator KERRY voted against is the death tax. Again, I do not know about Massachusetts, but in the State of Florida not only the wealthy die.

One of the tax cuts that Senator KERRY voted against, saying now that it is a tax cut on the rich, was the marriage penalty relief. Now, I do not know about other parts of the country, but in the State that I am privileged to represent here in Congress, which is Florida, not only the wealthy get married. Working people get married as well. And yet Senator KERRY voted against it, saying, oh, that is a tax cut on the rich.

He voted against the child tax credit, for example. Now, again, I do not know about the State that he represents, the State where maybe everybody has nine houses that are worth millions of dollars, but in Florida where people work awfully hard, and I am pretty sure that throughout the country they do, not only do the wealthy get married, not only do the wealthy have children, not only do the wealthy die.

A colleague of ours in Florida said that at least one would think that we could agree that there should be no taxation without respiration, at least, but, no, Senator KERRY believes that that is wrong, that we have to tax people when they get married, we have to tax people if they have children, we have to tax people if they have small businesses, and, yes, we even have to tax people after they are dead, after they are dead. And yet, Mr. Speaker, he keeps saying that those are tax cuts on the rich.

I think maybe the explanation is what the gentleman was saying a little while ago, that he lives in a different place. I do have to admit, though, because I have seen a lot of things and I have heard a lot of things that to my point of view just do not make sense, like these are tax cuts on the rich, these tax cuts that I just mentioned, but maybe it is just a different world. I have to admit, though, that I give Senator KERRY credit, and I have heard this time and time again. One has got to give him credit for something that I, this humble servant, believed was impossible. When Senator KERRY has made TED KENNEDY the conservative senator of Massachusetts and when we look at the rankings, Senator KERRY is even more liberal, even more of an extreme left-winger than Senator Ted Kennedy. I did not think that was possible. Only Senator KERRY has been able to do so.

And he has, by the way, picked a very charming, very eloquent man as his running mate, who is the fourth most liberal Member of the Senate. He could have gone and picked a number of people out there. No, he had to pick somebody that was almost as liberal as himself.

Mr. Speaker, in that sense, the ticket of McGovern and Shriver, not since McGovern has there been a more left-wing extreme point of view put forward by the Democratic ticket as the ticket that is now in front of the American people. And, again, when they voted against repealing the death tax, when they voted to increase the child tax credit, in other words, when they voted against lowering taxes on families for their children, when they voted against the full marriage penalty relief, it goes to show us that, yes, it is absolutely true, hard to believe, that that ticket now is more left-wing and more liberal than even TED KENNEDY. It is hard to believe, but, yes, that ticket is more left-wing, more radical, more liberal, or at least equally to the ticket that McGovern headed in 1972, I believe, before my time, but it is hard to see a more left-wing extremist ticket, except for the one that the Democratic party has put forward.

Mr. KINGSTON. If the gentleman would yield, I wanted to underscore that. I have some of Mr. EDWARDS' rating groups, and the gentleman has established already that Mr. KERRY is more liberal than Mr. KENNEDY, with a 97 percent liberal rating compared to Mr. KENNEDY's 88 percent. But here was NARL, which is the National Abortion Rights League, they gave Mr. EDWARDS 100 percent for the last 4 years in a row. The National Right to Life has given him a 0. The AFL–CIO prounion vote, 100 percent for the last 3 years. The Federal Employees Union, 91 percent, then 100 percent, 100 percent.

National Taxpayers Union, Mr. EDWARDS, 22 percent, but that is up from 12 percent 3 years ago; Americans for Tax Reform, 0 percent, down from 5 percent last year; and then Citizens Against Government Waste, 13 percent in terms of being probusiness. The National Federation of Independent Businesses, small businesses, has given Mr.

EDWARDS a 0 percent. Privately, if one shows up, they get a 70 percent on their rating, but he has got a 0 percent. U.S. Chamber of Commerce has given Mr. EDWARDS 15 percent.

Why are these important? These are important because these are folks who help job creation, job impact, and if we are interested in jobs, we do not want somebody with a 15 percent U.S. Chamber rating and a 0 percent National Federation of Independent Businesses.

Mr. MARIO DIAZ-BALART of Florida. If the gentleman would yield, when one sees that, so he clearly likes raising taxes. He even supported a 50 percent gas tax, per gallon gas tax increase. Now I do not know about the gentleman, but in the State of Florida, gas is relatively expensive right now, and if the people out there think gas is too cheap, no problem, they have got a good person to vote for in November. That is Senator KERRY, who, again, has supported a 50 percent per gallon gas tax increase.

Mr. KINGSTON. And at the same time blocked the energy bill that would have given us more affordable energy in alternative energy sources, fuel cell, hydrogen cell research and a lot of good stuff. He helped block that bill because the travelers did not like it.

Mr. MARIO DIAZ-BALART of Florida. And, again, there are certain things that just boggle the mind. For example, he voted for giving the President authorization to go after Saddam Hussein, to take out Saddam Hussein, and then when our troops are on the field and when they are giving their all, including, unfortunately, their lives to protect our freedoms, to do the job that Senator KERRY himself voted to authorize, then he votes against the $87 billion to give them the equipment that they need on the field. That is that famous quote when he says, well, "I voted for it before I voted against it."

I guess he must have been embarrassed at his vote, but it gets worse now. There are so many reasons why he is the most extreme liberal left-winger since McGovern. He proposed gutting the intelligence budget, the intelligence budget by $6 billion, not long after the first World Trade Center bombing.

And so, again, we see some of these votes, and we just do not understand. How is it possible? We never know where he is today. If we ask him today, he may have changed four or five times, but he clearly supported going into Iraq but then does not support giving our troops the equipment that they need.

Now, that should not surprise us, because years earlier he tried to cut the intelligence budget, to really destroy the intelligence budget, and I have got some quotes of his that are just unbelievable. In the 1997 CONGRESSIONAL RECORD, May 1 quote, he said, "Now that the struggle," the Cold War, in other words, "is over, why is it that our vast intelligence apparatus continues to grow?" Excuse me? Why are we spending so much money on intelligence?

Well, we know what happens when we do not prepare, when we are not strong and when we do not have adequate intelligence.

Again, these are things that boggle the mind, and maybe part of the explanation is because he has seven homes. God bless him. I do not have a problem with that, but maybe that is why he thinks that cutting taxes on married people is cutting the tax on the rich. Maybe that is why he thinks when taxes are cut on people who die, estate taxes, that that is cutting taxes on the rich. Maybe that is why he believes that cutting taxes to small business is cutting taxes on the rich. It is not. It is cutting taxes on real American people, and when taxes are cut, we do not give anything. Government is not giving a gift. Government, all it is doing is taking a little bit less of the people's money. Is that wrong? No. It is the right thing to do morally, and it is also helping our economy.

Mr. KINGSTON. Let us yield to the gentleman from Georgia (Mr. GINGREY) a minute. He wanted to talk.

Mr. GINGREY. Well, I thank the gentleman, my colleague from Georgia and the gentleman from Savannah for yielding a little time and especially since I was actually not scheduled to be part of this colloquy. I know there are a number of other Members here who want to join in the discussion.

But I was just back in my office doing a little paperwork and catching up on some things and watching C-SPAN, and as the gentleman from Georgia and the gentleman from Florida began to discuss some facts about the presumptive Democratic nominee, Mr. KERRY, that it is important that the American people know I felt compelled to come down and hopefully not take more than 3 or 4 minutes, because there is something that I want my colleagues in this Chamber to know, and hopefully they will share this with their constituents, the American people.

See, there is one thing, only one that I can think of, really, that I share that I have in common with the presumptive Democratic nominee, Mr. KERRY. We both share the same religion. We are both Roman Catholics. And, Mr. Speaker, this is what I want to share with my colleagues. The presumptive Democratic nominee for President, he recently made two very interesting statements. Mr. KERRY, a constant supporter of abortion rights throughout his whole 20-year career in this United States Senate, now says he believes that life actually does begin at the moment of conception.

Let me repeat that. He believes that life actually does begin at the moment of conception.

Nevertheless, Mr. KERRY continues to insist that he is ideologically prochoice because of his firm belief in "separation of church and State."

Now, I assume Mr. KERRY is referencing the establishment clause of the Constitution, which declares that our government shall establish no State religion and that citizens are free to worship God in the manner of their individual choosing. Indeed, freedom of religion, not freedom from religion.

□ 2130

Madam Speaker, the unalienable rights to life, liberty, and the pursuit of happiness are proclaimed in the Declaration of Independence and guaranteed by our Constitution, so it would seem that JOHN KERRY would, by his own words, believe that life begins at conception, would, through his prochoice stance, be in direct contrast to the most important guarantee of our charter documents.

Mr. KERRY goes on to say that his Roman Catholic belief that the moment of conception is the same moment life is created, that should not be imposed on those whose faith through other religions do not share that same belief. He should not impose that other on other religions because they may not share that same belief.

Madam Speaker, I wonder, I wonder which particular religion Mr. KERRY is referencing. In my 11th district of Georgia I have attended services at many churches, synagogues, houses of worship of different denominations. All of the religions I have encountered firmly, firmly believe in the sanctity of life which God creates at the moment of conception.

Now, Mr. KERRY recently spoke from Pittsburgh just the other day about giving kids a chance at full citizenship by strengthening Early Start and Head Start. Madam Speaker, the best way to guarantee our youth a chance at full citizenship is by guaranteeing their constitutional unalienable right to life.

Madam Speaker, I would remind Mr. KERRY, the presumptive Democratic Presidential nominee that almost 40 million children since the 1973 Roe v. Wade decision have been denied an Early Start or Head Start. Indeed, they were given no start whatsoever.

So, Madam Speaker, I would hope those who wish to become the President of our Nation would have the courage to stand up for their belief in life at conception regardless of how recently they may have come to this conclusion. Many Presidential hopefuls try to have their cake and eat it too. We have been hearing a lot of that discussion here tonight, and I agree with it; but you absolutely cannot have it both ways on such an important issue as the sanctity of life. And I thank my colleagues for giving me an opportunity to come down and share that with you and with the other Members of this body on both sides of the aisle.

I am going to talk about that more and more. I think we need to make sure that we understand. How in the world could someone be for life and against life, be for the sanctity of life at conception and be pro-choice? It is incongruous. I thank the gentleman from Georgia (Mr. KINGSTON) for allowing me to share this evening with my colleagues.

Mr. KINGSTON. I thank the gentleman for joining us. We have been joined by another physician, member of the House, the gentleman from Texas (Mr. BURGESS), and wanted to point out, Madam Speaker, that the gentleman from Texas (Mr. BURGESS) was a practicing OB–GYN until his election to Congress.

Mr. BURGESS. Madam Speaker, I thank the gentleman from Georgia (Mr. KINGSTON) for yielding to me this evening.

I felt compelled to come and talk a little bit about the issues this evening. We have been hearing a lot about the relative preparedness or unpreparedness for the second highest office in this land to which they have been nominated, and that is actually not what I wanted to speak about this evening; but I would rather speak about the experience or the preparation that that individual does have, and that is in his profession as a trial lawyer.

The Wall Street Journal on Thursday of last week in its lead editorial, the last paragraph says, "Our runaway tort system is a genuine problem that is causing economic harm, and far more importantly, it is distorting the cause of justice. American politics typically responds to such problems, but in this case, the power of the tort bar centered on Democratic Senators has blocked even the most modest fixes. If this compromise fails this year, we will know for sure that this issue deserves to be joined until the Presidential campaign."

That is the Wall Street Journal's lead editorial from the end of last week.

As far as the issue of the medical civil justice system or the medical liabilities system in this country, we have had some legislation passed in this House twice in the past year and a half, but the action has been blocked on the other side of the Capitol. And what is the cost, Madam Speaker, what is the cost of doing nothing in this regard?

Well, between 1994 and 2001, the typical medical liability award increased by 176 percent to $1 million. That is from "Liability of Medical Malpractice: Issues and Evidence"; Joint Economic Committee, May of 2003.

The National Journal cited in the issue just last week that $230 billion was the cost to this country of the medical civil justice system last year; and of that $230 billion, about one-fifth went to compensate patients for actual damages. About an equal amount, about a fifth, a little less than that, 19 percent, was the payment for the trial lawyers' part of that, a fifth went to the insurance companies, and one quarter of that amount went to pay the exploding costs of non-economic damages.

The American Medical Association in its Medical Liability Reform Fact Sheet last year said $60 to $108 billion per year would be saved in health care costs by placing a reasonable limit on noneconomic damages. Not eliminating them entirely, but placing a reasonable limit. "Defensive medicine is a potentially serious social problem. If fear of liability drives health care providers to administer treatments that do not have worthwhile medical benefits, then the current liability system may generate inefficiencies much larger than the costs of compensating malpractice claimants." This may lead to reductions of 5 to 9 percent in medical expenditures without an increase in the quality of medical care.

The study by McClellan in 1996 in 1996 dollars estimated that $50 billion a year could be saved in the Medicare system by the elimination of some practices of defensive medicine. There is a significant human impact as well. Doctors are leaving practice, and we are losing that critical human capital that we as citizens of this country and of our States have paid to educate.

There is a perinatologist in my community who left his practice about a year after entering practice because he could no longer afford the six-figure liability premium. He went to work for Perot Systems, a medical information systems consultant; but the fact is, he is not practicing perinatology. The State paid for his education. The State paid for his education in medical school and residency, and now we will never see the benefit of that payment because this individual was driven from his practice by the high cost of the liability insurance.

At Methodist Medical Center in Dallas last year, we lost a neurosurgeon because he could not afford the six-figure liability premium that he was faced with, putting the whole trauma system in the north Texas network at risk.

Madam Speaker, even more importantly than that, the cost of the human capital that is now being extracted on our youngest citizens and citizens as they contemplate what careers to pursue, individuals in undergraduate school and medical school and in high school, look at the medical profession and turn away because of the crisis in medical liability, and it is so unnecessary. Some reasonable fixes have been proposed by this House. They have been blocked on the other side of the Capitol; and, unfortunately, one of the individuals who is at the root of blocking those commonsense reform is now the nominee for the second highest office in this land.

So I would say I am not so much concerned about the experience that he lacks in the administrative side of the government. I am far more concerned about the type of experience he brings from the plaintiffs' bar. I do not believe that this issue can get a fair hearing with that individual sitting in the second highest office of the land.

Mr. KINGSTON. Madam Speaker, I thank the gentleman for joining us tonight and also for giving your perspective. I wanted to ask the doctor a few questions, if I could, before he leaves. How long did the gentleman practice medicine?

Mr. BURGESS. For 25 years.

Mr. KINGSTON. What was your specialty?

Mr. BURGESS. Obstetrics and gynecology.

Mr. KINGSTON. In that field, how big is the problem of malpractice as you the gentleman know it firsthand?

Mr. BURGESS. It is causing doctors to leave the practice of medicine. There is no question about it. I saw it myself.

The gentleman from Georgia (Mr. GINGREY) and I are perhaps the poster children for that. We left our practices and came to the relative safety of the United States Congress to avoid the pernicious medical liability climate. In south Texas along the Rio Grande Valley, it is a crisis of epic proportions. And until we passed some State reforms this past year, in September of last year, doctors were leaving the State in significant numbers. Malpractice insurers were leaving the State. We had gone from 17 insurers to four; and the policies were very, very restricted that were being written.

Since we put in some very, very basic reforms, some very, very basic curtailments of noneconomic damages, the insurers in the State of Texas have now increased to 12, insurance prices have come down significantly. The crisis has been adverted to some degree in Texas, but it remains a nationwide problem.

Mr. KINGSTON. As the gentleman talks to physicians, if someone said, name the top three problems physicians are faced with right now, would malpractice be one of them?

Mr. BURGESS. Certainly that would be at the top of the list. Reimbursement rates from HMOs is going to be second. The slow rate of payment from insurance companies and HMOs would probably rank as third.

Mr. KINGSTON. So unless we address the frivolous medical liability suits in our country, the cost of medicine will skyrocket and the availability is going to shrink?

Mr. BURGESS. I think access is going to be severely, severely restricted. A woman who is the head of the Columbia University residency program, an OB-GYN, Columbia University has a very good residency program, perhaps second only to Parkland Hospital where I did my residency, this individual told me that currently they were accepting people into their residency program that 5 years ago they would not have even interviewed. That is, the quality of applicant has dropped off so significantly because people simply fear this issue. They see no reason to enter a life where there is going to be this much uncertainty. So it is really extracting a high toll as far as the availability of our future providers, not just what is happening right now, but what is happening for our children and our children's children.

Mr. KINGSTON. I thank the gentleman. If we have the Edwards-Kerry trial lawyer ticket, we probably will not have any serious medical liability reform, would we?

Mr. BURGESS. That is my firm belief as well.

Mr. KINGSTON. Madam Speaker, I think we had a good discussion here today. I notice my friends on the other side of the aisle are here chomping at the bit and I know are eagerly awaiting freedom of speech, equal time; and my friend from California is grabbing the mike right now for a discussion.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. HARRIS). The Chair will remind all Members to refrain from improper references to individual Senators. While references to Members in their capacity as presumptive nominees for the Presidency and Vice Presidency are not prohibited, references to other Members of the Senate must be consistent with clause 1 of rule XVII.

WHO IS IN CONTROL?

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, I would like to say to my friend from Georgia, when he is talking about past Vice President Dan Quayle, what he needed to do was know how to spell potato.

Madam Speaker, last week President Bush was asked what distinguishes Vice President DICK CHENEY from Senator JOHN EDWARDS, JOHN KERRY's Vice Presidential running mate. Mr. Bush's haughty reply was, "Dick Cheney can be President."

This implied criticism of Senator EDWARDS, who happens to sit on the prominent Senate Intelligence Committee. And this is quite laughable because Senator EDWARDS actually has more experience than George W. Bush did at the time he ran for office in the year 2000.

The appalling part of this comment is that not only could DICK CHENEY be President, he has performed the functions of the Presidency. Since day one, DICK CHENEY has wheeled, dealed and cajoled his way to accomplish his dangerous, self-serving, neo-conservative agenda.

DICK CHENEY has chomped at the bit to finish the job he started in 1991 as Secretary of Defense when the United States first went to war with Iraq. In the year 2003 when President Bush needed to make the case for going to war with Iraq, it was DICK CHENEY who met with the intelligence analysts at the CIA to determine whether Iraq possessed nuclear weapons.

Vice President CHENEY claims that he did not strong-arm these analysts into adopting his view that Iraq was in possession of weapons of mass destruction. Despite what I am sure were CHENEY's best and most benevolent intentions, the Vice President of the United States probably registered quite a bit of influence with a bunch of career CIA analysts who were likely to give him the evidence he wanted, whether it was true or not. And it was Vice President CHENEY, not President Bush, the Commander in Chief, who gave the unsuccessful order to shoot down the hijacked planes on September 11. At a time when America was being attacked, it was Vice President CHENEY who made the important decisions.

By now this pattern should be quite clear. Vice President CHENEY does the real work of the administration, making the key decisions in our times of greatest need.

□ 2145

When George Bush says that DICK CHENEY can be President, he is right, but that says more about President Bush's own failure of leadership than it says anything about Vice President CHENEY's abilities.

Madam Speaker, the American people deserve better. They deserve better than a man-behind-the-man presidency. Senator JOHN EDWARDS will not be the kind of Vice President who will falsify intelligence for the purposes of sending our young men and women to war. As a member of the Senate Intelligence Committee, he knows better.

We need leaders who will not abdicate the Constitution in the name of political opportunism, a Presidential team that will pursue smarter policies than those of the current administration.

I have introduced H. Con. Res. 392, the SMART security resolution, which provides a much smarter national security platform than the one we currently have. SMART stands for Sensible, Multilateral, American Response to Terrorism. SMART security means confronting the threat of terrorism not by creating more terrorism, as the Bush administration has done in Iraq, but by striking at the very heart of the real terror networks.

SMART would cut off financing for terrorist groups and would break up of their organizations around the world, engaging the international community in this process, the same international community the Bush administration so callously disregarded in its march to war.

SMART security provides a better path for America than the one we are currently on. Could DICK CHENEY be President? Sure, if you do not mind the fact that the real President is asleep at the wheel, but JOHN EDWARDS, who could step in for JOHN KERRY on a moment's notice, will not be a shadow President because JOHN KERRY will lead this country on a truly smart path.

The voters will decide in November what they want: an administration that unnecessarily sent American troops into a war that has cost the lives of thousands, or a Kerry-Edwards administration that will be smart about America's national security.

ELECTIONS, NOT FEAR, MAKE AMERICA STRONG

The SPEAKER pro tempore (Ms. HARRIS). Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Madam Speaker, elections, not fear, make America strong.

I just returned this afternoon from my district. All last weekend, everywhere I went in Seattle people kept asking me the same question, are they really going to take away our election? Now, I did not go to the secret briefing that they had last week. It is my practice and my policy not to go to secret briefings.

The day after the briefing, however, there was a stunning administration press conference revealing that the Department of Homeland Security thinks we should all be more afraid but that things are not bad enough to raise the terror alert level from yellow, and we should all be vigilant, but not about anything specific.

Now, that secret meeting that they had the day before had everybody's mouth zipped shut in this place. Then they go out on the street and say what they told us not to talk about; and, by the way, we need to figure out how to legally delay the election, just in case. That was the bottom line, what they were talking about. The homeland security spokesman referred to this as an effort "to determine what steps need to be taken to secure the election." Please, folks, could we not at least avoid the Orwellian language?

Now we have got the people flooded with fear, and the conspiracy theorists are having a field day. It is everywhere, in all the clips today in the paper, everywhere all across the country just what was going on in my district. I did not know where it came from, but when I got back to Washington and read what was going on nationwide, it is everywhere.

How does this contribute to our national security? How does it do anything except keep everybody off balance and crazy?

This ratcheting up the level of alarm is always followed by a pause though there is no change in the evidence or lack of evidence of a terrorists' ill-intentions and the relaxation of the tension is always followed by another call to fear.

There really are people out in the world who want to hurt us. Let us direct our attention to them. Let us work on the problem, instead of working on the nerves of the American people.

I do not want to anticipate that the Department of Homeland Security is going to fail. I want the Department to do everything possible to make us and our elections safe.

So I have some advice for the Department of Homeland Security, Madam Speaker. Stick to your knitting; try to keep the homeland secure; analyze the chatter; do not chatter yourself; do not add to the noise; do your job; do not stir up fear.

We are a vast and strong Nation. For the people in our government to be saying that if there is a terrorist event we will get rid of the election, excuse me? They do not do that in India. They do not do that in Germany. They do not do that in any country. You are acting like one event somewhere in this country is going to give the President the right to call off the election. Absolutely nonsense.

We got through the British burning the White House and the Capitol, this very building was burned to the ground in the War of 1812, without suspending an election. We got through the Civil War without suspending an election. You can go downstairs and see pictures of troops bivouacked on the campus of the Capitol, but we had an election in 1864. Some people thought it should be delayed, but it went right ahead. In a democracy you do not have to be afraid, and we will get through the election of 2004.

The Presidents who made these decisions to go ahead with the election, despite threats, were fighting ground wars right here in D.C. and in its suburbs, not 8,000 miles away. They had it right on their doorstep, but President Madison, who wrote most of the Constitution, and President Lincoln, who saved the Union, believed in this country and in its people. They believed that people would persevere and prevail, and that is what I believe.

Mr. Speaker, I call on the Members of this body and our administration to repudiate this fear mongering, the rumor generating, the chatter about delaying our elections. What kind of nonsense is that for the leadership in this country to be even talking about? It insults our intelligence. It distracts us. It harms our country. It is ill-befitting of this American democracy that we are all so proud of.

NORTH CAROLINA'S FAVORITE SON, JOHN EDWARDS, AND THE DEMOCRATIC PRESIDENTIAL TICKET

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from North Carolina (Mr. ETHERIDGE) is recognized for 60 minutes as the designee of the minority leader.

Mr. ETHERIDGE. Madam Speaker, this evening I rise with several of my colleagues and a number from my North Carolina delegation to talk about our favorite son, JOHN EDWARDS, as well as our ticket.

JOHN EDWARDS is from a little place in Moore County called Robbins, North Carolina. He currently resides in our State capital of Raleigh.

I normally do not respond to things some people say on the floor, and I find it a bit of interest earlier that my colleagues on the other side of the aisle knew so much about him, they wanted to quote from the Wall Street Journal. There are a few people in North Carolina who read the Wall Street Journal, but if he really wants to know about JOHN EDWARDS, I would suggest he read the Raleigh News and Observer, probably the Charlotte Observer or a lot of our weekly papers, and he would find a lot out about JOHN EDWARDS.

If he had been in Raleigh on Saturday, he would have had the opportunity to see about 20,000 people standing in the hot July sun, over 90 degrees for 4 hours, to welcome home JOHN EDWARDS and Presidential nominee JOHN KERRY and their wives Elizabeth and Teresa to Raleigh, North Carolina. It was a wonderful celebration of the first North Carolinian on the Presidential ticket in modern times.

I will have more to say about this in just a moment, but first I want to yield to my colleague, the gentleman from North Carolina (Mr. MILLER), for some comments.

Mr. MILLER of North Carolina. Madam Speaker, I am very pleased to be here tonight. I did not think I would be pleased to be here. In my office earlier, I was regretting greatly having agreed last week to come down tonight as I saw the time slip away and as I was, instead of dinner, eating the complimentary North Carolina peanuts that we pass out to our visitors, wondering when, if ever, tonight I would get dinner.

Then I heard the speeches of a few minutes ago by the gentleman from Georgia (Mr. KINGSTON) and by others on the same topic but from a different perspective, and I felt a new energy and a new enthusiasm for our task tonight, and I would like to address some of the questions that the gentleman from Georgia (Mr. KINGSTON) and the others asked about JOHN EDWARDS.

First, the gentleman from Georgia (Mr. KINGSTON) asked why it was that JOHN EDWARDS did not have to answer any of the insulting questions that were asked of Dan Quayle when the first President Bush asked him to run as Vice President in 1988, and I think that there is a simple answer to that.

The gentleman from Georgia (Mr. KINGSTON) said that Dan Quayle had been in Congress for 12 years, JOHN EDWARDS in the Congress for only six, but JOHN EDWARDS had not been asked why he was qualified to be President when that question was put very pointedly to Mr. Quayle. The gentleman from Georgia (Mr. KINGSTON) said he believed it must be because of the liberal media. I think there is a different explanation.

JOHN EDWARDS is smart. JOHN EDWARDS is smart. Everyone knows he is smart. Everyone who has spent any time around him knows that. He is plenty smart enough to be Vice President. He is plenty smart enough to be President.

Second, the gentleman from Georgia (Mr. KINGSTON) and all the others said that this is a ticket of two crazy liberals, wild-eyed crazy liberals, out of step with North Carolina or even, they suggested, with Massachusetts, and I just wish they would get their story straight.

JOHN KERRY and JOHN EDWARDS are the Huck Finns of American politics because they got to attend their own political funeral. In December of last year and early January, they appeared to be politically dead. Their campaigns were not going anywhere. The former governor of Vermont, Howard Dean, appeared to be walking away with the Democratic nomination. A respected political reporter here, Stuart Rothenberg, wrote a column that said, "It ain't over till it's over, but it's over." Howard Dean was assumed to be the nominee.

So all the right-wing commentators began talking about how the Democrats were going to nominate a crazy liberal in Howard Dean; and, to establish that contrast, they said the Democrats were rejecting sensible, thoughtful, moderate candidates like JOHN KERRY and JOHN EDWARDS. Things did not go according to their script, and now the ticket is JOHN KERRY and JOHN EDWARDS, and those same thoughtful, sensible, moderate folks that just a few months ago they were praising, they now are tarring with the same brush that they tarred Howard Dean.

Also, they need to get their story straight because just last week, in the hours immediately after JOHN KERRY had announced that he had asked JOHN EDWARDS to run on the ticket with him, the first response from the Bush-Cheney campaign was a 26-page e-mail that outlined all of these differences, all these differences between KERRY and EDWARDS, they just had nothing in common, and it just showed how flagrantly political JOHN KERRY was to have asked someone with whom he agreed so little to run as Vice President with him.

□ 2200

Very quickly they abandoned that. Now they say they are just alike. There is absolutely no balance to this ticket; they are exactly alike. The same voting record. They are two peas in a left-wing pod. Again, their story would have a little more credibility if they would stick with it for just a little while.

In fact, both JOHN EDWARDS and JOHN KERRY are moderate in the best sense, not in some voting record and how they have reacted in the last 2 years to take-it-or-leave-it propositions, bills that have not been put to them to vote "yes" or "no," bills that have not been compromised an iota. That is not the test of their moderation. It is their willingness to compromise, to try to find common ground, to try to find sensible solutions, to listen to everyone involved in the political debate, to listen respectfully, to respect their views and concerns, and to listen carefully because they might actually learn something. Would that not be refreshing to have in a President and Vice President?

I was also startled to hear our colleagues on the other side of the aisle say that JOHN EDWARDS and JOHN KERRY were out of touch and criticized them so sternly for being wealthy, for being rich. This is a party that treats the richest folks like rock stars. They are almost embarrassing in their fawning over rich folks. And the richer the folks are, the more fawning they are, the more unctuous they are around them. But that is not the point. The point is not the success JOHN EDWARDS has had.

Yes, JOHN EDWARDS has been very, very successful. We used to call that the American Dream. The point is where he started out and what he learned from that. JOHN EDWARDS, and I know they are tired of hearing the story of his being the son of a mill worker, but it is true and it is important. He understands what most folks' lives are like because that is the kind of life he lived. His father worked in the mill, his mother worked in the post office, as my father worked in the post office.

JOHN EDWARDS' life was like most Americans' lives. He had to depend on the public schools to get ahead, to have opportunities for him. Wallace and Bobbi Edwards, JOHN EDWARDS' parents, could not have sent JOHN EDWARDS to some expensive New England boarding school. He had to go to the public schools. And JOHN EDWARDS understands to the depth of his soul the importance of public education for middle-class Americans, the importance of public education in creating opportunities for ordinary Americans.

JOHN EDWARDS never got into any school on anything but his own merit. He never got into any college, he did not get into law school because of who his daddy was. He got in because he earned his way. He has earned his way his entire life. He has never had anything given to him, and he will understand the lives of ordinary Americans because of that.

They have talked about his role as a trial lawyer and the money that he made and how that now puts him out of touch. I can tell you what a trial lawyer does. The suggestion that he handled frivolous cases and made a fortune off that is ridiculous. He took the cases that had merit. He took the cases where people had been harmed because someone had not done what they should have done.

JOHN EDWARDS had to explain to juries how people who had suffered a terrible injury, how their lives had changed. He had to explain what their life was like before the injury, what their hopes were, what their aspirations, what they wanted their future to be like; and then he had to explain to the jury how that had changed and what their life was like after the terrible injury that they had suffered. And he had to explain the lives of many different people from many different walks of life.

I can tell you this, before you explain something to a jury, you have to understand it yourself. He was past master at understanding intellectually and at the pit of his stomach what peoples' lives were like, the lives they led and how their lives changed. And that would be a wonderful asset to have as a President or as a Vice President.

Finally, I want to address the lack of experience, the issue that they raise. That was, of course, part of the Dan Quayle debate as well. I was very startled to hear the gentleman from Georgia (Mr. KINGSTON) describe that JOHN EDWARDS had had less than 10 years of, his phrase was, public service, which I take to mean years in a political office. It was just 10 years ago that the members of the majority party campaigned for term limits. They characterized public service as career politicians. Now, 10 years later, they say that 6 years in political office is entirely too little experience, too little time in public life.

I think that the debate tonight of the gentleman from Georgia (Mr. KINGSTON) reminds us all how out of touch the majority party has become in 10 years and how if we want to have leadership in touch with the lives of ordinary Americans we need to change our leadership.

Mr. ETHERIDGE. Madam Speaker, I thank my colleague, the gentleman from North Carolina (Mr. MILLER) for joining us.

When we talk about this ticket, and certainly JOHN and his wife, Elizabeth, my North Carolina neighbors and all of our colleagues in North Carolina, their neighbors, and people from all walks of life are just thrilled to see this ticket, to see JOHN EDWARDS and Elizabeth really rise to national prominence, because they truly are one of us.

Madam Speaker, I now turn and yield to my colleague, the gentleman from North Carolina (Mr. PRICE), for his comments on this ticket.

Mr. PRICE of North Carolina. Madam Speaker, I thank my colleague for taking out this Special Order and giving us a chance to talk about a man whom we know very well and whom we know is prepared to serve this country very well.

I commend my colleague, the gentleman from North Carolina (Mr. MILLER), for listening so carefully to the preceding hour and the kinds of statements that were made on this floor. There is one that I thought was particularly striking, and I just want to check my recollection of this, if I might.

The gentleman from Georgia seemed to come over here and really challenge JOHN KERRY's faithfulness as a Catholic. That is what I heard him saying. That is extraordinary. That is extraordinary.

He also, in the process, restated the establishment clause of the Constitution. He said the first amendment prohibits the establishment of a State religion. No, the first amendment prohibits the establishment by the State of religion. And I would not pretend for a moment that it is always a simple thing to balance that establishment clause and the free exercise clause and understand how it can be applied in specific cases, but I would think one thing it means is that one in our country and under our form of government is not to take a theological interpretation, let us say of when life begins and to make that the law of the land.

There are many ways that our faith informs our politics, and that is true of JOHN KERRY and JOHN EDWARDS. It is true of the present President and Vice President, and we honor that. The wellsprings of political motivation and political values run very deep, and for most of us that involves our religious beliefs and our religious backgrounds. That is very different from saying, though, that we enact specific religious precepts as the law of the land; that we convert those into civil law when there is not widespread consensus on those precepts, as there came to be in the case, for example, of civil rights, and many other religiously grounded values. But where there is not that kind of broad consensus, over the years we have concluded it is best to leave conscience free. It is best to leave the individual and the collective expression of conscience free.

The gentleman from Georgia seemed to think that Mr. KERRY was being less than faithful because he was refusing to make that transition from a religious precept to the law of the land. And I wonder, where does that stop? Where does that stop? Where do you draw the line? Are there any limits to transforming religious precepts into civil law? Is there anyplace you draw the line, anything you would be willing to define as the establishment of religion?

No, there is great wisdom in that founding document, our Constitution. The State is not to establish religion. The State is not to interfere with the free exercise of religion. And I would suggest we would all do well to honor those precepts and to be very, very cautious in coming on this floor or going anywhere else and labeling a person unfaithful to his religious tradition because he happens to disagree with the interpretation of where these constitutional precepts apply.

I did not mean to start this way, Mr. Speaker, but the preceding hour was so extraordinary in some of the charges made and in some of the claims made that I felt I would add my contribution to what the gentleman from North Carolina (Mr. MILLER) very ably lined out.

The gentleman from the second district will remember very well when JOHN EDWARDS first came to the U.S. Senate, and in that first year we had a serious test of our ability to deliver for North Carolina and to collaborate in the interest of our State a challenge that came in the form of a hurricane and a flood named Floyd. And that was a test for all of us, but it was particularly a test for our new Senator; and that is where I got to know JOHN EDWARDS best and came to appreciate the kind of energy and dedication to duty that he exemplifies and his effectiveness. We did get a great deal of support for our State, relief for our State; and JOHN EDWARDS was a very valuable leading member of the team.

We also know him for his leadership on many domestic issues. He is probably best known as the leader in the Senate, along with Senator JOHN MCCAIN from the other side of the aisle, of the fight for a Patients' Bill of Rights. Very, very effective legislative effort. So JOHN EDWARDS is well-known as a legislator who has looked out for North Carolina and who has looked out for the people of this country.

But in the few minutes I have tonight, I want to turn to another aspect of JOHN's leadership and one that, again, our friends on the other side of the aisle seemed determined to denigrate, and that is his experience and his leadership in national security and in foreign affairs. Some have questioned that. But it is actually an important question to ask. Does a candidate for President or Vice president have credible experience and knowledge in foreign affairs, in security matters; and does he bring that to the table as he asks the American people to support him?

Let me just mention a number of aspects of JOHN EDWARDS' experience in terrorism and national security. On many occasions Senator EDWARDS has transformed key anti-terrorist proposals into law. As a member of the Senate Intelligence Committee, Senator EDWARDS has been an active leader on important issues related to national security, with particular focus on homeland security, intelligence reform, military operations in Afghanistan and Iraq, and U.S.-European relations.

For example, the Biological and Chemical Weapons Preparedness Act. This bill, introduced by Senator EDWARDS, along with Senator HAGEL, Republican of Nebraska, establishes a coordinated national plan for responding to biological and chemical weapons attacks and directs States to develop plans for dealing with such attacks. This was not just a proposal. Major provisions of this bill have been passed by the Senate in the Bioterrorism Preparedness Act.

The Airport and Seaport Terrorism Prevention Act. This legislation specified the use of new identification technologies to screen airport employees. Parts of that proposal were passed by the Senate and signed into law.

The Cyber Terrorism Preparedness Act. The Cyber Security Research and Education Act. These bills strengthen our Nation's preparedness and ability to ward off a cyberattack by terrorists. Parts of that bill were passed by the Senate and signed into law by the President.

The Name Matching For Enforcement and Security Act. Senator EDWARDS introduced legislation to improve the weak capacity of anti-terrorist watch lists and databases to match up variants of foreign names. This legislation was incorporated into the Border Security Act of 2002.

JOHN EDWARDS has been part of a working group of Senators focused on terrorism before 9/11. Before 9/11. In the summer of 2001, JOHN EDWARDS joined a working group of Senators from the Select Committee on Intelligence, the Committee on the Judiciary, and the Committee on Armed Services who focused on the growing terrorist threat and considered possible responses. Many of these issues, many of these ideas, such as the mandatory sharing of intelligence between CIA and FBI and other agencies, and the training of Federal, State and local law enforcement officers to recognize and communicate critical intelligence information, these ideas were later implemented in legislation passed after September 11.

JOHN EDWARDS has met extensively with leaders around the globe, traveling in the Middle East, Asia and the gulf states, and Europe. He has wide exposure and wide experience internationally. As several of my colleagues have said, far, far more experience and exposure than our present President had when he was nominated. Present President had very, very limited international exposure, and actually seemed proud of that fact.

JOHN EDWARDS has been a member of the joint committee investigating the September 11 attacks. He has focused in on intelligence failures. He served as a member of the joint House-Senate panel investigating those attacks during the inquiry. He developed particular expertise on the shortcomings of the FBI's intelligence-gathering efforts. He developed relationships with a broad range of experts specializing in intelligence and national security policy, law enforcement, and civil liberties, as well as receiving detailed briefings from the FBI and the director of the British Security Service.

Fourthly, JOHN EDWARDS has played a leading role in post-conflict planning legislation. He played a leading role in improving America's ability to ensure that post-conflict states, like Afghanistan and Iraq, can address security challenges and humanitarian needs and political development.

☐ 2215

In 2003 Senator EDWARDS introduced the bipartisan Winning the Peace Act that outlined major reforms to enhance the government's capability to conduct post-conflict reconstruction. And then, finally, JOHN EDWARDS has worked tirelessly to improve our military. As the Senator from North Carolina, he represents Fort Bragg, the world's largest army complex, as well as the headquarters of the Marine Corps Antiterrorism Task Force. He has been active in the effort to improve the quality of life for all who serve in the military and to reach out to military families.

Madam Speaker, others want to speak. I am going to stop with that. I hope, though, that it is evident; and one reason I have mentioned all these various enactments and all these various initiatives is to underscore the point that these are not just empty claims. These are documented claims. This is a record for all to see. This is a Senator who, in his term in the Senate, has been deeply involved in national security and foreign policy issues. He has developed expertise. He has developed a network of people that he works with. He has put forward creative proposals, many of which have been enacted into law. It is an area where he has invested a great deal and where he is prepared to serve.

And I thank the gentleman for giving us all a chance to testify to our knowledge of JOHN EDWARDS's good work and our support for his present effort.

Mr. ETHERIDGE. Madam Speaker, I thank the gentleman for his comments. He certainly has represented the fourth district and part of the district that I had the privilege of having for a while and part of the district that the gentleman from North Carolina (Mr. MILLER) has. He certainly knows what it takes to be a good legislator, and I appreciate his comments on that.

Madam Speaker, I yield to the gentleman from North Carolina (Mr. MCINTYRE) for his comments as well. I thank him for joining us this evening.

Mr. MCINTYRE. Madam Speaker, I thank the gentleman from North Carolina (Mr. ETHERIDGE) as we talk about the Vice Presidential candidate, JOHN EDWARDS, our friend.

JOHN EDWARDS is a man of distinction, of dedication, and of determination. He has been distinct in all that he has undertaken. Distinguished personally, professionally, and politically. In everything that he has tackled, he has gone at it with integrity and with the utmost sincerity and authenticity to show that his heart, his mind, and his whole being is engaged. When he puts himself into it, he does it all the way in the best and in the most distinguished way possible.

He is dedicated. He is dedicated not only to the job at hand but dedicated to the people he serves. In fact, that is the hallmark of JOHN's life. He has always cared about people, shown that interest, and gone the extra mile to care for people whether they were in his hometown where he grew up in Robbins, North Carolina, whether it was the people he served and worked with when he was practicing law, or whether it is the people now who have served in North Carolina and that he, indeed, serves and will serve in our entire Nation.

And he is determined. He is determined to provide opportunities for all so that no one is left behind but that all have an equal chance to succeed in life, and this has been evidence in his life. His extraordinary vision will help lift America to a better and brighter tomorrow. Whether we are talking about the farmers to the factory workers, from health care to homeownership, from childhood to college, from the armed services to agriculture, from the environment to energy, from fighting crime to fighting terrorism, in every one of these areas, Senator EDWARDS has distinguished himself, shown his dedication, and lived out his determination.

In particular, when we talk about farmers, being a member, as I know the gentleman from North Carolina (Mr. ETHERIDGE) is, as we serve together on the House Committee on Agriculture, we know that Senator EDWARDS's commitment to helping our farmers, too often the forgotten ones in today's society, but yet we know if we go over to the Library of Congress and walk into that great hall and look at all the disciplines of learning and science and engineering and literature, what is listed first? And they are not in alphabetical order, necessarily. What is listed first is agriculture. The great tillers of the soil and tillers of civilization, as Noah Webster once said.

And JOHN EDWARDS understands the needs of rural America. Having grown up in a small town, he understands small-town needs, small business, and the understanding of what it means to be able to try to make a living when economic circumstances are not the best. He spent time in rural America and in rural communities. He spent time on the farms and in the factories and in the rural health clinics and in the rural hospitals that I have spent time with myself and in the rural public school system such as the one we have in Robinson County, my home county, where we have spent time there together looking at students' needs and spending time with students and administrators and parents.

JOHN EDWARDS also understands, as was mentioned a moment ago by the gentleman from North Carolina (Mr. PRICE) and as the gentleman from North Carolina (Mr. ETHERIDGE) and I know, both representing Fort Bragg, that he understands our military. In fact, one of the first bills he introduced was to help with the pay raise for our military and to also offer better health care for our military. JOHN EDWARDS understands these practical needs, and he exhibits and lives the values of faith and family and freedom.

JOHN EDWARDS is a man of faith. In fact, not only has he been involved in the Senate Prayer Breakfast, which is nondenominational and bipartisan, but, in fact, he was co-chairman of the National Prayer Breakfast just a few years ago here in Washington. And we know the great importance that that has played historically in this Nation that every President since President Eisenhower, of both parties, has participated in. JOHN is a man of faith, and that is reflected in his passion for people and in the high integrity and ideals that he upholds and the way he conducts himself. He lives his faith and does not just talk about it.

JOHN EDWARDS is a man that does not have a shrill tone or speak with bombastic language or unacceptable language, but instead his message is plain. His message is positive. His message is powerful. His message is persuasive. And that is what has won the hearts and minds of so many people who have known him through the years. He will make sure that rural America, as well as urban and suburban America, will not be forgotten.

It says in the Old Testament that "Where there is no vision, the people perish." It has been evident in JOHN EDWARDS's life that he has always had vision. He has seen fare beyond even what other people said he could not do, and he has helped take not only many people that he has served, our State but now our Nation, to the future. JOHN EDWARDS is that kind of leader, that kind of man that will help shape a vision for America.

Mr. ETHERIDGE. Madam Speaker, I thank the gentleman from North Carolina (Mr. MCINTYRE) for his comments. Certainly having come from rural eastern North Carolina, he understands what he is talking about and understands our friend JOHN EDWARDS.

Madam Speaker, I now yield to the gentleman from South Carolina (Mr. CLYBURN), which really happens to be the State where our Vice Presidential nominee was born. We are just grateful his parents decided to come to North Carolina so he could be reared there and get an education and make his living there. But we are happy to have the gentleman from South Carolina (Mr. CLYBURN) with us this evening to share a few comments about our friend JOHN EDWARDS on our ticket with JOHN KERRY.

Mr. CLYBURN. Madam Speaker, I thank the gentleman from North Carolina (Mr. ETHERIDGE) for yielding to me.

Madam Speaker, it is a pleasure for me to come to the well tonight and to speak on behalf of one of our Nation's most promising leaders. I know that the gentleman from North Carolina (Mr. ETHERIDGE) has spoken about his relationship with Senator EDWARDS. We have heard from the gentleman from North Carolina (Mr. MILLER), the gentleman from North Carolina (Mr. MCINTYRE), and the gentleman from North Carolina (Mr. PRICE); and they have talked about the experiences they have had with him as well as his record here in this city in our other body.

I was asked the other day by a friend why was it that I thought that JOHN EDWARDS was so optimistic about the future of this country when all the headlines around us seem to indicate something else. I said to him JOHN EDWARDS was born in a little town not far from the town where I was born, Sumter. I was born in Sumter. He was born in Seneca. Geographically it is somewhat of a distance apart, but he was born and reared in a value system that I am very familiar with. A value system that is grounded in his faith which can best be described by the words found in the Book of Hebrews: "Faith is the substance of things hoped for, the evidence of things not seen." I think that JOHN EDWARDS is optimistic about the future of this country because he has that kind of faith that comes out of a value system that tells us all that, as was said earlier, "where there is no vision, the people perish." He has a vision for the future of this country, and he has expressed that vision time and time again throughout this Nation.

I heard it asked earlier what was the difference between JOHN EDWARDS and Dan Quayle. The difference is very stark. JOHN EDWARDS went before the American people. He laid out his life's history. He laid out his vision for the future. He told the people of this country where he would like to see us go, and he did so in such a way that exudes enthusiasm and optimism, and he endeared himself to the people of this Nation, and of course that is the difference. People got to know him. People got to see him. And people tell me that even when they did not vote for him because they may have thought someone else would make the better candidate, they really were moved by him. And today he is a part of what I consider to be one of the most promising teams of leaders this country has ever produced.

I want to close my comments tonight by dealing with an issue that I hear so much about: this issue of liberal versus conservative. In that little town of Sumter where I grew up, I was born and raised in the parsonage. My father was a fundamentalist minister who taught me in my early years that there are times when it is good to be conservative. He taught me that if I earn a dollar, I ought to be able to save a nickle. He taught me that when I leave the room, I turn out the lights, I conserve energy. But on Sunday mornings after his sermon, he never asked his congregation to give conservatively. He always asked them to give liberally.

So I grew up thinking that it is good to be conservative at times, and it is good to be liberal at times. What life is all about is finding the balance that will make us all better for having lived it.

We see that balance in JOHN EDWARDS, and as we go forward with this campaign, I think the American people will see that balance in JOHN EDWARDS and JOHN KERRY and will entrust the leadership of this Nation to that team that I am sure will make us all proud and bring back the dignity and respect that this Nation has always enjoyed.

I thank the gentleman for yielding to me, and I appreciate being here.

Mr. ETHERIDGE. Madam Speaker, I thank my friend for his kind comments. And he is absolutely right. Elections are about the future, and this election certainly is about our future and the kind of balance we have. JOHN KERRY had the good sense to reach down and choose a man who really the people had already had a chance to see. And I thought the gentleman's comments were absolutely on target with that because never before have we had a candidate that our Presidential nominee reached down and chose as Vice President that they already had a chance to have a shake-down run at the level this one has.

I am also glad the gentleman from New Jersey (Mr. PALLONE) has joined us. It is great to have someone comment and join this group tonight. I yield to the gentleman.

Mr. PALLONE. Madam Speaker, I want to thank the gentleman from North Carolina for yielding to me. And I noticed I guess I am the only Northerner here tonight. Everyone else has been either from South Carolina or North Carolina.

☐ 2230

But I have to say when I listened to the other side of the aisle, to the Republicans this evening, criticize our candidates for president and vice president, I could not help but come down here and say a few words, because I have watched both of these Senators who are now our presidential and vice presidential candidates on the Democratic side, and I have been very impressed with them.

I really resented, I do not like to use the word, but I resented the fact that our Republican colleagues used all these lables, liberal versus conservative, rich versus poor, because I know when I listen to Senator EDWARDS and Senator KERRY, they are not looking at things that way, whether somebody is rich, or what somebody's ideology is. They are just looking at it practically. And I have watched what they said.

I particularly want to pay notice of Senator EDWARDS tonight, because he is the newest person on the ticket and he is always looking at things from a practical point of view. The reason that he advocates change in the White House, and the reason I advocate change, and I think all of us do, is because we just do not like the practical impact of the policies of President Bush and Vice President CHENEY, particularly as it affects the little guy. Because when I listen to Senator EDWARDS, he is always talking about the little guy.

If you look at what happened over the last 4 years under President Bush and Vice President CHENEY, it is the middle-class, it is the little guy that has been hurt, whether it is gas prices or it is healthcare costs or it is education costs, or the fact that over the last 4 years we have had a loss of over 2 million jobs and the jobs that are now being created are not as good as the ones lost. This is what our Democratic candidates are all about.

The ultimate irony, I have to comment a little bit on some of the comments made about Senator EDWARDS being wealthy. He is wealthy, there is no question about that. But here is a guy who grew up in a small town, it has already been described, born in a small town in South Carolina, raised in a small town in North Carolina, from a very modest family. I have a little bit of his biography here.

His father Wallace worked in the textile mills for 36 years. His mother Bobbie ran a shop and worked at the post office. He worked alongside his father in the mill. He was the first person in his family to attend college.

This is a self-made man. This is a guy who went to a state university, North Carolina State University, graduated as undergraduate, then went for his law degree, University of North Carolina, Chapel Hill, a very good school, but also a public state university. He is self-made.

This is the very thing the Republicans keep talking about. They always use the example of Abe Lincoln, born in a log cabin and became president of the United States. Well, this is what we have here. This is not some guy who was born wealthy and was given everything. He had to work for it. That is what it is all about.

Then when I listened to some of these statements about the fact that he was a trial lawyer and how bad that was, well, you know, let us not put labels on people. I am sure there are some trial lawyers that are bad, but there are a lot of trial lawyers that are good. It depends on what you do.

The fact of the matter is that when I listened to, I think it was the gentleman from Texas (Mr. BURGESS), who is a physician from Texas, a Republican, who got up and started criticizing EDWARDS because he was a trial lawyer, am I to assume that everybody who is a physician is good and everybody who is a lawyer is bad? Is that what we have come to now, this sort of divisive element in looking at things? Well, it is just ridiculous.

If you look at EDWARDS' background, he was always fighting for the little guy. I just want to give you a couple of these cases, because I heard the gentleman from Texas, the Republican, talk about what is fair. Well, it is not fair if there are people who are injured and they do not have some way to redress their grievances.

This is an example. This is a very good example. I wanted to use one of the cases that EDWARDS tried. It is Jennifer Campbell, who suffered severe brain damage because of a doctor's mistake and the hospital's complacency.

EDWARDS represented Jennifer Campbell, who was born in April of 1979 with severe brain damage because of medical malpractice on the part of her mother's doctor and hospital. Despite the clear signs of fetal distress during labor, the doctor failed to deliver the baby by C-section and the hospital's nurses failed to help Jennifer by reporting the doctor's conduct up through the hospital's chain of command.

Now, am I to assume that in that case the doctor did the right thing and the doctor was the good guy, and the lawyer, in this case JOHN EDWARDS, who defended Jennifer Campbell who suffered from severe brain damage should not have had somebody to try her case, her malpractice case?

I am all in favor of malpractice reform. I do not see any problem. I have even voted for a cap on tort cases in some instances. But I am not going to suggest that it is not a good thing for a trial lawyer to take a case like that, where somebody has been severely injured.

Another case, I will give one more, this was a Methodist minister. Greg Howard and Jane Howard were killed in an auto wreck with a truck, left behind an orphan five-year-old son. EDWARDS represented Golda Howard, who lost her son Gregory in a car wreck with a truck.

The truck driver was driving too fast and following the car in front of him too closely, and when the car in front of him braked, he swerved across the center line into Greg Howard's 1984 Honda Civic head-on. Both Gregory Howard, a 31-year-old minister and Methodist camp director, and his wife were killed. They were survived by their 5-year-old son Joshua, who was not in the car. They are not supposed to be defended in this case?

Clearly there is no question that EDWARDS is someone who has cared about the little guy, and he saw being a trial lawyer as a way to give back and effectively represent people who had been seriously injured. These are not frivolous suits. That is not what we are talking about here.

I just want to give one more example, because I know the time has basically run out. I think it was my colleague the gentleman from North Carolina (Mr. PRICE), or maybe it was the gentleman from North Carolina (Mr. MILLER), who mentioned EDWARDS' passion on the issue of Patients' Bill of Rights.

I remember, because you have been to some of our Health Care Task Force meetings that I chaired in the last few Congresses, and one day we invited Senator EDWARDS to come over to from the Senate and talk to our Health Care Task Force about the Patients' Bill of Rights, because it was something we were trying to get passed on the floor of this House.

He came over and was one of the best presenters and speakers that we ever had. I had never even met him before. This was a few years ago. I was so impressed about his passion and caring about patients and how they had to have their rights protected.

This is something that we still need. If a case arrives where an HMO says that a person is going to be denied care because they cannot have a particular procedure or cannot go to an particular emergency room because they need care, that is what this is all about in this House, representing the little guy, the person who is damaged, the person who needs healthcare.

He was a guy who came to our Health Care Task Force and talked with passion about how we had to get this bill passed. And we still need to get this bill passed.

It is somebody like him, as vice president, joining with JOHN KERRY as the President, that we can get something like that passed, because you know that President Bush and Vice President CHENEY have been very much against the Patients' Bill of Rights. They went to the Supreme Court and got the Supreme Court to basically void the Texas Patients' Bill of Rights.

So we need leadership. We need leadership in the White House. We need leadership at the Vice Presidential level as well, if we are going to see patients protected. That is what this is all about.

I am just so proud to be here tonight to say how proud I am that we have this great ticket that includes a North Carolinian.

Mr. ETHERIDGE. Madam Speaker, reclaiming my time, I thank my friend from New Jersey. Let me also thank the gentleman for being here and joining us this evening on this evening of special orders to talk about our ticket and for those of us from North Carolina to have a little swelled up pride about having a North Carolinian on the ticket for the first time in actually 140 years. We have to remember that really the person that was on there 140 years ago really was from Tennessee. He just was born in North Carolina.

So we have a great deal of pride in JOHN EDWARDS and the fact that our Presidential nominee JOHN KERRY had, as I said earlier, the vision and the wisdom to reach out and touch him and bring him and Elizabeth along. I think they will add a great deal to the ticket, and I thank the gentleman for his comments and leadership.

As we said earlier, this thing of elections is really about the future. It is about our hopes, it is about our dreams. It is about responsibility on the part of individuals. But it is also about people who care. The gentleman's point was on target.

We are elected, all of us, here in this House and over in the Senate, to represent the people of this country. Every person that has a grievance, within reason, ought to be able to have us to deal with it in some way. If they do not get their shot and only those who have the money and the influence to have people to get things done, then the average person gets left out, and that questions a whole lot of things.

We talked earlier about our vice presidential nominee in JOHN EDWARDS. I like to think of the values that JOHN EDWARDS learned growing up in Moore County, in North Carolina, and they are the same values that I think I picked up growing up on a farm down in Johnston county.

When you grow up in a rural area, you learn you have to depend on your neighbors. I told a group the other day, I remember, today we would not think about going to our neighbor and saying I want to borrow a cup of sugar or a cup of flour or some coffee. But that is the way it was in rural North Carolina when JOHN EDWARDS was growing up. People would go over and do it, and then return it. Today we hop in the car and go to the store and get it, because you have a few more resources.

But, I think among those shared values that he picked up and he learned were the value of hard work, love of family, faith in God and in our country, and a dedication to the larger community, where neighbors look out for one another, and everyone has a decent shot at the American dream.

JOHN certainly lives his faith every day. He is not the type of person that you see wearing it on his sleeve, where he talks about it. It is a part of him. I know actually even before he was in the Senate, our children, our two older children attend the same church he does in Raleigh, and he is faithfully there with his children every Sunday now that he is in the Senate, and he was before when he was in Raleigh.

He is really in touch with the American people, because he never lost touch with where he came from. Even though he grew up in Robbins and went to North Carolina State University and on to the University of North Carolina to get a law degree, he helped earn that money along the way to get his degree.

Yes, he has been successful, because he has worked hard. There is nothing wrong with a person working hard and being successful, as long as they are honest in what they do. That is what the American dream is all about. That is what public education is about, getting an opportunity to make it. And whether the issue is working to improve our schools, or bolster economic development to create good jobs, or making healthcare, as you have talked about, a little more affordable for working families and available for those who have been injured, JOHN EDWARDS always had the family of small town America in mind, because that is where he comes from, where you grow up and the values you learn are the values you carry with you all your life.

Just like the gentleman from North Carolina (Mr. PRICE), when you grow up in a small town, you may move to the big city, but the old adage has been said, you can take the boy out of the country, but you cannot take the country out of him when you bring him to the city. JOHN EDWARDS is the same way. You have those things, those values you learned, that make all the difference in the world.

I once had the occasion to work in a cotton mill for about a year. We did not call them textile mills then, we called them cotton mills. There was a reason for that, because there was a lot of dust and lint in the air and they were hot, they were dusty and they dirty.

It was good work, and there were great people that worked there. They were great people. They were God fearing people that cared for their country and helped one another. But it is hard work, it is hot work and it is dirty work. His dad worked there for 36 years, and I can tell you it is hot in the summer because there is very little breeze.

I have heard some on the other side question why JOHN frequently mentions his father's work in the textile mill. I think it is an important point to make. I think he makes it because he wants people to understand not only does he care about his parents, but he cares what they taught him. Those are the values that he carries with him today.

JOHN KERRY recognized that when he said, "I want John Edwards to join me," and he made that call last week. He understood it. He saw it in him.

I think JOHN EDWARDS is the embodiment of the notion that in America, the son or daughter of a mill worker has just as much right to run for higher office as the son or daughter of a President or a corporate tycoon.

I predict to you he has already shown himself to be capable and able, but I think the American people will see over the next several months and learn to love him; a young man who came from Robbins, North Carolina, married his college sweetheart, and has done quite well. He has the tools to be a great vice president.

I guess one of the other things I like about JOHN EDWARDS is he and I share probably only one other thing: He and I were both first in our family to go to college.

□ 2245

Madam Speaker, you have a heavy obligation when you do that, because you have an obligation to help others. He has a strong and abiding commitment to helping working families get access to college, because he understands education is the one thing that levels the playing field. It does not make any difference what one's ethnicity or economic situation is, or who one's parents are or where you come from; if you get an educational opportunity, you have a chance to make it. He knows firsthand that a quality college education really is the key to the American dream.

I predict to my colleagues that as Vice President, he will fight to promote education, because he does know, as I have already said, it levels the playing field for everyone and gives them that chance for success. Those are the values that have made America great, and those are the values that he brings to this ticket. Those are the values that JOHN KERRY saw in JOHN EDWARDS when he made that decision. I predict to my colleagues that they will make a great team. They will make a difference in America; and that, as has been said by all of my other colleagues this evening in one way or another, they will give America hope again, because there are those who want to provide fear. They are about optimism and hope and dreams and possibilities and opportunities, so people can feel good not only about America, but our position with our allies and friends around the world, and that every person takes responsibility for themselves as we move forward into the 21st century.

Let me now close by thanking my colleagues for joining me this evening. And since I only have a couple of minutes, I want to close with a little poem. I think it says a lot about this ticket of JOHN KERRY and JOHN EDWARDS. It is written by the person who writes more lines than anyone else. It is anonymous. It is entitled "The Builder." It goes like this.

"I watched them tear a building down, a gang of men in a busy town. With a ho-heave-ho and a lusty yell, they swung a beam and a side wall fell. I asked the foreman, 'Are these men skilled, the kind you would hire if you had to build?' He smiled and said, 'No, indeed. Common labor is all I need, for I can wreck in a day or 2 what men have taken years to do.' I thought to myself as I went my way, which of those roles have I tried to play. Am I being careful to measure the world by the rule and a square, or have I been content to roam the town, content to do nothing but tear things down?"

Madam Speaker, I predict to my colleagues that JOHN KERRY and JOHN EDWARDS will be builders. What this country needs is people with a good attitude, with a vision to build, bring people together, and let America be America again.

SUDAN

The SPEAKER pro tempore (Ms. HARRIS). Under the Speaker's announced policy of January 7, 2003, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes as the designee of the majority leader.

Mr. TANCREDO. Madam Speaker, I have one issue that brings me to the floor tonight and that I hope to get to in a moment. As I listened, however, to my colleagues, it does come to mind that there would undoubtedly be a new vision for America if the ticket that they were extolling the virtues of actually becomes the leadership of the country as President and Vice President. It is true that there would be a difference in the way we look at life, the way we look at government in particular. It is certainly true that for those people who believe that the government is the primary focus of all of our activity and strength as a Nation, those people who believe that taxation can be euphemistically described as investment; those people who believe that the Constitution is really nothing more than a document that deserves to be interpreted, restructured, and changed by courts and judges; those people who believe that America's best days are behind us, those folks will indeed be happy if, in fact, the Kerry-Edwards ticket prevails.

Good men, I think, all good men are running for the office of President and Vice President of the United States. Certainly good things can be said about all. But it is undeniably true that we can also talk about the fact that incredible differences exist between the ways in which these people view their responsibilities as chief executive, as Commander in Chief; the way they look at the role of the United States in the world. One sees the United States as being subservient in many ways to international bodies, world courts, United Nations, other international organizations that I believe Senator KERRY and Senator EDWARDS think should have priority in terms of deciding how America actually goes about its business and determines its own policies.

Or President Bush, Vice President CHENEY, who recognize that although interaction with the world community is important, America must be strong enough and resilient enough to actually establish its own set of goals and purposes, and then act to achieve them, hopefully with the agreement of a large part of the world community; but even if that agreement were not to be reached, to understand that our goals may be unique to us, and that, therefore, we may have the responsibility of trying to achieve them, even by ourselves.

So there are certainly differences, undeniably true. That is the one thing with which I can totally agree with what our colleagues on the other side were talking about for the last hour, the differences that exist. But I believe that when the final tally is made, that most Americans will decide that the person who will decide who, for instance, is on the Supreme Court of the United States and will be making laws, interpreting laws for the next generation or two, because that is really how much of an effect it will eventually have if two or three members of that Supreme Court have to be, or actually end up being, changed.

And when people think about the fact that we are in a war that does threaten our very existence, even if it is not described on the front pages every day as a war between armies and one moving and advancing, but one retreating, but nevertheless an understanding that we are in a clash of civilizations; when one thinks about these things, one will come to the conclusion that it is better to have people in charge who think about the Constitution as strict constructionists do, that it is a document to be adhered to because it was divinely inspired. They will think about the fact that those folks who they want making a decision about their national security are people who are desirous of having the support of the international community, but not willing to be subservient to it; and, I think, of course, they will come to the conclusion that they will keep the President, the present President and Vice President on for the next 4 years.

But that really was not the main purpose of my coming down to the floor tonight. When I came to this Congress in 1998, I determined that there were a number of issues that I wanted to focus on. One of them dealt with a situation that was developing in a land far, far away, a land that very few people really knew much about. I had become acquainted with it mostly through discussions at my church about the persecuted Christians throughout the world.

This land is known as Sudan. It is one of the largest countries in Africa. It is the poorest country in Africa. It has suffered through an enormous amount of pain. It has sustained itself after 27 years of internal strife. Two million, at least 2 million, are dead; four million, at least, displaced in this civil war that has been ongoing, as I say, for over 25 years. Little is known about it. Certainly, in 1998, very few people thought much about Sudan or, frankly, almost any other country on the African continent. But certainly, Sudan was not on the top of anyone's list as a nation that we should be concerned about, a nation that had any relevance for us in the United States or really anywhere else in the world. Yes, it was just another one of those countries that was involved with internal strife.

Many people died, but that is just the way it is over there, and that was the thought. That was, to the extent that anybody gave it any thought, to the extent that Sudan mattered to anyone, it was just another place on the African continent where people were dying and were dying because of the internal conflicts that we thought we had nothing to say about.

Well, in fact, several Members, including myself, Senator BROWNBACK, the gentleman from New Jersey (Mr. PAYNE) talked about this issue at great length every time we had the opportunity. Anyone who would listen, we would talk about what was happening in Sudan. We would talk about this incredible tragedy that was evolving in front of our eyes. And we would ask people to be concerned, because it was a human tragedy of enormous proportion. And we found ourselves, frankly, in this strange sort of situation where the focus of the world was always taken away to a different place, to a different set of circumstances. Yugoslavia, Bosnia, Croatia, Serbia.

Mr. Milosevic, a name that most people in this body and certainly many Americans will recognize, Mr. Milosevic was the head of a country that was, as we determined, as this body determined, conducting genocide, that it was involved with ethnic cleansing, where thousands, perhaps hundreds of thousands, of people were being killed. And we spent a great deal of time and we debated in this body at great length exactly what actions should be taken by the West, by the United States in particular, and by NATO, if the United Nations would not get involved. And the United Nations chose not to get involved, but the United States led the way with NATO to go in to Yugoslavia and to, in fact, change the situation there. And we did so at the cost of a significant amount of our treasure and, certainly, many lives were lost in the process.

But there was a general agreement that that was the right thing to do because something terrible was going on in the country at the time in Serbia. And so there was a debate on the floor and the permission was given and we went to war, essentially, with the United Nations and eventually overturned the regime, and the United Nations is now involved with trying to do some sort of rebuilding effort of the country.

□ 2300

By the way, it was not very successful. The economy is disastrous. There are now signs of ethnic controversy and conflict starting all over again. This time it is the Albanian Muslims against the Christian Serbians, but the United Nations seems helpless to try and do anything about it. And so we did that, and that was where all of our attention and resources were focused, at a time when, as I say, another part of the world was suffering far more, under any criteria you want to establish as to why anybody else should be concerned.

If you look at the Sudan, you will see a nation tormented, and you will see a level of human sacrifice, a level of human rights violations that is unprecedented since the Second World War. And yet no focus. Nobody cared.

And we talked and we talked about it, and finally I remember I got a call from Senator BROWNBACK's office, and I had only been in Congress for a couple of months. His staff person called our staff person and said, "I understand your boss is interested in Sudan. Well, so is mine, and we are going over there in May, and does he want to come?" And I said, "Gee whiz, the Sudan? I have only been in Congress a couple of months, and I am really not sure. I always thought that our first trips were, like, Paris or Rome or someplace like that." That is what everybody always told me, that we were going to head out on these really exciting and cosmopolitan places, but in fact I said, okay, and I went with Senator BROWNBACK and with Congressman PAYNE to Sudan. And what I saw was, with my own eyes, the pictures of what many have seen of strife and horror and degradation of the human spirit, but I saw it with my own eyes, and it was a very moving experience, of course. It was one of those life-altering experiences.

I will never forget. There was a town called Yei, and it was a town that had been bombed often. And I remember there were a lot of chickens that the people would be watching, and people would talk about the fact that if the chickens started to run, because they could hear the engine of planes coming before the people, that the chickens ran, then the children ran, and then the adults ran, because they knew that was their early warning system, was the chickens who heard the actual planes coming.

And all these kids came around me and Senator BROWNBACK and others, and they gathered so close, you could hardly move. And they were shouting and they were looking up and they were pointing at the sky, and I asked the interpreter who was with us, I said, "What are they saying?" He said they are saying that they are going to stay as close to you as possible, because they do not think that they will be bombed. They do not think they will bomb an American Congressman. So they stand as close as they possibly can so they will not be hurt."

I said, "Well, you know, I hope they are right, but I don't think that anybody knows that I am here, but I hope they are right, of course." And I could see in their eyes the terror that they live through every single day. Most of them had lost parents, brothers and sisters. Many, many thousands and thousands were homeless, thousands were orphaned, and what they looked for was some degree of hope.

Now that was the situation in 1998, and we came back here and worked very hard, and we passed something. I introduced a bill, and it passed, and it is called the Sudan Peace Act. And it established certain criteria that had to be met by both the north and the south in terms of good-faith bargaining to come to some sort of peace agreement. And if they did not have that kind of good-faith bargaining, then there would be certain sanctions that we would apply.

Eventually, and just a few months ago, really, peace did come to that part of the Sudan that was afflicted by the civil war, and we are, of course, happy. A peace agreement was reached. The details now have to be worked out, but the fighting between the north and the south stopped.

Now I have explained that part of this, well, that the world was told that the civil war in Sudan started because you have an Arabic Muslim north and a black Christian south, and really the cultures were in conflict. Certainly true. And that the north where the government exists in Khartoum was always oppressive, acted oppressively against the south, and that is certainly true. In fact, the north sponsored raids, actual slave raids.

Sudan is one of the countries left in this world that actually has institutionalized slavery, and slave raids were encouraged by the government of the north in Khartoum. The Arab Muslims would come down, raid villages, take people away, back into both sexual slavery and just slavery for the labor that could be obtained.

But this was the conflict, Arabic Muslim, black Christian. Well, because of the enormous amount of international pressure that eventually developed after years, literally years of pressing every government we could think of, including our own, to force some sort of peace in this war-torn area of the world, peace finally occurred of a sort. But then, almost I guess because it was too good to believe, there was too much hope that in fact some degree of tranquility could overtake this troubled land, another problem, another conflict began to develop, and this is in the Darfur region, western region of Sudan, mostly in the north, where again Arabs were confronting black Africans.

This time, however, there was no difference of religion. This is the very interesting aspect of this particular conflict, because it really does go to the heart of the entire conflict that has been there for 27 years, yet really is not Muslim against Christian. It is Arab against black. It is genocide. Yes, the word is genocide.

They have talked about this for a long time, the north, about how they wanted to essentially cleanse the south, but they certainly wanted to move everyone out of the north that was in fact black African. They have now embarked upon a genocidal war in this province of Darfur. So far, around 50,000 dead, 200,000 displaced, and the numbers are growing every single day.

The government of Sudan in Khartoum is aiding and abetting the Janjaweed. The Janjaweed, they are Arabs, traders, Arab militiamen, essentially, who raid, kill and rape, and they are given the arms and the go-ahead by the government of Khartoum to pursue this.

Of course, the Khartoum government tells us and the rest of the world they have nothing to do with it, they will try their best to stop this, but the only thing that they have stopped so far is the transportation of any resources, the transportation through Sudan into this particular area of any of the foodstuffs that USAID or other NGOs, nongovernment organizations, are trying to deliver. They have done everything possible to halt any humanitarian effort to the region. They have done everything possible to aid the activities of the Janjaweed and to encourage them in this bloodbath.

Rape has become a tactic to advance the strategy of genocide. The women are told at the time of rape that they are impregnating them with lighter-skinned children and that they should leave once the child is born of that rape, that they could leave and leave the child, because the child would be of lighter skin.

The camps that have been established in and around the interior in Darfur, camps because, of course, people have been driven out of their villages and into these camps, the camps are surrounded by the Janjaweed. They patrol it, and they wait for people to walk outside. And the women come out in the morning, and they try to get out earlier and earlier to avoid attack, but the women are raped. The men are killed the minute they get outside of this camp. So there is no sustenance, there is no food, and now the rains are starting in Sudan in this part.

□ 2310

We have camps now with, as I say, a couple of hundred thousand people and more arriving every single day. There is no sanitation. There is very little food. All of them have been walking for some times hundreds of miles to get there. They are weak. They are starving. The rains are coming. Disease will spread and hundreds of thousands will die and it is planned. This is not just an accident. It is not just what is going to happen simply because of the forces of nature. It is going to happen because the government of Khartoum, the government of Sudan in Khartoum has designed this plan, to kill or move out the black people who inhabit this part of their country.

This is amazing. This is incredible that this could be happening in the world today, and again, relatively few people care.

Now, to the government's credit, Secretary Powell has gone to this area, just returned I think last week. He said that something like, well, I do not think we should argue about what it is called, whether it is genocide or something else. We have to do something. But the reality is we have to argue about what it is called because what it is called matters. If you say it is genocide, then there is a course of action that must be taken.

There is a 1948 agreement. It was signed by many nations of the world, including the United States. It is called The Genocide Treaty, and it sets up some criteria. And it says if this criteria are met, then in fact genocide is what is happening and you have to do certain things, including eventually maybe even military intervention. And that is what scares everybody off, and it certainly scares us because, God knows, we are spread thin, it is true.

But I nonetheless believe that we must go to the United Nations, and we must ask them for a declaration of genocide, because everything that is happening in Darfur, in the Sudan meets those criteria. It is purposeful. It is designed to actually eliminate a certain specific group of people. They are black. That is their crime. They are Muslims. But they are being killed by Muslims who are Arabic. It is racism. It is the most virulent form of racism we can possibly imagine.

The world has to focus on this even though there are things that pull us away, I know.

It is interesting, there is an article in the Guardian Review, "Human Rights on Trial" by Nick Cohen, May 16, 2004. It says, we choose to ignore atrocities committed in the third world when it is politically expedient as in Sudan. It goes on to say that "there is a bell curve in the international appreciation of atrocity. Safe countries receive no coverage for the obvious reason that there is no atrocities to cover in, say, Denmark or Belgium. The curve begins to climb from these dull lowlands and hits its peak in countries which are dangerous but not too dangerous to make reporting to them impossible, today's Iraq and the former Yugoslavia in the age of Milosevic.

"From here the curve slithers down again until it reaches countries at the furthest extreme from civilized life which are either too dangerous or too tyrannical for free investigation to be an option for anyone but the recklessly brave, the Congo and North Korea today or Iraq before the war. The lesson for tyrants is they risk becoming the objects of global outrage when they are not tyrannical enough."

Is that not just great? Is that not an absolutely perfect description of what is happening in the world? There is this range or atrocity that we will cover because it is safe enough to do it, but then once it gets beyond that, no coverage, nobody pays attention to the worst of all.

"The rulers of Sudan know this well," Mr. Cohen goes on to say. "Foreign journalists are not murdered there but pretty much everyone else is. An extraordinary Islamists regime filled with apocalyptic fervor of the fundamentalist revival has enslaved Christians and animist tribes in the black African south, as it prosecuted a civil war which has claimed the lives of 2 million since the early 1980s. Two million is the provisional estimate of the number killed by the Khymer Rouge in Cambodia. But while every politically sentient person has heard of Pol Pot and the killing fields. I doubt if many know of President Omar al-Bashir of Sudan and Hassan al-Turabi, a cleric who provided the ideological justification for the terror until he fell out with his murderous patron.

"If the names ring a bell, my guess is that you are active in one of the Christian or human rights campaigns which has doggedly monitored the extermination campaigns. The killings have subsided," the peace act is in force, "and there is now a faint hope of peace agreement but this seemingly happy prospect has only made the randomness of global compassion more unhinged and unprincipled.

"This year is the tenth anniversary of the genocide in Rwanda. It has seen Kofi Annan apologize for ignoring warnings that a mass slaughter was about to begin. And every Western government except those that were guilty of sins of omission, except, inevitably, the French, whose despicable role in Rwanda came close to the sin of commission. As the air was filled with the drumming of chests being beaten and the cries of 'never again' being bellowed in languages except French, another African disaster was being ignored. Since the autumn of last year, Arab militias have driven 1 million people from their homes of the Darfur province of Sudan. Government forces have overseen and participated in massacres, the summary execution of civilians, and the burning of towns and villages. Those who escape now face the risk of famine."

Atrocities must be allowed to flourish so other atrocities can be prevented. That is one of the strange sorts of anomalies of foreign policy that we are dealing with. I think this article was fascinating for its insight into how we handle issues of this nature and how difficulty it is to get the world to go act in situations like this.

Is it does seem odd, does it not, that we are willing to do so much more in other places of far less significance in terms of human rights tragedies? But we are all God's children. We are all made in his imagine and likeness, be we black, or brown or white or yellow. And for that reason we have to show compassion to those who are being persecuted. And we should act as vigorously in Sudan as we have in other parts of the world.

The Secretary of State should go to the United Nations tomorrow and demand a genocide statement be accepted and that the world, therefore, take action in Sudan. The government, every single time they have been pushed to the end, have retreated. They need to be pushed to the end again here. I hope and pray that we will do what is the right thing to do, what is expected of us as those occupying the moral high ground in the world, which we are. But in order to maintain that position, in order to keep the moral high ground, it is imperative that we pay attention to places like Sudan, even though I know our attention is being pulled in so many other places. And it is difficult because I do not know that there were any votes that anybody can count on if they champion this issue. I certainly cannot say that is true.

☐ 2320

There are things that we should do here simply because they are the right thing to do, not because there are any votes connected to it, not because there are any lobbying groups that are pressuring us, not because anybody's giving us money in order to champion a cause, but simply because it is the right thing to do. It is what we are asked to do as human beings of conscience, which is what I want to believe the United States still is, and I do believe it. It just needs to have its attention drawn to the areas of the world that command it.

So I do hope, Madam Speaker, that we will encourage our government to take every action possible, as I say, including any action that is designed to influence a decision by the United Nations that would lead to a declaration stating that genocide is actually what is happening.

Yes, the word matters. It is not the seeds of genocide. It is not a potential genocide. It is, in fact, genocide. Say it, let the chips fall where they may, and we can all rest easier because we have done what we can do, and that is all really God expects of any of us.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CAPUANO (at the request of Ms. PELOSI) for today on account of personal matters.

Ms. CARSON of Indiana (at the request of Ms. PELOSI) for today and the balance of the week on account of personal reasons.

Mr. ENGEL (at the request of Ms. PELOSI) for today on account of airline delays.

Mr. GUTKNECHT (at the request of Mr. DELAY) for today and July 13 on account of attending a funeral.

Mr. QUINN (at the request of Mr. DELAY) for today and until 2:00 p.m. July 13 on account of family medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. KAPTUR) to revise and extend their remarks and include extraneous material:)

Mrs. MCCARTHY of New York, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. SOLIS, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. TERRY) to revise and extend their remarks and include extraneous material:)

Mr. OSBORNE, for 5 minutes, today.

Mr. MORAN of Kansas, for 5 minutes, July 19.

Mr. BURTON of Indiana, for 5 minutes, today and July 13, 14, and 15.

Mr. PAUL, for 5 minutes, July 15.

Mr. JONES of North Carolina, for 5 minutes, July 13.

Mr. GINGREY, for 5 minutes, today.

Mr. HENSARLING, for 5 minutes, July 14.

Mr. NUSSLE, for 5 minutes, today.

ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 218. An act to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 103. An act for the relief of Lindita Idrizi Heath.

BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on July 8, 2004 he presented to the President of the United States, for his approval, the following bill.

H.R. 1731. To amend title 18, United States Code, to establish penalties for aggravated identity theft, and for other purposes.

ADJOURNMENT

Mr. TANCREDO. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 22 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, July 13, 2004, at 9 a.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8986. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Aspergillus flavus NRRL 21882; Exemption from the Requirement of a Tolerance [OPP-2004-0164; FRL-7364-2] received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8987. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — C8, C10, and C12 Straight-Chain Fatty Acid Monoesters of Glycerol and Propylene Glycol; Exemption from the Requirement of a Tolerance [OPP-2003-0379; FRL-7352-6] received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8988. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Lactic acid, n-propyl ester, (S); Exemption from the Requirement of a Tolerance [OPP-2004-0040; FRL-7362-3] received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8989. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Sulfuric Acid; Exemption from the Requirement of a Tolerance [OPP-2004-0190; FRL-7364-4] received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8990. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the grade indicated in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

8991. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Thomas C. Waskow, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

8992. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Vice Admiral Gordon S. Holder, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

8993. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Donald A. Lamontagne, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

8994. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans: State of Alaska; Anchorage Carbon Monoxide Nonattainment Area; Designation of Areas for Air Quality [Docket #: AK-04-001; FRL-7777-1] received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8995. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Virginia; Emission Standards for Mobile Equipment Repair and Refinishing Operations in the Northern Virginia Volatile Organic Compound Emission Control Area [VA150-5079a; FRL-7777-7] received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8996. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Illinois; Definition of Volatile Organic Material or Volatile Organic Compound [IL218-2a; FRL-76618] received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8997. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of Volatile Organic Compound Emissions from Portable Fuel Containers [MD135-3099a; FRL-7671-4] received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8998. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Primary Drinking Water Regulations: Minor Corrections and Clarification to Drinking Water Regulations; National Primary Drinking Water Regulations for Lead and Copper [OW-2003-0066; FRL-7779-4] (RIN: 2040-AE58) received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8999. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the Preamble of the Final Rule to Implement the 8-Hour Ozone National Ambient Air Quality Standard — Phase 1; Correction [OAR 2003-0079, FRL-7779-2] (RIN: 2060-AJ99) received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9000. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval of Section 112(l) Authority for Hazardous Air Pollutants; Equivalency by Permit Provisions; National Emission Stndards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Pulp Mills; State of Alabama [AL-112L-2004-1-FRL-7786-2] received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9001. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines [OAR-2003-0196; FRL-7783-7] (RIN: 2060-AK73) received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9002. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the Hawaii State Implementation Plan [HI 001-001a; FRL-7778-5] received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9003. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — TSCA Inventory Update Rule Corrections [OPPT-2003-0075; FRL-7332-3] (RIN: 2070-AC61) received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9004. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting pursuant to Section 23(g) of the Arms Export Control Act (AECA), notification concerning the request for the Government of Egypt to cash flow finance a Letter of Offer and Acceptance (LOA) for the purchase of three fast missile craft, pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9005. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting pursuant to Section 23(g) of the Arms Export Control Act (AECA), notification concerning the request for the Government of Egypt to cash flow finance a Letter of Offer and Acceptance (LOA) for the refurbishment of three CH-47C Chinook Helicopters to CH-47D configuration, pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9006. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of Navy's Proposed Letter(s) of Offer and Acceptance (LOA) to Egypt for defense articles and services (Transmittal No. 04-05), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9007. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles thatare firearms controlled under category I of the United States Munitions List sold commercially under a contract with the Philippines (Transmittal No. DDTC 006-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9008. A letter from the Deputy Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to Libya that was declared in Executive Order 12543 of January 7, 1986; to the Committee on International Relations.

9009. A letter from the Under Secretary for Industry and Security, Department of Commerce, transmitting a report of the imposition and expansion of the foreign-policy based export controls on certain energetic materials and other chemicals, taken in consultation with the Secretary of State and under the authority of Section 6 of the Export Administration Act of 1979, as amended and extended by Executive Order 13222 of August 17, 2001, and the Notice of August 14, 2002; to the Committee on International Relations.

9010. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Solicitation for "Taiwan Environmental Study Tours" Project — received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

9011. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9012. A letter from the Human Resources Specialist, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9013. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9014. A letter from the Acting Assistant Administrator, OARM, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9015. A letter from the Acting Assistant Administrator, OARM, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9016. A letter from the Acting Assistant Administrator, OARM, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9017. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Effluent Limitations Guidelines and New Source Performance Standards for the Concentrated Aquatic Animal Production Point Source Category [OW-2002-0026- FRL-7783-6] (RIN: 2040-AD55) received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9018. A letter from the Administrator, General Services Administration, transmitting informational copies of additional prospectuses in support of the General Services Administration's Fiscal Year 2005 Capital Investment and Leasing Program, pursuant to 19 U.S.C. 2213(b); to the Committee on Transportation and Infrastructure.

9019. A letter from the Acting Chief, Regulations and Publications Branch, Internal Revenue Service, transmitting the Service's final rule — Excise Tax Relating to Structured Settlement Factoring Transactions [TD 9134] (RIN: 1545-BB14) received July 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9020. A letter from the Acting Chief, Regulations and Publications Branch, Internal Revenue Service, transmitting the Service's final rule — Weighted Average Interest Rates Update [Notice 2004-51] received July 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9021. A letter from the Acting Chief, Regulations and Publications Branch, Internal Revenue Service, transmitting the Service's final rule — Rulings and determinations letters. (Rev. Proc. 2004-44) received July 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9022. A letter from the Chief, Regulations and Publications Branch, Internal Revenue Service, transmitting the Service's final rule — Changes in accounting periods and in methods of accounting. (Rev. Proc. 2004-41) received July 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9023. A letter from the Administrator, General Services Administration, transmitting a draft bill "To amend titles 5, 22 and 37, United States Code, to authorize the payment of certain travel expenses for Federal employees, Uniformed Service members and members of the Foreign Service involved in disasters or other catastrophic events, as well as the travel of their family representatives and agency representatives"; jointly to the Committees on Government Reform, Armed Services, and International Relations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Omitted from the Record of July 9, 2004]

Mr. BARTON: Committee on Energy and Commerce. H.R. 3981. A bill to reclassify fees paid into the Nuclear Waste Fund as offsetting collections, and for other purposes; with an amendment (Rept. 108–594). Referred to the Committee of the Whole House on the State of the Union.

[Submitted on July 12, 2004]

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 3428. A bill to designate a portion of the United States courthouse located at 2100 Jamieson Avenue, in Alexandria, Virginia, as the "Justin W. Williams United States Attorney's Building" (Rept. 108–595). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 3734. A bill to designate the Federal building located at Fifth and Richardson Avenues in Roswell, New Mexico, as the "Joe Skeen Federal Building" (Rept. 108–596). Referred to the House Calendar.

Mr. THOMAS: Committee on Ways and Means. H.R. 4759. A bill to implement the United States-Australia Free Trade Agreement (Rept. 108–597). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. DEUTSCH:

H.R. 4812. A bill to require the National Institutes of Health to conduct and support research using human embryonic stem cells, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GARRETT of New Jersey:

H.R. 4813. A bill to suspend temporarily the duty on certain pimientos (capsicum anuum), prepared or preserved otherwise than by vinegar or acetic acid; to the Committee on Ways and Means.

By Mr. GARRETT of New Jersey:

H.R. 4814. A bill to suspend temporarily the duty on certain pimientos (capsicum anuum), prepared or preserved by vinegar or acetic acid; to the Committee on Ways and Means.

By Mr. GARRETT of New Jersey:

H.R. 4815. A bill to suspend temporarily the duty on certain pimientos (capsicum anuum), prepared or preserved otherwise than by vinegar or acetic acid; to the Committee on Ways and Means.

By Mr. NEY (for himself and Mr. LARSON of Connecticut):

H.R. 4816. A bill to permit the Librarian of Congress to hire Library of Congress Police employees; to the Committee on House Administration.

By Mr. NUNES:

H.R. 4817. A bill to facilitate the resolution of a minor boundary encroachment on lands of the Union Pacific Railroad Company in Tipton, California, which were originally conveyed by the United States as part of the right-of-way granted for the construction of transcontinental railroads; to the Committee on Resources.

By Mr. PASCRELL:

H. Con. Res. 471. Concurrent resolution recognizing and honoring the life and legacy of Alexander Hamilton on the bicentennial of his death because of his standing as one of the most influential Founding Fathers of the United States; to the Committee on Government Reform.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

383. The SPEAKER presented a memorial of the Legislature of the State of Florida, relative to Senate Memorial No. 2522 memorializing the United States Department of Defense to award the contract for the creation, development, and implementation of the Mobile User Objective System (MUOS), to the project team led by the Raytheon Corporation in partnership with Honeywell Space Systems; to the Committee on Armed Services.

384. Also, a memorial of the Legislature of the State of California, relative to Senate Joint Resolution No. 28 memorializing the E.P.A. to reconsider granting an administrative waiver of the act's oxygenated gasoline requirement for California to the extent permitted by the federal Clean Air Act; memorializing the United States Congress, if an administrative waiver is not granted, to enact legislation that would permit California to waive the oxygen content requirement for the reformulated gasoline; and memorializing the President of the United States to sign that legislation; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 676: Ms. JACKSON-LEE of Texas.

H.R. 738: Mr. MCNULTY, Mr. OLVER, Mr. CONYERS, Ms. DELAURO, Mr. SCHIFF, Mr. VAN HOLLEN, Mr. OWENS, and Mr. RANGEL.

H.R. 792: Mr. BOOZMAN.

H.R. 962: Mr. WOLF.

H.R. 1043: Mr. RYAN of Wisconsin, Mr. HOEFFEL, and Mr. KUCINICH.

H.R. 1057: Mr. FLAKE.

H.R. 1212: Mr. BOOZMAN.

H.R. 1286: Mr. ROTHMAN.

H.R. 1345: Mr. HONDA, Mr. STENHOLM, and Mr. ALEXANDER.

H.R. 1849: Mrs. DAVIS of California and Mr. GRIJALVA.

H.R. 1873: Mr. CALVERT.

H.R. 1919: Mrs. LOWEY and Mr. LARSEN of Washington.

H.R. 2023: Mr. LOBIONDO.

H.R. 2034: Mr. CANTOR.

H.R. 2096: Mr. YOUNG of Alaska.

H.R. 2173: Mr. DEUTSCH and Mr. CASE.

H.R. 2509: Mr. WELLER.

H.R. 2624: Mr. OBERSTAR.

H.R. 2929: Mr. SAM JOHNSON of Texas.

H.R. 2954: Mr. WEINER.

H.R. 3362: Ms. MCCARTHY of Missouri.

H.R. 3424: Mr. HINOJOSA.

H.R. 3425: Mr. HINOJOSA.

H.R. 3463: Mr. MCCOTTER.

H.R. 3602: Mr. FRANK of Massachusetts, Mr. PRICE of North Carolina, and Mr. YOUNG of Alaska.

H.R. 3619: Mr. THOMPSON of California.

H.R. 3716: Mr. VISCLOSKY and Mr. BOUCHER.

H.R. 3729: Mr. SPRATT, Mrs. WILSON of New Mexico, and Mr. JENKINS.

H.R. 3779: Mr. BURNS.

H.R. 3810: Mr. RANGEL.

H.R. 3831: Mr. DOGGETT.

H.R. 3845: Mr. WEINER.

H.R. 4069: Ms. WOOLSEY, Mr. OWENS, Ms. SLAUGHTER, Mr. SERRANO, Ms. LEE, and Mr. HOEFFEL.

H.R. 4110: Mr. SIMMONS and Mr. PAYNE.

H.R. 4306: Mrs. BLACKBURN and Mr. BACHUS.

H.R. 4325: Mrs. CHRISTENSEN.

H.R. 4354: Mr. MCNULTY, Mr. TOM DAVIS of Virginia, Ms. KAPTUR, Ms. MCCARTHY of Missouri, and Mr. ISRAEL.

H.R. 4370: Ms. BALDWIN, Mrs. MALONEY, and Ms. ROS-LEHTINEN.

H.R. 4376: Ms. MCCOLLUM and Mr. INSLEE.

H.R. 4394: Mr. HOEFFEL.

H.R. 4474: Ms. LOFGREN.

H.R. 4498: Mr. ROSS.

H.R. 4578: Mrs. EMERSON, Mr. ORTIZ, Mr. SCHROCK, Mr. FORD, and Mr. OLVER.

H.R. 4579: Mrs. EMERSON, Mr. HULSHOF, and Mr. CLAY.

H.R. 4603: Mr. OWENS, Mr. PAUL, and Mr. TANCREDO.

H.R. 4610: Mr. YOUNG of Alaska.

H.R. 4633: Mr. SCOTT of Georgia, Mrs. WILSON of New Mexico, and Mr. RYAN of Ohio.

H.R. 4634: Mr. PITTS and Mr. REHBERG.

H.R. 4641: Mr. FARR.

H.R. 4682: Mr. DEUTSCH, Mr. LEWIS of Georgia, Mr. MCDERMOTT, Ms. JACKSON-LEE of Texas, Mr. FILNER, Mr. SCHIFF, Mr. FRANK of Massachusetts, Mr. ISRAEL, Mr. BOUCHER, Mr. MATSUI, Ms. ROYBAL-ALLARD, Ms. DELAURO, Mr. GRIJALVA, Mr. HOLT, Mr. SANDERS, Mr. HINCHEY, Ms. WOOLSEY, Mr. BELL, Mrs. TAUSCHER, Ms. LEE, Mr. BRADLEY of New Hampshire, Mr. LARSON of Connecticut, Mr. ABERCROMBIE, Ms. MCCARTHY of Missouri, Mr. BECERRA, Mr. BLUMENAUER, Mrs. MCCARTHY of New York, Ms. SCHAKOWSKY, Mr. MCGOVERN, Mr. CUMMINGS, Mr. FORD, Mr. LAMPSON, Mr. CAPUANO, Mr. DOGGETT, Mr. BISHOP of New York, Ms. MILLENDER-MCDONALD, Mr. BOSWELL, Mrs. CHRISTENSEN, Mr. LEVIN, Mr. SMITH of Washington, Mr. KENNEDY of Rhode Island, Mr. WEXLER, Ms. BERKLEY, Mrs. DAVIS of California, Mr. MARKEY, Mr. FROST, Mr. RUSH, Mr. SERRANO, Mr. COOPER, MR. NADLER, Ms. SLAUGHTER, Mr. CASE, Mr. SHERMAN, Mr. DAVIS of Florida, Ms. Linda T. SÁNCHEZ of California, Mr. MATHESON, Mr. FARR, and Mr. SANDLIN.

H.R. 4711: Mr. Peterson of Minnesota, Mr. RYAN of Ohio, Mrs. DAVIS of California, and Mr. GALLEGLY.

H.R. 4730: Mr. MURPHY.

H.J. Res. 94: Mr. SAM JOHNSON of Texas.

H. Con. Res. 469: Mr. MCNULTY, Mr. SANDLIN, Mr. WEINER, Mr. WAXMAN, Mr. MCGOVERN, Mr. DAVIS of Florida, and Mr. OWENS.

H. Res. 466: Mr. MCDERMOTT, MR. DELAHUNT, and Ms. WATSON.

H. Res. 556: Mr. UDALL of Colorado and Mr. GIBBONS.

H. Res. 652: Mr. SHIMKUS.

H. Res. 689: Mr. HOEFFEL, Ms. LEE, Mr. MCDERMOTT, Mr. SPRATT, Ms. MCCOLLUM, Mrs. MALONEY, Mr. HOLT, and Mr. FARR.

H. Res. 690: Ms. WATSON, Ms. MILLENDER-MCDONALD, Mr. BECERRA, Mr. MCGOVERN, Mr. KENNEDY of Rhode Island, Ms. SCHAKOWSKY, Mr. WEINER, Ms. LEE, and Mr. MEEHAN.

H. Res. 699: Mr. HOEFFEL, Ms. LEE, Mr. MCDERMOTT, Mr. SPRATT, Ms. MCCOLLUM, Mrs. MALONEY, Mr. HOLT, and Mr. FARR.

H. Res. 700: Mr. HOEFFEL, Ms. LEE, Mr. SPRATT, Ms. MCCOLLUM, Mrs. MALONEY, Mr. HOLT, and Mr. FARR.

H. Res. 705: Mr. MCCOTTER, Mr. HAYWORTH, and Mr. MCCRERY.

H. Res. 709: Mr. HOSTETTLER and Mr. GUTKNECHT.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4766

OFFERED BY: MR. TERRY

AMENDMENT NO. 6: At the end of the bill (before the short title), insert the following:

TITLE ___—ADDITIONAL GENERAL PROVISIONS

SEC. ___. None of the funds made available in this Act may be used to pay the salary of the Associate Director for Animal Health Policy and Operations at the Center for Veterinary Medicine of the Food and Drug Administration.

H.R. 4766

OFFERED BY: MR. CHABOT

AMENDMENT NO. 7: At the end of the bill (before the short title) insert the following new section:

SEC. ___. None of the funds appropriated or otherwise made available by this Act may be used to carry out section 203 of the Agriculture Trade Act of 1978 (7 U.S.C. 5623) or to pay the salaries and expenses of personnel who carry out a market program under such section.

H.R. 4766

OFFERED BY: MR. HEFLEY

AMENDMENT NO. 8: At the end of the bill (before the short title), insert the following:

SEC. ___. Total appropriations made in this Act (other than appropriations required to be made by a provision of law) are hereby reduced by $167,720,000.

H.R. 4766

OFFERED BY: MR. BACA

AMENDMENT NO. 9: In title I, under the heading "COMMON COMPUTING ENVIRONMENT", insert after the dollar amount the following: "(reduced by $3,500,000)".

In title I, under the heading "OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS", insert after the dollar amount the following: "(increased by $250,000)".

In title I, under the headings "COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE-RESEARCH AND EDUCATION ACTIVITIES", insert after the first dollar amount, and after the dollar amount relating to Hispanic-serving Institutions, the following: "(increased by $1,500,000)".

In title I, under the headings "COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE-EXTENSION ACTIVITIES", insert after the first dollar amount, and after the dollar amount relating to Indian reservation agents, the following: "(increased by $1,000,000)".

In title I, under the headings "COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE-OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS", insert after the dollar amount the following: "(increased by $750,000)".

H.R. 4766

OFFERED BY: MS. KAPTUR

AMENDMENT NO. 10: At the end of the bill (before the short title) insert the following:

SEC. ___. None of the funds made available in this Act may be used to provide credits or credit guarantees for agricultural commodities provided for use in Iraq in violation of subsection (e) or (f) of section 202 of the Agricultural Trade Act of 1978 (7 U.S.C. 5622).

H.R. 4766

OFFERED BY: MRS. MALONEY

AMENDMENT NO. 11: At the end of the bill, insert after the last section (preceding the short title) the following section:

SEC. 759. None of the funds made available in this Act may be used to restrict to prescription use a contraceptive that is determined to be safe and effective for use without the supervision of a practitioner licensed by law to administer prescription drugs under section 503(b) of the Federal Food, Drug, and Cosmetic Act.

H.R. 4766

OFFERED BY: MR. TIAHRT

AMENDMENT NO. 12: Add at the end (before the short title) the following new section:

SEC. 7___. None of the funds made available by this Act may be used to pay for the official travel of employees of the Department of Agriculture whose station of duty is at the Washington D.C. headquarters of the Department until the Secretary of Agriculture certifies to Congress that the Secretary has implemented a voluntary program under which beef slaughtering establishments may acquire and use rapid screen testing kits to test beef carcasses for the presence of bovine spongiform encephalopathy.

H.R. 4766

OFFERED BY: MR. BLUMENAUER

AMENDMENT NO. 13: Page 8, line 6, after the first dollar amount insert the following: "(reduced by $1,200,000) (increased by $1,200,000)".

H.R. 4766

OFFERED BY: MR. WU

AMENDMENT NO. 14: At the end of the bill (before the short title), insert the following:

SEC. ___. The amounts otherwise provided by this Act are revised by reducing the amount made available for "AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS", and increasing the amount made available for "ANIMAL AND PLAN HEALTH INSPECTION SERVICE—SALARIES AND EXPENSES", by $500,000.

EXTENSIONS OF REMARKS

HONORING THE ST. MARY SCHOOL PAROCHIAL INVITATIONAL BASKETBALL TOURNAMENT ON THEIR 30TH ANNIVERSARY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 2004

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to join the community in celebrating the 30th Anniversary of the St. Mary Parochial Invitational Basketball Tournament. This is a remarkable milestone and I am proud to extend my sincerest congratulations to all of those involved in making this annual event such a great success.

What first began as a two-day event with eight competing teams has grown into the longest running and largest parochial school basketball tournament in Connecticut. In this, its 30th year, sixty teams from across the state will participate in a two-week long tournament that will also include a cheerleading exhibition. Over seven hundred boys and girls in grades three through eight will participate—making this year's tournament a real landmark event.

Each of the teams which will compete in the St. Mary Invitational have already accomplished so much. Through their hard work and efforts they have already learned one of life's most important lessons—the value of team work. Basketball, like all sports, teaches us the value of sportsmanship, camaraderie, practice, and commitment to excellence. These are skills which will serve these young people well as they begin to make a difference in the world. I am proud to extend my sincere congratulations and very best wishes to them all as they begin the tournament.

I would be remiss if I did not extend a special note of thanks to the many volunteers who so generously donate their time and energy to making this event possible. Coaches, parents, faculty, administrators, and friends all play important roles in bringing the St. Mary Invitational to life. Without your dedication, commitment, and energies, we would not be able to share this very special event with our young people. The fact that many of the adults who today volunteer their time to the tournament were once players themselves is testament to the legacy of this special event.

In its thirty-year history, the St. Mary Invitational has touched the lives of over fifteen thousand young people across Connecticut. It is with my deepest thanks and sincerest appreciation that I rise today to join the many well-wishers in extending my heart-felt congratulations to the St. Mary School Parochial Invitational Basketball Tournament on their 30th Anniversary. You have made such a difference in the lives of so many and I know that you will continue to leave an indelible mark on our community.

HONORING MARK F. GRADY, DEAN OF GEORGE MASON UNIVERSITY SCHOOL OF LAW

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 2004

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to honor Mark F. Grady for his years of dedicated service to the George Mason University School of Law.

Dean Grady has been a pivotal member of the George Mason community for six years. Not only has Mr. Grady acted as dean, but also professor. Students enjoy his wisdom and expertise in the area of law.

As the dean of the School of Law, Mr. Grady has played an important role in the success of the school and its students. Through his guidance, George Mason has become the youngest law school ranked in U.S. News and World Report's top tier.

Under Dean Grady's direction, the School of Law has become a national leader not only of law but also economics and technology. In 1999, The National Center for Technology and Law was established. This center examines the causality of the existing legal structure and the society's evolving economy. Through this relationship, new fields of course work were created that allow the student to gain the necessary skills to succeed in both technology and communications.

George Mason School of Law is one of the most innovative schools in the country. Due to its emphasis on intellectual property, technology law and the legal application of economic methods, George Mason was also ranked in the top 10 in the nation for an outstanding faculty in law and economics in University of Texas Professor Brian Lieter's Ranking of Law Faculty Quality for 2003.

Mr. Grady should be honored and commended for his dedication to not only the School of Law but also the surrounding community. With his instruction and guidance, he has enabled Mason Law graduates to pursue careers in numerous fields and become successful attorneys who practice law with great distinction and honor.

Mr. Speaker, in closing, I would like to extend my heartfelt thanks to Dean Grady for his years of service and dedication to George Mason University. His contributions and efforts are noted and greatly appreciated. I wish him the best of luck in all future endeavors.

RECOGNIZING SAMUEL CASEY SARTORIUS FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 2004

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Samuel Casey Sartorius, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 714, and by earning the most prestigious award of Eagle Scout.

Samuel has been active with his troop, participating in numerous Scout activities. Over the 4 years Samuel has been involved in Scouting, he has held numerous leadership positions, serving as Assistant Patrol Leader, Instructor, and Senior Patrol Leader. Samuel holds such special Scouting honors as Tribe of Mic-O-Say, God and Country, and World Conservation Award. Samuel holds 21 merit badges. For his Eagle Scout project, Samuel coordinated with the city of Camden Point and the American Red Cross to distribute smoke detectors to Camden Point residents.

Mr. Speaker, I ask you to join me in commending Samuel Casey Sartorius for his accomplishments with the Boy Scouts of America and his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING LAWRENCE DENARDIS, PH.D. FOR HIS OUTSTANDING SERVICE TO THE COMMUNITY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 2004

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to one of our community's most outstanding leaders, and my good friend, Lawrence DeNardis, as he is honored by family, friends, and colleagues for his 13 years of service as President of the University of New Haven. Larry has dedicated a lifetime of service to the community and we are certainly fortunate to have been the beneficiary of his unparalleled compassion, generosity, and commitment.

For over a decade, Larry has been at the helm of the University of New Haven and under his leadership and direction the University has truly prospered. I have often spoke of our nation's need for talented, creative educators, willing to help our young people learn and grow—Larry is just that kind of teacher. Larry has spent most of his professional career in higher education. For 16 years he served as Associate Professor and Chairman

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

of Political Science at Albertus Magnus College, Visiting Professor of Government at Connecticut College, Guest Scholar at the Woodrow Wilson International Center for Scholars of the Smithsonian Institution, and seminar instructor at Yale University. His good work and diligent efforts to provide a quality education to his students has touched the lives of thousands of young people—going a long way in providing them with a strong foundation on which to build their futures.

Larry's outstanding record of contributions to education has been recognized both locally and nationally. Immediately prior to his appointment as President of the University of New Haven, Larry served as President and Chief Executive Officer of the Connecticut Policy and Economic Council and was appointed by former Governor Lowell Weicker as Chair of the Connecticut Board of Governors of Higher Education. Larry was also selected by former President George W. Bush for an appointment to the National Advisory Committee on Institutional Quality and Integrity, a group which oversees the accreditation of institutions and associations in higher education.

In addition to his distinguished career in education, Larry has also served in public life where he demonstrated a unique commitment to public service. He served five terms in the Connecticut State Senate as well as one term as the United States Representative for Connecticut's Third Congressional District. After his term in the United States House of Representatives, Larry went on to serve as the Acting Assistant Secretary for Legislation at the United States Department of Health and Human Services. He was also appointed by former President George W. Bush as a member of the Board of Regents of the National Library of Medicine—a position which he held for 4 years.

It is not often that you find an individual who so willingly dedicates himself to the betterment of his community. In addition to his professional contributions, Larry has worked with numerous local business and service organizations aimed at providing a better quality of life for the residents of the Greater New Haven area. Our communities would not be the same without people like Larry, who give their time and energy to make a difference in the lives of others.

Through his contributions, Larry has left an indelible mark on our community. For all of his good work, I am proud to rise today to join his wife Mary Lou; his four children, Larry, Jr., Gregory, Mark, and Lesley; family, friends, and colleagues in extending my thanks and appreciation to my friend Lawrence DeNardis. My very best wishes for many more years of health and happiness.

HONORING COX COMMUNICATIONS' MOVIES UNDER THE MOON CHARITY EVENT

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 2004

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise here today to honor Cox Communications for hosting Movies Under the Moon, a series of nine free movies shown at George Mason University's Robinson football field during the summer of 2003.

Movies Under the Moon drew over 75,000 Fairfax County residents. Through proceeds derived from on-site food vendors, the event raised $23,500 in proceeds for Inova Fairfax Hospital for Children and Special Love Camp Fantastic, a support group for families coping with cancer. This year's lineup of movies promises to be as popular.

Mr. Speaker, Cox Communications developed a unique and rewarding program to provide entertainment to the people of Fairfax County while simultaneously assisting Inova Fairfax Hospital for Children and Special Love Camp Fantastic. The efforts made by Cox Communications to serve the Fairfax community are much appreciated and greatly admired. I call upon my colleagues to join me in honoring Cox Communications for a job well done.

WATER SUPPLY, RELIABILITY, AND ENVIRONMENTAL IMPROVEMENT ACT

SPEECH OF

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. GARY G. MILLER of California. Mr. Speaker, I rise in strong support of H.R. 2828, the Water Supply, Reliability, and Environmental Improvement Act, to reauthorize the CALFED Bay-Delta Program and implement water supply technology and infrastructure programs aimed at increasing and diversifying domestic water resources. This reauthorization will help address the critical water crisis in the Southern California region, effectively improving water supply reliability and water quality while enhancing the environment. In addition, this bill provides a model for how to make progress in enormously complex natural resources issues through a partnership of state and federal agencies.

Many states today are faced with the formidable task of providing reliable and safe water resources for a rapidly increasing population. This is no exception to California and its growing population of more than 30 million people. Southern California's arid climate makes it difficult for this region to find viable and dependable sources of water. The Interior Department's ruling to reduce the availability of Colorado River water to Southern California exacerbated the area's water supply problems by diverting approximately 700,000 acre feet of water this year alone. The lack of a reliable source of water discourages economic growth, jeopardizes the environment and compromises the health and safety of Southern California residents. It is for this reason that Congress must work to find innovative and effective solutions to the challenges posed by such debilitating water shortages. H.R. 2828 offers such viable solutions.

One of the most important elements of this legislation is it will finally allow us to begin the process of developing and constructing water supply, storage and delivery projects. H.R. 2828 will augment the conveyance of water through the Delta, California's most important watershed. This will reduce the demand on imported water from the Colorado River and other unreliable remote water sources. Through the water recycling, desalinization, and groundwater replenishment projects authorized by this legislation, California will become more self reliant and a better steward of its water resources.

H.R. 2828 recognizes the importance of improving management and coordination of existing water supply projects for meeting present and future demands for water in California. The bill would bring a focus to developing integrated, regionally-based water management plans as a necessary means to help resolve growing conflicts and foster cooperation between agencies, utilities, and public interests. It also stresses the need for water users to better cooperate and integrate their actions to improve water management to solve broad, multi-dimensional issues.

This bill equalizes environmental protection and water supply demands and effectively provides for the agricultural, municipal, commercial, and recreational water needs of the state. Ecosystem-restoration projects will help return California's bays, deltas, rivers, and other natural habitats to their original ecological state. Projects will be authorized as long as the activity has been subject to environmental reviews and approvals under applicable federal and state law.

Perhaps one of the most important elements of this bill is that it injects accountability into the process by requiring a cross-cut budget detailing the way in which the various agencies intend to use federal CALFED dollars. Only through such a process will we know if progress is occurring in a reasonable timeframe and, if not, how best to revise the program to accomplish the results that we expect.

I would note that H.R. 2828 is the result of several years of work and bipartisanship, which is a true credit to Chairman Pombo and Chairman Calvert. Their decade of effort has given hope to a reality of enhanced water resources for all Californians. I urge my colleagues to support this critical legislation.

HONORING THE REVEREND ABRAHAM MARSACH ON THE OCCASION OF HIS RETIREMENT

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 2004

Ms. DELAURO. Mr. Speaker, it gives me great pleasure to rise today to join the many family, friends, and community members who have gathered to celebrate the life and legacy of one of our most outstanding leaders, and my dear friend—Reverend Abraham Marsach—as he celebrates his retirement. However, I am quite sure that his retirement does not mean the end of his advocacy and activism.

As we have seen across the nation, the Hispanic community in New Haven has grown and flourished over the last several decades.

As it has grown so has its demands for strong, vocal advocates willing to stand and fight for the needs of its members. Reverend Marsach has been just this kind of advocate—a passionate, active leader who has made a real difference in the lives of many. It is not often that you find such dedicated individuals who commit themselves so fully to the betterment of their community.

As both a community and spiritual leader, Reverend Marsach has touched the lives of thousands in New Haven. In his role as President of the Asociacion Ministerial Evangelica Hispana de New Haven he helped to unite religious leaders across the community and worked with municipal leaders to effect change in the community. The founder of Junta for Progressive Action, he created a social service agency which has helped thousands in New Haven's Hispanic community access the programs and services they need to improve their quality of life. Mentor, leader, advocate, and friend—Reverend Marsach is a true community treasure.

Reverend Marsach has been a fixture in our community for many years and we owe him a great debt of gratitude for the multitude of contributions he has made that have enriched all of our lives. As a spiritual guide at the Star of Jacob Christian Church in New Haven, he has nourished the souls of many—often providing much needed comfort in the hardest of personal trials. I would be remiss if I did not personally thank him for the wonderful tribute that he made to Maria Perez—a member of my staff who passed away just over two years ago. He shared a unique friendship with Maria and his words were of great comfort to her family and my staff during a most difficult time.

Through his hard work and unparalleled dedication, Reverend Marsach has left an indelible mark on the New Haven community and a legacy that will inspire generations to come. For his innumerable contributions and selfless dedication, I am proud to stand today to extend my deepest thanks and sincerest appreciation. It gives me great pleasure to join his wife, Margarita, his three daughters, family, friends, and the New Haven community in congratulating Reverend Abraham Marsach as he celebrates his retirement. My very best wishes for many more years of health and happiness.

EXPRESSING THE SENSE OF CONGRESS THAT THE PRESIDENT POSTHUMOUSLY AWARD THE PRESIDENTIAL MEDAL OF FREEDOM TO HARRY W. COLMERY

SPEECH OF

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 2004

Mr. BROWN of South Carolina. Mr. Speaker, in my capacity as chairman of the Subcommittee on Benefits of the Committee on Veterans' Affairs, I am honored to speak in strong support of H. Con. Res. 257 considered by this body on July 6, expressing the sense of Congress that the President posthumously award the Medal of Freedom to Harry W. Colmery.

President Truman established the Presidential Medal of Freedom in 1945 to recognize notable service during war. In 1963, President Kennedy reinstated the medal to honor the achievement of civilians during peacetime. The Medal of Freedom may be awarded to any person who has made an especially meritorious contribution to (1) "the security or national interest of the United States, or (2) world peace, or (3) other significant public or private endeavors." As I share with you today the remarkable wisdom and foresight of Mr. Colmery, I believe my colleagues will agree he is highly deserving of this prestigious award.

The book The G.I. Bill and the Making of Modern America, and domestic policy experts, economists, business leaders, and educators acknowledge Mr. Colmery as the visionary who drafted the far-reaching legislation that made the United States the first overwhelmingly middle-class nation in the world.

Mr. Colmery's roots were in Braddock, Pennsylvania, and he worked his way through the University of Pittsburgh Law School graduating while teaching at Carnegie Tech (now Carnegie Mellon University). During World War I, he joined the fledgling Army Air Corps as a pilot instructor.

A lawyer who earlier argued two cases successfully before the U.S. Supreme Court, during his term as National Commander of The American Legion, Mr. Colmery drafted in longhand over Christmas and New Year's of 1943–44, the legislation that became the Servicemen's Readjustment Act of 1944, commonly known as the G.I. Bill of Rights. He drafted this comprehensive bill a full six months before D-Day. President Roosevelt signed Mr. Colmery's vision into law on June 22, 1944, 16 days after the Normandy Invasion. Colmery was already anticipating the needs of America's 15 million sons and daughters who would wear the military uniform during the war.

Harry Colmery knew from his own military service that ordinary Americans can do extraordinary things. He didn't want World War II veterans to stand in the unemployment lines or sell apples on street corners, as was often the case after World War I. Indeed he was determined not to allow impoverishment to define World War II veterans after the cessation of hostilities: "The burden of war falls on the citizen soldier who has gone forth, overnight, to become the armored hope of humanity. Never again, do we want to see the honor and glory of our nation fade to the extent that her men of arms, with despondent heart and palsied limb, totter from door to door, bowing their souls to the frozen bosom of reluctant charity."

Indeed Colmery, too, likely was familiar with data cited by Keith W. Olson, Ph.D., in the book The G.I. Bill, the Veterans, and the Colleges (University of Kentucky Press, 1974): "Within the first year of the demobilization process there will exist the likelihood, if not the certainty, of a large volume of unemployed, involving as many as 8 or 9 million [American former service men and women]." Final Report of the Conference on Post-War Adjustment of Civilian and Military Personnel, June 1943. Undoubtedly these data steeled Colmery's commitment and resolve. I would note for the Record, as well, that Dr. Olson later recounted the effects of Colmery's policy goals for the bill in The Astonishing Story: Veterans Make Good on the Nation's Promise" in the Educational Record, Fall 1994.

Mr. Colmery drafted legislation that the late author Michael J. Bennett observed "allowed veterans to achieve the American Dream—an education, a home, a stable and profitable career, and ownership of their own business."

Mr. Speaker, I'll cite Mr. Bennett's insights often today because he is the recognized authority on how Colmery's wisdom produced an enormously successful program that changed America forever.

Said Mr. Bennett, "more than any other law, the GI Bill was responsible for the post-World War II explosion in college graduates, the education of leaders of the civil rights movement, the growth and dominance of the suburbs, and the proliferation of interstate highways, supermarkets, and franchise stores and restaurants. Quite literally, the GI Bill changed the way we live, the way we house ourselves, the way we are educated, how we work and at what, even how we eat and transport ourselves."

Mr. Speaker, at this point I think it very fair to ask how Mr. Colmery's unwavering vision would have such a profound and far-reaching impact—not only for veterans but for America. Some 7.8 million veterans went to college and other types of training on the G.I. Bill. Mr. Colmery held the view that World War II veterans wouldn't just pass through higher education, but as adult-learners (the average combatant was about 26 years) would be anxious to make up for lost time. He also probably knew from his own military experience that those who defend our free-enterprise system in war would be anxious to equip themselves to participate in that system when the mills of war stop grinding.

Mr. Bennett's 2003 paper titled "A GI Bill for the 21st Century: Continuing an American Way of Life," points out that "in the peak year of 1947, veterans accounted for 49 percent of enrollment. Of a veteran population of 15.4 million, some 7.8 million received skill training, including 2.2 million in college, 3.5 million in other schools, 1.4 million in on job training and 690,000 in farm training. Millions who would have flooded the labor market instead opted for education, which reduced joblessness during the demobilization period. When they did enter the labor market, most were better prepared to contribute to the support of their families and society."

In 1965, the then-Veterans Administration found that due to the increased earning power of GI Bill college graduates, federal government income tax revenues increased by more than a billion dollars annually. It also concluded that in 20 years, the $14 billion cost of the G.I. Bill—as conceived by Harry Colmery—had paid for itself.

Current Secretary of Veterans Affairs and former chairman of the 1997 bipartisan Congressional Commission on Servicemembers and Veterans Transition Assistance, Anthony J. Principi observed, "they [WWII veterans] excelled in the classroom, ran the student governments, challenged professors, refused to wear freshman beanie caps, began raising families, and some veterans did something that was seen as unusual—they went to school year round."

Not surprisingly, Colmery's vision applies today, as well. A 2000 Joint Economic Committee of the Congress study titled "Investment in Education—Public and Private Returns" found that in 1998 the average college graduate made $46,285, while the average high school graduate only earned $26,592. Workforce training counts.

I note for my colleagues that few in our society attended college prior to World War II and Colmery's notion of large federal investment in same—given our massive war debt—constituted a legitimate argument against his largely unproven, macro-ideas. Robert M. Hutchins, President of the University of Chicago, argued in December 1944 that "colleges and universities will find themselves converted into educational hobo jungles. And veterans, unable to get work and equally unable to resist putting pressure on the colleges and universities, will find themselves educational hobos . . . education is not a device for coping with mass employment."

James Conant of Harvard, an advocate of IQ testing for college entrance, argued that the bill would benefit "the least qualified of the wartime generation." Later Dr. Conant would admit "the GI's were the best students Harvard ever had" though Harvard Professor Seymour E. Harris argued in 1947 that "the GI Bill carried the principle of democratization too far."

In fact, I note for my colleagues that during debate on Colmery's bill some in this body opposed Colmery's plan, as evidenced by the view of Representative Dewey Short of Missouri, for example:

"Have we gone completely crazy? Have we lost all sense of proportion? Who will have to pay for this bill? You think you are going to bribe the veterans and buy this vote, you who think you can win his support by coddling him and being a sob sister with a lot of silly, slushy sentimentality are going to have a sad awakening."

With all due respect to then-Representative Short, the "awakening" associated with Colmery's bold, multi-faceted vision emerged in our robust post-war economy, which I'll discuss in a moment.

Colmery's foresight wasn't limited to job training and education. Before the GI Bill of Rights, the great majority of Americans were renters. Colmery believed those who fought in war should be able to buy their own home, so the GI Bill provided access to low interest mortgages.

Author Bennett noted that based on Colmery's wisdom, "to house these veterans and their children born during the post-war baby boom, the idea of the affordable house in the suburbs was born. Families moved into their new homes by the millions and became proud members of the middle class." Indeed, the GI Bill largely made the United States the first overwhelmingly middle-class nation in the world, but it also is credited with starting the suburbs, a word not spoken in the American vernacular until after the GI Bill took effect.

Colmery's vision cascaded beyond the housing industry. Here's author Bennett's explanation why: "The GI Bill produced a social revolution even greater than Henry Ford's. Whereas Ford put millions of cars on the road and spawned one of the nation's biggest industries, William Levitt (creator of pre-fabricated houses) put people in homes and spawned an even bigger one, while indirectly spawning ancillary industries in furniture and appliance making and sales, supermarketing of food, franchising of restaurants for young families, even expansion of schools."

"The results were quickly apparent. One year after President Truman announced Japan's surrender, 11 million World War II veterans had been discharged, leaving less than one million in service. Seventy percent of the veterans were employed, the majority in jobs other than those they held before the war. Almost one million veterans were in school, another one million drawing checks to supplement farm work, 403,000 employed in on-the-job training, and 318,000 being helped to establish businesses or professional practices."

As of September 1946, only 13 percent were drawing unemployment benefits. During the previous year, 4.9 million had collected unemployment, but, of those, 86 percent were on unemployment for less than 20 weeks. One percent had exhausted the 52 weeks of benefits they were entitled to. Of the remainder, 396,000 were on vacation, taking rehabilitation training, or just resting up, and 86,000 were hospitalized. These data are cited from "What GI's Are Doing Now," US News and World Report, September 20, 1946.

Mr. Speaker, Colmery's GI Bill investment paid off—and kept paying off. Colmery's legacy endures in today's Montgomery GI Bill and ongoing VA and Small Business Administration programs for veterans to participate in our economic system their service has sustained.

On June 18, 2004, Secretary of Veterans Affairs Principi cited data that I believe speaks volumes as to why the President—on behalf of a grateful Nation—should posthumously award Harry W. Colmery the Medal of Freedom: "The GI Bill made home ownership and a college education available to millions of Americans. By harnessing the talent and drive of America's veterans, it created six decades of opportunity for the men and women who serve in uniform. About 21 million veterans, servicemembers and family members, have received more than $77 billion in GI Bill benefits for education and training since 1944. The GI Bill's home loan program has been used by $17.5 million people for loans totaling $830 billion."

Mr. Speaker, I earnestly encourage my colleagues to support the Medal of Freedom for Harry W. Colmery.

CELEBRATING THE 50TH ANNIVERSARY OF THE VALLEY CENTER MUNICIPAL WATER DISTRICT

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 2004

Mr. ISSA. Mr. Speaker, I rise today to celebrate the 50th anniversary of the Valley Center Municipal Water District, which meets the water and wastewater needs of Valley Center and its 23,000 residents.

Fifty years ago, on July 12, 1954, a group of citizens formed an agency to build a water storage and transport system to access the water resources of the San Diego County Water Authority and the Metropolitan Water District of Southern California. At the time, securing these sources was imperative for continued community growth in a region that had only limited rainfall.

Today, in addition to providing water supply and sanitation services to their customers, the Valley Center Municipal Water District has promoted water conservation through incentives such as vouchers for ultra low flush toilets and high efficiency washing machines, residential landscape assistance, and providing water conservation guidelines for their customers.

Mr. Speaker, the Valley Center Municipal Water District has provided an invaluable service to the community it serves. This agency continues to fulfill its mission of ensuring customer satisfaction through quality service at the lowest possible price. I would like to thank the water district and its current and past employees for their hard work in meeting the water needs of the residents and businesses it serves. Their efforts have allowed a community to flourish in one of Southern California's most scenic and unique locations.

HONORING CADET JUSTIN B. COPE

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 2004

Mr. FROST. Mr. Speaker, I rise today to honor Cadet Justin B. Cope for his recent appointment as a Chief Petty Officer of the United States Naval Sea Cadet Corps. The United States Naval Sea Cadet Corps was first established in 1958 in order to develop a greater appreciation of the United States' naval history, traditions, customs, and significant role in defense. With only about one half of one percent of Naval Sea Cadets receiving the recognition and honor of being appointed as a Chief Petty Officer, Cadet Cope's ascension to the rank of Chief Petty Officer clearly reflects his superior qualities in leadership, expertise in seamanship, and patriotic character.

Again, I congratulate Chief Petty Officer Justin B. Cope's great achievement and wish him all the greatest success in the future.

MOURNING THE DEATH OF C. MICHAEL SAVAGE

HON. JESSE L. JACKSON, JR.

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 2004

Mr. JACKSON of Illinois. Mr. Speaker, it is my privilege to pay tribute to the life of Clarence Michael Savage, a model of compassion, commitment, and community service, who passed away on June 24. Mike was a man of strong personal faith, and a devout advocate of social justice.

A graduate of St. Louis University, Mike began his career of service working on behalf of lower-income neighborhoods in St. Louis and migrant farm workers throughout the country. Mike was known as a champion for the rights of people marginalized in our society. He served as the CEO of the Access Community Health Network in Chicago from 1994 until his tragic death last month. Mike was innovative in his approach to serving the working poor, uninsured and medically underserved. During his tenure at Access, Mike led the organization through unprecedented change as the organization grew from nine to forty-one health centers serving more than 160,000 patients annually.

Throughout his career, Mike was unyielding in his pursuit of justice. Before joining Access, Mike served as Executive Director of Fenway Community Health Center in Boston. He also worked for Heartland Alliance Travelers & Immigrants Aid and United Neighborhood Organization of Near Southwest Chicago. Mike was also active in many organizations nationally and locally, including National Healthy Start Association, United Power for Action and Justice, and the Chicago Chapter of Dignity USA.

Those of us who were privileged to have known him, will remember his incredible passion for addressing the underserved and his commitment to those in the fight with him. He was a visionary, he was a leader, and he was a friend. I extend my deepest condolences to Andy Swan, his partner, his family, and all those who join me in treasuring Mike's memory.

TRIBUTE TO ARMY LIEUTENANT ROBERT COLVILL

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 2004

Mr. PENCE. Mr. Speaker, on July 8, 2004, Army Lieutenant Robert Colvill of Anderson, Indiana, lost his life while fighting to defend America and liberate Iraq. He and three other soldiers died as a result of wounds suffered during a terrorist car bombing and mortar attack.

Mr. Colvill was a hero who believed in this great nation. In the ninth grade, he determined that he would serve his country in the Marine Corps. And so, after graduating from Madison Heights High School in 1991, he joined the Marines. He then retired after 8 years of service having become a Sergeant. But his passion for fighting for his country was too much to ignore and Mr. Colvill enlisted in the United States Army after only a year as a civilian.

I think Mayor Kevin Smith of Anderson, Indiana said it best, stating, "Soldiers such as Lieutenant Colvill exemplify the best of the United States of America; men and women of ideals and who are unafraid to fight for freedom for themselves, their country and other peoples of the world."

Mr. Speaker, Lieutenant Robert Colvill is a hero whose service and sacrifice brought freedom to 25 million Iraqis. Memory of his sacrifice will forever be emblazoned on the hearts of two grateful nations.

I offer my deepest condolences to his wife, Chris; his two sons, Zachary and Travis; his stepdaughter, Suzanne; his father, Robert Colvill; his mother, Anita Walker; his stepfather, Danny Walker; his sister, Angela Seward; his sister, Melanie Watkins-Smith; and his brother-in-law, Barton Smith.

NEBRASKA CITY TO REVEL IN HISTORY

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 2004

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues the following article from the June 13, 2004, Omaha World-Herald. The article highlights the activities related to Nebraska City, Nebraska's 150th birthday celebration as well as the community's role in the commemoration of the Lewis and Clark Bicentennial. July will certainly be a special month for this historic and energetic city.

This Member looks forward to participating in the grand opening of the Missouri River Basin Lewis & Clark Interpretive Trail and Visitors Center.

[From the Sunday World-Herald, June 13, 2004]

NEBRASKA CITY TO REVEL IN HISTORY

THE TOWN WILL MARK ITS 150TH BIRTHDAY AND THE LEWIS AND CLARK BICENTENNIAL IN JULY

(By Paul Hammel)

Nebraska City will be "celebration central" this July.

The Missouri River town not only is planning a 150th birthday celebration for itself but also has several events scheduled in conjunction with the bicentennial of the Lewis and Clark expedition.

"We're going to be very tired when its over" said Jessica Jones, tourism director for Nebraska City.

The sesquicentennial celebration, scheduled July 9 through 11, will include a vintage parade, a style show of pioneer petticoats and a re-enactment of staking out the town on July 10, 1854.

A traveling tent show for the Lewis and Clark bicentennial will visit Nebraska City from July 16 through 19.

The town's annual "Bagel Days" celebration—in conjunction, with a local bagel plant—is scheduled July 17 through 18, as is the Table Creek Art Festival.

Then, on July 23 through 25, the St. Charles Keelboat Expedition—a re-creation of Lewis and Clark's trek upriver—will dock in town and present programs.

The month of events closes July 30 with the grand opening of the city's new Missouri River Basin Lewis & Clark Interpretive Trail and Visitor Center on a bluff overlooking the river.

"We hope to attract some people who have never been to Nebraska City before," Jones said.

Sesquicentennial events include a celebration of the 135th anniversary of the founding of the Nebraska City public schools, demonstrations of pioneer crafts, and special cancellation of mail.

On July 9, a dance featuring the band Average Joe is scheduled at the Eagles Club.

A "vintage" parade is scheduled at 10 a.m. July 10, ending at Nuckolls Park, where there will be a re-enactment of the driving of the stakes declaring the boundaries of Nebraska City.

On July 10 and 11, the Mayhew Cabin will host a unique style show, "Petticoats for a Prairie Wedding," featuring a pioneer lingerie and a double wedding involving Civil War bridegrooms.

For more information, contact the Nebraska City Chamber of Commerce at (402) 873-3000, or visit www.nebraskacity.com.

PAYING TRIBUTE TO DAVID KAMENSHINE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 2004

Mr. McINNIS. Mr. Speaker, it is my privilege to pay tribute to David Kamenshine and thank him for his work as a Passport Services Agent with Northeast Passport Agency. His years of commitment and dedication as a public servant is certainly commendable and worthy of recognition before this body of Congress and this nation today. Along with my fellow Americans, I am grateful for all that he has accomplished during his years of service.

David Kamenshine started working for the United States federal government in 1969 with the Defense Department. Twenty years later, in October of 1989, he moved over to the Department of State, Bureau of Consular Affairs, Passport Services at the Northeast Passport Center in New York City. David diligently served his employer and was transferred to the New York Passport Agency in February of 1994 when the Northeast Passport Agency was merged into the New York Passport Agency. David has held several positions during his time with Passport Services, each time dedicating himself to providing the very best service for traveling customers. He assumed his current position as Customer Service Manager in 1996.

During my tenure in the United States Congress, David provided exceptional service to constituents of the 3rd Congressional District of Colorado. He worked hard to ensure that inquiries on behalf of my constituents submitted to the Northeast Passport Agency were addressed in a timely and thorough manner. David routinely demonstrated a willingness to assist beyond the standard response, demonstrating a genuine concern for the constituent while upholding the policies of the Northeast Passport Agency.

Mr. Speaker, it is clear that David Kamenshine has been an invaluable resource to many Americans. It is my honor to recognize his service and dedication before this body of Congress and this nation. I am grateful for the opportunity to work with devoted public servants like David. On behalf of the citizens that have benefited from the hard work and commitment he has given to the Northeast Passport Agency and constituents it serves, I extend my appreciation for his years of enthusiastic service.

RECOGNIZING JOSEPH PAEZ

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 2004

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to recognize and praise a hard-working man dedicated to supporting the community. I am fortunate that the community he supports is Hernando County in my 5th Congressional District.

Joseph Raphael Paez was born in New York City on August 17, 1944. Joe served in the Army National Guard of New Jersey and Connecticut for a term of six years. He married and is the proud father of four grown children.

He joined the Hernando County Sheriff's office in 1976 and served in many capacities during his tenure. Joe was promoted to Lieutenant in January 1993 and was assigned to Operations Support—a group helping officers living with job related trauma.

Joe is retiring from the Sheriff's Department as the Public Information Officer for Sheriff Richard B. Nugent and should be honored for his service and dedication.

Mr. Speaker, it is my privilege to represent Joe Paez, and I am proud to praise him on the floor of this House.

PAYING TRIBUTE TO GAIL SCHULZ

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 2004

Mr. McINNIS. Mr. Speaker, it is my privilege to pay tribute to Gail Schulz and thank her for her work as the Branch Manager of the Social Security Administration in Durango, Colorado. Her years of commitment and dedication as a public servant is certainly commendable and worthy of recognition before this body of Congress and this nation today. Along with my fellow Coloradans, I am grateful for all that she has accomplished during her years of service.

Gail began her career with the Social Security Office in Idaho Falls and later moved to Durango where she eventually became the Branch Manager of the Durango Social Security Office in September 1995. She is retiring this July, having served over 32 years with the Social Security Administration.

Gail is dedicated to her job and her employees. She has high expectations of herself and her staff. Gail stresses the importance that claimants receive all the considerations to which they are entitled. She is also an active member of her community and involved with La Plata County Quilter's Guild and the Archeological Society.

During my tenure in the United States Congress, Gail Schulz provided exceptional service to constituents of the 3rd Congressional District of Colorado. She worked hard to ensure that inquiries on behalf of my constituents submitted to the Social Security Administration were addressed in a timely and thorough manner. Gail routinely demonstrated a willingness to assist beyond the standard response, demonstrating a genuine concern for the constituent while upholding the policies of the Social Security Administration.

Mr. Speaker, it is clear that Gail Schulz has been an invaluable resource to the Social Security Administration. It is my honor to recognize her service and dedication before this body of Congress and this nation. I am grateful for the opportunity to work with devoted public servants like Gail. On behalf of the citizens that have benefited from the hard work and commitment she has given to the Social Security Administration and the constituents it serves, I extend my appreciation for her years of enthusiastic service.

CONGRATULATING THE HOSPITALS OF THE TEXAS MEDICAL CENTER

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 2004

Mr. GREEN of Texas. Mr. Speaker, it's official. The July 12 issue of U.S. News and World Report has named Houston's MD Anderson Cancer Center as the number one cancer treatment facility in the nation. Since 1941, MD Anderson has consistently delivered on its mission to provide innovative and compassionate treatment, cutting-edge research and educational outreach with regard to both common and rare cancers.

MD Anderson's clinical research program is the largest in the nation, allowing more than 11,000 patients access to promising and innovative therapies and diagnostic tests in 2003. This stellar reputation has attracted more than 600,000 cancer patients from all corners of the U.S. to Houston for the multidisciplinary approach to cancer treatment pioneered by MD Anderson, which has since become the established method of cancer treatment in all hospitals today.

MD Anderson is part of Houston's Texas Medical Center, which is comprised of more than thirty academic, research and patient care institutions delivering top-notch medical care to Texans and the thousands of Americans who flock to Houston each year to be treated by the best. And the recent rankings by U.S. News and World Report prove that the Texas Medical Center continues to offer some of the best medical care in the country.

In gynecology, both MD Anderson and Methodist Hospital rank within the top twenty-five health centers for women's health. Ranking fourth in the nation, the Texas Children's Hospital continues to lead the way in pediatric care. Both the Texas Heart Institute at St. Luke's and Methodist Hospital rank in the top twenty for the treatment of heart disease and heart surgery. Methodist also ranks number ten in neurology and neurosurgery, and in the top forty for orthopedics.

Two hospitals in the Texas Medical Center rank within the top fifteen in urology, with MD Anderson holding the number ten spot and Methodist ranking number thirteen. Methodist shares top billing with Memorial Hermann in the treatment of kidney diseases, with both hospitals ranking in the top fifty for this speciality. Both kidney diseases and hormonal disorders are complications of the rising diabetes epidemic, and the rankings also recognized Memorial Hermann as a top hospital for endocrinology.

These rankings prove what Houstonians have known all along—the Texas Medical Center is armed with the research, treatment and patient care options to help Americans tackle whatever health condition ails them. I am extremely proud to have the Texas Medical Center in Houston and congratulate all of its hospitals on this national recognition and on all of their many accomplishments in health care.

PAYING TRIBUTE TO LESLIE KEERY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 2004

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Leslie Keery of Rifle, Colorado, for her dedication to the students of Rifle High School. As an art instructor, Leslie has positively impacted the lives of both her colleagues and students. Leslie is aiding kids in developing their artistic and creative skills for use in future careers and I would like to join my colleagues here today in recognizing her before this body of Congress and this nation for her dedication to her students and her success in the classroom.

Leslie was recently honored with the local Walmart Teacher of the Year Award; that is awarded based upon the written essays of students and staff members. Her recognition as a special teacher was also complemented with a one thousand dollar donation to the art department, an opportunity to compete for the state competition and a nomination for the national Teacher of the Year Award.

Mr. Speaker, Leslie Keery has done much to enrich the lives of the students at Rifle High School and her community, and I am honored to bring her accomplishments before this body of Congress and this nation. Congratulations on your award, Leslie, and I wish you all the best in your future endeavors.

HONORING DESIREE G. ROGERS

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 2004

Mr. EMANUEL. Mr. Speaker, I would like to extend my warmest congratulations to Desiree G. Rogers on being elected President of People's Gas and North Shore Gas, two utility subsidiaries of People's Energy Corporation.

People's Energy has, for 150 years, been committed to providing gas service to residential and business consumers in northeastern Illinois. Today, it serves an estimated one million people in Chicago and northeastern Illinois.

Based on Ms. Rogers' immense contributions to People's Energy since joining in 1997, I am confident that Ms. Rogers' new role will prove to be very beneficial to the company. In the past, Ms. Rogers has exhibited tremendous leadership skills by successfully taking on many of the company's difficult tasks.

As president of People's Gas and North Shore Gas, Ms. Rogers will have responsibility over the utilities' field operations, customer functions, and gas supply management. She will also continue to be in charge of customer relations, an area in which she has demonstrated to be very experienced.

As the former senior vice president of Customer Service of the utilities, Ms. Rogers was able to improve the company's financial results while establishing strong customer ties. Ms. Rogers first joined the company in 1997 as Vice President of Communications, and was named Chief Marketing Officer in 2000. She oversaw community affairs and governmental relations, in addition to operations and marketing of the company's utilities.

Ms. Rogers' leadership extends beyond her work with People's Energy. She is involved in several community organizations, including the Lincoln Park Zoo, of which she is the Vice Chairman, the Museum of Science and Industry, and the Executives' Club of Chicago. She was also the chairman of the Chicago Children's Museum for 3 years. Ms. Rogers has admirably used her success as a means to contribute to philanthropic organizations, such as the Y-Me National Breast Cancer Organization, of which she is a trustee. Ms. Roger's contributions to the Chicago community are truly commendable.

Once again, I would like to congratulate Desiree Rogers on her well deserved promotion to President of People's Gas and North Shore Gas, and wish her and the company continued success in the future.

PAYING TRIBUTE TO PAM WILSON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 2004

Mr. McINNIS. Mr. Speaker, it is my privilege to pay tribute to Pam Wilson and thank her for her work as Fire Information Officer with the San Juan Lands Center, a joint office of the U.S. Forest Service and Bureau of Land Management in Durango, Colorado. Her years of commitment and dedication as a public servant is certainly commendable and worthy of recognition before this body of Congress and this nation today. I, along with my fellow Coloradoans, am grateful for all that she has accomplished during her years of service.

Pam has worked as a Fire Information Officer for the last three years, but started her career with the Forest Service in Colorado in 1979. Over her years with the Forest Service, she has worked as a draftsperson, landscape architect, planning assistant, visitor information specialist, and now a public affairs specialist.

In 2002, as Pam was still training, she was thrown into the role of being the first fire information officer to work on the Missionary Ridge Fire. Pam did an incredible job of providing accurate fire information and working with the hundreds of people that were evacuated from their homes during the fire. It was her interpersonal skills and empathetic feelings and responses that made the difference. Pam remained on scene for the duration, taking only minimal breaks away from the 16-hour work days experienced during a fire that burned for 39 days. She also worked on the fire information effort with the Bear Creek Wildland Fire Use fire. Pam excels at providing timely and constant flow of fire information. Residents of southwestern Colorado are kept informed of ongoing fires but more importantly, know what to expect in terms of fire potential and how they might take responsibility for protecting their health and property. Pam works very closely with the counties, State Forest Service and others to explain how private parties can mitigate fire risk, and to develop and implement plans for reducing these risks.

The San Juan Public Lands Offices have what is widely recognized as one of the very best fire information and fire education programs. Pam Wilson plays a very large role in that. Fires such as Missionary Ridge often tear a community and intergovernmental relationships apart, but the work of Pam, and of course a few others, prior to and during that fire resulted in as smooth of an operation as could be imagined. Her efforts, as much as anyone else on that fire, made it possible for firefighters and managers to focus without distractions on the safety of the public and firefighters and the protection of property.

Mr. Speaker, it is clear that Pam Wilson has been an invaluable resource to the San Juan Public Lands Office. It is my honor to recognize her service and dedication before this body of Congress and this nation. I am grateful for the opportunity to work with dedicated public servants like Pam Wilson. On behalf of the citizens that have benefited from the hard work and commitment she has given to the U.S. Forest Service and the constituents it serves, I extend my appreciation for her years of dedicated service.

PAYING TRIBUTE TO MARTHA G. SPEARS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 2004

Mr. McINNIS. Mr. Speaker, it is my privilege to pay tribute to Martha Spears and thank her for her work as Congressional Liaison with the Homeland Security Department. Her years of commitment and dedication as a public servant is certainly commendable and worthy of recognition before this body of Congress and this nation today. I, along with my fellow Americans, grateful for all that she has accomplished during her years of service.

Marty Spears began her career with the Immigration and Naturalization Service (INS) in 1983 as the Legal Assistant in the office of the District Counsel, Atlanta, Georgia. Her service was interrupted while she followed her military husband to Panama in 1986, and three years later resumed her position before becoming an Immigration Inspector in 1993. She was promoted three times to the Supervisory Information Officer position in 1997 and the District Adjudications Officer in 2000 and most recently to the position of Community Relations Officer. In March 2003, when INS was abolished and three new agencies were formed that became part of Department of Homeland Security, Marty became the Community Liaison Officer under the Office of Citizenship within U.S. Citizenship and Immigration Services. She has served as the Denver District's congressional liaison since April 2001, responding to a monthly average of 200–300 congressional inquiries including the states of Colorado, Wyoming and Utah that are also in the District.

During my tenure in the United States Congress, Martha provided exceptional service to constituents of the 3rd Congressional District of Colorado. Martha worked hard to ensure that inquiries on behalf of my constituents submitted to the Denver District were addressed in a timely and thorough manner. Martha routinely demonstrated a willingness to assist beyond the standard response, demonstrating a genuine concern for the constituent while upholding the policies of the Homeland Security Department.

Mr. Speaker, it is clear that Martha has been an invaluable resource to the Department of Homeland Security. It is my honor to recognize her service and dedication before this body of Congress and this nation. I am grateful for the opportunity to work with dedicated public servants like Martha Spears. On behalf of the citizens that have benefited from the hard work and commitment she has given to the Department of Homeland Security and constituents it serves, I extend my appreciation for her years of dedicated service.

PAYING TRIBUTE TO GRETCHEN MITTERER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 2004

Mr. McINNIS. Mr. Speaker, it is my privilege to pay tribute to Gretchen Mitterer and thank her for her work as a Government Liaison with the Internal Revenue Service. Her years of commitment and dedication as a public servant is certainly commendable and worthy of recognition before this body of Congress and this nation today. I, along with my fellow Americans, am grateful for all that she has accomplished during her years of service.

Gretchen began her career with the IRS in January of 1986. Her attention to detail, her people skills and her professionalism have led to rapid career advancement. Gretchen has been the Colorado Governmental Liaison since January 2001. She began as a Group Secretary and held various positions over time including: Branch Secretary, Tax Auditor, Administrative Assistant, Public Affairs Specialist and Communications Specialist.

During my tenure in the United States Congress, Gretchen provided exceptional service to constituents of the 3rd Congressional District of Colorado. Gretchen worked hard to ensure that inquiries on behalf of my constituents submitted to the IRS were addressed in a timely and thorough manner. Gretchen routinely demonstrated a willingness to assist beyond the standard response, demonstrating a genuine concern for the constituent while upholding the policies of the IRS.

Mr. Speaker, it is clear that Gretchen Mitterer has been an invaluable resource to the Internal Revenue Service. It is my honor to recognize her service and dedication before this body of Congress and this nation. I am grateful for the opportunity to work with dedicated public servants like Gretchen. On behalf of the citizens that have benefited from the hard work and commitment she has given to the IRS and constituents it serves, I extend my appreciation for her years of dedicated service.

PAYING TRIBUTE TO PETE DAWKINS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 2004

Mr. McINNIS. Mr. Speaker, it is my pleasure to rise and pay tribute to Pete Dawkins of Vail, Colorado, a truly outstanding individual. Throughout his life and his career, Pete has received many prestigious distinctions and awards as a prominent athlete, scholar and leader, but his commitment to the citizens of this country through his record of military service stands out. Pete spent many years dedicated to the service of our country and contributed tremendous leadership during his tenure. I would like to join my colleagues in recognizing the achievements of Pete Dawkins before this body of Congress and this nation today.

Pete's ability to persevere was tested at the young age of eleven, undergoing physical therapy to treat the potentially debilitating disease of polio. He not only overcame polio, but he went on to become a star running back in college at the United States Military Academy. His performance during his senior season on the field led Army to an undefeated season and he was recognized individually as the college football player of the year winning the Heisman Trophy.

After graduating near the top of his class from West Point, Pete chose to study at Oxford University as a Rhodes Scholar, instead of pursuing an opportunity to play professional football. Pete began his service to the military after he completed his study in England. Throughout his twenty-six year tenure in the military he served in Vietnam, received his doctorate from Princeton, was selected as a White House Fellow, and ascended to the rank of Brigadier General.

Following his military service, Pete has enjoyed a successful career in the private sector. He is currently working as the vice chairman of the Citigroup Private Bank. In his spare time, he still pursues his passion for sport on the ski slopes of the Vail Valley.

Mr. Speaker, it is my privilege to honor the achievements of Pete Dawkins before this body of Congress and this nation. His selfless commitment to our nation's armed forces serves as a model for all Americans who desire to serve their country. Pete strives for success in everything he does, and his hard work and dedication in his undertakings has been rewarded with great success. I thank Pete for his service to others and wish him all the best in his future endeavors.

PAYING TRIBUTE TO DENNIS ROSS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 2004

Mr. McINNIS. Mr. Speaker, it is my privilege to pay tribute to Dennis Ross and thank him for his work as Acting Director with the Grand Junction Department of Social Security. His years of commitment and dedication as a public servant is certainly commendable and worthy of recognition before this body of Congress and this nation today. Along with my fellow Coloradans, I am grateful for all that he has accomplished during his years of service.

Dennis started his public service in immigration in New York City. He then transferred to the Social Security Office, which eventually brought him to Colorado and currently to Grand Junction. During my tenure in the United States Congress, Dennis has provided exceptional service to constituents of the 3rd Congressional District of Colorado. Dennis worked hard to ensure that inquiries on behalf of the citizens submitted to the Social Security Administration were addressed in a timely manner. David routinely demonstrated a willingness to assist beyond the standard response, showing a genuine concern for the constituent while upholding the policies of the Social Security Administration.

Mr. Speaker, it is clear that David has been an invaluable resource to the state of Colorado. It is my honor to recognize his service and dedication before this body of Congress and this nation. I am grateful for the opportunity to work with devoted public servants like Dennis. On behalf of the citizens that have benefited from the hard work and commitment he has given to the Social Security Office and constituents it serves, I extend my appreciation for his years of enthusiastic service.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, July 13, 2004 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 14

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine home products fire safety issues.

SR–253

Foreign Relations

To hold hearings to examine balancing reform and counterterrorism in Pakistan.

SD–419

Rules and Administration

To hold an oversight hearing to examine the Federal Election Commission.

SR–301

10 a.m.

Indian Affairs

Business meeting to consider pending calendar business; to be followed by an oversight hearing on the implementation of the American Indian Religious Freedom Act of 1978.

SR–418

Judiciary

To hold hearings to examine the implications of drug importation.

SD–226

11:30 a.m.

Energy and Natural Resources

Business meeting to consider pending calendar business.

SD–366

2:30 p.m.

Foreign Relations

To hold hearings to examine U.S. policy toward Southeast Europe, focusing on the Balkans.

SD–419

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold hearings to examine S. 2317, to limit the royalty on soda ash, S. 2353, to reauthorize and amend the National Geologic Mapping Act of 1992, H.R. 1189, to increase the waiver requirement for certain local matching requirements for grants provided to American Samoa, Guam, the Virgin Islands, or the Commonwealth of the Northern Mariana Islands, and H.R. 2010, to protect the voting rights of members of the Armed Services in elections for the Delegate representing American Samoa in the United States House of Representatives.

SD–366

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings to examine adult stem cell research issues.

SR–253

3:15 p.m.

Conferees

Meeting of conferees on H.R. 2443, to authorize appropriations for the Coast Guard for fiscal year 2004, to amend various laws administered by the Coast Guard.

2167 RHOB

JULY 15

9 a.m.

Governmental Affairs

Investigations Subcommittee

To hold hearings to examine current enforcement of key provisions in the Patriot Act combating money laundering and foreign corruption, using a single case study involving Riggs Bank, focusing on Riggs' anti-money laundering program, administration of accounts associated with senior foreign political figures and their family members, and interactions with its primary regulator, the Office of the Comptroller of the Currency.

SD–342

9:30 a.m.

Armed Services

To receive a closed briefing from the Department of Defense regarding International Committee of the Red Cross reports on U.S. military detainee operations in Iraq.

S–407 Capitol

Commerce, Science, and Transportation
Communications Subcommittee

To hold hearings to examine implementation of the Nielsen local people meter TV rating system.

SR–253

Foreign Relations

To hold hearings to examine a report on the latest round of six-way talks regarding nuclear weapons in North Korea.

SD–419

Judiciary

Business meeting to consider pending calendar business.

SD–226

Appropriations
Labor, Health and Human Services, and Education Subcommittee

To hold hearings to examine preventing chronic disease through healthy lifestyles.

SD–192

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine regulation of the hedge fund industry.

SD–538

Health, Education, Labor, and Pensions
Children and Families Subcommittee

To hold hearings to examine Pell grants for primary education.

SD–430

2 p.m.

Foreign Relations
International Economic Policy, Export and Trade Promotion Subcommittee

To hold hearings to examine the Gulf of Guinea and U.S. strategic energy policy.

SD–419

Aging

To hold hearings to examine medical liability in long term care.

SD–628

2:30 p.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the nominations of Stuart Levey, of Maryland, to be Under Secretary of the Treasury for Enforcement, Juan Carlos Zarate, of California, to be Assistant Secretary of the Treasury for Terrorist Financing and Financial Crimes, and Carin M. Barth, of Texas, to be Chief Financial Officer, Department of Housing and Urban Development.

SD–538

Energy and Natural Resources
National Parks Subcommittee

To hold hearings to examine S. 1852, to provide financial assistance for the rehabilitation of the Benjamin Franklin National Memorial in Philadelphia, Pennsylvania, and the development of an exhibit to commemorate the 300th anniversary of the birth of Benjamin Franklin, S. 2142, to authorize appropriations for the New Jersey Coastal Heritage Trail Route, S. 2181, to adjust the boundary of Rocky Mountain National Park in the State of Colorado, S. 2374, to provide for the conveyance of certain land to the United States and to revise the boundary of Chickasaw National Recreation Area, Oklahoma, S. 2397 and H.R. 3706, bills to adjust the boundary of the John Muir National Historic Site, S. 2432, to expand the boundaries of Wilson's Creek Battlefield National Park, S. 2567, to adjust the boundary of Redwood National Park in the State of California, and H.R. 1113, to authorize an exchange of land at Fort Frederica National Monument.

SD–366

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH–219

3 p.m.

Foreign Relations

To hold a closed briefing on Iraq.

S–116 Capitol

JULY 20

9 a.m.

Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine governmentwide workforce flexibilities available to federal agencies, focusing on those enacted in the Homeland Security Act, specifically their implementation, use by agencies, and training and education related to using the new flexibilities.

SD–342

10 a.m.

Energy and Natural Resources

To hold hearings to examine S. 2590, provide a conservation royalty from Outer Continental Shelf revenues to establish the Coastal Impact Assistance Program, to provide assistance to States under the Land and Water Conservation Fund Act of 1965, to ensure adequate funding for conserving and restoring wildlife, to assist local governments in improving local park and recreation systems.

SD–366

Indian Affairs

To hold hearings to examine S. 2605, to direct the Secretary of the Interior and the heads of other Federal agencies to carry out an agreement resolving major issues relating to the adjudication of water rights in the Snake River Basin, Idaho.

SR–485

Health, Education, Labor, and Pensions
Substance Abuse and Mental Health Services Subcommittee

To hold hearings to examine performance and outcome measurement in substance abuse and mental health programs.

SD–430

2:30 p.m.

Banking, Housing, and Urban Affairs

To hold an oversight hearing to examine the Semi-Annual Monetary Policy Report of the Federal Reserve.

SH–216

JULY 21

9:30 a.m.

Foreign Relations

To hold hearings to examine combating multilateral development bank corruption, focusing on the U.S. Treasury's role and internal efforts.

SD–419

10 a.m.

Indian Affairs

Business meeting to consider pending calendar business; to be followed by a hearing to examine S. 519, to establish a Native American-owned financial entity to provide financial services to Indian tribes, Native American organizations, and Native Americans.

SR–485

2 p.m.

Armed Services
Health, Education, Labor, and Pensions
Children and Families Subcommittee

To hold joint hearings to examine the Pentagon and States' response to the needs of guard and reservists families.

SD–430

Indian Affairs

To hold an oversight hearing to examine the proposed reauthorization of the Indian Health Care Improvement Act.

SR–485

2:30 p.m.

Energy and Natural Resources
Public Lands and Forests Subcommittee

To hold hearings to examine S. 738, to designate certain public lands in Humboldt, Del Norte, Mendocino, Lake, Napa, and Yolo Counties in the State of California as wilderness, to designate certain segments of the Black Butte River in Mendocino County, California as a wild or scenic river, S. 1614, to designate a portion of White Salmon River as a component of the National Wild and Scenic Rivers System, S. 2221, to authorize the Secretary of Agriculture to sell or exchange certain National Forest System land in the State of Oregon, S. 2253, to permit young adults to perform projects to prevent fire and suppress fires, and provide disaster relief, on public land through a Healthy Forest Youth Conservation Corps, S. 2334, to designate certain National Forest System land in the Commonwealth of Puerto Rico as components of the National Wilderness Preservation System, and S. 2408, to adjust the boundaries of the Helena, Lolo, and Beaverhead-Deerlodge National Forests in the State of Montana.

SD–366

JULY 22

9 a.m.

Governmental Affairs
Investigations Subcommittee

To resume hearings to examine the extent to which consumers can purchase pharmaceuticals over the Internet without a medical prescription, the importation of pharmaceuticals into the United States, and whether the pharmaceuticals from foreign sources are counterfeit, expired, unsafe, or illegitimate, focusing on the extent to which U.S. consumers can purchase dangerous and often addictive controlled substances from Internet pharmacy websites and the procedures utilized by the Bureau of Customs and Border Protection, the Drug Enforcement Administration, the United States Postal

Service, and the Food and Drug Administration, as well as the private sector to address these issues.

SD–342

10 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine preparations for possible future terrorist attacks.

SD–430

Joint Economic Committee

To hold hearings to examine the demographics of health care, focusing on evidence regarding declining rates of chronic disability and assess the best opportunities for further health promotion.

SD–628

2:30 p.m.

Energy and Natural Resources

National Parks Subcommittee

To hold an oversight hearing to examine the implementation of the National Parks Air Tour Management Act of 2000 (Public Law 106–181).

SD–366

SEPTEMBER 21

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of the American Legion.

345 CHOB

HOUSE OF REPRESENTATIVES—*Tuesday, July 13, 2004*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. BRADLEY of New Hampshire).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 13, 2004.

I hereby appoint the Honorable JEB BRADLEY to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

RECOGNITION OF RETIRING REPUBLICAN DOUG BEREUTER

Mr. BLUMENAUER. Mr. Speaker, I was sorry that I was unable to join my colleagues last Thursday in saluting our departing Member, the gentleman from Nebraska (Mr. BEREUTER). He is everybody's model legislator. He is quiet and thoughtful, a serious man but with a light touch that sometimes one has to scratch the surface to reveal.

But he is, first and foremost, a policy maker, a policy maker by training, with a temperament and commitment to make things better within the limits and responsibilities of government. He represents a very exclusive cohort, he has graduate degrees from both the Harvard Graduate School of Design and the Harvard Kennedy School of Government, who over 30 years ago was working in the heartland dealing with planning and promoting economic development for the State of Nebraska.

I think of him still as an intelligence officer with an insatiable quest for information and direct contact. He is a tireless worker on his various committees, always a full participant whether it is the Permanent Select Committee on Intelligence, Committee on Transportation and Infrastructure, Committee on International Relations, or Committee on Financial Services, or some of the other activities that related to his work like the American Parliamentary Union. The list has been as extensive as it is impressive and important.

The gentleman from Nebraska (Mr. BEREUTER) has always been someone in this chamber who understands how to make things happen, whether it is as a junior or a senior Member of this body, whether in the majority or the minority, he understood what it took to be an effective Member of Congress. He would push against political currents, willing to debate those who are more interested in ideology and politics than they are in understanding and representing the unique interests of the broad public.

He was willing to be unpopular with some in the political class but he struck a resonant chord for both Houses of Congress, in the media, with staff, and with Americans everywhere, but, most of all, election after election, in his home state of Nebraska.

It is also important to note that he understood how to work with the outstanding men and women who are of his staff who make things happen. For over 26 years in his office, committees, interns and fellows, he helped launch hundreds of the best and brightest into careers in and out of government.

For 6 years it was my pleasure to work with him on a particular issue, reforming our Federal flood insurance program. Some may think it somewhat esoteric, but it had profound effects in terms of the Federal budget, the environment, and in the lives and livelihood of people who were unnecessarily at risk.

I must confess that I think I learned more about the legislative process working with the gentleman from Nebraska on this single bill than I did previously in law school and my own experience as a policy maker before coming to Congress. He is a master at his craft which is making public policy and bringing people together.

One of my colleagues referenced my notion that the gentleman from Nebraska (Mr. BEREUTER) is the glue that helps hold Congress together in occasionally fractious times.

One cannot reflect on his career without mentioning his spouse Louise, herself an educator and artist, in addition to playing the valuable role of congressional spouse.

It was my privilege to travel and share experiences with the Bereuters. I came to appreciate their insights into what a critical role is played by a congressional family. A life partner plays a critical role at home, with children, dealing with politics, providing their partner with insights and, generally, contributing to the well-being of this body.

We in Congress will miss them both, but our loss is good news for many because he and Louise relocate to the West Coast and look forward to assuming a new position as president of the Asia Foundation in September.

I know we all join in wishing them well and look forward to working with them in this new chapter in their lives. In the meantime, we thank them for enriching ours lives for over two decades.

OVERSPENDING AND OVER-PROMISING

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the gentleman from Michigan (Mr. SMITH) is recognized during morning hour debates for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, I would just like to speak about what some consider boring statistics on government growth. I can add later in this 5-minute short brief, on where we are on not only overspending but over-promising.

We are now doing the appropriations bills. This is my last year in Congress. In the 12 years that I have been in Congress, all spending appropriations are increasing much faster than inflation. That means government is growing faster than everybody else's financial pocketbook who are citizens in this country.

Some years we have seen 3, 3½, one year almost 4 percent growth in the Federal Government faster than inflation.

The percentage of our total Federal budget that goes to service the debt, pay interest on the debt, of our annual overspending is now $7 trillion. And what it costs the taxpayers of this country to pay the interest on that debt is 14 percent of our total Federal spending. 14 percent represents a little more than $300 billion a year that we are spending on interest.

And so I ask, Mr. Speaker, guess what is going to happen to interest

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

rates over the next couple of years or the next 10 years. Interest rates are going to go up. They are now at a relatively low percentage. And if the lower percentage represents a cost to us of $300 billion a year, what if interest rates were to go back up to where they were in the early 1980s?

Now, let us move from the high interest rates and that cost to taxpayers in the future to how much the total debt of this country is increasing. Now, I mentioned about $7 trillion current debt. We are increasing the debt now by over $500 billion a year. That means that this body, this Congress, these Members are going to have to look their grandkids in the face and try to explain today's overspending, saying something, some excuse, it was not my fault, it was somebody else's fault that taxes in your generation are so high.

We are going to hear a lot of rhetoric during these appropriation bills that Congress should spend more, in other words, go deeper into debt. And it is somewhat of an egotistical attitude that somehow we are pretending that our problems today are greater than what the problems are going to be for our kids and our grandkids.

Let me conclude by suggesting that it is not good for our security in this country. The Department of Treasury reports that 45 percent of our marketable debt for this government is held by foreign interests. Last year the overspending, which means more borrowing, resulted in 75 percent of it being picked up by foreign interests. China is now the country that is accumulating more of our debt. Just imagine, for a moment, the vulnerability that puts us in when we become so subject to another country in any kind of negotiations. Whether it is military or whether it is trade, and that country that owns so much of our equity says, well, you might not be the country we wish to invest in. That would put us in a very serious economic situation.

I conclude with the estimate by the actuaries of Medicare, Social Security, and Medicaid that are now predicting that the over-promising, the unfunded mandates, meaning how much money we are going to have to come up with over and above what is coming in currently in the FICA tax, the payroll tax, to accommodate the extra spending that is needed, again over and above the money that is coming in, is $73.5 trillion. So if one adds the unfunded liability of $73.5 trillion to $7 trillion debt, that means $80 trillion plus responsibility that we are loading on our kids.

I am a farmer from Michigan. We try to pay down the mortgage on the farm. This body is in effect saying let us spend more, let us solve more of the problems by borrowing more and let us pass the bill on to our kids.

SECOND ANNUAL TRI-CAUCUS

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the gentlewoman from California (Ms. SOLIS) is recognized during morning hour debates for 1 minute.

Ms. SOLIS. Mr. Speaker, this morning I would like to report on the Second Annual Tri-Caucus Health Care Conference that was held this past weekend regarding health disparities that was sponsored by the Hispanic, the Black Caucus, and the Asian Pacific Islander Caucus. It was the first time that 12 Members gathered there in Miami, Florida, to begin the discussion to hear from the public as well as health care practitioners regarding chronic illnesses affecting these populations.

A resounding number of them continue to say that obviously we need more support from the Federal Government. We need more funding to combat the rising number of HIV and AIDS incidents reported among black teenagers and Hispanic teenagers, particularly among girls. Girls in their teenage ages are contacting HIV and AIDS in heterosexual relationships.

We need more research funding for planning to begin to address the issue of obesity which is now affecting many of our black and Latino students. Diabetes treatment, nutrition planning for low income minority communities was also outlined. We talked about expanding the need for the SCHIP program and also for Medicaid.

Mr. Speaker, I would ask that the public continue to support the health care disparities bill that was introduced in the House and the Senate earlier this year.

THE PASSING OF AL CASEY

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the gentleman from Texas (Mr. FROST) is recognized during morning hour debates for 1 minute.

Mr. FROST. Mr. Speaker, I rise this morning to mark the passing of a great and unique American, my friend Al Casey. Al died at his home in Dallas Saturday at the age of 84.

Few people have led more productive and significant lives. Al Casey was chairman and CEO of American Airlines when the company made the decision to move its corporate headquarters from New York to north Texas in 1979. That single decision did more for the economy of the Dallas/Fort Worth area than anything that has happened in the last 25 years. Today American Airlines is the largest single employer in the DFW metroplex. The ripple effects of its move will continue to be felt for many years.

Al Casey was more than just a successful CEO of a major U.S. company. He served our country's president and chief executive of the Resolution Trust Corporation from 1991 to 1993. This was the entity charged with cleaning up the savings and loan mess in the southwestern part of our country. He served as Postmaster General of the United States in 1988 and was Distinguished Executive in Residence at the Cox School of Business at SMU.

Al Casey was my friend. Even though he was a committed Republican, he always had a kind and encouraging word for me whenever we saw each other at the many public functions he attended in Dallas. He was the most optimistic and genuine person I knew and made everyone feel better when they were in his presence.

Though we came from different religious traditions, I do not think Al would mind if I used a Yiddish word to describe him. Al Casey was a mensch. We will all miss him.

PRESCRIPTION DRUG REIMPORTATION

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the gentleman from Illinois (Mr. EMANUEL) is recognized during morning hour debates for 5 minutes.

Mr. EMANUEL. Mr. Speaker, today the House of Representatives will vote for a third time this session in overwhelming bipartisan manner to allow Americans to import drugs from Canada and Europe where prices for those prescription drugs are 30 to 70 percent cheaper than they are on the American shelves at our pharmacies and grocery stores.

Members of this body on both sides of the aisle last year voted against the pharmaceutical industry's intense lobbying where they spent well over $200-some-odd million, they hired well over 600 lobbyists to try to prevent the American consumers and senior citizens from accessing drugs and prescription drugs and medications that their doctors prescribed at prices that they can afford.

People from all over the world come to the United States for their medical care. Yet, Americans are forced to go all over the world for their medications. That is wrong. We can do better.

Prices here in the United States are artificially kept high because of a closed market. What this would allow, the legislation allowing reimportation, would allow Americans to have an open market, a free market when it comes to the pricing of prescription drugs.

Every other product, cars, autos, software, food, we have free access, and Americans pay some of the lowest prices in the world. There is only one product line Americans have a closed market to and we are forced to pay the highest prices in the world and that is in the area of prescription drugs.

In Canada, in Europe, the same medications that we find on our shelves here are, as I said, 30 to 70 percent cheaper. Americans know that. 2 million seniors a year go over the Canadian-U.S. border to get their prescription drugs with their prescriptions that their doctors have asked them to take. Rather than cut pills in half, rather than skip a month, rather than skip a day, rather than allow only their spouse to get medications and preventing themselves from getting medications, those seniors go over to Canada, save hundreds upon hundreds of dollars a month in their prescription drugs.

What this legislation would do is allow the free market to work, creating competition, bringing prices down, and ensuring the American consumer, American seniors and, most importantly, now that we have a prescription drug bill to Medicare, the American taxpayer that they would get their fair price and world price for world-class drugs.

What is ironic here is that the American taxpayer pays for the research for these new life saving medications both through the direct funding of the National Institute of Health and through the R&D tax credit. The American taxpayer is subsidizing the pharmaceutical industry's research and development in new life-saving drugs. And yet what do we get for all that taxpayer support for the industry? We get to pay the highest prices in the world. That is the unique position of the American senior citizen and taxpayer.

The reimportation of prescription drugs would allow our seniors, our families who need medications for their children and for their parents, would allow them those medications at the prices that consumers in Europe and Canada are paying which is 30 to 70 percent cheaper.

It is the right thing to do not only because we pay for the R&D, but it is the right thing to do if you believe in the free market. We should allow the free market to work, creating that competition, bringing prices down. As I said, literally 2 million seniors a year do it every year. They have been doing it for years going to Canada, finding somewhere close to a little over a $1 billion worth of savings.

We are voting on it for the third time here in the House. Hopefully in the other body they will now begin to take up this legislation and start to create that bipartisan focus on bringing the prices of prescription drugs down.

I set up in my office a Web site, just so my colleagues know, we took Costco which is a discount retailer, we have a Costco in Chicago. We listed the 10 most used drugs by senior citizens and the price at that Costco in Chicago of those 10 medications. Then we took the Costco in Toronto, same store, same medications, same discounts. In Canada one would save, versus the United States, for those same medications close to $1,000 if one bought at the Costco in Canada versus the Costco in Chicago. That is a discount retailer. And people know that. And we must afford our seniors the ability to get the medications they need at the prices they can afford.

Everybody lately has been touting this Health and Human Services discount card, the Medicare discount card. In fact, in Canada one would save more than one would on that discount card. In our 70 percent of that discount card, the fact is that the reimportation would allow one cheaper savings than it does on that discount card. If the discount card was designed for senior citizens, it would not be as complicated. It was not designed for senior citizens, it was designed for the pharmaceutical industries that invested close to $200 million in that legislation.

PRESCRIPTION DRUG REIMPORTATION

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the gentleman from New Jersey (Mr. PALLONE) is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Mr. Speaker, last year Republicans here in the House approved the prescription drug bill that did more to help the pharmaceutical companies than senior citizens. The pharmaceutical companies can continue to charge outrageous prices because Republicans refuse to give the Secretary of Health and Human Services the ability to negotiate better prices for seniors in the government.

The pharmaceutical companies also benefit from the fact that Republicans also refuse to allow for the reimportation of prescription drugs from other countries. My colleagues probably heard of seniors taking bus trips across the border into Canada to purchase their prescription drugs. And that is because drugs in other countries, including Canada, cost 40 percent less than they do here.

This year alone experts at Boston University estimate that Americans would save $59.7 billion by paying Canadian prices for brand name drugs, and, yet, Republicans refuse to include a provision in their legislation that would provide seniors with this much needed assistance.

Why would Republicans pass a prescription drug bill that helps the pharmaceutical companies out more than the very seniors who have been waiting for help? What one of the reasons is that the Bush administration's main negotiator on the bill, then Medicare administrator Tom Scully, was actually looking for a job with the very pharmaceutical companies at the same time he was hammering out the final Medicare legislation.

Mr. Speaker, there is no better indication that Medicare administrator Tom Scully was working on behalf of the pharmaceutical companies than when he refused to provide critical information to one of my democratic colleagues on the actual cost of the Medicare bill. Last week the Bush administration announced that Tom Scully did, indeed, threaten to fire Richard Foster, a career civil servant, if Foster told Congress that the Republican prescription drug bill would actually cost more than they previously thought. Now, unfortunately, even though the administration has admitted that, Scully cannot be punished for withholding this information to Congress. He no longer works at Health and Human Services. Guess where he works? He now lobbies for the drug companies.

Now, Mr. Speaker, my democratic colleagues and I, we really feel very strongly that we have to continue to fight this new Medicare law and will work to provide seniors a meaningful benefit within the Medicare system. We still can have a good law. Today, thanks to the tenaciousness of the gentlewoman from Ohio (Ms. KAPTUR) we are going to vote on an appropriations bill amendment that allows for the safe reimportation of prescription drugs. The gentlewoman from Ohio (Ms. KAPTUR) offered the amendment in committee last week. Republicans tried to block it but they failed. And that is because it is the right thing to do.

Seniors need help now with lower drugs costs and the reimportation provisions that Democrats inserted into the agriculture appropriation bill. I think it is a good start.

Democrats have also filed a discharge petition on a bill that would finally allow the Secretary of Health and Human Services to negotiate for cheaper prices on behalf of the more than 40 million Medicare beneficiaries. The bill we want to bring to the floor ensures that the government will use the purchasing power of millions of seniors to negotiate lower drug costs just like we do for the veterans health care system. And this would lower prices by about 50 percent.

Now, Mr. Speaker, in order to truly help seniors with the prescription drug bills, we have to do something about the outrageous and skyrocketing costs. That is the key. Republicans and the pharmaceutical companies shamefully refuse to address the cost issue. As I have stated before, Democrats will continue to work on behalf of America's seniors and continue to fight to pass legislation that finally addresses the high cost of prescription drugs.

AD GROWTH INDUSTRY

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the gentleman from Washington (Mr. MCDERMOTT) is recognized during morning hour debates for 4 minutes.

Mr. McDERMOTT. Mr. Speaker, the President keeps telling America that his administration is good for the economy. I have to admit under this administration one sector is booming. In fact, booming may not be a strong enough descriptor. Stellar, bottomless, and gusher could easily describe the runaway growth in the need and use of political campaign commercials by the administration's campaign.

They are awash in cold, hard cash, and they are spending it as fast as they can get it in. They are spending more on airing a 30-second commercial than the network spends on making a 30-minute hit show. Talk about a growth industry.

The networks have brought us reality TV, but this administration has brought us fiction TV. After 30 seconds one would swear the moon is made of Swiss cheese and the U.S. economy is too good to be true. Remember what our mothers taught us, if it is too good to be true, it is not true.

Every time a new spot runs extolling the virtues of the administration, keep these numbers handy because the administration will not be talking about them: Since the President took office the stock market is down. Yes, down. Forget the slight-of-mouth they are attempting, look the numbers up. The Dow Jones industrial average is lower than when the President came in. 4 years later they have negative growth in the stock market. Is that the kind of economy America wants?

If one is saving for their retirement, they have just experienced 4 years of net loss. If one is living on a fixed income, their nest egg has 4 years of constant financial assault. If one is a tech buff, the same is true about the NASDAQ, 4 years later it is significantly lower than when he came in. Is that the kind of economy that is good for America? Four years later the money is worth less, lots less.

So the administration uses special effects in its commercials to make it seem like Americans are better off. The smoke and mirrors might cloud the truth, but the smoke is only good for 30 seconds and then reality takes over.

If the administration wants to take credit, and they say they do, then they have to take credit for the U.S. stock markets that are lower than when they came in. The stock markets tell the story about the U.S. economy under the stewardship of this administration.

This can be summed up this way: The privileged few became the beneficiaries of the administration's use of our tax money. Do not let their commercials trick my colleagues into thinking anything else. Millionaires got a cool extra $100,000 from this administration's tax cuts. Go look at your own 1040 and do the math. What did you get? The average is about $700. The administration gave the rich about $10,000 per month and the rest of America got 60 bucks a month. That is a lot of zeros. That is a lot of smoke and mirrors to cover that up.

Now the administration claims we never look at what has been going on. So let us be fair. When the President took office, the Nation's unemployment rate was 4.2 percent. Today's unemployment rate is 30 percent higher than it was when the President took office. That is the record. But one will not find it in any commercial that this administration is showing.

Millions of Americans are without jobs. I cannot call that economic growth. I call it a real life crisis for people when they cannot find a job and the administration is unwilling to help. Unemployment is 30 percent higher today than when the President took office. This administration has 2 million jobs less than when they took office. That record is only surpassed by the great Herbert Hoover in the Great Depression.

Now, there is a commercial for you. The administration would need a lot of extra smoke to cover that up. The administration's economic policies have their closest comparison with the Great Depression. These are the facts. One might say this is reality TV just in case all those fictional accounts of the U.S. economy under the administration have one confused.

With the amount of smoke the American administration is using, it is no wonder the level of pollution across America is higher than ever. America is choking from pollution caused by their fictional TV adds. They have got 112 more days and it is over.

SUDAN GENOCIDE

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized during morning hour debates for 2 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, we should be troubled by a number of concerns that are getting sometimes less attention than I think they should. First let me say I am so very proud to acknowledge two Members in the other body that will be addressing the Payne-Wolf resolution to declare the acts in Sudan genocide. With 400,000 people displaced, women and children and men being murdered, villages being burned, the world watches.

I am reminded of the millions who died in Rwanda. And we cannot stand idly by. It is imperative that the people of Sudan rise up in opposition to their government that continues to allow the murder and pillage against those innocent individuals.

I look forward to working with the United States Congress in ensuring that Sudan, the government in Khartoum, understands that we mean business and will not stand by while this tragic, murderous brutality occurs.

Then, Mr. Speaker, I would ask the American people to look closely at this question of the CIA intelligence breakdown before the war in Iraq. Because I believe every life is precious. And I believe our Constitution ensures that we in America pride ourselves in supporting peace over war and that we understand the importance of teaching and giving truth to the American people.

And so this breakdown in intelligence, which caused or at least gave to the Congress the basis upon which that resolution was passed, many of us knew it was wrong and voted against it, we should not allow that perspective to go off silently into the night. It is important for the American people to ask the question why and to get the right answers.

Because it is important when we take our young soldiers, our family members into war, they go into battle on truth and on a Constitutional purpose and that Congress votes for war in a Constitutional manner.

Mr. Speaker, I believe this country has the opportunity to rise to its highest moral values and that means that it does believe that freedom is not free and that we all will rise to defend our Nation and that we recognize the tragedy of 9/11, that we will not use falsehoods, however, in order to engage in a war that could have been solved by U.N. inspectors, could have been solved by coalition.

So I ask my colleagues to help support the resolution that we offered in the Senate and the one in the House on Sudan. I ask my colleagues to ask the questions of why our intelligence failed, that it never fail again that we send out Americans into war for falsehoods as opposed to truth.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 33 minutes a.m.), the House stood in recess until 10 a.m.

☐ 1000

AFTER RECESS

The recess having expired, the House was called to order at 10 a.m.

PRAYER

The Reverend Dr. Joseph W. Collins, Pastor, Mount Carmel United Methodist Church, Winston-Salem, North Carolina, offered the following prayer:

Almighty God, this Congress of the United States represents the diversity of our land from the Potomac to the Pacific, from the Great Lakes to the Rio Grande, from the Everglades to Mt. McKinley, from the Rocky Mountains to the Appalachian hills; yet we are one Nation.

Almighty God, this Congress represents the diversity of our people from Native American to each new immigrant, from those in poverty to those living in prosperity, from the newborn child to those in their 90s. We are one Nation.

One Nation with a common heritage, a heritage consecrated at Yorktown, fought and died for on Gettysburg's fields, washed in blood on the beaches of Normandy.

Almighty God, shower upon this Congress Your wisdom and guidance. Amidst our diversity help us to remember that we are one. We share a common heritage, the right to life and liberty. Help this Congress to govern fairly and effectively. May they seek to do that which is worthy of Your blessing. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from North Carolina (Mr. ETHERIDGE) come forward and lead the House in the Pledge of Allegiance.

Mr. ETHERIDGE led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a concurrent resolution of the House of the following title:

> H. Con. Res. 410. Concurrent Resolution recognizing the 25th anniversary of the adoption of the Constitution of the Republic of the Marshall Islands and recognizing the Marshall Islands as a staunch ally of the United States, committed to principles of democracy and freedom for the Pacific region and throughout the world.

WELCOMING DR. JOSEPH W. COLLINS

(Mr. COBLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COBLE. Mr. Speaker, the guest chaplain for today is Dr. Joe Collins; and as the Speaker pointed out earlier, Joe is presently the senior minister at the Mt. Carmel Methodist Church in Winston-Salem, North Carolina, which is in the gentleman from North Carolina's (Mr. BURR) district. But Dr. Collins served for 8 years at the Central United Methodist Church in Denton, North Carolina, which is located in the district that I am pleased to represent.

Dr. Collins is a graduate of the Duke Divinity School and was awarded his Doctor of Minister degree from Drew University in New Jersey. Joe and his wife, Lynne, are parents of three children, and his son Garrett accompanies him today.

Mr. Speaker, we are indeed pleased to cordially welcome Dr. Collins to the people's House.

REPUBLICAN ATTACKS ON SENATOR JOHN EDWARDS ARE WRONG

(Mr. ETHERIDGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ETHERIDGE. Mr. Speaker, I rise today to defend the honor of my State's senior Senator. Last night on this floor, Republican Members attacked Senator JOHN EDWARDS over his career as an attorney for ordinary people who have been wronged. The critics could not be more wrong.

Growing up in the small town of Robbins, JOHN EDWARDS learned the values of hard work and standing up for the little guy. He used those values in his profession as an outstanding legal mind to fight for folks who would turn to him as their last chance for justice.

In North Carolina, we know well that JOHN EDWARDS earned a reputation as the people's lawyer. The Raleigh News and Observer called him "an avenging angel." The Charlotte Observer called him a "powerful advocate for average North Carolinians. And the Wilmington Morning Star said, "By background and occupation, Mr. EDWARDS seems inclined to take up for people who work hard and struggle against long odds." Others described him as a "soft-spoken David who has done battle with the Goliaths" on behalf of the little guy.

Mr. Speaker, the Republicans are wrong to attack JOHN EDWARDS. He has earned an outstanding record for leadership and service for the people of North Carolina. He will make a great Vice President.

TRUE CONSERVATIVES SUPPORT THE FEDERAL MARRIAGE AMENDMENT

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, full-page ads across official Washington say it all: "True conservatives oppose the Federal Marriage Amendment."

Oh, really? As one of a handful of Members of Congress with a 100 percent rating from the American Conservative Union, I think I can legitimately claim that title, and I profoundly disagree with the assertion in the ads.

In fact, true conservatives believe in conserving, protecting, and defending the foundational institutions of our society and of Western Civilization. True conservatives believe, as I do, that marriage was ordained by God, established by law, that it is the glue of the American family and the safest harbor to raise children. And true conservatives also know that the only effective response to judicial activism at the State and Federal level is a constitutional amendment that defines marriage as the union between a man and a woman.

Do not believe what one reads, Mr. Speaker. True conservatives support the Federal Marriage Amendment.

CONGRATULATING HOUSTON, TEXAS

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I just want to announce that I believe JOHN EDWARDS will be an excellent Vice President, and certainly I hope that those of us who adhere to the Constitution will do what is right and not amend it.

But I rise today to congratulate Houston, Texas, because this evening we will be the host of the All-Star Game. I want to congratulate Drayton McLane, and I want to congratulate the Astros because we are a team that loves America's pastime; and, frankly, I believe it will be an exciting evening and afternoon of events, and we will get the chance to see great outstanding Americans play America's most favorite pastime.

We know these are difficult times, but I think it is just appropriate to celebrate a city that is welcoming all those who are coming to enjoy a wonderful evening and see all the great All Stars from all over the Nation.

And I also want to congratulate Drayton McLane and the Astros for their great charitable contributions to our community: the Urban Initiatives program of Major League Baseball that encourages inner-city youth to play baseball, the new baseball field at Yellowstone Park; and, of course, our Little League's Mr. Dwight Raiford, who is in our town. Congratulations to Mr. Drayton McLane and the Houston Astros for hosting the All-Star Game.

AMISH SHOW SHOULD BE SCRAPPED

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, UPN is making a new reality TV show about the Amish. The very act of making this show violates a fundamental Amish religious tenet, and paying a few Amish teams to participate requires them to break it.

See, the Amish believe that television or photographs themselves violate the Ten Commandments' ban on graven images. If one is selling a show based on its participants' religious identity, should they not at least respect the religious tenets of those participants and their families?

One affiliate in Pennsylvania, UPNTV15 in Harrisburg, has decided not to air the program until it previews its content. UPN15 has taken a principled and courageous stand. Its request to prescreen the show will help them ensure that the show's content does not offend its viewers. Other affiliates should follow suit, and advertisers should think twice before attaching their names to a show that potentially degrades a minority religious community.

This series would be offensive, exploitative, and inaccurately portray a minority group. It should be cancelled.

WE ARE NOT SAFER BECAUSE OF WAR WITH IRAQ

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Mr. Speaker, the world and Iraq are better off without that murderous despot Saddam Hussein in power. But the unanimous report of the Republican-led Senate Intelligence Committee refutes the Bush administration's principal premise of the war that Saddam Hussein had weapons of mass destruction. They concluded he did not, that he presented a danger. They said the sanctions were working and his military was degraded and rapidly disintegrating. No links to 9/11; yet the President said seven times in 32 minutes the American people were safer because of the war in Iraq.

He can say it, but it does not make it so. Osama bin Laden is still out there plotting and planning. We are on heightened alert. They say he is going to attack anytime soon, but he has given a bye for the last 2 years by the Bush administration because of their obsession with Iraq instead of those who attacked us on 9/11.

We are not safer because of the war in Iraq. We are in fact more at risk because Saddam Hussein was not the real threat. It was Osama bin Laden, who has had the chance to regroup, strengthen his forces, and plan new attacks because the Bush administration has not been adequately pursuing it.

MEDIA BIAS, PUTIN'S COMMON SENSE

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, leave it to the former head of the KGB to inject a little common sense into the American political race, and leave it to the partisan American media to ignore it.

During the recent G-8 Summit in Georgia, Russian President Vladimir Putin said to a gathering news media: "I am deeply convinced that President Bush's political adversaries have no moral right to attack him over Iraq." I did not find this quote in the New York Times or The Washington Post because they refused to report it. I did not find it broadcast on CBS, NBC, or ABC News either. I found this quote in China Daily, straight from Beijing.

We could have found the same quote in some Russian publications as well, including Pravda and the British-based Reuters News Service. But we could not find that quote in the American media except for one outlet, CBN.

It is a sorry day for American journalism when they find themselves outbalanced by their counterparts in Communist China and Russia. It is a new low for partisan media bias.

In conclusion, may God bless our troops, and we will never forget September 11.

NEGATIVE ADS

(Mr. CROWLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CROWLEY. Mr. Speaker, to quote Ronald Reagan, "There they go again." Republicans have hit a new low point. The Bush campaign has run over 49,000 negative ads nationwide, and it is understandable. With the largest budget deficit in our history, a growing tax burden on our middle class, gas prices at a 23-year high, and no positive vision for our country, the GOP have no choice but to attack. They cannot talk about the economy because we have lost 1.8 million private-sector jobs under this administration. They cannot talk about health care because insurance costs are spiraling out of control and nearly 4 million more Americans have become uninsured since 2000.

So now what do they do? They blame President Clinton for the creation of 21 million private-sector jobs during his administration. They blame JOHN KERRY and JOHN EDWARDS for wanting to fight for a stronger and more positive America. But never will they accept the responsibility for egregious policies that they have passed. They are doing everything possible to create a diversion and shift attention somewhere else.

Democrats are fighting for the middle-class values of fairness and responsibility. Republicans are still pushing the same old negative attack ads.

WEAPONS OF MASS DESTRUCTION IN IRAQ

(Mr. GARRETT of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GARRETT of New Jersey. Mr. Speaker, for months now, critics of the war in Iraq have asked the question: Where are the weapons of mass destruction? Recently former Vice President Al Gore said that none have been found in Iraq. Just as he was wrong when he said he was the inventor of the Internet, he is wrong on this point as well.

Recently, Charles Duelfer, the head of the Iraq Survey Group, reported the finding of 12 mustard and sarin gas shells in various locations in Iraq. Intelligence sources say that these are still extremely dangerous shells.

Mr. Duelfer also reported that terrorists in Iraq are trying to tap into the Iraqi WMD intellectual capital. They are keenly interested in developing chemical weapons in there and also in Afghanistan.

So where are the weapons of mass destruction? Where they have always been, in the Iraqi area, within the reach of terrorists, a threat to U.S. troops, the region, and the world community as well.

SAVE OUR NATURAL RESOURCES

(Mr. MCDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCDERMOTT. Mr. Speaker, I would suggest to the last speaker the weapons of mass destruction are in the minds of the administration.

If anyone needs a reason to send this administration packing, here it is: the President has announced the biggest land grab in U.S. history. The beneficiaries are the big timber companies. The victims are our national forests and the American people.

The President has proposed new rules that would declare open season for big timber companies to log 58 million acres of our most precious wilderness areas and our most precious national forests. Roads to nowhere will scar the land forever. It will turn old growth into board feet, two by fours.

Unless we act, this administration will repeal the last protection of our wilderness areas.

☐ 1015

Our only hope is for a new administration that can prevent this environmental disaster from happening.

We have 112 days before we get rid of the biggest national disaster we have ever had, the President and his environmental policies.

PRESERVING MARRIAGE BETWEEN A MAN AND A WOMAN

(Mr. BARRETT of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARRETT of South Carolina. Mr. Speaker, this week the Senate is dealing with a very important issue, one that goes to the heart of our families and society. I am speaking of marriage.

In my home State of South Carolina, we are one of 42 States that have laws on the books defining marriage as the union between a man and a woman. These laws were passed by State legislatures, those elected to represent the views of their constituents.

My constituents contact me on a daily basis about this one issue more than any other issue we deal with. They ask me to do everything I can to ensure marriage between a man and a woman is preserved. Yet some in this country, elected by no one, believe they have the right to supersede the wishes of my constituents and the constituents of other Members here today.

I respectfully disagree. I truly believe the only way to ensure court action does not override State law is for the House and Senate to take action.

Mr. Speaker, I urge the House to follow the Senate's lead on this issue and bring up this issue for a vote so we can have an open debate in the People's House.

HOUSE REPUBLICANS REFUSE TO PLAY BY THE RULES

(Mr. COOPER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COOPER. Mr. Speaker, nothing is more important in a democracy than free and fair elections. Unfortunately, even in this, the People's House, there have been a series of abuses of the voting process by the Republican majority. How can we effectively champion democracy around the world if even here the Republican majority will not allow it to be practiced on the House floor?

Just last week, because the Republican majority did not like the outcome of our usual 15-minute vote, they held the vote open for 30 minutes. Why? In order to change the outcome. We went from a fair and square 219 vote victory to a 210–210 tie due to Republican arm-twisting, while the whole world was watching on C–SPAN.

If this were the only instance of Republican tyranny in this House, perhaps it could be excused. But just last year we sadly witnessed the longest vote in American history, just so they could change the outcome.

Mr. Speaker, the Republicans need to play by the rules.

RELEASE KERRY-EDWARDS PRESIDENTIAL CAMPAIGN VIDEO

(Mr. MILLER of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of Florida. Mr. Speaker, I am a conservative and I support the Federal marriage amendment. I understand that JOHN KERRY will make a cameo appearance this week in Washington to vote against it.

With that said, I rise to call attention and request a videotape release of the Democratic Presidential fundraiser that was held last Friday night, which quickly descended into a celebrity Bush-bashing event of low blows.

On Friday night, JOHN KERRY touted his Presidential campaign's positive tone, telling a crowd at another fundraiser that JOHN and he did not run one negative ad against each other and any of their opponents all through their primaries, and they have not done a single negative ad against the president, because "we think Americans want real solutions to real problems."

This is more proof that JOHN KERRY and his campaign have developed campaign amnesia. Just a few hours prior to those comments, his campaign fundraiser attendees listened to hours of celebrities use vulgar and tasteless attacks against our President, which KERRY endorsed, characterizing it as the heart and soul of America.

His campaign endorsed the hate-filled celebrity event, so he should share those comments with voters. I ask that they release the video today. There is no reason why they should not do it, and America deserves to see the real JOHN KERRY and JOHN EDWARDS.

LETTING AVERAGE AMERICANS PREVAIL

(Mr. NADLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NADLER. Mr. Speaker, time after time in this body, the interests of the middle-class have come in second to the interests of the special interests. One example is the issue of drug reimportation.

Medications in other counties cost 40 percent less than they do here. Even Secretary Tommy Thompson recently acknowledged what Americans know all too well, reimporting prescription drugs from Canada and other industrialized countries is one of the fastest ways Americans can get lower cost drugs. Experts at Boston University estimate Americans would save $60 billion by paying Canadian prices for brand-name drugs. What are we waiting for?

Republicans in Congress continue to stall, promoting the false promise of the new prescription drug discount cards as a substitute for reimportation. When the gentlewoman from Ohio (Ms. KAPTUR) offered an amendment in the agricultural appropriation bill in committee that allowed for the safe reimportation of prescription drugs, Republicans tried to block it and failed. Today, that bill is on the floor. It would allow Americans to purchase these prescription drugs from other countries and lower drug costs in a straightforward way.

We should pass that amendment. I dare the Republicans to block it, as I know they will, because they are the servants of the pharmaceutical companies, and they are even trying to put that into the treaty with Australia.

AN ADMISSION FROM WITHIN

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, some of us have been saying it for years, there is a liberal bias in the media. Last weekend, we witnessed a brief moment of candor. Evan Thomas, the assistant managing editor of Newsweek Magazine, admitted on a radio station that, "The media, I think, wants KERRY to win. And I think they are going to portray KERRY and EDWARDS, I am talking about the establishment media, not Fox, but there is going to be this glow about this that is going to be worth maybe 15 points."

Let me repeat the words of this top Newsweek editor. "The media, I think, wants KERRY to win, and they are going to portray KERRY and EDWARDS in a certain way to help elect them." He says, "The media bias is worth 15 points in the polls." In other words, without media bias, President Bush would be cruising to a landslide election.

Mr. Speaker, the biased media is getting dangerously close to becoming a real threat to our democracy.

A "STRONG" ECONOMY?

(Mr. PRICE of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of North Carolina. Mr. Speaker, I rise today in some puzzlement. The President came to my part of our State last week and announced, "The economy is strong here in North Carolina." As the Raleigh News & Observer observed, "Is the President an optimist, or does he need an optometrist?"

Perhaps our economy seems strong to Mr. Bush. After all, he raked in over $2 million at his afternoon fundraiser. But he did not seem to notice that we have record numbers of laid-off workers who have exhausted their unemployment benefits, 68,000 at last count. Our unemployment rate in the Raleigh-Durham area is creeping up again. The rolls grew by almost 2,000 last month.

We have had even heavier losses in manufacturing Statewide, where 158,000 such jobs have disappeared since the President took office.

President Bush's declaration of our so-called "strong" economy is simply out of touch. He is peddling the idea is that his tax cuts for the wealthiest 1 percent have worked miracles. But North Carolinians know a sluggish recovery when they see one.

Declaring our economy strong does not make it so, and it does not put food on the table either. The News & Observer noted that the President did not take questions from local reporters. Is it any wonder why?

SENIORS AND DISABLED DESERVE BETTER PRESCRIPTION DRUG COVERAGE

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, I rise today on behalf of millions of American seniors who deserve lower prescription drug prices. And when I say lower drug prices, I mean real discounts and real drug coverage, not meaningless discount cards.

Congress has before it legislation that requires the Federal Government to negotiate real discount prices on prescription medicine for seniors. The VA, the Veterans Administration, already uses a system like this and obtains prices significantly lower than current plans, sometimes as much as 50 percent lower. But this bill, which would make such a difference, has not been allowed to come to the floor.

The same forces withholding this floor vote are the forces lauding the current Medicare law, the new law that does nothing to actually lower the cost of prescription medicines, that prohibits Medicare from using the bargaining power of Americans, 40 million seniors, to negotiate lower prices.

Our current Medicare law tells seniors to buy drug discount cards which do not give discounts for all drugs at all pharmacies. Seniors and the disabled deserve better than this. Let us do what is right on their behalf.

PROTECT AMERICAN SENIORS, NOT DRUG COMPANIES

(Ms. BERKLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BERKLEY. Mr. Speaker, last year the Bush administration forced through a sham prescription drug bill that does absolutely nothing to lower drug costs, prohibits the government from negotiating with drug companies and blocks the reimportation of drugs from other countries. Under this bill, 20,000 seniors in Nevada will actually pay more for their prescription drugs than they need.

A recent study reported that the prices of the top 30 brand-name drugs used by seniors rose by four times the rate of inflation in 2003. For years, seniors throughout the United States have been struggling with the dramatically increasing costs of their medications, while seniors in Canada can purchase the exact same drugs for 40 percent less.

Seniors need help now, and we need new leaders in the White House who will fight for all Americans' interests. Protect our seniors and not the drug companies.

MAKING IN ORDER AT ANY TIME AMENDMENT PRINTED IN HOUSE REPORT 108–591 DURING FURTHER CONSIDERATION OF H.R. 4766, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2005

Mr. HYDE. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 4766, pursuant to House Resolution 710, the amendment printed in House Report 108–591 be permitted to be offered at any time.

The SPEAKER pro tempore (Mr. OSE). Is there objection to the request of the gentleman from Illinois?

There was no objection.

GENERAL LEAVE

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the motion to go to conference on H.R. 4613, and that I may include tabular material on the same.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 4613, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2005

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4613) making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

MOTION TO INSTRUCT CONFEREES OFFERED BY MR. JACKSON OF ILLINOIS

Mr. JACKSON of Illinois. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

> Mr. JACKSON of Illinois moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill, H.R. 4613, be instructed to insist on the maximum level within the scope of conference to respond to the humanitarian crisis in the Darfur region of Sudan and in Chad.

The SPEAKER pro tempore. Under rule XXII, the proponent of the motion and a Member of the opposing party each will control 30 minutes.

The gentleman from Illinois (Mr. JACKSON) is recognized for 30 minutes.

GENERAL LEAVE

Mr. JACKSON of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on my motion to instruct conferees on H.R. 4613.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. JACKSON of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to recognize the tireless work of the gentleman from Virginia (Mr. WOLF), the chairman of the Subcommittee on Commerce, Justice, State, Judiciary and Related Agencies of the Committee on Appropriations, who has just returned from Sudan. Without the gentleman from Virginia's tireless efforts in this area, we simply would not be where we are today.

I want to thank the chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs of the Committee on Appropriations, the gentleman from Arizona (Mr. KOLBE), and the ranking member, the gentlewoman from New York (Mrs. LOWEY), for their work on this issue.

I want to thank the chairman of the Subcommittee on Defense of the Committee on Appropriations, the gentleman from California (Chairman LEWIS), and the ranking member, the gentleman from Pennsylvania (Mr. MURTHA), and the chairman of the Committee on Appropriations, the gentleman from Florida (Chairman YOUNG), and the ranking member, the gentleman from Wisconsin (Mr. OBEY) for all of their efforts and continued support.

Mr. Speaker, I offer this motion to instruct the defense appropriations conferees to provide the highest possible funding level in the supplemental title of their conference report to help alleviate the incredible humanitarian crisis that is unfolding over the last year in the Darfur region of Sudan and in eastern Chad.

Currently, the House version of the defense appropriations bill contains $95 million for humanitarian relief in Sudan, $25 million for refugees, and $70 million for disaster assistance.

In 1994, this country, along with rest of the world, stood and watched as 800,000 men, women, and children were slaughtered in Rwanda.

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Two months ago, the world community marked the 10-year anniversary of a modern-day genocide in Rwanda and said, Never again.

In Sudan, by conservative estimates, at least 10,000 people, perhaps as many as 30,000, have been killed in the last year in Darfur, in the western region of Sudan. More than 1 million black Sudanese have been forced from their homes by government-backed militias, and as many as 200,000 Sudanese reside in makeshift refugee camps in Chad. The lack of food and water and the current rainy season will surely wreak havoc on the lives of these people.

The U.S. Agency for International Development, USAID Administrator Natsios has said that even if relief efforts were accelerated, more than 300,000 forced from their homes would die of starvation and disease. But the Sudanese government and their militias keep blocking aid. If foreign governments hesitate, Natsios said the death rates could be dramatically higher, approaching 1 million people. That assumes that the conferees, when they meet, if they increase the levels, nearly 300,000 people are likely to die. Surely these facts merit the highest possible funding levels in the supplemental title of the defense conference report.

Mr. Speaker, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the 30 minutes of time that this side controls, is 30 minutes that I do not intend to expend, largely because we had a thorough discussion of this matter within the committee. As the gentleman has indicated, it has very broadly based bipartisan support.

The gentleman from Virginia (Mr. WOLF) was the point person on this issue. The only reason it is being considered as we go forward with the Defense Subcommittee report is because we want to move on this very quickly, and it would appear that this bill will go through, work its way through conference reasonably quickly, and on the President's desk before the break. It is very appropriate that the House be responding effectively regarding this matter; and, frankly, it is very important that we stand together as Americans reflecting our concern about this tragic reality in Sudan.

Mr. Speaker, I appreciate the cooperation of the gentleman from Illinois (Mr. JACKSON).

Mr. Speaker, I reserve the balance of my time.

Mr. JACKSON of Illinois. Mr. Speaker, I am now privileged to yield such time as she may consume to the gentlewoman from California (Ms. PELOSI), the distinguished minority leader.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding and commend him for his leadership on this very important subject.

The situation in the Sudan challenges the conscience of the world, certainly of our country; and I am happy that this Congress is responding. I am pleased that the gentleman from California (Mr. LEWIS) is not in opposition to this motion to instruct the conferees to support the highest level of funding to respond to the crisis in the Darfur region of Sudan. Again, I thank the gentleman from Illinois (Mr. JACKSON) for offering the motion. I also want to acknowledge the leadership of the ranking member, the gentleman from Pennsylvania (Mr. MURTHA), for his leadership in including $95 million in funding for the humanitarian crisis in the Sudan in this bill.

Mr. Speaker, the situation in Darfur is truly an emergency; it is a crisis. Without immediate and effective international intervention, hundreds of thousands of people will die. That is for sure. It is so sad.

The Sudanese government has mobilized militias to carry out a scorched-earth policy of indiscriminate attacks on African civilians. As many as 30,000 civilians may have already been murdered, and more than 1 million driven off their land into unprotected camps in the Sudan and neighboring Chad.

Both USAID and the United Nations have described these atrocities as "ethnic cleansing," and the Committee on Conscience of our own Holocaust Museum has issued a genocide warning for Darfur. Ethnic cleansing, genocide. We must act.

A genocide in the making demands the immediate attention of our government.

I call upon the Bush administration to keep the pressure on the Sudanese government. Sudanese officials must know that the United States and the international community will not tolerate the continuation of the humanitarian tragedy in Darfur.

Both the House and Senate Defense Appropriations bills contain $95 million for emergency humanitarian relief in Darfur. As critical as these funds are, however, they can only help those whose lives are in danger if the Sudanese government cooperates.

The Sudanese government must fulfill its promises to restrain the militias it controls and to remove the bureaucratic barriers that make delivery of relief supplies so difficult. That includes facilitating visas for providers to enter the country. The evidence to date does not suggest that the Sudanese are serious about helping to end the misery in Darfur.

The recent visits of Secretary Powell and U.N. Secretary General Annan to Darfur were helpful in focusing attention on this crisis, and I commend both of them for the priority they have given to the Sudan, but much more needs to be done if we are to avert a catastrophe.

We spoke so much about the situation in Rwanda and we did not act soon enough, and it was horrible. If we ever had the opportunity again, we would certainly rise to the occasion. Well, it is happening again; and we must rise to the occasion. The Sudanese government is not.

President Bush must not hesitate to impose sanctions as necessary to encourage a much higher degree of cooperation by the Sudanese government. Our response to the daily misery in Darfur must not be half-measured and delayed. We must act now while there is time to stop further slaughter, or our country will look back at lives lost in Darfur with the same regret and shame that we feel for other events in other parts of Africa, as I mentioned, Rwanda. My colleague, the gentleman from Illinois (Mr. JACKSON), pointed out that even if we acted now, still about 300,000 people will die. We can hopefully lower that number, but it certainly will be higher if we do not act.

How many times have we heard the public outcry, Why did we not stop the killings? This is a crisis. This is an emergency. We must act now to stop the slaughter of thousands of innocent people.

Mr. Speaker, I commend once again the gentleman from Illinois (Mr. JACKSON), our colleague; and the gentlewoman from Michigan (Ms. KILPATRICK), a member of the Subcommittee on Foreign Operations, Export Financing, and Related Programs of the Committee on Appropriations, working with the gentleman from Illinois (Mr. JACKSON) to get additional funding in that bill, in addition to the $95 million.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

Let me just say that I very, very much appreciate the gentleman raising this question this way. We need to absolutely act together as a reflection of the people's body regarding this tragic circumstance in the Sudan. The gentleman from Virginia (Mr. WOLF) unfortunately has been detained elsewhere or I would have him really leading this portion of the discussion.

Mr. Speaker, I reserve the balance of my time.

Mr. JACKSON of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me once again thank the distinguished gentlewoman, the ranking member of the Subcommittee on Labor, Health, and Human Services of the Committee on Appropriations, and the minority leader, the gentlewoman from California (Ms. PELOSI), for her leadership on this issue in working closely with the gentleman from Illinois (Speaker HASTERT) to truly advance a bipartisan cause in this House.

Mr. Speaker, if genocide is the deliberate and the systematic destruction of a racial, political, or cultural group, then the deliberate killings of thousands of black Sudanese happening right now certainly qualifies. Sadly, the situation in Sudan is the worst humanitarian crisis in the world today, and the gentleman from Virginia (Chairman WOLF) is to be congratulated for helping raise the consciousness of this Congress, this country, and indeed this world for immediate action.

Obviously, what is happening in Darfur is a genocide, and the U.S. Government must call it by that name. The term "genocide" not only captures the fundamental characteristics of the Khartoum government's intent and actions in western Sudan; it also invokes clear international obligations.

As parties to the Genocide Convention, all permanent members of the U.N. Security Council, including the United States and more than 130 countries worldwide, are bound to prevent, to stop, and to punish the perpetrators of genocide. Genocide is a unique crime against humanity in international law.

The legal definition of genocide, the international legal definition of the crime of genocide is found in articles 2 and 3 of the 1948 Convention on the Prevention and Punishment of Genocide. Article 2 describes 2 elements of the crime of genocide. The crime must include both elements to be called "genocide." They are, one, the mental element, meaning the "intent to destroy, in whole or in part, a national, ethnic, racial, or religious group as such"; and, secondly, the physical element, which includes five acts described in sections A, B, C, D, and E; (a), The killing of members of a group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent births within the group; and (e), forcefully transferring children of the group to another group.

When the gentleman from Virginia (Chairman WOLF) returned from Sudan most recently, he approached Members on the floor and he said, in light of this definition, there is a genocide taking place in the Sudan. There is a genocide in the making in Sudan, and we must stop it.

While some may argue that the situation in the Sudan does not rise to the level of genocide, we cannot be so pedantic or myopic or callous to allow legalistic disputes over definitions and terms to prevent us from acting now to prevent rape and slaughter and torture. Providing the highest possible funding level in this conference report is the first step we must take to stop the death and the destruction in Darfur.

Mr. Speaker, I yield 5 minutes to the gentlewoman from Michigan (Ms. KILPATRICK), a member of the Subcommittee on Foreign Operations, Export Financing, and Related Programs of the Committee on Appropriations, who has been a tireless leader in this effort.

Ms. KILPATRICK. Mr. Speaker, I thank my colleague, the gentleman from Illinois (Mr. JACKSON), for his leadership on this issue.

As members of the Subcommittee on Foreign Operations, Export Financing and Related Programs of the Committee on Appropriations, I first also want to thank our chairman, the gentleman from Arizona (Mr. KOLBE), as well as the gentleman from California (Chairman LEWIS) and the gentlewoman from New York (Mrs. LOWEY), for letting us work together on the problems of the world, or, if you will, the good things about the world. Our Subcommittee on Foreign Operations of the Committee on Appropriations handles much of that. I commend the gentleman from Illinois (Mr. JACKSON) for his leadership on this issue.

The Sudan is an oil-rich country in Africa where the Sudanese government, headquartered in Khartoum, I believe is in cahoots with the Janjaweed who are wreaking havoc on the geographic areas of Darfur in Sudan. As was mentioned by the gentleman from Illinois (Mr. JACKSON), the elements of genocide are prevalent. Those five things that are outlined that define genocide, when members of groups are being killed, and they are in Darfur; causes serious bodily harm and injury to any member of that group, and they are doing that as well; causes permanent impairment of mental faculties to the group through drugs, torture, and similar techniques; and they are doing that in that region of the Sudan; and it goes on and on.

I call upon the United Nations, which must act immediately. The Security Council today must meet and act immediately. Secretary Powell has gone and seen the tragedy. Our member, the gentleman from Virginia (Mr. WOLF), has gone to see the tragedy. Also, Kofi Annan, Secretary General of the United Nations. We can wait no longer. The Security Council must act. There needs to be an international force in the Sudan today. There is no need for the Janjaweed and the Sudanese government, who we help, by the way, who we also send money to, who we also have our NGOs, our nongovernmental organizations working in Sudan. Let us cut off the funds if they are not going to save the people; we should cut off the funds. These are U.S. tax dollars going into the Sudan; and at the same time, they are wreaking genocidal havoc where more than 1 million Sudanese will die if we do not do something over the next month.

So I call upon the United Nations, Kofi Annan, Secretary General, the Security Council, those 17 countries who make the decisions. And, yes, oil. No one says it, but there is oil, land-rich oil that is in that region of the world. Many international countries are there, like Canada, my neighbor from Michigan, like the EU. We call upon you, in spite of the oil investments, to save the lives of millions of people in Darfur who find themselves being afflicted by genocide in their own government.

I am a mother and I am a grandmother, and I believe that children are the basis for which we live. Raising your own children, it is one struggle and one thing that you have to do; but it is the grandchildren and generations beyond whom we must leave this great world for.

So again, I commend the gentleman from Illinois (Mr. JACKSON) for his leadership, as well as the gentleman from Arizona (Chairman KOLBE), the gentleman from California (Chairman LEWIS), and the gentlewoman from New York (Mrs. LOWEY.)

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The Sudan must not go unanswered. America is the power of the world, and we can determine, America, Mr. President, the United Nations, Mr. Kofi Annan, that we must today stop the genocide. Call it what it is. Use the genocide term and those things that respond to it that the United Nations in an international way can do it. The U.S. could not do it alone, but the G–8 countries and the Security Council of the United Nations must stand up.

Genocide is a horrible thing to happen in our lifetime. Too many people died that we might have alive today to be leaders, to be parents, to be the free world and not speak up one more time.

So, Mr. Speaker and members of the subcommittees, time has passed for many children who are dying as we speak. We have the resources in our 2005 appropriation. We need the leadership today to stand up, to go to the Sudan, as Secretary Powell has already done, to go to the Sudan with the resources that they need. You see, they are having problems even getting food and supplies to the Darfur region where they need them today.

So, Mr. Annan, Mr. President, please rise up. The children are calling.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

By way of a bit of an exchange with the gentlewoman who just spoke but also with my friend, the gentleman from Illinois (Mr. JACKSON), is it not interesting we could have a crises like this, a crises like this that affects so many thousands and thousands of lives, men, women and children, a tragic circumstance, and, yet, ofttimes in this country the inane things that we see on the front pages of our newspapers, the New York Times, the Washington Post, et cetera, hardly a word about this crises. Is this not front-page material in this country if we truly have concern about the world? I would hope maybe as we go forward in this discussion today, we might send that message as well.

Ms. KILPATRICK. Mr. Speaker, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentlewoman from Michigan.

Ms. KILPATRICK. Mr. Speaker, absolutely it is front page. Absolutely we have to get it on everyone's radar screen. It is just as important as anything else we might do in the world, because we are talking about human life, because we are talking about people dying hourly as we speak. We must. And the news media, print, audio, video, all have a responsibility, and the international community, to speak up.

Mr. LEWIS of California. For those who suggest they care about the people of the world, this is more than symbolism. It is very, very real; and I would hope they would begin to pay some attention.

Mr. Speaker, I yield whatever time he may consume to the gentleman from Virginia (Mr. WOLF) who helped us focus initially in committee on this issue.

Mr. WOLF. Mr. Speaker, I thank the chairman for yielding me this time; and I thank his position, too. I want to thank the gentleman from Illinois (Mr. JACKSON) for offering this and all the comments that have been made.

Senator BROWNBACK and I were in the Sudan, Darfur, a week and a half ago, where we witnessed firsthand the destruction and immense suffering taking place at the hand of the Janjaweed militia and the government of Sudan.

I think members of the subcommittees have to know the United Nations Convention on the Prevention and Punishment of the Crime of Genocide describes genocide as acts committed with intent to destroy, in whole or in part, national, ethnic, racial or religious groups. Specifically, it cited killing members of the group. Thousands of black Africans have been killed. I heard a report yesterday from somebody on the scene that saw a mass grave, 14 black Africans face down, shot in the back of the head.

It also says, causing serious bodily or mental harm to members of the group. We heard stories of rape and branding. Some women were told that they were being raped because they were African. One woman told us personally that the Janjaweed told her that she was being raped "to create a lighter-skinned baby."

We were given a letter from a group of women who were raped. There were 40-some women. This is what the letter says. "We are 44 raped women. As a result of that savagery, some of us are pregnant, some have aborted, some took out their wombs, and some are still receiving medical treatment. We list the names," and all the names of the women are on the letter, "of the raped women and state that we have high hopes in you and the international community to stand by us, not to forsake us to this tyrannical, brutal and racist regime which wants to eliminate us racially, bearing in mind that 90 percent of our sisters at this camp are widows."

Deliberately inflicting on the group conditions of life calculated to bring about physical destruction in whole, it is clear that the complete eradication of the Darfurian African population will occur if people do not return to their homes. We stood in burned-out villages. The Janjaweed have systematically ensured the villagers can no longer return. Bombing with bombers, Soviet helicopters, Janjaweed come in on camels and horses, kill the men, rape the women, brand the women, loot the village, put the loot on the helicopters, then torch the place and burn it up.

Darfur is a harsh climate, so when you push people out of the villages, they die; and when people are forced to live in crowded IDP camps, they continue to die.

I believe that after seeing with my own eyes, and Senator BROWNBACK with his own eyes, that there are indications that what is happening in Darfur meets the test of genocide. Now, people may not want to say that, but when you see it, no matter what we call it, genocide, ethnic cleansing, crimes against humanity, people are dying on a massive scale, which is unacceptable, what the gentleman from Illinois (Mr. JACKSON) said.

I think what matters now is action. The United Nations Security Council needs to take immediate steps to end this crisis. A large peacekeeping force made up of troops from the African union is needed to allow Darfurians to return to their homes and to verify that the government of Sudan is disarming the rebels. Without having a verification group in there, there is no way to know if what they say they are doing is really, really being done.

We must remember that the government of Sudan armed the rebels, so we need independent monitors to ensure that they are disarmed. We also need monitors, including forensic experts on the ground, to preserve the evidence for future war crime trials.

In any event, I thank the gentleman from California (Mr. LEWIS) for the time, and I, too, thank the gentleman from Illinois (Mr. JACKSON). And he has been out talking about this for a long time. Every day we delay and hesitate, more people die. We are told in the one IDP camp, Abu Shouk, nine people die every day. We left Abu Shouk several days ago, and by those estimates, if you count, in essence, nine people, so the clock runs in that one camp, and then there are many, many other camps. And Abu Shouk, where all these people died, is probably the best-run camp in that region.

So I think it is important to adopt this and also to put pressure, and I think the Bush administration has done a good job. I think John Danforth has to be very aggressive, though. Up at the U.N., some of our allies are not with us on the Security Council resolution, and I think the more pressure and the more the world faces this and addresses it, you will not be able to say when people write stories about this that we did not know, because we now know. We have seen it with our own eyes. We have talked to people that have seen it, and we now know.

Mr. JACKSON of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Let me once again congratulate the gentleman from Virginia (Chairman WOLF) for his outstanding leadership on this question, including the authorizer, the gentleman from New Jersey (Mr. PAYNE), who has been steadfast in this effort.

The gentleman from Arizona (Mr. KOLBE) of the Committee on Appropriations Subcommittee on Foreign Operations, Export Financing and Related Programs this week will be leading a delegation to Darfur. I will participate in that delegation. I also want to congratulate him for his outstanding leadership for including and fighting for this money in the supplemental bill.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Maryland (Mr. WYNN) who serves on the Committee on Appropriations Subcommittee on Commerce, Justice, State, Judiciary and Related Agencies with great distinction.

Mr. WYNN. Mr. Speaker, let me begin by thanking the gentleman from Illinois (Mr. JACKSON) for his leadership on this issue and allowing me to speak briefly this morning.

Let me also note particularly the role of my Washington area colleague, the gentleman from Virginia (Mr. WOLF) who just spoke, who has been an outstanding leader on the issue of human rights throughout his career but particularly on this issue of the crisis in Darfur. He recently visited, he came back and provided all of us with valuable information, along with Senator BROWNBACK, who accompanied him.

And what they said to us is that we have a grave humanitarian crisis in the Darfur. People are dying daily. 30,000 people have died. 350,000 will die. A million people have been displaced. This is an opportunity for the United States to play a pivotal role, which is why I strongly support the motion to instruct conferees to request the maximum amount of U.S. aid possible.

It is sometimes said, but certainly accurately, that America is great because America is good. This is an opportunity for America to do a great deal of good. These people are being victimized in what is clearly a case of genocide. They are being displaced, and we have an opportunity to provide humanitarian aid and to provide a leadership role and a model for the world.

Which brings me to a second point that I would like to make, which is to say that part of what we are trying to do in terms of foreign policy is to suggest to the world that we are not just militarily the most powerful country in the world but that we are morally the most powerful country in the world and a country that believes in leadership. And the way you demonstrate leadership is providing aid to those who need it. This situation in Darfur, clearly a case in which leadership is needed. We can provide that leadership. We can show the world that it is not just a matter of Iraq or our oil interests or other things. We care about humanity. This is the example that we need to set.

I thank the gentleman. I believe that there is a large consensus of support for this approach for maximizing aid to Darfur, and I just hope we will move this matter as quickly as possible.

Finally, I would add we do need to go aggressively to the U.N. and say this is genocide, call for a declaration of genocide, call for the application of peacekeeping troops so that we can address the security concerns that are here.

Mr. LEWIS of California. Mr. Speaker, I yield such time as he might consume to the gentleman from Arizona (Chairman KOLBE) of the Committee on Appropriations Subcommittee on Foreign Operations, Export Financing and Related Programs.

Mr. KOLBE. Mr. Speaker, I thank the gentleman for yielding me this time, and I certainly thank the gentleman from Illinois for bringing this matter to the attention of the body with this motion to instruct.

Both the House and the Senate bills have the same amount of $95 million, an additional amount beyond what is contained in the foreign operations bill for the humanitarian relief and the implementation of the peace settlement in Sudan. So the motion to instruct here today is simply a way for us to call attention to an enormous problem, and I thank the gentleman from Illinois for doing that.

There is no question that we have a great emergency that has been emerging over time over the last several months in Darfur. I think many of us had hoped that the kind of genocide that took place in Rwanda a few years ago, 10 years ago, was behind us and that we would not see that happen again, but here we are a decade later, and once again with impunity a government has allowed this kind of terrible tragedy to ensue and this kind of genocide to take place in western Sudan.

The world needs to understand this, the world needs to know about what is going on, and the world needs to speak out. Those of us who have that responsibility as lawmakers, as policymakers in the Congress, in the Executive Branch, in world bodies such as the United Nations, in capitals around the world, need to be speaking out about this issue, and this is an opportunity for us to do that.

As the gentleman from Illinois suggested, later this week we will be going to Sudan, to the Darfur region, in order to try to see firsthand the relief efforts that are taking place there. We will also see the efforts to try to stop the ongoing attacks against the people in Darfur by the renegade groups that continue to cause the great death and destruction of property, the loss of lives, the loss of communities, the increase in the misplaced people, and displaced people around the region. All of this can only stop if we provide the kind of assistance that is needed in that region and if the world calls on the Sudan government to provide protection for the people living in that region so that these kind of unwarranted attacks do not take place.

There has been just an enormous amount of brutality that has taken place over there, rapes, murders, killing, people that have lost their homes, lost their livelihoods, people that are starving to death. We in this world, in this Congress, need to take note of that; and we need to call an end to that.

□ 1100

So I am really pleased that the chairman of this committee has accepted the amendment which has the $95 million, which will be the first money that will be made available because this legislation is likely to be the first enacted into law.

Mr. LEWIS of California. Mr. Speaker, will the gentleman yield?

Mr. KOLBE. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Speaker, I asked for this time to simply express my deep appreciation to the chairman of the Subcommittee on Foreign Operations of the Committee on Appropriations, my chairman, for his leadership on this issue. The responsiveness of both the gentleman from Arizona (Mr. KOLBE) and the gentleman from Virginia (Mr. WOLF), as well as the gentleman from Illinois (Mr. JACKSON), is very important and the reflection of the reality that from just once in a while the House gets its act together and recognizes that human problems are very real.

There is no partisan divide on an issue like this, but rather a concern about the picture, the reality of starving children and whole families being wiped out senselessly. We are going to respond as a country, and it is very important that we come together like this. I appreciate the gentleman's leadership.

Mr. KOLBE. Mr. Speaker, I thank the gentleman for his comments, and I want to say I appreciate his leadership in this by allowing the money to be added to the defense bill because I think it is of such vital importance. I think many of us are haunted by the fact that decades ago we stood aside when genocide took place in Cambodia. Before that, of course, we had the Holocaust in Europe. And just a decade ago we had the genocide in Rwanda, and now we are seeing this again in Darfur in Sudan. We are convinced and I think committed to making sure that we do everything in our power to make sure this genocide does not continue. And that is why we are here today with this resolution. And I am very grateful to the gentleman from Virginia (Mr. WOLF), who has already made his visit there and called the attention of the world to what is happening over there. We hope with our visit later this week that we will be able to do the same.

Once again, I want to thank the gentleman from Illinois (Mr. JACKSON) for bringing up this motion, and I do hope the House will consider it and adopt it.

Mr. JACKSON of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Let me take this time also to thank the subcommittee chairman for the Subcommittee on Foreign Operations of the Committee on Appropriations, the gentleman from Arizona (Mr. KOLBE), for his extraordinary leadership on this question. The gentleman knows that I have been critical of the committee in the past for its historic support of Africa and related issues; but the subcommittee, recognizing a very serious crisis under the chairman's leadership, has really stepped forward. The gentleman is taking a delegation, which I am anticipating this coming Thursday, to Darfur, Sudan. We wish him Godspeed, and we wish the delegation a safe trip. I thank the chairman for his leadership.

Mr. Speaker, I yield 3½ minutes to the gentleman from Illinois (Mr. RUSH).

Mr. RUSH. Mr. Speaker, I want to thank my colleague from Illinois (Mr. JACKSON) for not only yielding time to me this morning but also for his outstanding leadership that he has displayed on a number of issues that come before this Congress and certainly on this issue which we are addressing today. I want to also acknowledge and express my appreciation to the gentleman from California (Mr. LEWIS) and the gentleman from Arizona (Mr. KOLBE) and the gentleman from Virginia (Mr. WOLF) for their outstanding leadership on this important matter.

Mr. Speaker, I rise for two reasons today. One, I rise in support of this motion to instruct the Defense appropriations to support the highest level of funding for the humanitarian crisis in the Sudan. Secondly, Mr. Speaker, I rise to talk this morning just for a moment on shame.

Mr. Speaker, what is going on in the Sudan right now is a tragedy. It is unconscionable, and it is a shame. Mr. Speaker, what we have today in genocide is a shame. It is a shame, Mr. Speaker, when we get on this floor and speak in the highest of our voices, cry out from this place about terrorism; and yet, Mr. Speaker, we cannot and do not commit or do not connect terrorism with genocide.

Mr. Speaker, terrorism is genocide and genocide is terrorism. It is a shame, Mr. Speaker, that nearly 30,000 Sudanese have lost their lives and more are dying on a day-to-day basis and there is no immediate action taken on our part. It is a shame.

Mr. Speaker, the international community cannot do this all by themselves. They need our help, the help of this Congress, the help of this administration, to stop these killings.

Mr. Speaker, 10 years ago this Congress sat idly by while hundreds of thousands of Rwandans were killed and slaughtered in Rwanda. That was a shame. Sadly, it seems that history is repeating itself. And if we sit by and allow the same kind of genocide to take place in the Sudan as took place in Rwanda, that would be a shame. I cannot, Mr. Speaker, in good conscience as a Member of this Congress sit on the sidelines and not raise my voice and raise the voices of the people in my district to deal with and to discuss this tragedy. We have a moral obligation to come together, to send a message to Sudan and to the rest of the world that genocide and terrorism go hand in hand, that genocide is terrorism and that terrorism is genocide.

Mr. Speaker, we cannot allow the Sudanese killings, we cannot allow the blatant killing of innocent lives in the Sudan to continue. We must act now. We must act now. Mr. Speaker, to do anything less would be a shame, a disgrace, a shame, and a shame.

Mr. LEWIS of California. Mr. Speaker, I reserve the balance of my time.

Mr. JACKSON of Illinois. Mr. Speaker, I yield myself such time as I may consume. We have no further speakers, and I am prepared to close.

Mr. Speaker, I want to recognize the tireless work of the chairman of the Subcommittee on Commerce, Justice, State, Judiciary and Related Agencies of the Committee on Appropriation, the gentleman from Virginia (Mr. WOLF), who has just returned from the Sudan. I wanted to thank the gentleman from Arizona (Mr. KOLBE), the chairman of the Subcommittee on Foreign Operations, Export Financing and Related Program, and the ranking member, the gentlewoman from New York (Mrs. LOWEY), for their outstanding work on this issue. I want to thank the gentleman from New Jersey (Mr. PAYNE), who has been a tireless fighter for justice in Sudan.

I want to thank the Subcommittee on Defense chairman, the gentleman from California (Mr. LEWIS), and the ranking member, the gentleman from Pennsylvania (Mr. MURTHA); and I want to thank the Committee on Appropriations chairman, the gentleman from Florida (Mr. YOUNG), and the gentleman from Wisconsin (Mr. OBEY), the ranking member, for all of their support and efforts.

Mr. Speaker, I ask for an "aye" vote on the motion to instruct.

Mrs. LOWEY. Mr. Speaker, I rise in support of this motion to instruct.

By now we have all seen the pictures and heard the stories that flow daily out of Darfur and Chad. Innocent men brutally murdered. Women and girls raped and mutilated. Families put on forced marches away from their villages, left with no food or shelter.

We have heard the statistics. According to the World Health Organization, 10,000 people will die this month in Darfur if nothing is done. We are looking at the possibility of hundreds of thousands of deaths, from disease, starvation, violence and, ultimately from the inaction of the global community.

"Never Again" is a phrase we have all heard before. We have all said it before. It is one of the most powerful expressions of the natural human inclination to stop suffering, to end the death and destruction that stems from senseless hatred and indifference to human life. Never again will we let 6 million Jews perish under the noses of the civilized world. Never again will we let Rwandans be rounded up and indiscriminately killed because of their tribal affiliation. Never again will we allow ethnic cleansing in the Balkans.

My colleagues, there is problem with the phrase "never again." It is usually said after the violence is over—as a rallying cry against history repeating itself. We have seen, time and time again, that history does repeat itself, and it is simply not enough to say that we will take care of it next time. We need to end the genocide in Darfur now.

What will that take? It will take more than the tentative involvement of the United States and the international community. It will take the pressure we have not yet seen to get the Sudanese Government to stop denying a problem exists, acknowledge the role it has played, and take concrete actions to stop the brutality and save the lives of the people of Darfur. It will take more than 300 African Union peacekeepers to end the Janjaweed militia's genocide campaign.

The funding included in the Defense bill for relief in Darfur and Chad, combined with the money we will soon consider in the Foreign Operations bill, is a good start. But it is just a start. Money will help feed people if they can access that food. Money will help shelter people if they are not being driven out of the squatter camps. Money will help protect children from violence and exploitation only if relief workers can safely access refugee camps.

We should be proud of what we are doing today, but not too proud. If we are serious about "never again," the United States must lead the way, using all bilateral and multilateral diplomatic tools at our disposal, to stop the Darfur genocide in its tracks.

I urge my colleagues to support this motion.

Mr. VAN HOLLEN. Mr. Speaker, 10 years ago, as bloated corpses floated down Rwanda's rivers, the international community debated whether the atrocities being committed in Rwanda fit the definition of "genocide." By the time the world stopped debating, it was too late. Millions of men, women and children had been killed. The failure of the world to act in Rwanda remains a stain on our collective conscience.

We must learn from the tragic mistakes of the past. Today, 1,000 miles north of Rwanda, in the Darfur region of Sudan, more than 30,000 people have already been killed by the Sudanese military's aerial bombardments and the atrocities being committed by their ruthless proxies, the Jangaweed militia. Gang rapes, the branding of raped women, amputations, and summary killings are widespread. More than a million people have been driven from their homes as villages have been burned and crops destroyed. The Sudanese Government has deliberately blocked the delivery of food, medicine and other humanitarian assistance. More than 160,000 Darfurians have become refugees in neighboring Chad. Conditions are ripe for the spread of fatal diseases such as measles, cholera, dysentery, meningitis and malaria. The U.S. Agency for International Development estimates that 350,000 people are likely to die in the coming months and that the death toll could reach more than a million unless the violence stops and the Sudanese Government immediately grants international aid groups better access to Darfur.

Here in Washington and at the United Nations headquarters in New York, many officials are again debating whether this unfolding tragedy constitutes genocide, ethnic cleansing or something else. This time let us not debate until it is too late to stop this human catastrophe. Let us not wait until thousands more children are killed before we summon the will to stop this horror. America and the international community have a moral duty to act. The United States and the 130 other signatories to the Genocide Convention also have a legal obligation to "undertake to prevent and punish" the crime of genocide.

The Convention defines genocide as actions undertaken "with intent to destroy, in whole or in part, a national, ethnic, racial or religious group, as such." The actions include "deliberately inflicting on members of the group conditions of life calculated to bring about its physical destruction in whole or in part." By all accounts, including the reports of U.N. fact finders, it is the African peoples in the Darfur region who have been targeted for destruction by the Khartoum-backed Arab death squads.

In the middle of an unfolding crisis like that in Darfur, there will always be debate over whether what is happening constitutes genocide. But it is important to remember that the Genocide Convention does not require absolute proof of genocidal intentions before the international community is empowered to intervene. The Convention would offer no protection to innocent victims if we had to wait until there were tens of thousands more corpses before we act. A key part of the Genocide Convention is prevention, not just punishment after the fact.

The United States has already done more than any other nation to call attention to and respond to this tragedy. But our efforts to date have not brought an end to the growing crisis. We must take additional measures now.

The May 25 Security Council statement expressing "grave concern" about the situation in Darfur does not provide any authority for international action. The United States should immediately call for an emergency meeting of the U.N. Security Council and introduce and call for a vote on a resolution that demands that the Government of Sudan take the following steps: First, allow international relief groups and human rights groups free and secure access to the Darfur region, including access to the camps where thousands are huddled in wretched conditions; second, the Government of Sudan must immediately terminate its support for the Janjaweed and dispatch its forces to disarm them; third, the Sudanese Government must allow the more than one million displaced persons to return home. The resolution must include stiff sanctions if the Sudanese Government refuses to meet these conditions and it must authorize the deployment of peacekeeping forces to Darfur to protect civilians and individuals from CARE and other humanitarian organizations seeking to provide humanitarian assistance.

It is critical that U.N. Secretary General Kofi Annan exhibit strong leadership on Darfur. Mukesh Kapila, until recently the top U.N. official in Sudan has been outspoken in sounding the alarm. But Kofi—I was pleased to join with Congressman WOLF and other members of Congress on June 4 in urging Secretary General Annan to go to Sudan to address the crisis there. I am encouraged that he will finally be going next week. However, this visit must be more than an expression of concern. Secretary General Annan must make it clear that if the Sudanese Government does not cooperate fully in stopping the killings and destruction, he will push for immediate international sanctions. He must let the Sudanese Government know that the welcome progress made in reaching an accommodation with the South will not prevent the world from taking action to stop the horror in Darfur. The U.N. ignored warnings of mass murder a decade ago in Rwanda; it must not stand by again.

We should not allow other members of the U.N. Security Council to engage in endless negotiations and delay a vote on the resolution. In this case, every day that goes by without action means more lives lost. Let's vote on the resolution. If the rest of the world refuses to authorize collective action, shame on them. Failure to pass such a resolution would not represent a failure of American leadership; it would be a terrible blot on the world's conscience.

Whether or not the United Nations acts, the United States should take steps on its own. We should make it clear that if the Sudanese Government does not meet the demands in the proposed resolution, the United States will impose travel restrictions on Sudanese officials and move to freeze their assets. Even apart from U.N. action, we can immediately urge other nations to join us in taking these and other measures.

I commend Secretary of State Colin Powell for his decision to travel to Sudan next week and visit the Darfur region. It is critical that the Secretary's visit do more than simply call attention to the tragedy unfolding there. He must make it clear that the failure of Khartoum to fully cooperate in ending the destruction and killings will result in a concerted American effort to punish the Sudanese Government and harness international support to intervene in Darfur.

We must not look back on Darfur 10 years from now and decry the fact that the world failed to act to stop the crime of genocide. Rwanda and other genocides should have taught us that those who knowingly fail to confront such evil are themselves complicit through inaction. We are all God's children. These are crimes against humanity. Let us respond to this unfolding human disaster with the urgency that it demands.

Mr. JACKSON of Illinois. Mr. Speaker, I yield back the balance of my time.

Mr. LEWIS of California. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. OSE). Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Illinois (Mr. JACKSON).

The motion to instruct was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. LEWIS of California, YOUNG of Florida, HOBSON, BONILLA, NETHERCUTT, CUNNINGHAM, FRELINGHUYSEN, TIAHRT, WICKER, MURTHA, DICKS, SABO, VISCLOSKY, MORAN of Virginia, and OBEY.

There was no objection.

GENERAL LEAVE

Mr. BONILLA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the further consideration of H.R. 4766, and that I may include tabular material on the same.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

The SPEAKER pro tempore. Pursuant to House Resolution 710 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4766.

□ 1110

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4766) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2005, and for other purposes, with Mr. BASS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose on Monday, July 12, 2004, all time for general debate had expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

The amendment printed in House Report 108–591 may be offered only by a Member designated in the report and, pursuant to the order of the House of today, may be offered anytime in the reading of the bill, shall be considered read, debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place of the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 4766

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2005, and for other purposes, namely:

TITLE I

AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING, AND MARKETING

OFFICE OF THE SECRETARY

For necessary expenses of the Office of the Secretary of Agriculture, $5,185,000: *Provided*, That not to exceed $11,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary.

AMENDMENT OFFERED BY MR. HYDE

Mr. HYDE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HYDE:

At the end of the bill (before the short title), insert the following:

SEC. 759. Section 501 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1737) is amended—

(1) in subsection (b)(1), by inserting "Doug Bereuter and" before "John Ogonowski"; and

(2) in the heading, by inserting "**DOUG BEREUTER AND**" before "**JOHN OGONOWSKI**".

MODIFICATION TO AMENDMENT OFFERED BY MR. HYDE

Mr. HYDE. Mr. Chairman, I ask unanimous consent that the amendment made in order by the rule be modified in the form at the desk.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment offered by Mr. HYDE:

At the end of the bill (before the short title), insert the following:

SEC. 759. Section 501 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1737) is amended—

(1) in subsection (b)(1), by inserting "and Doug Bereuter" after "John Ogonowski"; and

(2) in the heading, by inserting "**AND DOUG BEREUTER**" after "**JOHN OGONOWSKI**".

Mr. HYDE (during the reading). Mr. Chairman, I ask unanimous consent that the modification be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. Pursuant to House Resolution 710, the gentleman from Illinois (Mr. HYDE) and the gentlewoman from Ohio (Ms. KAPTUR) each will control 10 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of the amendment to the Agricultural Trade Development and Assistance Act of 1954.

Mr. Chairman, this is to honor our retiring colleague, the gentleman from Nebraska (Mr. BEREUTER), by adding his name to the formal title to the Farmer-to-Farmer title. The gentleman's tireless efforts to implement the John Ogonowski Farmer-to-Farmer Program have been a driving force in making this a successful program. As the gentleman from Nebraska (Mr. BEREUTER) retires from Congress after 26 years of service, and 21 years on the Committee on International Relations, I ask that we express our admiration in a bipartisan manner by recognizing his strong support for this outstanding program.

Bob Lagormarsino and Jerry Solomon and I accompanied the gentleman on the memorable trip to El Salvador and Guatemala in the 1980s which inspired his work in this crucial area. He saw the positive impact that a small group of farmers from his home State of Nebraska had on the local Salvadoran farmers and wanted to find a way to expand this limited program into a much larger project.

Upon returning to the United States, the gentleman from Nebraska (Mr. BEREUTER) sought a way to ensure this program could reach a broader population in need. He led the effort to fund the Farmer-to-Farmer Aid Program, which was a small part of the Foreign Assistance Act. His efforts came to fruition in the 1985 farm bill, in which Congress allocated funds from the Food For Peace program towards the Farmer-to-Farmer program.

The gentleman's faith in the power of American volunteerism led to the implementation of this very successful program which promotes sustainable development by helping the most impoverished people in foreign countries learn how to help themselves. The goal of the Farmer-to-Farmer program is to "enhance the potential for increases in food processing, production and marketing, which in turn stimulates private enterprise and democratic institutions."

□ 1115

This program has directly benefited approximately 1 million farmer families and provided hands-on training to over 80,000 people in over 80 countries.

Through the Farmer-to-Farmer program, U.S. leadership is demonstrated throughout the world by ordinary Americans who volunteer their time and share their talents and technical expertise.

I hope that my colleagues will join me in supporting this amendment to recognize our distinguished colleague DOUG BEREUTER's significant contribution to American foreign policy by adding his name to the title of this most important program.

Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Chairman, I thank the gentleman from Illinois (Chairman HYDE) for the time.

Mr. Chairman, I rise in support of this amendment to honor our colleague, the gentleman from Nebraska (Mr. BEREUTER).

When the Founding Fathers envisioned a new Nation based on self-government, they wrote many rules into our Constitution. Many things were formally laid out, but many assumptions were left unsaid. One of the assumptions were that among the representatives chosen would be people who were consensus and coalition builders, people whose highest allegiance was not to the political party but to country. It is on the backs of such leaders that self-government depends.

DOUG BEREUTER is an embodiment of the kind of leader our Founding Fathers assumed that would move our country forward.

I have worked with the gentleman from Nebraska (Mr. BEREUTER), as I called him as a staff member and as a Member, for 21 years. I call him a friend, but I admire him more.

Forty years ago, Republican Senator Arthur Vandenberg joined with Democratic President Harry Truman to start the Marshall Plan. Many Members of Congress objected to a spending program overseas, but Senator Vandenberg said, "Partnership should end at the water's edge."

In his service on the Committee on International Relations and the Permanent Select Committee on Intelligence, no Member of Congress embraced that ideal more than DOUG BEREUTER.

I worked closely with him on food assistance programs for North Korean children. Despite a formal state of war between our two countries, DOUG BEREUTER was our leader, championing a humanitarian vision where, as Ronald Reagan said, "A hungry child knows no politics."

DOUG pioneered leadership for the P.L. 480 program and for the Farmer-to-Farmer programs. These programs fed the hungry and represented the highest ideals of the American people.

We honor DOUG BEREUTER today. I want to also mention his work with the intelligence community to boost foreign language instruction by the U.S. government. No action will boost the long-term defenses of the U.S. more than the Bereuter foreign language initiative.

We wish the gentleman from Nebraska (Mr. BEREUTER) well as the new head of the Asia Foundation and urge the adoption of the amendment as a way to honor a real American and someone totally committed to the humanitarian vision of the United States overseas.

Ms. KAPTUR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we would like to rise in support of the Hyde amendment renaming the Farmer-to-Farmer program so that that program includes the name of our dear colleague, the gentleman from Nebraska (Mr. BEREUTER), and I want to thank the chairman for offering this important amendment to our bill this year.

We rise to accept the amendment and again thank and compliment the gentleman from Illinois (Chairman HYDE) for his cooperation in not only championing this amendment but working to be sure that Mr. BEREUTER's contributions are recognized, along with those of John Ogonowski, the pilot of American Airlines flight 11 that tragically crashed into the World Trade

Tower on 9/11, for whom the program was named 3 years ago. Mr. Ogonowski had worked so diligently with farmers and others in Massachusetts, and so to have his name and Mr. BEREUTER's name associated in perpetuity on this program I think really elevates it to a level that more fully expresses the real goodness of our country. We share the appreciation of the work that the gentleman from Nebraska (Mr. BEREUTER) has done to support and expand the Farmer-to-Farmer program.

I know that the best way to combat terrorism and misunderstanding is to have programs like Farmer-to-Farmer that link our producers to those of other nations, forming lifelong friendships and understandings. If we look at so many of the societies in which we currently are confronting difficulty, whether it is Pakistan or Afghanistan, other -stan countries that had been part of the former Soviet Union, whether we talk about Africa and the starving people of so many of those nations, this Farmer-to-Farmer program is extraordinarily important. It puts the best face of America forward.

So in taking this time today, again, I want to compliment the gentleman from Illinois (Mr. HYDE). Let me also thank the gentleman from Nebraska (Mr. BEREUTER) for his enormous contributions to agriculture while a Member of this House but also the future work he will be doing with the Asia Foundation. The needs of the Pacific and the islands of the Pacific and so many of the issues that he will confront in that new capacity will be enlightened by the accomplishment he demonstrated here.

We are very pleased to support this amendment and thank the gentleman from Illinois (Chairman HYDE) for his leadership on this, along with so many other issues important to our Nation.

Mr. Chairman, I reserve the balance of my time.

Mr. HYDE. Mr. Chairman, I am pleased to yield 2 minutes to the gentlewoman from Missouri (Mrs. EMERSON).

Mrs. EMERSON. Mr. Chairman, I rise in support of this amendment, too. I can think of no better person for whom this program should be named.

I have known DOUG BEREUTER for many, many years, really starting back when he first began his service in the Congress, and I know of him really as a very great and special person, a man who has always put principle above popularity, and that is a very rare characteristic among very few people.

I had the good fortune of traveling with DOUG recently on a NATO/British-American parliamentary group meeting, and I was struck then, as I have been struck so many times, in listening to him speak, about the incredible knowledge and wisdom that he has through the years that he has spent on the Committee on International Relations and the fact that in every single instance he, too, put principle first, and his wisdom is something that we will sorely miss in this Congress.

I want to congratulate him on his new endeavors but also tell him that he has set a very high standard for a Member of Congress, and I hope that we can all aspire to reach the same level that he has.

Mr. GOODLATTE. Mr. Chairman, will the gentlewoman yield?

Mrs. EMERSON. I yield to the gentleman from Virginia.

Mr. GOODLATTE. Mr. Chairman, I thank the gentlewoman for yielding and also rise in strong support of this amendment.

I want to thank the gentleman from Illinois (Chairman HYDE) for offering it, and I want to congratulate the gentleman from Nebraska (Mr. BEREUTER) for 26 years of service to the Congress and for his leadership on this program.

I think it is very, very appropriate that we change the name of the program to add his distinguished name for hereafter, and I urge my colleagues to support this amendment.

Ms. KAPTUR. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentlewoman's courtesy in permitting me to speak on this; and I, too, rise in support of the amendment. I think it exemplifies the type of leadership we have had on our committee. I appreciate the chairman of the Committee on International Relations bringing it forward.

DOUG BEREUTER, I mentioned earlier on the floor during a special order this morning, what a difference he has made for me and all who serve with him. This identifies DOUG as being a legislator, with his fingerprints on a wide variety of legislation.

I am pleased that we have had items brought forward that enshrine his name on legislation and on programs. I hope that we will be mindful of the many other contributions that he has made that few know about unless they had the pleasure of serving with him and watching him in action. I think it is a testimony to his insight, his patience and his hard work that he has been able to inspire this confidence on both sides of the aisle.

I am pleased that we have this as an additional expression of our support as he moves forward into a new career.

Ms. KAPTUR. Mr. Chairman, we strongly support this amendment, and I yield back our remaining time.

Mr. HYDE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time having expired, the question is on the amendment, as modified, offered by the gentleman from Illinois (Mr. HYDE).

The amendment, as modified, was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

EXECUTIVE OPERATIONS

CHIEF ECONOMIST

For necessary expenses of the Chief Economist, including economic analysis, risk assessment, cost-benefit analysis, energy and new uses, and the functions of the World Agricultural Outlook Board, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), $10,810,000.

NATIONAL APPEALS DIVISION

For necessary expenses of the National Appeals Division, $14,526,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, $8,246,000.

HOMELAND SECURITY STAFF

For necessary expenses of the Homeland Security Staff, $508,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, $15,608,000.

COMMON COMPUTING ENVIRONMENT

For necessary expenses to acquire a Common Computing Environment for the Natural Resources Conservation Service, the Farm and Foreign Agricultural Service, and Rural Development mission areas for information technology, systems, and services, $120,957,000, to remain available until expended, for the capital asset acquisition of shared information technology systems, including services as authorized by 7 U.S.C. 6915–16 and 40 U.S.C. 1421–28: *Provided*, That obligation of these funds shall be consistent with the Department of Agriculture Service Center Modernization Plan of the county-based agencies, and shall be with the concurrence of the Department's Chief Information Officer.

AMENDMENT OFFERED BY MR. BONILLA

Mr. BONILLA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BONILLA:

In title I, under the heading "COMMON COMPUTING ENVIRONMENT", insert after the dollar amount the following: "(decreased by $120,957,000)".

In title I, under the heading "FARM SERVICE AGENCY, SALARIES AND EXPENSES", insert after the dollar amount the following "(increased by $52,873,606)".

In title II, under the heading "NATURAL RESOURCES CONSERVATION SERVICE, CONSERVATION OPERATIONS", insert after the first dollar amount the following: "increased by $40,458,661".

In title III, under the heading "RURAL DEVELOPMENT, SALARIES AND EXPENSES", insert after the first dollar amount the following: increased by $27,624,733".

Mr. BONILLA (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BONILLA. Mr. Chairman, my amendment is a simple amendment that would transfer money from the Common Computing Environment, an amount that totals $120,957,000, and would put that into a lot of services that are very vital to communities, especially rural communities out in the heartland.

It would put $52,873,606 into the Farm Service Agency salaries and expenses. It would also put $40,458,661 into the Natural Resources Conservation Service and $27,624,733 into Rural Development salaries and expenses.

Now, to explain a little further, this amendment would provide funds to a lot of county-based agencies that deliver critical farm programs, economic development in rural areas and the delivery of conservation technical assistance.

The Farm Service Agency delivers farm credit programs to all farmers and ranchers across America.

The Natural Resources Conservation Service delivers conservation technical assistance to producers all across the country.

The Rural Development is very critical to many Members who have these smaller towns and communities in their congressional areas, providing economic opportunity and housing opportunities to Americans from border to border and from coast to coast.

This is a good amendment, and again, it gets money in the people's hands that truly need it out there. At this time, I would encourage all Members to support this amendment.

Ms. KAPTUR. Mr. Chairman, I rise in reluctant opposition to the amendment offered by our good chairman.

This essentially is an effort to transfer funds from the Executive Office of the Secretary and the Common Computing Environment to different funds inside of the U.S. Department of Agriculture in operational agencies. I think it is important to point out to the membership, first of all, this is a lot of money, and it is well over $100 million.

This current fiscal year we are spending about $118 million on the Common Computing Environment. Over the years we have increased these accounts, and this year, in fact, within the budget itself there is $2,372,000 in appropriated funds being proposed over last year.

The Chairman's amendment would take those dollars and farm them out to the Farm Service Agency, the NRCS, the Natural Resources Conservation Service, and Rural Development as line items I guess in those accounts, although it is a little unclear to me how we would track this.

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But the point is, this is an account that has been rising within the executive office of the Secretary herself. I think it is important for us to keep a clear eye on how these funds are being expended.

In addition to that, there are several amendments that Members are offering today that have been cleared and filed in proper time that would take their funds from this particular account. And so the net effect of adoption of this amendment would be to force the Members who wish to offer amendments to find alternative offsets, and also to kind of lose the focus that we currently have on common computing environment in a separate account in the Secretary's office by diverting it to these many places in the agency.

So I assume that the gentleman is doing this for good reasons. But the point is I think we would have a lessening of clarity on where these funds are actually being expended by the agencies. In past years, we have had trouble with this account in really following how the administrations are spending these dollars. As we thought they were doing a little better job, we gave them additional funds.

But I really do not see the burning need for this amendment right now. There are increases in this account; and, therefore, I think in view of the negative effect it will also have on other amendments being offered here today, I would rise in opposition to the amendment.

Mr. LATHAM. Mr. Chairman, I move to strike the last word, and I rise in support of this amendment.

Anyone who deals on the local level with the NRCS understands how the staffing shortages, the need for more funds at the local level are so absolutely critical to be able to handle the programs that are so important to farmers today. This is where the rubber meets the road. This is where people who actually do the work are in contact with the farmers themselves, who do all the work out in the fields. This is extremely important that we do have those funds available to make sure that we are adequately staffed.

Also, when we look at rural development, economic development, it is a critical issue for us to make sure that we have the resources available out in the country to be able to help small businesses, to be able to help our rural communities grow and prosper. So I think this amendment is very, very important; and I certainly rise in support.

Mr. BEREUTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wanted to comment briefly at least on the previous amendment offered by the distinguished gentleman from Illinois (Mr. HYDE). I was unaware it was up at this time. I am very grateful to the chairman, Mr. HYDE, to the gentleman from Texas (Mr. BONILLA), and to the ranking minority member, the gentlewoman from Ohio (Ms. KAPTUR). I happened to see the gentlewoman from Missouri commenting with my name, and that is the only reason that I noticed what was being considered on the floor.

In any case, I thank them and apparently other Members, for their kind comments. Mr. Chairman, just a word of history because it involves the gentleman from Illinois (Mr. HYDE). I was on a four-member CODEL to El Salvador and Guatemala with the former distinguished Member from California Mr. Lagormarsino, the gentleman from New York; the late Jerry Solomon, and the distinguished gentleman from Illinois (Mr. HYDE).

War-torn El Salvador at the time was in the middle of a land reform program. Unfortunately; it was not working, and one element that was a part of the program was called the "Land For the Tiller Program." I came back convinced that if I could take 40 farmers from my district in to the area during the middle of the winter for about 6 weeks and they could turn around some of those efforts and make them successful, because there was for example, very little knowledge of poultry or swine husbandry.

To my surprise, the Farmer-to-Farmer program had been authorized some years earlier, but never funded. So with a long effort, working with Peter McPherson, the former administrator of USAID, I convinced them, finally, that they did not have to pay volunteers, and the program could be started. So with a relatively small amount of money, initially just one-tenth of 1 percent of the CCC program, those volunteers' transportation was paid; they had a sponsoring organization in the foreign country that either made it successful or less than successful, depending on the local effort.

Mr. Chairman, I was recently over at USAID about a month ago, and they have just sent their 10,000th volunteer on the Farmer-to-Farmer program. These are active or retired farmers—and I am also including the farm wife, because in many cases she is the person that goes overseas. These volunteers also are people who are at our land grant institutions as professors or retired professors. They have worked now on every continent.

Then, when the Soviet Union disintegrated, the Reagan administration sent a Cabinet team to Russia, to see if assistance could be offered to Russia and the other CIS countries. They discovered the Farmer-to-Farmer program, and it was accelerated dramatically.

So we have had many Americans who have now gone on volunteer missions in four different continents. They have come through my office from time to time, and for them, in many cases, they told me it was the best experience of their lifetime. America is a wealthy country, but the area where we have our greatest riches probably is in talented people who are willing to volunteer their time.

So I thank the gentleman from Illinois (Mr. HYDE) for his amendment and trace the reason for it back to our visit there. It was also the time when I first became interested in something called FINCA, which was a microenterprise experiment in the Andean countries. And I later brought them to the Hill so the other Members could be exposed to it.

But many people, Mr. Gilman, Mr. SMITH of New Jersey, and also Members of the Committee on Appropriations also know about the microenterprise program; and they have been very good to it. Mr. Chairman, the Farmer-to-Farmer is a program that I think will be quite successful in the years to come because it relies on American volunteerism.

Mr. BACA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the current amendment before us. I commend the gentleman from Texas for trying to take all of the money from Common Computer Environment, but what he is doing is he is taking and stripping the amount of money, and we are talking about $120 some million, and distributing it into three accounts.

Mr. Chairman, this precludes an amendment that I would have been able to have brought up today that deals with civil rights. Civil rights is important to a lot of us as we look at what is going on in our country. We have an opportunity to put in additional funding for the Hispanic-serving institutes, we have opportunities for monies to go for tribal expansion grants, and then we have an opportunity to provide money for socially disadvantaged farmers and ranchers. The Bonilla amendment would preclude the ability for me or others to submit their amendments to a bill that is very much needed in terms of providing service.

When we look at civil rights, we look at Martin Luther King, who fought for many individuals in terms of the civil rights movement and opportunities for people, minorities and disadvantaged, to file their complaints. We have numerous complaints throughout the Nation.

Within the Hispanic community, we currently have 16 percent of the total population of the United States, including Puerto Rico with 16 percent, which makes up about 42 million people; yet we would be denying them an opportunity when it comes to civil rights, especially as we look at Hispanic-serving institutes right now where we have approximately 350 colleges and universities and continue to grow in the enrollment of colleges and universities of individuals who want to get into the universities.

When we look at the National Congress of American Indians supporting the legislation, there are 250 tribal governments that are saying, look, we want an equal opportunity in terms of justice, equality, and civil rights. We have an opportunity to make sure that rural communities and others obtain the kind of funding necessary and that there is someone to serve them when there are complaints. There are more and more people filing civil rights complaints.

If we take this money totally out, we would not be able to provide the kind of services that are needed. And while I do appreciate the support of the chairman 2 years ago, when he did support legislation that did approve additional funding, as we look at the growth and expansion of the population, we need additional funding. Currently, Hispanic-serving colleges and universities are underfunded by about 75 percent. We are continuing to grow. We need the funding there, Mr. Chairman.

I hope the gentleman from Texas will reconsider and allow the additional amendments, at least some of these dollars, in a bipartisan way. Allowing other individuals to submit their amendments would say we truly represent the American Dream. Allowing us to put in an amendment would put service back to our constituents, back to people who very much need it.

Mr. LAHOOD. Mr. Chairman, I move to strike the requisite number of words in favor of the amendment.

This is a very good amendment. I am surprised anybody would come to the floor and be against this amendment. This is an amendment that provides the money to take care of the farmers and ranchers and people that do the hard work. This is the amendment that people have been clamoring for for a long time, more money on the ground for the up-front office workers that do the work, that work with the farmers, that provide the service to people, that help them fill out their forms and do the work that needs to be done.

We hear year in and year out from our farmers that we do not have enough staff, there are not enough people there, there are long lines, the forms cannot get filled out, we do not have enough people to advise us. I cannot think of any reason to be against this amendment.

These are the service workers that help our farmers and ranchers to do the work required by us and required by the USDA to fill all the forms that need to be filled out, to make sure all the reports are done. We require a lot of paperwork, USDA requires a lot of paperwork; and our farmers and ranchers deserve to have the kind of professional staff that this amendment provides for.

So I say to those people who represent farmers and ranchers all around the country, if you want your farmers and ranchers to have the expert professional people to help them do the things, to do the work, to fill out the forms that need to be done, you ought to be supporting this amendment.

Every year our farmers come to us and say, there just is not enough staffing. We need more people. In some instances, we have allowed for part-time people to come in. We have allowed for temporary people to come in. This, though, is the kind of opportunity that provides the money.

I compliment the chairman, and I would surely hope that the ranking member would reconsider her position on this, given the fact that reallocating of money to help the people that are out there doing the hard work of growing the fruits and vegetables, and doing the hard work providing the food and fiber for our country are going to have the professional staff.

So I compliment the chairman for doing this, and I say to all Members who may be listening to this debate on this amendment, this is leadership on the part of the chairman of this subcommittee to say to our farmers and ranchers, the money is going to be there for the professional staff to do all the things that need to be done that we require in Congress and USDA requires, and that we hear year in and year out from our farmers, particularly from the producers out in the area, certainly in Illinois and the 20 counties I represent, I hear from them every year that we do not have enough staff in our offices to do the things you are requiring us to do.

So great leadership on the part of the chairman here to reallocate the money that needs to be used so that we can hire the people and they can help our farmers and ranchers. I ask all Members who hear from their farmers and ranchers each year to support this amendment. It is a good amendment, and I appreciate the leadership of the chairman.

Ms. KAPTUR. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. Is there objection to the gentlewoman from Ohio striking the requisite number of words for a second time?

Mr. BONILLA. Mr. Chairman, I reserve the right to object, and ask for a clarification as to the nature of why the gentlewoman needs this unanimous consent?

The CHAIRMAN. A Member can only strike the last word once on a given paragraph.

Does the gentleman continue to object.

Mr. BONILLA. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

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Ms. KAPTUR. Mr. Chairman, I did want to respond to the gentleman from Illinois. (Mr. LAHOOD), a respected member of our subcommittee, to say that one of our problems in this bill is that, because it is under what we spent last year, many accounts have been scraped. We have been trying to find dollars to do several things in the bill. The Common Computing Environment has a lot of money. This year we are proposing $120 million, an amount over last year. But there are other underfunded programs in the bill extraordinarily important to farmers.

For example, in the important area of bioenergy, the administration wants to cut the development of renewable fuels. We have a new title in the farm bill to create a new market in this country for fuels. One of the amendments that will be offered would take a few dollars out of this common computing account and just let that account be level with this year's expenditures which is $23 million. It's not a lot of money in terms of the full bill. But nonetheless to try to really help our farmers bring up a new industry, it amounts to real dollars. This is money not going to a government agency. It is going directly to farmers to bring up a new source of power in our Nation, new sources of power based in agriculture.

One of the other amendments, and other Members will speak to this, has to do with the civil rights portions of this bill which are underfunded. This account has over $120 million in it.

The third area in which we would hope to take a few dollars out of these accounts are the Farmers Market Promotion Program, a program that was authorized in the new farm bill but has zero dollars now. Farmers out there all around this country are trying to sell their product directly to consumers. We have had so many requests from Members to assist with Farmers' Market Development. We have been unable to meet those requests. For the first time, with this amendment, we would provide funds in a newly authorized program in the farm bill.

So, yes, we have to make choices; and we are trying to help all titles of the farm bill as best we can. These dollars, by being diverted to agencies that already have billions of dollars, well, I really would question our ability to monitor those expenditures. And, yes, farmers are going into these farm service agencies and they are not being served, but we have had these accounts plused up over $100 million for computers for years and years and years.

One of the points I would have, since we have this computing account in the Secretary's office, we can have better oversight so we can see whether or not they are putting these computers in the farm service agencies. But the truth is we do not have enough money in any account to do everything that needs to be done. I respect what the gentleman is saying, but we have to try to do more with less in every single one of the accounts that we are supposed to fund.

I would urge my colleagues to think about this vote because it harms other programs in the bill that are extraordinarily important and are serving our farmers directly. We still maintain hundreds, tens of thousands of dollars, millions of dollars in this account to help with the computing environment. I did want to respond to that.

Mr. LAHOOD. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Illinois.

Mr. LAHOOD. Mr. Chairman, as the ranking member, the gentlewoman knows our farmers and ranchers and the producers come to us every year with the common complaint, we don't have enough people in these local offices to help us. We have to set priorities.

Ms. KAPTUR. I would reclaim my time and say to the gentleman that the overall bill does not have enough money. We have to try to put dollars in all the accounts as best we can. I agree with the gentleman there is not enough money in the overall allocation, but that does not mean we have to rob all accounts just to serve one purpose. We have to use these dollars broadly and do the best we can with an inadequate allocation.

Mr. THOMPSON of Mississippi. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I join the ranking member on the committee in opposition to the amendment basically because the gentleman from California (Mr. BACA), the gentleman from Michigan (Mr. KILDEE) and myself would not be allowed if the amendment passes to introduce our amendment which basically would do three things:

First of all, it would increase the civil rights enforcement moneys for the Office of the Secretary. The U.S. Department of Agriculture has clearly been called the last plantation. Because of that, Mr. Chairman, many of the discriminations for black farmers and other individuals coming out of USDA, we could address it with more money.

In addition to this, the 2501 program would be increased so that socially disadvantaged farmers could take advantage of USDA programs. If this amendment is passed, we would not be able to offer the increase in the program.

But, thirdly, Mr. Chairman, the tribal extension grants for Hispanic-serving institutions, we could not increase that money. I know that the chairman does not want to hurt those institutions, but this is an opportunity, if this amendment is allowed to be offered and somehow we can reach some agreement, that we could help those Hispanic-serving institutions, also.

Reluctantly I rise in opposition to the amendment, because another amendment that we think would be as important to a tremendous number of people could not be offered.

Mr. KINGSTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Bonilla amendment and believe that the chairman of the committee is moving in the right direction. The Common Computing Environment program I think does render very valuable technical assistance, but I understand the pressures that we are under to try to get money out on the local level to the farmers.

One of the things that has always disturbed me as a Member of Congress is when we allocate money for anything, military, education, health care, whatever, it is astounding the amount of the dollars that stay in Washington, D.C. As I drive around this beautiful city, I do not see too many farmers. I see a lot of monuments and some lakes and some parks, but I do not see many corn fields or cow pastures or hog pens. Yet if we support the Bonilla amendment, we are pushing the dollars out of town towards those agencies, the Farm Service Agency, the Natural Resources Conservation Service and the Rural Development Agency, towards the farmer, towards the local people.

It is interesting, as somebody who represents rural southeast Georgia with 29 different counties in it, as I go around visiting my farmers and those in the agriculture community and the agriculture family, they speak highly of these agencies and the work that they do. The rural development folks, they do all kinds of housing opportunities in my area and some other much-needed projects that we think are very important for economic development in the smaller towns. The Natural Resources Conservation Service is very important for erosion control and best cultivation practices and good technical assistance to the farmers. Of course, the Farm Service Agency delivers the farm credit program to farmers all over the country.

But what I like best about these folks is they are Federal Government, USDA employees, 100 percent on the USDA salary, but they answer 100 percent to the farmers back home in Bacon County and in Appling County and in Coffee County, the folks who I am trying to serve and represent in Washington. That is the same people that these agencies are serving.

As the gentleman from Illinois (Mr. LAHOOD) said earlier today, these are the people that our farmers ask for assistance from; and they really do not ask for more money in the USDA bureaucracy as much as getting it back home to rural Texas, rural Illinois, rural Iowa, rural Georgia and so forth.

I stand in strong support of the Bonilla amendment and hope that our colleagues give it a majority.

Mr. STENHOLM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Common Computing Environment system. There are a lot of folks making a lot of great speeches today, and I agree with all of them. I agree with the gentleman from California (Mr. BACA). I agree with the gentleman from Mississippi (Mr. THOMPSON) and the concerns and the needs there. I agree with the gentleman from Illinois (Mr. LAHOOD) and his statement. I agreed with the chairman and what he is saying.

But what I am afraid of is that we are about to do something that is going to do more damage to all of our farmers and all of our needs and the efficiency of the delivery of these programs by once again using the Common Computer Environmental systems as a cash cow.

USDA began modernization and streamlining with the USDA Reauthorization Act of 1994 signed by the President, October 13, 1994. Since then we have made some progress. USDA field agencies still rely, though, on outdated information technology. Basically, what we were saying in 1994 to USDA, start cooperating and working together. Have FSA, NRCS and Rural Development start looking at one-stop shopping, start looking at putting their computer systems together, start doing those things that would allow them to operate efficiently and save money for our appropriators and get the job done better.

We have got a ways to go. But if we deny them the technology to do it, we will never get there.

I want to give the Members a little story about how using modern information technology can benefit not only producers in the delivery of programs and services but can save the taxpayers millions of dollars of waste in eliminating waste, fraud and abuse in the delivery of Federal assistance.

In 2000, the Committee on Agriculture included a provision in the crop insurance reform bill it was considering. The bill instructed the Secretary of Agriculture to develop and implement a coordinated plan for the Risk Management Agency and the Farm Service Agency to reconcile all relevant information received by RMA and FSA from a producer who obtains crop insurance. The agencies were to reconcile such producer-derived information on at least an annual basis to identify and address any discrepancies.

We encouraged the Secretary to use an outside entity that had expertise in information technologies known as data mining and data warehousing and other available information technologies to administer the program. It took over a year to implement the provisions, with USDA kicking and screaming all the way. In fact, only RMA ultimately entered into the agreement with Tarleton and Planning Systems Incorporated to apply data mining and data warehousing to its data in an attempt to detect fraudulent practices in the multiperil crop insurance program. FSA refused to share its producer data.

We talk about cutting waste, fraud and abuse from Federal programs all the time. In 4 short years and an approximately $20 million investment by this body, RMA estimates it has saved American taxpayers $250 million in claims not filed by detecting schemes to file bogus insurance claims losses. Technology can do the job if we allow it to do it. What more could we accomplish if we required all of USDA to use modern technology and by sharing information to ensure that the programs it administers and services it delivers is done in an effective and efficient manner?

If we are serious about eliminating waste, fraud and abuse from government programs, I suggest we fully fund USDA's Common Computing Environment.

I recognize and I saw all of the amendments that my colleagues were bringing today, each one of which is designed to get into this particular, they believe, cash cow, for doing some very good and important things. But I think we become considerably shortsighted if we do not recognize that if we are truly to deliver the services to our producers that the conservation, with technical assistance, if we are truly to do those things that we all want to do, the best place to start is by making sure that the USDA Reorganization Act of 1994 is fully implemented by demanding USDA do it, but at the same time not shortchange them on the technology they will need in order to do it. That is my concern today.

I guess basically I am rising in opposition to all of the amendments until someone can show me that taking money from the computers is a better investment. I would much rather continue to recognize we have a budget problem, not an appropriations problem. I recognize what the chairman is attempting to do with this amendment, but I believe it is not in the best long-term interest of USDA and the people we serve, the producers and consumers of America.

Mr. TOWNS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. Numerous reports and commissions have documented the civil rights problems at USDA. For those who might not be aware of this history, let me give the Members a brief overview.

In 1965, the U.S. Commission on Civil Rights found discrimination in USDA program delivery and in USDA treatment of minority employees.

In 1970, a USDA employees focus group report concluded the agency was insensitive to the issues regarding equal opportunity and civil rights.

In 1982, the Civil Rights Commission found that USDA's Farmers Home Administration had failed to place adequate emphasis on dealing with the crisis facing black farmers and saw indications that the agency may be involved in the very kind of racial discrimination that it should be seeking to correct.

In 1990, the Committee on Government Operations of the United States House of Representatives found that Farmers Home Administration practices were one of the key causes of the drastic decline in black farmer ownership.

In 1997 and 1998, CRAT, a special team within the USDA, found systemic discrimination in employment and farm assistance programs.

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In 1998 the Congress passed a measure which helped African American farmers pursue legal claims against the USDA. In 1999 a Federal court entered a consent decree which allowed many black farmers to recover damages for the years of discrimination they faced at the hands of the USDA.

Let me say to the Members, given this sad and sorry history, I must oppose this amendment on that note, to say that we need to have technical assistance, but we need to look at what we are doing. And just to say we are going to do something that really is not going to accomplish anything is not the way to go. So on that note I must oppose the amendment.

Mr. WU. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in reluctant opposition to the chairman's amendment and in support of the Common Computing Environment and the associated systems.

The gentleman from Texas (Mr. STENHOLM) cited many of the benefits of the Common Computing Environment not only to the Department of Agriculture but to the many farmers and ranchers that the Department of Agriculture seeks to serve.

I want to bring to the attention of the House another very important function of the Common Computing Environment efforts, and that is a new technology or at least a new application of a technology which has been with us for about 30 or 40 years, and that is satellite imaging in support of forest and farmland use.

There is a very important effort under way to categorize farmland and to image farmland all across the United States. It serves many important purposes. One of them is to help us figure out the categories of different farmland and the erosion of that farmland, and it helps farmers in the end by protecting their most basic asset, the land. It also helps our forests because it helps us assess forest health. It helps us assess the buildup of unwanted or unnecessary fuel stocks in our forests to avert forest fires, and it also helps assess infestations by insects and other pests so that we can better assess the health of our forest stock.

So I just want to point out that, as these amendments come up, ranging from the chairman's amendment, which makes a fairly substantial cut, to other amendments which make smaller cuts in the Common Computing Environment budget, I, for one, will have to choose very carefully between those amendments which serve very crucial public purposes such as eliminating decades' old discrimination by various Federal agencies and programs and other, perhaps less compelling, causes to cut into the Common Computing Environment budget.

And, again, I do want to point out that in addition to the many important purposes that the gentleman from Texas (Mr. STENHOLM) pointed out that we in Oregon, we who have a very thorough land use planning system, we depend on data in order to maintain our categories of farm and forest land, of urban reserve, of urban land and potential urban land, and there is nothing quite as important as having some of the satellite imagery which would also be unfortunately adversely affected by the chairman's amendment. So I do rise in reluctant opposition to the chairman's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. BONILLA).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to this paragraph?

If not, the Clerk will read.

The Clerk read as follows:

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, $5,811,000: *Provided*, That the Chief Financial Officer shall actively market and expand cross-servicing activities of the National Finance Center: *Provided further*, That no funds made available by this appropriation may be obligated for FAIR Act or Circular A-76 activities until the Secretary has submitted to the Committees on Appropriations of both Houses of Congress a report on the Department's contracting out policies, including agency budgets for contracting out.

WORKING CAPITAL FUND

For the acquisition of disaster recovery and continuity of operations technology of the National Finance Center's data, $12,850,000, to remain available until expended.

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

For necessary salaries and expenses of the Office of the Assistant Secretary for Civil Rights, $803,000.

POINT OF ORDER

Mr. TOM DAVIS of Virginia. Mr. Chairman, I make a point of order against the second provision under the heading "Office of the Chief Financial Officer," beginning with the colon on page 3, line 25, throughout on page 4, line 6. This provision violates clause 2(b) of House rule XXI.

PARLIAMENTARY INQUIRY

Ms. KAPTUR. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentlewoman may inquire.

Ms. KAPTUR. Mr. Chairman, did we not read past that provision?

The CHAIRMAN. That is correct.

Is there objection to returning to that point in the reading to entertain a point of order against the cited provision?

Ms. KAPTUR. Mr. Chairman, we raise objection to that.

The CHAIRMAN. Objection is heard.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I move to strike the last word.

This is the second time this has happened. Right off the floor I was assured that this would come up after a vote on the gentlewoman from Ohio's (Ms. KAPTUR) amendment. I stood here seeking recognition as I came on to the floor as the Clerk was reading other sections. I was not recognized. This is the second time I have been let down by the Committee on Appropriations when they knew I had a point of order and tried to give me time periods.

In fact, I, in talking to the staff this morning, said maybe I should just stay on the floor. No. The last time this occurred, the minority was generous enough to allow us to go back and raise that provision. I would ask for the same courtesy here, or I will stand up today and object to every single unanimous consent.

Mr. BONILLA. Mr. Chairman, will the gentleman yield?

Mr. TOM DAVIS of Virginia. I yield to the gentleman from Texas.

Mr. BONILLA. Mr. Chairman, the gentleman should be assured that there was absolutely no intent on the majority's part to interfere with the gentleman's issue that we expected him to raise today. So I just hope the gentleman understands that clearly, and the majority is not objecting to our returning to this portion of the bill. The objection was raised by the minority.

Mr. TOM DAVIS of Virginia. Mr. Chairman, reclaiming my time, I just want to say that I was off the floor. I walked on the floor, was seeking recognition. The Clerk continued to read as I got up here. I continued to request recognition.

Mr. Chairman, I ask unanimous consent that we be able to return to this section.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

Mr. WU. Mr. Chairman, I reserve the right to object.

PARLIAMENTARY INQUIRY

Ms. KAPTUR. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. Does the gentleman from Oregon yield for the parliamentary inquiry?

Mr. WU. Yes, I do, Mr. Chairman.

The CHAIRMAN. The gentlewoman from Ohio may inquire.

Ms. KAPTUR. Mr. Chairman, could the Chair please explain what is occurring here? We raised objection to the gentleman, who was not on the floor when we read through his section, and we raised objection to that. Why is the gentleman being allowed to proceed?

Mr. TOM DAVIS of Virginia. Mr. Chairman, the gentlewoman is incorrect. It was my time. I was on the floor.

The CHAIRMAN. The gentleman from Oregon (Mr. WU) controls the time.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I just asked in comity if she would allow me to make the point of order that we are entitled to do under the rules.

Mr. WU. Mr. Chairman, I am yielding to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, we raised objection to the gentleman's desire to continue with this. He is raising it out of order.

Mr. TOM DAVIS of Virginia. It is in order at any point to raise it, and I will continue to raise it.

The CHAIRMAN. The gentleman from Virginia has again asked for unanimous consent to take his point of order out of order.

Ms. KAPTUR. We object to that, Mr. Chairman. He missed his opportunity.

The CHAIRMAN. Objection is heard.

Mr. LAHOOD. Mr. Chairman, I move to strike the last word.

I am going to yield to the gentleman from Virginia, but I would like to know why the gentlewoman from Ohio would object. Let him make his point; then if they have the votes, knock it out. He was on the floor. The gentleman was on the floor. He could not get to the microphone because he thought there was going to be a vote on the gentleman from Texas's (Mr. BONILLA) amendment. That is the point here. If she does not like what he is going to say, stand up, but give him the right to say it, not to object to it. That is a lousy way to treat a Member.

If somebody were doing that to you, you would have motions to adjourn and motions to do this and that. The gentleman was on the floor. He wants to make a point of order. Let him make his point. What is the problem with doing that?

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. LAHOOD. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, because he is proceeding out of order. We have dozens of amendments, as the gentleman well knows.

Mr. LAHOOD. Mr. Chairman, he was on the floor.

Ms. KAPTUR. Mr. Chairman, if the gentleman would continue to yield, he missed his opportunity as the bill was being read.

Mr. LAHOOD. Mr. Chairman, reclaiming my time, I am going to say this: I think the gentleman does have a right. He was on the floor. He could not get to the microphone because he thought a vote would be called for on the gentleman from Texas's (Mr. BONILLA) amendment.

Mr. TOM DAVIS of Virginia. Mr. Chairman, will the gentleman yield?

Mr. LAHOOD. I yield to the gentleman from Virginia to make his point.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I think it is interesting, as we heard from the other side last week about tactics on this side that were overbearing and the like, to see that given the opportunity in this case to reciprocate and show some openness that they have declined to do so. Nothing is surprising. But all I can say is that I will object to their unanimous consent request and sit here.

Mr. LAHOOD. Mr. Chairman, reclaiming my time, I wonder if the gentlewoman from Ohio would reconsider her objection.

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. LAHOOD. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, not at this time.

Mr. LAHOOD. Mr. Chairman, I could not understand the gentlewoman's response. I wonder if the gentlewoman would consider giving the opportunity to the gentleman from Virginia to speak on the part of the bill that he wants to speak on.

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. LAHOOD. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, the gentleman from Illinois (Mr. LAHOOD) knows the rules of the House very well. The gentleman missed his opportunity as the bill was being read.

Mr. TOM DAVIS of Virginia. Mr. Chairman, will the gentleman yield?

Mr. LAHOOD. I yield to the gentleman from Virginia.

Mr. TOM DAVIS of Virginia. Mr. Chairman, let me ask the distinguished chairman, will he, in light of what has transpired here, and I know that he was not up to this previously, work with me to amend this provision and make it appropriate in the conference or to "X" it out altogether?

Mr. BONILLA. Mr. Chairman, will the gentleman yield?

Mr. LAHOOD. I yield to the gentleman from Texas.

Mr. BONILLA. Mr. Chairman, I would be happy to work with the gentleman on the issue that he is trying to raise here today.

Mr. TOM DAVIS of Virginia. Mr. Chairman, as the gentleman knows, we are willing to work with some reporting requirements that our committee be included as part of the reporting as well as the appropriations because we have jurisdiction. But we will work to get it out altogether now because of their inability to compromise.

AMENDMENT NO. 9 OFFERED BY MR. BACA

Mr. BACA. Mr. Chairman, I offer an amendment.

The Chairman. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. BACA:

In title I, under the heading "COMMON COMPUTING ENVIRONMENT", insert after the dollar amount the following: "(reduced by $3,500,000)".

In title I, under the heading "OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS", insert after the dollar amount the following: "(increased by $250,000)".

In title I, under the headings "COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE—T4research and education activities", insert after the first dollar amount, and after the dollar amount relating to Hispanic-serving Institutions, the following: "(increased by $1,500,000)".

In title I, under the headings "COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE—EXTENSION ACTIVITIES", insert after the first dollar amount, and after the dollar amount relating to Indian reservation agents, the following: "(increased by $1,000,000)".

In title I, under the headings "COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE—OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS", insert after the dollar amount the following: "(increased by $750,000)".

Mr. BONILLA. Mr. Chairman, I reserve a point of order on this amendment.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. A point of order is reserved.

Mr. BACA. Mr. Chairman, I rise in favor of this amendment by the gentleman from Mississippi (Mr. THOMPSON); the gentleman from Michigan (Mr. KILDEE), and myself to increase the funding for minority programs in the USDA.

What we are asking for, basically, is $3.5 million in increase. The purpose for the funding would be $250,000 for the Office of Assistant Secretary of Civil Rights, $1 million for tribal expansion grants, $750,000 for grants of socially disadvantaged farmers and ranchers, and $1.5 million for Hispanic-serving institutes.

The amount is important because it provides funding to help civil rights, and I state again, civil rights programs, and other significant funding to help minorities in the field of agriculture. The U.S. Department of Agriculture has institutional problems that must be resolved, and this is the way to resolve the problems that we have. The problems within the USDA are so severe, the civil rights complaints have cost the Federal Government nearly $1 million in settlements and awards. Supporting the civil rights process and properly funding minority initiatives are necessary to permanently end a history of discrimination. I state a history of discrimination. We must rebuild the trust in minority communities, and the USDA can do that.

Mr. Chairman, I yield to the gentleman from Texas (Mr. RODRIGUEZ).

□ 1215

Mr. RODRIGUEZ. Mr. Chairman, let me take this opportunity, first of all, to congratulate the gentleman from California (Mr. BACA), the gentleman from Mississippi (Mr. THOMPSON) and the gentleman from Michigan (Mr. KILDEE) on this particular amendment.

Mr. Speaker, I would like to thank my colleagues for this effort, because there is no doubt that, despite the amendment before us by the gentleman from Texas (Mr. BONILLA), we still need to make sure that those resources go to those communities, minority communities, throughout this country, to make sure that discrimination does not exist.

Although we have made great strides to end discrimination in this country, it still persists in our produce organizations and the United States Department of Agriculture. The USDA has a history of discrimination in these programs, and the USDA has not provided enough funding for minority initiatives that would level the playing field for minority products.

So even if we do what we have been assigned based on the amendment that was passed offered by the gentleman from Texas (Mr. BONILLA), we have got to make sure that those resources reach those populations that are in need; that despite the fact when we did have that staff there and now we are trying to increase the staff, that still did not take place.

Civil rights complaints from minority farmers have cost the USDA nearly $1 billion in the form of settlements and awards and have the potential to increase many times that amount. The Baca-Thomas-Kildee amendment is a modest and needed step in reducing these costs and eliminating discrimination against minorities.

With all the progress that our country has made, it is my hope that the Congress continues to move in the right direction and support funding for programs and farmers and ranchers throughout this country, including black farmers and Hispanic farmers.

Mr. Chairman, I urge my colleagues to support this amendment in order to do the right thing in this country.

Mr. BACA. Mr. Chairman, reclaiming my time, this is just a modest step in the right direction to deal with civil rights. As we look at the support that we have right now, we have support from the national Congress of American Indians that represents 250 tribal governments; we have the support of the National Hispanic Legislation Agenda; we have the support of the

Hispanic Association of Colleges and Universities and Rural Coalitions that represent somewhere around 350 colleges and universities.

This is an important step in making sure that we deal with civil rights and provide the funding for many individuals that have been discriminated against in the past. Our population continues to grow. As I stated earlier, we have 16 percent of the total population being Hispanic right now, representing 42 million right now in the United States, including Puerto Rico. We need to make sure that adequate funding is there to provide civil rights and protection for individuals and minorities or others who have filed a complaint, to make sure farmers and others have an opportunity to progress and harvest their farms in a timely manner. Without the civil rights complaint, it becomes very difficult for individuals to be heard and their voices. We need to make sure those voices are heard on an equal plane.

This funding will provide an opportunity for many individuals to demonstrate their concerns when they have a complaint, and we need to make sure that adequate funds are there through civil rights, through the Department of Agriculture, through the USDA, to make sure that the complaints are heard.

Mr. Chairman, I hope my colleague from Texas will support this legislation, because I know he believes in civil rights, and civil rights is important for all of us to look at funding.

The CHAIRMAN. The Clerk designated Amendment No. 9. The gentleman actually offered an unnumbered amendment, which the Clerk will now report.

The Clerk read as follows:

Amendment offered by Mr. BACA:

In title I, under the heading "OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS", insert after the dollar amount the following: "(increased by $250,000)".

In title I, under the headings "COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE—RESEARCH AND EDUCATION ACTIVITIES", insert after the first dollar amount, and after the dollar amount relating to Hispanic-serving Institutions, the following: "(increased by $1,500,000)".

In title I, under the headings "COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE—EXTENSION ACTIVITIES", insert after the first dollar amount, and after the dollar amount relating to Indian reservation agents, the following: "(increased by $1,000,000)".

In title I, under the headings "COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE—OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS", insert after the dollar amount the following: "(increased by $750,000)".

In title III, under the heading "RURAL DEVELOPMENT—SALARIES AND EXPENSES", insert after the dollar amount the following: "(reduced by $3,500,000)".

POINT OF ORDER

Mr. BONILLA. Mr. Chairman, speaking on my point of order, the amendment offered by the gentleman from California proposes to amend portions of the bill not yet read. The amendment may not be considered en bloc under clause 2(f) of rule XXI because the amendment proposes to increase the level of outlays in the bill.

I ask for a ruling from the Chair.

The CHAIRMAN. Does the gentleman from California (Mr. BACA) wish to be heard on the point of order?

Mr. BACA. Mr. Chairman, I believe that we did offer the motion when it was asked for during the proper period of time, so we are in compliance with the rules of the House.

The CHAIRMAN. The Chair is prepared to rule.

To be considered en bloc pursuant to clause 2(f) of rule XXI, an amendment must not propose to increase levels of budget authority or outlays in the bill. Because the amendment offered by the gentleman from California proposes a net increase in the level of outlays in the bill, as argued by the chairman of the subcommittee on appropriations, it may not avail itself of clause 2(f) to address portions of the bill not yet read.

Consequently, the amendment is not in order.

If there are no further amendments, the Clerk will read.

The Clerk read as follows:

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $19,452,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary salaries and expenses of the Office of the Assistant Secretary for Administration, $669,000.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92–313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 486, for programs and activities of the Department which are included in this Act, and for alterations and other actions needed for the Department and its agencies to consolidate unneeded space into configurations suitable for release to the Administrator of General Services, and for the operation, maintenance, improvement, and repair of Agriculture buildings and facilities, and for related costs, $165,883,000, to remain available until expended: *Provided*, That not to exceed 5 percent of amounts which are made available for space rental and related costs for the Department of Agriculture in this Act may be transferred between such appropriations to cover the costs of new or replacement space 15 days after notice thereof is transmitted to the Appropriations Committees of both Houses of Congress.

AMENDMENT OFFERED BY MS. KAPTUR

Ms. KAPTUR. Mr. Chairman, I offer an amendment.

Mr. BONILLA. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman reserves a point of order.

The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Ms. KAPTUR:

In title I, under the heading "AGRICULTURE BUILDING AND FACILITIES AND RENTAL PAYMENTS—(INCLUDING TRANSFERS OF FUNDS)", insert after the dollar amount the following: "(reduced by $8,000,000)".

In title III, under the heading "RENEWABLE ENERGY PROGRAM", insert after the dollar amount the following: "(increased by $8,000,000)".

Ms. KAPTUR (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

The CHAIRMAN. The gentleman from Texas (Mr. BONILLA) has reserved a point of order. The gentleman may now state his point of order.

POINT OF ORDER

Mr. BONILLA. Mr. Chairman, I raise a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. BONILLA. Mr. Chairman, the amendment offered by the gentlewoman from Oregon proposes to amend portions of the bill not yet read. The amendment may not be considered en bloc under clause 2(f) of rule XXI because the amendment proposes to increase the level of outlays in the bill.

I ask for a ruling from the Chair.

The CHAIRMAN. Does the gentleman from Texas address the amendment offered by the gentlewoman from Ohio in his point of order?

Mr. BONILLA. It is the amendment offered by the gentlewoman from Ohio. I correct myself.

The CHAIRMAN. Does the gentlewoman wish to be heard on the point of order?

Ms. KAPTUR. Yes, Mr. Chairman.

Mr. Chairman, I do not quite understand the point of order. Our amendment essentially is to bring to a level of $23 million the accounts dealing with biofuels, renewable energy in the bill, which equals this year's level of $23 million. We offset that with funds from the Agriculture buildings and facilities and rental payments account. My amendment does not touch any part of what the gentleman just read.

So, I am from Ohio, and I am offering this amendment. This is not an amendment from Oregon.

The CHAIRMAN. Does the gentleman from Texas wish to be heard further?

Mr. BONILLA. Mr. Chairman, I withdraw my point of order.

The CHAIRMAN. The gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Chairman, the purpose of this amendment is to move America into the future. In the new farm bill, title IX provides for the first time in American history an energy title. In the past fiscal year, we provided $23 million in that account to help move America forward, rooted deeply in the rural countryside. The bill before us today actually cuts that account. This amendment merely restores $8 million to bring it up to equal what we are spending in this current fiscal year of $23 million in the renewable fuels account, title IX of the bill.

Members have to decide, are they for the future, or do they want to continue to live in the past?

The funds that we use to make this account equal to what it is this year come from the Agriculture buildings and facilities and rental payments account. There is an $8 million offset within the bill.

I think it is important for members on every committee, regardless of where we serve in this House, to help move America forward to energy independence. How we convert this country is each of our responsibilities. The United States currently imports two-thirds of the petroleum we consume. By 2025 it is estimated that we will consume 75 percent of imported fuels in this country. We are at the dawn of a new fuels age.

This chart that I am showing you here indicates that the largest share of the fuels we import are from the Middle East. It is no surprise to anybody here where we are at war right now. This is not going to change unless each of us changes. In the most recent farm bill that was passed, we made an effort to do that.

To cut the renewable fuels accounts at the beginning of this 21st century makes absolutely no sense at all. All our amendment does is say we made a good start last year. It was a small start, because only about 1 percent of the fuels we consume in this country are renewable fuels, like ethanol and biodiesel. Our amendment says we have made one small step forward for humankind; let us take another small step with this bill.

According to GAO, the United States has spent over $130 billion over the last three decades in government subsidies to the oil industry. What we are talking about here is a very small amount of money in this bill, $23 million with this amendment, that would help the U.S. Department of Agriculture help America pull forward and to try to resolve our chief strategic vulnerability, which is our absolutely total dependence on imported petroleum.

Recent studies cited by the Renewable Fuels Association found, for example, that increasing ethanol production to just 5 billion gallons annually would create 214,000 jobs, $5.3 billion in new private sector investment in renewable fuel production facilities and increase household income by $51.7 billion, because we would not be draining off the dollars we spend on fuels to go to producers in other countries.

While the energy bill would establish a renewable fuel standard that would lead us to a doubling of ethanol usage, we still need to support the development of infrastructure and ethanol and biodiesel plant construction and distribution systems. We are at the dawn of a new fuels age. It is just a little keyhole as we look toward the future. Yet this is one of the most important steps we can take in trying to help America when she needs us most.

So every single Member here has to ask themselves as they consider our small amendment, just to put $23 million in this account to keep it equal with last year, are we going to live in the past, or are we going to move forward? Are we going to ask agricultural America to pull forward with the Nation? Or are we going to continue to live with our heads and our pockets literally in the sands of the Middle East and every other undemocratic place in the world?

American farmers want to move forward. Is this Congress going to help them, or are we going to continue to live in the troubled past?

I ask for support on this amendment. Essentially again what it does, it takes $8 million from the buildings accounts, moves it into title IX, to keep it at $23 million, which is what we are spending in this current fiscal year.

Mr. LATHAM. Mr. Chairman, I rise in support of the amendment. I think it is a good offset.

□ 1230

It is absolutely critical that we fund renewable energy as much as possible. I am very pleased that we will be able to do this, increase that account. Ethanol is so important as far as our dependency on foreign oil. We have tremendous opportunities in the Midwest, in Iowa, throughout the country to lessen our dependency on foreign oil with such things as soy diesel, biomass, wind, energy, all of those things that are renewable sources of energy and are going to be so important for our future for energy independence in this country.

It is an economic issue. Through rural America, we have an opportunity in rural America to do what we do best, and that is take solar energy through photosynthesis, be able to convert that into corn, soybeans, whatever kind of crops, and then convert that into renewable sources of energy.

We need the dollars for research, it is absolutely critical, and I rise in strong support of this amendment.

Ms. HERSETH. Mr. Chairman, I move to strike the requisite number of words.

I am pleased to support this amendment with the gentlewoman from Ohio (Ms. KAPTUR), as well as my colleague from Iowa and others of this body, which will restore $8 million in funding to the Department of Agriculture's Renewable Energy and Energy Efficiency program. The Renewable Energy and Energy Efficiency program was created under the 2002 farm bill and has had great success.

The program provides that grant funds can be used to pay up to 25 percent of the costs for eligible renewable energy projects. These projects include those that derive energy from wind, solar, biomass, or geothermal thermal sources, or hydrogen derived from these sources. Awards are made on a competitive basis for the purchase of renewable energy systems and to make energy improvements.

Last year, USDA ordered a total of 113 grants to program applicants in 24 States. These grants totaled $21.2 million nationwide, including more than $62,000 for renewable energy projects in the State of South Dakota. These grants supported a broad array of renewable energy projects, including ethanol plants, wind power projects, solar projects, anaerobic digesters, direct combustion programs, and fuel pellet systems.

Our amendment would bring funding to the full $23 million level authorized under the 2002 farm bill, the same level as enacted in fiscal year 2004. This program is a win-win for farmers, ranchers, and consumers; and I feel it is important not to cut its funding levels.

This amendment is supported by a broad array of agricultural commodity and energy groups from across my State, and I urge my colleagues to increase funding for this important program.

Mr. WU. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to recognize the strong leadership of the ranking member, the gentlewoman from Ohio (Ms. KAPTUR), and the new and strong leadership of our newest member, the gentlewoman from South Dakota (Ms. HERSETH), in bringing this important amendment before the U.S. House of Representatives.

This amendment would not only assist us in achieving energy independence sooner than we otherwise would, but let us look at some of the specifics in this amendment which I think are very, very important, not just to the United States of America as a whole, but also to our particular region of the country, the Pacific Northwest, which is particularly reliant on renewable sources of energy such as hydropower, wind power, and other renewable energy sources which have less impact on the environment than does our current reliance on oil and coal.

Last year, in the past, this is what this effort has achieved: it assisted 35 wind power projects. It supported $7 million to support 30 anaerobic digesters; $1 million to support six solar projects; almost $4 million to support 16 ethanol plants and anaerobic digester plants; and also supported direct combustion and fuel pellet systems. These are important projects locally, nationally, and affect the geopolitics of the world.

The section 9006 program leverages a tremendous amount of private sector investment, since the program provides a maximum of 25 percent funding. This 3-to-1 leverage ratio is a good buy for the American taxpayer. This fosters rural economic development and generates clean and efficient energy.

The amendment is supported by the Alternative Fuels Renewable Energies Council, the American Bioenergy Association, the American Corn Growers Association, the American Council for an Energy Efficient Economy, the American Wind Energy Association, the Chesapeake Climate Action Network, the Energy Law and Policy Center, the Geothermal Energy Association, the National Association of State Energy Officials, the National Farmers Union, the Renewable Energy Action Project, the Solar Energy Industries Association, and the Soybean Producers of America, all strong supporters of this important amendment. The Spokane County, and that, Mr. Chairman, is in my corner of the country, the Spokane County Conservation District, the Union of Concerned Scientists, and the Western Organization of Resource Councils, all of these organizations support this amendment offered by the gentlewoman from South Dakota (Ms. HERSETH) and the gentlewoman from Ohio (Ms. KAPTUR), the ranking member, because it makes sense. It leads to clean energy; it leads to energy independence. This is what the best of agricultural policy should do for America and the world.

Mr. Chairman, I yield to the gentlewoman from Ohio (Ms. KAPTUR), the ranking member, if she has any further comments.

Ms. KAPTUR. Mr. Chairman, I want to thank the gentleman from Oregon (Mr. WU) so very much for his excellent, excellent summary of what this program has done. I want to thank him also for mentioning all of the organizations that support our efforts here.

I want people to have this one photo in their mind. If we look at total Trichart showing petroleum consumption in the United States, the growing share of imports that are a part of that is apparent. This is just a staggering set of statistics to keep in mind as we witness our nation become more and more and more dependent on imported petroleum. Here, this chart presents the one picture to keep in our minds.

The other one is this: we are at the dawn of the new fuels age. Less than 1 percent, less than 1 percent of what we currently produce in this country do we make ourselves from agriculturally based fuels. The potential literally is unlimited. This bill takes us another small step to open this window to begin to fuel ourselves and put those dollars in our pockets.

So I thank the gentleman for yielding to me. I ask the membership for their support on this Kaptur-Herseth amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Ohio (Ms. KAPTUR).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. HOOLEY OF OREGON

Ms. HOOLEY of Oregon. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. HOOLEY of Oregon:

Page 5, line 15, insert after the dollar amount "(decreased by $10,000,000)".

Page 18, line 9, insert after the first dollar amount "(increased by $5,000,000)".

Mr. BONILLA. Mr. Chairman, I ask unanimous consent that debate on this amendment and any amendments thereto be limited to 10 minutes to be equally divided and controlled by the proponent and myself, the opponent.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. TOM DAVIS of Virginia. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Ms. HOOLEY of Oregon. Mr. Chairman, my amendment would increase funding for the Animal and Plant Health Inspection Service by $5 million for the purpose of combating sudden oak death.

Sudden oak death is a relatively new disease, first discovered in California in 1995. Since that time it has spread to nurseries throughout the west coast and actually has also been discovered in New York. Caused by a fungus-like organism that invades susceptible trees through the bark, killing portions of the tree, sudden oak death is dangerous to both the nursery and Christmas tree industries, and to our wild forests.

I want to commend the committee for including some additional funding in this bill for research of sudden oak death. Because of the newness and lack of knowledge we have about this disease, additional research is essential, and I am strongly supportive of these efforts.

In addition to research, however, we must include additional funding to investigate and eradicate sudden oak death, and the bill we have in front of us today falls short of that necessary funding. Last year, APHIS allocated $15 million toward efforts to fight sudden oak death and is launching a national investigation to determine where sudden oak death is located and how it is spreading. Additional funding is necessary to complete the job.

In Oregon, the nursery industry is the number one sector of agriculture, totaling over $700 million produced annually. The Oregon Department of Agriculture has acted aggressively in an attempt to identify and eradicate this disease.

Sudden oak death, however, is a national problem, not one unique just to Oregon and, as a result, demands a national solution.

The nursery industry nationally is a $14 billion industry. Failure to stop the spread of this disease could have devastating effects on the American economy. Canada currently has a quarantine on California nurseries and is considering placing one on Oregon and Washington. In addition, Korea and Mexico are considering a quarantine that would affect the export of Christmas trees. Even within the United States, States are beginning to place quarantines on other States because of sudden oak death.

Sudden oak death has real economic consequences, and we must take additional steps to fight it. This amendment is merely a step in the longer battle against this disease. This amendment is fully offset, reducing funding from the USDA Buildings and Facilities Account. Even with this reduction, they will receive at least as much money as they did last year. This amendment will help stop sudden oak death and will save American agriculture millions of dollars. I urge my colleagues to support the Hooley-Wu amendment.

Mr. BONILLA. Mr. Chairman, I ask unanimous consent that debate on this amendment and any amendments thereto be limited to 10 minutes, to be equally divided and controlled by the proponent and myself, the opponent.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. WEINER. Mr. Chairman, reserving the right to object, has this been cleared with our leadership here, Mr. Chairman?

Mr. BONILLA. I would suggest to the gentleman that he consult with the ranking member.

PARLIAMENTARY INQUIRY

Ms. KAPTUR. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentlewoman will state it.

Ms. KAPTUR. Mr. Chairman, we did not hear the gentleman's request.

Mr. BONILLA. The unanimous consent request was that debate on this amendment and any amendments thereto be limited to 10 minutes, to be equally divided and controlled by the proponent and myself, the opponent.

Ms. KAPTUR. Mr. Chairman, is that just on this amendment?

Mr. BONILLA. And any amendments thereto.

Ms. KAPTUR. Just amendments to this amendment?

Mr. BONILLA. And any second degree amendments.

Ms. KAPTUR. We would agree to that.

Mr. WEINER. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. WU. Mr. Chairman, reserving the right to object, are we agreeing to time limitations on all subsequent amendments? Are we agreeing to a 10-minute limit on this amendment only?

Mr. BONILLA. Mr. Chairman, will the gentleman yield?

Mr. WU. I yield to the gentleman from Texas.

Mr. BONILLA. The unanimous consent request simply applies to this amendment.

Mr. WU. Mr. Chairman, is there any intention of the chairman or of anyone that the chairman knows of to offer a secondary amendment?

Mr. BONILLA. No.

The CHAIRMAN. The gentleman's unanimous consent request is that time be limited to 10 minutes equally divided by each side on this amendment and any amendment to this amendment.

Is there objection to the request of the gentleman from Texas?

Mr. WU. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. BLUMENAUER. Mr. Chairman, reserving the right to object, I would like to understand, there are a number of us who would like to speak to this. I would like to know on the time allocation, if we were to approve the gentleman's request, when the time allocation would begin and how much time would be available to speak to the amendment.

□ 1245

The CHAIRMAN. The unanimous consent would go from this minute forward. It is a unanimous consent request that there be 10 minutes from this point forward on this amendment and any amendment thereto.

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. BLUMENAUER. Further reserving the right to object, I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, would it be acceptable if we were to move to 15 minutes equally divided?

Mr. BLUMENAUER. We have three people who have been waiting here, patiently watching. I know some people are cranky, and I am going to object unless there is at least 10 minutes that is allocated for the three of us. We are willing to work with you to cut it down, but that is my objection.

Mr. BONILLA. Mr. Chairman, I would be happy to revise the unanimous consent request to say 15 minutes from this point on.

The CHAIRMAN. The unanimous consent request is that this amendment be limited to 15 minutes equally divided.

Mr. BLUMENAUER. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. The gentleman withdraws his objection. Is there further objection?

Mr. WU. Mr. Chairman, reserving the right to object.

Ms. KAPTUR. Mr. Chairman, we just want to get clarification. We have several speakers on this side, and if we were to be allotted 15 minutes on this side, not divided with the other side, that would allow for all of our people to speak.

The CHAIRMAN. The gentleman from Oregon controls the time under his reservation.

Mr. BONILLA. Mr. Chairman, I withdraw my unanimous consent request.

The CHAIRMAN. The unanimous consent request is withdrawn.

Mr. BONILLA. Mr. Chairman, before I state my objection to the amendment, I would advise Members that if amendments are being brought by the minority Members, that they consult with the ranking member and with the leadership, and once agreements are made about unanimous consents in the future, so that there does not have to be confusion on the floor in response to the unanimous consent. So the request would simply be made in good faith for a little more team work and organization so that we do not have delays like we just experienced that wind up defeating what we are trying to do.

But back to the subject at hand. I am rising in opposition to this amendment that is currently under consideration. We are aware of the sudden oak death causing severe problems, and I share the concern of the authors of this amendment.

In May, USDA transferred $15.5 million in emergency funds to the Animal and Plant Health Inspection Service to help halt the spread of sudden oak death to noninfested areas of the United States. The APHIS contingency fund, which is an appropriated account, provided an additional $2.5 million for sudden oak death this year. The bill before us contains almost $2 million for sudden oak death eradication in fiscal year 2005, the same amount as provided in fiscal year 2004.

The emergency authorities that allowed for the additional funding of $18 million in 2004 are also in effect for 2005. Some of that $18 million will be carried over into 2005. So I really think that we are prepared, if the problem is extensive, for anything that may occur in the future, and we can certainly adjust and work with the authorizers and with authors of this amendment to adjust that if necessary.

And, again, I am opposed to the amendment and want to state that clearly.

Mr. WU. Mr. Chairman, I move to strike the last word.

There is an emerging threat to the nursery stock and Christmas tree industries, and I want to recognize my colleague, the gentlewoman from Oregon (Ms. HOOLEY), and the gentleman from Oregon (Mr. BLUMENAUER), and I am pleased of the work with the gentlewoman from Oregon (Ms. HOOLEY) in offering this amendment.

Phytophthora ramorum is the causal agent of sudden oak death. This pathogen causes disease on a wide, wide range of plant species, including many crops important to the nursery industry such as rhododendron and camellia and potentially affects Oregon's Christmas tree industry also.

Together, nursery crops and Christmas trees are crucial not only to jobs in Oregon but they also constitute over $1 billion in Oregon exports. Oregon, by the way, is the Nation's largest grower of Christmas trees.

Sudden oak death has already resulted in one county-wide quarantine on nursery products in a county which I represent, Columbia County, Oregon. This disease is threatening Oregon's nursery industry and its Christmas tree growers.

To respond to this threat, Oregon has begun an aggressive joint State and Federal inspection program that will gather and test plants from almost 1,400 nurseries and Christmas tree growers. Each nursery will submit a minimum of 40 plant tissue samples for laboratory analysis.

The ability of the Animal and Plant Health Inspection Service, known as APHIS, to process these samples in a timely manner is absolutely essential to the Oregon agricultural economy, and I want to ensure that APHIS has the necessary resources to do so.

This bill contains $1.98 million for emerging plant pests. Some of that money will be applied to sudden oak death eradication. I am pleased that this bill does provide some funding for sudden oak death eradication. However, I do not believe that $1.98 million will provide APHIS with enough resources to deal with the serious threat facing the State of Oregon and the Nation as a whole.

In 2004 alone, USDA had to allocate over $17 million in emergency and contingency funds for sudden oak death eradication. We are facing the same threat in fiscal year 2005, and we should not, should not as a matter of sound policy, rely solely on emergency funds to meet our needs.

Mr. Chairman, the Hooley-Wu amendment transfers $5 million to APHIS from the Agriculture buildings and facilities account for the purpose of sudden oak death eradication. These additional funds will ensure that important collaborative efforts between the States and APHIS continue in a timely manner and in an effective way.

I would like to thank my colleagues, the gentlewoman from Oregon (Ms. HOOLEY), the gentleman from Texas (Mr. BONILLA), the gentlewoman from Ohio (Ms. KAPTUR), the Committee on Appropriations Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related

Agencies, staff members and all affiliated staff for their assistance with this issue.

I believe that, by working together, we can minimize the economic impact of sudden oak death in Oregon and around the United States.

Mr. BLUMENAUER. Mr. Chairman, I move to strike the requisite number of words.

I will not take the full 5 minutes, in the spirit of trying to move this forward, but I am concerned about the sense of urgency of the problem dealing with sudden oak death. I appreciate my colleagues, the gentlewoman from Oregon (Ms. HOOLEY) and the gentleman from Oregon (Mr. WU), highlighting the problem as it relates to our State.

The nursery industry is an important part of our agricultural base. Just 1 percent of Oregon farm land devoted to the nursery industry produces 20 percent of total crop value.

This is not just an Oregon problem. We are involved with massive amounts of transfer of plant material around the country, and if we are not able to move quickly to deal with sudden oak death, we risk not just crippling the nursery business in Oregon but it is going to have consequences for people throughout the country as this disease makes its way through the system.

I hope that we would in fact approve this amendment. It is a modest amount of money to make a difference to a $14 billion national industry and prevent much more serious steps that will need to be taken in the future.

So, with due respect to the chair of the subcommittee, I would hope that my colleagues would approve the amendment to exercise the foresight to avoid a problem in our State, in our region, in the West to avoid becoming truly a national disaster.

Ms. WOOLSEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in support of the Wu-Hooley amendment. These two individuals from Oregon are doing a big service for not only their State but my State and many States around the country, because it is absolutely important that we control the spread of sudden oak death and that we learn to treat plants effectively that are being affected by this disease.

While sudden oak death's funding through APHIS is set at last year's levels in this bill, this fast-spreading disease has not remained at last year's levels.

In the last year alone, sudden oak death was found for the first time in a nursery in southern California, and there is evidence that it has spread to the Northeast and also the Southeast part of the United States, and that ignores the fact that we have already invested $5 million to find out what is the cause and how do we treat it.

Nurseries in California are struggling with quarantines that have been put in place against them and their nursery products in Canada and also in our own country in Kentucky, and quarantines of nurseries in Washington State and Oregon State are also under scrutiny.

I have been advocating on behalf of funding to fight this disease since it first appeared in my district in Marin County in 1995. Sudden oak death continues in spite of my efforts and in spite of the $5 million that the Federal Government has invested in finding out the cause and what we can be doing about it. Sudden oak death continues to slowly but surely spread, and more and more communities around the country have come to understand that this disease is devastating, and it absolutely must be addressed.

And I remind you that sudden oak death's funding to date has not made a dent in the problem. In fact, the problem spreads.

Mr. Chairman, I ask that my colleagues join me in supporting this amendment before sudden oak affects the entire country. Please do not wait until this disease spreads to your own community before your beautiful trees, beautiful oak trees in Marin County or rhododendron plants around the country, before these trees and these plants turn brown, before they die, before they have to be taken away, before you recognize that this is a real problem and we must put the proper funding behind it. Vote yes on the Hooley-Wu amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Oregon (Ms. HOOLEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. HOOLEY of Oregon. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Oregon (Ms. HOOLEY) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT OFFERED BY MR. WEINER

Mr. WEINER. Mr. Chairman, I offer an amendment.

Mr. BONILLA. Mr. Chairman, as the amendment is being brought forward, I would like to reserve a point of order. We have not seen this amendment yet.

The CHAIRMAN. The point of order is reserved.

The Clerk read as follows:

Amendment offered by Mr. WEINER:

Page 5, line 15, insert "(decreased by $19,667,000)" after the dollar amount.

Page 18, line 9, insert "(increased by $19,667,000)" after the 1st dollar amount.

□ 1300

Mr. WEINER. Mr. Chairman, I wanted to thank the chairman and ranking member of the subcommittee for their work on this bill.

In this bill we are investing in the neighborhood of about $47 million to wipe out the boll weevil. It poses a threat to an important U.S. commodity. It poses a threat to a way of life to many people. In fact, at the same time we are dramatically reducing the funds necessary to wipe out the Asian long horn beetle, my friend here. The Asian long horn beetle has devastated trees in New York, Illinois and New Jersey and is showing a path that could spread to over half the trees in the United States.

There is a way that we can stop this. An eradication program was begun by APHIS' 3 years ago funded by this Congress that has finally started to crest the expansion of this pest. Unfortunately, in the chairman's mark we underfund by a magnitude of about $20 million what APHIS says will be necessary to eradicate the threat.

The problem that we face here in this House is we run the risk of wasting a rather substantial investment of money that we have paid in the last 2 fiscal years to wipe out this insect. What this bug has done since 1996 has devastated trees throughout New York, and I know the old story about the tree growing in Brooklyn. In fact, there are thousands and thousands of trees that have been impacted already and without a steady investment of funds will continue to.

What we propose to do here is not to take the optimum amount of funding. According to the State of New York, it would take about $72 million a year for the next 5 years in order to wipe out this pest, but take the minimum amount that APHIS says they require, which is $30 million over the next several years, to eradicate this threat so it does not move any further.

Right now, Ground Zero for this problem is in the New York-New Jersey area; but we have seen it spring up in the center of the country in Illinois. We have also seen how difficult it is to get a handle on it. To be very honest with you, the only way they have found to get rid of this pest once it is in a tree is to chop down the tree and scrap it and to shred that tree to bits. We cannot risk over 47 percent of the trees in this country which, according to the Department of Agriculture, are susceptible to this threat. Now is the time to cut it off at the tentacles or whatever it has. Now is the time for us to continue our battle against this.

The last thing we should be doing, Mr. Chairman, is allowing the good work of the committee in the past which has invested money to wipe this out and then say, essentially, we will stop on a dime and revert to a place where we will try to hold this in check until we have more money. We have started on this path. The only responsible thing to do is to continue on this program which will require about $30 million a year.

My amendment provides an additional $19.6 million which would prevent this pest from spreading any further.

Mr. Chairman, I would like to respond to the point of order.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Texas (Mr. BONILLA) still insist on his point of order?

Mr. BONILLA. I do, Mr. Chairman.

Mr. Chairman, the amendment offered by the gentleman from New York (Mr. WEINER) proposes to amend portions of the bill not yet read. The amendment may not be considered en bloc under clause 2(f) of rule XXI because the amendment proposes to increase the level of outlays in the bill.

I ask for a ruling from the Chair.

The CHAIRMAN. Does the gentleman from New York (Mr. WEINER) wish to be heard on the point of order?

Mr. WEINER. Yes, Mr. Chairman.

Mr. Chairman, am I right that there are two parts to the point of order? One, that we have not yet reached page 5 which my amendment strikes; and the second part is that it increases outlays; is that correct?

The CHAIRMAN. The Chair is prepared to rule on the point of order offered by the gentleman from Texas (Mr. BONILLA).

Mr. WEINER. Mr. Chairman, I would like to be heard on the point of order.

The CHAIRMAN. The gentleman is recognized.

Mr. WEINER. Mr. Chairman, I am asking is the point of order, does it make two separate points? One being we have not reached the page and the other being that it does outlays? Just so I understand what I am responding to.

The CHAIRMAN. The point of order is that the amendment reaches ahead to a portion of the bill not yet read, and that a possible defense of that point of order is not available unless the amendment is both budget authority and outlay neutral.

Mr. WEINER. Mr. Chairman, if I could be heard on the point of order. We are at the chapter of the bill. We are at page 5. We are at the relevant paragraph of the bill. That is a matter of fact. And as far as the outlays, this has previously been scored for another amendment, and I am making a 6 percent reduction, and we are waiting for word from CBO, which hopefully will be coming momentarily which will clarify the other point.

The CHAIRMAN. Does the gentleman wish to be heard further on his point of order?

Mr. WEINER. I think I have just about maximized my statement.

The CHAIRMAN. The Chair is prepared to rule.

Does the gentlewoman from Ohio (Ms. KAPTUR) wish to be heard on the point of order?

Ms. KAPTUR. I wish to be heard on the point of order.

I wonder if the majority could share the CBO scoring with us. We do not have a report back, or at least it has not been referred to us in general.

Mr. BONILLA. Mr. Chairman, we are prepared to hear the ruling on the point of order.

The CHAIRMAN. The Chair is prepared to rule on the point of order.

Ms. KAPTUR. Do I take it there is no CBO scoring that the majority is able to provide us with?

The CHAIRMAN. The Chair will rule on this point of order.

Mr. WEINER. May I be heard on the point of order?

If the ruling of the Chair is that we have not yet reached that point, will I be free to offer it again when the time is more propitious?

Ms. KAPTUR. Mr. Chairman, I did not get an answer to my question. Mr. Chairman, I asked the majority whether they have the information on the CBO scoring. The minority does not have that report. If this is going to be a factor in the judgment of the Chair, we would appreciate the information.

The CHAIRMAN. The Chair is attempting to answer the gentleman from New York's (Mr. WEINER) question.

The first instruction is in order at this time in the reading. The second instruction touches a portion of the bill not yet read.

Mr. WEINER. Mr. Chairman, so if you are required under the rule to have an offset, then obviously they are going to be at two different sections of the bill. How can you possibly offer them two places at once?

The CHAIRMAN. In order to avail itself of clause 2(f) of rule XXI, the offset must be budget authority neutral and outlay neutral, and the proponent of the amendment has the burden of proof that it is outlay neutral.

Mr. WEINER. If I can further be heard, so the point in the bill we are at is not in issue? It is only whether it is budget and outlay neutral?

The CHAIRMAN. That is correct. The Chair is prepared to rule.

Mr. WEINER. Does the gentlewoman from Ohio (Ms. KAPTUR) want to be heard on this?

Ms. KAPTUR. Yes, Mr. Chairman. I was trying to get a clarification from the Chair. If the majority has objections based on CBO numbers, where are those numbers? They have not been provided to the minority. So we do not understand the nature of the objection.

The CHAIRMAN. The Chair is prepared to rule. The Chair would like to cite page 822 of the House Rules and Manual. It says as follows: "The burden is on the proponent of an amendment to show that the amendment does not increase levels of budget authority or outlays within the meaning of clause 2(f)."

To be considered en bloc pursuant to clause 2(f) of rule XXI, an amendment must not propose to increase the levels of budget authority or outlays in the bill. Because the amendment offered by the gentleman from New York (Mr. WEINER) proposes a net increase in the levels of outlays in the bill as argued by the chairman of the subcommittee on appropriations, it may not avail itself of clause 2(f) to address portions of the bill not yet read.

The point of order is sustained, and the amendment is not in order.

Mr. KUCINICH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would ask the gentleman from Texas (Mr. BONILLA) to enter into a colloquy.

On January 7, 2004, the National Academies of Sciences released a report, "Biological Confinement of Genetically Engineered Organisms." The study focused on biological methods for confining transgenic crop plants, grasses, trees, fish, shell fish, and insects. The study provides an evaluation of current scientific understanding of various methods, advantages of each method, reasons why methods fail, possibilities for minimization and mitigation of those failures, feasibility of large scale screening for failures, and ecological consequences of wide-spread use of these biological confinement methods.

On February 23, 2004, the Union of Concerned Scientists released a pilot study, "Gone to Seed: Transgenic Contaminants in the Traditional Seed Supply," which found genetically injured DNA is contaminating traditional seeds of three major U.S. crops: corn, soy beans, and canola. Seed contamination if left unchecked could disrupt agricultural trade, unfairly burden the organic industry, and allow hazardous materials into the food supply. These results show that confinement of existing transgenic crops has failed and make the National Academies of Sciences report critical.

In response, 15 Members of Congress, including me, sent a letter to the Secretary of Agriculture, Ann Veneman, on April 2, 2004, seeking a response by the USDA to the UCS pilot study. The letter raised several concerns, including the potential elimination of traditional, nongenetically engineered seeds, the threat to organic farming, and the potential contamination of food by pharmaceutical and industrial crops.

On June 23, 2004, the Under Secretary of Research, Education and Economics, Joseph Jen, in a letter agreed with the conclusion of the UCS report that contamination has occurred and even went further to say that it was not unexpected. Moreover, he further stated that "testing larger sample sizes in other crops would likely yield much the same results: transgene DNA occurs in seed lots of 'nontransgenic' varieties at a frequency within accepted commercial tolerances." Essentially, the USDA admits that contamination is occurring.

In light of the USDA agreement that contamination is ongoing, I would like to work with the chairman and ranking member to take action necessary to minimize the contamination of non-genetically engineered seeds, protect organic farm production, and prevent contamination of the food supply by pharmaceutical and industrial crops.

Mr. BONILLA. Mr. Chairman, will the gentleman yield?

Mr. KUCINICH. I yield to the gentleman from Texas.

Mr. BONILLA. Mr. Chairman, I would state that I appreciate the gentleman's statement and would work with him to both support the development of the biotech industry and protect the environment and food supply.

Mr. KUCINICH. I thank the gentleman very much.

AMENDMENT OFFERED BY MR. WEINER

Mr. WEINER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WEINER:

Page 5, line 15, insert "(decreased by $19,667,000)" after the dollar amount.

Page 18, line 9, insert "(increased by $18,000,000)" after the 1st dollar amount.

Mr. BONILLA. Mr. Chairman, I reserve a point of order on this amendment. We have not seen this amendment.

The CHAIRMAN. A point of order is reserved.

The gentleman from New York (Mr. WEINER) is recognized for 5 minutes.

Mr. WEINER. Mr. Chairman, in the interest of time, I have already made my remarks; I want to try to facilitate as quickly as possible the amendment.

The justification is the same. The number has been changed to reflect what the CBO said would be necessary to take into account the change in the rate of outlays to accommodate the Budget Authority change that we are trying to make.

□ 1315

If the chairman would like for me to yield to him on my time, I would, in the interest of time, if he has any questions about the amendment. If not, in that case, let me just summarize again.

The number that we chose to increase by would provide what APHIS says is the necessary full funding to eradicate this pest, which is something that has ravaged New York City, ravaged Queens and Brooklyn, also has been spotted most troubling in Illinois and in New Jersey. We would be dramatically walking away from our commitment to wiping out this pest if we were to reduce to the chairman's mark.

We have to decide what we want to do. Do we want to take this cause that we have decided is necessary to be eradicated, we funded tens of millions of the dollars to eradicate it by a date certain? If we were to adopt the number in the chairman's mark, we would essentially be saying a lot of that money would be wasted because we would allow that pest to further infect trees not only in New York and New Jersey and Connecticut but apparently all throughout the Midwest.

I ask for a favorable consideration.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Texas (Mr. BONILLA) insist on his point of order?

Mr. BONILLA. Mr. Chairman, I do have a point of order.

Mr. Chairman, the amendment offered by the gentleman from New York proposes to amend portions of the bill not yet read. The amendment may not be considered en bloc under clause 2(f) of rule XXI because the amendment proposes to increase the level of outlays in the bill.

I ask for a ruling from the Chair.

The CHAIRMAN. Does the gentleman from New York wish to be heard on the point of order?

Mr. WEINER. Mr. Chairman, I have a fax here from the CBO scoring section that confirms that my amendment's outlays do not exceed the budget authority. As to the point of order, I still am not clear on. We are at page 5 where my amendment chooses to decrease funding.

The CHAIRMAN. The Chair will examine the CBO estimate.

Mr. BONILLA. Mr. Chairman, I withdraw my point of order.

The CHAIRMAN. Does anyone else wish to be heard on this amendment?

Ms. KAPTUR. Mr. Chairman, I rise in support of the amendment.

I rise in support of the gentleman from New York's (Mr. WEINER) amendment regarding these APHIS accounts. He is particularly focused on the Asian long-horned beetle which is devastating there in New York City and Chicago. We have many other invasive species. The chart I am holding here gives some representation of the exponential increase in this particular account which combats these destructive invasive species. We call it APHIS. That stands for Animal Plant Health Inspection Service.

If we look at the beginning of the 1990s to the present, the number of invasive species coming into this country is phenomenal, largely due to uninspected and nonfumigated material, much of it live, that ends up causing billions of dollars worth of biological damage across this country. Our forest systems are threatened. City trees are threatened. Our nursery industry is threatened. The maple sugar industry is threatened. If we look in every corner of this country, we have got an invasive species problem.

What we have been doing, and I support the gentleman's amendment, is to try to assist the States to remediate even when there are no known biological predators for the given problem.

This is a multibillion dollar problem we are trying to take care of with old technology in the sense that we are only taking taxpayer money to try to solve this problem, rather than place the burden on those commercial importers and others through our trade agreements who are causing the problem in the first place. We cannot let all the trees in New York City be wasted nor Emerald Ash borer in Ohio and Michigan that are killing all of our ash trees.

We have a serious national problem. It is absorbing more and more of the money inside of our agriculture bill.

I think the gentleman's amendment is very worthy. It is really a trade-off between a few windows in an account in buildings and facilities versus live material throughout in the country and major, major ecosystems that are threatened with absolute extinction.

So there is no question we have to support the gentleman's amendment. But, long term, we have asked the U.S. Department of Agriculture time and again concerning these trade agreements to find us answers that deal with environmental remediation, that places the burden on those who are responsible for the damage in the first place. Every single year when they appear before our committee, they have no answer.

This Secretary went to Qatar. I said to her, Madam Secretary, deal with these environmental problems that are causing devastation across our country. It never came out in any kind of a trade discussion that occurred by this administration.

So, at the least, we have to support this gentleman's amendment. But let us recognize the magnitude of this problem that is being placed on the taxpayers of every single one of our States and especially burdensome to, for example, the citizens of Florida, the citizens of Ohio and Michigan, the citizens of New York and Illinois. We can go across this country. But until we get environmental standards built into these trade agreements, we are going to continue to gouge the taxpayers of this country.

It is the wrong solution. But it is the only one we have. So I want to support the gentleman's amendment. It is just too bad that the only place we have to go is the taxpayers rather than finding solution as we do in any other tort case that you would have before the courts of this country i.e., those enterprises that caused the problems in the first place should assume the burden of remediation I think the Asian long-horned beetle came from China.

Mrs. MALONEY. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentlewoman from New York.

Mrs. MALONEY. Mr. Chairman, I also would like to underscore the importance of this amendment. The beetle has struck two parks in the district that I represent. Once they infest the trees, they have to all be chopped down. They have been found three blocks from Central Park in New York, and we are trying mightily to keep it out of Central Park and from moving to the upstate forested area of New York State and moving to other States.

We have to stop the beetle and spend as much money as it takes. Because once they infest a tree, the only alternative is to chop the tree down and all the trees in the surrounding area. It is a tremendous crisis of the environment in our neighborhood, and I strongly support the ranking member's statements and the gentleman's amendment.

Ms. KAPTUR. Mr. Chairman, I thank the gentlewoman for her comments and would call for a vote on the amendment.

Mr. BONILLA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to make it clear that I oppose this amendment. This is a very important issue that the gentleman from New York raises. We have increased the funding in APHIS to address situations like this around the country. This was at the request of the gentleman from New York and also the other gentleman from New York (Mr. HINCHEY), who sits on the subcommittee.

We realize that there may be an additional need for more money down the road, and if that need does arise, it could come from the CCC fund under emergency designation. So this is not like we are ignoring this issue. We simply feel like we, for the time being, have put sufficient funds into this account and would address it later if needed.

So, again, I rise in opposition to this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. WEINER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. WEINER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York (Mr. WEINER) will be postponed.

Are there any further amendments to this paragraph?

If not, the Clerk will read.

The Clerk read as follows:

HAZARDOUS MATERIALS MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.) and the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), $15,730,000, to remain available until expended: *Provided*, That appropriations and funds available herein to the Department for Hazardous Materials Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

For Departmental Administration, $22,939,000, to provide for necessary expenses for management support services to offices of the Department and for general administration, security, repairs, and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department: *Provided*, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551–558.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

(INCLUDING TRANSFERS OF FUNDS)

For necessary salaries and expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded by this Act, including programs involving intergovernmental affairs and liaison within the executive branch, $3,852,000: *Provided*, That these funds may be transferred to agencies of the Department of Agriculture funded by this Act to maintain personnel at the agency level: *Provided further*, That no funds made available by this appropriation may be obligated after 30 days from the date of enactment of this Act, unless the Secretary has notified the Committees on Appropriations of both Houses of Congress on the allocation of these funds by USDA agency: *Provided further*, That no other funds appropriated to the Department by this Act shall be available to the Department for support of activities of congressional relations.

OFFICE OF COMMUNICATIONS

For necessary expenses to carry out services relating to the coordination of programs involving public affairs, for the dissemination of agricultural information, and the coordination of information, work, and programs authorized by Congress in the Department, $9,378,000: *Provided*, That not to exceed $2,000,000 may be used for farmers' bulletins.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General, including employment pursuant to the Inspector General Act of 1978, $78,392,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, and including not to exceed $125,000 for certain confidential operational expenses, including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95–452 and section 1337 of Public Law 97–98.

AMENDMENT NO. 13 OFFERED BY MR. BLUMENAUER

Mr. BLUMENAUER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. BLUMENAUER:

Page 8, line 6, after the first dollar amount insert the following: "(reduced by $1,200,000) (increased by $1,200,000)".

Mr. BONILLA. Mr. Chairman, I ask unanimous consent that debate on this amendment and any amendments thereto be limited to 20 minutes to be equally divided and controlled by the proponent and myself, the opponent.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The gentleman from Oregon (Mr. BLUMENAUER) is recognized for 10 minutes.

Mr. BLUMENAUER. Mr. Chairman, I yield myself such time as I may consume.

I am happy to expedite this issue. I rise to offer this amendment in collaboration with my colleague, the gentleman from Colorado (Mr. TANCREDO), to provide an additional $1.2 million to improve the enforcement of Federal animal fighting laws. This is a perennial problem that the Federal Government has a critical role to solve.

Last year, the House passed an amendment to increase funding by $800,000, and I am appreciative for the approval by the body of that legislation and appreciate the growing support to combat these dangerous activities that threaten the health and well-being of both humans and animals and threaten the prosperity of our agricultural industry.

We have had earlier this year over 130 representatives and 47 members of the other body requesting this $1.2 million increase for animal fighting enforcement in letters to the Committee on Appropriations, Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies. This broad bipartisan support reflects our constituents' concern for meaningful enforcement of the Federal animal law, but, despite this broad bipartisan support, there are no additional funds designated within the account specifically for this task.

This amendment would provide $1.2 million for the Office of Inspector General, the chief law enforcement arm of the USDA, to focus on animal fighting cases, working closely with State and local enforcement personnel to complement their efforts.

This funding does not take money away from any other programs. It simply removes funds from the Office of Inspector General, places them back into the same account to designate the $1.2 million for enforcement of animal fighting laws.

Now, while the Inspector General did receive an increase in funding this year, it was to compensate for salary and cost increases and was not specifically providing funding for the enforcement of animal fighting.

Even though dog fighting is banned in 50 States and cockfighting is banned in 48, the Federal Government, as I mentioned earlier, must be involved because participants in animal fights often come together from several States at a time and animals are routinely moved across State lines.

Make no mistake, this is not some innocent pastime. Dogfighting and cockfighting are barbaric activities in which animals are given drugs to make them hyperaggressive, drugs to clot their blood more quickly so they can keep fighting longer. They are forced by their handlers to keep fighting even after they have suffered grievous injuries such as pierced lungs and gouged eyes. Dogfights and cockfights do not only involve deplorable animal abuse but they are inevitably, without question, involved with illegal gambling, often drug traffic and violence to people.

It is well-documented that animal fighters often bring their children to these spectacles, sending a terrible message to them about animal cruelty and violence and subjecting them to the aforementioned illegal activities.

Some dogfighters even steal pets to use as bait for training their dogs. Some abandon the fighting animals, leaving them to roam neighborhoods and wreak havoc. Any dog bred and trained to fight poses a public safety risk, and there have been numerous tragic examples, many involving children.

Animal fighting also poses a severe threat to the stability of our Nation's agricultural economy. This is something we brought to the floor in the past and I feel has not been given the attention that it needs.

Secretary of Agriculture Veneman indicated in a letter from January that cockfighting has been implicated in the introduction and spread of exotic Newcastle Disease in California in years 2002 and 2003 which cost United States taxpayers nearly $200 million to eradicate and cost the United States poultry industry many millions more in lost export markets.

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"We believe," the Secretary says, "that tougher penalties and prosecution will help deter illegal movement of birds as well as the inhumane practice of cockfighting itself."

It has also been implicated in the deaths of at least two children in Asia this year who were exposed through cockfighting activities to bird flu. This is why the National Chicken Council, which represents 95 percent of U.S. poultry producers and processors, has stated that they are "concerned that the nationwide traffic in game birds creates a continuing hazard for the dissemination of animal diseases."

Surely, Mr. Chairman, spending this $1.2 million to crack down on illegal animal fighting is a wise investment to prevent the spread of costly future diseases. Animal fighting is no longer simply an animal welfare issue, although it certainly is that. It is an epidemic that costs taxpayers millions of dollars. It threatens our food supply and destroys the hard work of American farmers, promoting illegal gambling and drug activities and putting the public at risk.

I strongly urge my colleagues to vote in support of this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. BONILLA. Mr. Chairman, I yield myself such time as I may consume, and I rise in opposition to the amendment.

Mr. Chairman, I am opposed to the amendment for several reasons. First, the additional $400,000, a 50 percent increase above the fiscal year 2004 level, would go to the Inspector General for dog fighting and cockfighting enforcement and result in offsetting cuts in critical OIG activities such as BSE investigations and fighting food stamp fraud. Does the gentleman really wish to cut these programs? These are very important functions.

Second, the Department has told us that animal fighting enforcement is difficult to implement because it is just a misdemeanor offense under the Federal Animal Welfare Act. Adding more money to the budget will not solve this problem. There is, however, proposed legislation in both the House and the Senate to make animal fighting a felony offense. If that legislation is enacted, then it may be appropriate to consider additional funds in the future. OIG is strongly opposed to this amendment.

Third, we cannot justify a 50 percent increase in this program when we have cut overall discretionary spending on ag programs by $67 million from last year's levels. This bill already is very supportive of programs to ensure the humane care and treatment of animals. The bill already includes, for example, $800,000 for animal fighting enforcement in the Office of Inspector General's budget. Further, we provided $315,000 for animal welfare and a $225,000 increase for regulatory enforcement in the APHIS program and have fully funded $5 million for enforcement of the Humane Methods of Slaughter Act and the Food Safety and Inspection Service.

If the sponsors of this amendment were serious about this, programs like the ones I just mentioned are the ones that should be cut to pay for this amendment; but then that would force them to prioritize, like we all have to do. We have put a lot of work into this bill, and we feel like we have addressed all the issues being addressed here today. I would strongly support continuing along that road and rejecting this amendment.

I oppose this amendment and want to make that very clear.

Mr. Chairman, I reserve the balance of my time.

Mr. BLUMENAUER. Mr. Chairman, may I inquire as to the remainder of my time.

The CHAIRMAN. The gentleman from Oregon has 4 minutes remaining.

Mr. BLUMENAUER. Mr. Chairman, I yield 3 minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Chairman, I thank the gentleman very much for yielding me this time, and I rise in strong support of the Blumenauer-Tancredo amendment.

Mr. Chairman, I recognize that the limited additional funds being proposed here for the Inspector General to focus on animal fighting certainly reflects what is happening in our country. Last year, we supported the amendments to provide $800,000 for the Inspector General to focus on animal fighting cases. This is a modest expansion to that.

One of the items I wanted to point out is that when the Inspector General gets funds and they are able to work on a problem, if there is criminal wrongdoing there is a financial recovery to the government of the United States. An absolute relationship between the funds we give to the Inspector General and the ability for general accounts, Treasury accounts, to have increased criminal payments because of the litigation that is done through the Inspector General's office.

So even though there is a little more money being provided in the amendment, believe me, it will be recovered and returned to the Treasury because of the fantastic job that the Inspector General does. In fact, we will probably end up with more money in the general treasury as a result of this amendment.

With all that is going on with animal diseases, I think it is fair to say the Department should be more vigilant with respect to animal welfare issues. And I want to commend the gentleman from Oregon (Mr. BLUMENAUER) and the gentleman from Colorado (Mr. TANCREDO) for bringing this forward. It is a shame that funds are not requested within the administration's request; but they, like us, are trying to deal with unrealistically small allocations that our committee has been given.

We will certainly support this amendment and hope to increase the Inspector General's accounts even more as we move toward conference. So the gentleman has my support and I commend him very much.

Mr. BONILLA. Mr. Chairman, I reserve the balance of my time.

Mr. BLUMENAUER. Mr. Chairman, the remaining time is?

The CHAIRMAN. Two minutes.

Mr. BLUMENAUER. Mr. Chairman, I yield myself the balance of my time, and let me conclude by saying that I appreciate the expressions of interest and concern on the part of my friend, the distinguished Chair of the subcommittee. The point is, after having worked on this issue now for over 3 years in this Congress, I find that this is extraordinarily elusive. And the reason it is elusive, and the reason that animal fighting continues in this country to be a problem, is because Congress does not step forward to stop it.

The gentleman mentioned the problem, that it is a misdemeanor. So people do not want to deal with enforcement. That was a tactical decision that was made by the people who apologize for this interest. There are, make no mistake about it, lobbyists here for illegal game-fighting birds, for example, who ply their trade here behind closed doors in Congress, and who have successfully fought to keep the criminal provisions as low as they can so that they can use the excuse, when the issue comes forward, well, we really cannot enforce it because the penalty provisions are not strong enough.

It is time for us to say enough to illegal animal fighting for dogs and game birds. My distinguished friend from Ohio points out that there are opportunities to recover money if we were aggressive about it and to stop using the excuse that because we, Congress, refuse to increase the penalties, well, then, we are not going to mess with it. I would strongly suggest that we stop hiding behind this smoke screen and stop serving as an apologist for a despicable industry.

I look forward to working with my friend to increase the penalties. But in the meantime, approve this amendment and send a signal that we want what we have to be enforced.

Mr. TANCREDO. Mr. Chairman, I rise in support of the Blumenauer-Tancredo amendment. I am proud, once again, to join forces with my colleague from Oregon on this important issue. This amendment would provide $1,200,000 to the Office of Inspector General, the chief law enforcement arm of USDA, to focus on animal fighting cases, working closely with state and local law enforcement personnel to complement their efforts.

Last year we were successful in offering an amendment that secured $800,000 for the Office of Inspector General to combat animal fighting. This year, we are taking the funds that are already going to the Office of Inspector General and ensuring that $1.2 million goes into enforcing the law.

This is a small investment to avoid further very costly disease outbreaks spread by illegal cockfighters. According to a letter that Agriculture Secretary Ann Veneman sent on May 24th to the Appropriations Committee, "fighting birds have been implicated in the introduction and spread of exotic Newcastle disease in California in 2002–2003, which cost U.S. taxpayers nearly $200 million to eradicate, and cost to the U.S. poultry industry many millions more in lost export markets." Secretary Veneman also notes that illegal cockfighting poses risks of spreading other diseases such as avian influenza, which has the potential to directly harm people.

It's not a lot of money. It will help send a signal to those engaged in illegal dogfighting and cockfighting activities across state lines that there is some threat of federal prosecution. Given the USDA's history of non-enforcement in this area, we think it's important for Congress to take the opportunity to send a signal that we want their continued attention on this.

With your help last year, we were able to help the United States Department of Agriculture enforce the law. This year, we continue to ask you to help us give the USDA the tools they need to accomplish this goal.

Mr. BONILLA. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. BLUMENAUER).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to this paragraph?

If not, the Clerk will read.

The Clerk read as follows:

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $35,486,000.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION, AND ECONOMICS

For necessary salaries and expenses of the Office of the Under Secretary for Research, Education, and Economics to administer the laws enacted by the Congress for the Economic Research Service, the National Agricultural Statistics Service, the Agricultural Research Service, and the Cooperative State Research, Education, and Extension Service, $592,000.

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service in conducting economic research and analysis, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627) and other laws, $76,575,000.

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service in conducting statistical reporting and service work, including crop and livestock estimates, statistical coordination and improvements, marketing surveys, and the Census of Agriculture, as authorized by 7 U.S.C. 1621–1627 and 2204g, and other laws, $128,661,000, of which up to $22,520,000 shall be available until expended for the Census of Agriculture.

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to enable the Agricultural Research Service to perform agricultural research and demonstration relating to production, utilization, marketing, and distribution (not otherwise provided for); home economics or nutrition and consumer use including the acquisition, preservation, and dissemination of agricultural information; and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100, and for land exchanges where the lands exchanged shall be of equal value or shall be equalized by a payment of money to the grantor which shall not exceed 25 percent of the total value of the land or interests transferred out of Federal ownership, $1,057,029,000: *Provided*, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: *Provided further*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed $375,000, except for headhouses or greenhouses which shall each be limited to $1,200,000, and except for 10 buildings to be constructed or improved at a cost not to exceed $750,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or $375,000, whichever is greater: *Provided further*, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: *Provided further*, That appropriations hereunder shall be available for granting easements at the Beltsville Agricultural Research Center: *Provided further*, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): *Provided further*, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law: *Provided further*, That all rights and title of the United States in the 1.0664-acre parcel of land including improvements, as recorded at Book 1320, Page 253, records of Larimer County, State of Colorado, shall be conveyed to the Board of Governors of the Colorado State University for the benefit of Colorado State University.

None of the funds appropriated under this heading shall be available to carry out research related to the production, processing, or marketing of tobacco or tobacco products.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, $202,000,000, to remain available until expended.

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, $628,607,000, as follows: to carry out the provisions of the Hatch Act of 1887 (7 U.S.C. 361a–i), $180,648,000; for grants for cooperative forestry research (16 U.S.C. 582a through a–7), $22,384,000; for payments to the 1890 land-grant colleges, including Tuskegee University and West Virginia State College (7 U.S.C. 3222), $37,000,000, of which $1,507,496 shall be made available only for the purpose of ensuring that each institution shall receive no less than $1,000,000; for special grants for agricultural research (7 U.S.C. 450i(c)), $88,194,000; for special grants for agricultural research on improved pest control (7 U.S.C. 450i(c)), $15,756,000; for competitive research grants (7 U.S.C. 450i(b)), $180,000,000; for the support of animal health and disease programs (7 U.S.C. 3195), $5,098,000; for supplemental and alternative crops and products (7 U.S.C. 3319d), $1,196,000; for grants for research pursuant to the Critical Agricultural Materials Act (7 U.S.C. 178 et seq.), $1,111,000, to remain available until expended; for the 1994 research grants program for 1994 institutions pursuant to section 536 of Public Law 103–382 (7 U.S.C. 301 note), $1,087,000, to remain available until expended; for rangeland research grants (7 U.S.C. 3333), $1,000,000; for higher education graduate fellowship grants (7 U.S.C. 3152(b)(6)), $4,500,000, to remain available until expended (7 U.S.C. 2209b); for higher education challenge grants (7 U.S.C. 3152(b)(1)), $5,500,000; for a higher education multicultural scholars program (7 U.S.C. 3152(b)(5)), $998,000, to remain available until expended (7 U.S.C. 2209b); for an education grants program for Hispanic-serving Institutions (7 U.S.C. 3241), $5,645,000; for noncompetitive grants for the purpose of carrying out all provisions of 7 U.S.C. 3242 (section 759 of Public Law 106–78) to individual eligible institutions or consortia of eligible institutions in Alaska and in Hawaii, with funds awarded equally to each of the States of Alaska and Hawaii, $2,997,000; for a secondary agriculture education program and 2-year post-secondary education (7 U.S.C. 3152(j)), $1,000,000; for aquaculture grants (7 U.S.C. 3322), $4,000,000; for sustainable agriculture research and education (7 U.S.C. 5811), $12,722,000; for a program of capacity building grants (7 U.S.C. 3152(b)(4)) to colleges eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321–326 and 328), including Tuskegee University and West Virginia State College, $12,411,000, to remain available until expended (7 U.S.C. 2209b); for payments to the 1994 Institutions pursuant to section 534(a)(1) of Public Law 103–382, $2,250,000; for resident instruction grants for insular areas under section 1491 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3363), $500,000; and for necessary expenses of Research and Education Activities, $42,610,000.

None of the funds appropriated under this heading shall be available to carry out research related to the production, processing, or marketing of tobacco or tobacco products: *Provided*, That this paragraph shall not apply to research on the medical, biotechnological, food, and industrial uses of tobacco.

Native American Institutions Endowment Fund

For the Native American Institutions Endowment Fund authorized by Public Law 103–382 (7 U.S.C. 301 note), $12,000,000.

Extension Activities

For payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, Northern Marianas, and American Samoa, $440,349,000, as follows: payments for cooperative extension work under the Smith-Lever Act, to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c) of Public Law 93–471, for retirement and employees' compensation costs for extension agents, $277,242,000; payments for extension work at the 1994 Institutions under the Smith-Lever Act (7 U.S.C. 343(b)(3)), $3,273,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, $58,909,000; payments for the pest management program under section 3(d) of the Act, $10,759,000; payments for the farm safety program under section 3(d) of the Act, $4,600,000; payments to upgrade research, extension, and teaching facilities at the 1890 land-grant colleges, including Tuskegee University and West Virginia State College, as authorized by section 1447 of Public Law 95–113 (7 U.S.C. 3222b), $16,912,000, to remain available until expended; payments for youth-at-risk programs under section 3(d) of the Smith-Lever Act, $8,481,000; for youth farm safety education and certification extension grants, to be awarded competitively under section 3(d) of the Act, $499,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 et seq.), $4,093,000; payments for Indian reservation agents under section 3(d) of the Smith-Lever Act, $1,996,000; payments for sustainable agriculture programs under section 3(d) of the Act, $4,000,000; payments for cooperative extension work by the colleges receiving the benefits of the second Morrill Act (7 U.S.C. 321–326 and 328) and Tuskegee University and West Virginia State College, $33,133,000, of which $1,724,884 shall be made available only for the purpose of ensuring that each institution shall receive no less than $1,000,000; and for necessary expenses of Extension Activities, $16,452,000.

Integrated Activities

For the integrated research, education, and extension grants programs, including necessary administrative expenses, $66,255,000, as follows: for competitive grants programs authorized under section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626), $43,242,000, including $12,971,000 for the water quality program, $14,967,000 for the food safety program, $4,531,000 for the regional pest management centers program, $4,889,000 for the Food Quality Protection Act risk mitigation program for major food crop systems, $1,497,000 for the crops affected by Food Quality Protection Act implementation, $2,498,000 for the methyl bromide transition program, and $1,889,000 for the organic transition program; for a competitive international science and education grants program authorized under section 1459A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3292b), to remain available until expended, $1,000,000; for grants programs authorized under section 2(c)(1)(B) of Public Law 89–106, as amended, $2,500,000, to remain available until September 30, 2006 for the critical issues program, and $1,513,000 for the regional rural development centers program; and $18,000,000 for the homeland security program authorized under section 1484 of the National Agricultural Research, Extension, and Teaching Act of 1977, to remain available until September 30, 2006.

Outreach for Socially Disadvantaged Farmers

For grants and contracts pursuant to section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279), $5,935,000, to remain available until expended.

Office of the Under Secretary for Marketing and Regulatory Programs

For necessary salaries and expenses of the Office of the Under Secretary for Marketing and Regulatory Programs to administer programs under the laws enacted by the Congress for the Animal and Plant Health Inspection Service; the Agricultural Marketing Service; and the Grain Inspection, Packers and Stockyards Administration; $721,000.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

Salaries and Expenses

(INCLUDING TRANSFERS OF FUNDS)

For expenses, not otherwise provided for, necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; and to protect the environment, as authorized by law, $808,823,000, of which $4,119,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions; of which $47,000,000 shall be used for the boll weevil eradication program for cost share purposes or for debt retirement for active eradication zones: *Provided*, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: *Provided further*, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: *Provided further*, That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as may be deemed necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with sections 10411 and 10417 of the Animal Health Protection Act (7 U.S.C. 8310 and 8316) and sections 431 and 442 of the Plant Protection Act (7 U.S.C. 7751 and 7772), and any unexpended balances of funds transferred for such emergency purposes in the preceding fiscal year shall be merged with such transferred amounts: *Provided further*, That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

In fiscal year 2005, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be credited to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

Buildings and Facilities

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, $4,996,000, to remain available until expended.

AGRICULTURAL MARKETING SERVICE

Marketing Services

For necessary expenses to carry out services related to consumer protection, agricultural marketing and distribution, transportation, and regulatory programs, as authorized by law, and for administration and coordination of payments to States, $75,892,000, including funds for the wholesale market development program for the design and development of wholesale and farmer market facilities for the major metropolitan areas of the country: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $64,459,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: *Provided*, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

Funds for Strengthening Markets, Income, and Supply (Section 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than $15,800,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937 and the Agricultural Act of 1961.

Payments to States and Possessions

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), $1,347,000.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

Salaries and Expenses

For necessary expenses to carry out the provisions of the United States Grain Standards Act, for the administration of the Packers and Stockyards Act, for certifying procedures used to protect purchasers of farm products, and the standardization activities related to grain under the Agricultural Marketing Act of 1946, $37,540,000: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Limitation on Inspection and Weighing Services Expenses

Not to exceed $42,463,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: *Provided*, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

Office of the Under Secretary for Food Safety

For necessary salaries and expenses of the Office of the Under Secretary for Food Safety to administer the laws enacted by the Congress for the Food Safety and Inspection Service, $595,000.

FOOD SAFETY AND INSPECTION SERVICE

Salaries and Expenses

For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, including not to exceed $50,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $824,746,000, of which no less than $746,010,000 shall be available for Federal food safety inspection; and in addition, $1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1327 of the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. 138f): *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Office of the Under Secretary for Farm and Foreign Agricultural Services

For necessary salaries and expenses of the Office of the Under Secretary for Farm and Foreign Agricultural Services to administer the laws enacted by Congress for the Farm Service Agency, the Foreign Agricultural Service, the Risk Management Agency, and the Commodity Credit Corporation, $631,000.

FARM SERVICE AGENCY

Salaries and Expenses

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs administered by the Farm Service Agency, $1,007,597,000: *Provided*, That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: *Provided further*, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account.

State Mediation Grants

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987, as amended (7 U.S.C. 5101–5106), $4,000,000.

Dairy Indemnity Program

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers and manufacturers of dairy products under a dairy indemnity program, $100,000, to remain available until expended: *Provided*, That such program is carried out by the Secretary in the same manner as the dairy indemnity program described in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387, 114 Stat. 1549A–12).

Agricultural Credit Insurance Fund Program Account

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed farm ownership (7 U.S.C. 1922 et seq.) and operating (7 U.S.C. 1941 et seq.) loans, Indian tribe land acquisition loans (25 U.S.C. 488), and boll weevil loans (7 U.S.C. 1989), to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, $1,600,000,000, of which $1,400,000,000 shall be for guaranteed loans and $200,000,000 shall be for direct loans; operating loans, $2,116,253,000, of which $1,200,000,000 shall be for unsubsidized guaranteed loans, $266,253,000 shall be for subsidized guaranteed loans and $650,000,000 shall be for direct loans; Indian tribe land acquisition loans, $2,000,000; and for boll weevil eradication program loans, $100,000,000: *Provided*, That the Secretary shall deem the pink bollworm to be a boll weevil for the purpose of boll weevil eradication program loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership loans, $18,120,000, of which $7,420,000 shall be for guaranteed loans, and $10,700,000 shall be for direct loans; operating loans, $139,783,000, of which $38,760,000 shall be for unsubsidized guaranteed loans, $35,438,000 shall be for subsidized guaranteed loans, and $65,585,000 shall be for direct loans; and Indian tribe land acquisition loans, $105,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $297,445,000, of which $289,445,000 shall be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

Funds appropriated by this Act to the Agricultural Credit Insurance Program Account for farm ownership and operating direct loans and guaranteed loans may be transferred among these programs: *Provided*, That the Committees on Appropriations of both Houses of Congress are notified at least 15 days in advance of any transfer.

RISK MANAGEMENT AGENCY

Administrative and Operating Expenses

For administrative and operating expenses, as authorized by section 226A of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6933), $72,044,000: *Provided*, That not to exceed $1,000 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

Corporations

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

Federal Crop Insurance Corporation Fund

For payments as authorized by section 516 of the Federal Crop Insurance Act (7 U.S.C. 1516), such sums as may be necessary, to remain available until expended.

Commodity Credit Corporation Fund

REIMBURSEMENT FOR NET REALIZED LOSSES

For the current fiscal year, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a–11): *Provided*, That of the funds available to the Commodity Credit Corporation under section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C 714i) for the conduct of its business with the Foreign Agriculture Service, up to $5,000,000 may be transferred to and used by the Foreign Agricultural Service for information resource management activities of the Foreign Agricultural Service that are related, either directly or indirectly, to Commodity Credit Corporation business.

HAZARDOUS WASTE MANAGEMENT

(LIMITATION ON EXPENSES)

For the current fiscal year, the Commodity Credit Corporation shall not expend more than $5,000,000 for site investigation and cleanup expenses, and operations and maintenance expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9607(g)), and section 6001 of the Resource Conservation and Recovery Act (42 U.S.C. 6961).

TITLE II

CONSERVATION PROGRAMS

Office of the Under Secretary for Natural Resources and Environment

For necessary salaries and expenses of the Office of the Under Secretary for Natural Resources and Environment to administer the laws enacted by the Congress for the Forest Service and the Natural Resources Conservation Service, $731,000.

NATURAL RESOURCES CONSERVATION SERVICE

Conservation Operations

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed $100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, $813,673,000, of which not less than $9,250,000 is for snow survey and water forecasting, and not less than $11,722,000 is for operation and establishment of the plant materials centers, and of which not less than $23,500,000 shall be for the grazing lands conservation initiative: *Provided*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed $250,000: *Provided further*, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a: *Provided further*, That this appropriation shall be available for technical assistance and related expenses to carry out programs authorized by section 202(c) of title II of the Colorado River Basin Salinity Control Act of 1974 (43 U.S.C. 1592(c)): *Provided further*, That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the Service: *Provided further*, That none of the funds made available under this paragraph by this or any other appropriations Act may be used to provide technical assistance with respect to programs listed in section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)).

Watershed Surveys and Planning

For necessary expenses to conduct research, investigation, and surveys of watersheds of rivers and other waterways, and for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001–1009), $11,083,000: *Provided*, That none of the funds made available under this paragraph by this or any other appropriations Act may be used to provide technical assistance with respect to programs listed in section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)).

Watershed and Flood Prevention Operations

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001–1005 and 1007–1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), and in accordance with the provisions of laws relating to the activities of the Department, $86,487,000, to remain available until expended; of which up to $10,000,000 may be available for the watersheds authorized under the Flood Control Act (33 U.S.C. 701 and 16 U.S.C. 1006a): *Provided*, That not to exceed $40,000,000 of this appropriation shall be available for technical assistance: *Provided further*, That not to exceed $1,000,000 of this appropriation is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93–205), including cooperative efforts as contemplated by that Act to relocate endangered or threatened species to other suitable habitats as may be necessary to expedite project construction: *Provided further*, That none of the funds made available under this paragraph by this or any other appropriations Act may be used to provide technical assistance with respect to programs listed in section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)).

Watershed Rehabilitation Program

For necessary expenses to carry out rehabilitation of structural measures, in accordance with section 14 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012), and in accordance with the provisions of laws relating to the activities of the Department, $30,091,000, to remain available until expended: *Provided*, That none of the funds made available under this paragraph by this or any other appropriations Act may be used to provide technical assistance with respect to programs listed in section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)).

Resource Conservation and Development

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of sections 31 and 32 of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010–1011; 76 Stat. 607); the Act of April 27, 1935 (16 U.S.C. 590a–f); and subtitle H of title XV of the Agriculture and Food Act of 1981 (16 U.S.C. 3451–3461), $51,641,000, to remain available until expended: *Provided*, That none of the funds made available under this paragraph by this or any other appropriations Act may be used to provide technical assistance with respect to programs listed in section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)): *Provided further*, That the Secretary shall enter into a cooperative or contribution agreement with a national association regarding a Resource Conservation and Development program and such agreement shall contain the same matching, contribution requirements, and funding level, set forth in a similar cooperative or contribution agreement with a national association in fiscal year 2002: *Provided further*, That not to exceed $3,504,300 shall be available for national headquarters activities.

TITLE III

RURAL DEVELOPMENT PROGRAMS

Office of the Under Secretary for Rural Development

For necessary salaries and expenses of the Office of the Under Secretary for Rural Development to administer programs under the laws enacted by the Congress for the Rural Housing Service, the Rural Business-Cooperative Service, and the Rural Utilities Service of the Department of Agriculture, $632,000.

Rural Community Advancement Program

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants, as authorized by 7 U.S.C. 1926, 1926a, 1926c, 1926d, and 1932, except for sections 381E–H and 381N of the Consolidated Farm and Rural Development Act, $667,408,000, to remain available until expended, of which $39,539,000 shall be for rural community programs described in section 381E(d)(1) of such Act; of which $552,689,000 shall be for the rural utilities programs described in sections 381E(d)(2), 306C(a)(2), and 306D of such Act, of which not to exceed $500,000 shall be available for the rural utilities program described in section 306(a)(2)(B) of such Act, and of which not to exceed $1,000,000 shall be available for the rural utilities program described in section 306E of such Act; and of which $75,180,000 shall be for the rural business and cooperative development programs described in sections 381E(d)(3) and 310B(f) of such Act: *Provided*, That of the total amount appropriated in this account, $24,000,000 shall be for loans and grants to benefit Federally Recognized Native American Tribes, including grants for drinking water and waste disposal systems pursuant to section 306C of such Act, of which $4,000,000 shall be available for community facilities grants to tribal colleges, as authorized by section 306(a)(19) of the Consolidated Farm and Rural Development Act, and of which $250,000 shall be available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development: *Provided further*, That of the amount appropriated for rural community programs, $6,200,000 shall be available for a Rural Community Development Initiative: *Provided further*, That such funds shall be used solely to develop the capacity and ability of private, nonprofit community-based housing and community development organizations, low-income rural communities, and Federally Recognized Native American Tribes to undertake projects to improve housing, community facilities, community and economic development projects in rural areas: *Provided further*, That of the amount appropriated for the Rural Community Development Initiative, not less than $200,000 shall be in the form of predevelopment planning grants, not to exceed $50,000 each, with the balance for low-interest revolving loans to be used for capital and other related expenses, and made available to nonprofit based community development organizations: *Provided further*, That such organizations should demonstrate experience in the administration of revolving loan programs and providing technical assistance to cooperatives: *Provided further*, That such funds shall be made available to qualified private, nonprofit and public intermediary organizations proposing to carry out a program of financial and technical assistance: *Provided further*, That such intermediary organizations shall provide matching funds from other sources, including Federal funds for related activities, in an amount not less than funds provided: *Provided further*, That of the amount appropriated for the rural business and cooperative development programs, not to exceed $500,000 shall be made available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development; $2,000,000 shall be for grants to the Delta Regional Authority (7 U.S.C. 1921 et seq.): *Provided further*, That of the amount appropriated for rural utilities programs, not to exceed $25,000,000 shall be for water and waste disposal systems to benefit the Colonias along the United States/Mexico border, including grants pursuant to section 306C of such Act; not to exceed $17,500,000 shall be for technical assistance grants for rural water and waste systems pursuant to section 306(a)(14) of such Act, of which $5,513,000 shall be for Rural Community Assistance Programs; and not to exceed $14,000,000 shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: *Provided further*, That of the total amount appropriated, not to exceed $22,166,000 shall be available through June 30, 2005, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones; of which $1,081,000 shall be for the rural community programs described in section 381E(d)(1) of such Act, of which $12,582,000 shall be for the rural utilities programs described in section 381E(d)(2) of such Act, and of which $8,503,000 shall be for the rural business and cooperative development programs described in section 381E(d)(3) of such Act: *Provided further*, That any prior year balances for high cost energy grants authorized by section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 901(19)) shall be transferred to and merged with the "Rural Utilities Service, High Energy Costs Grants Account".

RURAL DEVELOPMENT

Salaries and Expenses

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs in the Rural Development mission area, including activities with institutions concerning the development and operation of agricultural cooperatives; and for cooperative agreements; $143,625,000: *Provided*, That notwithstanding any other provision of law, funds appropriated under this section may be used for advertising and promotional activities that support the Rural Development mission area: *Provided further*, That not more than $10,000 may be expended to provide modest nonmonetary awards to non-USDA employees: *Provided further*, That any balances available from prior years for the Rural Utilities Service, Rural Housing Service, and the Rural Business-Cooperative Service salaries and expenses accounts shall be transferred to and merged with this appropriation.

Rural Housing Service

Rural Housing Insurance Fund Program Account

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, as follows: $4,409,297,000 for loans to section 502 borrowers, as determined by the Secretary, of which $1,100,000,000 shall be for direct loans, and of which $3,309,297,000 shall be for unsubsidized guaranteed loans; $35,000,000 for section 504 housing repair loans; $116,063,000 for section 515 rental housing; $100,000,000 for section 538 guaranteed multi-family housing loans; $5,045,000 for section 524 site loans; $11,501,000 for credit sales of acquired property, of which up to $1,501,000 may be for multi-family credit sales; and $10,000,000 for section 523 self-help housing land development loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, $160,988,000, of which $127,380,000 shall be for direct loans, and of which $33,608,000, to remain available until expended, shall be for unsubsidized guaranteed loans; section 504 housing repair loans, $10,171,000; repair and rehabilitation of section 515 rental housing, $54,654,000; section 538 multi-family housing guaranteed loans, $3,490,000; multi-family credit sales of acquired property, $727,000: *Provided*, That of the total amount appropriated in this paragraph, $7,100,000 shall be available through June 30, 2005, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $448,889,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

Rental Assistance Program

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, $592,000,000; and, in addition, such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: *Provided*, That of this amount, not more than $5,900,000 shall be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed $20,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: *Provided further*, That agreements entered into or renewed during the current fiscal year shall be funded for a four-year period: *Provided further*, That any unexpended balances remaining at the end of such four-year agreements may be transferred and used for the purposes of any debt reduction; maintenance; repair, or rehabilitation of any existing projects; preservation; and rental assistance activities authorized under title V of the Act.

Mutual and Self-Help Housing Grants

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), $34,000,000 to remain available until expended: *Provided*, That of the total amount appropriated, $1,000,000 shall be available through June 30, 2005, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

Rural Housing Assistance Grants

For grants and contracts for very low-income housing repair, supervisory and technical assistance, compensation for construction defects, and rural housing preservation made by the Rural Housing Service, as authorized by 42 U.S.C. 1474, 1479(c), 1490e, and 1490m, $42,500,000, to remain available until expended: *Provided*, That of the total amount appropriated, $1,800,000 shall be available through June 30, 2005, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

Farm Labor Program Account

For the cost of direct loans, grants, and contracts, as authorized by 42 U.S.C. 1484 and 1486, $36,765,000, to remain available until expended, for direct farm labor housing loans and domestic farm labor housing grants and contracts.

RURAL BUSINESS-COOPERATIVE SERVICE

Rural Development Loan Fund Program Account

(INCLUDING TRANSFER OF FUNDS)

For the principal amount of direct loans, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), $34,213,000.

For the cost of direct loans, $15,868,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), of which $1,724,000 shall be available through June 30, 2005, for Federally Recognized Native American Tribes and of which $3,449,000 shall be available through June 30, 2005, for the Delta Regional Authority (7 U.S.C. 1921 et seq.): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That of the total amount appropriated, $2,447,000 shall be available through June 30, 2005, for the cost of direct loans for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses to carry out the direct loan programs, $4,321,000 shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

Rural Economic Development Loans Program Account

(INCLUDING RESCISSION OF FUNDS)

For the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, $25,003,000.

For the cost of direct loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, $4,698,000, to remain available until expended.

Of the funds derived from interest on the cushion of credit payments in the current fiscal year, as authorized by section 313 of the Rural Electrification Act of 1936, $4,698,000 shall not be obligated and $4,698,000 are rescinded.

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Mr. LAHOOD. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MILLER of Florida) having assumed the chair, Mr. BASS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4766) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2005, and for other purposes, had come to no resolution thereon.

LIMITATION ON AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 4766, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

Mr. LAHOOD. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 4766 in the Committee of the Whole pursuant to House Resolution 710 the bill be considered as read and open for amendment at any point and no further amendment to the bill may be offered except:

Pro forma amendments offered at any point in the reading by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate;

Amendments 4, 5, 6, 8, and 12;

Amendments 7, 10, and 13, each of which shall be debatable for 20 minutes;

An amendment by the gentlewoman from Ohio (Ms. KAPTUR) regarding Farmers Market Promotion Program, which shall be debatable for 20 minutes;

An amendment by the gentlewoman from Ohio (Ms. KAPTUR) regarding outsourcing, which shall be debatable for 20 minutes;

An amendment offered by the gentleman from California (Mr. BACA) regarding Office of Assistant Secretary For Civil Rights;

An amendment by the gentleman from Washington (Mr. BAIRD) regarding livestock compensation;

An amendment by the gentleman from Ohio (Mr. BROWN) regarding fluoroquinolone;

An amendment by the gentleman from New York (Mr. HINCHEY) regarding FDA, which shall be debatable for 20 minutes;

An amendment by the gentlewoman from New York (Mrs. MALONEY) regarding contraceptives, which shall be debatable for 40 minutes;

An amendment by the gentleman from Wisconsin (Mr. OBEY) regarding information technology systems;

An amendment by the gentleman from Wisconsin (Mr. OBEY) regarding circular A-76;

An amendment by the gentleman from Arizona (Mr. FLAKE) regarding tobacco, which shall be debatable for 40 minutes;

An amendment by the gentleman from Vermont (Mr. SANDERS) regarding agriculture tourism, which shall be debatable for 14 minutes; and

An amendment by the gentleman from Colorado (Mr. TANCREDO) regarding food stamps, which shall be debatable for 20 minutes.

Each such amendment may be offered only by the Member designated in this request, or a designee, or the Member who caused it to be printed in the RECORD, or a designee, shall be considered as read, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

Except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent. An amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. GOODLATTE. Mr. Speaker, I reserve the right to object.

PARLIAMENTARY INQUIRY

Mr. GOODLATTE. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GOODLATTE. Am I correct that this unanimous consent request would not impair the right of any Member to raise a point of order against authorizing language in the bill?

The SPEAKER pro tempore. As the Chair understands the proposed order; points of order against amendments are not waived, and points of order against provisions of the bill left unprotected by House Resolution 710 still could be made.

Mr. GOODLATTE. With that understanding, Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

The SPEAKER pro tempore. Pursuant to House Resolution 710 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4766.

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IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4766) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2005, and for other purposes, with Mr. BASS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today the bill had been read through page 44, line 11.

Pursuant to the order of the House of today, the bill is considered as read and open for amendment at any point.

The text of the remainder of H.R. 4766 is as follows:

RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), $23,500,000, of which $2,500,000 shall be for cooperative agreements for the appropriate technology transfer for rural areas program: *Provided*, That not to exceed $1,500,000 shall be for cooperatives or associations of cooperatives whose primary focus is to provide assistance to small, minority producers and whose governing board and/or membership is comprised of at least 75 percent minority; and of which not to exceed $15,500,000, to remain available until expended, shall be for value-added agricultural product market development grants, as authorized by section 6401 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1621 note).

RURAL EMPOWERMENT ZONES AND ENTERPRISE COMMUNITY GRANTS

For grants in connection with second and third rounds of empowerment zones and enterprise communities, $11,419,000, to remain available until expended, for designated rural empowerment zones and rural enterprise communities, as authorized by the Taxpayer Relief Act of 1997 and the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277): *Provided*, That of the funds appropriated, $1,000,000 shall be made available to third round empowerment zones, as authorized by the Community Renewal Tax Relief Act (Public Law 106–554).

RENEWABLE ENERGY PROGRAM

For the cost of a program of direct loans, loan guarantees, and grants, under the same terms and conditions as authorized by section 9006 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8106), $15,000,000 for direct and guaranteed renewable energy loans and grants: *Provided*, That the cost of direct loans and loan guarantees, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

RURAL UTILITIES SERVICE

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935) shall be made as follows: 5 percent rural electrification loans, $120,000,000; municipal rate rural electric loans, $100,000,000; loans made pursuant to section 306 of that Act, rural electric, $2,100,000,000; Treasury rate direct electric loans, $1,000,000,000; guaranteed underwriting loans pursuant to section 313A, $1,000,000,000; 5 percent rural telecommunications loans, $145,000,000; cost of money rural telecommunications loans, $250,000,000; and for loans made pursuant to section 306 of that Act, rural telecommunications loans, $125,000,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct and guaranteed loans authorized by sections 305 and 306 of the Rural Electrification Act of 1936 (7 U.S.C. 935 and 936), as follows: cost of rural electric loans, $5,058,000, and the cost of telecommunications loans, $100,000: *Provided*, That notwithstanding section 305(d)(2) of the Rural Electrification Act of 1936, borrower interest rates may exceed 7 percent per year.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $38,323,000 which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

Rural Telephone Bank Program Account

(INCLUDING TRANSFER OF FUNDS)

The Rural Telephone Bank is hereby authorized to make such expenditures, within the limits of funds available to such corporation in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out its authorized programs. During fiscal year 2005 and within the resources and authority available, gross obligations for the principal amount of direct loans shall be $175,000,000.

For administrative expenses, including audits, necessary to carry out the loan programs, $3,152,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

Distance Learning, Telemedicine, and Broadband Program

For the principal amount of direct distance learning and telemedicine loans, $50,000,000; and for the principal amount of direct broadband telecommunication loans, $464,038,000.

For the cost of direct loans and grants for telemedicine and distance learning services in rural areas, as authorized by 7 U.S.C. 950aaa et seq., $25,710,000, to remain available until expended, of which $710,000 shall be for direct loans: *Provided*, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

For the cost of broadband loans, as authorized by 7 U.S.C. 901 et seq., $9,884,000: *Provided*, That the interest rate for such loans shall be the cost of borrowing to the Department of the Treasury for obligations of comparable maturity: *Provided further*, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, $9,000,000, to remain available until expended, for a grant program to finance broadband transmission in rural areas eligible for Distance Learning and Telemedicine Program benefits authorized by 7 U.S.C. 950aaa.

TITLE IV

DOMESTIC FOOD PROGRAMS

Office of the Under Secretary for Food, Nutrition, and Consumer Services

For necessary salaries and expenses of the Office of the Under Secretary for Food, Nutrition, and Consumer Services to administer the laws enacted by the Congress for the Food and Nutrition Service, $595,000.

FOOD AND NUTRITION SERVICE

Child Nutrition Programs

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; $11,380,557,000, to remain available through September 30, 2006, of which $6,227,595,000 is hereby appropriated and $5,152,962,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): *Provided*, That none of the funds made available under this heading shall be used for studies and evaluations: *Provided further*, That up to $5,235,000 shall be available for independent verification of school food service claims.

Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $4,907,250,000, to remain available through September 30, 2006: *Provided*, That of the total amount available, the Secretary shall obligate not less than $15,000,000 for a breastfeeding support initiative in addition to the activities specified in section 17(h)(3)(A): *Provided further*, That notwithstanding section 17(h)(10)(A) of such Act, $14,000,000 shall be available for the purposes specified in section 17(h)(10)(B): *Provided further*, That none of the funds made available under this heading shall be used for studies and evaluations: *Provided further*, That none of the funds in this Act shall be available to pay administrative expenses of WIC clinics except those that have an announced policy of prohibiting smoking within the space used to carry out the program: *Provided further*, That none of the funds provided in this account shall be available for the purchase of infant formula. except in accordance with the cost containment and competitive bidding requirements specified in section 17 of such Act: *Provided further*, That none of the funds provided shall be available for activities that are not fully reimbursed by other Federal Government departments or agencies unless authorized by section 17 of such Act.

Food Stamp Program

For necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011 et seq.), $33,635,798,000, of which $3,000,000,000 to remain available through September 30, 2006, shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided*, That none of the funds made available under this heading shall be used for studies and evaluations: *Provided further*, That of the funds made available under this heading and not already appropriated to the Food Distribution Program on Indian Reservations (FDPIR) established under section 4(b) of the Food Stamp Act of 1977 (7 U.S.C. 2013(b)), not to exceed $4,000,000 shall be used to purchase bison meat for the FDPIR from Native American bison producers: *Provided further*, That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act: *Provided further*, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: *Provided further*, That funds made available for Employment and Training under this heading shall remain available until expended, as authorized by section 16(h)(1) of the Food Stamp Act: *Provided further*, That notwithstanding section 5(d) of the Food Stamp Act of 1977, any additional payment received under chapter 5 of title 37, United States Code, by a member of the United States Armed Forces deployed to a designated combat zone shall be excluded from household income for the duration of the member's deployment if the additional pay is the result of deployment to or while serving in a combat zone, and it was not received immediately prior to serving in the combat zone.

Commodity Assistance Program

For necessary expenses to carry out disaster assistance and the commodity supplemental food program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note); the Emergency Food Assistance Act of 1983; and special assistance for the nuclear affected islands, as authorized by section 103(f)(2) of the Compact of Free Association Amendments Act of 2003 (Public Law 108–188); and the Farmers' Market Nutrition Program, as authorized by section 17(m) of the Child Nutrition Act of 1966, $178,797,000, to remain available through September 30, 2006: *Provided*, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program.

Nutrition Programs Administration

For necessary administrative expenses of the domestic nutrition assistance programs funded under this Act, $133,742,000, of which $5,000,000 shall be available only for simplifying procedures, reducing overhead costs, tightening regulations, improving food stamp benefit delivery, and assisting in the prevention, identification, and prosecution of fraud and other violations of law: *Provided*, That none of the funds made available under this heading may be used to pay the salaries and expenses of employees of the Food and Nutrition Service to review, evaluate, or approve State Plans under the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) that provide for vendors to operate stores that cater only to WIC participants if these type stores did not operate in that State prior to fiscal year 2005.

TITLE V

FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

Salaries and Expenses

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954 (7 U.S.C. 1761–1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed $158,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $137,722,000: *Provided*, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development.

Public Law 480 Title I Program Account

(INCLUDING TRANSFERS OF FUNDS)

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of agreements under the Agricultural Trade Development and Assistance Act of 1954, and the Food for Progress Act of 1985, including the cost of modifying credit arrangements under said Acts, $86,420,000, to remain available until expended: *Provided*, That the Secretary of Agriculture may implement a commodity monetization program under existing provisions of the Food for Progress Act of 1985 to provide no less than $5,000,000 in local-currency funding support for rural electrification development overseas.

In addition, for administrative expenses to carry out the credit program of title I, Public Law 83–480, and the Food for Progress Act of 1985, to the extent funds appropriated for Public Law 83–480 are utilized, $2,371,000, of which $1,102,000 may be transferred to and merged with the appropriation for "Foreign

Agricultural Service, Salaries and Expenses", and of which $1,269,000 may be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

PUBLIC LAW 480 TITLE I OCEAN FREIGHT DIFFERENTIAL GRANTS

(INCLUDING TRANSFER OF FUNDS)

For ocean freight differential costs for the shipment of agricultural commodities under title I of the Agricultural Trade Development and Assistance Act of 1954 and under the Food for Progress Act of 1985, $22,723,000, to remain available until expended: *Provided*, That funds made available for the cost of agreements under title I of the Agricultural Trade Development and Assistance Act of 1954 and for title I ocean freight differential may be used interchangeably between the two accounts with prior notice to the Committees on Appropriations of both Houses of Congress.

PUBLIC LAW 480 TITLE II GRANTS

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, for commodities supplied in connection with dispositions abroad under title II of said Act, $1,180,002,000, to remain available until expended.

COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's export guarantee program, GSM 102 and GSM 103, $4,473,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which $3,440,000 may be transferred to and merged with the appropriation for "Foreign Agricultural Service, Salaries and Expenses", and of which $1,033,000 may be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

MCGOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION PROGRAM GRANTS

For necessary expenses to carry out the provisions of section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o–1), $75,000,000, to remain available until expended: *Provided*, That the Commodity Credit Corporation is authorized to provide the services, facilities, and authorities for the purpose of implementing such section, subject to reimbursement from amounts provided herein.

TITLE VI

RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92–313 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose space in the District of Columbia or elsewhere; for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $25,000; and notwithstanding section 521 of Public Law 107–188; $1,788,849,000: *Provided*, That of the amount provided under this heading, $284,394,000 shall be derived from prescription drug user fees authorized by 21 U.S.C. 379h, and shall be credited to this account and remain available until expended: *Provided further*, That this amount shall not include any fees pursuant to 21 U.S.C. 379h(a)(2) and (a)(3) assessed for fiscal year 2006 but collected in fiscal year 2005; $33,938,000 shall be derived from medical device user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended; and $8,000,000 shall be derived from animal drug user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended: *Provided further*, That fees derived from prescription drug, medical device, and animal drug assessments received during fiscal year 2005, including any such fees assessed prior to the current fiscal year but credited during the current year, shall be subject to the fiscal year 2005 limitation: *Provided further*, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: *Provided further*, That of the total amount appropriated: (1) $446,655,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) $499,255,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs; (3) $172,414,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) $98,610,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) $232,578,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) $40,530,000 shall be for the National Center for Toxicological Research; (7) $52,722,000 shall be for Rent and Related activities, other than the amounts paid to the General Services Administration for rent; (8) $129,815,000 shall be for payments to the General Services Administration for rent; and (9) $116,270,000 shall be for other activities, including the Office of the Commissioner; the Office of Management and Systems; the Office of External Relations; the Office of Policy and Planning; and central services for these offices: *Provided further*, That funds may be transferred from one specified activity to another with the prior approval of the Committees on Appropriations of both Houses of Congress.

In addition, mammography user fees authorized by 42 U.S.C. 263b may be credited to this account, to remain available until expended.

In addition, export certification user fees authorized by 21 U.S.C. 381 may be credited to this account, to remain available until expended.

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles, and the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, $93,327,000, including not to exceed $3,000 for official reception and representation expenses.

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $42,900,000 (from assessments collected from farm credit institutions and from the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: *Provided*, That this limitation shall not apply to expenses associated with receiverships.

TITLE VII—GENERAL PROVISIONS

(INCLUDING RESCISSIONS OF FUNDS)

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the current fiscal year under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 388 passenger motor vehicles, of which 388 shall be for replacement only, and for the hire of such vehicles.

SEC. 702. Funds in this Act available to the Department of Agriculture shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902).

SEC. 703. Funds appropriated by this Act shall be available for employment pursuant to the second sentence of section 706(a) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2225) and 5 U.S.C. 3109.

SEC. 704. New obligational authority provided for the following appropriation items in this Act shall remain available until expended: Animal and Plant Health Inspection Service, the contingency fund to meet emergency conditions, information technology infrastructure, fruit fly program, emerging plant pests, boll weevil program, up to $12,000,000 in the low pathogen avian influenza program for indemnities, up to $33,197,000 in animal health monitoring and surveillance for the animal identification system, up to $3,000,000 in the emergency management systems program for the vaccine bank, and up to 25 percent of the screwworm program; Food Safety and Inspection Service, field automation and information management project; Cooperative State Research, Education, and Extension Service, funds for competitive research grants (7 U.S.C. 450i(b)), funds for the Research, Education, and Economics Information System (REEIS), and funds for the Native American Institutions Endowment Fund; Farm Service Agency, salaries and expenses funds made available to county committees; Foreign Agricultural Service, middle-income country training program, and up to $2,000,000 of the Foreign Agricultural Service appropriation solely for the purpose of offsetting fluctuations in international currency exchange rates, subject to documentation by the Foreign Agricultural Service.

SEC. 705. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 706. Not to exceed $50,000 of the appropriations available to the Department of Agriculture in this Act shall be available to provide appropriate orientation and language training pursuant to section 606C of the Act of August 28, 1954 (7 U.S.C. 1766b).

SEC. 707. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 708. None of the funds in this Act shall be available to restrict the authority of the Commodity Credit Corporation to lease space for its own use or to lease space on behalf of other agencies of the Department of Agriculture when such space will be jointly occupied.

SEC. 709. None of the funds in this Act shall be available to pay indirect costs charged against competitive agricultural research, education, or extension grant awards issued by the Cooperative State Research, Education, and Extension Service that exceed 25 percent of total Federal funds provided under each award: *Provided*, That notwithstanding section 1462 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310), funds provided by this Act for grants awarded competitively by the Cooperative State Research, Education, and Extension Service shall be available to pay full allowable indirect costs for each grant awarded under section 9 of the Small Business Act (15 U.S.C. 638).

SEC. 710. Notwithstanding any other provision of this Act, all loan levels provided in this Act shall be considered estimates, not limitations.

SEC. 711. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in the current fiscal year shall remain available until expended to cover obligations made in the current fiscal year for the following accounts: the Rural Development Loan Fund program account, the Rural Telephone Bank program account, the Rural Electrification and Telecommunication Loans program account, and the Rural Housing Insurance Fund program account.

SEC. 712. None of the funds in this Act may be used to retire more than 5 percent of the Class A stock of the Rural Telephone Bank or to maintain any account or subaccount within the accounting records of the Rural Telephone Bank the creation of which has not specifically been authorized by statute: *Provided*, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available in this Act may be used to transfer to the Treasury or to the Federal Financing Bank any unobligated balance of the Rural Telephone Bank telephone liquidating account which is in excess of current requirements and such balance shall receive interest as set forth for financial accounts in section 505(c) of the Federal Credit Reform Act of 1990.

SEC. 713. Of the funds made available by this Act, not more than $1,800,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants.

SEC. 714. None of the funds appropriated by this Act may be used to carry out section 410 of the Federal Meat Inspection Act (21 U.S.C. 679a) or section 30 of the Poultry Products Inspection Act (21 U.S.C. 471).

SEC. 715. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

SEC. 716. None of the funds appropriated or otherwise made available to the Department of Agriculture shall be used to transmit or otherwise make available to any non-Department of Agriculture employee questions or responses to questions that are a result of information requested for the appropriations hearing process.

SEC. 717. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: *Provided*, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer.

SEC. 718. (a) Notwithstanding any other provision of law, none of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees.

(b) Notwithstanding any other provision of law, none of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress.

(c) The Secretary of Agriculture, the Secretary of Health and Human Services, or the Chairman of the Commodity Futures Trading Commission shall notify the Committees on Appropriations of both Houses of Congress before implementing a program or activity not carried out during the previous fiscal year unless the program or activity is funded by this Act or specifically funded by any other Act.

SEC. 719. With the exception of funds needed to administer and conduct oversight of grants awarded and obligations incurred in prior fiscal years, none of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out the provisions of section 401 of Public Law 105–185, the Initiative for Future Agriculture and Food Systems (7 U.S.C. 7621). Funds under section 401 for fiscal year 2005 are hereby cancelled.

SEC. 720. None of the funds appropriated by this or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's Budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the Budget unless such Budget submission identifies which additional spending reductions should occur in the event the user fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2006 appropriations Act.

SEC. 721. None of the funds made available by this or any other Act may be used to close or relocate a state Rural Development office unless or until cost effectiveness and enhancement of program delivery have been determined.

SEC. 722. In addition to amounts otherwise appropriated or made available by this Act, $2,500,000 is appropriated for the purpose of providing Bill Emerson and Mickey Leland Hunger Fellowships, through the Congressional Hunger Center.

SEC. 723. Notwithstanding section 412 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736f), any balances available to carry out title III of such Act as of the date of enactment of this Act, and any recoveries and reimbursements that become available to carry out title III of such Act, may be used to carry out title II of such Act.

SEC. 724. Section 375(e)(6)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008j(e)(6)(B)) is amended by striking "$26,998,000" and inserting "$27,498,000".

SEC. 725. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel to collect from the lender at the time of issuance a guarantee fee of less than 2 percent of the principal obligation of guaranteed single-family housing loans administered by the Rural Housing Service.

SEC. 726. Notwithstanding any other provision of law, the Secretary shall consider the City of Salinas, California; the City of Watsonville, California; the City of Hollister, California; the Town of Ulster, New York; County of Cleburne, Alabama; the City of Coachella, California; the City of Casa Grande, Arizona; the City of Creedmoor, North Carolina; the City of Eureka, California; the City of Clarksdale, Mississippi; the City of Vicksburg, Mississippi; the City of Wewahitchka, Florida; the Town of Horseshoe Beach, Florida; and the City of Carbondale, Illinois, as meeting the eligibility requirements for loan and grant programs in the Rural Development mission area.

SEC. 727. Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide financial and technical assistance to the DuPage County, Illinois, Kress Creek Water Quality Enhancement Project, from funds available for the Watershed and Flood Prevention Operations program, not to exceed $1,360,000 and

Rockhouse Creek Watershed, Leslie County, Kentucky, not to exceed $1,000,000.

SEC. 728. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this or any other appropriation Act.

SEC. 729. Notwithstanding any other provision of law, of the funds made available in this Act for competitive research grants (7 U.S.C. 450i(b)), the Secretary may use up to 20 percent of the amount provided to carry out a competitive grants program under the same terms and conditions as those provided in section 401 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621).

SEC. 730. None of the funds appropriated or made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out section 14(h)(1) of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012(h)(1)).

SEC. 731. None of the funds appropriated or made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out subtitle I of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009dd through dd–7).

SEC. 732. None of the funds appropriated or made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out section 6405 of Public Law 107–171 (7 U.S.C. 2655).

SEC. 733. The Agricultural Marketing Service and the Grain Inspection, Packers and Stockyards Administration, that have statutory authority to purchase interest bearing investments outside of the Treasury, are not required to establish obligations and outlays for those investments, provided those investments are insured by the Federal Deposit Insurance Corporation or are collateralized at the Federal Reserve with securities approved by the Federal Reserve, operating under the guidelines of the United States Department of the Treasury.

SEC. 734. Of the funds made available under section 27(a) of the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), the Secretary may use up to $10,000,000 for costs associated with the distribution of commodities.

SEC. 735. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to enroll in excess of 175,000 acres in the calendar year 2005 wetlands reserve program as authorized by 16 U.S.C. 3837.

SEC. 736. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel who carry out an environmental quality incentives program authorized by chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.) in excess of $1,010,000,000.

SEC. 737. The Secretary of Agriculture is authorized to permit employees of the United States Department of Agriculture to carry and use firearms for personal protection while conducting field work in remote locations in the performance of their official duties.

SEC. 738. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to expend the $23,000,000 made available by section 9006(f) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8106(f)).

SEC. 739. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out a Broadband Program as authorized by 601(j)(A) of 7 U.S.C. 950bb(j)(1)(A). $40,000,000 of the funds available under such section are hereby cancelled.

SEC. 740. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out a Value-added grant program as authorized by 231(b)(4) of 7 U.S.C. 1621 note. $80,000,000 of the funds available under such section are hereby cancelled.

SEC. 741. Notwithstanding subsections (c) and (e)(2) of section 313A of the Rural Electrification Act (7 U.S.C. 940c(c) and (e)(2)) in implementing section 313A of that Act, the Secretary shall, with the consent of the lender, structure the schedule for payment of the annual fee, not to exceed an average of 30 basis points per year for the term of the loan, to ensure that sufficient funds are available to pay the subsidy costs for note guarantees under that section.

SEC. 742. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out a Conservation Security Program authorized by 16 U.S.C. 3838, et seq., in excess of $194,411,000.

SEC. 743. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out a wildlife habitat incentives program authorized under section 2502 of Public Law 107–171, the Farm Security and Rural Investment Act of 2002, in excess of $60,000,000.

SEC. 744. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out section 2503 of Public Law 107–171, the Farm Security and Rural Investment Act of 2002, in excess of $112,044,000.

SEC. 745. The Secretary of Agriculture shall use $1,000,000 of the funds of the Commodity Credit Corporation, to remain available until expended, to compensate commercial citrus and lime growers in the State of Florida for tree replacement and for lost production with respect to trees removed to control citrus canker, and with respect to certified citrus nursery stocks within the citrus canker quarantine areas, as determined by the Secretary. For a grower to receive assistance for a tree under this section, the tree must have been removed after September 30, 2001.

SEC. 746. None of the funds appropriated or otherwise made available by this, or any other Act, may be used to pay the salaries and expenses of personnel to carry out Subtitle H (the Rural Business Investment Program) of the Consolidated Farm and Rural Development Act, as amended by the Farm Security and Rural Investment Act of 2002 (Public Law 107–171).

SEC. 747. None of the funds appropriated or otherwise made available in this Act shall be expended to violate Public Law 105–264.

SEC. 748. None of the funds made available by this Act may be used to issue a final rule in furtherance of, or otherwise implement, the proposed rule on cost-sharing for animal and plant health emergency programs of the Animal and Plant Health Inspection Service published on July 8, 2003 (Docket No. 02–062–1; 68 Fed. Reg. 40541).

SEC. 749. None of the funds made available in this Act may be used to study, complete a study of, or enter into a contract with a private party to carry out, without specific authorization in a subsequent Act of Congress, a competitive sourcing activity of the Secretary of Agriculture, including support personnel of the Department of Agriculture, relating to rural development or farm loan programs.

SEC. 750. Notwithstanding any other provision of law, the Secretary of Agriculture may use appropriations available to the Secretary for activities authorized under sections 426–426c of title 7, United States Code, under this or any other Act, to enter into cooperative agreements, with a State, political subdivision, or agency thereof, a public or private agency, organization, or any other person, to lease aircraft if the Secretary determines that the objectives of the agreement will: (1) serve a mutual interest of the parties to the agreement in carrying out the programs administered by the Animal and Plant Health Inspection Service, Wildlife Services; and (2) all parties will contribute resources to the accomplishment of these objectives; award of a cooperative agreement authorized by the Secretary may be made for an initial term not to exceed 5 years.

SEC. 751. Of the unobligated balances in the Local Television Loan Guarantee Program account, $88,000,000, are hereby rescinded.

SEC. 752. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out section 9010 of Public Law 107–171, the Farm Security and Rural Investment Act of 2002, in excess of $100,000,000.

SEC. 753. The matter under the heading "Rural Community Advancement Program" in division A—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Programs Appropriations, 2004, title III—Rural Development Programs, in Public Law 108–199 is amended by striking "$1,750,000 shall be for grants to the Delta Regional Authority (7 U.S.C. 1921 et seq.); and not less than $2,000,000 shall be available for grants in accordance with section 310B(f) of the Consolidated Farm and Rural Development Act" and inserting "and not less than $2,000,000 shall be available for grants in accordance with section 310B(f) of the Consolidated Farm and Rural Development Act: *Provided further*, That of the total amount appropriated in this account, $1,750,000 shall be for grants to the Delta Regional Authority (7 U.S.C. 1921 et seq.) for any Rural Community Advancement Program purpose".

SEC. 754. Of the unobligated balances available in the Rural Housing Assistance Grant Program account, $1,000,000 is hereby rescinded.

SEC. 755. Of the unobligated balances available in the Rural Housing Insurance Fund Program account, $3,000,000 is hereby rescinded.

SEC. 756. Funds made available under section 1240I and section 1241(a) of the Food Security Act of 1985 in fiscal years 2002, 2003, 2004, and 2005 shall remain available until expended to cover obligations made in fiscal years 2002, 2003, 2004, and 2005, respectively: *Provided*, That unobligated funds that are available at the end of each fiscal year are returned to the Treasury.

SEC. 757. None of the funds appropriated or otherwise made available by this Act for the Food and Drug Administration may be used under section 801 of the Federal Food, Drug, and Cosmetic Act to prevent an individual not in the business of importing a prescription drug within the meaning of section 801(g) of such Act, wholesalers, or pharmacists from importing a prescription drug which complies with sections 501, 502, and 505.

SEC. 758. Section 502(h)(6)(C) of the Housing Act of 1949 (42 U.S.C. 1472(h)(6)(C)) is amended by adding, ", plus the guarantee fee as authorized by subsection (h)(7)" after the phrase, "whichever is less", in each of paragraphs (i) and (ii).

This Act may be cited as the "Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2005".

The CHAIRMAN. No further amendment to the bill may be offered except pro forma amendments offered at any point in the reading by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate; amendments 4, 5, 6, 8, and 12; amendments 7, 10, and 13, each of which shall be debatable for 20 minutes; an amendment by the gentlewoman from Ohio (Ms. KAPTUR) regarding Farmers Market Promotion Program, which will be debatable for 20 minutes; an amendment by the gentlewoman from Ohio (Ms. KAPTUR) regarding outsourcing, which shall be debatable for 20 minutes; an amendment by the gentleman from California (Mr. BACA) regarding Office of Assistant Secretary of Civil Rights; an amendment by the gentleman from Washington (Mr. BAIRD) regarding livestock compensation; an amendment by the gentleman from Ohio (Mr. BROWN) regarding fluoroquinolone; an amendment by the gentleman from New York (Mr. HINCHEY) regarding FDA, which shall be debatable for 20 minutes; an amendment by the gentlewoman from New York (Mrs. MALONEY) regarding contraceptives, which shall be debatable for 40 minutes; an amendment by the gentleman from Wisconsin (Mr. OBEY) regarding information technology systems; an amendment by the gentleman from Wisconsin (Mr. OBEY) regarding circular A–76; an amendment by the gentleman from Arizona (Mr. FLAKE) regarding tobacco, which will be debatable for 40 minutes; an amendment by the gentleman from Vermont (Mr. SANDERS) regarding agriculture tourism, which shall be debatable for 14 minutes; and an amendment by the gentleman from Colorado (Mr. TANCREDO) regarding food stamps, which shall be debatable for 20 minutes.

Each such amendment may be offered only by the Member designated in the request, or a designee, or the Member who caused it to be printed in the RECORD, or a designee, shall be considered as read, shall not be subject to amendment, and shall not be subject to a demand for a division of the question.

Except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent. An amendment shall be considered to fit the description stated in the request if it addresses in whole or in part the object described.

POINT OF ORDER

Mr. TOM DAVIS of Virginia. Mr. Chairman, I raise a point of order against section 717. This provision violates clause 2(b) of House rule XXI. It proposes to change existing law and therefore constitutes legislation on an appropriation bill in violation of House rules.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. OBEY. Mr. Chairman, I wish to be heard on the point of order.

Mr. Chairman, my understanding of the situation before us is that the gentleman from Virginia is objecting to section 717 of the bill beginning on page 66 which attempts to discipline the agency because the Committee on Appropriations has learned that USDA had transferred millions of dollars for agency funds to the Chief Information Officer of the Department for some of his favorite initiatives, contrary to the written advice of the USDA general counsel.

My understanding further is that these actions are in direct and total defiance of the Congress on this issue. They directly violate specific bill language in the fiscal 2004 bill which prohibited such transfers without the prior approval of both of the appropriation committees in the Senate and the House.

Mr. Chairman, if the gentleman insists on pursuing his point of order, the only practical effect will be that the Congress has declined to take any disciplinary action whatsoever against the agency after the agency has determined that it is acceptable to expend taxpayers' money in defiance of the law. I regret very much that the gentleman seeks to eliminate this language. If he does, there is not much that I can do about it, but I think it is a shame indeed when the Congress of the United States will not insist that an agency expends money only in compliance with the law.

The CHAIRMAN. Does anyone else wish to be heard on the point of order?

The Chair is prepared to rule.

The Chair finds that this provision includes language that explicitly supersedes existing law and requires a new determination by, and places new duties on, the Chief Information Officer.

The provision therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the provision is stricken from the bill.

POINT OF ORDER

Mr. GOODLATTE. Mr. Chairman, I make a point of order against section 751 of title VII in that it violates House rule XXI, clause 2 by changing existing law and inserting legislative language in an appropriation bill.

The CHAIRMAN. The gentleman from Virginia is recognized to speak on the point of order.

Mr. GOODLATTE. Mr. Chairman, section 751 of the bill rescinds $88 million from the Local Television Loan Guarantee Program account. This rescission terminates this program and is an attempt to authorize legislation in an appropriations bill in violation of clause 2 of rule XXI. I urge that the point of order be sustained and the section be stricken from the bill.

The CHAIRMAN. Does anyone else wish to be heard on the point of order?

The Chair is prepared to rule.

The provision identified in the point of order by the gentleman from Virginia rescinds budget authority provided in a law other than an appropriation act. As such, the provision constitutes legislation on an appropriation bill in violation of clause 2 of rule XXI. The point of order is sustained, and the provision is stricken from the bill.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment by the gentlewoman from Oregon (Ms. HOOLEY) and amendment by the gentleman from New York (Mr. WEINER).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MS. HOOLEY OF OREGON

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Oregon (Ms. HOOLEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 260, noes 160, not voting 13, as follows:

[Roll No. 363]

AYES—260

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Bartlett (MD)
Bass
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Boehlert
Bono
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Burns
Calvert
Capps
Capuano
Cardin
Cardoza
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Dreier
Edwards
Ehlers

Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Ford
Fossella
Frank (MA)
Frost
Gallegly
Gerlach
Gonzalez
Gordon
Green (TX)
Green (WI)
Grijalva
Gutierrez
Harman
Harris
Hastings (FL)
Hastings (WA)
Hefley
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kleczka
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Oberstar
Obey
Olver
Ortiz
Ose
Otter
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Platts
Pombo
Pomeroy
Price (NC)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Rogers (MI)
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shays
Sherman
Shimkus
Shuster
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Thomas
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Whitfield
Woolsey
Wu
Wynn

NOES—160

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Barton (TX)
Beauprez
Biggert
Bishop (UT)
Blunt
Boehner
Bonilla
Bonner
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burr
Burton (IN)
Buyer
Camp
Cannon
Cantor
Capito
Carson (OK)
Carter
Castle
Chabot
Chocola
Coble
Cole
Cox
Crane
Crenshaw
Cubin
Culberson
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Duncan
Dunn
Emerson
English
Everett
Feeney
Ferguson
Flake
Forbes
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Greenwood
Hall
Hart
Hayes
Hayworth
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Jenkins
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas (OK)
McCotter
McCrery
McInnis
Miller (FL)
Miller (MI)
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Porter
Portman
Pryce (OH)
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Rush
Ryan (WI)
Ryun (KS)
Schrock
Sessions
Shadegg
Shaw
Sherwood
Simpson
Smith (MI)
Smith (TX)
Tauzin
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Toomey
Walsh
Weldon (FL)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Carson (IN)
Collins
Deutsch
Dooley (CA)
Gephardt
Gutknecht
Isakson
Istook
Jackson-Lee (TX)
Lee
Majette
Saxton
Vitter

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. MILLER of Florida) (during the vote). Members are advised that the voting machine may not be operational. Before the Members leave the Chamber, members are asked to check their votes. The voting machine is undergoing technical difficulties, and Members may be able to vote from the well.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (during the vote). Members are advised not to leave the Chamber. The voting machine is inoperable at this time. Please do not cast votes even in the well at this time as the electronic voting system is inoperable and the clerk has no way of tallying the votes.

The clerk is working on rebooting the voting system, which would require everyone to cast their votes a second time if they have already voted.

□ 1415

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. MILLER of Florida) (during the vote). The Chair is advised that the electronic voting system has been restarted, and the electronic vote will be conducted anew, a totally fresh start. Members must recast their votes even if they previously cast votes under the earlier, defective electronic vote.

The bells will be rung to indicate a 15-minute vote on the Hooley amendment, followed by a 5-minute vote on the Weiner amendment.

The vote was taken by electronic device, and there were—ayes 260, noes 160, not voting 13, as follows:

□ 1437

Messrs. POMBO, SULLIVAN, FOSSELLA, and GERLACH changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. WEINER

The CHAIRMAN pro tempore (Mr. MILLER of Florida). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. WEINER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 223, noes 197, not voting 13, as follows:

[Roll No. 364]

AYES—223

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Ford
Fossella
Frank (MA)
Frost
Gonzalez
Gordon
Green (WI)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hefley
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Hyde
Inslee
Israel
Jackson (IL)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larson (CT)
LaTourette
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy

Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Weller
Wexler
Woolsey
Wu
Wynn

NOES—197

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Cooper
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Emerson
English
Everett
Feeney
Flake
Foley
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (TX)
Greenwood
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Issa
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
Lucas (OK)
Manzullo
McCrery
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (MI)
Smith (TX)
Stearns
Sullivan
Tancredo
Tauzin
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Carson (IN)
Collins
Deutsch
Gephardt
Gutknecht
Isakson
Istook
Jackson-Lee (TX)
Larsen (WA)
Lee
Majette
Saxton
Vitter

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1445

Mr. TAYLOR of North Carolina changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. BONILLA. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CAMP) having assumed the chair, Mr. MILLER of Florida, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4766) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2005, and for other purposes, had come to no resolution thereon.

MOTION TO CLOSE CONFERENCE COMMITTEE MEETINGS ON H.R. 4613, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2005, WHEN CLASSIFIED NATIONAL SECURITY INFORMATION IS UNDER CONSIDERATION

Mr. LEWIS of California. Mr. Speaker, pursuant to clause 12 of rule XXII, I move that meetings of the conference between the House and the Senate on H.R. 4613 be closed to the public at such times as classified national security information may be broached, providing that any sitting Member of the Congress shall be entitled to attend any meeting of the conference.

The SPEAKER pro tempore. Pursuant to clause 12 of rule XXII, the motion is not debatable.

On this motion, the vote must be taken by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 411, nays 6, not voting 16, as follows:

[Roll No. 365]

YEAS—411

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Jackson (IL)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Schrock

Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—6

DeFazio
Hinchey
Kucinich
McDermott
Stark
Udall (NM)

NOT VOTING—16

Cardoza
Carson (IN)
Collins
Davis (FL)
Deutsch
Gephardt
Gutknecht
Isakson
Istook
Jackson-Lee (TX)
Jefferson
Larsen (WA)
Lee
Majette
Saxton
Vitter

□ 1504

So the motion was agreed to.

The result of the vote was announced as above recorded.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF S. 15, PROJECT BIOSHIELD ACT OF 2004

Ms. PRYCE of Ohio. Mr. Speaker, I ask unanimous consent that it shall be in order at any time without intervention of any point of order to consider in the House S. 15; the bill shall be considered as read for amendment; the previous question shall be considered as ordered on the bill to final passage without intervening motion except:

(1), 90 minutes of debate on the bill with 60 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, 15 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Government Reform, and 15 minutes equally divided and controlled by the chairman and ranking minority member of the Select Committee on Homeland Security; and, (2), one motion to recommit.

The SPEAKER pro tempore (Mr. CAMP). Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

REPORT ON H.R. 4818, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2005

Mr. KOLBE, from the Committee on Appropriations, submitted a privileged report (Rept. No. 108–599) on the bill (H.R. 4818) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

The SPEAKER pro tempore. Pursuant to House Resolution 710 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4766.

□ 1504

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4766) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2005, and for other purposes, with Mr. BASS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the amendment by the gentleman from New York (Mr. WEINER) had been disposed of and the bill was open for amendment at any point.

Mr. BONILLA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentlewoman from Ohio (Ms. PRYCE).

Ms. PRYCE of Ohio. Mr. Chairman, I would like to engage in a colloquy with the gentleman.

Over the past 3 years, the Agriculture appropriations bill has funded a very important aquaculture research program at the Ohio State University which is in my district but which serves the entire State. I am concerned that language in this year's bill might divert that funding away from the Ohio State University. I support this project in its current form and am proud of the work that has been accomplished. Given that this historical funding arrangement has worked well in the past, I would like to ask the chairman to work with me in conference to ensure that this aquaculture funding continues to be directed toward the Ohio State University.

Mr. BONILLA. Mr. Chairman, I would be glad to work with my friend from Ohio to ensure that these funds continue to go to the Ohio State University as they have in the past.

Ms. PRYCE of Ohio. I thank the gentleman, Mr. Chairman.

AMENDMENT NO. 4 OFFERED BY MR. LUCAS OF OKLAHOMA

Mr. LUCAS of Oklahoma. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. LUCAS of Oklahoma:

At the end of the bill (before the short title), insert the following:

TITLE ____—ADDITIONAL GENERAL PROVISIONS

SEC. ____. (a) Section 1241(b) of the Food Security Act of 1985 (16 U.S.C. 3841(b)) is amended—

(1) in paragraph (1), by striking "paragraph (2)" and inserting "paragraphs (2) through (4)"; and

(2) by adding at the end the following:

"(3) FARMLAND PROTECTION PROGRAM, GRASSLAND RESERVE PROGRAM, ENVIRONMENTAL QUALITY INCENTIVES PROGRAM, WILDLIFE HABITAT INCENTIVES PROGRAM, AND GROUND AND SURFACE WATER CONSERVATION PROGRAM.—

"(A) IN GENERAL.—Effective for fiscal year 2005 and subsequent fiscal years, Commodity Credit Corporation funds made available to carry out a conservation program specified in paragraphs (4) through (7) of subsection (a) of this section or the ground and surface water conservation program under section 1240I shall not be available for the provision of technical assistance for any other of such programs.

"(B) SEPARATION OF GROUND AND SURFACE WATER CONSERVATION PROGRAM FROM THE ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.—For purposes of subparagraph (A), the ground and surface water conservation program under section 1240I shall be considered to be a program separate and apart from the rest of the environmental quality incentives program under chapter 4 of subtitle D.

"(4) CONSERVATION RESERVE PROGRAM AND WETLANDS RESERVE PROGRAM.—Effective for fiscal year 2005 and subsequent fiscal years, Commodity Credit Corporation funds made available to carry out a conservation program specified in paragraph (1) or (2) of subsection (a) shall be available for the provision of technical assistance for the program.".

Mr. BONILLA. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Texas (Mr. BONILLA) reserves a point of order.

Mr. LUCAS of Oklahoma. Mr. Chairman, I rise today to offer my amendment printed as No. 4 in the CONGRESSIONAL RECORD.

I know that the gentleman from Texas (Mr. BONILLA) and his staff have worked diligently to create this year's bill under a very tight allocation.

In fiscal year 2003, USDA cut $284 million from the Environmental Quality Incentives Program, the Farmland Protection Program, Wildlife Habitat Incentives Program, and the Grassland Reserves Program. I would like to include USDA's fiscal year 2003 and fiscal year 2004 chart of donor and recipient programs for the RECORD.

Most of this money was spent to provide technical assistance for each of the aforementioned programs. However, language in FY 2003's omnibus allowed USDA to take money from those four programs and provide technical assistance for the Conservation Reserve Program and the Wetlands Reserve Program. In FY 2004, USDA diverted almost $80 million to CRP and WRP. This creation of donor programs was caused by various interpretations of the 2000 farm bill and, unfortunately, has ended in four important programs being drained of funds.

The budget recently passed by the House provided a fix for CRP and WRP so they would be able to pay for their own technical assistance. Unless the Senate acts on the budget, I am afraid that we will once again see the four donor programs losing a great amount of funding to CRP and WRP.

I have held numerous hearings on technical assistance issues, and it is hard to find a solution. Since the Senate has not passed the budget, the only fair solution is for each program, each program to pay for its own technical assistance. If we do not address this issue, USDA has estimated that for FY 2004, $100 million will be transferred from EQIP, Farmland Protection, WEP, GRP in order to provide technical assistance. This number is most likely only to grow larger in FY 2005.

Consider for a moment that the Farmland Protection Program this year is $112 million. And WEP, the Wildlife Enhancements Program, is $60 million. Based on last year's number, the $100 million spent on technical assistance for CRP and WRP is more than the entire WEP program and almost as much as the entire Farmland Protection Program. I urge Members to support this amendment.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Texas (Mr. BONILLA) insist on his point of order?

Mr. BONILLA. Yes, Mr. Chairman.

Mr. Chairman, I do make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill and, therefore, violates clause 2 of rule XXI. The rule states in pertinent part: "An amendment to a general appropriations bill shall not be in order if changing existing law."

This amendment directly amends existing law.

I would also like to point out in this point of order that the gentleman from Oklahoma (Mr. LUCAS) is an outstanding Member who works with us on many issues in this bill, and this issue is especially important to him and we recognize that.

I ask for a ruling from the Chair.

The CHAIRMAN. Does anyone else wish to be heard on the point of order?

The Chair is prepared to rule.

The Chair finds this amendment proposes directly to amend existing law. The amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained, and the amendment is not in order.

AMENDMENT OFFERED BY MR. BROWN OF OHIO

Mr. BROWN of Ohio. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BROWN of Ohio:

At the end of the bill (before the short title), insert the following:

SEC. ___. None of the funds appropriated or otherwise made available by this Act to the Secretary of Agriculture for expenditure for the school lunch or breakfast programs may be used, after December 31, 2004, to purchase chickens or chicken products from companies that do not have a stated policy that such companies do not use fluoroquinolone antibiotics in their chickens.

Mr. BONILLA. Mr. Chairman, I reserve a point of order on this amendment.

The CHAIRMAN. The gentleman from Texas (Mr. BONILLA) reserves a point of order on the amendment.

Pursuant to the order of the House today, the gentleman from Ohio (Mr. BROWN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, survival of the fittest has its downside. When an antibiotic is used on the bacteria in a person or animal, it may kill some of the bacteria, but it will not kill all of them. The survivors reproduce, propagating these heartier antibiotic-resistant bacteria.

Antibiotic resistance, as we have discussed on this floor for several years, is a serious and growing threat; 38 Americans die every day. Thirty-eight Americans die every day from antibiotic-resistant infections according to the World Health Organization. Some estimates suggest that the number is twice that size.

Antibiotic resistance costs the American health care system an estimated $4 billion every year. The Centers for Disease Control has called antibiotic resistance one of its top concerns.

Human medicine is partly to blame. The CDC has launched a campaign to better educate doctors and patients about the dangers of antibiotic overuse. But animal agriculture is also to blame. Some 70 percent of antibiotic use in America is not for people but for cows, for pigs, for chickens and for other animals we eat. About 70 percent of those antibiotics are used not on sick animals but either to prevent illness prophylactically, or just to make healthy animals grow faster.

The overuse of antibiotics in animal agriculture has serious consequences. Fluoroquinolones, the class of antibiotics that includes Cipro, are a disturbing example. Cipro is used to treat food-borne infections from a bacterium called campIobacter. The FDA approved fluoroquinolones for use in human medicine in 1986, and for use in chickens in 1995. During the 9 years between 1986 and 1995, Mr. Chairman, no more than 3 percent of cases in the U.S. involved resistant bacteria. But just 2 years after FDA approved fluoroquinolones for use in chickens, resistance in humans had jumped to 13 percent. From 3 percent to 13 percent after the FDA okayed its use in chickens.

By 2001, 19 percent of these infections in humans were Cipro-resistant. Private industry has recognized the problem and has begun to respond. McDonald's, Wendy's and others will no longer buy products made from chickens raised with fluoroquinolones. And leading chicken producers like Tyson, Gold Kist, Purdue have also committed to stop using fluoroquinolones.

The American Medical Association, Consumers Union and other public health and consumer advocates believe it is time for the government to catch up to industry and take action on antibiotic resistance. Mr. Chairman, the National School Lunch Program lags behind. The USDA still buys chickens raised with fluoroquinolones.

Last year, this Congress decided it was time to act. The conference report for the 2004 ag appropriations bill strongly encouraged USDA to buy chickens for the School Lunch Program only from companies that do not use fluoroquinolones. That language was approved by bipartisan majorities in each House. The bill accompanying it was signed by the President; but, unfortunately, the Department of Agriculture did nothing.

The amendment I have offered was worded to closely track the language we approved last year. The difference is under my amendment, we are not asking this time, we are telling. Unfortunately, that is also why my amendment is subject to a point of order and I must withdraw it. Before I do, I invite the chairman and all of my colleagues to work with me to address this issue as the USDA bill advances.

We asked USDA to do something last year in the strongest terms. It ignored us. Let us tell them we expect better this year. Let us tell the USDA we are serious about protecting the American people from a growing and serious problem, antibiotic resistance.

Mr. BONILLA. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Texas.

Mr. BONILLA. The gentleman raises a very important issue, and we addressed this with report language in last year's bill. We will continue to try to work with the gentleman on this issue.

Mr. BROWN of Ohio. Mr. Chairman, I thank my friend from Texas.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

☐ 1515

AMENDMENT NO. 5 OFFERED BY MR. LUCAS OF OKLAHOMA

Mr. LUCAS of Oklahoma. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. LUCAS of Oklahoma:

At the end of the bill (before the short title), insert the following:

TITLE —ADDITIONAL GENERAL PROVISIONS

SEC. . (a) None of the funds made available in this Act for the Environmental Quality Incentives Program authorized by chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa–3839aa-9), the Wildlife Habitat Incentive Program authorized by section 1240N of such Act (16 U.S.C. 3839bb-1), the Grassland Reserve Program authorized by subchapter C of chapter 2 of such subtitle (16 U.S.C. 3838n–3838q), or the Farmland Protection Program authorized by subchapter B of such chapter 2 (16 U.S.C. 3838h–3838j) may be used to provide technical assistance under the Conservation Reserve Program authorized by subchapter B of chapter 1 of such subtitle (16 U.S.C. 3831-3835a) or under the Wetlands Reserve Program authorized by subchapter C of such chapter 1 (16 U.S.C. 3837–3837f).

(b) None of the funds made available in this Act for the Conservation Reserve Program authorized by subchapter B of chapter 1 of subtitle D of the Food Security Act of 1985 (16 U.S.C. 3831–3835a) may be used to provide technical assistance under the Wetlands Reserve Program authorized by subchapter C of such chapter (16 U.S.C. 3837–3837f).

(c) None of the funds made available in this Act for the Wetlands Reserve Program authorized by subchapter C of chapter 1 of subtitle D of the Food Security Act of 1985 (16 U.S.C. 3837–3837f) may be used to provide technical assistance under the Conservation Reserve Program authorized by subchapter B of such chapter (16 U.S.C. 3831–3835a).

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Oklahoma (Mr. LUCAS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oklahoma (Mr. LUCAS).

Mr. LUCAS of Oklahoma. Mr. Chairman, I yield myself such time as I may consume.

My amendment No. 5 simply prohibits funding from being transferred from EQIP, WHIP, GRP, and FRPP to other conservation programs such as CRP and WRP for the purpose of technical assistance.

I have been asked on numerous times if CRP, WRP, continuous CRP and CREP sign-ups would still occur if this amendment was passed. It would be up to the USDA to find other funds from which to provide this technical assistance.

Mr. Chairman, quite simply put, I think it is a fairness issue. The programs should pay for themselves from their own expenditures.

Mr. BONILLA. Mr. Chairman, will the gentleman yield?

Mr. LUCAS of Oklahoma. I yield to the gentleman from Texas.

Mr. BONILLA. Mr. Chairman, the gentleman raises a very important issue in his amendment, and just for the record, we would be delighted to support the amendment.

Mr. LUCAS of Oklahoma. The gentleman much appreciates the Chair's offer.

Mr. Chairman, I yield as much time as he might consume that remains to the gentleman from Pennsylvania (Mr. HOLDEN), the ranking member of the Subcommittee on Conservation, Credit, Rural Development and Research.

Mr. HOLDEN. Mr. Chairman, I will be brief, and I thank the chairman for accepting the amendment, and I thank him and the ranking member for their significant work in bringing this bill to the floor.

As the chairman of the authorizing subcommittee has mentioned, we do have a tremendous problem with technical assistance, and when we passed the farm bill in 2002 it was never our intent, as we talked about that record-setting investment in conservation, to have the funds come from one program to be transferred to another. So I want to thank the chairman for accepting the amendment and thank my chairman for offering the amendment.

Mr. LUCAS of Oklahoma. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Does any Member rise in opposition to the pending amendment?

If not, the question is on the amendment offered by the gentleman from Oklahoma (Mr. LUCAS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BACA

Mr. BACA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BACA:

At the end of the bill (before the short title), insert the following:

SEC. . The amounts otherwise provided by this Act are revised by increasing the amount made available under the heading "OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS", by increasing the amount made available under the heading "COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE—RESEARCH AND EDUCATION ACTIVITIES", by increasing the amount made available under the heading "COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE—EXTENSION ACTIVITIES", by increasing the amount made available under the heading "COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE—OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS", and by decreasing the amount made available under the heading "RURAL DEVELOPMENT—SALARIES AND EXPENSES" by $250,000, $1,500,000, $1,000,000, $750,000, and $5,800,000, respectively.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from California (Mr. BACA) and the gentleman from Texas (Mr. BONILLA) each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. BACA).

Mr. BACA. Mr. Chairman, I yield myself as much time as I may consume, which is the 5 minutes.

I believe, Mr. Chairman, the third time is the charm. This is the third time I have brought this up. I rise in favor of an amendment by the gentleman from Mississippi (Mr. THOMPSON), the gentleman from Michigan (Mr. KILDEE) and myself to increase funding for minority programs at the USDA.

We propose four funding increases: $250,000 for the Office of the Assistant Secretary for Civil Rights; $1 million for tribal expansion grants; $750,000 for grants to socially disadvantaged farmers and ranchers; $1.5 million for Hispanic-serving institutions. We believe this is a small amount that equates to about $5.8 million. We are asking only for $5.8 million out of the $170 million that are currently in the account right now under Rural Development in salaries and expenses because we just transferred an additional $27 million this morning, and they were appropriated now $147 million, and all we are asking for is this small amount.

We believe that this amendment is important because it provides funding for civil rights programs and other significant funding to help minorities in the field of agriculture and, I state, for civil rights programs.

The U.S. Department of Agriculture institution has problems that must be resolved. The problems with the USDA are so severe that civil rights complaints have cost the Federal Government nearly $1 million in settlements and awards. Fixing the civil rights process and properly funding minority initiatives are necessary to permanently end a history of discrimination. We must rebuild trust between minority communities and the USDA.

This amendment is supported by the National Council of American Indians, which represents about 250 tribal governments; the National Hispanic Legislative Agenda; the Hispanic Association of Colleges and Universities; and Rural Coalition, which has approximately 350 colleges and universities.

We believe this amendment is important in dealing with discrimination and civil rights. Without funding, it becomes very difficult for some farmer or others to obtain loans who may have been discriminated, and we know very well that in order to harvest your crops you have got to have the finances, and if you file a complaint and you do not receive the finances, there must be some kind of recourse for an individual to file a complaint. The civil rights is one of the areas that individuals who may have been discriminated, whether they are African American, whether they are Hispanic or whether they are Indians or others, they have an opportunity to seek assistance through civil rights.

We believe that we should protect civil rights. Civil rights was first introduced by Martin Luther King, who fought to make sure that justice and equality was there for all individuals.

All we are saying now is, in order to enhance and provide the services, we must provide the funding to have the individuals who can provide the assistance. These grants do that through the following areas.

I ask for support of this amendment, and hopefully my colleague from Texas will look at this as a worthy endeavor in providing assistance for civil rights.

Mr. Chairman, I reserve the balance of my time.

Mr. BONILLA. Mr. Chairman, I yield myself such time as I may consume.

This is difficult to support. The gentleman raises some good issues in his debate and his amendment, but, again, this is a rural development cut that he is proposing which, as we heard earlier on the floor, there is strong support for all of these programs out in the heartland. So I reluctantly would oppose this effort, oppose this amendment because of where the money would come from.

Mr. Chairman, I reserve the balance of my time.

Mr. BACA. Mr. Chairman, I yield 2 minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Chairman, I thank the fine gentleman from California (Mr. BACA) for offering this amendment, along with his distinguished colleagues, the gentleman from Mississippi (Mr. THOMPSON) and the gentleman from Michigan (Mr. KILDEE). I would like to compliment the gentleman from California (Mr. BACA) for his steadfastness in standing up for inclusion of all farmers in our country, regardless of racial background, of ethnic background, of regional background. I really want to help the gentleman.

I support his amendment. As we move to conference I hope that his dogged efforts today and those of his colleagues will help us find a better way forward. I hope that the chairman will work with us as we go into conference committee because what the gentleman is asking for here is not outlandish. He is asking for small increases in the office for civil rights, for tribal extension grants, for outreach to minority farmers and for Hispanic-serving institutions, all of which, along with Native Americans, deserve more attention in this bill.

It is true that there are tremendous suits against the Department of Agriculture now totaling over $1 billion. The gentleman's amendment is just infinitesimal in comparison to that. But we know the unmet need that is out there.

I just want to thank the gentleman. He has my support. He has my support not just here on the floor today but as we move to conference. I thank him for standing up for every farmer in America, regardless of where they might live, what their income or their background is. I commend the gentleman.

Mr. BACA. Mr. Chairman, I yield myself such time as I may consume. I thank the gentlewoman very much for her comments.

It is true we are only asking for $5.8 million, which is a small amount of the $170 million that are there in appropriations.

Hispanic-serving institutions are a great resource of innovation and deserve funding to continue generating advancements in agriculture and science. We must stop the long-standing practice of underfunding these institutions.

Currently, the Hispanic-serving institutions are underfunded by about 75 percent. We have a population that continues to grow, and that is important. We have 16 percent of the total population of the United States.

I urge an "aye" vote, and I encourage my colleague from Texas to reconsider and support this worthy cause.

Mr. HINOJOSA. Mr. Chairman, I rise in strong support of the Baca-Thompson-Kildee amendment. I would like to commend and congratulate my colleagues for bringing this important amendment before this body.

This amendment strengthens our federal commitment to redressing discrimination and assisting our socially disadvantaged farmers and ranchers.

This amendment also increases funding for Hispanic-Serving Institutions, which play a critical role in building the capacity of our community in research and agricultural fields. This competitive USDA/HSI grant program is designed to promote and strengthen the ability of HSIs to carry out education programs that attract, retain, and graduate outstanding students capable of enhancing the nation's food and agricultural scientific and professional work force.

Funded grants have supported projects in the fields of nutrition and dietetics, aquaculture, agribusiness technology, food and beverage export and international trade, food and agricultural marketing and management, integrated resources management, food science technology engineering, plant science environmental science and veterinary science and technology.

Although Title VIII of the Farm Bill authorizes $20 million for HSIs, actual appropriations remain at 20 percent of the minimally authorized level. Only 2.7 percent of Hispanic college graduates earn a degree in agriculture-related areas. The continued under-representation of Hispanics in these important areas demands a greater investment in such programs to expand funding to additional HSIs to better meet USDA goals. This amendment would increase funding for HSIs to $7.1 million. It is a smart investment and a step in the right direction.

I urge my colleagues to vote "yes" on this amendment.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. BONILLA. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. BACA).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BACA. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT OFFERED BY MR. TANCREDO

Mr. TANCREDO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TANCREDO:

Page 79, after line 16, insert the following (and make such technical and conforming changes as may be appropriate):

SEC. 759. None of the funds made available under the heading "FOOD AND NUTRITION SERVICE—Food Stamp Program" in title IV may be expended in contravention of section 213a of the Immigration and Nationality Act (8 U.S.C. 1183a).

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Colorado (Mr. TANCREDO) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Chairman, I yield myself such time as I may consume.

This is another amendment that intends to encourage a Federal agency, in this case the USDA, to comply with an existing law.

I find myself up here oftentimes with amendments of this nature because there are a number of issues that we have on the books, there are a number of laws we have on the books, but we have, unfortunately, a problem with compliance. This is one of those kinds of situations.

The amendment essentially says that none of the funds provided in the bill under the heading Food Stamp Program will be expended in contravention of 8 U.S.C. 1183(a).

Now 8 U.S.C. 1183(a) does a couple of things. First of all, it says that an affidavit of support must be filed by a sponsor on behalf of certain aliens. The affidavit of support is a legally binding guarantee on the part of the sponsor that the immigrant they are sponsoring will not become a "public charge," that is, dependent on welfare programs for 10 years or up to a point in time that they become a citizen, whichever happens first.

This public charge requirement is nothing new. The requirement has been the cornerstone of immigration policy since the 1880s. Even inspectors at Ellis Island during the heyday of legal immigration when the vast majority of those seeking entry were allowed to stay did not admit immigrants liable to become a public charge.

Second, the law makes the affidavit enforceable against the sponsor by "the Federal Government, any State (or any political subdivision of such State), or by any other entity that provides any means-tested public benefit." Meaning the sponsors, and not the taxpayer, are to be the people on the hook for this cost.

It also requires providers of these benefits to seek reimbursement from the sponsors and even allows the government to sue these deadbeat sponsors to recover these costs.

Interestingly, another law, 8 U.S.C. 1227, makes it clear that aliens who become a public charge within 5 years of their entry are, in some cases, deportable.

Reasonable people can disagree about issues revolving around immigration, but I think everyone should agree we should not be in the business of admitting people into the country for the purpose of allowing them to become a drain on the public Treasury.

The fact is that we have a law on the books. It is not being upheld. It is not being enforced. In fact, we actually wrote a letter to the Justice Department last year asking about this, and they said, to the best of their knowledge, there had not been a case enforced in over 10 years of anyone, anyone here. No one has actually gone to the extent of going to the affidavit that I have right here in front of me that says I will sponsor this person who is in the country; I will take responsibility for their costs should they become a public charge. Many do, in fact, become a public charge. It was happened in my State. It is happening in every State in the Nation. We should, in fact, encourage the enforcement of the law.

Mr. Chairman, I reserve the balance of my time.

Mr. BONILLA. Mr. Chairman, we have no objection to this amendment.

The CHAIRMAN. Does the gentleman claim the time in opposition to the amendment?

Mr. BONILLA. Yes, and I reserve the balance of my time.

Ms. KAPTUR. Reserving the right to object, Mr. Chairman, I wanted to ask the author of the amendment a question.

The CHAIRMAN. The Chair is unaware of any pending request the gentlewoman is objecting to.

Ms. KAPTUR. I am trying to understand the procedure here. The gentleman is formally offering an amendment?

The CHAIRMAN. The Member will suspend. The time is controlled by the gentleman from Colorado (Mr. TANCREDO) and by the gentleman from Texas (Mr. BONILLA) in opposition.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The time is controlled and amendments are not in order.

Ms. KAPTUR. Mr. Chairman, I have a parliamentary inquiry.

Mr. BONILLA. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Ohio (Ms. KAPTUR) for a brief question.

Ms. KAPTUR. Mr. Chairman, I thank the gentleman very much for the time.

I just would like to know, for the record, does the gentleman's amendment in any way change existing law regarding immigration and food stamp eligibility?

Mr. TANCREDO. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Colorado.

Mr. TANCREDO. It does not.

□ 1530

Mr. BONILLA. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. TANCREDO).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Ms. KAPTUR. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado (Mr. TANCREDO) will be postponed.

Mr. BONILLA. Mr. Chairman, I move to strike the last word.

Mr. TERRY. Mr. Chairman, will the gentleman yield?

Mr. BONILLA. I yield to the gentleman from Nebraska.

Mr. TERRY. Mr. Chairman, I originally had drafted an amendment which would have de-funded a position at the Food and Drug Administration Center for Veterinary Medicine, which funded a bureaucrat for which we have been embattled in trying to protect one of my constituents, a small business located in my district.

I will not be offering that amendment and instead will be engaging in a colloquy with the chairman of the subcommittee, and so I appreciate his yielding to me.

Let me provide the chairman some background, since I know this issue is fairly new to him, and I want to state the facts for the record here. In my district, I am proud to represent a third generation small family-owned business that manufactures veterinary pharmaceuticals. These are pharmaceutical, drugs, for cows, chickens, and pigs. They found a niche market where there was a monopoly player. They went out to engage in competition with this particular pharmaceutical manufacturer in a certain type of antibiotic for pigs and chickens.

They also found there was a firm in the Kansas City area that held a license for this particular drug. And by the way, this particular antibiotic drug has been approved by the Center for Veterinary Medicine for over 40 years and, as I stated earlier, was already being distributed by a soon-to-be competitor.

Now, this company in Omaha, Nebraska, wrote to the Center for Veterinary Medicine inquiring about the status of that drug and that license and received approval from the FDA to purchase that license and engage in the manufacture and selling of that approved drug. At the appropriate time, Mr. Chairman, I will submit a copy of that letter for the RECORD, but I will paraphrase here.

Director of the CVM says in this letter regarding that license and that drug, "You may rely on this letter to verify the approved status of the product."

That was in about 2002, when they engaged in the manufacture, sale and distribution of this antibiotic. In August of 2003, the FDA, with absolutely no warning, in the rules and regs published the suspension of that license, stating that there was "confusion about the license," which was certainly news to my constituents.

Now, when they asked about the confusion, there was no answer, no clarity provided by the Center for Veterinary Medicine, which left them with one procedural option, which was a hearing. They have still not received that hearing.

Unfortunately, Mr. Chairman, it came to a boiling point this last week when they at last sat down with my constituent. Mr. Sundlof and Mr. Beaulieu, his counsel, sat down, and I will tell you, as reported to me from my constituent and his counsel, it was probably one of the ugliest meetings I have ever heard of from a constituent meeting with a Federal agency and bureaucrats. And, really, it was unacceptable behavior. I will not even mention the phrases and wording that they used because it would violate the House rules.

I felt that probably the best way of dealing with that, since we cannot do anything with bureaucrats that act this way, other than de-fund their positions, was to ask the chairman for some help and some guidance on how to deal with this particular situation;

A, the treatment that my constituent received at this meeting, and particularly the problem that he is faced with right now, in having a letter saying you are approved and then a mysterious reversal of that.

So if the chairman has some words of wisdom and guidance for me, I would appreciate it.

DEPARTMENT OF HEALTH
& HUMAN SERVICES,
Rockville, MD, December 17, 1998.

Dr. DONALD A. GABLE,
Manager, Pharmaceutical Regulatory Affairs,
Boehringer Ingelheim Vetmedica, Inc.,
Elwood, KS.

DEAR DR. GABLE: This letter will confirm receipt of your certification letter dated November 17, 1998, as an amendment to your letter dated September 18, 1998, sent to CVM in response to my letter of July 29, 1998. The letter related to NOPTRACIN® MD-50, (bacitracin methylene disalicylate) Type A medicated articles which is the subject of the NADA 141-137.

In accordance with my letter, your certification will be used along with information in our files as the administrative record of an approval for NADA 141-137, which provides for a Type A Medicated Article, Noptracin® MD-50 (bacitracin methylene disalicylate) for use for the indications and under the conditions of use specified in the labeling attached to your letter.

The agency will begin the work of codifying the approval via publication in the Federal Register. This task most likely will be accomplished as part of an action affecting a number of products currently listed in 21 CFR 558.15. We will make every effort to bring this process to a conclusion as rapidly as possible given resource constraints and public health priorities. In the meantime, you may rely on this letter to verify the approved status of NADA 141-137.

If you have any questions concerning the agency's position regarding this NADA and the subject products, please do not hesitate to call me.

Sincerely yours,
STEPHEN F. SUNDLOF, D.V.M., PH.D.
Director, Center for Veterinary Medicine.

DEPARTMENT OF HEALTH
& HUMAN SERVICES,
Rockville, MD, August 28, 1998.

W. L. WINSTROM,
Chief Executive Officer and Chairman,
PennField Oil Co., Omaha, NE.

DEAR MR. WINSTROM: This letter will confirm receipt of two certification letters sent to CVM in response to my letter of July 29, 1998 to Mr. Greg Bergt of your company. One of the letters related to the combination of oxytetracycline and neomycin (subject to NADA 138-939), and the other related to the combination of chlortetracycline, sulamethazine and penicillin (subject to NADA 138-934).

In accordance with my letter, your certification will be used along with information in our files as the administrative record of an approval for the following: (1) NADA 138-939 which provides for two Type A Medicated Articles, Neo-Oxy 50/50 containing 50 grams of oxytetracycline HCl and 50 grams of neomycin sulfate per pound and Neo-Oxy 100/50 containing 50 grams of oxytetracycline HCl and 100 grams of neomycin sulfate per pound for use for the indications and under the conditions of use specified in the labeling attached to your letter, and (2) NADA 138-934 which provides for a Type A Medicated Article, Pennchlor SP 500 containing 40 grams chlortetracycline (as the calcium complex), 40 grams sulfamethazine and 20 grams penicillin (as procaine penicillin) per pound for use for the indications and under the conditions of use specified in the labeling attached to your letter.

The agency will begin the work of codifying the approvals via publications in the Federal Register. This task most likely will be accomplished as part of an action affecting a number of products currently listed in 21 CFR 558.15. We will make every effort to bring this process to a conclusion as rapidly as possible given resource constraints and public health priorities. In the meantime, you may rely on this letter to verify the approved status of NADAs 138-939 and 138-934.

If you have any questions concerning the agency's position regarding these NADAs and the subject products, please do not hesitate to call me.

Sincerely yours,
STEPHEN F. SUNDLOF, D.V.M.,
PH.D.,
Director, Center for Veterinary Medicine.

Mr. BONILLA. Well, Mr. Chairman, reclaiming my time, the gentleman raises a very, very good issue here that needs attention. This is an issue, however, that up until the last 24 hours was not an issue that we were aware of, although I know the gentleman has been working on it for some time now.

What we would like to do is look into this issue and see what is going on over at the FDA. And I certainly agree that government at all levels must be held accountable for decisions made by its public servants. This may be a case in which accountability is lacking, which is something we should all be concerned about.

So I pledge to the gentleman that we will try to figure out exactly what is going on here so that he gets an appropriate answer.

Mr. Chairman, I believe we are now out of time.

The CHAIRMAN. Time of the gentleman has expired.

Mr. BONILLA. I ask unanimous consent to speak for 1 more minute on this issue.

THE CHAIRMAN. The gentleman from Texas may strike the last word, if he wants to, an additional time between amendments.

Mr. BONILLA. Mr. Chairman, I move to strike the last word in the event the gentleman from Nebraska (Mr. TERRY) has any additional information on this.

Mr. TERRY. Mr. Chairman, will the gentleman yield?

Mr. BONILLA. I yield to the gentleman from Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Chairman, I appreciate the gentleman yielding me this additional time and the effort he and perhaps the appropriators may extend to see if we can change the dynamic here.

And I might note, Mr. Chairman, that the gentleman from Iowa (Mr. LATHAM) is also apprised of this situation.

Mr. LATHAM. Mr. Chairman, will the gentleman yield?

Mr. BONILLA. I yield to the gentleman from Iowa for a brief comment on this matter.

Mr. LATHAM. Mr. Chairman, I became aware of this over the past year; and it is a very, very important issue that the gentleman from Nebraska is trying to deal with. When we have bureaucrats that are not responsive to constituents, and without any valid reason, certainly it is something we should all be very concerned about and would support his efforts in any way possible.

Mr. BONILLA. Mr. Chairman, reclaiming my time, I thank the gentleman from Iowa and the gentleman from Nebraska.

AMENDMENT NO. 7 OFFERED BY MR. CHABOT

Mr. CHABOT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. CHABOT:

At the end of the bill (before the short title) insert the following new section:

SEC. ___. None of the funds appropriated or otherwise made available by this Act may be used to carry out section 203 of the Agriculture Trade Act of 1978 (7 U.S.C. 5623) or to pay the salaries and expenses of personnel who carry out a market program under such section.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Ohio (Mr. CHABOT) and a Member opposed each will control 10 minutes.

The gentleman from Ohio (Mr. CHABOT) is recognized.

Mr. CHABOT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, each year, through the Market Access Program, known as MAP, Congress gives tens of millions of dollars away to industry groups to advertise their products in other countries. It is called the Market Access Program because it sounds better than the corporate welfare program. But, Mr. Chairman, it is, in actuality, one in the same.

This year, the Department of Agriculture is doling out $125 million of the American taxpayers' money to various groups to advertise their wares overseas. Well over $1 billion has been given away in the name of market access or market promotion over the years; this amid record budget deficits and a still-recovering economy.

So who is getting money from MAP, and how much are they getting? The U.S. Meat Export Federation is getting $10.6 million just this year. Pistachio, prune, papaya, pear, pet food, and popcorn groups are all getting handouts, $5.9 million. As is the Ginseng Board of Wisconsin, a little over $5,000. And the National Watermelon Promotion Board, $133,952.

Now, these groups should advertise. I think it is good they are advertising their products overseas. And if they sell them, that helps in this country. But it ought to be done with their money and not with the taxpayers' money.

Supporters, of course, will claim this so-called business and government partnership creates jobs. However, studies by the GAO indicate that this program has no discernible effect on U.S. agricultural exports. Further, it gives money to companies that would undertake this advertising without this unwarranted government subsidy.

Let me give one example of the kind of outrage that this program generates. While I have used this illustration before in past years when we have tried to get rid of this program, unsuccessfully I might add, unfortunately, I would like to use it again. I think it really does bear repeating.

Many people probably remember the popular "Heard It Through the Grapevine" raisin commercial, sponsored by the California Raisin Board. Well, based on the success of the commercial, MAP decided it would be a good idea to use that commercial to attempt to boost raisin sales in Japan and put $3 million into this project. Unfortunately, however, the ads, first of all, were in English, leaving many Japanese unaware that the dancing characters were raisins. Most thought they were potatoes or chocolate. In addition, many Japanese children were afraid of these wrinkled misshapen figures. They were actually frightened by these things on TV.

If this were not such a colossal waste of taxpayer hard-earned money, it would be funny. However this is the kind of wasteful spending that inevitably occurs when we give someone the ability to spend someone else's money. That is what this program does. Again, I am all for these groups advertising their products and selling them overseas; but they should do it with their money, not with taxpayer money.

Mr. Chairman, this is a simple, straightforward amendment. It would simply stop the Department of Agriculture from funding the MAP program. It would save the taxpayers' millions of dollars, as much as $200 million annually by 2006.

Back in 1996, we reformed welfare for the poor. I think it is about time that we reformed or, in this case, got rid of welfare for the wealthy. I urge my fellow Members of Congress to join me and also the gentleman from California (Mr. ROYCE) and many others, including the National Taxpayers Union, Citizens Against Government Waste, Taxpayers for Common Sense, and U.S. PIRG, in casting a vote for the overburdened American taxpayer. I strongly urge support of this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. BONILLA. Mr. Chairman, I claim the time in opposition to the amendment, and I yield myself such time as I may consume.

Mr. Chairman, I recall in the previous administration they cutely coined the phrase "corporate welfare" any time there was any attempt by this institution or others in this country to fall on the side of free enterprise and the private sector. So I think this is one of those occasions where that phrase is being exploited to a great degree.

I want to point out that there are many positive aspects of the Market Access Program. The fiscal year 2005 funding level on this program authorized by the farm bill will be $140 million from the Commodity Credit Corporation to help initiate and expand sales of U.S. ag products: fish and forest products overseas.

Rural American farmers and ranchers are the primary suppliers of commodities that benefit from MAP. All regions of the country benefit from the program's employment and economic effects from expanded agricultural export markets. So there is probably not a State in this Nation that does not see a direct benefit from this. Ag exports are expected to reach a record $61.5 billion this year. There are well over 1 million jobs related to ag exports. This program goes a long way towards making sure American ag products have export markets.

Mr. Chairman, for those that argue there is corporate welfare, to use that cute phrase again, it is accurate that agricultural co-ops and small companies can receive assistance under the branded program. To conduct branded promotion activities, individual companies must provide at least 50 percent funding.

□ 1545

So it is not simply a complete giveaway, as might be indicated here. For generic promotion activities, trade associations and others must meet a minimum 10 percent match requirement. Participants are required to certify that Federal funds used under the program supplement, not replace, private sector funds. Many regulations limit the promotion of branded products in a single country to no more than 5 years.

Those are the facts. This is a program that has been around for some time, and we feel it has worked very well for the American people.

Mr. Chairman, I reserve the balance of my time.

Mr. CHABOT. Mr. Chairman, I reserve the balance of my time.

Mr. BONILLA. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. GOODLATTE), the distinguished chairman of the authorizing committee.

Mr. GOODLATTE. Mr. Chairman, I rise in strong opposition to this amendment. We are engaged in negotiations with the Europeans and others around the world on trade and to pass this amendment and to effectively unilaterally disarm when we are already outspent by a 10-to-1 factor would be a serious, serious mistake.

The United States spends about $200 million promoting our agricultural exports. This does a great deal of good because we are by far the world's leader in agricultural exports. This year, the Department projects we will export $61.5 billion in agricultural products. This is a tiny, tiny fraction of that. At the same time, the European Union, which exports a far smaller amount of their agricultural production, will spend $2 billion on agricultural exports.

For us to abandon the field with this relatively modest program that helps cooperatives and other groups that do not have a name brand label product necessarily but often have a commodity that they are trying to market and sell in other countries, to take that opportunity to have a successful public-private partnership, and that is what this is, because the agricultural groups contribute 50 percent of the cost of these programs, would in my opinion be a serious, serious mistake and cost many American jobs if we were to eliminate this program.

This is an important, cooperative way to promote American agriculture overseas. I urge my colleagues to reject this amendment which I think is very misguided and would be very counterproductive to our trade negotiations with other nations around the world who have far, far higher agricultural subsidies than the United States does.

Mr. CHABOT. Mr. Chairman, I yield myself 30 seconds.

I just would like to respond with one thing. We had a letter here which I thought was by the National Taxpayers Union which said a lot of interesting things, but one thing I would like to read from it says:

"The more U.S. taxpayers are forced to support unnecessary and economically dubious programs such as the MAP, the less credibility our Nation has on adhering to free trade principles."

I think even though the Europeans do it does not necessarily mean that that is right. Oftentimes, that means it is not the policy to follow. I think the United States should set an example. I think this program should be defunded.

Mr. BONILLA. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. STENHOLM), the ranking member of the authorizing committee.

Mr. STENHOLM. Mr. Chairman, I rise in opposition to the amendment and associate myself with both chairmen's comments.

Right now, we are in some serious negotiations on the current Doha round of the WTO agreement. As the gentleman from Virginia (Mr. GOODLATTE) made the comment a moment ago, I want to repeat it. It makes no sense for us to unilaterally disarm ourselves when we are in the process of negotiating the next round of trade agreements.

Also, I have to chuckle sometimes when I hear other groups who suddenly become experts on everything that is done or not done in agriculture. Right now, we are in an international marketplace in which we have to compete with other governments. I first became aware of this over 20 years ago when it affected the poultry industry and when we found turnkey jobs being offered to anyone that would buy their chickens. We had folks that were willing to pay for turnkey jobs for everything from the feeding, to the growing, to the processing, to the selling, to the promoting. We had this same argument year after year in which for some reason we have been refusing to stand shoulder to shoulder with our businesses in that international marketplace.

If we could isolate it, then the gentleman is correct with his amendment. But when one looks at it from the standpoint of the negotiations that we are now going through, it makes no sense whatsoever for this body to unilaterally disarm those producers of commodities that are trying to compete in an international marketplace and the only help they get is this small amount which is given through the MAP program.

I ask my colleagues to oppose this amendment. Let us give our negotiators a chance, and if by chance we can negotiate away all Federal help by all governments everywhere in the world to do this, then I will be the first one standing here on this floor saying, let's do it. But today let us not do it.

Mr. CHABOT. Mr. Chairman, I reserve the balance of my time.

Mr. BONILLA. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. Mr. Chairman, I thank my friend for yielding me this time.

I have a great deal of respect for my friend from Ohio that is offering this amendment, but on this one I think he is wrong. I want to associate myself with the ranking member and the chairman of the Committee on Agriculture but specifically with the ranking member when he made the observation that we are in a global economy. I think that is the issue that we ought to be focusing on when we talk about agriculture in general.

There has been a great deal of talk in the past as we enter into these trade agreements with the President with the trade promotion authority of putting the ag sector at a much higher level than it has been with the past trade deals. That is what we have to keep in mind, because I believe agriculture as a whole in the past has gotten the short shrift on these past trade agreements.

There has been criticism of this program in the past where it has gone to big corporations. That was changed back in 1998, and now the principal beneficiary of this MAP program are specialty crops. Specialty crops by definition do not have the great deal of support behind them to market their products. My district is full of specialty crops. To some, it may be big industry, but they are specialty crops, like apples. The apple industry uses this immensely. The potato industry in the Northwest, Idaho, Oregon and Washington, use this to market their raw products and their processed products. The hop industry, which is very small in my district but large nationwide, uses this overseas, as does the cherry industry. They are all the beneficiaries of this program.

I think as we go forward with these trade initiatives that the President is talking about in other areas this is a tool that the ag sector can use, and now is the time I think to continue funding. As a matter of fact, the farm bill authorizes more than what we are appropriating in this bill. We recognize the tight budget conditions, but I think this program is important. I urge my colleagues to reject the Chabot amendment and support the MAP program.

Mr. CHABOT. Mr. Chairman, I reserve the balance of my time.

Mr. BONILLA. Mr. Chairman, I yield back the balance of my time.

Mr. CHABOT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just conclude by making a couple of points. Although supporters of the program some years ago changed the name, it was MPP, the Market Promotion Program, to MAP, the Market Access Program, and made some other cosmetic adjustments due to pressure from taxpayer watchdog groups, the basic concept and the cost to the taxpayers remain basically the same. The government is dipping into the pockets of hard-working individuals and promoting private corporate entities. Well over $1 billion has been spent on this program over the last number of years, and studies by the GAO indicate that the MAP program has no discernible effect on U.S. agricultural exports. Further, it basically gives money to companies that would undertake this advertising without the government doing it.

I want to again emphasize I think it is good that these companies advertise and that they sell overseas, but rather than doing it with taxpayer dollars they ought to do it with their own dollars.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. CHABOT).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. CHABOT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio (Mr. CHABOT) will be postponed.

Mr. BONILLA. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from California (Mr. DOOLEY).

Mr. DOOLEY of California. Mr. Chairman, I rise to engage in a colloquy with the distinguished chairman of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies.

In the 2002 farm bill, an exemption from payment of promotion assessments was created for producers of 100 percent organic products. This exemption was established in light of the fact that commodity promotion programs do not focus on or promote organic products, which constitute only a small minority of agricultural production. Organic producers were paying assessments for promotion programs that did not benefit their specialized operations.

Section 10607 of the Farm Security and Rural Development Act of 2002 thus mandated a narrow exemption for producers of 100 percent organic products. The Secretary was specifically required to issue regulations for this exemption not later than 1 year after the date of enactment. Yet more than 2 years after enactment it still has not been implemented. The farm bill was enacted in May, 2002. The regulations should have been promulgated by May of last year, but they were not.

The Department of Agriculture finally issued proposed regulations earlier this year and collected public comments, but final regulations have yet to be issued. When asked for a timetable for their completion, Department officials refuse to identify one.

Mr. Chairman, I am prepared to offer an amendment to impose a spending limitation on the appropriations for the Agricultural Marketing Service until such time as final regulations for this exemption are issued and implemented. But, frankly, organic producers should not have to wait until fiscal year 2005 for relief.

I would ask the distinguished chairman of the subcommittee for his thoughts on getting this problem resolved.

Mr. BONILLA. Mr. Chairman, will the gentleman yield?

Mr. DOOLEY of California. I yield to the gentleman from Texas.

Mr. BONILLA. Mr. Chairman, I thank the gentleman from California for raising this issue today and pledge to work with him to arrive at a satisfactory resolution.

I agree that implementation of this regulation is long overdue and should be concluded immediately. As the gentleman suggests, a spending limitation on the Department's fiscal year 2005 appropriation may well be an appropriate step if the implementing regulations are not finalized in the very near future. I would hope, however, that we could be successful in convincing the Department of the serious need to conclude this matter on an expedited basis. Further delay is simply unacceptable.

Let me assure the gentleman that we will work with him to bring this issue to closure as quickly as possible. If we need to consider additional action as the appropriations process moves forward, we will do so.

Mr. DOOLEY of California. I thank the gentleman for his consideration.

Mr. BONILLA. I thank the gentleman from California.

AMENDMENT OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SANDERS:

Page 2, line 9, after the 1st dollar amount insert "(reduced by $1,000,000)".

Page 34, line 23, after the 1st dollar amount insert "(increased by $1,000,000)".

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Vermont (Mr. SANDERS) and a Member opposed each will control 7 minutes.

The Chair recognizes the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. BONILLA. Mr. Chairman, will the gentleman yield?

Mr. SANDERS. I yield to the gentleman from Texas.

Mr. BONILLA. I would like to state that we have seen the gentleman's amendment, and if he would like to just move the question, we would be happy to accept it if the gentleman sees fit.

Mr. SANDERS. I thank the chairman very much.

If I may just very briefly tell the Members what the amendment is. I very much appreciate the chairman's support for this amendment. I know the ranking member is also supportive.

Mr. Chairman, all over rural America, we are seeing the decline of family-based agriculture. And while we want to look at the broader picture as to how we can help family farmers in dairy or in any other commodity, I think one way that we can move forward, and I am glad that the majority agrees, is to start emphasizing agritourism. All over this country, in Vermont and in rural America, billions of dollars are being spent by tourists who go to rural areas. Yet, unfortunately, family farmers who in most cases are the folks who are keeping the land open and keeping the land beautiful are not receiving the kinds of funds from the tourists that they should and that they deserve.

To my mind, as we see the decline of family-based agriculture, what we are seeing in Vermont and all over this country is that agritourism is putting hard cash into the pockets of family farmers.

Mr. Chairman, from the experience of my own State, I can tell the Members that there is a lot of support for agritourism nationwide, and I know that there is in this body in a bipartisan way. My own State of Vermont has been working on this concept for many years now, in part with funding provided by the USDA some years ago.

Some of the successes of Vermont's agritourism model include on-farm technical assistance in using the Internet and helping farmers get business through the Internet, setting up cooperative marketing with various commodity groups, the Chamber of Commerce and the Vermont Departments of Tourism and Agriculture. In addition, a regional marketing Web site was established that received over 40,000 hits in any average month. Vermont's agritourism initiative was highlighted by the travel book company Frommer's. In addition, the six New England States held an agritourism summit to coordinate their efforts in this area.

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So, Mr. Chairman, I want to thank the chairman of the committee and the gentlewoman from Ohio (Ms. KAPTUR) for their support of the concept of agritourism, and I very much appreciate that.

Mr. Chairman, I yield back the balance of my time

Mr. BONILLA. Mr. Chairman, we will be happy to support this amendment, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont (Mr. SANDERS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FLAKE:

Add at the end (before the short title) the following:

SEC. 7 . None of the funds made available by this Act may be used to pay the salaries and expenses of employees of the Department of Agriculture who make payments from any appropriated funds to tobacco quota holders or producers of quota tobacco pursuant to any law enacted after July 1, 2004, terminating tobacco marketing quotas under part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 and related price support under sections 106, 106A, and 106B of the Agricultural Act of 1949.

Mr. STENHOLM. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

The Flake-Van Hollen-Platts-Waxman-Bartlett-Doggett amendment prohibits the expenditure of funds for salaries to implement a taxpayer-funded tobacco bailout in this program. This amendment would still permit the Department of Agriculture to implement a program using industry as opposed to taxpayer funds.

The tobacco buyout is simply a bad deal for taxpayers. There is never a good time to spend $10 billion bailing out tobacco farmers; but in the midst of a war, a deficit, and an economic recovery, now is the worst time.

Unfortunately, Members of this body were not given the opportunity to debate this provision during the recent consideration of H.R. 4520, the corporate tax bill. An amendment I offered with the gentleman from Texas (Mr. DOGGETT) would have stripped the bailout provision from the bill. However, this amendment was not accepted by the Committee on Rules. As a result, I and a number of my colleagues have no option other than opposing final passage of that legislation. There were a lot of provisions that I liked in that bill. The tax cuts were particularly good, but I voted against it because of this egregious provision, the tobacco bailout.

Today, the House finally has the opportunity to debate the merits of the $9.6 billion bailout for the tobacco industry.

The Federal tobacco quota system was established as a temporary program during the Depression era and has gone relatively unchanged since then. It was created to control the supply and, in turn, market prices for U.S.-grown tobacco. The quota system has long outlived any usefulness it might have had. Tobacco production in the U.S. has been declining steadily because, among other things, lower-price foreign tobacco is reducing demand for artificially high-priced U.S. product.

Interestingly, current law requires that tobacco growers choose by referendum every 3 years whether or not to continue Federal support of the industry. While the quota system is resulting in the decline of the industry, growers have chosen to carry on with the program. Now we are offering to buy the growers out of the program that they have chosen to be with for the last 3 years, that they have chosen to continue at a cost of $9.6 billion in taxpayer money. Much of the buyout payments would land in the accounts of the big tobacco companies.

I am also concerned that this proposed buyout would set a bad precedent and that future efforts to end agricultural quota or subsidy programs will come at too high a price for taxpayers. This $9.6 billion buyout is being touted as a free market solution to the problems resulting from Federal support. Conservative estimates put the value of the Federal buyout at two to three times the market value of the quotas. This is no free market program. The Federal purchase of federally created quotas at two or three times the market price is simply not a free market solution.

For the sake of the taxpayers that we represent, I urge passage of the Flake-Van Hollen-Platts-Waxman-Bartlett-Doggett amendment. I want to say thanks in particular to the gentleman from Maryland (Mr. VAN HOLLEN) for working so hard on this amendment with others.

Mr. Chairman, I reserve the balance of my time.

Mr. BONILLA. Mr. Chairman, I rise in opposition to the amendment, and I reserve the balance of my time.

Mr. FLAKE. Mr. Chairman, I yield 5 minutes to the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. Mr. Chairman, I thank the gentleman for yielding me this time.

I am pleased to join with the gentleman from Arizona (Mr. FLAKE), the gentleman from Texas (Mr. DOGGETT), the gentleman from Pennsylvania (Mr. PLATTS), the gentleman from California (Mr. WAXMAN), and the gentleman from Maryland (Mr. BARTLETT) in offering what really is a very simple amendment that says none of the funds appropriated in this agriculture bill may be used to implement the $10 billion taxpayer-funded bailout of the tobacco industry.

Less than a month ago, as we know, in this House, we passed a bill that was filled with various special interest tax provisions, and included in that bill was the $10 billion bailout paid for entirely by taxpayers. Some call it a buyout. I call it a sellout of the American taxpayer. And this House never had an opportunity at that time to vote on that issue, and now we have that chance.

Just think about what we are saying to the American people. At a time when we are running huge deficits in this country, at a time when Congress is telling schools around the country we cannot fully fund No Child Left Behind, at a time when we are not meeting the requirements of the Homeland Security Department agencies, at that very time we are asking taxpayers to foot the $10 billion bill for a tobacco bailout. Talk about misplaced priorities.

And what are the consequences of a taxpayer-funded bailout to the big tobacco companies? They are going to get cheaper tobacco; and as a result, they will reap a big windfall. According to Agriculture Department economists, they will reap $15 billion in windfall profits over the next 14 years. In addition, economists will tell us, as a result of this bailout action, they will lower their prices and the result will be many more young people who get hooked on nicotine.

And what do the big tobacco companies do to get this taxpayer benefit? Nothing. They do not have to do anything. They do not have to put in a nickel. They do not have to submit to any additional regulations.

We now have before us an opportunity on a bipartisan basis to say we are not going to spend taxpayer dollars for a $10 billion bailout.

I want to make a point that I think is important to many Members. This would allow a buyout to go forward not using taxpayer dollars. There is legislation, bipartisan legislation, that has been submitted before this House and before the Senate that calls for a buyout of some of these interests. However, in all those bills, the provision requires that it be funded not by the taxpayer but from other sources. That is all this amendment does. It says none of the funds in this bill can go for a taxpayer-funded bailout. It leaves open the option, the opportunity for other legislation to pass that would be similar to that that has already been introduced on a bipartisan basis.

Mr. BONILLA. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. Mr. Chairman, I appreciate the opportunity to speak on this amendment; and I would say, Mr. Chairman, that this amendment to me makes no sense to be even part of this debate because if we are talking about a buyout provision to end the Depression-era program that is in the FSC bill that has passed this House, this language will have no bearing on that because, in fact, there is no money coming from the Agriculture Department to fund the provisions that we called for in the FSC bill, Mr. Chairman. So that is why I am standing here in opposition to the amendment, because it has no place on this bill. It does not impact anything we did on the FSC bill to try to effect the tobacco buyout.

Mr. FLAKE. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Chairman, I rise in support of this amendment.

This amendment sends a clear signal that we will be economic conservatives, that we will protect the public treasury, that we will also respect the private buyouts and the private settlements that have already happened with a substantial amount of funds already going to the tobacco industry States and tobacco growers. This amendment stands for the principle that if we buy out, then they should cease producing tobacco, which under the tobacco buyout does not happen. And for all of us as good protectors of the public FSC, it is incumbent upon us to stop new government programs and to make sure we restrict government spending especially at this time when our government budget is in the red.

We know there is an unfunded liability for Social Security. We know there is an unfunded liability for Medicare. It is very important for us then to restrict public spending so that we can honor the promises to the American people, especially for retirement security and health care, that we have already made.

I applaud the gentleman for putting this together. I apologize to my subcommittee chairman, who I know personally is a rancher and does not have a personal stake in this issue; and I applaud the gentleman for offering the amendment. I urge its adoption.

Mr. BONILLA. Mr. Chairman, I yield to a large number of Members who will ask for unanimous consent agreements; and I also note, Mr. Chairman, that in each case there will be an alternate from the majority and the minority to show strong bipartisan opposition to this amendment.

I yield for the purpose of making a unanimous consent request to the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS of Kentucky. Mr. Chairman, I rise in strong opposition to this amendment.

Mr. Chairman, the irony here is enormous. Today we are hearing from anti-tobacco advocates who: want to keep the federal government in the tobacco business; want farm families to stay hog-tied to the tobacco industry; are pushing for the continuation of the tobacco program, not the ending of the tobacco program.

This Amendment seeks to prevent USDA from eliminating the federal tobacco program.

Every day, the Gentleman from Arizona comes down here to the well of the Floor to complain about the size of the federal government; the number of federal programs; and the fact that government bureaucracy is handicapping U.S. enterprise.

On these principles, I agree with him. However, I find it ironic that my colleague is now offering an amendment that will do the very thing he claims to vehemently oppose.

The bipartisan House-passed tobacco provisions will: Permanently eliminate a depression-era federal program; Get the Government out of the tobacco growing business; Allow U.S. growers to compete on the free and open market; Stop market share loses to Zimbabwe, Brazil, and China.

The tobacco provision will not: Bankrupt the federal government, as it is entirely offset through the extension of customs fees; Dramatically increase teen smoking.

There's absolutely no correlation between smoking and the buyout.

I urge my colleagues to reject this amendment and support family farms and ending the federal tobacco system.

Mr. BONILLA. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Mr. Chairman, I rise in strong opposition on behalf of the farmers who for years have made a contribution, and now they are asking for an opportunity for a way out to save their way of life. And I am embarrassed that people that have no farmers and do not understand the program are the ones who are in support of the amendment.

Mr. Chairman, I rise in opposition to the Flake amendment.

As I understand the gentleman's intention, he wants to prohibit USDA from implementing a tobacco program buyout if it is funded from taxpayer dollars out of the general fund.

When tobacco members first began working on tobacco buyout legislation, our intention was for the tobacco companies to finance it.

In fact, I along with Congressmen Fletcher, MCINTYRE and GOODE, introduced a buyout bill last year, H.R. 3160, which would have funded a more generous $15 billion buyout paid for through user fees on the tobacco companies.

The vast majority of tobacco state members endorsed that proposition by cosponsoring the bill.

Buyout legislation pending in the other body would also have the companies pay for it. It has the support of every single tobacco state Senator, Republican and Democrat alike.

But financing the buyout from current tobacco excise taxes was the only way the Republican leadership would support a buyout.

Despite promises to the contrary, the Republican leadership never let H.R. 3160 see the light of day.

They did not believe tobacco companies should pay for a buyout, so they kept our bill bottled up.

Let me be clear, the buyout provisions the House included in the corporate tax bill Congress passed last month are not perfect, but as I said then, beggars can't be choosers.

Since 1997, tobacco quota has been cut by more than 50 percent. Consequently, farm families have seen their incomes cut by more than half.

My tobacco farmers need a buyout in order to have an honest chance to survive.

They don't care if it is paid through current excise taxes, new excise taxes, user fees, assessments, whatever.

They don't even care if it has FDA. All they care that it gets done this year.

The time for action is now. I urge my colleagues to oppose the Flake amendment, and let's move forward on an issue of great importance to North Carolina and other tobacco producing states.

Vote "no" on the Flake amendment.

Mr. BONILLA. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentleman from Tennessee (Mr. JENKINS).

Mr. JENKINS. Mr. Chairman, I rise in strong opposition to this amendment.

Mr. BONILLA. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentleman from North Carolina (Mr. MCINTYRE).

Mr. MCINTYRE. Mr. Chairman, I rise in strong opposition to this amendment. This is not a bailout. It is a buyout. And if we do nothing, it will be a wipe-out for our farmers.

Mr. Chairman, I rise in strong opposition to the Flake Amendment.

By combining the American Jobs Creation Act with the Fair and Equitable Tobacco Reform Act, which I had the privilege to coauthor with my friend from Tennessee, BILL JENKINS, we have created trade opportunities for American farmers and prevented our farm jobs from going overseas. The tobacco market reform legislation will create tens of thousands of new jobs in rural areas throughout the South and Midwest.

This ill-advised amendment would jeopardize that monumental agreement.

The current federal tobacco price support system is the last Depression-era farm program in America! It is time to get out of the 1930s.

The current federal tobacco policy was created during the Depression to manage the price and supply of tobacco. And, in the beginning, the price support program was effective. But, the world of tobacco production has dramatically changed. Our federal tobacco policy, unfortunately, has remained the same: too many farmers producing less and less tobacco in an overly-bureaucratic, government-controlled system, unable to respond to market pressures and opportunities.

This is not a "bailout", it is a "buyout", and if we continue to do nothing, it will be a "wipe-out". What if your income was cut by 50 percent like the farmers have suffered over the last 5 to 6 years? That's exactly what has happened! Why? Because the U.S. Secretary of Agriculture has the authority to set the quota each year. And, the farmers could be facing another 20 percent to 30 percent quota cut to their income later this year.

Tobacco produces 6 to 7 times the cash that other crops do. You can't tell a farmer simply to grow something else. With the average tobacco farm size being 19 acres, a farmer does not have 6 to 7 times the acreage to grow other crops to make up the difference.

Under current federal tobacco policy, American farmers lose, while farmers in countries like Brazil win. For example, when political instability in Zimbabwe opened up a 350 million pound opportunity for tobacco farmers, it was Brazil—not the United States—that took over hundreds of millions of pounds of tobacco production from Zimbabwe.

The American Jobs Creation Act, coupled with tobacco reform, ends the Depression-era price support program, buy back the federal property interest from quota holders and allow farmers to make the decision to stay in tobacco production under the free enterprise system or get out. And, this gets the government out of the tobacco business!

A vote for the Flake amendment is a vote against this important legislation that passed this body overwhelmingly on June 17, 2004, and is currently awaiting action by the Senate.

The American farmer is not the only one who suffers from this outdated federal tobacco policy. Banks and mortgage Brokers; Grocery stores and Gas stations; Fertilizer distributors and Farm equipment dealers; Automobile dealerships and Academic institutions, and the ripple effect on local, regional, and state economies is devastating for all types of restaurants and retail businesses everywhere. All sectors of the southern economy depend on the cash flow from tobacco production. Tobacco farmers' problems don't stop at the farm. It is not only the farmers' issue, it affects the entire community!

Our farmers and our rural, regional and state economies have suffered for too long under a government program that left them with an uncertain outlook to the future. It is time for the uncertainty to end!

Don't turn your back on the families and rural communities across out Nation by voting for this amendment. This is the time to get the federal government out of the tobacco business and let the farmers have freedom of choice—not a government mandate that dictates how much a farmer can earn or lose. We wound not stand for that for any other vocation in our society. It is time for the discrimination against farmers to end.

Give them a choice! Get the government off their backs and out of their pockets. Do what's right, and stop the uncertainty for everyone—the farmer and his children, the government, and the American Taxpayer!

I urge my colleagues to vote against the Flake Amendment.

Mr. BONILLA. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. Mr. Chairman, this is a devastating amendment. It is not a big buyout for big tobacco nor for tobacco farmers. I urge defeat of the amendment.

Mr. Chairman, I rise in strong opposition to the Flake/Van Hollen Amendment.

A tobacco buyout is of vital importance to tobacco farmers in the Sixth District of North Carolina. These farmers are desperate to get out of a Depression-era system which makes the cost of growing tobacco in the United States greater than non U.S. production. When in my district, almost daily I see the disastrous effect this Depression era government program has on farmers.

Opponents who argue a tobacco buyout is a bail-out for big tobacco are dead wrong. This is not big tobacco getting a tax-break, this is tobacco farmers receiving benefits that are due to them because of a government program created in the 1930's. Tobacco companies have grown to rely on foreign imports of tobacco to manufacture their legal product because the inflated price of U.S. tobacco which is directly attributable to the quota system. Eliminating the quota system levels the marketplace for U.S. tobacco farmers and enables them to compete in the world market.

Second, the authors of this amendment mistakenly purport that a buyout is funded by general tax revenues. This is also inaccurate. The federal excise tax on tobacco accounts for approximately $7.5 billion dollars annually $37.5 billion over five years. These taxes are paid by consumers of these legal products, not by all taxpayers. My point is our government realizes excessive amounts of revenue compliments of a tax on the tobacco industry. We simply seek nine point six billion dollars over 5 years in return to save growers and communities that support tobacco production from economic devastation.

Some may argue this is an unnecessary expenditure, and my friends, I tell you your commodity is next. This amendment sets a dangerous precedent for all agriculture commodities and could have an adverse impact on regional and national commodities seeking compensation in the future.

A vote in support of this amendment would prevent the United States Government from exiting tobacco production. Sounds strange, I agree. Considering the tobacco debates on this floor in the past, I am surprised to see some of my colleagues supporting the continuation of a government controlled federal tobacco program. Let the free market work itself out and give my tobacco farmers a chance to succeed. I adamantly oppose this amendment and I urge my colleagues to do the same.

Mr. BONILLA. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentleman from Kentucky (Mr. CHANDLER).

Mr. CHANDLER. Mr. Chairman, I rise in strong opposition to this amendment.

Mr. Chairman, communities across my home state of Kentucky are dependent upon the income from the production and sale of tobacco. While the federal tobacco program has served our farmers well for generations, the changes brought about by direct contracting with manufacturers, litigation with the tobacco industry, and reductions in the tobacco quota have made a buyout option necessary. The reality of tobacco's decline, thousands of lost jobs and billions in lost economic activity in my state alone, extends well beyond the farm to affect virtually all of my constituents and their families.

The buyout provision we sent to conference last month would give tobacco farmers a chance to compete with foreign sources of less reliable, lower-quality tobacco. Plus, its payment assistance would make it easier for those farmers who wish to transition to another crop or vocation, while adding jobs and money to rural communities and families. This buyout would allow those who have borne the brunt of increasingly bleak market conditions to make a fair break from this 1930's program and continue to make a living.

For six years, our growers have had one simple request: passage of a fair buyout bill that reflects the new economic reality they live in. Instead, all they're heard back is news of quota cut after devastating quota cut, with no relief in sight.

This may be the last chance for the farmers in my district, and districts all over rural America. Buying out the antiquated tobacco program is a common sense solution for farm families that have, for too long, borne the brunt of bad politics and even worse economics. This buyout is absolutely critical to give these hard-working families and their communities an honest chance to survive.

Time for action is quickly running out. Our growers simply cannot face another year without action.

Mr. BONILLA. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentleman from Kentucky (Mr. LEWIS).

Mr. LEWIS of Kentucky. Mr. Chairman, I rise in strong opposition to this amendment.

Mr. Chairman, I would like to express my strong opposition to the Flake/Van Hollen Amendment offered during consideration of the FY05 Agriculture Appropriations bill. This amendment is counterproductive, potentially prohibiting USDA employees from administering a Federal tobacco buyout.

The Flake/Van Hollen Amendment significantly compromises the legislative process by using an appropriations bill to legislate on an unrelated free-standing bill, aiming to reverse funding parameters on legislation that has yet to become law.

The House passed version of H.R. 4520 calls for a quota buyout funded solely by tobacco tax revenue. Over $30 billion in combined Federal, State and Municipal tax revenue are raised each year from users of tobacco products. Utilizing these funds establishes an equitable buyout plan that would provide tobacco generated revenue for tobacco farmers.

Those of us who represent tobacco growing states have been working on a bipartisan basis for over two years to end the depression-era price support system. The quota system, governing the price and supply of tobacco, has not been overhauled since 1986. Since the late 1990's, burley tobacco quotas have been cut in half, causing significant financial loss for family farmers who currently earn less than half the amount they could have earned only five years ago. A tobacco quota buyout is the best option Congress can provide to protect their futures and ensure the prosperity of state and local economies.

With a tobacco reform package, farmers can move beyond tobacco. By ending the quota system, economists anticipate as many as two-thirds of current tobacco farmers would exit the business, without increasing taxes or the national debt.

The Flake/Van Hollen Amendment attempts to impede the long-awaited relief American farmers need as part of Congress' effort to replace lost jobs and revitalize thousands of communities across the Nation who depend upon tobacco farming for their economic stability.

Mr. BONILLA. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentleman from Virginia (Mr. GOODE), a distinguished member of the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Subcommittee of the Committee on Appropriations.

Mr. GOODE. Mr. Chairman, I rise on behalf of thousands upon thousands of small farmers and small quota holders across the southeastern United States, primarily, and urge opposition to this devastating amendment.

Mr. Chairman, although it is questionable that the Flake amendment would have any impact on the payment of proceeds from the Federal Treasury, which receives billions of dollars annually from federal tobacco taxes, I still oppose this amendment because the proponents of the amendment regularly slam tobacco country and do not understand the tobacco buyout provisions in FSC/ETI, which will largely aid thousands of small quota holders and tobacco producers in the southeastern United States. I believe that the proponents have let their hatred of tobacco cloud their thinking in proposing this amendment. I still hope that the FSC/ETI legislation, which included tobacco reform legislation, will go forward in the Senate and that the measure will be passed and signed into law by the President so that many quota holders and growers can gracefully exit the current tobacco program and so that those who wish to continue growing tobacco can have an opportunity to compete with foreign tobacco.

Mr. BONILLA. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentleman from North Carolina (Mr. BURR).

Mr. BURR. Mr. Chairman, I rise in strong opposition to this misguided amendment.

Mr. BONILLA. Mr. Chairman, I yield myself such time as I may consume.

As the entire House of Representatives can see, there is strong bipartisan opposition to this amendment, and it is a tribute to the Members for coming down here and expressing their strong views.

Mr. Chairman, I reserve the balance of my time.

Mr. FLAKE. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PLATTS).

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Mr. PLATTS. Mr. Chairman, I thank the gentleman for yielding me time. I want to commend him and the gentleman from Maryland for their sponsoring this amendment.

Mr. Chairman, I am pleased and proud to be a cosponsor of this amendment. I respect all Members' opinions, but I do take exception to the premise that we who maybe do not have tobacco growers have no business offering an amendment that deals with the expenditure of $9.6 billion of our taxpayers' funds. I think we have every right to offer this amendment.

It is important to recognize that there are other proposals that would allow this quota system to end, allow for these small tobacco farmers to be adequately compensated for that right they have in these quotas, but it would be done in a way that is more responsible and that the beneficiary of the buyout, the tobacco industry, which CRS, Congressional Research Service, says will benefit to the tune of about $15 billion over the next 10 years, that the tobacco industry will pay for the buyout, as opposed to the American taxpayer.

So I support the amendment. I think it is well thought out, it is reasonable, it is responsible. It is important to note just in the last several weeks two new reports have come out. In one, the latest data tells us that smokers, on average, have 10 years shorter life expectancies than non-smokers, yet we are proposing the American taxpayer pay $9.6 billion, instead of the industry, to help an industry that shortens the life of users of their products by, on average, 10 years.

I commend the makers of this amendment, I am pleased to stand with them, and I certainly urge a yes vote.

Mr. BONILLA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just like to make a point here that speeches are being made on this floor as though there is some tobacco buyout money in this bill. There is zero money in this bill for any tobacco buyout, zero money. So some of the speeches being given here are about spending something that we are not intending to spend anyway. There is nothing in this bill. I cannot emphasize that any more clearly.

So, as Members start to appear in support of this amendment, again, I hope to any constituent who might be listening out there, they might be asking themselves what are they talking about.

Mr. Chairman, I reserve the balance of my time.

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, before yielding to the gentleman from Texas, I would just point out that if there is no money, why bother opposing this? This is an amendment that seeks to prohibit the expenditure of money. If no money is being expended, we need not worry in any other bills or here.

Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, I am pleased to join in a bipartisan group in support of this amendment.

The bill that passed through the House called for $9.6 billion of taxpayer dollars to be used to pay those who own these quotas for tobacco, and no strings were attached to that dishing out, that handout, of $9.6 billion. They can just keep on growing tobacco. What is more, the bill favored just a few select growers.

According to an analysis by the Environmental Working Group, more than two-thirds of the money would go to just 10 percent of the recipients. The bill would pay more than $1 million to only 462 individuals, corporations and estates.

This amendment provides that no taxpayers' money can be used for this purpose. If our colleagues who want support for the tobacco growers want to pay for it, that is something different. But all this bill that passed the House would do is to increase the deficit. So the Flake-Van Hollen proposal before us would be to put in this appropriations bill a restriction not to enforce that bailout, buyout, handout, should it pass.

Now, even the Louisville Courier-Journal said, rather than a buyout, the bill should be called an "entitlement" because "farmers, quota holders, warehouse holders and others would end up getting taxpayer money pretty much just because they are who they are."

Well, I do not think that is the American way, to take the tax dollars of hard-working Americans and just give it to people, billions of dollars to them, just because they are who they are.

So I think it is important to adopt this amendment, to let people who want to do something along these lines come back with a better proposal. And if they stick with the proposal that we were not even allowed to have a vote on in the FSC bill, then they will find that this restriction, should it become law, will not allow the Department of Agriculture to disburse the funds.

Mr. Chairman, I urge support for the Flake-Van Hollen amendment.

Mr. BONILLA. Mr. Chairman, I yield for the purposes of a unanimous consent request to the gentleman from Tennessee (Mr. GORDON).

Mr. GORDON. Mr. Chairman, I rise in opposition to this amendment, and would like to quickly remind my colleagues that this is not an amendment that is about smoking. I recognize a lot of folks understandably have concerns about smoking. But if this amendment passes, there will not be one less cigarette sold in this country.

Mr. BONILLA. Mr. Chairman, I yield for the purposes of a unanimous consent request to the gentleman from Tennessee (Mr. DAVIS).

Mr. DAVIS of Tennessee. Mr. Chairman, I would like to extend my remarks on the record. The gentleman from Tennessee (Mr. GORDON) certainly is correct. This does not control smoking. I rise in opposition to this amendment.

I thank the Chairman and rise in strong opposition to this amendment that has the potential to devastate the rural tobacco farmers in Tennessee's Fourth Congressional District, which I have the privilege to represent.

Our great country got its first start, and in fact, market edge in the global economy thanks to tobacco growers. Tobacco was America's first true international cash crop, and helped establish America as the best agriculture country in the world at a time when the early settlers were struggling for survival. Unfortunately, in the last five years, we have seen quota cut by more than 50 percent, which has drastically decreased tobacco income and devastated our small farmers and growing communities. It is absolutely wrong that our tobacco farmers are being unfairly handicapped by the last remaining depression-era quota system and the availability of cheap farm labor in countries like Brazil and Turkey. Given this reality, it made perfect sense to vote on a Tobacco Buyout Provision in a bill that dealt directly with international business and markets.

I am also confused by the arguments that this will not help small farmers. The facts show otherwise. The average buyout payment, averaged over all 436,719 eligible individuals, is less than $4,400 per year. The average quota owner now only owns about 2,000 pounds of quota. The average acreage among all U.S. tobacco farms is only 7.5 acres. In my State of Tennessee the average tobacco farm is 4.4 acres. I wish it was more. I wish my small, rural farmers had more acreage, and more quota, and could still survive growing what was once the most valuable crop in the country, but because of the current system they can't.

Finally, the tobacco buyout is about creating new economic opportunities for communities that have been devastated by the quota system. 39,500 farming jobs have been lost due to changes in the tobacco sector. This buyout provision would bring $2.7 billion per year in additional economic activity to the six major tobacco states, and would create more than 26,000 new jobs. With the $65 million in total buyout payments for my constituents, we would see a net change in economic activity in my district roughly equal to $85 million. This is why I supported the tobacco buyout, and this is why I must strongly oppose this amendment.

Mr. BONILLA. Mr. Chairman, I yield for the purposes of a unanimous consent request to the gentleman from Kentucky (Mr. WHITFIELD).

Mr. WHITFIELD. Mr. Chairman, I certainly want to commend the gentleman from Arizona for being concerned about our deficit, but this is not the proper place for it. Our farmers for many years have had this quota, a legal quota. They now see it being diminished by forces beyond their control. I would like to voice my strong opposition to the Flake amendment.

Mr. BONILLA. Mr. Chairman, I reserve the balance of my time.

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, before yielding to the gentlewoman from California (Mrs. CAPPS), I would like to point out the comments of the gentleman from Tennessee about this not being about smoking. That is exactly how I feel. This is about the expenditure of taxpayer dollars. This would still allow the expenditure of industry-funded bailouts, simply not taxpayer dollars.

Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Chairman, I thank my colleague for yielding me time, and I rise in support of this amendment.

Almost 400,000 children have become regular smokers in 2004 thus far. 124,000 of them will die prematurely because of their addiction. As a former school nurse, I can tell you the effects of smoking are devastating on our youth and on all Americans. The Surgeon General recently released a report showing smoking to be even more deadly than we had previously believed.

This is something we can and should do something about. Part of the answer may be buying out tobacco farmers, but only if it is done properly, as part of a proposal to give the Food and Drug Administration the authority to regulate tobacco.

Unfortunately, last month this House included in the FSC tax bill a provision to just give almost $10 billion in taxpayer money to tobacco companies without getting any public health benefit. The bill would not guarantee the exit of tobacco farmers from the market. It would actually result in more smoking, because the price of cigarettes would go down. That is not the way to deal with a problem of this enormity.

In the other body, there has been considerable debate about passing a comprehensive approach that would improve public health and also provide assistance to struggling farmers. We should embrace such a proposal in this body, instead of just giving another payoff to big tobacco.

Mr. Chairman, I urge my colleagues to support this amendment and protect the taxpayers' money.

Mr. BONILLA. Mr. Chairman, I reserve the balance of my time.

Mr. FLAKE. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT of Maryland. Mr. Chairman, we lost about 3,000 people on 9/11. Do you know, Mr. Chairman, how long it took for cigarettes to kill 3,000 people? It took a bit less than 3 days. The loss of those 3,000 people on 9/11 changed our world, and yet, today, more than 3,000 young people will start smoking cigarettes, and more than 1,000 of them will die prematurely.

Where is the outrage? I cannot yell "fire, fire," in a crowded theater, because the logic is that somebody might get hurt trying to get out of the theater.

Let me ask you, Mr. Chairman, does it make any sense that I cannot yell "fire, fire," in a crowded theater, but we can advertise cigarettes in such enticing ways that 3,000 young people will start smoking today?

I contend that somebody from another planet who is coming here in a UFO might not want to land until they learned more about a society that totally changes its world when 3,000 people die, but they do not seem to care when, the last year for which I saw data, 472,000 people died from smoking cigarettes.

Mr. Chairman, if we are going to spend $10 billion, I would be happy to spend $12 billion productively to do something about cigarette smoking and the scourge to our country.

Mr. Chairman, I do not know if you know or not, but smoking cigarettes kills more people, is a bigger health problem than addiction to all other habit-forming drugs combined. Where is the outrage? Where is the sense of proportion?

I would be happy to spend $12 billion if it would do good, if it would reduce some of those more than 1,000 young people out of those 3,000 that will start smoking today that are going to die prematurely from smoking cigarettes.

Mr. Chairman, this amendment sends the right message. Let us vote for it.

Mr. BONILLA. Mr. Chairman, I reserve the balance of my time.

Mr. FLAKE. Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Chairman, there are two bases on which to go for this amendment. One is the economic one, and one is the health one.

You heard my colleague from Maryland give all the reasons on the health side, but if you look at the simple facts out of the Department of Agriculture, the price supports presently for the tobacco quota system gives the highest yield per acre, $3,855 per acre in the year 2002. Now, that compares to corn at $312 an acre, $215 for soybeans and $95 an acre for wheat.

This is not an industry that is dying. If this money were going to the little farmers, that would be one thing. But if you look at the distribution, the way this money is going out, it goes to the big people, who also get a break in their taxes if they sell overseas. So what they are going to get out of this is cheaper production costs and cheaper taxes overseas.

And what do the American people get? Nothing. We get no regulation from FDA, we get no protection for our children, and it costs us $9.6 billion.

Vote for the amendment.

Mr. BONILLA. Mr. Chairman, I reserve the balance of my time.

Mr. FLAKE. Mr. Chairman, I yield 4 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise to speak in support of this amendment and against the fleecing of the American taxpayer. At this time in our country's history, with soaring deficits, a soaring national debt, and, at the same time, a soaring understanding of the harmful consequences of tobacco, that almost everything tobacco and tobacco smoke touches is harmed, at this time the very notion that the Congress would contemplate taking $10 billion, that is billion with a B, $10 billion of taxpayer money and using it to set up a new welfare program for the tobacco industry would be absolutely ludicrous if it were not being seriously considered in this Congress; in fact, considered so seriously that the House has it tucked away in a piece of legislation that has already passed this body and gone to a conference committee.

That is why today's action is so important, because this is the first opportunity that the House has had an opportunity up or down to speak to the wisdom of taking $10 billion out of the taxpayers' pocket, not to improve public health, not to reduce the deficit, not to reach out and quiet the concern of millions of mothers whose children lack health insurance or to provide assistance to millions of young people who, if they had a doubling of their Pell Grant, would be able to go to college. No, to reach out and take that $10 billion not for any of those well-defined and worthy purposes but to take that $10 billion and create a new welfare program.

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Who will get the benefit of that welfare? Well, there has been a recent study of that, and we learned that 354,000 people who would be eligible for this new benefit would get about $1,000 a year out of the program; but that two-thirds of the benefit would go to 10 percent of those who are eligible. One company in Kentucky would get $8 million.

This is a new welfare program where all the welfare goes to the people at the top and the fellow with the beat-up pickup truck, who some have claimed here today will somehow benefit from that program, is not going to get very much at all. Who will benefit from this program before us is the big tobacco companies. Because the big tobacco companies will now have a larger supply of tobacco; it will be grown in any State in the Nation; they will have cheaper tobacco as a result of this. And to anyone who says it is not about smoking, I would say this amendment is all about smoking. It is about smoking a $10 billion hole in the wallet of the American taxpayer that the gentleman from Arizona (Mr. FLAKE) is speaking out against, and it is about the danger that smoking poses to millions of young people and to all of those around them as they become addicted to nicotine.

We attempted to deal with this issue in the Committee on Ways and Means and were denied any opportunity to raise the amendment. The gentleman from Arizona (Mr. FLAKE) and I offered an amendment to the Committee on Rules and were denied any opportunity to consider this. The only reason that this ludicrous welfare program has gotten to this point is through deceit; and today, this amendment attempts to break through the deceit and get at a new plan, a new entitlement program that would pull billions from the American taxpayers and do harm to American health. The gentleman from Arizona attempts to get at that program and put a stop to it once and for all, drive a stake through this very bad idea in which we get no advances in public health, no increased wealth for the Food and Drug Administration, but simply a draw on the American taxpayer.

In short, it is not a job-creation bill for any part of the country; it is a disease-creation proposal that he seeks to put a stop to.

Mr. BONILLA. Mr. Chairman, I yield 1 minute to the distinguished gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Chairman, I would simply say hogwash to what the previous speaker said.

I am in strong opposition to the Flake amendment. This is an amendment that would block funding from the Agriculture Department to administer a tobacco buyout. The amendment is not fair for our tobacco farmers and quota holders in North Carolina and across America.

As we all know, the House recently passed the American Jobs Creation Act, which included a tobacco buyout. The most important factor, in fact, is not a new tax or a tax increase and it is not about smoking. We are simply moving 5 cents of the existing tax per pack to pay for a buyout that is badly owed to growers and quota holders whose quotas have been badly reduced.

Mr. Chairman, when I think of a buyout, I think of the folks in the eighth and other districts like Ricky Carter, Junior Wilsa, and Ester Smith, for people who make a living with tobacco and support their families and put their children through college. If my colleagues support this amendment, they will take away my constituents' ability to continue to do this in the future.

I ask all of my colleagues to vote against the Flake amendment, because we are getting rid of a government program and saving that money. Vote against the amendment.

Mr. FLAKE. Mr. Chairman, I yield myself the remainder of the time.

Just in closing, Mr. Chairman, I would simply say that it has been pointed out again and again here, this does not prevent a buyout. Perhaps a buyout is proper, but it should happen not with taxpayer funds, but with industry funds. So this simply protects the taxpayer.

Mr. BONILLA. Mr. Chairman, I yield 15 seconds to the gentleman from Virginia (Mr. BOUCHER).

Mr. BOUCHER. Mr. Chairman, I thank the gentleman from Texas for yielding, and I rise in opposition to this amendment.

Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from Arizona. His amendment would seek to prohibit the use of federal funding for the purpose of compensating tobacco quota owners and active tobacco producers for their federally controlled quota. As a Member who represents several thousand tobacco farmers, I can attest that legislation providing a tobacco buyout is critically needed to provide essential relief to the nation's tobacco farmers and to the economies of the rural communities in which tobacco is grown.

Since the mid-1990's, the major cigarette manufacturers have dramatically increased the purchase of tobacco from other countries. As more tobacco has been imported into the United States, less tobacco has been purchased from American farms. As a direct result of the foreign buying practices of the nation's cigarette manufacturers, the quotas assigned to U.S. tobacco farmers, which are automatically set based upon the level of domestic demand for both burley and flu-cured tobacco, have decreased by more than 50 percent since 1997.

Consequently and as a result of circumstances entirely beyond their control, tobacco farmers have lost more than one half of their income producing opportunities, and the buyout legislation has now become necessary. The quota, an asset which is controlled by the federal government, has a substantially reduced value, and its owners and users should be compensated for that asset's value. In today's market, the federal tobacco program is not operating effectively any more, and it is appropriate that we take steps to reform this antiquated system.

In order to accomplish this, Congress should authorize substantial payments to both active tobacco farmers and inactive quota owners. Following the buyout, active tobacco farmers would continue to produce tobacco without the burden of having to enter into a lease of quota from inactive quota owners and the federal government would no longer be in the tobacco business.

Opposition to a tobacco buyout is opposition to the financial interests of the nation's tobacco farmers and our rural tobacco producing communities.

The tobacco buyout provisions which were passed by the House are essential for the farmers and communities in my district and throughout the tobacco producing regions of the United States. We should stand united in support of our communities and our tobacco farmers. In view of the economic harm to tobacco farmers which the reduction of the federally governed quota system has caused, it is only appropriate that the Congress provide financial compensation to these farmers, and I urge my colleagues to reject this amendment.

Mr. MEEHAN. Mr. Chairman, I rise today in strong support of the Flake-Van Hollen amendment to prevent taxpayer funds from being used to give a sweetheart deal to Big Tobacco.

The $10 billion dollar buyout that was included in the FSC bill is paid for out of the pockets of taxpayers. It makes tobacco a legislative chit to be cashed in for an unrelated corporate tax bill rather than dealing with tobacco as it should be: as a public health issue.

If we don't act on this today, cigarette manufacturers could take the entire $10 billion windfall as profit, or use part of it to lower prices, addicting more children and killing more Americans.

It is no surprise that the Campaign for Tobacco Free Kids and other public health groups consider the no-strings-attached bailout a complete disaster. They join us in support of this amendment.

Senator KENNEDY, HENRY WAXMAN and I have sponsored a bill that would require the FDA to regulate tobacco.

Our bill will save lives and curb youth smoking.

Yet, the buyout would have the opposite effect by increasing tobacco use at the expense of taxpayers.

The tobacco industry is already spending $30.7 million per day to market and advertise its products, much of it aimed at kids. Should we really be in the business of providing Big Tobacco with an even cheaper product?

We need to pass this amendment to the Agriculture Appropriations bill, reject taxpayer-funded giveaways to Big Tobacco, and pass a strong FDA-Grower buyout bill that isn't funded by taxpayers.

Mr. BONILLA. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. A point of order was reserved. Does any Member wish to make that point of order?

If not, the Chair will put the question.

The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MS. KAPTUR

Ms. KAPTUR. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Ms. KAPTUR:

At the end of the bill (before the short title) insert the following:

SEC. ___. None of the funds made available in this Act may be used to provide credits or credit guarantees for agricultural commodities provided for use in Iraq in violation of subsection (e) or (f) of section 202 of the Agricultural Trade Act of 1978 (7 U.S.C. 5622).

The CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from Ohio (Ms. KAPTUR) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment I am offering today would simply restate existing law, that none of the funds available in this act can be used to provide credit for use in Iraq in violation of our agricultural trade acts. Again, it is a restatement of existing law that the Commodity Credit Corporation cannot make any credit available to any country that the Secretary determines cannot adequately service its debt.

Let us take a look at Iraq, which now owes the United States over $4 billion. And some people may be saying, well, what does the Agriculture Department have to do with debts owed from Iraq? The facts are, going way back to the 1980s, it was through the Commodity Credit Corporation of the Department of Agriculture that the Saddam Hussein regime was financed, and the $4 billion in which Iraq is in default falls squarely in our laps in this committee.

I do not favor the forgiveness of those debts. In fact, at the time, and this is recounted in a book called "The Spider's Web," by Alan Friedman, "The Secret History of How the White House Illegally Armed Iraq," there were statements made at the time by James Baker, among others, that these debts would be paid back through oil revenues. And what this amendment attempts to do is to say, we ought to support existing law. We should not permit the Department of Agriculture to extend credits to Iraq. It is a place in transition. There is not a normal commercial environment in which to conduct business. And it is a place still rife with corruption. Sometimes it is hard to know who is friend and who is enemy.

The real question for us, for the USDA, should be: How should normal commercial transactions be handled with Iraq?

The past is prologue. U.S. law was violated in the past when it concerned Iraq, and it was repeatedly used to implement foreign policy objectives that were not known by the vast majority of Members of this Congress or the American people themselves.

The history of U.S. transactions with Iraq has been marked by fraud, deception, manipulation, unreported loans, and outright crime. Rumor has it that the administration is considering using CCC authority again to begin to try to sell products to Iraq. We should ask ourselves, how do we get strict oversight on this potential activity and, frankly, it should not be allowed in a normal business transaction.

Here we have a chart, and this indicates who owes us the $4 billion. If we go back to the 1980s and 1990s, booked currently through, this is as of December of last year, it is very interesting who the American taxpayers are being asked to bail out. The Arab American Bank: they got $394,517,000 from the taxpayers of the United States, and now Iraq wants those debts forgiven. How about the Gulf International Bank. They get $907 million. They do not sound like a very poor institution to me. How about the National Bank of Kuwait. Why should our taxpayers give them $297,938? Why should we not get this money back?

Now, it is interesting, there is a little bank here in Texas, First City Texas Houston Bank, they got bailed out by the taxpayers, $95,469,000. It is sort of interesting to look at who some of the people in place were when these deals were made. How about Kenneth Lay who was on the board of directors? How about James Elkins, Jr., who was chair until 1988? How about Jeff Skilling, who was working in the risk management division of that institution? Why should the American people pay the bill for this?

This is all caught up in the policies that the Department of Agriculture did not want to implement, if we go back to the record and look; and now the American people have bailed out these banks, and Iraq wants forgiveness on this debt. Why do we not go back to the original thought, and that is, let the oil revenues pay this off? Why should we, through our accounts of the Commodity Credit Corporation and the American people, be asked to bail out some of the wealthiest institutions on the globe?

How about Morgan Guarantee Trust Company of New York? $284,077,000. This is the record, and, of course, the big one, the Banca Nazionale Del Lavoro in Italy, $810 million. We all know the scandal that was involved with that.

The point is, these are still claims outstanding, principle and interest in default by the nation of Iraq.

My amendment would say, we should not open commercial relations with Iraq until these debts are paid, and all we do in the amendment is to reaffirm existing law.

These are not normal circumstances in which we are dealing. There is uncertainty regarding the condition of the Iraqi economy, the ruling authorities, and a host of other issues that make additional credits risky at this time. And we should not put the taxpayers further at risk. They are already $4 billion on the hook, having bailed out these institutions that should have paid us in the first place.

At the subcommittee level, we offered a more restrictive amendment which did not receive broad support in the committee; and so we brought back another amendment that merely restates existing law. I would ask the Members to consider my amendment to make sure that we are protected, our taxpayers are protected, and based on the history with this country that the largest banks in the world not have their hands in the pockets of our taxpayers. So I would ask for support for the Kaptur amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. BONILLA. Mr. Chairman, I rise in opposition to the amendment, and I yield such time as she may consume to the gentlewoman from Missouri (Mrs. EMERSON).

Mrs. EMERSON. Mr. Chairman, I rise in opposition to the amendment offered by my good friend, the gentlewoman from Ohio (Ms. KAPTUR).

First of all, let me state for my colleagues that the report language in the Committee on Agriculture report simply encourages the Secretary of Agriculture to offer a GSM program to Iraq, an action that the USDA already has the statutory authority to take. Nothing in the bill or the report requires the Secretary to take any kind of action contrary to the current law.

Meanwhile, the amendment offered by the gentlewoman from Ohio (Ms. KAPTUR) would apparently place unnecessary restrictions on the USDA's use of the GSM program in Iraq.

Now, I know that the gentlewoman has argued that her amendment simply restates current law. Well, if this is the case, then the amendment is completely unnecessary. If this is not true, then the Kaptur amendment puts potential U.S. agricultural sales to Iraq in jeopardy. Jeopardizing U.S. agricultural sales to Iraq is no small matter, because it is no small matter to U.S. farmers and exporters. Almost $3.2 billion worth of U.S. agricultural commodities were sold to Iraq under the GSM export credit guarantee programs from 1987 through 1990. This included $579 million worth of rice, $535 million of wheat and wheat flour, $301 million of corn, $257 million of soybean meal, $169 million of sugar, $109 million of cotton, $61 million of dry beans, peas, lentils, and a long list of other commodities, including dairy products, eggs, leather, and lumber.

One recent analysis indicated that U.S. rice farmers alone forfeited almost $2 billion in sales to Iraq as a result of the embargo against sales to Iraq.

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U.S. farmers need the GSM program to be available if they are to have any kind of a realistic opportunity to recapture this key export market. The future prosperity of U.S. agriculture should not be jeopardized by debts piled up by the Saddam Hussein regime.

So, in conclusion, I want to say that I would like my colleagues to oppose this amendment, and I would like them to oppose this amendment primarily because it is redundant and it is unnecessary. Adopting this amendment that would prohibit the use of funds for the violation of one narrow provision of law implies that it is acceptable to use the funds in the bill to violate the broad array of other laws carried out by the Department of Agriculture.

Mr. Chairman, I yield to the distinguished gentleman from Virginia (Mr. GOODLATTE), chairman of the Committee on Agriculture.

Mr. GOODLATTE. Mr. Chairman, I thank the gentlewoman for yielding, and I would like to join her in opposition to this amendment.

This is the amendment that says it is okay to give food to Iraq, but it is not okay to sell food to Iraq. That does not make any sense to me. This is a new Iraqi government, just started. We ought to give the discretion that the law currently allows to the Secretary of Agriculture to make these decisions and not take that away from the Department, and I would strongly oppose an amendment that would harm American farmers.

Mr. BONILLA. Mr. Chairman, I reserve the balance of my time.

Ms. KAPTUR. Mr. Chairman, I yield 1¾ minutes to the fine gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, I support this amendment and urge my colleagues to do the same thing. It is appropriate because, under the act, all the gentlewoman from Ohio is asking is that we comply with existing law. It would be a lot easier if we had an administration that would be more forthcoming about the way this all is being handled.

The gentlewoman from Ohio (Ms. KAPTUR) has requested information, as have others, and this administration has refused to comply with the congressional request for information regarding Iraq. During their hearings, the gentlewoman from Ohio (Ms. KAPTUR) requested basic information about credit guarantees approved for Iraq; and despite USDA's promise a year ago to coordinate with the Treasury Department to provide these records, no information has been forthcoming.

Unfortunately, this is not an isolated incident. I have faced similar difficulties in getting information from the administration about Iraq contracts. It is not just the White House. Yesterday we received some documents from the Defense Department we requested 6 months ago, but DOD still has not sent other documents requested last December.

The gentlewoman from Ohio (Ms. KAPTUR) should get the documents she has requested. She should get those documents if Congress can make informed decisions about extending agricultural credit guarantees to Iraq.

In the meantime, it is essential that the administration comply with existing law as this amendment would have them do.

Mr. BONILLA. Mr. Chairman, I yield back the balance of my time.

Ms. KAPTUR. Mr. Chairman, I include for the RECORD letters pertaining to this issue.

CONGRESS OF THE UNITED STATES,
Washington, DC, July 12, 2004.
Secretary ANN W. VENEMAN,
U.S. Department of Agriculture,
Washington, DC.

DEAR SECRETARY VENEMAN: We are writing to request information regarding nearly $4 billion in unpaid credits for the sale of U.S. agricultural commodities to Iraq. The Departments of Treasury and Agriculture have failed to adequately respond to previous requests for this information.

During hearings before the Appropriations Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for fiscal 2004, the Foreign Agricultural Service was asked to provide copies of minutes, transcripts, and reports from the National Advisory Council on International Monetary and Financial Policies. Requests were also made for the date, the amount, and specific votes by members of the National Advisory Council for each of the Commodity Credit Corporation Program credit guarantees that were approved for Iraq.

While USDA did participate in many of these meetings, the response was that USDA did not have such records, including the names of its own personnel who may have been involved in these meetings. Instead, it was suggested that the Department of Treasury would have these records. In response to these questions, USDA made a promise a year ago that the Department would work with Treasury to obtain these records. Despite this pledge, no information has been provided. (Fiscal 2004 hearing, Part 7, page 641)

In fact, when the issue was raised again earlier this year in questions presented to Secretary Veneman, the response was the "the Department does not have any additional information." (Fiscal 2005 hearings, Part 8, page 327)

Given that the outstanding debt is nearly $4 billion in combined principle and interest and that this debt is still carried on the books of CCC, it is very difficult to believe and harder to accept that more detailed records of how these credits were approved do not exist. This is a matter that should be resolved before any additional credit of any kind is extended to be sure that limited resources are being used in the most indicious manner.

Additionally, in response to questions presented to the Foreign Agricultural Service during hearings this year, it was suggested that an IMF debt sustainability analysis was expected by early May, a U.S. Government Country Risk Assessment was expected by early June, and a determination by the Paris Club on debt treatment was expected as soon as this month. (Fiscal 2005 hearings, Part 7, page 922) We request summaries of each of these reports as well.

We ask that you provide the requested documents as soon as possible.

Sincerely,

MARCY KAPTUR,
Ranking Member, Subcommittee on Agriculture, Committee on Appropriations.
HENRY A. WAXMAN,
Ranking Member, Committee on Government, Reform.

CONGRESS OF THE UNITED STATES,
Washington, DC, July 12, 2004.
Secretary JOHN SNOW,
U.S. Department of Treasury,
Washington, DC.

DEAR SECRETARY SNOW: We are writing to request information regarding nearly $4 billion in unpaid credits for the sale of U.S. agricultural commodities to Iraq. The Departments of Treasury and Agriculture have failed to adequately respond to previous requests for this information.

During hearings before the Appropriations Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for fiscal 2004, the Foreign Agricultural Service was asked to provide copies of minutes, transcripts, and reports from the National Advisory Council on International Monetary and Financial Policies. Requests were also made for the date, the amount, and specific votes by members of the National Advisory Council for each of the Commodity Credit Corporation Program credit guarantees that were approved for Iraq.

While USDA did participate in many of these meetings, the response was that USDA did not have such records, including the names of its own personnel who may have been involved in these meetings. Instead, it was suggested that the Department of Treasury would have these records. In response to these questions, USDA made a promise a year ago that the Department would work with Treasury to obtain these records. Despite this pledge, no information has been provided. (Fiscal 2004 hearings, Part 7, page 641)

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Ms. KAPTUR. Mr. Chairman, I yield my remaining time to the gentleman from New York (Mr. HINCHEY), a very able member of our subcommittee.

Mr. HINCHEY. Mr. Chairman, this amendment is important, because as we have seen in the past, particularly during the Reagan and first Bush administrations, the Commodity Credit Corporation has been manipulated by those administrations, particularly for elicit purposes.

After the gassing of the Kurds in Halabjah, for example, the administration in 1988 when that occurred took Iraq off of the list of terrorist states and arranged for them to get substantial amounts of funding in a variety of ways, and principal among those ways was through the Commodity Credit Corporation. Probably more than $4 billion flowed to Iraq through CCC, even though the Commissioner of Agriculture objected to it on many grounds, not the least of which was that they were not likely to be repaid.

Nevertheless, the then Vice President of the United States and others in the White House intervened, and the money was sent. Commodities were sent. We are not sure where they went. Weapons were sent. And now we are confronted with a situation where people take a very sanctimonious point of view.

Saddam Hussein gassed his own people, the Kurds. Yes, he did, and in a very evil way; and 5,000 people or more were killed. What was the response of the American administration? More support through Commodity Credit Corporation, more weapons, more armaments, more chemical weapons. That was the response, and many of those people were in positions of responsibility in those administrations at the time, those same people who are complaining about that sanctimoniously today.

Yes, this is a restatement of the existing law, but obviously the law needs to be restated.

Mr. Chairman, the amendment offered by my colleague Ms. KAPTUR is very simple but also critical.

During the 1980s and early 1990s, the administrations of Ronald Reagan and George Bush sent billions of dollars in CCC funds to the regime of Saddam Hussein.

This money was sent after the United States confirmed that Saddam Hussein had used chemical weapons against the Kurds and Iranians. For example, in November of 1983, the State Department confirmed that Iraq was using chemical weapons daily in attacks against the Iranians. At the same time, $413 million in agriculture loan guarantees were sent to Iraq. In 1984, despite Iraq's continued use of chemical weapons, the Reagan administration sent Iraq $513 million in agriculture loan guarantees.

These funds enabled Hussein to purchase more weapons and strengthened his grip on the Iraqi people. Oftentimes, this funding was sent only after top ranking officials such as James Baker and George Bush intervened over the objections of their subordinates. An example of this occurred on October 31, 1989 when Secretary of State Baker personally intervened with the Agriculture Secretary to get him to drop opposition to $1 billion in food credits for Iraq. The funds were subsequently sent.

These actions clearly were illegal and should never have been permitted.

Ms. KAPTUR's amendment simply restates the restrictions on CCC loans contained in current law, which were violated by previous administrations.

This is extremely prescient because many of the officials responsible for our Iraq policy when these violations occurred are back in power in George W. Bush's administration. They could probably use the reminder.

On March 16, 1988, Iraq used mustard gas and other nerve agents against the Kurds in Halabjah, Iraq, killing an estimated 5,000 people. This is an atrocity that is used by many, including the President and members of his cabinet, as justification for invading Iraq.

Yet, these same people in both the Reagan and the first Bush administrations worked to increase aid, cooperation, trade and intelligence-sharing with Iraq after the gassing occurred after these atrocities occurred.

Secretary of State Colin Powell was Ronald Reagan's National Security Adviser when the Kurds were gassed.

Deputy Secretary of Defense Paul Wolfowitz was Under Secretary of Defense for Policy from 1989 to 1993.

National Security Adviser Condoleezza Rice was a director on the National Security Council from 1989 to 1993.

Vice President DICK CHENEY was the Republican whip in the House in 1988 and the Secretary of Defense from 1989 until 1993.

Even Majority Leader TOM DELAY voted against legislation imposing sanctions on Iraq in September of 1988 in response to the Halabja tragedy.

As far as we know, not one of them opposed the massive aid and assistance the Reagan and Bush administrations sent after the Halabja bombing.

I urge the adoption of Representative KAPTUR's amendment to prevent a repeat of the abuse that occurred under the Reagan and Bush administrations.

The CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentlewoman from Ohio (Ms. KAPTUR).

The amendment was agreed to.

Mr. BONILLA. Mr. Chairman, I move to strike the last word and yield to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Chairman, I rise to enter into a colloquy with the gentleman from Texas (Mr. BONILLA).

I rise today on behalf of the gentleman from Nebraska (Mr. OSBORNE), the gentleman from Florida (Mr. BOYD), the gentleman from Tennessee (Mr. DAVIS) and the rest of the Congressional Rural Caucus to request that as you move forward with this appropriations bill and eventually go to a conference committee with the Senate you will work with the Rural Caucus to increase appropriations for both the value-added agricultural product market development grant program and the rural broadband loan program.

Since being authorized in the 2002 farm bill, the value-added grants program has been the engine that has driven many valuable projects and local entrepreneurs across the country. Unfortunately, this program has been funded well below the $40 million authorized level every year, resulting in lost opportunities for rural America.

Likewise, the recently created rural broadband loan program is quickly proving to be an invaluable tool to rural communities in connecting us to broadband technology.

Without access to this technology, rural communities will continue to struggle to become fully integrated into the new economy. We hope you will support these requests as you undergo the difficult task of guiding the fiscal year 2005 Agricultural, Rural Development and Related Agencies Appropriations Bill through this process. I know that you being from the Texas heartland are very sensitive to these rural issues, and I thank you for your leadership on these important issues.

Mr. BONILLA. Mr. Chairman, reclaiming my time, I thank the gentleman for raising these two very important programs, value-added grants and rural broadband loans, which are so valuable to rural America, and I will work with the gentleman and the Rural Caucus as we move through this process. And I thank the gentleman for raising this issue.

Mr. Chairman, I yield back the balance of my time.

AMENDMENT OFFERED BY MR. HINCHEY

Mr. HINCHEY. Mr. Chairman, I offer an amendment.

THE CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HINCHEY:

Page 59, line 4, insert after the dollar amount the following: "(increased by $500,000)".

Page 59, line 20, insert after the dollar amount the following: "(decreased by $500,000)".

The CHAIRMAN. Pursuant to the order of the House today, the gentleman from New York (Mr. HINCHEY) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Chairman, I yield myself such time as I may consume.

My amendment cuts $500,000 from the office of the Commissioner of the Food and Drug Administration and adds that money to the FDA's Center For Drug Evaluation and Research. It is my intention that the funds should be cut from the FDA's Office of General Counsel, which is housed in the Commissioner's office, and that those funds be added to the FDA's Division of Drug Marketing, Advertising and Communication, which is located in the Center for Drug Evaluation and Research.

The mission of the Food and Drug Administration is to ensure that the public is protected from unsafe food, drugs and medical products. The FDA's Chief Counsel, however, has taken the agency in a radical new direction, and in doing so has wasted taxpayer money on pursuits that are undermining FDA's basic mission.

For the first time in history, FDA's Chief Counsel is actively soliciting private industrial company lawyers to bring him cases in which FDA can intervene in support of drug and medical device manufacturers. The cases he is seeking out are private, State, civil litigation cases. These are cases in which the court has not asked the FDA's opinion. These are cases involving drug companies and medical device manufacturers who are being sued by people who have been harmed by their products. This has never happened before, and according to the FDA, it has spent over 622 hours on these cases.

I have also uncovered what amounts to a pattern of collusion between the FDA and the drug companies and medical device manufacturers whom the FDA is defending in State courts. Here are three such cases:

One of Mr. Troy's clients, Chief Counsel for the FDA, Mr. Troy's clients at Wiley, Rein was Pfizer, which in the 3 years prior to his appointment in the

FDA paid that firm $415,000 for services provided directly by Mr. Troy.

In July of 2002, Malcolm Wheeler, an attorney for Pfizer, called Mr. Troy, then FDA's Chief Counsel, and requested that FDA get involved in the private State lawsuit against Pfizer that was ongoing in California. Mr. Troy obliged, and in September, less than 2 months later, FDA through the Department of Justice filed a court brief in support of Pfizer.

That same July, Mr. Troy also had a meeting with Ms. Michele Corash from Morrison and Foerster. Morrison and Foerster, one of the world's largest firms, is based in California. At the time of this meeting, it was representing Glaxo Smith Kline in a private lawsuit in California that revolved around California's Proposition 65, or the Safe Drinking Water and Toxic Enforcement Act. Michelle Corash was the lead attorney in that case. On September 12, less than 2 months after that meeting, Mr. Troy's FDA filed a brief in support of Ms. Corash's client Glaxo Smith Kline.

This pattern continued in 2003. On December 12, 2003, FDA filed a statement of interest in the case of Murphree v. Pacesetter in support of the medical device manufacturer Pacesetter. The company was being sued in Tennessee State court for a faulty pacemaker. My office has obtained the letter to FDA dated November 5, 2003, from the law firm of Feldman, Gale and Weber directing FDA on how it should assist its case against the person whose Pacesetter did not work. The firm was representing the Pacesetter.

Another pursuit of FDA's Chief Counsel was his publishing in the Federal Register a notice questioning whether FDA's own regulations complied with the first amendment. This notice is troubling because it would surely be used against FDA in lawsuits.

Because of the unusual nature of this action, CRS looked for a precedent, and what it found was this: "We were not able to uncover any similar instance where a Federal agency issued a notice seeking the type of public comment on a constitutional issue and regulatory issue such as this one which was sought out by Mr. Troy."

After receiving 700 filings and spending 600 hours on this matter, the FDA decided to drop it, once again wasting taxpayer money.

But this amendment is about more than just an FDA office wasting money. FDA's Chief Counsel is taking actions to undermine FDA's ability to carry out its mission. He is shutting down avenues used to expose fraud in the drug industry. He is making it easier for drug companies to produce misleading advertisements.

Instead of spending taxpayer dollars to make it easier to defraud the public, the FDA should be protecting the public and its interests.

My amendment would add funds to FDA's Division of Drug Marketing, Advertising and Communication. This division, which consists now of only seven people, is responsible for reviewing the accuracy of prescription drug consumer-directed advertisements. Last year, these seven people reviewed 38,400 such ads. This is a 6 percent increase over the previous year.

However, despite the increase in ads reviewed, the number of enforcement letters sent by FDA to drug manufacturers for false and misleading advertisements dropped 75 percent. They are only doing 25 percent of the work that they did previously. It dropped 75 percent in 2003.

The reason for this drop was not the drug companies suddenly cleaned up their act. In fact, all public information indicates the contrary. The real reason is a conscious effort on the part of the FDA to weaken advertising regulations.

Shortly after the Bush administration took office, FDA's Chief Counsel instituted a policy that all advertising warning letters go through his office, the Office of Chief Counsel.

□ 1700

Prior to this, all letters were sent from the Division of Drug Marketing. So now that they go through the Office of Chief Counsel, we have had this 75 percent reduction in enforcement. This extra money would strengthen FDA's division for drug marketing's ability to identify misleading ads that it sends to the FDA's Chief Counsel's office. It is clear this division is overwhelmed and requires more assistance. I urge support for this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. BONILLA. Mr. Chairman, I claim time in opposition to the amendment. I rise to say we do not have opposition to the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. HINCHEY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. HINCHEY).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. KAPTUR

Ms. KAPTUR. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. KAPTUR:

At the end of the bill, add the following new section:

SEC. . None of the funds appropriated or otherwise made available by this Act may be used to pay the federal share of the administrative costs of any state's operation of the food stamp program that are performed outside the United States, except that the amounts otherwise provided by this Act are revised by increasing the amount made available under the heading "Food Stamp Program" by $6,500,000 for expenses under section 16 of the Food Stamp Act.

The CHAIRMAN. Pursuant to the order of the House today, the gentlewoman from Ohio (Ms. KAPTUR) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment prohibits the use of funds in this bill to pay for outsourcing food stamp call center jobs to foreign countries. We used to have amendments on these bills that were identified "Buy American." Today I offer one to "Hire an American."

It would basically change the behavior of the U.S. Department of Agriculture and our respective States that receive food stamp dollars and in turn are outsourcing the call center jobs associated with food stamps to Mexico and to India and to other foreign countries.

The Richmond Times Dispatch reported in March that 38 States had been exporting our jobs since 2001. Since then we have learned from the Congressional Research Service that in fact 42 States have outsourced some part of their food stamp call center operations.

Think about that. The calls relate to food stamps for people inside the United States of America. Only Illinois, Iowa, Maine, Mississippi, Montana, Ohio, Texas, and Wyoming have their call centers exclusively inside the United States. Other States are beginning to look at this issue and take action, but this deserves national attention since these are dollars that fund the food stamp programs in all of our States.

It is also ironic that the biggest account in this entire bill is the food stamp program, ringing in at $33 billion being paid out to needy Americans. Given the complexity that some people face when trying to complete those applications or find out where there may be stores that accept electronic benefit technology, you would expect that our constituents would be able to reach someone in their own community or our States who might be better able to relate to the problems that they are facing in their own lives.

So we provide $33 billion for food stamps to all of our States, and that is a program that has increased 46 percent in just the last 4 years.

Many banking companies have become the intermediaries that are administrating the food stamp program and end up putting those jobs in other countries. Would it not be better use of American taxpayer funds to try to hire unemployed individuals? In fact, some of those receiving food stamps who could get off these food stamps by having good jobs at these call centers.

Mr. BONILLA. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Texas.

Mr. BONILLA. Mr. Chairman, I would like to inform the gentlewoman that we have reviewed this amendment and would be happy to accept the amendment if she would like.

Ms. KAPTUR. Mr. Chairman, I thank the gentleman so very much for that.

I would be concluding my remarks and saying with all of our veterans returning home, many of them disabled now, this is an absolutely perfect opportunity to transition them into jobs with adequate training and why should we not be using tax dollars to help our own people get jobs right here at home. I thank the chairman very much for his consideration and for the membership. This is a great victory for the American people.

Mr. Chairman, I yield back the balance of my time.

Mr. BONILLA. Mr. Chairman, I claim time in opposition to the amendment, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Ohio (Ms. KAPTUR).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. KAPTUR

Ms. KAPTUR. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. KAPTUR:

Add at the end (before the short title), the following new section:

SEC. 7 . The amounts otherwise provided by this Act are revised by reducing the amount made available under title I for "OFFICE OF THE CHIEF INFORMATION OFFICER" and by increasing the amounts made available under title I for "MARKETING SERVICES" under the heading "AGRICULTURAL MARKETING SERVICE" (for the Farmers Market Promotion Program and administrative expenses related to such program), by $6,000,000 and $6,000,000, respectively.

The CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from Ohio (Ms. KAPTUR) and a Member opposed will each control 10 minutes.

The Chair recognizes the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the farm bill established for the first time the Farmers Market Promotion Program to expand and promote our farmers markets around the country, to help farmers increase their sales at roadside stands and community-supported farmers markets across this country.

My proposal would take $6 million from the Chief Information Officer's account and put it in this program. Though authorized by the farm bill, there were no funds appropriated to this account that were in the bill that cleared the subcommittee.

What this program does, it would give additional traction to farmers who are farming especially around our large urban areas to earn money from the market place rather than from subsidy programs. It is a direct-marketing program. None of the dollars in this measure go to buildings and so forth. And it is really aimed at those farmers that are trying to hang on and earn money from the market place.

The average age of farmers in our country is now about 58 years old. This is a very small amount of money coming out of a bill that is over $80 billion, but really it has so much effect. If you go up here just on the street on the Mall and you look at the farmers market that operates outside the U.S. Department of Agriculture, the roadside stands that exist in many of the communities in which we live, or I was talking to the gentlewoman from New York (Ms. VELÁZQUEZ) and on the Lower East Side of Manhattan this weekend, farmers were able to bring their product there and have a real opportunity to market in a very high-priced part of the United States where there is a lot of the poverty.

This program is aimed at expanding those types of efforts and connecting the farm to the town, helping our farmers move their diversified product. And many of these farmers are not on any subsidy program. They raise vegetables. They raise fruits. They process the product. They bring them to the farmers market. This would really help them to expand their ability to market.

So we just basically move funds inside the bill from the administrative account of the Chief Information Officer, and we put it over in the account that deals with this farmers market program that was established in the new farm bill.

When Secretary Veneman spoke at the opening of the USDA Farmers Market just a little more than 2 weeks ago, she talked about how farmers were gravitating to farmers markets and trying more sophisticated ways to market their products because of the difficulties that are being faced in the general market place itself as it becomes more difficult for small entrepreneurs, small business people to move their product to market. So we know that the need is great.

The 2002 Census of Agriculture showed a 37 percent increase just since 1997 in direct sales to consumers. And we know that the interest is there. We know our farmers need a lot of help in marketing. Most farmers, if you ask them what is the worst thing they do, they say it is market simply because they spend all their time growing, all their time picking and displaying, and it is hard for them to move product to market. This is something that will make a difference immediately.

It will also help farmers avoid the slotting fees that they have to pay if they are asked to show in a supermarket. They cannot afford $50,000 or $25,000 to put their product right on the shelf. It gives them an alternate direct-marketing opportunity.

I would ask the Members for their support of this very worthy program, to give life to the farmers marketing program that was authorized in the new farm bill.

Mr. Chairman, I reserve the balance of my time.

Mr. BONILLA. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Texas (Mr. BONILLA) is recognized for 10 minutes.

Mr. BONILLA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentlewoman has already voted to zero out the agriculture buildings and facilities account. Cutting the CIO account would result in a direct loss of Federal jobs. The amendment for farmers markets would result in an increase of $5.2 million, or a 600 percent increase.

The minority views in this report highlight a lot of funding shortfalls; and we have been reviewing them, not just today, but since they have arrived when they were completed. Not one of the amendments that has been offered today attempts to put money in any of the programs that were highlighted in the minority views. In fact, this amendment adds money to a newly authorized program.

I oppose this amendment and I ask that all Members who care about this bill oppose it as well. This is, again, somewhat of a flailing to try to put money into this program when, again, we find it interesting that many of the views expressed by the minority on this bill, none of those were addressed but yet there is an attempt to put money into this program.

Mr. Chairman, I reserve the balance of my time.

Ms. KAPTUR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in closing today, I would just like to ask the Members of this House to think about the communities that they represent, how many farmers markets, how many potential farmers markets, how many roadside stands could be helped by additional marketing authority. We are not taking or creating any new money here. We are just moving money from an information account to a direct-market account for farmers to put income in their pockets through direct marketing of their own product, made and grown and harvested with their own hard labor. And I am always proud to stand up on behalf of the farmers of our country and try to help them find new ways to the market.

I would urge the membership to vote in favor of the Kaptur amendment for farmers markets across this country.

Mr. Chairman, I yield back the balance of my time.

Mr. BONILLA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I reiterate our strong opposition to this amendment and urge a "no" vote.

Ms. SLAUGHTER. Mr. Chairman, I rise in strong support of my friend, Representative KAPTUR's amendment, the Farmers' Market Promotion Program. This amendment would make grants to cooperatives, local governments, nonprofit corporations, and other groups that will increase the number of direct producer to consumer market opportunities.

This bill is a win-win all around. Farmers will have more markets for their goods. Consumers will have access to fresh-picked produced. And cities, towns, and hamlets—any area fortunate enough to have such a market at its core—will benefit from the economic ripples that will flow through their communities.

I have seen the boon these farmers' markets bring at first hand. For many years, the Rochester Public Market in my New York district has both benefited farmers in the adjacent counties while it has become a true gathering place for all our citizens. It's just the place to go—and with good reason. Who doesn't thrill when the first local tomatoes appear, or delight in the smell of fresh basil while buying just-picked corn that will go to the dinner table the same day? And that's just from the consumer's point of view. For our Monroe County farmers, it represents a fast and dependable way to move their goods to market productively without the otherwise inevitable middlemen.

In Buffalo, I have recently spearheaded a similar project on the East Side of the city, which is in dire need of economic stimulus such as this. In April, Congresswoman KAPTUR came to the announcement of a major overhaul of the country's oldest public market, which is now in need of revitalization—the Broadway Market. She, along with New York State Agriculture Market officials, Buffalo and Erie County officials, and agriculture leaders helped brainstorm ways we can return the Market to its former glory. We want it to become the finest farmer's market in the state—and after such a fine start, I'm sure it will. The farmers of Erie, Orleans, and Niagara Counties will reap the financial harvest.

This Farmer's Market Amendment would provide $6 million to help other communities initiate worthwhile projects like the Buffalo Market by providing the seed money necessary for them to blossom and grow. That is exactly what the Agriculture Appropriations bill should be doing across the country, and why I hope my colleagues will join me in a favorable vote.

Mr. MORAN of Virginia. Mr. Chairman, I rise in support of the KAPTUR amendment to provide a modest $6 million in funding for the Farmers' Market Promotion Program. This program was established by the Farm Bill to make grants to cooperatives, nonprofits, local governments, economic development corporations and regional farmers' market authorities for projects to establish, expand, and promote farmers' markets, roadside stands, and community supported agriculture programs. Unfortunately, the program has never been funded.

At a time when we spend billions on programs that primarily assist large agribusinesses, Congress needs to reaffirm its commitment to help farmers most in need of assistance. This relatively small investment in the Farmers' Market Promotion Program will produce economic benefits to small farmers and local communities that far exceed the $6 million investment we are proposing in this amendment.

Farmers' markets are essential sources of income for thousands of small farmers. They provide farmers with direct access to consumers, and, in many instances, all of the small farmer's income comes from sales at farmers' markets. In a USDA survey of 772 farmers' markets, over 6,000 farmers said they sell their products only at farmers' markets.

Mr. Chairman, consumers also benefit from farmers' markets. Consumer demand for locally grown food produced by small farmers is on the rise. For safe, nutritious food, Americans place more trust in smaller scale farms. According to a recent national consumer survey, seven in ten Americans said smaller scale family farms are more likely than large farms to use techniques that won't hurt the environment.

Farmers' markets also help promote nutrition education, wholesome eating habits, and better food preparation, as well as boost the local community's economy. Many urban communities where fresh, nutritious foods are scarce gain easy access to quality foods at fair prices.

Consumers also have the opportunity to personally interact with the farmer who grows the produce. I enjoy spending Saturdays shopping at the farmers' markets in my district and interacting with the farmers. I know many of my colleagues have similar positive experiences at markets in their district.

The sights and smells of fresh produce, a conversation with a local farmer about the weather and growing techniques—these experiences make shopping at farmers' markets such a unique and enjoyable experience.

I urge my colleagues to support the Kaptur amendment to provide a modest but important investment in the Farmers' Market Promotion Program. Let's take this opportunity to help family farmers and consumers.

Mr. BONILLA. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Ohio (Ms. KAPTUR).

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. KAPTUR. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Ohio (Ms. KAPTUR) will be postponed.

□ 1715

Mr. BONILLA. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Illinois (Mr. LAHOOD).

Mr. LAHOOD. Mr. Chairman, I wonder if Members under the unanimous consent request had thought that their amendments were so important why they would not be here to offer them. It seems a little odd to me that when someone actually gets their amendment into the unanimous consent request because they think they have an important issue that is so earth-shaking or so dramatic or so important, and yet when the hour arrives for their amendment to be considered, they do not come and offer it, I wonder how important the amendment really is.

So I wonder if we ought to just consider having the committee rise and vote on the bill. That seems to be the appropriate thing to do.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. BONILLA. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I was simply trying to facilitate the committee's work in trying to reach agreement on language that the gentleman from Virginia on your side of the aisle indicated he wanted to see in this bill, but if the gentleman does not want to wait for us to do that then I would be happy to pass it by and move on.

Mr. LAHOOD. Mr. Chairman, will the gentleman yield?

Mr. BONILLA. I yield to the gentleman from Illinois.

Mr. LAHOOD. Mr. Chairman, I think, out of courtesy to the gentleman from Virginia earlier today, it would have been nice if the ranking member of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies would have had the courtesy to recognize him when he was on the floor and could not get to the microphone. There was no consideration given to his ability when he had an important matter that he wanted considered, and out of courtesy that would have been nice to have been done.

If it had been done on the other side, if a Member on your side had been treated the way that the Member was treated on our side, I am sure there would have been many, many procedural votes today. But, apparently, the ranking member on the Committee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies did not have the courtesy or the common decency to allow the Member to have his say or the right just to have his say.

I guess that is the way it is, and we see from time to time when that courtesy is not extended to your Members, all you-know-what breaks loose around here.

Mr. BONILLA. Mr. Chairman, I thank the gentleman for his remarks.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. BONILLA. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, let me simply say that I was informed that the gentleman from Virginia on your side of the aisle, that he was prevented from getting to the microphone by a Member of his own party. So I was not on the floor, I did not see what happened, but if the gentleman would prefer to resurrect old antagonisms rather than to solve problems, I am perfectly happy to leave this mess exactly where it is.

Mr. LAHOOD. Mr. Chairman, will the gentleman yield?

Mr. BONILLA. I yield to the gentleman from Illinois.

Mr. LAHOOD. Mr. Chairman, I know that the gentleman from Wisconsin is a very fair-minded person, and had he been on the floor and recognized what was done to the gentleman from Virginia I am sure he would have persuaded the ranking member to owe him the courtesy to give him a chance to speak.

AMENDMENT NO. 12 OFFERED BY MR. TIAHRT

Mr. TIAHRT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment No. 12 offered by Mr. TIAHRT:
>
> Add at the end (before the short title) the following new section:
>
> SEC. 7 . None of the funds made available by this Act may be used to pay for the official travel of employees of the Department of Agriculture whose station of duty is at the Washington D.C. headquarters of the Department until the Secretary of Agriculture certifies to Congress that the Secretary has implemented a voluntary program under which beef slaughtering establishments may acquire and use rapid screen testing kits to test beef carcasses for the presence of bovine spongiform encephalopathy.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Kansas (Mr. TIAHRT) and a Member opposed will each control 5 minutes.

Mr. BONILLA. Mr. Chairman, I reserve a point of order on this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Chairman, I yield myself such time as I may consume.

My amendment would restrict travel funds for USDA employees who are working in Washington, D.C., until the Secretary of Agriculture implements a voluntary program for beef slaughtering establishments to screen for BSE, bovine spongiform encephalopathy, mad cow disease as it is commonly known.

Right now, America has the safest beef in the world, and a lot of it comes from the great State of Kansas, but this is not about food safety. This is about trying to meet the demands of customers.

Creekstone Farms Premium Beef is a small packing company in Arkansas City. At that location, they employ about 750 workers who have been reduced from 5-day work weeks to 4 days because we have failed to open up markets in Japan and South Korea. The reason that has happened is because they have demanded in those markets that we have some kind of 100 percent screening. The USDA has not allowed this to occur. It is my personal view that USDA should be in the business of setting minimum standards and not maximum standards, but because of this ban, America has lost in exports to Japan and South Korea nearly $1 billion worth of exports.

According to the USDA, that number is approximately $959 billion over the last 6 months. Over the year, it will be close to $1.5 billion, maybe $2 billion.

I just want the floor to know, Mr. Chairman, that we need to allow American processors to have the flexibility to meet the demands customers are bringing to them.

In Japan, they already have their beef labeled as BSE tested. That is all we are asking for here, is to allow that screening to go on and for it to occur. The cost would be about $15 per head. We have already lost in exports enough to test the entire 35,000 cattle that are processed every year in America, but because we have not been able to do that, we are looking at a loss of exports, plus loss of jobs here in America.

The amount of beef that is being sold in Japan and South Korea continues, but it is being supplied by Australian and New Zealand suppliers instead of American suppliers. So what we are trying to do is open up these markets back again for American beef processors.

I also want to make a point, Mr. Chairman, that in the past, during the free market system, we have said that the customer's demands ought to be met, the customer is always right, but currently we are not seeing that allowed because of inaction by USDA.

We know that in California that auto manufacturers meet unique safety and environmental standards, and they gladly put a little higher price tag for that, but currently we are not allowing American beef processors to put a little added extra safety in and charge a little more for it for those customers who want it.

So I have this amendment that would restrict travel for headquarters Washington USDA employees until a voluntary program is allowed to move forward. This is a very simple amendment. It does not go into a great deal of detail, but it makes a very strong point that we need to allow our processors to meet the demand of their customers.

Mr. Chairman, I yield back the balance of my time.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Texas insist on his point of order?

Mr. BONILLA. Mr. Chairman, I will make a point of order, but I do want to point out that the gentleman raises a very important issue. It is just that it does not fit in this particular part of the bill.

I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill and, therefore, violates clause 2 of rule XXI.

The rule states in pertinent part: An amendment to a general appropriation bill shall not be in order if changing existing law. The amendment imposes additional duties.

I ask for a ruling from the Chair.

The CHAIRMAN. Does the gentleman from Kansas wish to be heard on the point of order?

Mr. TIAHRT. Mr. Chairman, I do realize that I am moving towards an authorization-type language on an appropriations bill, but I thought the issue was important enough that it should be brought to the floor of the House and that I should ask for a vote on it.

The CHAIRMAN. Does anyone else wish to be heard on the point of order? If not, the Chair is prepared to rule.

The Chair finds that this amendment includes language requiring a new duty, and the amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the amendment is not in order.

AMENDMENT NO. 11 OFFERED BY MRS. MALONEY

Mrs. MALONEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment No. 11 offered by Mrs. MALONEY:
>
> At the end of the bill, insert after the last section (preceding the short title) the following section:
>
> SEC. 759. None of the funds made available in this Act may be used to restrict to prescription use a contraceptive that is determined to be safe and effective for use without the supervision of a practitioner licensed by law to administer prescription drugs under section 503(b) of the Federal Food, Drug, and Cosmetic Act.

The CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from New York (Mrs. MALONEY) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Chairman, I yield myself such time as I may consume.

My amendment would simply require the FDA to do the job that they are supposed to be doing. If the FDA finds the drug to be safe and effective for over-the-counter use, then the FDA cannot withhold the drug from over-the-counter status for nonstatutory reasons.

Americans rely on the Food and Drug Administration to make scientific, evidence-based decisions that are in the best interests of the American public and that will help improve our health. The majority of the time this is exactly what happens. Unfortunately, a recent FDA decision on whether to grant over-the-counter status for Plan B, an emergency contraceptive pill, went against the advice of the independent, expert advisory committee and the advice of FDA staff. The decision was not science-based and was not made in the best interests of American women. Instead, it was a decision influenced by inappropriate political and ideological considerations.

The Maloney-Waxman amendment would basically say that the FDA would have to rely on science in making these decisions, and in this amendment we are with the world community. Thirty-three nations have approved the sale of emergency contraceptives for over-the-counter use, and five States in the United States have also approved it.

The American Medical Association, the American College of Gynecologists and over 70 medical and public health groups have endorsed making emergency contraceptives available for over-the-counter because they believe that they are proven to be safe to use without any medical supervision.

I would place in the RECORD 10 editorials from newspapers across the country stating that science should be the basis for making medical decisions at the FDA, not politics.

[From washingtonpost.com, May 11, 2004]

New Plans

At first glance, the news that the Food and Drug Administration had decided to reject over-the-counter sales of the emergency contraceptive Plan B seemed dramatic. As we pointed out earlier this year, the science around this drug is not controversial. In several international studies, the drug has been shown to be safe and effective if taken within 72 hours of intercourse—hence the request of its manufacturer, Barr Laboratories, to make it available over the counter. The FDA's own scientific advisory panel unanimously approved the request, and such a move would be popular. Most of the time, Plan B acts like a birth control pill, preventing ovulation and therefore conception: The greater use of Plan B therefore means fewer abortions.

But because Plan B may also prevent fertilized eggs from being implanted in a uterus, it has attracted negative political attention. Some of the drug's political opponents, those who equate a fertilized egg with a fetus, have called it an "abortion pill" and have lobbied the FDA hard to restrict it. Both state and national legislators have spoken out against the drug, partly on those grounds and partly out of concern for its impact on underage sex, leading many to fear that the FDA would make a political rather than a scientific decision.

In fact, though the FDA has banned the drug from over-the-counter use, it left open a window for future approval. "We weren't closing the door," said Steven Galson, acting director of the FDA's Center for Drug Evaluation and Research. Indeed, if the FDA ruling is taken at face value, the only thing required of Barr is that it either conduct more studies of the drug's impact on younger women or come up with a plan to ensure that the drug is available only by prescription to girls younger than 16: According to Dr. Galson, the FDA was bothered by the paucity of data describing the impact of the drug on girls ages 14 to 16 and the absence of data on girls younger than that, some of whom might presumably try to buy the drug. The company says it is "months, rather than years" away from providing precisely such information.

The FDA is within its rights to remain cautious about a controversial drug. But if the agency wants to preserve its reputation for making decisions based on sound science, it will stick to this proposal and grant Barr the license to sell the drug as soon as the information or a suitable plan becomes available. At this point, the FDA should be given the benefit of the doubt—but not indefinitely.

[From the New York Times, May 9, 2004]

The President and Women

The arrival of an over-the-counter morning-after pill in American drugstores has been delayed by a disappointing, politically motivated decision by the Food and Drug Administration. Wider availability of the pill would make it easier to avert unwanted pregnancies and reduce the rate of abortions. But once again, the Bush administration seems determined to make things difficult for women in America. It's ironic, since President Bush has included more women in his innermost circle of advisers than any prior chief executive. Condoleezza Rice, the administration's most prominent female presence, has presided as national security adviser while a wholesale assault has taken place on the reproductive rights and health of poor women overseas. That assault began on President Bush's first full day in office with his reimposition of the Reagan-era global "gag rule," badly hampering international family planning and the fight against sexually transmitted diseases. On the domestic side, where Karen Hughes, Mr. Bush's former communications director, is still one of the most powerful forces, the record is equally dim. A new report by the National Council for Research on Women documents many small but important steps to manipulate information to the detriment of women and trust. Ms. Hughes herself made news in one recent interview when she appeared to suggest a parallel between supporters of abortion rights and terrorists. Asked on CNN whether abortion would be an election issue, Ms. Hughes said that she sensed that "after September 11th the American people are valuing life more and realizing that we need policies to value the dignity and worth of every life." Driving home that connection, she added that "the fundamental difference between us and the terror network we fight is that we value every life."

That interview occurred as an estimated one million people were gathering peacefully in Washington to protest the administration's dismal record on reproductive freedom, medical privacy and other issues vital to women. The turnout did not deter the administration from stopping the progress of the morning-after pill, which can reduce the chance of pregnancy if taken within 72 hours after intercourse. Some social conservatives have claimed that the pill might encourage teenage promiscuity—an argument that appears to have influenced the FDA more than the agency's own expert panel, which voted 23 to 4 to make the pill available over the counter, or the support of more than 70 medical and public health organizations.

In its decision, the FDA said the pills could not be made available without a prescription until the manufacturer figures out a way to keep young girls from obtaining them, or provided additional evidence that teenagers 16 and under could understand the directions for their use. These barriers seem artificially high. There are many over-the-counter drugs that could be harmful if used in the wrong way, but were not prevented from coming to market by speculative concerns about how they might be abused by young consumers.

We appreciate Mr. Bush's willingness to create an administration with strong women. We just wish that translated into an administration that was strong on women's issues.

[From the St. Louis Post-Dispatch, May 11, 2004]

Plan B. Stall

What if, instead of approving the new generation of cholesterol-lowering drugs, the government turned them down for fear they would encourage people to continue overeating? Last week, the Food and Drug Administration used precisely that sort of tortured logic in rejecting Barr Pharmaceutical's application to sell the so-called morning-after pill without a doctor's prescription. The high-dose birth control pill, sold under the name Plan B, can prevent pregnancy if taken within 72 hours of unprotected sex.

The FDA's Dr. Steven Galson said the company had failed to provide documentation about the drug's safety for girls 16 or younger. Dr. Galson also said that making Plan B more widely available would encourage teenagers to have unprotected sex. The question isn't whether 16-year-olds should be having sex. Of course they shouldn't; it's emotionally and physically dangerous. The question is what to do when bad judgment overwhelms good intentions. And—as teen pregnancy and sexually transmitted disease rates show with depressing clarity—that happens regularly in all age groups. Keeping Plan B from being sold over the counter won't change that. But it could give women of all ages a prompt, private and less physically and psychologically stressful option to abortion.

In December, an FDA advisory panel overwhelmingly recommended making Plan B available without a prescription. More than 70 leading medical and public health groups have endorsed that conclusion. So did the FDA staff members responsible for reviewing the findings. It's all but unheard of for the FDA to reject the conclusions of both its advisory panel and review staff.

Making Plan B more widely available would have alienated the president's conservative political base. It may be that this decision is just an election year stalling tactic. Perhaps after the election, the FDA leadership will see fit to reverse its irrational decision. In any case, it demonstrates—yet again—in what low regard the Bush administration holds women's health and reproductive freedom.

This is not the first time political considerations have trumped science in the Bush administration. Once again, it clearly shows that it is impossible to create good public health policy by subverting science for political ends.

[From Newsday, May 11, 2004]

MORNING-AFTER PILL: POLITICS STALL 'PLAN B'

The U.S. Food and Drug Administration's rejection of a bid to sell an emergency contraceptive, the so-called morning-after pill, over the counter, smacks of politics trumping science.

The application by Barr Pharmaceuticals Inc. to sell its "Plan B" without a prescription was "not approvable," according to the FDA, because Barr hadn't adequately documented whether consumers under age 16 could use it safely without a physician's advice. Officials said they did not bow to political pressures in making the decision.

But emergency contraception is already available without prescription in six states and 33 other countries. Despite that record, Dr. Steven Galson, acting director of the FDA's Center for Drug Evaluation and Research, overruled both his staff and an advisory panel of outside medical experts when he blocked over-the-counter sales. That's highly unusual, if not unprecedented.

Morning-after pills contain hormones used in standard birth control pills. Taken within 72 hours of unprotected intercourse, Barr says its "Plan B" reduces the risk of pregnancy by 89 percent. But it's most effective within 24 hours of intercourse, so waiting to see a doctor could pose a problem.

The FDA gave Barr two options: Provide data showing that adolescents understand how to use the pills, what they're for and the appropriate dose; or draft labeling for over-the-counter sales to women over 16 and prescription sales for those under 16. Company officials say over-the-counter availability will be delayed at least a year.

President George W. Bush has chipped away at abortion rights and imposed restrictions on U.S. funding for international family planning. Going against scientific advice to block over-the-counter sales of the morning-after pill fits the pattern.

[From the Boston Globe, May 11, 2004]

MORNING-AFTER ROADBLOCK

Rejecting the overwhelming opinion of its own panel of experts, an official of the Food and Drug Administration last week blocked a bid by a drug company to make its morning-after contraceptive available over the counter. This politically driven decision will almost certainly result in more unintended pregnancies and more abortions.

Barr Laboratories' Plan B, which contains high doses of one of the hormones in birth-control pills, prevents 89 percent of pregnancies if taken within 72 hours of intercourse. According to the company, it does so by interfering with ovulation or preventing fertilization. Some research has suggested that in some cases it might keep a fertilized egg from implanting in a woman's uterus. This has led many abortion opponents to oppose Plan B. Social conservatives also criticize it for, in their opinion, encouraging promiscuity.

While advocates of reproductive choice acknowledge that morning-after pills do not provide the protection condoms do against sexually transmitted diseases, they support easier access to Plan B.

Late last year, Barr's request for approval of over-the-counter sales of Plan B, which is now available by prescription, was supported 23-4 by the FDA's expert panel. Over-the-counter sales have also been backed by the FDA's own staff, by the American College of Obstetricians and Gynecologists, and other physicians' organizations. Plan B has been available in several states through pharmacists who have agreements with physicians. Normally the FDA follows the guidance of its advisory panels and staff, especially when there is a consensus. The official who disapproved over-the-counter sales, Steven Galson, acting director of the FDA's Center for Drug Evaluation, denied he made the decision for political reasons. He told Barr he disapproved the request because only 29 of the 585 women studied by the company were under age 16—too small a sample, in his opinion, to prove its safety with teenagers.

Galson has said he was concerned that easy availability of Plan B might make young women more likely to have sex without condoms, exposing themselves and their partners to diseases. Often in cases in which research provided by a drug maker is deemed by the FDA to be inadequate, the agency tells the firm its drug is "approvable" if it takes further steps. Galson, instead, chose to call Barr's plan "not approvable," which left no doubt about his position to the Bush administration's supporters among social conservatives.

In January, 60 of the nation's leading scientists criticized the Bush administration for systematically suppressing or misrepresenting science in making decisions. The Union of Concerned Scientists issued a report detailing such politicization of science. The White House denied the charge. By its action on Plan B, the administration has given the scientists new evidence to back their accusation.

[From the Philadelphia Inquirer, May 11, 2004]

PLAN B SCRAPPED; FACTS LOSE OUT, AGAIN

A main job of the Food and Drug Administration is to weigh the safety and reliability of drugs used by Americans, based on scientific evidence.

The agency's regrettable decision last week to deny over-the-counter status for emergency contraception pills smacks primarily of politics, not science.

The facts favor the opposite decision.

In an overwhelming vote last December, two FDA advisory panels declared that emergency contraception is safe and that these two-dose, birth-control pills should be readily available to women and adolescents desperate to prevent pregnancy after unprotected sex. The American Academy of Pediatrics, the American College of Obstetricians and Gynecologists and the American Public Health Association all agreed.

The FDA seemed poised to accept the recommendations of its expert advisers—something the agency almost always does.

But then politics and religion intervened. Last January, 49 Republican members of Congress sent a letter to President Bush voicing concerns that over-the-counter emergency contraception—or EC as it is known—might make adolescents more promiscuous. Leading the anti-EC charge was Concerned Women for America—an organization uncomfortable with all forms of birth control pills.

Suddenly, the FDA said it needed a 90-day delay before making its EC decision and asked the EC producer, Barr Laboratories, to respond to many of the questions posed by members of Congress.

Then last week came the FDA's wrong decision: No over-the-counter status for EC—unless Barr could prove easy access to the drug was safe for adolescents under 16.

Yes, it definitely would be better if there were more data describing likely use among teens. And there is no dismissing the concerns of parents who worry about their young daughters being able to buy EC pills off the shelf.

But studies should allay those fears. They have shown women and teens who have access to EC aren't more likely to engage in unprotected sex or less likely to use disease-preventing condoms. And there is no data to suggest that availability of EC would encourage very young teens, 14 and younger, to have sex. Even with readily available condoms, the sexual activity rate in the young crowd remains, thankfully, low.

The real danger lies in denying women and older teens ready access to EC. To be effective, Barr's EC pill product—called Plan B—must be taken within 72 hours of unprotected sex to prevent unwanted pregnancy. Imagine the hurdles faced by a 30-year-old woman who must see a doctor and secure an EC prescription in that time frame. Now imagine a 16-year-old girl—perhaps the victim of date rape—trying to do that.

In its rejection letter, the FDA asked Barr to consider allowing Plan B to be offered over the counter to those 16 and older; younger teens would need a prescription.

Barr officials seem willing to consider this restriction—if that's the only way to get EC to a wider number of women. Commendably, the company seems prepared to submit another application to the FDA.

If the FDA continues to block easy access to EC—now sold over the counter in 33 countries—it will be another example of the Bush administration ignoring a scientific consensus that conflicts with its political agenda.

Bush has restricted contraception funding overseas, has attempted to deny contraception coverage for federal employees, has pumped money into abstinence-only sex education programs that deny contraceptive information to young people.

Is it any wonder, then, that an FDA under his watch has denied women easy access to a safe and very needed drug?

[From the Houston Chronicle, May 10, 2004]

THE MORNING AFTER/FDA CONTRIVED EXCUSE TO DENY WOMEN CONTRACEPTION

Last week, Food and Drug Administration officials decided to reject over-the-counter sales of emergency contraception medication known as morning-after pills. Their rejection represents a missed opportunity to reduce unwanted pregnancies and abortions. Worse still, the officials contrived a ludicrous argument on which to base their decision.

Basically, the regulatory agency told women they could not have convenient access to this proven, safe and reliable method of preventing unwanted pregnancy because minor girls might not be able to figure out how to use it.

In denying Barr Pharmaceuticals' application to sell its product in drugstores, the FDA ignored the recommendation of its own advisory panel of physicians, who overwhelmingly agreed last December that women could safely use the drug, Plan B, to avoid pregnancy without a doctor's supervision.

To get approval to sell the medicine without a prescription, Barr now will have to come up with a way to prevent juveniles under 16 from buying it or conduct new studies to show that they can use it safely on their own.

The FDA's position showed the agency is more inclined to bend to political pressure than to meet women's health needs. Regulators bowed to pressure from President

Bush's re-election campaign and abortion opponents, who falsely liken Plan B to abortion. Other moralists worry needlessly that, despite the dearth of evidence, access to morning-after pills will promote unsafe sex and promiscuity.

In the first case, emergency contraception does not cause the abortion of a fetus; taken up to 72 hours after unprotected intercourse, it prevents the implantation of a fertilized egg in the womb or disrupts ovulation to prevent fertilization. It holds the potential to reduce the number of abortions sought because women got pregnant as a result of rape, birth control failure or simple unprotected sex.

In the second case, the United States is saturated with sexual come-ons. They are a staple of advertising, movies, television, magazines, novels, billboards, adult book stores and videos, the Internet, sports halftime shows and telephone chat services. Respectable women hold sex toy parties the way housewives of the last century got their girlfriends together to buy plastic containers. Easy access to the morning-after pill as an inducement to promiscuity would be bringing coals to Newcastle.

Incidentally, cigarettes are widely available in stores in spite of being—in contrast to safe and effective morning-after pills—addictive, carcinogenic and without any healthful function. It is illegal to sell cigarettes to anyone under 18.

Couldn't morning-after pills be safely sold to women 18 and over, preventing countless unwanted pregnancies and abortions?

[From the Seattle-Post-Intelligencer, May 10, 2004]

WRONG TO LIMIT CONTRACEPTION PILL

Women deserve easy access to emergency contraception pills. The Food and Drug Administration has chosen to be an obstacle to preventing pregnancies and reducing abortions.

Politics rules. The Bush administration talks about science, but acts on pseudoscience. In refusing to allow emergency contraceptives to be sold over the counter, the FDA rejected the overwhelming recommendation of its own scientific advisory panel. The panel said tests, which included girls under 16, had shown women can use the so-called morning-after pills safely and effectively without a doctor's prescription.

Pressured by President Bush's conservative supporters, however, the FDA decided that not enough testing had been done on young girls. The FDA professed concern about putting a strong medicine on shelves within adolescents' reach. Has the agency missed that kids can already buy off-the-shelf medications, ranging from aspirin to Zantac? Of course not.

The United States might benefit from Washington state's system of making emergency contraception available without a prescription but with counseling by a pharmacist. It generally works well, although implementing it nationally certainty would run risk that pharmacists might withhold the pills in isolated areas.

The pill's maker, Barr Pharmaceuticals, says it can overcome FDS concerns, possibly within months. We hope so. Women deserve help from medical science, not politically induced evasions.

P-I OPINION The American Academy of Pediatrics supported making emergency contraception available over the counter. Federal bureaucrats decided they knew better.

[From the Los Angeles Times, May 8, 2004]

POLITICS OF CONTRACEPTION

More than 70 of the nation's leading medical and public health groups backed a proposal to let women buy emergency contraception without a prescription.

The U.S. Food and Drug Administration's own advisory panel, after reviewing 40 studies and 15,000 pages of data, overwhelming recommended over-the-counter status for the so-called morning-after pill.

Use of this pill would cut the number of abortions in this country—a goal President Bush ardently embraces—and millions of women who have used it by prescription since 1999 have found this drug to be safe and effective in blocking unwanted pregnancies.

And yet it's an election year, and many of Bush's supporters insist that broader availability of the pill would encourage promiscuity and unsafe sex.

So when FDA leaders overruled their own scientific advisors to reject over-the-counter sales Thursday, politics once again trumped science, despite their avowals to the contrary. The decision echoes this administration's big-footing of scientific evidence of stem cell research and environmentally safe levels of mercury and arsenic.

The agency has, however, left open a path that would let women eventually obtain this drug more easily—after the November election—and the pill's maker should pursue that opportunity.

In a letter to manufacturer Barr Laboratories, the FDA said the company had failed to prove that girls younger than 16 could safely use the drug, which it markets as Plan B, without guidance from a doctor or nurse. Until Barr can satisfy the agency that Plan B is safe for teenagers or present a plan for over-the-counter sales to older women and more restricted sales to 14- to 16-year-olds, the FDA has blocked all over-the-counter sales.

Barr says it will pursue these options, but even if it acts quickly, approval probably won't come for a year, long after November's votes are counted.

Emergency contraceptives contain a concentrated dose of the hormones found in birth control pills. Taken within 72 hours of unprotected sex, the pill prevents pregnancy by delaying ovulation, blocking fertilization and inhibiting uterine implantation. But the drug is more effective if it is taken within 24 hours rather than 72 hours.

That's why California and four other states permit pharmacists to dispense it without a prescription if women ask.

But surveys show that few pharmacies in California stock the pill and few women know to ask for it. Over-the-counter sales would give far more women access to this drug, especially on holidays and weekends. For now, however, FDA leaders have left a lot of women in a difficult, and unnecessary, spot.

Mrs. MALONEY. I am sure that the majority of this body agrees, like the expert panel and the FDA staff, that American women deserve the most safe and effective contraceptives available. Supporting this amendment is a vote in support of healthy women and evidence-based science.

A perfect example of inserting politics into science is the recent decision by the FDA to deny over-the-counter status to Plan B or the morning after pill. On December 16, 2003, a joint panel of the FDA's Reproductive Health Drugs Advisory Committee and Nonprescription Drugs Advisory Committee voted 28 to 0 that Plan B could be safely sold as an over-the-counter medication. It then voted 23 to 4 to recommend that the FDA approve the application to make Plan B available over the counter. Yet on May 6, 2004, the FDA rejected over-the-counter status for Plan B.

The Washington Post, dated June 18, 2004, reported that a top agency scientist dismissed the reasoning that was used to justify the rejection as unfounded.

Officials at FDA wrote that Acting Center Director Stephen Galson was introducing a different standard for evaluating Plan B than the FDA had applied to other contraceptives.

Politics and ideology have been allowed to influence science, endangering the reputation of the FDA and having a direct and irreversible effect on the health and well-being of thousands of women.

The Maloney-Waxman amendment ensures that the FDA will not deprive American women of safe and effective contraceptives on ideological grounds. Accepting the Maloney-Waxman amendment is a vote in favor of safe and effective contraceptives for American women, a vote in favor of scientific, evidence-based science. A vote in favor of this amendment requires the FDA to spend money on doing their job and making decisions based on science, not politics, and I am very grateful that the majority is considering accepting this amendment.

□ 1730

Mr. Chairman, I reserve the balance of my time.

Mr. BONILLA. Mr. Chairman, I claim the time in opposition, but I am not opposed to the bill.

The CHAIRMAN. Without objection, the gentleman from Texas (Mr. BONILLA) is recognized for 10 minutes.

There was no objection.

Mr. BONILLA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my understanding is that this amendment just says that if FDA determines a product is safe and effective for over-the-counter use, it should approve the application.

I do not know why we should single out any particular product. Every product should have to meet a set standards to be sold without a prescription. But that is current law, and I do not object to the gentlewoman's amendment, based on the wording and what the amendment actually says.

Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. I thank the gentleman for yielding me this time.

First, I want to thank my friend for clarifying that the pending amendment is simply a restatement of current law. I appreciate the fact that he has made that very clear.

I want to make a point so that we are also clear about the FDA's decision concerning Plan B. Dr. Stephen Galson, the acting director for FDA's Center For Drug Evaluation and Research, stated in a letter that based on science and safety concerns, Plan B will not be sold over-the-counter and this is his quote: "Based on the review of the data, we have concluded that you (Barr Research Inc) have not provided adequate data to support a conclusion that Plan B can be used safely for young adolescent women."

He also goes on to point out that "only 29 of the 585 subjects enrolled in the study were 14 to 16 years of age, and none were under the age of 14." So based on science and safety concerns, the recommendation was made that Plan B should not be approved for over-the-counter sales.

So this restatement of current law does not add nor detract from things as they are.

Mr. BONILLA. Mr. Chairman, I yield myself such time as I may consume to thank the gentleman for his comments.

Mr. CROWLEY. Mr. Chairman, I rise in support of this amendment.

Earlier this year, the FDA denied an application to approve an emergency contraceptive, Plan B, for over-the-counter use. Yet the evidence suggests the FDA made the wrong decision. EC can reduce the risk of pregnancy by as much as 89 percent, which—in turn—reduces the number of abortions.

It is estimated that greater use of EC could halve the number of unintended pregnancies. EC does not cause abortion.

One of the goals of Healthy People 2010, a publication from the Office of the Surgeon General, is to increase the proportion of health care providers who provide EC to their patients.

The American Medical Association and American College of Obstetricians and Gynecologists endorse greater access to EC, even to the point of having dedicated emergency contraceptive products available without a prescription. Moreover, the FDA's own expert advisory panel reviewed the evidence and found Plan B to be effective and safe. The expert panel found Plan B to meet the requirements to receive over-the-counter status.

So why are we here discussing this? Because this past spring the FDA put politics above sound policy. Karl Rove and his right wing agenda won again and the people who are going to suffer are the women of my district and the women throughout this country. By not approving the sale of emergency contraception, marketed as Plan B over the counter, countless women may find themselves struggling to adapt to unplanned pregnancies.

The New York Times recently highlighted a young woman from the Bronx who is facing many of the issues that people in Washington like to talk about.

Jasmine, born in the Bronx, is struggling to understand reproductive health issues in the context of her high school, her boyfriend, her family, and her life. The story goes on to describe very real efforts to make a relationship work with her boyfriend Alberto.

Information is not always easy to come by. And good intentions are not always sufficient. But this young woman does not need rhetoric as she tried to navigate complex relationships, work, school, and her own health. She needs information and access to things like emergency contraception. Girls and women like her often find themselves torn between two choices—to have a baby, or to have an abortion.

Why not provide them with another choice—the choice to use Emergency Contraception, available over the counter at local drug stores, to prevent the pregnancy in the first place.

We have seen how in New York City alone, the availability of birth control and counseling at local high schools and targeted to young women has dramatically reduced the number of women having unintended pregnancies.

Why is the FDA holding up something that makes common sense, something that any woman in America can use by calling their physician? This isn't about making emergency contraception legal, it already is. This is about making emergency contraception available.

I urge an vote for the women of America. I urge an "aye" vote on the Maloney/Waxman amendment.

Mr. DAVIS of Illinois. Mr. Chairman, I rise today in support of the Waxman/Maloney amendment. I am here today to speak on behalf of women's health and the integrity of the American regulatory process.

As a nation, we rely on the FDA to make decisions based on clear scientific evidence that have the best interests of the community in mind. Unfortunately, recently, the FDA's decision not to allow Emergency Contraceptive Pills, Plan B, to be available over the counter went against the opinion of the independent expert panel and FDA staff. Additionally, over 70 organizations including the American Medical Association and the American College of Obstetricians and Gynecologists support over-the-counter access to Emergency Contraceptive Pills. We must reassure the American People, that the FDA's decisions are based in scientific evidence and made with their best interests in mind. American women must be able to trust the FDA to make the best decisions possible with respect to their health.

Emergency Contraceptive Pills, Plan B, are too often associated with abortion. These pills do not abort a fetus. They prevent a pregnancy from occurring in exactly the same way as other methods of birth control do and are 95 percent effective if taken within 24 hours. Physicians and other experts have indicated, in fact, that the availability of these pills over the counter would lead to a 50 percent decrease in abortion and unintended pregnancies. This could lead to 800,000 fewer abortions and 1.7 million fewer unintended pregnancies. This medicine could lead to a decrease in teen pregnancy. In Chicago alone, more than 7,500 babies are born to teen moms every year, 88 percent of which are out of wedlock. The availability of Plan B over-the-counter could decrease this by at least 50 percent.

Mr. Chairman, unintended pregnancy is so closely linked to other critical social issues: child poverty, out-of-wedlock birth, a well-trained and ready workforce and the encouragement of strong American families. We must do what we can do decrease the number of unintended pregnancies, and in the case of Emergency Contraceptive Pills we have the opportunity and the scientific backing.

Mr. Chairman, I strongly support this amendment and urge all my colleagues to vote based on science and evidence and not politics.

Mr. WAXMAN. Mr. Chairman, I rise in support of the amendment. The issue before us is the process by which the FDA decides whether to make Plan B, a form of emergency contraception, available over the counter. Plan B has long been considered a safe and effective prescription method of emergency contraception. Earlier this year the FDA's expert advisory committee and its scientific staff both concluded that it was safe and effective for use over the counter, as have several other countries. It was therefore with grave concern that I learned that the FDA decided to reject the scientific recommendations of its staff and expert committee and refused to grant over-the-counter status for Plan B. Instead of science, the over-riding basis for the FDA's decision appeared to be the Bush administration's desire to cater to its right-wing base in an election year.

The FDA has a long and respected tradition of making decisions on the basis of science. FDA's drug approval process is admired and emulated around the world for this very reason: its decisions have always been based on the best available evidence. America's health and the industries the FDA regulates have thrived under this system.

I am concerned not only because improperly withholding emergency contraception will result in countless unnecessary abortions and unwanted pregnancies. I am concerned because public health agencies like the FDA run tremendous risks when they allow an ideological agenda to subvert science. They run those risks with their own credibility, with the credibility of the products they regulate, and ultimately with the lives of the American people. An FDA motivated by politics instead of science is bad for America's health.

The Bush administration has repeatedly shown its willingness to distort science to suit political ends, from suppressing the science on global warming, to censoring websites about sex education, to appointing unqualified individuals with lead industry ties to expert advisory committees on lead poisoning of children. Let's send them a strong message today: decisions as important to the public health as the availability of emergency contraception must be based on science, not ideology. Anything less is unacceptable.

Mr. SHAYS. Mr. Chairman, I rise in support of the Maloney amendment to H.R. 4766.

If the FDA finds a drug to be safe and effective for over-the-counter use, it should not go on to withhold the drug from over-the-counter use for any other reason. Not for political reasons. Not for ideological reasons.

This amendment states that once a determination of safety and effectiveness is made, the FDA can't deny a product's approval for over-the-counter status for reasons other than safety and effectiveness.

On May 6, the Food and Drug Administration, FDA, turned down Barr Laboratories' application for Plan B emergency contraception to be distributed over the counter.

I was disappointed the FDA went against the advice of the FDA's own expert panel, which in December recommended unrestricted over-the-counter access by a vote of 23 to 4.

A drug is considered acceptable for over-the-counter status if it has low-toxicity, has no potential for overdose or addiction, isn't harmful to an existing pregnancy, does not require medical screening, is self-identifiable, has a uniform dosage and if there are no important drug interactions. Emergency Contraception, EC, was found to meet every single criterion.

That is why, along with 40 of my colleagues, including the gentlelady from New York, I sent a letter to the Acting Commissioner of the FDA, Dr. Lester Crawford, asking him to reconsider the determination on the status of the application to make Emergency Contraception available over the counter.

We have not yet received a response.

The FDA should only make decisions based on science, not politics and ideology. The decision was made despite the significant need for access to emergency contraception.

The fact is, our children are having children. Approximately 82 percent of teen pregnancies are unintended and more than half of these end in abortion.

Expanded access to emergency contraception will decrease the risk of unintended pregnancy and decrease the number of abortions.

I would like to see abortion remain safe and legal, yet rare, which is why I urge my colleagues to support this amendment.

Mr. BONILLA. Mr. Chairman, I yield back the balance of my time.

Mrs. MALONEY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Mrs. MALONEY).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OBEY:

Add at the end (before the short title), the following new section:

SEC. . None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: *Provided*, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer: *Provided further*, That the report described in the second proviso under the heading "OFFICE OF THE CHIEF FINANCIAL OFFICER" shall also be submitted to the Committee on Government Reform of the House of Representatives.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Wisconsin (Mr. OBEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

Mr. BONILLA. Mr. Chairman, we have not seen the amendment, so at this time I reserve a point of order.

Mr. OBEY. Mr. Chairman, I yield myself such time as I may consume.

Earlier in the day we had a dispute erupt between the authorizing committee and the Committee on Appropriations with respect to one language provision in this bill from last year's bill. Subsequent to that, we had another dispute manifest itself with respect to new language in this bill. As a result of that altercation, we had two sections of the bill which were stricken on points of order.

After that occurred, I discussed the episode with the gentleman from Virginia, the chairman of the subcommittee from the authorizing committee, which had objected to our committee's initial actions. The gentleman told me that what he was trying to get at was simply to make certain that in the provision that was carried in last year's bill that the authorizing committee would also receive notice before the agency could proceed to outsource or to contract for certain jobs outside of the agency itself.

This amendment is simply an effort to reinstate the language as I understand the gentleman from Virginia wanted it, and to also insert the language originally inserted in this bill by the Committee on Appropriations which would prevent the agency from transferring certain funds that the committee had indicated should not be transferred.

This is a simple effort on the part of one Member of the minority party to defend the institutional prerogatives of the Congress. And if the majority wants to accept it, that is fine with me. If they do not want to accept it, I could not care less.

Mr. Chairman, I yield back the balance of my time.

Mr. BONILLA. Mr. Chairman, I claim the time in opposition; however, I want to emphasize that the amendment that the gentleman from Wisconsin is offering today has been reviewed and cleared, and I am prepared to move on and accept it. So I withdraw the point of order earlier raised.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. OBEY).

The amendment was agreed to.

Mr. BAIRD. Mr. Chairman, I have an amendment at the desk, although I am not sure it is at the desk.

The CHAIRMAN. Would the gentleman submit his amendment to the desk.

Mr. BAIRD. Mr. Chairman, I think they are bringing it, but I am not sure of the status.

Mr. BONILLA. Mr. Chairman, as we have not had a chance to review this amendment, I would like to reserve a point of order on this amendment.

Mr. BAIRD. And my understanding is that it may be ruled out of order; but if I may, I would like to speak to it, Mr. Chairman.

The CHAIRMAN. The gentleman must submit his amendment to the desk in order for it to be considered. Does the gentleman have an amendment?

Mr. BAIRD. Mr. Chairman, I think it is being brought to the floor. If I might ask the gentleman if we could bring it back up in a few moments, I would appreciate it. My understanding was it had been submitted. Apparently, somehow, it did not get here.

The CHAIRMAN. If the gentleman from Washington would offer an amendment, the Clerk would designate it and consideration would proceed under the order of the House.

Mr. BONILLA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would inform the gentleman that, to our knowledge, this is the last amendment; and we are a little bit stumped as to why we would not have a copy of the amendment here. We are concluding a major appropriation bill.

Mr. BAIRD. Mr. Chairman, will the gentleman yield?

Mr. BONILLA. I yield to the gentleman from Washington to discuss this issue.

Mr. BAIRD. Mr. Chairman, I thank the gentleman for yielding to me. It was my understanding the amendment was here, and I apologize for the confusion.

Mr. Chairman, it was my intent to withdraw the amendment, but I wanted to rise today to discuss a program fraught with waste. It was created with noble intentions but is poorly constructed and implemented, and as a result has facilitated, I think, abuse of an otherwise well-intentioned program. I am referring to the Livestock Compensation Program, which provides Federal funds to compensate livestock producers for financial losses stemming from natural disasters.

I strongly support the intentions of the LCP, and I applaud the Secretary of Agriculture for creating the program. However, when it was created in 2002, it was designed to provide payments to compensate for drought damages, and then Congress expanded the program in 2003 to provide payments for all natural disasters.

Congress only authorized the program until 2003; and, consequently, the LCP is currently dormant. However, we can be assured that the Secretary and Congress would likely be pressured to reauthorize the program during the next significant disaster, which is, unfortunately, an inevitability.

While I support the intentions of the LCP, the authorizing legislation and accompanying regulations contained a massive loophole. Essentially, it was this: the LCP did not require eligible parties to demonstrate any actual loss to receive Federal assistance. As a consequence, ranchers who resided in regions affected by natural disasters, but whose property was completely unaffected, were able to march down to the local FSA, provide documentation simply that they owned livestock, and receive a check for as much as $40,000. They did not have to demonstrate that their farm or ranch had been harmed; neither did they have to demonstrate that their livestock had been harmed. Apparently, FSA simply wrote checks without asking the relatively simple question: What sort of damages did you sustain?

To this day, we have no idea how much money was wasted because the government failed to ask this question. We do know, however, that the program distributed a total of $1.1 billion, including $234 million for disasters other than drought.

We asked the USDA Inspector General to investigate the program; and, indeed, they suggested it was in need of reform. That is why I am calling this to the attention of this committee. I believe we ought to address this.

My understanding is that the amendment was likely to be ruled out of order, and I do have now available a copy of the amendment, so that I would have had to withdraw it. But I would ask this committee to consider this. This is a program that may have been well intentioned, but has been abused. If it is extended further, we need to make sure that money only goes to people who have suffered livestock loss.

We talk a lot about waste, fraud, and abuse in this Congress. Here is a clear-cut case of waste. I do not think it is intentional fraud, but it is clearly waste and possibly abuse, and so I think we should address it.

Mr. Chairman, I thank the gentleman for his indulgence, and I submit for the RECORD a copy of the amendment I had intended to offer.

AMENDMENT TO H.R. 4766, AS REPORTED OFFERED BY MR. BAIRD OF WASHINGTON

Page 79, after line 16, insert the following (and make such technical and conforming changes as may be appropriate):

SEC. 759. None of the funds appropriated by this Act may be used to make payments pursuant to the Livestock Compensation Program to persons who do not incur a financial loss resulting from the natural disaster with respect to which such payments are otherwise available.

Mr. BONILLA. Reclaiming my time, Mr. Chairman, I thank the gentleman for his comments; and in closing, I would just urge all Members on the upcoming votes on the three amendments to vote "no," and "yes" on final passage.

Mr. Chairman, I yield back the balance of my time.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 8 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: the amendment offered by the gentleman from California (Mr. BACA), amendment offered by the gentleman from Colorado (Mr. TANCREDO), amendment No. 7 offered by the gentleman from Ohio (Mr. CHABOT), and the amendment offered by the gentlewoman from Ohio (Ms. KAPTUR).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. BACA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. BACA) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 205, noes 209, not voting 19, as follows:

[Roll No. 366]

AYES—205

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Bass
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Burns
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
John
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kucinich
Lampson
Langevin
Lantos
Larson (CT)
Leach
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Rogers (AL)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stenholm
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Weller
Wexler
Wilson (NM)
Wu
Wynn

NOES—209

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Issa
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)

Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—19

Bereuter
Carson (IN)
Cole
Collins
Deutsch
Gutknecht
Houghton
Isakson
Istook
Jackson-Lee (TX)
Jones (OH)
Kleczka
Larsen (WA)
Lee
Majette
Saxton
Stark
Vitter
Woolsey

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. QUINN) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1808

Mr. BERRY changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. TANCREDO

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. TANCREDO) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 156, noes 262, not voting 15, as follows:

[Roll No. 367]

AYES—156

Aderholt
Akin
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Bilirakis
Blackburn
Boozman
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Buyer
Camp
Cantor
Capito
Carson (OK)
Carter
Chabot
Chocola
Coble
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Deal (GA)
DeFazio
DeLay
DeMint
Doolittle
Duncan
Dunn
English
Everett
Feeney
Flake
Foley
Forbes
Fossella
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Graves
Green (WI)
Greenwood
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hoekstra
Hooley (OR)
Hostettler
Hunter
Johnson (CT)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
Kingston
Kline
Kolbe
Lewis (KY)
Linder
Lucas (OK)
Manzullo
Matheson
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Northup
Norwood
Ose
Otter
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Putnam
Quinn
Ramstad
Rehberg
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Tiberi
Toomey
Upton
Walden (OR)
Wamp
Weldon (FL)
Wicker
Wilson (SC)

NOES—262

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballenger
Barton (TX)
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Burr
Calvert
Cannon
Capps
Capuano
Cardin
Cardoza
Case
Castle
Chandler
Clay
Clyburn
Cole
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Ford
Frank (MA)
Frelinghuysen
Frost
Gephardt
Gerlach
Gilchrest
Gonzalez
Granger
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hoyer
Hulshof
Hyde
Inslee
Israel
Issa
Jackson (IL)
Jefferson
Jenkins
John
Johnson (IL)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Knollenberg
Kucinich
LaHood
Lampson
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shaw
Sherman
Sherwood
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Tauzin
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—15

Bereuter
Carson (IN)
Collins
Deutsch
Gutknecht
Houghton
Isakson
Istook
Jackson-Lee (TX)
Jones (OH)
Larsen (WA)
Lee
Majette
Saxton
Vitter

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1816

Mr. BOYD changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 7 OFFERED BY MR. CHABOT

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. CHABOT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 72, noes 347, not voting 14, as follows:

[Roll No. 368]

AYES—72

Andrews
Bachus
Barrett (SC)
Bartlett (MD)
Bass
Berkley
Bradley (NH)
Brown (OH)
Burgess
Burton (IN)
Carter
Castle
Chabot
Cox
Culberson
Davis (CA)
Davis, Jo Ann
DeLay
DeMint
Doggett
Duncan
Ehlers
Feeney
Ferguson
Flake
Fossella
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gibbons
Hayworth
Hefley
Hensarling
Hoekstra
Hostettler
Hyde
King (IA)
Kirk
Linder
LoBiondo
Manzullo
McCollum
McInnis
Miller (FL)
Miller, Gary
Musgrave
Myrick
Napolitano
Pascrell
Paul
Pence
Petri
Pitts
Portman
Ramstad
Rohrabacher
Royce
Schakowsky
Sensenbrenner
Shadegg
Shays
Shuster
Smith (MI)
Smith (NJ)
Tancredo
Tiberi
Toomey
Udall (CO)
Van Hollen
Wamp
Waxman
Wilson (SC)

NOES—347

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Baird
Baker
Baldwin
Ballenger
Barton (TX)

Beauprez
Becerra
Bell
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Case
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cramer
Crane
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Foley
Forbes
Ford
Frank (MA)
Frost
Gallegly
Gephardt
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Hulshof
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Sessions
Shaw
Sherman
Sherwood
Shimkus
Simmons
Simpson
Skelton
Slaughter
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Velázquez
Visclosky
Walden (OR)
Walsh
Waters
Watson
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—14

Bereuter
Carson (IN)
Collins
Deutsch
Gutknecht
Houghton
Isakson
Istook
Jackson-Lee (TX)
Larsen (WA)
Lee
Majette
Saxton
Vitter

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). The Chair reminds Members there are 2 minutes left in this vote.

□ 1825

Mr. BURTON of Indiana, Mr. WAXMAN and Mrs. DAVIS of California changed their vote from "no" to "aye."

Mr. KUCINICH changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MS. KAPTUR

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Ohio (Ms. KAPTUR) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 206, noes 213, not voting 14, as follows:

[Roll No. 369]

AYES—206

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Harman
Hastings (FL)
Hastings (WA)
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larson (CT)
Leach
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Petri
Platts
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—213

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Hall
Harris
Hart
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hunter
Hyde
Issa
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick

Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Bereuter
Carson (IN)
Collins
Deutsch
Gutknecht
Houghton
Isakson
Istook
Jackson-Lee (TX)
Larsen (WA)
Lee
Majette
Saxton
Vitter

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1833

Mr. BASS changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. COLLINS. Mr. Chairman, I was not present for debate on the Legislative Branch Appropriations for Fiscal Year 2005—H.R. 4755—rollcall vote 359, amendment offered by HOLT to establish a Center for Science and Technology Assessment; rollcall vote 360, amendment offered by HEFLEY to provide a 1 percent reduction in discretionary funding; rollcall vote 361, a motion to recommit; rollcall vote 362, final passage of H.R. 4755.

Additionally, I was not present for debate on these amendments to the Agricultural Appropriations for Fiscal Year 2005—H.R. 4766—rollcall vote 363, an amendment offered by HOOLEY; rollcall vote 364, an amendment offered by WEINER; rollcall vote 365, a motion to close the DOD conference; rollcall vote 366, an amendment offered by BACA; rollcall vote 367, an amendment offered by TANCREDO; rollcall vote 368, an amendment offered by CHABOT; and rollcall vote 369, an amendment offered by KAPTUR.

Had I been present, I would have voted "yea" for rollcall votes 360, 362, 363, 365, and 367.

I would have voted "nay" on rollcall votes 359, 361, 364, 366, 368, and 369.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this will not take a great deal of time. I yield to the very distinguished 12-year Member of this institution, the gentleman from Chicago, Illinois (Mr. RUSH) for a very brief colloquy.

Mr. RUSH. Mr. Chairman, I thank the gentlewoman for yielding, and I rise to enter into a colloquy with my dear colleague, the gentlewoman from Ohio (Ms. KAPTUR).

Madam Ranking Member, due to the issues of education, migration, and disinformation, many African Americans have lost real property once in their possession or in the possession of their families because of fraudulent practices by dishonest and unscrupulous people. As my colleague knows, many African American families migrated to the North and left their land behind with the understanding that they still retained ownership to their property. However, what occurred and what is still occurring is a blatant land grab among some in the South, thereby robbing many African American families of their ownership rights.

Madam Ranking Member, today, African Americans residing inside and outside of Southern States may still have legal claims to these lands. There is a group of law students who are working on a program called ROSA, Reclaiming Ownership of Southern Assets, that is helping African American families reclaim their stolen land. And Madam Ranking Member, I sincerely hope that the Federal Government can also join in this effort to help right a wrong.

It is for this reason that I would respectfully request that the Office of Civil Rights within the Department of Agriculture research this issue and provide technical assistance to these families who have been illegally deprived of their property. This is an urgent matter. It is a very, very important matter; and I respectfully ask that the gentlewoman from Ohio (Ms. KAPTUR) take this issue to the conference committee and champion this cause along with the law students who are involved in this program called ROSA, Reclaiming Ownership of Southern Assets.

Ms. KAPTUR. Mr. Chairman, reclaiming my time, I thank my distinguished colleague from Chicago, Illinois and all of the Members at the end of a very long day for having the courtesy to listen to him and these serious concerns. We certainly will take this to conference, and we will not forget that the gentleman from Illinois (Mr. RUSH) was the one who reminded us to do it.

Mr. SMITH of Michigan. Mr. Chairman, I rise to make the point that under the current law, there are no limits for government price support payments to farmers using commodity certificates.

If commodity certificates and loan forfeitures would have been included under the payment cap limit like in the Senate version of the 2002 farm bill, the CBO has estimated we would save $118 million in FY 05 alone—$118 million—that could be used for some other very worthy initiatives in this agriculture appropriation bill or larger supports for family farmers.

We all have heard the news reports about large corporate farms receiving millions of dollars in government payments through the use of generic commodity certificates. Generic certificates do not benefit average family farmers but allow the largest farmers to receive unlimited payments. It is not good public relations for agriculture or our next farm bill.

Under our current system, when the $75,000 limit is reached, producers can continue to receive unlimited price support benefits through loan forfeitures and generic commodity certificates. Generic commodity certificates are in practice the same thing as marketing loan gains, yet they are not included under the payment limitations.

Thus, generic commodity certificates are essentially loopholes allowing large farming operations to exceed the payment limits. Should it be the objective of federal farm policy to provide virtually unlimited price support to large farming operations?

To add insult to injury, in a May 2003 article published in Tax Notes, it shows that gains from commodity certificates are not reported to the Internal Revenue Service.

Reading some of the comments following the USDA's Payment Limit Commission Report from last fall, it seems important to stress the fact that a few large farmers utilizing generic commodity certificates are avoiding payment limits.

While the Commission indicated that no changes should be made to payment limits until the next farm bill, we need to seriously consider where our agricultural appropriations money is going. Should the Federal Government be paying over 50 percent of the gross income for certain commodities?

It is often argued that cooperatives need to use these commodity certificates as a marketing tool and that the money is spread over numerous producers. This argument dodges the real issue, however, that generic certificates provide a loophole for large producers in the cooperatives to collect unlimited dollars in federal subsidies above and beyond the so-called payment limits.

Even within such co-ops, individual farm production records can be used to enforce compliance if this loophole were closed. As you may know a majority of the Senate and the House voted to instruct conferees to have "real" payment limits. Unfortunately, the conferees did not follow through. The next farm bill is at risk of overly severe limits if continued abuse is evident.

The CBO projected savings of $118 million for FY05 and nearly a half billion dollars during the 5 years of our current farm bill.

That money could be used to fund the National Research Initiative, NRI, which is a national grant-based agricultural research program for our public and private scientists. The NRI was authorized in 1994 at $500 million per year, but has received less than $200 million every year since its inception. This kind of research can allow our farmers to be more productive and efficient, being less dependent on Federal farm programs.

The NRI has provided the agriculture community with valuable research such as sequencing the rice genome, disease resistance in soybeans, and improved management practices for livestock and crop producers.

Supporters of payment limits argue that large or unlimited payments benefit large farms, facilitate consolidation into larger units, raise the price of land, and put smaller, family-sized, or beginning farming operations at a competitive disadvantage.

Critics of payment limits counter that all farms are in need of support, especially when market prices decline, and that larger farms should not be penalized for the economies of size they have achieved.

Although the effect of payment limits can vary, affected farms are usually relatively large. Cotton and rice farms are affected more frequently because they tend to be larger and their subsidy value per acre is relatively high. Cotton and rice farms are also the largest users of commodity certificates in the marketing loan program, an important fact for payment limits.

Under the 2002 farm bill, producers receive three types of commodity payments that are subject to limits: direct payments, counter-cyclical payment, and marketing loan payments. With respect to payment limits, direct and counter-cyclical payments are relatively straightforward since they are direct transfers made in cash. Marketing loans, however, are more complicated.

The marketing loan program has four mechanisms to provide benefits when market prices are below loan rates: (1) loan deficiency payment (LDP)—a direct payment instead of a loan; (2) marketing loan gain (MLG)—repaying a loan at a lower market price (posted county price, or average world price for cotton or rice); (3) "commodity certificates"—purchased at the posted county price to repay the loan; similar to a MLG but without payment limits; and (4) forfeiting the collateral (commodity) and keeping the cash.

The 2002 farm bill retains annual limits on selected commodity program payments. It creates a prohibition on payments to persons or entities with adjusted gross income exceeding $2.5 million—unless 75 percent or more comes from farming.

The annual limit per person is $40,000 for direct payments, $65,000 for counter-cyclical payments, and $75,000 for marketing loan gains and loan deficiency payments. However, because commodity certificates and forfeiture of commodities are not subject to any limits, the limit on MLGs and LDPs simply becomes the point at which the farmer shifts to commodity certificates. So, as a practical matter, the marketing loan program is not limited.

Mr. Chairman, again I want to reiterate the pro-farmer, practical need to close the payment limit loophole. Without putting constraints on the benefits earned through marketing certificates and loan forfeitures, the annual per person payment limit on the marketing loan program is not a true limit on federal payments to large farmers with budgets that must be restrained the challenge of writing the next farm bill that will keep American agriculture strong will be a huge task.

Mr. BLUMENAUER. Mr. Chairman, while H.R. 4766, the fiscal year 2005 Agriculture Appropriations bill, is far from perfect, I vote in support of this bill that contains key programs for Oregon and important amendments that made this a better bill.

I am pleased that my amendment to designate $1.2 million of the funds within the Office of Inspector General to be used to enforce animal fighting laws passed, reflecting Congress' continuing attention to the inhumane, cruel, and economically devastating problem of animal fighting. I was also pleased to see the passage of Representative HOOLEY's amendment that increases funding for programs to eradicate Sudden Oak Death, a serious plant disease that threatens a nursery industry responsible for $700 million of annual production in Oregon and $14 billion nationally.

I am disappointed to see the failure of an amendment offered by Ranking Member KAPTUR that would increase funding for Farmers Markets. I would hope the committee can work to improve funding for these programs that connect local farmers with their communities. I am also deeply dissatisfied in the funding levels for conservation programs that were a key component to the passage of the 2002 farm bill. Continual funding cuts to these programs have shown that these commitments were, in actuality, empty promises. I will continue to work to strengthen funding for these programs that help farmers, and improve the environment and our communities.

Mr. VITTER. Mr. Chairman, today I rise in strong support of H.R. 4766, the Agriculture Appropriations Act for FY2005.

Agriculture is vital to not only the local economy in my home State of Louisiana but also to the culture and to way of life of many communities. Ag industries give Louisiana billions of dollars in economic impact and provide for hundreds of thousands of jobs. This bill funds many of the important programs and research that will help keep Louisiana's and our Nation's Ag sector profitable and vibrant.

This bill will fund a number of specific items of benefit to Louisiana. I am pleased that these important items were included by the Appropriations Committee, and, as a member of the committee, I will continue to push for these important items to be included as we go to conference with the Senate.

Some of these items include provisions to help solve specific needs in Louisiana, such as dairy waste remediation and an unexplained disease in rice crops. To help the sugar industry, there is funding to upgrade a sugar research station in southeast Louisiana.

The bill also provides for a number of research initiatives, such as ongoing work to solve the Formosan termite infestation in Louisiana and important research funding that will benefit many of the different industries—from aquaculture to forestry, and many others—across the State.

Also, this bill funds many different rural development programs and includes provisions to provide for needs in a number of communities across Louisiana that can use rural development assistance to solve waste water problems, make improvements on drinking water systems, deal with storm runoff, and other needs.

Finally, there are provisions that direct the FDA to continue efforts to benefit Louisiana's seafood industry. Particularly, funding continues for the FDA to educate Americans on oyster consumption. And, to help deal with shrimp imports that contain chemicals harmful to humans, language has been included directing the FDA to test more shrimp to catch these chemicals so that . . .

These are just a few examples of how this bill will benefit Louisiana and our Nation. I thank Chairman BONILLA for crafting such a good bill, and I urge all members to support it.

Mr. STENHOLM. Mr. Chairman, I rise in strong support of H.R. 4766.

Mr. Chairman, once again the chairman and ranking minority member of the Agriculture Appropriations Subcommittee have done an excellent job under very tight constraints. The bill is well balanced and will allow the Agriculture Department, the CFTC, and other related agencies to carry out their various important functions.

Mr. Chairman, the cap on this bill binds very tightly. It represents a near hard freeze and, as a result, the Appropriations Committee had to cut into mandatory funding.

I was very proud of the work that the Agriculture Committee and this House did in developing the 2002 farm bill, and for me it was a great honor to be involved in its development. In a very forward-looking way, it addressed farm income, but it also made substantial investments in research, so that American agricultural technology can continue to lead the world; in conservation, so that our natural resources will continue to be available for generations to come; in rural development, so that our rural areas could make technology improvements and provide basic services; and in preserving our nutrition programs that protect the needy.

But because of this Congress' failure to take a similar, forward-looking approach to government debt, this appropriations bill cuts the funding for the reforms and investments that were so strongly supported in this House. The FY 2004 Agriculture Appropriations bill made substantial cuts in farm bill programs of over $650 million, and this year's bill goes farther still to the tune of $1.26 billion.

I find it somewhat disingenuous for the leadership of this House to profess their commitment to agriculture and the progress made in the farm bill—even leading members of their own party to believe that the farm bill will not be opened—and then attacking the farm bill in this back door approach. Whether we open the farm bill and cut agriculture because of reconciliation instructions or because of appropriations constraints, the end result still takes us to the same place—breaking our commitments to farmers and ranchers, to our commitments to conservation of our environment and protection of wildlife, and to the improvement of our rural economy. What is even a bigger shame is the fact that when you slowly dismantle the farm bill in this fashion, without the benefit of an overarching budget agreement, you still don't achieve a lower deficit/balanced budget.

I have said before and I repeat it again, agriculture is always willing to do its fair share for fiscal sanity. However, when we willy-nilly cut agriculture without regard to a bigger plan I have severe reservations.

Mr. Chairman, you can't blame the Appropriations Committee for this condition. They have worked on a bipartisan basis to provide the best bill possible in a bad situation. Amazingly, we are considering this bill without the benefit of even having a budget in place; our deficit in May reached $347 billion—well on its way to $500 billion before the current fiscal year ends.

But in order to meet the cap, this bill cuts these mandatory farm bill programs: Key research in the Initiative for Future Agriculture and Food Systems; small watershed rehabilitation; the Rural Strategic Investment Program; rural broadband and local rural television initiatives; funding for rural firefighters; the Wetlands Reserve Program; the EQIP program; the Conservation Security Program; the Wildlife Habitat Incentives Program; the Farmland Protection Program; and the Renewable Energy Systems Program.

Mr. Chairman, the farm bill—which was developed in a very inclusive and bipartisan manner—has been working very well. But our current fiscal policies—which are being developed without that kind of commonsense bipartisanship—are causing the piece-by-piece dismantling of the farm bill. I hope that the leaders of this House will soon reach across the aisle so that we can work together toward a common solution.

Mr. Chairman, earlier this year, the U.S. Forest Service grounded 33 of their heavy airtankers that were used to support firefighting program. Although a few of these planes have been cleared for service in this fire season, we must work to develop long-term plans for the U.S. Forest Services' aerial firefighting program. I would like to work with the members of the Appropriations Committee in the future to help fund research and development of adequate aircraft to support our country's forest firefighting program.

Mr. Chairman, once again I commend Appropriations Committee members on both sides for their work on this important bill and I urge my colleagues to support its passage.

Mr. NUSSLE. Mr. Chairman, I rise to speak on H.R. 4766, the Agricultural Appropriations bill for fiscal year 2005.

H.R. 4766 provides $16.8 billion in budget authority and $18.0 annually in outlays—a decrease of $875 million in BA and $181 million in outlays from fiscal year 2004.

As chairman of the House Budget Committee, I am pleased to report that the bill is consistent with the conference report on the Concurrent Resolution on the Budget for fiscal year 2005—H. Con. Res. 95—which recently passed the full House but has yet to pass the Senate. The bill comes in at its 302(b) allocation for fiscal year 2005 and therefore complies with section 302(f) of the budget resolution, which limits appropriations measures to the allocation of the reporting subcommittee.

H.R. 4766 continues the practice on Agriculture Appropriations bills of changing mandatory programs to generate savings to offset discretionary spending. This year's bill contains nearly $1.3 billion in such changes to mandatory programs under the subcommittee's jurisdiction.

Let me conclude by commending Chairman BONILLA and Ranking Member KAPTUR for a job well done in prioritizing the programs within their jurisdiction and coming to the floor with a bill that complies with this year's budget resolution.

Mr. RUSH. Mr. Chairman, I rise to revise and extend my remarks. I would like to thank the chairwoman for her leadership today.

Madam Chairwoman, due to issues of education, migration and disinformation, many African Americans have lost real property once in their possession or in the possession of their families because of fraudulent practices by dishonest and unscrupulous people. As you know, many African-American families migrated to the North and left their land behind with the understanding that they still retained ownership to their property. However, what occurred and what is still occurring is a blatant "land grab" among some in the southern States thereby robbing many African-American families of their ownership rights.

Madam Chairwoman, today African-Americans residing inside and outside of southern States may still have legal claims to these lands. There is a group of law students who are working on a program called ROSA (reclaiming ownership of southern assets) that is helping African-American families reclaim their stolen land. I hope that the Federal Government can also join in their effort to help right a wrong.

It is for this reason that I would like to respectfully request that the Office of Civil Rights within the Department of Agriculture research this issue and provide technical assistance to these families that have been illegally deprived of their property.

Mr. SOUDER. Mr. Chairman, I will not offer an amendment today with respect to the Food and Drug Administration, but I do want to put on the record my disappointment with the agency with respect to issues of concern to the Subcommittee on Criminal Justice, Drug Policy, and Human Resources, which I chair.

The first matter concerns the reluctance of the FDA to exercise its responsibilities to protect the health of Americans from specious medical claims made about marijuana. In recent years, a large and well-funded pro-drug movement has succeeded in convincing many Americans that marijuana is a true "medicine," to be used in treating a wide variety of illnesses. Unable to change the federal laws, however, these pro-drug activists turned to the state referendum process, and succeeded in passing a number of "medical marijuana" initiatives. This has set up a direct conflict between federal and state law on whether or not smoked marijuana is "medicine."

State laws purporting to legalize marijuana for medical purposes bypass these important safeguards. California and Oregon have adopted the most wide-reaching such laws. They allow anyone to use, possess, and even grow his own marijuana, provided he obtains the written "recommendation" of a doctor. Few, if any, restrictions are placed on what conditions marijuana may be used to treat; virtually no restrictions are placed on the content, potency or purity of such "medical" marijuana.

The laws adopted in California, Oregon, and other States are extremely open-ended; California law even allows marijuana to be used for migraine headaches. This has led to a number of uses of marijuana as "medicine" that I believe to be highly questionable. For example, Dr. Phillip Leveque, has personally written recommendations for over 4,000 people to use marijuana, many of whom he never met. A witness who testified before my Subcommittee, Dr. Claudia Jensen, has recommended that teenagers use marijuana for the treatment of psychiatric conditions like attention deficit disorder (ADD). We do not allow patients to grow their own opium poppies to make painkillers like morphine, Oxycontin and even heroin with just a "doctor's recommendation." We do not allow people to manufacture their own psychiatric drugs like Prozac or Xanax to treat headaches.

Why, then, should we authorize people to "grow their own" marijuana, when the potential for abuse is high and there is little or no scientific evidence that it can actually treat all of these illnesses and conditions? Why should we abandon the regulatory process that ensures that drugs are manufactured at the right potency level and contaminant-free? Why should we stop the oversight that makes sure that drugs are being administered in the right dosage and in the safest manner? Where has the FDA been in the debate on medical claims concerning an unapproved drug? It is absent from the debate, deferring to other law enforcement agencies. Why? The debate that is taking place concerns FDA's core competency: is smoked marijuana medicine or not? FDA's feeble response to this direct challenge to its authority is to provide a link to the National Institute on Drug Abuse on its website.

"Medical" marijuana referenda are a direct assault on nearly a century of food and drug law, and FDA needs to rise to its own defense. I ask unanimous consent that a letter to President Bush from Arthur T. Dean, Chairman and CEO of the Community Anti-Drug Coalitions of America, be inserted in the record concerning this important point.

While FDA is almost negligent with respect to marijuana, it is nearly usurpatory with respect to on-site drug testing. Once again, the FDA is seeking to impose overly restrictive guidance on the manufacturers and consumers of on-site drug tests, an ill-conceived effort that runs directly counter to the President's initiative to increase the availability of student drug testing.

Many schools also use these tests to deter student drug use. In his State of the Union Address, President Bush stated that student drug testing is an effective deterrent to drug use. Hunterdon Central High School in New Jersey is a model school that has used on-site drug and alcohol tests for over six years without problems. The New Jersey Supreme Court has upheld the program. The FDA's regulation of on-site tests will make them expensive and difficult to use and may cause Hunterdon and other schools to forgo the use of this valuable tool to deter drug use from our children.

The FDA has proposed requiring an expensive and repetitive approval process for the testing kits and has proposed requiring onerous training and other requirements. One of the key studies cited by FDA as supporting the rationale behind promulgating its proposed guidance has been misinterpreted and has not been peer-reviewed. I urge the FDA to reconsider this proposal in light of its damaging effect on the Bush administration's priorities for protecting the health and safety of young people.

Additionally, I am concerned that FDA is not using the best and latest science to alert consumers to the risks in using products regulated by the agency. For example, studies have consistently demonstrated that condom use doe not provide effective protection against infection with human papillomavarius (HPV). HPV is a sexually transmitted disease that causes nearly all cervical cancers. By way of comparison, nearly the same number of American women dies every year as a result of HPV/cervical cancer as do of HIV/AIDS. Despite these facts, FDA-approved condom labels have erroneously stated that condoms provide effective protection against STDs, and some condom companies have even claimed that condoms protect against HPV. In December 2000, President Bill Clinton signed Public Law 106–554 requiring the FDA to "reexamine existing condom labels . . . to determine whether the labels are medically accurate regarding the overall effectiveness or lack of effectiveness of condoms in preventing sexually transmitted diseases, including HPV." Four years later, FDA has yet to comply with this legal requirement by relabeling condoms to be medically accurate. FDA assured me at a hearing held in March that the agency would issue new recommendations before the end of this year.

Lastly, studies have also long demonstrated that use of the spermicide Nonoxynol-9 (N–9) increases risk for HIV infection. Yet the FDA, as recently as last year, stated on its website that "some experts believe nonoxynol-9 may kill the aids virus during intercourse, too. So you might want to use a spermicide along with a latex condom as an added precaution." FDA did publish a proposed rule requiring warnings for OTC vaginal contraceptives containing N–9 on January 16, 2003. This rule does not, however, apply to other products containing N–9 and the agency is still weighing whether or not to require consumer alerts on condoms containing N–9.

The House Government Reform Committee on February 26 voted to approve "Views and Estimates on the Fiscal Year 2005 Budget of the United States" without dissent. This document urges the FDA to take action to alert consumers of the dangers posed by so-called "medicinal" marijuana, HPV and N–9. The American people are still waiting.

COMMUNITY ANTI-DRUG
COALITIONS OF AMERICA,
Alexandria, VA, May 7, 2004.

President GEORGE W. BUSH,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: On behalf of the 5,000 coalition members that Community Anti-Drug Coalitions of America (CADCA) represents, I am writing to strongly urge you to instruct the Food and Drug Administration (FDA) to issue warning letters to all states, local governments, medical boards, website operators and sellers of marijuana explaining that the FDA has not approved botanical marijuana for "medicinal use" and that it cannot be advertised as such. Furthermore, I respectfully request that you direct the FDA to take action against entities that continue to falsely advertise marijuana as medicine with appropriate penalties.

It has recently come to my attention that the FDA has issued a multitude of warning letters to websites over: (1) weight loss claims, (2) the relationship between walnuts and the risk of heart disease, and (3) the potential risk of ultrasound 'keep-sake' images. Many, if not most of these claims, are based on little or no conclusive, scientific evidence. Mel Stratmeyer, Ph.D., in the FDA's Office of Science and Technology was quoted in an article related to the ultrasounds as saying, ". . . if there's even a possibility of potential risk, why take the chance."

If the FDA uses the standard of "possibility of potential risk," don't Americans also deserve to be protected from the demonstrably false claims being made about "medical marijuana." The public relies upon the FDA to advise them on medicine, based on sound medical evidence. To date, the FDA has not approved nor has it found any medicinal value in botanical marijuana, which is why it remains a Schedule I controlled substances. Despite this fact, websites, state and local governments, private vendors and doctors continue to advertise and endorse the medicinal value of smoked marijuana.

Marijuana is not a harmless drug: it is the most widely abused illicit drug in the nation. According to the Substance Abuse and Mental Health Services Administration's Treatment Episode Data Set, approximately 60% of adolescent treatment cases in 2001 were for marijuana abuse. Research shows that the decline in the use of any illegal drug is directly related to its perception of harm or risk by the user. Advertising smoked marijuana as medicine sends the wrong message to America's youth—that marijuana is not dangerous. The effort of the drug legalization movement, to promote "medical marijuana" to the pubic severely dilutes the prevention messages that community anti-drug coalitions across America are trying so hard to communicate: marijuana is dangerous and has serious consequences.

An April 2nd story in Reuters Health ("FDA Warns 16 Websites Over Weight Loss Claims) shows that the FDA is issuing warnings in these cases based on "false and misleading claims" that may have significant heath consequences to the public. These same kind of claims are being made regarding "medical marijuana." Doctors and websites are giving false hope to patients by telling them that marijuana will help them, without warning these patients of the potentially serious side effects of smoking marijuana. At a hearing before the House Government Reform Subcommittee on Criminal Justice, Drug Policy and Human Resources, Dr. Nora Volkow, Director of the National Institute on Drug Abuse (NIDA), the government's lead agency on drug abuse research, testified that even if marijuana were found to have medicinal value at some point in the future, doctors could not in good faith recommend patients smoke it because it is inherently toxic as a delivery system. When considering new drug therapies, any positive effects must outweigh the negative side effects.

Mr. President, I strongly urge you to instruct the FDA to send warning letters to all states, local governments, medical boards, websites and sellers of marijuana explaining that the FDA has not approved botanical marijuana for medicinal use and that it cannot be advertised as such. Thank you for considering my views.

Sincerely,

ARTHUR T. DEAN,
Major General, U.S. Army, Retired,
Chairman and CEO.

Mr. ACKERMAN. Mr. Chairman, times have sure changed since this appropriations bill was last presented to this Congress. We were a country free of mad cow disease and I was trying to pass an amendment requiring that no funds from the bill be used to allow downed animals into our food supply. I stood before this Congress and said: Let us do everything we can to make sure that mad cow disease never enters this country. Let us take precautionary measures and prevent downed animals—livestock too sick to walk or stand—from entering our food supply and require those animals to be humanely euthanized.

This year, we are no longer a country free of mad cow disease and the USDA has since wisely implemented a series of interim final rules to strengthen food safety regulations in the United States. I applaud the USDA and FDA for their recent actions to strengthen safeguards against mad cow disease. I was pleased to read about recent regulations to remove highly infectious cattle materials from food, dietary supplementals and cosmetics. Though these regulations should have been in place years ago, I am thrilled to see that the USDA and FDA have embraced common sense policies to protect Americans.

In good faith that the USDA will continue to enact sound policies to strengthen food safety laws and protect cattle from inhumane treatment, I will not be introducing my amendment again this year. As the USDA reviews the 22,000 public comments regarding their interim ban on downed animals, I urge the Department to consider the overwhelming number of comments—over 99 percent—that are strongly in favor of the ban.

Mr. Chairman, I would also like to take this opportunity to assure fellow Members in this House, that any attempts to weaken or destroy the ban, will be met with the fury and resistance of the American people, who have overwhelmingly expressed their strong voice for a permanent downer ban. Let the record reflect that we fully expect that the final downer rule will be as strong, if not stronger, than the interim final rule. Tainted meat from sick animals has no business with American families. Let us not wait until the first case of the human form of mad cow disease is confirmed before taking actions to ensure the safety of our meat. Let us continue to work with the USDA and FDA to implement policies so we never ever have to see an American fall victim to mad cow disease.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. OSE) having assumed the chair, Mr. BASS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4766) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2005, and for other purposes, pursuant to House Resolution 710, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 389, nays 31, not voting 13, as follows:

[Roll No. 370]

YEAS—389

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Cole
Collins
Cooper
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goodlatte
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Jackson (IL)
Jefferson
Jenkins
John
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Sullivan
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—31

Boucher
Burr
Buyer
Capuano
Coble
Conyers
Crane
Flake
Frank (MA)
Franks (AZ)
Goode
Gordon
Hefley
Johnson (CT)
Kucinich
Lewis (KY)
Markey
Marshall
McDermott
Meehan
Moran (VA)
Pascrell
Paul
Rohrabacher
Royce
Sensenbrenner
Shays
Smith (WA)
Stark
Stupak
Tancredo

NOT VOTING—13

Bereuter
Carson (IN)
Deutsch
Gutknecht
Houghton
Isakson
Istook
Jackson-Lee (TX)
Larsen (WA)
Lee
Majette
Saxton
Vitter

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. OSE) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1856

Mr. BUYER changed his vote from "aye" to "no."

Ms. LOFGREN and Mr. UDALL of Colorado changed their voted from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. VITTER. Mr. Speaker, I ask that the RECORD reflect that, had I been present, I would have voted "yea" on rollcall 370, on passage of H.R. 4766, Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2005.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.J. RES. 37 and H.J. RES. 66

Mr. HILL. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.J. Res. 37 and H.J. Res. 66.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3575

Mr. SNYDER. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 3575.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3575

Mr. ROSS. Mr. Speaker, today I learned that I have been listed as a cosponsor of H.R. 3575, something I was not aware of and I did not ask to be cosponsor of, and I ask unanimous consent to have my name removed as a cosponsor of H.R. 3575.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

BUSH ECONOMIC POLICY

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, Vice President CHENEY came to my home State of Ohio last week to try to explain the Bush economic policy, visiting a State with high unemployment, a State that has lost 200,000 jobs since President Bush took office, a State that has lost one-sixth of its manufacturing jobs and a State that has lost about 190 jobs every single day of the Bush administration.

His answer to every economic problem is more tax cuts for the wealthiest people. Somebody making a million dollars gets a tax cut of $125,000, hoping it will trickle down to create jobs and more trade agreements like NAFTA, which instead have simply shifted jobs overseas.

We need to change direction on this economy. It is not working in Ohio. It is not working in the industrial Midwest. We need a better manufacturing policy that pays attention to American manufacturing but does not shift jobs overseas.

OIL-FOR-FOOD FRAUD

(Mr. PEARCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEARCE. Mr. Speaker, tonight we are going to begin to look at one of the most far-reaching scandals that our generation has seen. The Oil-for-Food fraud is possibly the largest scandal in the history of the United Nations. We have got several speakers who are going to address the situation there where the United Nations Security Council possibly changed the votes in order to benefit themselves and certainly became very close to this scandal of tremendous proportions. Iraqi individuals appear to have bribed or coerced members of the U.N. who are administering the program.

Mr. Speaker, it is a shame that this issue is only being addressed by one side of the House. I would request that my colleagues on both sides begin to talk about the Oil-for-Food scandal, which possibly reached $10 billion and certainly affected the U.N. votes as we considered going to war with Iraq.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

DRUG REIMPORTATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, while Congress is working to provide affordable pharmaceuticals to American citizens through reimportation legislation, the Bush administration is working to undermine those efforts. We will soon vote on the United States-Australia Free Trade Agreement.

Article 17.9.4 of the U.S.-Australia Free Trade Agreement would allow pharmaceutical companies to prevent imports of drugs to the United States. That means the Australian Free Trade Agreement is directly inconsistent with provisions in the bipartisan drug reimportation bill sponsored by Senators DORGAN, MCCAIN, SNOWE, LOTT and DASCHLE. Under its comprehensive pharmaceutical benefits scheme, the Australian government negotiates today lower prices for its citizens through mass procurement. In other words, they use volume purchasing.

The U.S. pharmaceutical industry has made sure that our government cannot use mass procurement to bring down drug prices for U.S. citizens, and that is not good enough.

□ 1900

Now they want to go a step further. The U.S. Trade Representative's office, the President's person at the trade table, has included language in the Australian Trade Agreement that will forbid importation of cheap, affordable and safe Australian pharmaceuticals into our country. The clear winners as always in this Congress, as always in the White House, the clear winners are the large pharmaceutical companies; and the big losers, again, as far as prescription drugs and the Republican leadership, the big losers are American consumers, particularly millions of American retirees who lack drug coverage.

The Bush administration and its pharmaceutical allies argue the only way to ensure lower drug prices for Americans is by raising drug prices on every other nation, ostensibly because these nations are not helping to pay for research and development. That argument is not just specious; it is absurd.

Foreign drug prices already are high enough to cover research and development costs and still return a healthy profit to the drug industry. If you do not believe me, look at Pfizer's balance sheet, look at Pharmacea's balance sheets, look at Merck's balance, look at Schering's balance sheet.

Glaxo is headquartered in England. Aventis is headquartered in France. Bayer is headquartered in Germany. Would these companies set up shop in a country where they cannot do business and make a profit? What if other companies do increase their drug prices? Do we really think the drug industry is going to turn around and reduce their prices just because they can get higher prices in Europe? Not on your life.

Drug companies charge U.S. companies outrageous drug prices for one reason and one reason only, because they can. The Australian Trade Agreement simply helps them get away with it in that country too. Drug industry profits to $59 billion. Last year the drug industry has been virtually the only industry in America left unscathed by the Bush recession. Year after year after year they earn higher profits than any other industry in America for 20 straight years. Meanwhile, drug spending is fueling double-digit increases in health insurance premiums, drug spending is draining tax dollars out of the Federal Treasury hand over fist, drug spending is undermining the financial security of millions of seniors who have to choose between a full prescription drug dosage and their food or their utility bills.

Meanwhile, other countries are fighting back all over the world, but our government is not. Instead, at the behest of the drug industry, the Bush administration is trying to undermine price negotiations in Australia and block lower price prescriptions from even reaching our country.

Catering to a major campaign contributor like the drug industry is nothing new to this administration, but is it not getting a little ridiculous. If trade agreements are about creating open markets for cheaper goods and better market access, why are we trying to do something the opposite of that? Why are we trying to raise the price of prescription drugs across the world? The answer is easy: the pharmaceutical industry wants to make more money and the Bush administration and Republican leadership want their campaign help.

Enough is enough. A vote for the Australia Free Trade Agreement is a vote against U.S. consumers. It is as simple as that.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4759, UNITED STATES-AUSTRALIA FREE TRADE AGREEMENT IMPLEMENTATION ACT

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 108–602) on the resolution (H. Res. 712) providing for consideration of the bill (H.R. 4759) to implement the United States-Australia Free Trade Agreement, which was referred to the House Calendar and ordered to be printed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4634

Mr. SESSIONS. Mr. Speaker, I ask unanimous consent to remove the name of the gentleman from Texas (Mr. GREEN) as a cosponsor of H.R. 4634.

The SPEAKER pro tempore (Mr. GINGREY). Is there objection to the request of the gentleman from Texas?

There was no objection.

EXCHANGE OF SPECIAL ORDER TIME

Mr. MCDERMOTT. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Illinois (Mr. EMANUEL).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

TELL AMERICA THE TRUTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, this week had barely begun before three more U.S. soldiers died in Iraq. The U.S. casualties keep mounting and that is a tragedy, but this administration remains silent on a coming travesty in Iraq.

The President's appointed interim Iraqi government is preparing to offer amnesty to Iraqi insurgents, amnesty to the very people who are killing and wounding U.S. soldiers in Iraq. Our soldiers remain on patrol in the most dangerous place on Earth; and the snipers, bombers, and militants are about to be offered amnesty. What in the world is going on in this administration? Is this what the administration calls the road to peace? What is the President going to tell the families of every U.S. soldier killed or wounded in combat? What is the President going to tell the U.S. people?

The interim Iraqi government was created by the U.S. administration, make no mistake about that, so no one should think that this policy was not put in place without the express approval of the White House.

Now, Iraq says it is in their national interest to offer amnesty to the very insurgents U.S. soldiers have been battling day by day. This administration had no reason to start a war with Iraq. This administration had no plan to prosecute the war with Iraq, and now this administration demonstrates it has no plan to end the war in Iraq. What do we say to the dead? What do we say to the families of those who died? What do we say to the soldiers injured by roadside bombs and mortar attacks and snipers?

Is this the President's exit strategy in Iraq? 160,000 soldiers remain in harm's way in a country that is about to offer amnesty to the people who are attacking them. If the interim Iraq government can offer amnesty, why can the U.S. not offer every U.S. soldier the option to leave? If Iraq's insurgents are offered freedom, why are U.S. soldiers not offered the freedom to choose whether they stay?

Why will the people shooting at U.S. soldiers get special treatment while our soldiers get stop loss orders, forcing thousands of them to remain in harm's way. What in the world is going on in Iraq? We have to be brave enough to accept our people and embrace all Iraqis. That is a direct quote from Iraq's interim President, Sheikh Ghazi al-Yawar.

So much for the U.S. being seen as a great liberator. Even the interim government sees the U.S. as an occupier. So in their view it is okay to cut a deal with the insurgents. It is a statement about the instability of the entire country and the inability of the government to do anything about it. It is the most glaring statement yet that the administration was completely wrong in its need to go to war and unequivocally wrong with the consequences of post-war Iraq.

There have been more U.S. casualties since the President's declaration of "mission accomplished" than during all the major combat operations. Now the world has become even more dangerous and no amount of denial will alter the images of the Iraq prison.

Why talk about this shame again? Because it is entirely possible that this administration continues to ignore the most fundamental international protection for every prisoner. Abu Ghraib showed the world that the Geneva Convention was something the administration left out of the Iraq war plan. After those revelations, the administration made sweeping statements about their support of the Geneva Convention. Yet just today, the International Red Cross said it fears this administration is secretly holding more prisoners around the world.

Quoting a Red Cross spokesperson, "Some of these people who have been reported to be arrested never showed up in any of the places of detention run by the U.S. where we visit."

How bad does it get before the administration follows international law? Who does the administration think benefits from its failures to protect prisoners and follow international law? The International Red Cross tried to work behind the scenes before the Abu Ghraib scandal. The administration ignored them. The Red Cross tried to act as a catalyst for positive change in the wake of the scandals. Today's news makes clear the administration still believes it can flaunt international law. There can be no peace without justice, Mr. President, not in Iraq or anywhere else.

Justice begins by treating prisoners we capture in the same way, with the same rights that we would expect to be extended to an American. Justice delayed is justice denied. Act now before another day goes by. Give the International Red Cross unrestricted access to every secret U.S. location where prisoners are being held. Prove once and for all that America stands for human rights and justice. Let the Red Cross see and the world know if America is true to its words. Let the Red Cross see and the world know if the prisoner abuses have stopped.

Do not tell the world the administration supports the Geneva Convention. Do it by following the Geneva Convention. One call, Mr. Speaker, is all it would take for the President to let the Red Cross in and the world know. Our soldiers deserve nothing less. Our Nation demands nothing more than the truth.

We only have 112 days left of this administration, but that is a long time if you are serving in Iraq under a stop loss order. The President has got to act to protect our people.

EXCHANGE OF SPECIAL ORDER TIME

Mr. PEARCE. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Indiana (Mr. BURTON).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

OIL-FOR-FOOD SCANDAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico (Mr. PEARCE) is recognized for 5 minutes.

Mr. PEARCE. Mr. Speaker, the Oil-for-Food fraud is possibly the largest scandal in the history of the United Nations and one of the greatest financial scandals of modern times. Set up in the mid-1990s as a means of providing humanitarian aid to the Iraqi people, the U.N.-run Oil-for-Food program was subverted and manipulated by Saddam Hussein's regime, allegedly with complicity of U.N. officials to help prop up the Iraqi dictator.

Saddam's dictatorship was able to siphon off an estimated $10 billion from the program through oil smuggling and systematic thievery by demanding illegal payments from companies buying Iraqi oil and through kickbacks from those selling goods to Iraq, all under the noses of U.N. bureaucrats.

Members of the U.N. staff that have administered the program have been accused of gross incompetence, mismanagement, and possible complicity with the Iraqi regime. Benon Sevan, former executive director of the Oil-for-Food program appeared on an Iraqi oil minister list of 270 individuals, political entities and companies from across the world that allegedly received oil vouchers as bribes from Saddam Hussein's regime.

The U.S.'s General Accounting Office estimates that the Saddam Hussein regime generated $10.1 billion in illegal revenues by exploiting the Oil-for-Food program. These figures include $5.7 billion from oil smuggling and $4.4 billion in illicit surcharges on sales and after-sales charges on suppliers.

Without a shred of evidence, European and domestic critics have frequently derided the Bush administration's decision to go to war with Iraq as an oil grab driven by U.S. corporations such as Halliburton. They ignore the reality that the leading opponents of war at the U.N. Security Council, Russia and France, had vast oil interests in Iraq protected by the Saddam Hussein regime.

The Oil-for-Food program and its elaborate system of kickbacks and bribery are a major source of revenue for many European politicians and business concerns, especially in Moscow.

Mr. Speaker, the role of Congress should include first of all the strengthening of the Paul Volcker Commission of Inquiry. It should ensure that the Iraqi interim government and congressional investigators are able to conduct an effective and exhaustive investigation in the Oil-for-Food program. It should push the administration to ensure that the Oil-for-Food scandal is thoroughly investigated. It should keep the international spotlight on Oil-for-Food, encouraging foreign governments to launch their own investigations. It should increase the likelihood of serious reform at the U.N., including significant safeguards to prevent repetitions of its failures. It should limit the role of the United Nations in shaping the future of Iraq.

Mr. Speaker, the most effective way to ensure that the United Nations fully cooperates with its own commission of inquiry, which has received veiled threats if it continues to probe, the most effective way that we in the United States can deal with that inability to do its own investigation is threaten to reduce funding from the U.S. to the U.N., specifically the United States's assessed contribution.

Mr. Speaker, the U.N.'s dismal and allegedly corrupt handling of the Oil-for-Food program should lay to rest any notion that the organization can be entrusted with shaping the future of the Iraqi people. Many Iraqis regard the U.N. with suspicion, lacking both legitimacy and credibility.

Iraqis have bitter memories of Secretary General Annan's February 1998 statement to reporters, "Can I trust Saddam Hussein? I think I can do business with him," said Mr. Annan.

□ 1915

The Benon Sevan letters give us evidence that the former director of the Oil-for-Food Program interfered with congressional investigations. Specifically, Sevan wrote several letters on official U.N. stationery warning some of the companies implicated in the scandal that they must first seek U.N. approval before releasing documents to investigators.

Mr. Speaker, the Security Council had heated debates over whether the U.S.-led war to liberate Iraq should proceed, but the resistance in the Security Council cannot remain separated from the Oil-for-Food scandal and the fact that influential politicians, major companies and political parties from key Security Council member countries may have benefited financially from the program.

The Al Mada list of 270 individuals, political entities and businesses across the world that allegedly received oil vouchers included no fewer than 46 Russian and 11 French names. The Russian Government alone allegedly received an astonishing $1.36 billion in oil vouchers.

The close ties between Russian and French politicians and the Iraqi regime may have been an important factor in influencing their governments' decision to oppose Hussein's removal from power.

Mr. Speaker, this Oil-for-Food scandal must come to the attention of the American public, and if it is only Republicans who will address it, we will do so.

SMART SECURITY AND POSTPONEMENT OF NOVEMBER ELECTION

The SPEAKER pro tempore (Mr. GINGREY). Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, earlier this week, DeForest Soaries, chairman of the U.S. Election Assistance Commission and a Bush appointee, and I emphasize "and a Bush appointee," asked Homeland Security Secretary Tom Ridge to consider seeking the authority to postpone a Federal election. Specifically, he wants Ridge to push for legislation that will give his agency the authority to reschedule the November 2 Presidential election in the event of a terrorist threat or attack sometime near the election.

As a result of his request, the Department of Homeland Security asked the Justice Department's Office of Legal Counsel to analyze what steps would need to be taken to postpone this year's Presidential election, what steps would need to be taken to postpone this year's Presidential election.

Mr. Speaker, this is nothing short of outrageous. I am appalled that this request is even being considered. The postponement of a Presidential election would present the greatest threat to date to our democratic process. It would be an admission of defeat to the terrorists, inviting them to disrupt this election of our highest leader.

Mr. SKELTON. Mr. Speaker, will the gentlewoman yield?

Ms. WOOLSEY. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Speaker, I certainly agree with the gentlewoman and wish to point out the fact that during the War Between the States the Presidential election continued on.

Ms. WOOLSEY. I am going to actually address that in a little bit.

It would also be unprecedented in our Nation's history.

Actually, in early 1864, as the gentleman from Missouri (Mr. SKELTON) just referred, President Abraham Lincoln feared that he would lose the Presidency due to widespread criticism of his handling of the Civil War. No President had won a second term since Andrew Jackson more than 30 years prior, and the Union had recently suffered a string of military disappointments.

Many of Lincoln's closest advisers urged him to postpone the election, but Abraham Lincoln never even considered that possibility, nor should we.

In response to calls for postponing the Presidential election, President Lincoln said the following in November of 1864: "We cannot have free government without elections; and if the rebellion could force us to forego or postpone a national election, it might already fairly claim to have conquered or ruined us."

The fight against terrorism, like the Civil War, will affect more than a generation of Americans, but we must be smart, smart about how we address the threat of terrorism, and we must make sure that in this long fight we do not lose what we are fighting for in the first place.

There must be a way to both fight terrorism and also hold on to democratic ideals that make our country great, and Mr. Speaker, there is.

I have introduced H. Con. Res. 392, the SMART security resolution, which provides a better way to address the threat of terrorism. SMART stands for Sensible, Multilateral, American Response to Terrorism.

Preventing future acts of terrorism, SMART security is more vigilant than the President on fighting terror. Instead of emphasizing military force, it focuses on multilateral partnership and stronger intelligence capabilities to track and detain terrorists.

Unlike the defective and obtrusive USA Patriot Act, SMART security focuses on tracking and arresting those involved in terrorist attacks, while respecting human and civil rights.

Terrorism is an international problem, we all know that. So the fight against terrorism must involve the international community. That is why SMART security calls for working closely with the U.N. and NATO to achieve its goal. Only by actively involving other Nations in this fight can we hope to prevent future acts of terrorism.

In the spirit of being smart about our national security, I have written a letter to Secretary Ridge that has been signed by over 100 Members of Congress requesting that Secretary Ridge take no further steps to postpone this year's Presidential election. Wars, droughts, floods and hurricanes have not stopped elections, and the possibility of a terrorist attack must not stop one either. We cannot forget that elections are the very basis upon which our great American democracy was founded.

To ensure that the upcoming Presidential election is not postponed by the alarmist Bush administration, I urge all of my colleagues to add their signatures to this important letter to Secretary Ridge.

FREEDOM OF POLITICAL SPEECH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, I want to read a couple of statements from Bishop Smith of Trenton, New Jersey. The title of his little writing is called Bishop Smith calls for Freedom of Political Speech for the Catholic Church, and I would like to say that not only the Catholic church but the Protestant churches, the synagogues and the mosques in this country.

What I would like to read is: "At the Respect Life Mass for the Diocese on March 27 in St. James Church, Bishop Smith asked why, in our presumably democratic country, Catholic churches fear that the Internal Revenue Service will punish them if they speak out on politicians' positions on issues."

He further stated or wrote: "The First Amendment protects the free exercise of religion. Separation of church and state does not mean that the Church and its members should not voice or advocate for their positions. Separation of church and state is designed to ensure that there is no governmentally established religion."

Mr. Speaker, I want to say that because whether this would be a bishop of a Cátholic faith or a Protestant minister or a Jewish rabbi or a cleric, they have the same problem. Most people do not know that from the beginning of this great Nation until 1954 that there was total freedom. They did know that. What they did not know, which is what I meant to say, is that in 1954 Lyndon Baines Johnson introduced an amendment on a revenue bill going through the Senate that was never debated. There were no committee hearings. There was no discussion of his amendment. In fact, at the time, the Democrats were the minority and the majority leader accepted the Johnson amendment without debate, unanimous consent.

I want to further add that Dr. James Davidson, a sociology professor at Purdue University who I have spoken to by telephone a couple of years ago, I want to read from some of his research and writing. He says, "The First Amendment speaks of religious freedom; it says nothing that would preclude churches from aligning themselves with or against candidates for public office . . . The courts also have never used Thomas Jefferson's celebrated 1802 metaphor about 'a wall of separation between church and state' to stifle churches' support of or opposition to political candidates."

I share that with my colleagues because, just recently, the bishop of Colorado Springs, Bishop Sheridan, wrote a pastoral letter, three pages which I have and read many times. Never in his pastoral letter did he say anything about President Bush or Candidate for the Presidency KERRY or about Democrats or Republicans. He just reminded the Catholics in his diocese, about 125,000, that the church stands for protecting the unborn. They are opposed to stem cell research. It protects the elderly.

So, therefore, in his letter basically what he said was that we, as Catholics, we stand for protecting life, and we, as Catholics, should think carefully during this next election. But, again, he never said the name of any candidate. He never said the name of any party, but because he used the word "pro-life," Barry Lynn, the Americans for Separation of Church and State, filed a complaint.

Well, one might say, well, Congressman, how can he file a complaint? He did not mention the candidate. He did not mention a party.

But what the IRS did in the early 1990s, they took the Johnson amendment and they expanded it through their rulemaking process, and now they have code words. Code words can be "pro-choice," "pro-life," "liberal," "conservative," "Democrat" or "Republican."

This, in my opinion, is not what this great Nation is about. It is not what we have men and women who have served this Nation during wartime from the beginning of America until today and tomorrow and as this war goes on in Iraq and Afghanistan, and yet these fine men and women that wear the uniform are there to protect freedom, not only to help the Iraqi people but freedom for the American people, and yet we have a law on the books that prohibits a member of the clergy from speaking out on the moral and political issues of the day.

Now, if this was 1953, Mr. Speaker, I would not even be on the floor, because there would be no problem. There was no law. But because of the Johnson amendment, we have elements in this country today that are on the extreme left that watch what our clergymen are saying about the policy and the politics of the day. I believe sincerely if the moral values of America are going to stand, then I believe that the freedom must ring in the churches and synagogues and the mosques of America, that they must have the freedom to speak freely about the issues of the day.

Again, I plan to be on the floor the next two or three nights and will continue to talk about this, because, as my colleagues know, outside of my office, 422, I have 12 posters. On each poster is about 60 faces of men and women who have died in Iraq and Afghanistan. I have it there for a main reason, to remind the American people that freedom, there is a cost, and, therefore, we must, within the House and the Senate, do our part to protect the constitutional rights of the American people, and that includes those who are spiritual leaders of this country.

Mr. Speaker, I close by asking God to please bless our men and women in uniform and their families, and I ask God to please bless America.

EXCHANGE OF SPECIAL ORDER TIME

Mr. DEFAZIO. Mr. Speaker, I ask unanimous consent to replace the gentleman from California (Mr. GEORGE MILLER).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

SHORTCOMINGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, Saddam Hussein was a murderous despot in Iraq, and the world is better off without him. There is no disputing that fact. However, the Senate Select Committee on Intelligence report, all 511 pages, including the 15 percent that was redacted, raises very serious questions about the nature of the threat that Saddam Hussein posed to the United States that led to the first-ever preemptive war in the history of our country. Even the President says there were "some shortcomings." Well, let us look at a few of the shortcomings.

The aluminum tubes that we were told was slam dunk evidence by Mr. Tenet of the CIA that they were going to separate uranium and enrich it misrepresented key evidence. It had nothing to do with uranium separation.

Uranium from Niger, obvious sign; a key document was forged, rather amateur forgery, actually.

The revised weapons program; the claim is not supported by the intelligence.

The mobile labs; withheld important information about the sources, lack of reliability.

This is the famous Curveball, showed up drunk at his one meeting with a U.S. intelligence representative and did not seem very credible. One upstanding individual over at the CIA wanted to raise concerns and go on record about how the fact he was not a good source, but the deputy chief of the agency's Iraqi task force said we can hash this out in a quick meeting. He rejected the worries as irrelevant.

□ 1930

Here is his quote: "Let's keep in mind the fact that this war is going to happen regardless of what Curveball said or didn't said and that the powers that be probably aren't terribly interested in whether Curveball knows what he's talking about," the CIA official replied in an e-mail message obtained by the committee. Basically, they did not want to know that this was phony information.

Smallpox designer germs. Not supported by the intelligence, according to the CIA.

The drones. I saw pictures of the drones. They were these little patchedtogether things, and George Bush was talking about what a tremendous threat they were. Did not look like they could fly at all, and they certainly could not fly any distance. The head of intelligence for the Air Force, they know a little about planes; said, in fact, there was no credible threat connected to the drones.

The list goes on and on and on. And as the President says, there were some shortcomings. There were more than some shortcomings; there was an extraordinary distortion of very, very poor intelligence and minimal evidence that there was any threat posed by Saddam Hussein. In fact, the conclusion of this Republican Senate-led Select Committee on Intelligence is that the military of Saddam Hussein was on a horrible downward spiral, was incredibly degraded, had never recovered from the Gulf War, that the sanctions in the containment were working, and that he did not pose any credible threat to the United States nor even to Iran or some of his other neighbors.

But the President would still say, as he did seven times in 32 minutes yesterday, just to make sure people did not miss the message behind him, which was to show that American people are safer. Well, there is a real question about that since they put us on a higher terror alert. They are talking about postponing the elections. Postponing the constitutionally mandated elections, I do not know how they do that, but I guess it is part of his executive powers we do not know about, because of the threat posed by Osama bin Laden and al Qaeda, who have been over there regrouping and freely operating for the 2 years the Bush administration turned all our intelligence assets, the world's attentions, our military assets to Iraq.

And they say the world is safer? The world is not safer. In fact, he allowed those people to regroup and to raise a threat that is so grave that his Homeland Security Secretary is asking how we might be able to postpone the elections if we know 3 or 4 days before that George Bush is behind in the polls. No, no, I mean do we know there is a credible threat or there was a terrorist attack?

Now, there was one piece of evidence that was good. There is a guy named Zakawi; and he is a really, really bad guy. And Colin Powell pointed to where he was on the map. Guess where that was? That was in a little corner of Iraq, behind the Kurdish territory, which was overflown by the United States on a daily basis. Saddam Hussein could not get at that guy if he wanted to. But we could have, three times.

Three times the Pentagon asked to take out Zakawi, who is now responsible for killing maybe tens of hundreds of U.S. troops and Iraqis in a terrorist campaign, and three times the Bush administration said, no, you cannot take him out. Because if you take him out, it might disturb our recruiting for the war against Iraq that does not pose a threat to the United States of America. What incredibly misplaced priorities these people have.

If it is a war on terrorism, then go after the terrorists: Osama bin, al Qaeda, Zakawi. But, no, they distracted us into this war with Iraq in some bizarre neoconservative vision of the world, and many Americans have died because of their mistakes, and I fear that more might because he has allowed the terrorists to regroup.

U.N. OIL-FOR-FOOD PROGRAM

The SPEAKER pro tempore (Mr. GINGREY). Under a previous order of the House, the gentleman from Indiana (Mr. CHOCOLA) is recognized for 5 minutes.

Mr. CHOCOLA. Mr. Speaker, I find it interesting how night after night during this period of the evening we call Special Orders that my friends on the other side of the aisle come down and talk about allegations of scandals, of things like contracts with companies trying to help rebuild Iraq, outcries over misleading our Nation to war, charges of coverups and lack of cooperation; and so I would like to just address what the previous speaker talked about, which is this allegation that there is an attempt to delay the elections.

All the news reports I have seen in the last 24 hours is that there was never any request nor any really evidence of anybody trying to delay elections by any means at all. But sometimes we just do not let the facts get in the way of our opinions, and so we ignore those.

Mr. Speaker, I am going to ask my colleagues to imagine that there is a scenario like the following: imagine if the press had reported an alleged scandal that entailed $10 billion of illegal payments, and in that same article it was revealed that the head of the program that was the subject of those allegations was implicated and was suspected of directly participating in those illegal payments.

And then after this head of this program was implicated, he went back to the organization that he was running, and he sent out letters to all of the companies that had contracts with this organization and said, now, remember, we have a contract that says you are not supposed to discuss any of our dealings with any third parties, and we will enforce that provision of our contract, and we expect you not to cooperate with anyone asking any questions. Now, that same contract said that we could waive this; but we are not inclined to do that, which means we really are not inclined to cooperate at all.

Also imagine if this same organization had done 55 internal audits and was now unwilling to share any of them with its stakeholders, the people that had invested in this organization, the people that were served by this organization. The people that had a stake in this organization were not allowed to see any of these internal audits because none of them were allowed to become public.

Now, if this had actually happened, I think there would be a great outcry, especially from my friends on the other side of the aisle. But, Mr. Speaker, the reality is that such a scandal truly exists, so we do not have to imagine a thing.

The Iraqi Free Press. Let me say that again. The Iraqi Free Press, which did not exist 18 months ago because there was no such thing as the Iraqi Free Press, broke a story about the U.N. Oil-for-Food scandal, which could potentially turn out to be the largest scandal in history. In that report they said there was a gentleman named Sevan, and possibly Benon Sevan, who ran the Oil-for-Food program, who may have gotten some of these illegal payments. And this same Mr. Sevan wrote to all of the U.N. contractors saying, now, remember, we have this clause that says you cannot discuss the details of our relationship with any third parties.

Now, Mr. Speaker, I would think that the U.N. would want to cooperate with an investigation; and if they truly wanted to cooperate, they would waive the provision that is in the contract and say, go ahead and cooperate with anyone who is investigating appropriately this matter, and do not worry about that provision because we really want to understand the truth in this matter.

Mr. Sevan will not allow the member states of the U.N. to see those 55 audits to understand exactly what was happening internally in the U.N., and specifically with the Oil-for-Food program.

Mr. Speaker, there is a ray of hope in this story. And the ray of hope is that former Federal Reserve Chairman Paul Volcker has recently been appointed to investigate this matter. He is a highly respected man and I am sure will do a very good job.

The most important thing we do is not engage in a bunch of rhetoric and outcry and charges and allegations. The most important thing we accomplish here is to actually get to the root of the problem and understand the facts and understand exactly what happened here and understand whether the allegations are true: that $10 billion has somehow disappeared, money which was specifically supposed to go to help feed and provide for the health care of the Iraqi people because they are the ones that will ultimately suffer as a result of this scandal. They were supposed to be provided for with the oil riches of their nation in food and oil, and it appears that others used those riches for their own self-gain.

So I encourage all the Members of this body to express not outcry but sincere concern about this issue and use all the resources that we have at our disposal to make sure the U.N. cooperates in the Oil-for-Food scandal investigation and provides Chairman Volcker with all of the information and all of the resources that he needs so that we can thoroughly and properly investigate this matter.

DO NOT POSTPONE THE NOVEMBER PRESIDENTIAL ELECTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

Mr. STRICKLAND. Mr. Speaker, almost 4 years ago, President Bush came to the office of the Presidency having lost the popular vote in this country by over 500,000 votes, having endured a disputed election in Florida, where there were multiple charges and accusations of fraud and people being denied the right to vote. We had the involvement of the Supreme Court for the first time, I believe, in our Nation's history in making a decision basically to stop the counting of votes in Florida. And so the President came to office under these very unusual circumstances.

I think all of us, all of the country recognized that there was a need for healing in our country, and we hoped that President Bush would do what he promised to do during his campaign: that he would be a uniter, not a divider; that he would govern as a compassionate conservative. But the fact is that President Bush has governed from the far right of his party, and he has perhaps been the most divisive President in recent history.

We all know also that on September 11, 2001, our country was attacked and all Americans pulled together at that time. It was a time when the President had a unique opportunity to mobilize the world in the fight against terrorism. But rather than do that, he chose to go his own way, to use intelligence data that was inaccurate, I believe exaggerated and manipulated, in order to convince the American people that there was a threat from Iraq, when we now know that the real threat continues to come from al Qaeda and the terrorist network headed by Osama bin Laden, who I would remind all of us is free tonight to plot the next attack upon our Nation.

In the last few hours, something has happened that alarms me, and I think will alarm the American people as they find out about it. Earlier this week, the U.S. Elections Assistant Commissioner, who is a Bush appointee, asked the Homeland Security Secretary, Mr. Tom Ridge, to consider seeking the authority to postpone a Federal election. As a result, the Department of Homeland Security has asked the Justice Department's Office of Legal Counsel to analyze the steps that would be needed to postpone the November Presidential election.

Mr. Speaker, this is an outrage. The postponement of a Presidential election would present the greatest threat to date to our democratic process. It would be a capitulation to the terrorists, inviting them to disrupt the selection of our highest leader, and it would be unprecedented for a Presidential election.

Not even the Civil War stopped the 1864 Presidential election from taking place. I quote from Abraham Lincoln, November 10, 1864: President Lincoln said, "We cannot have free government without elections; and if the rebellion could force us to forego or postpone a national election, it might already fairly claim to have conquered or ruined us."

In early 1864, President Abraham Lincoln feared that he may lose the Presidency because of widespread criticism of his handling of the Civil War. No President had won a second term since Andrew Jackson, more than 30 years prior, and the Union had recently suffered a string of military disappointments.

□ 1945

Under those conditions, many of Lincoln's closest advisers urged him to postpone the election so that he could focus on the war effort, but Abraham Lincoln never even considered that possibility, nor should we.

The fight against terrorism, like the Civil War, will affect more than a generation of Americans. Let us make sure that in this long fight against terrorism we do not lose what we are fighting for in the first place. I do not know that this would happen, but I think the American people need to be paying attention. Would it be possible that shortly before the elections the residing party in power determined that things were not going so well, would there be a temptation under those circumstances to find some reason to justify postponing the election? We should never even consider such a possibility. I call upon the President to reject this suggestion, and I call upon this Congress to stand together as Republicans and Democrats to say we are having our Presidential election on November 2, regardless of what the terrorists may seek to do.

OIL-FOR-FOOD PROGRAM

The SPEAKER pro tempore (Mr. GINGREY). Under a previous order of the House, the gentleman from Missouri (Mr. AKIN) is recognized for 5 minutes.

Mr. AKIN. Mr. Chairman, there have been charges over the last number of months, even the last year or two, of various kickbacks and mismanagement of different businesses and different kinds of things that are going on that I have heard from the Democrat Party, but it is interesting that there has been a stony silence when it comes to the biggest scam which is now emerging, the biggest scam in many, many years. It involves not only kickbacks and bribery but it involves even murdering various individuals. I am talking about the new evidence that is emerging on the Oil-for-Food program.

As the Members are perhaps aware, the Oil-for-Food program was a very large program administered by the United Nations. Its purpose was to try to provide humanitarian aid for the Iraqi people and so Saddam was allowed to sell some oil and the oil was supposed to be translated into food which was supposed to get back to his people. What is now emerging and has been emerging for some time is that the United Nations staff that have been administering this program is guilty of gross incompetence, mismanagement and probably complicit with the Iraqi regime in perpetuating the biggest scandal in United Nations history.

It was the largest U.N.-administered program anywhere in the world, that collected a 2.2 percent commission on every barrel of oil sold, and those dollars were put into the Banque Nationale de Paris. According to a February, 2004, article in the New York Times, it says that that money was "an open bazaar of payoffs, favoritism and kickbacks."

Why have we not heard more complaint about this? Why have we not heard complaint that the U.N. is trying to bottle up this information and not allow anybody to check into where this money was going? Particularly why is it that the Democrat Party would want us to turn Iraq over to the United Nations, the very people that are in the middle of perpetuating this scam? I do not understand that.

The emerging evidence suggests that corrupt politicians and businesses throughout the world benefited from this Oil-for-Food program and they kept the Iraqi dictator in power. Those who benefited from the corruption have been listed, some of them prominent United Nations officials, including the son of Secretary-General Kofi Annan. The list includes no fewer than 46 Russians and 11 French names. The close connection between French and Russian politicians and the Iraqi dictator suggests at least one reason why these governments worked so hard to undermine American efforts to enforce the U.N. resolutions and ultimately remove Saddam from power. In fact, what we find is that documents that were discovered in the wreckage of the Iraqi foreign ministry reveal that the French were sharing the contents of confidential meetings and diplomatic traffic from Washington. Details of talks between French President Chirac and President Bush were also reportedly passed on to the Iraqi foreign ministry by French diplomats in Baghdad.

Yet I cannot understand, why would the Democrats criticize us for not obtaining support from the Russians and the French? The Russians and the French were skimming billions of dollars in a huge scam, and there was absolutely no financial reason for them to want to enforce the United Nations sanctions or to join America in messing up their cozy little deal.

I believe the United States should push for an exhaustive and independent investigation of the Oil-for-Food Program. I think Congress should consider linking our continued funding of the United Nations to long overdue reform and the prosecution of the U.N. officials who were taking part in this program.

In January of 2004 in the State of the Union address, President Bush asserted that America will never seek a permission slip to defend the security of our people. I am glad that he did not need a permission slip, because if we were waiting for the United Nations and for France and for Russia, we would still be waiting. The participation by undermining U.S. efforts in the war on terror is dramatic. Those who, like JOHN KERRY, would seek a permission slip from the U.N. need first to answer the question why the American people should trust their security to an institution whose largest humanitarian program benefited anti-American businesses and political elites, rather than the Iraqi people, a U.N. run by leaders who are part of the biggest scandal in United Nations history.

This needs to be discussed, and we need some answers before we continue to put American dollars into funding a United Nations who was working completely against the interests of the Iraqi people and the interests of freedom around the world.

HONORING THE NATIONAL YOUTH SPORTS PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KIND) is recognized for 5 minutes.

Mr. KIND. Mr. Speaker, I rise today as national cochair to honor the outstanding work of the National Youth Sports Program in my home State of Wisconsin and the 200 programs throughout the Nation and to recognize the essential role NYSP plays in children's lives during those crucial weeks during the summertime.

For 35 years, NYSP has brought organized athletics and academic courses in math and science into the summer routines of low-income children aged 10 to 16. For 5 weeks, children learn leadership skills and work to develop strong moral character through sports. Furthermore, NYSP provides students with education in substance abuse prevention, career instruction and perhaps their first comprehensive physical. In addition, students receive a hot, well-balanced USDA-approved meal each day.

As a former college quarterback and a father of two little boys, I know the opportunity that sports can have on positively impacting the lives of our children. Thanks to NYSP, a soccer field, a basketball court, a swimming pool turns into classrooms. The lessons in these innovative classrooms are civility, teamwork and responsibility.

Mr. Speaker, it is our duty as policymakers to preserve these vital opportunities. It is in the interest of our children and our country to do so.

For proof of the importance of the National Youth Sports Program, I invite the Members to look at two participating institutions that I had the opportunity to visit recently from my home district in western Wisconsin.

At the University of Wisconsin-La Crosse, over 300 children participate in NYSP each summer. In addition to excellent athletic and academic instruction from a dedicated staff, these children have participated in a ropes course to foster higher self-esteem, have been treated by local physicians and dentists free of charge, participated in the DARE and GREAT programs with local police officers, and have painted over graffiti found on public property. The NYSP at the University of Wisconsin-La Crosse is enriching the lives of low-income children while simultaneously enriching the community as a whole. I would like to take this opportunity to thank program director Mary Beth Vahala and the many community volunteers, including Dr. Richard Foss and Dr. Holly Grimslid for their integral role in the success of NYSP at La Crosse.

The NYSP at the University of Wisconsin-Eau Claire, directed by Dr. Bill Harms and Mr. Tom Pratt, has been consistently ranked as one of the top summer programs in the entire Nation. Every summer, over 500 children learn to live the NYSP creed, "to walk tall, talk tall and stand tall." In addition to a wonderful selection of standard athletics at the University of Wisconsin-Eau Claire, students spend time each day studying math and science in an effort to teach the importance of these subjects at a young age. Under the excellent tutelage of coordinators Ms. Sunshine McFaul and Mr. Jayson Leslie, students discover the value of math and science in their lives. I also want to thank and commend NYSP's national director Dr. Gale Wiedow for his terrific leadership of these 200 programs throughout our Nation.

Mr. Speaker, these two fine programs in my home district in western Wisconsin are indicative of the quality of NYSP as a whole; and I am thankful for the dedicated staff and volunteers that make it happen. Unfortunately, the President proposed to eliminate NYSP program funding in the next fiscal year's budget. Fortunately, however, NYSP has enjoyed wide bipartisan support in Congress.

I also want to thank my good friend and colleague from Buffalo, New York (Mr. QUINN) for cochairing the National Youth Sports Program with me in recent years. He has been a terrific advocate of youth generally and of NYSP specifically. I appreciate his hard work in going to bat for this program. He will be sorely missed in this Chamber, and we all wish him a happy retirement.

Tonight I stand with thousands of children to thank the Committee on Appropriations for fully funding NYSP, and I urge my colleagues to remember the value of athletics and academics in our children's lives and the important role NYSP plays in delivering both during the summer months.

Mr. Speaker, the legendary coach of the Green Bay Packers, Vince Lombardi, once famously said, "Once you learn to quit, it becomes a habit." The National Youth Sports Program teaches children not to quit, and it is our responsibility not to quit on them.

OIL-FOR-FOOD PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. MCCOTTER) is recognized for 5 minutes.

Mr. McCOTTER. First, just a couple of minor observations on the debate so far tonight. We heard earlier the gentleman from Oregon mention that the Pentagon on three separate occasions believed that they could strike and eliminate a terrorist who was a threat to the United States. I would just caution the gentleman to be very careful lest he be considered as advocating a preemptive unilateral act of war against a resident alien in his sovereign host country.

Also, on the previous mentioning of plans, whether real or not, that explored potentially delaying the election, I, too, would just like to say that I would oppose any plan to delay an American election. But I also think that it is important to remember that in the 1864 election Abraham Lincoln did not spend a lot of time personally campaigning to win the votes of southern voters, as my understanding is that those people chose not to participate in that election. The distinction which is critical would be, then, that while the southern States in rebellion chose not to participate in the Presidential election, there may be many Americans who, through an act of terror, may be precluded against their will from participating in an American election.

So if we are done with the rhetorical flourishes of partisanship, perhaps there would be some who would like to explore a responsible policy approach and instead think of if an urban center, which are primarily the targets of the terrorists, would be attacked, we do not suspend the date of the election but perhaps the election could be extended until those people could be given their American constitutional right to vote in that election. I say that as a Republican knowing full well that my party does not do well in large urban areas, but I say that as an American respecting the rights of my fellow citizens to be able to participate in the choosing of their national leadership.

On to the point that I wish to talk about. Mr. Speaker, in addition to playing host to the United Nations, United States taxpayers provide 22 percent of the United Nations' core funding. It is not, therefore, inhospitable nor unwarranted for U.S. taxpayers to demand a full and fair accounting of the U.N.'s $111 billion Oil-for-Food Program, especially when, as revealed in a May 6 article by Hudson Institute Fellow Claudia Rosett, the U.S. Treasury Department has designated one of the Oil-for-Food contractors as a front group for senior officials of the Saddam Hussein regime.

Initial reports estimate over $10 billion has been stolen, misplaced and/or skimmed from this program that was designed to help the Iraqi people. Combined with the aforementioned front group/contractor, we may well have witnessed a U.N.-administered relief program result in food being torn from the mouths of victimized Iraqis and placed in the pockets of Saddam's executioners and their contemptible, utterly corrupt international co-conspirators.

We in the world demand and deserve answers, Mr. Speaker, and yet we have been met by a stone wall of resistance and a wealth of stealth on the part of the United Nations. Excuses abound for the cover-up, the two most noticeable being that it is an institutional response. I am sure that they culled that from the old records of Tammany Hall. They also say that they will not release any of the 55 internal audits because of the, quote, sensitivity of member states. I think that the sensitivities of member states like the United States and the United States Congress which have repeatedly asked for these documents should be accorded as much as the purported sensitivity of states who may have something to hide.

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If they do in fact have nothing to hide, if the intimidating letters to contractors and the untendered records to Congress may be belied, then to save its last lingering endangered chard of integrity, General Secretary Kofi Annan, with the stroke of a pen, can release all the requisite oil for food documents and shed transparency and truth upon this abominable fraud. And while the U.S. taxpayers might not hold our breath until he complies, we U.S. taxpayers must withhold our funding from the United Nations until he does.

SUPPORT AMERICA'S TROOPS

The SPEAKER pro tempore (Mr. GINGREY). Under the Speaker's announced policy of January 7, 2003, the gentleman from Missouri (Mr. SKELTON) is recognized for 60 minutes as the designee of the minority leader.

Mr. SKELTON. Mr. Speaker, in families there are always very special occasions. Before I enter into my special order this evening, I wish to announce that in our family we have had a wonderful addition this past Saturday afternoon, July 10. Abigail Anding Skelton was born over here in Maryland. She is absolutely a gorgeous young lady, and we are very happy for her, her wonderful parents, her cousins and aunts and uncles, as well as grandparents.

Mr. Speaker, as Americans review the facts and decide whether it was prudent and necessary for the President to send American troops to invade Iraq, let me remind my colleagues and the citizens across our country that it is possible to respectfully disagree with the President and still strongly support our troops.

I believe that all House Democrats support our men and women in uniform and are committed to ensuring that they have the tools they need to succeed in Iraq and Afghanistan, wherever they may be serving in the defense of our country.

Over 466,000 service members are currently deployed to 120 countries around the world, and nearly half of those are serving and doing so in dangerous and often deadly conditions in the Middle East. While the majority of the troops deployed are on active duty, nearly 30 percent are citizen-soldiers from the National Guard, as well as the Reserve, who volunteered to serve our Nation. These men and women have volunteered to leave behind their families, their loved ones, jobs and communities to defend the freedoms that we hold so dear.

Over 150,000 Reservists and National Guardsmen are currently deployed, which is nearly 18 percent of the total Reserve force. Since September 11, over 215,600 Reservists and Guardsmen have served their Nation both at home and abroad. Not since the first Persian Gulf War have so many served under such arduous conditions for so long.

While 18 percent may not seem very high, let me put it in a bit different perspective. Over 40 percent of the Army National Guard has been mobilized and close to 46 percent of the Army Reserve has been called to active duty. The Marine Corps Reserve has seen 61 percent of its forces back in uniform full-time. Let me tell you that the Coast Guard Reserve has tapped nearly all of its Reservists; 99 percent have been recalled to active duty.

Why is it important that so many of our citizen-soldiers have been activated? Because I want people to know that our Nation has been committed to military action that is taxing both active duty and Reserve troops to the limit.

This is not just my personal opinion. General Richard Cody, the Army's Vice Chief of Staff, last week testified before the Committee on Armed Services, and I said, "Are we stretched thin with our active and Reserve component forces right now?"

"Absolutely." Those are the words of General Cody.

Beyond General Cody, I want to relate a personal story. I recently spoke with the spouse of an activated National Guardsman. She described how her husband was still in Iraq and had been extended beyond one year per the agreement when he was called. She flat stated to me that at the end of his enlistment, he was going to get out of the military.

Mr. Speaker, we simply cannot afford to lose these good people from our military, and I worry about the nature and extent of our commitments in Iraq and Afghanistan and what they will cause our service members to do, maybe leave and cause others not to reenlist.

We have the finest military in history, we really do, and we simply cannot afford to squander it. Now we have recently learned that the Army is deploying to Iraq the opposition forces from the National Training Center at Fort Irwin, California, and the Joint Readiness Training Center at Fort Polk, Louisiana.

What makes the deployment of these forces particularly alarming is these are the troops that train our everyday forces that are getting ready to deploy to Iraq. We are deploying the trainers, a measure of last resort. That shows just how much we have stretched our forces to the limit.

More importantly, I worry about the consequences. The troops that we send in harm's way in Iraq and Afghanistan may not have the training they need to succeed and to survive.

Mr. Speaker, as many in this House know, I have been advocating an end strength increase, more troops, particularly for the Army, since 1995, when our committee first received testimony that the Army could use an additional 40,000 troops. What troubles me is that the administration continues to oppose an increase in the end strength for the Army and the Marine Corps.

Fortunately, Mr. Speaker, both the House and the Senate defense authorization bills include provisions for additional end strength, and I am committed to a conference outcome that makes this a reality. I know that other Democrats on the committee share this goal with me.

Just 3 years ago, the President addressed the soldiers of the 3rd Infantry Division at Fort Stewart, Georgia. He told them that they were overdeployed and needed more support. Since then, the members of the 3rd Infantry Division have been deployed to Kuwait for training exercises for nearly a year, only to be extended for the war in Iraq. After spending nearly a year in the desert, they came back to Fort Stewart, only to undergo a significant structural transformation. Recently members of the 3rd Infantry learned that they will be returning to Iraq for perhaps another year's deployment.

If the 3rd Infantry Division was already overdeployed in 2001, how can we honestly look these men and women in the eye and ask them to continue these levels of deployment, with no help in sight? To do so risks breaking faith with our troops and destroying the world's finest Army. That is not the way that a Nation should treat its troops or the families.

The increased operational demands in the military are clear. They will continue for some time in the future. In fact, Deputy Secretary of Defense Paul Wolfowitz recently told our committee that we could have a substantial military presence in Iraq for years. Assuming he is right, we need to do something now to make sure that our operational commitments do not overstretch our military to the breaking point.

What I think we should do is support our troops by ensuring that we have the additional manpower necessary to carry out the missions we ask of them. This is one way we can show support for our troops and recognize the sacrifices that they have made in the war on terrorism. I am personally committed to seeing that we have enough troops to do the job that our country asks of them.

I now yield to the gentlewoman from California (Ms. LORETTA SANCHEZ) for comments she might make.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I thank the ranking member of the House Committee on Armed Services for taking this hour to discuss what Democrats in particular have been doing for our troops.

The gentleman was so good in outlining the fact that our troops are now in over 120 countries in the world. We have about 161,000 troops deployed in Iraq and Kuwait. Almost 40 percent of those are Reservists and National Guardsmen. The fact of the matter is there has been stop-loss in these troops, which means that somebody who is ready to go out and has indicated that they are leaving the Armed Services are stopped from leaving because we need them to continue to serve.

Just recently, about 10 days ago, this administration said that it would call in the Individual Ready Reserve. Those are people who have already gotten out and are into their full-time lives and now are asked to continue back in.

So we really are at the risk of breaking the force. Too many tours, our families are hurting, they do not see their loved ones. Especially if you are a National Guardsman or Reservist and you have got your regular life going on, and all of a sudden you are plucked up and sent somewhere 6 months, then it turns into 12 months, then 18 months, and your family suffers because you may not get the same paycheck that you did in civilian life.

I know that Democrats on the committee, one of the things we have been doing something to try to make up that gap, so financially speaking, our families are made whole. Unfortunately, that is not included in this bill that goes to conference.

One thing that is included, however, is more troops to be trained for the future. We have 30,000 new positions that we have put into the bill for the Army and 10,000 new positions for the Marines. But, again, it takes time. That is over 3 years. It takes time to train these new members of the force to go and help us do the work that we have asked them to do.

There are so many things that we have actually done. Initially when we deployed into Iraq, not everybody had body armor, for example. I know in my own area, in Costa Mesa, California, we have one of the premier companies that makes ceramic armor, and we are working three shifts, seven days a week in the factory to try to get the armor to our people out in Iraq and Afghanistan.

I guess the last thing I would like to say is that our families, the families of the military, are hurting. I have been able now to go over to Korea and to Afghanistan and to Iraq and to Germany to see our families, and they ask, for how long? How much? Why do you bring my family member and take him back 2 weeks later? How long will he serve there? How long will she serve there? Why do you put them in Iraq for 6 months, and then tell them it is another 4 months, and pretty soon it is a year, and then you bring them back and you put them into Afghanistan.

So one of the things we are trying to do is make sure that the Pentagon and this administration makes better schedules, begins to plan better for our troops and for our families.

Mr. Speaker, I would just like to take the time to thank the gentleman from Missouri (Mr. SKELTON) for taking this time.

Mr. SKELTON. Mr. Speaker, I yield to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. Mr. Speaker, I would like to thank the gentleman from Missouri for organizing this special order and for yielding. I appreciate his leadership on the Committee on Armed Services, and I am certainly proud to serve with him on that distinguished committee.

Tonight, Mr. Speaker, I join my colleagues to express our support and appreciation for our men and women in uniform who are doing an amazing job in Iraq, Afghanistan and throughout the world. The House Committee on Armed Services and this Congress have stood squarely behind them in their efforts and have endeavored to provide them with the resources and equipment they need to continue to be successful in the global war on terrorism.

As we travel through our districts, we encounter countless stories of appreciation of our men and women in uniform. However, their service often entails sacrifice. We hear from the families who spend extended periods of time away from their loved ones and often experience financial difficulties. We hear from employers who agree to rehire employees upon their return, but who struggle to fill the gaps until then.

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We hear from representatives of our cities and towns who note that many of their first responders have been called up as part of the National Guard and Reserve. Our troops and all those in their lives are willing to make sacrifices for the defense of our Nation, but we must do our share to ease the burden wherever we can.

Last week, the Committee on Armed Services held a hearing on the next force rotation plans for Operation Iraqi Freedom and Operation Enduring Freedom. I am concerned that in an effort to meet needed troop levels, we will be employing strategies that will have adverse effects on our military in the long term. For example, despite widespread agreement that our National Guard and Reserve are shouldering a significant portion of the effort, we will actually be increasing their participation rates in the third rotation of Operation Iraqi Freedom to 43 percent of total forces, as compared to 25 percent in the initial deployments. Additionally, we are also calling up 5,600 members of the Individual Ready Reserve whose areas of expertise are sorely needed in Iraq.

I am concerned that such efforts, while allowing us to meet the needs of the coming year, will ultimately harm our military through lower recruiting and retention rates, particularly among the Guard and Reserve. The gentleman from Missouri (Mr. SKELTON) has led the charge for an increase in end-strength of our Armed Forces, and I look forward to working with him and the administration toward this vital goal.

At this time I would like to pay a special tribute to all of those who have made the ultimate sacrifice for their country. Rhode Island has mourned the loss of seven troops in Operation Iraqi Freedom, most recently Lance Corporal John J. Van Gyzen, IV, a brave Marine who served with dignity and honor. I join his family and the people of Rhode Island in mourning this great loss.

On Monday, July 5, Lance Corporal Van Gyzen was killed by enemy fire during combat operations in the Al Anbar province of Iraq. Raised in Foster and West Warwick, Rhode Island, he later moved to Massachusetts and graduated from Dighton-Rehoboth High School in 2001, where he was a member of the track and field team. He followed in the footsteps of his grandfather, who served in the Navy in World War II, and enlisted in the Marines in October 2001. After completing boot camp at Parris Island, he joined K Company, Third Battalion, seventh Marine Regiment, as a rifleman. Those who knew him well recalled his sense of humor, his love of the outdoors, and his dedication to his family. I extend my deepest condolences to his parents, John and Dorothy; his stepmother, Jane; and his sisters, Bethany, Jessica, and Angel.

His loss causes us all to reflect on the bravery demonstrated by our men and women in uniform as they carry out their obligations in the face of great danger. When their Nation called them to duty to preserve freedom, liberty, and the security of their neighbors, they answered without hesitation. We remember those who have fallen, not only as soldiers but also as patriots who made the ultimate sacrifice for their country. May we keep them and their loved ones in our thoughts and prayers as they struggle to endure this difficult period and mourn the heroes America has lost.

Finally, let us all continue to hope for the safe return of all of our troops serving throughout the world and remember how truly fortunate and grateful we are for their service.

Mr. SKELTON. Mr. Speaker, I thank the gentleman from Rhode Island, the distinguished gentleman, a member of the Committee on Armed Services, for his remarks.

I yield to the gentleman from Florida (Mr. MEEK).

Mr. MEEK of Florida. Mr. Chairman, I thank the gentleman for yielding me this time. It is such an honor to be here on the floor once again with the great men and women of the Committee on Armed Services to get an opportunity to address the United States House of Representatives and also the American people.

First of all, I would like to say that I am both proud and humbled by what our troops have been able to accomplish under the circumstances. I also think that it is in proper order for us to give them uplift in a time that this very Congress, the other body, released a report, intelligence report showing that the intelligence, that there is a very strong possibility that it was manipulated, manipulated to the point that many Members of this House, many Members of the other body, and the public, were led to believe that the circumstances were imminent as it relates to the threat to the United States of America, and that we had to forthwith go to war in Iraq with a preemptive strike.

I also think that the troops need uplift of the fact that the report, through the Department of Defense, said 25 percent of American lives could have been saved if we were prepared; not the troops, but this administration, with body Army and up-armor for their Humvees and vehicles.

I think they also need uplift to know that Democrats and some Republicans in this House are fighting for hearings to make sure that we have some level of accountability at the highest levels of the Defense Department and the administration, because we have men and women that have sacrificed not only their lives, but also many have sacrificed their freedom to be with their families.

I do not blame it on the troops, and I would not say that it is the troops' responsibility or fault about what is going on with the insurgency right now in Iraq. The troops will fight for 20 years if this country needs them to fight for 20 years. I think the bigger question comes down to in this democracy that we have, since we are traveling throughout the world trying to create new democracies and trying to create civilized governments, that there has to be some checks and balances, and it does not serve me any pleasure to say that right now in this effort in Iraq, I do not think the checks and balances are there.

I am glad that we were leader enough to come to the floor tonight to be able to share with the American people that we want our troops to know that there are Members of the Congress who will ask the "yes, but" question, that will ask the tough questions about equipment, that will ask the tough questions about intelligence and the fact that something happened between the CIA, what the Congress was told, and the role that the Bush administration played in it. This is not in any way being partisan; it is just laying the facts out the way we see them.

We also want the troops to know and their families to know that we want the situation to get to the point to where other countries will assist in Iraq, will assist in Afghanistan, and operations can get better, so hopefully Reservists and National Guardsmen that put their name on the dotted line, said they were willing to serve their country, that they will be able to come home in the very near future to be able to make a son or daughter's birthday, or to be able to see their families or loved ones or significant others.

Mr. Speaker, I think also it is very important for us to share with troop families that those of us in the Congress, I believe everyone in the Congress, that we feel for those wives and husbands and children when they are getting up to go to school in the morning, when they are getting ready to now, this summer, to go to summer camp, and it goes over the TV. I have families in my district, they turn the TV off. I have one constituent who has two sons in the theater right now in Iraq, and they do not even watch the TV in the morning because they do not want to start the day off knowing that two or five or six troops were killed overnight, and they do not know if someone in a military uniform is going to knock on their door and tell them that it was their son, her son. I would say that there are Americans that cringe when they hear that, because it is quite personal.

So I want to say to those families that we appreciate their service. I want to say to those families that we will get to the bottom and the top of bad intelligence. We will make sure that our troops have what they need to have. But we need the opportunity to do so.

I implore, Mr. Speaker, as I close, the Republican leadership within our committee, the Republican leadership in this House, to allow the House Committee on Armed Services to do its work, to be able to have the witnesses that we need to have to ask the tough questions, to be able to know how much this effort in Iraq and also the lack of effort as it relates to, we just had a hearing on Afghanistan and the poppy plants being harvested earlier that is funding the Taliban to fight against our American troops, and it is the number one threat to this country and did have a connection to 9/11; asking those tough questions to people that had made the decision, not someone five tiers down within the Department of Defense, but at the very top of the Department of Defense, because the country's reputation is on the line.

Every veteran that suited up and went into war, need it be World War II, Korea, the Gulf War I, need it be when individuals went into theater in Granada, anytime that we got ourselves together in Vietnam, making sure that those veterans know that the rest of the world, we appreciate their service and that we will not allow individuals, because they want to make sure that other individuals do not take fault for what has taken place thus far with bad intelligence, going to war, not for the reasons why the country was told, and also losing so many lives in that process.

So I am proud that we are here. I hope that we can come to the floor even more. I hope that the American people understand that there are Members on this. And I do not want to even put partisanship on this, because I know that there are Republicans who feel the way that we feel on this floor, and we want to make sure that those voices rise to the top. For those individuals who may be standing in the door of oversight by this Congress, I hope that they do not take personally our quest and our need to be able to address some of the issues that are facing the needs of our troops in theater.

Mr. SKELTON. Mr. Speaker, I appreciate the comments of the gentleman from Florida. I might add that that is our job, the Committee on Armed Services and Congress, to have oversight of the military of the United States, to ask the tough questions, because we are the ones that give them the training, the education, the equipment, the materiel. That is what we do. If we do not ask the good, tough, honest, hard-hitting questions that come up from time to time, we are not doing our job.

So I thank the gentleman for raising that issue. It is not a partisan matter; it is a matter of constitutional duty that we ask questions and learn so we can be of even more help to those in uniform.

Mr. Speaker, I take great pleasure in yielding to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Speaker, I thank the gentleman for yielding, and I further thank him for scheduling this Special Order.

Mr. Speaker, our Armed Forces won an impressive victory in Iraq, but the Pentagon was poorly prepared for the aftermath. Three big assumptions proved wrong: one, that the Iraqi people would welcome us as liberators; two, that oil would soon pay for Iraqi's rebuilding; and, three, that we have plenty of troops, weapons, and equipment for the postwar situation.

American troops were left to tackle tasks that they were not trained to handle, but let me tell my colleagues, they rose to the challenge. While the situation is still ours to win or lose, it would be far, far worse if it were not for their can-do attitudes and their courage. They are doing their best and have been doing their best to stabilize a God-forsaken country and put Iraq back in working order, and they are doing it under extremely difficult circumstances with all too little credit or attention given to their successes.

No one in the Bush administration thought that now, nearly 14 months after the end of major hostilities in Iraq, that we would have 161,600 U.S. troops deployed in Operation Iraqi Freedom, 130,800 in Iraq, and 21,800 in Kuwait. We are about to embark on the third rotation of troops for the war in Iraq, which so far has involved the movement of 277,000 troops. Currently, Guardsmen and Reservists account for 40 percent of the Iraqi Freedom force; and following the upcoming rotation, the Reserve component will make up 43 percent. These are men and women who leave their jobs and businesses, their farms, not to mention their families, and serve tours longer than any of them ever expected.

In the first Persian Gulf War, the question was whether the total force would work, whether active and Reserve forces could fight and maneuver side by side. In this war, there is no question. Without the Guard and Reserve, our active duty troops could hardly deploy.

Whether active duty or Reserve, our troops face a daunting challenge. Security in Iraq is so bad that thousands of troops unfortunately, but probably, will have to stay for a long time to come to prevent this country from falling into a fractious, bloody civil war.

□ 2030

How did this happen? Poor assumptions, poor vision, poor planning. Ignoring State Department warnings, the Iraqi army was disbanded in May of 2003. With no other security forces on hand, U.S. military was left to confront, almost alone, an Iraqi insurgency and a crime rate that grew worse throughout the year, waged in part by soldiers of the disbanded army and in part by criminals who were released from prison.

The Army's Chief of Staff, Eric Shinseki, warned us that several hundred thousand troops would be needed to police post-war Iraq. What did he base that upon? Firsthand experience as the commander in chief of our multilateral force in Bosnia and Kosovo, several hundred thousand troops. Pentagon officials dismissed it the next day as wildly off the mark, fixing the figure closer to a hundred thousand. General Shinseki has been vindicated by what has happened.

Last August, our troops began training a new Iraqi army, a light infantry force of about 40,000 to be ready by this October, 2004. As of today, 7,000 to 9,000 have been trained, and when these troops are trained, it will still be far, far short of what is needed to maintain Iraqi security.

The situation in Iraq, unfortunately, differs dramatically from the rosy picture that was painted for us by expatriates before the war. During an interview with Meet the Press March 16, 2003, our Vice President, Mr. CHENEY, insisted that our troops would be welcomed as liberators. When asked what if we are viewed as conquerors instead, he said, "Well, I don't think it's likely to unfold that way, because I really do believe that we will be greeted as liberators."

What was his source? Well, he said, "I've talked with a lot of Iraqis in the last several months myself, had them over to the White House." While some Iraqis did greet our troops as liberators with open arms, many did not, and aliens like Abu Musab Zarqawi took advantage of open borders and infiltrated Iraq to begin waging guerilla war.

Since the Pentagon underestimated the number of troops required after the end of hostilities, we were not prepared to prevent looting or to guard hundreds of weapons dumps spread throughout the country. So the looting destroyed key components of the Iraqi infrastructure, and stolen munitions are being used today in attacks on coalition troops and Iraqi civilians.

Because this violence was not anticipated, thousands of troops were sent to Iraq without adequate body armor and without up-armored vehicles. They were to be greeted as liberators, but, in Iraq, 882 have been killed so far, and 5,394 have been wounded. In Afghanistan, meanwhile, 130 have been killed, 332 have been wounded.

Our troops are the best-trained, the best-equipped, the best professionals, the finest fighting force the world has ever seen. More than 300,000 of them have served in Iraq during Operation Iraqi Freedom, and over 40,000 have taken part in the conflict in Afghanistan, and despite blunders from above, the can-do determination of our men and our women in uniform never ceases to amaze me.

I traveled to Iraq late last summer, and I met with the Coalition Provisional Authority, with the Iraqi Governing Council, with U.S. commanders and with our troops. North of Baghdad in Mosul, the 101st Airborne Division was in charge. Its able commander, General Petraeus, calls this region the most viable region in Iraq, and he never missed a chance to salute his own troops.

He told us privately, "I've seen our young soldiers endure tremendous hardship, overcome huge challenges, fight a tenacious, determined and even suicidal enemy, and demonstrate incredible innovativeness and compassion. It's just extraordinary," General Petraeus said.

The first 30 days of an occupation, everybody knows, are critical. General Petraeus spent the first 30 days training local security forces, fueling the economy by use of his commander's funds to create local jobs and to befriend Iraqis. In the 101st, troops were often dual-hatted as warfighters and peacekeepers, carrying a rifle in one hand and a wrench in the other, putting down insurgency on one front and winning hearts and minds on the other.

Let me give you another snapshot. Consider the 1st Infantry Division. Soldiers from the 1st Division delivered medical supplies, textbooks and journals to the Tikrit Hospital, the hometown of Saddam Hussein, and Tikrit University Medical School in particular. They delivered 150 boxes of textbooks donated by medical schools and medical students in the United States.

Prior to this restocking, the university has had to use photocopies from medical students and medical texts. Our contribution raised the library at that school to 50,000 volumes.

Another snapshot. Let me read a portion of an article by James Lacey, and I read it because there has been so much copy devoted to what is going wrong there, so much copy about the violence there and about the hopelessness of the situation, we really do need to look from time to time at the success stories and at the remarkable and aspiring examples of our troops.

Here is what Lacey, who was embedded with the 101st Airborne Division, wrote. "Bravery inspires men, but brains and quick thinking win wars. In one particularly tense moment, a company of U.S. soldiers were preparing to guard the Mosque of Ali, one of the most sacred Muslim sites, when agitators in what had been a friendly crowd started shouting that they were going to storm the mosque. In an instant, the Iraqis began to chant and a riot seemed imminent. A couple of nervous soldiers slid their weapons into fire mode, and I thought we were only moments away from a slaughter. These soldiers had just fought an all-night battle. They were exhausted, tense, and prepared to crush any riot with violence of their own. But they were also professionals, and so when their battalion commander, Lieutenant Colonel Chris Hughes, ordered them to take a knee, point their weapons to the ground and start smiling, that is exactly what they did. Calm returned. By placing his men in the most nonthreatening posture possible, Hughes had sapped the crowd of its aggression. Quick thinking and iron discipline reversed an ugly situation and averted disaster."

Since then, Lacey writes, I have often wondered how we created an army of men who could fight with ruthless savagery all night and then respond so easily to an order to smile and relax your weapons.

Mr. Speaker, pride in our troops is not a partisan issue. Democrats and Republicans alike support our military personnel. For our troops, this is tough, dangerous duty. And though morale is satisfactory, as General Cody acknowledged in the New York Times just a week ago, the Army, among others, because they are doing most of the heavy lifting now, is absolutely stretched thin. That is why when the supplemental providing $87 billion for Iraq and Afghanistan came before Congress, I proposed a package for the troops. Surely we could find a niche somewhere in an $87 supplemental for the troops and their families.

I proposed that we increase imminent danger pay, separation pay, that we give them R&R tickets that would take them all the way home and not to their last duty base. I proposed extra funding for family assistance, because it is grossly underfunded.

I am sorry to say it, but the Republican leaders of the House would not let my package be offered on the House floor. Parts of it, fortunately, ended up in the conference report.

In May, when we had the defense authorization bill before us, I offered another amendment to that bill to ensure that every sailor, every soldier, every airman and marine in the combat zone has $250,000 minimum life insurance paid for by the government itself and to fund several force protection measures, including the test and evaluation of new technologies that would neutralize these horrible devices called improvised electronic devices, roadside bombs, that have killed and maimed so many, I offered some money to boost that particular research. Once again, my amendment was not even made in order to be debated, at least debated on the House floor.

As costs mount, in lives and dollars, it is natural to second guess, but one lesson I hope we have learned is that the U.S. cannot go it alone in a policy that leaves American troops taking all the risk and American taxpayers paying all of the costs.

Our country, the United States of America, may be the world's largest economy and the world's only superpower, but we stretch ourselves dangerously thin by taking on commitments like Iraq with only a motley band of allies to share the burden.

The cost of the first Gulf War came to $80 billion in today's money. Our allies picked up $60 billion through cash contributions. $16 billion was provided us in kind, petroleum and food and other things, mainly by Persian Gulf countries. That left us $4 billion out of pocket for an $80 billion war. This war so far has cost us $125 billion and counting, because largely we decided to do it on our own, with only the United Kingdom as a paying, fully participating partner.

I may disagree with the administration over aspects of this war, and particularly going it alone, not building a broad-based coalition to support whatever we have done, but I want to tell you, Mr. Speaker, in closing, that I stand second to none in supporting our troops.

Because of that and because I recognize how stretched we are, I am all for an increase in Army end strength of at least 30,000 and in Marine end strength at least by 9,000.

But, you know, Mr. Chairman, the test of our support is not what we see but whether or not we pass legislation that backs up what we say, that gives our troops the tools they need to execute their mission successfully and gives their families the resources they need to have peace of mind and security. We owe them no less, for they make this country the land of the free and the home of the brave.

Mr. SKELTON. Mr. Speaker, in closing, let me thank the gentleman from South Carolina for his excellent contribution today, as well as his outstanding contributions in the committee. We are the grandest civilization ever known in the history of mankind. As the gentleman from South Carolina just mentioned, we are the best. We have the finest military, strongest economy, and all of us at this time should realize what we really need to have for success in this war, this guerrilla warfare in Iraq and the war against terrorist in Afghanistan.

To begin with, we need additional troops. We must do our very best to make sure they have the equipment and the training and the munitions, but, more than that, we must let them know we support them with our words as well as with the deeds that we do here in Congress. And I would be remiss if I did not say that we should also say a special word of thanks to those wonderful families who support them, who are here at home hoping to hear from their loved one in Iraq or Afghanistan and praying for them every day.

So, with that, Mr. Speaker, I say thank you to those who are in uniform today who are supporting this country in the most difficult way and especially to their families and all of the great love and support that they have.

OIL-FOR-FOOD PROGRAM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Connecticut (Mr. SHAYS) is recognized for 60 minutes as the designee of the majority leader.

Mr. SHAYS. Mr. Speaker, at this time I would just introduce our remarks by saying I do not think I have done a special order this entire session, but I am doing one tonight because I feel very strongly about an issue, and that is the Oil-for-Food Program. And my subcommittee is working, as is the Committee on International Relations, on the whole issue of oil for food and the outrageous rip-off, probably the biggest rip-off in the history of rip-offs, the $10 billion plus events over the course of many years that Saddam was involved in.

At this time I would like to recognize the gentleman from New Jersey (Mr. SMITH) for whatever time he would like to consume.

Mr. SMITH of New Jersey. Mr. Speaker, I thank my good friend for yielding and join him in this very strong concern about one of the biggest scandals known in history and thank him for his good work as chairman of the subcommittee in trying to get to the truth as to what happened.

☐ 2045

Mr. Speaker, tonight, we are discussing the recent disclosures about problems with the U.N.'s Oil-for-Food program. As my colleagues know, in 1995 the U.S. worked with the U.N. to create a program to allow Saddam Hussein to sell his country's oil in what was purported to be a controlled manner in return for shipments of humanitarian goods for the Iraqi people. Tragically, we now know that this noble effort was grotesquely undermined by scandal. The GAO estimates that some $10 billion in oil revenue was stolen from the people of Iraq.

The laudable purpose of the Oil-for-Food program was to alleviate massive human suffering by innocent Iraqi civilians whom Saddam Hussein was deliberately starving in order to generate international support and sympathy for lifting U.N. Security Council sanctions against Iraq. The system to be implemented by the U.N. and by member states was supposed to carefully monitor all sales of oil and make sure that these petrol dollars were placed in a trust fund at the French Bank, the PNB-Paribas.

The system was supposed to be transparent. It was supposed to be above board. It was supposed to be open, but it was anything but. As the coverup and the lack of transparency crippled efforts that continue to this day, efforts to establish all of the facts and to hold the corrupt to account.

New York Times columnist William Safire noted in June of 2004 that there are some 5,000 Oil-for-Food file folders stored at BNP-Paribas storage facilities in New York and in my home State of New Jersey with documentation on the letters of credit, the notice of arrival documents, descriptions of the contracts; and yet the U.S. investigators are not being allowed access to these vital documents.

In theory, Mr. Speaker, the trust funds were supposed to be out of the Hussein regime's control and were to be used to purchase civilian consumer goods and basic infrastructure. The justified fear manifested in the 1990s by the United States and the United Kingdom was that Hussein's agents would try to misuse oil funds to purchase banned weaponry and luxury items for the regime. History has proven these fears to be well founded. Unfortunately, the United Nations apparently presided over a system that was rife with loopholes and opportunities for Hussein and his thugs to corrupt and bribe their way towards enrichment at the expense of the very people he was to feed, clothe, and provide health care for.

For example, the Clinton administration estimated in the year 2000 nearly $2 billion of the Oil-for-Food assistance was diverted to build nine lavish palaces for Saddam Hussein and his Baath Party supporters, all of this while children went hungry and without medicines. The Congressional Research Service, Mr. Speaker, in April 2004 did an analysis of the various estimates to try to get a handle on the scale of the Iraqi sanctions cheating and the U.N. failure to stop them.

CRS notes said, “There are no authoritative figures for the value of illicit trade with Iraq. However, the most widely cited estimates come from a study released in May 2002 by the GAO. According to the GAO study, Iraq earned $6.6 billion in illicit revenue from oil smuggling and surcharges during 1997 to the year 2001. Of that total, GAO estimates that $4.3 billion was from illicit oil sales and $2.3 billion from surcharges on oil and commissions from its contracts to buy civilian goods (kickbacks). The study estimated that during 2001, Iraq earned $1.5 billion from illicit oil sales from Jordan, Syria, Turkey, and the Persian Gulf; and about $700 million from surcharges and contract kickbacks.”

Mr. Speaker, as we all know, Congress and the Bush administration are actively investigating allegations of large-scale U.N. corruption in complicity with Iraqi sanctions violations. But we have not been allowed the access to information that would make these efforts successful. One problem, Mr. Speaker, with the U.N. program, and I would underscore this, is that it seems that the firm which signed the contracts with the U.N. to inspect the humanitarian aid shipments, Cotecna, appears to not have had enough inspectors at their posts to make sure that the transactions were handled properly.

According to internal U.N. audits, Cotenca overcharged the U.N. while understaffing the inspection positions. In other words, part-time work for full-time pay. This particular allegation was included in a report written by auditors from the Office of Internal Oversight at the U.N. This report, we are now told, is one of 55 that the U.N. auditors did on the Oil-for-Food program. Amazingly and shamefully, all 55 audits were kept from the U.N. membership, including the United States mission. This is just plain wrong; and to the best of my knowledge, no one in the Congress has seen the other 54 reports.

At the very least, these reports should be released immediately by the United Nations to the U.S. and other interested governments, and this stonewalling must end. I would point out to my colleagues that the distinguished chairman of the House Committee on International Relations, the gentleman from Illinois (Mr. HYDE), wrote to Secretary General Annan: “The U.S. Congress, which provides 22 percent of the U.N.'s budget and which has publicly requested copies of the 55 internal audits, should not be required to depend on media leaks for source documents.”

The report on Cotecna, I would point out, was leaked and was placed on the Internet. If it were not for the bravery of one unnamed official, we would not even have this one report.

Mr. Speaker, let me just conclude by noting that while the United Nations looked the other way, or worse was complicit and corrupt, Saddam Hussein was underselling his oil in return for kickbacks and providing commercial favors to the companies from countries which did his bidding in his ongoing propaganda war against the United States. The scheme was rotten to the core. In my mind, it also raises some very serious questions about two of our Security Council countries which most adamantly opposed the U.S. multinational coalition military commitment, and they were France and Russia. They were among those getting the greatest sweetheart deals during the Oil-for-Food situation.

For example, the Russia diplomatic representatives, we are told, were instructed to do everything they could to push for contracts with Russian companies. There are hundreds of Russian companies dealing in Iraq. Some were even front companies for Iraqi officials steering the proceeds into offshore bank accounts. Some companies took open bribes. One Russian company, Lakia, paid bribes to Iraqi officials to get their contracts through; but when the contract fell apart, Lakia asked for its bribe money to be paid back and even complained to the U.N. about the situation.

What did Benon Sevan, director of the U.N. office overseeing the Oil-for-Food program do about this? He notified Saddam's officials before he even told the U.N. about it.

Investigators are now hearing that the U.N. officials were open to bribes by suppliers if those vendors wanted their contracts to move up in priority for consideration there. They are hearing that U.N. officials would disclose the details behind the holes that U.S. officials were placing on contracts in return for the right amount of money. They are hearing that inspectors at Iraq's posts were also open for bribes and overfilling oil tankers beyond the contracted amount and then selling the extra oil and lining their pockets with the profits.

Under pressure, Mr. Speaker, as we all know, in April 2004 the U.N. appointed a commission headed by Paul Volcker, the former Chairman of the U.S. Federal Reserve, to independently investigate this massive scandal.

Mr. Volcker is currently assembling his staff and beginning his inquiry. That sounds good, because Mr. Volcker enjoys a great deal of respect. But even with the best of intentions, if he is not given all the tools to unearth the truth, the probe will fall short. I will point out to my colleagues that Mr. Volcker and his commission do not have subpoena power, a deficiency in his powers that will undoubtedly cripple his access to information. How is he going to compel U.N. officials to provide the hard evidence of corruption?

Let us face it, Mr. Speaker, corrupt officials are not going to voluntarily hand over boxes of files filled with incriminating evidence. Instead, those boxes are likely to be shredded or redacted. Without subpoena power, the U.N.'s internal investigation will be stymied and will likely raise more questions than it answers, and the hard truths about this mother of all scandals are likely to be lost and remain elusive.

Secretary General Kofi Annan says he will fire any U.N. employee who does not cooperate. Sounds good. Let us see. We will see. How do we define cooperate? How do we know what remains secret when we do not have that ability to compel evidence? Mr. Annan's own son may be involved in this scandal since he was Cotecna's consultant, and that raises serious questions as well.

These are tough questions, Mr. Speaker; and I understand that the answers will not come overnight, and under the current glideslope, perhaps they will never come.

Congress needs to demand real answers, as we are doing; and there needs to be real and meaningful reforms made at the United Nations.

Mr. Speaker, I am glad we organized this very important night to focus on this terrible scandal. I thank my good friend, the gentleman from Connecticut (Mr. SHAYS), for yielding to me.

Mr. SHAYS. Mr. Speaker, I thank the gentleman for a wonderful introduction and outline of the problem.

I now yield to the gentleman from Michigan (Mr. McCOTTER), a new member to Congress and one who is very active in this issue.

Mr. McCOTTER. Mr. Speaker, we are engaged in a great debate in a great and dangerous time. At the heart of this debate dwells the United Nations' scandalous Oil-for-Food program, for it constitutes not merely a matter of dollars and cents, but truly a matter of life and death.

I would like to quote to prove the point a copyrighted article by the writer Claudia Rosett, who is a Fellow at the Hudson Institute, in which she cites Claude Hankes-Drielsma, a British advisor to the interim governing council, in which he says of the scandal, "It is expected to demonstrate the clear link between those countries which were quite ready to support Saddam Hussein's regime for their own financial benefit at the expense of the Iraqi people and those that opposed the strict applications of sanctions and the overthrow of Saddam Hussein."

Clearly this proves the scandal not only has disgraceful fiscal consequence but has also had dire martial consequences.

The resolutions regarding the weapons of mass destruction that the U.N. passed and yet lacked the resolve to fully and fairly and truly enforce, that lack of resolve will remain a question in the minds of many as long as this scandal lingers; for we will have to ask ourselves, did the U.N. come to their decisions, come to their lack of resolve with clean hands or with the money of Saddam Hussein in them? How much better would intelligence have been had the U.N. been actively and forcefully trying to get Saddam Hussein and Iraq to comply with those sanctions rather than finding one excuse or another not to do so?

In terms of our U.S. coalition and the buildup to the war, how many other countries would have been willing to join us had not many in the U.N. undermined our efforts to enforce those resolutions? And again, we ask ourselves, Did those countries that undermined our efforts to build a coalition come to that with clean hands or with Saddam Hussein's Oil-for-Food money in those very hands?

As for our soldiers, we now have to ask ourselves, how much of the potentially $10 billion that was skimmed, stolen, misplaced, misspent, gone, how much of that money wound up in the hands of contractors who were front groups, as the U.S. Treasury has just designated one, of contractors who did business under the Oil-for-Food scandal? How much of that money that was stolen is currently being used by Saddam's insurgents and terrorists to kill America's sons and daughters in Iraq?

So much of the debate that we have heard internally in this country cannot have a resolution or even properly be addressed until we determine the extent of the corruption, the venality and the moral bankruptcy that lurks at the heart of this scandal, especially because the great debate I mentioned in many quarters these days hinges on this.

There are those in this country who believe the United States should be more like the United Nations. I for one am not ashamed or abashed to say I believe the United Nations should be more like the United States. If they had been, perhaps the sanctions would have worked, perhaps the dictator would have been deposed through democracy and other soft means; but we were not given that chance to see that because we were not dealing with an ally at the United Nations. We were dealing with an adversary. We were dealing with an adversary bent on their own financial gain at the expense of the Iraqi people and democracy throughout the world.

Mr. SHAYS. I thank the gentleman very much. I want to say before yielding to the gentleman from California (Mr. OSE), who has been very active on our committee's investigation, the National Security Committee's investigation, that one of the intriguing things about the whole Oil-for-Food program was that while people knew it was a problem, it did not really catch the attention of the international community until a paper, Al Mada, printed the names of 270 people alleged to be involved in this program.

□ 2100

I smiled because this was an Iraqi newspaper, not an American newspaper, not a European newspaper, and they got their information from a government leak within the Iraqi Governing Council. As I think of Iraq emerging into democracy, I smile a bit thinking that this was one of the first attempts I think of this new Iraqi community to start to enjoy the incredible protection of a free press and a press that has the capability to print what needs to be said.

So they printed the names of 270 individuals. They included Kofi Annan's son. They included Benon Sevan, who ran this program, run by the United Nations, to make sure it was free of any corruption.

I think my colleague, the gentleman from California (Mr. OSE), would agree it is kind of hard to imagine how a program that basically was run in essence by Saddam Hussein but overseen by the U.N. would be a program that would be run well.

Saddam Hussein decided that he did not want to deal in U.S. dollars. So he decided that it would be in euros. So that is what it was. He decided who would buy and who would sell his products. He decided to undersell oil and get a kickback and overpay for commodities and get a kickback.

In the end, we estimate that approximately $5.7 billion was smuggled out of the country through Jordan, through Turkey and primarily through Syria, and that 4.4 were oil surcharges and kickbacks and so-called humanitarian purchases and kickbacks.

There is no innocent explanation for how this could happen, and there is no question that people in the U.N. knew what was happening, and I think we can say, as I recognize now the gentleman from California (Mr. OSE), that there is no doubt that the Security Council knew, including the Americans, the Russians, the French, the British, the Chinese, or most people knew that this program was really not working properly, but it took a small paper, Al Mada, printed in Baghdad, to awaken the world to this horrendous scandal.

At this time, I yield to my colleague, the gentleman from California (Mr. OSE), for any comments he would like to make.

Mr. OSE. Mr. Speaker, I thank the gentleman from Connecticut for yielding.

Mr. Speaker, sometimes we work here in the hallowed halls of Congress, and we come upon things that almost come out of a Tom Clancy novel. I do not know of anything in my few years here that even begins to rival the complexity or the obvious opportunities that existed in this so-called Oil-for-Food Program set up by the United Nations.

I want to go back and just kind of visit as to the genesis of the Oil-for-Food Program. If my colleagues recall, after the Gulf War, we imposed sanctions on Iraq hoping that those sanctions, in fact, would bring the Hussein regime down. Over time, the caloric intake for the people of Iraq, men, women and children, still stuck there under the regime of Hussein was reduced to about 1,200 or 1,300 calories a day. The United Nations, in its wisdom, after significant input from any number of the member states, decided to undertake a program, the objective of which would be to raise the average daily caloric intake for the folks who lived in Iraq under the same regime.

Interestingly enough, the first time the U.N. proposed this, Iraq declined the opportunity. It was only after the second time that the U.N. proposed this that Iraq undertook to participate in this; and it was, frankly, a pretty clever scheme.

It took the oil that exists in surplus in Iraq relative to its domestic needs and put it on the market, directed the funds from that sale of the oil to an escrow account under the control of the United Nations from which food and medicine could be bought for delivery and/or distribution to the people of Iraq.

Lo and behold, a couple of years passed and all of a sudden the questions started rising as to whether or not there were surcharges, kickbacks, corruption and the like.

Well, the U.N. had actually set up a committee to examine or to make sure that this program proceeded according to the rules and regulations that it laid out in its resolutions, and that committee was called the 661 Committee, and the membership of the 661 Committee was composed of the five permanent members of the Security Council, plus the additional 10 revolving members of the Security Council who move in and out of those seats as the elections or the pattern allows.

Over the ensuing years from the Gulf War, the five permanent Security Council members sat on the 661 Committee and a revolving number of 10 additional States sat on that 661 Committee.

Now, the contracts, the way it worked was you had to get a contract for the purchase of oil. That had to be approved by the members of the 661 Committee, and then the transaction would be allowed to go forward, and upon delivery of the oil, there would be a third-party inspector in Iraq to ascertain the exact compliance with the contract. That person was supposed to send notification to New York so that in New York the escrow account could collect the funds from the buyer of the oil and disburse the funds for the purchase of food and medicine.

Well, keep in mind the name of this program, I just want to make this point, because the Oil-for-Food Program was about the most inaccurately named welfare effort of the United Nations as one can imagine. Let me tell you some of the things the Oil-for-Food Program managed to procure for the benefit of the Iraqi people. Keep in mind the purpose having been food and medicine.

The government of Iraq was able to persuade the United Nations' 661 Committee that the people of Iraq needed 1,500 ping-pong tables. I guess apparently they needed fiber. So one of the contracts called for the delivery of 1,500 ping-pong tables.

We heard earlier from the gentleman from New Jersey (Mr. SMITH) the testimony about the nine presidential palaces that were constructed by virtue of the money that was skimmed from the Oil-for-Food Program.

But in addition to the nine presidential palaces that were financed through the Oil-for-Food Program, there were also roughly 300 Mercedes that were purchased, again for the benefit of the people of Iraq and their food and medicine requirements. Now, 300 Mercedes Benz, what do you suppose they did with those? I have not figured that part out.

Here is a good one. This is actually close to using some dairy products. There were soft ice cream machines authorized for purchase under the Oil-for-Food Program.

There were overpriced dental chairs from China purchased in the Oil-for-Food Program. This is like a Tom Clancy novel. I am not making this stuff up. There was a warehouse full of undelivered wheelchairs purchased under the Oil-for-Food Program, again for the benefit of the people of Iraq.

The one that I find is perhaps best, we are worried about infant mortality, infant survivability in some of these Third World countries. So one of the things that the United Nations undertook to provide was equipment for the medical needs of newborns. So they went and bought defective ultrasound machines from Algeria. Algeria rounded up all these ultrasound machines that did not work and sold them to the U.N. for premium dollars.

There was perfume. I guess the people, I do not know, they needed perfume in the Oil-for-Food Program.

Now, there were additional things that were in the Oil-for-Food Program or at least on the contracts it allowed for the purchase of water pumps, piping and other supplies; and, unfortunately, what we find 9 years in when we have to go into Iraq, we find that none of the water pipe for drainage systems or other things that are so essential to civil life here in the United States have been installed. In fact, those water pumps and pipes have basically been hijacked for use in Saddam's various palaces for water improvement.

Now, I want to go back to my friend from Connecticut because I know he has quite a bit to offer, but before I do I just want to remind the folks in this Chamber about the preamble for the United Nations, the purpose of the United Nations. In part it says, we the peoples of the United Nations determine to establish this is the first thing, to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained; and to promote social progress and better standards of life in larger freedom; and, finally, to unite our strength to maintain international peace and security.

I would submit to my colleagues that the schemes that evolved from the original U.N. Oil-for-Food Program, that the scheme of corruption and apparent fraud basically served to undermine each of those three principles, and I hope to come back to that in the course of this evening's discussion.

Mr. SHAYS. Mr. Speaker, before yielding to the gentleman from Indiana (Mr. PENCE), who is on the Committee on International Relations, we heard from the gentleman from New Jersey (Mr. SMITH) of the Committee on International Relations and also the gentleman from Michigan (Mr. MCCOTTER) on the Committee on International Relations. I would like to recognize the gentleman from Indiana (Mr. PENCE) as well.

That committee, the full committee, is conducting its investigation of the Oil-for-Food Program. Our Subcommittee on National Security, Emerging Threats and International Relations of the Committee on Government Reform is doing that same investigation. We are working together. We are comparing notes. We are trying not to be duplicative but trying to make sure that we are able to pierce the veil of what is truly the most outrageous scandal, certainly world scandal, that anyone to date has ever uncovered.

This again is a $5.7 billion smuggling ring and a 4.4 oil surcharge and kickbacks on the sale of oil and the purchase of commodities that were overpaid for and then kickbacks were provided to Saddam.

What is really outrageous about this whole horrific exercise is that the U.N. was in charge to guarantee that it would be run properly, the U.N. comprised of member States like France and Germany and Russia and China, as well as the United States and Great Britain. At times, the United States and Great Britain voiced concern about this program, but the program continued, and it was not until, again, an Iraqi newspaper, Al Mada, really outed 270 people that the world started to think that they needed to pay attention to this issue.

Besides talking about the incredible rip-off, the U.N. was making legitimate dollars, billions of dollars running the program, and we understand why there was a reluctance to no longer have that opportunity. Then what we began to realize is people in the U.N. and member states were making billions of dollars in illegal activities.

It is hard pressed to know why particularly the Russians and the French were so involved in this program, but when you recognize how involved they were, it does give you some indication of their reluctance to want to confront Saddam since he knew so well their involvement in these illegal schemes, and it does suggest, I think, a very real motive for why France in particular and Russia and China were so reluctant to see this dictator's regime end.

If the French had stuck with us, as they had in December through January, instead of being the apologist for Saddam but had stuck with us, it is unlikely we would ever have had to go in because it is very likely and it is very clear Saddam knew we believed we were not going to come in and remove him because the French and the Russians and the Chinese were not with us.

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That gave him the confidence to think he could continually stonewall us.

So besides the incredible rip-offs that have been mentioned by the gentleman from California (Mr. OSE), the gentleman from New Jersey (Mr. SMITH), and others, there is the whole issue of why there was not greater cooperation to force Saddam to do what was required in the 1991 signing of the ceasefire: Fully cooperate with the U.N. and demonstrate and prove that his programs of weapons of mass destruction had ended.

Mr. Speaker, I now yield to my colleague, the gentleman from Indiana (Mr. PENCE), and thank him for his work in this important investigation.

Mr. PENCE. Mr. Speaker, I rise tonight to join the gentleman from New Jersey (Mr. SMITH), and thank him as well as the gentleman from Connecticut (Mr. SHAYS), for their extraordinary efforts in bringing what is very likely the largest scandal in the history of the United Nations into the public domain.

Mr. Speaker, a very limited fan of the Larry King Live program would know that the gentleman from Connecticut (Mr. SHAYS) is one of the most eloquent and compelling Members of Congress in the national media, and I, for one, am grateful that the chairman is willing to dedicate so much of his energy to calling the Nation's attention to this issue and wish to commend him for doing that.

There seems to me to be an opposite impulse afoot in both the international community as well as here in our Nation's capital. Despite the fact that this multibillion dollar Oil-for-Food program, which operated from 1996 to 2003, resulted in billions of dollars lost in graft and payoffs, there seems to be an impulse among some quarters within our own diplomatic community here in Washington and even around the world to simply move on.

Clearly, I would be, as a strong supporter of Operation Iraqi Freedom, I would be the very first to say we ought not to let the mistakes of the past interfere with opportunities for alliances in the future. And I, for one, am extraordinarily encouraged to see the United Nations Security Council embracing a new role of partnership in the development of a free and stable and Democratic Iraq. But it seems to me to be all together consistent with the aims of a vital and important role of the United Nations on the world scene, especially in difficult areas like Iraq, or even in Sudan, of which we may well be talking in the near future, it seems to me we ought to always seek to defend the basic reputation of integrity of the United Nations.

As we gather here today, we reflect, Mr. Speaker, on this program, which was, as the gentleman from California (Mr. OSE) just said very eloquently, a program born of compassion. It was about trying to provide assistance, both food and medical supplies, to a beleaguered people in the difficult years that followed the first Persian Gulf War, and to no less extent the decades of oppression and abuse by the tyrannical dictator Saddam Hussein. It was to provide them with resources and assistance by letting the regime of Saddam Hussein sell oil, the payments for which would go into an escrow fund that would then purchase medical supplies and food stores to be then delivered back into Iraq.

Sounds like a pretty flawless arrangement, like a triangle, if you will. The only problem, and I believe hindsight is 20/20, and I understand why these decisions were made, but as we learned in the Committee on International Relations, at the end of the day this Oil-for-Food program deferred to the principle of sovereignty of Saddam Hussein's government in Iraq. And why that was problematic, we believe, is because it permitted Saddam Hussein to choose who he would sell oil to and to choose who he would buy supplies from.

Allowing this deplorable dictator and his corrupt government to choose to pick the winners in this multibillion dollar Oil-for-Food program created an environment, the preliminary evidence of which created opportunities for graft on a global scale. And as Chairman SHAYS just suggested, the interrelationship between this program and some countries who were loathe to support our efforts militarily against Iraq is troubling and intriguing and bears fleshing out.

I believe that is what we are about here tonight, simply doing our part in this chamber, the people's House, to raise public awareness about this extraordinary scandal and an attempt by a dictator to siphon off an estimated $10 billion from a program that was truly simply designed to help people.

A few brief points, and then I will yield back to my betters on this issue.

The role of Congress. I think what we are about tonight, Mr. Speaker, is an important role. It is to at least be that one quarter of the national government in the most powerful and freest Nation in the history of the world that says, yes, we do care what happened to the billions of dollars that went out of the Oil-for-Food program; we want to know who benefited through those illicit profits and kickbacks.

And let me hasten to add that I serve a heartland district in central Indiana where I grew up seeing the billboards that would read "get out of the U.N." This is not a "get out of the U.N. move" in the Congress. This is rather a move about saying, if we are not prepared to demand a full accounting of the resources that move through the United Nations in the programs that they are charged with governing, I think that is a greater threat to the long-term vitality of the United Nations as a legitimate forum for addressing grievances in the free world than any billboard or any accusation could ever be.

Congress, it seems to me, has a role, and there are a couple. Number one, to do everything in our power to strengthen the position of the chairman of the independent investigating committee, the former Federal Reserve Chairman, Paul Volcker; to do that by the means of the pocketbook in the Congress. And I am confident that we have done that and will continue to do that.

Secondly, it is to ensure that the Iraqi interim government and congressional investigators are able to conduct an effective and exhaustive investigation. We have heard tonight on the floor about some of the barriers that the U.N. has not yet been willing to waive in contract arrangements that need and must be waived to permit our government and the Iraqi government to get to the bottom of the facts.

Lastly, something of what we are doing tonight is to push the State Department within the Bush administration to ensure that the Oil-for-Food scandal is thoroughly investigated. I understand, as I said before, and with this I close, I understand that we have bigger fish to fry, as we like to say on the Flat Rock River in Bartholomew County, and those fish to fry include moving forward in a multilateral way in Iraq and bringing the family of freedom-loving nations together in that project. But I hasten to add that I simply do not believe that demanding a strict accounting of the administration of the Oil-for-Food program that took place in the last decade in the United Nations is in any way inconsistent with bringing the United Nations and the countries represented on the Security Council more to bear on the challenges that we face in Iraq and elsewhere in the world.

If we can find out where the illicit profits went, and if in fact there were misdeeds done within the United Nations itself by United Nations personnel, we need to hold them accountable, create new systems whereby that kind of abuse is no longer as possible as it apparently was in the 1990s, and I think that will bolster world opinion for the United Nations and bolster the confidence in future programs, whether they be in Iraq or elsewhere around the world. So that when the United Nations says they are going to oversee a program that is designed to accomplish humanitarian aims, that it will accomplish those aims and it will not do so in a way that involves graft or the enrichment of individuals at the public expense.

So once again I commend Chairman SHAYS for his extraordinary leadership on the public stage on this issue. I commend him for being willing, as he candidly in his career frequently is, willing to swim upstream against what may be the current of the day, but to seek, as he so doggedly does, as the gentleman from California (Mr. OSE) does, and all of us I believe in our hearts do, to seek the truth, knowing that the truth is the only foundation upon which the international community should ever come together in the United Nations or in any project that faces us in the 21st century.

Mr. SHAYS. Mr. Speaker, I thank the gentleman for his generous words, but also for his caring about the U.N. I think it is so important to reemphasize the fact that we want a better U.N., and it is absolutely essential that the U.N. do what it can in every way to cooperate. There will then be a redemption, and the U.N. will have greater impact and greater moral authority in the future. Failing to do that, I think the opposite is true.

I thank my colleague for being here, and at this time I wish to reengage my colleague from California in regards to the Oil-for-Food program.

Mr. OSE. Mr. Speaker, I thank my colleague. It is interesting that the gentleman from Indiana (Mr. PENCE) was frankly very thorough in his remarks. One of the things that I continually try to do is bring to focus why this is important for my constituents. Because, frankly, the Oil-for-Food program, paid for by oil revenues from the sale of Iraqi oil, okay, big deal. We needed it.

But let me share why I think this is so important. First of all, in addition to the reasons elucidated by the gentleman from Indiana (Mr. PENCE), the money that was skimmed was supposed to go to the benefit of the Iraqi people for the purpose of purchasing food and medicine. In the absence of that money, somebody else must step in and fill that void. Somebody else must step in and buy the food or buy the medicine that the Iraqi people need. Now, is that the United States? Is that the United Nations? Is that Europe? Whoever it is, they are having to buy something that should have been funded by money that belonged to the people of Iraq by virtue of the sale of oil that had belonged to the people of Iraq.

That is a very important point, because if the United States is going to have to fill the gap created by the loss of these funds, then my colleagues and I are going to have to take it out of the Treasury of the United States. And that is important to each and every one of our constituents.

I want to return, Mr. Speaker, to what we are trying to accomplish here. If we look at current events around the world, we find that in addition to Iraq we have a burgeoning issue in Sudan, and we have them in various places at different times around the world. Today's event is Sudan, out by Darfur. If we cannot figure out how to run these programs under the auspices of the U.N., in a manner that is transparent and full of accountability, then at some point or another in the future we are going to lose our will or our interest to do it again, and that would be a problem. Because that would only compound the tragedy or tragedies of a future nature as they are now occurring in the Sudan.

Now, Mr. Speaker, I have asked for a couple of things. I think these are central to getting to a resolution in this matter. First of all, we need to know the contracts, and there are somewhere between 30,000 and 60,000 individual contracts. We need to have a listing of the contracts that were involved in the Oil-for-Food program. How much oil was sold at the point of embarkation in the ports of Iraq? How much money was then wired from the buyer of that oil to the escrow account under the control of the United Nations? And then from that escrow account, what were those funds used for, item by item, dollar amount by dollar amount, in purchasing goods for the people of Iraq?

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Somebody earlier, I think the gentleman from New Jersey (Mr. SMITH), mentioned the 661 committee. We need to have a copy of the minutes of the various meetings of the 661 committee. As Members recall, the 661 committee was comprised of the five permanent members of the Security Council and the 10 rotating members of the Security Council. So day after day, week after week, month after month, the Security Council and the 661 committee were the same body. They had regular meetings to review these contracts. Undoubtedly there are minutes of those meetings. We have been told there are minutes of those meetings. We have also been told by the United Nations we may not have copies of the minutes of those meetings, either redacted or not. We are seeking copies of those minutes because in addition to the evidence we have available to us today that shows that the United States brought to the attention of the 661 committee in March of 2001 the potential allegation of fraud or corruption, we would like to know whether or not those allegations were brought to the attention of the 661 committee prior to that point in time and what was done about it. Interestingly enough, one of the previous speakers spoke about the office of internal oversight at the U.N. We have come to find out over the last week or 10 days that there were 55 separate audits of the performance of different contractors under the Oil-for-Food program, both the program as a whole and the individual components. We would like to get a copy of those audits. We have asked for a copy of those audits. We have been told that we may not have them. What we are looking for is a source for those audits. And, in fact, we have found one of those audits. In that audit's recommendations are a list of significant suggested improvements to the manner in which the program is run.

Mr. SHAYS. Mr. Speaker, our staff has been through some of the minutes of the U.N. 661 committee of the Security Council members responsible for the sanction monitoring and oversight of the Oil-for-Food program. Those minutes have told our staff a story of diplomatic obfuscation and an obvious purposeful unwillingness to acknowledge the program was being corrupted. Questions about oil or commodity contracts were dismissed as dubious media rumors beneath the dignity of the U.N. to answer while Saddam was given the undeserved benefit of every doubt. That is what is really striking about this whole program.

Bottom line. After the war in the gulf, after we got Saddam Hussein out of Kuwait, and I would say parenthetically, somehow he never thought we would seek to get him out of Kuwait, he had an obligation. His obligation was to cooperate with U.N. inspectors in terms of chemical, biological and nuclear program. He simply chose not to. So the sanctions were put in place until he cooperated. The problem was

Iraqis were starving and they were not getting their health care. What was obvious to us is Saddam did not care that his own people were dying. He was simply not going to cooperate. In a sense he kind of pushed the world community into doing its best to make sure that Iraqis did not starve and they got some medicine by saying that there would be this Oil-for-Food program that he basically would run with the supervision of the U.N. As has been pointed out, Saddam got to basically choose who could buy from him and he got to choose who he would buy from. He would undersell his oil and then get a kickback because there was so much money to be made in his undervaluing of oil by the parties that could give him a kickback. He would overbuy for commodities as the gentleman from California points out, commodities that were not even necessary, not related to Oil-for-Food. But he did more than that. In some cases he would buy so-called foodstuffs but they were animal stuffs, so they paid far more than would be logical for something that was for animals. In some cases he would purchase things that were never delivered.

One of the things that we are obviously aware of is the U.N. investigation by Mr. Volcker, and I believe he is going to put his heart and soul and is putting his heart and soul in this, he is only looking at the oil surcharges and kickbacks and the humanitarian purchases and only somewhat looking at the $5.7 billion involved in the smuggling of oil through Syria, Turkey and Jordan.

The problem that we have is the following, and I would love to say this in a more lengthy way by first saying that I have been to Iraq five times since the end of the removal of Saddam. I was there a year ago April, in August, December, January, again in April, four times outside the umbrella of the military. I spoke with everyday Iraqis, literally hundreds of them. I went to an Iraqi wedding of over 400 men in attendance. I had a hard time finding the bride at that wedding. I went and met with religious leaders, community leaders, teachers, businessmen and some businesswomen. I met with the poorest of the poor in their homes. Almost every Iraqi told me thank you for ridding us of Saddam and in the same breath they would say, and when are you leaving? It was said with a smile and it was said with this eagerness. They wanted us to go as quickly as possible. They had some criticisms of us and I think it is important to note, because the Oil-for-Food program relates to what we are talking about in Iraq. They were suspicious of us because we were the government. No hard feelings but they never had a government they could trust. Why would they trust us? They blamed us for telling them to rebel against Saddam but we left in place the Republican Guard that annihilated so many of their family members. They blamed us for the sanctions and the program of Oil-for-Food because they basically acknowledged the fact that their world was different after the Gulf War. They could not have commerce with other nations, at least legally. They could only get their food and their medicine from Saddam and he gave it out to the peoples he wanted to give it out to. So many people suffered not just in the early stages before the Oil-for-Food but continually. The Iraqi people were questioning why we broke apart the government and said to the Baathists they could not participate because many of the Iraqis I spoke to had family members that said, how else did you survive in Saddam's world in Iraq unless you could be part of the government, the police or the army? We disbanded all of them.

Mostly they wanted this to be an Iraqi revolution. I say that because I take tremendous satisfaction that this fledgling nation no longer having Saddam, they were the ones that forced the world community to address this issue. They are the ones that forced Kofi Annan to convince the Russians to allow for this investigation. They are the ones that have resulted in Mr. Volcker being hired with a budget and with personnel to do the jobs. The Iraqi people are demanding what happened to $10.1 billion of their money. It is a good question for us as well, because we have put in far more than that. If they had $10.1 billion right now, that would be $10.1 billion we would not have to put into this country.

I am more than grateful that we have moved towards sovereignty for Iraq and I am hoping that when my subcommittee goes into Iraq this August and when we interact with this new Iraqi government that we will get their continued cooperation in helping us pull away the veil of this unbelievably obscene corruption that was managed by Saddam but basically protected and facilitated by the United Nations and many of its member states, particularly some of the biggest apologists for Saddam, particularly some of those that were most vociferous against our forcing Saddam to cooperate and against our removal of this hideous regime, a regime where hundreds of thousands of people lost their lives and can be found in killing fields all throughout Iraq. When you see an Iraqi clutching the clothes and bones of a loved one whom they can identify by the clothes and by the identifications in their pockets, you have to understand beyond a shadow of a doubt what a noble effort this has been on the part of the United States to have freed them from this regime and how important now it is for the United States to do whatever it can to facilitate this investigation.

I yield to my colleague for any remarks that he would like to make.

Mr. OSE. I thank the gentleman. I think his point about lessons learned, the implicit point that he makes, is an exceptional one, because we have learned here. We have learned that anything we do must be watched very carefully, because the purposes for which it was set up can be hijacked. We have learned that there are people in this world who wish to utilize our charitable efforts or our efforts at building the future prospects of different countries and the opportunity for people around this world to enjoy freedom, we have learned that people will take advantage of that.

One of the things I want to do tonight with permission of the Speaker is to enter into the RECORD the list that was printed in the newspaper in Iraq which I think the gentleman from Connecticut's point was what a remarkable thing that one of the first occasions for a free press to exist in the country of Iraq since the early seventies dug out a potential scandal. What better check and balance can you argue for than the fact that we have reestablished a free press in Iraq to hold the government there accountable. I would like to enter into the RECORD the list of alleged participants in the scheme that was set up by Saddam Hussein and implemented under the auspices of the United Nations.

Recipient	Country	Data	
		Barrels (MM)	Value ($MM)
The Russian State	Russia	1,366	$273.2
Zarubezhneft	Russia	175	34.9
Communist Party Companies	Russia	137	27.4
Al-Fayco (Russian Foreign Ministry)	Russia	129	25.8
Russneft Ampex	Russia	87	17.4
Liberal Democratic Party (Zhirinovsky)	Russia	80	16.0
LUKoil	Russia	63	12.6
Mastek (Fa'iq Ahmad Sharif)	Malaysia	57	11.4
Amircom (Unity Party/Ministry for Emerge)	Russia	57	11.4
Zan Gaz	Russia	49	9.8
[illegible]	France	47	9.4
Mawlana Abd Al-Manan	Bangladesh	43	8.6

Recipient	Country	Data	
		Barrels (MM)	Value ($MM)
Mr. Juan	China	39	7.8
Mujahideen Khaiq	United Kingdom	37	7.3
Rosneft Company	Russia	36	7.1
Peace and Unity Party	Russia	34	6.8
Yatumin (Russian Foreign Ministry)	Russia	30	6.0
Zayn Al-Abideen Ardam	Turkey	27	5.4
Gasprom	Russia	26	5.2
Soyuzneftgaz (Yuri Shafrannik)	Russia	26	5.1
Slayneft	Russia	26	5.1
Nafta Moscow Company	Russia	25	5.0
Trafigura (Patrick Maugein)	France	25	5.0
Roberto Formigoni	Italy	25	4.9
Elkon [or Elcon]	Switzerland	23	4.6
Al-Huda	United Arab Emirate	23	4.6
Onaco Company	Russia	22	4.4
Socialist Party	Yugoslavia	22	4.4
Sidanco Company	Russia	21	4.2
Finar [Holdings]	Switzerland	21	4.2
Salvatore Nicotra	Italy	20	4.0
Romain (son of former ambassador to Ba	Russia	20	3.9
George Galloway/Nawwaf Zuraiqat	United Kingdom	19	3.8
Awadh Ammura	Syria	18	3.6
Noresco	China	18	3.5
Bassim Qaqish	Spain	18	3.5
Muhammad Al-Hawny	Cyprus	17	3.4
Michel Grimard	France	17	3.4
Khaled Gamal Abd Al-Nasser	Egypt	17	3.3
Italian Party	Yugoslavia	16	3.2
Techfen	Turkey	16	3.1
Leith Shbeilat	Jordan	16	3.1
Franco-Iraqi Friendship	France	15	3.0
Alias Al-Gharzali	France	15	2.9
Belminal Company	Belarus	14	2.8
Ancom Co (Muhammad Shatta)	Egypt	14	2.8
Imad Al-Jilda	Egypt	14	2.8
Hamad bin Ali Al-Thani	Qatar	14	2.8
Biorg	China	14	2.7
Nefta Petroleum	Cyprus	13	2.6
Zank Ronk	China	13	2.6
Nikolayi Ryzhkov	Russia	13	2.6
Muhammad Aslan	Turkey	13	2.6
Russneft-Gazexport	Russia	13	2.5
Russian Association of Solidarity with Iraq	Russia	13	2.5
Fa'iq Ahmad Sharif	Malaysia	13	2.5
The Socialist Party of Bulgaria	Bulgaria	12	2.4
Beshara Nuri	Syria	12	2.4
Charles Pasqua	France	12	2.4
Glencore	Switzerland	12	2.4
Sevan	Panama	12	2.3
Abu Al-Abbas	Palestine	12	2.3
Ahmad Mani' Sa'id Al-Utaiba	United Arab Empire	11	2.2
Riyadh Al-Taher	Ireland	11	2.2
Chief of the President's Bureau	Belarus	6	1.2
	Russia	5	1.0
Jean-Bernard Merimee	France	11	2.2
de Souza	France	11	2.2
Ghassan Shallah	Syria	11	2.2
Samir Vincent	U.S.A.	11	2.1
Muhammad Othman Sa'id	Kenya	11	2.1
Fuad Sirhan	Brazil	10	2.0
Javier Robert	Spain	10	2.0
Arthur Millholland	Canada	10	1.9
Left Party	Yugoslavia	10	1.9
Transneft	Russia	9	1.8
Al-Rashid International (Ahmad Al-Bashir)	Jordan	9	1.8
Kokostancha Party	Yugoslavia	9	1.8
Imvume Management (Sandy Majali)	South Africa	9	1.8
Hamida Na'na'	Syria	9	1.8
Uralinvest (Stroyev)	Russia	9	1.7
Social Democratic Party	Ukraine	9	1.7
Caspian Investment	Russia	9	1.7
ADDAX	France	8	1.7
Sibneft	Russia	8	1.6
Taurus	Switzerland	8	1.6
Samasu	Sudan	8	1.6
Abdullah al-Hourani	Palestine	8	1.6
Neftogas	Ukraine	8	1.6
Megawati	Indonesia	8	1.6
Abd Al-Karim Al-Aryani	Yemen	8	1.6
Raz Company	Nigeria	8	1.5
Kamaneft Company	Russia	8	1.5
Jewan Oil	United Arab Emirate	8	1.5
Hayson	Nigeria	7	1.4
Abdallah Al-Sallawi	Morocco	7	1.4
Hawala	Malaysia	7	1.4
Zayyad Al-Ragheb	Jordan	7	1.4
Shaker Al-Khaffaji	U.S.A.	7	1.4
George Tarkhaynan	Lebanon	7	1.4
Shaher Abd Al-Haq	Yemen	7	1.4
Muhammad Salah	Egypt	7	1.4
Mahmoud Mahdi Al-Ma'sarawi	Egypt	7	1.4
Madex Petroleum	Tunisia	7	1.3
Shaker bin Zayd	Jordan	7	1.3
Russian Committee of Solidarity with the P	Russia	7	1.3
Mr. Feloni	Italy	7	1.3
Abd Al-Adham Manaf	Egypt	6	1.2
Fawwaz Zuraiqat	Jordan	6	1.2
Vinafod	Vietnam	6	1.2
Ghassan Zacharia	Syria	6	1.2
Ukraine Communist Party	Ukraine	6	1.2
Stroyneftgas	Russia	6	1.2
Liberal Party	Belarus	6	1.2
Fakhri Qa'war	Jordan	6	1.2
Adel Al-Jablawi (I.N.M. Airways)	Russia	6	1.2
Shukri Ghanem	Libya	6	1.2
Farras Mustapha Tlass	Syria	6	1.2
Arab Company limited	Egypt	6	1.2

Recipient	Country	Data	
		Barrels (MM)	Value ($MM)
Nadhel Al-Hashemi	Morocco	6	1.1
Romanian Labor Party	Romania	6	1.1
Biham Singh	India	6	1.1
Issa bin Zayed Al-Nahyan	United Arab Emirate	5	1.0
Liberation Organization (Political Bureau)	Palestine	5	1.0
Shanfari Group	Oman	5	1.0
Hugh Company (Sokolov)	Ukraine	5	1.0
Russian Orthodox Church	Russia	5	1.0
Khrozolit	Russia	5	1.0
Popular Front for the Liberation of Palestine	Palestine	5	1.0
Petrogas	Switzerland	5	1.0
Ministry of Energy (Jordan)	Jordan	5	1.0
Minister of Forestry	Myanmar Federation	5	1.0
Hungarian Interest Party	Hungary	5	0.9
Father Benjamin	Italy	5	0.9
Akht Neft Company	Russia	5	0.9
President Lehoud's son	Lebanon	5	0.9
Orshansky	Ukraine	5	0.9
October 8 Movement (Chavez)	Brazil	5	0.9
Muhammad Hilmi	Egypt	5	0.9
Trader Babar	Malaysia	4	0.8
Muhammad Amin Rayyis	Indonesia	4	0.8
Tokyo Saxwele Holdings (MVL)	South Africa	4	0.8
The Duleimy Group	Qatar	4	0.8
Muhammad Ma'moun Al-Sab'i	Syria	4	0.8
Surgut Neftegas	Russia	4	0.8
Sultan bin Zayed Al-Nahyan	United Arab Emirate	4	0.8
Muhammad Saleh Al-Hourani	Jordan	4	0.8
Liberation Organization	Palestine	4	0.8
Mashhur Haditha	Jordan	4	0.8
IOTC (Claude Caspert)	France	4	0.8
Montega	South Africa	4	0.8
Mayudor	Tunisia	4	0.8
Belfarm Company	Balarus	4	0.8
Indian Congress Party	India	4	0.8
Pitmall Company	Malaysia	4	0.8
Comeback	Nigeria	4	0.8
Omni Oil	South Africa	4	0.8
Famaco	Tunisia	4	0.7
Zuhair Al-Khatib	Lebanon	4	0.7
Zarabsneft (Gobkin University)	Russia	4	0.7
Wafa Tawfiq Sa'igh	Palestine	4	0.7
Muhammad Amar Nofel	Syria	4	0.7
Lid Guarantees	Syria	4	0.7
Moscow Science Academy	Russia	4	0.7
Salim Al-Toon	Syria	4	0.7
Zarbshneft & Gas (Mr	Russia	3	0.6
Makram Hakim	Indonesia	3	0.6
Osama Ma'rouf	Lebanon	3	0.6
Ali Al-Muslim Company	Bahrain	3	0.6
Nile & Euphrates Co	Egypt	3	0.6
Trader Nafta	Russia	3	0.6
Tojan Faisal	Jordan	3	0.6
Faisal Damiqa	Lebanon	3	0.6
Sy Bolt	Netherlands	3	0.6
Philippines Production Group	Philippines	3	0.6
Najah Company	Saudi Arabia	3	0.6
Chad Foreign Minister	Chad	3	0.6
Najah Wakim	Lebanon	3	0.6
Salem Al-Na'ass	Jordan	3	0.6
Russian National Democratic Party	Russia	3	0.6
International Company for Trade and Investment	Lebanon	3	0.6
Napex Company	Switzerland	3	0.6
Ozia	Turkey	3	0.5
Lutfi Fawzi	Syria	3	0.5
Lada Company	Belarus	2	0.4
Fadi Al-Alamiyya (International) 2 million	Lebanon	2	0.4
Darlink Med	Vietnam	2	0.4
Fazmash Ampex	Ukraine	2	0.4
Media	Switzerland	2	0.4
Maqdar Sarjeen	Turkey	2	0.4
F.T.D.	Ukraine	2	0.4
Natuna Oil	Indonesia	2	0.4
Asiss Company	Saudi Arabia	2	0.4
Megawati Sukarnoputri	Indonesia	2	0.4
Gulf Petroleum	Qatar	2	0.4
Samir	Turkey	2	0.4
Concrete Contracting Company	Bahrain	2	0.4
Laka	Switzerland	2	0.4
Nordvest Group	Russia	2	0.4
International Multaqa Foundation	Egypt	2	0.4
Zayyad Yaghmour	Jordan	2	0.4
Hawa Atlantic	Indonesia	2	0.4
Arak Paul	Bulgaria	2	0.4
Delta Service	Switzerland	2	0.4
Afro-Eastern	Ireland	2	0.4
Yukos	Russia	2	0.4
B.B. Energy	Lebanon	2	0.4
Anwar Al-Aqqad	Syria	2	0.4
Energy Resources	Ukraine	2	0.4
Petroleum Wells Maintenance	Qatar	2	0.4
Petrolina Oil	Qatar	2	0.4
Hassan Al-Kayal	Syria	2	0.4
Haitham Seidani	Lebanon	2	0.4
Socialist Party of Ukraine	Ukraine	2	0.4
Chechna Administration	Russia	2	0.4
Grand Resource	Jordan	2	0.4
Al-Hami Bashanti Foundation	Egypt	2	0.4
Muhtashem	Turkey	2	0.4
Kadherm Al-Darazi Company	Bahrain	2	0.4
Fal Petrol	United Arab Emirate	2	0.4
KCK Company	Turkey	2	0.3
Tawfiq Abd Al-Raheem	Yemen	2	0.3
Vinapco	Vietnam	1	0.2
Mishinoimport	Russia	1	0.2
Delta Petroleum	Turkey	1	0.2
Thai Rice Trader Jaipern	Thailand	1	0.2

Recipient	Country	Data	
		Barrels (MM)	Value ($MM)
South Holken	China	1	0.2
A.A.G. Company (Nigerian Ambassador)	Nigeria	1	0.2
Tatneft	Russia	1	0.2
The Ukranian House	Ukraine	1	0.2
Slovak Communist Party	Slovakia	1	0.2
Lufti Dughan	Turkey	1	0.2
Fim Oil Company	Lebanon	1	0.2
Plant [Blunt?] Petroleum	Lebanon	1	0.2
Sita	Turkey	1	0.2
Trans Isko	Ukraine	1	0.2
Tamam Shehab	Syria	1	0.2
Ali To'ma	Lebanon	1	0.2
Delf Aderlink	Romania	1	0.2
Fideralty Torkovy	Ukraine	1	0.2
IPS (Italian Petroleum Assoc)	Italy	1	0.2
Al-Hilal Co (Adnan Al-Hanani)	Lebanon	1	0.2
Wamidh Hussein	Jordan	1	0.2
Siberia Oil & Gas company	Russia	1	0.2
Iblom	Switzerland	1	0.2
Sipol	Switzerland	1	0.2
Continental	Cyprus	1	0.2
Bony Fiol	United Arab Emirate	0	
West Petrol	Italy	0	
O.S.C.	Vietnam	0	
Hetralk	Italy	0	
Abu Abd Al-Rahman	Pakistan	0	
Millenium	United Arab Emirate	0	
Petroleum Prdoucts Co	Sudan	0	
Oil & Gas Group	Pakistan	0	
Sayyed Azzaz	Pakistan	0	
Belarus Communist Party	Belarus	0	
Grand Total		4,044	$808.8

Finally, I want to close my portion of this by just reminding everybody that when the Security Council set this scheme up, they charged the Secretary-General with the responsibility of oversight. In fact, they said that the Secretary-General is "required to supervise the sale of Iraqi oil and to monitor the spending of the proceeds on specific goods and services for the benefit of the Iraqi people." Ladies and gentlemen, Congress is entitled to ask in response to these allegations, where was Kofi Annan when this was going on? Exactly what was he doing? What issue was he dealing with that was more important than the welfare of the Iraqi people that was to be funded from this program? The fact of the matter is, there was not anything else he was doing that was more important. There was nothing else he was doing that was more important. The danger in not addressing this situation and bringing transparency and accountability to it is that we will replay this over and over and over again to the detriment of the peoples of various other countries that struggle to make it in this world. I thank the gentleman from Connecticut.

Mr. Speaker, the following are excerpts from the U.N. Goals—Preamble:

> We the peoples of the United Nations determined:
>
> to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and
>
> to promote social progress and better standards of life in larger freedom,
>
> to unite our strength to maintain international peace and security

Mr. Speaker, the Oil for Food Program contradicted all of these principles stated in the United Nations preamble and tarnished the reputation of this important international organization. Throughout the past year, the scandal, corruption and deception that was blatantly ignored by the U.N. for over 7 years was finally exposed.

The U.N.'s Preamble mentions a goal of unifying countries in order to strengthen international peace and security. Mr. Speaker, we succeeded in strengthening Saddam's terror regime through this U.N. administered Oil for Food Program.

Lack of disclosure of documents, contracts, and audits, as well as lack of oversight of Iraq's dictatorial, abusive and corruptive leader—Saddam Hussein—led to the most corrupt U.N. program in the history of the U.N.

Benon Sevan, executive director of the Iraq Program, reported to the U.N. 661 Committee in July of 2001 that the U.N. was doing its best to "cut costs in order to make additional funds available to the humanitarian program," with respect to the 2.2 percent oil export revenue the U.N. received for administrative and operational costs. However, audits reveal that the U.N. Iraq Program wasted funds by not charging the primary contractor, Cotecna, for office space, equipment, and medical services. The U.N. Oil for Food program paid Cotecna for staff that didn't show up to work and amassed fees for not paying bills on time.

Mr. Speaker, the U.N. Iraqi Program did not re-open the bidding process when contractors raised their costs to estimates equal to the second lowest bidders after contracts were awarded. The U.N. Board of Audit's 1997 report revealed that the first inspection contractor successfully added new inspection employees at $1,275 per day versus the original contract price of $770. No re-bid was required. A year later, in January 1998, Cotecna unilaterally increased its per-man-day fee by 20 percent from $499 to $600, the rate of the next lowest bidder. Despite the U.N.'s failure to keep costs down, they still received 2.2 percent for every recorded oil barrel Saddam sold.

Mr. Speaker, the U.N. lacks the accountability and transparency that is required to ensure faithful execution of its programs. In 1997, OIP hired Cotecna to verify and confirm the commodity, value, quantity and quality of supplies arriving in Iraq in accordance with the requirements of the 661 Sanctions Committee resolutions. The U.N. Board of Audit's 1998–2002 reports, the 2002 OIOS audit, and OIP field missions reported that Cotecna provided insufficient numbers of point-of-entry inspectors and failed to deliver, inspect, sample, verify and report goods imported into Iraq. Instead, Cotecna relied on suppliers for data and documents, such as cargo manifests.

Furthermore, neither Kofi Annan nor Cotecna bothered to declare a possible conflict of interest, considering the Secretary-General's son had worked for Cotecna.

In a statement made by Secretary-General Kofi Annan on the closure date of the Oil for Food Program, Mr. Annan stated that the Secretary General is, "required to supervise the sale of Iraqi oil, and to monitor the spending of the proceeds on specific goods and services for the benefit of the Iraqi people." Mr. Speaker, where was Kofi Annan when Saddam scripted and carried out his scheme to skim off millions of dollars from oil sales and to buy junk instead of legitimate humanitarian goods from his cronies abroad?

Additionally, the 661 Commission, made up of members of the Security Council, was responsible for overseeing contracts, yet only the United States and Britain voiced concerns about potential fraud within the program. China, France and Russia remained silent in order to protect their interests in the extensive lucrative contracts that Saddam was offering them. We are not asking that the United Nations be dissolved, for we value cooperation and friendship among nations. However, we will not allow this organization which is supposed to be a beacon of "justice and respect for the obligations arising from treaties and other sources of international law," to turn a blind eye to the scandals of this failed program.

We respect the Volcker commission for their investigation but are skeptical that with the track record of U.N. inaccessibility and lack of disclosure with regard to this Oil for Food Program, they will be given full access to the information they need. Mr. Volcker does not have subpoena power over the U.N. Nor does he have subpoena power over the former Baathist regime or the thousands of contractors that may have participated in the fraud. Lastly, Mr. Volcker cannot subpoena the government or various involved companies from China, France and Russia. We are demanding full cooperation and disclosure of all relevant documents by the United Nations, U.S. agencies or any international organizations affiliated with the Oil for Food Program. Let's restore faith in the U.N. by restructuring the organization to include more accountability and transparency in order to prevent this type of scandal from occurring again.

In his 2001 speech to the U.N. 661 Committee, Sevan stated that given security concerns and the arduous lifestyle in Iraq, he found it odd hearing that "a mission to Iraq is one of the most cherished and sought-after assignments by the United Nations Secretariat staff." Well, Mr. Speaker, it may not have been so odd after all.

Mr. SHAYS. Mr. Speaker, with the 2 minutes or so I have left, I would just like to summarize. From its inception in 1996, the United Nations Oil-for-Food program was susceptible to political manipulation and financial corruption. Trusting Saddam Hussein to exercise sovereign control over billions of dollars of oil sales and commodity purchases invited illicit premiums and kickback schemes now coming to light. But there is still much that is not known about the details for the Oil-for-Food transactions and that is why our committee and other committees of Congress are investigating.

This much we know, something went wrong. Saddam Hussein's regime reaped an estimated $10.1 billion from this program, $5.7 in smuggling oil and $4.4 in oil surcharges and kickbacks on humanitarian purchases through the Oil-for-Food program. There was just simply no innocent explanation for this. We want the State Department and the intelligence community and the U.N. to know there has to be a full accounting of all Oil-for-Food transactions even if that unaccustomed degree of transparency embarrasses some members of the Security Council. I appreciate Kofi Annan's call to me to tell me that he wanted to restore faith in the ability of the U.N. to do its job and subsequent appointment of Paul Volcker to lead an independent panel.

□ 2145

But we know Mr. Volker has to depend on the goodwill of the U.N., and we do not have the kind of faith where we believe that some in the U.N. will cooperate, since they were so clearly involved in these illegal acts. But we also need to know more than just what happened at the U.N. We also need to know what happened at the U.S. mission, we need to know what our intelligence community knew and now knows. We need their cooperation as well.

A CRITIQUE OF RICHARD B. CHENEY, VICE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. BURNS). Under the Speaker's announced policy of January 7, 2003, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes.

Mr. PALLONE. Mr. Speaker, almost immediately after Senator KERRY chose Senator EDWARDS of North Carolina as his Democratic running mate, the Republican attack dogs were out in full force. The most popular Republican attack was that JOHN EDWARDS does not have the experience to be vice president, and the second most popular, JOHN EDWARDS represents the interests of the trial lawyers.

Mr. Speaker, I ask the American people, has DICK CHENEY's experience paid off for them over the last 3 years? Tonight, I will try to highlight how Vice President CHENEY's experience in the corporate world has led to administration policies that benefit the corporate interests over the interests of all Americans.

I want to start by talking about Halliburton. After spending several decades in Washington here in the House and working for several Republican administrations, DICK CHENEY went to Texas in 1995 to run Halliburton. On his watch, Halliburton conducted business with Iraq, Libya and Iran, three countries that at that time supported terrorism and were under strict sanctions from the United States. Despite these sanctions, CHENEY's Halliburton did business with all three countries.

During the 2000 campaign, CHENEY said, "I had a firm policy that we wouldn't do anything in Iraq, even arrangements that were supposedly legal." But while CHENEY was running Halliburton, two of its foreign subsidiaries sold millions of dollars worth of oil services and parts to Saddam Hussein's regime.

Vice President CHENEY ran a company that did businesses with companies that supported terrorism. Is this the kind of experience Republicans are pointing to in lauding their vice president?

CHENEY continued to support his former company when he came to Washington as the vice president. We all know that the war in Iraq has been a financial windfall for Halliburton.

We also learned last month, Mr. Speaker, that in the months leading up to the war in Iraq, an undersecretary of defense had a meeting with members of the Bush administration, including the vice president's Chief of Staff, Lewis Libby, in which the undersecretary notified Libby and the others that Halliburton would be awarded a $1.9 billion defense contract. This meeting contradicts a statement made by Vice President CHENEY last September on Meet the Press in which CHENEY said, "I don't know any of the details of the contract, because I deliberately stayed away from any information on that."

Yet, Mr. Speaker, his own Chief of Staff attended a meeting six months before the war in which secret contingency plans for the Iraqi oil industry that focused only Halliburton were discussed.

Does Vice President CHENEY want the American people to believe that his main staffer, his chief of staff, was at a meeting where contracts for Halliburton were discussed, but that he, the vice president, was never informed about them?

The primary reason Halliburton received billions in no-bid contracts from the Bush administration can be attributed clearly to the cozy relationship between CHENEY and Halliburton. And despite all the problems Halliburton has faced over the last year, the vice president continues to be an unyielding, positive spokesman for the company.

In 2002, CHENEY said, "Halliburton is a fine company and I am pleased that I was associated with the company." I wonder if Vice President CHENEY thought Halliburton was a fine company after it was forced to acknowledge knowledge that it accepted up to $6 million in kickbacks in its contract work in Iraq? Or does the vice president think that Halliburton is a fine company now, now that it is under scrutiny over allegations of overcharging the government $61 million in Iraq? Or was the vice president pleased with his old company's conduct when it received several warnings from the Pentagon that the food it was serving U.S. troops in Iraq was dirty?

Perhaps the vice president overlooks these abuses of our troops and the American taxpayers because he continues to receive money from Halliburton.

Vice President CHENEY tried to squash a story when he appeared on Meet the Press last year. The vice president stated, "And since I left Halliburton to become George Bush's vice president, I have severed all my ties with the company, gotten rid of all my financial interests. I have no financial interests in Halliburton of any kind, and haven't had now for over 3 years."

But despite the vice president's claims, the Congressional Research Service issued a report earlier this year concluding that because CHENEY receives a deferred salary and continues to hold stock interests, he still has a financial interest in Halliburton. In fact, if the company were to go under, the vice president could lose the deferred salary, a salary he is expected to continue to receive this year and next year.

While losing around $200,000 a year might not put a big dent in the vice president's wallet, he clearly still has a stake in the success of Halliburton.

And the vice president also neglects to mention that he continues to hold more than 433,000 stock options with Halliburton. The Congressional Research Service reports that these stock ties "represent a continuing financial interest in those employers which makes them potential conflicts of interest."

So the vice president misrepresented what he and his staff knew about the initial no-bid contract, as well as continued financial interests in Halliburton. And I ask again, Mr. Speaker, do we want a vice president who continues to benefit from a company that is essentially robbing the American taxpayers of millions of dollars? Is this the kind of leadership Republicans are touting when they praise CHENEY's leadership abilities?

I could go on. I would like to talk briefly, I see that my colleague from Washington is joining me tonight, I would like to talk a little bit about the link between al Qaeda and Iraq and the vice president's comments on that, because sometimes I think, Mr. Speaker, the Republicans admire Vice President CHENEY's tenacity for refusing to accept, despite all the evidence to the contrary, that there is a connection between al Qaeda and Iraq.

Last week, as we know, the Senate Intelligence Committee's report concluded that even though the CIA repeatedly told the White House it did not have any strong evidence linking Iraq to al Queda, CHENEY and the rest of the Bush administration went ahead and characterized a close, well-documented relationship in an attempt to justify to going to war with Iraq. The Senate Intelligence Committee called such linkages murky and conflicting.

Of course, the 9/11 Commission previously went further, reporting last month there did not appear to be a collaborative relationship between Iraq and al Queda. Those things are pretty obvious.

Do we have any apology from Vice President CHENEY? No, not even close. The Vice President continues to be in denial. He went so far as to justify this denial by saying that he had reports that the 9/11 Commission did not have to prove the connection between Iraq and al Queda, but earlier this month the 9/11 Commission rebutted those claims, saying they had access to all the same intelligence that CHENEY had.

Do the American people want to stick with a Vice President who cannot finally admit he is wrong and remains in denial about something as critical as connections that led us down to war in Iraq?

So on the foreign policy front, again, I think the Vice President has been a complete failure. He erroneously sold Members of Congress on a war that did not need to be waged.

But what about domestic policy? Let us just talk a little bit about that as well. I would like to talk about energy policy and the Energy Task Force which the Vice President was so much involved with. The largest piece of domestic legislation that the Vice President had his fingerprints on clearly is the energy bill and his secret Energy Task Force.

Over the past 3 years, the Bush administration and Congressional Republicans have done nothing to help consumers struggling to pay higher gas prices. When I go home, it is one of the big things my constituents talk about, the higher gas prices. I would argue that essentially the Bush administration and the Vice President, because of their background, are essentially supporting oil and gas companies. They do not have a problem with the price increases.

Vice President CHENEY and Republicans have never been interested in lowering gas prices, and the reason is because high gas prices mean high profits for big oil and gas companies that worked in secret with Vice President CHENEY in crafting the Republican energy bill.

For 3 years now, the Vice President has done everything he can to keep the records of his Energy Task Force secret. This secret task force developed President Bush's energy policy, a policy that was then made into legislation here in Congress, and that legislation passed this House, but it is now stalled in the other body. But, nevertheless, the end result was bad energy policy.

There is no doubt that the energy industry succeeded with its influence during these secret, closed-door meetings in crafting a policy that benefited them rather than benefiting Americans, and now Americans are paying the price the at the pump.

For 3 years, the Vice President has refused to let the American people know who made up in Energy Task Force. For 3 years now, the Vice President has refused to let the American people know how and why the task force came to the conclusions that it did.

What about Enron? Let me just take a few minutes to talk about that, and then I am going to yield to my colleague from Washington State.

Could it be that the Vice President wants to keep the records of his Energy Task Force secret because he wants to continue to distance himself from Enron? After all, you know, Enron has not been looking too good for the last few days, with what happened with their chairman Ken Lay in the last week.

According to a 2002 report by the Committee on Government Reform in the House, seven of the eight recommendations that then Enron chairman Ken Lay gave to Vice President CHENEY miraculously made their way into the final Energy Task Force report. So we know that Enron and Lay, they were very much involved in this report and ultimately the legislation that came out of it.

Back in January 2002, the San Francisco Chronicle released a memo given by Enron Chairman Lay to Vice President CHENEY at a meeting on April 17, 2001. Enron's memo contains recommendations in eight areas. In total, the White House energy plan adopts all or significant portions of Enron's recommendations in seven of these eight areas.

Enron representatives had six meetings with the White House Energy Task Force, including four meetings that occurred before the release of the final report. The White House has consistently refused to disclose what Enron requested during these meetings.

Despite all these meetings and the fact that Enron Chairman Ken Lay was President Bush's largest financial supporter, another reason the administration may want to keep these documents a secret is they do not want the American people to see more collaboration between the Bush administration and former Enron executives.

Now, I ask you, we talked about foreign policy, we talked about domestic policy. Does any of this seem to be a good record? Not only has his energy bill not gone anywhere, but Vice President CHENEY refuses to allow the American people and this Congress to see exactly who helped him craft this energy bill.

Again, I am not surprised, given what happened to Lay last week, that they are going to try to keep it secret. They refuse to open up in detail any of this information.

So, Mr. Speaker, CHENEY's 3 years as Vice President have been abysmal. Perhaps that is the reason some Republicans in his own party are asking him, for the sake of the Republican Party, to step down.

I thought it was very interesting, with all these attacks that were taking place last week and even on this floor against JOHN EDWARDS, talking about lack of experience and all this other nonsense, that at the same time that EDWARDS was nominated, or asked by JOHN KERRY to be his running mate, we just kept getting more and more reports about how the Republicans might be trying to get rid of DICK CHENEY. It does not seem like that is likely, but it is no surprise, given CHENEY's record on both foreign and domestic policy.

With that, I would like to yield to my colleague here, I see we are joined by a couple of my colleagues, the gentleman from Washington.

Mr. McDERMOTT. Mr. Speaker, I thank the gentleman very much. I think it is really commendable that the gentleman would get up here at this hour of the night and call this group together to talk about the President and Vice President of the United States.

You know, you think about him, and you realize this man is one heartbeat away from the Presidency. If something should happen to George Bush, he would be our President.

The legendary comedian George Carlin made famous the seven no-no words, and the Vice President has already used one in an exchange with one of his colleagues in the other body. Just picture the situation. Here are Members of the other body getting together for a group picture, kind of like college graduation or a wedding picture or whatever.

In the middle of that, there is an exchange of ideas about the fact that one Member of the other body did not think that the Vice President was being straightforward about the Halliburton issue. And the Vice President of the United States, now, this man is the man we are thinking about would be the next in line to deal with the world leaders, with the prime minister of Germany, with the prime minister of England, with all these people, and the only word that he can think of is a word that, when Bono said it on television at the Academy Awards, all the roof fell down. I mean, everybody was just outraged that this guy would be out on television using a four-letter word.

The Vice President does not even apologize. He says "I am glad I used it. I would use it again."

□ 2200

Obviously, there are different standards for people like Bono and the Vice President of the United States; he can do anything he wants, I guess. And he really has shown that characteristic through his whole behavior. It would really be good if he would come out and be honest and talk about the fact that he has been part of the deception that has gone on in this setting.

Mr. STRICKLAND. Mr. Speaker, will the gentleman yield?

Mr. PALLONE. I yield to the gentleman from Ohio.

Mr. STRICKLAND. The Vice President uttered on the floor of the United States Senate a graphic, sexual obscenity that is, I think, beneath the office. And the gentleman is right, when he was asked about it, he indicated he was not sorry he said it; in fact, he said he felt better. Now, this chamber and in fact much of the country got terribly upset a few months ago when there was an incident during the half-time at the super bowl when Janet Jackson had part of her anatomy exposed. I did not see the super bowl, I did not see the half-time show, so I did not see that incident, but it has been described.

I guess I would ask this of the Vice President or of the American people: what is more harmful in terms of setting an example for the young people of this country, the children of our country, a momentary glimpse of a part of the human anatomy during an entertainment show on TV, or the Vice President of the United States on the floor of the United States Senate using a very graphic sexual obscenity directing it toward a United States Senator? And then I would further ask this question. all of us perhaps lose our tempers sometimes and say things that we should not say and are later sorry for. I know I do. I mean I think that is part of the human condition. But what I found most objectionable about the Vice President's behavior is that hours later, when he had had time to reflect upon his behavior and its possible influence upon the country, that he was asked on Fox News, and I was watching that show; in fact, I followed him on Fox News just a few moments after he had completed his interview, he was asked if he was sorry, and he said no, he had no regrets and, in fact, he felt better.

Now, this is the Vice President of the United States, a person who talks about values, about moral values, and I just think it is quite unfortunate that this incident happened, but I can understand that it happened. As I said, we are all human. We all get angry, perhaps, at times. I confess that I have been guilty of that kind of behavior. But what I found so objectionable was the Vice President's unwillingness, even after he had time to reflect upon it, to admit the error.

Mr. PALLONE. Mr. Speaker, I yield to the gentleman from Washington.

Mr. MCDERMOTT. Mr. Speaker, my friend from Ohio is a psychologist, and I am a psychiatrist, and we know a little bit about human behavior, and it is true, we have occasionally gone beyond where we intended to be. But there is a pattern with the Vice President. He is never wrong. He is never wrong.

Now, the 9–11 Commission came out and said that there is no tie between al Qaeda and Iraq, and the Vice President said, I have information here that I never gave them. So they said, well, give us the information. And he said, no, I am right, because I know what I have in my information here. I mean there is a pattern of behavior here that says, when I say something, it is right, and nobody can change it, nobody can challenge it.

The same is true with holding the meetings in his White House office. I mean when we have all, all the leadership, including Ken Lay, I mean this is the guy that took Enron into the ground and put enormous costs on people all over the west in this country because of the manipulation of what they did; when you have those people in your office and you have a meeting to design the energy policy for the United States and then do not even think you have to tell us who was there, much less what you talked about or what was decided. And then you have the gull to go all the way up to the Supreme Court. Oh, and of course, in order not to have there be any slippage, we will go hunting with one of the members of the Supreme Court, just so that they have a chance over a bottle of beer or, excuse me, a cup of coffee, to talk about what is coming up before the court. This man is never wrong. He is never wrong.

Now, he dismisses it all as just simply people who are unpatriotic or partisan; he has a whole series of things that he brands on people who question him. He cannot be questioned. I cannot wait for the debate between the Vice President and JOHN EDWARDS, a trial attorney. I think this is going to be fun, because even members of his own party have to stand by while he distorts the truth, and I think that he is going to be called to account, to some accountability in the debate which occurs, I think in Cincinnati or Cleveland in Ohio, is that right?

Mr. STRICKLAND. Cleveland, Ohio.

Mr. MCDERMOTT. I mean, when we see what the State Department has done, and they tried, and I think Colin Powell actually made a genuine effort to tell the President what was what about Iraq. But the Vice President of the United States saw fit to go out to Langley, that is where the CIA is, out in Langley, Virginia, to go out there 5 times to tell them, look harder at that data. You are not coming up with the right answer.

Mr. STRICKLAND. Mr. Speaker, I just want to support what my friend from Washington State has said. I want to read something that the Vice President said on August 26, 2002 in a speech that he gave on that date. He said, "Simply stated, there is no doubt that Saddam Hussein has weapons of mass destruction. There is no doubt that he is amassing them to use against our friends, against our allies, and against us."

Now, the Vice President could have said, we have reason to believe, or I believe, or Saddam Hussein may have weapons of mass destruction, but the words he chose to use were the words "no doubt." There is no doubt. And as a result of that thinking, we have lost nearly 900 American lives in Iraq. Many, many thousands of our soldiers have been terribly wounded because the Vice President and others in the administration were willing to say "there is no doubt" when, in fact, there was great doubt, significant doubt. And I believe that if the American people had been told that Saddam Hussein may have weapons of mass destruction, but we do not know for sure, I believe the American people would have supported letting the inspectors have a longer period of time, time that they requested, to make sure that we knew whether or not Saddam Hussein had these weapons of mass destruction before we sent our soldiers into harm's way.

Mr. PALLONE. Mr. Speaker, if I could just say, in addition to that, I am sure it would have influenced the vote here in the House. I did not vote for the resolution in part, in large part because of what the gentleman said, which is that I thought that there needed to be more of an effort to reach out to our allies and not act unilaterally. But I distinctly remember being on the floor that day and having Members come up to me and say that they were going to vote for the resolution to go to war because of the representations that were being made by the President. They said, the President is telling us he has this information, and we believe him, and that is why I am going to vote that way.

So I will say I have no doubt that it might have gone the other way on the resolution if, as the gentleman said, it had not been represented by this administration, both the President and the Vice President, that there was more than enough evidence to prove that the weapons of mass destruction were there.

I yield to the gentleman from Washington.

Mr. McDERMOTT. Mr. Speaker, I think one of the things the gentleman is saying gets to one of the things that is really troublesome about this. The American people do not know at a given time what the facts are. They assume that the President, that is his responsibility to do it. He is gathering information, he is gathering intelligence, he is making reasonable decisions. And basically, we put our trust in him.

Now, when you put your trust in someone, and then it is shown categorically that it is not true, as by the 9-11 Commission, you have a man who cannot accept reality. I mean the members on the Commission, they were not all Democrats, it was not all Republicans, it was not people who are far to the right or far to the left or anything else; it was a mixture of very well-qualified people to sit in judgment on these issues. And when they make a judgment and the Vice President says I do not believe it, I simply do not, how could somebody like that make decisions for us?

Mr. PALLONE. Mr. Speaker, the chairman of the Commission was the governor that I served under in the State legislature in New Jersey for 6 years, a staunch Republican who has actually been out there campaigning against me on occasion. So I mean you cannot ever convince me that Governor Kean was not doing what he thought was the right thing, and is a very knowledgeable and intelligent man, even though I disagree with him on a lot of issues, so the gentleman is absolutely right.

Mr. McDERMOTT. Mr. Speaker, if the gentleman will yield, the Vice President, not only on war issues, big issues, but let us get down to little issues like millions of dollars that he gets in residual payments from Halliburton. Here is a guy who says, I have no connection to those people. Yet the newspapers report that his assistant is there when they give the contract, the no-bid contract to Halliburton. Now, the ability to look into the camera and absolutely misrepresent the truth is a real skill. This guy is very qualified at this. I mean the facts are in the newspapers.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BURNS). Members are reminded not to make improper references to the Vice President such as accusations of dishonesty. The gentleman may proceed in order.

Mr. McDERMOTT. The question of what is in the paper, I suppose, is always a question of whether that is the truth or not, but the truth sometimes categorically is in opposition to what the Vice President says.

Now, of course, the people have to make their mind up about that. They can say, well, you know, we do not think he is telling the truth, or they can say well, maybe he forgot, but I do not know how you would forget that you were getting millions of dollars in residual payments from Halliburton. I do not know how one would say they forgot that one of your aids, your number one guy is the guy who was there explaining that they got the new contract. People will see that and, I think when they think about that, and they come into this election and then they say, do I trust him to take care of us? If the Cuban missile crisis came, would you want somebody who cannot accept reality?

One of the things that John Kennedy did, one of the really important things for us to understand is, he got us into the Bay of Pigs and when they confronted him with it, he said, the buck stops here. I was wrong. When it came to the Cuban missile crisis, he said to Bobby, go out and get everybody on both sides of this issue, on all sides of this issue. I want to hear people who are telling me that I am right, people who are telling me that I am wrong; I want to hear the whole thing. Now a man who knows it himself what the answer is, has the information in his own pocket here, and does not share it with the 9-11 Commission, that does not sound like the kind of person one would want to trust with our youngsters.

I mean I had the experience during the Vietnam war of taking care of casualties, and I took care of casualties who were people who went to Vietnam believing something because they were told by their President, and they went there and found out it was not true.

□ 2215

And they came back really messed up by that experience, and you have had a report already coming out of the New England Journal of Medicine talking about the fact that 1 in 5 are going to come back from this war, because the leadership of this country would not tell them what really was happening, they are going to be messed up from this, and this President, this vice president, he just does not seem to be bothered by that. It is quite amazing when you think about it.

Mr. PALLONE. Mr. Speaker, I yield to the gentlewoman from Illinois (Ms. SCHAKOWSKY) who is joining us now.

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentleman from New Jersey for coming down to the floor this late in the evening and giving the rest of us an opportunity to talk about what is a very important issue, and that is top leadership in our country. And something that I have thought about for a long time from the moment I received this holiday card from the Cheneys, one of the things about being in the United States Congress, I do not know that we are so popular necessarily, but we are on a lot of lists, and we get holiday cards from dignitaries, some from all over the world and am honored to get holiday cards from the top leadership in our country. And it is a lovely card. It shows the interior of the residence of the vice president and has a pleasant greeting that you might expect, "Our best wishes to you and your family in this holiday season and throughout the year ahead, Lynne Cheney and DICK CHENEY," and I thought that was really nice and getting ready to hang it up along with my others, and then I looked at the quote that is here.

And generally when there is a quote, it is something inspiring like "peace on earth, good will toward mankind," et cetera. And I read this quote, and it says, "And if a sparrow cannot fall to the ground without his notice," meaning God's notice, "is it probable that an empire can rise without his aid," speaking about God's aid.

I looked at that again, because I got a kind of shudder when I read it. "And if a sparrow cannot fall to the ground without his notice, is it probable that an empire can rise without his aid?"

And what I read in this, and I do not know if I read it wrong, is that this notion of an empire rising with the assistance of God. And I was really upset by this, that this was not exactly this notion of peace on earth; but, rather, this depicted this kind of view of building an empire and doing it with God on our side. And quite frankly, I found this troubling.

The vice president subsequently was questioned about it, and he just sort of offhandedly said that Lynne had picked out the quote and he had not really paid much attention to it, but I found it particularly, at the time that it was received while we were and have been engaged in this war in Iraq that many do feel is part of a vision of building an empire, to be a very, very chilling notion.

I wanted to also talk a little bit about the Halliburton connection, and of course all of us do that at some risk, because if we run into the vice president, we may be subject to some unpleasant language, as Senator LEAHY found on the floor of the Senate. But things that are undisputable that the vice president has said about Halliburton and his connection with Halliburton, "gets unfairly maligned simply because of their past association with me."

And then he said in January 22, 2004, "I would not know how to manipulate the government contract process if I wanted to."

And then also that same day, January 22, 2004, "I severed my ties with Halliburton when I became a candidate for vice president in August of 2000." In fact, however, the vice president received $178,436 in deferred payment last year from Halliburton, and so that was not entirely accurate.

But perhaps more troubling are some of the issues that have been raised that really do question whether or not there was any connection between the vice president's office and the contracts with Halliburton, which it seems that U.S. officials have estimated that the Texas company's Iraq deals, Halliburton, from everything from oil repairs to meals for the troop would eventually total something like $18 billion.

Now, $18 billion, when I was in the State Legislature in Springfield, that was getting a little bit close to the budget for the State of Illinois, and I am sure that it is an amount of money that does exceed the budget of many States and certainly of many countries around the world. $18 billion is a lot of money.

But what was found was that in fact in the fall of 2002, preparing for war, and this is the fall of 2002, we had not voted yet, or at least a decision had not been made yet to go to war, the President and the vice president at the time were still saying that this was not a done deal that we were going to war; but in making preparations, the Pentagon sought and received the assent of senior Bush administration officials, including the vice president's chief of staff, before hiring the Halliburton company to develop secret plans, secret plans, for restoring Iraq's oil facilities. That is what Pentagon officials told Congressional investigators.

So secret plans were being developed, and at that time Halliburton, after connecting with the vice president's office, the vice president's chief of staff, gets this relatively small contract. I think it was about a billion 4. That is all, just a billion 4 contract, kind of walking-around money.

These are, after all, the statements about the lack of connection with the vice president. It says on March 5, 2003, a Pentagon e-mail sent by a U.S. Army Corps of Engineer official said, the e-mail said, "Douglas Feith, who reports to Deputy Defense Secretary Paul Wolfowitz, approved arrangements for the contract to rebuild Iraq's oil industry, contingent on informing White House tomorrow that we anticipate no issues since action has been coordinated with the W.H. VP." That was an e-mail.

Now, we know that to be true. That is not a speculation. This is an e-mail. This is a document that we have that is suggesting people who have no reason to malign the vice president, that that kind of connection was made that suggests very strongly, to say the least, that the vice president of the United States, who was the former CEO of Halliburton, that before major multi-billion dollar contracts were awarded, that there was a checkoff.

Now, the vice president says they still stand by their statements that there is no connection.

Mr. McDERMOTT. Mr. Speaker, will the gentleman yield?

Mr. PALLONE. I yield to the gentleman from Washington (Mr. McDERMOTT).

Mr. McDERMOTT. We have read those stories. Can we think of any explanation for why the vice president would say that he has no contact with this in the face of that e-mail?

Mr. PALLONE. Mr. Speaker, I yield to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. The only thing one could think of is that for some reason, that the vice president's chief of staff did not tell him or something like that, but it seems to me if anyone feels the necessity to check with the vice president's office, whether or not he was involved directly in conversation, then I think the American people need to question that connection. Why would anybody need to do that or feel the need to do that? This is very important.

Let me just say this. We talk a lot about separation of church and State, but in some ways this lack of separation between corporations that are looking to make profits and the public interest, and what our mandate and the mandate of all elected officials is to protect the public interest. This blurring of those divisions is very, very troubling. Are the interests of private corporations going right up to the vice president's office? That is a worthwhile thing for Americans to know about.

Mr. PALLONE. Mr. Speaker, I yield to the gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. Just recently, the Columbus Dispatch, the major newspaper in Ohio's capital city, had an editorial, and they pointed out that former Halliburton employees have made accusations that Halliburton housed some of their employees in hotel rooms that cost $10,000 per night. $10,000 per night, paid for, obviously, through these contracts, which ultimately are financed by the American taxpayer.

Mr. PALLONE. Mr. Speaker, reclaiming my time, could I ask what hotel charges $10,000 a night?

Mr. STRICKLAND. I was amazed, but as I checked into it, it was not a misprint, $10,000 per night. Apparently there are hotels that have those kinds of prices.

There were also accusations made that Halliburton was paying $100 for one bag of laundry, and then there were further reports that when a contract with Halliburton to provide food to our troops was cancelled, that the cost of feeding our troops declined by 40 percent.

Now, this was information contained in an editorial in the Columbus Dispatch, and it was based upon information that was coming from a former Halliburton employee. And in that editorial there was a call for Halliburton and Vice President CHENEY to be forthcoming in explaining whatever relationship may have been involved in Halliburton's achieving this kind of contract. And the emphasis was made that when you have a contract that is a cost-plus contract, there is really no incentive to hold down the costs.

And so while we are struggling here in this country to meet the basic necessities of our citizens, we have senior citizens without adequate access to prescription drugs, we have children that are not being adequately educated, we have an infrastructure in our communities that is crumbling and falling apart while we cannot get a transportation bill passed, because the President is unwilling to spend money on the infrastructure needs in this country, while we are pouring money into Iraq, we have these outrageous contracts, which are enriching Halliburton and draining resources from our country. It is quite disturbing, and I do think the vice president, the administration owes the American people an explanation.

Mr. PALLONE. Mr. Speaker, I yield to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. I want to correct something. First of all, in that first small contract, and I was making a joke about $1.4 billion, and I was wrong about that, it was only a $1.4 million contract; but according to the General Accounting Office, the Pentagon acted improperly in tapping Halliburton company to plan the post-war repair of Iraq oil fields, a small-scale task order that opened the door to a much wider role for the company in Iraq, the General Accounting Office said in a report released Monday. That was the middle of June of this year.

The contingency planning task was valued at only $1.4 million but was significant, because it enabled the U.S. Army Corps of Engineers to award a no-bid contract to Halliburton to fulfill a larger mission of actually restoring Iraq's oil industry to pre-war capacity.

□ 2230

I think the fact that a number of these contracts too were no bid contracts, that some of which ended up with Halliburton actually paying fines of engaging as they did in the oil that they were importing and overcharging and overcharging for employees, that ultimately had to be either ended or fines were paid. But, nonetheless, the bottom line is that this is a company that it appears is making about $18 billion overall in contracts in Iraq. And if this is in part at least the consequence of some kind of or benefited by a special relationship, then I think that the American people are entitled to know the full facts about that.

Mr. PALLONE. I appreciate the gentlewoman's information because I think that we have to deal with the facts and the gentlewoman is giving us some real factual information there about Halliburton, and how they benefited and the vice president's connection to it.

Mr. McDERMOTT. May I take a minute to make a recommendation to my colleagues and anybody watching, there is a book called "The Imperial Hubris." It is written by anonymous. That means this is somebody who worked for CIA for a number of years and they are not allowed to put their name on here, but the subtitle is "Why the West is Losing the War on Terror."

What we are talking about tonight is the character of the leadership of Mr. CHENEY is clearly related to why we are having so much difficulty in Iraq. They will not listen to people. They give private contracts to the private industries and say, you guys do all of this stuff, and their friends are making money hand over fist, and yet our kids are dying over there.

Mr. PALLONE. And also they continue to deny the reality. I mean, after the CIA report came out, it was either today or yesterday, that the President, President Bush was out there saying that the war has resulted in the U.S. being in less danger of attack and terrorism is down, the whole thing. And the Democratic candidate, Senator KERRY dispute that and said, Where are the facts to back this up?

In the last few years we know that North Korea has more nuclear weapons than it had before, 3 or 4 times as many. There is no question that Iran is developing nuclear capability, I mean, the list goes on. Afghanistan, I think KERRY said, has basically been made into a sideshow. We do not even hear about what is going on there.

Ms. SCHAKOWSKY. I thought the suggestion that really takes the cake, that even surprised me was that while we are being told that the world is safer than it was before, we are being told that plans are being considered to postpone the November elections. I never heard such a thing like that, that we should be so filled with fear that maybe even the November elections would have to be moved. I think all Americans ought to be up in arms about that.

Mr. PALLONE. Our colleague from Washington addressed that issue the other night in a special order, and he pointed out very effectively I thought, number one, that during the War of 1812 he was talking about President Madison, the Capitol was literally burning and the White House too I guess, and we have still had elections. And then he mentioned the Civil War, the Capitol was under siege, literally being bombarded and we had elections. What could be more threatening from a terrorist point of view than actually being under siege and yet we had elections.

Mr. STRICKLAND. I think you can go downstairs here in this Capitol building and look in the stairwell and actually see pock marks where bullets were fired during that period of time right here in this building, the Capitol building. And Abraham Lincoln in 1864 was really in danger of losing his presidency because the war was not going well. There had been some recent losses and there was wide spread criticism of President Lincoln as the President and some of his advisors were advising him to postpone the election. And this is what President Lincoln said on November 10, 1864, "We cannot have free government without elections and if the rebellion could force us to forego or postpone a national election, it might already fairly claim to have concurred or ruined us."

We are strong people. We can take a lot. The American people have backbone. They have got courage. There is nothing that terrorists can do that ought to have the power to interfere with our ability to have a national election on November 2 as planned, absolutely nothing. And I think to imply that those who wish us harm would have that kind of power to influence our national purpose and our national behavior in that way is giving greater credibility to the terrorists than they deserve.

We are going to have that election on November 2, I believe, but it does bother me, it truly bothers me that this would be something that would even be considered by this government. It really bothers me. If we did not cancel or postpone elections during the Civil War, if we did not cancel or postpone elections during World War II, why would we even contemplate the possibility of postponing this upcoming presidential election.

One more thing, if I can say this before I yield back, we all want to trust each other, but what kind of motivation may such a provision inspire? What if it was 3 days before the election and the poll was taken and showed perhaps the party in power was not going to do very well, would there be incentive to perhaps indicate to the American people that there was a justification for postponing the election? I would hope not.

But even to have this as a consideration I find alarming, appalling, and as I said earlier tonight, I would just hope the President and every Member of this chamber, Republican and Democrat alike, would reaffirm to the American people that we intend to have our election on November 2 as planned, and that there is nothing that terrorists can do to interfere with that Democratic process.

Mr. PALLONE. I yield to the gentlewoman.

Ms. SCHAKOWSKY. Just on that point of the November 2 election, the gentleman was discussing what possible motivation, the last thing that we want to do is to create in people's minds a fear about voting on November 2. What our democracy is based on is the fullest possible participation and Americans have nothing to fear but fear itself. And what I worry about is that there is a fire being instilled that somehow that people, that something could happen and it would not be safe to vote. Quite the contrary.

This is the land of the free and the home of the brave. And the most important unit of our democracy is our vote. And to even imply that we would at a time when we want to declare and spread democracy around the world, even consider the postponement of an election is completely unacceptable.

I think that all of us have to, as leaders in this country, make sure that that notion is stomped out immediately, that no matter what happens that we will go forward with an election on November 2. And if there is some kind of a threat about that, if there is some specific threat, after all, we did not raise the color from yellow to orange, if there is some specific threat that is known, then share that with the American people. Let us know what people need to defend themselves against and protect themselves.

The spreading of a generalized fear and then connecting that to the election is as specious I think as connecting Saddam Hussein with al Qaeda over and over and over again, which now the 9/11 Commission and the Senate Intelligénce Committee has said there is no connection. There is no connection. Everybody ought to plan to vote confidently on November 2.

Mr. PALLONE. I appreciate the gentlewoman's comments and I agree. If we do not enshrine democracy and say that is the main thing we are about, then we might as well forget it. I think that was my colleague from Ohio's point as well.

I think we have maybe a few minutes left. I want to say I started out tonight talking about elections in a sense because I became very upset last night when I saw my Republican colleagues get up and basically malign Senator EDWARDS, the Democratic choice for Vice President, and the attack dogs were out in full force. And basically they kept saying that EDWARDS did not have the experience to be Vice President, and how he only represents the interests of the trial lawyers.

After I listened to everything that we collectively said this evening in our hour or so, it made me realize that Vice President CHENEY's life story and life experience certainly did not compare in any way to Senator EDWARDS.

I wanted to ask the question because I asked a few questions when I started, would you rather have a Vice President whose experience outside of Washington comes from running a corporate giant that was, during the time he was running it, doing business with the nations that engage in terrorist activities or all the other things that we have talked about here tonight, or would you rather have a Vice President like EDWARDS who worked to defend the little guy against the corporate giant?

Every time they bring up lack of experience or the trial lawyer experience of JOHN EDWARDS, all I keep thinking is that he spent his time as a trial lawyer looking to defend the little guys against the very corporate giants that the Bush and CHENEY administration essentially come from. And unlike CHENEY, EDWARDS spent decades fighting for families and children hurt by the indifference and negligence in many case of these large corporations. And he was standing up against the powerful insurance industry and their lawyers in a sense. And he was always helping families to overcome the challenges.

I could give you some examples but I am not going to do that tonight. But I just, it just really riles me when I hear the Republicans stand up for these guys for this team, the Bush-Cheney team, who obviously come from the oil industry, always out there with the corporate interests, certainly based on what we said tonight in CHENEY's case continues to march to the tune, if you will, of these corporate interests including the company that he was in charge of for so many years.

Then we have got Senator EDWARDS who on the other hand was always out there fighting for the little guy. Needless to say, I think it is time for a change and if you are ever going to put the experience of these two candidates for Vice President against each other, there is no way that you are going to do anything but vote for Senator EDWARDS.

With that I wanted to thank my colleagues again. I thought they were really great tonight, and I appreciate the comments that they made, particularly those concluding comments about our democracy being at stake which is the thing that we cherish the most.

THE STATE OF AMERICA

The SPEAKER pro tempore (Mr. BURNS). Under the Speaker's announced policy of January 7, 2003, the gentleman from Michigan (Mr. SMITH) is recognized for 60 minutes.

Mr. SMITH of Michigan. Mr. Speaker, after listening to the previous speakers, Mr. Speaker, I think of Ronald Reagan's words, There you go again.

Every 4 years we sort of experience the spinning and the demagoguery that takes place in this chamber using these podiums and C–SPAN to criticize the sitting President. Of course, Republicans did it 4 years ago and 8 years ago.

When I first came into office and was elected in 1992, the Democrats in this Chamber were using this forum to criticize the first President Bush, all the things that went wrong. But I think of what the criticisms were of President Reagan when he came into office. When President Reagan came to office America was demoralized. President Carter had spoken about our malaise in Watergate, and our defeat in Vietnam had all shaken our self-confidence.

□ 2245

We had given up the Panama canal. The Shah of Iran and supporters of the Ayatollah Khomeini held 52 of our Americans hostage for more than a year at our embassy in Tehran. The military rescue mission, of course, failed in the desert, and we lost eight of our servicemen in that venture.

Communism was on the march, and after South Vietnam fell, Cambodia followed. The Sandinistas took control of Nicaragua and Communist insurgencies were underway in Ethiopia, Angola, and certainly the Soviets invaded Afghanistan in 1979 and were suppressing the solidarity movement in Poland.

Our economic situation was very dire in 1980, and President Reagan came in and actually renewed our faith. America, in most American's minds, no longer seemed to be special, and we needed that kind of determined leadership.

The point I want to make, in reacting to some of the Democrats' criticism of this administration, was the criticism that President Reagan received when he believed we should stand up to the Soviet Union and we ended up doing that.

It was President Reagan's resolve that repulsed communism in the Caribbean and Central America and repulsed it also in Afghanistan. It was Reagan's resolve that nurtured solidarity in Poland and gave heart to the dissidents of the Soviet bloc, and it was Reagan's faith in American ideals that toppled the Berlin Wall. All of this time he was being criticized as being a trigger happy President that might push the red button for a World War III with the Soviet Union.

When he went to Berlin, and he was writing a speech for Berlin, he started out writing in that he wanted to include "Mr. Gorbachev, tear down this wall," and all of his advisers and his speech writers said, no, do not do that; it will anger the American people and the world. They will think you are too bold; they will think you are too challenging. That might end up in war. You should just try to get along and make peace. But he insisted it go in despite that criticism, and that leads me to what historians are going to say 30 years from now in analyzing the decision and the determination of this President to go into Iraq.

Most everybody in this chamber and the Senate had the same kind of intelligence information that the President and the administration had. Some of that intelligence information, we have now discovered, was very inaccurate in some regards.

IRAN

Mr. SMITH of Michigan. Mr. Speaker, I want to tell my colleagues and the audience, Mr. Speaker, about the new threat and the fact that some Democrats are saying, look, you have got to do something about Iran. Iran was one of the several countries after 9/11 that we knew were developing weaponry, that we knew that was a country being led by a tyrant dictator that was not trustworthy in terms of the threats and the blackmail. Iran today is becoming increasingly active in its drive not only to derail Iraq democracy but to lead the Islamic radical movement into the future.

In recent months, we have seen a series of provocations in Iraq that could be considered acts of war, that may make a coalition response necessary.

Iran appears to have financed and encouraged the Shiite cleric Muqtada al Sadr's Mehdi Army in their resistance and which was behind the April uprising in Sadr City and Najaf. Al Sadr continues to denounce the new Iraqi government. How much of this is coming from Iran? We now know that some is.

We held a recent hearing in our Committee on International Relations, and we found out that border patrols have captured at least 83 Iranians trying to cross illegally into Iraq, and there are several reports of brief incursions of the Iranian troops into Iraq along the borders.

Also in June, Iranian military forces hijacked a small British navy vessel in the Shatt al-Arab waterway with eight crew members aboard. The relief crew members say they were hijacked in Iraqi territorial waters before being escorted into Iran.

On July 5 American-Iraqi joint patrols, along with U.S. special operations teams, captured two men with explosives in Baghdad who identified them as Iranian intelligence officers, and I am relating now to the problems in Iran because it was one of several countries that intelligence says was developing mass weaponry and that was using that weaponry to blackmail its neighbors and threaten the world.

In addition, Iran has been working actively to produce chemical, biological and nuclear weapons, along with ballistic missiles for delivery. The Under Secretary of State John Bolton testified before our Committee on International Relations: The recently apprehended Pakistani proliferator Dr. A.Q. Khan has confessed to having shared nuclear technology with Iran. North Korea has provided missile technology, including the SCUD B, the 300 kilometer range missiles; and the SCUD C, the 500 kilometer range missiles. Iran's Shahab-3 missile is thought to be based on North Korea's so-called No Dong missile design.

The International Atomic Energy Agency inspectors say that Iran is in violation of its commitments as a signatory of the non-proliferation treaty. Iran is engaged in prohibited uranium enrichment activities, is in the process of constructing a heavy water reactor designed specifically to produce large quantities of plutonium usable for weapons and is seeking to produce polonium-210 which is used as a weapon initiator.

Iran failed to announce any of these activities as required by the non-proliferation treaty, and they go well beyond any conceivable, peaceful nuclear program. Iran has responded to these charges by threatening to end inspections and withdraw from the non-proliferation treaty.

My point is, Mr. Speaker, that we are facing a new challenge, somewhat unlike the challenge of the Cold War with the Soviet bloc, but every bit as challenging, every bit as dangerous.

The State Department continues to recognize Iran as the world's foremost State sponsor of terrorism. Iran's links to Hezbollah, Hamas, Palestinian Islamic Jihad, the Popular Front For the Liberation of Palestine, the al Aqsa Martyr's Brigade and the al Qaeda, has been directly implicated in the 1983 bombing of the U.S. marine barracks in Beirut, a series of bombings in 1986 in Paris, the 1992 bombing of the Israeli embassy in Buenos Aires and the 1996 Khobar Towers in Saudi Arabia.

In recent weeks, two Iranian diplomats assigned to the U.N. in New York were ejected for spying. The diplomats were said to be photographing sensitive sites.

Iran is clearly one of the most dangerous countries in the world and appears to be stepping up its efforts against a free Iraq. The West and the United States, we are working with allies to try to contain these threats. It cannot be just the United States.

IRAQ

Mr. Speaker, again realize that the U.N. is made up of some of these tyrant dictators. The U.N. is made up of individuals representing some of these countries with very selfish motivations.

When we look at the 13th and 14th resolution of trying to convince other nations to join with us in countering what was happening in Iraq with their total disregard for the 13 resolutions, saying that there has to be inspectors, with Iraq kicking these inspectors out, it was countries like France and Germany and Russia that had deals with Saddam that were going to lose money if there was an invasion of Iraq. They were trying to actually lift the embargo on Iraq at that time because they could profit by it.

The chairman of sort of the counterpart for the Committee on International Relations from the Duma, the Soviet Union in Moscow, came before our Committee on International Relations, and he was talking about and mentioned that Iraq and Saddam Hussein owed Russia between $9 and $12 billion. One of us said, well, if the United States guaranteed that you would get that paid back, would that make a difference in how you would vote in the United Nations on the Iraq resolutions? He said, well, of course.

Here again, my point is that these countries are looking out for their self-interests, and if the United States is willing to spend its money, it is easy for some of these countries to stand back that might lose by going into Iraq, other countries that might lose by having to contribute finances at a time when their budgets are under the same kind of pressures ours are, and so I come back to how historians will look on our action after 9/11, going into Afghanistan and going into Iraq to try to counter the terrorist threat that is now facing the new free world.

I cannot help but criticize those individuals that try to play partisan politics to the extent of showing their exuberance in criticizing this administration for actions that most of that side of the aisle, certainly most of this side of the aisle, voted on when we voted to give the President the authority to militarily go into Iraq.

DELAYING NOVEMBER ELECTION

Mr. Speaker, there has been discussion, that I just want to comment on, about criticizing this administration for suggesting that we might delay the election. Every Republican I know in this Chamber and in the Senate have said no way are we going to postpone the election.

If there is any agreement that needs to be made in terms of potential terrorist disruption of the election, it is an agreement by the Republicans and the Democrats that we are going to have the election; that we are going to count the votes; and whatever the votes are is going to determine who is going to be the next President of the United States.

SOCIAL SECURITY

Mr. Speaker, I am going talk a little bit about Social Security this evening, but also it is partisan politics and demagoguery that I would suggest has been the reason why we have not proceeded with a solution on Social Security. We have known Social Security is going bankrupt, and we have known that for the last 14 years.

In fact, I wrote my first Social Security bill when I was chairman of the senate finance committee in the State of Michigan, and I brought it to Congress and I introduced it. I have introduced five Social Security bills, all of which have been scored by the Social Security Administration to keep Social Security solvent, and I have considered this one of my priorities in Congress because not solving this problem of keeping Social Security solvent and putting it off means that there is going to be much more drastic solutions that will have to be made in the future to keep Social Security solvent.

In terms of the demagoguery, it is easy to criticize anybody's suggestion on solving Social Security or Medicare or Medicaid, some of the overpromising we have done in those areas, because, for example, in Social Security, we have 80 percent of all of the retirees that are very heavily dependent on Social Security for their retirement income. So you can understand that it is very easy to frighten these people by saying, well, look, that Republican or this Republican wants to jeopardize your Social Security benefits.

☐ 2300

And, boy, they want to privatize it; and the snake oil salesmen are going to lose it; and you will end up not having Social Security. Of course, I am paraphrasing, but you can understand that it is easy to scare seniors rather than coming together. And it has to be a coming together, Republicans and Democrats, to solve Social Security.

On this chart, Mr. Speaker, it is a pie chart of how we are spending money this year. As you see, the biggest piece of pie, the biggest, largest expenditure of the Federal Government, is Social Security, at 21 percent. The domestic discretionary programs represent 16 percent. We spend most of the year in our 12 appropriation bills, outside of defense, arguing about how we are going to spend that 16 percent of the total Federal spending.

Most of it is entitlement programs on automatic pilot. Even interest over here is essentially on automatic pilot. But I think it is important also to mention the dangers that are facing our kids and our grandkids in terms of increasing the debt of this country. Fourteen percent of the total Federal budget is used servicing the debt, or paying interest on the debt that we owe. That represents over $300 billion a year, and this is at a time when interest rates are relatively low.

We saw Greenspan and the Fed raised interest rates a little bit a few weeks ago. Probably another two times, maybe three times the rest of this year there might be another quarter. Maybe one of these times, depending on inflation, they might go up as much as a half. But the fact is, interest rates are going up. That means this piece of the pie is going up simply to pay interest on the outstanding debt, which is now $7 trillion.

And we are adding to that debt by our annual deficit spending. Now, deficits mean how much we overspend in 1 year. Debt is the adding up or the sum of all those annual overspendings. And as I mention, that is now $7 trillion. But we are increasing the debt by over $500 billion a year.

How do you put that in perspective? I think about the fact that we are a 228-year-old country, and it took the first 200 years of this country to get up to the first $500 billion of debt. Now we are going deeper into debt $500 billion a year. For lack of a better word, it is unconscionable for Washington to be so egotistical that they think our problems today justify taking the money from our kids and our grandkids that they have not even earned yet. What I am saying is this huge burden of the debt is going to be placed on future generations.

And the debt is only part of it. Overpromising. There is no question a politician that goes home and promises new services, new benefits coming from government probably gets on television or on the front page of the paper. And politicians that take home the pork barrel projects, that are seen cutting the ribbon probably are more likely to get elected. So we have been overspending and overpromising.

The green eyeshade people, our economists, call the overpromising unfunded liabilities. Unfunded liabilities mean that we do not have enough money coming in to accommodate those promises. This chart shows how much we are going to have to take out of the general fund to accommodate Social Security and Medicare and Medicaid. And by 2020, it is going to take 28 percent of the general fund budget, added to our payroll tax, our 15.2 percent payroll tax, to accommodate the shortfall, or the shortage between what we have promised in these programs and the extra money needed to keep those promises. If you go up to 2030, it is going to take over 50 percent of the general fund budget.

Are we going to take 50 percent of the general fund budget? No. That means tax increases. Or, if we do not have the guts, if we do not have the intestinal fortitude in Congress and in the White House, it means maybe adding to borrowing, which is going to add to the burden of interest.

After I voted against the prescription drug bill, Tom Savings, one of the actuaries, came to my office and said, these are my calculations of the unfunded liability, of what it is going to take in these programs over and above the money coming in from the payroll tax. Medicare part A, which is mostly hospitals, is going to be almost $22 trillion unfunded. Medicare Part B is going to be $23 trillion unfunded. Medicare part D, the new drug program, adds $16.6 trillion of unfunded liability. Social Security is $12 trillion unfunded liability.

Again, that means that that $73.5 trillion would have to be put into some kind of a savings account or investment account that is going to have a return of at least inflation to accommodate the money that is needed over the next 75 years to pay for the benefits that have now been promised in those programs. I mean huge amounts of money, an almost inconceivable $73.5 trillion, that we would have to come up with today. But our total Federal budget, back to that pie chart, our total Federal spending only comes to approximately $2.4 trillion in 1 year. So total Federal spending is $2.4 trillion in 1 year.

This is a quick snapshot of the problems with Social Security. A very short-term surplus. What happened with the Greenspan Commission in 1983, they reduced benefits and increased taxes. A huge jump in taxes. So the huge jump in taxes, they figured if that was invested in a proper way, it could accommodate a longer-term solvency. But their expectations did not culminate the way they thought it would. And the fact is that starting in 2017, we simply go into the red from there on out, and that is sort of representing the unfunded liability in that program.

I think it is important to briefly describe how Social Security works. Benefits are highly progressive based on earnings. That means that if you are a lower income, you get 90 percent back. Ninety percent of what your wages were you will get back in Social Security benefits for that every month. So if you had $1,000 coming in for Social Security over a month's period, you would get $900 back in Social Security benefits for that month.

At retirement, all of a worker's wages up to the tax ceiling are indexed to present value using wage inflation. Indexed to present value means that if a job as a farmer, a boot maker, or anything else paid X amount 20 years ago, then that is going to be what you would pay that profession now. As far as wage inflation, that would be what you are given and assumed. So that just because you worked for a low wage 20 years ago, it would be put on the books and added up and calculated to determine benefits based on what that job would be paying today.

□ 2310

The best 35 years of earnings are averaged. The annual benefit of those retiring in 2004 equals 90 percent of the earnings up to $7,344, thirty-two percent of the earnings between the $7,344 and the $44,000 and then 15 percent of the earnings above $44,000.

What I do in my Social Security bill, I add another so-called bend point of 5 percent which has the effect of saving money by reducing the increase in benefits for high-income retirees. And then early retirees receive an adjusted benefit so if you decide to retire at 62 or 63, it is going to be less than if you decide to retire at 65 or 66 or 67.

I put this on because so many people in the maybe 250 speeches I have given on Social Security complain about somebody abusing Social Security with supplemental security income. And so I wanted to put this on my chart that SSI does not come out of the Social Security, it comes out of the general fund even though it is administered by the Social Security Administration.

We do a lot of talk about this word privatizing. Privatizing is a negative word. I, nor any other Member of this body or the Senate, has done anything except have a percentage of your wages go into a fund that is dedicated to your name. So government still controls it. What you invest in is limited to safe funds, so you do not have the option of saying, well, gee, this sounds like a really good deal so I'm going to invest in this new energy substitute. In my legislation, we limit investments to index bonds, index stocks, index cap funds.

It is interesting that when Franklin Roosevelt created the Social Security program over six decades ago, he wanted it to feature a private sector component to build retirement income. Actually when the Senate passed their Social Security bill in 1933, the Senate said these savings accounts are actually going to be owned by the worker but they can't take any money out till they retire. The House, and again this was after the Great Depression, said, well, we better have government handle all of these Social Security funds coming in and not really have any of the Social Security benefits in an individual's name. When they went to conference, the House won out and we have the program that we have today with the government taking all the money and if there is any surplus coming in from the FICA tax, from the payroll tax, then what Congress and the White House does is spend that surplus on other government programs. So for a start, let us get some real return on that extra investment from the surpluses coming in and let us not simply use it up by spending it on other programs. That is part, I think, of every bill that I have seen introduced.

The system is stretched to its limits. Seventy-eight million baby boomers begin retiring in 2008. Social Security spending exceeds tax revenues in 2017. Social Security trust funds go broke in 2037. But it is worse than that, because all the money is spent and there is only IOUs, that government owes this money back. If government follows the pattern that has been traditional for the last 50 years, then every time they have come short of money, they do a combination of reducing benefits and increasing taxes. When you consider that about 78 percent of American workers today pay more in the payroll tax than they do the income tax, I think it should be out of the question because it is significantly reducing the chances that workers can become wealthy if we continue to increase the tax on them like that.

Insolvency is certain. We know how many people there are and when they will retire. We know that people will live longer in retirement. I chaired the Social Security bipartisan task force. The medical futurists came in and predicted that within 25 years, anybody that wanted to live to be 100 years old would have that option and within 30 years with our new medical technology, with nanotechnology and what is happening in our research, anybody that had the money and wanted to live to be 120 years old would have that option. Already companies are coming in and saying we are paying retirees now, we are paying retirement benefits longer than they actually worked for us. You can see the predicament of the life span. That is the demography of the situation that now faces us in a sort of pay-as-you-go program where we depend on existing workers to pay their taxes in that immediately goes out to pay the benefits of existing retirees. As the birthrate goes down and as our medical technology allows people to live longer, it makes that kind of pay-as-you-go program unworkable. And so some changes have to be made. Almost every State now has made a transition from a fixed benefit to a fixed contribution type program. For the long run, we have got to move in that direction. Part of that movement is getting a real return on some of this money that American workers are sending in so that it can be their own individual account. A good persuasion is the fact that the Supreme Court now on two decisions has said that there is no connection between the taxes you pay in for Social Security and your entitlement to benefits. Taxes are just another tax bill, a tax on your payroll, and benefits are simply another benefit program and they are separate and there is no entitlement simply because you pay into Social Security all your life. It seems like that is a good argument, Madam Speaker, that says, look, let's have some of this in our open accounts so that if we die before we are eligible for Social Security it goes into our estate and it passes on to our heirs.

Here is sort of the picture of the demographic problem. In 1940, there were 28 workers paying in their Social Security taxes to accommodate every one retiree. By the year 2000, with people living longer and the birthrate going down, it got down to three people having to pay increased taxes when it is just the three people paying in to accommodate every retiree. Of course, all this time we are increasing our benefits for retirees. By 2025, the estimate is that there is only going to be two people working for every one retiree. Talking to the National Association of Manufacturers and some of the business groups, I have suggested that if they do not help in explaining the problems of Social Security, then we could be facing the kind of situation of being forced to pay higher and higher payroll taxes that would put our businesses at a competitive disadvantage.

Take a guess what the payroll tax equivalent is in France. It is over 50 percent. Over 50 percent of their payroll in France goes to accommodate their senior programs. Germany just went over 40 percent. No wonder that they are complaining about their competitive disadvantage in terms of trying to compete with the rest of the world. It is so important that we move ahead trying to solve this problem now of insolvency rather than just simply looking the other way and putting it off because it does two things. It puts an extra burden on our kids and our grandkids and future generations. Secondly, it is going to be much more difficult to solve the longer we put off the solution. That is because of the little blip where we have surpluses coming in now and pretty soon we are going to have to reach into other funds to accommodate our promises on benefits.

Economic growth will not fix Social Security. I have heard some people say, actually from the other side of the aisle, look, if we can get a President that creates a strong economy. First of all, a President or this Congress does not create a strong economy. It is our system that we have in this country. It is a wonderful system that we devised back in our Constitution when we structured it so as to encourage hard work and effort.

□ 2320

So we have a Constitution and system in America that those that work hard, that save, that try and invest, that go to school and use that education, end up better off than those that do not.

Now we are sort of floundering a little bit in an ambition of some to divide the wealth, taking from the people that have made it and giving to the people that have not made it. So if a young couple decides, look, we are going to work double shifts so I can have more money and do better for my family, we not only tax them more, but we tax them at a higher rate.

So we have got to be very careful that we do not discourage the kind of policies that have made this country grow better and faster and stronger with a higher standard of living than any other country in the world by continuing to say if you are successful, we are just going to really hit you with larger taxes.

When the economy grows, workers pay more in taxes, but also will earn more in benefits when they retire. Growth makes the numbers look better now, but leaves a larger hole to fill later.

The administration uses some of these figures, and I have met with both President Clinton, who tried to move ahead with Social Security reform, and President Bush, who has tried to move ahead with Social Security reform.

But here is my guess: Whether it is Mr. KERRY or Mr. Bush, I think that it is very important that we move ahead with Social Security reform next year. The first year in a 4-year cycle for the President is the only real opportunity for a President to push for the kind of agreement between Democrats and Republicans that is going to be able to solve the Social Security problem. If there is not bipartisan support for some way to solve the problem, then we are going to be faced with a future of reducing benefits.

Some people have suggested if government would keep their hands off the surplus and not spend it for other government programs, keep their hands off the money in the trust fund, that Social Security would be okay. I have this bar chart to show you the difference between what is needed and how much is in the trust fund.

The trust fund, or the IOUs, where there is no money there, is $1.4 trillion. The unfunded liability, in other words, what is needed to go into a savings account that will earn interest at the rate of inflation, is $12 trillion. So what is in the trust fund is not nearly enough to accommodate a solution for the problem. We have got to pay it back, and we will; but will we borrow money, or increase taxes to come up with that $1.4 trillion to pay back?

The biggest risk is doing nothing at all. Social Security has a total unfunded liability of over $12 trillion. The Social Security trust fund contains nothing but IOUs, and to keep paying promised Social Security benefits, the payroll tax will have to be increased by nearly 50 percent or benefits will have to be cut by 30 percent. A dire prediction, a real problem for seniors 20 years from now and for our kids and our grandkids that are going to have to put up with our overspending and our overpromising.

The real return to Social Security, this chart is supposed to show that Social Security is not a good investment. The real return on Social Security is less than 2 percent for most workers, and shows a negative return for some, compared to the 7 percent that the market has shown us over the last 100 years.

The first chart is minorities. If you are a black male, your average age of death is 62 and you end up with negative return on the money that goes into Social Security. It is interesting that back in 1934, in fact from 1934 up until the start of World War II, the average age of death in America was 62 years old. But benefits, even when we started, you could not draw Social Security benefits until you were 65. So if you die on average at 62, the program worked very well, because most people never collected any benefits.

The average return, again, is 1.7 percent. The tall blue graph on the right shows what the Wilshire 5000 index earned, and that was 11.86 percent after inflation, and that was for the last 10 years, including the last three down years.

This is how long you have got to live after you retire if you are going to break even on Social Security benefits. If you retire in 2005, you are going to have to live 23 years after you retire to break even on Social Security. As you see, in the earlier years, if you happen to retire in 1980, you only have to live 4 years after you retire. That is because you paid much less in in relation to what you are going to take out as we have reduced benefits and increased taxes.

This is the increased taxes. So every time we have gotten into problems we have said, well, let us increase the taxes on workers. In 1940, we raised it from 1 percent to 2 percent of the first $3,000. In 1960 we raised it to 6 percent of the first $4,800. In 1980, we raised it to 10.16 percent of the first $26,000. In 2000, we raised it to 12.4 percent of the first $76,200. In 2004, the rate did not go up, 12.4 percent for Social Security, but the base was increased to $87,900. $89,000 is now the base that we tax the 12.4 percent on for Social Security.

Madam Speaker, 78 percent of working families now pay more in payroll taxes than income taxes.

These are the six principles that I sent to the House and Senate Members suggesting maybe at least we can agree on some of the principles.

One, protect current and future beneficiaries.

Two, allow freedom of choice on whether you want to stay in the existing program or whether you want to go into a program where you would have some of the money dedicated to your own account that you own.

Preserve the safety net. In other words, I do not use all of the trust fund to make the transition into a program that starts putting money in these personal savings accounts.

Make Americans better off, not worse off.

Next I say investing, allowing some of the investment to go into mutual funds, index funds. That is the seed corn for our business and industry to do the research, to make the kind of improvements to increase their efficiency and competitive position within the world trade we are now facing.

Create a fully funded system.

And no tax increases.

Just briefly, I am going to finish up by going through the Social Security bill that I just introduced, and that is a bill that is sponsored by both Republicans and some Democrats. It is scored by the Social Security Administration to keep the program solvent. There is no increases in the retirement age, no changes in the COLA, the cost of living index, depending on inflation, where we increase benefits every year, and that there is no change in the benefits for seniors or near-term seniors. Solvency is achieved through higher returns from worker accounts and slowing the increase in benefits for the higher-income retirees.

The Social Security trust fund continues. Voluntary accounts would start at 2.5 percent of income and would reach 8 percent of income by 2075. So it is a gradual transition into a personal savings account, and it is important we do it gradually.

The other option we are looking at is you could issue bonds and make the transition to start at a higher rate, such as 5 percent of your income would go into your personal retirement account quicker, but that means in effect borrowing more money to accommodate the transition costs.

Investments would be safe, widely diversified, and investment providers would be subject to government oversight. And the government would supplement the accounts of workers earning less than $35,000 to ensure that they build up significant savings.

This was an idea that President Clinton had that said for the lower incomes, so that low income workers can retire more like millionaires, we need to add a little money, I think President Clinton called it a "golden savings account." But what I do in my legislation is say we are going to assume that everybody can at least have the 2.5 percent to start with, and then it goes up, of $35,000, that goes in their personal retirement savings account to accumulate and to have the magic of compound interest.

□ 2330

And that is what it is all about.

Just as a footnote, Madam Speaker, I am still going to suggest to not depend on some kind of a magic solution. Every person under 50 years old; in fact, every person, should make a very strong, dedicated effort to start putting money aside for your retirement. Start figuring out what you are going to need. If you are going to end up living 40 years after you retire, how much money are you going to have to start putting aside. And the magic of compound interest and those figures, which maybe deserve a whole hour of briefing on encouraging savings, but let me just say that it is so important for everyone, for everybody from the age of 16 to the age of 60, to start setting aside as much as you can now and let the magic of compound interest help with the retirement benefits.

In conclusion, accounts are voluntary, and participants would receive benefits directly from the government along with their accounts. Government benefits would be offset based on the money deposited into their accounts, not on the money earned, and workers could expect to earn more from their account than from traditional Social Security. In fact, what we do in our bill is we guarantee an individual worker that decides that they want to go into the personally-owned account system, and that is optional, that they will get at least as much as they would from the fixed Social Security system that exists today. So we can guarantee that, since they only earn 1.7 percent on Social Security.

If anybody would like to review my charts, then they are on my website. If you go to one of the search engines and you type in "Congressman NICK SMITH," you can get to my website. You can get to these charts that display my particular proposal for solving Social Security and, again, this proposal has been scored by the Social Security Administration to keep Social Security solvent. I have gone to the White House. The White House feels very strongly that it is important next year to start working aggressively to get some kind of a compromise between the Democrats and the Republicans in the House and in the Senate to move ahead with a solution for Social Security that is going to make sure that we keep this program solvent for the long run.

OMISSION FROM THE CONGRESSIONAL RECORD OF MONDAY, JULY 12, 2004, AT PAGE H5494

The CHAIRMAN: All time for general debate has expired.

Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule.

The text of H.R. 4755 is as follows:

H.R. 4755

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the

Treasury not otherwise appropriated, for the Legislative Branch for the fiscal year ending September 30, 2005, and for other purposes, namely:

TITLE I—LEGISLATIVE BRANCH APPROPRIATIONS

HOUSE OF REPRESENTATIVES

Salaries and Expenses

For salaries and expenses of the House of Representatives, $1,044,281,000, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, $18,678,000, including: Office of the Speaker, $2,708,000, including $25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, $2,027,000, including $10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, $2,840,000, including $10,000 for official expenses of the Minority Leader; Office of the Majority Whip, including the Chief Deputy Majority Whip, $1,741,000, including $5,000 for official expenses of the Majority Whip; Office of the Minority Whip, including the Chief Deputy Minority Whip, $1,303,000, including $5,000 for official expenses of the Minority Whip; Speaker's Office for Legislative Floor Activities, $470,000; Republican Steering Committee, $881,000; Republican Conference, $1,500,000; Democratic Steering and Policy Committee, $1,589,000; Democratic Caucus, $792,000; nine minority employees, $1,409,000; training and program development—majority, $290,000; training and program development—minority, $290,000; Cloakroom Personnel—majority, $419,000; and Cloakroom Personnel—minority, $419,000.

Members' Representational Allowances

Including Members' Clerk Hire, Official Expenses of Members, and Official Mail

For Members' representational allowances, including Members' clerk hire, official expenses, and official mail, $521,195,000.

Committee Employees

Standing Committees, Special and Select

For salaries and expenses of standing committees, special and select, authorized by House resolutions, $114,299,000: *Provided*, That such amount shall remain available for such salaries and expenses until December 31, 2006.

Committee on Appropriations

For salaries and expenses of the Committee on Appropriations, $24,926,000, including studies and examinations of executive agencies and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act of 1946 and to be available for reimbursement to agencies for services performed: *Provided*, That such amount shall remain available for such salaries and expenses until December 31, 2006.

Salaries, Officers and Employees

For compensation and expenses of officers and employees, as authorized by law, $160,133,000, including: for salaries and expenses of the Office of the Clerk, including not more than $13,000, of which not more than $10,000 is for the Family Room, for official representation and reception expenses, $20,534,000; for salaries and expenses of the Office of the Sergeant at Arms, including the position of Superintendent of Garages, and including not more than $3,000 for official representation and reception expenses, $5,879,000; for salaries and expenses of the Office of the Chief Administrative Officer, $116,034,000, of which $7,500,000 shall remain available until expended; for salaries and expenses of the Office of the Inspector General, $3,986,000; for salaries and expenses of the Office of Emergency Planning, Preparedness and Operations, $1,000,000, to remain available until expended; for salaries and expenses of the Office of General Counsel, $962,000; for the Office of the Chaplain, $155,000; for salaries and expenses of the Office of the Parliamentarian, including the Parliamentarian and $2,000 for preparing the Digest of Rules, $1,673,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, $2,346,000; for salaries and expenses of the Office of the Legislative Counsel of the House, $6,721,000; for salaries and expenses of the Office of Interparliamentary Affairs, $687,000; and for other authorized employees, $156,000.

Allowances and Expenses

For allowances and expenses as authorized by House resolution or law, $205,050,000, including: supplies, materials, administrative costs and Federal tort claims, $4,350,000; official mail for committees, leadership offices, and administrative offices of the House, $410,000; Government contributions for health, retirement, Social Security, and other applicable employee benefits, $199,600,000; and miscellaneous items including purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, $690,000.

Child Care Center

For salaries and expenses of the House of Representatives Child Care Center, such amounts as are deposited in the account established by section 312(d)(1) of the Legislative Branch Appropriations Act, 1992 (2 U.S.C. 2112), subject to the level specified in the budget of the Center, as submitted to the Committee on Appropriations of the House of Representatives.

Administrative Provisions

Sec. 101. (a) Requiring Amounts Remaining in Members' Representational Allowances To Be Used for Deficit Reduction or To Reduce the Federal Debt.—Notwithstanding any other provision of law, any amounts appropriated under this Act for "HOUSE OF REPRESENTATIVES—Salaries and Expenses—Members' Representational Allowances" shall be available only for fiscal year 2005. Any amount remaining after all payments are made under such allowances for fiscal year 2005 shall be deposited in the Treasury and used for deficit reduction (or, if there is no Federal budget deficit after all such payments have been made, for reducing the Federal debt, in such manner as the Secretary of the Treasury considers appropriate).

(b) Regulations.—The Committee on House Administration of the House of Representatives shall have authority to prescribe regulations to carry out this section.

(c) Definition.—As used in this section, the term "Member of the House of Representatives" means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

Sec. 102. Net Expenses of Telecommunications Revolving Fund. (a) There is hereby established in the Treasury of the United States a revolving fund for the House of Representatives to be known as the Net Expenses of Telecommunications Revolving Fund (hereafter in this section referred to as the "Revolving Fund"), consisting of funds deposited by the Chief Administrative Officer of the House of Representatives from amounts provided by legislative branch offices to purchase, lease, obtain, and maintain the data and voice telecommunications services and equipment located in such offices.

(b) Amounts in the Revolving Fund shall be used by the Chief Administrative Officer without fiscal year limitation to purchase, lease, obtain, and maintain the data and voice telecommunications services and equipment of legislative branch offices.

(c) The Revolving Fund shall be treated as a category of allowances and expenses for purposes of section 101(a) of the Legislative Branch Appropriations Act, 1993 (2 U.S.C. 95b(a)).

(d) Section 306 of the Legislative Branch Appropriations Act, 1989 (2 U.S.C. 117f) is amended—

(1) by striking subsection (b) and redesignating subsection (c) as subsection (b); and

(2) in subsection (b) (as so redesignated), by striking "subsections (a) and (b)" and inserting "subsection (a)".

(e) Section 102 of the Legislative Branch Appropriations Act, 2003 (2 U.S.C. 112g) is amended by adding at the end the following new subsection:

"(e) This section shall not apply with respect to any telecommunications equipment which is subject to coverage under section 103 of the Legislative Branch Appropriations Act, 2005 (relating to the Net Expenses of Telecommunications Revolving Fund).".

(f) This section and the amendments made by this section shall apply with respect to fiscal year 2005 and each succeeding fiscal year, except that for purposes of making deposits into the Revolving Fund under subsection (a), the Chief Administrative Officer may deposit amounts provided by legislative branch offices during fiscal year 2004 or any succeeding fiscal year.

Sec. 103. Contract For Exercise Facility. (a) In General.—The Chief Administrative Officer of the House of Representatives shall enter into a contract on a competitive basis with a private entity for the management, operation, and maintenance of the exercise facility established for the use of employees of the House of Representatives which is constructed with funds made available under this Act.

(b) Use of Fees to Support Contract.—Any amounts paid as fees for the use of the exercise facility described in subsection (a) shall be used to cover costs incurred by the Chief Administrative Officer under the contract entered into under this section or to otherwise support the management, operation, and maintenance of the facility, and shall remain available until expended.

Sec. 104. Sense of the House. It is the sense of the House of Representatives that Members of the House who use vehicles in traveling for official and representational purposes, including Members who lease vehicles for which the lease payments are made using funds provided under the Members' Representational Allowance, are encouraged to use hybrid electric and alternatively fueled vehicles whenever possible, as the use of these vehicles will help to move our Nation toward the use of a hydrogen fuel cell vehicle and reduce our dependence on oil.

JOINT ITEMS

For Joint Committees, as follows:

Joint Economic Committee

For salaries and expenses of the Joint Economic Committee, $4,139,000, to be disbursed by the Secretary of the Senate.

Joint Committee on Taxation

For salaries and expenses of the Joint Committee on Taxation, $8,433,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

For other joint items, as follows:

Office of the Attending Physician

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including: (1) an allowance of $2,175 per month to the Attending Physician; (2) an allowance of $725 per month each to four medical officers while on duty in the Office of the Attending Physician; (3) an allowance of $725 per month to two assistants and $580 per month each not to exceed 11 assistants on the basis heretofore provided for such assistants; and (4) $1,680,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $2,528,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

Capitol Guide Service and Special Services Office

For salaries and expenses of the Capitol Guide Service and Special Services Office, $3,844,000, to be disbursed by the Secretary of the Senate: *Provided*, That no part of such amount may be used to employ more than 58 individuals: *Provided further*, That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than 120 days each, and not more than 10 additional individuals for not more than 6 months each, for the Capitol Guide Service.

Statements of Appropriations

For the preparation, under the direction of the Committees on Appropriations of the Senate and the House of Representatives, of the statements for the second session of the 108th Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriations bills as required by law, $30,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

CAPITOL POLICE

Salaries

For salaries of employees of the Capitol Police, including overtime, hazardous duty pay differential, and Government contributions for health, retirement, social security, professional liability insurance, and other applicable employee benefits, $203,440,000, to be disbursed by the Chief of the Capitol Police or his designee.

General Expenses

For necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, the awards program, postage, communication services, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and not more than $5,000 to be expended on the certification of the Chief of the Capitol Police in connection with official representation and reception expenses, $28,888,000, of which $700,000 shall remain available until expended, to be disbursed by the Chief of the Capitol Police or his designee: *Provided*, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 2005 shall be paid by the Secretary of Homeland Security from funds available to the Department of Homeland Security.

Administrative Provisions

(including transfer of funds)

SEC. 1001. TRANSFER AUTHORITY. Amounts appropriated for fiscal year 2005 for the Capitol Police may be transferred between the headings "SALARIES" and "GENERAL EXPENSES" upon the approval of the Committees on Appropriations of the Senate and the House of Representatives.

SEC. 1002. RELEASE OF SECURITY INFORMATION. (a) AUTHORITY OF BOARD TO DETERMINE CONDITIONS FOR RELEASE.—Notwithstanding any other provision of law, any information in the possession of the United States Capitol Police (whether developed by the Capitol Police or obtained by the Capitol Police from another source) that relates to actions taken by the Capitol Police in response to an emergency situation, or to any other counterterrorism and security preparedness measures taken by the Capitol Police, may be released by the Capitol Police to another entity only if the Capitol Police Board determines, in consultation with other appropriate law enforcement officials and experts in security preparedness, that the release of the information will not jeopardize the physical security and safety of the facilities and properties under the jurisdiction of the Capitol Police.

(b) RULE OF CONSTRUCTION REGARDING REQUESTS FOR INFORMATION FROM CONGRESS.—Nothing in this section may be construed to affect the ability of the House of Representatives and the Senate (including any Member, officer, or committee thereof) to obtain information from the Capitol Police regarding the operations and activities of the Capitol Police that affect the House of Representatives and Senate.

(c) REGULATIONS.—The Capitol Police Board shall promulgate regulations to carry out this section, with the approval of the Committees on Appropriations of the House of Representatives and Senate.

(d) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2005 and each succeeding fiscal year.

SEC. 1003. SOLE AND EXCLUSIVE AUTHORITY OF BOARD AND CHIEF TO DETERMINE RATES OF PAY. (a) IN GENERAL.—The Capitol Police Board and the Chief of the Capitol Police shall have the sole and exclusive authority to determine the rates and amounts for each of the following for members of the Capitol Police:

(1) The rate of basic pay (including the rate of basic pay upon appointment), premium pay, specialty assignment and proficiency pay, and merit pay.

(2) The rate of cost-of-living adjustments, comparability adjustments, and locality adjustments.

(3) The amount for recruitment and relocation bonuses.

(4) The amount for retention allowances.

(5) The amount for educational assistance payments.

(b) NO REVIEW OR APPEAL PERMITTED.—The determination of a rate or amount described in subsection (a) may not be subject to review or appeal in any manner.

(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed to affect—

(1) any authority provided under law for a committee of the House of Representatives or Senate, or any other entity of the legislative branch, to review or approve any determination of a rate or amount described in subsection (a);

(2) any rate or amount described in subsection (a) which is established under law; or

(3) the terms of any collective bargaining agreement.

(d) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2005 and each succeeding fiscal year.

SEC. 1004. (a) AUTHORITY TO SETTLE CLAIMS UNDER FEDERAL TORT CLAIMS ACT.—For purposes of section 2672 of title 28, United States Code (relating to the administrative adjustment of claims), the United States Capitol Police shall be considered a Federal agency and the Capitol Police Board shall be considered the head of the agency.

(b) RULES OF CONSTRUCTION.—Nothing in this section may be construed—

(1) to affect any authority relating to the payment of claims under title 31, United States Code; or

(2) to affect the payment of any award or settlement under the Congressional Accountability Act of 1995.

(c) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2005 and each succeeding fiscal year.

SEC. 1005. DEPLOYMENT OUTSIDE OF JURISDICTION. (a) REQUIREMENTS FOR PRIOR NOTICE AND APPROVAL.—The Chief of the Capitol Police may not deploy any officer outside of the areas established by law for the jurisdiction of the Capitol Police unless—

(1) the Chief provides prior notification to the Committees on Appropriations of the House of Representatives and Senate of the costs anticipated to be incurred with respect to the deployment; and

(2) the Capitol Police Board gives prior approval to the deployment.

(b) EXCEPTION FOR CERTAIN SERVICES.—Subsection (a) does not apply with respect to the deployment of any officer for any of the following purposes:

(1) Responding to an imminent threat or emergency.

(2) Intelligence gathering.

(3) Providing protective services.

(c) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2005 and each succeeding fiscal year.

SEC. 1006. LEGAL COMPLIANCE SYSTEM. The Capitol Police General Counsel, in conjunction with the Capitol Police Employment Counsel for employment and labor law matters, shall be responsible for implementing and maintaining an effective legal compliance system with all applicable laws, under the oversight of the Capitol Police Board.

SEC. 1007. (a) IN GENERAL.—None of the funds made available for the Capitol Police for any fiscal year in any Act may be used for a mounted horse unit.

(b) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act and shall apply with respect to the fiscal year in which such date occurs and each succeeding fiscal year.

OFFICE OF COMPLIANCE

Salaries and Expenses

For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), $2,421,000, of which $305,000 shall remain available until September 30, 2006: *Provided*, That the Executive Director of the Office of Compliance may, within the limits of available appropriations, dispose of surplus or obsolete personal property by interagency transfer, donation, or discarding.

Administrative Provision

SEC. 1101. (a) The Executive Director of the Office of Compliance may, in order to recruit or retain qualified personnel, establish and maintain hereafter a program under which the Office may agree to repay (by direct payments on behalf of the employee) all or a portion of any student loan previously taken out by such employee.

(b) The Executive Director may, by regulation, make applicable such provisions of section 5379 of title 5, United States Code, as the Executive Director determines necessary to provide for such program.

(c) The regulations shall provide the amount paid by the Office may not exceed—

(1) $6,000 for any employee in any calendar year; or

(2) a total of $40,000 in the case of any employee.

(d) The Office may not reimburse an employee for any repayments made by such employee prior to the Office entering into an agreement under this section with such employee.

(e) Any amount repaid by, or recovered from, an individual under this section and its implementing regulations shall be credited to the appropriation account available for salaries and expenses of the Office at the time of repayment or recovery.

(f) This section shall apply to fiscal year 2005 and each fiscal year thereafter.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary for operation of the Congressional Budget Office, including not more than $3,000 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, $34,790,000.

ARCHITECT OF THE CAPITOL

GENERAL ADMINISTRATION

For salaries for the Architect of the Capitol, and other personal services, at rates of pay provided by law; for surveys and studies in connection with activities under the care of the Architect of the Capitol; for all necessary expenses for the general and administrative support of the operations under the Architect of the Capitol including the Botanic Garden; electrical substations of the Capitol, Senate and House office buildings, and other facilities under the jurisdiction of the Architect of the Capitol; including furnishings and office equipment; including not more than $5,000 for official reception and representation expenses, to be expended on the certification of the Architect of the Capitol; for purchase or exchange, maintenance, and operation of a passenger motor vehicle, $79,581,000, of which $1,500,000 shall remain available until September 30, 2009.

CAPITOL BUILDING

For all necessary expenses for the maintenance, care and operation of the Capitol, $18,185,000, of which $4,000,000 shall remain available until September 30, 2009.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, $7,033,000, of which $527,000 shall remain available until September 30, 2009.

HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House office buildings, $65,130,000, of which $27,103,000 shall remain available until September 30, 2009.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, $56,139,000, of which $630,000 shall remain available until September 30, 2009: *Provided*, That not more than $4,400,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 2005.

LIBRARY BUILDINGS AND GROUNDS

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $34,783,000, of which $18,110,000 shall remain available until September 30, 2009.

CAPITOL POLICE BUILDINGS AND GROUNDS

For all necessary expenses for the maintenance, care and operation of buildings and grounds of the United States Capitol Police, $4,883,000.

BOTANIC GARDEN

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $5,932,000: *Provided*, That this appropriation shall not be available for construction of the National Garden.

MANAGEMENT AND OPERATION OF CAPITOL POWER PLANT

SEC. 1201. (a) CONTRACT WITH PRIVATE ENTITY FOR MANAGEMENT AND OPERATION OF THE CAPITOL POWER PLANT.—

(1) IN GENERAL.—Not later than 1 year after the Committees on Appropriations of the House of Representatives and Senate notify the Architect of the Capitol that the Committees approve the implementation plan submitted under subsection (b), the Architect shall enter into a contract with a private entity for the management and operation of the Capitol Power Plant.

(2) REQUIREMENTS FOR CONTRACT.—The contract entered into under this subsection—

(A) shall be awarded on a competitive basis;

(B) shall include such terms and conditions as the Architect of the Capitol deems necessary to ensure that the Capitol Power Plant will continue to provide lighting, heating, power, and air conditioning services to the United States Capitol, Senate and House office buildings, the Supreme Court Building, and the other facilities served by the Plant;

(C) shall be carried out in a manner consistent with the implementation plan submitted under subsection (b), as approved by the Committees on Appropriations of the House of Representatives and Senate; and

(D) if the contract is a multiyear contract, shall meet the requirements described in paragraph (3).

(3) SPECIAL RULES FOR MULTIYEAR CONTRACT.—The Architect may enter into a contract under this subsection which is a multiyear contract subject to the following conditions:

(A) The Architect determines that—

(i) the need for the services provided will continue over the period of the contract;

(ii) the use of a multiyear contract will yield substantial cost savings; and

(iii) the use of a multiyear contract will not eliminate the ability of small businesses to compete for and enter into the contract.

(B) For the first fiscal year for which the contract will be in effect, there are sufficient funds available for payments of the costs of the contract during the year, including any termination and cancellation costs. Amounts available for paying termination and cancellation costs shall remain available until the costs associated with the termination and cancellation of the contract are paid.

(C) The period covered by the contract is not longer than 10 years.

(b) IMPLEMENTATION PLAN.—

(1) SUBMISSION TO COMMITTEES.—Not later than 270 days after the date of the enactment of this Act or 270 days after the date of the completion of the West Refrigeration Plant (whichever occurs later), the Architect of the Capitol shall submit to the Committees on Appropriations of the House of Representatives and Senate an implementation plan for carrying out the requirements of this section.

(2) CONTENTS OF PLAN.—The implementation plan shall include the following elements:

(A) A description of the steps the Architect shall take to minimize the cost and ensure the effectiveness of the operation of the Capitol Power Plant.

(B) A description of how the Architect will administer the competition for the contract entered into under subsection (a) for the management and operation of the Capitol Power Plant, including the key logistic milestones that will affect the competition.

(C) A description of the budgetary impact of the contract and the proposed schedule of the appropriations that will be required to cover the costs of the contract.

(D) The actions to be taken by the Architect to ensure effective performance of the contractor, including a description of the management systems the Architect will use to monitor and oversee the contractor's efforts, the anticipated performance standards that the contractor will be measured against (including the levels of plant capacity, efficiency of fuel and deliveries of steam and chilled water, and emission levels) and such other standards that in the Architect's judgment are needed to ensure the efficient operation of the Plant.

(E) The steps to be taken to ensure system operations and reliability by maintaining adequate levels of facility maintenance and staffing.

(F) The specifications of security measures to be taken to ensure the safety and protection of the Plant, including its utility distribution systems, and the steps that will be taken to coordinate these efforts with the United States Capitol Police.

(G) The steps to be taken to continue the multi-use fuel capability of the Plant.

(H) A description of a plan to manage the transition to the contractor for the management and operation of the facility, including steps to be taken to mitigate the effect of the contract on the Plant's existing employees.

(I) An analysis of the cost and feasibility of incorporating a combined steam and electrical power generation system for the Plant.

(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed to limit the authority of the Architect of the Capitol to procure any services under any other authority.

LIBRARY OF CONGRESS

Salaries and Expenses

For necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Library's catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $373,225,000, of which not more than $6,000,000 shall be derived from collections credited to this appropriation during fiscal year 2005, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150) and not more than $350,000 shall be derived from collections during fiscal year 2005 and shall remain available until expended for the development and maintenance of an international legal information database and activities related thereto: *Provided*, That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further*, That the total amount available for obligation shall be reduced by the amount by which collections are less than $6,350,000: *Provided further*, That of the total amount appropriated, $12,481,000 shall remain available until expended for acquisition of books, periodicals, newspapers, and all other materials including subscriptions for bibliographic services for the Library, including $40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections: *Provided further*, That of the total amount appropriated, not more than $12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices: *Provided further*, That of the total amount appropriated, $250,000 shall remain available until expended, and shall be transferred to the Abraham Lincoln Bicentennial Commission for carrying out the purposes of Public Law 106–173, of which $10,000 may be used for official representation and reception expenses of the Abraham Lincoln Bicentennial Commission: *Provided further*, That of the total amount appropriated, $11,026,000 shall remain available until expended for partial support of the National Audio-Visual Conservation Center: *Provided further*, That of the total amount appropriated, $2,795,000 shall remain available until expended for the development and maintenance of the Alternate Computer Facility.

Copyright Office

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, $53,518,000, of which not more than $26,981,000, to remain available until expended, shall be derived from collections credited to this appropriation during fiscal year 2005 under section 708(d) of title 17, United States Code: *Provided*, That the Copyright Office may not obligate or expend any funds derived from collections under such section, in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further*, That not more than $6,496,000 shall be derived from collections during fiscal year 2005 under sections 111(d)(2), 119(b)(2), 802(h), 1005, and 1316 of such title: *Provided further*, That the total amount available for obligation shall be reduced by the amount by which collections are less than $33,477,000: *Provided further*, That not more than $100,000 of the amount appropriated is available for the maintenance of an "International Copyright Institute" in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: *Provided further*, That not more than $4,250 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute and for copyright delegations, visitors, and seminars.

Congressional Research Service

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $96,385,000: *Provided*, That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate.

Books for the Blind and Physically Handicapped

SALARIES AND EXPENSES

For salaries and expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), $60,187,000, of which $22,210,000 shall remain available until expended.

Administrative Provisions

SEC. 1301. INCENTIVE AWARDS PROGRAM. Of the amounts appropriated to the Library of Congress in this Act, not more than $5,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the incentive awards program.

SEC. 1302. REIMBURSABLE AND REVOLVING FUND ACTIVITIES. (a) IN GENERAL.—For fiscal year 2005, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed $106,985,000.

(b) ACTIVITIES.—The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

(c) TRANSFER OF FUNDS.—During fiscal year 2005, the Librarian of Congress may temporarily transfer funds appropriated in this Act, under the heading "LIBRARY OF CONGRESS" under the subheading "SALARIES AND EXPENSES" to the revolving fund for the FEDLINK Program and the Federal Research Program established under section 103 of the Library of Congress Fiscal Operations Improvement Act of 2000 (Public Law 106–481; 2 U.S.C. 182c): *Provided*, That the total amount of such transfers may not exceed $1,900,000: *Provided further*, That the appropriate revolving fund account shall reimburse the Library for any amounts transferred to it before the period of availability of the Library appropriation expires.

SEC. 1303. NATIONAL DIGITAL INFORMATION INFRASTRUCTURE AND PRESERVATION PROGRAM. The first proviso under the heading "LIBRARY OF CONGRESS—SALARIES AND EXPENSES" in chapter 9 of division A of the Miscellaneous Appropriations Act, 2001, as enacted into law by section 1(a)(4) of the Consolidated Appropriations Act, 2001 (Public Law 106–554; 114 Stat. 2763A–194), as amended by section 1303 of the Legislative Branch Appropriations Act, 2003, is amended—

(1) by striking "other than money" and inserting "other than money and pledges"; and

(2) by striking "March 31, 2005" and inserting "March 31, 2010".

GOVERNMENT PRINTING OFFICE

Congressional Printing and Binding

(INCLUDING TRANSFER OF FUNDS)

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (section 902 of title 44, United States Code); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $88,800,000: *Provided*, That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under section 906 of title 44, United States Code: *Provided further*, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years: *Provided further*, That notwithstanding the 2-year limitation under section 718 of title 44, United States Code, none of the funds appropriated or made available under this Act or any other Act for printing and binding and related services provided to Congress under chapter 7 of title 44, United States Code, may be expended to print a document, report, or publication after the 27-month period beginning on the date that such document, report, or publication is authorized by Congress to be printed, unless Congress reauthorizes such printing in accordance with section 718 of title 44, United States Code: *Provided further*, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

Office of Superintendent of Documents

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, $32,524,000: Provided, That amounts of not more than $2,000,000 from current year appropriations are authorized for producing and disseminating Congressional serial sets and other related publications for fiscal years 2003 and 2004 to depository and other designated libraries: *Provided further*, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

The Government Printing Office may make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: *Provided*, That not more than $5,000 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: *Provided further*, That the revolving fund shall be available for the hire or purchase of not more than 12 passenger motor vehicles: *Provided further*, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: *Provided further*, That the revolving fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: *Provided further*, That the revolving fund and the funds provided under the headings "OFFICE OF SUPERINTENDENT OF DOCUMENTS" and "SALARIES AND EXPENSES" together may not be available for the full-time equivalent employment of more than 2,889 workyears (or such other number of workyears as the Public Printer may request, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate): *Provided further*, That activities financed through the revolving fund may provide information in any format: *Provided further*, That not more than $10,000 may be expended from the revolving fund in support of the activities of the Benjamin Franklin Tercentenary Commission established under the Benjamin Franklin Tercentenary Commission Act (Public Law 107–202).

ADMINISTRATIVE PROVISION

SEC. 1401. DISCOUNT AUTHORITY OF SUPERINTENDENT OF DOCUMENTS. Section 1708 of title 44, United States Code, is amended by striking "of not to exceed 25 percent may be allowed to book dealers and quantity purchasers" and inserting "may be allowed as determined by the Superintendent of Documents".

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

For necessary expenses of the General Accounting Office, including not more than $12,500 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with section 3324 of title 31, United States Code; benefits comparable to those payable under sections 901(5), (6), and (8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), (6), and (8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries, $473,500,000: *Provided*, That not more than $5,000,000 of payments received under section 782 of title 31, United States Code, shall be available for use in fiscal year 2005: *Provided further*, That not more than $2,500,000 of reimbursements received under section 9105 of title 31, United States Code, shall be available for use in fiscal year 2005: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of either Forum's costs as determined by the respective Forum, including necessary travel expenses of non-Federal participants: *Provided further*, That payments hereunder to the Forum may be credited as reimbursements to any appropriation from which costs involved are initially financed: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the American Consortium on International Public Administration (ACIPA) shall be available to finance an appropriate share of ACIPA costs as determined by the ACIPA, including any expenses attributable to membership of ACIPA in the International Institute of Administrative Sciences.

PAYMENT TO THE OPEN WORLD LEADERSHIP CENTER TRUST FUND

For a payment to the Open World Leadership Center Trust Fund for financing activities of the Open World Leadership Center, $6,750,000.

TITLE II—GENERAL PROVISIONS

SEC. 201. MAINTENANCE AND CARE OF PRIVATE VEHICLES. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

SEC. 202. FISCAL YEAR LIMITATION. No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 2005 unless expressly so provided in this Act.

SEC. 203. RATES OF COMPENSATION AND DESIGNATION. Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 (46 Stat. 32 et seq.) is appropriated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: *Provided*, That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

SEC. 204. CONSULTING SERVICES. The expenditure of any appropriation under this Act for any consulting service through procurement contract, under section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued under existing law.

SEC. 205. AWARDS AND SETTLEMENTS. Such sums as may be necessary are appropriated to the account described in subsection (a) of section 415 of the Congressional Accountability Act of 1995 (2 U.S.C. 1415(a)) to pay awards and settlements as authorized under such subsection.

SEC. 206. COSTS OF LBFMC. Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBFMC) established by charter on March 26, 1996, shall be available to finance an appropriate share of LBFMC costs as determined by the LBFMC, except that the total LBFMC costs to be shared among all participating legislative branch entities (in such allocations among the entities as the entities may determine) may not exceed $2,000.

SEC. 207. LANDSCAPE MAINTENANCE. The Architect of the Capitol, in consultation with the District of Columbia, is authorized to maintain and improve the landscape features, excluding streets and sidewalks, in the irregular shaped grassy areas bounded by Washington Avenue, SW on the northeast, Second Street SW on the west, Square 582 on the south, and the beginning of the I–395 tunnel on the southeast.

SEC. 208. TRANSFER OF FUNDS. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 209. ETRAVEL SERVICE. Notwithstanding any other provision of law, no entity within the legislative branch shall be required to use the eTravel Service established by the Administrator of General Services for official travel by officers or employees of the entity during fiscal year 2005 or any succeeding fiscal year.

SEC. 210. VOLUNTARY SEPARATION INCENTIVE PAYMENTS. (a) AUTHORITY TO OFFER PAYMENTS.—Notwithstanding any other provision of law, the head of any office in the legislative branch may establish a program under which voluntary separation incentive payments may be offered to eligible employees of the office to encourage such employees to separate from service voluntarily (whether by retirement or resignation), in accordance with this section.

(b) AMOUNT AND ADMINISTRATION OF PAYMENTS.—A voluntary separation incentive payment made under this section—

(1) shall be paid in a lump sum after the employee's separation;

(2) shall be equal to the lesser of—

(A) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, United States Code, if the employee were entitled to payment under such section (without adjustment for any previous payment made); or

(B) an amount determined by the head of the office involved, not to exceed $25,000;

(3) may be made only in the case of an employee who voluntarily separates (whether by retirement or resignation) under this section;

(4) shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit;

(5) shall not be taken into account in determining the amount of any severance pay to which the employee may be entitled under section 5595 of title 5, United States Code, based on any other separation; and

(6) shall be paid from appropriations or funds available for the payment of the basic pay of the employee.

(c) PLAN.—

(1) PLAN REQUIRED FOR MAKING PAYMENTS.—No voluntary separation incentive payment may be paid under this section with respect to an office unless the head of the office submits a plan described in paragraph (2) to each applicable Committee described in paragraph (3), and each applicable Committee approves the plan.

(2) CONTENTS OF PLAN.—A plan described in this paragraph with respect to an office is a plan containing the following information:

(A) The specific positions and functions to be reduced or eliminated.

(B) A description of which categories of employees will be offered incentives.

(C) The time period during which incentives may be paid.

(D) The number and amounts of voluntary separation incentive payments to be offered.

(E) A description of how the office will operate without the eliminated positions and functions.

(3) APPLICABLE COMMITTEE.—For purposes of this subsection, the "applicable Committee" with respect to an office means—

(A) in the case of an office of the House of Representatives, the Committee on House Administration of the House of Representatives; and

(B) in the case of any other office, the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate.

(d) EXCLUSION OF CERTAIN OFFICES.—This section shall not apply—

(1) to any office of the Senate or to any employee of such an office; or

(2) to any office which is an Executive agency under section 105 of title 5, United States Code, or any employee of such an office.

(e) ELIGIBLE EMPLOYEE DEFINED.—

(1) IN GENERAL.—In this section, an "eligible employee" is an employee (as defined in section 2105, United States Code) or a Congressional employee (as defined in section 2107, United States Code) who—

(A) is serving under an appointment without time limitation; and

(B) has been currently employed for a continuous period of at least 3 years.

(2) EXCLUSIONS.—An "eligible employee" does not include any of the following:

(A) A reemployed annuitant under subchapter III of chapter 83 or 84 of title 5, United States Code, or another retirement system for employees of the Government.

(B) An employee having a disability on the basis of which such employee is or would be eligible for disability retirement under subchapter III of chapter 83 or 84 of title 5, United States Code, or another retirement system for employees of the Government.

(C) An employee who is in receipt of a decision notice of involuntary separation for misconduct or unacceptable performance.

(D) An employee who has previously received any voluntary separation incentive payment from the Federal Government under this section or any other authority.

(E) An employee covered by statutory reemployment rights who is on transfer employment with another organization.

(F) Any employee who—

(i) during the 36-month period preceding the date of separation of that employee, performed service for which a student loan repayment benefit was or is to be paid under section 5379 of title 5, United States Code, or any other authority;

(ii) during the 24-month period preceding the date of separation of that employee, performed service for which a recruitment or relocation bonus was or is to be paid under section 5753 of such title or any other authority; or

(iii) during the 12-month period preceding the date of separation of that employee, performed service for which a retention bonus was or is to be paid under section 5754 of such title or any other authority.

(f) REPAYMENT FOR INDIVIDUALS RETURNING TO GOVERNMENT EMPLOYMENT.—

(1) IN GENERAL.—Subject to paragraph (2), an employee who has received a voluntary separation incentive payment under this section and accepts employment with the Government of the United States within 5 years after the date of the separation on which the payment is based shall be required to repay the entire amount of the incentive payment to the office that paid the incentive payment.

(2) WAIVER FOR INDIVIDUALS POSSESSING UNIQUE ABILITIES.—(A) If the employment is with an Executive agency (as defined by section 105 of title 5, United States Code), the Director of the Office of Personnel Management may, at the request of the head of the agency, waive the repayment required under this subsection if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(B) If the employment is with an entity in the legislative branch, the head of the entity or the appointing official may waive the repayment required under this subsection if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(C) If the employment is with the judicial branch, the Director of the Administrative Office of the United States Courts may waive the repayment required under this subsection if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(3) TREATMENT OF PERSONAL SERVICES CONTRACTS.—For purposes of paragraph (1) (but not paragraph (2)), the term "employment" includes employment under a personal services contract with the United States.

(g) EFFECTIVE DATE.—This section shall take effect July 1, 2005, and shall apply with respect to fiscal year 2005 and each succeeding fiscal year.

SEC. 211. COMPENSATION LIMITATION. None of the funds contained in this Act or any other Act may be used to pay the salary of any officer or employee of the legislative branch during fiscal year 2005 or any succeeding fiscal year to the extent that the aggregate amount of compensation paid to the employee during the year (including base salary, performance awards and other bonus payments, and incentive payments, but excluding the value of any in-kind benefits and payments) exceeds the annual rate of pay for a Member of the House of Representatives or a Senator.

SEC. 212. CAPITOL GROUNDS ENCLOSURE. None of the funds contained in this Act may be used to study, design, plan, or otherwise further the construction or consideration of a fence to enclose the perimeter of the grounds of the United States Capitol.

This Act may be cited as the "Legislative Branch Appropriations Act, 2005".

The CHAIRMAN. No amendment to the bill shall be in order except those printed in House Report 108–590. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered read, debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. JACKSON-LEE of Texas (at the request of Ms. PELOSI) for today on account of official business.

Mr. SAXTON (at the request of Mr. DELAY) for today on account of meetings with Federal disaster officials with respect to the flood in his district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BROWN of Ohio) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. LIPINSKI, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

(The following Members (at the request of Mr. PEARCE) to revise and extend their remarks and include extraneous material:)

Mr. CHOCOLA, for 5 minutes, today.

Mr. AKIN, for 5 minutes, today.

Mr. PEARCE, for 5 minutes, today.

Mr. MCCOTTER, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, July 14.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. KIND, for 5 minutes, today.

ADJOURNMENT

Mr. SMITH of Michigan. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 33 minutes p.m.), the House adjourned until tomorrow, Wednesday, July 14, 2004, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9024. A letter from the Acting Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 03-03, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

9025. A letter from the Director, United States Holocaust Memorial Museum, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, and the Office of Management and Budget Memorandum 04-07, the Museum's report on competitive sourcing efforts; to the Committee on Government Reform.

9026. A letter from the Under Secretary for Oceans and Atmosphere, Department of Commerce, transmitting information regarding the activities of the Northwest Atlantic Fisheries Organization for 2003, pursuant to 16 U.S.C. 5601 et seq.; to the Committee on Resources.

9027. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Country of Origin Codes and Revision of Regulations on Hull Identification Numbers [USCG-2003-14272] (RIN: 1625-AA53) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9028. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Navigation and Navigable Waters; Technical, Organizational, and Conforming Amendments [USCG-2004-18057] (RIN: 1625-ZA02) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9029. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Anchorage Area; Madeline Island, WI [CGD09-03-284] (RIN: 2115-AA01) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9030. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zones; San Francisco Bay, San Francisco, CA and Oakland CA [COTP San Francisco Bay 03-009] (RIN: 1625-AA00) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9031. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone Regulations; Seafair Blue Angels Air Show Performance, Lake Washington, WA [CGD13-04-002] (RIN: 1625-AA00) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9032. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Professional Golfer's Association Championship Tour, Sheboygan, WI; Lake Michigan [CGD09-04-001] (RIN: 1625-AA00) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9033. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety And Security Zones; New York Marine Inspection Zone and Captain of the Port Zone [CGD01-03-020] (RIN: 1625-AA00) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9034. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Outer Continental Shelf Facility in the Gulf of Mexico for Green Canyon 608 [CGD08-04-004] (RIN: 1625-AA84) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9035. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; San Francisco Bay, Oakland Estuary, Alameda, CA [COTP San Francisco Bay 03-026] (RIN: 1625-AA00) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9036. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Chincoteague Channel, VA [CGD05-04-118] (RIN: 1625-AA09) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9037. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Turner Cut, Stockton, CA. [CGD 11-04-005] received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9038. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Long Island, New York Inland Waterway from East Rockaway Inlet to Shinnecock Canal, NY. [CGD01-04-047] received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9039. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Newtown Creek, Dutch Kills, English Kills, and their tributaries, NY. [CGD01-04-048] received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9040. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Hutchinson River, NY. [CGD01-04-033] received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9041. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Harlem River, Newtown Creek, NY. [CGD01-04-019] (RIN: 1625-AA09) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9042. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Harlem River, NY. [CGD01-04-021] (RIN: 1625-AA09) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9043. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Chelsea River, MA. [CGD01-04-027] (RIN: 1625-AA09) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9044. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Mianus River, CT. [CGD01-00-228] (RIN: 1625-AA09) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9045. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Palm Beach County Bridges, Atlantic Intracoastal Waterway, Palm Beach County, Florida [CGD07-04-010] (RIN: 1625-AA09) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9046. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Mystic River, CT. [CGD01-03-115] (RIN: 1625-AA09) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9047. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Holdrege, NE [Docket No. FAA-2004-17425; Airspace Docket No. 04-ACE-25] received July 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9048. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BURKHART GROB LUFT — UND RAUMFAHRT GmbH & CO KG Models G103 TWIN ASTIR, G103A TWIN II ACRO, and G103C TWIN III ACRO Sailplanes [Docket No. 2003-CE-35-AD; Amendment 39-13676; AD 2003-19-14 R1] (RIN: 2120-AA64) received July 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9049. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-11 and -11F Airplanes [Docket No. 2003-NM-76-AD; Amendment 39-13677; AD 2004-12-16] (RIN: 2120-AA64) received July 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9050. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes [Docket No. 2003-NM-63-AD; Amendment 39-13680; AD 2004-12-19] (RIN: 2120-AA64) received July 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9051. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757-200 Series Airplanes [Docket No. FAA-2003-16646; Directorate Docket No. 2003-NM-177-AD; Amendment 39-13678; AD 2004-12-17] (RIN: 2120-AA64) received July 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9052. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-120 Series Airplanes [Docket No. 2003-NM-96-AD; Amendment 39-13679; AD 2004-12-18] (RIN: 2120-AA64) received July 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9053. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dowty Aerospace Propellers Type R321/4-82-F/8, R324/4-82-F/9, R333/4-82-F/12, and R334/4-82-F/13 Propeller Assemblies [Docket No. 2001-NE-50-AD; Amendment 39-13681; AD 2004-13-01] (RIN: 2120-AA64) received July 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9054. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce (1971) Limited, Bristol Engine Division Model Viper Mk.601-22 Turbojet Engine [Docket No. FAA-2004-18024; Directorate Identifier 2003-NE-39-AD; Amendment 39-13684; AD 2004-13-03] (RIN: 2120-AA64) received July 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9055. A letter from the Chairman and Vice Chairman, U.S.-China Commission, transmitting the Commission's second annual report, pursuant to Pub. L. 106-398, as amended by Division P of Pub. L. 108-7; jointly to the Committees on International Relations and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMAS: Committee on Ways and Means. H.R. 4418. A bill to authorize appropriations for fiscal years 2005 and 2006 for the Bureau of Customs and Border Protection and the Bureau of Immigration and Customs Enforcement of the Department of Homeland Security, for the Office of the United States Trade Representative, for the United States International Trade Commission, and for other purposes: with an amendment (Rept. 108–598, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. KOLBE: Committee on Appropriations. H.R. 4818. A bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes (Rept. 108–599). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 3632. A bill to prevent and punish counterfeiting of copyrighted copies and phonorecords, and for other purposes; with an amendment (Rept. 108–600). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. S. 2363. An act to revise and extend the Boys and Girls Clubs of America (Rept. 108–601). Referred to the Committee of the Whole House on the State of the Union.

Mr. DREIER: Committee on Rules. House Resolution 712. Resolution providing for consideration of the bill (H.R. 4759) to implement the United States-Australia Free Trade Agreement (Rept. 108–602). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII, the Committee on the Judiciary discharged from further consideration. H.R. 4418 referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII, the following action was taken by the Speaker:

H.R. 4418. Referral to the Committee on the Judiciary extended for a period ending not later than July 13, 2004.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. JOHN:

H.R. 4819. A bill to provide funding for the operations and maintenance by the Corps of Engineers of essential waterways; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DOGGETT (for himself, Mr. PLATTS, Mr. WAXMAN, Mr. MEEHAN, Mr. STARK, Mr. LEVIN, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, Mr. MCNULTY, Mr. BECERRA, Mrs. JONES of Ohio, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ALLEN, Mr. ANDREWS, Ms. BALDWIN, Mr. BELL, Mr. BERMAN, Mr. BLUMENAUER, Mr. BROWN of Ohio, Mrs. CAPPS, Mr. CAPUANO, Mr. CONYERS, Mr. CROWLEY, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Mr. DEFAZIO, Ms. DEGETTE, Mr. DELAHUNT, Ms. DELAURO, Mr. EMANUEL, Ms. ESHOO, Mr. EVANS, Mr. FARR, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HINCHEY, Mr. HINOJOSA, Mr. HOEFFEL, Mr. HOLT, Mr. HONDA, Ms. HOOLEY of Oregon, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KAPTUR, Mr. KENNEDY of Rhode Island, Ms. KILPATRICK, Mr. KIND, Mr. KUCINICH, Mr. LAMPSON, Mr. LANGEVIN, Mr. LANTOS, Ms. LEE, Mr. LIPINSKI, Ms. LOFGREN, Mr. LYNCH, Mrs. MALONEY, Mr. MARKEY, Mr. MATHESON, Mrs. MCCARTHY of New York, Ms. MCCARTHY of Missouri, Mr. MCGOVERN, Mr. MEEKS of New York, Ms. MILLENDER-MCDONALD, Mr. GEORGE MILLER of California, Mr. NADLER, Mrs. NAPOLITANO, Mr. OBERSTAR, Mr. OLVER, Mr. OWENS, Mr. PALLONE, Mr. RODRIGUEZ, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. RYAN of Ohio, Ms. LINDA T. SÁNCHEZ of California, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SERRANO, Mr. SHERMAN, Ms. SLAUGHTER, Mr. SNYDER, Ms. SOLIS, Mrs. TAUSCHER, Mr. TIERNEY, Mr. UDALL of New Mexico, Mr. VAN HOLLEN, Ms. VELÁZQUEZ, Mr. VISCLOSKY, Ms. WATERS, Ms. WATSON, Mr. WEINER, Ms. WOOLSEY, and Mr. WU):

H.R. 4820. A bill to amend the Internal Revenue Code of 1986 to deter the smuggling of tobacco products into the United States, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GORDON:

H.R. 4821. A bill to amend the Internal Revenue Code of 1986 to allow certain agricultural employers a credit against income tax for a portion of wages paid to nonimmigrant H-2A workers; to the Committee on Ways and Means.

By Mr. SAM JOHNSON of Texas (for himself, Mr. NORWOOD, and Mr. CRANE):

H.R. 4822. A bill to amend title XVIII of the Social Security Act to clarify the right of Medicare beneficiaries to enter into private contracts with physicians and other health care professionals for the provision of health services for which no payment is sought under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LOFGREN:

H.R. 4823. A bill to amend the Immigration and Nationality Act to permit foreign media representatives to gain admission as visitors coming temporarily to the United States for business; to the Committee on the Judiciary.

By Mr. MARKEY (for himself, Ms. MCCARTHY of Missouri, Mr. GRIJALVA, Mr. CASE, Mr. OWENS, Ms. LEE, Mr. TIERNEY, Ms. JACKSON-LEE of Texas, and Mr. GONZALEZ):

H.R. 4824. A bill to direct the Secretary of Homeland Security to issue regulations concerning the shipping of extremely hazardous materials; to the Committee on Transportation and Infrastructure.

By Mr. OWENS:

H.R. 4825. A bill to amend the Internal Revenue Code of 1986 to impose an additional tax on taxable income attributable to contracts with the United States for goods and services for the war in Iraq; to the Committee on Ways and Means.

By Mr. SHAW (for himself, Mr. UDALL of New Mexico, and Mr. TANNER):

H.R. 4826. A bill to assist in the conservation of rare felids and rare canids by supporting and providing financial resources for the conservation programs of nations within the range of rare felid and rare canid populations and projects of persons with demonstrated expertise in the conservation of rare felid and rare canid populations; to the Committee on Resources.

By Mr. WALDEN of Oregon (for himself and Mr. Pombo):

H.R. 4827. A bill to amend the Colorado Canyons National Conservation Area and Black Ridge Canyons Wilderness Act of 2000 to rename the Colorado Canyons National Conservation Area as the McInnis Canyons National Conservation Area; to the Committee on Resources.

By Ms. WATSON (for herself and Mr. Burton of Indiana):

H.R. 4828. A bill to direct the Consumer Product Safety Commission to issue a rule banning children's toys containing mercury; to the Committee on Energy and Commerce.

By Mr. PENCE (for himself, Ms. Berkley, and Ms. Ros-Lehtinen):

H. Res. 713. A resolution deploring the misuse of the International Court of Justice by a majority of the United Nations General Assembly for a narrow political purpose, the willingness of the International Court of Justice to acquiesce in an effort likely to undermine its reputation and interfere with a resolution of the Palestinian-Israeli conflict, and for other purposes; to the Committee on International Relations.

By Mr. GEORGE MILLER of California (for himself, Ms. Pelosi, Mr. Kildee, Ms. Jackson-Lee of Texas, Mrs. McCarthy of New York, Mr. Payne, Mr. Holt, Mr. Peterson of Minnesota, Mrs. Jones of Ohio, Mr. Grijalva, Mr. Wexler, Mr. Van Hollen, Mr. Crowley, Mr. Owens, Mr. Frost, Mr. Menendez, Mr. Hinojosa, Mr. Moran of Virginia, Mr. Waxman, Mr. McDermott, Mr. Farr, Mrs. Davis of California, Mr. Wu, Mr. Nadler, Mrs. Maloney, and Mr. Ryan of Ohio):

H. Res. 714. A resolution honoring Sandra Feldman on the occasion of her retirement from the presidency of the American Federation of Teachers for her tireless efforts to improve the quality of teaching and learning; to the Committee on Education and the Workforce.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

385. The SPEAKER presented a memorial of the General Assembly of the State of Colorado, relative to House Joint Resoultion No. 04-1006 supporting the efforts of The Stand in the Gap Project, Inc; to the Committee on Armed Services.

386. Also, a memorial of the General Assembly of the State of Colorado, relative to House Joint Resolution No. 04-1064 memorializing the President and Congress of the United States to take action to ensure that federal programs providing financial assistance for the educational needs of children of migrant workers include children of migrant workers in all sectors of our economy; to the Committee on Education and the Workforce.

387. Also, a memorial of the General Assembly of the State of Colorado, relative to House Joint Resolution No. 04-1085 memorializing the Congress of the United States to improve the rules to implement privacy of health information under the federal "Health Insurance Portability and Accountability Act of 1996"; to the Committee on Energy and Commerce.

388. Also, a memorial of the Legislature of the State of Arizona, relative to House Concurrent Memorial 2011 memorializing the Congress of the United States to authorize a land trade within accident potential zones of Luke Air Force Base and outside the boudnaries of Yuma Army Proving Ground; to the Committee on Resources.

389. Also, a memorial of the Legislature of the State of Arizona, relative to Senate Concurrent Memorial 1003 memorializing the Congress of the United States propose to the people an amendment to the Constitution of the United States that provides certain rights to crime victims; to the Committee on the Judiciary.

390. Also, a memorial of the General Assembly of the State of Colorado, relative to House Joint Resoultion No. 04-1022 memorializing the United States Congress to pass the "English Language Unity Act of 2003" (H.R. 997), which would establish English as the official language of the United States; jointly to the Committees on Education and the Workforce and the Judiciary.

391. Also, a memorial of the General Assembly of the State of Delaware, relative to House Substitute No. 1 for House Concurrent Resoultion No. 46 memorializing the President and Congress of the United States to strengthen trade relations with Taiwan by a Free Trade Agreement and to support the participation of Taiwan in the United Nations and the World Health Organization; jointly to the Committees on Ways and Means and International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 58: Mr. Gerlach.

H.R. 784: Mr. Terry.

H.R. 918: Mr. Bishop of Georgia, Mr. Hyde, Mr. Moore, Mr. Issa, and Mr. Waxman.

H.R. 1043: Mr. Boswell and Mr. Burr.

H.R. 1057: Mr. Shaw and Mr. Green of Wisconsin.

H.R. 1242: Mr. Miller of North Carolina.

H.R. 2241: Mr. McDermott.

H.R. 2377: Mr. Miller of North Carolina.

H.R. 2387: Ms. Watson.

H.R. 2442: Mr. Ney, Mr. English, Mrs. Biggert, Mr. Lewis of Georgia, and Ms. Loretta Sanchez of California.

H.R. 2681: Mr. Van Hollen.

H.R. 2747: Mr. Bishop of Georgia.

H.R. 2790: Mrs. Napolitano.

H.R. 2868: Mr. Marshall.

H.R. 2929: Mr. Bradley of New Hampshire.

H.R. 3066: Mr. Camp.

H.R. 3085: Ms. Bordallo.

H.R. 3090: Mr. Hinchey.

H.R. 3178: Mr. McHugh.

H.R. 3313: Mr. Manzullo, Mr. Rogers of Alabama, and Mr. Tom Davis of Virginia.

H.R. 3474: Mr. Carson of Oklahoma.

H.R. 3480: Ms. Waters.

H.R. 3634: Mr. Kennedy of Rhode Island and Mr. Price of North Carolina.

H.R. 3662: Mr. Filner.

H.R. 3756: Ms. Eshoo, Mrs. Lowey, Mr. Neal of Massachusetts, Mr. Van Hollen, and Mr. Thompson of Mississippi.

H.R. 3780: Ms. Bordallo.

H.R. 3799: Mr. Goode and Mr. Brown of South Carolina.

H.R. 3847: Mr. Meek of Florida.

H.R. 3953: Mr. Calvert.

H.R. 3965: Mr. Gordon.

H.R. 4026: Mr. Gonzalez.

H.R. 4036: Mr. Rangel.

H.R. 4057: Mr. Scott of Georgia and Mr. Price of North Carolina.

H.R. 4110: Mr. Bishop of Georgia and Mr. Saxton.

H.R. 4116: Mr. Price of North Carolina, Mr. Cummings, Mr. Meehan, Mr. Gonzalez, Mr. LaHood, Mr. Linder, Mr. Young of Alaska, Mr. Nunes, Mr. Lucas of Kentucky, Mr. Graves, Mrs. Kelly, Mr. Gingrey, Mr. Buyer, Mr. Hayes, Ms. Ros-Lehtinen, Mr. Rehberg, Mrs. Jo Ann Davis of Virginia, and Mr. Kolbe.

H.R. 4126: Mrs. Musgrave.

H.R. 4209: Mr. Beauprez.

H.R. 4354: Mr. Green of Texas.

H.R. 4356: Ms. Eshoo.

H.R. 4361: Mr. Pallone, Ms. Schakowsky, and Mr. Gonzalez.

H.R. 4391: Mr. Foley and Mr. Calvert.

H.R. 4400: Ms. McCollum and Mr. Pallone.

H.R. 4423: Mr. Oberstar.

H.R. 4430: Mr. Knollenberg and Mr. Bartlett of Maryland.

H.R. 4431: Mr. Gordon.

H.R. 4445: Mr. Owens, Mr. Towns, Ms. Waters, Ms. Millender-McDonald, and Mr. Meeks of New York.

H.R. 4476: Mr. Fattah, Mr. McDermott, Ms. Lee, and Mr. Hoeffel.

H.R. 4530: Mr. Wicker.

H.R. 4555: Mr. Filner and Mrs. Capps.

H.R. 4605: Mr. Smith of Washington.

H.R. 4621: Mr. Rahall.

H.R. 4627: Mr. Porter.

H.R. 4628: Mr. John, Mr. Schiff, and Mr. Bishop of Georgia.

H.R. 4694: Mr. McDermott.

H.R. 4706: Ms. Bordallo, Ms. Woolsey, and Mr. Filner.

H.R. 4712: Mr. Otter, Mr. Barrett of South Carolina, Mr. Wicker, Mr. Miller of Florida, and Mr. Sam Johnson of Texas.

H.R. 4758: Mr. Frost.

H.R. 4769: Ms. Watson, Mr. Pomeroy, Mr. Menendez, and Mr. Hoeffel.

H.R. 4772: Mr. Lipinski, Mr. Cooper, Ms. DeLauro, Mr. Bishop of New York, Mr. Engel, Mr. McGovern, Mr. Rangel, Mr. Weiner, Mr. Pomeroy, Mr. Ackerman, Mr. Green of Texas, and Ms. Bordallo.

H.R. 4797: Mr. Clay.

H.R. 4806: Mr. Pearce.

H. Con. Res. 218: Mr. Kucinich.

H. Con. Res. 298: Mr. Oxley.

H. Con. Res. 369: Mr. Lewis of Kentucky.

H. Con. Res. 371: Mr. McHugh.

H. Con. Res. 390: Ms. Jackson-Lee of Texas and Mr. Crane.

H. Con. Res. 431: Mr. Terry.

H. Con. Res. 435: Ms. Slaughter and Mr. Kildee.

H. Con. Res. 467: Mr. Oberstar, Mr. Costello, Ms. Woolsey, Mr. Van Hollen, Mr. Lantos, Mr. Wexler, Mr. Frank of Massachusetts, Mr. Ackerman, Mr. Faleomavaega, Mr. Pitts, Mr. Bell, Mr. Abercrombie, Ms. Pelosi, Mr. McDermott, Mr. Price of North Carolina, and Mr. Cardoza.

H. Con. Res. 469: Mr. Sessions, Mr. Frost, and Mr. Israel.

H. Res. 705: Mr. Houghton and Mrs. Johnson of Connecticut.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3575: Mr. Snyder and Mr. Ross.

H.R. 4634: Mr. Green of Texas.

H. J. Res. 37: Mr. Hill.

H. J. Res. 66: Mr. Hill.

PETITIONS, ETC.

Under clause 3 of rule XII,

92. The SPEAKER presented a petition of the California State Lands Commission, relative to a Resolution petitioning the President, the Department of Energy, and the Congress of the United States to focus on renewable energy development and continue the moratorium on oil and gas leasing off of California; which was referred to the Committee on Resources.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4766

OFFERED BY MR. TANCREDO

AMENDMENT NO. 15: At the end of the bill (before the short title), insert the following new section:

SEC. . None of the funds made available in this Act under the Heading "Food Stamp Program" may be expended in contravention of 8 U.S.C. 1183a.

H.R. 4766

OFFERED BY: MR. FLAKE

AMENDMENT NO. 16: Add at the end (before the short title) the following:

SEC. 7 . None of the funds made available by this Act may be used to pay the salaries and expenses of employees of the Department of Agriculture who make payments from any appropriated funds to tobacco quota holders or producers of quota tobacco pursuant to any law enacted after July 1, 2004, terminating tobacco marketing quotas under part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 and related price support under sections 106, 106A, and 106B of the Agricultural Act of 1949.

H.R. 4766

OFFERED BY: MR. BACA

AMENDMENT NO. 17: In title I, under the heading "OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS", insert after the dollar amount the following: "(increased by $250,000)".

In title I, under the headings "COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE-RESEARCH AND EDUCATION ACTIVITIES", insert after the first dollar amount, and after the dollar amount relating to Hispanic-serving Institutions, the following: "(increased by $1,500,000)".

In title I, under the headings "COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE-EXTENSION ACTIVITIES", insert after the first dollar amount, and after the dollar amount relating to Indian reservation agents, the following: "(increased by $1,000,000)".

In title I, under the headings "COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE-OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS", insert after the dollar amount the following: "(increased by $750,000)".

In title III, under the heading "RURAL DEVELOPMENT—SALARIES AND EXPENSES", insert after the dollar amount the following: "(reduced by $3,500,000)".

H.R. 4766

OFERED BY: MR. WEINER

AMENDMENT NO. 18: Page 5, line 15, insert "(decreased by $19,667,000)" after the dollar amount.

Page 18, line 9, insert "(increased by $19,667,000)" after the 1st dollar amount.

H.R. 4818

OFFERED BY: MR. DEAL OF GEORGIA

AMENDMENT NO. 1: At the end of the bill (before the short title), insert the following:

GOVERNMENTS THAT DO NOT PERMIT CERTAIN EXTRADITIONS

SEC. 576. None of the funds made available in this Act may be used to provide assistance to the government of any country that does not permit the extradition to the United States, for trial or sentencing in the United States, of individuals suspected of committing criminal offenses for which the maximum penalty is life imprisonment without the possibility of parole, or a lesser term of imprisonment.

H.R. 4818

OFFERED BY: MR. DEAL OF GEORGIA

AMENDMENT NO. 2: At the end of the bill (before the short title), insert the following:

GOVERNMENTS THAT DO NOT PERMIT CERTAIN EXTRADITIONS

SEC. 576. None of the funds made available in this Act may be used to provide assistance to the government of any country with which the United States has an extradition treaty and which does not permit the extradition to the United States, for trial or sentencing in the United States, of individuals suspected of committing criminal offenses for which the maximum penalty is life imprisonment without the possibility of parole, or a lesser term of imprisonment.

H.R. 4818

OFFERED BY: MR. EMANUEL

AMENDMENT NO. 3. At the end of the bill (before the short title), insert the following:

DESIGNATION OF REPUBLIC OF POLAND AS A PROGRAM COUNTRY UNDER THE VISA WAIVER PROGRAM

SEC. . Congress—

(1) recognizes the importance of designating the Republic of Poland as a program country for purposes of the visa waiver program established under section 217 of the Immigration and Nationality Act; and

(2) urges the Secretary of Homeland Security and the Secretary of State to assist Poland in reducing its nonimmigrant visa refusal rate so that Poland may qualify for such designation.

H.R. 4818

OFFERED BY: MR. EMANUEL

AMENDMENT NO. 4: At the end of the bill (before the short title), insert the following:

PROHIBITION OF PROFITEERING

SEC. . (a) PROHIBITION.—(1) Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

"§ 1038. War profiteering and fraud relating to military action, relief, and reconstruction efforts in Iraq

"(a) PROHIBITION.—

"(1) IN GENERAL.—Whoever, in any matter involving a contract or the provision of goods or services, directly or indirectly, in connection with the war, military action, or relief or reconstruction activities in Iraq, knowingly and willfully—

"(A) executes or attempts to execute a scheme or artifice to defraud the United States or Iraq;

"(B) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

"(C) makes any materially false, fictitious, or fraudulent statements or representations, or makes or uses any materially false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; or

"(D) materially overvalues any good or service with the specific intent to excessively profit from the war, military action, or relief or reconstruction activities in Iraq;

shall be fined under paragraph (2), imprisoned not more than 20 years, or both.

"(2) FINE.—A person convicted of an offense under paragraph (1) may be fined the greater of—

"(A) $1,000,000; or

"(B) if such person derives profits or other proceeds from the offense, not more than twice the gross profits or other proceeds.

"(b) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over an offense under this section.

"(c) VENUE.—A prosecution for an offense under this section may be brought—

"(1) as authorized by chapter 211 of this title;

"(2) in any district where any act in furtherance of the offense took place; or

"(3) in any district where any party to the contract or provider of goods or services is located.".

(2) The table of sections for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

"1038. War profiteering and fraud relating to military action, relief, and reconstruction efforts in Iraq.".

(b) CIVIL FORFEITURE.—Section 981(a)(1)(C) of title 18, United States Code, is amended by inserting "1038," after "1032,".

(c) CRIMINAL FORFEITURE.—Section 982(a)(2)(B) of title 18, United States Code, is amended by striking "or 1030" and inserting "1030, or 1038".

(d) MONEY LAUNDERING.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting the following: ", section 1038 (relating to war profiteering and fraud relating to military action, relief, and reconstruction efforts in Iraq)," after "liquidating agent of financial institution),".

H.R. 4818

OFFERED BY: MR. EMANUEL

AMENDMENT NO. 5: At the end of the bill (before the short title), insert the following:

PAYMENTS TO STATE AND LOCAL GOVERNMENTS FOR INFRASTRUCTURE AND SOCIAL SERVICES NEEDS

SEC. . (a) PAYMENTS TO STATE AND LOCAL GOVERNMENTS.—(1) The Secretary of the Treasury shall, in accordance with the provisions of this section, make payments to States and local governments to coordinate budget-related actions by such governments with Federal Government efforts to stimulate economic recovery.

(2) There is authorized to be appropriated to the Secretary of the Treasury for fiscal year 2005 for payments under this section an amount equal to at least the total amount appropriated for fiscal year 2003 under the heading "Iraq Relief and Reconstruction Fund" in the Emergency Wartime Supplemental Appropriations Act, 2003, and any amounts appropriated for such Fund in any subsequent appropriation Act. Such amounts shall be in addition to, and not in lieu of, other amounts appropriated for payments to States and local governments.

(3) Not less than one-third of the amount appropriated pursuant to the authorization in paragraph (2) shall be made available to local governments under the applicable laws of a given State.

(b) ALLOCATION.—The Secretary of the Treasury shall establish a formula, within 30 days after the date of the enactment of this Act, for determining the allocation of payments under this section. The formula shall give priority weight to the following factors:

(1) The unemployment rate in relation to the national average unemployment rate.

(2) The duration of the unemployment rate above such average.

(3) Median income.

(4) Population.

(5) The poverty rate.

(c) USE OF FUNDS BY STATE AND LOCAL GOVERNMENTS.—(1) Funds received under this section may be used only for priority expenditures. For purposes of this section, the term "priority expenditures" means only—

(A) ordinary and necessary maintenance and operating expenses for—

(i) primary, secondary, or higher education, including school building renovation;

(ii) public safety;

(iii) public health, including hospitals and public health laboratories;

(iv) social services for the disadvantaged or aged;

(v) roads, transportation, and water infrastructure; and

(vi) housing; and

(B) ordinary and necessary capital expenditures authorized by law.

(2) The Secretary of the Treasury may accept a certification by the chief executive officer of a State or local government that the State or local government has used the funds received by it under this section only for priority expenditures, unless the Secretary determines that such certification is not sufficiently reliable to enable the Secretary to carry out this section. The Secretary shall prescribe by rule the time and manner in which the certification must be filed.

H.R. 4818

OFFERED BY: MR. NETHERCUTT

AMENDMENT NO. 6: At the end of the bill (before the short title), insert the following:

LIMITATION ON ECONOMIC SUPPORT FUND ASSISTANCE FOR CERTAIN FOREIGN GOVERNMENTS THAT ARE PARTIES TO THE INTERNATIONAL CRIMINAL COURT

SEC. ___. None of the funds made available in this Act in title II under the heading "ECONOMIC SUPPORT FUND" may be used to provide assistance to the government of a country that is a party to the International Criminal Court and has not entered into an agreement with the United States pursuant to Article 98 of the Rome Statute preventing the International Criminal Court from proceeding against United States personnel present in such country.

H.R. 4818

OFFERED BY: MR. HEFLEY

AMENDMENT NO. 7: At the end of the bill (before the short title), insert the following:

REDUCTION OF DISCRETIONARY APPROPRIATIONS

SEC. ___. Total appropriations made in this Act (other than appropriations required to be made by a provision of law) are hereby reduced by $193,860,000.

SENATE—*Tuesday, July 13, 2004*

The Senate met at 9:45 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O Lord and Ruler, Your name is wonderful and Your glory can be seen in the heavens.

We thank You for this deliberative process of lawmaking with its challenges and opportunities. As our Senators debate the issue of marriage, give them wisdom and courage. Let them be fully persuaded in their minds about the course that will best bless America. Deliver them from a reluctance to respect honest differences, as they remember their ultimate accountability to You.

Bless them with divine insights as they grapple with the complexities that require hard choices. Make it their ultimate goal to serve You by doing what is best for our Nation.

We pray this in Your strong name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, with the first half of the time under the control of the minority leader or his designee and the second half of the time under the control of the majority leader or his designee.

RECOGNITION OF THE ASSISTANT MINORITY LEADER

The PRESIDENT pro tempore. The Chair recognizes the acting Democratic leader.

SENATE SCHEDULE

Mr. REID. Mr. President, the majority leader will be coming at a later time. I simply wanted to say that we renew our request on this issue which people feel so strongly about relating to marriage, that we move forward and vote on Resolution 40 that is now before the Senate. We have indicated, through our leader, Senator DASCHLE, and again yesterday, that we would be willing to move to that resolution posthaste. We would be willing to cooperate with the majority, have whatever debate time they wanted on the resolution itself. But we on this side are disappointed. Yesterday morning we were told the majority had another constitutional amendment they wanted to vote on relating to marriage, making it two. Then later in the day, we were told they still had a third one, which is certainly a recipe for having no vote on anything.

If there is no vote on the substance of this marriage amendment, it will lie at the feet of the majority. They have the ability to have an up-or-down vote on this resolution as soon as they want it. It is not good for the process to have an open season on amendments. What would happen is we would move to the marriage amendment and then, by simple majorities, one could attach whatever one wanted to it. The majority realizes we would never have an up-or-down vote on a marriage amendment because it would be filled with all kinds of other things.

This reminds me of the same thing that took place last week on something some Members also felt very strongly about—class action. On that, there was a sufficient number of Democrats, I am told, who would have been able to move forward with this legislation. But instead of moving forward on it, the majority again decided they didn't want to. They wouldn't allow a limited number of amendments. Therefore, we did nothing.

We have wasted 2 weeks. This will be the second week. I am told that when we finish the marriage amendment, which will be very shortly, if the procedures are as indicated—the majority leader filed cloture last night and we would move to the matter Wednesday to vote on it—the majority has indicated they want to move to the Australian free-trade agreement.

Now, I know Australia has been a good ally of this country, but, for Heaven's sake, we have so many more important things to do and we are going to take valuable Senate time away from the appropriations bills, one of which is on the floor, the one relating to homeland security.

The Presiding Officer has indicated that, with certain limitations, he would be willing to move forward on that bill. While we may not accept those limitations, we would certainly be willing to work with the chairman of the Appropriations Committee to move forward on that legislation.

We had a briefing last week on homeland security. We are having another one tomorrow dealing with the emergency evacuation of this Capitol complex. There are things we need to do rather than have another free-trade agreement.

I hope the majority will see the light and allow us to vote on the marriage amendment tomorrow, or whenever they choose, if they want more time to debate it. I think it would be good for the people of this country if they knew how people stood on the constitutional amendment before this body.

I suggest the absence of a quorum and ask unanimous consent that the first half hour of morning business run against our side.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Will the Chair announce the morning business hour? I don't believe it has been done.

The PRESIDENT pro tempore. The Chair did announce that.

Mr. REID. Under the Democratic time, the first 15 minutes will be for Senator LAUTENBERG. The next 10 minutes will be for Senator HARKIN. The time for Senator LAUTENBERG has already started to run. I ask unanimous consent that be the case.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that I have 15 minutes to make my presentation in morning business, and if my time extends beyond the time allocated, that

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

it be equally available to the Republican side as well.

The PRESIDENT pro tempore. On behalf of the Senate leadership, the Chair objects until we are so informed that they have cleared that process. The Senator's time is running.

Mr. LAUTENBERG. Mr. President, I was unaware of that. Be that as it may, may I ask from the Parliamentarian or the Chair, what is the business that follows immediately after morning business?

The PRESIDENT pro tempore. The Senate will resume consideration of S.J. Res. 40, which is the marriage amendment.

Mr. LAUTENBERG. I just want to be sure. We are going to be discussing whether we put into the Constitution a ban on gay marriage. As a consequence, we are not going to be able to discuss issues that affect Halliburton or this war or the condition of our country. I assume that is correct, Mr. President.

The PRESIDENT pro tempore. The Chair is not in a position to debate with the Senator.

Mr. LAUTENBERG. It is no debate; it is a question of what is generally appropriate and available on the floor of the Senate, and when courtesies are extended.

The PRESIDENT pro tempore. The Senator's time is running.

HALLIBURTON CONTRACT

Mr. LAUTENBERG. Mr. President, I rise to discuss unanswered questions regarding the no-bid contract that the administration awarded Halliburton last year to operate Iraq's oil infrastructure.

As my colleagues know, I have been outspoken in my criticism of this no-bid contract awarded by the Bush administration to the company that the Vice President led for 5 years as CEO. This one contract alone has cost the U.S. taxpayers $2.2 billion. That is $2.2 billion in public funds that were given to a company through a contract on which no other companies were allowed to bid.

Recognizing this condition, we had a unanimous vote one night in the Senate, when it was decided that we would no longer ever, in connection with the Iraq war, issue any no-bid contracts. We forced that out into the open, even though it was the intention of the Republican majority to keep it from being discontinued, the no-bid contract business.

To make matters worse, the Vice President maintains a continuing financial relationship with Halliburton, even as the company reaps the benefit of multibillion-dollar contracts from the Bush-Cheney administration. I believe it is ethically inappropriate, but the Vice President's response to criticism has been to dismiss the concerns with questionable statements.

For example, on September 14, 2003, the Vice President was asked about his relationship with Halliburton and the no-bid contract on "Meet the Press." Vice President CHENEY told Tim Russert:

> I've severed all of my ties with the company, gotten rid of all of my financial interest. I have no financial interest in Halliburton of any kind and haven't had, now, for over three years.

The problem with that statement is that when he said it, he held over 400,000 Halliburton stock options and continues to receive deferred salary from the company.

But that is not all the Vice President said that day. Look at his other statement on this placard:

> [A]s Vice President, I have absolutely no influence of, involvement of, knowledge of in any way, shape or form of contracts led by the [Army] Corps of Engineers or anybody else in the Federal Government.

September 14, 2003.

Mr. REID. Will the Senator yield for a unanimous consent request?

Mr. LAUTENBERG. I will.

Mr. REID. We have 5 extra minutes. Mr. President, I yield that time to the Senator from New Jersey, Mr. LAUTENBERG.

Mr. LAUTENBERG. Mr. President, I appreciate that very much because they want to shut down the debate on Halliburton, whose receivables were $161 million larger than the Pentagon wanted to pay because they knew there were overcharges, but they do not want to let that debate happen here. I thank the Senator from Nevada for those extra 5 minutes.

For months, the Vice President's allies pointed to this statement saying that he made it clear that he stays out of all issues relating to Halliburton's contracts. But now an e-mail from March 2003 has become public, and it seriously challenges Vice President CHENEY's claim of a hands-off policy. In fact, the e-mail message suggests that the Vice President's office had an active role in Halliburton's no-bid contract.

Look at this e-mail:

> Feith—

Feith was Under Secretary of the Department of Defense.

> Feith approved, contingent on informing the WH tomorrow. We anticipate no issues since action has been coordinated with the VP's office. Expect PA press release and Congressional coordination tomorrow AM and declass action to us early in PM. . . .

They are saying go ahead, fellows, don't worry about anything, this is cleared with the Vice President's office, perhaps even including the knowledge that maybe there would be some overcharges, but so what. What about profiteering during the war? We have lost over 800 people in Iraq, but the fact that the taxpayers are being cheated in the process, well, that is kind of normal business, and they don't want that aired on this floor of the Senate.

This e-mail tells a very different tale than what the Vice President has been saying. The date of this e-mail is a mere 3 days before Halliburton was given the no-bid contract. The e-mail says that Under Secretary of Defense for Policy, Douglas Feith, approved, giving the no-bid contract to Halliburton contingent upon the White House giving the green light. Browning then says that he or she "anticipates no issues" because the awarding of the contract has been "coordinated with the Vice President's office."

This is damning information. Despite the signs of misconduct, the Senate has done nothing to investigate this matter. I have written to Attorney General Ashcroft asking for a special counsel to be appointed, similar to that action taken in the Valerie Plame case. Several laws may have been broken in the awarding of the Halliburton contract, including the Competition in Contracting Act and criminal conspiracy. I have also asked the chairman of the Governmental Affairs Committee to issue subpoenas to the Pentagon and the Vice President's office regarding communication between those two offices on Halliburton contracts.

In my view, the credibility of this institution is at stake, not that anybody seems to care. Here we are seeing the top level of the executive branch arranging sweetheart billion-dollar procurement deals for the former employer of the Vice President, an employer with whom the Vice President has a continuing financial interest. Are we not even going to look into it? I guess, based on what I have seen this morning, it does not seem we are going to be permitted to do so, but we are going to continue to bring this to the public. They deserve to know, even if our colleagues on the other side are not interested in hearing it.

The Vice President has a financial interest in Halliburton, and it is, indeed, significant. The Vice President holds 433,000 unexercised Halliburton stock options, and even though most of the exercised prices are above the current market price, the majority of the options extend to 2009.

In addition to the stock options, Vice President CHENEY continues to receive deferred salary from Halliburton, and it is a significant sum. In fact, the Vice President's salary rivals his Government pay. He is looking at salaries that are very competitive to his Government salary. The Government salary is $186,000, going to $198,000 over a period of time, and the Halliburton salary is $205,000. It starts out almost $20,000 higher, and then it sinks to $30,000 in the middle but creeps back to where it is a $20,000 differential. Not much when we are talking about the kind of moneys Halliburton has paid the Vice President.

With these revelations concerning the Vice President's involvement in the no-bid contract, it is time for this Senate to act. In the last administration, someone would sneeze and it would be investigated around here. Remember Whitewater? That was a $203,000 investment 15 years before President Clinton took office. Not only was there nothing to the charges, but it had nothing to do with Government conduct. Yet here we are talking about $2.2 billion in taxpayer funds that were possibly illegally awarded, and we have done nothing to investigate it.

I urge my colleagues to uphold our constitutional duties and investigate this critical issue.

What does it say to the public at large if you want to overcharge the Government and you have the right connections, perhaps you can do it or perhaps you can arrange it. The fact is, people out there are sweating to make a living, sweating to pay their bills, sweating to educate their kids, and sweating to pay the prices that prescription drugs now cost. But when we have an item such as a $160 million overcharge, in wartime, that is called profiteering, and in the war I served in a long time ago, World War II, profiteering would hold you out for scorn across this country. It never would be tolerated. It would be brought to the courts, it would be brought to the Congress, and it would be shut down promptly.

Halliburton's $85,000 maintenance plan: Needed an oil change but bought a new truck; $85,000 was spent because they did not want to take the time out to change the oil in the truck. So they went ahead and bought a new one. What the heck, the taxpayers are paying for it, and no one is going to get excited here. It is obvious, as we see this morning and every day.

It is with regret that I bring this to our attention, but I think it must be done. I am not doing this for political reasons; I am doing this because the citizens of the United States are entitled to a fair break. I will tell you, if it were in the local hardware store, or something such as that, and they were overcharging you and not telling you the price in advance, we would hear about it in our offices. But, no, after all, this is only a $2.5 billion contract; what is there to get excited about?

I thank my colleagues for the attention they have given me this morning, and I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. THOMAS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

I ask the minority leader, is he using leader time?

Mr. DASCHLE. I will be using my leader time.

MANY ISSUES NEED SENATE DEBATE

Mr. DASCHLE. Mr. President, I come to the floor again not to pose a unanimous consent request, because we attempted that again last night, but to remind my colleagues that we have proposed to our colleagues on the majority that we would be happy to agree to a unanimous consent that would allow us an up-or-down vote on the amendment that is now the subject of a motion to proceed. We had said we were prepared to do that last Friday. We had said that it is important for us to have a good, vigorous debate about the amendment, but now there is a debate among the majority apparently about several versions of the amendment they want to use.

Usually, when someone is in the majority, they come to the floor with a majority draft, hopefully a draft that has been passed out of the committee with careful consideration and thoughtful debate. That has not happened in this case. This amendment never came out of the committee. It was simply put on the calendar and now it is the subject of a debate on the motion to proceed.

Even with all of that, we said if they want to have a debate on that amendment, that is fine. Unfortunately, because the majority cannot agree among itself and because it has several versions that it now wants to present to the Senate, versions all to amend the U.S. Constitution, and because, of course, we cannot be limited just to those provisions, there are other amendments that would be offered subject to a simple majority, amendments that could deal with any 1 of the other 17 amendments that are pending.

There are 67 different proposals for amending the Constitution currently pending in the 108th Congress. Any 1 of those 67 proposals would be fair game. There are many that have to do with gay marriage. There are many that have to do with flags, victims' rights, freedom of speech, campaign finance. There are a lot of amendments. We could be on amendments for the rest of this month. So this is not what I would imagine most people would prefer, but that is where we find ourselves today.

We are prepared to accept the unanimous consent agreement to go to the amendment that has been proposed to the Senate, but that is not apparently what our friends on the other side prefer to do. So we will have the vote on the motion to proceed.

The sad thing is there are so many other things that ought to be done. We were briefed just last week in a very sober setting in 407 about our circumstances involving homeland security and the possibilities of additional new threats to our country. Yet the Homeland Security bill languishes. There have been suggestions within our caucus to make a motion to proceed to homeland security, and at some point, I will say now that is a very real possibility that we will move to homeland security because the majority refuses to do so.

It is difficult for us to understand why we ought to be in this situation. This is the middle of July. We have yet to take up the Homeland Security appropriations bill, in spite of these warnings of new threats to our country. Why would we not take up that bill? That is just one of the questions, one of the issues, that trouble many of us.

The majority leader has promised to vote on reimportation. I do not know when we are going to take up reimportation. We are now through the middle of July. He has indicated that after the vote on the constitutional amendment we are likely to go to the free-trade agreements.

So I am not sure when we squeeze in a good debate about whether we can provide lower drug prices to seniors. That, too, could be the motion that could be the subject of debate on a motion to proceed. That is already on the calendar. The majority leader has promised a vote on mental health parity. We thought it would be January or February, then maybe March. Well, here it is now with fewer than 30 days remaining, and in spite of that promise there is no commitment to go to mental health parity.

Many of us would love to see a debate and a vote on whether we should negotiate lower prices with the drug companies for seniors.

That is on the list.

After what happened in the Supreme Court not long ago, there is a real question now about whether we ought to revive the debate on Patients' Bill of Rights. Patients' Bill of Rights ought to be the subject of debate in the Chamber, not to mention all the other appropriations bills, rail security legislation, legislation dealing with our borders, our ports, our railroad tunnels.

This continues to be a historic Congress in its inability to do the things the American people would expect of us. I have heard all the charges of obstructionism. They can't get their act together. That is the fact. They are unable to decide among themselves what their priorities are. As a result, the priorities of the Nation languish.

We face a real crisis, as I mentioned a moment ago, in our country, involving the rising cost of prescription drugs. Last year, Congress passed a bill that was supposed to solve that crisis. Seven months later it is clear that it is not working and prices are going up as fast as ever. We should not and we must not accept that.

We have an obligation to consider new ideas, to search for new solutions. President Roosevelt was fond of saying:

> Take a method and try it. If it fails, admit it frankly, and try another. But, by all means, try something.

A couple of weeks ago my friend Senator PRYOR from Arkansas was speaking here. He suggested that we follow a "do right" approach to our work. I completely agree. As we tackle issues, we should ask ourselves a simple question: Are we doing right by America? In the case of prescription drugs, I would ask the question: Are we doing right by America's seniors? The answer, unfortunately, is no.

According to a report by the AARP, the cost of the most-prescribed brand name prescription drugs has risen above the rate of inflation for each of the past 4 years, steadily eroding the fixed incomes of seniors. Last year the cost of drugs rose three times the rate of inflation. But as bad as that was, this year appears to be even worse. The AARP revealed recently that during the first quarter of 2004, drug prices rose more than 3½ times the rate of inflation and there is no end in sight. The typical senior will pay $191 more for drugs this year than in 2003.

Statistics cannot do justice to the hardship this is placing on Americans.

Not long ago my office was contacted by a man whose name is Stan Pitts. Stan's diabetes has left him virtually blind and unable to work. Controlling his illness requires 13 different prescriptions. In all, his monthly drug bill is $1,267. When he could no longer work as a computer technician, Stan went on disability, which paid him $1,162 per month. It is not much, not even enough to cover his drug costs, but it still disqualified him from receiving any other assistance, including food stamps, housing, and Medicare.

There are no good answers for Stan today. All he can do is try to balance his needs and his income as long as he can. If he does not take his medicine, his illness will worsen and he will eventually die. If he doesn't pay his rent, he will be out on the street. So he alternates. One month he pays for his medicine. The next month he pays his rent, and so on. This only delays the inevitable. Eventually, he will be evicted and eventually there will be nothing left to sell or exchange to pay his drug bill.

That is the future waiting for Stan Pitts, and it will be the future for thousands of more Americans unless we do something.

The White House and congressional Republicans seem content to rest on their Medicare and drug card program. Since its introduction 2 months ago, seniors have expressed concern that it is too confusing, it doesn't cover their medications, and it doesn't protect them against price gouging. The Wall Street Journal reported recently that whatever discounts the cards might have provided have already been factored into drug company pricing strategies. In fact, drugmakers have already raised prices so much that the so-called discounts offered by this program will do little more than return the drugs to their original prices.

Families USA recently concluded that families are worse off today with the drug card than they were in 2001, when the President took office. Furthermore, the official Web site established to help simplify the program for seniors has only made the problem worse. The prices are actually inaccurate. The information on the Web site is confusing and very unhelpful. Last week we learned that many of the pharmacies listed as participants in fact do not participate at all. Some are no longer in business and their windows are boarded up.

Seniors have been thrust into a maze of contradicting information. Even those who navigate it successfully will have few, if any, savings to show for their efforts. One couple from Rapid City who recently wrote me found the whole process, in their words, "foolish." They wrote:

> This solution is not a benefit to the senior citizens, but instead is an economic boon for the drug companies. . . .

So rather than participate in the drug card program, they have started buying their drugs from Canadian pharmacies. They do not like to break the law, but they say they will have no other choice. The drug they need is 60 percent cheaper in Canada than it is here.

This family is not alone. Pharmaceutical companies charge American consumers the highest prices in the world. Some medicines cost American patients five times more than they cost patients in other countries. In effect, our citizens are charged a tax simply for being American. As a result, millions of Americans are having trouble affording lifesaving medication.

Seniors should not be made to feel like criminals just because they cannot afford a $1,000-per-month drug bill. It is wrong that seniors are left to struggle alone, and what makes it worse is the fact it is totally unnecessary.

The good news for America's seniors is we can do right by them. There are low-cost alternatives that dramatically reduce the price of prescription drugs. We know, for instance, that by enabling Americans to reimport medications safely from other industrialized countries we can bring down drug costs immediately. At the same time, we should be able to take advantage of the method the VA has already used to reduce drug costs, and employ the unrivaled purchasing power of the Government to negotiate better prices for 41 million Americans.

The administration opposes each of these commonsense measures. Apparently, the White House is so committed to protecting the profits of pharmaceutical companies, it is negotiating trade pacts that would increase the drug costs of other countries. Rather than running up the pharmaceutical costs of other countries, the administration should work with us to lower the price to Americans.

The fact is, there is no mystery to the problem of bringing down drug costs. There is no hidden secret; no puzzle to solve. We can do right by our seniors by making a simple choice. Let's put their interests ahead of the demands of the drug companies and HMOs. By taking simple commonsense steps, we can bring the cost of drugs and health care within reach of every American. When we do that, we will know we have done right by America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 7 minutes 55 seconds.

VALERIE PLAME LEAK INVESTIGATION

Mr. HARKIN. Mr. President, last week I noted here in the Senate that it has been almost a year since the identity of a covert CIA agent was revealed in print by a columnist, Robert Novak. It has now been 365 days, 1 year, and yet we still don't know who blew her cover, who leaked her name, who in the NSC, National Security Council, CIA, gave this information to people in the White House. It is clear that Valerie Plame's cover was blown as part of an effort at that time to discredit and retaliate against critics of the administration, especially anyone who dared to suggest that some of the intelligence used to justify the war in Iraq was fraud or fabricated.

If the administration were to try to continue this campaign of vengeance today, I suppose they would have to go after the entire Senate Intelligence Committee. I believe its report that it just put out verifies the fact that this was done in a vengeful manner.

As we all know, Ms. Plame's husband, former Ambassador Joseph Wilson, was sent by the CIA on a fact-finding mission to Niger early in 2002 to examine claims that Saddam Hussein had sought to purchase uranium from Niger. Wilson said he found the claims lacked credibility. The Intelligence Committee report provides an interesting new perspective on these events. It indicates that in October of 2002, CIA Director Tenet called the Deputy National Security Adviser, Stephen Hadley, to express the CIA's serious concerns about references to uranium and Africa in a speech the President was going to give in Cincinnati.

Guess what. The references were removed:

Then in December of 2002, the State Department officials advised that the documents underlying the claim were likely forgeries. That is in December. However, the President comes before a joint session in January and says that the "British Government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa."

One thing that remains unclear throughout this series of events is exactly how and why the same NSC officials—National Security Council officials—who heard Director Tenet's concerns in October, who removed that language from the speech the President was giving in Cincinnati, who also knew the State Department in December had said these were probably forgeries, how did they allow this back into the State of the Union Message in January 2003?

We still don't have a full picture of how the administration manipulated intelligence on Iraq. The Intelligence Committee report stops short of that inquiry. But it is clear that the intelligence community felt a great deal of pressure to conform its views to the administration's public characterizations of certainty about Iraqi production of weapons of mass destruction and Iraq's connections to terrorism.

The minority views of the report note that former Director Tenet confirmed that agency staff raised with him the matter of "repetitive tasking" and the pressure that it created. The CIA ombudsman told the committee that he believed "the 'hammering' of the Bush administration on Iraq intelligence was harder than he had previously witnessed in his 32-year career."

The minority views went on to say:

> By the time American troops had been deployed overseas and were poised to attack Iraq, the administration had skillfully manipulated and cowed the intelligence community into approving public statements that conveyed a level of conviction and certainty that was not supported by an objective reading of the underlying intelligence reporting.

That was the fundamental point that Ambassador Wilson made in his op-ed in the New York Times: Intelligence was stretched to fit a predetermined course of action.

One year later—365 days later—we still don't know who was involved in leaking this name and exposing a covert CIA agent. We don't know who gave this classified information to the leakers in the White House.

The disclosure of Ms. Plame's identity was malicious and probably criminal. Mr. Fitzgerald, the special prosecutor, has been conducting a thorough investigation but with very little assistance from the person who could easily get to the bottom of it—the President of the United States.

I believe the President has been too cavalier, too dismissive of the situation. He has made only one statement on this issue. Here is what he said:

> This is a town that likes to leak. I do not know if we are going to find out the senior administration official. Now this is a large administration, and there's a lot of senior officials. I don't have any idea.

That is the President of the United States.

Where is his outrage?

What about the Vice President? We know he can be relentless when he is on a quest for information to justify the war in Iraq. Vice President CHENEY personally journeyed to CIA headquarters repeatedly—I have heard up to eight or nine times—to meet directly with analysts on Iraq. I am further told that was unheard of before, that Vice Presidents have never done this before.

Here is Vice President CHENEY personally going to CIA headquarters across the river eight or nine times to sit down with analysts to tell them to get their story straight.

Where is that kind of determination when it comes to finding the people who committed treasonous acts against this country and leaked Ms. Plame's identity?

This administration has used the power of the Presidency to bend facts to fit predetermined views and then to suppress dissent.

That is why so much rests on the outcome of Mr. Fitzgerald's investigation. We need to send a clear message to any President that sacrificing intelligence assets and breaching national security is wrong and it is against the law.

We should be as vigorous and determined and unrelenting in finding these perpetrators, finding those who broke this law, finding those who undermined the security of our country as we are in going after any drug pusher or drug dealer anywhere in the United States.

This President, President Bush—yes, President Bush—has got to come out and help the special prosecutor. Quit hiding behind executive privilege. Quit hiding behind the fact that this is a large administration, and maybe we will never find out who did it. It is time for the President to come clean, and for the Vice President to come clean; otherwise, I fear for the future of our intelligence community and what kind of freedom they will have to give correct analysis to future Presidents of the United States.

I yield the floor.

The PRESIDING OFFICER (Mr. BURNS). Who yields time?

The Senator from Kentucky.

INTELLIGENCE COMMITTEE REPORT

Mr. McCONNELL. Mr. President, last Friday the Senate Intelligence Committee released a report on the CIA's threat assessments regarding Iraq conducted in the years prior to the liberation of that country. That the CIA overestimated the extent of Hussein's WMD infrastructure and underestimated the threat posed by al-Qaida prior to September 11 raises critical issues worthy of debate and deliberation. Unfortunately, we are not having this debate.

We know now that America was basically blind for over a decade throughout the Middle East, that we lacked agents in Iraq and Afghanistan or Arabic linguists or Middle east experts.

We also know that there are structural problems that have frustrated the intelligence community's ability to provide the best possible information to political leaders. And we know these structural flaws led to inaccurate estimates that misinformed policy makers.

Rather than working to fix the problems of the intelligence community, some Democrats are now issuing statements notably at odds with their prior positions.

The Vice-Chairman of the Senate Intelligence Committee, Senator ROCKEFELLER, accused the Bush administration of pressuring the CIA to come up with a certain viewpoint, even as he endorsed a committee report that concludes the opposite.

The Senator from West Virginia went further and charged that: "Our standing in the world has never been lower. We have fostered a deep hatred of America in the Muslim world, and that will grow. As a direct consequence, our nation is more vulnerable today than ever before."

Oddly, these charges are at variance with the sensible claims he and other critics of the President have said for years about the threat Saddam Hussein posed to the United States.

In October 2002, Senator ROCKEFELLER, then as now a member of the Intelligence Committee and privy to the sensitive intelligence data that administration officials use, gave a thoughtful speech defending his vote in favor of the use of force resolution. It was a very good speech. So let me highlight a few quotes from the speech of our good friend from West Virginia. He said:

> There is no doubt in my mind Saddam Hussein is a despicable dictator, a war criminal, a regional menace, and a real and growing threat to the United States . . .

He went on to say:

> Saddam's government has contact with many international terrorist organizations that likely have cells here in the United States . . .
>
> We also should remember we have always underestimated the progress that Saddam Hussein has been able to make in the development of weapons of mass destruction . . .

The Senator from West Virginia continues:

> Saddam's existing biological and chemical weapons capabilities pose real threats to America today, tomorrow. Saddam has used chemical weapons before, both against Iraq's enemies and against his own people . . . At the end of the day, we cannot let the security of the American people rest in the hands of somebody whose track record gives us every reason to fear that he is prepared to use the weapons he has used against his enemies before . . .

> There has been some debate over how "imminent" a threat Iraq poses. I do believe Iraq poses an imminent threat. I also believe after September 11, that question is increasingly outdated. It is in the nature of these weapons that he has and the way they are targeted against civilian populations, that the documented capability and demonstrated intent may be the only warning we get. To insist on further evidence could put some of our fellow Americans at risk. Can we afford to take that chance? I do not think we can.

That was Senator ROCKEFELLER back in 2002. I agree with what he said. Senator ROCKEFELLER's assessment was a reasonable judgment at the time given Hussein's belligerence, his refusal to open his country to weapons inspectors, decades of intelligence collection, and the fact that not a single international intelligence agency believed that Iraq did not have WMD. Indeed, what we have found in Iraq indicates that Hussein maintained the capacity to produce chemical and biological weapons, even if he had destroyed or shipped out of country his stockpiles of WMD.

Senator ROCKEFELLER is not the only democrat to change his tune. Senator JOHN KERRY, with Senator EDWARDS at his side, told the New York Times over the weekend that President Bush "certainly misled America about nuclear involvement, and he misled America about the types of weapons that were there, and he misled America about how the would go about using the authority he was given."

But in March of 1998, the Senator from Massachusetts declared on the Senate floor that Iraq continued clandestinely to maintain its WMD stockpiles and programs. This is what he said in 1998.

> We do know that he had them [WMD] in his inventory, and the means of delivering them. We do know that his chemical, biological, and nuclear weapons development programs were proceeding with his active support.
>
> We have evidence . . . that despite his pledges at the conclusion of the war that no further work would be done in these weapons of mass destruction programs, and that all prior work and weapons that resulted from it would be destroyed, this work has continued illegally and covertly.
>
> And, Mr. President, We have every reason to believe that Saddam Hussein will continue to do everything in his power to further develop weapons of mass destruction and the ability to deliver those weapons, and that he will use those weapons without concern or pangs of conscience if ever and whenever his own calculations persuade him in is in his interests to do so . . .
>
> . . . The United States must take every feasible step to lead the world to remove this unacceptable threat.

I have to ask: How can Senator KERRY claim he was misled by the current President into believing precisely the allegations he made back in 1998, when President Bush was Governor Bush?

Those who hold Senator KERRY's view would have you believe that President Bush invented these allegations and forced this war upon an unwilling Congress. Far from it.

Senator EDWARDS noted in 2002:

> As a member of the Senate Intelligence Committee, I firmly believe that the issue of Iraq is not about politics. It's about national security. We know that for at least 20 years, Saddam Hussein has aggressively and obsessively sought weapons of mass destruction through every means available.
>
> We know that he has chemical and biological weapons today . . . I believe that Saddam Hussein's Iraqi regime represents a clear threat to the United States, to our allies, to our interest around the world, and to the values of freedom and democracy we hold dear.

Now, I find it troubling that neither Senator KERRY, nor his running mate seems to recall his own prior assessments of the threats posed by the Hussein regime.

I believe América is better off with Hussein gone, and I know the Iraqis are happy with his ouster and increasingly optimistic about their future. Unfortunately, some here in the Senate don't share their optimism.

Equally perplexing is a partisan view of this United States economy. Just as partisans see no threat from Iraq now when they call it a threat a few years back, they see a Great Depression now when they would have called it a great recovery a few years back.

They claim signs of this Great Depression are all around. But the cold, hard, inconvenient fact for their theory is that we have added 1.3 million jobs so far this year. The unemployment rate has been dropping for a year, to 5.6 percent today. That is below the average of the 1970s, the 1980s, and the 1990s, but the naysayers read it as proof of an economic collapse.

They point to all sorts of signs of weakness in our economy, such as strongest annual growth in 20 years, low mortgage rates, low inflation rates and the highest productivity rates in half a century. The stock market has "crashed" upward by 40 percent in the last 2 years. NASDAQ has had a 70 percent gain! The "human costs" of this Great Depression are apparent, such as having the highest homeownership rate in United States history.

This is the new speak of the Great Depression.

We don't have a depression; what we have is political spin. We have political leaders who are trying to convince the American people that the economy is bad, that we have not gotten over the 2001 recession, the terrorist attacks of 9/11, the corporate scandals, or the uncertainties of war.

Yet the facts say we are well on our way, and we won't rest until every American who wants a job, has a job.

I understand the spin game in Washington. We can spin a lot of things in Washington, but a weak economy can't be spun as a strong one, and a strong economy can't be twisted as a weak one.

Ant I can only hope my friends have not dizzied themselves so much that they cannot separate reality from politics or understand the difference between a recovery and a depression. I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

SENATE SELECT COMMITTEE ON INTELLIGENCE

Mr. BOND. Mr. President, I thank the deputy majority leader for his excellent comments. As a member of the Senate Select Committee on Intelligence, I congratulate him on his very thorough and thoughtful discussion of the work of the Intelligence Committee.

Last week, as we all recall, the committee released a remarkable report unanimously supported by the Democrat and Republican members of the committee. However, despite the findings of fact, which took a year of interviews by staff of over 200 people reviewing 15,000 documents, the campaign continues to attempt to politicize this process perfectly consistent with the political strategy memo uncovered last November designed by minority staff to show how the Intelligence Committee could be manipulated in order to hamper the President and his administration during the election year. The fact this is a time of war is apparently insufficient justification for leaving politics at the water's edge.

No rule of law should ever stifle honest debate, discourse, or dissent in this country, but somewhere public leaders can recognize self-discipline can be a benefit to our troops and our Nation. I saw a report recently that in the 1944 election, as Republican candidate Thomas Dewey was set to blame President Roosevelt for what transpired at Pearl Harbor, General Marshall appealed to Dewey, arguing that the Nation should be united against the real enemy. Dewey acted on behalf of the country. I guess times were different then.

In this country, we need to make sure our service men and women understand that while we can have our debate, we can demonstrate more disdain for the enemy than we have for the opposition party.

Since Friday, we have heard the suggestions that the efforts of our troops to depose Saddam Hussein and set the long-term stage for peace and democracy in the most dangerous region in the world was not—yes, not—warranted. Besides being wrong, what kind of horrible message is this to send our troops and their families, not to mention the enemy, whose only hope is to win in Washington what they cannot win from our troops on the battlefield?

If it is the will of this body that we cut and run, then let's debate and vote on it. Maybe we need a sense-of-the-

Senate resolution, in any case, to send a message to our troops and the enemy that we intend to see this through. If we agree on it, as I believe we do, we should let our troops do what they are doing, and we should spend our time supporting their efforts, not retracting from their mission.

Of course, we should be focused on the need to provide better intelligence, but some of us have been saying that since the 1970s when our intelligence collection was destroyed. Some of us had said that when we failed to predict the Iraqi Army would amass on the Kuwaiti border and when intelligence failed to predict they would cross over and overtake Kuwait and threaten Saudi Arabia. Some of us said that when we learned the estimates of Saddam Hussein's nuclear capability were not 5 to 10 years in the future but less than 1 year. All we need to know about the quality of intelligence in the region is to know we did not have one single agent on the ground.

As said in today's editorial in Investor's Business Daily, intelligence spending was cut, the number of spies sharply dropped, so sharply, in fact, that after 9/11 the CIA had to create a 5-year plan to undo the damage. During President Clinton's two terms, the number of spies fell an estimated 20 percent, the budget tumbled by some estimates as much as 30 percent—it is classified—spy satellites got taken down, experienced analysts got fired.

Well, much has been said of the pressure that policymakers allegedly put on the intelligence community to get hard answers to important questions. We just heard that repeated in the Chamber. They are talking about pressure to change the analysis. Let's go back to what the bipartisan committee unanimously concluded.

Conclusion No. 11.

> Several of the allegations of pressure on the intelligence community analysts involved repeated questioning. The committee—

That is the Senate Select Committee on Intelligence—

> believes that the intelligence community analysts should expect difficult and repeated questions regarding threat information. Just as the post-9/11 environment lowered the intelligence community's reporting threshold, it has also affected the intensity with which policymakers will review and question threat information.

With respect to the Vice President, conclusion No. 84:

> The committee found no evidence that the Vice President's visits to the Central Intelligence Agency were attempts to pressure analysts, were perceived as intended to pressure analysts by those who participated in the briefings on Iraq's weapons of mass destruction programs or did pressure analysts to change their conclusions.

Conclusion No. 102:

> The committee found that none of the analysts or other people interviewed by the committee said they were pressured to change their conclusions related to Iraq's links to terrorism.

Now, talking to the people who work in the intelligence community, they are expected to get tough questions. They need to be able to defend what they have produced, and a good policymaker will challenge them not to change the evidence, and there was no evidence—zip, zero, none—of pressure to change.

I ought to mention Ambassador Wilson's name was raised. The committee also found that his so-called review was inadequate and did not conclusively determine that there was not an effort—in fact, some analysts were led to conclude from what he brought back that it was more likely that Iraq was trying to get uranium from Africa, and I would refer my colleagues to Chairman ROBERTS' additional views.

The partisan suggestions continue nevertheless, as administration officials are accused of making the same charges against Saddam's regime as the Senators themselves made in 1998 and during the debate for war which was overwhelmingly adopted in 2002. Candidates accuse our President and Vice President of having little swing with our so-called allies. Yet somehow they must have had enough swing to intimidate the English, French, Swiss, German, U.N. and Russian intelligence agencies to fall for the same WMD charge. This notion did not survive investigative scrutiny, and it does not survive common sense. Furthermore, it is a gross insult to analysts in the intelligence community to suggest they conform their views to the pleasure of policymakers.

Again, I would draw the attention of my colleagues to yesterday's Wall Street Journal editorial on this subject, which says something that I said in the Chamber last Friday. A few apologies would seem to be in order. I think apologies are owed to the Vice President and to the administration. And yet we are still continuing to hear the same misguided, unsubstantiated charges made. Some Senators trying to win the White House away are criticizing the President for looking at the same intelligence they did and coming to the same conclusion they did. Is political victory more important than victory in Iraq? Has political victory become so important that some believe it necessary to divide America with this blame game while their sons and daughters are risking their lives abroad? If we are going to blame someone, I recommend we all agree to start with Saddam and bin Laden. Have we forgotten who the real enemy of peace, democracy, and humanity really is?

Recall what President Clinton said who saw the intelligence in 1998. President Clinton said:

> The fact is that so long as Saddam remains in power, he threatens the well-being of his people, the peace of this region, the security of the world. The best way to end that threat once and for all is with the new Iraqi Government, a government ready to live in peace with its neighbors, a government that respects the rights of its people. Saddam will strike again at his neighbors and he will make war on his own people, and mark my words, he will develop weapons of mass destruction. He will deploy them and he will use them.

My colleague, the deputy majority leader from Kentucky, has already pointed out the words of the Senators in this body, and I agree with him and I endorse that reference. But as we focus to the point of obsession on intelligence—and we must make it better if we are to stop future acts of terror—we cannot leave behind our own personal intelligence. We do not exist to swallow whole what the intelligence community feeds us. Sometimes they are wrong, sometimes lazy, but most of the time they work tirelessly under dangerous conditions and are dead right, and other times their guesses, which is much of what intelligence is all about, may not be as good as ours. But in the case of Saddam, who in this body needed a CIA report to understand that the man and his despicable sons set to lead Iraq through the first half of the new century? Ordinary citizens need not have a security clearance but need only to have watched or read the news over the previous 20 years.

What don't we know about this man's evil intention, his hatred for the U.S., his willingness not only to pursue but use weapons of mass destruction? Is his track record of insanity meaningless?

By the time a crazed maniac invades two foreign countries, defies repeatedly the mandates of the U.N., fires missiles at Israel, fires missiles at our patrol aircraft, pays suicide bombers to blow up innocent women and children, not only builds and stockpiles weapons of mass destruction but uses them, fills mass graves by the tens of thousands, attempts to assassinate our former President, and suggests that perhaps his only regret in 1990 was not waiting a few more months so he would have the nuclear capability to confront our troops, what else do we really need to know about this man? Do we really need the CIA to introduce Saddam to the Senate? Can it be true that there is this signal that unless WMD are found, Saddam is somehow acquitted? Look at the thousands and thousands of people he killed with the WMD.

In retrospect, many things are more clear, including that we would have been better off taking care of him in 1991, but in post-9/11 could we really afford to trust him, to let him continue to fester indefinitely? Were we prepared to wait until the threat was imminent? President Bush said we can't wait until the threat is imminent, meaning to wait until the threat is executed which is too late. We didn't know his invasion of Kuwait was imminent until we saw his tanks through the dust of the Kuwaiti desert. We knew bin Laden was a threat but the threat did not appear imminent until after the USS *Cole* was bombed, after the embassies were bombed, after the towers were dropped, killing 3,000 innocent Americans.

While it may be lost on some perhaps in this body, but in our national news media, the burdens of leadership are not lost on this President. While no one else may see the irony, President Bush does. He sees a 9/11 commission asking: Why didn't the administration act on sketchy intelligence at the very. same time some on the other side are asking why did the administration act on sketchy intelligence? The first investigation answers the second to anyone sitting in the hottest political seat in America. Meanwhile, the hottest job abroad is being faithfully executed by our soldiers, marines, airmen, and civilian support personnel.

I am proud my son is a marine who expects to get his turn to serve in the sandbox. I want him to return safely, but I want him to win, and I want our troops abroad to win, and I want them to know that America is behind them and to know that addressing the most dangerous nation in the most dangerous region of the world makes this world safer because it will if Washington will let it.

Winning the real war on terror is more important than winning the political war for the White House. We want to win the war on terror and we must. The continued charges of pressure and misinformation are totally off the mark based on what the Intelligence Committee found. There is no question that we are better off. The region is safer, the Iraqi people are much safer, and we in the United States are much safer because we have deposed Saddam Hussein, because we have enacted the PATRIOT Act, because we have pursued very vigorously the war on terror.

We ought to be strengthening that war, supporting our troops, supporting our agencies here at home and not trying to phony up charges of pressure to win political points.

I ask unanimous consent that two editorials, one from the Wall Street Journal and one from Investor's Business Daily, be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Investor's Business Daily, July 13, 2004]

Pointing Fingers

It's a little funny watching some of the very same people who voted repeatedly in the 1990s to strip the CIA of its spies and slash its budget now taking it to task for not doing its job.

It is true the CIA failed to anticipate Sept. 11—though it's not clear any organization operating in a democratic society could have done so.

It's also true the CIA made mistakes in estimating the scope of Saddam Hussein's weapons of mass destruction programs—and in suggesting the U.S. would find stockpiles of WMDs when it invaded.

(Although, it's equally clear the CIA wasn't entirely wrong: Iraq did have WMD programs, and coalition troops did find weapons of mass destruction—namely, deadly sarin and mustard gas—in Iraq, though not in the amounts the CIA hinted they would).

Nonetheless, in a predictable game of political tag, some try to pin the blame for the CIA's failures on President Bush—as if the eight years of massive intelligence cuts in the 1990s played no role at all.

It's a matter of record: President Clinton slashed intelligence spending and cut the number of spies sharply—so sharply, in fact, the CIA after 9-11 had to create a five-year plan to undo the damage.

During his two terms, the number of spies fell an estimated 20%. The budget tumbled, by some estimates as much as 30% (it's classified). Spy satellites got taken down. Experienced analysts got fired.

That doesn't mean Clinton had no spying priorities. He did: the economy. In place of a relentless focus on the growing terror threat, the Clinton White House made "economic security" its top priority.

Typical was this comment from then-Secretary of State Warren Christopher: "Our national security is inseparable from our economic security."

So much for terrorism.

Unfortunately, terrorists found the U.S. an easy target during the decade. They started with the World Trade Center bombing in 1993, killing six and wounding a thousand more. They kept at it, blowing up a U.S. barracks in Saudi Arabia, attacking U.S. embassies in Kenya and Tanzania, and bombing the USS *Cole* in port in Yemen. They murdered hundreds in these and other terror attacks.

Yet, it was still "the economy stupid" in the White House—an attitude that found many allies among Congress' Democrats.

That includes Sen. John Kerry. He proposed deep cuts for the CIA in 1994 and 1995.

We mention this because the report on the CIA's shortcomings has been the source of a good deal of finger-pointing. Bush often gets the blame, even though the weakened intelligence community he inherited was Clinton's creation.

The CIA, no doubt, needs reforms. But its troubles didn't arise in just the last three years. And playing political football with America's intelligence failures won't make us more secure.

[From the Wall Street Journal, July 12, 2004]

Of "Lies" and WMD

"The Committee did not find any evidence that Administration officials attempted to coerce, influence or pressure analysts to change their judgments related to Iraq's weapons of mass destruction capabilities."

So reads Conclusion 83 of the Senate Intelligence Committee's report on prewar intelligence on Iraq. The committee likewise found no evidence of pressure to link Iraq to al Qaeda. So it appears that some of the claims about WMD used by the Bush Administration and others to argue for war in Iraq were mistaken because they were based on erroneous information provided by the CIA.

A few apologies would seem to be in order. Allegations of lying or misleading the nation to war are about the most serious charge that can be leveled against a President. But according to this unanimous study, signed by Jay Rockefeller and seven other Democrats, those frequent charges from prominent Democrats and the media are without merit.

Or to put it more directly, if President Bush was "lying" about WMD, then so was Mr. Rockefeller when he relied on CIA evidence to claim in October 2002 that Saddam Hussein's weapons "pose a very real threat to America." Also lying at the time were John Kerry, John Edwards, Bill and Hillary Clinton, and so on. Yet, Mr. Rockefeller is still suggesting on the talk shows, based on nothing but inference and innuendo, that there was undue political Bush "pressure" on CIA analysts.

The West Virginia Democrat also asserted on Friday that Undersecretary of Defense Douglas Feith has been running a rogue intelligence operation that is "not lawful." Mr. Feith's shop has spent more than 1,800 hours responding to queries from the Senate and has submitted thousands of pages of documents—none of which supports such a charge. Shouldn't even hyper-partisan Senators have to meet some minimum standard of honesty?

In fact, the report shows that one of the first allegations of false intelligence was itself a distortion: Mr. Bush's allegedly misleading claim in the 2003 State of the Union address that Iraq has been seeking uranium ore from Africa. The Senate report notes that Presidential accuser and former CIA consultant Joe Wilson returned from his trip to Africa with no information that cast serious doubt on such a claim; and that, contrary to Mr. Wilson's public claims, his wife (a CIA employee) was involved in helping arrange his mission.

"When coordinating the State of the Union, no Central Intelligence Agency (CIA) analysts or officials told the National Security Council (NSC) to remove the '16 words' or that there were concerns about the credibility of the Iraq-Niger Uranium reporting," the report says. In short, Joe Wilson is a partisan fraud whose trip disproved nothing, and what CIA doubts there were on Niger weren't shared with the White House.

The broader CIA failure on Iraq's WMD is troubling, though it is important to keep in mind that this was a global failure. Every serious intelligence service thought Saddam still had WMD, and the same consensus existed across the entire U.S. intelligence community. One very alarming explanation, says the report, is that the CIA had "no [human] sources collecting against weapons of mass destruction in Iraq after 1998." That's right. Not one source.

When asked why not, a CIA officer replied "because it's very hard to sustain." The report's rather obvious answer is that spying "should be within the norm of the CIA's activities and capabilities," and some blame for this human intelligence failure has to fall on recently departed Director George Tenet and his predecessor, John Deutch.

The Senate report blames these CIA failures not just on management but also on "a risk averse corporate culture." This sound right, and Acting Director John McLaughlin's rejection of this criticism on Friday is all the more reason for Mr. Bush to name a real replacement. Richard Armitage has been mentioned for the job, but the Deputy Secretary of State has been consistently wrong about Iran, which will be a principal threat going forward, and his and Colin Powell's philosophy at the State Department has been to let the bureaucrats run the place. We can think of better choices.

One real danger now is that the intelligence community will react to this Iraq criticism by taking even fewer risks, or by underestimating future threats as it has so often in the past. (The failure to detect that

Saddam was within a year of having a nuclear bomb prior to the 1991 Gulf War is a prime example.) The process of developing "national intelligence estimates," or NIEs, will only reinforce this sense of internal lowest-common-denominator, conformity. If the Senate is looking for a place to recommend long-term reform, dispensing with NIEs would be a good place to start.

Above all, it's important to remember that the Senate report does not claim that the overall assessment of Iraq as a threat was mistaken. U.N. Resolution 1441 gave Saddam ample opportunity to come clean about his weapons, but he refused. The reports from David Kay and his WMD task force have since shown that Saddam violated 1441 in multiple ways.

Saddam retained a "just-in-time" capability to make WMD, even if he destroyed, hid or removed the "stockpiles" that the CIA believed he had. It's fanciful to think, especially in light of the Oil for Food scandal, that U.N.-led containment was a realistic option for another 12 years, or that once containment ended Saddam wouldn't have expanded his weapons capacity very quickly. The Senate report makes clear we need a better CIA, not that we should have left in power a homicidal, WMD-using dictator.

Mr. BOND. I yield the floor.

The PRESIDING OFFICER (Mr. ENZI). Who yields time? The time is under the control of the majority.

Mr. REID. Mr. President, on behalf of the minority, are we now on the constitutional amendment?

The PRESIDING OFFICER. No, we have 4 minutes 45 seconds left on the Republican side.

The Senator from Montana.

CONGRATULATIONS

Mr. BURNS. Mr. President, I wish to make a short statement of congratulations to my good friend from Missouri, Senator BOND, and also congratulate his son on graduating OCS at Quantico, now a fresh new lieutenant in the U.S. Marine Corps looking for assignment. He is talking recon. I know that is a tough road. So congratulations on your son. We wish him well in his tour in the U.S. Marine Corps.

Mr. BOND. I thank the Senator.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. There is 4 minutes.

CRITICAL ISSUES

Mr. LOTT. Mr. President, I urge my colleagues and our leadership on both sides of the aisle to find a way for us to work together to address some of the critical issues facing this country. We have in conference now on a highway bill, a transportation bill that is important for economic development, for the creation of jobs, and for safety. I hope the conference will not become so obsessed with achieving the highest possible funding level that we wind up not getting a bill. It takes leadership and courage. It also takes being willing to accept what you can get, and get a conclusion that is good for everybody and move forward.

We need an energy bill. The very idea that we still do not have a national energy policy is indefensible. Yet we continue to labor over how do we get an energy bill, what is in the package, and how are we going to get back to the floor of the Senate. We need to find a way to do that.

The very idea that there is an effort to block the FSC/ETI JOBS growth bill, which involves a ruling by the WTO which has led to American products being hit with a penalty in Europe, and that we are not going to go to conference until we get some guarantee of what the result will be or that one Senator will be able to decide the conference report, what have we come to? We should get this bill in conference and get a result. Does it need to be changed? Yes. Has it become bloated? Absolutely. But if we don't deal with this, American products are going to wind up facing a penalty of 12 percent or more before we get a chance to address it again. It could go up to 17 percent. We are not going to deal with the job growth provisions in this legislation. We need to find a way to get it done.

I hope our leaders will find a way to get these conferences going or get us into conference and get a result, because we need to get this done for the American people. I know it is a political season—Presidential campaigns, Senate races, and congressional. I still maintain, as I always have, that the best politics is results. Get things done for the people. There is plenty of credit to go around.

If we stand here and find a way to question each other's motives and block and obstruct and confuse, we are going to pay a price as an institution. I worry about that.

REPORT OF SELECT COMMITTEE ON INTELLIGENCE

Mr. LOTT. Mr. President, on the Select Committee on Intelligence report, I emphasize again, this was a unanimous bipartisan vote. There are problems with the intelligence community. We did not get what we needed before we went to war in Iraq. It was flawed and misleading and inaccurate. We should acknowledge that. But all the effort that is going on now to find a way to fix political blame is a mistake. We should be working together to produce results. That is why I am working with Senator FEINSTEIN of California on some proposals. That is why I am working with Senator WYDEN on some proposals.

We have 1 minute remaining?

Mr. REID. Mr. President, I am happy to not object, but Senator LAUTENBERG was on the floor this morning and asked for an additional 5 minutes, and it was objected to.

Mr. LOTT. I think I have 1 minute left.

Mr. REID. I was just waiting for an opportunity to say what I just said.

Mr. LOTT. Mr. President, we need to find a way to deal with the problem.

The point I want to make is, Congress is now like somebody that has been at the scene of an accident. We saw it happen, but now we are pretending we weren't there. Congress is a part of this problem. For 20 years we have underfunded, we have limited human intelligence. We have improperly funded the intelligence community. We have allowed a situation where 80 percent of the money for the intelligence community is under the Department of Defense, not the CIA.

Let me give some numbers. During the 1990s, the number of CIA stations declined by 30 percent. The number of agents declined by 40 percent. The volume of intelligence reports decreased by 50 percent.

The intelligence community connected the dots, and got it wrong. It was not just our intelligence community that got it wrong—there was a global breakdown in intelligence analysis. The report is not an indictment of the hard-working and dedicated men and women who put their lives on the line, and are charged with connecting the dots. It is a criticism of the process and community at large, and demonstrative of a lack of leadership, oversight, and insufficient investment.

The breakdown in intelligence capability evolved over several years. It was recognized in 1976 by a 5-volume report by the Church committee. Our intelligence gathering and analysis capability—especially human intelligence and linguists—was gutted in the 20 years that followed, particularly in the 1990s, when the Congress did not adequately fund the intelligence community.

President Clinton relied on this same analysis of the Iraqi threat when he signed the Iraqi Liberation Act. The Congress relied on this same intelligence when we passed several resolutions regarding Iraq; President Bush relied on this intelligence when making his decisions as well. Many have asked whether I want to change my vote given today's assessment of prewar intelligence—I do not.

Saddam Hussein was a mass murderer who used weapons of mass destruction on his own people; supported terrorism and trained terrorists; provided "bonuses" to the families of terrorists; a destabilizing factor in the Mideast.

Let's not play armchair quarterback by asking "what would have happened if." The country would be much better served if the Congress and the President took action as soon as possible to fix the organization, leadership, and oversight problems that we have with our intelligence community.

When the American people read the Intelligence Committee's report, they will see some fundamental things that need to be changed in the intelligence community. First and foremost, it is evident that the Director of Central Intelligence does not really control all aspects of the intelligence community. In fact, as I have said, 80 percent of intelligence dollars go to the Department of Defense, not the CIA. Moreover, many of people that lead the 15 agencies that comprise the intelligence community work for the Department of Defense, not the Director of Central Intelligence.

To fix this problem, Senator FEINSTEIN and I are about to propose legislation that will establish a Director of National Intelligence—or DNI. The DNI will be a Cabinet-level position that will lead the intelligence community, and be responsible for aggregating intelligence for the President.

As for the specific processes that cry out for reform, the report focuses on two in particular. One, layering of uncertain conclusions—judgments were layered upon other judgments, and specific concerns and uncertainties were simply lost; two, group think—because we knew Saddam Hussein had weapons of mass destruction, and used them on his people, any data that appeared to support this continued behavior was viewed favorably, and dissenting data was discounted or underreported.

Those "process" types of deficiencies quickly lead one to ask: How can the intelligence community provide better oversight and supervision of "expert" analysts; and how can the Congress provide more effective oversight of the intelligence community? There are clearly process reforms needed within the intelligence community, and Congress's oversight of that community.

I know that Chairman ROBERTS and Vice Chairman ROCKEFELLER, are very concerned that our intelligence community is broken, and are committed to taking action in the coming weeks and month to address many of the most critical deficiencies.

With particular regard to congressional oversight, I believe that there are some fundamental things that need to be changed such as term limits of committee members. Currently, members can only serve on the Senate Intelligence Committee for 8 years. That means that when they know enough to be conversant in the intelligence business, they need to rotate off of the committee. We need intelligence committee members who can speak the lingo and understand the processes. Consequently, term limits need to be eliminated.

Also, the jurisdiction of the Intelligence Committee regarding classified matter is sometimes muddied due to overlap with the Armed Services Committee. I submit that a simplified approach to jurisdiction could enhance oversight and accountability.

The process of document classification and redaction also needs to be reviewed. When the Intelligence Committee first prepared this report, the CIA recommended that about half of it be redacted. I understand the need to protect the names of sources and intelligence methods. But I can tell you that most of those redactions were not of that nature; they were everyday, unclassified words.

The report you see today is less than 20 percent redacted, and the Intelligence Committee is still working with the CIA to release more of the report.

Notwithstanding, it is my belief that in matters such as these, the CIA is too close to the intelligence process to provide an objective view of what really needs to be classified. Consequently, I am working with Senator WYDEN to propose legislation that will establish a small independent group under the President that will review documents such as this report to ensure that classification decisions are independent and objective. In addition, I urge the President to nominate as soon as possible a candidate to serve as the Director for Central Intelligence.

This is a critical time of this Nation as we fight the global war on terrorism, and we need to have effective leadership in-place at the CIA as soon as possible. As we make progress in fixing the intelligence community, I repeat my call to both sides of the aisle to not politicize the issues or the prospective remedies. We owe it to the American people and to the members of the intelligence community to fix the fundamental problems outlined in this report, and create an intelligence community that can best serve the national security interests of the United States.

We are part of the problem. Let's find the solution.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

FEDERAL MARRIAGE AMENDMENT—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S.J. Res. 40, which the clerk will report.

The assistant legislative clerk read as follows:

> A motion to proceed to consideration of Senate Joint Resolution 40, a joint resolution proposing an amendment to the Constitution of the United States relating to marriage.

The PRESIDING OFFICER. Under the previous order, the time until 8 p.m. shall be equally divided between the chairman and ranking member or their designees.

The Senator from Colorado.

Mr. ALLARD. Mr. President, I take this opportunity, before we continue with the debate, to talk about how important it is that we debate in an earnest and sincere way the issue of marriage. Marriage does matter. It is important to the American people.

We heard earlier comments about how bringing up issues such as class action lawsuits, the marriage amendment, and trade were just wasting the Congress's time. Yet the other side doesn't think it is a waste of time to raise taxes, to increase more laws so we have fewer and fewer rights, to restrict the free enterprise system, and in a sense create more government.

In the debate on marriage, we are trying to accomplish a number of things. No. 1, we want to define marriage as the union of a man and a woman. No. 2, we want to restrict the action of the court's ability to define marriage. Then, No. 3—and perhaps the most important part of this debate—we want to give the American people an opportunity to debate this through their elected representatives in the Congress here and in the State legislatures.

It has been a grassroots type of process from the bottom up. We have heard a lot of concerns from people all over America about the way the courts are dealing with the issue of marriage and their frustrations in not being able to address this issue.

We heard a lot of good comments from some of my colleagues yesterday in debating the marriage amendment. In favor, we have had Senators HATCH, SANTORUM, SMITH, FRIST, BUNNING, KYL, CORNYN, SESSIONS, LOTT, and BROWNBACK—all explaining why it is important that we move forward in passing this amendment.

We have heard pretty much procedural arguments from the other side. Our side was talking about their concern about losing the institution of marriage, that it is basically a fundamental building block of society, and if we want democracies such as the United States to survive, we need to have good, functioning families. If families do well, children do well. We will hear more about that today. Then we will hear about the democratic process in which we allow American citizens to participate. This is the essence of what we were talking about yesterday and the inevitability of what is going to happen through our courts, that there is a master plan out there from those who want to destroy the institution of marriage to, first, begin to take this issue to a few select courts throughout this country at the State level.

We begin to see this in States such as Vermont and Massachusetts and a number of other States, and then proceed up through the States; and once they get favorable rulings from a few courts that are dominated pretty much by activist judges and judges who want to ignore the tradition of marriage for thousands of years, and want to bypass the legislative process—then once they have established their basis, they want to take it to the Federal courts, and they will eventually move it to the Supreme Court.

We heard arguments yesterday about how Members of this Congress and constitutional scholars believe that the Supreme Court—if it reaches the Supreme Court—by a very slim majority is probably prone to rule in a way that would eliminate the traditional family as we know it.

So this is an important issue. It is a very timely issue. We have 46 States that have individuals living in them—at least 46—who have same-sex marriage licenses. They have been granted them as a couple through either Massachusetts or Oregon or California. We have 11 States that have had court cases filed in them today. So the platform for action from those who favor same-sex marriages has been well established.

Now, in reaction to that, we have some 48 States that have laws they have passed supporting traditional marriage—that being a union between a man and a woman. At least 10 States have constitutional amendments on the ballot. We have at least 3 States still gathering petitions. So more than 20 percent of the States have constitutional amendments that will be pending before them as we move into the election cycle.

Mr. President, I am sympathetic to this idea of federalism. I am sympathetic to the idea that we need to protect the definition of the traditional family. Federalism does not demand that we redefine the family. More important, it does not demand that we stand idly by while the courts redefine marriage for us, without giving us an opportunity to act.

This is an important issue, and it is very timely that we have this debate today in the Senate, a debate in which we try to define marriage and limit the rule of the Federal court and we allow States, through a democratic process, to proceed as they see fit toward providing benefits through civil unions or domestic partnerships. Marriage simply should not be left to the courts alone.

In my view, a large majority of Americans are with us. Marriage matters. It matters to children and it is a societal building block.

I had an opportunity to review the testimony of Governor Romney from Massachusetts. I ask unanimous consent that his testimony be printed in the RECORD as it was presented to the Committee on the Judiciary.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TESTIMONY OF HON. MITT ROMNEY

Chairman Hatch, Senator Leahy, Senator Kennedy, distinguished members of the committee, thank you for inviting me to testify today.

As you all know, last November a divided Massachusetts Supreme Judicial Court reformulated the definition of marriage according to their interpretation of the Massachusetts Constitution.

As I am sure you also know, I believe that decision was wrong. Marriage is not "an evolving paradigm," as the Court said, but is a fundamental and universal social institution that bears a real and substantial relation to the public health, safety, morals, and general welfare of all of the people of Massachusetts.

The Court said that the traditional idea of marriage "is rooted in persistent prejudices" and "works a deep and scarring hardship on a very real segment of the community for no rational reason." Marriage is "a caste-like system," added the concurrence, defended by nothing more than a "mantra of tradition."

And so the Court simply redefined marriage, and, based on their reading of the Massachusetts Constitution, declared that "the right to marry means little if it does not include the right to marry the person of one's choice."

This is no minor change, or slight adjustment. It is a fundamental break with all of our laws, experiences and traditions.

When some in the state Senate asked whether a "civil unions" bill would satisfy the ruling, the Court rejected the alternative, writing that traditional marriage amounts to "invidious discrimination" and that "no amount of tinkering would remove that stain."

In response, our legislature proposed a constitutional amendment that "only the union of one man and one woman shall be valid or recognized as a marriage in Massachusetts," and establishing civil unions for same-sex couples. While I do not think civil unions should be written into the constitution, the main and laudable effect of the amendment would be to overturn the Court's decision.

This was the first step in the legitimate process, by which the representatives of the people turn to the sovereign people to decide this momentous issue. But it takes time to amend the constitution in Massachusetts. The legislature must pass this amendment again, and then it would be submitted to the people for consideration.

Because it will take time to follow the process of constitutional amendment in the Commonwealth, I asked the Massachusetts Attorney General to call for the Court to withhold their pronouncement until the people could consider the question, so that they would not be excluded from a decision as fundamental to our societal well-being as the definition of marriage. He declined to do so.

Several last minute challenges to the decision were also summarily rejected.

So, as a result, on May 17, the Commonwealth of Massachusetts began issuing marriage licenses to persons of the same sex. These licenses are valid for up to 60 days and are filed with the State Department of Public Health two months after a marriage has taken place. Therefore, we do not have official statistics and information yet from our Department of Public Health. However, the Boston Globe recently surveyed the 351 cities and towns in Massachusetts and the results of their survey do provide some information on the activity since May 17.

According to the Globe, in the first week that the issuance of marriage licenses to same-sex couples became legal, over 2,400 such licenses were issued. The vast majority of these licenses were issued to Massachusetts residents, because our state does have a law which prohibits couples from entering into valid marriages in Massachusetts if there is an impediment to marriage in their home state. Applicants are required to sign a form signifying their intent to reside in Massachusetts in order to receive a license.

Originally, we were aware of six communities where the clerks refused to honor that law. The Globe reports that at least 164 out-of-state couples, from 27 states and Washington, DC, were issued licenses by these clerks. 56 of those couples specified on their application that they do not intend to move to Massachusetts. For those couples whose unions would not be recognized in their home state, according to Massachusetts law, their marriage is null and void.

At my request, the Attorney General directed the city and town clerks to comply with the existing Massachusetts law, and it is my understanding that currently, all the cities and towns are in compliance. Legislation is pending in the Massachusetts legislature which would repeal this residency law and, although it has passed the Senate, it doesn't appear likely to pass the House in the short period remaining before adjournment.

Nevertheless, other actions are underway to eliminate the residency requirement. Two suits have been filed against this law, one from a dozen Massachusetts towns and another from several same-sex couples from Maine, New Hampshire, New York, Rhode Island and Connecticut. The couples argue that this new right is so powerful that denying it to non-residents violates the Massachusetts constitution, as well as the Privileges and Immunities Clause of the U.S. Constitution.

With the inauguration of same-sex marriages, a plethora of legal and regulatory issues are now arising. Although we will eventually be able to sort these issues out, it will take time. And, more importantly, we must move through many of these issues without the benefit of adequate time for full consideration of all the impacts. I expect that we will continue to see new issues arising for the foreseeable future as the Commonwealth struggles to understand all the changes that will now be sought due to this judicial ruling.

A number of the issues we are now reviewing relate to state benefits. In some cases, we have been in contact with the federal government to understand their position on the eligibility for benefits that are provided by the state but funded by the federal government. For example, we have been told that we cannot use federal funds to provide meals for an elderly same-sex spouse if the person's eligibility for the services is due to their spousal status. We have not heard yet from the Veterans Administration as to whether we can bury two same-sex spouses at our state Veterans cemeteries. Medicaid is a particularly interesting situation. Under our state laws, we use federal income eligibility guidelines. In this case, since the marriage is not recognized by the federal government, the person will be deemed eligible for Medicaid based on their individual income, not their two-spouse income. And, CMS has confirmed that federal matching funds will be available in this instance. However, if the person is eligible for Medicaid due to their spousal relationship, federal matching funds cannot be used since the federal government does not recognize the marriage. Similarly, CMS has notified us that federal transfer of asset rules regarding spouses will not apply, nor will spousal impoverishment provisions apply, to same sex spouses.

There are other very troubling issues. We now must consider whether to amend our birth registration process, which currently requires the name of a mother and a father. Should we change our birth registration document to read "Parent A" and "Parent B"? What impact would this have on child support enforcement, considering that birth certificates are a critical tool that are used to find and force absentee fathers to provide child support.

A number of legal issues are expected related to divorce and inheritance rights, particularly regarding those couples who move out of Massachusetts to states where their marriage is not recognized. The private sector is also beginning to grapple with ramifications of this change. We have been told anecdotally that some companies may be dropping domestic partnership benefits now that same-sex couples can wed, thus eliminating a benefit that was available in the past. Pension issues are also expected to arise, particularly for surviving spouses who do not meet the requirement for number of years married when marriage was not legal prior to May 17.

These issues will not be confined to Massachusetts alone. Our state's borders are porous. Citizens of our state will travel and may face sickness and injury in other states. In those cases, their spousal relationship may not be recognized, and it would be likely that litigation would result. Massachusetts residents will move to other states, and thus issues related to property rights, employer benefits, inheritance, and many others will arise. It is not possible for the issue to remain solely a Massachusetts issue; it must now be confronted on a national basis.

We need an amendment that restores and protects our societal definition of marriage, blocks judges from changing that definition and then, consistent with the principles of federalism, leaves other policy issues regarding marriage to state legislatures.

The real threat to the states is not the constitutional amendment process, in which the states participate, but activist judges who disregard the law and redefine marriage in order to impose their will on the states, and on the whole nation.

At this point, the only way to reestablish the status quo ante is to preserve the definition of marriage in the federal constitution before courts redefine it out of existence.

Congress has been gathering evidence and considering testimony about the need for a constitutional amendment to protect marriage. The time fast approaches for debate, and then decision.

The decision you will make will determine whether the American people will be allowed to have a say in this matter, or whether the courts will decide this matter for them.

At the heart of American democracy is the principle that the most fundamental decisions in society should ultimately be decided by the people themselves. Surely the definition of society's core institution, marriage, is such a decision.

Let me conclude with this point: Despite the warning signs, the Massachusetts Legislation hesitated, and refused to act. But the court had no such reluctance, and acted decisively. Now on the defensive, the legislature has begun the long and difficult process of amending the Constitution to undo what the Court has done. But it may soon be too late. This is what happened in Massachusetts. It is in your hands to determine whether or not this will be the fate of the nation.

Mr. ALLARD. Mr. President, if you read carefully through his testimony, he talks about the fundamental change that is happening in Massachusetts and many of the issues that he as a Governor in a State that has a court that actually went contrary to the wishes of the legislature to redefine marriage as something different than a union of a man and a woman. He talked about the effect that this redefinition is having on such basic programs as meals for the elderly and veterans and spousal benefits, burial rights, Medicaid, birth registration process, child support enforcement, inheritance, private sector, how employees are struggling with this particular issue. He makes a very important point that States are porous. So what is going on in Massachusetts has the potential to have an impact on other States, particularly if this gets to the U.S. Supreme Court, or we find the U.S. Supreme Court deciding to overrule DOMA, the Defense of Marriage Act, and decide that somehow or other it is unconstitutional.

Many of us have looked at what has happened in other countries where they have liberalized the marriage laws, particularly the Scandinavian countries and the Netherlands. In the Scandinavian countries, for example, for a number of years they have recognized same-sex marriage. As a result of that, there has been a very disturbing trend in that more and more children are born out of wedlock. In fact, if you look at the figures today in some of the Scandinavian countries, well over 50 percent of their children are born out of wedlock. We looked, more recently, at what has happened to the Netherlands—a country which traditionally, before 5 years ago, had a very strong record as far as children being born in wedlock, a country that promoted the idea of traditional marriage. But they have changed; they changed the definition of marriage, and they allow same-sex marriage. They are seeing that now there is an alarming increase in the number of children that are born out of wedlock.

We are faced with a challenge from the courts that will fundamentally change this society in America if the Congress does not act. We heard arguments yesterday about the Goodridge case in Massachusetts and Lawrence v. Texas, using the privacy issue, combined with the good faith and credit laws of the Constitution, and how the courts are setting the groundwork to overturn what traditional marriage means in the United States.

So it is very appropriate that we have this debate now. It is very appropriate that we have a full debate. I have been rather disappointed that we have not had more actual debate on the meaning of marriage from the other side. We have had debate about procedure, and I think there is a frustration about procedure. But I want the American people to understand that there is a fundamental difference between the way Republicans do business and the Democrats do business. We believe in a bottom-up approach. So we work for a consensus. I spent a long time at the very start of this process looking at a number of proposals on how we are going to amend the Constitution, working with grassroots groups and with my colleagues, and working with constitutional scholars.

We eventually came up with a conclusion, with the Judiciary Committee putting the final touches on the amendment, that the kind of language we need is what is now embodied in the amendment that is up before the Senate today for debate. This is where we developed the consensus. When you develop a consensus, that doesn't mean other ideas cannot come forward. As we strive, then, the next step is to strive for consensus on the Senate floor. I have been working personally with Senator GORDON SMITH from Oregon. He and I have been working together to strive for consensus.

So this idea that all of a sudden we would just deal with the first sentence in this amendment is not anything that is an unexpected result on this side because we recognize that perhaps maybe we cannot get an ideal amendment to move forward, perhaps maybe we have to work toward another version of the amendment that I have introduced that would allow for us to establish a consensus on the Senate floor.

That is where Senator SMITH has come in with his proposal, and actually he does it at the request of myself and other Members of the Senate because we are working for a consensus. That is what the Senate is all about. So I hope that we can get serious participation from the other side in the debate on this floor; we do have a number of Senators on the Republican side who want to continue to talk about how important marriage is.

So my hope is that we can move forward in a civilized and thoughtful manner on how important traditional marriage is to America, and to give the American people an opportunity to participate.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I am glad to hear Senator ALLARD say he welcomes the debate because that is the reason I came to the Senate floor today: to debate this issue. As someone who has been married 42 years, as a Democratic woman, I believe I can talk about marriage and what we need to do to strengthen marriage.

Unfortunately, there is not one item on the table here that strengthens marriage and helps people stay married, that helps the family, and that is going to be part of what I talk about.

It is interesting that Senator ALLARD said there is a great difference between Republicans and Democrats on this issue. I beg to differ with him. You cannot say you stand and speak for all Republicans today. In the "Roll Call," it says:

> True Conservatives Oppose the Federal Marriage Amendment.

George Will:

> Amending the Constitution to define marriage as between a man and a woman would be unwise for two reasons. Constitutionalizing social policy is generally a misuse of fundamental law. And it would be especially imprudent to end state responsibility for marriage law at a moment when we require evidence of the sort that can be generated by allowing the states to be laboratories of social policy.

That is George Will, a Republican syndicated conservative columnist.

Then we have Lynne Cheney, wife of DICK CHENEY, a Republican:

> I thought that the formula [Dick Cheney] used in 2000 was very good. First of all, to be clear that people should be free to enter into their relationships that they choose. And, secondly, to recognize what's historically been the situation, that when it comes to conferring legal status on relationships, that is a matter left to the states.

That is none other than Lynne Cheney, the wife of the Republican Vice President, a Republican herself and conservative.

Then there is Bob Barr, former Congressman from Georgia and author of the Defense of Marriage Act:

> Marriage is a quintessential state issue. The Defense of Marriage Act goes as far as is necessary in codifying the federal legal status and parameters of marriage. A constitutional amendment is both unnecessary and needlessly intrusive and punitive.

Bob Barr.

Senator Alan Simpson, a former Senator from Wyoming, Republican conservative:

> A federal amendment to define marriage would do nothing to strengthen families—just the opposite. And it would unnecessarily undermine one of the core principles I have always believed the GOP stood for: federalism.

That is Alan Simpson, a former Republican Senator.

Then Lyn Nofziger, former White House Press Secretary and assistant to President Ronald Reagan, a Republican:

> There are two kind of amendments. One kind would give the federal government more authority, usually at the expense of the states, and broaden its intrusions into the lives of its citizens. These include—

And he lists the ones with which he disagrees, with which I do not agree. He says the equal rights amendment would do that. He also says that proposals to ban same-sex marriage and abortion would violate federalism.

He says:

> I favor neither of the latter two but I oppose constitutional amendments that would ban them.

In other words, he agrees that gay marriage is not what he supports, but he does not believe in this constitutional amendment.

Mr. President, I say to Members of the Senate and anyone else listening to the debate, let's be clear, when the manager stood up and said Republicans and Democrats have a different approach, he forgot about a few Republicans who do not agree with him: George Will, Lynne Cheney, Bob Barr, Alan Simpson, and Lyn Nofziger. And by the way, quite a few on his side of the aisle stated they do not support the amendment. Let's be clear here, this is not a question of Republicans versus Democrats.

After today, we have 27 legislative days until adjournment—27 legislative days to deal with the most pressing issues of the country.

There were three developments around here in the last few days that underscore the work we should be doing right now.

First, we were all summoned to the secret briefing room here in the Capitol and told we were under the threat of attack from al-Qaida between now and election day. Why is it that I can tell you this if it was secret? Because it has been all over. Immediately from that room came Tom Ridge, the head of the Department of Homeland Security, to a press conference to announce this threat. This is serious. Let's put up what Tom Ridge said so my colleagues can see it for themselves:

> Credible reporting now indicates that al-Qaeda is moving forward with its plans to carry out a large-scale attack in the United States in an effort to disrupt our democratic process.
>
> July 8, 2004.

I have a question to my colleagues in the Senate and to all Americans who may be listening to this debate: What is more important to you, what is more a threat to you—al-Qaida moving forward with its plans to carry out a large-scale attack in America to disrupt our democratic process or two people who happen to be of the same gender moving in together down your street?

Let us be honest. However we feel about gay marriage or civil unions or domestic partnerships, however we feel on those matters, what is more of a threat to you and your family? You need to ask that question, put aside politics, and whatever answer you come up with, I have to believe most would say al-Qaida, not Mary and Carol or Jim and Carl, but al-Qaida, people whose names we do not know.

That is the first thing that happened last week. What else happened. A new report was released showing that the intelligence of our country is in disarray, intelligence we relied upon, intelligence that was used to make the case for war where more than 800 of our beautiful Americans are dead and 5,000 or more of them are injured, some without legs, some without arms, some who will never be the same, most of whom will never be the same.

What is more important to America today? Fixing the intelligence problem—we do not even have a head of the CIA; maybe it is time we thought about getting someone to be permanently in charge—or worrying about two people of the same gender who move in together down your street? I believe you need to ask yourself that question as you watch us in the Senate in this debate: What is more important to you, to your family, to your security, to your children?

Some of you are worried about a draft; you are very worried about a draft. What is more important—fixing our intelligence, making sure al-Qaida cells are drummed out of this country?

By the way, I looked at reports from this administration 30 days after 9/11, and do you know what they told us? Al-Qaida was in 45 countries, including America. Not one cell was in Iraq. Instead of going after al-Qaida, we turned around and went into Iraq based on faulty information.

Our people are dead and dying to this minute, to this day, to this moment. I visit them at Walter Reed, and I see the damage done. There are many Californians. I pay tribute to every one of those brave, unbelievably patriotic, caring members of the armed services who have given their lives with honor, deep honor when your Commander in Chief asks you to sacrifice yourselves for a decision he has made. You are honorable. And, no, you did not die in vain when your Commander in Chief asked you to go. Of course not.

I ask you, with our people dying every day, with the intelligence failures we have seen—and by the way, in my opinion, not only was the intelligence wrong, not only was it misused, not only was it misinterpreted, it appears to me there was pressure brought to bear to skew that intelligence, and that is the next phase of our inquiry that we will go into.

What kind of pressure was put on people to come up with an opinion? How does that relate to all of this? Because we are not talking about ways to stop al-Qaida. We are not talking about ways to fix our intelligence. We are talking about amending the Constitution of the United States, which is a very serious thing to do. It has hardly been done in the history of our Nation. Our forefathers were brilliant about making a constitution that is so flexible that we do not have to amend it every other day, but that is what we are doing about two people of the same gender who may want to care about each other. That is what we are doing today. That is what we did yesterday. That is what we did Friday. That is what we will do tomorrow. If the Senate proceeds, that is what we will do for the immediate future.

I hope the Senate will not proceed to it with all that we have to do.

There is a third thing that happened. In addition to being warned by Tom Ridge, in addition to being told by a bipartisan committee that our intelligence is in disarray in this country, there is something else new. We have news yesterday that discussions are being held within this administration about whether and how to possibly postpone elections if there is an attack on election day or in and around election day.

To this Senator, to even consider postponing our elections, the most ardent symbol of American democracy, because of terrorist threats is nothing more than allowing the fear that they bring to rule this country. This country is too strong for that. This country is too great for that. With our men and women overseas, literally dying for the rights of other people to vote, how could we even consider postponing the election?

If this administration is so concerned about the possibility of terrorist attacks—and to listen to them and to read this clearly they are—and if they are even seriously thinking of disrupting the centerpiece of American democracy, then our priority in the Senate and in the administration should be how to best defend against those attacks, not how to close polling places. Talk about misplaced priorities. It is worse than Alice in Wonderland. One has to pinch themselves, in light of all that we know, that we are more worried as a Senate about two people of the same gender caring about each other wanting to visit each other in the hospital than we are about these unbelievable threats that are facing our Nation, and we are not doing anything about that.

Let me tell the American people who may be listening, as well as my colleagues, what is not being done to make them safer. We do not yet have a port security bill which has been voted in a unanimous fashion out of the Commerce Committee. It would create command and control centers to improve security at America's ports. There has been no action by the full Senate.

My understanding is the bill was going to be brought here and there were difficulties with it on the other side of the aisle; the Republicans did not want to bring it up. Rail security, another bill voted unanimously out of the Commerce Committee, on which I serve, again there has been no action by the full Senate.

I have to say, in every report one reads Madrid is mentioned. The rail security problems are major.

So here we have a port security bill that unanimously came out of the committee, a rail security bill that unanimously came out of the committee, and those on the other side, the Republicans, are objecting to bringing those bills forward.

Transit security, $5 billion over the next 3 years to improve security on local transit systems approved by the Banking Committee in May, and there has been no action by the full Senate. Nuclear plant security, a bill to assess threats to and require improvements at nuclear facilities approved by another committee that I sit on, the Environment and Public Works Committee, there has been no action by the full Senate. Chemical plant security, a bill to require chemical facilities to have and implement a new security plan to protect against terrorist attacks approved again by the Environment and Public Works Committee October 2003, no action by the full Senate.

Airline security, the administration is cutting the number of air marshals. I had the privilege of writing the language in the air security bill that we passed after 9/11 to put air marshals on high-risk flights. What do we see? Cutting back on air marshals, not training enough pilots for the Federal flight deck officer program that allows for pilots to carry a weapon in the cockpit if he or she is trained as a sky marshal. The administration is not moving forward with that at all. They are slow-walking it. They have approved only a few pilots.

What about the threat of shoulder-fired missiles? I have been working on that with CHUCK SCHUMER, STEVE ISRAEL, and others. They are slow-walking these countermeasures. We know there are tens of thousands of shoulder-fired missiles. Terrorist groups have them. They can buy them for very little money on the black market. We know that aircraft have been shot at and shot down. What are we doing about it? Again, slow-walking this.

While Air Force One is protected when the President travels, he has countermeasures on that plane, and I fully support it and thank goodness we have it, but if we can do it there—and in Israel they can protect their commercial airlines—why can we not do it here? I will tell my colleagues the reason. The other side does not want to bring up these issues. They want to worry about two people of the same gender caring about each other and they are going to make a whole deal over this for days and days.

We have been warned over and over again. The FBI warned us a long time ago about the threat of shoulder-fired missiles. They are slow-walking that. They are holding the port security bill at the desk, the rail security bill at the desk, the transit security bill at the desk, the nuclear plant security bill at the desk, the chemical plant security bill is being held at the desk.

How about the COPS Program? We all supported that. We want to put 50,000 more cops on the beat. We put 100,000—and I see my colleague, the senior Senator from California, and I know about the great work that committee did on the COPS Program. But, oh, no, the Bush budget request cuts the COPS program by 87 percent and no new hires.

So now we see why the Republicans want to talk about gay marriage. They cannot point to anything they have done in the past to make us safer.

Firefighters, the Bush budget cuts firefighter assistance by one-third and provides no funding for the SAFER Act to hire 75,000 new firefighters.

We all remember the heroes after 9/11 and how everyone, Republican and Democrat, rallied around our firefighters. The cynicism around this place is unbelievable.

First responders, the bill to provide FEMA assistance to local first responders was approved by the EPW Committee in July of 2003. There has been no action by the full Senate.

So I have shown—and I have not even gone into them in great detail—what we ought to be doing if our focus is defending our homeland.

It seems we do not have any problem focusing our resources abroad, trying to bring democracy to others while this administration seems completely at a loss on how to protect us at home. It is extraordinary to me. To come out to a microphone and say to the American people, look at these threats, here are Tom Ridge's own words:

> Credible reporting now indicates that al-Qaida is moving forward with its plans to carry out a large-scale attack in the United States in an effort to disrupt our Democratic process.

We then hear proposals discussed on how to delay the elections. This is pretty clear. But any leader who gives you this, and then doesn't step to the microphone and say: And, American people, we know how to protect you; we know how to make our ports safer; we know how to make our railroads safer; we know how to protect you against a guerrilla attack against a nuclear powerplant—oh, no, they give out iodine pills. That is what they do in this administration. They send iodine pills to people who live within 100 miles of a plant so they can be "protected" from cancer. It is extraordinary to me.

The other thing they do is they hold press conferences on the war in Iraq. Then they say it is going to get worse before it gets better. I don't understand that kind of leadership. Maybe I am old fashioned, but I think leadership is about seeing a problem and fixing it to the best of your ability—laying out the plans on how you are going to fix it. If you do not do that, you fail the test of leadership.

We need to be stronger at home. We need to be respected abroad. Senator KERRY and Senator EDWARDS are taking that message across this country. What I am trying to say today is that message is real.

I am saying there are many things we can do. I have just laid out 10 things we should be doing now instead of worrying about two people of the same gender moving down the street who happen to care about each other. But all we hear about is the fear part, and no plan. Remember how we had no plan for Iraq, except the military plan which was brilliantly executed, but then there was nothing after it? We have no plan to protect our homeland.

It is time to stop the fear mongering like this, unless you are going to say what we are doing to make us safer and carry it out. We have to start protecting our people, our homeland, and our democracy at home. But, again, what does the administration want to do? A constitutional amendment to prohibit gay marriage. A constitutional amendment that will deny—and make no mistake about it—millions of Americans equal rights because even if it doesn't say so explicitly, it will mean that those in domestic partnerships or in civil unions—which I strongly support—will not get equal rights or equal responsibilities.

Let's be clear. The authors of this amendment say it has nothing to do with domestic partnerships or civil unions; those are fine.

No. I will have later in my statement the lawyers who tell us that, in fact, it will be impossible for domestic partners or civil unions to receive anywhere near the same rights or responsibilities as married couples. This constitutional amendment, if it passes, would guarantee legal challenges to civil unions and domestic partnerships, as I said. That is David Remes, a partner and legal expert at a well-respected law firm here in Washington.

How about the American Bar Association? They say:

> The language of the constitutional amendment is so vague that the amendment could be interpreted to ban civil unions and domestic partnerships and the benefits that come with them.

So be clear what you are doing. Even if you oppose marriage between people of the same gender, if you support civil unions or domestic partnerships, you are condemning them because they will not be able to have the same benefits. This constitutional amendment is divisive to this country. It even divided Lynne Cheney from DICK CHENEY. Let's just look at what DICK CHENEY said before he changed his mind in this election year. This is the statement that now his wife supports:

> The fact of the matter is we live in a free society and freedom means freedom for everybody. And I think that means that people should feel free to enter into any kind of relationship they want to enter into. It's really no-one else's business in terms of trying to regulate or prohibit behavior in that regard.

This is what he says:

> I think different states are likely to come to different conclusions, and that's appropriate. I don't think there should necessarily be a Federal policy in this area.

That was DICK CHENEY in the year 2000. Now, because the President has decided that he needs to do this right now rather than keep us safe from al-Qaida and move forward and help us get our legislative packages through to protect the American people, that this is more important, then Vice President CHENEY now supports the amendment. But his wife Lynne has taken a decidedly different view. I have, in fact, shown you that before. Her comments:

> I thought the formula Dick Cheney used in 2000 was very good. First of all, to be clear that people should be free to enter into their relationships that they choose and secondly to recognize what's historically been the situation, that when it comes to conferring legal status on relationships, that is a matter left to the States.

So when I say it is divisive to the country, it has divided Mrs. Cheney from DICK CHENEY and that is just an example of how it divides people.

I will tell you the reason it does. First, it is unnecessary. The States are taking care of this. Second, we are enshrining discrimination into the Constitution, a document that is meant to expand rights. We have never, underline never, amended the Constitution to deny rights, to deny equality.

In his testimony before the Senate Judiciary Committee earlier this year, University of Chicago Law School professor, Cas Sunstein, noted that:

> All of the amendments to the Constitution are either expansions of individual rights or attempts to remedy problems in the structure of government. The sole exception being the 18th amendment that established prohibition and that attempt to write social policy into the Constitution was such a disaster that it was repealed less than 15 years later.

The list of adopted constitutional amendments is short but impressive. There are the first 10 amendments, the Bill of Rights, that guarantees important liberties to the American people, from freedom of speech and the press, to the right to be secure in our homes, to the freedom of religion. It is the 13th, 14th, and 15th amendments that undid the terrible injustices of slavery, ensuring African Americans the right to vote and guaranteeing everyone equal protection under the law.

Then there is the 19th amendment that gave women the right to vote. We know what a struggle that was. The suffragettes worked mightily, long and hard.

The 24th amendment banned poll taxes to further ensure that minorities have the right to vote.

The 26th amendment gave 18-year-olds the right to vote. I remember that debate was, if you are old enough to die for your country, you should be old enough to vote in your country.

It is quite an impressive list. It is a short list. It obviously sought to expand freedom and equality, and it did so.

The other day I happened to see my grandchild watching a show. They were singing a song—which I will not sing, so don't panic—which goes like this, in words:

> One of these things is not like the other,
> One of these things just doesn't belong.

This proposal before us today doesn't belong in the Constitution of the United States of America. That is why so many organizations, 127, have come out against this amendment. Let's take a look at them. It is a huge list. Many of these groups have absolutely no interest in the debate over same-sex marriage, but they share one common goal: Preventing discrimination from being written into our Constitution. Let me mention a few of these:

The Japanese-American Citizen League says:

> The Japanese-American community is keenly aware of what it means to be the target the Government sanctions and implemented discrimination and mistrust. We believe discrimination in any form is un-American.

The National Council of La Raza, the National Black Justice Coalition, the Mexican-American Legal Defense and Educational Fund, the Leadership Conference on Civil Rights, the Labor Council for Latin American Advancement, the American Jewish Committee, the NAACP, the National Asian-Pacific American Women's Forum, the National Hispanic Leadership Agenda say that this will be the first time in history that an amendment to our Constitution "would restrict the rights of a whole class of people in conflict with its guiding principle of equal protection."

These Americans who are in these groups—and by the way, there are a lot of religious organizations in this group: The Religious Action Center, you have a number of religions—the Interfaith Alliance, University Fellowship of Metropolitan Community Churches—a lot of these folks, not only do they not want to see discrimination written into the Constitution, but they believe the Constitution is a gift to us. I agree with that—a gift we inherited from giants among men who wrote it 217 years ago. We know no document is perfect, but when we amend the Constitution, it would be to expand rights, not to take away rights from decent, loyal Americans. This great Constitution of ours should never be used to make a group of Americans permanent second-class citizens.

This Constitutional amendment is so flawed it couldn't pass the Judiciary Committee. The leadership has to bypass the committee in order to get this bill before the full Senate. Sometimes that happens. We have seen it happen with various bills that come to the Senate floor. This isn't just a bill; this is an amendment to the Constitution of the United States. It needs to get 67 votes in the Senate. We don't even know if a majority of the Senate is in favor of it; yet here it is. Instead of doing what they would do to protect our people, this is what we are doing.

This amendment would make it impossible, if it passed, for States to say that two people who love each other, care for each other, and are willing to die for each other, have no inheritance rights, equal hospitalization rights, or equal benefits under the law. That is an outrage.

Don't let anyone tell you: I am for this amendment because it basically says marriage is between a man and woman, but I support civil unions and domestic partnerships. You can't do it. The lawyers tell us that once this is enshrined in the Constitution, the States will not be able to confer equal benefits on civil unions or domestic partnerships. Marriage is not a Federal issue; it is a matter of State law. For some it is a religious issue. Some religions recognize same-sex marriages and some do not. Again, many religions oppose this amendment, including the Alliance of Baptists, Episcopal Church, the 215th General Assembly Presbyterian Church.

When I got married, it was a religious service and I had my civil recognition, so I had both religion and civil present. Guess what. The Federal Government wasn't involved. That was OK. That is the way it has been.

My State has a domestic partnership law. California's law I believe is a good start. It gives same-sex couples many of the same rights and responsibilities as married couples. It isn't perfect. I think we need to do more. But even this imperfect law means so much to some people in California. For this Congress to take that away from them by amending this Constitution is wrong and it is mean spirited. That is what experts tell us will happen. My State has made this decision. Other States are making their decisions. What is wrong with that?

The very same people who are always preaching States rights now feel they must move forward. I already gave you Vice President CHENEY's statement about the fact that we live in a free society, freedom means freedom for everybody, and he didn't think there ought to be a Federal policy in this area. I believe those words of his from the year 2000 stand up. Frankly, the words he is uttering today are just bowing to the political pollsters. That is really a shame. The Constitution is too great a document for it to be used as a political football. The Constitution is too great a document to be used as an applause meter before a convention. Yet that is what we are seeing.

I don't know what message the people who are bringing this to you want to convey. Is it to send a message that certain Americans are inferior? I hope not. But that is a message that is being sent to a lot of people who are hurting right now.

I have heard my colleagues say the reason for this amendment is that the American family is in a fragile condition. One of my colleagues says marriage is under assault by gay marriage or gay relationships.

I want to tell you something straight from my heart. Not one married couple has ever come up to me and said that their marriage is under assault because two people of the same gender living down the street care about each other. If your marriage is under assault because of that, you have other issues that you should deal with.

If we were truly concerned about strengthening marriage and families in this country, I will tell you there are a lot of things we could do, just like we could do a lot of things to make us safer. There are a lot of things we can do.

We have not raised the minimum wage in 8 years. People are trying to hold their families together on a minimum wage. Two people working on a minimum wage are probably just at the poverty line. Why don't we raise our minimum wage and help our low-income families? We could pass a bill to make sure our families and our married couples have the same health insurance as we have. I think it is a great idea. Open it up. We could pass a bill like that. We could pass a bill to make sure all children have a high-quality education. We could fully fund the No Child Left Behind Act. That would take pressure off of our families. Instead of freezing the number of children in afterschool programs—and I have a lot in my heart about that because I wrote the afterschool law with Senator ENSIGN. We have frozen that program for 3 years. We have a million kids in it. That is another one. Open it up. Let these children in. Take the pressure off our families. Take the assault off our marriages. That would really help. Keeping our children safe until mom or dad comes home is something we could do.

Now we have some saying the amendment is needed to stop the activist judges. Not one Federal judge has ruled on the issue of same-sex marriage.

I have to say: Is this a new thing we now have on the other side? Suddenly they are upset about activist judges. I can understand if they are concerned about activist judges. Why did they vote for many of them for the most part? My colleagues voted to confirm James Leon Holmes. Regarding women's right to choose, where was the concern when he said the "concern for rape victims is a red herring because conceptions from rape occur with the same frequency as snow in Miami." He is going to take that opinion that is so wrong and defies science and is so activist in nature so he can change the law.

Where was the concern about William Pryor, who our colleagues on the other side of the aisle voted for, who said the Federal Government should not be involved in the business of public education or the control of street crime? Imagine a Republican saying that when it was Dwight Eisenhower who wrote the very first public education bill.

All of a sudden, we have concern about activist judges when they are voting for activist judges every day.

This same William Pryor called the Voting Rights Act, which guarantees voting rights to all of us, an affront to federalism. They didn't have a problem with that.

What about Charles Pickering, who worked to reduce the sentence for a man convicted of burning a cross on the lawn of an interracial couple?

What about activist judges who stopped the State recount in the recent Presidential election and essentially decided that election when most legal scholars said, they won't do it, the Supreme Court will allow a recount to go forward.

On every count, this argument seems to me to be disingenuous and only before the Senate to hurt some people who are going to cast a tough vote, so use it in 30-second spots. Indeed, some of those 30-second spots have already begun.

Shame on us. This job is too important, this country is too great. The Senate means too much to too many people to use it like this. It is not right.

If this was really about activist judges, we would be debating this after a Federal judge has actually acted. By the way, the timing of that would be inconvenient for my colleagues on the other side because no Federal judge will act before the Democratic Convention.

What we see—and it is really sad, but it has to be said—is crass, cold-hearted politics. Distracting attention from the real issues facing our Nation, this constitutional amendment is being used as a weapon of mass distraction. Again, already it is being used in 30-second commercials.

I hope and I pray the people of this country will see this debate for what it is. Members are going to hear a string of speeches: We have to do this because marriage is under assault.

The next question is, If marriage is under assault, what are you doing to help make family life easier for our people, easier for our hard-working people at a time when women and men both have to work because it is so tough, at a time when actual wages have gone up 1 percent but the cost of health care almost 30 percent, the cost of gas up, the cost of college tuition up well over 20 percent, the worst job record in the last 3 years?

Since this administration took over, we have had the worse job creation record since Herbert Hoover. Fewer jobs are in existence today than when

George Bush took over. Do Members want to take the strain off of our marriages, off of our families? Let's have an economic recovery. Let's stop the good jobs from going abroad by giving incentives to create jobs here. Let's raise the minimum wage. Let's assure the people of this country that they will be protected from the threat of shoulder-fired missiles.

When we go up to that secret room upstairs and we are told that al-Qaida is moving forward to disrupt our democratic process and to attack our country, what do we come down here to do? Nothing to take away that threat. Holding bills at the desk, including rail security, transit security, port security, chemical plant security, nuclear plant security—I could go on with the other issues we ought to be discussing. But, no, we do not have time to take care of that.

Now I hear we are going to go to the Australian free-trade agreement after this. I love the Australians and they are great friends of America. But I love the people I represent, too. And when I see threats like this, I cannot sleep at night, worried about it. I didn't come here to stand and debate constitutional amendments that do nothing to make life better for anyone in this country. But that is what they want to do. It is a very sad day.

We are all God's children. No two of us are alike. We have different color eyes. We have different color hair. We have different color skin. We are different genders, different religions, different backgrounds, different views. I come from a State of 35 million people, the most unbelievably diverse State in the Nation. Yes, different sexual orientations is part of that mix. We are all different. Yet we are all God's children. We are all united behind this country and the common cause of freedom, justice, fairness, and equality. That is what unites us.

In this Chamber, we have a job to do. That is to advance the cause of freedom and justice and equality, and to advance the status of our people economically. Doing this does not help any of it.

A constitutional amendment before the Senate is an attempt to use our diversity to divide us instead of to unite us. Ironically, it is being brought by the President and his friends in the Senate who said he would be the great uniter, a healer; that he would change the tone in Washington.

The tone has changed. It is worse than it has ever been in all my years here, and this is the end of my second term in the Senate. I was in the House for 10 years. Before that I was in local government. I have never seen a worse tone.

This constitutional amendment is an attempt to appeal to our prejudice instead of to our compassion, to our hatreds instead of to our hopes, to our fears instead of our dreams. The constitutional amendment is an appeal to what is the worst in us instead of what is best in us. We are better than that, or we should be better than that.

In his first inaugural address, Republican President Abraham Lincoln appealed to the better angels of our nature. This amendment flies in the face of those words.

Regardless of what anyone thinks about gay marriage, regardless of whether Members are for domestic partnerships or civil unions—which, again, I strongly support—regardless of whether Members support or oppose the laws in their State, this constitutional amendment should be defeated, and the motion to proceed, if it is a vote on that, I hope that fails, as well. The signal will be, when we defeat this motion to proceed, the message we are sending is we want to get to the business of the American people that will make marriages better and stronger, that will protect our people from threat of terrorist attack, not to sit here and talk about a constitutional amendment which the author knows hasn't got one slim chance of passing. He is taking up valuable time on an issue that does nothing at all to help our people.

I urge my colleagues to do the right thing. I urge my colleagues to put the Constitution above any political gain. I urge my colleagues to put the Constitution above their political well-being.

Here is what I have known in the many years I have run for office. When you take a stand out of deep conviction, people know. They may not even agree, but they ask, Do I want someone who is willing to take a hard stand and someone I can trust to do that when the chips are down? They want that. They will see that is what a true patriot is, not someone who reads the polls and says the polls show this or that. The point in the Senate sometimes is to lead. I wish it would be that way every day, but especially it should be that way when there is an amendment to the Constitution. I hope once we dispose of this and vote down the motion to proceed, and they do not get enough votes on that, we can turn our attention to the awesome challenges and the difficult issues we face. Once we send that signal, America will see we did right by the Senate, we did right by our constituents, and we did right by this country that we love so much and we hold so dearly.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. ALLARD. Mr. President, I will yield to my good friend from Missouri, but first I will make a couple points.

First, we are just beginning to defend marriage. This debate may go well beyond this year. I anticipate we will have more votes. But the message is, we are just beginning.

Second, this is a moderate amendment. We do allow States the opportunity to find civil unions and domestic partnerships. This is not a civil rights union. This is not a civil rights issue.

I will have an opportunity later on in our debate this afternoon to talk about these very points.

First, I call on my good friend, the junior Senator from Missouri.

I served with him in the House, and I am proud to call him my friend. He is doing a great job in the Senate. I yield to the Senator from Missouri, Mr. TALENT.

Mr. TALENT. I understand we have about 20 minutes until lunch. May I have the 20 minutes?

Mr. ALLARD. Twenty minutes.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. TALENT. I appreciate that. I very much appreciate the kind words of my friend from Colorado in introducing me. That is probably more than I deserve, and it is certainly better than I usually get when I stand up to speak on the Senate floor.

We are in the midst of another filibuster. I say that because if I didn't say it, given the Senate procedures, it would not be evident to people that that is what is happening. But we are filibustering yet another measure before the Senate. This one has a little twist to it. Those who are filibustering are willing to allow us to go to a vote on the amendment, if we have no amendment to the amendment. In other words, if nobody wants to offer any amendment to change this amendment at all, to try and perfect it, then they will permit an immediate vote. So what we are told is that we must either have an immediate vote without any changes even being considered or no vote at all.

I suspect that the filibuster will be sustained when we vote on it. It is a shame because this is an important measure, and the people are entitled to see who in this body is for protecting traditional marriage and who is not, because nothing less than that is at stake. Members of the Senate should not be mistaken or deceived by discussions of other issues or attempts to restate what this amendment is about or assurances that we don't really need to do anything and everything will be OK.

The courts of this country are engaged in a process by which they are going to force the people, whether they like it or not, to accept a fundamental change in the basic building block of our society. I kind of think that is important. I think it is worth debating. It is a sign of the regard in which marriage is held by some of those who are filibustering that they don't think it is important enough to be worth debating.

Marriage is our oldest social institution. I was thinking about this the other day. It is not older than the impulse to seek God, but it is older than our formal religions. It is older than our system of property. It is older than our system of justice. It certainly predates our political institutions, our Constitution, even our union in this country. And marriage may be the most important of all these institutions because it represents the accumulated wisdom of literally hundreds of generations over thousands of years about how best to lay the foundation of a home in which we can raise and socialize our children.

Every society has to be able to do certain things in order to survive. It has to produce wealth, goods, and services so people can live. It has to resolve disputes so that people don't kill each other over problems that they have. It has to be able to raise children who are reasonably content, reasonably well adjusted, and reasonably committed to the norms of that society. It is possible to do that. I put in that word for those in the gallery who may have teenagers as I do. It is possible for children to be reasonably content, well adjusted, and committed to the norms of society. And the way that we do that, the way we have decided over the millennia to do that in this country, and, indeed, throughout the world, is through marriage.

It doesn't always work that way, obviously. No human society, no human institution is perfect. A spouse may die. The marriage may break up. The marriage may be so completely dysfunctional that maybe it ought to break up. People sometimes are single when children are born, and very often in those circumstances the person who is raising the child is able to make it work. They act heroically to raise the child on their own.

If a child in that circumstance went to his mom or dad or aunt or uncle or grandma or grandpa or guardian, whoever was trying to raise him or her on his own and said, When I grow up, when I want to have children, would you recommend that I try and find somebody who is committed to raising the child—say it is a girl—if I try and find a man who is committed to me and committed to the home and committed to raising our children in that context, would you recommend that I do that or not? How many of those single moms or dads or grandmas or grandpas or aunts or uncles who have raised kids or are raising kids, how many would say, No, do it the other way? They would say: Do it that way, if you can.

It is hard under any circumstances. But it is less hard if you have a husband or a wife who is there, who is committed, who wants to help. That is what marriage is about. Americans know that as a matter of commonsense. Americans live in this civilization. Americans of all different backgrounds, all different ethnicities, all different religions, all support traditional marriage. They know that, if possible, kids should be raised by a mom and a dad, committed in the context of marriage to their family. Americans know that and have known it. They have built that society and that culture.

The social scientists have figured it out. Here is a representative statement. The Senator from Kansas read a number of similar statements the other day, but this was by Scott M. Stanley who is a Ph.D. at the Center for Marital and Family Studies at the University of Denver, which my friend from Colorado has the honor to represent. He said:

> As a result of decades of accumulated data, many family scientists, from the fields of sociology, psychology and economics, have concluded—

Here is the news bulletin—

> children and adults on average experience the highest level of overall well-being in the context of healthy marital relationships.

And what is marriage? We are entitled to ask that about all our social institutions. What is it? It is not complicated. In short form, it is one mom, one dad, one at a time. Everybody has the same right to get married. There is no discrimination involved in a social institution. Everybody has the same right to get married. But nobody has the right to marry anybody they want to. There are certain restrictions. You can't marry a close relative. You can't marry somebody who is already married. Is that discrimination if we tell people, No, you can't marry somebody if they are already married? That is not marriage. And you can't marry somebody of the same sex.

And why? Because marriage is the institution—remember, it is many things; yes, it is an expression of love and commitment between two people and that is beautiful—that we in our society rely upon for raising our children. And it is best for kids, if possible and where possible, to have a mom and a dad. And that is one thing that two people of the same sex cannot give children. They cannot give them a mom and a dad.

It comes down to this: People in this country are free to live the way they want to live. That is one of our cultural norms that, by the way, marriage supports. Marriage is the building block of a society which believes, among other things, that people should be free. And people are free to live the way they want.

The Senator from California talked about two same-sex people who love each other and want to live together. Legally people are free to do that. But that does not mean that they are free to change the basic cultural institutions on the health of which everybody and everybody's rights depend.

We have models of this around the world. In Scandinavia they have changed traditional marriage, legalized same-sex marriage. The result there is increasingly nobody gets married. Fewer and fewer kids are raised outside of that context. It is not good. If you think it is good, come down here and say that. Say that is why you want to oppose the amendment.

It is worth asking also how we got here. No legislature has acted on this. I haven't heard about hearings in the State legislatures around the country. No referendum has passed. I served in the legislature for 8 years in Missouri and was proud to do so. I served on the committees that considered family law. We debated a lot of issues involving family law. We changed the law a lot. It has not happened in this country. People have not adopted referendum. In fact, all the actions have been the other way. To the extent that they have passed referendum or laws, they have all been in support of traditional marriage.

So how did we get here?

We got here because a majority of the Massachusetts Supreme Court decided people should have the right to same-sex marriage. Because of the way our Federal system works, it is very likely—whether people want to admit this or not—that other courts will force people in other States to recognize same-sex marriage because one State has. That is the way our system works. It may not happen, but it is quite likely to happen.

When I heard about that decision by the Massachusetts Supreme Court, I asked myself: What about everybody else's rights? What is the most basic political right people in this country, and indeed throughout the free world, have? What is the political right that people in this country have fought and died for for hundreds of years? We see people around the world now heroically fighting for this. The first and most basic right is the right of the people to govern themselves.

The Framers thought that right was so self-evident, you didn't have to argue for it. Maybe we should restate it for the Massachusetts Supreme Court. It means that the only just government is the one that derives its powers from the consent of the governed. That means that every act of any governmental body has to be the result of a process in which the people have, at some time, consented.

In this country, people have to consent to the acts by which they are governed. Typically, they could do that through the process of a representative democracy. They elect people or defeat them, depending on whether they agree with them. We would not tolerate it for a second if a President got up one day and said: I don't like the way our society is functioning; I am going to issue a decree and everybody has to do it differently now.

It would not matter whether we agreed, we would say you don't have the authority to do that. It is because of that basic right of self-government that judges are supposed to construe and apply the law, not invent and impose the law.

Now, the construction may be strict or liberal. Provisions of the Constitution may be vague. But the construction has to be a faithful construction—whether it is strict or liberal—to the proper exercise within the American constitutional system of the judicial power. Even if a provision of the Constitution is so vague that we are not certain what the right answer, the right interpretation is, it doesn't mean there are no wrong interpretations. It doesn't mean there are no interpretations which clearly are outside of the scope of what the people who wrote the document said or intended.

I want to assert this before the Senate now: It is wrong to say the Constitution of the United States, or any of the several States, contains a right to same-sex marriage. It is intellectually dishonest to claim that the Massachusetts decision was one of interpretation and application, rather than invention and imposition. They were not interpreting the Constitution; they were imposing what they wanted on the people of Massachusetts, without their consent.

In this country, you don't do that. I have been around legislative bodies a long time. I have won some battles and lost some. Sometimes I think I have lost a lot more than I have won. Certainly, when I served in the minority in the Congress and in the legislature, I lost more battles than I won. That is the way the system works. I can live with that. But I don't like being told I have no right to participate. I don't like being told my views are such that I cannot petition the representative process to get what I want out of it.

Unless we pass a constitutional amendment, we will allow the courts of this country to disenfranchise tens of millions of Americans on an issue that is of greater importance to them on a day-to-day basis—because it involves the way in which their children and other people's children are going to be raised—than most of the issues we discuss. If we cannot agree in this body on anything else, we can agree on this: Everybody should have the right to advance their point of view in the legislative process on this issue, and that we can trust the good sense of the American people to produce the right result in the end. I am willing to do that, but the only way we can do that is by passing a constitutional amendment. That is what this country is about.

I have just a few minutes. I will deal with some of the arguments that have been raised against this. One is that this is political. Well, I have been in legislative bodies a long time. When people start talking about a bill or an argument being political, they are really saying that we know if we have to vote on this, we are going to vote in a way that people probably don't like back home, and we would really rather not vote on it.

Let me say this. This is not a battle that my friend from Colorado sought when he introduced this amendment. This battle is being forced upon us by the courts of the country. If you don't want to vote on this, get the Massachusetts Supreme Court to reverse itself. We will go back to what we had before, and gladly so.

Another argument is that we are holding up other business. I say to the people who are making that argument, as I said at great length on the floor of the Senate the other day, you are filibustering the other business. If you want to go to other business, stop filibustering it. You filibustered the class action bill last week, the welfare bill, the Energy bill, medical malpractice, and judicial nominations. You can filibuster if you want.

Unfortunately, here we allowed very broad filibustering. But one thing you cannot do is filibuster and then accuse everybody else of being obstructionists. That isn't right. Let the other measures go and we will go with them.

Another argument is that we should show more respect for the Constitution and that we should not amend the Constitution. You know, that is kind of a selective argument. That says basically you can amend it through the courts. The courts can amend it any way they want, without regard to the right of the people to govern themselves; but we cannot amend it through the process that the people have provided to amend it. The argument is kind of cheeky. It says we can get court decisions that exclude you from participating in the normal process, so you cannot pass a law to do anything about it. But then, if you go to the constitutional amendment process, which is the only process we have left open to you, you are not showing any respect for the Constitution.

Look, my time is running out. I see a colleague who may want to add a word or two at the end. You are either for protecting traditional marriage or you are not. There is no way around this debate. The courts are forcing it on us. They have changed the law in Massachusetts. People are getting married there and filing lawsuits in other States to challenge those State laws. This is here. We are either going to do something about it or we are not. You are either for protecting traditional marriage or you are not. It is not about homeland security. It is about whether you really think that marriage, as we have understood it for thousands of years, is important in some sense, even if you cannot explain it, to the kind of society we live in. I think so. I know most of the people think so.

My tone has been one of frustration. I am sorry about that. This frustrates me. It is something that, clearly, we ought to do. I don't know anybody who has come down here and argued against traditional marriage. Let's pass this constitutional amendment, work on it for a reasonable amount of time, get it in as good a shape as we can, and do the business the people expect us to do. Let them make their own decisions about their own culture.

I yield the floor.

I thank the Senate, and I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I ask unanimous consent that we allow the Senator from Texas an additional 10 minutes to discuss the Hispanic conference that she is having here.

The PRESIDING OFFICER. Is there objection?

Mr. SCHUMER. Reserving the right to object, I ask unanimous consent to modify the request of my friend from Colorado that after the Senator from Texas speaks on the Hispanic convention for 10 minutes, the Senator from California and I be given an additional 15 minutes to talk about the renewal of the assault weapons ban.

The PRESIDING OFFICER. Unfortunately, the Chair will not be able to preside and has to object to the unanimous consent request.

Mr. SCHUMER. Mr. President, I have no objection to the Senator from Texas speaking for 10 minutes. I ask unanimous consent that when the Senate resumes business at 2:15 p.m., at some point between 2:15 p.m. and 5 p.m. today, we be given 15 minutes to talk about this issue.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Texas.

Mrs. HUTCHISON. I thank the Chair.

Mr. President, I appreciate this opportunity to talk about the Federal marriage amendment before the Senate. It is important that we focus on this very important issue and look at the reason we are taking it up.

Some people come up to me and say: Why are we doing this now? We already have the Defense of Marriage Act. Additionally, people say: Is this such a pressing issue that it needs to be discussed right now?

I cosponsored this amendment because if we wait until the Defense of Marriage Act is taken through the courts and potentially declared unconstitutional, questions would arise about what marriage is in our country.

I do not think many would disagree that the traditional concept of marriage is what must be protected. Traditional marriage has been the foundation of our families for generations, in fact, centuries. It is best for our children now, and is the best chance our children have for brighter futures.

Inevitably, single-parent households exist due to death or an inability to keep marriages together. But it is proven, that if possible, a married couple, a man and a woman, raising a family give children the best chance to succeed in their lives.

Today, same-sex couples from 46 States have traveled to Massachusetts, California, and Oregon to receive marriage licenses with the intention of returning to their respective States to challenge their State's laws. Forty-two States have specific laws defining marriage as the union of a man and a woman. My State of Texas has such a law.

Activist judges and lawyers have been using the judicial system to undermine the traditional definition of marriage without public consent or debate. This is not just an attack on our families, but also on our democratic form of government. Elected representatives of the people are supposed to make the laws of our country.

In 1996, Congress enacted the Defense of Marriage Act—it was passed 85 to 14 on the Senate floor—to protect marriage by allowing States to refuse to recognize an act of any other jurisdiction that designates a relationship between individuals of the same sex as a marriage.

I have heard arguments that DOMA would not withstand a full faith and credit Constitutional challenge, but we continue to see courts, such as the Massachusetts Supreme Court, and officials in California deny the laws of this country and their particular States.

I do not think the Constitution should be amended lightly. I would like to see our Constitution amended only when it is absolutely necessary to correct a fundamental problem. However, this is one of those times. This is one of those times when we have judges acting as legislators. This must be stopped and can only be stopped by the Constitution.

The full faith and credit clause of our Constitution says:

> Full Faith and Credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records, and Proceedings shall be proved, and the Effect thereof.

The full faith and credit clause should not be used by the courts to validate marriages because marriages are not legal judgments, they are civil contracts. Unfortunately, we are witnessing a change where activist judges are making laws with their judgments, and the full faith and credit clause faces enormous challenge.

Currently, there are 11 States facing court challenges to their marriage laws. Recent court decisions indicate that neither State attempts to define marriage nor DOMA may be sufficient to protect the ability of States to define marriage. At least seven States will have State constitutional amendments on their ballots in 2004 to define marriage as between a man and a woman.

In my State of Texas where the legislature passed a law defining marriage as between a man and a woman, controversy now exists about how State courts must treat civil unions. The State attorney general has said that Texas does not recognize Vermont civil unions, and, therefore, no divorce or separation must be granted in Texas for this union.

These are just a few of the questions that are beginning to arise because of the acts of judges in Massachusetts and local officials in California.

It is very important that elected representatives make this decision. People must have the right to hear the discussion, talk about it, and be represented by their elected officials. That is the issue here.

I do not think we will have the votes on Wednesday to proceed to this critical issue, but this is an important step toward starting the debate. Marriage between a man and a woman that produces children and strong families is fundamental to our society and demands this safeguard. This is the core and fabric of our society.

I hope in the next few days, weeks, and months we have a civilized debate. This is not about being anti-homosexual. Not at all. I think everyone believes gays and lesbians should have the ability to lead their lives as they choose, as should all consenting adults. But we don't want to tear down traditional marriage and the American family. We need to protect traditional marriage. We should not allow some States to impose their definition of marriage on other States. States must have the right to accept or reject anything that has not been demonstrated the will of the people through their representatives.

I appreciate being given the time to speak on this issue. It is an important issue for our country, and I hope we will carefully consider the ramifications if we do not take action to protect traditional marriage and the American family.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:40 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

The PRESIDING OFFICER. The Senator from Nevada.

FEDERAL MARRIAGE AMENDMENT—MOTION TO PROCEED—Continued

Mr. REID. Mr. President, I have spoken to the manager of the bill for the majority and I want to say a few brief words now and then I will yield 30 minutes to the Senator from Wisconsin. Following that, Republicans will speak for whatever time they desire and the Democrats will then follow with remarks by Senator DURBIN for up to 30 minutes.

I simply ask unanimous consent that following my brief remarks, Senator FEINGOLD be recognized for up to 30 minutes; following his remarks the time revert to whatever the majority feels appropriate; following their remarks, that Senator DURBIN will be recognized for up to 30 minutes; then trying to balance out this time, following the reversion back to Republicans, Senator LAUTENBERG will be recognized for up to 15 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. REID. Mr. President, the Reno Gazette-Journal, a newspaper that has been in existence for many years, a Gannett newspaper in Reno, NV, which is certainly not a bed of liberalism, published a very short editorial today. It says:

> The plan to redefine marriage in a constitutional amendment could not be a better election year wedge. The fact that Lynne Cheney, champion of conservative causes, parted company with her husband, Vice President Dick Cheney, on same-sex marriage is illustrative of just how divisive it's become.
>
> Typically, vice presidents support their presidents and political wives back their husbands, regardless of personal feelings. This time, the human aspect of the debate was too much for a political wife to overcome.
>
> As the mother of a lesbian, Lynne Cheney, of necessity, would be finely attuned to all the arguments. And no one should expect a parent to disregard an offspring for a political agenda. Anyway, it is debatable that an amendment would help a traditional conception of marriage. And, some Senators indicate they are less than willing to try.
>
> The administration is wading into deep waters, fracturing families, and merging the church and the state. That's not the way the system is supposed to work. It would be best for government to leave this issue alone.

I am not an avid reader of the Washington Times. In fact, I didn't read it today. But it was brought to my attention and I did read the Washington Times:

> GOP split on marriage proposals.
>
> Senate Republican leaders, who had been seeking a clear vote on a constitutional amendment on same-sex "marriage," yesterday found themselves outmaneuvered by Democrats and divided over which of two proposals to pursue.
>
> President Bush and Senate Republican leaders support the Federal Marriage Amendment, which defines marriage as the union of a man and a woman and restricts

> the court's ability to rule on the issue. But some Republicans want to vote on an alternative, simpler version—leaving Republican leaders scrambling. . . .

Let's understand where we are on this issue. Senator DASCHLE, in good faith, Friday, came to the floor and said we need to get to the business at hand. There is an important marriage amendment pending about which people on both sides of the aisle have strong feelings. Therefore, it would be better that we vote on the amendment, the one that has been on the Senate floor. We were told at that time by the majority leader that sounded like a pretty good idea, that he would have to check with his caucus.

Surprisingly, Friday we were unable to get that unanimous consent agreement entered. Monday we come back—no deal. In the morning, we were told they want to vote on two constitutional amendments regarding marriage. In the afternoon, we were told they want to vote on three constitutional amendments on marriage.

It is a simple choice. We are willing to vote on the legislation before this body, S.J. Res. 40. Why don't we do that? The reason we are not going to do it is because the majority has decided they want the issue. They do not care how the votes fall: they want the issue. That is wrong. Everyone should understand this is a march to nowhere, and the majority knows that.

I don't know what is happening around here. Class action is an issue for which there were enough Members here—Democrats and Republicans—to pass it. The majority would not even allow a vote—not a single vote—on that issue. They want the issue.

They want to bash Democrats as being opposed to any reform of the tort system.

On medical malpractice, on asbestos, on class action they want the issue. They don't want to resolve the issue. One would think the people in the State of Ohio, in the State of Texas, in the State of Nevada, in the State of Wisconsin, in the State of Illinois, and in every other State would know how Senators feel on the amendment before this body.

They are not going to get that chance because we are going to be forced into a procedural vote. That is wrong.

We are willing to vote on S.J. Res. 40. We have said that. We keep saying that, but, no, the issue is more important than the merits of this matter, which is too bad.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, the Constitution of the United States is a historic guarantee of individual freedom. It has served as a beacon of hope, an example to people around the world who yearn to be free and to live their lives without government interference with their most basic human decisions. I took an oath when I joined this body to support and defend the Constitution. I am saddened, therefore, to be standing on the floor today debating a constitutional amendment that is inconsistent with our Nation's history of expanding freedom and liberty. It is all the more unfortunate because it has become all too clear that having this debate at this time is aimed at scoring points in an election year. Even a leading proponent of this amendment admits that we are engaged in a political exercise, pure and simple.

Paul Weyrich, president of the Free Congress Foundation, recently stated:

> The President has bet the farm on Iraq.

So the proper solution, according to Mr. Weyrich, is to "change the subject" from Iraq to the Federal marriage amendment.

Mr. Weyrich also recently stated:

> If [President Bush] wishes to be reelected then he had better be up front on this issue, because if the election is solely on Iraq, we're talking about President Kerry.

I am loathe to come to that kind of conclusion. But I believe it to be the truth.

There we have it. This proposed constitutional amendment is a poorly disguised diversionary tactic that is essentially a political stunt.

Will this proposed constitutional amendment create jobs for mothers and fathers, husbands and wives, and stop the flow of American jobs overseas?

Will this proposed constitutional amendment secure a good education for our children? Will this proposed constitutional amendment improve the lives of American families on any of these issues? Obviously not.

Instead of Congress and the President getting to work on issues that would help American families, we are spending time—in fact a lot of time—on the Senate floor on a poorly thought out, divisive, and politically motivated constitutional amendment that everyone knows has no chance of success in this Chamber. What is even more troubling is that this effort risks stoking fear and encouraging bigotry toward one group of Americans.

So here we are, debating a constitutional amendment in search of a justification. This debate is not really about supporting marriage. We all agree that good and strong marriages should be supported and celebrated. The debate on this floor today is about whether we should amend the U.S. Constitution to define marriage. The answer to that question has to be no. We do not need Congress to legislate for all States, for all time, on a matter that has been traditionally handled by the States and religious institutions since the founding of our Nation. For that reason alone, this amendment should be defeated.

At the outset, let me state in the strongest terms I can that I object to the Senate discussing and debating this proposed constitutional amendment without it first going through the Senate Judiciary Committee. We are here today debating a proposed amendment to our Nation's governing charter. In fact, this is the very first time this particular amendment has even been brought before the Senate, and neither the Judiciary Committee nor the Constitution Subcommittee has debated and marked up this proposal.

One might ask why the supporters of this proposed amendment feel the need to rush to the floor and bypass the committee process. I suspect it is because they fear they do not have enough votes on the committee to approve the amendment and report it to the floor. It may also be that the time it would have taken to examine the amendment and debate it in committee would have interfered with the predetermined political schedule for considering it on the Senate floor. Or perhaps that committee consideration would expose the weaknesses in the amendment and reduce support in the Senate. But in any event, the decision to bypass the committee process is highly unusual and very much to be regretted.

Senate leadership has not previously made a habit of bypassing the committee process when it considers a constitutional amendment. In fact, in this session of Congress alone, the Constitution Subcommittee has held markups on three proposed constitutional amendments: the victims' rights amendment, the continuity of government amendment, and, most recently, the flag amendment. The Judiciary Committee should be allowed to serve its proper role in marking up proposed constitutional amendments before they are brought to the Senate floor.

Respecting the committee process for any piece of legislation is important. But it is absolutely necessary for proposed amendments to the Nation's Constitution. Amending the Constitution should not be taken lightly. A rush to debate and pass this amendment—particularly since it raises so many questions—is not in the best interests of this body or of this country.

I might add that in the past quarter century, only two constitutional amendments were considered by the full Senate without committee consideration. One of these amendments, involving campaign finance restrictions, was discharged from committee by unanimous consent so it could be debated at the same time as campaign finance reform legislation. The other amendment to be brought directly to the Senate floor was an amendment to abolish the Electoral College and provide for the direct election of the President. What happened on the Senate floor to that amendment is very instructive.

In 1979, the current chairman of the Judiciary Committee, the Senator from Utah, was serving in the position that I hold today, the ranking member of the Constitution Subcommittee. He strongly objected to allowing a constitutional amendment to be brought to the Senate floor without first going through the Constitution Subcommittee and the Judiciary Committee.

Senator HATCH stated the following during the debate in 1979:

> As the ranking minority member of the Committee on the Judiciary, Subcommittee on the Constitution, I feel very strongly that there are ways to propose constitutional amendments and there are ways not to propose constitutional amendments. In this particular case, I think this is not the way to propose a constitutional amendment, and especially one that has the potential of altering the basic democratic federalism of the American political structure.

He went on to say:

> To bypass the committee is, I think, to denigrate the committee process, especially when an amendment to the Constitution of the United States of America, the most important document in the history of the Nation, is involved.

I could not agree more with the words of a then somewhat junior Senator who is now the distinguished chairman of the Judiciary Committee. His view then is exactly my view now, and I think the whole Senate should take his position very seriously.

His position was supported by another distinguished Republican member of the Judiciary Committee, Senator Alan Simpson of Wyoming, who said the following:

> We are talking about amending the fundamental law of the land—the law that controls the creation and enforcement of all other laws, the law that embodies the procedural consensus and most basic values of all Americans, that gives our nation much of its unity and our government its legitimacy. We should consider proposals to amend the Constitution more carefully than any other measure that comes before us.

Senator Simpson continued:

> I think the American people would strongly disapprove of what is being attempted here. This kind of procedure should not be used for a constitutional amendment. It is bound to adversely affect—to some degree the legitimacy of the process. I know it will affect us all greatly if this amendment is passed without adequate consideration by the present Senate.

And he added the following, and having served with Senator Simpson, I can imagine the gentle irony in his voice:

> Perhaps I will eventually learn that Senators do not have time to make considered decisions even on amendments to the Constitution. . . . However, I am not at that point yet. I trust it will never be bad form in the U.S. Senate to demand respect for the legislative process.

Finally, let me quote the then-ranking member of the Judiciary Committee, Senator Strom Thurmond, who served in this body for nearly a half century and as Chairman of the Judiciary Committee for 6 years. Senator Thurmond strongly supported his colleague, the Senator from Utah. He said:

> The best place to study these issues is before the full Judiciary Committee of the U.S. Senate. I see no reason why this committee should be short circuited by this bill not being referred here. If a bill of this nature is not going to be referred to a committee to consider it, I do not know why we need Committees in the U.S. Senate.

Senator Thurmond concluded:

> The Judiciary Committee is the proper machinery for referral of this resolution. It is set up under our rules for considering a measure of this kind. It should be utilized and should not be sidestepped as is attempted to do here with this procedure.

This debate, which took place just over 25 years ago, had a good outcome. The Senate voted to send the constitutional amendment back to the Judiciary Committee. Those Senators who urged the Senate not to bypass the committee process prevailed.

Now, a quarter of a century later, we are in a similar situation. All of the Democrats on the Judiciary Committee sent a letter to the Committee Chairman a few weeks ago, urging him to follow regular order on this amendment and let the full Committee and Subcommittee on the Constitution debate and mark up this constitutional amendment. I ask that our letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUNE 25, 2004.

Honorable ORRIN G. HATCH,
Chairman, Senate Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Last week, the Republican leadership announced that it will bring the Federal Marriage Amendment ("FMA") to the floor of the Senate during the week of July 12. Press reports indicate that this particular date was chosen because some want to have a vote on this amendment prior to the Democratic convention at the end of the month. We urge you to prevail upon your colleagues in the leadership to allow the Judiciary Committee and the Subcommittee on the Constitution, Civil Rights, and Property Rights to debate and mark up the amendment prior to its being taken up on the floor. The Judiciary Committee has a long and productive tradition of considering amendments to the Constitution. We believe that breaking with that tradition in this instance would be a serious mistake.

The FMA has never before been considered by the Senate. It is a controversial measure sure to inspire heated debate on the floor and in the country. So far, four hearings have been held on this topic in both the Senate and the House. Religious leaders, legal scholars, legislators, psychologists and other health professionals, and advocates for children and families are divided on the need to amend the Constitution in this way. It seems clear to us that there is no consensus in the Senate, or in the country, that this amendment is needed or appropriate.

Furthermore, while the language of the FMA has recently been modified, there is still significant doubt as to its intent and effect. In these circumstances, we believe it is premature to consider the amendment at all, but at the very least, consideration by the Judiciary Committee may clarify and even narrow the issues for the floor.

As you know, it is highly unusual for a constitutional amendment to come to the Senate floor without committee action. In the last decade, constitutional amendments relating to a balanced budget, term limits, flag desecration, and victims rights have all gone through the Judiciary Committee prior to receiving floor consideration. The only amendment that received a floor vote without first being marked up in committee was Sen. Hollings' campaign finance constitutional amendment. That measure was discharged from committee by unanimous consent so it could be debated on the floor during debate on campaign finance reform legislation.

You will undoubtedly recall that during the 96th Congress, a constitutional amendment providing for the direct election of the President and Vice-President was brought directly to the Senate floor. You argued strenuously at that time for "regular order": "As the ranking minority member of the Committee on the Judiciary, Subcommittee on the Constitution, I feel very strongly that there are ways to propose constitutional amendments and there are ways not to propose constitutional amendments. . . . I think this is the way not to propose a constitutional amendment. . . . To bypass the committee is, I think, to denigrate the committee process, especially when an amendment to the Constitution of the United States of America, the most important document in the history of the Nation, is involved." Cong. Rec. 5003-5004 (Mar. 14, 1979). Your arguments prevailed and the Senate agreed to recommit the amendment to the Judiciary Committee.

Mr. Chairman, you were right in 1979 that the proper course to follow when an amendment to the Constitution of the United States is proposed is to allow the Judiciary Committee to consider it and report it to the floor before the full Senate is asked to debate it. That is the course that should be followed here. We hope you will continue to protect the jurisdiction of the Committee in discussions with those who want to rush the Senate into a premature vote for political reasons.

Thank you for your consideration.

Sincerely,

Patrick Leahy, Herb Kohl, Charles E. Schumer, Edward M. Kennedy, Dianne Feinstein, Richard J. Durbin, Joseph R. Biden, Jr., Russell D. Feingold, John Edwards.

Mr. FEINGOLD. Unfortunately, our pleas have fallen on deaf ears. The Judiciary Committee, which in the last decade has considered and reported to the floor constitutional amendments dealing with a balanced budget, term limits, flag desecration, and victims' rights has been bypassed for this Federal marriage amendment. I have not heard a compelling argument explaining why the committee process should be ignored in this case.

In fact, I have not heard even a remotely persuasive argument of any kind why the committee process should be bypassed.

The committee process is even more important for this amendment than for some of the amendments we have considered recently. This amendment is being considered for the first time in the Senate. Changes have been made to the language of the amendment within the past few months. Just yesterday, we heard that further changes are being contemplated by some supporters of the amendment. There is significant doubt about how this amendment will be interpreted and what effect it will have on a whole variety of state and local laws and ordinances. It is exactly in this situation that the committee process can be very helpful. Issues can be explored in depth and modifications can be offered to clarify the meaning and effect of the amendment. It is not clear what would happen in our committee if we were given the opportunity to mark up this amendment. But I know we would have a much better idea of what the amendment does and doesn't do than we have today.

The Framers of the Constitution deliberately put into place a difficult process for amending the Constitution to prevent the Constitution from being used as a tool for enacting policies better left to the legislative process. A proposed amendment must pass both houses of Congress by a two-thirds majority, not a simple majority. After a proposed amendment has passed both Houses, it must be ratified by three-fourths of the states.

Citizens for the Constitution, a bipartisan blue-ribbon committee of former public officials, journalists, professors, and others, has suggested a set of guidelines for evaluating proposed amendments to the Constitution. The members of this committee are people who do not necessarily agree with each other on the substantive merits of proposed amendments, but they do agree that a deliberative, respectful process should be followed.

Citizens for the Constitution reports that in the history of our nation, more than 11,000 proposed constitutional amendments have been introduced in Congress, but only 33 have received the needed congressional supermajorities and only 27 of those have been ratified by three-fourths of the States. The bar for amending our Constitution is very high indeed.

One guideline from Citizens for the Constitution, is particularly relevant to our discussion today. The guidelines ask, "has there been a full and fair debate on the merits of the proposed amendment?" In this case, the answer is no. There has not been a full debate. We have had four hearings in the Judiciary Committee but there are still unanswered questions about this amendment. This is especially troubling because the sponsors of the amendment have changed its text during the course of our hearings and even stated conflicting interpretations of their amendment. The committee process could help us sort these issues out and narrow them for the floor. But the committee process has been abandoned for this amendment. That is a real shame.

The current procedural situation highlights the problem with bypassing the Judiciary Committee. The Senator from Colorado introduced the first version of the Federal marriage amendment in November of last year. A revised version was then introduced the morning of a hearing in the Judiciary Committee in March of this year.

Now, after bypassing the committee to bring the amendment to the floor of the Senate, we hear that supporters want a vote on yet another version of the amendment. We had four hearings in the Judiciary Committee on the issue of same sex marriage, but none of them concerned this new text that the leadership now wants to bring to a vote. That is why we needed a subcommittee and committee markup on this amendment. So alternative language could be considered and debated. That didn't happen here and that is why there is "disarray" among supporters of the amendment as one press report put it this morning. So instead of an up or down vote on the amendment before us, we will most likely have a procedural vote tomorrow. And the reason for that, make no mistake, is that this amendment simply was not ready for floor consideration. It wasn't ready. It should have gone through the Judiciary Committee.

Aside from my objection to the failure to follow the proper process and allow committee consideration of this amendment, as was so eloquently argued 25 years ago by the Senator from Utah, Senator Simpson and Senator Thurmond, I also object to this amendment on the merits.

There is no doubt that the proposed federal marriage amendment would alter the basic principles of federalism that have served our nation well for over 200 years. Our Constitution granted limited, enumerated powers to the Federal Government, while reserving the remaining issues of government, including family law, to State governments. Marriage has traditionally been regulated by the States. As Professor Dale Carpenter told the Constitution Subcommittee last September, "never before have we adopted a constitutional amendment to limit the States' ability to control their own family law."

Yet, that is exactly what this proposed amendment would do. It would limit the ability of states to make their own judgments as to how best to define and recognize marriage or any legally sanctioned unions.

Surely both Republicans and Democrats can agree that marriage is best left to the States and religious institutions.

One of our distinguished former colleagues, Republican Senator Alan Simpson, opposes an amendment to the Constitution on marriage. In an op-ed in the Washington Post last September, he stated:

> In our system of government, laws affecting family life are under the jurisdiction of the states, not the federal government. This is as it should be. . . . [Our Founders] saw that contentious social issues would be best handled in the legislatures of the states, where debates could be held closest to home. That's why we should let the states decide how best to define and recognize any legally sanctioned unions—marriage or otherwise.

Columnist William Safire has also urged his conservative colleagues to refrain from amending the Constitution in this way. Commentator George Will takes the same position.

I recognize that the current debate on same-sex marriage was hastened by a decision of the highest court in Massachusetts issued last fall. That decision, the Goodridge decision, said that the state must issue marriage licenses to same-sex couples. But the court did not say that other States must do so. And it did not say that churches, synagogues, mosques, or other religious institutions must recognize same-sex unions. Even Governor Romney, who testified before the committee at our last hearing, admitted that the court's decision in no way requires religious institutions to recognize same-sex unions. No religious institution is required to recognize same-sex unions in Massachusetts or elsewhere. That was true before the Goodridge decision, and it remains true today.

I might add, that this Federal amendment would appear to interfere with the will of the people of Massachusetts who have already taken steps to respond to their court's decision. It would very likely nullify the state constitutional amendment that is currently pending in Massachusetts.

Now, the supporters of the Federal marriage amendment would have Americans believe that if same-sex couples are allowed to marry in Massachusetts, we will soon see courts in other states requiring those States to recognize same-sex marriages, too. But this is a purely hypothetical concern, hardly a sound basis for amending our Nation's governing charter.

As Professor Lea Brilmayer testified at a Constitution Subcommittee hearing, no court has required a State to recognize a same-sex marriage performed in another State. And as Professor Carpenter testified, "the Full Faith and Credit Clause has never been understood to mean that every state must recognize every marriage performed in every other state. Each state may refuse to recognize a marriage performed in another state if that marriage would violate the public policy of that state."

In fact, Congress and most States have already taken steps to reaffirm this principle. And these actions so far stand unchallenged. In 1996, Congress passed the Defense of Marriage Act, a bill I did not support, but it is now the law. DOMA is effectively a reaffirmation of the Full Faith and Credit Clause as applied to marriage. It states that no State shall be forced to recognize a same-sex marriage authorized by another state.

In addition, 38 States have passed what have come to be called "State DOMAs," declaring as a matter of public policy that they will not recognize same-sex marriages.

There has not yet been a successful challenge to the Federal or State DOMAs. Of course, it is possible that the law could change. A case could be brought challenging the Federal DOMA or a State DOMA, and the Supreme Court could strike it down. But do we really want to amend the Constitution just in case the Supreme Court in the future reaches a particular result? We should all pause and think about the ramifications of our action before we launch a preemptive strike against the governing document of this Nation.

Former Representative Bob Barr, the author of the Federal DOMA, strongly opposes amending the Constitution. He believes that amending the Constitution with publicly contested social policies would "cheapen the sacrosanct nature of that document."

He also warned:

> We meddle with the Constitution to our own peril. If we begin to treat the Constitution as our personal sandbox, in which to build and destroy castles as we please, we risk diluting the grandeur of having a Constitution in the first place.

My colleagues, those are the words of the author of the Federal DOMA statute. That is what he said about the wisdom of trying to amend the Constitution in this manner.

Concerns have also been raised that the Federal marriage amendment could prevent the people of a State from choosing to recognize civil unions or grant domestic partnership benefits at the State level. The proposed amendment could be construed to challenge already existing civil union and domestic partnership laws or to bar future attempts to enact such laws. Representative Barr also warned that the proposed marriage amendment could apply to not only States, but private sectors as well. Certainly, our hearings in the Judiciary Committee did not lay these concerns to rest. If anything, they made them stronger.

We should not seek to amend the Constitution in a way that would reduce its grandeur. Under our longstanding system of federalism, we should leave the regulation of marriage to the States and religious institutions and get to work on the real issues that Americans are facing and deserve our attention and action.

As I stand here, there are Americans across our country out of work, languishing in failing schools, struggling to pay the month's bills, or worrying about their lack of health insurance. Instead of spending our limited time this session on a proposal that is destined to fail and will only divide Americans from each other, we should be addressing the issues that will make our Nation more secure and the future of our families brighter.

I urge my colleagues to oppose this ill-advised and divisive constitutional amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I think under the previous consent order we would now go to 30 minutes on this side and then over to the Senator from Illinois for the next 30 minutes. We may, in fact, depending on who shows up, try to divide our 30 minutes among several Senators. I ask unanimous consent that we be allowed to do so in case there is any doubt.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I am delighted that we are finally beginning to have a real debate on the floor of the Senate on the importance of preserving traditional marriage. Up until this point, I am sorry to say, we really hadn't had much of a debate because our attempts to raise this issue, starting on Friday, had been met mainly with silence from the other side. But we have had a number of Senators—Senators BOXER, REID, now FEINGOLD—who have spoken and stated their objections. I would like to respond briefly. I believe then that Mr. INHOFE, the Senator from Oklahoma, will be here. I will certainly turn to him.

First of all, we are told by the distinguished Democratic whip that Republicans have raised a political issue. I would suggest to you that when judges in Massachusetts and elsewhere threaten to mandate same-sex marriage on the people of this country without the opportunity for the people of this country or their elected representatives to cast a vote or to have a voice in that decision, that is not a vote in favor of democratic government, one preserved by our Constitution that recognizes the sovereignty of a free people, not of a few life-tenured judges or perhaps judges who none of us have had a chance to vote on or to express any disapproval of in terms of judges from Massachusetts who have radically redefined the institution of marriage in that State.

Contrary to the hopeful expressions by some of my colleagues and perhaps others in the media, this is not an issue that can just be confined to one State, the State of Massachusetts, because, in fact, same-sex couples have gone to that State and have taken advantage of this new law and then moved back to their States of residence, 46 different States. And then, of course, we understand the process. And then a number of those have, in turn, filed lawsuits in their home States seeking to force legal recognition on their same-sex marriage that was conducted in Massachusetts in their home State.

This is not an isolated event. This is part of a long-term litigation strategy. Indeed, we know that even as long ago as when the Defense of Marriage Act was passed by this body overwhelmingly—I believe it was 85 Senators who voted in favor of it on a bipartisan basis—there were some Senators back then who, of course, didn't vote for it, such as the Senator from Wisconsin, as is certainly his privilege. But we know that others did not vote for it at the time, including Senator KERRY, who said at the time:

> DOMA is unconstitutional, unnecessary, and unprecedented. This is an unconstitutional, unprecedented, unnecessary, and meanspirited bill.

At the same time, of course, 85 of his colleagues in this body on a bipartisan basis sought to express their confidence in the importance of preserving traditional marriage back then. Then, of course, there were other Senators who made the same expression.

Legal scholars have for some time now, including Laurence Tribe from Harvard Law School, Cass Sunstein, and others, expressed their opinion as a legal matter that the Defense of Marriage Act is unconstitutional, and then we have, most recently, the most recent edition of the Harvard Law Review, which is entitled "Litigating The Defense of Marriage Act, The Next Battleground For Same-Sex Marriage." This literally sets out a roadmap for any lawyer who wants to challenge the preservation of traditional marriage in their State or, indeed, in any State in the United States by seeking a judicial declaration in a court that the Federal Constitution mandates same-sex marriage.

So this is not some political issue that we or the leadership on this side of the aisle dreamed up. This is a debate that has been raging for some time now, at least since 1996, when Senator KERRY, Senator KENNEDY, and others expressed on the public record that they believed the Defense of Marriage Act was unconstitutional at the time. They were parroting the statements of legal scholars and others to the same effect.

So this is, in my view, a question of whether we the people have a say. As Abraham Lincoln said, we are a government of the people, by the people, and for the people. But what our opponents on the other side of the aisle and on this issue would say is, look, we have four judges in Massachusetts who have laid down the law in Massachusetts, and there is really nothing you can do about it. The fact is, it has now been exported to 46 other States, and there are approximately 10 lawsuits presently pending to seek to force the recognition of those same-sex marriages in those States, and this is part of a national litigation strategy.

I say to those who think we ought to sit on the sidelines and remain spectators and remain silent, we are not going to remain silent, we are not going to stand still, nor did the Framers of our Constitution contemplate the people standing still when, by virtue of the passage of time and experience, or in this case when judges seek to amend the Constitution under the guise of interpretation, none of the Framers, no part of the Constitution contemplates that the people of this country should just remain silent.

If we want a government of the people, by the people, and for the people, this is an important debate. I want to say something before I defer to the Senator from Oklahoma, who wants to speak, just by way of response—and I will reserve the rest of my remarks for the remaining time we have allotted in this 30-minute timeslot.

The Senator from Nevada, the distinguished Democratic whip, has chastised this side of the aisle, the Republican majority leader, for refusing to accept their offer for an up-or-down vote on the Allard amendment. What he didn't tell you is they stipulated that it must be without any amendments being offered on the floor. In other words, their offer attempted to stifle debate and stifle the right of Senators to offer amendments. They know, as we all know, there are other amendments that have been discussed over the last year or so. I think if we want to have a full, fair, and honest debate, since there are concerns there wasn't adequate deliberation in the Judiciary Committee, this is the place to have it. We ought not to try to stifle debate or the right of any Senator to offer an appropriate amendment.

At this point, I will reserve the remainder of our allotted time and ask that the Senator from Oklahoma be recognized.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. I thank the Senator from Texas.

Mr. President, I have been watching, with a great deal of interest, the debate that has been taking place. I took some time last night to get what I believe to be very salient quotes. One is by an Irish poet, William Yeats:

> I think a man and a woman should choose each other for life, for the simple reason that a long life with all its accidents is barely enough time for a man and a woman to understand each other and . . . to understand is to love.

I think there are several of us in this room, including the Presiding Officer, who understand very well what Dr. Yeats is talking about.

The next one comes out of the Talmud, the Jewish oral interpretation of the Torah:

> A wife is the joy of a man's heart.

Mark Twain said:

> After all these years, I see that I was mistaken about Eve in the beginning; it is better to live outside the Garden with her than inside it without her.

Homer, the Greek philosopher, said:

> There is nothing nobler or more admirable than when two people who see eye-to-eye keep house as man and wife, confounding their enemies and delighting their friends.

William Penn said:

> Between a man and his wife nothing ought to rule but love.

Andrew Jackson said:

> Heaven will be no heaven to me if I do not meet my wife there.

Those things sound good and poetic. I happen to have been married for 45 years. My wife and I have 20 kids and grandkids and it started just with us. We think about the tradition in this country and how it has been this way as long as we can remember.

I have heard people say on this floor, when talking about this issue, that this perhaps should be a State issue. As a general rule, you will not find anybody who is a stronger supporter of State rights than I am. But this is a national issue. The definition of marriage is and has been a national issue.

In the late 19th century, Congress would not admit Utah into the Union unless it abolished polygamy and committed to the common national definition of marriage as one man and one woman.

In 1996, Congress passed a Defense of Marriage Act into law, which defines marriage as one man and one woman for the purposes of all Federal law.

Another, and perhaps more compelling, argument that this should be handled on a Federal level is that people constantly travel and relocate across State lines throughout the Nation. Same-sex couples are already traveling across country to get married. As a result of this mobility, same-sex couples with marriage certificates will become entangled in the legal systems of other States in which they live. They will do business, buy and sell property, write wills, commit and suffer torts, go to the hospital, get divorced, and have custody battles over their children.

A State-by-State approach to gay marriage will be a logistical and legal mess that will force the courts to intervene and require all States to recognize same-sex marriages. This is the only possible outcome.

This issue needs to be addressed now. The definition of marriage must be addressed, and it must be addressed now. Activist lawyers and judges are working quickly through the courts to force same-sex marriage on our country.

In June of 2003, the U.S. Supreme Court signaled its possible support for same-sex marriage when it struck down a sodomy ban in Texas. That was Lawrence v. Texas. I am sure the junior Senator from Texas is very familiar with that.

Earlier this year, the Massachusetts Supreme Court ruled that same-sex couples could marry, and that ruling went into effect on May 17. The State's high court's ruling clearly ignored tradition—even its own State legislature.

In response to the courts ruling, the Massachusetts Senate drafted a "civil union" bill specifically designed to satisfy the court's edict while preserving traditional marriage.

Despite the fact that all legal rights and benefits were provided in the civil unions legislation, the court rejected this alternative legislation, insisting on redefining marriage.

In his dissenting statement, Massachusetts Supreme Court Justice Sosman said:

> It is surely pertinent . . . to recognize that this proffered change affects not just a load-bearing wall of our social structure but the very cornerstone of that structure.
>
> The majority stripped the elected representatives of their right to evaluate "the consequences of that alteration, to make sure that it can be done safely, without either temporary or lasting damage to the structural integrity of the entire edifice."

Even Massachusetts Gov. Mitt Romney, in his testimony on June 22, 2004, before the Senate Judiciary Committee, stated:

> Marriage is not an evolving paradigm, as the court said, but it is a fundamental and universal social institution that bears a real and substantial relation to the public health, safety, morals, and general welfare of all the people of Massachusetts.
>
> We need an amendment that restores and protects our societal definition of marriage, [and] blocks judges from changing that definition . . . at this point, the only way to re-establish the status quo . . . is to preserve the definition of marriage in the federal Constitution before courts redefine it out of existence.

Not only has the Massachusetts court ruling affected that State, it has and will continue to open the floodgate of similar decisions by other State courts across the country.

Lawsuits are already pending in 11 States to ask the courts to declare that traditional marriage laws are unconstitutional. Same-sex couples from at least 46 States have received marriage licenses in Massachusetts, California, and Oregon and have returned to their home States. Many of these couples will now sue to overturn their home State's marriage laws. There is already a lawsuit in Seattle to force the State to recognize same-sex marriage in Oregon.

Unfortunately, the Federal Defense of Marriage Act, DOMA, does not protect States from lawsuits such as these. State and Federal courts are poised to strike DOMA down under the equal protection and due process clauses in the Constitution. This would essentially force recognition of same-sex marriages.

Why protecting traditional marriage matters: Marriage is about much more than romantic love. I know from my experience. My wife Kay and I have been married for 45 years. We understand these things. For the purpose of society and our legal system, marriage is the ideal environment for raising children and thriving communities.

Our laws protect marriage between a man and a woman, not because of love or romance, but because marriage provides a good, strong, stable environment for raising children and is good for society as a whole. The evidence of the benefits to children being raised by a mother and father is overwhelming.

In societies where marriage has been redefined, potential parents become less likely to marry and out-of-wedlock births increase. This is because marriage loses its unique status in society as the institution where childbearing and parenting is centered. It becomes little more than an optional arrangement, not the presumptive locus of family life.

According to a February article in the Weekly Standard by Stanley Kurtz:

> A majority of children in Sweden and Norway are born out of wedlock.

A majority, that is more than half of the children are born out of wedlock.

He goes on to say:

> Sixty percent of first-born children in Denmark have unmarried parents—not coincidentally, these countries have had something close to full gay marriage for a decade or more.
>
> In 1989, Denmark had legalized de facto gay marriage, and Norway and Sweden followed in 1993 and 1994, respectively.

Additionally, according to Barbara Dafoe Whitehead, codirector of the National Marriage Project at Rutgers, State University of New Jersey, in her testimony before the Senate Health, Education, Labor and Pensions Committee on April 28 of this year, marriage has many benefits. She is speaking clinically when she gives these evaluations.

It can be a source of "economic, educational, and social advantage for most children. Children from intact families are far less likely to be poor or to experience persistent economic insecurity. Estimates suggest that children experience a 70-percent drop in their household income in the immediate aftermath of divorce and, unless there is a remarriage, the income is still 40–45 percent lower 6 years later than for children from intact families."

Ms. Whitehead goes on to say:

> Children from intact married parent families are more likely to stay in [and do better in] school.

In fact, according to Patrick Fagan, a fellow at the Heritage Foundation, in his testimony before the Senate Subcommittee on Science, Technology, and Space on May 13 of this year:

> U.S. children from intact families that worship God frequently have an average GPA of 2.94 while children from fragmented families that worship little or not at all have an average GPA of—

Some 30 percent or less.

Ms. Whitehead also says:

> Marriage provides economies of scale, encourages specialization and cooperation, provides access to work-related benefits such as retirement savings, pensions, and life insurance, promotes saving, and generates help and support from kin and community.
>
> On the verge of retirement, one study found married couples' net worth is more than twice that in other households.
>
> A study of retirement data from 1992 by Purdue University sociologists found that individuals who are not continuously married have significantly lower wealth than those who remain married throughout the life course.

That is significant because we have been talking about the emotional side. We have been talking about the things that I think are no-brainers, that most of the American people, in spite of the arguments to the contrary, talk about. But there are economic reasons. There are reasons of prosperity and happiness that are being dealt with in this resolution.

I have quotes from a number of Senators and conservatives. They have done such a good job, those who are in this Chamber. In listening, I have found a few points they said that are worth repeating.

My colleague, Senator ALLARD from Colorado, believes our Founding Fathers never envisioned that we would be changing the very structure of marriage, that we would be changing this core structure of society. We are in danger of losing a several-thousand-year-old tradition, one that has been vital to the survival of civilization itself.

This small group of activists and judicial elite, as my colleague from Kansas, Senator BROWNBACK, said, "do not have a right to redefine marriage and impose a radical social experiment on our entire society."

"This is not a battle over civil rights, it is a battle over whether marriage will be emptied of its meaning in contradiction to the will of the people and their duly elected representatives."

This is an "assault on the American family," as my colleague, Senator CORNYN, the junior Senator from Texas, said.

And my colleague from Alabama, Senator SESSIONS, said:

> If there are not families to raise . . . children, who will raise them? Who will do that responsibility? It will fall on the State.

This, to me, is one of the most troubling outcomes of the whole gay marriage issue. As my colleague from California, Senator BOXER, said, we have "misplaced priorities" in addressing this issue right now. I say to my colleague, I do not think our priorities are misplaced when we are looking at creating a whole new class of children from these gay marriages who could end up completely dependent on the State, on the taxpayers—the American people.

I do not think our priorities are misplaced when we are concerned about following in the footsteps of countries where out-of-wedlock births have skyrocketed. And I do not think our priorities are misled when some activist, rogue judges and others are undermining the legislative process in taking away the voice of our elected officials.

Additionally, several prominent, respected conservative voices in our country have spoken out against the idea of gay marriage and in support of the traditional definition.

According to "Focus on the Family," headed by Dr. James Dobson—I was just on his program a little while ago:

> Family is the fundamental building block of all human civilizations.
>
> Marriage is the glue that holds it together. The health of our culture, its citizens, and their children is intimately linked to the health and well-being of marriage.

Chuck Colson, a man who most people in this body know quite well, was the founder of Prison Fellowship. He has this to say about the prospect of gay marriage:

> The redefiners of marriage are working tirelessly. Their agenda is to tear down traditional marriage and make it meaningless by removing its distinctives.

He goes on to say:

> Marriage, as an institution between a man and a woman, is basically for procreation.
>
> Homosexual marriage, therefore, is an oxymoron. There is no such thing. It is something else.
>
> It is two people coming together for recreation, not for procreation. Procreation can only happen between a man and a woman.
>
> Every society has recognized this, going back to the beginning of recorded history. Societies recognize that it is in their self-interest to preserve this institution and to give it a distinct status under the law.
>
> Marriage is the institution that civilizes and propagates the human race. It is where children are raised and learn the ways of right and wrong. Their consciences are formed in the family.

Finally, the Reverend Billy Graham's son, Franklin Graham, was in my hometown of Tulsa a couple of weeks ago. He said:

> There is a real movement for same-sex marriage. We could lose marriage in this country the way that we know it.

That is really what this is all about. We can dance around it and try to cater to certain groups, but I find something that has served me well for a number of years when something like this comes up, and that is to go back to the law, go back to the Scriptures. In Genesis 2:18, 21–24, God said:

> It is not good that man should be alone; I will make him a helper comparable to him . . . and the Lord God caused a deep sleep to fall on Adam, and he slept; and He took one of his ribs, and closed up the flesh in its place. Then the rib which the Lord God had taken from man He made into a woman, and He brought her to the man. And Adam said, "This is now bone of my bones and flesh of my flesh. She shall be called woman, because she was taken out of man." Therefore a man shall leave his father and mother and be joined to his wife, and they shall become one flesh.

In Matthew 19:4–6, Jesus said:

> Have you not read that He who made them at the beginning made them male and female, and for this reason a man shall leave his father and mother and be joined to his

> wife, and the two shall become one flesh? So then, they are no longer two but one flesh . . .

The reason I read these two Scriptures is because they were quoted at a very significant event that took place 45 years ago. It was when my wife and I were married.

I yield the floor.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Nevada.

Mr. ENSIGN. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. There is 2 minutes remaining.

Mr. ENZI. I ask unanimous consent that I be given an additional 3 minutes for a total of 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Nevada is recognized for 5 minutes.

Mr. ENSIGN. Mr. President, I rise today to speak on a topic that is very important. That is the preservation of the most important structure in our society. I rise to speak on the topic of marriage and the need for the Federal Marriage Amendment. But before I do, I want to thank my good friend from Oregon, Senator GORDON SMITH, for the speech he gave on this very topic last Friday. His speech was eloquent and his thoughts profound. For those who did not have the opportunity to see or hear the speech, I strongly encourage them to read it. I also want to thank the floor manager of this resolution, Senator CORNYN from the State of Texas, for his thoughtful commentary and his leadership on this issue. And so I thank both Senators.

I have given a considerable amount of thought on the topic of the Federal Marriage Amendment over the last weeks and months. My thoughts have focused on what the meaning and purpose of marriage is. All words have meaning. The word marriage has meaning deep rooted in our culture. There are certain words that have such an important meaning that they invoke strong emotions within each of us. For me, marriage is one such word. The word marriage represents an institution with historically universal understanding. Its meaning is one that has been constant throughout time and across all cultures. I can think of no other word, and no other institution, that enjoys such a special status with such an important meaning.

For me personally, I understand the importance that the presence of both a father and mother has in the life of a child. I understand this because, for a time, I was raised by a single mom. I do not, in any way, want to suggest that single parents are not doing their best to raise their children. As a single mom, my own mother did her very best to take care of me, my brother and my sister.

Single parents are doing right by their children. Single parents, like my mom, deserve to be praised. But those circumstances are not the ideal in which to raise children. Marriage is that ideal.

When I was nine, my mom met and married the man who is my dad. With their marriage, there was finally someone in our home who was a strong male role model for me and my brother. I finally had a positive example of what it meant to be a father and a husband. Someone I could look up to and someone I could emulate. My dad's presence in our house made an immediate impact on me in a way that my mother alone simply could not. His presence also impacted me in ways that has helped me love and care for my own wife and my own children.

The presence of a mother and father in the life of a child is crucial. Mothers and fathers bring their own special qualities to their own relationship and to the approach they take to raise their children. It has been said that a boy will look to his mother as the type of woman he wants to marry and his father as the model for how to treat her. For that reason, and so many more children need both a father and mother. That is the universally recognized ideal on which marriage is based.

Marriage recognizes the ideal of a father and mother living together to raise their children. Marriage is the ideal that is the cornerstone on which our society was founded. This Congress, and all previous Congresses, have enacted laws to further that ideal. In fact, in 1996, this Senate passed the Defense of Marriage Act by a vote of 85 to 14. The House of Representatives also passed DOMA overwhelmingly. My own State of Nevada has adopted a DOMA Amendment to our State constitution. As required by our State's constitution, this amendment was adopted two times by the voters of my State. So I would hope that no one in this body would take issue with the statement that marriage between one man and woman is the ideal. Congress overwhelmingly adopted legislation agreeing with that statement only 8 years ago.

For those who say that the Constitution is so sacred that we cannot or should not adopt the Federal Marriage Amendment, I would simply make two points. First, marriage, and the sanctity of that institution, predates the American Constitution. It predates the founding of our Nation and even the landing at Plymouth Rock. Marriage, as a social institution, predates every other institution on which ordered society in America, and the world as a whole, has relied including even the church itself. Second, the Founding Fathers envisioned the possibility that future generations may need to amend the Constitution. In their wisdom they allowed the amendment process to begin either with Congress or with the States. So we are considering this amendment, in the manner contemplated by the Founding Fathers, which is to say consistent with the Constitution itself.

It is with concern that I have read about how a few unelected judges and some locally elected government officials have taken steps to redefine marriage to fit their own agenda. It is not right to mold marriage to fit the desires of a few, against the wishes of so many, and to ignore the important role that marriage has played in our history.

During the course of this debate, I have heard many people suggest that the Federal DOMA law, which I referenced earlier, is not under attack. And that an amendment is premature so long as DOMA is still law. But because of last year's Supreme Court decision in Lawrence v. Texas, many Constitutional scholars believe that Federal DOMA, and State DOMAs adopted in 41 other States, that defined marriage as between one man and one woman will most certainly be struck down.

Judicial activism is a huge problem in America. The Constitution is a living document in that it can be amended by the process our Founders set up, but not by activist judges. So the question before us today is: Will the Constitution be adopted in the manner proscribed by that document or by unelected judges?

It does not appear that this amendment will pass this year. In fact, it may take years to adopt this amendment. But it is critical to have this debate and vote here in Washington, DC so that the States can continue the debate and so that the people know exactly where each one of us stands on this issue.

In the end, for a healthy society, we need to have a tolerant society but also a society which strives for the ideal. That ideal is for children to be raised by one father and one mother bonded by the institution of marriage.

I yield the floor.

The PRESIDING OFFICER. The time of the Senator from Texas has expired.

The Senator from Illinois is now recognized for 30 minutes.

Mr. DURBIN. Mr. President, for those who are witnessing this debate on the floor of the Senate, it is a historic moment. It is rare the Senate engages in a debate on the question of amending this document, the Constitution of the United States. There are so many things that divide us on the floor of the Senate, between Republicans and Democrats, but there is one thing we are united behind, and that is our oath of office. That oath of office is explicit. This, in part, is what it says. Each of us takes this oath. To the best of our ability we will:

> . . . preserve, protect and defend the Constitution of the United States.

Isn't it interesting that when this Constitution was written, our Founding Fathers wanted to make certain that whoever served as President, Vice President, Member of the House or Senate, would not swear their loyalty to the United States of America but would swear their loyalty to this document. You could not become a Member of this body unless you were prepared, under oath, to say you would preserve, protect, and defend the Constitution of the United States.

The Founding Fathers understood the importance of this document they had written. They knew it embodied within its four corners the basic principles of America. It wasn't a dead document. It was a living document which could be changed. But I think the oath of office which each of us takes is a reminder of our solemn responsibility when it comes to this Constitution.

We may propose amendments to laws, make motions on the floor, pass resolutions, make our speeches, but I am one who believes when it comes to this document we have a special responsibility. It is a responsibility which requires respect and humility—humility.

Before this Senator from Illinois will propose a change in one word in this Constitution of the United States of America, I have to be convinced, I have to be absolutely sure it is essential—essential for this union to continue and essential for the rights and liberties of every American citizen.

Oh, we debate bills back and forth. We change sentences, we change punctuation, we make wholesale changes in the law. But the laws come and go, as Members of the House and Senate come and go. This document endures.

Over 11,000 times Members of the Congress have proposed changing this document. Over 11,000 times they have come to the floor of the House or the Senate and said: The Founding Fathers didn't get it right, they didn't consider this possibility. And over 11,000 different times, overwhelmingly, their suggestions have been rejected. Why? Because of the respect and the humility which each of us brings to this debate on a constitutional amendment.

Today, those who are witnessing this debate are witnessing another attempt to amend the Constitution of the United States. How often has it been done? Since Thomas Jefferson's Bill of Rights—which originally proposed, I believe, had 12 amendments; only 10 were originally approved—we have only amended this document 17 times. One time we realized we made a mistake. We passed an amendment prohibiting the sale of liquor in the United States and a few years later we repealed it. But by and large, only 17 times in the course of the history of the United States of America has this Congress said this document is insufficient; this document does not meet the needs of America; this document must be changed.

To those who are following this debate, and to my colleagues, I will tell them the proposed amendment before us today does not meet the test. It does not meet the requirement to say to those who founded this Nation and to all who carried on since that we need to pass this Federal marriage amendment. I believe it is plain wrong. It is wrong in three specifics.

First, we are talking about the institution of marriage. Traditionally, marriage is defined by each and every State. One State establishes a certain age of eligibility. Another State will establish a certain blood test that may need to be taken. Another State will limit whether certain members of families can marry. All of these provisions and limitations on marriage are State and local responsibilities. Not once will you find in this Constitution of the United States the requirement that the Federal Government in Washington establish a standard for marriage in America. So what we are discussing today is a proposed amendment to the Constitution that is clearly outside of the purview and scope of this Constitution which we have sworn to preserve and defend.

Second, there is no court ruling that brings us to this moment in this debate. It is not as if some Federal court or even a State court has said this Constitution requires that people of the same gender be allowed to marry. Not one single court in America has said that. So we come here today, the argument being made that we should preempt the possibility that at some time in the future some court will decide that in fact a marriage between people of the same gender in one State must be upheld in other States. There has never—repeat, never—been a case in any State or Federal court that says that. Yet we come to the floor of the Senate today as if the decision were handed down last week and we must stand up once and for all to preserve the right of marriage to be confined to an institution between a man and a woman. It is traditionally a State decision on what defines marriage. There is no controversy that brings us to the floor today.

What is even worse, we come to this debate with this constitutional amendment which has been proposed, and we come to the floor to debate it without a single markup by the Senate Judiciary Committee to debate the language that is being proposed. Does that show respect for the Constitution? Does that show the appropriate humility which every Member of Congress should have? Of course it does not. Those who wrote this amendment were changing it by day. And now they want to change it again. They tell us the language given to us last week has to be changed again—maybe twice.

Does this strike you as a work in progress? Does this strike you as the kind of language which should be put in this enduring document? Or does it strike you that we are taking a roller to a Rembrandt; that we are suggesting changes in our Constitution which have not met the test, the test that they address an issue of enduring significance and that the language crafted should stand beside our Bill of Rights?

Today they argue: We need to make a few amendments in this language. We have been thinking it over this week.

What is wrong with this picture? Shouldn't we take a step back and ask whether this is necessary? Ask whether, in fact, there is a court decision which requires it? Ask whether the language which we are proposing is language which will endure for generations to come?

If we cannot answer each of those questions in the affirmative, then for goodness sakes why don't we move on? I will tell you why we are not. Because this debate is not about changing the Constitution—no. They say in politics for everything that is done, there is a good reason and a real reason. The good reason that is being given for this debate is to change the Constitution. That is not the real reason. The real reason is to change the subject of the President's election campaign because the Republican side of the aisle and those who are supporting this administration don't want to debate this Presidential election campaign on the issues most Americans identify as important in their lives. They don't want to debate the President's economic policy and the squeeze it has put on middle-income families. They don't want to debate what is happening in Iraq. They want to change the subject. They want to debate the future of marriage in America. That, to them, is more important and that is why we are here today. That is why there are statewide referenda in many battleground States like Missouri. And that is why we are hellbent to consider this amendment literally days before a certain political party coincidentally has its convention in the State of Massachusetts. That is what this is all about—changing the subject of the Presidential campaign.

Oh, they tell us in the Judiciary Committee: Incidentally, we are going to bring the flag-burning amendment up again, too. We have had this amendment up before us at other times, but they are anxious for us to vote on this again before the election campaign.

Do you know what I think we need? I don't think we need an amendment to the Constitution. I think we need a permanent law of the land that says there will be no constitutional amendment which will be proposed in a Presidential election year. Frankly, that will cause many of my colleagues to suppress the urge to use this Constitution as some sort of a political platform to try to win votes in an election.

When you take a look at this particular amendment, you find, of course, that we are considering and taking up many days of debate rather than considering other issues we ought to be talking about here on the floor of the Senate.

Do you recall the press conference last week when the Secretary of Homeland Security, Tom Ridge, told America of the danger of al-Qaida, a real danger; that they are plotting massive casualties to be brought on victims in America? We didn't know where or when, but he warned America, along with the Director of the FBI.

Then you probably read yesterday speculation about whether we might have to postpone a Presidential election because of terrorism. And you think to yourself: For heaven's sake, I guess America is still in danger; and sadly we are. Then you might think to yourself: I certainly hope the men and women serving in the Senate are doing everything they can to make our Nation safer. That is a natural reaction, one which you might expect.

All you have to do is look at the calendar of business of the Senate on the desk of every Senator and turn to the back page. You will find the status of appropriations bills that have not been considered by the Senate. Among the first two bills on the list is the Homeland Security appropriations bill—sitting on the calendar of the Senate for almost a month.

We are warned by this administration that our security is in question, that America may be in danger, and we are told by the Republican leadership on the Senate floor that we don't have time to appropriate the money to make America safer. Instead, we are going to debate a constitutional amendment over an issue that has not even reached the point in any court in the land to require a constitutional amendment.

That is just one of many issues that we could be considering.

What have we done to try to reduce the squeeze on middle-income families from increased costs for health care, increased costs for prescription drugs, increased costs for gasoline, increased costs for college education? The answer is nothing. We are too busy debating a constitutional amendment about an issue that does not exist. It says something about the priorities of the leadership.

We have not passed a budget resolution this year. We have 12 appropriations bills, including the Department of Homeland Security, that have not been enacted. This is all about changing the subject.

Paul Weyrich, CEO and chairman of the Free Congress Foundation, was very direct and blunt. He recommended that the President "change the subject" from Iraq to the Federal marriage amendment. It won't work because we pick up the newspaper every morning and we are reminded of the brave men and women in uniform who are literally risking their lives in Iraq. We cannot, we should not, and we will not forget them. And our attention will not be diverted from the danger to their lives and the prayers and hopes of their families. Yet that is the political agenda. That is what is before us.

We have bypassed the Judiciary Committee. The suggestion has been that we take this amendment which has been proposed, change it one, two, three, or four times, and vote on it. But the changes may include adding other amendments to it. Is that possible? Could we put in more than one constitutional amendment? Of course. So we have turned into not a Senate but a constitutional convention. Is that what we are supposed to be doing, rather than appropriating money for homeland security, rather than addressing the timely issues that America's families are facing? I hope not.

We have had one hearing on the text of a proposed amendment, and it was less than 24 hours after a new version had been written. This constitutional amendment is changing on a regular basis.

I might say that Senator CORNYN of Texas, on Friday, came and spoke on the Senate floor. He said those who oppose this constitutional amendment, as I do, "have chosen to boycott good faith desire to have an honest discussion about the issue." That was his quote. Senator ALLARD and others have said similar things.

For the record, the Judiciary Committee, the committee of jurisdiction, has held four hearings on this issue. Senators FEINGOLD, KENNEDY, and I attended all four of those hearings. There was no boycott involved. We attended those hearings and asked questions about this issue. But there was never a markup. It was brought to the Senate floor with changes that are being made as we speak.

In the past, Senator HATCH, now chairman of the Senate Judiciary Committee, rejected this. He said you can't bring a constitutional amendment to the floor without at least going through the Judiciary Committee and looking at the language and seeing if there are better words. Here is what Senator HATCH said in 1979:

> To bypass the committee is, I think, to denigrate the committee process, especially when an amendment to the Constitution of the United States of America, the most important document in the history of the Nation, is involved.

That is what Senator HATCH said 25 years ago. But that is not the process he has followed as chairman of the committee today. He has taken a much different path.

This would be, incidentally, only the second time in history in which we would have enacted an amendment to the Constitution of the United States which would restrict the rights of American citizens.

Historically, our amendment process has been to expand the rights and liberties of Americans, African Americans, women, and others to give them voice in the democratic process. This would be the second time in history in which we would restrict the rights of Americans. The other time, as I mentioned earlier, we said with the prohibition amendment that we would restrict the right to sell liquor and alcoholic beverages in America. That is the one other time we did it. We did it because of a temperance crusade brought on by some religious groups and others, and then realized a few years later that it was wrong. This would be only the second time in history when we would use the amendment process to restrict the rights of American citizens.

We have no controversy at hand. The proposed amendment would be unique in that no constitutional amendment has been ratified in response to a State court ruling. There are four constitutional amendments that overrule Supreme Court decisions, but no constitutional amendment has ever been ratified in response to a nonexistent Supreme Court ruling. That is the case here.

As I listened to those on the other side arguing earlier, I couldn't believe some of the things they said. The Senator from Texas said when judges in Massachusetts mandate same-sex marriage on our Nation, they export that marriage to other States. That is not a fact. There is nothing that has happened in the State of Massachusetts which has changed the marriage laws in Illinois, in Wyoming, in Nevada, in Texas. Nothing they have done changes the standard for marriage in my State.

He went on to say that it is a question of whether the people shall have a voice in this process. I certainly believe the people of America should have a voice in the promulgation of law. But in this situation, the people of Massachusetts have a voice and have a process and have before them a constitutional amendment which will eliminate same-sex marriage but protect the rights of civil union. The people of Massachusetts will ultimately vote on that question as will their legislators.

If you want to give the people of Massachusetts a voice in the process, they already have it. They are exercising it. There is no need for a constitutional amendment to either embellish it or reduce it in any way.

Then, the Senator from Texas said we on the Democratic side were trying to stifle debate on this constitutional amendment by not allowing the Republicans to amend it two, three, four times, or more. We are not trying to stifle the debate. That is what this is all about. This exchange is about debate. But how can you debate a moving target? How can you debate a proposal to the Constitution of the United States which may change 15 minutes from now, an hour from now, tomorrow, or Thursday? Shouldn't the Republican majority that brings this to the floor meet their solemn obligation to put language before us befitting the Constitution and not make this a construction project, a work in progress? That is what they want to do.

The Senator from Nevada on the Republican side said earlier that judicial activists are taking away the power of the legislative branch. That is not a fact. What happened in Massachusetts happened under the Massachusetts Constitution, which is being amended by their legislature as required and submitted to the people of Massachusetts. If the people are to have the final voice on this issue in Massachusetts, that is exactly what is going to happen.

The text of this proposed constitutional amendment, incidentally, is contradictory and unclear. There are some who oppose same-sex marriage but believe that civil unions should be allowed, as they are in many States, and as recognized by many private companies. But the language of this proposed Federal amendment, as it stands today—it may change—says:

> Neither this Constitution nor the Constitution of any State shall be construed to require that marriage or the legal incidents thereof be conferred upon any union other than a union of a man and a woman.

The operative words that should have been debated in the committee, and should be debated here are "the legal incidents thereof."

What does it mean? Let me give a practical example. In the District of Columbia, they have enacted a law that if you have a partner you are living with of the same gender, you can declare that for purposes of being covered by your partner's health insurance. If one person in that household, two men or two women, is working, and one is not, the person working can claim the partner living at home as covered by the same health insurance policy just as it applies to men and women in marriage.

What is wrong with that? What is so scandalous about that, that people desperate for health insurance coverage would have someone they love and share a home with be covered by health insurance?

Yet this constitutional amendment would put that and other legal incidents of marriage, such as civil unions, in jeopardy.

Let me note what has been said by Vice President CHENEY. He was involved in a debate with Senator LIEBERMAN 4 years ago in the Vice Presidential race, and this issue came up. Let me read what Vice President CHENEY said when it came to the issue of defining marriage:

> It's really no one else's business in terms of trying to regulate or prohibit behavior in that regard. . . . I think different states are likely to come to different conclusions and that's appropriate. I don't think there should necessarily be a federal policy in this area.

That is what Vice President CHENEY said. I think he is right.

Let me read what Vice President CHENEY's wife said. I am sure it took courage for her to say it, but she did just this week. Lynne Cheney, the wife of Vice President CHENEY:

> People should be free to enter into their relationships that they choose. When it comes to conferring legal status on relationships, that is a matter left to the states.

I am sure that did not make the Vice President or his wife popular in the White House, maybe not among their Republican colleagues, but they are right. This is a decision which clearly should be left to the States.

Today at lunch, the Senate Historian told us a story of Aaron Burr, a man who had served as Vice President and a man who left the Senate under extraordinary circumstances on March 1, 1805. This is what Aaron Burr said as he left the Senate about this Senate:

> . . . is a sanctuary; a citadel of law, of order, and of liberty; and it is here—it is here, in this exalted refuge; here, if anywhere, will resistance be made to the storms of political phrenzy and the silent arts of corruption; and if the Constitution be destined ever to perish by the sacrilegious hands of the demagogue or the usurper, which God avert, its expiring agonies will be witnessed on this floor.

You don't hear many speeches like that on the floor of the Senate anymore, but Aaron Burr was correct. This is where the debate has to take place. This is where this debate on this constitutional amendment has to end. This is where Members of the Senate who have sworn to uphold, protect, and defend this Constitution of the United States will remind our colleagues to take a step back and show the respect and humility which this document deserves. To let this constitutional amendment process be taken captive by those who are trying to win votes in November is wrong. Whether it is done by Republicans or Democrats, it is just wrong. I think the American people understand that.

There are strong feelings about a man and a woman that are shared by me and by others, but we also have strong feelings about this document, a document which I have taken an oath under God to uphold and defend. And I will do that by opposing this amendment.

Mr. REID. Will the Senator yield?

Mr. DURBIN. I am happy to yield.

Mr. REID. Is the Senator aware, through the Chair I direct this question, in the State of Nevada, on two separate occasions, there was a vote by the people of the State of Nevada on whether they should include in the Nevada State Constitution a prohibition for gay marriage; is the Senator aware that took place?

Mr. DURBIN. I was not aware.

Mr. REID. I say to my friend, it has taken place. It was long and arduous. It took a period of years to accomplish.

Would the Senator agree that the State of Nevada had the right to do that; whether they agree with the conclusion or not, didn't they have the right to do that?

Mr. DURBIN. Certainly.

I say to the Senator, that is the argument that has been made on the other side, that the people should be allowed to speak on the issue, and if that is the case, in Nevada, Illinois, or wherever it might be, then honoring that decision would seem to be consistent with the establishment of all America.

Mr. REID. Through the Chair, I further question my friend, is the Senator aware in that debate over a period of years that lots and lots of money was spent in ads for and against the amendment, door-to-door activities took place, many more grassroots activities, editorials in newspapers, all in the State of Nevada? Whether you were for or against the ban on same-sex marriages, these activities took place in the State of Nevada; and now in the State of Nevada, in its constitution, there is a prohibition.

The people of the State of Nevada had a right to do that; didn't they?

Mr. DURBIN. I believe they do. I think the Senator is correct.

Mr. REID. Is the Senator also aware that we have been told the reason we are not going to vote on this amendment, Resolution 40 now before the Senate, is that Senator GORDON SMITH has another amendment he wants to offer and he does want a vote? Has the Senator been told that is the fact?

Mr. DURBIN. Yes, I have.

Mr. REID. Through the Chair, I direct this to the Senator from Illinois. From today's Congressional Daily, p.m. edition, it says: Senator GORDON SMITH, Republican from Oregon, today denied that he has insisted the Senate vote on his alternative constitutional amendment banning gay marriage, telling reporters he favors Minority Leader DASCHLE's proposal to vote up or down on the underlying amendment sponsored by WAYNE ALLARD, Republican from Colorado.

Is the Senator from Illinois aware that Senator DASCHLE has requested on more than one occasion that we have an up-or-down vote on the resolution that is now before this Senate, that we have all been studying and doing our best to understand, that we should vote up or down on this? Does the Senator agree that is what we should do?

Mr. DURBIN. Yes, I do. Let's bring this to a vote. The sooner, the better.

Mr. REID. The Senator is aware, however, is he not, as stated by the majority, this is a work in progress? They, obviously, are not sure what they want to vote on. Or is it just a political issue and they want to vote on nothing, they want to have another class action where they had victory in their grasp but they did not want to work on the substance; they wanted to maintain a political issue that Democrats were obstructing, which we were not? Is the Senator aware, it could be the same situation?

Mr. DURBIN. I say there is a striking similarity. It appears they want to vote more than they want an amendment. Let's be honest about what it is about. They want to put some Senators on the spot. Trust me, the ads will be running, if they have not started already, in States across the Nation. If you oppose this constitutional amendment, they will say you are against traditional marriage. Virtually every one of our colleagues on both sides of the aisle, for that matter, support traditional marriage between a man and a woman.

I have been married 37 years, and I think the Senator from Nevada may have been married longer. I respect this institution and have committed my life to it with my wife. I think we all understand that. But understand, as well, a "no" vote on this amendment will be used for political purposes to change the subject of the election campaign.

I say to the Senator from Nevada, as my time is closing, there is one point I would like to make. Things have changed in my life experience, and in many others', over the time I have been in the Congress and even before. There was a time when, if there were gay members of a family, people just did not talk about it. No reference was made to it; very little was said about it. It was the aunt or uncle who never got married and no one has talked about it.

That is changing in families across America. People have had the courage to come forward and say: I have a different sexual orientation. For some reason, God has made me with a different nature. I think more and more families are accepting of that fact, as they should be. I don't know what God's plan was in bringing a man or woman to this Earth with a different sexual orientation, but in many cases they have.

All we have said, those Members on our side, is though we may not support gay marriage or marriage of the same sex, we ask for tolerance and understanding.

The phone calls I have been receiving in my office have been phone calls generated by people who sincerely support this amendment and many who have some different agenda. It is, unfortunately, a very strident and hateful agenda. I hope that whatever the outcome of this amendment, we will say to the American people: Be tolerant; be understanding. Some people are different but they are our family. They are our neighbors. They are our fellow Americans.

This proposed constitutional amendment is divisive and unnecessary, and contains many ambiguities and unresolved issues that have not been examined or considered by the Senate Judiciary Committee.

We have less than 30 legislative days left this year. There already are more pressing issues than we could possibly address in that short time, without spending this week on a proposed constitutional amendment that even its supporters acknowledge does not have the votes to succeed.

In light of Secretary Ridge's announcement last week, we should be focusing our attention on homeland security, including port and rail security.

We must address the everyday needs and concerns of American citizens, especially those being squeezed in the middle class.

Since President George W. Bush has come to office, average weekly earnings have risen only 1 percent, while gas prices have risen 25 percent; college tuition has risen 28 percent; and family health care premiums have skyrocketed by 36 percent.

Unfortunately, this Senate has ignored these concerns and has done nothing to increase wages. For example, we have not increased the minimum wage in almost 7 years, and the benefit of that increase has been completely erased by inflation.

Even worse, unless Congress acts to restrict the President's proposed overtime regulations before our August recess, those regulations will slash the paychecks for thousands of Americans currently receiving overtime compensation by 25 percent.

Finally, we still have not passed a budget resolution this year and have 12 appropriations bills that must be enacted.

So why are we debating this constitutional amendment instead of addressing these more pressing issues?

I suggest that there is an effort here to try to divert American families from their real concerns.

In fact, this is a strategy that was advocated by Paul Weyrich, CEO and chairman of the Free Congress Foundation, who recommended that the President "change the subject" from Iraq to the Federal Marriage Amendment.

We must not allow for such politicization of our Constitution—our Nation's most sacred document. That is why I believe we must ban the proposal of constitutional amendments in a Presidential election year—certainly within 6 months of an election.

By considering this issue outside of Presidential election years, we may be better able to consider the implications of this proposal without added political pressures. This may be one reason why only 3 of the 27 amendments to our Constitution have been passed by Congress in Presidential election years.

Of course, I do not mean to imply that those who support this amendment have only political motives. Some of my colleagues on the other side of the aisle sincerely believe that no issue is more important than this one.

However, the Judiciary Committee simply has not given this proposed constitutional amendment the thorough and measured consideration worthy of a possible change to our constitution—certainly not if one believes this is the most important issue facing our society today.

During the 108th Congress, the Senate Judiciary Committee has held hearings on four proposed constitutional amendments: victims rights, flag desecration, the continuity of Congress, and this one.

Three of those proposed amendments have been debated and marked up by the Constitution Subcommittee, following the long-standing tradition of our committee. The amendment today is the only one that bypassed this traditional consideration.

It is ironic that the victims' rights and flag desecration amendments have followed the committee's traditional process, even though both have been considered by the Senate in the past, while this proposed amendment—which has never been considered by the Senate before—bypassed the full committee and subcommittee markups and barely even had a hearing.

Although the Judiciary Committee and Constitution Subcommittee have held four hearings on the issue of same-sex marriage, only one hearing was on the text of a proposed constitutional amendment—and that hearing was held less than 24 hours after this new version of the proposed amendment was introduced.

Furthermore, unlike our committee's hearings on the victims' rights amendment and flag discretion amendment, the only hearing on the text of this proposed amendment did not have a representative from the Department of Justice to share the administration's views.

On the issue of hearings, before I go further, I would like to respond to Senator CORNYN, who on Friday said that in committee hearings on this issue, Senators who oppose this constitutional amendment "have chosen to boycott a good-faith desire to have an honest discussion about this issue." Senator ALLARD and others have made similar comments.

For the record, the Judiciary Committee—as the committee of jurisdiction—has held four hearings on this issue. Senators FEINGOLD, KENNEDY, and I attended all four, and at each one, Democratic Senators outnumbered Republican Senators.

This is hardly evidence of a refusal to engage in an honest discussion. In fact, just the opposite is true: We are asking for a full and thorough debate—but in the committee of jurisdiction, where such consideration is not only appropriate, but necessary, before we debate this proposal on the Senate floor.

This request is the same as the one made by Senator HATCH in 1979, when a constitutional amendment regarding the direct election of the President and Vice President bypassed the Judiciary Committee and was debated on the floor.

In that debate, Senator HATCH, then ranking member of the Constitution Subcommittee, said:

> To bypass the committee is, I think, to denigrate the committee process, especially when an amendment to the Constitution of the United States of America, the most important document in the history of the Nation, is involved.

Senator HATCH's argument prevailed, and the proposed constitutional amendment was referred to the Judiciary Committee by unanimous consent.

Unfortunately, Senator HATCH has taken a different path with this proposed constitutional amendment, which is only the second constitutional amendment in more than a decade to be debated on the Senate floor after being placed directly on the Calendar without committee referral or report.

I believe anything less than full consideration and debate by the Judiciary Committee not only would denigrate the committee process, but also would be a disservice to those who sincerely believe this is the most important issue facing our country. Without such examination, many issues in the proposal before us today will remain unresolved and unclear.

The most important issue we must resolve is whether a constitutional amendment regarding marriage is necessary.

I am aware that Article V of the Constitution provides for amendments, and I agree that the Constitution is a living document.

However, as James Madison wrote in The Federalist No. 49, the Constitution should be amended only on "great and extraordinary occasions."

Our Nation has heeded that advice, and although there have been more than 11,000 proposed constitutional amendments since 1789, we have amended our Constitution only 27 times, including the adoption of the Bill of Rights in 1791.

We must continue to approach constitutional amendments with great humility and respect. To do otherwise would be to take a roller to a Rembrandt.

The last time Congress submitted a constitutional amendment that was ratified by the States was more than 30 years ago, when the voting age was lowered to 18. That amendment was appropriate because it followed the principle of six other constitutional amendments that expanded voting rights.

By contrast, the proposed amendment we are considering today would be the first constitutional amendment to restrict the rights of individuals since the 18th Amendment regarding Prohibition was ratified in 1919. Fourteen years later, that amendment was repealed.

This proposed amendment also would be unique in that no constitutional amendment has been ratified in response to a State court ruling.

Furthermore, although there are four constitutional amendments that overruled Supreme Court decisions, no constitutional amendment has been ratified in response to a non-existent Supreme Court ruling. In other words, this proposal is a solution in search of a problem.

In 1996—another Presidential election year—Congress passed the Defense of Marriage Act, under which no State can force another State to recognize the marriages of same-sex couples. In other words, each State has its own power to define marriage.

In the 8 years since DOMA was passed, it has never been successfully challenged. Although many have speculated that it may be unconstitutional, not a single Federal judge in this country has indicated that DOMA is unconstitutional or unlawful in any way, shape, or form. DOMA is still good law.

Our country now has a preemptive foreign policy. I do not think we should have a preemptive Constitution. This proposed amendment would preempt the possibility that the Defense of Marriage Act will be found unconstitutional. That is premature and therefore inappropriate for an amendment to our Constitution.

The concerns I have raised thus far are reason enough to oppose this constitutional amendment. However, I have not even discussed the text of the proposal itself.

This constitutional amendment States the following:

Marriage in the United States shall consist only of the union of a man and a woman. Neither this Constitution, nor the constitution of any State, shall be construed to require that marriage or the legal incidents thereof be conferred upon any union other than the union of a man and a woman.

These two sentences are contradictory. The first sentence states that marriage must be between a man and a woman. But the second sentence suggests that marriage other than between a man and a woman would be permissible as long as that recognition occurred through a statute, rather than constitutional means.

Which is it? Does this proposed constitutional amendment permit States to enact laws that would allow marriage to consist of the union of same-sex couples? If so, the first sentence must be modified. If not, the language in the second sentence must be more explicit to reflect the fact that this constitutional amendment would take away the right of States to define marriage within their borders.

Furthermore, the overall intent and scope of the first sentence also are unclear. At first, this language seems straightforward enough. However, there are at least two ambiguities regarding this sentence.

First, Representative MARILYN MUSGRAVE, the House sponsor of this proposed constitutional amendment has stated the following:

> In summary, the first sentence of the FMA is designed to ensure that no governmental entity . . . at any level of government . . . shall have power to alter the definition of marriage so that it is other than a union of one man and one woman.

However, as Representative Bob Barr noted in his testimony before the Judiciary Committee, the scope of this first sentence is not limited to government actors. According to Representative Barr, this sentence "appears to bind everyone in the United States to one definition of marriage."

As a result, religions that marry couples of the same sex in religious ceremonies may be barred from doing so. This blurs the line between church and State and threatens the Free Exercise Clause of the First Amendment.

While I take the sponsor at her word that this is not her intention, the language again is ambiguous and must be clarified.

Secondly, it is uncertain whether arrangements such as civil unions and domestic partnerships could exist at all under this first sentence of the Federal Marriage Amendment.

Although Senator ALLARD and Representative MUSGRAVE have stated that this sentence should not apply to civil unions or domestic partnerships, lawsuits have been brought in California and Pennsylvania that challenge domestic partnership laws based on the States' definition of marriage as being between a man and woman.

Dennis Archer, president of the American Bar Association, agrees that there is ambiguity and sent a letter to the Senate which States the following:

> Despite the claims of the resolution's authors, it is unclear whether a State would be prohibited from passing laws permitting civil unions or domestic partnerships and providing State-conferred benefits to the couples involved.

Based on these lawsuits and the ABA's opinion, the language of this amendment must be more explicit regarding whether civil unions and domestic partnerships could exist.

The second sentence also is full of ambiguity and undefined terms.

For example, what does the term "legal incidents thereof" entail?

I asked Professor Phyllis Bossin, who is Chair of the American Bar Association Family Law Section and who testified before the Judiciary Committee on behalf of the American Bar Association, what this phrase meant.

She said there were hundreds of such rights and responsibilities and provided a list of dozens of them, including the following: the right to visit in a hospital; the ability to authorize medical treatment; family health insurance; the ability to consent to organ donation; eligibility for life or disability insurance; interstate succession, which is when a spouse dies without a will; the right to adopt; domestic violence laws; the right to seek compensation for wrongful death; and the ability to file joint petitions to immigrate.

I ask unanimous consent that Professor Bossin's list of selected legal incidents of marriage be submitted for the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RESPONSE OF PHYLLIS G. BOSSIN ON BEHALF OF THE AMERICAN BAR ASSOCIATION TO QUESTIONS FROM SENATOR RICHARD J. DURBIN

A PROPOSED CONSTITUTIONAL AMENDMENT TO PRESERVE TRADITIONAL MARRIAGE, MARCH 23, 2004

(1) The Federal Marriage Amendment (S.J. Res. 30) states the following: "Neither this Constitution, nor the constitution of any State, shall be construed to require that marriage or the legal incidents thereof be conferred upon any union other than the union of a man and a woman."

(a) What does the phrase "legal incidents" of marriage mean?

Answer: "Legal incidents of marriage" are those rights that exist as a matter of law by virtue of the marital relationship itself. Among the hundreds of such rights and responsibilities, some are:

(1) Family law: (a) Distribution of property upon divorce (particularly marital or community property); (b) Right to seek spousal support (alimony, maintenance); (c) Right to seek custody, visitation, parenting time; (d) Automatic presumption of parentage for children born during marriage; (e) Right to adopt; (f) Application of common law marriage (in states that recognize common law marriage; (g) Right to enter into prenuptial agreements; (h) Right to change name at time of marriage; (i) Domestic violence laws (including restraining orders and right to occupy home); (j) Duty to support spouse during marriage; (k) Liability for family expense; (l) Automatic coverage of spouse under most auto policies; (m) Right to seek divorce; (n) Right to annulment; and (o) Right to seek/receive child support.

(2) Taxation: (a) Right to file jointly; (b) Tax rates; (c) Exemptions; and (d) Transfer of property between partners without tax consequences (gift or estate tax).

(3) Health Care Law: (a) Surrogate decision making (authorizing treatment or withdrawal of treatment); (b) Access to medical records; (c) Right to visit in hospital; (d) Consent to organ donation; (e) Consent to autopsy; (f) Right to make funeral arrangements or dispose of remains; and (g) Family health insurance, including rights under COBRA.

(4) Probate: (a) Intestate succession (rights to property when one spouse dies without a will); (b) Protection from being disinherited (right to challenge will or elect to take against the will); and (c) Preferential status to be named guardian or executor/administrator.

(5) Torts: (a) Right to seek compensation for wrongful death and emotional distress; and (b) Right to seek compensation for loss of consortium.

(6) Government Benefits and Programs: (a) Survivor benefits (Social Security); (b) Military benefits (survivor, housing, health care, PX); (c) Eligibility (and consideration of family income) for welfare benefits; (d) Disqualification from programs because of status of family member; and (e) Disclosure requirements for public officials (and their family members).

(7) Private Sector benefits: Labor Law: (a) Family Health insurance, including rights under COBRA; (b) Eligibility for life insurance (such as group coverage for spouses); (c) Eligibility for disability insurance; (d) Right to take sick leave to care for seriously ill spouse; (e) Qualified Domestic Relations Orders (to divide pension benefits upon divorce between spouses); (f) Ability to roll over spouse's 401(K) or other retirement accounts and tax deferral on income distributed by deceased spouse; (g) Discrimination based on marital status; and (h) Eligibility for family memberships and discounts.

(8) Real Estate: (a) Eligibility for tenancy by the entirety (traditionally only available to husbands and wives, a form of tenancy in which the joint ownership and right of survivorship generally cannot be eliminated as a result of one spouse transferring his or her interest to the other); (b) Need for spouse's approval for real estate transaction; (c) Dower rights; (d) Homestead rights; and (e) Rent control protections, where applicable.

(9) Bankruptcy: (a) Joint filing.

(10) Immigration: (a) Joint petitions to immigrate; and (b) Preferred status for spouses or family members (immigrating separately).

(11) Criminal Law: (a) Privilege not to testify.

(12) Miscellaneous: (a) Benefits and rules pertaining to family farm; (b) Right to request and obtain absentee ballot; (c) Consideration of family income for purpose of student aid eligibility; (d) Access to campus housing for married students; and (e) Economic disclosure requirements of public officials (and spouse and family members).

Mr. DURBIN. Under the Federal Marriage Amendment, none of these legal incidents could be provided by Federal or State courts. For example, Professor Bossin cited a California trial court ruling that the State constitution requires a partner in a same-sex union be allowed to sue for the wrongful death of her partner. This proposed constitutional amendment would preclude such a finding by a court.

This amendment also would have prohibited Vermont from establishing civil unions, because a court had ruled that the law to create such relationships was constitutionally required.

These examples go far beyond the scope of "marriage," but they do not tell even half of the story: Under the Federal Marriage Amendment, all State and Federal laws that provide any of these "legal incidents of marriage" could be struck down.

Senator ALLARD and others who support this amendment argue that it would allow State legislatures to provide the legal incidents of marriage through legislation, and that this amendment only constrains courts. However, a more critical analysis—which, again, should have been done at the committee level—demonstrates that this simply is not the case. For example, Professor Bossin has stated that the right to adopt is a legal incident of marriage. What if the Pennsylvania State legislature enacts a law to allow same-sex couples to adopt, and someone challenges the constitutionality of that law?

Under the second sentence of the proposed Federal Marriage Amendment, neither the State constitution nor Federal constitution shall be construed to require that the right to adopt—as a legal incident of marriage—be conferred upon a same-sex couple. Therefore, the court would have no grounds on which to uphold the constitutionality of this law, and the law would be struck down.

The possibility that even laws conferring the legal incidents of marriage could be invalidated raises serious questions about the intent and practical effects of the Federal Marriage Amendment.

This proposed constitutional amendment also undermines the democratic process regarding State constitutional amendments. In Massachusetts, the proposed State constitutional amendment that may be on the ballot in 2006 would define marriage as the union of one man and one woman, while simultaneously establishing civil unions for same-sex couples with "entirely the same benefits, protections, rights, privileges, and obligations that are afforded to persons [who are] married."

However, under the plain reading of this proposed Federal constitutional amendment, the Massachusetts State constitution cannot be construed to require the legal incidents of marriage to be conferred to same-sex couples. In other words, even if the people of Massachusetts voted to ratify this State constitutional amendment, the second part of that amendment—the part that establishes civil unions—would be void because of the Federal Marriage Amendment.

Furthermore, because of the first sentence of the Federal Marriage Amendment, under no circumstance could the people or the State legislature define marriage as other than between a man and a woman. How, then, does the Federal Marriage Amendment achieve its goal of advancing the spirit and principles of democracy.

Finally, I believe that words should not be added or deleted from our Constitution or from proposed constitutional amendments in a careless manner. Therefore, I would like to know why the original version of this proposal was modified by removing the reference to "groups." The first version of the Federal Marriage Amendment, S.J. Res. 26, stated that marital status or the legal incidents thereof would not be conferred upon "unmarried couples or groups."

The current version states that marriage or the legal incidents thereof shall not be conferred upon "any union other than the union of a man and a woman." It appears to me this change was made because we are still struggling in some parts of our Nation with the idea of polygamy. Professor Bossin agrees that the current version of the proposed constitutional amendment does not explicitly prohibit polygamy, because polygamists enter into the union of a man and a woman—they simply do it multiple times.

Was it in fact the intent of the sponsors to leave the door open for polygamy? If so, why should polygamous groups be treated differently from same-sex couples? If not, why was the reference to "groups" deleted from the original version?

In addition to expressing my serious procedural and substantive concerns, I would like to address some of the arguments in support of this proposed constitutional amendment.

First, I have heard many Senators argue that this constitutional amendment is necessary to provide the American people with a voice and to protect marriage from so-called activist judges. As I already have noted, this proposed constitutional amendment actually undermines democracy by removing the power of the people and their elected representatives to define marriage in their States, to provide for civil unions in their State constitutions, or even to enact legislation to provide the legal incidents of marriage.

I also disagree that democracy is pitted against so-called judicial activism. As University of Colorado constitutional law professor Richard Collins said, judicial activism is "more of an insult than a philosophy."

To argue that judicial activism is contrary to democracy is to suggest that a case like Brown v. Board of Education did not promote democracy in America. That was clearly an activist court, which took control of an issue that Congress and the President refused to address: discrimination in our public schools.

In Brown v. Board of Education, an activist Supreme Court said we are going to give equal opportunity to education across America. Doesn't that further democracy? When we celebrated the 50th anniversary of this decision earlier this year, did anyone argue that it didn't?

The same would be said of Griswold v. Connecticut, in which the Supreme Court said that families had the right to decide their own family planning and that the State of Connecticut could not dictate to them what family planning was allowed. It was a matter of privacy in family decisions. Was this an activist court in derogation of democracy that extended to these families and individuals their right to privacy?

In Loving v. Virginia, the Supreme Court said that a ban on interracial marriage was improper. Even though at the time, only 20 percent of the American people approved of such marriages, was that decision contrary to democracy or did it promote democracy?

Time and time again, judicial activism has promoted democracy. Of course, we must take care that the courts do not go too far. But to suggest that a constitutional amendment is necessary in this case simply because it was a court ruling—incidentally, by a court that consists of six Republican appointees and only one Democratic appointee—is controverted by the obvious legal precedent.

I also have heard many Senators argue that this constitutional amendment is necessary to safeguard the best environment for raising children. I agree that children raised by two parents are, in general, better off than children raised by a single parent. Many studies demonstrate this. But studies also demonstrate something else.

In 2002, the American Academy of Pediatrics—the largest pediatric organization in America—issued a report that Stated the following:

> [T]he weight of evidence gathered during several decades using diverse samples and methodologies is persuasive in demonstrating that there is no systematic difference between gay and nongay parents in emotional health, parenting skills, and attitudes toward parenting. No data have pointed to any risk to children as a result of growing up in a family with one or more gay parents.

Dr. Ellen Perrin, a professor of pediatrics at Tufts-New England Medical Center, who is considered to be the Nation's foremost expert on children raised by same-sex couples, has studied same-sex couples and concluded the following:

> What we know for sure is that children thrive better in families that include two loving, responsible, and committed parents. We also know that conscientious and nurturing adults, whether they are men or women, heterosexual or homosexual, can be excellent parents. We have a lot of research as well as clinical experience that provide evidence for this fact.

This evidence is based on our Nation's experience with gay adoption. Every State except Florida allows gay people to adopt.

Some States, including my home State of Illinois, allow same-sex couples to jointly petition for adoption. Many others allow for second parent adoptions, a legal procedure which allows a same-sex co-parent to adopt his or her partner's child. These States have recognized that same-sex couples can step into the lives of adopted children and provide loving and supportive families.

Under this proposed constitutional amendment, it would no longer be possible for State courts to interpret their constitutions to allow same-sex couples to adopt. Same-sex couples only would be allowed to adopt if explicitly permitted by State law—and as I have noted earlier, that State law could be challenged as unconstitutional and likely would be struck down.

Would that safeguard the best environment for these children? If this Senate is interested in the best environment for our children, we should fully fund No Child Left Behind, to provide all children with an educational opportunity and to fulfill the promise of Brown v. Board of Education.

We also should make college tuition more affordable, and we should provide families with affordable health care.

To conclude, I believe the definition of "traditional marriage" is an evolving one. One hundred and fifty years ago, "traditional marriage" in America did not include the ability of African American slaves to marry.

One hundred years ago, "traditional marriage" in some Western States did not include the ability of Asian Americans to marry. Just 40 years ago, "traditional marriage" in many States did not include the ability of African Americans to marry whites.

I understand that many supporters of this proposed amendment believe that the situation we face today is a fundamentally different one—that we must amend our Constitution to support the sanctity of marriage.

However, the sanctity of marriage is about the religious context of marriage, not the legality of it. We must be careful to separate the two.

Nothing in the Massachusetts Supreme Court ruling requires a church to conduct or to consecrate a same-sex union. On the other hand, if this proposed constitutional amendment were ratified, certain religious beliefs regarding the sanctity of marriage would be enshrined in our Constitution. This would go beyond the question of legality into sanctity, and I believe that we must maintain the bright line between the two that our Framers intended.

As one of my colleagues has said, "I support the sanctity of marriage, but I also support the sanctity of the Constitution." Therefore, I urge my colleagues to reject this motion to proceed to a constitutional amendment that even the Republican leadership concedes is not ready for prime time.

Why else would they object to our unanimous consent request to have a vote on this resolution, without amendments?

The Republican leadership instead would prefer that we make it up as we go along, with one, if not two, amendments here on the Senate floor—

amendments that could have been offered in a Constitution Subcommittee markup or in a full committee markup, had those not both been bypassed.

We are being asked to tinker with the words of our Nation's Constitution on the Senate floor, without even the benefit of committee analysis on the impact of these amendments. Unfortunately, this is not the first time we have considered a constitutional amendment on the Senate floor that was a work in progress, with the sponsors trying to make changes in the midst of a floor debate.

During the 106th Congress, sponsors of the victims' rights amendment tried to make modifications to that proposal during the floor debate, and ultimately, the motion to proceed to that constitutional amendment was withdrawn. I believe that is the course we should follow here today. We either should vote on this resolution without amendments or withdraw this motion to proceed. If this motion is not withdrawn, I urge my colleagues to vote against it.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, to try and work out some housekeeping aspects of what we are doing today, under the order that was entered last evening, we are to be here until 8 o'clock with the time evenly divided. I ask the Chair how much time remains for the minority and the majority.

The PRESIDING OFFICER. The minority has 109 minutes, and the majority has 141 minutes.

Mr. REID. The minority has 109 minutes?

The PRESIDING OFFICER. Yes.

Mr. REID. I say to my friend, the distinguished Senator from Texas, I would appreciate his making contact with the majority leader at the nearest possible time. We have people who have requested time on our side of about 140 minutes. That doesn't work under the 109 minutes. So it would be my thinking that maybe we may need a little more time tomorrow to continue. I know we have cloture to take place tomorrow. The majority leader wanted ample time to debate. The Senator from Pennsylvania was on the floor yesterday and was concerned that there was not enough talk on our side of the aisle. I think we have taken care of that today. But if maybe he could check with his leadership to find out if we could stop at a reasonable hour tonight and then maybe have a couple of hours in the morning evenly divided prior to the vote on cloture. Right now we are going to have trouble cramming all of our time in with what we have left.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I will be glad to do as the Democratic whip requests and check with the majority leader about the time arrangements.

Mr. REID. If I may ask one other question of the Chair, I was off the floor when Senator SCHUMER asked consent that he and Senator FEINSTEIN be recognized before 5 o'clock. For how much time?

The PRESIDING OFFICER. For 15 minutes total.

Mr. REID. So that is also something we have to deal with.

The PRESIDING OFFICER. Under the previous order, the Senator from Texas is recognized for 30 minutes.

Mr. CORNYN. Mr. President, I am elated that we are beginning to see engagement on this important issue by our colleagues on the other side of the aisle. I am always impressed with how articulate and forceful an advocate our colleagues on the other side are, particularly the two Senators who have spoken so far this afternoon, Senator FEINGOLD and Senator DURBIN, with whom I have the privilege of serving on the Senate Judiciary Committee. There are some important answers to the questions he raised. There are good answers that resolve each and every objection that has been raised to the amendment.

First of all, I would like to respond to the rhetorical question both Senator FEINGOLD and earlier Senator BOXER asked. They said: Why can't we let people live their own lives?

This amendment is not about making it impossible for people to live their own lives. Indeed, I agree we should let people live their own lives. Of course, we don't believe at the same time that they should be able to radically redefine the institution of marriage in the process.

From the very beginning of this debate—and I am grateful this has been a civil, respectful debate—we have made it absolutely clear the American people believe in at least two fundamental propositions when it comes to this issue. First and foremost, they believe in the essential dignity and worth of every human being. But at the same time—and this is not a mutually exclusive concept—they believe in the importance of traditional marriage as the most fundamental building block of a stable society and in the best interest of children. I and others on this side are here talking in support of this amendment and encouraging this debate because we believe very strongly that the positive case for traditional marriage must be made and we should not remain mere spectators on the sideline as judges in Massachusetts or anywhere else seek to amend the Constitution without the American people having a voice in the basic laws that govern our institutions or our lives. That is what this debate is all about.

I found it interesting. Again, I have to hand it to the Senator from Illinois. He is a skillful advocate. He must have been one heck of a lawyer practicing in private practice. I bet he won more than his fair share of his cases. But he speaks of our oath to support the Constitution. Certainly, I believe we all have taken an important oath to support the Constitution of laws of the United States. But I would like to direct my colleague's attention to provisions of the Constitution he may have overlooked in that broad generalization he made earlier about supporting the Constitution.

Indeed, one portion of the Constitution provides that "all legislative powers herein granted shall be vested in a Congress of the United States . . ." That is Article I, section 1. That is part of the Constitution we swore to uphold. And indeed, under that same Constitution, courts are given only judicial powers, not legislative powers. What we find ourselves having to do in this debate is talk about the abuse of that judicial power, to in essence become a superlegislature and dictate a radical redefinition of the most fundamental institution in our society, the American family. But when courts get it wrong—and indeed, this is part of the genius of our Founding Fathers—the Founding Fathers knew that experience, the passage of time, or perhaps even a runaway judiciary might make it necessary for us to invoke another important part of the Constitution that we are here invoking today. That is Article V of the Constitution.

Indeed, to the best of my count, there have been at least six times when the Congress has amended the Constitution in order to overrule an erroneous constitutional interpretation by the Federal courts. So we make no apologies whatsoever in invoking the entire Constitution and the entire process. We make no apology at not sitting back and letting judges dictate what the rules are that govern our society, our families, and future generations.

Senator FEINGOLD and Senator DURBIN were concerned about the fact that this amendment did not go through the Senate Judiciary Committee. Actually, I was a little bit confused about Senator DURBIN's position. On the one hand, he said it did not go through the committee. On the other hand, he did concede the fact that there were four hearings of the Senate Judiciary Committee on this issue, starting last September, and the most recent of which was on June 22, 2004, when Governor Romney of Massachusetts appeared before our committee to talk about what he, as the Governor of that State, is doing to try to get a constitutional amendment to overrule the Massachusetts Supreme Court.

So we have had four hearings of the Senate Judiciary Committee. I know there have been at least two other committees of the Senate to consider this issue. It is important to put the concerns that were expressed by Senator FEINGOLD and Senator DURBIN in that context.

As far as the language we are debating is concerned, the so-called Allard amendment, that was introduced shortly before, I believe the day before the March 23 hearing we had this year on the Federal marriage amendment. Indeed, he had filed his original amendment—and this clarification was merely that—in November of 2003. So no Member of the Senate should be able to claim, in all fairness, of being surprised by this or being blindsided. Indeed, this is an issue that has been much discussed since actually before but at least since the time in November of 2003, when the Massachusetts Supreme Court first handed down its edict rewriting the Massachusetts Constitution to provide a mandate for same-sex marriage.

Now, there has been some concern expressed—and I will point out that the so-called Smith amendment, to which the Senator from Nevada alluded, is the first sentence of the Allard amendment. So it is impossible for me to understand how they can claim to be surprised by an amendment that is just the first sentence of the two-sentence Allard amendment. Insofar as Senator SMITH's position, whether he intends to offer it—and I cannot vouch for what Congress Daily says, but it seems to be pretty reliable—there is a lot of concern—and I am one on this side—that we stifle debate by not permitting a discussion of alternative amendments, especially one that makes up the first sentence of this two-sentence amendment on which we are having the motion to proceed.

So there is no surprise. There is no trickery, no attempt to blindside our colleagues on the other side of the aisle. This is about having a full, fair, and open debate. I think that is what we are doing.

I believe the Senator from Illinois expressed some concerns about the fact that no Federal court has yet mandated same-sex marriage under an interpretation of the U.S. Constitution, and that is true. The fact also is that there are at least four lawsuits currently pending attempting to do exactly that. Indeed, these are the latest lawsuits in a long line of legal opinions rendered by legal scholars, from Laurence Tribe and others, statements by Senator JOHN KERRY and Senator TED KENNEDY as recently as 1996 that the Defense of Marriage Act is unconstitutional.

This language, which I will read from an excerpt out of the Goodridge opinion in Massachusetts—and this is really, to me, very disconcerting. The Massachusetts Supreme Court said:

> But neither may the Government, under the guise of protecting "traditional" values, even if they be the traditional values of the majority, enshrine in law an invidious discrimination that our Constitution, "as a charter of governance for every person properly within its reach," forbids.

In that excerpt, they have in effect defined traditional marriage as invidious discrimination. They went on to say:

> For no rational reason, the marriage laws of the Commonwealth discriminate against a defined class; no amount of tinkering with language will eradicate that stain.

Here again, they are saying that traditional marriage is a stain on the Constitution, on the laws of the Commonwealth of Massachusetts, and no rational basis for those laws exists. This is language that I think the people across America would find very shocking. The fact is, they probably have not had the time or the means to try to find this language themselves. That is another reason it is important to have this debate. The Goodridge court goes on to say:

> If, as the separate opinion suggests, the Legislature were to jettison the term "marriage" altogether, it might well be rational and permissible. What is not permissible is to retain the word for some and not for others, with all the distinctions thereby engendered.

Translated into English, what the court said is you cannot preserve traditional marriage for some adult couples but not for same-sex couples. But what you could do, in Massachusetts and elsewhere, is eliminate the term "marriage" altogether. Shocking. Shocking.

Now, for those who think that we have somehow on this side of the aisle dreamed up this crisis, this threat, this assault to the American family and traditional marriage, let me read just another paragraph. This, again, is the Goodridge decision out of the Massachusetts Supreme Court, mandating same-sex marriage—four judges:

> The separate opinion maintains that, because same-sex civil marriage is not recognized under Federal law and the law of many States, there is a rational basis for the Commonwealth to distinguish same-sex from opposite-sex spouses. . . . We are well aware that current Federal law prohibits recognition by the Federal Government of the validity of same-sex marriages legally entered into in any State, and that it permits other States to refuse to recognize the validity of such marriages. The argument in the separate opinion that, apart from the legal process, society will still accord a lesser status to those marriages is irrelevant. Courts define what is constitutionally permissible, and the Massachusetts constitution does not permit this type of labeling. That there may remain personal residual prejudice against same-sex couples is a proposition all too familiar to other disadvantaged groups. That such prejudice exists is not a reason to insist on less than the Constitution requires.

That is a direct critique and criticism of the Federal Defense of Marriage Act passed in 1996 by a vote of 85 Senators in this body on a bipartisan basis. If that isn't a direct signal that the next law under attack is the Federal Defense of Marriage Act, I don't know what is. In fact, we know that at least four cases are presently pending seeking to accomplish just that.

Now, there have been those who have expressed concerns, saying why in the world would we want to pass a constitutional amendment until a Federal court actually strikes down traditional marriage, even though the Supreme Court has, in Lawrence v. Texas, provided the rationale to do so, and that rationale has been adopted by the Massachusetts Supreme Court, interpreting their Constitution; why in the world do we want to amend the U.S. Constitution at this time?

I might interject that I bet old John Adams, who was the principal author in 1780 of that Massachusetts Constitution, never dreamed that four judges on the Massachusetts Supreme Court would so contort the meaning of that document as to create a right to same-sex marriage. That is one reason they didn't talk about it explicitly, either in the State constitution or in the Federal Constitution.

But in terms of why we shouldn't wait to address this matter, I point out that Massachusetts is a good example of why. If we wait until it is too late, it may well take years for the American people, through the amendment process, to correct that error. In the meantime, we know that same-sex marriages will occur as they currently occur in Massachusetts, and those people will not just stay in one State but will move to other parts of the country to seek to have those marriages validated under the laws of their own State. But we do have an example of when States have chosen, based on a preliminary ruling suggesting same-sex marriage, to amend their constitution. So it is not unprecedented by any means.

As a matter of fact, in 1993 and 1996, Hawaii and Alaska courts issued preliminary rulings suggesting that same-sex marriage may be constitutionally required, and it was in 1998 that Hawaii and Alaska preemptively amended their constitutions before the highest court in those States went as far as the Massachusetts Supreme Court did in the Goodridge case. Indeed, in 2000, Nebraska and Nevada preemptively amended their State constitutions before suits were even filed.

I might add, there have been suits filed in Nevada seeking to force recognition of polygamist marriages under the rationale in Lawrence v. Texas and Goodridge, and, indeed, in Nebraska, there has been a Federal constitutional challenge to that State Constitution defense of marriage provision under this rationale of the Lawrence case seeking to have the Federal Government tell Nebraska it cannot recognize traditional marriage.

I want to move to the Allard amendment, which is two sentences. The first sentence basically says marriage is between a man and a woman. The second sentence seeks to preserve the right of the States to deal with the question of civil unions and to reserve that right to them as opposed to having a court mandate it.

I was a little baffled as to why the Senator from Illinois expressed some puzzlement at the meaning of that second sentence when, indeed, during one of the hearings we had in the Senate Judiciary Committee, he asked Professor Cass Sustein of the University of Chicago Law School:

> Under this language, please explain whether a State legislature could pass a law to establish civil unions.

Professor Sustein responded:

> I believe it could because no State constitution would be affected.

We have heard a number of objections raised that this is a State issue. We have seen charts being trotted out containing the quotations of various public figures. At one time, the Vice President, in a different context, said this should be a matter reserved to the States. And there was a quote from the Vice President's wife, Lynne Cheney, expressing her views, and I certainly respect both of them and their right to express their views. But the fact is this cannot be contained to one State.

It is interesting to hear folks on the other side of the aisle make States rights arguments to folks on this side of the aisle. The shoe is usually on the other foot because they are usually the ones seeking to have the Federal Government tell all the States what they should be doing rather than let each State—what Louis Brandeis once called the laboratories of democracy—work out these various policies.

The truth is, we are not only talking about whether a State should embrace a property tax or a sales tax or perhaps adopt an income tax. In my State, we do not have an income tax, and we are proud of it. We do not want an income tax in the State of Texas. Each State has a right to choose its own policies that way.

I firmly adhere to that and believe the States rights argument is absolutely true. But to suggest we can somehow, as a practical matter, contain this revolution, this radical social experiment mandated by the Massachusetts Supreme Court, in one State denies reality. The fact is people have, indeed, married, they have moved to 46 States and now we have at least 10, maybe more, lawsuits as part of a national litigation strategy to force other States to recognize the validity of that marriage. You would have to be blind to that effort to stand up here and say this is a State matter because it is not.

We know based on the legal arguments of scholars, based on the comments of Senator KERRY back when the Defense of Marriage Act was passed in 1996—something he did not vote for, by the way, and he now says he supports marriage as only between a man and a woman, but then he says he does not support a constitutional amendment either. He was not for the statute, he is not for a constitutional amendment, but he still claims to be in favor of traditional marriage. I don't know if, again, this is one of the nuances, quite frankly, that evades me of his reasoning process, but you simply cannot have it both ways.

Indeed, for reasons we have talked about already at great length, when as a matter of Federal constitutional interpretation by a court, same-sex marriages are required, no State constitution, no State law, nobody has a choice in that matter because our Federal Constitution, indeed, speaks for the entire Nation and not one State.

So no matter how much well-intentioned individuals may wish we can avoid this debate and say this is a local issue, this is a State issue, we do not need to be talking about it, that defies reality.

I know Senator DURBIN had suggested at the close of his comments that this is all an attempt to change the subject; that somehow we do not want to debate what is happening in Iraq, what is happening in the economy. I think the American people certainly know we have debated those issues, and we will continue to debate those issues. Frankly, I am proud of what we have been able to accomplish in Iraq under a joint resolution passed overwhelmingly by this body authorizing the President to remove Saddam Hussein from power in that country, something that had been the policy of this Congress since at least 1998 when the Democrats advocated, and we all agreed—or at least those here at that time—in the Iraq Liberation Act. Regime change was a policy of the American Government under Democrat control, under a Democrat, President Bill Clinton. But it took the present President, George W. Bush, I believe, to follow through after Saddam thumbed his nose at 17 resolutions of the United Nations requiring him to open his nation up to weapons inspectors.

You want to talk about the economy, we are glad to talk about the economy. The economy is roaring back, thanks again to the policies advocated by this side of the aisle and led by President Bush who created more than 1.5 million new jobs this year alone. Indeed, home ownership is at an all-time high. The economy is roaring back, so we are glad to talk about that.

Finally, I have heard Senator DURBIN say it before and it makes you chuckle when you hear it—well, it is kind of funny. He says he believes no constitutional amendment should be debated—I cannot remember if he said "debated," "filed" or "passed"—during an election year. We did not choose the timing of the Massachusetts Supreme Court's decision. I suggest what we are arguing for is a debate about the most fundamental institution in our society, and that is not a frivolous matter. That is an important matter.

Indeed, there are some, including this Senator, who believe it is the most important matter. Of course, those who have made the States rights arguments, all they need to do is read that Constitution once again, that Senator DURBIN spoke eloquently about, to recognize not only does it include a constitutional amendment process, but after two-thirds of the Senate and after two-thirds of the House have passed the resolution, three-quarters of the States have to ratify the amendment. So those who want to stand in this Chamber and say, We believe in States rights, we believe this ought to be handled by the States, the States retain a voice, a critical voice, a crucial, an essential voice in this process through the ratification process.

I believe this is an important issue. It cannot be solved at the local level. It is a national issue requiring a national response. It is not premature because to act only after a Federal court mandates same-sex marriage on a national basis under the guise of interpreting the U.S. Constitution, it will take too long for the people to speak and to overturn that decision and we will see something akin to what we see now happening in Massachusetts, despite the fact the people of Massachusetts have, through their representatives, at least initially, chosen to try to overrule that decision by a constitutional amendment.

The problem is that constitutional amendment cannot be effective until 2006. So what happens in the interim? What happens in the interim is what we see happening today, because of a dictate from the bench by four judges which now we see has a national impact.

I reserve the remainder of our time and yield the floor.

The PRESIDING OFFICER (Mr. CHAFEE). The Democratic whip.

Mr. REID. Under an order previously entered, Senator LAUTENBERG is to be recognized for 15 minutes. I ask unanimous consent that Senator MIKULSKI—she has been waiting patiently. She had some information that she was supposed to have come 40 minutes ago so she is waiting—have 10 minutes immediately following Senator LAUTENBERG. We have been going back and forth, but some of the speeches have been much longer than the others.

Mr. CORNYN. We have been going back and forth, and I certainly want to accommodate every Senator but I also know the Senator from Pennsylvania has been here as well.

Mr. REID. If I could ask through the Chair, how long does the Senator from Pennsylvania wish to speak?

Mr. SANTORUM. If Senator LAUTENBERG is speaking 15 minutes, I will speak for 10 or 15 minutes, if we want to go back and forth.

Mr. REID. Maybe we can try this: Following the statement of the Senator from New Jersey, the Senator from Pennsylvania would be recognized for 15 minutes and then Senator MIKULSKI for 10 minutes. We already have an order in effect that SCHUMER and FEINSTEIN are to be recognized for 15 minutes total. So they would use their time immediately after Senator MIKULSKI completes her statement. I ask unanimous consent that be the case.

Mr. CORNYN. I have no problem with that as long as we continue to try to observe the back and forth so each side has an opportunity to speak.

Mr. REID. We would not go back and forth from MIKULSKI to FEINSTEIN because there is already an order entered regarding FEINSTEIN and SCHUMER, but they only total 15 minutes.

Mr. CORNYN. With that exception, I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I rise in opposition to this proposed amendment to the Constitution as, by the way, has Vice President CHENEY and Mrs. Cheney. They are opposed. They are not taken by surprise on a moral issue. These are sophisticated people who understand government and who have a role to play. They are opposed to this amendment, and I think there is very good reason for that.

As Senators, many of us are from different backgrounds but we do all share a solemn oath to uphold the spirit and the letter of the American Constitution. I would like to uphold the value and the commitment that the Constitution makes to all of us to protect our rights.

I have to raise a question, and that is, what is it that makes this the most important business we have in this body right now? Is this the only thing that we want to talk about for the American people to hear from the Senate? Or would a subject such as the killings that are taking place in Iraq, such as it was announced that three more were killed yesterday, be more important, and that we are stretching to have enough reserves to fight the battle and protect our troops in the best way possible but we need to have enough of them? Do the American people care about that?

Are the American people saying the issue that interests us most is whether a homosexual couple can marry, even though it is taken care of in many States and will continue to be? Are we saying, no, the war is not that important, we are going to lay it aside while notices go out to families, very often by a knock on the door that is an ominous calling that says your son, your daughter has been killed, your son, your daughter, has been seriously wounded?

No, we do not want to discuss that. We have to discuss gay marriage, and see whether we can change the Constitution, the Constitution which was designed to expand rights at any time that we saw a default in our system, whether it had to do with giving the vote to women or the vote to 18-year-olds or other expansions of rights.

No, we want to do the moral thing. We want to decide who is in charge of the morality of this country. The people are in charge of the morality of this country, not the people who are making speeches today.

When I think about what affects the American people, how about the people who work 35 or 40 years in a company and see their pensions disappear in front of their eyes because of the deceptive leadership of companies or falsification of records? No, no, the American people do not want to worry about that. They want to talk about this amendment. That is what they care about.

My phone is—no, it is not crowded. In fact, I do not get many calls at all about the morality of the constitutional amendment that has been proposed and, by the way, creates a constitutional convention so we can throw anything that we want on top of this.

No, the American people are not concerned about whether they can pay their bills or whether drug prices are going through the roof that they cannot afford or whether we can give an education to the children who want to learn in Head Start but do not know how. No, those are not the issues we want to talk about. We want to talk about whether a gay couple can engage in a relationship or a marriage.

Let the States of New Jersey, Massachusetts, and the other States that choose to give that right to give those citizens the same standing that other citizens within those States have. No, we do not want to discuss that. We want to discuss this issue. We want to discuss what is morally correct. What is morally correct is what the people want, and we ought to let them hear on this floor that we understand the issues that concern them.

I get calls from families who have people overseas, whether in Reserve units or regular enlistments, and they ask, what can we do to hasten my son's return? I want to see his face.

Go to Walter Reed hospital, as I and many others have done. I went there a couple of weeks ago after we buried a young soldier from New Jersey in Arlington Cemetery. Senator CORZINE and I, my colleague in the Senate, decided we should not only pay our respects to the dead but also our respects to the wounded, and we went to Walter Reed Hospital. In one of those rooms there was a young man sitting with his wife and he was staring blankly at the floor. It was not his lack of interest. It was his lack of sight. He could not see anything.

He said: I will not be able to see my 28-month-old daughter but I still want to hold her. I still miss her. I still love her.

We do not want to discuss those things. We want to discuss what is moral and change the Constitution to impose our value of morality on all of America. It is wrong. The proposed constitutional amendment before us would etch the markings of intolerance, discrimination, and bigotry into a document that is based on the enduring truth that everyone is created equal.

The constitutional amendment that is being offered today would do much more than ban same-sex marriages. It would also ban civil unions, saying they cannot really live together and share the values of our society, or domestic partnership laws, even if those relationships are specifically recognized by their fellow residents in their States by their State legislatures and signed by the Governor.

If enacted, I believe this amendment would create a permanent class of second-class citizens with fewer rights than the rest of the population.

In fairness and in good conscience, I will not support this mean-spirited proposal. Our Constitution is about expanding individual rights, not taking them away. The last thing the Constitution should do is mandate conditions for some people and another set of rights for a different group.

What is especially strange in this debate is we have the Republican majority looking to take away a State's right to determine the rules for marriage within its borders. I always thought the Republicans were States righters. I thought they always wanted to give power back to the States. That is what I thought they wanted to do.

In my home State of New Jersey, our State legislature, the duly elected representatives of the people of New Jersey, drafted, debated, and enacted a domestic partnership law. We ought to respect the State law, not stamp it out.

The State of New Jersey decided to establish a domestic partnership law. The Federal Government has no business telling us we cannot do it. It doesn't violate current Federal law and we should let that stand. States should continue to have the ability to decide whether same-sex couples should have the inheritance rights or pension rights or whatever other legal rights should be respected in a domestic partnership.

Domestic relations law, the law that governs family issues, has always been the domain of the State, not Federal law. The ability to decide matters of marriage has been with the States since the founding of the Republic. But now, those who typically advocate a smaller Federal Government—shrink government down to size, get rid of those people who are making their livings there, forget whether they contribute to the general well-being, we want to shrink Federal Government—now they are seeking to amend the Constitution to take power away from the States and put it in the hands of the Government so we can have people running around, morality police, making sure this couple isn't engaged in a relationship that would be prohibited by Federal law.

Once the Federal Government starts regulating marriage, you have to ask yourself what is next? Ten years from now what is going to stop Congress from prohibiting people getting married unless they pledge to have children? What is to stop this body from outlawing divorce or second marriages?

You have to ask yourself what is it that is driving this agenda? Why, in this election year, are we debating an amendment to the Constitution designed to restrict the rights of gay Americans? It is clearly not a legitimate legislative debate, as there are not near enough votes to pass this amendment. But that doesn't stop them from wanting to use the time to confuse the American public about what is important, what is important to the public which is worried about their jobs and the war and their kids. No. We want to discuss gay marriage.

I have come to an unfortunate conclusion about why we are doing this amendment. This is gay bashing, plain and simple. That is what this is about. This amendment is picking on productive members of our society, people who pay taxes, want to raise their families and contribute to their communities, as everyone else does. They want to be like everyone else in their conformity to law. This amendment attempts to divide America and it is shameful. It should not be that way.

When we see things that are shameful we should not be too spineless to respond. Look back on world history. There are notorious examples of those who seek political advantage by picking on segments of society. It is a sad day when we see this dynamic happening here in the United States.

I urge my colleagues, reject this divisive amendment. Let's get on with the regular business that affects people's everyday lives. We can talk about this after the first of the year. It is not that urgent.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. If you support a mother and father for every child, you are a hater. If you believe men and women for 5,000 years have bonded together in marriage, you are a gay basher. Marriage is hate. Marriage is a stain. Marriage is an evil thing.

That is what we hear. People who stand for traditional marriage are haters, they are bashers, they are mean spirited, they are intolerant. They are all these awful things. That would be the only reason we would come here is because we hate. It is because we are intolerant. It is because we want to hold people down, restrict their rights. That would be the only reason anyone could possibly come forward and argue that children need moms and dads.

Or is it the only reason? Isn't there a whole body of evidence out there, of 5,000 years of civilization, that shows as plain as this piece of paper I am holding up that children need mothers and fathers? That the basic unit of any successful society is moms and dads coming together to raise children?

Imagine what our Founders would say today, in a Constitutional Convention—which, by the way I suggest to the Senator from New Jersey this bill does not call for—that anyone who would come forward and suggest that holding marriage should be between a man and a woman is doing something that is hateful, something that is against the basic principles of equality within our Constitution.

The Senator from New Jersey said there is no room for debate on morality here on the floor of the Senate. It is up to the people to make this decision. I wish it were up to the people to make this decision. The Senator from New Jersey knows the people are not going to be able to make this decision. In fact, the people are being frozen out of this decision. They are being frozen out by State courts—I would argue, soon to be Federal courts. These are people who are not elected, people who are not accountable, people who are not democratic, but they are elitists dictating what they believe their world view should be for America.

The only way for the people to decide, I suggest to the Senator from New Jersey, is exactly the process we have before us. It is the only way for the people to decide. Leave it to the people. It is a great mantra. Leave it to the States. What those who suggest that we leave it to the States are suggesting is to leave it to the State courts. That has always been the secret weapon of those who want to change our culture and change our laws without going through the process most of us think we have to go through to do that.

See, most people who are listening to my voice right now think that to change a law in America you actually have to get popular support for it, that you have to go before your legislature and petition your government. But, no, the Senator from New Jersey figured out a long time ago, as have many others who agree with his position, that the way you accomplish these social transformations that fight against this evil, hateful culture that believes in moms and dads and children being raised in stable families—the way you do that is you get people on these courts who can then dictate to the rest of us how we now shall live.

You have that supported and orchestrated through a variety of different ways, from colleges and universities to the media. Anyone who speaks out against this political thought is a hater. Anyone who speaks out for traditional truth, for truth that has been established in Biblical times, through natural law and a whole host of other cultures, in fact every civilization in the history of man—if you stand for that truth that was accepted by all for centuries, for millennia, you are a hater. You are someone who wants to oppress people.

I am willing to come here and debate the substance of what we are doing. It is an important debate: What will happen to marriage if we do nothing? That is an important debate. We should have that debate. But I am not suggesting the Senator from New Jersey or anybody else who comes here to defend a change in traditional marriage is doing so because they hate mothers and fathers, because they hate traditional marriage. I do not ascribe evil thoughts to them, nor should they to us.

There is the incredible intolerance of those who argue for tolerance.

You see, tolerance means you must agree with me and how I feel about an issue, and if you do not, you are intolerant. Someone who supports traditional values is by definition intolerant because they do not want me to be able to do whatever I want to do.

I never thought that was the definition of tolerance. I didn't think tolerance meant any individual should be able to do everything they want irrespective of the consequence to anybody else. I will check the definition. I don't think that is what tolerance means.

When we change the definition of something so central to the culture of any society—and that is what marriage is and what family is—it has profound consequences on children and thereby on the next generation.

I am not just making this up. It is real. It is so real it has been a given forever. I imagine this has been a given forever. All of a sudden, now something that is a given, that is a truth of every major religion I am aware of, from natural law to philosophy, all of this given truth is now seen as pure animus, hatred. But it is not.

This constitutional amendment is based on a sincere caring for children, for family, for the future of this country.

The Senator from New Jersey suggested that conservatives should be for States rights and that we want to shrink government. Let me assure you, if we do not stop the change of the definition of traditional marriage, if we let marriage be just a social convention without meaning or without significance, we will shrink government because we have seen where marriage becomes out of favor—whether it is the Netherlands or Scandinavia, which I will talk about in a moment, or whether it is subcultures within this country in which marriage is seen as an out-of-date convention. In those cultures, children suffer. In those cultures, people do not get married. In those cultures, children are born out of wedlock and do not see their fathers and in many cases their mothers. Society dies.

You can say I am a hater, but I will argue that I am a lover. I am a lover of traditional family and children who deserve the right to have a mother and a father. Don't we want that? Is there anyone in the U.S. Senate who will stand up and argue that children don't have a right to a mom and a dad; that our society shouldn't be saying to all people that moms and dads are the best, an ideal, and what we should strive for? When we say that marriage is not that, then we say that children don't deserve that. Let me assure you they will not get that.

I will give you a couple of examples. The most dramatic is in the Netherlands. Senators CORNYN and BROWNBACK and others have talked about it. But this is a country where marriage was a very stable aspect of their culture. They had the highest marriage rate and the lowest divorce rate in Europe. They had the lowest out-of-wedlock birth rate in Europe—until what? Until a social movement began to change the definition of marriage. You can say a lot of other things happened in Europe during that time, true. But the Netherlands has always been, interestingly enough, the country that was able to dam the tide, stem the tide and preserve the traditional family until they began the process of changing the definition of marriage to expand it.

Look at what happened over that period of time: A straight and rapid descent in the number of people getting married and, not surprisingly, a rapid ascent in the children being born out of wedlock.

Is this what is best for children? Is this an argument of a hater? Is this an argument of someone who is intolerant or is this an argument of someone who believes that children deserve what is the ideal for our society?

What has happened in those countries that have allowed people of the same sex to get married? Sweden allowed same-sex unions. There are 8 million people in Sweden. How many same-sex unions? There were 749. Is it worth it that now 60 percent of first-born children born in Sweden are born out of wedlock? Is this worth it, 749?

By the way, the breakup rate of those marriages is two to three times what it is in traditional marriage. Is it worth it?

I ask kids today what marriage is about. For the longest time, when I asked them what marriage is about, they always answered it is about the love of two people. Look at what Hollywood said about marriage. If you look at what leaders in this country say about marriage, maybe that is what we think it is. You look at the pop stars and celebrities, and that is certainly what it is today. It certainly isn't about families and kids.

What are we telling our children? Is marriage just about affirming the love of two people? I can assure you that is the motive behind it. It is about affirmation of lifestyle, it is about affirmation of desires. Marriage and family is more than that. Principally, marriage and family has been held up not as an affirmation to make you feel good about who you are or who you love, but it is about the selfless giving for the purpose of continuing. It is about selflessness, not selfishness. It is not about me all the time. This is a society that is so wrapped up in "me." Make me feel good; make me affirmed—me, me, me. What about kids? What about the future? The greatest generation of America was the greatest generation of America. Why? Because they were giving of themselves for something beyond themselves.

The greatest generation that started the baby boom was a generation that understood what family was all about.

A young man walked up to me a year and a half ago in Wichita, KS, and handed me this bracelet, and I have worn it every day since. He said this bracelet describes what family is. That is what it is—f-a-m-i-l-y. It says it means family. Forget about me; I love you.

Is that the kind of family we are debating today?

There is a reason we are here. It is not because we hate anybody. It is not because we don't respect anybody. It is not because we don't dignify their worth and value as a person. It is because there is a group of people who are trying to change the definition that is central to the future of this country.

That is why we are here. We didn't pick this fight. We didn't start this battle. They went to the courts, not to the people. They went to the few elitists, and on of the most elitist liberal places in the world, Boston, MA, and said, you, the elite of the east coast, Northeastern United States of America, you take your isolated values and then sweep them across this country. They didn't go to Omaha, NE. They didn't go to Peoria, IL. They go to San Francisco, to Seattle, to Boston, and to New York, and they impose the values across America.

That is not democracy. That is not allowing the people of Baltimore, the people of Reno, the people of San Antonio, the people of Providence, the people of Pittsburgh to speak.

We have a right to speak. The only way we can do that is through the process we have before us, article V of the Constitution, which says we have a right to amend the Constitution when things go too far. And things are going too far. I ask my colleagues to give the people a chance to speak.

I yield the floor.

The PRESIDING OFFICER. The Democratic whip.

Mr. REID. The next Democrat speakers in order following the statements of Senators SCHUMER and FEINSTEIN would be Senator KENNEDY for 15 minutes, followed by Senator DAYTON for 20 minutes. I ask consent that be in order on this side of the aisle.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I wish to speak on the Federal marriage amendment and also on the motion to proceed.

Today I rise to talk about the Federal marriage amendment. I first will talk about timing and then about content. First, I will talk about timing. Marriage is not under a threat. It is not in any clear, imminent danger of being destroyed. What is in clear and imminent danger and what we have heard is under threat of possible attack is the homeland.

There are other issues families are facing that are eroding their very stability such as their economic situation and the cost of health care. If we really want to stand up and protect America and protect families, we would be focusing on these and other issues. This discussion is ill-conceived, ill-timed, and unnecessary.

Last week, Homeland Secretary Tom Ridge announced that al-Qaida is planning a large-scale attack on the United States of America. What should we be doing? We should be working on homeland security. We have a homeland security appropriations bill pending, waiting to come before the Senate. That is what we should be talking about today, not this amendment.

This is why I will vote against the motion to proceed as a protest that we are not meeting the compelling needs of the Nation. We need to show a deterrent strategy, to send a message to the terrorists: Do not even think you can affect our elections because we would be united across the aisle to stand up and vote for legislation to protect the homeland. To protect our ports, our cities, our transportation, our schools, and, yes, those moms and dads and children we have been hearing about all day long. Instead, we are debating the motion to proceed to a constitutional amendment. America is united in the war against terrorism. We should not be divided in a cultural war.

Let's talk about another war, the war in Iraq. Right now, we have men and women returning with broken bodies, some who have lost their limbs. One cannot go to ward 57 at Walter Reed, the way I have, and see the young men and women who have lost an arm, lost a leg, lost hope, wondering if anybody is ever going to love them again, if they are ever going to be able to work again, and not want to do everything possible to help these young Americans.

That is why I am working now on a bipartisan basis with my colleague, Senator KIT BOND, on the VA/HUD appropriations bill so we can help our veterans, so we can have a prosthetic initiative to give them a "smart" arm with the best technology, to give them a smart leg so they can run the race for life and maybe give them back a life. That is what we should be focusing on, working on a bipartisan basis, solving the problems that confront the Nation.

This amendment is not about policy; it is about politics. It is not about strengthening families; it is about helping the other party get elected. If we were serious about helping families, we would be focusing on jobs, on health care, on the rising costs of college tuition. This proposed amendment does not help families. Why? It does not create one new job or keep one in this country. It does not pay for one bottle of prescription drugs that seniors so desperately need. This amendment does not send one child to college. No, this amendment does not help a family pay for health care for a sick child. What it does do is divide. Americans are tired of divisive debates. This amendment is just simply a distraction.

On the timing, I wish we would put it aside and address our Nation's real needs.

I also want to talk about the content should we move to proceed. I will vote against this amendment because it is unneeded and unnecessary. Congress in 1996 spoke on this issue. They passed something called the Defense of Marriage Act. What this legislation did was define marriage as between a man and a woman. It also allows each State to determine for itself what it considers marriage under its own State law, leaving the concept of federalism intact.

Maryland, my own home State, also has a law on the books that defines marriage as between a man and a woman. So when you look at Maryland law and you look at Federal law, this constitutional amendment is unneeded.

We talk about what the courts are doing. Well, I don't quite see that as the same level of threat as terrorism, or the loss of a job on a slow boat to China or a fast track to Mexico.

Some of my constituents are worried that churches will be forced to perform gay marriages. Under separation of church and State, no law—not a Federal law, not a State law—can force a church, temple, mosque, or any religious institution to marry a same-sex couple. That will be up to their religious determination. Why? Because, again, under separation of church and State, we cannot dictate to a church what to do. Because of this constitutional commitment there can be no Federal law, for example, even under equal protection that could force the Catholic Church to ordain women. Our First Amendment provides this protection to religious institutions.

And so I reiterate that this amendment is unnecessary.

I also oppose this amendment because I take amending the Constitution very seriously. In our entire history, over 200 years, we have only amended the Constitution 17 times since the Bill of Rights. We have amended that Constitution to extend rights, not to restrict them. We amended the Constitution to end slavery. We amended the Constitution to give women the right to vote. We amended the Constitution to give equal protection in law to all citizens. We amended the Constitution to give citizens over age 18 the right to vote. We have never used the Constitution as a weapon or as a social policy tool against a minority of the population.

I am concerned that this amendment would condone discrimination. We should not embark on that path today. It is wrong. It undermines the integrity of the Constitution.

When the roll is called on the motion to proceed, I will oppose that motion. There are far more pressing needs for American families and those children we love.

When we amend the Constitution, it should be to expand hope and opportunity, not to shrink it.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I believe Senator SCHUMER and I have 15 minutes between us by unanimous consent agreement, and I ask that I be alerted when 8 minutes has passed.

EXPIRATION OF ASSAULT WEAPONS BAN

Ten years ago, I introduced an amendment to the crime bill which banned the manufacture and sale of semiautomatic military-style assault weapons. Senator SCHUMER, then a Member of the House, a member of the Judiciary Committee, introduced the same amendment in the Judiciary Committee. We were both successful. It passed the Senate, passed the House, was signed into law by President Clinton.

Over the past 10 years, gun traces to semiautomatic military-style assault weapons have decreased by two-thirds. The ban has worked. But 2 months from today, the Federal ban will expire.

Once again, new guns such as the Tec-DC9 will flood our streets. If you don't know what a Tec-DC9 is, I am going to show you. This is Gian Luigi Ferri, who walked into 101 California Street and killed six people, wounding eight. And this is the Tec-DC-9 he was carrying with a 30-round clip. He had 250 rounds in additional clips with him. He is dead here, shot on the floor, but not until after he had either killed or wounded 14 people. The ban will expire despite overwhelming public support to renew it.

Seventy-one percent of all Americans support renewing the ban. So do 64 percent of people in homes with a gun. The ban is going to expire despite overwhelming support from law enforcement and civic organizations. As you can see, nearly every major law enforcement and civic organization in our country supports renewal: the Fraternal Order of Police, the Chiefs of Police, the United States Conference of Mayors, National Association of Counties, and on and on.

The ban will expire despite the stated public support of President George W. Bush and Attorney General John Ashcroft. As you can see from this letter, the administration has reiterated its official support for renewing the ban time and time again. From the Department of Justice:

> As the President has stated on several occasions, he supports the reauthorization of the current ban . . .

And the ban will expire despite the support of a majority of Senators, 52. Despite all of this, it looks more and more likely that the National Rifle Association will win. The ban will expire, and the American people will once again be made less safe.

Although President Bush has said he supports the ban, the White House has refused to lift a finger to help us pass the renewal. They are instead playing political hot potato with the Republican leaders in Congress.

The Hill newspaper, on May 12, said that "an aide to [the Speaker] has said privately that if the President pushes for it, the ban will probably be reauthorized. But if he doesn't, the chances . . . are remote."

The Boston Globe reports that a White House spokesman said "Bush still supports the ban but is waiting for the House to act."

So the House will act only if the President asks them, and the President will act only if the House passes it. It is a classic catch-22.

One month ago, June 14, three former Presidents wrote to President Bush. Presidents Ford, Carter, and Clinton took the extraordinary step of writing a joint letter to President Bush asking him to work to renew the ban and offering their assistance to do so. Let me read just part of it:

> We are pleased that you support reauthorization of the . . . Assault Weapons Act, which is scheduled to expire in September. Each of us, along with President Reagan, worked hard in support of this vital law, and it would be a grave mistake if it were allowed to sunset.

It goes on and expresses what this law means. I could not agree more. We cannot go back to those days. We know these guns are used by gangs, by criminals, by grievance killers, by troubled children to kill their schoolmates. We also know from al-Qaida training manuals that al-Qaida has recommended that its members travel to the United States to buy assault weapons at gun shows. Why? Because it is so easy to do so.

As the threat of terrorism around the world increases, how can we let the ban expire and make it that much easier for terrorists to arm themselves with military-style weaponry? And make no mistake, gun manufacturers and sellers are keeping a close watch.

In mid-April, Italian customs seized more than 8,000 AK–47 assault rifles on their way from the Romanian Port of Constanta to New York and then to Georgia. These guns had a value of more than $7 million.

Of course, shipping assembled AK–47s would be illegal under the ban and under a 1989 Executive order of the first President Bush that banned certain guns from importation. But according to ATF, importing these guns so they can be disassembled, sold for parts, and then reassembled would not be illegal, and now purchasers will be allowed to reassemble these guns into their banned form. This shipment was not an isolated example.

Here is an advertisement from Armalite, a company that makes post-ban rifles. As we can see from this advertisement, they are offering a coupon for a free flash suppressor for anyone who buys one of these guns so that on September 14, once the ban is expired, the gun can be modified to its pre-ban configuration. What do you need a flash suppressor for? If you have a flash suppressor on a gun and a 30-round clip in it and you are shooting at night at the police or at neighbors, you can't see where the gun flashes. The flash is suppressed. So if you are a criminal, you may need one. If you are a legitimate citizen, you don't.

This is the kind of thing we can expect, just 2 months from now: Companies gearing up to once again produce the deadly assault weapons, the high-capacity clips which are now banned, clips, drums, or strips of more than 10 bullets, and dangerous accessories we worked so hard to stop 10 years ago.

I hope that, before September 13, the President and the Congress can find the courage to stand up to the NRA, to listen to law enforcement all across the Nation who know that to ban these guns makes sense and saves lives.

Listen to the studies that show that crime with assault weapons of all kinds has decreased as much as 66 percent. The bottom line is that everyone knows this ban should remain law, but time is running out. We have 14 legislative days. Will the House of Representatives step up to the plate and find an opportunity to give the House an opportunity to vote to renew the military-style assault weapons legislation?

I ask unanimous consent to print the following editorials in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Seattle Times, May 4, 2004]

EXTEND THE BAN ON ASSAULT WEAPONS

The clock is running out on a 10-year-old federal ban on certain types of semiautomatic assault weapons. Without bold action by President Bush, the common-sense law likely will expire in September.

Bush has said he will sign a bill to extend the ban if Congress approves one. But that's unlikely without his strong backing, and he knows it.

A strong majority of Americans support the ban on the manufacture, transfer and possession of 19 types of assault weapons, such as the AK–47, the Uzi and the TEC–9. So do the National League of Cities, the U.S. Conference of Mayors, the National Educational Association, the American Bar Association and many other organizations. They support it because it makes sense.

Seattle Police Chief Gil Kerlikowske is one of hundreds of law-enforcement leaders who back the ban. He says such weapons serve no legitimate purpose for people who aren't police.

He's right. These weapons aren't necessary for hunting or self-defense. They are for drug dealers, gang leaders and other criminals. They don't belong on America's streets.

In addition to banning 19 specific semiautomatic assault weapons, the 1994 legislation identifies specific characteristics that categorize a weapon as an "assault weapon." It also bans ammunition clips or magazines that hold more than 10 rounds. At the same time, it exempt hundreds of other weapons designed for legitimate uses.

The ban isn't perfect. Manufacturers can too easily get around the law by altering their weapons. Still, the fight to keep the ban in place is worth it. And it will be a fight.

The National Rifle Association is actively opposing extension of the ban. Republican Majority Leader Tom DeLay said there are not sufficient votes to reauthorize the law. A bill that would have protected gun manufacturers from lawsuits died in March when senators tried to include in the bill the extension of the assault-weapons ban.

If the ban expires Sept. 13, the country could once again manufacture and import these military-style weapons. We don't need them.

President Bush has said he supports the ban. It's time for him to start acting like it.

[From the San Francisco Chronicle, April 22, 2004]

RENEW THE WEAPONS BAN

The debate over the nation's assault weapons ban will be repeated this spring, with Sen. Dianne Feinstein arguing the need for extending her groundbreaking legislation. Lest she need any more ammunition, tragic news has provided it—the recent cold-blooded slaying of San Francisco police office Isaac Espinoza at the hands of a killer wielding an AK–47 assault rifle.

That there is still strong opposition to extending the weapons ban in spite of its obvious merits speaks to the power of the nation's gun lobby, which has fought every effort for sensible gun control. Earlier this year, Senate Republicans killed their own bill aimed at granting gun dealers and manufacturers immunity from lawsuits filed by shooting victims rather than agree to extend Feinstein's legislation.

But none of the rhetoric from the National Rifle Association can stand up to the facts. The percentage of assault weapons used in crimes since the original ban passed has been reduced by two-thirds. There is simply no justification for making military-style assault weapons available to the general public.

While the NRA seems to gloss over the worst incidents involving assault weapons, such as the horrific 1999 Columbine High School shootings, Bay Area residents cannot. Feinstein's bill grew out of the 1993 massacre of eight people at 101 California Street in San Francisco by a gunman armed with two semiautomatic rifles. The shooting death of officer Espinoza, allegedly at the hands of 21-year-old assailant, serves as a chilling reminder of the availability and danger of assault weapons.

The need for the ban is painfully obvious. Reasonable gun control is in everybody's interest, even those citizens who make up the NRA.

[From the Miami Herald, May 6, 2004]

ASSAULT-WEAPONS BAN IS ITSELF UNDER ASSAULT

If Congress allows the federal ban on assault weapons to expire, the law's public-safety successes will disappear with it. Lawmakers should not let that happen. The ban is saving lives.

The law prohibits manufacture and importation of 19 types of rapid-fire assault weapons and scores of copy-cats with similar characteristics. In the 10 years since the ban was enacted, its benefits have been undeniable: A U.S. Justice Department analysis shows that banned assault weapons used in crimes dropped by almost 66 percent between 1995 and 2001; they dropped 20 percent in the law's first year, to 3,268 in 1995 from 4,077 in 1994. Murders of police officers by assault weapons dropped to zero in late 1995 and 1996 from 16 percent in 1994 and early 1995.

For these reasons, police chiefs spoke as one last week in press conferences across the country. They want U.S. lawmakers to reauthorize the assault-weapons ban before it expires in September. So do government officials and, several studies show, the majority of Americans.

President Bush supports the ban, but he hasn't been vocal about it. Under pressure from the National Rifle Association to change his position, Bush appears reluctant to repudiate openly a group that supported his candidacy in 2000. But the data should given him ample reason to lead the push for the law's extension. Simply put, we all are safer because of the ban on assault weapons.

The ban will sunset on Sept. 13 unless Congress approves new legislation keeping it on the books and Bush signs it into law. Bipartisan legislation would extend the ban for a decade. But reauthorization faces the same heated firefight that the original proposal faced 10 years ago.

In 1994, the ban almost sank a multifaceted crime and safety bill. In addition to the ban on assault weapons, the bill contained other sensible measures: It added 100,000 police officers and funded programs to steer youths away from crime.

The NRA fought hard to persuade lawmakers to reject the ban. It argued that the ban trampled gun buyers' constitutional rights. Its heavy-handed tactics backfired. Several gun-owning lawmakers from both sides of the aisle resigned NRA memberships, and a congressional majority voted to approve the ban.

Lawmakers should stand firm again, rejecting a replay of the NRA's electon-year fear-mongering. The law doesn't stifle gun ownership; it makes killing machines harder to obtain. The ban does not affect weapons owned before it went into effect. In 1995, two Columbine High School students got their hands on assault weapons. We know the carnage they left behind.

Assault weapons have no place in civil society. Congress should reauthorize the law that bans them.

[From the Hartford (CT) Courant, June 11, 2004]

RENEW ASSAULT WEAPONS BAN

Time is running out on efforts to extend the federal assault weapons ban, which is scheduled to expire Sept. 13.

There's no good reason why civilians should be allowed to own these rapid firing, military-style weapons, which are favored by criminals. The weapons have no legitimate use for self-defense or hunting.

Unfortunately, Republican congressional leaders are ready to do the bidding of the National Rifle Association, which has fought the ban since it became law a decade ago. President Bush favors an extension of the ban, but unless he pressures Congress to act, it's likely that nothing will happen.

That would be tragic. Once again, the nation's cities would be flooded with an array of high-powered weapons on streets and in homes. Police officials across the nation have pleaded with Congress to extend the ban.

Connecticut U.S. Reps. Christopher Shays, Rosa DeLauro and John Larson are among more than 100 House co-sponsors of the proposed extension. Sen. Christopher J. Dodd recently added his name as a Senate co-sponsor. The remaining members of Connecticut's delegation, Reps. Nancy Johnson and Rob Simmons and Sen. Joseph I. Lieberman, should joint them.

The proposed extension also would tighten current law to close a loophole that has allowed manufacturers to sell the weapons simply by making cosmetic changes in the banned models.

Passage of the 1994 ban was an important step toward reducing mayhem with powerful guns. Let's not take a step backward.

[From the New York Times, June 21, 2004]

GUNS AND THE GIPPER

On last reflection on the death of Ronald Reagan:

In the debate over who can lay claim to the Reagan legacy, one aspect of the late president's record has gotten little attention.

That was Mr. Reagan's willingness to stand up to the National Rifle Association and support the cause of gun control when he thought it was right.

A decade ago, when the proposal to create a federal ban on military-style assault weapons was teetering between Congressional passage and defeat, Mr. Reagan personally lobbied Republican House members to take what he called the "absolutely necessary" step of outlawing the bullet-spraying semiautomatic guns favored by criminals. His effort proved crucial, as the legislation passed the House by just a two-vote margin.

True, it was only after Mr. Reagan left office that he woke up to the need for sensible national laws like the assault weapons ban and background checks for gun buyers. As president, he signed legislation weakening federal gun laws. Right now, President Bush has the chance to go the Gipper one better by waging a principled fight to renew the 10-year-old assault weapons ban, which is due to expire in September. The president is on record as favoring the ban's continuation. But he steadfastly refuses to do anything to rally lawmakers to renew and strengthen its proven, life-saving provisions. Mr. Bush may please anti-gun-control extremists by presiding over the extinction of the assault weapons ban. We doubt it would have pleased Mr. Reagan.

[From the St. Louis (MO) Post-Dispatch, June 25, 2004]

A LANDMARK SETTLEMENT

GUN CONTROL

A court in West Virginia has approved a settlement requiring a gun dealer to pay $1 million in damages to two New Jersey police officers seriously wounded by a robber who bought a gun through a straw party in West Virginia. This agreement marks the first time a dealer will pay damages for supplying a firearm to the illegal gun market. The lawsuit accused the dealer, Will Jewelry & Loan of Charleston, W.Va., of negligence and creating a public nuisance by selling a dozen handguns to a straw buyer. The straw buyer bought the weapons for convicted felon James Gray.

Dennis Henigan, an official at the Brady Center to Prevent Gun Violence in Washington, noted that the injured officers would have collected nothing had the U.S. Senate approved legislation in March to shield gun makers and dealers from civil lawsuits. For a time, it seemed that the National Rifle Association would pressure Congress to pass this bill. That was before Democrats succeeded in adding two amendments. One would have banned assault weapons, and the other would have required background checks at private gun shows. Furious Senate Republicans pulled the immunity bill and vowed to stall the two amendments by not allowing the House to consider them this year.

President George W. Bush can make a difference in this election year by keeping his promise to extend the 1994 ban on military-style assault weapons. The existing ban expires in September. Mr. Bush didn't mention the issue when he invited sporting groups to his ranch in Crawford, Texas, in the spring. Nor did Vice President Dick Cheney mention it when he held an antique rifle at April's NRA convention and accused Democratic presidential candidate Sen. John Kerry of being an enemy of gun makers and users.

The president appears to want to have it both ways. He says he favors instituting background checks and extending the weapons ban, yet he had urged the Senate not to add either rider to the gun immunity bill. Granted, some of the banned weapons, including the one Mr. Cheney held at the NRA convention, are prized by collectors. And gun enthusiasts point out that many of the banned weapons are no more dangerous than guns in general but have a bad reputation because of movies that glorify gun violence.

Trouble is, this violence spills over into real life. The memory of Columbine is still sharp for many Americans, although the carnage happened five years ago. Images of snipers picking off innocent people in the Washington, DC, area won't soon be forgotten. And the reckless use of handguns and rifles to maim and murder is a daily occurrence in our country.

Mr. Bush should give his unequivocal support to extending the ban on military-style weapons that are used mainly to kill people.

[From the Baltimore Sun, July 5, 2004]

THE LINE OF FIRE

They buried Carlos Owen, Harley Chisholm III, and Charles Bennett last month. The three Birmingham, Ala., police officers were serving an arrest warrant in one of the city's blighted neighborhoods when they were shot and killed. And the incident has left people in that conservative, gun-owning part of the country wondering whether maybe some weapons shouldn't be so widely available.

The gun that killed the officers was an SKS, a rifle similar to the notorious Russian AK–47. It's a military-style assault weapon and, according to the federal Bureau of Alcohol, Tobacco, Firearms and Explosives, a rifle often used against law enforcement officers. It fires a 7.62 mm round at 2,300 feet per second, a velocity that's capable of penetrating police body armor. Earlier this year, two other Alabama police officers were killed in the line of duty. An SKS was used in both shootings.

Why is this cop-killing gun allowed in circulation in this country? It's not outlawed by the 10-year-old federal assault weapons ban. The AK–47 was, but the makers of the SKS found a way around the ban by making some minor modifications. Yet their gun still has some of the most troubling qualities of an assault weapon—an ability to accept a high-capacity magazine and, even as a semiautomatic, spray a large number of large bullets powerfully and accurately.

That, and the fact that it's cheap and lethal-looking, has made the SKS a popular gun among criminals. An SKS can be purchased for as little as $200. A used magazine capable of holding 40 rounds might cost an extra $5. It's not a particularly useful gun for hunting. It's not even that popular with the general law-abiding public. All models of assault weapons represent less than 5 percent of the guns in circulation.

Yet here we are just a few months shy of the day the federal assault weapons ban is set to expire and there's little hope it will be renewed. It should be renewed—and expanded to cover guns such as the SKS. President Bush said four years ago that he supported an extension of the assault weapons ban. A majority of the Senate supports it, too. Right-wing House Republicans don't. President Bush could probably overcome that opposition, but he won't even talk about the issue. Clearly, he'd rather the whole thing went away quietly.

Of course it won't go away for the families of those murdered Birmingham police officers. While a renewal wouldn't take the existing SKS rifles off the street, letting the ban expire in September would open the door to even deadlier models. What message would that decision send to future cop-killers? A lot of Americans, gun owners and police officers included, have been left to ponder: What compelling reason is there to allow bad guys to own assault weapons? And how can the president of the United States continue to claim to support a ban but not lift a finger for the cause?

[From the Oregonian, July 5, 2004]

BACK TO ASSAULT WEAPONS

Summary: Without pressure from President Bush and action by Congress, the 1994 ban on military-style guns will expire.

When a man used an assault rifle to shoot three people at a California community center in 1999, then-presidential candidate George W. Bush declared, "It makes no sense for assault weapons to be around our society."

It still doesn't. President Bush promised during his first campaign to uphold a ban on assault weapons, but he isn't lifting a finger now to prevent the popular law from expiring. The assault weapons ban approved in 1994 by Congress and signed by President Clinton was written to sunset after 10 years. Time's up at midnight on Sept. 13.

The White House claims Bush supports extending the ban and would sign a bill renewing the law if Congress sends him one. But earlier this year, Bush helped defeat a gun bill that included the ban on assault weapons. The president also has done nothing to encourage Congress to act on the issue in the dwindling days of this session.

That's a dangerous mistake. Bush was absolutely right when he told voters that assault weapons have no place in American society. These military-style weapons, with rapid-fire capabilities and large-capacity magazines capable of holding dozens of rounds of ammunition, are not hunting or sporting weapons. They are designed for just one thing: shooting people.

Polls show that Americans strongly favor renewing the ban on these weapons. In late 2003 an NBC/Wall Street Journal poll found that 78 percent of adults nationwide expressed support for renewing the federal ban. A University of Pennsylvania National Annenberg Election Survey found in April 2004 that even 64 percent of the people in households with guns favor the law.

Every major law enforcement organization in the nation backs the ban on assault weapons, including the Fraternal Order of Police, the National Sheriffs' Association and the International Association of Chiefs of Police. Every police agency understands the dangers of these weapons in the hands of drug traffickers, gangs and terrorists.

Yet House Speaker Dennis Hastert, R-Ill., and other GOP leaders seem determined to prevent the renewal of the assault weapons ban from even coming to a vote. We strongly urge members of the Oregon congressional delegation to join the bill to reauthorize the ban and to pressure the leadership to bring the matter up for a vote before the law sunsets in September.

While several studies show a marked decline since 1994 in assault weapons traced to crime, we'll concede that the federal ban has not been a fully effective defense against these guns. The law grandfathered existing assault weapons in 1994, and manufacturers have exploited loopholes in the law by producing copycat weapons with only cosmetic differences.

A responsible Congress, and one not in the thrall of the National Rifle Association, would tighten the law, fix the loopholes and make the ban on these weapons permanent. If that's too much to ask, we'd settle for the president to keep his word on this issue and demand that Congress renew the existing ban on assault weapons.

[From the San Jose (CA) Mercury News, July 5, 2004]

BUSH IS DOING NOTHING TO HELP EXTEND BAN ON ASSAULT WEAPONS

The federal law outlawing some of the most dangerous military-style guns will expire Sept. 13, leaving the nation more vulnerable to horrific crimes.

The Republican leadership in the House has bottled up the bill extending the 10-year-old assault-weapons ban. But President Bush will bear part of the blame if nothing is done.

The president has recently repeated his promise, first made when running for president in 2000, to sign an extension. But, unlike his push for the war in Iraq and a tax cut, he has not lifted a finger to see that the bill reaches his desk, and the gun lobby has vowed to keep it from getting there. Bush wants to have it both ways.

The ban has been only modestly successful in curbing the sale of rapid-fire semi-automatic weapons. Gun manufacturers have devised ways around it; copycat models and high-capacity magazines, imported from abroad, proliferate.

But the answer is to tighten and to expand the law, along the lines of California's smartly effective 5-year-old assault-weapons ban, and not to return to the days when a wannabe drug dealer or cop killer could buy an Uzi at a local gun shop.

Law enforcement groups are urging that the ban be continued. It would be a travesty if officers once again find themselves outgunned on the streets they are sworn to protect.

Mrs. FEINSTEIN. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. I thank the Chair.

I thank my colleague from California for her leadership and her eloquence on this issue. She has done a wonderful job, and I hope that her pleas to the White House and to the House are heeded.

We stand on the floor today debating an amendment to the Constitution for which there is already a statute that does the same thing. We are ignoring basic needs. Instead of debating this amendment, why aren't we debating homeland security? Last Friday there was a warning issued to all of us, a severe warning, yet the Homeland Security bill, despite the warning that was issued to us on Friday, languishes.

We are here today to bring up another important issue—people's lives and these kinds of weapons, which thankfully have been banned on our streets for the last 10 years and, woefully, may be back on our streets 2 months from today if we do nothing.

That is the bottom line. The assault weapons ban has been an amazing success. It is supported by the American people overwhelmingly. Yesterday a poll showed that 79 percent support renewal. Today a new poll showed that in the swing States, Midwestern and Southern States, where there are large numbers of gun owners, overwhelming majorities support the ban. Gun owners support the ban. Law enforcement supports the ban. The list that my colleague from California showed is lengthy and comprehensive.

So why wouldn't something that has saved lives, that has been so successful, that has helped bring down the crime rate not be brought up on the floor of the House and is in danger of lapsing? One simple word: Politics. Politics of a small few who seem to call the dance when it comes to dealing with issues like this Street Sweeper.

Point one is that these weapons are not made for hunting. They are not made for self-defense. They were designed by armies to kill a lot of people quickly. They are never used by good people, who certainly have a right to bear arms. In fact, recently al-Qaida told its membership in a training manual found by the U.S. military that terrorists should use America's weak gun laws to get serious weapons and to try to get assault weapons. Terrorists want these weapons, drug dealers want these weapons, criminals want these weapons. Police men and women do not want these weapons, hunters do not want these weapons, small store owners who carry a small sidearm for self-defense don't want these weapons.

Why do we have to be on the Senate floor pleading with the President and the House for renewal of a law that has been so successful? Again, one word: Politics. A small group of fanatical people somehow have an ideological mission that they must restore these weapons to our streets. They don't represent gun owners. They don't represent the North or the South or the East or the West. They represent their own misguided ideology. But the President, who is on the campaign trail talking about leadership, cowers and shakes before this small group of ideologues. He has said he is for the renewal of the assault weapons ban. But according to the House leadership, he has not mentioned once to them that he would like the bill to be on the floor of the House of Representatives. The Speaker of the House says that we need the President to get this going. The President says the House should do it. It is a classic Abbott and Costello routine, a shell game, a classic duck the consequences, or the worst aspects of politics.

The bottom line is that if George Bush wanted the assault weapons ban to be renewed, it would be. All he would have to do is pick up the phone once and call Speaker HASTERT and say put it on the floor of the House; and on the floor of the House it would pass, just as it passed this body a few months ago when the Senator from California and I offered it. And then the President would sign it.

But the President thinks he can get away with this, that he can get away with this nasty little game; that he will keep happy his hard-core small number of supporters who believe these weapons should be on the streets, and he will not pay the price.

Mr. President, I cannot predict how our politics will work out in the next few months. But it is my guess that if this ban is not renewed, and AK-47s, Street Sweepers, and Uzis are back on our streets, starting 2 months from today, that the President will pay a political price for it. That is no solace to me. That is no solace to my colleague from California. We would much rather have this renewed, as everybody knows it should be.

No hunter, no gun owner has been hurt by the inability to carry an Uzi. Some criminals have been hurt, terrorists have been hurt, but no legitimate citizen who certainly has a right to bear arms. And I support the second amendment, but I don't support the view that it should be seen through a pi hole.

We make one last plea—and we have 13 legislative days left—to the President of these United States to step up to the plate, show real leadership, and ask that the assault weapons ban be put on the floor of the House of Representatives, and that it be renewed because it has been successful and good for just about everybody.

I ask unanimous consent to have several articles printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, April 20, 2004]

TARGETING VOTERS IN THE WORST WAY

It is not quite the same as kissing babies, but Vice President Dick Cheney beamed as he handled an antique rifle for his photo-op last weekend at the National Rifle Association convention. Mr. Cheney, the administration's most famous duck hunter, was on a reassurance mission, drawing cheers as he trumpeted President Bush's commitment to hunters' constitutional rights. Mr. Cheney attacked Senator John Kerry, the Democratic challenger, as a firearms wuss, despite Mr. Kerry's beady-eyed display last fall when he blasted pheasants from the Iowa skies in his own vote-hunting foray.

Mr. Cheney's personal visit signaled how much of a fence-mending charade the White House is staging to soothe the politically powerful gun lobby. Some N.R.A. members are still miffed at Mr. Bush's ostensible promise—left over from his 2000 campaign—to sign a renewal of the 10-year-old ban on assault weapons if that vitally needed measure should ever manage to be passed by the Republican-controlled Congress. But, of course, the Capitol's pro-gun leadership has already made sure that the president's promise bobs as lifelessly as an election-year decoy.

Banning assault rifles simply protects society from fast-fire attack weapons designed for waging war, not hunting. But Mr. Bush never once pressed Congress to pass the renewal. Instead, he spent his political capital on the gun lobby's outrageous proposal to grant immunity from damage suits to irresponsible gun manufacturers and dealers.

This is the Bush-Cheney team's true record on gun control. Too few voters are aware that the assault weapons ban will certainly expire in September while the president declines to lift a finger to save it. The law's demise looms as another national gun tragedy, even as politicians in both parties calibrate how much more pandering to gun owners will be needed in the hunt for votes in the swing states.

[From the Post-Standard, June 27, 2004]

CONSIDER THIS

The assault weapons ban might not have become law a decade ago without an assist from what some might consider an unexpected quarter—former president Ronald Reagan.

Already out of office, Reagan nevertheless expended what political capital he had left to lobby fellow Republicans. The measure passed the House by just two votes.

That same assault weapons ban, which has been doing its job keeping lethal weaponry out of the hands of criminals all these years, is set to expire in September. While President Bush says he'll sign a continuation of the ban, he doesn't appear willing to lift a trigger-finger on its behalf. And the assault weapons lobby seems to have Congress in its back pocket. Unless . . .

Well, unless the president is willing to spend a little of his own political capital, do the right thing and push for the ban. It shouldn't be hard. After all, he'd be doing it for "The Gipper."

[From the Detroit Free Press, May 7, 2004]

ASSAULT GUNS; MOMS MARCH FOR A NEEDED RENEWAL OF NATIONAL BAN

Thousands will gather on Mother's Day Sunday in Washington, D.C., including at least 500 people from Michigan, to join the Million Mom March and push Congress for a needed renewal of the assault weapons ban. Lawmakers should listen.

Renewing the ban is a modest and commonsense step that is supported by most Americans, while vociferously opposed by the powerful gun lobby.

Shikha Hamilton, president of the Million Mom March in Detroit, says the group wants to hold President George W. Bush to his promise of support for the ban, which will expire in September unless Congress renews it.

The ban covers 19 kinds of assault weapons and has significantly reduced the frequency with which these guns are used in crimes.

To be sure, it has not solved the problem of gun violence. Manufacturers have gotten around the ban by making minor changes. People can legally, and easily, buy parts that, put together, will turn a legal gun into an illegal one. It's also obvious that all people must be held accountable for how they use guns.

That said, the 1994 ban has slowed the flow of assault weapons onto the street. Letting it expire would undo years of work by groups fighting for sensible gun laws.

Some pro-gun activists will try to depict Million Mom March as an extremist group trying to scrap the Second Amendment. It is not.

A modest federal law to restrict military-style guns whose only purpose is to mow people down ought to make sense to any member of Congress not under the undue influence of the gun lobby.

For more information on the march, go to www.millionmommarch.com

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[From the Atlanta Journal-Constituion, March 5, 2004]

PRY CONGRESS FROM COLD, DEADLY CLUTCH OF THE NRA

Those who say that negotiating with the gun lobby is like making a deal with the devil owe the archfiend an apology.

For months, the National Rifle Association has lobbied hard for passage of a bill that would make the gun industry immune to civil lawsuits. The measure—the NRA's top legislative priority—had already passed the House, and this week was close to passage in the Senate as well, until NRA lobbyists stepped in at the last minute and ordered that the bill be killed.

Why the sudden change of heart? Because Democrats and moderate Republicans had succeeded in attaching two quite sensible, reasonable gun-safety measures to the bill. One amendment extended the 1994 ban on military-style assault weapons that's set to expire in September; the other closed a loophole that permitted people to buy firearms at gun shows without having to undergo instant background checks.

Officially, President Bush backs both measures, although he has done nothing to support them. According to a recent survey by the Consumer Federation of America, the assault rifle ban is also supported by a majority of the nation's gun owners. The assault weapons ban is particularly important to law enforcement officers, who had pleaded with Congress to renew the ban and also close the gun show loophole. According to the Justice Department, the proportion of banned assault weapons traced to crimes had dropped by 65.8 percent since 1995, most likely as a result of that law.

Nonetheless, U.S. Sen. Zell Miller was among six Democrats who voted against renewing the ban on military-style assault weapons. "First of all, the term 'assault' was dreamed up to give the weapons included a bad name. Who could be for an 'assault weapons'? The definition is really 'semi-automatic,' and about 15 percent of all firearms owned in the U.S. meet the definition," said Miller.

Had the gun-immunity bill passed, it would have voided hundreds of pending lawsuits, including those filed by more than 30 cities devastated by gun violence and by dozens of shooting victims and their families. For example, it would have slammed shut the courthouse door to the families of the victims of Beltway snipers John Allen Muhammad and Lee Boyd Malvo. The families are suing Bull's Eye Shooter Supply, the Washington state gun shop where Malvo either bought or stole the semi-automatic rifle used to slaughter 10 people. Between 2000 and 2003, the gun shop somehow "lost" 230 other guns from its inventory.

Bull's Eye tried to have the case dismissed, but the courts ruled that the store had some responsibility to ensure its firearms didn't fall into the hands of criminals. The judge relied on the established legal principle that a person who carelessly furnishes a criminal an open opportunity to commit a crime can be held liable.

The NRA and its supporters want to give the gun industry an immunity to being sued that no other American industry enjoys. As they have demonstrated, they want that immunity only on their terms, with no compromise and no tolerance for any effort that might reduce the toll in lost and broken lives attributed to guns. And while that absolutist approach is troubling, the docile willingness of so many in Congress to accommodate that extremism is more troubling still.

[From the Los Angeles Times, May 16, 2004]

NRA'S EYE IS FIXED ON BUSH

Just under four months from today, Americans will be able to walk out of a gun store with an AK–47 rifle, an Uzi or other weapon of mass murder under their arm.

Unless Congress acts—and Republican leaders show no inclination to do so—the 10-year-old federal assault gun ban will expire Sept. 13. A word from President Bush would get a renewal before lawmakers, a majority of whom would probably approve it. But the president is silent.

Most people, including most gun owners, are properly alarmed. A survey released last month by the University of Pennsylvania's Annenberg Public Policy Center found that 71% of those surveyed and 64% of gun owners wanted Congress to extend the ban.

But congressional leaders, too accustomed to taking marching orders from the National Rifle Assn., have stymied the reauthorization bill that Sens. Dianne Feinstein (D-Calif.), John W. Warner (R-Va.) and Charles E. Schumer (D-N.Y.) introduced last year.

The 1994 ban bars the manufacture and importation of 19 specific semiautomatic gun models and other models with similar features. These are not hunting weapons; what they do best is mow down humans, from factory workers to 6-year-olds in a school cafeteria. That's why Los Angeles Police Chief William J. Bratton and his colleagues in other cities steadfastly support renewing the ban. Bans by the states on such weapons, including California's, would stay in effect. But there would be no bar against Californians buying such guns in Nevada or elsewhere.

The NRA disingenuously insists that the federal law is flawed because it prohibits some guns while permitting virtually identical weapons cosmetically tweaked to evade the law's reach. But when Feinstein proposed a more inclusive ban, similar to California's, which defines assault guns by their generic characteristics, the NRA crushed it. It also blocked her effort to close a loophole in the current law that allows importation of high-capacity bullet clips.

However tempting it is to blame Congress for the stalemate over this bill, the leadership failure is really the president's. Bush has said he backs the ban. He also wants the NRA's political endorsement, which the gun group is withholding until after the ban expires. So Bush has put no pressure on Senate Majority Leader Bill Frist (R-Tenn.) or House Speaker J. Dennis Hastert (R-Ill.) to move Feinstein's measure or its House counterpart.

If Bush says the word, Frist and Hastert will put the gun ban extension before their colleagues for a vote. And if Bush means it when he says his top priority is to keep Americans safe, he will do just that.

[From the Los Angeles Times, July 13, 2004]

Reload the Assault Gun Ban

Two months from today, the federal assault weapons ban dissolves like a wisp of gun smoke. Even though he proudly carried the National Rifle Assn.'s seal of approval in 2000, President Bush says he supports renewing the 10-year-old ban, but he has refused to push Congress in that direction. His word to congressional leaders would matter greatly now, just as his continued silence suggests that he values the NRA's support over Americans' safety.

The NRA's strategy is to get its friends in Congress to run out the clock on the assault weapons ban. Toward that end, House leaders have blocked any vote on bills to extend the ban for another decade, and a Senate bill amended with renewal language died in March. Yet congressional leaders are pushing for votes on time-wasting wedge issues such as proposed constitutional amendments banning same-sex marriage and flag desecration.

The 1994 ban bars the manufacture and importation of 19 specific semiautomatic gun models and others with similar features. These aren't hunting weapons, unless you consider a classroom full of 7-year-olds or swing-shift workers at a factory to be prey.

The NRA loudly insists that the law is flawed because it bars some guns while allowing nearly identical weapons that have been cosmetically tweaked. That's absolutely correct. But when Sen. Dianne Feinstein (D-Calif.), who sponsored the 1994 ban, proposed a more inclusive ban, like California's, which defines assault guns by their generic characteristics, the NRA crushed it. It also killed her effort to close a loophole in the current law that allows importation of high-capacity bullet clips. If the federal law does expire, California's assault gun ban would stay in effect. But there would be no bar against Californians buying these weapons of mass destruction in Nevada or elsewhere.

Bush justifies the war in Iraq by insisting that it has made this nation safer. But the president and his congressional allies risk making American cities and towns far more dangerous by their shameful failure to renew the assault gun ban. They have just 61 days left.

[From the Washington Post, May 25, 2003]

Weapons for Terrorism

Some of the most efficient firearms sought by terrorists—international as well as domestic—may flood the markets of this country if Congress fails to renew a federal ban on semiautomatic assault-style weapons. The ban is scheduled to expire next year after a decade in force; House Majority Leader Tom DeLay (R-Tex.) announced at one point recently that the House would not even have a vote on the matter. But House Speaker J. Dennis Hastert (R-Ill.) then insisted that no final decision had been made, noting that he first wants to talk to President Bush, who has been on record as supporting the ban. That's the right position, but it will take more than presidential lip service to uphold it in an election year.

The 1994 law made it illegal to manufacture, transfer or possess 19 specific models of semiautomatic weapons. It also banned ammunition magazines that hold more than 10 rounds. If anything, the law needs to be strengthened. A Congressional Research Service report released last week found that U.S. gun laws in general can be easily exploited by terrorist operatives shopping for weapons in this country. In the case of assault weapons, the gun industry has found clever ways to make cosmetic design changes in their models to get around the federal ban. Even so, according to the Brady Center to Prevent Gun Violence, every major law enforcement organization in the country has supported the ban. These groups point out that these firearms remain the weapons of choice for drug traffickers, gangs and paramilitary groups. As weak as the ban may be, evidence exists that the number of assault weapons traced to crimes dips when such laws are in place. In Maryland, for example, a ban on assault pistols took effect in June 1994. The Brady Center found that the number of these guns recovered by Baltimore police in the first six months of 1995 was down 45 percent from the comparable period the year before.

The ban on assault weapons needs time and broadening to have more effect. Reopening the gates to still more assault weapons makes no sense in civilized society. Congress and the president ought not make it any easier for terrorists, deranged people, drive-by shooters or criminals—foreign or domestic—to kill and maim.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I want to address the motion to proceed to the amendment now pending before the body, the Federal marriage amendment. One of the arguments that I hear again and again—I guess I am so shocked and amazed that somebody would actually make the argument that I perhaps have not done a very good job in responding to it.

For the record, I think it is important to respond to the argument that has been made twice this afternoon on the floor by the Senator from Wisconsin and the Senator from Maryland, that the constitutional amendment process is for expanding and not limiting rights. In other words, they think the only permissible purpose of a constitutional amendment is to expand, not limit individual rights, presumably including the right to same-sex marriage.

These are the same people who accuse supporters of wanting to "write discrimination into the Constitution." I find the argument disturbing and offensive, but I also find it somewhat revealing. I wish that everyone who was engaged in this debate would take counsel in the words the distinguished Senator from Massachusetts, who is in the Chamber, once stated during the course of the debate on the Defense of Marriage Act back in 1996. Even though he did not support the Defense of Marriage Act at that time, he observed that "there are strongly held religious, ethical, and moral beliefs that are different from mine with regard to the issue of same-sex marriage, which I respect and which are no indication of intolerance." I agree with those words.

To those who consider the traditional institution of marriage to be about discrimination, they have already, somehow, made same-sex marriage into a right that is the status quo that those who want to preserve traditional marriage are trying to discriminate against. I don't know whether it is just a technique of argument to try to pin the idea of discrimination or of wanting to limit rights on those who basically want to preserve the status quo as it has existed in our civilization for 5,000 years, and certainly in this country for as long as it has existed or whether they actually have bought into the specious argument that somehow wanting to preserve the institution of traditional marriage for the benefit of the American family and our children is about limiting rights.

It is nothing of the kind. Indeed, both the NAACP and the American Bar Association have testified that they have no position on whether traditional marriage laws should remain on the books.

Now, setting that aside for just a moment, which is rather amazing in and of itself, if marriage were about discrimination, surely both the NAACP and the American Bar Association would oppose it. But it is not, and they did not. To the contrary, religious leaders in every community across America have expressed their support for traditional marriage. They recognize the importance of traditional marriage in their respective communities, including many communities that are all too familiar with the scourge of discrimination.

Indeed, during some of the hearings that we have had on this issue in the Senate Judiciary Committee, we had individuals such as Rev. Ray Hammond of the Bethel African Methodist Episcopal Church in Boston; Rev. Richard Richardson of the St. Paul African Methodist Episcopal Church in Boston; and Pastor Daniel de Leon, Sr., of Alianza de Ministerious Evangelicos Nacionales, otherwise known as AMEN, and Templo Calvario in Santa Ana, CA. Surely, these people, who have fought their entire lives against racial discrimination, and who support traditional marriage, cannot be labeled as bigots or wanting to limit rights or somehow wanting to write discrimination into the Constitution. To the contrary, they understand that it is traditional marriage that represents the status quo.

It was a basic assumption of John Adams when he penned the Massachusetts Constitution but which was rewritten at the hand of four judges on the Massachusetts Supreme Court.

It is those of us who are arguing for this constitutional amendment to preserve the status quo in this country who are doing just that and not attempting to limit rights. Rather, it is telling that those who make accusations are so intolerant of the democratic process contained in article V of the U.S. Constitution that provides a means for the people to express their views and to have a voice, to have a vote on something as important as this.

It is precisely because these activists believe traditional marriage is about discrimination that they believe all traditional marriage laws are unconstitutional and, therefore, must be abolished by the courts. These activists have left the American people with no middle ground. They accuse others of writing discrimination into the Constitution, yet they are the ones writing the American people out of our constitutional democracy.

As I have often said, and I think it is worth saying again, the American people believe in two fundamental propositions, at least, among others: One is the essential dignity and worth of every human being. This is not about wanting to limit rights or wanting to hurt anyone. This is about preserving something that is a positive social good in our society, that has stood the test of time, something that is important to the stability of our civilization, that is important because it is in the best interest of children.

I had the honor for 4 years to serve as attorney general of my State, and Texas is one of the few States where the attorney general has the privilege of enforcing child support obligations. I am very proud of the good work the men and women in my office did to improve our collection efforts by more than 80 percent in 4 years because they were literally able to put food on the table and a shelter over children who did not have that because they were denied the right given to them under our laws to have the financial support to which they are entitled. But it was there I became very aware of the challenges that confront children in a society that cares only about adults and thinks about children only as an afterthought.

We know, as Senator SANTORUM mentioned, the only place where we actually have some experience, some record of what happens when a radical experiment with the definition of marriage and traditional family takes place is we have this correlation with an increase in out-of-wedlock childbirths and more and more children who are at risk of a whole host of social ills.

As somebody who believes the family first and foremost is there to help those children as they grow, to avoid those risks and to grow up and be productive citizens, I do not think we ought to be taking any chances with the most important and fundamental institution we know of in our society that is designed to operate in their best interest, not coincidentally so that the American taxpayers do not have to continue spending their hard-earned money to provide services that might otherwise be provided by the family, or build more prisons or provide more opportunities for drug and alcohol rehabilitation, other risks that, unfortunately, too many of our children fall trap to today.

I found it very compelling that members of the minority community—African-American and Hispanic communities—particularly those who work in places such as Boston and California and elsewhere, are some of the most passionate about the importance of maintaining the traditional family against this attempt to write them out of our laws and out of our Constitution.

It seems the supporters of traditional marriage are faced with an unhappy task: Either we give up the traditional institution of marriage to those activists who want to rewrite the definition, who see marriage as nothing more than discrimination, or we enshrine traditional marriage with the constitutional protection our children need and deserve.

I believe the traditional institution of marriage is too important to sit on the sidelines or to fail to have this important debate. I believe it is worth defending, and that is why I support this important amendment.

I see the Senator from Massachusetts in the Chamber. I will be glad to yield so he may address the Chamber.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, under the previous agreement, I believe I am allotted 15 minutes; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. I yield myself 12 minutes.

Mr. President, we know there are many urgent challenges our country faces. The war in Iraq has brought sudden new dangers, imposed massive new costs, and is taking more and more American lives each week. At home, unemployment is still a crisis for millions of our citizens. Retirement savings are disappearing, school budgets are in crisis, college tuition is rising, prescription drug costs and other health care expenses are soaring, millions of Americans are uninsured, Federal budget deficits extend as far as the eye can see, we cannot even pass a budget bill, and our good friends, the Senator from California, Mrs. FEINSTEIN, and the Senator from New York, Mr. SCHUMER, spoke to the Senate about the importance of continuing the ban on assault weapons that has made such an extraordinary difference in helping to protect American lives and which is about to expire in the next several days. That is a matter we ought to be considering if we are interested in security and protecting the lives of American citizens, as well as if we are going to protect family values. But, no, that is not the opportunity we have under our Republican leadership.

We just celebrated the 40th anniversary of the great Civil Rights Act of 1964. Yet now, instead of dealing with the real priorities facing the Nation, the Republican leadership, President Bush, wants us to persuade Congress to write bigotry back into the Constitution by denying gays and lesbians the right to marry and receive the same benefits and protections married couples now have.

It could not be clearer that the Republican leadership has brought up this proposal for pure politics, not for its underlying merits. They are hoping to use the issue to drive a wedge between one group of citizens and the rest of the country solely for partisan advantage.

The Republican leadership does not want a vote on the merits. Do you hear me? The Republican leadership does not want a vote on the merits.

Last Friday, Senator REID informed the Senate that the Democrats were willing to accept a time agreement with a straight up-or-down vote on the Federal marriage amendment on Wednesday. We have cleared it on our side to do that, he said; we are ready to move forward on it; we are ready to rock and roll. Those were the words of the Senator from Nevada. And the Republican leadership refused our offer.

Can you imagine that? We have listened to all these statements, all these speeches about let the Senate exercise its will, let's take action, this is urgent, important, and we agreed to do it and they said no. No, no, the Republican leadership refused our offer, and we question their sincerity about this amendment when we offer and agree to vote at a certain time and they say, no, no, we are not going to do that; we feel passionately about this amendment; we believe in the importance of our amendment, but we do not want to permit you to vote on this amendment.

In all my years in the Senate, I do not recall a single instance in which the party that supported a measure refused an up-or-down vote on its merits and instead manipulated the process to produce a cloture vote on a motion to proceed. That is what we are faced with. You ask us why we doubt their sincerity, why we question the timing of bringing this up, and the process and the procedure when we on this side say, OK, we'll vote on it, and you say no. Oh, yes, we are sincere about our motives, we care deeply about children, we care about the Constitution, we care about all of these issues, but we don't want a vote. That just doesn't add up.

Obviously, they fear that too many Republican Senators would vote against the constitutional amendment on its merits. In fact, it is possible that it would not even get a majority of Senators to support it. When it became clear that a majority of the members in the Judiciary Committee did not support this proposal, they simply bypassed the committee process altogether.

This is not a serious debate about our constitutional tradition and values. If it were, we would have a vote on this tomorrow, up or down, as the Democratic leadership has proposed. Instead, it is a procedural way in order to put people on the record. It is a sham. It is a desperate ploy to divide the Nation for political advantage. The rabid reactionary religious right has rarely looked more ridiculous. They know they don't have the votes to come even close to passing this amendment, but they have a sufficient stranglehold on the White House and the Republican leadership in Congress to force the issue to a vote anyway, in a desperate effort to arouse their narrowminded constituency and somehow gain an advantage in the elections this year. My guess is their strategy will boomerang and that vastly more Americans will be turned off than are turned on by this appeal to stain the Constitution with their language of bigotry.

There is absolutely no need to amend the Constitution on this issue. As news reports from across the country make clear, Massachusetts and other States are already dealing with the issue, and doing it effectively, and doing it according to the wishes of the citizens of their States. Contrary to the claims of the supporters of the amendment, no State has been bound—listen to this—no State has been bound or will be bound by the rulings or laws on same-sex marriage in any other State. That is the constitutional law. You can hear it described in other forms out here, and surely it has been, but I have just stated the constitutional law.

Longstanding constitutional precedents make clear that the States have broad discretion in deciding to what extent they will honor other States' laws on sensitive questions about marriage and raising families. The Federal statute enacted in 1996, the Defense of Marriage Act, makes the possibility of nationwide enforceability even more remote.

So if it is not necessary to amend the Constitution, it is necessary not to amend it. In more than 200 years of our history, we have amended the Constitution only 17 times since the adoption of the Bill of Rights. Many of those amendments have been adopted to expand and protect people's rights.

Having endorsed this shameful proposed amendment in an effort to divide Americans and assist the faltering election campaign, President Bush will go down in history as the first President to try to write bigotry back into the Constitution. No one can now claim with a straight face that he has lived up to the campaign promise to be a uniter and not a divider.

The manner in which this amendment has been brought up to the Senate floor is disgraceful. The Republican leadership has decided to bypass the usual process of debating and marking up proposed constitutional amendments in the Judiciary Committee. They know they do not have the votes to pass it out of the committee. They also know they do not have the two-thirds majority they need to pass the amendment in the full Senate, but they have chosen to rush it to the floor of the Senate anyway, in an effort to embarrass Democrats before our convention at the end of the month.

It is Republicans who should be embarrassed. As Chairman HATCH once said:

> It denigrates the committee process to bypass the Judiciary Committee, especially when an amendment to the Constitution of the United States of America, the most important document in the history of the Nation, is involved.

In the past 25 years, only 2 amendments out of 19 have been considered on the Senate floor without having been referred to the committee first. In both these cases, the amendment was brought before the full Senate by unanimous consent. Trying to write discrimination in the Constitution is bad enough, but throwing the Senate rules out the window and proceeding with a discriminatory amendment that the majority of Americans do not want and a majority of the Senators don't support solely for the purpose of scoring points in a Presidential election campaign demeans this institution and all who have served in it.

This debate is about politics—an attempt to drive a wedge between one group of citizens and the rest of the country solely for partisan advantage. We have rejected that tactic before, and we should reject it again.

In the Goodridge case, the Massachusetts Supreme Judicial Court was interpreting the Massachusetts Constitution, not the U.S. Constitution. As a rule, the Federal Government has no authority to tell States how to interpret their own laws and constitutions. The Federal marriage constitutional amendment would change this fundamental principle of State sovereignty by imposing a rule of interpretation on State courts.

I am certainly glad it was not done at other times of American history. The Massachusetts Constitution was written by John Adams in 1780. He wrote it virtually himself, much of it copied by the Constitutional Convention in 1787.

In 1783, the issue of slavery came before the Massachusetts Supreme Court, and Massachusetts has the only constitution of all 50 States that has been interpreted as barring slavery. We were the first State of all the States to ban slavery, the only State that banned it in the constitution itself, Massachusetts, under John Adams, the only State, in 1783. And we had slaves in my State for 150 years before it.

So it is nice to hear our colleagues talk about Massachusetts and about our court and our judges there. I remind our colleagues, of the seven Massachusetts judges who voted, six were and are Republicans. Only one is a Democrat. Six are Republicans. I happen to be someone who supports the court decision in Massachusetts. I am proud of them.

But make no mistake, a vote for the Federal marriage constitutional amendment is a vote against civil unions, domestic partnerships, and other efforts by States to treat gays and lesbians fairly under the law. It is a vote against allowing States to decide these issues for themselves. It is a vote for imposing discrimination, plain and simple, on all 50 States.

Supporters of the proposed amendment claim that religious freedom is somehow under attack by States that grant the same rights and the same benefits to same-sex couples that married couples now have. But as the first amendment makes clear, no court, no State, no Congress can tell any church, any religious group, how to conduct its own affairs. No court, no State, no Congress can require any church, any synagogue, any mosque to perform a same-sex marriage. Not a single church in Massachusetts or any other State has been required to do anything it doesn't want to do, and that will continue to be the case so long as the Federal marriage constitutional amendment does not take place.

The true threat to religious freedom is posed by the Federal marriage amendment itself, which would tell churches they cannot consecrate a same-sex marriage, even though some churches are now doing so. The amendment would flagrantly interfere with the decisions of religious communities and undermine the longstanding separation of church and state in our society.

As Rabbi Michael Namath, a member of the Union for Reform Judaism and the Central Conference of American Rabbis, explained in a recent forum:

> Some religious traditions, including Reform Judaism, recognize the legitimacy of same-sex unions. Many Reform rabbis around the country routinely perform same-sex weddings. Yet some warn that if the FMA were adopted, performing a religious wedding ceremony for a same-sex couple might be unconstitutional, illegal. . . . The FMA would give the federal government express authority to bar religious groups from sanctioning same-sex marriage—and the authority to punish those that do.
>
> . . . Court challenges on "free exercise" grounds may not succeed because the Federal Marriage Amendment, being the more recent addition to the Constitution, might supersede the "free exercise" clause. If so, this would undermine the foundations of our country.

The PRESIDING OFFICER. The Senator has used the 12 minutes.

Mr. KENNEDY. Mr. President, those who oppose gay marriage and disagree with the recent decision by the supreme judicial court have a first amendment right to express their views.

There is no justification for attempting to undermine the separation of church and state in our society or to write discriminations against gays and lesbians in the U.S. Constitution. Too often the debate over the definition of marriage and its legal incidence have ignored the very personal and loving family relationships that would be prohibited by a constitutional amendment.

More and more children across the country today have same-sex parents. What does it do to these children and their well-being when the President of the United States and the Senate Republican leadership say their parents are second-class citizens?

The decision by the Massachusetts court addressed the many rights available to married couples under the State law, including the right to be treated fairly by the State's tax laws, to share insurance coverage, to visit loved ones in the hospitals, to receive health benefits, family leave benefits, and survivor benefits. In fact, there are now more than a thousand Federal rights and benefits based on marriage.

Gay couples and their children deserve to share in all of these rights and benefits, too. Supporters of the amendment have tried to shift the debate away from equal rights by claiming their only concern is the definition of marriage, but many supporters of the amendment are against civil union laws as well and against any other rights for gays or lesbians.

Just last month we saw a new dawn for civil rights in the Senate. On an amendment to the Defense authorization bill, we passed our bipartisan hate crimes legislation by an overwhelming majority, 65 to 33. Thanks in large part to the courageous and effective leadership of Senator GORDON SMITH, 18 Republican Senators joined all Democratic Senators in approving this needed protection against hate-motivated violence. Last month's vote on hate crimes showed the Senate at its best. The decision to bring up this divisive, discriminatory, and unnecessary amendment does just the opposite.

We have far better things to do in the Senate than write bigotry and prejudice into the Constitution. We should deal with the real issues of war and peace, jobs and the economy, and many other priorities demand our attention so urgently in these troubled times. I urge my colleagues to reject this discriminatory proposal.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, did the distinguished Democratic whip wish to be recognized?

Mr. REID. Did the Senator from Colorado have something he wanted to say?

Mr. ALLARD. I was going to yield some time to the senior Senator from Virginia.

Mr. REID. If I could be heard briefly, we on this side are seeing the end of people who wish to speak tonight. The only speakers we have remaining, following Senator DAYTON, are Senator CLINTON for 15 minutes and Senator JEFFORDS for 10 minutes. I ask unanimous consent that in the usual order we have been using today of back and forth, Senator CLINTON next be recognized, Senator JEFFORDS be recognized following that, and if the Republicans have speakers interspersed between those we understand that.

Mr. ALLARD. Let me understand the Senator's request. We have been alternating back and forth.

Mr. REID. We will continue to do that.

Mr. ALLARD. We will continue to do that on this side?

Mr. REID. I was saying, if the Republican side did not have a speaker we would go ahead.

Mr. ALLARD. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. Mr. President, I yield the senior Senator from Virginia such time as he may consume.

Mr. WARNER. Ten minutes.

Mr. ALLARD. I yield him 10 minutes. It is always a pleasure to be able to recognize him because we all admire the work he does. I am particularly proud to be able to serve with him on the Armed Services Committee. He is the chairman and does a great job.

The PRESIDING OFFICER. The senior Senator from Virginia.

Mr. WARNER. I thank my distinguished colleague from Colorado. I commend him, as well as the Senators from Texas, Pennsylvania, and Alabama, and so many who have worked on this important constitutional amendment, S.J. Res. 40.

I have listened to the debate the past several days. I have actually gone back, together with my staff, and reviewed the CONGRESSIONAL RECORD of Friday and Monday. I feel obligated to indicate to the Senate my own views with regard to this resolution and what I intend to do.

First, I intend to vote in support of cloture on the motion to proceed to the Federal Marriage Amendment, S.J. Res. 40. I feel very strongly that the Senate should be accorded the opportunity to debate in full and to amend, if it is necessary, and I think it is necessary, S.J. Res. 40.

For that purpose, I hope cloture prevails and that we can, as a body, continue to address this very important legislation. It is of utmost seriousness.

My greatest concern throughout this process is the heavy weight that rests on all of us when we go to amend that document which has enabled this Republic—each morning we open the Senate by our Pledge of Allegiance to this Republic, which I think historians will agree is the longest continuous surviving republic in the history of the world. It is a remarkable document, the wisdom that is incorporated in our Constitution, the Declaration of Independence, and Bill of Rights.

Therefore, I think it is incumbent upon the Congress to proceed with the utmost care when amending our Constitution. I think that should be brought out in the ensuing debate if cloture prevails, and I hope it will, and I lend my support.

The proposed constitutional amendment reads as follows:

> Marriage in the United States shall consist only of the union of a man and a woman. . . .

I unequivocally support that part of this resolution. The second part, which reads:

> Neither this Constitution, nor the constitution of any State, shall be construed to require that marriage or the legal incidents thereof be conferred upon any union other than the union of a man and woman.

Therein rests a concern that I have with S.J. Res. 40, and one I will work with others to address in the event hopefully that this Senate will continue its debate and the amendment process. I unequivocally support the first sentence, as I said. The time-honored tradition of marriage between a man and a woman ought to be protected in light of the attacks by certain opportunists in the judiciary on this time-honored part of our culture and heritage, a culture and heritage that our Nation, a young nation, shares with nations far older than ours.

Again, the second sentence gives me this pause, despite the statements by many of my colleagues to indicate what they believe the intent is. I do not think it speaks to the clarity that the public is entitled to and wants, and this could lead to a great deal of confusion among the American public, and I do not want to create that confusion. It could lead to considerable litigation.

Perhaps of the greatest concern on my part, it could lead to some measure of hindrance of the ability of the several States, all 50 of them if necessary, to work their will through their legislatures on the very important issues that remain; namely, whether to recognize or not to recognize those other forms of relationships, particularly the domestic partnership relationships. For these reasons, I intend to align myself post-cloture with those Senators who seek to modify the resolution to retain only, and I repeat to retain only, the first sentence:

> Marriage in the United States shall consist only of the union of a man and a woman.

I see in the Chamber the distinguished Senator from Utah. I wonder if I might pose a question. As I look at this language which gives me pause and I have spoken to, the second sentence, "Neither this Constitution, nor the constitution of any State, shall be construed to require," suppose a State wishes to enact those laws they deem necessary on behalf of the people of that State, either to recognize or not to recognize the domestic partnership. Suppose they wish to put that in as a part of their constitution subject to the passage of this amendment. How would this amendment then be construed? Would it overrule a state's subsequent amendment to its own constitution?

Mr. HATCH. If this amendment was passed as the Senator reads that language, it does not prohibit the States from having civil unions or civil accommodations.

Mr. WARNER. Suppose they wish to do it not by statute but actually by an amendment to their constitution? The Senator and I understand that a constitutional amendment has a greater longevity than a statute because what the legislature does via statute one day they can undo the next day.

Mr. HATCH. So long as the action of the State, either legislatively or constitutionally, does not change the definition of a marriage as only between a man and a woman, the State would have the right to do whatever it wants to in that regard. This just merely makes it clear that nothing in the amendment requires the States to——

Mr. WARNER. I understand very clearly the intent of this in the minds of many. The State legislatures can take such steps. I believe there is a measure of confusion that causes me to pause. But it reads that "neither the Constitution nor the constitution of any State," and what the Senator says is they wish to but legislation not in the form of State law, but that constitutional provision would not then be overruled by this.

Mr. HATCH. The States would have great flexibility under this amendment. But they could not change the definition of the traditional terms. The Senator is correct in his interpretation.

Mr. WARNER. I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Thank you, Mr. President.

> We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness. . . .

With those immortal words 228 years ago, the signers of the Declaration of Independence set forth the founding principles of this country. They chose the word "unalienable" to mean that those rights were God-given. They were rights with which every person was born, not to depend upon the attitudes or ideologies of any government.

Eleven years later, after winning their War of Independence, after trying one unsatisfactory design of government, after many discussion, debates, arguments, and compromises, others signed their name to our United States Constitution. It was a remarkably far-sighted document—deserving of the word "visionary". It was intended to define, provide, and protect the rights of American citizens and the structure of their democratic government.

Unfortunately, their founding principles and idealism had some glaring deficiencies. When they said all men were created equal, they meant only men, and only white men. It took 130 more years before those constitutional rights were extended fully and equally to all citizens—to African-Americans, to women, and to everyone else. Those constitutional amendments signaled only the starting points, not the finish lines, to full opportunities, equal protections, and freedom from discrimination, harassment, and assault. Those paths were difficult, often dangerous, and sometimes even fatal for their travelers. Slowly, too slowly, unevenly, yet inexorably This country has progressed toward the realization of those God-given rights: life, liberty, and the pursuit of happiness, for every American citizen.

The life that God gives each of us; the liberty to be as God made us; and the right to pursue our individual needs, goals, and fulfillments—whatever necessary ingredients of our happiness. We receive no assurances of happiness, but the promise we have the God-given right to pursue it.

Today, we are a Nation of 293 million citizens. That is a lot of very different people pursuing a lot of very different forms of happiness. It is an enormous and continuous challenge for government to permit life, liberty, and pursuit of happiness and to decide where limits must be established.

The Constitution requires, however, that those limits must apply fairly and justly—and that those liberties can only be taken away for a compelling reason and through a due process.

People's differences are no longer legitimate reasons. Not different colors of skin, different religious beliefs, different genders, nationalities, or physical characteristics. People don't have to like other people's differences, but they must allow and tolerate them.

Allowing and tolerating differences is what separates democracies from dictatorships. Even dictatorships allow behaviors and beliefs which conform to their ideas and ideologies. However, they will not permit or tolerate behaviors and beliefs which differ from theirs. Those groups of people are persecuted, punished, and even murdered for their differences.

It is sometimes difficult for those of us who live in democracies to allow other beliefs and behaviors, which we dislike or disapprove of. It is especially difficult if those other beliefs or behaviors differ from our own moral or religious views. Although our Constitution separates "church and state," we do not willingly give up or even compromise our strongly held beliefs based upon our religious teachings or moral values.

Many Americans who oppose gay and lesbian relationships or marriages believe they are called to do so by God, by Jesus Christ, by the Bible, or by another religion's instructions. Recently, I reread the Bible's New Testament, which provides the foundation and instruction for my Christian faith. I reluctantly bring the Bible into this debate, because I often hear people, who denounce homosexuality, claiming that "the Bible" or "the New Testament" supports their views.

However, in the entire New Testament, there is only one reference to same-sex relationships, in Chapter Two of Paul's Letter to the Romans. Jesus Christ does not mention them even once in any of the four Gospels.

Instead, His overriding instruction was to love thy neighbor as thyself. That was his second great commandment, which superseded all the rest.

Jesus also warned several times to beware of false prophets. How could they be identified? He said that they spread hate, instead of love.

I do not understand how some religions developed their strong prejudices against gays and lesbians—prejudices which are not only unsupported by Jesus' teachings in the Bible, but which even violate his instructions to love one another, as I have loved you, to judge not, lest ye be judged, to spread love, not hatred.

Yet the discrimination against gays and lesbians in this country has been filled with judgment and hatred.

Thousands of American citizens have been fired from their jobs, evicted from their homes, harassed, threatened, assaulted, even murdered, because of their sexual orientations. Some other Americans have spread that hatred and caused that harm, while professing their own religious piety and moral superiority.

Who has the authority to dispute that every human being is God's intentional creation; that we are different because God made us different, not superior, not inferior, just different, equal in the sight of God, equal in the U.S. Constitution?

There is a better way to resolve this widespread concern about the effects of couples' State court decisions on marriage—decisions which are being resolved by the legislatures and the people of those States, and which contrary to the "marriage is under terrorist attack" hysteria, as some politicians are promoting, do not threaten either the Federal laws or the State laws against same-sex marriages.

As others have noted, a 1996 Federal law, called the Defense of Marriage Act, already does what the proponents of this constitutional amendment want to do.

The Defense of Marriage Act was passed "to define and protect the institution of marriage." That law states:

> In determining the meaning of any act of Congress or of any ruling, regulation or interpretation of the various administrative bureaus and agencies of the United States, the word "marriage" means only a legal union between one man and one woman as husband and wife.

The law goes on to say that no State shall be required to recognize a same-sex relationship treated as marriage anywhere else. That is the law of the United States of America, unchallenged Federal law. How much more protection could the institution of marriage need from the Congress? None.

The proposed constitutional amendment has not one whit of additional legal protection to what the Federal law already provides, so why are we being subjected to this charade of politicians' piety, an oxymoron if ever there was one? It is an election year, a Presidential election year. It is no coincidence that the defense of marriage law was passed in 1996, another Presidential election year.

One can only wonder how marriage managed to make it through the 2000 Presidential election without something being done to it then.

That is really what is going on. This political ploy is not about "saving marriage"; it is about saving politicians' jobs. Thank goodness we have Senator so and so, they will say back home, to save us from the heathen hordes. Thank goodness we have the President saving us, too. We may not have jobs or health care. We cannot afford prescription drugs or gasoline. They are bankrupting the Federal Government with deficits, they are destroying our credibility throughout the world, they made a mess of Iraq, they cannot find weapons of mass destruction or Osama bin Laden or whoever shut down Congress with anthrax or ricin, but they are defending marriage—again and again and again and again. Let's reelect them.

It is a tragic day in America when politicians exploit the Constitution of the United States to get themselves reelected. It is a tragic day for millions of Americans who are being exploited by those politicians. This is a hurtful, hateful, harmful debate for America, one that only will get uglier, meaner, more divisive, and more dangerous if it moves on to State legislatures as the constitutional amendment requires.

It must be stopped here and now. That is why I will vote against the constitutional amendment. If my colleagues really do want to save marriage for now and for posterity, turn it over to the authority of established religions. In the many wedding ceremonies which I attend, marriage is described as an institution created by God. Yet those services conclude with "whom God has joined together let no one cast assunder."

If marriage belongs to God, as I believe it does, then our separation of church and state government should not interfere with its administration by the properly chosen religious authorities. Instead, government should adopt a different term to use for the legal rights and responsibilities under a civil contract, which I believe any two adults should equally be able to enter into. Giving marriage back to the churches, synagogues, and mosques and separating it from government is marriage's salvation and society's solution.

Let us direct our efforts to protecting America from al-Qaida. Leave the Constitution alone and leave marriage to God.

I yield the floor.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from Utah.

Mr. REID. Will the Senator yield?

Mr. HATCH. I am happy to yield.

Mr. REID. Mr. President, we have two final speakers tonight, Senator CLINTON and Senator JEFFORDS. Following that, we would have no more speakers on this side.

So when the distinguished chairman of the committee finishes his speech, Senator CLINTON will be recognized and following that, Senator JEFFORDS.

Mr. HATCH. I think Senator BROWNBACK would like to be recognized. Following Senator CLINTON, Senator BROWNBACK will speak.

Mr. REID. How much time is left on both sides under the order already entered?

The PRESIDING OFFICER. There is 40 minutes on the Democrat side.

Mr. REID. Fine. And how about the majority?

The PRESIDING OFFICER. There is 75 minutes on the majority side.

Mr. REID. After the distinguished Senator from Utah speaks there will probably be no time left.

Mr. HATCH. He hopes. I have not noticed the great sense of humor lately of the Senator from Nevada but that was very good.

I will respond to some of the arguments that my colleagues have been making against this measure today.

First, I thank them for coming to the floor and making themselves heard. This is an extremely important issue and it deserves a serious debate. After all, we are talking about traditional marriage. We are talking about traditional marriage that has existed for more than 5,000 years that apparently is going to be overturned if we do not do something about it.

One argument I have heard from my colleagues on the other side of the aisle is on behalf of States rights. Yesterday, the distinguished Senator from California argued that we run the risk of violating the sacred rights of the States if we pass this amendment. This morning, her colleague from California, the junior Senator from California, made the same point. The distinguished Senator from Wisconsin, too, believes marriage should be defined in the States.

When Senators who normally argue for extending national power start citing George Will and Bob Barr, we should probably look at their arguments with a heightened level of scrutiny and maybe even security because there is something wrong here when these liberal Senators are using as their champions George Will and former Congressman Barr, who is one of the most conservative Congressmen who ever sat.

When legislators and other advocates who not only tolerate but actually embrace repeated judicial amendments to the Constitution—I will talk about judicial amendments to the Constitution—there is sudden resistance to popular amendments, the people's amendments, it must be taken with at least a grain of salt.

We are talking about judges taking over and amending the Constitution at will, which is what is happening in our society, and not only Justices of the Supreme Court but four liberal activist justices on the Massachusetts Supreme Court, binding every State through the full faith and credit clause to their concept of same-gender marriage. It was a 4-to-3 vote. Three liberal justices disagreed with the four liberal justices in Massachusetts.

They surely know, these friends of ours on the other side who are suddenly finding the importance of States rights, they surely know that by opposing a constitutional amendment to protect marriage, judges will continue imposing same-gender marriage over the will of the American people or over the will of the people in the States.

Their constituents deserve better than these misleading arguments. They know that.

We did not choose the schedule for this issue. It was chosen for us. And we do act reluctantly.

Let me pose a question. If this is such a political issue, why did President Bush and Vice President CHENEY indicate on the campaign trail in 2000 that it was premature to pursue an amendment? They both did, by the way. The American people were as opposed to amending traditional marriage then as they are now. The reason for this change in strategy is quite simple. In the year 2000, an amendment was premature. It is no longer.

In 1996, not one State required same-gender marriages—not one. Now, however, Massachusetts has. Massachusetts has, I have to say, because same-gender marriage is the law of the Commonwealth of Massachusetts, determined by four activist, liberal justices.

Today, 46 States, for the first time in history, have same-gender married couples living in them. That was not the case in the year 2000. And the argument that it was premature to call for a constitutional amendment was a good argument at that time, but not today, with 46 States with same-gender married couples living in them, and one State imposing its will through judicial legislation, if you will, on all 50 States.

Eleven States are having not only their traditional marriage laws but even a State amendment, in the case of Nebraska, targeted by committed interest groups. In Washington State, a couple married in Oregon is seeking recognition of their marriage. In New York, Attorney General Eliot Spitzer has amazingly concluded that even though New York law explicitly limits marriage to between a man and a woman, he—I guess the "god almighty" Attorney General of New York, Eliot Spitzer—will recognize same-gender marriages performed out of State.

He may be right because under the full faith and credit clause, that is what is going to be imposed on all States because of four avant-garde liberal justices in Massachusetts.

The list of legal challenges goes on. In the year 2000, when President Bush and Vice President CHENEY urged patience on this issue, traditional marriage was secure. The States could handle this issue on their own. Today, they no longer can, all because of four activist, liberal justices in Massachusetts versus three liberal justices in Massachusetts, in a 4-to-3 verdict.

Courts are poised to remove this issue from them, destroying the democratic principle of self-governance that some of these folks on the other side are arguing should never be done. Why, the States ought to have the right to determine these things for themselves.

Well, let me go over that one more time.

Courts are poised to remove this issue from the States, destroying the democratic principle of self-government that our Constitution was established to guarantee.

Gov. Mitt Romney, in his testimony before our committee last month, got the point and demonstrated the impact of his State court's decision to sanction same-gender marriage. I quote him:

> The effect of one state recognizing same-gender marriage will not be confined to Massachusetts alone. Our state's borders are porous. Citizens of our state will travel and may face sickness and injury in other states. In those cases, their spousal relationship may not be recognized, and it would be likely that litigation would result. Massachusetts residents will move to other states, and thus issues related to property rights, employer benefits, inheritance, and many others will arise. It is not possible for the issue to remain solely a Massachusetts issue; it must now be confronted on a national basis.

We need an amendment that restores and protects our societal definition of marriage, blocks judges from changing that definition, and then, consistent with the principles of federalism, leaves other policy issues regarding marriage to State legislatures. That is how the States can control this. That is the right way to have the people in charge rather than four liberal justices imposing this on all of America.

Like I say, I think gay people have a right to their lifestyle, certainly in the privacy of their home. But they do not have the right to impose that lifestyle or to impose their views on everybody in America by changing the definition of marriage. They should not have that right.

The real threat to the States is not the constitutional amendment process, in which the States participate, but activist judges who disregard the law and redefine marriage in order to impose their will on the States and on the whole Nation.

Governor Romney's diagnosis is correct. At this point, a commitment to States rights is a recipe for depriving States of any authority over the matter.

And so our Republican leadership did what leaders do, they adjusted their direction. Because the situation today is vastly different than what we faced in 2000, we require a different solution.

Our goals are not what Mrs. BOXER, the distinguished Senator from California, has described. Nobody here is concerned about whether same-gender couples should care about each other. Nobody here denies them that right. Nobody here is even concerned about that. And nobody is concerned about whether they are moving in down the street.

What we are concerned about is the likelihood that the courts are going to amend the laws in every State in the land by judicial fiat. We are concerned that a small interest group is lobbying the courts to do its dirty work, hoping that judicial fiat will accomplish what it cannot achieve in open political debate.

In not one State has the legislature amended its laws to allow for same-gender marriage—not one. We are fooling ourselves if we think that the courts care. They have already begun their work to undermine traditional marriage. And rest assured, more is on the way. If the States think they have sufficiently protected their traditional commitments to marriage, they had better think twice.

What we are witnessing is an unprecedented usurpation of the people's will. But those who support this judicial disregard for popular authority do not bravely defend this irresponsible activism. Instead, they take the easy way out. It should be left to the States, they say. Easier said than done. The fact is, these decisions are already being removed from the people by judicial fiat, by four justices in Massachusetts, of all places. The laws of this country, the laws of every State in the Nation, will be amended to allow for same-sex marriage absent our action. The two distinguished Senators from California, and the distinguished Senator from Wisconsin, Mr. FEINGOLD, and many others, do not address this likelihood in the least—not in the slightest.

As Senator DASCHLE is aware, the people of South Dakota are adamantly opposed to judicial amendment of their traditional marriage laws, and I suppose in most other States as well—in fact, every other State. For that reason, he has said he opposes same-gender marriage. But what happens when a gay couple moves from Massachusetts to South Dakota and seeks to have its union recognized? On this point, which is really the only question in this debate, he and his allies fall silent. What happens? Under the full faith and credit clause, that marriage is going to have to be recognized.

Unfortunately, the will of those citizens will not matter in the least to a judiciary bent on securing same-gender marriage throughout the land. We have demonstrated through our discussion of the Lawrence case, the Romer case, and the Defense of Marriage Act, that the courts are ready to act. It is telling that in a constitutional debate we have not heard one peep from the opposition about these relevant legal precedents.

I can understand how these discussions might make the opposition uncomfortable. Their lesson is clear. Same-gender marriage will replace traditional marriage unless we act. It is that simple.

And you folks out there watching this, you better tell your Senators they better act on this or traditional marriage is going to bite the dust because of four activist, liberal justices from Massachusetts who had one more vote than the three who voted against them.

When we see cracks in a dam, we take steps to repair those cracks. We do not wait until the dam breaks and we have to build a new one. Well, the only way to repair the current legal situation on marriage is to pass a constitutional amendment. I wish it was not, but it is.

My colleagues are not addressing the legal concerns. Instead of arguing about the Constitution, some of them have taken cheap shots and contend that we are engaging in discrimination. Come on. We are in the 21st century. I don't know of anybody in this body who engages in discrimination. Certainly I don't.

Does this mean more than three-fourths of the States are bigoted? That is how many enacted the Defense of Marriage Act to preserve traditional marriage. Does this mean the vast majority of the American people are bigoted? Or that Senators JOHN KERRY and JOHN EDWARDS are? Of course not. What about Rev. Walter Fauntroy, former Member of Congress, the African-American pastor of Washington's New Bethel Baptist Church, and Bishop Wilton Gregory, the African- American president of the United States Conference of Catholic Bishops? The answer to all of these is no. Similarly, I do not think it is proper to conclude that the more than 60 percent of Senator BOXER and FEINSTEIN's own constituents who voted for traditional marriage are bigots either. They are not.

Those making these slanderous accusations are well aware that many of those in favor of an amendment have frequently pursued legislation to protect the rights of gay citizens. Our attempts to protect traditional marriage laws have nothing to do with the private choices of gay and lesbian citizens; they have everything to do with the right of the American people to protect traditional marriage, which, in addition to its private elements, is a public institution with clear public purposes—namely, the rearing of future citizens. Our efforts simply seek to maintain the right of the American people to decide this issue for themselves through their elected representatives, which will be taken away from them if we allow the Supreme Court of Massachusetts to dictate this rule of law to every State in the Union.

My colleagues making these arguments might want to at least look at article V of the Constitution. An amendment only becomes law once three-quarters of the States agree to it. In short, the States are the integral part of the amendment process. I have stopped trying to make sense of some of these so-called arguments of those opposed to protecting traditional marriage, but this one, that an amendment that requires the consent of the States would undercut the rights of the States, is particularly galling.

There is no going back now. This issue will be decided one way or another. Either the American people will amend the Constitution to protect traditional marriage or the courts will ignore the expressed commitments of citizens in every State and amend the Constitution to require same-gender marriage. The choice is ours.

I simply don't understand how the opposition can seriously claim that this issue does not merit our attention. I suggest it is one of the most important issues to ever come before either body of Congress. Without self-government, all of our other rights are for naught. That is exactly what is at stake. We are expanding rights through this amendment. We are further securing the rights of democratic communities to decide this most important of social policies on their own, rather than having them stripped from them by unaccountable and unrepresentative judges.

Let me make this last point absolutely clear: We are not restricting rights with this amendment. We are expanding the rights of democratic communities to decide issues for themselves.

Before I close, I would like to go through a few of these charts because I believe they make the case very well. This first chart says, "Not one legislature has voted to recognize same-sex unions." Think about it. In 1996, not one had voted to recognize same-sex unions, not one. All of the blue stands for the zero. But in 2004, we now have 46 States with same-sex married couples from Massachusetts and some of these other rogue jurisdictions. As you can see, there are very few States—only four—that do not have it: Maine, West Virginia, Louisiana, and Montana. Every other State has same-gender marriages within those States that will have to be recognized under the full faith and credit clause against the wishes of those particular States.

Look at this next chart: "States that define marriage as a union between a man and a woman." The red States or orange States are States that define marriage as the union between a man and a woman. The only ones that do not are Oregon, New Mexico, Wisconsin, New Jersey, Connecticut, Rhode Island, Massachusetts, and New York. They are the only States that have not defined marriage as only between a man and a woman. All other States have done that, including Alaska and Hawaii, the two that are out in the ocean there. That is a very telling chart. We have these people saying: We are taking the rights away from the people to decide these things. No. We are taking the rights away from the courts to tell everybody in America what they should do, and all these States that have enacted traditional marriage laws, all of these States are going to be overruled by four liberal, activist, radical justices on the Massachusetts Supreme Court.

Look at what Kevin Cathcart of Lambda Legal, one of the leading gay rights organizations, said:

> We won't stop until we have [same-sex] marriage nationwide.

Justice Scalia was very prescient when he said:

> The Lawrence decision leaves on pretty shaky grounds State laws limiting marriage to opposite-sex couples.

Evan Wolfson, director of Freedom to Marry, another gay rights organization, said:

> But when Scalia is right, he's right. We stand today on the threshold of winning the freedom to marry. This is a big issue.

Professor Laurence Tribe, highly respected liberal spokesperson for the liberal cause, constitutional law professor at Harvard Law School, a person I personally enjoy listening to, very bright, very fine teacher, he had this to say:

> You'd have to be tone deaf not to get the message from Lawrence that anything that invites people to give same-sex couples less than full respect is constitutionally suspect.

Now, one last one here. This last one shows States with pending court cases involving same-sex marriage. The ones that are in the rust color, you will notice, are States with pending court cases involving same-sex marriage. These are the States where already we have pending cases: Washington, Oregon, California, New Mexico, Wisconsin, Indiana, Florida, North Carolina, West Virginia, Pennsylvania, Maryland, Delaware, New Jersey, New York, Vermont, and Massachusetts. Those are States where we already have pending cases forcing this on those States. I suppose that most all the others will, too, but they may not have to go into all the other States because any one of those States could also impose this, as Massachusetts has done as well.

We are talking about a very important issue, and that is that gays should have a right to their own way of living. I would certainly stand up to try and do what is right and fair for gay people in our society. I have. I have done it and taken a lot of criticism for having done so. I have been right to do so. But they should not have a right to redefine traditional marriage through four activist, liberal justices in the State of Massachusetts imposing their will on all of America because of the full faith and credit clause.

Even though 40 States have adopted the Defense of Marriage Act, most constitutional scholars agree that the Defense of Marriage Act will be ruled by these cases unconstitutional, and thus every State in the Union, against the will of the people, will have to recognize gay marriage, or will have their concepts of traditional marriage, which have been uniform throughout the country just blasted into smithereens—all, again, because of a liberal court in Massachusetts.

I hate to say this, but it is true. Our colleagues on the other side want liberal judges. The reason is because liberal judges can enact legislation from the bench. You will notice the word "legislation" should never be part of the judging process. But they can and will enact legislation, as these Massachusetts judges have done, which these liberals could never get through the elected representatives of the people in a million years. They don't want the people to decide this. They want the courts to decide it. That is what they say when they say they believe in States rights—that Massachusetts should determine for all of America how marriage should be defined.

As you can see, we are in a plethora of lawsuits. It is not going to stop until we take the bull by the horns and pass a constitutional amendment. I think most people would acknowledge that this amendment does not have the votes at this point; it doesn't have 67 votes. But this debate is very important. I don't know of a more important debate in our country's history. If we undermine traditional marriage in our society, I think we are going to regret it.

I don't think judges should determine the sociology of our society. I don't think they should be legislating from the bench. I don't think judges should be making these decisions unilaterally, and a 4-to-3 decision was made in this particular case. I think the people ought to make this decision. We know that 40 States have already adopted the Defense of Marriage Act, which is likely to be struck down. I believe the other 10 States will adopt it before it is all over. This was done by four activist judges in Massachusetts versus three others who are also liberals, but they would not go as far as to strike down traditional marriage.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mrs. CLINTON. Mr. President, I have listened with great interest to the debate over the last several days. I believe there are many sincere positions being advocated on this floor on really all sides of this issue, because there are many sides. This is an incredibly important and quite solemn responsibility that we have before us.

S.J. Res. 40, this joint resolution, proposes an amendment to the Constitution of the United States relating to marriage. So maybe even more than the usual debate, this calls for each of us to be engaged, to be accurate, and to be thoughtful about the positions we take with respect to this proposed amendment.

Now, a number of my colleagues have come to the floor to speak about the solemn responsibility that we hold in our hands with respect to amending our Constitution. I am in agreement that the Constitution is a living and working, extraordinary human accomplishment that protects our citizens, grants us the rights that make us free, and we in this body took an oath; we swore to defend and protect the Constitution of the United States.

So to consider altering this document, one of the greatest documents in the history of humanity, is a responsibility no Member can or should enter into lightly, for what we do here will not only affect our fellow citizens in the year 2004, but it will affect every generation of Americans to come.

As Henry Clay once observed:

> The Constitution of the United States was made not merely for the generation that then existed, but for posterity—unlimited, undefined, endless, perpetual posterity.

So we do owe an obligation to those we represent today and to future generations as we embark upon this very solemn undertaking. We should not amend the Constitution to decide any issue that can and will be resolved by less drastic means. We should not amend the Constitution to federalize an issue that has been the province of the States since our founding—in fact, as Senator KENNEDY reminded us, even before our founding as a nation.

I believe marriage is not just a bond but a sacred bond between a man and a woman. I have had occasion in my life to defend marriage, to stand up for marriage, to believe in the hard work and challenge of marriage. So I take umbrage at anyone who might suggest that those of us who worry about amending the Constitution are less committed to the sanctity of marriage, or to the fundamental bedrock principle that exists between a man and a woman, going back into the midst of history as one of the foundational institutions of history and humanity and civilization, and that its primary, principal role during those millennia has been the raising and socializing of children for the society into which they become adults.

Now, if we were really concerned about marriage and the fact that so many marriages today end in divorce, and so many children are then put into the incredibly difficult position of having to live with the consequences of divorce, perhaps 20, 30 years ago we should have been debating an amendment to the Federal Constitution to make divorce really, really hard, to take it out of the States' hands and say that we will not liberalize divorce, we will not move toward no-fault divorce, and we will make it as difficult as possible because we fear the consequences of liberalizing divorce laws.

If one looks at the consequences of the numbers of divorces, the breakup of the traditional family, you could make an argument for that. If we were concerned about marriage, why were we not concerned about marriage when marriage was under pressure over the last decades because of changing roles, because of changing decisions, because of the laws in the States that were making it easier for people—husbands, wives, mothers, and fathers—to get divorced?

We searched, and I don't see anyone in the history of the Senate or the House who put forward an amendment to try to stop the increasing number of divorces in order to stem the problem and the difficulties that clearly have been visited upon adults certainly but principally children because of the ease of divorce in this society over the last decade. We didn't do that.

We could stand on this floor for hours talking about the importance of marriage, the significance of the role of marriage in not only bringing children into the world but enabling them to be successful citizens in the world. How many of us have struggled for years to deal with the consequences of illegitimacy, of out-of-wedlock births, of divorce, of the kinds of anomie and disassociation that too many children experienced because of that.

I think that if we were really concerned about marriage and that we believed it had a role in the Federal Constitution, we have been missing in action. We should have been in this Chamber trying to amend our Constitution to take away at the very first blush the idea of no-fault divorce, try to get in there and tell the States what they should and should not do with respect to marriage and divorce, maybe try to write an amendment to the Constitution about custody matters. Maybe we should have it be a presumption in our Federal marriage law that joint custody is the rule. Maybe we ought to just substitute ourselves for States, for judges, for individuals who are making these decisions every single day throughout our Nation.

We did not do that, did we? Can any of us stand here and feel good about all of the social consequences, the economic consequences? We know divorce leads to a lowered standard of living for women and children. Then, of course, if we were to deal with some of the consequences of out-of-wedlock births, the lack of marriage, we could have addressed that in a constitutional amendment. Perhaps we should have amended the Constitution to mandate marriage.

Is it really marriage we are protecting? I believe marriage should be protected. I believe marriage is essential, but I do not, for the life of me, understand how amending the Constitution of the United States with respect to same-gender marriages really gets at the root of the problem of marriage in America. It is like my late father used to say: It is like closing the barn door after the horse has left.

We hear all of these speeches and see these charts about the impact on marriage. We are living in a society where people have engaged in divorce at a rapid, accelerated rate. We all know it is something that has led to the consequences with respect to the economy, to society, to psychology, and emotion that so often mark a young child's path to adulthood.

So what are we doing here? Some say that even though marriage has been under pressure—which, indeed, it has—and has suffered because of changing attitudes toward marriage now for quite some years, even though most States are moving as rapidly as possible to prohibit same-gender marriages, we have to step in with a Federal constitutional amendment.

The States, which have always defined and enforced the laws of marriage, are taking action. Thirty-eight States—maybe it is up to 40 now—already have laws banning same-sex marriage. Voters in at least eight States are considering amendments to their constitutions reserving marriage to unions between a man and a woman. But the sponsors argue that we have to act with a Federal constitutional amendment because the full faith and credit clause of the Constitution will eventually force States, if there are any left, that do not wish to recognize same-sex marriages to do so.

That is not the way I read the case law. With all due respect, the way I read the case law is that the full faith and credit clause has never been interpreted to mean that every State must recognize every marriage performed in every other State. We had States that allowed young people to marry when they were 14, and then States that allowed young people to marry when they were 16 or 18. The full faith and credit clause did not require that any other State recognize the validity of a marriage of a person below the age of marital consent according to their own laws.

Every State reserves the right to refuse to recognize a marriage performed in another State if that marriage would violate the State's public policy. Indeed, the Supreme Court has long held that no State can be forced to recognize any marriage. That is what the case law has held. But just to make sure there were no loopholes in that case law, the Congress passed and the President signed the Defense of Marriage Act, known as DOMA.

The Defense of Marriage Act has not even been challenged at the Federal level, and because the Supreme Court has historically held that States do not have to recognize laws of other States that offend their public policy, it is assumed that any challenge would be futile.

So what is it we are really focused on and concerned about here?

If we look at what has happened in the last several months—and there are others in this body who are more able to discuss this than I because it affects the laws of their States—as Senator KENNEDY said, in Massachusetts, a court decision will be challenged by a referendum. In California, San Francisco's action permitting the licensing of same-sex marriages was stopped by the California State courts. The DOMA law that was enacted already protects States from having to recognize same-sex marriage licenses issued in other States.

So I worry that, despite what I do believe is the sincere concern on the part of many of the advocates of this amendment, they have rushed to judgment without adequate consideration of the laws, the case laws, the actions of the States, and that their very earnest, impassioned arguments about marriage have certainly overlooked the problems that marriage has encountered in its present traditional state within the last several decades in our country.

The PRESIDING OFFICER (Mr. TALENT). The time of the Senator has expired.

Mrs. CLINTON. Mr. President, I ask unanimous consent for 2 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. CLINTON. Mr. President, we all know this amendment is not likely to pass at this time because concern for our Constitution and the solemn responsibility that falls to us with respect to amending it is a bipartisan concern. There are many on the other side who will not tamper with the Constitution to deal with the heated politics of the moment. Yet we are taking precious time away from other matters about which I worry, about which I am concerned, most profoundly the challenges we confront from our adversaries in al-Qaida and elsewhere who we know are plotting and planning against us.

I hope that once we hold the vote tomorrow—and the States continue to do what the States are doing—that we will get back to the business of both protecting and serving the American people and solving the problems they confront each and every day. Maybe we can come to some agreement that the Founders had it right and that the concerns that have been expressed about marriage will be taken care of as they traditionally have in the States which have held the responsibility since before our founding as a nation.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from New York yields the floor. The Senator from Colorado.

Mr. ALLARD. Mr. President, I yield 15 minutes to the Senator from Oklahoma, the chairman of our Budget Committee and somebody I would like to recognize in a public way for all of the hard work he has provided for us in the Senate, particularly his hard work on the budget as the chairman of the Budget Committee.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 15 minutes.

Mr. NICKLES. I thank my colleague from Colorado for yielding. I compliment Senator ALLARD for his work on this amendment and on this issue. It is a very important issue.

I also compliment Senator HATCH for the very fine statement he made earlier, as well as Senators SANTORUM, SESSIONS, and CORNYN. Several of our colleagues have made very eloquent remarks about this amendment and about the fact that marriage is under attack. I want to come at it from a little different perspective.

I was the principal sponsor of the Defense of Marriage Act, which passed and was signed into law by President Clinton in 1996. I heard my very good friend from Minnesota, Senator DAYTON, mention that this is about politics, and I wanted to inform him as the sponsor of DOMA, the Defense of Marriage Act, it was not about politics in 1996, it was because in 1996 the Hawaiian Supreme Court was getting ready to legalize same-sex marriage, and under the general understanding of full faith and credit, if they recognized it, there would be a lot of same-sex couples running to Hawaii to be married and they would return to other States and those States would be required to recognize it.

We thought that was a serious mistake. We did not want that mixed court decision in Hawaii to become the law of the land. So we passed the Defense of Marriage Act. It passed by a vote of 85 to 14.

I notice several of the people who are arguing against a constitutional amendment are arguing for States rights. Several of the people who have argued against this amendment also debated and voted against the Defense of Marriage Act, which was basically a States rights approach to the solution.

Now, let us frame this as an issue. Marriage is under attack. It is under attack in several respects. It is under attack by a liberal court in Massachusetts which wants to redefine marriage, including same-sex couples. They were not elected. It is under attack by mayors in some cities: the mayor of San Francisco, and the mayor of New Paltz, NY.

They wanted to legalize or grant licenses to same-sex couples. It happened to be against the law in the State of California. It is very interesting that a newly elected mayor would decide to defy State law, actually break State law, but he was doing it and gained great notoriety. He was on TV most every day. Then a mayor in New Paltz, NY, wanted to do the same thing. I am not sure what the State law in New York is. But marriage is under attack as defined by this Congress. The Defense of Marriage Act says marriage is between a man and a woman, and yet we had either an unelected court or mayors saying, no, they know better.

So if it is under attack, how is it protected? Is it protected better by a statute or by a constitutional amendment? That is a legitimate debate, and I respect people who say we have the Defense of Marriage Act, but many of the people who are making that claim voted against the Defense of Marriage Act, so I question whether they really believe in States rights or they are using it at this particular point. But it is under attack.

What has happened differently between now and when the Defense of Marriage Act passed in 1996, one decision was the Lawrence decision. Every once in a while I will sit in on a Supreme Court debate. I sat in just a month ago on the question on the Pledge of Allegiance, whether we could actually have in the Pledge of Allegiance "one Nation under God." In that case, the Ninth Circuit Court, which makes a lot of very absurd rulings, said we should not have "one nation under God." Thankfully, the Supreme Court rejected that argument. I enjoyed listening to that debate.

I wish I had attended the Lawrenee v. Texas debate because I am absolutely astounded at their conclusion. Senator SANTORUM deserves great credit because he took a lot of flak, but he denounced that decision. He denounced it strongly, and he was right. I did not pay enough attention to the Lawrence decision, nor to the Texas statute, which probably should have been overturned or should have been repealed by the Texas legislature. Possibly that is a debate for another day. They went a lot further than just dealing with the Texas statute.

In the Lawrence case, the Supreme Court found:

> . . . a State's governing majority has traditionally viewed a particular practice as immoral is not sufficient reason for upholding a law prohibiting the practice . . .

Sorry about that, States, sorry if you had morality as part of the reason you are legislating, but the Supreme Court thinks that may not be enough.

That is a very troubling case. I have heard a lot of constitutional scholars and others say because of the Lawrence case the Defense of Marriage Act would probably be determined unconstitutional. I hope they are wrong.

The Defense of Marriage Act passed with 85 votes. I hope the Supreme Court will pay attention to the fact that it passed with 85 votes. That was not 51 to 49. So if they are going to overturn the Congress—incidentally, it passed in the House by an overwhelming margin, even greater than that, I believe. So I hope it will not be determined unconstitutional. But the Lawrence case does mean marriage is under attack.

When there is a mayor of San Francisco who decides in spite of State law that he is going to start granting marriage licenses or a mayor in New York or by a 4-to-3 decision in the State of Massachusetts—all of those things have happened since the Defense of Marriage Act passed. So it really boils down to which body, which element of our democracy is going to be making this decision? If we are going to redefine marriage and say that it is legal between same-sex couples, should that not be decided by State legislatures and/or elected Federal officials? It certainly should not be decided by an unelected 4-to-3 decision in one liberal court in the country. So to stop that 4-to-3 decision, particularly given the fact that there is a Supreme Court decision which seems to give credibility to that decision, maybe a constitutional amendment is in order. My guess is it probably will not pass until they do overturn the Defense of Marriage Act, and then I believe there really will be a revolt around the country. Then it might get the necessary two-thirds vote in both Houses of Congress and be ratified by three-fourths of the States.

Our forefathers showed great wisdom in making it very difficult to amend the Constitution. It has only been amended 27 times—only 17 if we take out the Bill of Rights—in the last 228 years. That is pretty remarkable. They made it very difficult to amend the Constitution.

We are dealing with something very fundamental when we are talking about how marriage is defined. Marriage is a very esteemed union between a man and a woman, a contract with Government recognition, with benefits, a sacred union, a sacrament in some religions, a very special relationship, not to be changed or altered, frankly, by a 4-to-3 decision, by an unelected court, trying to redefine something so important. It should be decided by elected officials.

So we have a process. We have the statute process, which we have done, and we have a constitutional process which may be necessary in light of the Lawrence decision and in light of the State of Massachusetts, in light of the mayor of San Francisco, in light of mayors in other places around the country who wish to make such a fundamental change and do it without authority, without election, without backing.

In the State of Hawaii, when the State supreme court there tried to redefine marriage, there was an uproar and basically they passed a constitutional amendment that allowed the legislature to define marriage. The legislature defined marriage as a union between a man and a woman. The legislature stopped it.

Hopefully maybe legislative action would be enough, but my concern is that in spite of the fact that 38 States have passed identical legislation to DOMA, in spite of the fact that 4 additional States have passed something very close to it, 42 out of 50 States passing legislation basically defining marriage as between a man and a woman, is that there still might be a 4-to-3 decision that becomes the law of the land because of what I believe is an absurd decision based on the Lawrence decision. I hope that is incorrect, but I do want to fight to defend marriage as between a man and a woman. That can be done constitutionally. It can be done statutorily. I do think that people, through their elected officials, should be making this decision instead of an unelected 4-to-3 decision in a court. This is vitally important.

So, again, I compliment my colleague, Senator ALLARD, for his leadership on this issue. I hope people will take this very seriously. The benefits of marriage are great. Undermining marriage has great negative consequences for our country, and I hope our colleagues will weigh those decisions very closely and at least support the motion to proceed. It is a legitimate debate as to whether the amendment should be one sentence or should it be two sentences, should it be rewritten or tweaked one way or another. We will not know unless we pass the motion to proceed. So I urge our colleagues to support the motion to proceed in tomorrow's vote.

Mr. ALLARD. Mr. President, I thank the Senator from Oklahoma for a very fine statement. He brings a special perspective to this debate because he was the initial sponsor of the Defense of Marriage Act.

Mr. McCAIN. Will the Senator yield for a unanimous consent request?

Mr. ALLARD. I yield to the Senator from Arizona.

Mr. McCAIN. I ask unanimous consent I be allowed to follow the Senator from Kansas for a period of 12 minutes.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Is there an objection to the unanimous consent request?

Mr. JEFFORDS. Mr. President, I have another engagement I am supposed to be at now.

Mr. ALLARD. I do not believe it is going to interfere with you. You are next, then I think Senator BROWNBACK.

Mr. McCAIN. You are up. Then I asked unanimous consent to follow the Senator from Kansas.

Mr. ALLARD. You are next.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, I find it sad and unfortunate that the Senate is spending crucial time on this divisive issue, driven so obviously by partisan politics rather than sound public policy. We know this amendment has no chance of passage, so why are we here? Just a week after Secretary Ridge detailed the real threats that the Nation faces right here at home, why are we instead debating the vague and questionable dangers to the institution of marriage. We should be working to fund homeland security, but that bill languishes while we launch into a cultural war.

As of today, the Senate has passed only 1 of the necessary 13 appropriations bills for fiscal year 2005. We need to fund veterans health care, educational programs, worker protection, job training, Head Start, environmental preservation, crop insurance, and food safety. We need to reauthorize our Nation's welfare programs. Our highways crumble while the Transportation bill is stalled and we take no action.

These are the priorities of the American people. But instead of facing these most basic responsibilities, we are here today to make judgment calls about people's personal lifestyles. I must ask, where are the priorities of the majority leadership? How is it that we have to come to use the Senate floor as a warmup for political conventions, bowing to extreme religious agendas rather than the agenda of the American people? How did this happen?

I am afraid the answer can be summed up very easily. We are here because of election year posturing.

I find it ironic that some in this Chamber want to amend our Nation's most sacred and historic document because of some unfounded and irrational fear. It is ironic because these are the same people who have argued that we should not trample on States rights. Yet they think our States are not capable of deciding how marriage should be defined. I believe our States are not only capable but deserving to define marriage in the way they see fit. Every State will bring its own approach, and I am proud the way my State led the Nation in addressing this issue more than 4 years ago.

The Vermont Legislature, a part-time body made up of farmers and teachers, passed the civil unions legislation. They gave gay and lesbian couples all the same legal rights extended to married couples, and the legislature did so in a bipartisan fashion, amid rancorous protests by some who proclaimed Vermont's lawmakers will suffer dire consequences as a result of this decision.

I can tell you today that all of these fears have been unfounded, and my home State is better off for the experience. Having witnessed Vermont's approach, I beg to differ with anyone in this body who argues that States are not able to decide this issue for themselves. Here in the Senate we should be spending our time debating legislation that is inclusive, not exclusive. This body did so when it recently passed a hate crimes bill to extend the definition of hate crimes to those who are targeted solely on sexual orientation, gender, or disability.

We should be focusing our energies on passing bills such as the Employment Nondiscrimination Act and the Domestic Partner Health Benefits Equity Act. I am proud to support these bills, and I am even more proud because they continue in the great American tradition of inclusiveness and tolerance and acceptance.

I will vote against this constitutional amendment, and I urge the majority leadership to take up, rather than push aside, the critical pending legislation that so desperately needs and calls for our attention.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, I yield 15 minutes to the Senator from Kansas. I compliment him in a public way for his leadership on this very important issue.

The PRESIDING OFFICER. The Senator from Kansas is recognized for 15 minutes.

Mr. BROWNBACK. I thank the Senator from Colorado for his leadership in putting this issue before the U.S. public and before the world. This is something we need to debate.

I want to specifically address the argument that is being put forward so often from the other side that we do not need to do this now; there is no fire burning; there is no particular issue that is going on here; the States can easily handle this; just let them handle it and take care of it; we do not need to do this until the Supreme Court takes it up.

I want to talk about, Why do we need to take this up now? Fortunately, we have a case study. People who went to business school, went to law school, learn through case studies. You study a case, study what took place, and you try to analyze what happened there to figure out what could have been done better, what should have been done, what was done, and what was its impact.

We have an excellent case study in the Netherlands on what is taking place when this sort of debate occurs. The reason it is important to engage this debate now and not wait until after the Supreme Court might rule, or after this goes through a number of States, is because of what they went through in the Netherlands.

I want to talk about one chart, the out-of-wedlock birth rates in the Netherlands, 1970–2003.

You can see it does not have a favorable trendline. In 1970, it is down around 2 percent. Indeed, the Netherlands was noted for a long period of time for having a very low out-of-wedlock birth rate, and among European countries they were highly regarded for that. Even though it was an open society, it had a very low out-of-wedlock birth rate. People had children in wedlock.

Then you can see in 1980 this thing starts rocketing and really taking off. What took place in the Netherlands—and I am going to have quotes from some Dutch scholars that just recently came out. We have the material from Stanley Kurtz that a number of people talked about. But what happened there was this ongoing debate for a period of about 10 years before same-sex marriage passed in the Netherlands, this public debate about, you know, we can have different sorts of family arrangements, we can have registered partnerships. They had that before same-sex marriage passed.

We had symbolic marriage registers for same-sex couples. We had the first supreme court case loss, first court case loss—and what we had was just this debate and discussion with the society, the culture, over a period of years saying we can separate this issue of raising children and the issue of marriage. We can have marriages just be an expression of care and concern and love for each other without really considering or thinking about what it is, the union of man and woman and raising children together.

We now have social science data. We have discussed a lot on this floor that the best place to raise a child is in a family with a man and woman, a husband and wife, bonded together for life in a low-conflict marriage. We know that is the ideal place. We have discussed that. The social science data is clear on it.

Yet what you saw take place here as you engage this debate and society started talking to itself, reforms and court orders, we saw society saying it is not that critical how marriage is organized in looking at children. It is more about the adults than about the children. Let us open this institution.

What took place was you had this huge growth to where it is up to 30 percent of children born out of wedlock in the Netherlands in 2003 from the 1980 total here at 5 percent over that period of time.

What do scholars say about this? Dutch scholars are actually saying we have to figure some way to try to reinstitute the notion and the nature of traditional marriage. The marriage between a man and woman, raising children in this type of household, is the best place for us to do that.

In recent years, they note, there is statistical evidence of Dutch marital decline, including "a spectacular rise in the number of illegitimate births." By creating a social and legal separation between the ideas of marriage and parenting, these scholars warn, same-sex marriage may make young people in the Netherlands feel less obligated to marry before having children.

Again, this ongoing debate about marriage isn't about forming this bond and a family unit. It is how two people express love for one another, and then that started permeating and getting into society.

One of the signatories, Dutch law professor M. Van Mourik, said that "the reputation of marriage as an institution—in Holland—is in serious decline." The decision to legalize gay marriage, said Mourik, should certainly have never happened. "In my view, that has been an important contributing factor to the decline in the reputation of marriage."

One of the letters' other signatories, Dr. Joost van Loon, believes gay marriage has contributed to a decline in the reputation of Dutch marriage. It is "difficult to imagine" that the Dutch campaign for gay marriage did not have "serious social consequences," said Van Loon, citing "an intensive media campaign based on the claim that marriage and parenthood are unrelated."

My point in saying this and addressing the concerns from the other side that it is not particularly timely, we need to do work on other things, is if we don't engage and discuss this and talk about the importance of marriage and the natural union and raising children in that setting, you will see society say, I guess it doesn't matter, these things are separate. And you will see this taking place more where we have slowed down and stopped the rise in out-of-wedlock births in the United States. This isn't something that has been charting up for a long term here, and that has been capped and started back down.

Now we are pushing in a welfare reform bill—a discussion about marriage and the welfare reform bill—because we know it is the best place to raise children. It will result in a healthier relationship for a man and a woman on a long-term basis. People will live healthier, longer, and happier.

We don't want this to happen in the United States. The case study is here, and we look at the incredible social experiment—something that has not been done in societies for 5,000 years. We are talking about putting that in society. We need to push back and say no, this is not good for children. It is not good for families. It is not good for America, nor the American culture.

I urge my colleagues when they say this isn't timely to look at what has happened in the case study we have. If this isn't discussed at a very early stage and people say, no, this is not the way we want to go, then you will get this rise taking place and the situation none of us want and that everybody agrees is not good for the children. I think one has to ask oneself in this debate, where are we going to focus? Are we going to focus on raising the next generation or are we going to focus on other issues? I think clearly the right focus for legislators in looking to build a good, strong society in the future is to focus on that next generation.

I thank my colleague from Colorado for leading this debate. I thank the Chair and yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Arizona is recognized.

Mr. McCAIN: Mr. President, I may require 15 minutes. I ask unanimous consent to extend from 12 to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, most Americans believe, as I do, that the institution of marriage should be reserved for the union of a man and a woman. But only a very small majority, and perhaps not quite a majority, support the idea—at this time—of amending the Constitution to prohibit the States from changing the legal definition of marriage to include any union other than that between a man and a woman. I know that Americans who support a Federal marriage amendment feel very strongly that same sex marriages judged lawful by the Supreme Court of the Commonwealth of Massachusetts, and permitted, for a brief period, unlawfully, in certain other localities, threaten the institution of marriage as a core value of our culture. I know also that many of the opponents of the amendment believe it is purposely divisive, discriminatory and intended to deny some Americans their right to the pursuit of happiness. And I know that many, many of those Americans who do not presently support the amendment, but oppose same-sex marriage do not perceive it is urgently necessary to address this issue by means of amending the most successful and enduring political compact in human history.

This close division of public opinion assures us one thing. A Federal marriage amendment to the Constitution will not be adopted by Congress this year, nor next year, nor anytime soon until a substantial majority of Americans are persuaded that such a consequential action is as vitally important and necessary as the proponents feel it is today. It is perfectly appropriate for Americans who do feel that strongly today to call the offices of their elected representatives and urge them to support the amendment. But their efforts would be better spent trying to convince a supermajority of the public to share their urgency because until they do there will not be a supermajority in Congress and among State legislatures willing to amend our Constitution.

By my count, there is not at this time even a small majority of senators who would vote for Senator ALLARD's amendment, much less the 67 votes required by the Constitution. That won't change unless public opinion changes significantly. The founders, wisely, made certain that the Constitution is difficult to amend, and, as a practical political matter, can't be done without overwhelming public approval. And thank God for that. Were it any easier I fear we could not make the claim for the Constitution's enduring success that I have just made.

Many, if not most, Americans have reasoned that there is no overriding urgent need to act at this time. And they are right to do so. The legal definition of marriage has always been left to the states to decide, in accordance with the prevailing standards of their neighborhoods and communities. Certainly, that view has prevailed for many years in my party where we adhere to a rather stricter federalism than has always been the case in the prevailing views among our friends in the Democratic Party. Some fear that the decision in Massachusetts will ultimately result in the imposition of different views on marriage in communities where the traditional view of marriage is considered singular and sacred. But there really is insufficient reason presently to fear such a result.

I supported the Defense of Marriage Act adopted by Congress and signed into law by President Clinton in 1996. As my colleagues know, the Defense of Marriage Act, DOMA, was proposed in response to a decision by the Supreme Court of the State of Hawaii which concluded that a law banning same-sex marriages may violate the Equal Protection Clause of Hawaii's constitution. DOMA provides States an exemption from the "full faith and credit" clause so that each State would be able to decide for itself whether to recognize same-sex marriage. The law neither compels a State to recognize a same-sex marriage from another State, nor does it prohibit States from recognizing such marriages. It simply protects each State's right to choose how it will define marriage. Currently, 39 States have defense of marriage laws in place. And thus far, there has yet to be a successful challenge to DOMA in Federal Court.

The Defense of Marriage Act represents the quintessentially federalist and Republican approach to this issue. The constitutional amendment we are debating today strikes me as antithetical in every way to the core philosophy of Republicans. It usurps from the states a fundamental authority they have always possessed, and imposes a

Federal remedy for a problem that most states do not believe confronts them, and which they feel capable of resolving should it confront them, again according to local standards and customs.

If a constitution is to be amended, it should be a State constitution. According to a report by the Heritage Foundation, an organization not known for its liberal sympathies, "the best way to defend against a state court that might seek to overturn State public policy or force recognition of another state's marriage policy is to amend the State constitution to establish a state constitutional marriage policy." At this time, 16 States have pending constitutional amendments to protect marriage, and at least 3 others are expected to introduce such amendments soon. Colleagues who have told me of actions taken in this city or that county to impose a legal definition of marriage that conflicts with the prevailing view of marriage in their State have a far less draconian remedy at hand to correct the injustice than amending the United States Constitution—it is in their state legislatures. What evidence do we have that States are incapable of further exercising an authority they have exercised successfully for over 200 years? The actions by jurists in one court in one state do not represent the death knell to marriage. We will have to wait a little longer to see if Armageddon has arrived. If the Supreme Court of the United States rejects the Defense of Marriage Act as unconstitutional; if State legislatures are frustrated by the decisions of jurists in more states than one, and if state remedies to such judicial activism fail; and finally, if a large majority of Americans come to perceive that their communities' values are being ignored and other standards concerning marriage are being imposed on them against their will, and that elections and state legislatures can provide no remedy then, and only then, should we consider, quite appropriately, amending the Constitution of the United States.

I know passions run high on this issue. Americans who support the Federal marriage amendment do so very forcefully. They want this vote. But they should also know, and we should make sure they do know that it will never be adopted until many more Americans feel as strongly as they do. They have every right to demand a vote, even if the outcome is well-known. There are, of course, many other urgent priorities left to address in this Congress, not the least of which concern the physical security of this country, as Secretary Ridge has recently reminded us. But I have in the past supported legislation I knew lacked the necessary votes to prevail, and still insisted on a vote. In those cases, however, I had much broader public support for the legislation than exists for this proposed amendment. Still, I would normally be inclined to support any procedural motion to allow proponents their vote. But a procedural vote is unlikely to succeed, as we all know. That's why I supported the Democratic leader's offer of a unanimous consent agreement to allow an up or down vote on Senator ALLARD's amendment. I would very much like an up or down vote on the amendment. That offer was rejected, and it seems at the moment that the only vote on this issue that we're going to be allowed will be a procedural vote. I would not want to obscure my position on this issue by voting to proceed to the amendment, and then, following that vote's failure, having no further opportunity to take my stand by voting, and to be held accountable by my constituents for that vote. So, I am inclined at this time, if this will be our only vote in this debate, to cast a vote that reflects my position on the federal marriage amendment proposed by Senator ALLARD.

I refer to Federalist Paper 45 to explain my vote, in which James Madison wrote "the powers delegated by the proposed Constitution to the Federal Government, are few and defined. Those which are to remain in the State Governments are numerous and indefinite. The former will be exercised principally on external objects, as war, peace, negotiation and foreign commerce; with which last the power of taxation will for the most part be connected. The powers reserved to the several States will extend to all the objects, which, in the ordinary course of affairs, concern the lives, liberties and properties of the people, and the internal order, improvement and prosperity of the State." I stand with Mr. Madison on this question, and against a Federal marriage amendment that denies the States their traditional right and their clear opportunity to resolve this controversy themselves.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Mr. President, I oppose amending our Constitution with the Federal Marriage Amendment (FMA) because it interferes in a fundamental State matter, and, worse yet, it does so for the purpose of disfavoring a group of Americans. We have never amended our Constitution for that purpose, and we should not start now. The timing of this debate strongly supports my point that the FMA's supporters are concerned not with preserving the sanctity of marriage, but with preserving Republican politicians.

I am disappointed that we are debating a divisive and mean-spirited amendment that violates the traditions of Federalism and local control that the Republican party claims to cherish. We should be upholding the commitment to tolerance that underlies our Constitution, not betraying it with a premature debate that we all know will yield nothing but division in this body and among the American people. I urge all Senators to honor our oath as Senators to "support and defend the Constitution" and not sacrifice it to this short-term partisan exercise.

This debate risks great harm by casting States and gay Americans into second-class status and also harms the Senate. The Republican Senate leadership has shown contempt for the constitutional amendment process by bringing this proposed constitutional amendment directly to the Senate without the approval—or even the consideration—of the Judiciary Committee or its Constitution Subcommittee.

The Senate and the Judiciary Committee have followed a consistent practice for the consideration of constitutional amendments in the past. Before a constitutional amendment receives floor consideration it is debated and voted on by both the Subcommittee on the Constitution and the Judiciary Committee as a whole. This is the process that the Senate is currently following for the amendment to ban flag desecration, an amendment that has been considered by the Senate on numerous occasions, and that we followed in conjunction with the crime victims rights constitutional amendment. By contrast, the Federal Marriage Amendment, which is being considered for the first time, was not debated or voted on in either the subcommittee or the full Committee, yet it is before us on the floor today.

Past attempts to skirt Committee consideration of constitutional amendments, in the absence of an agreement between the parties, have drawn sharp condemnation. Twenty-five years ago, an amendment calling for direct election of the President and Vice-President was brought to the floor without Judiciary Committee approval. Senator HATCH, the then-ranking Republican member on the Constitution Subcommittee, said: "To bypass the committee is, I think, to denigrate the committee process, especially when an amendment to the Constitution of the United States of America, the most important document in the history of the Nation, is involved." The late Senator Thurmond said that "if a bill of this nature is not going to be referred to a committee to consider it, I do not know why we need Committees in the U.S. Senate." In 1979, Senator HATCH said it was "unconscionable to bring up legislation under these circumstances." Apparently what was "unconscionable" in 1979 is applauded in 2004 so long as it is being done for partisan Republican purposes.

I joined with all of my Democratic colleagues on the Judiciary Committee in writing last month to the Chairman to request that this amendment go through the normal channels. That request was ignored by the Chairman and apparently rejected by the Senate Republican leadership as it chooses for its own benefit to change yet another longstanding practice of the United States Senate.

The procedural treatment the Republican leadership is giving this proposed amendment to the Constitution of the United States is perhaps more appropriate for a resolution commemorating an organization's anniversary or a celebratory day, which are sometimes discharged from the Judiciary Committee without debate and agreed to by the full Senate. When we are dealing with a resolution designating something as universally accepted as "National Girl Scout Week," it does not offend me to skip Committee consideration. But short cuts are not fitting when we are talking about amending our fundamental national charter.

Perhaps cutting corners like this and its maneuvering reveals how the Republican leadership really sees this amendment. Perhaps this exercise is, after all, not intended as a serious effort to amend the Constitution—something deserving deliberate consideration and careful refinement during the Committee process. It seems that this forced exercise is intended instead as the legislative equivalent of a political bumper sticker, suddenly appearing on the Senate floor late in an election year.

I assume that our longstanding practice was disregarded because the majority did not want to risk seeing the FMA defeated in committee. Or perhaps their decision to press this matter into debate, in spite of last week's terrorism warning, the unresolved intelligence failures and torture scandal and the lack of progress on a budget and Federal appropriations matters, was made hastily to fit the political calendar. Forcing a debate at this time shows they have no interest in passing an amendment—they simply want to go through the motions to please their hard-right base and try to inflict political damage of those of us who stand up for the Constitution. The New York Times reported yesterday how much pressure Republicans have been under from their extreme right wing to turn to this matter. This is apparently especially true now that the Republican Party has decided to try to put a pretty face on its harmful policies at its upcoming convention by featuring its few moderates. Those moderates do not set the policy for the national Republican Party and oppose this amendment. However the national Republican Party tries to dress itself up at its convention, the hard truth is that they are choosing to foster division by pressing this matter. If the Senate Republican leadership were interested in amending the Constitution, they would not bring this amendment to the floor now and face certain defeat. Committee consideration of an amendment is not merely a box to check in a procedural flowchart. Committee consideration of any legislation, especially constitutional amendments, affords an opportunity to address problems that are not easily remedied on the Senate floor. Committee consideration can also ensure that we agree on what an amendment does, even if we disagree on whether what it does is desirable. I certainly do not believe that we are at that point as we begin this premature debate. In that light, I would like to discuss some of the open questions raised by this amendment.

I would like to place in the RECORD a story from the February 14 Washington Post about the formation of the FMA. The basic theme of the report was that even the drafters of the FMA disagree about what it means. Matt Daniels, the head of the Alliance for Marriage, a group promoting the FMA, was honest enough to tell the Post that the drafters of the amendment did not worry too much about the wording, saying, "I don't think we expected there would be this much attention paid to it." Although the language of the amendment before us has changed slightly from the original version, it is essentially the same as the sloppy patchwork version introduced last year. I think that Mr. Daniels' attitude speaks volumes about the respect the supporters of this amendment have for the Constitution.

This attitude is apparently shared by President Bush, who has made clear his desire to use this issue for political advantage. Although the President has asked Congress to amend the Constitution to ban gay marriage, he has refused repeated calls to state specifically what language he believes Congress should adopt. Like the Senate leadership, the President appears happy to seek political profit by demeaning both the Constitution and gay and lesbian Americans.

I would contrast the casual approach of the President toward the words of our Constitution with the approach of Senator BYRD—the most senior member of this body and a fierce defender of the Constitution—during the 1997 debate over the Balanced Budget Amendment. Senator BYRD said:

> I would like to remind my colleagues that law and legislating is about the examination of details. We don't legislate one-liners, or campaign slogans. Here, in this body and in the other body, we put the force of the law behind details that impact mightily upon the daily lives of our people. That is a solemn responsibility. And it is more important than political popularity, or winning the next election or marching lockstep to the orders of one political party, or another.
>
> Especially in the case of amending the Constitution, that responsibility weighs more heavily. For in that instance we are contemplating changes in our basic, fundamental organic law—changes that, when once implanted in that revered document, can only be removed at great difficulty, and which will impact, quite possibly, upon generations of Americans who, yet unborn, must trust us to guard their birthright as Americans."

Senator BYRD was right—the words of a Constitutional amendment matter deeply. This is the third version of this amendment that has been introduced in the Senate, and it may not be the last. Senator HATCH has publicly toyed for months with introducing a different version of the amendment and Senator SMITH is reported to be working on still another version.

The version of the Federal Marriage Amendment before us today reads as follows: "Marriage in the United States shall consist only of the union of a man and a woman. Neither this Constitution, nor the constitution of any State, shall be construed to require that marriage or the legal incidents thereof be conferred upon any union other than the union of a man and a woman."

First, the amendment appears to dictate to voters what language they can put in their own State Constitutions. The natural reading of the FMA suggests that voters in a State could not place in their State Constitutions any benefits for same-sex couples that could be defined as "legal incidents" of marriage. This limitation is particularly noteworthy in light of the current proceedings in Massachusetts. In response to the Supreme Judicial Court's decision in Goodridge, the Massachusetts Legislature has approved an amendment to the Massachusetts Constitution that would limit marriage to heterosexual unions but provide many of the benefits of marriage to same-sex couples through civil unions. This amendment is supported by Governor Mitt Romney, who testified before the Judiciary Committee last month.

Yet it appears that the Massachusetts amendment might be rendered unenforceable if the FMA were adopted, for no court would be permitted to "construe" the Massachusetts Constitution to provide for civil unions, which surely provide many of the "legal incidents" of marriage. Without judicial recognition of civil unions, the rights created for gay couples under the Massachusetts Constitution would not be worth the paper they are written on, even if they were approved by a majority of the State's voters.

Governor Romney told the Judiciary Committee that he somehow supports both the Federal and Massachusetts amendment, and did not believe they conflicted. I do not see how he can hold that position. Neither did former Representative Bob Barr, a conservative Republican from Georgia, who testified before the Committee at the same hearing. Congressman Barr said:

> Governor Romney essentially is here to ask the Congress to step in and have the federal government invalidate the actions of the highest state court in his state, and also

> to strangle before its birth the proposed state constitutional amendment that his own state legislature passed this year. That State constitutional amendment, if passed next session and ratified by his state's voters, would deny marriage rights to same-sex couples, but also provide civil unions. The Federal Marriage Amendment, however, would invalidate any civil union provided by the Massachusetts state constitution, and of course would also invalidate all same-sex marriages in the state."

Second, it is unclear from the language of the FMA whether its prohibition on "construing" a Constitution is limited to the judicial branch. From the plain text of the amendment, executive branch officials—from a Governor to county clerks—would similarly be prohibited from construing even a duly-passed State constitutional amendment to provide for the "legal incidents" of marriage, whatever those should be. This is a potentially breathtaking imposition on our States and their officials.

Third, the term "legal incidents" is itself extraordinarily vague. Since the amendment did not go through the proper channels, we have no Committee report language to clarify this or any of the other vague elements of this amendment. We do have the thoughts of Marilyn Musgrave, the House sponsor of the FMA, from a memo she produced to explain the meaning of the amendment. In her view, "legal incidents" include, among many other things, the right to bring actions for the wrongful death of a partner, rights and duties under adoption law, and even the right to hospital visitation. Her sweeping view would thus prevent any court anywhere from finding that any State constitutional provision might protect a person's right to visit their same-sex partner in a hospital. And in the absence of a Committee report on the amendment, courts would likely have little choice but to give substantial weight to her view.

Fourth, although some supporters of the proposed amendment state categorically that the amendment leaves State legislatures free to pass civil union laws, that claim is also open to serious doubt. Surely Senator ALLARD and his allies cannot mean to put the Senate through this ordeal only to put the word "marriage" off limits to same-sex couples. Should a State pass a law that provides for marriage in all but name, would supporters of this amendment not mount legal challenges based on the amendment's first sentence? Indeed, two of the amendment's intellectual godfathers—Professors Robert George of Princeton and Gerald Bradley of Notre Dame Law School—have said they believe it would forbid civil unions that were sufficiently similar to marriage.

Fifth, the application of the amendment is not even limited to State actors, but would also apparently bind the behavior of private organizations, including private religious organizations. The first sentence of the amendment purports to define marriage for all time and for all purposes. In other words, no one could marry same-sex couples, regardless of whether that person was acting on behalf of the State. This is one of the reasons why so many religious organizations oppose this amendment, including the Episcopal Church, USA, the Alliance of Baptists, and the American Jewish Committee.

The only amendment that binds private parties is the Thirteenth, which forbids slavery anywhere in the United States. Given the stain of slavery on our nation, and its inherent evil, the Thirteenth Amendment's sweeping ban is obviously appropriate. To take that extraordinary step here and to impose a definition upon all churches and faiths to tell them what they must do is overreaching and inappropriate. Marriage is first and foremost a religious concept and institution. Respecting religion, the Federal Government ought to stay out of defining what a religious definition of marriage can be.

One thing we can say with certainty about this amendment is that if it is passed, it will present a field day for litigation.

This amendment is all the more mean-spirited because it is unnecessary. Unless we are planning to use the constitutional process to overturn a single State's marriage policy—a purpose that I doubt has the support of even one-third of this body—the only possible rationale for the amendment is to authorize States not to recognize same-sex marriages performed in other States. This rationale is already accomplished, however, by both the inherent right of States to establish their own policies regarding marriage and by the Defense of Marriage Act, which Congress passed and President Clinton signed in 1996.

Many proponents of this amendment have stated as fact that the Constitution's Full Faith and Credit Clause requires States to give the force of law to marriage licenses issued by other States. This is simply not the case. Lea Brilmayer, a professor at Yale Law School and an expert on the Full Faith and Credit clause, told the Judiciary Committee in March that the Clause was designed and has been interpreted to ensure that judgments entered by one State's courts are respected in other States. Marriage licenses are not judgments, she said, and they have "never received the automatic effect given to judicial decisions." Rather, "courts have not hesitated to apply local public policy to refuse to recognize marriages entered into in other states."

Moreover, Professor Brilmayer testified that the Full Faith and Credit Clause "has never been understood to require recognition of marriages entered into in other states that are contrary to local 'public policy.' The 'public policy' doctrine, which is well recognized in conflict of laws, frees a state from having to recognize decisions by other States that offend deeply held local values."

Under this long-established "public policy" doctrine, the nearly 40 States that have elected to pass their own "Defense of Marriage" acts would be expected not to have to recognize a same-sex marriage from Massachusetts. Of course, the small minority of States that have not passed such laws are free to pass them at any time. If they do not do so, just maybe preventing the recognition of other States' gay marriages is not a burning issue for their citizens.

As the Judiciary Committee has learned, the Constitution places no requirement on Pennsylvania to recognize a gay marriage from Massachusetts. In the unlikely event that Federal courts take a different view and alter the historic understanding of the Full Faith and Credit Clause, however, the Defense of Marriage Act provides an additional layer of security for States that do not wish to recognize same-sex marriage.

The federal law says that no State shall be required to give effect to any public act, record, or judicial proceeding of another state respecting a relationship between persons of the same sex that is treated as a marriage. It is the law of the land, and no court has found it to be unconstitutional. It seems to me that DOMA is presumptively constitutional, especially since the Full Faith and Credit Clause itself provides Congress with the power to direct the Clause's interpretation:

> Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

Some of my colleagues have suggested that we need to amend the Constitution now because the Supreme Court may either (a) invalidate DOMA and find that the Full Faith and Credit Clause requires 50-State recognition of Massachusetts gay marriages; or (b) go beyond even that analysis by finding a right to same-sex marriage under the Equal Protection Clause of the Fourteenth Amendment.

My initial reaction to these predictions about the judiciary is that they do not square with the Rehnquist Court I have been watching for the last 17 years. It is true that the Supreme Court found last year, in Lawrence v. Texas, that Texas and a handful of other States could no longer make it a crime for homosexual couples to engage in sexual acts in the privacy of their own home. And it is true that many of those who support the Federal

Marriage Amendment decried this imposition on Texas's right to punish its gay and lesbian citizens. It is a far leap, however, from saying that gay couples should not be thrown in jail and saying that they have a Constitutional right to marry. The comparisons that some are making between the Lawrence and Goodridge decisions are vastly overblown.

My second reaction, however, is the one that should move the Senate to reject this amendment. Perhaps my colleagues' fearful predictions about the activism of the Rehnquist court will come true. More likely, they will not. But Congress's job is not to imagine outcomes that appellate courts or even the Supreme Court might conceivably reach and preemptively amend the Constitution to prevent them. We have had enough difficulties during this Congress stemming from a preemptive war—we need not add a new preemptive theory to our arsenal. When it comes to the Constitution, it is simply wrong for the Senate to "shoot first and ask questions later." Rather, it is our duty to show restraint.

If the Court should reverse 200-plus years of understanding of the Full Faith and Credit Clause, or find that the Equal Protection Clause prohibits limiting marriage to heterosexual couples, a future Congress can react to that decision however it sees fit. That Congress will act in a way consistent with the views and circumstances of their time.

I believe preemptive action on this matter would set a precedent that both Republicans and Democrats in this body would come to regret. Congressman Barr, the author of the Defense of Marriage Act, illuminated this point when he testified last month. Congressman Barr said:

> In treating the Constitution as an appropriate place to impose publicly contested social policies, [the FMA] would cheapen the sacrosanct nature of that document, opening the door to future meddling by liberals and conservatives. . . . The Founders created the Constitution with such a daunting amendatory process precisely because it is only supposed to be changed by overwhelming acclamation. It is so difficult to revise specifically in order to guard against the fickle winds of public opinion blowing counter to basic individual rights like speech or religion.

Part of Congressman Barr's testimony should be of particular note to my conservative colleagues. He said, "We know that the future is uncertain, and our fortunes unclear. I would like to think people will think like me for a long time to come, but if they do not, I fear the consequences of the FMA precedent. Could liberal activists use the FMA argument to modify the Second Amendment? Or force income redistribution? Or ban tax cuts?" This should be food for thought for all those—from the right or from the left—who would use the Constitution as a playground for their policy preferences.

This is a sad day for the Senate. We all take an oath to uphold the Constitution of the United States. But when the Republican majority brings a constitutional amendment to the floor in defiance of our normal procedures, and with full knowledge that it will not pass, it demonstrates a fundamental disrespect for our Constitution and for this institution, the United States Senate.

I close by echoing the words of Senator BYRD from the debate on the Balanced Budget Amendment: "What is really wanted by some in this body is not the amendment itself, but an issue with which to whip its opponents. This is simple politics, my colleagues. And it is politics at its most unappealing and destructive level."

I will have more to say about the Federal Marriage Amendment as this debate proceeds.

Mr. REID. Mr. President, we have no speakers tonight.

In the morning, it is my understanding that the majority leader is going to allow—I am quite sure this is true—we would have an hour on each side on this amendment. Therefore, on the Democratic side in the morning, so there is no confusion, I want to make sure if any Senator is calling tonight, there is no more time. We have allocated all the time. If people call in the morning, there is no time left.

I ask unanimous consent that tomorrow, if the majority leader allows us the 55 minutes—I think he will—we have Senator DODD, 15 minutes; Senator CARPER, 10 minutes; Senator LIEBERMAN, 5 minutes; Senator KENNEDY, 5 minutes; Senator LEVIN, 10 minutes; Senator LEAHY, 10 minutes; and I would hope the two leaders could close the debate tomorrow morning using their leader time or whatever time is agreed upon by the Senate.

I ask consent on our side, our 55 minutes be divided as I have indicated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. Mr. President, I will take a moment to talk a little bit about my amendment. The purpose of my amendment is to protect marriage. There has been an editorial written by the Weekly Standard which I would like to share with my colleagues. There are three paragraphs I will recite. I ask unanimous consent to have the editorial printed in the RECORD. This is the editorial in the Weekly Standard called "Cloturekampf," written by Terry Eastland.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Weekly Standard, July 19, 2004]

CLOTUREKAMPF

(By Terry Eastland)

Senate Republicans deserve credit for pushing this week for a vote on a constitutional amendment that would define marriage in the United States as consisting only of the union of a man and a woman. Whether they will get that vote is an open question. Under Senate rules, 60 votes likely will be needed to cut off debate in order for a vote on the amendment to occur. Those who count heads in the Senate tell us that as few as two Democrats may be willing to vote for cloture, as it is called, and as many as 12 Republicans may be prepared to vote against it. The votes for cloture might not even total 50.

Yet if you believe that the courts ought not to be irrevocably fixing policy upon such a vital question as what constitutes marriage, there is merit, especially in an election year, in determining just who is and who is not willing to vote on an amendment that would enable the people to decide whether they want to settle the issue as they choose. Which is to say, consistent with their conviction that marriage is what it always has been—only the union of a man and a woman.

As matters now stand, marriage defined as the union of any two people is the policy of only one government—the Commonwealth of Massachusetts. The policy was fixed by the Supreme Judicial Court of Massachusetts in a decision last November that ran roughshod over the legislature's constitutional authority. The federalist impulse in our shop says that maybe on the question of marriage nothing at all should be done—in which case a state would be allowed to go to hell in a handbasket, if that should be the desire of its judges, and the ruling is allowed to stand. We are reminded that states also can do the right thing, from our point of view, and in fact have. The people of Hawaii responded to their high court's decision implying a constitutional right of same-sex couples to marry by passing a constitutional amendment prohibiting such marriages. And the people of Alaska voted for a similar constitutional amendment in response to a lower-court judge's ruling announcing a right to same-sex marriage.

Nonetheless, it is now unlikely that the states will be able simply to do as they wish on the question of marriage. Under the Massachusetts Constitution, no amendment in response to the supreme judicial court's decision will be possible until 2006, and in the meantime there is no stopping same-sex nuptials, of which there have been thousands so far, including many from out of state. It is only a matter of time before some same-sex couples who have returned home file lawsuits pressing their states to recognize their unions.

A basis for their claim will be the federal Constitution's requirement that states give "full faith and credit" to other states' judicial proceedings. The federal Defense of Marriage Act of 1996 offers an authoritative interpretation of the "full faith and credit" clause designed to prevent the interstate transmission of same-sex marriage. But the Supreme Court has repeatedly told Congress that it lacks the power to do that, and there is no reason to think that the Court would change its mind.

The odds are strong, then, that same-sex marriage will travel via the federal courts to other states. There also remains a possibility that the Supreme Court itself might simply strike down the traditional definition of marriage. Recall that last summer in Lawrence v. Texas the Court, with Justice Anthony Kennedy writing, did not merely void the nation's sodomy laws. Kennedy also embraced an amorphous right to sexual liberty (untethered to constitutional text or history) that denies the historic right of the

people to enact legislation based on their moral views. The Massachusetts Supreme Judicial Court, not incidentally, drew inspiration from Kennedy's Lawrence opinion.

The question facing the Senate and, for that matter, the House of Representatives, is whether federal judges should be allowed to decide the issue in the way they are likely to—or whether the American people should be given the opportunity to settle it through a constitutional amendment expressing their longstanding conviction about marriage. Even a failed cloture vote will give the country an idea of which senators understand—and which do not—that the definition of marriage is now an unavoidably national issue, and that, if marriage is to remain the union of a man and a woman, the issue will have to be addressed through a constitutional amendment.

Mr. ALLARD. Also, while I am at it, I would like to add Senator DOLE as a cosponsor to S.J. Res. 40.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. Mr. President, the editorial states:

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This is the gist of many of our arguments we are making today.

It has been called to my attention, through press reports, there has been a new lawsuit filed in the State of Massachusetts, that an attorney in Massachusetts has now filed a lawsuit on behalf of eight couples who are asking that the State of Massachusetts repeal their provisions which say they will not recognize same-sex marriages of individuals who come from other States. The Governor of Massachusetts relayed that issue to us during testimony before the committee. They just filed that. So here is another court case that has been filed that is another attack on marriage. That is why I think it is so very important we move forward with this debate.

This is not a political debate. It is not driven by politics. It is driven by the courts. Again, we have an organized effort, I believe, by proponents of same-sex marriage who want to undo the idea of a traditional marriage.

Right now, we have 46 States that have same-sex couples living there who have marriage licenses. I have been informed there is an organized effort to begin to file cases in those respective States. We have 11 States that have court cases currently filed in them. I was told several days ago that within those 11 States we have about 32 cases that have been filed, total.

We have 48 States that have passed laws protecting traditional marriage. I have behind me a chart that defines marriage as a union between a man and a woman. We had a very fine statement from the Senator from Oklahoma who talked about the need and why he carried that amendment that protected the definition of marriage and allowed States their basic right to defend their position as far as the definition of marriage.

This definition has been supported by huge majorities in these States in their legislative bodies. I happen to disagree with my colleague from the State of Arizona. I think a large percentage of Americans are concerned about changing the definition of traditional marriage. I think as they begin to more fully understand, they are going to be more forceful in the message they are sending to the Senate, and I think eventually the Members of this Senate will realize how very serious this particular issue is which is before us today.

We have at least 10 States that have constitutional amendments on the ballot, and 3 States that are still gathering petitions. This issue is here before us today. It is an important issue. The people of the United States are concerned about what is happening in the courts. That is the reason we are here today to carry on this debate.

There are some profound implications, I believe, to the rearing of children. Marriage matters. I have an article entitled: "The End of Marriage in Scandinavia." It is written by Stanley Kurtz, in the Weekly Standard, and dated February 2, 2004, in which he talks about the impact of redefining marriage in the Scandinavian countries and on children. I ask unanimous consent that article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Weekly Standard, Feb. 2, 2004]

THE END OF MARRIAGE IN SCANDINAVIA: THE "CONSERVATIVE CASE" FOR SAME-SEX MARRIAGE COLLAPSES

(By Stanley Kurtz)

Marriage is slowly dying in Scandinavia. A majority of children in Sweden and Norway are born out of wedlock. Sixty percent of first-born children in Denmark have unmarried parents. Not coincidentally, these countries have had something close to full gay marriage for a decade or more. Same-sex marriage has locked in and reinforced an existing Scandinavian trend toward the separation of marriage and parenthood. The Nordic family pattern—including gay marriage—is spreading across Europe. And by looking closely at it we can answer the key empirical question underlying the gay marriage debate. Will same-sex marriage undermine the institution of marriage? It already has.

More precisely, it has further undermined the institution. The separation of marriage from parenthood was increasing; gay marriage has widened the separation. Out-of-wedlock birthrates were rising; gay marriage has added to the factors pushing those rates higher. Instead of encouraging a society-wide return to marriage, Scandinavian gay marriage has driven home the message that marriage itself is outdated, and that virtually any family form, including out-of-wedlock parenthood, is acceptable.

This is not how the situation has been portrayed by prominent gay marriage advocates journalist Andrew Sullivan and Yale law professor William Eskridge Jr. Sullivan and Eskridge have made much of an unpublished study of Danish same-sex registered partnerships by Darren Spedale, an independent researcher with an undergraduate degree who visited Denmark in 1996 on a Fulbright scholarship. In 1989, Denmark had legalized de facto gay marriage (Norway followed in 1993 and Sweden in 1994). Drawing on Spedale, Sullivan and Eskridge cite evidence that since then, marriage has strengthened. Spedale reported that in the six years following the establishment of registered partnerships in Denmark (1990-1996), heterosexual marriage rates climbed by 10 percent, while heterosexual divorce rates declined by 12 percent. Writing in the McGeorge Law Review, Eskridge claimed that Spedale's study had exposed the "hysteria and irresponsibility" of those who predicted gay marriage would undermine marriage. Andrew Sullivan's Spedale-inspired piece was subtitled, "The case against same-sex marriage crumbles."

Yet the half-page statistical analysis of heterosexual marriage in Darren Spedale's unpublished paper doesn't begin to get at the truth about the decline of marriage in Scandinavia during the nineties. Scandinavian marriage is now so weak that statistics on marriage and divorce no longer mean what they used to.

Take divorce. It's true that in Denmark, as elsewhere in Scandinavia, divorce numbers looked better in the nineties. But that's because the pool of married people has been shrinking for some time. You can't divorce without first getting married. Moreover, a closer look at Danish divorce in the post-gay marriage decade reveals disturbing trends. Many Danes have stopped holding off divorce until their kids are grown. And Denmark in the nineties saw a 25 percent increase in cohabiting couples with children. With fewer parents marrying, what used to show up in statistical tables as early divorce is now the unrecorded breakup of a cohabiting couple with children.

What about Spedale's report that the Danish marriage rate increased 10 percent from 1990 to 1996? Again, the news only appears to be good. First, there is no trend. Eurostat's just-released marriage rates for 2001 show declines in Sweden and Denmark (Norway hasn't reported). Second, marriage statistics in societies with very low rates (Sweden registered the lowest marriage rate in recorded history in 1997) must be carefully parsed. In his study of the Norwegian family in the nineties, for example, Christer Hyggen shows that a small increase in Norway's marriage rate over the past decade has more to do with the institution's decline than with any renaissance. Much of the increase in Norway's marriage rate is driven by older couples "catching up." These couples belong to the first generation that accepts rearing the first born child out of wedlock. As they bear second children, some finally get married. (And even this tendency to marry at the birth of a second child is weakening.) As for the rest of the increase in the Norwegian marriage rate, it is largely attributable to remarriage among the large number of divorced.

Spedale's report of lower divorce rates and higher marriage rates in post-gay marriage Denmark is thus misleading. Marriage is now so weak in Scandinavia that shifts in these rates no longer mean what they would in America. In Scandinavian demography, what counts is the out-of-wedlock birthrate, and the family dissolution rate.

The family dissolution rate is different from the divorce rate. Because so many Scandinavians now rear children outside of marriage, divorce rates are unreliable measures of family weakness. Instead, we need to know the rate at which parents (married or not) split up. Precise statistics on family dissolution are unfortunately rare. Yet the studies that have been done show that throughout Scandinavia (and the West) cohabiting couples with children break up at two to three times the rate of married parents. So rising rates of cohabitation and out-of-wedlock birth stand as proxy for rising rates of family dissolution.

By that measure, Scandinavian family dissolution has only been worsening. Between 1990 and 2000, Norway's out-of-wedlock birthrate rose from 39 to 50 percent, while Sweden's rose from 47 to 55 percent. In Denmark out-of-wedlock births stayed level during the nineties (beginning at 46 percent and ending at 45 percent). But the leveling off seems to be a function of a slight increase in fertility among older couples, who marry only after multiple births (if they don't break up first). That shift masks the 25 percent increase during the nineties in cohabitation and unmarried parenthood among Danish couples (many of them young). About 60 percent of first born children in Denmark now have unmarried parents. The rise of fragile families based on cohabitation and out-of-wedlock childbearing means that during the nineties, the total rate of family dissolution in Scandinavia significantly increased.

Scandinavia's out-of-wedlock birthrates may have risen more rapidly in the seventies, when marriage began its slide. But the push of that rate past the 50 percent mark during the nineties was in many ways more disturbing. Growth in the out-of-wedlock birthrate is limited by the tendency of parents to marry after a couple of births, and also by the persistence of relatively conservative and religious districts. So as out-of-wedlock childbearing pushes beyond 50 percent, it is reaching the toughest areas of cultural resistance. The most important trend of the post-gay marriage decade may be the erosion of the tendency to marry at the birth of a second child. Once even that marker disappears, the path to the complete disappearance of marriage is open.

And now that married parenthood has become a minority phenomenon, it has lost the critical mass required to have socially normative force. As Danish sociologists Wehner, Kambskard, and Abrahamson describe it, in the wake of the changes of the nineties, "Marriage is no longer a precondition for settling a family—neither legally nor normatively. . . . What defines and makes the foundation of the Danish family can be said to have moved from marriage to parenthood."

So the highly touted half-page of analysis from an unpublished paper that supposedly helps validate the "conservative case" for gay marriage—i.e., that it will encourage stable marriage for heterosexuals and homosexuals alike—does no such thing. Marriage in Scandinavia is in deep decline, with children shouldering the burden of rising rates of family dissolution. And the mainspring of the decline—an increasingly sharp separation between marriage and parenthood—can be linked to gay marriage. To see this, we need to understand why marriage is in trouble in Scandinavia to begin with.

Scandinavia has long been a bellwether of family change. Scholars take the Swedish experience as a prototype for family developments that will, or could, spread throughout the world. So let's have a look at the decline of Swedish marriage.

In Sweden, as elsewhere, the sixties brought contraception, abortion, and growing individualism. Sex was separated from procreation, reducing the need for "shotgun weddings." These changes, along with the movement of women into the workforce, enabled and encouraged people to marry at later ages. With married couples putting off parenthood, early divorce had fewer consequences for children. That weakened the taboo against divorce. Since young couples were putting off children, the next step was to dispense with marriage and cohabit until children were desired. Americans have lived through this transformation. The Swedes have simply drawn the final conclusion: If we've come so far without marriage, why marry at all? Our love is what matters, not a piece of paper. Why should children change that?

Two things prompted the Swedes to take this extra step—the welfare state and cultural attitudes. No Western economy has a higher percentage of public employees, public expenditures—or higher tax rates—than Sweden. The massive Swedish welfare state has largely displaced the family as provider. By guaranteeing jobs and income to every citizen (even children), the welfare state renders each individual independent. It's easier to divorce your spouse when the state will support you instead.

The taxes necessary to support the welfare state have had an enormous impact on the family. With taxes so high, women must work. This reduces the time available for child rearing, thus encouraging the expansion of a day-care system that takes a large part in raising nearly all Swedish children over age one. Here is at least a partial realization of Simone de Beauvoir's dream of an enforced androgyny that pushes women from the home by turning children over to the state.

Yet the Swedish welfare state may encourage traditionalism in one respect. The lone teen pregnancies common in the British and American underclass are rare in Sweden, which has no underclass to speak of. Even when Swedish couples bear a child out of wedlock, they tend to reside together when the child is born. Strong state enforcement of child support is another factor discouraging single motherhood by teens. Whatever the causes, the discouragement of lone motherhood is a short-term effect. Ultimately, mothers and fathers can get along financially alone. So children born out of wedlock are raised, initially, by two cohabiting parents, many of whom later break up.

There are also cultural-ideological causes of Swedish family decline. Even more than in the United States, radical feminist and socialist ideas pervade the universities and the media. Many Scandinavian social scientists see marriage as a barrier to full equality between the sexes, and would not be sorry to see marriage replaced by unmarried cohabitation. A related cultural-ideological agent of marital decline is secularism. Sweden is probably the most secular country in the world. Secular social scientists (most of them quite radical) have largely replaced clerics as arbiters of public morality. Swedes themselves link the decline of marriage to secularism. And many studies confirm that, throughout the West, religiosity is associated with institutionally strong marriage, while heightened secularism is correlated with a weakening of marriage. Scholars have long suggested that the relatively thin Christianization of the Nordic countries explains a lot about why the decline of marriage in Scandinavia is a decade ahead of the rest of the West.

Are Scandinavians concerned about rising out-of-wedlock births, the decline of marriage, and ever-rising rates of family dissolution? No, and yes. For over 15 years, an American outsider, Rutgers University sociologist David Popenoe, has played Cassandra on these issues. Popenoe's 1988 book, "Disturbing the Nest," is still the definitive treatment of Scandinavian family change and its meaning for the Western world. Popenoe is no toe-the-line conservative. He has praise for the Swedish welfare state, and criticizes American opposition to some child welfare programs. Yet Popenoe has documented the slow motion collapse of the Swedish family, and emphasized the link between Swedish family decline and welfare policy.

For years, Popenoe's was a lone voice. Yet by the end of the nineties, the problem was too obvious to ignore. In 2000, Danish sociologist Mai Heide Ottosen published a study, "Samboskab, Aegteskab og Foraeldrebrud" ("Cohabitation, Marriage and Parental Breakup"), which confirmed the increased risk of family dissolution to children of unmarried parents, and gently chided Scandinavian social scientists for ignoring the "quiet revolution" of out-of-wedlock parenting.

Despite the reluctance of Scandinavian social scientists to study the consequences of family dissolution for children, we do have an excellent study that followed the life experiences of all children born in Stockholm in 1953. (Not coincidentally, the research was conducted by a British scholar, Duncan W.G. Timms.) That study found that regardless of income or social status, parental breakup had negative effects on children's mental health. Boys living with single, separated, or divorced mothers had particularly high rates of impairment in adolescence. An important 2003 study by Gunilla Ringbäck Weitoft, et al. found that children of single parents in Sweden have more than double the rates of mortality, severe morbidity, and injury of children in two parent households. This held true after controlling for a wide range of demographic and socioeconomic circumstances.

The decline of marriage and the rise of unstable cohabitation and out-of-wedlock childbirth are not confined to Scandinavia. The Scandinavian welfare state aggravates these problems. Yet none of the forces weakening marriage there are unique to the region. Contraception, abortion, women in the workforce, spreading secularism, ascendant individualism, and a substantial welfare state are found in every Western country. That is why the Nordic pattern is spreading.

Yet the pattern is spreading unevenly. And scholars agree that cultural tradition plays a central role in determining whether a given country moves toward the Nordic family system. Religion is a key variable. A 2002 study by the Max Planck Institute, for example, concluded that countries with the lowest rates of family dissolution and out-of-wedlock births are "strongly dominated by the Catholic confession." The same study found that in countries with high levels of family dissolution, religion in general, and Catholicism in particular, had little influence.

British demographer Kathleen Kiernan, the acknowledged authority on the spread of cohabitation and out-of-wedlock births across Europe, divides the continent into three zones. The Nordic countries are the leaders in cohabitation and out-of-wedlock births. They are followed by a middle group that includes the Netherlands, Belgium, Great Britain, and Germany. Until recently, France was a member of this middle group, but France's rising out-of-wedlock birthrate has moved it into the Nordic category. North American rates of cohabitation and out-of-wedlock birth put the United States and Canada into this middle group. Most resistant to cohabitation, family dissolution, and out-of-wedlock births are the southern European countries of Spain, Portugal, Italy, and Greece, and, until recently, Switzerland and Ireland. (Ireland's rising out-of-wedlock birthrate has just pushed it into the middle group.)

These three groupings closely track the movement for gay marriage. In the early nineties, gay marriage came to the Nordic countries, where the out-of-wedlock birthrate was already high. Ten years later, out-of-wedlock birth rates have risen significantly in the middle group of nations. Not coincidentally, nearly every country in that middle group has recently either legalized some form of gay marriage, or is seriously considering doing so. Only in the group with low out-of-wedlock birthrates has the gay marriage movement achieved relatively little success.

This suggests that gay marriage is both an effect and a cause of the increasing separation between marriage and parenthood. As rising out-of-wedlock birthrates disassociate heterosexual marriage from parenting, gay marriage becomes conceivable. If marriage is only about a relationship between two people, and is not intrinsically connected to parenthood, why shouldn't same-sex couples be allowed to marry? It follows that once marriage is redefined to accommodate same-sex couples, that change cannot help but lock in and reinforce the very cultural separation between marriage and parenthood that makes gay marriage conceivable to begin with.

We see this process at work in the radical separation of marriage and parenthood that swept across Scandinavia in the nineties. If Scandinavian out-of-wedlock birthrates had not already been high in the late eighties, gay marriage would have been far more difficult to imagine. More than a decade into post-gay marriage Scandinavia, out-of-wedlock birthrates have passed 50 percent, and the effective end of marriage as a protective shield for children has become thinkable. Gay marriage hasn't blocked the separation of marriage and parenthood; it has advanced it.

We see this most clearly in Norway. In 1989, a couple of years after Sweden broke ground by offering gay couples the first domestic partnership package in Europe, Denmark legalized de facto gay marriage. This kicked off a debate in Norway (traditionally more conservative than either Sweden or Denmark), which legalized de facto gay marriage in 1993. (Sweden expanded its benefits packages into de facto gay marriage in 1994.) In liberal Denmark, where out-of-wedlock birthrates were already very high, the public favored same-sex marriage. But in Norway, where the out-of-wedlock birthrate was lower—and religion traditionally stronger—gay marriage was imposed, against the public will, by the political elite.

Norway's gay marriage debate, which ran most intensely from 1991 through 1993, was a culture-shifting event. And once enacted, gay marriage had a decidedly unconservative impact on Norway's cultural contests, weakening marriage's defenders, and placing a weapon in the hands of those who sought to replace marriage with cohabitation. Since its adoption, gay marriage has brought division and decline to Norway's Lutheran Church. Meanwhile. Norway's fast-rising out-of-wedlock birthrate has shot past Denmark's. Particularly in Norway—once relatively conservative—gay marriage has undermined marriage's institutional standing for everyone.

Norway's Lutheran state church has been riven by conflict in the decade since the approval of de facto gay marriage, with the ordination of registered partners the most divisive issue. The church's agonies have been intensively covered in the Norwegian media, which have taken every opportunity to paint the church as hidebound and divided. The nineties began with conservative churchmen in control. By the end of the decade, liberals had seized the reins.

While the most public disputes of the nineties were over homosexuality, Norway's Lutheran church was also divided over the question of heterosexual cohabitation. Asked directly, liberal and conservative clerks alike voice a preference for marriage over cohabitation—especially for couples with children. In practice, however, conservative churchmen speak out against the trend toward unmarried cohabitation and childbirth, while liberals acquiesce.

This division over heterosexual cohabitation broke into the open in 2000, at the height of the church's split over gay partnerships, when Prince Haakon, heir to Norway's throne, began to live with his lover, a single mother. From the start of the prince's controversial relationship to its eventual culmination in marriage, the future head of the Norwegian state church received tokens of public support or understanding from the very same bishops who were leading the fight to permit the ordination of homosexual partners.

So rather than strengthening Norwegian marriage against the rise of cohabitation and out-of-wedlock birth, same-sex marriage had the opposite effect. Gay marriage lessened the church's authority by splitting it into warring factions and providing the secular media with occasions to mock and expose divisions. Gay marriage also elevated the church's openly rebellious minority liberal faction to national visibility, allowing Norwegians to feel that their proclivity for unmarried parenthood, if not fully approved by the church, was at least not strongly condemned. If the "conservative case" for gay marriage had been valid, clergy who were supportive of gay marriage would have taken a strong public stand against unmarried heterosexual parenthood. This didn't happen. It was the conservative clergy who criticized the prince, while the liberal supporters of gay marriage tolerated his decisions. The message was not lost on ordinary Norwegians, who continued their flight to unmarried parenthood.

Gay marriage is both an effect and a reinforcing cause of the separation of marriage and parenthood. In states like Sweden and Denmark, where out-of-wedlock birthrates were already very high, and the public favored gay marriage, gay unions were an effect of earlier changes. Once in place, gay marriage symbolically ratified the separation of marriage and parenthood. And once established, gay marriage became one of several factors contributing to further increases in cohabitation and out-of-wedlock birthrates, as well as to early divorce. But in Norway, where out-of-wedlock birthrates were lower, religion stronger, and the public opposed same-sex unions, gay marriage had an even greater role in precipitating marital decline.

Sweden's position as the world leader in family decline is associated with a weak clergy, and the prominence of secular and left-leaning social scientists. In the post-gay marriage nineties, as Norway's once relatively low out-of-wedlock birthrate was climbing to unprecedented heights, and as the gay marriage controversy weakened and split the once respected Lutheran state church, secular social scientists took center stage.

Kari Moxnes, a feminist sociologist specializing in divorce, is one of the most prominent of Norway's newly emerging group of public social scientists. As a scholar who sees both marriage and at-home motherhood as inherently oppressive to women, Moxnes is a proponent of nonmarital cohabitation and parenthood. In 1993, as the Norwegian legislature was debating gay marriage, Moxnes published an article, "Det tomme ekteskap" ("Empty Marriage"), in the influential liberal paper Dagbladet. She argued that Norwegian gay marriage was a sign of marriage's growing emptiness, not its strength. Although Moxnes spoke in favor of gay marriage, she treated its creation as a (welcome) death knell for marriage itself. Moxnes identified homosexuals—with their experience in forging relationships unencumbered by children—as social pioneers in the separation of marriage from parenthood. In recognizing homosexual relationships, Moxnes said, society was ratifying the division of marriage from parenthood that had spurred the rise of out-of-wedlock births to begin with.

A frequent public presence, Moxnes enjoyed her big moment in 1999, when she was embroiled in a dispute with Valgerd Svarstad Haugland, minister of children and family affairs in Norway's Christian Democrat government. Moxnes had criticized Christian marriage classes for teaching children the importance of wedding vows. This brought a sharp public rebuke from Haugland. Responding to Haugland's criticisms, Moxnes invoked homosexual families as proof that "relationships" were now more important than institutional marriage.

This is not what proponents of the conservative case for gay marriage had in mind. In Norway, gay marriage has given ammunition to those who wish to put an end to marriage. And the steady rise of Norway's out-of-wedlock birthrate during the nineties proves that the opponents of marriage are succeeding. Nor is Kari Moxnes an isolated case.

Months before Moxnes clashed with Haugland, social historian Kari Melby had a very public quarrel with a leader of the Christian Democratic party over the conduct of Norway's energy minister, Marit Arnstad. Arnstad had gotten pregnant in office and had declined to name the father. Melby defended Arnstad, and publicly challenged the claim that children do best with both a mother and a father. In making her case, Melby praised gay parenting, along with voluntary single motherhood, as equally worthy alternatives to the traditional family. So instead of noting that an expectant mother might want to follow the example of marriage that even gays were now setting, Melby invoked homosexual families as proof that a child can do as well with one parent as two.

Finally, consider a case that made even more news in Norway, that of handball star Mia Hundvin (yes, handball prowess makes for celebrity in Norway). Hundvin had been in a registered gay partnership with fellow handballer Camilla Andersen. These days, however, having publicly announced her bisexuality, Hundvin is linked with Norwegian snowboarder Terje Haakonsen. Inspired by her time with Haakonsen's son, Hundvin decided to have a child. The father of Hundvin's child may well be Haakonsen, but neither Hundvin nor Haakonsen is saying.

Did Hundvin divorce her registered partner before deciding to become a single mother by (probably) her new boyfriend? The story in Norway's premiere paper, Aftenposten, doesn't bother to mention. After noting that Hundvin and Andersen were registered partners, the paper simply says that the two women are no longer "romantically involved." Hundvin has only been with Haakonsen about a year. She obviously decided to become a single mother without bothering to see whether she and Haakonsen might someday marry. Nor has Hundvin appeared to consider that her affection for Haakonsen's child (also apparently born out of wedlock) might better be expressed by marrying Haakonsen and becoming his son's new mother.

Certainly, you can chalk up more than a little of this saga to celebrity culture. But celebrity culture is both a product and influencer of the larger culture that gives rise to it. Clearly, the idea of parenthood here has been radically individualized, and utterly detached from marriage. Registered partnerships have reinforced existing trends. The press treats gay partnerships more as relationships than as marriages. The symbolic message of registered partnerships—for social scientists, handball players, and bishops alike-has been that most any nontraditional family is just fine. Gay marriage has served to validate the belief that individual choice trumps family form.

The Scandinavian experience rebuts the so-called conservative case for gay marriage in more than one way. Noteworthy, too, is the lack of a movement toward marriage and monogamy among gays. Take-up rates on gay marriage are exceedingly small. Yale's William Eskridge acknowledged this when he reported in 2000 that 2,372 couples had registered after nine years of the Danish law, 674 after four years of the Norwegian law, and 749 after four years of the Swedish law.

Danish social theorist Henning Bech and Norwegian sociologist Rune Halvorsen offer excellent accounts of the gay marriage debates in Denmark and Norway. Despite the regnant social liberalism in these countries, proposals to recognize gay unions generated tremendous controversy, and have reshaped the meaning of marriage in the years since. Both Bech and Halvorsen stress that the conservative case for gay marriage, while put forward by a few, was rejected by many in the gay community. Bech, perhaps Scandinavia's most prominent gay thinker, dismisses as an "implausible" claim the idea that gay marriage promotes monogamy. He treats the "conservative case" as something that served chiefly tactical purposes during a difficult political debate. According to Halvorsen, many of Norway's gays imposed self-censorship during the marriage debate, so as to hide their opposition to marriage itself. The goal of the gay marriage movements in both Norway and Denmark, say Halvorsen and Bech, was not marriage but social approval for homosexuality. Halvorsen suggests that the low numbers of registered gay couples may be understood as a collective protest against the expectations (presumably, monogamy) embodied in marriage.

Since liberalizing divorce in the first decades of the twentieth century, the Nordic countries have been the leading edge of marital change. Drawing on the Swedish experience, Kathleen Kiernan, the British demographer, uses a four-stage model by which to gauge a country's movement toward Swedish levels of out-of-wedlock births.

In stage one, cohabitation is seen as a deviant or avant-garde practice, and the vast majority of the population produces children within marriage. Italy is at this first stage. In the second stage, cohabitation serves as a testing period before marriage, and is generally a childless phase. Bracketing the problem of underclass single parenthood, America is largely at this second stage. In stage three, cohabitation becomes increasingly acceptable, and parenting is no longer automatically associated with marriage. Norway was at this third stage, but with recent demographic and legal changes has entered stage four. In the fourth stage (Sweden and Denmark), marriage and cohabitation become practically indistinguishable, with many, perhaps even most, children born and raised outside of marriage. According to Kiernan, these stages may vary in duration, yet once a country has reached a stage, return to an earlier phase is unlikely. (She offers no examples of stage reversal.) Yet once a stage has been reached, earlier phases coexist.

The forces pushing nations toward the Nordic model are almost universal. True, by preserving legal distinctions between marriage and cohabitation, reining in the welfare state, and preserving at least some traditional values, a given country might forestall or prevent the normalization of nonmarital parenthood. Yet every Western country is susceptible to the pull of the Nordic model. Nor does Catholicism guarantee immunity. Ireland, perhaps because of its geographic, linguistic, and cultural proximity to England, is now suffering from out-of-wedlock birthrates far in excess of the rest of Catholic Europe. Without deeming a shift inevitable, Kiernan openly wonders how long America can resist the pull of stages three and four.

Although Sweden leads the world in family decline, the United States is runner-up. Swedes marry less, and bear more children out of wedlock, than any other industrialized nation. But Americans lead the world in single parenthood and divorce. If we bracket the crisis of single parenthood among African-Americans, the picture is somewhat different. Yet even among non-Hispanic whites, the American divorce rate is extremely high by world standards.

The American mix of family traditionalism and family instability is unusual. In comparison to Europe, Americans are more religious and more likely to turn to the family than the state for a wide array of needs—from child care, to financial support, to care for the elderly. Yet America's individualism cuts two ways. Our cultural libertarianism protects the family as a bulwark against the state, yet it also breaks individuals loose from the family. The danger we face is a combination of America's divorce rate with unstable, Scandinavian-style out-of-wedlock parenthood. With a growing tendency for cohabiting couples to have children outside of marriage, America is headed in that direction.

Young Americans are more likely to favor gay marriage than their elders. That oft-noted fact is directly related to another. Less than half of America's twenty-somethings consider it wrong to bear children outside marriage. There is a growing tendency for even middle class cohabiting couples to have children without marrying.

Nonetheless, although cohabiting parenthood is growing in America, levels here are still far short of those in Europe. America's situation is not unlike Norway's in the early nineties, with religiosity relatively strong, the out-of-wedlock birthrate still relatively low (yet rising), and the public opposed to gay marriage. If, as in Norway, gay marriage were imposed here by a socially liberal cultural elite, it would likely speed us on the way toward the classic Nordic pattern of less frequent marriage, more frequent out-of-wedlock birth, and skyrocketing family dissolution.

In the American context, this would be a disaster. Beyond raising rates of middle class family dissolution, a further separation of marriage from parenthood would reverse the healthy turn away from single-parenting that we have begun to see since, welfare reform. And cross-class family decline would bring intense pressure for a new expansion of the American welfare state.

All this is happening in Britain. With the Nordic pattern's spread across Europe, Britain's out-of-wedlock birthrate has risen to 40 percent. Most of that increase is among cohabiting couples. Yet a significant number of out-of-wedlock births in Britain are to lone teenage mothers. This a function of Britain's class divisions. Remember that although the Scandinavian welfare state encourages family dissolution in the long term, in the short term, Scandinavian parents giving birth out of wedlock tend to stay together. But given the presence of a substantial underclass in

Britain, the spread of Nordic cohabitation there has sent lone teen parenting rates way up. As Britain's rates of single parenting and family dissolution have grown, so has pressure to expand the welfare state to compensate for economic help that families can no longer provide. But of course, an expansion of the welfare state would only lock the weakening of Britain's family system into place.

If America is to avoid being forced into a similar choice, we'll have to resist the separation of marriage from parenthood. Yet even now we are being pushed in the Scandinavian direction. Stimulated by rising rates of unmarried parenthood, the influential American Law Institute (ALI) has proposed a series of legal reforms ("Principles of Family Dissolution") designed to equalize marriage and cohabitation. Adoption of the ALI principles would be a giant step toward the Scandinavian system.

Americans take it for granted that, despite its recent troubles, marriage will always exist. This is a mistake. Marriage is disappearing in Scandinavia, and the forces undermining it there are active throughout the West. Perhaps the most disturbing sign for the future is the collapse of the Scandinavian tendency to marry after the second child. At the start of the nineties, 60 percent of unmarried Norwegian parents who lived together had only one child. By 2001, 56 percent of unmarried, cohabiting parents in Norway had two or more children. This suggests that someday, Scandinavian parents might simply stop getting married altogether, no matter how many children they have.

The death of marriage is not inevitable. In a given country, public policy decisions and cultural values could slow, and perhaps halt, the process of marital decline. Nor are we faced with an all-or-nothing choice between the marital system of, say, the 1950s and marriage's disappearance. Kiernan's model posits stopping points. So repealing nofault divorce, or even eliminating premarital cohabitation, are not what's at issue. With nofault divorce, Americans traded away some of the marital stability that protects children to gain more freedom for adults. Yet we can accept that trade-off, while still drawing a line against descent into a Nordic-style system. And cohabitation as a premarital testing phase is not the same as unmarried parenting. Potentially, a line between the two can hold.

Developments in the last half-century have surely weakened the links between American marriage and parenthood. Yet to a remarkable degree, Americans still take it for granted that parents should marry. Scandinavia shocks us. Still, who can deny that gay marriage will accustom us to a more Scandinavian-style separation of marriage and parenthood? And with our underclass, the social pathologies this produces in America are bound to be more severe than they already are in wealthy and socially homogeneous Scandinavia.

All of these considerations suggest that the gay marriage debate in America is too important to duck. Kiernan maintains that as societies progressively detach marriage from parenthood, stage reversal is impossible. That makes sense. The association between marriage and parenthood is partly a mystique. Disenchanted mystiques cannot be restored on demand.

What about a patchwork in which some American states have gay marriage while others do not? A state-by-state patchwork would practically guarantee a shift toward the Nordic family system. Movies and television, which do not respect state borders, would embrace gay marriage. The cultural effects would be national.

What about Vermont-style civil unions? Would that be a workable compromise? Clearly not. Scandinavian registered partnerships are Vermont-style civil unions. They are not called marriage, yet resemble marriage in almost every other respect. The key differences are that registered partnerships do not permit adoption or artificial insemination, and cannot be celebrated in state-affiliated churches. These limitations are gradually being repealed. The lesson of the Scandinavian experience is that even de facto same-sex marriage undermines marriage.

The Scandinavian example also proves that gay marriage is not interracial marriage in a new guise. The miscegenation analogy was never convincing. There are plenty of reasons to think that, in contrast to race, sexual orientation will have profound effects on marriage. But with Scandinavia, we are well beyond the realm of even educated speculation. The post-gay marriage changes in the Scandinavian family are significant. This is not like the fantasy about interracial birth defects. There is a serious scholarly debate about the spread of the Nordic family pattern. Since gay marriage is a part of that pattern, it needs to be part of that debate.

Conservative advocates of gay marriage want to test it in a few states. The implication is that, should the experiment go bad, we can call it off. Yet the effects, even in a few American states, will be neither containable nor revocable. It took about 15 years after the change hit Sweden and Denmark for Norway's out-of-wedlock birthrate to begin to move from "European" to "Nordic" levels. It took another 15 years (and the advent of gay marriage) for Norway's out-of-wedlock birthrate to shoot past even Denmark's. By the time we see the effects of gay marriage in America, it will be too late to do anything about it. Yet we needn't wait that long. In effect, Scandinavia has run our experiment for us. The results are in.

Mr. ALLARD. Mr. President, I see we have the Senator from Alabama in the Chamber. I would like to give him an opportunity to address the Senate.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. I thank the Presiding Officer and Senator ALLARD for his leadership on this issue. I am proud to cosponsor this legislation with him.

I think a constitutional amendment is appropriate, and I believe it is worthy of this Senate to take time to discuss it. I believe it is important for the American people to understand the danger, the threat to marriage as we have known it in this culture and, indeed, as it has been known for thousands of years. It is endangered by the decisions of unelected judges who are not accountable to the public. As a result, it is their States rights that are being eroded through this kind of activity.

The U.S. Supreme Court, as I discussed in some detail last night, through the ruling in Lawrence v. Texas has very clearly—philosophically and as a matter of principle—placed marriage as we have known it in jeopardy. Indeed, Justice Scalia predicted, in dissent, this is exactly where the Court is headed. It is exactly what the Supreme Court of the United States is going to do. It is going to rule consistent with the Supreme Court of Massachusetts. We are on the verge of seeing that happen. If they do not do it next year, or even the year after that, that does not mean that marriage as we know it in America today is not under threat of a Supreme Court ruling. No one in this body would assert with confidence that the Supreme Court, in light of their language in the Lawrence case, is not about to adopt a ruling similar to that of Massachusetts. So marriage is in jeopardy by the U.S. Supreme Court, jeopardy in terms of the way we have defined it traditionally.

This is not an act of the people. It is not an act of any legislature. No State or Federal legislative body that has ever sat has concluded this way. None. None has voted for this kind of definition of marriage.

I will emphasize, first of all, for those who believe that States have the ability to do something by passing a constitutional amendment or a State statute dealing with marriage to affirm traditional marriage, that would be wiped out by one ruling of the U.S. Supreme Court. The U.S. Supreme Court, when it defines the equal protection clause of the due process clause of the U.S. Constitution, trumps any State law.

What we are doing is to protect, defend the rights of the States to adopt legislatively the position they have always adopted. I believe it is an important national issue, as has been discussed by a number of very fine lawyers.

JON KYL, yesterday, in his statement—and Senator KYL has argued three cases before the U.S. Supreme Court—delineated the mess we will be in when people move from State to State with children they have adopted. Their relationships are one in one State, another in another State. A national definition of marriage is healthy for the country.

But I tell you, I would admit, we would not be here if it were not for the courts. We would not be seeking a constitutional amendment. We would not be in this debate had we not been placed in a position where the American people have to stand up and defend their democratic powers against an activist judiciary.

Let me add parenthetically, this is what the debate over judges is about; it has been going on in this Congress for several years now. President Bush believes in judges who follow the law, not make the law, judges who do not believe it is their right and that they have the power to impose their personal views on people through their "definition" of the Constitution of the United States.

For 200 years plus, we have had an equal protection clause. It is only recently that some judges seem to believe that allows them to redefine marriage.

That is a stunning activist decision. It is the same kind of decision we have seen on the Pledge of Allegiance, the same kind of decision we have seen on many other issues coming before us today. It would be very appropriate that the American people, following the constitutionally approved process of a constitutional amendment, would answer that and say what they think about marriage and how it ought to be defined. The truth is that we will be better off with a fundamental definition of marriage nationally. It is important that we do so because of the action of the courts.

Some say: Well, the American people don't want this. My phones are ringing off the hook. I don't know about Senator ALLARD or the Presiding Officer. I had my people check. We have had 1,500 calls for this amendment and less than 30 or 40 opposed. The American people are concerned about it, and rightly they should be. Maybe, as with a lot of important issues that come before the Senate, they are not fully informed of what is happening, and this debate will help them become better informed. I don't know.

My colleague, Senator MCCAIN, suggested that the American people don't support this constitutional amendment. I am just looking at some recent survey data. Here is one from June 23-24, 2004. Do you favor or oppose a constitutional amendment that defines marriage as a union between a man and a woman: Favor, 57 percent; opposed, 38 percent. That was New Models survey.

Here is one, CBS News-New York Times. Would you favor or oppose an amendment to the U.S. Constitution that would allow marriage only between a man and a woman: Favor, 59 percent; opposed, 35 percent. That is March of this year.

I don't think the American people are fully understanding of just how far the courts have moved and just how much the traditional definition of marriage is under attack today. Members of this Congress need to think about that. I don't believe it is going away after this vote. The issue will remain alive. The American people are going to continue to contact their legislators because the matter is important. Marriage is important.

Senator BROWNBACK, who does such a good job, has gone into some detail today and yesterday on how we have seen in Europe and Scandinavia that the adoption of same-sex marriages has furthered the decline in respect for marriage in those countries. And after those acts have occurred, we have seen a substantial surge in the number of out-of-wedlock births in those countries and the decline of marriage. It is rather dramatic.

Just within the last few days, six experts from Scandinavia have written a letter to other European nations and the United States, I suppose, telling them that they ought to be careful when they start tinkering with the traditional definition of marriage. It has serious sociological impacts on the life and culture of those countries. It is time for us to back up a little bit.

I would also note parenthetically that we have not adopted the socialist model of Europe. Our economy is stronger. Our unemployment is less. Our growth rate is higher. Our economy is healthier than Europe. We have not followed their mentality on national defense and we have the strongest military in the world and we have the strongest capability in the world. So why would we want to adopt their ideas about marriage? It would be the wrong thing for us to do.

The fact that we have resisted in those areas tells me that we are not on an inevitable decline in marriage.

The PRESIDING OFFICER. Under the previous order, the time of the majority has expired.

Mr. SESSIONS. I ask unanimous consent that I be allowed to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. We need to think about those issues and consider seriously the direction this country intends to take on marriage. That is all I am saying. I urge my colleagues to realize this is a significant vote. What we say indicates what this Nation, what this culture thinks about marriage.

I am going to talk in a moment about why it is important. But I do believe it is not disputable that adopting a same-sex marriage culture undermines and weakens marriage.

We had two articulate African-American leaders speak to a group of us a few days ago. They pointed out how hard they worked to sustain marriage in their churches and in their communities, how important they believe it is that there be stable, strong families so that children can be raised in that environment, and how hard they have worked at it and how frustrated they are that we would think about changing the definition of marriage because they are convinced that it would undermine the classical marriage relationship.

Let me just say one more thing parenthetically. I do not believe this debate should be negative. I do not believe it should put down any person, any group of people who have alternative lifestyles. Our Nation allows people to express themselves and live as they choose. I do believe, however, that it is important for us to have as the marital relationship in our country the ideal relationship of a man and a woman. That is what we have always done, and that is what we ought to proceed with now.

I do not believe it is appropriate for me to judge someone else's behavior. That is between them and their Lord. One wise thinker talked about the Scriptures. He said: The Scriptures say we should not be greedy, that we should not be violent. The Scriptures say we should not be angry. All of us violate all kinds of values, principles, moral rules of behavior that our Creator has set for us. So I am not here to judge anybody or condemn anybody. They must live and make their own judgments about how to behave. I have certain beliefs about proper standards of behavior, but I am not able to say I am any better than anybody else who may or may not fail to act in a proper way.

Let's talk about why marriage is important. If we are at a point where we are convinced that this judicial change could further weaken the institution of marriage, then what impact will that have on the people of this country? What impact will that have on the quality of life and the health and vitality of our next generation of young people?

I had the privilege to chair a hearing recently in the Health, Education, Labor, and Pensions Committee. It was entitled "Healthy Marriage: What Is It and Why Should We Promote It." It was a very excellent hearing. I learned an awful lot.

We asked three questions. First, is marriage good? Is it a good thing? Second, if marriage is good, should the Government involve itself in promoting that good? And finally, significantly, can the Government make any difference in marriage in a culture?

After listening to a distinguished panel of witnesses, I determined that the answer to each of these questions is yes. First, we know that marriage is a social good. Children are more likely to be healthy in two-parent homes, and there is less government dependence when people are in families led by married parents.

Second, while government should not be involved in the decision to marry—of course, that is an individual decision—once that decision is made, government should be on the side of supporting marriage, affirming marriage, certainly doing nothing to undermine marriage or reduce its power, its legitimacy, and its sanctity in society.

Government is often on the side of promoting social good. For example, government incentives exist for home ownership. Why? Because we believe home ownership makes for a more stable community. It allows families to generate wealth and create wealth and have something to live in in their old age. That is a good goal and we promote it. We have tax breaks for charitable giving because we want to encourage charity. We have government grants, loans, and tax breaks to encourage people to enhance their education. We have government incentives for preventive health care.

Finally, government can make a difference. Positive examples of government involvement in helping marriage include the Oklahoma marriage savers initiative, as former Oklahoma Gov. Frank Keating testified at our hearing. The marriage savers community policy is something we studied carefully. In the community that has a marriage savers policy, it has strengthened marriage.

I thought the most dramatic testimony came from Dr. Barbara Dafoe Whitehead. I will talk about her testimony in a moment. We also heard from Roland Warren and Dr. Wade Horn, who testified on a number of issues.

All right. So if we continue the European model of deemphasizing the importance of classical marriage, defining it down, if we follow that direction and that further undermines marriage in a society, will it hurt our society? Will we be diminished by it?

Let me share with you some of the facts that have been assembled by Barbara Dafoe Whitehead, Ph.D., director of the National Marriage Project. Ten years ago, she wrote an article that was voted one of the most significant articles in the second half of the 20th century. The title was, "Dan Quayle Was Right." It had to do with former Vice President Dan Quayle's speech in which he questioned the blasé way we treat divorce in our society, and he raised aggressively the importance of marriage. He was roundly condemned and made fun of at that time. Dr. Whitehead later wrote her article. She said she took a lot of criticism. She had criticism from colleges and universities about the data that she had reported from various studies around the country. She noted that she doesn't hear criticism today. Nobody disputes the data. No one disputes that a two-parent traditional family is a healthy, positive force for our society. That is why it is perfectly legitimate for any government to provide laws that further that. That is what we want to do.

Government has a right to further social institutions, to affirm them legally, those institutions that make their society more healthy. This is some of what she said in her statement to the committee:

> On average, married people are happier, healthier, wealthier, enjoy longer lives, and report greater sexual satisfaction than single, divorced, or cohabitating individuals.

Well, after that, I went home and thanked my wife for putting up with me all these years. That is a good affirmation of marriage. There are very few matters that are not encompassed in there that are improved by marriage. She went on to say:

> Married people are less likely to take moral or mortal risk, and are even less inclined to risk-taking when they have children.

Isn't that a good thing? I think so.

> They have better health habits and receive more regular health care. They are less likely to attempt or to commit suicide. They are more likely to enjoy close and supportive relationships with their close relatives and to have a wider social support network. They are better equipped to cope with life crises, such as severe illness, job loss, and extraordinary care needs of sick children or aging parents.

Those are things that come from a marriage. She said:

> If family structure had not changed between 1960 and 1998, the black child poverty rate in 1998 would have been 28 percent rather than 45 percent, and the white child poverty rate would have been [less, also].
>
> Children experience an estimated 70 percent drop in their household income in the immediate aftermath of divorce and, unless there is a remarriage, the income is still 40 percent to 45 percent lower 6 years later than for children in intact families.

Mr. President, we know these are statistical numbers. We know many families do an extraordinary job outside of the two-parent relationship. Single moms are some of the most courageous people this country has today. They do a great job in many ways, but it is more difficult. Statistically speaking, we know it is more difficult to be as effective.

I will add some other things.

> The risk of high school dropout for children from two-parent biological families is substantially less than that for those from single-parent or stepfamilies. Children from married-parent families also have fewer behavioral or school attendance problems and higher levels of educational attainment. They are better able to withstand pressures to engage in early sexual activity and to avoid unwed teen parenthood.

I think those are important values.

> They are significantly more likely to earn four-year college degrees or better, and to do better occupationally than children from divorced or single-parent families.
>
> On average, children reared in married-parent families are less vulnerable to serious emotional illness, depression and suicide than children from non-intact families.
>
> Close to 4 out of 10 American children go through a parental divorce.
>
> Children from married-parent families have more satisfying dating relationships, more positive attitudes toward future marriage, and greater success in forming lasting marriages. . . . [Y]oung men from married families are less likely to be divorced and more likely to be married. . . . In addition, young men from married-parent households have more positive attitudes toward women, children, and family life than men who grew up in nonintact families.
>
> Poverty rates for married couples are half those of cohabitating couple parents and one-third those of noncohabitating single parents in households with other adults.

The traditional family is a protection against poverty. The numbers are indisputable on it. I don't see how we can dispute it. So the question is, Do we agree that the rulings of the courts that threaten traditional marriage will further a decline and disrespect for marriage? Will it weaken the definition of marriage, reduce its power and sanctity and integrity? Is that true? I think it is. If that is so, then that is not good for our culture.

If there are not families here to raise children, if there are not families here to nurture them, if there are not families to educate them, to hug them at night, to take them to church, or to help them with their homework, or to tell them how to get over their anger and forgive people who have wronged them, and to go on and be happy and be strong and courageous and do the right thing, who is going to do that? Is it going to be the government, through increased social taxes and welfare, or a secular institution who, by definition, as we have learned in this body, cannot say anything of a spiritual nature in terms of raising children? Do they have to be raised by some secular State? Are we going to be better off if that occurs? I don't think so.

I am not talking about partnerships by people who choose to live together. I am talking about the State definition of marriage. Is that important for America? I think it is.

I see the Senator from Kansas. He eloquently, as I indicated earlier, delineated and explained why the redefinition of marriage guarantees that continual erosion of marriage, and if we erode marriage, we erode this culture, and it will hurt children. It will undermine them and it will undermine our strength as a nation, something any State, any nation has a right to be engaged in, and it ought to be engaged in through its elected representatives, the people they elect, and the people should be able to decide this.

I could go on with point after point from Dr. Barbara Dafoe Whitehead. Her scientific, indisputable evidence of the dangers we face if we think we can blithely go along with the idea that marriage is only what makes people feel good, that marriage is only for adults and what they feel at the time and what they would like to do at the time.

People can do what they like to do—they really can—in this country. We are not putting people in jail for that. But they do not need to have a definition of marriage apply to relationships of that kind. The American people have not voted for it. They have never voted for it. They do not favor it now, and I do not believe they are going to vote for it.

The question is, Will we allow them, through this constitutional amendment process, to speak to the unelected judges through the proper amendment process? Will we block it in the Senate? Or are we going to send it out to the States and let the people have a chance to be heard? I think that is what we ought to do. I cannot imagine why we would not want to do that.

A lot of people say: I do not believe in same-sex unions, or I believe marriage ought to be between a man and a woman. It is nice to say that. Why don't you vote for it? Let's have people up here vote for it; otherwise, we are facing a very strong likelihood we will continue to see the courts erode this historic institution that is so important to our culture.

I thank the Chair.

Mr. SANTORUM. Will the Senator from Alabama yield for a question?

Mr. SESSIONS. I will be pleased to attempt to answer the question of the Senator from Pennsylvania.

Mr. SANTORUM. I have been away for a few hours, running around the Hill, which we tend to do. I want to ask the Senator from Alabama or the Senator from Colorado, has anyone today or in the past 3 days come to the floor of the Senate and announced their support for a redefinition of traditional marriage?

Mr. SESSIONS. I am not aware of that.

Mr. ALLARD. I am not aware of anybody.

Mr. SANTORUM. I have not read any article in a publication or heard any radio or seen any television show or report thereof where anyone in this Chamber has said anything but that they support the definition of traditional marriage.

Mr. President, do my colleagues have any comments?

Mr. SESSIONS. I think the Senator from Pennsylvania is exactly correct.

Mr. SANTORUM. Yet we have heard on the floor today, have we not, that those of us who support a definition with which they agree, that Members who have criticized us for offering this, are intolerant, hateful, and gay bashers for proposing language which they say they support; is that an accurate description of what has gone on here today?

Mr. SESSIONS. I have not been here throughout the day. I have not heard all of those charges made, but it does seem close to what I have been reading and hearing; yes.

Mr. SANTORUM. Mr. President, does the Senator from Colorado wish to comment on Members who oppose this constitutional amendment yet support the language of it, which I find to be somewhat remarkable, but they support the definition of traditional marriage and have stated so, yet accuse those of us who would like to put it in law, in a constitutional amendment, as being purveyors of hate and intolerance; is that not what has happened today on the floor of the Senate?

Mr. ALLARD. To respond to the question of the Senator from Pennsylvania, I think there has been some attempt to try to make that case today on the floor. As the lead sponsor of this particular amendment, it does not hold any water for me because, as was reported in the papers, I have had individuals work for me who profess to the fact that they are homosexual, and despite that, I recognize publicly that they have done a great job in my office. I have even presented an award to one of those individuals so he would have a scholarship to go to school and further his education.

So anybody who tries to make a case as far as this individual is concerned of animus in their debate, somehow there is animosity, it will not hold water. In fact, what this issue is about, No. 1, is any individual who wants to profess a lifestyle that incorporates same-sex marriage, that is their personal decision, but the debate is they simply do not have a right to change the definition of marriage, and that is what this debate is all about.

Mr. SANTORUM. I would like to pick up on what the Senator from Colorado said, which is, I know in my office, we have provisions in our office manual which actually prohibit any discrimination on the basis of race, sex, national origin, or sexual preference. We have those provisions in our office manual. And we do not discriminate in hiring.

I believe people can make contributions and should make contributions and should be able to contribute to our society, particularly here on the Hill. I know, as has been reported widely in the press, there are a lot of people in this category on both sides of the aisle who are homosexuals who make great contributions to this Chamber. No one wants to deny them their ability to live out their dreams. But as I think the Senator from Colorado said, it is important for us to understand that this debate is not about limiting anybody's choices, except children, because that is really what this debate is about.

If we change the definition of marriage, we end up limiting the choices of children and having the right to have a mother or father. I know this is on the time of the Senator from Alabama. I wanted to make sure I had not missed anything.

Mr. SESSIONS. No, I think the Senator made a very critical point, and that is there is no room to suggest that those of us who read the Supreme Court opinion of the United States, who watch what is happening in Massachusetts, who have seen what is happening in other places around the country, actions that are contrary to the will of the people of the United States of America through their elected representatives—and people say—they agree with the people. People indicate they are supportive of where the people are. So how can they condemn an amendment that Senator ALLARD has worked on that simply affirms the traditional definition of marriage that they say they support?

Mr. BROWNBACK. Mr. President, will the Senator from Alabama yield for another question?

Mr. SESSIONS. I will be pleased to yield.

Mr. BROWNBACK. If I can ask the Senator from Alabama, it seems to me that we have been discussing for at least 2 years, maybe 5 years now, ways to strengthen marriage in America. I believe the Senator supported the elimination of the marriage tax penalty. We have had huge debates about that marriage tax penalty, the whole issue being, how can we strengthen marriage and why do we want to do that. Because it is the best place to raise children and the Government has a great interest in it.

We just embarked, I believe, on a welfare debate where we were debating the issue within welfare and trying to encourage marriage amongst people on public assistance because it raises them out of poverty and helps children; is that correct, we have been debating those two issues as ways to strengthen marriage?

Mr. SESSIONS. The Senator is absolutely correct. Dr. Wade Horn, from the Department of Health and Human Services, who testified before my committee, says that any welfare reform we pass must help strengthen marriage because without marriage, poverty is increased.

Mr. BROWNBACK. Then it seems questionable to me, if we have done these sort of things, we have invested billions of dollars to try to strengthen marriage, we are doing away with the marriage penalty tax because we want to encourage marriage because that is good for children and good for America, and we are trying to encourage marriage in the welfare reform bill because it is good for children and good for people in poverty to lift them out of poverty, and the Senator was citing that, then why would we allow the courts to redefine marriage to include same-sex unions where we know in case study after case study that weakens the institution of marriage, that hurts the creation of strong, vital marriages, and it is defining marriage downward? Why would we do something that is so counter to what we have been trying to change over the past several years by making promarriage policies and we would now do something that is antimarriage and against the children?

Mr. SESSIONS. I could not agree with the Senator more. Why would we do this? I think most Senators who are elected to this Senate have campaigned on and heard from their constituents a growing concern and unease about some of the cultural trends we are seeing, particularly in family and values in the family. All of us have said we are going to do something about it. We need to strengthen family and not undermine it. I believe this is a step downwards.

I know the Senator was an admirer, as I have been, of former Senator Daniel Patrick Moynihan, a great scholar, a man who studied social policy in depth as a professor, as a Cabinet member, and as a Senator. The Senator stated the other day how important that Democratic Senator from New York felt about marriage. If the Senator recalls those words, it would be important for us to hear them again.

Mr. BROWNBACK. I worked with him on a number of issues, and he was a great study of culture. He actually said the central conservative truth is that culture is more important than government. What culture honors and what it does not honor, what it upholds, what it says is good, and what it says is wrong is more important than the government around it. He was saying actually that the central role of government at all levels should be to see that children are born and remain in intact families. This was his comment. He was saying that because that is the central foundational character of building the institution that we have. It is not government. Government is important. It provides a number of very useful functions, but it is not the central entity. It is that family basis that builds the strong citizenry, strong people.

As a cultural commentator, he saw that. As a matter of fact, he nearly lost his job in the 1960s by commenting about the disintegration of the American family in a particular ethnic group at that time, but he was just saying that if that family unit is ruined, it goes downhill and has an effect on the children. That is why he felt so strongly about it and why I feel so strongly about it. In looking at these cultural indicators, we need to do everything we can to help this institution that is in trouble.

Marriage is in trouble in America. I have a chart that I will quickly share with my colleagues to show the type of trouble we are in.

Mr. SESSIONS. Mr. President, I yield the floor to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, to make this point, and I will not belabor it with my colleagues who want to speak, but I want to show the portion of children entering broken families has more than quadrupled since 1950. I think a lot of us in this room were born in the 1950s. We can see on this chart the children born out of wedlock and as parents are divorced in 1950 is about 12 percent or so. Going to the year 2000, it is up to about 55 percent. The reason that is problematic is we know children operate and function best in a family with a mom and a dad and a low-conflict union. We know that marriage is incredibly important to the formation of these children for the next generation. That does not mean they cannot succeed in this type of setting. They can, and many do. It just means the odds are tougher. It is more difficult for them.

Now if we take this institution of marriage that is already having difficulty, already is having trouble staying together, and say to it basically we are going to define it differently now than we have through 5,000 years of human existence—and the reason it has been defined this way for 5,000 years of human existence is there is a natural order to us. We know that marriage is between a man and a woman. It is written in our hearts. We understand that. A law does not have to be written on it; it is in the natural order of mankind. If we start telling people by the law, and the law is a teacher, no, it is not really that, it can be any sort of union one wants: It can be two men, it can be two women, then it starts to further make difficult this situation and it further erodes the marital union. That is the problem.

This is not about same-sex marriage. This is about kids. This is about a 5,000-year-old institution that has served society throughout history, and it is being redefined in a way that goes against what we understand it is in our hearts. This is harmful, and we know that from other countries that have engaged in it.

This is going the wrong way, and it is against clear public policy trends that we have engaged in in this body. It is even against what everybody in this body says. Everybody in this body says they are for traditional marriage between a man and a woman. So if they are, then vote that way and stand up for it instead of further harming these trendlines of an institution that is vitally important. We should not do that.

Mr. ALLARD. Will the Senator from Kansas yield for a question?

Mr. BROWNBACK. Yes, I would be happy to.

Mr. ALLARD. I have always felt that marriage was the fundamental building block of any society, and especially if one is talking about a democracy like we have in the United States. I have always been of the view that as long as there is a good basis for families to function, that means there would be less need for government, and there would be fewer programs. That has always had a particular appeal to me because I do not believe we need more government; I believe we need less government.

I have always felt that there is definitely a role for a mother and a father and a husband and a wife, and that the culture that promotes the basic fundamental unit where they teach their children about the future based on their experiences in life is something that is very difficult to supplant as an effective unit, and I think historically over thousands of years that has proven true. We are on the verge of redefining marriage which will put this basic unit that is so fundamental to society at risk. Would the Senator from Kansas agree with that?

Mr. BROWNBACK. I could not agree more. Since I have been in the Senate, I have been one who has spoken out about the cultural problems that we have had and that we are in. If we take an already weakened institution—that is, the central basis by which we have values that we pass on to the next generation the lessons learned from the prior generation, where there are people who care and are in a bonded relationship that is there for life—if that is further eroded by teaching through the law that it can be any sort of arrangement one wants it to be and it is about how people care for each other, if they have love for each other, and not about the next generation or building that family and building children for the next generation, we really are moving ourselves into a terrain we have not seen in human history. What we see taking place now says it takes us in the wrong direction.

We know that clearly from the Netherlands and we know that from their scholars now who are saying they have to figure some way to try to again instill traditional marriage because people are walking away from it. There are counties in Norway where 80 percent of the children are born out of wedlock because you have defined away that marriage institution and you have said it is not a sacred institution, it is a civil rights institution, and it can be any arrangement you want. It weakens a fundamental institution we need for this country to be strong in the future.

Mr. ALLARD. I would like to thank the Senator from Kansas for his leadership. He has become recognized as a strong proponent of families and proponent for children. I, for one, appreciate his leadership in the Senate.

Mr. BROWNBACK. I thank my colleague and yield the floor.

Mr. SESSIONS. Will the Senator yield for two brief questions? One is, as you discussed and I attempted to discuss, isn't it valid and doesn't a government have a rational basis to affirm traditional marriage? Isn't there evidence, based on the data we have heard and seen, that there is a rational, foundational basis for a government to affirm the traditional marriage as opposed to other relationships in society?

Mr. BROWNBACK. There is not only a rational basis as the legal argument would have it, there is a moral imperative to do so. If you want a strong citizenry in the future, raised in a situation that is optimal—a mom and a dad bonded together for life, in a low-conflict union—if you want an optimal setting for most of your citizenry, you are obligated to push this union in a setting and to say, in speaking to the society, this is where we need the children raised. This is the optimal setting. This is the place.

Not that everybody will achieve the optimal. They clearly will not. All families in this country, mine included, have had difficulties in this area. There is no question about that. But if you remove the optimal and say it is too hard, we can't get there, and let's give up, it is a sure way to pave the road down. We know that from other countries' experience.

It is not only a rational basis, a legal argument, I would say it is a moral imperative as a government official that you press as much as you can to have children raised in this optimal setting.

Mr. SESSIONS. I couldn't agree with you more. You stated it so well.

I do not want to demean or speak down about any relationship or any persons and the choices they make. But let's say this. Statistically speaking, do fathers and mothers both make different contributions to the health and development of a child?

Mr. BROWNBACK. Obviously we know that from the social data. I have charts I have gone through previously that show that each contributes differently to the makeup and the nature of that child and making a healthy, well-rounded child. We know that from the social data.

But there is another argument that I think is actually more powerful. We know that in our hearts. We know that from the time we have come up in this society. We know that from 6,000 years of human history. That is one of those things that, again, is written on the heart of man, that you know this is the way it is to be.

Even when you talk with people today who are raising children in a single-parent household, by and large virtually all of them wish what they had was a mom and a dad here in a bonded relationship who love each other and care for each other, that recognize divine authority in their lives and that pass on to that next generation the hope and their love and the yearning for yet a better era coming forward.

That is what we all want. It is not by accident or even by social programming that we want that. That is written on our hearts. All of our colleagues would agree with that. I think we should recognize the truth of that and not say that may be written on your hearts but that was programmed when you were a kid growing up in Parker, KS, and this is different. This is there. It is there for a reason. It is there because it is best for the kids.

Mr. SESSIONS. I thank the Senator.

Mr. BROWNBACK. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, we have been hearing the point that there is no threat and we are being somewhat paranoid about this issue. But I have a summary here of the court actions that have been brought up in the various States throughout this country. I am amazed, frankly flabbergasted, at the number of cases that have been brought before the various State courts and in some cases the Federal court. I thought I would take a moment to go through some of these cases. I think once you have seen the whole litany of cases here you begin to understand there is an organized, concerted effort starting at the State courts and then eventually moving into the Federal courts and hopefully, by those who support same-sex marriage, to the U.S. Supreme Court for a favored ruling. I will start with Alabama.

This case has been recently dismissed as of April. They had two men in an Alabama State prison who sued the State for the right to marry each other. They said they had a Federal constitutional right to marriage. As I mentioned, this case was dismissed.

In Alaska, there is an interesting case, a case pending currently in the State supreme court. The ACLU has sued to prevent Alaska from granting benefits to married couples if the State does not provide the same benefits to same-sex couples. This case has been argued in the Alaska Supreme Court and could be decided any day.

In Arizona, again the State supreme court has refused to hear a case brought there where two men were denied a marriage license and sued in State court. They lost in the district court on their first appeal and curiously the gay rights groups tried to talk them out of pursuing their case because it interfered with the group's national litigation strategy. Let me repeat this. Gay rights groups tried to talk them out of pursuing their case because it interfered with the group's national litigation strategy. On May 25 of this year, the Arizona Supreme Court refused to hear their appeal which should bring this particular litigation to an end.

In the State of California, we have a number of pending cases. That is probably not a surprise to anybody here on the floor. There is a case pending in the State supreme court about San Francisco's mayor who defied State law and began issuing marriage licenses to same-sex couples in February of this year. They made a court case about it. The States refused to register the marriages and same-sex couples from 46 States received licenses while San Francisco was issuing licenses. Several lawsuits were filed to challenge San Francisco's action. They are now consolidated in the California Supreme Court. The State of California is defending its traditional marriage laws and the statewide initiative that passed with 60 percent of the vote in 2000. Again, a decision is expected on that particular case.

I would like to correct the record. I think one of the colleagues made the statement that there are no Federal court challenges to DOMA, the Defense of Marriage Act. Actually, in Florida there is a Federal court challenge to DOMA, or the Defense of Marriage Act. A private attorney announced on the 11th of this month that he would soon file a Federal lawsuit challenging the DOMA law. The lawsuit is expected to be filed as we move forward.

We have two separate cases pending in State trial court in Florida. Two cases have been filed in the State trial court challenging Florida's traditional marriage laws. Again, this first case is a class action filed in Broward County by a private attorney. Later it was filed in Key West by the National Center for Lesbian Rights.

It was interesting to get the public reaction when the private attorney talked about filing his Federal lawsuit in Florida with the Federal court challenge, and the reaction from those groups supporting same-sex marriage. They didn't want him to file that because they felt it would bring it too quickly to the U.S. Supreme Court and they would not be prepared in order to make the case in front of the Supreme Court. I thought that was an interesting reaction in the public media when that case was talked about being filed.

In Georgia, there was a case seeking recognition of a Vermont civil union, which was rejected by Georgia's State court. In Burns v. Burns, the parties sought to have a Vermont civil union treated as a legal marriage in Georgia and the trial court and court of appeals refused to treat a Vermont civil union as a marriage and the Georgia Supreme Court declined to review the case.

In Indiana, there is a case pending in the Indiana Court of Appeals. Three same-sex couples sued in Marion County Superior Court for the right to marry under the Constitution.

This case was dismissed and is now on appeal to the intermediate State appeals court. This case is Morrison v. Sadler.

In Iowa, there is a same-sex divorce case that was dismissed. Two women entered into a civil union in Vermont and later asked an Iowa trial court to grant them a divorce.

They are coming at this from various angles.

In December 2003, the Iowa court initially granted the divorce, but after his action was challenged because Iowa did not recognize same-sex marriage in Vermont civil unions, the judge reworked the order dividing the couple's property. The civil union was not recognized.

In Maryland, a lawsuit was filed July 7 of 2004. The ACLU filed a lawsuit in State court demanding the State grant marriage licenses to same-sex couples.

In Massachusetts, activists announced on June 16, 2004, that they would challenge in court the 1913 Massachusetts law that prevents same-sex marriage to out-of-State couples. I believe that case was filed today.

In Montana, there is a case pending in State supreme court. The Montana chapter of the ACLU sued on behalf of two lesbian employees of the Montana State University system challenging that the State discriminates against gay and lesbian employees by giving spousal benefits only to married couples. The trial court dismissed the case in November of 2002 and the case is now pending on appeal before the Montana Supreme Court. This case is called Snetsinger v. Board of Regents.

In Nebraska, there is an interesting Federal case. There is a Federal case pending in Federal District Court. The ACLU has filed suit to challenge a State constitutional amendment that defines marriage as man and woman and bars civil unions or domestic partnerships. They went much further than what my amendment provides. The ACLU argued that the State constitutional amendment violates the U.S. Supreme Court's decision in Romer v. Evans. In a preliminary ruling, the Federal district judge indicated sympathy with the ACLU claim and the Nebraska attorney general Jon Bruning told the Senate Judiciary Subcommittee on the Constitution that he expects Nebraska to lose the case. This is the constitutional amendment in Nebraska that was passed with 70 percent of the voters in Nebraska. I think this has all sorts of implications. It has been filed in the district court.

There is a case in New Jersey pending in the State court of appeals. In 2002, Lambda Legal filed a suit in State court on behalf of same-sex couples seeking to marry. The State district court dismissed their case and Lambda has appealed to the intermediate State appeals court. The case is called Lewis v. Harris. The town of New Asbury, NJ has announced that it will file amicus briefs in support of the same-sex couples.

In New Mexico, there is a case pending in State trial court. The Sandoval County clerk issued marriage licenses to same-sex couples in February of 2004. The New Mexico Supreme Court has agreed to hear arguments regarding the issuing of marriage licenses to same-sex couples in Sandoval County. It is unclear if the court will decide the case this summer or fall, or if the decision will be delayed until 2005.

In New York, there is a case pending in State trial court in March and April of 2004. The ACLU and Lambda Legal each filed lawsuits arguing that to deny same-sex couples the right to marry one another violates the New York Constitution.

In North Carolina, a case was withdrawn by a same-sex couple. In March 2004, they were denied a marriage license by Durham County, NC. So they filed a lawsuit.

In Oklahoma, the State ballot initiative may be challenged. The ACLU is threatening to challenge a November 2004 ballot.

In Oregon, there is a case on appeal to the State intermediate court in Multnomah County, which includes Portland, which began issuing marriage licenses to same-sex couples in February of 2004. More than 3,000 marriage licenses were issued. On April 20, the State trial court ruled the marriage licenses conducted over the past 2 months were legal and that Oregon must register the marriages as valid. The State court of appeals stayed the lower court's order requiring the State to recognize the 3,022 marriage licenses of same-sex couples in the Portland area.

In Pennsylvania, a lawsuit has been threatened after a same-sex couple was denied a marriage license.

In Rhode Island, the State attorney general stated on May 17 that he interpreted Rhode Island law to require recognition of Massachusetts same-sex marriages.

In Tennessee, the Associated Press reported a same-sex couple was planning to file a lawsuit.

In Texas, a same-sex divorce case was dismissed there.

In Virginia and Washington, there are three cases pending in State trial court.

In West Virginia, we have a case dismissed by the supreme court with a possible review by the U.S. Supreme Court.

This gives an overview of the amount of lawsuits that have been filed throughout this country in trying to establish a case in certain venues that could be appealed to a higher court.

This is an organized effort. I think when you look at the cases that have been filed in the various courts, it is hard to say marriage shouldn't be protected. Marriage is under assault. That is why it is important that we move forward with this particular piece of legislation because, as has been stated time and time again here on the floor of the Senate, when you look at the Goodridge case and the Lawrence v. Texas case, and then the Constitution as it applies between the interaction between States and comments from members of the U.S. Supreme Court, there is definitely a threat to traditional marriage.

My hope is we can get this passed, get it through the House, and get it before the people of America so they can help decide this issue. If they are successful, then it means the courts will not have defined marriage. The American people will have had an opportunity to enter into this debate. With this particular amendment before us, through their elected representatives the American people will have an opportunity to have their voice heard in the Senate. It was brought up in the House. As they will read it in the papers this fall, later on people will have an opportunity to express their views through the Members in the U.S. House of Representatives. Then at some point in time, if we get enough votes—a two-thirds vote in both the House and Senate—then it goes to the States and three-quarters of the States ratify it, then this means it is debated in the legislatures and the American people will have an opportunity to again make their views known about how they feel about protecting marriage.

This was put in place by our Founders because ultimately they did not want to have the courts to have the final say on issues where there was a large percentage of the population in America who felt they would have an opportunity to address this issue through a constitutional amendment.

This is something that has been laid out by our Founders. I think it is time we have this amendment before us now for debate.

Let me make one additional comment. In the Oregon State Court of Appeals, they decided this week that the State must enroll the marriages, which would be to recognize marriages.

This issue is moving forward. I am pleased about the amount of support we have had from Members of the Senate coming forward and expressing their support. I thank them for that. I thank them for the leadership of the Senator from Pennsylvania and the Senator from Kansas. I thank the Senator from Alabama for his support. Without them, I think a good deal of the substance of this debate would have been missed. I appreciate their effort and dedication to the family.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SANTORUM. Mr. President, I return the thanks to the Senator from Colorado for his willingness to step forward and introduce this legislation. He has carried it with a firmness of purpose and a gentle touch, which is his way, in the way of bringing this issue squarely to the Senate before the American public. He is to be congratulated.

The leader is in the Senate. I thank him for agreeing to bring this bill before the Senate, to have a vote on this constitutional amendment in the Senate, and to have this first public debate about the institution of marriage and the attempt to redefine that institution by the courts.

If I can, I want to start from scratch to answer the question that many have offered today on the other side of the aisle, which is, Why are we here?

Some have suggested we are here because we hate certain people. Some suggest we are here because we are politically motivated to try to rally troops before the election. Some suggest we are here because we want to change the subject to something other than what we have been debating for the last several months in the Senate.

We suggest we are here because we want to preserve an institution that has served civilization well for 5,000 years. While that institution has been shaken, that institution has fissures in the foundation; it is still an institution worth preserving. It is an institution worth rebuilding. It is an institution worth fixing the cracks in that foundation. It is an institution worth shoring up and strengthening that foundation.

It is not an institution that we need to say, because it is broken, because the institution of marriage is not what it once was—I think everyone will accept in this body, those who are fighting for traditional marriage, will say no, the institution of marriage is not what it once was. It certainly has been the glue that has held the family together. Every culture, every civilization known to man, has had an institution of marriage of some bright, ritual symbol that has shown the monogamous bond between a man and a woman. Why? For the purpose of continuing on that civilization and a recognition that children need moms and dads and moms and dads who are in committed relationships is the ideal.

I look at my kids. I am blessed to have seven children, six of which we are raising. I know my children feel safer, feel more secure, more confident, knowing their mom and dad are there and are supportive and loving.

There are lots of people in our society who were raised by single parents who feel that love and support from that single parent. Those single parents in many cases do extraordinary jobs. But even if you talk to single parents and kids raised by single parents and you ask them, wouldn't it have been better, the ideal, if mom and dad were joined together in a healthy marriage, raising you in a safe and secure and stable home? The answer is, invariably, yes.

What we are here to debate is not an abstract concept of what marriage is or what it should be, but it is a real social benefit. I cannot think of anything more we can do—and the Senator from Kansas talked about this—there is nothing more we have focused in on in the last several years than trying to shore up and affirm marriage. Whether it is the marriage penalty or the marriage initiative the President put forward in the welfare bill, the idea from all the social science data is there are enormous benefits to marriage.

We had a hearing in the Finance Committee, on which I serve. The hearing brought forth witnesses from the left and right. We asked them a series of questions about marriage and its benefits. There was a woman representing the Democratic side of the aisle. She made the argument that raising children by parents in an alternative form is just as good as being raised by a mother and a father in a loving, stable relationship. That argument is over. Yes, it can happen, but it is not the ideal. It is not best for children across the board.

The children do better in school. They have less dropouts, fewer emotional and behavioral problems, less substance abuse, less abuse and neglect, less criminal activity, less early sexual activities, and fewer out-of-wedlock births. And more. The evidence presented was dumped on us overwhelming, the benefits of marriage, irrespective of social or economic condition, the benefits of having a mother and a father contributing their unique nature to the nature of that child.

The evidence is in. The jury is in. Marriage is good. Marriage is a public-policy-desirable goal. Why? Because it benefits children but it also benefits mothers and fathers.

I read yesterday, and I will repeat today, a listing of five things in the sense of the purpose of marriage, what it does to benefit the culture.

No. 1, the bonding between men and women that ensures their cooperation for the common good.

By the way, this article was written by two professors in Canada, a woman professor who is straight and a homosexual man. They wrote this article in support of traditional marriage in opposition to a redefinition of traditional marriage to include same-sex couples. They did so based purely on sociological data, on psychological data, on the overwhelming evidence of the public good of traditional marriage.

No. 1, I mentioned, the important bond between men and women.

No. 2, the birth and rearing of children, at least to the extent necessary for preserving and fostering society and culturally approved ways.

No. 3, bonding between men and children so men are likely to become active participants in family life.

I will stop to focus on that for a minute. We have an initiative in the President's welfare bill, the Father's Initiative, that Senator BAYH and I have championed, responsible fatherhood. Why? Because in our culture today there are crosscurrents about what fatherhood means. In certain subcultures, fatherhood means having children, period. What are the effects in that subculture of the role of the father being simply biological and nothing more?

When fathers are absent versus when fathers are involved: Fathers absent, two times more likely to abuse drugs; fathers absent, two times more likely to be abused; two times more likely to become involved in a crime; fathers absent, three times more likely to fail in school; three times more likely to commit suicide; and five times more likely to be in poverty.

The evidence is in. There is a role for society to encourage fathers to be more than biological fathers, but to be involved in the rearing of that child, preferably in a committed relationship with the mother. These numbers all go up if you have committed, stable, low-conflict relationships between the mother and the father.

So there is a role for government, as a public policy, for the benefit of children and the community in which they live because these children just do not, through this activity, affect themselves, do they? No, no. When they commit crimes or when they abuse drugs or when they commit suicide or when they live in poverty, that does not just stay with them. So there is a real public policy objective in promoting stable marriages and fatherhood.

No. 4, some healthy form of masculine identity. What does that mean? Well, they go on—which is based on the need for at least one distinctive, necessary, and publicly valued contribution to society. It is especially important today because two other cross-definitions of "manhood," which is the definition of manhood being "provider" and "protector," are no longer distinctive now that women have assumed those roles in society.

So what are they saying here? They are saying that men have an identity crisis. The traditional role of the man is no longer the traditional role of the man. You say: Well, what's the big deal? Everybody is equal.

When you rob someone of a role they believe they have, as society in some degree has, then you have a belief among large segments of society that they have no role; they do not have to provide; they do not have to protect; they do not have to nurture. That is not the role anymore for men in society. It simply is to pursue selfish goals, but they are not needed anymore.

We can all go back about the genesis of this and the movement that caused it, but the bottom line is, it is real, and it is reflected in these numbers. So it is important for society to say to men that marriage is good and expected and is healthy and is optimal, and to have laws that say that dropping specimens off at a sperm bank is not fatherhood, but committed relationships with the mother of your children in a marriage that gives you and her and your children security is expected.

Now, I know there are a lot of cultures that do not support that, subcultures in America, but the legal, statutory reflection of the culture should be that ideal. Our laws should reflect the ideal of what is best for that man, for that woman, and for those children.

No. 5, the transformation of adolescents into sexually responsible adults; that is, young men and women who are ready for marriage and to begin a new cycle. This relates the key contributions that men and women make to the upbringing of young men and young women.

As the father of boys and girls, I make different contributions as a father to my girls than I do to my boys. They look at me different. I am different in their minds, and I represent different things that will have an effect on them in their ability to have successful relationships in the future. That is real.

Now, we can all play games that people can substitute, that it does not matter whether it is two men or two women or one man or one woman or no women or no men or whatever, but the fact is, there is a difference. We tend to try to deny that. It is politically correct to say there is not a difference, but the fact is that fathers and mothers contribute different things to children.

So why did I go through all this? It is important to understand what we are talking about here is very important, and what is being talked about in the courts across America is destroying this very important institution to the American society—to any society.

Now, some have suggested this is not a real assault, that it is trumped up for political purposes. Two of the speakers, remarkably—Senator CLINTON and Senator DAYTON—both of them said—I will quote Senator CLINTON where she says: The Defense of Marriage Act, known as DOMA, has not even been challenged at the Federal level. That is a quote from her statement today. For the record, false. False. Senator DAYTON made a similar comment. I think others have made similar comments, except I have the transcripts of these two Senators. False. I submit for the record that there are pleadings in Florida and pleadings in Washington State challenging the constitutionality of the Defense of Marriage Act.

So the idea that the Defense of Marriage Act is not under assault is not true. The Senator from Colorado a few minutes ago laid out the State-by-State challenges that are going on, some with respect to the Massachusetts marriages, some with respect to the Oregon marriages, some with respect to the New York marriages, some with respect to the California marriages, and we go on and on. And there will be more.

I think there are challenges in 46 States to traditional marriage as being unconstitutional. So to suggest that 46 States—whether it is civil unions or marriages—are being challenged by same-sex couples or whether it is two States where the Defense of Marriage Act is being challenged, that somehow or other that is not a serious threat when one State has already determined that there is a constitutional basis, and in writing the decision referred to a U.S. Supreme Court case decided last year—Lawrence v. Texas—in making the determination that you could not discriminate against same-sex couples with respect to marriage, and we do not believe here that this is a serious assault? What do we need? Do we need all the States and the Supreme Court to decide this issue, and then we say: OK, now we decide. Well, the Senator from New York said her father used to refer to it as closing the barn door after the horse has left.

By the way, this is a remarkably similar strategy to that which was used in the 1950s and 1960s with respect to the issue of abortion. What happened in that case was a little different. Instead of the courts imposing abortion on the States—although that may have been done; I am just not aware of, maybe as well as I should be, the history—but I do know certain legislatures throughout the country began changing the statutes with respect to abortion, which, of course, 50, 60 years ago was basically illegal in every State in the country. Over time, just a few States changed their law. This created conflicts between the States as to how they were going to deal with this issue.

The same thing is happening here State by State. At a minimum, there will be more States because there are certainly a lot of liberal justices of supreme courts in the various States around the country. There will be more States that will "find" this constitutional right either within the Federal or State constitution or both.

There will be another State and another State that will accept a redefinition of marriage. And the conflicts that will result as a result of that are reflective of the one case I just submitted, which is the Washington State case. In the Washington State case, a lesbian couple married in Canada where they have such laws and came to Washington State and filed bankruptcy. So they wanted distribution of assets based on marriage. And the State of Washington just said: We have to figure out whether or not this is constitutional, whether we have to accept this or whether the Defense of Marriage Act bars us from doing so.

We will get this in State after State after State, and there will be conflicts. There will be court decisions all over the place. The Supreme Court will have to come in and say: We didn't want to do this. We feel our hand is forced—just like Roe v. Wade—that this is an issue that cannot have this kind of disparity of unequal treatment between States, and we will then settle it for everybody, which will, of course, mean a complete redefinition of marriage. You don't have to have a crystal ball to figure this one out.

We can sit back. This is the great, this is the classic just sit back; say what you believe the public wants to hear; profess your allegiance to traditional values, and then let someone else do the dirty work for you. And it will happen. It will happen. Maybe more dramatically, the court may say we are going to take this on and do it ourselves. There seems to be a majority in the court to do that. But even if they are not aggressive, eventually it is a done deal.

And everyone will come out here and profess: No, the States can deal with it. The States can handle this. We are for States rights. To hear the Senator from Massachusetts talk about States rights, I thought maybe the ceiling would fall. Issue after issue, time after time, Members on that side of the aisle vote continually to take power from the States, continually to federalize every issue.

But when it comes to something as irrelevant, something as unimportant as the family and marriage, no, no, we can't deal with this. No, this is in the general State purview, as if passing major education reform isn't a State issue. That is a State issue. As if doing welfare isn't a State issue. State issue. Transportation, State issue. Health care, welfare, all of these issues which we spend most of our time and an increasing portion of our money on are all under the purview, under this Constitution, of the States, and we have no problem dictating to the States how to run their schools, how to run their hospitals, how to run their welfare departments. But not when it comes to protecting this fragile institution, this institution that is so out of favor within the popular culture.

Listen to the music. Do you hear affirming things about the treatment of women in the music in the popular culture today? Do you hear songs about commitment and marriage in the popular culture today? Do you see movies reaffirming the traditional role of fathers raising their children and responsible actions on the part of parents and would-be parents? This is an institution that is swimming against a toxic tide of popular culture that wants to just drown it.

As the justices from Massachusetts said, speaking for our culture, I believe, marriage is a stain on our laws that must be eradicated. That is how Hollywood views marriage. That is how the music industry views marriage. That is how the media views marriage.

What are they writing about here? Are they writing about this marriage debate? No, they are writing about the conflict between Republicans in trying to get a vote on the floor of the Senate. Give me a break. One AP reporter writes this story, and he is a decent man. I know he can't be this uninformed.

What are we trying to accomplish on the floor of the Senate? We have two amendments on this side of the aisle. It has not been unknown that there have been actually as many as three amendments on this side of the aisle. This is not unknown to anybody. What do we want to do? Well, we can't put forward both so we put forward one, the one that we believe is our best, our optimal solution. By the way, that is done with frequency in the U.S. Senate, where you come forward with what you want to accomplish. And if you can't get that done, what do you do? You offer plan B, what you think will get something accomplished but not as much as you want.

And so we wanted to offer plan A. And if plan A didn't work—A, Senator ALLARD's amendment—then we would offer plan B, which happened to be GORDON SMITH's amendment.

That is not confusion or division. It is simply a time-tested, age-old strategy in every dealing that I am aware of in life, which is you try to get as much as you can. And if you can't, you take plan B and try to get as much as you can there. But that is not what people write. They don't want to write about the substance of the marriage debate, which by and large has not really been engaged in here.

The substance on the other side of the aisle when it comes to this issue is that, No. 1, it is political. No. 2, we should be talking about homeland security. I am for homeland security. But there isn't enough money in the world that you can spend to secure the home more than marriage. You want to invest in homeland security? You invest in marriage. You invest in the stability of the family. That is what this amendment is.

I hear from speaker after speaker: There are more important things to debate on the floor of the Senate than the family. Think about that. There are more important things to debate: homeland security, spending more money, which, by the way, won't be spent until October 1 of next year. Spending a few billion more dollars is more important than preserving the traditional family in America. No, they haven't been debating the substance.

I asked the Senator from Alabama earlier, I don't believe anybody has come forward and said they are not for traditional marriage. I think I am wrong. I was handed Senator KENNEDY's speech.

Senator KENNEDY said: I happen to be someone that supports the court decision in Massachusetts. I am proud of them. I happen to support the court decision in Massachusetts. I am proud that four justices redefined and forced the Massachusetts legislature to rewrite their laws, and they are the only ones who are allowed to do that, forced the legislature to rewrite their laws with respect to marriage. I am proud of them.

Do we hear any comment about this agenda? What is this agenda? I am proud that four unelected judges can usurp the authority of the legislative branch and roll them and force them to do something that the people of Massachusetts don't want. I am proud of them.

I don't think John Adams would have said the same thing. I don't think Jefferson or Madison would have. One of my colleagues referred to Madison, that he would be with Madison. I don't think Madison would see it as the role of judges to rewrite the Constitution when they have a hankering to do so. I think Mr. Madison would have a big-time problem with what he would see as an abuse of article V. Article V is an amendment of the constitutional process. Nowhere in there do I see Mr. Madison talking about judges changing the Constitution when they feel like it. But, you see, as the Senator from New York, Senator CLINTON said, "I am in agreement that the Constitution is a living and working accomplishment."

My question is, who is doing the living? You see, I thought from article V that the living part was those of us here in the legislature, those of us across the States who would determine when it is appropriate to institute new rights or obligations in the Constitution. That is what I thought this living, dynamic document was. But that is not what those who oppose this amendment believe the Constitution is, no. The living that is going on is not the American public doing the living. Oh, no. It is a few hand-picked judges who have the right to breathe life into the Constitution. See, they are the ones who get to change the Constitution, without going through this complex, sort of long, drawn out, tedious, expensive process of getting two-thirds of the votes here in the Senate, and two-thirds of the votes in the House, and three-quarters of the State legislatures.

By the way, in responding to an earlier comment of a colleague on this side, it is not three-quarters of the United States, it is three-quarters of the state legislatures by a majority vote.

By the way, from everything I have seen, and from every poll I have seen across America, those votes are probably there. The problem here is in this great institution that is supposed to be a reflection of American values, 99 to 1, we are all for traditional marriage. But it is like a mirror in this case because it is not real. You can sort of look at that reflection and try to touch it, but it is not real, it is only a reflection because they are not voting that way.

If you want to protect traditional marriage, you should vote for cloture and for one of these constitutional amendments that will be offered. The Hippocratic oath says, "First, do no harm." My question to those who are going to vote "no" tomorrow is, what harm do you believe a constitutional amendment does to the institution of marriage, which you say you support? You support the definition within this constitutional amendment that marriage is between one man and one woman. All but one Senator said they support that. There may be more who don't. I suspect maybe a lot more, but I don't know. Probably a few more are right now sort of staying low, saying all the right things, what the polls indicate is popular, and have their fingers crossed and are thinking let this issue pass; let this issue pass by and let it quiet down, and then let the courts do what we want them to do. Then we will get what we need.

But if they don't feel that way, if they are truly in support of traditional marriage, which many profess they are—and I argue I would probably agree most are in favor of traditional marriage—then what harm do we do by putting language into our Constitution to protect that institution which everybody says they are for? What harm is done? Do we harm the Constitution? Do we cheapen the Constitution?

Someone suggested this doesn't rise to the level of a constitutional amendment. I remind people what the last constitutional amendment was. It is fun reading. It is always good to pick up the Constitution. I know Senator BYRD carries one and hangs out with it all the time. I will read the 27th amendment:

> No law varying the compensation for the services of Senators and Representatives shall take effect until an election of Representatives shall have intervened.

Congress cannot get pay raises until after the election. Big deal. By the way, I know one Senator said, "I am going to stand with James Madison." That is what the Senator from Arizona said. The 27th amendment—do you know what it is called? The Madison amendment. James Madison, the architect of the Constitution, had an amendment that said Congresses cannot receive pay raises. A big, weighty issue. The fate of the country hangs in the balance. "I will stand with James Madison." Do you know what Madison said? If you believe enough in something, you put it in the Constitution if that is the only way you fix the problem. I don't believe anyone can look at the legal state of play in this country and say there is any other real option.

A philosopher named Christopher Lash said: "Every day we get up and we tell ourselves lies so we can live." What did he mean by that? Well, there are certain things we have to tell ourselves so we can go on and do what we want to do, certain truths we have to ignore so we can go on and live our lives.

There are all these people dying and suffering in Africa from AIDS, and we tell ourselves there is not much I can do about that so I will go on with my day. There are 1.2 million children dying from abortions in this country. We tell ourselves that is a tragedy, but there is nothing I can do, so I can go on and have my breakfast. We all do it. I do it. Everybody does it. We tell ourselves little lies so we can feel comfortable with the decisions we make to go on with the life we want to live and make the decisions that make us feel comfortable.

The Senate tomorrow is going to tell itself a little lie—that we don't need to do this, that families will be OK without us, and the States can handle the issue. Now, some will say they don't believe that is a little lie. They will say they disagree with that. We can all rationalize whatever decision we want to make. We can all make our case. In the history books, when this time is written about, we will be able to make our case. We will be able to say, you know, had I known this was going to happen, I would have voted differently. I would have stood with Mr. Madison and voted for that amendment. But how was I to know? How was I to know this was the beginning of the end of marriage, and the beginning of the end of the family in America, and the beginning of the end of the freedom we hold in this country so dear, where Government doesn't run and have to take care of every need because nobody else is around to do it.

If you look at the socialist countries that have gone in the direction of destruction of the family, you only need to look at the imposition and heavy weight of government. Why? Because there is no one there to pick up the pieces. You can say, if I had known, if I had only known. Every day we get up and tell ourselves lies, so we can live. The problem is this lie hurts the future lives of millions of children in America. And they are going to have to live with the consequences of the lie you tell.

We have an opportunity to do something so simple, so basic, so natural: Simply affirm what this country has known for hundreds of years, what the Western World has known since its inception, and simply put in a document that represents the best of America the ideal that children deserve moms and dads; that the glue of the family, marriage, is worth a special place. Do we not believe that marriage, that glue that binds men and women and children together, deserves a special place right next to limiting pay raises of Members of Congress? Is that a special enough place? Is it not a special enough place for something that we know is essential for the future of America?

We debate a lot of important issues here, but there is nothing—nothing—more important than the future survival of this country. That is what we are here for. We took that oath of office. Why? To preserve and protect. That is our job. We have other jobs outside this Chamber, but within this Chamber our job is the preservation of these United States.

I do not see how anyone can possibly imagine a whole nation without whole families. Yet we will choose tomorrow to risk everything. Think about this. We will choose tomorrow to risk everything. Why? What is worth this risk? What is worth this experiment in sociology heretofore unseen? What is worth that much?

I ask the silent chairs on the other side of the aisle: What is worth this much not to give marriage a chance? As broken and as battered and as shattered as the institution is, let's use this opportunity, in a time of horrible, divisive politics, to band together and say there is one thing on which we can agree: that men and women should bind together to have children and raise them in stable families. Can we at least agree on that?

What will the answer be? What will all of God's children say tomorrow? No. No. No, I can't go that far; sorry, got too many other things to worry about; too political an issue; too divisive an issue; too intolerant an issue; just trying to bash people; you don't really care about families; this is simply about politics. The lies we tell ourselves every day just so we can live.

I come here not because I want to win an election, not because I want to bash anybody or hurt anybody. I come because this is good for America. This is the foundation of everything that makes America great, and it is worth saving. Give it a chance. Don't snuff out this candle that is just barely keeping the light on. Give it a chance. I accept the fact that it is in trouble. I accept the fact that we have darn near blown it, but don't use that as an excuse to do nothing. This is not about hate. This is about giving our children the best chance of having a bright tomorrow.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Colorado.

Mr. ALLARD. Mr. President, I was definitely moved by the presentation that my colleague from Pennsylvania made on this issue. I thank him for his comments.

One thought that came to my mind as I heard his comments was that I do not think James Madison—who, by the way, is a hero of mine—would have envisioned the need, and his contemporaries would have envisioned the need, for protecting marriage. I have no doubt in my own mind that if he had thought that marriage would need that protection that he and his contemporaries would not have hesitated to have made that a part of the Constitution.

As we have gone over this debate, I have been somewhat frustrated to hear from opponents of this amendment constant criticism and misrepresentation about what this amendment is all about and what it does. Over the weekend, I received a number of indepth legal analyses from legal experts, scholars, and law professors from around America. I want to point out that when we are amending the Constitution, it is serious business. I have spent considerable time consulting with legal scholars, constitutional scholars, consulting with my colleagues, and working with staff in the Judiciary Committee because I wanted to get it right.

In an effort to clear up some of these ridiculous charges made against this marriage amendment, I ask unanimous consent that there be printed in the RECORD a brilliant letter on the meaning of the amendment by eight law professors.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[July 12, 2004]

THE MEANING OF THE PROPOSED FEDERAL MARRIAGE AMENDMENT

SIGNATORIES

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In the context of the recent and ongoing debate over a proposed marriage amendment to the United States Constitution, various questions concerning the meaning and interpretation of the proposed amendment have been raised by opponents of the measure. As supporters and proponents of the amendment, we have prepared this memorandum in an effort to clarify the meaning and intent of the proposed marriage amendment.

Introduced as Senate Joint Resolution 40 by Senator Wayne Allard and 18 co-sponsors, the marriage amendment provides: "Marriage in the United States shall consist only of the union of a man and a woman. Neither this Constitution, nor the constitution of any State, shall be construed to require that marriage or the legal incidents thereof be conferred upon any union other than the union of a man and a woman."

SUMMARY

We are concerned that many arguments voiced in opposition to the marriage amendment are based in hypothetical speculation, rather than serious constitutional analysis. The FMA is a simple, two-sentence amendment which carefully addresses the growing threat to marriage in the United States. In doing so, the Amendment is deliberately crafted so as to preserve the integrity of state regulatory authority over marriage and poses no plausible threat to individual or private organizational actors.

The first sentence of the amendment maintains a common definition of marriage throughout the United States, ensuring consistency in the public legal status which is deeply embedded in both state and federal law. The second sentence reiterates and expands upon the first sentence, ensuring that questions of marriage-like benefits for unmarried couples are reserved to legislative processes. The amendment would have no effect on the various ways that governments might try to provide benefits to couples or individuals based on something other than their marital status.

All implausible arguments to the contrary, the proposed FMA would have no effect on personal arrangements, religious ceremonies or other actions by private individuals or organizations. The FMA takes advantage of the U.S. Constitution's provision for the people's representatives to respond to their will and protects, rather than interferes with the principles of federalism. It is a commonsense response to a very real threat to the ability of the people in this nation to protect the most basic institution of society as it has been understood throughout recorded history.

THE FMA IS CLEAR AND UNAMBIGUOUS

A recent memo, circulated among members of Congress, argues that the first and second sentences of the proposed amendment contradict one another, in that the second sentence allegedly authorizes same-sex marriage under certain circumstances. Such a reading of the second sentence is unwarranted, and does not comport with the clear language of the amendment.

There can be no contradiction found between the two sentences of the amendment. At most, it could be argued that the second sentence is redundant with respect to marital status, repeating what has already been stated in the first sentence. The first sentence of the amendment provides that throughout the United States, marriage shall be the "union of a man and a woman." The second sentence states that no state or federal constitutional provision shall be held to require a different result. While this reiteration may be arguably unnecessary, it is far from contradictory.

The second sentence also serves another purpose, however, preserving decisions about legal benefits to the deliberative legislative process. In this respect, the second sentence goes beyond the first, protecting the autonomy of state legislatures to extend benefits according to the needs and desires of their constituents. Both sentences must be read as part of the same policy statement: marriage is an important social institution throughout the United States, and cannot be redefined by judicial fiat. The people of the individual states reserve authority to extend or withhold benefits to same-sex couples through their elected legislative bodies.

It has been suggested that this plain reading of the marriage amendment is merely a smokescreen for an amendment which will later be used to in efforts to strike down domestic partnership and other civil benefit arrangements. Opponents cite litigation challenging California's domestic partnership law or Philadelphia's "life partnership" ordinance as evidence that the FMA will be used similarly. Whatever the particular merits of the California and Pennsylvania litigation, the outcome of such claims are based upon technical provisions of state law, and will have little bearing upon the interpretation of the proposed marriage amendment.

While there are many in the United States who would prefer that the Congress propose an amendment which would ban civil unions, domestic partnerships, or other similar arrangements at the state level, the interpretation put forward by the sponsors and other supporters in Congress has been clear and unambiguous: the marriage amendment is intended to define marriage as the union of a husband and wife, and to reserve questions of benefits for state legislative bodies.

THE FMA DOES NOT INTERFERE WITH PRIVATE ACTIONS

Certain opponents of the marriage amendment have argued that the amendment will impinge upon the actions of private individuals and organizations, including religious organizations. To the contrary, the amendment touches only the public legal status of marriage, recognized in all fifty states. Private actions, whatever the source, can neither create a legal marriage nor violate the text of the amendment. Until recently, all fifty states have had laws which recognize marriage only as the union of a man and a woman, and yet private actors remain free to extend domestic partner benefits, perform or engage in commitment ceremonies, or even refer to themselves as spouses.

It is difficult even to construct a theory on which an amendment dealing with marriage might be applied to private actors. Certainly the absence of language limiting the amendment to government actors is not in itself evidence that it is intended to apply as against private individuals. Neither the Second, the Fourth, the Fifth, nor the Eighth Amendment to the Constitution contains any explicit reference limiting the scope to state actors, yet they are clearly understood as such. For instance the Second Amendment says "the right of the people to keep and bear Arms, shall not be infringed" but it would be implausible to argue that as a result, an employer could not ask an employee to leave their weapons at home.

Marriage has long been a public legal status, directly conferred and regulated by law in each of the fifty states. The solemnization of a marriage, even if performed by clergy or other religious figure, requires state licensure and has legal effect. Concern over the impact of the marriage amendment on private actors appears to be rooted in a misconception of marriage as a private relationship. Marriage, however, is not merely a private relationship, but a public legal status. As such, all constitutional reference to marriage is properly understood as a reference to that legal status.

THE AMENDMENT PROCESS IS DEMOCRATIC DECISIONMAKING AT ITS APEX

Opponents often claim that the FMA somehow infringes the democratic process by writing something new into the Constitution. Under this theory the Bill of Rights and each subsequent amendment have displaced democratic decisionmaking. The Constitutional amendment process ensures significant popular input, both in the process of approval in the Senate and House of Representatives and in the ratification process where a supermajority of states have to concur. Of course, after the amendment is ratified it limits future conduct, but so do all Constitutional provisions. An amendment that has been ratified can also be changed through the democratic process as the experience of Prohibition demonstrates.

The national consensus required for a formal amendment to the Constitution is not the only way in which the meaning of the Constitution is amended, however. The other process (apparently favored by opponents of the FMA) involves a lawsuit with handpicked plaintiffs in a sympathetic jurisdiction where only arguments filtered through the legal briefing process will be heard. Then, the amendment is made by a majority of judges on a court who construe constitutional text to require a redefinition of marriage. At least the FMA would have to be ratified by three-fourths of the state legislatures, not a mere handful of judges who hear only arguments made by lawyers.

Finally, as already noted, the amendment would still allow state legislatures to enact laws that provide benefits to unmarried couples.

THE FMA IS A DEFENSE OF FEDERALISM

Some opponents of the FMA argue that it violates the principle of federalism by intruding into domestic relations law, an area traditionally governed by state law. This argument presupposes that there is no threat to federalist principles from the ongoing attempt to secure a redefinition of marriage through the courts. There is reason to believe that some or many courts would adopt an expansive reading of the Full Faith and Credit Clause or other state or federal constitutional provisions that would in effect nullify the policies of states which would choose not to recognize same-sex marriages. Of course, this, as much as a federal marriage amendment, would create a national marriage policy and eviscerate any federalist protection of marriage laws.

It should be noted that the question of marriage validity is already a matter of at least some federal concern. The right-to-marry cases all invalidated state restrictions on marriage on federal grounds. See *Loving* v. *Virginia*, 388 U. S. 1 (1967); *Zablocki* v. *Redhail*, 434 U.S. 374 (1978); *Turner* v. *Safley*, 428 U.S. 78 (1987). As the Defense of Marriage Act indicates, federal law relies on a definition of marriage in extending certain benefits such as Social Security death benefits, 42 U.S.C. 405. and other federal retirement programs. See *Hisquierdo* v. *Hisquierdo*, 439 U.S. 572 (1979). At least since the U.S. Supreme Court began the process of incorporating federal constitutional guarantees in its Fourteenth Amendment jurisprudence, a growing number of federal constitutional provisions have limited the states' power.

As to appropriateness, it must be asked whether it is wise to have fifty different marriage policies in the United States. While there is obviously significant room for variations in many (probably most) state policies, there is some need for uniformity. This is an axiomatic presupposition of a federal constitution. Many of the specific policies requiring unity are specified in the national constitution. The most important examples are included in the limitation on state power, since they ensure state uniformity in such matters as coining money or exercising a foreign policy. U.S. CONST., Art. I, §10. Perhaps most obvious is the Guarantee Clause which rests on the assumption that while specifics of state government may vary, at a minimum "[t]he United States shall guarantee to every state in this union a republican form of government." U.S. CONST., Art. IV, §4. The FMA stands for the proposition that the basic legal definition of marriage is a fundamental policy of this type.

Finally, if ¾ of the states ratify the FMA, this would signal an acceptance of a supermajority of states of any minimal limitation on their power just as the ratification of the 19th Amendment allowed state legislatures to acquiesce in the limitation of their right to deny women the vote.

THE FMA DOES NOT UNDULY CONSTRAIN THE BRANCHES OF GOVERNMENT

The memo charges that the proposed FMA would "take the job of constitutional interpretation away from all three branches of government." While this is technically true (and is true of all other Constitutional amendments that affect government power), it is also somewhat misleading. In practice, the judicial branch has been almost alone in construing the meaning of state constitutions. Thus, the, major thrust of the FMA is to curtail judicial redefinition of marriage. To the extent other governmental actors want to use a reading of the constitution to justify a redefinition of marriage (such as when a mayor issues marriage licenses to same sex couples saying the constitution made him do it), they would be constrained by the FMA but such a practice is not likely to be widespread. A legislature, in fact, would be able to offer marital benefits without any constitutional justification for doing so.

Additionally, the memo says that the "federal Constitution should not purport to say what state law does or does not mean." Taken at an extreme, this would negate the U.S. Supreme Court's decision invalidating bans on interracial marriage or, in fact, any federal Constitutional limitation on state law. At least the FMA would have to be ratified by a super-majority in the states it is regulating.

THE FMA GIVES THE AMERICAN PEOPLE A VOICE

Some have argued that the proposed marriage amendment will increase the role of the judiciary in determining the definition of marriage and its legal incidents. To the contrary, the amendment would resolve current marriage disputes pending in at least 11 states, while establishing a uniform rule of law which minimizes the scope of future litigation.

In recent years, five primary fields of marriage litigation have evolved: (1) constitutional claims for same-sex marriage (including both state and federal claims); (2) constitutional claims for marital benefits; (3) statutory claims for marital benefits; (4) constitutional claims for interstate marriage recognition; and (5) claims for interstate recognition based on state statute and public policy. Of these five broad areas, the proposed marriage amendment would eliminate (or greatly reduce) the role of judges in resolving constitutional claims for same-sex marriage, marital benefits, or marriage recognition. Statutory claims for marital benefits would likely remain unaffected, while interstate recognition claims would be minimized (but not eliminated, due to the possibility that states will recognize alternative civil benefit statuses).

The creativity of attempts to make the plain meaning of the FMA seem confusing and contradictory is illustrative of the problem. These creative readings of constitutional provisions by judges have precipitated the issue and the FMA will bring a needed clarity to the matter. By confining the crucial social issue of the definition of marriage to courtroom battles, opponents of the FMA have left the people of this nation with little choice but to amend the Constitution.

Without an amendment, the marriage debate will continue to be waged by attorneys and legal elites, in courts of law where the American people have little or no voice. The amendment process, on the other hand, will produce the type of public dialogue and national consensus which this important issue deserves.

Mr. ALLARD. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I will briefly reiterate an important factor—Senator SANTORUM has eloquently argued the legal and the policy issues that are so important with regard to marriage and why that institution needs to be strengthened, not weakened. Policies of government create tendencies in the culture. The recognition of same-sex marriages would have a tendency to weaken marriage, and that is exactly the wrong direction we ought to go.

How did it occur that we are debating the question of the definition of marriage in the Senate? It occurred because of a ruling last year by the U.S. Supreme Court in Lawrence v. Texas that clearly implied that the Supreme Court of the United States believes that the Equal Protection clause of the U.S. Constitution says one cannot have marriage only between a man and a woman, as has been done in every culture that I know of since the beginning of time and as I believe every single legislature that has ever sat in the history of the American Republic has so defined.

These judges in Massachusetts have now followed up on that Lawrence case of the U.S. Supreme Court and taken it to its conclusion, citing the Lawrence case in its opinion. They have declared that the Equal Protection clause of the constitution of Massachusetts—basically similar to the U.S. Constitution—says one cannot treat same-sex unions differently from traditional marriage. That is a serious stretch, in my view. That indicates that our courts are losing discipline; our courts are imposing, through interpretations of the Constitution, their personal values on society. That is not correct.

It undermines democracy. It undermines the power of the American people to decide for themselves how their culture and their society ought to be ordered. I believe very strongly in that. So it is not surprising to me that the senior Senator from Massachusetts, Mr. KENNEDY, probably the leading defender of judicial activism in this body, is the only one who I have heard since we have been in this debate say he agreed with that activist decision. It is a decision by a court to step out and impose through interpretation of the language of the Constitution values on the American people of which they do not approve.

Indeed, it is not even the values of the people of Massachusetts, as we know the Governor has roundly opposed this. The legislature has taken action. Efforts are being undertaken to pass a constitutional amendment to fix it. So even in the most liberal State in the Nation, even with Senator KENNEDY—and his colleague, I suppose, opposing this amendment—the people and the legislature and the Governor do not approve of this. So certainly the American people have a right to be concerned.

I see the Senator from Pennsylvania. He spoke on this. I have heard him speak on the issue of judges before. I would like to ask his view— is this not just one more example of the divide and the difference of opinion that exists in this body about the role of a judge? Is this not indicative of what President Bush has expressed his concern about, which is activism in judges? Does not judicial activism undermine democracy when we have unelected judges setting social policy?

Mr. SANTORUM. That is a great question. I say to the Senator from Alabama that going back to Madison, Adams, and the Massachusetts Constitution talked about the importance of a balance of powers, a checks and balances; that if one branch of the Government were to become too powerful then our Republic is in danger. Democracy itself is in danger.

I think what the Senator from Alabama is referring to is the judiciary over the last several years, as a result of the feeling within certainly the liberal branch of the judiciary, that they can take on the role of a legislature in either passing laws in the form of judicial opinions or forcing the legislature to pass laws as a result of constitutional edict. It is getting to the point where there are these three branches of Government that all sort of operate under the Constitution, and we are supposed to be able to oversee each other. One might want to make the argument that maybe we are not doing a particularly good job of oversight; that we are not doing a very good job of checking the judiciary in its repeated attempt now to usurp power away from the people's branch.

The people's branch is not the judiciary. It is not the executive. It is us. We are the ones who stand for election on a regular basis. We are the ones who are responsible to a local constituency. We are the ones who are in closest touch with what the people would like to see done. The judiciary is probably the most removed because they are completely unelected.

Mr. SESSIONS. Could I interrupt the Senator and just follow up on that?

Mr. SANTORUM. Yes.

Mr. SESSIONS. The Senator is in part of the leadership in this Senate on the Republican side. Is it not true, based on his experience, that even the House and the Senate defend amongst themselves their prerogatives and do not the House and the Senate defend their own power against the executive and does not the executive branch defend its own power against the legislative branch?

Mr. SANTORUM. It is one of the most disputed and argued—we have committees that argue over jurisdiction just between where bills are referred. We all know this in all of our lives, when there is an area of authority, that area of authority is protected, not just because it is one's particular area of authority but one knows what they do in their job, particularly in the area of the legislature and of government, sets a precedent for how future people will do their job. If one gives up power, it is going to be hard for someone to get back when it may be necessary for them to do so.

So we hold our power or fight for our rights not just because we want to exercise that power but because it is important institutionally that the power rest in the proper place.

Mr. SESSIONS. Well, with regard to Madison, that father of the Constitution and a man I admire, he set up coequal branches and he expected each one to be a check and a balance on the other. Would not the Senator expect that Madison would have expected this Senate and this Congress to defend its prerogative to set policies concerning marriage and family and resist the encroachment of that power from the courts?

Mr. SANTORUM. The answer to that is clearly yes. In fact, the Senator is a much better lawyer than I ever was, and I say that to the Senator from Alabama as someone who was a prosecutor and a very accomplished lawyer. I made it up to a fourth year associate, so I just started on my legal career and opted to do something different, and that was run for Congress.

I recall when Madison wrote this Constitution about checks and balances, I am not sure he envisioned the role of the judiciary as we see it today. Marbury v. Madison sort of evolved as to what the role of the courts was in interpreting the Constitution, but clearly he gave the authority to change the Constitution not to the courts. He gave the authority to change and create rights within the Constitution to the Congress and to the States, as a check on the Congress, to make sure the States would go along with what we wanted to do.

So to change this important document, this template for the Government that we have, he wanted to create a very high bar, wanted to make sure there was broad public consensus before we did something to affect this very important document. Now this is being used as an excuse not to change it, when judges do it every day. Every day a judge will attempt to expand, usually expand in some form or another, the meaning by adapting it to contemporary standards or contemporary jurisprudence.

I don't know what that means, but it basically means I am the judge, I am the law, and I can do what I want.

Mr. SESSIONS. I would follow up on that. I remember when I was a U.S. attorney in Alabama, I got a call from an educator who was looking at their school textbook and discovered it asked a question about amending the Constitution. The first section stated that you amend it according to the way the Constitution says it should be amended. And the second paragraph says the Constitution is amended by the courts.

He asked me: You are the Federal attorney here; is that true?

I said: No, it is not true.

And he asked me to do a video.

But the point is that you are right, I say to my colleague, Senator SANTORUM. This judiciary believes it has the power to amend the Constitution by taking words such as "equal protection" or "due process," which in the hands of a person not disciplined can be made to say a lot of different things. But good lawyers and good judges know that can be abused and they do not do so.

I think we are at a point where the American Republic has its democratic heritage at risk— if we just get to the point where we can never respond, if they can make these rulings and the Congress can never pass an amendment to overturn them, or set our own policy on behalf of the people.

Mr. SANTORUM. I would just say that checks and balances work as long as there is truly a balance. I think what we have is some people today in our judiciary, because of the activist judges, who are now saying we are all going to play by these rules, all branches of Government. Here is the game. Everybody comes to the poker table and we are going to play the game of governing the United States of America. And in the middle of the game, the court can say: I am changing the rules to my favor, so I win.

In a sense, if you think about it, when the Court, the Supreme Court, rules, they win. The only way we can change that is through this rather complex procedure laid out in article V of the Constitution, which is not an easy thing to do. In a sense, the Court has figured out that the ability for Congress to check them is very limited. As a result, they are feeling more and more empowered to project their will on society.

Mr. SESSIONS. I couldn't agree more.

Mr. SANTORUM. That would be, first, I think, dangerous, period. But it worries me even more because the Supreme Court that sits right here in Washington, DC, is certainly not what I would call Main Street America, certainly not what I would call a community that shares the values of this metropolitan area, that shares the values of the heartland of America.

I remember a good friend of mine telling me that postwar Germany was concerned about centralizing government in its major cities, Berlin or Bonn. So they did something rather unusual. They located their supreme judicial court not in their capital city or in their biggest city, they located it in the equivalent of Peoria, out in the country, where justices do not hobnob with the liberal elite that govern the nation. Either through governance-wise or governing media-wise. But they have to live and work with the common, ordinary people out across the great hills of Germany—and in our case the Great Plains of the United States.

But we don't have that here. We have this constitutional court sitting right across the street in a town where the influences are not neutral. That is why I believe you see that every single Justice—bar a couple on this Court—once they get on the Court, tend to assimilate with this town and with the prevailing view in this town, which is big government, which is government knows best, and government can do all, and which is, from the culture standpoint, not exactly where I would say Mobile, AL, is, or Pittsburgh, PA, is. Where in Colorado?

Mr. ALLARD. Sweetheart City.

Mr. SANTORUM. Certainly not where the Sweetheart City is, in Colorado.

The bottom line is that we have a court that is out of control. We have courts across this country, like in Massachusetts, that are also deciding, taking their lead from what is going on here in Washington, deciding to assert their authority and in so doing, taking power away from the American people to decide their own fate.

Mr. SESSIONS. I thank the Senator from Pennsylvania. I think he is correct.

I love the Federal courts. I practiced there full time for the biggest part of my legal career. I have tremendous respect for Federal judges. But I tend to agree with the Senator from Pennsylvania.

The senior judges in the U.S. Supreme Court, many of whom are in their eighties, have become detached from America. If they follow their role as the Founders considered, which is simply to be removed, to be independent, to analyze the language fairly and justly without partisan or personal interest, that is good. But if they develop some idea that they know what is good for the country better than the people do, if they start drifting into that mentality, then it is very unhealthy for this society.

And it is anti-democratic. It is not democratic. Because they have life-appointed positions. I have heard the Senator from Colorado speak on this and I know he believes the jurisdiction of the courts can be constrained, and he has taken a lead in that effort. He has done so in a highly intelligent and effective way, a proper way, by presenting legislation now to be discussed. But I am troubled by this trend that demonstrates to me that the Supreme Court is out of control.

Senator ALLARD, in addition to the powerful need for this Senate to protect marriage because of the cultural impact and the impact on families and children that will occur if marriage continues to decline, I think it is important for us to defend our legislative power against a branch of government that is encroaching on it. If we do not defend this power, if the Members of this body sit by and allow the courts to erode our power, then shame on us. And our children will not respect us.

We defend our interests against the President. The Senate defends its interests against the House when they try to encroach on the Senate's power. And well we should. That is what Madison and the Founders expected. I think he would expect us to defend our legitimate interests against the encroachment of the courts.

I thank the President and yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I just want to read article V and make clear what the Senator from Alabama is saying. When it comes to amending the Constitution, the first two words, if we are going to change the Constitution of the United States, the first two words are "The Congress."

> The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution....

Shall propose amendments. It is the role of Congress to simply propose amendments. So what we are doing here today is not passing. We are simply proposing this to the American people.

> . . . shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

What this amendment says is to change the Constitution of the United States, we propose and the people dispose.

What is happening in Massachusetts, across this country, and in the court across the street in the Supreme Court is the Supreme Court has taken this power unto itself which was clearly left to the people. That is what we are trying to address. We are trying to let the people speak.

In the end, this debate simply is about letting the American people decide for ourselves what this rather important institution in our country is.

Again, I can think of nothing more foundational in our society than the building block of that society which is the family.

The American people have a right to make a decision. Every Member who has gotten up and talked has said they want to simply leave it to the State courts. But let me assure you, these decisions will not ultimately be made by the States. They will be made by the State courts. We have seen it in case after case after case. The courts will trump the legislatures.

Again, ultimately, even if some States can hold back the tide, other States will not. If we have a hodgepodge or patchwork of different marriage laws in this country, I will assure you the Supreme Court will not stand aside and let that continue. It will be a legal nightmare. We will have to find conformity. Conformity will certainly be to permit this new form of marriage; thus, the end of the family as we know it.

I know the Senator from Kansas and many others—the Senator from Texas and I have even pointed out—I know some are saying, What do you mean the end of the family? Won't we enhance marriage by allowing more people to marry? Won't marriage be enhanced if we allow more people to participate in that sacred bond? The evidence is in.

In the places where we have seen the introduction of civil unions and same-sex marriages, marriage rates decline dramatically. Why? Because marriage loses its meaning. Marriage is no longer about families. By the way, what goes up? The rate of out-of-wedlock births. This is common sense, isn't it?

What are we doing here? If marriage is simply about affirming one's own self-worth or affirming one's affection toward somebody else, if that is all it is, when those feelings go away, why stay married? If that is all it is, if it is all about me and my happiness, when I am not happy anymore, then I am not married anymore. If it is about me, then obviously it is not about them, the children. They only happen to come along. If marriage is simply about me, in the case of heterosexual marriage, if it is about me, and that is what a lot of divorce laws as a culture have trained us to believe marriage is about, then it is nice to have kids. It is a great thing to have kids—sometimes, some will say. Why stay married? If I am not happy because marriage isn't about children, it is about me, we reinforce that. We put a big neon sign, "Marriage is about me. Marriage is about self. Marriage is about making me feel good. And if I don't feel good anymore, then I will not be married anymore." That is all marriage is about. How can you argue it is about anything else? If any two people can get married whether they can have children or not, why stop at two?

I mean if what we are doing, if marriage is a civil right as someone suggested—not in this Chamber, but I suspect one of these days will be mentioned in this Chamber, that marriage is a civil right—then why isn't it a civil right for three, or four, or five? If it is a civil right, why limit it to two? If I need to express my love to three people instead of one, if that is what fulfills me and makes me happy, then why shouldn't I be allowed to do that?

This is a very slippery slope.

The bottom line is, as I mentioned over and over again with respect to the reasons for marriage, self-affirmation is fairly low on the list of marriage importance in society. Why do we have such a legal institution? Why do we create laws that govern marriage? Why do we do that, if we didn't believe there was a societal good to be accomplished by it? Why do we give it elevated status?

You sort of have to ask this question: Is it because we go around affirming love between two people? Why don't we want mothers and daughters to be married and give them special treatment? There are a lot of daughters who take care of moms who are sick, who are elderly, who sacrifice a lot to take care of their parents and don't get the benefits they would otherwise get if they were married to their mother. Why not give them, the people who are struggling, the right to marry so they can get the benefits of marriage? If they are going to argue that marriage is about affirming the love of two people, why not? But marriage is much more from the standpoint of society and the reason we have an institution of marriage. That is a minor part of this discussion. The reason we have legal statutes for marriage is because it is about having and raising children and stable families and bonding men and women together so they can provide for the common good. There are great benefits to society with marriage.

We know if we cheapen marriage as other countries have done, fewer heterosexuals will be married, more children will be born out of wedlock, and more government will be needed to repair the dissolution of the family as a result of it. Why? For what? What great positive impact will change the definition of the marriage act? What great contribution will be made to society? Will we be able to welcome a loving society? Some will suggest we will. I don't know if we will. I think we are a loving, welcoming society with maybe the exception of the unborn. We are not particularly welcome to one-third of the children conceived in marriage who end up being killed by abortion. But beyond that, I think we are a pretty affirmative and tolerant society—not that there are not people who aren't tolerant, not there are not people who do and say hurtful things.

By and large, we have come a long way in our society. I think it is a good thing we have become tolerant of people. Tolerance does not mean we need to change a fundamental institution that provides healthy environments for children and destroys the chance for children to have the ideal or make it a lot less likely.

I think if you look at Netherlands, Scandinavia, and look at numbers in Canada and other places, it has an impact.

I keep coming back to the fundamental right. The hour is late. I apologize to all folks who had to stay here late at night. The morning will come early.

I keep sitting here and wondering why. Why does a body of people, No. 1, profess publicly to believe that marriage should only be a union between a man and a woman and that this body believes it overwhelmingly; and, No. 2, knows that at least this issue is under contest and in dispute. There is no question about that. One State has changed the law.

To suggest this is not a threat simply is not true. It is obviously under threat. It has been changed in one rather large State.

There are cases in 11 other States, 2 cases challenging the Federal law, and in 46 States there are same-sex couples who are married from Massachusetts or one of the other States that have married people. Are all potential litigants.

Number one we believe marriage is between a man and a woman. We know that institution is under assault. We know that it is a public good and that we are for it. We know that it serves a useful purpose. Then why won't we do something to protect it?

We go down this logical train and we say, yes, all those things are true, but we can wait. Why? What is the point? Why wait? What is going to happen? Things will get worse. Certainly that will happen. Things get worse and then you feel you had the public support necessary to vote. Is that what this is about, getting the public support necessary to do this? Or do we really believe the States can handle it? Are we willing to take that risk? What is the risk if the courts do turn over more and more? We can come back and fix it later. I know a lot of people know this unspoken thing: Time is not on our side.

The culture of what is educating our children at our university, what is polluting our children's mind from Hollywood, what is coming through the mainstream media is not a message in support of traditional marriage.

Let's be honest. Does anybody question that the messages from those places where our children are getting the messages from the popular culture, from the educational establishment, is it all affirming of the traditional definition of marriage? One only needs to look at the polls of young people to know that is simply not the case.

This is simply a timebomb. If we do not bring America's focus and attention on what marriage is and why it is important, and that it should be sustained, we will lose.

Many have criticized me and Senator FRIST and others for bringing this up, saying it is premature, saying we are picking a fight for politics or whatever. Let me assure you, if I thought it was not in the best interest of protecting the American people, I would not be here. If I did not think this was critical to the future of America, I would not be here at 10 o'clock at night when I should be home tucking my kids in bed. As Members know, I try to spend time with my kids. There is nothing more important, nothing more important than my kids and my wife, my family. That is why I am here, because there is nothing more important than my family.

I hope tomorrow we get a big surprise. I always believe in that. I remember being here a few years ago and debating the issue of partial-birth abortion, about this hour of the night, trying to override the President's veto in 1996 and then again in 1998. I remember staying up late the night before the vote, saying we are just a couple votes short; maybe if we go out and give it one last good try, we will win. And we didn't.

Do you know what I found? I say to the Senator from Colorado, nobody is more constant, nobody, who I would rather see in the foxhole next to me than the Senator from Colorado. If you looked over there, he would be there. The Senator from Alabama, I say the same to him. These are stalwarts, folks who are not afraid to engage in cultural wars that are not fun to engage in because a lot of people say a lot of bad things about you.

What I say to these Members and anyone listening, losing the vote does not necessarily mean losing the issue. We had a lot of losses on the issue of partial-birth abortion. I can say without fear of hesitation it was the greatest gift that God gave us, because it gave us an opportunity to talk to the American people about this scourge on our Nation. If the President signed this innocuous bill the first time in 1996, signed it and had a bill-signing ceremony, probably it would have been filed, no one would have known, hearts and minds would not have been touched.

I believe our plan is not necessarily the best plan. Victory can come from defeat. In this case, the victory over the last 3 days, thanks to the work of these two fine Members and so many others who have come to the Senate to debate this issue, is an America that is waking up to something that we have forgotten about.

I liken the institution of marriage to oxygen in the air. The human body needs oxygen to survive. Yet we take it for granted as we just breathe. And America as a society needs marriage and families to survive. Yet we take marriage and families for granted as if it will always be. We do a lot to keep good, healthy oxygen to breathe. We do very little to keep families protected, sheltered, and supported.

Just as it is with oxygen, as you climb those high altitudes in Colorado, you find out when there is less and less oxygen, the body does not function quite as well. So it is with marriage. When there is less and less marriage, the body does not function quite as well. When you are climbing that mountain, and many people for years did not know what it was when they went up to the altitudes that they could not perform as well, and, for America, we are climbing that mountain and we are just wondering, Why aren't we doing as well?

This is an opportunity to educate America as to the need for marriage, the need for families, not in a hostile way, not in a negative way. I don't think I have heard a negative word on the floor of the Senate about anybody or anything. We simply have talked about why families and marriage is necessary for America and why children need moms and dads.

It is almost remarkable, but I suspect this is maybe the first real debate about family and marriage in the Senate. I guess in the Defense of Marriage Act we talked, maybe not. But it is a reminder to all how the things that sometimes we take most for granted are things that make us function as a society.

I thank the Presiding Officer for the willingness to stay to this late hour and engage in this very important debate. I hope tomorrow, whatever happens, I don't know what will happen, that it turns out for the best interests of America's families. I always hope that no matter what we do and how the votes come, that somehow or other it will all work out for the best for America. I believe that. And I ask for the American public to pray for that.

I yield the floor.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Colorado.

Mr. ALLARD. Mr. President, I thank the Senator from Pennsylvania for his leadership on this issue. We would not be where we are today if it were not for his dedication and hard work. I also thank the Senator from Alabama for his help and dedication on this very important issue. I personally thank each of you.

But I think when it is all over with—whether it is this year or next year or the year after that—a majority of the people in America are going to thank you for the work you have done to save the American family.

MORNING BUSINESS

Mr. ALLARD. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators speaking for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SIERRA NEVADA JOB CORPS CENTER

Mr. REID. Mr. President, I rise today to congratulate the Sierra Nevada Job Corps Center on its 25th Anniversary.

Since its beginning in 1979, the Sierra Nevada Job Corps Center has provided 16- to 24-year-old men and women with the tools they need to become skilled workers and successful citizens.

Under contract to the Department of Labor, the Sierra Nevada Center continuously trains 560 young adults in residential and non-residential programs. It helps them attain high school diplomas and general equivalency degrees, and provides counseling and 15 different vocational training courses.

These programs not only teach the basic reading and mathematics skills that are crucial for a successful career, they also instill the positive work ethic and good work habits that are equally important to success.

Thanks to the Sierra Nevada Job Corps, more than 20,000 men and women have become productive, employed citizens. By offering an alternative to welfare and unemployment, the center not only provides a long-lasting benefit to its students, but also to the entire State of Nevada.

This organization has been an inspiration to thousands of underprivileged Nevadans, giving them the motivation and confidence to pursue opportunities that would have otherwise been beyond their reach.

Please join me in congratulating director Kenneth C. Dugan, his staff and the thousands of graduates of the Sierra Nevada Job Corps on this program's 25th anniversary.

HONORING OUR ARMED FORCES

SERGEANT FIRST CLASS LINDA TARANGO-GRIESS

Mr. HAGEL. Mr. President, I express my sympathy over the loss of Linda Tarango-Griess of Sutton, NE, a Sergeant First Class in the Nebraska Army National Guard. SFC Tarango-Griess was killed on July 11, 2004 near the city of Samarra in Iraq when a roadside bomb exploded near her convoy. She was 33 years old.

SFC Tarango-Griess was originally from North Platte and graduated from Kearney High School. She was a full-time soldier for 14 years in the Nebraska Army National Guard and was deployed to Iraq in February of this year. Tarango-Griess was assigned to the 267th Ordnance Company based in Lincoln and was responsible for direct support maintenance for coalition forces in the region, including the installation of additional armor protection on military Humvee vehicles to make them safer. Tarango-Griess was one of thousands of brave American service women and men serving in Iraq.

SFC Tarango-Griess is survived by her parents, Augustin and Juanita Tarango of North Platte; and husband, SSGT Douglas Griess, of Sutton. Our thoughts and prayers are with them at this difficult time. America is proud of Linda Tarango-Griess' service and mourns her loss.

For her service, bravery, and sacrifice, I ask my colleagues to join me and all Americans in honoring SFC Tarango-Griess.

SERGEANT JEREMY FISCHER

Mr. HAGEL. Mr. President, I express my sympathy over the loss of Jeremy Fischer of Lincoln, NE, a Sergeant in the Nebraska Army National Guard. SGT Fischer was killed on July 11, 2004 near the city of Samarra in Iraq when a roadside bomb exploded near his convoy. He was 26 years old.

SGT Fischer will be remembered as a hard-working, positive individual. He joined the Nebraska Army National Guard in 1999 and was deployed to Iraq in February of this year. He was assigned to the 267th Ordnance Company based in Lincoln and was responsible for direct support maintenance for coalition forces in the region, including the installation of additional armor protection on military Humvee vehicles to make them safer. Fischer was one of thousands of brave American service men and women serving in Iraq.

SGT Fischer is survived by his parents, James Fischer of Hastings and Kathy Fischer of Lincoln; and wife of nearly 8 months, Sarah Fischer, of Lincoln. Our thoughts and prayers are with them at this difficult time. America is proud of Jeremy Fischer's service and mourns his loss.

For his service, bravery, and sacrifice, I ask my colleagues to join me and all Americans in honoring SGT Jeremy Fischer.

SERGEANT ROBERT E. COLVILL, JR.

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man from Anderson, IN. Sgt. Robert E. Colvill, 31 years old, died on July 8 in Samarra, Iraq when the building he was in came under attack. With his entire life before him, Rob chose to risk everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

Rob graduated from Madison Heights High School in 1991 and joined the Marines shortly thereafter, following a long family tradition of military service. Rob dedicated 8 years of his life to active duty before retiring from the Marines. According to family and friends, it did not take long for Rob to realize that civilian life was not for him. After one year, he enlisted in the U.S. Army and was assigned to Headquarters and Headquarters Company, 1st Battalion, 26th Infantry Regiment, 1st Infantry Division, Schweinfurt, Germany. This past spring, Rob was deployed to Iraq, where he bravely fought for 4 months before sacrificing his life for the worthy cause of freedom. Robert Colvill Sr. told the Anderson Herald-Bulletin that his son, Rob, "was doing what he wanted to do and did his best. He was trained for this. It was his calling."

Rob was the thirtieth Hoosier soldier to be killed while serving his country in Operation Iraqi Freedom. This brave young soldier leaves behind his father, Robert; his wife, Chris; his two sons, Travis and Zachary; and his stepdaughter, Suzanne. May Rob's children grow up knowing that their father gave his life so that young Iraqis will some day know the freedom they enjoy.

Today, I join Rob's family, his friends and the entire Anderson community in mourning his death. While we struggle to bear our sorrow over his death, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Rob, a memory that will burn brightly during these continuing days of conflict and grief.

Rob was known for his dedicated spirit and his love of country. When looking back on the life of this late student and former athlete, Madison Heights High School Track Coach John McCord, told the Anderson Herald-Bulletin, "He was the kind of kid you liked to have on any team. He always gave his best effort. He always practiced and trained hard and competed to the best of his abilities." Today and always, Rob will be remembered by family members, friends and fellow Hoosiers as a true American hero and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Rob's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Rob's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Robert E. Colvill in the official record of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Rob's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Rob.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

On February 25, 2001, a transgendered man named Victor Pachas was beaten, stabbed, slashed, and asphyxiated by a man who, according to his own attorneys, was "driven by revulsion and fear" of Pachas' sexual orientation.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. By passing this legislation and changing current law, we can change hearts and minds as well.

WHAT IRAQ IS REALLY LIKE

Mr. HOLLINGS. Mr. President, as we go about our leisurely way, the majority of people back home think Iraq is a mistake. The Commanding General says we can't win, and Congress refuses to pay for the war. This generation not only has to fight the war, but this generation will have to pay for it, because my colleagues in the Senate want tax cuts so we can get the vote in November.

I think we all need to sober up about the realities of what is happening to our young soldiers in Iraq. Joseph Galloway, of the Knight Ridder Newspapers, wrote a column that should be mandatory reading for all of us. It appeared recently in The State newspaper in Columbia, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the State (Columbia, SC), June 27, 2004]

FROM IRAQ: "WHAT IT'S REALLY LIKE"

(By Joseph L. Galloway)

The Internet, which fills our inboxes with spam and scams every day and keeps our delete keys shiny, occasionally delivers a real keeper, such as the words below, which were written by a graduate of West Point, Class of 2003, who's now at war in Iraq.

We tracked down the author, who gave us permission to quote from his letter so long as we didn't reveal his name. Old soldiers in the Civil War coined a phrase for green troops who survived their first taste of battle: "He has seen the elephant." This Army lieutenant sums up the combat experience better than many a grizzled veteran:

"Well, I'm here in Iraq, and I've seen it, and done it. I've seen everything you've ever seen in a war movie. I've seen cowardice; I've seen heroism; I've seen fear; and I've seen relief. I've seen blood and brains all over the back of a vehicle, and I've seen men bleed to death surrounded by their comrades. I've seen people throw up when it's all over, and I've seen the same shell-shocked look in 35-year-old experienced sergeants as in 19-year-old privates.

"I've heard the screams—Medic! Medic!' I've hauled dead civilians out of cars, and I've looked down at my hands and seen them covered in blood after putting some poor Iraqi civilian in the wrong place at the wrong time into a helicopter. I've seen kids with gunshot wounds, and I've seen kids who've tried to kill me.

"I've seen men tell lies to save lives: What happened to Sergeant A.? The reply: C'mon man, he's all right—he's wondering if you'll be OK—he said y'all will have a beer together when you get to Germany. SFC A. was lying 15 feet away on the other side of the bunker with two medics over him desperately trying to get either a pulse or a breath. The man who asked after SFC A. was himself bleeding from two gut wounds and rasping as he tried to talk with a collapsed lung. One of them made it; one did not.

"I've run for cover as fast as I've ever run—I'll hear the bass percussion thump of mortar rounds and rockets exploding as long as I live. I've heard the shrapnel as it shredded through the trailers my men live in and over my head. I've stood, gasping for breath, as I helped drag into a bunker a man so pale and badly bloodied I didn't even recognize him as a soldier I've known for months. I've run across open ground to find my soldiers and make sure I had everyone.

"I've raided houses, and shot off locks and broken in windows. I've grabbed prisoners and guarded them. I've looked into the faces of men who would have killed me if I'd driven past their IED (improvised explosive device) an hour later. I've looked at men who've killed two people I knew, and saw fear.

"I've seen that, sadly, that men who try to kill other men aren't monsters, and most of them aren't even brave—they aren't defiant to the last—they're ordinary people. Men are men, and that's it. I've prayed for a man to make a move toward the wire, so I could flip my weapon off safe and put two rounds in his chest—if I could beat my platoon sergeant's shotgun to the punch. I've been wanted dead, and I've wanted to kill.

"I've sworn at the radio when I heard one of my classmate's platoon sergeants call over the radio: Contact! Contact! IED, small arms, mortars! One KIA, three WIA!' Then a burst of staccato gunfire and a frantic cry: Red 1, where are you? Where are you?' as we raced to the scene . . . knowing full well we were too late for at least one of our comrades.

"I've seen a man without the back of his head and still done what I've been trained to do—medic!' I've cleaned up blood and brains so my soldiers wouldn't see it—taken pictures to document the scene, like I'm in some sort of bizarre cop show on TV.

"I've heard gunfire and hit the ground, heard it and closed my Humvee door, and heard it and just looked and figured it was too far off to worry about. I've seen men stacked up outside a house, ready to enter—some as scared as they could be, and some as calm as if they were picking up lunch from McDonald's. I've laughed at dead men, and watched a sergeant on the ground, laughing so hard he was crying, because my boots were stuck in a muddy field, all the while an Iraqi corpse was not five feet from him.

"I've heard men worry about civilians, and I've heard men shrug and sum up their viewpoint in two words—'F--- 'em.' I've seen people shoot when they shouldn't have, and I've seen my soldiers take an extra second or two, think about it, and spare somebody's life.

"I've bought drinks from Iraqis while new units watched in wonder from their trucks, pointing weapons in every direction, including the Iraqis my men were buying a Pepsi from. I've patrolled roads for eight hours at a time that combat support units spend days preparing to travel 10 miles on. I've laughed as other units sit terrified in traffic, fingers nervously on triggers, while my soldiers and I deftly whip around, drive on the wrong side of the road, and wave to Iraqis as we pass. I can recognize a Sadiqqi (Arabic for friend) from a Haji (Arabic word for someone who has made the pilgrimage to Mecca, but our word for a bad guy); I know who to point my weapons at, and who to let pass.

"I've come in from my third 18-hour patrol in as many days with a full beard and stared at a major in a pressed uniform who hasn't left the wire since we've been here, daring him to tell me to shave. He looked at me, looked at the dust and sweat and dirt on my uniform, and went back to typing at his computer.

"I've stood with my men in the mess hall, surrounded by people whose idea of a bad day in Iraq is a six-hour shift manning a radio, and watched them give us a wide berth as we swagger in, dirty, smelly, tired, but sure in our knowledge that we pull the triggers, and we do what the Army does, and they, with their clean uniforms and weapons that have never fired, support us.

"I've given a kid water and Gatorade and made a friend for life. I've let them look through my sunglasses—no one wears them in this country but us—and watched them pretend to be an American soldier—a swaggering invincible machine, secure behind his sunglasses, only because the Iraqis can't see the fear in his eyes.

"I've said it a thousand times—'God, I hate this country.' I've heard it a million times more—'This place sucks.' In quieter moments, I've heard more profound things: 'Sir, this is a thousand times worse than I ever thought it would be.' Or, 'My wife and Sgt. B's wife were good friends—I hope she's taking it well.'

"They say they're scared, and say they won't do this or that, but when it comes time to do it they can't let their buddies down, can't let their friends go outside the wire without them, because they know it isn't right for the team to go into the ballgame at any less than 100 percent.

"That's combat, I guess, and there's no way you can be ready for it. It just is what it is, and everybody's experience is different. Just thought you might want to know what it's really like."

SUPPORT IS BROAD

Mr. LEVIN. Mr. President, the bipartisan list of supporters for extending the Federal Assault Weapons Ban continues to grow longer and even more influential. This week, former Presidents Gerald Ford, Jimmy Carter, and Bill Clinton sent a joint letter to President Bush urging him to spur Congress to act to extend this important gun safety law. The former Presidents make an already impressive group of supporters even more remarkable.

The reauthorization of this law already has the support of America's law enforcement community, gun safety organizations, millions of moms and countless others. The message of the former Presidents is simple: the assault weapons ban works. They wrote to President Bush: "Each of us, along with President Reagan, worked hard in support of this vital law, and it would be a grave mistake if it were allowed to sunset."

In addition to banning 19 specific weapons, the existing ban makes it illegal to "manufacture, transfer, or possess a semiautomatic" firearm that can accept a detachable magazine and has more than one of several specific military features, such as folding/telescoping stocks, protruding pistol grips, bayonet mounts, threaded muzzles or flash suppressors, barrel shrouds or grenade launchers. These weapons are dangerous and they should not be on America's streets.

The National Rifle Association has said that the ban is ineffective and unnecessary. The NRA asserts that guns labeled as assault weapons are rarely used in violent crimes. But this assertion is not supported by the facts. According to statistics reported by the Brady Campaign to Prevent Gun Violence, from 1990 to 1994, assault weapons named in the ban constituted 4.82 percent of guns traced in criminal investigations. However, since the ban's enactment, these assault weapons have made up only 1.61 percent of the crime-related guns traced.

In 1994, I voted for the assault weapons ban and in March of this year I joined a bipartisan majority of the Senate in voting to extend the assault weapons ban for 10 years. Unfortunately, despite Senate passage of the amendment, it appears that this important gun safety law will be allowed to expire. The House Republican leadership opposes reauthorizing the law and President Bush, though he has said he supports it, has done little to help keep the law alive.

I hope the letter from Presidents Ford, Carter and Clinton will prompt President Bush to act to promote the passage of the extension of the Assault Weapons Ban.

I ask unanimous consent that the letter from former Presidents Ford, Carter and Clinton be printed in the RECORD.

JUNE 14, 2004.

President GEORGE W. BUSH,
The White House,
Washington, DC.

DEAR PRESIDENT BUSH: We are pleased that you support reauthorization of the federal Assault Weapons Act, which is scheduled to expire in September. Each of us, along with President Reagan, worked hard in support of this vital law, and it would be a grave mistake if it were allowed to sunset.

There continues to be strong support for this law among our nation's police officers who risk their lives every day to protect the public. That is because they remember the days, prior to the enactment of the law in 1994, when military-style, semiautomatic firearms had become the weapons of choice for gangs, drug traffickers, and paramilitary extremist groups. The firearm death rate soared as criminals used these weapons, outfitted with 20, 50 and even hundred round ammunition clips, to kill, maim, and terrorize. We cannot go back to those days.

At a time when terrorism continues to be a serious threat, it is even more imperative that we renew the Assault Weapons Act and limit access to military-style weapons and high-capacity ammunition clips. But with upcoming recesses, there are not many legislative days left for Congress to renew the law. We urge you to make reauthorization of the Assault Weapons Act a top priority for your Administration and spur Congress to action. If we can be of assistance to you in this regard, we are ready to do so.

Sincerely,

GERALD R. FORD.
BILL CLINTON.
JIMMY CARTER.

NATIONAL VETERANS AWARENESS WEEK

Mr. BIDEN. Mr. President, last week I had the honor of joining with 52 of my colleagues in introducing a resolution, S. Res. 401, expressing the sense of the Senate that the week that includes Veterans' Day this year be designated as "National Veterans Awareness Week." This marks the fifth year in a row that I have introduced such a resolution, which has been adopted unanimously by the Senate on all previous occasions.

The purpose of National Veterans Awareness Week is to serve as a focus for educational programs designed to make students in elementary and secondary schools aware of the contributions of veterans and their importance in preserving American peace and prosperity. This goal takes on particular importance and immediacy this year as we find ourselves again with uniformed men and women in harm's way in foreign lands.

Why do we need such an educational effort? In a sense, this action has become necessary because we are victims of our own success with regard to the superior performance of our armed forces. The plain fact is that there are just fewer people around now who have had any connection with military service. For example, as a result of tremendous advances in military technology and the resultant productivity increases, our current armed forces now operate effectively with a personnel roster that is one-third less in size than just 15 years ago. In addition, the success of the all-volunteer career-oriented force has led to much lower turnover of personnel in today's military than in previous eras when conscription was in place. Finally, the number of veterans who served during previous conflicts, such as World War II, when our military was many times larger than today, is inevitably declining.

The net result of these changes is that the percentage of the entire population that has served in the Armed Forces is dropping rapidly, a change that can be seen in all segments of society. Whereas during World War II it was extremely uncommon to find a family in America that did not have one of its members on active duty, now there are numerous families that include no military veterans at all. Even though the Iraqi war has been prominently discussed on television and in the newspapers, many of our children are much more preoccupied with the usual concerns of young people than with keeping up with the events of the day. As a consequence, many of our youth still have little or no connection with or knowledge about the important historical and ongoing role of men and women who have served in the military. This omission seems to have persisted despite ongoing educational efforts by the Department of Veterans Affairs and the veterans service organizations.

This lack of understanding about military veterans' important role in our society can have potentially serious repercussions. In our country, civilian control of the armed forces is the key tenet of military governance. A citizenry that is oblivious to the capabilities and limitations of the armed forces, and to its critical role throughout our history, can make decisions that have unexpected and unwanted consequences. Even more important, general recognition of the importance of those individual character traits that are essential for military success, such as patriotism, selflessness, sacrifice, and heroism, is vital to maintaining these key aspects of citizenship in the armed forces and even throughout the population at large.

The failure of our children to understand why a military is important, why our society continues to depend on it for ultimate survival, and why a successful military requires integrity and sacrifice, will have predictable consequences as these youngsters become of voting age. Even though military service is a responsibility that is no longer shared by a large segment of the population, as it has been in the past, knowledge of the contributions of those who have served in the Armed Forces is as important as it has ever been. To the extent that many of us will not have the opportunity to serve our country in uniform, we must still remain cognizant of our responsibility as citizens to fulfill the obligations we owe, both tangible and intangible, to those who do serve and who do sacrifice on our behalf.

The importance of this issue was brought home to me five years ago by Samuel I. Cashdollar, who was then a 13-year-old seventh grader at Lewes Middle School in Lewes, DE. Samuel won the Delaware VFW's Youth Essay Contest that year with a powerful presentation titled "How Should We Honor

America's Veterans"? Samuel's essay pointed out that we have Nurses' Week, Secretaries' Week, and Teachers' Week, to rightly emphasize the importance of these occupations, but the contributions of those in uniform tend to be overlooked. We don't want our children growing up to think that Veterans Day has simply become a synonym for department store sale, and we don't want to become a nation where more high school seniors recognize the name Britney Spears than the name Dwight Eisenhower.

National Veterans Awareness Week complements Veterans Day by focusing on education as well as commemoration, on the contributions of the many in addition to the heroism and service of the individual. National Veterans Awareness Week also presents an opportunity to remind ourselves of the contributions and sacrifices of those who have served in peacetime as well as in conflict; both groups work unending hours and spend long periods away from their families under conditions of great discomfort so that we all can live in a land of freedom and plenty.

Mr. President, last year, my resolution designating National Veterans Awareness Week had 66 cosponsors and was approved in the Senate by unanimous consent. Responding to that resolution, President Bush issued a proclamation urging our citizenry to observe National Veterans Awareness Week. I ask my colleagues to continue this trend of support for our veterans by endorsing this resolution again this year. Our children and our children's children will need to be well informed about what veterans have accomplished in order to make appropriate decisions as they confront the numerous worldwide challenges that they are sure to face in the future.

VICTIMS OF DRUNKEN DRIVERS MEMORIAL WALL FOUNDATION

Mrs. BOXER. Mr. President, in April of 2000, more than one hundred people gathered to dedicate a memorial for the victims of drunk driving. The memorial, created by The Victims of Drunken Drivers Memorial Wall Foundation, was constructed in Pacific Memorial Park in the city of Anaheim. The Victims of Drunk Drivers Memorial Wall has helped people remember those who were tragically lost, brought comfort to loved ones, educated the public and taught valuable lessons to students about this senseless crime. I salute the founders and the many volunteers who helped create this memorial.

In 2003, 17,401 people died in alcohol-related motor vehicle crashes. It is estimated that alcohol-related crashes kill someone every 30 minutes. The memorial reminds us that these victims are real people with families and loved ones left behind.

The Victims of Drunken Drivers Memorial Wall Foundation has honored victims and raised awareness since the year 2000. A wide range of individuals contributed to the memorial and helped make the project a success. For 4 years they contacted the thousands of families who lost loved ones and accepted small contributions to successfully raise $25,000. Law enforcement agencies have educated area children about drunk driving using the memorial and have held sessions at the memorial.

Judges also require convicted drunk drivers to visit the memorial and reflect on their actions.

I commend The Victims of Drunken Drivers Memorial Wall Foundation for their hard work. The memorial continues to reach families and serves as a constant reminder of the consequences of drunk driving. I wish the foundation continued success.

ADDITIONAL STATEMENTS

HONORING THE ACCOMPLISHMENTS OF MELISSA GAYLE BRIDGES

• Mr. BUNNING. Mr. President, I pay tribute and congratulate Melissa Gayle Bridges of Mayfield, KY on being awarded the Kentucky Farm Bureau Mutual Insurance Company scholarship from the Kentucky Farm Bureau Education Foundation. This academic scholarship will provide Melissa with $2000 toward her education.

Melissa has proven to be a very able and competent student by winning this prestigious award. She will represent the graduates of Graves County High School very well when she enrolls at Murray State University in the fall. She plans to study Education.

The citizens of Mayfield should be proud to have a young woman like Melissa Galye Bridges in their community. Her example of dedication and hard work should be an inspiration to the entire Commonwealth.

She has my most sincere appreciation for this work and I look forward to her continued service to Kentucky.•

DARFUR HUMANITARIAN CRISIS

• Mr. BINGAMAN. Mr. President, I rise today to address the ongoing humanitarian crisis in Darfur. The facts in this case are, in my view, clear. Sudanese refugees have been flooding into Chad as a result of the coordinated policies of local militias and the Government of Sudan. The conditions that have forced the refugees to flee their home and their country are beyond horrific, including systematic murder, rape, torture, and abduction. Although it is impossible to know the exact figures, up to 30,000 individuals have been killed and over a million have been displaced. The United States, the United Nations, and many international organizations are predicting that over a million will die with the change of seasons in the region, the lack of food and water, and the onset of disease.

At a minimum, these atrocities amount to ethnic cleansing on the part of the local militias and the Sudanese Government. At worst, they constitute genocide. In either case, the atrocities should have been stopped much earlier. Furthermore, they can and should be stopped now.

Within the last few weeks, U.S. Secretary of State Colin Powell and U.N. Secretary-General Kofi Annan have visited the region. I consider this an extremely belated effort on the part of the United States and the United Nations to address a series of problems that were both predictable and preventable. Unfortunately, the administration's attention and resources are so focused elsewhere that it lost sight of a humanitarian crisis of catastrophic proportions. Sadly, Sudan is where it is today because no one at a high level felt the region and its people mattered enough to pay attention and do something. Sadly, the administration only paid attention when Congress wrote letters in June—letters that I signed—requesting that they do so.

These letters—one to President Bush and one to Secretary-General Annan—requested that very specific steps be undertaken to stop the current crisis, in particular committing additional human and financial resources to the region, identifying the individuals and governments responsible for the actions, requiring a U.N. Security Council resolution that condemns the atrocities that have occurred, and delineating a viable multilateral effort to bring them to an end.

Let me emphasize that at present there are 260 individuals in Sudan attempting to monitor the crisis, this in a region the size of the State of Texas. The brutality continues unabated because the collective will to stop it has been nonexistent. It is time for President Bush to say clearly what his intentions are. It is time to offer a clear strategy. It is time for him to make this a priority. It is time to organize international action to bring the crisis to an end.•

MARGUERITE'S PLACE CELEBRATES ITS 10TH ANNIVERSARY

• Mr. GREGG. Mr. President, I rise today in honor of a remarkable organization in Nashua, NH. For the past 10 years, Marguerite's Place, Inc. has provided safe, affordable housing for women and their children. More importantly, it has been a critical stop on the road for those families who are fighting to rebuild their lives and brighten their futures.

Although there are many words which can be used to describe Marguerite's Place, the one which best captures why it is so special is "Hope". During my first visit in 1997 and on countless others I have made since then, I have been amazed by the overwhelming positive spirit filling every room there. The women who have come to Marguerite's Place have been through very difficult situations and yet they are actively reaching to retake control of their world. In almost all cases, they succeed. Of course, the reason for this impressive track record is the staff and supporters do not let them fail. Marguerite's Place gives these women a warm and safe home, the needed assistance in finishing school or launching a career and an energetic daycare center for their children. Most of all, these women learn they have unique abilities and skills which will take them far. In short, they are given the hope they need to take back their lives.

One of my favorite spots at Marguerite's Place is the child care center. Many of the children there have probably been homeless for a time or have experienced situations no child should be forced to endure. But, watching them playing together in the center and interacting with each other and their teachers, it is easy to sense they have found a home. It is here where one can witness the fundamental impact Marguerite's Place is having on the greater Nashua community. Through their programs and support, the staff here pass on to our youngest generation of citizens the feeling they too have a wide open future.

The leader of Marguerite's Place, and its heart and soul, is Sister Sharon Walsh. Her firm commitment to insuring the residents meet the expectations set for them is near legendary. Yet, she is profoundly upbeat in her vision that people can change for the better. She is continually seeking ways they can be part of the American Dream. It is this combination of optimism and determination that make Sister Sharon so inspirational. In turn, her enthusiasm is what makes Marguerite's Place so unique and so effective. Of course, Sister Sharon is modest and would deflect much of the praise and credit to her staff for the successes they have achieved. In my conversations with them, I have learned they share Sister Sharon's vision and skill in bringing out the best in people. Sister Elaine Fahey, for example, runs the daycare center. It is obvious the children love her and view her as a role model.

So, as Marguerite's Place celebrates its 10th anniversary this year, I want to thank Sister Sharon, her staff and all the supporters for the remarkable work they have done to restore dignity and self-esteem to those who may have lost it. They have made Nashua a better place to live. I am proud to be a supporter of Marguerite's Place and am happy to extend my deepest wishes for continued success.•

IN RECOGNITON OF THE MICHIGAN STATE UNIVERSITY DEBATE TEAM

• Mr. LEVIN. Mr. President, I would like to take this opportunity to recognize the tremendous accomplishment of Michigan State University and its debate team. On April 6, 2004, Michigan State University won the National Debate Tournament hosted by Catholic University in Washington, DC. This date was a milestone in that it marked the first National Championship awarded to the Michigan State Spartans in the field of debate. In addition, the Spartans demonstrated the high quality of Michigan's public institutions of education, as it was only the third occasion in 20 years that a public university has won the title.

During the tournament, the Spartans defeated many of the Nations' most respected academic universities. These include Harvard, Dartmouth, Emory, Northwestern, and finally, long-time rival UC Berkeley in the championship match. It is also worth noting that Michigan State was represented by two separate teams in the tournaments final four. However, as they were matched against one another, the higher ranked team advanced while the other willingly conceded.

In the final round, the Spartan team consisting of Dave Strauss and Greta Stahl, defeated the team from Berkeley that was ranked No. 1 overall entering the tournament. Michigan State was declared the winner 4–1 by the 5 judges scoring the debate. The Sigurd S. Larmon Memorial Trophy is awarded annually to the National Debate Tournament Champion and will remain in East Lansing until the 2005 tournament.

Michigan State University's debate team, led by head coach Will Repko, is now the reigning national champion. This accomplishment was made possible through the hard work and dedication of all those who support Michigan State's debate program. The university's first national championship signals the beginning of what will surely become a great tradition.

It is with great pleasure that I offer my sincerest congratulations and appreciation to Michigan State University as it celebrates its victory at the National Debate Tournament. Those who participated should be very proud of the manner in which they represented their school. I know my colleagues in the Senate join me in honoring MSU, the team, and its staff as they continue with their pursuit of academic excellence.•

HONORING THE LIFE OF REVEREND CHARLES WILLIAMS

• Mr. BAYH. Mr. President, I rise today to honor the life of my fellow Hoosier, Reverend Charles Williams, who lost his battle with cancer on Monday, July 12, 2004. Reverend Williams dedicated his life to serving our state of Indiana by bringing together the Hoosier community and demanding of everyone the potential greatness that he saw in us all.

Reverend Charles Williams was born in Indianapolis in 1948. From a humble upbringing in Indiana and Chicago, Reverend Williams returned to his home town as an adult to become one of the city's most respected civic leaders, using every life lesson and experience, including his battle with cancer, to improve the quality of life for Indiana's African-American community and for all Hoosiers across the state.

Reverend Charles Williams served his country first for 3 years as a member of the U.S. Navy and then as the executive coordinator for the National Association for the Advancement of Colored People's national convention in Indianapolis. Following his work with the NAACP, he was appointed special assistant for then-Mayor William Hudnut. It was from here that Reverend Williams received an invitation to help a struggling Indiana African-American association, marking the beginning of his work with what would become his lasting legacy and crowning achievement, the Indiana Black Expo.

Through his work with the Indiana Black Expo, from the early 1980s until his death this summer, Reverend Williams turned the Expo into a full-fledged community organization that promoted greater education, cooperation and opportunity for all Hoosiers. What began as a single-event celebration has grown into a year-round operation, with the Summer Celebration described today as one of the Top 100 Events in North America. Reverend Charles Williams was tireless in his efforts to make a better life for Hoosiers. Even during his 2-year battle with cancer, he used his experience to educate other men about the importance of cancer screening.

The 34th annual Black Expo Summer Celebration is taking place this week in Indianapolis. This year, the celebration will take on greater meaning, as a celebration not only of the strong community that has been built in Indiana, but a celebration of the man who did the building. While the sense of loss to all those who knew Reverend Charles Williams is tremendous, the energy and selflessness with which he faced this and every challenge in his life remains as an example to all of us who are left behind to carry on his work.

It is my honor to enter the name of Reverend Charles Williams into the CONGRESSIONAL RECORD.•

IN MEMORY OF REVEREND CHARLES WILLIAMS

• Mr. LUGAR. Mr. President, I pay heartfelt tribute to the Reverend Charles Williams, a visionary Hoosier friend who passed away yesterday at the age of 56.

I have looked forward to visiting with Charles Williams for many years. His dynamic leadership was best exemplified through his work leading the Indiana Black Expo, Inc., a not-for-profit community service organization comprised of ten chapters throughout the State of Indiana. Since 1983, he has been an effective advocate of an expanding number of Indiana Black Expo programs.

His accomplishments included founding the Circle City Classic football game, an annual event that raises funds for minority college scholarships. Most recently, Reverend Williams has worked diligently to inform men, especially African-American men, on the importance of prostate cancer screening. Afflicted with this terrible disease, he shared his personal testimony on struggles with prostate cancer in an effort to encourage other men to consider personal healthcare more seriously.

The Indiana Black Expo was founded in 1970, while I served as Mayor of Indianapolis. Each year, the Indiana Black Expo hosts the Summer Celebration. Currently underway, this event is the longest-running cultural showcase of its kind nationwide. I look forward to visiting, once again, with thousands of attendees in Indianapolis this weekend.

I am honored to have this opportunity to pay tribute to the life of Reverend Charles Williams. At this difficult time, my thoughts and prayers go out to his family and friends.•

TRIBUTE TO LIEUTENANT COLONEL HANG CHAO

• Mr. LEVIN. Mr. President, today I wish to pay tribute to the life and work of a truly remarkable American and long-time Detroit resident, Hang Chao. Born in 1939 in the city of Pha Leong, XiengKhoua Province, in Laos, he was among the thousands of Hmong young men who gave their support to the United States during the Vietnam war. By joining with American soldiers to fight against Lao and Viet communists in the jungles of Laos, these young men put their lives at risk. In the face of considerable personal risk, the heroism of these brave men saved countless American soldiers. Hang Chao continued his strong stand defending and promoting democracy throughout his life and leaves a legacy of selfless dedication to helping and enriching the lives of others. His family, colleagues, and many friends mourned his death in October 2003, and he will be remembered as a man of honor and goodwill, whose heroism and deep faith inspired all who knew him.

During the Vietnam war, Hang Chao trained in the Lao Royal Army and rose through its ranks. He was appointed lieutenant colonel by General Oun Latikun and Prime Minister Souvanhna of Laos. During his service, he earned the respect of his peers and leaders because of his courage, principled leadership, and devotion to democracy. The Lao government in exile honored him in 1982 by appointing him Deputy Minister of Interior. Ten years later, Hang Chao was appointed Advisor to the King of Laos, LangXang Houng Kau, government in exile.

Hang Chao immigrated to the United States with his family after the war. He valued learning and education and earned a Bachelor of Science degree in political science while making a new life for himself and his family in Michigan. While he spoke Hmong and English fluently, he was also fluent in Tao, Lao, and French. He was committed to the Hmong community, and his active leadership helped pave the way for many Hmong refugees to assimilate into American life. Hang Chao was also a devout Christian and was elected elder in ten Hmong churches. His faith, family, and commitment to public service guided his vision of community growth and the promotion of cultural understanding of the Hmong heritage. Hang Chao was a loving husband to his wife of 50 years, Mia Lee Vang, and a nurturing father to his five children, Tou Yi, Tou Chue, Mai, Youa, and Pang Nhia.

I would like to express my admiration for the life story and the accomplishments of Hang Chao. We can all benefit from his example of courage, perseverance and leadership. He has left an indelible mark on his community, and his family can be proud of his legacy. I know my Senate colleagues join me in paying tribute to Hang Chao.•

MESSAGES FROM THE HOUSE

At 2:28 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4380. An act to designate the facility of the United States Postal Service located at 4737 Mile Stretch Drive in Holiday, Florida, as the "Sergeant First Class Paul Ray Smith Post Office Building".

H.R. 4755. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2005, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 144. Concurrent resolution expressing the sense of Congress that Dinah Washington should be recognized for her achievements as one of the most talented vocalists in American popular music history.

ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bills:

S. 103. An act for the relief of Lindita Idrizi Heath.

H.R. 218. An act to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

The enrolled bills were signed subsequently by the President pro tempore (Mr. STEVENS).

At 6:21 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House disagree to the amendment of the Senate to the bill (H.R. 4613) making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes, and agree to the conference asked by the Senate on the disagreeing votes for the two Houses thereon and appoints the following members as the managers of the conference on the part of the House:

Ordered, that Mr. LEWIS of California, Mr. YOUNG of Florida, Mr. HOBSON, Mr. BONILLA, Mr. NETHERCUTT, Mr. CUNNINGHAM, Mr. FRELINGHUYSEN, Mr. TIAHRT, Mr. WICKER, Mr. MURTHA, Mr. DICKS, Mr. SABO, Mr. VISCLOSKY, Mr. MORAN of Virginia, and Mr. OBEY, be the managers of the conference on the part of the House.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4380. An act to designate the facility of the United States Postal Service located at 4737 Mile Stretch Drive in Holiday, Florida, as the "Sergeant First Class Paul Ray Smith Post Office Building"; to the Committee on Governmental Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 144. Concurrent resolution expressing the sense of Congress that Dinah Washington should be recognized for her achievements as one of the most talented vocalists in American popular music history; to the Committee on the Judiciary.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–8453. A communication from the Acting Director, National Institute of Standards and Technology, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Procedures for Implementation of the National Construction Safety Team Act" (RIN0693–AB53) received on July 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8454. A communication from the Deputy Assistant Administrator for Regulatory

Programs, National Marine Fisheries Service, Office of Sustainable Fisheries, transmitting, pursuant to law, the report of a rule entitled "Magnuson Act Provisions; Fisheries off West Coast States and in the Western Pacific; Pacific Groundfish Fishery; Groundfish Observer Program" (RIN0648–AK26) received on July 7, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8455. A communication from the Acting Director, National Marine Fisheries Service, Office of Sustainable Fisheries, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Closure of the Quarter II Fishery for Loligo Squid" (ID060804G) received on July 7, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8456. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Office of Sustainable Fisheries, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Northeast (NE) Multispecies Fishery; Amendment 13 Regulatory Amendment" (RIN0648–AN17) received on July 7, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8457. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revision of Export and Reexport Restrictions on Cuba" (RIN0694–AD17) received on July 7, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8458. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Export Administration Regulations to Remove Certain Regional Stability and Crime Control License Requirements to New North Atlantic Treaty Organization (NATO) Member Countries" (RIN0694–AD11) received on July 7, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8459. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: NARCO Avionics Inc. AT150 Transponders Doc. No. 2002–NE–32" (RIN2120–AA64) received on July 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8460. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–120 Airplanes Doc. No. 2003–NM–96" (RIN2120–AA64) received on July 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8461. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Dowty Aerospace Propellers Type R321/4–82–F/8, R324/4–82–F/9. R333/4–82–F/12, and R334/4–82–F/13 Propellers Assemblies Doc. No. 2001–NE–50" (RIN2120–AA64) received on July 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8462. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Burkhart Grob Luft-Und GmbH and Co. KG Models G103 Twin Artir, G103A Twin II Acro, and G103C Twin III Acro Sailplanes Doc. No. 2003–CE–35" (RIN2120–AA64) received on July 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8463. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model MD–11 and 11F Airplanes Doc. No. 2003–NM–76" (RIN2120–AA64) received on July 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8464. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A319, A320, and A321 Airplanes Doc. No. 2003–NM–63" (RIN2120–AA64) received on July 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8465. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 757–200 Airplanes Doc. No. 2003–NM–177" (RIN2120–AA64) received on July 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8466. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Charleston, MO Doc. No. 04–ACE–12" (RIN2120–AA66) received on July 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8467. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Chadron, NE Doc. No. 04–ACE–01" (RIN2120–AA66) received on July 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8468. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Cedar Rapids, IA Doc. No. 04–ACE–10" (RIN2120–AA66) received on July 9, 2004;. to the Committee on Commerce, Science, and Transportation.

EC–8469. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Chappell, NE Doc. No. 04–ACE–22" (RIN2120–AA66) received on July 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8470. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Larned, KS Doc. No. 04–ACE–9" (RIN2120–AA66) received on July 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8471. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Cozard, NE Doc. No. 04–ACE–23" (RIN2120–AA66) received on July 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8472. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Neodesha, KS Doc. No. 04–ACE–6" (RIN2120–AA66) received on July 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8473. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Broken Bow, NE Doc. No. 04–ACE–39" (RIN2120–AA66) received on July 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8474. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Holdrege, NE Doc. No. 04–ACE–25" (RIN2120–AA66) received on July 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8475. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Lexington, NE Doc. No. 04–ACE–40" (RIN2120–AA66) received on July 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8476. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Minden, NE Doc. No. 04–ACe–26" (RIN2120–AA66) received on July 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8477. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Trinidad, CO Doc. No. 03–ANM–04" (RIN2120–AA66) received on July 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8478. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Festus, MO Doc. No. 04–ACE–14" (RIN2120–AA66) received on July 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8479. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Superior, NE 04–ACE–30" (RIN2120–AA66) received on July 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8480. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Tekamah, NE Doc. No. 04–ACE–29"

(RIN2120–AA66) received on July 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8481. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Oshkosh, NE Doc. No. 04–ACE–27" (RIN2120–AA66) received on July 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8482. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Gothenburg, NE Doc. No. 04–ACE–24" (RIN2120–AA66) received on July 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8483. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Rolls-Royce (1971) Limited, Bristol Engine Division Model Viper Mk.601–22 Turbojet Engine Doc. No. 2003–NE–39" (RIN2120–AA64) received on July 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8484. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (41) Amendment No. 3093" (RIN2120–AA65) received on July 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8485. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace: Paola, KS Doc. No. 04–ACE–5" (RIN2120–AA66) received on July 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8486. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "CORRECTION: Establishment of Restricted Area 2204, Oliktok Point, AK Doc. No. 03–AAL–1" (RIN2120–AA66) received on July 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8487. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Iowa City, IA Doc. No. 04–ACE–91" (RIN2120–AA66) received on July .9, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8488. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Hays, KS Doc. No. 04–ACE–7" (RIN2120–AA66) received on July 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8489. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (78) Amendment No. 3092" (RIN2120–AA65) received on July 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8490. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Norfolk, VA Doc. No. 04–AEA–08" (RIN2120–AA66) received on July 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8491. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Richmond, VA Doc. No. 04–AEA–07" (RIN2120–AA66) received on July 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8492. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Richmond, VA Doc. No. 04–AEA–09" (RIN2120–AA66) received on July 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8493. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Norfolk, VA Doc. No. 04–AEA–06" (RIN2120–AA66) received on July 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8494. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D Airspace; Ogden, Hill Air Force Base UT Doc . No. 04–ANM–04" (RIN2120–AA66) received on July 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8495. A communication from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hybrid III 6YO Weighted Test Dummy" (RIN2127–AI58) received on July 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8496. A communication from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials Regulations: Minor Editorial Corrections" received on July 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8497. A communication from the Secretary, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Rule Concerning Disclosures re: Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act ("Appliance Labeling Rule") (Water Heater Ranges)" (RIN3084–AA74) received on July 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8498. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model DHC 8 101, 102, 103, 106, 201, 301, 311, 315 Airplanes on Which Engine Oil Coolers Have Been Installed per LORI, Inc. Sup Type Cert. SA8937SW; Doc. No. 2003–NM–222" (RIN2120–AA64) received on July 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8499. A communication from the Counsel for Legislation and Regulations, Office of Community Planning and Development, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Community Development Block Grant Program; Small Cities and Insular Areas Programs" (RIN2506–AC17) received on . . .

EC–8500. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to plutonium storage at the Savannah River Site located near Aiken, South Carolina; to the Committee on Energy and Natural Resources.

EC–8501. A communication from the Acting Assistant Administrator, Environmental Protection Agency, transmitting, pursuant to law, a report relative to the conversion of full time employee equivalents (FTE); to the Committee on Environment and Public Works.

EC–8502. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of Section 112(l) Authority for Hazardous Air Pollutants; Equivalency by Permit Provisions; National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Pulp Mills; State of Alabama" (FRL#7786–2) received on July 7, 2004; to the Committee on Environment and Public Works.

EC–8503. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Effluent Limitations Guidelines and New Source Performance Standards for the Concentrated Aquatic Animal Production Joint Source Category" (FRL#7783–6) received on July 7, 2004; to the Committee on Environment and Public Works.

EC–8504. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants for Stationary Combustion" (FRL#7783–7) received on July 7, 2004; to the Committee on Environment and Public Works.

EC–8505. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Hawaii State Implementation Plan" (FRL#7778–5) received on July 7, 2004; to the Committee on Environment and Public Works.

EC–8506. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Solicitation for Taiwan Environmental Study Tours Project" received on July 7, 2004; to the Committee on Environment and Public Works.

EC–8507. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "TSCA Inventory , Update Rule Corrections" (FRL#7332–3) received on July 7, 2004; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with an amendment:

S. 155. A bill to convey to the town of Frannie, Wyoming, certain land withdrawn by the Commissioner of Reclamation (Rept. No. 108–302).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 1467. A bill to establish the Rio Grande Outstanding Natural Area in the State of Colorado, and for other purposes (Rept. No. 108–303).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with amendments:

S. 1521. A bill to direct the Secretary of the Interior to convey certain land to the Edward H. McDaniel American Legion Post No. 22 in Pahrump, Nevada, for the construction of a post building and memorial park for use by the American Legion, other veterans' groups, and the local community (Rept. No. 108–304).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with an amendment:

H.R. 1658. A bill to amend the Railroad Right-of-Way Conveyance Validation Act to validate additional conveyances of certain lands in the State of California that form part of the right-of-way granted by the United States to facilitate the construction of the transcontinental railway, and for other purposes (Rept. No. 108–305).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LIEBERMAN (for himself and Ms. COLLINS):

S. 2639. A bill to reauthorize the Congressional Award Act; to the Committee on Governmental Affairs.

By Mr. ENSIGN (for himself and Mr. REID):

S. 2640. A bill to designate the facility of the United States Postal Service located at 1050 North Hills Boulevard in Reno, Nevada, as the "Guardians of Freedom Memorial Post Office Building" and to authorize the installation of a plaque at such site, and for other purposes; to the Committee on Governmental Affairs.

By Mr. ENZI (for himself and Mr. CAMPBELL):

S. 2641. A bill to recognize conservation efforts to restore the American bison from extinction by placing the image of the American bison on the nickel, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. WYDEN:

S. 2642. A bill to amend the Internal Revenue Code of 1986 to deter the smuggling of tobacco products into the United States, and for other purposes; to the Committee on Finance.

By Mr. DURBIN:

S. 2643. A bill to provide for fire safety standards for cigarettes, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. ENSIGN (for himself and Mr. MCCAIN):

S. 2644. A bill to amend the Communications Act of 1934 with respect to the carriage of direct broadcast satellite television signals by satellite carriers to consumers in rural areas, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MCCAIN:

S. 2645. A bill to amend the Communications Act of 1934 to authorize appropriations for the Corporation for Public Broadcasting, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CHAFEE (for himself, Mr. REED, Mr. KERRY, and Mr. KENNEDY):

S. 2646. A bill to direct the Director of the National Park Service to prepare a report on the sustainability of the John H. Chafee Blackstone River Valley National Heritage Corridor and the John H. Chafee Blackstone River Valley National Heritage Commission; to the Committee on Energy and Natural Resources.

By Mr. HOLLINGS (for himself, Mr. STEVENS, Mr. INOUYE, and Mr. GREGG):

S. 2647. A bill to establish a national ocean policy, to set forth the missions of the National Oceanic and Atmospheric Administration, to ensure effective interagency coordination, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HOLLINGS (for himself, Mr. STEVENS, and Mr. INOUYE):

S. 2648. A bill to strengthen programs relating to ocean science and training by providing improved advice and coordination of efforts, greater interagency cooperation, and the strengthening and expansion of related programs administered by the National Oceanic and Atmospheric Administration; to the Committee on Commerce, Science, and Transportation.

By Mr. BINGAMAN:

S. 2649. A bill to amend the Workforce Investment Act of 1998 to authorize the Secretary of Labor to provide for 5-year pilot projects to establish a system of industry-validated national certifications of skills in high-technology industries and a cross-disciplinary national certification of skills in homeland security technology; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN:

S. 2650. A bill to amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to strengthen programs under such Act; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SMITH (for himself and Mrs. FEINSTEIN):

S. Res. 404. A resolution designating August 9, 2004, as "Smokey Bear's 60th Anniversary"; to the Committee on the Judiciary.

By Mr. BROWNBACK (for himself, Mr. CORZINE, Mrs. DOLE, Mr. LIEBERMAN, Mr. DEWINE, and Mr. FITZGERALD):

S. Con. Res. 124. A concurrent resolution declaring genocide in Darfur, Sudan; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 303

At the request of Mr. HATCH, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 303, a bill to prohibit human cloning and protect stem cell research.

S. 540

At the request of Mr. INHOFE, the names of the Senator from Vermont (Mr. JEFFORDS), the Senator from Colorado (Mr. CAMPBELL), the Senator from Washington (Mrs. MURRAY) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 540, a bill to authorize the presentation of gold medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th Century in recognition of the service of those Native Americans to the United States.

S. 859

At the request of Mr. CORZINE, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 859, a bill to amend the Public Health Service Act with respect to facilitating the development of microbicides for preventing transmission of HIV and other diseases.

S. 1010

At the request of Mr. HARKIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1010 , a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities.

S. 1068

At the request of Mr. DODD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1068, a bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, and for other purposes.

S. 1104

At the request of Mr. FITZGERALD, his name was added as a cosponsor of S. 1104, a bill to amend title 10, United States Code, to provide for parental involvement in abortions of dependent children of members of the Armed Forces.

S. 1559

At the request of Mr. KENNEDY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1559, a bill to amend the Public Health Service Act with respect to making progress toward the goal of eliminating tuberculosis, and for other purposes.

S. 1993

At the request of Mrs. DOLE, her name was added as a cosponsor of S. 1993, a bill to amend title 23, United States Code, to provide a highway safety improvement program that includes incentives to States to enact primary safety belt laws.

S. 2158

At the request of Ms. COLLINS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2158, a bill to amend the Public Health Service Act to increase the supply of pancreatic islet cells for research, and to provide for better coordination of Federal efforts and information on islet cell transplantation.

S. 2360

At the request of Mrs. CLINTON, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2360, a bill to provide higher education assistance for nontraditional students, and for other purposes.

S. 2382

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 2382, a bill to establish grant programs for the development of telecommunications capacities in Indian country.

S. 2428

At the request of Mr. DODD, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2428, a bill to provide for educational opportunities for all students in State public school systems, and for other purposes.

S. 2502

At the request of Mr. CRAIG, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 2502, a bill to allow seniors to file their Federal income tax on a new Form 1040S.

S. 2520

At the request of Mr. KENNEDY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2520, a bill to provide for paid sick leave to ensure that Americans can address their own health needs and the health needs of their families.

S. 2539

At the request of Mr. CAMPBELL, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 2539, a bill to amend the Tribally Controlled Colleges or University Assistance Act and the Higher Education Act to improve Tribal Colleges and Universities, and for other purposes.

S. 2603

At the request of Mr. SMITH, the names of the Senator from Florida (Mr. NELSON) and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. 2603, a bill to amend section 227 of the Communications Act of 1934 (47 U.S.C. 227) relating to the prohibition on junk fax transmissions.

S. 2611

At the request of Mrs. BOXER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2611, a bill to amend the Foreign Assistance Act of 1961 to provide assistance for orphans and other vulnerable children in developing countries.

S. 2623

At the request of Mr. SMITH, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 2623, a bill to amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide a 2-year extension of supplemental security income in fiscal years 2005 through 2007 for refugees, asylees, and certain other humanitarian immigrants.

S. 2634

At the request of Mr. SMITH, the names of the Senator from Colorado (Mr. CAMPBELL), the Senator from Texas (Mr. CORNYN) and the Senator from Ohio (Mr. VOINOVICH) were added as cosponsors of S. 2634, an act to amend the Public Health Service Act to support the planning, implementation, and evaluation of organized activities involving statewide youth suicide early intervention and prevention strategies, to provide funds for campus mental and behavioral health service centers, and for other purposes.

S.J. RES. 40

At the request of Mrs. DOLE, her name was added as a cosponsor of S.J. Res. 40, a joint resolution proposing an amendment to the Constitution of the United States relating to marriage.

S.J. RES. 41

At the request of Mr. CAMPBELL, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S.J. Res. 41, a joint resolution commemorating the opening of the National Museum of the American Indian.

S. RES. 389

At the request of Mr. CAMPBELL, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Res. 389, a resolution expressing the sense of the Senate with respect to prostate cancer information.

S. RES. 392

At the request of Mr. BINGAMAN, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from New Jersey (Mr. CORZINE), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. Res. 392, a resolution conveying the sympathy of the Senate to the families of the young women murdered in the State of Chihuahua, Mexico, and encouraging increased United States involvement in bringing an end to these crimes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ENZI (for himself and Mr. CAMPBELL):

S. 2641. A bill to recognize conservation efforts to restore the American bison from extinction by placing the image of the American bison on the nickel, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. ENZI. Mr. President, today I join with my friend and colleague from the State of Colorado to introduce the Bison Nickel Restoration Act of 2004 to bring the image of the American bison back to the 5-cent coin.

The American bison is one of the most powerful symbols of the American West. Meriwether Lewis and William Clark encountered many bison on their western expedition. Native Americans in the Great Plains States have held the American bison as one of the most sacred animals, as it represents a spiritual being supplying everything necessary to survive. The bison also is an enduring symbol of the growth of the United States westward. The symbol of the bison is so powerful that the State of Wyoming has put its image on the State flag and the U.S. Department of the Interior uses the bison image on its official seal.

Many don't realize how close we came to losing this important animal. At one time, the American bison population was conservatively estimated at 60,000,000 strong. In the early 1900's, the worldwide bison population fell below 1,000 and was virtually extinct. At that time, less than 100 free-range bison existed and there remained only 29 bison under Federal Government control, 21 in Yellowstone National Park and eight in the National Zoo in Washington, DC.

However, the restoration of the bison herds is one of the most shining examples of conservation efforts of our Nation's history. From the dwindling number of bison in the early 1900's, it is anticipated that the North American bison herd will surpass half of a million in the next year. In addition, the bison herd of 21 in Yellowstone National Park has now grown to more than 4,000 bison. It is the largest free-range bison herd in the United States.

The conservation effort of the bison began in the early 1900's. At that time, the American Bison Society was formed with President Teddy Roosevelt as its honorary president. Soon, we will be celebrating the centennial anniversary in 2008 of the signing into law by President Roosevelt of the creation of the National Bison Range. While Federal efforts to restore the bison have been beyond our expectations, a very large part of the successful restoration of the bison herd is due to the private sector. Today, bison can be found in all 50 States, including Hawaii. Many anticipate that the bison population may pass 1 million by the end of the decade.

Today, the bison ranching sector has become a viable business for many small- and medium-sized ranchers. According to a recent U.S. Department of Agriculture census, Wyoming ranches raised 12,580 bison for agricultural purposes during 2002. Restoring the bison to our coinage is a fitting tribute, especially during this July, which is National Bison Month.

A fitting honor for the American bison would be to restore the image on the back of the nickel. This not only would honor the restoration of the bison herd but it would be a symbol of the West. It is my hope that the millions of bison nickels would inspire school children to recognize the importance of our western heritage, the importance of the bison in Native American culture, and the importance of the public/private efforts to restore the American bison. While our Nation's symbol is the bald eagle, there is little doubt that the symbol of the west is the American bison.

The Bison Nickel Restoration Act of 2004 would restore the American 5-Cent Coin Design Continuity Act of 2003 to its original three-year time frame. Due to the late passage of this law, the U.S. Mint was unable to mint newly designed nickels for 2003. In addition, our bill would require that one of the new images on the reverse of the nickel be of an American bison. I can think of no more fitting tribute to the restoration of the American bison herd than to restore the image of the bison on the back of the nickel.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2641

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bison Nickel Restoration Act of 2004".

SEC. 2. FINDINGS.

Congress finds that—

(1) the American bison is one of the most enduring symbols of the expedition of Meriwether Lewis and William Clark;

(2) Native Americans in the Great Plains States have held the American bison as one of the most sacred animals, as it represents a spiritual being supplying everything necessary to survive;

(3) the American bison continues to be a symbol of Western States and the growth of the United States westward in the 19th century;

(4) the population of the American bison herd has been restored from near extinction levels due to exceptional conservation efforts;

(5) the American bison herd, which once numbered approximately 60,000,000 fell below 100 for free-range bison in the early 1900s;

(6) at the time, only 21 American bison were living in Yellowstone National Park, and 8 in the National Zoo in Washington, DC;

(7) the conservation efforts to restore the American bison officially began with the efforts of President Theodore Roosevelt with the American Bison Society in 1905, the first United States conservation effort to restore a single species from extinction;

(8) the centennial of the signing into law by President Roosevelt of the creation of the National Bison Range in Montana will take place on May 23, 2008; and

(9) in 2004, the bison herd in North America is anticipated to surpass 500,000, and the American Bison has been restored and has become a viable commercial ranching enterprise for many small- and medium-sized ranchers.

SEC. 3. BISON COIN AUTHORITY EXTENSION.

Section 101 of the American 5-Cent Coin Design Continuity Act of 2003 (31 U.S.C. note) is amended—

(1) by striking "and 2005" each place that term appears, other than in subsection (b)(2), and inserting ", 2005, and 2006"; and

(2) in subsection (b)(2), by adding at the end the following: "If the Secretary of the Treasury elects to change the reverse of the 5-cent coins issued during 2006, one of the designs selected shall depict the image of an American bison as part of such emblematic images.".

SEC. 4. EXTENSION OF THE AMERICAN 5-CENT COIN DESIGN CONTINUITY ACT OF 2003.

Section 5112(d)(1) of title 31, United States Code, is amended in the 5th sentence, by striking "December 31, 2005" and inserting "December 31, 2006".

By Mr. WYDEN:

S. 2642. A bill to amend the Internal Revenue Code of 1986 to deter the smuggling of tobacco products into the United States, and for other purposes; to the Committee on Finance.

Mr. WYDEN. Mr. President, today I am introducing the Smuggled Tobacco Prevention Act of 2004, and Representative DOGGETT of Texas is introducing identical legislation in the House of Representatives.

As many of my colleagues know, I have long believed that we must do everything we can to help protect our children from becoming addicted to tobacco. Whether a child is in Bend, OR or in Bangladesh, that child should be able to grow up tobacco-free.

Cigarettes are the world's most smuggled legal consumer product. Tobacco smuggling contributes to the availability of cheap cigarettes and not only deprives governments of needed revenue, but harms the health of our citizens and of people around the world. Last month the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives reported that they have more than 300 open cases of illicit cigarette trafficking, up from only a handful five years ago. Some of those cases have been linked to the funding of terrorism.

In our country traffickers buy a large volume of cigarettes in States where the cigarette tax is low, and take them to States with higher taxes and sell them at a discount without paying the higher cigarette tax in those States. That illegal activity deprives States and localities of funds needed for schools, policing, and roads.

With better labeling, tracing, and record-keeping we believe we can end this illegal activity. Our legislation takes those common sense steps and requires that individual product packages be marked with the destination and that bonds be posted until we are assured that the tobacco product has reached its destination. The legislation would require record keeping and making those records available for inspection. The Smuggled Tobacco Prevention Act also provides whistle-blower protection for those who help authorities in locating smuggling activity.

I urge my colleagues to join me in strengthening our laws against cigarette smuggling because it is good health policy, and it is sound fiscal policy and good leadership to do so.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2642

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Smuggled Tobacco Prevention Act of 2004".

TITLE I—AMENDMENTS TO INTERNAL REVENUE CODE OF 1986

SEC. 101. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 102. IMPROVED MARKING AND LABELING; EXPORT BONDS.

(a) IN GENERAL.—Subsection (b) of section 5723 (relating to marks, labels, and notices) is amended—

(1) by striking ", if any," and

(2) by adding at the end the following: "Such marks, labels, and notices shall include marks and notices relating to the following:

"(1) IDENTIFICATION.—Each person who is a manufacturer or importer of tobacco products shall (in accordance with regulations prescribed by the Secretary) legibly print a unique serial number on all packages of tobacco products manufactured or imported by such person for sale or distribution. Such serial number shall be designed to enable the Secretary to identify the manufacturer of the product (and, in the case of importation, the manufacturer and importer of the product), the location and date of manufacture (and, if imported, the location and date of importation), and any other information the Secretary determines necessary or appropriate for the proper administration of the chapter. The Secretary shall determine the size and location of the serial number.

"(2) MARKING REQUIREMENTS FOR EXPORTS.—Each package of a tobacco product that is exported shall be marked for export from the United States and shall be marked as to the foreign country which is to be the final destination of such product. Such marking shall be visible and prominent and shall be in English and in the primary language of such foreign country. The Secretary shall promulgate regulations to determine the size and location of the mark.".

(b) SALES ON INDIAN RESERVATIONS; PACKAGE DEFINED.—Section 5723 is amended by adding at the end the following new subsections:

"(f) SALES ON INDIAN RESERVATIONS.—Each package of a tobacco product that is sold on an Indian reservation (as defined in section 403(9) of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3202(9)) shall be visibly and prominently labeled as such. The Secretary, in consultation with the Secretary of the Interior, shall promulgate regulations with respect to such labeling, including requirements for the size and location of the label.

"(g) Definition of Package.—For purposes of this section, the term 'package' means the innermost sealed container visible from the outside of the individual container irrespective of the material from which such container is made, in which a tobacco product is placed by the manufacturer and in which such tobacco product is offered for sale to a member of the general public.".

(c) Requirements for Tracking of Tobacco Products.—

(1) In general.—Subchapter B of chapter 52 is amended by adding at the end the following new section:

"SEC. 5714. EXPORT BONDS.

"(a) Posting of Bond.—

"(1) In general.—It shall be unlawful for any person to export any tobacco product unless such person—

"(A) has posted with the Secretary a tobacco product bond in accordance with this section for such product that contains a disclosure of the country to which such product will be exported; and

"(B) receives a written statement from the recipient of the tobacco products involved that such person—

"(i) will not knowingly and willfully violate or cause to be violated any law or regulation of such country, the United States, any State, the District of Columbia, or any possession of the United States with respect to such products; and

"(ii) has never been convicted of any offense with respect to tobacco products.

"(2) Regulations.—The Secretary shall promulgate regulations that determine the frequency and the amount of each bond that must be posted under paragraph (1), but in no case shall such amount be less than an amount equal to the tax imposed under this chapter on the value of the shipment of the products involved if such products were consumed within the United States.

"(3) Export.—For purposes of this subsection, property shall be treated as exported if it is shipped to a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States, or for consumption beyond the jurisdiction of the internal revenue laws of the United States.

"(b) Return of Bond.—The Secretary shall return a bond posted under subsection (a)—

"(1) upon a determination by the Secretary (based on documentation provided by the person who posted the bond in accordance with regulations promulgated by the Secretary) that the items to which the bond applies have been received in the country of final destination as designated in the bond, or

"(2) under such other circumstance as the Secretary may specify."

(2) Clerical amendment.—The table of sections for such subchapter B is amended by adding at the end the following new item:

"Sec. 5714. Export bonds."

SEC. 103. WHOLESALERS REQUIRED TO HAVE PERMIT.

Section 5712 (relating to application for permit) is amended by inserting ", wholesaler," after "manufacturer".

SEC. 104. CONDITIONS OF PERMIT.

Subsection (a) of section 5713 (relating to issuance of permit) is amended to read as follows:

"(a) Issuance.—

"(1) In general.—A person shall not engage in business as a manufacturer, wholesaler, or importer of tobacco products or as an export warehouse proprietor without a permit to engage in such business. Such permit shall be issued in such form and in such manner as the Secretary shall by regulation prescribe, to every person properly qualified under sections 5711 and 5712. A new permit may be required at such other time as the Secretary shall by regulation prescribe.

"(2) Conditions.—The issuance of a permit under this section shall be conditioned upon the compliance with the requirements of—

"(A) this chapter,

"(B) the Contraband Cigarette Trafficking Act (18 U.S.C. chapter 114),

"(C) the Act of October 19, 1949 (15 U.S.C. chapter 10A),

"(D) any regulations issued pursuant to such statutes, and

"(E) any other federal laws or regulations relating to the taxation, sale, or transportation of tobacco products.".

SEC. 105. RECORDS TO BE MAINTAINED.

Section 5741 (relating to records to be maintained) is amended—

(1) by inserting "(a) In General.—" before "Every manufacturer",

(2) by inserting "every wholesaler," after "every importer,",

(3) by striking "such records" and inserting "records concerning the chain of custody of the tobacco products (including the foreign country of final destination for packages marked for export) and such other records", and

(4) by adding at the end the following new subsection:

"(b) Retailers.—Retailers shall maintain records of receipt of tobacco products, and such records shall be available to the Secretary for inspection and audit. An ordinary commercial record or invoice shall satisfy the requirements of this subsection if such record shows the date of receipt, from whom tobacco products were received, and the quantity of tobacco products received. The preceding provisions of this subsection shall not be construed to limit or preclude other recordkeeping requirements imposed on any retailer.".

SEC. 106. REPORTS.

Section 5722 (relating to reports) is amended—

(1) by inserting "(a) In General.—" before "Every manufacturer", and

(2) by adding at the end the following new subsection:

"(b) Reports By Export Warehouse Proprietors.—

"(1) In general.—Prior to exportation of tobacco products from the United States, the export warehouse proprietor shall submit a report (in such manner and form as the Secretary may by regulation prescribe) to enable the Secretary to identify the shipment and assure that it reaches its intended destination.

"(2) Agreements with foreign governments.—Notwithstanding section 6103 of this title, the Secretary is authorized to enter into agreements with foreign governments to exchange or share information contained in reports received from export warehouse proprietors of tobacco products if—

"(A) the Secretary believes that such agreement will assist in—

"(i) ensuring compliance with the provisions of this chapter or regulations promulgated thereunder, or

"(ii) preventing or detecting violations of the provisions of this chapter or regulations promulgated thereunder, and

"(B) the Secretary obtains assurances from such government that the information will be held in confidence and used only for the purposes specified in clauses (i) and (ii) of subparagraph (A).

No information may be exchanged or shared with any government that has violated such assurances.".

SEC. 107. FRAUDULENT OFFENSES.

(a) In General.—Subsection (a) of section 5762 (relating to fraudulent offenses) is amended by striking paragraph (1) and redesignating paragraphs (2) through (6) as paragraphs (1) through (5), respectively.

(b) Offenses Relating to Distribution of Tobacco Products.—Section 5762 is amended—

(1) by redesignating subsection (b) as subsection (c),

(2) in subsection (c) (as so redesignated), by inserting "or (b)" after "(a)", and

(3) by inserting after subsection (a) the following new subsection:

"(b) Offenses Relating to Distribution of Tobacco Products.—It shall be unlawful—

"(1) for any person to engage in the business as a manufacturer or importer of tobacco products or cigarette papers and tubes, or to engage in the business as a wholesaler or an export warehouse proprietor, without filing the bond and obtaining the permit where required by this chapter or regulations thereunder;

"(2) for a manufacturer, importer, or wholesaler permitted under this chapter intentionally to ship, transport, deliver, or receive any tobacco products from or to any person other than a person permitted under this chapter or a retailer, except a permitted importer may receive foreign tobacco products from a foreign manufacturer or a foreign distributor that have not previously entered the United States;

"(3) for any person (other than the original manufacturer of such tobacco products or an export warehouse proprietor authorized to receive any tobacco products that have previously been exported and returned to the United States) to receive any tobacco products that have previously been exported and returned to the United States;

"(4) for any export warehouse proprietor intentionally to ship, transport, sell, or deliver for sale any tobacco products to any person other than the original manufacturer of such tobacco products, another export warehouse proprietor, or a foreign purchaser;

"(5) for any person (other than a manufacturer or an export warehouse proprietor permitted under this chapter) intentionally to ship, transport, receive, or possess, for purposes of resale, any tobacco product in packages marked pursuant to regulations issued under section 5723, other than for direct return to a manufacturer for repacking or for re-exportation or to an export warehouse proprietor for re-exportation;

"(6) for any manufacturer, importer, export warehouse proprietor, or wholesaler permitted under this chapter to make intentionally any false entry in, to fail willfully to make appropriate entry in, or to fail willfully to maintain properly any record or report that such person is required to keep as required by this chapter or the regulations promulgated thereunder;

"(7) for any person to alter, mutilate, destroy, obliterate, or remove any mark or label required under this chapter upon a tobacco product held for sale, except pursuant to regulations of the Secretary authorizing relabeling for purposes of compliance with the requirements of this section or of State law; and

"(8) for any person to sell at retail more than 5,000 cigarettes in a single transaction or in a series of related transactions, or, in the case of other tobacco products, an equivalent quantity as determined by regulation. Any person violating any of the provisions of this subsection shall, upon conviction, be fined as provided in section 3571 of title 18, United States Code, imprisoned for not more than 5 years, or both.".

(c) INTENTIONALLY DEFINED.—Section 5762 is amended by adding at the end the following:

"(d) DEFINITION OF INTENTIONALLY.—For purposes of this section and section 5761, the term 'intentionally' means doing an act, or omitting to do an act, deliberately, and not due to accident, inadvertence, or mistake, regardless of whether the person knew that the act or omission constituted an offense.".

SEC. 108. CIVIL PENALTIES.

Subsection (a) of section 5761 (relating to civil penalties) is amended—

(1) by striking "willfully" and inserting "intentionally", and

(2) by striking "$1,000" and inserting "$10,000".

SEC. 109. DEFINITIONS.

(a) EXPORT WAREHOUSE PROPRIETOR.—Subsection (i) of section 5702 (relating to definition of export warehouse proprietor) is amended by inserting before the period the following: "or any person engaged in the business of exporting tobacco products from the United States for purposes of sale or distribution. Any duty free store that sells, offers for sale, or otherwise distributes to any person in any single transaction more than 30 packages of cigarettes, or its equivalent for other tobacco products as the Secretary shall by regulation prescribe, shall be deemed an export warehouse proprietor under this chapter".

(b) RETAILER; WHOLESALER.—Section 5702 is amended by adding at the end the following:

"(p) RETAILER.—The term 'retailer' means any dealer who sells, or offers for sale, any tobacco product at retail. The term 'retailer' includes any duty-free store that sells, offers for sale, or otherwise distributes at retail in any single transaction 30 or fewer packages of cigarettes, or its equivalent for other tobacco products.

"(q) WHOLESALER.—The term 'wholesaler' means any person engaged in the business of purchasing tobacco products for resale at wholesale, or any person acting as an agent or broker for any person engaged in the business of purchasing tobacco products for resale at wholesale.".

SEC. 110. EFFECTIVE DATE.

The amendments made by this title shall take effect on January 1, 2005.

TITLE II—AMENDMENTS TO THE CONTRABAND CIGARETTE TRAFFICKING ACT

SEC. 201. AMENDMENTS TO THE CONTRABAND CIGARETTE TRAFFICKING ACT.

(a) EXPANSION OF ACT TO COVER OTHER TOBACCO PRODUCTS.—

(1) Paragraphs (1) through (2) of section 2341 of title 18, United States Code, are amended to read as follows:

"(1) the term 'tobacco product' has the meaning given to such term by section 5702 of the Internal Revenue Code of 1986;

"(2) the term 'contraband tobacco product' means any tobacco product if—

"(A)(i) in the case of cigarettes, such cigarettes are in a quantity in excess of 2,000 cigarettes; or

"(ii) in the case of a tobacco product other than a cigarette, such product is in a quantity in excess of the equivalent of 2,000 cigarettes as determined under rules made by the Attorney General;

"(B)(i) if the State in which such tobacco product is found requires a stamp, impression, or other indication to be placed on packages or other containers of product to evidence payment of tobacco taxes, such tobacco product bears no evidence of such payment; or

"(ii) if such State has no such requirement, applicable tobacco taxes are found to be not paid; and

"(C) such tobacco product is in the possession of any person other than—

"(i) a person holding a permit issued pursuant to chapter 52 of the Internal Revenue Code of 1986 as a manufacturer or importer of tobacco products or as an export warehouse proprietor, or a person operating a customs bonded warehouse pursuant to section 311 or 555 of the Tariff Act of 1930 (19 U.S.C. 1311 or 1555) or an agent of such person;

"(ii) a common or contract carrier transporting the tobacco product involved under a proper bill of lading or freight bill which states the quantity, source, and destination of such product;

"(iii) a person—

"(I) who is licensed or otherwise authorized by the State where the tobacco product is found to account for and pay tobacco taxes imposed by such State; and

"(II) who has complied with the accounting and payment requirements relating to such license or authorization with respect to the tobacco product involved; or

"(iv) an officer, employee, or other agent of the United States or a State, or any department, agency, or instrumentality of the United States or a State (including any political subdivision of a State) having possession of such tobacco product in connection with the performance of official duties;".

(2) Section 2345 of title 18, United States Code, is amended—

(A) by striking "cigarette tax laws" each place it appears and inserting "tobacco tax laws", and

(B) by striking "cigarettes" and inserting "tobacco products".

(b) UNLAWFUL ACTS.—Section 2342 of title 18, United States Code, is amended to read as follows:

"§ 2342. Unlawful acts

"(a) It shall be unlawful for any person knowingly to ship, transport, receive, possess, sell, distribute, or purchase contraband tobacco products.

"(b)(1) It shall be unlawful for any person knowingly—

"(A) to make any false statement or representation with respect to the information required by this chapter to be kept in the records or reports of any person who ships, sells, or distributes (in a single transaction or in a series of related transactions) any quantity of tobacco product in excess of the quantity specified in or pursuant to section 2341(2)(A) with respect to such product, or

"(B) to fail to maintain records or reports, alter or obliterate required markings, or interfere with any inspection, required under this chapter, with respect to such quantity of tobacco product.

"(c) It shall be unlawful for any person knowingly to transport tobacco products under a false bill of lading or without any bill of lading.".

(c) CONFORMING AMENDMENTS RELATING TO RECORDKEEPING.—

(1) Subsections (a) and (b) of section 2343 of title 18, United States Code, are each amended by striking "any quantity of cigarettes in excess of 60,000 in a single transaction" and inserting "(in a single transaction or in a series of related transactions) any quantity of tobacco product in excess of the quantity specified in or pursuant to section 2341(2)(A) with respect to such product".

(d) PENALTIES.—Section 2344 of title 18, United States Code, is amended—

(1) in subsection (b), by inserting "or (c)" after "section 2342(b)"; and

(2) by striking subsection (c) and inserting the following new subsection:

"(c) Any contraband tobacco products involved in any violation of this chapter shall be subject to seizure and forfeiture, and all provisions of section 9703(o) of title 31, United States Code, shall, so far as applicable, extend to seizures and forfeitures under this chapter.".

(e) JENKINS ACT AMENDMENTS.—

(1) Section 4 of the Act of October 19, 1949 (15 U.S.C. 378) is amended by adding at the end the following: "A State tobacco tax authority may commence a civil action to obtain appropriate relief with respect to a violation of this Act.".

(2) Paragraph (2) of section 1 of such Act is amended to read as follows:

"(2) The term 'tobacco product' has the meaning given to such term by section 5702 of the Internal Revenue Code of 1986.".

(3) Such Act is further amended by striking "cigarette" and "cigarettes" each place either appears and inserting "tobacco product" and "tobacco products" respectively.

(f) NON-PREEMPTION.—Nothing in this title or the amendments made by this title shall be construed to prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of State law.

TITLE III—WHISTLEBLOWER PROTECTION PROVISIONS

SEC. 301. WHISTLEBLOWER PROTECTION.

(a) IN GENERAL.—Chapter 73 of title 18, United States Code, is amended by inserting after section 1514 the following:

"§ 1514B. Civil action to protect against retaliation in contraband tobacco cases

"(a) WHISTLEBLOWER PROTECTION FOR CONTRABAND TOBACCO.—No person may discharge, demote, suspend, threaten, harass, or in any other manner discriminate against an employee in the terms and conditions of employment because of any lawful act done by the employee—

"(1) to provide information, cause information to be provided, or otherwise assist in an investigation regarding any conduct which the employee reasonably believes constitutes a violation of section 2342 or any other provision of Federal law relating to contraband tobacco, when the information or assistance is provided to or the investigation is conducted by—

"(A) a Federal regulatory or law enforcement agency;

"(B) any Member of Congress or any committee of Congress; or

"(C) a person with supervisory authority over the employee (or such other person working for the employer who has the authority to investigate, discover, or terminate misconduct); or

"(2) to file, cause to be filed, testify, participate in, or otherwise assist in a proceeding filed or about to be filed (with any knowledge of the employer) relating to an alleged violation of section 2342, or any provision of Federal law relating to contraband tobacco.

"(b) ENFORCEMENT ACTION.—

"(1) IN GENERAL.—A person who alleges discharge or other discrimination by any person in violation of subsection (a) may seek relief under subsection (c), by—

"(A) filing a complaint with the Secretary of Labor; or

"(B) if the Secretary has not issued a final decision within 180 days of the filing of the complaint and there is no showing that such delay is due to the bad faith of the claimant, bringing an action at law or equity for de novo review in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy.

"(2) PROCEDURE.—

"(A) IN GENERAL.—An action under paragraph (1)(A) shall be governed under the rules and procedures set forth in section 42121(b) of title 49, United States Code.

"(B) EXCEPTION.—Notification made under section 42121(b)(1) of title 49, United States Code, shall be made to the person named in the complaint and to the employer.

"(C) BURDENS OF PROOF.—An action brought under paragraph (1)(B) shall be governed by the legal burdens of proof set forth in section 42121(b) of title 49, United States Code.

"(D) STATUTE OF LIMITATIONS.—An action under paragraph (1) shall be commenced not later than 90 days after the date on which the violation occurs.

"(c) REMEDIES.—

"(1) IN GENERAL.—An employee prevailing in any action under subsection (b)(1) shall be entitled to all relief necessary to make the employee whole.

"(2) COMPENSATORY DAMAGES.—Relief for any action under paragraph (1) shall include—

"(A) reinstatement with the same seniority status that the employee would have had, but for the discrimination;

"(B) the amount of back pay, with interest; and

"(C) compensation for any special damages sustained as a result of the discrimination, including litigation costs, expert witness fees, and reasonable attorney fees.

"(d) RIGHTS RETAINED BY EMPLOYEE.—Nothing in this section shall be deemed to diminish the rights, privileges, or remedies of any employee under any Federal or State law, or under any collective bargaining agreement.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 of title 18, United States Code, is amended by inserting after the item relating to section 1514 the following new item:

"1514B. Civil action to protect against retaliation in contraband tobacco cases.".

By Mr. DURBIN:

S. 2643. A bill to provide for fire safety standards for cigarettes, and for other purposes; to the Committee on Commerce, Science, and Transportations

Mr. DURBIN. Mr. President, I rise today to introduce the Cigarette Fire Safety Act of 2004. Joe Moakley started his effort to require less fire-prone cigarettes in 1979 and championed this issue until his death in May of 2001. I am here to finish what he started.

The statistics regarding cigarette-related fires are startling. Cigarette-ignited fires account for an estimated 140,800 fires in the United States. Such fires cause more than 900 deaths and 2,400 injuries each year. Annually, more than $400 million in property damage is reported due to a fire caused by a cigarette. According to the National Fire Protection Association, one out of every four fire deaths in the United States are attributed to tobacco products—by far the leading cause of civilian deaths in fires. Overall, the Consumer Product Safety Commission estimates that the cost of the loss of human life and personal property from not having a fire-safe cigarette standard is approximately $4.6 billion per year.

In my State of Illinois, cigarette-related fires have also caused too many senseless tragedies. In 1998 alone, the most recent year for which we have data, there were more than 1,700 cigarette-related fires, of which more than 900 were in people's homes. These fires led to 109 injuries and 8 deaths.

Tobacco companies spend billions on marketing and learning how to make cigarettes appealing to kids. It is not unreasonable to ask those same companies to invest in safer cigarette paper to make their products less likely to burn down a house. The State of New York has taken the first step, and by June 2004, all cigarettes sold in the State will be tested for fire safety and required to self-extinguish. It is time to establish a national standard to ensure that our nation's children, elderly and families are protected.

The Cigarette Fire Safety Act of 2004 requires the Consumer Product Safety Commission to promulgate a fire safety standard, specified in the legislation, for cigarettes. The CPSC would also have the authority to regulate the ignition propensity of cigarette paper for roll-your-own tobacco products. The Act gives the Consumer Product Safety Commission authority over cigarettes only for purposes of implementing and enforcing compliance with this Act and with the standard promulgated under the Act. It also allows states to pass more stringent fire-safety standards for cigarettes.

When Joe Moakley set out more than two decades ago to ensure that the tragic cigarette-caused fire that killed five children and their parents in Westwood, MA was not repeated, he made a difference. He introduced three bills, two of which passed. One commissioned a study that concluded it was technically feasible to produce a cigarette with a reduced propensity to start fires. The second required that the National Institute of Standards and Technology develop a test method for cigarette fire safety, and the last and final bill, the Fire-Safe Cigarette Act of 1999, mandates that the Consumer Product Safety Commission use this knowledge to regulate cigarettes with regard to fire safety.

Today I am here to reintroduce Moakley's bill and to accomplish what he set out to do. I hope that the Commerce Committee will consider this legislation expeditiously and that my colleagues will join me in supporting this effort. Joe waited long enough. Let's get this done for him.

By Mr. MCCAIN:

S. 2645. A bill to amend the Communications Act of 1934 to authorize appropriations for the Corporation for Public Broadcasting, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. MCCAIN. Mr. President, I rise today to introduce The Public Broadcasting Reauthorization Act of 2004. This legislation is designed to reauthorize the Corporation for Public Broadcasting (CPB or "the Corporation") through 2011 to carry forth its mission to support the Nation's public broadcasting system. This private, non-profit corporation has not been reauthorized since 1996.

In 1967, Congress created the Corporation, declaring, "It is in the public interest to encourage the growth and development of public radio and television broadcasting, including the use of such media for instructional, educational and cultural purposes." Today, the primary function of the CPB is to receive and distribute governmental funds to stations, develop national programming, and maintain universal access to public broadcasting's educational programs and services through 356 public television stations and almost 800 public radio stations.

In addition to authorizing the Corporation, the bill would explicitly provide public broadcast stations the ability to use CPB funds to produce local programming. An April 2004 General Accounting Office (GAO) report noted that 79 percent of the public television stations surveyed found that the amount of local programming they currently produce is not sufficient to meet local community needs. Eighty-five percent of the stations surveyed stated that they do not have adequate funds for local programming or that they would produce more local programming if they could obtain additional sources of funding. The bill would provide the Corporation the explicit authority to award grants for the production and acquisition of local programming and allow stations to use CPB funds supporting the digital transition to produce local digital programming.

Furthermore, the bill would expand the definition of public telecommunications services to capture the services public broadcasters are now providing through their web sites and through digital multicasting. The bill would also allow CPB to recoup some federal funds provided to a public broadcast station if the broadcaster sells the station to an entity that does not offer public broadcasting services.

Reauthorization would allow the CPB to continue carrying out its many responsibilities. I look forward to working with my colleagues to expeditiously move this measure through the legislative process.

Today the Senate Committee on Commerce, Science, and Transportation held a hearing on public broadcasting. Mr. Ken Burns, a filmmaker, spoke eloquently at the hearing on the benefits public broadcasting provides to local communities. Mr. President, I ask unanimous consent that Mr. Burns' testimony and the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2645

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Public Broadcasting Reauthorization Act of 2004”.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

(a) CORPORATION FOR PUBLIC BROADCASTING.—Section 396(k)(1) of the Communications Act of 1934 (47 U.S.C. 396(k)(1)) is amended by striking subparagraphs (B) through (F) and inserting the following:

“(B) There is authorized to be appropriated to the Fund, for each of the fiscal years 2007, 2008, 2009, 2010 and 2011, an amount equal to 40 percent of the total amount of non-Federal financial support received by public broadcasting entities during the second fiscal year preceding each such fiscal year, except that the amount so appropriated shall not exceed—

“(i) $416,000,000 for fiscal year 2007;

“(ii) $432,000,000 for fiscal year 2008;

“(iii) $450,000,000 for fiscal year 2009;

“(iv) $468,000,000 for fiscal year 2010; and

“(v) $487,000,000 for fiscal year 2011.

“(C) In addition to any amounts authorized under any other provision of this or any other Act, there are authorized to be appropriated to the Fund, (notwithstanding any other provision of this subsection) specifically for transition from the use of analog to digital technology for the provision of public telecommunications services and for the acquisition or production of digital programming of local, regional, and national interest—

“(i) $50,000,000 for fiscal year 2005;

“(ii) $50,000,000 for fiscal year 2006;

“(iii) $40,000,000 for fiscal year 2007;

“(iv) $30,000,000 for fiscal year 2008; and

“(v) $20,000,000 for fiscal year 2009.

“(D) Funds appropriated under this subsection shall remain available until expended and shall be disbursed by the Secretary of the Treasury for obligation and expenditure as soon after appropriation as practicable. The Corporation shall distribute funds authorized by subparagraph (C) and allocated to public broadcast stations under this subsection as expeditiously as practicable when made available by the Secretary of the Treasury, and in a manner that is determined, in consultation with public radio and television licensees or permittees and their designated representatives.”.

(b) PUBLIC BROADCASTING INTERCONNECTION SYSTEM.—Section 396(k)(10) of the Communications Act of 1934 (47 U.S.C. 396(k)(10)) is amended by striking subparagraphs (B) and (C) and inserting the following:

“(B) There are authorized to be appropriated to the Satellite Interconnection Fund $250,000,000 for fiscal year 2005. If the amount appropriated to the Satellite Interconnection Fund for fiscal year 2005 is less than $250,000,000, the amount by which that sum exceeds the amount appropriated is authorized to be appropriated for fiscal years 2006 through 2008 until the full $250,000,000 has been appropriated to the Fund. Funds appropriated to the Satellite Interconnection Fund shall remain available until expended.

“(C) The Secretary of the Treasury shall make available and disburse to the Corporation, at the beginning of fiscal year 2005 and of each succeeding fiscal year thereafter, such funds as have been appropriated to the Satellite Interconnection Fund for the fiscal year in which such disbursement is to be made.”.

(c) PUBLIC TELECOMMUNICATIONS FACILITIES PROGRAM GRANTS.—Section 391 of the Communications Act of 1934 (47 U.S.C. 391) is amended—

(1) by striking “$42,000,000 for each of the fiscal years 1992, 1993, and 1994,” and inserting “$50,000,000 for fiscal year 2005, $52,000,000 for fiscal year 2006, $54,008,000 for fiscal year 2007, $56,240,000 for fiscal year 2008, $58,490,000 for fiscal year 2009, $60,820,000 for fiscal year 2010, and $63,250,000 for fiscal year 2011,”; and

(2) by striking “facilities” each place it occurs and inserting “facilities, including analog and digital broadcast facilities and equipment,”.

SEC. 3. RECOUPMENT OF FUNDS BY CORPORATION.

Section 396(k) of the Communications Act of 1934 (47 U.S.C. 396(k)) is amended by adding at the end the following:

“(13) Funds may not be distributed pursuant to this section to any public broadcast station unless it agrees that, upon request by the Corporation, at such time as it ceases to provide public telecommunications services or transfers or assigns its broadcast license or permit to an entity that will not provide public telecommunications services (as defined in section 397(14) of this Act), it will—

“(A) return any or all unexpended funds for all grants made by the Corporation; and

“(B) with respect to grants made by the Corporation during the prior 5 years for the purchase or construction of public telecommunications facilities, return an amount that is no more than an amount bearing the same ratio to the current value of such facilities at the time of cessation of public telecommunications service as the ratio that the Corporation's contribution bore to the total cost of purchasing or constructing such facilities.”.

SEC. 4. REDEFINITION OF PUBLIC TELECOMMUNICATIONS SERVICES TO INCLUDE NEW TECHNOLOGIES.

(a) TRANSITION AND PROGRAMMING AUTHORIZATION.—Section 396(k)(1)(C) of the Communications Act of 1934 (47 U.S.C. 396(k)(1)(C)), as amended by section 2(a) of this Act, is further amended by striking “public broadcasting services,” and inserting “public telecommunications services,”.

(b) PUBLIC TELECOMMUNICATIONS SERVICES TO INCLUDE NEW TECHNOLOGIES.—Section 397(14) of the Communications Act of 1934 (47 U.S.C 397(14)) is amended to read as follows:

“(14) The term ‘public telecommunications services’ means noncommercial educational and cultural—

“(A) radio and television programming or other content; and

“(B) instructional or informational material (including data) transmitted electronically.”.

SEC. 5. LOCAL CONTENT, PROGRAMMING, AND SERVICES.

Section 396(k)(7) of the Communications Act of 1934 (47 U.S.C. 396(k)(7)) is amended by striking “to the production and acquisition of programming.” and inserting “to the support of content, programming, and services, especially those that serve the needs and interests of the recipient's local community.”.

Mr. Chairman and Members of the Committee: It is an honor for me to appear before you today on behalf of PBS. I am grateful that you have given me this opportunity to express my thoughts. Let me say from the outset—as a film producer and as a father of two daughters increasingly concerned about the sometimes dangerous landscape of our television environment—that I am a passionate, life-long supporter of public television and its unique role in helping to stitch our exquisite, diverse, and often fragile culture together.

Few institutions provide such a direct, grassroots way for our citizens to participate in the shared glories of their common past, in the power of the priceless ideals that have animated our remarkable republic and our national life for more than two hundred years, and in the inspirational life of the mind and the heart that an engagement with the arts always provides. It is my wholehearted belief that anything that threatens this institution weakens our country. It is as simple as that.

For more than 25 years I have been producing historical documentary films, celebrating the special messages American history continually directs our way. The subjects of these films range from the construction of the Brooklyn Bridge and the Statue of Liberty to the life of the turbulent demagogue Huey Long; from the graceful architecture of the Shakers to the early founders of radio; from the sublime pleasures and unexpected lessons of our national pastime and Jazz to the searing transcendent experience of our Civil War; from Thomas Jefferson and Lewis and Clark to Frank Lloyd Wright, Elizabeth Cady Stanton and Mark Twain. I even made a film on the history of this magnificent Capitol building and the much maligned institution that is charged with conducting the people's business.

In every instance, I consciously produced these films for national public television broadcast, not the commercial networks or cable.

As an educational filmmaker, I am grateful to play even a small part in an underfunded broadcasting entity with one foot tenuously in the marketplace and the other decidedly and proudly out, which, among dozens of fabulously wealthy networks, just happens to produce—on shoestring budgets—the best news and public affairs programming on television, the best science and nature programming on television, the best arts on television, the best children's shows on television, and, some say, the best history on television.

When I was working more than 15 years ago on my film about the Statue of Liberty, its history and powerful symbolism, I had the great good fortune to meet and interview Vartan Gregorian, who was then the president of the New York Public Library. After an extremely interesting and passionate interview on the meaning behind the statue for an immigrant like him—from Tabriz, Iran—Vartan took me on a long and fascinating tour of the miles of stacks of the Library. Finally, after galloping down one claustrophobic corridor after another, he stopped and gestured expansively. “This,” he said, surveying his library from its guts, “this is the DNA of our civilization.”

I think he was saying that that library, indeed, all libraries, archives, and historical societies are the DNA of our society, leaving an imprint of excellence and intention for generations to come. It occurs to me this morning, as we consider the rich history of service and education of PBS, that we must certainly include this great institution in that list of the DNA of our civilization. That public television is part of the great genetic legacy of our Nation. And that cannot, should not, be denied us or our posterity.

PBS has consistently provided, with its modest resources, and over more than three tumultuous decades, quite simply an antidote to the vast wasteland of television programming Newton Minnow so accurately described. We do things differently. We are hardly a "disappearing niche," as some suggest, but a vibrant, galvanic force capable of sustaining this experiment well into our uncertain future.

Some critics say that PBS is no longer needed in this multi-channel universe, that our government has no business in television or the arts and humanities, that we must let the marketplace alone determine everything in our cultural life, that a few controversial programs prove the political bias of the public television community. I feel strongly that I must address those assertions.

First let me share a few facts that might surprise you: As a result of media consolidation, public stations are frequently the last and only locally owned media operations in their markets. Despite the exponential growth of television options, 84 million people a week watch PBS—more than any cable outlet. It is the number one choice of video curriculum in the classroom and its non-violent, non-commercial children's programs are the number one choice of parents. Indeed, as commercial television continues in its race to the bottom for ratings, PBS has earned the Nation's trust to deliver programs that both entertain and educate and that do so in a manner that the public consistently rates as balanced and objective.

But above and beyond these facts that demonstrate the ways in which PBS is more important than ever in helping to address the public's needs today, there is a larger argument to be made—one that is rooted in our Nation's history.

Since the beginning of this country, our government has been involved in supporting the arts and the diffusion of knowledge, which was deemed as critical to our future as roads and dams and bridges. Early on, Thomas Jefferson and the other founding fathers knew that the pursuit of happiness did not mean a hedonistic search for pleasure in the marketplace of things, but an active involvement of the mind in the higher aspects of human endeavor—namely education, music, the arts, and history—a marketplace of ideas. Congress supported the journey of Lewis and Clark as much to explore the natural, biological, ethnographic, and cultural landscape of our expanding Nation as to open up a new trading route to the Pacific. Congress supported numerous geographical, artistic, photographic, and biological expeditions to nearly every corner of the developing West. Congress funded, through the Farm Securities Administration, the work of Walker Evans and Dorothea Lange and other great photographers who captured for posterity the terrible human cost of the Depression. At the same time, Congress funded some of the most enduring writing ever produced about this country's people, its monuments, buildings, and back roads in the still much used and admired WPA guides. Some of our greatest symphonic work, our most treasured dramatic plays, and early documentary film classics came from an earlier Congress' support.

With Congress' great insight PBS was born and grew to its startlingly effective maturity echoing the same time-honored sense that our Government has an interest in helping to sponsor Communication, Art and Education just as it sponsors Commerce. We are not talking about a 100 percent sponsorship, a free ride, but a priming of the pump, a way to get the juices flowing, in the spirit of President Reagan's notion of a partnership between the government and the private sector. The Corporation for Public Broadcasting grant I got for the Civil War series attracted even more funds from General Motors and several private foundations; money that would not have been there had not the Corporation for Public Broadcasting blessed this project with their rigorously earned imprimatur.

But there are those who are sure that without public television, the so- called "marketplace" would take care of everything; that what won't survive in the marketplace, doesn't deserve to survive. Nothing could be further from the truth. Because we are not just talking about the commerce of a Nation. We are not just economic beings, but spiritual and intellectual beings as well, and so we are talking about the creativity of a Nation. Now, some forms of creativity thrive in the marketplace and that is a wonderful thing, reflected in our Hollywood movies and our universally popular music. But let me say that the marketplace could not have made and to this day could not make my Civil War series, indeed any of the films I have worked on.

That series was shown on public television, outside the marketplace, without commercial interruption, by far the single most important factor for our insuring PBS's continuing existence and for understanding the Civil War series' overwhelming success. All real meaning in our world accrues in duration; that is to say, that which we value the most—our families, our work, the things we build, our art—has the stamp of our focused attention. Without that attention, we do not learn, we do not remember, we do not care. We are not responsible citizens. Most of the rest of the television environment has ignored this critical truth. For several generations now, TV has disrupted our attention every eight minutes (or less) to sell us five or six different things, then sent us back, our ability to digest all the impressions compromised in the extreme. The programming on PBS in all its splendid variety, offers the rarest treat amidst the outrageous cacophony of our television marketplace—it gives us back our attention and our memory. And by so doing, insures that we have a future.

The marketplace will not, indeed cannot, produce the good works of PBS. Just as the marketplace does not come to your house at 3:00 a.m. when it is on fire or patrols the dangerous ground in Afghanistan and Iraq. No, the marketplace does not and will not pay for our fire departments or more important our Defense Department, things essential to the safety, defense and well-being of our country. It takes government involvement, eleemosynary institutions, individual altruism, extra-marketplace effort to get these things made and done. I also know, Mr. Chairman, that PBS has nothing to do with the actual defense of our country, I know that—PBS, I believe with every fiber of my being, just helps make our country worth defending.

The meat and potatoes of public television reaches out to every corner of the country and touches people in positive ways the Federal Government rarely does. Recent research suggests that PBS is the most trusted national institution in the United States. Indeed, it would be elitist itself to abolish public television, to trust to the marketplace and the "natural aristocracy" that many have promised over the last two hundred years would rise up to protect us all—and hasn't. Those who labor in public television are not unlike those in public service who sacrifice job security, commensurate pay, and who are often misunderstood by a media culture infatuated by their seemingly more glamorous colleagues.

With regard to my own films, I have been quite lucky. The Civil War series was public television's highest rated program and has been described as one of the best programs in the history of the medium. But that show, indeed all of my films produced over the last quarter of a century, are only a small part, a tiny fraction, of the legacy of PBS. If public television's mission is severely hampered or curtailed, I suppose I will find work, but not the kind that ensures good television or speaks to the overarching theme of all my films—that which we Americans all hold in common. But more to the point, where will the next generation of filmmakers be trained? By the difficult rigorous proposal process of CPB and PBS or by the "gotcha," hit and run standards of our commercial brethren? I hope it will be the former.

The former Speaker of the House of Representatives Newt Gingrich spoke eloquently and often of an American people poised for the twenty-first century, endowed with a shared heritage of sacrifice and honor and the highest ideals mankind has yet advanced, but also armed with new technologies that would enable us to go forward as one people. I say to all who would listen that we have in public television exactly what he envisions.

Unfortunately, some continue to believe that public television is a hot-bed of thinking outside the mainstream. I wonder, though, have they ever been to a PBS station? I doubt it. PBS is the largest media enterprise in the world, reaching into the most remote corners of every state in the Union and enriching the lives of people of all backgrounds. It is also the largest educational institution in the country—because of national and local services that help build school readiness, support schools, provide distance learning, GED prep and essential workplace skills. Local public television stations are essentially conservative institutions, filled with people who share the concerns of most Americans and who reflect the values of their own communities. And Mr. Chairman, I know many people who criticize us as too conservative, too middle of the road, too safe.

And in a free society, the rare examples of controversy that may run counter to our accepted cannon, or one group's accepted cannon ought to be seen as a healthy sign that we are a nation tolerant of ideas, confident—as the recent tide of geo-political history has shown—that the best ideas will always prevail.

One hundred and sixty-six years ago, in 1838, well before the Civil War, Abraham Lincoln challenged us to consider the real threat to the country, to consider forever the real cost of our inattention: "Whence shall we expect the approach of danger?" he wrote. "Shall some transatlantic giant step the earth and crush us at a blow? Never. All the armies of Europe and Asia could not by force take a drink from the Ohio River or make a track in the Blue Ridge in the trial of a thousand years. No, if destruction be our lot, we must ourselves be its author and finisher." As usual, Mr. Lincoln speaks to us today with the same force he spoke to his own times.

The real threat always and still comes from within this favored land, that the greatest enemy is, as our religious teachings constantly remind us, always ourselves. Today, we have become so dialectically preoccupied, stressing our differences; black/white, left/right, young/old, in/out, good/bad, that we have forgotten to select for the mitigating wisdom that reconciles these disparities into honest difference and collegiality, into a sense of belonging. And we long, indeed ache, for institutions that suggest how we might all be bound back to the whole. PBS is one such institution.

The clear answer is tolerance, a discipline sustained in nearly every gesture and breath of the public television I know. We are a Nation that loses its way only when we define ourselves by what we are against not what we are for. PBS is that rare forum where more often than not we celebrate what we are for; celebrate, why, against all odds, we Americans still agree to cohere.

On the other hand, we in public television must not take ourselves too seriously. Sometimes our greatest strength, our earnestness and seriousness, has metastasized into our greatest weakness. Usually a faithful and true companion, that earnestness and seriousness is sometimes worked to death. And Lord, how we sometimes like to see our mission as the cure. I remember once, after giving an impassioned defense of what we do at PBS, a man came up to me and said simply, "It's not brain surgery, you know." He was right, of course, but sometimes we do effect subtler changes, help in quotidian ways.

Not too long ago, on a perfect spring day, I was walking with my oldest daughter through a park in a large American city on the way to her college interview. We were taking our time, enjoying the first warm day of the year, when a man of about thirty, dressed in a three piece suit, approached me.

"You're Ken Burns," he asked. I nodded. "I need to talk to you about Baseball," he said under his breath. "Okay." I hesitated. Then, he blurted out: "My brother's daughter died." I took a step backward, stepping in front of my daughter to protect her. "Okay," I said tentatively. I didn't know what else to say. "SIDS," he said. "Crib death. She was only one." "I'm so sorry," I said. "I have daughters."

"I didn't know what to do," he said in a halting, utterly sad voice. "My brother and I are very close. Then I thought of your film. I went home to our mother's house, got our baseball mitts, and went to my brother's. I didn't say a word. I handed him his mitt and we went out into the backyard and we played catch wordlessly for an hour. Then I went home. . . . I just wanted to thank you."

Maybe it is brain surgery.

Mr. Chairman, most of us here, whether we know it or not, are in the business of words. And we hope with some reasonable expectations that those words will last. But alas, especially today, those words often evaporate, their precision blunted by neglect, their insight diminished by the shear volume of their ever increasing brethren, their force diluted by ancient animosities that seem to set each group against the other.

The historian Arthur Schlesinger, Jr. has said that we suffer today from "too much pluribus, not enough unum." Few things survive in these cynical days to remind us of the Union from which so many of our personal as well as collective blessings flow. And it is hard not to wonder, in an age when the present moment overshadows all else—our bright past and our unknown future—what finally does endure? What encodes and stores that genetic material of our civilization, passing down to the next generation—the best of us—what we hope will mutate into betterness for our children and our posterity.

PBS holds one clear answer. It is the best thing we have in our television environment that reminds us why we agree to cohere as a people. And that is a fundamentally good thing.

Nothing in our daily life offers more of the comfort of continuity, the generational connection of belonging to a vast and complicated American family, the powerful sense of home, and the great gift of accumulated memory than does this great system which honors me by counting me a member one of its own.

By Mr. CHAFEE (for himself, Mr. REED, Mr. KERRY, and Mr. KENNEDY):

S. 2646. A bill to direct the Director of the National Park Service to prepare a report on the sustainability of the John H. Chafee Blackstone River Valley National Heritage Corridor and the John H. Chafee Blackstone River Valley National Heritage Commission; to the Committee on Energy and Natural Resources.

Mr. CHAFEE: Mr. President, I am joined today by Senators REED, KENNEDY and KERRY in introducing legislation that would study the sustainability of the John H. Chafee Blackstone River Valley National Heritage Corridor.

Established in 1986, the Blackstone Heritage Corridor recognizes the national and historical significance of the Blackstone region as the birthplace of the American Industrial Revolution. At the time of its inception, the Blackstone Corridor represented an entirely new approach for the National Park Service (NPS). Instead of designating the area as a unit of the National Park System, the Blackstone Corridor became an innovative model for how the NPS could work with States and local communities in recognizing and interpreting the history and resources of a region. Spanning two States and encompassing twenty communities and half a million people, the Corridor represents a unique partnership between the NPS, the States of Rhode Island and Massachusetts, and the local communities.

Charged with overseeing the Corridor, federally-appointed State and local representatives form the Blackstone Corridor Commission and work with the NPS to carry out the mission of preserving and interpreting the unique resources and qualities of the Blackstone Valley. During the Commission's tenure, strong partnerships with local governments, private investors, and community stakeholders have been formed, introducing millions of dollars in private investment for heritage-related projects into the local economy. The success of the Corridor can be attributed to the dedication and hard work of the NPS and the Corridor Commission in bringing communities together to realize the common goals of revitalized communities, historic and economic restoration, and an improved environment. All this has been accomplished with a relatively small amount of Federal funding that has been leveraged many times over by State, local, and private sector dollars.

On a daily basis, the NPS and Corridor Commission are working directly with community stakeholders to transform the Blackstone Corridor; raise its economic and environmental status; and preserve the historic mill buildings, riverfronts, and town centers of the Blackstone River Valley. The ongoing success of the Blackstone Corridor, and the Federal Government's role in the region's many triumphs, underscore our interest in determining a future role for the Corridor Commission and NPS in the Blackstone Valley beyond the existing sunset date.

With authority for the Corridor Commission set to expire in November 2006, we are introducing legislation today that would authorize the NPS to conduct a sustainability study exploring future options for the Blackstone Corridor. We are asking that the agency conduct this study within a one-year timeframe, utilizing annual funds that have been appropriated for the Commission. The John H. Chafee Blackstone River Valley National Heritage Corridor Sustainability Study includes the following components: An evaluation of the progress that has been made in accomplishing the strategies and goals set forth in the Cultural Heritage and Land Management Plan for the Blackstone Corridor, including historic preservation, interpretation and education, environmental recovery, recreational development, and economic improvement; an analysis of the NPS's investment in the Corridor during its lifetime and a determination as to how these Federal funds have leveraged additional State, local and private sector funding; an analysis of the NPS's investment in the Corridor during its lifetime and a determination as to how these Federal funds have leveraged additional State, local and private sector funding; an anslysis of the Commission form of authority and management structure for the Blackstone Corridor; and, an identification and evaluation of options for a permanent NPS designation or a State park or regional entity as a sustainable framework to achieve the national interest of the Blackstone Valley.

I look forward to working closely with the cosponsors of this bill, as well as members of the Committee on Energy and Natural Resources and my Senate colleagues in moving this legislation forward in the months ahead.

I ask by unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection the bill was ordered to be printed in the RECORD as follows:

S. 2646

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "John H. Chafee Blackstone River Valley National Heritage Corridor Sustainability Report Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Blackstone River Valley National Heritage Corridor (redesignated the John H. Chafee Blackstone River Valley National Heritage Corridor in 1999) was established in 1986 in recognition of the national importance of the region as the birthplace of the American Industrial Revolution;

(2) the Corridor has become a national model of how the National Park Service can work cooperatively with local communities and a multi-agency partnership to create a seamless system of parks, preserved historic sites, and open spaces that enhance the protection and understanding of America's heritage, without Federal ownership and regulations;

(3) the Corridor is managed by a bi-State, 19-member Federal commission representing Federal, State and local authorities from the Commonwealth of Massachusetts and the State of Rhode Island whose mandate has been to implement an approved integrated resource management plan;

(4) the authorization and funding for the John H. Chafee Blackstone River Valley National Heritage Commission are scheduled to expire in November 2006, while the Federal designation of the area and its boundaries continues in perpetuity; and

(5) the National Park System Advisory Board will be reviewing the future of all national heritage areas and making recommendations to the Director of the National Park Service and the Secretary of the Interior.

(b) PURPOSES.—The purposes of this Act are—

(1) to explore the options for preserving, enhancing, and interpreting the resources of the John H. Chafee Blackstone River Corridor and the partnerships that sustain those resources; and

(2) to direct the Director of the National Park Service to submit to Congress a report that—

(A) analyzes the sustainability of the Corridor; and

(B) provides recommendations for the future of the Corridor.

SEC. 3. DEFINITIONS.

In this Act:

(1) CORRIDOR.—The term "Corridor" means the John H. Chafee Blackstone River Valley National Heritage Corridor.

(2) COMMISSION.—The term "Commission" means the John H. Chafee Blackstone River Valley National Heritage Commission.

(3) DIRECTOR.—The term "Director" means the Director of the National Park Service.

SEC. 4. REPORT.

(a) IN GENERAL.—The Director shall prepare a report on the sustainability of the Corridor.

(b) COMPONENTS.—The report prepared under subsection (a) shall—

(1) document the progress that has been made in accomplishing the purpose of Public Law 99-647 (6 U.S.C. 461 note; 100 Stat. 3625) and the strategies and goals set forth in the Cultural Heritage and Land Management Plan for the Corridor, including—

(A) historic preservation;

(B) interpretation and education;

(C) environmental recovery;

(D) recreational development; and

(E) economic improvement;

(2) based on the results documented under paragraph (1), identify further actions and commitments that are needed to protect, enhance, and interpret the Corridor;

(3)(A) determine the extent of Federal funding provided to the Corridor; and

(B) determine how the Federal funds have leveraged additional Federal, State, local, and private funding for the Corridor since the establishment of the Corridor; and

(4)(A) evaluate the Commission form of authority and management structure for the Corridor, as established by Public Law 99-647 (6 U.S.C. 461 note; 100 Stat. 3625); and

(B) identify and evaluate options for a permanent National Park Service designation or a State park or regional entity as a sustainable framework to achieve the national interest of the Blackstone Valley.

(c) COORDINATION.—To the maximum extent practicable, the Director shall prepare the report in coordination with the National Park System Advisory Board.

(d) SUBMISSION TO CONGRESS.—Not later than 1 year after the date on which funds are made available to carry out this Act, the Director shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate the report prepared under subsection (a).

(e) FUNDING.—Funding to prepare the report under this Act shall be made available from annual appropriations for the Commission.

By Mr. HOLLINGS (for himself, Mr. STEVENS, Mr. INOUYE, and Mr. GREGG):

S. 2647. A bill to establish a national ocean policy, to set forth the missions of the National Oceanic and Atmospheric Administration, to ensure effective interagency coordination, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. HOLLINGS. Mr. President, today I rise to introduce the National Ocean Policy and Leadership Act, which is cosponsored by my colleagues Senators STEVENS and INOUYE. The passage of this bill would mark a brand new day for our oceans and an important new chapter in Federal management of these waters.

Our oceans are critical to the economic and environmental security of our Nation. This is why I sponsored the Oceans Act of 2000, along with several of my distinguished colleagues. The Oceans Act created a Commission of national experts to conduct a rigorous assessment of ocean and coastal issues and offer their recommendations for a coordinated national ocean policy. The U.S. Commission on Ocean Policy, chaired by Admiral James Watkins, released its preliminary report in April and will issue its final report later this summer.

The Ocean Commission strongly urged us to pay more attention to our ocean planet. Our oceans cover seven-tenths of the Earth's surface and are home to 80 percent of all life forms on Earth, holding incredible promise of new medicines, technologies, and ecological resources. However, 95 percent of the deep ocean remains unexplored and the Federal government spends only 3.5 percent of its research budget on oceans. Each day, more than 3,000 people move to coastal areas and these population and development pressures are resulting in degraded coastal habitat, polluted estuaries, and an increased risk of damage from coastal storms. Our fish stocks are being depleted, our corals are dying, and the number of oxygen-starved "dead zones" in our coastal waters have doubled in the past 15 years.

The Ocean Commission appropriately acknowledges the importance of the oceans to our Nation. It champions the notion that major changes are needed now if we are to preserve our marine resources for future generations. Among these urgent changes is a need to invest in ocean research and education in order to lay a foundation for the future. Even more importantly, the report stresses the need to improve the management framework governing our oceans and coasts, starting with the strengthening of the National Oceanic and Atmospheric Administration (NOAA) into the Nation's premier civilian ocean agency. These were some of the themes Admiral Watkins testified to at hearings on the preliminary report before the Committees on Commerce, Science and Transportation and Appropriations Committee on April 22 and 23, 2004.

The preliminary recommendations of the Ocean Commission were heard loud and clear in the Senate. I could not be more supportive of the need to strengthen NOAA and improve Federal coordination on ocean and coastal issues. That is why I am pleased to be introducing the National Ocean Policy and Leadership Act today.

The National Ocean Policy and Leadership Act provides a vision to guide this Nation's management of the oceans. It outlines a National Ocean Policy that articulates national oceanic and atmospheric policy goals to guide all federal agency activities. These include concepts such as ecosystem-based management, integration of land-water-air activities, and preservation of marine biodiversity. This vision also includes preserving the role of the United States as a global leader in ocean, atmospheric and climate-related activities.

The National Ocean Policy and Leadership Act also provides a NOAA Organic Act to strengthen, clarify and codify NOAA's missions. Specifically, it confirms that NOAA is the lead federal agency responsible for oceanic, weather, and atmospheric issues. Consistent with the original recommendations of the 1969 Stratton Commission, the bill also establishes NOAA as an independent agency, and legislatively establishes a coherent and accountable line office structure headed by the NOAA Administrator. As recommended by the Commission, the bill would also encourage NOAA to streamline its line office structure, focus on integrated approaches, and organize its regional activities around common eco-regional boundaries. It also gives NOAA a firm hand in working with other agencies to reduce programmatic overlap, conflict and duplication.

Making NOAA independent is a tall order, and has raised questions from some of my colleagues, including those who believe that NOAA should one day be independent. I believe in the long term, the Nation will need an agency dedicated to addressing our oceanic and atmospheric environments—whether an independent NOAA or a Department of the Oceans and Environment. This bill thus provides for a transition period for reorganization of the agency, as well as a Presidential plan for future action. I look forward to working with our Chairman, Senator MCCAIN, and other colleagues on options for moving forward on this bill that will minimize disruption for the agency, but ensure we achieve our shared long-term goal.

Strengthening NOAA is only one piece of the puzzle. More than half of the Federal cabinet-level departments, plus four independent agencies, conduct programs or activities that affect oceans and coasts. Title III of the bill establishes formal mechanisms to force Federal agencies to coordinate budgets and programs and work cooperatively on cross-cutting activities that cannot be addressed by a single agency. It establishes a Council on Ocean Stewardship in the White House to bring Federal agencies together. It also adopts the Commission's recommendation of creating a non-Federal Presidential Panel of Advisors on Oceans and Climate to provide advice to the Council and NOAA. This title also sets the stage for future improvements in Federal ocean policy by directing the President to submit a plan to further strengthen NOAA, including elevation of the agency to departmental status and by transferring relevant ocean and atmospheric programs to NOAA.

The National Ocean Policy and Leadership Act provides the vision and management framework to guide Federal ocean policy well into the 21st century. The valuable work of the Ocean Commission has provided us with an extraordinary opportunity to re-shape federal ocean policy and meet the challenges that lay before us so that future generations may enjoy the same marine resources we enjoy today. It is critically important that we do not delay implementation of the Commission's recommendations. We can start right now with passage of this bill. I hope our colleagues will join us in cosponsoring this measure.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2647

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Ocean Policy and Leadership Act".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Definitions.

TITLE I—NATIONAL OCEAN POLICY

Sec. 101. Findings.
Sec. 102. Purposes.
Sec. 103. Policy.

TITLE II—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Sec. 201. Establishment.
Sec. 202. Functions and Purposes.
Sec. 203. National Oceanic and Atmospheric Administration.
Sec. 204. Responsibilities of the Administrator.
Sec. 205. Powers of the Administrator.
Sec. 206. Enforcement.
Sec. 207. Regional capabilities.
Sec. 208. Intergovernmental coordination.
Sec. 209. International consultation and coordination.
Sec. 210. Report on oceanic and atmospheric conditions and trends.
Sec. 211. Conforming amendments and appeals.
Sec. 212. Savings provision.
Sec. 213. Transition.

TITLE III—FEDERAL COORDINATION AND ADVICE

Sec. 301. Council on Ocean Stewardship.
Sec. 302. Membership.
Sec. 303. Functions of Council.
Sec. 304. National priorities for coordination.
Sec. 305. Employees.
Sec. 306. Biennial report to Congress.
Sec. 307. Presidential panel of advisors on oceans and climate.
Sec. 308. Federal program recommendations.
Sec. 309. Implementation.
Sec. 310. No effect on other authorities.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of NOAA.

(2) COASTAL REGION.—The term "coastal region" means the coastal zone as defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453) and coastal watershed areas that have significant impact on such coastal zones.

(3) NOAA.—The term "NOAA" means the National Oceanic and Atmospheric Administration.

(4) OCEANS.—The term "ocean" includes coastal areas, the Great Lakes, the seabed, subsoil, and waters of the territorial sea of the United States, the waters of the exclusive economic zone of the United States; the waters of the high seas; and the seabed and subsoil of and beyond the Outer Continental Shelf marine environment, and the natural resources therein.

(5) PERSON.—The term "person" has the meaning given that term by section 1 of title 1, United States Code, but also means any State, political subdivision of a State, or agency or officer thereof.

(6) STATE.—The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, or any other Commonwealth, territory, or possession of the United States.

TITLE I—NATIONAL OCEAN POLICY

SEC. 101. FINDINGS.

The Congress finds the following:

(1) Covering more than two-thirds of the Earth's surface, the oceans play a critical role in the global water cycle and in regulating climate, sustain a large part of Earth's biodiversity, provide an important source of food and a wealth of other natural products, act as a frontier for scientific exploration, are critical to national and economic security, and provide a vital means of transportation. The coastal regions of the United States have remarkably high biological productivity and contribute approximately 50 percent of the gross domestic product of the United States.

(2) The oceans and the atmosphere are susceptible to change as a direct and indirect result of human activities, and such changes can significantly impact the ability of the oceans and atmosphere to provide the benefits upon which the Nation depends. Changes in ocean and atmospheric processes could affect global climate patterns, ecosystem productivity, health, and biodiversity, environmental quality, national security, economic competitiveness, availability of energy, vulnerability to natural hazards, and transportation safety and efficiency.

(3) Ocean resources are not infinite, and human pressure on them is increasing. One half of the Nation's population lives within 50 miles of the coast. If population trends continue as expected, coastal development and urbanization impacts, which can be substantially greater than population impacts alone, will present serious environmental, energy, and water challenges and increase our vulnerability to coastal hazards.

(4) Emissions of greenhouse gases and aerosols due to human activities continue to alter the oceans and atmosphere in ways that are expected to affect the climate, with adverse impacts on human health and the Nation's economic and environmental security. In some coastal regions, air deposition contributes between 30 - 50 percent of pollutant loadings to such areas. Improved understanding of such factors and ideas for mitigating any adverse impacts are urgently needed.

(5) There are enormous opportunities for science and technology to uncover new sources of energy, food, and pharmaceuticals from the oceans, and to increase general understanding of the planet including its atmosphere and climate. Realization of such benefits is jeopardized by a variety of activities and practices that have reduced the health and productivity of ocean and atmospheric systems, including pollution, unsustainable harvesting practices, increasing coastal development, and proliferation of harmful and invasive marine species.

(6) Threats to the oceans and atmosphere are exacerbated by the legal and geographic

fragmentation of authority within the Federal government. Over half of the existing 15 departments and several independent agencies conduct activities and programs relating to ocean and atmosphere, including climate change activities. Efforts to understand and effectively address emerging ocean and atmospheric problems, including through existing coordination mechanisms, have not been adequate.

(7) Improving and coordinating Federal governance will require close partnerships with States, taking into account their public trust responsibilities, economic and ecological interests in ocean resources, and the role of State and local governments in implementation of ocean policies, and managing use of coastal lands and ocean resources.

(8) Effective enforcement of the laws to protect and enhance the marine environment, coastal security, and the Nation's natural resources, particularly through marine safety, fisheries enforcement, aids to navigation, and hazardous materials spill response activities is needed to ensure achievement of management goals, and priority should be given to increasing marine enforcement and compliance through coordinated Federal and State actions.

(9) It is the continuing mission of the Federal Government to create, foster, and maintain conditions, incentives, and programs that will further and assure the sustainable and effective conservation, management, and protection of the oceans and atmosphere, in order to fulfill the responsibility of each generation as trustee in protecting, and ensuring that, such resources will be available to meet the needs of future generations of Americans.

(10) This policy and mission can best be carried out and realized by formal establishment of a strengthened and expanded lead Federal civilian agency dedicated to ocean and atmospheric matters, and by undertaking the functions, programs, and activities of the Federal Government with respect to the conservation, management, and protection of the oceans and atmosphere, including monitoring, forecasting, and assessment, in a coordinated manner and in accordance with a national ocean policy.

SEC. 102. PURPOSES.

The purposes of this Act are—

(1) to set forth a national policy relating to oceans and atmosphere, and, through an organic act, formally to establish the National Oceanic and Atmospheric Administration as the lead Federal agency concerned with ocean and atmospheric matters;

(2) to establish in the National Oceanic and Atmospheric Administration, by statute, the authorities, functions, and powers relating to the conservation, management, and protection of the oceans and atmosphere which have previously been established by statute or reorganization plan;

(3) to set forth the duties and responsibilities of the Administration, and the principal officers of the Administration;

(4) to establish a mechanism for Federal leadership and coordinated action on national ocean and atmospheric priorities that are essential to the economic and environmental security of the Nation; and

(5) to enhance Federal partnerships with the State and local governments with respect to ocean activities, include management of ocean resources and identification of appropriate opportunities for policy-making and decision making at the State and local level.

SEC. 103. POLICY.

It is the policy of the United States to establish and maintain for the benefit of the Nation a coordinated, comprehensive, and long-range national program of ocean and atmospheric research, conservation, management, education, monitoring, and assessment that will—

(1) recognize the linkage of ocean, land, and atmospheric systems, including the linkage of those systems with respect to climate change;

(2) protect life and property against natural and manmade hazards, including protection through weather and marine forecasts and warnings;

(3) protect, maintain, and restore the long-term health, productivity, and diversity of the ocean environment, including its natural resources and to prevent pollution of the ocean environment;

(4) ensure responsible and sustainable use of fishery resources and other ocean and coastal resources held in the public trust, using ecosystem-based management and a precautionary and adaptive approach;

(5) assure sustainable coastal development based on responsible State and community management and planning, and reflecting the economic and environmental values of ocean resources;

(6) develop improved scientific information and use of the best scientific information available to make decisions concerning natural, social, and economic processes affecting ocean and atmospheric environments;

(7) enhance sustainable ocean-related and coastal-dependent commerce and transportation, balancing multiple uses of the ocean environment;

(8) provide for continued investment in and improvement of technologies for use in ocean and climate-related activities, including investments and technologies designed to promote national economic, environmental, and food security;

(9) expand human knowledge of marine and atmospheric environments and ecosystems, including the role of the oceans in climate and global environmental change, the interrelationships of ocean health and human health, and the advancement of education and training in fields related to ocean, coastal, and climate-related activities;

(10) facilitate a collaborative approach that encourages the participation of a diverse group of stakeholders and the public in ocean and atmospheric science and policy, including persons from under-represented groups;

(11) promote close cooperation among all government agencies and departments, academia, nongovernmental organizations, private sector and stakeholders based on this policy to ensure coherent, accountable, and effective planning, regulation, and management of activities affecting oceans and atmosphere, including climate; and

(12) promote governance and management of the nations ocean resources through a partnership of the Federal Government with States, territories, and Commonwealths that reflects their public trust responsibilities and interest in ocean environmental, cultural, historic, and economic resources.

(13) preserve the role of the United States as a global leader in ocean, atmospheric, and climate-related activities, and the cooperation in the national interest by the United States with other nations and international organizations in ocean and climate-related activities.

TITLE II—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SEC. 201. ESTABLISHMENT.

There is established an agency which shall be known as the National Oceanic and Atmospheric Administration, which shall be the civilian agency principally responsible for providing oceanic, weather, and atmospheric services and supporting research, conservation, management, and education to the nation. The National Oceanic and Atmospheric Administration established under this Act shall succeed the National Oceanic and Atmospheric Administration established on October 3, 1970, in Reorganization Plan No. 4 of 1970 and shall continue the activities of that agency as it was in existence on the day before the effective date of this Act.

SEC. 202. FUNCTIONS AND PURPOSES.

(a) IN GENERAL.—NOAA shall be responsible for the following functions, through which it shall carry out the policy of this Act in a coordinated, integrated, and ecosystem-based manner for the benefit of the Nation:

(1) Management, conservation, protection, and restoration of ocean resources, including living marine resources, habitats and ocean ecosystems;

(2) Observation, monitoring, assessment, forecasting, prediction, operations and exploration for ocean and atmospheric environments including weather, climate, navigation and marine resources; and

(3) Research, education and outreach, technical assistance, and technology development and innovation activities relating to ocean and atmospheric environments including basic scientific research and activities that support other agency functions and missions.

(b) TRANSFER OF FUNCTIONS.—There shall be transferred to the Administrator any authority established by law that, before the date of enactment of this Act, was vested in the Secretary of Commerce and pertains to the functions, responsibilities, or duties of NOAA under subsection (a).

SEC. 203. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

(a) ADMINISTRATOR.—

(1) APPOINTMENT.—NOAA shall be administered by the Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) COMPENSATION.—The Administrator shall be compensated at the rate provided for level II of the Executive Schedule under section 5314 of title 5, United States Code.

(3) QUALIFICATIONS.—The Administrator shall have a broad background, professional knowledge, and substantial experience in oceanic or atmospheric affairs, including any field relating to marine or atmospheric science and technology, biological sciences, engineering, as well as education, economics, governmental affairs, planning, law, or international affairs.

(4) AUTHORITY.—The Administrator shall carry out all functions transferred to the Administrator by this Act and shall have authority and control over all personnel, programs, and activities of NOAA.

(b) DEPUTY ADMINISTRATOR.—There shall be a Deputy Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate, based on the individual's professional qualifications and without regard to political affiliation. The Deputy Administrator shall have a broad background, professional knowledge, and substantial experience in oceanic or atmospheric policy or programs, including science, technology, and education. The Deputy Administrator shall serve as an adviser to the

Administrator on program and policy issues, including crosscutting program areas such as research, technology, and education and shall perform such functions and exercise such powers as the Administrator may prescribe. The Deputy Administrator shall act as Administrator during the absence or disability of the Administrator in the event of a vacancy in the office of Administrator. The Deputy Administrator shall be the Administrator's first assistant for purposes of subchapter III of chapter 33 of title 5, United States Code, and shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(c) Associate Administrator for Ocean Management and Operations.—There shall be in NOAA an Associate Administrator for Ocean Management and Operations, who shall be appointed by the President, by and with the advice and consent of the Senate. The Associate Administrator for Ocean Management and Operations shall have a broad background, professional knowledge, and substantial experience in oceanic or atmospheric policy or programs, and shall perform such duties and exercise such powers as the Administrator shall from time to time designate. The Associate Administrator shall be compensated at the rate provided for level V of the Executive Schedule under section 5315 of title 5, United States Code.

(d) Associate Administrator for Climate and Atmosphere.— There shall be in NOAA an Associate Administrator for Climate and Atmosphere, who shall be appointed by the President, by and with the advice and consent of the Senate. The Associate Administrator for Climate and Atmosphere shall have a broad background, professional knowledge, and substantial experience in oceanic or atmospheric policy or programs, and shall perform such duties and exercise such powers as the Administrator shall from time to time designate. The Associate Administrator shall be compensated at the rate provided for level V of the Executive Schedule under section 5315 of title 5, United States Code.

(e) Chief Operating Officer.—There shall be a Chief Operating Officer of NOAA, who shall assume the responsibilities held by the Deputy Undersecretary of Commerce prior to enactment of this Act. The Chief Operating Officer shall be responsible for ensuring the timely and effective implementation of NOAA's purposes and authorities and shall provide resource, budget, and management support to the Office of the Administrator. The Chief Operating Officer shall be responsible for all aspects of NOAA operations and management, including budget, financial operations, information services, facilities, human resources, procurements, and associated services. The Chief Operating Officer shall be a Senior Executive Service position authorized under section 3133 of title 5, United States Code.

(f) Assistant Administrators.—There shall be in NOAA at least 3, but no more than 4, Assistant Administrators. The Assistant Administrators shall perform such programmatic and policy functions as the Administrator shall from time to time assign or delegate, and shall have background, professional knowledge, and substantial experience in 1 or more of the following aspects of ocean and atmospheric affairs:

(1) Resource management, protection, and restoration.

(2) Operations, forecasting, and services (including weather and climate).

(3) Science, technology, and education.

(g) General Counsel.—There shall be in NOAA a General Counsel appointed by the President upon recommendation by the Administrator. The General Counsel shall serve as the chief legal officer for all legal matters which may arise in connection with the conduct of the functions of NOAA.

(h) Commissioned Officers.—

(1) The Administrator shall designate an officer or officers to be responsible for oversight of NOAA's vessel and aircraft fleets and for the administration of NOAA's commissioned officer corps under section 228 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3028).

(2) The Commissioned Officer Corps of the National Oceanic and Atmospheric Administration established by Reorganization Plan No. 4 of October 3, 1970, is the Commissioned Officer Corps of NOAA established under this Act.

(3) All statutes that applied to officers of the Commissioned Officers Corps of NOAA on the day before the date of enactment of this Act apply to officers of the Corps on and after such date.

(4) There are authorized to be on the lineal list of the Commissioned Officers Corps of NOAA at least 350 officers, plus any additional officers necessary to support NOAA's missions and the operation and maintenance of NOAA's ships and aircraft.

(5) The President may appoint in NOAA, by and with the advice and consent of the Senate, 2 commissioned officers to serve at any one time as the designated heads of 2 principal constituent organizational entities of NOAA, or the President may designate 1 such officer as the head of such an organizational entity and the other as the head of the commissioned corps of NOAA. Any such designation shall create a vacancy on the active list and the officer while serving under this subsection shall have the rank, pay, and allowances of a rear admiral (upper half).

(6) Any commissioned officer of NOAA who has served under paragraph (5) and is retired while so serving or is retired after the completion of such service while serving in a lower rank or grade, shall be retired with the rank, pay, and allowances authorized by law for the highest grade and rank held by him, but any such officer, upon termination of his appointment in a rank above that of captain, shall, unless appointed or assigned to some other position for which a higher rank or grade is provided, revert to the grade and number he would have occupied had he not served in a rank above that of captain and such officer shall be an extra number in that grade.

(i) Naval Deputy.—The Secretary of the Navy may detail a Naval Deputy to the Administrator. This position shall be filled on an additional duty basis by the Oceanographer of the Navy. The Naval Deputy shall—

(1) act as a liaison between the Administrator and the Secretary of the Navy in order to avoid duplication between Federal oceanographic and atmospheric activities; and

(2) ensure coordination and joint planning by NOAA and the Navy on research, meteorological, oceanographic, and geospatial information services and programs of mutual organizational interest.

SEC. 204. RESPONSIBILITIES OF THE ADMINISTRATOR

In addition to administering and carrying out all activities, programs, functions and duties, and exercising those powers, that are assigned, delegated, or transferred to the Administrator by this Act, any other statute, or the President, the responsibilities of the Administrator include—

(1) management, conservation, protection, and restoration of ocean resources, including—

(A) living marine resources (including fisheries, vulnerable species and habitats, and marine biodiversity);

(B) ocean areas (including marine sanctuaries, estuarine reserves, and other managed areas);

(C) marine aquaculture;

(D) protection of ocean environments from threats to human and ecosystem health, including pollution and invasive species;

(E) sustainable management, beneficial use, protection, and development of coastal regions; and

(F) mitigation of impacts of natural and man-made hazards including climate change.

(2) partnering with and supporting State and local communities in undertaking management, conservation, protection, and restoration of ocean resources described in subsection (1).

(3) observation, analysis, processing, and communication of comprehensive data and information concerning the State of—

(A) the upper and lower atmosphere;

(B) the oceans and resources thereof; and

(C) the earth and near space environment;

(4) collection, storage, analysis, and provision of reliable scientific information relating to weather (including space weather), climate, air quality, water, navigation, marine resources, and ecosystems that can be used as a basis for sound management, policy, and public safety decisions;

(5) broadly based data, observing, monitoring, and information activities, programs and systems relating to oceanic and atmospheric monitoring and prediction, weather forecasting, and storm warning, including satellite-based and in-situ data collection and associated services;

(6) weather forecasting, storm warnings, and other responsibilities of the Secretary of Commerce and the National Weather Service under Reorganization Plan No. 2 of 1965, Reorganization Plan No. 4 of 1970, sections 3 and 4 of the Act of October 1, 1890 (15 U.S.C. 312 and 313) and the Weather Service Modernization Act (15 U.S.C. 313 note), and all other statutes, rules, plans, and orders in pari materia;

(7) providing navigation and assessment operations and services, including maps and charts for the safety of marine and air navigation, maintaining a network of geographic reference coordinates for geodetic control, and observing, charting, mapping, and measuring the marine environment and ocean resources;

(8) developing and improving geodetic and mapping methods and studies of geophysical phenomena such as crustal movement, earth tides, and ocean circulation, including estuarine areas;

(9) collecting, disseminating, and maintaining on a continuing basis information relating to the status, trends, health, use, and protection of the oceans and the atmosphere, to all interested parties, including through an integrated ocean observing system and national and regional ecosystem-based information management systems;

(10) administering, operating, and maintaining satellite and in-situ systems that can monitor global and regional atmospheric weather conditions, climate and related oceanic, solar, hydrological, and other environmental conditions, collect information required for research on weather, climate, and related environmental matters, and monitor

the extent of human-induced changes in the lower and upper atmosphere and the related environment;

(11) collecting, analyzing, and disseminating environmental information, in support of environmental research and development, including data in the fields of climatology, atmospheric sciences, oceanography, biology, geology, geophysics, solar-terrestrial relationships, and the relationship among oceans, climate, and human health;

(12) undertaking a comprehensive, integrated, and ecosystem-based program of ocean, climate, and atmospheric research related to, and supportive of the missions of NOAA and which uses research products, new findings, and methodologies to develop the most current scientific advice for ecosystem-based management;

(13) conducting environmental research and development activities that are necessary to advance the Nation's ocean, atmospheric, engineering and technology expertise, including the development and operation of observing platforms such as ships, aircraft, satellites, data buoys, manned or unmanned research submersibles, underwater laboratories or platforms, and improved instruments and calibration methods, and the advancement of undersea diving techniques;

(14) conducting a continuing program of ocean exploration, discovery and conservation of significant undersea resources, including cultural resources, to benefit, inform, and inspire the American people, including communication of such knowledge to policymakers and the public;

(15) developing and implementing, in cooperation with other agencies and entities as appropriate, national ocean and atmospheric education, technical assistance, extension services, and outreach programs designed to increase literacy concerning ocean and atmospheric issues, develop a diverse work force, and enhance stewardship of ocean and atmospheric resources and environments;

(16) ensuring the execution and implementation of national ocean, atmospheric, and environmental policy goals through a variety of ocean and atmospheric programs;

(17) undertaking activities involving the integration of domestic and international policy relating to the oceans and the atmosphere, including the provision of technical advice to the President on international negotiations involving ocean resources, ocean technologies, and climate matters;

(18) providing for, encouraging, and assisting public participation in the development and implementation of ocean and atmospheric policies and programs;

(19) conducting, supporting, and coordinating efforts to enhance public awareness of the National Oceanic and Atmospheric Administration, its purposes, programs, activities and the results thereof, including education and outreach to the public, teachers, students, and ocean resource managers;

(20) partnering with other government agencies, States, academia, and the private sector, via cooperative agreements or other formal or informal arrangements, to improve the acquisition of data and information and the implementation of management, monitoring, research, exploration, education, and other programs;

(21) partnering with other Federal agencies and with States and communities to address the issues of land-based activities and their impact on the ocean environment; and

(22) coordination with other Federal agencies having related responsibilities.

SEC. 205. POWERS OF THE ADMINISTRATOR.

(a) DELEGATION.—Unless otherwise prohibited by law or reserved by the Secretary of Commerce, the responsibilities of the Administrator may be delegated by the Administrator to other officials in NOAA, and may be redelegated as authorized by the Administrator.

(b) REGULATIONS.—The Administrator is authorized to issue, amend, and rescind such rules and regulations as are necessary or appropriate to carry out the responsibilities and functions of the Administrator. The promulgation of such rules and regulations shall be governed by the provisions of chapter 5 of title 5, United States Code.

(c) CONTRACTS.—The Administrator is authorized, without regard to section 3324(a) and (b) of title 31, United States Code, to enter into and perform such contracts, leases, grants, cooperative agreements, or other transactions (without regard to chapter 63 of title 31, United States Code), as may be necessary to carry out NOAA's purposes and authorities, on terms the Administrator deems appropriate, with Federal agencies, instrumentalities, and laboratories, State and local governments, including territories or posessions, Native American tribes and organizations, international organizations, foreign governments, educational institutions, nonprofit organizations, commercial organizations, and other public and private persons or entities.

(d) GIFTS AND DONATIONS.—

(1) IN GENERAL.—Notwithstanding section 1342 of title 31, United States Code, and subject to such conditions and covenants the Administrator deems appropriate, the Administrator is authorized to accept, hold, administer, and utilize—

(A) gifts, bequests or donations of services, money or property, real or personal (including patents and rights thereunder), mixed, tangible or intangible, or any interest therein;

(B) contributions of funds; and

(C) funds from Federal agencies, instrumentalities, and laboratories, State and local governments, Native American tribes and organizations, international organizations, foreign governments, educational institutions, nonprofit organizations, commercial organizations, and other public and private persons or entities.

(2) USE, OBLIGATION, AND EXPENDITURE.—The Administrator may use property and services accepted by NOAA under paragraph (1) to carry out the mission and purposes of NOAA. Amounts accepted by NOAA under paragraph (1) shall be available for obligation by NOAA, and be available for expenditure by NOAA to carry out mission and purposes of NOAA.

(e) FACILITIES AND PERSONNEL.—The Administrator may use, with their consent, and with or without reimbursement, the services, equipment, personnel, and facilities of Federal agencies, instrumentalities and laboratories, State and local governments, Native American tribes and organizations, international organizations, foreign governments, educational institutions, nonprofit organizations, commercial organizations, and other public and private persons or entities.

(f) INFORMATION.—The Administrator shall provide for the most practicable and widest appropriate dissemination of information concerning NOAA, its purposes, programs, activities and the results thereof, including authority to conduct education, technical assistance and outreach to the public, teachers, students, and ocean and coastal resource managers.

(g) ACQUISITION AND CONSTRUCTION.—The Administrator may—

(1) acquire (by purchase, lease, condemnation, or otherwise), lease, sell, or convey, services, money or property, real or personal (including patents and rights thereunder), mixed, tangible or intangible, or any interest therein; and

(2) construct, improve, repair, operate, maintain or dispose of real or personal property, including buildings, facilities, and land.

SEC. 206. ENFORCEMENT.

(a) AUTHORITY.—The Administrator shall have the authority to enforce the applicable provisions of any Act, the enforcement of which is, in whole or in part, assigned, delegated, or transferred to the Administrator, and any term of a license, permit, regulation, or order issued pursuant thereto. The Administrator may designate any person, officer, or agency to exercise his authority under this title.

(b) USE OF STATE PERSONNEL.—

(1) IN GENERAL.—The Administrator may—

(A) utilize by agreement, with or without reimbursement, the personnel, services, and facilities of any State agency to the extent the Administrator deems it necessary and appropriate for effective enforcement of any law for which the Administrator has enforcement authority; and

(B) designate such personnel to exercise the enforcement authority of the Administrator under subsection (a).

(2) STATUS AND POWERS.—Any personnel designated by the Administrator under paragraph (1)(B)—

(A) shall not be deemed to be Federal employees (except as provided in subparagraph (D)) and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, competitive examination, rates of compensation, and Federal employee benefits, but may be considered to be eligible for compensation for work-related injuries under subchapter III of chapter 81 of title 5, United States Code, sustained while acting pursuant to such designation;

(B) shall be considered to be investigative or law enforcement officers of the United States for purposes of the tort claim provisions of title 28, United States Code;

(C) may, to the extent specified by the Administrator, search, seize, arrest, and exercise any other law enforcement functions or authorities described in this title where such authorities are made applicable by this or other law to employees, officers, or other persons designated or employed by the Administrator; and

(D) shall be considered to be officers or employees of the Department of Commerce for purposes of sections 111 and 1114 of title 18, United States Code.

(c) COOPERATIVE ENFORCEMENT AGREEMENTS.—The Administrator may enter into cooperative agreements with State authorities to ensure coordinated enforcement of State and Federal laws and by such agreements assume enforcement authority under State law when the Administrator and State authorities deem it to be appropriate. When so authorized, the Administrator or the Administrator's designee may function as a State law enforcement officer within the scope of the delegation, except that Federal law shall control the resolution of any conflict concerning the employee status of any Federal officer while enforcing State law.

SEC. 207. REGIONAL CAPABILITIES.

The Administrator of The National Oceanic and Atmospheric Administration shall—

(1) organize agency activities and programs around common eco-regional boundaries

identified through a process established by the Council on Ocean Stewardship, based upon recommendations of the Report of the U.S. Commission on Ocean Policy, so as to—

(A) enhance inter- and intra- agency cooperation;

(B) maximize federal capabilities in such region;

(C) develop coordinated, ecosystem-based management and research programs;

(D) develop research partnerships with States and academia;

(E) substantially improve the ability of the public to contact and work with all relevant federal agencies; and

(F) maximize opportunities to work in partnership with States in order to facilitate eco-regional management and enhance State and local capacity to manage issues on an eco-regional basis.

(2) work with other Federal agencies, including the Environmental Protection Agency, the U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, and State agencies to—

(A) encourage similar eco-regional organization and, if appropriate, co-location of related programs and facilities to achieve goals of paragraph (1).

(B) in planning and implementing eco-regional activities to encourage early cooperation, coordination, and integration accross the federal agencies and with relevant State programs, and to assure applicable Federal and State ocean policies.

(3) NOAA shall in consultation with the States, develop regional information programs as recommended by the U.S. Commission on Ocean Policy, including—

(A) coordinated research strategies;

(B) integrated ocean and atmospheric monitoring and observation activities; and

(C) establishment of service centers and coordinators to support development of innovative tools, technologies, training, and technical assistance to facilitate the implementation of ecosystem-based management.

SEC. 208. INTERGOVERNMENTAL COORDINATION.

(a) Avoidance of Duplicative Requirements.—In administering the provisions of this Act, the Administrator shall consult and coordinate with the head of any Federal department or agency having authority to issue any license, lease, or permit to engage in an activity relation to the functions of the Administrator for purposes of assuring that inconsistent or duplicative requirements are not imposed upon any applicant for or holder of any such license, lease, or permit.

(b) Avoidance of Inconsistent and Conflicting Activities and Policies.—To identify and resolve inconsistent or conflicting Federal oceanic and atmospheric activities and policies, the Administrator shall—

(1) consult and coordinate with the head of any Federal department or agency on the activities and policies of that department or agency related to the functions of the Administrator;

(2) request of the head of any Federal department or agency clarification and justification of those activities and policies that the Administrator determines are inconsistent or conflicting with his functions; and

(3) issue, as the Administrator deems appropriate, reports to the President, the Council on Ocean Stewardship, the head of any Federal department or agency, and to Congress concerning inconsistent or conflicting, activities and policies of any Federal department or agency relating to ocean and atmospheric activities, including recommendations on how to reconcile inconsistent and conflicting Federal oceanic and atmospheric activities and policies throughout the Federal government.

(c) Consultation with Administrator.—The head of any Federal department or agency and all other Federal officials having responsibilities related to the functions of the Administrator shall consult with the Administrator when the subject matter of action of activities described in this Act are directly involved, to assure that all such activities are well coordinated.

(d) Coordination with States.— The Administrator shall ensure that NOAA programs work with the States (including territories and possessions) to encourage early cooperation, coordination, and integration of State and Federal ocean and atmospheric programs, including planning and implenting eco-regional activities.

(e) Office of Intergovernmental Affairs.—The Administrator shall establish an office of intergovernmental affairs to assist in implementing this section and to facilitate planning of joint programs between NOAA line offices and other Federal agencies, including the Department of Defense.

SEC. 209. INTERNATIONAL CONSULTATION AND COOPERATION.

(a) Cooperation with Secretary of State.—The Administrator shall cooperate to the fullest practicable extent with the Secretary of State in providing representation at all meetings and conferences relating to actions or activities described in this Act in which representatives of the United States and foreign countries participate.

(b) Consultation with Administrator.—The Secretary of State and all other officials having responsibilities for agreements, treaties, or understanding with foreign nations and international bodies shall consult with the Administrator when the subject matter or activities described in this Act are involved, with a view to assuring that such interests are adequately represented.

SEC. 210. REPORT ON OCEANIC AND ATMOSPHERIC CONDITIONS AND TRENDS.

Beginning not later than 12 months after the date of enactment of this Act, the Administrator shall, in consultation with relevant Federal and State agencies, submit to the Congress a biennial report on:

(a) the status and condition of the Nation's ocean and atmospheric environments (including with respect to climate change);

(b) current and foreseeable trends in the quality, management and utilization of such environments; and

(c) the effects of those trends on the social, economic, ecological, and other requirements of the Nation.

SEC. 211. CONFORMING AMENDMENTS AND REPEALS.

(a) Reorganization Plan No. 4.—Reorganization Plan No. 4 of 1970 (5 U.S.C. App.) is repealed.

(b) References to NOAA.—Any reference to the National Oceanic and Atmospheric Administration, the Under Secretary of Commerce for Oceans and Atmosphere (either by that title or by the title of the Administrator of NOAA), or any other official of the National Oceanic and Atmospheric Administration, in any law, rule, regulation, certificate, directive, instruction, or other official paper in force on the effective date of this Act shall be deemed to refer and apply to the National Oceanic and Atmospheric Administration established in this Act, or the position of Administrator established in this Act, respectively.

(c) References to NOAA as Within the Department of Commerce.—

(1) Section 407 of Public Law 99-659 (15 U.S.C. 1503b) is repealed.

(2) Section 12 of the Act of February 14, 1903 (15 U.S.C. 1511) is amended by striking paragraph (1) and redesignating paragraphs (2) through (6) as paragraphs (1) through (5), respectively.

(d) Conforming Amendment to Title 5.—Section 5315 of title 5, United States Code, is amended by striking "Assistant Secretaries of Commerce (11)." and inserting "Assistant Secretaries of Commerce (10).".

SEC. 212. SAVINGS PROVISION.

All rules and regulations, determinations, standards, contracts, certifications, authorizations, appointments, delegations, results and findings of investigations, or other actions duly issued, made, or taken by or pursuant to or under the authority of any statute which resulted in the assignment of functions or activities to the Secretary, the Department of Commerce, the Under Secretary, the Administrator or any other officer of NOAA, in effect immediately before the date of enactment of this Act shall continue in full force and effect after the date of enactment of this Act until modified or rescinded.

SEC. 213. TRANSITION.

(a) Effective Date.—The provisions of title II of this Act shall become effective 2 years from the date of enactment of this Act.

(b) Reorganization.—The Administrator of NOAA, in consultation with the Assistant Administrator for Program Planning and Integration, shall no later than 18 months after the date of enactment of this Act, submit a plan and budget proposal to Congress setting forth a proposal for program and agency reorganization that will—

(1) meet the requirements of title II;

(2) reflect the recommendations of the U.S. Commission on Ocean Policy, particularly with respect to ecosystem-based science and management and additional budgetary requirements; and

(3) provide integrated oceanic and atmospheric programs and services for the benefit of the Nation.

TITLE III—FEDERAL COORDINATION AND ADVICE

SEC. 301. COUNCIL ON OCEAN STEWARDSHIP.

There is established in the Executive Office of the President a Council on Ocean Stewardship.

SEC. 302. MEMBERSHIP.

(a) Membership.—The Council shall be composed of at least 3 but no more than 5 members who shall be appointed by the President to serve at the pleasure of the President, by and with the advice and consent of the Senate.

(b) Chairman.—The President shall designate 1 of the members of the Council to serve as Chairman.

(c) Qualifications.—Each member shall be a person who, as a result of training, experience, and attachments, is exceptionally well qualified—

(1) to analyze and interpret ocean and atmospheric trends and information of all kinds;

(2) to appraise programs and activities of the Federal Government in the light of the policy set forth in title I;

(3) to be conscious of and responsive to the scientific, environmental, ecosystem, economic, social, aesthetic and cultural needs and interests of the Nation; and

(4) to formulate and recommend national policies to promote the improvement and the quality of the ocean and atmospheric environments, including as those environments relate to practices on land.

SEC. 303. FUNCTIONS OF COUNCIL.

(a) COORDINATION AND ADVICE.—The Council—

(1) shall coordinate ocean and atmospheric activities among Federal agencies and departments, particularly focusing on the policy set forth in title I of this Act and national priorities identified in section 304, while minimizing duplication, including ensuring other ocean-related agencies work together at the operation, program, and research levels in cooperation with NOAA;

(2) shall provide a forum for improving Federal interagency planning, budget and program coordination, administration, outreach, and cooperation on such programs and activities;

(3) shall ensure that all Federal agencies engaged in ocean and atmospheric activities adopt and implement the principle of ecosystem-based management and take necessary steps to improve regional coordination and delivery of services around common eco-regional boundaries;

(4) shall review and evaluate the various programs and activities of the Federal Government in light of the policy set forth in title I of this Act and national priorities identified in section 304 for the purpose of determining the extent to which such programs and activities are effective and contributing to the achievement of such policy and the overall health of ocean and atmospheric environment, including marine ecosystems;

(5) shall conduct an annual review and analysis of funding proposed for ocean and atmospheric research and management in all Federal agency budgets, and provide budget recommendations to the President, the agencies, and the Office of Management and Budget that will achieve the policies set forth in title I and address the national priorities identified in section 304, improve coordination, cooperation, and effectiveness of such activities, eliminate unnecessary overlap, and identify areas of highest priority for funding and support;

(6) shall identify progress made by Federal ocean and atmospheric programs toward achieving the goals of—

(A) providing more effective protection and restoration of marine ecosystems;

(B) improving predictions of climate change and variability (weather), including their effects on coastal communities and the nation;

(C) improving the safety and efficiency of marine operations;

(D) more effectively mitigating the effects of natural hazards;

(E) reducing public health risks from ocean and atmospheric sources;

(F) ensuring sustainable use of resources; and

(G) improving national and homeland security;

(7) shall promote efforts to increase and enhance partnerships with coastal and Great Lakes States and other non-federal entities to support enhanced regional research, resource and hazards management, education and outreach, and marine ecosystem protection, maintenance, and restoration;

(8) shall identify statutory and regulatory redundancies or omissions and develop strategies to resolve conflicts, fill gaps, and address new and emerging ocean and atmospheric issues for national and regional benefit;

(9) shall emphasize the development and support of partnerships among government agencies and nongovernmental organizations, academia, and the private sector including regional partnerships;

(10) shall expand research, education, and outreach efforts by all Federal agencies undertaking ocean and atmospheric activities; and

(11) may establish a Federal Coordinating Committee on Oceans, chaired by the Council chairman, to carry out the coordination of ocean and atmospheric programs and priorities required under this Act.

(b) CONSULTATION.—In exercising its powers, functions, and duties under this Act, the Council shall—

(1) consult with the Administrator and with the Presidential Panel of Advisers on Oceans and Climate established under this Act to ensure input from potentially affected States, territories, and Commonwealths, the public and other stakeholders;

(2) work in close consultation and cooperation with the Council on Environmental Quality, the Office of Science and Technology Policy, the Council of Economic Advisers, and other offices within the Executive Office of the President;

(3) utilize the expertise and coordinating capabilities of the National Ocean Science Committee (and any ocean-related committees formed under the Council) with respect to ocean and atmospheric science, technology, and education matters, including development of a national research strategy; and

(4) utilize, to the fullest extent possible, the services, facilities, and information (including statistical information) of public and private agencies and organization, and individuals, in order that duplication of effort and expense may be avoided, thus assuring that the Council's activities will not unnecessarily overlap or conflict with similar activities authorized by law and performed by NOAA and other established agencies.

(c) REVIEWS AND REPORTS.—The Council shall—

(1) prepare the biennial report required by section 306 of this title; and

(2) make and furnish such studies, reports thereon, and recommendations with respect to matters of policy and legislation as the President may request.

SEC. 304. NATIONAL PRIORITIES FOR COORDINATION.

The Council, in coordination with the National Ocean Science Committee, shall ensure that the Federal agencies conducting ocean and atmospheric activities give following areas priority attention and develop coordinated Federal budgets, programs, and operations that will minimize duplication and foster improved services and other benefits to the Nation:

(1) Prevention, management and control of nonpoint source pollution including regional or watershed strategies.

(2) An integrated ocean and coastal observing system and an associated earth observing system.

(3) Ecosystem-based management, protection, and restoration of ocean and atmospheric resources and environments, including management-oriented research, technical assistance and organization of programs and activities along common eco-regional boundaries.

(4) Ocean education and outreach.

(5) Regionally-based coastal land protection, conservation, maintenance, and restoration.

(6) Enhanced research and technology development on crosscutting areas, including—

(A) oceans and human health;

(B) social science and economics;

(C) atmospheric monitoring and climate change;

(D) marine ecosystems, marine biodiversity, and ocean exploration;

(E) marine and atmospheric hazards, including sea level rise and geological events; and

(F) marine aquaculture.

(7) Characterization and mapping of the coastal zone, coastal State waters, the territorial sea, the Exclusive Economic Zone and outer continental shelf, including ocean resources.

SEC. 305. EMPLOYEES.

(a) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—For the purpose of carrying out the functions of the Council, each Federal agency or department that conducts oceanic or atmospheric activities shall furnish any assistance requested by the Council.

(2) FORMS OF ASSISTANCE.—Assistance furnished by Federal agencies and departments under paragraph (1) may include—

(A) detailing employees to the Council to perform such functions, consistent with the purposes of this section, as the Chairman of the Council may assign to them; and

(B) undertaking, upon request of the Chairman of the Council, such special studies for the Council as are necessary to carry out its functions.

(3) PERSONNEL MANAGEMENT.—The Chairman of the Council shall have the authority to make personnel decisions regarding any employees detailed to the Council.

(b) EMPLOYMENT OF PERSONNEL, EXPERTS, AND CONSULTANTS.—The Council may—

(1) employ such officers and employees as may be necessary to carry out its functions under this title;

(2) employ and fix the compensation of such experts and consultants as may be necessary for the carrying out of its functions under this chapter, in accordance with section 3109 of title 5, United States Code, (without regard to the last sentence thereof); and

(3) accept and employ voluntary and uncompensated services in furtherance of the purposes of the Council notwithstanding section 1342 of title 31, United States Code.

SEC. 306. BIENNIAL REPORT TO CONGRESS.

(a) IN GENERAL.—Beginning not later than 18 months after the date of enactment of this Act, the President, through the Council, shall submit to the Congress a biennial report on Federal ocean and atmospheric programs, priorities, and accomplishments which shall include—

(1) a comprehensive description of the ocean and atmospheric programs and accomplishments of all agencies and departments of the United States;

(2) an evaluation of such programs and accomplishments in terms of the national ocean policy set forth in this Act and the national priorities identified in section 304, specifying progress made with respect to the goals set forth in section 303(c)(3);

(3) a report on progress in improving Federal and State coordination on ocean and atmospheric activities, including coordination efforts required in this Act.

(4) an analysis of the Federal budget allocated to such programs including estimates of the funding requirements of each such agency or department for such programs during the succeeding 5-to-10 fiscal years;

(5) recommendations for remedying deficiencies, and for improving organization, effectiveness, and outreach of Federal ocean and atmospheric programs and services, on a regional and national basis, including support for State and local efforts that leverage public, nongovernmental, and private sector involvement; and

(6) recommendations for legislative or other action.

(b) PRESIDENTIAL TRANSMITTAL.—The President shall transmit the biennial report pursuant to this section to the Speaker of the House of Representatives and the President of the Senate not later than December 31 of the year in which it is due,

(c) AGENCY COOPERATION.—Each Federal agency and department shall cooperate by providing such data and information without cost as may be requested by the Council for the purpose of this section. Each Federal agency and department shall provide services and personnel on a cost reimbursable basis at the request of the Chairman of the Council for the purpose of accomplishing the requirements of this section.

SEC. 307. PRESIDENTIAL PANEL OF ADVISERS ON OCEANS AND CLIMATE.

(a) ESTABLISHMENT; PURPOSE.—The President shall establish an Presidential Panel of Advisers on Oceans and Climate. The purpose of the Presidential Panel shall be—

(1) to advise and assist the President and the Chairman of the Ocean Stewardship Council in identifying and fostering policies to protect, manage, and restore ocean and atmospheric environments and resources, both on a regional and national basis; and

(2) to undertake a continuing review, on a selective basis, of priority issues relating to national ocean and atmospheric policy (including climate change), conservation and management of ocean environments and resources, and the status of the ocean and atmospheric science and service programs of the United States.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Presidential Panel shall consist of not more than 25 members, one of whom shall be the Chairman of the Council on Ocean Stewardship, and 24 of whom shall be nonfederal members appointed by the President, including at least one representative nominated by a Governor from each of the coastal regions identified in the Report of the U.S. Commission on Ocean Policy and representatives of the States and various stakeholders.

(2) CHAIR.—The Chairman of the Council on Ocean Stewardship shall co-chair the Presidential Panel with a nonfederal member designated by the President.

(c) APPOINTMENT AND QUALIFICATIONS.—The members of the Presidential Panel shall be appointed by the President for 3-year terms from among individuals with diverse perspectives and expertise in 1 or more of the disciplines or fields associated with ocean and atmospheric policy, including—

(1) marine-related State and local government functions;

(2) ocean and coastal resource conservation and management;

(3) atmospheric or ocean science, engineering, and technology;

(4) the marine industry (including recreation and tourism);

(5) climate change;

(6) atmospheric or coastal hazards; and

(7) other fields appropriate for consideration of matters of oceanic or atmospheric policy.

(d) VACANCIES.—An individual appointed to fill a vacancy occurring before the expiration of the term for which his or her predecessor was appointed shall be appointed only for the remainder of such term. No individual may be reappointed to the Presidential Panel for more than 1 additional 3-year term. A member may serve after the date of the expiration of the term of office for which appointed until his or her successor has taken office.

(e) COMPENSATION.—Each member of the Presidential Panel shall, while serving on business of the Commission, be entitled to receive compensation at a rate not to exceed a daily rate to be determined by the President consistent with other Federal advisory boards. Federal and State officials serving on the Commission and serving in their official capacity shall not receive compensation in addition to their Federal or State salaries for their time on the Commission. Members of the Presidential Panel may be compensated for reasonable travel expenses while performing their duties as members.

(f) MEETINGS.—The Presidential Panel shall meet at least twice per year, or as prescribed by the President.

(g) REPORTS.—

(1) IN GENERAL.—The Presidential Panel shall submit an annual report to the President and to the Congress setting forth an assessment, on a selective basis, of the status of the Nation's ocean activities, and shall submit such other reports as may from time to time be requested by the President or the Congress. The Presidential Panel shall submit its annual report on or before June 30 of each year, beginning 2 years after the date of enactment of this Act.

(2) COMMENT AND REVIEW BY COUNCIL.—Each annual report shall also be submitted to the Chairman of the Council on Ocean Stewardship who shall, in consultation with the Administrator of the National Oceanic and Atmospheric Administration within 60 days after receipt thereof, transmit his or her comments and recommendations to the President and to the Congress.

SEC. 308. FEDERAL PROGRAM RECOMMENDATIONS.

Not later than 3 years after the issuance of the final report of the Commission on Ocean Policy established by section 3 of the Oceans Act of 2000, the President, in consultation with the Administrator, and considering the recommendations of the Commission on Ocean Policy, the Ocean Stewardship Council, and the Presidential Panel of Advisers on Oceans and Coasts, shall submit to the Congress recommendations—

(1) for the transfer of relevant oceanic or atmospheric programs, functions, services, and associated resources to the National Oceanic and Atmospheric Administration from any other Federal agency;

(2) for consolidation or elimination of oceanic or atmospheric programs, functions, services, or resources within or among Federal agencies if their consolidation or elimination would not undermine policy goals set forth in this Act; and

(3) regarding Federal reorganization, including elevation of NOAA to departmental status or the establishment of a new department that would provide increased national attention and resources to oceanic and atmospheric needs and priorities.

SEC. 309. IMPLEMENTATION.

Not later than 18 months after the date of enactment of this Act, the Administrator shall—

(1) promulgate such regulations as may be necessary or appropriate to implement this title; and

(2) submit to the Congress detailed recommendations on technical and conforming amendments to Federal law necessary to carry out this title and the amendments made by this title.

SEC. 310. NO EFFECT ON OTHER AUTHORITIES.

Except as explicitly provided in this Act, nothing in this Act or the amendments made by this Act shall be construed to modify the authority of the Administrator under any other provision of law.

By Mr. HOLLINGS (for himself, Mr. STEVENS, and Mr. INOUYE):

S. 2648. A bill to strengthen programs relating to ocean science and training by providing improved advice and coordination of efforts, greater interagency cooperation, ad the strengthening and expansion of related programs administered by the National Oceanic and Atmospheric Administration; to the Committee on Commerce, Science, and Transportation.

Mr. HOLLINGS. Mr. President, today I rise to introduce the Ocean Research Coordination and Advancement Act, which is cosponsored by my colleagues Senators STEVENS and INOUYE.

The oceans remain one of the least explored and understood resources on our planet. Our Nation needs a coordinated research and education program staffed by a skilled scientific and technical workforce to further our knowledge of the oceans and ensure their health and vitality well into the future. NOAA, the lead civilian Federal agency for oceanic and atmospheric affairs, is the linchpin to this effort. However, this is also a job that the entire Federal Government must take on, since NOAA will need the cooperation and resources of a variety of other Federal agencies to achieve our common scientific and educational goals.

The U.S. Commission on Ocean Policy, established by the Congress and President pursuant to the Oceans Act of 2000, issued its Preliminary Report in April and is set to release its final report later this summer. The Preliminary Report identifies ocean research and education as a high priority and calls for the doubling of ocean research funding over five years. It also recommends formal ocean research and education programs to cultivate a new generation of ocean scientists, educators, technicians and decision-makers.

This bill directly responds to the Ocean Commission's recommendations by establishing ocean research and education priorities both within NOAA and across the federal government.

First, the bill establishes a Federal Government-wide Ocean Science Committee to provide advice on ocean science and education to two high-level entities: the existing National Science and Technology Council and the new Council on Ocean Stewardship, to be established by the National Ocean Policy and Leadership Act, which I am also introducing today. A model for such a committee already exists at the NSTC, chaired by NOAA and NSF, and this would further define the Committee's tasks. This Federal Ocean Science Committee would oversee implementation of many cross-cutting ocean science and technology needs, including an integrated ocean and coastal observing system and improved cooperation among Federal agencies.

The bill also calls for the development of a government-wide National

Strategy for Ocean Science, Education and Technology, which is to include a doubling of the Federal ocean research budget. To assist in meeting this goal, the bill strengthens and focuses the multi-agency National Oceanographic Partnership Program, which is currently chaired by the NOAA Administrator, renaming it the National Ocean Partners Program. The bill also recognizes the need to focus Federal priorities in ocean education by establishing an interagency Ocean Education Program and an Ocean Science and Technology Scholarship Program to recruit and prepare students for ocean-related careers with the Federal Government.

I am particularly pleased that the bill specifically addresses NOAA's research and education programs. It directs the NOAA Administrator to prepare a 20-year research plan, as well as a plan for ocean education. Such a long-term vision is necessary to enable the agency to take the federal lead on an effective, integrated and coordinated national ocean research, operations, and management. The Commerce Committee has already taken action on important components of this research program, including S. 1218, the Oceans and Human Health Act, which passed the Senate unanimously earlier this year.

The bill also breaks new ground, placing NOAA at the head of a 10-year national marine ecosystem research program patterned on the approach we took in creating the Global Change Research Program. We have immense and critical information needs, specific questions, and management decisions to make concerning our oceans and their resources. Responding to these needs will require a coordinated and focused Federal effort. By pulling together Federal scientific data and expertise on this specific topic, and partnering with the external research community through a research grant program, we can really get some results that will make a difference to Federal and State managers and decision-makers.

The bill also promotes and encourages NOAA's ocean education activities, which have been conducted for many years under programs such as the National Sea Grant College Program, the National Marine Sanctuaries Program, the Ocean Exploration Program, and the Educational Partnership Program. It is high time that NOAA fully and publicly take a leadership role in this area, and the bill directs the Administrator to prepare a long-term ocean education plan that will help achieve this goal.

It is critically important that we invest in improving our understanding of the oceans, as they are the lifeblood of this planet. No greater resource exists on Earth or in space that has such a tremendous impact on our economy, weather and climate, or our environment and overall quality of life.

I hope my colleagues will join me in sponsoring this important piece of legislation.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2648

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Ocean Research Coordination and Advancement Act".

(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.

Title I—Ocean Science Coordination and Advice

Sec. 101. National Ocean Science Committee.
Sec. 102. Subcommittee on Ocean Education.
Sec. 103. Ocean Research and Education Advisory Panel.

Title II—Interagency Programs To Advance Ocean and Coastal Knowledge

Sec. 201. National strategy for ocean science, education, and technology.
Sec. 202. National ocean partners program.
Sec. 203. Ocean and coastal education program.
Sec. 204. Ocean science and technology scholarship program.

Title III—NOAA Programs

Sec. 301. Research plan.
Sec. 302. Marine ecosystem research.
Sec. 303. National Oceanic and Atmospheric Administration education program.
Sec. 304. Amendment to the National Sea Grant College Program Act.

Title IV—Authorizations

Sec. 401. Authorization of appropriations.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The coastal regions and marine waters of the United States are vital to the Nation's public safety, homeland security, transportation, trade, energy production, recreation and tourism, food production, scientific research and education, environmental health, and historical and cultural heritage.

(2) Coastal development, resource extraction, and other human activities, coupled with an expanding coastal population, are contributing to processes of environmental change that may significantly threaten the long-term health and sustainability of marine and coastal ecosystems.

(3) The ocean remains one of the least explored and understood environments on the planet providing a frontier for new discoveries and requiring regional, ecosystem-based management approaches.

(4) Development and implementation of education and training programs are essential to build a national scientific and technological workforce that meets the needs of growing ocean and coastal economies and better prepares the Nation for competition in the global economy.

(5) A coordinated program of education and basic and applied research would assist the Nation and the world to further knowledge of the oceans and the global climate system, ensure homeland and national security, develop innovative marine products, improve weather and climate forecasts, strengthen management of marine and coastal resources, increase the safety and efficiency of maritime operations, and protect the environment and mitigate man-made and natural hazards.

(6) Increased Federal cooperation and investment are essential to build on ocean and coastal research and education activities that are taking place within numerous federal, state, and local agencies, academic institutions and industries and to establish new partnerships for sharing ocean science resources, intellectual talent, and facilities.

SEC. 3. DEFINITIONS.

In this Act:

(1) Advisory Panel.—The term "Advisory Panel" means the Ocean Research and Education Advisory Panel established under section 108.

(2) Committee.—The term "Committee" means the National Ocean Science Committee established under section 101.

(3) Council.—The term "Council" means the National Science and Technology Council.

(4) Ocean science.—The term "ocean science" includes the exploration of ocean, coastal, and Great Lakes environments, the development of methods and instruments to study and monitor such environments, and the conduct of basic and applied research and education activities to advance understanding of—

(A) the physics, chemistry, biology, and geology of the oceans, coasts, and Great Lakes;

(B) marine and coastal processes and interactions with other components of the total Earth system; and

(C) the impacts of the oceans, coastal regions, and Great Lakes on society and manner in which such environments are influenced by human activity.

(5) Strategy.—The term "strategy" means the National Strategy for Ocean Science, Education, and Technology developed under section 201.

(6) Subcommittee.—The term "Subcommittee" means the Subcommittee on Ocean Education established under section 102.

TITLE I—OCEAN SCIENCE COORDINATION AND ADVICE

SEC. 101. NATIONAL OCEAN SCIENCE COMMITTEE.

(a) Committee.—The Chair of the National Science and Technology Council, in consultation with the Chair of the Council on Ocean Stewardship, shall establish a National Ocean Science Committee.

(b) Membership.—The Committee shall be composed of the following members:

(1) The Administrator of the National Oceanic and Atmospheric Administration.

(2) The Secretary of the Navy.

(3) The Director of the National Science Foundation.

(4) The Administrator of the National Aeronautics and Space Administration.

(5) The Under Secretary of Energy for Energy, Science, and Environment.

(6) The Administrator of the Environmental Protection Agency.

(7) The Under Secretary of Homeland Security for Research and Development.

(8) The Commandant of the Coast Guard.

(9) The Director of the United States Geological Survey.

(10) The Director of the Minerals Management Service.

(11) The Commanding General of the Army Corps of Engineers.

(12) The Director of the National Institutes of Health.

(13) Under Secretary of Agriculture for Research, Education, and Economics.

(14) The Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs.

(15) The Director of the Defense Advanced Research Projects Agency.

(16) The Director of the Office of Science and Technology Policy.

(17) The Director of the Office of Management and Budget.

(18) The leadership of such other Federal agencies and departments as the chair and vice chairs of the Committee deem appropriate

(c) CHAIR AND VICE CHAIRS.—The chair and vice chairs of the Committee shall be appointed every 2 years by a selection subcommittee of the Committee composed of, at a minimum, the Administrator of the National Oceanic and Atmospheric Administration, the Director of the National Science Foundation, and the Secretary of the Navy. The term of office of the chair and vice chairs shall be 2 years. A person who has previously served as chair or vice chair may be reappointed.

(d) RESPONSIBILITIES.—The Committee shall—

(1) serve as the primary source of advice and support on ocean science for the Council and the Council on Ocean Stewardship and assist in carrying out the functions of the Council as they relate to such matters, including budgetary analyses;

(2) serve as the committee on ocean science for the Council and carry out its functions under section 401 of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6651) that relate to ocean sciences;

(3) improve cooperation among Federal departments and agencies with respect to ocean science budgets, programs, operations, facilities and personnel;

(4) provide a forum for development of the strategy and oversee its implementation;

(5) suggest policies and procedures and provide support for interagency ocean science programs, including the National Ocean Partners Program;

(6) oversee the implementation of an integrated and sustained ocean and coastal observing system;

(7) establish interagency subcommittees and working groups as appropriate to develop comprehensive and balanced Federal programs and approaches to ocean science needs.

(8) coordinate United States government activities with those of other nations and with international ocean observing efforts, research and technology and education; and

(9) carry out such other activities as the Council may require.

SEC. 102. SUBCOMMITTEE ON OCEAN EDUCATION.

(a) MEMBERSHIP.—The Committee shall establish a Subcommittee on Ocean Education. Each member of the Committee and the Under Secretary of Education may designate a senior Federal agency representative with expertise in education to serve on the Subcommittee. The Committee shall select a Chair and one or more Vice Chairs from the membership of the Subcommittee.

(b) RESPONSIBILITIES.—The Subcommittee shall—

(1) support and advise the Committee and the Council on matters related to ocean and coastal education and outreach and lead development of a common perspective;

(2) provide recommendations on education goals and priorities for the strategy and guidance for educational investments;

(3) foster the development of education and outreach programs that are integrated with and based upon Federal ocean science programs;

(4) coordinate Federal ocean and coastal education activities for students at all levels, including funding for educational opportunities at the undergraduate, graduate; and post-doctoral levels;

(5) identify and work to establish linkages among Federal programs and those of States, academic institutions, museums and aquaria, industry, foundations and other non-governmental organizations;

(6) facilitate Federal agency efforts to work with minority-serving institutions, historically black colleges and universities, and traditionally majority-serving institutions to ensure that students of underrepresented groups have access to and support for pursuing ocean-related careers; and

(7) carry out such other activities as the Committee and the Council request.

SEC. 103. OCEAN RESEARCH AND EDUCATION ADVISORY PANEL.

(a) MEMBERSHIP.—The Committee shall maintain an Ocean Research and Education Advisory Panel consisting of not less than 10 and not more than 18 members appointed by the chair, including the following:

(1) Members representing the National Academy of Sciences, the National Academy of Engineering and the Institute of Medicine.

(2) Members selected from among individuals representing ocean industries, State governments, academia, and such other participants in ocean and coastal activities as the chair considers appropriate.

(3) Members selected from among individuals eminent in the fields of marine science, marine policy, ocean engineering or related fields.

(4) Members selected from among individuals eminent in the field of education.

(b) RESPONSIBILITIES.—The advisory panel will advise the Committee on the following:

(1) Development and implementation of the strategy.

(2) Policies and procedures to implement the National Ocean Partners Program and on establishment of topics and selection and allocation of funds for partnership projects.

(3) Matters relating to national oceanographic data requirements, ocean and coastal observing systems, ocean science education and training, oceanographic facilities, and modernization of the nation's marine laboratories.

(4) Any additional matters that the Committee considers appropriate.

(c) PROCEDURAL MATTERS.—

(1) All meetings of the Advisory Panel shall be open to the public, except that a meeting or any portion of it may be closed to the public if it concerns matters or information that pertains to national security, employment matters, litigation, or other reasons provided under section 552b of title 5, United States Code. Interested persons shall be permitted to appear at open meetings and present oral or written statements on the subject matter of the meeting. The Advisory Panel may administer oaths or affirmations to any person appearing before it.

(2) All open meetings of the Advisory Panel shall be preceded by timely public notice in the Federal Register of the time, place, and subject of the meeting.

(3) Minutes of each meeting shall be kept and shall include a record of the people present, a description of the discussion that occurred, and copies of all statements filed. Subject to section 552 of title 5, United States Code, the minutes and records of all meetings and other documents that were made available to or prepared for the Advisory Panel shall be available for public inspection and copying at a single location in the partners program office.

(4) The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to the Advisory Panel.

(d) FUNDING.—The Chair and Vice Chairs of the Committee annually shall make funds available to support the activities of the Advisory Panel.

TITLE II—INTERAGENCY PROGRAMS TO ADVANCE OCEAN AND COASTAL KNOWLEDGE

SEC. 201. NATIONAL STRATEGY FOR OCEAN SCIENCE, EDUCATION, AND TECHNOLOGY.

(a) IN GENERAL—The Chair of the Council, through the Committee, shall develop a National Strategy for Ocean Science, Education and Technology. The Chair shall submit the strategy to the Congress within one year after the date of enactment of this title, and a revised strategy shall be submitted at least once every three years thereafter. The initial strategy shall be based on the recommendations of the United States Commission on Ocean Policy and shall establish, for the 10-year period beginning in the year the strategy is submitted, the scientific goals and priorities for research, technology, education, outreach, and operations which most effectively advance knowledge and provide usable information for ocean policy decisions.

(b) SPECIFIC ACTIONS.—The strategy shall—

(1) provide for a doubling of the Federal investment in ocean science research over 5 years and for additional investments in education and outreach, technology development, and ocean exploration;

(2) identify and address relevant programs and activities of the members of the Committee that contribute to the goals and priorities, setting forth the role of and funding for each such member in implementing the strategy;

(3) establish mechanisms for accelerating the transition of—

(A) commercial or military technologies and data to civilian research, education, and operations applications; and

(B) technologies and tools developed by government and university scientists to operations, including both governmental and non-governmental uses;

(4) consider and use, as appropriate, reports and studies conducted by Federal agencies and departments, the National Research Council, or other entities; and

(5) make recommendations for the coordination of Federal ocean science activities with those of States, regional entities, other nations, and international organizations.

(c) ELEMENTS.—The strategy shall include the following elements:

(1) Global measurements on all relevant spatial and time scales.

(2) Partnerships among Federal agencies, states, academia, industries, and other members of the ocean science community.

(3) Oceanographic facility support, including the procurement, maintenance and operation of observing and research platforms, such as ships and aircraft, laboratories, and related infrastructure.

(4) Focused research initiatives and competitive research grants.

(5) Technology and sensor development, including the transition of such technologies to operations.

(6) Workforce and professional development including traineeships, scholarships, fellowships and internships.

(7) Ocean science education coordination and establishment of mechanisms to improve ocean literacy and contribute to public awareness of the condition and importance of the oceans.

(8) Information management systems that allow analysis of data from varied sources to produce information readily usable by policymakers and stakeholders.

(d) PUBLIC PARTICIPATION.—In developing the strategy, the Committee shall consult with the Advisory Panel, academic, State, industry, and conservation groups and representatives. Not later than 90 days before the Chair of the Council submits the strategy, or any revision thereof, to the Congress, a summary of the proposed strategy or revision shall be published in the Federal Register for a public comment period of not less than 60 days.

SEC. 202. NATIONAL OCEAN PARTNERS PROGRAM.

(a) PURPOSE.—Building on the program established under section 7901 of title 10, United States Code, the Committee shall establish and maintain a National Ocean Partners Program that identifies and carries out ocean science partnerships among the National Oceanic and Atmospheric Administration, the National Science Foundation, the Office of Naval Research and Oceanographer of the Navy, other Federal agencies, States, academia, industries, and other members of the ocean science community.

(b) PROJECT SELECTION.—At least annually, the Committee shall establish a limited number of topics for partnership awards and partners may submit projects on such topics for implementation under the program. Partnership projects shall be competitively reviewed, selected, and allocated funding based on the following criteria:

(1) The project is consistent with the strategy and addresses—

(A) ocean and coastal observing systems;

(B) ocean education;

(C) ocean infrastructure coordination; or

(D) interagency collaboration on national ocean science and research priorities.

(2) The project has broad participation within the ocean community.

(3) The partners have a long-term commitment to the objectives of the project.

(4) Resources supporting the project are shared among the partners.

(5) The project includes a plan for education and outreach.

(6) The project has been subject to peer review.

(c) ANNUAL REPORT.— Not later than March 1 of each year, the Committee shall submit to Congress a report on the National Ocean Partners Program. The report shall contain the following:

(1) A description of activities of the program carried out during the previous fiscal year, together with a list of the members of the Advisory Panel and any working groups in existence during that fiscal year.

(2) A general outline of the activities planned for the program during the fiscal year in which the report is prepared.

(3) A summary of projects continued from the previous fiscal year and projects expected to be started during the fiscal year in which the report is prepared and during the following fiscal year.

(4) An analysis of trends in the Federal investment in ocean science research, education and technology development.

(d) PARTNERS PROGRAM OFFICE.—The Committee shall establish a program office for the National Ocean Partners Program. The Committee shall use competitive procedures in selecting an operator for the partners program office and supervise performance of duties by such office. Responsibilities of the partners program office shall include—

(1) support for the activities of the Committee and any working groups or subcommittees under this section;

(2) management of the process for proposing partnership projects to the Committee, including the peer review process for such projects;

(3) annual preparation and submission to the Committee of status information on all partnership projects and program activities;

(4) development and maintenance of a database on investments by Federal agencies in ocean and coastal research and education; and

(5) any additional duties for the administration of the National Ocean Partners Program or to support Committee activities that the Committee considers appropriate.

(e) CONTRACT, GRANT, AND INTERAGENCY FINANCING AUTHORITY.—

(1) The Committee may authorize one or more of the members of the Committee to enter into contracts and make grants, using funds appropriated pursuant to an authorization for the National Ocean Partners Program, for the purpose of implementing the program and carrying out the responsibilities of the Committee. A project or activity under such program may be established by any instrument that the Committee considers appropriate, including grants, memoranda of understanding, cooperative research and development agreements, and similar instruments.

(2) The members of the Committee are authorized to participate in interagency financing and share, transfer, receive and spend funds appropriated to any member of the Committee for the purposes of carrying out any administrative or programmatic project or activity under the National Ocean Partnership Program, including support for a common infrastructure and system integration for an ocean observing system. Funds may be transferred among such departments and agencies through an appropriate instrument that specifies the goods, services, or space being acquired from another Committee member and the costs of the same.

(3) The Committee shall establish uniform proposal request and application procedures and reporting requirements for use by each Committee member that are applicable to all projects and activities under the National Ocean Partners Program.

(4) Projects under the program may include demonstration projects.

(f) TRANSITIONAL PLAN.—The Committee shall submit a plan and recommendations to the Congress for the transition of the National Oceanographic Partnership Program under chapter 665 of title 10, United States Code, to the National Ocean Partners Program established under subsection (a) of this section not later than 2 years after the date of enactment of this Act.

(g) SUNSET OF NATIONAL OCEANOGRAPHIC PARTNERSHIP PROGRAM.—Chapter 665 of title 10, United States Code, is repealed as of the date that is 3 years after the date of enactment of this Act.

SEC. 203. OCEAN AND COASTAL EDUCATION PROGRAM.

(a) ESTABLISHMENT.—Consistent with the strategy, the Committee, through the Subcommittee, shall establish an interagency ocean and coastal education program to improve public awareness, understanding and appreciation of the role of the oceans in meeting our Nation's economic, social and environmental needs. The ocean and coastal education program shall include formal education activities for elementary, secondary, undergraduate, graduate and postdoctoral students, continuing education activities for adults, and informal education activities for learners of all ages.

(b) ELEMENTS.—The program shall use appropriate interagency coordination mechanisms and shall, at a minimum, provide sustained funding for—

(1) a national network of Centers for Ocean Sciences Education Excellence to improve the acquisition of knowledge by students at all levels;

(2) a regional education network to support academic competition and experiential learning opportunities for high school students;

(3) teacher enrichment programs that provide for participation in research expeditions, voyages of exploration and the conduct of scientific research;

(4) development of model instructional programs for students at all levels;

(5) student training and support to provide diverse ocean-related education opportunities at the undergraduate, graduate, and postdoctoral levels; and

(6) mentoring programs and partnerships with minority-serving institutions to ensure diversity in the ocean and coastal workforce.

SEC. 204. OCEAN SCIENCE AND TECHNOLOGY SCHOLARSHIP PROGRAM.

(a) ESTABLISHMENT.—

(1) The Committee shall establish a National Ocean Science and Technology Scholarship Program that is designed to recruit and prepare students for careers with Federal agencies and departments represented on the Committee (hereinafter referred to as "participating agencies"). The program shall award scholarships to individuals who are eligible to participate and selected through a competitive process primarily on the basis of academic merit, with consideration given to financial need and the goal of promoting the participation of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b).

(2) To carry out the program, participating agencies shall enter into contractual agreements with individuals selected under paragraph (1) under which the individuals agree to serve as full-time employees of the participating agency for the period described in subsection (d), in positions needed by the participating agency and for which the individuals are qualified, in exchange for receiving a scholarship.

(b) ELIGIBILITY CRITERIA.—In order to be eligible to participate in the program, an individual shall—

(1) be enrolled or accepted for enrollment as a full-time student at an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965) in an academic field or discipline described in the list made available under subsection (c);

(2) be a United States citizen;

(3) at the time of the initial scholarship award, not be an employee of the department or agency providing the award;

(4) not have received a scholarship under this section for more than 4 academic years,

unless the participating agency grants a waiver; and

(5) submit an application to a participating agency at such time, in such manner, and containing such information, agreements, or assurances as the participating agency may require.

(c) SCHOLARSHIP AVAILABILITY AND LIMITS.—

(1) The Committee shall make publicly available a list of academic programs and fields of study for which scholarships under the program may be used and shall update the list as necessary.

(2) A participating agency may provide a scholarship to an eligible individual to cover tuition, fees, and other authorized expenses as established by regulation. The dollar amount of a scholarship for an academic year shall in no case exceed the cost of attendance as such cost is determined in section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087ll).

(3) The participating agency may enter into a contractual agreement with an institution of higher education under which the amounts provided for a scholarship under this section for tuition, fees, and other authorized expenses are paid directly to the institution with respect to which the scholarship is provided.

(d) SERVICE.—

(1) Except as provided in subsection (f), the period of service for which an individual shall be obligated to serve as an employee of the participating agency is 12 months for each academic year for which a scholarship under this section is provided.

(2) Except as provided in subsection (f), obligated service under paragraph (1) may include contract employment if a full time equivalent position is not immediately available and shall begin not later than 60 days after the individual obtains the educational degree for which the scholarship was provided.

(e) REPAYMENT.—

(1) Scholarship recipients who fail to maintain a high level of academic standing, as defined by the participating agency, who are dismissed from their educational institutions for disciplinary reasons, or who voluntarily terminate academic training before graduation from the educational program for which the scholarship was awarded, shall be in breach of their contractual agreement and, in lieu of any service obligation arising under such agreement, shall be liable to the United States for repayment within 1 year after the date of default of all scholarship funds paid to them and to the institution of higher education on their behalf under the agreement, except as provided in subsection (f). The repayment period may be extended by the participating agency when determined to be necessary.

(2) Scholarship recipients who, for any reason, fail to begin or complete their service obligation after completion of academic training, or fail to comply with the terms and conditions of deferment established by the participating agency pursuant to subsection (f), shall be in breach of their contractual agreement. When recipients breach their agreements pursuant to this paragraph, the recipient shall be liable to the United States for an amount equal to the total amount of scholarships received by such individual under this section; plus the interest on the amounts of such awards which would be payable if at the time the awards were received they were loans bearing interest at the maximum legal prevailing rate, as determined by the Treasurer of the United States, multiplied by 3.

(f) DEFERRAL, CANCELLATION, OR WAIVER.—The participating agency shall by regulation provide for the deferral or the partial or total waiver or suspension of any obligation of service or payment incurred by an individual under the program (or a contractual agreement thereunder) whenever the participating agency determines that such a deferral, waiver or suspension is appropriate, compliance by the individual is impossible or would involve extreme hardship, or if enforcement of such obligation with respect to the individual would be contrary to the best interests of the Government.

TITLE III—NOAA OCEAN SCIENCE AND EDUCATION PROGRAMS

SEC. 301. RESEARCH PLAN.

The Administrator of the National Oceanic and Atmospheric Administration shall develop a 20-year integrated research plan for the agency setting forth research goals and priorities, as well as programmatic actions to carry out those goals and priorities. The plan shall—

(1) articulate goals, priorities, and programmatic actions for the agency in 5-year phases;

(2) identify linkages between Administration research activities and missions;

(3) identify how Administration laboratories, joint institutes, cooperative institutes, joint centers, and the extramural scientific community will participate and assist in achieving the goals of the plan;

(4) consider the recommendations of relevant reports prepared by the National Research Council and international scientific institutions and organizations;

(5) be developed in consultation with programmatic offices, the extramural scientific community, and interested members of the public; and

(6) be revised or updated every 5-to-7 years.

SEC. 302. MARINE ECOSYSTEM RESEARCH.

(a) MARINE ECOSYSTEM RESEARCH PROGRAM.—The Administrator of the National Oceanic and Atmospheric Administration, in cooperation with the National Science Foundation, the United States Geological Survey, the Office of Naval Research, and other members of the Committee, shall establish and maintain a 10-year interagency marine ecosystem research program, including competitive research grants to the scientific community, that complements or strengthens the Federal program for the purposes of—

(1) improving national understanding of marine ecosystem status and trends, including the patterns, processes, and consequences of changing marine biological diversity;

(2) improving the linkages between marine ecological and oceanographic sciences and providing a basis for ecosystem-based management of the oceans and coastal resources;

(3) increasing the effectiveness of ocean, coastal and fisheries conservation and management through application of ecosystem-based approaches;

(4) facilitating and encouraging the use of new technological advances, predictive models, and historical perspectives to characterize and assess marine ecosystems and to investigate marine biodiversity;

(5) strengthening and expanding the field of marine taxonomy, including use of genomics and proteomics;

(6) using new understanding gained through the program to improve predictions of the impacts of human activities on the marine environment, including pollution and coastal development, and of the impacts of changes in the marine environment on human well-being; and

(7) providing Federal, regional, and State decision makers with usable information and products to support policy and technical decisions under existing authorities, including the Magnuson-Stevens Fishery Conservation and Management Act, the Marine Mammal Protection Act, the National Marine Sanctuaries Act, and the Coastal Zone Management Act.

(b) PROGRAM ELEMENTS.—The research program established under this section shall provide for the following:

(1) Dynamic access to biological and other data through an integrated ocean biogeographic information system that—

(A) links marine databases; and manages data generated by the program; and

(B) supports understanding of marine systems required for ecosystem-based conservation and management, including analysis of biodiversity and related physical and ecological parameters.

(2) Integrated national and regional studies and products that focus on appropriate scales to support ecosystem-based management; including habitat mapping and assessment.

(3) Improved biological sensors for ocean and coastal observing systems.

(4) Investment in exploration and taxonomy to study little known areas and describe new species.

(5) Studies of earlier changes in marine populations to trace information on biological abundance and diversity to the earliest historical periods of minimum human impact.

(6) Improved predictive capability to enhance the effectiveness of conservation and management programs and to facilitate and minimize adverse impacts of human activities and natural processes on marine and coastal ecosystems.

(7) Pilot projects focused on priority information needs for critical living marine resource management decisions under existing statutory authorities.

(c) BASELINE REPORT AND BIENNIAL ASSESSMENTS.—The Administrator of the National Oceanic and Atmospheric Administration, through the Committee, shall prepare and submit to the President and Congress—

(1) a baseline report on the state of knowledge concerning marine ecosystems and their sub-components, including recommendations for improving such knowledge base, considering the recommendations of the United States Commission on Ocean Policy and the priorities established under subsection (a) not later than 1 year after the date of enactment of this Act; and

(2) a biennial assessment not later than 2 years after the date of submission of the baseline report required under subsection (d)(1) and every 2 years thereafter that—

(A) integrates, evaluates, and interprets the findings of the program and discusses the scientific uncertainties associated with such findings; and

(B) analyzes current trends in marine and coastal ecosystems, both human-induced and natural, and projects major trends for the subsequent decade.

SEC. 303. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION EDUCATION PROGRAM.

(a) IN GENERAL.—

(1) The Administrator of the National Oceanic and Atmospheric Administration shall conduct, develop support, promote, and coordinate education activities that meet the defined program scope under section 203(b) and that enhance public awareness and understanding of the science, service, and stewardship missions of the National Oceanic and

Atmospheric Administration. In planning the program, the Administrator shall consult with the Subcommittee and build upon the educational programs and activities of the National Sea Grant College Program, The National Marine Sanctuaries Program, the National Estuarine Research Reserve System, and programs relating to ocean exploration, undersea research, and oceans and human health.

(2) Authorized activities for the program shall include education of the general public, teachers, students at all levels, and ocean and coastal managers and stakeholders.

(3) In carrying out educational activities, the Administrator may enter into grants, contracts, cooperative agreements, resource sharing agreements or interagency financing with Federal, State and regional agencies, tribes, commercial organizations, educational institutions, non-profit organizations or other persons.

(b) GOALS.—The Administrator of the National Oceanic and Atmospheric Administration, in consultation with the appropriate program directors, shall ensure that educational activities and programs conducted pursuant to subsection (a) shall—

(1) integrate agency science into high-quality educational materials;

(2) improve access to National Oceanic and Atmospheric Administration educational resources;

(3) support educator professional development programs to improve understanding and use of agency sciences;

(4) promote participation in agency-related sciences and careers, particularly by members of underrepresented groups;

(5) leverage partnerships to enhance formal and informal environmental science education; and

(6) build capability within the agency for educational excellence.

(c) EDUCATIONAL PARTNERSHIP PROGRAM.—The Administrator of the National Oceanic and Atmospheric Administration shall establish an educational partnership with minority serving institutions to provide support for cooperative science centers, an environmental entrepreneurship program, a graduate sciences program and an undergraduate scholarship program.

(d) NOAA OCEAN EDUCATION PLAN.—The Administrator of the National Oceanic and Atmospheric Administration shall develop an ocean education plan setting forth ocean education goals and priorities for the agency, as well as programmatic actions to carry out such goals and priorities over the next 20 years. The plan may be prepared as part of the research plan required by section 301 or may be prepared separately and shall—

(1) set forth the Administration's goals, priorities, and programmatic activities for ocean education in 5-year phases;

(2) identify linkages between NOAA ocean education activities and NOAA programs and missions;

(3) consider the recommendations of ocean science and education experts, as well as those of professional education associations or organizations;

(4) be developed in consultation with programmatic offices, ocean science and education experts, and interested members of the public; and

(5) be revised or updated every 5-to-7 years.

SEC. 304. AMENDMENT TO THE NATIONAL SEA GRANT COLLEGE PROGRAM ACT.

Section 212(a) of the National Sea Grant College Program Act (33 U.S.C 1131(a)) is amended by adding at the end the following:

"(3) MARINE AND AQUATIC SCIENCE EDUCATION.—In addition to the amounts authorized for each fiscal year under paragraphs (1) and (2), there are authorized to be appropriated for marine and aquatic science education in each of fiscal years 2005 through 2010—

"(A) $6,000,000 in increased funding for the educational activities of sea grant programs;

"(B) $4,000,000 for competitive grants for projects and research that target national and regional marine and aquatic science literacy;

"(C) $4,000,000 for competitive grants to support educational partnerships under the national Coastal and Ocean Education Program to be funded through the National Ocean Partners Program or other appropriate mechanism; and

"(D) $3,000,000 in increased funding for enhanced outreach and communications activities of sea grant programs.

TITLE IV—AUTHORIZATIONS

SEC. 401. AUTHORIZATION OF APPROPRIATIONS.

(a) PARTNERS PROGRAM PROJECTS AND ADMINISTRATION.—Of the amounts authorized to be appropriated annually to the Department of the Navy, the National Science Foundation, the National Oceanic and Atmospheric Administration, and the National Aeronautics and Space Administration for fiscal year 2005 through fiscal year 2010—

(1) up to $25,000,000 from each agency may be made available for National Ocean Partners Program projects under section 202; and

(2) at least $600,000 or 3 percent of the amount appropriated for the National Oceanographic Partners Program, whichever is greater, shall be available for operations of the partners program office established under section 202(d).

(b) NATIONAL OCEAN AND COASTAL EDUCATION PROGRAM.—Of the amounts authorized annually to the Department of the Navy, the National Science Foundation, the National Oceanic and Atmospheric Administration, and the National Aeronautics and Space Administration for fiscal year 2005 through fiscal year 2010, up to $25,000,000 from each agency may be made available for the National Ocean and Coastal Education Program under section 203.

(c) SCHOLARSHIP PROGRAM.—Of the amounts authorized annually to the Department of the Navy, the National Science Foundation, the National Oceanic and Atmospheric Administration, and the National Aeronautics and Space Administration for fiscal year 2005 through fiscal year 2010, up to $15,000,000 may be made available for National Ocean Science and Technology Scholarships under section 204.

(d) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—

(1) MARINE ECOSYSTEM RESEARCH.—For development and implementation of the research program under section 302, there are authorized to be appropriated to the National Oceanic and Atmospheric Administration $50,000,000 for each of fiscal years 2005 through 2010.

(2) OCEAN EDUCATION.—In addition to the amounts authorized under subsection (a), (b), and (c) and under the National Sea Grant College Program Act, there are authorized to be appropriated to the Administrator of the National Oceanic and Atmospheric Administration.—

(A) $25,000,000 for each of fiscal years 2005 through 2010 for education activities under section 303(a); and

(B) $20,000,000 for each of fiscal years 2005 through 2010 for education activities under section 303(c).

(e) AVAILABILITY.—Sums appropriated pursuant to this section shall remain available until expended.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 404—DESIGNATING AUGUST 9, 2004, AS "SMOKEY BEAR'S 60TH ANNIVERSARY"

Mr. SMITH (for himself and Mrs. FEINSTEIN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 404

Whereas Smokey Bear's service to the United States for 60 years has protected the Nation's forests above and beyond the call of duty;

Whereas Smokey Bear has been dedicated to educating Americans of all ages and particularly America's youth, the future stewards of our forests, about the need for vigilance concerning forest health and wildfires;

Whereas Smokey Bear's message of vigilance can also be applied to the need (1) to remove unnatural accumulations of hazardous fuels from the public forests of the United States; (2) to clear defensible space around homes and escape routes in the wildland-urban interface; and (3) to suppress forest fires that threaten communities or valuable natural resources;

Whereas the Smokey Bear campaign is the longest running public service campaign in the history of the United States;

Whereas Smokey Bear was the first individual animal ever to be honored on a postage stamp;

Whereas the Forest Service of the Department of Agriculture is committed to increasing public information and awareness about wildfires and forest protection;

Whereas the Forest Service of the Department of Agriculture is devoted to changing the public's behavior concerning wildfires in an effort to maintain and protect the natural resources and wildlife of the United States; and

Whereas the Forest Service of the Department of Agriculture, the National Association of State Foresters, and the Advertising Council have provided extraordinary support and dedication to the purpose and efforts of Smokey Bear: Now, therefore, be it

Resolved, That the Senate—

(1) designates August 9, 2004, as "Smokey Bear's 60th Anniversary"; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe the day with appropriate ceremonies and activities.

SENATE CONCURRENT RESOLUTION 124—DECLARING GENOCIDE IN DARFUR, SUDAN

Mr. BROWNBACK (for Himself, Mr. CORZINE, Mrs. DOLE, Mr. LIEBERMAN, Mr. DEWINE, and Mr. FITZGERALD) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 124

Whereas Article 1 of the 1948 United Nations Convention on the Prevention and Punishment of the Crime of Genocide states that "the contracting parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish";

Whereas Article 2 of the Convention on the Prevention and Punishment of the Crime of

Genocide declares that "in the present Convention, genocide means any of the following acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) killing members of the group; (b) causing serious bodily or mental harm to members of the group; (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) imposing measures intended to prevent births within the group; and (e) forcibly transferring children of the group to another group";

Whereas Article 3 of the Convention on the Prevention and Punishment of the Crime of Genocide affirms that the "following acts shall be punishable: (a) genocide; (b) conspiracy to commit genocide; (c) direct and public incitement to commit genocide; (d) attempt to committed genocide; and (e) complicity in genocide";

Whereas in Darfur, Sudan, an estimated 30,000 innocent civilians have been brutally murdered, more than 130,000 people have been forced from their homes and have fled to neighboring Chad, and more than 1,000,000 people have been internally displaced;

Whereas Andrew Natsios, the Administrator of the United States Agency for International Development, has predicted that 300,000 civilians in Darfur will die within the year under "optimal conditions" in which humanitarian assistance is provided, and that as many as 1,000,000 civilians in Darfur are at risk; and

Whereas in March 2004 the United Nations Resident Humanitarian Coordinator stated: "[T]he war in Darfur started off in a small way last year but it has progressively gotten worse. A predominant feature of this is that the brunt is being borne by civilians. This includes vulnerable women and children . . . The violence in Darfur appears to be particularly directed at a specific group based on their ethnic identity and appears to be systemized.": Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) declares that the atrocities unfolding in Darfur, Sudan, are genocide;

(2) reminds the President and the international community of their international legal obligations, as affirmed in the 1948 United Nations Convention on the Prevention and Punishment of the Crime of Genocide;

(3) urges the President to call the atrocities being committed in Darfur, Sudan by their rightful name: "genocide";

(4) commends the leadership of the President in seeking a peaceful resolution to the conflict in Darfur, Sudan and in addressing the humanitarian crisis caused by that conflict, including the provision of assistance to meet immediate humanitarian needs in Darfur, Sudan and Eastern Chad;

(5) urges the President to seek a United Nations Security Council resolution under Chapter VII of the United Nations Charter that directs the Member States of the United Nations to impose targeted sanctions against those responsible for the atrocities committed in Darfur, Sudan, authorizes a multinational force to guarantee humanitarian access and security for foreign aid workers and internally displaced persons, urges a halt to violence committed by armed militias and by the armed forces of Sudan and the safe, secure, and the sustainable return of internally displaced persons and refugees to their homes, creates a Commission of Inquiry to investigate the unfolding genocide, recommends measures to create accountability in Darfur, Sudan, and calls for the establishment of a formal peace process for permanent resolution of grievances between Darfurians and the Government of Sudan;

(6) calls on the Administrator of the United States Agency for International Development to establish a Darfur Resettlement, Rehabilitation, and Reconstruction Fund to fund assistance for those driven off their land so that they may return and begin to rebuild their communities; and

(7) urges the President to provide political and financial support to the African Union to promote its effective intervention in Darfur, Sudan to achieve security, humanitarian assistance, and accountability.

NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. CRAIG. Mr. President, I announce for the information of the Senate and the public that S. 2622, a bill to provide for a land exchange to benefit the Pecos National Historical Park in New Mexico, has been added to the agenda for the hearing previously scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources, on Wednesday, July 21, at 2:30 p.m. in Room SD–366 of the Dirksen Senate Office Building.

For further information, please contact Frank Gladics at 202–224–2878 or Amy Millet at 202–224–8276.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, July 13, 2004, at 10 a.m. to conduct a hearing on "Examination of the Gramm-Leach-Bliley Act Five Years After Its Passage."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, July 13, 2004, at 9:30 a.m. on Reauthorization of the Corporation for Public Broadcasting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, July 13, 2004, at 3 p.m. on the nomination of David Stone to be Assistant Secretary of Homeland Security and Albert Frink to be Assistant Secretary for Manufacturing and Services of the Department of Commerce.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, July 13 at 10 a.m. to receive testimony regarding the role of nuclear power in national energy policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 13, 2004 at 3 p.m. to hold a hearing on Human Trafficking.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Tuesday, July 13, 2004, at 10 a.m. on "Blakely v. Washington and the Future of the Federal Sentencing Guidelines" in the Dirksen Senate Office Building Room 226.

Witness List

Panel I; Hon. Bill Mercer, U.S. Attorney, District of Montana, Helena, MT; Hon. John Steer, Vice Chair and Commissioner, U.S. Sentencing Commission, Washington, DC; Hon. William Sessions, Chief U.S. District Judge, District of Vermont, Burlington, VT and Vice Chair and Commissioner, U.S. Sentencing Commission, Washington, DC; Hon. Lawrence L. Piersol, Chief U.S. District Judge, District of South Dakota, Sioux Falls, SD; and Hon. Paul G. Cassell, U.S. District Court Judge, District of Utah, Salt Lake City, UT.

Panel II: Frank Bowman, Professor of Law, Indiana University Law School, Indianapolis, IN; Rachel Barkow, Assistant Professor of Law, New York University School of Law, New York, NY; Ronald Weich, Esq., Zuckerman, Spaeder LLP, Washington, DC; and Alan Vinegrad, Esq., Former U.S. Attorney, Covington & Burling, New York, NY.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Tuesday, July 13, 2004, at 2 p.m. on "An Examination of Section 211 of the Omnibus Appropriations Act of 1998" in the Dirksen Senate Office Building Room 226.

Witness List

Nancie Marzulla, President, Defender of Property Rights, Washington, DC;

William Reinsch, President, National Foreign Trade Council, Inc., Washington, DC; Ramon Arechabala, Miami, FL; Kenneth Germain, Attorney at Law, Adjunct Law Professor, University of Cincinnati, Cincinnati, OH; and Bruce Lehman, Former Assistant Secretary of Commerce and Commissioner of Patents and Trademarks, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. ALLARD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 13, 2004, at 2:30 p.m., to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Tim Castelli and Carolina Gutierrez of my staff be granted the privilege of the floor during today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I ask unanimous consent a member of my staff, Mary Alice Hamby, be granted the privilege of the floor during the duration of the debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that Amanda Beaumont and Katie Kimpel on my Judiciary Committee staff be granted floor privileges during consideration of the federal marriage amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I ask unanimous consent that Micah Harris be given floor privileges for the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent the privilege of the floor be granted to Jack Herrmann, a science fellow in my office.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.R. 1303

Mr. ALLARD. Mr. President, I ask unanimous consent that the Senate request the return from the House of Representatives the papers with respect to H.R. 1303, that the Senate action on that measure be vitiated, and that the bill be returned to the Committee on Governmental Affairs for appropriate action.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATIONS DISCHARGED

Mr. ALLARD. Mr. President, in executive session, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of the following nominations: Christine Todd Whitman, Kenneth Francis Hackett.

I further ask consent that the Senate proceed to their consideration, the nominations be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

MILLENNIUM CHALLENGE CORPORATION

Christine Todd Whitman, of New Jersey, to be a Member of the Board of Directors of the Millennium Challenge Corporation for a term of three years.

Kenneth Francis Hackett, of Maryland, to be a Member of the Board of Directors of the Millennium Challenge Corporation for a term of three years.

CONFIRMATION OF KEN HACKETT

Mr. DASCHLE. Mr. President, several weeks ago the New York Times ran a story about what people all around the world do when they are starving. What they do, in effect, is to try to trick themselves into thinking that they do have food.

According to the World Food Program, there are no more mukhet bushes near the refugee camps in eastern Chad, where more than 200,000 Sudanese refugees have fled. Refugees have extracted what little nutritional value they can from those bushes by eating the toxic berries that grow on them.

In Haitian slums, poor families eat dough made of butter, salt, water, and dirt.

In Malawi, roadside stands sell roasted mice, and in Mozambique the poor eat grasshoppers when they must, calling them "flying shrimp."

In Angola in the early 1990's, a man boiled leather from a family chair and served his family "lamb soup."

Women in Eritrea regularly strap flat stones to their stomachs to lessen hunger pangs, and, in a cruel turn of the fable of stone soup we all learned growing up, mothers in many countries boil water with stones, telling children the food is almost ready and hoping they will fall asleep waiting.

The New York Times goes on to argue—rightly—that the famines these people suffer through are not caused by a lack of food alone. They are caused by drought, government neglect, or war.

The opposite, of course, is also true. Governments that make good policy choices can ease suffering, even in the most brutal situations. That fact underscores the wisdom of the Millennium Challenge Account. The MCA, as it is commonly called, says clearly that governments who prove they are ready for reform and openness can count on the support of the people of the United States.

Today the Senate has confirmed the first two members of the board of directors who will oversee the MCA. We all know of Christie Todd Whitman and her experience. The other member whom we confirmed today is Ken Hackett, the president of Catholic Relief Services. I am proud to have nominated Ken for this important position.

Ken is uniquely qualified for this job for one reason. He has dedicated his life to fighting for the poorest of the poor—the families who, without Ken and Catholic Relief Services, would be forced to eat leather, poison berries, or dirt.

The Millennium Challenge Account is an innovative new tool in fostering global development and combating poverty. By demanding greater responsibility from recipient nations, we can foster reform and growth.

At the same time, however, the vast majority of the world's poor will remain prisoners to their governments' bad policies and corruption. We cannot redouble our efforts under the Millennium Challenge Account, only to forget those who remain most in need, those whose only solace is a stone tied to their stomach. The MCA will be one tool—an innovative, new tool—in our fight against poverty. But it is not the only tool.

That is why I nominated Ken Hackett for this important board. Ken Hackett will be a strong and clear voice for the poorest of the poor—a voice on this board and within the U.S. Government, much the way he has been at Catholic Relief Services for the last several decades.

I thank my colleagues in supporting Ken's nomination for this important board. Voting for him is a vote for hope for the world's poor. It is a vote of confidence for the remarkable work of Catholic Relief Services. And it is a vote for retaining America's leadership to end suffering.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

ORDERS FOR WEDNESDAY, JULY 14, 2004

Mr. ALLARD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, July 14. I further ask consent that following the prayer and pledge, the morning hour be deemed expired, the

Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business for up to 30 minutes, with the first 15 minutes under the control of the majority leader or his designee and the final 15 minutes under the control of the Democratic leader or his designee; provided that following morning business, the Senate resume consideration of the motion to proceed to the consideration of S.J. Res. 40, with the time until 11:30 a.m. equally divided between the chairman and ranking member or their designees; provided that at 11:30 a.m. the time until 12 noon be allocated in the following order: Senator LEAHY, 10 minutes; Senator HATCH, 10 minutes; the Democratic leader, 5 minutes; the majority leader for the final 5 minutes.

I further ask consent that at 12 noon the Senate proceed to the cloture vote as provided under the previous order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

PROGRAM

Mr. ALLARD. Mr. President, tomorrow, following morning business, the Senate will resume debate on the motion to proceed to the marriage amendment. At 12 noon, the Senate will vote on the motion to invoke cloture on the motion to proceed, and that will be the first vote of the day.

In addition to the marriage amendment, there are other important issues that the Senate needs to address this week. The majority leader has announced his desire to turn to the Australia Free Trade Agreement this week. In addition, the Senate needs to appoint conferees on the FSC/ETI or JOBS legislation. Therefore, Senators should expect additional votes during tomorrow's session.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. ALLARD. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 10:14 p.m., adjourned until Wednesday, July 14, 2004, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 13, 2004:

MILLENNIUM CHALLENGE CORPORATION

KENNETH FRANCIS HACKETT, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE MILLENNIUM CHALLENGE CORPORATION FOR A TERM OF THREE YEARS.

CHRISTINE TODD WHITMAN, OF NEW JERSEY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE MILLENNIUM CHALLENGE CORPORATION FOR A TERM OF THREE YEARS.

SENATE—*Wednesday, July 14, 2004*

The Senate met at 9:30 a.m. and was called to order by the Honorable CHUCK HAGEL, a Senator from the State of Nebraska.

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain from Omaha, NE, the pastor of Countryside Community Church, the Reverend Donald Longbottom.

PRAYER

The guest Chaplain offered the following prayer:

Let us pray.

Creator God, give us insight to see the things our eyes overlook: Your infinite stars hanging low over the prairie on a winter's night, the rhythms of the tides as they ebb and flow like history itself.

Open our hearts to feel the things our hands cannot touch: The continuing presence of the pioneering spirits who came before us, who are no more, yet remain with us still. Open our ears to hear Your still small voice echoing quietly on the evening breeze. Teach us, O God, to seek presence in the flash and thunder of a springtime storm, in the gentle pattern of a summertime rain. Remind us, O God, that though fall may turn our beloved land dormant brown, Your care and concern remain vital and alive throughout the seasons.

Although You are called by many names, You remain beyond our naming and our taming. Rich, poor, powerful, weak, young or old, courageous or meek, famous or infamous, we are all Your creation. No matter our color, creed, sexual orientation, or nation of origin—we are all Your children, just people seeking to make a life.

O God, we pray for peace and justice in America and throughout our world. Inspire our leaders, make them wise and compassionate. Bless them as they guide our Nation through fearful and chaotic times. Empower them to bring human history into a wondrous era of joy and harmony.

In these things and in all things, Lord, we humble ourselves before You and seek Your guidance. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CHUCK HAGEL led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, July 14, 2004.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHUCK HAGEL, a Senator from the State of Nebraska, to perform the duties of the Chair.
>
> TED STEVENS,
> *President pro tempore.*

Mr. HAGEL thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. STEVENS. Mr. President, this morning there will be a period for morning business for up to 30 minutes with the majority leader or his designee in control of the first 15 minutes and the Democratic leader or his designee in control of the final 15 minutes. Following morning business, we will resume consideration of the motion to proceed to the marriage amendment. The time until 12 noon will be equally divided for debate on the motion. At noon, the Senate will proceed to a cloture vote on the motion to proceed to the joint resolution. The cloture vote will be the first vote of the day.

The leader has mentioned the Australian free trade legislation and the desire to finish that bill this week. In addition, as mentioned last night, the Senate needs to move forward with respect to the FSC/ETI JOBS measure and appoint conferees. Therefore, Senators should anticipate additional votes during the session.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Senate minority leader is recognized.

ORDER OF BUSINESS

Mr. DASCHLE. If I may ask the acting majority leader a question, there was some lack of clarity with regard to the schedule. It appears as if the next order of business will be the Australian free trade agreement. Is it the expectation of the majority that we would take up the Australian free trade agreement this afternoon?

Mr. STEVENS. Mr. President, that is my understanding. However, there was also mention that the leader desires to discuss moving to the JOBS measure. That discussion may take place between the two leaders prior to the cloture vote.

Mr. DASCHLE. I thank the acting majority leader.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 30 minutes, with the first half of the time under the control of the majority leader or his designee and the second half of the time under the control of the Democratic leader or his designee.

The Senator from Nevada.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that both sides, Republicans and Democrats, have their full 15 minutes for morning business.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, that would mean the vote for 12 o'clock may slip a little bit because of the time that is already indicated. I ask unanimous consent that the full hour also be given to each side on the time set for debate on the motion for cloture.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Nebraska.

THE GUEST CHAPLAIN

Mr. HAGEL. Mr. President, I want to briefly recognize the distinguished guest Chaplain this morning from Omaha, NE. Reverend Longbottom is a very important part of our community in Nebraska. His spiritual guidance, his involvement in so many civic activities has set him apart over the years, in part because he is one of those individuals who actually gets down into the universe of areas of concern and applies the spiritual to the practical. For that, our State has benefited greatly. I also wish to recognize Reverend

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Longbottom's wife Lori who accompanied him to Washington as well. We in Nebraska are very proud of the Longbottoms. I am very proud to say a few words about him. I particularly appreciated the President pro tempore allowing me to open the Senate to recognize my constituent and friend, Reverend Longbottom.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Missouri is recognized.

IRAQ

Mr. BOND. Mr. President, I rise to talk about the intelligence we had prior to going into Iraq and the decision that was made overwhelmingly—by I believe 77 votes in this body—to authorize the use of force against Iraq. Today we have received the copy of the Butler report in Great Britain talking about their intelligence failures as well. Lord Butler examined the intelligence the British Government had and found there were problems in their intelligence as well. But they did an in-depth assessment of what they knew then and what they know now.

I thought it was very interesting, since yesterday on this floor a question had been raised about the statement President Bush made in his address to a joint session of both Houses of Congress that Saddam Hussein had sought uranium from Africa.

Conclusion No. 499 in the Butler report is as follows:

> We conclude that, on the basis of intelligence assessments at the time, covering both Niger and the Democratic Republic of Congo, the statements on Iraqi attempts to buy uranium from Africa in the Government's dossier and by the Prime Minister in the House of Commons, were well-founded.

By extension, we also conclude that the statement in President Bush's State of the Union Address of 28 January, 2003, that the British Government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa was well-founded.

In other words, an examination by the committee, headed by Lord Butler, to examine intelligence produced by the British Intelligence Service was accurate, that Iraq was seeking uranium from Africa as part of its nuclear weapons program. So much for the charges by many—some in this body—that there was no basis for this statement that President Bush made, based on British intelligence that Iraq was seeking uranium from Africa and that it was not well-founded. It was. And on that, we now have a conclusion from Lord Butler that was the case.

I think the issue was more fully discussed, obviously, in the conclusions of the Senate Select Committee on Intelligence and in the separate opinion, separate findings produced by Chairman ROBERTS, to which I and other members of the committee signed off.

Today, as I came to work, I heard on the radio a very regrettable and unfortunate opinion piece by a writer from the Washington Post, saying that, obviously, President Bush should not have gone into Iraq, saying in effect that taking down Saddam Hussein was wrong. He was telling our troops, who are on the ground risking their lives—and too many who have given up their lives—we are fighting in vain. That is absolute nonsense. It is regrettable that we have forgotten during a time of war that, generally, politics stops at the water's edge.

As I have mentioned before on the floor, there seems to be a concerted effort by our friends in the other party to contend that, because the intelligence was not as good as it should have been, we should not have gone in and deposed the murderous tyrant who had not only slaughtered tens of thousands of his own people, the Kurds, invaded Kuwait, and threatened Saudi Arabia, but also provided a harbor for terrorists such as al-Qaida and Abu al-Zarqawi's group.

I have had the opportunity to talk to some of the young men and women who have put their lives on the line in Iraq. I would trust their judgment far more than I would trust a political hatchet job by a writer who is trying to score political points against the President and the Vice President.

Let me go back to a couple of conclusions from the Senate Select Committee on Intelligence.

Conclusion 92, on page 345, says:

> The CIA's examination of contacts, training, and safe haven and operational cooperation as indicators of a possible Iraq/al-Qaida relationship was a reasonable and objective approach to the question.

Conclusion 95, on page 347, says:

> The CIA's assessment on safe haven that—that al-Qaida or associated operatives were present in Baghdad and northeastern Iraq in an area under Kurdish control—was reasonable.

In other words, judgments were reasonable that this was a country harboring terrorists. Thinking back, do you know what the President said? He said that we are going to carry the war to the terrorists. We are going to go after them where they hide, where they take refuge. We wiped them out in Afghanistan and we had to go into Iraq where they were also gaining safe haven.

To say we are not significantly safer in the United States, or people around the world, our allies, and free people are not safer as a result of deposing Saddam Hussein is pure nonsense. Unfortunately, we are at war with the terrorists. The terrorists were in Iraq. They had access to the weapons of mass destruction that Saddam Hussein had produced in the past and was willing to produce in the future.

Over the last few days, we all have heard briefings on recent increased threats in the United States. Today, had we not acted in Iraq, we would be even more at risk to the possibility of terror, and the likelihood that those terrorist attacks would have included chemical or biological weapons would have been far greater.

Our examination of what happened, what was going on in Iraq, conducted after the war found there were significant production capabilities for chemical and biological weapons in Iraq. There were terrorists there who were seeking to gain access to these weapons. Did we find large stockpiles? No. Did we expect to find large stockpiles? No. At best, they said the amount of chemical and biological weapons would be less than would fill a swimming pool.

But the problem with these chemical and biological weapons, whether they be ricin, sarin gas, anthrax, or smallpox, very small amounts can cause significant death, damage, and destruction to the United States. The potential to kill people with these deadly biological and chemical weapons was terrific, and we are safer because we took him out.

Do we know if we have captured all of the weapons of mass destruction that he produced? No. We cannot know that. We will find out more, I believe, as the Iraqi Government takes steps, through its own security forces, to go after the known and suspected terrorists, to find where they are. We have heard reports about chemical and biological weapons being dispersed. We cannot confirm where they are. We only hope and pray they are not in the hands of terrorists who have made their way to the United States. But only time will tell.

Conclusion 97, which is on page 348 of the Intelligence Committee report, concluded:

> The CIA's judgment that Saddam Hussein, if sufficiently desperate, might employ terrorists with global reach—al-Qaida—to conduct terrorist attacks in the event of war, was reasonable.

And of course it was reasonable; after all, we already knew Saddam Hussein was supporting terrorists such as the Arab Liberation Front, and he was offering money to the families of suicide bombers, particularly Hamas. We know he had the ability to turn his manufacturing capabilities, with the scientists he had, into the production of chemical and biological weapons.

We know how tragic the terrorist attack of 9/11 was on our soil. We lost over 3,000 people. They used unconventional weapons—airplanes loaded with fuel—to cause those deaths. I tremor to think about what could happen if chemical or biological weapons were used in large areas where unsuspecting civilians are gathered in the United States.

After what happened on 9/11, we had many investigations saying why didn't we put all of those elements together?

They were very fragmentary. We had walls that prevented us from sharing that information among our intelligence agencies. It would have been almost impossible, even in hindsight, to connect all the dots and know what was going to happen on 9/11.

After that, intelligence analysts were under great pressure to try to identify potential attacks on the United States, or the potential use by terrorists of weapons of mass destruction and they overstated many of those conclusions. But what we know from our own experience is that Saddam Hussein consistently engaged in a pattern of denial and deception. He made it very difficult to find out what he was doing. We know from his actions what a deadly, murderous terrorist he was. By removing the Saddam Hussein regime, we eliminated yet another front from which terrorists could operate safely; most importantly, we eliminated the possibility that Saddam's weapons programs in the future could be leveraged by terrorists who seek to destroy us.

Finding huge stockpiles of weapons was not the objective of going into Iraq. The failure to do so should not be taken as a measure of the lack of success in Iraq. Prime Minister Tony Blair today said, on receiving the Butler report, that we were right to go into Iraq. He has been a steadfast ally, and we commend him.

We also have the interim report of the Iraqi Survey Group. We spent a long time listening to Dr. David Kay in our closed sessions, but he has issued an interim report that we can quote. That interim report noted finding "dozens of WMD-related program activities and significant amounts of equipment that Iraq concealed from the United Nations during the Inspections that began in late 2002."

Some of these included, for example:

> A clandestine network of laboratories and safehouses within the Iraqi Intelligence Service that contained equipment subject to U.N. monitoring and suitable for continuing CBW research.

That is chemical and biological weapons research.

> A prison laboratory complex, possibly used in human testing of BW agents, that Iraqi officials working to prepare for U.N. inspections were explicitly ordered not to declare to the U.N.

The PRESIDENT pro tempore. The Senator's time has expired.

Mr. BOND. Mr. President, is there any time remaining on our side?

The PRESIDENT pro tempore. No.

Mr. BOND. Mr. President, I ask for 1 more minute to conclude.

The PRESIDENT pro tempore. I believe the Senator has 49 seconds remaining.

Mr. BOND. Mr. President, I will do the best I can with the time remaining to conclude.

Dr. David Kay said he thought "it was absolutely prudent" going into Iraq. He went on to say:

> In fact, I think at the end of the inspection process, we'll paint a picture of Iraq that was far more dangerous than even we thought it was before the war. It was a system collapsing. It was a country that had the capability in weapons of mass destruction areas and in which terrorists, like ants to honey, were going after it.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, I will use my leader time and reserve the time left under morning business for my colleagues.

INCREASING NUMBER OF UNINSURED FAMILIES IN AMERICA

Mr. DASCHLE. Mr. President, this morning we were again reminded of how much remains to be done in addressing the health care crisis in America. Today's paper has this headline: "Medicare Law Is Seen Leading to Cuts in Drug Benefits for Retirees." According to the article, the government is now estimating that 3.8 million retirees who currently receive prescription drug benefits through their employers will see their coverage reduced or eliminated as a result of the Republican drug law passed last fall.

That is simply unacceptable, and it is only one of the many problems we are facing when it comes to health care. Over the past several years, the cost of health insurance has skyrocketed, and millions more Americans have found themselves uninsured.

A while back, I held a "living room meeting" on health care costs in Sioux Falls. An older, married couple came to that meeting. He's a veteran, 68 years old, with diabetes and congenital heart failure. She's 62, with cerebral palsy. Last year, shortly after the husband retired, this couple learned that the wife's bladder cancer had come back. This couple pays $418 a month in health insurance premiums through COBRA, plus another $400 a month for prescriptions, and more on top of that in co-pays for doctor visits. Soon, their COBRA eligibility will expire.

The husband is on a waiting list—a waiting list—to see a VA doctor. But they don't know how they will pay for the wife's health care after they lose their current insurance coverage. Individual coverage for a 62-year-old woman with cerebral palsy and cancer would be prohibitively expensive—if they could get it at all. So, after nearly 20 years of marriage, this couple is contemplating divorce as the only option for getting essential health care for the wife.

If this Senate wants to protect American families, let's discuss what we can do to make health care more affordable and accessible so that spouses don't have to consider divorcing each other in order to get essential health care.

Forty-four million Americans were uninsured in 2002—the most recent year for which figures are available. That's 2.4 million more Americans without health insurance than the year before—the largest 1-year increase in a decade. Eight-and-a-half-million of those 44 million Americans are children. Sixteen million are women, many in their child-bearing years.

As shocking as those figures are, they tell only half the story—literally. A new study conducted for Families USA, using census data, shows that almost 82 million Americans—one in three Americans younger than 65—were uninsured at some point in the last two years. Two thirds were uninsured for at least six months. Half were uninsured for 9 months or longer.

Who are these people? They're working people, mostly. Eighty percent of uninsured Americans live in families in which at least one adult works. But their employers don't offer health insurance, or their pay is so low they can't afford to buy it. A growing number are middle class. One in four had family incomes between $55,000 and $75,000.

In South Dakota, more than 27 percent of people younger than 65 were uninsured for at least some part of the last 2 years. That's 180,000 people living with the fear that they are just one serious illness or accident away from financial disaster.

In 14 States, according to the Families USA study, more than one-third of all people younger than 65 were uninsured for at least part of the last two years. One in three people. The State with the highest percentage of uninsured was Texas: 43.4 percent.

We have the highest per capita health care spending of any nation on Earth. Yet, in comparison with other developed, high-income nations, the United States consistently scores at or near the bottom on infant mortality, life expectancy, and the proportion of the population with health insurance.

We hear a lot today about who is more optimistic about America's economy and our future. I believe it is pessimistic to look at the state of health care in America today and conclude that we really can't do much better. I believe it is pessimistic to watch the cost of health care increase sharply every year; to watch the number of uninsured Americans grow every year; and to watch more businesses be forced to reduce or eliminate employee and retiree health benefits every year—year after year—and conclude there isn't really much of anything we can do about it. And I believe it is deeply irresponsible for this Senate to spend almost no time on serious discussions of responsible proposals to address this crisis. People all across America are looking to us for help on health care.

Lowell and Pauline Larson are two of those people. I've known the Larsons for years. Lowell is 68, almost 69. Pauline turned 64 on the Fourth of July. They live in Chester, SD. Lowell Larson has worked hard all his life. He started work in a furniture mill in Sioux Falls just out of high school and stayed there for 20 years before he finally got the chance—about 30 years ago—to do what he'd wanted all his life: own his own farm.

It's a small farm—160 acres. The Larsons raised corn and beans and kept a few cows. It's hard work. I don't think Mr. Larson would mind me telling you, he and Pauline don't have much money. Small family farmers don't make much money. Some years, if the weather's bad, or the market is weak, they don't make any money.

What Lowell Larson does have, in abundance, is a strong sense of personal and family responsibility. It's part of the South Dakota ethic. It's what we're taught, and what we teach our children: If someone you love needs help, you help them. And if you owe someone money, you do everything you can to pay them.

When Lowell Larson was a young man, his mother had a stroke. He postponed marriage and spent 20 years caring for her. After his mother died, Lowell met Pauline. At 45, he finally married. A few years later, Pauline began having trouble walking, and she was diagnosed with MS. Over the next few years, she progressed from a cane to a wheelchair.

In early November 2002, Pauline had a serious stroke. She spent a few weeks in the hospital, followed by a few months in a nursing home. Then she had to have her gall bladder removed—more time in the hospital. In less than 2 years, the Larsons ended up with $40,000 in medical bills from Pauline's stroke and surgery. On top of that, they spend more than $200 a month on muscle relaxants and other medications Pauline needs for her MS.

The Larsons used to have private health insurance. But it got so expensive, they gave it up about 5 years ago. "We didn't know she was going to have a stroke," Lowell says.

Today, Lowell Larson gets Medicare. Pauline has a very bare-bones health policy that pays $75 a day for hospital care and $50 a day for nursing home care—nothing else. Last year, the Larsons held a sale. They sold many of their personal possessions and much of their farm equipment to raise money to pay their medical bills. The sale brought in about $30,000. Lowell Larson talked with doctors and hospitals and got them to forgive another few thousand dollars of their debt.

Lowell Larson brought Pauline home from the nursing home about 18 months ago because they couldn't afford the $4,000 a month it cost and because they were both too lonely living apart. These days, Pauline spends most of her time in a hospital bed set up in their home. She has difficulty speaking. She also has trouble using her right arm, which makes it hard for her to feed herself.

It can wear you down, living with the fear that your family is just one more medical emergency away from financial disaster. Lowell Larson says, "A lot of mornings, I wake up around 4:30 or 5 o'clock and I just start worrying about things." The Larsons are counting the days until Pauline turns 65 and can get Medicare.

Since President Bush took office, family health care premiums have increased by more than $2,700 a year. The average cost for a family health plan is now $9,000 a year. Workers pay about $2,400 of that amount out of their own pockets. That's just for premiums. It doesn't include copayments and deductibles. And these are the people in the best situations; they have access to group plans through their employers. This is just one more example of how the middle class is being squeezed in America. Families are paying more for skimpier coverage every year. Unless we act, the number of families without health insurance will continue to grow.

And the consequences of un-insurance are staggering. People without insurance use one-third less health care. They skip preventive care and regular check-ups. They don't fill prescriptions. They postpone surgeries if they can. They live with pain. When they get sick, they crowd emergency rooms where the care they get is often too little, and too late.

In a new survey by the American College of Emergency Physicians and the Robert Wood Johnson Foundation, two-thirds of ER doctors said the uninsured patients they see are sicker than those with insurance, and nearly all—94 percent—said it was harder to schedule needed followup care with uninsured patients.

People without insurance pay more for health care. Hospitals routinely charge uninsured patients up to four times as much as patients with insurance for the same services. Too often, people who are already battling illness find themselves having to fight off aggressive debt collectors, too.

And 18,000 Americans die prematurely every year because they do not have health insurance. Forty-nine people every day.

Our economy also suffers. The Institute of Medicine estimates that lack of health insurance costs America between $65 billion and $130 billion a year in lost productivity and other costs.

Democrats have been leading the fight for universal health coverage in America for decades. We want to work with our Republican colleagues to reduce the number of uninsured Americans and make health care more affordable and accessible.

But the few proposals offered so far by the President and congressional Republicans will not work. Independent studies of these proposals show that they would do little to address soaring health care costs and the growing insurance gap, and, in some cases, they would actually make matters worse.

There are better ideas. Democrats have proposed that, within 2 years, all Americans have access to affordable health care that is as good as the health care members of Congress have—at the same rates, or lower. We ask our Republican colleagues to work with us to make that a reality.

In addition, we should adequately fund the Children's Health Insurance Program. We should also adequately fund the VA and the Indian Health Service—we must keep our promises to America's veterans and honor our treaty obligations to American Indians.

We can reduce the cost of prescription drugs—one of the driving forces behind medical inflation—by letting Medicare negotiate the best prices for American seniors, and by allowing Americans to re-import safe prescription drugs from Canada and other industrialized nations.

I introduced a bill recently that could significantly reduce the number of uninsured Americans and help small business owners create new jobs at the same time. The Small Business Health Tax Credit—S. 2245—would provide small businesses with tax credits to cover up to 50 percent of the cost of their employees' health insurance. These health care tax credits would help businesses save money, which means they will have more money to invest in new equipment, hire new workers, and give their employees raises.

If our Republican colleagues have additional ideas that will actually reduce the cost of health care and increase the number of Americans with insurance, we welcome the chance to work with them on those ideas as well.

What we cannot do is to continue to ignore this urgent problem. Lowell and Pauline Larson sold much of what they owned to pay their medical bills because they take their responsibilities seriously. It's time for this Senate to take seriously its responsibility—to find solutions to reduce the cost of health care and the number of Americans without health insurance.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

ORDER OF PROCEDURE

Mr. REID. I ask unanimous consent that the time allotted under the previous unanimous consent agreement for the Democrats be divided 10 minutes to the Senator from Iowa, Mr. HARKIN, 5 minutes to the Senator from New York, Mr. SCHUMER. Under the previous unanimous consent agreement that had been entered into we have time set aside for Senator LEVIN of 10 minutes. Senator LEVIN will not come. I ask unanimous consent that Senator REED of Rhode Island be inserted in his place.

The PRESIDING OFFICER. Is there objection?

Mr. CORNYN. Reserving the right to object, I am sorry, I was otherwise distracted.

Mr. REID. The Senator does not need to worry. Everything is under control.

Mr. CORNYN. That is what I was afraid of. I want to make sure, are we pushing back morning business?

Mr. REID. No. Morning business is going to proceed, but because of leader time and the prayer and the pledge, morning business did not start until a few minutes later. So the Democrats will now have 15 minutes for morning business and following that we will go into the 2 hours of debate.

Mr. CORNYN. I thank the Senator very much.

Mr. REID. All I was doing is stating that Senator LEVIN will not be here. Senator JACK REED is going to take his place.

Mr. CORNYN. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa.

Mr. HARKIN. I understand I have 10 minutes.

The PRESIDING OFFICER. That is correct.

CLASSIFIED LEAK INVESTIGATION

Mr. HARKIN. Mr. President, today we observe a sad milestone in the scandal and tragedy that some have labeled "leakgate." It has been exactly 1 year, July 14, since two senior White House officials leaked Valerie Plame's identity as a covert operative at the Central Intelligence Agency.

Last July 14, 2003, 8 days after Ms. Plame's husband published an op-ed in the New York Times which questioned information in the President's 2003 State of the Union message regarding a supposed effort by Iraq to purchase uranium from Africa, her identity was revealed in print by columnist Robert Novak. This illegal act should have outraged everyone at the White House. It should have moved President Bush immediately to demand the identity of the perpetrators.

Instead, in his only public statement about this act of betrayal, Mr. Bush smiled—yes, he smiled—and said:

> This is a town that likes to leak. I don't know if we are going to find out the senior administration official. Now, this is a large administration, and there's a lot of senior officials. I don't have any idea.

Again, he said it with kind of a smirk and a wry smile on his face.

I consider that statement to be disingenuous. The number of senior White House officials with the appropriate clearances and access to knowledge about Ms. Plame's identity can probably be counted on one hand, two at the most. If Mr. Bush was serious about identifying the perpetrators, those officials could have been summoned to the Oval Office and this matter would have been resolved in 24 hours.

Now, we are not talking about some little thing happening. This is an illegal action under the law.

Mr. Bush did not question his staff in the Oval Office. There was no outrage at the White House. There were no internal investigations. There was no angry President Bush demanding answers from his senior aides. There was only a cavalier dismissal, followed by a year of virtual silence.

Three decades ago, a previous occupant of the Oval Office, President Nixon, was recorded on audiotape saying to a senior White House official:

> I don't give an [expletive] what happens. I want you to stonewall it, let them plead the Fifth Amendment, cover up or anything else, if it'll save it, save this plan. That's the whole point. We're going to protect our people if we can.

That was Richard Nixon almost 30 years ago. This White House has now delayed any accountability for this damaging and illegal leak for a full year. White House officials who committed this act of treachery presumably are still exercising decision-making power.

Who is the White House protecting? Why? Do we now have a modern day Richard Nixon back in the White House?

And what was the cost of exposing Ms. Plame? Not only her job. As Vincent Cannistraro, former Chief of Operations and Analysis at the CIA Counterterrorism Center, told us:

> The consequences are much greater than Valerie Plame's job as a clandestine CIA employee. They include damage to the lives and livelihoods of many foreign nationals with whom she was connected, and it has destroyed a clandestine cover mechanism that may have been used to protect other CIA nonofficial cover officers.

Valerie Plame's cover was blown to discredit and retaliate against her husband Joseph Wilson. The recent report by the Senate Intelligence Committee provides some insight. It states that back in 2002 when the CIA was searching for someone with connections to Niger to find out about a possible purchase or attempt to purchase uranium by Iraq, she suggested that her husband, former Ambassador Wilson, go as a factfinder. Mr. WILSON was sent there. He reported the claim's lack of credibility to the CIA.

Later that year, the President was to give a speech in Cincinnati mentioning the claim. On October 6, CIA Director Tenet personally called Deputy National Security Adviser Stephen Hadley to outline the CIA's concerns that this claim was not real. And it was then deleted from the President's Cincinnati speech.

Between October 2002 and January 2003, concerns about the claim increased. In January, the State Department sent an e-mail to the CIA outlining "the reasoning why the uranium purchase agreement is probably a hoax."

Here is the troubling aspect: The same official, Stephen Hadley, who spoke with George Tenet and took the claim out of the October speech in Cincinnati, was also in charge of vetting the State of the Union Address. Amazing. If he knew it was a problem and took it out in October, why was it put in for the State of the Union message?

A lot of questions need to be answered. Mr. Bush seemingly does not want to know the identity of the leakers. The White House occupies a small area. The number of employees who are suspect in this matter is small. This should not be like trying to find nonexistent weapons of mass destruction in Iraq.

One year has passed. Perhaps the President and others have already told Special Prosecutor Fitzgerald who is responsible. Perhaps that has happened. If not, I believe it is clear that the President and the Vice President should be put under oath. They need to tell the special prosecutor and the American public who committed these acts. They should be put under oath, questioned, and filmed. Remember, this happened just a few years ago when another President, President Clinton, was put under oath and questioned by the special prosecutor, on film, which we witnessed right here on the Senate floor.

Also, by putting the President and the Vice President under oath and questioning them as they should be questioned, it sends another powerful message to the people of this country: No President, no Vice President, is above the law. President Clinton was not above the law. This President should not be above the law.

I call upon the special prosecutor: Put the President under oath. Put the Vice President under oath. Question them about their knowledge of this incident and let's get this matter cleared up. Find those responsible and prosecute them to the full extent of the law.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I want to follow up on what my colleague from Iowa has had to say. I thank him for his strength and leadership on this issue.

As was mentioned, it is a year ago that Robert Novak published a column outing a covert CIA agent. The next day I called for an investigation.

For about a month not much happened. Then, and I think the record should underscore this, George Tenet, head of the CIA, publicly and privately asked for an investigation, and one began.

I don't have any complaints with the investigation. I think both Mr. Comey and Prosecutor Fitzgerald have done a fine job. I have faith in what they are doing, at least from everything I have heard. But the bottom line is very simple. First, this was a dastardly crime. This is a crime of a serious nature committed by someone in the White House. We know that much. Unfortunately, the attitude of the White House has not been what it should be. There ought to be an attitude there that says this was a terrible crime. To reveal the name of an agent jeopardizes that agent's life and the lives of many others with whom they came in contact. There ought to be every effort to turn over every stone to find out who did this.

There is a lot of speculation it was done for vengeance, to get at Ambassador Wilson. It doesn't matter what the reason is, the bottom line is there is a rule of law in America, and this crime is a lot worse than a lot of crimes that we get prosecutions for. The bottom line is simple. I believe if the President wanted it to come out, and said, It doesn't matter where the chips fall, we are going to find out who did it and bring them to justice, it would have come out already as to who did it.

Instead, we first had stonewalling—no investigation. Now we have an investigation, but everyone is hiding behind the shield laws and other types of things that say this gets in the way of the sanctity of freedom of the press.

That is not true. If the President insisted that every person in the White House sign a statement—not just asked them to do it, insisted—under oath, that they did or did not, and then released the journalists they might have talked to, we would know who did it.

Ultimately, as Harry Truman always reminded us, the buck stops with the President. This is lawbreaking. This is not just political intrigue, this is not just payback, this is lawbreaking of a serious crime. Right now, as we speak, we are trying to build up human intelligence, which fell too far in the CIA. Right now, as we speak, there are American men and women risking their lives in these undercover activities. They know that somebody who did the same has been put at risk, and there is no strong rush to find out who did it and punish them.

That hurts our intelligence gathering. It hurts our soldiers. It hurts the rule of law. On this first anniversary we make a plea to the President: It is not too late. Make every person who worked in the White House during the time of the leak sign a statement under oath either that they did or did not talk to them. If they will not sign it, they should not be in the White House anymore. This is too serious to treat as everyday politics.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I have spoken with the manager of the bill, the Senator from Texas. He has agreed to allow Senator KENNEDY to speak for 5 minutes, and Senator REED to go next.

The PRESIDING OFFICER. The Senator from Massachusetts.

FEDERAL MARRIAGE ACT

Mr. KENNEDY. Mr. President, it speaks volumes that the Senate Republican leadership has taken this disgraceful detour into right-wing campaign politics when so much genuine Senate business is still unfinished, and so little time is left to get it done.

We can't pass a budget. We are far behind in meeting our appropriations responsibilities. So far, in fact, we have passed only 1 of the 13 appropriations bills for the next fiscal year that begins on October 1. We may not see any of these bills acted on, on or before the August recess. Even in the wake of the al-Qaida terrorist threat announced last week by Secretary Ridge, the Senate leadership refuses to proceed with debate and votes on the Homeland Security appropriations bills.

We know many higher priorities should be worked on. Since President Bush took office in 2001, health insurance premiums have soared 43 percent. Tuition at public colleges has risen 28 percent. Drug costs have shot up 52 percent. Corporate profits have risen by over 50 percent. Yet private sector wages are down six-tenths of 1 percent since President Bush took office, and there are 3 million more Americans in poverty.

The Senate Republican leadership has consistently failed to address these and many other urgent priorities. It has taken no action to fix America's broken health care system. It has blocked passage of the Patients' Bill of Rights. It has refused to allow a vote on raising the minimum wage. It has still not scheduled a vote on renewing the existing ban on assault weapons, which will expire September 13.

Rather than deal with these urgent priorities, the leadership is engaging in the politics of mass distraction by bringing up a discriminatory marriage amendment to the U.S. Constitution that a majority of Americans do not support.

Conservative activist Paul Weyrich explained the partisan GOP strategy in a recent e-mail newspaper. President Bush has "bet the farm on Iraq" he wrote, and the best solution to his declining poll numbers is to "change the subject" to the Federal marriage constitutional amendment. Weyrich acknowledged that doing so might cost the President votes from gay and lesbian Republicans, but he is not troubled about it. "Good riddance," he wrote.

We all know what this issue is about. It is not about how to protect the sanctity of marriage or how to deal with activist judges. It is about politics. I might say, of the activist judges, of the seven judges who drew the decision in Massachusetts, six of them were appointed by Republicans.

This is about politics, an attempt to drive a wedge between one group of citizens and the rest of the country, solely for partisan advantage. We have rejected that tactic before, and I am hopeful we will do so again.

I am also hopeful that many of our Republican colleagues, those with whom we have worked over the years in a bipartisan effort to expand and defend the civil rights of gay and straight Americans alike, will join us in rejecting this divisive effort. There is absolutely no need to amend the Constitution on this issue. As news reports from across the country make clear, Massachusetts and other States are already dealing with the issue and doing it effectively and doing it according to the wishes of the citizens of their State. No State has been bound or will be bound by the rulings and laws on same-sex marriages in any other State.

The Federal statute enacted in 1996, the Defense of Marriage Act, makes the possibility of nationwide enforceability even more remote. Not a single State or Federal court has called the constitutionality of that act into question.

Furthermore, not a single church, mosque, or synagogue has been required or ever will be required to recognize same-sex marriages. As the First Amendment makes clear, no court, no State, no Congress can tell any church or any religious group how to conduct its own affairs. The true threat to religious freedom is posed by the Federal marriage amendment itself, which would tell churches they cannot consecrate a same-sex marriage, even though some churches are now doing so.

Given these indisputable facts, the proponents of the Federal marriage amendment have built their case upon a tower of speculation and conjecture—an attempt to conjure up a national crisis where none exists.

This is a wholly insufficient basis for even considering a proposed constitutional amendment on the Senate floor, much less voting for it. If it is not necessary to amend the Constitution, it is necessary not to amend it.

I urge my colleagues to show respect for our country's Constitution and its principles and traditions, and not play partisan campaign politics with the foundation of our democracy. I urge them to reject this discriminatory and unnecessary proposal.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I don't believe the Chair has announced the resolution is before the Senate. Is that right?

The PRESIDING OFFICER. That is correct.

Mr. REID. I ask the Chair to do that and I ask unanimous consent that Senator KENNEDY's time be counted against the unanimous consent agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

FEDERAL MARRIAGE AMENDMENT—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S.J. Res. 40, which the clerk will report.

The assistant legislative clerk read as follows:

> A motion to proceed to the consideration of Senate Joint Resolution 40, a joint resolution proposing an amendment to the Constitution of the United States relating to marriage.

The PRESIDING OFFICER. Under the previous order, the time until 11:45 shall be equally divided between the chairman and ranking member or their designees.

The Senator from Rhode Island.

Mr. REED. Mr. President, I rise today in opposition to the amendment that is before us. First, Congress has already addressed this issue in a statute that has yet to be effectively legally challenged. Second, amending the Constitution should be the last resort and not the first response when it comes to an issue of this type. Third, issues involving family law matters are and have been historically the purview of State legislatures and State courts. Finally, while there is great interest on the part of some in this Constitutional amendment, our Nation faces the far more pressing threat of terrorists committed to attacking us here on U.S. soil. There is so much more we can and should do with respect to that looming threat.

Several years ago in response to developments in Hawaii and elsewhere, Congress, along with then-President Clinton's support, enacted the Defense of Marriage Act, known as DOMA. DOMA put into Federal law a clear and precise definition of marriage as follows:

> . . . the word "marriage" means only a legal union between one man and one woman as husband and wife, and the word "spouse" refers only to a person of the opposite sex, who is a husband or a wife.

In the face of this clear language in the statute, it is amazing to me we would disregard the wisdom of our Founding Fathers and attempt to enshrine in the Constitution this principle without testing the constitutionality of this statute. Since it was first written and with the addition of the Bill of Rights in 1791, our Constitution has only been amended 16 times. The vast majority of these amendments dealt with the separation of powers and structure of our Government, the right to vote, power to tax, and other issues that, frankly, are only issues that can be decided through Constitutional amendment. The amendment that is before us today has not yet risen to this level of interest and concern.

First, as I indicated, Congress has already addressed the issue of what marriage is, and that law to date has not been challenged in a meaningful way. So there is no definitive finding of the constitutionality of DOMA. Indeed, typically the first step when one seeks to pursue a constitutional remedy is to determine whether the statutes are adequate. That has not been done.

Second, only one State in our Nation has recognized same-sex marriage, and that decision has yet to impact other States.

I would suggest to my colleagues that now is not the time to play politics in an election year with the Constitution of the United States.

I believe it is also important to note that the Founding Fathers in their wisdom established a Federal system of Government that intentionally left many critical issues to the control of State legislatures and State courts. This system has served our Nation extremely well, and I fear this amendment, if adopted, would lead to a succession of proposals to federalize family law and to federalize other issues that have been the purview of States since the beginning of our country.

Also, it strikes me as a misplaced priority when it comes to all the other issues that face us today—issues of funding homeland security, issues pertaining to health care, issues that are affecting the lives of every family in the country—to be here today and debating a proposal that does not have the majority support of the American public. In an ordinary time, debating any issue might be justified, but this is not an ordinary time.

As we were reminded last week by Governor Ridge and Mr. Mueller of the FBI, there are those who are plotting today to attack us in our homeland, and yet here we are talking about the issue of a relationship between two consenting adults.

We have 30 days left on the majority leader's schedule, and apparently we are going to spend our time on these types of divisive issues. That is not how I think we should properly spend our time. I think we should commit ourselves to dealing with the issues that pertain to every American family—issues of health care, issues of security, both economic and international.

Today we are spending time on an amendment which will not pass, which is not supported by the majority of Americans, and which defers us and deflects us from concentrating on the issues I think can help Americans.

Finally, I know many of my constituents are gays and lesbians in long-term relationships. While I myself believe civil unions are perhaps the best place to begin to publicly acknowledge these relationships, I want to recognize that the impetus behind the push for gay marriage comes from a desire for security and serious, committed relationships by many adult Americans.

In closing, let us heed the wisdom of our Founding Fathers. The States are simply the correct place for the regulation of marriage, and this kind of election-year politicking, which suggests an intolerance toward many of our constituents and neighbors, is plain wrong.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, when I came to the Senate I learned a new aphorism, referring to the debates and sometimes repetitive arguments you tend to hear by Members of Congress. Someone told me: "Well, everything has been said; it is just not that everyone has had an opportunity to say it yet."

Sometimes I wonder if that reflects the fact when we are debating important issues like this, people aren't listening or maybe they made up their minds and they are not open to the facts or persuasion or perhaps some preconceived notion they have about the motivation for legislation is flat wrong, but they have already locked in, they have already gone public, they have taken a position and then it becomes two contending adversaries across some demilitarized zone and we try to fight it out the best we can and then count the votes.

But I think two things are most important about this debate. Despite some of the repetition of erroneous arguments, we have had an important debate. I think two things will come out of this that have been very positive, regardless of what happens in the vote today.

First, we have had a debate on the importance of traditional marriage, the importance of the American family and steps we should be taking in order to preserve the traditional marriage and American family and to work in the best interests of children. That is a debate that has been long overdue. I am told it has been perhaps at least 8 years, since the passage of the Defense of Marriage Act, since this body has even talked about the most basic building block in our society. I think that has been very positive.

I also think it has been positive that we have been able to direct the American people's attention to the erosion of our most fundamental institutions by judges who seek to enforce their personal political agendas under the guise of interpreting the Constitution.

Now I come to the Senate and hear some of my colleagues, including the Senator from Massachusetts, say this is all part of a right-wing conspiracy, or words to that effect. Surely, when the Defense of Marriage Act passed in 1996 by a vote of 85 Senators, an overwhelming bipartisan consensus which defined marriage as a union of a man and a woman, that was not the product of a vast right-wing conspiracy. Indeed, that was the Senate and Congress functioning at its best, coming together to protect the fundamental institution, one we have fought hard and should continue to fight hard to preserve and protect against all challenges.

We have heard and I have read in the press that this side of the aisle has been castigated for not accepting the Democratic leader's offer to go to an up-or-down vote on this amendment. The problem is, of course, that they only tell half of the offer. The other part of the offer was banning consideration of any further amendments that might be offered in the Senate—in other words, constraining the debate, stifling the debate, and limiting the right of any Senator on any piece of legislation, whether it is a constitutional amendment or an ordinary bill, to offer alternatives for the body to consider as a means of advancing the debate.

My understanding is the majority leader countered by saying, okay, we will go to an up-or-down vote, but we are not going to limit our right to offer amendments. The amendment most talked about is the so-called Smith amendment, which is, lo and behold, the first sentence of the amendment offered by Senator ALLARD hardly a surprise to anybody—which merely defines marriage as a union between one man and one woman. Our colleagues on the other side of the aisle were apparently afraid to allow the Senate to consider alternatives as a way of advancing the debate because they were afraid an alternative, perhaps along the lines of Senator SMITH's amendment, the one-sentence amendment, would garner more votes. I am advised it would garner perhaps as many as ten new votes.

Mr. CARPER. Will the Senator yield?

Mr. CORNYN. I will gladly yield after I complete my remarks.

It is a bogus offer. It is a bogus argument that somehow by refusing their attempt to stifle the debate and stifle the amendment process that this has somehow become nothing but bare partisan politics.

There are those who would raise their voices, those who would call Members names, Members who believe it is important to defend the traditional institution of marriage, in hopes we would lose the courage of our convictions. In hopes that we would simply be silent while we see the ongoing march of litigation as part of a national strategy to undermine the traditional institution of marriage that we know is the most important stabilizing influence in our society and one that functions in the best interests of our children. But we are not going to lose the courage of our convictions. We are not doing to sit on the sidelines. We are not going to be quiet. We are not going to give up. In fact, regardless of how this vote turns out at noon today, I know of no important piece of legislation considered by Congress that has been successful the first time it has been introduced into the Senate.

What I have learned is probably the most important characteristic of a Member of the Senate is someone who is willing to persevere over weeks and months and even years until ultimately they are able to see the fruit of their labor and the legislation they have sponsored be accepted by the Senate. It is part of a building process, it is part of an awareness process that is very important.

Part of the awareness process is also to knock down some of the unfounded statements that are made during the course of the debate. It was, I believe, the Senator from Massachusetts who said that no court has called the Defense of Marriage Act into question. Perhaps he was not able to listen yesterday when I read a paragraph out of the Massachusetts Supreme Court decision in Goodridge, relying on the case of Lawrence v. Texas, that plainly calls the constitutionality of the Federal Defense of Marriage Act into question. As a matter of fact, you cannot really believe, as the court did, that the marriage laws of Massachusetts were unconstitutional and believe that the Defense of Marriage Act is constitutional as well.

To be fair, the unconstitutionality of the Defense of Marriage Act is an argument the Senator from Massachusetts made back in 1996 when he voted against the Defense of Marriage Act, as did the other Senator from Massachusetts, Senator KERRY, who voted against the Defense of Marriage Act then and who stated that if passed, it would be unconstitutional. This has been a consistent theme, although they have some of their facts wrong. I hope that helps clarify.

The question before the Senate today is simple: Do you believe traditional marriage is important enough that it deserves full legal protection? As I said, an overwhelming bipartisan consensus in 1996 voted that it did by passing that statute. President Clinton said as much by signing that legislation into law in 1996.

This debate is important. It is long overdue because we have, in essence, a stealth operation going on today. It is an effort where a handful of courts around the country, as well as those who have engaged in a nationwide litigation strategy, are basically operating off the radar screen of most Americans. The only time the American people know very much about it is when a blockbuster decision is handed down, such as the Massachusetts Supreme Court in May of this year, or when they happen to see local officials engaged in civil disobedience, for example, in San Francisco, issuing same-sex marriage licenses and same-sex marriages in that location.

This is not, despite the wishes of some of the people who are opposed to this amendment, something that can be solved at the State level. I believe in the principle of federalism. I believe people at the local level, closest to the problem, are best prepared and are in the best position to try to address that problem. But we have seen how, with one State recognizing same-sex marriage, people have moved now, we know, to 46 different States and how there are lawsuits pending in at least 10 of those States—and no one knows how many there will be in the future—seeking to compel those States, in violation of their current State law, to recognize those same-sex marriages.

Some people have said, don't worry. The Senator from New York, Senator CLINTON said, don't worry, we do not have to amend right now, we can wait until after the Federal Defense of Marriage Act is held unconstitutional. In fact, she said no one had challenged it, and I have attempted to clarify that by my earlier statements.

In the interest of completeness, let me ask unanimous consent to have printed in the RECORD the cover sheet from a lengthy petition in both cases, one filed in the Western District of Washington, in re Lee Kandu and Ann C. Kandu, and another complaint, Sullivan v. Bush, filed in Federal court, the Southern District of Florida, Miami Division, seeking to hold the Federal Defense of Marriage Act unconstitutional as a matter of Federal law.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNITED STATES BANKRUPTCY COURT FOR THE WESTERN DISTRICT OF WASHINGTON

In re Lee Kandu and Ann C. Kandu, Debtors; No. 03–51312; reply of petitioner Kandu to show cause order.

Petitioner Lee Kandu submits this reply to the United States Trustee's Response to the order to show cause why the joint petition should not be dismissed. As explained below, the government has failed to respond directly to the legal issues presented by this case—issues never before considered by this or (to the best of petitioner's knowledge) any other court as to the proper construction and constitutionality of the federal Defense of Marriage Act ("DOMA"). To the extent that the government does touch on the issues presented by this case, the government's arguments are based on outdated case law and lack merit.

ARGUMENT

I. Applying DOMA to Section 302 of the Bankruptcy Code Would Violate the Tenth Amendment

It is well settled that the Tenth Amendment prohibits Congress from usurping the powers not delegated to it by the Constitution. It is also well settled that "the regulation of domestic relations has been left with the States and not given to the national authority." Williams v. North . . .

UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF FLORIDA, MIAMI DIVISION

Civil Action No. 04–21118: F.D.R. "Fluffy" Sullivan and Pedro "Rock" Barrios; Cynthia Pasco and Erika Van der Dijas; Michael Solis and Jesus M. Carabeo; and Jason Hay-Southwell and William Hay-Southwell, Plaintiffs, v. John Ellis Bush, in his official capacity as Governor of the State of Florida, and Charles J. Crist, Jr., in his official capacity as Attorney General of the State of Florida; and Harvey Ruvin, in his official capacity as Clerk of the Circuit and County Courts, Miami-Dade County, Florida; and John Ashcroft, in his official capacity as Attorney General of the United States, Defendants.

COMPLAINT FOR DECLARATORY JUDGMENT

CLAIM OF UNCONSTITUTIONALITY

1. This Court has jurisdiction pursuant to 28 U.S. Code 1331. This is a civil action arising under the Constitution and laws of the United States presenting a substantial Federal question.

2. Venue is properly in the Southern District of Florida, Miami Division, pursuant to 23 United States Code 1391. All of the Defendants reside in Florida and all have offices for the conduct of official business in Miami-Dade County, Florida: also a substantial part of . . .

Mr. CORNYN. Some have said there are more important issues to debate. Certainly, the Senate has debated and I hope and trust we have passed legislation that has done a lot of good on behalf of the people who sent us here. If we haven't, we have not been doing our job. I believe we have a record we can be proud of when it comes to defending America and the war on terrorism, when it comes to rejuvenating our economy to see it come roaring back the way it has, indeed, providing a prescription drug benefit to senior citizens.

We have done a lot of which we can be very proud. And for someone to stand up and say that preservation of traditional marriage is not important enough for us to talk about, to me, is breathtaking in its audacity and its sense of obliviousness to what the concerns are of moms and dads and families all across this country.

We know for years, for a variety of reasons, the American family has been increasingly marginalized. We know we have a crisis in this country of too many children being born outside of wedlock, too many marriages ending in divorce, and too many children being raised in less than optimal circumstances, putting them at risk for a whole host of social ills for which ultimately the American taxpayer has to pick up the tab. And I have not even mentioned the human tragedy involved, as some child fails to live up to their God-given potential.

I do not believe that we can remain neutral or to remain merely spectators in this further marginalization of the American family. We cannot allow for a process that puts more and more children at risk through a radical social experiment. And if we want to look for the only evidence that we know is available, we can look to Scandinavia, where less people get married, more children are born out of wedlock, and more children become, thereby, the responsibility of the State.

It is not good for them, it is not good for us, and we should not, without letting the American people have a voice in the process, merely sit back while judges radically redefine our most basic societal institution.

Now, let me click through a number of other arguments that have been made.

I know Senator DURBIN has said we should not talk about constitutional amendments during an election year. My question to him is: Isn't Congress still in session? Aren't the American taxpayers still paying us to do our job? As a matter of fact, six times Congress has successfully proposed amendments in an election year.

Some have claimed that the text that is before us—Senator ALLARD's amendment—prevents States from enacting civil unions if they should wish to do so through their elected representatives. Yet the Democrats' own legal expert, Professor Cass Sunstein, answered this very question: Of course not. This amendment does not prevent the States from enacting civil unions should they decide to do so.

Some have even gone so far as to claim that the Allard text would regulate private corporations, churches, and other private organizations. As the Presiding Officer well knows, and as virtually everybody in this body should know, the Constitution regulates State actors, not private actors. These arguments do not hold water. But they do not have to work for our opponents on this issue to say them because that is not the point. The point is, if you cannot convince them, confuse them. Their aim is to distract the American people away from the real question, which is, as I said at the outset: Do you believe that traditional marriage is important enough that it deserves full protection under law?

I would ask the opponents of this amendment, if you believe in traditional marriage—as some of you but certainly not all of you have said you do—but you do not support this amendment, what is your plan? What do you think the American people should do when courts run red lights and act in excess of their authority by legislating from the bench, redefining our most basic institutions? What are you going to do to stand up on behalf of the American family to prevent the increasing marginalization of the American family?

But I am confused by the arguments that are made by some on the other side of this issue. When some of their very own leaders say the Defense of Marriage Act is unconstitutional—such as Senator KENNEDY, Senator KERRY—when your very own leaders say, as the senior Senator from Massachusetts did yesterday, that traditional marriage is a "stain on our laws"—repeating the language of the Massachusetts Supreme Court in saying that traditional marriage is a "stain that must be eradicated" because it, in essence, represented discrimination—what do the opponents of this amendment think we should do? Do you want the courts to strike down traditional marriage? What you are saying is that you do not want the American people to know about it, much less have a voice in correcting this radical social experiment.

Of course, everyone has a right to file lawsuits. But the American people have rights, too, rights preserved by Article V of the U.S. Constitution, which provides a process of amendment, particularly when courts engage in a radical redefinition of our most basic institution under the guise of interpreting the Constitution. Indeed, the only way the American people have of responding is through a constitutional amendment. So we have no choice but to offer this amendment by way of response.

I think no one should be fooled into thinking that on this side of the aisle we are afraid of a full and fair debate and a vote on the various proposals that may come to the floor. But, indeed, under the offer made by the Democratic leader last Friday, it would have cut off any amendments, would have stifled a full debate, which I think has been on the whole very positive.

I appreciate my colleague for letting me finish my prepared remarks. I do not know if he still has a question, but I would be glad to respond if he does.

Mr. CARPER. I do. I thank my colleague for yielding. There is a question I want to ask. But let my just say, first of all, I think you know how much I respect you and the high regard I have for you and how much I enjoy working with you. We agree on a lot of things. And there are one or two things we do not agree on, and that is, I think, to be expected.

The issue that you raised early in your remarks is one I want to come back to; and that is, the question of whether we should in some way have an up-or-down vote on the amendment that is before us, or if there should be opportunities for other colleagues, Republicans and Democrats, to offer their own amendments to this underlying amendment.

I think the concern for our side is that we are mindful of the possibility of this not being just a debate, an opportunity to address whether there should be a constitutional amendment as marriage being between a man and a woman, but an opportunity to consider other issues of a constitutional nature.

There are people on our side interested in amendments that deal with campaign finance, in restricting money spent on campaigns. That is one example.

As a Member of the House, when I served with Senator SANTORUM over there, we were great proponents of something called a balanced budget amendment to the Constitution, not one that mandated a balanced budget, but one that said: Shouldn't the President be required to propose a balanced budget? And shouldn't we make it a little more difficult for the Congress to unbalance that budget?

There are a number of constitutional amendments that are floating out there on your side and on our side. Here is my question.

Mr. CORNYN. Mr. President, I would be glad to respond to my colleague's question, but I first ask unanimous consent that the time engaged in question and answer be charged to the other side, in fairness.

The PRESIDING OFFICER. Is there objection?

Mr. CARPER. I will not object.

Mr. CORNYN. I thank the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARPER. I just ask that the response come out of your time.

Mr. CORNYN. I would be glad to respond to that because I think that is an important issue. No one has suggested we should not make this discussion about preserving traditional marriage. I would say there was no attempt to try to limit any debate, any amendments that might be offered—for example, the single-sentence amendment, which is the first sentence of Senator ALLARD's amendment—to amendments that are germane to the preservation of traditional marriage.

So I must say that while I respect my colleague—and he knows that, and, as he said, there are many things we agree on—I simply disagree that our refusal to take the offer that would allow no amendments, whether or not they are germane to the issue of traditional marriage, in no way opens this matter up to non-germane or extraneous amendments.

I would be pleased—at least speaking personally; of course, any Senator could lodge an objection to the unanimous consent request—for us to stay on the subject because I think this has been a very helpful debate.

I would also ask unanimous consent that a letter to Ms. Margaret A. Gallagher dated July 11, 2004, and a letter from the Liberty Counsel dated July 10, 2004, be printed into the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE BECKET FUND
FOR RELIGIOUS LIBERTY,
Washington, DC, July 11, 2004.

MS. MARGARET A. GALLAGHER,
President, Institute for Marriage and Public Policy, Washington, DC.

DEAR MS. GALLAGHER: Your Institute and others have asked us to examine whether the proposed Federal Marriage Amendment ("FMA") would violate the principle of religious liberty. In particular, you have first asked whether the FMA would reach private action in light of the fact that the FMA contains no express provision limiting its reach to state action only. Second, you have asked us to consider what the practical consequences for religious liberty would be should the FMA become law. That is, you have asked us whether it will trigger a "witch hunt" against religious organizations and individuals that choose to conduct or participate in religious ceremonies which they refer to as weddings.

You have provided us with an opinion letter by David Remes (the "Remes Letter") which answers both questions in the affirmative. Our strong belief is that the Remes Letter is mistaken on both counts. The FMA would not reach private action, and the parade of horribles it posits is unlikely in the extreme.[1]

At the outset we wish to emphasize that the Becket Fund is a nonpartisan, interfaith, public-interest law firm that protects the free expression of all religious traditions. We have represented religious congregations that have come down on both sides of the debate over the FMA. We have for example represented Unitarians, who do not support the FMA, and more conservative congregations who do. We have represented a wide assortment of faiths, including a variety of Jewish and Christian congregations, Buddhists, Muslims, Native Americans, Sikhs, Hindus, and Zoroastrians, whose views on the FMA are unknown to us. We have also represented religious congregations who take opposing positions on the moral issue of homosexual behavior itself. We have on the one hand represented congregations that condemn not only gay marriage but also gay sex, and on the other, at least one congregation (the Come As You Are Fellowship in Reidsville, Georgia) that openly welcomes gays. Had we concluded that the FMA would violate the principle of religious liberty we would have been at the forefront of the effort against it. We have, however, concluded otherwise.

THE FEDERAL MARRIAGE AMENDMENT WILL NOT REACH PRIVATE ACTION

The Remes Letter argues that the FMA "by its own terms" reaches private action. The Remes Letter concludes this simply from the fact that the FMA does not state otherwise. But more than 100 years ago the Supreme Court settled the point that constitutional provisions that do not facially restrict themselves to state action cannot be assumed to reach private action. In *United States* v. *Cruikshank*, 92 U.S. 542 (1875), the United States attempted to prosecute one group of private citizens for "banding and conspiring" together to deprive another group of citizens of, among other things, the "right to keep and bear arms for a lawful purpose." Id., 92 U.S. at 545. The government's indictment was based on the argument made by the Remes Letter—because the Second Amendment did not limit itself facially to state action, but simply stated that "[a] well regulated Militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed[,]" private actors could be indicted for attempting to deprive others of those rights. U.S. CONST. amend. II; *Cruikshank* at 548. The Supreme Court rejected that reasoning out of hand: "The second amendment declares that it shall not be infringed; but this, as has been seen, means no more than that it shall not be infringed by Congress. This is one of the amendments that has no other effect than to restrict the powers of the national government, leaving the people to look [to the state police power] for their protection against any violation by their fellow-citizens of the rights it recognizes."—*United States* v. *Cruikshank*, 92 U.S. at 553. Had the Court ruled otherwise and applied to the Second Amendment the strained interpretation that the Remes Letter applies to the FMA, much mischief would have resulted. Churches, synagogues, and mosques for example, could not prevent persons from wearing firearms on the premises without thereby violating the Constitution.

The Remes Letter theory, if true, would lead to equally strange interpretations of other Amendments. The Third Amendment, which prohibits the quartering of troops in private homes during time of peace without the consent of the owner—but which does not explicitly limit its scope to state action—would make it unconstitutional for a tenant to sublease his apartment to a military officer whom his landlord found objectionable. Every petty theft would constitute a violation of the Fourth Amendment because that Amendment does not explicitly limit its condemnation of unreasonable seizures to state actors. Excessive spanking would arguably violate not only child abuse laws but the constitution itself, because it might be construed to be cruel and unusual punishment under the Eighth Amendment, which also does not expressly limit its scope to state action. None of these examples are the law, precisely because it has long been settled that constitutional provisions that do not expressly limit themselves to state action nevertheless do not ordinarily reach private action.[2]

The sole exception—and curiously the only example the Remes Letter cites—is the Thirteenth Amendment, which bans slavery. To remove that evil root and branch, it was necessary to take the extraordinary step of a constitutional provision that reached both public and private action. See, e.g., *United States* v. *Nelson*, 277 F.3d 164, 175 (2d. Cir. 2002) (history shows that unlike other amendments, the Thirteenth Amendment "eliminates slavery and involuntary servitude *generally*, and without any reference to the source of the imposition of slavery or servitude" and therefore "reaches purely private conduct." (emphasis added)).[3]

By contrast, to achieve the FMA's objective, it is not necessary to reach private action. The FMA is occasioned by the interplay among state court decisions requiring that civil marriage be available to same-sex couples and the Full Faith and Credit Clause of the federal constitution. That Clause requires in general that civil marriages performed in one state be recognized in all other states. Thus, without the FMA, the argument goes, same-sex couples civilly married in Massachusetts must be considered civilly married in Alaska as well. However, the Full Faith and Credit Clause simply does not apply to purely religious ceremonies. Unlike uprooting slavery, therefore, preventing civil same-sex marriage from spreading via the Full Faith and Credit Clause does not require reaching private action. The general rule of the Second, Third, Fourth, and Eighth Amendments therefore applies, and not the exception of the Thirteenth.

Put differently, the historical context of the FMA informs its construction, just as the historical context of the adoption of the Bill of Rights informs construction of the Second, Third, Fourth, and Eighth Amendments, and the Civil War and Reconstruction provide the historical context that informs construction of the Thirteenth Amendment. Indeed, the FMA refers in its second sentence to state and federal constitutions—an unmistakable allusion to the actions of the Massachusetts Supreme Judicial Court in *Goodridge* v. *Department of Public Health*, 798 N.E.2d 941 (Mass. 2003) and other courts which have engendered the confusion to which the FMA is addressed.

In sum, it strikes us as past fanciful that courts construing the FMA would abandon the general rule adhered to in the Second, Third, Fourth and Eighth Amendments, and grasp at the exception of the Thirteenth. The FMA thus causes us no anxiety for the religious liberty of those of our clients who might wish to conduct ceremonies for gay couples.

THE FMA WILL PROTECT RELIGIOUS LIBERTY MORE THAN IT WILL THREATEN IT

We next examine the Remes Letter's suggestion that should the FMA become law, it would occasion a witch hunt against those congregations and individuals who might seek to hold or participate in religious ceremonies for gay couples. The short answer to this fear is that the FMA does nothing but restore the status quo that has until very recently obtained in all 50 states since the Founding. We are aware of no such witch hunt ever being conducted against Unitarians or other groups who support same-sex marriage, whose tax exemptions seem to us as secure today as they ever have been. In those instances (overlooked by the Remes Letter) where same-sex marriage ceremonies have become the subject of litigation, the prosecutors have been clear that the crucial distinction lies between a purely religious ceremony, which the law will not disturb, and those ceremonies that purport to invoke state law and confer state benefits ("By the authority vested in me . . . ."), which would be illegal. See Thomas Crampton, Two Ministers are Charged in Gay Nuptials, N.Y. Times, March 16, 2004, at B1 (charges based on fact that ministers "have publicly proclaimed their intent to perform civil marriages under the authority vested in them by New York state law, rather than performing purely religious ceremonies.")[4] That seems to us to be the appropriate line to draw.

By contrast, in the short time since the Massachusetts Supreme Judicial Court handed down *Goodridge*, ordering gay marriage in the Commonwealth, a large number of serious questions have emerged about the rights of religious organizations who are conscientious objectors to that ruling. For example, Catholic colleges and universities there have started examining whether the schools must now provide married student housing to legally married gay couples.[5] Similarly, religious employers that provide health and retirement benefits to the spouses of married employees may risk liability for withholding those benefits from same-sex spouses.

On top of these liability risks, resisting churches are more likely to face selective exclusion from public facilities, public funding streams, and other government benefits. The Boy Scouts, whose right to exclude openly gay scouts from leadership was confirmed in *Boy Scouts of America* v. *Dale*, 530 U.S. 640 (2000), have been the target of state and local governments who have sought to exclude the Scouts from public benefits they have long enjoyed. Throughout Connecticut, for example, the Boy Scouts were denied participation in the state's payroll deduction charitable giving program. See *Boy Scouts* v. *Wyman*, 335 F.3d 80 (2d Cir. 2003). Similarly, the New York City Council recently passed a law to exclude any contractor from doing more than $100,000 worth of business with the City, if the contractor refuses to extend health benefits to same-sex domestic partners. As a result of their religious convictions, groups like the Salvation Army—which has provided the City with millions of dollars in contract services for the needy—will be excluded from participation in government contracts. Such sanctions can only be expected to increase under a regime of same-sex marriage.

Moreover, the *Goodridge* decision is having an impact on individuals as well. One Massachusetts Justice of the Peace has already resigned, because she could not perform same-sex marriages in good conscience and Massachusetts refuses to provide an opt-out for conscientious objectors. Thus we are concerned that, whatever religious liberty problems there might be at the margins should the FMA become law, there will be far more problems if it does not.

CONCLUSION

For the reasons set forth above, it is our opinion that the FMA would not reach private action and would sufficiently protect religious liberty from unwarranted state intrusion.

Very truly yours,

KEVIN J. HASSON,
Chairman.

END NOTES

[1] The Remes Letter raises an assortment of other objections to the FMA that are beyond the scope of this letter.

[2] See, e.g., *Katz* v. *United States*, 389 U.S. 347, 350 n.5 (1967) ("The Third Amendment's prohibition against the unconsented peacetime quartering of soldiers protects another aspect of privacy from *governmental* intrusion." (emphasis added)); *Terry* v. *Ohio*, 392 U.S. 1, 9 (1968) ("wherever an individual may harbor a reasonable expectation of privacy, he is entitled to be free from unreasonable *governmental* intrusion" (emphasis added)); *Ingraham* v. *Wright*, 430 U.S. 651, 664 (1977) (Eighth Amendment designed "to limit the power of those entrusted with the criminal-law function of *government*" (emphasis added)).

[3] The same was true of Prohibition, enacted by the Eighteenth Amendment, until it was repealed by the Twenty-first Amendment.

[4] The case the Remes Letter does cite is idiosyncratic. *Shahar* v. *Bowers*, 114 F.3d 1097 (11th Cir. 1997) involved a lawyer recruited to join the office of Georgia Attorney General Michael J. Bowers (of *Bowers* v. *Hardwick* fame) who publicly championed her lesbian relationship at a time that sodomy was still illegal in Georgia. In its essence this was not a case about religious ceremony, so much as it was a case about demonstrated poor judgment. Id. at 1106, 1110. The outcome in *Shahar* would in any event have not been affected by the FMA becoming law.

[5] Rhonda Stewart, "Catholic Schools Studying Gay Unions," The Boston Globe (May 16, 2004).

LIBERTY COUNSEL,
Orlando, FL, July 10, 2004.

THE FEDERAL MARRIAGE AMENDMENT PRESERVES MARRIAGE AS THE UNION OF ONE MAN AND ONE WOMAN AND IS CONSISTENT WITH CONSTITUTIONAL JURISPRUDENCE AND FEDERALISM

We write this letter on behalf of a broad coalition of policy, religious and legal organizations and individuals to address several issues raised in a June 24, 2004 Covington & Burling memorandum (the "Covington Memo"). When read in conjunction with a July 2, 2004 letter we prepared concerning the legal attacks being waged against marriage in the courtrooms, it becomes clear that the federal marriage amendment must pass.[1]

In an effort to provide a ready reference to the arguments raised in the Covington Memo, we will address each of their arguments in order. Contrary to the conclusions reached in the Covington Memo, the Federal Marriage Amendment ("FMA") preserves marriage as the union of one man and one woman in a way that is consistent with constitutional jurisprudence and federalism. Accordingly, in the first section of this letter, we rebut the argument that "The FMA is Ambiguous and Self-Contradictory." The second section exposes the intellectual dishonesty in the argument that "The FMA Would Threaten Private Recognition of Marriage of Same-Sex Couples, Even By Religious Bodies." The third and fourth sections reveal the analytical error in the arguments that "The FMA Displaces Democratic Decision-making" and the "The FMA is Inconsistent with Principles of Federalism." The fifth section addresses the argument that "The FMA Would Constrain All Three Branches of Government." The final section discusses the current legal battles taking place, which undermines the argument, that "The FMA Would Precipitate Continuing Struggle."

I. THE TWO SENTENCES IN THE CURRENT FMA ARE CONSISTENT

The two sentences in the current FMA are consistent with each other. The current FMA provides that "Marriage in the United States shall consist only of the union of a man and a woman. Neither this Constitution, nor the constitution of any State, shall be construed to require that marriage or the legal incidents thereof be conferred upon any union other than the union of a man and a woman."

The first sentence is a broad declaration that marriage throughout the country is limited to a union of one man and one woman. It also acts as a broad prohibition on conferring the legal status of marriage on any relationship other than that of a man and a woman. The second sentence reinforces the first sentence. It reinforces the first by expressly stating that neither the U.S. Constitution nor a state constitution may be construed to require same-sex marriage. The decision in Goodridge v. Department of Health, 440 Mass:. 309, 798 N.E.2d 941 (Mass. 2003), exemplifies the necessity of that portion of the second sentence.

In Goodridge, the Massachusetts Supreme Judicial Court ("SJC") stated that "[t]he everyday meaning of 'marriage' is 'the legal union of a man and woman as husband and wife,' and the plaintiffs do not argue that the term 'marriage' has ever had a different meaning under Massachusetts law." Id. at 319.[2] However, the SJC reformulated "marriage" to mean the "union of two persons." Significantly, under the Massachusetts constitution, the SJC was without authority to redefine the indisputable understanding of marriage from the "union of a man and a woman" to the "union of two persons." See Opinion of the Justices to the Senate, 324 Mass. 746, 85 N.E.2d 761 (1949) (unambiguous words in the constitution must be interpreted according to their meaning at the time they were added to the constitution). Nevertheless, four of the seven judges held that it would "construe civil marriage to mean the voluntary union of two persons as spouses, to the exclusion of marriage." Goodridge, 440 Mass. at 343.[3]

The second sentence of FMA makes clear, for those looking for wiggle room in the language of the first sentence, that the FMA prohibits a repeat of the Goodridge decision. While the Covington Memo describes the first part of the second sentence as inconsistent with the first sentence, the level of judicial activism currently taking place across the country mandates a clear expression that marriage at the state and federal level is limited to the union of a man and a woman. The second sentence closes the door to any argument that the first sentence applies only to rights arising under the federal constitution, and therefore allows courts and legislatures to permit same-sex marriage under their state constitutions. This is particularly necessary given the fact that in the state marriage cases, those challenging the marriage laws as unconstitutional rely heavily on the argument that state constitutions grant broader individual rights than the federal constitution. See Covington Memo at 5 ("state courts are absolutely free to interpret state constitutional provisions to afford greater protections to individual rights than do similar provisions of the United states Constitution"). Whether or not a state constitution affords broader individual rights, the FMA reserves marriage in all fifty states as the union of one man and one woman.

The second sentence also prohibits a repeat the Baker v. State, 744 A.2d 864 (Vt. 1999) decision by the Vermont Supreme Court. In that case, the court construed the state constitution to require the state to grant the same legal incidents of marriage to same-sex couples as are granted to marriages entered into by a man and a woman. After passage of the FMA, no court could render such a decision.[4] The two sentences of the FMA accomplish the same purpose—to reserve marriage for a union of a man and a woman. The two sentences are consistent.

II. THE FMA DOES NOT REACH PRIVATE CONDUCT NOR DOES IT THREATEN PRIVATE RECOGNITION OF SAME-SEX RELATIONSHIPS

The FMA does not reach private action nor does it prohibit private recognition of same-sex relationships. Marriage is a unique institution with a distinct definition and with distinct requirements for entry into the relationship. Two individuals may not simply declare themselves married and thus obtain the legal status of marriage. In all fifty states, a marriage may only be entered into with state sanction and approval.

A private religious group may conduct a religious ceremony to "unite" two persons of the same-sex, but such a union is not a marriage for legal purposes. Marriage is a public legal status. See Maynard v. Hill, 125 U.S. 190, 205 (1888) (marriage is the "most important union in life, having more to do with morals and civilization of a people than any other institution" and its status is conferred by the legislature); see also Loving v. Virginia, 388 U.S. 1, 7 (1967) (stating, "[M]arriage is a social relation subject to the State's police power.").

The Covington Memo argues that the FMA would be interpreted as the Thirteenth Amendment (regarding slavery) has been interpreted to prohibit private conduct. The Thirteenth Amendment is distinguishable from the FMA. Unlike marriage slavery does not require a state sanction—it is a purely private relationship. Because slavery may exist without state sanction or recognition, the Thirteenth Amendment applies to private conduct. Marriage, in contrast, cannot exist without government sanction. The FMA does not reach private conduct, nor would it regulate private ceremonies. A ceremony conducted by a private group is merely ceremonial or symbolic, not legal. The Second, Fourth, Fifth and Eighth Amendments are not limited by their text to state action, but it is clear they apply only to state action.

A thirteen-year-old child may not make a "driver's license" on a home computer and then protest when stopped by the police for driving without a license. Because the thirteen-year-old may not legally drive does not mean that private acts of playing driver off the public highways or creating a "license" for non-legal purposes are prohibited. However, if this person used the fake license to obtain access to a bar, then that action would come within the law. In the same way, it is impossible for a same-sex couple to conduct a private religious ceremony that legally results in marriage, and therefore, the FMA doesn't apply to the private action or ceremonies.

The FMA cannot "punish" religious organization:; that conduct ceremonies recognizing same-sex relationships. Nor would the FMA deny government funds to religious groups or deny charitable tax status to those organizations. The FMA also does not apply to private employment agreements providing health insurance to same-sex couples or other private contractual rights.[5] The FMA simply does not apply to private conduct.

III. THE FMA REPRESENTS THE VERY ESSENCE OF DEMOCRATIC DECISION-MAKING

The Covington Memo argues that the FMA would displace democratic decision-making. The argument seems to be that the FMA would usurp the power of the people to decide for themselves whether to allow same-sex marriage. In fact, the FMA, and the amendment process, represents the very essence of democratic decision-making. The people of the United States have the right to amend their Constitution. Once the FMA is passed through the Senate and the House, 38 states must ratify the amendment. It is the people, acting through their elected representatives, who have the right to amend the United States Constitution. This act represents the democratic process at its apex.

The Covington Memo also cites Justice Scalia's dissent in United States v. Virginia, 518 U.S. 515, 566 (1996) for the proposition that amending the Constitution prohibits the people from changing their perceptions and opinions. This argument demonstrates a lack of understanding of the democratic process. Moreover, the statement by Justice Scalia is taken out of context and twisted to mean something he did not say.[6] Justice Scalia dissented from the Supreme Court removing of the debate from the public over whether women should be admitted to military schools.

Instead of supporting the position of the opponents of the FMA, Justice Scalia's dissent supports the position of the FMA's supporters. The FMA puts the debate right where it should be—with the people and their elected representatives. The FMA represents the highest and best of the democratic decision-making process.[7]

IV. THE FMA IS CONSISTENT WITH THE PRINCIPLES OF FEDERALISM

Marriage has always been a national policy between one man and one woman. Utah's battle over polygamy is instructive. In 1862, the United States Congress passed the Morril Act, which prohibited polygamy in the territories, disincorporated the Mormon church, and restricted the church's ownership of property. See Late Corporation of the Church of Jesus Christ of Latter-Day Saints v. United States, 136 U.S. 1, 19 (1890). In Reynolds v. United States, 98 U.S. 145 (1878), the Supreme Court upheld the Morril Act, stating that polygamy has always been "odious" among the Northern and Western nations of Europe, and from "the earliest history of England polygamy has been treated as an offense against society." Id. at 164. The court noted "it is within the legitimate scope of the power of every civil government to determine whether polygamy or monogamy shall be the law of social life under its dominion." Id. at 166. To further the national policy of one man and one woman, Congress passed the Edmunds Act in 1882, and later passed the Edmunds-Tucker Bill in 1887. See Late Corporation of the Church, 136 U.S. at 19. See also Davis v. Beason, 133 U.S. 333 (1890).

As a condition to be admitted to the Union, Congress required the inclusion of anti-polygamy provisions in the constitutions of Arizona, New Mexico, Oklahoma, and Utah. See Arizona Enabling Act, 36 Stat. 569; New Mexico Enabling Act, 36 Stat. 558; Oklahoma Enabling Act, 34 Stat. 269; Utah Enabling Act, 28 Stat. 108. See also Murphy v. Ramsey, 114 U.S. 15 (1885). For Arizona, New Mexico and Utah, the Enabling Acts permitting these states to be admitted to the Union required that the anti-polygamy provisions be "irrevocable," and that in order to change their laws to allow polygamy, each state would have to persuade the entire country to change the marriage laws. See Romer v. Evans, 517 U.S. 620, 648–49 (1996) (Scalia, J., dissenting). Idaho adopted the constitutional provision on its own, and the 51st Congress, which admitted Idaho into the Union, found its constitution to be "republican in form and . . . in conformity with the Constitution of the United States." Act of Admission of Idaho, 26 Stat. 21.5. To this day, Arizona, Idaho, New Mexico, Oklahoma and Utah state in their constitutions that polygamy is "forever prohibited." See Ariz. Const. art. XX, ¶2; Idaho Const. art. I, §4; N.M. Const. art. XXI, §1; Okla. Const. art. I, §2; Utah Const. art. III, §1.

When commenting on the national policy of marriage as the union of one man and one woman, the Supreme Court declared the following: "[C]ertainly no legislation can be supposed more wholesome and necessary in the founding of a free, self-governing commonwealth, fit to take rank as one of the coordinate States of the Union, than that which seeks to establish it on the basis of the idea of the family, as consisting in and springing from the union for life of one man and one woman in the holy estate of matrimony; the sure foundation of all that is stable and noble in our civilization; the best guaranty of that reverent morality which is the source of all beneficent progress in social and political improvement."—Murphy, 114 U.S. at 45.

The national ban on polygamy, or put another way, the national policy of marriage between one man and one woman, is enforced in many ways. A juror who has a conscientious belief that polygamy is right may be challenged for cause in a trial for polygamy, and anyone who practices polygamy is ineligible to immigrate to the United States. See Witherspoon v. Illinois, 391 U.S. 510, 536 (1968) (citing Reynolds, 98 U.S. at 147, 157); 8.U.S.C. §1182(A). That is to say, a polygamous relationship recognized in a foreign jurisdiction will not be legally recognized in the United States.[8]

Although states have traditionally regulated the edges of marriage (divorce, alimony, support, custody and visitation), they have historically never regulated or altered the essence of marriage (the union of one man and one woman). The recent exception is Massachusetts, and the act by that court now threatens the rest of the nation on this central issue of marriage. The FMA merely carries forward the longstanding national policy that marriage is the union of one man and one woman, and thus is consistent with the history of marriage in this country.

V. THE FMA CONTINUES THE NATIONAL POLICY OF MARRIAGE AS ONE MAN AND ONE WOMAN AMONG ALL BRANCHES OF GOVERNMENT

The FMA is designed to maintain the historic status quo regarding marriage as the union of one man and one woman. This core marriage policy therefore applies to all branches of government. If the Executive, Legislative or Judicial branch sought to order, enact or decree same-sex marriage, the FMA would prohibit such action. However, the FMA does not prohibit the legislature from extending legal protection or benefits to same-sex couples.

The argument in the Covington Memo that opines the FMA would tell a state court how to interpret its constitution is undercut by the admission contained in the same paragraph. The memo concedes that "a state constitution may not permit something that an otherwise valid federal law forbids. . . ." Our constitutional form of government has never permitted states to interpret their constitutions in a manner that conflicts with the federal constitution. The United States Constitution obviously preempts any state law to the contrary. See Good News Club v. Milford Central Sch., 533 U.S. 98, 107 n.2 (2001) (contrary state law must yield to the United States Constitution); Romer v. Evans, 517 U.S. 620 (1996) (contrary state constitutional provision must yield to the United States Constitution); Falwell v. Miller, 203 F. Supp. 2d 624 (W.D. Va. 2002) (same). The FMA is consistent with constitutional jurisprudence.

VI. THE FMA WOULD DECREASE LITIGATION OVER MARRIAGE

The FMA would limit the judicial chaos that is currently escalating throughout the country.[9] There are currently about 40 separate court challenges over same-sex marriage pending, most of which began since February 12, 2004, the day San Francisco Mayor Gavin Newsom issued licenses to same-sex couples. This number increases daily. Two more suits were filed July 12 in Florida, where three other suits were filed within the past several weeks. The suits throughout the country have one thing in common—a claim that the state and federal constitution require a state to permit two people of the same sex to marry.[10] The FMA would ensure the maintenance of the longstanding national policy; of marriage as the union of one man and one woman. The FMA is designed to bring order and stability to the marriage union and thus to halt the current litigation frenzy.

VII. CONCLUSION

The FMA preserves marriage as the union of one man and one woman, and places the decision on this important matter with the people. Passage of the FMA is the only way to protect marriage and it is entirely consistent with constitutional jurisprudence and federalism.

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FOOTNOTES

[1] The July 2 letter discusses in great detail the 33 lawsuits taking place in 12 states—with lawsuits in 9 of those states commenced since February 12, 2004, when San Francisco Mayor Gavin Newsom began issuing certificates to same-sex couples. In many cases, the most shocking aspect is the willingness of some judges to abdicate their role as judge to become legislator, and the willingness of some state attorney generals to abdicate their role as law enforcement officials to become political activists. Without question, there is a culture-changing debate taking place in this country, but it is not taking place in the state legislatures where elected representatives can debate the issue. Instead, the battle is in the courtrooms of America. Although the fact that courts, and not legislators, have been the ones making the laws granting same-sex couples legal benefits is itself shocking. The disturbing reality is that those who believe marriage should be limited to the union of one man and one woman are frequently not allowed to participate in the courtroom battles. Instead, those who support traditional marriage are often kept out of the litigation by courts, state attorney generals, and the homosexual advocacy organizations on the erroneous theory that same-sex marriage does not concern them and will not harm marriage or the country. Thus, some courts are rushing ahead without the opportunity for debate, dialogue, and with absolutely no evidence concerning the impact same-sex marriage would have on the culture.

[2] The word "marriage" appears in the Massachusetts constitution in the only section that places an express restriction on the authority of the judiciary.

[3] A federal lawsuit challenging the Goodridge decision as violating the federal guarantee of a republican form of government—i.e., the court usurped the powers of the legislature—was unsuccessful before the First Circuit Court of Appeals. The Court of Appeals held that absent extreme cases, such as abolishing the Legislature or creating a monarchy, there is no violation of the federal Guarantee Clause. See Largess v. Supreme Judicial Court for State of Massachusetts, 2004 WL 1453033, 1st Cir. (Mass.).

[4] That which a legislative body "may" enact on its own is far different than being "required" to act pursuant to a court mandate.

[5] The Covington Memo cites the case of Shahar v. Bowers, 114 F. 3d 1097 (11th Cir. 1997) in support of its argument that the FMA would apply to private conduct. This case suggests nothing of the sort. In Shahar, the Attorney General of Georgia withdrew a job offer from an attorney who had participated in a same-sex "marriage" ceremony. Absent the FMA, an Attorney General would prevail when choosing to hire or retain staff attorneys. The government as an employer is given great deference in hiring/firing under the application of the Pickering balancing test used in Shahar. The FMA would change nothing with regard to how employees are treated. The statement that people could be "punished" under the FMA for private ceremonies cannot be supported by the facts of Shahar—the fact is that the employee was not "punished" for entering into a "same-sex" marriage. It was a well-publicized, controversial ceremony that was attended by people in the department. Id. at 1101. The revelation that she was "marrying" a woman "caused quite a stir" in the office, causing staff attorneys to wonder about the employee's decision-making ability under the facts of the case. Id. at 1105–06.

[6] In fact, one need look no further than the Constitution itself to recognize the absurdity of this argument. The Eighteenth Amendment was ratified in 1919 to prohibit the "manufacture, sale, or transportation of intoxicating liquors. . . ." However, fourteen years later, the people ratified the Twenty-first Amendment that repealed the ban on liquor. Even a Constitutional Amendment may be changed over time by another Constitutional Amendment.

[7] To the extent that the Thirteenth, Fourteenth and Fifteenth Amendments violated federalism, the states consented to this act by the passage of these amendments.

[8] If same-sex marriage were sanctioned it would be virtually impossible to ban polygamy. When Tom Green was put on trial for polygamy in Utah in 2001, several articles and editorials appeared in various newspapers supporting the practice of polygamy (*The Village Voice, Washington Times, Chicago Tribune*, and the *New York Times*). Although the ACLU initially tried to minimize the idea of the slippery slope between gay marriage and polygamy, the ACLU itself defended Tom Green during his trial and declared its support for the repeal of all "laws prohibiting or penalizing the practice of plural marriage." Polyamory (group marriage) is also an inevitable consequence of sanctioning gender-blind marriage. *See* Deborah Anapol, Polyamory: The New Love Without Limits. Paula Ettelbrick, former legal director for Lambda Legal Defense and Education Fund, supports same-sex marriage and state-sanctioned polyamory. Ettelbrick teaches law at the University of Michigan, New York University, Barnard and Columbia. A number of other law professors similarly promote polyamory, including Nancy Polikoff at American University, Martha Fineman at Cornell University, Martha Ertman at the University of Utah, Judith Stacey, the Barbara Streisand Professor of Contemporary Gender Studies at the University of Southern California, and David Chambers at the University of Michigan.

[9] The Civil Rights Act of 1964 began an explosion of litigation. A current search on Westlaw for only the employment provision section of the Act (Title VII) reveals 10,000 federal cases, which is the maximum number of cases Westlaw can retrieve. All of the federal and state cases would amount to several tens of thousands of cases. However, the fact that the Civil Rights Act spawned litigation is not sufficient reason to refrain from passing the Act. In the case of the FMA, the litigation is sure to decrease.

[10] One Utah case argues that polygamous marriage should be permitted.

Mr. CORNYN. At this point, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, on the Fourth of July, as many of my colleagues, I covered my State, and, as I have done for many years on the Fourth of July, I ended up in Dover, DE. Dover, DE, on the evening of July 4 is a politician's dream. People have had a full day of parades and family gatherings, community gatherings. We are there to await the fireworks when dusk finally comes. Roughly 10,000 people gathered in front of Legislative Hall, a huge American flag that almost masked Legislative Hall in its majesty, a C–5 aircraft soon to fly overhead, and then the fireworks themselves.

I work the crowd at that gathering, and it is a lot of fun. People are in a good mood, a lot of good-natured kidding going on: Are you running for anything this year? No, I am not, I am just here because I love being in Dover on the evening of the Fourth of July.

There was one serious question, at least one that was raised to me that evening. The question was: How are you going to vote on that amendment on gay marriage? In responding to that question, I pointed to Legislative Hall and I said to the questioner: When I was Governor of this State in 1996, I signed into law our own Defense of Marriage Act that said marriage is between a man and a woman. I believed that then. I believe it now.

Later that evening I addressed the crowd, and I alluded to the Declaration of Independence. But I spoke more about the Constitution, a copy of which I hold. The Constitution of the United States was first ratified in Delaware. I told the crowd that night that the Constitution was ratified in the Golden Fleece Tavern about 300 or 400 yards from where we gathered.

We all know the Constitution does a number of things. It establishes a framework of government. It says, this is how our Government is going to work. We will have three branches of Government: a legislative, executive, and a judicial branch. It says, there are certain things the Federal Government should be doing and certain responsibilities that are left to the States.

Among the responsibilities left to the States in this Constitution are matters of family law: Who can marry, how do we divorce, how do we end those marriages, who gains custody of the children, how about visitation rights, matters of alimony, property settlement, and the like. Those are matters that we have left to the States for over 200 years.

Senator CORNYN mentioned the concern he has over the state of marriage. I share it. Half the marriages in our country today end in divorce. Too many kids grow up in families where nobody ever marries, and families are not invested enough in their children.

I also acknowledge the concern over efforts in some parts to recognize same-sex marriage. That concern has led many States to enact laws such as my State's Defense of Marriage Act and to enact here in this Congress the Defense of Marriage Act as well. That concern over proposals for same-sex marriage has led some States to actually consider constitutional amendments.

With respect to same-sex marriages, let me offer this: There are a lot of views, but two of those views are basic when you cut to the chase. View No. 1: marriage is between a man and a woman. The alternative view is marriage is between two people. I think the view of most Americans today—not all but most Americans today—is that marriage is between a man and a woman.

The question for us to consider here today is this: Is there a clear need to amend the Constitution of our country to ensure that the view I have just stated, the majority view, prevails in States such as Delaware and others? It is a legitimate question. As we seek to answer it, let's consider a couple of examples of State laws spelling out how marriage is supposed to operate and whether those laws have been sustained over the years. Let me mention three examples.

A number of States have prohibitions against first cousins marrying. If two people live in a State where you have a man and woman who are first cousins and they want to get married, they go to another State to get married and return to their State. Their State does not have to acknowledge the validity of the marriage.

Some States have restrictions with respect to divorce. If you get a divorce, you have to wait a while before you can remarry. If you live in a State with that restriction and you go to another State that doesn't have those restrictions, you return to your State, your State does not have to recognize that marriage.

We have all seen movies about May-December marriages and how they can be interesting and entertaining, but a lot of States have a law that says a 57-year-old man can't marry a 13-year-old girl, and if you try to do that in a State where maybe you could get away with it, and you move back to your State, that marriage will not be recognized. Those State laws have been sustained whether we have a constitutional amendment.

I believe that my law in Delaware will also be sustained without a constitutional amendment. If it isn't, then this is an issue that we can revisit, and I think we will.

This Constitution that I hold in my hand is the work of man. I think it was divinely inspired. The folks who met at the Golden Fleece Tavern and the people in Constitution Hall in Philadelphia a long time ago largely got it right the first time—not entirely, but they largely got it right. This Constitution has been rarely changed. It is not easy to do. That is purposeful. Over 11,000 amendments have been proposed to this Constitution. To date, since the adoption of the Bill of Rights, 17 have actually been incorporated as amendments to this Constitution.

On the issue of marriage and divorce alone, 129 amendments have been proposed to the Constitution. None have come close to passage. All of us today and all of us who will vote today realize this proposed constitutional amendment is not going to be enacted either.

It is an important issue that has been raised. As some have said, it is one that, frankly, divides us and divides us deeply.

When the last speech is given today, when the final vote is cast around 12:15 or 12:30, my fervent hope is that we will turn to some issues that unite us and, frankly, need to be addressed. They are closely related to what we are talking about today. We need to look no further than the 1996 Welfare Act that was adopted in this Chamber which has expired and been continued with short-term extensions time and again. It needs to be reauthorized. We need a vote on it and, frankly, to improve it. It is not perfect. We can make it better. We can strengthen marriage through the provisions of that law. We can strengthen families. We can increase the likelihood that more of America's children are going to grow up in homes where both parents are deeply committed to them and to their future, that they have decent childcare. We can do that.

I hope when we finish today and this issue is behind us for a while, that we will turn to another closely related issue that will truly strengthen America's families. That is, to return to the issue of welfare reform and pass the legislation out of committee and send it to the House. Let's get on with the Nation's business.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. CORNYN. Could I ask for a brief unanimous consent request?

Mr. LIEBERMAN. I yield to the Senator for a request.

Mr. CORNYN. I believe we have been going back and forth to each side. I certainly want to accommodate the Senator so everyone will be able to be heard, but we also have some folks on our side.

Mr. LIEBERMAN. Go right ahead.

Mr. CORNYN. I ask unanimous consent that Senator ALLARD be recognized for 5 minutes out of the 25 minutes remaining on our side until the chairman comes to the floor and the leadership time is reserved under a previous consent, and then Senator SANTORUM be recognized as our next Republican speaker for 10 minutes on our side, and then finally the last 5 minutes of that 25-minute segment, that Senator SESSIONS be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Colorado.

Mr. ALLARD. Mr. President, I thank the Senator from Texas for allowing me the opportunity to speak. Just to get some business out of the way, I have some materials I have submitted at the desk. I ask unanimous consent to print them in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JULY 12, 2004.

To: Senator Orrin Hatch, Chair, United States Senate Judiciary Committee.

From: Professor Teresa S. Collett.

Re: Response to recent concerns regarding the meaning, reach, and consistency of the Federal Marriage Amendment with constitutional principles.

Having served as a witness in favor of the Federal Marriage Amendment, SRJ 40, (hereinafter "FMA") before the Senate Judiciary Committee on March 23, 2004, which was chaired by Senator Cornyn, I have been asked to respond to various objections regarding its passage.

There are four common objections to the FMA. Opponents claim that the FMA is self-contradictory, with the first sentence prohibiting what the second permits in certain cases. Second, they claim that the amendment prohibits private recognition of same-sex unions as marriages. Third, they argue that the amendment is anti-democratic because it removes the definition of marriage from the arena of state law and creates a uniform federal definition. Finally, and in contradiction to the last point, they argue that the amendment will increase litigation over the meaning of marriage. None of these objections have merit.

THE AMENDMENT IS NOT INTERNALLY CONTRADICTORY

The starting point for any analysis of a constitutional amendment is the text, with an intention to give effect to every word. *Marbury* v. *Madison*, 5 U.S. 137 (1803). See also *Kaiser Aluminum & Chem. Corp.* v. *Bonjorno*, 494 U.S. 827, 835 (1990). As proposed, the FMA provides:

> "Marriage in the United States shall consist only of the union of a man and a woman. Neither this Constitution, nor the constitution of any State, shall be construed to require that marriage or the legal incidents thereof be conferred upon any union other than the union of a man and a woman."

The meaning of the first sentence of the FMA is clear. Opponents typically do not dispute this. Rather they assert the confusion arises because it is possible to read the second sentence of the FMA as allowing legislatures to create that which the first sentence clearly prohibits—same-sex marriage (at least insofar as it is done, not due to constitutional imperative, but rather due to some alternative legitimate legislative motivation). While such a reading is theoretically possible, it violates one of the most basic canons of construction: "The plain meaning of a statute's text must be given effect 'unless it would produce an absurd result or one manifestly at odds with the statute's intended effect.'" *Arnold* v. *United Parcel Service, Inc.*, 136 F.3d 854, 858 (1st Cir. 1998) (quoting *Parisi by Cooney* v. *Chater*, 69 F.3d 614, 617 (1st Cir. 1995)). Since such an interpretation would render the FMA "self-contradictory" and ineffectual, it should be rejected under ordinary principles of construction.

Opponents also argue that the phrase "legal incidents" of marriage is unclear and will require extensive judicial interpretation. Yet this is a phrase that has been used routinely in the discussion of marital rights. Justice Brennan used it in his concurring opinion in *Boddie* v. *Connecticut*, 401 U.S. 371 at 387 (1971). "Legal incidents of marriage" is also found in various state appellate opinions that have been rendered over the past sixty years. See, e.g., *Sanders* v. *Altmeyer*, 58 F.Supp. 67, 68 (D.C. Tenn. 1944); *Adler* v. *Adler*, 81 N.Y.S.2d 797, 800 (N.Y. Dom. Rel. Ct. 1948); *Ramsay* v. *Ramsay*, 90 A.2d 433, 435 (R.I. 1952); *Shipp* v. *Shipp*, 383 P.2d 30, 32 (Okla. 1963); *Rosenstiel* v. *Rosenstiel*, 209 N.E.2d 709, 712 (N.Y. 1965); *Perrin* v. *Perrin*, 408 F.2d 107, 110 (3rd Cir. 1969); *Merenoff* v. *Merenoff*, 388 A.2d 951, 953 (N.J. 1978); In re *Marriage of Epstein*, 592 P.2d 1165, 1169 (Cal. 1979); *Baker* v. *Baker*, 468 A.2d 944, 947 (Conn. Super. 1983); *Koppelman* v. *O'Keeffe*, 535 N.Y.S.2d 871, 873 (N.Y. Sup. App. Term, 1988); *Baehr* v. *Lewin*, 852 P.2d 44, 74 (Hawaii 1993) (Heen J. dissenting); and In re *Opinions of the Justices to the Senate*, 802 N.E.2d 565, 572 (Mass. 2004).

The proper interpretation of the amendment is that offered by the sponsors and drafters: to preserve marriage as the union of a man and a woman, while leaving to states the question of whether to legislatively create alternative legal arrangements such as civil unions or reciprocal beneficiary status for individuals who are not eligible to marry. See Senator Wayne Allard, Federal Marriage Amendment Testimony, United States Senate Judiciary Committee (March 23, 2004), at http://allard.senate.gov/issues/item.cfm?id=219463&rands_type=4; Representative Marilyn Musgrave, Federal Marriage Amendment Testimony, United States House of Representatives Judiciary Subcommittee on the Constitution (May 13, 2004) at http://www.house.gov/judiciary/musgrave051304.htm, and Robert Bork, The Musgrave Federal Marriage Amendment, United States House of Representatives Judiciary Subcommittee on the Constitution (May 13, 2004) at http://www.house.gov/judiciary/bork051304.htm. See also Rahul Mehra, Professor Helps Draft Amendment, The Daily Princetonian (Feb 18, 2004) at http://www.dailyprincetonian.com/archives/2004/02/18/news/9652.shtml.

Fair-minded opponents of the FMA have acknowledged that the current language is clear in its prohibition of same-sex marriage, and its recognition of the legislative ability to create alternative legal relationships such as civil unions. On March 22, 2004, Professor Eugene Volokh, who opposes the FMA, noted on his weblog that the amended language "clearly lets state voters and legislatures enact civil unions by statute". The Volokh Conspiracy at http://volokh.com/archives/archive_2004_03_21.shtml. Professor Cass Sunstein, another opponent to the FMA also agreed that the state legislature could pass a law to establish civil unions. Response to written questions propounded by Senator Dick Durbin (March 23, 2004).

THE AMENDMENT DOES NOT PROHIBIT PRIVATE RECOGNITION OF SAME-SEX UNIONS

Perhaps the most creative argument of opponents is that the FMA would allow states and other governmental bodies to "punish religious organizations and individuals for performing or participating in religious marriages of same-sex couples. . . ." This argument is crafted by analogizing the FMA to the Thirteenth Amendment which provides in pertinent part, "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction." The Thirteenth Amendment is the exception to the general rule that constitutional provisions are limitations on state action, rather than private action. Compare *Jones* v. *Alfred H. Mayer Co.*, 392 U.S. 408, 438 (1968) (Congress has power under Thirteenth Amendment to enact legislation to prohibit private acts that erect racial barriers to the acquisition of property) with *Bray* v. *Alexandria Women's Health Clinic*, 506 U.S. 263, 278 (1993) (no violation of constitutional right to privacy occurs absent state interference with woman's right to abortion) and *United Brotherhood of Carpenters and Joiners of America* v. *Scott*, 463 U.S. 825, 831–32 (1983) (state action is necessary to establish conspiracy to violate First Amendment). Based upon this fact, and the absence of any language in the FMA expressly limiting the amendment to state action, opponents claim that any private recognition of same-sex marriages would become punishable at law.

This ignores important differences in the language of the two amendments, however. Section (a) of the Thirteenth Amendment is written as a prohibition, with a narrow exception. In contrast, the first sentence of the FMA is written as an affirmation of the nature of marriage, with the second sentence limiting the ability of courts to redefine marriage in the guise of constitutional adjudication. Rather than a distinct provision, the first clause functions as an introduction to the second. There is nothing in the language of the FMA or the legislative history to date that suggests any intent to disrupt the current ability of religious communities to determine their understanding of marriage and divorce. See *Hames* v. *Hames*, 163 Conn. 588 (Conn. 1972) (religious ceremony insufficient to constitute civil marriage); *Marazita* v. *Marazita*, 27 Conn. Supp. 190 (Conn. Super. Ct. 1967) (wife's religious belief in indissolubility of marriage not sufficient to deprive court of jurisdiction in divorce proceeding); *Knibb* v. *Knibb*, 94 N.J. Eq. 747, 748 (N.J. 1923) (suit for divorce due to refusal to marry in Church); *Victor* v. *Victor*, 177 Ariz. 231 (Ariz. Ct. App. 1993) (court without authority to order Jewish divorce); In re *Marriage of Dajani*, 204 Cal. App. 3d 1387 (Cal. Ct. App. 1988) (American court could not enforce Islamic law).

Given the long history of détente between Church and State in this country regarding the regulation of marriage and divorce, the reasonable assumption is that the FMA will control governmental actions related to civil marriage, and religious bodies will continue to define their own entry and exit requirements for marriage. To the extent there is any merit in opponents' analogy to the Thirteen Amendment, its interpretation supports this conclusion. In *Robertson* v. *Baldwin*, 165 U.S. 275 (1897) two deserting seamen argued that they could not be forced to fulfill their commitment in light of the constitutional prohibition of involuntary servitude. The Court disposed of this argument opining:

> "It is clear, however, that the amendment was not intended to introduce any novel doctrine with respect to certain descriptions of service which have always been treated as exceptional, such as military and naval enlistments, or to disturb the right of parents and guardians to the custody of their minor children or wards. The amendment, however, makes no distinction between a public and a private service. To say that persons engaged in a public service are not within the amendment is to admit that there are exceptions to its general language, and the further question is at once presented, where shall the line be drawn? We know of no better answer to make than to say that services which have from time immemorial been treated as exceptional shall not be regarded as within its purview." 165 U.S. at 282.

The continuing viability of this case is evidenced by the Court's reliance on it in *United States* v. *Kozminski*, 487 U.S. 931, 942–44 (1988) (adopting a narrow construction of coercion sufficient to constitute involuntary servitude).

While opponents raise the specter of organized persecution of religious communities that perform same-sex marriage rituals, the international experience suggests quite the opposite. It is defenders of traditional marriage that have cause to worry. Last month a pastor in Sweden was sentenced to one month in jail based on a sermon opposing homosexual conduct. In Canada there have been criminal convictions under hate speech laws for publication of an advertisement opposing same-sex marriage that merely cited Bible verses without quoting them. The Irish Council on Civil Liberties publicly threatened priests and bishops who distribute a Vatican publication regarding homosexual activity with prosecution under incitement to hatred legislation." In Spain, Madrid's Cardinal Varela gave a sermon condemning gay marriage. He has been sued by the Popular Gay Platform for "slander and an incitement to discrimination on the basis of sexual orientation." In England, self defense was denied to a pastor who defended himself when assaulted by several attackers while carrying a sign citing Bible verses regarding homosexual conduct. Last fall, an Anglican Bishop in England was investigated under hate crimes legislation and reprimanded by the local Chief Constable for observing that some people can overcome homosexual inclinations and "reorientate" themselves. In Belgium, an 80-year old Cardinal was sued over his comments regarding homosexuality. In each of these countries what began with demands for "tolerance" has transformed into demands for acceptance at the price of religious liberty.

A similar transformation seems plausible in light of the continuing attacks on the integrity of the proponents and supporters of the FMA. Opponents of the FMA consistently seek to associate the effort of those who seek to protect the institution of marriage with those who sought to stabilize the institution of racial segregation. This charge is both insulting and inaccurate. While leadership of the African-American community may be divided over whether to support the FMA at this time, they are not divided over whether racial segregation is desirable. Although they differ in their positions on the merits of the amendment itself, Rev. Jesse Jackson, Rev. Walter Fauntroy, and Hilary Shelton of the NAACP are all unwilling to equate defense of traditional marriage with racial discrimination, as are other prominent civil rights leaders. Similarly, the willingness of a substantial majority of both chambers of Congress just a few short years ago to vote for the federal Defense of Marriage Act does not equate with bigotry, and any attempts to do so are merely activists' attempts to cut off public debate regarding the need of a child to be raised by his or her mother and father.

THE FMA IS A DEMOCRATIC SOLUTION TO THE PROBLEM OF JUDICIAL USURPATION OF THE POLITICAL DEBATE REGARDING SAME-SEX UNIONS

The FMA is the only method available to preserve the ability of the people and their elected representatives to speak on the issue. This is because of the very real possibility that the United States Supreme Court will impose an obligation on states to recognize same-sex unions as marriages in the guise of constitutional adjudication. Building on the Court's statements in Lawrence v. Texas equating heterosexual and homosexual experiences, and its statements in Romer v. Evans attributing animus to those who would make any distinctions, many constitutional law scholars have opined that the Court appears poised to mandate same-sex marriage in the upcoming years.

In commenting on the Lawrence opinion's relationship to judicial recognition of same-sex marriage, Professor Laurence Tribe of Harvard said, "I think it's only a matter of time". Professor Erwin Chemerinsky of USC has observed, "Justice Scalia likely is correct in his dissent in saying that laws that prohibit same-sex marriage cannot, in the long term, survive the reasoning of the majority in Lawrence." Prudence demands that the matter be addressed by the people, before the Court takes the issue away from them.

THE AMENDMENT IS UNLIKELY TO INCREASE LITIGATION

Marriage has become a question of constitutional law through gay activists' unrelenting attacks on marriage statutes in the courts. Judges in Hawaii, Alaska, Vermont, and Massachusetts have already mandated recognition of same-sex marriage. The citizens of Hawaii and Alaska responded to the actions of their courts by amending their state constitutions to correct what was largely perceived as judicial overreaching. Vermont legislators did not afford their citizens the opportunity to correct this judicial interpretation, instead passing Act 91, An Act Relating to Civil Unions.

The most recent and troubling ruling, however, is Goodridge v. Dept. of Public Health, an opinion of the Massachusetts Supreme Judicial Court declaring that state's marriage laws unconstitutional. Chief Justice Margaret Marshall opens her opinion with a review of the recent United States Supreme Court opinion, Lawrence v. Texas. Finding there was no rational reason supporting traditional marriage, she gave the legislature 180 days to "take appropriate action" in light of the opinion, which was widely interpreted as an "order" to create a "gay marriage". Although a Massachusetts statute prohibits the issuance of a marriage license to non-residents whose home state would not recognize the unions, hundreds of out of state couples flocked to Massachusetts to be married. One of the first Massachusetts marriage licenses was issued to a Minnesota same-sex couple, who describe their relationship as an "open marriage," saying the concept of permanence in marriage is "overrated." The Massachusetts Legislature is moving forward with a state constitutional amendment, but the people of that state will not be allowed to vote on it until fall of 2006.

Unfortunately Massachusetts is not the only state where activists are currently demanding that judges redefine marriage. At this time California, Florida, Indiana, Maryland, Nebraska, New Jersey, New York, North Carolina, Oregon, Utah, Washington, and West Virginia are defending their marriage laws in the courts. Based on news reports, it is likely that Pennsylvania, South Carolina, and Tennessee may soon be defending their statutes in the courts as well. Add to these fifteen states, the three states of Hawaii, Alaska and Vermont that have already responded to judicial overreaching on this issue, and Massachusetts which remains embroiled in a political fight to return the issue to the people, as well as the states of Arizona, Connecticut, Iowa, and Texas where courts have resolved the issue—and almost half the country's laws are, or have been, under attack by a small group who want to force their will on the people in the guise of constitutional adjudication.

It seems unlikely that the passage of the FMA, which removes the definition of marriage from further judicial redefinition, could increase litigation beyond the present level.

CONCLUSION

Activists have been unable to succeed in changing the definition of marriage legislatively so they have turned to the courts. Unfortunately some judges are increasingly willing to disregard the text of the laws—as well as the political will of the people—in judicial efforts to remake the institution of marriage to suit their own particular political views. This is not the proper process to be followed in a democratic republic. It is the people and their elected representatives who should determine the meaning and structure to marriage through the process of political debate and voting.

The Federal Marriage Amendment, with its requirements of passage by two-thirds of each house of Congress and ratification by three-quarters of the states, follows the Founders' model for open, yet orderly change in our governing document. The text of the Amendment is clear and preserves the understanding of marriage that has existed throughout this nation's history, while allowing for individual states to experiment with alternative legal structures as their citizens deem appropriate. Unlike the hypothetical threats that opponents attempt to manufacture, the FMA addresses real cases and real problems that the people of this nation are encountering with the judicial usurpation of the political process.

[From iMAPP, July 12, 2004]

IS DOMA ENOUGH? AN ANALYSIS

(By Joshua K. Baker)

INTRODUCTION

Do we need a constitutional amendment to protect marriage? Some influential elites question the need for a constitutional amendment. As Senator Susan Collins (R–Maine) told the Boston Globe earlier this year, "I don't at this point see the need for a constitutional amendment as long as the Defense of Marriage Act remains on the books."

For people who define the problem as the involuntary spread of same-sex marriage from one state to others, a key question becomes: Are federal DOMA laws enough?

DEFINING DOMA

The federal DOMA law contains two sections, stating:

Section 1. In determining the meaning of any Act of Congress, or of any ruling, regulation, or interpretation of the various administrative bureaus and agencies of the United States, the word "marriage" means only a legal union between one man and one woman as husband and wife, and the word "spouse" refers only to a person of the opposite sex who is a husband or a wife."

Section 2. No State, territory, or possession of the United States, or Indian tribe, shall be required to give effect to any public act, record, or judicial proceeding of any other State, territory, possession or tribe, respecting a relationship between persons of the same sex that is treated as a marriage under the laws of such other state, territory, possession or tribe, or a right or claim arising from such relationship.

The first part creates a federal definition of marriage for the purposes of federal marriage law. Considerable litigation is likely to arise from conflicts between federal law and laws in states in which courts mandate recognition of same-sex marriage, or marriage equivalents. Such cases will increase the temptation for the Supreme Court to create a national definition of marriage on equal protection grounds, as otherwise, legally married couples in different states will be treated substantially differently under federal law.

The second part of DOMA restates general conflict of laws principles: no state is required to recognize a marriage that violates its own public policy. However, it provides no additional legal protection for the people of a state whose judicial elites create a right of same-sex marriage in the state constitution or choose to recognize same-sex marriages performed elsewhere.

I. Is Federal DOMA Enough?

DOMA laws are unlikely to prevent the spread of same-sex marriage from one judiciary to the other, for the following reasons:

A. The groundwork for DOMA's demise has already been laid in the scholarly literature. Legal experts argue DOMA can be struck down in federal court because it violates principles of equal protection, liberty/due process and full faith and credit.

B. The legal threat to federal DOMA laws is now imminent, because Massachusetts has, for the first time, given plaintiffs standing to challenge the federal law. Previously, courts held that absent a legal state marriage, persons have no standing to challenge the federal DOMA law. Newspaper reports indicate that there are now thousands of couples in at least 46 states who have received marriage licenses in Massachusetts, California or Oregon, and now have standing to challenge DOMA in federal courts.

C. DOMA won't keep legal elites from creating same-sex marriage in many states. Already, in just eight months since the Goodridge decision, activists have filed cases across the country seeking to strike down state marriage laws. Today such cases are pending in at least 11 states, including six states which have adopted state DOMA legislation in recent years. Attorneys general and local officials in California, New York and elsewhere are refusing to defend state marriage laws, or are insisting that their state recognize same-sex marriages performed elsewhere.

The New York Attorney General, following the lead of a 2003 trial court judgment, has already indicated that New York law "presumptively requires" recognition of same-sex marriages from Massachusetts. When San Francisco Mayor Gavin Anderson and his counterparts in a handful of other cities across the country began issuing same-sex marriage licenses, the California attorney general chose to simply petition the California Supreme Court for "resolution of these important issues," rather than present an affirmative defense of the state's marriage law. Shortly thereafter, the mayor of Seattle in March declared that his city (and all private groups that contract with the city) must recognize as valid the same-sex marriages of employees, wherever performed.

D. There will be a national definition of marriage, ultimately. The question is whose? Radically different marriage laws in different states are difficult to sustain over time. A federal definition of marriage that is different from state definitions of marriage produces immediate conflicts in many areas of law that the Supreme Court will be tempted to harmonize by ordering recognition of same-sex marriage on equal protection grounds. One way or the other, we will soon have a national definition of marriage. If we pass a marriage amendment, we will retain our shared understanding of marriage as the union of husband and wife, ratified by the people of the United States. If we accept judicial supremacy on the marriage question, we will probably end up with a judicially created and approved national marriage definition that redefines marriage in unisex terms.

E. Legal scholars from both sides agree: Federal courts are now poised to strike down state marriage laws. Speaking about the recent Supreme Court decision *Lawrence* v. *Texas*, Harvard Law Professor Lawrence Tribe commented, "You'd have to be tone deaf not to get the message from *Lawrence* that anything that invites people to give same-sex couples less than full respect is constitutionally suspect." Georgetown Law Professor Chai Feldblum agreed, stating, "[A]s a matter of logic and principle, there is no reason not to provide the institution of marriage for gay people. The court is leaving that open for the future." Professor William Eskridge of Yale Law School stated "Justice Scalia is right" that *Lawrence* signals the end of traditional marriage laws. Jon Bruning, Attorney General of Nebraska, testified before the Senate in March that a federal judge is likely to soon declare Nebraska's state constitutional marriage amendment unconstitutional: "This is the first federal court challenge to a state's DOMA law. My office moved to dismiss the suit, but last November, the Court denied our motion to dismiss. The language in the Court's order signals that Nebraska will very likely lose the case at trial."

F. Federal lawsuits attacking marriage laws have already been filed in four states. While most marriage litigation has historically been based on state constitutional provisions, in just the past year, cases in three states (Florida, Arizona, and Nebraska) have brought federal constitutional challenges to both state and federal DOMA laws on equal protection, due process and full faith and credit grounds. In June, the same lawyers that filed the *Goodridge* case in Massachusetts also filed suit alleging that a state law which prevents out-of-state same-sex couples from marrying in Massachusetts violates the Privileges and Immunities Clause of the 14th Amendment.

G. It's not the full faith and credit clause, it's the 14th amendment. Scholars who have testified that DOMA is constitutional under the Full Faith and Credit Clause of Article IV of the Constitution miss the primary threat to DOMA. DOMA's greatest threat springs not from the relatively settled world of Full Faith & Credit jurisprudence, but from the Supreme Court's evolving view of equal protection and personal liberty, as evidenced by such recent cases as *Lawrence* v. *Texas*, 539 U.S. 558 (2003) and *Romer* v. *Evans*, 517 U.S. 620 (1996). As Justice Scalia noted in his *Lawrence* dissent, this evolving jurisprudence not only threatens DOMA, but also poses a substantive threat to individual state marriage laws.

H. A federal injunction to strike down DOMA will take only minutes. A Constitutional amendment takes months or years to pass. If we want to protect marriage as the union of husband and wife, the time to act is now.

II. Does a marriage amendment violate principles of federalism?

Many legal analysts argue that a constitutional amendment that creates a national definition of marriage violates fundamental principles of federalism. In a letter to Senate Constitution Subcommittee Chairman John Cornyn last September, six law professors including Eugene Volokh of UCLA and Dale Carpenter of the University of Minnesota wrote "[T]here is no need to federalize the definition of marriage. . . . if marriage is federalized, this will set a precedent for additional federal intrusions into state power." Are they correct?

No, for the following reasons:

A. Many fundamental institutions are national in scope. The Constitution already contains such fundamental institutions as representative government (through the guarantee clause, art. IV, §4) and private property (through the takings clause, Fifth Amendment). A marriage amendment would acknowledge marriage as a fundamental institution, while still leaving the states significant regulatory discretion (procedures, age, consanguinity, etc.).

B. Marriage law has always been subject to federal legal oversight. This is not unlike the federalist model which permits states to experiment with term limits, elected judiciaries, or unicameral legislatures, subject to the underlying guarantee of representative government; or varying state policies on eminent domain, taxation, and rights of way, subject to the underlying premise that government cannot take property without compensation. A marriage amendment would simply clarify that husbands and wives are an essential part of our fundamental, shared American understanding of marriage.

C. The basic definition of marriage has long been considered a national question. The Supreme Court has already affirmed the right of Congress to sustain a national definition of marriage that excludes polygamy. Without Congress' decisive intervention, upheld by the Supreme Court, we would today have polygamy in some states and not in others. Today, it is federal and state courts that threaten our common definition of marriage. As former Attorney General Ed Meese argued in favor of a constitutional amendment creating a national definition of marriage, "If marriage is a fundamental social institution, then it's fundamental for all of society." As the Supreme Court stated in *Reynolds* v. *United States*, "there cannot be a doubt that, unless restricted by some form of constitution, it is within the legitimate scope of the power of every civil government to determine whether polygamy or monogamy shall be the law of social life under its dominion."

III. Why not wait until DOMA has been struck down?

A. Waiting until the problem gets worse will not make it easier to solve. A patchwork of different state and local laws will sow confusion for couples, for businesses, for state and local governments. If we intend to protect marriage as the union of husband and wife, the time to settle the question is now.

B. There will never be a magic moment in which to amend the Constitution. Today opponents argue it is too early, because DOMA still exists. Three years from now, DOMA may be struck down and others will say it is too late—tens of thousands of same-sex couples will have already married.

C. The best time for affirming a common definition of marriage is before SSM becomes widespread. If it could be ratified today, a marriage amendment would merely reaffirm the law of 49 states, while undoing eight weeks of change in Massachusetts. Looking ahead, it is difficult to foresee a time where a constitutional amendment defining marriage could be adopted with less legal and personal disruption.

D. The amendment process takes time. A federal judge could enjoin DOMA tomorrow, yet it would take months and perhaps years to propose and ratify the federal marriage amendment.

E. A constitutional amendment is not a constitutional crisis. In the last century, we amended our constitution twelve times, including twice in the 1930's, three times in the 1960's, and again in 1971 and 1992. The amendment process is, by design, not a sign of constitutional crisis, but rather a great democratic and federalist process for reaching national consensus on questions of great importance. Marriage is worth it.

Mr. ALLARD. I thank some 19 cosponsors who are now on this amendment. I thank the majority leader for stepping forward and helping this particular issue. I thank the President of the United States for stepping forward early on and articulating the principles which are embodied in this constitutional amendment. I particularly thank my colleagues, Senators BROWNBACK, SANTORUM, and SESSIONS, for joining me in the late-night session last night and for Senators CORNYN and HATCH for helping manage the bill on the floor, as well as Congresswoman MUSGRAVE in the House for her leadership.

I didn't come to the decision to introduce this legislation easily. I went through a process of evaluating the issue.

I don't think it is unlike what many Members of the Senate are going through right now, or at some point in time went through, because as the initial sponsor of this legislation, I had an opportunity to talk to many Members and I think their response was very much what mine was to start with: Why do we need to amend the Constitution?

We all recognize how precious that document is. When anybody comes to you with an issue, to start with, you always wonder why do we need to do that. That is a high standard and we all recognize that.

I also remember the debate with the Defense of Marriage Act, DOMA, which was carried by Senator NICKLES on this side, and how important most Members of the Senate—85 Members—felt in that vote that we define marriage as between a man and a woman.

In this debate, I wanted to protect traditional marriage. I also had some skepticism about amending the Constitution. But after sitting down with colleagues and scholars and people who were following the courts, I came to the realization that there was a process going on in the courts that I wasn't aware of, that I just had become aware of.

I understood the potential of what was going to happen in those courts. It was, when I first got involved, that the courts were going to change the definition of marriage, which we passed by 85 votes in the Senate, and on which close to 48 States passed legislation somehow or other supporting traditional marriage. I thought this should be brought into the legislative branch—that is where the debate should occur—where we have elected representatives having an opportunity to reflect their views and the views of their constituents, whether it is in the Congress or the State legislature.

So in visiting with the constitutional scholars, academicians, professors, and whatnot, we began to put together some language for the Constitution, very carefully crafted, and the language has had an opportunity to be changed a couple of times. We brought it back into the Senate and had the staff within the Judiciary Committee reflect their views and the Senators would reflect views, always working toward a consensus. We began to realize more and more clearly what was happening in the courts.

As we move through it this year, I think it becomes blatantly evident to us that there is a process going on in the courts that will exclude the American citizens. We need to get them involved. We need to recognize that the Constitution requires a two-thirds vote in the House and Senate and three-quarters of the States to ratify.

Our forefathers realized that during an issue such as marriage, where a large percentage of Americans of all faiths, all ethnic backgrounds, support the idea of traditional marriage—the effort to change the definition of traditional marriage being between a man and a woman is certainly only being pushed by a minority of the population in this country—the way we can express our views is through a constitutional amendment. That is what we have before us today.

In this amendment I have proposed, we define marriage as a union between a man and a woman.

The PRESIDING OFFICER. The Senator has used 5 minutes.

Mr. ALLARD. I ask unanimous consent for 30 more seconds to bring my comments to a close.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. Marriage matters to our children; it matters in America. Marriage is the foundation of a free society. The courts are redefining marriage and that will make it impossible for State legislators to address marriage. This amendment puts the issue back in the hands of the people. A vote not to move forward means the court will be the sole voice in this matter. The people will not have a voice. We need to move forward.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I rise to express my opposition to the Federal marriage amendment because I believe this effort to amend the Constitution is premature, unnecessarily divisive, and denies our States rights that they have long had.

My opposition to this constitutional amendment is, in effect, quite similar to the views stated by Vice President DICK CHENEY in our debate during the 2000 campaign. Mr. CHENEY said then, when it comes to gay marriage:

> I think different States are likely to come to different conclusions, and that is appropriate. I don't think there should necessarily be a Federal policy in this area. I try to be open minded about it as much as I can and tolerant of those relationships.

He was widely applauded for those remarks, and rightly so. His wife Lynne Cheney said this just this past Sunday:

> The formulation he used in 2000 was very good.

She is right.

> Marriage is an issue best left to the States in our constitutional and legal frameworks.

Unfortunately, in its pursuit of this amendment, the administration has abandoned the openminded and tolerant position Vice President CHENEY took in 2000 and, apparently, he, too, has done so. That is unfortunate and it is divisive.

The Constitution is, after all, our Nation's most sacred secular document. That is a combination of words that may surprise some, to call something secular sacred. But we all know intuitively that is what the Constitution is.

In a literal way, the Constitution was adopted by its own words, to "secure the blessings" of liberty, which the Declaration of Independence says are the people's endowment from their Creator.

For well over 200 years, this document has provided our Government with its guiding hand, its blueprint for governing, and, equally important, a clear and enforceable articulation of the limits of Federal Government power.

Part of the genius of the Constitution lies in the fact that, as it unites us, it also stands above us and our elected representatives, articulating enduring governing principles, rather than providing a quick answer for every new day's question. The brilliance of our Nation's Founders was that they drafted a Constitution but left it to succeeding generations of legislators, both in Washington and in the States, to decide the issues of the day, with the recognition that statutes can be changed with relative ease, while a Constitution endures for the long term.

Those who wish to elevate an issue to the constitutional level, therefore, in my opinion, bear a heavy burden of showing it is absolutely necessary to do so. That is not just my view; it is the clear consensus of our Nation throughout its history. Only 27 times over the past 217 years has the Constitution been amended, and the first 10 of those amendments constitute our revered Bill of Rights, passed almost as part of the Constitution itself.

So I have concluded that we should accept the proposed amendment before us today only if we are absolutely convinced not just of its rightness but of its necessity. After looking at the laws of the land today regarding marriage and closely examining the text of the proposed amendment before us, I conclude that burden has not been met.

Let me be clear. I believe marriage is a legal status that should be granted only to the union of one man and one woman. I believe that because I also believe the marriage of a man and a woman is the best way to sustain the human race, through the procreation and rearing of children. Therefore, it is in the interest of our society to attach special benefits to the relationship of a man and a woman joined together in marriage. That is why I voted for DOMA, the Defense of Marriage Act, in 1996, and that is why I still support that law today.

DOMA makes absolutely clear that marriage, under Federal law, which is our area of jurisdiction, is a status that should be attainable only by one man and one woman, and that any State's decision to define marriage otherwise has no effect on marriage under Federal law or the laws of other States.

In other words, we already have a Federal law on the books that precludes any couple other than an opposite-sex one from claiming Federal marriage benefits and that prevents one State from seeking to impose its view of marriage on its sister States. A constitutional amendment to that effect is therefore unnecessary at this time.

There is a contemporary reality, however, that this amendment does not allow us the flexibility to recognize. Gay and lesbian couples exist. They are not going away. They also enjoy the rights promised in the Declaration as the endowment of their Creator. To say these couples and their children should be denied any legal protections or relieved of all legal responsibilities would, in my opinion, be unfair and inconsistent with the principles that were at the basis of the founding of our country.

I presume most all of us would agree, for example, that someone should not be excluded from his dying life-partner's hospital room on the ground that their decades-long relationship has no legal status. Probably many of us who have thought about it would not want to see someone who raised her partner's biological children as her own and provided the family's principal means of support be able to simply walk away without any financial obligations to the child if the couple ends their relationship.

I do not profess to know exactly how and in what form these rights and responsibilities should be extended to gay and lesbian couples. Different States are already providing different answers to those difficult and important questions. But I do know this is a discussion and a debate that will and should continue to the benefit of our country.

I understand that some argue that the Constitution's full faith and credit clause makes inevitable that one State's decision to allow gay marriage will lead to gay marriage across the Nation. I respectfully disagree. I believe that DOMA is constitutional, a view I hope is shared by the overwhelming majority of my colleagues who voted for it. If DOMA is declared unconstitutional in the future and the full faith and credit clause found to mandate national recognition of one State's definition of marriage, there will be enough time for those of us who oppose gay marriage to act statutorily or constitutionally.

In sum, this is an unnecessary amendment that wrongly and certainly prematurely deprives States of their traditional ability to define marriage. I plan to cast my vote against it and urge my colleagues to do the same.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I believe under the unanimous consent agreement Senator SANTORUM is to be recognized next. We discussed that. I ask unanimous consent that I be allowed to speak at this time for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I ask the question: Why are we here? The reason we are here is because of court rulings. The Massachusetts decision took effect May 17, just a few weeks ago. That is why we are here today. This is not a matter I had any intention of being engaged in 2 years ago or 6 years ago when I came to the Senate. We are here to protect the rights of legislative bodies in all 50 States to define marriage as they always have. I believe that is appropriate.

Some suggest there is not a real threat to marriage and the courts will not strike down the traditional definition of marriage. I do not think that is something we can say. As a matter of fact, marriage, as we have traditionally known it, is without any doubt in great jeopardy by the rulings of the courts in America. It has already occurred in Massachusetts.

I would like to show the language of one of the opinions that is relevant in this situation. In the Lawrence v. Texas case, just last year, the U.S. Supreme Court ruled and said this:

> In Planned Parenthood of Southeastern Pennsylvania v. Casey, the court reaffirmed the substantive force of the liberty protected by the Due Process Clause.

That is vague language but dangerous language, in my view. They go on to say:

> The Casey decision again confirmed that our laws and tradition afford constitutional protection to personal decisions relating to marriage. . . .

And then a little further on in the opinion, they say:

> Persons in a homosexual relationship may seek autonomy for these purposes, just as heterosexual persons do.

"For these purposes" clearly refers back to marriage in the above paragraph.

That is the U.S. Supreme Court. That decision was cited by the Massachusetts Supreme Judicial Court to justify their decision under the equal protection clause. Justice Scalia, in his comments in dissent in this case, said about Lawrence:

> Today's opinion dismantles the structure of constitutional law that has permitted a distinction to be made between heterosexual and homosexual unions, insofar as formal recognition in marriage is concerned. . . .

He made clear his view of what that opinion was, and he was in the conference when the judges discussed the opinion when it was decided 6 to 3. They can even lose one judge on the issue and still come down against traditional marriage when a challenge comes before them.

Second, marriage is good, Mr. President. I had a hearing in the Health, Education, Labor, and Pensions Committee. We had a host of excellent witnesses who testified about the strength and importance of marriage. The numbers and science are indisputable.

Barbara Dafoe Whitehead, who wrote one of the most important articles in the second half of the 20th century called "Dan Quayle was Right," testified. She has become an expert on the subject. She said she was at first criticized, and now everybody agrees with her statistics. She gathered them from independent studies around the country. She found this:

> On average, married people are happier, healthier, wealthier, enjoy longer lives, and report greater sexual satisfaction than single, divorced or cohabitating individuals.
>
> Married people are less likely to take moral or mortal risks, and are even less inclined to risk-taking when they have children. They have better health habits and receive more regular health care. They are less likely to attempt or to commit suicide. They are also more likely to enjoy close and supportive relationships with their close relatives and to have a wide social support network. They are better equipped to cope with major life crises, such as severe illness, job loss, and extraordinary care needs of sick children or aging parents.
>
> Children experience an estimated 70 percent drop in their household income in the immediate aftermath of divorce and, unless there is a remarriage, their income is still 40 to 45 percent lower 6 years later than for children in intact families.

She goes on and on to discuss those issues.

No reputable scientist today would dispute the fact that although single parents do heroic jobs, and many of them overcome all the statistical numbers.

The PRESIDING OFFICER. The Senator has used 5 minutes.

Mr. SESSIONS. Mr. President, I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I think it is important for us to know that marriage is good, that it is in jeopardy by the courts. The American people have a right to a legitimate constitutional amendment process—not the illegitimate process of courts amending the Constitution—but a legitimate process to amend this Constitution by allowing the States to vote. A constitutional amendment will not become law unless the States vote on it. Why is that not empowering States? Three-fourths of them must do so. I believe this is the right thing.

It has been a good debate, a good discussion. It is not going away. We will be back again and again. This issue will be discussed more. It will become law. We will protect marriage because it is critical to the culture of this country.

I thank the President and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. CORNYN. Mr. President, we have additional speakers on our side who are ready, but the practice has been to go back and forth, so we would be glad to allow time for our Democratic colleagues.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I will share a few thoughts on the subject matter at hand. We are shortly going to vote, I believe, on the motion to proceed on the constitutional amendment banning same-sex marriage. I intend to oppose the cloture motion and oppose the underlying constitutional amendment, and I will lay out the reasons why.

First, I believe this constitutional amendment has no place in our founding document because it runs counter to our most sacred constitutional traditions. According to University of Chicago law professor Cass Sunstein, who testified before the Judiciary Committee:

> Our constitutional traditions demonstrate that change in the founding document is appropriate on only the most rare occasions—most notably, to correct problems in governmental structure or to expand the category of individual rights. The proposed amendment does not fall into either of these categories.

For example, the first 10 amendments of the Bill of Rights guaranteed such liberties as freedom of speech, assembly, and religion, the protection of private property, and freedom from cruel and unusual punishment.

Other amendments corrected problems in the structure of Government such as limiting the number of terms a President could serve or providing for the direct election of Senators.

In fact, the only time the Federal Constitution was amended not to expand an individual right or to respond to structural concerns was to establish prohibition and then repeal it. That is the only example in the last 228 years.

If the proposed Federal marriage amendment is adopted and we are to deny rather than confer rights upon individuals, I believe it will be a step backward for all Americans concerned with the Constitution and the intended purpose of it. It would be difficult to imagine what our Federal Constitution would look like today if we had adopted constitutional amendments at the rate they are being currently proposed.

I point out that as of June 15, 2004, 61 constitutional amendments have been introduced in this Congress alone. In the last decade, 460 constitutional amendments have been offered. Even more startling is that 11,000 have been offered since the first Congress convened in 1789. That is the bad news. The good news is only 27 of those constitutional amendments have actually been adopted since 1789.

Some of these proposed constitutional amendments were controversial and divisive when proposed, and clearly discredited when viewed through the prism of historical perspective. There have been constitutional amendments to divide the country into four Presidential districts with a President elected from each, renaming the country "the United States of the World," and even allow for the continuance of slavery.

If all of the proposed constitutional amendments were adopted, our founding document would resemble a Christmas tree—a civil and criminal code rather than a constitution—and the United States would be a very different nation indeed.

The Framers therefore had it right when they made the Constitution extremely difficult to amend. It is a process that ought to be very well thought out and extremely deliberate. That is why of the more than 11,000 proposals to amend the Constitution, only 27 have been adopted.

The Constitution was not intended to be subject to the passions and whims of the moment. It dilutes the meaning of having a constitution in the first place if it is easy to amend, not to mention the fact that a lengthy constitution would be exceedingly difficult to interpret and enforce.

The Federal Constitution was construed to withstand incessant meddling and provide a stable framework of Government in the future. Certainly there must be a major crisis at hand. At the very least, the hurdle must be passed that we face a crisis.

Certainly I am willing to listen to those who say the crisis we face on this issue of same-sex marriage is so compelling that we must do something about it, and the only way we can address this crisis is by amending the Constitution of the United States. In my view, however, there is no crisis. It is a sham argument.

First, there has been no successful challenge to the Defense of Marriage Act, or DOMA. I want to direct the attention of my colleagues to this chart. Courts that have upheld Federal right to same-sex marriage, zero; States forced to recognize out-of-state same-sex marriages, zero; churches forced to perform same-sex marriages, zero; discriminatory amendments to the U.S. Constitution, zero.

Where is the crisis? There is no crisis. This is merely a political issue for some in the majority party who want to raise a question where frankly the problem is nonexistent.

Therefore, I think the issue of a Federal Marriage Amendment is certainly not ripe at all, nor is there a "crisis" as some of my colleagues would have us believe.

It is unfortunate that the majority party of the Senate does not share James Madison's view that the Constitution is to be amended "only for certain great and extraordinary occasions." What is "the great and extraordinary occasion" that warrants taking this radical action today? The majority party has scheduled votes on two constitutional amendments prior to the August recess. Neither of these amendments, which concern same-sex marriage and the burning of the American flag, falls within our constitutional traditions. They have absolutely nothing to do with expanding individual rights or responding to structural concerns. They have absolutely everything to do with scoring political points before an election.

In addition, there has not been a markup or any consideration of these amendments by the full Judiciary Committee. It is extraordinary that the entire Senate would be considering amending the Constitution without the amendments having gone through the normal legislative process. In fact, of the 19 constitutional amendments considered by the Senate Judiciary Committee since 1978, all but two have been fully debated by the Judiciary Committee. The Senate considered the two that did not go through the Judiciary Committee only by unanimous consent.

Here we are taking the exceptional route of avoiding that process. Most surprisingly, the majority party is paying lip service to its cherished principle of federalism. Since the founding of our Nation, marriage has been the province of the States, and in my view it should continue to be a State issue. Yet the Federal Marriage Amendment would deprive States of their traditional power to define marriage and impose a national definition of marriage on the entire country.

According to Yale professor Lea Brilmayer, States now have wide latitude to refuse recognition of marriages entered into in other States without offending the Full Faith and Credit Clause of the Constitution. She argues that "entering into a marriage is legally more akin to signing a marriage contract or taking out a driver's license" as opposed to a judicial judgment, the latter of which is entitled to Full Faith and Credit. Courts have therefore not hesitated to apply local public policy to refuse to recognize marriages entered into in other States.

In addition, 49 out of 50 States allow marriage only between a man and a woman. The one holdout, Massachusetts, is currently working its way through this contentious issue in its State constitutional amendment process. For Congress to step in and dictate to 49 States how they ought to proceed in this matter runs counter to the States rights principles that many hold so dear.

I am hopeful cooler heads will prevail on this issue and the Senate will turn its attention to more pressing concerns. Having been through the process last week of trying to reform the class action system, which we spent only some 48 hours on, we have some 8.2 million out-of-work Americans; 4.5 million Americans working part time because they cannot find a full-time; almost 2 million private sector jobs lost since January of 2001; 35 million Americans living in poverty; 12 million children living in poverty; 25 million Americans who are hungry or on the verge of hunger; 43 million Americans without health insurance.

How about spending a couple of days trying to address one of these issues? And yet here we are consuming the remaining days of this session of Congress on an issue where there is absolutely no crisis.

As I pointed out earlier, looking at this chart once again very quickly, there have been no successful challenges to the Defense of Marriage Act. No court has upheld the Federal right to same-sex marriage. No state is forced to recognize out-of-state same-sex marriages. And no church is forced to perform same-sex marriages.

This issue is not ripe. It is not needed. It is a waste of our time. We ought to be dealing with far more serious issues.

My hope is that my colleagues, when a vote occurs in a few short minutes on cloture, will vote no on cloture. Let's get back to the business of what the Senate ought to be dealing with—namely, the pressing issues that our country needs to address on a daily basis. This is not one of them.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, there is no problem. We are just here because we are playing politics: We are alarmists. There is no problem out there. The Massachusetts Supreme Court didn't rule that the legislature had to change the definition of marriage. The Supreme Court didn't rule last year, for the first time, that we have fundamentally changed how we are going to construe rights with respect to homosexuals and lesbians. No, there is no problem. America, look somewhere else. Don't pay attention to what is going on. Everything will be fine. Just leave it up to us.

Us? Judges. Just leave it up to the judges. The Constitution should not be amended, said the Senator from Connecticut, on the passions and whims of the moment. That is right. What would others like to see happen? They would like to see it amended on the passions and whims of judges because that is what does happen. That is what is happening.

What has changed? The courts have changed. The courts have decided it is now their role to take over the responsibility of passing laws. What has changed? What has changed is that they now create rights and change the Constitution without having to go through this rather cumbersome process known as article V. We actually have to amend it, have to get two-thirds votes, have to get three-quarters of the States. That is what has changed.

We can sit back and deny it. No, everything is fine, zero, zero, zero—I say one, Massachusetts; two courts right now considering whether to overturn the Defense of Marriage Act. None have done it, but the cases were just filed. Why were they just filed? Because the decision was just last year.

Oh, we can wait. We can wait until more and more people enter into these unions in more and more States, after they become adopted. Then we can wait. Then, when we wait long enough, we say: Now we can't take these rights away from people. How can we be discriminatory? People have already invested in these rights.

Let's wait. Let the courts do it for us. Let's go out here and protest that we are for traditional marriage, and then do absolutely nothing, absolutely nothing to make sure it is preserved.

In fact, all but one—Senator KENNEDY said he is for the Massachusetts decision, but I don't know of any other Senator who has come out here and said they are against the traditional definition of marriage. Every other Senator to my knowledge has said they are for the traditional definition of marriage. Yet those of us who are proposing this amendment have been called divisive, mean-spirited, gay bashing, shameful, notorious, intolerant—I could go on. Wait a minute, don't we all agree on this? Don't we all agree on the definition of marriage? If we all agree on the definition of marriage, and we just have different approaches to solving it, then why, if we all agree on the substance, are those of us proposing the marriage amendment divisive, mean-spirited, gay bashing, et cetera? Why?

Maybe we have to question whether there really is a desire to protect traditional marriage and whether we are just sort of laying back, hoping this issue is taken from us, that the courts will do our dirty work, that the courts will go about the process, which they have been now for the past couple of decades, and simply change the Constitution without the public being heard. That is what this amendment is all about.

Article V says Congress shall propose. We are proposing. We are not passing anything. We are not forcing anything on the States. As to this idea that somehow or another this is against States rights, 38 State legislatures have to approve this amendment for it to become part of the Constitution. This is not forcing anything on the States. This is not an abdication of States rights. This is allowing the States a fighting chance to preserve what every State in the Union says they would like to preserve, and that is the institution of marriage.

The idea, somehow or another, and I know others have talked about this, that James Madison would be against this because "this is not a great or extraordinary occasion"—I would say the fundamental building block of any society is marriage and the family, and the destruction of that building block is a fairly extraordinary occasion. But even if some do not believe it is, let me refer you to the last amendment to the Constitution, the 27th amendment, which states:

> No law varying the compensation for the services of the Senators and Representatives shall take effect until an election of Representatives shall have intervened.

Members of the Senate and House cannot get pay raises until their election. That was the 27th amendment. That was the great and extraordinary occasion that we amended the Constitution.

By the way, for those who say Madison would surely have opposed that because it is not a great and extraordinary occasion, what was the name of this amendment? The Madison amendment. James Madison proposed this amendment. This is a great and extraordinary occasion.

I would argue, the future of our country hangs in the balance because the future of the American family hangs in the balance. What we are about today is to try to protect something that civilizations for 5,000 years have understood to be the public good. It is a good not just for the men and women involved in the relationship and the forming of that union, which is certainly a positive thing for both men and women, as the Senator from Alabama laid out, but even more important to provide moms and dads for the next generation of our children. Isn't that important? Isn't that the ultimate homeland security, standing up and defending marriage, defending the right for children to have moms and dads, to be raised in a nurturing and loving environment? That is what this debate is all about.

I ask my colleagues who come here and rail against those of us who would simply like to protect children, those of us who would simply like to give them the best chance to survive in a very ugly, hostile, polluted world that we live in—with respect to culture—I would ask them this question: What harm would this amendment do? What harm would it do?

We don't need it; it is not ripe; it is not ready; it is divisive. What harm would an amendment which simply restates the law of every State in the country and protects them from judicial tyranny, what harm would it do? What harm will it do to do something that we know will actually protect the family? This idea that it is not ripe, this idea that it is unnecessary, this idea that it is divisive when all but at least one Member, that I am aware of, only one Member disagrees with the substance of the amendment, that is divisive? I can't think of very many things that happen around here that pass 99 to 1. It is not divisive. It is simply a restatement of what we have held true in this country since its inception and in every civilization in the history of man. What is the reluctance? Is it because this Constitution is so great and so lofty that we dare not amend it? Obviously not.

Then, what is it? Why do we hold back? Why aren't we willing to stand up and say children deserve moms and dads? The people have a right to define for themselves what the family is in America. Let the people speak. Let the people participate in this document. This is the Constitution, and judges should not be rewriting it without the people's consent. That is what article V is all about. That is what this amendment is all about. It is not about hate. It is not about gay bashing. It is not about any of those things. It is simply about doing the right thing for the basic glue that holds society together.

I plead with my colleagues. I know they have given speeches. I know there are lots of pressures out there. Certainly, the popular culture is not supporting those of us who have stood and supported this amendment. But just think about what America will look like, as we have seen in other countries around the world that have changed the definition of marriage, what America will look like with growing numbers of people simply not getting married; growing numbers of children growing up in nonmarried households.

I suggest you look at the neighbors of America where marriage is no longer a social convention, where marriage is no longer something that is expected, particularly of males, and see what the result is in those subcultures, see what the result is, see the role that government and community organizations have to play to save the lives of children, to give them some shred of hope because mom and dad aren't there.

That is the world we are looking at. That is the world that is simply around the corner if we choose to do nothing.

I said last night and I will repeat today—I ask for an additional 1 minute.

Mr. REID. Mr. President, that will be taken off the Republican time; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. SANTORUM. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 1 minute.

Mr. SANTORUM. Christopher Lasch says we get up every morning and we tell ourselves little lies so we can live. Today, we have gotten up and we have told ourselves a little lie. Oh, the family is OK. Oh, this isn't right. Oh, whatever the lie is—but sometime or another we are just not going to come around to doing what we say we believe. Somehow or another we will deny what we know is true. We know that marriage between a man and a woman is true and right. It is not discriminatory and divisive. It is simply a fact. It is common sense. Yet somehow, just so we can move on to homeland security or to the next bill, we are going to deceive ourselves into believing that everything will be OK if we just do nothing. Nothing doesn't cut it. Let the people speak.

The PRESIDING OFFICER. Under the previous order, the remaining 30 minutes shall be allocated in the following order: Senator LEAHY, 10 minutes; Senator HATCH, 10 minutes; the Democratic leader, 5 minutes; and the majority leader, 5 minutes.

Mr. REID. Mr. President, Senator DODD has time remaining—5 or 6 minutes. We yield that to Senator LEAHY.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I am privileged to represent a State that values families and the tradition of this country as much or more than any State in our Nation. We are the 14th State in the Union. We are a State that values and respects not only our families, but our duties to the rest of the country. In fact, during the current war in Iraq, Vermont has lost on a per capita basis more soldiers than any other State in the country. We are a very special State.

We also have a wonderful constitution, the shortest constitution, I believe, of any State in the Nation. We hold to it as we do the U.S. Constitution. We have provisions in our Vermont State Constitution which make it very difficult to change, for a reason. It has guided us for well over 200 years, just as our U.S. Constitution has guided the nation as a whole.

When you change the fundamental role of the Federal Government to have it intrude into the lives of our people and into our separate religious institutions, that is wrong. Doing so preemptively, based on the false premise that the U.S. Supreme Court, the Supreme Court of Chief Justice Rehnquist and Justice O'Connor, is going to reach out and require States to approve same-sex marriages, is ill founded. Doing so in order to write discrimination into the Constitution is abhorrent.

Instead of a respectful and deliberative process with respect to the U.S. Constitution, we have something else going on here, something that Senator DURBIN and Senator FEINGOLD and others spoke of yesterday. None of the various proposed constitutional amendments have gone through the traditional process to help the Senate determine whether a proposed amendment is "necessary," as, of course, the Constitution requires. Changing the fundamental charter of our Nation should not be proposed in this haphazard manner.

Everybody here knows that this is a political exercise being carried out on the fly. It shows little respect for the Constitution or the priorities of the American people.

Instead of taking action against terrorism, providing access to prescription drugs at lower prices, improving the criminal justice system, engaging in oversight to get to the bottom of the Iraq prison abuse scandal, providing a real Patients' Bill of Rights against the HMOs, or just fulfilling the basic requirements of the Senate by passing a budget and determining the 12 remaining appropriations bills on which the Senate has yet to act, the Republican leadership in the Senate has frittered away another week, with only 5 weeks left in the session. We have lost another week, but they know on the vote they will not win.

The American people have felt the need to amend the Constitution only 17 times since the adoption of the Bill of Rights. You would not recognize that tradition of restraint in looking at this Congress, in which dozens of proposed amendments to the Constitution have been introduced. The Senate has voted to increase the democratic rights of our citizens on several occasions, but we have only voted once to limit the rights of the American people. That was prohibition. We know that failed, and we had to come back in an embarrassed way and vote to repeal it.

This is a motion to proceed to the third version of the Federal Marriage Amendment that has been introduced in this Congress. Senator DASCHLE and the Democratic leadership offered a fair up-or-down vote on this amendment, but the Republican leaders refused. Instead, they want to have a constitutional convention on the Senate floor, with multiple votes on a variety of versions of constitutional amendments.

Yesterday, the distinguished Senator from Oregon, Mr. SMITH, indicated he was not insisting on a vote on his version of a constitutional amendment. I have not heard the distinguished senior Senator from Utah insist on a separate vote on an alternative version. I really do not understand why the Republican leadership wouldn't agree to an up-or-down vote at a certain time on this amendment, as Senator DASCHLE offered. It almost seems as if the Republican leadership can't take yes for an answer on this procedural matter.

Are we facing crises here in the United States? I suppose that we are, but they are not constitutional crises. They are real-world problems. They have more to do with international terrorism and difficult economic times for America's working families than how the people of the State of Massachusetts will determine how to work out a State constitutional amendment or other approaches to the question of marriage in their State.

No constitutional crisis exists demanding constitutional changes. Look at two of our largest States, California and New York. They have Republican Governors. Their Republican Governors are not asking us to change the Constitution. Many of the Republican Senators in this Chamber know there is not a constitutional crisis, and I commend their courage in opposing this amendment.

I compliment the Log Cabin Republicans for their forthrightness and courage. They are right that marriage is an issue for the States and for our religious institutions within their separate spheres. In fact, they are right that Vice President CHENEY and I agree on this, even though the Vice President is uncharacteristically silent at this moment.

I began this debate last Friday by urging that our Constitution not be politicized. I am saddened to see the proponents of this amendment and those trying to make this an election year issue see nothing as off limits or out of bounds, not even the Constitution. They propose turning the Constitution of the United States from the fundamental charter preserving our freedoms into a kiosk for political bumper stickers. They would reduce it to a device—in their words—to "stand up against the culture."

The real conservatives, the conservatives of Vermont and other States—know that conserving the Constitution is among the most important responsibilities we have. Our oath as Senators—an oath I have taken five times, and I can remember each one of them as though it was yesterday—is to "support and defend the Constitution of the United States."

Where is the respect for our States here? The Republican-appointed judges in Massachusetts changed their rules on marriage. But Massachusetts can decide for Massachusetts. They can change their constitution. But, of course, what we do here is going to force other States to ignore their own constitution or their own laws. Whether they like it or not, we will tell them what they have to do.

I hear many say Republicans and others on the Massachusetts Supreme Court endangered marriages. If I may be personal for a moment, I have been married for 42 years, to the most wonderful person I have ever known. In my mind, she is the most wonderful wife anyone could have. I sometimes ask myself why she has put up with me for 42 years, but she has. We have three beautiful children, two wonderful daughters-in-law, a wonderful son-in-law, all of whom we love. We were blessed this past weekend with our third grandchild. How wonderful it was to hold her literally minutes after she was born.

Like the former senior Senator from my State, Senator Stafford, I could say that everything I have accomplished in my life that has been worthwhile has been with the help of my wife Marcelle. We do not find our marriage endangered.

I do find a Constitution endangered if we start using it for bumper sticker slogans. That is what we are doing, and we must stop. The Constitution is too great a part of our heritage and our freedoms and our diversity and the democracy we love to tarnish it in this fashion.

When we vote today, we will not be voting to preserve the 42-year marriage of PATRICK and Marcelle Leahy. She and I will not be affected by this vote, but millions of Americans will be. Remember those gay and lesbian Americans across the Nation who are looking to the Senate today to see whether this body is going to brand them as inferiors in our society. Those who vote against cloture recognize the fullness of their worth and their citizenship. I will not vote to diminish other Americans in the Constitution. I urge all Senators to vote "no."

I have to wonder what Americans are thinking as they watch the Senate devote its limited time to debate the Federal marriage amendment. Do they think the Nation is in a midst of a crisis that only a constitutional amendment can resolve? Are they pleased that the Senate has turned away from legislation that could improve their daily lives to engage in this debate? I doubt it.

Let me review the current legal landscape in America. Massachusetts is the only State in the Union providing marriage licenses to same-sex couples, and its citizens are in the midst of the State constitutional process to overturn that policy. In addition, Massachusetts has limited same-sex marriage to couples who reside or intend to reside there. Meanwhile, none of the other 49 States has moved to legalize gay marriage during the many months that have followed the Goodridge decision in Massachusetts.

I think most Americans would agree with me that the sky has not fallen during the 2 months during which same-sex couples have married in Massachusetts. They may support gay marriage, or like me, they may believe that civil unions are the appropriate way to recognize the seriousness of gay and lesbian relationships. Or they may oppose any recognition at all for same-sex couples. But at a fundamental level, they understand that States should have the authority to decide who can marry, and that the relationships being formed between consenting adults in Massachusetts have not harmed their own marriages or their own families.

The Rutland Herald, a Pulitzer Prize-winning newspaper in my State, wrote the following in an editorial last month:

> [A] remarkable thing has happened since gay marriages began legally in Massachusetts last month: nothing. Gay and lesbian couples who have trooped to their town clerks or church altars have joined in the most significant relationship of their lives, and it has not been nothing to them. But no cataclysmic shock to society has occurred. Marriages happen as a matter of course, and though they are one of the most significant events in the life of the individual, they are a routine matter in the life of a community. Now gay marriage, too, has become routine, at least in Massachusetts.

As The Rutland Herald suggests, most Americans have not felt any effects from developments in Massachusetts, and many are surely mystified and dismayed by the Senate's fascination with the topic.

So why are we here today? We are certainly not here to legislate. Everyone in this chamber knows the Senate will not adopt this amendment. If you listen to Senator SANTORUM or Senator HATCH, you know they say we are here to "put people on record," apparently including the many Republicans who have expressed reservations about the FMA or oppose it outright.

Obviously, the Senate leadership has decided that forcing a vote in relation to the FMA will benefit the Republican Party politically, from the race for the White House to the Senate races that will determine which party controls the agenda for the 109th Congress.

Ever since President Bush publicly embraced amending the Constitution to ban same-sex marriage, it has been obvious that he considered the issue of gay marriage crucial to his re-election campaign. The President's plan was clear: his right-wing base may have been alienated by his calls for immigration reform or a mission to Mars, but he would win them back by aggressively promoting a marriage amendment. And since the President's opponent is a Member of this body, it was only a matter of time before this amendment reached the floor, regardless of what procedural traditions had to be sidestepped to do it.

Of course, the President has never said what words he wants to be included in the Constitution. His Department of Justice has never testified before the Judiciary Committee of the

House or Senate, and has never said what words it believes would be appropriate to include in the Constitution. The President and his administration want the benefit of supporting this discriminatory amendment without getting their hands dirty by delving into the specific and ugly words. This lack of concern about the language of the amendment is of course not limited to the White House. As I stressed in my opening statement, the language of this amendment is rather beside the point for its congressional supporters, too.

The President addressed the issue of gay marriage in his State of the Union address in January. He said, "If judges insist on forcing their arbitrary will upon the people, the only alternative left to the people would be the constitutional process." Yet, on February 24—barely a month after the State of the Union address—and without any additional court anywhere in the country ruling on gay marriage, the President flip-flopped and endorsed putting a ban on gay marriage in the Constitution. I can only assume that something turned up in the White House's polling to prompt such a dramatic about-face. Or perhaps Karl Rove's phone simply would not stop ringing with calls from the hard-right groups that compose the core of the President's support.

In any event, the day after the President endorsed the concept of a constitutional amendment, I wrote him and asked what specific language he wanted us to add to the Constitution. After all, we have only amended the Constitution 17 times since the Bill of Rights. If the President was calling on Congress to amend it for an 18th time, I thought the least he could do is make clear what language he seeks. I have waited in vain for a response.

I am not surprised by the President's conduct in this matter. He has proven himself willing over the last 3½ years to take whatever measures he finds politically expedient. He has also shown that he is more than willing to play political games with the Constitution, as we see with today's debate and we will see again in the upcoming debate on a constitutional amendment to ban flag desecration an issue that Vice President CHENEY has been campaigning on recently. The President, the Vice President, and the rest of the administration have withheld information from Congress and the public whenever it suits them. And facts have proven to be awfully malleable things when they have stood in the way of the President's political priorities. For this administration, it is all politics all the time regardless of the truth or the consequences. Let me provide three of the many possible examples.

When the facts got in the way of the President's prewar statements about Iraq, and Joseph Wilson pointed out the flaws in the President's 2003 State of the Union address concerning Iraq's alleged efforts to obtain uranium in Niger, someone in the Administration apparently told the press that Wilson's wife was an undercover agent at the CIA. The President promised that the perpetrator would be discovered and punished. But if he has made any efforts to discover the leaker's identity, we are unaware of them. Instead, he has retained counsel and allowed the investigation to grind on, perhaps in the hope that the issue will not be resolved until after election day.

When the facts got in the way of the President's proposal to expand Medicare to provide prescription drug benefits, his Department of Health and Human Services simply withheld those facts from Congress. When Congress considered the prescription drugs bill last fall, it received an estimate from the Congressional Budget Office that the cost of implementing the new program would be about $395 billion. It has since come to light that Richard Foster, the chief Medicare actuary, completed a cost estimate for the Bush administration last fall that showed the new prescription drug benefit would cost $550 billion, drastically more than the CBO estimate. In testimony before Congress, Mr. Foster explained that he was told that if he made his cost analysis public, he would be fired. The Congressional Research Service recently reported that it believes the Bush administration violated the law by withholding Mr. Foster's report and stated that it is clear that Congress has the right to receive truthful information from Federal agencies to assist in its legislative functions. It was a breach of trust with this Congress and with the American people.

And in today's papers we learn that there are administration estimates that when the purported prescription drug benefits are supposed to finally kick in around 2006, what is likely to happen is that almost 4 million retirees will, in fact, lose prescription drug benefits. That means that the Bush administration is now withholding its own estimates that one-third of all retirees with employer-sponsored drug coverage will, in fact, suffer more rather than be helped by the bill they forced through the Congress to benefit large insurance and pharmaceutical companies at the expense of our seniors.

Finally, when we in Congress raised legitimate concerns about the administration's policies on the abuse of prisoners abroad and requested documents that would shed light on the administration's policies regarding the treatment and interrogation of detainees, the White House released a small number of self-serving documents and chose to hide the rest. Then it "disavowed" the Office of Legal Counsel memo that laid out a strategy for evading the limits of the Torture Convention as if that document, which is legally binding on the Executive Branch, had been nothing more than the doodling of an overly imaginative young lawyer at the Department of Justice. The administration obviously does not want the Congress or the American people to know the facts about its actions abroad or its slippery commitment to upholding American values.

Let there be no mistake: We are here today because the President wants to distract the American people from the facts of the weakened economy and reduced standing abroad that his administration has produced. He and the Senate Republican leadership prefer a political circus and seek to whip the American people into a frenzy based on the actions of a single State.

I am not so sure their political calculations are correct. I believe the American people regardless of their position on gay marriage—will be disappointed by the majority's overreaching. They will see this debate for what it is—a show produced to benefit Republicans politically while doing nothing to enhance or protect the sanctity of marriage. Senator CHAFEE predicted months ago that his leadership might bring the amendment up "just for political posturing." He has proved prescient.

As I said at the fourth and final hearing the Judiciary Committee held on gay marriage, this debate is not about preserving the sanctity of marriage. It is about preserving a Republican White House and Senate and about doing so by scapegoating gay and lesbian Americans. I oppose this amendment, and I again urge my colleagues to oppose it as well.

This debate perfectly illustrates the Senate's priorities. We are spending days on a Federal marriage amendment that we all know does not have the votes to pass the Senate and that the House may never even put to a vote. I have spoken before about the divisiveness of this debate and the contempt that it shows for our constitutional traditions. This debate, however, also demonstrates the Senate Republican leadership's disregard for the needs of the American people and the institutional responsibilities of this body.

The Senate has been unable to get its own house in order. It is mid-July and we have still not passed a budget. The Senate has passed only one of 13 appropriations bills, and the leadership has suggested they may not be able to find the time to pass the others as individual bills. I do not believe we have ever passed only one appropriations bill in the Senate before the August recess, but we certainly seem to be headed in that direction.

A July 7 editorial in Roll Call lamented what it called the "Big Mess Ahead." We are now stuck in that big mess. Roll Call noted that "July should be appropriations month in the Senate." I agree. July has traditionally been when we got our work done and made sure that funding for the various functions of the Federal Government would be appropriated by the Congress as it exercised its responsibilities and the power of the purse. Not this year.

We have not done our part to help American employers create jobs. We have not completed work on a highway bill that could create 830,000 jobs, or on the FSC–ETI bill, subjecting American businesses to retaliatory tariffs that are increasing monthly. At the same time we have dallied on measures to expand the economy, and we have refused to extend unemployment benefits, even as 2 million Americans have exhausted their unemployment insurance.

We have not addressed the health care needs of our citizens. The majority has refused to take up either a drug reimportation bill that has the support of a majority of Senators, or mental health parity legislation that has 68 sponsors. Meanwhile, the Senate has done nothing to address the fact that 43 million Americans have not had health insurance for more than a year.

We have failed those hardworking Americans who struggle every day to make ends meet on wages that barely reach the poverty line. We have not increased a minimum wage that has remained unchanged since 1996. As inflation has risen and the economy has worsened, the working poor must struggle to live on the same wage Congress passed 8 years ago. The core inflation rate rose 2 percent in the first quarter of this year alone. In addition to allowing the minimum wage to stagnate, the majority has abandoned efforts to reauthorize the welfare reform law, leaving thousands of families in desperate need of quality childcare behind.

We have also failed our veterans. This failure begins at the top. The President has consistently proposed underfunding veterans' programs. His budget request for this year failed to maintain even the current level of services. Secretary of Veterans Affairs Principi recently testified that his department asked the White House for an additional $1.2 billion, but that request was denied. Forced to choose between our veterans and the President, the majority has sided against our veterans.

During consideration of this year's budget resolution, Senator DASCHLE offered an amendment to fund veterans programs at the level recommended by veterans' groups in the Independent Budget. Unfortunately, only one Republican voted in favor of this amendment, and it was defeated. A second amendment, offered by Senator BILL NELSON, would have increased funding for veterans by $1.8 billion. It too was defeated. Not a single Republican supported the Nelson amendment. My friends on the other side of the aisle then offered a "smoke and mirrors" amendment on veterans' care. Although this amendment made it seem that the Senate was voting to provide more money for veterans, we all know that this amendment did not add one red cent. The main purpose of this amendment was to provide political cover for the November election.

While the administration is shortchanging VA funding, out-of-pocket expenses for veterans are skyrocketing. Under the Bush administration, these expenses are projected to rise by an incredible 478 percent. Certain Priority 8 veterans are blocked from VA health care altogether, while others cannot receive treatment unless they pay a ridiculously high co-payment. Instead of debating polarizing issues like the Federal marriage amendment, we should be acting to provide real resources for the men and women who served this country with honor.

Unlike in 2000, the Republican majority has not even made the pretense of addressing the priorities of our Nation's immigrants. The majority leader engaged in parliamentary tricks last week to avoid a vote on Senator CRAIG's immigration reform bill and has found no time for the bipartisan DREAM Act, which would help thousands of immigrant students in our Nation. The prospect of comprehensive immigration reform is even more remote.

Sadly, the list of what we are not accomplishing goes on and on. Roll Call observed in its editorial last week that "the second session of the 108th Congress is poised to accomplish nothing." The way things are going, under Republican leadership this session will make the "do nothing" Congress against which President Harry Truman ran seem like a legislative juggernaut.

The days we spend on this amendment could be spent more productively on any of the matters I just mentioned, but instead we are debating the FMA. We have followed this course even though there are only 6 weeks remaining in the Senate's scheduled work year.

I fear that at this point in an election year, floor time is only available for matters that advance the majority's narrow political agenda. This is a sad contrast from 1996, when we passed a minimum wage increase, a welfare reform bill, and other matters in a productive summer during which we occasionally put the election aside and took care of business for the American people. I supported some of those initiatives and opposed others, but I believed they were important matters that deserved the Senate's extended attention.

This summer, the Senate seems content to act as an extension of the President's reelection campaign. Why else would we be considering an amendment prompted by gay marriages in Massachusetts, 2 weeks before Democrats convene in Boston for their national convention? In light of all the talk about potential terrorist activity at the political conventions, we should be spending time passing appropriations bills for the Departments of Justice and Homeland Security. Instead, this Senate will grind to a halt and ignore its pressing duties to conduct a debate whose outcome we all know.

I am not naive. I know that politics has always influenced Congress. It could not be otherwise. I fear, however, that the Republican leadership has taken the politicization of the Senate to new heights. Have we ever taken up a constitutional amendment that did not have the support even of a firm majority of this body, over the objection of the minority party, without even having the Judiciary Committee consider it?

We should reject this amendment and move on to the matters that make a difference in the daily lives of our constituents.

Mr. CORZINE. Mr. President. I wish to discuss, regrettably, the so-called Federal marriage amendment.

Regret is a key word when it comes to this amendment, for several reasons.

It is regrettable that, in this case, the United States Senate is debating an amendment that intends to turn a revered, sacred document into a political weapon.

It is unfortunate that a misinformation campaign about the consequences of this amendment has been waged upon the American public by organizations that want to play politics at the expense of gay and lesbian Americans.

Furthermore, it is regrettable that at a time of challenge and difficulty for our country—when soldiers are at risk abroad, we face threats to face our domestic security, and middle class families continue to get squeezed financially—the United States Senate is not discussing the issues that really affect American families.

The American people are a diverse lot. As I have traveled around this country, I have come to notice the vast differences that mark our Union of States.

I have always seen this diversity as one of our country's strongest points. The Constitution recognizes this as well. The political system in this country has survived for well over 200 years, because it appreciates diversity, and in fact celebrates the variety of cultures, ethnicities and lifestyles that make up America.

Our Constitution guarantees the right to celebrate and vocalize those differences. It enumerates, protects and expands the inalienable rights to life, liberty and pursuit of happiness that Thomas Jefferson had in mind when he penned the Declaration of Independence.

However, the spirit of the Constitution is threatened today by the amendment that is before the United States Senate.

As you know, some people are portraying what is happening on this issue in Massachusetts as a crisis. This is a blatantly political tactic that is used to energize political bases. In an election year, we find such a tactic being used far too often.

Unfortunately, when politics is at play—as it is in this case—good public policy often suffers. That is what we are witnessing today.

Many are trying to set off the crisis alarm by falsely claiming that the entire country will have to recognize gay marriages conducted in Massachusetts. Let me be clear, this assertion is wholly untrue.

The Defense of Marriage Act, passed by Congress in 1996, clearly affirms the individual states' rights to their particular definition of marriage.

Unfortunately, many of my colleagues have come to the floor to "predict" that this law will be overturned on constitutional grounds.

This is a hypothetical argument—and a disingenuous one at that—because several of the individuals who are now claiming that DOMA will be found unconstitutional are some of the same people who actively supported the passage of DOMA, and endorsed its constitutionality, almost a decade ago.

The exaggeration of the situation in Massachusetts and empty predictions about DOMA being overturned, are all part of a misinformation campaign being waged on behalf of this amendment.

Another example of this misinformation campaign is the argument that this amendment does not threaten states' rights to recognize gay and lesbian couples through other legal mechanisms, such as civil unions and domestic partnerships.

In reality, it is far from clear that this amendment will not restrict gay and lesbian couples' rights as its supporters claim.

In fact, according to the National League of Cities, the plain language of this amendment will result in the elimination of several rights and benefits that are guaranteed by states and municipalities across the country.

The second sentence of this amendment, as it sits in front of me, reads "Neither this Constitution nor the constitution of any state, nor state or federal law, shall be construed to require that the marital status or legal incidents thereof be conferred upon unmarried couples or groups."

What, precisely, is a "legal incident?" It doesn't take a legal scholar to understand that this sentence threatens gays' and lesbians' rights to visit each other in the hospital, share health insurance, or inherit each other's property.

To this amendment's drafters, "legal incident" may just be empty words. However, we know that every word in the Constitution has meaning.

I am reminded of a couple from New Jersey, to whom a so-called "legal incident" is more than just empty words.

This couple was together for 6½ devoted years.

However, their partnership came to a tragic end 6 years ago when one woman, who was pregnant, was killed by a drunk driver.

As their relationship was not legal, the hospital did not contact her partner. They instead contacted the injured woman's parents. However, the injured woman's parents did not approve of the relationship, so they did not call her partner to tell her that her companion was critically injured.

It took a long time before anyone finally called to inform her of her partner's failing condition. She finally arrived at the hospital fifteen minutes before her partner passed away. Because her visitation rights were not protected by law, however, she had no right to see her partner.

This woman was not allowed to see her partner before her untimely death. In fact, she was prevented from moving past the waiting area.

In addition, the injured woman's parents did not inform the doctor that their daughter wanted to be an organ donor, something their daughter had shared with her partner.

They also took all her belongings from the couple's house, some of which had been accumulated together by the couple.

This couple had done all they could under current law to formalize their relationship. They had formalized health care proxies and powers of attorney, but the hospital chose instead to recognize the injured woman's parents and ignore the couple's long term partnership.

These are "legal incidents" that are under threat: the right to see one's dying partner in the hospital, the right to make medical decisions for one another, the right to inherit property.

I am proud to note that in my home State of New Jersey, the Governor signed a domestic partnership bill that went into effect this past weekend.

The new law in New Jersey will make sure that such a situation never happens again.

It will ensure that committed gay and lesbian couples will never be stopped from spending their last moments together.

It will ensure that committed couples can make joint financial and health decisions. And committed couples will be able to own and inherit joint property.

However, the constitutional amendment we are considering this week can and will take away the rights protected by New Jersey's domestic partnership laws. Any statements to the contrary represent a fundamental misunderstanding of the vote that members of this body will be making.

If the Senate is to consider the legal status of gay and lesbian Americans, let's have that debate. This body should consider the unique challenges faced by gay and lesbian Americans, rather than toss them around like a political football.

If we are going to talk about strengthening American families, let's have that debate as well. While I have heard a lot of posturing about how this amendment strengthens families, I don't understand how beating up on gay couples accomplishes that.

I do know that families are stronger when our homeland is secure, health care is affordable and well-paying jobs are plentiful.

New homeland security threats are becoming clearer by the day. Just last week, all Americans were reminded that we are still squarely in the crosshairs of a hidden enemy. A sobering statement from the Department of Homeland Security acknowledged that members of al-Qaida have the intention and capability to carry out a devastating attack within the borders of the United States.

All the while, the homeland security appropriations bill sits and waits. A bill I drafted that would bolster security at chemical plants sits and waits. The assault weapons ban sits and waits.

Health care and tuition costs are going through the roof, but we are not considering meaningful legislation to address these pressing needs for middle class families.

These are the priorities of the American people. Unfortunately, they do not seem to be the priorities of the United States Senate.

Why are we considering this amendment when we all know it is destined to fail? Why are America's economic and security priorities being shelved in favor of empty rhetoric on this amendment?

I wish I had a better response. However, it seems the answer is rooted in the politics of an election year.

This amendment undermines the Constitution, discriminates against gay and lesbian Americans, tramples States' rights, and is distracting this body from the important priorities that our country should be addressing.

I encourage all my colleagues to join me in voting against this amendment so that we may put the United States Senate on the record as resoundingly opposed to using our Nation's constitution as a political weapon.

Mr. CONRAD. Mr. President, over the past several months there has been much debate about the issue of gay marriage. My record as a steadfast supporter of traditional marriage and strong family values is clear and consistent. I believe marriage should be reserved to relationships between a man and a woman.

That is why I voted for the Defense of Marriage Act which became Federal law in 1996. This law gives States the authority to refuse to recognize same-sex marriages performed in other states. North Dakota has already passed laws to make it clear that North Dakota will not recognize same-sex marriages. So have 37 other States.

I strongly support these efforts by States to protect the important institution of marriage. States have historically regulated marriage, and I agree with Vice President CHENEY's statement during the 2000 election that marriage should continue to be left up to the States.

The question before us is not whether we support traditional marriage, as I do. It is not whether we support families and family values, as I do. The question before us is whether an amendment to the Constitution of the United States is necessary and appropriate to address the issue of gay marriage.

I believe the Constitution of the United States is one of the greatest documents in human history. It is the framework and the foundation upon which all of our freedoms as Americans are based. The Founding Fathers deliberately made amending the Constitution a difficult and lengthy process to preserve the integrity of the document and the freedoms it embodies. Congress has amended the Constitution only 27 times in more than 200 years, although more than 10,000 amendments have been proposed.

Throughout my career, I have held the principled position that the Constitution should be amended only when all other legislative and judicial remedies have been exhausted. Because the Defense of Marriage Act is the law of the land and has never been found to have any constitutional problems, I do not believe a constitutional amendment is needed. For that reason, despite my strong support for marriage, I will vote against the proposed constitutional amendment.

Mrs. MURRAY. Mr. President, we are less than 2 weeks away from our summer recess, and we will soon attend our respective parties' conventions. It is important to ask what we have accomplished so far this year. Very little.

We have hundreds of thousands of troops getting shot at in Iraq with no plan in place to stabilize that country.

We have sky-rocketing healthcare costs with no plan in place to help Americans get the healthcare they deserve.

And we have not done our work around the Senate: we have no budget, we have not done our appropriations, and instead of dealing with these real threats to the American people we are taking up the Senate's time on an issue that is not going to create one job, bring one soldier home, educate another child, or get a senior affordable prescription drugs.

So what are we doing? A constitutional amendment to ban States and local governments from extending legal marriage rights, responsibilities and obligations to same-sex couples.

With all the challenges we as a country currently face, this is one of the last things on which the Senate should be working. This is election-year politics pure and simple, in its crassest and worst form.

The proponents of this amendment are trying to rally those who adamantly oppose gay marriage before the fall elections and distract from an inability to deliver on the priorities of the American people.

It takes 67 votes in favor of a constitutional amendment for it to pass the Senate.

There is no expectation it will pass, yet they are stealing valuable work time from the Senate to play election-year politics.

Since this side of the aisle is not in control, we have to take what the majority brings to this floor, so we should address the basic question in this debate, which is, Should we amend the Constitution on this matter?

I say we should not. Our Founding fathers made the constitutional amendment process a difficult one. Two-thirds of both Houses of Congress, along with three-quarters of the State legislatures, must approve an amendment. Although it has never occurred, a convention can also be called by the States to amend the Constitution.

Since adoption of the Bill of Rights in 1791, the Constitution has only been amended 17 times. Our Founders wanted to use this process only in pressing matters that were serious crises impacting our Republic. As a result, in the 203 years since the passage of the Bill of Rights, amending the Constitution has always been used to protect and expand rights, not limit them. One exception was prohibition, but we repealed that amendment 14 years after it was ratified.

So we have used the constitutional amendment process to address real concerns: to establish our Bill of Rights; to end slavery; to grant women the right to vote; and to establish Presidential succession. These were real-world problems. These were issues that needed to be addressed.

The amendment we have in front of us would break with tradition—215 years worth of it—and would restrict liberties and would actually write discrimination into the Constitution. This amendment would restrict the rights not of all Americans but of one specific group. A group to whom this Senate 3 weeks ago extended hate crimes protection to as part of the Department of Defense Authorization bill.

Furthermore, unlike the pressing reasons why we have amended the Constitution in the past, invoking the process in this case is based on a hypothetical. One State—Massachusetts—had a State judicial ruling that their State constitution must allow same-sex marriage.

Again, despite the rhetoric on the other side, these are State judges interpreting state law.

Currently 38 States, including Washington State, prohibit marriage between people of the same sex.

Congress passed, and President Clinton also signed, the Defense of Marriage Act, DOMA, in 1996, which made it clear that on the Federal level marriage is defined between a man and a woman.

At least seven States will also decide this year whether to approve State constitutional amendments banning same-sex marriage.

The national conversation on this issue is still evolving, and we should not move forward with a constitutional change that would stop this discussion dead in its tracks. This is an issue that should be left to the States to decide.

States can choose how they want to define marriage, something they have traditionally done, and DOMA allows one State to reject another State's recognition of same-sex marriage.

There is a law on the books that allows States to do as they see fit. Marriage has always been within a State's jurisdiction. There is no good reason, other than politics, to try to change that.

I thought the proponents of this amendment claim to be strong State's rights advocates.

The hypothetical they have invoked in this process, the supposed constitutional crisis, is that the Supreme Court or a Federal court may rule these State laws or DOMA unconstitutional. That has not happened, nor is there any indication it will happen in the near future.

So here we are, using precious floor time, on a hypothetical. Something on which we have never used the amendment process.

This is no crisis. There is no constitutional problem. So I reject this amendment. We should not be using the amendment process on this issue. We should not be using the Constitution to restrict rights.

What we should be doing is addressing the real issues that impact the lives of Americans.

I urge my colleagues to not support this amendment.

Mr. DORGAN. Mr. President, today the Senate is deciding whether to add an amendment to our United States Constitution that would prohibit same-sex marriages.

I agree that the subject of marriage is an important matter. So, too, is the prospect of amending the United States Constitution.

I also agree with those who say that marriage is an institution that should be reserved for a man and a woman living as a husband and wife. I voted for that position when I supported the Defense of Marriage Act passed by the U.S. Congress in 1996. That is now Federal law and it clearly defines the institution of marriage for our country.

In recent months, there have been some challenges to State laws prohibiting same-sex marriages. In Massachusetts, the State Supreme Court has ruled that the prohibition of same-sex marriages violates that State's constitution. In California, New York, and New Mexico, some have tried to perform same-sex marriages in violation of State law, and authorities have taken legal action to stop same-sex marriages.

As a result, the only State in our country where same-sex marriages are now being performed is Massachusetts. But that State's legislature has begun a process to amend the State's constitution to prohibit same-sex marriages. When that is done, there will be no jurisdiction in America where same-sex marriages will be legal. I believe that the State governments, as has been the case for over two centuries, are resolving this issue in a manner that protects the institution of marriage as one that applies only to men and women united as husband and wife. Because of that, there is no need at this time to amend the United States Constitution.

The U.S. Constitution is the basic framework for the greatest democracy on Earth. Some of my colleagues find it easy to amend it. I don't. There have been over 11,000 proposals to change it over the years, 67 of them introduced in this Congress alone. But in almost 220 years we have only approved seventeen amendments to the Constitution outside of the Bill of Rights.

I am very conservative when it applies to altering our U.S. Constitution. I believe it should be amended only as a last resort. And in this case, the goal of prohibiting same-sex marriage is being achieved without the requirement to amend the U.S. Constitution.

I respect those who differ with my judgment, but I simply cannot believe it is in our country's interest to amend the United States Constitution unless it is the only alternative available to solve a problem that is urgent. The work of Washington, Jefferson, Franklin, Mason, Madison, and others is a document that has given life to the most wonderful place in the world to live. "We the people" should dedicate ourselves to protecting that Constitution and the things it stands for. We should not rush to alter the foundation of our democracy.

Mr. ENZI. Mr. President, when the Supreme Court in Massachusetts issued its ruling on marriage it did what no court ought to do. It set itself apart from and above the State and Federal legislatures, and went so far as to order the Massachusetts Legislature to produce a remedy in a time period it knew was unworkable and unfair. Even if the legislature is able to draft a change in the law that is acceptable to the court it will be impossible to bring the issue before the voters to obtain their consent and approval of the legislature's intrusion on the important tradition of marriage.

Regardless of what we may believe about the institution of marriage, the process of amending the Constitution, or the rights of same-sex couples to marry, there is no question that this is not what the Founding Fathers intended when they originally drafted the Constitution and established the principles of separation of powers and the right of the governed to have a voice in the laws that are written to govern them. The amendment we have before us is an attempt to remedy that situation and provide guidance and direction from the people of the States to the courts on this matter.

As we begin our consideration of this issue, we cannot help but frame the argument in terms of our own experience of marriage and our memories of the marriage of our own mother and father.

I was fortunate to have a pair of remarkable parents who worked hard and did everything they could to raise their family with a strong awareness of the principles and values of the time. One of those principles was undoubtedly the bonds that tied them together as man and wife. I know I am not the only one with such memories of growing up, or later, repeating much of the same modeling when we had families of our own. Now, as a grandfather, I am watching the traditions repeat themselves as my son and his wife raise the next generation of our family.

Simply put, that is what this legislation means to me—providing the generations to come with the same kind of advantages I had in my own life. It is not about denying rights to any group—it is about ensuring marriage, and its importance in our society continues to be encouraged and promoted.

As I have listened to the debate, I have heard it said that this is an issue that the States, not Congress, ought to be deciding. I could not agree more that the States need to be heard on this issue. That is why we are pursuing the remedy of a constitutional amendment in this matter. Even if we were to pass this legislation, however, it would still require the consent of three-fourths of the States.

In other words, the debate we begin here will be finished by the States. That way we will ensure that such a radical departure from our traditions and the norm of the institution of marriage will not be changed by the ruling of a court, but by the will of the people who will make their will known through their State legislatures.

One argument that has been raised in opposition to the legislation before us has to do with the rights of same-sex unions as defined by those States that have established civil unions. This bill will do nothing to change or alter that process. The States can continue to establish these programs as determined by the will of the people of the States that produce them.

This line of reasoning tries to obscure the point that a marriage is quite different from a civil union. Marriage is the union of a man and a woman in a partnership aimed at producing children and nurturing their growth and development. It is not about social acceptance, or about economic benefits, or an exercise in civil rights, as some would try to lead us to believe. A civil union, on the other hand, is a legal agreement that establishes a partnership between two people of the same sex to ensure their rights as "partners" are preserved in the eyes of the law. A civil union is concerned with matters like the right to an inheritance, retirement, death benefits, health insurance and the like. Marriage is concerned with matters involving the birth and raising of children. That is the main difference between the two. Simply put, life comes from the marriage of a man and a woman. No life can come from a civil union.

Society clearly has an interest in promoting and encouraging marriage and the life it produces because it is the cornerstone upon which all our institutions are based. The family is also the main building block that helps form the very structure of our society. If all politics is local, you cannot get any more local than protecting and preserving the institution of marriage and the family unit it creates. The family is the basic unit from which neighborhoods are developed and strong communities are created. That is why society must continue to promote marriage and to afford it all the protections it can. Again, marriage is more than just a bond between a man and a woman, it is the basis from which life is created and children become a part of our world.

I have often heard it said that if we do not do a good job of raising our children, nothing else we accomplish during our lives will matter very much. Studies have shown that a child is better prepared for life if that child is raised in a loving, caring environment, with a father and a mother. The bonds that are formed, and the lessons learned about life from mom and dad help a child to understand his or her role in the world. It also helps a child begin to develop relationships with members of the opposite sex. A mother and father serve as role models for a child that help children understand their own role in the world as it shapes their relationships with their peers as they grow up and become adults.

Some may try to respond to those points by promoting the cause of same-sex parents. That argument tries to change the subject because that is not what this legislation is about. It is about protecting the definition of marriage as it was developed and handed down to us for more generations than any of us could count.

If we abandon marriage, we abandon the family. And when we convert marriage into a civil right for the sole purpose of indulging a perceived "protected sphere of individual sexual autonomy," as some courts have tried to do, we abandon hope, not just for ourselves, but especially for future generations. If we lose our connection across the generations that have held marriage dear for so long and, as a result, the hearts of fathers and mothers are no longer turned to their children, and the hearts of children are no longer turned to their fathers and mothers, we will have suffered a great and terrible loss, indeed.

It was just over 10 months ago that I came to the Senate floor to announce the birth of my latest hope for the future, my grandson Trey. I shared my dream of his future and welcomed him into this world of promise and hope and love.

A number of my colleagues, from both sides of the aisle, came to me after that speech and shared with me their own hopes for the future as seen in the pictures of their grandchildren. My conclusion from those conversations is that all moms and dads, grampas and grammas know what it means to have that connection—the ties that bind each generation of each family together.

From where did that connection come? It was taught to us as we learned about families from our own parents and grandparents who took us under their wing and taught us what it means to be a part of a family. Simply put, they led the best way, by example, and what they taught us continues to guide us and direct us today. As I look back on those days I can see that I was their hope for the future, and they were willing to sacrifice today so that I might have a better tomorrow. It would be a tragedy for the courts to take that same opportunity away from me and my grandchildren.

The legislation we are considering today has one goal in mind—to protect the definition of marriage as it was developed and handed down to us from generation to generation. The enactment of this amendment will ensure that we pass that gift on to our children and our children's children, just as we received it.

Mr. NELSON of Nebraska. Mr. President, I address the issue that has been before the Senate for the past several days, the proposed amendment to the U.S. Constitution with regard to marriage.

Let me be clear. I support the definition of marriage as a union between a man and a woman. I fully support the concept of marriage as a sacred and solemn social institution. I support the Nebraska constitutional amendment on marriage and I support the Federal law defending marriage. But, I am not convinced we need a Federal constitutional amendment on this issue at this time.

As a former Governor, I am intimately familiar with instances where the Federal Government, Congress in particular, has interfered with the rights of States to govern. There are countless unfunded and underfunded federal mandates passed along to the States without the dollars to back them. There are tax laws and regulations that supersede state law. This is not what our Founding Fathers intended.

Thomas Jefferson, Founding Father and American President, fiercely defended the rights of States and believed that the States had the right to govern themselves on matters that were not directly authorized as the jurisdiction of the Federal Government by the U.S. Constitution.

I was pleased to see the good Senator from Arizona, Mr. McCAIN, come to the floor to express his concerns about this amendment. I echo his sentiments by also quoting from the Federalist Paper 45, in which James Madison wrote "the powers delegated by the proposed Constitution to the Federal Government, are few and defined. Those which are to remain in the State Governments are numerous and indefinite. The former will be exercised principally on external objects, as war, peace, negotiation and foreign commerce; with which last the power of taxation will for the most part be connected. The powers reserved to the several States will extend to all the objects, which, in the ordinary course of affairs, concern the lives, liberties and properties of the people, and the internal order, improvement and prosperity of the State."

I agree. Amending the U.S. Constitution, the document most sacred to those who love freedom and liberty, is a delicate endeavor and should be done only on the basis of the most clear and convincing evidence that a proposed amendment is necessary.

Proponents of this amendment predict activism in the Federal courts will result in the overturning of State constitutional amendments like Nebraska. I share that concern, but at this time there has been no court action overturning a State law on this matter and I remain unconvinced that this threat meets the level of urgency required for a Federal constitutional amendment at this time.

However, I plan to closely monitor the Federal courts and if evidence of judicial activism on this issue arises, I reserve the right to revisit this issue and reconsider a Federal constitutional amendment.

To the supporters of the amendment I say that I am in agreement with you; I am on your side of this issue. I have been contacted by several thousand Nebraskans over recent days, on both sides of the issue. I know that this issue sparks an emotional reaction in most. I appreciate hearing from constituents on this issue.

Senators are pressured by many and on various issues. Since coming to the Senate I have only felt the pressure to do what is right. In this case, the infringement on States rights is paramount. Until the rights of States are overruled by the courts, I believe that opposing this constitutional amendment at this time is the right thing to do.

Mr. DOMENICI. Mr. President. I rise today in strong support of S.J. Res. 40, the Federal marriage amendment. Unfortunately, because some are unwilling to address the actual amendment, we are instead holding a cloture vote on the motion to proceed to the amendment.

I have said it many times before, but I believe it is worth repeating: I do not take amending the United States Constitution lightly. This issue was forced upon the United States Congress, however, by a number of recent events.

The most visible, and disturbing event, was the decision by the activist Massachusetts Supreme Court in which they created a right not found in the State constitution or in State law. This is not the only event that has forced us to consider the drastic step of amending the Constitution. As you may know, we recently had a situation in my home State of New Mexico in which who defines marriage was made very real.

A county clerk in New Mexico decided that she would take matters into her own hands by issuing marriage licenses to same-sex couples. She did this despite the fact that neither the New Mexico Constitution nor New Mexico statutes recognize same-sex marriage. Put another way, the people of New Mexico, as represented by the New Mexico State Legislature, have not chosen to recognize same-sex marriage.

Instead, we risk a situation like that which took place in Massachusetts, where an activist court legislated from the bench. I am hopeful that the New Mexico courts will not follow the activist Massachusetts court, but it is not a certainty.

The Federal marriage amendment that we are considering today would ensure that the state legislatures, as elected representatives of the people entrusted with the legislative powers, get to decide. It is also important to remember: from a procedural standpoint, passage of a constitutional amendment by the Senate and the House of Representatives is only the first step.

When an amendment passes both Chambers with at least two-thirds of the membership present voting for passage, it is sent to the States for ratification. Then three-fourths of the State legislatures must ratify an amendment before it becomes part of the United States Constitution. This means that the States, through the elected representatives of the people, get two different chances to decide the issue.

I believe our Founding Fathers were particularly brilliant both in providing a mechanism by which the Constitution can be amended and in ensuring that it is difficult to do. Unfortunately, I am convinced the actions of a few nonlegislators have put us in the position where we must use the process of amending the Constitution.

Therefore, I will vote in favor of cloture so the Senate can have the opportunity to vote to send this amendment to the States so the State legislatures can act on behalf of the American people in deciding whether to ratify this amendment.

Mr. LEVIN. Mr. President, the Constitution is a document that should only be amended with great caution. This is one of those moments when we would be wise to submit the strong feelings on this issue to careful deliberation.

Unfortunately, proponents have chosen to do otherwise. The language we are debating was introduced less than 4 months ago. It is not clear what text we would even be voting on. The proposed language changes almost daily, like the weather. The amendment was not voted on by the committee of jurisdiction and we do not have the benefit of a committee report laying out the pros and cons of the amendment.

For purposes of comparison, the Congressional Research Service looked at constitutional amendments originating in the Senate over the last 40 years. Since 1963, 691 constitutional amendments have originated in the Senate. Including cloture votes, only 19 of these measures were voted on in the Senate. According to CRS, only four times in those 40 years has a constitutional amendment that originated in the Senate been debated in the Senate without first being reported by the Judiciary Committee. And of those four times, only the amendment providing Congress the power to limit campaign expenditures, versions of which were considered by the full Senate in the 100th, 105th, and 107th Congresses, came to the floor without earlier amendments on the same subject having been reported by the Senate Judiciary Committee. And that amendment was not adopted. The amendment we are currently debating has received less consideration than any constitutional amendment originating in and voted on in the Senate in at least the last 40 years, with the possible exception of one which was defeated.

In 1979, a constitutional amendment providing for the direct election of the President and Vice President was brought directly to the Senate floor. Senator Thurmond, then ranking member of the Judiciary Committee, protested the tactic, saying "The Judiciary Committee is the proper machinery for referral of this resolution. It is set up under our rules for considering a measure of this kind. It should be utilized and should not be sidestepped as it attempted to do here with this procedure." He was joined by the then ranking member of the Subcommittee on the Constitution, Senator HATCH, who said "To bypass the committee is, I think, to denigrate the committee process, especially when an amendment to the Constitution of the United States of America, the most important document in the history of the Nation, is involved."

Senators Thurmond and HATCH's efforts to encourage thoughtful consideration were successful and the amendment was referred with unanimous consent to the Judiciary Committee for its consideration. Our consideration of the pending amendment would also benefit from such a process.

One purpose of the pending amendment is stated to be to protect one State from imposing its view of marriage on other States. But this debate is taking place before the courts have even had the chance to determine the constitutionality of the Defense of Marriage Act, which almost all of us voted for, which says that "No State . . . shall be required to give effect to any public act, record, or judicial proceeding or any other State . . . respecting a relationship between persons of the same sex that is treated as a marriage under the laws of such other State . . . or a right or claim arising from such relationship." Defense of Marriage Act defines "marriage" as "only a legal union between one man and one woman as husband and wife."

Even though the Defense of Marriage Act has yet to be tested in court, some proponents of the pending amendment have claimed the act will be ruled unconstitutional and that the full faith and credit clause of the Constitution will force States opposed to same-sex marriages to recognize same-sex marriages established in other States. However, many experts disagree.

In her testimony before the Senate Judiciary Committee in March, Professor R. Lea Brilmayer, a Yale Law School expert on the full faith and credit clause, cited the Supreme Court in Pacific Employers Insurance Company v. Industrial Accident Commission, 1939: "We think the conclusion is unavoidable that the full faith and credit clause does not require one state to substitute for its own statute, applicable to persons and events within it, the conflicting statute of another state, even though that statute is of controlling force in the courts of the state of its enactment . . ." Professor Brilmayer testified that less formal legal instruments, such as marriage licenses, have been "entitled to less recognition even than legislation" and that "marriages entered into in one state have never been constitutionally entitled to automatic recognition in other states."

Amending the Constitution should be a measure of last resort. The Defense of Marriage Act should be tested in court before a constitutional amendment is considered, the purpose of which is to achieve the purpose of the statute.

In addition, the language of S.J. Res. 40 itself contains a host of problems. The amendment reads, "Marriage in the United States shall consist only of the union of a man and a woman. Neither this Constitution, nor the constitution of any State, shall be construed to require that marriage or the legal incidents thereof be conferred upon any union other than the union of a man and a woman."

Not surprisingly, given the lack of deliberation, there appear to be differences of opinion on what the amendment provides.

Some have argued that the amendment's language relative to "legal incidents" of marriage does not ban civil unions or the extension of other rights to same-sex couples. But here is what Professor Cass Sunstein, a leading constitutional scholar at the University of Chicago Law School, has to say:

> What is meant by "the legal incidents thereof"? Does this provision ban civil unions? Does it forbid States from allowing people in same-sex relationships to have the (spousal) right to visit their partners in hospitals? Does it bear on rules governing insurance? At first glance, the term "legal incidents thereof" appears to forbid States from making cautious steps in the direction of permitting civil unions. And does the word "require" include "permit"? Or consider the recent Allard amendment, which says that neither the federal Constitution nor any state Constitution shall be construed to require that marriage or "the legal incidents thereof" must be "conferred" on same-sex marriages. The most serious difficulty is that the words "legal incidents thereof" raise the same questions about civil unions and spousal benefits and privileges.

For all these reasons, I will vote no.

Mr. BYRD. Mr. President, today the Senate faces a cloture vote which we should never have faced. We have been put in this position by a majority leadership that is toying with the faith and the trust of people across this country. I share their faith, and I share their belief in the sanctity of marriage. I am very disappointed that we have a procedural vote, instead of a vote in direct consideration of a constitutional amendment. What these people want is a vote, up or down; what they are going to get is more rigamarole in this Senate. The majority party is manipulating the faith of many Americans, with the unwitting aid of many well-meaning religious leaders, which is one of the most disappointing aspects of this issue.

The majority party does not expect to win this cloture vote. In fact, the majority party likely does not want to win this cloture vote. The White House and the Republican leadership want to campaign on the fact that Democrats blocked this amendment, that Democrats somehow oppose marriage. How ludicrous. Yet, the Republican leadership will try to capitalize on this procedural vote with fundraising letters, campaign stops, and election-day votes. It is an abomination, an absolute failure of trust, to hatch such calculated political schemes on those Americans who genuinely believe in this issue.

The majority party wants this cloture motion to fail. I, for one, will not help in that effort. I will not help to manipulate the churches and the pulpits across this country. I will call that bluff, and vote for cloture on the motion to proceed.

While I strongly support, and will continue to staunchly defend, efforts to strengthen and preserve marriage in our society, I oppose amending the U.S. Constitution based on the resolution that is before this Senate. The resolution is rife with contradictions and ambiguities that would, with certainty, lead to nothing but confusion and endless litigation in the future. I had hoped that the Senate would have been given the opportunity to debate and to vote clearly, yes or no, on that proposal, and not cloud the debate with procedural votes that few outside of this Capitol understand.

We are in a phase in this country's history that seems to tend toward the belief that cultural conflict, deep wrenching questions about right and wrong, should be fodder for political games. That view is high folly when the legislative vehicle is the Constitution of these United States. As much as I sympathize with the deep personal and religious convictions of those who revere the institution of marriage, we must not start down the road of using our national charter to win political or culture wars. Such a course could lead to the unraveling of individual freedoms and eventually could leave our Constitution in tatters and disrepute—making our beloved Federal charter the most tragic and dramatic victim of the fierce, unprincipled, political conflicts that rage in our land today.

Mr. JOHNSON. Mr. President, I rise today to join the bipartisan majority in this Senate in opposition to the motion to proceed to S.J. Res. 40, the Federal marriage amendment, to the United States Constitution. I strongly support, and have voted for, Federal legislation that defines marriage as a union between a man and a woman; however, there is no need at this time to take the extraordinary step of amending our Constitution. Since 1996, Federal law has allowed the respective States to refuse to recognize another State's gay marriage laws, and it also expresses the congressional view that the institution of marriage should be limited to a union between a man and a woman.

I have recently been contacted by a great many religious organizations, including the Evangelical Lutheran Church of America, ELCA, my own denomination, as well as the Alliance of Baptists, the Episcopal Church, the Presbyterian Church, and the United Church of Christ, among others, asking me to oppose this proposed constitutional amendment. While I do not "take orders" from any religious group, including my own, this does confirm that my opposition to this amendment is consistent with the views of millions of devout Christians throughout South Dakota and America.

Further, because Senate Majority Leader BILL FRIST was unable to secure any consensus behind the specific language of any one marriage amendment, he will not allow the Senate to take a direct up-or-down vote on a marriage amendment. I commend Senator TOM DASCHLE for asking for a direct vote on this matter. However, Senator FRIST objected, and now we find ourselves in an incredible situation where Senator FRIST wants the Senate to vote on a wide range of possible amendments which could profoundly impact the Constitution. If this motion to proceed prevails, we would have endless amendments offered to the Constitution on any topic under the sun. That is utterly irresponsible, and I will have nothing to do with helping to pass Senator FRIST's motion to proceed.

Lastly, I take issue with the timing of this debate. After this vote we will have a mere 26 legislative days left in the 108th Congress. Currently, 9 of the 13 appropriations bills have not even received committee approval. Only two of those bills have passed the full Appropriations Committee and only one has passed the full Senate. Time is short. Knowing that this amendment will not even be voted on, and that the motion to proceed will be defeated by bipartisan opposition, there are significantly more important matters this body should be attending to. I am enclosing a relevant editorial on this issue from the highly respected New York Times.

There are real problems facing our Nation—job losses, health care, education, senior citizen challenges and agricultural issues among them. Yet the Senate has spent days debating an amendment that even Senator FRIST concedes will not come even close to passage. This is a politically inspired amendment—one that has not even been considered by the Senate Judiciary Committee. The American people deserve better than this mockery of a legislative process.

I ask unanimous consent to print the above-referenced editorial in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, July 14, 2004]

POLITICKING ON MARRIAGE

It is heartening to see that the Republicans who had hoped to score political points today by holding a Senate vote on adding a ban on same-sex marriage to the Constitution have run into unexpectedly broad resistance across the ideological spectrum. Liberals and moderates opposed to writing bigotry into the Constitution are being joined by a growing number of conservatives who see nothing conservative about federalizing marriage law or turning America's most essential legal document into an election-year football. With support for the amendment now well below the necessary 67 senators, the calls to put it to a vote just before the Democratic National Convention are nothing more than divisive politics. The Senate should let the Federal Marriage Amendment die a quite death.

Early in the election season, Republicans seized on gay marriage as a promising cultural issue to use against Democrats. Republicans have been working hard to put referendums against gay marriage on individual state ballots to draw religious conservatives to the polls in November. In Washington, Congressional Republicans have been eager to schedule a vote on the Federal Marriage Amendment to force Democrats—particularly Senators John Kerry and John Edwards, who oppose both gay marriage and the amendment—to take a public stand.

One great surprise of this campaign, however, has been just how little traction the issue is getting. Polls show that even many voters who oppose gay marriage do not favor the drastic step of amending the Constitution to prohibit it. And most Americans have the good sense to realize that, whatever their feelings about same-sex marriage, issues like the economy and the war in Iraq matter much more. When President Bush campaigned recently in Ohio, where conservatives are trying to put a gay-marriage ban on the ballot, he was greeted by a newspaper advertisement taken out by a gay-rights group that said: "Jobs lost in Ohio since 2001: 255,000; gay marriages in Ohio: 0. Focus on Americans' real priorities, Mr. President."

Even many conservative Republicans, it turns out, do not favor a constitutional amendment. In Washington State, George Nethercutt, the conservative Republican congressman running against Senator Patty Murray, has joined Ms. Murray in opposing it. Lynne Cheney, the vice president's wife and a leading cultural conservative in her own right, said recently that states should take the lead in deciding issues relating to marriage.

Now it appears that the Federal Marriage Amendment may not have the support of a Senate majority, much less the two-thirds that constitutional amendments need. Since the effort appears futile, backers of the amendment seem to be trifling with the issue simply to rally their base. The Constitution, the embodiment of American democracy, deserves better than that.

Mr. LAUTENBERG. Mr. President, I rise to ensure that all voices are heard in the debate over the proposed amendment to the U.S. Constitution on the issue of marriage. I have received compelling correspondence from Gay, Lesbian and Bisexual Local Officials, GLBLO—a caucus of the National League of Cities—the full text of which deserves to be included in Senate consideration of this issue.

Mr. President, I ask unanimous consent that a copy of the letter from the Gay, Lesbian and Bisexual Local Officials, GLBLO, board of directors be printed in the RECORD.

JULY 14, 2004.

DEAR UNITED STATES SENATOR: On behalf of the Gay, Lesbian and Bisexual Local Officials (GLBLO) Board of Directors and members, a caucus of the National League of Cities working to influence federal policy and municipal relations, we are writing to urge you to vote "NO" on S.J. Res. 30 and S.J. Res. 40, respectively, a proposed constitutional amendment to ban same-sex marriage. We are also asking for a vote against "cloture" so that the Senate may engage in a full debate of the issue.

The first sentence of the "Federal Marriage Amendment" provides, "Marriage in the United States shall consist only of the union of a man and woman." GLBLO is opposed to the federal preemption of states to determine marriage. The 10th Amendment of the Constitution clearly confers upon states the authority to determine marriage. The federal intrusion into the state's authority to define marriage is unnecessary. Unfortunately, this proposed preemptive language would also reverse the constitutional tradition of expanding and protecting individual liberties.

Second, GLBLO is opposed to the wording of the second sentence of the proposed amendment which would prohibit the federal government and states from conferring "the legal incidents" of marriage on unmarried couples. The proposed language could have the far-reaching negative effect preempting state and local laws, as well as private businesses that provide benefits to the partners of their employees. This is particularly troubling given the fact that neither the Senate Subcommittee on the Constitution nor the Senate Judiciary Committee vetted the impact of the language. The Constitution of the United States deserves more careful consideration by the Senate, especially when the proposed amendment would break from the traditional historical civil rights practice of allowing stronger state laws.

In closing, we ask the Senate to redirect its energies to address the priorities of the nation's cities—such as homeland security, transportation reauthorization, and full funding of social service programs, before taking this historical step of eroding the role of state governments in protecting same-sex and unmarried couples in their states.

Sincerely,

GREG PETTIS,
Mayor Pro Tem, Cathedral City, California, At-Large Board Member, Gay, Lesbian, and Bisexual Local Elected Officials (GLBLO).

RAND HAGLUND,
Councilmember, Brooklyn Park, Minnesota, At-Large Board Member, Gay, Lesbian and Bisexual Local Elected Officials (GLBLO).

Ms. COLLINS. Mr. President, I rise to speak on S.J. Res. 40, the Federal Marriage Amendment to the Constitution. Let me begin my remarks by plainly stating my position on the issues raised by this amendment.

First, it is my strong personal belief that marriage is between a man and a woman. Second, principles of federalism dictate that the right and the responsibility to define marriage belong to the States. Third, the proper role of the Federal Government is to ensure that each State can exercise that right and responsibility by preventing, as the Defense of Marriage Act does, one State from imposing its view on others.

The amendment under consideration would potentially affect two types of relationships that are fundamental to our society. The first is the union between a man and a woman. The second is the compact between the States and the Federal Government. In our zeal to protect the former, we must not do unnecessary violence to the latter, as it is the bedrock of our country's unique and highly successful Federal system.

We also must not overreact to the decision of a single court in a single State by rushing to amend the Constitution and stripping away from our states a power they have exercised, wisely for the most part, for more than 200 years. Let us remember that no State legislature has sanctioned same-sex marriage. Nor has there been a popular referendum to that effect in any State. Indeed, this amendment is a response to a single court decision—and a 4–3 decision at that. If just one judge on the Massachusetts court had a different view of this issue, we would not be contemplating the dramatic action of amending the Constitution.

Put differently, where is the evidence that we cannot trust the States in this area? More than 40 States have enacted laws or Constitutional amendments that expressly limit marriage to the union of one man and one woman. Maine law explicitly states that "[p]ersons of the same sex may not contract marriage," and further provides that Maine will not recognize marriages performed in other jurisdictions that would violate the legal requirements in Maine. Thus, even if lawfully performed in another State, a same-sex marriage will not be valid in Maine.

In short, I respect the right of the people of Maine and the citizens of other States to define marriage within their boundaries. Were I a member of the Maine legislature, I would vote in favor of a law limiting marriage to the union of one man and one woman.

This does not mean that Congress can play no role in this area. To the contrary, Congress has two very important roles. The first is to protect the right of each State to define marriage within its own borders, and the second is to define marriage for Federal purposes.

To its credit, Congress did both of these when it enacted the Defense of Marriage Act, or DOMA, in 1996. Signed into law by President Clinton, DOMA enjoyed broad, bipartisan support in both chambers of Congress, passing by a margin of 85–14 in the Senate and 342–67 in the House. The statute grants individual states autonomy in deciding how to recognize marriages and other unions within their borders, and ensures that no State can compel another to recognize marriages of same-sex couples. Of equal importance, DOMA defines marriage for Federal purposes as "the legal union between one man and one woman as husband and wife." I strongly endorse both of the principles codified by DOMA, and should legislation come before the Senate reaffirming DOMA, I would vote without reservation to support it.

Even though DOMA has not been successfully challenged during the 8 years since its enactment, many supporters of the Federal marriage amendment point to the Supreme Court's recent decision in Lawrence v. Texas as presaging DOMA's ultimate demise on Constitutional grounds. They argue that DOMA's vulnerability necessitates approving the amendment under consideration.

I reject that argument for two reasons. First, the conclusion that DOMA is inevitably destined to die a Constitutional death is inconsistent with language in the Lawrence decision. In striking down a Texas statute criminalizing certain private sexual acts between consenting adult homosexuals, the majority opinion written by Justice Kennedy was careful to note that the case before the Court:

> . . . does not involve whether the government must give formal recognition to any relationship that homosexual persons seek to enter.

In her concurring opinion, Justice O'Connor was even more explicit when she observed that the invalidation of the Texas statute:

> . . . does not mean that other laws distinguishing between heterosexuals and homosexuals would similarly fail. . . . Unlike the moral disapproval of same-sex relations—the asserted state interest in this case—other reasons exist to promote the institution of marriage beyond mere moral disapproval of an excluded group.

These statements persuade me that the Supreme Court is, in fact, unlikely to strike down DOMA.

Second, even if DOMA is eventually invalidated, the answer is not to abandon our principles of federalism but rather to enshrine them in the Constitution. Thus, if we ultimately have to address this matter as a Constitutional issue, and we should do so only as a last resort, it should not be to strip the States of the right to define marriage but rather to expressly validate a role they have been playing for more than 2 centuries.

Let me end where I began. This amendment is not just about relationships between men and women but also about the relationship between the States and the Federal Government. I would not let a one-vote majority opinion of a single state court lead us to ascribe to Washington a power that rightfully belongs to the states. To the contrary, our role should be to safeguard the ability of each State to exercise that power within its own borders.

Mr. CRAIG. Mr. President, I rise in support of Senate Joint Resolution 40, the Federal Marriage Amendment. The Judiciary Committee, on which I serve, has held four hearings on the Federal Marriage Amendment. In addition, other committees have held three more hearings on the FMA. We have heard substantial and compelling testimony on the importance of traditional marriage. The time has come for this body to act. Marriage is an institution cultures have endorsed and promoted for thousands of years. It is important for us to stand up now and protect traditional marriage which is under attack by a few unelected judges and litigious activists.

Last year, the Supreme Judicial Court in Massachusetts announced the Massachusetts State Constitution requires the state to grant marriage licenses to same-sex couples. Through their activism, the court ignored the will of the people and created a new state constitutional right. This violation of the democratic process calls for a response.

I have special sympathy for the plight of the people of Massachusetts, because I see courts deciding cases wrongly on an all-too-frequent basis. Of the cases appealed and decided from the Ninth Circuit Court of Appeals this term, the circuit with jurisdiction over Idaho, the U.S. Supreme Court has overturned 15 while affirming 9. Judicial activism of the type we see in Massachusetts is not new, but this is a uniquely deep cut to the heart of society. We need to pass the Federal Marriage Amendment to restore the people to their proper and constitutional role as the only sovereign in our great nation.

I am cautious about amending the U.S. Constitution. It has served us well for more than two centuries, and I expect it to last for centuries to come. One reason it endures is its resilience in the face of changing times, thanks in large part to its amendability. We have seen fit to amend our Constitution 27 times on 17 different occasions. Each of these has addressed an issue of importance to the people. Marriage too, is an important issue to the people.

Some opponents speak of this proposed amendment as an attempt to take rights away. That is neither the purpose nor effect of S.J. Res. 40. Amending our Constitution is the way the people can correct the courts when the courts get an issue wrong. For instance, the states ratified the Thirteenth Amendment 7 short years after the Dred Scott v. Sanford decision by the U.S. Supreme Court, righting the wrong of slavery that had been perpetuated by the courts.

The amendments to our Constitution blaze a clear trail extending the people's right of self determination. The Fifteenth, Nineteenth, and Twenty-Sixth Amendments all extended the franchise to new groups. Yet what good is the franchise, if that voice falls on deaf ears because a few activist judges choose to replace the will of the people with their own? Though I am cautious about amending our Constitution, preserving the sovereign right of the people warrants an amendment and our support.

My colleagues have eloquently set forth many good reasons to support the FMA and I will reiterate only one. We need to pass this amendment for the sake of children. Marriage encourages people to organize in the way that is best for those who may issue from, or enter into, that relationship, according to researchers studying family structures for raising children. This amendment does not criticize or undermine other kinds of families, but it acknowledges society's interest in promoting traditional marriage as the environment for child rearing.

There are several reasons I support this amendment at this time. No fewer than 42 States have defined marriage as being between one man and one woman. This amendment to the U.S. Constitution is the only way to keep this issue in the hands of the people and their elected representatives. This amendment allows the citizens of each state to establish systems to recognize same-sex relationships if they so choose, walking the appropriate line through federalism and separation of powers.

My colleagues and I did not choose the time for this debate. The judicial activists of the Massachusetts Supreme Judicial Court have brought this issue to a head. Passing S.J. Res. 40 will give the people and the states the ability to protect children, bolster traditional marriage as a social building block, and preserve the role of the people as the sovereign in our political system. I encourage my colleagues to also support S.J. Res. 40.

Mr. SPECTER. Mr. President, I seek recognition today to discuss my vote and views on the Federal marriage amendment. I am voting in favor of cloture on the motion to proceed to this amendment. I do so primarily to ensure that our debate on this mater be concluded and that we return our attention to the other pressing issues of the day, including the announcement by Homeland Security Secretary Tom Ridge that it is anticipated that al-Qaida will attack the U.S. again before the next election. We in this Chamber must grapple with many very serious issues including national security, terrorism, the economy, and our appropriations bills. It is time to return to this important work.

Voting for cloture to cut off debate means only that we take up the substance of the amendment to conclude the Senate's consideration of the matter. While the cloture vote is only procedural, I do want to address the merits of the amendment.

When the Supreme Judicial Court of Massachusetts upheld same-sex marriage earlier this year, I stated that I believed marriage was a sacred institution between a man and a woman, as evidenced by my vote in favor of the Defense of Marriage Act in 1996. At that time, I further stated that I thought that Massachusetts would amend its State constitution, which was the basis for the Massachusetts decision, that the full faith and credit clause did not apply, and that the Federal Defense of Marriage Act trumped State court decisions. I added that if the States could not uphold the sanctity of marriage between a man and a woman, I would consider a U.S. constitutional amendment. That continues to be my position today.

Both the Federal Defense of Marriage Act and the Federal marriage amendment seek to preserve the traditional definition of marriage as the union between one man and one woman. Yet amending the Constitution raises a number of issues that were not raised by legislation. All of us in this body must pause and ask ourselves whether the problem before us necessitates this extra and most serious step.

As a matter of traditional and sound constitutional doctrine, an amendment to the Constitution should be the last resort when all other measures have proved inadequate. In Federalist No. 43, James Madison warned "against the extreme facility" of constitutional amendment "which would render the Constitution too mutable." In Federalist No. 49, Madison returned to this theme, noting that amendments to the Constitution should be reserved for "certain great and extraordinary occasions."

Madison's caution has been carefully followed throughout American history. To date, 11,212 resolutions to amend the Constitution have been introduced in Congress. Yet the Constitution has been amended only 27 times.

In testimony before the Senate Judiciary Committee last March, Professor Cass Sunstein of the University of Chicago Law School noted that all but two of these 27 amendments fall into two traditional categories. Most amendments to the Constitution have expanded individual rights. In this category fall the first 10 amendments—the Bill of Rights—as well as the post-Civil

War amendments and the amendments extending the right to vote to women and lowering the voting age to 18. The rest of the amendments have remedied problems in the structure of government itself, such as clarifying the functioning of the Electoral College, establishing the popular election of Senators, creating the income tax, and placing term limits on our Presidents.

To date, only two amendments have fallen outside of these two categories of expanding individual rights and fixing structural problems. The first such amendment was the eighteenth amendment, which prohibited the manufacture or sale of "intoxicating liquors" in America. The second amendment to fall outside of the two traditional categories was the twenty-first amendment, which repealed the eighteenth amendment and ended prohibition.

As this history illustrates, when the Constitution is amended to incorporate the majority's position on the controversial issues of the day—and not to expand rights or fix a structural problem—the results do not withstand the test of time. We all must bear this in mind whenever we contemplate amending our Constitution. The Senate, after all, is intended to be the saucer that cools the tea, the necessary fence between the passions of the day and our Constitution and laws. We must pause where others would rush in.

We are having this debate on the Federal marriage amendment today because on November 18, 2003, Massachusetts' Supreme Judicial Court decided in the case of Goodridge v. Department of Public Health that same sex couples have the right to marry. In determining whether this court's recognition of same-sex marriage is one of the "great and extraordinary occasions" that warrants an amendment to our Constitution, we must at the outset consider whether there are other, lesser alternatives to deal with the issue. If lesser alternatives will work, then we clearly should not tinker with our Constitution. If, however, we cannot preserve the sanctity of marriage between a man and a woman by other means, then an amendment to the U.S. Constitution may very well be necessary.

Before we even look to the Federal Government for a solution, we must first evaluate whether the States themselves have the power to stop same-sex marriages. The fact is that those States in which there have been same-sex marriages have already mobilized to stop them. The Massachusetts legislature has already passed an amendment to the Massachusetts State Constitution prohibiting same-sex marriage. This amendment must be passed a second time in 2006, and then approved by the voters, before it is finally ratified. But few doubt the eventual outcome.

Some may argue that waiting until 2006 to stop same-sex marriage in Massachusetts is simply too long. Yet it is clearly simpler, more direct, and faster to deal with this issue by amending one State constitution than by amending the U.S. Constitution. To enact an amendment to the U.S. Constitution, three-quarters of the States—38 States—must ratify the amendment after two-thirds passage by the Senate and the House of Representatives. The average time of ratification is approximately 2 years, with some amendments taking as long as 3 years until ratification.

When a couple of cities outside of Massachusetts recently sought to recognize same-sex marriages, the State courts have moved in quickly and effectively to stop them. In February, 2004, Gavin Newsom, the mayor of San Francisco, permitted his city to issue marriage licenses to same-sex couples. The California Supreme Court issued an injunction ordering San Francisco to stop issuing these marriage licenses. Also in February, 2004, Jason West, the mayor of New Paltz, NY, conducted a number of same-sex marriages without licenses. The New York State Supreme Court issued an injunction ordering Mayor West to stop performing these ceremonies.

The fact is that most States in the Union have already taken some action to prevent same-sex marriage. Even before the Goodridge decision in Massachusetts, 38 States had passed laws similar to DOMA which define marriage as a union between a man and a woman and refuse to honor same-sex marriages from other States. Three States—Alaska, Nebraska and Nevada—had ratified constitutional amendments banning same-sex marriage.

Since the Goodridge decision, 21 States have taken additional action to prohibit same-sex marriage, by strengthening prior prohibitions or enacting new ones: Seven State legislatures have adopted legislation that, if approved by the people in a referendum, would amend the State constitution to prohibit same-sex marriages; three State legislatures have adopted similar constitutional language which must be re-approved in a subsequent legislative session before being placed on the ballot; six States have citizen-initiated ballot measures to change the State constitution to prohibit same-sex marriage; and five States have adopted legislation that declares or reaffirms that same-sex marriages will not be honored in the State.

Thus the States are moving effectively to preclude same-sex marriages. Even if a state fails to stop same-sex marriage, however, it is important to remember that there is a second line of defense: the remaining States of the Union would not have to recognize such marriages. In 1996, Congress enacted, and President Clinton signed, the Defense of Marriage Act, DOMA. DOMA defines marriage as a legal union between one man and one woman and specifically provides that:

> No State . . . shall be required to give effect to any public act, record or judicial proceeding of any other State . . . respecting a relationship between persons of the same sex that is treated as a marriage under the laws of such other State . . . or a right or claim arising from such relationship.

DOMA is good law. In fact, to date no significant challenge to the constitutionality of DOMA has been filed. No civil rights group or national advocate of same-sex marriage has sought to challenge this law in court. Those challenges that have been filed to date have been localized, individual efforts. It has been reported that a private practitioner in Florida has recently filed a case challenging the constitutionality of DOMA in the District Court in Miami. It has also been reported that DOMA has been challenged in connection with a case in bankruptcy court in Washington State where the defendant is representing herself.

Thus DOMA appears poised to remain the law of the land. Even if DOMA were one day found to be unconstitutional, however, the full faith and credit clause would not obligate States to recognize out-of-State same-sex marriages. The full faith and credit clause applies to "public Acts, Records, and judicial Proceedings." 28 USC 1738, which elaborates on the items to be accorded full faith and credit, specifies "acts of the legislature," and "the records and judicial proceedings of any court." Marriage is neither an act of the legislature nor a "judicial proceeding."

Traditionally, States have not been bound to recognize marriages if, a, they have a significant relationship with the people being married, and, b, the marriage at issue violates a strongly held public policy. For example, section 283 of the Second Restatement of Conflict of Laws provides that a marriage will be valid everywhere so long as it is valid in the State where it was performed, "unless it violates the strong public policy of another State which had the most significant relationship to the spouses and the marriage at the time of the marriage."

On this basis, States have refused to recognize the marriage of a person who has recently divorced without an intervening waiting period when such marriage violates their public policy. Other States have refused to recognize marriages between certain types of relatives, even though they were legal in the State in which they were preformed. There is no Supreme Court ruling to the effect that the refusal to recognize marriages from other States on public policy grounds violates the full faith and credit clause.

On this state of the record, it is premature to consider altering the Constitution, the most successful organic document in history which has preserved and enshrined the values of our Nation. If the States cannot preserve the sanctity of marriage between a man and a woman, I would consider an amendment to the U.S. Constitution.

Mr. McCONNELL. Mr. President, I support S.J. Res. 40, the Federal marriage amendment. The Constitution provides the basic framework under which our society will function. With its profound implications for the ordering of society, and especially the upbringing of children, the proper meaning of marriage is no less important and deserving of protection than other basic principles protected by the Constitution.

Two decades of modern social science have arrived at the conclusion borne out by at least two millennia of human experience: that family structure matters for children and hence for society, and the family structure that helps children the most is a family headed by a mom and a dad. There is thus value for children in promoting strong, stable marriages between biological parents.

A bare majority of judges in one State, however, recently ignored the sincere and well-formed beliefs of their fellow citizens on this issue and have redefined the ages-old meaning of marriage for their State. In the process, these judges gave short shrift to the State's rational interest in wanting to encourage traditional marriage to ensure the optimum environment for children, terming the people's belief in traditional marriage as "rooted in persistent prejudices."

In our highly mobile and inter-connected society, these judges' redefinition of marriage risks the reordering of that institution for the rest of us. And these judges are not alone. There are currently more than 35 lawsuits in 11 States challenging State and Federal Defense of Marriage Acts and State constitutional provisions that protect the institution of marriage as it has always been known. By comparison, just a year ago, there were only five such cases.

The question, then, is whether the American people, through the democratic process, will be allowed to continue to encourage and formally sanction this ideal family structure—the union of one man and one woman—to the exclusion of other relationships that adults may choose to enter into. The issue of whether our Nation will continue under this time-tested societal order is thus before us. It is an issue not of our own making, and its timing is not of our choosing.

Just a few years ago, it was beyond dispute that the American people had both the right and the capacity to define marriage. Our constitutional structure does not leave all the important questions to the courts with the people and their elected representatives relegated to dealing with the mundane and the trivial.

Nor is this question—"What is marriage?"—something only judges are smart enough to decide. As lawyers, jurists are not experts in theology or religion or sociology. While they are entitled to express their wishes on matters like the meaning of marriage, they should do so at the ballot box, just like everyone else. Their failure to do so shows both a disdain and a distrust for the views of the people.

Opponents of this measure show a similar distrust, although they articulate other reasons for opposing it. First, they say the issue of marriage does not rise to a level of importance worthy of amending the Constitution. Really? We last amended the Constitution in 1992 with the 27th amendment, which had to do with pay raises for Members of Congress. Are we saying that pay raises for Representatives and Senators is more important than our most basic societal institution?

The experience of the countries that have departed from the marriage tradition, like Sweden, Norway, and Denmark, demonstrates the risks in failing to protect traditional marriage. According to Stanley Kurtz, a research fellow at the Hoover Institution, the onset of gay marriage in these countries has not simply accelerated a decline in the number of traditional marriages; rather, it has accelerated an abandonment of the institution itself, with the attendant problems of increased family dissolution rates and out-of-wedlock births.

Norway and Sweden instituted de facto gay marriage in 1993 and 1994, respectively. Between 1990 and 2000, Norway's out-of-wedlock birthrate rose from 39 to 50 percent, while Sweden's rose from 47 to 55 percent. Thus, most children in Norway and Sweden are now born out-of-wedlock. In addition, Denmark has seen a 25 percent increase in cohabiting couples with children since the advent of de facto gay marriage in 1989. In fact, 60 percent of first-born children in Denmark now have unmarried parents. Mr. Kurtz reports that the Netherlands has also had a steady increase in out-of-wedlock births since its adoption of registered partnerships and then gay marriage within the last 7 years.

If these statistics were not troubling enough, studies show that cohabiting couples with children break up at two to three times the rate of married parents. Thus, since the marital union is a bulwark against family dissolution, an increase in cohabitation and unmarried parenting will result in increased family dissolution.

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The problems posed by a reordering of marriage are grave. So opponents of this measure are sorely mistaken when they assert that preserving traditional marriage is a subject that is not worthy of our time.

Second, opponents of the proposal contend that this issue is not ripe for our consideration. But the amendment process takes time, and with the onset of gay marriage in Massachusetts and the flurry of legal challenges to traditional marriage laws across the country, those who seek to protect the institution need not wait until the last possible moment to do so.

Lastly, opponents of S.J. Res. 40 argue that the meaning of marriage is a matter left to the several States. But if the past predilections of judges on important social issues are any guide, the people of the States won't be given this chance, just as they were denied it in Massachusetts. And even if they were allowed to decide, would we really want a country with a patchwork of meanings on so fundamental an institution as marriage?

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I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. How much time remains on both sides?

The PRESIDING OFFICER. The Senator from Utah has 10 minutes, the Senator from Vermont has 4 minutes 46 seconds, and each of the leaders has 5 minutes.

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Mr. HATCH. Mr. President, we have heard that this amendment has been compared to prohibition, kiosks, and bumper stickers. We have heard some eloquent and passionate speeches in the Senate these past few days. It is obviously an issue many feel strongly about. I make a couple of things clear before we vote on whether we can even debate this amendment postcloture.

First, the proponents of this amendment are not seeking a policy change. We are simply trying to preserve more than a 5,000-year-old institution, the most fundamental in all of our society, that a few unelected, activist judges are trying to radically change.

Some of my colleagues suggest we do not need a national policy on marriage. Guess what. We have always had one. When my home State of Utah wanted to enter into this great Union, the Federal Government conditioned such acceptance on our adoption of a one-man, one-woman marriage policy. The Federal Government understood then what we still know today, that children are best off having a mother and a father.

Most of my colleagues agree. Some argue it does not belong in the Constitution. The Constitution properly deals with foundational questions of how our Nation should be organized.

Traditional male-female marriage is the universal arrangement for the ordering of society and ensuring future generations. If a foundational institution such as this is not deserving of our protection in our Constitution, then I don't know what is.

There are others who agree on preserving traditional marriage and agree an amendment may be necessary at some point in the future. We do not need to wait. Judges have already sanctioned marriage licenses for same-gender couples and those couples have spread to 46 States. Folks, marriage has already been amended by the Massachusetts Supreme Court.

Some of my colleagues say the Defense of Marriage Act will contain the spread to other States, but we know this is a flimsy shield, at best. There are multiple actions pending against it now and legal scholars across the political spectrum agree it is only a matter of time—not if, or when—the Defense of Marriage Act will be struck down.

We should be wary of those who argued back in 1996 that the Defense of Marriage Act was unconstitutional and now are hiding behind this act to argue against the need for a constitutional amendment. Members simply cannot have it both ways. If Members believe a marriage should be between a man and a woman and Members believe the Federal Defense of Marriage Act is unconstitutional, then they should support the Federal marriage amendment.

We know from other countries that have undermined marriage the way the Massachusetts Supreme Court did that a message is sent to everyone that marriage is not important. Fewer couples get married, out-of-wedlock births skyrocket. We do not need to wait for these disastrous results to happen to our country.

We have the chance to send the message here that marriage and family do matter. This is not an irrational fear derived from an extreme religious agenda, as my colleague from Vermont, Senator JEFFORDS, suggested yesterday. We know from the benefit of experience in Scandinavia, Denmark, and elsewhere, what happens. Everyone in society benefits when we strengthen the family.

As far as I am concerned, this debate has been a triumph for democracy. We have debated these issues. I, for one, have learned quite a bit from listening to my colleagues. I hope the American people have, as well.

I urge my colleagues to vote yes on the motion to proceed. If there is a way to improve the language, the only way we can do so is to vote for cloture and have a real debate rather than the filibuster we are putting up with.

I make it clear nobody wants to discriminate against gays. Simply put, we want to preserve traditional marriage. Gays have a right to live the way they want. But they should not have the right to change the definition of traditional marriage. That is where we draw the line.

I compliment people on both sides of the debate for at least debating as much as we can, but it would be far better to vote cloture and have a full-fledged debate on this amendment. If it needs to be changed or modified, or if it can be made better, both sides then will have an opportunity to try and amend it.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Oregon.

Who yields time?

Mr. HATCH. I yield the remainder of my time to the distinguished Senator from Oregon.

Mr. SMITH. Mr. President, the majority leader asked I take a few moments perhaps even of his time to offer some closing remarks on this important debate.

I believe he asked me to do this because I have been a Republican Senator since the beginning of my service in this Chamber who has been an advocate for gay rights. I have been an advocate for gay rights while still believing the right to defend traditional marriage.

Because of that, I was drawn with interest to an editorial of the New York Times back on April 2, 2004. It frankly reflected many of my feelings. It noted in the editorial:

> The American Enterprise Institute, a conservative research and advocacy group, has been collecting poll results on gay issues going back three decades. The numbers document a profound change in attitudes, most strikingly on employment issues but also in areas like adoption rights, legal benefits and acceptance of gay relations.

The Times goes on to note, however:

> There are lots of theories to explain these more tolerant attitudes. Our own guess is that as more and more gays have acknowledged their sexual orientation, straight Americans have come to see that gays are not deviants to be feared, but valued friends, neighbors, and colleagues, who are not much different from anyone else.

I believe that, too. The Times then notes:

> Sadly, the poll data shows little easing of opposition to gay marriages in recent years, with roughly three-fifths or more of the public still opposed.

Everyone has their own theory as to why the American people remain opposed.

I would offer my theory as this: In the inner recesses of the American conscience, I think the American people understand that when we tinker with the most basic institution that governs relationships of men and women, we are tinkering with the foundations of our culture, our civilization, our Nation, and our future.

I think the American people understand what the great Roman Senator Cicero, a pagan, once described to the Roman Senate: that marriage is the first bond of society.

I think many of my colleagues have come with very interesting reasons for their positions on these votes. One of them is States rights. I say this respectfully—and I include myself in the accusation—we all invoke States rights when it serves our political ends.

My concern, however, is this: that by standing behind States rights on this issue, they are just standing aside while their States rights get rolled.

Make no mistake, our Constitution is being amended. The question is, by whom? Should it be done by a few liberal elites? Should it be done by four judges in Massachusetts? Should it be done by a few rogue mayors around the country, or by clandestine county commissioners, without public notice or public meeting, changing hundreds of years of State law and centuries of human practice?

I think many would argue reasonably that ripeness is an issue. Is it time for us to begin this debate and have this vote? I would suggest, whether it is ripe now, if I am right as to what the Federal courts will do—specifically, the Ninth Circuit that governs my State—I believe it will eventually come to every Senator to answer this basic question, and it is this; Shall marriage in the United States consist only of the union of a man and a woman? Today, I answer yes. It is just on a procedural vote, but the substance of my vote is yes. It is yes because I believe marriage, as traditionally practiced, is an ideal worth preserving. However imperfectly practiced, it is perfect in principle. And it is perfect in principle because it involves more than just consenting adults. It involves the creation of children and their natural nurture and rearing.

I believe in the United States, boys and girls still need the ideals of moms and dads.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator's time has expired.

The minority leader is recognized.

Mr. DASCHLE. Madam President, as so many of my colleagues have stated on the floor over the course of the last couple of days, marriage is a sacred union between a man and a woman. That is what the vast majority of Americans believe. It is what South Dakotans believe. It is what I believe.

In South Dakota, we have never had a same-sex marriage, and won't have any. It is prohibited by South Dakota law, as it is now in 38 other States. There is no confusion. There is no ambiguity. As others have noted, in 1996, Congress passed the Defense of Marriage Act. It defines marriage as a union between a man and a woman. It protects States from any actions taken by another State that could in any way undermine the law of their State.

What is overlooked by many is that it has never been challenged in court successfully—not once. It is the law of the land. It has been now for 8 years, and it has not once been challenged successfully.

The question then is, Is there some urgent need now, absent even one successful challenge to the Defense of Marriage Act, for us to amend the U.S. Constitution?

We have differences of opinion about the legal necessity, but there can be no difference of opinion with regard to how extraordinary a step that is. In 217 years, we have amended that sacred document only 17 times, although there have been 11,000 separate attempts. Madam President, 11,000 amendments have been offered; and 67 amendments are pending right now here in the 108th Congress to amend the Constitution of the United States.

Given all the facts, given the reality of the constitutional strength of the Defense of Marriage Act, the answer to the question, Is it now time to amend the Constitution, is no. This fundamental responsibility lies with the States. It has for two centuries.

Now, some of our Republican colleagues wish to usurp the 200-year-old power of the States to create their own laws, including those in South Dakota.

Last night, the distinguished Senator from Arizona came to the Senate floor and talked about that very issue. Here is what he said:

> The constitutional amendment we are debating today strikes me as antithetical in every way to the core philosophy of Republicans. It usurps from the States a fundamental authority they have always possessed, and imposes a Federal remedy for a problem that most States do not believe confronts them, and which they feel capable of resolving should it confront them . . . according to local standards and customs.

Madam President, he is right. We are sworn, every time we are elected, to protect, uphold, and defend the Constitution. It is the backbone of our Republic. That means insulating it at times like this from political condition or motivation. It means amending it only after careful and exhaustive deliberation, not 2 days on this Senate floor with an amendment that did not even come through the Judiciary Committee. That is our solemn responsibility. We have not met that test today, not by a mile. Senator McCain is right. We should oppose this amendment today.

I yield the floor and yield back all of the Democratic time.

The PRESIDING OFFICER. The majority leader is recognized for 5 minutes.

Mr. FRIST. Madam President, since Friday, we have had a good and productive debate about marriage, the bedrock of our society. I applaud my colleagues on both sides of the aisle for the civil discussion, for the judicious discussion we have had.

The issue, very appropriately, has been elevated to this body as representatives of the American people. The issue is being clearly defined. And the fundamental issue is, Do we let four activist judges from Massachusetts define marriage, the bedrock of our society, or do we let the American people? Do we listen to their voices through their elected representatives?

We come, in a few moments, to a vote. And the question before us, in terms of the vote is, Should we consider a constitutional amendment to protect marriage as the union of a husband and a wife. If 60 Senators vote yea, we will begin to debate the specifics of the constitutional amendment. Not everyone is going to agree with every single word or every sentence of the amendment that is before us, but by voting yes today, you are agreeing that the amendment deserves to be debated, and possibly amended. If you vote no, you are saying the Senate should not even consider an amendment to protect marriage as the union between a man and a woman.

We did not ask for this debate, and we would gladly sort of wish it away and say other people can take care of it, but four activist judges on the Massachusetts Supreme Court legalized same-sex marriage on May 17. That is where the debate began, and that is why we act today.

It has become clear to legal scholars on the left and on the right that same-sex marriage will be exported to all 50 States. The question is no longer whether the Constitution will be amended; the only question is, who will amend it and how it will be amended. Will activist judges, not elected by the American people, destroy the institution of marriage or will the people protect marriage as the best way to raise children?

My vote is with the people, and thus, as majority leader, I felt and continue to feel that it is important that discussion and debate go on on the floor of the U.S. Senate which does represent the American people. Americans understand that children need mothers and need fathers. We would be foolish to permit a vast, untested social experiment on families and children to occur, untested on that institution of marriage, the bedrock, the cornerstone of our society.

I recognize that amending the Constitution is a serious matter. Again and again, people have asked why we are addressing marriage on the Senate floor or talking about changing the Constitution. It is a serious matter, and we should do not do it lightly. That is, indeed, why we should debate the issue. It was the 27th amendment to the Constitution that addressed regulating salaries, how much Members of Congress are paid; thus, it is not too much to ask that the 28th amendment be about protecting marriage and children. Do we let four activist judges define marriage for our society or do we let the American people decide? I implore my colleagues, let the Senate debate the best way to protect marriage. Let us proceed to a civil and substantive debate, but let the debate on the amendment begin. I urge my colleagues to vote yea.

I yield the floor and yield back all the time on our side.

The PRESIDING OFFICER. All time is yielded back.

Under the previous order—pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 620, S. J. Res. 40, a joint resolution proposing an amendment to the Constitution of the United States relating to marriage.

Bill Frist, Orrin Hatch, Jim Talent, Wayne Allard, Mike Crapo, Mitch McConnell, Jeff Sessions, Larry Craig, John Cornyn, Craig Thomas, James Inhofe, Richard Shelby, Conrad Burns, Sam Brownback, George Allen, Robert F. Bennett, Elizabeth Dole.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S.J. Res. 40, a joint resolution proposing an amendment to the Constitution of the United States relating to marriage, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. Edwards) and the Senator from Massachusetts (Mr. Kerry) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 50, as follows:

[Rollcall Vote No. 155 Leg.]

YEAS—48

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Byrd
Chambliss
Cochran
Coleman
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McConnell
Miller
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Specter
Stevens
Talent
Thomas
Voinovich
Warner

NAYS—50

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Campbell
Cantwell
Carper
Chafee
Clinton
Collins
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCain
Mikulski
Murray
Nelson (FL)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Snowe
Stabenow
Sununu
Wyden

NOT VOTING—2

Edwards
Kerry

The PRESIDING OFFICER. On this question, the yeas are 48, the nays are 50. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HAGEL). Without objection, it is so ordered.

Mr. REID. Mr. President, on the last vote, as I recall, there was no motion to reconsider.

The PRESIDING OFFICER. That is correct.

Mr. REID. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Illinois is recognized.

Mr. DURBIN. I thank the Chair.

(The remarks of Mr. DURBIN pertaining to the introduction of S. 2652 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from New Hampshire.

PENDING SENATE BUSINESS

Mr. GREGG. Mr. President, I rise today to talk about some of the issues which are pending before this Senate which are not being considered because the other side of the aisle refuses to take them up. I am going to stay on narrow issues which have not received a lot of public attention.

Obviously, there have been a lot of issues such as medical malpractice, such as the just recent decision not to go forward with the debate on the constitutional amendment, that have received a fair amount of visibility as a result of the obstruction coming from the other side and the other side deciding it does not wish to address those issues, which are quite often critical to the American people. There have, however, been four items reported out of the committee which I have the good fortune to chair, the Health, Education, Labor and Pension Committee. It is a committee of fairly disparate views—to be kind. I chair it. I have as my honorable colleague on the other side of the aisle, Senator KENNEDY from Massachusetts. To say that we have a philosophical identity would be an imaginative view.

As we go down the membership of the committee, the differences of opinions relative to philosophy of governance are rather significant. We have some of the best Members of the Senate—obviously, there are many good Members there—but we have some of our most aggressive and constructive Members serving as members of the committee, and I enjoy that. It makes the committee an interesting and challenging place in which to work. But the views are different within that committee, the views of how we approach governance.

Therefore, when we as a committee reach an agreement on something, it means it is a pretty good work product. It means there has been a consensus reached the way consensus should be reached within the Congress, which is that the different parties have sat down, they have recognized the problem, they have brought to bear their philosophies on that problem, their ideologies on that problem, and the practical nature of the way that you can resolve that problem, and they have reached what is, in most instances, a pretty good, commonsense solution to how we should move forward.

In four areas right now pending before this Senate, the committee has reached consensus. It has had a unanimous vote on a piece of legislation. Some of those have even come to the floor. We have had a unanimous vote, for example, on how we should reauthorize and restructure the special education laws of this country. It was called IDEA. It is a very complex issue, a very important issue, especially to children or parents of children who have special needs.

I can't think of anything more important than a parent who has a child who has some unfortunate issues relative to their ability to learn. For that parent and for that child, the most important event of each day is going to school and making sure that child's schooling experience is a positive one, and that it moves that child forward as that child tries to deal with the issues of learning and especially issues of life.

So the special education bill is a critical piece of legislation. It went through our committee with unanimous support. It came to the floor of the Senate. It was debated, debated aggressively, and passed. But it simply sits.

A second bill has been stopped because the other side of the aisle has refused to allow us to appoint conferees. The second bill which falls in the same area is the Work Investment Act. This is basically a bill which came out of our committee again in a unanimous way, worked on primarily by Senator ENZI of Wyoming. He did a great job on it and worked across the aisle with a number of Senators. As a result, it was unanimously passed out of our committee, came across the floor of the Senate, and again this bill has been stopped because conferees have not been appointed.

Then reported out of our committee as another very important piece of legislation relative to education is the Head Start bill. Head Start affects a lot of kids in this country today. It gives low-income kids in our country a nurturing environment during those very formative years and allows them an environment where they get decent health care and they get decent custodial care during the daytime. They have daycare services, and it teaches them socialization patterns. We have taken that concept and we have added to it an education, academic component so the kids going to Head Start will now also come out of the Head Start program after they are 3 or 4 years old moving into kindergarten and preschool. They will hopefully be up to par with their peers academically so they know their alphabet and are ready to learn.

This is an important initiative. This bill is structured to put that new component into Head Start and make that part of that initiative.

Again, this bill came out of our committee unanimously. It came to the Senate and has stopped—stopped. We negotiated to try to get it brought up in reasonable ways, one of which would allow us to give both sides amendments if they wanted them and then move it to conference. No, it hasn't happened, so that bill has been stopped.

The fourth bill which I want to talk about is the Patients Savings Act. We know that there is a problem, unfortunately, in our health care community with mistakes—unintended mistakes, but mistakes—that end up causing people harm because health care is delivered inappropriately or incorrectly to people. In fact, the estimate is that literally tens of thousands—potentially more than 100,000 people—die each year as a result of that type of situation.

One of the ways to address that is to allow the medical community to communicate with each other as to what these problems are so they can learn from each other and so we can set up a regime where if somebody has a system in place which avoids a problem, a mistake or an error occurring, they can share that with other medical providers. If there is, on the other hand, a mistake that has occurred or error that has occurred, the information relative to the investigation of that and how it can be mitigated can be shared with other providers. This sharing of information is absolutely critical if we are going to get control over the issue of how we deliver better health care in this country. Unfortunately, there are antitrust and other laws which limit the ability of that information to be shared. So we have set up this Patients Safety Act which is essentially an attempt to give patients more protection when they are in a health care facility.

This bill again was worked on effectively and aggressively by both sides of the aisle. The thoughts and initiatives were brought together. It was passed out of committee unanimously. This is a very important piece of legislation. We need to get this piece of legislation in place. Unlike the other pieces of legislation which I mentioned—the WIA bill, the IDEA bill, and the Head Start bill, which already have programs up and running, which are effective, but can be improved significantly by those bills—in the case of patient safety there is nothing out there today which allows these medical providers to take advantage of what this law is going to bring to bear and thus reduce injuries to people. Literally, the longer this bill is kept from passing and becoming law, the more people are harmed. There is a direct numerical relationship, direct formula, direct factor relationship where if this bill were passed today, fewer people would be harmed tomorrow. It is that simple.

This bill needs to be taken up. It needs to be passed. Yet although it came out of committee unanimously, it has disappeared into the opposition on the other side of the aisle which says we are not going to listen to that. We are not going to bring that up. If you want to pass something such as that, you will have to throw on everything else and the kitchen sink that has no relationship to it. You are not going to be allowed to pass a bill that was unanimously passed out of committee.

A couple of days ago, I was reading a pamphlet which was sent to me by an ever inquisitive and creative and very unique individual in his energy level, which is much higher than mine, the President pro tempore, Senator STEVENS. He had go to some lecture or some meeting where they had been talking about quantum physics. He sent us a booklet on quantum physics. I have never understood even the term "quantum physics." I opened it to the first page and read the first paragraph. I quickly got lost in the theory. But the basic statement about quantum physics was that the universe is 96 percent anti-matter. Maybe it is 98 percent. The universe—and this is a shock. This is a new theory. The universe is 98 percent anti-matter or, in other words, a black hole.

I have to tell you, under the Democratic leadership in this Senate, the Senate is becoming 98 percent antimatter, or a black hole. When bills come out of committee, they are unanimously passed by a committee which has such a diverse viewpoint philosophically, ideologically, and regionally as our committee has, when those bills come out of that committee unanimously and will significantly improve kids going to elementary school, getting ready for school, kids in their early years, kids who have problems and who have significant issues, special-needs kids going through their school systems, people who need to be retrained in a workplace that requires constant retraining or, as in the case of the patients safety bill, will actually save lives because it will allow us to do a better job of delivering medical care—when they come out of committee and are unanimously supported by the full committee, they are unanimously supported to the extent they went through the subcommittee, to the full committee, unanimously supported, come to the floor of the Senate, and the other side of the aisle says that bill is going to be assigned to the black hole.

That bill disappears into what you might call "Daschle Land" where nothing comes back. Send the bill out and it is gone. Where did it go? I do not know. It went to "Daschle Land." This can't continue. These pieces of legislation have to be taken up. We should consider them. We should pass them. After all, if they have unanimous approval from the committee of jurisdiction when that committee has some divergent views on it, they have to be pretty well worked out as a piece of law.

I have asked that we get the IDEA bill and the special education bill to conference. It hasn't happened. I have asked that we be able to bring up the Head Start bill. It hasn't happened. I have asked that we be able to go to the WIA bill and send it to conference. It hasn't happened.

Today I would like to ask that we be able to bring up the Patients Safety Act and pass it out of this Senate under a reasonable plan, under a reasonable set of options where we will essentially say people get a right to amend it on the substance of the bill and then move to conference.

I would like to present the following unanimous consent request relative to the Patients Safety Act.

UNANIMOUS CONSENT REQUEST—H.R. 663

I ask unanimous consent that at a time to be determined by the majority leader, in consultation with the Democratic leader, the HELP Committee be discharged from further consideration of H.R. 663, the Patients Safety bill, and the Senate proceed to its consideration; provided that upon reporting of the bill Senator GREGG be recognized to offer a substitute amendment, the text of which is at the desk; provided further that there be one first-degree germane amendment in order to be offered by Senator KENNEDY or his designee and that that amendment be subject to a germane second-degree amendment to be offered by Senator GREGG or his designee, with no further amendments in order.

I further ask unanimous consent that there be a total of 2 hours for debate, and following the use or yielding back of the time the Senate proceed to a vote on or in relationship to the second-degree amendment, to be immediately followed by a vote on or in relationship to the first-degree amendment, as amended; provided that following disposition of the amendments, the substitute amendment, as amended, if amended, be agreed to; the bill, as amended, be read the third time, and the Senate proceed to a vote on the passage of H.R. 633, as amended, with no intervening action or debate.

Finally, I ask unanimous consent that following passage, the Senate insist upon its amendment, request a conference with the House of Representatives on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on behalf of the Senate with a ratio of 5 to 4.

Mr. REID. Reserving the right to object, first, I understand the frustration of the distinguished senior Senator from New Hampshire. We have spent a lot of time doing nothing. This afternoon is a good example. The Senator can add up the days as well as I can on this marriage amendment.

Prior to that, we wasted a week on class action. I have said before, the Republicans had a 5-foot jump shot. Not only were they afraid to take the shot, they walked away from it.

I understand the frustration. But also understand our frustration. The schedule is set by the majority. I make a counterproposal to my friend, for whom I have the greatest admiration.

I ask unanimous consent that the request by the Senator from New Hampshire be modified, modified to have the matter, the Patients Safety Act, H.R. 663—that the HELP Committee be discharged from further consideration of H.R. 663, the patients safety bill, and the Senate proceed to its consideration, the bill be read the third time, the Senate proceed to vote on passage of H.R. 633, with no intervening action or debate.

Before my friend responds, we think the bill we got from the House is a good bill. We don't think there needs to be any amendments. We are willing to complete that right now. It would take no further action. We would not need a conference committee. Then any other matters the Senator thinks should be tied up that are at loose ends, maybe we can add to one of the appropriations bills or something like that.

I ask consent the request by my friend from New Hampshire's; Senator GREGG's request be modified as indicated by my previous statement.

Mr. GREGG. Reserving the right to object, I simply note that I don't know whether we took the 5-foot jump shot, but I state right now, if we take up this bill, it will be a 2-foot slam dunk.

That is all we need to do. This bill came out of our committee. It came out of a Senate committee unanimously. It is reasonable that the Senate should insist on hearing its bill on the floor and that the Senate should pass its bill on the floor. That is all we are asking.

That is why I must object to the Senator's proposal to modify my amendment. I would presume that the Senator, having come from the House and knowing the vagaries of the House—which is why he came to the Senate because he so much more appreciated the intelligence and thoughtfulness of the Senate—would want to hear the Senate bill on the floor rather than to simply accept the House bill in its present form.

Therefore, although I greatly admire the Senator's attempt to be constructive in his initiative, because it is a constructive step, I am forced to object. I believe we should take up the Senate bill under the context of what we have proposed, which would be a bill that was unanimously approved by a Senate committee of jurisdiction subject to the amendment process which is outlined.

In fact, should the Senator from Massachusetts agree with the Senator from Nevada that the House bill is better than the Senate bill—which I would find interesting since he supported the Senate bill as it came out of committee—he may offer that as his germane amendment.

The PRESIDING OFFICER. The objection to the modification is heard.

The Senator from Nevada.

Mr. REID. Mr. President, in this legislative body we rarely deal with anything that is perfect. Legislation is the art of compromise.

While the distinguished Senator from New Hampshire may have some good ideas on how to improve the bill we got from the House, we should look at what we will have if we could agree to do the House-passed bill.

Basically on our side, the bill was prepared by Senator JEFFORDS and others. As I understand it, it is S. 720 over here. It is a bill to provide for the improvement of patient safety and to reduce the incidence of events that adversely affect patient safety.

I have no doubt, with the experience my distinguished colleague from New Hampshire has had as a Member of the House, as a Governor of the State of New Hampshire, and certainly a senior Senator over, that he can figure out ways to improve what the House has done. I have no doubt that is true.

But in the interim, knowing we are not going to be able to arrive at that point, I think we would be well advised to move forward with the work the House has done. As imperfect as it may be, it is still much better than nothing. Then I would be happy to work with my friend from New Hampshire on what he thinks can be done to improve this legislation that the House passed.

I met with the distinguished President pro tempore of the Senate this afternoon. He thinks there is a program that he and Senator BYRD have come up with that we can do all the appropriations bills before we adjourn in this session. If that is the case, there would be ample opportunity—and I would be happy to work with my friend from New Hampshire on even the appropriations bills to see if we could work something out. If not, there are other matters we could go through here.

We cannot let the perfect be the enemy of the good in this instance. We would be well advised to accept what my friend from New Hampshire said we need improvement in, and accept what the 435 Members of the House of Representatives have done.

A few minutes ago there were four former House Members on the floor: Senator CARPER walked off, the distinguished Member from New Hampshire, and the Senator from Nevada have all served in the House. They are good legislators.

I learned when I first came to the House of Representatives, House Members are usually better legislators than Senators. Why? The reason being, their jurisdiction is narrow compared to ours. We are a jack of all trades and master of none. In the House, they have a few masters. We should accept that.

As to this bill, with the considered experience we have had over here, we could probably improve what they have done. What they have come up with is certainly not that bad. In fact, it is good. It is a lot better than nothing. I hope my friend would reconsider the offer I made.

Let's pass right now this House-passed bill. It would be a step forward. Today we would have accomplished something. We would have accomplished making patients safer in America today—not as safe as my friend from New Hampshire thinks they should be but a lot safer.

I hope he will reconsider. I have always found him to be a very reasonable person, someone for whom I have great respect and admiration. I say it publicly all the time.

In this instance, I repeat, we should not let the perfect be the enemy of the good.

The PRESIDING OFFICER. Is there objection to the unanimous consent request of the Senator from New Hampshire?

Mr. REID. Yes.

The PRESIDING OFFICER. The objection is heard.

Mr. GREGG. Mr. President, I appreciate the assistant Democratic leader's constructive suggestion in an attempt to move this process along relative to offering the House amendment.

However, there really is no reason we should just take the House language as it stands. The two bodies have both propounded bills which are substantive. This proposal which I have put forward requires only 2 hours in order to put it across the floor and we can go into conference. As a result of that, we can meet in conference and, obviously, reach a conclusion—I think, fairly quickly—which will make a very good bill. There is no reason in this instance we should not have a very good bill.

I do regret we cannot move forward at this time on this bill in the regular course under regular order as it would be presented in the unanimous consent request which I presented.

I thank the Senator from Nevada. As in the past, his courtesy is always very generous. He is obviously a very effective spokesman for the Democratic membership of this Senate, and I admire his work.

I yield the floor.

UNITED STATES-AUSTRALIA FREE TRADE AGREEMENT

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, I rise in support of the United States-Australia Free Trade Agreement. I support the agreement because 8,000 Minnesotan manufacturers, which employ some 350,000 families in my State, list the United States-Australia Free Trade Agreement as a top priority in maintaining good-paying Minnesota jobs, and that is important.

Like the JOBS bill, the highway bill, the Energy bill, as well as class action, medical malpractice, and asbestos reform litigation, the Australia Free Trade Agreement is about jobs. I was always fond of saying, when I was a mayor—and I am fond of repeating as a Senator—it is about jobs. The best welfare program is a job. The best housing program is a job. Access to health care comes with a job. Jobs are important.

While we have seen the hopes of our Nation's manufacturers dashed time and again on these other top priorities—we are still waiting for the JOBS bill to get done; we are still waiting for asbestos reform legislation to get through; we are still waiting for class action reform legislation to get through a filibuster—the reality is, we still have an opportunity to salvage the hopes of millions of working men and women in this country, men and women who could not care less about who gets the credit for keeping the economic recovery going, just as long as it keeps going.

We have grown over 1.5 million jobs in the past 10 months and in part because of the policies of this administration: the tax cuts that put money in the pockets of moms and dads, the tax cuts that allowed businesses to invest and to reinvest, the increasing expensing operations, the bonus depreciation, those things that lowered capital gains, those things that allowed businesses to say: We are going to invest, we are going to put it back in the business.

In the end, when business grows, when moms and dads have more money in their pockets, they spend that money on a good or a service, and the person who produces that good or service has a job. And that is a good thing.

So we have seen more than 1.5 million jobs in the past 10 months, but we cannot afford to rest on our laurels or wait out the results of a Presidential election. The time to act on the jobs agenda, as laid out by President Bush, is now. It is now.

The Australia Free Trade Agreement is just one component of the President's jobs agenda. This agreement builds on the $12 billion in manufactured U.S. exports to Australia and the 160,000 American jobs owing to our trade with that very important friend and ally in the global war on terror.

According to the National Association of Manufacturers, by tearing down Australian tariffs imposed against 99 percent of U.S. manufactured exports—which accounts for 93 percent of everything we sell to that country—our Nation's manufacturers stand to gain $2 billion a year in increased exports to Australia, giving us a leg up on Europe, Japan, and China.

This is not pie-in-the-sky stuff. This is very real to Minnesotans. I have 6,700 exporting companies in my State. In fact, 1 out of every 5 manufacturing jobs in Minnesota is owed to exports, and Australia is our 10th largest export market.

Let me give you some real-life examples because I think the problem most often with trade is that we vividly see jobs lost or businesses shut down, sometimes due to trade, and we need to understand that, we need to see that, we need to know the impact, and then we need to do those things to lessen that impact. But rarely do we see or hear about the jobs created or the businesses born as a direct result of our trade policy.

It is kind of like talking about tax cuts. We talk about them in abstract. We sound like accountants. We talk about trade and sound like economists. But the reality is, there is a mom or a dad who has a job opportunity because of the trade opportunities we create.

Polaris is a good example. It is a Minnesota company of which I am extremely proud. It is located way up in the northwest part of the State, about 10 minutes from Canada in a town called Roseau. Roseau has about 2,756 people at last count, the most famous being the former Secretary of Agriculture under President Carter, Bob Berglund, who is a very good friend of mine. They also grow a lot of hockey players, really talented hockey players in Roseau, MN.

Talking about former Secretary of Agriculture Berglund, lots of folks, when they get through being a Congressman or a Senator or a Secretary of this department or that department, retire to some beach in Florida, but not Bob Berglund. He went home to give back to the people of Roseau all the support he had received through his years of distinguished service.

Roseau suffered from some terrible floods not too long ago, and there was former Secretary of Agriculture Bob Berglund leading a group of folks in the town, figuring out how to deal with the flooding issue on a long-term basis. So we were not literally sticking our fingers in the dike, but we were looking beyond that. That is Bob Berglund.

In any case, Roseau would not be the town it is if it were not for guys like Bob Berglund, an indomitable spirit that pervades that place and everyone I have ever met there, and a company called Polaris.

I will go back to the flooding. When the flooding happened, the folks from Polaris did not abandon them. They were there working in the community, seeking to make a difference. They have had serious flooding over the years, and we have had to work to rebuild that town. We are still at it, and so is Secretary Berglund and so is Polaris, which is celebrating, just this year, 50 years of business. Here is what the president of Polaris, Tom Tiller, had to say about the Australia Free Trade Agreement:

> In 2004, Polaris will do over $10 million in sales to Australia. While the majority of those sales will be conducted by Polaris Sales Australia, all of the machinery sold in that distribution network is manufactured in Minnesota . . . so increased sales in Australia means more jobs in Minnesota.

Polaris is especially excited about the opportunity to sell all-terrain vehicles to the Australians under the new access granted under this agreement.

I cannot mention Polaris without mentioning another very important manufacturer in the State of which I am so proud, Arctic Cat. Arctic Cat is also located in northwest Minnesota, maybe about an hour away from Canada, in a town called Thief River Falls. Chris Twomey, with Arctic Cat, points out that:

> Due to high tariffs, Arctic Cat sells less than $5 million in products to Australia. The Australia Free Trade Agreement makes it a lot easier for us to increase our sales there and increase our production here at home.

This is another top-of-the-line all-terrain vehicle coming from another top-of-the-line all-Minnesota company. I am proud of those companies. I am proud of the people they employ. And I am proud of the expanded opportunity they will have to sell, to grow jobs, to make profit, to strengthen the lives of their employees and the lives of their communities—all of which are enhanced by the Australia Free Trade Agreement.

My paper and wood products industry is also very important to my State, starting a little west of where Polaris and Arctic Cat call home and extending all the way over to northeastern Minnesota. But for this industry and all the jobs it has provided over the years, northern Minnesota—which has seen some tough times—would have been in dire straits. Minnesota's International Paper and Blandin United Paper Mill are strong supporters of the Australia Free Trade Agreement because it will open the doors of Australia and the Pacific Rim to our paper and wood products industries. Again, those industries are part of the economic lifeblood of those communities. I want them to prosper. I want them to grow. I want them to have expanded opportunity. And they will get that from this agreement.

But it is not just northern Minnesota with a stake in the passage of this agreement. Eagan, MN, a growing suburb just south of St. Paul, also has a stake, as do communities all over my State. The Lockheed Martin manufacturing facility in Eagan had $40 million in international sales last year alone, with a part of that figure owing to the construction and sale of the P-3 Maritime Patroller to Australia. Currently, Eagan is in the running for another contract with Australia worth over $30 million to that community, and, according to Lockheed Martin, passage of the Australia Free Trade Agreement puts us one step closer to securing that contract.

And 3M, which not everyone knows stands for Minnesota Mining and Manufacturing, a great St. Paul company—in the neighborhoods of St. Paul they call it "the mining," but it is Minnesota Mining and Manufacturing—notes that Minnesota companies alone will save some $5 million in Australian tariffs when they come down under this agreement.

This is not an abstract topic for Minnesota. It is very real. The Australian Free Trade Agreement has the potential to sustain and grow real, good-paying Minnesota jobs. For me, that is decisive because jobs are what it is all about. I don't want to oversell this agreement because that has been done too often with respect to trade agreements. That is important to repeat. Far too often on both sides we look at a trade agreement and we oversell it. And then if we don't reach those high expectations, people say: Well, it didn't work; it is no good.

We are talking about moving the ball forward. We are talking about moving the economy. We are talking about more progress, more economic growth, and more opportunity. We are talking about more jobs. I am not going to sell. A lot is promised under these agreements and, frankly, they usually fall somewhat short of the mark.

Let me say what I have heard from my manufacturers, what I have heard from Polaris, Arctic Cat, International Paper, and Lockheed. They have said the Australian agreement means opportunity, give us that opportunity. So today in the United States we have a chance to do just that. We ought to and, fortunately, I expect that we will. We will give them the opportunity when we consider the Australia Free Trade Agreement and get it passed.

Having said that, I would be remiss if I did not take this opportunity to underscore a very important point that I hope is not missed by my colleagues, particularly by those who are in charge of negotiating this agreement or any other trade agreement; that is, the importance of U.S. agriculture to trade. Their success is mutually and inextricably linked. I do not believe U.S. agriculture can succeed without moving forward on trade, nor do I believe that trade can move forward without U.S. agriculture.

With Minnesota in the top 10 among States for the production of nearly every commodity that can be produced in our climate, the success of my farm families is extremely important to mainstream Minnesota. It is important to me.

Let me begin with sugar. Few folks realize Minnesota is the No. 1 sugar-producing and processing State in the country. Folks sometimes think about Florida, Louisiana, and other places, but it is sugar beets which makes the same kind of sugar you buy in your local store. And more sugar is produced from sugar beets than from cane sugar. Minnesota farm families own both the production and processing sides of our State's sugar beet industry, an industry that is directly or indirectly responsible for $2 billion in economic activity and about 30,000 jobs. The exclusion of sugar from the Australian agreement has been much maligned by folks inside and outside the Chamber, but not by this Senator. Let me tell you why.

The fact is, the reason we are able to stand here now on the cusp of passing the Australia Free Trade Agreement is in part or in whole owing to how this administration wisely handled sugar. Today, the Australia Free Trade Agreement is on the move. The sad reality is that CAFTA is up on the blocks. CAFTA is another great opportunity. We need to work to strengthen our trade opportunities with our friends in Central America. We have seen the flourishing of democracy there. Our Central American friends and allies deserve the benefit of expanded trade opportunity. CAFTA is up on the blocks. We have to figure a way to move it forward and to deal with the sugar problem in CAFTA.

When I say "deal with," this is not about parochialism or protectionism. It is about common sense and equity. Common sense says if you have a world problem, as the distortion in the sugar market most certainly is, you handle the problem in a global context. In other words, the right place to deal with sugar is in the World Trade Organization, not in these bilateral and regional agreements. Equity requires that when our trade team rightly decided that discussions concerning the farm bill's safety net for other commodities, such as corn and soybeans, should be reserved for the WTO and excluded from bilateral or regional agreements, the same should hold true for sugar: Common sense and equity.

In regard to the farm bill, I would point out that this legislation is to our farm families in rural America what the JOBS bill we just overwhelmingly passed is to our Nation's manufacturers. To anyone who has gone to see the new World War II Memorial, you will notice all the wreaths that represent the two pillars of industry and agriculture. Those responsible for both are critical to this country. We must not unilaterally disarm against either in global competition, which today is not always free and not always fair.

As for my State's sugar farmers, they are among the most competitive in the world. In fact, America's sugar farmers are among the top one-third in the world in overall efficiency, as measured by the cost of production. But what they face is a dump market where the average world cost of production per pound is 16 cents while the average selling price per pound is only 6 cents. As the saying goes, something is rotten in Denmark. I don't want to blame the Danes on that, just an expression.

Meanwhile, the U.S. sugar policy has been good to taxpayers and consumers alike. The U.S. sugar policy costs taxpayers nothing and, in fact, the two times in recent history where the U.S. had no sugar policy, consumer prices received the brunt of it when prices spiked to record highs. So my deepest thanks and appreciation go out to the Bush administration and its trade team for doing what is right by America's sugar farmers, right by Minnesota, and right by this Senator. You have a good model now on sugar, one that moves the trade agenda forward. We ought to stick with it.

Dairy is another important industry in Minnesota—we are fifth in the Nation—and here again our trade team deserves thanks for working with me and other interested Senators, as well as our Nation's dairy farm families, in arriving at a more workable although not perfect solution. Maintaining the second tier tariff for Minnesota dairy farmers is an absolutely essential part of this agreement. I am pleased that we have worked with our trade team on this issue. I don't want to get into discussions of the complexity of dairy policy on the floor of this body, but this issue of a second-tier tariff was important to my dairy farmers and dairy farmers throughout America. We managed to make sure that we maintained that second-tier tariff. That was a good thing.

Under the agreement, in-quota dairy imports are estimated to equal only 0.17 percent of the annual value of U.S. dairy production, and only about 2 percent of the current value of imports. Finally, assurances by our trade team that imports will not affect the operation of the milk price support program are extremely important to me and to America's dairy farmers.

Today I have 6,000 hard-working dairy farm families who milk about half a million cows every morning and night, who can breathe a little easier, thanks to the efforts of our trade team. I stress, less than 10 years ago we had about 14,000 Minnesota families. So we have lost over half the dairy farmers in our State. I presume that pattern has been shown in other parts of the country. But those 6,000 hard-working dairy farm families can sleep a little easier tonight thanks to the efforts of our trade team.

Again, it is not a slam dunk. This agreement is not perfect, but it is more workable to my dairy farmers and cooperatives at home because second-tier tariffs were maintained and in-quota imports are expected to be low.

My cattlemen are about where my dairymen are. They are relieved, but I would say our trade team had to overcome a very difficult issue. On the whole, they worked very hard to address the concerns of Minnesota's cattlemen. They phase down U.S. tariffs over an 18-year period and phase up the amount of in-quota access, all the while providing safeguards to protect against import surges that would disrupt U.S. markets. And at the end of the 18-year period, another safeguard is put in place to protect against import surges that would otherwise depress U.S. beef prices.

As a Senator representing nearly 16,000 cattlemen and a State that ranks sixth in beef production, my support for this agreement is couched in part on my reliance that these safeguards for U.S. beef will, in fact, be allowed to work as intended and that any waiver would be undertaken only in the rarest of circumstances, circumstances that I, frankly, can't conceive of now as I speak.

Steve Brake, a good friend of mine, is president of the cattlemen. Whenever I get to cattle country, I touch base with him to where things are. He understands. It is extremely important to him and his fellow cattlemen that we strictly enforce these safeguards. I know I will hear from Steve if we don't. If I hear about it from Steve, our trade team is going to hear about it, too. The safeguards are in place. I have great respect for what has been done, and I think our cattlemen can sleep easier tonight.

I am pleased that the sanitary and phytosanitary issues that stood in the way of our pork producers' access to the Australian market have been favorably resolved, leading to the endorsement of the agreement by more than 6,000 Minnesota pork producers. I will repeat that. These issues have been resolved and have led to the endorsement of the agreement by my more than 6,000 Minnesota pork producers.

I also appreciate the work of our trade team in pressing the issue of the Australian Wheat Board, a monopolistic state trading enterprise whose time has passed. While I am disappointed we were unable to do away with the board under this agreement, I am pleased the Australians have agreed to discuss this issue in the Doha Round of the WTO.

Overall, I believe this administration had a tough job to do and it did it reasonably well—job well done—something evidenced by the likely passage of this agreement. The Australia Free Trade Agreement is a good precursor to the WTO discussions that will take place in Geneva yet this month because it underscores a point: You don't have to give away the farm to negotiate a good agreement, and you may not pass one if you do.

So the Australia Free Trade Agreement that President Bush has sent to Congress is about sustaining and growing American jobs. It is about bolstering support in the economic opportunity of our rural families, our rural communities, and the incredible work they do to produce the safest, most affordable food supply in the world.

So to the President and our trade team, I say: Job well done. To our Members and colleagues in this body, I say: Let us move forward and pass the Australia Free Trade Agreement.

I yield the floor.

RECESS

Mr. COLEMAN. Mr. President, I ask unanimous consent that the Senate now stand in recess until 4 p.m. today.

There being no objection, at 3:02 p.m., the Senate recessed until 4:01 p.m., and reassembled when called to order by the Presiding Officer (Mr. CORNYN).

The PRESIDING OFFICER. In my capacity as a Senator from the State of Texas, I suggest the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL MARRIAGE AMENDMENT—MOTION TO PROCEED

MEDICARE

Ms. STABENOW. Mr. President, today I rise to discuss yet another revision by the administration to the new Medicare law. We all know the administration refused to give Congress an estimate on how much the Medicare bill would cost. We later found OMB estimated that the Medicare law would cost $534 billion over the next 10 years, $134 billion more than was estimated by the Congressional Budget Office.

We also know the CMS actuary, Richard Foster, said the high cost projection was actually known before the final House and Senate votes on the legislation last November. But Mr. Scully told him, "We can't let that get out."

In an e-mail to colleagues at CMS, Foster indicated he believed he might lose his job if he revealed the administration's cost estimates for the Medicare legislation.

Now we are getting another round of revised numbers. In last year's debate, Republicans repeatedly claimed the new drug benefits would be completely voluntary, that seniors happy with the current Medicare system should be able to keep their coverage the way it is. In fact, we have heard President Bush say that over and over again. He said that in the State of the Union Message in 2003.

But many of us warned at the time that because of the way the benefit was structured, employees with good retiree coverage would lose it. People who currently have coverage, currently have prescription drug assistance, actually could lose it. At the time the Congressional Budget Office estimated 2.7 million seniors and disabled could potentially lose—they indicated would lose—their retiree drug coverage because of the way this was written, in terms of the interface with the private sector retiree coverage. But once again the numbers are coming back even worse than was thought.

In today's New York Times, Health and Human Services now has estimated that not 2.7 but 3.8 million retirees will lose their prescription drug benefits when Medicare offers the coverage in 2006. HHS admitted this represents one-third of all retirees with employer-sponsored drug coverage.

I know CMS Administrator McClellan has released a press statement disputing the article.

I hope we get to the bottom of what is going on with this revision. But certainly what has happened up to date does not give us confidence in the information they have given to us. The administration certainly can't possibly think seniors will be happy to hear that up to one-third of those who have current coverage will lose it when this new Medicare law takes effect.

When you think about folks who have worked all their lives, and probably paid attention to the fact they had health insurance and retirement benefits, planned for that possibly over the life of their worktime, they took pay cuts in order to guarantee they had that retirement benefit, or wage freezes as people are being asked today, make sure in their retirement they had that coverage, and now this law is estimated to actually lose the private retiree coverage up to one-third of those who have it today.

My mother is one of those folks, a retired nurse. She followed the debate we had in great detail. One of the questions she had for me after the passage of this law was whether she would lose her benefits. I had to honestly say: Mom, I don't know.

One of the things we heard was those who may be in a situation most likely to lose may, in fact, be those who are nurses or police officers or retired firefighters or others who are in local or State government with all of the cutbacks where State and local governments are being forced to cut back.

It is amazing to me that in light of what we are seeing, point after point—information that wasn't given, information that wasn't accurate, the inability to negotiate group discounts under Medicare, the confusion on the prescription drug card—I hate to even call them discount cards because we know from AARP and from Families U.S.A. and from all of the groups that watched this that, in fact, the drug companies increased their prices very rapidly knowing they were going to be asked to give a discount through a discount card—we have seen prices go up

10, 20, 30 percent since we passed the law back in November, so they could then provide a card with a 15-percent discount or a 20-percent or a 25-percent discount. Seniors know after they watched this happen that it was not really a discount.

We have seen the confusion about how to even wade through the 40, 50, 60, or 70 different cards you may be able to choose from as a Medicare beneficiary to see if you can even begin to get a discount. We have seen the confusion of low-income seniors who actually have the most to gain because there is a $600 credit to buy prescription drugs attached to the card, and yet there is such confusion about how to even sign up and qualify, and that those who probably need it the most will be the ones least likely to receive it.

We have seen confusion and misinformation and threats to people about losing jobs if they tell us the truth and bad policies that over and over again have been put into place to help the industry instead of helping seniors and helping the disabled.

While all of this is going on, prices just keep going up. People need their medicine every day. Whether it is confusing or not, whether people are going to lose their coverage or not, today folks walk into the pharmacy trying to get their medicine, or maybe they didn't go in because they couldn't afford it, or maybe they went into the pharmacy but not the grocery store because they couldn't afford to do both, or maybe, as the couple I talked to not too long ago who were on the same medicine, the husband takes it one day and the wife takes it another day.

We can do better than that. This is the greatest country in the world. Shame on us for not being able to get this right and not being able to do it now.

The good news is we can do it now. We have a proposal in front of us that will allow the competition necessary in the pharmaceutical industry to bring prices down immediately. It is called reimportation of prescription drugs. We have talked about it so many times. I have been talking about it since being a House Member, and talking about taking bus trips to Canada. Now in my fourth year in the Senate, we are still talking about what ought to be done to bring down prices. But the good news is that things are beginning to move.

I was pleased to join with the AARP and with colleagues on both sides of the aisle, Senator SNOWE, Senator MCCAIN, Senator DORGAN, and I today to talk about the fact that we believe we have the votes now in the Senate to be able to pass meaningful, safe, reimportation of prescription drugs. All we need is the opportunity to vote on it. All we need is the opportunity to make the case to our colleagues.

There was a Senate Judiciary Committee hearing today. We understand that the HELP Committee will be meeting hopefully to report out a bill later this week. That bill has been introduced and hearings are scheduled, and rescheduled. Hopefully, that will happen this week.

While we are talking about it, while ineffective Medicare legislation passed with all this confusion and information, there is a sense of urgency on the part of every single person using medicine today because they are paying too much. It is not just our seniors, who certainly use the most medicine, or the disabled; it is also the family who has a child with a chronic disease, or it is a person of any age who is using medicine, or it is the businesses that have seen their premiums skyrocket in large part because of the skyrocketing prices of prescription drugs.

I come from a great State that makes automobiles. We are very proud of that. When I sit down with the Big Three automakers which are desperately concerned about the cost of health care and what needs to be done, they show me numbers. One-half the increase in their health care costs is because of prescription drugs. I know this is also true with small businesses which, on overage, have seen their premiums double at least in the last 5 years. In fact, it is more likely to be doubling every 3 years.

The opportunity we have to create more competition and to open the borders is something that not only would help our seniors, many of whom are incredibly disillusioned and, frankly, angry that a Medicare bill was passed that may not be of much help at all to them. But we can also be helping every single American from the youngest to the oldest as well as businesses if we do this and do this now.

We have 1 more week before we break for the summer. We know there are precious few weeks when we come back in the fall. This needs to get done now.

There are 31 in the Senate on both sides of the aisle from all different political beliefs who are cosponsoring this reimportation bill. Our bill provides substantial safeguards and assures quality and affordability. Our bill ensures that licensed pharmacists in the United States can do business with licensed pharmacists in Canada and in other countries with strong safety standards.

Our bill provides for inspections for anticounterfeiting technologies and chain of custody. Our bill is a well-thought-out, well-designed piece of legislation that meets and addresses every legitimate concern that has been raised.

There is no reason Americans should not have access to safe, FDA-approved drugs that come from FDA-inspected facilities in our country or other countries. We have been debating this issue far too long. I am extremely hopeful we will be able to see a debate in the Senate and a vote before we leave this summer.

Researchers at Boston University have told me that in the 1-month delay for the markup of the HELP Committee—the bill was on the agenda a month ago; now it will be on this next week—we could have saved over $5 billion by simply allowing citizens to do business with Canadian pharmacies.

That means $5 billion has been spent, coming out of the pockets of people choosing between food and medicine, caring for their children, worried about being able to have medicine for their disability, or a small business struggling to make it through insurance premium increases, or a large business. That is $5 billion just by not acting this last month. I assume that means $5 billion next month and $5 billion the month after.

The legislation we have put together on a bipartisan basis will make a real difference. It is something we can do now.

I commend my House colleagues on both sides of the aisle who have not only passed legislation similar to the legislation we now have worked on and developed on a bipartisan basis, but they have, once again, placed language in the Agriculture appropriations bill that would stop any enforcement against reimportation and allow it to continue. This passed the House of Representatives just yesterday.

It is time for the Senate to step up and to make this happen. In the past, there has been an effort to require certification by Health and Human Services regarding safety. That, unfortunately, has been a barrier by those who simply do not want to do this. So we have taken a different route this time. We have decided to sit down and go through all the safety standards and regulations and put it in the statute. That is what we have done.

We have also included in the bill an effort that Senator FEINSTEIN has worked on regarding Internet drug efforts and safety requirements.

There is no reason substantively not to pass our drug reimportation bill if the goal is to help lower the costs of prescription drugs through competition and to lower prices for our seniors and for our families and for our businesses. We have the tool. Let's not wait another month and another $5 billion, or another 2 months, $10 billion, or $15 billion or $20 billion, when we have the ability to join with the majority of our House colleagues and get this done now.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, are we presently acting as in morning business?

The PRESIDING OFFICER. The Senate is on the motion to proceed to S.J. Res. 40.

Mr. LAUTENBERG. I ask unanimous consent the pending business be put aside and that I have 15 minutes to present my speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

ISRAEL-BASHING AT THE UNITED NATIONS

Mr. LAUTENBERG. Mr. President, I rise today to talk about a serious problem that faces our world, one that is reflected directly in the activities at the United Nations. It is anti-Semitism. It is what we see at the U.N., the distinctly unjust treatment of 1 of its 192 member countries, the State of Israel.

A historic moment occurred last month. For the first time in its six-decade history, the U.N. actually convened a conference to discuss the growing problem of anti-Semitism worldwide. While it is heartening to see this development, the fact remains that since its creation in 1946, the U.N. has never produced any resolutions specifically aimed at anti-Semitism. Nor have any of its ancillary bodies ever issued any report on the subject of discrimination against Jews and Israel.

At the conference I just mentioned, Columbia Law School professor Anne Bayefsky delivered a remarkable speech. I ask unanimous consent that her speech be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1)

Mr. LAUTENBERG. Mr. President, Professor Bayefsky highlighted the history of the intolerance of the United Nations and outright discrimination against Israel.

Now, what does discrimination to Israel mean? It is exemplified in denying Israel and only Israel admission to the vital negotiating sessions of regional groups held daily during meetings of the U.N. Commission on Human Rights. It means devoting 6 of the 10 emergency sessions ever held by the General Assembly to repudiating Israel.

In contrast, no emergency session was ever held on the Rwanda genocide, estimated to have killed 1 million people, or on the so-called ethnic cleansing of tens of thousands of people in the former Yugoslavia, or on the atrocities committed against millions of people in Sudan in past decades.

More than one-quarter of the resolutions adopted by the Human Rights Commission over the last 40 years condemning the human rights record of various nations have been directed solely at Israel. There has not been a single resolution critical of China for suppressing the civil and political rights of its 1.3 billion people. There has not been a single resolution condemning the deadly racism in Zimbabwe that has brought 600,000 people to the brink of starvation.

It seems that anti-Israeli sentiment pervades the top levels of the U.N. hierarchy. The Secretary-General publicly condemns the tactics Israelis are forced to use to defend themselves, but he never once mentions the terrorist attacks that precipitate the response.

Because of this blatant bias, it is not surprising that last Friday the International Court of Justice—the U.N.'s court—squarely found that the barrier the Israelis are building to protect themselves violates international law. The ICJ demanded it be torn down and insisted that Palestinians be compensated for any damages.

Now, make no mistake, I believe an organization comprised of nations around the world must exist. I believe the United Nations is that organization. But it must operate fairly and be balanced. It is precisely because of my idealism regarding the role of the U.N. and the ICJ in international affairs that I am so disappointed in the court's one-sided decision last week.

The bias emanates not so much from the decision itself but from what the judges neglected to mention. They remained absolutely silent about the suicide bombers, the terrorist attacks that have killed over 1,000 Israelis in the past 4 years. In relative terms, it would be the equivalent to over 46,000 Americans.

I think it is informative that 1 week earlier, Israel's own Supreme Court also ruled on the barrier. The Israeli Supreme Court determined that the barrier is defensible as a security measure but ordered the Israeli Army to reroute a section of it in response to Palestinian concerns and make it hew more closely to the pre-1967 Green Line.

The justices wrote:

> We are aware that this decision does not make it easier to deal with that reality, [but] is the destiny of a democracy.

They added that a democracy such as Israel's:

> does not see all means as acceptable, and the ways of her enemies are not always open before her. A democracy must sometimes fight [back] with one arm tied behind her back.

The Israeli Supreme Court sent the strongest message, perhaps, to Israel's enemies of its uniqueness, resilience, and fundamental goodness.

The Israeli children are never subjected to lessons in the school that say: "Learn to kill your Arab neighbors," as contrasted to textbook after textbook in surrounding countries that say: "You must learn to kill the Jews and kill the Israelis."

As a matter of fact, this morning on television, what I saw was a group of very young Palestinian children being taught military methods so they can one day give their lives carrying a suicide bomb. It is incredible, when you think about it, that the Israelis should pay attention to the rights of the Palestinians, when you never hear in any of the Arab countries surrounding Israel that they ought to pay attention to the rights of the Israelis. It is very hard to even get a condemnation from them when some mad suicide bomber comes in and takes innocent Israeli lives without provocation.

Israel's vibrant, even if imperfect, democracy is precisely the reason why the U.N. bias against her is so unjust. Israel is a country in which huge crowds often gather in Tel Aviv's Rabin Square to demand the Government quickly end its support of settlements, challenging the views of lots of Israelis who want to use these settlements. But there is a fairness, an equity in the views of the Israelis that prevents them from going ahead and supporting these activities.

Israel is a country in which domestic human rights groups, in an act of political protest, recently mounted a photo exhibit of Israeli soldiers abusing Palestinian civilians—in the lobby of its Parliament, the Knesset.

Could you ever imagine that taking place in Damascus? Or Iraq, as it was? Or even a country as friendly as Egypt seems to be?

Israel is a country in which top reservists in the army and air force have refused to serve in the West Bank because they do not support the policies of the Sharon Government.

In an ideal world, Israel could prevent suicide bombers from infiltrating its cafes and malls and buses. But the Israelis do not live in an ideal world. The security fence is a measure of last resort. Israelis felt compelled to build the security fence after Palestinian terrorists launched 50 successful suicide bombings in 2002.

The security fence, as Israel's Supreme Court rightly concluded, is a defensive measure. And as a defensive measure, it has been very effective. There were 50 suicide bombings in 2002. In 2003, there were 20. So far this year, there have been eight. That is a very positive outcome.

The most recent bombing attack in Israel occurred this past Sunday, July 11, on a Tel Aviv bus, killing one soldier and injuring a dozen civilians. One of the injured was a 29-year-old named Sammi Masrawa, an Israeli Arab who leads an Arab-Jewish friendship group in the Tel Aviv area. Mr. Masrawa told the press he had opposed the barrier. In fact, he even took part in protests against it. But the bombing on Sunday changed his mind. He said:

> I will now be for [the fence] and form an organization in favor of it.

I wonder: How might the 15 judges of the United Nations' highest court justify their ruling to Sammi Masrawa, who from his hospital bed now pledges to lobby in support of the security fence.

His quest for peace underpinned by real security should be the call to which the United Nations and the international community respond. Instead, the ICJ has allowed an anti-Israel bias to cloud its vision and undermine its noble purpose.

We Americans need to wake up to the fact that the U.N. and its ancillaries are fundamentally hostile to Israel. We need to wake up to the fact that the U.N. and its ancillaries are unwilling to stanch the murderous flow of worldwide anti-Semitism. Why is this important? Because what affects Israel affects the United States as well.

Israeli nuclear physicist Haim Harari recently gave a speech in which he grimly but accurately described the virulent new strain of terrorists who are not only threatening Jerusalem, they are threatening Bali, Istanbul, Madrid, Riyadh, and New York. I urge my colleagues to read his message and reflect on what we must do to protect America and Israel, fix the U.N., and promote freedom and democracy and human rights around the world.

I hope also to remind our Arab friends in the area—be that Egypt or Kuwait or some of the other countries there—we care about these kinds of poisons that pervade the atmosphere, and we cannot tolerate that kind of an attitude, and won't, in our relationship with the U.N. or without or within these countries.

I ask unanimous consent that Dr. Harari's speech be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 2.)

Mr. LAUTENBERG. I yield the floor.

EXHIBIT 1

[From On The Record, June 21, 2004]

ONE SMALL STEP: IS THE U.N. FINALLY READY TO GET SERIOUS ABOUT ANTI-SEMITISM?

(By Anne Bayefsky)

(Editor's note: Ms. Bayefsky delivered this speech at the U.N. at a conference on Confronting Anti-Semitism: Education for Tolerance and Understanding, sponsored by the United Nations Department of Information, this morning.)

I appreciate the opportunity to speak to you at this first U.N. conference on anti-Semitism, which is being convened six decades after the organization's creation. My thanks to the U.N. organizers and in particular Shashi Tharoor [the undersecretary-general for communications and public information] for their initiative and to the secretary-general for his willingness to engage.

This meeting occurs at a point when the relationship between Jews and the United Nations is at an all-time low. The U.N. took root in the ashes of the Jewish people, and according to its charter was to flower on the strength of a commitment to tolerance and equality for all men and women and of nations large and small. Today, however, the U.N. provides a platform for those who cast the victims of the Nazis as the Nazi counterparts of the 21st century. The U.N. has become the leading global purveyor of anti-Semitism—intolerance and inequality against the Jewish people and its state.

Not only have many of the U.N. members most responsible for this state of affairs rendered their own countries Judenrein, they have succeeded in almost entirely expunging concern about Jew-hatred from the U.N. docket. From 1965, when anti-Semitism was deliberately excluded from a treaty on racial discrimination, to last fall, when a proposal for a General Assembly resolution on anti-Semitism was withdrawn after Ireland capitulated to Arab and Muslim opposition, mention of anti-Semitism has continually ground the wheels of U.N.-led multilateralism to a halt.

There has never been a U.N. resolution specifically on anti-Semitism or a single report to a U.N. body dedicated to discrimination against Jews, in contrast to annual resolutions and reports focusing on the defamation of Islam and discrimination against Muslims and Arabs. Instead there was Durban—the 2001 U.N. World Conference "Against Racism," which was a breeding ground and global soapbox for anti-Semites. When it was over U.N. officials and member states turned the Durban Declaration into the centerpiece of the U.N.'s antiracism agenda—allowing Durban follow-up resolutions to become a continuing battlefield over U.N. concern with anti-Semitism.

Not atypical is the public dialogue in the U.N.'s top human rights body—the Commission on Human Rights—where this past April the Pakistani ambassador, speaking on behalf of the 56 members of the Organization of the Islamic Conference, unashamedly disputed that anti-Semitism was about Jews.

For Jews, however, ignorance is not an option. Anti-Semitism is about intolerance and discrimination directed at Jews—both individually and collectively. It concerns both individual human rights and the group right to self-determination—realized in the state of Israel.

What does discrimination against the Jewish state mean? It means refusing to admit only Israel to the vital negotiating sessions of regional groups held daily, during U.N. Commission on Human Rights meetings. It means devoting six of the 10 emergency sessions ever held by the General Assembly to Israel. It means transforming the 10th emergency session into a permanent tribunal—which has now been reconvened 12 times since 1997. By contrast, no emergency session was ever held on the Rwandan genocide, estimated to have killed a million people, or the ethnic cleansing of tens of thousands in the former Yugoslavia, or the death of millions over the past two decades of atrocities in Sudan. That's discrimination.

The record of the Secretariat is more of the same. In November 2003, Secretary-General Kofi Annan issued a report on Israel's security fence, detailing the purported harm to Palestinians without describing one terrorist act against Israelis which preceded the fence's construction. Recently, the secretary-general strongly condemned Israel for destroying homes in southern Gaza without mentioning the arms-smuggling tunnels operating beneath them. When Israel successfully targeted Hamas terrorist Abdel Aziz Rantissi with no civilian casualties, the secretary-general denounced Israel for an "extrajudicial" killing. But when faced with the 2004 report of the U.N. special rapporteur on extrajudicial executions detailing the murder of more than 3,000 Brazilian civilians shot at close range by police, Mr. Annan chose silence. That's discrimination.

At the U.N., the language of human rights is hijacked not only to discriminate but to demonize the Jewish target. More than one quarter of the resolutions condemning a state's human rights violations adopted by the commission over 40 years have been directed at Israel. But there has never been a single resolution about the decades-long repression of the civil and political rights of 1.3 billion people in China, or the million female migrant workers in Saudi Arabia kept as virtual slaves, or the virulent racism which has brought 600,000 people to the brink of starvation in Zimbabwe. Every year, U.N. bodies are required to produce at least 25 reports on alleged human rights violations by Israel, but not one on an Iranian criminal justice system which mandates punishments such as crucifixion, stoning and cross-amputation of the right hand and left foot. This is not a legitimate critique of states with equal or worse human rights records. It is demonization of the Jewish state.

As Israelis are demonized at the U.N., so Palestinians and their cause are deified. Every year the U.N. marks Nov. 29 as the International Day of Solidarity with the Palestinian People—the day the U.N. partitioned the British Palestine mandate and which Arabs often style as the onset of al naba or the "catastrophe" of the creation of the state of Israel. In 2002, the anniversary of the vote that survivors of the concentration camps celebrated, was described by Secretary-General Annan as "a day of mourning and a day of grief."

In 2003 the representatives of over 100 member states stood along with the secretary-general, before a map predating the state of Israel, for a moment of silence "for all those who had given their lives for the Palestinian people"—which would include suicide bombers. Similarly, U.N. rapporteur John Dugard has described Palestinian terrorists as "tough" and their efforts as characterized by "determination, daring, and success." A commission resolution for the past three years has legitimized the Palestinian use of "all available means including armed struggle"—an absolution for terrorist methods which would never be applied to the self-determination claims of Chechens or Basques.

Although Palestinian self-determination is equally justified, the connection between demonizing Israelis and sanctifying Palestinians makes it clear that the core issue is not the stated cause of Palestinian suffering. For there are no U.N. resolutions deploring the practice of encouraging Palestinian children to glorify and emulate suicide bombers, or the use of the Palestinian population as human shields, or the refusal by the vast majority of Arab states to integrate Palestinian refugees into their societies and to offer them the benefits of citizenship. Palestinians are lionized at the U.N. because they are the perceived antidote to what U.N. envoy Lakhdar Brahimi called the great poison of the Middle East—the existence and resilience of the Jewish state.

Of course, anti-Semitism takes other forms at the U.N. Over the past decade at the commission, Syria announced that yeshivas train rabbis to instill racist hatred in their pupils. Palestinian representatives claimed that Israelis can happily celebrate religious holidays like Yom Kippur only by shedding Palestinian blood, and accused Israel of injecting 300 Palestinian children with HIV-positive blood.

U.N.-led anti-Semitism moves from the demonization of Jews to the disqualification of Jewish victimhood: refusing to recognize

Jewish suffering by virtue of their ethnic and national identity. In 2003, a General Assembly resolution concerned with the welfare of Israeli children failed (though one on Palestinian children passed handily) because it proved impossible to gain enough support for the word Israeli appearing before the word children. The mandate of the U.N. special rapporteur on the "Palestinian territories," set over a decade ago, is to investigate only "Israel's violations of . . . international law" and not to consider human-rights violations by Palestinians in Israel.

It follows in U.N. logic that nonvictims aren't really supposed to fight back. One after another concrete Israeli response to terrorism is denounced by the secretary-general and member states as illegal. But killing members of the command-and-control structure of a terrorist organization, when there is no disproportionate use of force, and arrest is impossible, is not illegal. Homes used by terrorists in the midst of combat are legitimate military targets. A nonviolent, temporary separation of parties to a conflict on disputed territory by a security fence, which is sensitive to minimizing hardships, is a legitimate response to Israel's international legal obligations to protect its citizens from crimes against humanity. In effect, the U.N. moves to pin the arms of Jewish targets behind their backs while the terrorists take aim.

The U.N.'s preferred imagery for this phenomenon is of a cycle of violence. It is claimed that the cycle must be broken—every time Israelis raises a hand. But just as the symbol of the cycle is chosen because it has no beginning, it is devastating to the cause of peace because it denies the possibility of an end. The Nuremberg Tribunal taught us that crimes are not committed by abstract entities.

The perpetrators of anti-Semitism today are the preachers in mosques who exhort their followers to blow up Jews. They are the authors of Palestinian Authority textbooks that teach a new generation to hate Jews and admire their killers. They are the television producers and official benefactors in authoritarian regimes like Syria or Egypt who manufacture and distribute programming that depicts Jews as bloodthirsty world conspirators.

Listen, however, to the words of the secretary-general in response to two suicide bombings which took place in Jerusalem this year, killing 19 and wounding 110: "Once again, violence and terror have claimed innocent lives in the Middle East. Once again, I condemn those who resort to such methods." "The Secretary General condemns the suicide bombing Sunday in Jerusalem. The deliberate targeting of civilians is a heinous crime and cannot be justified by any cause." Refusing to name the perpetrators, Mr. Secretary-General, Teflon terrorism, is a green light to strike again.

Perhaps more than any other, the big lie that fuels anti-Semitism today is the U.N.-promoted claim that the root cause of the Arab-Israeli conflict is the occupation of Palestinian land. According to U.N. revisionism, the occupation materialized in a vacuum. In reality, Israel occupies land taken in a war which was forced upon it by neighbors who sought to destroy it. It is a state of occupation which Israelis themselves have repeatedly sought to end through negotiations over permanent borders. It is a state in which any abuses are closely monitored by Israel's independent judiciary. But ultimately, it is a situation which is the responsibility of the rejectionists of Jewish self-determination among Palestinians and their Arab and Muslim brethren—who have rendered the Palestinian civilian population hostage to their violent and anti-Semitic ambitions.

There are those who would still deny the existence of anti-Semitism at the U.N. by pointing to a range of motivations in U.N. corridors including commercial interests, regional politics, preventing scrutiny of human rights violations closer to home, or enhancement of individual careers. U.N. actors and supporters remain almost uniformly in denial of the nature of the pathogen coursing through these halls. They ignore the infection and applaud the host, forgetting that the cancer which kills the organism will take with it both the good and the bad.

The relative distribution of naiveté, cowardice, opportunism, and anti-Semitism, however, matters little to Noam and Matan Ohayon, ages 4 and 5, shot to death through their mother's body in their home in northern Israel while she tried to shield them from a gunman of Yasser Arafat's al-Aqsa Martyrs Brigades. The terrible consequences of these combined motivations mobilized and empowered within U.N. chambers are the same.

The inability of the U.N. to confront the corruption of its agenda dooms this organization's success as an essential agent of equality or dignity or democratization.

This conference may serve as a turning point. We will only know if concrete changes occur hereafter: a General Assembly resolution on anti-Semitism adopted, an annual report on anti-Semitism forthcoming, a focal point on anti-Semitism created, a rapporteur on anti-Semitism appointed.

But I challenge the secretary-general and his organization to go further—if they are serious about eradicating anti-Semitism:

a. Start putting a name to the terrorists that kill Jews because they are Jews.

b. Start condemning human-rights violators wherever they dwell—even if they live in Riyadh or Damascus.

c. Stop condemning the Jewish people for fighting back against their killers.

d. And the next time someone asks you or your colleagues to stand for a moment of silence to honor those who would destroy the state of Israel, say no. Only then will the message be heard from these chambers that the U.N. will not tolerate anti-Semitism or its consequences against Jews and the Jewish people, whether its victims live in Tehran, Paris or Jerusalem.

Ms. Bayefsky is a senior fellow at the Hudson Institute and an adjunct professor at Columbia University Law School.

EXHIBIT 2

A VIEW FROM THE EYE OF THE STORM

(Talk delivered by Haim Harari at a meeting of the International Advisory Board of a large multi-national corporation, April, 2004)

As you know, I usually provide the scientific and technological "entertainment" in our meetings, but, on this occasion, our Chairman suggested that I present my own personal view on events in the part of the world from which I come. I have never been and I will never be a Government official and I have no privileged information. My perspective is entirely based on what I see, on what I read and on the fact that my family has lived in this region for almost 200 years. You may regard my views as those of the proverbial taxi driver, which you are supposed to question, when you visit a country.

I could have shared with you some fascinating facts and some personal thoughts about the Israeli-Arab conflict. However, I will touch upon it only in passing. I prefer to devote most of my remarks to the broader picture of the region and its place in world events. I refer to the entire area between Pakistan and Morocco, which is predominantly Arab, predominantly Moslem, but includes many non-Arab and also significant non-Moslem minorities.

Why do I put aside Israel and its own immediate neighborhood? Because Israel and any problems related to it, in spite of what you might read or hear in the world media, is not the central issue, and has never been the central issue in the upheaval in the region. Yes, there is a 100-year-old Israeli-Arab conflict, but it is not where the main show is. The millions who died in the Iran-Iraq war had nothing to do with Israel. The mass murder happening right now in Sudan, where the Arab Moslem regime is massacring its black Christian citizens, has nothing to do with Israel. The frequent reports from Algeria about the murders of hundreds of civilians in one village or another by other Algerians have nothing to do with Israel. Saddam Hussein did not invade Kuwait, endanger Saudi Arabia and butcher his own people because of Israel. Egypt did not use poison gas against Yemen in the 60's because of Israel. Assad the Father did not kill tens of thousands of his own citizens in one week in El Hamma in Syria because of Israel. The Taliban control of Afghanistan and the civil war there had nothing to do with Israel. The Libyan blowing up of the Pan-Am flight had nothing to do with Israel, and I could go on and on and on.

The root of the trouble is that this entire Moslem region is totally dysfunctional, by any standard of the word, and would have been so even if Israel would have joined the Arab league, and an independent Palestine would have existed for 100 years. The 22 member countries of the Arab league, from Mauritania to the Gulf States, have a total population of 300 millions, larger than the US and almost as large as the EU before its expansion. They have a land area larger than either the United States or all of Europe. These 22 countries, with all their oil and natural resources, have a combined GDP smaller than that of Netherlands plus Belgium and equal to half of the GDP of California alone. Within this meager GDP, the gaps between rich and poor are beyond belief and too many of the rich made their money not by succeeding in business, but by being corrupt rulers. The social status of women is far below what it was in the Western World 150 years ago. Human rights are below any reasonable standard, in spite of the grotesque fact that Libya was elected Chair of the U.N. Human Rights commission. According to a report prepared by a committee of Arab intellectuals and published under the auspices of the U.N., the number of books translated by the entire Arab world is much smaller than what little Greece alone translates. The total number of scientific publications of 300 million Arabs is less than that of 6 million Israelis. Birth rates in the region are very high, increasing the poverty, the social gaps and the cultural decline. And all of this is happening in a region, which only 30 years ago, was believed to be the next wealthy part of the world, and in a Moslem area, which developed, at some point in history, one of the most advanced cultures in the world.

It is fair to say that this creates an unprecedented breeding ground for cruel dictators, terror networks, fanaticism, incitement, suicide murders and general decline. It is also a fact that almost everybody in the region blames this situation on the United States, on Israel, on Western Civilization, on Judaism and Christianity, on anyone and anything, except themselves.

Do I say all of this with the satisfaction of someone discussing the failings of his enemies? On the contrary, I firmly believe that the world would have been a much better place and my own neighborhood would have been much more pleasant and peaceful, if things were different.

I should also say a word about the millions of decent, honest, good people who are either devout Moslems or are not very religious but grew up in Moslem families. They are double victims of an outside world, which now develops Islamophobia and of their own environment, which breaks their heart by being totally dysfunctional. The problem is that the vast silent majority of these Moslems are not part of the terror and of the incitement but they also do not stand up against it. They become accomplices, by omission, and this applies to political leaders, intellectuals, business people and many others. Many of them can certainly tell right from wrong, but are afraid to express their views.

The events of the last few years have amplified four issues, which have always existed, but have never been as rampant as in the present upheaval in the region. These are the four main pillars of the current World Conflict, or perhaps we should already refer to it as "the undeclared World War III". I have no better name for the present situation. A few more years may pass before everybody acknowledges that it is a World War, but we are already well into it.

The first element is the suicide murder. Suicide murders are not a new invention but they have been made popular, if I may use this expression, only lately. Even after September 11, it seems that most of the Western World does not yet understand this weapon. It is a very potent psychological weapon. Its real direct impact is relatively minor. The total number of casualties from hundreds of suicide murders within Israel in the last three years is much smaller than those due to car accidents. September 11 was quantitatively much less lethal than many earthquakes. More people die from AIDS in one day in Africa than all the Russians who died in the hands of Chechnya-based Moslem suicide murderers since that conflict started. Saddam killed every month more people than all those who died from suicide murders since the Coalition occupation of Iraq.

So what is all the fuss about suicide killings? It creates headlines. It is spectacular. It is frightening. It is a very cruel death with bodies dismembered and horrible severe lifelong injuries to many of the wounded. It is always shown on television in great detail. One such murder, with the help of hysterical media coverage, can destroy the tourism industry of a country for quite a while, as it did in Bali and in Turkey.

But the real fear comes from the undisputed fact that no defense and no preventive measures can succeed against a determined suicide murderer. This has not yet penetrated the thinking of the Western World. The U.S. and Europe are constantly improving their defense against the last murder, not the next one. We may arrange for the best airport security in the world. But if you want to murder by suicide, you do not have to board a plane in order to explode yourself and kill many people. Who could stop a suicide murder in the midst of the crowded line waiting to be checked by the airport metal detector? How about the lines to the check-in counters in a busy travel period? Put a metal detector in front of every train station in Spain and the terrorists will get the buses. Protect the buses and they will explode in movie theaters, concert halls, supermarkets, shopping malls, schools and hospitals. Put guards in front of every concert hall and there will always be a line of people to be checked by the guards and this line will be the target, not to speak of killing the guards themselves. You can somewhat reduce your vulnerability by preventive and defensive measures and by strict border controls but not eliminate it and definitely not win the war in a defensive way. And it is a war!

What is behind the suicide murders? Money, power and cold-blooded murderous incitement, nothing else. It has nothing to do with true fanatic religious beliefs. No Moslem preacher has ever blown himself up. No son of an Arab politician or religious leader has ever blown himself. No relative of anyone influential has done it. Wouldn't you expect some of the religious leaders to do it themselves, or to talk their sons into doing it, if this is truly a supreme act of religious fervor? Aren't they interested in the benefits of going to Heaven? Instead, they send outcast women, naive children, retarded people and young incited hotheads. They promise them the delights, mostly sexual, of the next world, and pay their families handsomely after the supreme act is performed and enough innocent people are dead.

Suicide murders also have nothing to do with poverty and despair. The poorest region in the world, by far, is Africa. It never happens there. There are numerous desperate people in the world, in different cultures, countries and continents. Desperation does not provide anyone with explosives, reconnaissance and transportation. There was certainly more despair in Saddam's Iraq then in Paul Bremmer's Iraq, and no one exploded himself. A suicide murder is simply a horrible, vicious weapon of cruel, inhuman, cynical, well-funded terrorists, with no regard to human life, including the fife of their fellow countrymen, but with very high regard to their own affluent well-being and their hunger for power.

The only way to fight this new "popular" weapon is identical to the only way in which you fight organized crime or pirates on the high seas: the offensive way. Like in the case of organized crime, it is crucial that the forces on the offensive be united and it is crucial to reach the top of the crime pyramid. You cannot eliminate organized crime by arresting the little drug dealer in the street corner. You must go after the head of the "Family".

If part of the public supports it, others tolerate it, many are afraid of it and some try to explain it away by poverty or by a miserable childhood, organized crime will thrive and so will terrorism. The United States understands this now, after September 11. Russia is beginning to understand it. Turkey understands it well. I am very much afraid that most of Europe still does not understand it. Unfortunately, it seems that Europe will understand it only after suicide murders will arrive in Europe in a big way. In my humble opinion, this will definitely happen. The Spanish trains and the Istanbul bombings are only the beginning. The unity of the Civilized World in fighting this horror is absolutely indispensable. Until Europe wakes up, this unity will not be achieved.

The second ingredient is words, more precisely lies. Words can be lethal. They kill people. It is often said that politicians, diplomats and perhaps also lawyers and business people must sometimes lie, as part of their professional life. But the norms of politics and diplomacy are childish, in comparison with the level of incitement and total absolute deliberate fabrications, which have reached new heights in the region we are talking about. An incredible number of people in the Arab world believe that September 11 never happened, or was an American provocation or, even better, a Jewish plot.

You all remember the Iraqi Minister of Information, Mr. Mouhamad Said al-Sahaf and his press conferences when the US forces were already inside Baghdad. Disinformation at time of war is an accepted tactic. But to stand, day after day, and to make such preposterous statements, known to everybody to be lies, without even being ridiculed in your own milieu, can only happen in this region. Mr. Sahaf eventually became a popular icon as a court jester, but this did not stop some allegedly respectable newspapers from giving him equal time. It also does not prevent the Western press from giving credence, every day, even now, to similar liars. After all, if you want to be an anti-Semite, there are subtle ways of doing it. You do not have to claim that the holocaust never happened and that the Jewish temple in Jerusalem never existed. But millions of Moslems are told by their leaders that this is the case. When these same leaders make other statements, the Western media report them as if they could be true.

It is a daily occurrence that the same people, who finance, arm and dispatch suicide murderers, condemn the act in English in front of western TV cameras, talking to a world audience, which even partly believes them. It is a daily routine to hear the same leader making opposite statements in Arabic to his people and in English to the rest of the world. Incitement by Arab TV, accompanied by horror pictures of mutilated bodies, has become a powerful weapon of those who lie, distort and want to destroy everything. Little children are raised on deep hatred and on admiration of so-called martyrs, and the Western World does not notice it because its own TV sets are mostly tuned to soap operas and game shows. I recommend to you, even though most of you do not understand Arabic, to watch Al Jazeera, from time to time. You will not believe your own eyes.

But words also work in other ways, more subtle. A demonstration in Berlin, carrying banners supporting Saddam's regime and featuring three-year old babies dressed as suicide murderers, is defined by the press and by political leaders as a "peace demonstration". You may support or oppose the Iraq war, but to refer to fans of Saddam, Arafat or Bin Laden as peace activists is a bit too much. A woman walks into an Israeli restaurant in mid-day, eats, observes families with old people and children eating their lunch in the adjacent tables and pays the bill. She then blows herself up, killing 20 people, including many children, with heads and arms rolling around in the restaurant. She is called "martyr" by several Arab leaders and "activist" by the European press. Dignitaries condemn the act but visit her bereaved family and the money flows.

There is a new game in town: The actual murderer is called "the military wing", the one who pays him, equips him and sends him is now called "the political wing" and the head of the operation is called the "spiritual leader". There are numerous other examples of such Orwellian nomenclature, used every day not only by terror chiefs but also by Western media. These words are much more dangerous than many people realize. They provide an emotional infrastructure for atrocities. It was Joseph Goebels who said that if you repeat a lie often enough, people will believe it. He is now being outperformed by his successors.

The third aspect is money. Huge amounts of money, which could have solved many social problems in this dysfunctional part of the world, are channeled into three concentric spheres supporting death and murder. In the inner circle are the terrorists themselves. The money funds their travel, explosives, hideouts and permanent search for soft vulnerable targets. They are surrounded by a second wider circle of direct supporters, planners, commanders, preachers, all of whom make a living, usually a very comfortable living, by serving as terror infrastructure. Finally, we find the third circle of so-called religious, educational and welfare organizations, which actually do some good, feed the hungry and provide some schooling, but brainwash a new generation with hatred, lies and ignorance. This circle operates mostly through mosques, madrasas and other religious establishments but also through inciting electronic and printed media. It is this circle that makes sure that women remain inferior, that democracy is unthinkable and that exposure to the outside world is minimal. It is also that circle that leads the way in blaming everybody outside the Moslem world, for the miseries of the region.

Figuratively speaking, this outer circle is the guardian, which makes sure that the people look and listen inwards to the inner circle of terror and incitement, rather than to the world outside. Some parts of this same outer circle actually operate as a result of fear from, or blackmail by, the inner circles. The horrifying added factor is the high birth rate. Half of the population of the Arab world is under the age of 20, the most receptive age to incitement, guaranteeing two more generations of blind hatred.

Of the three circles described above, the inner circles are primarily financed by terrorist states like Iran and Syria, until recently also by Iraq and Libya and earlier also by some of the Communist regimes. These states, as well as the Palestinian Authority, are the safe havens of the wholesale murder vendors. The outer circle is largely financed by Saudi Arabia, but also by donations from certain Moslem communities in the United States and Europe and, to a smaller extent, by donations of European Governments to various NGO's and by certain United Nations organizations, whose goals may be noble, but they are infested and exploited by agents of the outer circle. The Saudi regime, of course, will be the next victim of major terror, when the inner circle will explode into the outer circle. The Saudis are beginning to understand it, but they fight the inner circles, while still financing the infrastructure at the outer circle.

Some of the leaders of these various circles live very comfortably on their loot. You meet their children in the best private schools in Europe, not in the training camps of suicide murderers. The Jihad "soldiers" join packaged death tours to Iraq and other hotspots, while some of their leaders ski in Switzerland. Mrs. Arafat, who lives in Paris with her daughter, receives tens of thousands dollars per month from the allegedly bankrupt Palestinian Authority while a typical local ringleader of the Al-Aksa brigade, reporting to Arafat, receives only a cash payment of a couple of hundred dollars, for performing murders at the retail level.

The fourth element of the current world conflict is the total breaking of all laws. The civilized world believes in democracy, the rule of law, including international law, human rights, free speech and free press, among other liberties. There are naive oldfashioned habits such as respecting religious sites and symbols, not using ambulances and hospitals for acts of war, avoiding the mutilation of dead bodies and not using children as human shields or human bombs. Never in history, not even in the Nazi period, was there such total disregard of all of the above as we observe now. Every student of political science debates how you prevent an antidemocratic force from winning a democratic election and abolishing democracy. Other aspects of a civilized society must also have limitations. Can a policeman open fire on someone trying to kill him? Can a government listen to phone conversations of terrorists and drug dealers? Does free speech protects you when you shout "fire" in a crowded theater? Should there be death penalty, for deliberate multiple murders? These are the oldfashioned dilemmas. But now we have an entire new set.

Do you raid a mosque, which serves as a terrorist ammunition storage? Do you return fire, if you are attacked from a hospital? Do you storm a church taken over by terrorists who took the priests hostages? Do you search every ambulance after a few suicide murderers use ambulances to reach their targets? Do you strip every woman because one pretended to be pregnant and carried a suicide bomb on her belly? Do you shoot back at someone trying to kill you, standing deliberately behind a group of children? Do you raid terrorist headquarters, hidden in a mental hospital? Do you shoot an arch-murderer who deliberately moves from one location to another, always surrounded by children? All of these happen daily in Iraq and in the Palestinian areas. What do you do? Well, you do not want to face the dilemma. But it cannot be avoided.

Suppose, for the sake of discussion, that someone would openly stay in a wellknown address in Teheran, hosted by the Iranian Government and financed by it, executing one atrocity after another in Spain or in France, killing hundreds of innocent people, accepting responsibility for the crimes, promising in public TV interviews to do more of the same, while the Government of Iran issues public condemnations of his acts but continues to host him, invite him to official functions and treat him as a great dignitary. I leave it to you as homework to figure out what Spain or France would have done, in such a situation.

The problem is that the civilized world is still having illusions about the rule of law in a totally lawless environment. It is trying to play ice hockey by sending a ballerina iceskater into the rink or to knock out a heavyweight boxer by a chess player. In the same way that no country has a law against cannibals eating its prime minister, because such an act is unthinkable, international law does not address killers shooting from hospitals, mosques and ambulances, while being protected by their Government or society. International law does not know how to handle someone who sends children to throw stones, stands behind them and shoots with immunity and cannot be arrested because he is sheltered by a Government. International law does not know how to deal with a leader of murderers who is royally and comfortably hosted by a country, which pretends to condemn his acts or just claims to be too weak to arrest him. The amazing thing is that all of these crooks demand protection under international law and define all those who attack them as war criminals, with some Western media repeating the allegations. The good news is that all of this is temporary, because the evolution of international law has always adapted itself to reality. The punishment for suicide murder should be death or arrest before the murder, not during and not after. After every world war, the rules of international law have changed and the same will happen after the present one. But during the twilight zone, a lot of harm can be done.

The picture I described here is not pretty. What can we do about it? In the short run, only fight and win. In the long run—only educate the next generation and open it to the world. The inner circles can and must be destroyed by force. The outer circle cannot be eliminated by force. Here we need financial starvation of the organizing elite, more power to women, more education, counter propaganda, boycott whenever feasible and access to Western media, internet and the international scene. Above all, we need a total absolute unity and determination of the civilized world against all three circles of evil.

Allow me, for a moment, to depart from my alleged role as a taxi driver and return to science. When you have a malignant tumor, you may remove the tumor itself surgically. You may also starve it by preventing new blood from reaching it from other parts of the body, thereby preventing new "supplies" from expanding the tumor. If you want to be sure, it is best to do both.

But before you fight and win, by force or otherwise, you have to realize that you are in a war, and this may take Europe a few more years. In order to win, it is necessary to first eliminate the terrorist regimes, so that no Government in the world will serve as a safe haven for these people. I do not want to comment here on whether the American-led attack on Iraq was justified from the point of view of weapons of mass destruction or any other pre-war argument, but I can look at the post-war map of Western Asia. Now that Afghanistan, Iraq and Libya are out, two and a half terrorist states remain: Iran, Syria and Lebanon, the latter being a Syrian colony. Perhaps Sudan should be added to the list. As a result of the conquest of Afghanistan and Iraq, both Iran and Syria are now totally surrounded by territories unfriendly to them. Iran is encircled by Afghanistan, by the Gulf States, Iraq and the Moslem republics of the former Soviet Union. Syria is surrounded by Turkey, Iraq, Jordan and Israel. This is a significant strategic change and it applies strong pressure on the terrorist countries. It is not surprising that Iran is so active in trying to incite a Shiite uprising in Iraq. I do not know if the American plan was actually to encircle both Iran and Syria, but that is the resulting situation.

In my humble opinion, the number one danger to the world today is Iran and its regime. It definitely has ambitions to rule vast areas and to expand in all directions. It has an ideology, which claims supremacy over Western culture. It is ruthless. It has proven that it can execute elaborate terrorist acts without leaving too many traces, using Iranian Embassies. It is clearly trying to develop Nuclear Weapons. Its so-called moderates and conservatives play their own virtuoso version of the "good-cop versus bad-cop" game. Iran sponsors Syrian terrorism, it is certainly behind much of the action in Iraq, it is fully funding the Hizbulla and, through it, the Palestinian Hamas and Islamic Jihad, it performed acts of terror at least in Europe and in South America and probably also in Uzbekhistan and Saudi Arabia and it truly leads a multi-national terror consortium, which includes, as minor players, Syria, Lebanon and certain Shiite elements in Iraq. Nevertheless, most European countries still trade with Iran, try to appease it and refuse to read the clear signals.

In order to win the war it is also necessary to dry the financial resources of the terror conglomerate. It is pointless to try to understand the subtle differences between the Sunni terror of Al Qaida and Hamas and the Shiite terror of Hizbulla, Sadr and other Iranian inspired enterprises. When it serves their business needs, all of them collaborate beautifully.

It is crucial to stop Saudi and other financial support of the outer circle, which is the fertile breeding ground of terror. It is important to monitor all donations from the Western World to Islamic organizations, to monitor the finances of international relief organizations and to react with forceful economic measures to any small sign of financial aid to any of the three circles of terrorism. It is also important to act decisively against the campaign of lies and fabrications and to monitor those Western media who collaborate with it out of naivety, financial interests or ignorance.

Above all, never surrender to terror. No one will ever know whether the recent elections in Spain would have yielded a different result, if not for the train bombings a few days earlier. But it really does not matter. What matters is that the terrorists believe that they caused the result and that they won by driving Spain out of Iraq. The Spanish story will surely end up being extremely costly to other European countries, including France, who is now expelling inciting preachers and forbidding veils and including others who sent troops to Iraq. In the long run, Spain itself will pay even more.

Is the solution a democratic Arab world? If by democracy we mean free elections but also free press, free speech, a functioning judicial system, civil liberties, equality to women, free international travel, exposure to international media and ideas, laws against racial incitement and against defamation, and avoidance of lawless behavior regarding hospitals, places of worship and children, then yes, democracy is the solution. If democracy is just free elections, it is likely that the most fanatic regime will be elected, the one whose incitement and fabrications are the most inflammatory. We have seen it already in Algeria and, to a certain extent, in Turkey. It will happen again, if the ground is not prepared very carefully. On the other hand, a certain transition democracy, as in Jordan, may be a better temporary solution, paving the way for the real thing, perhaps in the same way that an immediate sudden democracy did not work in Russia and would not have worked in China.

I have no doubt that the civilized world will prevail. But the longer it takes us to understand the new landscape of this war, the more costly and painful the victory will be. Europe, more than any other region, is the key. Its understandable recoil from wars, following the horrors of World War II, may cost thousands of additional innocent lives, before the tide will turn.

Mr. LAUTENBERG. I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. COLLINS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Madam President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE TO THE AMERICAN PEOPLE

Mr. LAUTENBERG. Madam President, I, like millions of Americans, see what is happening on television, listen to what is happening on radio, and hear campaign commercials that are being submitted on a fairly regular basis. I listen to them and wonder, what is the message to our country? What is being said? What is the message we want to give to the American people? What do we want to tell them about our concern for their needs? Do we want to talk about lower prices for prescription drugs? Do we want to talk about educating our children? Do we want to talk about health care generally? Do we want to talk about bringing the troops home? Do we say enough is enough?

When we look at the record and see what is happening, the killing continues in Iraq. Since we have gone over to an Iraqi interim government, the rate of death has not diminished from the time before we turned this government over to the Iraqi interim government.

Today, we heard news of a terrible explosion that killed a bunch of Iraqis and injured American soldiers. The toll continues to mount. I believe the American people are concerned about that. I hear it from parents who say: My son's term has been extended. He thought he would be home by now. Now he has to serve 3 more months. Or, my daughter has to stay there far longer than she expected. Not only are they emotionally torn apart, not only are there family problems from the absence of dad or the absence of mom from the household, but financially it is a disaster.

I have tried to get an amendment. I tried to put it on the Defense appropriations bill, but I couldn't get the amendment attached. They said no, we don't want to give $2,000 a month more for these people for the 3 months more they have to serve; $6,000 total cost; maybe $150 million out of a budget of $400 billion, and we couldn't get an ear to listen to it here. We couldn't get the majority to pay attention.

The job market is not robust. We are still at a loss for the number of jobs we have available since this administration took over. When do we put these people to work? When do we stop shipping jobs abroad? When do we deal with the problems that concern everyday citizens? When do we deal with the cost of gasoline, which is up 50 percent almost in the last year?

What we hear in response to those problems are campaign commercials—$8 million of them in recent weeks. We hear that JOHN KERRY has missed two-thirds of the votes that have been taken here in the U.S. Senate. We do not hear anybody saying JOHN KERRY served bravely in Vietnam when he disagreed with the policy of his country, but he felt loyal enough and obliged enough and went ahead and got wounded three times. He got three Purple Hearts. I served in the Army 3 years. I didn't earn one, but I know what a Purple Heart means in recognition of bravery; a Silver Star, very high-ranking medal; a Bronze Star, an important recognition of bravery on the battlefield. And we want to hear talk about how he has missed these votes.

Yes, I am a Member of the Senate and am proud of it. I am proud of my voting record. But I am also proud of the contribution JOHN KERRY is trying to make to this country.

We ought to talk about comparing service to country, President Bush's service and Senator JOHN KERRY's service. Compare the two. Start with Vietnam. See what happened there, when President Bush had an opportunity to avoid regular service by going to the Air Guard, which he didn't really do anything with. But to criticize Senator JOHN KERRY for his contribution to our country by pointing out the fact that he has missed a bunch of votes, that he found time to vote against the Laci Peterson amendment which was offered here, and that he missed other votes—talk about the platforms of these two, talk about what JOHN KERRY is saying we have to do about jobs, about getting a coalition to help us deal with Iraq to try to strengthen our resources there.

President Bush's decision, along with his Cabinet, the Secretary of Defense, and the Vice President, was that General Shinseki was all wrong when he said we have to have 300,000 people in Iraq. They fired him. They got rid of him. They don't want to hear dissent and difference. They don't want to hear it. They don't want the public to hear what JOHN KERRY has done for his country. No. They want to hear that he missed votes. It is too bad that he missed votes, but he is on a larger mission. He wants a change in the direction of this country. He is not here at times when he is out there delivering messages to which people respond.

Just look at the gatherings. We see people for Senator KERRY and Senator EDWARDS. They are thirsty for information that affects their everyday lives. They do not sit around the dinner table talking about how much time we are spending—not enough time, they might say—on gay marriage and a constitutional amendment. I don't think Mr. and Mrs. Working American are sitting around their table praying for the moment that an amendment to the Constitution will be put in place where we can challenge the rights of a particular group of people when we haven't gotten our appropriations bills in place; we haven't voted on moving homeland security resources along not funding these things. No, but we can spend days here.

By the way, we may have set a record for quorum calls. We have spent a lot of time with two lights on. That should tell the American people that there is nothing going on in here. We have had one vote this week, and the prospects for another vote are not very bright. What an exhausting schedule, two, three votes, possibly five votes in a week. Come on.

Please, Mr. President, clear your message, talk about the things the American people are concerned about. Talk about how we get our kids home from Iraq, talk about how we get our former allies into the mix so they can help share the burden. That is what we want to hear.

We do not want to hear only critical comments about JOHN KERRY because then you force us to compare the two records. If I were President Bush, I would hide from the record. If they want to compare President Bush's record to Senator JOHN KERRY's record of service to country, we would have quite a revelation for the people in this country.

Spending millions on commercials to denigrate Senator JOHN KERRY, a war hero, a volunteer, who went to Vietnam—go there, do your duty, pull a guy out of the water whose life may be hanging in the balance, under gunfire. Pull this man out of the water.

I have campaigned with one of his former swift boat colleagues. If you heard the praise that he gave to LTG JOHN KERRY for his leadership. But we do not want to talk about that. We want to try to subdue it with sneering commentaries about how he missed a vote and flip-flopped.

I wish President Bush would look at some of the decisions he made and flip them. One of them I tried to pass was to have flag-draped coffins, the respect that they earn. People who gave their lives on behalf of the country's mission, when they come back to Dover, DE, where the coffins are deposited, and we say no, the media cannot show those coffins because that would alert people to the penalties of war, to the punishment that families endure. We do not want that. Hide it from the public. Don't let them understand what the cost of war is.

They criticize Senator JOHN KERRY, loyal American, who served his duty, served it well, served it here. Look at his voting record before he ran for President of the United States. Look at the President's tours for fundraising and political gatherings. He goes on Air Force One and the only cost—and this 747 is a beautiful airplane; most of America has seen it—all that has to be paid is the cost of the first-class transportation on a commercial airliner. Take this huge airplane, lift it into the sky and say: Well, we will reimburse it because we used it for fundraising or for political campaigns.

Mr. President, change your tune. Let's hear your view on what America has to have to satisfy the needs of our constituents. Please, you have gone too far with this character abuse, with this character assassination. You have gone too far.

Look at the American people. Look them in the eye and say, yes, I, President George Bush, approve of this message, and give a positive message about when drug prices are coming down, about how we will fund Head Start for 300,000 children who will now be dropped, or other programs that are talked about but not funded. Please, Mr. President, speak up on behalf of the people in America so we can build strength, so we can have some harmony and not the divisive attitude we find prevailing.

It is not fair to the American people. When we deny a hero's recognition, we do something far worse. It was done in the State of Georgia in a senatorial election recently. A fellow named Max Cleland, with whom we served, and whom we all felt very close to, lost three limbs in Vietnam. They managed to paint him in a somewhat cowardly fashion, that he was soft on defense. One arm missing, half of one arm missing, two legs missing. It takes him 2 hours to get out of bed in the morning, and they made him look like he was soft on defense. What a disgrace. The American people have to look at that.

And now the game is to denigrate JOHN KERRY's record to make him look as if he is just absent and not doing anything worthwhile. He and Senator EDWARDS are trying to put this country on the right path. The voters will decide, by the way. But we ought to let the record be out there so that everybody knows what each of the parties is doing.

Enough, Mr. President. Please change the tone of your commercials. It is not fair to have an airplane in the sky saying: Senator JOHN KERRY, if he had his choice, would have voted against the interests of the troops. It is a foul lie, that is what it is, not true at all. If a vote was made, it was made in the context of an entire amendment. It was not made simply to take money away from our serving troops. President Bush knows that.

I wish he would change his tone. It does not ring properly for the President. It does not become the President of the United States to be looking at Senator JOHN KERRY's record and make jokes about his attendance, about his flip-flop. No, no, no, look at the things he has done. We can all pick out the blemishes of the other, but that is no way to run a country. That is the way to run a schoolyard fight. It does not become the President of the United States.

I yield the floor, but I hope President Bush will change his tone.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from Pennsylvania.

IN MEMORY OF CAREY LACKMAN SLEASE

Mr. SPECTER. Mr. President, I have sought recognition to inform the Senate family of the passing of Carey Anne Lackman Slease, my chief of staff, who passed this morning at 5:30 a.m.

During the course of the day, my office staff and I have been deluged with expressions of sympathy showing the very high regard and high esteem that she was held in by our Senate family.

She was afflicted with the terrible problem of breast cancer. She had a long, lingering illness. She received the very best of modern day medicine with the assistance of the National Institutes of Health. My deputy, Bettilou Taylor, who handles the Subcommittee on Labor, Health, Human Services and Education, has had extensive contact with the National Institutes of Health. When I saw Carey last night, less than 24 hours ago, she had expressed her gratitude for the kind of care which she had received.

She said, in her own words, she had a good run and she was understanding and at peace with herself as she knew her imminent fate.

She had left the hospital shortly after being married to her sweetheart, Clyde Slease, III, on Saturday. We have a beautiful set of wedding photographs, a clear remembrance of her from just a few days ago. And she came home, setting up a hospice, in effect, in her home.

As I say, when I saw her yesterday, she was reconciled and at peace with herself, and considering the circumstances, as composed and as brave and as resolute as any human being could be. She said she was advised that it was a matter of a few days or a week or two. She was taken this morning, as I say, at 5:30.

Her life was really the U.S. Senate. She graduated from Radford University. She was the oldest daughter of a retired colonel, William F. Lackman. She is survived by three sisters and three brothers—a large family of seven children—and her mother.

She came to the Senate family at the age of 24, and she spent most of the remaining half of her life in the Senate, dying at the age of 48. She was a legislative assistant to Senator John Heinz from 1979 to 1985. She then founded her own firm in Los Angeles for a period of 6 years. She then came back to work for me in the early 1990s. Except for a very short stint, again, with her own firm in biotech in the public sector, she was on my staff, coming back to work for me some 2½ years ago in December 2001, when called to active duty.

She did an extraordinary job for me. She was beautiful in many ways: a statuesque blonde, an amiable personality. She worked well with her colleagues. She worked well with the young staff. She was a mentor. She was very accomplished, brilliant, studious, analytical, and handled the substantive problems of the office with aplomb, dignity, and efficiency.

She was one of the first women to be chief of staff in the U.S. Senate. She was acclaimed by PoliticsPA as one of Pennsylvania's most politically powerful women.

She had an extraordinary career, regrettably cut short by her untimely passing at the age of 48.

Funeral services will be held in Middleburg, VA, on Friday at 10 a.m., with a viewing tomorrow evening.

She has made quite an impact in many realms of her professional pursuits, but really most of all in the U.S. Senate, where she had made so many friends and was held in such very high regard, really beloved by the Senate family.

So it is a sad occasion for the entire Senate family, but most of all for her colleagues in my office and for me to note her passing at the very tender age of 48.

Senator SANTORUM was in the chamber and wanted to speak but could not wait until the other speakers had concluded.

I thank the Chair and, in the absence of any Senator seeking recognition, suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COLEMAN). Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.R. 4520

Mr. FRIST. Mr. President, in a few moments I will be propounding a unanimous consent request that we can comment on afterwards. It reflects a number of negotiations and back and forth between both sides of the aisle that have gone on for several weeks, but aggressively and intensively over the last 8 to 9 hours.

I ask unanimous consent that on Thursday, July 15, immediately following morning business, the pending motion to proceed be withdrawn and the majority leader or his designee be recognized in order to move to proceed to Calendar No. 591, H.R. 4520; provided further that the motion be agreed to and that Chairman GRASSLEY then be immediately recognized in order to offer S. 1637, as passed by the Senate, as a substitute amendment; provided further that Senator DEWINE be recognized in order to offer a DeWine-Kennedy first-degree amendment relating to the FDA and tobacco; further, that no other amendments be in order to the bill and that there be 3 hours for debate equally divided in the usual form; I further ask consent that following the debate, the Senate proceed to a vote in relation to the amendment at a time determined by the majority leader after consultation with the Democratic leader and that immediately following the disposition of that amendment, the substitute be agreed to, the bill then be read a third time, and the Senate proceed to a vote on passage of the bill with no intervening action or debate; I further ask consent that the Senate then insist on its amendment, request a conference with the House, and the Chair then be authorized to appoint conferees on the part of the Senate with a ratio of 12 to 11.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, what this means is we will be proceeding to conference on the FSC/ETI JOBS bill, a bill that overwhelmingly passed the Senate and passed the House of Representatives and that prior to proceeding to conference, we will have a vote tomorrow on a combined bill that has to do with the FDA and a tobacco buyout. That vote will follow up to 3 hours tomorrow. The vote will likely be tomorrow afternoon, although we will be debating the issue in the morning.

I am pleased. We all know that the FSC/ETI JOBS bill is a very important bill for the United States, for jobs and jobs creation. There is a certain time limit involved. In fact, every month that we wait, the Euro tax goes up 1 percent every month; it is 9 percent now. It is time to take this to conference and pass this bill.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, I am pleased to join with the majority leader in announcing this agreement tonight. This has not been easy for anybody involved in these discussions. We are now prepared to proceed with, I think, a very good understanding about how we as Members of the Senate will present ourselves in the conference. I am very confident that we can reach a successful conclusion.

Mr. FRIST. I want to discuss with the Democratic Leader an approach that might enable us to move forward to conference on the JOBS bill, S. 1637. The Senate JOBS bill reflects overwhelming bipartisan support, passing by a margin of 92–5. Much work remains to be done on this bill and it is important we start as soon as possible.

There are significant differences with the House bill, so this is likely going to be a challenging process. I want to make sure that all Senators know that it is unrealistic to expect that the House will agree with all our provisions and that we will likely have to make changes to S. 1637.

But as we make those changes, we should make them together. The JOBS bill we passed was a model of bipartisan cooperation that was marked by good faith on both sides. And that is the essence of the agreement I am proposing—a commitment from both sides that they will work in good faith in the conference to get the best possible result. I have spoken to Senator GRASSLEY and he has agreed that he will not pursue a conclusion to the conference—nor sign any conference report—that would alter the text of S. 1637 in a way that undermines the broad bipartisan consensus S. 1637 achieved on final passage.

Mr. DASCHLE. I thank the Majority Leader for his leadership. I have discussed this with my colleagues and can commit wholeheartedly to the good faith process you have proposed. Our side understands that changes will have to be made to S. 1637; but, as they are made, these changes will be the result of the mutual agreement of the lead Senate conferees, as well as the Majority Leader and the Democratic Leader, acting in good faith.

By moving S. 1637 through the Senate, Senators GRASSLEY and BAUCUS have already demonstrated that they can make that process work. If the process should break down due to disagreements over either corporate tax policy or extraneous provisions, then we understand that such a conference report will not be brought to the floor.

Mr. FRIST. That is correct, so long as the Democratic conferees are acting in good faith. And I have every expectation they will. I agree that it is our mutual goal to reach a conference agreement that reflects the balance and broad bipartisan consensus S. 1637 achieved. That will be the test of good faith for both sides. I think we can do that, and we will not bring a bill to the Senate floor if it does not reflect that commitment. I want to thank the Democratic Leader for his leadership and willingness to address this process.

Mr. DASCHLE. Mr. President, I appreciate the majority leader's work in reaching the agreement and the good faith that I believe we need to demonstrate on a bipartisan basis to move forward. This accommodates the concerns on both sides. We have made some real progress. We have a lot of work to do. There are a lot of differences with the House. But I am confident that Democrats and Republicans are now in a position to work very closely together to come up with the best result.

There are no predetermined conclusions as to what the result may be, but we do this with a full appreciation of the need to work together to accomplish what is clearly a real opportunity to move forward on a jobs bill, on legislation that I believe is a must-pass piece of legislation prior to the time we adjourn for the year.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. McCONNELL. Mr. President, I congratulate the majority leader and the Democratic leader for what I think is an excellent agreement made in good faith. It gives us a chance to pass one of the most important pieces of legislation that Congress will consider in the second session of the 108th Congress.

It has not been easy getting to this point. I wanted to say, particularly on behalf of those of us who represent States in which tobacco farmers are slowly having their assets stripped from them, that this agreement gives the buyout a chance. It doesn't guarantee an outcome, but it certainly gives the buyout a chance to be considered in conference. Getting to conference on this bill is a significant move in the right direction from the point of view of those of us who represent tobacco growers.

I thank the leaders for what I think is an excellent agreement to move this into conference and have a chance to pass a very important bill.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAKING A DIFFERENCE: DR. FRED CHOLICK

Mr. DASCHLE. Mr. President, more than 7,000 students and thousands of South Dakota farm and ranch families have been impacted through the leadership of one man: Dr. Fred Cholick.

Dr. Cholick has served South Dakota's No. 1 industry of agriculture for nearly a quarter of a century. He has been a teacher, a mentor and an advocate for expanded research. For the past 6 years, he has served as Dean of the College of Agriculture and Biological Sciences at South Dakota State University, a land grant university and South Dakota's largest educational institution.

He has earned a strong reputation nationally. Through his work, he caught the attention of Kansas State University, where he will become Dean of the College of Agriculture in Manhatten. It is a loss for my home state of South Dakota, but an incredible professional opportunity for Dr. Cholick.

When Dr. Cholick became Dean of the College of Agriculture and Biological Sciences in 1998, he instilled a motto for the college: "Making a Difference." It was a bold statement that faculty embraced and, to those students who arrived on campus, it signaled the high expectations of the University and Dr. Cholick.

Dr. Cholick is an academic, but he has never been confined to a classroom or laboratory. He has traveled extensively throughout our expansive state, engaging in a constructive dialogue with farmers, ranchers and agri-business men and women. He understands that adapting to the changes in agriculture—brought about by a global economy, breakthroughs in technology and other factors—should be a collaborative effort.

While Dr. Cholick is a forceful spokesperson for agriculture, he is an equally good listener, taking in people's ideas and insights in a patient, thoughtful manner.

As a young professor and researcher from Oregon State University and Colorado State University, Dr. Cholick made a difference for South Dakota's farmers with his work on spring wheat varieties that can withstand the harsh weather of the Great Plains. He continued that commitment when he headed up the Plant Science Department, continually working to improve seed genetics to create more efficient and effective corn and soybean varieties.

South Dakota State University has been enriched by Dr. Cholick's service for 23 years. Beginning next month, he will continue his good work at Kansas State University.

I ask my colleagues to join me in saluting Dr. Cholick for his distinguished career and commitment to our Nation's land grant institutions.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

On September 30, 2003, in San Pablo, CA, Police Officers found a transgender hair stylist named Sindy Cuarda wearing a blouse and pants, bleeding heavily from several gunshot wounds in the driveway of a business in San Pablo. She was shot in the chest and genitals. Though police have not commented on the case, witnesses have said that it was motivated out of hate.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

ENSURING AMERICA'S COMPETITIVENESS

Mr. BINGAMAN. Mr. President, I have come to this floor several times in the last few months to discuss our country's future competitiveness in the global marketplace, which I consider to be a very serious subject. As a first step in tackling the challenges we are now facing, yesterday I introduced three bills that I feel will move us in the right direction. They will ensure a strong workforce that can handle the ever-changing world around it, and create more high tech job opportunities for this workforce by encouraging the development of science parks.

We have, as a nation, a significant negative trend to reverse. The United States currently ranks fifteenth in the percentage of 18-to-24-year-olds who earn science and engineering degrees in their respective countries. This places us behind Taiwan and South Korea, Ireland and Italy among others. Less than thirty years ago, in 1975, the United States ranked third in the world in this respect. According to a new National Science Foundation report entitled "An Emerging and Critical Problem of the Science and Engineering Labor Force", the average age of the science and engineering workforce is rising, and the children of the baby boom generation are not choosing these careers in the same numbers as their parents. The number of science and engineering doctoral degrees awarded to U.S. citizens dropped by 7 percent from 1998 to 2001, while the number of jobs requiring science and engineering skills in the U.S. labor force is growing almost 5 percent per year. In a recent survey, the National Association of Manufacturers found that more than 80 percent of manufacturers report a shortage of qualified job candidates. Equally troubling, it is estimated that as many as 3.3 million jobs may be sent overseas in the next 15 years, causing American workers to lose $136 billion in wages.

A recent trip to Taiwan brought to my attention some of these emerging opportunities in other countries, and specifically the major benefits of a science park. Initially developed by the Taiwanese government in the early 1980s, the Hsinchu Science Park meets many of the needs of growing high tech companies, which include access to a trained work force, financing, secondary supply chain companies, and quality of life services such as schools, roads and parks. Two companies spun out from this park now control 40 percent of the world's market for chip fabrication. And China is now adopting a similar model.

What we need to take from countries like Taiwan is the role the government has to foster continued growth in key industries by supporting the necessary infrastructure, such as the science parks. It should also be pointed out that that support is not forever. While Taiwan had a very active role in chip R&D in the 70's and 80's, that is not true today. Industry, not the government, funds over 94 percent of chip R&D.

In my own State of New Mexico, the 6-year-old Sandia Science and Technology Park has already demonstrated some of the benefits of this unique model. The Sandia park now has 19 entities employing almost 1,000 people. The average annual salary is $55,000—well above the Albuquerque average. Since the Park's inception, more than $17 million in cooperative research and development agreements and licensing agreements have been made between Sandia National Laboratory and park tenants. In addition, Sandia has awarded more than $50 million in procurement contracts to park tenants. Both Sandia National Laboratory and the companies in the park have benefited immensely from the advantages of this business environment.

With the new challenges we are facing as a competitor in the international marketplace, here are four things we can do to improve our Nation's position.

First, we have to improve our high tech workforce. We need to increase the numbers of workers educated for employment in high technology industries, align the technical and vocational programs of educational institutions with the workforce needs of high growth industries, offer individuals expanded opportunities for rapid training and re-training needed to keep and change jobs in a volatile economy, and provide U.S. companies with adequate numbers of skilled technical workers. This is why I am introducing the Workforce Investment in Next Generation Technologies—WING—Act today.

Drawing from the already very successful Advanced Technology Education Program at the National Science Foundation, the legislation will establish a consultation partnership between the National Science Foundation, the Department of Labor, and the Department of Education that creates flexible high-tech, high-wage career ladders. It would do this by funding cooperative partnerships between one-stop centers, business, community colleges, universities, and vocational programs at the local and regional level. These would be directed toward creating technology-based certification programs that would solidify common skill standards for industry. Schools would create a curriculum based on current industry needs, and individuals who leave the program would have a skill-set recognized by industry. Significantly, they could be used anywhere across the country.

Over time, because individuals would be able to incrementally increase their skill set through additional training, they would be able to pursue higher level degrees in science and technology and obtain progressively higher-wage employment. Furthermore, by linking the public and private sector in a collaborative effort for high-technology workforce training, it will encourage the sharing of information and ideas, increase cooperation between entities frequently having a reputation for not working together, and enhance cluster-driven economic growth across the country. In my state of New Mexico, for example, you could easily envision a cluster being developed around key critical technologies for the future such as high temperature superconductors or next-generation lighting.

Second, we need to ensure that individuals typically trapped in low-wage jobs have a tangible chance to step onto career ladders to something better. To this end I previously introduced the Limited English Proficiency and Integrated Workforce Training Act, S. 1690. This legislation establishes a program under the Workforce Investment Act administered jointly by Departments of Labor and Education focused on preparing and placing individuals with limited English proficiency in growing industries with tangible high wage career paths. It is also designed to bypass lengthy prerequisites to entry into the workforce and allow individuals with limited proficiency to integrate occupational and English language training. Significantly, it recognizes that immigrants constitute close to 50 percent of the growth in the civilian workforce in the last decade and that these individuals can make a significant contribution to U.S. economic competitiveness.

In combination, these bills will bring together workforce training and economic development to enhance opportunities for growth in communities around the country. Similar language was already accepted in the Workforce Investment Act legislation that passed the Senate.

Focusing on high-school to postsecondary education, an important third component to meeting the demands of a competitive, 21st century workforce is the bill I am introducing today, the Preparing Students for a High-Tech World Act.

Strong career and technical education programs are vital to addressing our shortage of highly-skilled workers and to preserving these jobs for Americans. These programs offer effective and proven links to positive educational and employment outcomes for students, including increased school attendance, reduced high school dropout rates, higher grades, increased entry into postsecondary education, and greater access to high-tech careers.

In my home State of New Mexico, we have benefited greatly from federal support for career and technical education programs, which involve over 3,000 secondary and postsecondary teachers. These programs have a distinguished record of preparing young people and adults for further education and careers. For instance, in Gadsden, we have an innovative program in a rural border area that has been struggling to keep its jobs and its industry alive. The Gadsden program has directly linked the needs of area employers to the high school and postsecondary curriculum. The employers get a customized workforce, and have more incentive to stay and grow their business in the region. The students get preferred hiring status, as well as opportunities to enhance their skills and obtain certificates as they work.

We also have an outstanding career and technical education program in Rio Rancho that was established through a unique community-business partnership with Intel Corporation. Rio Rancho High School offers a rigorous, integrated career and technical education program that was featured in Time magazine as one of the 10 most innovative career and technical schools in the nation.

The Preparing Students for a High-Tech World Act will extend the opportunity to benefit from exemplary programs like Rio Rancho to our nation's students by increasing the academic rigor and integration of career and technical education programs; developing pathways to postsecondary education and high-skill, high-wage careers; forging alliances among secondary schools, postsecondary institutions, and business and industry designed to address local and regional workforce needs; ensuring that teachers have the knowledge and skills to teach effectively in career and technical education programs; and encouraging the establishment of small, personalized, career-themed learning communities.

These three bills will ensure that we develop the skilled workforce that is essential to building a strong and dynamic economy and to maintaining our country's ability to compete in a global marketplace. This legislation would have substantial spill-over benefits for the communities that adopted these strategies. It would improve science and technology education at the schools in the area. It would increase the employment opportunities for the students that participated in these programs. It would establish more cooperative linkages between the business, schools, and the one-stop shops, and it would enhance economic development in the region.

Along with developing a better trained workforce, we must also create the jobs for them to fill. As I mentioned earlier, Taiwan and Sandia have done an excellent job in demonstrating the competitive advantages of a science park. Given that they act as a critical element in diffusing technology into our national industries, I think that a fourth element of our response to new S&T challenges would be for the Federal government to take a stronger and more coherent role in supporting such parks. Some science parks are locally supported by their states, while others may apply for grants from the Economic Development Administration within the Department of Commerce. These existing sources of support are helpful but it appears to me that it would make good sense to develop a more focused grant program to help jump-start the development of science parks, which is why I have introduced the Science Park Administration Act of 2004. If passed, the federal funds in this bill would be cost matched by States. A loan program to assist in land acquisition and infrastructure development for these parks would be established. And various tax incentives would be provided, including credits for employees trained locally, and adjustment of depreciation schedules for high-end equipment to reflect actual product life-cycles.

I hope that I have provided some positive steps we can take to face the increasingly competitive world we live in. Congress and the administration need to find the will and the resolve to meet these challenges head-on. I look forward to working with my colleagues in doing so, and in helping to ensure the competitive strength of our Nation.

ESTIMATE FOR S. 894

Mr. SHELBY. Mr. President, I ask unanimous consent that the Congressional Budget Office cost estimate for S. 894, the Marine Corps 230th Anniversary Commemorative Coin Act, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 22, 2004.

Hon. RICHARD C. SHELBY,
Chairman, Committee on Banking, Housing, and Urban Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 894, the Marine Corps 230th Anniversary Commemorative Coin Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Matthew Pickford.

Sincerely,
ELIZABETH ROBINSON
(For Douglas Holtz-Eakin, Director).

Enclosure.

S. 894—Marine Corps 230th Anniversary Commemorative Coin Act

S. 894 would authorize the U.S. Mint to produce a $1 silver coin in calendar year 2005 to commemorate the 230th anniversary of the United States Marine Corps. The legislation would specify a surcharge of $10 on the sale of each coin and would designate the Marine Corps Heritage Foundation, a nonprofit entity, as the recipient of the income from the surcharge. CBO estimates that enacting S. 894 would have no significant net impact on direct spending over the 2004–2009 period.

Sales from the coins that would be authorized by S. 894 could raise as much as $5 million in surcharges if the Mint sells the maximum number of authorized coins. However, the experience of recent commemorative coin sales suggests that receipts would be about $3 million. Under current law, the Mint must ensure that it does not lose money producing commemorative coins before transferring any surcharges to a recipient organization. CBO expects that those receipts from such surcharges would be transferred to the heritage foundation in fiscal year 2006.

S. 894 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

On March 22,, 2004, CBO transmitted a cost estimate for H.R. 3277, the Marine Corps 230th Anniversary Commemorative Coin Act, as ordered reported by the House Committee on Financial Services on March 17, 2004. The two pieces of legislation are similar and our estimates of implementing each bill are the same.

The CBO staff contact for this estimate is Matthew Pickford, who can be reached at 226–2860. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COST ESTIMATE FOR S. 976

Mr. SHELBY. Mr. President, I ask unanimous consent that the Congressional Budget Office cost estimate for S. 976, the Jamestown 400th Anniversary Commemorative Coin Act, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 25, 2004.

Hon. RICHARD C. SHELBY,
Chairman, Committee on Banking, Housing, and Urban Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 976, the Jamestown 400th Anniversary Commemorative Coin Act of 2003.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Matthew Pickford.

Sincerely,
ELIZABETH ROBINSON,
(For Douglas Holtz-Eakin, Director).

Enclosure.

S. 976—Jamestown 400th Anniversary Commemorative Coin Act of 2003

Summary: S. 976 would direct the U.S. Mint to produce a $5 gold coin and a $1 silver coin in calendar year 2007 to commemorate the 400th anniversary of the founding of Jamestown, Virginia. The bill would specify a surcharge on the sales price of $35 for the gold coin and $10 for the silver coin and would designate the Jamestown-Yorktown Foundation (an educational institution of the Commonwealth of Virginia), the National Park Service, and the Association for the Preservation of Virginia Antiquities (a private nonprofit association), as recipients of the income from those surcharges.

CBO estimates that enacting S. 976 would have no significant net impact on direct spending over the 2004–2009 period. S. 976 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA), and would benefit the Commonwealth of Virginia.

Estimated cost to the Federal Government: S. 976 could raise as much as $8.5 million in surcharges if the Mint sells the maximum number of authorized coins. Recent commemorative coin sales by the Mint suggest, however, that receipts would be about $3 million. The legislation would require the Mint to produce the $1 silver coin from silver available in the National Defense Stockpile. Based on information provided by the Defense Logistics Agency and the Mint, no silver is available in the stockpile. Hence, CBO estimates that receipts from only the $5 gold coin would be about $1.25 million.

Under current law, only two commemorative coins may be minted and issued in any calendar year and the Mint must ensure that it will not lose money on a commemorative coin program before transferring any surcharges to a designated recipient organization. CBO expects that the Mint would collect most of those surcharges in fiscal year 2007 and would transfer collections to the designated recipients in fiscal year 2008.

In addition, CBO expects that the Mint would use gold obtained from the reserves held at the Treasury to produce the gold coin. Because the budget treats the sale of gold as a means of financing governmental operations—that is, the Treasury's receipts from such sales do not affect the size of the deficit—CBO has not included such receipts in this estimate. CBO estimates that S. 976 would provide the federal government with about $3.5 million in additional cash (in exchange for gold) for financing the federal deficit in fiscal year 2007.

Intergovernmental and private-sector impact: S. 976 contains no intergovernmental or private-sector mandates as defined in UMRA, and would benefit the Commonwealth of Virginia.

Previous CBO estimate: On March 22, 2004, CBO transmitted a cost estimate for H.R. 1914, the Jamestown 400th Anniversary Commemorative Coin Act of 2003, as ordered reported by the House Committee on Financial Services on March 17, 2004. The two pieces of legislation are similar and our cost estimates are the same; however, H.R. 1914 would not require the Mint to use silver from the National Defense Stockpile to produce the $1 silver coin.

Estimate prepared by: Federal Costs: Matthew Pickford; Impact on State, Local, and Tribal Governments: Sarah Puro; and Impact on the Private Sector: Paige Piper/Bach.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005

Mr. FEINGOLD. Mr. President, I supported passage of this year's defense authorization bill because it contains many provisions that our brave men and women in uniform need and deserve. But before I go into the details of why I support this legislation, I must first thank the members of the United States Armed Forces for their service to our country. They are performing admirably under difficult circumstances all over the world. Our soldiers, sailors, airmen, and Marines, along with their families, are making great sacrifices in service to our country. I am voting for this legislation to support these people who are serving the country with such courage.

I strongly support the 3.5 percent across-the-board pay raise for military personnel that this bill provides. We must make sure that our professional military is paid a fair wage. This bill also makes permanent the increase in family separation allowance and imminent danger pay, another important policy for our men and women in uniform. Once again, I was proud to support the expansion of full-time TRICARE health insurance for our National Guard and Reserve. The reserve component is being used more than at any other time since World War II. Forty percent of our troops in Iraq are reserve component troops. These citizen soldiers face additional burdens when they transition in and out of their civilian life and providing them and their families with TRICARE is one way we can ease those burdens.

Another aspect of this bill that I strongly support is the increased funding for force protection equipment. Last year, concerned Wisconsinites contacted my office telling me that they or their deployed loved ones were fighting for their country in Iraq without the equipment they needed. This situation is unconscionable. I have repeatedly pressed the Pentagon to fix this situation and I and my colleagues went a long way in addressing these shortages in the supplemental spending bill for Iraq and Afghanistan. The $925 million for additional up-armored HUMVEES and other ballistic protection as well as the $600 million in force protection gear and combat clothing in this bill above what was in the President's proposed budget further ensures that our troops have the equipment they need to perform their duties on the ground.

I am pleased that the Senate approved my amendment to ensure that the Inspector General for the Coalition Provisional Authority will continue to oversee U.S. reconstruction efforts in Iraq after June 30 of this year as the Special Inspector General for Iraq Reconstruction. The American taxpayers have been asked to shoulder a tremendous burden in Iraq, and we must ensure that their dollars are spent wisely and efficiently. Today, the CPA is phasing out, but the reconstruction effort has only just begun. As of mid-May, only $4.2 billion of the $18.4 billion that Congress appropriated for reconstruction in November had even been obligated. With multiple agencies involved and a budget that exceeds the entire foreign operations appropriation for this fiscal year, U.S. taxpayer-funded reconstruction efforts should have a focused oversight effort. My amendment will ensure that the Inspector General's office can continue its important work even after June 30, rather than being compelled to start wrapping up and shutting down while so much remains to be done. This is good news for the reconstruction effort, and good news for American taxpayers.

I also want to thank the chairman and the ranking member of the Armed Services Committee for working with me to accept the amendment that I offered with the Senator from Maine, Ms. SNOWE, which represents a first step toward enhancing and strengthening transition services that are provided to our military personnel. This amendment will require the General Accounting Office, GAO, to undertake a comprehensive analysis of existing transition services for our military personnel that are administered by the Departments of Defense, Veterans Affairs, and Labor and to make recommendations to Congress on how these programs can be improved. This study will focus on two issues: how to achieve the uniform provision of appropriate transition services to all military personnel, and the role of post-deployment and predischarge health assessments as part of the larger transition program. I very much look forward to reviewing the results of this study.

The Senate version of the defense authorization bill also includes a provision finally fulfilling a goal for which I have been fighting for years—making sure that every state and territory has at least one Weapons of Mass Destruction Civil Support Team, WMD–CST. I was delighted earlier this year when Wisconsin was chosen as one of 12 States to receive a WMD–CST authorized and appropriated for in FY2004 but I was also disappointed that the President's proposed budget for FY2005 included funding for only 4 of the 11 outstanding teams. I along with 28 of my colleagues, wrote the Senate Armed Services Committee chairman and ranking member asking them to fully fund all 11 remaining teams. The chairman and ranking member have been very supportive of my efforts in this area over the years and I thank them again this year for funding all 11 remaining WMD-CSTs.

This authorization bill addresses the grave threat our nation faces from unsecured nuclear materials. It includes $409 million for the Cooperative Threat Reduction program and $1.3 billion for the Department of Energy nonproliferation programs. I was also proud to cosponsor the amendment offered by Senator DOMENICI and Senator FEINSTEIN that authorizes the Department of Energy to secure the tons of fissile material scattered around the world. This bipartisan initiative aims to dramatically accelerate current efforts to secure this dangerous material so that it cannot fall into the hands of those who aim to harm us. Time is of the essence and I was pleased to hear that the administration is fully supportive of this effort through the Global Threat Reduction Initiative.

I also voted for an amendment offered by Senator REED that boosts the Army's end strength by 20,000. Mr. President I did so because it has become clear that the Army is currently overstretched, and I believe that we need to ensure readiness to handle threats in the future. A recent Brookings Institution report says that the military is being stretched so thin that if we don't expand its size, it could break the back of our all-volunteer Army. One does not have to support all of the deployment decisions that brought us to this point today to see that we need to have the capacity to handle multiple crises with sufficient manpower and strength. I do not take lightly the decision to lock in a significant increase in spending. The need is great, however, and the deliberative defense authorization process, not the emergency supplemental process, is the place to do it.

I must note that, unfortunately, this bill has many of the same problems that I've been fighting to fix for years. Once again, we are spending billions upon billions of dollars for weapons systems more suited for the Cold War than the fight against terrorism. I was very disappointed that the Senate did not agree to Senator LEVIN's amendment that would have used a small percentage of the over $10 billion authorized for missile defense for critical unfunded homeland defense needs. This amendment, which I cosponsored, would have used $515.5 million now slated for additional untested interceptors and spent it instead on the top unfunded Department of Defense homeland defense priorities, research and development programs, radiation detection equipment at seaports, and other important defenses against terrorism. Budgeting is about setting priorities and I am sad to say that when the Senate failed to adopt Senator LEVIN's amendment, it missed a golden opportunity to adjust its priorities in order to face our country's most pressing threat—the threat of terrorism.

I was disappointed that the Senate failed to reduce the retirement age for those in the National Guard and Reserve from 60 to 55. Our country has placed unprecedented demands upon the Guard and Reserve since September 11, 2001, and will continue to do so for the foreseeable future. Considering the demands we are placing on them, it is time that we lower the Guard and Reserve's retirement age to the same level as civilian federal employees.

Although my support for reducing the reserve component retirement age has been unwavering, because of the significant budgetary impact of this measure I had hoped that Congress would first receive reviews of reserve compensation providing all of the information that we need to address this issue responsibly. I patiently waited for several studies on the issue, including by the Defense Department, but when the studies came out they called for further study. This matter cannot continue to languish unaddressed indefinitely. As retired U.S. Air Force Colonel Steve Strobridge, government relations director for the Military Officers Association of America, MOAA, put it, "It is time to fish or cut bait." I agree with MOAA's analysis that, "Further delay on this important practical and emotional issue poses significant risks to long-term (Guard and Reserve) retention" and I was proud to vote for the amendment offered by the Senator from New Jersey, Mr. CORZINE.

I also believe that the Senate missed an opportunity to provide a small but needed measure of relief to military families when it failed to adopt my Military Family Leave Act amendment. This amendment would have allowed a spouse, child, or parent who already qualifies for Family and Medical Leave Act, FMLA, benefits—unpaid leave—to use those existing benefits for issues directly arising from the deployment of a family member. The Senate adopted a similar amendment by unanimous consent when I offered it to the Iraq supplemental spending bill. This amendment has the support of the Military Officers Association of America, the Enlisted Association of the National Guard of the United States, the Reserve Officers Association, the National Guard Association of the United States, the National Military Family Association, and the National Partnership for Women and Families.

I regret that a harmful second degree amendment was offered to my amendment and that I was not given the opportunity to have a straight up or down vote. Rather than taking up the Senate's time in a protracted debate about the second degree amendment, I withdrew my amendment so that this important defense authorization bill could move forward. However, the need addressed by my amendment remains and I will continue to fight to bring some relief to military families that sacrifice so much for all of us.

I want to bring attention to another element of the Defense Authorization bill that raises concerns for me. The Defense Authorization bill includes language that raises troop caps in Colombia from 400 to 800 military personnel and from 400 civilian contractors to 600. I am disappointed that Senator BYRD's amendment was not approved by the Senate, which would have limited the increases in these caps to 500 military personnel and 500 civilian contractors. I have serious concerns about the increase in these caps to the levels established by the bill. Most importantly, I worry about placing more Americans in harm's way in Colombia. Further deployments bring greater risks to an already overstretched military. We do not want to risk being drawn further into Colombia's civil war—certainly not without a thorough debate that the American people can follow. In addition, many of my constituents and I remain concerned that by raising these caps, the U.S. devotes greater resources to the military side of the equation in Colombia without balancing our approach through greater support for democratic institutions, increasing economic development, and supporting human rights.

There are other provisions in this bill with which I disagree and the Senate rejected a number of amendments that would have made this bill better. However, on balance this legislation contains many good provisions for our men and women in uniform and their families and that is why I will vote for it.

U.S.-AUSTRALIA FREE TRADE AGREEMENT

Mr. SMITH. Mr. President, I rise today in support of an important free trade agreement that was recently signed between the United States and Australia. Earlier today, I was pleased to join an overwhelming majority of my colleagues on the Senate Finance Committee to report out this agreement favorably, and I am hopeful that within the next day, the full Senate will give its consent as well. This vote not only reaffirms our strong relationship with a close ally but marks an important step forward on our path toward economic recovery.

Since 1994, two-way trade between the United States and Australia has increased 53 percent to nearly $29 billion. Australia purchases more goods from the United States than any other country, giving the United States a $9 billion bilateral goods and services trade surplus. Last year alone, my homestate of Oregon exported more than $257 million in merchandise to Australia. These exports accounted for 2.5 percent of the State total in 2003.

The elimination of trade barriers between the two countries promises to increase these figures even more. Under the agreement, duties on almost all manufactured goods will be eliminated. This will result in first-year tariff savings of about $300 million for U.S. manufactured goods exporters. For Western Star—a subsidiary of DaimlerChrysler—located in Portland, OR, this translates to savings of nearly $2 million a year in eliminated tariffs and duties that currently average $4,000 per truck exported to Australia. It is estimated that U.S.-Australia Free Trade Agreement will result in approximately $2 billion of new U.S. exports.

This agreement will also open new doors for U.S. farmers. U.S. agricultural exports to Australia, totaling more than $700 million last year, will receive immediate duty-free access. This means American farmers will be better poised to compete in a market of over 19 million people. Additionally, food inspection procedures that have posed barriers in the past have been addressed, and substantial safeguards have been written into the agreement to ensure a smoothe and stable transition for our domestic meat and dairy industries.

As I come here today, I realize that there are those who still have reservations over the prospects of expanded trade. While the benefits of a more liberalized trade policy are vast, I know that they have not been spread evenly across all sectors. I am confident, however, that the safeguards in this agreement will ensure a stable market for domestic procedures while providing new market access and real consumer benefits. I believe this agreement is good for the United States, and I urge its passage.

REVEREND DONALD J. LONGBOTTOM

Mr. HAGEL. Mr. President, I rise today to thank Rev. Don Longbottom for accepting Senate Chaplain Barry Black's and my invitation to join us in the U.S. Senate and offer the opening prayer. I also would like to recognize his wife, Lori, who has accompanied him to Washington from Nebraska.

Reverend Longbottom is currently the Senior Minister at Countryside Community Church United Church of Christ in Omaha, NE. He ministers to more than 2,000 members of Countryside Community Church in Omaha, including my dear friends Ron and Lois Roskens and former Nebraska Congressman John Y. McCollister and his wife Nan.

In addition to his leadership in faith communities in Kansas, Ohio, and California, Reverend Longbottom continues to dedicate himself to the spiritual and community needs of many Nebraskans. He currently serves on the Board of Directors for the United Church of Christ Nebraska Conference and has taught college courses in Environmental and Business Ethics.

I again thank Reverend Longbottom for leading today's prayer for my colleagues and I in the U.S. Senate and for guiding us in reflecting upon the tremendous responsibilities we have as lawmakers.

COSPONSORSHIP OF S. 2603

Mr. BURNS. Mr. President, I am pleased to announce that I have signed on today as a cosponsor to S. 2603, the Junk Fax Prevention Act of 2004. This legislation is vital in preserving a valuable small business tool and empowers consumers by requiring an opt-out option on faxes.

Consumers will benefit from this act because of the provision that requires all unsolicited advertisers to provide an opt-out option on the front page of all solicitations. This notice must be clear and conspicuous, and the mechanism for opting out must be at no cost to the consumer.

The Junk Fax Prevention Act will also benefit small businesses because they will be able to continue corresponding with customers and business partners who have an established business relationship. This is especially important for businesses, like real estate companies and restaurants, which rely on faxes to do business. Faxes are beneficial because they are a low cost way to stay in touch with customers and clients. When an employee leaves a business, his or her email account is frequently shut down. Faxes allow the information to reach the new person with the correct job.

Communication is the key to successful businesses. This bill strikes the right balance between prohibiting unwanted faxes while allowing small businesses to easily stay in touch with customers.

I thank my colleague from Oregon, Senator SMITH, for sponsoring this legislation. I look forward to discussing the Junk Fax Prevention Act of 2004 in committee and urge my colleagues to adopt the necessary pro-small business and pro-consumer legislation.

THE GLOBAL FIGHT AGAINST AIDS

Mr. HARKIN. Mr. President, on July 11, the 15th Annual International AIDS Conference began in Bangkok, Thailand. The theme of this year's conference is "Access for All," meaning access to lifesaving medications. As many of my colleagues know, the current AIDS pandemic threatens approximately 38 million people worldwide. Last year, 5 million more became infected. Sixty percent of all cases are in sub-Saharan Africa, but the virus is spreading almost unchecked in Asia and Eastern Europe. Twenty million people world-wide have died since the first case was diagnosed in 1981.

Unfortunately, the theme of the Bangkok conference—"Access for All"—is a hope and aspiration that bears little resemblance to the harsh reality we confront today. In reality, most newly infected people will not receive anti-retroviral drugs in time to do any good.

There are many barriers to progress: developing countries lack the trained physicians, nurses, or support staff to properly distribute anti-retroviral drugs and to monitor patients' progress. In addition, contributions to the Global Fund to Fight AIDS are not sufficient. Some countries are falling far short of what is needed.

And on July 1, the Wall Street Journal reported another big reason why drug distribution has been difficult. Simply put, the United States government will not purchase effective generic drugs; it insists on brand-name pharmaceuticals. Let me give you an example of why this matters.

On April 6, The Washington Post reported on pricing agreements negotiated by the William Jefferson Clinton Foundation with pharmaceutical companies that produce generic drugs. These agreements, in cooperation with the Global Fund, the World Bank, and UNICEF, will provide access to affordable AIDS drugs in 100 developing nations around the world. As a result, as many as 3 million additional people will be tested and treated for AIDS than before.

Under negotiated pricing agreements with five generic-drug companies—four in India and one in South Africa—the Foundation will reduce the cost of fixed-dose generic AIDS drugs by as much as half. Fixed-dosage drugs combine several drugs in one pill. This makes the treatments simpler to take. Research tells us that simplified treatment programs have more successful outcomes. The cost to test and treat a patient will drop from more than $500 per year down to $200 per year. The drugs themselves will cost only $140 per person, per year.

These are significant savings. And the savings have positive results. More people can be tested and treated than with existing programs. This is progress. These negotiated agreements will save lives.

In his 2003 State of the Union Address, President Bush announced a $15 billion plan to combat HIV/AIDS worldwide. Certainly, this was an admirable initiative. Authorizing legislation passed overwhelmingly in the House and Senate.

But, the administration has taken a different approach in implementing this plan than the Clinton Foundation has with their negotiated pricing agreements. I am concerned the $15 billion AIDS policy the President is pursuing is not nearly as effective as these negotiated agreements. Why? Because instead of negotiating for the most effective drugs for the lowest cost, the administration purchases brand-name pharmaceuticals from western countries at twice the cost.

For example, at a hospital in Zimbabwe, the Centers for Disease Control will soon implement a program that calls for patients to take six pills per day, from a variety of brand-name manufacturers, at a cost of $562 per patient, per year. Yet at the very same hospital, using the very same procedures, Doctors Without Borders purchases fixed-dosage retroviral drugs —two pills per day—from an Indian generic manufacturer. The treatment program costs $244 per patient per year—$318 less than the price the CDC pays. The programs have the same goals, at the same hospital, but the program sponsored by the U.S. Government costs more than twice as much.

This is not the most effective use of taxpayer money. The administration could use fixed-dosage, generic drugs, but won't. Instead it chooses to purchase multiple brand-name drugs, and implement a more complicated treatment regimen at more than twice the price. If the goal is to treat the AIDS epidemic, then why are we spending twice-as-much money on more complicated, less effective treatment? Where is the outrage about waste, fraud, and abuse in the Federal Government—not to mention plain old-fashioned stupidity?

Unfortunately, the answer is all too familiar. The administration has chosen to side with the brand-name pharmaceutical industry— despite the cost, and despite the efficacy. We have seen this behavior before.

This brings us back to the Clinton Foundation's negotiated agreements with generic firms. My colleagues will be interested to know the man in charge of the Bush administration's AIDS initiative is Eli Lilly's former Chief Executive Officer, Randall Tobias. Recently, Mr. Tobias told Congress he had doubts about the quality of cheaper generic AIDS drugs made in India—the same drugs which the Clinton Foundation negotiated the pricing agreements. But, the World Health Organization approved the drugs and has an approval process similar to our own Food and Drug Administration. In fact, WHO's approval process was borrowed from the FDA. In testimony before the Senate Foreign Relations Committee on April 7, Dr. LuLu Oguda of Doctors Without Borders stated that she was "bewildered by the debate" about the use of generic fixed-dosage drugs to combat AIDS in Africa. She noted that the generics used were not "substandard" as claimed by the Bush Administration. Rather, they were made in some of the same facilities as generic drugs sold every day in the United States. As a volunteer in Malawi, a country where one fifth of the population lives with HIV, she knows the value of these quality generics.

I am left to conclude that the Bush administration has made a conscious choice. Cheaper, effective drugs are put aside in order to purchase more complex treatments from domestic pharmaceutical manufacturers. Fewer HIV/AIDS patients are treated, and more inefficiently. This is no different than refusing to support negotiation authority for Medicare beneficiaries. Fewer drugs can be purchased because prices remain high.

Beyond the burden to taxpayers, these policies have grave human consequences. People's lives are at stake. Prescription drugs are not like other consumer products. They are not optional or discretionary. For people with HIV/AIDS, lack of access to drugs can mean debilitating illness and even death. It's not like buying a car—the customer can't walk away from the deal with his or her health in tact. So the choices that we make here in Washington, the choices that the pharmaceutical industry makes, are fateful choices. And let's be clear, the pricing practices favored by the administration and the pharmaceutical industry will cost countless lives in Africa and here at home.

I fully appreciate the need to preserve the pharmaceutical industry's ability to perform research and development. The Federal Government already supports this through rich tax incentives. Likewise, I certainly do not dispute the industry's right to make a profit. But we are quickly coming to the point where the pursuit of reasonable profits turns into flat out profiteering. Diseases are viewed as marketing opportunities, not as scourges to be eliminated as rapidly and as cost-effectively as possible.

There is no question in my mind that we need to reopen the issue of how we negotiate drug prices in the program to combat HIV/AIDS worldwide. If we take the Clinton Foundation's approach, we can reach roughly twice as many patients. It is also time for us to reopen the issue of negotiations with pharmaceutical companies in our own country. It is time for our choices to put people ahead of profits.

I ask unanimous consent that an article from this morning's Washington Post and a transcript of a recent radio program on the International AIDS Conference in Bangkok be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 14, 2003]

U.S. RULE ON AIDS DRUGS CRITICIZED

(By Ellen Nakashima and David Brown)

BANGKOK, July 13.—The Bush administration's prohibition against using money from its $15 billion global AIDS plan to buy foreign-produced generic drugs is complicating the delivery of medicine to some of the millions of poor people who badly need it, according to AIDS experts at an international conference here.

In an effort to sidestep the policy, some countries have been using U.S. money to train AIDS clinicians and buy lab equipment, while employing money from other sources to buy the medicines.

U.S. officials at the conference said Tuesday that they would go along with such an approach. They have also said a fast-track plan announced in May would allow some of the generics to receive rapid approval from the Food and Drug Administration, which would make them eligible for U.S. funding.

Specified in the giant President's Emergency Plan for AIDS Relief, the restrictions against unapproved generics, which for now include all foreign-made generics, have added to the already long list of obstacles to bringing antiretroviral (ARV) therapy to poor countries, experts attending the 15th International AIDS Conference here say.

"It was very confusing. You're trying to figure out who can buy what with what money," said Joia Mukherjee, medical director for Partners in Health, a Boston-based organization that has run an AIDS treatment program in Haiti for seven years and is developing others in Latin America.

The policy "slows the coordination" between the Bush plan and the people running treatment programs in the countries, Mukherjee said in an interview at the conference.

The U.S. Government Accountability Office reached similar conclusions in a report issued this week.

The GAO interviewed 28 U.S. government employees involved in the plan in the 15 countries where it is starting to operate. "Twenty-one respondents indicated that they had not received adequate guidance on the procurement of ARV drugs, which makes it difficult for the U.S. missions" to support country programs.

The State Department, which runs the plan, has not specified which activities the program "can fund and support in national treatment programs that use ARV drugs not approved for purchase by the office," the authors wrote.

Partners in Health is expecting to receive at least $1 million in fiscal 2005 from the U.S. program. Mukherjee said she first began about nine months ago to inquire about whether it could be used to buy generic drugs. She—and others—were told no several months ago. But last week, she said, she was advised unofficially to use money from another source to buy generics and use the U.S. money for such things as salaries for health care workers, lab tests and a van.

That was "a compromise that wasn't acceptable before," said a person affiliated with one of the organizations that received a large Bush administration AIDS grant last winter. "We're still in the process of working out what drugs we will buy . . . in the countries we're in," said the official, who spoke on condition of anonymity.

Randall L. Tobias, the Bush administration's global AIDS coordinator, officially ratified that view in a statement Tuesday.

"We respect local governments' decisions as to how best to manage their HIV/AIDS programs," he said. "We will, however, not use U.S. tax dollars to purchase medications that have not passed the same consumer protection standards as those we use for our own patients in the United States.

"In the event that a country elects to use non-U.S. funding to purchase copy drugs that have not been approved for quality and safety by the U.S., the president's emergency plan will support non-pharmaceutical aspects of the country's care, treatment and prevention programs, and will do whatever is necessary to maintain integrated systems of care."

AIDS treatment that uses generic pills containing three antiretroviral drugs in one tablet—known as fixed-dose combinations—can cost as little as $200 a year. That is less than half the cut rates at which major pharmaceutical companies are offering brand-name drugs in poor countries.

Most organizations that are providing money for AIDS drugs in those countries—notably, the two-year old Global Fund to Fight AIDS, Tuberculosis and Malaria—require that generics they purchase go through a process called pre-qualification that is run by the World Health Organization and is similar to FDA approval.

The U.S. program does not recognize prequalification and instead has specified that all drugs it pays for must be approved by the FDA. In May, the agency established a fast-track system by which it will rule on applications from generics makers in two to six weeks.

Anthony S. Fauci, the physician and AIDS researcher who heads the National Institute of Allergy and Infectious Diseases, acknowledged the controversy over generics at a news conference Tuesday.

"I know there's been criticism about that, but I think we should give a chance to the FDA to prove if they're able to do it or not," he said. "The only way to do that . . . is to submit the application for the approval process."

Progress in the effort to put 3 million poor AIDS patients on treatment by the end of next year has been a major topic of discussion at the conference, whose theme is "Access for All."

In Haiti, where 280,000 people are living with HIV, the virus that causes AIDS, Partners in Health had about 50 patients on antiretroviral drugs in 2001. Today, largely with Global Fund money, it is treating 1,500. The drugs are administered free through a community health clinic.

Cissy Kityo of the Joint Clinical Research Center in Uganda said that country's government cannot afford to pay for all the drugs it is providing patients, even with a price of about $300 per person per year for generics. Consequently, about 90 percent of the 20,000 people on treatment are paying for their drugs, she said.

Uganda's policy of making people pay for their drugs has allowed it to spend funds instead to hire and train health care workers, who are critical to prevention and treatment efforts, Kityo said. "We're just a small country trying to do our best," she said.

Chief among nongovernmental organizations providing antiretroviral drugs is Medecins Sans Frontieres, whose name in English is Doctors Without Borders. Today it has 13,000 patients in 56 projects in 25 countries in Africa, Asia, Eastern Europe and Latin America. About half are on fixed-dose combinations, which spokeswoman Rachel Cohen termed a "radically simplified" treatment.

The organization is spending $200 per person per year. The best available price worldwide for brand-name equivalents is $562 per person per year. "If you have the option of spending $200 per person per year or $600 per person per year, and you're electing to spend $600, that means you're treating one person when you could be treating three," Cohen said.

[From NPR News Morning Edition, July 13, 2004]

ANALYSIS: SMALL INDIAN FIRM CIPLA MANUFACTURES LOW-COST GENERIC AIDS DRUGS, BUT ITS PRODUCTS FACE BANS IN MANY COUNTRIES

STEVE INSKEEP (host). This is Morning Edition from NPR News. I'm Steve Inskeep.

RENEE MONTAGNE (host). And I'm Renee Montagne.

At this year's International AIDS Conference in Bangkok, most of the talk is about getting inexpensive, generic drugs to tens of millions of people. Relatively small generic drug manufacturers in four countries are at the center of the debate. One of the more aggressive of these companies is the Indian firm Cipla. In India, where five million people are infected, Cipla had trouble persuading the previous government to spend money on AIDS, even for generic drugs that cost pennies a day. NPR's Brenda Wilson recently visited Cipla.

BRENDA WILSON (reporting). Once inside Cipla's corporate headquarters in Mumbai, also known as Bombay, you're whisked off to a large room. It is surrounded on three sides by a glass wall of backlit shelves containing hundreds of samples of the company's products. You're then shown a six-minute promotional video that recounts Cipla's founding 70 years ago.

UNIDENTIFIED WOMAN No. 1. To heal and to hold, to wipe a tear, bring back a smile, to give hope, to give life. That's been Cipla's mission right from the time it started way back in 1935.

Mr. AMAR LULLA (managing co-director, Cipla). Welcome to Cipla.

WILSON. Good meeting you, Mr. Lulla.

Mr. LULLA. Good to see you.

WILSON. That's Amar Lulla?

Mr. LULLA. That's me.

WILSON. OK, Amar.

Mr. LULLA. Yeah.

WILSON. So you are—what's your title exactly?

Mr. LULLA. I'm the joint managing director. I want you to see the range of products that we do here. We have over 1,200 products, exporting to 150 countries. We first start here. This is the range of our anti-infectives, antibacterials, quinolones, microlites . . .

WILSON. Some of them, products that have been approved by the U.S. Food and Drug Administration and are sold in the U.S. Indian drugmakers, not just Cipla, have been something of a thorn in the side of the big pharmaceutical companies, who see generic versions of their brand-name products as virtual rip-offs of intellectual property. They argue that the companies that make generics have not put the billions of dollars into research to develop drugs, just copied them. They also say that the copies are not always safe and may not have the same benefits.

Mr. LULLA. Here is the range of AIDS drugs. This is what we're a little bit known for, if I may say so. And now we're offering the triple-drug cocktail for less than 50 cents a day now.

WILSON. And that's this drug right here.

Mr. LULLA. This drug.

WILSON. Triomune, yes.

Mr. LULLA. Triomune. That is a combination of lamivudine, stavudine and nevirapine.

WILSON. All three in one pill, which means it's not only cheaper but easier to take. It is this product more than any other that holds up the hope of treating millions of people in poor countries who have AIDS. The patents for the drugs are held by three different manufacturers who, until recently, could not agree to share and therefore combine the compound in one pill.

UNIDENTIFIED WOMAN No. 2. (Foreign language spoken.)

WILSON. The Y.R. Gaitonde Center, an AIDS clinic in the southern city of Chennai, which treats more than 5,000 HIV patients, is one of the few places where reduced-price drugs are available in India. Oddly enough, Cipla sells most of its AIDS drugs to other countries. Today patients have lined up outside the pharmacy to purchase medications.

A pharmacist gives a gaunt young man his change and explains just when and how to take the medicine. Patients pay what they can. They're required to pay something. It's a way of making sure that the patient wants to be part of the program and will follow treatment regimens carefully. The YRG Center gets a special discount, and Cipla assists in other ways. Lulla says it's been trying for years to sell more generic AIDS drugs in India, but the government has not until recently agreed to Cipla's terms. But Amar Lulla insists that the company's motive isn't money and it isn't publicity.

Mr. LULLA. If you've seen the face of disease and if you've seen the face of death and if you've seen people dying because they can't access medicines, and if you save one life, it is worth it. To some of us, it's very important, you know. And then I can see a lot of cynicism in the media and in the way people do ask us, what is behind all this, you know? What is the motive? What is the motive? But sometimes doing this is an immense joy and serves the need that we all have within us as human beings, you know, to help someone. That's it. There's nothing more to it.

WILSON. Still, nowhere near the two million people in India that it is estimated now need treatment get it. Vivek Divan with the Lawyers Collective AIDS Unit says it's a profound paradox.

Mr. VIVEK DIVAN (Lawyers Collective AIDS Unit). A lot of our clients are dying. They just continue to die. It's a ridiculous situation. It's absurd because, you know, Cipla and Ranbaxy make this medication in this country, and it wasn't available and still isn't more or less available. When you think about it, it is such an absurd situation, it's so starkly absurd that it shocks you sometimes. It makes you laugh also, unfortunately.

WILSON. Late last year the Indian government finally struck a deal with Cipla, and in April, just before the national elections, the government began distributing free antiretrovirals for people with AIDS.

Ms. MEENAKSHI DATTA GHOSH (Director, National AIDS Control Organization). We have treated more than 800 people so far, and we do want to very rapidly accelerate the treatment.

WILSON. Meenakshi Datta Ghosh is the director of the government's National AIDS Control Organization.

Ms. DATTA GHOSH. We have trained teams in 25 medical hospitals, and that's where we are now moving to expand. And so we do believe the numbers getting treated will rapidly pick up.

WILSON. 'Cause 800, you know, for a population this size, seems incredibly small.

Ms. DATTA GHOSH. That's very unfair. We've only been in the treatment less than four months. Since May 2003 onwards, we have concentrated on expanding and widening the availability of services for people living with HIV and for the general population. Political commitment for HIV and AIDS has grown by leaps and bounds. All of this put together has enabled us to commence treatment earlier than perhaps was originally scheduled. And therefore, I do not—it's not entirely correct to say the government has not done anything.

WILSON. By the end of this year, she says, the government aims to provide treatment for 100,000 AIDS patients. India is not alone in the caution with which it has taken on treatment, using the generic AIDS drugs. Scientists and health officials question Cipla's capacity to supply generic drugs to the millions in developing countries who need them and maintain that supply for the rest of their lives. There are also concerns that generics may contribute to the development of a more resistant AIDS virus. Again, Cipla's Amar Lulla.

Mr. LULLA. This is such a beautiful argument, such a beautiful one when you don't want the drugs to reach the dying patients. The big pharmacy will say this argument is never advanced. Why? The same drugs, the same side effects, the same risk of developing resistance. Why is it not talked about? Why is it talked about only when you want to make them available to the patients, and you talk all this junk, I mean, such rubbish, it's not even pardonable. So don't give to anybody, right? If you can't give to 40 million, don't give to one million. Don't make these drug available to anybody. Let everybody die. What kind of argument is this? And this is such a con, such a lie, it's a crime on humanity, and everybody repeats it, you know. That's a pity.

WILSON. Some of the suspicions about generics and the quality of Cipla's three-in-one pill Triomune were answered by a recent study that was published in the British journal Lancet. As doctors had already noted, Tromune was just as effective at suppressing the AIDS virus as brand-name medications. Brenda Wilson, NPR News.

MONTAGNE. It's 11 minutes before the hour.

ADDITIONAL STATEMENTS

TRIBUTE TO JOHN A. FORLINES JR.

• Mrs. DOLE. Mr. President, I rise to salute a true gentleman who has just announced his retirement from the position of Chairman and CEO of the Bank of Granite based in Granite Falls, NC: Mr. John A. Forlines Jr. John is a man of great integrity and ability.

John's bank has become legendary, as it is often called "the best little bank in America." However, his achievements extend beyond his professional life, for he is also well known for an outstanding history of service to his community, state and his country.

I had the pleasure of serving with John as a trustee for Duke University, and I was continually impressed with his intelligence, his dedication and his great enthusiasm for Duke University and higher education. A native of Graham, NC and a graduate of Duke, John joined the U.S. Army finance department in 1940, and eventually rose to the rank of Major.

John's extraordinary career with the Bank of Granite began in 1954, when he assumed the position of President. Soon after, he was named chairman of the North Carolina School of Banking at the University of North Carolina-Chapel Hill, and began his lifelong relationship with the American Bankers Association. He was later named Chairman of the North Carolina Banking Association. John's work has resulted in the continued growth of stronger communities across North Carolina. Through his work he has provided the capital for many businesses to be established and grow, creating good jobs. He work also financed countless homes for families and individuals across the state.

In addition, John has furthered his commitment to the communities of North Carolina through his dedication to service in his personal life. He serves on the Board of Elders of First Presbyterian Church in Lenoir, NC. He also holds positions on the Board of Directors for the North Carolina Citizens for

Business and Industry; Caldwell County Hospice Inc.; Piedmont Venture Partners; and The Forest at Duke, a retirement community.

John's dedication to his profession and community has been recognized through the years with numerous honors and distinctions. These accolades include Financial World Magazine CEO of the Year for banks $300–$500 million in assets from 1992 to 1995. He received Duke University's Distinguished Alumni Award in 1994; and was inducted into the North Carolina Business Hall of Fame in 1999.

John Forlines epitomizes the American spirit through his entrepreneurial skills and his ever present commitment to family and community. He serves as an inspiration to us all. I appreciate his warm friendship and his tremendous service on behalf of all North Carolinians.●

RECOGNITION OF DR. ROBERT K. STUART

● Mr. HOLLINGS. Mr. President, I wish to recognize and congratulate Dr. Robert K. Stuart for his accomplishments in the fight against cancer. He is a long-time leader in the medical cancer community on a professional and personal level. For his devotion to make a difference in the lives of others, Dr. Stuart deserves to be honored. He has fought cancer on many levels and is a model of inspiration to his community.

I ask that a recent Post and Courier article be printed in the RECORD, so that all my colleagues can see the extraordinary accomplishments of this man.

The material follows:

[From the Post and Courier, July 10, 2004]

CANCER DOCTOR, SURVIVOR TO JOIN LANCE ARMSTRONG ON TOUR

(By David Quick)

Cancer survival and cycling were forever linked when Texan Lance Armstrong survived testicular cancer and won not one, but five consecutive—and perhaps six—Tour de France races.

But long before Armstrong would become a household name, oncologist Dr. Robert K. Stuart was in the trenches fighting the war on one of humankind's most deadly diseases and using cycling as an escape and a way to stay strong physically and emotionally.

This October, the worlds of Armstrong and Stuart will come together for a week during the Bristol-Myers Squibb Tour of Hope, a 3,200-plus-mile relay from Los Angeles to Washington, DC. Stuart is one of 20 cyclists selected to participate in the tour from among more than 1,000 applicants.

Besides riding four hours every day, Stuart and the other cyclists, along with Armstrong, will be making stops along the way, spreading the message of hope and encouraging cancer patients to participate in new treatments, often referred to as clinical trials.

Stuart certainly has earned the honor.

In addition to being an avid cyclist, cancer doctor and researcher, he survived kidney cancer himself in 1991 and was the primary caregiver to his wife, Charlene, who recovered from leukemia after being diagnosed in 2000.

And he's been a leader in fighting cancer in South Carolina for nearly two decades—starting the hematology/oncology division at the Medical University of South Carolina in 1985, leading a surgical team in performing the state's first bone-marrow transplant in 1987, and being one of two who wrote the proposal for federal funding of what later would be called the Hollings Cancer Center.

"He's just done so much for MUSC," says Dr. Rayna Kneuper Hall, who heads the research hospital's breast cancer program. "I'd say he is a true pioneer in the fields of hematology and oncology here. He had a vision of it (the division) and was able to make it come true."

Despite his monumental resume, Hall says Stuart is humble, has deep compassion for his patients, and continues to be a good teacher and mentor to medical school students. "He has an amazing memory. He can remember every patient he's ever seen and is able to recall a specific case to demonstrate a (cancer) situation. For students, it really helps to hear it in the context of a patient."

For Stuart, his proudest accomplishment is having a hand in training 40 specialists in the fields of hematology and oncology, as well as having helped his patients.

"At this stage in my career, my legacy is more about people than it is publication. I have more than a hundred papers, but to me, the people are so much more important."

A LOUISIANA BOY

Stuart was born the second of five boys to Walter and Rita Stuart in Grosse Tete, La., a small village across the Mississippi River from Baton Rouge. One of his grandmothers was Cajun and the other was Creole.

Walter Stuart worked for Kaiser Aluminum. Because both he and his wife were worried about the limited opportunities for their children in the village, they jumped at a job transfer to Northern California, where Robert would start elementary school.

However, when Kaiser planned to transfer Walter next to either British Guyana in South America or Ghana in Africa, the Stuarts decided to move to New Orleans, where Walter took a job as a banker.

"I consider New Orleans as home," says Stuart, "because between birth and high school graduation, it's where I spent the most time."

For the Stuarts, educating their children was paramount. All five sons received advanced degrees. In addition to Robert, another became a doctor, one a lawyer, one received a master's of business administration and the other a master of fine arts.

Robert attended Jesuit High School in New Orleans, whose most famous alums include singer Harry Connick Jr. and baseball player Rusty Staub, and got a traditional liberal arts education. He took Latin, Greek, math and physics and was urged to attend a Catholic university.

He picked Georgetown University.

Stuart says being in Washington, D.C., at the height of the turbulent 1960s—1966 through 1970—was exciting. "You just had the feeling that you were living in the center of the universe. I got at least as much education from reading The Washington Post every day as I did going to school and it (reading the Post) was a lot cheaper."

He, of course, did the hippie thing. He grew his hair out and had a mustache, which he's shaved only once since then, and believed that the Vietnam War was wrong. Stuart recalls a very moving protest he participated in that involved marching past the White House, shouting the name of a dead soldier and then putting the name of the soldier in a casket at the Capitol.

"It took hours and hours to finish naming all those soldiers, and I think it served as a preview of the Vietnam War Memorial," he says.

"My father thinks it was unfortunate that I lived in Washington at that time because now I question government. I'm more prone to say, 'Why should we do that?' than I am, 'My country, right or wrong.' But I am an American and think I'm as patriotic as people who don't think about things."

CHOOSING A NEW FRONTIER

Stuart went from Georgetown straight into medical school at Johns Hopkins University in Baltimore.

When he was in his first year, he became acquainted with the chief resident in urology. Stuart asked why he had chosen urology, and the resident said it was because he was influenced by a urology professor in school.

"I can remember saying to myself: 'That won't happen to me.' I vowed to pick my specialty entirely on rational grounds and, of course, the exact opposite happened.

"I ran into some people in what was then a new field, oncology. I thought these guys were like trying to climb Mount Everest with no oxygen and no tools. To me, what they were trying to do was monumental because back then cancer was a death sentence. Everybody died from it. These guys were determined that things were so bad that they had to get better and that they were going to make it happen . . . I was personally inspired."

At the time—the mid-1970s—there was no standard therapy for cancer, Stuart says.

Another inspiration came as a third-year med student. He volunteered for a rotation on the oncology in-patient service. His instructor assigned him only one patient because she was so sick, suffering from acute myeloid leukemia, or AML.

"I couldn't do much as a student, but I basically stayed up all night with her. She died the next afternoon and I was shattered. . . . My instructor said to me that AML was the worst leukemia of all and 'don't take it personally.' But I did take it personally."

After doing his internal medicine residency at Johns Hopkins, the school hired him as a faculty member in 1979. Stuart focused on acute leukemia and bone-marrow transplantation, which he admits remains "the thing that challenges me most today."

About the same time, Stuart and another doctor began studying and treating patients with aplastic anemia, a rare disease where the bone marrow simply fails and stops producing red blood cells. While not a cancer, its standard therapy at the time was a bone-marrow transplant.

They also developed alternative therapies and worked on a 7-year-old, whose father later started a foundation focusing on research that has made numerous advances in treating the disease. "One of the most satisfying things about having a career in medicine is looking at the progress that's been made," Stuart says of the improving rates of survival for both AML and aplastic anemia.

MAKING A MARK AT MUSC

In 1985, a friend and "brilliant scientist," Dr. Makio Ogawa at the Veterans Administration Hospital in Charleston, asked Stuart to interview for MUSC's new hematology/oncology division. Ogawa, a bone-marrow researcher, had met Stuart on a few trips to Johns Hopkins.

"At the time, I had no interest in leaving Johns Hopkins, but there was something about Charleston and the people at MUSC that made me change my mind," says Stuart. "On July 1, 1985, the entire program consisted of me, a lab tech and a secretary. I had to recruit physicians and create a training program."

It didn't take long to get the ball rolling.

Two years later, Stuart led a team in performing the first bone-marrow transplant surgery in the state, and in another two years, Stuart was among a group boarding a plane for Washington, DC, to make a pitch for federal funding for a new cancer center in Charleston.

U.S. Sen. Fritz Hollings, D-S.C., who did not attend those first meetings, would embrace the effort and help usher through a $16.8 million federal grant to pay for a building to house what later would be called the Hollings Cancer Center.

"It got us in the ball game," Stuart says of the grant's ability to kick-start the cancer program in Charleston, leading to comprehensive cancer care and eventually the start of clinical trials at the center. "It was a very sophisticated undertaking."

THE CANCER PATIENT

In 1991, the doctor became the patient when Stuart was diagnosed in the early stages of kidney cancer.

Because of early detection and a rather fortunate location at the tip of the kidney, Stuart was spared losing the organ. He also didn't have to endure chemotherapy because the treatment is not useful with kidney cancer.

Still, the experience made Stuart a better doctor.

"It definitely changed me. I used to be distant from my patients. I maintained what I thought was a professional separation between doctor and patient," says Stuart. "After having cancer, I found myself thinking more about encouraging people. Now, I consider what can I say to a patient that's truthful and gives them hope."

He also started hugging patients and calling them by their first names, practices that never occurred before he was a cancer patient.

During the same year, Stuart married Charlene McCants, who had been the chief financial officer (later CEO) at MUSC and with whom he initially had a rocky professional relationship. At one point, Stuart would not return McCants' phone calls.

Yet it was she who was instrumental in having Medicaid and Medicare recognize MUSC as a transplant facility. In doing so, insurance providers would help pay for transplant procedures.

Stuart and McCants both had been married once before and had children from their first marriages.

Stuart's marriage to Gail Stuart, the current dean of the MUSC nursing school, had lasted 18 years. They have two children: Morgan, now 26 and a medical student at Georgetown; and Elaine, 24, an editorial assistant at Child magazine in New York. McCants had been married to Robert H. McCants for 22 years. Their son, R. Darren McCants, is business manager for the physiology/neuroscience department at MUSC.

"All three of our children turned out really well," says Stuart.

Daughter Elaine recalls her father early in her childhood as being "cerebral and quiet" and seemingly "impenetrable." She adds, "Looking back now, I realize that he may have been quiet because he lost a patient. You never knew because he made a big effort not to let what was going on at work affect us at home."

Elaine Stuart, who attended the North Carolina School of the Arts and was a ballerina with the Richmond Ballet, says that while her father was deeply involved in work, he made sure he was there for important events, such as her dance recitals.

"He wasn't all that liberal with praise, so when you earned it, it really meant something. . . . Growing up, he never pushed us that hard. In doing so, he instilled in us a great sense of self-motivation. That was an effective way of driving us, and I attribute a lot of what drives me today to that."

CANCER STRIKES AGAIN

In 1997, the couple moved to Riyadh, Saudi Arabia, when Stuart received the opportunity to be oncology department chairman at the King Faisal Specialist Hospital and Research Centre.

Three years later, though, cancer entered the personal realm of the Stuarts' lives yet again. Charlene became desperately sick and was diagnosed with the same leukemia, AML, that had taken the life of the patient Stuart had watched over as a med student 25 years before.

"My first thought when I learned the diagnosis was that it was cosmic irony—that this almost can't be happening," says Stuart. "In Saudi Arabia, one of my colleagues came up to me, very stricken, and said, 'I just heard your wife has AML.' I remember thinking, 'No, it's the other way around. AML has my wife.'"

AML, Stuart notes, is still nearly lethal—only one-third who are diagnosed with it survive. The couple came back home to Charleston for treatment and stayed.

"The blackest time of my life was when she relapsed after three treatments," he says.

The only recourse was to use marrow from her brother, David. The transplant was successful and she is in remission.

His care for her is a testament of his love. Of the 81 nights she was in the hospital, Stuart spent all but the first night on a cot next to her in the hospital room. Then, he took four months off from work, the longest stint of not working as a doctor, to become his wife's primary caregiver.

"It was the hardest thing I've ever done," he says now.

CYCLING FOR SANITY

In the mornings of that uncertain time, Stuart took a break by riding his bike. The exercise, he said, helped him "keep my head straight."

But he first started cycling out of necessity. It was cheap transportation in his Georgetown days. For two years, 1983–1985, Stuart was a licensed bicycle racer, but "wasn't good" due to his late start. He backed off cycling after arriving in Charleston because of his career demands, but started back in earnest after his cancer diagnosis in 1991 and began participating in charity rides.

He continued cycling during the 1990s and even rode with a group of doctors in the Saudi Arabian desert.

Perhaps his first true cycling feat came last year during the first Tour of Hope. Stuart made the first cut of 50 for the inaugural tour ride across the country, but wasn't chosen for the final group. He, however, was invited to Washington, DC, for the final day's ride and a chance to meet Lance Armstrong.

Because he wasn't picked the first year and because he was unsure the sponsors would take on tour expenses again, Stuart didn't think the opportunity would come his way again. Even when the sponsors announced the tour would happen again, he applied thinking that his chances weren't good. The Stuarts even booked a vacation in the south of France at the same time as one of the tour's training camps, thinking that he wouldn't be picked.

But he was picked. When he heard the news, his feelings were mixed.

"At first, I was really fired up. Then, I was really scared. I'm not an elite cyclist, though I'm probably better than your average Joe," says Stuart, noting that the five, four-person relay teams have only a week to get from Los Angeles to Washington.

He says the organizers also changed the route and made it harder, specifically going over both the Sierras and the Rockies in a route connecting Las Vegas, Denver, Omaha, Chicago, Cleveland, Pittsburgh and Baltimore to DC.

Stuart, however, is getting some expert training advice and equipment, including a custom-fitted Trek road bike that he'll get to keep after the tour. He's already flown to Princeton, N.J., the home of Bristol-Myers Squibb, and Colorado Springs, home of Carmi-chael Training Systems (Chris Carmichael is Armstrong's coach), for training weekends. He's to fly back early from his family vacation in France to go to Madison, Wis., home of Trek, in August for a final meeting before the fall ride.

Meanwhile, his current regimen consists of about 11 hours of training a week, or about 200 miles. It will peak out at about 16 hours a week. That's a lot of time on those small bike seats.

Stuart is enjoying the experience. The group of riders—of whom 13 are cancer survivors, five are physicians and two are oncology nurses—already are feeling close to one another. Stuart has been getting 10–15 group e-mails per day from them.

Stuart is among the millions of Americans who are wishing Armstrong wins his sixth Tour de France, in part because it will make the Tour of Hope an even higher profile event.

LIVING, LOVING LIFE

One of Stuart's closest cycling buddies, Clark Wyly, has grown to know him well, as they regularly meet on Saturdays and Sundays for rides ranging from 30 to 60 miles.

"He is a very caring physician," says Wyly. "He takes each of his patients so seriously and so personally. When they don't make it, it's really hard on him. . . . Rob is not extroverted, but once you get to know him, he's very personable and easygoing. I have never seen him lose his temper and get out of control."

Wyly adds that Robert and Charlene live each day fully.

For those who know them, the couple have a deep, loving relationship. For a former CEO and the extrovert in the couple, she admits to truly enjoying "loving, supporting and caring for him" and describes herself as "his professional valet."

"I'm so devoted to him and I love taking care of him," she says.●

HONORING BEN MONDOR OF THE PAWTUCKET RED SOX

● Mr. CHAFEE. Mr. President, I would like to share with my colleagues a story of a man who has dedicated more than 27 years of his life to giving Rhode Island's baseball fans a team that they are proud to call their own.

If a poll were taken asking Americans to name the best that Rhode Island has to offer, it is fair to say that most would think of the Newport mansions, or the beaches of South County, or perhaps the Providence renaissance. While all of these sites are important components of our tourism business, I would say that for native Rhode Islanders, there is an attraction in the working class community of Pawtucket that has an even more prominent place in their shared experience. Amid the tenement houses and old textile and wire mills of the Blackstone Valley stands McCoy Stadium, home to the Pawtucket Red Sox since 1973.

It is difficult for visitors to imagine now, but this minor league franchise got off to a very shaky start. In the mid-1970s, the team was struggling both on and off the field. Attendance was poor, the stadium was in terrible disrepair, and bankruptcy was looming. Players who were assigned there saw it as a necessary penance before making it to the big leagues and hoped to get out as soon as possible. It looked as if the PawSox would not last too long in AAA ball.

At that time, Ben Mondor, a man who had quit working in his late 40s after a successful career in business, was happy with retired life. Occasionally, he would catch a PawSox game, but as he has said, he didn't know a thing about baseball. When encouraged by his friend and former Boston pitcher, the late Chet Nichols, to rescue the PawSox, Ben refused. "Why would I want to buy a baseball team?" he asked. But Ben had plenty of experience stepping in to save struggling enterprises, and repeatedly had turned another person's failure into a successful venture. Finally, after much prompting from the brass of the parent club, he took over the team in 1977.

And so Ben went to work. He sought to instill pride in the team, and build an organization that would command both local and national respect. More than that, he wanted to give people of modest means a place where they could take their families for a night out. It didn't have to be fancy, but he would insist on a safe, family atmosphere, where young children could come and eat a hot dog or maybe a snow cone, shout "we want a hit!" when their favorite ballplayer came to bat, and learn to love the game of baseball.

Certainly, Ben faced an uphill climb, but he and his loyal staff embarked on a long campaign to renovate McCoy Stadium and reinvigorate the franchise. As years passed, more and more of the creaky wooden seats were replaced, the field was improved, and the concession stands and restrooms were expanded. It took time, but the attendance steadily climbed. Whole school buses filled with eager young fans poured in, not just from Rhode Island, but Cape Cod, and Connecticut, and greater Boston—even a few from New Hampshire. And Ben Mondor kept his word to the working class family: amazingly, 20 years went by without an increase in the price of a general admission ticket. Only in 1999, after a $14 million renovation and expansion of McCoy Stadium did he finally relent and agree to charge an extra dollar for tickets to a game. Even today, a family of four can still take in a PawSox game for just $20.

Ben Mondor's team gives back to the community in many other ways. There are the free youth clinics, in which Pawsox players and coaches offer children instructions and tips on the game. There is also a Candy Hunt on Easter and roses for every mom on Mother's Day. The McCoy Stadium fireworks, which most recently lit up the sky for three nights on the Fourth of July weekend, are legendary.

After 27 years, Ben Mondor's dream has come true. A team that struggled to draw more than 1,000 fans to a game in the early days now fills a 10,000-seat park to nearly 90 percent of capacity, the best mark in the International League. One pitcher for the Boston Red Sox, recently called up from Pawtucket, praised McCoy Stadium as "the best minor league place that I've ever played." It has hosted high school baseball championship games, the U.S. Olympic team and the National Governors Association. Tomorrow night, McCoy Stadium will host the AAA All-Star Game, the crowning achievement of Ben's long, successful career in baseball. And yet, my guess is that Ben takes the greatest satisfaction from knowing that on any warm summer night, he can find thousands of blue collar workers and their young children enjoying a game played by past and future big leaguers, cheering with each crack of the bat.

In the movie Field of Dreams, there is a scene in which James Earl Jones's character, Terence Mann observes, "The one constant through all the years has been baseball." In spite of all the challenges that have come along over the course of three decades, the changes in the park, and the changes in our society, baseball has indeed been the one constant at McCoy Stadium. And in large measure, we have Ben Mondor and his love of the game and his love of people to thank for it.

Ben Mondor is a hero in Rhode Island, and when he steps down from running the PawSox this summer, he will leave behind a remarkable legacy. I know my colleagues join me in saluting Ben on his well-deserved retirement.●

IDAHO STATE VETERANS CEMETERY

● Mr. CRAPO. Mr. President, I rise today to acknowledge a very special event happening in Idaho on July 31. For my colleagues in the Senate who have never been to Boise, ID, I will describe a little of what that part of my State looks like.

On a clear day, miles stretch out before you bounded to the south by the Snake River Valley and distant mountains, to the east and west by a vast expanse of open sky, and behind you to the north, by foothills rising to meet their less-weathered relatives.

The wind blows with reassuring regularity, and it seems that in this western meeting place of land and sky, at once comfortingly familiar and awe-inspiring, it is indeed an appropriate place to rest our fallen warriors of freedom and pay our respects and tribute to their sacrifices.

The Idaho State Veteran's Cemetery represents the vision and hard work of many dedicated Idahoans. These men and women have focused their energy and donated their time and money to see this tremendous project to fruition. An idea that for many years was in the hearts of concerned patriots, the cemetery is the first of its kind to be built in Idaho, and its construction allows Idaho to finally join the rest in having a state veterans' cemetery.

Gazing out at this vista of the junction of earth and sky, and the visible freedom of wide open space causes us to reflect upon the freedom that our country stands for; the freedom for which the men and women who will rest here committed their lives, some ending either much too young in combat or others after fulfilling and long lives. In this time of sacrifice by yet another great generation of brave young men and women, this place gives comfort and exists as a testament to the age-old ritual of caring for those that have gone before us, in a proper and appropriate military manner that reflects their sacrifice, sense of duty and selfless devotion to the cause of liberty.

This place and the people for whom it is preserved remind us that freedom is eternal, and their and our living and dying are not in vain.●

IN MEMORY OF EDWARD F. MILES

● Mr. LEAHY. Mr. President, I memorialize the life of Edward "Ed" Miles, a decorated Vietnam veteran who heroically turned his war experience into a mission of compassion for victims of conflict around the world. Ed Miles died on January 26, 2004.

I first met Ed through his advocacy on behalf of war survivors—work that embodied the ideals of the Leahy War Victims Fund, which was established in 1989 to respond to the needs of innocent victims of conflict in developing countries. Despite painful injuries suffered during the war in Vietnam that left him a bilateral amputee, and the challenges of working in a country reeling from Pol Pot's genocidal Khmer Rouge regime, Ed persevered and set up a rehabilitation clinic for landmine survivors and other war victims that was the first of its kind in Cambodia. Today it is recognized as Cambodia's national rehabilitation center and a model for others around the world.

Ed is perhaps best remembered for this work through his involvement with Vietnam Veterans of America Foundation, VVAF, and the International Campaign to Ban Land Mines, which received the Nobel Peace Prize in 1997 for its advocacy to eliminate the scourge of landmines.

As an associate director of VVAF, Ed traveled throughout the world raising funds, generating medical research and support, and, finally, building and staffing a prosthetics clinic for amputees at Kien Khleang, outside Phnom Penh, Cambodia in 1991. Since its inception, this project has produced 15,000 prosthetics, orthotics and wheelchairs for landmine survivors and other war victims. In addition, since Ed's initial pioneering and humanitarian efforts in Cambodia, VVAF has opened rehabilitation clinics in Vietnam, Angola, Ethiopia, Kosovo and elsewhere in Central America and Sub-Saharan Africa. Thousands of people with disabilities, many of whom had been treated as social outcasts, recovered their mobility and their dignity because of Ed Miles.

Ed's personal mission to help war survivors was undoubtedly the result of his own war experience. In April 1969, as a Captain and Military Advisor, Special Forces, United States Army, Ed was wounded in an ambush outside Cu Chi near the Cambodian border. He stepped on a landmine and lost both of his legs above the knee, suffered severe bone, nerve and muscle damage to his arm and later lost one of his eyes to infection.

As a result of his service in Vietnam, Ed received the United States Army Silver Star for Bravery, the Bronze Star, the Purple Heart, the Vietnamese Cross of Gallantry, the Vietnamese Campaign Medal, the Air Medal, the Good Conduct and the Combat Infantryman's Badge.

After returning home, Ed became an active critic of the Vietnam War, cofounding Veterans Against the War. Yet despite the severity of his injuries, years of hospital treatment and his enduring disabilities, he also completed his education, receiving his Masters of Public Administration from New York University. Ed worked as an Outreach Counselor for Vietnam veterans with Post-Traumatic Stress Disorder. In 1989, he was one of the first Americans to return to Vietnam since the war ended. In fact, he was featured on "Nightline" visiting the site where he was wounded.

Ed continued his quest for peace and reconciliation with America's former enemy through VVAF, continuously lobbying the United States Congress and the White House to normalize diplomatic and trade relations with Vietnam, which ultimately occurred in 1995. He was a featured speaker throughout the United States, and a visiting guest speaker at local schools where he described his Vietnam experience and the historical significance and lessons of the Vietnam War.

For the 35 years since being wounded and up until his life's end, Ed exhibited a selflessness, determination and compassion beyond compare. Despite the daily struggles and pain from his injuries, I never once heard Ed complain about his own misfortunes. He was soft spoken and unassuming to a degree rarely seen, but he also harbored a fiery passion for ridding the world of injustice and senseless conflict. Ed was an inspiration to me in my efforts to ban landmines, and to everyone who knew him.

Family, friends and colleagues throughout the world responded with shock and deep sadness for the loss of this true humanitarian and hero. In his gentle but powerful way, Ed touched the world one person at a time, and I consider myself very fortunate to have been one of them.

Ed was born in Brooklyn, NY, and was buried there with his parents and Irish ancestors dating from 1860. He grew up in Manhasset, NY and throughout his free-spirited life, had homes in Phnom Penh, Cambodia, Augsburg, Germany, Kinsale, Ireland, Greenwich Village, Sag Harbor, Southhampton and Stamford, New York, Wyoming, Colorado, and Wilton, Connecticut. He is survived by sons Ed, of Boulder, Colorado, and Daniel of Southhampton, New York; a daughter, Sarah of New York City; sisters Mary Teresa Jackson of Raleigh, North Carolina, Michele Dunn of Wilton, Connecticut, and Christine Kuhl of Southhampton, New York.

The world is a better place because of Ed Miles, and his generous heart and many contributions will always be remembered.•

IN MEMORIAM OF MARY MIYASHITA

• Mrs. BOXER. Mr. President, I share with my colleagues, the memory of a remarkable woman, Mary Miyashita of Whittier, CA, who died on Sunday, April 25, 2004. Mary was 83 years old.

Mary Miyashita was born in Los Angeles. She grew up in a traditional Japanese household until she was sent as a young woman to internment camps in Santa Anita, CA and Gila, AZ during World War II. While in camp, Mary met Eleanor Roosevelt and was introduced to the work of the Quaker organization: The American Friends Service Committee. This organization helped obtain early release of college-aged persons from camp. These life-changing events later gave Mary the drive and persistence to become involved in social causes and politics.

Mary was an extraordinary woman, with great devotion to her family, her community and our Nation. Mary was a beloved wife and mother. She was admired by many for her strength and conviction. Mary was dedicated to making a difference in the world, and she did. Mary had great passion and believed in basic kindness to all humans.

Mary's work in politics helped shape our Nation. Throughout the years, she was involved in many important history changing causes, such as civil rights movements, peace demonstrations, education and literacy drives. She was a founding member of the first Asian Pacific Caucus, and a founding member of the Women and Children's Crisis Shelter in Whittier. Mary was also a member of the executive boards of the League of Women Voters, Meals on Wheels, Women for Peace, Whittier Area Fair Housing Committee and the Whittier Area Education Study Council.

Mary Miyashita is survived by her husband, Kazuo and her three children, son, David Miyashita, and daughters, Jean and Carole Miyashita, and son-in-law, John Martinez. She was an exceptional individual.

I am proud to recognize the legacy of Mary Miyashita. We can take comfort in knowing that future generations will benefit from her courage, her vision and her leadership.•

MESSAGE FROM THE HOUSE

At 2:56 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4766. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2005, and for other purposes.

The message also announced that pursuant to a request of the Senate, the bill (H.R. 1303) to amend the E-Government Act of 2002 with respect to rulemaking authority of the Judicial Conference, together with all accompanying papers is hereby returned to the Senate.

At 5:30 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4759. An act to implement the United States-Australia Free Trade Agreement.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4755. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2005, and for other purposes; to the Committee on Appropriations.

H.R. 4766. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2005, and for other purposes; to the Committee on Appropriations.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 4759. An act to implement the United States-Australia Free Trade Agreement.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2652. A bill to amend title XVIII of the Social Security Act to deliver a meaningful benefit and lower prescription drug prices under the medicare program.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, July 14, 2004, she had presented to the President of the United States the following enrolled bill:

S. 103. An act for the relief of Lindita Idrizi Heath.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–8508. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, a report relative to the Waste Isolation Pilot Plant (WIPP) Land Withdrawal Act; to the Committee on Environment and Public Works.

EC–8509. A communication from the Chairman, Medicare Payment Advisory Commission, transmitting, pursuant to law, a report entitled "Report to Congress: New Approaches in Medicare"; to the Committee on Finance.

EC–8510. A communication from the Acting Chief, Regulations and Publications Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Excise Tax Relating to Structured Settlement Factoring Transactions" (RIN 1545–BB14) received on July 8, 2004; to the Committee on Finance.

EC–8511. A communication from the Acting Chief, Regulations and Publications Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Rents and Royalties" (RIN 1545–BB44) received on July 8, 2004; to the Committee on Finance.

EC–8512. A communication from the Acting Chief, Regulations and Publications Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Health Care Provider Incentive Payments" (Rev. Proc. 2004–41) received on July 8, 2004; to the Committee on Finance.

EC–8513. A communication from the Acting Chief, Regulations and Publications Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Republication of Rev. Proc. 79–61" (Rev. Proc. 2004–44) received on July 8, 2004; to the Committee on Finance.

EC–8514. A communication from the Acting Chief, Regulations and Publications Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update Notice—Pension Funding Equity Act of 2004" (Notice 2004–51) received on July 8, 2004; to the Committee on Finance.

EC–8515. A communication from the Acting Chief, Regulations and Publications Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Debit Cards Used To Provide Qualified Transportation Fringes Described Under Section 132(f) of the Internal Revenue Code" (Notice 2004–46) received on July 8, 2004; to the Committee on Finance.

EC–8516. A communication from the Chief, Regulations Branch, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Extension of Port Limits of Memphis, Tennessee" (CBP Dec. 04–22) received on July 7, 2004; to the Committee on Finance.

EC–8517. A communication from the United States Trade Representative, Executive Office of the President, transmitting, pursuant to law, documents related to the United States-Australia Free Trade Agreement; to the Committee on Finance.

EC–8518. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a license for the export of defense articles that are firearms sold commercially under a contract in the amount of $1,000,000 or more to the Philippines; to the Committee on Foreign Relations.

EC–8519. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–8520. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to assistance to Eastern Europe under the Support for East European Democracy (SEED) Act; to the Committee on Foreign Relations.

EC–8521. A communication from the Chairman, Consumer Product Safety Commission, transmitting, pursuant to law, the report of the Office of Inspector General for the period from October 1, 2003 through March 31, 2004; to the Committee on Governmental Affairs.

EC–8522. A communication from the Chair, Board of Directors, Corporation of Public Broadcasting, transmitting, pursuant to law, the report of the Office of Inspector General for the period from October 1, 2003 through March 31, 2004; to the Committee on Governmental Affairs.

EC–8523. A communication from the Deputy General Counsel, Department of the Treasury, transmitting, a draft of proposed legislation entitled the "Treasury Inspector General Consolidation Act of 2004"; to the Committee on Governmental Affairs.

EC–8524. A communication from the Chairman, Railroad Retirement Board, transmitting, pursuant to law, a report relative to the Board's competitive sourcing activities; to the Committee on Health, Education, Labor, and Pensions.

EC–8525. A communication from the Assistant Attorney General for Administration, Department of Justice, transmitting, pursuant to law, a report relative to the Department's commercial and inherently governmental activities; to the Committee on the Judiciary.

EC–8526. A communication from the Assistant Chief, Alcohol, Tobacco, Tax and Trade Bureau, Treasury Department, transmitting, pursuant to law, the report of a rule entitled "San Bernabe and San Lucas Viticultural Areas" (RIN1513–AA28) received on July 7, 2004; to the Committee on the Judiciary.

EC–8527. A communication from the Assistant Chief, Alcohol, Tobacco, Tax and Trade Bureau, Treasury Department, transmitting, pursuant to law, the report of a rule entitled "Establishment of Salado Creek Viticultural Area" (RIN1513–AA69) received on July 7, 2004; to the Committee on the Judiciary.

EC–8528. A communication from the Acting Under Secretary and Acting Director, Patent and Trademark Office, transmitting, pursuant to law, the report of a rule entitled "Changes to Representation of Others Before the United States Patent and Trademark Office" (RIN0651–AB55) received on July 7, 2004; to the Committee on the Judiciary.

EC–8529. A communication from the General Counsel, National Tropical Botanical Garden, transmitting, pursuant to law, the audit report for the Garden for calendar year 2003; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SHELBY, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 894. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 230th Anniversary of the United States Marine Corps, and to support construction of the Marine Corps Heritage Center.

S. 976. A bill to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement.

By Mr. GRASSLEY, from the Committee on Finance, without amendment:

S. 2610. A bill to implement the United States-Australia Free Trade Agreement.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. GREGG (for himself and Mr. SUNUNU):

S. 2651. A bill to authorize the establishment at Antietam National Battlefield of a memorial to the officers and enlisted men of the Fifth, Sixth, and Ninth New Hampshire Volunteer Infantry Regiments and the First New Hampshire Light Artillery Battery who fought in the Battle of Antietam on September 17, 1862 , and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DURBIN (for himself, Mr. DAYTON, and Mr. LEVIN):

S. 2652. A bill to amend title XVIII of the Social Security Act to deliver a meaningful benefit and lower prescription drug prices under the medicare program; read the first time.

By Mr. BIDEN (for himself, Mr. SPECTER, Mrs. FEINSTEIN, Mr. KYL, Mr. HOLLINGS, and Mr. ALLEN):

S. 2653. A bill to make it a criminal act to willfully use a weapon with the intent to cause death or serious bodily injury to any person while on board a passenger vessel, and for other purposes; to the Committee on the Judiciary.

By Mr. DODD:

S. 2654. A bill to provide for Kindergarten Plus programs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SMITH:

S. 2655. A bill to amend the Internal Revenue Code of 1986 to provide a credit for the production of water and energy efficient appliances; to the Committee on Finance.

By Mr. GRAHAM of Florida (for himself and Mr. NELSON of Florida):

S. 2656. A bill to establish a National Commission on the Quincentennial of the discovery of Florida by Ponce de Leon; to the Committee on Energy and Natural Resources.

By Ms. COLLINS (for herself and Mr. AKAKA):

S. 2657. A bill to amend part III of title 5, United States Code, to provide for the establishment of programs under which supplemental dental and vision benefits are made available to Federal employees, retirees, and their dependents, to expand the contracting authority of the Office of Personnel Management, and for other purposes; to the Committee on Governmental Affairs.

By Mr. DOMENICI (for himself, Mrs. FEINSTEIN, Mr. CRAIG, Mr. BINGAMAN, and Mr. DURBIN):

S. 2658. A bill to establish a Department of Energy National Laboratories water technology research and development program, and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. STABENOW (for herself, Mr. LEVIN, and Mr. HATCH):

S. Res. 405. A resolution honoring former President Gerald R. Ford on the occasion of his 91st birthday and extending the best wishes of the Senate to former President Ford and his family; considered and agreed to.

ADDITIONAL COSPONSORS

S. 1379

At the request of Mr. JOHNSON, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1379, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 2335

At the request of Mr. REED, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 2335, a bill to amend part A of title II of the Higher Education Act of 1965 to enhance teacher training and teacher preparation programs, and for other purposes.

S. 2338

At the request of Mr. BOND, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2338, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 2365

At the request of Mr. COLEMAN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2365, a bill to ensure that the total amount of funds awarded to a State under part A of title I of the Elementary and Secondary Act of 1965 for fiscal year 2004 is not less than the total amount of funds awarded to the State under such part for fiscal year 2003.

S. 2417

At the request of Mr. COLEMAN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 2417, a bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish care for newborn children of women veterans receiving maternity care, and for other purposes.

S. 2426

At the request of Mr. NELSON of Nebraska, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 2426, a bill to amend title XVIII of the Social Security Act to clarify the treatment of payment under the medicare program for clinical laboratory tests furnished by critical access hospitals.

S. 2563

At the request of Mr. KOHL, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 2563, a bill to require imported explosives to be marked in the same manner as domestically manufactured explosives.

S. 2575

At the request of Mrs. BOXER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2575, a bill to direct the Secretary of Agriculture to conduct research, monitoring, management, treatment, and outreach activities relating to sudden oak death syndrome and to convene regular meetings of, or conduct regular consultations with, Federal, State, tribal, and local government officials to provide recommendations on how to carry out those activities.

S. 2603

At the request of Mr. SMITH, the names of the Senator from Kentucky (Mr. BUNNING) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 2603, a bill to amend section 227 of the Communications Act of 1934 (47 U.S.C. 227) relating to the prohibition on junk fax transmissions.

S. 2609

At the request of Mr. KOHL, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2609, a bill to amend the Farm Security and Rural Investment Act of 2002 to extend and improve national dairy market loss payments.

S. 2628

At the request of Mr. AKAKA, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 2628, a bill to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, and for other purposes.

S. 2634

At the request of Mr. SMITH, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2634, an act to amend the Public Health Service Act to support the planning, implementation, and evaluation of organized activities involving statewide youth suicide early intervention and prevention strategies, to provide funds for campus mental and behavioral health service centers, and for other purposes.

S.J. RES. 41

At the request of Mr. CAMPBELL, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S.J. Res. 41, a joint resolution commemorating the opening of the National Museum of the American Indian.

S. CON. RES. 90

At the request of Mr. LEVIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. Con. Res. 90, a concurrent resolution expressing the Sense of the Congress regarding negotiating, in the United States-Thailand Free Trade Agreement, access to the United States automobile industry.

S. CON. RES. 106

At the request of Mr. CAMPBELL, the names of the Senator from New Jersey (Mr. CORZINE), the Senator from Oregon (Mr. SMITH) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. Con. Res. 106, a concurrent resolution urging the Government of Ukraine to ensure a democratic, transparent, and fair election process for the presidential election on October 31, 2004.

S. CON. RES. 110

At the request of Mr. CAMPBELL, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. Con. Res. 110, a concurrent resolution expressing the sense of Congress in support of the ongoing work of the Organization for Security and Cooperation in Europe (OSCE) in combating anti-Semitism, racism, xenophobia, discrimination, intolerance, and related violence.

S. CON. RES. 119

At the request of Mr. CAMPBELL, the names of the Senator from Oklahoma (Mr. NICKLES), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Florida (Mr. GRAHAM), the Senator from Illinois (Mr. FITZGERALD), the Senator from Idaho (Mr. CRAPO), the Senator from California (Mrs. FEINSTEIN) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. Con. Res. 119, a concurrent resolution recognizing that prevention of suicide is a compelling national priority.

S. CON. RES. 124

At the request of Mr. CORZINE, the names of the Senator from Illinois (Mr. DURBIN), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Iowa (Mr. HARKIN) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. Con. Res. 124, a concurrent resolution declaring genocide in Darfur, Sudan.

At the request of Mr. BROWNBACK, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. Con. Res. 124, supra.

S. RES. 389

At the request of Mr. CAMPBELL, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. Res. 389, a resolution expressing the sense of the Senate with respect to prostate cancer information.

S. RES. 401

At the request of Mr. BIDEN, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. Res. 401, a resolution designating the week of November 7 through November 13, 2004, as "National Veterans Awareness Week" to emphasize the need to develop educational programs regarding the contributions of veterans to the country.

S. RES. 403

At the request of Mr. BAYH, the names of the Senator from New Jersey (Mr. CORZINE), the Senator from Washington (Ms. CANTWELL) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. Res. 403, a resolution encouraging increased involvement in service activities to assist senior citizens.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself, Mr. DAYTON, and Mr. LEVIN):

S. 2652. A bill to amend title XVIII of the Social Security Act to deliver a meaningful benefit and lower prescription drug prices under the medicare program; read the first time.

Mr. DURBIN. Mr. President, those who are following the business of the Senate understand that just a few moments ago, we had a vote on the floor of the Senate on the proposed constitutional amendment dealing with same-sex marriage. The final vote, I think, was indicative of the feeling of this body. There were 48 who supported going forward with the debate on this amendment and 50 Senators who opposed it. Of course, 48 Senators does not meet the threshold requirement for approving a constitutional amendment, which is 67 Senators. So that gap of 19 Senators suggests this Senate does not believe it is appropriate for us to move forward on that type of constitutional amendment.

Many of the colleagues on both sides of the aisle spoke to this issue over the last several days and expressed their heartfelt feelings of the underlying issue of same-sex marriage and about the question of whether we should amend the Constitution. The vote today is, I think, a good indication that this is an issue whose time has not come. There is no issue in controversy which requires us to amend the Constitution of the United States of America.

One might ask, if this issue fell so far short, 19 votes short, of what it needed, why did we consider it? For obvious reasons. This debate was not about changing the Constitution. This debate was about changing the subject in the Presidential campaign.

It is understood that if you ask most American families what is important to them the politicians are worried about, they will talk about the obvious things: My job, the fact that my paycheck does not cover the necessities of my family, the cost of health insurance, the availability of quality health care, whether my retirement savings are going to be protected; I am concerned as well about the situation in Iraq; I would like to know when we will stop losing our soldiers, and what do we have ahead of us in terms of Iraq and the $1.5 billion which American taxpayers spend each week in Iraq, how long will that go on? What could we do with $1.5 billion every week in the United States of America for our schools, for providing health care for our children, immunizations.

These are the obvious questions with which most families identify. But if the Presidential election campaign is waged on those issues, the White House and the Republican Party believe they are at a disadvantage because many people, in fact, an amazingly large percentage of Americans, say when asked, they feel our country is going in the wrong direction in terms of its economics to help working families, in terms of creating jobs, keeping good-paying jobs in America, dealing with the fact we still continue to be dependent on the Middle East and Saudi Arabia for our oil which draws us into a terrible situation of dependency, a terrible situation which taxes our resources.

That is what most Americans will identify as the major issues, and those are not issues on which this administration wants to campaign. So they attempted today to change the subject. They wanted to change the subject by changing the Constitution to deal with same-sex marriages, an issue which has not reached a level where it should even be addressed by our Constitution.

I will not go over that whole debate again, but the vote tells the story. The Republican Party in the majority in the Senate was unable to get a majority of votes to support the President's constitutional amendment. The rollcall tells the story. But there are other issues which, frankly, we should now move to, issues about which families across America do care.

I know as I travel around my State of Illinois and talk with families, businesses, labor union leaders, time and again the issue on their minds is the cost of health care in America.

I met 2 days ago in Chicago with a good friend of mine who heads up one of the major labor unions. It is a labor union which represents people who work at grocery stores, United Food and Commercial Workers. I talked with him about his problems.

He said: Senator, virtually every strike we have, virtually every contract negotiation is over the cost of health insurance. We get our workers 50 cents more an hour, and they don't see a penny of it. It all goes into health insurance, and there is less coverage this year than last year. They are upset with their labor leaders and upset with their employers.

Then you talk with businesspeople, businesses small and large, and I hear the same story, businesses which say: We are mom and pop, and we can no longer afford health insurance for the people who work for us; it is just too expensive.

There is another element in this whole equation which we cannot overlook, and that is the cost of prescription drugs. The cost of prescription drugs is not only driving the cost of health insurance to record levels, but it is also pushing a lot of people of limited family means into terrible choices: whether they can afford to buy the prescription drugs that will keep them healthy and, if they do, whether they will have to sacrifice the necessities of life. That is a real issue. That is an issue this campaign ought to be about. Would it not be refreshing if the debate of the week was not over same-sex marriage and its impact on families but the cost of health care and the cost of prescription drugs and their impact on families? I think that is what the voters are waiting for.

If they have any frustration with those of us in public office, it is the fact we talk past them, over them, and around them and never direct to the issues about which they care.

Today I am joining Senator LEVIN of Michigan and Senator DAYTON of Minnesota in introducing S. 2652.

We are going to work to put this bill on the Senate calendar under rule XIV so that Senator FRIST can call it up for debate. In other words, what I am trying to do is to accelerate consideration of this bill to blow past all the political issues and the political rhetoric to get into this legislation. The Democratic leader in the other body is working to discharge a companion bill so they can consider it in an expedited manner.

This bill is called the Medicare Prescription Drug Savings Act. We need to expedite this bill. We need to put it on the calendar. We need to stop wasting time on issues going nowhere because seniors and low-income individuals are facing escalating prescription drug prices that are really hurting them personally and diminishing their Medicare drug benefits. Instead of considering bills that do not have the votes to pass, like the one we just finished, we should consider something that is an urgent priority for Americans. Whether one lives in a blue State, a red State, or a purple State, whether one is in a battleground State or it is a State that is decided, they are going to find seniors concerned about the cost of prescription drugs. This is an issue that is bipartisan. It is an issue that affects virtually every family. Over the past 5 years, prescription drug prices have risen between 14 and 19 percent every single year, 5 times the rate of inflation.

One particularly egregious example of drug price inflation in the United States is Novir, an essential ingredient in the HIV cocktail to deal with the HIV/AIDS crisis. The price of an average dose of Novir went up 400 percent this year from $1,600 a year to more than $7,800. That is more than 10 times the cost of the same drug in Canada or in Europe. Americans are paying 10 times the cost of Novir for HIV patients in the United States as the price that is being paid in Canada and Europe.

Last month, the AARP released a study examining prescription drug prices for the 12-month period ending in March 2004. The study revealed that the prices charged by pharmaceutical companies to wholesalers for the top brand-name drugs used by seniors increased at a rate of 7.2 percent. That is faster than the 2 previous years, which is troubling given that inflation actually fell during that same period of time.

Drug discount cards have been suggested as the answer for this problem, but they are not. A fact sheet sent out by the Department of Health and Human Services to 40 million Medicare beneficiaries said that a discount card with Medicare's seal of approval can help save 10 to 25 percent on prescription drugs.

Now, this is the administration plan, a discount card under Medicare for prescription drugs that could save 10 to 25 percent. Well, after the same Department published the drug card prices in May, the Chicago Tribune newspaper looked at what these cards would mean in a suburb of Chicago, the city of Evanston. The Tribune compared the prices at pharmacies in Evanston with what seniors will save with drug discount cards. Take a look at it.

In some cases, the people in Evanston, IL, will actually save less without the card. The drug Lipitor, with the discount card, is $67.07. The lowest retail price, $68.99. Savings, $1.92, or 3-percent savings. Celebrex, 2 percent. Norvasc, in fact, costs more under the discounted card. So this so-called discount card seems to be of little value with drugs that are very popular and well used and prescribed to, such as Lipitor, Celebrex, and Norvasc.

The lack of significant savings from the discount cards that are being touted by the administration is not unique to Illinois or the city of Evanston. Since President Bush announced the idea of a drug discount card in July of 2001, top selling prescription drugs have experienced double-digit increases, eroding any savings that might come from the card.

Remember when the Bush administration said their discount cards would save seniors 10 to 25 percent? Well, price increases are eroding savings. Take a look at what happened to these drugs: Celebrex for arthritis pain went up 23 percent; Coumadin, a blood thinner, 22 percent; Lipitor, 19 percent; Zoloft, 19 percent; Zyprexa, 16 percent; Prevacid, 15 percent; and Zocor, 15 percent.

The prescription drug discount card is not even really keeping up with the inflation built into prescription drug prices.

Some of my colleagues may say it is not important that the drug card is not producing much savings because the real benefit will start in January of 2006. Unfortunately, rising drug prices will erode that benefit, too.

I will tell my colleagues about one of my constituents. Alois Kessler of Skokie, IL, has $3,200 in drug costs, and his income, which is fixed, is $28,500. Assuming prescription drug prices continue to rise as we have seen them rise and Mr. Kessler stays with the same medication he is currently taking, his drug costs will be approximately $4,800 by 2006, the first year of the new Part D benefit. His income will rise about 3 percent a year. So he will have drug prices at $4,800 and an income of $31,000 a year.

The new program reduces his cost by $1,080 in the first year, so he will still have to pay out-of-pocket $2,120. By 2015, assuming he is still taking the same medication, his drug costs will reach $17,000, and his income will only have risen to around $40,400. One just cannot keep up with an inflation protection in their Medicare or retirement income against drug price increases of this kind.

What can we do about it? What we can do about it is something this bill proposes, and it is something very basic. There is a lot of talk in Congress today about bringing drugs in from Canada and other places. I am open to that conversation, anything to provide relief to seniors and people on limited incomes trying to buy lifesaving drugs.

Look to the north. Canada selling American drugs made in America, inspected in America, approved in America, with research in America, for sale in Canada turn out to be a fraction of the cost of what they are in the United States. With just 2 percent of the worldwide pharmaceutical market, Canada cannot supply the United States no matter how many busloads of seniors we send there.

The United States has 53 percent of the worldwide prescription drug market. Half of it is made up of Medicare beneficiaries. Think about this for a moment. If Medicare, the program that covers seniors, were to sit down with major pharmaceutical companies and bargain for the prices of the drugs, think about their bargaining power. They have the ability to bring prices down for Americans for drugs sold in America rather than reimported in the United States.

The prescription drug benefit bill we passed expressly prohibits Medicare from negotiating for lower prices. That is something the pharmaceutical companies wanted, and they won. They won it at the expense of American consumers.

Today, the Veterans' Administration and the Department of Defense negotiate for VA drug prices and cut down the cost of drugs by almost 50 percent. Take a look at some of these popular drugs and the difference between what is paid in the drugstores of America and what the Federal Government pays for the same drug: Xalatan eyedrops, $41 under the negotiated price of the VA, and $101 is what is paid in the drugstore; Celebrex, the drug we talked about earlier for arthritis, $108 on the Federal Supply Schedule and $173 at the drugstore; Lipitor for cholesterol, $215 in the Federal system, $446 over the counter; Plavix, $257 negotiated, and over-the-counter, $593.

Once you put the bargaining power of the Federal Government behind price negotiations, the prices come down. People can afford the drugs. Families can afford them. The cost of health insurance comes down, but the profits for the drug companies come down, too. That is why this Congress, under the thrall of that special interest group, has refused to give Medicare the power to negotiate.

I will give one specific example we have lived through on Capitol Hill. Many people rail about what happened with the anthrax scare a few years ago. There was a suggestion that the drug Cipro would be used as an antidote to any ill-effects caused by anthrax. We found out Cipro was an expensive drug, and Secretary Tommy Thompson said he would negotiate with the Bayer Company, the company that makes Cipro, to lower prices.

Look what happened when Secretary Thompson tried to do that. He said:

> Everyone said I wouldn't be able to reduce the price of Cipro. I am a tough negotiator.

What was the market price when he went into it? It was $4.67 per pill for Cipro. When it was all said and done, we were paying 75 cents. When someone sits down with the drug companies and says, You are overcharging us, we won't pay it, look what happens. Yet when the seniors of America look for the same kind of hard-nosed negotiating to bring down costs for them, this Congress says no; we don't want to give Medicare the ability to negotiate to do the same thing Secretary Thompson achieved when it came to these Cipro tablets. Through negotiation, Secretary Thompson brought down the price of Cipro by 490 percent. Good news for the people who needed Cipro; bad news for the people who need Medicare. But we can't even ask him to stand up for senior citizens in America. Out of the question. Drug companies don't want to lose their profitability.

Incidentally, they are very profitable. Let me show you some charts. This indicates the profitability of Fortune 500 drug companies versus the profits for all Fortune 500 companies in the year 2002. Look at what drug companies on the red bars have done on profitability: 17 percent as opposed to 3.1 percent; in this chart, 27.6 percent to 10.2 percent. They are making money hand over fist. They are charging seniors and families across America record high prices for drugs. They are increasing the cost of those drugs every single year and passing them along directly, raising health insurance costs, making it more difficult for seniors to keep up with the drugs they need to stay healthy.

I think the bill I have introduced with Senators LEVIN and DAYTON answers the need. I believe the bill which we will attempt to put on the Senate calendar today, so we can vote it before we leave for anybody's convention, is going to go a long way toward helping America's seniors. The Medicare Prescription Drug Savings Act instructs the Secretary of Health and Human Services to offer a nationwide Medicare-delivered prescription drug benefit in addition to the PDP and PPO plans available in the 10 regions. We keep in place what is in the Medicare bill passed last year, we just add a new player. The new player is Medicare providing prescription drugs with negotiated prices. We set a uniform national premium of $35 for the first year for this prescription drug benefit, and we negotiate group purchasing agreements on behalf of beneficiaries who choose to receive their drugs through the Medicare-administered benefit. It is voluntary. Those who choose to receive their drugs will have negotiated lower prices. Those who enroll can stay enrolled as long as they want.

Not only will this bill provide seniors with lower cost drugs, it will give them a choice to enroll in a Medicare-delivered plan, cutting down on the confusion the privately delivered system has already created. Critics and the pharmaceutical industry would say my bill is about price controls and big government. How do you explain the Veterans' Administration? Aren't we saying for our veterans we want to bring down the cost of pharmaceutical drugs? Have you spoken to a veteran lately who has gone to the VA hospital to sign up for the monthly drug benefit because it is so attractive for him and his family? That tells me government can play an important role and have a voice in buying in bulk and bringing down costs.

Who supports this bill we are trying to bring to the calendar? The Alliance for Retired Americans, AFL–CIO, American Nurses Association, Campaign for America's Future, USAction, Consumers Union, the Service Employees International Union, AFSCME, the American Federation of Teachers, Families USA, the Center for Medicare Advocacy, and the National Committee to Preserve Social Security and Medicare.

If you don't think this is a timely issue, pick up this morning's New York Times and take a look at the front-page story. The bill we passed, signed by President Bush, has America running in the wrong direction. Front-page headline:

> Drug Law [signed by President Bush] Is Seen Leading To Cuts in Retiree Plans.

Let me read one or two paragraphs:

> New government estimates suggest that employers will reduce or eliminate prescription drug benefits for 3.8 million retirees when Medicare offers its coverage in 2006.

That is the plan we referred to earlier passed by Congress.

> That represents one-third of all retirees with employer-sponsored drug coverage, according to documents from the Department of Health and Human Services.
>
> No aspect of the new law causes more concern among retirees than the possibility they might lose benefits they already have.

That is what the administration offers us: discount cards which don't offer a real discount, the loss of prescription drug coverage already available for 3.8 million retirees, and, finally, a plan that is offered to seniors that is almost impossible to describe and follow because it is so complicated in its minutiae and detail, and it does not include a provision that allows Medicare to bargain for the best prices, the same bargaining power which we use over and over again to help veterans and many other Americans.

Before the end of the day, we are going to ask that this bill be brought to the calendar. I don't know what else we will consider today, but if my colleagues in the Senate will go home and ask a random sample of anybody on the street corner, or in the shopping center, about the cost of prescription drugs and what it means, they will understand that whatever the next item of business might be in the Senate, it cannot really match in importance what this issue means to families across the United States of America.

I yield the floor.

Mr. BIDEN (for himself, Mr. SPECTER, Mrs. FEINSTEIN, Mr. KYL, Mr. HOLLINGS, and Mr. ALLEN):

S. 2653. A bill to make it a criminal act to willfully use a weapon with the intent to cause death or serious bodily injury to any person while on board a passenger vessel, and for other purposes; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, I rise today to introduce the Reducing Crime and Terrorism at America's Seaports Act, along with Senators SPECTER, FEINSTEIN, KYL, HOLLINGS, and ALLEN. Today's bill is a revised version of legislation Senator SPECTER and I introduced last year, S. 1587. The bill benefits from the expertise of the Chairman and Ranking Member of the Judiciary Subcommittee on Terrorism, Senators KYL and FEINSTEIN. My colleagues have their own bill on this subject, S. 746, and I am grateful that they are original cosponsors of today's measure. The Ranking Member of the Commerce Committee, my good friend Senator HOLLINGS, has also been a leader in this area and today's bill incorporates suggestions made by him and his able staff. Senator SPECTER and I have worked long and hard on this issue, and it is my sincere hope and expectation that the bill we introduce today is a consensus measure that will swiftly pass the Senate this year.

Today, almost three years after the devastating attacks of September 11, our Nation's transportation infrastructure remains vulnerable to terrorist activity. American ports are critical to the nation's commercial well-being, and we must do all that we can to ensure that our laws keep pace with the threats that they face.

Recently, Homeland Security Secretary Ridge traveled to the Port of Los Angeles/Long Beach to announce that the Untied States was in full compliance with the International Ship and Port Facility Security Code, and that his department was working to meet the requirements of the Maritime Transportation Security Act. I welcome those announcements, but there is more we should be doing to protect our ports and close existing gaps in our criminal code. The bill Senator SPECTER and I introduce today starts to close those gaps.

Our bill will double the maximum term of imprisonment for anyone who fraudulently gains access to a seaport or waterfront. The Interagency Commission on Crime and Security at U.S. Seaports concluded that "control of access to the seaport or sensitive areas within the seaports" poses one of the greatest potential threats to port security. Such unauthorized access continues and exposes the nation's seaports, and the communities that surround them, to acts of terrorism, sabotage or theft. Our bill will help deter those who seek unauthorized access to our ports by imposing stiffer penalties.

Our bill would also increase penalties for noncompliance with certain manifest reporting and record-keeping requirements, including information regarding the content of cargo containers and the country from which the shipments originated. An estimated 95 percent of the cargo shipped to the U.S. from foreign countries, other than Canada and Mexico, arrives throughout seaports. Accordingly, the Interagency Commission found that this enormous flow of goods through U.S. ports provides a tempting target for terrorists and others to smuggle illicit cargo into the country, while also making "our ports potential targets for terrorist attacks." In addition, the smuggling of non-dangerous, but illicit, cargo may be used to finance terrorism. Despite the gravity of the threat, we continue to operate in an environment in which terrorists and criminals can evade detection by underreporting and misreporting the content of cargo. Increased penalties can help here.

The legislation we introduce today would also make it a crime for a vessel operator to fail to slow or stop a ship once ordered to do so by a federal law enforcement officer; for any person on board a vessel to impede boarding or other law enforcement action authorized by federal law; or for any person on board a vessel to provide false information to a federal law enforcement officer. The Coast Guard is the main federal agency responsible for law enforcement at sea. Yet, its ability to force a vessel to stop or be boarded is limited. While the Coast Guard has the authority to use whatever force is reasonably necessary, a vessel operator's refusal to stop is not currently a crime. This bill would create that offense.

In addition, the Coast Guard maintains over 50,000 navigational aids on more than 25,000 miles of waterways. These aids, which are relied upon by all commercial, military and recreational mariners, are critical for safe navigation by commercial and military vessels. They could be inviting targets for terrorists. Our legislation would make it a crime to endanger the safe navigation of a ship by damaging any maritime navigational aid maintained by the Coast Guard; place in the waters anything which is likely to damage a vessel or its cargo, interfere with a vessel's safe navigation, or interfere with maritime commerce; or dump a hazardous substance into U.S. waters, with the intent to endanger human life or welfare.

Each year, thousands of ships enter and leave the U.S. through seaports. Smugglers and terrorists exploit this massive flow of maritime traffic to transport dangerous materials and dangerous people into this country. This legislation would make it a crime to use a vessel to smuggle into the United States either a terrorist or any explosive or other dangerous material for use in committing a terrorist act. The bill would also make it a crime to damage or destroy any part of a ship, a maritime facility, or anything used to load or unload cargo and passengers; commit a violent assault on anyone at a maritime facility; or knowingly communicate a hoax in a way which endangers the safety of a vessel. In addition, the Interagency Commission concluded that existing laws are not stiff enough to stop certain crimes, including cargo theft, at seaports. Our legislation would increase the maximum term of imprisonment for low-level thefts of interstate or foreign shipments from 1 year to 3 years and expand the statute to outlaw theft of goods from trailers, cargo containers, warehouses, and similar venues.

I thank my colleagues for their support of this measure, and I look forward to its prompt consideration by the full Senate.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2653

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This title may be cited as the "Reducing Crime and Terrorism at America's Seaports Act of 2004".

SEC. 2. ENTRY BY FALSE PRETENSES TO ANY SEAPORT.

(a) IN GENERAL.—Section 1036 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking "or" at the end;

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

"(3) any secure or restricted area (as that term is defined under section 2285(c)) of any seaport; or";

(2) in subsection (b)(1), by striking "5" and inserting "10";

(3) in subsection (c)(1), by inserting ", captain of the seaport," after "airport authority"; and

(4) in the section heading, by inserting "or seaport" after "airport".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 47 of title 18 is amended by striking the matter relating to section 1036 and inserting the following:

"1036. Entry by false pretenses to any real property, vessel, or aircraft of the United States or secure area of any airport or seaport.".

(c) DEFINITION OF SEAPORT.—Chapter 1 of title 18, United States Code, is amended by adding at the end the following:

"§25. Definition of seaport.

"As used in this title, the term 'seaport' means all piers, wharves, docks, and similar structures to which a vessel may be secured, areas of land, water, or land and water under and in immediate proximity to such structures, and buildings on or contiguous to such structures, and the equipment and materials on such structures or in such buildings.".

(d) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 1 of title 18 is amended by inserting after the matter relating to section 24 the following:

"25. Definition of seaport.".

SEC. 3. CRIMINAL SANCTIONS FOR FAILURE TO HEAVE TO, OBSTRUCTION OF BOARDING, OR PROVIDING FALSE INFORMATION.

(a) OFFENSE.—Chapter 109 of title 18, United States Code, is amended by adding at the end the following:

"§2237. Criminal sanctions for failure to heave to, obstruction of boarding, or providing false information.

"(a)(1) It shall be unlawful for the master, operator, or person in charge of a vessel of the United States, or a vessel subject to the jurisdiction of the United States, to knowingly fail to obey an order by an authorized Federal law enforcement officer to heave to that vessel.

"(2) It shall be unlawful for any person on board a vessel of the United States, or a vessel subject to the jurisdiction of the United States, to—

"(A) forcibly resist, oppose, prevent, impede, intimidate, or interfere with a boarding or other law enforcement action authorized by any Federal law, or to resist a lawful arrest; or

"(B) provide information to a Federal law enforcement officer during a boarding of a vessel regarding the vessel's destination, origin, ownership, registration, nationality, cargo, or crew, which that person knows is false.

"(b) This section does not limit the authority of a customs officer under section 581 of the Tariff Act of 1930 (19 U.S.C. 1581), or any other provision of law enforced or administered by the Secretary of the Treasury or the Undersecretary for Border and Transportation Security of the Department of Homeland Security, or the authority of any Federal law enforcement officer under any law of the United States, to order a vessel to stop or heave to.

"(c) A foreign nation may consent or waive objection to the enforcement of United States law by the United States under this section by radio, telephone, or similar oral or electronic means. Consent or waiver may be proven by certification of the Secretary of State or the designee of the Secretary of State.

"(d) In this section—

"(1) the term 'Federal law enforcement officer' has the meaning given the term in section 115(c);

"(2) the term 'heave to' means to cause a vessel to slow, come to a stop, or adjust its course or speed to account for the weather conditions and sea state to facilitate a law enforcement boarding;

"(3) the term 'vessel subject to the jurisdiction of the United States' has the meaning given the term in section 2(c) of the Maritime Drug Law Enforcement Act (46 App. U.S.C. 1903(b)); and

"(4) the term 'vessel of the United States' has the meaning given the term in section 2(c) of the Maritime Drug Law Enforcement Act (46 App. U.S.C. 1903(b)).

"(e) Any person who intentionally violates the provisions of this section shall be fined under this title, imprisoned for not more than 5 years, or both.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 109, title 18, United States Code, is amended by inserting after the item for section 2236 the following:

"2237. Criminal sanctions for failure to heave to, obstruction of boarding, or providing false information.".

SEC. 4. USE OF A DANGEROUS WEAPON OR EXPLOSIVE ON A PASSENGER VESSEL.

Section 1993 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting ", passenger vessel," after "transportation vehicle";

(B) in paragraphs (2)—

(i) by inserting ", passenger vessel," after "transportation vehicle"; and

(ii) by inserting "or owner of the passenger vessel" after "transportation provider" each place that term appears;

(C) in paragraph (3)—

(i) by inserting ", passenger vessel," after "transportation vehicle" each place that term appears; and

(ii) by inserting "or owner of the passenger vessel" after "transportation provider" each place that term appears;

(D) in paragraph (5)—

(i) by inserting ", passenger vessel," after "transportation vehicle"; and

(ii) by inserting "or owner of the passenger vessel" after "transportation provider"; and

(E) in paragraph (6), by inserting "or owner of a passenger vessel" after "transportation provider" each place that term appears;

(2) in subsection (b)(1), by inserting ", passenger vessel," after "transportation vehicle"; and

(3) in subsection (c)—

(A) by redesignating paragraph (6) through (8) as paragraphs (7) through (9); and

(B) by inserting after paragraph (5) the following:

"(6) the term 'passenger vessel' has the meaning given that term in section 2101(22) of title 46, United States Code, and includes a small passenger vessel, as that term is defined under section 2101(35) of that title.".

SEC. 5. CRIMINAL SANCTIONS FOR VIOLENCE AGAINST MARITIME NAVIGATION, PLACEMENT OF DESTRUCTIVE DEVICES, AND MALICIOUS DUMPING.

(a) VIOLENCE AGAINST MARITIME NAVIGATION.—Section 2280(a) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (H), by striking "(G)" and inserting "(H)";

(B) by redesignating subparagraphs (F), (G), and (H) as subparagraphs (G), (H), and (I), respectively; and

(C) by inserting after subparagraph (E) the following:

"(F) destroys, seriously damages, alters, moves, or tampers with any aid to maritime navigation maintained by the Saint Lawrence Seaway Development Corporation under the authority of section 4 of the Act of May 13, 1954 (33 U.S.C. 984), by the Coast Guard pursuant to section 81 of title 14, United States Code, or lawfully maintained under authority granted by the Coast Guard pursuant to section 83 of title 14, United States Code, if such act endangers or is likely to endanger the safe navigation of a ship;"; and

(2) in paragraph (2) by striking "(C) or (E)" and inserting "(C), (E), or (F)".

(b) PLACEMENT OF DESTRUCTIVE DEVICES.—

(1) IN GENERAL.—Chapter 111 of title 18, United States Code, is amended by adding after section 2280 the following:

"§ 2280A. Devices or substances in waters of the United States likely to destroy or damage ships or to interfere with maritime commerce

"(a) A person who knowingly places, or causes to be placed, in navigable waters of the United States, by any means, a device or substance which is likely to destroy or cause damage to a vessel or its cargo, or cause interference with the safe navigation of vessels, or interference with maritime commerce, such as by damaging or destroying marine terminals, facilities, and any other marine structure or entity used in maritime commerce, with the intent of causing such destruction or damage, or interference with the safe navigation of vessels or with maritime commerce, shall be fined under this title, imprisoned for any term of years or for life, or both; and if the death of any person results from conduct prohibited under this subsection, may be punished by death.

"(b) Nothing in this section shall be construed to apply to otherwise lawfully authorized and conducted activities of the United States Government.".

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 111 of title 18, United States Code, is amended by adding after the item related to section 2280 the following:

"2280A. Devices or substances in waters of the United States likely to destroy or damage ships or to interfere with maritime commerce.".

(c) MALICIOUS DUMPING.—

(1) IN GENERAL.—Chapter 111 of title 18, United States Code, is amended by adding at the end the following:

"§ 2282. Knowing discharge or release

"(a) ENDANGERMENT OF HUMAN LIFE.—Any person who knowingly discharges or releases oil, a hazardous material, a noxious liquid substance, or any other dangerous substance into the navigable waters of the United States or the adjoining shoreline with the intent to endanger human life, health, or welfare shall be fined under this title and imprisoned for any term of years or for life.

"(b) ENDANGERMENT OF MARINE ENVIRONMENT.—Any person who knowingly discharges or releases oil, a hazardous material, a noxious liquid substance, or any other dangerous substance into the navigable waters of the United States or the adjacent shoreline with the intent to endanger the marine environment shall be fined under this title, imprisoned not more than 30 years, or both.

"(c) DEFINITIONS.—In this section:

"(1) DISCHARGE.—The term 'discharge' means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

"(2) HAZARDOUS MATERIAL.—The term 'hazardous material' has the meaning given the term in section 2101(14) of title 46, United States Code.

"(3) MARINE ENVIRONMENT.—The term 'marine environment' has the meaning given the term in section 2101(15) of title 46, United States Code.

"(4) NAVIGABLE WATERS.—The term 'navigable waters' has the meaning given the term in section 1362(7) of title 33, and also includes the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988.

"(5) NOXIOUS LIQUID SUBSTANCE.—The term 'noxious liquid substance' has the meaning given the term in the MARPOL Protocol defined in section 2(1) of the Act to Prevent Pollution from Ships (33 U.S.C. 1901(a)(3)).

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 111 of title 18, United States Code, is amended by adding at the end the following:

"2282. Knowing discharge or release.".

SEC. 6. TRANSPORTATION OF DANGEROUS MATERIALS AND TERRORISTS.

(a) TRANSPORTATION OF DANGEROUS MATERIALS AND TERRORISTS.—Chapter 111 of title 18, as amended by section 5 of this Act, is amended by adding at the end the following:

"§ 2283. Transportation of explosive, biological, chemical, or radioactive or nuclear materials.

"(a) IN GENERAL.—Any person who knowingly and willfully transports aboard any vessel within the United States, on the high seas, or having United States nationality, an explosive or incendiary device, biological agent, chemical weapon, or radioactive or nuclear material, knowing that any such item is intended to be used to commit an offense listed under section 2332b(g)(5)(B), shall be fined under this title, imprisoned for any term of years or for life, or both; and if the death of any person results from conduct prohibited by this subsection, may be punished by death.

"(b) DEFINITIONS.—In this section:

"(1) BIOLOGICAL AGENT.—The term 'biological agent' means any biological agent, toxin, or vector (as those terms are defined in section 178).

"(2) BY-PRODUCT MATERIAL.—The term 'by-product material' has the meaning given that term in section 11(e) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(e)).

"(3) CHEMICAL WEAPON.—The term 'chemical weapon' has the meaning given that term in section 229F.

"(4) EXPLOSIVE OR INCENDIARY DEVICE.—The term 'explosive or incendiary device' has the meaning given the term in section 232(5).

"(5) NUCLEAR MATERIAL.—The term 'nuclear material' has the meaning given that term in section 831(f)(1).

"(6) RADIOACTIVE MATERIAL.—The term 'radioactive material' means—

"(A) source material and special nuclear material, but does not include natural or depleted uranium;

"(B) nuclear by-product material;

"(C) material made radioactive by bombardment in an accelerator; or

"(D) all refined isotopes of radium.

"(8) SOURCE MATERIAL.—The term 'source material' has the meaning given that term in section 11(z) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(z)).

"(9) SPECIAL NUCLEAR MATERIAL.—The term 'special nuclear material' has the meaning given that term in section 11(aa) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(aa)).

“§ 2284. Transportation of terrorists.

“(a) IN GENERAL.—Any person who knowingly and willfully transports any terrorist aboard any vessel within the United States, on the high seas, or having United States nationality, knowing that the transported person is a terrorist, shall be fined under this title, imprisoned for any term of years or for life, or both.

“(b) DEFINED TERM.—In this section, the term ‘terrorist’ means any person who intends to commit, or is avoiding apprehension after having committed, an offense listed under section 2332b(g)(5)(B).”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 111 of title 18, United States Code, as amended by this Act, is amended by adding at the end the following:

“2283. Transportation of explosive, chemical, biological, or radioactive or nuclear materials.
“2284. Transportation of terrorists.”.

SEC. 7. DESTRUCTION OR INTERFERENCE WITH VESSELS OR MARITIME FACILITIES.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 111 the following:

“CHAPTER 111A—DESTRUCTION OF, OR INTERFERENCE WITH, VESSELS OR MARITIME FACILITIES

“Sec.
“2290. Jurisdiction and scope.
“2291. Destruction of vessel or maritime facility.
“2292. Imparting or conveying false information.
“2293. Bar to prosecution.

“§2290. Jurisdiction and scope

“(a) JURISDICTION.—There is jurisdiction over an offense under this chapter if the prohibited activity takes place—

“(1) within the United States or within waters subject to the jurisdiction of the United States; or

“(2) outside United States and—

“(A) an offender or a victim is a national of the United States (as that term is defined under section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

“(B) the activity involves a vessel in which a national of the United States was on board; or

“(C) the activity involves a vessel of the United States (as that term is defined under section 2(c) of the Maritime Drug Law Enforcement Act (42 App. U.S.C. 1903(c)).

“(b) SCOPE.—Nothing in this chapter shall apply to otherwise lawful activities carried out by or at the direction of the United States Government.

“§ 2291. Destruction of vessel or maritime facility

“(a) OFFENSE.—Whoever willfully—

“(1) sets fire to, damages, destroys, disables, or wrecks any vessel;

“(2) places or causes to be placed a destructive device, as defined in section 921(a)(4), or destructive substance, as defined in section 13, in, upon, or in proximity to, or otherwise makes or causes to be made unworkable or unusable or hazardous to work or use, any vessel, or any part or other materials used or intended to be used in connection with the operation of a vessel;

“(3) sets fire to, damages, destroys, or disables or places a destructive device or substance in, upon, or in proximity to, any maritime facility, including but not limited to, any aid to navigation, lock, canal, or vessel traffic service facility or equipment, or interferes by force or violence with the operation of such facility, if such action is likely to endanger the safety of any vessel in navigation;

“(4) sets fire to, damages, destroys, or disables or places a destructive device or substance in, upon, or in proximity to, any appliance, structure, property, machine, or apparatus, or any facility or other material used, or intended to be used, in connection with the operation, maintenance, loading, unloading, or storage of any vessel or any passenger or cargo carried or intended to be carried on any vessel;

“(5) performs an act of violence against or incapacitates any individual on any vessel, if such act of violence or incapacitation is likely to endanger the safety of the vessel or those on board;

“(6) performs an act of violence against a person that causes or is likely to cause serious bodily injury, as defined in section 1365, in, upon, or in proximity to, any appliance, structure, property, machine, or apparatus, or any facility or other material used, or intended to be used, in connection with the operation, maintenance, loading, unloading, or storage of any vessel or any passenger or cargo carried or intended to be carried on any vessel;

“(7) communicates information, knowing the information to be false and under circumstances in which such information may reasonably be believed, thereby endangering the safety of any vessel in navigation; or

“(8) attempts or conspires to do anything prohibited under paragraphs (1) through (7):

shall be fined under this title or imprisoned not more than 20 years, or both.

“(b) LIMITATION.—Subsection (a) shall not apply to any person that is engaging in otherwise lawful activity, such as normal repair and salvage activities, and the lawful transportation of hazardous materials.

“(c) PENALTY.—Whoever is fined or imprisoned under subsection (a) as a result of an act involving a vessel that, at the time of the violation, carried high-level radioactive waste (as that term is defined in section 2(12) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(12)) or spent nuclear fuel (as that term is defined in section 2(23) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(23)), shall be fined under title 18, imprisoned for a term up to life, or both.

“(d) PENALTY WHEN DEATH RESULTS.—Whoever is convicted of any crime prohibited by subsection (a), which has resulted in the death of any person, shall be subject also to the death penalty or to imprisonment for life.

“(e) THREATS.—Whoever willfully imparts or conveys any threat to do an act which would violate this chapter, with an apparent determination and will to carry the threat into execution, shall be fined under this title, imprisoned not more than 5 years, or both, and is liable for all costs incurred as a result of such threat.

“§ 2292. Imparting or conveying false information

“(a) IN GENERAL.—Whoever imparts or conveys or causes to be imparted or conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act which would be a crime prohibited by this chapter or by chapter 111 of this title, shall be subject to a civil penalty of not more than $5,000, which shall be recoverable in a civil action brought in the name of the United States.

“(b) MALICIOUS CONDUCT.—Whoever willfully and maliciously, or with reckless disregard for the safety of human life, imparts or conveys or causes to be imparted or conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt to do any act which would be a crime prohibited by this chapter or by chapter 111 of this title, shall be fined under this title, imprisoned not more than 5 years, or both.

“(c) JURISDICTION.—

“(1) IN GENERAL.—Except as provided under paragraph (2), section 2290(a) shall not apply to any offense under this section.

“(2) JURISDICTION.—Jurisdiction over an offense under this section shall be determined in accordance with the provisions applicable to the crime prohibited by this chapter, or by chapter 2, 97, or 111 of this title, to which the imparted or conveyed false information relates, as applicable.

“§ 2293. Bar to prosecution

“(a) IN GENERAL.—It is a bar to prosecution under this chapter if—

“(1) the conduct in question occurred within the United States in relation to a labor dispute, and such conduct is prohibited as a felony under the law of the State in which it was committed; or

“(2) such conduct is prohibited as a misdemeanor under the law of the State in which it was committed.

“(b) DEFINITIONS.—In this section:

“(1) LABOR DISPUTE.—The term “labor dispute” has the same meaning given that term in section 113(c) of the Norris-LaGuardia Act (29 U.S.C. 113(c)).

“(2) STATE.—The term “State” means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.”.

(c) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters at the beginning of title 18, United States Code, is amended by inserting after the item for chapter 111 the following:

“111A. Destruction of, or interference with, vessels or maritime facilities .... 2290”.

SEC. 8. THEFT OF INTERSTATE OR FOREIGN SHIPMENTS OR VESSELS.

(a) THEFT OF INTERSTATE OR FOREIGN SHIPMENTS.—Section 659 of title 18, United States Code, is amended—

(1) in the first undesignated paragraph—

(A) by inserting “trailer,” after “motortruck,”;

(B) by inserting “air cargo container,” after “aircraft,”; and

(C) by inserting “, or from any intermodal container, trailer, container freight station, warehouse, or freight consolidation facility,” after “air navigation facility”;

(2) in the fifth undesignated paragraph, by striking “one year” and inserting “3 years”; and

(3) by inserting after the first sentence in the eighth undesignated paragraph the following: “For purposes of this section, goods and chattel shall be construed to be moving as an interstate or foreign shipment at all points between the point of origin and the final destination (as evidenced by the waybill or other shipping document of the shipment), regardless of any temporary stop while awaiting transhipment or otherwise.”.

(b) STOLEN VESSELS.—

(1) IN GENERAL.—Section 2311 of title 18, United States Code, is amended by adding at the end the following:

“‘Vessel’ means any watercraft or other contrivance used or designed for transportation or navigation on, under, or immediately above, water.”.

(2) TRANSPORTATION AND SALE OF STOLEN VESSELS.—Sections 2312 and 2313 of title 18,

United States Code, are each amended by striking "motor vehicle or aircraft" and inserting "motor vehicle, vessel, or aircraft".

(c) REVIEW OF SENTENCING GUIDELINES.—Pursuant to section 994 of title 28, United States Code, the United States Sentencing Commission shall review the Federal Sentencing Guidelines to determine whether sentencing enhancement is appropriate for any offense under section 659 or 2311 of title 18, United States Code, as amended by this Act.

(d) ANNUAL REPORT OF LAW ENFORCEMENT ACTIVITIES.—The Attorney General shall annually submit to Congress a report, which shall include an evaluation of law enforcement activities relating to the investigation and prosecution of offenses under section 659 of title 18, United States Code, as amended by this Act.

(e) REPORTING OF CARGO THEFT.—The Attorney General shall take the steps necessary to ensure that reports of cargo theft collected by Federal, State, and local officials are reflected as a separate category in the Uniform Crime Reporting System, or any successor system, by no later than December 31, 2005.

SEC. 9. INCREASED PENALTIES FOR NONCOMPLIANCE WITH MANIFEST REQUIREMENTS.

(a) REPORTING, ENTRY, CLEARANCE REQUIREMENTS.—Section 436(b) of the Tariff Act of 1930 (19 U.S.C. 1436(b)) is amended by—

(1) striking "or aircraft pilot" and inserting ", aircraft pilot, operator, owner of such vessel, vehicle or aircraft or any other responsible party (including non-vessel operating common carriers)";

(2) striking "$5,000" and inserting "$10,000"; and

(3) striking "$10,000" and inserting "$25,000".

(b) CRIMINAL PENALTY.—Section 436(c) of the Tariff Act of 1930 (19 U.S.C. 1436(c)) is amended by striking "$2,000" and inserting "$10,000".

(c) FALSITY OR LACK OF MANIFEST.—Section 584(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1584(a)(1)) is amended by striking "$1,000" in each place it occurs and inserting "$10,000".

SEC. 10. STOWAWAYS ON VESSELS OR AIRCRAFT.

Section 2199 of title 18, United States Code, is amended by striking "Shall be fined under this title or imprisoned not more than one year, or both." and inserting the following:

"(1) shall be fined under this title, imprisoned not more than 5 years, or both;

"(2) if the person commits an act proscribed by this section, with the intent to commit serious bodily injury, and serious bodily injury occurs (as defined under section 1365, including any conduct that, if the conduct occurred in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242) to any person other than a participant as a result of a violation of this section, shall be fined under this title, imprisoned not more than 20 years, or both; and

"(3) if an individual commits an act proscribed by this section, with the intent to cause death, and if the death of any person other than a participant occurs as a result of a violation of this section, shall be fined under this title, imprisoned for any number of years or for life, or both.".

SEC. 11. BRIBERY AFFECTING PORT SECURITY.

(a) IN GENERAL.—Chapter 11 of title 18, United States Code, is amended by adding at the end the following:

"§ 226. Bribery affecting port security

"(a) IN GENERAL.—Whoever knowingly—

"(1) directly or indirectly, corruptly gives, offers, or promises anything of value to any public or private person, with intent—

"(A) to commit international or domestic terrorism (as that term is defined under section 2331);

"(B) to influence any action or any person to commit or aid in committing, or collude in, or allow, any fraud, or make opportunity for the commission of any fraud affecting any secure or restricted area or seaport; or

"(C) to induce any official or person to do or omit to do any act in violation of the fiduciary duty of such official or person which affects any secure or restricted area or seaport; or

"(2) directly or indirectly, corruptly demands, seeks, receives, accepts, or agrees to receive or accept anything of value personally or for any other person or entity in return for—

"(A) being influenced in the performance of any official act affecting any secure or restricted area or seaport; and

"(B) knowing that such influence will be used to commit, or plan to commit, international or domestic terrorism

"shall be fined under this title, imprisoned not more than 15 years, or both.

"(b) DEFINITION.—In this section, the term 'secure or restricted area' has the meaning given that term in section 2285(c).".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 11 of title 18, United States Code, is amended by adding at the end the following:

"226. Bribery affecting port security.".

Mrs. FEINSTEIN. Mr. President, I rise today, along with Senators BIDEN, SPECTER, KYL, HOLLINGS and ALLEN, to introduce the Reducing Crime and Terrorism at America's Seaports Act of 2004—legislation designed to deter, prevent and punish a terrorist attack at or through one of our Nation's seaports.

I would like to thank Senator KYL for joining me in sponsoring this bill, as well as Senators BIDEN, SPECTER, HOLLINGS and ALLEN for their leadership and hard work on this critical matter.

Last year, Senator KYL and I introduced the Anti-Terrorism and Port Security Act of 2003. That bill contained a set of comprehensive measures to enhance the security of our ports. At the same time, Senators BIDEN and SPECTER were working on legislation largely focused on the criminal law aspect of Port Security.

Since that time we have joined together to craft the bill now before us. The legislation is narrow in focus, limited primarily to criminal law provisions. It is my hope that it will enjoy strong bipartisan support.

I also hope we can continue to work towards a more comprehensive approach to seaport security in the coming months.

Our nation's seaports represent the soft underbelly of our Nation's homeland security. Our adversaries, including al-Qaida and other terrorist groups, have the plans and capabilities to launch a maritime attack. In fact, just last week six al-Qaida associates were charged with planning the 2000 attack on the U.S.S. *Cole*. in Yemen that left 19 American sailors dead.

Millions of shipping containers pass through our ports each month. A single container has room for as much as 60,000 pounds of explosives—10 to 15 times the amount in the Ryder truck used to blow up the Murrah Federal Building in Oklahoma City. When you consider that a single ship can carry as many as 8,000 containers at one time, the vulnerability of our seaports is alarming.

Worse, a suitcase-sized nuclear device or radiological "dirty bomb" could also be placed in a container and shipped into the country. With the current monitoring system, the odds are that the container would never be inspected. And, even if the container was inspected, it would be too late.

In addition to the danger such attacks present to human lives, an attack on or through a seaport could have devastating economic consequences. Excluding trade with Mexico and Canada, America's ports handle 95 percent of goods imported and exported from the U.S. That means 800 million tons of cargo valued at approximately $600 billion. A terrorist attack would bring our port operations to a complete standstill. To give you even a small glimpse of what such a disruption could mean, last year's West Coast labor dispute cost the U.S. economy somewhere between $1 and $2 billion per day—a total of $10 to $20 billion.

In its December 2002 report, the Hart-Rudman Terrorism Task Force described what a terrorist attack at or through one of our ports might mean in economic terms: "If an explosive device were loaded in a container and set off in a port, it would almost automatically raise concern about the integrity of the 21,000 containers that arrive in U.S. ports each day and the many thousands more that arrive by truck and rail across U.S. land borders. A three-to-four-week closure of U.S. ports would bring the global container industry to its knees. Megaports such as Rotterdam and Singapore would have to close their gates to prevent boxes from piling up on their limited pier space. Trucks, trains, and barges would be stranded outside the terminals with no way to unload their boxes. Boxes bound for the United States would have to be unloaded from their outbound ships. Service contracts would need to be renegotiated. As the system became gridlocked, so would much of global commerce."

This is a national issue, but one of particular concern to my home state because more than half of all goods imported into the U.S. pass through my home State of California.

Last year, 6.5 million imported containers—52 percent of the containers entering the United States—traveled through California. Six million of these came through two ports alone: the Port of Los Angeles and the Port of Long Beach.

That means that, if terrorists succeeded in putting a weapon of mass destruction into a container undetected, there is a one in two chance that this weapon would arrive and/or be detonated in Southern California.

And the problem is not just with containers. Nearly one-quarter of California's imported crude oil is offloaded in one area. A suicide attack on a tanker at an offloading facility could leave Southern California without refined fuels within a few days.

Since September 11, we have made significant steps in enhancing port security, but clearly, there is more to be done. This bill addresses some of those needed enhancements, particularly in the area of criminal law.

The Reducing Crime and Terrorism at America's Seaports Act of 2004 does the following: Clarifies existing law to make clear that those who would try to access our ports under false pretenses are committing a crime; makes it a crime to refuse to stop when the Coast Guard orders a ship to standby for inspection; sets clear criminal penalties for the use of a dangerous weapon or explosive on a passenger vessel such as a cruise ship; imposes criminal penalties for those who tamper with navigational aids, such as buoys and transponders, intentionally place destructive devices in navigable waters, or intentionally dump hazardous materials in waterways; establishes a specific crime for knowingly and willfully transporting aboard any vessel an explosive, biological agent, chemical weapon, or radioactive or nuclear materials intended to be used to commit a terrorist act; the bill also makes it a crime to knowingly and willfully transport a person aboard any vessel who intends to commit, or has committed, a terrorist act; makes it a crime to damage or destroy a vessel or a maritime facility, to commit an act of violence against any individual on a vessel or near a port facility, or to knowingly communicate false information that endangers the safety of a vessel; provides sanctions to deter criminal or civil violations related to a range of offenses, including theft of interstate or foreign shipments; amends existing law to increase penalties for noncompliance with certain reporting and recordkeeping requirements for incoming ships, including information regarding the content of cargo containers and the country from which the shipments originated; and finally, the bill toughens anti-stowaway laws and laws governing bribery of port security officials.

Strengthening criminal penalties is one way we can make our Nation's ports less vulnerable. The Coast Guard, the FBI, Customs and Immigration authorities—all need the appropriate crime-fighting tools to prevent a terrorist attack. Today, we are introducing legislation to provide the crime-fighting tools that will do just that.

I ask unanimous consent that an analysis of the bill be printed in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

SEC. 2. ENTRY BY FALSE PRETENSES TO ANY PORT.

Section 2 would clarify that section 1036 of title 18 (fraudulent access to transport facilities) includes seaports and waterfronts within its scope, as well as increase the maximum term of imprisonment for a violation from 5 years to 10 years. *This provision was included in the originally introduced Biden-Specter Bill, but not in the Feinstein-Kyl Bill.*

SEC. 3. CRIMINAL SANCTIONS FOR FAILURE TO "HEAVE TO," OBSTRUCTION OF BOARDING, OR PROVIDING FALSE INFORMATION.

Section 3 would amend the U.S. Code to make it a crime (1) for a vessel operator knowingly to fail to slow or stop a ship once ordered to do so by a federal law enforcement officer; (2) for any person on board a vessel to impede boarding or other law enforcement action authorized by federal law; or (3) for any person on board a vessel to provide false information to a federal law enforcement officer (punishable by a fine and/or imprisonment for a maximum term of 5 years). *This provision was included in both the Biden-Specter and Feinstein-Kyl Bills, but the Feinstein-Kyl Bill included a lower penalty of 1-year maximum imprisonment.*

SEC. 4. USE OF A DANGEROUS WEAPON OR EXPLOSIVE ON A PASSENGER VESSEL.

Section 4 would amend section 1993 of title 18 (terrorist attacks and other acts of violence against mass transportation systems) to make it a crime to willfully use a dangerous weapon (including chemical, biological, radiological or nuclear materials) or explosive, with the intent to cause death or serious bodily injury to any person on board a passenger vessel (punishable by a fine and/or imprisonment for a maximum term of 20 years; and, if death results, for a term of imprisonment up to life). *Both the Biden-Specter and Feinstein-Kyl Bills, employing different language, included a provision that would achieve this aim. The substitute incorporates the Biden-Specter approach.*

SEC. 5. CRIMINAL SANCTIONS FOR VIOLENCE AGAINST MARITIME NAVIGATION, PLACEMENT OF DESTRUCTIVE DEVICES, AND MALICIOUS DUMPING.

Section 5 would amend the criminal code to make it a crime to intentionally damage or tamper with any maritime navigational aid maintained by the Coast Guard or under its authority, if such act endangers the safe navigation of a ship; or knowingly place in waters any device or substance which is likely to damage a vessel or its cargo, interfere with a vessel's safe navigation, or interfere with maritime commerce (punishable by a fine and/or a term of imprisonment up to life; if death results, by a sentence of death). This section would also make it a crime to willfully and maliciously discharge a hazardous substance into U.S. waters, with the intent to cause death, serious bodily harm, or catastrophic economic injury (punishable by a fine and/or a term of imprisonment up to life; and, where an individual engages in the prohibited conduct with an intent to cause harm to the marine environment, by a fine and/or imprisonment for a maximum term of 30 years). *Both the Biden-Specter and Feinstein-Kyl Bills included this provision, but, unlike the originally-introduced bills, the substitute measure excludes the death penalty for violations of the malicious dumping provision.*

SEC. 6. TRANSPORTATION OF DANGEROUS MATERIALS AND TERRORISTS.

This section would make it a crime to knowingly and willfully transport aboard any vessel an explosive, biological agent, chemical weapon, or radioactive or nuclear materials, knowing that the item is intended to be used to commit a terrorist act (punishable by a fine and/or a term of imprisonment up to life; and, if death results, by a sentence of death). This section would also make it a crime to knowingly and willfully transport aboard any vessel any person who intends to commit, or is avoiding apprehension after having committed, a terrorist act (punishable by a fine and/or a term of imprisonment up to life). *This provision was included in the originally introduced Biden-Specter Bill, but not in the Feinstein-Kyl Bill.*

SEC. 7. DESTRUCTION OR INTERFERENCE WITH VESSELS OR MARITIME FACILITIES.

This section would make it a crime to (1) damage or destroy a vessel or its parts, a maritime facility, or any apparatus used to store, load or unload cargo and passengers; (2) perform an act of violence against or incapacitate any individual on a vessel or at or near a facility; or (3) knowingly communicate false information that endangers the safety of a vessel (punishable by a fine and/or imprisonment for a maximum term of 20 years; if the act involves a vessel carrying high-level radioactive waste or spent nuclear fuel, by a fine and/or a term of imprisonment up to life; and, if death results, by a sentence of death). *This provision was included in both the Biden-Specter and Feinstein-Kyl Bills. The Biden-Specter Bill also included an exception for otherwise lawful activities (e.g., normal repair, salvage activities, authorized transportation of hazardous materials) and a bar to federal prosecution if the conduct is de minimus (e.g., blown-out tire) or occurred during legitimate labor activity. The substitute measure incorporates these elements of the Biden-Specter Bill.*

SEC. 8. THEFT OF INTERSTATE OR FOREIGN SHIPMENTS OR VESSELS.

Section 8 would expand the scope of section 659 of title 18 (theft of interstate or foreign shipments) to include theft of goods from additional transportation facilities or instruments, including trailers, cargo containers, and warehouses; and would increase the maximum term of imprisonment for low-level thefts from 1 year to 3 years. *This provision was included in the originally introduced Biden-Specter Bill, but not in the Feinstein-Kyl Bill.*

SEC. 9. INCREASED PENALTIES FOR NONCOMPLIANCE WITH MANIFEST REQUIREMENTS.

Section 509 would amend section 1436 of title 19 to increase the penalties for noncompliance with certain manifest reporting and record-keeping requirements, including information regarding the content of cargo containers and the country from which the shipments originated. *This provision was included in both the Biden-Specter and Feinstein-Kyl Bills, but the Biden-Specter Bill included lesser penalties. The substitute measure reflects the penalty structure set out in the Biden-Specter Bill.*

SEC. 10. STOWAWAYS ON VESSELS OR AIRCRAFT.

This section would increase the maximum penalty for a violation of section 2199 (stowaways on vessels or aircraft) of title 18 from 1 year to 5 years. If the act is committed with the intent to commit serious bodily injury and serious bodily injury does in fact occur, it would be punishable by a fine and/or a term of imprisonment up to 20 years. If the act is committed with the intent to cause death, it would be punishable by a fine and/or a term of imprisonment up to life. *This provision was not included in either the Biden-Specter or Feinstein-Kyl Bills, but is included in the substitute measure on Senator Hatch's request.*

SEC. 11. BRIBERY AFFECTING PORT SECURITY.

This section would make it a crime to knowingly bribe a public official, with the intent to commit international or domestic terrorism; or for anyone to receive a bribe in return for being influenced in his or her public duties, knowing that such influence will be used to commit, or plan to commit, an act of terrorism (punishable by a term of imprisonment up to 15 years). *This provision was not included in either the Biden-Specter or Feinstein-Kyl Bills, but is included in the substitute measure on Senator Hatch's request.*

By Mr. DODD:

S. 2654. A bill to provide for Kindergarten Plus programs; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today to introduce legislation with my colleagues Senator KENNEDY and Senator BINGAMAN to jump-start school success for low-income children. Today we are introducing the Sandy Feldman Kindergarten Plus Act of 2004.

Sandy Feldman, the President of the American Federation of Teachers, stepped down today after decades of public service. If there is one goal to which Sandy has dedicated herself over the years, it is the education of our Nation's children.

Sandy is the product of New York City's public schools. She knows what great promise public education holds for our Nation. But, she also knows that all too often, we don't give our schools the resources they need to be able to live up to that promise.

While I've worked with Sandy for many years, I've been particularly privileged to work with her in the area of early childhood education. It was Sandy who developed the concept for this Kindergarten Plus legislation and Sandy who spent countless hours developing the details to ensure that the initiative would work in a diverse array of communities.

Although Sandy is leaving the AFT, I know she will continue fighting for our Nation's children, and for mothers, fathers, and teachers across this Nation. I look forward to her continued counsel and advice on education issues and other issues of importance to families.

The Kindergarten Plus legislation we are introducing today will offer competitive grants to States to provide children below 185 percent of the poverty line with a transitional kindergarten during the summer before kindergarten formally begins and a transitional first grade during the summer between kindergarten and first grade.

Why an extra four months of kindergarten for these children? The answer is simple. Because too many low income children today enter kindergarten unprepared for the year ahead, far behind their wealthier peers in both academic and social skills.

According to a recent survey, 46 percent of kindergarten teachers report that at least half of their class or more has specific problems with entry into kindergarten. Yet, kindergarten is critical in preparing children to succeed in elementary school, especially for children at-risk of academic failure.

There is no panacea, no magic wand to erase the deficiencies that too many low income children have in entering kindergarten on par with their more economically well-off peers. It is simply not possible in a two month period before kindergarten begins or in a nine-month half day pre-kindergarten program to wipe away the advantages that wealthier children have had in their first five years of life that result in the skill set with which they enter kindergarten.

We can, however, do a better job of preparing less fortunate children for school. We can expose them to classroom practices and routines and the expectations for kindergarten behavior and protocol. We can introduce them to concepts and help them understand that classrooms have rules. We can expose them to literature, story time or circle time. We can help them understand that books are made up of printed words and that words are made up of individual letters. We can ask them questions to help develop their critical thinking skills, like what do you think will happen next in the story? Why? We can offer them "show and tell" to develop their oral language skills and ability to speak out loud in sequential sentences.

Many children enter kindergarten with these skills. But, many do not. During the school year before a child is eligible to enter kindergarten, about 75 percent of children in families with more than $75,000 in income participate in some type of center-based program, compared to 51 percent of children in families with incomes between $10,000 and $20,000.

The numbers are much more stark when looking at the children of mothers who dropped out of high school. Recent data shows that about 74 percent of 3, 4, and 5 year old children whose mothers graduated from college were enrolled in a center-based program compared to only 42 percent of 3, 4, and 5 year old children whose mothers did not complete high school.

How does this translate to children? Some children know how to follow directions and some children do not. Some children transition well between activities as part of a daily routine, some children do not. About 85 percent of high income children, compared to 39 percent of low income children, can recognize letters of the alphabet upon arrival in kindergarten. About half the children of college graduates can identify the beginning sounds of words, but only 9 percent of the children whose parents didn't complete high school can recognize the beginning sounds of words.

Of equal concern, kindergarten teachers report that about 80 percent of children whose mothers graduated from college persist at a task and are eager to learn whereas only about 60 percent of the children whose mothers have not graduated from high school persist at a task and are eager to learn.

What we know from the research is that children can enter kindergarten better prepared to learn. We may not be able to close the gap between low income children and their wealthier peers, but we can certainly narrow it considerably.

Our bill would provide states with resources to offer a transitional kindergarten during the summer before kindergarten begins. This would enable local school districts to offer a jumpstart on kindergarten with smaller class sizes during the summer. Before all kindergarten eligible children arrive, K+ children would have an introduction to kindergarten. The same opportunity would be part of the program for the summer between kindergarten and first grade.

The introductory period would enable school districts to target low income children who may never before have participated in a center-based program such as Head Start or state pre-k, or nursery school. They could target low income English language learners or low income children who participated in Head Start or state pre-k who could continue their progress during the summer.

About 65 percent of mothers with children under age 6 are in the workforce today. Every day, about 13 million preschoolers, including 6 million infants and toddlers, are in some type of child care arrangement. What we are trying to do with this bill is to pull out low income children who would be eligible to enter kindergarten in the fall and offer them a summer enrichment period as an introduction to kindergarten. It might be that a local Head Start or community-based organization's preschool would continue to operate their programs during the summer. However, these are local decisions made by school districts that apply for and receive K+ funding.

It should be clear that the K+ program would operate as a supplement to existing programs, most of which follow the school calendar. In fact, children who participate in a high quality early learning program during the summer before kindergarten are not eligible to participate in K+ to avoid duplication of efforts and scarce resources.

In the National Academy of Sciences report, "From Neurons to Neighborhoods: the Science of Early Childhood

Development", numerous recommendations are made to improve the foundation with which children enter school. The report points out that with so many parents working today, the burden of poor quality and limited choice in child care rests most heavily on low income working families whose financial resources are too high to qualify for subsidies or Head Start yet too low to afford market prices for quality child care.

It is the children of the working poor who are very much at risk of beginning kindergarten behind their wealthier and poorer peers. Yet, it is these children in addition to poor children who are most likely to enter kindergarten behind their wealthier peers, unprepared for the year ahead.

Supporting the K+ program is the American Federation of Teachers, AFT, the Parent-Teacher Association, PTA, the Council of Great City Schools, the Society for Research in Child Development, SRCD, the Children's Defense Fund, and Easter Seals.

We urge you to join us as cosponsors of this legislation and help give low income children a jump-start on school success.

Mr. President, I ask unanimous consent that a brief summary of the bill and the text of the bill be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 2654

SECTION 1. SHORT TITLE.

This Act may be cited as the "Kindergarten Plus Act of 2004".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Kindergarten has proven to be a beneficial experience for children, putting children on a path that positively influences their learning and development in later school years.

(2) Kindergarten and the years leading up to kindergarten are critical in preparing children to succeed in elementary school, especially if the children are from low-income families or have other risks of difficulty in school.

(3) Disadvantaged children, on average, lag behind other children in literacy, numeracy, and social skills, even before formal schooling begins.

(4) For many children entering kindergarten, the achievement gap between children from low-income households compared to children from high-income households is already evident.

(5) 85 percent of beginning kindergartners in the highest socioeconomic group, compared to 39 percent in the lowest socioeconomic group, can recognize letters of the alphabet. Similarly, 98 percent of beginning kindergartners in the highest socioeconomic group, compared to 84 percent of their peers in the lowest socioeconomic group, can recognize numbers and shapes.

(6) Once disadvantaged children are in school, they learn at the same rate as other children. Therefore, providing disadvantaged children with additional time in kindergarten, in the summer before such children ordinarily enter kindergarten and in the summer before first grade, will help schools close achievement gaps and accelerate the academic progress of their disadvantaged students.

(7) High quality, extended-year kindergarten that provides children with enriched learning experiences is an important factor in helping to close achievement gaps, rather than having the gaps continue to widen.

SEC. 3. DEFINITIONS.

In this Act:

(1) Eligible student.—The term "eligible student" means a child who—

(A) is a 5-year old, or will be eligible to attend kindergarten at the beginning of the next school year;

(B) comes from a family with an income at or below 185 percent of the poverty line; and

(C) is not already served by a high-quality program in the summer before or the summer after the child enters kindergarten.

(2) Kindergarten plus.—The term "Kindergarten Plus" means a voluntary full day of kindergarten, during the summer before and during the summer after, the traditional kindergarten school year (as determined by the State).

(3) Local educational agency.—The term "local educational agency" has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(4) Parent.—The term "parent" includes a legal guardian or other person standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the child's welfare).

(5) Parental involvement.—The term "parental involvement" means the participation of parents in regular, 2-way, and meaningful communication with school personnel involving student academic learning and other school activities, including ensuring that parents—

(A) play an integral role in assisting their child's learning;

(B) are encouraged to be actively involved in their child's education at school; and

(C) are full partners in their child's education and are included, as appropriate, in decisionmaking and on advisory committees to assist in the education of their child.

(6) Poverty line.—The term "poverty line" means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

(7) Eligible provider.—The term "eligible provider" means a local educational agency or a private not-for-profit agency or organization, with a demonstrated record in the delivery of early childhood education services to preschool-age children, that provides high-quality early learning and development experiences that—

(A) are aligned with the expectations for what children should know and be able to do when the children enter kindergarten and grade 1, as established by the State educational agency; or

(B) in the case of an entity that is not a local educational agency and that serves children who have not entered kindergarten, meet the performance standards and performance measures described in subparagraphs (A) and (B) of subsection (a)(1), and subsection (b), of section 641A of the Head Start Act (42 U.S.C. 9836a) or the prekindergarten standards of the State where the entity is located.

(8) School readiness.—The term "school readiness" means the cognitive, social, emotional, approaches to learning, and physical development of a child, including early literacy and early mathematics skills, that prepares the child to learn and succeed in elementary school.

(9) Secretary.—The term "Secretary" means the Secretary of Education.

(10) State educational agency.—The term "State educational agency" has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

SEC. 4. GRANTS TO STATE EDUCATIONAL AGENCIES AUTHORIZED.

(a) In General.—The Secretary is authorized to award grants, on a competitive basis, to State educational agencies to enable the State educational agencies to provide Kindergarten Plus within the State.

(b) Sufficient Size.—To the extent possible, the Secretary shall ensure that each grant awarded under this section is of sufficient size to enable the State educational agency receiving the grant to provide Kindergarten Plus to all eligible students served by the local educational agencies within the State with the highest concentrations of eligible students.

(c) Minimum Amount.—The Secretary shall not award a grant to a State educational agency under this section in an amount that is less than $500,000.

(d) State Use of Funds.—A State educational agency shall use—

(1) not more than 3 percent of the grant funds received under this Act for administration of the Kindergarten Plus programs supported under this Act;

(2) not more than 5 percent of the grant funds received under this Act to develop professional development activities and curricula for teachers and staff of Kindergarten Plus programs in order to develop a continuum of developmentally appropriate curricula and practices for preschool, kindergarten, and grade 1 that ensures—

(A) an effective transition to kindergarten and to grade 1 for students; and

(B) appropriate expectations for the students' learning and development as the students make the transition to kindergarten and to grade 1; and

(3) the remainder of the grant funds to award subgrants to local educational agencies.

(e) Priority.—In awarding grants under this Act the Secretary shall give priority to State educational agencies that—

(1) on their own or in combination with other government agencies, provide full day kindergarten to all kindergarten-age children who are from families with incomes below 185 percent of the poverty line within the State; or

(2) demonstrate progress toward providing full day kindergarten to all kindergarten-age children who are from families with incomes below 185 percent of the poverty line within the State by submitting a plan that shows how the State educational agency will, at a minimum, double the number of such children that were served by a full day kindergarten program in the school year preceding the school year for which assistance is first sought.

SEC. 5. SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.

(a) In General.—Each State educational agency that receives a grant under this Act—

(1) shall reserve an amount sufficient to continue to fund multiyear subgrants awarded under this section; and

(2) shall award subgrants to local educational agencies within the State to enable the local educational agencies to pay the Federal share of the costs of carrying out Kindergarten Plus programs for eligible students.

(b) PRIORITY.—In awarding subgrants under this section the State educational agency shall give priority to local educational agencies—

(1) serving the greatest number or percentage of kindergarten-age children who are from families with incomes below 185 percent of the poverty line, based on data from the most recent school year; and

(2) that propose to significantly reduce the class size and student-to-teacher ratio of the classes in their Kindergarten Plus programs below the average class size and student-to-teacher ratios of kindergarten classes served by the local educational agencies.

(c) FEDERAL SHARE.—The Federal share of the costs of carrying out a Kindergarten Plus program shall be—

(1) 100 percent for the first, second, and third years of the program;

(2) 85 percent for the fourth year of the program; and

(3) 75 percent for the fifth year of the program.

(d) IN-KIND CONTRIBUTIONS.—The non-Federal share of the costs of carrying out a Kindergarten Plus program may be in the form of in-kind contributions.

SEC. 6. STATE APPLICATION.

(a) IN GENERAL.—In order to receive a grant under this Act, a State educational agency shall submit an application to the Secretary at such time and containing such information as the Secretary determines appropriate.

(b) CONSULTATION.—The application shall be developed by the State educational agency in consultation with representatives of early childhood education programs, early childhood education teachers, principals, pupil services personnel, administrators, paraprofessionals, other school staff, early childhood education providers (including Head Start agencies, State prekindergarten program staff, and child care providers), teacher organizations, parents, and parent organizations.

(c) CONTENTS.—At a minimum, the application shall include—

(1) a description of developmentally appropriate teaching practices and curricula for children that will be put in place to be used by local educational agencies and eligible providers offering Kindergarten Plus programs to carry out this Act;

(2) a general description of the nature of the Kindergarten Plus programs to be conducted with funds received under this Act, including—

(A) the number of hours each day and the number of days each week that children in each Kindergarten Plus program will attend the program; and

(B) if a Kindergarten Plus program meets for less than 9 hours a day, how the needs of full-time working families will be addressed;

(3) goals and objectives to ensure that high-quality Kindergarten Plus programs are provided;

(4) an assurance that students enrolled in Kindergarten Plus programs funded under this Act will receive additional comprehensive services (such as nutritional services, health care, and mental health care), as needed; and

(5) a description of how—

(A) the State educational agency will coordinate and integrate services provided under this Act with other educational programs, such as Even Start, Head Start, Reading First, Early Reading First, State-funded preschool programs, preschool programs funded under section 619 or other provisions of part B of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1411 et seq.), and kindergarten programs;

(B) the State will provide professional development for teachers and staff of local educational agencies and eligible providers that receive subgrants under this Act regarding how to address the school readiness needs of children (including early literacy, early mathematics, and positive behavior) before the children enter kindergarten, throughout the school year, and into the summer after kindergarten;

(C) the State will assist Kindergarten Plus programs to provide exemplary parent education and parental involvement activities such as training and materials to assist parents in being their children's first teachers at home or home visiting;

(D) the State will conduct outreach to parents with eligible students, including parents whose native language is not English, parents of children with disabilities, and parents of migratory children; and

(E) the State educational agency will ensure that each Kindergarten Plus program uses developmentally appropriate practices, including practices and materials that are culturally and linguistically appropriate for the population of children being served in the program.

SEC. 7. LOCAL APPLICATION.

(a) IN GENERAL.—In order to receive a subgrant under this Act, a local educational agency shall submit an application to the State educational agency at such time and containing such information as the State educational agency determines appropriate.

(b) CONSULTATION.—The application shall be developed by the local educational agency in consultation with early childhood education teachers, principals, pupil services personnel, administrators, paraprofessionals, other school staff, early childhood education providers (including Head Start agencies, State prekindergarten program staff, and child care providers), teacher organizations, parents, and parent organizations.

(c) CONTENTS.—At a minimum, the application shall include a description of—

(1) the standards, research-based and developmentally appropriate curricula, teaching practices, and ongoing assessments for the purposes of improving instruction and services, to be used by the local educational agency that—

(A) are aligned with the State expectations for what children should know and be able to do when the children enter kindergarten and grade 1, as set by the State educational agency; and

(B) include—

(i) language skills, including an expanded use of vocabulary;

(ii) interest in and appreciation of books, reading, writing alone or with others, and phonological and phonemic awareness;

(iii) premathematics knowledge and skills, including aspects of classification, seriation, number sense, spatial relations, and time;

(iv) other cognitive abilities related to academic achievement;

(v) social and emotional development, including self-regulation skills;

(vi) physical development, including gross and fine motor development skills;

(vii) in the case of limited English proficiency, progress toward the acquisition of the English language; and

(viii) approaches to learning;

(2) how the local educational agency will ensure that the Kindergarten Plus program uses curricula and practices that—

(A) are developmentally, culturally, and linguistically appropriate for the population of children served in the program; and

(B) are aligned with the State learning standards and expectations for children in kindergarten and grade 1;

(3) how the Kindergarten Plus program will improve the school readiness of children served by the local educational agency under this Act, especially in mathematics and reading;

(4) how the Kindergarten Plus program will provide continuity of services and learning for children who were previously served by a different program;

(5) how the local educational agency will ensure that the Kindergarten Plus program has appropriate services and accommodations in place to serve children with disabilities and children who are limited English proficient;

(6) how the local educational agency will perform a needs assessment to avoid duplication with other programs within the geographic area served by the local educational agency;

(7) how the local educational agency will—

(A) transition Kindergarten Plus participants into local elementary school programs and services;

(B) ensure the development and use of systematic, coordinated records on the educational development of each child participating in the Kindergarten Plus program through periodic meetings and communications among—

(i) Kindergarten Plus program teachers;

(ii) elementary school staff; and

(iii) local early childhood education program providers, including Head Start agencies, State prekindergarten program staff, and center-based and family child care providers;

(C) provide parent and child orientation sessions conducted by teachers and staff; and

(D) provide a qualified staff person to be in charge of coordinating the transition services;

(8) how the local educational agency will provide instructional and environmental accommodations in the Kindergarten Plus program for children who are limited English proficient, children with disabilities, migratory children, neglected or delinquent youth, Indian children served under part A of title VII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7401 et seq.), homeless children, and immigrant children;

(9) how the local educational agency will conduct outreach to parents of eligible students, including parents whose native language is not English, parents of children with disabilities, and parents of migratory children, which may include—

(A) activities to provide parents early exposure to the school environment, including meetings with teachers and staff;

(B) activities to better engage and inform parents on the benefits of Kindergarten Plus and other programs; and

(C) other efforts to ensure that parents have a level of comfort with the Kindergarten Plus program and the school environment;

(10) how the local educational agency will assist the Kindergarten Plus program to provide exemplary parent education and parental involvement activities such as training and materials to assist parents in being their children's first teachers at home or home visiting; and

(11) how the local educational agency will work with local center-based and family child care providers and Head Start agencies to ensure—

(A) the nonduplication of programs and services; and

(B) that the needs of working families are met through child care provided before and after the Kindergarten Plus program.

SEC. 8. LOCAL REQUIREMENTS AND PROVISIONS.

(a) LOCAL USES OF FUNDS.—A local educational agency that receives a subgrant under this Act shall use the subgrant funds for the following:

(1) The operational and program costs associated with the Kindergarten Plus program as described in the application to the State educational agency.

(2) Personnel services, including teachers, paraprofessionals, and other staff as needed.

(3) Additional services, as needed, including snacks and meals, mental health care, health care, linguistic assistance, special education and related services, and transportation services associated with the needs of the children in the program.

(4) Transition services to ensure children make a smooth transition into first grade and proper communication is made with the elementary school on the educational development of each child.

(5) Outreach and recruitment activities, including community forums and public service announcements in local media in various languages if necessary to ensure that all individuals in the community are aware of the availability of such program.

(6) Parental involvement programs, including materials and resources to help parents become more involved in their child's learning at home.

(7) Extended day services for the eligible students of working families, including working with existing programs in the community to coordinate services if possible.

(8) Child care services, provided through coordination with local center-based child care and family child care providers, and Head Start agencies, before and after the Kindergarten Plus program for the children participating in the program, to accommodate the schedules of working families.

(9) Enrichment activities, such as—

(A) art, music, and other creative arts;

(B) outings and field trips; and

(C) other experiences that support children's curiosity, motivation to learn, knowledge, and skills.

(b) ELIGIBLE PROVIDER GRANTS AND APPLICATIONS.—The local educational agency may use subgrant funds received under this Act to award a grant to an eligible provider to enable the eligible provider to carry out a Kindergarten Plus program for the local educational agency. Each eligible provider desiring a grant under this subsection shall submit an application to the local educational agency that contains the descriptions set forth in section 7 as applied to the eligible provider.

(c) CONTINUITY.—In carrying out a Kindergarten Plus program under this Act, a local educational agency is encouraged to explore ways to develop continuity in the education of children, for instance by keeping, if possible, the same teachers and personnel from the summer before kindergarten, through the kindergarten year, and during the summer after kindergarten.

(d) COORDINATION.—In carrying out a Kindergarten Plus program under this Act, a local educational agency shall coordinate with existing programs in the community to provide extended care and comprehensive services for children and their families in need of such care or services.

SEC. 9. TEACHER AND PERSONNEL QUALITY STANDARDS.

To be eligible for a subgrant under this Act, each local educational agency shall ensure that—

(1) each Kindergarten Plus classroom has—

(A) a highly qualified teacher, as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801); or

(B) if an eligible provider who is not a local educational agency is providing the Kindergarten Plus program in accordance with section 8(b), a teacher that, at a minimum, has a bachelor's degree in early childhood education or a related field and experience in teaching children of this age;

(2) a qualified paraprofessional that meets the requirements for paraprofessionals under section 1119 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319), is in each Kindergarten Plus classroom;

(3) Kindergarten Plus teachers and paraprofessionals are compensated on a salary scale comparable to kindergarten through grade 3 teachers and paraprofessionals in public schools served by the local educational agency; and

(4) Kindergarten Plus class sizes do not exceed the class size and ratio parameters set at the State or local level for the traditional kindergarten program.

SEC. 10. DIRECT GRANTS TO LOCAL EDUCATIONAL AGENCIES.

(a) GRANTS AUTHORIZED.—If a State educational agency does not apply for a grant under this Act or does not have an application approved under section 6, then the Secretary is authorized to award a grant to a local educational agency within the State to enable the local educational agency to pay the Federal share of the costs of carrying out a Kindergarten Plus program.

(b) ELIGIBILITY.—A local educational agency shall be eligible to receive a grant under this section if the local educational agency operates a full day kindergarten program that, at a minimum, is targeted to kindergarten-age children who are from families with incomes below 185 percent of the poverty line within the State.

(c) APPLICATION.—In order to receive a grant under subsection (a), a local educational agency shall submit to the Secretary an application that—

(1) contains the descriptions set forth in section 7; and

(2) includes an assurance that the Kindergarten Plus program funded under such grant will serve eligible students.

(d) APPLICABILITY.—Sections 8 and 9 shall apply to a local educational agency receiving a grant under this section in the same manner as the sections apply to a local educational agency receiving a subgrant under section 5(a).

SEC. 11. EVALUATION, COLLECTION, AND DISSEMINATION OF INFORMATION.

(a) IN GENERAL.—Each State educational agency that receives a grant under this Act, in cooperation with the local educational agencies in the State that receive a subgrant under this Act, shall create an evaluation mechanism to determine the effectiveness of the Kindergarten Plus programs in the State, taking into account—

(1) information from the local needs assessment, conducted in accordance with section 7(c)(6), including—

(A) the number of eligible students in the geographic area;

(B) the number of children served by Kindergarten Plus programs, disaggregated by family income, race, ethnicity, native language, and prior enrollment in an early childhood education program; and

(C) the number of children with disabilities served by Kindergarten Plus programs;

(2) the recruitment of teachers and staff for Kindergarten Plus programs, and the retention of such personnel in the programs for more than 1 year;

(3) the provision of services for children and families served by Kindergarten Plus programs, including parent education, home visits, and comprehensive services for families who need such services;

(4) the opportunities for professional development for teachers and staff; and

(5) the curricula used in Kindergarten Plus programs.

(b) COMPARISON.—The evaluation process may include comparison groups of similar children who do not participate in a Kindergarten Plus program.

(c) INFORMATION COLLECTION AND REPORTING.—The information necessary for the evaluation shall be collected yearly by the State and reported every 2 years by the State to the Secretary.

(d) ANALYSIS OF EFFECTIVENESS.—The Secretary shall conduct an analysis of the overall effectiveness of the programs assisted under this Act and make the analysis available to Congress, and the public, biannually.

SEC. 12. SUPPLEMENT NOT SUPPLANT.

Funds made available under this Act shall be used to supplement, not supplant, other Federal, State, or local funds available to carry out activities under this Act.

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

For the purpose of carrying out this Act, there are authorized to be appropriated $1,500,000,000 for fiscal year 2005 and such sums as may be necessary for each of the fiscal years 2006 through 2010.

SUMMARY OF THE SANDY FELDMAN KINDERGARTEN PLUS (K+) ACT OF 2004

Purpose: To provide disadvantaged children with additional time in kindergarten during the summer before and summer after the traditional kindergarten school year, and to help ensure that more children enter school ready to succeed.

Background: Kindergarten is critical in preparing children to succeed in elementary school. Many low-income children begin kindergarten lagging behind other children in literacy, math, and social skills, even before formal schooling begins.

85 percent of high-income children, compared to 39 percent of low-income children, can recognize letters of the alphabet upon arrival in kindergarten. Half the children of parents who have graduated from college can identify the beginning sounds of words, but only 9 percent of the children whose parents have not completed high school recognize the beginning sounds of words. Kindergarten teachers report that about 80 percent of the children whose mothers graduated from college persist at a task and are eager to learn whereas only about 60 percent of the children whose mothers have not graduated from high school persist at a task and are eager to learn.

Brief Bill Summary: K+ creates a competitive grant program for states to provide local education agencies (LEAs) with funds to provide kindergarten to disadvantaged children the summer before and the summer after the traditional kindergarten school year. In awarding grants to LEAs, States shall give priority to educational agencies serving the greatest number or percentage of kindergarten-aged children who are from families with incomes below 185 percent of the poverty line and to LEAs that will significantly reduce kindergarten class sizes for their summer programs.

To be eligible for a grant, States must have in place: developmentally appropriate practices and curriculum; goals and objectives for a high quality summer program; a description of how the State will provide professional development for K+ teachers and staff; a description of how the State will assist K+ programs to reach out to, and work with, parents; and, a means to collect evaluative data to determine the effectiveness of K+ programs across their state.

To be eligible for a subgrant, LEAs must have in place: readiness standards and developmentally appropriate curricula; a plan for using classroom practices and strategies proven to be effective; a plan for notifying parents and the community regarding the availability of K+; a plan for parental involvement in any K+ program; and, a plan to demonstrate how they will accommodate the needs of working parents with "before and after" child care services.

Funds to LEAs may be used to: pay for operational and programmatic costs, including personnel and transportation; transition services to first grade; outreach and recruitment; parental involvement programs; and child care services. Each LEA shall ensure a highly qualified teacher and qualified paraprofessional or for non-school based programs a teacher that at a minimum has a Bachelor's degree in early childhood education.

The bill authorizes $1.5 billion for fiscal year 2005, and such sums as may be necessary for years 2006–2010; the minimum State grant is $500,000.

By Mr. SMITH:

S. 2655. A bill to amend the Internal Revenue Code of 1986 to provide a credit for the production of water and energy efficient appliances; to the Committee on Finance.

Mr. SMITH. Mr. President, water is a precious resource that we must begin to manage as efficiently as possible. In several parts of the country, development is constrained by the lack of good quality water and water infrastructure. Having dealt with the water crisis in the Klamath Basin in 2001, when 1,200 farmers and ranchers had their irrigation water cut off, I can tell you firsthand that the conflicts between competing human and environmental needs are real and are growing.

Benjamin Franklin wrote in Poor Richard's Almanack in 1746, "When the well is dry, we know the worth of water." Well, in parts of the West, the well is quickly running dry. As the Los Angeles Times reported on June 18, 2004, the Western United States may be facing the biggest drought in 500 years. The current effects in the Colorado River Basin are considerably worse than those experienced during the Dust Bowl years of the 1930s. The 10-year drought in the Colorado River Basin has produced the lowest flows on record, straining an important water supply resource for millions of people.

One immediate way to stretch available water supplies, as well as energy resources, is to provide incentives for water and energy efficient appliances. That is why I am introducing a bill to provide tax credits for the manufacture of highly efficient residential clothes washers, dishwashers and refrigerators. The bill builds on the tax credits for energy-efficient appliances pending before the Senate, which—if enacted—will expire in 2007. Under this bill, for the first time, water efficiency is included in the eligibility criteria for the tax credits, and the energy efficiency criteria are higher. This bill provides graduated credits to manufacturers. The more efficient the dishwasher, clothes washer or refrigerator, the higher the credit.

The daily per capita water use around the world varies significantly. The U.N. Population Fund cites that in the United States, we use an estimated 152 gallons per day per person, while in the United Kingdom they use 388 gallons. Africans use 12 gallons a day.

According to the Rocky Mountain Institute, 47 percent of all water supplied to communities in the United States by public and private utilities is for residential water use. Of that, clothes washers account for approximately 22 percent of residential use, while dishwashers account for about 3 percent.

I firmly believe that we can use technology to improve our environmental stewardship. Water efficiency can extend our finite water supplies, and also reduce the amount of wastewater that communities must treat.

High efficiency clothes washers use 20 to 30 gallons per load, compared to the 40 to 45 gallons top-loading machines use. The average annual household water savings is estimated to be 3,500 to 6,000 gallons. Energy savings estimates range from 68 to 70 percent compared to older, standard clothes washers. High efficiency dishwashers use 39 percent less energy to heat the water and 39 percent less water than standard models. Refrigerators must use at least 30 percent less energy than comparably sized models to receive a credit under this bill.

While plumbing fixtures such as toilets, showerheads and faucets must meet U.S. water efficiency standards, water-using appliances are not governed by any water-efficiency standards. We can, however, provide an incentive to lower the cost of these water and energy saving appliances, which are generally more costly to manufacture than standard models.

Mr. President, I would urge my colleagues to join me in cosponsoring this important bill to provide incentives for water and energy efficient residential appliances. I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2655

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Water and Energy Efficient Appliances Act of 2004".

SEC. 2. CREDIT FOR WATER AND ENERGY EFFICIENT APPLIANCES.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business-related credits) is amended by adding at the end the following new section:

"SEC. 45G. WATER AND ENERGY EFFICIENT APPLIANCE CREDIT.

"(a) ALLOWANCE OF CREDIT.—

"(1) IN GENERAL.—For purposes of section 38, the water and energy efficient appliance credit determined under this section for the taxable year is an amount equal to the sum of the amounts determined under paragraph (2) for qualified water and energy efficient appliances produced by the taxpayer during the calendar year ending with or within the taxable year.

"(2) AMOUNT.—The amount determined under this paragraph for any category described in subsection (b)(2)(B) shall be the product of the applicable amount for appliances in the category and the eligible production for the category.

"(b) APPLICABLE AMOUNT; ELIGIBLE PRODUCTION.—For purposes of subsection (a)—

"(1) APPLICABLE AMOUNT.—The applicable amount is—

"(A) $25, in the case of a dishwasher manufactured with an EF of at least 0.65,

"(B) $50, in the case of a dishwasher manufactured with an EF of at least 0.69,

"(C) $75, in the case of a clothes washer which is manufactured with an MEF of at least a 1.80 and a WF of no more than 7.5,

"(D) $100, in the case of a refrigerator which consumes at least 30 percent less kilowatt hours per year than the energy conservation standards for refrigerators promulgated by the Department of Energy and effective on July 1, 2001, and

"(E) $150, in the case of a clothes washer which is manufactured with an MEF of at least a 1.80 and a WF of no more than 5.5.

"(2) ELIGIBLE PRODUCTION.—

"(A) IN GENERAL.—The eligible production of each category of qualified water and energy efficient appliances is the excess of—

"(i) the number of appliances in such category which are produced by the taxpayer during such calendar year, over

"(ii) the average number of appliances in such category which were produced by the taxpayer during calendar years 2002, 2003, and 2004.

"(B) CATEGORIES.—For purposes of subparagraph (A), the categories are—

"(i) dishwashers described in paragraph (1)(A),

"(ii) dishwashers described in paragraph (1)(B),

"(iii) clothes washers described in paragraph (1)(C),

"(iv) clothes washers described in paragraph (1)(E), and

"(v) refrigerators described in paragraph (1)(D).

"(c) LIMITATION ON MAXIMUM CREDIT.—

"(1) IN GENERAL.—The amount of credit allowed under subsection (a) with respect to a taxpayer for all taxable years shall not exceed $65,000,000, of which not more than $15,000,000 may be allowed with respect to the credit determined by using the applicable amount under subsections (b)(1)(A) and (b)(1)(B).

"(2) LIMITATION BASED ON GROSS RECEIPTS.—The credit allowed under subsection (a) with respect to a taxpayer for the taxable year shall not exceed an amount equal to 2 percent of the average annual gross receipts of the taxpayer for the 3 taxable years preceding the taxable year in which the credit is determined.

"(3) GROSS RECEIPTS.—For purposes of this subsection, the rules of paragraphs (2) and (3) of section 448(c) shall apply.

"(d) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED WATER AND ENERGY EFFICIENT APPLIANCE.—The term 'qualified water and energy efficient appliance' means—

"(A) a dishwasher described in subparagraph (A) or (B) or subsection (b)(1),

"(B) a clothes washer described in subparagraph (C) or (E) of subsection (b)(1), or

"(C) a refrigerator described in subparagraph (D) of subsection (b)(1).

"(2) DISHWASHER.—The term 'dishwasher' means a standard residential dishwasher with a capacity of 8 or more place settings plus 6 serving pieces.

"(3) CLOTHES WASHER.—The term 'clothes washer' means a residential clothes washer, including a residential style coin operated washer.

"(4) REFRIGERATOR.—The term 'refrigerator' means an automatic defrost refrigerator-freezer which has an internal volume of at least 16.5 cubic feet.

"(5) EF.—The term 'EF' means Energy Factor (as determined by the Secretary of Energy).

"(6) MEF.—The term 'MEF' means Modified Energy Factor (as determined by the Secretary of Energy).

"(7) WF.—The term 'WF' means Water Factor (as determined by the Secretary of Energy).

"(e) SPECIAL RULES.—

"(1) IN GENERAL.—Rules similar to the rules of subsections (c), (d), and (e) of section 52 shall apply for purposes of this section.

"(2) AGGREGATION RULES.—All persons treated as a single employer under subsection (a) or (b) of section 52 or subsection (m) or (o) of section 414 shall be treated as 1 person for purposes of subsection (a).

"(f) VERIFICATION.—The taxpayer shall submit such information or certification as the Secretary, in consultation with the Secretary of Energy, determines necessary to claim the credit amount under subsection (a).

"(g) TERMINATION.—This section shall not apply to water and energy efficient appliances produced after December 31, 2010.".

(b) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Section 38(b) of such Code (relating to current year business credit) is amended by striking "plus" at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting ", plus", and by adding at the end the following new paragraph:

"(16) the water and energy efficient appliance credit determined under section 45G(a).".

(c) LIMITATION ON CARRYBACK.—Section 39(d) of such Code (relating to transition rules) is amended by adding at the end the following new paragraph:

"(11) NO CARRYBACK OF WATER AND ENERGY EFFICIENT APPLIANCE CREDIT BEFORE EFFECTIVE DATE.—No portion of the unused business credit for any taxable year which is attributable to the water and energy efficient appliance credit determined under section 45G may be carried to a taxable year ending before January 1, 2008.".

(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end the following new item:

"Sec. 45G. Water and energy efficient appliance credit.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to appliances produced after December 31, 2007, in taxable years ending after such date.

By Mr. GRAHAM of Florida (for himself and Mr. NELSON of Florida):

S. 2656. A bill to establish a National Commission on the Quincentennial of the discovery of Florida by Ponce de Leon; to the Committee on Energy and Natural Resources.

Mr. GRAHAM of Florida. Mr. President, in 2013, our nation will celebrate the 500th anniversary of Ponce de Leon's landing on the east coast of Florida. I am pleased to introduce a bill today that establishes a commission to determine how we can best commemorate his discovery of Florida. For a country as young as ours, a Quincentennial is a rare milestone worthy of tribute.

Juan Ponce de Leon landed on the coast of Florida, south of the present-day St. Augustine, in April of 1513. During the Easter holiday, he explored our coasts, visiting the Florida Keys and the west coast of Florida. The first European explorer to step foot on North American soil, Ponce de Leon opened Florida and the mainland of the Americas to the rest of the world. Florida owes its heritage to Ponce de Leon. Even the name Florida dates back to Ponce de Leon's discovery. When he saw the lush terrain, Ponce de Leon named the area the "land of flowers" or "Florida" in Spanish.

While there is no doubt that Ponce de Leon is a key part of Florida's history, his landing in Florida is ingrained in our entire nation's early history. Children read in their history books about the myths surrounding Ponce de Leon's voyages. His quest for the fountain of youth has become a myth symbolic of the age of exploration.

Other Europeans were encouraged to make the dangerous journey across the Atlantic toward the Americas, persuaded by the stories of Ponce de Leon's explorations of the new lands of Florida. Ultimately, his discovery opened the path for exploration and colonization of the Americas.

I have drafted this bill with the assistance of a notable scholar accomplished in the field of early Florida history—Dr. Samuel Proctor, Distinguished Service Professor Emeritus of History at the University of Florida. I would like to thank Dr. Proctor for all of his efforts in drafting this bill.

Funding authorized by this legislation would support the activities of this commission and would allow for educational activities, ceremonies, and celebrations. Fittingly, the principal office for this operation would be located in St. Augustine, FL.

With the establishment of this commission, my hope is to not only commemorate Ponce de Leon's arrival in Florida but to enhance the American public's knowledge about the impact of Florida's discovery on the history of the United States. I hope that my colleagues will recognize the importance of commemorating this historic event.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2656

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ponce de Leon Discovery of Florida Quincentennial Commission Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) the Quincentennial of the founding of Florida by Ponce de Leon occurs in 2013, 500 years after Ponce de Leon landed on its shores and explored the Keys and the west coast of Florida;

(2) evidence supports the theory that Ponce de Leon was the first European to land on the shores of Florida;

(3) Florida means "the land of flowers" and the State owes its name to Ponce de Leon;

(4) Ponce de Leon's quest for the "fountain of youth" has become an established legend which has drawn fame and recognition to Florida and the United States;

(5) the discovery of Florida by Ponce de Leon, the myth of the "fountain of youth", and the subsequent colonization of Florida encouraged other European countries to explore the New World and to establish settlements in the territory that is currently the United States;

(6) Florida was colonized under 5 flags; and

(7) commemoration of the arrival in Florida of Ponce de Leon and the beginning of the colonization of the Americas would—

(A) enhance public understanding of the impact of the discovery of Florida on the history of the United States; and

(B) provide lessons about the importance of exploration and discovery.

SEC. 3. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term "Commission" means the National Commission on the Quincentennial of the discovery of Florida by Ponce de Leon established under section 4(a).

(2) QUINCENTENNIAL.—The term "Quincentennial" means the 500th anniversary of the discovery of Florida by Ponce de Leon.

SEC. 4. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the "National Commission on the Quincentennial of the discovery of Florida by Ponce de Leon".

(b) DUTIES.—The Commission shall plan, encourage, coordinate, and conduct the commemoration of the Quincentennial.

(c) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 12 members—

(A) of whom 5 members shall be Republicans and 5 members shall be Democrats, including—

(i) 6 members, of whom 3 members shall be Republicans and 3 members shall be Democrats, appointed by the President;

(ii) 2 members, of whom 1 member shall be a Republican and 1 member shall be a Democrat, appointed by the President, on the recommendation of the Majority Leader and the Minority Leader of the Senate; and

(iii) 2 members, of whom 1 member shall be a Republican and 1 member shall be a Democrat, appointed by the President, on the recommendation of the Speaker of the House of Representatives, in consultation with the Minority Leader of the House of Representatives; and

(B) including the Director of the National Park Service and the Secretary of the Smithsonian Institution.

(2) CRITERIA.—A member of the Commission shall be chosen from among individuals that have demonstrated a strong sense of public service, expertise in the appropriate professions, scholarship, and abilities likely to contribute to the fulfillment of the duties of the Commission.

(3) INTERNATIONAL PARTICIPATION.—Not later than 60 days after the date of enactment of this Act, the President shall invite the Government of Spain to appoint 1 individual to serve as a nonvoting member of the Commission.

(4) DATE OF APPOINTMENTS.—Not later than 60 days after the date of enactment of this Act, the members of the Commission described in paragraph (1) shall be appointed.

(d) TERM; VACANCIES.—

(1) TERM.—A member shall be appointed for the life of the Commission.

(2) VACANCY.—A vacancy on the Commission—

(A) shall not affect the powers of the Commission; and

(B) shall be filled in the same manner as the original appointment was made.

(e) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

(f) MEETINGS.—The Commission shall meet at the call of the co-chairpersons described under subsection (h).

(g) QUORUM.—A quorum of the Commission for decision making purposes shall be 7 members, except that a lesser number of members, as determined by the Commission, may conduct meetings.

(h) CO-CHAIRPERSONS AND VICE CO-CHAIRPERSONS.—

(1) CO-CHAIRPERSONS.—The President shall designate 2 of the members of the Commission, 1 of whom shall be a Republican and 1 of whom shall be a Democrat, to be co-chairpersons of the Commission.

(2) CO-VICE-CHAIRPERSONS.—The Commission shall select 2 co-vice-chairpersons, 1 of whom shall be a Republican and 1 of whom shall be a Democrat, from among the members of the Commission.

SEC. 5. DUTIES.

(a) IN GENERAL.—The Commission shall—

(1) conduct a study regarding the feasibility of creating a National Heritage Area or National Monument to commemorate the discovery of Florida;

(2) plan and develop activities appropriate to commemorate the Quincentennial including a limited number of proposed projects to be undertaken by the appropriate Federal departments and agencies that commemorate the Quincentennial by seeking to harmonize and balance the important goals of ceremony and celebration with the equally important goals of scholarship and education;

(3) consult with and encourage appropriate Federal departments and agencies, State and local governments, elementary and secondary schools, colleges and universities, foreign governments, and private organizations to organize and participate in Quincentennial activities commemorating or examining—

(A) the history of Florida;

(B) the discovery of Florida;

(C) the life of Ponce de Leon;

(D) the myths surrounding Ponce de Leon's search for gold and for the "fountain of youth";

(E) the exploration of Florida; and

(F) the beginnings of the colonization of North America; and

(4) coordinate activities throughout the United States and internationally that relate to the history and influence of the discovery of Florida.

(b) REPORTS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Commission shall submit to the President and the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a comprehensive report that includes specific recommendations for—

(A) the allocation of financial and administrative responsibility among participating entities and persons with respect to commemoration of the Quincentennial; and

(B) the commemoration of the Quincentennial and related events through programs and activities, including—

(i) the production, publication, and distribution of books, pamphlets, films, electronic publications, and other educational materials focusing on the history and impact of the discovery of Florida on the United States and the world;

(ii) bibliographical and documentary projects, publications, and electronic resources;

(iii) conferences, convocations, lectures, seminars, and other programs;

(iv) the development of programs by and for libraries, museums, parks and historic sites, including international and national traveling exhibitions;

(v) ceremonies and celebrations commemorating specific events;

(vi) the production, distribution, and performance of artistic works, and of programs and activities, focusing on the national and international significance of the discovery of Florida; and

(vii) the issuance of commemorative coins, medals, certificates of recognition, and stamps.

(2) ANNUAL REPORT.—The Commission shall submit an annual report that describes the activities, programs, expenditures, and donations of or received by the Commission to—

(A) the President; and

(B) the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

(3) FINAL REPORT.—Not later than December 31, 2013, the Commission shall submit a final report that describes the activities, programs, expenditures, and donations of or received by the Commission to—

(A) the President; and

(B) the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

(c) ASSISTANCE.—In carrying out this Act, the Commission shall consult, cooperate with, and seek advice and assistance from appropriate Federal departments and agencies, including the Department of the Interior.

SEC. 6. POWERS OF THE COMMISSION.

(a) IN GENERAL.—The Commission may provide for—

(1) the preparation, distribution, dissemination, exhibition, and sale of historical, commemorative, and informational materials and objects that will contribute to public awareness of, and interest in, the Quincentennial, except that any commemorative coin, medal, or postage stamp recommended to be issued by the United States shall be sold only by a Federal department or agency;

(2) competitions and awards for historical, scholarly, artistic, literary, musical, and other works, programs, and projects relating to the Quincentennial;

(3) a Quincentennial calendar or register of programs and projects;

(4) a central clearinghouse for information and coordination regarding dates, events, places, documents, artifacts, and personalities of Quincentennial historical and commemorative significance; and

(5) the design and designation of logos, symbols, or marks for use in connection with the commemoration of the Quincentennial and shall establish procedures regarding their use.

(b) ADVISORY COMMITTEE.—The Commission may appoint such advisory committees as the Commission determines necessary to carry out the purposes of this Act.

SEC. 7. ADMINISTRATION.

(a) LOCATION OF OFFICE.—

(1) PRINCIPAL OFFICE.—The principal office of the Commission shall be in St. Augustine, Florida.

(2) SATELLITE OFFICE.—The Commission may establish a satellite office in Washington, D.C.

(b) STAFF.—

(1) APPOINTMENT OF DIRECTOR AND DEPUTY DIRECTOR.—

(A) IN GENERAL.—The co-chairpersons, with the advice of the Commission, may appoint and terminate a director and deputy director without regard to the civil service laws (including regulations).

(B) DELEGATION TO DIRECTOR.—The Commission may delegate such powers and duties to the director as may be necessary for the efficient operation and management of the Commission.

(2) STAFF PAID FROM FEDERAL FUNDS.—The Commission may use any available Federal funds to appoint and fix the compensation of not more than 4 additional personnel staff members, as the Commission determines necessary.

(3) STAFF PAID FROM NON-FEDERAL FUNDS.—The Commission may use any available non-Federal funds to appoint and fix the compensation of additional personnel.

(4) COMPENSATION.—

(A) MEMBERS.—

(i) IN GENERAL.—A member of the Commission shall serve without compensation.

(ii) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(B) STAFF.—

(i) IN GENERAL.—The co-chairpersons of the Commission may fix the compensation of the director, deputy director, and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(ii) MAXIMUM RATE OF PAY.—

(I) DIRECTOR.—The rate of pay for the director shall not exceed the rate payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(II) DEPUTY DIRECTOR.—The rate of pay for the deputy director shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(III) STAFF MEMBERS.—The rate of pay for staff members appointed under paragraph (2) shall not exceed the rate payable for grade GS–15 of the General Schedule under section 5332 of title 5, United States Code.

(c) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

(1) IN GENERAL.—On request of the Commission, the head of any Federal agency or department may detail any of the personnel of the agency or department to the Commission to assist the Commission in carrying out this Act.

(2) REIMBURSEMENT.—A detail of personnel under this subsection shall be without reimbursement by the Commission to the agency from which the employee was detailed.

(3) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(d) OTHER REVENUES AND EXPENDITURES.—

(1) IN GENERAL.—The Commission may procure supplies, services, and property, enter into contracts, and expend funds appropriated, donated, or received to carry out contracts.

(2) DONATIONS.—

(A) IN GENERAL.—The Commission may solicit, accept, use, and dispose of donations of money, property, or personal services.

(B) LIMITATIONS.—Subject to subparagraph (C), the Commission shall not accept donations—

(i) the value of which exceeds $50,000 annually, in the case of donations from an individual; or

(ii) the value of which exceeds $250,000 annually, in the case of donations from a person other than an individual.

(C) NONPROFIT ORGANIZATION.—The limitations in subparagraph (B) shall not apply in the case of an organization that is—

(i) described in section 501(c)(3) of the Internal Revenue Code of 1986; and

(ii) exempt from taxation under section 501(a) of the Internal Revenue Code of 1986.

(3) ACQUIRED ITEMS.—Any book, manuscript, miscellaneous printed matter, memorabilia, relic, and other material or property relating to the time period of the discovery of Florida acquired by the Commission may be deposited for preservation in national, State, or local libraries, museums, archives, or other agencies with the consent of the depositary institution.

(e) POSTAL SERVICES.—The Commission may use the United States mail to carry out this Act in the same manner and under the same conditions as other agencies of the Federal Government.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Subject to subsection (b), there are authorized to be appropriated to carry out the purposes of this Act such sums as may be necessary for each of fiscal years 2005 through 2013.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated under this section for any fiscal year shall remain available until December 31, 2013.

SEC. 9. TERMINATION OF AUTHORITY.

The authority provided by this Act terminates effective December 31, 2013.

By Ms. COLLINS (for herself and Mr. AKAKA):

S. 2657. A bill to amend part III of title 5, United States Code, to provide for the establishment of programs under which supplemental dental and vision benefits are made available to Federal employees, retirees, and their dependents, to expand the contracting authority of the Office of Personnel Management, and for other purposes; to the Committee on Governmental Affairs.

Ms. COLLINS. Mr. President. I am pleased today to introduce legislation with my friend and colleague, Senator AKAKA, that would give Federal employees, retirees, and their families greater access to comprehensive dental and vision insurance coverage. The Federal Employee Dental and Vision Benefits Enhancement Act of 2004 would establish a voluntary program under which Federal employees and annuitants may purchase dental and vision coverage. The legislation grants the Office of Personnel Management (OPM) the authority to select the appropriate combination of nationwide and regional companies and a variety of benefit packages to meet the diverse needs of our Federal employee and annuitant population.

The National Institute of Dental and Craniofacial Research estimates that for every dollar spent on dental disease prevention, $4 is saved in subsequent treatment costs. Improved access to dental and vision care is an essential component of any comprehensive health care strategy. Federal employees need and deserve increased access to dental and vision benefits.

Today, the Federal community has access to excellent medical coverage through the Federal Employees Health Benefits Program (FEHB). Unfortunately, the program provides reimbursement for only a small fraction of dental care. Customer surveys indicate that FEHB enrollees want more comprehensive dental and vision benefits than those that are currently being provided in the FEHB program. The increasing demand for dental and vision benefits has prompted Senator AKAKA and me to pursue legislation that would offer separate and improved coverage for Federal employees, retirees, and their families.

The stand-alone model contained in my legislation preserves the integrity of the FEHB while encouraging the purchase of additional dental and vision coverage. It is important to note that nothing in my legislation prevents the existing medical carriers from continuing to offer dental and vision coverage under the FEHBP. Further, nothing in the legislation precludes current FEHBP carriers from participating in the competitive process to offer benefits under the new voluntary dental and vision programs. The legislation simply provides a mechanism for dental and vision companies to participate in the Federal employee benefits arena.

In recognition of the enormous fiscal pressures faced by the Federal Government, the legislation is designed to provide an employee-paid dental and vision benefit, patterned after the Federal Employees Long-Term Care Insurance Program. By leveraging the purchasing power of the Federal Government, combined with market-driven competition, OPM would have the ability to provide access to more comprehensive dental and vision coverage to employees and retirees at no cost to the Federal Government. Federal employees would have the confidence that OPM has given its seal of approval to the benefit packages provided under the voluntary programs.

The legislation recognizes the geographic dispersion of the Federal workforce and the need for greater access to care through local dental and eye health professionals by requiring companies to provide coverage in underserved areas. For example, companies selected to provide coverage to a particular region would be required to develop and maintain provider networks in all States, including States where access to care may be less available.

While the legislation lists general categories of benefits that may be offered under the new programs, the statutory model is flexible to ensure that the benefit packages can be modified over time to incorporate future advances in dental and vision products, therapies, and technologies.

Employees look to their employer to provide education about their benefits. For this reason, the legislation requires OPM to make available the educational tools necessary so that Federal employees have a clear understanding of the choices available to them. Employees will have access to information on how the voluntary plans can supplement the existing, though limited, coverage offered by their medical plan under the FEHBP, to meet their individual needs for care. OPM would also educate employees about the value of their existing Flexible Spending Accounts to help cover out-of-pocket dental and vision expenses. These options can help Federal employees and annuitants get the best value for their premium dollar.

Administration by OPM would ensure that each contract is awarded on the basis of quality and price, and that the companies understand and adapt to the needs of Federal employees, retirees, and their families. Additionally, OPM would provide participants access to a process to appeal adverse benefit determinations. Premiums can be made through payroll or annuity deductions, direct payments to the participating companies, or both. The plans would be open to all Federal civilian employees and annuitants, regardless of whether they currently participate in the FEHBP.

As with the Long-Term Care Insurance Program, our measure for the success of the dental and vision programs would be the extent to which Federal employees purchase these benefits.

My colleagues and I have recognized, through our support of legislation to assist the Federal Government with its recruitment and retention efforts, that the Federal Government's most important asset is its human capital. Employees of 48 State governments offer or provide access to dental benefit plans to employees. Surveys indicate that 95 percent of employers with 500 or more employees provide dental insurance. The opportunity to purchase enhanced dental and vision coverage will help the government with its ongoing efforts to recruit and retain a highly qualified workforce.

The legislation is supported by the American Federation of Government Employees, the National Treasury Employees Union, the National Association of Dental Plans, and the American Optometric Association. I hope my colleagues will join me in providing our Federal employee community with greater access to dental and vision coverage.

By Mr. DOMENICI (for himself, Mrs. FEINSTEIN, Mr. CRAIG, Mr. BINGAMAN, and Mr. DURBIN):

S. 2658. A bill to establish a Department of Energy National Laboratories water technology research and development program, and for other purposes; to the Committee on Environment and Public Works.

Mr. DOMENICI. Mr. President. There is no more important or essential substance to us than water. It is the source from which life springs. It also has the potential to be the source of incredible conflict ranging from local to international levels. Fresh water supplies are coming under pressure all over the globe. By mid-century, over half of the world's population will face severe water shortages. These shortages go beyond drinking water; particularly important is the nexus of water and energy production—another flash point in global affairs. Seriously confronting this problem before it leads to tremendous burdens on this nation and the world is an endeavor as worthwhile as any I can contemplate.

Research and development in this area has long been without concerted national attention. Water and water rights have traditionally been under the purview of the States, and rightly so. But few States have the capacity and funding to adequately address this problem. Users of water resources are highly risk averse and can ill afford to take chances on unproven technology. At the Federal level, at least seventeen agencies do water research, however only three currently engage in water supply augmentation research—the Department of Agriculture, the Bureau of Reclamation, and the Department of Energy. According to the National Research Council's June 17, 2004 report entitled "Confronting the Nation's Water Problems: The Role of Research," the total Federal investment in water resources research in 2000 dollars has been level at $700m since 1967. The Federal investment in 2000 was 5 percent less than the investment in 1973 in indexed dollars. The total Federal water research investment of $700m represents about 0.5 percent of the Federal research budget—for the most fundamental resource need. Investment in Water supply augmentation research funding has declined from $160m in 1970 to $14m in 2000.

These circumstances have led to neglect in long-term, cutting edge, commercially viable research and development. This is ultimately untenable. We know what is possible, we have acted successfully before. Federal investment in the 1960's and 1970's is the basis for existing desalination technology that substantially expanded U.S. and world wide water supplies. We know that a similar investment can again achieve such results. Thus, the lack of Federal investment is unacceptable given our prior experiences and our complete and utter dependence on this resource.

Our nation's efforts to address these problems must be fought on multiple fronts. We must provide for development and maintenance of water infrastructure, particularly in rural areas. This is the infrastructure that sustains our lives and livelihoods. We must make our management of this precious resource more rational. We must make a concerted effort to more fully understand and extend the limits of our fresh and lower quality water. We must coordinate and enhance our technology to address both water quality and quantity. We cannot fight all these fronts with one effort, but we can begin to address aspects of the problem.

To that end, I introduce today the Department of Energy National Laboratories Water Research and Development Act of 2004. This admittedly ambitious bill authorizes a substantial Federal investment of up to $200 million per year for basic and applied research and development in water supply technologies. The emphasis of this program is developing and deploying new and affordable technology to improve water quantity and quality. Its primary goal is to facilitate and guide research, development, and deployment of affordable and cutting edge technology that increases the quantity and quality of water available for multiple uses. This will be done across the Nation, in a wide range of hydrogeographies and water situations.

The effort combines the expertise and resources of our great National Laboratories and universities across the country. The Program builds on the immense investment in new technology and basic science within the labs and universities and directs it toward this critical human need. It will also compliment and strengthen the many programs and efforts underway at Federal agencies and non-governmental organizations.

The Act authorizes the Department of Energy, through the National Laboratories, to partner with universities in specified regions to work on technology for particularized areas of research. Each region will be tasked with addressing a given range of issues. These include brine removal and inland desalination to re-use and conservation technology. Furthermore, the water and energy nexus will be fully explored. Pressures created by water needed to supply energy and energy necessary to produce usable water have not, to date, been sufficiently addressed.

A grant program will be created to augment existing efforts by non-program members. Many Federal agencies and non-governmental entities have ongoing projects in this arena including the Bureau of Reclamation ("BOR"), the Department of Agriculture ("USDA"), the Department of Defense ("DOD") (through the Office of Naval Research), the Environmental Protection Agency ("EPA"), and NASA. Additionally, the Program fully incorporates public-private partnerships such as those already working with the American Water Resources Research Foundation, the WateReuse Foundation and many others.

Finally, this bill creates a National Water Supply Law and Policy Institute. The Policy Center's responsibilities include identifying intervention points where technological development may help alleviate real and potential water supply problems. The Policy Institute will act as a clearinghouse for relevant information on regulations, laws and codes—from municipal to national scales focused on helping to overcome obstacles of new technology that can expand water supplies.

The Program will be administered by a Program Coordinator appointed by the Secretary of Energy. The Coordinator will administer the program from facilities located at Sandia National Laboratory, our Nation's best applied engineering lab. Acting as the coordinating institution, Sandia is responsible for technology development road-mapping and assisting the Regional Centers in transferring their creations from bench-scale to commercialization. Sandia is also charged with guiding the Policy Center.

The conditions are present to necessitate the Federal government taking a lead role. We must act now. The costs of inaction will be borne by all of us.

The market is skewed against development. It is a matter of personal and national security. It is a matter of human necessity. It is a matter of time.

The need is great. The goal is good. Let us begin.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2658

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Department of Energy National Laboratories Water Technology Research and Development Act".

SEC. 2. PURPOSE.

The purpose of this Act is to establish within the Department of Energy a program for research on and the development of economically viable technologies that would—

(1) substantially improve access to existing water resources;

(2) promote improved access to untapped water resources;

(3) facilitate the widespread commercialization of newly developed water supply technologies for use in real-world applications;

(4) provide objective analyses of, and propose changes to, current water supply laws and policies relating to the implementation and acceptance of new water supply technologies developed under the program; and

(5) facilitate collaboration among Federal agencies in the conduct of research under this Act and otherwise provide for the integration of research on, and disclosure of information relating to, water supply technologies.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADVISORY PANEL.—The term "Advisory Panel" means the National Water Supply Technology Advisory Panel established under section 5(a).

(2) INSTITUTE.—The term "Institute" means the National Water Supply Law and Policy Institute designated by section 8(a).

(3) PROGRAM.—The term "program" means the National Laboratories water technology research and development program established under section 4(a).

(4) PROGRAM COORDINATOR.—The term "Program Coordinator" means the individual appointed to administer the program under section 4(c).

(5) REGIONAL CENTER.—The term "Regional Center" means a Regional Center designated under subsection (b) or (e) of section 6.

(6) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(7) WATER SUPPLY TECHNOLOGY.—The term "water supply technology" means a technology that is designed to improve water quality, make more efficient use of existing water resources, or develop potential water resources, including technologies for—

(A) reducing water consumption in the production or generation of energy;

(B) desalination and related concentrate disposal;

(C) water reuse;

(D) contaminant removal, such as toxics identified by the Environmental Portection Agency and new and emerging contaminants (including perchlorate and nitrates);

(E) agriculture, industrial, and municipal efficiency; and

(F) water monitoring and systems analysis.

SEC. 4. NATIONAL LABORATORIES WATER TECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a National Laboratories water technology research and development program for research on, and the development and commercialization of, water supply technologies.

(b) PROGRAM LEAD LABORATORY.—The program shall be carried out by the National Laboratories, with Sandia National Laboratory designated as the lead laboratory for the program.

(c) PROGRAM COORDINATOR.—

(1) IN GENERAL.—The Secretary shall appoint an individual at Sandia National Laboratory as the Program Coordinator to administer the program.

(2) DUTIES.—In carrying out the program, the Program Coordinator shall—

(A) establish budgetary and contracting procedures for the program;

(B) perform administrative duties relating to the program;

(C) provide grants under section 7;

(D) conduct peer review of water supply technology proposals and research results;

(E) establish procedures to determine which water supply technologies would most improve water quality, make the most efficient use of existing water resources, and provide optimum development of potential water resources.

(F) coordinate budgets for water supply technology research at Regional Centers;

(G) coordinate research carried out under the program, including research carried out by Regional Centers;

(H) perform annual evaluations of research progress made by grant recipients and Regional Centers;

(I) establish a water supply technology transfer program to identify, and facilitate commercialization of, promising water supply technologies, including construction and implementation of demonstration facilities, partnerships with industry consortia, and collaboration with other Federal programs;

(J) establish procedures and criteria for the Advisory Panel to use in reviewing Regional Center performance;

(K) widely distribute information on the program, including through research conferences; and

(L) implement cross-cutting research to develop sensor and monitoring systems for water and energy efficiency and management.

SEC. 5. NATIONAL WATER SUPPLY TECHNOLOGY ADVISORY PANEL.

(a) ESTABLISHMENT.—The Secretary shall establish an advisory panel, to be known as the "National Water Supply Technology Advisory Panel", to advise the Program Coordinator on the direction of the program and facilitating the commercialization of the water supply technologies developed under the program.

(b) MEMBERSHIP.—Members of the Advisory Panel shall—

(1) have expertise in water supply technology; and

(2) be representative of educational institutions, industry, States, local government, international water technology institutions, other Federal agencies, and nongovernmental organizations.

(c) ASSESSMENT RESPONSIBILITIES.—In addition to other responsibilities, the Advisory Panel shall—

(1) periodically assess the performance of the National Laboratories and universities designated as Regional Centers under section 6; and

(2) make recommendations to the Secretary for renewing the designation of Regional Centers.

SEC. 6. REGIONAL CENTERS.

(a) IN GENERAL.—A Regional Center shall—

(1) consist of 1 National Laboratory designated under subsection (b) or (e), acting in partnership with 1 or more universities selected under subsection (c); and

(2) be eligible for a grant under section 7(a) for the conduct of research on the specific water supply technologies identified under subsection (b) or (e).

(b) INITIAL REGIONAL CENTERS.—There are designated as Regional Centers—

(1) the Northeast Regional Center, consisting of the Brookhaven National Laboratory and any university partners selected under subsection (c), which shall conduct research on reducing water quality impacts from power plant outfall and decentralized (soft-path) water treatment;

(2) the Central Atlantic Regional Center, consisting of the National Energy Technology Laboratory and any university partners selected under subsection (c), which shall conduct research on produced water purification and use for power production and water reuse for large cities;

(3) the Southeast Regional Center, consisting of the Oak Ridge National Laboratory and any university partners selected under subsection (c), which shall conduct research on—

(A) shallow aquifer conjunctive water use;

(B) energy reduction for sea water desalination; and

(C) membrane technology development.

(4) the Midwest Regional Center, consisting of the Argonne National Laboratory and any university partners selected under subsection (c), which shall conduct research on—

(A) water efficiency in manufacturing; and

(B) energy reduction in wastewater treatment;

(5) the Central Regional Center, consisting of the Idaho National Engineering and Environmental Laboratory and any university partners selected under subsection (c), which shall conduct research on—

(A) cogeneration of nuclear power and water;

(B) energy systems for pumping irrigation; and

(C) watershed management;

(6) the West Regional Center, consisting of the Pacific Northwest National Laboratory and any university partners selected under subsection (c), which shall conduct research on conjunctive management of hydropower and mining water reuse, including separations processes;

(7) the Southwest Regional Center, consisting of the Los Alamos National Laboratory and any university partners selected under subsection (c), which shall conduct research on—

(A) water for power production in arid environments;

(B) energy reduction and waste disposal for brackish desalination;

(C) high water and energy efficiency in arid agriculture; and

(D) transboundary water management; and

(8) the Pacific Regional Center, consisting of the Lawrence Livermore National Laboratory and any university partners selected under subsection (c), which shall conduct research on—

(A) point of use technology, water treatment, and conveyance energy reduction;

(B) co-located energy production and water treatment; and

(C) water reuse for agriculture.

(c) Selection of University Partners.—Not later than 180 days after the date on which a National Laboratory is designated under subsection (b) or (e), each National Laboratory, in consultation with the Program Coordinator and the Advisory Panel, shall select a primary university partner and may nominate additional university partners.

(d) Operational Procedures.—Not later than 1 year after the date of enactment of this Act, a Regional Center designated by subsection (b) shall submit to the Program Coordinator operational procedures for the Regional Center.

(e) Additional Regional Centers.—Subject to approval by the Advisory Panel, the Program Coordinator may, not sooner than 5 years after the date of enactment of this Act, designate not more than 4 additional Regional Centers if the Program Coordinator determines that there are additional water supply technologies that need to be researched.

(f) Period of Designation.—

(1) In general.—A designation by subsection (b) or under subsection (c) shall be for a period of 5 years.

(2) Assessment.—A Regional Center shall be subject to periodic assessments by the Program Coordinator in accordance with procedures and criteria established under section 4(b)(2)(K)(i).

(3) Renewal.—After the initial period under paragraph (1), a designation may be renewed for subsequent 5-year periods by the Program Coordinator in accordance with procedures and criteria established under section 4(b)(2)(K)(ii).

(4) Termination or nonrenewal.—

(A) In general.—Based on a periodic assessment conducted under paragraph (2), in accordance with the procedures and criteria established under section 4(b)(2)(K)(iii), and after review by the Advisory Panel, the Program Coordinator may recommend that the Secretary terminate or determine not to renew the designation of a Regional Center.

(B) Termination.—Following a recommendation for termination or nonrenewal by the Program Coordinator, the Secretary may terminate or choose not to renew the designation of a Regional Center.

(g) Executive Director.—A Regional Center shall be administered by an executive director, subject to approval by the Program Coordinator.

(h) Publication of Research Results.—A Regional Center shall periodically publish the results of any research carried out under the program in appropriate peer-reviewed journals.

SEC. 7. PROGRAM GRANTS.

(a) Block Grants to Regional Centers.—

(1) In general.—The Program Coordinator shall, subject to the availability of appropriations, provide a block grant to a Regional Center for the conduct of research in the specific area identified for the Research Center under section 6(b).

(2) Distribution.—Of the amounts made available to a Regional Center under paragraph (1), 50 percent shall be distributed to the university partners selected under section 6(c), in accordance with the operational procedures for the Regional Center developed under section 6(d).

(3) Cost-sharing requirement.—A National Laboratory or university partner that receives a grant provided under this subsection shall not be subject to a cost-sharing requirement.

(b) Grants to Collaborative Institutions.—

(1) In general.—The Program Coordinator shall provide competitive grants to eligible collaborative institutions for water supply technology research, development, and demonstration projects.

(2) Eligible collaborative institutions.—The following are eligible for grants under paragraph (1):

(A) Nongovernmental organizations.

(B) National Laboratories.

(C) Private corporations.

(D) Industry consortia.

(E) Universities or university consortia.

(F) International research consortia.

(G) Any other entity with expertise in the conduct of research on water supply technologies.

(3) Distribution.—Of the amounts made available for grants under paragraph (1)—

(A) not less than 15 percent or more than 25 percent shall be provided as block grants to nongovernmental organizations, which may be redistributed by the nongovernmental organization to individual projects;

(B) not less than 20 percent or more than 30 percent shall be provided to National Laboratories;

(C) not less than 15 percent or more than 25 percent shall be provided to support individual projects that are recommended by at least 1 other Federal Agency; and

(D) any amounts remaining after the distributions under subparagraphs (A) through (C) may be provided to support individual projects, as the Program Coordinator determines to be appropriate.

(4) Cost-sharing requirements.—

(A) Grants to nongovernmental organizations and individual projects.—The non-Federal share of the total cost of any project assisted under subparagraphs (A) or (C) of paragraph (3) shall be 50 percent.

(B) Grants to national laboratories.—A National Laboratory that receives a grant under paragraph (3)(B) shall not be subject to a cost-sharing requirement.

(C) Grants to other entities.—The non-Federal share of the total cost of any project assisted under paragraph (3)(D) shall be 25 percent.

(5) Term of grant.—

(A) In general.—Except as provided in subparagraph (B), a grant provided under paragraph (1) shall be for a term of 2 years.

(B) Renewal.—The Program Coordinator may renew a grant for up to 2 additional years as the Program Coordinator determines to be appropriate.

(6) Treatment of funds.—Amounts received under a grant provided to a non-Federal entity under this subsection shall be considered to be non-Federal funds when used as matching funds by the non-Federal entity toward a Federal cost-shared project conducted under another program.

(7) Criteria.—The Program Coordinator shall establish criteria for the submission and review of grant applications and the provision of grants under paragraph (1).

SEC. 8. NATIONAL WATER SUPPLY LAW AND POLICY INSTITUTE.

(a) Designation.—The Utton Center at the University of New Mexico Law School is designated as the National Water Supply Law and Policy Institute.

(b) Duties.—The Institute shall—

(1) establish a database of existing water laws, regulations, and policy;

(2) provide legal, regulatory, and policy alternatives to increase national and international water supplies;

(3) consult with the Regional Centers, other participants in the program (including States), and other interested persons, on water law and policy and the effect of that policy on the development and commercialization of water supply technologies; and

(4) conduct an annual water law and policy seminar to provide information on research carried out or funded by the Institute.

(c) Partnerships.—The Institute may enter into partnerships with other institutions to assist in carrying out the duties of the Institute under subsection (b).

(d) Executive Director.—The Institute shall be administered by an executive director, to be appointed by the dean of the University of New Mexico Law School, in consultation with the Program Coordinator.

SEC. 9. REPORTS.

(a) Reports to Program Coordinator.—Any Regional Center, National Laboratory, or collaborative institution that receives a grant under section 7 shall submit to the Program Coordinator an annual report on activities carried out using amounts made available under this Act during the preceding fiscal year.

(b) Report to Congress.—Not later than 3 years after the date of enactment of this Act and each year thereafter, the Program Coordinator shall submit to the Secretary and Congress a report that describes the activities carried out under this Act.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There are authorized to be appropriated to the Secretary for fiscal year 2005 and each subsequent fiscal year—

(1) for the administration of the program by the Program Coordinator and the construction of any necessary program facilities, $25,000,000; and

(2) for research and development carried out under the program, $200,000,000.

(b) Allocation.—Of amounts made available under subsection (a)(2) for a fiscal year—

(1) at least 15 percent shall be made available for the water supply technology transfer program established under section 4(b)(2)(I);

(2) the lesser of $10,000,000 or 5 percent shall be made available for grants under section 7(a);

(3) at least 30 percent shall be made available for grants to collaborative institutions under section 7(b); and

(4) the lesser of $10,000,000 or 5 percent shall be made available for the Institute.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 405—HONORING FORMER PRESIDENT GERALD R. FORD ON THE OCCASION OF HIS 91ST BIRTHDAY AND EXTENDING THE BEST WISHES OF THE SENATE TO FORMER PRESIDENT FORD AND HIS FAMILY

Ms. STABENOW (for herself, Mr. Levin, and Mr. Hatch) submitted the following resolution; which was considered and agreed to:

S. Res. 405

Whereas Gerald Rudolph Ford was born on July 14, 1913;

Whereas Gerald R. Ford is the only person from the State of Michigan to have served as President of the United States;

Whereas Gerald R. Ford graduated from the University of Michigan where he was a star center on the football team and later turned down offers to play in the National Football League;

Whereas Gerald R. Ford attended Yale University Law School and graduated in the top 25 percent of his class while also working as a football coach;

Whereas in 1942, Gerald R. Ford joined the United States Navy Reserves and served valiantly on the U.S.S. Monterey in the Philippines during World War II, surviving a heavy storm during which he came within inches of being swept overboard;

Whereas the U.S.S. Monterey earned 10 battle stars, awarded for participation in battle, while Gerald R. Ford served on the ship;

Whereas Gerald R. Ford was released to inactive duty in 1946 with the rank of Lieutenant Commander;

Whereas in 1948, Gerald R. Ford was elected to the House of Representatives where he served with integrity for 25 years;

Whereas in 1963, President Lyndon Johnson appointed Gerald R. Ford to the Warren Commission investigating the assassination of President John F. Kennedy;

Whereas from 1965 to 1973, Gerald R. Ford served as minority leader of the House of Representatives;

Whereas from 1974 to 1976, Gerald R. Ford served as the 38th President of the United States, taking office at a dark hour in the history of the United States and restoring the faith of the people of the United States in the Presidency through his wisdom, courage, and integrity;

Whereas in 1975, the United States signed the Final Act of the Conference on Security and Cooperation in Europe, commonly known as the "Helsinki Agreement", which ratified post-World War II European borders and supported human rights;

Whereas since leaving the Presidency, Gerald R. Ford has been an international ambassador of American goodwill, a noted scholar and lecturer, and a strong supporter of the Gerald R. Ford School of Public Policy at the University of Michigan, which was named for the former President in 1999;

Whereas Gerald R. Ford was awarded the Congressional Gold Medal in 1999; and

Whereas on July 14, 2004, Gerald R. Ford will celebrate his 91st birthday: Now, therefore, be it

Resolved, That the Senate honors former President Gerald R. Ford on the occasion of his 91st birthday and extends its congratulations and best wishes to former President Ford and his family.

NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON NATIONAL PARKS

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that the following resolution is added to the agenda for the Subcommittee on National Parks hearing for Thursday, July 15, 2004, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

S. Con. Res. 121, a concurrent resolution supporting the goals and ideals of the World Year of Physics.

Because of the limited time available for the hearings, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD–364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Tom Lillie at (202) 224–5161 or Sarah Creachbaum at (202) 224–6293.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, July 14, 2004, at 9:30 a.m. on Home Products Fire Safety.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, July 14, 2004, at 2:30 p.m. on Adult Stem Cell Research.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, on Wednesday, July 14, at 11:30 a.m. to consider pending calendar business.

Agenda Item 1: S. 203—A bill to open certain withdrawn land in Big Horn County, Wyoming, to locatable mineral development for bentonite mining.

Agenda Item 4: S. 931—A bill to direct the Secretary of the Interior to undertake a program to reduce the risks from and mitigate the effects of avalanches on visitors to units of the National Park System and on other recreational users of public land.

Agenda Item 7: S. 1211—A bill to further the purposes of title XVI of the Reclamation Projects Authorization and Adjustment Act of 1992, the "Reclamation Wastewater and Groundwater Study and Facilities Act", by directing the Secretary of the Interior to undertake a demonstration program for water reclamation in the Tularosa Basin of New Mexico, and for other purposes.

Agenda Item 14: S. 2052—A bill to amend the National Trails System Act to designate El Camino Real de los Tejas as a National Historic Trail.

Agenda Item 16: S. 2140—A bill to expand the boundary of the Mount Rainier National Park.

Agenda Item 17: S. 2167—A bill to establish the Lewis and Clark National Historical Park in the States of Washington and Oregon, and for other purposes.

Agenda Item 18: S. 2173—A bill to further the purposes of the Sand Creek Massacre National Historic Site Establishment Act of 2000.

Agenda Item 19: S. 2285—A bill to direct the Secretary of the Interior to convey a parcel of real property to Beaver County, Utah.

Agenda Item 20: S. 2287—A bill to adjust the boundary of the Barataria Preserve Unit of Jean Lafitte National Historical Park and Preserve in the State of Louisiana, and for other purposes.

Agenda Item 21: S. 2460—A bill to provide assistance to the State of New Mexico for the development of comprehensive State water plans, and for other purposes.

Agenda Item 22: S. 2508—A bill to redesignate the Ridges Basin Reservoir, Colorado, as Lake Nighthorse.

Agenda Item 23: S. 2511—A bill to direct the Secretary of the Interior to conduct a feasibility study of a Chimayo water supply system, to provide for the planning, design, and construction of a water supply, reclamation, and filtration facility for Espanola, New Mexico, and for other purposes.

Agenda Item 24: S. 2543—A bill to establish a program and criteria for National Heritage Areas in the United States, and for other purposes.

Agenda Item 27: H.R. 1284—To amend the Reclamation Projects Authorization and Adjustment Act of 1992 to increase the Federal share of the costs of the San Gabriel Basin demonstration project.

Agenda Item 29: H.R. 1616—To authorize the exchange of certain lands within the Martin Luther King, Junior, National Historic Site for lands owned by the City of Atlanta, Georgia, and for other purposes.

Agenda Item 30: H.R. 3768—To expand the Timucuan Ecological and Historic Preserve, Florida.

In addition, the Committee may turn to any other measures that are ready for consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet in open Executive Session during the session on July 14, 2004, at 10 a.m., in a mock markup to consider proposed legislation implementing the U.S.-Morocco Free Trade Agreement; and to consider favorably reporting S. 2610, the U.S.-Australia Free Trade Agreement Implementation Act; and the nominations of Joey Russell George, to be Treasury Inspector General for Tax Administration, U.S. Department of Treasury; Patrick P. O'Carroll, Jr., to be Inspector General, Social Security Administration; Timothy S. Bitsberger, to be Assistant Secretary for Financial Markets, U.S. Department of Treasury; Paul B. Jones, to be Member, IRS Oversight Board; and, Charles L. Kolbe, to be Member, IRA Oversight Board.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 14, 2004, at 9:30 a.m., to hold a hearing on Pakistan: Balancing Reform and Counterterrorism.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 14, 2004, at 2:30 p.m., to hold a hearing on U.S. Policy Toward Southeast Europe: Unfinished Business in the Balkans.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, July 14, 2004, at 10 a.m., in room 485 of the Russell Senate Office Building, to conduct an oversight hearing on the American Indian Religious Freedom Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, July 14, 2004, at 10 a.m. on "Examining the Implications of Drug Importation" in the Dirksen Senate Office Building Room 226. The witness list will be delivered later today.

Witness List

Panel I: Hon. John Breaux, U.S. Senator; and Hon. Bryon Dorgan, U.S. Senator.

Panel II: William K. Hubbard, Associate Commissioner for Policy and Planning, U.S. Food and Drug Administration; John Taylor, III, Associate Commissioner for Regulatory Affairs, U.S. Food and Drug Administration; and Elizabeth G. Durant, Director of Trade Programs, Bureau of Customs and Border Protection.

Panel III: Hon. Rudolph Giuliani; Carmen Catizone, M.S., RPh, DPh, Executive Director/Secretary, National Association of Boards of Pharmacy Boards; Kathleen Jaeger, President and CEO, GPhA; Ms. Joanna Disch, Board Member, AARP; and Ms. Elizabeth A. Wennar, M.P.H, D.H.A., President and CEO, United Health Alliance of Bennington, VT and Principle, HealthInova of Manchester, VT, United Health Alliance, Health Care Economist.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr FRIST. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, July 14, 2004, at 9:30 a.m., to conduct an oversight hearing on the Federal Election Commission.

The PRESIDING OFFICER. Without objection, is is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. FRIST. Mr. President, I ask unanimous consent that the subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, July 14, at 2:30 p.m.

The purpose of the hearing is to receive testimony on S. 2317, to limit the royalty on soda ash; S. 2353, to reauthorize and amend the National Geologic Mapping Act of 1992; H.R. 1189, to increase the waiver requirement for certain local matching requirements for grants provided to American Samoa, Guam, the Virgin Islands, or the Commonwealth of the Northern Mariana Islands, and for other purposes; and H.R. 2010, to protect the voting rights of members of the armed services in elections for the delegate representing American Samoa in the United States House of Representatives, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING FORMER PRESIDENT GERALD FORD ON HIS 91ST BIRTHDAY

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 405, which was submitted earlier today by Senators STABENOW and LEVIN.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 405) honoring former President Gerald R. Ford on the occasion of his 91st birthday, and sending the best wishes of the Senate to former President Ford and his family.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LEVIN. Mr. President, today I join my colleague from Michigan in supporting resolution honoring Gerald R. Ford, the 38th President of the United States on the occasion of his 91st birthday.

President Ford, the favorite son of the city of Grand Rapids, and the only President from Michigan, played a memorable role in our Nation's history in one of its darkest hours. The first Vice-President appointed under the 25th amendment to the Constitution, he became president when Richard Nixon resigned in the wake of the Watergate scandal. It was Gerald Ford's calm and steady leadership that began the process of healing our Nation's wounds after one of the most serious domestic crises in our history. President Clinton awarded him the Medal of Freedom, in 1999, in recognition of that leadership.

Gerald Ford served thirteen terms in the House of Representatives. From 1965 through 1973, he was the minority leader in that body. It is particularly instructive in this time of partisan division in the Congress to reflect on his example as one who fought many battles on behalf of his party, and his constituency, but who did so without acrimony or ill-will. He build life-long relationships and friendships across the party aisle—even with his opposite numbers in the House Democratic leadership. We would be well served at this time in this body to remember his example.

I extend my congratulations and best wishes to Gerry Ford, his wonderful wife, Betty, and his family. I am certain that the people of Michigan, and our colleagues in the Senate join Senator STABENOW and me in paying tribute to President Ford on his 91st birthday.

Ms. STABENOW. Mr. President, I rise today to pay tribute to the only person from the State of Michigan to have served as President of the United States. On behalf of the people of the State of Michigan, I want to extend my best wishes to President Gerald R. Ford and his family on the occasion of his 91st birthday.

President Ford took office during an extraordinarily trying time for America. He was the first Vice President chosen under the terms of the Twenty-Fifth Amendment and, in the aftermath of Watergate, succeeded the first American President ever to resign. In his inaugural address on August 9, 1974, President Ford noted, "This is an hour of history that troubles our minds and hurts our hearts." Gerald Ford took on the challenge of healing our national faith in the presidency with courage, wisdom and integrity.

Indeed, it was President Ford's reputation for openness and integrity that propelled him into the White House. He was appointed Vice President after serving twelve terms in the U.S. House of Representatives, having secured each term with more than 60 percent of the vote. The confidence of his colleagues fueled his ascent to Ranking Member on the Defense Appropriations Subcommittee and, eventually, to Minority Leader. It also won him an appointment, to the Warren Commission investigating the assassination of President John F. Kennedy.

As President, Gerald Ford led our Nation on the path toward healing a wounded faith in that office. He also labored to improve relationships among nations. In his own words "a dyed-in-the-wool internationalist," President

Ford presided over the signing of the Helsinki Agreement, which ratified post-World War II European borders and codified international human rights standards. He also worked for improved relations among the nations of the Middle East and, together with Soviet leader Leonid Brezhnev, set new limitations on nuclear proliferation.

Since leaving the White House in 1977, President Ford has remained actively engaged in the political process and has continued to speak out on important issues. He has lectured at hundreds of colleges and universities, hosted numerous forums on public affairs, and served as an adjunct professor of Government at the University of Michigan. In 1999, President Bill Clinton awarded Ford the Presidential Medal of Freedom, the Nation's highest civilian honor.

Gerald Ford has also made an important mark in his home State of Michigan. In 1977, he announced the establishment of the Gerald R. Ford Institute for Public Policy and Service at Albion College, which administers an interdisciplinary program for undergraduate students preparing for careers in public service. In 1981, the Gerald R. Ford Library in Ann Arbor and the Gerald R. Ford Museum in Grand Rapids were dedicated. Through these institutions, the people of Michigan and many visitors from around the country and the world continue to benefit from President Ford's legacy of internationalism, scholarship and humor.

President Ford, on the occasion of your 91st birthday, the American people salute you, and express our profound gratitude for your leadership and service.

Mr. President. I yield the floor.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 405) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 405

Whereas Gerald Rudolph Ford was born on July 14, 1913;

Whereas Gerald R. Ford is the only person from the State of Michigan to have served as President of the United States;

Whereas Gerald R. Ford graduated from the University of Michigan where he was a star center on the football team and later turned down offers to play in the National Football League;

Whereas Gerald R. Ford attended Yale University Law School and graduated in the top 25 percent of his class while also working as a football coach;

Whereas in 1942, Gerald R. Ford joined the United States Navy Reserves and served valiantly on the U.S.S. Monterey in the Philippines during World War II, surviving a heavy storm during which he came within inches of being swept overboard;

Whereas the U.S.S. Monterey earned 10 battle stars, awarded for participation in battle, while Gerald R. Ford served on the ship;

Whereas Gerald R. Ford was released to inactive duty in 1946 with the rank of Lieutenant Commander;

Whereas in 1948, Gerald R. Ford was elected to the House of Representatives where he served with integrity for 25 years;

Whereas in 1963, President Lyndon Johnson appointed Gerald R. Ford to the Warren Commission investigating the assassination of President John F. Kennedy;

Whereas from 1965 to 1973, Gerald R. Ford served as minority leader of the House of Representatives;

Whereas from 1974 to 1976, Gerald R. Ford served as the 38th President of the United States, taking office at a dark hour in the history of the United States and restoring the faith of the people of the United States in the Presidency through his wisdom, courage, and integrity;

Whereas in 1975, the United States signed the Final Act of the Conference on Security and Cooperation in Europe, commonly known as the "Helsinki Agreement", which ratified post-World War II European borders and supported human rights;

Whereas since leaving the Presidency, Gerald R. Ford has been an international ambassador of American goodwill, a noted scholar and lecturer, and a strong supporter of the Gerald R. Ford School of Public Policy at the University of Michigan, which was named for the former President in 1999;

Whereas Gerald R. Ford was awarded the Congressional Gold Medal in 1999; and

Whereas on July 14, 2004, Gerald R. Ford will celebrate his 91st birthday: Now, therefore, be it

Resolved, That the Senate honors former President Gerald R. Ford on the occasion of his 91st birthday and extends its congratulations and best wishes to former President Ford and his family.

CLARIFYING CERTAIN RETIREMENT PLANS

Mr. FRIST. Mr. President, I ask unanimous consent that the Finance Committee be discharged from further consideration of S. 2589 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 2589) to clarify the status of certain retirement plans and the organizations which maintain the plans.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2589) was read the third time and passed.

(The bill will be printed in a future edition of the CONGRESSIONAL RECORD.)

HELPING HANDS FOR HOMEOWNERSHIP ACT OF 2004

Mr. FRIST. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of H. R. 4363 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4363) to facilitate self-help housing homeownership opportunities.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4363) was read the third time and passed.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 99-498, appoints the following individual as a member of the Advisory Committee on Student Financial Assistance: Clare M. Cotton of Massachusetts.

ORDERS FOR THURSDAY, JULY 15, 2004

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Thursday, July 15. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period for the transaction of morning business for up to 60 minutes, with the first 30 minutes under the control of the Democratic leader or his designee, and the final 30 minutes under the control of the majority leader or his designee; provided, that following morning business, the Senate begin consideration of Calendar No. 591, H.R. 4520, the FSC/ETI JOBS bill, as provided under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, following morning business, the Senate will begin debate on the FSC/ETI JOBS bill. Under the previous agreement, there will be up to 3 hours of debate on the DeWine-Kennedy FDA and tobacco amendment. We will vote on that amendment later tomorrow afternoon.

We will also take up H.R. 4759, the Australian free trade bill tomorrow and complete that measure as well. Therefore, Senators can expect a couple of votes later in the day on Thursday.

MEASURE READ THE FIRST TIME—S. 2652

Mr. FRIST. Mr. President, I understand that S. 2652 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The legislative clerk read as follows:

A bill (S. 2652) to amend title XVIII of the Social Security Act to deliver a meaningful benefit and lower prescription drug prices under the medicare program.

Mr. FRIST. I now ask for its second reading, and in order to place the bill on the Calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. The bill will be read the second time on the next legislative day.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:18 p.m., adjourned until Thursday, July 15, 2004, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, July 14, 2004*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. MILLER of Florida).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 14, 2004.

I hereby appoint the Honorable JEFF MILLER to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Danny Cochran, Pastor, Holly Creek Baptist Church, Chatsworth, Georgia, offered the following prayer:

Heavenly Father, since the beginning of our Nation its leaders and people have called upon You seeking guidance, protection and blessings. You have heard those prayers and blessed this great Nation in ways that defy description. The Psalmist wrote, "Blessed is the nation whose God is the Lord." This Nation has truly experienced the reality of those words. We humbly thank You for the freedom and many other blessings that we enjoy.

Today, we turn to You again. The ladies and gentlemen of this House of Representatives will make decisions that will affect multitudes of people for many years to come. We pray that You will give them insight and wisdom as they deliberate these important issues. Help them to choose what is right and good.

We pray Your continued blessings upon this Nation, its people, President, and those who protect her freedom. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Georgia (Mr. GINGREY) come forward and lead the House in the Pledge of Allegiance.

Mr. GINGREY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Secretary requests the return to the Senate of (H.R. 1303) entitled "An Act to amend E-Government Act of 2002 with respect to rulemaking authority of the Judicial Conference.", in compliance with a request of the Senate for the return thereof.

THE REVEREND DANNY COCHRAN

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Mr. Speaker, I rise today on behalf of my colleague, the gentleman from Georgia (Mr. DEAL). He has asked me, in his absence, to extend a warm welcome to Reverend Danny Cochran. It is a pleasure to have him join us today as our guest chaplain.

Reverend Cochran has served the people of the 10th District of Georgia for nearly 20 years. He is currently the Pastor of Holly Creek Baptist Church in Chatsworth, Georgia. Reverend Cochran received undergraduate degrees from Liberty University and Luther Rice Seminary and a Master of Arts and Religion from Liberty Baptist Theological Seminary. He is currently pursuing a Doctorate of Ministry.

While he has continually served those in his community through programs such as Big Brothers of America and the "Economics of Staying in School," Reverend Cochran has extended his ministry beyond our country's borders. He has traveled to the Caribbean Islands, to Russia, to Romania and Honduras to bring aid to the people of these countries.

It is an honor to have him offer this morning's prayer. Reverend Cochran, we appreciate your service not only to the citizens of the 10th District of Georgia but to all Georgians, including those I represent in the 11th Congressional District. On behalf of my colleagues here in the United States House of Representatives, I thank you for your Ministry to us here today.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will now entertain ten 1-minutes per side.

PRESIDENT BUSH PROTECTING AMERICAN FAMILIES IN GLOBAL WAR ON TERROR

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, despite the constant partisan sniping that seeks to use the ups and downs of war to political advantage, President Bush was absolutely right to end Saddam Hussein's sadistic regime, and he did it at the right time.

After September 11, we can no longer wait until threats fully materialize before we take action to protect American families.

We are truly winning the global war on terror with coalition victories in Iraq and Afghanistan, the dismantling of Libya's weapons programs, the killing of al Qaeda leaders in Saudi Arabia and Algeria, and the capture of terror cells in England, Spain, Turkey, Pakistan, and Jordan. Bin Laden terrorist leader Abu Makki surrendered yesterday in Saudi Arabia.

As President Bush said this week at the Oak Ridge National Laboratory, "Three years ago, the world was very different. Terrorists planned attacks with little fear of discovery or reckoning. Outlaw regimes supported terrorists and defied the civilized world, without shame and with few consequences. The world changed on September the 11th, and since that day we have changed the world. We are leading a steady, confident, systematic campaign against the dangers of our time."

In conclusion, may God bless our troops, and we will never forget September 11.

NEW YORK TIMES ARTICLE ON MEDICARE BILL

(Mr. STRICKLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STRICKLAND. Mr. Speaker, the world now knows that the Bush administration withheld reliable information regarding the true cost of the Medicare privatization bill they pushed through this House in the middle of the night.

According to The New York Times today, and I quote, "New government estimates suggest that employers will reduce or eliminate prescription drug benefits for 3.8 million retirees when the Medicare bill becomes operable in 2006." That represents one-third of all the retirees with employer-sponsored drug coverage, according to documents from the Department of Health and Human Services.

We know how that bill passed in the middle of the night, 6 o'clock in the morning, after the vote was held open for 3 hours, got the President out of bed at 4 o'clock in the morning to twist arms, and we have done this to Americans, especially America's retirees.

It reminds me of a verse from there scriptures that says "Men love darkness rather than light because their deeds are evil."

PROTECTING MARRIAGE IS A CRITICAL NATIONAL ISSUE

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, today the Senate will vote on an issue of critical national importance: marriage. The issue is whether we will stand idly by as a few unelected judges redefine the family for us or if we will take a stand and say "enough is enough."

The best home for kids is when their biological parents, mom and dad, live at home, are married, and are engaged in the lives of their children. Unfortunately, many claim this is an issue for the States. Indeed, it is, if that is what were happening, but it is not. Courts are circumventing the States in order to make this happen so that we will never debate it, so that States will never debate it, and the American people will never debate it. That is just how activists want it.

There is no way around it. We need to amend the Constitution. The Federal marriage amendment is supported by a very diverse coalition. Voting on it is hardly politics as usual. It is the least we can do to protect the stability of our communities and the best future for our children. The United States Congress should vote for the marriage protection amendment to the Constitution.

PRESCRIPTION DRUG IMPORTATION

(Mr. EMANUEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EMANUEL. Mr. Speaker, today's New York Times reports that almost 4 million senior citizens will lose their employer drug coverage and prescription drug coverage when the new Medicare law goes into effect in 2006. In most cases, this will result in beneficiaries getting worse drug coverage than they had before this bill was passed. My Republican colleagues sure have a funny way of implementing reform over there.

In addition to not only 4 million more seniors getting worse coverage than originally planned, this bill will cost the taxpayers $150 billion more than Republicans originally said. If we had taken the steps to deal with prices originally in the Medicare bill, more employers would be able to afford the drug coverage they originally planned and senior citizens and taxpayers would save money.

Yesterday, the House affirmed for the third time this session a bipartisan support for prescription drug reimportation. We have employers dropping their drug coverage because they can no longer afford rising drug prices. We have a Medicare card that now gives seniors higher prices and a lot more confusion than buying drugs from Canada and Europe, and we have a Medicare bill not designed for seniors in mind.

Instead of a philosophy of the customer is always right, this bill says that special interests are always right.

MEDICAL JUSTICE SYSTEM

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, there is no higher priority for us than the reform of the medical justice system. It costs the country $230 billion a year, and right now we have never been closer to getting this ball across the goal line. We have passed the bill in this House, and we have a President in office who has said he will sign this bill. Our only problem is 400 feet away from us, on the other side of the Capitol.

Mr. Speaker, we have also never been further away. If we lose this election at the Presidential level, it will be nuclear winter as far as any type of meaningful medical liability reform in this country for easily the next 4 or 8 years time.

And it is important, Mr. Speaker, because $230 billion is what it cost this country in the medical justice system in the year 2003. One-fifth of that went to compensate patients for their actual injuries, and one-fifth of it went to the trial bar.

The impact of the medical liability crisis is clear: Patients, doctors, and hospitals are put in jeopardy while the plaintiff bar continues to enrich itself.

FALSE POSITIVES ON THE ECONOMIC FRONT

(Mr. PASCRELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PASCRELL. Mr. Speaker, we have heard a lot recently about the so-called improving economy, but I want to bring my colleagues' attention on both sides of the aisle to the fact that 90 percent of the new jobs created since August of 2003 are in industries that pay an average hourly wage that is less than the national average, or that many of these new jobs are part-time or temporary.

So the President says, look, I have only lost, with this upturn in the last 3 months, I have only lost 1.5 million jobs. If Clinton ever came before us and said that, we would all have booed him out of here, and my Republican colleagues know it.

They have never mentioned that since the tax cut took effect there are actually 2.3 million fewer jobs than the administration projected that would be created by the enactment of its tax cuts.

Merrill Lynch put it more aptly: The number of millionaires jumped 14 percent last year. There is a middle-class squeeze. The Bush tax cuts, which included a reduction in the top tax rate as well as reductions in taxes on estates, led the Wall Street Journal to report: This helped bolster the fortunes of the fortunate.

MISUSE OF INTERNATIONAL COURT OF JUSTICE

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, last week was a dark day in the history of international law. By a vote of 14 to 1, the International Court of Justice at The Hague condemned Israel's right of self-defense in the construction of a security fence to protect innocent civilians from terrorist attacks.

During my visit to Israel in January, I saw firsthand, as I toured the fence, how the fence each and every day protects innocent civilians' lives. I came back and, along with the gentlewoman from Nevada (Ms. BERKLEY), authored a resolution, cosponsored by 163 of my colleagues. Today, in form and fashion, this will come to the floor of Congress as H. Res. 713.

Today, Congress will respond by standing strongly and boldly with our precious ally, Israel, in her right to defend her own innocent civilians from terrorist assault. I urge all of my colleagues to join us as cosponsors again and, of course, to support H. Res. 713, deploring the misuse of the International Court of Justice by a majority of the United Nations General Assembly for narrow political purposes.

ECONOMIC RECOVERY

(Mr. MCDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCDERMOTT. Mr. Speaker, in the coming months, we are going to hear a lot of talk from our Republican friends about an economic recovery. No doubt they will use statistics to claim that the President's economic policies are working, but do not go telling that to the middle-class families in my district about a recovery, because they have not seen one.

Since the President was inaugurated, America has lost 1.8 million jobs in the private sector. Mr. Bush is in a race with Mr. Hoover to have the worst administration in this last century.

Most of the few new jobs we are creating pay lower wages than the national average, most come without health care benefits, and yet the President still maintains his economic policies, cutting taxes for the wealthy and outsourcing jobs, are the way of solving the problems.

The American people know better. The President can say things are looking up. He can repeat that line over and over and over and over again, but he cannot hide the truth. The economy is still in trouble.

Fortunately, in 111 days, the Americans will get a chance to let the President know about how they feel about his economic recovery. When they do, the President will be packing his bags and heading back to Texas. November 2 is coming, Mr. Speaker.

□ 1015

AUSTRALIAN FREE TRADE AGREEMENT

(Mr. RYUN of Kansas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYUN of Kansas. Mr. Speaker, I rise in support of the Australian-U.S. Free Trade Agreement, which will be good for our farmers, manufacturers, and businesses both small and large. Last year, Australia imported $44.5 million worth of transportation equipment, $20.9 million in manufactured machinery, and $7.1 million in food products from Kansas alone. These strong figures characterize the trade relationship between Kansas and Australia, which is destined to grow substantially.

In 2003, Australia was the 10th largest export market for my State. With the Free Trade Agreement in place, 99 percent of Kansas' goods will enter Australia tariff-free. I believe this will translate into higher revenues for small businesses, greater agricultural trade for farmers and more jobs for Kansans.

What will be good for Kansas will also be good for the rest of the Nation. In fact, it is expected that manufacturing exports will increase by at least $2 billion, significantly boosting the economy. We currently run a trade surplus with Australia, and the Free Trade Agreement will ensure that this strong trade relationship continues.

I urge my colleagues to support this important piece of legislation.

ENVIRONMENTAL PROTECTION

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUMENAUER. Mr. Speaker, we are in the midst of an important national debate on environmental protection, particularly in light of over 300 Bush administration environmental rollbacks. Yesterday was perhaps the most important announcement from this administration as they have opened up 60 million acres in national forests that were previously protected after extensive rulemaking throughout the Clinton administration. They now propose to turn that on its head and to abrogate Federal responsibility for our Federal land. The forests will be opened unless every State moves to protect, without national standards or safeguards.

It is unrealistic to expect every State to withstand extreme pressures from the special interests. History shows us that. The reason that every major environmental law was enacted at the Federal level was because we needed uniform national standards, and State stewardship was not adequate. The public knows that environmental protection to avoid a sad patchwork in our national forests requires that the Federal Government and this administration exercise full partnership. Sadly, the administration does not understand or support that concept.

SOLDIER HEROISM: STAFF SERGEANT ADAM SYKES

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I rise to pay tribute to an American hero. Staff Sergeant Adam Sykes decided not to attend Georgetown University so that he could serve our Nation in Iraq.

In a tense battle in April 2003, Sykes's unit was pinned down by an Iraqi ambush. He quickly rallied two of his squads in a counterattack. He positioned both squads and charged an enemy stronghold all by himself, bounding over 70 meters of fire as it swept across the ground. He reached his objective and cleared it with a grenade and a machine gun. Then, while still exposed to the enemy, he climbed to the third floor of a building so that he could get a good vantage point to call in mortar fire. Additionally, he moved to a squad that had taken casualties and managed himself to help in their evacuation.

After the awards ceremony, Sykes said, "So many people are pouring out their hearts over there trying to make things right."

May God bless the men and women of our Armed Forces and may God bless America.

DEMOCRATIC CAUCUS MEETS WITH THEIR VICE PRESIDENTIAL NOMINEE

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, we had a very positive event this morning, and that was the meeting of the House Democratic Caucus with the Vice Presidential nominee-to-be, JOHN EDWARDS. I think it is important to note what a hopeful and bright, engaging, but very committed and dedicated person and human being he is. I believe what America needs today is to look to the future for a greater hope for our young people, a peaceful world, a resolving of crises around the world. JOHN EDWARDS brings to this great Nation an opportunity to work toward a conciliation, not stepping away from the war on terror, but standing up to it and bringing more allies to the table. What a wonderful new day to know that America does have hope.

And so, Mr. Speaker, I look forward to the opportunity for debate and for this distinguished Member of the Senate to be able to inform America of the greatness of his desire to serve but, more importantly, the hopefulness that he brings to America.

EXPRESSING PRIDE IN NORTH CAROLINA'S JOHN EDWARDS

(Mr. MILLER of North Carolina asked and was given permission to address the House for 1 minute.)

Mr. MILLER of North Carolina. Mr. Speaker, as many other North Carolina Members have in the last few days, I rise to express my hometown pride in the presumptive Vice Presidential nominee of my party, JOHN EDWARDS. JOHN EDWARDS has been very, very successful in his life. We used to call that the American Dream. But that is not where he started out. Where he started out and how he got where he is today is important, and he has learned from it.

I know that my colleagues on the other side of the aisle are very tired of hearing that Senator EDWARDS is the son of a mill worker, but it is true and it is important. He understands what most folks' lives are like because his life has been the same way. His father worked in the mill, as my father did. His mother worked in the post office. His life has been like the lives of ordinary Americans. He had to depend on public schools to get ahead. Wallace and Bobbi Edwards could never in this world have sent JOHN EDWARDS to some expensive New England boarding school. He had to go to the public schools. He understands to the depth of his soul the importance of public education for middle-class Americans and the importance of public education in creating opportunities for ordinary Americans.

TAX RELIEF IS WORKING TO STIMULATE THE ECONOMY

(Mr. PORTMAN asked and was given permission to address the House for 1 minute.)

Mr. PORTMAN. Mr. Speaker, there has been a lot of discussion on this floor over the past year about the tax relief we passed last year for the American people, for our families, small businesses and investors. In fact, even this morning I heard again how we could not afford this tax relief, how it was wrong, how we should not have done it. I have heard again and again how it has robbed our Federal Treasury.

It should be interesting to note, then, that we have just learned that the tax receipts coming into our government this year are higher than they were before we put these tax cuts in place. Why? Because the tax relief is working to stimulate the economy and increase revenue. More people are working. Salaries are higher. Corporate revenues are higher. This means the economy is strong. Robust job growth has led to more taxpayers and more taxable income. Those are facts. Tax collections this year are $48 billion higher than last year. In June our receipts were 11 percent higher than our receipts of June a year ago.

Earlier on the floor, one of my colleagues said, Gee, the other side is talking about how the economy is good. They are using statistics.

Well, yes, we are using statistics because that is what the American people care about is how their jobs are doing, how the job growth is coming. Nationwide more than 1.5 million jobs have been created in the past 10 months. This means that we are creating not just jobs but good jobs. The pessimistic view is simply wrong. Real wages are up 11 percent since December of 2000. Payroll tax revenues are up. We are creating real jobs, good jobs. This will continue because of the tax relief.

VICE PRESIDENT CHENEY

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, last week the Senate Intelligence Committee concluded that even though the CIA repeatedly told the White House that it did not have any strong evidence linking Iraq to al Qaeda, Vice President CHENEY and the rest of the Bush administration went ahead and characterized a close relationship between Iraq and al Qaeda in an attempt to justify going to war in Iraq.

Despite these findings, Vice President CHENEY refuses to back down and continues to say that there was a connection between Iraq and al Qaeda. For almost 4 years now, Vice President CHENEY has abused his power, working with oil and gas executives in secret on an energy policy that only benefits those companies, refusing to tell the American people the specifics of that energy task force, supporting no-bid contracts for his former company, Halliburton, and misrepresenting his continued financial ties to that same company . . .

The SPEAKER pro tempore. The gentleman will suspend. . . .

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MILLER of Florida). The Chair must remind all Members that remarks in debate may not engage in personalities toward the President or the Vice President, or the acknowledged candidates for those offices.

Policies may be addressed in critical terms, but personal references of an offensive or accusatory nature are not proper.

The gentleman may proceed in order, if he wishes. . . . The gentleman's time has expired.

U.S.-AUSTRALIA FREE TRADE AGREEMENT

(Mr. CRANE asked and was given permission to address the House for 1 minute.)

Mr. CRANE. Mr. Speaker, when my colleagues and I vote on the U.S.-Australia Free Trade Agreement later today, I hope we do so understanding that trade with Australia currently supports over 235,000 jobs here in the United States, including over 4,400 in my home State of Illinois.

Illinois exports about $1 billion in goods and services to Australia each year, from agricultural and construction machinery, to engines, turbines and power transmission equipment, to motor vehicle parts, to general purpose machinery and to agricultural products. In short, people through nearly every sector of our economy will benefit from this agreement.

Mr. Speaker, we have a commitment to our citizens to enforce our trade agreements, which is why legislation I have authored which we will also consider today, the Customs Border Protection Act, increases by $2 million the resources USTR has to monitor and enforce our trade agreements. I think we can all agree that this is very important. However, some will argue that we should shut our borders and build a wall around our country. That would be devastating to our economy, and I hope a strong bipartisan vote on passage of the Australia FTA today will demonstrate that conclusively.

IN DEFENSE OF TRADITIONAL MARRIAGE

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, today a House committee is going to take up a bill intended to protect traditional marriage from activist Federal judges. Ultimately, I believe, a constitutional amendment is going to be necessary to ensure the American people are in charge of defining marriage. This bill marks an important step in the right direction. We have received hundreds of calls from the people of the Third District of Texas. They are hopping mad at States like Massachusetts whose recognition of same-sex marriages could threaten the time-honored institution of marriage in the Lone Star State.

Let the record show that I am a strong supporter of the traditional family, and that is one headed by a man and a woman. To protect the values of our great Nation, I hope we see floor action on this issue next week.

□ 1030

PROVIDING FOR CONSIDERATION OF H.R. 4759, UNITED STATES-AUSTRALIA FREE TRADE AGREEMENT IMPLEMENTATION ACT

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 712 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 712

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 4759) to implement the United States-Australia Free Trade Agreement. The bill shall be considered as read for amendment. The bill shall be debatable for two hours equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. Pursuant to section 151(f)(2) of the Trade Act of 1974, the previous question shall be considered as ordered on the bill to final passage without intervening motion.

SEC. 2. During consideration of H.R. 4759 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

The SPEAKER pro tempore (Mr. MILLER of Florida). The gentleman from California (Mr. DREIER) is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. McGOVERN), my very good friend and Committee on Rules colleague, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, this is a very exciting day. We are about to embark on the debate for a very important bipartisan issue. Let me at the outset say that there is so often attention, in fact, almost all of the attention that is focused on this institution, the United States Congress, both Houses of Congress, is on disagreements that take place, and of course those are very important. But very little attention is focused on the fact that we are able to craft major bipartisan agreements on a wide range of issues, and at this moment we are beginning debate on a measure which will enjoy very strong bipartisan support.

It is going to create an opportunity for us to expand one of the most important bilateral relationships that exists, and it is the U.S.-Australia Free Trade Agreement that will build upon the long-standing commercial ties that we have with Australia by eliminating terrorists, removing nontariff barriers, and providing better market opening opportunities for U.S. goods, services, and investment. It is a first-rate, state-of-the-art agreement that will spur growth and create jobs for Americans and Australians alike.

But the vote that we have before us today is bigger than just this one agreement. The Free Trade Agreement we have negotiated with Australia is a significant piece of our overall economic growth and trade liberalization agenda.

I want to begin by congratulating our great U.S. trade representative, Ambassador Bob Zoellick, for his tremendous work in negotiating agreements not only with Australia but with the Central American countries, with Morocco, with Bahrain, as well as his ongoing work in Thailand and the Andean countries, in Southern Africa, and in the Middle East.

Mr. Zoellick, with the support of this Congress, has made great strides in our fight to open the global marketplace to the free flow of goods, services, and capital; a marketplace where American producers, workers, consumers, and investors can freely compete; a marketplace where the U.S. is the clear global leader based on the power of our ability to innovate, adapt, and grow.

The Australia Free Trade Agreement is a significant part of moving this agenda forward. This agreement will create significant new opportunities for producers and consumers both here at home and in Australia. Under the Free Trade Agreement, tariffs on 99 percent of all U.S.-manufactured products will immediately drop to zero. Let me say that again. The tariffs on 99 percent of the products that we will be exporting, the manufacturing sector, to Australia will immediately go to zero, achieving the greatest immediate reduction ever attained in any U.S. Free Trade Agreement. This kind of comprehensive reduction would be significant in any agreement, but it is particularly significant and particularly beneficial in trade with Australia in which manufacturing actually makes up 93 percent of all U.S. exported goods.

This is also good news for States like California, which I am very honored to be able to represent here in the Congress. Our State exports almost $2 billion in goods every year. Australia is a huge market for California's high-valued manufactured goods, with computers, transportation equipment, chemicals, and machinery topping the list of major exports.

Huge gains will also be achieved in terms of market access for services, which is the fastest-growing sector both here at home and in Australia. Thousands of Americans are already employed by Australian service providers here in the United States. This Free Trade Agreement makes enormous progress in opening up service sectors in Australia to U.S. companies and investors. Market access gains were negotiated across virtually all sectors, from telecommunications to financial services to energy.

The Free Trade Agreement also contains unprecedented gains in access for U.S. entertainment products and services, something else that is very important to me as a representative from Southern California.

Protection of intellectual property rights in general represents another important achievement in the Australia Free Trade Agreement. The agreement guarantees strong protection for American innovations and encourages robust trade in cultural, scientific, and high-tech products. Patents, trademarks, content, test data, and trade secrets will be protected as well as governed by a transparent and fair regulatory process. And perhaps most important, Mr. Speaker, the Free Trade Agreement provides for strict, effective enforcement measures to protect U.S. innovators from pirates and counterfeiters.

The FTA will also expand the markets for U.S. farmers. I know that some agriculture sectors have opposed provisions in this agreement, but the fact is that this FTA will significantly increase market access in Australia for U.S. agricultural products. Our agricultural exports will immediately gain duty-free access.

Furthermore, significant progress has been gained on the large nontariff barrier to agricultural trade, that is, Australia's sanitary and phytosanitary standards. Nontransparent and often nonscientific-based rulings on the safety of U.S. agricultural goods have been a major barrier to the Australian market. But through the FTA negotiations, communication and cooperation between United States and Australia have been significantly improved. Strong commitments were also obtained to ensure that the review process is entirely science-based.

Even before passage and implementation of the Free Trade Agreement, we are seeing the effects of this greater cooperation in Australia's recent decision on pork products. U.S. pork exports have long faced a de facto ban because of Australia's animal health standards process. But through the leverage of the FTA negotiating process, U.S. trade and agricultural officials have succeeded in opening up the Australian market to processed as well as certain types of unprocessed pork. While this will no doubt be an ongoing battle as other products seek full access, there is no question that without the fuller engagement brought about by the Free Trade Agreement, U.S. farmers would still be facing formidable barriers for many of their products.

Similarly, the Free Trade Agreement makes great strides in increasing market access for our highly innovative pharmaceutical and biotech industries. The Australians made strong commitments on transparency and accountability as well as recognized the value of innovation.

In recent weeks there have been misleading assertions made that this Free Trade Agreement would permit Australia to levy sanctions against the United States if we were to enact a drug reimportation bill. I do not happen to be a supporter of the issue of drug reimportation, but I think it is important to make clear the disagreement in no way prevents the United States from enacting drug reimportation legislation. It is existing Australian law, existing Australian law, that prohibits the export of drugs purchased within their national health care system, the PBS, which constitutes over 90 percent of the market. In addition, it prohibits the export of drugs purchased outside of their system except by the original manufacturer or their licensed Australian distributor. Unlike Canadian law, Australian law prohibits pharmacies from selling drugs outside of Australia.

Again, Australian domestic law prohibits reimportation, not the Free Trade Agreement. Therefore, any future reimportation law implemented in the United States would have no bearing whatsoever on the Australian system and would not be actionable as a trade dispute.

Clearly, the U.S.-Australia Free Trade Agreement is a win-win for producers, consumers, and workers in the United States and Australia. It will create new opportunities, spur investment, create good jobs, and increase access to high-quality consumer goods. It will also strengthen our relationship. This is one of the very important aspects of this, Mr. Speaker. This will strengthen our relationship with one of our most important and significant allies in the global war on terror.

Since the September 11 attacks on the Pentagon and the World Trade Center, we have seen Australia provide over 1,500 troops in addition to military equipment to support the U.S.-led coalition to combat global terrorism. Specifically, Australia has provided significant support for our mission in Iraq, an integral part of the war on terrorism, by contributing everything from fighter jets to reconnaissance forces.

While our partnership has been strong for many decades and we have clearly seen it most evident in this global war on terror and we all remember very vividly the brilliant address that was given to a joint session of Congress by Prime Minister Howard here in this body, we have seen the relationship with Australia grow even more, and they are one of our closest friends.

With this Free Trade Agreement we have an opportunity to strengthen even further our ties with that key ally of ours. It allows us to advance our agenda to improve American competitiveness, enhance our position as the global economic leader, and create thousands of new job opportunities for Americans.

Mr. Speaker, I look across the other side of the aisle, and I see the gentleman from New York (Mr. CROWLEY), who has worked very hard in working to bring about bipartisan support for this effort, and I do believe, again, that this is further evidence of our quest to work in a bipartisan way to bring about trade liberalization.

With that, I urge strong support of both the rule and the agreement itself.

Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules, for yielding me the customary 30 minutes.

Mr. Speaker, the U.S.-Australia Free Trade Agreement is the third Free Trade Agreement the Bush administration has sent to Congress under the Fast Track Authority granted in 2002, and it is the first trade agreement made between two affluent industrialized nations.

The United States and Australia have many similarities in terms of our economic development. This is particularly true in the manufacturing sector, and this agreement lifts 99 percent of the manufacturing tariffs between our two nations, which should provide many mutual benefits and comparable advantages.

The U.S. currently has an $8 billion trade surplus with Australia in the area of manufactured goods and also in several key agricultural exports. In these areas this agreement should continue to promote our economic interest, contribute to job creation here at home, and further strengthen our longstanding alliance in economic partnerships. These are all hallmarks of a Free Trade Agreement made among equals.

In the area of internationally recognized labor standards and rights, this trade agreement adopts the standard for each nation to effectively enforce its own laws. I want to be clear that I do not support this model, and I am disappointed that the Bush administration chose not to build on the model established in the U.S.-Jordan agreement and include enforceable labor standards in the core of the agreement.

Australia has very strong labor rights, an effective enforcement regime, and a strong independent judiciary. So I am not concerned that the labor provisions will prove detrimental to Australian or U.S. workers, but I do believe that, once again, we have squandered an opportunity to set a higher benchmark for future trade agreements, one that commits our trading partners to achieving the five core international labor standards and not just the mere enforcement of existing domestic labor laws, which can change at any time and are subject to the political whims of whatever government is in power.

□ 1045

We cannot and should not continue to pursue this one-size-fits-all approach to trade agreements, particularly in the area of labor standards, environmental standards, and the settlement of disputes and especially as we pursue trade agreements with countries in very different stages of economic development from our own.

I must admit, Mr. Speaker, that in general I have heard nothing but good things about the U.S.-Australia Free Trade Agreement. So imagine my surprise when I woke up Monday morning to read on the front page of the New York Times that this trade agreement may undercut the importing of inexpensive drugs.

Mr. Speaker, I ask unanimous consent to include this article in the RECORD.

The SPEAKER pro tempore (Mr. MILLER of Florida). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The article referred to is as follows:

[From the New York Times, July 12, 2004]

TRADE PACT MAY UNDERCUT INEXPENSIVE DRUG IMPORTS

(By Elizabeth Becker and Robert Pear)

WASHINGTON, July 11.—Congress is poised to approve an international trade agreement that could have the effect of thwarting a goal pursued by many lawmakers of both parties: the import of inexpensive prescription drugs to help millions of Americans without health insurance.

The agreement, negotiated with Australia by the Bush administration, would allow pharmaceutical companies to prevent imports of drugs to the United States and also to challenge decisions by Australia about what drugs should be covered by the country's health plan, the prices paid for them and how they can be used.

It represents the administration's model for strengthening the protection of expensive brand-name drugs in wealthy countries, where the biggest profits can be made.

In negotiating the pact, the United States, for the first time, challenged how a foreign industrialized country operates its national health program to provide inexpensive drugs to its own citizens. Americans without insurance pay some of the world's highest prices for brand-name prescription drugs, in part because the United States does not have such a plan.

Only in the last few weeks have lawmakers realized that the proposed Australia trade agreement—the Bush administration's first free trade agreement with a developed country—could have major implications for health policy and programs in the United States.

The debate over drug imports, an issue with immense political appeal, has been raging for four years, with little reference to the arcane details of trade policy. Most trade agreements are so complex that lawmakers rarely investigate all the provisions, which typically cover such diverse areas as manufacturing, tourism, insurance, agriculture and, increasingly, pharmaceuticals.

Bush administration officials oppose legalizing imports of inexpensive prescription drugs, citing safety concerns. Instead, with strong backing from the pharmaceutical industry, they have said they want to raise the price of drugs overseas to spread the burden of research and development that is borne disproportionately by the United States.

Many Democrats, with the support of AARP, consumer groups and a substantial number of Republicans, are promoting legislation to lower drug costs by importing less expensive medicines from Europe, Canada, Australia, Japan and other countries where prices are regulated through public health programs.

These two competing approaches represent very different ways of helping Americans who typically pay much more for brand-name prescription drugs than people in the rest of the industrialized world.

Leaders in both houses of Congress hope to approve the free trade agreement in the next week or two. Last Thursday, the House Ways and Means Committee endorsed the pact, which promises to increase American manufacturing exports by as much as $2 billion a year and preserve jobs here.

Health advocates and officials in developing countries have intensely debated the effects of trade deals on the ability of poor nations to provide inexpensive generic drugs to their citizens, especially those with AIDS.

But in Congress, the significance of the agreement for health policy has generally been lost in the trade debate.

The chief sponsor of the Senate bill, Senator Byron L. Dorgan, Democrat of North Dakota, said: "This administration opposes re-importation even to the extent of writing barriers to it into its trade agreements. I don't understand why our trade ambassador is inserting this prohibition into trade agreements before Congress settles the issue."

Senator John McCain, an author of the drug-import bill, sees the agreement with Australia as hampering consumers' access to drugs from other countries. His spokesman said the senator worried that "it only protects powerful special interests."

Gary C. Hufbauer, a senior analyst at the Institute for International Economics, said "the Australia free trade agreement is a skirmish in a larger war" over how to reduce the huge difference in prices paid for drugs in the United States and the rest of the industrialized world.

Kevin Outterson, an associate law professor at West Virginia University, agreed.

"The United States has put a marker down and is now using trade agreements to tell countries how they can reimburse their own citizens for prescription drugs," he said.

The United States does not import any significant amount of low-cost prescription drugs from Australia, in part because federal laws effectively prohibit such imports. But a number of states are considering imports from Australia and Canada, as a way to save money, and American officials have made clear that the Australia agreement sets a precedent they hope to follow in negotiations with other countries.

Trade experts and the pharmaceutical industry offer no assurance that drug prices will fall in the United States if they rise abroad.

Representative Sander M. Levin of Michigan, the senior Democrat on the panel's trade subcommittee, voted for the agreement, which could help industries in his state. But Mr. Levin said the trade pact would give a potent weapon to opponents of the drug-import bill, who could argue that "passing it would violate our international obligations."

Such violations could lead to trade sanctions costing the United States and its exporters millions of dollars.

One provision of the trade agreement with Australia protects the right of patent owners, like drug companies, to "prevent importation" of products on which they own the patents. Mr. Dorgan's bill would eliminate this right.

The trade pact is "almost completely inconsistent with drug-import bills" that have broad support in Congress, Mr. Levin said.

But Representative Bill Thomas, the California Republican who is chairman of the Ways and Means Committee, said, "The only workable procedure is to write trade agreements according to current law."

For years, drug companies have objected to Australia's Pharmaceutical Benefits Scheme, under which government officials decide which drugs to cover and how much to pay for them. Before the government decides whether to cover a drug, experts analyze its clinical benefits, safety and "cost-effectiveness," compared with other treatments.

The trade pact would allow drug companies to challenge decisions on coverage and payment.

Joseph M. Damond, an associate vice president of the Pharmaceutical Research and Manufacturers of America, said Australia's drug benefit system amounted to an unfair trade practice.

"The solution is to get rid of these artificial price controls in other developed countries and create real marketplace incentives for innovation," Mr. Damond said.

While the trade pack has barely been noticed here, it has touched off an impassioned national debate in Australia, where the Parliament is also close to approving it.

The Australian trade minister, Mark Vaile, promised that "there is nothing in the free trade agreement that would increase drug prices in Australia."

But a recent report from a committee of the Australian Parliament saw a serious possibility that "Australians would pay more for certain medicines," and that drug companies would gain more leverage over government decisions there.

Bush administration officials noted that the Trade Act of 2002 said its negotiators should try to eliminate price controls and other regulations that limit access to foreign markets.

Dr. Mark B. McClellan, the former commissioner of food and drugs now in charge of Medicare and Medicaid, said last year that foreign price controls left American consumers paying most of the cost of pharmaceutical research and development, and that, he said, was unacceptable.

Mr. McGOVERN. At the last minute at the bidding of U.S. pharmaceutical companies, but without consultation with Congress, the USTR attempted to persuade Australia, which provides a universal prescription drug benefit to all Australian residents, to change its national health care system for pricing drugs. These changes would have resulted in Australians having to pay higher prices for their prescription drugs.

In other words, according to the administration, because we have high drug prices here in the United States, the solution to our problem is to make every other country feel our pain and force them to raise their drug prices. The Republican leadership in this House calls this leveling the international playing field for prescription drug prices. I call it bad precedent and bad policy.

Not surprisingly, Australia rejected this proposal; but in a move to appease U.S. negotiators, Australia did agree to language calling for greater transparency in how it prices drugs and for recognizing the need for competitive pharmaceutical markets.

Drug industry officials have hailed this language as a big victory and the first step in raising the issue of prescription drug pricing to a higher level in trade negotiations.

Even more controversial is the prescription drug provision in chapter 17 of this agreement, the chapter dealing with intellectual property. This provision protects the exclusive right of drug patent owners, usually the large drug companies, to prevent the importation of their patented drugs. In short, Mr. Speaker, the drug companies get to set national policy on the reimportation of drugs.

The USTR argues that this is consistent with current U.S. law, which bans prescription drug reimportation. However, as every Member of this House well knows, current law is the subject of vigorous debate. In fact, both Houses of Congress have recently passed bills that would change current law. While this debate has focused on reimporting drugs from Canada, it does not mean that the debate might not broaden to include other modern industrialized nations such as the European Union, Australia, and Japan.

So if Congress changes U.S. law and allows the import of patented drugs, then that revised law will be inconsistent with U.S. obligations under this agreement.

Mr. Speaker, when the Congress is in serious discussions and has taken votes to change a current law, it is highly inappropriate, in my view, for the USTR to negotiate a specific provision in a free trade agreement that could create a potential conflict or a violation of that law in the near future. The fact that this provision is in the trade agreement is even more baffling when there is absolutely no mandate by Congress in trade negotiating authority to include such provisions in the FTA.

Mr. Speaker, these proposals on prescription drugs were brought to the negotiating table by the USTR at the last minute without congressional consultation. When Congress renewed fast track trade authority for the Bush administration in 2002, it established what it called the Congressional Oversight Group to foster communications between the USTR and the congressional leaders whose committees have jurisdiction over trade matters. In fact, our Committee on Rules chairman, the gentleman from California (Mr. DREIER), and our ranking member, the gentleman from Texas (Mr. FROST), are members of that oversight group. The goal of the oversight group was to make it easier for the administration to keep Congress informed about what was going on at the negotiating table.

The administration does not appear to have checked in with Congress before it offered its last-minute idea to dismantle the Australian health care system. If the administration had asked us about this idea, we would have told them what the Australian Government told them during the actual negotiations, no way. The Trade Act of 2002 requires the administration to consult with Congress as it negotiates trade agreements, not with the pharmaceutical industry.

With all due respect, the Bush administration could avoid future embarrassments of this kind by consulting more with the congressional oversight group and paying less attention to the bad ideas of the drug industry lobbyists.

Mr. Speaker, let me conclude my remarks with one final and very personal observation on a related matter. I have the greatest respect for the government and the people of Australia. I have every reason to believe this free trade agreement will be approved, further cementing the economic and political ties between our two nations. I am, however, deeply concerned by its ruthless treatment and disregard of East Timor's rights to oil and natural gas deposits in the Timor Sea. We all remember how Australia led the international force to protect East Timor in

1999 from the bloody and devastating attacks by Indonesia-supported militias when the Timorese people first voted for their independence.

However, ever since 1999, Australia has taken in an average $1 million every day from petroleum extraction that may rightfully belong to East Timor.

At the root of this problem is Australia's refusal to negotiate and resolve maritime boundaries with East Timor. The U.S. and Australia scarcely took 1 year to negotiate a free trade agreement. Australia has been dragging its heels since 1999 to resolve this dispute with East Timor. Australia even unilaterally withdrew from the dispute mechanisms established under international law to avoid having to act in good faith on this issue.

Meanwhile, Australia keeps pumping out the oil from undersea deposits and even selling the rights to exploit even more of these deposits to foreign companies.

Australia is the wealthiest nation in its region and one of the wealthiest nations in the world. East Timor, the world's newest democracy, is also the world's poorest nation. Currently, 41 percent of East Timorese live on less than 55 cents a day. East Timor's elected President, Xanana Gusmao, has said the boundary dispute is a question of life or death. The people of East Timor do not want to be poor. They do not want to be begging for charity from wealthy countries. They do not want to end up as a failed state. They want to be self-sufficient.

Australia needs to do the right thing by East Timor: rejoin the international dispute resolution mechanism for maritime boundaries, refrain from offering disputed areas for new petroleum contracts, and expeditiously negotiate in good faith a permanent maritime boundary in the Timor Sea.

The U.S.-Australia Free Trade Agreement was negotiated between two sovereign nations for their mutual benefit and respecting each other's rights and interests. It exemplifies good relationships between nations. Australia needs to show the same respect for the rights and interest of its newest democratic neighbor, East Timor.

Finally, Mr. Speaker, let me point out for the record that although the House has generally adopted special rules to debate trade agreements submitted to Congress under fast track trade procedures, they are technically not necessary. Under the Trade Act of 1974, which Congress renewed two years ago, our standing House rules limit debate on trade agreements to a total of 20 hours and impose a number of limitations on our usual rules of debate. Under these special fast track rules, Members cannot offer motions to recommit the bill or reconsider a vote.

Now, keep in mind that these restrictions on Members' rights to debate come at the end of a process that severely restricts our right to participate in trade negotiations and prevents us from amending the terms of the trade agreement once the administration sends implementing legislation to Congress.

While both Democrats and Republicans appear to agree that 2 hours is enough time to debate this Australia legislation today, we should all recognize that 2 hours may not be enough time to debate other legislation the House may bring up in the future under fast track procedures.

For example, when the House debated the NAFTA agreement in 1993, the Committee on Rules granted a rule allowing for 8 hours of debate. Who knows, it is quite possible that we will have a trade debate that lasts the full 20 hours allowed under the rules of the House. This body and the American people would probably benefit from such an exhaustive debate over a country's trade policies. I hope that providing 2 hours for debate does not become the standard for these critical issues.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume to state once again that I am very gratified to see the strong and overwhelming bipartisan support for this important agreement, demonstrating that Democrats and Republicans alike can come together and address such a critical issue.

I would like to just take one moment before yielding to my friend, the gentleman from Georgia (Mr. LINDER), to say what I did in my opening statement, and that is the issue of reimportation is one that exists not in this free trade agreement at all, but instead under the PBS, which is the Prescription Benefit System, the structure that exists in Australia today.

Now, I will say that there was a consultative process that was ongoing in a bipartisan way with this administration, the U.S. Trade Representative, and members of the subcommittees of Congress. In fact, we are in the process right now of getting the dates of those meetings and the consultation process as it took place, and I am going to be entering those into the RECORD, because I think it is important to note that there has been a very, very important discussion which has taken place between this administration and Democrats and Republicans in both Houses of Congress on this issue.

Mr. Speaker, I yield 4 minutes to the gentleman from Georgia (Mr. LINDER), one of the most thoughtful advocates of trade liberalization, the chairman of the Committee on Rules Subcommittee on Technology, in the House.

Mr. LINDER. Mr. Speaker, I thank my friend and colleague, the gentleman from California (Chairman DREIER), for yielding me this time.

I rise in strong support of H. Res. 712, the rule that provides for the consideration of H.R. 4759, the U.S.-Australia Free Trade Agreement Implementation Act. I urge all my colleagues in the House to join me in supporting this rule, as well as the underlying legislation.

The full House will be debating H.R. 4759 under a closed rule which is called for under the expedited procedures by which Congress considers legislation implementing free trade agreements. To the credit of all parties concerned, this bill has broad bipartisan support within the Committee on Ways and Means and across the aisle within the full House.

With regard to the U.S.-Australia Free Trade Agreement Implementation Act, it has been an honor for me to work with the gentleman from California (Chairman DREIER) and the House leadership in generating the needed support for this important trade agreement, and I am pleased that it is being considered on the House floor today.

Over the past century and through various wars, one of America's most important and dependent allies has been Australia. After September 11, 2001, Australia again showed its support and solidarity with the United States by being one of the first nations to commit troops to Afghanistan. Australia has continued its support for the war against terrorism by committing troops to Iraq as well.

With approximately $28 billion annually in two-way trade of goods and services, Australia is also a major trading partner of the United States. Of this $28 billion, the U.S. enjoys a significant surplus, $8 to $9 billion. Australia is America's ninth largest goods export market.

In addition to trade benefits on a national scale, Georgia, the State that I am proud to represent, has benefited from trade with Australia. In fact, in 2003 Georgia had the 13th largest number of exports to Australia in the United States, with total exports valued at almost $288 million. These exports have provided, and continue to provide, high-paying jobs, jobs to the citizens of my State.

With the enactment of the U.S.-Australia Free Trade Agreement, U.S. farmers, investors, workers, and companies will further benefit from our current relationship.

Under the FTA, U.S. workers and companies will receive the most significant immediate reduction of industrial tariffs ever achieved in a free trade agreement, as more than 99 percent of U.S.-manufactured products will immediately become duty free upon entry into Australia.

Some of the particular manufacturing sectors and Georgia goods that will benefit include transportation equipment, paper products, computer and electronic products and machinery manufacturers. All U.S. agricultural exports to Australia, totaling more than $400 million, will also receive immediate duty-free access. The FTA also removes foreign investment screening for a range of U.S. foreign investment activities, including the establishment of all new businesses in Australia.

Mr. Speaker, in conclusion, Australia is a strategic ally and an important trading partner. Now is the time to strengthen the ties that bind our two countries. America must continue to strive toward expanded free trade and not retreat into the mistaken protectionism of the past. We must work to open markets, eliminate tariffs and barriers and ensure that our Nation remains at the forefront of global economic success. The freedom to trade is a basic human liberty, and its exercise across political borders unites people in peaceful cooperation and mutual prosperity.

I urge my colleagues to support the rule so that we may proceed to debate and adopt the underlying measure.

Mr. McGOVERN. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of the U.S.-Australia Free Trade Agreement, but with strong reservations about its pharmaceutical provisions. On balance, the agreement will benefit consumers and businesses in both countries by lowering barriers to trade in goods and services. However, the administration has included provisions sought by the drug industry that could raise barriers to free trade in pharmaceuticals.

My concerns are as follows: first, one provision gives drug companies the right to block reimportation of their products into the United States. Since Australian law already prohibits this practice, the provision is not necessary. So why is it here? To set a precedent. If applied to trade relations with Canada, this provision would allow legal challenges under trade law to the reimportation bill that many of us favor as a source of affordable medicines for our constituents.

□ 1100

The intent of the Bush administration is clear. USTR has testified that the pharmaceutical provisions in the Australia FTA "lay the groundwork for future FTAs" and will be applied to "upcoming FTA negotiations with Canada and other major trading partners."

Second, the FTA opens up Medicare for potential changes. While USTR says no changes to existing Medicare law are needed under this agreement, we should all be concerned about the precedent of subjecting our domestic health laws to modification through trade negotiations where Congress has less say and the pharmaceutical industry has more influence.

Lastly, it is not appropriate to use trade policy to interfere in other nations' health systems. The administration is working to use trade pacts to raise drug prices overseas under the illusion, the grand illusion, that that will reduce prices here at home. The U.S. will win no friends if our trade policy becomes a heavy-handed tool to raise drug prices on the citizens of our trading partners.

I support the Australia FTA. This agreement by itself will have little or no impact on U.S. health care laws, but I want to make clear that similar provisions must be kept out of future trade agreements.

Mr. DREIER. Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I thank the gentleman for yielding me time.

I rise in support of this rule and in support of the agreement. This will, in fact, enhance an important relationship with Australia, a country where we already do enjoy, the record is clear, a trade surplus. It is important nationally. It is important to the State that I represent, not just for the technology industry, our number one source of export from our economy. It is going to make a difference of $4,000 per truck that is manufactured in my hometown by union machinists, painters, and Teamsters and exported to Australia.

I note that Australia has strong labor protections. One would only wish that the United States labor provisions were enforced and would provide the same level of protection to American workers to be able to organize as they see fit.

I appreciate the comment of my friend, the chairman of the Committee on Rules, referencing the importance to build a bipartisan consensus on trade in the global economy. This is a very important discussion, one that we have already enjoyed here today. I think it is making us move down a path where future and more contentious issues can be dealt with in a thoughtful fashion.

I appreciate the warning that was issued by my good friend, the gentleman from Maine (Mr. ALLEN), about the needless addition in this trade agreement of an unfortunate precedent dealing with our health policy. It is not going to affect drug reimportation now because of restrictions in Australian law, but it is not a good precedent in terms of what the majority of the House is seeking to do with prescription drugs in this country.

But I must also mention another precedent that I find equally troubling, which deals with the treatment of sugar.

It is still the policy of the United States government to penalize United States consumers, forcing them to pay far more than the world price. It discriminates against sugar-based industries in the United States, driving confectionery factories from Illinois across the border to Canada. It is troubling that we see agreements take the sugar issue off the table in a concession to that powerful interest.

This is bad for our ultimate posture on trade, because it shows us to be hypocritical. It is bad for United States consumers. It is bad for the environment. It is bad for poor people around the world who could work their way out of poverty.

I will support the rule and the agreement, but I certainly hope that this is the last provision we have that enshrines protectionist treatment for the sugar interests in this country.

Mr. DREIER. Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore (Mr. MILLER of Florida). The gentleman from Massachusetts (Mr. McGOVERN) has 13½ minutes remaining.

Mr. McGOVERN. Mr. Speaker, I yield 2½ minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. McGOVERN) for yielding me time.

I rise in strong support of this rule as well as in strong support of the United States-Australia Free Trade Agreement.

This agreement, as was mentioned before, has strong bipartisan support, and I have been pleased to work across the aisle with not only the gentleman from California (Mr. DREIER), but the Whip, the gentleman from Missouri (Mr. BLUNT), as well as the gentleman from Virginia (Mr. CANTOR), the gentlewoman from Ohio (Ms. PRYCE); on our side of the aisle and in particular the gentleman from California (Mr. DOOLEY), the gentleman from Oregon (Mr. BLUMENAUER), the gentleman from Michigan (Mr. LEVIN) and others.

We have seen the strong bipartisan support because we both believe that this is the right thing for the United States, and it comes at the right time. Australia has been a strong friend and ally of the United States, and they have fought by our side in all the past century's major wars, as well as in Afghanistan, and they now stand with our troops in supporting our efforts in Iraq. Being our ally is not the only reason to support this deal but also because Australia has a strong economy, with labor and environmental standards comparable to our Nation and, quite frankly, comparable, if not stronger, in some cases.

Australia's minimum wage for their workers exceeds our own, and they provide universal health coverage and pension plans for their workers. Australia is our fifth-largest trading partner, worth $38 billion, which makes this FTA the most significant bilateral deal since the U.S.-Canada agreement.

American manufacturers will see immediate benefits because this FTA will eliminate 99 percent of Australian tariffs on U.S.-manufactured exports on day one of this agreement; and 93 percent of the United States trade with Australia is from manufacturing, which is estimated to boost U.S. manufacturing exports by $1.8 billion, protecting and creating a conservative estimate of some 270,000 jobs here in the U.S.

When we talk about agriculture, I am pleased to see that over $400 million of our agriculture exports will see immediate duty free access.

Mr. Speaker, this Free Trade Agreement with Australia makes sense. This Free Trade Agreement with Australia makes sense for all the reasons I have just stated. I urge my colleagues to support the passage of this bill, and I also ask them to support this rule.

There is no Free Trade Agreement that is absolutely perfect, but if any Free Trade Agreement comes close to a no brainer, this is the one. I urge my colleagues to support it.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to compliment my friend, the gentleman from New York (Mr. CROWLEY) for his very thoughtful statement.

I, too, want to join in extending congratulations not only to those on our side of the aisle who have worked in a strong bipartisan way on this issue, including the gentleman from Missouri (Mr. BLUNT), the Chief Deputy Whip, the gentleman from Virginia (Mr. CANTOR), an organization that the gentleman from California (Mr. THOMAS) and I have had in place working on trade issues for a long period of time, reaching out to my friends, the gentleman from Michigan (Mr. LEVIN), and the gentleman from Oregon (Mr. BLUMENAUER), who has worked with us on trade issues for a long period of time. I would like to say how important this bipartisan effort has been.

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, I rise in opposition to the rule and in opposition to the bill.

The drug industry has had a pretty darn good year in this Congress. The drug industry and the Bush administration, which is kind of hard to tell them apart when you look at what the drug industry and the Bush administration fight for in this Congress, have had it their way on every single issue in front of this Congress. The drug industry comes to the Congress, goes to the administration. The administration comes to the Congress asking for whatever the drug industry asks the administration to do.

The Medicare bill, we all know by now, was, line and verse, written by the drug industry. That is why seniors are so generally unhappy with that prescription drug bill. That legislation, if you recall, had provisions to prohibit our government from negotiating lower prices for prescription drugs. That is what the drug industry wanted.

The Food and Drug Administration, once one of the best agencies of our Federal Government, has become almost an arm of the drug industry. It debates for the drug industry. It tries to educate the public on behalf of the drug industry. We see it over and over again.

Now the drug industry has its fingers in the U.S. Trade Rep's Office. You can look at what my Republican friend, the gentleman from Minnesota (Mr. GUTKNECHT), and Democratic friend, the gentleman from Illinois (Mr. EMANUEL), sent a letter out to Members of Congress saying 15 of the 25 panel members on the industry sector advisory committee for this trade agreement, appointed by the United States Trade Rep, are from the drug industry. Fifteen of the 25 panel members are from the drug industry. Not one senior group or reimportation advocate was included in the panel. The drug industry has its tentacles in the Medicare bill, in the FTA, and in the U.S. Trade Rep's office.

Now, the question is why.

First of all, I think the obvious answer is the tens of millions of dollars that the drug industry gives to my friends on the Republican side of the aisle, especially the Republican leadership and to President Bush's reelection, the millions of dollars in campaign money. So we have really should not be surprised.

But I ask my friends on the Democratic side of the aisle, do we trust President Bush and the Republican leadership to do the right thing ever on an issue that affects the drug industry?

What this legislation has, the Australian Free Trade Agreement has, is provisions written by the drug industry, for the drug industry, which ultimately could potentially handcuff the U.S. to get our drug prices down. That is what the drug industry wants. That is what President Bush wants. I do not think my friends on the Democratic side of the aisle would want that.

Mr. Speaker, it is pretty clear. I know this Australia Free Trade Agreement is going to pass this Congress, but what is important is that we send a strong message that we do not like the drug industry influence in this Australia Free Trade Agreement bill. I am asking my friends who support reimportation, who support lower prescription drug prices, and there are many of them on both sides of the aisle, certainly not the Republican leadership, but many rank and file Republicans, almost all of the Democrats who support lower prescription drugs prices, it is important to vote no on this, to send that message that we will not allow the drug industry to infiltrate every part of our lawmaking process.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

It is great to see such extraordinary bipartisan support for this very important agreement.

Let me take just a few minutes to respond to the comments of my good friend from Ohio. As I said in my opening remarks, Mr. Speaker, the Australia Free Trade Agreement does not prevent Congress from passing legislation on drug reimportation. Under the U.S. Constitution, we all know that no trade agreement could do this.

We also need to know that there has been ongoing consultation between this administration, the U.S. Trade Representative and a bipartisan group here in the United States House of Representatives, as well as in the United States Senate.

We know that any law that is passed by the Congress will always trump any kind of Free Trade Agreement. There is nothing in the Australia Free Trade Agreement or in the implementing legislation, H.R. 4759, that changes U.S. patent law or the Federal Food, Drug and Cosmetic Act, FDCA.

We also think it is very important for our colleagues to understand that the patent provision in the Free Trade Agreement restates U.S. law and applies to all patents. It restates U.S. law and applies to all patents, Mr. Speaker, not just pharmaceuticals. Not including this provision would be devastating to U.S. intellectual property rights holders in every single sector of our economy.

It is one of the things I was talking about in my opening remarks. The issue of piracy, counterfeiting, intellectual property violations, those are violating property rights, and we clearly feel strong about the need to maintain those private property rights.

Australian law already bans the exportation of drugs dispensed under its pharmaceutical benefit scheme, the PBS. Unlike Canada, the law in Australia explicitly prohibits other parties, such as wholesalers or pharmacists, from exporting non-PBS dispensed drugs.

Therefore, I think that, as I listen to my friend from Ohio talking, he could not be more inaccurate in his assessment of how this came out or in his assessment of his relationship between those of who do truly want to do everything that we possibly can to lower the cost to consumers of pharmaceutical drugs, of basically any kind of consumer product.

We are here to do what we can to improve the standard of living and quality of life for our consumers.

□ 1115

We happen to believe in bringing about an agreement like this, and so I think it is important to note that any change in U.S. law would have no practical effect on reimportation from Australia due to Australian domestic law that exists, regardless of the free trade agreement; and, therefore, Australia would have no plausible basis to claim harm or to pursue any kind of sanctions.

I think it is very important, Mr. Speaker, for our colleagues to understand the fact that this is an agreement which is focused on ensuring the very important intellectual property rights, but at the same time, working to ensure that consumers have access to the best quality product at the lowest possible price, whether it is a pharmaceutical drug or whether it is a product coming from my great entertainment industry in Hollywood.

Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, I want to put in perspective why I support the rule and why I will vote for this agreement. It is a somewhat different perspective than the gentleman from California's (Mr. DREIER).

There are some very strong provisions in this legislation, and we will talk about it more during the 2 hours, on manufactured goods, on agriculture, on services. These are solid provisions that work to the advantage of American workers and businesses.

As to prescription medicines, USTR did try to get Australia, through these negotiations, to consider changes within their structure. We sent a letter, a number of us, to USTR saying we did not consider that to be a legitimate effort, and they dropped it.

What is left here are two provisions, one regarding transparency, which will not affect U.S. law, and the other relates to reimportation. The fact is, in this agreement there is incorporated the general law protecting U.S. patent holders. It is put in this agreement; and I suppose theoretically, it could lead to someone saying that if we pass the reimportation law it would violate that agreement.

It does not become operational. As mentioned here, the laws of Australia prohibit exports to the United States. So, in essence, we have a provision here that can have no operational effect on the effort here, and I totally support it, to allow reimportation of medicines.

So what do we do as a result? We have the same dilemma when it comes to a nation enforcing its own laws when it comes to labor standards. I very much object to the use of that standard in general. In Australia, it does not matter because their labor laws are essentially the same as ours. So we have two provisions here, and how do we send a message?

My own judgment is, where the agreement is otherwise strong in terms of expanded trade for the benefit of our workers and businesses, for the American public, the consumers, to say, okay, but two things, do not dare put this provision relating to patents in any agreement which would affect reimportation of drugs, do not dare do it, and if they did, it would bring down the bill. As to the core labor standards, do not dare try it in an agreement where the conditions are the opposite of or very different from Australia.

Well, CAFTA is exactly what they did with labor standards, and that is why we very much oppose CAFTA. The gentleman from California (Mr. DREIER) talks about bipartisanship. There has been zero real bipartisanship when it comes to the negotiation of CAFTA, and that is why it is going to fail. That is why it will not be brought up on this floor because it would lose. Bipartisanship has to be more than consulting with us when they think we will agree but not when there is a legitimate disagreement between the parties in an effort to work it out.

So my suggestion is to vote for this FTA; but in our debate make it very clear, when it comes to prescription medicines, do not put this kind of a provision in a bill with a country that does not prohibit exportation, and number two, when it comes to using the standard for labor and the environment, do not put it in agreements with different nations or we will fight it to the end, and that is what we are doing.

I favor a CAFTA, not this one. So I say to the gentleman from California (Mr. DREIER), the effort to consult, the effort for a bipartisan approach to trade, that has failed under this administration mainly. We do not have the same bipartisan base that we once had. With Australia, all right; but in other cases, no.

So I think we need to send a signal to this administration as to our disagreements in terms of our opposition to CAFTA, their failure to actively enforce the laws that we have, their approach to China; but I do not think these differences should force us to vote against an expansion of trade that is basically positive; and for that reason, I urge support for the rule, support for this bill, but with those strong, strong caveats and messages that I have just enunciated.

Mr. DREIER. Mr. Speaker, let me once again thank my friend from Michigan for his strong and committed bipartisan support to this effort.

I do not have any further speakers. I plan to just make some closing remarks myself. If the gentleman has no further speakers and would like to yield back the balance of his time or make remarks, I look forward to them.

Mr. McGOVERN. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. MILLER of Florida). The gentleman from Massachusetts (Mr. McGOVERN) has 3 minutes remaining.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

As the gentleman from New York (Mr. CROWLEY) indicated earlier, a number of Democrats support the Australia trade agreement and feel it is fine as far as it goes, and the gentleman from Michigan (Mr. LEVIN) made the same comments as well.

However, I think it is important to note that this agreement covers less than 1 percent of U.S. trade, and it cannot make up for the Bush administration record of failing to vigorously enforce trade laws and trade agreements. It cannot make up for a failure to invest in research and development and in training American workers in cutting-edge skills and technologies to improve America's ability to compete in the global economy.

Our trading partners consistently violate the terms of their trade agreements with us; and the administration has failed to stop China, Japan, and other nations from manipulating their currencies. The administration has failed to break down barriers for American workers and American companies in key export markets such as Japan and Korea.

The Bush administration has failed to invest in the innovative technologies of the 21st century. The Bush budget has tried to eliminate the Advanced Technology Program and slashed the Manufacturing Extension Partnership and proposed cutting job-training programs by more than $1.5 billion over the past 3 years.

Republican policies have led to the loss of 1.8 million private sector jobs, and the average length of unemployment is at its highest level in 20 years, and the overall job picture is the worst in almost 40 years.

So as we take up consideration of the U.S.-Australia Free Trade Agreement, we also need to change direction and pursue policies in tax policy and job training and supporting our small and medium-sized manufacturers and R&D that will create jobs right here at home right now.

Mr. Speaker, I also want to say for the record once again that I regret very much the prescription drug provisions that are in this agreement. It is bad precedent. To my knowledge, this is the first time a prescription drug provision has been included in a trade agreement, and hopefully it will be the last time. I know that the big drug companies want to view this as what will be the norm in future trade agreements, but I will point out to my colleagues that there are millions and millions of Americans who deserve and who expect more from this administration or whatever administration is in power and from this Congress.

To the extent that there is bipartisanship on this agreement, let the record reflect that that bipartisanship will not be there. If in the future there are these prescription drug provisions included in future trade agreements, that is unacceptable.

Mr. Speaker, I yield back the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, with all due respect to my very good friend from Massachusetts, I have no idea whatsoever he is talking about when he talks about the economy that we are in today. Since January 1 of this year, 1.26 million new jobs have been created right here in the United States. We have seen the largest surge in 45 months of manufacturing jobs. We are seeing unanticipated revenues coming into the Federal Treasury because of the tax package that this Congress, in a bipartisan way, passed and this President signed.

We are, I believe, poised to move towards a balanced budget earlier than had been anticipated, and we have undergone some of the most serious challenges that our Nation has ever felt during the past few years.

We all know that when President Bush came into office he inherited an economy that was already slowing. Within just a couple of months, we went into recession. That was two quarters of negative economic growth.

Mr. Speaker, since that period of time, we saw 7½ months after President Bush took office the worse attack in our Nation's history on American soil when 3,000 Americans were killed on September 11 of 2001.

We saw the tremendous problem of corporate abuse, corporate scandals; and we know the challenges that that created for our economy. We saw the global war on terror proceed; and we, of course, are still struggling as we work to liberate the people of Iraq and move towards political pluralism and the rule of law and free and fair elections.

With all of those challenges, we have seen tremendous economic growth. A very important aspect of that has been trade liberalization, a policy that has enjoyed bipartisan support. Usually it is Republican-led, I will acknowledge, and there are not many Democrats who do join; but in the past, there have been Democrats who have joined in, trying to bring about the very important market-opening opportunities that we see worldwide.

This agreement is going to enjoy tremendous bipartisan support; and, again, I will say that it has been great to work with our colleagues on the other side of the aisle. My colleague, the gentleman from California (Mr. DOOLEY), is going to be retiring; but he is a Democrat who has been very thoughtful and consistently pushing trade liberalization. He helped us with the passage of Trade Promotion Authority, and he has just done a terrific job, and I will miss him when he retires from this body at the end of this year.

The gentleman from New York (Mr. CROWLEY), who stood up and spoke very eloquently on the need to pass the U.S.-Australia Free Trade Agreement, has been a leader within the whip organization on the other side of the aisle, and I mentioned my colleague, the distinguished whip, the gentleman from Missouri (Mr. BLUNT); the gentleman from Virginia (Mr. CANTOR), the chief deputy whip; and a wide range of members; the gentleman from California (Mr. THOMAS) providing the leadership that he has on the Committee on Ways and Means.

We have gotten to this point, Mr. Speaker, and this point is one which will allow us, Democrats and Republicans alike, to come together and underscore how trade liberalization is helping our economy. It is helping to create jobs.

Now, we have heard this argument raised about prescription drugs, and I will say what I have said throughout the debate. It is current law. It is current law in Australia, not part of the free trade agreement, that, in fact, ensures that reimportation will not take place. Nothing in this agreement whatsoever, nothing in this agreement will in any way impact the debate which has been ongoing in this body on the issue of drug reimportation; and if any change is made, the free trade agreement cannot in any way override that.

This issue of the administration and the consultation process, as the pharmaceutical drug question was addressed, taking place, there was broad consultation that took place, in a bipartisan way, Democrats and Republicans in both Houses of Congress, with this administration, with our U.S. Trade Representative, Ambassador Zoellick.

□ 1130

So, Mr. Speaker, I think it is very important to recognize that, on the specifics of this, it has been very, very well handled and, I think, is in many ways a model.

I will say to my friend from Massachusetts that in the U.S.-Singapore Free Trade Agreement that we put together, very similar language as we have in the Australia agreement on the pharmaceutical question. We feel strongly about the issue of intellectual property, we feel strongly about property rights, we do not like piracy, we do not like counterfeiting, and this agreement is designed to strengthen our ability to deal with that question.

Mr. Speaker, September 11 of 2001 was one of the most difficult days in our Nation's history. We were poised to hear an address before a joint session of Congress by Prime Minister John Howard, the great Prime Minister of Australia. Obviously, we were unable to do that, but Prime Minister Howard was, as I recall very vividly, here when President Bush came and addressed a joint session of Congress.

I am very proud, and I think I am the only Member who has a place in the U.S. Capitol where I have a quote from an Australian. I have a very important quote, which I would commend to my colleagues, and I will enter that into the record and not read through it right now, but I actually saw it when I visited the Australian parliament at Canberra several years ago, actually in December of 1998. I was struck by this quote by R.G. Menzies, who was one of the great, strong anti-Communist prime ministers of Australia. He talks about the importance of public service and the sacrifice that public service entails, and I have that quote hanging in the Committee on Rules upstairs, just above this Chamber.

Mr. Speaker, I think it is important for us to realize that Australia has been an important ally of ours in every single way. They have been unrelenting in their commitment to the global war on terror. They have been victimized themselves. Our September 11 was at one point an October 11, or October 6, it was an October date, that saw many Australians tragically become the victims of the challenge of international terrorism with the bombings that took place at Bali, killing many Australians. So they have suffered as well. They understand what it is like. So they have stood with us in Iraq, in Afghanistan, and in international fora in trying to deal with these challenges.

Our relationship is already, as I said, an extraordinarily strong relationship. But with the passage of this measure today, Mr. Speaker, we are going to strengthen even more that very important tie that exists between the United States of America and the wonderful people of Australia. So I urge strong support of this rule and strong support of the measure as we address it.

Mr. Speaker, I submit for the RECORD the quote by R.G. Menzies which I earlier referred to:

> I believe that politics is the most important and responsible civil activity to which a man may devote his character, his talents, and his energy. We must, in our interests, elevate politics into statesmanship and statecraft. We must aim at a condition of affairs in which we shall no longer reserve the dignified name of statesman for a Churchill or Roosevelt, but extend it to lesser men who give honourable and patriotic service in public affairs. In its true that most men of ability prefer the objective work of science, the law, literature, scholarship, or the immediately stimulating and profitable work of manufacturing, commerce, or finance.
>
> The result is that our legislative assemblies are a fair popular cross-section, not a corp d'elite. The first-class mind is comparatively rare. We discourage young men of parts by confronting them with poor material rewards, precariousness of tenure, an open public cynicism about their motives, and cheap sneers about their real or supposed search for publicity. The reason for

this wrong-headedness, so damaging to ourselves, is that we have treated democracy as an end and not as a means. It is almost as if we had said, when legislatures freely elected by the votes of all citizens came into being, "Well, thank heaven we have achieved democracy. Let us now devote our attention to something new." Yet the true task of the democrat only begins when he is put in possession of the instruments by which the popular will may be translated into authoritative action. In brief, we cannot sensibly devote only one per cent of our time to something which affects ninety-nine per cent of our living.—*R. G. Menzies, New York Times Magazine, November 28, 1948.*

Mr. MCDERMOTT. Mr. Speaker, today, the House of Representatives considers the United States-Australia Free Trade Agreement (USAFTA). I support this trade initiative, because it's good for America and good for the people of Washington State in a number of important ways.

First, Australia is an important ally of the U.S. in an increasingly unstable world. Many Australian troops fought side-by-side American soldiers in the Vietnam War, in Afghanistan, and are providing resources to Americans in a part of the world where we increasingly need them.

Second, Australia has a long history of importing many American products—from agricultural goods grown in Washington, like apples and wheat, to products manufactured in Washington, like electronics and airplanes. We enjoy a sizable trade surplus with Australia and since this agreement commits Australia to immediately remove tariffs on nearly every U.S. export to Australia, it will instantly provide further market access for products that come from the United States. In addition, Australia invests significantly in the United States, directly employing thousands and thousands of American jobs.

Third, Australia exports many products that Americans enjoy—like fine wines and many agricultural products. Since this agreement requires the U.S. to remove many of our tariffs on Australian goods, they immediately become more affordable to American consumers.

Although I support this agreement, I remain deeply concerned about the direction that the Bush Administration is taking this country, particularly with regard to our economy and our trade policy, which profoundly affects the ability of our country to maintain and create good paying jobs.

America's best export has always been the democratic values that we hold dear. While capitalism and open markets may boost trade flows, democratic values must also be a centerpiece of U.S. trade policy. Regretfully, this agreement continues to embody a short-sighted approach toward international trade that the Bush Administration has employed for the last 4 years. The USAFTA fails to lock in international labor and environment standards. It only requires the United States and Australia to continue to enforce their own labor and environment laws. This approach, if employed in future trade agreements with less developed countries, would do little to raise living standards in countries whose labor and environmental laws do not meet international standards. Furthermore, this approach would force American workers to compete on an uneven playing field. I do not think that is a direction that our country should go.

Today, however, the Congress considered liberalizing trade with Australia, a country that has well-developed labor and environmental laws, and a good track record for enforcing these laws, so I will not let Perfect be the enemy of Good. Our international assistance and trade programs should aim to raise living conditions here and abroad. Ultimately, I believe that the USAFTA advances these interests.

Mr. DREIER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCGOVERN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

SUTA DUMPING PREVENTION ACT OF 2003

Mr. HERGER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3463) to amend titles III and IV of the Social Security Act to improve the administration of unemployment taxes and benefits, as amended.

The Clerk read as follows:

H.R. 3463

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "SUTA Dumping Prevention Act of 2003".

SEC. 2. TRANSFER OF UNEMPLOYMENT EXPERIENCE UPON TRANSFER OR ACQUISITION OF A BUSINESS.

(a) IN GENERAL.—Section 303 of the Social Security Act (42 U.S.C. 503) is amended by adding at the end the following:

"(k)(1) For purposes of subsection (a), the unemployment compensation law of a State must provide—

"(A) that if an employer transfers its business to another employer, and both employers are (at the time of transfer) under substantially common ownership, management, or control, then the unemployment experience attributable to the transferred business shall also be transferred to (and combined with the unemployment experience attributable to) the employer to whom such business is so transferred,

"(B) that unemployment experience shall not, by virtue of the transfer of a business, be transferred to the person acquiring such business if—

"(i) such person is not otherwise an employer at the time of such acquisition, and

"(ii) the State agency finds that such person acquired the business solely or primarily for the purpose of obtaining a lower rate of contributions,

"(C) that unemployment experience shall (or shall not) be transferred in accordance with such regulations as the Secretary of Labor may prescribe to ensure that higher rates of contributions are not avoided through the transfer or acquisition of a business,

"(D) that meaningful civil and criminal penalties are imposed with respect to—

"(i) persons that knowingly violate or attempt to violate those provisions of the State law which implement subparagraph (A) or (B) or regulations under subparagraph (C), and

"(ii) persons that knowingly advise another person to violate those provisions of the State law which implement subparagraph (A) or (B) or regulations under subparagraph (C), and

"(E) for the establishment of procedures to identify the transfer or acquisition of a business for purposes of this subsection.

"(2) For purposes of this subsection—

"(A) the term 'unemployment experience', with respect to any person, refers to such person's experience with respect to unemployment or other factors bearing a direct relation to such person's unemployment risk;

"(B) the term 'employer' means an employer as defined under the State law;

"(C) the term 'business' means a trade or business (or [an identifiable and segregable] *a* part thereof);

"(D) the term 'contributions' has the meaning given such term by section 3306(g) of the Internal Revenue Code of 1986;

"(E) the term 'knowingly' means having actual knowledge of or acting with deliberate ignorance of or reckless disregard for the prohibition involved; and

"(F) the term 'person' has the meaning given such term by section 7701(a)(1) of the Internal Revenue Code of 1986.".

(b) STUDY AND REPORTING REQUIREMENTS.—

(1) STUDY.—The Secretary of Labor shall conduct a study of the implementation of the provisions of section 303(k) of the Social Security Act (as added by subsection (a)) to assess the status and appropriateness of State actions to meet the requirements of such provisions.

(2) REPORT.—Not later than July 15, [2006] *2007*, the Secretary of Labor shall submit to the Congress a report that contains the findings of the study required by paragraph (1) and recommendations for any Congressional action that the Secretary considers necessary to improve the effectiveness of section 303(k) of the Social Security Act.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall, with respect to a State, apply to certifications for payments (under section 302(a) of the Social Security Act) in rate years beginning after the end of the 26-week period beginning on the first day of the first regularly scheduled session of the State legislature beginning on or after the date of the enactment of this Act.

(d) DEFINITIONS.—For purposes of this section—

(1) the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands;

(2) the term "rate year" means the rate year as defined in the applicable State law; and

(3) the term "State law" means the unemployment compensation law of the State, approved by the Secretary of Labor under section 3304 of the Internal Revenue Code of 1986.

SEC. 3. USE OF NEW HIRE INFORMATION TO ASSIST IN ADMINISTRATION OF UNEMPLOYMENT COMPENSATION PROGRAMS.

Section 453(j) of the Social Security Act (42 U.S.C. 653(j)) is amended by adding at the end the following:

"[(7)] *(8)* INFORMATION COMPARISONS AND DISCLOSURE TO ASSIST IN ADMINISTRATION OF UNEMPLOYMENT COMPENSATION PROGRAMS.—

"(A) IN GENERAL.—If, for purposes of administering an unemployment compensation program under Federal or State law, a State agency responsible for the administration of such program transmits to the Secretary the names and social security account numbers of individuals, the Secretary shall disclose to such State agency information on such individuals and their employers maintained in the National Directory of New Hires, subject to this paragraph.

"(B) CONDITION ON DISCLOSURE BY THE SECRETARY.—The Secretary shall make a disclosure under subparagraph (A) only to the extent that the Secretary determines that the disclosure would not interfere with the effective operation of the program under this part.

"(C) USE AND DISCLOSURE OF INFORMATION BY STATE AGENCIES.—

"(i) IN GENERAL.—A State agency may not use or disclose information provided under this paragraph except for purposes of administering a program referred to in subparagraph (A).

"(ii) INFORMATION SECURITY.—The State agency shall have in effect data security and control policies that the Secretary finds adequate to ensure the security of information obtained under this paragraph and to ensure that access to such information is restricted to authorized persons for purposes of authorized uses and disclosures.

"(iii) PENALTY FOR MISUSE OF INFORMATION.—An officer or employee of the State agency who fails to comply with this subparagraph shall be subject to the sanctions under subsection (l)(2) to the same extent as if such officer or employee was an officer or employee of the United States.

"(D) PROCEDURAL REQUIREMENTS.—State agencies requesting information under this paragraph shall adhere to uniform procedures established by the Secretary governing information requests and data matching under this paragraph.

"(E) REIMBURSEMENT OF COSTS.—The State agency shall reimburse the Secretary, in accordance with subsection (k)(3), for the costs incurred by the Secretary in furnishing the information requested under this paragraph.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. HERGER) and the gentleman from Maryland (Mr. CARDIN) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. HERGER).

GENERAL LEAVE

Mr. HERGER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 3463, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to be here today with my colleagues from the Committee on Ways and Means, the gentleman from New York (Mr. HOUGHTON), who is chairman of the Subcommittee on Oversight, and the ranking members of the Subcommittee on Human Resources and Subcommittee on Oversight, the gentleman from Maryland (Mr. CARDIN) and the gentleman from North Dakota (Mr. POMEROY).

We are here, Mr. Speaker, to consider bipartisan legislation to stop businesses and those who advise them from wrongly manipulating their corporate structure to avoid paying their fair share of State unemployment taxes, a practice that has been dubbed SUTA dumping.

Not only does the bill before us today, H.R. 3463, bring a halt to the fraudulent and abusive practice of SUTA dumping, it will help strengthen the Nation's unemployment compensation system by requiring businesses that are shirking their tax responsibilities to pay up.

At the June 2003 joint hearing before the Subcommittee on Human Resources and the Subcommittee on Oversight, the U.S. General Accounting Office reported that in three-fifths of the States, laws are insufficient to prevent SUTA dumping. The GAO testified that millions of dollars already have been lost, $120 million in just 14 States over a 3-year period. This loss must be made up by higher taxes on other employers or by lower benefits for unemployed workers.

In my home State of California, estimates of the loss from SUTA dumping run as high as $100 million. In North Carolina, where State legislation already has been enacted to stop SUTA dumping, $6.8 million additional unemployment tax dollars have been collected from 10 companies that should have been making those payments all along. Another 50 companies are being investigated, and up to 100 companies are suspected of wrongdoing. This is just in one State. This is unacceptable.

The bill before us today addresses this problem by amending Federal law to direct States to have effective provisions in their State laws to prevent SUTA dumping. It also gives State unemployment program officials access to data in the National Directory of New Hires to ensure unemployment benefits are not wrongly paid to those who are working.

The Congressional Budget Office estimates that H.R. 3463 would save about $.5 billion over 5 years. However, saving money is not the only reason for us to be passing this bill today. When businesses wrongly minimize or even avoid paying their proper share of State unemployment taxes, they undermine the Nation's unemployment benefits system. They also unfairly dump their costs onto other employers.

And it is not just honest employers who lose when their competitors pay less in taxes than they should and gain an unfair competitive advantage by SUTA dumping. Employees lose if employers are more willing to lay them off or delay hiring them back, since they know higher employer taxes will not follow the layoffs. States lose as their trust fund balances fall, possibly leading to expensive borrowing, tax increases, and benefits cuts. The economy loses as businesses fold or fail to start and workers are laid off or never hired.

It is time for us to stop this practice. I ask my colleagues to join me today in passing H.R. 3463, the SUTA Dumping Prevention Act.

Mr. Speaker, I reserve the balance of my time.

Mr. CARDIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join my colleague, the chairman of our subcommittee, the gentleman from California (Mr. HERGER), in support of this legislation. It is important legislation that will save our States money and help the employers in our State that are playing according to the rules. This bipartisan bill will help ensure all employers pay their fair share into our Nation's unemployment compensation system, which provides benefits to laid-off workers.

I am pleased to have worked with the gentleman from California (Mr. HERGER) in developing this legislation, as well as the chairman of the Subcommittee on Oversight, the gentleman from New York (Mr. HOUGHTON), the ranking member of the Subcommittee on Oversight, the gentleman from North Dakota (Mr. POMEROY), and the gentleman from Michigan (Mr. LEVIN), who serves also on our Subcommittee on Human Resources.

Mr. Speaker, this bill has the support from organizations representing both workers and business.

Unemployment tax payments are determined in part by a company's experience rating, meaning their experience with laying off workers. Companies whose employees receive fewer unemployment benefits have lower tax rates, while those employers whose workers receive benefits more frequently have higher tax rates. To artificially reduce their unemployment taxes, some companies engage in a practice known as State Unemployment Tax Assessment dumping, or SUTA dumping, which allows them to lower their experience rating.

Examples of this practice include the transfer of a company's employees to a fake shell company which has a new and lower tax rate. As a result of this practice, the State loses millions of dollars in proper tax payments and, therefore, has to increase the tax rates on the vast majority of employers who are playing according to the rules.

In fact, the Department of Labor has said SUTA dumping eliminates the incentive for employers to keep employees working and returning claimants to work as soon as possible, and it unfairly shifts costs to other employers.

Mr. Speaker, according to a General Accounting Office survey, three-fifths of the States believe their laws are insufficient to prevent SUTA dumping. That is the reason, Mr. Speaker, we need to act. Fourteen States have reported they have identified specific SUTA dumping cases within the last 3 years, with losses from these cases exceeding $120 million.

H.R. 3463 would require States to impose meaningful penalties on employers that engage in SUTA dumping by shifting employees from one shell company to another. More specifically, the bill would require that a company's experience ratings for unemployment taxes follow that portion of the business that is transferred to another company if both corporate entities are "under substantially common ownership, management or control."

Additionally, the bill would require penalties be imposed on financial consultants who market SUTA dumping as a tax shelter.

Finally, the bill includes a provision allowing State unemployment agencies access to the National Directory of New Hires, which is used to track employment for the purposes of collecting child support. State agencies would use this information to prevent fraud, such as individuals both working and claiming unemployment benefits.

Mr. Speaker, I urge my colleagues to support this legislation designed to ensure fair and accurate payment to our Nation's unemployment compensation system.

Mr. Speaker, I reserve the balance of my time.

Mr. HERGER. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. HOUGHTON), a member of the Committee on Ways and Means and the chairman of the Subcommittee on Oversight.

Mr. HOUGHTON. Mr. Speaker, I thank the gentleman from California (Mr. HERGER) and the gentleman from Maryland (Mr. CARDIN). I am delighted to be here, and I rise in strong support of this particular piece of legislation, the SUTA Dumping Prevention Act.

SUTA is State Unemployment Tax Act. That is what it stands for. When I think of dumping, I usually think of the dumping of a product, but the concept here is really the dumping of cost. This is very important legislation because it provides the States with enforcement mechanisms they are going to need to prevent certain businesses who want to avoid paying their fair share of State unemployment taxes.

Now, last year, in June, the Subcommittee on Oversight held a joint hearing with the Subcommittee on Human Resources, with the gentleman from California (Mr. HERGER), and explored the dumping issue. We had a lot of expert witnesses, and they informed us about the fraud that is being conducted by a variety of unscrupulous business owners. So we learned that some employers have developed sophisticated schemes manipulating their corporate structure to avoid paying their fair amount of unemployment compensation taxes.

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This bill prevents that.

The bill makes several improvements in current law. State unemployment benefit officials will be provided with access to national data in the National Directory of New Hires to ensure unemployment benefits are not erroneously paid to those who are already employed.

The bill also is going to save taxpayer money, and that is important. According to the Congressional Budget Office, when the bill becomes law, the government is estimated to save over $500 million over a 10-year period. How does this happen? The savings are going to come from increased tax collections of businesses that have avoided paying the unemployment taxes to begin with. So these additional revenues are going to be added to State unemployment benefit accounts, leading to lower tax rates when balances rise. This means that the companies who are the good guys, who have paid their fair share of taxes, will see lower tax rates. That is, of course, obviously what we want.

Finally, Mr. Speaker, this bill is bipartisan. We have worked closely with our friends on the other side of the aisle, particularly the gentleman from Maryland (Mr. CARDIN), the gentleman from North Dakota (Mr. POMEROY), the gentleman from Michigan (Mr. LEVIN), the gentleman from Washington (Mr. MCDERMOTT), and the gentleman from Texas (Mr. SANDLIN). So I want to thank them for their efforts also in helping to bring this legislation to the floor.

Congressional oversight is essential. It is being undermined. The bill fixes this by cutting out waste. I urge a "yes" vote on H.R. 3463.

Mr. CARDIN. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. LEVIN), a member of the Subcommittee on Human Resources and one who has worked very hard on this legislation.

Mr. LEVIN. Mr. Speaker, I thank the gentleman from Maryland for yielding me this time. To the gentleman from California (Mr. HERGER), the gentleman from New York (Mr. HOUGHTON), and others who have worked on this, I am pleased to join them in supporting this legislation to end a form of tax fraud called SUTA. I think everybody should understand it is State Unemployment Tax Account dumping.

I am proud that a company in my home State of Michigan, Kelly Services, was one of the first to blow the whistle on this abusive practice. Really, Kelly Services and their leadership played an indispensable role, and I think it is good for the free enterprise system of this country when people within the business community step up and say, Something is wrong; some others are not playing by the rules.

One of the fundamental principles of the unemployment compensation system is that each employer pays their fair share based on their company's layoff patterns. Employers who frequently lay off workers pay higher taxes. This ensures, first of all, fairness; and also it creates a financial incentive for employers to avoid layoffs whenever possible.

But in recent years, some companies, aided by unscrupulous accounting firms, used loopholes in the law to make it appear that their layoff rates were much lower than they actually were. We are told that these practices are not technically illegal, but they should be; and this bill will ensure that they are.

In Michigan alone, SUTA dumping costs the trust fund 50 to $100 million a year at a time when pressure on our trust fund is already great. Employers who dump make it more difficult for Michigan to increase benefits or help the long-term unemployed, and they drive up the tax rate for honest employers, making it difficult for them to hire new workers.

There is never a good time for employers to avoid paying their fair share, but this is a particularly bad time to cheat the unemployment trust fund. Unemployment is 5.6, nearly double the unemployment rate at the end of 2000. The economy has 1.8 million fewer private sector jobs and 2.7 million fewer manufacturing jobs than it had in 2000. The number of job openings in the Midwest is down by 44 percent since the end of 2000. People in Michigan and across the country are out of work through no fault of their own and have nowhere else to turn except State unemployment programs.

State unemployment trust funds have taken a beating. Thirty-one State unemployment trust funds do not currently have enough funds to withstand another recession. Four States, Minnesota, New York, Missouri and North Carolina, currently do not have enough funds in their State trust funds and have borrowed from the Federal trust fund.

I urge my colleagues to support this legislation to strengthen our State unemployment trust funds, help workers, and maintain fairness in the system.

I want to say one other thing. On an earlier bill, there was much talk about bipartisanship, and we have heard it again today on this bill. There was bipartisanship on this bill. It is sad there was not when it came to extension of Federal unemployment benefits. There was none. The Republicans, this majority, in essence, they collaborate with us when they think we will agree with them; but if they think we will disagree, there is no bipartisanship in a meaningful sense.

The extended program, the failure to continue it, has had a major impact on the lives of hundreds of thousands of families in the United States of America. I salute the gentleman from Maryland (Mr. CARDIN) for his tireless efforts over these months to try to get the Republicans to work with us on this. The highest number of people have exhausted all of their benefits on record in this country. I got this figure, and I want everybody to understand it, the number who have exhausted their benefits without finding work since December of last year, 1.7 million people.

My plea is, if we are going to be bipartisan on SUTA, and it is good that we are going to do so and, I hope, pass this overwhelmingly. I urge that the majority here take another look and think about some bipartisanship, about the lives of millions of people in this country who are unemployed through no fault of their own and cannot find a job.

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume.

I would like to point out to the gentleman from Michigan, Congress provided extended unemployment benefits for 2 years in the wake of the 2001 recession and terrorist attacks. We also provided record Federal funds for States to assist the unemployed which included $1.1 billion to 330,000 workers in the gentleman from Michigan's own State.

I would like to thank my colleagues for joining me here on the floor today to discuss this important bipartisan legislation. I urge all of my colleagues to support the SUTA Dumping Prevention Act to stop fraud and abuse and make our unemployment compensation system stronger and fairer to all. This is good bipartisan legislation. Let us pass it today.

Mr. Speaker, I reserve the balance of my time.

Mr. CARDIN. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, as I indicated earlier, this is an important bill. This is a bill that will save millions of dollars for our unemployment trust accounts at the State level and will work to the advantage of workers and businesses that are playing according to the rules so that they pay their fair rates into the unemployment trust accounts. This is important legislation, it is bipartisan legislation, and it is legislation I hope my colleagues will all support.

I do, though, want to underscore the point that the gentleman from Michigan made, and that is there are other issues in regard to the unemployment insurance funds that we should be dealing with. I would hope that we could use this model of working together to deal with the extension of unemployment benefits. Let me just remind my colleagues that we have record amounts of people who have exhausted their State unemployment benefits without finding employment, the highest in the history of keeping these records. Yet, in this downturn in our economy, we provided Federal unemployment benefits for one of the shortest times and for the number of shortest weeks in recent times when we have had problems with our economy. That is wrong. We should have done better. I hope that we will do better.

Secondly, let me point out there are other issues in regard to the unemployment accounts that we need to take a look at. The Department of Labor 3 years ago suggested that 80,000 workers may be denied unemployment benefits every year because they are misclassified as independent contractors. That is another issue that I would hope that we could look at in order to properly preserve these funds. And then let me also suggest that several years ago the stakeholders in our unemployment compensation system came together with certain recommendations that dealt with the tax, that dealt with part-time workers, that dealt with using the most recent earnings quarters. We have not yet acted on those recommendations which could again provide meaningful benefits to people who are entitled to it, who pay into the trust accounts and are being denied benefits today because of the Federal rules.

I would urge my colleagues to support this legislation, but to understand we have a lot more work that needs to be done in regard to our unemployment compensation system, including the fact that we inappropriately failed to extend benefits to unemployed workers during this economic downturn.

Mr. Speaker, I yield back the balance of my time.

Mr. HERGER. Mr. Speaker, I yield myself the balance of my time. Just in response to my good friend from Maryland, thanks to the Republican tax cuts, the economy is strong and getting stronger. The economy recently grew faster than any time in the past 20 years. In the past 4 months, 1 million new jobs were created. The unemployment rate dropped in the last year from 6.3 percent to 5.6 percent. Today's unemployment rate is lower than the average during the 1970s, the 1980s, and the 1990s. Instead of engaging in partisan rhetoric, we should focus on the bipartisan bill before us which will strengthen the unemployment compensation system and make it fairer to all.

In closing, Mr. Speaker, I would like to read from a fax that I just received from the Office of the President of the United States. It is a Statement of Administration Policy in which it states: "The administration strongly supports House passage of H.R. 3463, the SUTA Dumping Prevention Act, which would strengthen the financial integrity of State unemployment insurance (UI) programs. The bill would support the President's management agenda by saving hundreds of millions of dollars in fraudulent UI benefit payments and reduce tax avoidance by employers. The administration urges Congress to act on these commonsense reforms to promote fairness and reduce erroneous payments."

Mr. Speaker, I urge all my colleagues to support this legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from California (Mr. HERGER) that the House suspend the rules and pass the bill, H.R. 3463, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

URGING THE PRESIDENT TO RESOLVE THE DISPARATE TREATMENT OF TAXES PROVIDED BY THE WORLD TRADE ORGANIZATION

Mr. ENGLISH. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 705) urging the President to resolve the disparate treatment of direct and indirect taxes presently provided by the World Trade Organization.

The Clerk read as follows:

H. RES. 705

Whereas the World Trade Organization does not permit direct taxes, such as the corporate income tax, to be rebated or reduced on exports;

Whereas indirect taxes, such as a value added tax, can be and are rebated on exports in other countries;

Whereas the distinction by the World Trade Organization between direct and indirect taxation is arbitrary and may induce economic distortions among nations with disparate tax systems; and

Whereas United States firms pay a high corporate tax rate on their export income and many foreign nations are allowed to rebate their value added taxes, thereby giving exporters in nations imposing value added taxes a competitive advantage over American workers: Now, therefore, be it

Resolved, That the President—

(1) within 120 days after the convening of the 109th Congress, and annually thereafter, should report to Congress on progress in pursuing multilateral and bilateral trade negotiations to eliminate the barriers described in section 2102(b)(15) of the Trade Act of 2002; and

(2) within 120 days after convening the 109th Congress, should report to Congress on—

(A) proposed alternatives to the disparate treatment of direct and indirect taxes presently provided by the World Trade Organization; and

(B) other proposals for redressing the tax disadvantage to United States businesses and workers, either by changes to the United States corporate income tax or by the adoption of an alternative, including—

(i) assessing the impact of corporate tax rates,

(ii) a system based on the principal of territoriality, and

(iii) a border adjustment for exports such as is already allowed by the World Trade Organization for indirect taxes.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. ENGLISH) and the gentleman from Michigan (Mr. LEVIN) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to bring House Resolution 705 before the House today. It was introduced last week and it is being brought forward with considerable urgency because, Mr. Speaker, while this may not be the first time that we have discussed the issue of competitive trade disadvantage on the floor of the House that U.S. companies are facing, this may be the time that we are most clearly focusing on the contribution to that problem created by the American tax system.

The fact that our trade deficit is more than $500 billion demonstrates that the economic engine of American exports has experienced a slowdown. In order for us to revive our economy and to have long-term growth, the substantial trade imbalance that we now are experiencing, 5 percent of our economy, representing our trade deficit, has to be corrected.

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Mr. Speaker, Congress and the administration need to push our trading partners to adjust the rules to level the playing field for American workers and American companies; and today's resolution helps do that by focusing on the disadvantage actually built into the World Trade Organization rules, a disadvantage imposed upon our Tax Code, allowing our competitors what amounts to a $120 billion advantage over American companies.

For the past 30 years, the WTO has said that, while the EU members and other trading partners can and do exempt from tax their exports to the U.S., we must fully tax our exports to them. As our manufacturers and other critical industries begin to recover from the recession, it is imperative that we address this inequity. Otherwise, we risk undermining one of the key drivers of economic growth, our export sector, and we also put at risk those companies that are competing within our domestic market by fostering upon them a significant competitive disadvantage.

Right now, WTO rules recognize the U.S. corporate income tax to be a so-called direct tax. Under the WTO rules, so-called "indirect taxes," value-added tax or retail sales tax or any other consumption-type tax, can be rebated on exports going out from the home country and imposed on imports coming in from foreign countries, but such adjustments cannot be made for direct taxes when goods and services cross international borders.

This is a distinction that has no grounding in economic reality and simply puts us at a competitive disadvantage. It is a crucial inequity for U.S. taxpayers and producers. Confronting it head on will go a long way to boost American competitiveness in the global market. That is why the resolution before us declares that this distinction is arbitrary and it results in a competitive disadvantage for businesses and works with a border-adjustable system, such as all value-added tax systems.

Looking to the future, this resolution should serve as a roadmap for reforming our international tax rules to allow U.S. products to compete in the global marketplace. This should be done in a way that exports American goods and services, not American jobs.

The resolution asks the President to report to Congress on two matters within 120 days of the convening of the 109th Congress. As required by the Trade Act of 2002, the United States Trade Representative is charged with considering how to eliminate trade barriers put up by the U.S.'s direct tax system in pursuing trade negotiations. Thus, first, the resolution asks for the President to provide a progress report on these barriers and how they can be eliminated. Second, it resolves that the President should report on proposed alternatives to the disparate treatment of the direct/indirect distinction as well as domestic proposals redressing the taxes disadvantage to the U.S.

Under the resolution, the President is asked to consider the impact of reducing the corporate rate, of implementing a territorial tax system, as well as the impact of a border-adjustable system as already allowed under the WTO rules. A comprehensive report on the issues would be an enormous help to the Congress and to any administration in putting into bold relief the improvements needed to international tax rules as well as our tax system as it stacks up against the systems of the rest of the world.

The reason we must look at this issue more deeply is because it impacts on our economy in such a fundamental way. While we are certainly in a period of robust economic recovery, there is more we can do to sustain long-term growth. As evidenced by the $550 billion trade deficit I referenced earlier, we have become a Nation of importers. We need once again become a Nation of exporters; and as a Nation of exporters, we would see a thriving job market and a thriving manufacturing sector.

In the absence of some kind of border tax adjustments for exports of American-made goods to correspond to the export rebates under VAT systems, there will continue to be a disincentive to produce goods in the United States. In effect, our tax system is creating all of the incentives to send our good-paying jobs offshore. This must be corrected, and this resolution is a step in the right direction.

Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this resolution. It cannot do any harm. But I am not at all sure how much good it can possibly do.

I want to review very briefly what has happened with this issue over the years. We had a system in place. It was ruled illegal under GATT. We then decided we would replace it with what became known as FSC, a famous term now. That resulted from a series of negotiations or discussions with the Europeans, and we thought everybody understood that, that new system that we had incorporated would go without challenge. And it did so for a number of years. Then the European Union decided to challenge our FSC system, I think contrary to the mutual understanding that we had.

I had always believed, and there is some evidence to support, that the reason they did so was really to gain leverage on other issues. But, be that as it may, the FSC system, as we all know, was ruled contrary to the rules of the WTO, and then they authorized sanctions, and those are now in effect.

When the WTO ruling came up, it was the feeling of many of us, actually, before that, that the best answer to this was to have negotiations within the WTO. And we urged the USTR Rep, our Ambassador, to try to resolve this through WTO negotiations rather than the litigation that occurred. I am not sure that effort ever was taken very seriously, and the WTO ruling and the sanctions did occur.

We also urged the USTR on several occasions, as I remember it, to try to put forth a proposal for discussion in the Doha Round that would resolve this issue, and there seemed to be some resistance to this. Eventually, the U.S. Government did table a provision, a proposal, within the WTO. As far as I have read, it has not been very vigorously pursued, and it is essentially, as I understand, if not dormant, not very much on the front burner.

So here we are. I think there has been a failure of sufficient aggressiveness by the USTR over these years to really try to adequately protect the FSC system. Now it said let us have a report. Let us have a report with a mandated time for submission. And I guess, as I said at the beginning, that cannot do any harm and maybe will do a bit of good.

However, I want it to be clear that in supporting this resolution that we are not giving our imprimatur to any particular alternative that is named in this resolution. The assessment of the impact of corporate tax rates, I am all in favor of that. I do not want any implication as to what we might do. A system based on the principle of territoriality, the administration has had over 3 years to propose such a system. It is very controversial, and they never have formally come up with this, although there have been hints of this. And a border adjustment for exports such as already allowed by the WTO for indirect taxes, I think that is worthy of study.

So, in a word, I think support of this is okay. I think, though, what we are going to need in the days and years ahead is not simply reports but some real action.

Mr. Speaker, I reserve the balance of my time.

Mr. ENGLISH. Mr. Speaker, I yield myself such time as I may consume.

First of all, I want to thank the gentleman for his statement because I can associate myself honestly with a good bit of the analysis that he has provided, and I also want to congratulate the gentleman because I know that he understands to an extent that many people who have not debated trade policy do understand that one of the reasons why we are in a competitive disadvantage is the design of our tax system, and I quite agree with him.

What we are putting forward in this resolution is not an endorsement of a particular tax system. What we are doing is putting the WTO on record that we want to change the standard, that we are going to insist on changing the standard. We are also putting the WTO on record that we are determined to make our tax system internationally competitive once more.

Through all of the debates on our trade deficit and the problems that we have had in the current international trading system, too little of the focus has been put on the disadvantages that we impose on ourselves, on our workers and our producers, because of the design and the level of American taxes. I will in my closing remarks give some specific examples.

But I again want to congratulate the gentleman for getting the gist of what we are doing and supporting it and giving it a strong bipartisan push, because I think it is important for our trading partners in the WTO to see that this resolution is coming out of the House with strong support.

This is, in my view, an extremely strong resolution. This is a strong statement of policy. And I think that, although the gentleman makes I think a credible point, that there has been a need for stronger leadership on this point. It has not been specifically this administration but actually a series of administrations that have not been willing to take on this very difficult challenge directly. We need fundamental international tax reform if we are going to remain competitive.

Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield myself such time as I may consume. I will close briefly.

This is the third bill in a row where there has been talk again about bipartisanship, and I suppose that is supposed to be the mantra of the day. As I said earlier on those two bills, the problem in this institution has been bipartisanship if it suited the majority and they felt we would agree with their proposal. But when it comes to issues where there is some legitimate disagreement or different points of view, that bipartisanship does not prevail.

Mr. Speaker, on this issue there was a bipartisan effort to address the FSC issue. The gentleman from Illinois (Mr. CRANE), who is on the floor; the gentleman from Illinois (Mr. MANZULLO); the gentleman from New York Mr. RANGEL; and I had a bipartisan proposal. And here we are many, many months later. All that this House has done is to pass a bill that really was not a bipartisan bill, and many of us had many objections to it. So there we had a wonderful chance to be bipartisan to address a problem in our tax structure and to do it to try to help manufacturing in this country.

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Instead, that opportunity was squandered; and here we are many, many months later without a bill that will replace FSC.

So in a word, I just want to say words of bipartisanship are fine. Concrete efforts to achieve it are really what is necessary, and this resolution is not going to have much impact unless we try to rebuild the bipartisan basis for trade policy that has been undermined these last 3 years.

Mr. Speaker, I reserve the balance of my time.

Mr. ENGLISH. Mr. Speaker, it is now a great privilege to yield 2 minutes to the distinguished gentlewoman from Connecticut (Mrs. JOHNSON), a strong advocate of fair trade for American workers.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman for yielding me time, and I thank the gentleman for bringing this resolution to the House floor.

Direct and indirect subsidies are an extreme problem in creating not only a free trading community across the world but a fair trading community. And while we have struggled mightily to comply with the World Trade Organization's requirement that we repeal a good and significant piece of the tax law governing American companies' earnings abroad, we have found that very difficult to do because there are so many ways in which our competitors do help support their companies and effectively reduce their companies' costs in the world trading community through their tax structures.

So while this resolution focuses on tax issues between the United States of America and particularly the European Union in a way that I think is very productive and needed to set the stage for the next round of reform, I also want to mention just a few of the kinds of subsidies that the Europeans particularly are using and that for some reason are not being attacked by either our Trade Representative or seen as a problem under the World Trading Organization.

If you listen to the Europeans, they directly set out to increase their market share of the aerospace industry. They have done so by buying themselves a more competitive position. There are many, many little things they do that are together, powerful. For example, they provide very generous loans to their aerospace producers, that only have to be repaid as planes were sold; and if the right number of planes were not sold, then, of course, the loan was never repaid, and it was effectively a grant, which is illegal under the GATT arrangements.

So this effort to look at both direct and indirect subsidies and the complexity of the tax subsidies different parts of the world are providing to their manufacturers in a very competitive global economy is something I commend, and I thank the gentleman for his leadership.

Mr. LEVIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will just say something briefly. Look, I am all in favor of this study, but I do not want to make this unduly complicated. We had a chance going back many, many months to pass some legislation here that would address the specific problem facing us because of the WTO decision on FSC. We had the concrete opportunity to do something very specific on a bipartisan basis. That never was given a really fair chance on the floor of this House. I do not think that this resolution should mask the fact that here we are so many, many months later and that issue is not resolved.

We have an obligation not only to ask for studies, but to act, and this institution has not acted. The President had a chance very early on to come out in support of the bill that the four of us introduced that would have resolved the FSC problem within WTO rules and would have assisted manufacturing in the United States of America. That opportunity was lost, and we are just now in the quagmire of a bill that does not cost $4 billion a year, but has a price tag of, what, $150 billion over the time period.

So, let us study. Let us also act.

Mr. Speaker, I yield back the balance of my time.

Mr. ENGLISH. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, let me say that I agree with the gentleman that there is a great need for bipartisanship right now in our trade policy if, in fact, we are going to reverse the tide and put American companies and American workers on a competitive level playing field that will allow us to build the 21st-century economy we need to create good-paying jobs for young people.

That is something that should not be a partisan issue. That is something that should unite us, because many of its components cut across philosophical lines.

As we will see today in some of the later trade votes, there is a great deal of bipartisanship still in the approach to trade policy. The gentleman is raising an important point that perhaps there should be more bipartisanship. But the fact is, the fact that we have had genuine philosophical disagreements on the FSC bill should not mask the fact that this resolution is enormously significant for American workers and for American companies.

I would like to demonstrate to the American public how dramatic an impact this is. I come from Erie County, Pennsylvania; and we make things for a living. We have the biggest concentration of manufacturing jobs still in the State. Much of what we make is actually for export. As a result of that, any small competitive disadvantage puts our workers and our companies at a significant disadvantage in the global marketplace. We cannot be dealing ourselves these sorts of large, substantial disadvantages.

Let us understand exactly what kind of disadvantage is being dealt to our producers as a result of a trading system which is not adjustable. This is a study that was done by the U.S. Council For International Business. It demonstrates on balance the comparative disadvantage of American products, both in our market and in foreign markets, as a result of not having a border-adjustable tax system.

In the United States, because in the U.S. we have the price of our tax system built into products, a product that has that price in it may, for argument's sake, cost $100. The same product, if it is produced to cost $100 in China, because there is a rebatable VAT tax, comes into our market costing only $88.89, plus the cost of transportation. All things being equal, if it is the same price there and the same price here, we are at a significant competitive disadvantage just because of the taxes.

At the same time, a product coming in from Germany that would cost $100 in Germany comes into the United States without the VAT included, without the price of their tax system included, lands in the United States, and it amounts to $86.21, competing with the product in the United States that costs $100. That is a significant wedge when it comes to manufactured products, where small price differences and small profit margins are what govern.

But what happens if we try to export from the United States to Germany? A product that costs $100 in the United States and $100 in Germany goes out of the United States with the price of our tax system built in, and then has imposed on it that additional VAT in Germany. So it costs $116 in Germany, competing with the same product that costs $100 in Germany. In that respect, Germany has a big advantage in competing with American products that they import. Their domestic producers have, in effect, a tax subsidy.

Look at what happens if we try to sell the same product in Germany and compete with the same product coming in from China. We send it in, it costs $116, but the Chinese export it to Germany, and it only costs $100.87. Why is it? It is because in their market, our pricing of our product has to include not only the price of our tax system, but theirs. It is double taxation.

When their product comes into our market, our product still carries the price of our tax system, but theirs has been rebated away. So, in effect, it is a tax subsidy, a standing tax subsidy that double taxes our products in foreign markets and frees imports from carrying their fair share of the tax burden. That is not fair. That is a tax differential that we can no longer afford to look the other way at.

This has been a disadvantage that we dealt ourselves back in the 1940s, and it has taken us this long. It is not this administration; it has taken us this long to come head to head with this problem.

The time has come for us to put the World Trade Organization on notice that we are going to insist on tax fairness, that we are going to insist on a level playing field. And that is not the only thing we need to do. There is no single silver bullet in leveling the playing field for fair trade, but this is one thing that has to happen. This needs to be the beginning of a much broader trade agenda that allows us to level the playing field, to insist on fairness, and to insist on apples-to-apples competition if we are going to have a strong international trading system.

I urge my colleagues, in the bipartisan spirit that my colleague raised, to support the resolution, to support this legislation, to put America on record as moving forward in this area and insisting on a change in terms of trade.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise today in support of the resolution by Mr. ENGLISH that would direct the President to report to Congress on the progress he is making at the WTO to ensure other nations do not dictate the American tax system.

We have had a long debate over the repeal of the FSC–ETI tax rules because the WTO determined that tax system to be an "illegal export subsidy."

I disagree with this characterization and have worked hard to find an acceptable alternative tax system.

In the trade act of 2002 we directed the President to begin these discussions and I want to see some results soon or at least, as this resolution calls for, to hear a report on the status of those efforts.

The "ways and means" of taxing Americans is primarily within the jurisdiction of this body of Congress and should not be forced on us by a few foreign bureaucrats based in Brussels.

Mr. ENGLISH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PUTNAM). The question is on the motion offered by the gentleman from Pennsylvania (Mr. ENGLISH) that the House suspend the rules and agree to the resolution, H. Res. 705.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. ENGLISH. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. ENGLISH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 705.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

CUSTOMS BORDER SECURITY AND TRADE AGENCIES AUTHORIZATION ACT OF 2004

Mr. THOMAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4418) to authorize appropriations for fiscal years 2005 and 2006 for the Bureau of Customs and Border Protection and the Bureau of Immigration and

Customs Enforcement of the Department of Homeland Security, for the Office of the United States Trade Representative, for the United States International Trade Commission, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4418

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Customs Border Security and Trade Agencies Authorization Act of 2004".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—BUREAU OF CUSTOMS AND BORDER PROTECTION AND BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT

Subtitle A—Authorization of appropriations; related provisions

Sec. 101. Authorization of appropriations.
Sec. 102. Establishment and implementation of cost accounting system; reports.
Sec. 103. Study and report relating to customs user fees.
Sec. 104. Report relating to One Face at the Border Initiative.

Subtitle B—Technical amendments relating to entry and protest

Sec. 111. Entry of merchandise.
Sec. 112. Limitation on liquidations.
Sec. 113. Protests.
Sec. 114. Review of protests.
Sec. 115. Refunds and errors.
Sec. 116. Definitions and miscellaneous provisions.
Sec. 117. Voluntary reliquidations.
Sec. 118. Effective date.

Subtitle C—Miscellaneous provisions

Sec. 121. Designation of San Antonio International Airport for Customs processing of certain private aircraft arriving in the United States.
Sec. 122. Authority for the establishment of Integrated Border Inspection Areas at the United States-Canada border.
Sec. 123. Designation of foreign law enforcement officers.
Sec. 124. Customs services.
Sec. 125. Sense of Congress on interpretation of textile and apparel provisions.
Sec. 126. Technical amendments.

TITLE II—OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Sec. 201. Authorization of appropriations.

TITLE III—UNITED STATES INTERNATIONAL TRADE COMMISSION

Sec. 301. Authorization of appropriations.

TITLE I—BUREAU OF CUSTOMS AND BORDER PROTECTION AND BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT

Subtitle A—Authorization of Appropriations; Related Provisions

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Subsection (a) of section 301 of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075) is amended—

(1) in paragraph (1), to read as follows:

"(1) For the fiscal year beginning October 1, 2004, and each fiscal year thereafter, there are authorized to be appropriated to the Department of Homeland Security for the Bureau of Customs and Border Protection and the Bureau of Immigration and Customs Enforcement only such sums as may hereafter be authorized by law.";

(2) by striking paragraph (2);

(3) by redesignating paragraph (3) as paragraph (2); and

(4) in paragraph (2) (as redesignated)—

(A) by inserting "and the Assistant Secretary for United States Immigration and Customs Enforcement, respectively," after "Commissioner of Customs"; and

(B) by striking "Customs Service" and inserting "Bureau of Customs and Border Protection and the Bureau of Immigration and Customs Enforcement".

(b) SALARIES AND EXPENSES.—Subsection (b) of such section is amended to read as follows:

"(b) AUTHORIZATION OF APPROPRIATIONS.—

"(1) BUREAU OF CUSTOMS AND BORDER PROTECTION.—

"(A) There are authorized to be appropriated for the salaries and expenses of the Bureau of Customs and Border Protection not to exceed the following:

"(i) $6,203,000,000 for fiscal year 2005.

"(ii) $6,469,729,000 for fiscal year 2006.

"(B)(i) The monies authorized to be appropriated under subparagraph (A) with respect to customs revenue functions for any fiscal year, except for such sums as may be necessary for the salaries and expenses of the Bureau of Customs and Border Protection that are incurred in connection with the processing of merchandise that is exempt from the fees imposed under paragraphs (9) and (10) of section 13031(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)), shall be appropriated from the Customs User Fee Account.

"(ii) In clause (i), the term 'customs revenue function' means the following:

"(I) Assessing and collecting customs duties (including antidumping and countervailing duties and duties imposed under safeguard provisions), excise taxes, fees, and penalties due on imported merchandise, including classifying and valuing merchandise for the purposes of such assessment.

"(II) Processing and denial of entry of persons, baggage, cargo, and mail, with respect to the assessment and collection of import duties.

"(III) Detecting and apprehending persons engaged in fraudulent practices designed to circumvent the customs laws of the United States.

"(IV) Enforcing section 337 of the Tariff Act of 1930 and provisions relating to import quotas and the marking of imported merchandise, and providing Customs Recordations for copyrights, patents, and trademarks.

"(V) Collecting accurate import data for compilation of international trade statistics.

"(VI) Enforcing reciprocal trade agreements.

"(VII) Functions performed by the following personnel, and associated support staff, of the United States Customs Service prior to the establishment of the Bureau of Customs and Border Protection: Import Specialists, Entry Specialists, Drawback Specialists, National Import Specialists, Fines and Penalties Specialists, attorneys of the Office of Regulations and Rulings, Customs Auditors, International Trade Specialists, and Financial System Specialists.

"(VIII) Functions performed by the following offices, with respect to any function described in any of subclauses (I) through (VII), and associated support staff, of the United States Customs Service prior to the establishment of the Bureau of Customs and Border Protection: the Office of Information and Technology, the Office of Laboratory Services, the Office of the Chief Counsel, the Office of Congressional Affairs, the Office of International Affairs, and the Office of Training and Development.

"(2) BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT.—There are authorized to be appropriated for the salaries and expenses of the Bureau of Immigration and Customs Enforcement not to exceed the following:

"(A) $4,011,000,000 for fiscal year 2005.

"(B) $4,335,891,000 for fiscal year 2006.".

SEC. 102. ESTABLISHMENT AND IMPLEMENTATION OF COST ACCOUNTING SYSTEM; REPORTS.

Section 334 of the Customs and Border Security Act of 2002 (19 U.S.C. 2082 note) is amended to read as follows:

"SEC. 334. ESTABLISHMENT AND IMPLEMENTATION OF COST ACCOUNTING SYSTEM; REPORTS.

"(a) ESTABLISHMENT AND IMPLEMENTATION; CUSTOMS AND BORDER PROTECTION.—

"(1) IN GENERAL.—Not later than September 30, 2005, the Commissioner of Customs shall, in accordance with the audit of the Customs Service's fiscal years 2000 and 1999 financial statements (as contained in the report of the Office of Inspector General of the Department of the Treasury issued on February 23, 2001), establish and implement a cost accounting system—

"(A) for expenses incurred in both commercial and noncommercial operations of the Bureau of Customs and Border Protection of the Department of Homeland Security, which system should specifically identify and distinguish expenses incurred in commercial operations and expenses incurred in noncommercial operations; and

"(B) for expenses incurred both in administering and enforcing the customs laws of the United States and the Federal immigration laws, which system should specifically identify and distinguish expenses incurred in administering and enforcing the customs laws of the United States and the expenses incurred in administering and enforcing the Federal immigration laws.

"(2) ADDITIONAL REQUIREMENT.—The cost accounting system described in paragraph (1) shall provide for an identification of expenses based on the type of operation, the port at which the operation took place, the amount of time spent on the operation by personnel of the Bureau of Customs and Border Protection, and an identification of expenses based on any other appropriate classification necessary to provide for an accurate and complete accounting of expenses.

"(b) ESTABLISHMENT AND IMPLEMENTATION; IMMIGRATION AND CUSTOMS ENFORCEMENT.—

"(1) IN GENERAL.—Not later than September 30, 2005, the Assistant Secretary for United States Immigration and Customs Enforcement shall, in accordance with the audit of the Customs Service's fiscal years 2000 and 1999 financial statements (as contained in the report of the Office of Inspector General of the Department of the Treasury issued on February 23, 2001), establish and implement a cost accounting system—

"(A) for expenses incurred in both commercial and noncommercial operations of the Bureau of Immigration and Customs Enforcement of the Department of Homeland Security, which system should specifically identify and distinguish expenses incurred in commercial operations and expenses incurred in noncommercial operations;

"(B) for expenses incurred both in administering and enforcing the customs laws of the United States and the Federal immigration laws, which system should specifically identify and distinguish expenses incurred in administering and enforcing the customs laws of the United States and the expenses incurred in administering and enforcing the Federal immigration laws.

"(2) ADDITIONAL REQUIREMENT.—The cost accounting system described in paragraph (1) shall provide for an identification of expenses based on the type of operation, the amount of time spent on the operation by personnel of the Bureau of Immigration and Customs Enforcement,

and an identification of expenses based on any other appropriate classification necessary to provide for an accurate and complete accounting of expenses.

"(c) REPORTS.—

"(1) DEVELOPMENT OF THE COST ACCOUNTING SYSTEMS.—Beginning on the date of the enactment of the Customs Border Security and Trade Agencies Authorization Act of 2004 and ending on the date on which the cost accounting systems described in subsections (a) and (b) are fully implemented, the Commissioner of Customs and the Assistant Secretary for United States Immigration and Customs Enforcement, respectively, shall prepare and submit to Congress on a quarterly basis a report on the progress of implementing the cost accounting systems pursuant to subsections (a) and (b).

"(2) ANNUAL REPORTS.—Beginning one year after the date on which the cost accounting systems described in subsections (a) and (b) are fully implemented, the Commissioner of Customs and the Assistant Secretary for United States Immigration and Customs Enforcement, respectively, shall prepare and submit to Congress on an annual basis a report itemizing the expenses identified in subsections (a) and (b).

"(3) OFFICE OF THE INSPECTOR GENERAL.—Not later than March 31, 2006, the Inspector General of the Department of Homeland Security shall prepare and submit to Congress a report analyzing the level of compliance with this section and detailing any additional steps that should be taken to improve compliance with this section.".

SEC. 103. STUDY AND REPORT RELATING TO CUSTOMS USER FEES.

(a) STUDY.—Beginning 180 days after the date on which the cost accounting systems described in section 334 of the Customs and Border Security Act of 2002 (as amended by section 102 of this Act) are fully implemented, the Comptroller General shall conduct a study on the extent to which the amount of each customs user fee imposed under section 13031(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)) approximates the cost of services provided by the Bureau of Customs and Border Protection of the Department of Homeland Security relating to the fee so imposed. The study shall include an analysis of the use of each such customs user fee by the Bureau of Customs and Border Protection.

(b) REPORT.—Not later than one year after the date on which the cost accounting systems described in section 334 of the Customs and Border Security Act of 2002 are fully implemented, the Comptroller General shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report in classified form containing—

(1) the results of the study conducted under subsection (a); and

(2) recommendations for the appropriate amount of the customs user fees if such results indicate that the fees are not commensurate with the level of services provided by the Bureau of Customs and Border Protection.

SEC. 104. REPORT RELATING TO ONE FACE AT THE BORDER INITIATIVE.

Not later than September 30 of each of the calendar years 2005 and 2006, the Commissioner of Customs shall prepare and submit to Congress a report—

(1) analyzing the effectiveness of the One Face at the Border Initiative at enhancing security and facilitating trade;

(2) providing a breakdown of the number of personnel of the Bureau of Customs and Border Protection that were personnel of the United States Customs Service prior to the establishment of the Department of Homeland Security, that were personnel of the Immigration and Naturalization Service prior to the establishment of the Department of Homeland Security, and that were hired after the establishment of the Department of Homeland Security;

(3) describing the training time provided to each employee on an annual basis for the various training components of the One Face at the Border Initiative; and

(4) outlining the steps taken by the Bureau of Customs and Border Protection to ensure that expertise is retained with respect to customs, immigration, and agriculture inspection functions under the One Face at the Border Initiative.

Subtitle B—Technical Amendments Relating to Entry and Protest

SEC. 111. ENTRY OF MERCHANDISE.

(a) IN GENERAL.—Subsection (a) of section 484 of the Tariff Act of 1930 (19 U.S.C. 1484) is amended—

(1) in paragraph (1)(B), by inserting after "entry" the following: ", or substitute 1 or more reconfigured entries on an import activity summary statement,"; and

(2) in paragraph (2)(A)—

(A) in the second sentence, by inserting after "statements," the following: "and permit the filing of reconfigured entries,"; and

(B) by adding at the end the following: "Entries filed under paragraph (1)(A) shall not be liquidated if covered by an import activity summary statement, but instead each reconfigured entry in the import activity summary statement shall be subject to liquidation or reliquidation pursuant to section 500, 501, or 504.".

(b) RECONCILIATION.—Subsection (b)(1) of such section is amended in the fourth sentence by striking "15 months" and inserting "21 months".

SEC. 112. LIMITATION ON LIQUIDATIONS.

Section 504 of the Tariff Act of 1930 (19 U.S.C. 1504) is amended—

(1) in subsection (a)—

(A) by striking "or" at the end of paragraph (3);

(B) in paragraph (4), by striking "filed;" and inserting "filed, whichever is earlier; or"; and

(C) by inserting after paragraph (4) the following:

"(5) if a reconfigured entry is filed under an import activity summary statement, the date the import activity summary statement is filed or should have been filed, whichever is earlier;"; and

(2) by striking "at the time of entry" each place it appears.

SEC. 113. PROTESTS.

Section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "(relating to refunds and errors) of this Act" and inserting "(relating to refunds), any clerical error, mistake of fact, or other inadvertence, whether or not resulting from or contained in an electronic transmission, adverse to the importer, in any entry, liquidation, or reliquidation, and";

(B) in paragraph (5), by inserting ", including the liquidation of an entry, pursuant to either section 500 or section 504" after "thereof"; and

(C) in paragraph (7), by striking "(c) or"; and

(2) in subsection (c)—

(A) in paragraph (1), in the sixth sentence, by striking "A protest may be amended." and inserting "Unless a request for accelerated disposition is filed under section 515(b), a protest may be amended,"; and

(B) in paragraph (3)—

(i) in the matter preceding subparagraph (A), by striking "ninety days" and inserting "180 days";

(ii) in subparagraph (A), by striking "notice of" and inserting "date of"; and

(iii) in the second sentence, by striking "90 days" and inserting "180 days".

SEC. 114. REVIEW OF PROTESTS.

Section 515(b) of the Tariff Act of 1930 (19 U.S.C. 1515(b)) is amended in the first sentence by striking "after ninety days" and inserting "concurrent with or".

SEC. 115. REFUNDS AND ERRORS.

Section 520(c) of the Tariff Act of 1930 (19 U.S.C. 1520(c)) is repealed.

SEC. 116. DEFINITIONS AND MISCELLANEOUS PROVISIONS.

Section 401 of the Tariff Act of 1930 (19 U.S.C. 1401) is amended by adding at the end the following:

"(t) RECONFIGURED ENTRY.—The term 'reconfigured entry' means an entry filed on an import activity summary statement which substitutes for all or part of 1 or more entries filed under section 484(a)(1)(A) or filed on a reconciliation entry that aggregates the entry elements to be reconciled under section 484(b) for purposes of liquidation, reliquidation, or protest.".

SEC. 117. VOLUNTARY RELIQUIDATIONS.

Section 501 of the Tariff Act of 1930 (19 U.S.C. 1501) is amended in the first sentence by inserting "or 504" after "section 500".

SEC. 118. EFFECTIVE DATE.

The amendments made by this subtitle shall apply to merchandise entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

Subtitle C—Miscellaneous Provisions

SEC. 121. DESIGNATION OF SAN ANTONIO INTERNATIONAL AIRPORT FOR CUSTOMS PROCESSING OF CERTAIN PRIVATE AIRCRAFT ARRIVING IN THE UNITED STATES.

(a) IN GENERAL.—Section 1453(a) of the Tariff Suspension and Trade Act of 2000 is amended by striking "2-year period" and inserting "6-year period".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective as of November 9, 2002.

SEC. 122. AUTHORITY FOR THE ESTABLISHMENT OF INTEGRATED BORDER INSPECTION AREAS AT THE UNITED STATES-CANADA BORDER.

(a) FINDINGS.—Congress makes the following findings:

(1) The increased security and safety concerns that developed in the aftermath of the terrorist attacks in the United States on September 11, 2001, need to be addressed.

(2) One concern that has come to light is the vulnerability of the international bridges and tunnels along the United States borders.

(3) It is necessary to ensure that potentially dangerous vehicles are inspected prior to crossing these bridges and tunnels; however, currently these vehicles are not inspected until after they have crossed into the United States.

(4) Establishing Integrated Border Inspection Areas (IBIAs) would address these concerns by inspecting vehicles before they gained access to the infrastructure of international bridges and tunnels joining the United States and Canada.

(b) CREATION OF INTEGRATED BORDER INSPECTION AREAS.—

(1) IN GENERAL.—The Commissioner of the Customs Service, in consultation with the Canadian Customs and Revenue Agency (CCRA), shall seek to establish Integrated Border Inspection Areas (IBIAs), such as areas on either side of the United States-Canada border, in which United States Customs officers can inspect vehicles entering the United States from Canada before they enter the United States, or Canadian Customs officers can inspect vehicles entering Canada from the United States before they enter Canada. Such inspections may include, where

appropriate, employment of reverse inspection techniques.

(2) ADDITIONAL REQUIREMENT.—The Commissioner of Customs, in consultation with the Administrator of the General Services Administration when appropriate, shall seek to carry out paragraph (1) in a manner that minimizes adverse impacts on the surrounding community.

(3) ELEMENTS OF THE PROGRAM.—Using the authority granted by this section and under section 629 of the Tariff Act of 1930, the Commissioner of Customs, in consultation with the Canadian Customs and Revenue Agency, shall seek to—

(A) locate Integrated Border Inspection Areas in areas with bridges or tunnels with high traffic volume, significant commercial activity, and that have experienced backups and delays since September 11, 2001;

(B) ensure that United States Customs officers stationed in any such IBIA on the Canadian side of the border are vested with the maximum authority to carry out their duties and enforce United States law;

(C) ensure that United States Customs officers stationed in any such IBIA on the Canadian side of the border shall possess the same immunity that they would possess if they were stationed in the United States; and

(D) encourage appropriate officials of the United States to enter into an agreement with Canada permitting Canadian Customs officers stationed in any such IBIA on the United States side of the border to enjoy such immunities as permitted in Canada.

SEC. 123. DESIGNATION OF FOREIGN LAW ENFORCEMENT OFFICERS.

(a) MISCELLANEOUS PROVISIONS.—Section 401(i) of the Tariff Act of 1930 (19 U.S.C. 1401(i)) is amended by inserting ", including foreign law enforcement officers," after "or other person".

(b) INSPECTIONS AND PRECLEARANCE IN FOREIGN COUNTRIES.—Section 629 of the Tariff Act of 1930 (19 U.S.C. 1629) is amended—

(1) in subsection (a), by inserting ", or subsequent to their exit from," after "prior to their arrival in";

(2) in subsection (c)—

(A) by inserting "or exportation" after "relating to the importation"; and

(B) by inserting "or exit" after "port of entry";

(3) by amending subsection (e) to read as follows:

"(e) STATIONING OF FOREIGN CUSTOMS AND AGRICULTURE INSPECTION OFFICERS IN THE UNITED STATES.—The Secretary of State, in coordination with the Secretary and the Secretary of Agriculture, may enter into agreements with any foreign country authorizing the stationing in the United States of customs and agriculture inspection officials of that country (if similar privileges are extended by that country to United States officials) for the purpose of insuring that persons and merchandise going directly to that country from the United States, or that have gone directly from that country to the United States, comply with the customs and other laws of that country governing the importation or exportation of merchandise. Any foreign customs or agriculture inspection official stationed in the United States under this subsection may exercise such functions, perform such duties, and enjoy such privileges and immunities as United States officials may be authorized to perform or are afforded in that foreign country by treaty, agreement, or law."; and

(4) by adding at the end the following:

"(g) PRIVILEGES AND IMMUNITIES.—Any person designated to perform the duties of an officer of the Customs Service pursuant to section 401(i) of this Act shall be entitled to the same privileges and immunities as an officer of the Customs Service with respect to any actions taken by the designated person in the performance of such duties.".

(c) CONFORMING AMENDMENT.—Section 127 of the Treasury Department Appropriations Act, 2003, is hereby repealed.

(d) EFFECTIVE DATE.—This section, and the amendments made by this section, take effect on the date of the enactment of this Act.

SEC. 124. CUSTOMS SERVICES.

Section 13031(e)(1) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(e)(1)) is amended—

(1) by striking "(1) Notwithstanding section 451 of the Tariff Act of 1930 (19 U.S.C. 1451) or any other provision of law (other than paragraph (2))," and inserting:

"(1) IN GENERAL.—

"(A) SCHEDULED FLIGHTS.—Notwithstanding section 451 of the Tariff Act of 1930 (19 U.S.C. 1451) or any other provision of law (other than subparagraph (B) and paragraph (2)),"; and

(2) by adding at the end the following:

"(B) CHARTER FLIGHTS.—If a charter air carrier (as defined in section 40102(13) of title 49, United States Code) specifically requests that customs border patrol services for passengers and their baggage be provided for a charter flight arriving after normal operating hours at a customs border patrol serviced airport and overtime funds for those services are not available, the appropriate customs border patrol officer may assign sufficient customs employees (if available) to perform any such services, which could lawfully be performed during regular hours of operation, and any overtime fees incurred in connection with such service shall be paid by the charter air carrier.".

SEC. 125. SENSE OF CONGRESS ON INTERPRETATION OF TEXTILE AND APPAREL PROVISIONS.

It is the sense of Congress that the Bureau of Customs and Border Protection of the Department of Homeland Security should interpret, implement, and enforce the provisions of section 112 of the African Growth and Opportunity Act (19 U.S.C. 3721), section 204 of the Andean Trade Preference Act (19 U.S.C. 3203), and section 213 of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703), relating to preferential treatment of textile and apparel articles, broadly in order to expand trade by maximizing opportunities for imports of such articles from eligible beneficiary countries.

SEC. 126. TECHNICAL AMENDMENTS.

(a) TARIFF ACT OF 1930.—Section 505(a) of the Tariff Act of 1930 is amended—

(1) in the first sentence—

(A) by inserting "referred to in this subsection" after "periodic payment"; and

(B) by striking "10 working days" and inserting "12 working days"; and

(2) in the second sentence, by striking "a participating" and all that follows through the end of the sentence and inserting the following: "the Secretary shall promulgate regulations, after testing the module, permitting a participating importer of record to deposit estimated duties and fees for entries of merchandise, other than merchandise entered for warehouse, transportation, or under bond, no later than the 15 working days following the month in which the merchandise is entered or released, whichever comes first.".

(b) CUSTOMS USER FEES.—(1) Section 13031(b)(9)(A) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(9)(A)) is amended by striking "less than $2,000" and inserting "$2,000 or less".

(2) Section 13031(b)(9)(A)(ii) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(9)(A)(ii)) is amended to read as follows:

"(ii) Notwithstanding subsection (e)(6) and subject to the provisions of subparagraph (B), in the case of an express consignment carrier facility or centralized hub facility—

"(I) $.66 per individual airway bill or bill of lading; and

"(II) if the merchandise is formally entered, the fee provided for in subsection (a)(9), if applicable.".

(3) Section 13031(b)(9)(B) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(9)(B)) is amended—

(A) by moving the margins for subparagraph (B) 4 ems to the left; and

(B) in clause (ii), by striking "subparagraph (A)(ii)" and inserting "subparagraph (A)(ii) (I) or (II)".

(4) Section 13031(f)(1)(B) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(1)(B)) is amended by moving the subparagraph 2 ems to the left.

TITLE II—OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Section 141(g)(1)(A) of the Trade Act of 1974 (19 U.S.C. 2171(g)(1)(A)) is amended by striking clauses (i) and (ii) and inserting the following:

"(i) $39,552,000 for fiscal year 2005.

"(ii) $39,552,000 for fiscal year 2006.".

(2) RULE OF CONSTRUCTION.—The amendment made by paragraph (1) shall not be construed to affect the availability of funds appropriated pursuant to section 141(g)(1)(A) of the Trade Act of 1974 before the date of the enactment of this Act.

(b) AUTHORIZATION OF APPROPRIATIONS FOR THE OFFICE OF THE GENERAL COUNSEL AND THE OFFICE OF MONITORING AND ENFORCEMENT.—There are authorized to be appropriated to the Office of the United States Trade Representative for the appointment of additional staff in the Office of the General Counsel and the Office of Monitoring and Enforcement—

(1) $2,000,000 for fiscal year 2005; and

(2) $2,000,000 for fiscal year 2006.

TITLE III—UNITED STATES INTERNATIONAL TRADE COMMISSION

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 330(e)(2)(A) of the Tariff Act of 1930 (19 U.S.C. 1330(e)(2)(A)) is amended by striking clauses (i) and (ii) and inserting the following:

"(i) $61,700,000 for fiscal year 2005.

"(ii) $65,278,000 for fiscal year 2006.".

(b) RULE OF CONSTRUCTION.—The amendment made by subsection (a) shall not be construed to affect the availability of funds appropriated pursuant to section 330(e)(2)(A) of the Tariff Act of 1930 before the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. THOMAS) and the gentleman from Michigan (Mr. LEVIN) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 4418. I am particularly pleased by the strong bipartisan work that has been done on this legislation. The bill was introduced by the chairman of the Subcommittee on Trade, the gentleman from Illinois (Mr. CRANE), and its original cosponsors include the ranking member of the full committee, the gentleman from New York (Mr. RANGEL); the ranking member of the

Subcommittee on Trade, the gentleman from Michigan (Mr. LEVIN); and on our side of the aisle, the gentleman from Florida (Mr. SHAW) and the gentleman from Minnesota (Mr. RAMSTAD).

□ 1230

The bill was reported unanimously out of the committee on a rollcall vote of 33 to 0.

Mr. Speaker, I rise in strong support of H.R. 4418, the Customs Border Security and Trade Agencies Authorization Act of 2004. I am particularly pleased by the strong bipartisan work that has been done on this legislation. The bill was introduced by Congressman CRANE, Chairman of the Subcommittee on Trade, and original cosponsors included Congressmen RANGEL, SHAW, LEVIN, and RAMSTAD. The bill was then reported unanimously out of the Committee on a vote of 33 yeas to 0 nays.

Our customs and trade agencies authorization bill is part of our two-year authorization process to provide guidance and exercise oversight of U.S. Customs and Border Protection (or CBP), U.S. Immigration and Customs Enforcement (or ICE), the Office of the United States Trade Representative (or USTR), and the U.S. International Trade Commission (or ITC).

This week the House will focus on trade legislation as a means to enhance our economic well-being, including legislation to implement the U.S.-Australia Free Trade Agreement. While free trade agreements bring obvious economic benefits, the provisions in the customs sections of this legislation are the nuts and bolts of trade facilitation. This legislation provides the critical resources that CBP and ICE need to safeguard our borders while still facilitating the flow of legitimate trade.

The legislation provides resources for USTR, which has done a tremendous job in recent years of negotiating trade agreements and enforcing the obligations in those agreements to ensure that our business, farmers, workers, and consumers reap the benefits of these agreements. This legislation will provide an additional $2 million in funding above the President's budget request for staff in the Office of the General Counsel and the Office of Monitoring and Enforcement to ensure that USTR can continue to perform its vital functions. This earmark will allow USTR to address a variety of needs that will best enable U.S. companies, farmers, and workers to benefit from the trade agreements to which the United States is party.

Finally, the bill ensures adequate resources for the ITC, which has provided valuable advice on the probable economic effects of U.S. trade agreements and other trade legislation considered by the Congress.

In conclusion, this legislation provides the resources and the administrative flexibility that allows legitimate trade to flow freely across our borders. I urge the support of my colleagues.

Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. CARDIN), a distinguished member of our committee.

Mr. CARDIN. Mr. Speaker, I thank the gentleman for yielding me this time and join our chairman in support of this legislation.

I do want to point out that it also provides for the authorization of our United States Trade Representative and gives our USTR some additional resources, $2 million of additional funding, in order to be able to more aggressively represent our interests, particularly in the World Trade Organization.

We have been involved in numerous litigations within the WTO, and we have found in the last couple of years that we have been on the losing side of some very important cases. I think the importance of this legislation to provide the additional resources is so that the USTR can more aggressively represent U.S. interests in the World Trade Organization on cases which are consistent, particularly with our antidumping and countervailing duty laws. We have found over and over again that we have not been successful in defending our rights under these domestic laws in the WTO. We also, of course, found on the tax issues we were unsuccessful.

So we are hopeful that these additional funds will, in fact, be used by the United States Trade Representative to fight for U.S. interests in the World Trade Organization that is consistent with our domestic law to prevent our market from being flooded by illegally subsidized products that we have seen over and over again, particularly in steel.

So, Mr. Speaker, I rise in support of this legislation, and I just wanted to point out to our membership the additional resources that are being made available, and certainly our intentions are that they are to be used by the USTR to defend the right of American producers and manufacturers, particularly when they are facing unfair competition from foreign markets.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Illinois (Mr. CRANE), the chairman of the Subcommittee on Trade.

Mr. CRANE. Mr. Speaker, on May 20, 2004, I introduced legislation along with the gentleman from New York (Mr. RANGEL), the gentleman from Florida (Mr. SHAW), the gentleman from Michigan (Mr. LEVIN), and the gentleman from Minnesota (Mr. RAMSTAD) authorizing appropriations for fiscal year 2005 and 2006 for the Customs and Border Protection, or CBP; U.S. Immigration and Customs Enforcement, or ICE; the Office of the United States Trade Representative, or USTR; and the International Trade Commission, ITC.

This legislation is necessitated by the expiration at the end of this fiscal year of the existing authorization for the former U.S. Customs Service. It is also a part of our ongoing process of exercising oversight and focusing on the critical importance of the efficient flow of trade across our borders.

The Customs Service has a long and distinguished history. It was the first agency of the Federal Government to be created over 220 years ago to collect revenue and to ensure that imports flow smoothly across the border. Today, Customs collects more than $20 billion in revenue each year.

With international trade comprising nearly 25 percent of our gross domestic product, CBP's mission to move goods across the border in a smooth, efficient, and predictable manner is a vital part of our economic strength and viability.

In addition to this, over the years, Customs has taken on many other functions because of its unique border presence. Fighting against illegal drugs, transshiped t-shirts, and Rolex knock-offs are just a few of these other functions.

In the wake of the terrorist attacks on the United States, the role of Customs in guarding our borders against chemical, biological, and conventional weapons has become more prominent.

This legislation authorizes sufficient funding for CBP and ICE to satisfy all of their various responsibilities.

This legislation also authorizes appropriations for fiscal years 2005 and 2006 for the Office of the United States Trade Representative of $39.6 million per year. In order to ensure that we benefit from free and fair trade, it authorizes an additional $2 million per year for the appointment of additional staff in the Office of the General Counsel and the Office of Monitoring and Enforcement.

Mr. Speaker, I am pleased that this legislation passed the Committee on Ways and Means by a bipartisan 33 to nothing vote, and I look forward to its passage by the House today.

Mr. LEVIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill is on suspension today. There has been on each occasion on these trade bills references to bipartisanship, and I simply want to express my regret to the chairman that this bill was placed on suspension. I do not think that it is a useful way to proceed on a bill of this nature. I am not sure that it has been done traditionally on this bill.

I am going to support it.

But we did raise in the committee several amendments. They were discussed, they were voted on, they were voted down, but we should have had the opportunity to raise these issues, or at least try, with the Committee on Rules to obtain a rule that allowed us to bring up these amendments.

One was an amendment by the gentleman from Massachusetts (Mr. NEAL) that related to penalties from fines that were being levied against China, anti-dumping countervailing duty levies. We have a serious problem, and that is we have these orders, we have fines, but they are not being collected. The amount involved is over $100 million, perhaps as high as $130 million. What has been happening is, as the government has tried to implement the anti-dumping countervailing duties, was to allow people to post bonds instead of some amount of cash. These bonds, I guess in most cases, turned out to be worthless. So essentially, we are left holding an empty bag. And it is really our manufacturers who are left without redress, because under legislation passed by this Congress, there would be redress directly for the injured party.

Well, the gentleman from Massachusetts (Mr. NEAL) raised this issue; and, actually, I guess in full committee, there was a decision to postpone action on it, with the hope that there could be something worked out. But when it is put on suspension, it essentially snuffs out any chance for us to raise the issue through an amendment.

But, secondly, there is the issue of the additional $2 million for USTR. And the reason we had discussion within the committee and before that in the subcommittee was this: In our judgment, the judgment of many of us, there has not been vigorous enforcement of our laws. We pass trade laws, we enter into trade agreements, but they require, as the gentleman from Maryland (Mr. CARDIN) has pointed out, active, vigorous enforcement by the executive. And that has not been true. It has been lacking, though there has been a spurt these last 5 or 6 or 7 months.

So there was offered in the subcommittee, and then again in the committee, an amendment to be sure that part of the $2 million that we were adding to USTR in this authorization would be spent for enforcement. The $2 million, the way it is written in the bill, goes to the General Counsel and the Office of Monitoring and Enforcement. None of this has to go to the Office of Monitoring and Enforcement, the way it is written. That is true. None of it has to. All of it could go to the General Counsel, at least as I read it, or maybe $1 could go to the Office of Monitoring and Enforcement.

Anyway, we proposed an amendment to be sure that some of the funds would be used for various purposes of enforcement. That was called an earmark. I am not sure that is an appropriate term. Why money, extra money going to two offices is not an earmark, but including how they might spend it is one, I do not quite get that, especially in view of the fact that there has been such a need for the enforcement of our laws.

I referred earlier to China. We have a huge deficit with China, and enforcement has been a major problem. We need to do better, and what our amendment proposed was to be certain that some of the monies, and we did not specify for each of the purposes, but that some of the monies would be used for the purposes of enforcement. That was voted down.

Now the problem with putting this on suspension is that we do not even have a chance to go to the Committee on Rules and ask for a rule that would allow us to raise this amendment on the floor. There has been a lot of talk about bipartisanship here, and I admired the majority for sticking to a message and repeating it time and time again, but the test is not in the words but in the actions. And the test is whether you let us raise issues on the floor of the House if you disagree with our position so we can have a full airing of these issues and, if we want to, vote, and maybe even win.

We objected to this being placed on suspension, but here we are with the alternative of voting it down or passing it when it is for a purpose that is an important one.

I also understand that the gentleman from Washington (Mr. BAIRD) is going to raise an issue regarding the new provisions regarding boats that apply to fishing boats, and I think he will speak regarding that.

So in a word, I am going to vote for this. I hope my colleagues will vote for it. However, it is important, I think, that we realize that placing a bill on suspension of this nature does limit our ability to try to have a debate and action in a vote on important amendments, and I hope very much that this will not be repeated. One thing I can assure my colleagues of, if we take back the House, this bill will not be put on suspension.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the House has a series of procedures which determine whether or not a bill is a candidate to be placed on suspension. One of the first things that one would look at, obviously, is the way in which the bill was dealt with in committee. I said in my opening statement that this bill passed 33 to 0. One cannot get any more unanimous than that.

I would ask my friend, because he is my friend, the gentleman from Michigan (Mr. LEVIN), while he is recounting the amendments that were offered, which were presented, arguments examined, decision made by the committee, and it just so happens that each of the amendments were not accepted. They had every right at that time to vote against the measure. Not being able to completely divine the reason for why they do such things, but they came to the conclusion that the bill, notwithstanding not being amended, was perfectly acceptable.

I do, however, have to ask my colleague, when an argument is made in committee and absolutely and completely refuted, it does not lend itself to a continued positive working relationship to then come to the floor and repeat the same argument, which was absolutely refuted in committee, as though he had no knowledge that what he was saying was not accurate.

□ 1245

The gentleman said that the $2 billion the gentleman from Maryland was kind enough to indicate we all agreed would be appropriate could not go at all for enforcement. The language in the bill is "and between general counsel and enforcement," not "and/or." It is "and." And the gentleman's argument that no money can go there is simply not accurate. It was not accurate when he made it in committee, and it was refuted. It is not accurate on the floor when he makes it.

And so after all is said and done with all of the concerns and all of the arguments which end with "and we will support the bill," the only conclusion one can reasonably come to is that the problem is we are the majority and they are not.

Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield as much time as he may consume to the gentleman from Washington (Mr. BAIRD), a very distinguished, active gentleman from Washington; and then I will respond to the gentleman from California (Mr. THOMAS) a bit later.

Mr. BAIRD. Mr. Speaker, I thank my friend and colleague for yielding me this time, and I understand that the chairman of the committee would be willing to engage in a brief colloquy.

Mr. THOMAS. Mr. Speaker, will the gentleman yield?

Mr. BAIRD. I yield to the gentleman from California.

Mr. THOMAS. Yes, Mr. Speaker, I am happy to engage the gentleman in a colloquy.

Mr. BAIRD. I thank him for that, as this is an issue of great importance to fish processors and the economy of my region.

Mr. Speaker, my concern is that small fishing ships are now required to transmit electronically information about the contents of their cargo 24 hours before docking in a U.S. port. This requirement and several others are causing a great hardship for small, independently operated fishing vessels.

As a result, the vessels are docking in Canada and processing fish there, thereby costing jobs in an area where we greatly need those jobs.

As a result, Washington State is losing more jobs, and fish processing jobs; and I would ask and hope that we can work together to address this issue immediately.

Mr. THOMAS. Mr. Speaker, I thank the gentleman; and as the gentleman knows, this is an issue that was just presented to us now, and in trying to do some immediate research, we could not determine whether it is amenable to an administrative resolution or a legislative resolution; but certainly the chairman is willing to work with the gentleman from Washington, as our staffs confer, to try to address those concerns.

Mr. BAIRD. Mr. Speaker, I am very grateful to that, and there is some urgency to this, so I look forward to working with the gentleman from California (Mr. THOMAS) on this; and I thank him for his indulgence.

Mr. THOMAS. Mr. Speaker, and I thank the gentleman for his rapid response to a problem in his district.

Mr. Speaker, it is now my pleasure to yield as much time as he may consume to the gentleman from Minnesota (Mr. RAMSTAD), a cosponsor of the legislation.

Mr. RAMSTAD. Mr. Speaker, I rise today as a cosponsor and strong supporter of this important legislation. Today's passage of the Customs Border Security and Trade Agencies Authorization Act is absolutely vital because it authorizes funding for four agencies that play critical roles in formulating and implementing American trade policy:

The U.S. Trade Representative, the International Trade Commission, and the newly formed agencies of the U.S. Customs and Border Protection and the U.S. Immigration and Customs Enforcement.

I want to especially thank the gentleman from Illinois (Chairman CRANE) of our Committee on Ways and Means Subcommittee on Trade for including a provision I offered in the bill to allow, but not mandate, customs officials to work overtime if smaller air carriers arrive at an airport after normal customs hours.

This legislation is necessary because charter air carriers often use smaller feeder airports, providing needed relief to air traffic at larger international airports; and, unfortunately, this means that chartered carriers are often unfairly restricted in the hours in which they can land, as smaller airports do not have extended hours for customs officials like larger international airports.

Mr. Speaker, H.R. 4418 will change current law by allowing customs officials to work overtime, with the overtime costs paid for by the arriving carrier. This is good policy for the carrier, as they have more flexibility in their flight schedules. It is good policy for the taxpayer, as there is no additional cost to them. And it is good policy for customs employees, as they have the option to work overtime if they so desire.

Mr. Speaker, make no mistake, international trade is absolutely critical to our economy; and we must do all we can to open foreign markets and increase the efficiency of our ports. No issues are more important to the American people today than homeland security and economic security, and I am pleased this legislation helps improve both by securing our borders and improving the flow of goods across our borders.

I urge my colleagues to continue to support H.R. 4418, and I want to thank my colleagues on the other side of the aisle on the Committee on Ways and Means for their unanimous vote to approve this important legislation. And I hope that spirit of bipartisan pragmatism continues here in the House vote today.

Mr. LEVIN. Mr. Speaker, I yield myself such time as I may consume. I have made my points. I will not repeat them. In terms of a vote that is unanimous in committee, I hope that is not the precedent for putting bills on suspension, especially bills of major import. This relates to the Bureau of Customs and Border Protection, the Bureau of Customs Enforcement of the Department, and customs enforcement of the Department of Homeland Security, the office of USTR and for ITC.

So we did, I think, clearly say to the majority we did not want this bill on suspension, and it was placed on suspension anyway. I do not think that is a bipartisan way to proceed, and there has been use of much of the term "bipartisanship" here today, and I want to make it clear the test is not in rhetoric but in actual performance.

And let me just say a word to the gentleman from California (Mr. THOMAS), and I want to repeat this because I hope USTR gets the message about enforcement. I do not know if all the money went to General Counsel, whether it would be considered a violation of this language. I think maybe so, but maybe not; but as I said in my remarks, if they gave a dollar to the Office of Monitoring and Enforcement and the rest to General Counsel, I think it will meet the terms of this provision.

And the reason we have raised it is not to be picky or not to fly-speck, but because the issue of enforcement of our trade laws is a vital one. We have worked to pass trade laws. We worked to place some major provisions in the China PNTR. We have worked to try to maintain our antidumping and countervailing duty laws. We have worked to have some strong trade laws; but if they are not vigorously enforced, it does not do much good.

And so we wanted to be sure the gentleman from Maryland (Mr. CARDIN) addressed this, and we raised it in committee. We wanted to make sure that if there were going to be adequate or additional funding, that some portion of it in a meaningful way would go for enforcement of our laws. And we named three areas in which we needed more vigorous enforcement. That is what this is all about. Those of us who favor expanded trade want to do so first of all so that the terms of trade are shaped so that there is widespread benefit; and, number two, we want to make sure that the laws that we support and help to shape are implemented, are enforced. And the record of this administration, in my judgment, has been unsatisfactory, to put it mildly.

And that is why we raised the issue, and that is why it would have been better to have this bill not on suspension, but in the normal course. That is what this is all about.

Mr. Speaker, I see that another gentleman is here to speak, but I will reserve the balance of my time, with the understanding I probably will not speak again if the gentleman from California (Mr. THOMAS) is ready to wrap up.

Mr. THOMAS. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Speaker, I want to thank the chairman for yielding me this time, and I have two comments I wanted to make in particular on this bill. I was particularly happy to see that the bill is requiring the commissioner of the Customs and Border Protection Agency to work to establish integrated border inspections areas on the U.S.-Canada border.

As we have worked through the last few years in homeland security and the narcotics areas, as well as with the U.S.-Canada Parliamentary Group, Canada is our most important trading partner. We have one example up in Montana where we have an integrated customs border station. When we developed that, we had some problems in developing it, because at that point we were still having questions of whether our customs agents could carry their guns to the restrooms. So the restrooms all had to be on the American side.

We were trying to get integrated immigration laws, because if they got a foot on Canadian soil, they could claim the full rights of the Canadian citizenship. We had to put barriers up in the middle of that building and angle it down a hill, and so two-thirds of the immigration station wound up on the American side with all sorts of problematic issues involved with that.

But the Canadian leadership has shown much more willingness to try to accommodate some of the concerns we have. This is critically important in Detroit, where there is not enough room on the American side to expand trunk clearance facilities; and we need to work with the city of Windsor, as well as up at Port Heron and the tunnel at Windsor. It is critical in Buffalo, where we have had huge concerns about whether we need additional bridges and how we handle the American side there, and at Niagara Falls.

And if we can work out integrated systems at these major border crossings where we do not have to have it on both sides, we do not have to have the truck traffic and car traffic backing up the bridges, it is very important, where we have, in many cases, land on the Canadian side but not on the U.S. side. And I am really pleased to see that this was raised in the bill.

There is a second issue that is not in the bill that may come up in our Committee on Homeland Security markup later this week. The gentleman from Texas (Mr. SESSIONS) has been a leader in this, and I have been supportive, and that is what to do with the air and marine division of ICE, because the air and marine division of the Legacy customs division, the focus was narcotics, and it does not purely fit either being on the border or doing investigatory follow-up. And it is probably the most critical area, as far as air interdiction, marine interdiction and the follow-up of illegal narcotics, that we need some flexibility so that that air and marine has a unique mission separate from the Coast Guard and the air division of the Border Patrol. And that is in flux right now, and we are trying to address that in the Select Committee on Homeland Security.

And if so, I hope we can work with the authorizers as they go to conference on this important bill so that we can match the authorizing committee with the Committee on Homeland Security and the narcotics subcommittee that I chair, and I look forward to working with the chairman on that.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

I will tell the gentleman that as we are moving forward with the integration at the border, this committee and its responsibilities, especially in the area of customs, will always work with the other authorizing committees to make sure that not only is it more seamless in terms of security, but, frankly, we need to be much more efficient in the movement of economic goods across international lines, especially in the areas that you mentioned, especially in the area of Detroit and Windsor where unbeknownst to a lot of people, when you travel south, you go to Canada.

Mr. Speaker, I reserve the balance of my time, but I will tell the gentleman from Michigan I have no other speakers, and I am prepared to close.

☐ 1300

Mr. LEVIN. Mr. Speaker, I yield back the balance of my time.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

To make sure that everyone is perfectly clear, I think we may need to recount what occurred in committee in the discussion of this bill in front of the full Committee on Ways and Means.

There were three Members on the minority side that had indicated that they either wanted to offer amendments or they wanted to discuss points at which they may or may not be prepared to offer amendments. The gentleman from California (Mr. BECERRA) raised a point, there was a discussion between staff and Members, and the gentleman from California (Mr. BECERRA) terminated his discussion.

The gentleman from Massachusetts (Mr. NEAL) indicated that he was going to offer amendments. There was a colloquy between the chairman and the gentleman from Massachusetts (Mr. NEAL), and he withdrew his amendment.

The gentleman from Michigan then offered an amendment and had the clarification, which the Chair is grateful for, which was the subject of his amendment and that is that no money could go to enforcement. The gentleman corrected his statement, although he still believes that perhaps the United States Trade Representative is engaged in gamesmanship and perhaps they would send a dollar to enforcement but that would be all.

That was precisely the basis of the discussion that occurred in committee.

The Chair offered to work with the maker of the amendment, the gentleman from Michigan, to put report language that would clarify the concerns that all of us have that this is not an issue over which games should be played.

But what was not mentioned was the fact that an amendment was offered with a specific reference to one country in terms of enforcement. That is, the Chair believes and apparently a majority of the committee believed, because the amendment was put to a vote, there were 11 ayes and 21 noes, that perhaps that degree of direction and specificity is not appropriate; and that had the gentleman not attempted to micromanage, he would have found far more support. Notwithstanding that, he decided to move his amendment.

The offer was made, let us work together to reconcile the concerns, and we can put report language in that shows the concern of the committee that we need money both to general counsel and to enforcement. That offer was rejected.

The gentleman from Michigan instead chose to move his amendment. That amendment was defeated, not for the basic concept of wanting to make sure that the United States Trade Representative work in the enforcement area as general counsel, because of the way the amendment was written. The degree of specificity and the desire to micromanage and control was the reason the amendment was rejected.

So once the attempt to micromanage failed, then a vote was requested. At any point any Member could have voted no. The vote was 33 to zero, and I think that indicates the true depth of support for this provision.

There truly is no real controversy; and, frankly, there should be no real opposition. I would ask Members to vote for H.R. 4418 with the intent and purpose of its content supported unanimously out of the Committee on Ways and Means.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, July 13, 2004.

Hon. F. JAMES SENSENBRENNER, Jr.,
Chairman, Committee on the Judiciary, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN SENSENBRENNER: Thank you for your letter regarding H.R. 4418, the "Customs Border Security and Trade Agencies Authorization Act of 2004." The Committee of Ways and Means ordered favorably reported, as amended, H.R. 4418 on Thursday, July 8, 2004 by a 33–0 vote. I appreciate your agreement to expedite the passage of this legislation although it contains several immigration provisions that are within your Committee's jurisdiction. I acknowledge your decision to forego further action on the bill is based on the understanding that it will not prejudice the Committee on the Judiciary with respect to its jurisdictional prerogatives on this or similar legislation.

Our committees have long collaborated on these important initiatives, and I am very pleased we are continuing that cooperation. Your leadership on immigration issues is critical to the success of this bill. I appreciate your helping us to move this legislation quickly to the floor.

Finally, I will include in both the Committee report and the Congressional Record a copy of our exchange of letters on this matter. Thank you for your assistance and cooperation. I look forward to working with you in the future.

Best regards,

BILL THOMAS,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE OF THE JUDICIARY,
Washington, DC, July 13, 2004.

Hon. BILL THOMAS,
Chairman, Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR CHAIRMAN THOMAS: In recognition of the desire to expedite floor consideration of H.R. 4418, the "Customs Border Security Act of 12004," the Committee on the Judiciary hereby waives consideration of the bill.

Certain sections of H.R. 4418 contain matters within the Committee on the Judiciary's Rule X jurisdiction: Section 101 (insofar as it authorizes funding for immigration matters); Section 102 (insofar as it requires cost accounting systems for immigration matters); and Section 122 (insofar as the Integrated Border Inspection Areas include immigration matters). Because of the need to expedite this legislation, I will not seek to mark up the bill under the Committee on the Judiciary's secondary referral.

The Committee on the Judiciary takes this action with the understanding that the Committee's jurisdiction over these provisions is in no way diminished or altered. I would appreciate your including this letter in your Committee's report on H.R. 4418 and the Congressional Record during consideration of the legislation on the House Floor.

Sincerely,

F. JAMES SENSENBRENNER, Jr.,
Chairman.

Mr. THOMAS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PUTNAM). The question is on the motion offered by the gentleman from California (Mr. THOMAS) that the House suspend the rules and pass the bill, H.R. 4418, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. THOMAS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4418.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

URGING THE GOVERNMENT OF PEOPLE'S REPUBLIC OF CHINA TO IMPROVE ITS PROTECTION OF INTELLECTUAL PROPERTY RIGHTS

Mr. BALLENGER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 576) urging the Government of the People's Republic of China to improve its protection of intellectual property rights, and for other purposes, as amended.

The Clerk read as follows:

H. RES. 576

Whereas in 2001, the People's Republic of China agreed to implement a set of sweeping reforms designed to protect intellectual property rights;

Whereas since 2001, China initiated a series of measures and a comprehensive review of its intellectual property rights laws to bring itself in compliance with international standards in patent, trademark, copyright, trade secret, and other intellectual property laws;

Whereas central and local Chinese Government officials continue to work with their counterparts in the United States to improve China's intellectual property rights enforcement through regular bilateral discussions, roundtable meetings, and numerous technical assistance programs;

Whereas China has initiated campaigns to seize illegal and pirated goods, closed or fined several assembly operations for illegal production lines, seized millions of illegal audio-visual products, and expanded training of law enforcement officials relating to intellectual property rights protection;

Whereas although China has made significant improvements to its framework of law, regulations, rules, and judicial interpretations regarding intellectual property rights, its intellectual property rights enforcement mechanisms still face major obstacles, which have resulted in continued widespread piracy and counterfeiting of film, recorded music, published products, software products, pharmaceuticals, chemical products, information technology products, consumer goods, electrical equipment, automobiles and automotive parts, industrial products, and research results throughout China;

Whereas such widespread piracy and counterfeiting in China harms not only the economic development of China but also the economic and legal interests of United States business enterprises that sell their products or services in China, whether or not these United States business enterprises have invested in China or ever will invest in China;

Whereas United States losses due to the piracy of copyrighted materials in China is estimated to exceed $1,800,000,000 annually and counterfeited products to account for 15 to 20 percent of all products made in China, approximately 8 percent of the country's gross national product;

Whereas the market value of counterfeit goods in China is between $19,000,000,000 and $24,000,000,000 annually, causing enormous losses for intellectual property rights holders worldwide;

Whereas the export of pirated or counterfeit goods from China to third country markets causes economic losses to United States and other foreign producers of patented, trademarked, and copyrighted products competing for market share in those third country markets;

Whereas current criminal laws and enforcement mechanisms for intellectual property rights in China by administrative authorities, criminal prosecutions, and civil actions for monetary damages have not effectively addressed widespread counterfeiting and piracy;

Whereas administrative authorities in China rarely forward an administrative case relating to intellectual property rights violations to the appropriate criminal justice authorities for criminal investigation and prosecution;

Whereas China currently has high criminal liability thresholds for infringements of intellectual property rights, with an unreasonable proof-of-sale requirement totaling approximately $24,100 for business enterprises and $6,030 for individuals (according to current exchange rates) that makes criminal prosecution against those enterprises or individuals that violate intellectual property rights extremely difficult;

Whereas seizures and fines imposed by Chinese authorities for intellectual property rights violations are perceived by the violators to be a cost of doing business and such violators are usually able to resume their operations without much difficulty;

Whereas China has the second largest number of Internet users in the world, it still has not acceded to the 1996 World Intellectual Property Organization (WIPO) Internet-related treaties that reflect international norms for providing copyright protection over the Internet;

Whereas China's market access barriers for United States and other foreign cultural products such as movies, music, and books stops or slows the legal entry of these legitimate products into China, in turn increasing the demand for pirated products; and

Whereas United States Trade Representative, Ambassador Zoellick, and Secretary of Commerce Evans co-chaired an expanded Joint Commission on Commerce and Trade Meeting during Chinese Vice Premier Wu Yi's visit to the United States in April 2004 that led to the Chinese Government's commitment to an action plan to address the piracy and counterfeiting of American ideas and innovations: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the Government of the People's Republic of China for the steps it has taken to improve its legal framework for intellectual property rights protection and for efforts to bring itself toward compliance with international standards for intellectual property rights;

(2) recognizes Chinese Government's renewed commitment through an action plan presented at the 2004 United States-China Joint Commission on Commerce and Trade to significantly reduce intellectual property rights infringement levels by increasing penalties for intellectual property rights violations, cracking down on violators, improving protection of electronic data, and launching a national campaign to educate its citizens about the importance of intellectual property rights protection;

(3) further recognizes, despite the steps referred to in paragraph (1) and paragraph (2), the continued existence of widespread intellectual property rights violations in China;

(4) urges the Chinese Government to closely adhere to its action plan referred to in paragraph (2) in undertaking a coordinated nationwide intellectual property rights enforcement campaign, and to further eliminate the high criminal liability threshold and procedural obstacles that impede the effective use of criminal prosecution in addressing intellectual property rights violations, to increase the criminal penalties provided for in its laws and regulations, and to vigorously pursue counterfeiting and piracy cases;

(5) encourages the Chinese Government to fully and comprehensively implement a legal framework and effective enforcement mechanisms that would protect not only intellectual property rights held by United States and foreign business enterprises with or without investments in China, but also Chinese intellectual property rights holders, which is crucial to China's own economic development and technological advancement;

(6) urges the Chinese Government to give greater market access to the foreign producers of legitimate products such as films and other audio-visual products in order to reduce demand for and prevalence of pirated and counterfeit goods in their absence; and

(7) will continue to monitor closely China's commitment and adherence to its action plan on intellectual property protection presented during the 2004 United States-China Joint Commission on Commerce and Trade, and work with the Administration to further encourage China's efforts to bring its framework of laws, regulations, and implementing rules into compliance with international law and to create and maintain effective intellectual property rights enforcement mechanisms capable of deterring counterfeiting and piracy activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. BALLENGER) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. BALLENGER).

GENERAL LEAVE

Mr. BALLENGER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 576.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. BALLENGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 576, urging the government of the People's Republic of China to improve its protection of intellectual property rights, and I would like to thank the gentlewoman from California (Ms. WATSON) for introducing this resolution.

Mr. Speaker, the unprecedented scale and speed of China's ongoing modernization commands the world's attention. Given the immensity of that country, its transformation cannot but have a profound effect and impact well beyond its borders. All of those witnessing China's rebirth understand that its actions and ambitions will become increasingly central factors in determining the fortunes of the 21st century.

As China assumes an ever more prominent role in the international system, it remains uncertain if this will be matched by an acceptance of responsibilities commensurate with the increasing power it has. Of immediate importance is its willingness to abide by a network of agreements and rules that underlie the international trade system, which operates by consensus and relies heavily on voluntary compliance with its many provisions.

If this system is to work, cooperation cannot be restricted to selected areas of individual advantage but most extend across the whole. For that reason, China's entry into the World Trade Organization was a milestone in the country's development and signaled a welcome commitment to adopting and enforcing its comprehensive rules and agreements.

China's stake in the health of the global economic system is readily apparent. The country's transformation has been financed largely through direct investment from outside the country and by an ever-increasing deluge of exports above all to the United States.

Our annual trade deficit with China has grown every year and now exceeds $100 billion, making the United States the indispensable source of capital for rapid economic development. Given this reality, it is a matter of great concern that the extent of China's commitment to upholding the rules underpinning the system remains ambiguous, especially in the area of intellectual property rights. The protection of these rights is of great and growing importance to many developed countries whose economies are increasingly composed of knowledge-based industries, with the U.S. leading the list.

The piracy of copyrighted materials is a global problem, including in our own country, but nowhere is the problem greater than in China. It is estimated that 60 percent of all goods imported into the United States that infringe on intellectual property rights originated in China. In that country, an estimated 20 percent of all manufactured products are counterfeits. Although the Chinese government has adopted increasingly comprehensive legislation and regulation to address this issue, these will remain largely empty gestures unless enforced.

Here the situation is far less positive. One can walk down virtually any street in Chinese cities and be assaulted by English offers of pirated videotapes and other illegal products in full view of police and other authorities. The blame for this open flouting of this law is often ascribed to laxity or even complicity by local governments over which the central authorities claim to have insufficient control, but this assertion is difficult to accept.

Few would point to China as an example of a country in which the government is too weak to enforce its own laws. We have witnessed repeated examples of energetic, even harsh measures taken against those who would defy the central authorities. It is impossible to believe that if China's leaders decided to rein in this open defiance of the law that it could not do so and do so quickly.

We are confident that, being rational, the Chinese authorities will eventually realize that a relentless pursuit of self-interest that does not accommodate the interests of others cannot be sustained. But until that acceptance occurs, it is incumbent upon us to maintain sufficient pressure on China and other countries harboring these illegal activities to ensure that their costs from tolerating violations are as tangible as many benefits that they now enjoy.

That is why this resolution is both timely and necessary. It recognizes the genuine progress that China has made in the area of protecting intellectual property rights but couples with this the several specific recommendations that the Chinese government must adopt if it is to demonstrate its genuine commitment to the protection of intellectual property rights.

It would be difficult to find a better or more precise issue by which to judge Chinese leadership, determination on their part to play by the rules of the game in the international trading system, and thereby discern the nature of its intended participation in the international system as a whole.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this resolution, and I urge my colleagues to support it as well.

At the outset, let me pay tribute to my dear friend, the gentlewoman from California (Ms. WATSON), the author of this resolution, who has done so much to protect intellectual property rights across the globe.

Mr. Speaker, a new generation of policymakers have ascended to power in Beijing and with their growth of influence China has begun to play a more responsible and constructive role on the international stage. But as China has assumed its new global commitments, a yawning gap has emerged between Chinese government promises and the reality on the ground.

Mr. Speaker, the stark contrast between China's far-reaching international trade commitments and the harsh treatment afforded American companies trying to sell to China is just the latest example of this enormous credibility gap; and, unfortunately, Mr. Speaker, unless senior Chinese officials recognize that they must live up to their international trade commitments, hundreds of thousands of American workers will lose their jobs.

Mr. Speaker, the United States trade deficit with China continues to grow at an alarming rate. Last year, in 2003, we had a $124 billion deficit with China, the largest ever posted with any country on the face of this planet. The deficit further widened this January to almost $12 billion.

The matter before the House, sponsored by my good friend, the gentlewoman from California (Ms. WATSON), addresses one of the main reasons for this alarming deficit, the systematic and widespread piracy and counterfeiting of copyrighted U.S. materials in China. Fully 15 to 20 percent of all products made in China are counterfeited products. The market value of these goods in China is estimated to be at least $24 billion.

This massive criminal enterprise makes it virtually impossible for U.S. patent holders to sell their goods in China and causes them further economic losses when China exports pirated goods to third countries.

The gentlewoman from California's (Ms. WATSON) measure demands that China undertake a coordinated nationwide intellectual property rights enforcement campaign as well as implement a legal framework to protect both American and Chinese intellectual property.

Mr. Speaker, I strongly urge the regime in Beijing to pay attention to this demand. The U.S. Congress will not tolerate the continued theft of American intellectual property on a massive scale by the Chinese, while the United States is exporting good manufacturing jobs to China by the millions. I urge all of my colleagues to vote for this important initiative.

Mr. Speaker, I reserve the balance of my time.

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Mr. BALLENGER. Mr. Speaker, I yield 4 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Speaker, I rise today on behalf of the manufacturers in my home State who already have not been run out of business by unfair Chinese competition. It is bad enough that China continues to abuse human rights, that they bully Taiwan, they deny workers' rights in China; but we have seen a regular manipulation of their currency that has resulted in unfair competition to the tune of up to 40 percent in the cost of many goods.

I have manufacturers in my district that cannot get the raw materials for the goods for the costs that the Chinese are selling it. That, by definition, is dumping. They are selling in the United States for under the cost of goods for even just the basic raw materials.

We need not just rhetoric out of this Congress. We need an actual law passed that says when they manipulate the currency that countervailing duties are immediately imposed. The administration has been working with dumping lawsuits, but they take up to 3 years. By that time our companies are long gone. Many of these manufacturers are very small; and by the time they steal the private intellectual property rights over the time that they dump illegally into our country, the manufacturers are gone. They are the little guys. They cannot afford attorneys that go for 3 years. They are laying off their employees, and even then they do not know how to fight or how to get big enough to fight.

We in Congress need to be more aggressive, or we will not have a manufacturing base left. We can talk about our national defense, and we will not have a national defense.

Now, intellectual property is important not only to movies, not only to music, but to manufacturers. I have a company in my district that makes the fasteners that go on our containers. We talk about the importance of international trade and security and how we are trying to push that security out to Singapore and into China so we have preclearance before it hits our harbors.

Our security is only as safe as the sealant on the containers. The American companies will give us the numbers of the seals so we can trace to see whether people are cheating, but the Chinese manufacturers will not; and the reason they will not is because they have stolen the intellectual property rights for, for example, this seal. These are four Chinese companies that have duplicated this seal even with "shinning fortune," they meant to say "shining fortune." They spelled it "shinning." They copied it and stole it. We now cannot track the containers because they have stolen intellectual property rights. They have put American companies and workers out of business, and that makes our national security more difficult.

We have to understand that unless we fight for intellectual property rights, unless we fight for our manufacturers, we cannot talk about free trade if it is not fair; and it has to be fair, or it is just a false promise that when we say we are going to have international trade we are all going to be better by the international trade. Free trade must be fair. This resolution is a start, but we do not need this resolution. We need some laws.

Mr. LANTOS. Mr. Speaker, I am delighted to yield as much time as she might consume to the distinguished gentlewoman from California (Ms. WATSON), the author of this legislation.

Ms. WATSON. Mr. Speaker, I want to thank the gentleman from California (Mr. LANTOS), the ranking member, my good friend and very distinguished Member of the House, and the gentleman from North Carolina (Mr. BALLENGER) for supporting H. Res. 576, a bipartisan resolution urging the government of the People's Republic of China to improve its protection of intellectual property rights, Mr. Speaker. I would also like to thank them for their leadership and their diligence in bringing the bill to the floor for consideration.

Mr. Speaker, H. Res. 576 is a balanced and responsible piece of legislation. It recognizes China's efforts to deal with the serious problems of intellectual property violations, as well as encourages China to redouble its efforts to rectify a serious problem that results in the loss of revenues, according to the USTR's most recent figures, in excess of $2.5 billion yearly to U.S. companies and manufacturers.

The resolution recommends that the Chinese government implement more effective customs and border measures to prevent exportation of pirated goods into the United States and into other countries. It encourages the Chinese government to fully and comprehensively implement a legal framework to protect intellectual property rights; and it urges the Chinese government to give greater market access to foreign producers of legitimate products to reduce the demand for counterfeit goods.

In crafting H. Res. 576, my staff shared the text of the resolution with various Federal Departments and agencies, including the State and Commerce Departments, U.S. Customs, the U.S. Copyright Office, USTR, and the United States Patent and Trademark Offices. In many instances, changes suggested by these various entities have been incorporated into the final version of H. Res. 576.

Mr. Speaker, I will submit for the RECORD at this point letters that I have received from Marybeth Peters, register of copyrights from the United States Copyright Office; and Douglas Lowenstein, the president of Entertainment Software Association, in support of H. Res. 576.

U.S. COPYRIGHT OFFICE,
LIBRARY OF CONGRESS,
Washington, DC, March 30, 2004.

Hon. DIANE E. WATSON,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE WATSON: I am pleased to have this opportunity to respond to your request for the Copyright Office's views regarding H. Res. 576. I wholeheartedly agree that consideration of the problem of copyright infringement in China is especially important and timely.

The Copyright Office has actively engaged our counterparts at the National Copyright Administration of China (NCAC) for over twenty years in an effort to foster better understanding and improve the protection of copyrighted works in China. Our most recent exchange was earlier this month, when we hosted a delegation led by Deputy Director General Wang Ziqiang of the NCAC for a one week symposium on the protection and enforcement of copyright. The delegation included officials from the central government in Beijing, officials from several of China's provinces with authority for the enforcement of copyright, and judges who hear copyright infringement cases.

The Copyright Office also plays a crucial role in the United States' bilateral trade relations with China. We advise the Congress, the U.S. Trade Representative's Office, and other federal agencies on copyright protection and enforcement and we participate in trade talks held both in the U.S. and in China.

Over the years, we have worked with China as it has transformed itself from a country that did not even have a copyright law into a WTO member. But we have also been dismayed by the persistent and overwhelming problem of copyright infringement in China. The U.S. copyright industries continue to report piracy rates of at least 90% across the board in China. This fact, combined with the size of the Chinese market and the growing problem of the export of pirated products from China, threatens, if gone unchecked, to deluge markets in the region and around the world with cheap, illegal copies of American products.

Despite these threats, many American companies continue to invest in the Chinese market. I believe that this is indicative of the business opportunities in China. Thus, I see both a crisis of piracy and great opportunity. H. Res. 576 eloquently captures a balanced and realistic assessment of the situation in China and the Copyright Office supports it and hopes that it will be adopted. It is important for the Chinese Government to understand that the United States recognizes that much has been done, but also that it sees how much remains to do and how important it is to finish the job.

Please feel free to contact me again on this or any other copyright matter.

Sincerely,

MARYBETH PETERS,
Register of Copyrights.

ENTERTAINMENT SOFTWARE
ASSOCIATION,
Washington, DC, July 12, 2004.

Hon. DIANE WATSON,
Hon. HENRY J. HYDE,
Hon. TOM LANTOS,
House of Representatives,
Washington, DC

DEAR REPRESENTATIVES, On behalf of the Entertainment Software Association (ESA), our member companies, and the thousands of individuals employed in our industry who are impacted by the scourge of worldwide intellectual property piracy, I would like to take this opportunity to voice our appreciation and to pledge our strong support for your leadership on H. Res. 576, an important measure addressing the need for stronger intellectual property protection and market access in China.

Entertainment software—including video and computer games for video game consoles, personal computers, handheld devices, and the Internet—is a rapidly growing industry with $7 billion in U.S. sales in 2003 and a $20 billion global market for games. There is a large and growing demand for entertainment software in China. As an example, in China's more than 200,000 Internet cafes, where the vast majority of the Chinese people obtain online access, it is estimated that 60 percent of the activity involves game play. However, also China has a serious entertainment software piracy problem. We estimate that 97 percent of all personal computer entertainment software is pirated, while 75 percent of all console products, such as those for the Sony Playstation® and 99 percent of all handheld products, such those for the Nintendo Gameboy® are also pirated. Piracy at these extreme levels makes it extraordinarily difficult to build legitimate distribution and sales.

Addressing these myriad piracy problems will require high-level leadership so that china can adhere to its responsibilities as a WTO member and depart from its past history of piracy problems. Criminal enforcement, including raids, must include fines and imprisonment severe enough to serve as a deterrent to copyright crimes. There must also be criminal enforcement against criminal associations engaging in elaborate enterprises in copyright crimes. China should adopt measures similar to Hong Kong's Organized and Serious Crime Ordinance (OSCO) and should treat copyright crimes similarly to other forms of criminal activity. Internet piracy issues should also be addressed, and China should adopt the WIPO treaties, including their effective prohibitions against the circumvention of technological protection measures (TPMs).

At the same time, entertainment software publishers who enter the market are hindered in their ability to compete with pirates. They face growing threats of import quotas and other market restrictions. Protracted censorship reviews, often requiring several months to complete, give pirates the opportunity to sell unapproved pirated product long before legitimate games are released. Policies such as these only fuel the demand for pirated product.

Again, we want to thank you for your leadership on this issue and we look forward to continuing to work with you and your staffs to shed further light on the I.P. piracy problem in China and on the need to improve the situation in that country.

Sincerely,
DOUGLAS LOWENSTEIN,
President.

Both letters have offered unqualified support for the resolution and for the resolution's recognition that much remains to be done with respect to addressing the need for stronger intellectual property protections and greater market access in China.

Mr. Speaker, I represent the 33rd Congressional District of Los Angeles and Culver City, which contains a number of major entertainment companies, including Sony Studios, Capitol Records, Raleigh Film and Television Studios, and the American Film Institute. Each one of these companies, as well as countless residents throughout the greater Los Angeles area, are directly impacted by the scourge of IPR infringement.

The protection of U.S. intellectual property rights abroad and at home is especially crucial to the health and the vitality of the U.S. entertainment sector, which brings in an estimated $535 billion to the U.S. economy and remains one of the Nation's largest export sectors. The loss of revenues from IPR infringement affects the income levels and pocketbooks of not only my constituents but countless other Americans across our Nation.

In the case of China, U.S. companies continue to lose more than $2.5 billion a year due to the piracy of copyrighted materials. Amazingly, counterfeit products account for 15 to 20 percent of all products made in China, approximately 8 percent of its GNP. Counterfeit and pirated items that originate in China include, but are not limited to, movies, recorded music, published products, software, pharmaceuticals, electrical equipment, industrial products, apparel, auto parts, and automobiles.

With respect to entertainment software, one of the most explosive sectors of growth, the Entertainment Software Association estimates that 97 percent of all personal computer entertainment software is pirated in China, while 75 percent of all console products, such as those for the Sony PlayStation, and 99 percent of all handheld products, such as those for the Nintendo Gameboy, are also pirated. That is 99 percent.

As the Entertainment Software Association knows, "Piracy at this extreme level makes it extraordinarily difficult to build legitimate distribution and sales."

Moreover, many of these counterfeit products end up reentering our domestic U.S. market in ever-increasing quantities. In fact, the Office of U.S. Immigration and Customs Enforcement estimates that over 60 percent of all pirated goods it seizes originate in China. This is a staggering and sobering statistic; and as anyone can see, IPR theft has reached epidemic levels in China, and its adverse impact is being directly felt by American producers, consumers, and workers in terms of loss of revenues and wages.

Mr. Speaker, in closing, I want to briefly note the recent commitments made by the government of China during the April meeting of the U.S.-China Joint Commission of Commerce and Trade. While the government of the People's Republic of China is to be commended for the steps it has committed to taking to reduce significantly the incidence of piracy by the end of this year, H. Res. 576 most importantly puts Congress on record that it will continue to monitor closely China's commitment and adherence to its action plan and IPR protection and enforcement and that it will work with the administration to further encourage China's efforts to bring its framework of laws, regulations and implementing rules into compliance with international law.

Mr. Speaker, I thank the gentleman for the time.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 5 minutes to my good friend, the distinguished gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, I thank the gentleman from California for his time and the gentlewoman from California for her excellent work on this legislation.

To echo the words of the gentleman from Indiana who preceded me in the well, this is a good step but it is not an adequate step. I would differ only in that he said we need more laws. We do not need more laws. We need to enforce the existing laws.

I was one who voted against Permanent Most Favored Nation status for China because I thought the only leverage we had over them to stop them from this piracy was the annual renewal of that trade status. The argument of the prevailing side was, well, now they will be in the WTO and they will have to follow the rules; and in fact, that has been pursued successfully once.

One time the administration has filed one complaint against the largest pirate of U.S. copyright patents and materials in the world, China, which was on a tax benefit extended to semiconductors; and, in fact, that worked. China backed off, although they are going to phase out this subsidy. I think they should have them immediately end it, but in any case that step did yield some results.

The administration is now raising concerns about Viagra, but it is not raising concerns about Videx. What is Videx? Videx is a little dream company in my district, started by a former Hewlett-Packard employee, started up in his garage, now employs directly more than 60 people and hundreds of other people in the production of his product, all done in the United States of America. Videx produces two different systems, a coding system that is not based on bar codes, but a different system, which is very successful, and now a new electronic locking system.

One day they got a call from their distributor in China. They had filed for

Chinese patent protection, Chinese trademarks, had done everything according to Chinese law, and they got contacted by their distributor in China. They were very concerned and they did not understand why they had chosen to have another distributor. They thought they had exclusive rights. They said, what are you talking about? They found out that their entire company had been cloned in China, including the Web site. In fact, the Chinese went one better. They had little tiny American flags waving up on top of the building on the phony Videx Web site.

□ 1330

Everything. They used the U.S. copyright and even translated U.S. copyright patent into Chinese in stealing the software. And they made a crappy product.

So it not only cost them market share because of the counterfeiters, the counterfeiters also besmirched the name and quality of their product. And now the Chinese fakes are beginning to market this beyond China.

I have contacted everyone I can in the administration, including the Commerce Secretary and the Special Trade Representative. I have introduced legislation. I have raised this issue many times. It has been noted on the Lou Dobbs Report. We have gotten as much publicity as we can. And the only result is that Videx, in my district, has been contacted by dozens of other United States firms around the country saying exactly the same thing happened to us. Our company, our product was stolen by the Chinese. We had registered it, we had followed all the rules, and the administration will do nothing, nothing to help us.

And that is the current status we have here. Yes, they have stood up for the semiconductor giants and got some concessions from the Chinese. They are going to stand up for Pfizer and Viagra, but not for Videx, for the American dream, for small business, for dozens of companies like Videx around America who need the strong support of the United States Government to fight Chinese piracy.

This resolution is good. It will note the concern of Congress. But firmer steps are necessary.

I have introduced companion legislation to a bill in the Senate by Senator LAUTENBERG that would force the United States Trade Representative to file complaints against Chinese piracy. It is one thing that we are losing jobs because they have dirt-cheap labor, they do not follow environmental rules, and they should fix that, but it is another thing when they are outright stealing the intellectual property, the copyrights, and putting Americans out of business through theft. That has to stop.

This legislation is a start, but we need to take more action and the administration needs to take action in this area.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume, and in closing I urge all my colleagues to support this very important legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. BALLENGER. Mr. Speaker, I yield myself such time as I may consume to close.

A great deal has been said about the inactivity of our Federal government with regard to Customs and the inspection of imports, so I would like to deliver a special knowledgeable story that I know about.

In my own hometown of Hickory, North Carolina, we have 47 hosiery mills, and they were being worked against substantially by imports from China and South Korea. We also have a little place called Catawba Valley Technical Institute, where we invested money to train people as to how to take apart a pair of hose and find out what the makeup of that hosiery is; in other words, if it is 60 percent cotton and 40 percent wool, they can find out for sure.

We started checking the imports being brought into our hometown and found none of them matched what they said on the labels. So I called up a lady named Ms. LaBuda, who happened to be at that time the new Customs person in our Federal government, and told her about this.

Within several days, I got a panicked phone call from a person that I had known for years who happens to own a couple of hosiery mills in Hickory, North Carolina. He said, "Cass, you have to do something for me. I am in real trouble."

So I asked him what the problem was, and he said, "Well, Customs has seized two containers of my goods coming in." So I asked where they were coming from. He said, "Well, we buy a little bit from China, and we have hired other people." I think personally he hired one or two people just so he could say that. But, anyway, they had one or two containers held up and he said that they were making them wait until they could test the hosiery out.

So I asked him what the makeup of the hosiery was supposed to be. He said, "I'm not sure about that. But I wonder if you could check them and ask them what is the hosiery made of." Polyester in China is very cheap. So he said, "And find out what the makeup is, the percentages, and so forth, and we will change the labels." I said, well, unless I am mistaken, that is not quite legal.

So here we have the Customs agents actually doing something positive. This same lady, because of AGOA, went to Kenya, in Africa, and she trained the people in Kenya as to how to inspect goods coming through. Because AGOA was designed to help African people, not Chinese people, shipping goods through Africa. Well, these people were trained by her. She reported to me that they caught two container loads of goods coming from China going through Kenya. They stopped the goods, they checked the goods out, and they dumped them in the ocean.

What I am trying to say is that our government is doing things. It may take a little time, but if there were more people like Gladys LaBuda working for Customs, we would be in great shape.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from North Carolina (Mr. BALLENGER) that the House suspend the rules and agree to the resolution, H. Res. 576, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed. Votes will be taken in the following order:

Adoption of H. Res. 712, by the yeas and nays;

motion to suspend the rules on H. Res. 705, by the yeas and nays;

motion to suspend the rules on H.R. 4418, de novo; and

motion to suspend the rules on H. Res. 576, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PROVIDING FOR CONSIDERATION OF H.R. 4759, UNITED STATES-AUSTRALIA FREE TRADE AGREEMENT IMPLEMENTATION ACT

The SPEAKER pro tempore. The pending business is the question of agreeing to the resolution, House Resolution 712, on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

The vote was taken by electronic device, and there were—yeas 337, nays 89, not voting 7, as follows:

[Roll No. 371]

YEAS—337

Aderholt
Akin
Allen
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Coble
Cole
Collins
Conyers
Cooper
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Evans
Everett
Fattah
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoekstra
Holden
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCotter
McCrery
McHugh
McInnis
McKeon
Meeks (NY)
Menendez
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pelosi
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sanchez, Loretta
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—89

Abercrombie
Ackerman
Alexander
Andrews
Baca
Baird
Baldwin
Becerra
Berry
Bishop (GA)
Boswell
Brady (PA)
Brown (OH)
Capuano
Cardoza
Carson (OK)
Clyburn
Costello
Davis (IL)
DeFazio
Delahunt
DeLauro
Deutsch
Etheridge
Farr
Filner
Frank (MA)
Green (TX)
Grijalva
Gutierrez
Hastings (FL)
Herseth
Hinchey
Holt
Jackson (IL)
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Kucinich
Lantos
Larson (CT)
Lee
Lipinski
Markey
Marshall
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Michaud
Millender-McDonald
Miller, George
Mollohan
Nadler
Neal (MA)
Oberstar
Obey
Owens
Pallone
Pascrell
Pastor
Payne
Peterson (MN)
Pomeroy
Rahall
Rothman
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanders
Schakowsky
Slaughter
Solis
Stark
Strickland
Stupak
Taylor (MS)
Thompson (MS)
Tierney
Velázquez
Weiner
Wexler

NOT VOTING—7

Carson (IN)
Hoeffel
Isakson
Istook
Kind
Majette
Rangel

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PUTNAM) (during the vote). Two minutes remain in this vote.

□ 1402

Mr. DEUTSCH, Ms. McCOLLUM, and Messrs. OWENS, RUSH, PASCRELL, BISHOP of Georgia and BECERRA changed their vote from "yea" to "nay."

Ms. HARMAN, Messrs. OTTER, SANDLIN, EMANUEL and FORD, and Ms. HOOLEY of Oregon changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the remainder of this series will be conducted as 5-minute votes.

URGING THE PRESIDENT TO RESOLVE THE DISPARATE TREATMENT OF TAXES PROVIDED BY THE WORLD TRADE ORGANIZATION

The SPEAKER pro tempore (Mr. PUTNAM). The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 705.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. ENGLISH) that the House suspend the rules and agree to the resolution, H. Res. 705, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 423, nays 1, not voting 9, as follows:

[Roll No. 372]

YEAS—423

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins

John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—9

Burton (IN)
Carson (IN)
Hoeffel
Isakson
Istook
Kind
Majette
Moore
Rangel

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HASTINGS of Washington) (during the vote). Members are advised there are 2 minutes remaining.

☐ 1413

Mr. HOEKSTRA changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CUSTOMS BORDER SECURITY AND TRADE AGENCIES AUTHORIZATION ACT OF 2004

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4418, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. THOMAS) that the House suspend the rules and pass the bill, H.R. 4418, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CRANE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

PARLIAMENTARY INQUIRIES

Mr. TURNER of Texas. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state his parliamentary inquiry.

Mr. TURNER of Texas. Mr. Speaker, is this the legislation that authorizes funding for the Customs and Border Protection Agency and Immigration and Customs Enforcement Agency within the Department of Homeland Security?

The SPEAKER pro tempore. The Clerk reported the title. Without objection, the Clerk will report the title again.

There was no objection.

The Clerk read the title of the bill.

Mr. TURNER of Texas. Mr. Speaker, further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may inquire.

Mr. TURNER of Texas. Mr. Speaker, was this bill referred to the Select Committee on Homeland Security?

The SPEAKER pro tempore. No, it was not.

Mr. THOMAS. Mr. Speaker, point of clarification.

The SPEAKER pro tempore. The gentleman may state a parliamentary inquiry.

Mr. THOMAS. Mr. Speaker, the two provisions which are referred to under Homeland Security are actually based upon the creation of Homeland Security, one under the jurisdiction of the Committee on Ways and Means, which is the Treasury Department. The other is under the Committee on the Judiciary. We are in receipt of a letter which allows us to move forward, and, therefore, the bill is in order.

The SPEAKER pro tempore. A recorded vote is ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 341, noes 85, not voting 7, as follows:

[Roll No. 373]

AYES—341

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hulshof
Hunter
Hyde
Israel
Issa
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Maloney
Manzullo
Marshall
Matheson
Matsui
McCarthy (NY)
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pearce

Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sabo
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOES—85

Andrews
Baldwin
Becerra
Bell
Bishop (GA)
Bishop (NY)
Blumenauer
Brady (PA)
Brown, Corrine
Capuano
Clay
Clyburn
Conyers
Cummings
Davis (AL)
Doggett
Doyle
Farr
Fattah
Filner
Ford
Frank (MA)
Gutierrez
Hastings (FL)
Hayes
Hinchey
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jones (NC)
Jones (OH)
Kennedy (RI)
Kilpatrick
Kucinich
Langevin
Larson (CT)
Lee
Lewis (GA)
Lynch
Markey
McCarthy (MO)
McCollum
McDermott
McGovern
Meek (FL)
Meeks (NY)
Miller, George
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Reyes
Rothman
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Sherman
Stark
Stupak
Taylor (MS)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Velázquez
Waters
Watson
Watt
Waxman
Woolsey
Wynn

NOT VOTING—7

Carson (IN)
Hoeffel
Isakson
Istook
Kind
Majette
Rangel

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HASTINGS of Washington) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1424

Messrs. WEXLER, SNYDER, MEEHAN and DAVIS of Florida changed their vote from "no" to "aye."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. SHERMAN. Mr. Speaker, I voted against H.R. 4418—The Customs Border Security Act of 2004—because I did not feel a bill of such importance should be considered under suspension of the rules.

URGING THE GOVERNMENT OF PEOPLE'S REPUBLIC OF CHINA TO IMPROVE ITS PROTECTION OF INTELLECTUAL PROPERTY RIGHTS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 576, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. BALLENGER) that the House suspend the rules and agree to the resolution, H. Res. 576, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 3, not voting 14, as follows:

[Roll No. 374]

YEAS—416

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—3

Diaz-Balart, L.
Diaz-Balart, M.
Ros-Lehtinen

NOT VOTING—14

Carson (IN)
Carson (OK)
Farr
Goode
Herger
Hoeffel
Isakson
Istook

Kind
Majette
Manzullo
Neal (MA)
Rangel
Spratt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1432

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

UNITED STATES-AUSTRALIA FREE TRADE IMPLEMENTATION ACT

Mr. THOMAS. Mr. Speaker, pursuant to House Resolution 712, I call up the bill (H.R. 4759) to implement the United States-Australia Free Trade Agreement, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of H.R. 4759 is as follows:

H.R. 4759

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "United States-Australia Free Trade Agreement Implementation Act".

(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purposes.
Sec. 3. Definitions.

TITLE I—APPROVAL OF, AND GENERAL PROVISIONS RELATING TO, THE AGREEMENT

Sec. 101. Approval and entry into force of the Agreement.
Sec. 102. Relationship of the Agreement to United States and State law.
Sec. 103. Implementing actions in anticipation of entry into force and initial regulations.
Sec. 104. Consultation and layover provisions for, and effective date of, proclaimed actions.
Sec. 105. Administration of dispute settlement proceedings.
Sec. 106. Effective dates; effect of termination.

TITLE II—CUSTOMS PROVISIONS

Sec. 201. Tariff modifications.
Sec. 202. Additional duties on certain agricultural goods.
Sec. 203. Rules of origin.
Sec. 204. Customs user fees.
Sec. 205. Disclosure of incorrect information.
Sec. 206. Enforcement relating to trade in textile and apparel goods.
Sec. 207. Regulations.

TITLE III—RELIEF FROM IMPORTS

Sec. 301. Definitions.

Subtitle A—Relief From Imports Benefiting From the Agreement

Sec. 311. Commencing of action for relief.
Sec. 312. Commission action on petition.
Sec. 313. Provision of relief.
Sec. 314. Termination of relief authority.
Sec. 315. Compensation authority.
Sec. 316. Confidential business information.

Subtitle B—Textile and Apparel Safeguard Measures

Sec. 321. Commencement of action for relief.
Sec. 322. Determination and provision of relief.
Sec. 323. Period of relief.
Sec. 324. Articles exempt from relief.
Sec. 325. Rate after termination of import relief.
Sec. 326. Termination of relief authority.
Sec. 327. Compensation authority.
Sec. 328. Business confidential information.

Subtitle C—Cases Under Title II of the Trade Act of 1974

Sec. 331. Findings and action on goods from Australia.

TITLE IV—PROCUREMENT

Sec. 401. Eligible products.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to approve and implement the Free Trade Agreement between the United States and Australia, entered into under the authority of section 2103(b) of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3803(b));

(2) to strengthen and develop economic relations between the United States and Australia for their mutual benefit;

(3) to establish free trade between the 2 nations through the reduction and elimination of barriers to trade in goods and services and to investment; and

(4) to lay the foundation for further cooperation to expand and enhance the benefits of such Agreement.

SEC. 3. DEFINITIONS.

In this Act:

(1) Agreement.—The term "Agreement" means the United States-Australia Free Trade Agreement approved by Congress under section 101(a)(1).

(2) HTS.—The term "HTS" means the Harmonized Tariff Schedule of the United States.

(3) Textile or apparel good.—The term "textile or apparel good" means a good listed in the Annex to the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)).

TITLE I—APPROVAL OF, AND GENERAL PROVISIONS RELATING TO, THE AGREEMENT

SEC. 101. APPROVAL AND ENTRY INTO FORCE OF THE AGREEMENT.

(a) Approval of Agreement and Statement of Administrative Action.—Pursuant to section 2105 of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3805) and section 151 of the Trade Act of 1974 (19 U.S.C. 2191), Congress approves—

(1) the United States-Australia Free Trade Agreement entered into on May 18, 2004, with the Government of Australia and submitted to Congress on July 6, 2004; and

(2) the statement of administrative action proposed to implement the Agreement that was submitted to Congress on July 6, 2004.

(b) Conditions for Entry Into Force of the Agreement.—At such time as the President determines that Australia has taken measures necessary to bring it into compliance with those provisions of the Agreement that are to take effect on the date on which the Agreement enters into force, the President is authorized to exchange notes with the Government of Australia providing for the entry into force, on or after January 1, 2005, of the Agreement with respect to the United States.

SEC. 102. RELATIONSHIP OF THE AGREEMENT TO UNITED STATES AND STATE LAW.

(a) Relationship of Agreement to United States Law.—

(1) United states law to prevail in conflict.—No provision of the Agreement, nor the application of any such provision to any person or circumstance, which is inconsistent with any law of the United States shall have effect.

(2) Construction.—Nothing in this Act shall be construed—

(A) to amend or modify any law of the United States, or

(B) to limit any authority conferred under any law of the United States,

unless specifically provided for in this Act.

(b) Relationship of Agreement to State Law.—

(1) Legal challenge.—No State law, or the application thereof, may be declared invalid as to any person or circumstance on the ground that the provision or application is inconsistent with the Agreement, except in an action brought by the United States for the purpose of declaring such law or application invalid.

(2) Definition of state law.—For purposes of this subsection, the term "State law" includes—

(A) any law of a political subdivision of a State; and

(B) any State law regulating or taxing the business of insurance.

(c) Effect of Agreement With Respect to Private Remedies.—No person other than the United States—

(1) shall have any cause of action or defense under the Agreement or by virtue of congressional approval thereof; or

(2) may challenge, in any action brought under any provision of law, any action or inaction by any department, agency, or other instrumentality of the United States, any State, or any political subdivision of a State, on the ground that such action or inaction is inconsistent with the Agreement.

SEC. 103. IMPLEMENTING ACTIONS IN ANTICIPATION OF ENTRY INTO FORCE AND INITIAL REGULATIONS.

(a) Implementing Actions.—

(1) Proclamation authority.—After the date of the enactment of this Act—

(A) the President may proclaim such actions, and

(B) other appropriate officers of the United States Government may issue such regulations,

as may be necessary to ensure that any provision of this Act, or amendment made by this Act, that takes effect on the date the Agreement enters into force is appropriately implemented on such date, but no such proclamation or regulation may have an effective date earlier than the date on which the Agreement enters into force.

(2) Effective date of certain proclaimed actions.—Any action proclaimed by the President under the authority of this Act that is not subject to the consultation and layover provisions under section 104, may not take effect before the 15th day after the date on which the text of the proclamation is published in the Federal Register.

(3) Waiver of 15-day restriction.—The 15-day restriction in paragraph (2) on the taking effect of proclaimed actions is waived to the extent that the application of such restriction would prevent the taking effect on the date the Agreement enters into force of any action proclaimed under this section.

(b) Initial Regulations.—Initial regulations necessary or appropriate to carry out the actions required by or authorized under this Act or proposed in the statement of administrative action submitted under section 101(a)(2) to implement the Agreement shall, to the maximum extent feasible, be issued within 1 year after the date on which the Agreement enters into force. In the case of any implementing action that takes effect on a date after the date on which the Agreement enters into force, initial regulations to carry out that action shall, to the maximum extent feasible, be issued within 1 year after such effective date.

SEC. 104. CONSULTATION AND LAYOVER PROVISIONS FOR, AND EFFECTIVE DATE OF, PROCLAIMED ACTIONS.

If a provision of this Act provides that the implementation of an action by the President by proclamation is subject to the consultation and layover requirements of this section, such action may be proclaimed only if—

(1) the President has obtained advice regarding the proposed action from—

(A) the appropriate advisory committees established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155); and

(B) the United States International Trade Commission;

(2) the President has submitted a report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives that sets forth—

(A) the action proposed to be proclaimed and the reasons therefor; and

(B) the advice obtained under paragraph (1);

(3) a period of 60 calendar days, beginning on the first day on which the requirements set forth in paragraphs (1) and (2) have been met has expired; and

(4) the President has consulted with such Committees regarding the proposed action during the period referred to in paragraph (3).

SEC. 105. ADMINISTRATION OF DISPUTE SETTLEMENT PROCEEDINGS.

(a) Establishment or Designation of Office.—The President is authorized to establish or designate within the Department of Commerce an office that shall be responsible for providing administrative assistance to panels established under chapter 21 of the Agreement. The office may not be considered to be an agency for purposes of section 552 of title 5, United States Code.

(b) Authorization of Appropriations.—There are authorized to be appropriated for each fiscal year after fiscal year 2004 to the Department of Commerce such sums as may be necessary for the establishment and operations of the office under subsection (a) and for the payment of the United States share of the expenses of panels established under chapter 21 of the Agreement.

SEC. 106. EFFECTIVE DATES; EFFECT OF TERMINATION.

(a) Effective Dates.—Except as provided in subsection (b), the provisions of this Act and the amendments made by this Act take effect on the date on which the Agreement enters into force.

(b) Exceptions.—Sections 1 through 3 and this title take effect on the date of the enactment of this Act.

(c) Termination of the Agreement.—On the date on which the Agreement terminates, the provisions of this Act (other than this subsection) and the amendments made by this Act shall cease to be effective.

TITLE II—CUSTOMS PROVISIONS

SEC. 201. TARIFF MODIFICATIONS.

(a) Tariff Modifications Provided for in the Agreement.—The President may proclaim—

(1) such modifications or continuation of any duty,

(2) such continuation of duty-free or excise treatment, or

(3) such additional duties,

as the President determines to be necessary or appropriate to carry out or apply articles 2.3, 2.5, and 2.6, and Annex 2–B of the Agreement.

(b) Other Tariff Modifications.—Subject to the consultation and layover provisions of section 104, the President may proclaim—

(1) such modifications or continuation of any duty,

(2) such modifications as the United States may agree to with Australia regarding the staging of any duty treatment set forth in Annex 2–B of the Agreement,

(3) such continuation of duty-free or excise treatment, or

(4) such additional duties,

as the President determines to be necessary or appropriate to maintain the general level of reciprocal and mutually advantageous concessions with respect to Australia provided for by the Agreement.

(c) Conversion to Ad Valorem Rates.—For purposes of subsections (a) and (b), with respect to any good for which the base rate in the Schedule of the United States to Annex 2–B of the Agreement is a specific or compound rate of duty, the President may substitute for the base rate an ad valorem rate that the President determines to be equivalent to the base rate.

SEC. 202. ADDITIONAL DUTIES ON CERTAIN AGRICULTURAL GOODS.

(a) General Provisions.—

(1) Applicability of subsection.—This subsection applies to additional duties assessed under subsections (b), (c), and (d).

(2) Applicable NTR (MFN) rate of duty.—For purposes of subsections (b), (c), and (d), the term "applicable NTR (MFN) rate of duty" means, with respect to a safeguard good, a rate of duty that is the lesser of—

(A) the column 1 general rate of duty that would have been imposed under the HTS on the same safeguard good entered, without a claim for preferential treatment, at the time the additional duty is imposed under subsection (b), (c), or (d), as the case may be; or

(B) the column 1 general rate of duty that would have been imposed under the HTS on the same safeguard good entered, without a claim for preferential treatment, on December 31, 2004.

(3) Schedule rate of duty.—For purposes of subsections (b) and (c), the term "schedule rate of duty" means, with respect to a safeguard good, the rate of duty for that good set out in the Schedule of the United States to Annex 2–B of the Agreement.

(4) Safeguard good.—In this subsection, the term "safeguard good" means—

(A) a horticulture safeguard good described in subsection (b)(1)(B); or

(B) a beef safeguard good described in subsection (c)(1) or subsection (d)(1)(A).

(5) Exceptions.—No additional duty shall be assessed on a good under subsection (b), (c), or (d) if, at the time of entry, the good is subject to import relief under—

(A) subtitle A of title III of this Act; or

(B) chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.).

(6) Termination.—The assessment of an additional duty on a good under subsection (b) or (c), whichever is applicable, shall cease to apply to that good on the date on which duty-free treatment must be provided to that good under the Schedule of the United States to Annex 2–B of the Agreement.

(7) Notice.—Not later than 60 days after the date on which the Secretary of the Treasury assesses an additional duty on a good under subsection (b), (c), or (d), the Secretary shall notify the Government of Australia in writing of such action and shall provide to that Government data supporting the assessment of the additional duty.

(b) Additional Duties on Horticulture Safeguard Goods.—

(1) Definitions.—In this subsection:

(A) F.O.B.—The term "F.O.B." means free on board, regardless of the mode of transportation, at the point of direct shipment by the seller to the buyer.

(B) Horticulture safeguard good.—The term "horticulture safeguard good" means a good—

(i) that qualifies as an originating good under section 203;

(ii) that is included in the United States Horticulture Safeguard List set forth in Annex 3–A of the Agreement; and

(iii) for which a claim for preferential treatment under the Agreement has been made.

(C) Unit import price.—The "unit import price" of a good means the price of the good determined on the basis of the F.O.B. import price of the good, expressed in either dollars per kilogram or dollars per liter, whichever unit of measure is indicated for the good in the United States Horticulture Safeguard List set forth in Annex 3–A of the Agreement.

(D) Trigger price.—The "trigger price" for a good is the trigger price indicated for that good in the United States Horticulture Safeguard List set forth in Annex 3–A of the Agreement or any amendment thereto.

(2) Additional duties.—In addition to any duty proclaimed under subsection (a) or (b) of section 201, and subject to subsection (a) of this section, the Secretary of the Treasury shall assess a duty on a horticulture safeguard good, in the amount determined under paragraph (3), if the Secretary determines that the unit import price of the good when it enters the United States is less than the trigger price for that good.

(3) Calculation of additional duty.—The additional duty assessed under this subsection on a horticulture safeguard good shall be an amount determined in accordance with the following table:

If the excess of the trigger price over the unit import price is:.	**The additional duty is an amount equal to:**
Not more than 10 percent of the trigger price.	0.
More than 10 percent but not more than 40 percent of the trigger price.	30 percent of the excess of the applicable NTR (MFN) rate of duty over the schedule rate of duty.
More than 40 percent but not more than 60 percent of the trigger price.	50 percent of such excess.
More than 60 percent but not more than 75 percent of the trigger price.	70 percent of such excess.
More than 75 percent of the trigger price.	100 percent of such excess.

(c) Additional Duties on Beef Safeguard Goods Based on Quantity of Imports.—

(1) Definition.—In this subsection, the term "beef safeguard good" means a good—

(A) that qualifies as an originating good under section 203;

(B) that is listed in paragraph 3 of Annex I of the General Notes to the Schedule of the United States to Annex 2–B of the Agreement; and

(C) for which a claim for preferential treatment under the Agreement has been made.

(2) ADDITIONAL DUTIES.—In addition to any duty proclaimed under subsection (a) or (b) of section 201, and subject to subsection (a) of this section and paragraphs (4) and (5) of this subsection, the Secretary of the Treasury shall assess a duty, in the amount determined under paragraph (3), on a beef safeguard good imported into the United States in a calendar year if the Secretary determines that, prior to such importation, the total volume of beef safeguard goods imported into the United States in that calendar year is equal to or greater than 110 percent of the volume set out for beef safeguard goods in the corresponding year in the table contained in paragraph 3(a) of Annex I of the General Notes to the Schedule of the United States to Annex 2–B of the Agreement. For purposes of this subsection, the years 1 through 19 set out in the table contained in paragraph 3(a) of such Annex I correspond to the calendar years 2005 through 2023.

(3) CALCULATION OF ADDITIONAL DUTY.—The additional duty on a beef safeguard good under this subsection shall be an amount equal to 75 percent of the excess of the applicable NTR (MFN) rate of duty over the schedule rate of duty.

(4) WAIVER.—

(A) IN GENERAL.—The United States Trade Representative is authorized to waive the application of this subsection, if the Trade Representative determines that extraordinary market conditions demonstrate that the waiver would be in the national interest of the United States, after the requirements of subparagraph (B) are met.

(B) NOTICE AND CONSULTATIONS.—Promptly after receiving a request for a waiver of this subsection, the Trade Representative shall notify the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, and may make the determination provided for in subparagraph (A) only after consulting with—

(i) appropriate private sector advisory committees established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155); and

(ii) the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate regarding—

(I) the reasons supporting the determination to grant the waiver; and

(II) the proposed scope and duration of the waiver.

(C) NOTIFICATION OF THE SECRETARY OF THE TREASURY AND PUBLICATION.—Upon granting a waiver under this paragraph, the Trade Representative shall promptly notify the Secretary of the Treasury of the period in which the waiver will be in effect, and shall publish notice of the waiver in the Federal Register.

(5) EFFECTIVE DATES.—This subsection takes effect on January 1, 2013, and shall not be effective after December 31, 2022.

(d) ADDITIONAL DUTIES ON BEEF SAFEGUARD GOODS BASED ON PRICE.—

(1) DEFINITIONS.—In this subsection:

(A) BEEF SAFEGUARD GOOD.—The term "beef safeguard good" means a good—

(i) that qualifies as an originating good under section 203;

(ii) that is classified under subheading 0201.10.50, 0201.20.80, 0201.30.80, 0202.10.50, 0202.20.80, or 0202.30.80 of the HTS; and

(iii) for which a claim for preferential treatment under the Agreement has been made.

(B) CALENDAR QUARTER.—

(i) IN GENERAL.—The term "calendar quarter" means any 3-month period beginning on January 1, April 1, July 1, or October 1 of a calendar year.

(ii) FIRST CALENDAR QUARTER.—The term "first calendar quarter" means the calendar quarter beginning on January 1.

(iii) SECOND CALENDAR QUARTER.—The term "second calendar quarter" means the calendar quarter beginning on April 1.

(iv) THIRD CALENDAR QUARTER.—The term "third calendar quarter" means the calendar quarter beginning on July 1.

(v) FOURTH CALENDAR QUARTER.—The term "fourth calendar quarter" means the calendar quarter beginning on October 1.

(C) MONTHLY AVERAGE INDEX PRICE.—The term "monthly average index price" means the simple average, as determined by the Secretary of Agriculture, for a calendar month of the daily average index prices for Wholesale Boxed Beef Cut-Out Value Select 1–3 Central U.S. 600–750 lbs., or its equivalent, as such simple average is reported by the Agricultural Marketing Service of the Department of Agriculture in Report LM–XB459 or any equivalent report.

(D) 24-MONTH TRIGGER PRICE.—The term "24-month trigger price" means, with respect to any calendar month, the average of the monthly average index prices for the 24 preceding calendar months, multiplied by 0.935.

(2) ADDITIONAL DUTIES.—In addition to any duty proclaimed under subsection (a) or (b) of section 201, and subject to subsection (a) of this section and paragraphs (4) through (6) of this subsection, the Secretary of the Treasury shall assess a duty, in the amount determined under paragraph (3), on a beef safeguard good imported into the United States if—

(A)(i) the good is imported in the first calendar quarter, second calendar quarter, or third calendar quarter of a calendar year; and

(ii) the monthly average index price, in any 2 calendar months of the preceding calendar quarter, is less than the 24-month trigger price; or

(B)(i) the good is imported in the fourth calendar quarter of a calendar year; and

(ii)(I) the monthly average index price, in any 2 calendar months of the preceding calendar quarter, is less than the 24-month trigger price; or

(II) the monthly average index price, in any of the 4 calendar months preceding January 1 of the succeeding calendar year, is less than the 24-month trigger price.

(3) CALCULATION OF ADDITIONAL DUTY.—The additional duty on a beef safeguard good under this subsection shall be an amount equal to 65 percent of the applicable NTR (MFN) rate of duty for that good.

(4) LIMITATION.—An additional duty shall be assessed under this subsection on a beef safeguard good imported into the United States in a calendar year only if, prior to the importation of that good, the total quantity of beef safeguard goods imported into the United States in that calendar year is equal to or greater than the sum of—

(A) the quantity of goods of Australia eligible to enter the United States in that year specified in Additional United States Note 3 to Chapter 2 of the HTS; and

(B)(i) in 2023, 70,420 metric tons; or

(ii) in 2024, and in each year thereafter, a quantity that is 0.6 percent greater than the quantity provided for in the preceding year under this subparagraph.

(5) WAIVER.—

(A) IN GENERAL.—The United States Trade Representative is authorized to waive the application of this subsection, if the Trade Representative determines that extraordinary market conditions demonstrate that the waiver would be in the national interest of the United States, after the requirements of subparagraph (B) are met.

(B) NOTICE AND CONSULTATIONS.—Promptly after receiving a request for a waiver of this subsection, the Trade Representative shall notify the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, and may make the determination provided for in subparagraph (A) only after consulting with—

(i) appropriate private sector advisory committees established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155); and

(ii) the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate regarding—

(I) the reasons supporting the determination to grant the waiver; and

(II) the proposed scope and duration of the waiver.

(C) NOTIFICATION OF THE SECRETARY OF THE TREASURY AND PUBLICATION.—Upon granting a waiver under this paragraph, the Trade Representative shall promptly notify the Secretary of the Treasury of the period in which the waiver will be in effect, and shall publish notice of the waiver in the Federal Register.

(6) EFFECTIVE DATE.—This subsection takes effect on January 1, 2023.

SEC. 203. RULES OF ORIGIN.

(a) APPLICATION AND INTERPRETATION.—In this section:

(1) TARIFF CLASSIFICATION.—The basis for any tariff classification is the HTS.

(2) REFERENCE TO HTS.—Whenever in this section there is a reference to a heading or subheading, such reference shall be a reference to a heading or subheading of the HTS.

(3) COST OR VALUE.—Any cost or value referred to in this section shall be recorded and maintained in accordance with the generally accepted accounting principles applicable in the territory of the country in which the good is produced (whether Australia or the United States).

(b) ORIGINATING GOODS.—For purposes of this Act and for purposes of implementing the preferential treatment provided for under the Agreement, a good is an originating good if—

(1) the good is a good wholly obtained or produced entirely in the territory of Australia, the United States, or both;

(2) the good—

(A) is produced entirely in the territory of Australia, the United States, or both, and—

(i) each of the nonoriginating materials used in the production of the good undergoes an applicable change in tariff classification specified in Annex 4–A or Annex 5–A of the Agreement;

(ii) the good otherwise satisfies any applicable regional value-content requirement referred to in Annex 5–A of the Agreement; or

(iii) the good meets any other requirements specified in Annex 4–A or Annex 5–A of the Agreement; and

(B) the good satisfies all other applicable requirements of this section;

(3) the good is produced entirely in the territory of Australia, the United States, or both, exclusively from materials described in paragraph (1) or (2); or

(4) the good otherwise qualifies as an originating good under this section.

(c) De Minimis Amounts of Nonoriginating Materials.—

(1) In general.—Except as provided in paragraphs (2) and (3), a good that does not undergo a change in tariff classification pursuant to Annex 5-A of the Agreement is an originating good if—

(A) the value of all nonoriginating materials that—

(i) are used in the production of the good, and

(ii) do not undergo the required change in tariff classification,

does not exceed 10 percent of the adjusted value of the good;

(B) the good meets all other applicable requirements of this section; and

(C) the value of such nonoriginating materials is included in the value of nonoriginating materials for any applicable regional value-content requirement for the good.

(2) Exceptions.—Paragraph (1) does not apply to the following:

(A) A nonoriginating material provided for in chapter 4 of the HTS or in subheading 1901.90 that is used in the production of a good provided for in chapter 4 of the HTS.

(B) A nonoriginating material provided for in chapter 4 of the HTS or in subheading 1901.90 that is used in the production of a good provided for in subheading 1901.10, 1901.20, or 1901.90, heading 2105, or subheading 2106.90, 2202.90, or 2309.90.

(C) A nonoriginating material provided for in heading 0805 or any of subheadings 2009.11 through 2009.39 that is used in the production of a good provided for in any of subheadings 2009.11 through 2009.39, or in subheading 2106.90 or 2202.90.

(D) A nonoriginating material provided for in chapter 15 of the HTS that is used in the production of a good provided for in any of headings 1501.00.00 through 1508, or in heading 1512, 1514, or 1515.

(E) A nonoriginating material provided for in heading 1701 that is used in the production of a good provided for in any of headings 1701 through 1703.

(F) A nonoriginating material provided for in chapter 17 of the HTS or heading 1805.00.00 that is used in the production of a good provided for in subheading 1806.10.

(G) A nonoriginating material provided for in any of headings 2203 through 2208 that is used in the production of a good provided for in heading 2207 or 2208.

(H) A nonoriginating material used in the production of a good provided for in any of chapters 1 through 21 of the HTS unless the nonoriginating material is provided for in a different subheading than the good for which origin is being determined under this section.

(3) Textile and apparel goods.—

(A) In general.—Except as provided in subparagraph (B), a textile or apparel good that is not an originating good because certain fibers or yarns used in the production of the component of the good that determines the tariff classification of the good do not undergo an applicable change in tariff classification set out in Annex 4-A of the Agreement shall be considered to be an originating good if the total weight of all such fibers or yarns in that component is not more than 7 percent of the total weight of that component.

(B) Certain textile or apparel goods.—A textile or apparel good containing elastomeric yarns in the component of the good that determines the tariff classification of the good shall be considered to be an originating good only if such yarns are wholly formed in the territory of Australia or the United States.

(C) Yarn, fabric, or fiber.—For purposes of this paragraph, in the case of a textile or apparel good that is a yarn, fabric, or group of fibers, the term "component of the good that determines the tariff classification of the good" means all of the fibers in the yarn, fabric, or group of fibers.

(d) Accumulation.—

(1) Originating materials used in production of goods of other country.—Originating materials from the territory of Australia or the United States that are used in the production of a good in the territory of the other country shall be considered to originate in the territory of the other country.

(2) Multiple procedures.—A good that is produced in the territory of Australia, the United States, or both, by 1 or more producers, is an originating good if the good satisfies the requirements of subsection (b) and all other applicable requirements of this section.

(e) Regional Value-Content.—

(1) In general.—For purposes of subsection (b)(2), the regional value-content of a good referred to in Annex 5-A of the Agreement, except for goods to which paragraph (4) applies, shall be calculated by the importer, exporter, or producer of the good, on the basis of the build-down method described in paragraph (2) or the build-up method described in paragraph (3).

(2) Build-down method.—

(A) In general.—The regional value-content of a good may be calculated on the basis of the following build-down method:

$$RVC = \frac{AV-VNM}{AV}\ 100$$

(B) Definitions.—In subparagraph (A):

(i) RVC.—The term "RVC" means the regional value-content of the good, expressed as a percentage.

(ii) AV.—The term "AV" means the adjusted value of the good.

(iii) VNM.—The term "VNM" means the value of nonoriginating materials that are acquired and used by the producer in the production of the good, but does not include the value of a material that is self-produced.

(3) Build-up method.—

(A) In general.—The regional value-content of a good may be calculated on the basis of the following build-up method:

$$RVC = \frac{VOM}{AV}\ 100$$

(B) Definitions.—In subparagraph (A):

(i) RVC.—The term "RVC" means the regional value-content of the good, expressed as a percentage.

(ii) AV.—The term "AV" means the adjusted value of the good.

(iii) VOM.—The term "VOM" means the value of originating materials that are acquired or self-produced, and used by the producer in the production of the good.

(4) Special rule for certain automotive goods.—

(A) In general.—For purposes of subsection (b)(2), the regional value-content of an automotive good referred to in Annex 5-A of the Agreement shall be calculated by the importer, exporter, or producer of the good, on the basis of the following net cost method:

$$RVC = \frac{NC-VNM}{NC}\ 100$$

(B) Definitions.—In subparagraph (A):

(i) Automotive good.—The term "automotive good" means a good provided for in any of subheadings 8407.31 through 8407.34, subheading 8408.20, heading 8409, or in any of headings 8701 through 8708.

(ii) RVC.—The term "RVC" means the regional value-content of the automotive good, expressed as a percentage.

(iii) NC.—The term "NC" means the net cost of the automotive good.

(iv) VNM.—The term "VNM" means the value of nonoriginating materials that are acquired and used by the producer in the production of the automotive good, but does not include the value of a material that is self-produced.

(C) Motor vehicles.—

(i) Basis of calculation.—For purposes of determining the regional value-content under subparagraph (A) for an automotive good that is a motor vehicle provided for in any of headings 8701 through 8705, an importer, exporter, or producer may average the amounts calculated under the formula contained in subparagraph (A), over the producer's fiscal year—

(I) with respect to all motor vehicles in any one of the categories described in clause (ii); or

(II) with respect to all motor vehicles in any such category that are exported to the territory of the United States or Australia.

(ii) Categories.—A category is described in this clause if it—

(I) is the same model line of motor vehicles, is in the same class of vehicles, and is produced in the same plant in the territory of Australia or the United States, as the good described in clause (i) for which regional value-content is being calculated;

(II) is the same class of motor vehicles, and is produced in the same plant in the territory of Australia or the United States, as the good described in clause (i) for which regional value-content is being calculated; or

(III) is the same model line of motor vehicles produced in either the territory of Australia or the United States, as the good described in clause (i) for which regional value-content is being calculated.

(D) Other automotive goods.—For purposes of determining the regional value-content under subparagraph (A) for automotive goods provided for in any of subheadings 8407.31 through 8407.34, in subheading 8408.20, or in heading 8409, 8706, 8707, or 8708, that are produced in the same plant, an importer, exporter, or producer may—

(i) average the amounts calculated under the formula contained in subparagraph (A) over—

(I) the fiscal year of the motor vehicle producer to whom the automotive goods are sold,

(II) any quarter or month, or

(III) its own fiscal year,

if the goods were produced during the fiscal year, quarter, or month that is the basis for the calculation;

(ii) determine the average referred to in clause (i) separately for such goods sold to one or more motor vehicle producers; or

(iii) make a separate determination under clause (i) or (ii) for automotive goods that are exported to the territory of the United States or Australia.

(E) Calculating net cost.—Consistent with the provisions regarding allocation of costs set out in generally accepted accounting principles, the net cost of the automotive good under subparagraph (B) shall be calculated by—

(i) calculating the total cost incurred with respect to all goods produced by the producer of the automotive good, subtracting any sales promotion, marketing and after-sales service costs, royalties, shipping and packing costs, and nonallowable interest costs that are included in the total cost of all such goods, and then reasonably allocating the resulting net cost of those goods to the automotive good;

(ii) calculating the total cost incurred with respect to all goods produced by that producer, reasonably allocating the total cost to the automotive good, and then subtracting any sales promotion, marketing and after-sales service costs, royalties, shipping and packing costs, and nonallowable interest costs that are included in the portion of the total cost allocated to the automotive good; or

(iii) reasonably allocating each cost that forms part of the total cost incurred with respect to the automotive good so that the aggregate of these costs does not include any sales promotion, marketing and after-sales service costs, royalties, shipping and packing costs, or nonallowable interest costs.

(f) VALUE OF MATERIALS.—

(1) IN GENERAL.—For the purpose of calculating the regional value-content of a good under subsection (e), and for purposes of applying the de minimis rules under subsection (c), the value of a material is—

(A) in the case of a material that is imported by the producer of the good, the adjusted value of the material;

(B) in the case of a material acquired in the territory in which the good is produced, the value, determined in accordance with Articles 1 through 8, article 15, and the corresponding interpretive notes of the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994 referred to in section 101(d)(8) of the Uruguay Round Agreements Act, as set forth in regulations promulgated by the Secretary of the Treasury providing for the application of such Articles in the absence of an importation; or

(C) in the case of a material that is self-produced, the sum of—

(i) all expenses incurred in the production of the material, including general expenses; and

(ii) an amount for profit equivalent to the profit added in the normal course of trade.

(2) FURTHER ADJUSTMENTS TO THE VALUE OF MATERIALS.—

(A) ORIGINATING MATERIAL.—The following expenses, if not included in the value of an originating material calculated under paragraph (1), may be added to the value of the originating material:

(i) The costs of freight, insurance, packing, and all other costs incurred in transporting the material within or between the territory of Australia, the United States, or both, to the location of the producer.

(ii) Duties, taxes, and customs brokerage fees on the material paid in the territory of Australia, the United States, or both, other than duties or taxes that are waived, refunded, refundable, or otherwise recoverable, including credit against duty or tax paid or payable.

(iii) The cost of waste and spoilage resulting from the use of the material in the production of the good, less the value of renewable scrap or byproducts.

(B) NONORIGINATING MATERIAL.—The following expenses, if included in the value of a nonoriginating material calculated under paragraph (1), may be deducted from the value of the nonoriginating material:

(i) The costs of freight, insurance, packing, and all other costs incurred in transporting the material within or between the territory of Australia, the United States, or both, to the location of the producer.

(ii) Duties, taxes, and customs brokerage fees on the material paid in the territory of Australia, the United States, or both, other than duties or taxes that are waived, refunded, refundable, or otherwise recoverable, including credit against duty or tax paid or payable.

(iii) The cost of waste and spoilage resulting from the use of the material in the production of the good, less the value of renewable scrap or byproducts.

(iv) The cost of processing incurred in the territory of Australia, the United States, or both, in the production of the nonoriginating material.

(v) The cost of originating materials used in the production of the nonoriginating material in the territory of Australia, the United States, or both.

(g) ACCESSORIES, SPARE PARTS, OR TOOLS.—

(1) IN GENERAL.—Subject to paragraph (2), accessories, spare parts, or tools delivered with a good that form part of the good's standard accessories, spare parts, or tools shall—

(A) be treated as originating goods if the good is an originating good; and

(B) be disregarded in determining whether all the nonoriginating materials used in the production of the good undergo the applicable change in tariff classification set out in Annex 5–A of the Agreement.

(2) CONDITIONS.—Paragraph (1) shall apply only if—

(A) the accessories, spare parts, or tools are not invoiced separately from the good;

(B) the quantities and value of the accessories, spare parts, or tools are customary for the good; and

(C) if the good is subject to a regional value-content requirement, the value of the accessories, spare parts, or tools is taken into account as originating or nonoriginating materials, as the case may be, in calculating the regional value-content of the good.

(h) FUNGIBLE GOODS AND MATERIALS.—

(1) IN GENERAL.—

(A) CLAIM FOR PREFERENTIAL TREATMENT.—A person claiming that a fungible good or fungible material is an originating good may base the claim either on the physical segregation of the fungible good or fungible material or by using an inventory management method with respect to the fungible good or fungible material.

(B) INVENTORY MANAGEMENT METHOD.—In this subsection, the term "inventory management method" means—

(i) averaging;

(ii) "last-in, first-out";

(iii) "first-in, first-out"; or

(iv) any other method—

(I) recognized in the generally accepted accounting principles of the country in which the production is performed (whether Australia or the United States); or

(II) otherwise accepted by that country.

(2) ELECTION OF INVENTORY METHOD.—A person selecting an inventory management method under paragraph (1) for a particular fungible good or fungible material shall continue to use that method for that fungible good or fungible material throughout the fiscal year of that person.

(i) PACKAGING MATERIALS AND CONTAINERS FOR RETAIL SALE.—Packaging materials and containers in which a good is packaged for retail sale, if classified with the good, shall be disregarded in determining whether all the nonoriginating materials used in the production of the good undergo the applicable change in tariff classification set out in Annex 4–A or Annex 5–A of the Agreement, and, if the good is subject to a regional value-content requirement, the value of such packaging materials and containers shall be taken into account as originating or nonoriginating materials, as the case may be, in calculating the regional value-content of the good.

(j) PACKING MATERIALS AND CONTAINERS FOR SHIPMENT.—Packing materials and containers for shipment shall be disregarded in determining whether—

(1) the nonoriginating materials used in the production of a good undergo the applicable change in tariff classification set out in Annex 4–A or Annex 5–A of the Agreement; and

(2) the good satisfies a regional value-content requirement.

(k) INDIRECT MATERIALS.—An indirect material shall be treated as an originating material without regard to where it is produced, and its value shall be the cost registered in the accounting records of the producer of the good.

(l) THIRD COUNTRY OPERATIONS.—A good that has undergone production necessary to qualify as an originating good under subsection (b) shall not be considered to be an originating good if, subsequent to that production, the good undergoes further production or any other operation outside the territory of Australia or the United States, other than unloading, reloading, or any other operation necessary to preserve the good in good condition or to transport the good to the territory of Australia or the United States.

(m) TEXTILE AND APPAREL GOODS CLASSIFIABLE AS GOODS PUT UP IN SETS.—Notwithstanding the rules set forth in Annex 4–A of the Agreement, textile or apparel goods classifiable as goods put up in sets for retail sale as provided for in General Rule of Interpretation 3 of the HTS shall not be considered to be originating goods unless each of the goods in the set is an originating good or the total value of the nonoriginating goods in the set does not exceed 10 percent of the value of the set determined for purposes of assessing customs duties.

(n) DEFINITIONS.—In this section:

(1) ADJUSTED VALUE.—The term "adjusted value" means the value determined under Articles 1 through 8, Article 15, and the corresponding interpretive notes of the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994 referred to in section 101(d)(8) of the Uruguay Round Agreements Act, adjusted to exclude any costs, charges, or expenses incurred for transportation, insurance, and related services incident to the international shipment of the good from the country of exportation to the place of importation.

(2) CLASS OF MOTOR VEHICLES.—The term "class of motor vehicles" means any one of the following categories of motor vehicles:

(A) Motor vehicles provided for in subheading 8701.20, 8704.10, 8704.22, 8704.23, 8704.32, or 8704.90, or heading 8705 or 8706, or motor vehicles for the transport of 16 or more persons provided for in subheading 8702.10 or 8702.90.

(B) Motor vehicles provided for in subheading 8701.10 or any of subheadings 8701.30 through 8701.90.

(C) Motor vehicles for the transport of 15 or fewer persons provided for in subheading

8702.10 or 8702.90, or motor vehicles provided for in subheading 8704.21 or 8704.31.

(D) Motor vehicles provided for in any of subheadings 8703.21 through 8703.90.

(3) FUNGIBLE GOOD OR FUNGIBLE MATERIAL.—The term "fungible good" or "fungible material" means a good or material, as the case may be, that is interchangeable with another good or material for commercial purposes and the properties of which are essentially identical to such other good or material.

(4) GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.—The term "generally accepted accounting principles" means the recognized consensus or substantial authoritative support in the territory of Australia or the United States, as the case may be, with respect to the recording of revenues, expenses, costs, assets, and liabilities, the disclosure of information, and the preparation of financial statements. These standards may encompass broad guidelines of general application as well as detailed standards, practices, and procedures.

(5) GOOD WHOLLY OBTAINED OR PRODUCED ENTIRELY IN THE TERRITORY OF AUSTRALIA, THE UNITED STATES, OR BOTH.—The term "good wholly obtained or produced entirely in the territory of Australia, the United States, or both" means—

(A) a mineral good extracted in the territory of Australia, the United States, or both;

(B) a vegetable good, as such goods are provided for in the HTS, harvested in the territory of Australia, the United States, or both;

(C) a live animal born and raised in the territory of Australia, the United States, or both;

(D) a good obtained from hunting, trapping, fishing, or aquaculture conducted in the territory of Australia, the United States, or both;

(E) a good (fish, shellfish, and other marine life) taken from the sea by vessels registered or recorded with Australia or the United States and flying the flag of that country;

(F) a good produced exclusively from products referred to in subparagraph (E) on board factory ships registered or recorded with Australia or the United States and flying the flag of that country;

(G) a good taken by Australia or the United States or a person of Australia or the United States from the seabed or beneath the seabed outside territorial waters, if Australia or the United States has rights to exploit such seabed;

(H) a good taken from outer space, if such good is obtained by Australia or the United States or a person of Australia or the United States and not processed in the territory of a country other than Australia or the United States;

(I) waste and scrap derived from—

(i) production in the territory of Australia, the United States, or both; or

(ii) used goods collected in the territory of Australia, the United States, or both, if such goods are fit only for the recovery of raw materials;

(J) a recovered good derived in the territory of Australia or the United States from goods that have passed their life expectancy, or are no longer usable due to defects, and utilized in the territory of that country in the production of remanufactured goods; or

(K) a good produced in the territory of Australia, the United States, or both, exclusively—

(i) from goods referred to in any of subparagraphs (A) through (I), or

(ii) from the derivatives of goods referred to in clause (i), at any stage of production.

(6) INDIRECT MATERIAL.—The term "indirect material" means a good used in the production, testing, or inspection of a good but not physically incorporated into the good, or a good used in the maintenance of buildings or the operation of equipment associated with the production of a good, including—

(A) fuel and energy;

(B) tools, dies, and molds;

(C) spare parts and materials used in the maintenance of equipment or buildings;

(D) lubricants, greases, compounding materials, and other materials used in production or used to operate equipment or buildings;

(E) gloves, glasses, footwear, clothing, safety equipment, and supplies;

(F) equipment, devices, and supplies used for testing or inspecting the good;

(G) catalysts and solvents; and

(H) any other goods that are not incorporated into the good but the use of which in the production of the good can reasonably be demonstrated to be a part of that production.

(7) MATERIAL.—The term "material" means a good that is used in the production of another good.

(8) MATERIAL THAT IS SELF-PRODUCED.—The term "material that is self-produced" means an originating material that is produced by a producer of a good and used in the production of that good.

(9) MODEL LINE.—The term "model line" means a group of motor vehicles having the same platform or model name.

(10) NONALLOWABLE INTEREST COSTS.—The term "nonallowable interest costs" means interest costs incurred by a producer that exceed 700 basis points above the applicable official interest rate for comparable maturities of the country (whether Australia or the United States).

(11) NONORIGINATING MATERIAL.—The term "nonoriginating material" means a material that does not qualify as originating under this section.

(12) PREFERENTIAL TREATMENT.—The term "preferential treatment" means the customs duty rate, and the treatment under article 2.12 of the Agreement, that are applicable to an originating good pursuant to the Agreement.

(13) PRODUCER.—The term "producer" means a person who engages in the production of a good in the territory of Australia or the United States.

(14) PRODUCTION.—The term "production" means growing, raising, mining, harvesting, fishing, trapping, hunting, manufacturing, processing, assembling, or disassembling a good.

(15) REASONABLY ALLOCATE.—The term "reasonably allocate" means to apportion in a manner that would be appropriate under generally accepted accounting principles.

(16) RECOVERED GOODS.—The term "recovered goods" means materials in the form of individual parts that result from—

(A) the complete disassembly of goods which have passed their life expectancy, or are no longer usable due to defects, into individual parts; and

(B) the cleaning, inspecting, or testing, or other processing that is necessary for improvement to sound working condition of such individual parts.

(17) REMANUFACTURED GOOD.—The term "remanufactured good" means an industrial good that is assembled in the territory of Australia or the United States, that is classified under chapter 84, 85, or 87 of the HTS or heading 9026, 9031, or 9032, other than a good classified under heading 8418 or 8516 or any of headings 8701 through 8706, and that—

(A) is entirely or partially comprised of recovered goods;

(B) has a similar life expectancy to, and meets the same performance standards as, a like good that is new; and

(C) enjoys a factory warranty similar to a like good that is new.

(18) TOTAL COST.—The term "total cost" means all product costs, period costs, and other costs for a good incurred in the territory of Australia, the United States, or both.

(19) USED.—The term "used" means used or consumed in the production of goods.

(o) PRESIDENTIAL PROCLAMATION AUTHORITY.—

(1) IN GENERAL.—The President is authorized to proclaim, as part of the HTS—

(A) the provisions set out in Annex 4–A and Annex 5–A of the Agreement; and

(B) any additional subordinate category necessary to carry out this title consistent with the Agreement.

(2) MODIFICATIONS.—

(A) IN GENERAL.—Subject to the consultation and layover provisions of section 104, the President may proclaim modifications to the provisions proclaimed under the authority of paragraph (1)(A), other than provisions of chapters 50 through 63 of the HTS, as included in Annex 4–A of the Agreement.

(B) ADDITIONAL PROCLAMATIONS.—Notwithstanding subparagraph (A), and subject to the consultation and layover provisions of section 104, the President may proclaim—

(i) modifications to the provisions proclaimed under the authority of paragraph (1)(A) as are necessary to implement an agreement with Australia pursuant to article 4.2.5 of the Agreement; and

(ii) before the end of the 1-year period beginning on the date of the enactment of this Act, modifications to correct any typographical, clerical, or other nonsubstantive technical error regarding the provisions of chapters 50 through 63 of the HTS, as included in Annex 4–A of the Agreement.

SEC. 204. CUSTOMS USER FEES.

Section 13031(b) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)) is amended by adding after paragraph (13) the following:

"(14) No fee may be charged under subsection (a) (9) or (10) with respect to goods that qualify as originating goods under section 203 of the United States-Australia Free Trade Agreement Implementation Act. Any service for which an exemption from such fee is provided by reason of this paragraph may not be funded with money contained in the Customs User Fee Account.".

SEC. 205. DISCLOSURE OF INCORRECT INFORMATION.

Section 592(c) of the Tariff Act of 1930 (19 U.S.C. 1592(c)) is amended—

(1) by redesignating paragraph (8) as paragraph (9); and

(2) by inserting after paragraph (7) the following new paragraph:

"(8) PRIOR DISCLOSURE REGARDING CLAIMS UNDER THE UNITED STATES-AUSTRALIA FREE TRADE AGREEMENT.—

"(A) IN GENERAL.—An importer shall not be subject to penalties under subsection (a) for making an incorrect claim that a good qualifies as an originating good under section 203 of the United States-Australia Free Trade Agreement Implementation Act if the importer, in accordance with regulations issued by the Secretary of the Treasury, voluntarily and promptly makes a corrected declaration and pays any duties owing.

"(B) TIME PERIODS FOR MAKING CORRECTIONS.—In the regulations referred to in subparagraph (A), the Secretary of the Treasury is authorized to prescribe time periods for making a corrected declaration and paying duties owing under subparagraph (A), if such periods are not shorter than 1 year following the date on which the importer makes the incorrect claim.".

SEC. 206. ENFORCEMENT RELATING TO TRADE IN TEXTILE AND APPAREL GOODS.

(a) ACTION DURING VERIFICATION.—

(1) IN GENERAL.—If the Secretary of the Treasury requests the Government of Australia to conduct a verification pursuant to article 4.3 of the Agreement for purposes of making a determination under paragraph (2), the President may direct the Secretary to take appropriate action described in subsection (b) while the verification is being conducted.

(2) DETERMINATION.—A determination under this paragraph is a determination—

(A) that an exporter or producer in Australia is complying with applicable customs laws, regulations, procedures, requirements, or practices affecting trade in textile or apparel goods; or

(B) that a claim that a textile or apparel good exported or produced by such exporter or producer—

(i) qualifies as an originating good under section 203 of this Act; or

(ii) is a good of Australia,

is accurate.

(b) APPROPRIATE ACTION DESCRIBED.—Appropriate action under subsection (a)(1) includes—

(1) suspension of liquidation of the entry of any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A), in a case in which the request for verification was based on a reasonable suspicion of unlawful activity related to such goods; and

(2) suspension of liquidation of the entry of a textile or apparel good for which a claim has been made that is the subject of a verification under subsection (a)(1) regarding a claim described in subsection (a)(2)(B).

(c) ACTION WHEN INFORMATION IS INSUFFICIENT.—If the Secretary of the Treasury determines that the information obtained within 12 months after making a request for a verification under subsection (a)(1) is insufficient to make a determination under subsection (a)(2), the President may direct the Secretary to take appropriate action described in subsection (d) until such time as the Secretary receives information sufficient to make a determination under subsection (a)(2) or until such earlier date as the President may direct.

(d) APPROPRIATE ACTION DESCRIBED.—Appropriate action referred to in subsection (c) includes—

(1) publication of the name and address of the person that is the subject of the verification;

(2) denial of preferential tariff treatment under the Agreement to—

(A) any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A); or

(B) a textile or apparel good for which a claim has been made that is the subject of a verification under subsection (a)(1) regarding a claim described in subsection (a)(2)(B); and

(3) denial of entry into the United States of—

(A) any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A); or

(B) a textile or apparel good for which a claim has been made that is the subject of a verification under subsection (a)(1) regarding a claim described in subsection (a)(2)(B).

SEC. 207. REGULATIONS.

The Secretary of the Treasury shall prescribe such regulations as may be necessary to carry out—

(1) subsections (a) through (n) of section 203 and section 204;

(2) amendments to existing law made by the sections referred to in paragraph (1); and

(3) proclamations issued under section 203(o).

TITLE III—RELIEF FROM IMPORTS

SEC. 301. DEFINITIONS.

As used in this title:

(1) AUSTRALIAN ARTICLE.—The term "Australian article" means an article that qualifies as an originating good under section 203(b) of this Act.

(2) AUSTRALIAN TEXTILE OR APPAREL ARTICLE.—The term "Australian textile or apparel article" means an article—

(A) that is listed in the Annex to the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)); and

(B) that is an Australian article.

(3) COMMISSION.—The term "Commission" means the United States International Trade Commission.

Subtitle A—Relief From Imports Benefiting From the Agreement

SEC. 311. COMMENCING OF ACTION FOR RELIEF.

(a) FILING OF PETITION.—

(1) IN GENERAL.—A petition requesting action under this subtitle for the purpose of adjusting to the obligations of the United States under the Agreement may be filed with the Commission by an entity, including a trade association, firm, certified or recognized union, or group of workers, that is representative of an industry. The Commission shall transmit a copy of any petition filed under this subsection to the United States Trade Representative.

(2) PROVISIONAL RELIEF.—An entity filing a petition under this subsection may request that provisional relief be provided as if the petition had been filed under section 202(a) of the Trade Act of 1974 (19 U.S.C. 2252(a)).

(3) CRITICAL CIRCUMSTANCES.—Any allegation that critical circumstances exist shall be included in the petition.

(b) INVESTIGATION AND DETERMINATION.—Upon the filing of a petition under subsection (a), the Commission, unless subsection (d) applies, shall promptly initiate an investigation to determine whether, as a result of the reduction or elimination of a duty provided for under the Agreement, an Australian article is being imported into the United States in such increased quantities, in absolute terms or relative to domestic production, and under such conditions that imports of the Australian article constitute a substantial cause of serious injury or threat thereof to the domestic industry producing an article that is like, or directly competitive with, the imported article.

(c) APPLICABLE PROVISIONS.—The following provisions of section 202 of the Trade Act of 1974 (19 U.S.C. 2252) apply with respect to any investigation initiated under subsection (b):

(1) Paragraphs (1)(B) and (3) of subsection (b).

(2) Subsection (c).

(3) Subsection (d).

(4) Subsection (i).

(d) ARTICLES EXEMPT FROM INVESTIGATION.—No investigation may be initiated under this section with respect to any Australian article if, after the date on which the Agreement enters into force, import relief has been provided with respect to that Australian article under this subtitle.

SEC. 312. COMMISSION ACTION ON PETITION.

(a) DETERMINATION.—Not later than 120 days (180 days if critical circumstances have been alleged) after the date on which an investigation is initiated under section 311(b) with respect to a petition, the Commission shall make the determination required under that section.

(b) APPLICABLE PROVISIONS.—For purposes of this subtitle, the provisions of paragraphs (1), (2), and (3) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d) (1), (2), and (3)) shall be applied with respect to determinations and findings made under this section as if such determinations and findings were made under section 202 of the Trade Act of 1974 (19 U.S.C. 2252).

(c) ADDITIONAL FINDING AND RECOMMENDATION IF DETERMINATION AFFIRMATIVE.—If the determination made by the Commission under subsection (a) with respect to imports of an article is affirmative, or if the President may consider a determination of the Commission to be an affirmative determination as provided for under paragraph (1) of section 330(d) of the Tariff Act of 1930) (19 U.S.C. 1330(d)), the Commission shall find, and recommend to the President in the report required under subsection (d), the amount of import relief that is necessary to remedy or prevent the injury found by the Commission in the determination and to facilitate the efforts of the domestic industry to make a positive adjustment to import competition. The import relief recommended by the Commission under this subsection shall be limited to that described in section 313(c). Only those members of the Commission who voted in the affirmative under subsection (a) are eligible to vote on the proposed action to remedy or prevent the injury found by the Commission. Members of the Commission who did not vote in the affirmative may submit, in the report required under subsection (d), separate views regarding what action, if any, should be taken to remedy or prevent the injury.

(d) REPORT TO PRESIDENT.—Not later than the date that is 30 days after the date on which a determination is made under subsection (a) with respect to an investigation, the Commission shall submit to the President a report that includes—

(1) the determination made under subsection (a) and an explanation of the basis for the determination;

(2) if the determination under subsection (a) is affirmative, any findings and recommendations for import relief made under subsection (c) and an explanation of the basis for each recommendation; and

(3) any dissenting or separate views by members of the Commission regarding the determination and recommendation referred to in paragraphs (1) and (2).

(e) PUBLIC NOTICE.—Upon submitting a report to the President under subsection (d), the Commission shall promptly make public such report (with the exception of information which the Commission determines to be confidential) and shall cause a summary thereof to be published in the Federal Register.

SEC. 313. PROVISION OF RELIEF.

(a) IN GENERAL.—Not later than the date that is 30 days after the date on which the

President receives the report of the Commission in which the Commission's determination under section 312(a) is affirmative, or which contains a determination under section 312(a) that the President considers to be affirmative under paragraph (1) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)(1)), the President, subject to subsection (b), shall provide relief from imports of the article that is the subject of such determination to the extent that the President determines necessary to remedy or prevent the injury found by the Commission and to facilitate the efforts of the domestic industry to make a positive adjustment to import competition.

(b) EXCEPTION.—The President is not required to provide import relief under this section if the President determines that the provision of the import relief will not provide greater economic and social benefits than costs.

(c) NATURE OF RELIEF.—

(1) IN GENERAL.—The import relief (including provisional relief) that the President is authorized to provide under this section with respect to imports of an article is as follows:

(A) The suspension of any further reduction provided for under Annex 2–B of the Agreement in the duty imposed on such article.

(B) An increase in the rate of duty imposed on such article to a level that does not exceed the lesser of—

(i) the column 1 general rate of duty imposed under the HTS on like articles at the time the import relief is provided; or

(ii) the column 1 general rate of duty imposed under the HTS on like articles on the day before the date on which the Agreement enters into force.

(C) In the case of a duty applied on a seasonal basis to such article, an increase in the rate of duty imposed on the article to a level that does not exceed the lesser of—

(i) the column 1 general rate of duty imposed under the HTS on like articles for the immediately preceding corresponding season; or

(ii) the column 1 general rate of duty imposed under the HTS on like articles on the day before the date on which the Agreement enters into force.

(2) PROGRESSIVE LIBERALIZATION.—If the period for which import relief is provided under this section is greater than 1 year, the President shall provide for the progressive liberalization (described in article 9.2.7 of the Agreement) of such relief at regular intervals during the period in which the relief is in effect.

(d) PERIOD OF RELIEF.—

(1) IN GENERAL.—Subject to paragraph (2), any import relief that the President provides under this section may not be in effect for more than 2 years.

(2) EXTENSION.—

(A) IN GENERAL.—Subject to subparagraph (C), the President, after receiving an affirmative determination from the Commission under subparagraph (B), may extend the effective period of any import relief provided under this section if the President determines that—

(i) the import relief continues to be necessary to remedy or prevent serious injury and to facilitate adjustment by the domestic industry to import competition; and

(ii) there is evidence that the industry is making a positive adjustment to import competition.

(B) ACTION BY COMMISSION.—(i) Upon a petition on behalf of the industry concerned that is filed with the Commission not earlier than the date which is 9 months, and not later than the date which is 6 months, before the date any action taken under subsection (a) is to terminate, the Commission shall conduct an investigation to determine whether action under this section continues to be necessary to remedy or prevent serious injury and whether there is evidence that the industry is making a positive adjustment to import competition.

(ii) The Commission shall publish notice of the commencement of any proceeding under this subparagraph in the Federal Register and shall, within a reasonable time thereafter, hold a public hearing at which the Commission shall afford interested parties and consumers an opportunity to be present, to present evidence, and to respond to the presentations of other parties and consumers, and otherwise to be heard.

(iii) The Commission shall transmit to the President a report on its investigation and determination under this subparagraph not later than 60 days before the action under subsection (a) is to terminate, unless the President specifies a different date.

(C) PERIOD OF IMPORT RELIEF.—Any import relief provided under this section, including any extensions thereof, may not, in the aggregate, be in effect for more than 4 years.

(e) RATE AFTER TERMINATION OF IMPORT RELIEF.—When import relief under this section is terminated with respect to an article—

(1) the rate of duty on that article after such termination and on or before December 31 of the year in which such termination occurs shall be the rate that, according to the Schedule of the United States to Annex 2–B of the Agreement for the staged elimination of the tariff, would have been in effect 1 year after the provision of relief under subsection (a); and

(2) the rate of duty for that article after December 31 of the year in which termination occurs shall be, at the discretion of the President, either—

(A) the applicable NTR (MFN) rate of duty for that article set out in the Schedule of the United States to Annex 2–B of the Agreement; or

(B) the rate of duty resulting from the elimination of the tariff in equal annual stages ending on the date set out in the Schedule of the United States to Annex 2–B of the Agreement for the elimination of the tariff.

(f) ARTICLES EXEMPT FROM RELIEF.—No import relief may be provided under this section on any article that—

(1) is subject to—

(A) import relief under subtitle B; or

(B) an assessment of additional duty under subsection (b), (c), or (d) of section 202; or

(2) has been subject to import relief under this subtitle after the date on which the Agreement enters into force.

SEC. 314. TERMINATION OF RELIEF AUTHORITY.

(a) GENERAL RULE.—Subject to subsection (b), no import relief may be provided under this subtitle after the date that is 10 years after the date on which the Agreement enters into force..

(b) EXCEPTION.—If an article for which relief is provided under this subtitle is an article for which the period for tariff elimination, set out in the Schedule of the United States to Annex 2–B of the Agreement, is greater than 10 years, no relief under this subtitle may be provided for that article after the date on which such period ends.

(c) PRESIDENTIAL DETERMINATION.—Import relief may be provided under this subtitle in the case of an Australian article after the date on which such relief would, but for this subsection, terminate under subsection (a) or (b), if the President determines that Australia has consented to such relief.

SEC. 315. COMPENSATION AUTHORITY.

For purposes of section 123 of the Trade Act of 1974 (19 U.S.C. 2133), any import relief provided by the President under section 313 shall be treated as action taken under chapter 1 of title II of such Act.

SEC. 316. CONFIDENTIAL BUSINESS INFORMATION.

Section 202(a)(8) of the Trade Act of 1974 (19 U.S.C. 2252(a)(8)) is amended in the first sentence—

(1) by striking "and"; and

(2) by inserting before the period at the end ", and title III of the United States-Australia Free Trade Agreement Implementation Act".

Subtitle B—Textile and Apparel Safeguard Measures

SEC. 321. COMMENCEMENT OF ACTION FOR RELIEF.

(a) IN GENERAL.—A request under this subtitle for the purpose of adjusting to the obligations of the United States under the Agreement may be filed with the President by an interested party. Upon the filing of a request, the President shall review the request to determine, from information presented in the request, whether to commence consideration of the request.

(b) ALLEGATION OF CRITICAL CIRCUMSTANCES.—An interested party filing a request under this section may—

(1) allege that critical circumstances exist such that delay in the provision of relief would cause damage that would be difficult to repair; and

(2) based on such allegation, request that relief be provided on a provisional basis.

(c) PUBLICATION OF REQUEST.—If the President determines that the request under subsection (a) provides the information necessary for the request to be considered, the President shall cause to be published in the Federal Register a notice of commencement of consideration of the request, and notice seeking public comments regarding the request. The notice shall include a summary of the request and the dates by which comments and rebuttals must be received.

SEC. 322. DETERMINATION AND PROVISION OF RELIEF.

(a) DETERMINATION.—

(1) IN GENERAL.—If a positive determination is made under section 321(c), the President shall determine whether, as a result of the reduction or elimination of a duty under the Agreement, an Australian textile or apparel article is being imported into the United States in such increased quantities, in absolute terms or relative to the domestic market for that article, and under such conditions as to cause serious damage, or actual threat thereof, to a domestic industry producing an article that is like, or directly competitive with, the imported article.

(2) SERIOUS DAMAGE.—In making a determination under paragraph (1), the President—

(A) shall examine the effect of increased imports on the domestic industry, as reflected in changes in such relevant economic factors as output, productivity, utilization of capacity, inventories, market share, exports, wages, employment, domestic prices, profits, and investment, none of which is necessarily decisive; and

(B) shall not consider changes in technology or consumer preference as factors supporting a determination of serious damage or actual threat thereof.

(b) PROVISION OF RELIEF.—

(1) IN GENERAL.—If a determination under subsection (a) is affirmative, the President may provide relief from imports of the article that is the subject of such determination, as described in paragraph (2), to the extent that the President determines necessary to remedy or prevent the serious damage and to facilitate adjustment by the domestic industry to import competition.

(2) NATURE OF RELIEF.—The relief that the President is authorized to provide under this subsection with respect to imports of an article is an increase in the rate of duty imposed on the article to a level that does not exceed the lesser of—

(A) the column 1 general rate of duty imposed under the HTS on like articles at the time the import relief is provided; or

(B) the column 1 general rate of duty imposed under the HTS on like articles on the day before the date on which the Agreement enters into force.

(c) CRITICAL CIRCUMSTANCES.—

(1) PRESIDENTIAL DETERMINATION.—When a request filed under section 321(a) contains an allegation of critical circumstances and a request for provisional relief under section 321(b), the President shall, not later than 60 days after the request is filed, determine, on the basis of available information, whether—

(A) there is clear evidence that—

(i) imports from Australia have increased as the result of the reduction or elimination of a customs duty under the Agreement; and

(ii) such imports are causing serious damage, or actual threat thereof, to the domestic industry producing an article like or directly competitive with the imported article; and

(B) delay in taking action under this subtitle would cause damage to that industry that would be difficult to repair.

(2) EXTENT OF PROVISIONAL RELIEF.—If the determinations under subparagraphs (A) and (B) of paragraph (1) are affirmative, the President shall determine the extent of provisional relief that is necessary to remedy or prevent the serious damage. The nature of the provisional relief available shall be the relief described in subsection (b)(2). Within 30 days after making affirmative determinations under subparagraphs (A) and (B) of paragraph (1), the President, if the President considers provisional relief to be warranted, shall provide, for a period not to exceed 200 days, such provisional relief that the President considers necessary to remedy or prevent the serious damage.

(3) SUSPENSION OF LIQUIDATION.—If provisional relief is provided under paragraph (2), the President shall order the suspension of liquidation of all imported articles subject to the affirmative determinations under subparagraphs (A) and (B) of paragraph (1) that are entered, or withdrawn from warehouse for consumption, on or after the date of the determinations.

(4) TERMINATION OF PROVISIONAL RELIEF.—

(A) IN GENERAL.—Any provisional relief implemented under this subsection with respect to an imported article shall terminate on the day on which—

(i) the President makes a negative determination under subsection (a) regarding serious damage or actual threat thereof by imports of such article;

(ii) action described in subsection (b) takes effect with respect to such article;

(iii) a decision by the President not to take any action under subsection (b) with respect to such article becomes final; or

(iv) the President determines that, because of changed circumstances, such relief is no longer warranted.

(B) SUSPENSION OF LIQUIDATION.—Any suspension of liquidation ordered under paragraph (3) with respect to an imported article shall terminate on the day on which provisional relief is terminated under subparagraph (A) with respect to the article.

(C) RATES OF DUTY.—If an increase in, or the imposition of, a duty that is provided under subsection (b) on an imported article is different from a duty increase or imposition that was provided for such an article under this subsection, then the entry of any such article for which liquidation was suspended under paragraph (3) shall be liquidated at whichever of such rates of duty is lower.

(D) RATE OF DUTY IF PROVISIONAL RELIEF.—If provisional relief is provided under this subsection with respect to an imported article and neither a duty increase nor a duty imposition is provided under subsection (b) for such article, the entry of any such article for which liquidation was suspended under paragraph (3) shall be liquidated at the rate of duty that applied before the provisional relief was provided.

SEC. 323. PERIOD OF RELIEF.

(a) IN GENERAL.—Subject to subsection (b), the import relief that the President provides under subsections (b) and (c) of section 322 may not, in the aggregate, be in effect for more than 2 years.

(b) EXTENSION.—

(1) IN GENERAL.—Subject to paragraph (2), the President may extend the effective period of any import relief provided under this subtitle for a period of not more than 2 years, if the President determines that—

(A) the import relief continues to be necessary to remedy or prevent serious damage and to facilitate adjustment by the domestic industry to import competition; and

(B) there is evidence that the industry is making a positive adjustment to import competition.

(2) LIMITATION.—Any relief provided under this subtitle, including any extensions thereof, may not, in the aggregate, be in effect for more than 4 years.

SEC. 324. ARTICLES EXEMPT FROM RELIEF.

The President may not provide import relief under this subtitle with respect to any article if—

(1) import relief previously has been provided under this subtitle with respect to that article; or

(2) the article is subject to import relief under—

(A) subtitle A; or

(B) chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.).

SEC. 325. RATE AFTER TERMINATION OF IMPORT RELIEF.

When import relief under this subtitle is terminated with respect to an article, the rate of duty on that article shall be the rate that would have been in effect, but for the provision of such relief, on the date the relief terminates.

SEC. 326. TERMINATION OF RELIEF AUTHORITY.

No import relief may be provided under this subtitle with respect to any article after the date that is 10 years after the date on which duties on the article are eliminated pursuant to the Agreement.

SEC. 327. COMPENSATION AUTHORITY.

For purposes of section 123 of the Trade Act of 1974 (19 U.S.C. 2133), any import relief provided by the President under this subtitle shall be treated as action taken under chapter 1 of title II of such Act.

SEC. 328. BUSINESS CONFIDENTIAL INFORMATION.

The President may not release information which is submitted in a proceeding under this subtitle and which the President considers to be confidential business information unless the party submitting the confidential business information had notice, at the time of submission, that such information would be released, or such party subsequently consents to the release of the information. To the extent a party submits confidential business information to the President in a proceeding under this subtitle, the party also shall submit a nonconfidential version of the information, in which the confidential business information is summarized or, if necessary, deleted.

Subtitle C—Cases Under Title II of the Trade Act of 1974

SEC. 331. FINDINGS AND ACTION ON GOODS FROM AUSTRALIA.

(a) EFFECT OF IMPORTS.—If, in any investigation initiated under chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.), the Commission makes an affirmative determination (or a determination which the President may treat as an affirmative determination under such chapter by reason of section 330(d) of the Tariff Act of 1930), the Commission shall also find (and report to the President at the time such injury determination is submitted to the President) whether imports of the article from Australia are a substantial cause of serious injury or threat thereof.

(b) PRESIDENTIAL DETERMINATION REGARDING AUSTRALIAN IMPORTS.—In determining the nature and extent of action to be taken under chapter 1 of title II of the Trade Act of 1974, the President shall determine whether imports from Australia are a substantial cause of the serious injury or threat thereof found by the Commission and, if such determination is in the negative, may exclude from such action imports from Australia.

TITLE IV—PROCUREMENT

SEC. 401. ELIGIBLE PRODUCTS.

Section 308(4)(A) of the Trade Agreements Act of 1979 (19 U.S.C. 2518(4)(A)) is amended—

(1) by striking "or" at the end of clause (i);

(2) by striking the period at the end of clause (ii) and inserting "; or"; and

(3) by adding at the end the following new clause:

"(iii) a party to a free trade agreement that entered into force with respect to the United States after December 31, 2003, and before January 2, 2005, a product or service of that country or instrumentality which is covered under the free trade agreement for procurement by the United States.".

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Pursuant to the rule, the gentleman from California (Mr. THOMAS) and the gentleman from New York (Mr. RANGEL) each will control 1 hour.

The Chair recognizes the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 4759, which is the instrument that implements the United States-Australian Free Trade Agreement.

This particular Free Trade Agreement is good, it is solid, it will benefit American workers, farmers, consumers, businesses, and the U.S. economy. It brings the United States and Australia closer together economically. No two countries in the world are closer in terms of their views of the world, especially in terms of strategic military concerns; and, frankly, as chairman of the Committee on Ways and Means, this agreement, in my opinion, is long overdue.

Mr. Speaker, I yield the remainder of my time to the gentleman from Illinois (Mr. CRANE), the chairman of the Subcommittee on Trade; and I ask unanimous consent that the gentleman from Illinois control the remainder of my time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CRANE. Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. Without objection, the gentleman from California (Mr. STARK) will control the minority time.

There was no objection.

Mr. STARK. Mr. Speaker, I yield 30 minutes of my time to the gentleman from New York (Mr. CROWLEY), and I ask unanimous consent that he be allowed to yield such time as he sees fit.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. STARK. Mr. Speaker, I yield myself such time as I may consume.

I am in opposition to H.R. 4759, Mr. Speaker. It deals with issues of credibility, and it deals primarily with issues of pharmaceutical drugs and the possibility of reimportation, an issue dear to the hearts of many of the seniors in this country who are paying outrageous prices and are not being helped by the recent Republican pharmaceutical benefit.

We have been repeatedly either lied to or have had information withheld. I know many of my colleagues are aware that the actuaries in CMS knew that the drug bill was going to cost closer to $500 billion, or $550 billion rather than the $400 billion which was promised. That information was withheld.

For those of my colleagues who read The New York Times this morning, they are aware of further withholding of information on the part of the Republicans. I guess it is not a lie, but I only bring it up at this point to indicate that I do not think we can trust any statements as to what the trade negotiator or trade representative may or may not be negotiating with Australia and what their intention is in the future.

We were told by OMB in the pharmaceutical drug bill that 2.4 million employees would lose their retiree prescription benefits when we voted for this last pharmaceutical bill under Medicare. Well, guess what? Just earlier this week, we received from the CMS, another branch of the administration, a memo showing that 3.8 million workers will lose their drug benefits as a result of the Republican drug bill. A mere mistake of 1.4 million Americans who are going to lose drug benefits after we were opportuned to pass that bill with the idea that only 2.4 million would lose coverage.

Now my colleagues may or may not care about another almost 1.5 million workers being denied their retirement drug benefits, I know the Democrats do, but I raise these two issues, a difference of almost $200 billion low-balling us on the cost of a drug bill and then subsequently, just today, finding out that 1.5 million more workers are going to lose their benefits. Now how can we depend on the administration to tell us anything straight that is in this trade bill?

I get now to my point. We are concerned that intellectual property language allows pharmaceutical manufacturers to contractually prohibit reimportation of prescription drugs from Australia. We know that. Once we approve this language, any attempt to pass reimportation language will immediately run afoul of the Australian Free Trade Agreement. This is not just about the U.S. and Australia. This is a bill that was engineered by the pharmacy lobby.

Let me point out, when the trade representatives met, they have a board, there were 15 members of the pharmaceutical industry sitting down to advise the trade representative and not one representative of the consumer community. What does that tell us? It tells us that certainly the trade representative representing the administration can undermine the will of the people in this country and the majority of Congress through trade negotiation power over which we are powerless to change after we vote today.

The last time that I checked, reimportation of pharmaceutical drugs was a domestic health policy issue that should be debated in Congress, and we should be making domestic health policy in this Chamber, not the U.S. Trade Representative.

Now, the trade representative is promising to use this language over and over again in future free trade agreements, and eventually it is going to come back to haunt us.

Now I have no doubt that the trade representative knows how to negotiate free trade, but I have a real question if he has any interest in protecting the health care of American citizens. Not only have we given PhRMA the keys to the kingdom, we are now letting them pillage their way through our health care programs.

In a brief moment of honesty, the U.S. Trade Representative admitted that transparency requirements in annex 2(c) of the Fair Trade Agreement actually do apply to a Medicare Part B drug reimbursement decision. In its current form, the proposed change to an average sales price reimbursement system does not meet the transparency requirements of the FTA, it opens the door to challenges, and it frustrates the ability of this body to pass reasonable, safe reimportation that will lower the cost of drugs for our senior citizens by, in many cases, 50 percent, far more than the mere 5 or 10 percent that this cockamamie Buck Rogers discount card that the administration has brought out.

So we are here with a subtle underlying problem, and that is the health care of 42 million seniors in this country, and now it turns out almost 4 million more employed Medicare beneficiaries or people who are receiving their benefits as retirees, and we cannot sell them down the river, Mr. Speaker. That is not the right thing to do.

We could argue the trade bill all day long, take some of these things out, and it is probably all right, but it is engineered not to be amended. We were not allowed to amend it in markup in committee, we cannot amend it here on the floor, it is up or down. So our only choice is to vote it down, send it back to the committee, do it right, and then proceed.

So I urge a no vote.

Mr. Speaker, at this point I yield the balance of my time to the gentleman from Ohio (Mr. BROWN) and ask unanimous consent that he be allowed to yield that time as he sees fit.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

I want to remind my colleague that we can get into the debate on reimportation of drugs at some time when it is relevant, because it has no application to this agreement.

I am pleased that the House today will pass the long-overdue U.S.-Australia Free Trade Agreement. I applaud the efforts of President Bush and the USTR in negotiating an agreement that opens markets for U.S. exports by eliminating tariffs, reducing nontariff barriers, opening services markets, and strengthening intellectual property protections.

This is an important agreement. The U.S. enjoys a $9 billion trade surplus with Australia, and Australia is our ninth largest goods export market. Australian firms in the U.S. employ about 85,000 Americans, and it is estimated that U.S. exports to Australia support more than 150,000 U.S. jobs. Under the terms of this agreement, over 99 percent of U.S. exports of industrial goods to Australia will become duty-free immediately. U.S. manufacturers estimate that the elimination of tariffs could result in nearly $2 billion per year in increased U.S. exports of manufactured goods.

This agreement also gives our farmers new opportunities. All U.S. agricultural exports to Australia totaling more than $400 million will receive immediate duty-free access. Key agricultural products that will benefit from immediate tariff elimination include soybeans and oilseed products, fresh and processed fruits, vegetables and nuts, and pork products. Our dairy farmers also will have immediate access to the Australian market.

Mr. Speaker, this agreement is also very important to my State of Illinois, which is home to companies including Caterpillar, Boeing, Motorola, Abbott Labs, and Zurich Life. Illinois exports to Australia directly support approximately 4,400 jobs in the State of Illinois. Additionally, there are 20 Australian-owned companies in Illinois, employing over 2,000 people. Nine hundred of these positions are manufacturing jobs. Trade with Australia supports numerous other high-paying jobs in areas such as transportation, finance, and advertising; and between 1999 and 2003, Illinois exports to Australia grew by 12 percent. This Free Trade Agreement means more jobs, better jobs, and higher-paying jobs in Illinois and America.

As chairman of the Subcommittee on Trade, it has been my privilege to have been involved in the completion of this trade agreement, and I thank my colleagues who worked so hard to make this a reality.

I would also like to express appreciation to staff, including, to name just a few, Angela Ellard, Stephanie Lester, Matt Howard, Tim Reif, Viji Rangaswami, Mike Castellano, Brian Gaston, Sam Geduldig, Brian Diffell, Andrew Shore, John DeStefano, Amy Heerink, Rachael Leman, Janet Nuzum, James Koski, Greg Sheiowitz, Chris McConnell, and Vergil Cabasco. I thank them.

Mr. Speaker, I reserve the balance of my time.

Mr. CROWLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. CARDIN).

□ 1445

Mr. CARDIN. Mr. Speaker, let me thank my friend from New York for yielding me this time.

I rise in support of this free trade agreement and urge my colleagues to support it. This is a bilateral free trade agreement between the United States and Australia. I think that we stand to make more progress when we work on bilateral agreements rather than multinational agreements, particularly when we are dealing with a country that is very similar to the United States.

The United States and Australia have much in common. Both nations respect basic labor rights and the enforcement of basic workers' rights. This agreement strengthens the enforcement of those laws. Both nations respect the environment, and the agreement calls for both parties to commit to establish high levels of environmental protection and not to weaken or reduce environmental laws to attract trade or investment.

Australia is a close ally of the United States in many of our international activities. The United States enjoys a trade surplus with Australia of $9 billion per year. It is our ninth largest export market.

Mr. Speaker, Australia is a good friend, and it is in our interest to establish a free trade agreement with Australia.

It will open up more markets to U.S. manufacturers and farmers. Australia's tariffs for manufacturing will basically be eliminated on goods coming from the United States to Australia; 99 percent will enter Australia duty free.

There is key relief on the exports of agricultural products to Australia. The United States estimates that more than 400 million per year will receive immediate duty-free access to Australia; and let me just point out as a footnote, there is no additional access to Australia in regards to sugar. This agreement will help U.S. manufacturers and farmers. The United States will enjoy tariff preferences over its European and North Asian competitors and products, such as chemicals and heavy machinery.

In fact, the U.S. National Association of Manufacturers has estimated that the free trade agreement will result in a minimum of $2 billion per year increase in manufacturing exports to Australia. In regards to farming, the United States is already the second largest supplier of Australia's food imports. This bill will even give us greater access.

Mr. Speaker, I think my district is somewhat typical in the Nation. I have a port. We have a large presence of manufacturing. We have a strong agricultural community. My State and the people of Maryland will benefit from this free trade agreement. The people of this Nation will benefit from this free trade agreement. I urge my colleagues to support it.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

It has been a really good year for the drug industry. The pharmaceutical industry is at it again in this body, attempting to undermine U.S. efforts to secure cheaper prescription drugs for millions of Americans. First, the Medicare bill passed late last year specifically prohibited the U.S. Government from negotiating lower drug prices for America's seniors and consumers, the drug industry and the President and the Republican leadership all singing off the same page.

Then the pharmaceutical industry punishes American consumers by restricting the volume of prescription drug inventories in Canada to prevent importation to the U.S., the FDA, the President, Republican leadership and the drug industry again all singing off the same page.

Now the President, the United States Trade Rep together have included language in this U.S.-Australia trade agreement that would enable the drug companies to prevent prescription drug importation, again to the detriment of America's consumers. We can bet those provisions will be in all future trade agreements negotiated by this administration.

USTR and its drug industry allies, sometimes they are hard to tell apart, are doing all they can to drive up prices for Americans and the rest of the world. USTR and the drug industry were the only parties with a seat at the table for these FTA negotiations, no public interest groups, no senior groups, nobody advocating for reimportation.

My question is this: Do we trust the USTR and the President and the drug industry to negotiate lower drug prices? Connect the dots. The drug makers are using every tool at their disposal to put a stranglehold on America's seniors and America's consumers. The reimportation bill this House passed last year included Australia as a platform. The reimportation bill in the Senate includes Australia as a platform. Why would both these bills mention Australia if we were not going to at least attempt to reimport from there?

This FTA shuts the door on all possibilities now and in the future. Why would we do that, Mr. Speaker? The only way to maintain compliance if we pass this FTA is to remove Australia from that bill. Although Australia would likely not be a large reimportation platform, it is not currently impossible. This FTA slams the door on that possibility. It slams the door on any future agreement between Australia and us on the issue.

Now, I want to read for a moment a brief part of a fact sheet from the Australian embassy: "Australian law does allow the export of nonsubsidized drugs, both generics and brand names," in spite of what we heard from my friend here, "but only by a person who has been given marketing approval to do so, usually the manufacturer or Australian licensee."

From the Australia embassy: "Australian law does allow the export of nonsubsidized drugs." The drug industry argues the trade agreement is not damaging, because Australian law already prohibits the export of subsidized drugs purchased under its pharmaceutical benefit scheme. However, that prohibition does not include all cost-saving importation from Australia.

The importers of drugs from Australia to the U.S. do not have to purchase from the PBS. The provisions of this free trade agreement set a precedent for another misguided trade policy. We can be sure that this provision, this precedent that Members are going to vote on today, this precedent will be in all future FTAs negotiated by this administration. That is why a "no" vote is so very important so we do not set this precedent in this encouragement for the administration to continue to negotiate bad trade law, especially bad trade law for American consumers.

The drug makers are making sure they close off any opportunity for American consumers to obtain affordable prescription drugs. This, Mr. Speaker, is another nail in that coffin. If one supports reimportation of affordable prescription drugs, think twice about the precedent your vote sets here today. A vote for the U.S. free trade agreement with Australia is a move against American consumers and a move against reimportation.

Mr. Speaker, I reserve the balance of my time.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

I would like to remind everyone of a Dear Colleague that was released yesterday by our ranking minority member on the Committee on Ways and Means Subcommittee on Trade, the gentleman from Michigan (Mr. LEVIN), and our ranking member on the full Committee on Ways and Means, the gentleman from New York (Mr. RANGEL); and this is in their Dear Colleague letter: "The Australia Free Trade Agreement is worthy of support. Article 17.9.4 of the Australia FTA essentially codifies existing U.S. law in an international trade agreement. Current U.S. law allows patent holders to bar the import of their patented products. The patent provision will not have a practical effect due to the fact that Australia's domestic law prohibits the export of drugs purchased through its government-subsidized program which accounts for over 90 percent of all drugs sold in Australia.

"Article 17.9.4 matters only to the extent that the United States is allowing the import of prescription drugs from Australia, or which are covered by a patent owned by an Australian firm. As a practical matter, with or without the Australia FTA, there is little possibility of importing prescription drugs from Australia."

Mr. Speaker, I yield 3 minutes to the gentlewoman from Washington (Ms. DUNN), cochair of the U.S.-Australia Caucus and a member of our Committee on Ways and Means.

Ms. DUNN. Mr. Speaker, I rise in support of this historic free trade agreement with Australia. Australia has been a true friend and ally. They have been there when it counted the most, on the shores of Normandy, on the streets of Baghdad when the odds seemed insurmountable and the light of victory was far, far away.

Over 50 years ago, we began an alliance with Australia based on mutual security needs. Today we build on our security alliance in the past with an economic alliance for the future. Bismarck once said that "politics is the art of the possible." While that is certainly true and an accurate description of the negotiations of this agreement, this trade agreement is also about a world of possibilities. There is a common thread that binds the fabric of both nations' past to the future. We are both nations that are built on possibilities. Whether our citizens arrived an Plymouth Rock in Massachusetts or the rocks in Sydney, many came for the possibility of new beginnings and the possibility of determining their own destiny; and just like those before us, this generation of Americans and Australians will paint the canvas of this trade agreement with their entrepreneurial spirit.

In doing so, we are reminded that the strengths of our nations are not in our governments, but in the thousands of our citizens who are turning possibilities into reality; and it is time for this Congress to make this trade agreement a reality.

This is a trade agreement that creates jobs. Two-way trade in goods and services between both countries is already $29 billion each year, supporting more than 270,000 American jobs, 12,500 of which are in my State of Washington alone.

While all States will benefit from this agreement, the Puget Sound region will have even more to gain, because Australia already is our fifth largest trading partner, and the State of Washington leads the Nation with more than $2.6 billion worth of exports to Australia each year. It is a trade agreement that will help businesses and farmers in the Northwest.

For the 25,000 Boeing workers that I represent, this agreement will ensure that Boeing remains competitive in Australia. Currently, nearly 95 percent of Qantas Airways' operating fleet is Boeing aircraft, making them one of Boeing's key customers in that region.

For our high-tech industry, strengthening intellectual property standards will help reduce counterfeiting and piracy, while encouraging capital investments.

For our farmers, eliminating agricultural tariffs and resolving technical and regulatory barriers will ensure that Northwest fruits will enter the Australian market.

Mr. Speaker, vote for this trade agreement, not out of a sense of obligation but because of a steadfast confidence that Americans and Australians can better face the challenges ahead by walking side by side.

Mr. CROWLEY. Mr. Speaker, I yield myself 3½ minutes.

Mr. Speaker, I rise today in strong support of the free trade agreement between the United States and Australia, and I would like to thank all my colleagues on both sides of the aisle who have worked so hard to see that this bill passes with bipartisan support today.

It has been a pleasure for me to work with the gentleman from Missouri (Mr. BLUNT), the majority whip; and my counterparts on the other side of the aisle, the gentleman from Virginia (Mr. CANTOR), chief deputy whip; the gentleman from Alabama (Mr. ROGERS); the dean of my home State, the gentleman from New York (Mr. RANGEL); the gentleman from Michigan (Mr. LEVIN); the gentleman from California (Mr. DOOLEY); and the gentleman from Oregon (Mr. BLUMENAUER). I am proud to speak out in support of this historic bilateral free trade agreement between the United States and Australia.

This is a great day for our two countries and for what is arguably one of our truest and tried allies. From World War I to the war on terror in Afghanistan and in Iraq, Australia has stood shoulder to shoulder with the United States and has been a strong ally of ours throughout the world.

As someone who supports free trade and fair trade, I am proud to be a leader on the Democratic side supporting this free trade agreement. Concerns have been raised, though, about the issue of pharmaceuticals this week, in fact, as of Monday. And I would like to make note of that. I support the reimportation of prescription drugs and have concerns about this trade agreement becoming a precedent for other bilateral agreements; but I want to be clear that nothing, I believe, in this agreement will prohibit the United States from passing its own reimportation laws. And this agreement does not ban the United States from reimportation of prescription drugs.

Australia's domestic law prohibits the exportation of drugs purchased through its taxpayer-subsidized program, which accounts for over 90 percent of all drugs sold in Australia. Why would we ask the Australian taxpayer to subsidize Rx drugs for Americans?

□ 1500

The issue of lowering drug prices is something that this Congress should be working on. In fact, today my colleagues on both sides of the aisle have the opportunity to do that by signing the discharge petition to give the authority to Secretary Thompson, the ability to negotiate lower drug costs for Medicare patients that were stripped away under H.R. 1.

This agreement will not stop the Snowe-Doggett legislation from progressing in the Senate, and it does not stop the U.S. from changing the law and allowing for drug reimportation. I would like to reaffirm that I do not believe that this agreement should be used as a precedent for other trade agreements that USTR makes in the future on reimportation. We need to focus on the positive aspects of this agreement.

This agreement will also benefit my home State of New York and New York City. New York will see immediate benefits from this agreement as it goes into effect. New York last year exported goods valued at over $392 million to Australia, and when this agreement goes into effect, those companies will see an average saving of over 5 percent. Australia is the fifth largest investor in the U.S. equity markets, meaning more jobs for my constituency and the companies that do business in my city who trade securities or work for these firms.

This agreement will keep our economy growing and will be a partnership of equals and will increase the investments and opportunities for both countries. I support this agreement, and I urge my colleagues to vote for final passage.

Mr. Speaker, I reserve the balance of my time.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Australia FTA does not prevent Congress from passing legislation on drug reimportation. Under the U.S. Constitution, no trade agreement could do this. Any law passed by Congress will always trump any FTA. There is nothing in the Australia FTA or H.R. 4759 that changes U.S. patent laws or the Federal Food, Drug and Cosmetic Act. The patent provision in the FTA restates U.S. law and applies to all patents, not just pharmaceuticals. Not including this provision would be devastating to U.S. intellectual property rights holders in every sector.

Australian law already bans the exportation of drugs dispensed under its pharmaceutical benefits scheme. Unlike Canada, Australian law expressly prohibits other parties such as a wholesaler or pharmacist from exporting non-PBS dispensed drugs. Therefore, any change in U.S. law would have no practical effect on reimportation to Australia due to Australia domestic law, regardless of the FTA; and, therefore, Australia would have no plausible basis to claim harm or pursue sanctions.

Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. PORTMAN), one of our colleagues on the Committee on Ways and Means.

Mr. PORTMAN. Mr. Speaker, I thank the gentleman for yielding me time, and I appreciate his clarification and also the clarification of the gentleman from New York (Mr. CROWLEY) as this legislation before us relates to the issue of importation of prescription drugs.

I do rise in very strong support of the U.S.-Australian Free Trade Agreement. As the gentleman from New York (Mr. CROWLEY) has said, we have a long-standing friendship with Australia. We also have a lot of economic interest and move forward with this particular legislation. Knocking down barriers always leads to a fairer and a more healthy relationship between countries and for better economics between both countries.

In this case, this bipartisan agreement will give a boost to our large and growing investment links with Australia and will help strengthen the U.S. economy. President Bush and Ambassador Bob Zoellick deserve a lot of credit for moving forward strongly with this particular agreement and for their continued determination on bilateral agreements in general.

This agreement will help small business and manufacturers quite a bit in my home State of Ohio. Australia is now number 11 in terms of countries to which we export. Total exports are now valued at $389 million. Ohio primarily exports high-value products to Australia, aircraft engines and parts, auto parts, forklift trucks, pet food, household appliances. If the Free Trade Agreement was in effect last year, we would have seen over 93 percent of those exports, including again some of these manufactured high-quality, high-value exports, 93 percent of them would have entered Australia duty free.

Ohio's exports to Australia directly support about 1,800 good-paying jobs in Ohio. And, by the way, there are 17 Australian-owned companies in Ohio, which also employ roughly 1,800 people. 1,300 of those positions, by the way, are in manufacturing.

Trade with Australia supports countless other high-paying jobs in areas such as transportation, finance and advertising. This agreement is good for Ohio. It is good for jobs. It is good for relations with one of our great friends, Australia. Opening markets across the globe to Ohio businesses is the key to keeping our Buckeye economy strong.

The U.S.-Australia Free Trade Agreement is also important because Australia and the U.S. share a lot of similar goals in terms of international trade. We are both supporters of achieving trade liberalization in the current round of trade talks. We are both pursuing market access through regional and bilateral trade agreements. Another reason to support this agreement.

With overwhelming support today, we will be helping to fulfill President Bush's vision of a world that trades in freedom.

Mr. BROWN of Ohio. Mr. Speaker, I have been here 12 years and heard these same arguments. I look at my State, and we have lost one out of six manufacturing jobs, 190 jobs every day during the Bush administration, and I do not see how it adds up.

Mr. Speaker, I yield 3 minutes to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Speaker, I thank my good friend, the gentleman from Ohio (Mr. BROWN), for yielding me time.

I rise in strong opposition to this agreement. It seems to me that before we rush into yet another free trade agreement we should spend a little bit of time assessing the horrendous impact that past free trade agreements have had on the middle class and working families of this country. If you have a policy which is failing, failing and failing, why do you want to continue going along that path?

Mr. Speaker, for many years now, corporate America and the big money interests have told us how good unfettered free trade would be if they spent a fortune getting these agreements passed. What they forgot to tell us is that while these free trade agreements are in fact good for the big corporations and their well-paid CEOs, they have been a disaster for the middle class and working families of our country.

The reality is, despite tremendous increases in technology and productivity, the average American today is working longer hours for lower wages. The gap between the rich and the poor is getting wider, and poverty is increasing. The middle class in America is collapsing, and unfettered free trade is one of the reasons.

In the last 3 years alone, we have lost 2.7 million good manufacturing jobs, over 16 percent of the total, and now after the collapse of manufacturing we are beginning to see the hemorrhaging of good-paying information technology jobs. While large corporations throw American workers out on the streets and move to China, India, Mexico and other low-wage countries, the new jobs being created here for our people are mostly low wage with minimal benefits. In fact, according to the Bureau of Labor Statistics, 7 out of 10 of the fastest-growing professions in the next 10 years are going to be with high school degrees, minimal benefits, lower wages.

Is that the future that we want for our country?

To add insult to injury, Mr. Chairman, the President of the U.S. Chamber of Commerce, Tom Donohue, the leader of our country's big business organization, has urged, has urged American companies to send our jobs overseas. Urged them. That is the kind of contempt that corporate America has for the working families of this country. By continuing to pass unfettered free trade agreements, we accommodate Mr. Donohue's goal; and we will see the loss of more and more good-paying jobs in this country.

I understand that Australia is not China, and I understand that workers there earn comparable wages, and I understand they do not go to jail when they stand up for their rights, and we could perhaps negotiate good agreements here and there with Australia, but an unfettered free trade agreement is not good.

Let me conclude by mentioning two specific objections I have.

Number one, the gentleman from Ohio (Mr. BROWN) is right about reimportation and prescription drugs. I worry very much about the precedent, if we want to lower prescription drug costs in this country by this agreement.

Second of all, dairy farmers in Vermont, New England and America will be significantly and negatively impacted by the importation of a lot of dairy products over the years from Australia.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume. The State of Vermont exported $12.8 million of merchandise to Australia in 2003. Vermont's high-value exports to Australia include food for infants, aircraft and sports equipment; and if the FTA was in place in 2003, 99.8 percent of Vermont's exports would have entered Australia duty free.

American exports to Australia directly and indirectly support over 270,000 jobs in the United States.

Mr. Speaker, I yield 1 minute to the distinguished gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Speaker, listening to my colleague from Vermont, we have been neglected to be told that free trade is also responsible for obesity, male pattern baldness and the breakup of the Beatles.

The fact of the matter is that America needs new customers for our farm products, for things we are manufacturing. The principle involved here is, the principle is that if America builds a better product, we ought to be able to sell it without discrimination throughout the world. If someone else builds a better product, a better mousetrap, we ought to be able to buy it for our families and for our business.

America needs more customers like Australia. In Texas, this trade agreement means some 12,000 jobs for our State. It is good for our farmers. It is good for our manufacturers. On the day it goes into place, 99 percent of Australian penalties on products built in Texas and the U.S. will disappear. That is good for our workers. It is good for our farmers. It is great for our consumers.

This is a trade agreement that is excellent for U.S. manufacturers and the workers who work for them.

Mr. CROWLEY. Mr. Speaker, I ask unanimous consent for the gentleman from Michigan (Mr. LEVIN) to control the remainder of my time for purposes of yielding.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CROWLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN OF Virginia. Mr. Speaker, I hesitate to use the term "slam dunk" any more, but if you cannot agree with this trade agreement, I do not know what trade agreement you are ever going to agree with. In fact, you would probably have to oppose agreements between the States of the United States.

The fact is, of the $28 billion of trade with Australia, we enjoy a surplus of $9 billion. That means Australia is buying $9 billion more of goods and services from us than we are buying from them.

The fact is that this is generating jobs in the United States. Trade can do that and trade will do that. The fact is that there is $700 million of agricultural products that we are selling to Australia, and they are now going to be able to be purchased more cheaply because there will be duty free access. We have National Treatment for our U.S. investors, guaranteeing fair and nondiscriminatory treatment. Who could be opposed to that?

We have guaranteed, substantial access for U.S. service suppliers, telecom, financial services, professional service providers. Australia has agreed to improve its intellectual property laws so we do not have to worry about that. We are going to have the highest level of protection throughout the world for U.S. products in that area. Even more importantly to my Democratic colleagues, Australia has the highest level of labor and environmental standards. They are tougher than ours. So it just seems to me that under this agreement we have so much to gain and very little to lose.

And, again, with regard to this issue that has been brought up with regard to pharmaceutical products, Australia will not allow the export of subsidized pharmaceutical products; and 90 percent of its pharmaceuticals that are prescribed are, in fact, subsidized.

So, again, let us support this agreement. Do the right thing by America's workers and its employers.

Mr. CRANE. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from Pennsylvania (Mr. ENGLISH).

□ 1515

Mr. ENGLISH. Mr. Speaker, today, the House is considering, I think, landmark trade legislation by considering a free trade agreement with our close ally and trading partner, Australia.

As a member of the Subcommittee on Trade, I have had the opportunity to review many trade agreements and specific concerns with our trading partners, and I am happy to conclude that the U.S.-Australia FTA is among the most pro-American, pro-worker agreements that we have seen before this House.

For 50 years, we have cooperated closely on security issues and developed a trading relationship to the tune of $29 billion. What is more, the United States enjoys a $9 billion trade surplus with Australia. Indeed, Australia purchases more goods from the United States than it does from any other country, and that is extraordinary.

While our positive relationship is an important factor in approving this FTA, to me, Mr. Speaker, this agreement really stands on its own merits on what it will do for manufacturers in my congressional district.

Australian companies currently employ 1,600 people in Pennsylvania of whom 600 are in the manufacturing sector. This agreement would increase investment opportunities in Pennsylvania and create jobs.

Australia is the eighth largest market for Pennsylvania goods exports, with total exports valued at $430 million last year.

Pennsylvania's economy is heavily dependent on manufacturing; and 21 percent, or $89 million, of our total exports to Australia was in manufactured machinery in 2003. Our exports to Australia support, we estimate, 2,000 jobs in Pennsylvania alone.

This agreement would lower the tariffs on American manufactured products and create even more opportunities for local manufacturers to tap into a robust Australian market.

By immediately making almost 99 percent of U.S. manufactured exports to Australia duty free, American exports would shoot up by an estimated $2 billion annually. Since 93 percent of our goods exported to Australia are in industrial products, the significant benefit this agreement offers U.S. manufacturers is obvious.

Mr. Speaker, it is clear that our relationship with Australia is one of our most important. By approving this FTA, we can deepen this relationship, and we can also enter into an FTA which will particularly benefit our manufacturing sector; and that is what sets this treaty particularly apart from others that have come before this House.

I urge my colleagues strongly, on a bipartisan basis, to embrace this FTA.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2½ minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, Australia is exactly the type of nation we should seek trade agreements with, but not with a Xerox of our old and failed policies under fast track, with no amendments allowed here on the floor of the House.

There is only one new provision, strangely enough, one to prohibit the reimportation of less expensive prescription drugs. Where did that come from, I wonder? It must be American policy. No, I think it is pharmaceutical industry policy.

Now, we talk about Australia. We have a trade surplus. Why do we need this agreement? We had a trade surplus with Mexico. They talked about that how it was going to get bigger. Guess what, now we have a deficit. If we have a policy that is dramatically failing the Nation, our workers, our consumers, what do we do? In this Congress and with this administration, we do more of the same, $525 billion trade deficit, $1 million a minute of American wealth and jobs flowing overseas, mostly to unfair competition.

This agreement does not have enforceable labor standards. In fact, if we can have enforceable trademark and property standards, why can we not have an enforceable labor standard? And if we have not got one with Australia, who are we ever going to get one with?

It does not have enforceable environmental standards. If we cannot get enforceable environmental and consumer protection standards with Australia, who are we going to ever get one with? China? I do not think so.

Then why are pharmaceuticals in this agreement? Because this administration and their special trade representatives say this is a template for all future agreements, and they want to renegotiate our agreement with Canada to prohibit the reimportation of less expensive pharmaceuticals because it is undermining the obscene profits of the pharmaceutical industry. That is plain and simple.

Dairy and cheese and wheat, I think those are all questionable provisions; and, again, it undermines the ability of State and local governments to have contracting provisions that give preference to businesses of their choice.

Everything that is wrong with every other trade agreement that has led to the $525 billion trade deficit is wrong with the principles in this one. We are only lucky that it is a country that has a higher minimum wage, that has national health care, that has strong environmental laws, and that is not likely to change; but this will incorporate and further cement in these bad principles a new one that is absolutely atrocious, which protects the profits of the pharmaceutical industry against the health and welfare of the American people.

Vote "no" on this, and let us get a new trade policy that works for all Americans, not just a select few multinational corporations and special interests.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

Oregon is a trader with Australia right now, and Australia is the 10th largest market for Oregon goods that are exported with total exports valued at over $257 million in 2003. Oregon's high-volume exports to Australia include chassis trucks, fertilizers, vehicle parts, and helicopters.

Oregon exports to Australia directly support approximately 1,200 jobs. Additionally, there are 12 Australian-owned companies in Oregon employing over 300 people. Trade with Australia supports numerous other high-paying jobs in areas such as transportation, finance, and advertising.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Michigan (Mr. KNOLLENBERG).

Mr. KNOLLENBERG. Mr. Speaker, I thank the gentleman for yielding me time, and I appreciate the 2 minutes.

I obviously rise in strong support of the Australia free trade agreement. Let me add a few positives to what has already been said.

We have some who disagree with us on the other side. They have split up the other side. Trade is absolutely critical to our economy. American businesses and workers are the best in world. When we open up markets for American products, our companies sell more overseas and create more jobs back here at home.

This agreement is certainly clearly beneficial to the U.S. Two-way trade, as has been stated, between the U.S. and Australia is approximately $29 billion; and I will mention it again, the surplus of $9 billion. Every State in America exports. Every single State exports to Australia.

My home State of Michigan, for example, ranks as number five, fifth highest, over $2 billion in export products in the last 3 years; but we can do a great deal more than that. Let me take a look at the American auto industry for a moment. This is a significant part of the economy in my district and many, many more around the country.

It is no secret that global competition in the auto sector is intense. Auto companies around the world work hard to realize price advantages over their competitors. The U.S.-Australia Free Trade Agreement gives our auto companies a real leg up. As a result of this agreement, on January 1, 2005, American auto exports to Australia will cost 10 to 15 percent less than our Japanese, Korean, and European competitors.

That means more work building cars for export to Australia for the 600,000 Americans employed by auto companies and the 2 million Americans who work for auto suppliers, as well as the many industries that support those companies. These are real benefits that we will bring to those American workers and many others by passing this agreement today.

Free trade agreements, like the one before us today, are good for our country, with our good friend Australia in particular. They mean more jobs at better wages. They mean long-term health for our economy.

So let us make it a reality. Vote "yes" on the U.S.-Australia Free Trade Agreement.

Mr. LEVIN. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentlewoman from Guam (Ms. BORDALLO), a very capable Congresswoman.

Ms. BORDALLO. Mr. Speaker, I thank my colleague from Michigan for the time.

Mr. Speaker, I rise in strong support of the U.S.-Australia Free Trade Agreement. The agreement before us deals with some very big numbers. It supports over 270,000 jobs here at home and the $18 billion in exports to Australia these workers generate annually.

Australian exports to Guam are approximately $12 million per year, consisting mainly of consumer goods and building materials. The Guam shipyard is capable of repairing Australian vessels, and the twice weekly direct flights between Cairns and Guam bring a steady stream of tourists in both directions.

Under the agreement, 99 percent of Guam's exports will enter Australia duty free. Even greater than the numerical case for supporting this free trade agreement are the shared values that underpin trade between our two nations. Many of my colleagues have appropriately used trade agreements in the past to highlight the failure of our trading partners to address human rights, environmental quality control, and labor standards within their borders.

Under these trade criteria, Australia is exactly the kind of country that we should trade with. Australia has an outstanding record on meeting its international human rights commitments. Australia is our partner in promoting these values in the Asia Pacific region.

Australia's environmental standards give us the reassurance that our imports do not abuse global resources. Their laws protecting coral reefs and their strong enforcement of them serve as a model for protecting our own endangered ocean habitat.

Australia's labor standards are so deeply ingrained in their society that they serve as a reminder to us that we owe our own workers a higher minimum wage. Under this agreement, we are not in a race to the bottom with Australia's workers; but rather, Mr. Speaker, we are sharing the best of what we make for our common advantage.

Given our shared values with the people of Australia, it only makes sense that we pass this agreement today. I urge my colleagues to do so.

Mr. CRANE. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the chairman for yielding me the time, and I congratulate Ambassador Zoellick and our President for getting a very good trade agreement with Australia, one that will benefit workers, consumers, and companies alike.

We have had a long and mutually beneficial relationship with Australia. It has been a trusted, staunch ally in the Pacific and a progressive voice for expanding free trade around the globe.

Mr. Speaker, this is a pioneering trade agreement. It is the most significant reduction in industrial tariffs ever achieved in a free trade agreement. This is, at its heart, a manufacturers' trade agreement.

While Connecticut is a long way from Sydney, one would never know it based on the economic ties between my home State and Australia. Nearly $140 million worth of merchandise was exported from Connecticut to Australia in 2003. In 1999, the figure was $81 million. We have increased exports by $60 million without a trade agreement. Imagine what we will be able to do with this trade agreement, which reduces manufacturing tariffs from a full 5 percent. It literally wipes them out. That is equivalent to a 5 percent price reduction in product in the market.

So if we have been able to grow our trade with Australia, that is, between Connecticut and Australia, without this agreement, think what a boon this will be for nearly 99 percent of Connecticut's exports that will enter Australia with this agreement duty free.

I believe the Australian agreement is indicative of the bright future trade liberalization is creating. Australia is a democratic, well-developed nation with amongst the highest labor and environmental standards in the world and with a very capable enforcement system. It simply does not make sense for either nation to preserve antiquated tariffs in light of our strong economic and political ties.

□ 1530

I strongly support this U.S.-Australian trade agreement and urge the House to pass it.

Let me conclude, Mr. Speaker, by noting that 25 percent of our gross national product is the direct consequence of exports and trade, and not to expand that customer base would be to condemn our children and follow-on generations to a weak economy unable to provide the standard of living we have come to enjoy. And, therefore, I urge support of this trade agreement.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume to note that I wish our trade policy were working as well for American manufacturing as my friends say it is.

Mr. Speaker, could the Chair tell each of us how much time the three of us have remaining?

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The gentleman from Ohio has 13½ minutes remaining, the gentleman from Illinois (Mr. CRANE) has 38 minutes remaining, and the gentleman from Michigan (Mr. LEVIN) has 19½ minutes remaining.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2½ minutes to my colleague, the gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. Mr. Speaker, as a member of the Committee on Veterans' Affairs, I would like to call attention to information which was recently published by The Center for Policy Analysis on Trade and Health regarding the Australia Free Trade Agreement.

CPATH's report explains that because chapter 15 of the U.S.-Australia Free Trade Agreement applies to Federal agencies like the Department of Veterans Affairs that procure pharmaceuticals, under the agreement drug companies would have the right to challenge VA procurement decisions. This would include VA decisions about coverage and pricing of pharmaceuticals. Virtually any aspect of coverage or pricing could be challenged based on technical specifications, timing, process, or any number of other agreements or disagreements.

For example, a drug company could claim the VA's decision not to offer a particular drug is the result of an unfair assessment of the drug's effectiveness or economic value. Under the trade agreement, the drug company could then file a complaint against the VA based on these claims. If the VA's procurement decisions are delayed, routinely contested, or reversed on a regular or irregular basis, there could be a serious effect on access to and prices for medications for our veterans.

Before we vote on this free trade agreement, please consider this analysis and its potential effect on our Nation's veterans. It is a fact that the drug companies could challenge drug listing and pricing decisions by the VA. The government of Australia is not required to initiate or authorize these challenges. A drug company could do so. A drug company with an office in Australia could have standing to initiate such a challenge.

Now, it does not have to be this way. Many procurement decisions are already excluded by both Australia and the United States under this agreement, including motor vehicles, the dredging at construction sites, and so on. Important government programs that provide benefits to millions, including vulnerable populations, can be legitimately added to the list of excluded measures. It was not done in this bill, and America's veterans are at risk as a result.

It is important that before we vote on this trade bill that we read it and understand its potential negative effects upon America's veterans.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

Australia is the eleventh largest market for Ohio goods exports, with total exports valued at around $389 million in 2003. Ohio primarily exports high-valued products to Australia, such as aircraft engines and parts, other aircraft parts, auto parts, forklifts, pet food, and household appliances. If the FTA was in place in 2003, over 93 percent of Ohio's exports would have entered Australia duty free.

Ohio's exports to Australia directly support approximately 1,854 jobs. Additionally, there are 17 Australian-owned companies in Ohio, employing 1,800 people, with 1,300 of these positions in manufacturing jobs. Trade with Australia supports countless other high-paying jobs in areas such as transportation, finance and advertising.

The Bureau of Economic Analysis reports that Australian businesses have more than $817 million invested in Ohio.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise today in strong support of the U.S.-Australia Free Trade Agreement.

Study after study shows, and history confirms, that nations that are open to trade grow faster and enjoy higher per capita incomes than those that hinder trade. That means better housing, better health care, and better nutrition for all Americans.

Mr. Speaker, we must recognize that nations do not trade with nations, people trade with people. By restricting trade, we are denying Americans access to more abundant and less costly goods and services. Just think about the local grocery store for a moment. Alongside the cheese from Wisconsin and beef from my home State of Texas, we have melons from Mexico, olive oil from Italy, and coffee from Colombia. By closing markets, by restricting markets, we limit choices for consumers and we drive up the cost of products that American families must purchase every day.

Mr. Speaker, more importantly, when we restrict trade, we deprive Americans of their fundamental economic liberty. I believe Americans have a right to determine which products they want to purchase and from where those products come. With the exception of national security, it should not be the role of the Federal Government to tell American consumers where they can buy their goods.

Also, when we restrict trade, we invariably put Americans out of work. We invite trade sanctions. Nearly one in every 10 jobs in the United States is directly linked to the export of U.S. goods and services.

Last year, my home State of Texas exported almost $730 million in manufactured goods alone to Australia. From agriculture to aerospace, to computers and chemicals, jobs in Texas and America depend upon trade, including trade with Australia.

Now, I have heard some Members talk about fair trade. But, Mr. Speaker, we must also remember that policies that protect some industries invariably hurt others; and protecting specific industries does nothing to protect the interest of American consumers or protect their economic liberties. I urge all of my colleagues to support the U.S.-Australia Free Trade Agreement.

Mr. LEVIN. Mr. Speaker, it is my privilege and pleasure to yield 2 minutes to the very distinguished gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, I rise in support of the U.S.-Australia Free Trade Agreement and this bill we are considering today to implement it.

With few exceptions, I have historically opposed our free trade agreements because most of them have been negotiated with developing countries with insufficient labor and environmental standards.

Now, following my colleague from Texas, obviously, we have different views on this free trade agreement. One of the things I am proud of is that not only do most of these earlier trade agreements have inadequate labor and environmental regulations and lower the standard of living for people residing in those countries, which inhibits the ability for U.S. companies to compete, when I opposed previous trade agreements it has always been on the basis that we are putting ourselves at a competitive disadvantage against countries that have significantly lower standards of living.

However, this agreement with Australia is different. It puts the U.S. on a level playing field with a country that has comparable labor and environmental standards and a minimum wage that exceeds our own. I wish that were true with CAFTA and NAFTA and a whole bunch of other of our agreements.

This is fair trade, and this is the kind of agreement I can support. This agreement will immediately eliminate 99 percent of all tariffs currently imposed on U.S. exporters. With 93 percent of all exports to Australia coming from the U.S. manufacturing sector, this agreement is estimated to boost our manufacturing exports to the tune of $2 billion.

Without a doubt, there are parts of this agreement that I feel are less perfect. The agreement contains language allowing Australian pharmaceutical patent holders to prevent the export of their products to the U.S. market. In considering, though, that 90 percent of Australian drugs are currently prohibited from being exported by their law, I do not believe this agreement, in a practical sense, would hurt our current reimportation effort. However, I do make clear my opposition to the use of this provision as a precedent for future agreements.

I would also like to note labor's concerns with the agreement. While not out-and-out opposing the agreement, the AFL–CIO has stated that the agreement is ineffective in protecting core worker rights in either the U.S. or Australia. As a former union printer, I take pride in working to strengthen labor rights in our own country; and I certainly agree that improvements can be made in our own country.

Yet, on the whole, both the U.S. and Australia have exemplary labor laws that, given our constitutional democracies, are not likely to reach levels that impose significant threats to the health and safety of our workers.

On balance, it is a fair agreement between two countries that value democracy, worker rights, and fair competition. It is not free trade. It is fair trade.

Mr. CRANE. Mr. Speaker, I yield 2 minutes to my distinguished colleague, the gentleman from Illinois (Mr. WELLER).

Mr. WELLER. Mr. Speaker, I rise in support of the U.S.-Australia Free Trade Agreement, and I want to commend Ambassador Zoellick, the Special Trade Representative, and especially President Bush on the success of negotiating a good trade agreement that is good for American farmers, good for American workers, and good for American business.

My home State of Illinois is one of the top States that currently exports to Australia. As you know, Illinois manufacturers, like manufacturers throughout the United States, were hard hit by the recession back in 2000 and 2001 and of course faced the consequences of the terrorist attack of 2001 and, in my State, suffered even heavier taxes imposed by our new governor and our new State legislature. But I am happy to say that today Illinois manufacturing is starting to see some positive health, and that is good news.

A key part of this economic turnaround is expanded trade opportunities. I would like to point out that my family has personally experienced the impact of our economy over the last decade. My brother, a manufacturing worker, he lost his job because of a lawsuit. But he got a new job because of a company that obtained an export contract. So, clearly, expanded free trade creates jobs for American workers.

I particularly want to congratulate the architects and negotiators that produced this U.S.-Australia Free Trade Agreement. I would note that in the Australia-U.S. FTA more than 99 percent of U.S.-manufactured exports to Australia will become duty free immediately upon entry into force of this agreement. This is the most significant immediate reduction of industrial tariffs ever achieved.

Let me say that again: the most immediate reduction of industrial tariffs ever achieved in a United States free trade agreement. That is good news for industrial workers. What that means is $2 billion in additional demands for U.S. products.

Agriculture is also key to my home State's economy, and I want to point out that under this agreement all U.S. agricultural exports to Australia will receive immediately duty free access to Australian markets. This trade agreement is good for Illinois farmers, it is good for Illinois workers, it is good for Illinois business, and it deserves bipartisan support. Please vote aye.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, it is important whenever we talk about trade that we realize that the United States has a massive trade deficit of over $500 billion; and while the gentleman has been repeatedly citing the benefits to various States, my own State has lost 200,000 jobs during this administration. The United States, since the year 2000, has lost 3 million manufacturing jobs. So tell us about your free trade policies.

If this legislation were only about trade, I could spend the rest of the time demolishing the arguments that have been offered here about the advantages that this trade agreement offers, but there is something that we need to focus on. Like most things around this Chamber, what you see is not what you get.

The restriction on amendments imposed by Fast Track prevents Members of Congress from eliminating an extremely harmful precedent against lower cost pharmaceutical drugs set in the U.S.-Australia Free Trade Agreement. So my colleagues may think we are just voting about free trade here, but we are also voting on the issue of drug reimportation, because we cannot amend the trade agreement.

The administration was able to lay the groundwork, in the words of the trade representative, for thwarting the reimportation of lower-cost pharmaceuticals. That is because the U.S.-Australia Free Trade Agreement codifies current U.S. law which the administration has made sure prohibits drug reimportation.

So to all those people around the country who are wondering why can we not get lower price pharmaceuticals, this legislation is one of the ways in which they are going to ensure it will not happen. This is an element in the pharmaceutical industry's lobbying effort to keep prices high in the United States, and the administration has delivered for the industry at the cost of selling out Americans.

We can predict with 100 percent certainty that the Australia trade agreement's prohibition on drug reimportation will be replicated in subsequent trade agreements and that it will have the effect of making it impossible for the United States to change U.S. law because the trade agreements will threaten the U.S. with trade sanctions if Congress does allow drug reimportation.

This offense is so great and so threatening that this bill must be defeated. We must protect the ability to have drug reimportation.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume to simply remind all those paying any attention to the debate that we enjoy a $9 billion trade surplus with Australia at the present time, and that will expand greatly with the passage of this free trade agreement.

Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield 2 minutes to a very distinguished colleague of mine, the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. Mr. Speaker, I rise today in support of H.R. 4759, the U.S.-Australia FTA. This agreement is the most commercially significant bilateral trade agreement outside of North America that the United States has entered into. It also addresses several issues that we have concerns about dealing with labor, the environment, and human rights. Because of the strength and the size of Australia, we can deal and talk about rights that are respective for all.

Plus, for example, in the automotive sector, free trade between the United States and Australia will allow greater trade opportunities in auto products between our two countries. U.S. auto makers produce over 70 percent of all passenger vehicles made in Australia.

Other industries also benefit from this agreement: telecommunications, financial services, and our technological firms, with greater intellectual property protections.

Abroad, this agreement provides Australia with an opportunity to facilitate a higher quality of health care for its people. Though Australia has recognized the significant role played by innovative U.S. pharmaceutical companies in delivering high-quality health care, the problem of pharmaceutical price controls is still an issue. It is important that future trade negotiations more closely examine the possible impact of unfair trade practices that are shifting the cost of pharmaceutical research and development just simply to the American consumer.

Mr. Speaker, this is a momentous agreement and is worthy of strong support from this body, for this is not just a free trade agreement, it is indeed, in every sense of the word, a fair trade agreement.

Mr. CRANE. Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, how much time do we each have?

The SPEAKER pro tempore. The gentleman from Ohio (Mr. BROWN) has 9 minutes remaining, the gentleman from Michigan (Mr. LEVIN) has 15½ minutes remaining, and the gentleman from Illinois (Mr. CRANE) has 32 minutes remaining.

Mr. BROWN of Ohio. In light of that, Mr. Speaker, I would suggest the gentleman from Illinois (Mr. CRANE) use some more of his time, because I am down to 9 minutes and the gentleman from Michigan (Mr. LEVIN) is down to 15. But perhaps the gentleman from Illinois would be willing to yield 5 minutes of his time over here, since he has no one to speak and we have so many speakers on this side.

Mr. CRANE. I am sorry I cannot yield my time, but I will, Mr. Speaker, use some of my time at the present moment.

Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the administration strongly supports H.R. 4759, which will approve and implement the U.S.-Australia Free Trade Agreement as signed by the United States and Australia on May 18 of this year. The U.S.-Australia FTA advances U.S. national economic interests and meets the negotiating principles and objectives set out by the Congress in the Trade Act of 2002.

The agreement enhances our close trade relationship with Australia and will further open Australia's market for U.S.-manufactured goods, agricultural products, and services. As soon as the FTA enters into force, tariffs will be eliminated on nearly all manufactured goods traded with Australia. In addition, Australia will eliminate tariffs on all exports of U.S. agricultural products.

The U.S.-Australia FTA further solidifies our relationship with an important partner in the global economy and a strategic ally. It sets a strong example of the benefits of free trade and democracy. Opening markets is part of the President's six-point plan for continuing to strengthen America's economy and to create more opportunities for American workers and farmers.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PASCRELL), who has been a real leader on trade issues in the last few Congresses.

Mr. PASCRELL. Mr. Speaker, our Nation's trade policy is not so much a policy as an ideology, and those in the Office of the Trade Representative bow at the altar of free trade.

One way we can level the playing field in trade is to put labor and environmental standards on equal footing with other commercial sections, and why should that not be, such as intellectual property rights, patents, goods and services.

While the Australia FTA does a great job of mentioning the international labor organization and saying the right things, the proof is in the enforcement, and that is lacking in the legislation. The agreement's enforcement procedure excludes an obligation for both governments to meet the international labor organization or any other definable standard.

□ 1545

In the Jordan FTA, which many look to as a model of how the agreement should be written, we had input into that agreement. Labor and environmental articles used the same dispute settlement procedures as every other commercial provision. This is not the case under the Australia agreement.

Let us go to the videotape. Article 18.6.5 clarifies that the key pieces of chapter 21, dispute settlement, "shall not apply to a matter arising under any provision of this chapter other than article 18.2.1."

Excluding 18.1 and 18.2 from any possibility of dispute settlement or enforcement leaves the sole enforceable labor obligation in these agreements that countries need to "enforce their own labor laws."

This is terrible. And while Australia has a strong labor and environmental protection, what we are doing in this legislation is saying if we cannot add strong labor and environmental agreements with Australia, who the heck can we add it with? Then we are going to get a solid gold standard when it comes to property rights and commercial rights, but we are not willing to do it to labor and the environment?

This stinks, and you know it. And we are not going to pray at that altar.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Australia is the 15th largest market for New Jersey goods exports, with total exports valued at nearly $307 million in 2003. New Jersey primarily exports high-valued products to Australia such as pharmaceuticals, printed media, medical equipment, perfumes, and chemicals. If the FTA was in place in 2003, 99.44 percent of New Jersey's exports would have entered Australia duty free. New Jersey's exports to Australia directly support approximately 1,400 jobs. Additionally, there are 13 Australian-owned companies in New Jersey, employing 900 people. Seven hundred of these positions are manufacturing jobs.

Trade with Australia supports numerous other high-paying jobs in areas such as transportation, finance, and advertising.

Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield 1 minute to the gentleman from North Dakota (Mr. POMEROY), my colleague on the Committee on Ways and Means.

Mr. POMEROY. Mr. Speaker, I thank the gentleman for yielding me this time.

I find this agreement to be somewhat of a close call. But where I come from we have an expression "once burned, twice cautious."

We are a major producer of wheat, and yet our farmers compete not just against the wheat farmers of other countries. In some instances, they compete against their governments as well, because their governments countenance a monopoly marketing mechanism called wheat board. When the Canadian Wheat Board was allowed to continue its operations in the Canadian Free Trade Agreement and the North American Free Trade Agreement, what unleashed upon our farmers was a dramatically unfair set of circumstances that have left them at a disadvantage and cost them markets and market value to the loss of millions and millions of dollars.

The U.S. Trade Representative has announced his opposition to state trading enterprises like the Canadian Wheat Board, but in this agreement we see the Australian Wheat Board, a very similar state trading enterprise, being allowed to continue without mention in the agreement. Unfortunately, this leads me to conclude this agreement should not go forward. We need more action against state trading enterprises.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

I want to congratulate my colleague from North Dakota on his support for this Free Trade Agreement and also explain to folks that Australia is the third largest market for North Dakota goods exports, with total exports valued at over $47 million in 2003. North Dakota's exports to Australia include tractors, front-end loaders, beans, and agricultural sprayers. These exports support approximately 220 jobs in North Dakota. The Australia-U.S. Free Trade Agreement provides tremendous opportunities for North Dakota businesses, offering them preferential access to a strong economy and growing market. And I think the gentleman's folks back home will particularly appreciate his support, as do all the rest of us, for this important Free Trade Agreement.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I am glad the gentleman from North Dakota (Mr. POMEROY) is voting "no," also.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO), and I thank her for her leadership on trade issues and fighting for American jobs.

Ms. DELAURO. Mr. Speaker, the Australia Free Trade Agreement is for the most part a good agreement with a strong U.S. ally. But because it is becoming increasingly clear that the reimportation of prescription drugs from other countries is on the horizon, so much so that even the Secretary of Health and Human Services has said that it is coming, this administration, in cooperation with this majority, has included a provision into a bill designed to stave off the inevitable, this time interfering with the reimportation of a patented product into the United States in a trade agreement and setting a bad precedent for other agreements with western developed countries.

American seniors, fed up with discount cards that do nothing to reduce their drug costs, should not be fooled by this. The Republican leadership has failed to win the reimportation debate on every level. The American people disagree with them. Their own members disagree with them. Absent Republican support, this body would not have voted to legalize the practice last year with 243 bipartisan Members.

Putting any reimportation legislation passed by this Congress in violation of free trade is their goal in this agreement. It is not enough for the drug companies to do everything in their power to prevent the United States from lowering the cost of drugs. Now, through international trade laws, they are trying to cut off the ability of others to reimport safe, affordable drugs and the efforts of what other countries do for their citizens as well. So when the United States Trade Representative says that his core objectives in negotiating this deal were "rewarding innovation and R&D" and "due process," what he is actually saying is that the drug companies should be able to keep their prices as high as they want for as long as they want in America and across the world.

Before we press ahead with this Free Trade Agreement offered under a closed, nonamendable process, I urge my colleagues to consider the very serious ramifications of this bill on every single person in this country struggling to keep up with the skyrocketing cost of prescription drugs. Absent allowing the Federal Government to negotiate the price of prescription drugs, the safe importation of drugs from other countries is the only way that ordinary people can afford the drugs they need. That is what is at stake with this legislation.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to reiterate a comment I made earlier from the Dear Colleague released yesterday by the gentleman from Michigan (Mr. LEVIN) and the gentleman from New York (Mr. RANGEL). And it says: "The patent provision will not have a practical effect due to the fact that Australia's domestic law prohibits the export of drugs purchased through its government-subsidized program which accounts for over 90 percent of all drugs sold in Australia."

Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. DOOLEY).

Mr. DOOLEY of California. Mr. Speaker, I rise in strong support of this trade agreement, and I want to commend Ambassador Zoellick and his team at USTR for the negotiations of such a fine and fair agreement. I want to thank the gentleman from California (Chairman THOMAS) and the gentleman from New York (Mr. RANGEL), ranking member, and the gentleman from Michigan (Mr. LEVIN) and the gentleman from Illinois (Mr. CRANE) for the great work that they have done too.

There is never going to be an absolutely perfect trade agreement. But we can come close, and this agreement does. And if we cannot pass an agreement with one of our strongest allies who has been a partner with us in every challenge to try to provide for greater international security in the last century, whom can we be an economic partner with? If we cannot pass a fair trade agreement and a free trade agreement with a country that has the same level of economic development that we have in this country, whom can we adopt a fair trade agreement with? If we cannot adopt a fair trade agreement with a country that has higher labor standards, as equal or better environmental standards than we have in the United States, whom can we adopt a fair trade agreement with?

This is a solid agreement. It is an agreement that will provide greater economic opportunities for the workers in the United States and the businesses that employ them. We should be passing this agreement with a unanimous vote. It is unfortunate that we will get close but not quite there.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to congratulate the distinguished gentleman from California (Mr. DOOLEY) for his commitment to these fundamental principles that are involved here in the best interest of this country as well as our good friend and ally Australia for all these years. I thank him.

☐ 1600

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Florida (Mr. SHAW).

Mr. SHAW. Mr. Speaker, I would like to rise in very strong support of the Australian Free Trade Agreement. I do not think there is any country in the world that is more loved by Americans than the country of Australia, and I do not think there is any country in the world that can claim greater loyalty to this friendship than Australia and the United States to each other.

I would like to congratulate Ambassador Bob Zoellick for the fair and solid trade agreement with this longtime ally and, of course, our own President Bush for pushing forward. Also, I congratulate the Australian Prime Minister John Howard and Ambassador

Michael Thawley on their commitment for also securing this agreement.

The Australian government has been a long-term friend to the United States through all the world wars and, of course, now in the war on terror and the other wars we have been involved in in Asia. They have been a staunch ally and a great friend, and I guess they are very similar to the Americans, having evolved in a similar way and having gained their independence.

I would like to now, for just a moment, to turn our attention to the effects this agreement would have on my own State of Florida. Florida exports shipments of merchandise to Australia. In 2003, it totaled $319 million. That is an increase of 12 percent from 2002. Florida ranks 10th in overall export shipments to the Australian market. Overwhelming amounts of Florida exports are in the manufacturing sector, a sector tremendously important to the United States and Florida. This agreement provides increased access for numerous other Florida sectors which have very positive impact on the State of Florida as well as the entire country.

I recommend and endorse this most important and most historic agreement, urge its passage; and as the previous speaker said, this should be a unanimous, if not near unanimous, decision that came out, as I recall, in the full Committee on Ways and Means with a unanimous vote, and it is one of the few truly bipartisan trade agreements that we have seen come through this House in recent years, and I urge its passage.

Mr. BROWN of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Speaker, I thank the gentleman from Ohio for yielding me this time.

I rise to express my disappointment that an otherwise strong Free Trade Agreement has been tainted by provisions designed to protect a captive market for the prescription drug industry in this country, forcing American senior citizens and taxpayers to pay higher prices than normal.

Australia has the lowest pharmaceutical prices anywhere in the world, of developed countries, that is, anywhere. I have supported NAFTA. I have supported GATT. I voted in favor of Singapore. I voted in favor of Chile. I believe in free trade. But what we attempted here was a back-door attempt to continue to force Americans to pay the highest drug prices anywhere in the world. And we had an opportunity to literally do something different with a good free trade agreement.

It all makes sense. Eli Lilly, Schering-Plough, PhRMA were all on the advisory board to the USTR when it came to negotiating this trade deal, and we are setting a precedent, forcing Americans again to continue to pay the highest pharmaceutical prices than anywhere in the world when we could have provided Americans the chance of a free trade agreement where we reopen markets, bring in competition, lower the prices around the world. But we did not do that. So we took an ally and tried to actually, in the negotiations, force them to walk away from their health care. One does not force a friend and ally to walk away from a good health care program who is paying lower prices for prescription drugs than anywhere in the world.

I will not support this agreement on behalf of the senior citizens of this country.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to remind my colleague that the Australian government prohibits the export of drugs from Australia. They subsidize drugs for their own people, and they prohibit the export of those drugs.

Mr. Speaker, I yield 2 minutes to another gentleman from Florida (Mr. MARIO DIAZ-BALART). This is not a repeat. This is his younger brother.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I rise to comment on the exceptional relationship between Australia and the United States.

On this day that we are voting on this Free Trade Agreement, Mr. Speaker, we should take a minute to express our gratitude, our deep gratitude, to the Australians for their support in the international war on terror. Their support in the aftermath of September 11, Mr. Speaker, both in Afghanistan and in Iraq is a testament, a very strong testament, again to the strength of this alliance between the two countries. The Australians have also been touched, unfortunately, tragically, by terrorism when 88 Australians died in the Bali bombings of 2002.

Mr. Speaker, in friendship we will continue to reach out to them as they have to us. On this day we thank our mates down under for this friendship and commend them for their commitment to negotiating this Free Trade Agreement. Anyone, Mr. Speaker, anyone, who questions the strength of our alliance is, frankly, just out of touch or, to quote the famous slang used by our friends in Australia, they have "too many kangaroos loose in the top paddock."

Mr. CRANE. Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

I am down to 4 minutes because of the passion on this side. I am the only opponent of the three, and it is pretty clear we are the biggest number of the House in the passion we share in opposition to this trade agreement.

Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Maryland (Mr. HOYER), our distinguished whip.

Mr. HOYER. Mr. Speaker, I thank the gentleman from Michigan for yielding me this time.

Mr. Speaker, this important Free Trade Agreement will enhance the already strong economic ties that exist between the United States and Australia. I support this agreement and will vote in favor of the required implementing legislation.

This pact has been called the "manufacturing FTA" because of the extent to which the United States manufacturing sector will benefit from the expanded market access provided by this agreement. Perhaps most importantly, Mr. Speaker, more than 99 percent of remaining Australian duties on U.S.-manufactured goods will be lifted the day the agreement takes effect. It is estimated that this immediate tariff elimination will result in an additional $2 billion in annual exports to Australia, already one of the world's largest single markets for U.S. goods. This improved market access will benefit American companies, ranging from aircraft manufacturers to automakers to construction equipment suppliers.

Manufacturers, however, will not be the only beneficiaries of this agreement. All U.S. agricultural exports to Australia will receive immediate duty-free access, and market access will be provided to American telecommunications, computer, energy, and financial services companies, among others.

Mr. Speaker, I have and will continue to support free trade agreements that balance the need for expanding markets for American companies with the importance of providing a level playing field for American workers and protection for the environment. We must consider the specific labor and environmental conditions that exist in the countries that we seek to trade with as well as the provisions included in the agreements to protect workers both here and in other countries and environmental concerns as well.

I am confident, Mr. Speaker, that these goals will be met with respect to Australia. Australia is almost a mirror economy of the United States; and, in that context, I think we can have real confidence that this will be an agreement that will benefit America, benefit Australia, and benefit our workers as well.

Mr. CRANE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California (Mr. CUNNINGHAM).

☐ 1615

Mr. CUNNINGHAM. Mr. Speaker, I rise in full support of this agreement. First of all, many folks in the military that have traveled around the world, no matter where I have gone, where we needed allies, Australia has been beside us. Through all the world wars, through Desert Storm, through the continuing evolutions we are going through right now, they have been a strong ally. They deserve this.

I hear many Members talking about manufacturing jobs and the loss of manufacturing jobs. For California, this benefits our manufacturers, in biotech and electronics, machinery and a whole host of others, which creates jobs. That is good for us on a fair trade measure.

I also want to tell you that if you have ever been on an aircraft carrier and go into Australia, it is not much different than going into a city in the United States. Those people are friendly, they are allies, and they love the United States.

I heard when I was watching on television, though, about the issue on reimportation of prescription drugs. Many nations subsidize their drugs, like Australia, like Canada, like the Netherlands; and in those cases they will not reimport them because their own government subsidizes them for low cost. They have government control of their prescription drug programs.

We are working on a program to make sure that those imported drugs are safe. The Secretary has said that and is working diligently on it, and I think before long we will have a safe program where we can reimport drugs into this country and make them cheaper.

But I also remind my colleagues there are a lot of other things we can do locally to make sure that happens. The FDA, we threatened to privatize them at one time because they were so slow, and they sped up.

If you look at the patent laws that we have, quite often a biotech company will produce a drug, and they have got still people working in their businesses, and they do not know if they are going to be able to realize the benefits from that or not. It may take 2, 3, 4, sometimes 5 years to get through the process; and at the end of that, the patent law runs out, so they have to get an exorbitant price of that particular drug just to recoup their benefits.

These are things that I think we can do locally, besides the reimportation, and make it safe. There is no one that does not support it, if it is safe for the American population.

Mr. Speaker, I rise in strong support. I thank the chairman for the time and for bringing forth this bill.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from Toledo, Ohio (Ms. KAPTUR), who perhaps knows more than anybody in this body about international trade.

Ms. KAPTUR. Mr. Speaker, I thank the gentleman from Ohio, and I doubt anyone can hold a candle to him relative to trade.

Mr. Speaker, I rise in opposition to this trade proposal, in a way reluctantly. I had held such hope that this particular proposal could be the template for trade agreements that could be negotiated between the developed democracies of the world, and that following on the Jordan Free Trade Agreement, we could actually produce the first trade agreement between developed democracies that would provide the gold standard for the world, that we could really use proactively. This one falls far short of doing that.

You might ask the question, Would we have this agreement before us if Australia did not have troops in Iraq? It is kind of interesting that this is coming up at this particular moment.

One of my concerns about this agreement is that Australia may become another back door trade route to the U.S., sort of the new Hong Kong, because of all the current difficulties in Hong Kong NOW. This agreement is imperfect. It does not really provide a comprehensive set of provisions to really deal with trade between nations that want higher standards of living, but that in fact you will get more Chinese goods and Chinese investment going into Australia and then coming here under this so-called "free trade" agreement because of all the economic and commerical difficulties that Hong Kong is having since the handover to the Chinese.

We know that this particular agreement would allow drug companies to challenge decisions on coverage and payment, so we further weaken the abilities of developed democracies to try to provide affordable health care for all their people.

The agreement is absolutely inadequate in terms of comprehensive labor and environmental standards. We should accept no less. In fact, my dream would be that we would learn how to strike trade agreements between developed countries, and then ask third world nations to join that consortium in order to raise standards of living around the world, rather than force all nations in this race to the bottom, including our own, where wages among the majority have fallen.

Mr. Speaker, I include for the RECORD an article from the Wall Street Journal, "Trade Agreement May Undercut Importing of Inexpensive Drugs," and also a set of standards we should use in any trade agreement based on a review of some of our other trade agreements. There standards should be expected from any trade agreement this Nation negotiates.

I ask my colleagues to vote "no." This agreement is too incomplete and imperfect.

[From the New York Times, July 12, 2004]

TRADE AGREEMENT MAY UNDERCUT IMPORTING OF INEXPENSIVE DRUGS

(By Elizabeth Becker and Robert Pear)

WASHINGTON, July 11.—Congress is poised to approve an international trade agreement that could have the effect of thwarting a goal pursued by many lawmakers of both parties: the import of inexpensive prescription drugs to help millions of Americans without health insurance.

The agreement, negotiated with Australia by the Bush administration, would allow pharmaceutical companies to prevent imports of drugs to the United States and also to challenge decisions by Australia about what drugs should be covered by the country's health plan, the prices paid for them and how they can be used.

It represents the administration's model for strengthening the protection of expensive brand-name drugs in wealthy countries, where the biggest profits can be made.

In negotiating the pact, the United States, for the first time, challenged how a foreign industrialized country operates its national health program to provide inexpensive drugs to its own citizens. Americans without insurance pay some of the world's highest prices for brand-name prescription drugs, in part because the United States does not have such a plan.

Only in the last few weeks have lawmakers realized that the proposed Australia trade agreement—the Bush administration's first free trade agreement with a developed country—could have major implications for health policy and programs in the United States.

The debate over the drug imports, an issue with immense political appeal, has been raging for 4 years, with little reference to the arcane details of trade policy. Most trade agreements are so complex that lawmakers rarely investigate all the provisions, which typically cover such diverse areas as manufacturing, tourism, insurance, agriculture, and increasingly, pharmaceuticals.

Bush administration officials oppose legalizing imports of inexpensive prescription drugs, citing safety concerns. Instead, with strong backing from the pharmaceutical industry, they have said they want to raise the price of drugs overseas to spread the burden of research and development that is borne disproportionately by the United States.

Many Democrats, with the support of AARP, consumer groups and a substantial number of Republicans, are promoting legislation to lower drug costs by importing less expensive medicines from Europe, Canada, Australia, Japan and other countries where prices are regulated through public health programs.

These two competing approaches represent very different ways of helping Americans who typically pay much more for brand-name prescription drugs than people in the rest of the industrialized world.

Leaders in both houses of Congress hope to approve the free trade agreement in the next week or two. Last Thursday, the House Ways and Means Committee endorsed the pact, which promises to increase American manufacturing exports by as much as $2 billion a year and preserve jobs here.

Health advocates and officials in developing countries have intensely debated the effects of trade deals on the ability of poor nations to provide inexpensive generic drugs to their citizens, especially those with AIDS.

But in Congress, the significance of the agreement for health policy has generally been lost in the trade debate.

The chief sponsor of the Senate bill, Senator BYRON L. DORGAN, Democrat of North Dakota, said: "This administration opposes re-importation even to the extent of writing barriers to it into its trade agreements. I don't understand why our trade ambassador is inserting this prohibition into trade agreements before Congress settles the issue."

Senator JOHN MCCAIN, an author of the drug-import bill, sees the agreement with Australia as hampering consumers' access to drugs from other countries. His spokesman said the senator worried that "it only protects powerful special interests."

Gary C. Hufbauer, a senior analyst at the Institute for International Economics, said "the Australia free trade agreement is a skirmish in a larger war" over how to reduce the huge difference in prices paid for drugs in the United States and the rest of the industrialized world.

Kevin Outterson, an associate law professor at West Virginia University, agreed.

"The United States has put a marker down and is now using trade agreements to tell countries how they can reimburse their own citizens for prescription drugs," he said.

The United States does not import any significant amount of low-cost prescription drugs from Australia, in part because federal laws effectively prohibit such imports. But a number of states are considering imports from Australia and Canada, as a way to save money, and American officials have made clear that the Australia agreement sets a precedent they hope to follow in negotiations with other countries.

Trade experts and the pharmaceutical industry offer no assurance that drug prices will fall in the United States if they rise abroad.

Representative SANDER M. LEVIN of Michigan, the senior Democrat on the panel's trade subcommittee, voted for the agreement, which could help industries in his state. But Mr. Levin said the trade pact would give a potent weapon to opponents of the drug-import bill, who could argue that "passing it would violate our international obligations."

Such violations could lead to trade sanctions costing the United States and its exporters millions of dollars.

One provision of the trade agreement with Australia protects the right of patent owners, like drug companies, to "prevent importation" of products on which they own the patents. Mr. Dorgan's bill would eliminate this right.

The trade pact is "almost completely inconsistent with drug-import bills" that have broad support in Congress, Mr. Levin said.

But Representative BILL THOMAS, the California Republican who is chairman of the Ways and Means Committee, said, "The only workable procedure is to write trade agreements according to current law."

For years, drug companies have objected to Australia's Pharmaceutical Benefits Scheme, under which government officials decide which drugs to cover and how much to pay for them. Before the government decides whether to cover a drug, experts analyze its clinical benefits, safety and "cost-effectiveness," compared with other treatments.

Joseph M. Damond, and associate vice president of the Pharmaceutical Research and Manufacturers of America, said Australia's drug benefit system amounted to an unfair trade practice.

"The solution is to get rid of these artificial price controls in other developed countries and create real marketplace incentives for innovation," Mr. Damond said.

While the trade pact has barely been noticed here, it has touched off an impassioned national debate in Australia, where the Parliament is also close to approving it.

The Australian trade minister, Mark Vaile, promised that "there is nothing in the free trade agreement that would increase drug prices in Australia."

But a recent report from a committee of the Australian Parliament saw a serious possibility that "Australians would pay more for certain medicines," and that drug companies would gain more leverage over government decisions there.

Bush administration officials noted that the Trade Act of 2002 said its negotiators should try to eliminate price controls and other regulations that limit access to foreign markets.

Dr. Mark B. McClellan, the former commissioner of food and drugs now in charge of Medicare and Medicaid, said last year that foreign price controls left American consumers paying most of the cost for pharmaceutical research and development, and that, he said, was unacceptable.

EXECUTIVE SUMMARY

NAFTA AND THE FUTURE OF GLOBAL TRADE

The North American Free Trade Agreement (NAFTA) is now ten years old. At its heart, it embodies the new heroic struggle of working men and women to gain a foothold in the rough and tumble global economy dominated by multinational corporate giants. Unfortunately, it pits local workers and farmers against global investors. It pits Neustro Maiz, a peasant tortilla co-op in southern Mexico, against ADM, the US grain trade giant. It pits Norma McFadden of Sandusky, Ohio, who lost her middle class job with benefits at Dixon Ticonderoga, against Ana Luisa Cruz of Cuidad Juarez, who earns $7 a day with no benefits. For NAFTA to be credible as a model for future trade agreements, it must be amended. People should be more important than goods. A human face to trade must be negotiated. Without it, the global divide between poverty and wealth will exacerbate. More popular unrest will result from unfair trade, and the social compact so necessary for global cooperation will be shattered.

NAFTA is important because it serves as the major template for a new global economic order integrating rich and poor nations through trade and investment. Mexico, Canada and the U.S. were to integrate their economies and, as a result, be better positioned to compete globally. It was touted as the neo-liberal model that would lift the economic condition of all people. All ships, no matter how small, were to be brought forward. But NAFTA worked exactly in the reverse. Affected workers in all three nations saw their wages and working conditions lowered. As capital moved across borders with no social policies in place, NAFTA has triggered an international race to the bottom as even Mexico has lost 218,000 jobs to China, a lower wage environment with a notorious record of human rights abuses.

Capital and wealth have become more concentrated in all three nations. The middle class in the U.S. is experiencing a growing squeeze on benefits and job quality. In Mexico, an endless supply of "starvation wage" workers was unleashed. Now the Bush Administration is trying to spread the same model to Central America using Central American Free Trade Agreement (CAFTA), and throughout the rest of the Western Hemisphere with the Free Trade Area of the Americas (FTAA). If these agreements are passed, it is clear that only the same can be expected, that is, expanding job washout, underemployment, and trade deficits in the U.S. without improved living standards in the poor countries with whom it trades.

A reformed trade model among trading nations is needed that yields rising standards of living for workers and farmers. This must be based on transparent and enforceable rules of law concerning labor, environment and business. Continental sustainable wage and labor standards should be adopted. Trade accords must also incorporate industrial and agricultural adjustment provisions, and currency alignment. An infrastructure investment plan should be negotiated as a core provision of any trade agreement. Along with complementary systems for education and safe, reliable medical care for all of their citizens, including the over 9 million immigrants traveling as itinerant labor to the U.S. every year.

RECOMMENDATIONS

Policy reforms are essential to amending NAFTA and other trade agreements that have yielded such huge U.S. trade deficits, job washout, and lowered standards of living.

A CONTINENTAL ASSESSMENT OF NAFTA SHOULD BE LAUNCHED TO ADDRESS ITS SHORTCOMINGS

An intracontinental parliamentary Working Group on Trade and Working Life in America, comprised of U.S., Mexican, and Canadian members, should be established with the goal of amending NAFTA to address its shortcomings. Such a working group should analyze the results of NAFTA and its impact on workers, farmers and communities. The Working Group should define a sustainable wage standard for workers in each country and a continental labor registration system along with enforceable labor and environmental standards. It would identify the massive continental labor displacements that are occurring, often with no social safety net in place. It would explore options to deal with divergence in education and health as well as currency fluctuations and impact of trade on infrastructure, investment, and migration. It would harmonize inequitable tax systems and augment credit systems for the safe and non-usurious continental transfer of remittances by mobile workers. It would also propose funds in the form of adjustment assistance to cushion continental economic integration. The organization would include as a key component an intracontinental Agricultural Working Committee to address the hardships faced by farmers and farm labor in all three countries.

TRADE AGREEMENTS SHOULD YIELD TRADE BALANCES

If NAFTA were working in the interests of the U.S., there would be a trade surplus with Canada and Mexico, as the U.S. exported more than it imported. Exactly the reverse is true. In 2003, the NAFTA trade gap equaled $100 billion—$42 billion with Mexico and $85 billion with Canada. This represents a serious drag on U.S. gross domestic product and a loss of wealth. Indeed the U.S.-NAFTA trade balance with low-wage Mexico as well as Canada has turned decidedly more negative, and worsened each year, contrary to NAFTA's stated aims. When a trade agreement yields major and growing deficits for more than three years, it ought to be renegotiated.

DEVELOP AN ALTERNATIVE TRADE BLOCK PARADIGM

Trade agreements must be structured to achieve rising standards of living for a broad middle class, not just the capital class. The current NAFTA model fails to address the root causes of market dysfunction and growing U.S. trade deficits i.e., the managed market and regulated trade approaches being employed by its European and Asian competitors. With NAFTA, the U.S. chose a low wage strategy to meet this real competition from trading counterparts that were gaining global edge. The U.S. must counter the managed market and regulated trade approaches of its major competitors.

HARMONIZE QUALITY OF LIFE UP, NOT DOWN

Rather than allowing transnational companies to set the rules of engagement, democratic nations first should forge international trade agreements with the world's developed democracies and then invite in developing nations to participate in this "free world" Global Trade Organization. Such an effort holds the potential to transition these nations upward to the same democratic, legal, and environmental systems of the free world. Instead, the trade relationships that have been forged link the economic systems of first world democratic nations to Third World, undemocratic, non-transparent systems. Social concerns like education, environment, infrastructure, labor conditions, and health have been ignored. The downward "race to the bottom" push of NAFTA continues to be felt in the U.S. as well as Mexico and Canada.

TRADE ACCORDS SHOULD PRODUCE LIVING WAGE JOBS, LESS POVERTY AND AN IMPROVED ENVIRONMENT

If NAFTA were working, more good U.S. jobs would be created, outnumbering job losses. In Mexico, workers would experience a rising standard of living. Exactly the opposite is true. Conservative estimates indicate the U.S. has lost 880,000 jobs due to NAFTA. These jobs are largely in U.S. companies that merely relocate to Mexico paying "hunger wages." Wages in Mexico have been cut by a third. If NAFTA were working in the interest of Mexicans, there would be a reduction in poverty, a growing middle class, and environmental improvement. Instead there is a rollback in wages, deplorable working conditions, and growing economic concentration of wealth in a few hands, forcing huge social dislocation.

As U.S. jobs are sucked into Mexico, not only do more people vanish from the middle class but also U.S. schools lose property taxes. In a state like Ohio that has lost nearly 200,000 jobs to Mexico, the economic decline is visible. Ohio's income growth is declining. In 1999, according to Ohio Department of Development statistics, citizens in Ohio lost $30.7 billion in total income compared to the past year. The state itself lost $15 billion. As a result, college tuition has increased, with average student undergraduate debt rising to record levels of $18,900. Nursing homes are understaffed with low paid workers, and the ranks of uninsured Ohioans has risen to 1.3 million. The State is raising taxes on everything from sales, to gas and to property to try to fill the gap of a fleeing private sector. Quality of life is sliding backwards. NAFTA-related environmental enforcement remains largely nonexistent. If NAFTA were working, environmental improvement in Mexico would be upgrading; it is sliding backward.

Transition U.S./Canadian displaced workers to comparable employment and Mexico's workers and peasants to land holding and living wage standard.

NAFTA—displaced workers in the U.S. largely have been abandoned in their efforts to reposition to new employment. Unemployment benefits expire, training is inadequate, and health benefits expire or are unaffordable. Experienced workers rarely find jobs with comparable pay or benefits. Mexico's vast underclass, underpaid, and exploited, lacks a living wage, affordable elementary education, basic health care, and systems to gain property ownership and affordable credit even for basic purchases. In order to move forward with any future trade agreements, NAFTA must acknowledge its human toll and respond accordingly. NAFTA provisions have led to the displacement of thousands of small business, industrial and agricultural workers throughout the U.S., Mexico and Canada. Little provision has been made to assist these workers, farmers, and communities with any transitional adjustment assistance. In Mexico, this has caused masses of people to stream toward the border and the maquiladora zones in search for jobs.

The North American Development Bank, which was established to help local communities build their human and physical infrastructures, has been an abject failure. It should promote economic investment in those regions of Mexico and the United States where jobs have been hollowed out due to NAFTA, or infrastructure is needed. Bank assets could be enhanced by financial contributions that flow from trade-related transactions.

Create new continental law enforcement body to combat growing crime along U.S.-Mexico border region related to border workers, drugs, and unsolved murders of hundreds of Mexican women.

The United States Departments of Labor and Homeland Security should be tasked not only with stopping the trafficking of bonded laborers but devising a continental labor identification card. Along with mass migration, the border has seen an explosion in the illicit drug trade. Law enforcement officers on both sides of the border must battle smuggling in narcotics and persons. A continental working group should be directed to recommend a new solution for combating crimes that result from the illegal drug and bonded worker trade that spans the border.

Mr. CRANE. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Speaker, I thank the gentleman for yielding me time.

Let me begin by saying to the gentleman from Illinois that I want to congratulate him and thank him for his leadership in the area of trade. Through the years, there has been no one in this House that has been a more stalwart proponent of opening markets abroad and in the U.S. to trade, and I think that his leadership has done a great deal to improve the lives of Americans. So I congratulate him on bringing this agreement to the floor.

I do rise in strong support of this agreement with Australia. I think it is worth noting that this is the first free trade agreement we have had with an industrialized nation in 17 years. It is an important trade agreement. It is one that demonstrates how U.S. leadership in international economic policy is continuing to expand free trade on a worldwide basis.

The amount of trade between the United States and Australia is substantial—$29 billion—which makes it the ninth largest trading partner of the United States: $19 billion of that amount reflects trade in agricultural and industrial production, and $9 billion, the fastest growing part, is the trade in services. Our exports to Australia include transportation equipment, notably aircraft and engine parts, telecommunications equipment, measuring instruments, internal combustion engines, and computers and all the components that go into those computers.

Mr. Speaker, I urge my colleagues to support this agreement. It is an agreement that is critically important for consumers here, for our families, and for workers here in the United States. Free trade with Australia helps to keep inflation rates low. It provides opportunities for a better quality of life for the U.S. worker and families through lower prices of imported goods.

We are pursuing this agreement in our national economic interests. But, without doubt, it also serves our national security and our foreign policy interests as well.

Let us make no mistake about it, and the gentlewoman from Ohio alluded to this: Australia has been a friend; it has been an ally in this war against terrorism. In the aftermath of the September 11 terrorist attacks, this ally has provided some 1,550 soldiers and military equipment to support the U.S.-led coalition to combat terrorism. Australia has contributed generously to the coalition effort to disarm Iraq by sending to Iraq fighter jets, transport aircraft and ships, reconnaissance forces, and dive team members.

So I want to commend Ambassador Zoellick and the team at USTR and the administration for successfully negotiating what I think is an important free trade agreement. It is not perfect. Members like myself would have wished to have increased market access for Australian exports of sugar. But, nonetheless, this is a good agreement and a significant accomplishment, and I urge my fellow Members to vote "yes" on this agreement.

Mr. LEVIN. Mr. Speaker, I yield myself 9 minutes.

Mr. Speaker, I want to mention right at the beginning that the gentleman from New York (Mr. RANGEL) wished to be here. We share a very similar approach to this issue. But he had to leave to go to New York for a funeral, so he could not be with us.

This administration's economic policy, in a few words, has been a miserable failure. I have joined with others in opposing key parts of their approach to trade. I helped lead the fight against their Trade Promotion Authority and for our own alternative, and we have helped to point out time after time their lackluster record on enforcement.

In a word, we have opposed the administration for using a one-size-fits-all, a blind, a cookie-cutter approach to trade policy. I do not think it works for us to respond with our own cookie-cutter approach to trade.

So we have before us a specific agreement. It has some very important, positive features to it. For manufacturing, right now, 93 percent of the total value of goods that we send over to Australia are in manufacturing, and duties on more than 99 percent on these goods will be eliminated. This has real implications for autos and auto parts, for construction equipment, for electrical equipment, for appliances, for furniture, for information technology, for medical and scientific equipment. Also, there are important provisions here for agriculture. Australia will eliminate immediately all of their tariffs on food and on agriculture.

Let me say, though, despite these provisions, and there are some important provisions regarding services, I would vote against this bill if I thought it either undermined our position, our efforts, our commitment on core labor standards, or our firm commitment on the reimportation of drugs.

As to labor standards, Australia uses the standard "enforce your own laws." That can work for countries that have solid laws that meet ILO standards and enforce them. That was the standard, "enforce your own laws," in Jordan; and it worked because those standards are in their laws and they enforce them. It is the case in Australia.

I think the best approach is to say what will work for Australia will not work for nations with very different conditions. We will never agree to one-size-fits-all, to a blind application of provisions; and that is clearly true in terms of labor standards in Central American nations.

We on this side overwhelmingly, and I hope the same is true of many over there, will not vote for a CAFTA with a standard that would ratify very unsatisfactory conditions for their workers, for their nations, for our workers and our Nation, and can only lead to a race to the bottom.

As to prescription medicines, we were very concerned about this issue. A number of us, led by the leader, the gentlewoman from California (Ms. PELOSI), the gentleman from New York (Mr. RANGEL), the gentleman from Maryland (Mr. HOYER), the gentleman from California (Mr. STARK), the gentleman from California (Mr. MATSUI), and others, as I look at the letter, opened up this question with our USTR in our letter of January 15.

Here is what we said: "We are writing as members of the Democratic leadership of the House and senior members of the Committee on Ways and Means to express serious concerns about the administration's effort to modify Australia's National Pharmaceutical Reimbursement Program as part of the negotiations of a free trade agreement with Australia."

We said in conclusion, "Given these concerns, we urge you," this was a letter to the President, to the USTR, to Mr. Zoellick, "to withdraw the proposal that would, in essence, interfere with their structure and would replace it with one that is derived after a meaningful dialogue with Congress."

Australia resisted this effort by USTR. We supported Australia's resistance. That approach was, in essence, withdrawn; and it is not in this agreement.

Then as to prescription medicines, there is the issue of whether it forces changes in the law of Australia. We asked the ambassador from Australia to tell it straight, and here is what he said. We wrote it down. It reiterated today what he said earlier: "In neither case with respect to listing or pricing decisions will we be changing Australian legislation. We are not changing the methodology for evaluating the effectiveness and the pricing of drugs. We are making changes to the process to allow greater consultation and transparency, to make the process more timely and to allow an independent review of the decision by the Pharmaceutical Benefits Advisory Committee. The final decision to list a drug, including the price, remains with the Minister for Health. Let me also refer briefly to the issue of whether it will force any other changes, and I think the answer is basically no.

Mr. Speaker, let me address the issue of reimportation for just a minute.

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Australian law, as has been mentioned, prohibits the export of any drug that is subsidized by their system. That is 90 percent of their drugs. What was placed in this FTA was the laws of this country that relate to patents, including pharmaceutical drugs, but all other patents. I think it was a mistake to include it in this FTA. However, it has no practical effect in terms of reimportation because of the Australian system and their prohibition on the export of any drug that is subsidized. They do not want their subsidization to benefit us here in the United States.

So if we follow the principle that we will look at each agreement on its own, if we follow that principle, I think we will then approve Australia, we will approve this FTA, but we will make it very clear that if that provision is placed in another FTA where the conditions are very different and it could affect, practically speaking, reimportation of drugs to the U.S., we will do the same vis-a-vis such effort as we are going to do as to CAFTA, strongly oppose it, because we do not want provisions in one agreement placed in another where the conditions are very, very different and where there would be injury to the interests of the United States.

So, in a word, I do think, because of the positive provisions in this FTA relating to manufacturing, agriculture services, that we should approve this agreement. However, in doing so, it has to be absolutely clear: Do not use the standard as to core labor standards elsewhere where the conditions are different, and do not dare for a minute use this in any fair trade agreement which would actually inhibit our changes in law on reimportation.

Mr. Speaker, I reserve the balance of my time.

Mr. CRANE. Mr. Speaker, I yield 2 minutes to our distinguished colleague, the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I rise in support of this agreement.

Over the years, Australia has been a terrific friend of the United States of America in every way. Over the years, I have restated my commitment to free trade between free people, and I can think of no better example of two free nations establishing open commerce between themselves than this suggestion that we have free trade with the people of Australia.

Moreover, Australia has been a stalwart ally in the war on terror, and they have been with us all the way when much of the rest of the world was against us.

Unfortunately, the authors of this bill decided to construct it in a fashion that will restrict the right of the American people to purchase reimported, American-made prescription drugs in this bill and in future trade agreements.

Well, I happen to be a strong supporter of America's access to reimported, American-made prescription drugs, but I am also supportive of free trade between free people, and I am also a grateful American for the friendship that has been shown us and demonstrated by the people of Australia. I would like to express my frustration with the administration and with our leadership for making what would have been an effortless vote on my part into a much more difficult decision. They cannot count on me in the future for votes on free trade agreements that include this provision.

But, in terms of this vote today, we owe it to our Australian friends. They have been with us through thick and thin, and this vote today and this free trade agreement is our way of saying to our Australian friends, thanks, mates.

Mr. BROWN of Ohio. Mr. Speaker, I continue to reserve my time waiting, I believe, for the gentleman from Illinois (Mr. CRANE) to close if he would like.

Mr. CRANE. Mr. Speaker, I yield 10 minutes to our distinguished colleague, the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I rise in strong support of this legislation.

I would like to take a few minutes to first follow up on the discussion that we had at the opening of the rules debate this morning on the House floor.

One of our colleagues, I do not remember exactly who it was, I think it may have been my friend, the gentleman from Michigan (Mr. LEVIN), talked about the fact that there had been no consultation on the issue of this pharmaceutical drug reimportation issue; and I said at the time that I was going to get some information on the consultative process which took place as it relates to the free trade agreement, and it does include a great deal of discussion on the issue of the pharmaceutical question.

The administration, as I said this morning, held extensive, extensive consultations with Congress on the Australia Free Trade Agreement. There were, in fact, 29 briefings that were held with the Committee on the Judiciary and members of the Committee on Ways and Means on the FTA. There were actually eight briefings that were held specifically on the pharmaceutical question in a bipartisan way, and they related directly to the intellectual property rights issue, which is an important question.

So this argument that somehow there was no consultation with the Congress on the issue of the pharmaceutical question is a specious one. Actually, Members and staff who have clearances received the text on the intellectual property rights issue, which included patent provisions, in March of 2003, 16 months ago. So I think it is important for us to note that there has been an important process that took place.

My good friend and fellow Californian (Mr. ROHRABACHER) was just here in the well, and I know that there has been, again, some confusion on this issue of whether or not the free trade agreement itself somehow includes a provision that would prevent the United States Congress from dealing with the reimportation issue. I will say right now what I said this morning when we were debating the rule: There is absolutely nothing whatsoever in this legislation that regards the issue of drug reimportation.

What I would like to do is say that the free trade agreement has nothing in it, the implementing language has nothing in it at all. Any law that the United States Congress passes always will trump the free trade agreement. So the very important thing that we need to realize is that our Constitution grants us that authority. So the patent provision in the free trade agreement restates U.S. law and applies to all patents, not just pharmaceuticals. Not including this provision would be devastating to the U.S. intellectual property rights holders in every sector of our economy, including pharmaceuticals.

I know my friend, the gentleman from California (Mr. ROHRABACHER), is a great screenwriter. It would include, obviously, intellectual property when it comes to our very important entertainment industry as well.

Australian law states, already states that there is a ban on the exportation of drugs dispensed under the PBS, the Pharmaceutical Benefits Scheme that exists. Unlike Canada, Australian law explicitly prohibits other parties such as a wholesaler or a pharmacist from exporting nonPBS-dispensed drugs. That is Australian law. It has nothing whatsoever to do with the free trade agreement itself.

So I think we need, and I am happy that my friend is going to be supportive of this legislation and was going to be supportive earlier, but now what I want him to know is that he can be an even greater enthusiast in support of this now that we realize that there is nothing in this free trade agreement that deals with the issue of drug reimportation.

Now, let me just make a couple of comments on some things that had troubled me.

First, and this does not trouble me at all, it is simply praise for the gentleman from Illinois (Mr. CRANE), the chairman of the Subcommittee on Trade. He educated me and a lot of others over the years on the importance of trade liberalization. Trade liberalization, breaking down barriers, does enhance opportunities for the free flow of goods, services, and capital and how that improves the quality of life worldwide. I learned so much of that from the gentleman from Illinois (Mr. CRANE). He has been a great teacher on it.

The thing that has concerned me about this debate today is that some are trying to use the U.S.-Australia free trade agreement as an argument in opposition to other agreements. It is true that with Australia we have a very similar economy, and that is something that is important for us to recognize. It is also true, as my friend, the gentleman from California (Mr. ROHRABACHER), and others have said, and I said when I was standing here this morning, that the alliance between Australia and the United States of America is an extraordinarily important one.

Prime Minister Howard was here on September 11 of 2001. He was going to be addressing a joint session of Congress, and he was here when President Bush addressed the Congress, and he stood with us consistently. In fact, he actually has used this term, he describes Australia as the sheriff for the United States of America. And it does underscore the importance of this agreement, how it will go even further in strengthening this critically important tie.

But as we look at the Australia agreement, how we can all of a sudden say the trade liberalization with countries that are trying to claw themselves onto the first rung of the economic ladder, how we did oppose those based on the fact that we have one structure with the U.S.-Australia agreement, is to me something that is very, very troubling.

I happen to be a strong proponent of the Central American Free Trade Agreement. I believe that it is critical for us, as the trade ministers, all the trade ministers said to me upstairs in the Committee on Rules just several weeks ago from five Central American countries, that to lock in democracy in Central America, to make sure that we improve the standard of living for the people of Central America, we must have the Central American Free Trade Agreement.

Now, many of us were in Seattle. I know I was there with my friend, the gentleman from Michigan (Mr. LEVIN), in December of 1999, the first week of December, 1999. We all know how that meeting fell apart. And I will never forget the cover of The Economist magazine, that great publication which, for a century and a half, has focused on the issue of trade liberalization as its priority. The cover of that magazine the week after the ministerial meeting broke down in Seattle had a picture of a starving baby in Bangladesh with the caption: "Who was the real loser in Seattle?"

The reason is that it is important for us, if we are committed to making sure that these developing nations do, in fact, have an opportunity to succeed and, as I said, get onto the first rung of the economic ladder, we need to work on trade liberalization with them. We need to help them find new opportunities to participate in the global economy. So that is why this is a very good agreement; and, similarly, other free trade agreements that we are going to be putting together that will break down barriers and encourage that free flow of goods and services and capital is something that we absolutely must continue with.

So, yes, we are going to have strong bipartisan support for this measure, but equally important and, in some ways, maybe even more important, Mr. Speaker, we need to have strong bipartisan support when it comes to these further agreements. Why? Because there are countries in this hemisphere and in other parts of the world that would love to have economies like Australia's or like the United States of America, and I happen to believe that the only way that we are going to create an opportunity for them to enjoy the wonderful standard of living that exists in both Australia and the United States of America is for us to have them enjoy the opportunity to participate in our global economy.

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So I herald my colleagues who are going to be supporting this. I hope that everyone plays a role in understanding that this is part of our being on the cutting edge of the 21st century global economy. I congratulate President Bush for the leadership that he and Ambassador Zoellick have provided on this issue and my colleagues on both sides of the aisle for doing it. I look forward to a very, very strong vote in just a few minutes.

Mr. Speaker, I yield back the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, this is a short time to talk about a trade bill, but I thank the distinguished gentleman from Michigan for his hard work, all of the Members that are on the floor.

Let me speak very quickly. I look forward to a Congress, hopefully Democratic-controlled, that will have the kind of oversight that will allow us to write the trade bills that answer all of the concerns of Americans, but let me just say this. The work that has been done on this bill leads me to believe that we can at least get started in support of this legislation.

One, I am sure that the indigenous population in Australia is one that is going to be addressed, that they are looking to enhance their educational opportunities, and I am going to be monitoring it myself. I do believe that it is important to state that the present status of reimportation is not precedent; and even if we vote on this legislation, it will not be used against us in the whole concept of providing cheaper drugs for Americans.

I am very glad to say that there are no immigration provisions on there, because no treaty should allow backdoor immigration policies like the Chilean trade bill and the Singapore trade bill.

And then I would say although it is not perfect, and I want to say to my labor friends, you are absolutely right, and when we get the kind of Congress that ensures that we have strong labor laws, we will be able to write these good bills; but I am glad to say that Australia does have its own worker-protection legislation. With that, I would say that this bill provides us an opportunity to make a positive statement, and in Texas we have got $749 million in trade in Texas.

Mr. Speaker, I rise in support of the U.S.-Australia Free Trade Agreement, H.R. 4759 because of the economic benefits that it will bring for both signatories of the agreement. During insecure economic times it is vital that we give free trade agreements such as this close scrutiny. While I have certain reservations about this Agreement, specifically the fact that workers rights protections are not as extensive as those given for intellectual property, I am giving my support to Australian Free Trade Agreement in the hopes that more Americans jobs can be created as a result.

My support for this bill of implementation goes with the hope that it will not bring with it some of the negative implications that the Chile and Singapore agreements brought. I voted against the U.S.-Chile Free Trade Agreement, H.R. 2738 and the U.S.-Singapore Free Trade Agreement, H.R. 2739 in July of last year partially based on the impacts that will be made on employment in the United States.

My support for the Australian Free Trade Agreement is largely based on the fact that there are no back-door immigration provisions included in the bill. The Chile and Singapore agreements however, will create a new class of temporary entry visa for "professional" workers. As Ranking Member of the House Judiciary Subcommittee on Immigration and Claims, this substantial change to the current immigration laws concerns me. Certain classes of workers—some 5,400 Singaporean and 1,800 Chilean immigrants would be eligible for this visa which would be indefinitely renewable. The H1–B rules that limit the duration and renewability needed to be applied to these agreements in order to preserve the consistency of our immigration policy. Additionally it is important to note that Texas does over $740 million dollars in export business with Australia thereby creating JOBS in Texas!

I also found the lack of parity between the enforcement of labor laws in the U.S. and in Chile and Singapore to be troubling because it would leave our workers vulnerable to harsh and inhumane labor standards.

Fast Track legislation has not required the president to include enforceable protections for the environment and workers' rights in our trade agreements, lacks adequate procedures for consultation with Congress and the public, harms independent farmers and limits democratic debate about trade policy.

The U.S.-Australia FTA is between industrialized nations; two countries with many similarities in terms of their stage of economic development. This is true of the important manufacturing sector, and therefore the reductions in tariff levels should provide many mutual benefits. Australia has also made important commitments in the area of copyright and trademark protections which will safeguard digital content and promote Internet technologies.

In the area of internationally-recognized core labor standards, the FTA adopts a standard for each nation to effectively enforce its own laws. While I do not support this model, I believe the structures in Australia, and importantly, the history and experience in this area, including a substantial percentage of Australian workers in unions and covered by collective bargaining agreements, are strong enough to ensure fair competition and a substantial middle class for the benefit of Australia and as a market for U.S. goods and services.

History has invariable shown that the status of internationally-recognized labor standards is a critical factor in a nation's economic development, in the spread of benefits to a broad spectrum of its citizens and in reducing serious income disparities which is essential to the development of a middle class.

Unfortunately, the Administration continues to pursue trade agreements with countries in very different stages of economic development than ours using the same model for labor standards. Their one-size-fits-all approach to trade agreements generally, and labor standards specifically, is driven by their outdated view that more trade is always better, no matter the terms and content of the trade, ignoring the stark realities of globalization.

As long as the Bush Administration continues to ignore these realities, they will find success only in smaller agreements such as Australia and continue to fail U.S. workers and businesses in the larger or more difficult FTAs (i.e., CAFTA, FTAA), in the multi-lateral World Trade Organization (WTO) negotiations, and in addressing the skyrocketing trade deficit with China.

Lastly, I want to make it very, very clear, the prohibition of the reimportation of prescription drugs is not supported by my vote—and should not be taken as support for this precedent!

Mr. CRANE. Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield myself ½ minute.

Two quick comments. The gentleman from California (Mr. DREIER) says that U.S. law will always trump a trade agreement, but it could create a violation of the trade agreement. In this case a violation is theoretical, but do not try the approach in a very different case.

Secondly, to the gentleman from California (Mr. DREIER), a race to the bottom does not help the people in developing nations or this Nation. That is why we want different agreements for different situations.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The time of the gentleman from Michigan (Mr. LEVIN) has expired.

Mr. CRANE. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, I thank my friend for yielding me the time, and I would simply say that we all want to ensure that we do not see an engagement in the race to the bottom. That is not a goal that we have at all. What we want to do is we want to have in place policies, and the so-called race-to-the-bottom argument is one which was used as we were looking at the passage of fast track several years ago.

Mr. LEVIN. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I yield to the gentleman from Michigan.

Mr. LEVIN. Mr. Speaker, I would say to the gentleman from California (Mr. DREIER) enforcing your own laws in a situation where the laws are inferior and unenforced will lead to a race to the bottom.

Mr. DREIER. Mr. Speaker, reclaiming my time, let me say that we all want to do everything that we can to ensure that we do not engage in a race to the bottom. What we want to do is we want to make sure that we engage in a race to the top; and to get to the top, there are many countries that today may not be able to comply with every single standard that developed nations like Australia and the United States of America enjoy, and it is for that reason that we need to ensure and recognize that the best way for them to be able to qualify for that status is to see the economies of those countries grow.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself my final 2 minutes.

Mr. Speaker, I enjoy hearing the gentleman from California (Mr. DREIER) talk about a world of trade that never quite ends up the way that we promise in this institution.

For 3 years in this Congress with this President, we have turned our government over to special interest groups. The Medicare bill was written by the insurance industry, the drug industry. Social security privatization legislation was written by Wall Street. Energy legislation has been written by Enron and Halliburton. Environmental legislation has been drafted by the chemical companies. And now trade legislation again has been written, in these provisions that we have talked about, by the drug companies.

If you think that the prescription drug industry has too much influence in this Congress, if you think the prescription drug industry has too much influence on the Medicare bill, too much influence with FDA, too much influence on trade policy, then vote "no" on this U.S.-Australia FTA.

If you do not trust the Bush administration to stand up to the drug companies and you do not trust the Bush administration to work for lower prices, then vote "no" on this U.S.-Australia FTA. If you care about reimportation and close to 300 Members on both sides of the aisle, 300 Members of this body do care about reimportation, if you in fact do, then vote "no" on U.S.-Australia FTA.

And if you want to send a message to this Congress, if you want to send a message to the President and to the USTR that we should not allow the drug industry to write trade law in this country, then vote "no."

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

I would like to just reiterate in closing that this is an important agreement, and Australia is a close ally and friend of the United States. As the Australian Trade Minister Mark Vaile has said, this FTA is the commercial equivalent of the ANZUS treaty on security issues signed in 1951. This agreement represents the best FTA ever negotiated regarding industrial products, over 99 percent of which will become duty free immediately. And it is estimated that U.S. exports to Australia support more than 150,000 jobs currently. And in addition, Australian farms in the U.S. employ over 85,000 Americans. The U.S. already enjoys a $9 billion trade surplus with Australia, and this agreement is clearly in our national interest; and I strongly urge my colleagues to support this agreement. Vote "yes" on H.R. 4759.

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise in support of the Australia Free Trade Agreement but also to express reservations about the precedent it may set for future trade agreements. Australia has been a strong ally for decades and it is appropriate that the United States enjoy an open and fruitful trading relationship with Australia. Locally, this trade agreement will give a strong boost to trade and investments. My state of Missouri sent $137 million dollars worth of goods and services in 2003 to Australia, an increase of 9 percent over the previous year, in a variety of sectors. For example, chemical manufacturers export $46.4 million worth of goods to Australia and machinery manufacturers send $28.1 million worth of their products to the Australian market.

This trade agreement has received strong support from a variety of interests. The agreement contains many positive provisions such as strong protections for copyright owners and it provides exporters with a sound legal environment for the export of goods to the United States. Our country enjoys a trade surplus with Australia and has a long standing economic relationship with the United States that this agreement will continue. Passage of this agreement is a positive step for our relationship with one of our closest allies.

Mr. KENNEDY of Rhode Island. Mr. Speaker, I would like to commend the hard work and leadership of the Chairman and Ranking Member in producing this Australian Free Trade Agreement.

It is a credit to the diligence and dedication of the Australian government that this complex Free Trade Agreement was completed in under a year.

That is why I'm hopeful that the Australian government will employ that same diligence and dedication in resolving a dispute over maritime boundaries with its neighbor, East Timor.

Fifty-three of my colleagues have already joined in supporting East Timor's call for a fair and expeditious resolution to this dispute.

These disputed boundaries are a reminder of the invalid agreements made between Indonesia and Australia during the Indonesian military occupation of East Timor.

The East Timorese struggle for independence will not be complete until East Timor, a fully sovereign country, no longer has to bear that lingering reminder of subjugation.

To be sure, there is tremendous enormous financial benefit dependent upon how these maritime boundaries are drawn.

Rich with oil and natural gas reserves, these critical areas are an economic resource for a struggling country of very little economic activity.

A country struggling with high maternal mortality, widespread malaria and tuberculosis, rampant poverty, and desperately needed education.

The Australian government was a leader in assisting East Timor's transition to democracy. It provided peacekeepers and foreign aid. But since 1999, Australia has acquired an average of $1 million a day in petroleum from the disputed areas, exceeding the amount of assistance it provided to East Timor.

The Free Trade Agreement today between our two countries are a mark of respect we have for each other. A fair and equitable resolution of this boundary dispute with East Timor honors Australia's leadership and commitment to fostering a strong and enduring democracy.

As a friend of Australia, I respectfully urge its government to rejoin the international dispute resolution mechanisms and expeditiously negotiate a permanent maritime boundary in the Timor Sea in good faith, according to the established principles of international law.

Mr. BOEHNER. Mr. Speaker, I rise in strong support of this measure, which demonstrates, once again, the unmatched value of trade liberalization and the shared benefits of free trade agreements.

Over the last year, many of my colleagues here in the House have sought to address the plight of domestic manufacturers who have trimmed payrolls as they adapt to a new economy driven by the productivity gains of new technology. In the quest for political points trade has been wrongfully vilified and talk has centered on erecting new barriers to trade. Today members have an opportunity to set aside this counterproductive rhetoric and put into action a manufacturing trade agreement—an agreement that will benefit all sectors of our economy.

Two-way trade between the two countries exceeds $25 billion and the U.S. enjoys a $6 billion dollar trade surplus. More importantly, upon entry into force, 99 percent of exported U.S. manufactured goods to Australia will become duty-free. Manufactured goods now account for nearly 93 percent of U.S. exports to Australia. For automakers, a cornerstone industry for Ohio, this agreement will sweeten an export market that is already dominated by U.S. cars and light trucks and presents an opportunity for even more growth.

Lower tariffs on American goods will mean job creation, job security, and money in the pockets of America's workforce. Last year Ohio joined Washington, California, Illinois, Texas, Michigan, Pennsylvania, Kentucky, New York and Florida in the top 10 of exporting states to Australia. For my colleagues looking for even more reasons to vote in support of this agreement, you will discover some 19,000 companies that export to Australia waiting for the opportunity to grow their business through lower tariffs and the removal of non-tariff trade barriers.

Those who search for any reason to be anti-trade are at a loss with this agreement because Australia maintains some of the highest labor standards and wage rates in the world. Sensitive agriculture products such as dairy and beef are protected with permanent safeguards and microscopic increases in tariff rate quotas. One commodity, sugar, is entirely exempted from the agreement. In short, those looking for reasons to oppose won't be able to find any.

Mr. Speaker, the U.S.-Australia Free Trade Agreement gives members that are concerned about job creation and manufacturing a chance to match their rhetoric with their vote. I urge members to support this agreement and vote yes.

Mr. BACA. Mr. Speaker, I rise in opposition to this free trade agreement.

A free trade agreement with Australia is a one-way street going in the wrong direction for U.S. jobs.

I am not opposed to free trade, but support it only when I believe the gains outweigh the losses.

Each year, Australia imports only 338 million dollars of American agriculture. Meanwhile, the United States imports about 2 billion dollars of agriculture from Australia.

Most of these imports, especially wine, milk, and wool, will hurt California's agriculture economy.

Competition is good for business, but only when all teams are playing by the same rules.

Over the past decade, exports of U.S. specialty crops have remained flat because of trade barriers and subsidized competition in many foreign countries.

Unfortunately, the Uruguay Round and other trade agreements have not provided the access to foreign markets that U.S. specialty crops were promised.

We need to remove these barriers before we sign new FTAs, and even then we should only sign those agreements that will result in beneficial trade for the United States—more exports than import.

I am especially concerned about FTAs with countries that export milk protein concentrates, which are used for the illegal substitution of milk in cheese. This robs our children of nutrition in the name of profit.

Warning Mr. and Mrs. America, one cup of milk in every slice is actually one cup of MPC in every slice.

As a representative of California, our Nation's beacon of agriculture, I have to think about jobs and the rural economy as much as lower prices at the consumer end.

We need to choose between buying moderately priced, high-quality products grown in the United States, or saving at the checkout counter on lower-quality foreign goods at the cost of sending our jobs abroad.

Will the millions of Americans who have lost their jobs to trade feel that it was worth it when they save a few dollars at the grocery store?

I don't think they will.

Mr. Speaker, I urge my colleagues to oppose the Australian Free Trade Agreement and other FTAs until the administration can focus on economic policies that protect American jobs.

Ms. BALDWIN. Mr. Speaker, I rise in opposition to this legislation. The Australian Free Trade Agreement has been crafted in a way that repeats the flaws and weaknesses of previous agreements such as NAFTA. However, this agreement is particularly bad for Wisconsin dairy farmers and Wisconsin seniors.

This agreement puts Wisconsin dairy producers at a disadvantage. It reduces and ultimately eliminates tariffs on a variety of Australian dairy products, including cheese, which is what most Wisconsin milk is used to produce. While the agreement does eliminate tariffs on U.S. dairy exports to Australia, this will not provide significant new export markets for American dairy producers. The Australian dairy industry is mature and stable, and Australia is a net exporter of dairy goods—they already export more than they import.

Another serious concern I have is how the agreement treats importation of Milk Protein Concentrate (MPC). MPC has been entering our country at an increasing rate since the mid–1990s. One of the biggest exporters of MPC is Australia. MPC can be imported in the U.S. under a very low tariff rate. This makes it an inexpensive substitute for domestically produced milk in American cheese vats and other dairy products. Simply put, MPC takes the place of U.S. milk in a variety of products, thereby reducing the demand for domestic milk, and lowering the price Wisconsin dairy producers receive for their high-quality product. Unfortunately, the agreement did not close the MPC import loophole—the tariff on MPC remains artificially low, and so imports of MPC will continue to displace U.S. milk in the domestic production of dairy products.

Further, I have serious concerns about provisions included in the agreement that relate to prescription drugs. The agreement allows pharmaceutical companies to prevent the importation of drugs to the United States. While this will have a very small practical impact on the importation of prescription drugs from Australia, it does hamper efforts of this Congress to provide our Nation's seniors with access to affordable prescription drugs. We simply cannot stand idly by while American seniors pay 30 percent–300 percent more for the exact same prescription drugs available in other countries. Allowing drug companies to prevent the importation of prescription drugs from Australia sets a dangerous precedent for future trade agreements. We should be expanding seniors' access to affordable drugs, not limiting it.

In addition, this agreement allows drug companies to challenge decisions made by Australia about what drugs should be covered under that country's health plan. This marks the first time that the United States has challenged how a foreign industrialized nation operates its national health program to provide inexpensive drugs to its own citizens. Instead of interfering with the Australian health program, we should learn from it. While our seniors continue to pay exorbitant prices for prescription drugs and lack comprehensive, reliable prescription drug coverage, Australia has developed a program that guarantees its citizens coverage for affordable prescription drugs. We should not be hampering their success.

Mr. ALLEN. Mr. Speaker, I rise in support of the U.S.-Australia Free Trade Agreement, but with strong reservations about the pharmaceutical provisions.

Australia is the 12th largest foreign market for the State of Maine. The State exported $29 million in goods and services to Australia last year. That amount will likely grow with this agreement, which eliminates 99 percent of all tariffs on manufactured goods, including on paper and wood products, and reduces barriers to Maine agricultural and services exporters.

Since Australia is a developed country with strong labor and environmental laws, this FTA does not involve a significant debate over the need to promote effective labor and environmental standards through trade agreements.

On balance, the agreement will benefit consumers and businesses in both countries by lowering barriers to trade in goods and services. However, the administration has included provisions, sought by the drug industry, that raise barriers to free trade in pharmaceuticals. This represents the first trade agreement to force changes in a trading partner's health regulations.

Australia is the first country to implement a comprehensive system that evaluates the comparative effectiveness and cost effectiveness of drugs. Under their innovative Pharmaceutical Benefits Scheme, PBS, the reimbursement rate for pharmaceuticals is based on the therapeutic value of a drug, rather than on the price that the manufacturer wants to charge. The system allows for higher reimbursements for truly innovative drugs. Pharmaceutical manufacturers are given ample opportunity to prove the value of their products, which results in a negotiation over the price at which the government will reimburse the manufacturer.

The U.S. pharmaceutical industry dislikes the Australian system because it shifts decision-making power over drug prices from industry executives to doctors and health professionals. Consequently, the Bush administration signaled that it wanted to make changes to the PBS through the U.S.-Australian Free Trade Agreement.

I am the sponsor, with Representative JO ANN EMERSON, of bipartisan legislation (H.R. 2356) to provide Federal funding for comparative effectiveness studies in the U.S. In October 2003, we sent a bipartisan letter to U.S. Trade Representative, USTR, Robert Zoellick expressing concerns that changes to the PBS could undermine our domestic efforts to promote comparative effectiveness. An exchange of letters followed.

Last winter, USTR offered a proposal to the Australians which, reportedly, would have undermined the pricing structure of the PBS. Fortunately, following objections by Members of Congress, public health groups, and the Government of Australia, that onerous provision was not adopted.

The pharmaceutical provisions that ultimately were included in the FTA were more limited, but not insignificant. My concerns are as follows:

First, Article 17.9.4 grants a patent holder like a pharmaceutical company the right to block re-importation of its patented product into the U.S. by contract or other means. By contrast, S. 2328, the Dorgan-McCain re-importation bill, contains provisions designed to prevent drug companies from restricting the ability of pharmacists or wholesalers to import drugs from approved countries (the bill lists Australia). The Senate re-importation bill, if enacted, could thus be challenged as inconsistent with trade law. The U.S. could be found to be in violation of obligations under the U.S.-Australia FTA, and subject to sanctions until the re-importation law is repealed.

However, Australian law already prohibits this practice. Thus, the provision is not necessary. So why is it here? To set a precedent.

Deputy USTR Josette Shiner testified before the Senate Finance Committee on April 27 that the pharmaceutical provisions in the Australia FTA "lay the groundwork for future FTAs," which will "steer us in ongoing and future global, regional and bilateral negotiations—including upcoming FTA negotiations and consultations with Canada and other major trading partners bilaterally and in international fora like the OECD."

The intent of the Bush Administration is clear. If the provision in this FTA were applied to trade relations with Canada (where re-export is legal), it would permit legal challenges, under trade law, to the re-importation bill that many of us favor as a source of affordable medicines for our constituents.

Second, the FTA opens up our Medicare program for potential changes, a fact acknowledged by USTR. Annex 2–C of the FTA imposes transparency obligations not only on Australia's PBS, but also on the pharmaceutical reimbursement policies of the Medicare Part B program. While USTR claims that these obligations do not require changes in U.S. law or regulation, it does set a worrisome precedent for modifying domestic health policies through trade agreements, where Congress has less say and the pharmaceutical industry has more influence.

Third, there are questions about whether the Australian FTA will affect the Department of Veterans Affairs' prescription drug benefit. An analysis by the Center for Policy Analysis on Trade and Health concludes that the Government Procurement Chapter of the U.S.-Australia FTA grants pharmaceutical companies standing to challenge VA procurement decisions, including decisions about the coverage and pricing of pharmaceuticals, as an unfair trade practice. USTR responds that the FTA imposes no new obligations on the VA beyond those already required by the World Trade Organization's Government Procurement Agreement. This question bears further investigation.

I have met with USTR officials, and came away with the impression that they went to great lengths to ensure that the pharmaceutical provisions in the U.S.-Australia FTA did not force changes to current U.S. health law or regulation. Even with the limited provision in the FTA, which makes relatively minor changes to the Australian PBS, U.S. negotiators couldn't avoid subjecting our Medicare program to the Agreement's obligations. They treaded carefully, but still crossed the line.

By the Administration's own admission, this FTA is part of a larger policy designed to dismantle so-called drug price control/reference pricing systems in other countries. Given the Australian experience, it is inconceivable that more aggressive pharmaceutical provisions in future FTAs won't have reciprocal, and likely adverse, effects on U.S. federal health programs.

Basically, by the same definition that labels the Australian, Canadian or German systems as "price controls," our VA and DOD drug programs are price controls. Those who would use trade policy to dismantle price controls overseas will endanger the prescription drug benefits we offer to American veterans and military personnel.

Regardless of one's position on re-importation, the Australia FTA in general or the pharmaceutical provisions in particular, each of us should question whether it is appropriate to subject U.S. health laws to changes through trade negotiations. Under the Trade Promotion Authority procedure, Congress does not have the ability to amend an agreement once negotiated, and the principal House and Senate health policy committees are given little if any role.

Lastly, I question whether it is appropriate to use trade policy to interfere in other nations' health systems. We certainly wouldn't accept such a demand from other countries. The United States will win no friends if our trade agenda becomes a heavy handed tool to raise drug prices on the citizens of our trading partners.

The Bush Administration's excuse for not insisting on strong labor and environmental standards in trade agreements is that the U.S. has no business dictating other nations' labor and environmental laws. It is hypocritical for the Administration to take the opposite approach when it comes to health laws.

Australians like their PBS and believe it is a balanced and scientifically sound way of assessing value for money for pharmaceuticals. Who are we to conclude otherwise? Australians can get any drug they want that is approved by their equivalent of the Food and Drug Administration. There is a viable private market for the few drugs not listed on the PBS. In my opinion, USTR's cited justification under the Trade Act for the pharmaceutical provisions is wrong. Australians are not denied full market access to U.S. drug products.

The PBS section in the U.S.-Australian FTA has emerged as a major point of contention in Australia. Allegations that it will raise prices have forced a sensitive domestic political debate. This experience leads me to believe that a sure way for the Administration to slow down its trade agenda is to keep insisting on similar pharmaceutical provisions.

To conclude, I support the Australian FTA. This agreement by itself will have little or no impact on U.S. health care laws. But I want to make clear that similar provisions must be kept out of future trade agreements.

Mr. ETHERIDGE. Mr. Speaker, I rise today to announce my support for H.R. 4759, legislation implementing a free trade agreement with the nation of Australia.

Australia represents the world's 15th largest economy and Asia's fourth largest, and therefore offers great opportunities for U.S. exports. Australia has consistently been a partner with the United States in pushing for more open and freer trade throughout the world. So it is only fitting to have a free trade agreement with nation that shares our beliefs in freedom and free markets.

Under this FTA, more than 99 percent of U.S. manufactured goods will be duty-free from the first day of implementation. North Carolina exports to Australia in 2003, my state's 17th biggest export market, were valued at almost $262 million. From computer equipment to textiles to paper products to agriculture, North Carolina stands to gain much from increased access to this new market.

I am particularly pleased about the benefits this agreement provides with respect to agriculture. All Australian agricultural tariffs will go to zero immediately, reducing costs for agricultural exporters by $400 million.

Due to the hard work of the folks at USDA and USTR, Australia has agreed to limit some of its unscientific restrictions against U.S. pork exports. Consequently, the U.S. could ship $50 million worth of pork annually to Australia.

Despite this progress, Australia must do a better job of eliminating its unscientific sanitary and phytosanitary restrictions on agricultural imports. I urge the Administration to keep the pressure on Australia to meet with USDA and USTR to resolve many of the outstanding sanitary issues affecting pork and poultry.

This is an acceptable agreement for a nation as economically advanced and sophisticated as Australia. Its labor and environmental standards match if not exceed those in the United States. However, I want to make it perfectly clear to the Administration that the Australia Free Trade Agreement is not a sufficient model for future trade agreements.

I support fair trade. However, on future FTAs, the Administration will need to do a better job with regard to market access, sanitary and phytosanitary issues, labor and environmental standards, and intellectual property protection. I look forward to continuing to work with the Administration and my colleagues in Congress on all of these important issues.

I ask my colleagues to support this agreement.

Mr. BEREUTER. Mr. Speaker, this Member rises today to express his support for the United States-Australia Free Trade Implementation Act (H.R. 4759). This Member would like to thank the distinguished gentleman from Texas, the Majority Leader of the House of Representatives (Mr. DELAY) for introducing this legislation. Additional appreciation is expressed to both the distinguished gentleman from California, the Chairman of the House Ways and Means Committee (Mr. THOMAS) and the distinguished gentleman from California, the Chairman of the House Rules Committee (Mr. DREIER) for their successful efforts in helping move this legislation to the House Floor.

This Member is very supportive of this free trade agreement, FTA, with Australia. To illustrate the importance of trade with Australia, this Member believes it is necessary to cite relevant statistics. Trade between the U.S. and Australia was over $28 billion in 2003. The U.S. currently enjoys a trade surplus in goods and services with Australia of $9 billion, which is the second largest with any U.S. trading partner. Moreover, in 2003, Australia ranked 14th among all foreign markets for U.S. If this FTA is enacted into law, our level of trade with Australia will significantly increase.

This legislation is very important to Nebraska since our state's economy is very export dependent. For instance, Australia is the eighth largest market for Nebraska exports, with a total of over $62 million in 2003. Specifically, Nebraska exports to Australia include combine harvesters, agricultural spraying equipment, agricultural motor vehicles and motor boats. This legislation is critical to help remove existing trade barriers to exports of Nebraska goods and services to Australia. If this FTA would have been in place in 2003, nearly 95 percent of Nebraska's exports would have been able to come into Australia duty free.

This Member is supportive of this FTA with Australia for the following three reasons, among others: 1. this FTA will create jobs in the U.S.; 2. this FTA will give greater market access for U.S. businesses and farmers; and 3. Through the twentieth century and in this one, Australia has been a consistent and highly valued and dependable ally of the United States.

Mr. Speaker, in advancing the support of this Member for this FTA with Australia it should be noted that this FTA will create jobs in the U.S. It is estimated that currently 270,000 jobs are either directly or indirectly supported by U.S. trade with Australia. This number will increase significantly if this FTA is enacted into law. Specifically, the following industries nationwide will particularly benefit because of the FTA with Australia: aircraft and parts; telecommunications equipment, computers, and machine engines.

With respect to Nebraska, it is estimated that exports to Australia already support approximately 300 jobs in Nebraska. It is important to note also that Australian-owned companies in Nebraska employ approximately 500 people. If this FTA is enacted into law, it is expected that trade with Australia will continue to support high-paying jobs in Nebraska in areas such as transportation, finance and advertising.

Second, this FTA will give greater market access to Australian markets for U.S. businesses and farmers. To illustrate this point, it should be noted that almost 99 percent of U.S. manufactured exports to Australia immediately become duty free, which is estimated to result in an annual $2 billion increase in U.S. goods exports to Australia. Under this FTA, all Australian agricultural tariffs are to be eliminated immediately, which is to result in a projected $400 million benefit to U.S. farmers. Currently, Australia maintains tariffs as high as 30 percent on certain dairy products and has tariffs of 4 to 5 percent on fresh and processed fruits, vegetables, processed foods, grains, oilseeds and other products. This FTA also contains important safeguard measures to protect against surges on Australian beef imports into the U.S.

Third, Australia has been an important ally of the U.S. in facing threats to the U.S. and in mutual threats to our countries, including the current war against terrorism. Since the September 11th terrorist attacks, for example, Australia has provided 1,550 soldiers and extensive military equipment to support the U.S.-led coalition against terrorism. Furthermore, Australia has also contributed to the U.S. efforts in Iraq. As another example, it should be noted that Australia has contributed fighter jets, transport aircraft and ships, reconnaissance forces and dive-team members. In light of this military support for the United States, this Member believes that it is both fitting and in the best interest of the U.S. to continue to enhance its economic partnership with Australia.

Mr. Speaker, in conclusion, this FTA with Australia provides tremendous opportunities for businesses and farmers across the United States, including in Nebraska. For the reasons stated above and many others, this Member urges his colleagues to support H.R. 4759, the U.S.-Australia Free Trade Implementation Act.

Mr. CARSON of Oklahoma. Mr. Speaker, today unfortunately, I rise to voice my opposition to this trade agreement. I do feel that trade is essential to America's sustained economic vitality and I also feel that we must make every effort to ensure that international markets are open to U.S. goods. Exports have accounted for almost 30 percent of American growth over the last decade. In fact, my state of Oklahoma sold more than $3 billion worth of exports to more than 100 foreign markets last year. With these statistics in mind, it pains me to vote against this agreement.

When casting my vote, I must think of the many Oklahoma farmers and ranchers that I have spoken with about this agreement and I must take into consideration how this agreement will severely cripple their ability to support themselves and their families. In particular, the provisions of this agreement will unfairly disadvantage the beef and wheat industries, which comprise two-thirds of Oklahoma's agricultural exports. This agreement would allow increased quantities of Australian beef to flood the U.S. market, which will result in unacceptably low market prices for American cattlemen. In Oklahoma alone, more than 105,000 jobs associated with the cattle industry will be put in jeopardy by the adverse effects of this agreement. In addition to the beef industry, the continued existence of the Australian Wheat Board under this agreement will force America's wheat farmers to continue their export competition in the international markets against a state run monopoly. A government backed monopoly, like the Australian Wheat Board, which dictates the price of wheat rather than allowing the free market to take its course, thereby allows Australian wheat to consistently undercut the price of American wheat in international markets. Once again, American farmers must be able to sell their products if they are going to support themselves and their families. This agreement does not afford them that opportunity.

Mr. OTTER. Mr. Speaker, I rise today to address some of the important provisions contained in H.R. 4759, United States-Australia Free Trade Implementation Act. While I am unable to support this agreement due to concerns over the impact it could have on dairy farmers and cattle ranchers in my district, I am very supportive of some provisions of this agreement and feel it is important to address those issues.

I am pleased the United States and Australia, through this Free Trade Agreement, have each recognized and addressed the importance of protecting private intellectual property. The entertainment industry in the United States is a valuable part of our national economy and the zero tariffs provisions addressing technology and entertainment products will ultimately debit our Nation's import/export trade column.

By protecting creative works produced in the United States, we are ensuring the long-term vitality of the American entertainment and technology industries, as well as, reinforcing our Nation's recognition of, and commitment to protecting private property.

The increases in criminal and civil protections against piracy contained in this bill will certainly prove a valuable deterrent against electronic pirates. These kinds of private property protections are the only way to ensure creative genius is rewarded. In fact, Abraham Lincoln said, "The patent system added the fuel of interest to the fire of genius," thus leading us to understand that the protection of invention and creation, including private intellectual property, is the only way to promote further artistic creation and innovation.

Again, while I am unable to support the agreement as a whole, I felt strongly that the measures aimed at preventing creative and digital piracy should be recognized and applauded.

Ms. WATSON. Mr. Speaker, today is a great day for the protection of intellectual property rights in America and around the world. The U.S.-Australia Free Trade Agreement, of which I am a strong supporter, serves as a great testament to our Nation's commitment in safeguarding and strengthening the rights of intellectual property holders. I strongly urge my colleagues to support this bill.

Australia and the United States have long had a strong relationship, be it economically, politically, and culturally. In addition to nearly $60 billion invested in the United States by Australian companies, two-way trade between the two countries is currently at over $28 billion per year and growing. The U.S.-Australia agreement before us today would further strengthen these economic ties by expanding market access for the distribution of U.S. entertainment products and by setting the highest standards of copyright protection for the modern digital age.

For example, among many of its outstanding provisions, the Agreement would establish strong anti-circumvention provisions to prohibit tampering with copyright protection technologies. It includes strong IP enforcement language, which includes enhanced criminal standards for copyright infringement and stronger remedies and penalties. It would also eliminate tariffs on all U.S. movies, music, consumer products, books and magazines exported into Australia, and broaden market access for U.S. films and television programs over a variety of media, such as cable, satellite, and the internet. Finally, the FTA provides groundbreaking commitment to non-discriminatory treatment of digital products, including DVDs and CDs, and an agreement not to impose customs duties on such products.

The U. S.-Australia Free Trade Agreement is a giant step forward in improving the protection of intellectual property rights and in promoting the access of U.S. entertainment products around the world. It is good for our economy and good for our entertainment workers, who have witnessed drastic erosions in the values of their products due to unprecedented global piracy. When a major trading partner such as Australia makes these type of commitments to protect the products of the American creative community, we need to embrace them.

I strongly urge my colleagues to support the U.S.-Australia FTA.

Mr. STARK. Mr. Speaker, I rise today in opposition to H.R. 4759, the U.S.-Australia Free Trade Agreement (FTA). Once again the administration has given the pharmaceutical industry open access to the cookie jar. The result, to no one's surprise, is a free trade agreement that ensures the continued profitability of pharmaceutical manufacturers at the expense of average Americans who must buy drugs from other countries just to afford the prescriptions they need.

This agreement is about trusting the administration on prescription drugs. Unfortunately, the administration's recent record on this issue shows they are less than willing to tell the truth. During the debate on the Medicare prescription drug bill the administration hid the fact that the prescription benefit would cost $534 billion instead of the projected $400 billion.

Just today we learned that the administration has again missed the mark on an important estimate. According to this morning's New York Times 3.8 million people will lose retiree health coverage under the new Medicare law. This CMS estimate is 1.4 million people higher than the 2.4 million we were told during the Medicare debate.

The moral of the story is we can't trust the administration to make domestic health policy without congressional guidance. I don't trust USTR and the administration on prescription drugs, and you shouldn't either.

Less than one year ago, this House passed a bipartisan bill directing the Secretary of Health and Human Services to promulgate regulations allowing for reimportation of prescription drugs. There remain a number of pending proposals in the Senate that would legalize reimportation, as well. However, instead of fronting the reimportation issue in open debate, the administration took a back door approach, slipping language into the Australia agreement that effectively prohibits Congress from passing reimportation legislation.

Last time I checked, reimportation was a domestic health policy issue that should be debated in Congress. When the administration realized they were losing the battle, however, they turned to trade negotiation authority and their wealthy donor friends at the Pharmaceutical Research and Manufacturers of America (PhRMA), to find another alternative.

Last year the pharmaceutical industry spent $108 million on federal lobbying, and it is now clear they have purchased the keys to the kingdom. PhRMA used its power and influence during the FTA negotiations to obtain language that effectively precludes Congress from passing legislation allowing reimportation. As a result, U.S. citizens will never have access to affordable prescription drugs and the pharmaceutical manufacturers will continue to profit at the expense of Americans' health.

A vote for this FTA sets a dangerous precedent for the future of domestic pharmaceutical policy. Deputy U.S. Trade Representative Josette Shiner has already explained what will happen next. Testifying before the Senate Finance Committee, Ms. Shiner said the pharmaceutical provisions in the Australia FTA "lay the groundwork for future FTAs," which will "steer us in ongoing and future global, regional, and bilateral negotiations—including upcoming FTA negotiations and consultations with Canada and other major trading partners bilaterally and in international fora like the OECD."

While I have no doubt the USTR knows how to negotiate a free trade agreement, I question whether they have any idea how their negotiations affect domestic health policy. During the negotiations with Australia, USTR pushed for language that would have decimated how the Veterans Administration and the Department of Defense buy drugs for our soldiers, veterans and their families. Though this language was later removed, the final agreement is so ambiguous, there are no guarantees Australia will not challenge our domestic drug procurement procedures. Besides the VA and Department of Defense, this could also affect Medicaid, Medicare and other federal programs.

In a brief moment of honesty, the Administration admitted that the transparency requirements in Annex 2–C of the FTA actually do apply to Medicare Part B drugs. Though no changes are currently necessary to comply with the FTA, there is no guarantee that we won't have to act in the future to change Medicare drug policy because of the Australia FTA and future agreements that share this transparency language. One possible problem in the near future is the switch to average sales price for Part B drugs in 2006. It is very clear that this payment policy change does not meet the transparency requirements of Annex 2–C, but as long as PhRMA is happy, I guess we should all rejoice and turn our backs on policies designed to lower the cost of Part B drugs for Medicare beneficiaries.

I urge all members today to think long and hard about what this vote means for the future of domestic prescription drug policy. Don't let anyone tell you that this vote is just about the U.S. and Australia and therefore you have nothing to worry about. If you have been touting the benefits of reimportation to constituents, but decide to vote for this FTA, I suggest you be prepared to deal with the backlash. If you truly care about reimportation and want to be able to use the issue on the campaign trail, vote against the U.S. Australia Free Trade Agreement.

Mr. THOMAS. Mr. Speaker, I rise today in strong support of H.R. 4759, to implement the United States—Australia Free Trade Agreement. The FTA is a solid agreement that will benefit American workers, farmers, consumers, businesses and the U.S. economy. The FTA also helps to solidify the economic component of our strategic relationship with Australia. While this bill has been proceeding through the legislative process, I have emphasized the commercial benefits that this agreement will bring. Today, I will focus on the broader picture because I think it is important to also consider this FTA in that context.

Australia is a very close friend and important ally of the United States. We share the belief in the power of freedom, democracy, and liberty, and our two countries are examples to the world of how these ideals can foster individual achievement. Australian troops have fought with American soldiers in all of the major conflicts of the 20th and 21st centuries.

Like a healthy marriage, our alliance cannot be taken for granted, and it must be continuously nurtured, assessed and adapted to accommodate modern times. Both countries believe that dynamic, open and efficient economies promote higher growth and better living standards and create more jobs in our respective countries.

Consistent with those beliefs, this Agreement will provide real benefits to the American and Australian peoples and our economies. This FTA will do for our economic relationship during the next 50 years what the ANZUS (Australia, New Zealand, and United States) treaty has done for the political and military relationship during the past 50 years.

The FTA will solidify a strong economic partnership in the World Trade Organization, where the United States and Australia share many goals. I encourage my colleagues to send an overwhelming message of approval to our friends "down under" and vote "yes" for this Agreement.

Mr. GUTKNECHT. Mr. Speaker, I certainly appreciate that the U.S. Trade Representative has addressed the important concerns related to agriculture in this free trade agreement. Agriculture is important to my district and the State of Minnesota. However, I cannot support the United States-Australia Free Trade Implementation Act due to the provisions related to pharmaceuticals that were included in this agreement.

On July 25, 2003, 242 of my colleagues joined me in supporting my legislation to implement a true, market-based system whereby consumers could access safe and affordable prescription drugs. I find it interesting that a free trade agreement would blatantly run counter to legislation that would, in effect, establish a market-based arena for prescription drugs.

Proponents of this language have said that it is practically meaningless because Australian law already bans the export of subsidized prescription drugs. Why then, do we feel the need to include such a meaningless provision in the trade agreement?

Let me illustrate why this language is not meaningless. In fact, it attempts to hamstring efforts to provide affordable prescription drugs for seniors, the uninsured and consumers who continue to pay 30 to 300 percent more for prescription drugs than anyone else.

In 2000, the MEDS Act included a provision that prohibited pharmaceutical manufacturers from entering into a contract or agreement if they included any language that would prevent the sale or distribution of prescription drugs. I have attached this language to be included in the RECORD, because it no longer exists in U.S. law. I discovered recently that the Medicare bill included a hidden provision which stripped this important language. This is outrageous.

So while proponents of this agreement claim that this language simply restates current law, current law is the result of hidden maneuvers without the knowledge of the 242 Members who support open markets for prescription drugs.

And who exactly provided the counsel to USTR while they drafted this supposedly innocuous language? Twenty-five members of the advisory committee advised the USTR on intellectual property rights regarding prescription drugs. Of those 25 members, at least 15 have interests in the pharmaceutical industry. There was not one senior, consumer or market access advocate on the panel.

With this language, when prescription drug market access legislation becomes law, and I believe it will, we will be in breach of the free trade agreement. The Australian government can enter into a dispute settlement case contending the law. Many have argued that this is not a likely scenario. It seems equally unlikely that American taxpayers would be forced to subsidize the research and development of prescription drugs for consumers around the world and still pay the world's highest prices, but we do.

I sat down with USTR representatives to give them a chance to tell their side of the story. When I asked who requested the prescription drug language, they had no answer. No one but the two negotiators were in the room and no one was taking notes. That seems a poor way to negotiate a free, fair and open agreement for trade. And it doesn't pass the smell test to me.

The free trade agreement could set a dangerous precedent that FDA—or other opponents of open markets for prescription drugs—will use to prevent American consumers access to affordable prescription drugs. I have always supported free and fair trade—this agreement is neither free nor fair concerning prescription drugs.

Mr. BLUNT. Mr. Speaker, listening to today's dialogue on the floor, I have been encouraged by the strong bipartisan support for the United States-Australia Free Trade Agreement. Passing this implementation bill today will pave the way for an even deeper economic relationship with one of our most important strategic allies.

The Australian Government has not only sided with us, but committed valuable troops and resources to helping the United States in every major conflict in the last century, including the global war on terror. Notably, Prime Minister Howard has shown courage and dedication to the cause of freedom over the past two years with his steadfast commitment to the coalition in Iraq.

Mr. Speaker, like our own economy, Australia's is a modern, well-developed, transparent economic system. A deep trade relationship already exists between the United States and Australia in the form of $28 billion per year.

As with every well-negotiated trade agreement, both sides will benefit immediately upon the enactment of this free trade agreement. For the United States, this means that more than 99 percent of U.S. exports of manufactured goods to Australia will become tariff-free on day one, resulting in a possible $2 billion per year in increased manufacturing exports; U.S. agricultural exports, currently totaling $400 million, will receive immediate duty free access to the Australian market; and American services providers, including the telecommunications, financial services, energy, delivery, and entertainment industries, will be accorded substantial new access to a major developed market.

The reasons I just listed, and there are many others, help explain why this agreement will receive such broad and deep support from the House of Representatives.

I would like to thank my friend from New York, Mr. CROWLEY, for his help in generating support for the agreement on the other side of the aisle. I would also like to thank Ambassador Zoellick and his staff for their hard work in negotiating this agreement.

Mr. Speaker, I urge all of my colleagues to vote in favor of expanding trade and investment opportunities for U.S. firms, creating jobs for American workers, and deepening an already strong relationship with the Australian Government and the people of Australia.

Mr. CRANE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to the rule, the bill is considered read for amendment, and the previous question is ordered.

The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CRANE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 314, nays 109, answered "present" 1, not voting 9, as follows:

[Roll No. 375]

YEAS—314

Ackerman
Aderholt
Akin
Allen
Bachus
Baird
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carter
Castle
Chabot
Chandler
Chocola
Clay
Coble
Cole
Cooper
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Engel
English
Eshoo
Etheridge
Everett
Farr
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
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Gingrey
Gonzalez
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Gordon
Goss
Granger
Graves
Green (TX)
Greenwood
Hall
Harman
Harris
Hart
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Holden
Holt
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Houghton
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Hyde
Inslee
Israel
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Jackson-Lee (TX)
Jefferson
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Johnson, E. B.
Johnson, Sam
Jones (OH)
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Kelly
Kennedy (MN)
Kennedy (RI)
Kilpatrick
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Kline
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Kolbe
LaHood
Lampson
Langevin
Larsen (WA)
Latham
LaTourette
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Lewis (CA)
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Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
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Lynch
Maloney
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Matheson
Matsui
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McGovern
McHugh
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Pelosi
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Petri
Pickering
Pitts
Platts
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
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Rohrabacher
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (WI)
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Sanchez, Loretta
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Schiff
Schrock
Scott (GA)
Sessions
Shadegg
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Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

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Alexander
Andrews
Baca
Baldwin
Bass
Berry
Bishop (UT)
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Burton (IN)
Cardoza
Carson (OK)
Case
Clyburn
Conyers
Costello
Cummings
Davis (IL)
DeFazio
Delahunt
DeLauro
Deutsch
Emanuel
Emerson
Evans
Fattah
Filner
Frank (MA)
Goode
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hastings (FL)
Hayes
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Kaptur
Kildee
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Kucinich
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Lee
Lipinski
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Markey
Marshall
McCollum
McIntyre
McNulty
Michaud
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Miller, George
Mollohan
Moran (KS)
Nadler
Oberstar
Obey
Osborne
Otter
Owens
Pallone
Pascrell
Pastor
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Payne
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Peterson (MN)
Pombo
Pomeroy
Quinn
Rahall
Rehberg
Rothman
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanders
Schakowsky
Scott (VA)
Sensenbrenner
Serrano
Simpson
Slaughter
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Solis
Spratt
Stark
Strickland
Stupak
Taylor (MS)
Taylor (NC)
Thompson (MS)
Tierney
Udall (NM)
Velázquez
Waters
Waxman
Woolsey

ANSWERED "PRESENT"—1

Nunes

NOT VOTING—9

Carson (IN)
Collins
Hoeffel
Isakson
Istook
Kind
Majette
Rangel
Ros-Lehtinen

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HASTINGS of Washington) (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1719

Messrs. MARSHALL, THOMPSON of Mississippi and CLYBURN changed their vote from "yea" to "nay."

Mrs. NAPOLITANO, Ms. GINNY BROWN-WAITE of Florida and Mr. TOWNS changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

GENERAL LEAVE

Mr. CRANE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4759, the bill just passed.

The SPEAKER pro tempore (Mr. FOLEY). Is there objection to the request of the gentleman from Illinois?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4818, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2005

Mr. LINCOLN DIAZ-BALART of Florida (during consideration of H.R. 4759), from the Committee on Rules, submitted a privileged report (Rept. No. 108–604) on the resolution (H. Res. 715) providing for consideration of the bill (H.R. 4818) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Mr. Speaker, yesterday, July 13, 2004, I missed a number of rollcall votes. If I had been here, I would have voted in the following manner: rollcall vote No. 363, I would have voted "aye"; rollcall vote No. 364, I would have voted "aye"; rollcall vote No. 366, I would have voted "aye"; rollcall vote No. 367, I would have voted "no"; rollcall vote No. 368, I would have voted "no"; rollcall vote No. 369, I would have voted "aye"; and on final passage, I would have voted "aye."

PROJECT BIOSHIELD ACT OF 2004

Mr. BARTON of Texas. Mr. Speaker, pursuant to the order of the House of Tuesday, July 13, 2004, I call up the Senate bill (S. 15) to amend the Public Health Service Act to provide protections and countermeasures against chemical, radiological, or nuclear agents that may be used in a terrorist attack against the United States by giving the National Institutes of Health contracting flexibility, infrastructure improvements, and expediting the scientific peer review process, and streamlining the Food and Drug Administration approval process of countermeasures, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of S. 15 is as follows:

S. 15

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Project BioShield Act of 2004".

SEC. 2. BIOMEDICAL COUNTERMEASURE RESEARCH AND DEVELOPMENT—AUTHORITIES.

(a) IN GENERAL.—Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 319F the following section:

"SEC. 319F–1. AUTHORITY FOR USE OF CERTAIN PROCEDURES REGARDING QUALIFIED COUNTERMEASURE RESEARCH AND DEVELOPMENT ACTIVITIES.

"(a) IN GENERAL.—

"(1) AUTHORITY.—In conducting and supporting research and development activities regarding countermeasures under section 319F(h), the Secretary may conduct and support such activities in accordance with this section and, in consultation with the Director of the National Institutes of Health, as part of the program under section 446, if the activities concern qualified countermeasures.

"(2) QUALIFIED COUNTERMEASURE.—For purposes of this section, the term 'qualified countermeasure' means a drug (as that term is defined by section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)(1))), biological product (as that term is defined by section 351(i) of this Act (42 U.S.C. 262(i))), or device (as that term is defined by section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h))) that the Secretary determines to be a priority (consistent with sections 302(2) and 304(a) of the Homeland Security Act of 2002) to—

"(A) treat, identify, or prevent harm from any biological, chemical, radiological, or nuclear agent that may cause a public health emergency affecting national security; or

"(B) treat, identify, or prevent harm from a condition that may result in adverse health consequences or death and may be caused by administering a drug, biological product, or device that is used as described in subparagraph (A).

"(3) INTERAGENCY COOPERATION.—

"(A) IN GENERAL.—In carrying out activities under this section, the Secretary is authorized, subject to subparagraph (B), to enter into interagency agreements and other collaborative undertakings with other agencies of the United States Government.

"(B) LIMITATION.—An agreement or undertaking under this paragraph shall not authorize another agency to exercise the authorities provided by this section.

"(4) AVAILABILITY OF FACILITIES TO THE SECRETARY.—In any grant, contract, or cooperative agreement entered into under the authority provided in this section with respect to a biocontainment laboratory or other related or ancillary specialized research facility that the Secretary determines necessary for the purpose of performing, administering, or supporting qualified countermeasure research and development, the Secretary may provide that the facility that is the object of such grant, contract, or cooperative agreement shall be available as needed to the Secretary to respond to public health emergencies affecting national security.

"(5) TRANSFERS OF QUALIFIED COUNTERMEASURES.—Each agreement for an award of a grant, contract, or cooperative agreement under section 319F(h) for the development of a qualified countermeasure shall provide that the recipient of the award will comply with all applicable export-related controls with respect to such countermeasure.

"(b) EXPEDITED PROCUREMENT AUTHORITY.—

"(1) INCREASED SIMPLIFIED ACQUISITION THRESHOLD FOR QUALIFIED COUNTERMEASURE PROCUREMENTS.—

"(A) IN GENERAL.—For any procurement by the Secretary of property or services for use (as determined by the Secretary) in performing, administering, or supporting qualified countermeasure research or development activities under this section that the Secretary determines necessary to respond to pressing research and development needs under this section, the amount specified in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)), as applicable pursuant to section 302A(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252a(a)), shall be deemed to be $25,000,000 in the administration, with respect to such procurement, of—

"(i) section 303(g)(1)(A) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(g)(1)(A)) and its implementing regulations; and

"(ii) section 302A(b) of such Act (41 U.S.C. 252a(b)) and its implementing regulations.

"(B) APPLICATION OF CERTAIN PROVISIONS.—Notwithstanding subparagraph (A) and the provision of law and regulations referred to in such subparagraph, each of the following provisions shall apply to procurements described in this paragraph to the same extent that such provisions would apply to such procurements in the absence of subparagraph (A):

"(i) Chapter 37 of title 40, United States Code (relating to contract work hours and safety standards).

"(ii) Subsections (a) and (b) of section 7 of the Anti-Kickback Act of 1986 (41 U.S.C. 57(a) and (b)).

"(iii) Section 304C of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254d) (relating to the examination of contractor records).

"(iv) Section 3131 of title 40, United States Code (relating to bonds of contractors of public buildings or works).

"(v) Subsection (a) of section 304 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254(a)) (relating to contingent fees to middlemen).

"(vi) Section 6002 of the Solid Waste Disposal Act (42 U.S.C. 6962).

"(vii) Section 1354 of title 31, United States Code (relating to the limitation on the use of appropriated funds for contracts with entities not meeting veterans employment reporting requirements).

"(C) INTERNAL CONTROLS TO BE INSTITUTED.—The Secretary shall institute appropriate internal controls for procurements that are under this paragraph, including requirements with regard to documenting the justification for use of the authority in this paragraph with respect to the procurement involved.

“(D) AUTHORITY TO LIMIT COMPETITION.—In conducting a procurement under this paragraph, the Secretary may not use the authority provided for under subparagraph (A) to conduct a procurement on a basis other than full and open competition unless the Secretary determines that the mission of the BioShield Program under the Project BioShield Act of 2004 would be seriously impaired without such a limitation.

“(2) PROCEDURES OTHER THAN FULL AND OPEN COMPETITION.—

“(A) IN GENERAL.—In using the authority provided in section 303(c)(1) of title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(1)) to use procedures other than competitive procedures in the case of a procurement described in paragraph (1) of this subsection, the phrase ‘available from only one responsible source’ in such section 303(c)(1) shall be deemed to mean ‘available from only one responsible source or only from a limited number of responsible sources’.

“(B) RELATION TO OTHER AUTHORITIES.—The authority under subparagraph (A) is in addition to any other authority to use procedures other than competitive procedures.

“(C) APPLICABLE GOVERNMENT-WIDE REGULATIONS.—The Secretary shall implement this paragraph in accordance with government-wide regulations implementing such section 303(c)(1) (including requirements that offers be solicited from as many potential sources as is practicable under the circumstances, that required notices be published, and that submitted offers be considered), as such regulations apply to procurements for which an agency has authority to use procedures other than competitive procedures when the property or services needed by the agency are available from only one responsible source or only from a limited number of responsible sources and no other type of property or services will satisfy the needs of the agency.

“(3) INCREASED MICROPURCHASE THRESHOLD.—

“(A) IN GENERAL.—For a procurement described by paragraph (1), the amount specified in subsections (c), (d), and (f) of section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428) shall be deemed to be $15,000 in the administration of that section with respect to such procurement.

“(B) INTERNAL CONTROLS TO BE INSTITUTED.—The Secretary shall institute appropriate internal controls for purchases that are under this paragraph and that are greater than $2,500.

“(C) EXCEPTION TO PREFERENCE FOR PURCHASE CARD MECHANISM.—No provision of law establishing a preference for using a Government purchase card method for purchases shall apply to purchases that are under this paragraph and that are greater than $2,500.

“(4) REVIEW.—

“(A) REVIEW ALLOWED.—Notwithstanding subsection (f), section 1491 of title 28, United States Code, and section 3556 of title 31 of such Code, review of a contracting agency decision relating to a procurement described in paragraph (1) may be had only by filing a protest—

“(i) with a contracting agency; or

“(ii) with the Comptroller General under subchapter V of chapter 35 of title 31, United States Code.

“(B) OVERRIDE OF STAY OF CONTRACT AWARD OR PERFORMANCE COMMITTED TO AGENCY DISCRETION.—Notwithstanding section 1491 of title 28, United States Code, and section 3553 of title 31 of such Code, the following authorizations by the head of a procuring activity are committed to agency discretion:

“(i) An authorization under section 3553(c)(2) of title 31, United States Code, to award a contract for a procurement described in paragraph (1) of this subsection.

“(ii) An authorization under section 3553(d)(3)(C) of such title to perform a contract for a procurement described in paragraph (1) of this subsection.

“(c) AUTHORITY TO EXPEDITE PEER REVIEW.—

“(1) IN GENERAL.—The Secretary may, as the Secretary determines necessary to respond to pressing qualified countermeasure research and development needs under this section, employ such expedited peer review procedures (including consultation with appropriate scientific experts) as the Secretary, in consultation with the Director of NIH, deems appropriate to obtain assessment of scientific and technical merit and likely contribution to the field of qualified countermeasure research, in place of the peer review and advisory council review procedures that would be required under sections 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492, and 494, as applicable to a grant, contract, or cooperative agreement—

“(A) that is for performing, administering, or supporting qualified countermeasure research and development activities; and

“(B) the amount of which is not greater than $1,500,000.

“(2) SUBSEQUENT PHASES OF RESEARCH.—The Secretary's determination of whether to employ expedited peer review with respect to any subsequent phases of a research grant, contract, or cooperative agreement under this section shall be determined without regard to the peer review procedures used for any prior peer review of that same grant, contract, or cooperative agreement. Nothing in the preceding sentence may be construed to impose any requirement with respect to peer review not otherwise required under any other law or regulation.

“(d) AUTHORITY FOR PERSONAL SERVICES CONTRACTS.—

“(1) IN GENERAL.—For the purpose of performing, administering, or supporting qualified countermeasure research and development activities, the Secretary may, as the Secretary determines necessary to respond to pressing qualified countermeasure research and development needs under this section, obtain by contract (in accordance with section 3109 of title 5, United States Code, but without regard to the limitations in such section on the period of service and on pay) the personal services of experts or consultants who have scientific or other professional qualifications, except that in no case shall the compensation provided to any such expert or consultant exceed the daily equivalent of the annual rate of compensation for the President.

“(2) FEDERAL TORT CLAIMS ACT COVERAGE.—

“(A) IN GENERAL.—A person carrying out a contract under paragraph (1), and an officer, employee, or governing board member of such person, shall, subject to a determination by the Secretary, be deemed to be an employee of the Department of Health and Human Services for purposes of claims under sections 1346(b) and 2672 of title 28, United States Code, for money damages for personal injury, including death, resulting from performance of functions under such contract.

“(B) EXCLUSIVITY OF REMEDY.—The remedy provided by subparagraph (A) shall be exclusive of any other civil action or proceeding by reason of the same subject matter against the entity involved (person, officer, employee, or governing board member) for any act or omission within the scope of the Federal Tort Claims Act.

“(C) RECOURSE IN CASE OF GROSS MISCONDUCT OR CONTRACT VIOLATION.—

“(i) IN GENERAL.—Should payment be made by the United States to any claimant bringing a claim under this paragraph, either by way of administrative determination, settlement, or court judgment, the United States shall have, notwithstanding any provision of State law, the right to recover against any entity identified in subparagraph (B) for that portion of the damages so awarded or paid, as well as interest and any costs of litigation, resulting from the failure of any such entity to carry out any obligation or responsibility assumed by such entity under a contract with the United States or from any grossly negligent or reckless conduct or intentional or willful misconduct on the part of such entity.

“(ii) VENUE.—The United States may maintain an action under this subparagraph against such entity in the district court of the United States in which such entity resides or has its principal place of business.

“(3) INTERNAL CONTROLS TO BE INSTITUTED.—

“(A) IN GENERAL.—The Secretary shall institute appropriate internal controls for contracts under this subsection, including procedures for the Secretary to make a determination of whether a person, or an officer, employee, or governing board member of a person, is deemed to be an employee of the Department of Health and Human Services pursuant to paragraph (2).

“(B) DETERMINATION OF EMPLOYEE STATUS TO BE FINAL.—A determination by the Secretary under subparagraph (A) that a person, or an officer, employee, or governing board member of a person, is or is not deemed to be an employee of the Department of Health and Human Services shall be final and binding on the Secretary and the Attorney General and other parties to any civil action or proceeding.

“(4) NUMBER OF PERSONAL SERVICES CONTRACTS LIMITED.—The number of experts and consultants whose personal services are obtained under paragraph (1) shall not exceed 30 at any time.

“(e) STREAMLINED PERSONNEL AUTHORITY.—

“(1) IN GENERAL.—In addition to any other personnel authorities, the Secretary may, as the Secretary determines necessary to respond to pressing qualified countermeasure research and development needs under this section, without regard to those provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, appoint professional and technical employees, not to exceed 30 such employees at any time, to positions in the National Institutes of Health to perform, administer, or support qualified countermeasure research and development activities in carrying out this section.

“(2) LIMITATIONS.—The authority provided for under paragraph (1) shall be exercised in a manner that—

“(A) recruits and appoints individuals based solely on their abilities, knowledge, and skills;

“(B) does not discriminate for or against any applicant for employment on any basis described in section 2302(b)(1) of title 5, United States Code;

“(C) does not allow an official to appoint an individual who is a relative (as defined in section 3110(a)(3) of such title) of such official;

“(D) does not discriminate for or against an individual because of the exercise of any activity described in paragraph (9) or (10) of section 2302(b) of such title; and

“(E) accords a preference, among equally qualified persons, to persons who are preference eligibles (as defined in section 2108(3) of such title).

“(3) Internal controls to be instituted.—The Secretary shall institute appropriate internal controls for appointments under this subsection.

“(f) Actions Committed to Agency Discretion.—Actions by the Secretary under the authority of this section are committed to agency discretion.”.

(b) Technical Amendment.—Section 481A of the Public Health Service Act (42 U.S.C. 287a–2) is amended—

(1) in subsection (a)(1), by inserting “or the Director of the National Institute of Allergy and Infectious Diseases” after “Director of the Center”;

(2) in subsection (c)—

(A) in paragraph (1), by inserting “or the Director of the National Institute of Allergy and Infectious Diseases” after “Director of the Center”; and

(B) in paragraph (2), in the matter preceding subparagraph (A), by striking “subsection (i)” and inserting “subsection (i)(1)”;

(3) in subsection (d), by inserting “or the Director of the National Institute of Allergy and Infectious Diseases” after “Director of the Center”;

(4) in subsection (e)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by inserting “or the Director of the National Institute of Allergy and Infectious Diseases” after “Director of the Center”;

(ii) in subparagraph (A), by inserting “(or, in the case of the Institute, 75 percent)” after “50 percent”; and

(iii) in subparagraph (B), by inserting “(or, in the case of the Institute, 75 percent)” after “40 percent”;

(B) in paragraph (2), by inserting “or the Director of the National Institute of Allergy and Infectious Diseases” after “Director of the Center”; and

(C) in paragraph (4), by inserting “of the Center or the Director of the National Institute of Allergy and Infectious Diseases” after “Director”;

(5) in subsection (f)—

(A) in paragraph (1), by inserting “in the case of an award by the Director of the Center,” before “the applicant”; and

(B) in paragraph (2), by inserting “of the Center or the Director of the National Institute of Allergy and Infectious Diseases” after “Director”; and

(6) in subsection (i)—

(A) by striking “Appropriations.—For the purpose of carrying out this section,” and inserting the following: “Appropriations.—

“(1) Center.—For the purpose of carrying out this section with respect to the Center,”; and

(B) by adding at the end the following:

“(2) National institute of allergy and infectious diseases.—For the purpose of carrying out this section with respect to the National Institute of Allergy and Infectious Diseases, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2004 and 2005.”.

(c) Additional Authorizations of Appropriations.—Section 2106 of the Public Health Service Act (42 U.S.C. 300aa–6) is amended—

(1) in subsection (a), by striking “authorized to be appropriated” and all that follows and inserting the following: “authorized to be appropriated such sums as may be necessary for each of the fiscal years 2004 and 2005.”; and

(2) in subsection (b), by striking “authorized to be appropriated” and all that follows and inserting the following: “authorized to be appropriated such sums as may be necessary for each of the fiscal years 2004 and 2005.”.

(d) Technical Amendments.—Section 319F of the Public Health Service Act (42 U.S.C. 247d–6) is amended—

(1) in subsection (a), by inserting “the Secretary of Homeland Security,” after “Management Agency,”; and

(2) in subsection (h)(4)(B), by striking “to diagnose conditions” and inserting “to treat, identify, or prevent conditions”.

(e) Rule of Construction.—Nothing in this section has any legal effect on sections 302(2), 302(4), 304(a), or 304(b) of the Homeland Security Act of 2002.

SEC. 3. BIOMEDICAL COUNTERMEASURES PROCUREMENT.

(a) Additional Authority Regarding Strategic National Stockpile.—

(1) Transfer of program.—Section 121 of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (116 Stat. 611; 42 U.S.C. 300hh–12) is transferred from such Act to the Public Health Service Act, is redesignated as section 319F–2, and is inserted after section 319F–1 of the Public Health Service Act (as added by section 2 of this Act).

(2) Additional authority.—Section 319F–2 of the Public Health Service Act, as added by paragraph (1), is amended to read as follows:

“SEC. 319F–2. STRATEGIC NATIONAL STOCKPILE.

“(a) Strategic National Stockpile.—

“(1) In general.—The Secretary, in coordination with the Secretary of Homeland Security (referred to in this section as the ‘Homeland Security Secretary’), shall maintain a stockpile or stockpiles of drugs, vaccines and other biological products, medical devices, and other supplies in such numbers, types, and amounts as are determined by the Secretary to be appropriate and practicable, taking into account other available sources, to provide for the emergency health security of the United States, including the emergency health security of children and other vulnerable populations, in the event of a bioterrorist attack or other public health emergency.

“(2) Procedures.—The Secretary, in managing the stockpile under paragraph (1), shall—

“(A) consult with the working group under section 319F(a);

“(B) ensure that adequate procedures are followed with respect to such stockpile for inventory management and accounting, and for the physical security of the stockpile;

“(C) in consultation with Federal, State, and local officials, take into consideration the timing and location of special events;

“(D) review and revise, as appropriate, the contents of the stockpile on a regular basis to ensure that emerging threats, advanced technologies, and new countermeasures are adequately considered;

“(E) devise plans for the effective and timely supply-chain management of the stockpile, in consultation with appropriate Federal, State and local agencies, and the public and private health care infrastructure;

“(F) deploy the stockpile as required by the Secretary of Homeland Security to respond to an actual or potential emergency;

“(G) deploy the stockpile at the discretion of the Secretary to respond to an actual or potential public health emergency or other situation in which deployment is necessary to protect the public health or safety; and

“(H) ensure the adequate physical security of the stockpile.

“(b) Smallpox Vaccine Development.—

“(1) In general.—The Secretary shall award contracts, enter into cooperative agreements, or carry out such other activities as may reasonably be required in order to ensure that the stockpile under subsection (a) includes an amount of vaccine against smallpox as determined by such Secretary to be sufficient to meet the health security needs of the United States.

“(2) Rule of construction.—Nothing in this section shall be construed to limit the private distribution, purchase, or sale of vaccines from sources other than the stockpile described in subsection (a).

“(c) Additional Authority Regarding Procurement of Certain Biomedical Countermeasures; Availability of Special Reserve Fund.—

“(1) In general.—

“(A) Use of fund.—A security countermeasure may, in accordance with this subsection, be procured with amounts in the special reserve fund under paragraph (10).

“(B) Security countermeasure.—For purposes of this subsection, the term ‘security countermeasure’ means a drug (as that term is defined by section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)(1))), biological product (as that term is defined by section 351(i) of this Act (42 U.S.C. 262(i))), or device (as that term is defined by section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h))) that—

“(i)(I) –the Secretary determines to be a priority (consistent with sections 302(2) and 304(a) of the Homeland Security Act of 2002) to treat, identify, or prevent harm from any biological, chemical, radiological, or nuclear agent identified as a material threat under paragraph (2)(A)(ii), or to treat, identify, or prevent harm from a condition that may result in adverse health consequences or death and may be caused by administering a drug, biological product, or device against such an agent;

“(II) the Secretary determines under paragraph (2)(B)(ii) to be a necessary countermeasure; and

“(III)(aa) is approved or cleared under chapter V of the Federal Food, Drug, and Cosmetic Act or licensed under section 351 of this Act; or

“(bb) is a countermeasure for which the Secretary determines that sufficient and satisfactory clinical experience or research data (including data, if available, from pre-clinical and clinical trials) support a reasonable conclusion that the countermeasure will qualify for approval or licensing within eight years after the date of a determination under paragraph (5); or

“(ii) is authorized for emergency use under section 564 of the Federal Food, Drug, and Cosmetic Act.

“(2) Determination of material threats.—

“(A) Material threat.—The Homeland Security Secretary, in consultation with the Secretary and the heads of other agencies as appropriate, shall on an ongoing basis—

“(i) assess current and emerging threats of chemical, biological, radiological, and nuclear agents; and

“(ii) determine which of such agents present a material threat against the United States population sufficient to affect national security.

“(B) PUBLIC HEALTH IMPACT; NECESSARY COUNTERMEASURES.—The Secretary shall on an ongoing basis—

“(i) assess the potential public health consequences for the United States population of exposure to agents identified under subparagraph (A)(ii); and

“(ii) determine, on the basis of such assessment, the agents identified under subparagraph (A)(ii) for which countermeasures are necessary to protect the public health.

“(C) NOTICE TO CONGRESS.—The Secretary and the Homeland Security Secretary shall promptly notify the designated congressional committees (as defined in paragraph (10)) that a determination has been made pursuant to subparagraph (A) or (B).

“(D) ASSURING ACCESS TO THREAT INFORMATION.—In making the assessment and determination required under subparagraph (A), the Homeland Security Secretary shall use all relevant information to which such Secretary is entitled under section 202 of the Homeland Security Act of 2002, including but not limited to information, regardless of its level of classification, relating to current and emerging threats of chemical, biological, radiological, and nuclear agents.

“(3) ASSESSMENT OF AVAILABILITY AND APPROPRIATENESS OF COUNTERMEASURES.—The Secretary, in consultation with the Homeland Security Secretary, shall assess on an ongoing basis the availability and appropriateness of specific countermeasures to address specific threats identified under paragraph (2).

“(4) CALL FOR DEVELOPMENT OF COUNTERMEASURES; COMMITMENT FOR RECOMMENDATION FOR PROCUREMENT.—

“(A) PROPOSAL TO THE PRESIDENT.—If, pursuant to an assessment under paragraph (3), the Homeland Security Secretary and the Secretary make a determination that a countermeasure would be appropriate but is either currently unavailable for procurement as a security countermeasure or is approved, licensed, or cleared only for alternative uses, such Secretaries may jointly submit to the President a proposal to—

“(i) issue a call for the development of such countermeasure; and

“(ii) make a commitment that, upon the first development of such countermeasure that meets the conditions for procurement under paragraph (5), the Secretaries will, based in part on information obtained pursuant to such call, make a recommendation under paragraph (6) that the special reserve fund under paragraph (10) be made available for the procurement of such countermeasure.

“(B) COUNTERMEASURE SPECIFICATIONS.—The Homeland Security Secretary and the Secretary shall, to the extent practicable, include in the proposal under subparagraph (A)—

“(i) estimated quantity of purchase (in the form of number of doses or number of effective courses of treatments regardless of dosage form);

“(ii) necessary measures of minimum safety and effectiveness;

“(iii) estimated price for each dose or effective course of treatment regardless of dosage form; and

“(iv) other information that may be necessary to encourage and facilitate research, development, and manufacture of the countermeasure or to provide specifications for the countermeasure.

“(C) PRESIDENTIAL APPROVAL.—If the President approves a proposal under subparagraph (A), the Homeland Security Secretary and the Secretary shall make known to persons who may respond to a call for the countermeasure involved—

“(i) the call for the countermeasure;

“(ii) specifications for the countermeasure under subparagraph (B); and

“(iii) the commitment described in subparagraph (A)(ii).

“(5) SECRETARY’S DETERMINATION OF COUNTERMEASURES APPROPRIATE FOR FUNDING FROM SPECIAL RESERVE FUND.—

“(A) IN GENERAL.—The Secretary, in accordance with the provisions of this paragraph, shall identify specific security countermeasures that the Secretary determines, in consultation with the Homeland Security Secretary, to be appropriate for inclusion in the stockpile under subsection (a) pursuant to procurements made with amounts in the special reserve fund under paragraph (10) (referred to in this subsection individually as a ‘procurement under this subsection’).

“(B) REQUIREMENTS.—In making a determination under subparagraph (A) with respect to a security countermeasure, the Secretary shall determine and consider the following:

“(i) The quantities of the product that will be needed to meet the needs of the stockpile.

“(ii) The feasibility of production and delivery within eight years of sufficient quantities of the product.

“(iii) Whether there is a lack of a significant commercial market for the product at the time of procurement, other than as a security countermeasure.

“(6) RECOMMENDATION FOR PRESIDENT’S APPROVAL.—

“(A) RECOMMENDATION FOR PROCUREMENT.—In the case of a security countermeasure that the Secretary has, in accordance with paragraphs (3) and (5), determined to be appropriate for procurement under this subsection, the Homeland Security Secretary and the Secretary shall jointly submit to the President, in coordination with the Director of the Office of Management and Budget, a recommendation that the special reserve fund under paragraph (10) be made available for the procurement of such countermeasure.

“(B) PRESIDENTIAL APPROVAL.—The special reserve fund under paragraph (10) is available for a procurement of a security countermeasure only if the President has approved a recommendation under subparagraph (A) regarding the countermeasure.

“(C) NOTICE TO DESIGNATED CONGRESSIONAL COMMITTEES.—The Secretary and the Homeland Security Secretary shall notify the designated congressional committees of each decision of the President to approve a recommendation under subparagraph (A). Such notice shall include an explanation of the decision to make available the special reserve fund under paragraph (10) for procurement of such a countermeasure, including, where available, the number of, nature of, and other information concerning potential suppliers of such countermeasure, and whether other potential suppliers of the same or similar countermeasures were considered and rejected for procurement under this section and the reasons therefor.

“(D) SUBSEQUENT SPECIFIC COUNTERMEASURES.—Procurement under this subsection of a security countermeasure for a particular purpose does not preclude the subsequent procurement under this subsection of any other security countermeasure for such purpose if the Secretary has determined under paragraph (5)(A) that such countermeasure is appropriate for inclusion in the stockpile and if, as determined by the Secretary, such countermeasure provides improved safety or effectiveness, or for other reasons enhances preparedness to respond to threats of use of a biological, chemical, radiological, or nuclear agent. Such a determination by the Secretary is committed to agency discretion.

“(E) RULE OF CONSTRUCTION.—Recommendations and approvals under this paragraph apply solely to determinations that the special reserve fund under paragraph (10) will be made available for a procurement of a security countermeasure, and not to the substance of contracts for such procurement or other matters relating to awards of such contracts.

“(7) PROCUREMENT.—

“(A) IN GENERAL.—For purposes of a procurement under this subsection that is approved by the President under paragraph (6), the Homeland Security Secretary and the Secretary shall have responsibilities in accordance with subparagraphs (B) and (C).

“(B) INTERAGENCY AGREEMENT; COSTS.—

“(i) INTERAGENCY AGREEMENT.—The Homeland Security Secretary shall enter into an agreement with the Secretary for procurement of a security countermeasure in accordance with the provisions of this paragraph. The special reserve fund under paragraph (10) shall be available for payments made by the Secretary to a vendor for such procurement.

“(ii) OTHER COSTS.—The actual costs to the Secretary under this section, other than the costs described in clause (i), shall be paid from the appropriation provided for under subsection (f)(1).

“(C) PROCUREMENT.—

“(i) IN GENERAL.—The Secretary shall be responsible for—

“(I) arranging for procurement of a security countermeasure, including negotiating terms (including quantity, production schedule, and price) of, and entering into, contracts and cooperative agreements, and for carrying out such other activities as may reasonably be required, in accordance with the provisions of this subparagraph; and

“(II) promulgating such regulations as the Secretary determines necessary to implement the provisions of this subsection.

“(ii) CONTRACT TERMS.—A contract for procurements under this subsection shall (or, as specified below, may) include the following terms:

“(I) PAYMENT CONDITIONED ON DELIVERY.—The contract shall provide that no payment may be made until delivery has been made of a portion, acceptable to the Secretary, of the total number of units contracted for, except that, notwithstanding any other provision of law, the contract may provide that, if the Secretary determines (in the Secretary’s discretion) that an advance payment is necessary to ensure success of a project, the Secretary may pay an amount, not to exceed 10 percent of the contract amount, in advance of delivery. The contract shall provide that such advance payment is required to be repaid if there is a failure to perform by the vendor under the contract. Nothing in this subclause may be construed as affecting rights of vendors under provisions of law or regulation (including the Federal Acquisition Regulation) relating to termination of contracts for the convenience of the Government.

“(II) DISCOUNTED PAYMENT.—The contract may provide for a discounted price per unit of a product that is not licensed, cleared, or approved as described in paragraph (1)(B)(i)(III)(aa) at the time of delivery, and may provide for payment of an additional amount per unit if the product becomes so licensed, cleared, or approved before the expiration date of the contract (including an additional amount per unit of product delivered before the effective date of such licensing, clearance, or approval).

"(III) CONTRACT DURATION.—The contract shall be for a period not to exceed five years, except that, in first awarding the contract, the Secretary may provide for a longer uration, not exceeding eight years, if the Secretary determines that complexities or other difficulties in performance under the contract justify such a period. The contract shall be renewable for additional periods, none of which shall exceed five years.

"(IV) STORAGE BY VENDOR.—The contract may provide that the vendor will provide storage for stocks of a product delivered to the ownership of the Federal Government under the contract, for such period and under such terms and conditions as the Secretary may specify, and in such case amounts from the special reserve fund under paragraph (10) shall be available for costs of shipping, handling, storage, and related costs for such product.

"(V) PRODUCT APPROVAL.—The contract shall provide that the vendor seek approval, clearance, or licensing of the product from the Secretary; for a timetable for the development of data and other information to support such approval, clearance, or licensing; and that the Secretary may waive part or all of this contract term on request of the vendor or on the initiative of the Secretary.

"(VI) NON-STOCKPILE TRANSFERS OF SECURITY COUNTERMEASURES.—The contract shall provide that the vendor will comply with all applicable export-related controls with respect to such countermeasure.

"(iii) AVAILABILITY OF SIMPLIFIED ACQUISITION PROCEDURES.—

"(I) IN GENERAL.—If the Secretary determines that there is a pressing need for a procurement of a specific countermeasure, the amount of the procurement under this subsection shall be deemed to be below the threshold amount specified in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)), for purposes of application to such procurement, pursuant to section 302A(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252a(a)), of—

"(aa) section 303(g)(1)(A) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(g)(1)(A)) and its implementing regulations; and

"(bb) section 302A(b) of such Act (41 U.S.C. 252a(b)) and its implementing regulations.

"(II) APPLICATION OF CERTAIN PROVISIONS.—Notwithstanding subclause (I) and the provision of law and regulations referred to in such clause, each of the following provisions shall apply to procurements described in this clause to the same extent that such provisions would apply to such procurements in the absence of subclause (I):

"(aa) Chapter 37 of title 40, United States Code (relating to contract work hours and safety standards).

"(bb) Subsections (a) and (b) of section 7 of the Anti-Kickback Act of 1986 (41 U.S.C. 57(a) and (b)).

"(cc) Section 304C of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254d) (relating to the examination of contractor records).

"(dd) Section 3131 of title 40, United States Code (relating to bonds of contractors of public buildings or works).

"(ee) Subsection (a) of section 304 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254(a)) (relating to contingent fees to middlemen).

"(ff) Section 6002 of the Solid Waste Disposal Act (42 U.S.C. 6962).

"(gg) Section 1354 of title 31, United States Code (relating to the limitation on the use of appropriated funds for contracts with entities not meeting veterans employment reporting requirements).

"(III) INTERNAL CONTROLS TO BE ESTABLISHED.—The Secretary shall establish appropriate internal controls for procurements made under this clause, including requirements with respect to documentation of the justification for the use of the authority provided under this paragraph with respect to the procurement involved.

"(IV) AUTHORITY TO LIMIT COMPETITION.—In conducting a procurement under this subparagraph, the Secretary may not use the authority provided for under subclause (I) to conduct a procurement on a basis other than full and open competition unless the Secretary determines that the mission of the BioShield Program under the Project BioShield Act of 2004 would be seriously impaired without such a limitation.

"(iv) PROCEDURES OTHER THAN FULL AND OPEN COMPETITION.—

"(I) IN GENERAL.—In using the authority provided in section 303(c)(1) of title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(1)) to use procedures other than competitive procedures in the case of a procurement under this subsection, the phrase 'available from only one responsible source' in such section 303(c)(1) shall be deemed to mean 'available from only one responsible source or only from a limited number of responsible sources'.

"(II) RELATION TO OTHER AUTHORITIES.—The authority under subclause (I) is in addition to any other authority to use procedures other than competitive procedures.

"(III) APPLICABLE GOVERNMENT-WIDE REGULATIONS.—The Secretary shall implement this clause in accordance with government-wide regulations implementing such section 303(c)(1) (including requirements that offers be solicited from as many potential sources as is practicable under the circumstances, that required notices be published, and that submitted offers be considered), as such regulations apply to procurements for which an agency has authority to use procedures other than competitive procedures when the property or services needed by the agency are available from only one responsible source or only from a limited number of responsible sources and no other type of property or services will satisfy the needs of the agency.

"(v) PREMIUM PROVISION IN MULTIPLE AWARD CONTRACTS.—

"(I) IN GENERAL.—If, under this subsection, the Secretary enters into contracts with more than one vendor to procure a security countermeasure, such Secretary may, notwithstanding any other provision of law, include in each of such contracts a provision that—

"(aa) identifies an increment of the total quantity of security countermeasure required, whether by percentage or by numbers of units; and

"(bb) promises to pay one or more specified premiums based on the priority of such vendors' production and delivery of the increment identified under item (aa), in accordance with the terms and conditions of the contract.

"(II) DETERMINATION OF GOVERNMENT'S REQUIREMENT NOT REVIEWABLE.—If the Secretary includes in each of a set of contracts a provision as described in subclause (I), such Secretary's determination of the total quantity of security countermeasure required, and any amendment of such determination, is committed to agency discretion.

"(vi) EXTENSION OF CLOSING DATE FOR RECEIPT OF PROPOSALS NOT REVIEWABLE.—A decision by the Secretary to extend the closing date for receipt of proposals for a procurement under this subsection is committed to agency discretion.

"(vii) LIMITING COMPETITION TO SOURCES RESPONDING TO REQUEST FOR INFORMATION.—In conducting a procurement under this subsection, the Secretary may exclude a source that has not responded to a request for information under section 303A(a)(1)(B) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253a(a)(1)(B)) if such request has given notice that the Secretary may so exclude such a source.

"(8) INTERAGENCY COOPERATION.—

"(A) IN GENERAL.—In carrying out activities under this section, the Homeland Security Secretary and the Secretary are authorized, subject to subparagraph (B), to enter into interagency agreements and other collaborative undertakings with other agencies of the United States Government.

"(B) LIMITATION.—An agreement or undertaking under this paragraph shall not authorize another agency to exercise the authorities provided by this section to the Homeland Security Secretary or to the Secretary.

"(9) RESTRICTIONS ON USE OF FUNDS.—Amounts in the special reserve fund under paragraph (10) shall not be used to pay—

"(A) costs for the purchase of vaccines under procurement contracts entered into before the date of the enactment of the Project BioShield Act of 2004; or

"(B) costs other than payments made by the Secretary to a vendor for a procurement of a security countermeasure under paragraph (7).

"(10) DEFINITIONS.—

"(A) SPECIAL RESERVE FUND.—For purposes of this subsection, the term 'special reserve fund' has the meaning given such term in section 510 of the Homeland Security Act of 2002.

"(B) DESIGNATED CONGRESSIONAL COMMITTEES.—For purposes of this section, the term 'designated congressional committees' means the following committees of the Congress:

"(i) In the House of Representatives: the Committee on Energy and Commerce, the Committee on Appropriations, the Committee on Government Reform, and the Select Committee on Homeland Security (or any successor to the Select Committee).

"(ii) In the Senate: the appropriate committees.

"(d) DISCLOSURES.—No Federal agency shall disclose under section 552 of title 5, United States Code, any information identifying the location at which materials in the stockpile under subsection (a) are stored.

"(e) DEFINITION.—For purposes of subsection (a), the term 'stockpile' includes—

"(1) a physical accumulation (at one or more locations) of the supplies described in subsection (a); or

"(2) a contractual agreement between the Secretary and a vendor or vendors under which such vendor or vendors agree to provide to such Secretary supplies described in subsection (a).

"(f) AUTHORIZATION OF APPROPRIATIONS.—

"(1) STRATEGIC NATIONAL STOCKPILE.—For the purpose of carrying out subsection (a), there are authorized to be appropriated

$640,000,000 for fiscal year 2002, and such sums as may be necessary for each of fiscal years 2003 through 2006. Such authorization is in addition to amounts in the special reserve fund referred to in subsection (c)(10)(A).

"(2) SMALLPOX VACCINE DEVELOPMENT.—For the purpose of carrying out subsection (b), there are authorized to be appropriated $509,000,000 for fiscal year 2002, and such sums as may be necessary for each of fiscal years 2003 through 2006.".

(b) AMENDMENTS TO HOMELAND SECURITY ACT OF 2002.—Title V of the Homeland Security Act of 2002 (116 Stat. 2212; 6 U.S.C. 311 et seq.) is amended—

(1) in section 502(3) (6 U.S.C. 312(3))—

(A) in subparagraph (B), by striking "the Strategic National Stockpile,"; and

(B) in subparagraph (D), by inserting ", including requiring deployment of the Strategic National Stockpile," after "resources"; and

(2) by adding at the end the following:

"SEC. 510. PROCUREMENT OF SECURITY COUNTERMEASURES FOR STRATEGIC NATIONAL STOCKPILE.

"(a) AUTHORIZATION OF APPROPRIATIONS.—For the procurement of security countermeasures under section 319F–2(c) of the Public Health Service Act (referred to in this section as the 'security countermeasures program'), there is authorized to be appropriated up to $5,593,000,000 for the fiscal years 2004 through 2013. Of the amounts appropriated under the preceding sentence, not to exceed $3,418,000,000 may be obligated during the fiscal years 2004 through 2008, of which not to exceed $890,000,000 may be obligated during fiscal year 2004.

"(b) SPECIAL RESERVE FUND.—For purposes of the security countermeasures program, the term 'special reserve fund' means the 'Biodefense Countermeasures' appropriations account or any other appropriation made under subsection (a).

"(c) AVAILABILITY.—Amounts appropriated under subsection (a) become available for a procurement under the security countermeasures program only upon the approval by the President of such availability for the procurement in accordance with paragraph (6)(B) of such program.

"(d) RELATED AUTHORIZATIONS OF APPROPRIATIONS.—

"(1) THREAT ASSESSMENT CAPABILITIES.—For the purpose of carrying out the responsibilities of the Secretary for terror threat assessment under the security countermeasures program, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2004 through 2006, for the hiring of professional personnel within the Directorate for Information Analysis and Infrastructure Protection, who shall be analysts responsible for chemical, biological, radiological, and nuclear threat assessment (including but not limited to analysis of chemical, biological, radiological, and nuclear agents, the means by which such agents could be weaponized or used in a terrorist attack, and the capabilities, plans, and intentions of terrorists and other non-state actors who may have or acquire such agents). All such analysts shall meet the applicable standards and qualifications for the performance of intelligence activities promulgated by the Director of Central Intelligence pursuant to section 104 of the National Security Act of 1947.

"(2) INTELLIGENCE SHARING INFRASTRUCTURE.—For the purpose of carrying out the acquisition and deployment of secure facilities (including information technology and physical infrastructure, whether mobile and temporary, or permanent) sufficient to permit the Secretary to receive, not later than 180 days after the date of enactment of the Project BioShield Act of 2004, all classified information and products to which the Under Secretary for Information Analysis and Infrastructure Protection is entitled under subtitle A of title II, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2004 through 2006.".

(c) STOCKPILE FUNCTIONS TRANSFERRED.—

(1) IN GENERAL.—Except as provided in paragraph (2), there shall be transferred to the Secretary of Health and Human Services the functions, personnel, assets, unexpended balances, and liabilities of the Strategic National Stockpile, including the functions of the Secretary of Homeland Security relating thereto.

(2) EXCEPTIONS.—

(A) FUNCTIONS.—The transfer of functions pursuant to paragraph (1) shall not include such functions as are explicitly assigned to the Secretary of Homeland Security by this Act (including the amendments made by this Act).

(B) ASSETS AND UNEXPENDED BALANCES.—The transfer of assets and unexpended balances pursuant to paragraph (1) shall not include the funds appropriated under the heading "BIODEFENSE COUNTERMEASURES" in the Department of Homeland Security Appropriations Act, 2004 (Public law 108–90).

(3) CONFORMING AMENDMENT.—Section 503 of the Homeland Security Act of 2002 (6 U.S.C. 313) is amended by striking paragraph (6).

SEC. 4. AUTHORIZATION FOR MEDICAL PRODUCTS FOR USE IN EMERGENCIES.

(a) IN GENERAL.—Section 564 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb-3) is amended to read as follows:

"SEC. 564. AUTHORIZATION FOR MEDICAL PRODUCTS FOR USE IN EMERGENCIES.

"(a) IN GENERAL.—

"(1) EMERGENCY USES.—Notwithstanding sections 505, 510(k), and 515 of this Act and section 351 of the Public Health Service Act, and subject to the provisions of this section, the Secretary may authorize the introduction into interstate commerce, during the effective period of a declaration under subsection (b), of a drug, device, or biological product intended for use in an actual or potential emergency (referred to in this section as an 'emergency use').

"(2) APPROVAL STATUS OF PRODUCT.—An authorization under paragraph (1) may authorize an emergency use of a product that—

"(A) is not approved, licensed, or cleared for commercial distribution under a provision of law referred to in such paragraph (referred to in this section as an 'unapproved product'); or

"(B) is approved, licensed, or cleared under such a provision, but which use is not under such provision an approved, licensed, or cleared use of the product (referred to in this section as an 'unapproved use of an approved product').

"(3) RELATION TO OTHER USES.—An emergency use authorized under paragraph (1) for a product is in addition to any other use that is authorized for the product under a provision of law referred to in such paragraph.

"(4) DEFINITIONS.—For purposes of this section:

"(A) The term 'biological product' has the meaning given such term in section 351 of the Public Health Service Act.

"(B) The term 'emergency use' has the meaning indicated for such term in paragraph (1).

"(C) The term 'product' means a drug, device, or biological product.

"(D) The term 'unapproved product' has the meaning indicated for such term in paragraph (2)(A).

"(E) The term 'unapproved use of an approved product' has the meaning indicated for such term in paragraph (2)(B).

"(b) DECLARATION OF EMERGENCY.—

"(1) IN GENERAL.—The Secretary may declare an emergency justifying the authorization under this subsection for a product on the basis of—

"(A) a determination by the Secretary of Homeland Security that there is a domestic emergency, or a significant potential for a domestic emergency, involving a heightened risk of attack with a specified biological, chemical, radiological, or nuclear agent or agents;

"(B) a determination by the Secretary of Defense that there is a military emergency, or a significant potential for a military emergency, involving a heightened risk to United States military forces of attack with a specified biological, chemical, radiological, or nuclear agent or agents; or

"(C) a determination by the Secretary of a public health emergency under section 319 of the Public Health Service Act that affects, or has a significant potential to affect, national security, and that involves a specified biological, chemical, radiological, or nuclear agent or agents, or a specified disease or condition that may be attributable to such agent or agents.

"(2) TERMINATION OF DECLARATION.—

"(A) IN GENERAL.—A declaration under this subsection shall terminate upon the earlier of—

"(i) a determination by the Secretary, in consultation as appropriate with the Secretary of Homeland Security or the Secretary of Defense, that the circumstances described in paragraph (1) have ceased to exist; or

"(ii) the expiration of the one-year period beginning on the date on which the declaration is made.

"(B) RENEWAL.—Notwithstanding subparagraph (A), the Secretary may renew a declaration under this subsection, and this paragraph shall apply to any such renewal.

"(C) DISPOSITION OF PRODUCT.—If an authorization under this section with respect to an unapproved product ceases to be effective as a result of a termination under subparagraph (A) of this paragraph, the Secretary shall consult with the manufacturer of such product with respect to the appropriate disposition of the product.

"(3) ADVANCE NOTICE OF TERMINATION.—The Secretary shall provide advance notice that a declaration under this subsection will be terminated. The period of advance notice shall be a period reasonably determined to provide—

"(A) in the case of an unapproved product, a sufficient period for disposition of the product, including the return of such product (except such quantities of product as are necessary to provide for continued use consistent with subsection (f)(2)) to the manufacturer (in the case of a manufacturer that chooses to have such product returned); and

"(B) in the case of an unapproved use of an approved product, a sufficient period for the disposition of any labeling, or any information under subsection (e)(2)(B)(ii), as the case may be, that was provided with respect to the emergency use involved.

"(4) PUBLICATION.—The Secretary shall promptly publish in the Federal Register each declaration, determination, advance notice of termination, and renewal under this subsection.

"(c) Criteria for Issuance of Authorization.—The Secretary may issue an authorization under this section with respect to the emergency use of a product only if, after consultation with the Director of the National Institutes of Health and the Director of the Centers for Disease Control and Prevention (to the extent feasible and appropriate given the circumstances of the emergency involved), the Secretary concludes—

"(1) that an agent specified in a declaration under subsection (b) can cause a serious or life-threatening disease or condition;

"(2) that, based on the totality of scientific evidence available to the Secretary, including data from adequate and well-controlled clinical trials, if available, it is reasonable to believe that—

"(A) the product may be effective in diagnosing, treating, or preventing—

"(i) such disease or condition; or

"(ii) a serious or life-threatening disease or condition caused by a product authorized under this section, approved or cleared under this Act, or licensed under section 351 of the Public Health Service Act, for diagnosing, treating, or preventing such a disease or condition caused by such an agent; and

"(B) the known and potential benefits of the product, when used to diagnose, prevent, or treat such disease or condition, outweigh the known and potential risks of the product;

"(3) that there is no adequate, approved, and available alternative to the product for diagnosing, preventing, or treating such disease or condition; and

"(4) that such other criteria as the Secretary may by regulation prescribe are satisfied.

"(d) Scope of Authorization.—An authorization of a product under this section shall state—

"(1) each disease or condition that the product may be used to diagnose, prevent, or treat within the scope of the authorization;

"(2) the Secretary's conclusions, made under subsection (c)(2)(B), that the known and potential benefits of the product, when used to diagnose, prevent, or treat such disease or condition, outweigh the known and potential risks of the product; and

"(3) the Secretary's conclusions, made under subsection (c), concerning the safety and potential effectiveness of the product in diagnosing, preventing, or treating such diseases or conditions, including an assessment of the available scientific evidence.

"(e) Conditions of Authorization.—

"(1) Unapproved product.—

"(A) Required conditions.—With respect to the emergency use of an unapproved product, the Secretary, to the extent practicable given the circumstances of the emergency, shall, for a person who carries out any activity for which the authorization is issued, establish such conditions on an authorization under this section as the Secretary finds necessary or appropriate to protect the public health, including the following:

"(i) Appropriate conditions designed to ensure that health care professionals administering the product are informed—

"(I) that the Secretary has authorized the emergency use of the product;

"(II) of the significant known and potential benefits and risks of the emergency use of the product, and of the extent to which such benefits and risks are unknown; and

"(III) of the alternatives to the product that are available, and of their benefits and risks.

"(ii) Appropriate conditions designed to ensure that individuals to whom the product is administered are informed—

"(I) that the Secretary has authorized the emergency use of the product;

"(II) of the significant known and potential benefits and risks of such use, and of the extent to which such benefits and risks are unknown; and

"(III) of the option to accept or refuse administration of the product, of the consequences, if any, of refusing administration of the product, and of the alternatives to the product that are available and of their benefits and risks.

"(iii) Appropriate conditions for the monitoring and reporting of adverse events associated with the emergency use of the product.

"(iv) For manufacturers of the product, appropriate conditions concerning recordkeeping and reporting, including records access by the Secretary, with respect to the emergency use of the product.

"(B) Authority for additional conditions.—With respect to the emergency use of an unapproved product, the Secretary may, for a person who carries out any activity for which the authorization is issued, establish such conditions on an authorization under this section as the Secretary finds necessary or appropriate to protect the public health, including the following:

"(i) Appropriate conditions on which entities may distribute the product with respect to the emergency use of the product (including limitation to distribution by government entities), and on how distribution is to be performed.

"(ii) Appropriate conditions on who may administer the product with respect to the emergency use of the product, and on the categories of individuals to whom, and the circumstances under which, the product may be administered with respect to such use.

"(iii) Appropriate conditions with respect to the collection and analysis of information, during the period when the authorization is in effect, concerning the safety and effectiveness of the product with respect to the emergency use of such product.

"(iv) For persons other than manufacturers of the product, appropriate conditions concerning recordkeeping and reporting, including records access by the Secretary, with respect to the emergency use of the product.

"(2) Unapproved use.—With respect to the emergency use of a product that is an unapproved use of an approved product:

"(A) For a manufacturer of the product who carries out any activity for which the authorization is issued, the Secretary shall, to the extent practicable given the circumstances of the emergency, establish conditions described in clauses (i) and (ii) of paragraph (1)(A), and may establish conditions described in clauses (iii) and (iv) of such paragraph.

"(B)(i) If the authorization under this section regarding the emergency use authorizes a change in the labeling of the product, but the manufacturer of the product chooses not to make such change, such authorization may not authorize distributors of the product or any other person to alter or obscure the labeling provided by the manufacturer.

"(ii) In the circumstances described in clause (i), for a person who does not manufacture the product and who chooses to act under this clause, an authorization under this section regarding the emergency use shall, to the extent practicable given the circumstances of the emergency, authorize such person to provide appropriate information with respect to such product in addition to the labeling provided by the manufacturer, subject to compliance with clause (i). While the authorization under this section is effective, such additional information shall not be considered labeling for purposes of section 502.

"(C) The Secretary may establish with respect to the distribution and administration of the product for the unapproved use conditions no more restrictive than those established by the Secretary with respect to the distribution and administration of the product for the approved use.

"(3) Good manufacturing practice.—With respect to the emergency use of a product for which an authorization under this section is issued (whether an unapproved product or an unapproved use of an approved product), the Secretary may waive or limit, to the extent appropriate given the circumstances of the emergency, requirements regarding current good manufacturing practice otherwise applicable to the manufacture, processing, packing, or holding of products subject to regulation under this Act, including such requirements established under section 501.

"(4) Advertising.—The Secretary may establish conditions on advertisements and other promotional descriptive printed matter that relate to the emergency use of a product for which an authorization under this section is issued (whether an unapproved product or an unapproved use of an approved product), including, as appropriate—

"(A) with respect to drugs and biological products, requirements applicable to prescription drugs pursuant to section 502(n); or

"(B) with respect to devices, requirements applicable to restricted devices pursuant to section 502(r).

"(f) Duration of Authorization.—

"(1) In general.—Except as provided in paragraph (2), an authorization under this section shall be effective until the earlier of the termination of the declaration under subsection (b) or a revocation under subsection (g).

"(2) Continued use after end of effective period.—Notwithstanding the termination of the declaration under subsection (b) or a revocation under subsection (g), an authorization shall continue to be effective to provide for continued use of an unapproved product with respect to a patient to whom it was administered during the period described by paragraph (1), to the extent found necessary by such patient's attending physician.

"(g) Revocation of Authorization.—

"(1) Review.—The Secretary shall periodically review the circumstances and the appropriateness of an authorization under this section.

"(2) Revocation.—The Secretary may revoke an authorization under this section if the criteria under subsection (c) for issuance of such authorization are no longer met or other circumstances make such revocation appropriate to protect the public health or safety.

"(h) Publication; Confidential Information.—

"(1) Publication.—The Secretary shall promptly publish in the Federal Register a notice of each authorization, and each termination or revocation of an authorization under this section, and an explanation of the reasons therefor (which may include a summary of data or information that has been submitted to the Secretary in an application under section 505(i) or section 520(g), even if such summary may indirectly reveal the existence of such application).

"(2) CONFIDENTIAL INFORMATION.—Nothing in this section alters or amends section 1905 of title 18, United States Code, or section 552(b)(4) of title 5 of such Code.

"(i) ACTIONS COMMITTED TO AGENCY DISCRETION.—Actions under the authority of this section by the Secretary, by the Secretary of Defense, or by the Secretary of Homeland Security are committed to agency discretion.

"(j) RULES OF CONSTRUCTION.—The following applies with respect to this section:

"(1) Nothing in this section impairs the authority of the President as Commander in Chief of the Armed Forces of the United States under article II, section 2 of the United States Constitution.

"(2) Nothing in this section impairs the authority of the Secretary of Defense with respect to the Department of Defense, including the armed forces, under other provisions of Federal law.

"(3) Nothing in this section (including any exercise of authority by a manufacturer under subsection (e)(2)) impairs the authority of the United States to use or manage quantities of a product that are owned or controlled by the United States (including quantities in the stockpile maintained under section 319F–2 of the Public Health Service Act).

"(k) RELATION TO OTHER PROVISIONS.—If a product is the subject of an authorization under this section, the use of such product within the scope of the authorization shall not be considered to constitute a clinical investigation for purposes of section 505(i), section 520(g), or any other provision of this Act or section 351 of the Public Health Service Act.

"(l) OPTION TO CARRY OUT AUTHORIZED ACTIVITIES.—Nothing in this section provides the Secretary any authority to require any person to carry out any activity that becomes lawful pursuant to an authorization under this section, and no person is required to inform the Secretary that the person will not be carrying out such activity, except that a manufacturer of a sole-source unapproved product authorized for emergency use shall report to the Secretary within a reasonable period of time after the issuance by the Secretary of such authorization if such manufacturer does not intend to carry out any activity under the authorization. This section only has legal effect on a person who carries out an activity for which an authorization under this section is issued. This section does not modify or affect activities carried out pursuant to other provisions of this Act or section 351 of the Public Health Service Act. Nothing in this subsection may be construed as restricting the Secretary from imposing conditions on persons who carry out any activity pursuant to an authorization under this section.".

(b) REPEAL OF TERMINATION PROVISION.—Subsection (d) of section 1603 of the National Defense Authorization Act for Fiscal Year 2004 (10 U.S.C. 1107a note) is repealed.

SEC. 5. REPORTS REGARDING AUTHORITIES UNDER THIS ACT.

(a) SECRETARY OF HEALTH AND HUMAN SERVICES.—

(1) ANNUAL REPORTS ON PARTICULAR EXERCISES OF AUTHORITY.—

(A) RELEVANT AUTHORITIES.—The Secretary of Health and Human Services (referred to in this subsection as the "Secretary") shall submit reports in accordance with subparagraph (B) regarding the exercise of authority under the following provisions of law:

(i) With respect to section 319F–1 of the Public Health Service Act (as added by section 2 of this Act):

(I) Subsection (b)(1) (relating to increased simplified acquisition threshold).

(II) Subsection (b)(2) (relating to procedures other than full and open competition).

(III) Subsection (c) (relating to expedited peer review procedures).

(ii) With respect to section 319F–2 of the Public Health Service Act (as added by section 3 of this Act):

(I) Subsection (c)(7)(C)(iii) (relating to simplified acquisition procedures).

(II) Subsection (c)(7)(C)(iv) (relating to procedures other than full and open competition).

(III) Subsection (c)(7)(C)(v) (relating to premium provision in multiple-award contracts).

(iii) With respect to section 564 of the Federal Food, Drug, and Cosmetic Act (as added by section 4 of this Act):

(I) Subsection (a)(1) (relating to emergency uses of certain drugs and devices).

(II) Subsection (b)(1) (relating to a declaration of an emergency).

(III) Subsection (e) (relating to conditions on authorization).

(B) CONTENTS OF REPORTS.—The Secretary shall annually submit to the designated congressional committees a report that summarizes—

(i) the particular actions that were taken under the authorities specified in subparagraph (A), including, as applicable, the identification of the threat agent, emergency, or the biomedical countermeasure with respect to which the authority was used;

(ii) the reasons underlying the decision to use such authorities, including, as applicable, the options that were considered and rejected with respect to the use of such authorities;

(iii) the number of, nature of, and other information concerning the persons and entities that received a grant, cooperative agreement, or contract pursuant to the use of such authorities, and the persons and entities that were considered and rejected for such a grant, cooperative agreement, or contract, except that the report need not disclose the identity of any such person or entity; and

(iv) whether, with respect to each procurement that is approved by the President under section 319F–2(c)(6) of the Public Health Service Act (as added by section 3 of this Act), a contract was entered into within one year after such approval by the President.

(2) ANNUAL SUMMARIES REGARDING CERTAIN ACTIVITY.—The Secretary shall annually submit to the designated congressional committees a report that summarizes the activity undertaken pursuant to the following authorities under section 319F–1 of the Public Health Service Act (as added by section 2 of this Act):

(A) Subsection (b)(3) (relating to increased micropurchase threshold).

(B) Subsection (d) (relating to authority for personal services contracts).

(C) Subsection (e) (relating to streamlined personnel authority).

With respect to subparagraph (B), the report shall include a provision specifying, for the one-year period for which the report is submitted, the number of persons who were paid amounts greater than $100,000 and the number of persons who were paid amounts between $50,000 and $100,000.

(3) REPORT ON ADDITIONAL BARRIERS TO PROCUREMENT OF SECURITY COUNTERMEASURES.—Not later than one year after the date of the enactment of this Act, the Secretary, in consultation with the Secretary of Homeland Security, shall report to the designated congressional committees any potential barriers to the procurement of security countermeasures that have not been addressed by this Act.

(b) GENERAL ACCOUNTING OFFICE REVIEW.—

(1) IN GENERAL.—Four years after the date of the enactment of this Act, the Comptroller General of the United States shall initiate a study—

(A)(i) to review the Secretary of Health and Human Services' utilization of the authorities granted under this Act with respect to simplified acquisition procedures, procedures other than full and open competition, increased micropurchase thresholds, personal services contracts, streamlined personnel authority, and the purchase of security countermeasures under the special reserve fund; and

(ii) to make recommendations to improve the utilization or effectiveness of such authorities in the future;

(B)(i) to review and assess the adequacy of the internal controls instituted by such Secretary with respect to such authorities, where required by this Act; and

(ii) to make recommendations to improve the effectiveness of such controls;

(C)(i) to review such Secretary's utilization of the authority granted under this Act to authorize an emergency use of a biomedical countermeasure, including the means by which the Secretary determines whether and under what conditions any such authorizations should be granted and the benefits and adverse impacts, if any, resulting from the use of such authority; and

(ii) to make recommendations to improve the utilization or effectiveness of such authority and to enhance protection of the public health;

(D) to identify any purchases or procurements that would not have been made or would have been significantly delayed except for the authorities described in subparagraph (A)(i); and

(E)(i) to determine whether and to what extent activities undertaken pursuant to the biomedical countermeasure research and development authorities established in this Act have enhanced the development of biomedical countermeasures affecting national security; and

(ii) to make recommendations to improve the ability of the Secretary to carry out these activities in the future.

(2) ADDITIONAL PROVISIONS REGARDING DETERMINATION ON DEVELOPMENT OF BIOMEDICAL COUNTERMEASURES AFFECTING NATIONAL SECURITY.—In the report under paragraph (1), the determination under subparagraph (E) of such paragraph shall include—

(A) the Comptroller General's assessment of the current availability of countermeasures to address threats identified by the Secretary of Homeland Security;

(B) the Comptroller General's assessment of the extent to which programs and activities under this Act will reduce any gap between the threat and the availability of countermeasures to an acceptable level of risk; and

(C)(i) the Comptroller General's assessment of threats to national security that are posed by technology that will enable, during the 10-year period beginning on the date of the enactment of this Act, the development of antibiotic resistant, mutated, or bioengineered strains of biological agents; and

(ii) recommendations on short-term and long-term governmental strategies for addressing such threats, including recommendations for Federal policies regarding research priorities, the development of countermeasures, and investments in technology.

(3) REPORT.—A report providing the results of the study under paragraph (1) shall be submitted to the designated congressional committees not later than five years after the date of the enactment of this Act.

(c) REPORT REGARDING BIOCONTAINMENT FACILITIES.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security and the Secretary of Health and Human Services shall jointly report to the designated congressional committees whether there is a lack of adequate large-scale biocontainment facilities necessary for the testing of security countermeasures in accordance with Food and Drug Administration requirements.

(d) DESIGNATED CONGRESSIONAL COMMITTEES.—For purposes of this section, the term "designated congressional committees" means the following committees of the Congress:

(1) In the House of Representatives: the Committee on Energy and Commerce, the Committee on Appropriations, the Committee on Government Reform, and the Select Committee on Homeland Security (or any successor to the Select Committee).

(2) In the Senate: the appropriate committees:

SEC. 6. OUTREACH.

The Secretary of Health and Human Services shall develop outreach measures to ensure to the extent practicable that diverse institutions, including Historically Black Colleges and Universities and those serving large proportions of Black or African Americans, American Indians, Appalachian Americans, Alaska Natives, Asians, Native Hawaiians, other Pacific Islanders, Hispanics or Latinos, or other underrepresented populations, are meaningfully aware of available research and development grants, contracts, cooperative agreements, and procurements conducted under sections 2 and 3 of this Act.

SEC. 7. RECOMMENDATION FOR EXPORT CONTROLS ON CERTAIN BIOMEDICAL COUNTERMEASURES.

Upon the award of any grant, contract, or cooperative agreement under section 2 or 3 of this Act for the research, development, or procurement of a qualified countermeasure or a security countermeasure (as those terms are defined in this Act), the Secretary of Health and Human Services shall, in consultation with the heads of other appropriate Federal agencies, determine whether the countermeasure involved in such grant, contract, or cooperative agreement is subject to existing export-related controls and, if not, may make a recommendation to the appropriate Federal agency or agencies that such countermeasure should be included on the list of controlled items subject to such controls.

SEC. 8. ENSURING COORDINATION, COOPERATION AND THE ELIMINATION OF UNNECESSARY DUPLICATION IN PROGRAMS DESIGNED TO PROTECT THE HOMELAND FROM BIOLOGICAL, CHEMICAL, RADIOLOGICAL, AND NUCLEAR AGENTS.

(a) ENSURING COORDINATION OF PROGRAMS.—The Secretary of Health and Human Services, the Secretary of Homeland Security, and the Secretary of Defense shall ensure that the activities of their respective Departments coordinate, complement, and do not unnecessarily duplicate programs to identify potential domestic threats from biological, chemical, radiological or nuclear agents, detect domestic incidents involving such agents, analyze such incidents, and develop necessary countermeasures. The aforementioned Secretaries shall further ensure that information and technology possessed by the Departments relevant to these activities are shared with the other Departments.

(b) DESIGNATION OF AGENCY COORDINATION OFFICER.—The Secretary of Health and Human Services, the Secretary of Homeland Security, and the Secretary of Defense shall each designate an officer or employee of their respective Departments who shall coordinate, through regular meetings and communications, with the other aforementioned Departments such programs and activities carried out by their Departments.

SEC. 9. AUTHORITY OF THE SECRETARY OF HEALTH AND HUMAN SERVICES DURING NATIONAL EMERGENCIES.

Section 1135(b) of the Social Security Act (42 U.S.C. 1320b-5(b)) is amended—

(1) by striking paragraph (3) and inserting the following:

"(3) actions under section 1867 (relating to examination and treatment for emergency medical conditions and women in labor) for—

"(A) a transfer of an individual who has not been stabilized in violation of subsection (c) of such section if the transfer is necessitated by the circumstances of the declared emergency in the emergency area during the emergency period; or

"(B) the direction or relocation of an individual to receive medical screening in an alternate location pursuant to an appropriate State emergency preparedness plan;";

(2) in paragraph (5), by striking "and" at the end;

(3) in paragraph (6), by striking the period and inserting "; and";

(4) by inserting after paragraph (6), the following:

"(7) sanctions and penalties that arise from noncompliance with the following requirements (as promulgated under the authority of section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d-2 note)—

"(A) section 164.510 of title 45, Code of Federal Regulations, relating to—

"(i) requirements to obtain a patient's agreement to speak with family members or friends; and

"(ii) the requirement to honor a request to opt out of the facility directory;

"(B) section 164.520 of such title, relating to the requirement to distribute a notice; or

"(C) section 164.522 of such title, relating to—

"(i) the patient's right to request privacy restrictions; and

"(ii) the patient's right to request confidential communications."; and

(5) by adding at the end the following: "A waiver or modification provided for under paragraph (3) or (7) shall only be in effect if such actions are taken in a manner that does not discriminate among individuals on the basis of their source of payment or of their ability to pay, and shall be limited to a 72-hour period beginning upon implementation of a hospital disaster protocol. A waiver or modification under such paragraph (7) shall be withdrawn after such period and the provider shall comply with the requirements under such paragraph for any patient still under the care of the provider.".

The SPEAKER pro tempore. Pursuant to the order of the House of Tuesday, July 13, 2004, the gentleman from Texas (Mr. BARTON) and the gentleman from Ohio (Mr. BROWN) each will control 30 minutes. The gentleman from Virginia (Mr. TOM DAVIS), the gentleman from California (Mr. WAXMAN), the gentlewoman from Washington (Ms. DUNN), and the gentleman from Texas (Mr. TURNER) each will control 7½ minutes.

The Chair recognizes the gentleman from Texas (Mr. BARTON).

GENERAL LEAVE

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 15.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BARTON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Senate recently joined the House in passing one of President Bush's top legislative initiatives for this Congress, Project Bioshield. The House passed a similar bill in July 2003 by a strong bipartisan vote of 421 to 2. I want to commend our colleagues in the Senate for working with us after the House passed its legislation to provide a bill that will be acceptable to both bodies.

The bill largely reflects H.R. 2122, the bill that passed the House last year. Revisions in the Senate were made in close consultation with the House committees of jurisdiction. This is a bicameral and bipartisan product.

On the House side, I want to thank the gentleman from Louisiana (Mr. TAUZIN), my predecessor as chairman of the committee, who is on the floor this evening, for his strong leadership; and I would also like to thank the gentleman from California (Mr. COX), the gentleman from Virginia (Mr. TOM DAVIS), the gentleman from Michigan (Mr. DINGELL), the gentleman from Texas (Mr. TURNER), and the gentleman from California (Mr. WAXMAN) for their cooperation and hard work on this bill.

The bipartisan spirit reflected in this legislation is similar to the effort of the last Congress on the Public Health Security and Bioterrorism Preparedness and Response Act and also on the Homeland Security Act. We can be proud of this product, and America can be confident in our commitment to make the right investments and smart policy choices to meet the challenges and to protect our Nation's public health.

Project Bioshield will spur the research and development of new vaccines, new drugs and other countermeasures to deal with those biological, chemical, nuclear, or radiological agents that pose a material threat to our national security. This list includes anthrax, the plague, ebola and other similar viruses, many of which lack any effective treatment or antidote today.

The bill provides increased flexibility in a range of areas, from government contracting rules and peer review to personnel matters, in order to speed up government-sponsored research and development into these deadly agents.

It would also authorize a special reserve fund of money, authorized in advance, for the government's purchase of those countermeasures that ultimately are developed in response to the President's call. This latter feature is the most important because, without this clear commitment of funding in future years, private sector companies that are capable of such development will not undertake the heavy investment and risk associated with developing products that deal with agents that do not affect significant populations today and hopefully never will. Congress has already provided the advance appropriation of $5.6 billion over the next 10 years for this purpose, consistent with our authorization in the House budget resolution.

The bill before us also provides new authority to the Secretary of Health and Human Services to authorize, in times of emergency, the use of unapproved products whose benefits in treating or preventing infection outweigh the risk of using those products. Under current law, the only way an individual can receive an unapproved product is pursuant to a clinical investigation. In a time of national emergency, however, it may be necessary to give such investigational drugs on a large-scale basis to millions of Americans. The bill before us today says that if there is such an emergency, if no adequate alternative therapy is available, then and only then the Secretary can authorize the use of such a drug, device, or vaccine in a flexible manner.

I applaud the leadership of President Bush and the truly bipartisan work of both bodies across multiple committees of jurisdiction to protect our country and to promote public health security from the many new dangers that we face today.

I would urge my colleagues to support the bill and look forward to President Bush signing into law another of his major homeland security initiatives.

At this point in the RECORD, I will insert an exchange of letters between the gentleman from California (Mr. THOMAS) and myself on this subject.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS
Washington, DC, July 13, 2004.

The Hon. JOE BARTON,
Chairman, Committee on Energy and Commerce, 2125 Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN BARTON: I am writing concerning S. 15, the "Project Bioshield Act of 2004," which is scheduled for floor consideration on Wednesday, July 14, 2004.

As you know, the Committee on Ways and Means has jurisdiction over matters concerning health issues. Specifically, Section 9 of the bill provides a waiver for application of Section 1867 of the Social Security Act, known as the Examination and Treatment for Emergency Medical Conditions and Women in Labor Act. Section 9 allows hospitals and other providers to transfer unstable patients during a declared emergency period or pursuant to a state emergency preparedness plan by waiving hospital requirements under Medicare, and thus falls within the jurisdiction of the Committee on Ways and Means.

However, in order to expedite this legislation for floor consideration, the Committee will forego action on this bill. This is being done with the understanding that it does not in any way prejudice the Committee with respect to exercising its jurisdictional prerogatives on this or similar legislation.

I would appreciate your response to this letter, confirming this understanding with respect to S. 15 and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration.

Best regards,

BILL THOMAS,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, July 14, 2004.

Hon. BILL THOMAS,
Chairman, Committee on Ways and Means, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN THOMAS: Thank you for your letter regarding S. 15, the "Project BioShield Act of 2004." As you noted, the bill contains provisions that fall within the Rule X jurisdiction of the Committee on Ways and Means.

I appreciate your willingness not to seek a referral on S. 15. I agree that your decision to forego action on the bill will not prejudice the Committee on Ways and Means with respect to its jurisdictional prerogatives on this or similar legislation.

I will include a copy of your letter and this response in the Congressional Record during consideration of S. 15 on the House floor.

Sincerely,

JOE BARTON,
Chairman.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself as much time as I may consume.

The United States, and the global community, can only benefit from the development of bioterrorism countermeasures.

By rendering biological attacks less lethal and, therefore, less attractive to would-be terrorists, new countermeasures serve a dual purpose. They are both an antidote and a deterrent to future attacks.

For the sake of national and international security, it makes sense to invest in both basic and advanced research aimed at producing new bioterrorism countermeasures. When an opportunity to produce one of these countermeasures presents itself, it makes sense to capitalize on that opportunity quickly.

That is the logic behind this legislation. It establishes an expedited process for Federal support of countermeasure research and a procurement process to encourage private sector investment.

But Project Bioshield is not a blank check. Congress has a responsibility to weigh competing priorities and set funding levels appropriately. In that context, Congress cannot rest easy once we have passed this bill.

Bioterrorism funding is certainly important, the legislation before us today is certainly important, but our investment in bioterrorism must not come at the expense of research on cancer and research on Alzheimer's and muscular dystrophy and AIDS and other significant health threats.

If investing in Bioshield means diverting from other promising medical research, TB, multiple sclerosis, all other kinds of medical research, we are not making progress. We are, in fact, making trade-offs; trade-offs that set back the clock on cures for deadly and disabling diseases; trade-offs the public did not bargain for and should not abide.

The last thing Congress or the President should do is assure the public that we are doing everything we can more than ever to find cures for major illnesses like cancer and Parkinson's when actually we are choking off funding for medical research.

During his 2000 election campaign, President Bush said, "As President, I will fund and lead a medical moonshot to reach far beyond what seems possible today." Apparently it was a short trip.

According to a White House budget memo recently leaked to the press, if President Bush wins the election this fall, one of his first actions will be to propose a $587 million cut in funding for the National Institutes of Health.

Medical researchers tell us that just to sustain the pace of medical progress that NIH has fostered, the agency's budget must increase 10 percent annually, something I hope everyone here would agree with, even though the President does not. Compared to annual, double-digit increases in the NIH budget, a cut in funding is a major step backward that would undermine promising medical research.

Finding ways to prevent, to treat, and to cure disease is an enduring national priority. Interest in that should not wax and wane. That is why we do not double NIH funding, which we did bipartisanly between 1999 under President Clinton, into 2003 still supported by President Bush, but then reduced that increase and then proposed a cut in funding. Our investment must remain constant.

We have a responsibility to prepare the country for a possible bioterrorist attack, but we also have a responsibility to maintain strong support for other medical research priorities.

I urge my colleagues to support this legislation. In creating Project Bioshield, it gives America a promising weapon in the battle against terrorism.

But bioterrorism, as I have said, is just one enemy in a much broader war against disease and disability. If we fund Project Bioshield, as we should, at the expense of life-saving and life-improving NIH research, we risk winning the battle and losing the war.

Mr. Speaker, I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana (Mr. TAUZIN), the distinguished former chairman of the Committee on Energy and Commerce, who in a very true sense is a principal author of this piece of legislation and who has toiled tirelessly for the last several years to have it passed.

□ 1730

Mr. TAUZIN. Mr. Speaker, I thank the gentleman for yielding me this time; and, on a very bipartisan note, let me first thank the Members of this House and of the Senate, and particularly my friend from Massachusetts, Mr. KENNEDY, for the great success we had in passing the Public Health Security Act and the Bioterrorism Preparedness and Response Act.

As my colleagues will recall, right after 9-11 it became clear to us as a Nation that we were under serious threat of attacks from agents like anthrax or perhaps even such horrible agents as botulism toxin or ebola or other similar viruses and that we were so unprepared in this country for that kind of attack that we got together, in a bipartisan fashion, and immediately passed an act to bolster the competence and the ability of the Center for Disease Control and of agents across the country to better respond to an attack of that nature.

Since the passage of those two very important actions that have better armed our country for this danger that we face perhaps even more increasingly as years go by, it has come to our attention that there were some holes even in that great act. The most important hole which this act seeks to fill is the concern we have that when it comes to some of these agents, whether they be a botulism toxin agent, ebola, or whether it is a radioactive type of attack we have to deal with in this country, that we have not done enough research and development into the antidotes, the vaccines, the treatments that victims of these attacks might find are critically necessary to save lives and prevent injury.

I do not have to tell my colleagues that this House and the Senate recently received another briefing on national security threats. The concern levels are up about an attack that might occur in this country from al Qaeda or other enemies of this country. As we fight them overseas, they are thinking about planning an attack on us here at home again. We know that. We know the attack may come in a place we do not know, in a place we are unprepared for, and it might involve radiological materials or it might involve some horrible virus or some agent the likes of which we are unprepared to deal with.

This bill seeks to make sure that the private sector does the work along with government to find the antidotes, the treatment for these kinds of agents that might be used in such an attack which might not otherwise be developed in the private sector.

What is the incentive today to develop a vaccine for ebola or for the plague when there is no real market for such a vaccine in this country? This bill and the appropriations we have already provided in the advance funds, some $5.6 billion, is designed to make sure that that research and development occurs and that those vaccines and those treatments are indeed available to our country in case the worst happens and we are subject to that kind of an attack by al Qaeda or other enemies of this country within our borders as we saw on 9-11.

Secondly, the bill tries to do something else, and that is to say we are going to change our law a little bit when it comes to the government's approval of treatment and/or it might be a vaccine or some treatment that has not yet been approved by the Food and Drug Administration but yet has a greater ability to cure and help people than the risk involved with allowing it to be used. In other words, we are streamlining the law to make sure, if we do come under attack, if there is some vaccine, some treatment under study that has a lot of promise but has not yet been approved, that we are not forbidden to use it to help people who might be hurt or in need of that kind of treatment.

In short, this Bioshield Act, an incredibly important new step in protecting our country at a time when we are increasingly learning of the hatred and evil that exists out there that wants to inflict more damage on our country, this new act, passed again in, I hope, a very strong bipartisan way, reaching the President's desk for his signature very soon, I hope, will add this new element of protection for our country that Senator KENNEDY and I tried to provide in the first bioterrorism act for our Nation following 9-11.

This is an important step in protecting our country at a time when we are under, as you know, this increasing warning that these evil individuals are thinking about planning and trying to figure out how they might hurt us again. It is a critical two-step process in making sure that we have the protective vaccines and treatments in place when the worst might happen to our people. So I urge its adoption.

I want to congratulate all of those who have worked on completing the conference on this bill with the Senate. I want to thank the other body for its cooperation. The sooner this reaches the President's desk, the sooner all of us can feel a little better this country is becoming safer as fast as we can from the threat of these kind of agents, and I urge its final approval by this House.

The SPEAKER pro tempore (Mr. FOLEY). The gentlewoman from New York (Mrs. MALONEY) is recognized on behalf of the Committee on Government Reform.

Mrs. MALONEY. Mr. Speaker, I do claim the time on behalf of the Committee on Government Reform, and I yield myself such time as I may consume.

Mr. Speaker, we have before us today S. 15, the Project Bioshield Act. This bill is substantially the same as H.R. 2122, which passed this House on July 16 of last year by a vote of 421 to 2. This bill is, in essence, the conference report on the bill and includes some minor improvements made by the Senate. I urge Members to support this measure as well.

Given the serious threat of bioterrorism, the development of effective countermeasures to biological agents is vital to our national security. The goal of Project Bioshield is to encourage the development of these projects. I fully support the intent of this legislation. I also agree with its premise, that when the market cannot foster the development of critical products by itself, the government must rise to the challenge.

The bill before us today includes several significant improvements from earlier proposals. For example, it includes important protections against waste and abuse that are standard for government contracts, such as preserving the government's right to review contractors' books and records.

The bill also permits the use of certain streamlined procurement procedures, but only if the Secretary of Health and Human Services determines that there is a pressing need to do so. The Senate bill appropriately strengthens some of these provisions and also allows for recovery by the government in the event of grossly negligent or reckless conduct on the part of a contractor.

In emergency situations, we should not impede the development of necessary products. However, any exceptions from standard procurement procedures should be made only when necessary and should be subject to review. This proposal preserves that important standard.

The provisions of Bioshield authorizing the emergency distribution of unapproved drugs and devices, whose risks and benefits are not fully tested, impose an unprecedented responsibility on the government. FDA must be vigilant in protecting the public against unnecessary risks from these products.

In part because of these concerns, the bill requires that health care providers and patients be informed that the products have not been approved and be informed of their risks.

The bill also requires that manufacturers monitor and report adverse reactions to the products and keep other appropriate records about the use of the products. These conditions are essential for the safe use of unapproved products, and they should be imposed in all cases except in truly extraordinary circumstances.

In addition, the HHS secretary is authorized to limit the distribution of the products, to limit who may administer the products, to waive good manufacturing practice requirements only when absolutely necessary, and to require recordkeeping by others in the chain of distribution. We expect the Secretary to consider the needs for these additional conditions in each case and to impose them to the full extent necessary to protect the public from the risk of these products.

The bill before us today is an improvement over the original proposal and represents a bipartisan consensus of the House and the Senate and the White House. It deserves our support.

Mr. Speaker, I ask unanimous consent to yield the balance of my time to the gentleman from Texas (Mr. TURNER) as the ranking minority member of the Select Committee on Homeland Security and that he be allowed to control that time.

The SPEAKER pro tempore. Without objection, the Chair will recognize the gentleman from Texas (Mr. TURNER) for the time remaining to the representative from the Committee on Government Reform.

There was no objection.

Mr. BROWN of Ohio. Mr. Speaker, I also ask unanimous consent to yield the remainder of my time to the ranking member of the Select Committee on Homeland Security, the gentleman from Texas (Mr. TURNER), and that he be allowed to control that time.

The SPEAKER pro tempore. Without objection, the Chair will recognize the gentleman from Texas (Mr. TURNER) for the balance of the time allocated to the minority on the Committee on Energy and Commerce.

There was no objection.

Mr. BARTON of Texas. Mr. Speaker, could I inquire as to how much time remains that I am controlling?

The SPEAKER pro tempore. The gentleman from Texas (Mr. BARTON) has 20 minutes, and the gentleman from Texas (Mr. TURNER), for the minority, has 37 minutes.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Michigan (Mr. ROGERS), a member of the committee.

Mr. ROGERS of Michigan. Mr. Speaker, I thank the gentleman for yielding me this time; and I want to also thank Members on both sides of the aisle on this very, very important issue.

This legislation will greatly strengthen our Nation's capability to protect our military, first responders, and U.S. citizens from the real threat of biological, chemical, radiological, and nuclear weapons of mass destruction.

I am very pleased that this expands the definition of eligible countermeasures and would permit funding and procurement for certain FDA-licensed vaccines as well as experimental products for inclusion in the Strategic National Stockpile. I cannot say how important that is.

We find heroes and patriots both abroad and at home risking their lives in defense of freedom in this war on terror, but there are patriots and unsung heroes in my community who, under withering criticism, toiled to make their product better and get it into the hands of those who needed it most. Thanks to the employees of Bioport in Lansing, Michigan, since 1998, more than 1.1 million military and civilian personnel have been safely vaccinated with more than 4 million doses of the vaccine, including both pre- and post-exposure vaccinations of many of our own congressional colleagues and staff members after the October, 2001, anthrax attacks.

These existing products, like BioThrax vaccine, will provide our Nation with the insurance policy to strengthen its immediate bioterrorism preparedness capability in conjunction with working on new experimental vaccines.

Mr. Speaker, I would even go further and urge the Departments of Homeland Security and Health and Human Services to consider the immediate procurement of millions of additional doses of the FDA-licensed anthrax vaccines, as well as additional doses of antibiotics for the Strategic National Stockpile. These doses are essential to improving our capability and responding to another potential anthrax attack.

I want to again thank the President of the United States for making this a priority and sending a very clear and strong message that our Nation is serious about protecting the citizens and first responders from deadly terrorist threats with proven countermeasures.

The SPEAKER pro tempore. The Chair will clarify the time allotments.

The gentleman from Texas (Mr. BARTON) has 18 minutes remaining, and the gentleman from Texas (Mr. TURNER) has 37 minutes. We also have a 15-minute allocation to the majority, 7½ minutes to the gentlewoman from Washington (Ms. DUNN) on the Select Committee on Homeland Security, and 7½ minutes to the gentleman from Virginia (Mr. TOM DAVIS), chairman of the Committee on Government Reform.

Mr. TURNER of Texas. Mr. Speaker, I yield myself such time as I may consume.

I think we all understand that to win the war on terror we have to be much more aggressive about going after the terrorists wherever they are. Breaking up international terrorist cells is project number one for the national defense of this country.

We also know that we have to strengthen our homeland defenses and protect our vulnerabilities and protect our population from threats posed by challenges as the one addressed in this bill today, bioterrorism.

Finally, I hope we will soon learn that in order to win the war on terror we have to start addressing the policies that we need to pursue to prevent the rise of future terrorists so that someday we can stand on this floor and announce, as we did at the end of the Cold War, that we have won, that we have prevailed.

□ 1745

To win this war on terror, we must address the threat that is addressed by Project Bioshield, the threat of mass destruction through the use of bioweapons. Perhaps the most devastating weapon is a bioweapon of mass destruction. The anthrax attacks of 2001 woke this Nation up to the very real threat of bioterrorism. We know that al Qaeda intends to engage in bioterrorism, and we know that Osama bin Laden has called for the use of weapons of mass destruction against the American public. In fact, he has called it a religious duty.

In spite of this dire and clear warning, our biodefenses are no better than they were in September of 2001. No new medical treatments, vaccines, or lifesaving drugs have been approved for use. There is no antitoxin for ricin poisoning, no vaccine to protect against the plague, and no treatments of any kind against the deadly ebola virus.

Mr. Speaker, we must regain the sense of urgency that we all felt in this Chamber in the aftermath of September 11, and I hope that the passage of this bill will mark a renewed sense of urgency regarding the bioterror threat. Because this bill marks but the beginning, not the end, of a long road we must travel, I hope that the passage of this legislation will renew our urgency about the threat of bioterrorism. I support the Bioshield legislation because it is a good first step to addressing the challenge.

From the beginning of this process, I and many of my colleagues on the Democratic side have been concerned that this legislation is not enough to address the threats that we face. Whether Bioshield will be a success is yet to be determined. Bioshield is, in fact, an experiment. We do not know if the incentives in this bill will drive our pharmaceutical industry to develop medicines for biodefense when we all know they can make much more money developing and putting on the market other types of products. Many experts in the field believe that the best we can hope for is that in 10 years we may have a few countermeasures that will plug some of the holes in our biodefenses.

The longer it takes for companies to step forward to fill these gaps, the longer we will remain vulnerable. Our terrorist enemies will not wait while we experiment and our national security is at stake. We must protect our population. That is our responsibility. If the private sector does not step up to address and accept the challenge presented in this bill, then our government needs to have the authority to do the job itself directly.

One example of a capability that we clearly need and that Project Bioshield does not address is the ability to respond rapidly to a previously unknown or engineered pathogen. Terrorists may soon be able to genetically manipulate biological agents so they are resistant to our current stockpile of countermeasures and perhaps to those we develop in the future. That is why I, along with 35 of my Democratic colleagues, introduced H.R. 4258, the Rapid Cures Act. This legislation recognizes the fact that the growing power of biotechnology can render a pathogen like anthrax or smallpox immune to the vaccines and drugs we may develop through Project Bioshield. We need to develop the mechanism to go from bug to drug, that is from the identification of a pathogen to the development of a countermeasure to combat it in a matter of a few months or even weeks.

Today the average development period for a vaccine is 8 years. That is too long to address the threat that our terrorist enemies of the future may present us. Personally, I cannot think of another research goal that would bring more benefits to the security and the health of this Nation than shortening the period of drug and vaccine development. It is that kind of capability that we need legislation to bring about today.

Finally, it is incumbent on this Congress to exercise vigorous oversight in the implementation of this law and to ensure that the investment in resources which could be as much as $6 billion over 10 years produces the results that we intend. We have had biodefense failures before. The national smallpox vaccine program which was announced by the President with much fanfare at the end of 2002 has fallen far short of its goal of vaccinating 500,000 health care workers with, in fact, less than 10 percent of that number actually vaccinated today.

Forty percent of our States report that they are unable to vaccinate their populations within 10 days, that critical period, 10 days of an outbreak of smallpox. As soon as next month, we are likely to hear of the award of the first-ever Bioshield contract for 75 million doses of new anthrax vaccine. We need to be asking now before the ink dries on this multimillion-dollar contract, what is the plan? How does this vaccine fit into our biodefenses? Given the failure of our smallpox vaccine program, do we really expect our citizens to be any more receptive to the anthrax vaccine than they were to the smallpox vaccine? And if the old anthrax vaccine, as some have told us, is now safe and effective for our troops, why in fact do we need a new one?

And if as is the case and we already have a vaccine but we lack good treatments for an anthrax infection, perhaps we need to be investing in the treatment for those who may contract anthrax and need a drug to cure that dread condition. And if anthrax is not a contagious disease and we know it is not and if this vaccine will only work after three injections over 3 weeks, as I understand the proposed new anthrax vaccine requires, how will that protect us in the event of an actual anthrax attack?

So before the Secretary of Homeland Security and the Secretary of Health and Human Services decide to spend a billion dollars on a new vaccine, we in this Congress have a responsibility to get the answers to those questions.

For this Nation, Project Bioshield is an important first step, but much more work remains to be done, and we must take even stronger steps as soon as possible to protect us and to secure us in the days ahead.

Mr. Speaker, I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. SHADEGG), the distinguished whip of the Committee on Energy and Commerce.

Mr. SHADEGG. Mr. Speaker, I thank the gentleman for yielding me this time. I rise in strong support of the Project Bioshield Act. Is the act perfect? Does it solve all problems in this area? No. But I do not think we will hear anyone take to the floor and say that this is not a bicameral, bipartisan proposal to address a serious threat to this Nation.

I want to thank the chairman of the Committee on Energy and Commerce and the previous chairman, the gentleman from Louisiana (Mr. TAUZIN), both of whom have worked very hard on this legislation, as well as the chairman of the Select Committee on Homeland Security in bringing this initiative forward and moving it as rapidly as possible through the United States Congress. I also want to thank President Bush for putting this initiative on our agenda.

Thirty years ago, perhaps 20 years ago, we had never even heard of biotechnology or genomics; but today, along with our country's unparalleled leadership in semiconductors and computing power, we are making breathtaking breakthroughs in the field of bioscience. And as my colleague from Texas just outlined, there is much more that can be done. This legislation goes at a serious vulnerability for our Nation.

As has been referred to in this debate, we are aware by the briefings we get and by the press we read that we face a threat from al Qaeda and others who would seek to use these agents against us, chemical, biological, radiological, and even nuclear, weapons. They would like to use dangerous agents like anthrax, botulinum toxin, the plague, ebola and other similar viruses, as have just been noted, even some we are not even aware of. And of course as was well explained by my colleague, the former chairman of the Committee on Energy and Commerce, the gentleman from Louisiana, in the absence of this legislation, it is very clear that there is no incentive for anyone, not the government, not the private sector, not anyone, to develop and do the research to develop the countermeasures we need for these serious threats to the American people.

This is critically important first-step legislation. It not only will encourage the research but it also encourages the development of those countermeasures and the stockpiling of them so that they are readily available. The American people expect that of us and both committees in both bodies have worked hard on this kind of legislation.

I want to point out that I chair the Subcommittee on Emergency Preparedness and Response of the Select Committee on Homeland Security as well as serving on the Committee on Energy and Commerce; and I chaired hearings on the House parallel to this legislation, H.R. 2122. In those hearings we discovered a fact that has not been mentioned in this debate, and that is that the mere development of these countermeasures for such a biological attack will deter the attack. Think of that point. The reality is if al Qaeda knows that we are unprepared for a chemical, a biological or a radiological attack, then they are incentivized to make that kind of attack. On the other hand if they know that we have invested the money and done the research and we have developed countermeasures so that a biological attack or an anthrax attack, an attack of ebola or of the plague is something we are prepared for, then they are discouraged to even make that kind of attack.

The American people expect us to do everything humanly possible to prepare for the event of an attack; but even more importantly they want us to deter any attacks. They want us to protect the American people from an attack. This legislation, Project Bioshield, by not only encouraging the research of these antitoxins but also encouraging their development and their stockpiling will indeed deter such attacks.

I strongly urge my colleagues to support this legislation.

Mr. TURNER of Texas. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from New Jersey (Mr. ANDREWS), who has spent a great deal of time and energy working on this important issue.

Mr. ANDREWS. Mr. Speaker, I thank my friend from Texas for his leadership and hard work on this bill. I congratulate him, the gentleman from Ohio (Mr. BROWN), the gentleman from Michigan (Mr. DINGELL), the gentlewoman from New York (Mrs. MALONEY), the gentleman from Texas (Mr. BARTON), the gentleman from Louisiana (Mr. TAUZIN), the gentleman from California (Mr. COX), and all those responsible for the passage of this very important bill.

One of the most frustrating failures of local government is when there is a traffic fatality at an intersection and the residents of the community say, for years we have been warning that there was going to be a fatality at this intersection. How come you did not put a traffic light or a stop sign up before? Why did it take a fatality to get government to pay attention?

This is a massive and serious equivalent at the national level of whether we should prevent the traffic accident by putting up the signal ahead of time. Although this bill is not perfect, it recognizes an issue that is not much talked about today but is very much looming on the horizon as a potential catastrophe for the country. As the gentleman from Texas said very eloquently just a few minutes ago, perhaps the most ominous and destructive terrorist attack that could occur on this country would be a terrorist attack using a biological weapon. Unlike chemical weapons, unlike radiological weapons, even unlike nuclear weapons, the threat of a bioweapon is not localized because very often a bioweapon uses as its carrier a human being. So the spread of a bioweapon attack will not be limited to a discrete local area. It will likely be spread throughout the country and throughout the world. This makes it even more urgent that antidotes that could cure those exposed to the attack or prevent people from being sickened or killed by the attack, that these antidotes be developed as rapidly as possible.

I am particularly pleased that the committees involved worked with us to include in this bill language that will protect the interests of companies that begin the process of developing an antidote and then have their contract terminated for convenience because a better idea comes along from another vendor. It is a very important provision that will permit these investors in research to recover the funds that they put into the contract.

Let me express three concerns about the bill, and I hope that we return once this is made law to improve these areas. One is what the gentleman from Texas talks about, particularly with respect to mutant or new strains of bioweapons that would not be handled by the antidotes developed under this bill. We need a much more rapid and focused effort to deal with those mutant or new strains.

Second, I am very concerned that the liability provisions in this bill are not sufficiently protective of the companies that would step forward to address the need to create these Bioshield defenses. I am not at all convinced that the immunity is broad enough or dependable enough. Time will tell.

□ 1800

If the immunity is not broad or dependable enough, we are going to have to revisit that issue.

Finally, I am concerned, to the extent that funding under this bill is discretionary and not mandatory, the financial rewards that are necessary to induce a company to step forward and participate in this process may not be certain enough. An investor is not going to take a risk unless there is a guaranteed return. I think this bill takes a step in the right direction, but I am concerned it does not go far enough.

I wholeheartedly support this bill. I am honored to have been a part of writing and pursuing the bill. I hope that the products produced as a result of this bill are never used. That would be the real measure of success. But, God forbid, if the day comes when they need to be used, let us be prepared. Let us not look upon ourselves and say, why did we not take action in the peaceful days before the attack when we had a chance to do so?

This legislation is long overdue. I enthusiastically support it. I would ask colleagues on both the Republican and Democratic side to vote "yes."

Mr. BARTON of Texas. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Florida (Ms. GINNY BROWN-WAITE), a former president pro tempore with the Florida Senate who chaired the Homeland Security Select Committee in the Florida Senate.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today in support of this legislation and certainly to congratulate both the former and current chairmen of the Committee on Energy and Commerce for their perseverance in bringing this bill to fruition today.

Since the attacks of 9–11, America has been under siege. We are fighting a war against terror and must not waver in our commitment to combating this evil. This war knows no set battleground, and the terrorists' arsenal of weapons is limitless. From using a cell phone as a bomb detonator to contemplating a crop-duster, as we found in Florida, as a vessel of pestilence, these thugs have proven both their resourcefulness and also their boldness and audacity.

For this reason, America must be prepared and must do everything in its power to protect its citizens. This legislation does exactly that. Among other things, the bill gives the Secretary of HHS the authority to conduct research and development for new vaccines that will offer protection from the possible chemical and biological agents that these arrogant fanatics conspire to exploit. Congress will provide the advance appropriation of $5.6 billion over the next 10 years to purchase these vital countermeasures.

S. 15 adds to America's security and offers us the piece of mind in knowing that if terror strikes America will be ready and we will be a whole lot safer. The tragedies of 9–11 taught us that we must do much more to protect our Nation and that the unrest around the world can have a disastrous impact on us here at home. Terrorism knows no boundaries, and neither should our efforts to prevent it.

This is a well-thought-out bill, and I encourage my colleagues on both sides of the aisle to support this proposal this evening.

Mr. TURNER of Texas. Mr. Speaker, I yield 6 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE), who has worked very hard in the area of trying to improve our bioterror defenses.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank my friend and colleague from Texas for yielding me this time. I listened to him as he was outlining some of the positives and, of course, some of the challenges that we still have before us. We cannot thank him enough for the studious and deliberate approach that he has taken to protecting the homeland.

It is important to note as well, since there are two Texans on the floor, now three, that this is a bipartisan bill; and we thank the distinguished chairman and the number of other Members who have worked so hard on this legislation. So my remarks should not be taken out of context to the extent that I disregard the hard work and the very valuable aspects of this legislation.

Frankly, I think, in order to make it more understandable, it is simply the government doing what it should do. It is the big umbrella. It is the responsibility of this government to secure the homeland. And when the private sector has not yet reached the point when it can move with all due and deliberate speed and even faster, it is imperative that we, the government, move in to protect the American people.

But there lies, I believe, the core of my criticism or my critique, because I am concerned that the American people do not believe that they are more safe today than they were 4 years ago or more safe today in light of the horrific tragedy of 9–11. I think we should be very frank about questions being asked that if there was a tragedy, whether it would be by some form of nuclear reaction or activity or whether it would be bioterrorism or whether it be acts of terrorists, the question is who is in charge? All of these elements that we are now discussing, in this instance, bioterrorism, all need to relate to an orderly focus on securing the homeland; and I believe it is extremely important that we find ourselves organizing this whole effort of the war against terrorism in a methodical way.

We are very delighted that a number of us Democrats are putting forward a number of initiatives that deal step by step with securing the homeland in an orderly fashion. I believe the bioterrorism in the Project Bioshield Act of 2004 is a positive first step. It is important to note that even as recently as April we were faced with challenges dealing with the question of bioterrorism.

I am reminded of a couple of days after 9–11 when I gathered a number of our first responders from all over the county in a meeting held by my congressional district. In the midst of that meeting, just 3 days after 9–11, a number of my firefighters had to immediately leave in an emergency as some white powder was discovered at a major hospital in my community. We have not had a series of these lately, but they are occurring on a rapid basis or regularly, even though we do not see them in the news.

As recently as April 22 of this year in Tacoma, Washington, we had a bioterrorism scare. A white powder was found in two envelopes, and 94 people had been evacuated from a mail distribution facility. Initial tests of the powder tested positive for biotoxins that cause bubonic plague or botulism. Four people at the facility had to be decontaminated.

The same day, a suspicious powder was found in a Federal Express cargo area at Southwest Florida International Airport in Fort Myers, Florida. Six people were taken to a hospital for possible decontamination, including one who suffered burning eyes and nose.

We are presently faced with the threat of a worldwide SARS outbreak. The inability of many foreign countries to adequately deal with that outbreak raises questions about our own preparedness.

What about other infectious diseases like tuberculosis? There are many ailments that our medical professionals are struggling to control, and we must do better in the area of biological weapons.

Might I say also that we are confronting and fighting the devastation of HIV/AIDS. We have found in this country that sometimes the infected person has used it in a criminal manner. Who is to say that it could not also be engaged in some act of bioterrorism?

So I do support the Project Bioshield Act of 2004. But, frankly, I believe that one of the things that we should get out of these legislative initiatives is to find an orderly way of putting all of these ways of protecting the homeland in a way that we know who is in charge, why they are in charge, and how they can intermesh with protecting the homeland. I will raise that question over and over again.

Might I also acknowledge that, as we put forward Project Bioshield that will take now some $5.6 billion, we should not forget, as our friends and colleagues on the Committee on Energy and Commerce have noted, the other preventable diseases or other contagious diseases and the other work of NIH so that we are assured that we are protecting the homeland in many ways. We must seek to balance the fear of the American people with the health needs of the American people. Again, we must have an orderly process of protection.

Let me make note of an amendment that I offered and added to this, because I am always concerned that protecting the homeland reaches the neighborhoods, reaches the families, the schools. In fact, I am a supporter of finding safe places in communities such as public buildings like schools and fire stations. But, Mr. Speaker, we added to this legislation that the Secretary of Health and Human Services reach out to Historically Black Colleges and Universities, those serving Black or African Americans, American Indians, Appalachian Americans, Alaska Natives, Asians, Native Hawaiians, other Pacific Islanders, Hispanics or Latinos, in order to reach out to provide resources for those institutions to be utilized in available research and development grants, contracts, cooperative agreements, and procurements under this particular legislation. If we secure the homeland, we must secure the rural homeland, the urban homeland, and all segments of our population. We must secure the neighborhoods.

So I support this legislation, but I also believe that we still have work undone to complete our task of assuring the American people that the homeland is securely secure.

Mr. Speaker, I rise today in support of S. 15, the "Project Bioshield Act of 2004." I supported the predecessor of this bill, H.R. 2122 as it passed previously. This is important legislation because it takes America one-step closer to being prepared to deal with a biochemical terrorist attack. As we consider this legislation, Mr. Speaker, America is still not safe. We remain vulnerable. Our ports are not secure. Our critical infrastructure is not secure. our communities are not protected from biochemical agents. S. 15, will help to make America safer.

The purpose of the Project BioShield Act of 2004 is to "enhance the research, development, procurement, and use of biomedical countermeasures to respond to public health threats affecting national security, and for other purposes." The stated purpose of H.R. 2122 and now of S. 15 are noble given the danger posed by biochemical weapons.

The threat of bioterrorism is substantial, and protecting America from biochemical agents and terrorist attacks must be one of our chief concerns as we continue our work of protecting our homelands. Biological weapons pose a particularly dangerous threat. Biological weapons are highly portable and difficult to detect.

Bioterrorism attacks not only pose a danger to human lives, they also have the ability to cripple the operation of our society and severely harm our economy. We all recall the primary and secondary impact of the anthrax attacks in 2001. The attacks involved a series of letters mailed in prestamped envelopes to media outlets in Florida and New York and to the offices of Senators THOMAS DASCHLE and PATRICK J. LEAHY (D–Vt.). The anthrax attacks killed 5 Americans and left 13 others severely ill. The five people who died from inhalation anthrax included two postal workers at the Brentwood postal facility in Washington, a Florida photojournalist, a New York hospital worker, and a 94-year-old woman in Connecticut. Thousands more were exposed to the lethal bacteria. The letters passed through various post offices and postal distribution centers along the east coast leaving a trail of contamination. Buildings from the Brentwood mail facility, to the congressional office buildings, to NBC headquarters had to cease operations.

The threat of bioterrorism did not end in September 2001. As recently as April 22 of this year in Tacoma, WA, we had a bioterrorism scare. A white powder was found in two envelopes, and 94 people had to be evacuated from a mail distribution facility. Initial tests of the powder tested positive for biotoxins that cause bubonic plague or botulism. Four people at the facility had to be decontaminated. The same day, a suspicious powder was found in a Federal Express cargo area at Southwest Florida International Airport, in Fort Myers, FL. Six people were taken to a hospital for possible decontamination, including one who suffered burning eyes and nose.

We are presently faced with the threat of a worldwide SARS outbreak. The inability of many foreign countries to adequately deal with that outbreak raises questions about our own preparedness. What about other infectious disease like tuberculosis? There are many ailments that our medical professionals are struggling to control. We must do better in the area of biological weapons.

The ease with which biological weapons can be manufactured is also a danger. The equipment and ingredients needed to manufacture many biological agents can be purchased over the Internet. Additionally, as our failure to apprehend those responsible for the 2001 anthrax attacks illustrates, biological terrorists can operate with more secrecy than traditional terrorists.

Positive strides have been made in the various biochemical fields. We have improved our ability to secure our borders and prevent deadly materials from entering our country. However, it is unrealistic to expect no biological weapons to enter the United States. Last year alone 30 million tons of cocaine was smuggled into the United States. If we can't stop 30 million tons of cocaine from crossing our borders, how can we expect to stop a vile filled with anthrax, botulism, or small pox? A vile that could kill hundreds or possibly thousands.

To adequately protect our homeland from bioterrorist attacks we must address these and many other concerns in the Project Bioshield bill. The provisions of Project Bioshield provide a good start to protecting Americans from a bioterrorist attack but work remains. Presently Project Bioshield's provisions grant the National Institute of Health new powers, through grants and contract awards, to speed effective research and development efforts on bioterrorism countermeasures. Project Bioshield also creates a long-term funding mechanism for the development of medical counter measures, and empowers the government to purchase safe and effective vaccines. Finally, Project Bioshield authorizes the Food and Drug Administration to use promising, yet uncertified, biological treatments in the case of emergencies.

The research, development, and procurement provisions of the Project Bioshield bill are instrumental to the development of countermeasures for protecting our communities. The development of effective vaccines will mean the difference between life and death. There needs to be research and development participation from diverse institutions nationwide, so that the expertise of as many biological and chemical industry leaders can be utilized. During markup of the House version of this legislation, H.R. 2212 in the Select Committee on Homeland Security, I negotiated the inclusion of language to ensure that Historically Black Colleges and Universities, and institutions serving large populations of Native Americans, Hispanic Americans, and Asian Pacific Americans are meaningfully aware of research and development grants. Provisions such as this not only include diverse scientists in the research and development process, they facilitate dispersal of information to all communities. I am very pleased to see the retention of this provision as "Section 6, Outreach" in the bill before us today, and I wholeheartedly support its passage.

Protecting our communities is the most challenging and most important responsibility of the Federal Department of Homeland Security, the House and Senate Select Committees on Homeland Security, and all members of this Congress. An ongoing failure of all agencies responsible for homeland security is our inability to equip our local communities with the funds and supplies needed to counter a terrorist attack now. During recent on-site reviews in Colorado and California, I spoke with first responders and individuals responsible for securing our ports. I also organized a briefing with testimony on the issue of homeland security in Houston, TX, in April. During each of these events, America's first responders echoed the same sentiment: They lack the funding and equipment to deal with a terrorist attack.

The Project Bioshield bill is an opportunity to correct this continuing failure. It is insufficient to simply research and develop bioterrorism countermeasures. We must also get those countermeasures into the hands of the health professionals and other first responders responsible for administering vaccines to the victims of bioterror attacks. We must not delay. First responders need these supplies immediately.

Mr. Speaker, I believe the provisions of S. 15, the Project Bioshield bill, are good first steps in protecting Americans from biological attacks. However, I feel that our country is still not safe and that many protections need to be established to fully protect our communities from biochemical attacks.

SEC. 6. OUTREACH.

The Secretary of Health and Human Services shall develop outreach measures to ensure to the extent practicable that diverse institutions, including Historically Black Colleges and Universities and those serving large proportions of Black or African Americans, American Indians, Appalachian Americans, Alaska Natives, Asians, Native Hawaiians, other Pacific Islanders, Hispanics or Latinos, or other underrepresented populations, are meaningfully aware of available research and development grants, contracts, cooperative agreements, and procurements conducted under section 2 and 3 of this Act.

Mr. BARTON of Texas. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. COX), the distinguished chairman of the Select Committee on Homeland Security.

Mr. COX. Mr. Speaker, I thank the chairman for yielding me this time.

This has been an extraordinary collaborative effort. I want to congratulate the gentleman from Texas (Mr. TURNER), my ranking member, who is on the floor and who has been on his feet for much of this debate. I want to thank the gentleman from Texas (Mr. BARTON), the chairman of the Committee on Energy and Commerce; and the gentleman from Michigan (Mr. DINGELL), ranking Democrat on that committee.

In the same way that this was a collaboration between the Committee on Energy and Commerce and the Select Committee on Homeland Security in the Congress and the Committee on Government Reform in the House of Representatives, chaired by the gentleman from Virginia (Mr. TOM DAVIS), who will speak shortly; likewise, it was a collaborative effort in the Senate, including their Government Affairs Committee. It is a collaborative effort within the administration that we are setting up. The Department of Homeland Security and the Department of Health and Human Services will partner in this first responder effort of unprecedented magnitude.

And I should say, Mr. Speaker, that this is the largest first responder program ever enacted in American history. The purpose, of course, is to protect Americans, to protect Americans in the event of an attack. That puts this squarely in the orbit of what we consider to be first response. But we need to make sure that our first responders have the tools that they need to arrest the spread of a biological attack and to protect Americans before it is too late. Every second, every moment really does count in the event of a terror attack, as the Senate Majority Leader Dr. FRIST has so ably pointed out in his book on this topic.

It was 18 months ago that President Bush called on Congress to enact a bill to speed the development of antidotes, vaccines, against biological warfare and against chemical weapons. We need to have drugs, vaccines, and antidotes to combat these weapons if they are used against us, as we now expect they might be.

We know, for example, that Mr. Zarqawi, when he was in Afghanistan, was working on biological and chemical weapons development. He is now attacking Americans and leading the terrorist attacks on Americans in Iraq. We know that Osama bin Laden at various times expressed interest in and may have acquired precursors of these same kinds of weapons.

We cannot take these kinds of threats lightly, and we are not. The bill that we are passing today reflects a model for future legislation because it is so collaborative. Homeland security requires us to knit together different responsibilities, different authorities, the responsibilities of different agencies of government, of law enforcement, different levels of government, Federal, State, and local, as never before.

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That is going to happen under this bill as well.

In the first instance, it will be the responsibility of the Department of Homeland Security to assess the global threat, to tell us what are the most likely and most threatening agents that could be used against us. Then we will hand off to the Department of Health and Human Services, which will help, after the priorities are set for this research jointly with DHS, implement this program. The research priorities will be implemented based on the information that has been provided by the Department of Homeland Security.

By properly understanding the threats that confront us based on our country's best intelligence, we can allocate our resources and focus our efforts where they are most needed, on the biological, chemical and radiological agents for which the risks and potential consequences of attacks are greatest.

Another genius of this program is that it is not a government-run program. The government is putting significant resources at the ready to provide an incentive and a market to purchase any successful products that are developed as a result of our call to action, but we are unleashing the creative genius of the private sector.

Under the President's new national biodefense directive issued on April 28, 2004, all bioterrorism projects and programs will fall under a coordinated and focused strategic plan. This will help maximize these resources that we are putting to work here, and it will ensure a unified effort across all the Federal agencies.

Bioshield is an integral part of this strategic plan. It will draw upon the expertise and resources of the private sector, as almost no other government program that is part of the strategic plan, in order to produce more quickly those countermeasures necessary to make our Nation safer.

It is important to recognize the visionary leadership of the President in this regard. It is without exaggeration or embellishment that I can say that this President, President Bush, and his administration, and in particular Vice President CHENEY, have devoted more attention and more resources to the fight against bioterror than any administration in history.

Prior to 2001, our investments in research and development and other public health preparedness activities were minimal. They are now profound. The President and this Congress are allocating annually billions of dollars to this fight, and under Project Bioshield alone we will spend $5.6 billion over the next 10 years. The President is clearly leading the way.

Project Bioshield was not dreamed up here in the halls of Congress, but with big obstacles to addressing that need we have acted. So it is with both bipartisan pride, I think, and also with collaboration in mind between the executive branch and the legislative branch that we can say that we have enacted into law, we very shortly will be able to do this, next week we will be able to say this, the most significant first responder program in our Nation's history.

The Select Committee looks forward to working with President Bush, Secretary Ridge, Secretary Thompson, and the other committees in the House and Senate to make sure we leverage the resources provided by Project Bioshield to build a sustained countermeasure capacity to protect our Nation and our citizens from the ever-evolving threat of weapons of mass destruction.

Mr. Speaker, I reserve the balance of my time.

Mr. TURNER of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, I yield 3 minutes to the great volunteer, the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. Mr. Speaker, I thank the chairman for yielding me time, and I thank all of those involved for bringing this legislation to the floor in the form of a conference report.

I have to come to the floor, though, saying it is frustrating for me as a Member of the Subcommittee on Homeland Security of the Committee on Appropriations that it took a year to get the bill from the House floor back to the House floor in the form of a conference agreement, since time is very much of the essence.

Also I want to tell a story. About a year ago, when I brought "Buy America" provisions to the floor trying to insert them in this legislation, received assurances from Secretary Thompson and the gentleman from Louisiana (Chairman TAUZIN) that every effort would be made to buy America where possible in all of the implementation of not just Bioshield, but all of the different treatments and antidotes that fall under Bioshield or not. Then later in the fall I had an Assistant Secretary of Health and Human Services in my office, and I spoke about the treatment for a radiation event and how that was going to be procured. It is called Prussian Blue, and I was told that that was still in the process of being competed.

Little did anyone know in the room under this interagency working group that a month earlier, an exclusive contract had already been committed to procure Prussian Blue and fill up our stockpiles to a German company.

I have got to tell you, in Tennessee that does not go over very well, when there are U.S. manufacturers prepared to do this and time is of the essence. The FDA, HHS, DHS, we need to coordinate better. I am very concerned about ceding the responsibility to interagency working groups and not having an accountable person.

This is billions of dollars. It is, frankly, late. We have been appropriating the money. It cannot go forward, and time is of the essence. We are going to the conventions, and the threats are real, and we do not have the stockpiles full.

I commend the authorizers; but, darn, everybody involved needs to move quicker because we do not have the stockpiles full of these treatments, and many of them are available and on the shelf by U.S. manufacturers. I was in Tampa, Florida, a week ago Monday; and I saw those treatments, and they are not on the streets of New York or Boston or across the country, or in Athens, Greece; and U.S. manufacturers can export them.

We have the best technology in the world. We do not have to lean on the French or the Germans to fill up our stockpiles for treatments in the event of more terrorism. It is not just Bioshield, it is Chemshield and Nukeshield. It is all of the major threats.

So, yes, vote for this. It is long overdue. Move it quickly to the President's desk. And then get the administration to coordinate better together.

I called Assistant Secretary Simonson today. I said, I need to talk to you. I am still waiting for the phone call. The legislation is on the floor. I am on the subcommittee. I am waiting for the phone to ring. We need action. The American people demand no less. This is the most target-rich environment in the next 4 months that we have ever faced in the history of this country. Let us get it on.

Mr. BARTON of Texas. Mr. Speaker, I believe I have 4 minutes remaining. I yield that time to the gentleman from Virginia (Mr. TOM DAVIS), the chairman of the Committee on Government Reform, and ask that he control the balance of the Committee on Energy and Commerce time.

The SPEAKER pro tempore (Mr. FOLEY). Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. The gentleman from Virginia (Mr. TOM DAVIS) has 11½ minutes remaining, the gentlewoman from Washington (Ms. DUNN) has 7½ minutes remaining, and the gentleman from Texas (Mr. TURNER) has 17 minutes remaining.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 15, the Project Bioshield Act of 2004. The bill provides the government with the necessary tools to develop and purchase vaccines and other drugs to protect Americans in the event of a bioterrorist attack. The President first announced this proposal during his 2003 State of the Union address, and it serves as the cornerstone of the administration's strategy to prepare our Nation against the possibility of bioterrorism.

A few minutes ago, we were privileged to hear from the chairman of the Select Committee on Homeland Security, the gentleman from California (Mr. COX); and I will include for the RECORD an editorial written by the gentleman from California that appeared in the Washington Times and published July 12, 2004.

[From the Washington Times, July 12, 2004]

INTERCEPTING BIOTERRORISM

(By Christopher Cox)

America is at a very dangerous crossroads. Not only al Qaeda but also terrorist groups such as Jemaah Islamiah are working on acquiring or developing new terrorism capabilities, including bioweapons. Will we be prepared?

Evidence in an Egyptian terrorism trial two years ago indicated Osama bin Laden may already have access to dangerous biological agents. Meanwhile, the risk of proliferation to terrorists continues growing, with at least eight nations running bioweapons programs, including genetic engineering of pathogens and developmental programs for new production and delivery methods.

Winning the war on terrorism will require our nation not only to defeat attacks with explosives and military-style weapons, but also to be prepared to overcome potential assaults with weaponized anthrax, ricin, smallpox, plague, tularemia, botulism toxin and viral hemmorhagic fevers (such as the Ebola virus).

Just how vulnerable are we to such attacks today? The United States now can fully meet only a handful of the 57 "top echelon" bioterror threats. That's not an acceptable level of preparedness for the greatest power on Earth. We can launch a Tomahawk cruise missile and thread it down the smokestack of a munitions factory from 1,000 miles away—once thought to be a million-to-one shot at best—yet we aren't prepared to deal with the frightening prospect of an anthrax or sarin gas attack against our civilian population.

It's vital that we put our best minds to work round-the-clock on new ways to prepare for a biological or chemical attack here at home. But according to a study published in the May 2004 issue of the journal Clinical Infectious Diseases, only six of 506 drugs currently in development are antibioltics—even though drug-resistant bacteria are a growing threat.

This is only because the proper incentives and funding aren't there, not because the scientific challenge is too great. Indeed, the germs that cause anthrax and plague are not nearly as difficult to analyze as a virus such as HIV. Vaccines and treatments for biological weapons such as these can be developed.

Certainly, America has made some progress in preparing for possible germ warfare on our own soil, but we're not ready to combat a major bioterror assault at this time and our enemies know it. Worse, they're looking for ways to exploit our weaknesses.

We are now on the threshold of changing that. Project Bioshield, expected to receive final legislative approval tomorrow and then be sent to the president for his signature, will shortly unleash the greatest force in world history: American ingenuity.

By guaranteeing a market for successful vaccines and antidotes, Project BioShield will provide incentives for private-sector scientists, physicians, and researchers to develop lifesaving treatments. Congress has made available $5.6 billion over 10 years to purchase and stockpile a national supply of drugs and vaccines for use if a biological weapon is set loose by terrorists on an unsuspecting American public.

BioShield will speed research and development on new drugs and antidotes at the National Institutes of Health and in our national laboratories. And it will allow, if germ warfare breaks out, distribution of developmental lifesaving drugs on a fast-track approval basis to save innocent lives, so long as the benefits outweigh potential risks.

President Bush asked Congress to move immediately on his plans for Project BioShields in the 2003 State of the Union address. The House quickly responded. Last July, the Homeland Security Committee, which I chair, worked closely with other House committees to turn the president's vision into legislation. Unfortunately, after our bipartisan bill passed the House by a wide margin, it languished in the Senate nearly a year before being rescued by Majority Leader Bill Frist, Tennessee Republican.

But now that both chambers have worked out their differences, America finally is ready to prepare in earnest for a potential terrorist attack that won't yield to bullets or bombs. Now, we'll be using the very best weapon in our defensive arsenal—our brainpower.

By approving Project BioShield, Congress is saying: "Let the race to find lifesaving countermeasures begin." America's leaders have heeded the advice of experts who have estimated that without BioShield it could take 10 years, and cost up to $800 million or more, to bring a single new vaccine from development through clinical trials to market.

The war won't wait that long, of course: Terrorists could strike us at any minute. And once a bioweapon is released, every second will count.

In many ways, the war on terrorism is like a chess game. We must anticipate our enemy's moves, and mount an impenetrable defense. In their pursuit of bioweapons, the terrorists have revealed some of their game plan. Project BioShield will ensure we stay one move ahead of them.

Someday soon, when it comes to bioterrorism, Americans will be able to say: Checkmate.

Mr. Speaker, the bipartisan bill we are considering today is similar to H.R. 2122, which was passed by the House on July 16, 2003. S. 15 is a good bill that serves a compelling national interest.

Over the past few decades, we have seen rapid progress in the development of treatments for many serious, naturally occurring diseases. Pharmaceutical and biotech companies are highly capable of producing diagnostics and therapeutics when consumer demand exists. However, there has been little progress in treatments for deadly diseases like smallpox, anthrax, ebola, and plague that affect today few Americans. There is little manufacturer interest in developing treatments for these diseases since there is no significant market, other than the government.

Drug companies have little incentive for the substantial investment required to bring treatments to these deadly diseases to market. Moreover, the potential liability for an adverse reaction by a patient far outweighs any potential financial benefit in some of these cases.

Should the United States be attacked with these deadly pathogens, however, the need for vaccines, tests and treatments would be great and immediate. S. 15 is designed to ensure that our country is prepared.

The bill provides the Secretary of Health and Human Services with a number of flexible acquisition tools based on existing streamlined procedures to promote research and development and procure necessary drugs and vaccines. These tools are instrumental to the success of the Bioshield program.

S. 15 gives the Secretary of Health and Human Services streamlined authorities to promote the research and development of drugs and other products needed to protect Americans in the event of a public health emergency affecting national security. The Secretary will be armed with flexible acquisition tools for research and development projects and would also have expedited authorities to award research grants and to hire technical experts and consultants. It would not be burdened with the existing procurement processes that could take months.

The bill authorizes the procurement of biomedical countermeasures for the Nation's stockpile, using a special reserve fund. The Secretary of Health and Human Services and the Secretary of the Department of Homeland Security would be required to work together to recommend the countermeasures that are needed for the stockpile. Acquisition of countermeasures using the special reserve fund could only be made with the approval of the President of the United States.

This bill would permit the use of simplified acquisition procedures only when the Secretary of Health and Human Services determines that the mission of the Bioshield program would be seriously impaired without the use of such special procedures.

Finally, during national emergencies, the bill would permit the government to make available new and promising treatments prior to approval by the Food and Drug Administration.

I especially want to thank my ranking member, the gentleman from California (Mr. WAXMAN), and his staff for working with us on this important legislation. I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. TURNER of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, let me thank all of the Members on both sides who have worked to bring us to this point in the passage of the legislation. I must say I have a great deal of agreement and sympathy for the remarks made by the gentleman from Tennessee (Mr. WAMP) a few moments ago, because the urgency of this matter certainly dictates that we move much more quickly than we have been able to move on this legislation.

The President proposed this project in his State of the Union address in 2003. The House passed the bill in July of 2003, the Senate passed the bill 2 months ago, and we are just now bringing this conference report to the floor. So there is no question that in these times of terrorist threat the stakes are very high. The risks that we face are very great, and failure to close the security gaps in the area of bioterrorism or in a host of other areas where we have serious threats is not an option for this country.

We also know that in Project Bioshield and its implementation, we face great risk; and it is my hope that the three committees who worked so well together in crafting this bill will also each in their own way vigorously exercise the oversight that is necessary to ensure that Project Bioshield is successful.

When we know that we may be hearing of a decision in the near future by

Secretary Ridge and Secretary Thompson to begin to acquire a new anthrax vaccine, I think it is incumbent upon each of us in our committees, in our oversight responsibilities to ask the tough questions about whether or not we are moving in the right direction; for that first contract could be in the neighborhood of a $1 billion Federal contract.

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Failure in making that decision in the appropriate and proper way to ensure that it is successful is an essential oversight responsibility that each of us have.

So it is my hope that the good work and the good cooperation that occurred between the Committee on Commerce and the Committee on Homeland Security and the Committee on Government Reform will be carried forward as we provide the necessary oversight to ensure the success of this important piece of legislation.

Again, Mr. Speaker, this is an important bill, and I urge every Member of the House to vote aye.

Mr. Speaker, I yield back the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I thank the gentleman from Texas and others who have been involved in getting this legislation before us.

Let me just say I share the frustration that many Members of this body feel at the time it has taken to get this measure to this floor, in a conference report form, and then send it on to the President's desk for signature. We passed this legislation with bipartisan support a year ago, and it languished over in the other body until it was rescued by Senator FRIST.

The time is late, but the time is now. I urge my colleagues to adopt and support this legislation.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FOLEY). The gentleman will refrain from improper references to the Senate.

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today in strong support of S. 15, legislation to protect our Nation from future biological and chemical terrorist attacks. The House passed H.R. 2122, similar legislation, last year by an overwhelming margin of 421 to 2. As a member of both the Homeland Security Committee and the Energy and Commerce Committee, I have been proud of the bipartisan work that has gone into this legislation which will add to our effort to protect the Nation from biochemical attack.

Mr. Speaker, although five people were killed in the anthrax attacks of 2001, the death toll was kept relatively low because effective medical countermeasures were available. After the outbreak, strong antibiotics were immediately prescribed to deal with the crisis. In 2002, Congress further enhanced our ability to respond by enacting the Public Health Security and Bioterrorism Preparedness Response Act (PL 107–188), which authorized funds to increase the Nation's stockpile of medicines and vaccines—particularly for smallpox—and provided aid to state and local governments and health facilities to help them prepare for possible attacks.

Unfortunately, effective vaccines or treatments do not exist for many biological threats deemed by the U.S. government to be most dangerous, including botulinum toxin, plague, and viral hemorrhagic fevers such as the Ebola virus.

The development of effective countermeasures has been hindered by the lack of a significant commercial market. Currently, companies have little financial incentive to invest the funds needed to research, develop or produce vaccines or other countermeasures because there is little or no market.

Despite these challenges, in my district, the Stowers Institute and the Kansas City Life Sciences Institute are both trailblazers in the field of research. The Stowers Institute's new research facility in Kansas City incorporates the best that present technology can offer. In my community, the best and the brightest are working to broaden the base of knowledge in hopes of discovering cures and vaccines for today's diseases and future threats.

Today's legislation will encourage and support these efforts by providing additional funding for research and development of new countermeasures and vaccines. The bill will also provide for an expedited approval process to ensure that the fruits of our research can protect the public as soon as possible.

Mr. Speaker, all over this Nation, our first responders serve on the front lines when disasters occur and continue to be the eyes and ears of our Nation. They are a significant part of the effort to protect our homeland and guard against the invisible threat of a chemical and biological attack. Today's legislation is an important step in that process and I support it.

Mrs. CHRISTENSEN. Mr. Speaker, I want to begin by first thanking our Chairman, Mr. COX from California and Ranking member, from Texas, Mr. TURNER, for their leadership on the select committee and for this opportunity to offer my support for S. 15, Project Bioshield, and to draw attention to the critical issues of homeland security. And I also want to take the opportunity to again thank the minority leader, the gentlewoman from California, Ms. PELOSI, for the honor of serving on this important committee.

In this post 9/11 world, it has been said that bioterrorism may represent our greatest threat. Project Bioshield is important because it will help to ensure that we can spur the development of vaccines and other countermeasures that will be needed to counteract or treat an infectious, radiological or chemical attack. But it can only go so far, because we have no idea what the agent might be or how a known one might be altered. Not only is it possible that hundreds of millions of dollars could be spent to develop a medicine or vaccine and it be totally useless, but the very best of medicines, vaccines or other agents will be worthless to you, me and the people we serve without an intact public health system.

A recent bipartisan commission's report, "First Responders Underfunded and Unprepared," documents the dire need of our public health and other responders in stark and frightening terms. I am still waiting for a formal hearing on their findings, and we should not be afraid to have the report aired. We should really be more afraid not to pay attention to its findings and its recommendations.

Particular when we think about the health care disparities in minorities and in our rural areas that I have come to this floor to bring to the attention of our colleagues on many occasions did not just come about by chance. They exist because of the poor public health systems in these communities. The last 3 years of cuts to health budgets have been devastating. The lack of emphasis on minority and rural health and the even bigger cuts that the President is insisting on this year, so that those who already have the best of health care can get a tax cut and other perks, have sent States into a free fall of budget deficits, and local public health safety nets, like those in Los Angeles, and Detroit, to near collapse.

Mr. Speaker, we cannot just throw money at the problem of terrorism, as this administration has a tendency to do, without adequate planning. In this case, we must first and foremost insist that our public health system is intact and that it can ensure that people are healthy and our bodies are in a better condition to fight off infections and the other biological assaults that may come from a bioterrorism attack.

The anthrax scare taught us that lesson. The breakdowns were fundamental ones. Project Bioshield, the administration's centerpiece for public health preparedness and biological countermeasures, would not have saved the two postal workers just down the street from here who died because the public health system failed to respond. It happened here, but it could happen anywhere.

Confronting the danger posed by these advanced biological weapons is a challenge we must begin today. Thus, we must ensure that biotechnology is fundamentally "dual-use," that is it can be used both for peaceful and destructive purposes. Because of its potential for misuse, balanced biodefense policies must be developed and adopted to ensure our safety and security. These should include reasonable steps to prevent the spread of dangerous pathogens and the technology to enhance them. Preparedness of our health infrastructure must also be enhanced and maintained. Finally, protections, including drugs and vaccines, to counter potential weaponized pathogens need to be available during a crisis.

It is in the area of protections for tomorrow's biological weapons threat that we are particularly weak. The primary proposal advanced to boost our protection capacities, Project Bioshield, will not address this threat because it is targeted to addressing classical agents. In addition, it relies on the current base of science and technology in drug and vaccine development, which takes an average of 14 years to develop and introduce a new medicine. As a consequence, our protective biodefenses are essentially static and unmoving in the face of a threat that is highly variable and unpredictable. The recent experience with SARS and the danger of a new flu pandemic demonstrate the dangers of a lack of effective countermeasures and a nimble ability to develop and field them.

Recently, Ranking member TURNER and I introduced H.R. 4258 The RAPID Cures Act. This bill seeks to commission the development of a strategy to achieve a dramatic reduction in the timeframe required today for the delivery of drugs and vaccines to counter pathogen threats for which we have no existing countermeasures. The achievement of reductions and the institution of a national rapid response "Bug-to-Drug" capability will be a significant boost to our biodefenses against the emerging and future threat of bioengineered biological weapons, as well as naturally occurring novel threats, such as SARS or pandemic flu.

In addition to improving antimicrobial and vaccine development capabilities, an area currently neglected by the private sector, the technical spin-offs of such an endeavor are also likely to benefit the domestic pharmaceutical and biotechnology industries more generally. Broad public health benefits will also be forthcoming. Extensive literature exists to show that the long timeframes (14 years) and high failure rates typical of drug development processes today are a significant cause of high R&D costs, and thus high prescription drug costs.

Mr. Speaker, today I know that we will pass this bill, but what I and other health providers, public health experts and officials and the people of this country want to know is that we will always move just as determinedly and expeditiously to fully fund the strengthening of our public health system, the training of our first responders and provide them with the tools and facilities they need to protect us in those first critical hours where lives can and must be saved.

I again want to take this opportunity to thank and commend Chairman COX and Ranking Member TURNER for their leadership in moving this bill through Congress.

Mr. SHAYS. Mr. Speaker, I rise today in strong support of this bipartisan legislation, the Project BioShield Act. The anthrax attacks in the fall of 2001 brought the once distant threat of biological weapons into these very buildings. It is not a question of if, but when terrorists will strike again. Project BioShield marks an important step toward preparedness to deter or defeat the next terrorist attack using deadly pathogens.

I am particularly pleased that the legislation clarified some ambiguity that I had raised during the bill's initial consideration regarding safeguards for the application of medical products during emergencies for military personnel. Initially, the legislation appeared to allow the President or Secretary of HHS to remove safeguards for military personnel that were available to the general population. This legislation addressed those concerns.

This legislation will provide $5.6 billion over 10 years to develop and procure effective countermeasures against biological, chemical and radiological weapons. To counter the grave and changing threat, the bill gives the Secretary of HHS new, flexible authorities to conduct and support research and development for new vaccines and drugs. Most importantly, Project BioShield removes barriers and provides important incentives to the private sector to spur the advance of biotechnologies. If used aggressively and wisely, the authorities in this legislation will result in significantly strengthened defenses against bioterrorism.

Two words of caution: First, implementation of BioShield must be linked to the threat. Vaccines and antidotes against exotic agents may present easier, near-term opportunities for quick successes. But the Center for Disease Control and the intelligence community maintain a threat list of pathogens, and that list should focus and guide BioShield investments. Botulinum toxin ranks right behind anthrax as a known biological threat. But testimony before the Select Committee on Homeland Security concluded development of botulinum antitoxin stocks could take up to 10 years. If Project BioShield is going to provide anything more than a symbolic barrier against biological attack, that estimate has to change.

And, the success of BioShield also depends upon broader bio-preparedness priorities. The Government Reform National Security Subcommittee, which I chair, has held several hearings on bioterrorism preparedness. We learned that massive caches of stockpiled vaccines, antibiotics and drugs will protect no one if they cannot be administered quickly and safely. Public health capacity is a critical enabler to BioShield success. Surveillance systems, diagnostic tools and trained medical personnel are prerequisites to any effective defense against natural and man-made biological outbreaks.

Terrorism thrives on uncertainty. We cannot expect to vaccinate everyone against every possible pathogen. Instead, we need a well-equipped, well-trained public health system that can rapidly respond to health emergencies.

Mr. Speaker, Project Bioshield is a much needed initiative, and I would urge all of my colleagues to support for this legislation.

Mr. DINGELL. Mr. Speaker, I rise in support of S. 15, the "Project Bioshield Act of 2004." This legislation reflects bipartisan bicameral negotiations that have made minor modifications to the language of H.R. 2122 which was passed by the House on July 16, 2003. I commend the hard work and dedication of all who participated in this endeavor.

In this era of heightened threats to our national security and the increased risk of harm to Americans, Project Bioshield is an unfortunate but necessary measure. There are no effective therapies for many of the "select agents" that have been identified as potential instrumentalities of terrorism. The basic purpose of Project Bioshield is to support research that will lead to the development and availability in the Strategic National Stockpile of "countermeasures" to combat public health emergencies that threaten our national security.

The bill has three basic features: enhanced countermeasure research; procurement of countermeasures; and emergency regulatory authority for approval and use of drugs, biologics, and devices that are qualified countermeasures. The Committees' work clarified, modified, and otherwise improved on the Administration's proposal in each of these areas. The bill before us reflects further refinements and does not contain major policy changes from last year's bill.

Among the significant measures in this bill are provisions aimed at enhancing accountability for actions taken pursuant to Project Bioshield. Congress will receive comprehensive information, not less than annually, on the major activities authorized by this Act. In addition, the Government Accountability Office (GAO) will provide reports on key economic and scientific elements of this program after it has been in effect for several years.

Finally, I am pleased to note that this bill maintains the approach of H.R. 2122 that funding be authorized, rather than a permanent, unlimited appropriation sought by the Administration. Bioshield should not automatically be given a higher priority over other national security or public health matters.

This is a good bill, and is a worthy continuation of our important and bipartisan work on bioterrorism preparedness. I urge all of my colleagues to support it.

Mr. WAXMAN. Mr. Speaker, we have before us today S. 15, the Project BioShield Act. This bill is substantially the same as H.R. 2122, which passed the House on July 16, of last year by a vote of 421 to 2. This bill is in essence the conference report on the bill, and includes some minor improvements made by the Senate. I urge members to support this measure as well.

Given the serious threat of bioterrorism, the development of effective countermeasures to biological agents is vital to our national security. The goal of Project BioShield is to encourage the development of these products. I fully support the intent of this legislation. I also agree with its premise—that when the market cannot foster the development of critical products by itself, the government must rise to the challenge.

The bill before us today includes several significant improvements from earlier proposals. For example, it includes important protections against waste and abuse that are standard for government contracts, such as preserving the government's rights to review contractor's books and records. The bill also permits the use of certain streamlined procurement procedures, but only if the Secretary of Health and Human Services determines that there is a pressing need to do so.

The Senate bill appropriately strengthens some of these provisions and also allows for recovery by the government in the event of grossly negligent or reckless conduct on the part a contractor.

In emergency situations we should not impede the development of necessary products. However, any exceptions from standard procurement procedures should be made only when necessary and should be subject to review. This proposal preserves that standard.

The provisions of Bioshield authorizing the emergency distribution of unapproved drugs and devices, whose risks and benefits are not fully tested, impose an unprecedented responsibility on the government. FDA must be vigilant in protecting the public against unnecessary risks from these products.

In part because of these concerns, the bill requires that health care providers and patients be informed that the products have not been approved and of their risks. The bill also requires that manufacturers monitor and report adverse reactions to the products and keep other appropriate records about the use of the products.

These conditions are essential for the safe use of unapproved products, and they should be imposed in all cases, except in truly extraordinary circumstances. In addition, the HHS Secretary is authorized to limit the distribution of the products, to limit who may administer the products, to waive good manufacturing practice requirements only when absolutely necessary, and to require record keeping by others in the chain of distribution.

We expect the Secretary to consider the need for these additional conditions in each case and to impose them to the full extent necessary to protect the public from the risks of these products.

The bill before us today is an improvement over the original proposal, and represents a bipartisan consensus of the House, the Senate, and the White House. It deserves our support.

Mr. LANGEVIN. Mr. Speaker, I rise today in support of the Project Bioshield Act of 2004. Bioterrorism is a major threat to our national security, and I believe it is our job as members of Congress to instill confidence in the American people that a coordinated, concerted effort is being made to combat this threat. While Project Bioshield is not the only answer, it is certainly an important step towards that goal, and I hope Congress will continue to provide the funding and oversight the project needs to be effective.

This bill, much like H.R. 2212 passed by the House a year ago, authorizes the Project Bioshield initiative and will set in motion crucial efforts to develop new countermeasures to treat diseases and conditions caused by bioterror attacks and chemical, radiological and nuclear agents. Under this program, the Federal government will be able to enhance the Strategic National Stockpile, promote research and development of countermeasures, and, in an emergency, move forward with public distribution of certain drugs and treatments that may not yet have FDA approval. It is never pleasant to imagine a scenario where this kind of preparation and flexibility will be necessary, but the threat is indeed there. Project Bioshield will help lay the groundwork to respond to that threat quickly and effectively.

However, I must also mention my ongoing concern that until the Department of Homeland Security's Information Analysis and Infrastructure Protection Directorate is fully staffed and meeting expectations, the rest of DHS is at a tremendous disadvantage in determining how to allocate resources and focus energies. The proper implementation of Project Bioshield requires a reliable and comprehensive threat assessment from the Information Analysis team, a team that should include bioterror experts working closely with their peers at agencies like CDC and NIH to identify the most pressing dangers and develop a plan to combat them.

So, Mr. Speaker, I urge my colleagues to support this legislation and hope that DHS will do its part to make Project Bioshield as effective as possible.

Ms. ESHOO. Mr. Speaker, I'm pleased to support the Project Bioshield Act which encourages the development of new countermeasures to deal with diseases and conditions caused by bioterrorism attacks. It authorizes $5.6 billion over 10 years for purchasing countermeasures, such as vaccines and treatments, to bioterrorist attacks. The bill also allows the government, in the event of a national emergency involving a bioterrorism or similar attack, to distribute to the public certain drugs and treatments that have not yet been approved by the Federal Drug Administration (FDA).

The Project Bioshield Act is an important part of our mission to secure and protect our homeland and hometowns. The threat of chemical, biological and radiological attacks is too great and this bill provides necessary regulatory flexibility to the Department of Homeland Security and the Department of Health and Human Services so they can speed and promote research and development of needed countermeasures.

The September 11th tragedies and subsequent anthrax attacks made the Nation aware that the public health system is ill-prepared to mange a large scale emergency. Since then, our public health system has continued to respond to high profile threats like severe acute respiratory syndromes (SARS) and West Nile Virus which illustrate how quickly infections can spread among populations and across the globe.

Over the last 3 years, our eyes have been opened to the threats we face on our own soil. We've discovered serious vulnerabilities and I'm proud of what we've done in this bill to address them. I urge the entire House to vote for this important legislation.

Mr. SENSENBRENNER. Mr. Speaker, I rise in support of S. 15, the "Project BioShield Act of 2004." This important legislation will help us to be better prepared against bioterrorism and other forms of terrorism. I just want to briefly note the jurisdictional interest of the Committee on the Judiciary in the Federal Tort Claims Act provision contained in the new §319F-1(d)(2) which is contained in 2(a) of the bill. I support the inclusion of this provision. However, I want to note that by allowing this provision to be included in the bill, the Committee on the Judiciary does not waive its jurisdiction over the provision. With that, I urge my colleagues to support the bill.

Mr. TOM DAVIS of Virginia Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time having been yielded back, pursuant to the order of the House of Tuesday, July 13, 2004, the Senate bill is considered read for amendment, and the previous question is ordered.

The question is on third reading of the Senate bill.

The Senate bill was ordered to be read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the Senate bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. TOM DAVIS of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 414, nays 2, not voting 17, as follows:

[Roll No. 376]

YEAS—414

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey

Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Flake
Paul

NOT VOTING—17

Cardin
Carson (IN)
Collins
Conyers
Deutsch
Dingell
Dooley (CA)
Ford
Frank (MA)
Gephardt
Hoeffel
Houghton
Isakson
Kind
Kleczka
Majette
Rangel

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FOLEY) (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1900

Mr. FLAKE changed his vote from "yea" to "nay."

Mr. WAXMAN changed his vote from "nay" to "yea."

So the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR MEMBER TO REVISE AND EXTEND REMARKS ON H. RES. 713, DEPLORING MISUSE OF THE INTERNATIONAL COURT OF JUSTICE

Mr. OBEY. Mr. Speaker, today the House will vote on a resolution condemning the International Court of Justice for rendering an advisory opinion on the legal consequences of the construction of the Israeli wall and condemning the U.N. General Assembly for requesting such an opinion. This legislation was only introduced last night and strikes me as the type of knee-jerk posturing that does more harm than good.

I oppose the bill for a number of reasons, and I ask unanimous consent that my remarks appear during the discussion of H. Res. 713, which will occur later this evening.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 107

Mr. MCGOVERN. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 107.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on additional motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken tomorrow.

☐ 1900

VIETNAM HUMAN RIGHTS ACT OF 2004

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1587) to promote freedom and democracy in Vietnam, as amended.

The Clerk read as follows:

H.R. 1587

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Vietnam Human Rights Act of 2004".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.

TITLE I—CONDITIONS ON INCREASED NONHUMANITARIAN ASSISTANCE TO THE GOVERNMENT OF VIETNAM

Sec. 101. Bilateral nonhumanitarian assistance.

TITLE II—ASSISTANCE TO SUPPORT HUMAN RIGHTS AND DEMOCRACY IN VIETNAM

Sec. 201. Assistance.

TITLE III—UNITED STATES PUBLIC DIPLOMACY

Sec. 301. Radio Free Asia transmissions to Vietnam.
Sec. 302. United states educational and cultural exchange programs with Vietnam.

TITLE IV—ANNUAL REPORT ON PROGRESS TOWARD FREEDOM AND DEMOCRACY IN VIETNAM

Sec. 401. Annual report.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Socialist Republic of Vietnam is a one-party State, ruled and controlled by the Communist Party of Vietnam (CPV), which continues to deny the right of citizens to change their government. Although in recent years the National Assembly of Vietnam has played an increasingly active role as a forum for highlighting local concerns, corruption, and inefficiency, the National Assembly remains subject to CPV direction. The CPV maintains control over the selection of candidates in national and local elections.

(2) The Government of Vietnam permits no public challenge to the legitimacy of the one-party State. It prohibits independent political, labor, and social organizations, and it continues to detain and imprison persons for the peaceful expression of dissenting religious and political views, including Pham Hong Son, Tran Dung Tien, Father Nguyen Van Ly, Dr. Nguyen Dan Que, Nguyen Vu Binh, Pham Que Duong, and Pastor Nguyen Hong Quang, among others.

(3) The Government of Vietnam continues to commit serious human rights abuses. In January 2004, the Department of State reported to Congress that during the previous year the Government of Vietnam had made "no progress" toward releasing political and religious activists, ending official restrictions on religious activity, or respecting the rights of indigenous minorities in the Central and Northern Highlands of Vietnam.

(4)(A) The Government of Vietnam limits freedom of religion and restricts the operation of religious organizations other than those approved by the State. While officially sanctioned religious organizations are able to operate with varying degrees of autonomy, some of those organizations continue to face restrictions on selecting, training, and ordaining sufficient numbers of clergy and in conducting educational and charitable activities. The Government has previously confiscated numerous churches, temples, and other properties belonging to religious organizations, most of which have never been returned.

(B) Unregistered ethnic minority Protestant congregations in the Northwest and Central Highlands of Vietnam suffer severe abuses, which have included forced renunciations of faith, the closure and destruction of churches, the arrest and harassment of pastors, and, in a few cases, there have been credible reports that minority religious leaders have been beaten and killed.

(C) The Unified Buddhist Church of Vietnam (UBCV), one of the largest religious denominations in Vietnam, was declared illegal in 1981. The Government of Vietnam confiscated its temples and persecuted its clergy for refusing to join the state-sponsored Buddhist organizations. For more than 2 decades, the Government has detained and confined senior UBCV clergy, including the Most Venerable Thich Huyen Quang, the Most Venerable Thich Quang Do, the Venerable Thich Tue Sy, and others.

(D) The Catholic Church continues to face significant restrictions on the training and ordination of priests and bishops, resulting in numbers insufficient to support the growing Catholic population in Vietnam. Although recent years have brought a modest easing of government control in some dioceses, officials in other areas strictly limit the conduct of religious education classes and charitable activities. Father Thaddeus Nguyen Van Ly, who was convicted in a closed trial in 2001 after publicly criticizing religious repression by the Government of Vietnam, remains in prison.

(E) The Government of Vietnam continues to suppress the activities of other religious adherents, including Cao Dai, Baha'i, and Hoa Hao who lack official recognition or have chosen not to affiliate with the State-sanctioned groups, including through the use of detention and imprisonment.

(5) The Government of Vietnam significantly restricts the freedoms of speech and the press, particularly with respect to political and religious speech. Government and Party-related organizations control all print and electronic media, including access to the Internet. The Government blocks web sites that it deems politically or culturally inappropriate, and it jams some foreign radio stations, including Radio Free Asia. The Government has detained, convicted, and imprisoned individuals who have posted or sent democracy-related materials via the Internet.

(6)(A) Indigenous Montagnards in the Central Highlands of Vietnam continue to face significant repression. The Government of Vietnam restricts the practice of Christianity by those populations, and more than 100 Montagnards have been sentenced to prison terms of up to 13 years for claiming land rights, organizing Christian gatherings, or attempting to seek asylum in Cambodia.

(B) The Government of Vietnam uses the separatist agenda of a relatively small number of ethnic minority leaders as a rationale for violating civil and political rights in ethnic minority regions.

(C) The Government of Vietnam arrested or detained nearly 300 Montagnards during 2003 and since then many hundreds of Montagnards have gone into hiding, fearing arrest, interrogation, or physical abuse by government authorities.

(D) During Easter weekend in April 2004, thousands of Montagnards gathered to protest their treatment by the Government of Vietnam, including the confiscation of tribal lands and ongoing restrictions on religious activities. Credible reports indicate that the protests were met with a violent response and that many demonstrators were arrested, injured, or are in hiding, and that others were killed.

(E) Government officials continue to restrict access to the Central and Northwest Highlands of Vietnam by diplomats, nongovernmental organizations, journalists, and other foreigners, making it difficult to verify conditions in those areas.

(7)(A) United States refugee resettlement programs for Vietnamese nationals, including the Orderly Departure Program (ODP), the Resettlement Opportunities for Returning Vietnamese (ROVR) program, the Priority One (P1) program and the resettlement of boat people from refugee camps throughout Southeast Asia, were authorized by law in order to rescue Vietnamese nationals who have suffered persecution on account of their wartime associations with the United States, as well as those who currently have a well-founded fear of persecution on account of race, religion, nationality, political opinion, or membership in a particular social group.

(B) While those programs have served their purposes well, a significant number of eligible refugees were unfairly denied or excluded, in some cases by vindictive or corrupt Vietnamese officials who controlled access to the programs, and in others by United States personnel who imposed unduly restrictive interpretations of program criteria.

(C) The Department of State has agreed to extend the September 30, 1994, registration deadline for former United States employees, "re-education" survivors, and surviving spouses of those who did not survive "re-education" camps to sign up for United States refugee programs, as well as to resume the Vietnamese In-Country Priority One Program in Vietnam to provide protection to victims of persecution on account of race, religion, nationality, political opinion, or membership in a particular social group who otherwise have no access to the Orderly Departure Program.

(D) The former U.S. Immigration and Naturalization Service agreed to resume the processing of former United States employees under the U11 program, which had been unilaterally suspended by the United States Government, as well as to review the applications of Amerasians, children of American servicemen left behind in Vietnam after the war ended in April 1975, for resettlement to the United States under the Amerasian Homecoming Act of 1988.

(8) Congress and people of the United States are united in their determination that the expansion of relations with Vietnam, a country whose government engages in serious violations of fundamental human rights, should not be construed as approval of or complacency about such practices. The promotion of freedom and democracy around the world is and must continue to be a central objective of United States foreign policy. Congress remains willing and hopeful to recognize improvement in the future human rights practices of the Government of Vietnam, which is the motivating purpose behind this Act.

TITLE I—CONDITIONS ON INCREASED NONHUMANITARIAN ASSISTANCE TO THE GOVERNMENT OF VIETNAM

SEC. 101. BILATERAL NONHUMANITARIAN ASSISTANCE.

(a) ASSISTANCE.—

(1) IN GENERAL.—United States nonhumanitarian assistance may not be provided to the Government of Vietnam in an amount exceeding the amount so provided for fiscal year 2004—

(A) for fiscal year 2005 unless not later than 30 days after the date of the enactment of this Act the President determines and certifies to Congress that the requirements of subparagraphs (A) through (D) of paragraph (2) have been met during the 12-month period ending on the date of the certification; and

(B) for each subsequent fiscal year unless the President determines and certifies to Congress in the most recent annual report submitted pursuant to section 401 that the requirements of subparagraphs (A) through (E) of paragraph (2) have been met during the 12-month period covered by the report.

(2) REQUIREMENTS.—The requirements of this paragraph are that—

(A) the Government of Vietnam has made substantial progress toward releasing all political and religious prisoners from imprisonment, house arrest, and other forms of detention;

(B)(i) the Government of Vietnam has made substantial progress toward respecting the right to freedom of religion, including the right to participate in religious activities and institutions without interference by or involvement of the Government; and

(ii) has made substantial progress toward returning estates and properties confiscated from the churches;

(C) the Government of Vietnam has made substantial progress toward allowing Vietnamese nationals free and open access to United States refugee programs;

(D) the Government of Vietnam has made substantial progress toward respecting the human rights of members of ethnic minority groups in the Central Highlands and elsewhere in Vietnam; and

(E)(i) neither any official of the Government of Vietnam nor any agency or entity wholly or partly owned by the Government of Vietnam was complicit in a severe form of trafficking in persons; or

(ii) the Government of Vietnam took all appropriate steps to end any such complicity and hold such official, agency, or entity fully accountable for its conduct.

(b) EXCEPTION.—

(1) CONTINUATION OF ASSISTANCE IN THE NATIONAL INTEREST.—Notwithstanding the failure of the Government of Vietnam to meet the requirements of subsection (a)(2), the President may waive the application of subsection (a) for any fiscal year if the President determines that the provision to the Government of Vietnam of increased United States nonhumanitarian assistance would promote the purposes of this Act or is otherwise in the national interest of the United States.

(2) EXERCISE OF WAIVER AUTHORITY.—The President may exercise the authority under paragraph (2) with respect to—

(A) all United States nonhumanitarian assistance to Vietnam; or

(B) one or more programs, projects, or activities of such assistance.

(c) DEFINITIONS.—In this section:

(1) SEVERE FORM OF TRAFFICKING IN PERSONS.—The term "severe form of trafficking in persons" means any activity described in section 103(8) of the Trafficking Victims Protection Act of 2000 (Public Law 106–386 (114 Stat. 1470); 22 U.S.C. 7102(8)).

(2) UNITED STATES NONHUMANITARIAN ASSISTANCE.—The term "United States nonhumanitarian assistance" means—

(A) any assistance under the Foreign Assistance Act of 1961 (including programs under title IV of chapter 2 of part I of that Act, relating to the Overseas Private Investment Corporation), other than—

(i) disaster relief assistance, including any assistance under chapter 9 of part I of that Act;

(ii) assistance which involves the provision of food (including monetization of food) or medicine;

(iii) assistance for refugees; and

(iv) assistance to combat HIV/AIDS, including any assistance under section 104A of that Act; and

(B) sales, or financing on any terms, under the Arms Export Control Act.

TITLE II—ASSISTANCE TO SUPPORT HUMAN RIGHTS AND DEMOCRACY IN VIETNAM

SEC. 201. ASSISTANCE.

(a) IN GENERAL.—The President is authorized to provide assistance, through appropriate nongovernmental organizations, for the support of individuals and organizations to promote democracy and internationally recognized human rights in Vietnam.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the President to carry out subsection (a) $2,000,000 for each of the fiscal years 2005 and 2006.

TITLE III—UNITED STATES PUBLIC DIPLOMACY

SEC. 301. RADIO FREE ASIA TRANSMISSIONS TO VIETNAM.

(a) POLICY OF THE UNITED STATES.—It is the policy of the United States to take such measures as are necessary to overcome the jamming of Radio Free Asia by the Government of Vietnam, including the active pursuit of broadcast facilities in close geographic proximity to Vietnam.

(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to such amounts as are otherwise authorized to be appropriated for the Broadcasting Board of Governors, there are authorized to be appropriated to carry out the policy under subsection (a) $9,100,000 for the fiscal year 2005 and $1,100,000 for the fiscal year 2006.

SEC. 302. UNITED STATES EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS WITH VIETNAM.

It is the policy of the United States that programs of educational and cultural exchange with Vietnam should actively promote progress toward freedom and democracy in Vietnam by providing opportunities to Vietnamese nationals from a wide range of occupations and perspectives to see freedom and democracy in action and, also, by ensuring that Vietnamese nationals who have already demonstrated a commitment to these values are included in such programs.

TITLE IV—ANNUAL REPORT ON PROGRESS TOWARD FREEDOM AND DEMOCRACY IN VIETNAM

SEC. 401. ANNUAL REPORT.

(a) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act and every 12 months thereafter, the Secretary of State shall submit to the Congress a report on the following:

(1)(A) The determination and certification of the President that the requirements of section 101(a)(2) have been met, if applicable.

(B) The determination of the President under section 101(b)(2), if applicable.

(2) Efforts by the United States Government to secure transmission sites for Radio Free Asia in countries in close geographical proximity to Vietnam in accordance with section 301.

(3) Efforts to ensure that programs with Vietnam promote the policy set forth in section 302 and with section 102 of the Human Rights, Refugee, and Other Foreign Relations Provisions Act of 1996 (Public Law 104-319) regarding participation in programs of educational and cultural exchange.

(4) Lists of persons believed to be imprisoned, detained, or placed under house arrest, tortured, or otherwise persecuted by the Government of Vietnam due to their pursuit of internationally recognized human rights. In compiling such lists, the Secretary shall exercise appropriate discretion, including concerns regarding the safety and security of, and benefit to, the persons who may be included on the lists and their families. In addition, the Secretary shall include a list of such persons and their families who may qualify for protection under United States refugee programs.

(5) A description of the development of the rule of law in Vietnam, including, but not limited to—

(A) progress toward the development of institutions of democratic governance;

(B) processes by which statutes, regulations, rules, and other legal acts of the Government of Vietnam are developed and become binding within Vietnam;

(C) the extent to which statutes, regulations, rules, administrative and judicial decisions, and other legal acts of the Government of Vietnam are published and are made accessible to the public;

(D) the extent to which administrative and judicial decisions are supported by statements of reasons that are based upon written statutes, regulations, rules, and other legal acts of the Government of Vietnam;

(E) the extent to which individuals are treated equally under the laws of Vietnam without regard to citizenship, race, religion, political opinion, or current or former associations;

(F) the extent to which administrative and judicial decisions are independent of political pressure or governmental interference and are reviewed by entities of appellate jurisdiction; and

(G) the extent to which laws in Vietnam are written and administered in ways that are consistent with international human rights standards, including the requirements of the International Covenant on Civil and Political Rights.

(b) CONTACTS WITH OTHER ORGANIZATIONS.—In preparing the report under subsection (a), the Secretary shall, as appropriate, consult with and seek input from nongovernmental organizations, human rights advocates (including Vietnamese-Americans and human rights advocates in Vietnam), and the United States Commission on Religious Freedom.

The SPEAKER pro tempore (Mr. FOLEY). Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

Mr. EVANS. Mr. Speaker, I am opposed to the motion.

The SPEAKER pro tempore. Is the gentleman from California (Mr. LANTOS) opposed to the motion?

Mr. LANTOS. No, Mr. Speaker, I am in favor of the motion.

The SPEAKER pro tempore. Under clause 1 of rule XV, the gentleman from Illinois (Mr. EVANS) will be recognized for 20 minutes in opposition to the motion.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to present to the House H.R. 1587, the Vietnam Human Rights Act, a bill designed to promote democracy and human rights in Vietnam and to give hope to those voices of freedom who today are systematically oppressed and silenced.

Mr. Speaker, the legislation we are considering today is almost identical to that which has cleared the House twice, one as a stand-alone bill which I sponsored a couple of years ago and a second time as an amendment to the State Department bill, the reauthorization bill.

The Vietnam Human Rights Act initially cleared the House by an overwhelming majority, 410 to 1, in September of 2001, coinciding with legislation to ratify the bilateral trade agreement with Vietnam. Despite the near unanimous vote, the Vietnam Human Rights Act was subsequently blocked and never voted on in the Senate.

The message then, Mr. Speaker, as it is today, is that human rights are central, are at the core of our relationship with governments and the people they purport to represent. The United States of America will not turn a blind eye to the oppression of a people, any people in any region of the world.

As the Vietnam Human Rights Act languished in the Senate a couple of years ago, many thought, and I would say naively but with good faith, that the bilateral trade agreement with Vietnam would lead to improved human rights conditions in Vietnam. Unfortunately, this has not been the case, and for many Vietnamese the situation is dramatically worse than it was just 3 years ago.

The government of Vietnam, Mr. Speaker, has scoffed at the Vietnam Human Rights Act and dismissed charges of human rights abuses, pleading the tired mantra of interference in the internal affairs of their government and that our struggle is some way related to the war in Vietnam. They say, Vietnam is a country, not a war. That is their protest, and I would say that is precisely the issue.

Today's debate is about the shameful human rights record of a country, more accurately, of a government, and it is not about the war. And, of course, Vietnam is a country with millions of wonderful people who yearn to breathe free and to enjoy the blessings of liberty. We say, behave like an honorable government, stop bringing dishonor and shame to your government by abusing your own people and start abiding by internationally recognized U.N. covenants that you have signed.

We know, Mr. Speaker, from the State Department Human Rights Reports and leading international human rights organizations that the government of Vietnam inflicts terrible suffering on countless people.

It is a regime that arrests and imprisons writers, scientists, academics, religious leaders and even veteran communists in their own homes and lately in Internet cafes for speaking out for freedom and against corruption.

It is a government that crushes thousands of Montagnard protestors, as they did in the Central Highlands during the Easter weekend, killing and beating many peaceful protestors.

They have, the government, forcibly closed over 400 Christian churches in the Central Highlands, and the government continues to force tens of thousands of Christians to renounce their faith. I am happy to say that many of these folks have resisted those pressures. One pastor put it at 90 percent have refused to renounce their Christian faith, but the government is trying to compel them to renounce their faith.

This is a government that has detained the leadership of the Unified

Buddhist Church of Vietnam and continues to attempt to control the leadership of the Catholic church.

This is a government that has imprisoned a Catholic priest by the name of Father Ly and meted out a 10-year prison sentence. Why? Because he submitted testimony to the International Religious Commission on Human Rights. For that, for writing a couple of pages of facts and his opinion, he got 10 years of prison.

My speech today, Mr. Speaker, on this floor would easily fetch me a 15-year prison sentence replete with torture if I were a Vietnamese national making these comments in Vietnam.

And in yet another Orwellian move, Vietnam on Monday, this past Monday, July 12, promulgated an Ordinance on Beliefs and Religions which goes into effect on November 15. This new anti-religious law will further worsen religious persecution in Vietnam.

Amazingly, it bans the so-called abuse of the right to religious freedom to undermine peace, independence, and national unity, whatever that is. This new law is the most capricious and arbitrary policy imaginable, designed to ensnare and incarcerate believers for undermining, again, peace, independence and national unity, whatever that means.

Moreover, Mr. Speaker, if a religious person "disseminates information against the laws of the State," in other words, disagrees with anything that the Communist government enacts, such dissemination is a punishable crime.

When is enough, enough, Mr. Speaker? Vietnam needs to come out of the dark ages of repression, brutality and abuse and embrace freedom, the rule of law, and respect for fundamental human rights.

I respectfully submit that the legislation we are considering today offers a clear framework for improving human rights in Vietnam. It is a bipartisan piece of legislation, and I hope the membership will support it.

H.R. 1587 requires the President to certify each year on the progress or the lack of it of the regime towards respecting human rights based on an extensive report required by the law. Specifically, to avoid possible sanction against Vietnam, the President would have to certify substantial progress by Vietnam towards releasing all political prisoners and religious prisoners, respect for religious freedom in general, and return of confiscated property.

The bill requires substantial progress by the government towards allowing Vietnam nationals free and open access to U.S. refugee programs and calls for respect for the ethnic minority groups in the Central Highlands.

The bill seeks to ensure that the government is not complicit in human trafficking. Today Vietnam is on the State Department's Tier II Watch List due to the government's failure to provide evidence of efforts to combat severe forms of trafficking, particularly its inadequate control of two state-controlled labor companies that sent workers to American Samoa from 1999 to 2001.

Unless the regime shows improvement in human rights, they will be unable to receive an increase over 2004 levels in nonhumanitarian U.S. foreign assistance. This is a modest but not insignificant penalty to a government that is brutalizing its own people.

H.R. 1587 also authorizes funds for NGOs to promote democracy in Vietnam and to help to overcome the jamming of Radio Free Asia.

Mr. Speaker, I hope all Members will support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. EVANS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have a great deal of respect for my long-time colleague and friend, the gentleman from New Jersey (Mr. SMITH). We have worked together for the veterans of America for many years. However, I do not see eye to eye with him on this issue as the best way to address human rights in Vietnam.

I am also afraid that this resolution and the sanctions enclosed will damage relations between our two countries. I also feel that this resolution will only embolden hardliners within Vietnam.

Mr. Speaker, yes, Vietnam can improve its human rights record, but I also believe it is a very complex relationship. It is a relationship built on dialogue and gradual steps, not sanctions. The country of Vietnam has provided unparalleled assistance to recover our soldiers' remains. The Vietnamese are working hard to protect intellectual property rights and improve the climate for foreign investment. Vietnam is also the 15th focus country of the President's HIV/AIDS initiative. These are three important steps that would be endangered by the shift in relations under this legislation.

Mr. Speaker, we can make progress with Vietnam, but this resolution is not the proper way. The Members supporting this legislation are good friends, and I respect their commitments. However, I hope that we work with each other to advance human rights in Vietnam. But I do not believe that this legislation is the proper vehicle. I urge my colleagues to vote against this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I rise in strong support of H.R. 1587; and I would like to personally thank the gentleman from New Jersey (Mr. SMITH) for the terrific job not only for Vietnam but for people who are suffering under torture and under oppression throughout the world. He is truly the conscience of this body, and he makes sure that we never forget that people all over the world are looking to us. We are their only hope, just like in the past century when those people who suffered under Nazism and Communism knew that the only hope they had was the United States that was committed to its ideals.

Today, this bill, H.R. 1587, is consistent with that concept. It is consistent with the ideals of America, and it is telling the world we still believe in human rights and freedom and democracy, just like George Washington and our other Founding Fathers.

This bill, however, does not represent necessarily the opinion of every American. Let us note that just 3 years ago we made an agreement with this government of Vietnam, this monstrous abuser of human rights, we made a trade agreement and a business agreement with them. And we are always told, if we just do business with the Vietnamese or if we just do business with the Chinese, their dictatorial government will morph into a democratic society and people's liberties will be protected.

What have we seen? The situation in China is worse today than it has ever been. The situation in Vietnam is disintegrating when it comes to democracy and human rights. The latest victims have been the Montagnard people in the Central Highlands of Vietnam.

I have a personal attachment to the Montagnards. In 1967, I spent considerable time with them in the Highlands near Pleiku. They protected Americans. They gave their own lives so American soldiers would not die. And I will tell you that they are brave, wonderful people, just like the other people in Vietnam. They just simply want to believe in God and have the right to worship God and to speak and to have the right to gather together.

We should support the people of Vietnam, and that is what this does and the people everywhere who long for freedom. It puts us on their side.

Mr. EVANS. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman for yielding me time. I rise in opposition to H.R. 1587 and urge a no vote by the House.

There is no one in this House who does not wish to see improvements on Vietnam's policies on democracy and freedom. I have visited the nation on four occasions in the last 5 years, meeting with everyone from workers in shoe factories to high-level government ministers. There are many and I would say a growing number of Vietnamese who share the hope of a more open and democratic society and who are working to achieve these goals.

This legislation will not help them.

There are many in our own veterans' organizations who are working closely with the Vietnamese on the POW/MIA issue. I have gone to the excavation sites and seen the close cooperation that has resulted in the repatriation of over 500 remains of their loved ones here in the United States.

This legislation will not help in that effort.

Our government is working closely with the Vietnamese to address the issues of infectious disease control, including AIDS and SARS, which are real issues because of the heavy travel between our countries. We know that many Vietnamese acted quickly in the case of the SARS crisis and controlled what might have been a far more severe pandemic.

This legislation will not promote improved cooperation on health policy.

Throughout Vietnam, in the aftermath of the normalization of relationships, the passage of the Bilateral Trade Agreement, U.S. businesses are investing hundreds of millions of dollars to build a better trade, to provide jobs, and to improve the economic relations between our countries.

This legislation is not going to enhance those investments or those benefits.

I have been working with the international labor organizations and U.S. companies to improve Vietnam's compliance with basic labor rights and standards, and we have seen improvements in many areas, although much additional work remains to be done.

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This bill is not going to provide or achieve those goals.

On these, and many other areas, we are working to improve our relationship and improve the nature of the society in Vietnam for the benefit of its residents, who include the family members of millions of U.S. residents and citizens.

This bill will set back those efforts. It provides the harshest elements in the Vietnamese government with the rationale for reacting to our pressure. Does anyone in this Chamber, after our long experience in Vietnam, seriously believe that the Congress ordering them to change an internal policy in the nation, however desirous we may be of seeing that change, is going to persuade the government in Hanoi to do it because we so order it?

We all share the hope that Vietnam will evolve into a freer and more open, democratic nation. We hold the same goals for other nations in the region and around the world where records of human, labor and religious rights are no better than in Vietnam and, in some cases, worse.

Just earlier today, prior to this legislation, we considered legislation criticizing China, whose record on religious freedom, political democracy, and labor rights is certainly as unacceptable as Vietnam's, but it would not withdraw the nonhumanitarian assistance as this bill does. It urges them to improve their record on intellectual property.

We know why this legislation periodically resurfaces. We understand that there are areas in this Nation with large concentrations of Vietnamese expatriates who remain embittered about the outcome of the war and the government in control in Hanoi. Many of those same expatriates send hundreds of millions of dollars back each year to Vietnam to assist their relatives who still live in that nation. I understand their viewpoint, and I was one of the Congressmen sent in the 1970s to inspect the refugee exodus from Vietnam.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from California (Ms. Lofgren).

Ms. LOFGREN. Mr. Speaker, we need to pass the Vietnam Human Rights Act to send a message to Vietnam's Communist government. Vietnam cannot continue to violate human rights and expect further normalization of the relationship between Vietnam and the United States.

Just 2 months ago, on Easter week, Human Rights Watch reported that peaceful protests by indigenous minority Christian Montagnards turned violent when police used tear gas, electric truncheons, and water cannons on protestors. Reports indicate that police arrested several individuals, many of whose whereabouts are still unknown. Worse yet, there are reports of torture, police beatings, and deaths associated with this crackdown on the Montagnards.

In recent weeks, reports indicate that the Vietnamese government has taken the vice president and the secretary general of the Vietnam Mennonite Church into custody for simply conducting a peaceful criticism. We know that they have also harassed and detained leaders of the Unified Buddhist Church of Vietnam and the Catholic Church.

Religious leaders and followers are not alone. The Vietnamese Communists have come down on the press and have censored 2,000 of Vietnam's 5,000 Web sites; and worse yet, they arrested a Vietnamese writer and journalist just because he submitted written testimony to the United States Congress. How about that?

We have repeatedly passed resolutions addressing the violations on Vietnam Human Rights Day. We introduced a resolution recognizing those in Vietnam who have been tortured and imprisoned; and last November, we passed a resolution calling for religious freedom and protection of human rights. We have introduced a resolution objecting to the treatment of Father Ly. Now it is time to pass a bill, not just a resolution, that will give us the tools we need to not only send a message to Vietnam but to take action against Vietnam for their continuous human rights violations.

We need to pass this bill. Vietnam cannot expect a friendship with us until they finally respect the rights of their citizens.

I thank the gentleman for yielding me the time.

Mr. EVANS. Mr. Speaker, I only have one more speaker, and I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. Lantos), the distinguished ranking member on the Committee on International Relations, my good friend and colleague.

Mr. LANTOS. Mr. Speaker, I rise in strong support of the Vietnam Human Rights Act, and I urge all of my colleagues to do so as well.

I first would like to commend the gentleman from New Jersey (Mr. Smith), my good friend and most distinguished colleague, for introducing this important legislation and for doggedly pursuing the Vietnam human rights issue as he does, the human rights issues across the globe.

None of us here today should be under any illusions about the government of Vietnam. According to the Department of State's human rights report, the Vietnamese government is an unrepentant, authoritarian regime which does not allow political opposition. Freedom of expression does not exist in Vietnam. Vietnamese are locked in prison for simply expressing their political opinions.

The Vietnamese government also places severe restrictions on the expression of religious beliefs, particularly upon Buddhists who do not worship as part of the official church and upon Christians in the Vietnamese highlands.

With the approval of the U.S.-Vietnam bilateral trade agreement 3 years ago, the political security and economic relationship between the United States and Vietnam has become increasingly complex, but we must continue to send a strong signal to Hanoi that the United States continues to make it a top priority to promote internationally recognized human rights in Vietnam.

Passage of the Smith legislation will indicate to the administration and to the Vietnamese government that the Congress expects to see real progress on the human rights front in Vietnam and that we have not forgotten those Vietnamese who are being persecuted for their beliefs.

Our legislation will ensure that there is not a rollback in our trade and aid relationship with Vietnam, only a cap on the level of our nonhumanitarian aid to the Vietnamese, unless human rights conditions are met.

Mr. Speaker, I again commend my colleague from New Jersey, and I urge all of my colleagues to support the passage of this important bill.

Mr. EVANS. Mr. Speaker, I have one last speaker, and I yield such time as he may consume to the gentleman from Connecticut (Mr. SIMMONS).

Mr. SIMMONS. Mr. Speaker, I will place in the RECORD the text of U.S. Ambassador Raymond Burghardt's March 4 speech on U.S.-Vietnam relations, a letter from the American Chamber of Commerce Hanoi, and an article from the National Catholic Reporter following my remarks.

Mr. Speaker, I rise in opposition today to H.R. 1587, the Vietnam Human Rights Act of 2003, and I do so with the greatest amount of respect for my colleague, the gentleman from New Jersey (Mr. SMITH), the chairman of the Committee on Veterans Affairs. I appreciate his tireless efforts on behalf of human rights and religious freedom around the world; and as a Vietnam veteran, I very much appreciate his courageous leadership on veterans issues.

My concern with taking up this legislation at this time regards several issues.

First, during this 108th Congress alone we have had already three House resolutions that address alleged human rights and religious freedom issues regarding Vietnam. I cannot think of any other country that has as much negative attention by this body as Vietnam. Surely, there are other countries around the world that deserve a little bit of attention from us. I do not think it is fair that we spend this amount of time and this number of resolutions on Vietnam.

Second, Mr. Speaker, I believe we are at an important crossroads in our relationship with Vietnam. As we approach the 10th anniversary of normal relations, I think it is time to examine some of the good things that have occurred between our two countries: tourism, trade, educational exchanges. I think it is time that we begin to send a positive, clear message to the Vietnamese people that we are serious about working together in a positive and constructive fashion on issues of mutual benefit.

I mentioned, Mr. Speaker, that I am a Vietnam veteran. I served there for 20 months. I spent almost 2 years there as a civilian, and I made a commitment as a Vietnam veteran to my fallen comrades and to their families to bring their remains home to their families.

I am holding in my hand a commemorative bracelet that commemorates Army Captain Arnold Edward Holm. Arnie Holm was born and raised in Waterford, Connecticut. He was an outstanding athlete in high school. He lost his life in June 1972 when his light observation helicopter was shot down in the central highlands. The family still lives in my district; and 2 years ago, they asked me to assist them in locating his remains.

A year ago, I traveled to Vietnam for the first time in 30 years in an effort to locate Arnie Holm's crash site. Working with both American and Vietnamese officials, we spent hundreds of man-hours in the sweltering jungle looking for Arnie. Although we failed at the time, the search goes on; and the only way we will ever be able to bring closure to the family of Arnie Holm is through the continued cooperation of the Vietnamese government.

I have seen firsthand their commitment to this important humanitarian recovery effort, and I thank them for it.

My colleagues may be surprised to learn that since the Joint POW-MIA Accounting Command, or JPAC, began recovering American remains in Vietnam, 16 U.S. and Vietnamese officers have died. Eight Americans and eight Vietnamese were killed when a helicopter crashed on April 7, 2001. That is right. Eight Vietnamese officials died while searching for the very men that were killing their own countrymen 30 years before.

Up to May of this year, the U.S. and Vietnam have conducted 93 joint missions, resulting in the recovery of 822 remains. They have identified and returned over 500 U.S. personnel remains to their loved ones. That is 500 American families in 43 States that have been provided closure thanks to the Vietnamese, and that includes the family of Major Peter M. Cleary who lives in Colchester, Connecticut, just a few miles from my home.

If this program, Mr. Speaker, does not reflect the humanitarian spirit of the Vietnamese people, I do not know what does; and given the long and bitter experience that they had with the American war in Vietnam, their willingness to cooperate in this program merits special attention.

Just this past month, Jerry Gennings, the Deputy Assistant Secretary for POW-MIA Affairs, returned and said that the outcome of his discussions in Vietnam is promising and the Vietnam government offers us the opportunity to achieve significant results.

Last November, the USS *Vandergrift* returned to Ho Chi Minh City, the first time in 30 years that a U.S. Navy ship has been to Vietnam, and another ship plans to visit Danang this year.

I would also remind my colleagues that President Bush announced just last month that Vietnam would be added as the 15th focus country of the emergency plan for HIV/AIDS. The President said, "Now, after long analysis by our staff, we believe that Vietnam deserves this special help. We're putting a history of bitterness behind us." Then he continued, "Together we'll fight the disease. You've got a friend in America." The President of the United States has said, "You've got a friend in America."

This resolution before us this evening conveys no such message. I realize, Mr. Speaker, that the intent of this legislation is to promote freedom and democracy in Vietnam; but the question is, does it do it in a useful manner?

The State Department has said this bill is a "blunt instrument that risks inhibiting progress in bilateral trade, counterterrorism, POW-MIA accounting, counternarcotic and refugee processing/resettlement." They go on to say, "Imposition of unilateral sanctions will not lead to an improved GVN human rights record."

Mr. Speaker, I think we should be concerned that our own State Department does not support this legislation and is concerned that it will damage progress in our bilateral relations.

My friend, the gentleman from New Jersey (Mr. SMITH), expresses his concern about the issue of human rights, and this is an important issue; but let us not forget the fact that for many years our country rained devastation upon the Vietnamese people and their country. Hundreds of thousands of Vietnamese lives were lost, many more wounded; and the countryside was devastated. Let us not forget that thousands of Vietnamese children are born today with birth defects, perhaps because of the millions of gallons of Agent Orange that we spread across their country, and let us not forget that the remains of tens of thousands of Vietnamese soldiers have not been recovered, even as the Vietnamese people help us to recover the remains of our own servicemen.

The issues of human rights cut in both directions. The United States itself must be held accountable for its own moral obligation to the Vietnamese people for our past policies and practices.

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As the gospel of John says, "He that is without sin among you, let him cast the first stone." I encourage my colleagues not to judge the Vietnamese too harshly in the realm of human rights lest they judge us harshly in return.

Mr. Speaker, I believe we are making progress in our relations with the Vietnamese people and with their government; and I believe this bill, in the words of our own State Department, is a blunt instrument that may do more harm than good. I urge my colleagues to vote "no" to show the people that the war is over. It is time to bind up the wounds of the war and to show them, in the words of our own President, that they have a friend in America.

Mr. Speaker, I submit for the RECORD the documentation I referred to earlier on this topic:

U.S. EMBASSY,
Hanoi, Vietnam, March 4, 2004.

U.S.-VIETNAM RELATIONS: 30 YEARS AFTER THE WAR, 10 YEARS AFTER NORMALIZATION

Yesterday afternoon I walked over to the Hong Kong Art Museum and looked at the Asia Society's excellent exhibition of "Images from the War." The exhibition reminded me that today in Vietnam, nearly 30 years after the war, the past still permeates the present. The memory of the war certainly remains among the half of the population that endured it. But, I also was struck by how much those pictures captured a past that most people in Vietnam do not dwell on very much. The Vietnamese people and leaders live in the present and look to the future. They deserve a great deal of admiration for their ability to put the past behind them.

I was in Vietnam during the war, not as a soldier, but as a diplomat. I was in Saigon from 1970 to 1973. Now that I am back in Vietnam 30 years later, I am conscious of that history every day. But like the Vietnamese people and their leaders, I keep my focus on the present and the future.

Talking about Vietnam while in Hong Kong also evokes memories for me of the tough period in Vietnam's history that immediately followed the war. In 1979, when war broke out between China and Vietnam, I was working at our Consulate here in Hong Kong. Afterwards, thousands of boat people arrived from Vietnam and I spent the better part of a year interviewing them to learn why they had come to Hong Kong or Macau. I also worked with NGOs like Catholic Relief Service to feed and clothe the refugees in the camps. During that period, we came up with what became the Orderly Departure Program as a way to stop the flow of refugees. The ODP was modeled on and named after a program created by the Hong Kong Government to bring ethnic Chinese from Haiphong and Cholon, Saigon's Chinese quarter, to join family members in this city.

In the last ten years, a new chapter has opened between the United States and Vietnam. The U.S.-Vietnam relationship is still young. President Clinton only lifted the embargo in 1994. We established a liaison office in January 1995, and we normalized relations in July 1995. We opened our consulate in Ho Chi Minh City in 1997. Our first Ambassador came in 1997 and I am only the second Ambassador to a unified Vietnam. Our presence in Vietnam has grown rapidly, to a medium-sized embassy in Hanoi and consulate in Ho Chi Minh City. And, we will probably grow a little more in the future.

Our relationship began by building trust on issues left over from the war, such as the accounting for MIAs, reuniting families of refugees, and humanitarian programs. But then, after normalization, we sought to widen the relationship with strengthened commercial and economic ties that benefit both countries. The fruits of that thinking, the Bilateral Trade Agreement (BTA), took four years to negotiate and finally took effect on December 10, 2001, five days before my arrival.

During the past year, we have seen further remarkable progress on a widening range of bilateral issues. A year ago, the focus was almost exclusively on the commercial benefits of our bilateral relations, while there was little progress on other aspects of a normal relationship; In mid-year, Vietnam's leadership decided to give greater priority and attention to relations with the United States. The result has been easier access to the leaders for Mission officers and visitors from Washington and progress on many fronts.

Last year was a very good year for U.S.-Vietnam relations. In the fall we had an important series of high-level Vietnamese government visitors to the U.S. culminating with Deputy Prime Minister Vu Khoan in December. These included the Ministers of Foreign Affairs, Trade, and Planning and Investment. The November visit to Washington by Defense Minister Pham Van Tra represented the normalization of our military ties and was followed a week later by the first U.S. Navy ship visit to Vietnam in thirty years. My wife and I traveled up the Saigon River on that ship and experienced the excitement of the American sailors at what they knew was an historic journey as well as the excitement of the crowds of Vietnamese who greeted our arrival.

Breakthroughs in 2003 enabled us to conclude several agreements that had been underway for years without apparent progress. These were the civil aviation agreement that will permit air service on U.S. or Vietnamese carriers between Vietnam and the U.S. That could include between Hong Kong and Ho Chi Minh City within the next year. Our new counter narcotics agreement will enable the U.S. and Vietnam to work together to stem the flow of illegal drugs through Vietnam, as well as carry out other law enforcement and counter-terrorism training. And our textile agreement established parameters from the import of textiles to the U.S. We now anticipate more dialogue and cooperation with Vietnam in dealing with regional and transnational issues such as fighting against narcotics, trafficking in persons, and terrorism.

In the midst of this progress, we do still have differences in our viewpoints on some important areas including human rights and religious freedom. The Communist Party retains a monopoly on political power in Vietnam. Advocacy of a multi-party system is forbidden. Even basic freedoms of speech, assembly, and religion guaranteed in Vietnam's own Constitution are sometimes superseded in the interest of what the Government calls "national solidarity." We've seen several cases over the past year in which people who did nothing more than exchange critical e-mails received heavy prison sentences. We also have raised with the Vietnamese government our concerns about the harassment of ethnic minority Protestants in the Central and Northwest Highlands. This harassment includes cases of forced renunciation of faith, the closing of house churches, and a very slow process of allowing churches to legally register. The U.S. House of Representatives has now twice passed versions of a Vietnam Human Rights Act that would cap non-humanitarian assistance from the USG at current levels. Although neither bill passed the Senate, Congressional concerns remain strong. Senator Brownback held Foreign Relation Committee Meetings just a little over a week ago which focused on human rights. These human rights issues certainly do affect the pace at which we can develop bilateral relations. But I nonetheless remain confident that we will be able to deal with those issues while further developing our overall relationship. We speak frankly about our disagreements while recognizing that the longer-term trend since the beginning of Vietnam's economic renovation policy in 1986 has in fact been a dramatic expansion of personal freedoms.

The foreign community in Vietnam, both multilateral agencies and bilateral donors like the U.S., are actively involved in helping Vietnam carry out its economic reforms. The U.S. assistance program in Vietnam predates our formal diplomatic relations. The two largest parts of it today are to counter the spread of HIV/AIDS—where we are the largest bilateral donor—and to provide technical assistance in helping Vietnam to implement the BTA and to prepare for accession to the WTO. Our assistance programs promote civil society development, rule of law, advocacy for persons with disabilities and those living with HIV/AIDS, environmental management, and trade reform.

In working with Vietnam to create a more genuine system of rule by law, to train judges and lawyers, and to build new standards of transparency and accountability, we are having a major impact, not only on bringing Vietnam up to the level of international trading norms, but also fundamentally changing, for the better, the relations between the citizens and the State.

As the scope of our relationship with Vietnam broadens, mutual understanding becomes even more critical. Because of the legacy of war and Vietnam's long period of isolation, understanding can be particularly difficult for both countries. Our cultural and educational exchanges have grown dramatically. We have the largest U.S. Government-funded Fulbright program in the world, training economists, businessmen, public policy experts, English-teachers, and professors in the Social Sciences and Humanities. We now have a new program unique to Vietnam called the Vietnam Educational Foundation, which is focused on scientific training. The combined budgets of the Fulbright Program and the Vietnam Education Foundation total nearly $10 million per year—more than the U.S. contributes towards higher education in any other country in the world.

In our burgeoning economic relationship, the Bilateral Trade Agreement—the (BTA)—is a key foundation and presents enormous opportunities for expanded cooperation. This agreement binds Vietnam to an unprecedented array of reform commitments in its legal and regulatory structure and has become an important catalyst for change. The BTA eliminates non-tariff barriers, cuts tariffs on a number of U.S. exports and gives Vietnam MFN access to the U.S. market. It also provides for effective protection and enforcement of intellectual property rights, opens Vietnam's market to U.S. service providers, and creates fair and transparent rules and regulations for U.S. investors.

Vietnam is lagging behind in some of its BTA commitments and enforcement remains weak, but the country has made progress in opening its markets to many U.S. products, such as aircraft, machinery and cotton. Unfortunately, its market still remains relatively closed to U.S. intellectual property industry products despite some progress in revising legislation related to intellectual property rights.

The BTA has had a significant impact on our bilateral trade, which has grown sharply in the first two years. In 2003, two-way trade soared again by over 100%, reaching an estimated $6 billion. As a result of our tariff reductions, Vietnam's exports to the U.S. have risen by about 125% each in the first two years, while our exports to Vietnam, boosted by the sale of some Boeing aircraft, have also risen markedly. Vietnam's official figures on U.S. investment in Vietnam has also risen to a current total of just over $1 billion, but this seriously understates the true figure. This data does not include investments by U.S. subsidiaries in Singapore and elsewhere in the region, such as nearly over $800 million by Conoco-Phillips alone.

Our deepening economic, commercial, and assistance relationship with Vietnam promotes civil society, encourages economic reform, draws the country further into the rules-based international trading system, and promotes interests of American workers, consumers, farmers, and business people.

We strongly support Vietnam's decision to adopt WTO provisions as the basis for its trade regime. The Vietnamese government must now demonstrate that it is prepared to undertake the commitments that are necessary to become a WTO member. Vietnam's implementation of a rules-based trading system based on WTO principles of transparency and its continued pursuit of structural economic reforms should accelerate the development of the private sector, enhance the rule of law, and improve the atmosphere for progress in democracy and human rights.

So, let me conclude my comments on the past and the present with a word about the future. Vietnam today is a dynamic, rapidly developing economy, an increasingly popular tourist destination, and an attractive site for foreign investment. I expect that Vietnam will continue its journey towards a more efficient economy with greater individual freedom and that today's children will be better off than their parents. And I hope—and fully expect—that U.S.-Vietnam relations will continue to broaden and deepen mutual understanding to the benefit of both of our nations.

RAYMOND F. BURGHARDT,
Ambassador, Asia Society,
Hong Kong Center.

THE AMERICAN CHAMBER
OF COMMERCE,
Hanoi, Vietnam, July 14, 2004.

Hon. ROB SIMMONS,
Member, House International Relations Committee, Washington, DC.

DEAR REPRESENTATIVE SIMMONS: On behalf of the membership of the American Chamber of Commerce in Hanoi, I express our regards to you and your colleagues in the Congress.

As members of the American business and development community, we strongly believe that positive engagement is the way to move the U.S. bilateral relationship with Vietnam forward. Therefore, we feel compelled to bring to your attention the Vietnam Human Rights Act (H.R. 1587) sponsored by Representative Chris Smith that will be voted on today.

The sanctions-based approach of H.R. 1587 to improving the situation in Vietnam is counter-productive and will not result in constructive dialogue or action. Much of the aid funds that would be cut go directly to legal reform programs that ,strengthen due process and basic legal rights. In fact, Vietnam continues to make progress on human rights issues, and while we agree there is room for further improvement, we do not feel this amendment will effect positive change. Furthermore, it is unclear whether the imposition of unilateral sanctions would lead to improved conditions for those vulnerable to human rights abuses in Vietnam. In fact, it could have the opposite effect by drawing increased attention to those groups and individuals.

The restrictions outlined in the bill would also limit U.S. ability to assist the Vietnamese with implementation of structural and legal reforms called for in the Bilateral Trade Agreement (BTA). The BTA, which addresses issues relating to trade in goods and farm products, trade in services, intellectual property rights and foreign investment, creates more open market access, greater transparency and lower tariffs for U.S. exporters and investors in Vietnam. U.S. business views Vietnam, the thirteenth most populous country in the world with over 80 million people, as an important potential market for U.S. exports and investment. Increased U.S. exports to and investment in Vietnam that result from progress towards an open, market-oriented economy, in turn, translate into increased jobs for American workers.

The reforms currently underway will move Vietnam towards better rule of law. Delays in BTA implementation and economic reform will damage American business interests in Vietnam by reversing growth in bilateral trade since the BTA's entry into force in December 2001.

U.S. Government policy since the establishment of diplomatic relations in 1995 has been to work with Vietnam to normalize incrementally our bilateral political, economic and consular relationship. This positive approach builds on Vietnam's own policy of political and economic reintegration in the world. U.S. engagement will promote the development of a prosperous Vietnam integrated into world markets and regional organizations that, in turn, will contribute to regional stability. With every new step, the United States has taken with respect to Vietnam, such as ending the trade embargo in 1994, normalizing diplomatic relations in 1995, appointing our first ambassador in 1997, issuing the first Jackson-Vanik waiver in 1998, and entering into the BTA in 2001, Vietnam has responded by opening further its society and economy. In fact, even military to military relations have resumed and an American Navy ship will be visiting Danang later this month.

Many in the American NGO community in Vietnam are also opposed to this bill for the same reasons. They strongly believe that increased contact with the outside world and positive engagement are better ways to promote progress on human rights and development issues. The NGO community strongly endorses recent constructive steps taken by the U.S. government to promote human development in Vietnam, such as opening the USAID office, approving Department of Agriculture commodity monetization programs, and providing OFDA assistance to Vietnam during natural disasters. These and other positive steps will do far more to promote civil society and improve human rights than the Smith bill. Furthermore, passage of H.R. 1587 could jeopardize the ability of American NGOs to implement their programs in Vietnam by creating suspicion that they are monitoring human rights on behalf of the U.S. Government, which would likely create restrictions of their humanitarian work here.

Accordingly, on behalf of the growing US business and development community in Vietnam, we appeal for your understanding and action in continuing the good work that you have already done to move the bilateral relationship forward. AmCham Hanoi urges you to prevent this damaging bill from becoming law.

With appreciation, in advance, for your consideration, I remain

Respectfully yours,
TERENCE ANDERSON,
Chairman.

[From the National Catholic Reporter, June 4, 2004]

PROGRAM AIMS TO FOSTER U.S.-VIETNAM CATHOLIC TIES

(By Thomas C. Fox)

Vietnamese ministers from the Ho Chi Minh City archdiocese will come to Boston College in the fall for training as part of an extensive program aimed at fostering cultural ties between the United States and Vietnam. The program also will eventually meet some pressing pastoral needs in Vietnam.

The new program, to last at least a decade, is significant because it has the blessing of government officials in Vietnam, where once strained church-state relations have warmed in recent years.

With the church in Vietnam slowly emerging from many years of isolation and government hostility, the Ho Chi Minh archdiocese-Boston College "partnership," as it is being called, is a hopeful sign that Vietnamese Catholics will be allowed by the government to play a greater role in providing social services.

Cardinal Jean-Baptiste Pham Minh Man, archbishop of Ho Chi Minh City since 1998, supports the program, maintaining that his church's number one challenge today is training pastoral ministers.

The initial phase of the program calls for two women religious, Daughters of Charity, to study health care ministries while two priests will study various parish related ministries. All will earn master's degrees.

Since 1975, when the war ended, the communist-led government seized church properties, closed Catholic hospitals and schools, limited ordinations and scrutinized most aspects of church life. During the 1990s, Hanoi slowly loosened its grip on society, opening Vietnam to foreign investments and visitors. Restrictions on Catholic life also loosened. Catholic nuns, for example, were allowed to run day care centers and to be more involved in providing health care.

With the 1998 appointment of Man, cooperation between the church and government grew. Man is viewed as a moderate with deep pastoral instincts. He believes the church in Vietnam has much to gain by working in tandem with the government, providing much-needed social services.

In 1996 Washington and Hanoi officially established diplomatic relations.

As openings for Vietnamese Catholics gained ground in the mid-1990s, Jesuit Fr. Julio Giulietti, then director at Georgetown University's Center for Intercultural Education and Development, began building bridges between Vietnamese Catholics and those in the outside world. He began working with Vietnamese Jesuits and developing other church contacts. His efforts took him back to Vietnam 18 times since 1994.

Now head of the Ignatian Institute at Boston College, Giulietti's passion is to bring Western Catholics into contact with those in developing nations.

It was during a visit in March 2003 that Giulietti and Man first began to talk about their proposed partnership. Those discussions in Ho Chi Minh City led to Giulietti's extending an invitation to Man in July 2003 to visit Boston College the following November.

Just weeks before he visited, Man was named a cardinal by Pope John Paul II, an indication of the key role he plays in the Vietnamese church.

Some 8 percent of Vietnam's estimated 70 million people are Catholic. Half of these Catholics reside in the Ho Chi Minh City archdiocese.

One evening last year at his residence, Man told NCR in an interview about the complexities of leading a church in a communist nation. The key to effective evangelization, he said, involves developing clergy, religious and laity to become skilled pastoral ministers. He said that new opportunities are opening for Catholic involvement in nation building. Becoming involved in these areas, he said, the church can show government authorities it is not a threat, but a potential partner.

In an important indicator of better church-state relations, Ho Chi Minh City officials last year returned a piece of property to the archdiocese that had once housed a seminary. Man hopes this property might one day become a pastoral ministry center.

With two to four Vietnamese ministry students coming to Boston College each year for the next decade, the partners hope that a core group of Vietnamese ministers will learn modern skills in pastoral care.

Giulietti emphasized the word "partnership." The initial needs all come from Man, he said. But the program will go two days. While Vietnamese will learn skills in the United States they cannot learn in Vietnam, they will also share their culture and ideas on church with students and faculty at Boston College.

According to Giulietti, half the funding will come from Boston College. The other half will have to come from outside sources. He said he is hopeful U.S. Catholics will respond, recognizing the importance of building effective ties among Catholics while doing something positive for the church in Vietnam. Giulietti is treasurer of the NCR board of directors.

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent, along with my friends on the other side of the aisle, because we have so many speakers, that we extend the debate 10 minutes equally divided on both sides.

The SPEAKER pro tempore (Mr. NUNES). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself 2 minutes to respond to my good friend from Connecticut that friends do not let friends commit human rights abuses.

Whatever present relationship we might have with Vietnam, when they are torturing and killing and maiming and forcing people to renounce their faith, these are egregious human rights abuses, and they should not be put under the rug and somehow brushed aside. We need to speak out against those abuses, and we need to do it forcefully.

Let me also say to my colleagues that the American Legion supports this bill wholeheartedly, and I will provide their letter for submission into the RECORD.

Mr. Speaker, the AID's funding announced by Ambassador Tobias and the President just a few days ago is totally exempt, as is all medicine, foodstuffs, and humanitarian aid. None of that can be used as a penalty in terms of its provision to the people of Vietnam. We are talking about nonhumanitarian aid. We are talking about capping it at the 2004 levels.

As I said in my opening, it is a very modest effort to say that we do not want this to go on anymore, to stop this abuse; and we have proven through the trafficking legislation and other legislation recently that modest smart penalties or sanctions do work. They do get the attention of offending governments.

Our solidarity is with the oppressed in Vietnam. It is not with the oppressor. We want to see progress. I want to stand on this floor, as does the gentleman from California (Mr. LANTOS) and others, and sing the praises of the government, but we need to see progress. We are seeing significant deterioration with regard to human rights abuses.

Mr. Speaker, I reserve the balance of my time.

Mr. EVANS. Mr. Speaker, I yield 4 minutes to the gentleman from Arizona (Mr. KOLBE), the chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs.

Mr. KOLBE. Mr. Speaker, I thank the gentleman for yielding me this time.

I have been listening with interest to what I think is a very spirited and good debate that we have had, but I do rise in opposition to H.R. 1587, the Viet Nam Human Rights Act of 2003.

At this point, I wish to congratulate my colleague, the gentleman from New Jersey, for the passion which he comes to the floor with and in which he expresses his views here. I know he holds these views very dearly and with great sincerity, and I do understand and respect the motivation for supporting human rights in Vietnam and other countries around the world. It is critically important we serve as a champion of human rights, just as we are in the case of Sudan, where tomorrow evening I and the gentleman from Illinois (Mr. JACKSON) will go in an effort to try to take a look and to bring the attention of the world to the human rights violations which are taking place there today.

However, I would point out that, even as we act as a champion of human rights around the world, that does not provide us carte blanche to undertake bad policy. In 1995, we embarked on a new path with Vietnam. Many opposed that at the time. I supported it. I thought it was the right thing to do. We chose to take a direction towards better political, economic, and consular relations.

In making that decision, we recognized the need to encourage the development of Vietnam as a prosperous country and to encourage Vietnam to move on a path towards greater protection of human rights. We understood how important it was to integrate our former adversary into Asia's economic progress and ultimately into the global community.

Since we have started down that path, I think we have reaped important benefits. It secured Vietnam's cooperation on achieving the fullest possible accounting of the POW/MIAs from the Vietnam War era. It has helped to contribute to regional stability in Southeast Asia, and it has helped to open a new market for U.S. workers to the world's 13th most populous country.

Certainly the United States-Vietnam foreign policy relationship is one that still has many rocky moments to it. It is one that is still maturing. In some areas, we are certainly disappointed with the progress or lack of progress that the Vietnam government has made. I share the concerns about the human rights record, but I think this bill may actually retard our efforts in this regard, rather than accelerate them or help them.

While the House has passed this bill, or legislation similar to it, it has not passed the other body before; and just because it has passed the House before does not mean it is the right thing to do here today. The relationship has changed. It has changed in a way where passage and enactment of this bill could be harmful to the relationship of our two countries.

The bill's unprecedented definition of nonhumanitarian assistance is problematic in many ways, in ways that I am cognizant of as chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs. For example, it would purport to reach some aspects of assistance provided under the President's Emergency Plan for Aids Relief. Vietnam, as I think my colleagues know, was recently designated as the 15th focus country under the President's plan, the only one outside of the Caribbean and of Africa.

Generally, I think this human rights act is a blunt instrument. I believe it will risk inhibiting progress in bilateral trade and affect cooperation on issues of importance to the United States, issues that are vitally important to us right now, counterterrorism, the POW-MIA accounting, which is ongoing, and HIV/AIDS; and I do not mean just the actual process of providing drugs but the technical assistance that could be affected by this. Also counternarcotics, which is vitally important for us, and refugee processing and resettlement.

I know there is a waiver authority in this bill, but to use that as an argument is simply to say that the bill has no meaning, so I do not think the sponsors really intend that to be the case.

In short, I think the imposition of unilateral sanctions is not going to lead to an improved human rights record and might actually harm the United States' efforts in our fight against HIV/AIDS, which is accelerating very rapidly in Vietnam.

I urge my colleagues to vote "no" on this legislation.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to my friend and colleague, the gentlewoman from California (Ms. LORETTA SANCHEZ).

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I thank my colleague, the gentleman from New Jersey, for yielding me this time and for putting forward H.R. 1587, of which I am in full support, the Viet Nam Human Rights Act.

I know a number of my colleagues oppose this bill, so I would like to reiterate why it is so important to pass this bill today.

First of all, we passed a very similar piece of legislation by a vote of 410 to 1 back in 2001. Unfortunately, the Senate did not take that up; and so the law was not enacted. But, since that time, one would think that our relationship would have gotten stronger with Vietnam; and in many ways it has.

The problem is that there are still very bad human rights abuses by the government of Vietnam against its own people. In fact, things have gotten worse.

Religious dissidents continue to be imprisoned, and crackdowns have been intensified on religious minorities. The leaders of the Unified Buddhist Church of Vietnam remain under house arrest 9 months after this House overwhelmingly passed House Resolution 427 commending the church's courageous leadership.

We have passed a resolution on Father Ly, a Catholic priest who has been arrested and convicted, all for following religious freedom, something that our own country is based on.

And freedom of the press? There is no freedom of the press in Vietnam. Everything is owned by the State.

When I talked to the cardinal of the Catholic church, he said he is not even allowed to pass out a newsletter in his church on Sunday because that is press, according to the government of Vietnam.

There is no religious freedom. There is no freedom of the press. People are arrested. I have gone twice now to Vietnam, and they are arrested and put in jail for no reason. I think it is about time that we support this bill and we pass it in this House.

Mr. EVANS. Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. ROYCE), the distinguished chairman of the Subcommittee on Africa of the Committee on International Relations.

Mr. ROYCE. Mr. Speaker, I rise in strong support of the Viet Nam Human Rights Act, of which I am pleased to have joined the gentleman from New Jersey (Mr. SMITH) in introducing.

I have had the opportunity in Vietnam to sit down with some of the religious dissidents, some of the religious leaders under house arrest for speaking out about religious freedom, and I wanted to share with this body that Freedom House has consistently done an analysis every year on Vietnam and ranked that country "not free," because people there cannot practice religious liberty; and efforts by this House to promote human rights in Vietnam have been blocked.

Meanwhile, I will just give this assessment by Freedom House, the most recent. "The regime jails or harasses most dissidents, controls all media, sharply restricts religious freedom, and prevents Vietnamese from setting up independent political or independent labor or independent religious groups."

My colleagues today have pointed out some horrific abuses against those who are simply attempting to practice their religion as they choose, but I want to point out that this regime is also one of the world's worst violators of press and Internet freedom. Prominent nongovernmental organizations have condemned the government of Vietnam's attempt to silence cyberdissidents and stifle freedom of the Internet.

I think the severity of some of these jail terms handed down, last year, we had Dr. Nguyen Dan Que, one of Vietnam's best-known dissidents, who was arrested for sending an email entitled "Communique on Freedom of Information in Vietnam." It was simply an analysis of the government's refusal to implement and lift controls on the media.

I will just take one line out of this analysis that he put forward. He said, "The State hopes to cling to power by brainwashing the Vietnamese people through stringent censorship and through its absolutist control over what information the public can receive."

Now, we have a way here, with this bill, with this legislation, to beef up Radio Free Asia and bring information, bring objective news and truth to the Vietnamese people in a more effective way. I think the spread of democratic values in Asia is critical to U.S. security interests, and I think Radio Free Asia is a large step forward in the right direction. We know these broadcasts are effective. How do we know? Because the Vietnamese government spends so much of their energy trying to block these broadcasts.

So I agree we have a growing relationship with Vietnam. I do not take issue with that. I supported the Bilateral Trade Agreement. But this does not mean the United States should stand moot while grievous human rights abuses occur. So I urge my colleagues to send this legislation to the other body with a strong vote.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. MARIO DIAZ-BALART).

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I just heard from many of those who are against this legislation that things have gotten better in Vietnam, things are not great but have gotten better.

Coincidentally, today there is a story by Reuters talking about how a 73-year-old man is in prison because he used the Internet to criticize the government of Vietnam. Whoa, things are getting real good over there.

Another person was arrested and sentenced just last week for using the Internet. And what was that horrible crime? Oh, geez, for being critical about corruption in Vietnam and advocating for democratic reforms.

□ 1945

Things are getting better in Vietnam.

No, they are not. They have gotten worse. We can no longer just turn away and pretend things are not happening to the oppressed people of Vietnam. I want to commend the gentleman from New Jersey for once again standing up for the oppressed, standing up for those people who are just trying to speak out a little bit, just a little bit, about the atrocities that are going on around the world, in this case in Vietnam. I thank him for doing this, for standing up for the oppressed, for those that would love just a little bit of freedom. We need to speak up for them as well. I support this.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself the balance of my time. Let me thank the gentleman from Florida (Mr. MARIO DIAZ-BALART) and all of the speakers, my good friend from California (Mr. LANTOS) and all of those whom I think made very, very important points about why this bill ought to become law.

Let me just take a moment to speak on behalf of one of Vietnam's most courageous and renowned democracy activists, Dr. Que. Dr. Que has served two lengthy prison sentences and was arrested again for promoting democracy and human rights last year. He has been held incommunicado ever since, unable to see even his family. The Vietnamese government plans to put Dr. Que on trial next Monday. We do not know exactly what the charges are, and it appears that Dr. Que will be tried in secret without access to a lawyer. Unfortunately, this is par for the course for the government of Vietnam because they treat so many dissidents this way. The government of Vietnam should release Dr. Que, a peaceful man whose only crime is to speak out for freedom. Any adverse action against Dr. Que will only make our point as they have made our point regrettably over and over again.

Let me just say one brief point about the POW/MIA issue because I take a back seat to no one in my concerns for a full and thorough accounting about our POWs. As a matter of fact, my first human rights trip to Asia was to Vietnam in the early 1980s on behalf of

POWs and MIAs trying to follow up on what we thought were live sightings and also to get a full and thorough accounting. But I would point out that Jerry Jennings, who was mentioned by my good friend from Connecticut, the Deputy Assistant Secretary of Defense for POW/MIA Affairs, has pointed out most recently that this is a mutual humanitarian effort between Vietnam and the United States; and, as he pointed out, the United States for its part has turned over hundreds of documents from U.S. national archives containing information about Vietnamese soldiers who died during the war.

It is to our mutual advantage to cooperate on that issue. I believe it is to the advantage of the people of Vietnam that this effort go forward with regards to the AIDS funding which is explicitly exempted by this legislation, as is other humanitarian aid as recounted in the bill.

This is all about human rights. This is about helping dissidents who are languishing in prisons. This is about religious believers who get that knock in the middle of the night and they are told, sorry, you are going to the gulag, where they are beaten, where they are repressed and where their families sometimes never hear from them again. These are modest, modest penalties; but we want to send a clear and unambiguous message to the government of Vietnam that human rights matter, they are important to us, they ought to be important to them.

I urge support. There are 35 cosponsors of this legislation equally divided between both sides of the aisle. It is truly a bipartisan piece of legislation. I urge support.

Mr. SMITH of New Jersey. Mr. Speaker, I submit the following letter for the RECORD.

THE AMERICAN LEGION,
Washington, DC, July 14, 2004.

Hon. CHRISTOPHER H. SMITH,
Rayburn House Office Building,
Washington, DC.

DEAR REPRESENTATIVE SMITH: The American Legion applauds your continuing leadership in fighting for the rights of the abused minorities in Vietnam. The United States must maintain constant pressure on the Vietnamese government to honor the rights of its citizens and our former allies. The Legion stands in strong support of the Vietnam Human Rights Act of 2004.

The American Legion has grave concerns about the plight of ethnic groups such as the Montagnards, as well as religious minorities, including Buddhists and Catholics who are under constant attack and persecution by Vietnamese authorities for practicing their religion. The American Legion strongly believes that successful passage of the Vietnam Human Rights Act of 2004 will greatly benefit the future of minority ethnic and religious populations in Vietnam. If the U.S. does not have the tools that would be available through the Vietnam Human Rights Act, we will lose the only remaining leverage we have in persuading the Vietnamese to change their egregious behavior.

As a nation at war, I think it is important that America's allies know they serve beside a committed, loyal partner—one that will not desert or betray them in their time of need. Simply ignoring the current violations of human rights is not an acceptable option for The American Legion's membership of wartime veterans, many who served in Vietnam side-by-side with these current victims of tyranny.

Sincerely,

JOHN F. SOMMER, Jr.,
Executive Director.

Mr. WOLF. Mr. Speaker, I strongly support H.R. 1587, The Vietnam Human Rights Act of 2004 and commend Representative CHRIS SMITH for his leadership on this issue. In 2001, the House of Representatives passed a similar bill, but unfortunately the human rights situation in Vietnam continues to get worse.

The United States will soon ratify the U.S.-Vietnam bilateral trade agreement. We must send a strong message that trade with the United States should come with a responsibility to uphold basic human rights.

The Government of Vietnam continues to commit serious abuses in violation of the Universal Declaration of Human Rights. It continues to jail writers, scientists, journalists, and religious leaders.

This year's State Department human rights countries report on Vietnam is 24 pages long and cites numerous violations including:

> The Government of Vietnam's human rights record remained poor, and it continued to commit serious abuses. The government continues to deny the right of citizens to change their government . . . The government significantly restricted freedom of speech, freedom of the press, freedom of assembly, and freedom of association . . .
>
> The government did not permit human rights organizations to form or operate. Violence and societal discrimination against women remained a problem. Child prostitution was a problem.

I am very concerned that religious activity is extremely restricted in Vietnam and reports that over 400 Christian churches in the Central Highlands have been forcibly closed. Imprisonment and harassment of Protestants and Catholics continue and many religious leaders are under house arrest. Many Christians have been forced to renounce their faith.

I also remain extremely concerned about the recent crackdown against Montagnard ethnic minorities in Vietnam, many of whom are Christians. Thousands of Montagnards who gathered to protest ongoing religious repression and confiscation of tribal lands last Easter were met with brutal force by Vietnamese agents and security forces.

Three years ago, Father Thaddeus Nguyen Ly, a Catholic priest, submitted testimony to the U.S. Commission on International Religious Freedom. On October 21, 2001, Father Ly was sentenced to 15 years in prison by the Vietnam government. Father Ly has done nothing more than call for religious freedom in Vietnam.

The U.S. House has repeatedly called for Father Ly's release and expressed growing concern about the poor human rights record of the Government of Vietnam. We have been met by silence from the Government of Vietnam.

I continue to ask the State Department to designate Vietnam as a "country of particular concern" (CPC) for its systematic and ongoing religious freedom abuses. The Commission on International and Religious Freedom recommended Vietnam be listed as a CPC last year. This latest incident in the Central Highlands, along with the Vietnamese government's relentless repression of ethnic minority religious groups, clearly supports the need for CPC this year. It is my hope that the State Department will act this year.

I support the Vietnam Human Rights Act. Hanoi must begin to make significant progress toward releasing political and religious prisoners and respecting human rights of all minorities. In closing, we in the United States must continue to speak out for the innocent wherever they are. This is our duty. Those suffering persecution are encouraged when the United States speaks out on their behalf.

Ridding the world of repressive dictators will take time, patience and persistence, and we must press on toward the goal of freedom for all people. We, as a country, and we, as individuals, must have the courage to take on tough issues. Human rights are God-given rights. We should not accept anything less.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today in support of H.R. 1587, which requires the administration to carefully monitor the status of human rights in Vietnam.

Under this measure, if Vietnam fails to meet basic standards for universally recognized human rights, the President will have the authority to cap U.S. non-humanitarian aid to Vietnam.

The truth is that many of my colleagues may not be aware of the extensive struggle which the Vietnamese people have endured for many years in their ongoing fight for basic human rights and freedom.

Ten years ago, the United States ended its trade embargo with Vietnam and normalized relations with Hanoi. While the U.S. continues to open diplomatic relations with Vietnam, we must remember that many issues remain unresolved, including human rights violations, lack of religious freedom, and government corruption.

In 2001, the House passed a similar bill overwhelmingly by 410–1 to send a clear message to the communist leadership in Vietnam that U.S. trading with Vietnam does not mean approval of its repressive policies.

Unfortunately, this bill died in the Senate.

Since then, despite having the benefits of trade with the U.S., the Vietnamese government has escalated its abuses of human rights and crackdown on religious freedom.

I traveled to Vietnam in 1998 to learn about these issues first-hand, as well as to raise these concerns with high-level officials. In addition, the large Vietnamese-American community in the 11th district, which I represent, continues to update me on continuing concerns.

As a member of the Vietnam Caucus, I am dedicated to promoting awareness and policy debates among the U.S. Congress, the American public, and the international community about the greater need for fundamental human rights in the Socialist Republic of Vietnam.

While many have chosen to take part in a non-violent struggle for basic freedom and human rights, the Vietnamese communist government has chosen to arrest and imprison the vast majority of them.

The gratuitous arrests of these men and women demonstrate the ongoing human rights abuses and lack of religious freedom in Vietnam. We must continue to bring attention to these issues, generate pressure on Vietnamese officials, and hold the Vietnamese government accountable.

It is only through the hard work of these courageous individuals and the support of the international community in which we can work to bring an end to human rights abuses and religious persecution in Vietnam.

I am hopeful H.R. 1587 will serve as a small stepping stone towards the ultimate liberation and freedom of the Vietnamese people.

However, at the least, I believe it will bring much needed additional awareness to the atrocities committed by the Socialist Republic of Vietnam every day, on its own citizens.

I commend my good friend from New Jersey and the other sponsors for bringing this bill to the floor, and I urge my colleagues to join me in the passage of this important resolution.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise in strong support of this bill. Having spent nearly seven years in Vietnam as a prisoner of war, I have more than a passing interest in our relations with this country. The simple fact is that we're dealing with a communist government whose human rights record is abhorrent at best.

As you know, during the Vietnam war the indigenous Montagnard people were strong allies of America. Now, in the central highlands of Vietnam, the Montagnards are facing arrest, beatings, torture and even murder at the hands of Vietnamese so called security forces.

Churches have been destroyed and over the past 2 years human rights watch has documented numerous incidents where authorities conduct mass ceremonies forcing Montagnards to renounce Christianity, sometimes while drinking sacrificed animal's blood.

Today in Vietnam the Montagnard's ancestral homelands are currently sealed off from international observers as secret police enforce a campaign to crush the spread of Christianity.

Amnesty International has documented hundreds of political prisoners and even killings of Montagnard refugees who have tried fleeing to Cambodia.

In fact, the Vietnamese/Cambodian border is patrolled by soldiers, where Cambodian authorities hunt down and "sell" refugees to Vietnamese police for bounties. This sounds like something we would read about in history books, not in the year 2004.

This Congress cannot idly stand by. Civilized nations do not deal with barbarians. We must ensure that our aid isn't going to the communist thugs in Hanoi. Support this bill.

Mr. HYDE. Mr. Speaker, I submit an exchange of letters between Mr. SENSENBRENNER, the chairman of the Committee on the Judiciary, and myself on the bill H.R. 1587 for printing in the RECORD.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC, July 13, 2004.

HON. F. JAMES SENSENBRENNER, JR.,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter on H.R. 1587, the 'Viet Nam Human Rights Act of 2003,'' which was referred primarily to the Committee on International Relations and additionally to the Committee on Financial Services. This Committee ordered the bill reported favorably on June 24, 2004.

I concur that the Committee on the Judiciary has jurisdiction over §401 of the bill pertaining to the resettlement of refugees from Viet Nam. The manager's amendment which the Committee will call up does not include §401 or any other provision that fall within the Rule X jurisdiction of the Committee on the Judiciary.

I appreciate your willingness to waive further consideration of the bill in the Committee on the Judiciary so that the bill may proceed expeditiously to the floor. I concur, that in taking this action, your Committee's jurisdiction over the bill is in no way diminished or altered. I will, as you request, include this exchange of letters in the CONGRESSIONAL RECORD during consideration of the legislation on the House floor.

I appreciate your cooperation in this manner.

Sincerely,

HENRY J. HYDE,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, July 13, 2004.

Hon. HENRY HYDE,
Chairman, Committee on International Relations, House of Representatives, Washington, DC.

DEAR CHAIRMAN HYDE: I am writing regarding H.R. 1587, the "Viet Nam Human Rights Act of 2003" which was referred primarily to the Committee on International Relations and additionally to the Committee on Financial Services. The Committee on International Relations ordered the bill reported favorably on June 24, 2004, but as of this time has not filed a report.

The Committee on the Judiciary has jurisdiction over §401 of the bill pertaining to the resettlement of refugees from Viet Nam. I understand that you have indicated your willingness to take the bill to the floor under suspension of the rules with a manager's amendment that does not include §401 or any other provisions that fall within the Rule X jurisdiction of the Committee on the Judiciary.

Based on your willingness to follow this course, I am willing to waive further consideration of the bill in the Committee on the Judiciary so that the bill may proceed expeditiously to the floor. The Committee on the Judiciary takes this action with the understanding that the Committee's jurisdiction over the bill is in no way diminished or altered. I would appreciate your including this letter and your response in the Congressional Record during consideration of the legislation on the House floor.

I appreciate your cooperation in this matter.

Sincerely,

F. JAMES SENSENBRENNER, Jr.,
Chairman.

Mr. SMITH of New Jersey. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MARIO DIAZ-BALART of Florida.) The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 1587, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. EVANS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CONCERNING THE IMPORTANCE OF THE DISTRIBUTION OF FOOD IN SCHOOLS TO HUNGRY OR MALNOURISHED CHILDREN AROUND THE WORLD

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 114) concerning the importance of the distribution of food in schools to hungry or malnourished children around the world.

The Clerk read as follows:

S. CON. RES. 114

Whereas there are more than 300,000,000 chronically hungry and malnourished children in the world;

Whereas more than half of these children go to school on an empty stomach, and almost as many do not attend school at all, but might if food were available;

Whereas the distribution of food in schools is one of the simplest and most effective strategies to fight hunger and malnourishment among children;

Whereas when school meals are offered to hungry or malnourished children, attendance rates increase significantly, particularly for girls;

Whereas the distribution of food in schools encourages better school attendance, thereby improving literacy rates and fighting poverty;

Whereas improvement in the education of girls is one of the most important factors in reducing child malnutrition in developing countries;

Whereas girls who attend schools tend to marry later in life and have fewer children, thereby helping them escape a life of poverty;

Whereas by improving literacy rates and increasing job opportunities, education addresses several of the root causes of terrorism;

Whereas the distribution of food in schools increases attendance of children who might otherwise be susceptible to recruitment by groups that offer them food in return for their attendance at extremist schools or participation in terrorist training camps;

Whereas the Global Food for Education Initiative pilot program, established in 2001, donated surplus United States agricultural commodities to the United Nations World Food Program and other recipients for distribution to nearly 7,000,000 hungry and malnourished children in 38 countries;

Whereas a recent Department of Agriculture evaluation found that the pilot program created measurable improvements in school attendance (particularly for girls), increased local employment and economic activity, produced greater involvement in local infrastructure and community improvement projects, and increased participation by parents in the schools and in the education of their children;

Whereas the Farm Security and Rural Investment Act of 2002 (Public Law 107–171, 116 Stat. 134) replaced the pilot program with the McGovern–Dole International Food for Education and Child Nutrition Program, which was named after former Senators George McGovern and Robert Dole for their distinguished work to eradicate hunger and poverty around the world; and

Whereas the McGovern–Dole International Food for Education and Child Nutrition Program provides food to nearly 2,000,000 hungry or malnourished children in 21 countries; Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) expresses its grave concern about the continuing problem of hunger and the desperate need to feed hungry and malnourished children around the world;

(2) recognizes that the global distribution of food in schools to children around the world increases attendance, particularly for girls, improves literacy rates, and increases job opportunities, thereby helping to fight poverty;

(3) recognizes that education of children around the world addresses several of the root causes of international terrorism;

(4) recognizes that the world will be safer and more promising for children as a result of better school attendance;

(5) expresses its gratitude to former Senators George McGovern and Robert Dole for supporting the distribution of food in schools around the world to children and for working to eradicate hunger and poverty around the world;

(6) commends the Department of Agriculture, the Agency for International Development, the Department of State, the United Nations World Food Program, private voluntary organizations, non-governmental organizations, and cooperatives for facilitating the distribution of food in schools around the world;

(7) expresses its continued support for the distribution of food in schools around the world;

(8) supports expansion of the McGovern–Dole International Food for Education and Child Nutrition Program; and

(9) requests the President to work with the United Nations and its member states to expand international contributions for the distribution of food in schools around the world.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the Senate concurrent resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume and rise in strong support of S. Con. Res. 114, which is an expression of support for the McGovern-Dole International Food For Education Program. The companion House version of this resolution was introduced by the distinguished gentleman from Massachusetts. By taking up the companion Senate version of the resolution, we will be able to complete congressional action on it.

300 million children around the world suffer from chronic hunger and malnourishment, and this program was founded on the premise that one of the most effective ways to combat child hunger could at the same time serve to increase literacy and to promote international stability. The program consists of a simple measure of supplying schools in areas suffering from food shortages with meals for their students. It has been shown that this measure, in addition to providing much-needed nourishment for hungry children, also results in a significant rise in attendance rates. This translates into higher literacy rates, job opportunities, and a healthier local economy as these children enter the workforce. These improvements, in turn, address several of the root causes of terrorism which is strongly linked to poverty and poor education.

Since its inception, the McGovern-Dole program has donated surplus agricultural commodities to the U.N. World Food Program, feeding nearly 7 million children from 38 countries. I urge the Congress to pass this concurrent resolution as an expression of support for this admirable endeavor. This resolution does not involve any allocation of funds, but does serve to recognize the accomplishments of the program, accomplishments again which have aided some 7 million children with much-needed meals and have aided the world by promoting education and stability. We express our support. I hope that the membership will support it.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume. I rise in strong support of this legislation, and I urge all of my colleagues to do so as well.

More than 150 million poor children stumble to school every day because their stomachs are empty and their eyes are blurry from hunger. Oftentimes what separates these kids from academic achievement is as simple as a full, healthy meal.

Mr. Speaker, it is gratifying to note that our good friend and colleague from Massachusetts (Mr. MCGOVERN) has strived to ensure that our collective attention remains on these struggling, impoverished children.

The George McGovern-Robert Dole International Food For Education and Child Nutrition Program is one of the great success stories in our foreign aid framework. The McGovern-Dole International Food For Education and Child Nutrition Program is properly named after Ambassador and former Senator George McGovern and former Senator Bob Dole. Both of these highly respected statesmen worked tirelessly on world hunger issues for many years, culminating in the launching of a pilot program, the Global Food For Education Initiative in 2001.

The Global Food For Education Initiative was groundbreaking in that it systematically addressed the problem of young students with empty stomachs in developing countries. By distributing surplus agricultural commodities from our country to some 7 million hungry and malnourished children in 38 countries, the Global Food Initiative was largely responsible for improving school attendance rates, raising literacy rates, and fighting poverty, particularly among young girls, in the schools which received assistance under the program.

Mr. Speaker, the McGovern-Dole program is now permanent, but it alone cannot end world hunger; nor can it dramatically alter the performance of educational systems in developing countries. The program can, however, play a crucial role in helping our Nation meet its moral obligation to alleviate human suffering in places like sub-Saharan Africa, the Caribbean, the Middle East, and South Asia while at the same time helping to support tens of thousands of American farm families. The McGovern-Dole program can also put spoons and textbooks into the hands of poor children in the most destitute corners of the globe so that these children will be less likely to grow up, take up arms, and fight over scarce resources.

Mr. Speaker, let me conclude by suggesting that the McGovern-Dole program epitomizes the true American spirit and the values which we hold so dear. Through this program, we are able to take the bounty of our land and share it with the needy and the hungry across the globe. At the same time we are able to help sustain family farms here at home. It is no wonder that the program enjoys such enormous support across the country.

I strongly support passage of this legislation, which our esteemed colleagues in the other Chamber have already passed. I urge all of my colleagues to do so as well.

Mr. Speaker, I am delighted to yield such time as he may consume to the gentleman from Massachusetts (Mr. MCGOVERN), the distinguished sponsor of this legislation.

Mr. MCGOVERN. Mr. Speaker, I want to thank the distinguished gentleman from California, the ranking member of the Committee on International Relations, for yielding me the time and for his very heartfelt words. I also want to thank the chairman of the committee, Chairman HYDE, as well as Ranking Member LANTOS, for their leadership and their commitment to ending hunger and for their support of U.S. food aid programs. I also want to extend my gratitude to Chairman SMITH and to my colleague from Ohio (Ms. KAPTUR), who is the ranking Democrat on the agricultural appropriations committee, for all of their incredible efforts to combat hunger here in the United States and around the world. It was through their bipartisan leadership that the George McGovern-Robert Dole International Food For Education and Child Nutrition Program came to be established in the farm bill reauthorization.

Over the past few years, I have learned a great deal about global child hunger from my House colleagues, from former Senators George McGovern and Bob Dole, from our hard-working officers at USDA and USAID, from the staff of the U.N. World Food Program, and from the many organizations that carry out U.S.-funded school feeding and development projects around the world, groups like Catholic Relief Services, World Vision, Save the Children, CARE, Land O'Lakes, Counterpart International and Mercy Corps, to name but a few.

I now know there are over 800 million people around the world for whom chronic hunger is a way of life, and, too often, a way of death. Over 300 million of these people are children and over half of these children do not attend school, mainly girls.

Every year, 6 million children in our world die of hunger-related causes. As David Beckmann, president of Bread for the World, has stated so eloquently, "Even one child starving to death is a tragedy. Six million is a global catastrophe and a preventable one."

Last November, the U.N. food and agriculture organization released its 2003 report on hunger. It found that after falling steadily during the 1990s, hunger is again on the rise. In the developing world, the number of malnourished people grew by an average of 4.5 million a year for the past 3 years. The report also found that hunger exacerbates the AIDS crisis, drives rural people into the cities, and forces women and children to trade sex for food and money.

But we can help break that cycle. We have learned from projects carried out around the world that school feeding programs are one of the most effective strategies to combat hunger and poverty and convince poor families to send their children to school. When programs are offered, enrollment and attendance rates increase significantly, particularly for girls. Instead of working or searching for food to combat hunger, children have the chance to go to school. Providing food at school is a simple, but effective, means to improve literacy and help poor children break out of poverty.

With the support of President Clinton and Secretary of Agriculture Dan Glickman, the McGovern-Dole program began as a $300 million pilot program in 2001, providing nutritious meals in school settings to nearly 7 million children in 38 countries.

□ 2000

Wheat from Illinois, Minnesota, and Oregon went to feed children at schools in Bolivia and Lebanon. Corn, milk, and soybeans from farmers in Kansas and Wisconsin fed children in Nicaragua and Guatemala. Lentils from Idaho and Washington helped children return to school in Afghanistan. Beans from Colorado, rice from Texas and Louisiana, cooking oil from Florida and Tennessee, the bounty of America's farmers found its way to children attending humble schools around the world.

Mr. Speaker, global hunger, ignorance, and poverty are threats to our national security, and they are threats to our national spirit. How can our world be secure if hunger drives desperate people to ideological extremes? I firmly believe the McGovern-Dole program serves our national interests by attacking the breeding grounds of terrorism: hunger, poverty, ignorance, and despair, while at the same time ensuring that children receive meals in settings where they receive a quality education, not hate-filled indoctrination. At the end of the day, it will be programs like McGovern-Dole that ultimately triumph over poverty and terror.

S. Con. Resolution 114 commends the important role these programs play in the fight against hunger and in promoting basic education. It supports the expansion of the McGovern-Dole program and urges the President to work with the U.N. and other nations to increase international support for school feeding programs. By expanding the McGovern-Dole program, we can reach even more school-age children. We can help stabilize communities devastated by HIV/AIDS, and we can help developing nations achieve self-sufficiency and prosperity.

Mr. Speaker, international school feeding programs work. I commend this bill to my colleagues, and I urge them to support it.

I thank the gentleman from California for yielding me this time.

I want to thank the gentleman from California, the Ranking Member of the International Relations Committee Mr. LANTOS, for yielding me time. And I especially want to thank Chairman HYDE and Ranking Member LANTOS for their leadership and commitment to ending hunger and for their support of U.S. food aid programs. It was through their bipartisan leadership that the George McGovern-Robert Dole International Food for Education and Child Nutrition Program came to be established in the farm bill reauthorization.

Over the past few years, I have learned a great deal about global child hunger from my House colleagues; from former Senators George McGovern and Bob Dole; from our hard-working officers at USDA and USAID; from the staff of the UN World Food Program; and from the many organizations that carry out US-funded school feeding and development projects around the world—groups like Catholic Relief Services, World Vision, Save the Children, CARE, Land O' Lakes, Counterpart International, and Mercy Corps, to name but a few.

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With the support of President Clinton and Secretary of Agriculture Dan Glickman, the McGovern-Dole program began as a $300 million pilot program in 2001, providing nutritious meals in school settings to nearly 7 million children in 38 countries. Wheat from Illinois, Minnesota, and Oregon went to feed children at schools in Bolivia and Lebanon. Corn, milk and soy beans from farmers in Kansas and Wisconsin fed children in Nicaragua and Guatemala. Lentils from Idaho and Washington helped children return to school in Afghanistan. Beans from Colorado, rice from Texas and Louisiana, cooking oil from Florida and Tennessee—the bounty of America's farmers found its way to children attending humble schools around the world.

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By expanding the McGovern-Dole program we can reach even more school-age children; we can help stabilize communities devastated by HIV/AIDS; and we can help developing nations achieve self-sufficiency and prosperity.

Mr. Speaker, many individuals and organizations deserve mention for the role they played in launching the Global Food for Education Initiative (GFEI) pilot program and for establishing the George McGovern-Robert Dole International Food for Education and Child Nutrition Program. First and foremost are the two gentlemen who are the namesakes of this program, former Senators McGovern and Dole. They have dedicated their lives to ending hunger and continue to be an inspiration to me and all my congressional colleagues on these issues. Another leader in this effort is former Secretary of Agriculture Dan Glickman, who had seen first hand the benefits of basic school feeding programs funded through USDA under its 416(b) Commodity Credit Corporation commodity surplus program. He knew these programs needed to expand and reach even more children, schools and communities, and he embraced the vision presented to him by Senators McGovern, Dole and myself. Secretary Glickman helped to organize a meeting at the White House with the President and his foreign policy and national security staff, as well as representatives from USAID and USDA. I remember President Clinton, upon conclusion of the formal presentation of the plan for expanded school feeding programs, looking up and saying, "This is a simple concept that could have a great impact. Let's make it happen." And that is how the White House came to launch the $300 million pilot program just a few months later.

The GFEI pilot program was actually implemented under the Bush Administration and Secretary of Agriculture Ann Veneman. I would be remiss in my remarks should I fail in offering my praise to Mary Chambliss, Deputy Administrator of USDA's Foreign Agricultural Service/Export Credit Department. She and her staff took the description of an initiative formally announced by President Clinton at the July 2000 G–8 Summit in Okinawa, Japan, and turned it into a living and breathing reality, one which has benefited more than 7 million children world-wide.

Many Members of Congress in this House and in the other body have been true leaders in helping to build a genuinely broad, bipartisan coalition in support of the McGovern-Dole program. In particular, I would like to express my appreciation to Representatives JO ANN EMERSON, MARCY KAPTUR, DOUG BEREUTER, JIM LEACH, DON MANZULLO, GEORGE NETHERCUTT, LEONARD BOSWELL, TIM JOHNSON and MARK GREEN, who along with former Members of Congress Tony Hall, John Thune and Eva Clayton, were the original cosponsors of legislation to create the McGovern-Dole school feeding program. In the other body, leadership was provided by Senators, DICK DURBIN, RICHARD LUGAR, PATRICK LEAHY, MIKE DEWINE, TOM HARKIN, TOM DASCHLE, BYRON DORGAN, EDWARD KENNEDY and HERBERT KOHL.

Since the establishment of the McGovern-Dole program, especially in efforts to increase funding to maintain and establish these global school feeding programs, additional Members of Congress have stepped forward and taken leadership roles, including Representatives FRANK WOLF and TOM LANTOS and Senators PAT ROBERTS, SAM BROWNBACK, ELIZABETH DOLE, and HILLARY CLINTON.

Mr. Speaker, the McGovern-Dole program and the initial pilot program would not have been successful were it not for the dedication and experience of the U.S. private voluntary organizations that implement these programs around the world—many of which I noted earlier in my remarks—and the United Nations World Food Program. My staff and I have visited several of these programs in Indonesia, Colombia and elsewhere, and we all owe them our gratitude and admiration for their work.

In addition, I would like to thank several other groups that helped me understand the needs and requirements of high-quality school feeding programs and how such programs might effectively reduce hunger among the world's children and attract them to enrolling and staying in school. These organizations include Friends of the World Food Program, Bread for the World, and Food Aid Coalition, Land O'Lakes, the American Soybean Association, the National Farmers Union, the American Farm Bureau Association, and the American School Food Service Association.

No individual program can end hunger, not here at home and certainly not around the world. But I believe that it is possible to end hunger, especially hunger among children, if we simply have the political will to make it happen. The McGovern-Dole school feeding program and other U.S.-funded school feeding and food security programs are vital components in this effort, and I am grateful to be part of the bipartisan congressional coalition in support of these programs.

Mr. Speaker, international school feeding programs work. I commend this bill to my colleagues and I urge them to vote in support of S. Con. Res. 114.

Mr. LANTOS. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Ohio (Ms. KAPTUR), who has been a fighter for children across the globe during her distinguished career here in this body.

Ms. KAPTUR. Mr. Speaker, I thank the eloquent gentleman from California (Mr. LANTOS) for yielding me this time and thank him for his great work on this and so many other issues, including humanitarian concerns around our globe. Also to the gentleman from Illinois (Chairman HYDE) and the gentleman from New Jersey (Chairman SMITH), who is with us here tonight, for moving this legislation, and to the gentleman from Massachusetts (Mr. MCGOVERN), who has been such a faithful leader as well. It is a joy to be with them.

Mr. Speaker, I will share a story about the idea that anchors this program and how it originally started. In February of 2000, I had the pleasure of visiting with Senator George McGovern while he served as U.S. Ambassador to the Food and Agriculture Organization in Rome. At that time he shared with me an editorial that he had written that he was hoping would get published in the Washington Post at the end of that month, and it was.

Referring to our own school lunch program here in our country, he asked a simple but provocative question, this man of the world and a decorated fighter pilot from World War II. He said, "Why not provide a similar modest meal every day for every needy child in the world?" He was thinking big, as he always thought big, and he knew that hunger and poverty was at the root of desperation, that it is at the root of what makes young people susceptible to the siren cry of all that is horrible, including terrorism. And he knew this before 9–11 because he had worked on it throughout his career, from his days as director of the Food for Peace Program through his days in the Senate and to this very moment as one of the world's most eloquent proponents on behalf of people who ask only for a fair chance at a decent life.

We came back to Washington, and when Secretary of Agriculture Dan Glickman was Secretary and Under Secretary for Farm and International Agricultural Programs was Gus Schumacher, we were able to move legislation through the administration and this House as part of the fiscal 2001 appropriation bill to support the beginnings of this program. Later that summer, President Clinton announced the creation of the program, encouraging other nations to join with us; and this all culminated in the McGovern-Dole Global Food Program, established as one of the greatest accomplishments of the 2002 Farm bill.

We started with $300 million, but unfortunately that declined every year, bottoming out in the current fiscal year of $56 million. The bill that we had on the floor yesterday raised it to a level of $75 million but serving only a fraction of the need that Senator McGovern had originally imagined; that well over $1 billion, we spend all of that on weapons, but here is food. Just imagine if we could put food in schools that would counter the madrassas in some of the most troubled parts of the world, what a difference we could make.

So I am pleased to join with my colleagues tonight to commend the gentlemen for bringing this wonderful bill to the floor to recognize the McGovern-

Dole Global Food Program and to provide the kind of funding and support for it that could affect the lives of literally millions and millions of the young people of the Earth who will be our leaders of the future.

So as Senator McGovern said in his original editorial, there is no more useful task in the modern world than feeding the children on whom the future depends, and it is the right thing to do.

I include the following material for the RECORD:

[From the Washington Post Web site, Feb. 27, 2000]

Too Many Children Are Hungry. Time for Lunch

(By George McGovern)

ROME.—On a recent fact-finding trip through Africa that took me to some of the most painfully destitute areas of the planet, I visited villages where conditions were heartbreaking: overcrowded shacks, no water safe to drink, no medical care, primitive agriculture, emaciated women and children. What touched my soul most deeply was one village school. Hungry youngsters yawned or stared vacantly, seemingly unable to concentrate on anything other than their empty stomachs. During recess, there was no childish laughter, no running or playing—only the same lethargy and weariness that pervaded the classroom.

The saddest part of that scene was its terrible familiarity. In the 40 years that I have observed food assistance programs, I have seen similar poverty in Asia and Latin America. Conditions are nearly as bad in parts of Russia and the Balkans. There are now an estimated 790 million chronically hungry people in the world, of whom 300 million are school-age or younger. Most of them live in Africa and Asia.

We in the United States can do something about it. We can emulate one of the most beneficial programs ever launched on behalf of children—the U.S. school lunch program. For the past 22 years—through legislation I cosponsored with former senator Robert Dole—America has provided a nutritious meal to almost any student who can't afford one; currently, about 27 million children are fed every day. By any reasonable criteria, this program has been a smashing success. It attracts children to school and keeps them there under conditions in which they are able to learn and grow.

Why not provide a similar modest meal every day for every needy child in the world? Could not such a program of health, healing and hope be the centerpiece of the current U.N. commitment to cut world hunger in half by the year 2015?

The U.N. World Food Program already has launched some efforts in this direction. After considerable discussion with some of the world's experts in nutrition and food assistance, I have concluded that it would be both practical and right for the United States, within the U.N. framework, to take the lead in organizing a worldwide school lunch program.

There is precedent for success in this approach. In 1961, shortly after President John F. Kennedy named me the first director of U.S. Food for Peace, I received a telephone call from a dean at the University of Georgia. He told me that in his judgment, the federal school lunch program had done more to advance the development of the South than any other federal program. He pointed out that malnourished children seldom make good strudents—it's difficult to concentrate on reading, writing and arithmetic when you are hungry. He concluded: "If I had to preserve one federal program above all others, I would choose the school lunch program." And he urged me to draw on its example in extending Food for Peace help to our fellow humans abroad.

I soon found a place to experiment with the dean's conviction—the poverty stricken Puno area of Peru. Puno had an illiteracy rate of 90 percent—unsurprising, since nine out of 10 students dropped out of school by the sixth grade. Even those brief years of education were blighted by malnutrition, lethargy and dulled minds.

With the cooperation of a remarkable priest, the Rev. John McClellan of the Maryknoll Fathers, I launched a school lunch program in Puno in October 1961. The United States made the food available, and the Maryknoll Fathers—with the help of local parents—prepared and served it. The government of Prime Minister Pedro Beltran built kitchens and dining halls and assisted with distribution. Forty-five Peace Corps workers contributed to the effort.

We began by feeding 30,000 children. Within six months, school attendance had increased 40 percent and academic performance had improved by 50 percent. That kind of success inspired expansion: By 1965, Peru was feeding more than 1 million schoolchildren a day.

And it wasn't just happening in Peru. Three years after the first program was launched in Puno, Food for Peace was providing 12 million children in Latin America with meals. Today, with local governments carrying most of the cost, the figure has more than doubled.

It is difficult to locate an informed person in Latin America who doesn't sing the praises of the school lunch program. Study after study shows that a higher percentage of children attend school and remain through graduation when lunch is provided. Academic performance improves. Children are not only smarter but stronger.

And there is another benefit in an overcrowded world: As a society's educational level rises—especially among girls—the birthrate goes down. Education is the surest foundation for responsible family planning.

Some may ask: Can the United States, even with the help of other nations, afford all this? What will it cost American taxpayers? These are legitimate questions, and they deserve thoughtful answers.

Having studied a number of cost analyses, I believe that we could launch a start-up program, providing lunches to millions of hungry schoolchildren not now being fed, for about $3 billion a year. This would expand some existing U.N. and local programs, and would include a three-tiered price system similar to the one in the United States: Depending on what their families can afford, students pay all, part or none of the cost of their meal. That $3 billion would be provided in the same way as funding for most international relief programs—with 25 percent paid by the United States, and the rest by other donor nations.

In addition, I would recommend that the United Nations copy another wonderfully successful American program—the supplementary feeding program for pregnant and nursing women and their children below the age of 5, known as WIC. It is in these early years that a child is most likely to be scarred and handicapped for life by malnutrition. I estimate that a serious attempt at beginning a worldwide WIC program would cost close to $1 billion a year, with the United States again paying 25 percent.

For both programs, therefore, the initial cost to American taxpayers would be about $1 billion a year. Over the subsequent years, the programs would grow in scope—and presumably in cost.

But the United States would benefit, too. First, since most of the U.S. contribution would be in the form of agricultural commodities, the market for cereal grain, dairy products and livestock would be strengthened. Second, since U.S. law requires that at least half of all foreign assistance must be carried in American ships, our Merchant Marine would benefit materially—as would the trucks and trains carrying the commodities to ports for shipment.

Over the past year, I have talked with ranchers and farmers in my home state, South Dakota, and in Montana who tell me they can't hold on for more than another year or two unless there is some relief from price-depressing surpluses. Ironically, it is the efficiency and productivity of American farmers, the best in the world, that breeds the low prices now threatening to put them out of business. It would be a happier irony if feeding hungry children became the means of helping to save American farmers, ranchers and dairymen.

Other farm surplus countries such as France, Canada and Australia would experience similar benefits.

We now that the emergency demands of World Wars I and II greatly stimulated the farm and industrial economies of the United States. The cost of these gigantic wars was enormous—vastly larger than what is proposed here for a war against hunger. But they greatly enriched the American economy. We could expect proportionate benefits from a school lunch program.

More than half a century ago, I flew 35 missions as a bomber pilot, operating from a base in Cerignola, Italy. I never doubted the soundness of our cause in helping to smash Hitler's terrible war machine. But I'm especially proud of my final mission: At the end of the war, we filled our bombers with unused military rations and flew them to the devastated cities of Europe. I will never forget the grateful people, some of them our recent enemies, waiting eagerly to receive and distribute the boxes of surplus food. I imagined some of these same people taking cover from our bombs only a short time earlier, now looking into the skies for hope and deliverance.

That postwar food delivery was practical: There would have been no point in hauling unused C-rations back to the United States. It was effective: We fed people who might have starved, and we began the process of rebuilding war-torn Europe. Most of all, it was the right thing to do.

For the same reasons, we should enlist today in the effort to provide a daily meal to every needy student around the world. Having returned to Italy after so many years, I believe that my mission again is practical: Americans produce more food than we can eat or profitably sell. It can be effective: There is no more useful task in the modern world than feeding the children on whom its future depends. And it is the right thing to do.

George McGovern is the U.S. ambassador to the United Nations Agencies for Food and Agriculture in Rome. His book, "Ending World Hunger in Our Time," will be published this fall by Simon & Schuster.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. DAVIS), who is always in the forefront of all humanitarian endeavors.

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentleman from California for yielding me this time.

I rise in strong support of H. Con. Res. 422, concerning the importance of the distribution of food in schools to hungry or malnourished children around the world. This bill is a step forward in giving hope to many hungry and malnourished children around the world.

There are more than 300 million chronically hungry and malnourished children around the world, and more than half of them go to school on an empty stomach. Distribution of food in schools is one of the simplest and most effective ways to fight hunger and malnourishment among children.

Providing school meals to hungry or malnourished children increases and encourages attendance rates significantly, especially for girls. In developing countries, illiterate girls often marry as early as 11 years old and before the age of 18 may have as many as seven children. Studies have shown that girls who attend schools tend to marry later in life, practice greater restraint in spacing births, and have an average of 50 percent fewer children.

In a study by the International Food Policy Research Institute, it found that 44 percent of the reduction in child malnutrition between 1970 and 1995 was attributed to an increase in women's education, which shows what we all know: Education is one of the major keys in fighting poverty. So when we supply meals to school children, not only do we reduce illiteracy but we also help fight poverty.

I simply rise in strong support. I commend the gentleman from Massachusetts (Mr. MCGOVERN) for his introduction of this legislation.

Mrs. EMERSON. Mr. Speaker, S. Con. Res. 114, sponsored by my good friend and colleague from Massachusetts, JIM MCGOVERN, calls to attention one of America's most important humanitarian missions—alleviating the suffering of the world's starving children. Hunger claims more lives worldwide than HIV and AIDS, malaria, and tuberculosis combined; a tragedy.

Critical to feeding starving children is the McGovern-Dole International Food and Education and Child Nutrition Program, which provides hungry children around the world at least one nutritious meal each day in a school setting. This program has proven effective at reducing child hunger, increasing academic attendance and performance, and strengthening community commitment to education.

The McGovern-Dole program currently feeds two million children a year. That's two million children who will attend school. Two million children who will not have to suffer through an afternoon of stomach pain from too little nutrition. Two million children who will grow up knowing that America cares, that America is willing to help those most in need. Today, more than ever, it is vital that individuals living in impoverish areas across the world look to the United States as an ally, and more than that, a partner.

For these reasons, I am encouraged to see that the Agriculture Appropriations bill for the upcoming fiscal year, that the House overwhelmingly passed yesterday, included a $25 million increase for the McGovern-Dole program. Chairman HENRY BONILLA of the Agriculture Appropriations Subcommittee, of which I am a member, demonstrated his compassion for the world's malnourished children by supporting the President's proposed increase for this program. This increase will make a significant difference.

This resolution is right on target: A humanitarian crisis exists in the world and the McGovern-Dole program is part of the solution. I urge my colleagues to support this meaningful resolution.

Mr. LANTOS. Mr. Speaker, I urge all my colleagues to support this legislation. I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MARIO DIAZ-BALART of Florida). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and concur in the Senate concurrent resolution, S. Con. Res. 114.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1587, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

REAFFIRMING UNWAVERING COMMITMENT TO TAIWAN RELATIONS ACT

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 462) reaffirming unwavering commitment to the Taiwan Relations Act, and for other purposes.

The Clerk read as follows:

H. CON. RES. 462

Whereas April 10, 2004, marked the 25th anniversary of the enactment of the Taiwan Relations Act (22 U.S.C. 3301 et seq.), codifying in law the basis for continued commercial, cultural, and other relations between the United States and Taiwan;

Whereas it is and will continue to be United States policy to further encourage and expand these extensive commercial, cultural, and other relations between the people of the United States and the people of Taiwan during the next quarter century;

Whereas since its enactment in 1979 the Taiwan Relations Act has been instrumental in maintaining peace, security, and stability in the Taiwan Strait;

Whereas when the Taiwan Relations Act was enacted, it affirmed that the decision of the United States to establish diplomatic relations with the People's Republic of China was based on the expectation that the future of Taiwan would be determined by peaceful means;

Whereas the Government of the People's Republic of China refuses to renounce the use of force against Taiwan;

Whereas the Department of Defense report entitled "Annual Report on the Military Power of the People's Republic of China," dated July 30, 2003, documents that the Government of the People's Republic of China is seeking coercive military options to resolve the Taiwan issue and, as of the date of the report, has deployed approximately 450 short-range ballistic missiles against Taiwan and is adding 75 missiles per year to this arsenal;

Whereas the escalating arms buildup of missiles and other offensive weapons by the People's Republic of China in areas adjacent to the Taiwan Strait is a threat to the peace and security of the Western Pacific area;

Whereas section 3 of the Taiwan Relations Act (22 U.S.C. 3302) requires that the United States Government will make available defense articles and defense services in such quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability;

Whereas the Taiwan Relations Act requires the United States to maintain the capacity to resist any resort to force or other forms of coercion that would jeopardize the security, or the social or economic system, of the people of Taiwan;

Whereas the Taiwan Relations Act affirms the preservation and enhancement of the human rights of the people of Taiwan as an objective of the United States;

Whereas Taiwan serves as a model of democratic reform for the People's Republic of China;

Whereas Taiwan's 1996 election was the first time in five millennia of recorded Chinese history that a democratically elected president took office;

Whereas Taiwan's democracy has deepened with a peaceful transfer of power from one political party to another after the presidential election of 2000;

Whereas the relationship between the United States and Taiwan has deepened with Taiwan's evolution into a full-fledged, multiparty democracy that respects human rights and civil liberties;

Whereas high-level visits between government officials of the United States and Taiwan are not inconsistent with the "one China policy"; and

Whereas any attempt to determine Taiwan's future by other than peaceful means and other than with the express consent of the people of Taiwan would be considered of grave concern to the United States: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) Congress reaffirms its unwavering commitment to the Taiwan Relations Act (22 U.S.C. 3301 et seq.) as the cornerstone of United States relations with Taiwan;

(2) the military modernization and weapons procurement program of the People's Republic of China is a matter of grave concern, and particularly the current deployment of approximately 500 missiles directed toward Taiwan;

(3) the President should direct all appropriate United States Government officials to raise these grave concerns regarding military threats to Taiwan with officials of the Government of the People's Republic of China;

(4) the President and Congress should determine whether the escalating arms buildup, including deployment of offensive weaponry and missiles in areas adjacent to the Taiwan Strait, requires that additional defense articles and services be made available to Taiwan, and the United States Government should encourage the leadership of Taiwan to devote sufficient financial resources to the defense of their island;

(5) as recommended by the U.S.-China Economic and Security Review Commission, the Department of Defense should provide a comprehensive report on the nature and scope of military sales by the Russian Federation to the People's Republic of China to the Committees on International Relations and Armed Services of the House of Representatives and Committees on Foreign Relations and Armed Services of the Senate;

(6) the President should encourage further dialogue between democratic Taiwan and the People's Republic of China; and

(7) the United States Government should not discourage current officials of the Taiwan Government from visiting the United States on the basis that doing so would violate the "one China policy".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

Mr. PAUL. Mr. Speaker, is either gentleman opposed to the bill?

Mr. LANTOS. No, Mr. Speaker. I am strongly in support of this legislation.

Mr. PAUL. Mr. Speaker, I seek time in opposition.

The SPEAKER pro tempore. The gentleman from Texas (Mr. PAUL) will control 20 minutes in opposition.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that my time be equally divided with the gentleman from California (Mr. LANTOS).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H. Con. Res. 462, a resolution reaffirming the unwavering support of the Congress for the Taiwan Relations Act. This year marks the 25th anniversary of the enactment of the Taiwan Relations Act, one of Congress' most important and enduring pieces of legislation. Over the past quarter century, the Act has served as the foundation of the United States' relationship with the people of Taiwan and has ensured the island's security. On this anniversary, it is fitting and appropriate for the Congress to review the cross-strait issue and reassess the needs of our friends in Taiwan.

In contrast to many other pieces of 25-year-old legislation, the Taiwan Relations Act has exceeded expectations. The Act has allowed the United States to maintain its close ties with the people of Taiwan while actively engaging Asia's rising power, the People's Republic of China, on a myriad of fronts, including human rights. In doing so, the measure has been important to the maintenance of peace and stability across the Taiwan Strait and throughout the entire Western Pacific region.

The Taiwan Relations Act has also played an indirect role in promoting democracy in Taiwan by providing the conditions of external security that have allowed the people of Taiwan to focus on internal reform and democratization.

In the years since Congress passed the Taiwan Relations Act in 1979, Taiwan has developed into a lively and successful democracy, a tribute to the courage and determination of the island's remarkable people. The 1996 presidential election in Taiwan was the first time in China's 5 millennia of recorded history that a fully democratically elected government assumed office. The election of 2000, which resulted in a peaceful transfer of power from one political party to another, evidenced a deepening democratic system. Two months ago, Taiwan completed its third direct presidential election.

The U.S. has watched this island nation develop into a mature, robust, vibrant democracy that respects human rights and civil liberties. Knowledge of our shared values has strengthened the commitment of Americans to stand by the people of Taiwan.

In contrast to Taiwan, Mr. Speaker, the mainland has failed to implement meaningful political reform, and the PRC's respect for fundamental human rights has deteriorated. Furthermore, the People's Republic of China has adopted a more aggressive military posture towards Taiwan. Over the past 5 years, the PRC has dramatically increased its stockpile of weapons. Today, China has approximately 500 missiles aimed at Taiwan, a matter of grave concern to the freedom-loving people of Taiwan and to all of us here in the United States. Given China's refusal to renounce the use of force against Taiwan, the arms buildup is a threat to peace and security in the Taiwan Strait and to the stability of the entire region.

Changes in cross-strait relations, Mr. Speaker, including democratization of Taiwan and an arms buildup by the People's Republic of China, requires that the United States continue to strengthen its support for the people and the democracy of Taiwan. H. Con. Res. 462 reinforces America's commitment to help Taiwan defend itself from outside coercion and intimidation. Continuing the tradition established by the Taiwan Relations Act, H. Con. Res. 462 urges the President and the Congress to reevaluate the defense needs of Taiwan and encourages the government of Taiwan to devote sufficient financial resources to defense of its island.

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The resolution also, Mr. Speaker, encourages greater interaction between Taiwan and the U.S. with the goal of strengthening democracy on the island. Visits between the officials of the U.S. and Taiwan are not inconsistent with the One-China Policy. As such, officials of Taiwan should not be discouraged from visiting the United States.

Mr. Speaker, it is my hope that increasingly warmer cross-strait relations will ultimately transcend the need for the Taiwan Relations Act, and resolutions such as this one would not be needed. In time, the democracy which Taiwan has cultivated can take further root and flourish throughout all of China. However, until that day comes, resolutions such as this one are necessary to clearly promote peace and security in the region and to ensure continuing democracy in Taiwan.

Mr. Speaker, I reserve the balance of my time.

Mr. PAUL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to start off by saying that I really do not have a lot of disagreement with what the chairman has to say, because I certainly think we should be friends with Taiwan. I believe our goals are very similar. It is just that the approach I have would be quite different.

I happen to believe that we have ignored for too long in this country and in this body the foreign policy that was designed by our Founders, a foreign policy of nonintervention. I think it is better for us. I think it is healthy in all ways, both financially and in that it keeps us out of wars, and we are allowed to build friendships with all the nations of the world. The politics of nonintervention should be given some serious consideration.

Usually, the argument given me for that is that 200 years ago or 250 years ago things were different. Today we have had to go through the Cold War and communism; and, therefore, we are a powerful Nation and we have an empire to protect; and we have this moral obligation to police the world and take care of everybody.

But, Mr. Speaker, my answer to that is somewhat like the notion that we no longer have to pay attention to the Ten Commandments or the Bill of Rights. If principles were correct 200 years ago or 250 years ago, they should be correct today. So if a policy of friendship and trade with other nations and nonintervention were good 250 years ago, it should be good today.

I certainly think the Taiwan Relations Act qualifies as an entangling alliance, and that is what we have been warned about: "Do not get involved in entangling alliances." It gets us so involved, we get in too deep, and then we end up with a military answer to too many of our problems. I think that is what has happened certainly in the last 50 years.

I essentially have four objections to what we are doing. One is a moral objection. I will not dwell on the first three and I will not dwell on this one. But I do not believe one generation of Americans has a moral right to obligate another generation, because, in many ways, when we make this commitment, this is not just a friendly commitment; this is weapons and this is defense.

Most people interpret the Taiwan Relations Act as a commitment for our troops to go in and protect the Taiwanese if the Chinese would ever attack. Although it is not explicit in the act, many people interpret it that way. But I do not believe that we or a generation 25 years ago has the moral right to obligate another generation to such an overwhelming commitment, especially if it does not involve an attack on our national security. Some say that if Taiwan would be attacked, it would be. But, quite frankly, it is a stretch to say that settling that dispute over there has something to do with an attack on our national security.

Economics is another issue. We are running out of money; and these endless commitments, military commitments and commitments overseas, cannot go on forever. Our national debt is going up between $600 billion and $700 billion a year, so eventually my arguments will win out, because we are going to run out of money and this country is going to go broke. So there is an economic argument against that.

Also, looking for guidance in the Constitution. It is very clear that the Constitution does not give us this authority to assume responsibility for everybody, and to assume the entire responsibility for Taiwan is more than I can read into the Constitution.

But the issue I want to talk about more than those first three is really the practical approach to what we are doing. I happen to believe that the policy of the One-China Policy does not make a whole lot of sense. We want Taiwan to be protected, so we say we have a One-China Policy, which occurred in 1982. But in order to say we have a One-China Policy, then we immediately give weapons to Taiwan to defend against China.

So this, to me, just does not quite add up. If we put arms in Taiwan, why would we not expect the Chinese to put arms in opposition, because they are only answering what we are doing? What happened when the Soviets went to Cuba? They put arms there. We did not like that. What would happen if the Chinese went into Cuba or Mexico? We are not going to like that. So I think this part is in conflict with what the National Relations Act says, because we are seeking a peaceful resolution of this.

So I would urge my colleagues to be cautious about this. I know this will be overwhelmingly passed; but, nevertheless, it is these types of commitments, these types of alliances that we make that commit us to positions that are hard to back away from. This is why we get into these hot wars, these shooting wars, when really I do not think it is necessary.

There is no reason in the world why we cannot have friendship with China and with Taiwan. But there is something awfully inconsistent with our One-China Policy, when at the same time we are arming part of China in order to defend itself. The two just do not coexist.

Self-determination, I truly believe, is worth looking at. Self-determination is something that we should champion. Therefore, I am on the strong side of Taiwan in determining what they want by self-determination. But what do we do? Our administration tells them they should not have a referendum on whether or not they want to be independent and have self-determination. So in one sense we try to help them; and, in the other sense, we say do not do it.

I am just arguing that we do not have to desert Taiwan. We can be very supportive of their efforts, and we can do it in a much more peaceful way and at least be a lot more consistent.

Mr. LANTOS. Mr. Speaker, will the gentleman yield?

Mr. PAUL. I yield to the gentleman from California.

Mr. LANTOS. Mr. Speaker, I want to thank my friend for yielding.

I just want to correct the impression the gentleman left with his observation, which implied that Taiwan is getting economic aid from the United States.

Mr. PAUL. Mr. Speaker, reclaiming my time, I will answer that.

Mr. LANTOS. Mr. Speaker, I have not yet made my point. Taiwan is getting no economic aid from the United States.

Mr. PAUL. Mr. Speaker, reclaiming my time, that is correct. I did not say that, so the gentleman has implied that; and that is incorrect that I said it.

I do know that it is a potential military base for us, because when I was in the Air Force, on more than one occasion I landed on Taiwan. So they are certainly a close military ally.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I strongly support this resolution and urge all of my colleagues to do so as well.

The 25th anniversary of the Taiwan Relations Act is an exceptional opportunity to understand the ongoing and growing relevance of this critically important law and to discuss the future relations between the United States and Taiwan.

I want to commend my friend, the gentleman from Illinois (Chairman HYDE), and my friend, the gentleman from New Jersey (Chairman SMITH), for introducing this resolution and for highlighting the important matters pending in the U.S.-Taiwan relationship.

Mr. Speaker, when I first visited Taiwan decades ago, Taiwan's people were governed by an authoritarian regime which silenced independent media, threw the political opposition in jail, and refused to live by internationally recognized human rights.

Today, Taiwan has become a fully developed democracy, complete with hard-fought elections, tight margins of victory, and a prosperous economy. This is sort of the American Dream in foreign policy, to look at totalitarian, dictatorial societies which are destitute and see them develop into democratic, prosperous nations.

Under the Taiwan Relations Act, Taiwan's GDP has increased ten-fold between 1979 and today. Two-way trade between Taiwan and the United States has grown from $7 billion to over $65 billion during this period. The Taiwan Relations Act has ensured that the United States provides Taiwan with sufficient military equipment to defend itself. Our Nation even sent aircraft carriers into the Taiwan Strait to make it clear that the United States would not abandoned Taiwan to an uncertain fate.

In short, Mr. Speaker, the Taiwan Relations Act has effectively provided an institutional framework and a legal basis for a strong political security and economic relationship between Taiwan and the United States. It has proven to be an enormously flexible and durable law which has prevented various administrations from selling out Taiwan and its people due to pressure from Mainland China.

The 25th anniversary of the Taiwan Relations Act gives us a chance to think about new directions in our relationship with Taiwan. We must redouble our efforts to build closer ties to Taiwan, while at the same time maintaining a mutually productive relationship with the PRC.

We can have a constructive relationship with Beijing while still protecting

Taiwan's core interests. Beijing must understand that, from an American perspective, any settlement between China and Taiwan must be arrived at through peaceful means, without coercion, and with the full support of the people of Taiwan.

To ensure that the Taiwanese people are not forced into an unwise deal with Beijing, we must continue to support Taiwan's legitimate defense needs, and the leadership of Taiwan must devote sufficient funds to defending their country. To that end, I strongly support the possible sale of the Aegis system to Taiwan and the expansion of high-level military and political exchanges between our two nations.

Mr. Speaker, when President Lee Teng-hui wished to give a speech at his alma mater, Cornell University, it was my great pleasure and privilege to win passage of a resolution demanding that the Department of State grant him a visa. We won that battle, and the world kept spinning.

Mr. Speaker, it was a great pleasure for me to host Taiwan's Vice President, Annette Lu, during a recent visit to San Francisco. It is my fondest hope that Congress will have the honor of greeting both President Chen and Vice President Lu in Washington in the foreseeable future.

Mr. Speaker, under the umbrella of the Taiwan Relations Act, the United States and Taiwan have brought democracy to 25 million people, secured their economic future and protected them from hostile military threats.

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This, Mr. Speaker, is an amazing achievement. I strongly support this legislation and urge all of my colleagues to do so as well.

Mr. Speaker, I reserve the balance of my time.

Mr. PAUL. Mr. Speaker, I yield myself such time as I may consume.

Very briefly, let me mention that this last election was marred by news revealing that there was an assassination attempt. It has been very much in the news in question about the authenticity of this assassination. And, actually, the election itself is believed to be under a cloud with many people in Taiwan. So to paint too rosy a picture on that, I am pleased that they are making progress, but it is not quite as rosy as it has been portrayed here.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Minnesota (Ms. MCCOLLUM).

Ms. MCCOLLUM. Mr. Speaker, the policy of the United States of America was articulately restated today by the Bush administration, and that statement is that there is only one China. The one China policy and the Taiwan Relations Act have resulted in stability and peace between China and Taiwan for more than a generation. This policy has created security for our allies, benefited U.S. interests in the region, and allowed for unprecedented economic growth in the region, improving the lives of millions of people.

While the Taiwan Relations Act allows for the U.S. to supply military assistance to Taiwan to defend itself, this resolution ignores a very important component of the U.S. policy that is critical to this debate. In light of the rising tensions between China and Taiwan, potentially dangerous tensions, Taiwan has a responsibility, in fact, the obligation, not to pursue policies that would unilaterally alter its current status.

The Taiwan Relations Act is intended to defend Taiwan, but it must not be considered a blank check to commit U.S. forces to defend any pursuit of independence by political leaders in Taipei.

I cannot and I will not support an ambiguous resolution that could one day serve as a premise to commit American sons and daughters to defend the reckless political actions of Taiwan's leaders. The presidential elections earlier this year in Taiwan and the controversy regarding how they were conducted should raise very serious concerns in this House.

The future of Taiwan's relationship with the U.S. is dependent upon a peaceful and stable Taiwan Strait. This is clear.

A similar message is absent from this resolution that also must be sent to Taiwan's leadership. I will oppose this resolution today because it fails to send a message of prudence and responsible behavior to both China and Taiwan. That is the foundation of the one China policy.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself 1 minute to respond briefly, and I think it needs to be responded to.

The Taiwan Relations Act made it very clear in section 3 that there is no ambiguity about the policy. It is very clear to make available to Taiwan such defense articles and defense services in such quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability.

Nobody in their right mind or in their wildest dreams would ever conceive of Taiwan attacking the mainland. It is all about a credible deterrence so that that dialogue between Beijing and Taipei can go forward, and that is why I think that this law has been so important in helping to maintain that protective cocoon, if you will, so that this dialogue again could go forward without an invasion from the People's Republic of China.

Mr. Speaker, I reserve the balance of my time.

Mr. PAUL. Mr. Speaker, I yield myself such time as I may consume.

Once again, I want to make the point about the inconsistency of our policy. In 1979, the Taiwan Relations Act was put in place mainly because we orchestrated getting them kicked out of the U.N., so we had to do something, so we passed this act, and we ended official relations. We do not have ambassadors to Taiwan. That is part of this absurdity of the one China policy. Yet, at the same time, we feel this obligation and this commitment to make sure they have these weapons for defense. I mean, it just does not add up.

All we need is a consistent pattern saying that people have a right to self-determination and encourage it and get out of the way. Those people over there in Taiwan right now, they are investing in China. The natural courses of events will take care of it. We have the South Koreans wanting to deal with the North Koreans, and we tend to get in the way; and here we have the Taiwanese who are investing, and they would like to work some of this out, and too often we get in the way.

Now, the chairman mentioned a phrase in the resolution in defense of his position, but it is one that I am concerned about. It says, in section 3, requires the United States Government to make available defense articles. We do not have any choice. We make an absolute commitment that we are going to put those weapons there, and we are looking for trouble. I mean, this is how you start wars, putting weapons in there.

Once again, what if they did that in Cuba? What did we do when Russia did it in Cuba? Can we not have any understanding or empathy of what happens? And what if they did it in Mexico? We would have no part of it.

So this, to me, just does not make any sense.

And then in the next phrase, I am also concerned about this, and it restates the position in the Taiwan Relations Act, whereas the Taiwan Relations Act requires the United States to maintain the capacity to resist any resort to force.

Now, we have to think about that. Most people interpret that as, we are on our way, the boys are ready to go. No matter how thinly we are spread around the world, the capacity is now currently interpreted that, yes, we would come to their aid, and it sounds like people in support of this resolution would support that. But that is not the way this country is supposed to go to war. And this, to me, is a preamble, if there is a skirmish or a fight over there and it is going to be bigger because we are there and providing the weapons.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 2 minutes to the gentleman from New York (Mr. ENGEL), my distinguished colleague on the Committee on International Relations.

Mr. ENGEL. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in strong support of this resolution.

We look at Taiwan today and, as the gentleman from California pointed out before, it is a success story. Taiwan is a democracy. Taiwan has an economy that is the 16th largest in the world. I come from the premise that we should be supportive of countries that are supportive of us, and Taiwan has been a good friend of the United States and has shown that it is a true democracy.

I had the honor of meeting with President Chen in New York several months ago, and I have always been a great admirer of a country that took a system that was autocratic and undemocratic and transformed it into a very democratic country.

Now the Taiwan Relations Act in 1979 was crafted very delicately because, yes, we do have a one China policy, but we do not want to abandon our friends in Taiwan. Therefore, I believe it is the responsibility of our country to ensure that the people of Taiwan have the capability not to be overrun by anyone else and to have the capability to defend themselves.

Now, in the resolution, it says that the Department of Defense report, our Department of Defense report entitled Annual Report on the Military Power of the People's Republic of China dated July 30, 2003, documents, and I am reading, that the government of the People's Republic of China is seeking coercive military options to resolve the Taiwan issue and, as of the date of the report, has deployed approximately 450 short-range ballistic missiles against Taiwan and is adding 75 missiles per year to this arsenal; whereas the Taiwan Relations Act requires the U.S. to maintain the capacity to resist any force or other forms of coercion that would jeopardize the security or the social or economic system of the people of Taiwan.

This is what the Taiwan Relations Act commits us to do. It is what we should do. It is right. It is proper. We stand with the people of Taiwan and their democratic ways, and I am proud to be a part of reaffirming the unwavering commitment to the Taiwan Relations Act by the United States Congress.

Mr. LANTOS. Mr. Speaker, we have no additional requests for time. We yield back the balance of our time, and I urge all of my colleagues to support this legislation.

Mr. PAUL. Mr. Speaker, I yield myself such time as I may consume.

Let me just restate my general position, because my defense is that of a foreign policy of nonintervention, sincerely believing it is in the best interests of our people and the world that we get less involved militaristically.

Once again, I would like to make the point that if it is a true and correct principle because of its age, it is not negated. If it is a true principle and worked 200 years ago or 400 years ago, it is still a principle today; and it should not be discarded.

I would like to just close with quoting from the Founders. First, very simply, from Jefferson. His advice was, "Equal and exact justice to all men, of whatever state or persuasion, religious or political; peace, commerce, and honest friendship with all nations, entangling alliances with none."

John Quincy Adams: "Wherever the standard of freedom and independence has been or shall be unfurled, there will her heart, her benedictions, and her prayers be. But she goes," and "she" is referring to us, the United States, "but she goes not abroad in search of monsters to destroy. She is the well-wisher to the freedom and independence of all. She is the champion and vindicator only of her own. She will commend the general cause by the countenance of her voice, and the benignant sympathy of her example."

And our first President. He is well-known for his farewell address, and in that address he says, "Harmony, liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand: neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing."

Force gets us nowhere. Persuasion is the answer. Peace and commerce is what we should pursue.

Mr. Speaker, I yield back the balance of my time.

Mr. SOUDER. Mr. Speaker, I rise in support of the ROC. The Republic of China, more commonly known as Taiwan, is a democratic haven perched on the edge of Asia and confronted everyday with the scourge of communism.

H. Con. Res. 462 reaffirms an unwavering commitment by the United States to the Taiwan Relations Act and to the ROC.

From the moment the communists overran the Chinese mainland, the Republic of China on Taiwan has been threatened with invasion and destruction. The dictators in Beijing have sought to isolate Taiwan from the rest of the world. They put pressure on Taiwan to be subservient to Beijing's diktats. Despite this constant shadow, the people of Taiwan have built a vibrant market economy and an equally vibrant democracy based on the rule of law.

As Taiwan has prospered and worked to achieve full democracy, the United States has stood shoulder to shoulder with Taiwan against the potential onslaught of the so-called "People's" Republic of China. Unlike in mainland China, the people of Taiwan enjoy many of the freedoms that we in the United States also enjoy.

As mainland China develops economically, it would be easy for the United States to focus on Beijing and forget about our longstanding ally. This is not and never should be the case. The United States must continue to be a partner with Taiwan. We must do what we can to help Taiwan maintain its political and economic independence. Although the United States does not maintain full diplomatic relations with the ROC, our commitment, outlined in the Taiwan Relations Act, has never wavered.

The communist government in Beijing has made it clear time and again that it will not back away from its Taiwan policy. Whether it is naval exercises in the Taiwan Straits or objecting to Taiwan's membership in the World Health Organization, Beijing continues to menace the ROC.

When you look at a map of Asia, the PRC clearly dwarfs Taiwan. It is many, many times bigger geographically and many, many times more populated. Any time it chooses, the PRC could overrun Taiwan and end the democratic experiment in that country. It is only the backing of the United States and the U.S. commitment outlined in the Taiwan Relations Act, that has kept the communists at bay.

As the PRC continues to develop economically and politically, it is important that the United States have allies in the region with whom we can work vis-à-vis mainland China. Taiwan is such an ally. They share our values of democracy and market economics. We must ensure that Taiwan remains free to act independently of China. The Taiwan Relations Act ensures that they are able to do so.

Mr. TANCREDO. Mr. Speaker, I rise in strong support of H. Con. Res. 462, reaffirming our unwavering support to the Taiwan Relations Act, and the people of the Republic of China or Taiwan.

For more than two decades, the Taiwan Relations Act has been the basis for the U.S.-Taiwan relationship, and a cornerstone of stability in Taiwan, and in the Western Pacific. And while the set of circumstances that made the Taiwan Relations Act necessary remains a regrettable chapter in U.S. history, its presence has helped ensure the safety of the people of Taiwan for the last 25 years.

In stark contrast to his predecessor Jimmy Carter, President Reagan worked to improve the mutual friendship and security between Taiwan and the United States. A strong voice for freedom and democracy, President Reagan sought to provide greater security to the people of Taiwan by making a number of assurances to Taiwan. Among other things, President Reagan promised not to set a date for ending defensive arms sales to Taiwan; not to consult with the unelected leaders of Communist China before making any arms sales to Taiwan; not to pressure Taiwan to negotiate with Communist China on the issue of reunification; and not to abandon the Taiwan Relations Act.

Over the last 25 years, Taiwan has made a full transition to democracy. The Taiwan Relations Act, President Reagan's efforts, and most of all the work of the people of Taiwan have helped to make these changes a reality.

Mr. Speaker, the passage of this resolution will send a strong message to the leaders of Communist China that America is a partner and a friend to Taiwan, and that America has no plans to abandon our commitment to the people of Taiwan or their fundamental right to self-determination.

Mr. SMITH of New Jersey. Mr. Speaker, we have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. RENZI). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 462.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES IN SUPPORT OF FULL MEMBERSHIP OF ISRAEL IN THE WEOG

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 615) expressing the sense of the House of Representatives in support of full membership of Israel in the Western European and Others Group (WEOG) at the United Nations, as amended.

The Clerk read as follows:

H. RES. 615

Whereas since the mid-1960s, the member states of the United Nations have been divided into five groups, including the Western European and Others Group and the African, Asian, Latin American, and Eastern European groups;

Whereas the United Nations increasingly relies on this "Group System" to facilitate its work and two leading United Nations organs, the General Assembly and the Economic and Social Council, have passed numerous resolutions granting this system a central role in United Nations elections;

Whereas Israel has been refused admission to the Asian Group of the United Nations and is therefore denied the rights and privileges of full membership in the United Nations;

Whereas exclusion of Israel violates crucial principles of the United Nations Charter, including the right of states to be treated in accordance with the principle of sovereign equality and the right to vote and participate fully in the United Nations General Assembly;

Whereas the Bureau of every United Nations conference comprises one representative from each group in the United Nations and Israel is therefore denied access to this vital apparatus enjoyed by other United Nations member states;

Whereas on May 30, 2000, Israel accepted an invitation to become a temporary member of the Western European and Others Group at the United Nations;

Whereas Israel's membership in the Western European and Others Group is limited and, as a temporary member, Israel is not allowed to compete for open seats or to run for positions in major bodies of the United Nations, such as the Security Council, or United Nations-affiliated agencies, such as the United Nations Commission on Human Rights;

Whereas Israel is only allowed to participate in limited activities of the Western European and Others Group at the United Nations headquarters and is excluded from discussions and consultations of the Group at the United Nations offices in Geneva, Nairobi, Rome, and Vienna;

Whereas the Western European and Others Group includes Canada, Australia, and the United States;

Whereas Israel is linked to Western European and Others Group member states by strong economic, political, and cultural ties;

Whereas the Western European and Others Group is the only bloc which is not purely geographical but rather comprises countries which share a Western democratic tradition; and

Whereas Israel is a free and democratic country and its voting pattern in the United Nations is consistent with that of the Western European and Others Group member states: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) the President should direct the Secretary of State and the United States Permanent Representative to the United Nations to seek an immediate end to the persistent and deplorable inequality experienced by Israel in the United Nations;

(2) United States interests would be well served if Israel were afforded the benefits of full membership in the Western European and Others Group at the United Nations so that it could fully participate in the United Nations system;

(3) consistent with section 405(a) of division C of H.R. 1950, as passed the House of Representatives on July 16, 2003, "the Secretary of State and other appropriate officials of the United States Government should pursue an aggressive diplomatic effort and should take all necessary steps to ensure the extension and upgrade of Israel's membership in the Western European and Others Group at the United Nations"; and

(4) the Secretary of State should continue to submit to Congress on a regular basis a report which describes actions taken by the United States Government to encourage the Western European and Others Group member states to accept Israel as a full member of their group and describes the responses thereto from the member states.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN).

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my chairman, the gentleman from Illinois (Mr. HYDE), and the ranking member of the committee on International Relations, my good friend, the gentleman from California (Mr. LANTOS), and, most importantly, our leadership for bringing House Resolution 615 to the floor tonight. We could not have chosen a better time to consider this measure in light of the manipulation of the International Court of Justice by those who seek to deny Israel its sovereign right of self-defense, who seek to deny Israel the right to protect itself and her people against the unending attacks launched against it by Palestinian terrorists.

Later this week, we will see further corruption of the United Nations General Assembly by anti-Israel, antisemitic forces as they are expected to bring forth resolutions seeking to force Israel to comply with the nonbinding opinion issued by the International Court of Justice on Israel's security barrier.

□ 2045

This is illustrative of the bias that one of our strongest allies, Israel, faces within the United Nations system; and it further demonstrates how Israel's lack of membership in one of the country groupings of the U.N. places it at a significant disadvantage.

House Resolution 615 seeks to address this problem. It expresses the sense of the House of Representatives that Israel should enjoy full membership in the Western European and Others Group, WEOG, at the United Nations. Simply stated, this resolution seeks to correct the ongoing discrimination and inequality that Israel has been a victim of in the United Nations system.

As a first step toward correcting this wrong, on May 30, 2000, Israel accepted an invitation to become a temporary member of WEOG, which opened the door to Israeli participation in the U.N. Security Council, provided Israel is able to retain its status on the WEOG.

Nonetheless, Israel's membership to the WEOG is severely limited, and every 4 years Israel has to reapply, since its status is only temporary.

Israel is not allowed to present candidacies for open seats in most U.N. bodies, and it is not able to compete for leadership positions in major U.N. organs.

Even its participation in WEOG activities is restricted to U.N. headquarters in New York; and as such, Israel is unable to fully participate in discussions and consultations on a number of critical issues. It is unacceptable that Israel should remain an anomaly in the community of nations only because certain states refuse to allow it to occupy its legitimate place in the Asian group of nations.

As long as the United Nations institutional realliance on the regional system continues, its members are obliged by the principles of its charter to find a solution to the discrimination against Israel. The WEOG states can do so without sacrificing their vital interest. Rather, by admitting Israel, they will gain the addition of another member to the group of democratic states active in and contributing to the international organization system.

The WEOG is the only regional group which is not solely based on geographic considerations. It is composed of a group of states with Western democratic values as a common denominator. Israel's social/political orientation is comparable to that of the WEOG states. Its voting pattern in the United Nations is congruent with that of the WEOG states. It shares a common cultural ideological outlook with these countries, and it is linked to them by strong economic ties.

Mr. Speaker, I am proud to have worked on this resolution with the distinguished ranking member of the Committee on International Relations, the gentleman from California (Mr. LANTOS). This resolution enjoys broad bipartisan support with over 40 cosponsors. It was passed unanimously at both the subcommittee and the full committee markups. Our interests would be well served if Israel were afforded the benefits of full membership to the WEOG. It is time to bring an end to the discrimination that Israel faces in the United Nations system.

As a free nation, Israel deserves our support and that of all democratic countries. I strongly urge my colleagues to support this important resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H. Res. 615, introduced by the gentlewoman from Florida (Ms. ROS-LEHTINEN), my good friend and distinguished colleague. For years, the democratic nation of Israel has been relegated to third-class status at the United Nations. Our resolution seeks to end this outrageous treatment of Israel, and it will ensure that Israel has the same rights and privileges at the United Nations in New York as every other nation in the world.

The procedures of the United Nations are an arcane subject, Mr. Speaker; but it is vital to understand, one fact about that. For a member state to be able to exercise its full rights and privileges at the United Nations, for it to participate fully in all U.N. agencies and activities, it must be a full member of one of the five regional groupings of the U.N. And of the 191 member states in the U.N., only one is not a full member of one of the five regional groups. That one exception is the State of Israel.

Israel's natural geographical home should be in the Asia Group; but that group, which is dominated by hostile Arab states that refuse to recognize the State of Israel, rejects the membership of the region's only democracy, the State of Israel.

This unique and appalling constraint cripples Israel's ability to exercise normal privileges of U.N. membership. The normal privileges are enjoyed by every other member, from most democratic to the most despotic. It precludes Israel from voting in any United Nations body, except the General Assembly. It precludes Israel from running for a seat on the Security Council or any major U.N. affiliated agency, or from otherwise participating fully in the day-to-day work of the United Nations.

To partially address this ability and after years of United States efforts, the regional block known as Western Europe and Others Group, WEOG, granted Israel limited temporary membership 4 years ago; but this junior-grade membership allows Israel to participate in only some of the U.N.'s less important activities.

Democratic Israel clearly deserves to be a full member of the WEOG group. WEOG, unlike any other regional block, is not a geographic designation. It is a political grouping, including countries such as the United States, Canada, Australia, along with all the states of Western Europe.

Does anyone doubt that Israel fully shares the other WEOG states' core commitments to democracy and Western values? In fact, its voting record on almost all issues at the United Nations reflects this common ground with other WEOG states.

Mr. Speaker, it is time for the WEOG group, whose membership roster is a who's who of our closest allies on this planet, to end the policy of discrimination against the State of Israel and to grant Israel full membership. There is simply no excuse for not doing so.

The hypocritical treatment of Israel at the U.N. perhaps tops the list of the many reasons that this crucial world body so often evokes well-deserved cynicism and scorn.

Consider this. At this moment, the thugish Sudanese regime that is responsible for some of the worst violence and ethnic cleansing in the world today sits at the head of the U.N. Human Rights Commission, a body that democratic Israel cannot even aspire to join. Ask the thousands of people in Darfur in the western Sudan who have been driven from their homes into refugee camps by Khartoum-sponsored Arab militias whether this is fair.

Mr. Speaker, a vote for this resolution is a vote for Israel's full participation in the U.N. system, a vote for our own national interest, and a vote for enhanced U.N. credibility. I strongly support this resolution, and I urge my colleagues to do so.

Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. ENGEL), my good friend and distinguished colleague.

Mr. ENGEL. Mr. Speaker, the United Nations discredits itself once again, unfortunately, by having one set of rules for Israel and one set of rules for everyone else; and here is but another example of that kind of hypocrisy that unfortunately has permeated the United Nations. We will soon be talking about a ruling by an international court; and when I spoke about that ruling several days ago on the House floor, I said that one set of rules for Israel at the U.N. and one set of rules for everyone else does not help anybody, but just helps to discredit the United Nations.

Now, there are 191 members of the United Nations, as my friend from California has pointed out, and only one of them is given third-class status. Israel has been a member of the United Nations since the founding of the Jewish state in 1948, and yet it has never been allowed to serve on the Security Council of the United Nations, where you have one undemocratic despotic nation after another serving on the Security Council, sitting on the Human Rights Commission, but not democratic Israel.

So what this resolution does is it simply expresses the sense of the House of Representatives in support of full membership of Israel in the Western European and Others Group at the United Nations. As was pointed out, this will enable Israel to serve in all bodies of the United Nations, to have a vote in all bodies of the United Nations, and to serve on the Security Council if it is elected. If the United Nations is to be an effective group, then all nations must be treated equally; and democratic nations such as the state of Israel cannot be allowed to continue as third-status nations in the U.N.

So I urge my colleagues to support this amendment.

Mr. GREEN of Texas. Mr. Speaker, I rise today in support of H. Res. 615.

This resolution expresses this House's support for full membership for Israel in Western European and Other Groups at the United Nations.

Full membership for Israel is long overdue.

Without full membership in a regional group, Israel cannot sit on the Security Council or other key U.N. bodies, and the Arab states have barred its membership in the group it geographically belongs in, the Asian Group.

On May 30, 2000, Israel accepted an invitation to become a temporary member of Western European and Others, WEOG, regional group.

This historic step helped end at least some of the United Nations' discriminatory actions against Israel; however, without full membership, Israel is excluded from much of the U.N's general business that occurs outside of the General Assembly and Israel is not eligible to sit on the Security Council.

As a sovereign, democratic state—the only democratic state in the Middle East—Israel's full participation in the United Nations is an essential right.

Mr. Speaker, I urge the House's full support of this bill.

Mr. ACKERMAN. Mr. Speaker, I rise in support of the resolution and I thank the chairwoman of the Subcommittee on the Middle East and Central Asia for her leadership in bringing H. Res. 615 to the floor. As an original cosponsor of this resolution I am very pleased that the House will, I hope, pass the resolution by an overwhelming, if not unanimous vote.

Israel's isolation at the United Nations puts the lie to claims that Israel is not held to a double standard and demonstrates clearly that many of those urbane diplomats who like to talk about peace and reconciliation cannot even stomach the thought of Israel taking its rightful place at the U.N. While space is reserved and rights are held for such pariah states as junta-led Myanmar, dictator-ruled North Korea, the tyranny of the mullahs in Iran and the Palestinians' own thugocracy, democratic Israel is uniquely isolated at what is supposed to be the forum for all nations to deal with each other on equal terms.

Ironically, every day, because of the hostility and prejudice that precludes Iraeli participation in the Asia regional group, the credibility and mission of the United Nations is undermined by exactly those states that call most vigorously for the Arab-Israeli conflict to be resolved in accordance with the will of the United Nations. The stench of this hypocrisy easily reaches Washington all the way from U.N. headquarters in New York City.

The resolution before the House calls for renewed efforts by this Nation to secure for Israel full membership in the Western Europe and Others Group at the U.N. the membership bloc our own country belongs to. Such a step is entirely appropriate given the close ties between Israel and the other nations in the bloc, as well as shared values and belief in democracy that characterizes this group's membership at the UN.

Thanks in large measure to the United States, Israel has, for a short time, been able to enjoy at least partial membership in the WEOG regional group. It is time for this half-measure to be replaced with a lasting and definite full membership. Israel is a country of far greater economic, political and scientific achievement than many of those nations that have obstructed full Israeli participation in the UN. It is more than past time that this grotesque form of discrimination be ended.

I urge Members to show their strong support for Israel and the true ideals of the UN by voting in favor of the resolution.

Mr. LANTOS. Mr. Speaker, I have no additional requests for time, and I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. RENZI). The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 615, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

COMMENDING THE GOVERNMENT OF PORTUGAL AND THE PORTUGUESE PEOPLE IN THE EFFORT TO COMBAT TERRORISM

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 688) commending the Government of Portugal and the Portuguese people for their long-standing friendship, stalwart leadership, and unwavering support of the United States in the effort to combat international terrorism, as amended.

The Clerk read as follows:

H. RES. 688

Whereas the United States and Portugal have a long history of consistent friendship and support;

Whereas the Government of Portugal and the Portuguese people have shown tremendous support for the United States in this time of armed conflict;

Whereas Portugal has been a devout, resolute, and steadfast ally of the United States;

Whereas the support of the Government of Portugal and the Portuguese people is of paramount importance to the United States;

Whereas the Government of Portugal and the Portuguese people have committed a full array of their country's resources to fight the terrorist threat all over the world;

Whereas at the request of the United States and within the framework of United Nations Security Council resolutions, Portugal has sent brave soldiers, medical teams, police, flight crews, and other military personnel to Iraq and has continued to authorize the use of Lajes Air Base, in Azores, Portugal, for strategic staging in the War on Terrorism, including the current engagement in Iraq; and

Whereas the democratic principles and ideals that Portugal and the United States share have formed the basis of an enduring friendship which has stood the test of time: Now, therefore, be it

Resolved, That the House of Representatives—

(1) is grateful for the support of the people and Government of Portugal;

(2) commends the Government of Portugal and the Portuguese people for their steadfast friendship, resolute leadership, and unwavering support;

(3) commends the bravery and courage of all members of the Portuguese armed forces who have participated in the effort to bring an end to international terrorism; and

(4) expects the unique friendship between the United States and Portugal to continue.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN).

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 688. This resolution was introduced by the distinguished gentleman from California (Mr. NUNES). House Resolution 688 commends the government of Portugal and the Portuguese people for their long-standing friendship with the United States and their unwavering support in the effort to combat international terrorism. Portugal has been a resolute and steadfast ally of the United States for many years.

As an important friend and ally, Portugal has recently exercised leadership within Europe in confronting terrorism and the threats of a post-September 11 world. Portugal has sent soldiers, medical teams, police and other personnel to Iraq and has continued to authorize the use of Lajes Air Base in the Azores for strategic staging and other requirements in the global war on terrorism.

Indeed, the government of Portugal and the Portuguese people have committed a significant array of their country's resources to fight the terrorist threat all over the world.

□ 2100

The support of the government of Portugal and the Portuguese people is of paramount importance to the United States, and we would like to recognize that tonight.

Portugal and the people of Portugal deserve to be commended, and I commend the gentleman from California (Mr. NUNES) for his efforts in bringing this resolution to the House floor tonight. I urge the adoption of this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Res. 688. Mr. Speaker, this important resolution commends the government of Portugal and the people of Portugal for the long-time friendship and support in the war on international terrorism.

I would like to thank my California colleagues, the gentleman from California (Mr. NUNES), the gentleman from California (Mr. POMBO), and the gentleman from California (Mr. CARDOZA) for introducing this important initiative.

Mr. Speaker, the United States and Portugal have shared a long history of friendship and mutual support. I owe a special personal debt of gratitude to Portugal because of my wife, Annette. Portuguese consuls in several European capitals during the second World War extended protections to Jews, including in my own native city of Budapest, Hungary. Portuguese Consul General Branquinho together with the Swedish diplomat Raoul Wallenberg were responsible for saving the life of my wife, Annette, during that period.

Portugal admitted thousands of Jewish refugees during 1940 and 1941 and allowed rescue organization to operate in Lisbon. One of the heroes of the Holocaust was the Portuguese Consul General in Bordeaux, France, Aristides de Sousa Mendes, who issued as many as 10,000 Portuguese transit visas to refugees stranded in France in order that they might cross the Spanish frontier. In spite of the fact that he did not have his country's support for that action at that time, he courageously did the right thing and made a difference in saving the lives of so many potential Holocaust victims.

I am particularly grateful to the current government of Portugal for their steadfast support of the United States in our fight against terrorism. Portugal has not only committed military personnel to fight against terrorism but also medical teams, police and others to assist in this effort.

Portugal, our NATO ally, has authorized our forces to use their air base in the Azores for strategic staging, which is particularly critical in the War on Terrorism.

Portugal is truly a friend who has stepped up to the plate to help the United States and the rest of the civilized community of nations many times and in many ways. We are grateful to have such a strong and steadfast ally, and we have every expectation and desire that the friendship between Portugal and the United States will continue to grow and to flourish for many years to come. I strongly support passage of this legislation. I urge all of my colleagues to do so as well.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from California (Mr. NUNES).

Mr. NUNES. Mr. Speaker, I rise in support of House Resolution 688, which I drafted myself along with my good friends and colleagues, the gentleman from California (Mr. POMBO) and the gentleman from California (Mr. CARDOZA).

The purpose of this House resolution is to thank the Portuguese people for their steadfast support in the War on Terrorism. This is particularly important to me because, being an American of Portuguese decent, I am proud to see our two countries stand shoulder to shoulder in the fight for freedom and democracy. Portugal was there to support the United States from the first hour of terrorism and continues to stand with us in our effort to bring peace and democracy to Iraq.

Thanks to their courageous and valiant leadership, Portugal has continued to help our coalition forces not only in the Middle East but in Africa and Southeast Asia. From working with our intelligence agencies and also to allowing us to use the important Lajes Air Force base in the Azores, Portugal has never wavered when asked to support military missions abroad. In this day and age, the need for such a steadfast partner is key to our Nation's, and the entire free world's, fight against global terrorism.

I would also like to thank the Committee on International Relations, the gentleman from Illinois (Mr. HYDE), the gentleman from California (Mr. LANTOS), and others for taking an interest in this important piece of legislation.

I think it is also appropriate at this time to thank and congratulate now the former Prime Minister Barroso, who has been a steadfast ally of the United States, for his new appointment as head of the EU.

So, with that, Mr. Speaker, I thank the committee members again for their help on this.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, I rise in support of House Resolution 688; and I want to just commend my colleague, the distinguished gentleman from California (Mr. NUNES), for his offering up this amendment.

As chairman of the Subcommittee on Africa of the Committee on International Relations, I can attest to the importance of Portugal engagement not only in Africa on the War on Terror but also, as a member of the Committee on International Relations, we have seen their engagement in Europe and in Southeast Asia. They have been at the vanguard of confronting terrorism and confronting the threats that we in the entire world community have faced post-September 11. They have continued to allow the United States access and use of the Lajes Air Base, and we are deeply appreciative of that but also certainly very appreciative of the friendship that Portugal has shown the United States.

We want to commend the people of Portugal and, at the same time, we also want to recognize in this resolution the many contributions made to our Nation by the Portuguese-American population here in the United States.

As we focus on Iraq, we again also appreciate the Portuguese forces that serve there, the military forces, the medical personnel, the police that have been such an asset to us.

So, with that said, in conclusion, I would like to again thank the government of Portugal and the Portuguese people for their friendship, their support as an ally and also for their leadership in Europe and worldwide. I urge the adoption of this resolution.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. MARIO DIAZ-BALART).

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, during the 60th anniversary of the U.S. Air Base in the Azores, the gentleman from California (Mr. NUNES) led the Congressional delegation to that event. He did a masterful job.

At that time, the gentleman from California (Mr. CARDOZA) was also involved in that delegation; and I was privileged to join these two gentlemen in that trip. I was able to see firsthand the incredible cooperation that exists between the United States and Portugal. Also, the respect, the friendship, the close ties that the people of Portugal have with us here in the United States.

I am incredibly grateful and all of us have to be incredibly grateful for the way that Portugal has been such a steadfast ally of the United States throughout many, many years. But particularly now in these very difficult times in this war against international terrorism, they have been strong allies. They have been courageous allies.

I am extremely grateful to the gentlewoman from Florida (Ms. ROS-LEHTINEN) and also in particular to the gentleman from California (Mr. NUNES), the gentleman from California (Mr. CARDOZA), and the gentleman from California (Mr. POMBO) for this opportunity to thank the people of Portugal for their leadership, for their courage, for their friendship in these very difficult times.

When we need them the most, the people of Portugal said, we are here. We cannot forget. I want to thank these wonderful Members of Congress and the gentleman from California (Mr. LANTOS) for giving us the opportunity to also say "thank you."

Mr. LANTOS. Mr. Speaker, I have no additional requests for time, and I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I have no additional requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FRANKS of Arizona). The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 688, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

NORTHERN UGANDA CRISIS RESPONSE ACT

Mr. ROYCE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2264) to require a report on the conflict in Uganda, and for other purposes.

The Clerk read as follows:

S. 2264

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Northern Uganda Crisis Response Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The United States and the Republic of Uganda enjoy a strong bilateral relationship and continue to work closely together in fighting the human immunodeficiency virus and acquired immune deficiency syndrome ("HIV/AIDS") pandemic and combating international terrorism.

(2) For more than 17 years, the Government of Uganda has been engaged in a conflict with the Lord's Resistance Army that has inflicted hardship and suffering on the people of northern and eastern Uganda.

(3) The members of the Lord's Resistance Army have used brutal tactics during this conflict, including abducting and forcing individuals into sexual servitude, and forcing a large number of children, estimated to be between 16,000 and 26,000 children, in Uganda to serve in such Army's military forces.

(4) The Secretary of State has designated the Lord's Resistance Army as a terrorist organization and placed the Lord's Resistance Army on the Terrorist Exclusion list pursuant to section 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)).

(5) According to Human Rights Watch, since the mid-1990s the only known sponsor of the Lord's Resistance Army has been the Government of Sudan, though such Government denies providing assistance to the Lord's Resistance Army.

(6) More than 1,000,000 people have been displaced from their homes in Uganda as a result of the conflict.

(7) The conflict has resulted in a lack of security for the people of Uganda, and as a result of such lack, each night more than 18,000 children leave their homes and flee to the relative safety of town centers, creating a massive "night commuter" phenomenon that leaves already vulnerable children subject to exploitation and abuse.

(8) Individuals who have been displaced by the conflict in Uganda often suffer from acute malnutrition and the mortality rate for children in northern Uganda who have been displaced is very high.

(9) In the latter part of 2003, humanitarian and human rights organizations operating in northern Uganda reported an increase in violence directed at their efforts and at civilians, including a sharp increase in child abductions.

(10) The Government of Uganda's military efforts to resolve this conflict, including the arming and training of local militia forces, have not ensured the security of civilian populations in the region to date.

(11) The continued instability and lack of security in Uganda has severely hindered the ability of any organization or governmental entity to deliver regular humanitarian assistance and services to individuals who have been displaced or otherwise negatively affected by the conflict.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that the Government of the United States should—

(1) work vigorously to support ongoing efforts to explore the prospects for a peaceful resolution of the conflict in northern and eastern Uganda;

(2) work with the Government of Uganda and the international community to make available sufficient resources to meet the immediate relief and development needs of the towns and cities in Uganda that are supporting large numbers of people who have been displaced by the conflict;

(3) urge the Government of Uganda and the international community to assume greater responsibility for the protection of civilians and economic development in regions in Uganda affected by the conflict, and to place a high priority on providing security, economic development, and humanitarian assistance to the people of Uganda;

(4) work with the international community, the Government of Uganda, and civil society in northern and eastern Uganda to develop a plan whereby those now displaced may return to their homes or to other locations where they may become economically productive;

(5) urge the leaders and members of the Lord's Resistance Army to stop the abduction of children, and urge all armed forces in Uganda to stop the use of child soldiers, and seek the release of all individuals who have been abducted;

(6) make available increased resources for assistance to individuals who were abducted during the conflict, child soldiers, and other children affected by the conflict;

(7) work with the Government of Uganda, other countries, and international organizations to ensure that sufficient resources and technical support are devoted to the demobilization and reintegration of rebel combatants and abductees forced by their captors to serve in non-combatant support roles;

(8) cooperate with the international community to support civil society organizations and leaders in Uganda, including Acholi religious leaders, who are working toward a just and lasting resolution to the conflict;

(9) urge the Government of Uganda to improve the professionalism of Ugandan military personnel currently stationed in northern and eastern Uganda, with an emphasis on respect for human rights, accountability for abuses, and effective civilian protection;

(10) work with the international community to assist institutions of civil society in Uganda to increase the capacity of such institutions to monitor the human rights situation in northern Uganda and to raise awareness of abuses of human rights that occur in that area;

(11) urge the Government of Uganda to permit international human rights monitors to establish a presence in northern and eastern Uganda;

(12) monitor the creation of civilian militia forces in northern and eastern Uganda and publicize any concerns regarding the recruitment of children into such forces or the potential that the establishment of such forces will invite increased targeting of civilians in the conflict or exacerbate ethnic tension and violence; and

(13) make clear that the relationship between the Government of Sudan and the Government of the United States cannot improve unless no credible evidence indicates that authorities of the Government of Sudan are complicit in efforts to provide weapons or other support to the Lord's Resistance Army.

SEC. 4. REPORT.

(a) REQUIREMENTS.—Not later than 6 months after the date of enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees on the conflict in Uganda.

(b) CONTENT.—The report required by subsection (a) shall include a description of the following:

(1) The individuals or entities that are providing financial and material support for the Lord's Resistance Army, including a description of any such support provided by the Government of Sudan or by senior officials of such Government.

(2) The activities of the Lord's Resistance Army that create obstacles that prohibit the provision of humanitarian assistance or the protection of the civilian population in Uganda.

(3) The practices employed by the Ugandan People's Defense Forces in northern and eastern Uganda to ensure that children and civilians are protected, that civilian complaints are addressed, and that any member of the armed forces that abuses a civilian is held accountable for such abuse.

(4) The actions carried out by the Government of the United States, the Government of Uganda, or the international community to protect civilians, especially women and children, who have been displaced by the conflict in Uganda, including women and children that leave their homes and flee to cities and towns at night in search of security from sexual exploitation and gender-based violence.

(c) FORM OF REPORT.—The report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ROYCE) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. LANTOS).

GENERAL LEAVE

Mr. ROYCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 2264.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROYCE. Mr. Speaker, I yield myself such time as I may consume.

We are urging support for S. 2264, the Northern Uganda Crisis Response Act, and we are doing that because for the past 18 years Northern Uganda has been embroiled in a particularly vicious conflict, one which pits Ugandan President Yoweri Museveni's efforts at governance against a group called the Lord's Resistance Army. And the Lord's Resistance Army, designated as a terrorist organization by the Secretary of State, moves in small, well-coordinated groups from bases in southern Sudan, launching brutal attacks against civilian populations. They launch these attacks at night.

Members of the Lord's Resistance Army have no clear political agenda; and, frankly, they make no attempts to hold territory. But what they do do and have done for these last 18 years is to murder and rape and loot with impunity.

The devastation inflicted upon the civilian population during this war cannot be overstated. Frankly, it is unknown how many people have been killed, but we do know that more than 1.2 million people, 80 percent of the local population, have been displaced by the Lord's Resistance Army. Over 1.8 million people depend on food aid in an area that once served as the breadbasket of Uganda, and acute malnutrition of children under the age of 5 has risen 30 percent since December, 2002.

Humanitarian operations have been severely hampered by the increasingly tenuous security situation there in Northern Uganda. Aid convoys regularly come under attack; and, according to the United Nations, they can now only deliver materials under heavy military escort. Up to 90 percent of the schools in affected districts have been closed.

The HIV/AIDS prevalence rate in the Gulu District, a district particularly hard-hit by the crisis, is 30 percent, while the national average is just 5 percent. Many of us are aware of the progress made under President Museveni in fighting HIV/AIDS nationwide in Uganda where it has been reduced.

□ 2115

But not in this district where the Lord's Resistance Army operates at night.

Perhaps the most heart-wrenching aspect of this conflict has been the impact it has had on the children. Up to 20,000 children have been abducted since the start of this conflict. Many have been killed while others have been beaten and tortured and maimed and forced to be soldiers or sexual slaves.

Between 20,000 to 30,000 other children are forced every evening to seek refuge on the streets of Gulu and Pader and Kitgum. They walk up to 15 kilometers from their villages to spend the night sleeping under grossly overcrowded tents on concrete floors, before giving up at dawn to make the return to their village. These children have never known peace. They have never known stability. They have never had the luxury of being a child and experiencing the joys of childhood.

According to Jan Egeland, the United Nations Under Secretary General for Humanitarian Affairs, the conflict in northern Uganda "is characterized by a level of cruelty seldom seen and few conflicts rival it for sheer brutality." Given the horrific nature of the crimes perpetrated by the Lord's Resistance Army, I have no doubt that that statement is true. Despite this, the magnitude of the crisis is not well grasped outside of the region, and international response, frankly, has been underwhelming.

The Northern Ugandan Crisis Response Act, this bill, draws much-needed attention to the forgotten war in northern Uganda. It reaffirms the strong relationship which exists between the United States and Uganda while recognizing that the government of Uganda's military efforts to resolve the conflict have not effectively ensured the security of civilian populations.

The bill calls on the government of Uganda to improve the level of professionalism within the Ugandan People's Defense Force and to permit international human rights monitors to establish a presence in northern and eastern Uganda.

The bill acknowledges that, according to Human Rights Watch, the government of Sudan has been the only known supporter of the Lord's Resistance Army since the early 1990s. To this end, it calls on the administration to investigate the sources of support for the Lord's Resistance Army and to make it clear to the government of Sudan that normalization of relations will not be possible if credible evidence against these sources again emerges.

S. 2264 asserts that the United States should work vigorously to support peace initiatives in northern Uganda. It urges the United States Government, the international community, and the government of Uganda to make resources available to meet immediate relief and development needs and to provide civilian protection and to develop reintegration plans for displaced persons to integrate them back into society, and for combatants and for abductees and to provide support in general for civil society.

Finally, the bill requires the Secretary of State to submit a report to the Congress which describes not only the sources of support for the Lord's Resistance Army but also the activities undertaken by the Lord's Resistance Army which obstruct humanitarian assistance, the practices employed by the UPDF to ensure civilian protection, and to punish soldiers who are themselves guilty of abuse, and the actions taken by the Ugandan government, the United States and the international community to ensure civilian protection.

This bill is the result of a collaborative effort and enjoys strong bipartisan, bicameral support; and we thank the gentleman from Wisconsin in the Senate, Mr. FEINGOLD, for introducing this timely and important measure; and here on the House floor, we urge full support.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I might consume, and I rise in strong support of this legislation.

First, I want to commend my good friend and colleague, the gentleman from California (Mr. ROYCE), for his leadership on this issue, and indeed on so many other matters.

Mr. Speaker, the terrorist organization known as the Lord's Resistance Army has turned northern Uganda into a living hell for the Acholi people, and particularly their children, for years now. Under the ruthless and delusional leadership of Joseph Kony, this terrorist organization maintains a vicious hit-and-run guerrilla war with the Ugandan government where the overwhelming casualties are the Acholi people, particularly kidnapped boys and girls.

While Kony invokes the name of God in his unholy war against innocent civilians, it has been the backing of the Sudanese government in Khartoum that has kept this war going for so many years.

Several months ago, our committee hosted a young woman, Grace Akallo, who was abducted by this terrorist group at age 13 and was forced to live as a sex slave. As part of her induction, she, along with other girls, were forced to beat an old woman to death. After living that nightmare, she then was taken to southern Sudan, trained by the Arabs, as she called them, and forced to fight for Khartoum against the Sudanese People's Liberation Army.

Grace escaped this terrorist group and the Sudanese forces, and on her own made her way to a safe place in Uganda. She will be going to school next year here in the United States. However, as moving and heroic as Grace's story is, it is the extreme exception. The more common and familiar story for a young Acholi girl captured by this terrorist outfit is rape, other physical brutality, slavery, and a broken life.

Mr. Speaker, with approval of this resolution today, Congress will stand fast in the face of the horrors perpetrated directly or indirectly by Khartoum by demanding an end to the conflict in northern Uganda. We will also strongly signal to the administration and to the international community that every possible step must be taken to protect peace and the security of these children.

Mr. Speaker, I urge all of my colleagues to support this important bill.

Mr. Speaker, we have no further speakers on this side, and I yield back the balance of my time.

Mr. ROYCE. Mr. Speaker, I yield myself such time as I may consume, and I will conclude.

The conflict in northern Uganda does not receive much attention in the press; and, frankly, it does not receive the attention it deserves.

Today, the U.S. Congress is speaking out, going on record in saying that we have an interest in helping to stop the savagery that is devastating so many lives.

I want to just take a moment and thank my colleague, the gentleman from California (Mr. LANTOS), for his support on this resolution, but wider than that, for his leadership on so many of the most vexing and troublesome of gross human rights violations around the world which he has consistently brought to the world's attention.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FRANKS of Arizona). The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and pass the Senate bill, S. 2264.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

DEPLORING MISUSE OF INTERNATIONAL COURT OF JUSTICE BY UNITED NATIONS GENERAL ASSEMBLY FOR POLITICAL PURPOSE

Mr. PENCE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 713) deploring the misuse of the International Court of Justice by a majority of the United Nations General Assembly for a narrow political purpose, the willingness of the International Court of Justice to acquiesce in an effort likely to undermine its reputation and interfere with a resolution of the Palestinian-Israeli conflict, and for other purposes, as amended.

The Clerk read as follows:

H. RES. 713

Whereas the Israeli people have suffered through a three-year campaign of terror that has included suicide bombings, snipers, and other attacks on homes, businesses, and places of worship and has resulted in the murder of more than 1,000 innocent people since September 2000;

Whereas more than 50 United States citizens have been killed and more than 80 United States citizens injured by Palestinian terrorists in Israel, the West Bank, and Gaza since 1993;

Whereas President George W. Bush said in October 2003 regarding Israel's right to self-defense that "Israel must not feel constrained in terms of defending the homeland";

Whereas international law, as expressly recognized in Article 51 of the United Nations Charter, guarantees all nations an inherent right to self-defense;

Whereas United Nations Security Council Resolution 1373 (2001), relating to international cooperation to combat threats to international peace and security caused by terrorist acts, and statements by representatives of other countries at that time, make clear that Article 51 of the United Nations Charter applies to self-defense against actions by terrorist groups against the civilian population of any country;

Whereas a security barrier, capable of being modified or removed, is being constructed by Israel in response to an ongoing campaign of terror against its people and has resulted in a dramatic decline in the number of successful terrorist attacks;

Whereas on December 8, 2003, the United Nations General Assembly adopted, through a plurality rather than a majority vote of member nations, Resolution ES–10/14 which requested the International Court of Justice (ICJ) to render an opinion on the legality of the security barrier;

Whereas the United States, Australia, Belgium, Cameroon, Canada, the Czech Republic, the Federated States of Micronesia, France, Germany, Greece, Ireland (for itself and in addition on behalf of the Member States and Acceding States of the European Union), Italy, Japan, the Marshall Islands, the Netherlands, Norway, Palau, the Russian Federation, Spain, Sweden, Switzerland, and the United Kingdom submitted objections on various grounds against the ICJ hearing the case or expressing concerns about the advisability of the publication of an advisory judgment;

Whereas a June 30, 2004, decision of a panel of the Israeli Supreme Court, headed by its President and sitting as a High Court of Justice, called on the Government of Israel to take Palestinian humanitarian concerns further into account in the construction of the barrier, even if doing so resulted in greater security risk to Israeli citizens, and accordingly required the Government to alter the route of a specific portion of the barrier near Jerusalem in order to accommodate Palestinian humanitarian concerns;

Whereas the Government of Israel immediately stated that it would respect the decision of its High Court of Justice and has taken action to implement that decision;

Whereas the Government of Israel has expressed its commitment that the security barrier is temporary in nature and will not prejudice any final status issues, including final borders;

Whereas on July 9, 2004, the ICJ said in a non-unanimous, non-binding advisory judgment that Israel's security barrier, to the degree it was built outside the pre-June 1967 borders, was illegal and should be dismantled, and that Article 51 of the United Nations Charter did not apply to Israeli actions in self-defense with respect to violence emanating from the West Bank;

Whereas on July 11, 2004, less than two days after the ICJ's advisory judgment, Israeli civilians were murdered by Palestinian terrorists;

Whereas the Palestinians, along with other parties and states, may attempt to use the ICJ's advisory judgment to advance their positions on issues committed to negotiations between the Israelis and Palestinians by advancing resolutions in the United Nations General Assembly, the Security Council, or elsewhere calling for the removal of the barrier and for the imposition of sanctions to force Israel to comply with the advisory judgment; and

Whereas the administration of President Bush has reiterated its position that the ICJ should not have agreed to decide a political issue of this nature that should, rather, be resolved through the Roadmap process leading to a negotiated agreement between Israel and the Palestinians: Now, therefore, be it

Resolved, That the House of Representatives—

(1) reaffirms its steadfast commitment to the security of Israel and its strong support of Israel's inherent right to self-defense;

(2) condemns the Palestinian leadership for failing to carry out its responsibilities under the Roadmap and under other obligations it has assumed, to engage in a sustained fight against terrorism, to dismantle the terrorist infrastructure, and to bring an end to terrorist attacks directed at Israel;

(3) calls on Palestinians and all states, in the region and beyond, to join together to fight terrorism and dismantle terrorist organizations so that progress can be made toward a peaceful resolution of the Israeli-Palestinian conflict;

(4) deplores—

(A) the misuse of the International Court of Justice (ICJ) by a plurality of member nations of the United Nations General Assembly for the narrow political purpose of advancing the Palestinian position on matters Palestinian authorities have said should be the subject of negotiations between the parties;

(B) the July 9, 2004 advisory judgment of the ICJ, which seeks to infringe upon Israel's right to self-defense, including under Article 51 of the Charter of the United Nations, and which projects a message of international indifference to the safety of Israeli citizens that can only be detrimental to prospects of achieving a negotiated peace;

(5) regrets the ICJ's advisory judgment, which is likely to undermine its reputation and interfere with a resolution of the Palestinian-Israeli conflict;

(6) commends the President and the Secretary of State for their leadership in marshaling opposition to the misuse of the ICJ in this case;

(7) calls on members of the international community to reflect soberly on—

(A) the steps taken by the Government of Israel to mitigate the impact of the security barrier on Palestinians, including steps it has taken by order of its High Court of Justice, without being required to do so by the ICJ; and

(B) the damage that will be done to the ICJ, to the United Nations, and to individual Israelis and Palestinians, by actions taken under color of the ICJ's advisory judgment that interfere in the Roadmap process and impede efforts to achieve progress toward a negotiated settlement between Israelis and Palestinians; and

(8) Urges all nations to join the United States in international fora to prevent the exploitation of the ICJ's advisory judgment for political purposes.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. PENCE) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana (Mr. PENCE).

GENERAL LEAVE

Mr. PENCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 713, the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. PENCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we come tonight just almost 1 week after truly a dark day in the history of international justice and in the course of this debate and I trust in the course of this Congress' deliberations over H. Res. 713, deploring the misuse of the International Court of Justice by a plurality of the United Nations General Assembly for a narrow political purpose. I hope that we will have the opportunity to elaborate the genuine significance of the decision by the International Court of Justice relative to the construction of a security fence by the government of Israel.

I intend in the immediate here, before I make any extensive remarks, to yield to my superior and a woman without whose leadership on this issue we would not be here tonight; but let me say by way of context, Mr. Speaker, that when by a 14 to 1 decision the International Court of Justice condemned the construction of a wall being built by Israel and described Israel as an occupying power in occupied Palestinian territory, it was most assuredly a dark day and a day of disgrace for the International Court of Justice.

Mr. Speaker, it is my profound privilege to yield such time as she may consume to the gentlewoman from Florida (Ms. ROS-LEHTINEN), the chairwoman of the Subcommittee on the Middle East and Central Asia, a woman who is not only a distinguished member of this institution, but perhaps one of the most clarion voices in America on behalf of our precious alliance with the people and the nation of Israel.

Ms. ROS-LEHTINEN. Mr. Speaker, I thank my good friend, the gentleman from Indiana (Mr. PENCE), for the undeserved praise and for his nice demeanor in yielding me such time in the beginning of the discussion on this important resolution before us tonight.

I rise in strong support of H. Res. 713, a resolution deploring the misuse of the International Court of Justice by the Palestinians. I want to commend the leadership for moving this measure expeditiously to the floor, and I thank the gentleman from Indiana (Mr. PENCE) for his efforts in making this a reality tonight.

I am proud to be an original cosponsor, Mr. Speaker, and I urge my colleagues to vote in favor of this as a sign of our displeasure with the politicization of the International Court of Justice for Palestinian terrorist purposes.

☐ 2130

Mr. Speaker, I wish that there were no need for such a resolution tonight. I wish that innocent civilians were not routinely murdered and injured by Palestinian terrorists inside of Israel. Yet those responsible for these painful, agonizing injuries celebrate their terror with virtual impunity from the international community as they manipulate mechanisms such as the International Court of Justice to rule in their favor.

As Hamas, Islamic Jihad, and Arafat's Fatah said in a joint statement following the advisory opinion of the International Court of Justice, "We salute the court's decision. This is a good step in the right direction." For Palestinian terrorists and their supporters, the door has been further opened.

This past Sunday, less than 2 days after this deplorable decision by the International Court of Justice, this advisory opinion, there was an explosion at a Tel Aviv bus stop which injured 32 innocent civilians and killed one young woman.

Among those injured was Saami Masrawa, an Israeli Arab who leads an Arab-Jewish friendship group in the Israeli area. Saami Masrawa had previously participated in a demonstration opposing the security fence. But after Sunday's bombing he recognizes the value of Israel's security barrier, and he has publicly stated, "I will now be for it and form an organization in favor of it."

Mr. Speaker, the barrier is not the issue. Terrorism and the Palestinian's addiction to death are the problems. They must find a leadership free from this kind of terror, free from corruption, free from the idea that terrorism will achieve its political objectives. The notion that terrorism is a legitimate form of interaction with Israel must be abandoned forever.

The construction of the security barrier must be understood as a measured response by Israel to the Palestinians' refusal to abandon terrorism and to surrender its use as a strategy. It is a sign that all Israelis demand that the Palestinians change their ways and make this change now.

Across the political spectrum, Israelis support the construction of the barrier as a way to ensure the safety of the Israeli people and of the nation itself.

It is appalling to see how the United Nations forced this recent judgment by the International Court of Justice. Not only did the issue of the nonbinding opinion last week state that Israel should remove its security fence, but the judges placed into question Israel's right to defend herself.

My colleagues, this right of sovereign nations to provide for its security and that of its people, and to defend against threats against it, is a right accorded to all nations. Unfortunately, the recent opinion seems to draw an exception when it comes to Israel. This is outrageous.

The judges of the Court added insult to injury by suggesting that this basic right of all sovereign nations did not apply because Palestinian terror groups are subnational actors; that is, not nation states.

This reference further minimizes the brutal and abhorrent acts committed by Palestinian terrorists against innocent Israelis. It undermines the actions taken by the United Nations following the terrorist attacks against our own Nation on September 11. It emboldens the terrorists to intensify their brutality and violence against free democratic nations such as Israel and the United States.

Mr. Speaker, it is clear from this process that the International Court of Justice has become politicized, and it is manipulated by the Palestinians for their own evil purposes.

This resolution that I had the pleasure of drafting with my colleagues on the Committee on International Relations, especially the gentleman from Indiana (Mr. PENCE), addresses this critical issue. It underscores the security barrier is necessary. Israel has the responsibility to protect its people, and the fence has proven to be successful in doing so.

No nation, no international body can claim a right to act in judgment over Israel's sovereign right to protect her people. That the Palestinians of all people question the inherent right of self-defense of Israel from their very tactics of terror is absurd and even Orwellian. The very people launching the attacks against Israel are saying that Israel cannot and should not defend herself.

This judgment by this International Court of Justice is an injustice to Israel. It is a dishonor to close to 1,000 innocent victims of Palestinian violence since 2000. I call on my colleagues and all Democratic nations to join together to prevent this perpetuation of injustice.

I want my colleagues to look at this poster. I call on our allies and partners, as they consider upcoming resolutions at the U.N. General Assembly seeking to impose the ruling on Israel, to think about the young faces, the old faces printed here on this poster. These are just some of the victims of Palestinian terrorism: babies, middle-aged, young, older Israelis, all innocent victims of Palestinian terrorism.

I want our allies and friends to think of Assaff Tzur. This was a 17-year-old Israeli boy who was just recently murdered, so recently that his name is not on this poster. He was killed in a bus bombing on March 5, 2003, on his way back from school.

I met with the father today of Assaff, as well as with other survivors of terror attacks and with families of Israeli victims of Palestinian terrorism. There was one common theme. There were mothers and fathers and sisters and brothers, and they said the security barrier could have helped prevent the murder of their daughters, sons, sisters, brothers, grandchildren, fathers and mothers.

In the case of Assaff Tzur, the suicide bomber who murdered him and 15 others on March 5, 2003, today would not have been able to cross into Israel to carry out this attack thanks to the border that stands today. Today, there is a security barrier that prevents terrorists from crossing into that section of Haifa and would have prevented the murder of Mr. Assaff Tzur, 17 years of age.

I think this reality summarizes the need for an overwhelming vote in favor of the resolution of the gentleman from Indiana (Mr. PENCE), House Resolution 713. Let us send a clear message to the international community of where we stand as a nation. We call on them to side with us and with all democratic nations to side with the victims of terrorism, these faces, and not with the terrorists. The hypocrisy must end. Israel must be allowed to protect herself and remain safe from this kind of terrorism once and for all.

I thank the gentleman from Indiana (Mr. PENCE) for calling attention to this atrocity, and I ask my colleagues to vote "yes" on the Pence resolution before us tonight.

Mr. PENCE. Mr. Speaker, I yield myself such time as I may consume to thank the gentlewoman for her passion and her leadership.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of this all-important resolution.

First, I want to pay tribute to my good friend, the gentleman from Indiana (Mr. PENCE), for taking the leadership on this all-important issue, and to my good friend, the gentlewoman from Florida (Ms. ROS-LEHTINEN), for her powerful, persuasive, passionate statement. I also want to thank, on our side, the gentlewoman from Nevada (Ms. BERKLEY), for her leadership on this issue, and our Democratic whip, the gentleman from Maryland (Mr. HOYER), for his passionate dedication in crafting this legislation.

Mr. Speaker, last Friday, the International Court of Justice ruled that the security fence being constructed by Israel was a violation of international law and called for its dismantlement. Mr. Speaker, I traveled across that fence, and if I had not been persuaded prior to my physical inspection of the fence that it is a desperately needed security measure, my trip along that fence convinced me forever.

Just ask yourself how you would feel if in a neighboring community or across the street there are terrorist gangs who systematically come over to your side and blow up restaurants, places of worship, offices, stores, every facility conceivable. Bus stops. Just anyplace where they can kill innocent human beings. You would be in favor of building a security fence. And the ultimate hypocrisy of this International Court of Justice's decision literally turns my stomach.

This ruling was a perversion of justice that infringes on Israel's inherent and basic right of self-defense, and it willfully and cynically ignores Israel's recent success in reducing terrorism, thanks mainly to its security fence.

The International Court favored the suicide bombers over their innocent victims when they issued this mindlessly politicized decision. They only succeeded in severely diminishing their stature and authority, which I deeply regret.

Let me illustrate, Mr. Speaker. The security fence brought significant relief to the innocent men, women and children who are blown up by terrorists. From September 2000, when the intifada broke out, through 2003, there were more than 80 suicide bombings with Israeli targets. This year, with the fence now playing an important deterrent role, there have been only four. Now, one is too much, but there is a dramatic reduction from that vast number of successful suicide bombings to the much smaller number today.

Does this success mean that suicide bombers are giving up? Of course not. But Israel was successful in preventing some 58 suicides bombing attempts within the West Bank just in the last 6 months. The main reason is that the fence is giving Israeli security forces more time to react and to prevent terrorist attacks.

The record in Gaza, Mr. Speaker, is even better. With the help of the security fence, there has been only one deadly suicide bombing that originated from there in recent years.

Do the judges of the International Court care a whit for the well-being of the average Israeli citizen? Regrettably, the evidence suggests that the majority of them clearly do not. Mr. Speaker, this International Court decision sends a message, and here I quote from the resolution, that there is an international indifference to the safety of the citizens of Israel. This is not only morally offensive, it is potentially politically disastrous for the very feeble peace process.

☐ 2145

How are Israelis supposed to have the confidence to make peace if the international community that so enthusiastically urges them to make concessions is so callous as to whether they live or die?

Mr. Speaker, the international court's opinion highlights the dangers of an international court dealing in abstractions without full information or full briefing from the parties involved. In the first place, Mr. Speaker, the court should never have taken up this case. In the U.N. General Assembly, the resolution passed with support from less than a majority of members of the General Assembly. And during the proceedings, the United States and many of our European friends objected to the court's consideration of this case. But the court did not heed prudence. Instead, it eagerly embraced recklessness and injustice.

The court did not take into account the fence as it is. The court took its decision and wrote its judgment deliberately oblivious to the fact that the Israeli Supreme Court was adjudicating cases about the fence. Indeed, the Israeli Supreme Court has considered challenges by Palestinians on the routing of the fence and has obligated the Israeli military to relocate the fence to take into concern more fully the humanitarian needs of the Palestinians. Indeed, Israel's Supreme Court actually revoked military orders that had been issued, a virtually unprecedented step.

And unlike the international court, the Israeli Supreme Court has the power to enforce judgments. Despite the understandable controversy that the Israeli Supreme Court's decision provoked in Israel, understandable because it will cost Israeli lives, the Israeli government immediately announced that it will comply with the decision of its own Supreme Court. In fact, implementation has already begun.

Mr. Speaker, Israel is the only state in the Middle East where an Arab can take his government to court and stands a good chance of winning. But, Mr. Speaker, the language of the international court's opinion suggests that Israel has no right of self-defense although it clearly has that right under article 51 of the U.N. charter against terrorist groups that kill innocent civilians.

I fully support Israel's right to build a fence to protect itself from the plague of terrorism, and I call on our administration and all members of the U.N. Security Council to reject any effort to look for Security Council validation for this repugnant international court ruling should such a misguided effort be made.

Mr. Speaker, I strongly support the resolution. I urge all of my colleagues to do likewise.

Mr. Speaker, I reserve the balance of my time.

Mr. PENCE. Mr. Speaker, I yield myself such time as I may consume.

In the last 4 years, Palestinian terrorists have attacked Israel's buses, cafes, discos and pizza shops, murdering over 1,000 innocent men, women and children. Despite this unprecedented savagery, as former Prime Minister Benjamin Netanyahu wrote in the New York Times earlier this week, the

International Court of Justice's 60-page opinion mentions terrorism only twice, and only in citations of Israel's own position on the fence.

This court has become a mockery of justice and an international disgrace.

Mr. Speaker, it is my privilege to yield 3 minutes to my colleague, the gentleman from Indiana (Mr. SOUDER), another advocate of our strong and historic relationship with a free and democratic Israel.

Mr. SOUDER. I thank my colleague from Indiana for his leadership and emerging as a strong spokesman for the State of Israel and also my colleague from California (Mr. LANTOS) who has crusaded for years and has been a personal example to many of us in standing up to the persecution of Jews throughout the world.

This week, the International Court of Justice, under dubious jurisdiction, ruled that Israel's security fence was illegal. In essence, the ruling declares that Israel has no right whatsoever to defend itself, protect its people, or to live at peace. Israel did not want to build a fence. I am sure that they would have preferred to spend the time and money on something else. Unfortunately, terrorist attacks and an unwillingness or inability by the Palestinian Authority to rein in those terrorists forced Israel to construct the fence.

Whereas the Palestinian Authority has been unsuccessful, the fence has proven to be effective in combating the waves of homicide bombers that once flooded Israel with death and destruction. The number of successful attacks has fallen significantly. Innocent lives have been saved.

The international court does not seem to care about saving lives. It would rather assist the terrorists. It would rather promote religious bigotry. It would prefer that Israel throw its hands in the air and surrender to certain annihilation. Before, during and after the ICJ case, Israel has borne the brunt of unmitigated hatred from the world community. Only Israel is at fault, only Israel kills, only Israel is intransigent on the peace process.

How many innocent Israelis have to be killed while riding on a bus, sitting in a cafe, or walking down the street? Too many to count. Who refuses to stop terrorist organizations such as Hamas and Hezbollah? The Palestinian Authority's inaction is a resounding refusal.

Rather than waiting for the Palestinian Authority to do something, Israel has decided to protect children walking to school, mothers shopping for groceries, and commuters riding the bus to work. No one questions our right to protect our citizens, but apparently the ICJ believes convenience for the Palestinians trumps the right of the State of Israel to protect its citizens.

The international community has blinded itself to the criminal and terrorist activities of Israel's neighbors and the residents of the West Bank and Gaza Strip. There has been no condemnation of homicide bombers. There has been no condemnation of persecution of religious minorities in areas controlled by the Palestinian Authority. There is no condemnation of Arab treatment of Palestinians in other Middle Eastern countries. Only Israel is singled out for criticism.

The fact that Israel alone is criticized for so-called human rights violations and for the persecution of Palestinian Arabs shows, in my opinion, that religious bigotry rather than a true sense of justice and fairness is what has been driving this issue. A just and fair examination would question where millions of dollars in aid given to alleviate Palestinian poverty has gone. A truthful assessment would also recognize Israel as a democracy in sea of autocratic states. A balanced portrait of the situation would show that Israel's Arab minority enjoys full citizenship in Israel. Can the same be said of Jews outside Israel? Can the same be said of Palestinian Arabs living in other Middle Eastern states?

The International Court of Justice has ruled that they would prefer a Middle East without Israel. They would rather see a democratic state where all people can live, work and practice their religion disappear from the face of the Earth. Most assuredly if the security fence is dismantled, Israel's right to self-defense will be dismantled right along with it. Do not be fooled by the enemies of Israel. They will not be satisfied by the dismantling of the fence. They will only be satisfied when Israel is gone.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 4 minutes to the gentlewoman from Nevada (Ms. BERKLEY), who has been the leader on this issue on our side.

Ms. BERKLEY. Mr. Speaker, I rise today in strong support of this resolution and wish to thank Chairman HYDE and Ranking Member LANTOS for their extraordinary leadership on this issue. I would also like to thank the gentleman from Maryland (Mr. HOYER) for his efforts and a special thank you to the gentleman from Indiana (Mr. PENCE) for his work and his dedication to protecting Israel.

On Friday, July 9, the International Court of Justice handed down an advisory opinion condemning Israel's security fence and declaring its construction illegal. This biased decision is the latest in a long line of blatantly anti-Israel actions by the international community. This nonbinding advisory opinion should be recognized for what it is, a thinly veiled effort to hijack a respected international body solely for the narrow purpose of condemning the State of Israel for its efforts to protect its innocent citizens from suicide bombers.

The issue before us goes far beyond continued Palestinian terrorism. The issue is the use of the ICJ to condemn Israel for acting in its own defense.

The issue is the court being asked to adjudicate a case that should never have been before the court in the first place. The International Court of Justice was not the proper forum for discussing Israel's response to continued Palestinian terror. The United States joined 25 other nations, Australia, Belgium, Cameroon, Canada, the Czech Republic, Micronesia, France, Germany, Greece, Ireland, Italy, Japan, the Marshall Islands and others in submitting objections against the court hearing this case. Twenty-five nations in all.

When the United Nations General Assembly asked the court to address only one aspect of an ongoing conflict, it deliberately made Israel and its security fence, rather than continuing Palestinian terrorism, the issue. Congress must speak on this issue, and we need to speak clearly. We must condemn the politicizing of international organizations and oppose the hijacking of multilateral entities for political purposes. We must ensure that international entities like the ICJ can continue to advance peace and security and work to resolve conflicts.

Under article 51 of the U.N. charter, all nations possess an inherent right to self-defense. However, the ICJ rejected the argument that Israel's security fence falls within this right to self-defense. In the last 3½ years, nearly 1,000 Israelis have been killed by suicide bombers coming from Palestinian territories. Since 1993, over 50 United States citizens have been killed and 80 more have been wounded by these same murderers.

I wear on my arm a band commemorating one of the United States citizens that was killed by a Palestinian terrorist bomber. Children have been targeted on their way to school. Families have been destroyed as mothers have been killed riding buses. Israel has been living under a state of siege, with its reserve military forces activated and checkpoints set up. Yet the court claims that Israel's right to self-defense does not apply. Does not apply? What better case could there be for the right of self-defense?

The implications of this interpretation are staggering. By ruling that article 51 of the charter has no relevance outside of armed attack by one state against another, U.S. sanctions against the Taliban or al Qaeda could no longer be justified as self-defense. Using the court's logic, Spain would not be able to defend itself against another tragic train bombing. Using the court's logic, our Marines are forbidden under international law from defending themselves against warlords and terrorists. Using this court's logic, the United States cannot respond to the tragic bombing of the USS *Cole*.

What kind of logic is this? Are nations no longer permitted to fight terrorism and protect their own citizens? It is incomprehensible to me why Israel continues to be singled out. Saudi Arabia has built a nearly 75 kilometer barrier on their border with Yemen to halt the smuggling of weapons into the kingdom. India is completing a 460-mile electrified barrier in the contested Kashmir area to halt infiltrations by terrorists. And Turkey built a barrier in an area that Syria claims as its own.

Why have these security fences not been brought to the International Court of Justice? Why has the United Nations been silent on these issues? Is Israel's right to self-defense less valid than that of the Saudis, the Indians, the Turks? I think not. And are Israeli lives less valuable than Saudi lives, Indian lives, Turkish lives, American lives? I think not.

The solution to resolving this conflict lies in Gaza and Ramallah, not in Manhattan or The Hague. The path to a lasting peace lies in fulfilling the terms of the road map, which begins with a rejection of terrorism and incitement, a dismantling of the terrorist infrastructure, and real reform by the Palestinian authority.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I thank the gentleman from California for yielding time to me, and I rise in strong support of this resolution. I want to thank the gentleman from Indiana for the wonderful work that he has done on this resolution and indeed the wonderful work he does on our Committee on International Relations.

I spoke on the floor last Friday after the so-called International Court of Justice rendered its decision. I said at the time that they should rename themselves the International Court of Injustice because their decision is truly a travesty of justice. What hypocrisy. What a double standard. Again, one standard for Israel and one standard for everybody else.

As the gentlewoman from Nevada pointed out, Saudi Arabia, Turkey, and India have built fences. Not a peep from the international community or the court of justice about those fences. Israel has built a fence to defend its citizens. This decision from the International Court of Justice comes down. Not a word about suicide bombings. Not a word about terrorism. Not a word about a nation defending its right to exist and defending its citizens.

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What is a nation supposed to do? What is more important to be a nation than to defend the rights of its citizens, the killing of innocent civilians that Palestinian terror has done? A nation has a right to defend itself, and that is why I support Israel's security fence.

I have been there. I have seen the fence firsthand. It stops terrorism. It works. And it not only works for Israelis by preventing terrorism, it is working for the Palestinians. Because of the fence, on the Palestinian side life is getting back to normal. The checkpoints are going away. So it is benefiting both sides.

They talk about Israel building the fence. Do my colleagues know who built that fence? Yasser Arafat built that fence. Palestinian terrorists built that fence. If terrorism would end, there would be no need for a fence. And yet the hypocrisy of the International Court of "Injustice" condemning Israel for trying to defend its citizens.

I again strongly commend the gentleman from Indiana and urge all my colleagues here to support this very important resolution. Terrorism is terrorism, and security is security. Israel should not be treated differently than any other nation.

Mr. LANTOS. Mr. Speaker, I yield 3½ minutes to the gentlewoman from California (Mrs. CAPPS), my neighbor and colleague.

Mrs. CAPPS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise to express very serious concerns about the resolution before the House. I state these reservations as a strong friend and supporter of Israel. I speak as someone who condemns terrorism, especially the horrific practice of suicide bombing, with every fiber of my being, and I speak as someone who supports Israel's right to build a security fence along the Green Line.

But, sadly, as the House once again attempts to demonstrate its full support of Israel, we will pass an unbalanced, unwise resolution that may undermine the interests of Israelis and Palestinians as well as our own national interests.

I believe this resolution needs some changes. For example, it appropriately references the 1,000 people, mostly Israelis, who have been killed since September, 2000. But what about the 3,000 innocent Palestinians who have also lost their lives? Just once can the United States Congress not admit that Palestinians are people, too, and their lives are also precious? Would not such a compassionate statement go a long way towards restoring our credibility in the Arab world at a time when our national interests demand our image be improved? And would not such a statement be the right thing to say?

This resolution mentions the roadmap as the best path for Israeli-Palestinian peace. Yet in the very next clause we undermine the roadmap by listing only the Palestinian obligations. Of course, the Palestinians must crack down on terrorism. But the roadmap also requires Israel to impose a settlement freeze, tear down illegal outposts, ease the conditions of occupation. Why does this resolution only tell half the story?

As for the security barrier itself, I have personally witnessed the very severe hardships it imposes on Palestinian life. Again, a fence on the Green Line is one thing. That makes sense strategically and demographically. But a separation barrier that winds its way through the West Bank, appropriating Palestinian land in its wake, is not acceptable.

In the village of Jayyous, I saw how the wall separates farmers from their groves, and their crops are rotting on the field; teachers and students separated from their schools; even a Palestinian policeman unable to get to his job imposing security.

The resolution before us has a grudging reference to the recent decision by the High Court of Justice. But I think it is important for the American people to hear the Court's argument in more detail. The Israeli High Court ruled that the route of the barrier must be altered to ease the hardship of 35,000 Palestinians living adjacent to it. The current path, they argued, "would generally burden the entire way of life in the petitioners' villages." The Court carefully balanced security and humanitarian considerations. The justices concluded, "We are convinced that there is no security without law. Upholding the law is a component of national security."

Of course, it can be argued that the security barrier has prevented terror attacks. But the only way to stop terrorism and secure the safety of Israel in the long term is for a comprehensive political solution to be negotiated with the Palestinians. After all, there was almost no terrorism perpetrated against Israeli civilians during the 3-year period of 1997 to 2000. There was not a separation barrier then but a vibrant peace process, negotiations and security cooperation between Israel and the Palestinians, with powerful leadership from the United States.

If Congress really wanted to be helpful, we would not pass resolutions on such divisive issues as a security wall, but we would urge our administration to act forcefully to bring both sides back to the negotiating table. America's failures to engage in Israeli-Palestinian conflict will not only doom these long-suffering peoples to continued violence and misery but harm vital U.S. national interests as well. And that is a risk that we can surely not afford to take.

Mr. LANTOS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New Jersey (Mr. PALLONE).

The SPEAKER pro tempore (Mr. FRANKS of Arizona). The gentleman from California has 30 seconds remaining.

Mr. PENCE. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I rise today in support of H. Res. 713, and I want to say I am a practical person. The main thing is that the fence works. It saves lives. There has been a dramatic reduction in the number of attacks and the number of suicide bombings. And basically the fence is doing exactly what it was designed to do, save lives. It promotes peace. It is a mechanism for peace.

On a trip to Israel last year, I had the opportunity to view the security fence firsthand, and there I toured communities on the outskirts of Jerusalem where Israeli citizens live in constant fear of sniper attacks and suicide bombings. This fence provides a sense of security to these border families and will help prevent continued attempts to derail the peace process through violence.

I was thinking about a statement that Robert Frost made about how good fences make good neighbors. That is the case here. This is a vehicle for peace. We should all support this resolution. I strongly support Israel's right to defend their citizens from terrorist attacks. I ask my colleagues to join me in supporting this resolution because, practically speaking, the fence works, and it should be allowed to continue to have the opportunity to work.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

I merely want to express again my thanks to the gentleman from Indiana (Mr. PENCE) for the leadership he has shown on this issue.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. PENCE. Mr. Speaker, I yield myself such time as I may consume.

I rise today urging my colleagues to support H. Res. 713, and I find myself very humbled by the power and the eloquence that has preceded me. So I will simply close, Mr. Speaker, with words of gratitude from my heart and perhaps an explanation why this Midwestern Evangelical Christian finds himself carrying this timely and important resolution before the Congress.

I first want to thank the gentleman from Illinois (Mr. HYDE), chairman of the Committee on International Relations, for his strong leadership on this issue, and the gentleman from California (Mr. LANTOS), who continues to be for me an example of everything that is right about what Congress can mean on the world stage on behalf of not only Israel but human rights, and a special thanks and affection to the gentlewoman from Nevada (Ms. BERKLEY), without whose leadership this resolution would not be on the floor today. In fact, in its original version, the Pence-Berkley resolution recruited over 160 cosponsors, Republicans and Democrats alike; and it is my fondest hope that tomorrow when this measure is voted that we will see an equal reference of strong bipartisan support.

My motivation is very simple. In January this year a dream of my life came true, Mr. Speaker. I traveled to that ancient country of Israel with my beautiful wife, Karen, and in the midst of that inspiring experience, we engaged in security briefings. We found ourselves along a chain-linked fence. In the 2 hours that we toured the security fence, the guards who escorted and protected us received three notices of attempted terrorist incursions.

I came back to this blue and gold carpet with a burden on my heart to help tell that story. I went alongside the gentleman from Illinois (Chairman HYDE) and the gentleman from California (Mr. LANTOS), the gentlewoman from Nevada (Ms. BERKLEY) and said we have to get the story out of what the people of Israel are dealing with and the necessity for the fence. And I came back and authored the resolution that will be considered in the Congress tomorrow.

The truth is that the fence saves lives, Mr. Speaker, without any question whatsoever. Evidence is resplendent. We have heard it tonight. Hundreds of suicide attacks but only one from Gaza where Hamas and Islamic Jihad are actually based, but Gaza city and the Gaza area completely surrounded by a fence. In the north of Israel, where a section of the fence has been completed, there has not been a single suicide attack in more than 8 months. Before the first stage of the fence became operational in July of 2003, the average number of attacks was 8.6 per month. In the past 11 months, that has dropped to 3.2 attacks.

I hesitate to use statistics because we are talking about families. We are talking about men and women and one terrible tale after another of teenagers and small children made subject of terrorist suicide bombings. So we ought not to get lost in the numbers. We ought to remember the fence saves lives.

So last week when the International Court of Justice, by a 14 to 1 decision, violating many of its own rules of jurisdiction where it ordinarily would have recognized the authority of the Supreme Court of Israel to decide such matters, as it has very recently with great equity towards the interests of Israelis and Palestinians, the government of Israel has literally moved the fence some 20-mile stretches, and recently the Supreme Court of Israel ruled in favor of Palestinians in ordering the fence to be moved. But, nevertheless, the International Court of Justice ignored the sovereign interests of Israel, calling Israel an occupying power and calling portions of that sovereign nation occupied Palestinian territory. And that is a disgrace.

Mr. Speaker, I close simply with the words that I pray for the peace of Jerusalem. I believe, as millions of Americans do, that still to this day He will bless those who bless her. And it is my hope that tomorrow this Congress will stand and speak as near as we ever can with one voice that we condemn the International Court of Justice, this act of disgrace, and we stand by our precious ally Israel in this her most difficult hour.

Mr. FEENEY. I rise today in support of House Resolution 713 by my good friends Mr. PENCE, from Indiana, and Ms. ROS-LEHTINEN, from my own home State of Florida.

On Friday, July 9, the United Nation's International Court of Justice issued a 14–to–1 majority opinion stating that Israel's building of a security barrier is illegal, construction must stop immediately, and Israel should make reparations for any damage caused.

The ICJ's ruling also said the United Nations' General Assembly and Security Council should consider steps to halt construction of the security barrier.

This decision by the ICJ is not only the latest in the international community's long line of blatantly anti-Israel actions, but also sets a dangerous precedent by allowing the ICJ to go beyond its traditional jurisdiction.

I deplore the court's decision. Israel has a right to protect their people from those who believe that the path to salvation is paved with the blood of Jewish women and children. I have traveled to Israel and have seen the aftermath of these senseless homicide bombings.

The security fence is not only within Israel's rights to build but it has also proven to be an extremely effective tool for fighting terrorism. In 2004, no Israelis have been killed or wounded by suicide bombings in areas protected by the fence, while 19 Israeli citizens have been killed and 102 have been wounded by suicide attacks in areas unprotected by the fence.

The fence has produced a 90-percent drop in terrorism emanating from the northern West Bank, formerly the originating point for scores of devastating suicide bombings and other deadly terror attacks.

The International Court of Justice was set up in 1945 under the Charter of the United Nations to be the principal judicial organ of the Organization. Article 36 of the Court's Statute forbids bringing contentious cases before the Court unless there is agreement by all parties involved.

Obviously the ICJ did not recognize this limitation as more than 40 nations, including the United States, the European Union, Australia and Canada, submitted briefs to the Court opposing consideration of the matter of Israel's security fence. The objections that were voiced in those briefs detail concerns regarding jurisdiction as well as the politicization of the court.

Though not legally binding, the advisory opinion has already prompted the introduction of anti-Israel resolutions at the United Nations and will have the effect of emboldening efforts to isolate Israel internationally. The General Assembly will meet tomorrow to seek international support for the ICJ decision and try to impose U.N. sanctions against Israel for trying to defend its citizens.

When will the United Nations cease to thwart efforts to squash the evil, murderous organizations who rob us of our right to security? How long must the American taxpayers continue to support an international agency that no longer promotes basic freedoms of peace, security, and democracy?

Please join me in saying to the United Nations that we will not support the blatant misuse of its International Court of Justice to further the cause of these terrorist organizations. Vote "yes" on House Resolution 713.

Mr. ACKERMAN. Mr. Speaker, I rise in support of the resolution. I strongly believe that this House needs to speak out against the disgraceful ruling by the International Court of Justice, ICJ. I just wish that what we said to the Nation and to the world through this resolution was a more fulsome explanation of U.S. policy about not just Israel's security fence and the appropriate role of the ICJ, but the peace process, the Roadmap, the need for Palestinian political reform, and a complete cessation of Palestinian terrorist violence.

In this respect, I would commend to Members' attention H. Con. Res. 390, a resolution I introduced in March together with several distinguished colleagues in the House that highlights not just Israel's right to defend itself, and our strong support for that right, but also speaks clearly about our vital national security interest in resolving the conflict according to the terms of U.N. Security Council resolutions 242, 338, and 1397.

Indeed, what makes the ICJ's horrendous ruling more than a meaningless annoyance is its unfortunate potential for misuse. Considering the predilection shown by Palestinian leaders to pursue any line of political action, except for those that require them to set their own house in order and prevent violence from blocking the path back to direct negotiations with Israel, I think we can fully expect the ICJ's ruling to become the latest and most salient Palestinian excuse for inaction, recalcitrance, and doublespeak.

By noting the deficiencies of the resolution at hand, I don't mean to understate the wretchedness of the ICJ's ruling. I would note that the court's ruling is as awful as it was predictable, which is to say, entirely. Anyone who expected the ICJ to render an unbiased opinion, forget the shameful call the court actually issued for Israel to, in effect, defend itself by digging its own graves, is several degrees past naive and well on their way toward the title of "hopeless sucker."

The ICJ's opinion is riddled with flaws and stretches of remarkable illogic. The principal failing, if one can identify just one, is the complete reliance on a pro-Palestinian lens. The result, as clearly demonstrated in the court's opinion, is a misapprehension of the nature of the territory at issue, the nature of the conflict between the parties, the legal standing of the parties and the appropriate role for the court itself. Not surprisingly, the court took garbage in, and spit garbage back out.

In this light, the court's refusal to look at either the lengthy Palestinian campaign of terror which has resulted in nearly 1,000 Israeli deaths, or at the actual and ongoing contribution that the fence has already made to stopping Palestinian suicide bombers, is entirely predictable. It also smacks of casual anti-Semitism. When the deaths of hundreds of Jews is of no interest, and condemnation is ready only for non-violent self-defense measures, more than a hint of a double standard is detectable.

Again, Mr. Speaker, I do support the resolution, and I believe it is vital that the House speak strongly and clearly about this recent travesty. I urge Members to vote in favor of the resolution and to make clear their strong and unshakeable support for the one true democracy in the Middle East, the State of Israel.

Mr. MCDERMOTT. Mr. Speaker, there is no such thing as a one-sided story. From the first day I came to the House of Representatives in 1989, and until my last day in this Chamber, I have been and will continue to be a staunch defender of Israel.

I wholeheartedly and unequivocally believe in Israel's right to exist, and the fundamental human right for the Jewish people to live in peace and without fear.

Hundreds of times in this House, I have backed my words with deeds on behalf of Israel: Recognizing the founding of Israel; commending the people of Israel for conducting free and fair elections; condemning terrorism against Israel; approving funds for Israel's security; embracing efforts to achieve peace; promoting Israel's economic growth and development around the world; ensuring Israel has access to stable oil supplies; demanding real counterterrorism efforts by other Mideast nations; and, most importantly, promoting peace in our time, for all time.

Let no one say, let no one think, that JIM MCDERMOTT is not a friend of Israel. I am a true friend of Israel and that is why I offer these remarks. A true friend tells the truth as he sees it, because that's what is in the best interest of your friend.

The House has before it a resolution neither requested by the Government of Israel nor by the people of Israel.

It is a resolution that will not promote peace, or dialog, in the region. It is a resolution that risks undermining the already painfully difficult process—and the hope—of achieving peace.

There are times when the House of Representatives can advance the cause for peace, or stir the world on a matter that knows no geographic border. HIV/AIDS is such a matter. This is not one of those times.

The Bible says there is a time for every thing under heaven. We can hope this is the time for peace. We can work to make this the time for peace.

We can hurt the cause for peace by passing a resolution that would seem to place the world on one side, and Israel and the United States on the other. A political wall divides just as much as a stonewall or an iron fence.

In light of a ruling by the World Court, Israel can change the path of the wall it is building. The issues involved are complex, from land to water, from borders to principles.

The legal issues involved are inseparable from the emotionally charged, and unresolved, debate over homeland, security, peace, and the future of a Palestinian State.

Although delicate and fragile, there is at least a process underway to try to resolve the issues the wall raises. The resolution in the House today could endanger the process. That's not a risk worth taking for the purpose of recording an opinion that no one asked for.

The world knows full well the United States considers Israel a close and important ally.

I believe we support Israel best by keeping the focus on the process that someday soon could tear down all the walls that separate Israel and Palestine.

Mr. OBEY. Mr. Speaker, today the House will vote on a resolution condemning the International Court of Justice for rendering an advisory opinion on the legal consequences of the construction of the "Israeli Wall," and condemning the U.N. General Assembly for requesting such an opinion.

This legislation was only introduced last night—and strikes me as the type of knee-jerk posturing that does more harm than good. I oppose the bill for the following reasons:

The ICJ rendered an advisory opinion on the legal consequences on the construction of the wall on its current route, an opinion requested by the U.N. General Assembly. The ICJ did so as it has done in the past, and the General Assembly was within its rights to request such an opinion.

Condemning the General Assembly for asking for an opinion, or the ICJ for analyzing the situation and making a nonbinding statement of opinion on the matter is essentially condemning people for asking questions or having an opinion—key elements in civilized discourse or democracy.

The sponsors of this bill, well-intentioned as they are, claim that the advisory opinion denies that Israel has a right to self-defense. This is not so—paragraph 141 states "The fact remains that Israel has to face numerous and indiscriminate and deadly acts of violence against its civilian population. It has the right, and indeed the duty, to respond in order to protect the life of its citizens."

The resolution is factually incorrect:

It claims the General Assembly asked for an opinion on the legality of the barrier. They did not. They asked for an opinion on the legal consequences construction of the barrier.

It says that a similar security barrier exists around Gaza. The barrier around Gaza is on the armistice line, not beyond it, does not isolate Palestinian villages, or envelop settlements on territory described by the Israeli Supreme Court as being held "in belligerent occupation," and therefore is not similar.

The resolution is hypocritical—it calls on members of the international community to "reflect soberly" on a number of matters—although this body held no hearings on this resolution, and has not even had 24 hours to review it. I would hazard a guess that fewer than 2 percent of the Members of this body, or their staffs have actually read the opinion in question, much less reflected soberly on it.

The resolution is needlessly belligerent—it threatens that anyone who seriously considers the ICJ ruling to raise questions about the resolution of this issue "Risk[s] a strongly negative impact on their relationship with the people and government of the United States." At this time, we need to be working with our colleagues in the international community to find a solution, listening to what they have to say, rather than threatening them.

The opinion states that construction of the barrier inside Occupied Palestinian Territory is illegal under international law. I'm not a lawyer—but I know that if I build my fence on your property, I've got to take it down.

The resolution notes that the Israeli courts themselves have been critical of the barrier, and have directed that changes be made to the wall's route. While this is true, it does not mean that other states concerned with the stability of the region, should not have the benefit of an advisory opinion on the legal ramifications of the wall by an outside party.

Interesting points from that Israeli Supreme Court case (which only covered one portion of the fence):

> 86. Our task is difficult. We are members of Israeli society. Although we are sometimes in an ivory tower, that tower is in the heart of Jerusalem, which is not infrequently struck by ruthless terror. We are aware of the killing and destruction wrought by terror against the state and its citizens. As any other Israelis, we too recognize the need to defend the country and its citizens against the wounds inflicted by terror. We are aware that in the short term, this judgment will not make the state's struggle against those rising up against it easier. But we are judges. When we sit in judgment, we are subject to judgment. We act according to our best conscience and understanding. Regarding the state's struggle against the terror that rises up against it, we are convinced that at the end of the day, a struggle according to the law will strengthen her power and her spirit. There is no security without law. Satisfying the provisions of the law is an aspect of national security. I discussed this point in HCJ 5100/94 The Public Committee against Torture in Israel v. The Government of Israel, at 845:
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> "We are aware that this decision does make it easier to deal with that reality. This is the destiny of a democracy—she does not see all means as acceptable, and the ways of her enemies are not always open before her. A democracy must sometimes fight with one arm tied behind her back. Even so, a democracy has the upper hand. The rule of law and individual liberties constitute an important aspect of her security stance. At the end of the day, they strengthen her spirit and this strength allows her to overcome her difficulties.
>
> "That goes for this case as well. Only a Separation Fence built on a base of law will grant security to the state and its citizens. Only a separation route based on the path of law will lead the state to the security so yearned for.

A nonbinding opinion is just that. Disagree with it all you want—pick it apart, show how it is wrong. But to condemn people for voicing an opinion is undemocratic and should be beneath this body.

Mr. SAXTON. Mr. Speaker, I would like to thank my friend from Indiana for not only introducing this important piece of legislation but for taking the lead in this Congress on this important issue. Mr. Speaker, as someone who has visited Israel on several occasions and viewed the security fence, it is abundantly clear that it was built out of necessity. On my last trip, I was reminded once again, that the drive from the beautiful beachfront in Tel Aviv, to the Palestinian town of Qualqilya in the West Bank took less then 25 minutes. That same 25 minutes is all the time it would take for a suicide bomber to find his or her way to a bus stop, a shopping mall, or a discotechque.

Earlier today I had the honor of hosting 20 victims of Palestinian terrorism. As I met with them I was reminded of a simple but gruesome fact: everyday for nearly 60 years Israelis have awoken in the morning to a constant threat of terrorism. Terrorism is what built the security fence. The Government of Israel has said on numerous occasions that if after more then 10 years of empty promises and bold face lies by Yassir Arafat and his cronies, if the Palestinian leadership would finally crack down on terrorism and work to reform the Palestinian territories, then perhaps one day the fence would no longer be necessary.

Mr. Speaker, echoing my friend from Indiana I would like to commend President Bush and Secretary of State Powell for taking the lead in marshalling opposition to the use of the International Court of Justice as a forum to solve the ongoing Israeli/Palestinian conflict. The decision by the ICJ will do nothing politically or legally to help destroy Palestinian terrorism or reform the Palestinian Authority.

Mr. Speaker, I would like to once again commend my friend from Indiana for introducing this bold resolution and I yield back the balance of my time.

Mr. GREEN of Texas. Mr. Speaker, I rise today to express my opposition to the International Court of Justice's July 9, 2004, advisory opinion condemning Israel's security fence.

Israel's security fence is an important tool necessitated by continued Palestinian terrorism. Israel has the same obligation to protect its citizens as any other nation, including the United States.

The ruling by the ICJ is not only the latest in the United Nations long line of anti-Israel actions, but also sets several dangerous precedents in international law that hinder and impede United States antiterrorism efforts.

Having been to Israel on several occasions, I can personally attest to Israel's need for this security fence. Many measures have been taken to make its presence less intrusive on the Palestinian people, while still providing necessary protection for Israeli citizens.

Further proof of this is the June 30, 2004, ruling by the Israeli Supreme Court, which ruled that a contentious section of the barrier being built by Israel in the West Bank violates the rights of thousands of Palestinian residents by separating them from their farmland. This ruling led to a shift in the path of an 18-mile section to meet the court's demands. This fence is a necessary means of protection for a people that have suffered numerous terrorist attacks, not on their government or military, but on innocent civilians.

Israel has not claimed that this fence is a permanent barrier; it is a temporary solution to protect its citizens who have been plagued by violence.

Mr. Speaker, I oppose the International Court of Justice's decision, and I fully support Israel's right to protect its citizens.

Mr. BURTON of Indiana. Mr. Speaker, the State of Israel has been an unwavering friend and ally of the United States for decades. And Israel has stood in complete solidarity with the United States in the Global War on Terror. Over the past half-century, bipartisan support for Israel, the only true democracy in the Middle East, has been a staple of every U.S. Congress regardless of which party is in the majority. While the United Nations, other international organizations, and the governments of many countries of the world are quick to adopt the positions of Israel's adversaries, especially when Israelis exercise their absolute right to defend themselves, Congress has remained unwavering in its moral stand behind Israel. Again today, by passing House Concurrent Resolution 713—H. Con. Res. 713—a resolution I proudly cosponsored and championed, the Members of this House once again stood fast as the counterweight to most of the world's imbalanced, "blame Israel" approach to the Arab-Israeli conflict. H. Con. Res. 371, expressed this body's strong support for Israel's construction of a security fence to prevent Palestinian terrorist attacks, and condemned the United Nations General Assembly's decision to request the International Court of Justice to render an opinion on the legality of the fence.

Despite the fact that more than 40 nations, including the United States, 15 members of the European Union, Russia, Canada, Australia and even South Africa believed the International Court of Justice, ICJ, did not have the competence or the jurisdiction to rule on the matter, last week, the ICJ issued an advisory finding that Israel's security barrier in the West Bank is illegal. This ruling shouldn't have come as a surprise to anyone as Israel's detractors have successfully manipulated every arm of the United Nations to delegitimize Israel. The U.N. General Assembly itself has been a hotbed of anti-Israel activity, passing more than 400 resolutions against Israel since 1964, more resolutions than on any other single subject. But that body has never once investigated the Palestinian terror campaign against Israel, nor has it investigated abuse, torture, and other human rights violations by nondemocratic states in the Arab world.

In 2004, no Israeli has been killed or wounded by suicide bombings in areas protected by the fence, while 19 Israeli citizens have been killed and 102 wounded by homicide attacks in areas without the fence. The fence has produced a 90-percent drop in terrorism emanating from the northern West Bank, formerly the originating point for scores of devastating homicide bombings and other deadly terror attacks.

I commend to all of my colleagues an excellent Op-Ed written by former Israeli Prime Minister and current Finance Minister Benjamin Netanyahu laying out a clear and intellectually sound argument for why Israel needs the security fence and why Israel should never surrender its right to defend itself. I would like to have the text of this Op-Ed placed into the CONGRESSIONAL RECORD following my statement. I urge my colleagues to read it and speak out against the blatantly political ruling of the so-called International Court of Justice.

[From the New York Times, July 13, 2004]

WHY ISRAEL NEEDS A FENCE

(By Benjamin Netanyahu)

JERUSALEM.—While the advisory finding by the International Court of Justice last week that Israel's barrier in the West Bank is illegal may be cheered by the terrorists who would kill Israeli civilians, it does not change the fact that none of the arguments against the security fence have any merit.

First, Israel is not building the fence on territory that under international law can be properly called "Palestinian land." The fence is being built in disputed territories that Israel won in a defensive war in 1967 from a Jordanian occupation that was never recognized by the international community. Israel and the Palestinians both claim ownership of this land. According to Security Council Resolution 242, this dispute is to be resolved by a negotiated peace that provides Israel with secure and recognized boundaries.

Second, the fence is not a permanent political border but a temporary security barrier. A fence can always be moved. Recently, Israel removed 12 miles of the fence to ease Palestinian daily life. And last month, Israel's Supreme Court ordered the government to reroute 20 more miles of the fence for that same purpose. In fact, the indefensible line on which many have argued the fence should run—that which existed between Israel and the Arab lands before the 1967 war—is the only line that would have nothing to do with security and everything to do with politics. A line that is genuinely based on security would include as many Jews as possible and as few Palestinians as possible within the fence.

That is precisely what Israel's security fence does. By running into less than 12 percent of the West Bank, the fence will include about 80 percent of Jews and only 1 percent of Palestinians who live within the disputed territories. The fence thus will block attempts by terrorists based in Palestinian cities to reach major Israeli population centers.

Third, despite what some have argued, fences have proven highly effective against terrorism. Of the hundreds of suicide bombings that have taken place in Israel, only one has originated from the Gaza area, where Hamas and Islamic Jihad are headquartered. Why? Because Gaza is surrounded by a security fence. Even though it is not complete, the West Bank security fence has already drastically reduced the number of suicide attacks.

The obstacle to peace is not the fence but Palestinian leaders who, unlike past leaders like Anwar Sadat of Egypt and King Hussein of Jordan, have yet to abandon terrorism and the illegitimate goal of destroying Israel. Should Israel reach a compromise with a future Palestinian leadership committed to peace that requires adjustments to the fence, those changes will be made. And if that peace proves genuine and lasting, there will be no reason for a fence at all.

Instead of placing Palestinian terrorists and those who send them on trial, the United Nations-sponsored international court placed the Jewish state in the dock, on the charge that Israel is harming the Palestinians' quality of life. But saving lives is more important than preserving the quality of life. Quality of life is always amenable to improvement. Death is permanent. The Palestinians complain that their children are late to school because of the fence. But too many of our children never get to school—they are blown to pieces by terrorists who pass into Israel where there is still no fence.

In the last four years, Palestinian terrorists have attacked Israel's buses, cafes, discos and pizza shops, murdering 1,000 of our citizens. Despite this unprecedented savagery, the court's 60-page opinion mentions terrorism only twice, and only in citations of Israel's own position on the fence. Because the court's decision makes a mockery of Israel's right to defend itself, the government of Israel will ignore it. Israel will never sacrifice Jewish life on the debased altar of "international justice."

Mr. PENCE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. PENCE) that the House suspend the rules and agree to the resolution, H. Res. 713, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. PENCE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

JAMESTOWN 400TH ANNIVERSARY COMMEMORATIVE COIN ACT OF 2003

Mr. CASTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1914) to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement, as amended.

The Clerk read as follows:

H.R. 1914

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Jamestown 400th Anniversary Commemorative Coin Act of 2003".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The founding of the colony at Jamestown, Virginia, in 1607, the first permanent English colony in America, and the capital of Virginia for 92 years, has major significance in the history of the United States.

(2) The Jamestown Settlement brought people from throughout the Atlantic Basin together to form a society that drew upon the strengths and characteristics of English, European, African, and Native American cultures.

(3) The economic, political, religious, and social institutions that developed during the first 9 decades of the existence of Jamestown continue to have profound effects on the United States, particularly in English common law and language, cross cultural relationships, manufacturing, and economic structure and status.

(4) The National Park Service, the Association for the Preservation of Virginia Antiquities, and the Jamestown-Yorktown Foundation of the Commonwealth of Virginia collectively own and operate significant resources related to the early history of Jamestown.

(5) In 2000, Congress established the Jamestown 400th Commemoration Commission to ensure a suitable national observance of the Jamestown 2007 anniversary and to support and facilitate marketing efforts for a commemorative coin, stamp, and related activities for the Jamestown 2007 observances.

(6) A commemorative coin will bring national and international attention to the lasting legacy of Jamestown, Virginia.

(7) The proceeds from a surcharge on the sale of such commemorative coin will assist the financing of a suitable national observance in 2007 of the 400th anniversary of the founding of Jamestown, Virginia.

SEC. 2. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—The Secretary of the Treasury (hereafter in this Act referred to as the "Secretary) shall mint and issue the following coins:

(1) $5 GOLD COINS.—Not more than 100,000 5 dollar coins, which shall—

(A) weigh 8.359 grams;

(B) have a diameter of 0.850 inches; and

(C) contain 90 percent gold and 10 percent alloy.

(2) $1 SILVER COINS.—Not more than 500,000 1 dollar coins, which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 3. SOURCES OF BULLION.

The Secretary shall obtain gold and silver for minting coins under this Act pursuant to the authority of the Secretary under other provisions of law.

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the settlement of Jamestown, Virginia, the first permanent English settlement in America.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year "2007"; and

(C) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with—

(A) the Jamestown 2007 Steering Committee, created by the Jamestown-Yorktown Foundation of the Commonwealth of Virginia;

(B) the National Park Service; and

(C) the Commission of Fine Arts; and

(2) reviewed by the citizens advisory committee established under section 5135 of title 31, United States Code.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b). MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular combination of denomination and quality of the coins minted under this Act.

(c) PERIOD FOR ISSUANCE.—The Secretary may issue coins minted under this Act only during the period beginning on January 1, 2007, and ending on December 31, 2007.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—Notwithstanding any other provision of law, the coins issued under this Act shall be sold by the Secretary at a price equal to the face value, plus the cost of designing and issuing such coins (including labor, materials, dies, use of machinery, overhead expenses, and marketing).

(b) Bulk Sales.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) Prepaid Orders.—

(1) In general.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) Discount.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 7. SURCHARGES.

(a) Surcharge Required.—All sales shall include a surcharge of $35 per coin for the $5 coins and $10 per coin for the $1 coins.

(b) Distribution.—Subject to section 5134(f) of title 31, United States Code, all surcharges which are received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary as follows:

(1) Programs to promote understanding of the legacies of Jamestown.—½ of the surcharges shall be used to support programs to promote the understanding of the legacies of Jamestown and for such purpose shall be paid to the Jamestown-Yorktown Foundation of the Commonwealth of Virginia.

(2) Other purposes for surcharges.—

(A) In general.—½ of the surcharges shall be used for the following purposes:

(i) To sustain the ongoing mission of preserving Jamestown.

(ii) To enhance national and international educational programs relating to Jamestown, Virginia.

(iii) To improve infrastructure and archaeological research activities relating to Jamestown, Virginia.

(iv) To conduct other programs to support the commemoration of the 400th anniversary of the settlement of Jamestown, Virginia.

(B) Recipients of surcharges for such other purposes.—The surcharges referred to in subparagraph (A) shall be distributed by the Secretary in equal shares to the following organizations for the purposes described in such subparagraph:

(i) The Secretary of the Interior.

(ii) The Association for the Preservation of Virginia Antiquities.

(iii) The Jamestown-Yorktown Foundation of the Commonwealth of Virginia.

(c) Audits.—The Jamestown-Yorktown Foundation of the Commonwealth of Virginia, the Secretary of the Interior, and the Association for the Preservation of Virginia Antiquities shall each be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code.

(d) Limitation.—Notwithstanding subsection (a), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual 2 commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of the enactment of this Act). The Secretary of the Treasury may issue guidance to carry out this subsection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware (Mr. Castle) and the gentleman from Georgia (Mr. Scott) each will control 20 minutes.

The Chair recognizes the gentleman from Delaware (Mr. Castle).

GENERAL LEAVE

Mr. CASTLE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on this legislation.

The SPEAKER pro tempore (Ms. Harris). Is there objection to the request of the gentleman from Delaware?

There was no objection.

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Mr. CASTLE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of H.R. 1914, the Jamestown 400th Anniversary Commemorative Coin Act of 2003, introduced by the gentlewoman from Virginia (Mrs. Jo Ann Davis), and ask for its immediate passage.

The legislation authorizes the minting and sale in 2007 of gold $5 coins and silver $1 coins commemorating the 400th anniversary of the founding in 1607 of Jamestown, Virginia, the first permanent European colony in the United States and the capital of Virginia for 92 years.

The economic, political, social and cultural institutions that developed in the Jamestown Settlement, which brought together people from throughout the Atlantic basin, left profound effects on the United States, establishing the traditions of English common law and the English language, as well as cross-cultural relationships.

I would like to thank the gentlewoman from Virginia, whom we will call on to speak here in moment, because it is all of her work with the planning committee that made all this possible.

Madam Speaker, this legislation was passed by voice vote in both the subcommittee and the full Committee on Financial Services, and I do ask for immediate passage of this important legislation, which I am pleased to cosponsor.

Madam Speaker, I reserve the balance of my time.

Mr. SCOTT of Georgia. Madam Speaker, I yield myself such time as I may consume, and I want to thank the gentleman from Delaware (Mr. Castle).

Madam Speaker, I rise to support House Resolution 1914, which is the Jamestown 400th Anniversary Commemorative Coin Act of 2003. The year 2007 will be the 400th anniversary of the founding in 1607 of Jamestown, Virginia, the first permanent European colony in the United States and the capital of Virginia for 92 years. H.R. 1914 authorizes the minting and sale of commemorative coins honoring this distinguished event.

The Jamestown Settlement, which brought together people from throughout the Atlantic basin, had a substantial impact open the development of the United States of American, establishing the tradition of English common law and the English language, as well as cross-cultural relationships.

Congress established the Jamestown 400th Commemorative Commission in 2000 to ensure a suitable national observation of the founding. Surcharges from the sale of the commemorative coins, which are conservatively estimated to be $3 million, will be paid to the National Park Service, the Association for the Preservation of Virginia Antiquities, and the Jamestown-Yorktown Foundation of the Commonwealth of Virginia to support their efforts for the 400th anniversary.

I urge my colleagues to support H.R. 1914, the Jamestown 400th Anniversary Commemorative Coin Act.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CASTLE. Madam Speaker, I yield such time as she may consume to the gentlewoman from Virginia (Mrs. Jo Ann Davis), the sponsor of this resolution before us.

Mrs. JO ANN DAVIS of Virginia. Madam Speaker, in 2007, as you have heard, the United States will commemorate the 400th anniversary of the founding of the Jamestown Settlement. As has been said, it was the capital of Virginia for 92 years.

It was at Jamestown that numerous American values and ideals came into being. Representative government was first established, private land ownership was permitted, and the spirit of free enterprise was born.

Local, State, and national organizations are currently preparing for what will be a year-long commemoration of the quadricentennial. Efforts are underway to restore and preserve the settlement and to promote national and international educational programs that increase understanding of the democratic principles that were born here.

Madam Speaker, I introduced this legislation authorizing the sale of commemorative coins in honor of the 400th anniversary of the Jamestown Settlement to help offset the cost of this occasion. The proceeds from the sale of these coins will be used to preserve the legacy of this first permanent English settlement. Jamestown is an important part of our Nation's history, with profound effects on the United States, even to this date.

Madam Speaker, I am honored to represent this historic Jamestown Settlement located in America's first district.

Madam Speaker, I would like to thank all the Members of the committee and the chairman for bringing this bill forward. I would like to also thank the 299 of my colleagues who cosponsored this bill.

I urge all my colleagues to support its passage.

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today to join my colleagues in support of H.R. 1914, the Jamestown 400th Anniversary Commemorative Coin Act of 2003. In

2007, the world will observe the 400th anniversary of the landing at Jamestown—a place and time where the cultures of North America, Europe and Africa converged, initiating and testing the unique values that ultimately created our nation. The success of the Jamestown settlement set in motion the establishment of a democratic form of government, private land ownership, free enterprise, entrepreneurship—all of which continue to evolve into our uniquely American society. The stories at Jamestown offer Americans a timely and timeless lesson in patriotism.

Historic Jamestown is America's birthplace. Ongoing research is rewriting our understanding of this significant opening chapter in American history. Moreover, studies reveal vast new knowledge about the interactions between peoples, their genealogy, their struggles and their survival to create a new society.

In short, I believe this coin will help to ensure the cultural preservation and educational programs based on the legacies of Jamestown will be sustained and expanded well into the future. I commend the sponsors and leadership for bringing this to the floor and urge the passage of this resolution.

Mr. OXLEY. Madam Speaker, I rise in strong support of H.R. 1914, the "Jamestown 400th Anniversary Commemorative Coin Act of 2003," authored by the gentle lady from Virginia, Mrs. DAVIS, and ask for its immediate passage.

Madam Speaker, it is easy to lose sight of the importance of the founding of Jamestown. Of course, it was the first permanent European settlement in what is now the United States. But from its earliest days, Jamestown fused the cultures of Europe, of the natives of America, and of the Caribbean, establishing a tradition of diversity and respect for others, as well as the traditions of English common law. In a very important way, the colony was not only the toehold of Europe, but the seed from which a new and truly American—not a replica European—society was formed.

It is for that reason that I wholeheartedly support this legislation. The educational efforts and the archaeological efforts that would be funded by the surcharges generated by the sales of the coins authorized in this legislation will be an important way to remind us, our children, and those who come long after of the importance of this colony.

I would like to congratulate Mrs. DAVIS for her legislation and for all the hard work to get the co-sponsorship of more than two-thirds of this body, and as well thank Chairman THOMAS for his help in expediting consideration of the bill. With that, I urge immediate passage of this legislation.

Mr. SCHROCK. Madam Speaker, I rise today in support of the Jamestown 400th Anniversary Commemorative Coin Act.

In December 1606 over 100 explorers left England in the spirit of exploration and discovery. They finally reached land on April 26, 1607 at the mouth of the Chesapeake Bay. These explorers landed in Virginia Beach, Virginia at a spot they named "Cape Henry."

Upon setting foot on solid ground, George Percy proclaimed, "fair meadows and goodly tall trees, with such fresh waters running through the woods as I was almost ravished at the sight thereof." The Second District of Virginia is still home to these fresh waters and tall trees that the settlers were so relieved to see.

After resting here for 3 days and erecting a cross, at the instruction of Captain Newport, the settlers continued their journey up the James River to eventually find a home at Jamestown. Today, a cross still stands on this historic beach in Fort Story in Virginia Beach, commemorating this landing and memorializing the end of one journey but the beginning of another.

The first months in their new home proved to be an invariable struggle but by 1607 they had created the first permanent English settlement in the new world, Jamestown. Their will to survive coupled with help from their neighbors, the Virginia Indians, facilitated the Jamestown settlers in their quest to start a new life.

The 400th anniversary of the settlement of Jamestown will be celebration for all of Virginia. Rich in history, the Commonwealth of Virginia has always offered many opportunities for its residents and visitors alike to explore the wealth of history that helped shape our great nation. The 400th Anniversary Jamestown Commemorative Coin will benefit both Jamestown and the entire Commonwealth of Virginia by reaffirming our dedication to the preservation of history. This coin will help Virginia share this rich history with the rest of America and let us all celebrate this terrific anniversary.

I thank the gentlewoman from Virginia, Mrs. DAVIS, for her work on this legislation, and I urge my colleagues to support it.

Mr. CASTLE. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Ms. HARRIS). The question is on the motion offered by the gentleman from Delaware (Mr. CASTLE) that the House suspend the rules and pass the bill, H.R. 1914, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

MARINE CORPS 230TH ANNIVERSARY COMMEMORATIVE COIN ACT

Mr. CASTLE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3277), to require the Secretary of the Treasury to mint coins in commemoration of the 230th Anniversary of the United States Marine Corps, and to support construction of the Marine Corps Heritage Centers, as amended.

The Clerk read as follows:

H.R. 3277

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Marine Corps 230th Anniversary Commemorative Coin Act".

SEC. 2. FINDINGS.

The Congress finds that—

(1) November 10, 2005, marks the 230th anniversary of the United States Marine Corps;

(2) the United States Marine Corps has, over the course of its illustrious 230-year history, fought gallantly in defense of the United States;

(3) the United States Marine Corps has, over the course of its storied history, established itself as the Nation's military leader in amphibious warfare, and will continue in that role as the United States faces the challenges of the 21st Century;

(4) the United States Marine Corps continues to exemplify the warrior ethos that has made it a fighting force of international repute;

(5) all Americans should commemorate the legacy of the United States Marine Corps so that the values embodied in the "Corps" are recognized for the significant contribution they have made in protecting the United States against its enemies;

(6) in 2001, the Congress authorized the construction of the Marine Corps Heritage Center, the purpose of which is to provide a multipurpose facility to be used for historical displays for the public viewing, curation, and storage of artifacts, research facilities, classrooms, offices, and associated activities, consistent with the mission of the Marine Corps;

(7) the Marine Corps Heritage Center is scheduled to open on November 10, 2005;

(8) the United States should pay tribute to the 230th anniversary of the United States Marine Corps by minting and issuing a commemorative silver dollar coin; and

(9) the surcharge proceeds from the sale of a commemorative coin, which would have no net costs to the taxpayers, would raise valuable funding for the construction of the Marine Corps Heritage Center.

SEC. 3. COIN SPECIFICATIONS.

(a) $1 SILVER COINS.—The Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall mint and issue not more than 500,000 $1 coins, each of which shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.500 inches; and

(3) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the warrior ethos of the United States Marine Corps.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act, there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year "2005"; and

(C) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary, after consultation with the Marine Corps Historical Division and the Commission of Fine Arts; and

(2) reviewed by the Citizens Coinage Advisory Committee.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(c) PERIOD FOR ISSUANCE.—The Secretary may issue coins minted under this Act only during the 1-year period beginning on January 1, 2005.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in subsection (b) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) SURCHARGES.—All sales of coins issued under this Act shall include a surcharge of $10 per coin.

(c) BULK SALES.—The Secretary shall make bulk sales of coins issued under this Act at a reasonable discount.

(d) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) should be at a reasonable discount.

(e) LIMITATION.—Notwithstanding subsection (b), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual 2 commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of the enactment of this Act). The Secretary of the Treasury may issue guidance to carry out this subsection.

SEC. 7. DISTRIBUTION OF SURCHARGES.

(a) DISTRIBUTION.—Subject to section 5134(f) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the Marine Corps Heritage Foundation for the purposes of construction of the Marine Corps Heritage Center, as authorized by section 1 of Public Law 106–398 (114 Stat. 1654).

(b) AUDIT.—The Marine Corps Heritage Foundation shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code, with regard to the amounts received under subsection (a).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware (Mr. CASTLE) and the gentleman from Georgia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Delaware (Mr. CASTLE).

GENERAL LEAVE

Mr. CASTLE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3277, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Delaware?

There was no objection.

Mr. CASTLE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in strong support of H.R. 3277, the Marine Corps 230th Anniversary Commemorative Coin Act, authored by the gentleman from Pennsylvania (Mr. MURTHA), himself a Marine, and ask for its immediate passage.

Madam Speaker, this legislation authorizes the Secretary of the Treasury to strike and issue in 2005 $1 silver commemorative coins in observation of the 230th anniversary of the founding of the Marine Corps, which will be celebrated November 10, 2005.

The corps of Marines was create in 1775 by the Continental Congress even before the formal creation of the United States to provide a landing force for the evolving country's fleet.

Moving forward from that tradition of service on land and sea, the Marines have played pivotal roles in every major conflict in which the United States has been involved, often taking the most grueling tasks with pride.

Madam Speaker, proceeds from surcharges on the sale of the commemorative coins will be applied after the raising of the matching funds towards the construction of a Marine Corps Heritage Center being built at Quantico, Virginia, by the Marine Corps Heritage Foundation, a 501(c)3 nonprofit corporation. The foundation is dedicated to the preservation and chronicling of Marine Corps history through scholarly research, education and outreach efforts detailing the Marine Corps' contributions to the Nation. The center is scheduled to open on the 230th anniversary of the founding of the corps.

Obviously, the Marine Corps, with its storied tradition, has played an important part in the defense of this country and our values, and I believe the Marine Corps is a distinguished group of men and women worthy of a commemorative coin and the heritage center is a fine endeavor to receive the funds raised.

It is my understanding that some of the artifacts that will be in the center now are housed in a World War II-era Quonset hut, and I think we can all agree that a better environment to preserve and teach about these important artifacts is necessary.

Finally, Madam Speaker, I would like to take a moment to thank the gentleman from Pennsylvania (Mr. MURTHA), as I mentioned, himself a Marine, for his diligent and tireless work on behalf of this legislation, which is supported by more than 300 bipartisan cosponsors, myself included.

I would also like to recognize, in addition to the gentleman from Pennsylvania (Mr. MURTHA), the five Members of the United States House of Representatives who served in the United States Marine Corps: the gentleman from Illinois (Mr. EVANS), the gentleman from Maryland (Mr. GILCHREST), the gentleman from New York (Mr. HOUGHTON), the gentleman from Minnesota (Mr. KLINE), and the gentleman from Arkansas (Mr. SNYDER). We thank these gentleman and all the men and women of the United States Marine Corps for their service to our country.

Madam Speaker, I ask for immediate passage of H.R. 3277, which was approved on voice votes in both subcommittee and the full Committee on Financial Services.

Madam Speaker, I reserve the balance of my time.

Mr. SCOTT of Georgia. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this is indeed an honor for me today, to stand on this most important bill in recognition of our Marine Corps, and I want to start my remarks by recognizing a distinguished Marine himself, the distinguished gentleman from Pennsylvania (Mr. MURTHA), who is the primary author of this legislation.

Today, Madam Speaker, we take up the Marine Corps 230th Anniversary Commemorative Coin Act, H.R. 3277. This measure passed the Committee on Financial Services by voice vote with my support.

November 10, 2005, marks the 230th anniversary of the United States Marine Corps. The United States Marine Corps has, over the course of its illustrative 230-year history, fought gallantly in defense of the United States.

This commemorative coin bill will direct the Secretary of the Treasury to mint 500,000 $1 coins with the emblem of the warrior ethos of the United States Marine Corps. The surcharge proceeds from the sale of this commemorative coin, which would have no net cost to the taxpayers, will raise valuable funding for the construction of the Marine Corps Heritage Center.

In 2001, the Congress authorized the construction of the Marine Corps Heritage Center. The facility will be used for historical displays, curation, and the storage of artifacts, research facilities, classrooms and offices. The Marine Corps Heritage Center is scheduled to open on November 10, 2005.

I strongly support the Marine Corps, especially since in Georgia we have a Marine Corps presence at the Marine Corps Logistics Base, in Albany, Georgia. The base comprises a depot maintenance complex that provides worldwide expeditionary logistics support to the Fleet Marine Force, and other forces and agencies.

The repair facility operates as a multi-commodity maintenance center. The maintenance center is an integral part of the Marine Corps Logistics Base and works closely with other organizations in carrying out the mission of the base, which is to provide logistics support to Marine forces that will maintain continued readiness and sustainment necessary to meet operational requirements.

The Marine Corps Maintenance Center, MC, is capable of supporting Marine Corps ground combat and combat support equipment, as well as other customers with similar needs. Personnel are cross-trained to apply common skills to work on a variety of equipment and different commodities. This affords the Marine Corps MCs the flexibility to rapidly realign their work force to meet the changing requirements of the FMF and other customers. It should be noted that while the MCs' capacities for each major commodity is highly flexible, their total capacity is relatively constant.

The Marine Logistics Base in Albany, Georgia, is critical, because during the late 1990s, Marine Corps units deployed to several African nations, including Liberia, the Central African Republic and Zaire in order to provide security and assist in the evacuation of American citizens during periods of political and civil instability in these nations.

Humanitarian and disaster relief operations were also conducted by Marines during the 1998 situation in Kenya and in the Central American nations of Honduras, Nicaragua, El Salvador and Guatemala.

In 1999, Marine units deployed to Kosovo in support of Operation Allied Forces.

Soon after the September 11, 2001, terrorist attack on New York City and here in Washington, D.C., Marine units deployed to the Arabian Sea and in November set up a forward operating base in southern Afghanistan as part of Operation Enduring Freedom.

Today the Marine Corps stands ready to continue in the proud tradition of those who valiantly fought and died at Iwo Jima, in the Chosin Reservoir and Khe Sanh, combining a long and proud heritage of faithful service to this Nation, with the resolve to face tomorrow's challenges, and will continue to keep the Marine Corps the best of the best.

Madam Speaker, from the foundation of this country, from the Revolutionary War, to the War of 1812, to the Mexican-American War, to the Civil War, to the Spanish-American War, World War I and World War II, to the Korean War, from the Halls of Montezuma to the shores of Tripoli, from the jungles in Vietnam to the hot sand in the Middle East, our Marine Corps has been there, on the cutting edge, standing strong and fighting and dying for our freedom and freedom around this world, and oftentimes standing when there is nothing left to do but stand and die for a noble cause, freedom and democracy.

Madam Speaker, I know that every American in this country joins me in recognizing the Marine Corps with this 230th commemorative coin that will go a long way in simply saying thank you, our Marines.

Madam Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. EVANS).

Mr. EVANS. Madam Speaker, I am proud to support this Commemorative Coin Act. I want to thank my friend and fellow Marine, the gentleman from Pennsylvania (Mr. MURTHA), for sponsoring this legislation. We have worked hard together to get our colleagues out in cosponsoring this legislation.

I am really impressed how eager our colleagues are to support the United States Marine Corps. There are currently only six enlisted men serving in the United States House of Representatives that were in the Marine Corps.

My friend, the gentleman from New York (Mr. HOUGHTON), is the oldest Marine; and I am proud to serve with him. As we all know, the gentleman is retiring this year and will be missed. He represents the generation of Marines that motivated my brother and myself to join the corps. It was his generation and their heroics in Guadalcanal, Iwo Jima and other places of legend and lore that seduced thousands of men and women to join.

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Madam Speaker, many people can point to a time in their life when everything changed. For me, it was my time in the United States Marine Corps. Not only did it give me discipline and rigorous physical conditioning, but it gave me a purpose in life.

The Marine Corps has continued to give generations of young Americans a purpose for their lives. So I thank the Chair for sponsoring this and for helping us to get it to this point.

Mr. SCOTT of Georgia. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CASTLE. Madam Speaker, in yielding back, let me just thank the gentleman from Illinois (Mr. EVANS) for his service to this country on a couple of fronts, obviously, here in Congress and as a Marine, and the gentleman from Georgia (Mr. SCOTT) for his touching speech for the Marines, for whom we all owe a great debt of gratitude. I urge everyone to support the legislation.

Mr. SCHROCK. Madam Speaker, I rise today in support of H.R. 3277, the Marine Corps 230th Anniversary Commemorative Coin Act.

As a representative of one of the largest military constituencies in the Nation and as the chairman of the House Navy and Marine Corps Caucus, I am proud to support this bill.

This is about memorializing the heritage of the United States Marine Corps, both in silver, and through the financial support that this will bring to funding the Marine Corps Heritage Center, which will allow us to preserve the over 200 years of brave service to our country that the Marine Corps has rendered.

The Marine Corps fought during America's first war on terror, when then President Thomas Jefferson launched a war against the Barbary pirates, who for nearly 200 years had terrorized shipping in the Caribbean, raiding ships, and forcing American merchant sailors into slavery until ransom was paid for their release.

Like today, the actions of these terrorists were openly supported by foreign nations who had no respect for law. Like today, few other countries in the world were willing to stand up and fight.

Many European nations calculated that paying tribute to the Barbary pirates to leave their merchant ships alone gave them an edge over young countries like the United States in commercial trade.

As part of Jefferson's war on the Barbary pirates, in 1805, a brave force of U.S. Marines crossed over 600 miles of West African desert and successfully assaulted the Barbary pirate harbor fortress at Derna, on the shores of Tripoli.

Following this victory, these Marines were the first U.S. forces to hoist the flag of the United States over territory in the Old World.

This early success of the Marines struck a blow for the forces of lawful nations against the terrorism of their day, and contributed to a change in the policy of European nations paying tribute, eventually bringing an end to the terrorism of the Barbary Coast nations.

This heritage is what we are commemorating with the passage of this bill. It is the same heritage that we will be preserving through the Marine Corps Heritage Center.

Mr. OXLEY. Madam Speaker, I rise today in strong support of H.R. 3277, the Marine Corps 230th Anniversary Commemorative Coin Act, authored by the gentleman from Pennsylvania, Mr. MURTHA, and ask for its immediate passage.

All of us know the grit the Marines have shown in the face of some of the worst of the fighting necessary to protect our Nation. All of us know the esprit de corps for which the Marines are famous. But, I think, few of us know all of the history of the Marines—that they were formed even before the United States became a country, for example. Passage of this legislation will help rectify that problem.

Surcharges from the sale of the coins authorized in this bill will help fund construction of a facility at Quantico to house Marines memorabilia currently held in a 60-plus-year-old corrugated-metal building that isn't going to last forever. The Marine Corps Heritage Center that would be partially funded by surcharges and matching funds will provide a permanent center for preserving those artifacts, and a place to do research on the Marines.

I would like to congratulate Mr. MURTHA for his legislation and for all the hard work to get the co-sponsorship of more than two-thirds of this body, and as well to thank Chairman THOMAS for his help in expediting consideration of the bill. With that, I urge immediate passage of this legislation.

Mr. CASTLE. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Ms. HARRIS). The question is on the motion offered by the gentleman from Delaware (Mr. CASTLE) that the House suspend the rules and pass the bill, H.R. 3277, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

JOHN MARSHALL COMMEMORATIVE COIN ACT

Mr. CASTLE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2768) to require the Secretary of the Treasury to mint coins in commemoration of Chief Justice John Marshall, as amended.

The Clerk read as follows:

H.R. 2768

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "John Marshall Commemorative Coin Act".

SEC. 2. FINDINGS.

The Congress hereby finds as follows:

(1) John Marshall served as the Chief Justice of the United States Supreme Court from 1801 to 1835, the longest tenure of any Chief Justice in the Nation's history.

(2) John Marshall authored more than 500 opinions, including virtually all of the most important cases decided by the Supreme Court during his tenure.

(3) Under his leadership, the Supreme Court of the United States gave shape to the fundamental principles of the Constitution, most notably the principle of judicial review.

(4) John Marshall's service to the United States—not only as a Chief Justice, but also as a soldier in the Revolutionary War, as a Member of Congress, and as Secretary of State—truly makes him one of the most important figures in our Nation's history.

SEC. 3. COIN SPECIFICATIONS.

(a) DENOMINATION.—In commemoration of the 250th anniversary of the birth of Chief Justice John Marshall, the Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall mint and issue not more than 400,000 $1 coins, each of which shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.500 inches; and

(3) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of Chief Justice John Marshall and his immeasurable contributions to the Constitution of the United States and the Supreme Court of the United States.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year "2005"; and

(C) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with the Commission of Fine Arts, and the Supreme Court Historical Society; and

(2) reviewed by the Citizens Coin Advisory Committee.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(c) COMMENCEMENT OF ISSUANCE.—The Secretary may issue coins minted under this Act beginning January 1, 2005.

(d) TERMINATION OF MINTING AUTHORITY.—No coins may be minted under this Act after December 31, 2005.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in section 7(a) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

(d) MARKETING.—The Secretary, in cooperation with the Legacy Fund of the Library of Congress, shall develop and implement a marketing program to promote and sell the coins issued under this Act both within the United States and internationally.

SEC. 7. SURCHARGES.

(a) IN GENERAL.—All sales of coins minted under this Act shall include a surcharge of $10 per coin.

(b) DISTRIBUTION.—Subject to section 5134(f) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the Supreme Court Historical Society for the purposes of—

(1) supporting historical research and educational programs about the Supreme Court and the Constitution of the United States and related topics;

(2) supporting fellowship programs, internships, and docents at the Supreme Court; and

(3) collecting and preserving antiques, artifacts, and other historical items related to the Supreme Court and the Constitution of the United States and related topics.

(c) AUDITS.—The Supreme Court Historical Society shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code, with regard to the amounts received by the Society under subsection (b).

(d) LIMITATION.—Notwithstanding subsection (a), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual 2 commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of the enactment of this Act). The Secretary of the Treasury may issue guidance to carry out this subsection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware (Mr. CASTLE) and the gentleman from Georgia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Delaware (Mr. CASTLE).

GENERAL LEAVE

Mr. CASTLE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Delaware?

There was no objection.

Mr. CASTLE. Madam Speaker, I yield myself such time as I may consume.

I do rise in strong support of this legislation, the John Marshall Commemorative Coin Act, authored by the gentleman from Alabama (Mr. BACHUS), and urge its immediate passage.

The legislation directs the Secretary of the Treasury to strike and issue, in 2005, silver one-dollar coins with a design emblematic of Chief Justice John Marshall, denoting the 250th anniversary of that great man's birth. Proceeds from the collection of surcharges on the sale of the coins will go, after matching funds are raised, to benefit the work of the Supreme Court Historical Society.

I would like to note that in addition to the broad bipartisan support for this legislation, in this Chamber and in the other body, we had a rather remarkable witness in the Subcommittee on Domestic and International Monetary Policy at a March hearing on this bill. For the first time in my memory, a Chief Justice of the Supreme Court testified before a committee other than that of the Committee on the Judiciary. Chief Justice Rehnquist gave a learned and enthusiastic presentation on behalf of the legislation.

Madam Speaker, John Marshall, known as "the Great Chief Justice," served as Chief Justice of the United States for 34 years, from 1801 to 1835. Born in the Blue Ridge hills of Virginia, he had little formal education but served as a captain of an artillery company in the battles of Brandywine and Monmouth and spent the winter with General Washington at Valley Forge during the Revolutionary War and briefly studied law after the war before being elected a Member of Congress from Virginia. At the time of his appointment as Chief Justice, he was Secretary of State to President Adams.

As Chief Justice Rehnquist reminded us, due mostly to Chief Justice Marshall, the Federal judiciary headed by the Supreme Court is regarded as a coequal branch of the Federal government, but in the first decade of this country the judiciary was much a junior partner.

Chief Justice Marshall is best known as the author of the Court's opinion in the famous case of Marbury v. Madison decided in 1803, known as the fountainhead of all of our present-day constitutional law because it established the doctrine of judicial review, the authority of the Federal courts to declare legislative acts unconstitutional.

Ultimately, Chief Justice Marshall wrote more than 500 opinions and, as Chief Justice Rehnquist reminded us, Oliver Wendell Holmes once said, "If American law were to be represented by a single figure, skeptic and worshipper alike would agree without dispute that the figure could be one alone, and that one John Marshall."

Madam Speaker, this legislation is supported by more than 300 bipartisan cosponsors and the full Committee on Financial Services by voice votes. I urge its immediate passage.

Madam Speaker, I reserve the balance of my time.

Mr. SCOTT of Georgia. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I certainly want to thank the distinguished gentleman from Delaware (Mr. CASTLE) for his eloquent remarks concerning Mr. MARSHALL.

I rise in support and I am happy to be a cosponsor of this bipartisan legislation, H.R. 2768, which authorizes the minting and sale of commemorative coins honoring the great Chief Justice John Marshall.

A Virginian, John Marshall served as Chief Justice of the Supreme Court for 34 years, from 1801 through 1835, which was the longest tenure of any Chief Justice.

Chief Justice Marshall served this country with distinction in all three branches of government. After serving General George Washington as an artillery captain during the Revolutionary War, he studied law and was elected as a Member of Congress from Virginia and was Secretary of State when President John Adams named him Chief Justice.

Chief Justice Marshall is widely regarded as the person who elevated the Supreme Court's status to that of an equal partner with the legislative and executive branches.

In the landmark Marbury v. Madison decision, written 2 years after he became Chief Justice, Marshall laid the legal groundwork for modern-day constitutional law and established the doctrine of judicial review.

Surcharge proceeds from the sale of these coins, which can conservatively be estimated at $1.5 million, are to be paid to the Supreme Court Historical Society. The Society is a nonprofit association dedicated to collecting and preserving the history of the Supreme Court and to providing public education on the history of the Constitution and the judiciary.

Specifically, the surcharges will be used to enable the Society to support historical research and education programs about the Court and the Constitution and related topics to support fellowship programs, internships, and documents of the Court, and to collect and preserve antiques and artifacts and other historical items related to the Court and the Constitution. John Marshall, a most deserving recognition for a most deserving American.

Madam Speaker, I reserve the balance of my time.

Mr. CASTLE. Madam Speaker, I have no further speakers at this time, but I would like to do something. The sponsor of the legislation could not be here tonight, the gentleman from Alabama (Mr. BACHUS), and was very interested in being able to speak, and I will submit for the RECORD those remarks.

Mr. OXLEY. Madam Speaker, I rise today in strong support of H.R. 2768, the "John Marshall Commemorative Coin Act," introduced by the gentleman from Alabama, Mr. BACHUS, and urge its immediate passage.

Mr. Speaker, no school child of my age, or probably even of today, does not know of the famous Marbury vs. Madison decision, written by Chief Justice John Marshall, that established the principle of judicial review and made the Supreme Court, and the Federal judiciary, a co-equal branch of government.

I think, though, that even law students probably do not know that as the country's first Chief Justice, John Marshall wrote more than 500 opinions, truly making the court the great institution it is today during his 34 years of service in that post.

Just as importantly, I am certain that few know of the great efforts by the Supreme Court Historical Society, which preserves court memorabilia, provides docents for the court building and offers conservation for some truly valuable items held by the society—here I am thinking particularly of a striking portrait of John Marshall himself.

Surcharge income from the sale of the coins authorized in this legislation will help preserve those items and preserve the true history of the court, a history for which John Marshall's own hand scrawled the first bold strokes.

I would like to congratulate Mr. BACHUS for his legislation and for all the hard work to get the co-sponsorship of more than 500 Members of this body, and as well to thank Chairman THOMAS for his help in expediting consideration of the bill. With that, I urge immediate passage of this legislation.

Mr. GUTIERREZ. Madam Speaker, the resolution we are considering today, H.R. 2768, provides for the minting of a commemorative coin to honor the life and legacy of Chief Justice John Marshall, an important figure in United States history. He was a soldier during the Revolutionary War, a member of Congress, and Secretary of State before serving as chief justice for 34 years, the longest period of any justice in our Nation's history. He authored more than 500 opinions, which helped shape the fundamental principles of the Constitution, most notably the principle of judicial review. His leadership helped set the course for our court to become the powerful and prestigious institution that it is today.

Most Chicagoans recognize the name John Marshall as that of the John Marshall Law School, located in the heart of the city's legal and financial district. This institution has a long and continuous tradition of diversity, innovation and opportunity. Students receive an education that combines an understanding of the theory, the philosophy and the practice of law. Alumni from John Marshall Law School are active participants in local and national politics.

I initially became aware of this bill through alumni of John Marshall Law School. I have since become a strong supporter because not only does it honor Marshall's legacy, but it also has the potential to generate millions of dollars for the Supreme Court Historical Society. I believe the Society is an important tool for all Americans. It helps keep us educated and informed of our Nation's highest court and its activities.

As I spoke to other offices about this legislature, I was pleased to be able to secure an additional 40 cosponsors for this bill, helping to move it forward. However, I am disappointed that it took so long to get it past the House Financial Services Committee, which reported it out on April 27, 2004. I would have liked such a worthy, bipartisan issue to have been brought on the floor for voting much sooner. Nonetheless, I am pleased to be standing here in front of you today and I urge you to support this honorable and worthy legislation.

Mr. BACHUS. Madam Speaker, I rise today as a sponsor of H.R. 2768, the John Marshall Commemorative Coin Bill. The Citizens Commemorative Coin Advisory Committee has recommended that a coin commemorating the 250th anniversary of Chief Justice John Marshall be minted in 2005.

John Marshall's service to United States—not only as Chief Justice, but also as a soldier in the Revolutionary War, as a Member of Congress, and as Secretary of State—truly makes him one of the most unique and important figures in our Nation's history. A commemorative coin in his honor would be a fitting way to mark the 250th anniversary of his birth.

One occasionally hears the expression that an institution is the lengthened shadow of a individual. One would be remiss in suggesting that an institution such as the Supreme Court, an institution that has endured for over 200 years, could be the lengthened shadow of any one individual; but surely if there is one individual who could possibly qualify for such a distinction, it would be John Marshall.

John Marshall served as Chief Justice of the United States Supreme Court from 1801 to 1835, much of that time spent in this very building, holding the longest tenure of any Chief Justice in the Nation's history. He authored more than 500 opinions, including virtually all of the most important cases that the Court decided during his tenure. Under his leadership, the Supreme Court gave shape to the fundamental principles of the Constitution.

Neither Marshall nor the Court has previously been honored with a commemorative coin. One in his honor would be a fitting way to mark the 250th anniversary of his birth. Furthermore, to those concerned with the expense incurred from the creation of this coin, surcharges received by the Secretary from the sale of the coins will be paid by the Secretary of Treasury to the Supreme Court Historical Society to support historical research and educational programs about the Supreme Court and the Constitution of the United States; to support fellowship programs, internships, and docents at the Supreme Court; and to collect and preserve antiques, artifacts, and other historical items related to the Supreme Court and the Constitution of the United States. I urge my colleagues to strongly support this legislation.

Mr. SCOTT of Georgia. Madam Speaker, I have no further requests for time, so I yield back the balance of my time.

Mr. CASTLE. Madam Speaker, I also yield back the balance of my time and encourage all of the Members to vote aye in support of this legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Delaware (Mr. CASTLE) that the House suspend the rules and pass the bill, H.R. 2768, as amended.

The question was taken; and, two-thirds having voted in favor thereof, the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

FIVE YEAR REAUTHORIZATION OF DISTRICT OF COLUMBIA TUITION ASSISTANCE PROGRAMS

Mr. TOM DAVIS of Virginia. Madam Speaker, I move to suspend the rules and pass the bill—H.R. 4012—to amend the District of Columbia College Access Act of 1999 to permanently authorize the public school and private school tuition assistance programs established under the Act, as amended.

The Clerk read as follows:

H.R. 4012

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. 5-YEAR REAUTHORIZATION OF TUITION ASSISTANCE PROGRAMS.

(a) PUBLIC SCHOOL PROGRAM.—Section 3(i) of the District of Columbia College Access Act of 1999 (sec. 38—2702(i), D.C. Official Code) is amended by striking "each of the five succeeding fiscal years" and inserting "each of the 10 succeeding fiscal years".

(b) PRIVATE SCHOOL PROGRAM.—Section 5(f) of such Act (sec. 38—2704(f), D.C. Official Code) is amended by striking "each of the five succeeding fiscal years" and inserting "each of the 10 succeeding fiscal years".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. TOM DAVIS) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. TOM DAVIS).

GENERAL LEAVE

Mr. TOM DAVIS of Virginia. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. TOM DAVIS of Virginia. Madam Speaker, I yield myself such time as I may consume.

I rise today in strong support of H.R. 4012, legislation to reauthorize the District of Columbia College Access Act for 5 additional years.

The College Access Program has been a key component of the District's revitalization efforts in recent years. It is critical that Congress continue to support its partnership with the District in providing access to higher education resources.

Madam Speaker, Congress chose to establish the D.C. College Access Program in 1999 for two primary reasons. First, the program addresses the fact that the District of Columbia does not have a State university system for its high school graduates. The program essentially leveled the playing field for high school graduates in the Nation's Capital by enabling them to attend colleges and universities around the country at in-State tuition rates, which makes college education affordable for students coming out of the District of Columbia, something that really was not available to them prior to this.

The program's second purpose was to deter tax-paying families in the District from moving to surrounding States in order to take advantage of in-State higher education options available to residents in other States, thus depriving the District of much-needed stability and tax revenue.

I cannot tell my colleagues how many mothers and fathers have approached me to say thank you for not having to leave the District so our child could go to college, but thanks to this program, we can stay.

At a Committee on Government Reform hearing on the program last March, it was clear that the program has been more than a mere anecdotal success over the last 5 years. D.C. Mayor Tony Williams testified that since the creation of the program the number of high school graduates in the District continuing on to college has increased 28 percent. The national average over the same time period was 5 percent.

It was not too long ago we had high schools in the District sending more kids out to Lorton Prison than to college. College was not an affordable option for many of these kids in the District. What we see happening now is, as it becomes more affordable, we see kids getting in the spirit and we see a significant increase of District kids going on to higher education. With that, crime decreases, the economy is improving, the District is achieving financial stability.

The impact of the College Access Program is undeniable. According to a survey of high school graduates in the District, 75 percent of the students who have received assistance through the program have indicated that the existence of these grants makes the difference in their decision to attend college and was a key factor in deciding which college to attend. H.R. 4012 represents a shot at a better education and, in turn, a better life for countless D.C. students.

The District is not a State, and D.C. residents do not have access to the network of in-State universities like residents of other States. As I said before, this legislation also provides an incentive to families to stay in the District. This program operates hand-in-hand with the D.C. College Access Program, which is the private sector's College Access Program, providing college counseling to D.C. high school students and last dollar financial assistance to college-bound D.C. high school graduates. This is a double punch provided by the public and the private sectors and it has made a tremendous impact on the educational opportunities available to D.C. high school students.

It is equally clear that the students are becoming more aware and choosing to take advantage of these opportunities.

Madam Speaker, I urge my colleagues to support H.R. 4012 and to continue to support a level playing field for high school graduates in the District of Columbia.

Madam Speaker, I reserve the balance of my time.

Ms. NORTON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the District of Columbia College Access Act of 1999, which funds the D.C. Tuition Assistance Grant, or TAG program, was passed with bipartisan sponsors in the House and Senate, led in this House by the gentleman from Virginia (Mr. DAVIS). It included a number of cosponsors, as many, if not more, from the other side of the aisle as from this side.

The champions of the bill in the Senate were equally bipartisan. I am particularly grateful to the current House and Senate sponsors of H.R. 4012 who were on the original bill for their continuing leadership efforts in sustaining TAG and to President Bush who came to office several years after the bill was in effect, saw the evidence of its success, and has continued to fund it in his budget at authorized levels.

I want to specifically thank my good friend, the gentleman from Virginia (Mr. TOM DAVIS), who has offered indispensable leadership on this bill and on a number of other very important D.C. initiatives over the years.

The Act gives D.C. residents the options for college attendance routinely enjoyed by other Americans through their State college systems. This is the one jurisdiction in the United States that does not have a university system. D.C. has only one public university, the University of the District of Columbia, or UDC, an open-admission institution.

□ 2245

And as part of DC TAG, Congress allowed UDC to be funneled on an annual basis as a Historically Black College or University for the first time in our history.

The bill allows DC residents to attend any public college or university anywhere in the United States at in-state tuition rates up to $10,000 annually and to receive $2,500 to attend any private college or HBCU in the city or region. Already over 6,000 DC students have attended more than 150 colleges nationwide because of supplementary funds provided by the act.

The best indication of the success of the act is that in the 5 years since it was passed, college attendance in the district has increased by 28 percent, compared with only 5 percent nationally. DC TAG recipients range from residents for whom college was more a dream than a possibility, to residents who might otherwise have moved out of the district and along with them more of the district's already depleted tax base.

The cost of tuition is a significant reason many residents left and others refused to settle here rather than in Maryland or Virginia, each of which has more than 30 different colleges and universities to fit the specific needs and interests of residents.

The evidence of the success of the program and return on the dollar to residents, to the city, and to the Federal Government is not in dispute. Close monitoring by the GAO and by our office has shown that TAG has been well run. TAG is universally popular among DC residents and businesses because of the act's simultaneous and immediate benefits to both District residents and to the city itself.

This program is an unqualified success story. It continues to exceed all expectations. It deserves the 5-year extension the committee recommends today, and I strongly urge passage.

Mr. SCHROCK. Madam Speaker, I rise today in strong support of H.R. 4012, a bill to reauthorize the District of Columbia College Access Act for 5 years.

This legislation allows high school graduates from D.C. to pay in-state tuition rates at state colleges and universities throughout Maryland and Virginia. As a Congressman from the Commonwealth of Virginia, I welcome these students.

Over the past year, I have become increasingly aware of the hardships the children in our Nation's capital face. Their public school system is in shambles. Without this legislation, a DC student who manages to succeed in the failed school system despite the odds, and is accepted to college, has very limited choices on where he or she can go and pay lower in-state rates.

Since the creation of the program 5 years ago, the number of high school graduates in the District continuing on to college has risen by an astonishing 28 percent. These are the kind of results we like to see.

This legislation simply levels the playing field for these students, who do no have the benefit to choose from several in-state colleges like their counterparts throughout the rest of the nation.

I believe that the city of Washington, DC should be a model to the rest of the nation. Ensuring that young people in DC have access to a good education is a great place to start.

I hope that my colleagues will overwhelmingly support this legislation, and show the students in the District of Columbia that we are committed to ensure they have every opportunity to succeed in life.

Mr. SHAYS. Madam Speaker, I rise in support of H.R. 4012, which helps level the playing field for the students of D.C. by permanently expanding opportunities for affordable higher education at colleges and universities across the nation.

Too many children in our Nation's Capital are not getting the higher education they need and deserve, and this program gives many the opportunity to go to college.

D.C. residents do not have access to a network of in-state universities like residents of States. The D.C. College Access Program provides D.C. high school graduates access to colleges and universities throughout the country at in-State tuition rates.

The program has been a tremendous success since it was implemented in 1999. The number of D.C. high school graduates continuing on to college increased from 1,750 in 1998 to 2,230 in 2002. That's a 28 percent increase since the program was created.

It also provides an incentive to families to stay in the District. Before the program existed, families would often move to Virginia or Maryland to take advantage of in-State tuition rates for their children. This was a drain on the District's economy, exacerbating the District's dependence on the federal government.

By encouraging families to stay in D.C., we are helping to stabilize the District's tax base and reduce the local jurisdiction's financial dependence on the Federal Government.

The D.C. College Access Program is clearly having a positive impact on the educational opportunities available to D.C. high school students, and it is clear that students are becoming more aware of and choosing to take advantage of these opportunities.

Because of the program's tremendous success, and the support it gives to the youth in our Nation's Capital, I urge my colleagues to support this legislation.

Ms. NORTON. Madam Speaker, I yield back the balance of my time.

Mr. TOM DAVIS of Virginia. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Ms. HARRIS). The question is on the motion offered by the gentleman from Virginia (Mr. TOM DAVIS) that the House suspend the rules and pass the bill, H.R. 4012, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title is amended so as to read: "A bill to amend the District of Columbia College Access Act of 1999 to reauthorize for 5 additional years the public school and private school tuition assistance programs established under the Act.".

A motion to reconsider was laid on the table.

O.C. WELCH'S CONTRIBUTION TO THE CAUSE

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. KINGSTON. Madam Speaker, Americans remain frustrated and fed up with the liberal lopsided media. Worse than their decisive liberalness, Americans are tired of the media's pessimism: we cannot have democracy in the Middle East. We have to have the permission of the U.N. We will never get out of there without France and Germany.

One man in my district has taken matters into his own hands. At his own expense, O. C. Welch has taken out the following ad which he calls "The Rest of the Story." He lists all the good things that have happened in Iraq, from building schools to getting small businesses up and running, to getting hospitals open again, to bringing electricity back. He says, "There are many, many people in Iraq that want us there, and want us there bad. They say that they will never see the freedom we talk about, but they hope their children will. Our troops have performed brilliantly and have done a great job both during combat and reconstruction."

That is O. C. Welch's contribution to the cause. I think it is a good one. I know Mr. Welch. He is a self-made man. He started out selling used cars at the old Plantation Nightclub lot. He moved to Claxton, Georgia. Now he is in Beaufort. He is a family man, he is a generous giver to the Catholic church, but above all O. C. Welch is a great American and an optimist.

[From the Savannah Morning News, July 5, 2004]

THE REST OF THE STORY

THIS IS A LIST OF SOME OF THE POSITIVE THINGS THAT HAVE HAPPENED IN IRAQ RECENTLY

Over 400,000 kids have up-to-date immunizations.

School attendance is up 80% from levels before the war.

Girls are allowed to attend school.

Over 1,500 schools have been renovated and rid of the weapons stored there so education can occur.

The port of Uhm Qasar was renovated so grain can be off-loaded from ships faster.

The country had its first two billion barrel export of oil in August.

Over 4.5 million people have clean drinking water for the first time ever in Iraq.

The country now receives two times the electrical power it did before the war.

100% of the hospitals are open and fully-staffed, compared to 35% before the war.

Elections are taking place in every major city, and city councils are in place.

Sewer and water lines are installed in every major city.

Over 60,000 police are patrolling the streets.

Over 100,000 Iraqi civil defense police are securing the country.

Over 80,000 Iraqi soldiers are patrolling the streets side-by-side with U.S. soldiers.

Over 400,000 people have telephones for the first time ever.

Students are taught field sanitation and hand-washing techniques to prevent the spread of germs.

An interim constitution has been signed.

Textbooks that don't mention Saddam are in the schools for the first time in 30 years.

There are many, many people in Iraq that want us there, and want us there bad. They say that they will never see the freedom we talk about, but they hope their children will. Our troops have performed brilliantly and have done a great job both during combat and reconstruction.

God bless all of them and the job they do.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

UNITED NATIONS SECURITY COUNCIL RECIPIENT NATIONS OIL-FOR-FOOD PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. KING) is recognized for 5 minutes.

Mr. KING of Iowa. Madam Speaker, I appreciate the opportunity to address the House tonight and the opportunity to discuss the issue that is in the front of the American consciousness, and that is the issue of the United Nations and the involvement of the members of the United Nations with the world policy and how things have evolved from the United Nations world policy with regard to Iraq and the Iraqi Oil-for-Food program that has been going on now since about the middle 1990s.

As the Speaker will remember, and the people in this country will remember, the sanctions that were against the United Nations that were established after Desert Storm were lifted, to some degree, to allow the Iraqi government under Saddam Hussein to trade existing oil production that they had for humanitarian supplies, which included food and medicine, into Iraq, and the structure of the Oil-for-Food program that was established there and the bureaucracy of the United Nations and the $10.1 billion that we believe has been scooped out of that program and gone into the pockets of bureaucrats at the expense of the Iraqi people and of course the expense of the credibility of the United Nations themselves.

Now, I would first like to back up a little bit and describe who the United Nations really are, and there is a misconception in this country that the United Nations, since there is someone seated there from every member nation and each nation has a voice and each nation has a vote and we have five members of the permanent Security Council and we have a total of five members of the Security Council, the other members which rotate, we get the perception and we make the mistake that the United Nations somehow represents the will of the people of the world, that its democratic governments, or I should say in my preference is constitutional republican governments, that send their representatives there that are the voice of the people that now speak at the United Nations. And in fact, that is quite a ways from the truth.

Some nations do do that. Free nations do that, but there are nations there and many of them are represented by dictators, who, if they are not speaking for themselves, their representative speaks for them. The people in those countries do not have the ability or do not have the right to speak up for themselves. They do not have the chance to go to the polls and vote nor direct their national destiny or determine who their leader will be that directs their national destiny.

So the United Nations has become, over the years, an organization that I term to be a third-world class and debate society, and the structure of the United Nations is not democratic. It is not representative. It is simply the voices of the nations of the world rather than the voices of the people of the world.

Well, then enter the Oil-for-Food program. Yes, we had humanitarian interests in Iraq, and there is no nation on this globe that has more commitment towards the people of Iraq than the United States of America, but we went along with and supported the concept of an Oil-for-Food program, and what we got was a program that enriched the bureaucrats, enriched the Saddam Hussein regime to the tune of $10.1 billion.

And here is a little bit of the structure of how that works on this easel to my left. This red represents the greatest recipient nation of the scoop of oil for food. Now, that is Russia, and then the rest of this colored spectrum here are these other nations along the way, all in differing degrees. France, a major player, of course. We would expect that. China a major player. This is just a sample of some of the money that has gone to these nations.

I took a look at the resistance to America's interests in going into the nation of Iraq prior to our invasion and occupation there, and I wondered why was it that the resonance of the resistance to American policy was so strong and so great. And I asked at the time, do they have financial interests there? What are their interests?

Well, one of the things, is oil for food. Some of these countries stood to profit a great deal from the Oil-for-Food program. This gives a little better perspective on where these interests came from. This is broken down by continent. The big blue is Europe, and that does include Russia, Germany, and France. Eighty-seven percent of the Oil-for-Food scoop that we know at this point, or we believe allegedly at this point, that came out of that program that should have gone to the benefit of the Iraqi people really went to Europe itself; and these are the countries, by the way, that stood up and opposed our policy in Iraq.

So I took the Security Council itself, and I broke it down into five nations, Russia, France, China, Great Britain and the United States, and asked the question, what percentage then of the Oil-for-Food profits that were going out of that program off the tables of the Iraqi people was going into these countries of the Security Council, the permanent members of the Security Council, those five members?

Three of those nations collected 99.1 percent of that money that should have gone to the Iraqi people, at least by the numbers that we have in front of us today; 99.1 percent went to Russia, France and China together. None of those nations supported our policy in Iraq. All of them opposed us in differing degrees of disagreement and aggressiveness, but I think that tells us that the decibels of their resistance were indexed to the Oil-for-Food program in some part.

And in another part, and I do not have the chart here tonight, how many oil development contracts did they have prepared that would give them an opportunity to develop that if Saddam would have stayed in power in Iraq? We will index that another time.

And additionally, I am just going to quickly show this policy here. This is the flowchart of some of the Oil-for-Food scam that went on and this Congress needs to look into this, and we need to get the answers, and we need to do a full investigation within the United Nations. This is far too complicated to explain. This is simply a commercial so that I can come up another time and explain it to you. Madam Speaker, I will bring this back another night.

HOUSE POLICY COMMITTEE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BURGESS) is recognized for 5 minutes.

Mr. BURGESS. Madam Speaker, I come tonight to report on the activity of the House policy committee this week. The Subcommittee on Health met for a hearing on medical liability insurance, and the purpose of this meeting was to outline in the current concept of medical liability reform and to point to some of the proven successes and to look at the future of reform. This meeting, which was held on Tuesday of this week, was attended by Jose Montemayor, who is the insurance commissioner of the State of Texas. Mr. Montemayor was appointed by then-Governor George Bush and has continued in that capacity since 1998.

We were also joined by Dr. Brennan Cassidy, a board-certified emergency physician from the State of California, who spoke on the status of tort reform in that State.

Paul Bahcarach, the president and CEO of Uniontown Hospital, was at our meeting and spoke about the particular problems that they are experiencing in Pennsylvania.

And Donald Palmisano, a physician and lawyer from New Orleans, who is the past president of the American Medical Association, spoke to us with considerable passion on what he believed some of the answers might be in the arena of tort reform.

First, Commissioner Montemayor from Texas talked about what he had seen in Texas since the passage of a major piece of tort reform legislation in Texas last year at the end of the regular State legislative session; and then in September of last year, September 2003, a constitutional amendment was passed in the State of Texas which allowed this legislation to take effect.

In Texas, Commissioner Montemayor had seen his number of liability insurers, the number of companies that wrote insurance for physicians in Texas, decline from a high of 17 to a low of four; and Commissioner Montemayor correctly recognized that if that situation continued, medical practice as we know it was going to disappear from the State of Texas.

Texas is a large State, and very different regions were affected differently. The Rio Grande Valley was particularly hard hit, not necessarily in the dollar amounts that were awarded by juries in that region, but more so just by the sheer number of lawsuits. Most practitioners and physicians in that area could be expected to be sued three or four times a year, oftentimes for sums of money not exceeding $100,000, but still the time away from family and practice in defending those lawsuits and the wear and tear on a doctor's soul was considerable in that portion of the State.

Right before the constitutional amendment passed, there was a significant increase in the filing of lawsuits in the State of Texas; but since the constitutional amendment passed, the number of suits has dropped precipitously.

□ 2300

Commissioner Montemayor also pointed out to us that there are companies that are reducing their insurance rates to physicians in Texas as a result of this legislation, a constitutional amendment that was passed. And, in fact, Texas Medical Liability Trust, my old insurer of record, has reduced their rates by 12 percent this year.

Another insurer who sought a rate increase and, in fact, had received a rate increase of over 100 percent in the State of Oklahoma and 39 percent in the State of Florida actually is going to receive no rate increase in the State of Texas this year.

So it has been good news on not only the number of insurers that is available which has now increased to 12 but also the rates paid by hospitals and physicians in Texas has significantly reduced.

Commissioner Montemayor told us that he thought hospitals had fared somewhat better than physicians in this new day that has dawned in the State of Texas.

Dr. Cassidy, the emergency physician from California, was there in 1975 in California when the Medical Injury Compensation Reform Act of 1975 was passed in California by a Governor of California who was on the Democratic side, Jerry Brown, past candidate for president.

But Dr. Cassidy related how the $250,000 cap on non-economic damages had stood the test of time, and in fact he had some rather graphic evidence showing how rates in that State had stayed relatively stable while rates across the country had exploded.

Paul Bahcarach, the chief executive officer of Uniontown, Pennsylvania hospital where the situation has far from improved, in fact, the situation has deteriorated in Pennsylvania significantly over the past years, told some rather poignant stories of the inability to hire, to attract physicians to the State of Pennsylvania. He was not able to cover services that he wanted to provide; and, in fact, he told of a service area of 148,000 people that was serviced by one single ear, nose and throat physician. If I have done my arithmetic right, that is about one ENT doctor for 300,000 ears, which is a lot of ears to be responsible for in a community.

Dr. Palmisano, the general surgeon from New Orleans who has been the past president of the American Medical Association, again spoke with a good deal of passion on what he saw as some of the solutions available to us. We will talk about this in nights to come.

Dr. Palmisano gave excellent testimony on how the doctors in this country are engaged and see this as a real problem, threatening to their profession.

REPUBLICAN PLAN FOR AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Kansas (Mr. TIAHRT) is recognized for half the time until midnight as the designee of the majority leader.

Mr. TIAHRT. Madam Speaker, while the Nation has been watching the Presidential campaign and the events in Iraq, the Republicans in the House have been moving forward with an agenda to bring jobs back into America.

Now, we have seen a lot of economic success over the last year. Just as a reminder, back in 1999 we had the first hit to our then strong economy when we had the tech bubble burst. We had a lot of technical industries lose a great deal of value. The NASDAQ, which typically has tech companies as the companies that trade on that exchange, the value of that exchange dropped dramatically to less than half. So the tech bubble burst.

Then in 2000 we had the beginning of the recession towards the end of the year. Technically, it started in the end of 2000 prior to President Bush being sworn into office. That had an impact on our economy.

Then, of course, there was the events of September 11, when terrorists took our own technology and turned it into a weapon and attacked the Pentagon and Washington, D.C., and tore down the World Trade Center, killing nearly 3,000 people. That had a dramatic impact on our economy.

It was not any policy of the Republican administration. It was not any policies that came out of the Republican House. It was events that occurred, as I just discussed, beyond the circumstances of Congress. Those events, though, have turned around since we passed tax relief.

Tax relief has been very beneficial to the American economy because people can only do one of three things when they get a little money in their pocket through tax relief.

Number one, they can spend it. When they spend money, that is a demand for goods. That means there are more goods being sold in the economy and a demand for more jobs.

Number two, they can save the money. That makes money available for home mortgages. And, as we know, now we have the largest expansion of home sales we have ever had in our economy; and now minorities in America have a higher percentage of home ownership than ever before in the history of our Nation. If they save money, that is good for building homes.

Third, they can invest money into the stock market, which is capital for companies to invest in their business to hire more people and invest in jobs.

So after the President asked for tax relief and it was initiated in the House of Representatives and then passed to his desk for his signature, we started to see a turnaround in the United States economy. We have had 1.5 million new jobs since last August. We have today more people working in America than ever before in our Nation's history, and the average salary for all workers in America is higher than it has ever been in the history of our country.

So this has been very good for our economy to have tax relief, and we are starting to see the strength of our economy growing and blooming. And yet with all that good news, we can do better. We found out that there have been problems, barriers to bringing jobs into America. These barriers were not created in the boardrooms of America. They were not created by the CEOs of America or the managers or owners of small business, and it was not created by the employees themselves, either.

These barriers have been created by Congress over the last generation. Good intentions found their way into regulations and laws that have hurt our economy and prevented us from bringing jobs back into America. So the House Republicans have devised a plan called Careers for the 21st Century. That plan is a plan to remove the barriers that employees and small businessmen and employees, employers, both, face every day they go to work.

We are going to try to remove those barriers. In fact, we have been very active. As of today, we have passed 24 pieces of legislation from the House of Representatives. We have started with taking these eight issues that are barriers, divided into eight issues the barriers, and then we took them a week at a time.

We started out by addressing health care security. We passed legislation that will help reduce the cost of health care in America by some commonsense reforms.

We then moved on to reduce the bureaucratic red tape in America. We made significant progress.

We then went on to life-long learning so we would have an experienced and well-trained workforce so when these jobs came to America we would have people to take those jobs.

The next week we went on to energy self-sufficiency. It is very important and appropriate, because we are now facing close to $2 a gallon for gasoline, and we are having high cost for natural gas. It is time we change our energy policy so we can create about 7 or 800,000 jobs in America, plus bring down the cost of energy, and that in turn will allow us to attract more jobs into America. So we passed energy self-sufficiency and security.

We then moved on to spurring innovation and talked about how important it is to have solid research and development and how important it is to be innovative here in America. We have a long history of innovation that starts back during the Revolutionary War. The idea of the principles, the virtues, the values we have in this country enhance our ability to come up with good ideas and take those good ideas and put them into practice by manufacturing goods and selling those goods both here and overseas. It is these virtues and values we talked about and how we can continue to spur innovation through research and development.

This week we dealt with trade fairness and opportunity, very important issues as far as opening up new markets so that we can create more jobs by exporting.

Then we will go on next week to tax relief and simplification. Tax relief is so important, but simplification is also important. It helps us do the job more quickly and not waste money on preparing taxes. That money can be diverted to creating more jobs.

We will then come back in September and deal with Indian lawsuit abuse.

Going back to trade fairness and opportunity, why is it so important for us to address this issue? If you look at the recent history in this country, we have had lot of problems in opening up markets overseas. If you look at the trade agreements that we have had recently, it was during the Reagan administration that we finally got a free trade agreement with Israel back in 1985. Then we did not have any agreement until we finally got an agreement with Canada in 1988, again in the Reagan administration.

Then we moved on to Mexico in through the NAFTA agreement, and that was done in 1994 under the Clinton administration. And since then we have been able to get a free trade agreement with Jordan, with Singapore, with Chili, and today we passed from the House an agreement for free trade between Australia and America.

□ 2310

These types of agreements are very important because they open up markets for small companies. One of these success stories in America is a guy that lives in Wichita, Kansas. His name is Leon Trammel. Leon traveled around overseas and he saw a very real need and figured out a way to satisfy that need.

Many of the countries import grain or export grain. That grain has to be taken off the ship and put into some kind of storage container or it would have to be taken out of a storage container and put on to a ship. If it was an open conveyor belt to go between those two objects, the ship and the containment facility or the milling operation, if it was open to the environment, it was subject to environmental risk from rain and dust. It would be part of that, and he has figured out a way to convey grain or any other substance in a clean fashion by encasing these conveyor belts and using a century old principle of elevating these conveyor belts on a sheet of air. Much like you have on air hockey game that you can find at your local arcade.

Well, Leon took that, put it into practical application, and he has been able to take that technology all over the globe. He has used it in Norway, China, in Asia, as well as in America, Canada and Mexico. So he has been able to benefit from these free trade agreements that we have set into place.

Now, why is it important we have free trade agreements? Why does it mean something when we open up these markets? Here is a comparison of existing barriers on the sale of manufactured goods in foreign markets.

If you look at America, our levels are about 4.3 percent as an average for incoming goods. We put a tariff on that, a tax. It helps us with our Federal budget, but it is a tax that comes in, and it is an opportunity for us to attract goods and services into America.

But if you compare that to other parts of the world, we have Pakistan that has nearly 50 percent tariff. Now, how are we going to be able to export goods into Pakistan when we have that big of a barrier to overcome in just the amount of money that goes towards paying fees to Pakistan? As a result, they have a very weak economy. They should change that and open up the goods for trading.

Saudi Arabia has an almost 12½ percent tariff; Thailand near 15 percent. India has a 32 percent tariff. Their economies suffer from that, and it keeps us from exporting goods and services to them. It is important we negotiate these trade agreements so we can have lower trade fees for exports, and that allows us to more easily access their markets.

When they can open up the markets, as in South Korea, which has about 7½ percent, we can have people in small companies around the United States that can then trade with these countries.

There is a small company in Wichita, Kansas, called LP Technologies, Incorporated. The president is Samuel Lee. It is just a small company of eight employees, but their markets are Taiwan and Korea. They sell measuring and monitoring equipment for the communications industry. Their sales last year were $1.8 million. Now, it does not seem like a lot in the scheme of things, but when you realize that four out of five jobs in Kansas are small employers like this, being able to start a whole lot of these small businesses is very good for our economy. It puts people to work and allows them to have their dreams come true and export agreements, free trade agreements are the things that open up that kind of a market.

Now what happens when you do not have a free trade opportunity? A good example is Creekstone Farm Premium Beef in Arkansas City. Now, Creekstone used to export meat to Japan and to South Korea, and then we had a cow come in from Canada that had BSE or mad cow disease. We were able to isolate that cow and it did not get into our meat markets, and we now have had measures put in place in Canada so that they can prevent this from happening again, but America has the safest meat supply in the world. There is no problem there, but yet Japan and South Korea were worried about it so they have closed their export markets.

What that meant to Creekstone is they have already laid off about 60 people. The 750 employees that are there now are cut back from a 5-day work week to a 4-day work week. We are trying to open up the markets by allowing some voluntary screening. That is being blocked by USDA right now, but as an example of closing markets, it means that we close down jobs in America. By opening up markets, we are going to open up jobs in America. So Creekstone is currently suffering from that. We are in the process of trying to change that environment.

Another success story, though, is a couple of Americans who came over from China as a result of the Tiananmen Square incident. Both of them have some experience in aerospace parts manufacturing, and they have some contacts in China through their families, but the company's name is Mid-American Supply Corporation and Tom Tian is the president.

They are a wholesaler of aircraft parts to the Chinese aircraft industry. They export to China. They exported $2.4 million worth of goods in fiscal year 2000. They came about with this idea that took advantage of open markets in China, and they went over there and created a company, and now they are very successful. It is another successful small business. These types of small businesses are very important for our economy.

Trade correctly spurs the economy, and it creates jobs by expanding markets for American business. We know all too well that economic and market changes brought about by trade do displace workers from specific jobs, but rather than turn to a trade barrier, which only slows our economy and leads to lower productivity and living standards, we are committed as House Republicans to preparing American workers for changes in ensuring higher paying and higher quality jobs for them by embracing free and fair trade opportunities.

We have had some people who have resisted change, trying to cling on to old jobs in America, and instead of looking forward, they sort of look backward. I think a good example is the railroad.

United Transportation Union was very hesitant to release firemen from off the engine on the railroad, the engines that pull the freight cars. If you think about it, we had firemen that were initially put on the engines of railroads so that they could shovel the coal into a furnace which then heated the water. That created steam which propelled the engine and pulled the cars down the track. Well, when they went from those old coal-burning engines and wood-burning engines that created steam and they went to a diesel engine that created electricity by turning a generator, which is what it works like today, there was no longer a need for somebody to shovel coal or throw wood into a furnace, but yet they insisted on keeping firemen on the engine, riding on the front of the train, and there was no need for it.

So years and years went by, even decades, and my brother-in-law works on the railroad now. He is a conductor on the railroad, and when he first started they still had firemen. Then they let the firemen go because there was no need for them. It was an inefficient job. Those guys have gone out, many of them have been retrained, and they are off learning new jobs and becoming more productive in America with productive jobs.

So we cannot look backwards. We need to make sure that we continue our productivity.

One way of ensuring it is to ensure that we have open trade agreements so that we will become more efficient, that we will prepare our work force for new technologies and we will be innovative and move forward.

The trade possibilities are endless. As President Bush said, look at it this way, America's got 5 percent of the world's population. That means that 95 percent of the potential customers are in other countries. Even if a great level of protectionism were implemented, low-tech jobs would still be replaced by technology or shifted to lower wage locations and overtime.

I think another good example is our agriculture environment here in America. If you go back to when I was just a young kid out on a farm, we had probably six families that were farming the ground that my grandfather owned. If you take those six families and look at them over the years, they gradually moved on to other things. My grandfather, and then later on my father, bought larger and larger equipment. They became more and more productive. Their crop yields increased, and yet their expense costs for labor went down.

□ 2320

So they went from having horses being involved in the agricultural process to having huge tractors that pulled eight-row and larger equipment. Well, the American farmer has become more and more productive and that productivity has ensured lower food costs. In fact, in America, we pay the lowest percentage of our income on food of any of our trading partners in the world. So it is very important that we continue to move forward with productivity as a way of having a strong economy.

There has been a lot of study on this issue, people who have looked into this and saw what impact there would be if we did not have trade, what impact there would be if we had more trade, and how important it is for us to open new markets. Ana Isabel Erias, from the Heritage Foundation, said, "Goods and services flowing across borders foster new ideas and allow U.S. producers to learn about the markets from the failure and success of trading products. As they learn more, they are able to innovate and remain competitive."

That is part of why America needs to support free trade, because it moves us forward. It does not collapse around us, but it moves us forward. The Heritage Foundation went on to say, "Free trade allows the U.S. to specialize in goods and services that American workers produce more efficiently than the rest of the world, and at the same time free trade allows domestic producers to shop around the world for the least expensive inputs they can use for their production, which in turn allows them to keep their cost of production down, without sacrificing quality."

So I think it is very important that we keep this concept of free trade moving forward. We have other countries that we need to open up markets in, and especially for our agricultural community, especially for aerospace products, and especially for these new technologies we are currently developing. It is important because that brings jobs into the country.

I have another chart that I want to move on to. This one talks about a geographic distribution of U.S. exports and imports from 1990 to 2002. Now, if we look at the top part of these, it looks like an eye test. The group of countries here, Canada, the European Union, Japan, and other advanced economies, in 1990 they used to make about 63.1 percent of our total exports. Today, or in 2002, that dropped slightly to 57.6 percent of our exports. On imports, the advanced economies consist of 58.7 percent of imports in 1990. By 2002, that dropped six points to 57.2.

But when we look at the developing countries, in 1990, that only consisted of 19.9 percent of our exports. By 2002, that had grown to 37 percent. Imports in 1990 from the developing countries was 36.1 percent. That has grown to 41.7

percent. So that is a very good indication of why we need to open up markets in developing countries and why we need to look at some of these countries that have these high trade barriers and to negotiate those down to where they are closer to where ours are. That will help us export goods and develop new markets and bring jobs into America.

The four pieces of legislation that were included in this week's trade and fairness opportunity block of bills consisted of H.R. 4759, which was the United States-Australia Free Trade Agreement Implementation Act. That is going to allow us to open up markets in Australia and allow us to compete with agricultural goods and airplanes, like those airplanes made in Wichita, Kansas, the air capital of the world. It will be good for our economy.

We also passed H.R. 3463, which was the State Unemployment Tax Act Dumping Prevention Act. That allowed us to watch these companies that are trying to avoid State unemployment tax and bring them back in. This makes this unemployment tax system fairer to the other employers in the State and fairer to the employees who may have to suffer some unemployment at some time while they are being retrained. It brings these employers into line with other companies that they are competing with.

Then we passed H. Res. 705, urging the President to resolve the disparate treatment of direct and indirect taxes presently provided by the World Trade Organization.

And the last one we passed was H. Res. 576, urging the government of the People's Republic of China to improve its protection of intellectual property rights.

As we all know, the intellectual property rights have been greatly violated in China. We want them to crack down on that because it means that our developing ideas, our art, our books, our pharmaceutical advancements are protected by patents, and we want them to acknowledge that.

So these four bills have been added to the 20 bills we passed before with previous legislation in the eight categories. We have passed the first five categories, that included 20 bills, and these four add to that to make a total of 24.

Again, we started out with health care security, under the eight issues that are contained in the Careers For A 21st Century in America. We helped lower the cost of health care in America to make ourselves more competitive. Then we addressed bureaucratic red tape termination to cut down the bulk of paperwork that we have here that prevents us from expanding our economy. We then went on to lifelong learning so that we would have a trained workforce for these new jobs. We then dealt with energy self-sufficiency and security.

We moved on the following week to spurring innovation through research and development. This week, we dealt with trade fairness and opportunity. Next week we will be on tax relief and simplification. And then, in September, we are going to address the issue of ending lawsuit abuse.

These issues are barriers to bringing jobs back into America. Congress created this environment and the Congress is addressing that environment, changing it so that we can open markets, so that we can bring back workers into America and have a stronger economy. This will mean that our kids and our grandkids will have the opportunity to start the businesses they want to start or get the jobs that they want.

It has been a good program that we have dealt with here on the floor of the House. We hope that we can get it to the President's desk for signature, all 24 of these bills. We will continue this effort until we find the relief that is necessary to bring more jobs back into America.

We have heard a lot of people complain about outsourcing of American jobs. The problems that they are facing that cause outsourcing are these eight issues that Congress has created, and it is time we change that environment.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. KIND (at the request of Ms. PELOSI) for today on account of attending a funeral.

Mr. RANGEL (at the request of Ms. PELOSI) for today on account of attending a funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. NORTON) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. LIPINSKI, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

(The following Members (at the request of Mr. TIAHRT) to revise and extend their remarks and include extraneous material:)

Mr. KING of Iowa, for 5 minutes, today.

Mr. BURGESS, for 5 minutes, today.

Mr. COX, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, July 15.

Mr. OSBORNE, for 5 minutes, July 19.

ADJOURNMENT

Mr. TIAHRT. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 27 minutes p.m.), the House adjourned until tomorrow, Thursday, July 15, 2004, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for speaker-authorized official travel during the first quarter of 2003, the first quarter of 2004 and the second quarter of 2004, pursuant to Public Law 95-384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SMALL BUSINESS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 4 AND MAR. 31, 2004

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Trent Franks	1/4	1/6	Iraq/Jordan				(3)		467.00		467.00
Bradley Knox	1/21	1/25	Hungary		840.50		(3)		[4] 178.20		662.30
Adam Magary	1/21	1/25	Hungary		840.50		(3)		[4] 178.20		662.30
Matthew Szymanski	2/14	2/22	China		1,314.00		5,631.00		[4] 623.00		6,945.00
Ian Deason	2/14	2/22	China		1,910.00		5,631.00		[4] 27.00		7,541.00
Adam Magary	2/14	2/22	China		1,865.00		5,631.00		[4] 73.00		7,496.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SMALL BUSINESS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 4 AND MAR. 31, 2004—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Chris Chocola	2/29	3/3	Libya		539.00		(3)		[4] 360.00		539.00
Committee total											24,312.60

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Returned.

DONALD A. MANZULLO, Chairman, June 29, 2004.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Travel to Russia and Austria, Jan. 9–18, 2003; Hon. Curt Weldon.	1/9	1/13	Russia		– 1,376.00						– 1,376.00
	1/16	1/18	Austria		– 204.00						– 204.00
Commercial airfare							– 5,040.68				– 5,040.68
Committee total					– 1,580.00		– 5,040.68				– 6,620.68

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DUNCAN HUNTER, Chairman, June 8, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MS. LORRAINE C. MILLER, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 3 AND APR. 9, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Lorraine C. Miller	4/3	4/6	Ireland		1,377.00						1,377.00
	4/6	4/9	Hungary		762.00						762.00
Committee total					2,139.00						2,139.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

LORRAINE C. MILLER, May 3, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MS. LIZ McBRIDE-CHAMBERS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 12 AND MAY 16, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Liz McBride-Chambers	5/12	5/16	Canada	1,319.18	950.00		[3] 678.76			1.319.18	1,628.76
Committee total				1,319.18	950.00		678.76			1.319.18	1,628.76

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Paid to CATO.

LISBETH McBRIDE-CHAMBERS, June 15, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. JOHN C. COUGHLIN, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 23 AND MAY 28, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
John C. Coughlin	5/23	5/25	Uzbekistan		228.00		(3)				228.00
	5/25	5/27	Qatar		148.00		(3)				148.00
	5/27	5/28	Germany		253.00		(3)				253.00
Committee total					629						629.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

JOHN C. COUGHLIN, June 24, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO HAITI, HOUSE OF REPRESENTATIVES, EXPENDED ON APR. 23, 2004

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Mark Foley	4/23	4/23	Haiti				(3)				
Hon. Elijah Cummings	4/23	4/23	Haiti				(3)				
Hon. Cass Ballenger	4/23	4/23	Haiti				(3)				
Hon. Kendrick Meek	4/23	4/23	Haiti				(3)				
Hon. Jeff Miller	4/23	4/23	Haiti				(3)				
Hon. Gregory Meeks	4/23	4/23	Haiti				(3)				
Bradley Schreiber	4/23	4/23	Haiti				(3)				
Caleb McCarry	4/23	4/23	Haiti				(3)				
Jessica Lewis	4/23	4/23	Haiti				(3)				
Committee total											

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

MARK FOLEY, May 24, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO MEXICO, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 13 AND MAY 16, 2004

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Jim Kolbe	5/13	5/16	Mexico		797.69		(3)				797.69
Hon. Cass Ballenger	5/13	5/16	Mexico		335.05		(3)				335.05
Hon. David Dreier	5/13	5/16	Mexico		335.05		(3)				335.05
Hon. Charles Stenholm	5/13	5/16	Mexico		335.05		(3)				335.05
Hon. Joe Barton	5/13	5/16	Mexico		335.05		(3)				335.05
Hon. Donald Manzullo	5/13	5/16	Mexico		335.05		(3)				335.05
Hon. Jerry Weller	5/13	5/16	Mexico		335.05		(3)				335.05
Fran McNaught	5/13	5/16	Mexico		335.05		(3)				335.05
Patrick Baugh	5/13	5/16	Mexico		335.05		(3)				335.05
Jim Farr	5/13	5/16	Mexico		335.05		(3)				335.05
Jean Carroll	5/13	5/16	Mexico		335.05		(3)				335.05
Amy Serck	5/13	5/16	Mexico		335.05		(3)				335.05
Paul Oostburg Sanz	5/13	5/16	Mexico		335.05		(3)				335.05
Brad Smith	5/13	5/16	Mexico		335.05		(3)				335.05
Delegation expenses									3,710.28		3,710.28
Interpreters									3,390.00		3,390.00
Committee total					5,153.24				7,100.28		12,253.62

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

JIM KOLBE, June 10, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO FRANCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 24 AND MAY 27, 2004

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Martha Morrison	5/25	5/27	France		1,494.56		5,968.30		667.42		8,130.28
Don Kellaher	5/25	5/27	France		1,494.56		5,968.30				7,462.86
Committee total					2,989.12		11,936.60		667.42		15,593.14

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

J. DENNIS HASTERT, June 24, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO ENGLAND AND FRANCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JUNE 3 AND JUNE 9, 2004

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. J. Dennis Hastert	6/4	6/5	England		446.38		(3)				
Hon. John D. Dingell	6/4	6/5	England		446.38		(3)				
Hon. Charles B. Rangel	6/4	6/5	England		446.38		(3)				
Hon. Ralph Regula	6/4	6/5	England		446.38		(3)				
Hon. Ike Skelton	6/4	6/5	England		446.38		(3)				
Hon. Lane Evans	6/4	6/5	England		446.38		(3)				
Hon. John M. Spratt, Jr	6/4	6/5	England		446.38		(3)				
Hon. King	6/4	6/5	England		446.38		(3)				
Hon. Robert W. Ney	6/4	6/5	England		446.38		(3)				
Hon. John B. Shadegg	6/4	6/5	England		446.38		(3)				
Hon. Mark E. Souder	6/4	6/5	England		446.38		(3)				
Hon. Todd Tiahrt	6/4	6/5	England		446.38		(3)				
Hon. John B. Larson	6/4	6/5	England		446.38		(3)				
Hon. James L. Oberstar	6/4	6/5	England		446.38		(3)				
Hon. Thomas E. Petri	6/4	6/5	England		446.38		(3)				
Hon. Jerry Moran	6/4	6/5	England		446.38		(3)				
Hon. J. Randy Forbes	6/4	6/5	England		446.38		(3)				
Hon. Jeff Miller	6/4	6/5	England		446.38		(3)				
Scott Palmer	6/4	6/5	England		446.38		(3)				
Rick Kessler	6/4	6/5	England		446.38		(3)				
John Russell	6/4	6/5	England		446.38		(3)				
Adm. John Eisold	6/4	6/5	England		446.38		(3)				

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO ENGLAND AND FRANCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JUNE 3 AND JUNE 9, 2004—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Chris Walker	6/4	6/5	England		446.38		(3)				
John Feehery	6/4	6/5	England		446.38		(3)				
Martha Morrison	6/4	6/5	England		446.38		(3)				
Rev. Daniel Coughlin	6/4	6/5	England		446.38		(3)				
Dwight Comedy	6/4	6/5	England		446.38		(3)				
Hon. Bill Livingood	6/4	6/5	England		446.38		(3)				
Ted Van Der Meid	6/4	6/5	England		446.38		(3)				
Christy Surprenant	6/4	6/5	England		446.38		(3)				
Mike Stokke	6/4	6/5	England		446.38		(3)				
Hon. J. Dennis Hastert	6/5	6/7	France		1,500.34						
Hon. John D. Dingell	6/5	6/9	France		3,000.68		(3)				
Hon. Charles B. Rangel	6/5	6/9	France		3,000.68		(3)				
Hon. Ralph Regula	6/5	6/9	France		3,000.68		(3)				
Hon. Ike Skelton	6/5	6/9	France		3,000.68		(3)				
Hon. Lane Evans	6/5	6/9	France		3,000.68		(3)				
Hon. John M. Spratt, Jr	6/5	6/9	France		3,000.68		(3)				
Hon. King	6/5	6/9	France		3,000.68		(3)				
Hon. Robert W. Ney	6/5	6/9	France		3,000.68		(3)				
Hon. John B. Shadegg	6/5	6/9	France		3,000.68		(3)				
Hon. Mark E. Souder	6/5	6/9	France		3,000.68		(3)				
Hon. Todd Tiahrt	6/5	6/9	France		3,000.68		(3)				
Hon. John B. Larson	6/5	6/9	France		3,000.68		(3)				
Hon. James L. Oberstar	6/5	6/8	France		2,250.51		(3)				
Hon. Thomas E. Petri	6/5	6/8	France		2,250.51		(3)				
Hon. Jerry Moran	6/5	6/8	France		2,250.51		(3)				
Hon. J. Randy Forbes	6/5	6/8	France		2,250.51		(3)				
Hon. Jeff Miller	6/5	6/8	France		2,250.51		(3)				
Scott Palmer	6/5	6/9	France		3,000.68		(3)				
Rick Kessler	6/5	6/9	France		3,000.68		(3)				
John Russell	6/5	6/9	France		3,000.68		(3)				
Adm. John Eisold	6/5	6/9	France		3,000.68		(3)				
Chris Walker	6/5	6/8	France		2,250.51		(3)				
John Feehery	6/5	6/8	France		2,250.51		(3)				
Martha Morrison	6/5	6/8	France		2,250.51		(3)				
Rev. Daniel Coughlin	6/5	6/8	France		2,250.51		(3)				
Dwight Comedy	6/5	6/8	France		2,250.51		(3)				
Hon. Bill Livingood	6/5	6/8	France		2,250.51		459.28				
Ted Van Der Meid	6/5	6/7	France		1,500.34		(3)				
Christy Surprenant	6/5	6/7	France		1,500.34		(3)				
Mike Stokke	6/5	6/7	France		1,500.34						
Don Kellaher	6/1	6/7	France		2,638.60		5,960.27		155.77		
Committee total											

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

J. DENNIS HASTERT, July 9, 2004.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9056. A letter from the Project Counsel, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River, Marietta, OH [COTP Huntington-04-001] (RIN: 1625-AA00) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9057. A letter from the, Project Counsel, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zones; New York Maritime Inspection Zone and Captain of the Port Zone [CGD01-04-053] (RIN: 1625-AA00) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9058. A letter from the Project Counsel, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Bucksport, SC [COTP Charleston 04-046] (RIN: 1625-AA00) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9059. A letter from the Project Counsel, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Suisan Bay, Concord, California [COTP San Francisco Bay 04-012] (RIN: 1625-AA00) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9060. A letter from the Project Counsel, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety zone; Atlantic Intracoastal Waterway, Bogue Sound, NC [CGD05-04-105] (RIN: 1625-AA00) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9061. A letter from the Project Counsel, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Middle River, San Joaquin County, California [COTP San Francisco Bay 04-013] (RIN: 1625-AA00) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9062. A letter from the Project Counsel, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Georgetown Channel, Potomac River, Washington, D.C. [CGD05-04-106] (RIN: 1625-AA00) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9063. A letter from the Project Counsel, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Metro North Railroad Bridge over the Norwalk River, Norwalk, Connecticut [CGD01-04-075] (RIN: 1625-AA00) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9064. A letter from the Project Counsel, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lake Huron, Harbor Beach, MI [CGD09-04-027] (RIN: 1625-AA00) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9065. A letter from the Project Counsel, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lake Oneida, Brewerton, NY [CGD09-04-031] (RIN: 1625-AA00) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9066. A letter from the Project Counsel, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Heart Island, Alexandria Bay, NY [CGD09-04-030] (RIN: 1625-AA00) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9067. A letter from the Project Counsel, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Canal Fest, Tonowanda, NY [CGD09-04-035] (RIN: 1625-AA00) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9068. A letter from the Project Counsel, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Port Huron, St. Clair River, MI [CGD09-04-023] (RIN: 1625-AA00) received July

1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9069. A letter from the Project Counsel, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Detroit, Detroit River, MI [CGD09-04-024] (RIN: 1625-AA00) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9070. A letter from the Project Counsel, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Saginaw River, Bay City, MI [CGD09-04-025] (RIN: 1625-AA00) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9071. A letter from the Project Counsel, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Bear Creek Harbor, Ontario, NY [CGD09-04-032] (RIN: 1625-AA00) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9072. A letter from the Project Counsel, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Rochester Harbor, Rochester, NY [CGD09-04-034] (RIN: 1625-AA00) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9073. A letter from the Project Counsel, USCG, Department of Homeland Security, transmitting the Department's final rule — Fire-Suppression Systems and Voyage Planning for Towing Vessels [USCG-2000-6931] (RIN: 1625-AA60) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9074. A letter from the Project Counsel, USCG, Department of Homeland Security, transmitting the Department's final rule — Training and Qualifications for Personnel on Passenger Ships [USCG-1999-5610] (RIN: 1625-AA24) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9075. A letter from the Project Counsel, USCG, Department of Homeland Security, transmitting the Department's final rule — Update of Rules on Aids to Navigation Affecting Buoys, Sound Signals, International Rules at Sea, Communications Procedures, and Large Navigational Buoys [USCG-2001-10714] (RIN: 1625-AA34) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9076. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Gothenburg, NE [Docket No. FAA-2004-17423; Airspace Docket No. 04-ACE-24] received July 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9077. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Amendment to Class D Airspace; Ogden, Hill Air Force Base, UT [Docket No. FAA-2004-17493; Airspace Docket No. 04-ANM-04] received July 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9078. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Superior, NE [Docket No. FAA-2004-17432; Airspace Docket No. 04-ACE-30] received July 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9079. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Tekamah, NE [Docket No. FAA-2004-17431; Airspace Docket No. 04-ACE-29] received July 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9080. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Oshkosh, NE [Docket No. FAA-2004-17427; Airspace Docket No. 04-ACE-27] received July 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9081. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Trinidad, CO [Docket No. FAA-2003-15996; Airspace Docket 03-ANM-04] received July 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9082. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Minden, NE [Docket No. FAA-2004-17426; Airspace Docket No. 04-ACE-26] received July 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9083. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Richmond, VA [Docket No. FAA-2004-17597; Airspace Docket No. 04-AEA-07] received July 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9084. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Norfolk, Virginia [Docket No. FAA-2004-17900; Airspace Docket No. 04-AEA-08] received July 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9085. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Norfolk, VA [Docket No. FAA-2004-17596; Airspace Docket No. 04-AEA-06] received July 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9086. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Richmond, VA [Docket No. FAA-2004-17899; Airspace Docket No. 04-AEA-09] received July 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9087. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Cozad, NE [Docket No. FAA-2004-17422; Airspace Docket No. 04-ACE-23] received July 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9088. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Broken Bow, NE [Docket No. FAA-2004-18010; Airspace Docket No. 04-ACE-39] received July 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9089. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Lexington, NE [Docket No. FAA-2004-18011; Airspace Docket No. 04-ACE-40] received July 9, 2004, pursuant to 5 U.S.C. 301(a)(1)(A); to the Committee on Transportation and Infrastructure.

9090. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Festus, MO [Docket No. FAA-2004-17148; Airspace Docket No. 04-ACE-14] received July 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9091. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Cedar Rapids, IA [Docket No. FAA-2004-17144; Airspace Docket No. 04-ACE-10] received July 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9092. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Chappell, NE [Docket No. FAA-2004-17421; Airspace Docket No. 04-ACE-22] received July 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9093. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Hays, KS [Docket No. FAA-2004-16989; Airspace Docket No. 04-ACE-7] received July 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9094. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Larned, KS [Docket No. FAA-2004-16990; Airspace Docket No. 04-ACE-8] received July 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9095. A letter from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting the Department's final rule — Hazardous Materials Regulations: Minor Editorial Corrections [Docket No. RSPA-2004-18575 (HM-189X)] (RIN: 2137-AE03) received July 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HYDE: Committee on International Relations. H.R. 4654. A bill to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2007, and for other purposes (Rept. 108–603). Referred to the Committee of the Whole House on the State of the Union.

Mr. LINCOLN DIAZ-BALART of Florida: Committee on Rules. House Resolution 715. Resolution providing for consideration of the bill (H.R. 4818) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes (Rept. 108–604). Referred to the House Calendar.

Mr. POMBO: Committee on Resources. H.R. 2715. A bill to provide for necessary improvements to facilities at Yosemite National Park, and for other purposes (Rept. 108–605). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARTON of Texas: Committee on Energy and Commerce. H.R. 2023. A bill to give a preference regarding States that require schools to allow students to self-administer medication to treat that student's asthma or anaphylaxis, and for other purposes; with an amendment (Rept. 108–606 Pt. 1). Ordered to be printed.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Education and the Workforce discharged from further consideration. H.R. 2023 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 2023. Referral to the Committee on Education and the Workforce extended for a period ending not later than July 14, 2004.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HINOJOSA (for himself, Mr. Green of Texas, Mr. Turner of Texas, Mr. Bell, Ms. Eddie Bernice Johnson of Texas, Mr. Frost, Ms. Jackson-Lee of Texas, Mr. Gonzalez, Mr. Edwards, Mr. Carter, Mr. Hall, Mr. Culberson, Mr. Brady of Texas, Mr. Thornberry, Ms. Granger, Mr. Hensarling, Mr. Ortiz, Mr. Rodriguez, Mr. Sandlin, Mr. Lampson, Mr. Reyes, Mr. Barton of Texas, Mr. Stenholm, Mr. DeLay, Mr. Smith of Texas, Mr. Doggett, Mr. Sessions, Mr. Neugebauer, Mr. Burgess, Mr. Bonilla, Mr. Paul, and Mr. Sam Johnson of Texas):

H.R. 4829. A bill to designate the facility of the United States Postal Service located at 103 East Kleberg in Kingsville, Texas, as the "Irma Rangel Post Office Building"; to the Committee on Government Reform.

By Mr. TURNER of Texas (for himself, Mr. Thompson of Mississippi, Mr. Dicks, Ms. Norton, Ms. Jackson-Lee of Texas, Mr. Etheridge, and Mr. Langevin):

H.R. 4830. A bill to amend the Homeland Security Act of 2002 to direct the Secretary of Homeland Security to develop and implement a program to enhance private sector preparedness for emergencies and disasters; to the Committee on Transportation and Infrastructure.

By Mr. HEFLEY (for himself, Mr. Lewis of Kentucky, and Mr. Allen):

H.R. 4831. A bill to establish a Federal Interagency Committee on Emergency Medical Services and a Federal Interagency Committee on Emergency Medical Services Advisory Council, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HOUGHTON:

H.R. 4832. A bill to amend the Immigration and Nationality Act to permit representatives of the foreign press to enter the United States under the visa waiver program; to the Committee on the Judiciary.

By Mr. JOHN:

H.R. 4833. A bill to direct the Secretary of Education to extend the same level of increased flexibility to all rural local educational agencies under part A of title I of the Elementary and Secondary Education Act of 1965; to the Committee on Education and the Workforce.

By Mr. LIPINSKI (for himself, Mr. Quinn, and Mr. Emanuel):

H.R. 4834. A bill to waive visa processing fees for nonimmigrant visitors who are nationals of countries providing combat troops in Afghanistan and Iraq; to the Committee on the Judiciary.

By Mr. POMBO (for himself, Mr. Calvert, Mrs. Wilson of New Mexico, and Mr. Pearce):

H.R. 4835. A bill to establish a water supply enhancement demonstration program, including the demonstration of desalination, and for other purposes; to the Committee on Resources.

By Mr. HUNTER:

H. Con. Res. 472. Concurrent resolution expressing the sense of Congress that the apprehension, detention, and interrogation of terrorists are fundamental elements in the successful prosecution of the Global War on Terrorism and the protection of the lives of United States citizens at home and abroad; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING of New York (for himself, Mr. McHugh, Mrs. Maloney, Mr. Towns, Mr. Castle, Mr. Smith of New Jersey, Mrs. McCarthy of New York, Mr. Boehlert, and Mr. Burton of Indiana):

H. Con. Res. 473. Concurrent resolution expressing the sense of Congress that the President should designate September 11 as a national day of voluntary service, charity, and compassion; to the Committee on Government Reform.

By Mr. GALLEGLY:

H. Res. 716. A resolution encouraging the people of the Bolivarian Republic of Venezuela to participate in a constitutional, peaceful, democratic, and electoral solution to the political crisis in Venezuela relating to the referendum to recall President Hugo Chavez; to the Committee on International Relations.

By Mrs. MALONEY (for herself, Mrs. Lowey, Mr. Schiff, Mr. Hastings of Florida, Ms. Eshoo, Ms. McCollum, Mrs. McCarthy of New York, Mr. Scott of Georgia, Mr. Kucinich, Mr. Moore, Mr. Cummings, Mr. George Miller of California, Mr. Waxman, Mr. Nadler, Mr. McDermott, Mr. Conyers, Ms. McCarthy of Missouri, Mr. Hinchey, Mr. McNulty, Mr. Doyle, Mr. Lampson, Mr. Emanuel, Mr. Brady of Pennsylvania, Mr. Hinojosa, Mr. Bishop of Georgia, Ms. Jackson-Lee of Texas, Mr. Bell, Mrs. Jones of Ohio, Mr. Serrano, Mr. Israel, Mr. Lantos, Mr. Kanjorski, Mr. Dingell, and Ms. Watson):

H. Res. 717. A resolution honoring former President William Jefferson Clinton on the occasion of his 58th birthday; to the Committee on Government Reform.

By Mr. JOHN:

H. Res. 718. A resolution providing that the trade authorities procedures under the Bipartisan Trade Promotion Authority Act of 2002 shall not apply to any implementing bill submitted with respect to the Central American Free Trade Agreement; to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. Otter.

H.R. 348: Mr. Tiberi.

H.R. 745: Ms. McCollum.

H.R. 811: Mr. Norwood.

H.R. 918: Mr. Kline and Mr. Greenwood.

H.R. 1057: Mr. Gary G. Miller of California.

H.R. 1205: Mr. Capuano, Mr. Wexler, Mr. Berman, and Mr. Van Hollen.

H.R. 1258: Ms. Eddie Bernice Johnson of Texas.

H.R. 1728: Mr. Lewis of Kentucky.

H.R. 1873: Mr. Nethercutt.

H.R. 1930: Mrs. Napolitano.

H.R. 2074: Mr. Sherman.

H.R. 2173: Ms. Schakowsky.

H.R. 2176: Mrs. McCarthy of New York, Mr. Moran of Virginia, and Mr. Evans.

H.R. 2400: Mr. Rehberg.

H.R. 2933: Mr. Walden of Oregon, Mr. Pearce, and Mr. Rehberg.

H.R. 2959: Mr. Snyder and Ms. Watson.

H.R. 3103: Mr. Crane.

H.R. 3142: Mr. Deutsch and Mr. Kildee.

H.R. 3194: Mr. Whitfield and Mr. Green of Texas.

H.R. 3285: Mr. John.

H.R. 3313: Mr. King of Iowa and Mr. Hastings of Washington.

H.R. 3325: Ms. Pelosi.

H.R. 3363: Mr. Sandlin.

H.R. 3558: Mr. Gordon, Ms. Schakowsky, and Mr. Gilchrest.

H.R. 3574: Mr. Kennedy of Rhode Island.

H.R. 3579: Mr. Sanders.

H.R. 3716: Mrs. Capito.

H.R. 3767: Ms. Herseth and Mr. Sandlin.

H.R. 3865: Mr. Sanders and Mr. Frost.

H.R. 3888: Mr. Lantos.

H.R. 4022: Mr. Ferguson.

H.R. 4046: Mrs. Kelly and Mr. Houghton.

H.R. 4048: Mr. Miller of Florida.

H.R. 4067: Mr. Tierney.

H.R. 4080: Mr. Platts.

H.R. 4116: Mr. Thompson of Mississippi, Mr. Schrock, Mr. Shadegg, Mr. Toomey, Mr. Smith of New Jersey, and Mr. Boehlert.

H.R. 4119: Mr. Snyder and Mr. Lewis of Georgia.

H.R. 4236: Mr. Stark and Mr. Waxman.

H.R. 4237: Mr. Stark and Mr. Waxman.

H.R. 4258: Mr. McIntyre.

H.R. 4284: Mr. Tiberi, Mr. Peterson of Minnesota, Mr. Walden of Oregon, Mr. McCotter, and Ms. Harris.

H.R. 4306: Mr. English.

H.R. 4343: Mr. CHABOT.

H.R. 4357: Mr. ISRAEL and Mrs. CHRISTENSEN.

H.R. 4370: Mr. ENGLISH.

H.R. 4440: Mr. SOUDER.

H.R. 4633: Mr. SNYDER.

H.R. 4634: Mr. ENGLISH, Mr. KENNEDY of Minnesota, and Mr. LARSON of Connecticut.

H.R. 4662: Ms. GINNY BROWN-WAITE of Florida.

H.R. 4715: Ms. GINNY BROWN-WAITE of Florida.

H.R. 4718: Mr. COLLINS and Mr. ROGERS of Kentucky.

H.R. 4748: Mr. MILLER of Florida and Mr. SENSENBRENNER.

H.R. 4769: Mr. ISRAEL.

H.R. 4773: Mr. JONES of North Carolina, Mr. PENCE, Mr. FRANKS of Arizona, Mr. KLINE, Mr. HENSARLING, Mr. BARRETT of South Carolina, Mr. SHADEGG, Mr. AKIN, Mrs. MYRICK, Mr. GOODE, Mr. GUTKNECHT, and Mr. CHOCOLA.

H.R. 4805: Mrs. MILLER of Michigan.

H.R. 4826: Mr. ROYCE.

H. Con. Res. 30: Mr. SHAYS.

H. Con. Res. 430: Mr. PAYNE, Mr. MCINTYRE, and Mr. EDWARDS.

H. Con. Res. 462: Mrs. MYRICK and Mr. BELL.

H. Con. Res. 465: Mr. GRIJALVA.

H. Con. Res. 467: Mr. GUTIERREZ, Mr. ROYCE, Mr. LAMPSON, Mr. GRIJALVA, Mr. SMITH of New Jersey, Mr. LIPINSKI, Mr. DOYLE, Ms. MCCARTHY of Missouri, Mr. COOPER, Mrs. CAPPS, Ms. ESHOO, and Mr. KILDEE.

H. Con. Res. 471: Mr. MCHUGH and Mr. HINCHEY.

H. Res. 466: Mr. SHERMAN.

H. Res. 485: Mr. HOBSON.

H. Res. 556: Mr. GRIJALVA and Mr. OLVER.

H. Res. 604: Mr. CALVERT.

H. Res. 666: Mr. HONDA.

H. Res. 689: Mr. SERRANO, Mr. MATSUI, Mr. TIERNEY, Mr. BLUMENAUER, Mr. CAPUANO, Ms. KAPTUR, Ms. WATERS, Mr. EVANS, Mr. SANDERS, Mr. MCGOVERN, Mr. GEORGE MILLER of California, Mr. KUCINICH, Mr. FATTAH, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. UDALL of New Mexico, Mr. TOWNS, Mr. GRIJALVA, Mr. BERMAN, and Mr. DOGGETT.

H. Res. 690: Mr. EMANUEL, Ms. DELAURO, Mr. KUCINICH, Mr. EVANS, Ms. HARMAN, Mr. UDALL of New Mexico, Mr. FILNER, Mr. PALLONE, Mr. ACEVEDO-VILÁ, Mr. BISHOP of New York, Mr. OWENS, Mr. BROWN of Ohio, Mr. CASE, Mr. SCOTT of Virginia, and Mr. BELL.

H. Res. 699: Mr. SERRANO, Mr. MATSUI, Mr. TIERNEY, Mr. BLUMENAUER, Mr. CAPUANO, Ms. KAPTUR, Ms. WATERS, Mr. EVANS, Mr. SANDERS, Mr. MCGOVERN, Mr. GEORGE MILLER of California, Mr. KUCINICH, Mr. FATTAH, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BISHOP of Georgia, Mr. PAYNE, Mr. UDALL of New Mexico, Mr. TOWNS, Mr. GRIJALVA, Mr. BERMAN, and Mr. DOGGETT.

H. Res. 700: Mr. SERRANO, Mr. MATSUI, Mr. TIERNEY, Mr. BLUMENAUER, Mr. CAPUANO, Ms. KAPTUR, Ms. WATERS, Mr. EVANS, Mr. SANDERS, Mr. MCGOVERN, Mr. GEORGE MILLER of California, Mr. KUCINICH, Mr. FATTAH, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. UDALL of New Mexico, Mr. TOWNS, Mr. GRIJALVA, Mr. BERMAN, and Mr. DOGGETT.

H. Res. 713: Mr. CROWLEY, Mr. KENNEDY of Minnesota, Mr. SESSIONS, Mr. WEXLER, Mr. SHIMKUS, Mr. BURTON of Indiana, Mr. PORTER, Mr. FEENEY, Mr. AKIN, Mr. SHERMAN, Mr. CHANDLER, Mr. CHABOT, Mr. SAXTON, Mr. SCHIFF, Mr. NORWOOD, Mr. FOLEY, Mr. JONES of North Carolina, Mr. DEMINT, Mr. RYUN of Kansas, Mr. MCNULTY, Mr. SOUDER, Mr. CRANE, Mrs. MCCARTHY of New York, Mr. FRANKS of Arizona, Mr. NADLER, Mr. SANDLIN, Mr. OTTER, Mr. CANTOR, Mr. MCHUGH, Mr. BURNS, Mr. LINDER, Mr. SMITH of New Jersey, Mr. KING of Iowa, Mrs. JO ANN DAVIS of Virginia, Mr. MILLER of Florida, Mr. ENGEL, Mrs. MYRICK, Mr. BARTLETT of Maryland, Mr. FROST, and Mr. TIAHRT.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 107: Mr. MCGOVERN.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4818

OFFERED BY: MR. BLUMENAUER

AMENDMENT NO. 8: In title III, in the item relating to "FOREIGN MILITARY FINANCING PROGRAM", after the first dollar amount, insert the following: "(reduced by $20,000,000)".

In title IV, in the item relating to "GLOBAL ENVIRONMENT FACILITY", after the dollar amount, insert the following: "(increased by $13,177,734)".

H.R. 4818

OFFERED BY: MR. FARR

AMENDMENT NO. 9: At the end (before the short title), add the following:

UNITED STATES MILITARY PERSONNEL IN COLOMBIA

SEC.   . None of the funds made available in this Act may be made available for the assignment of any United States military personnel for temporary or permanent duty in Colombia if that assignment would cause the number of United States military personnel so assigned to exceed 550.

H.R. 4818

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 10: Page 13, line 2, insert before the period at the end the following: ": *Provided further*, That of the funds appropriated under this heading that are made available for agricultural development in sub-Saharan Africa, not less than $5,000,000 shall be made available for small-scale irrigation, water and drainage, post-harvest storage, crop intensification, crop and livestock diversification, and rural infrastructure, such as in the Special Programme for Food Security of the Food and Agriculture Organization of the United Nations (FAO)".

H.R. 4818

OFFERED BY: MR. KENNEDY OF MINNESOTA

AMENDMENT NO. 11: In title II, in the item relating to "MILLENNIUM CHALLENGE CORPORATION", after the aggregate dollar amount insert "(increased by $250,000,000)".

In title II, in the item relating to "GLOBAL HIV/AIDS INITIATIVE", after the aggregate dollar amount insert "(increased by $90,000,000)".

In title IV, in the item relating to "CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION", after the dollar amount insert "(reduced by $425,000,000)".

H.R. 4818

OFFERED BY: MS. KILPATRICK

AMENDMENT NO. 12: At the end of the bill (before the short title), insert the following:

LIMITATION ON CONTRACTS

SEC. ____. None of the funds made available under this Act may be used to fund any contract in contravention of section 8(d)(6) of the Small Business Act (15 U.S.C. 637(d)(6)).

H.R. 4318

OFFERFD BY: MR. LANTOS

AMENDMENT NO. 13: Page 18, line 22, after "$2,450,000,000", insert the following: "(increased by $570,000,000)".

Page 19, line 3, after "$535,000,000", insert the following: "(increased by $570,000,000)".

Page 42, line 13, after "$4,777,500,000", insert the following: "(reduced by $570,000,000)".

Page 42, line 16, after "$1,300,000,000", insert the following: "(reduced by $570,000,000)".

H.R. 4818

OFFERED BY: MR. LANTOS

AMENDMENT NO. 14: Page 18, line 22, after "$2,450,000,000", insert the following: "(increased by $325,000,000)".

Page 19, line 3, after "$535,000,000", insert the following: "(increased by $325,000,000)".

Page 19, line 8, after "fiscal years:", insert the following: "*Provided further*, That of the amounts that are made available under the previous proviso for Egypt, $325,000,000 shall not be obligated until after September 1, 2005:".

Page 42, line 13, after "$4,777,500,000", insert the following: "(reduced by $325,000,000)".

Page 42, line 16, after "$1,300,000,000", insert the following: "(reduced by $325,000,000)".

H.R. 4818

OFFERED BY: MRS. MALONEY

AMENDMENT NO. 15: At the end of the bill (before the short title), insert the following:

LIMITATION ON CONTRIBUTIONS TO UNITED NATIONS POPULATION FUND

SEC. ____.. None of the funds made available in this Act under the heading "INTERNATIONAL ORGANIZATIONS AND PROGRAMS" may be made available for the United Nations Population Fund except for the Campaign to End Fistula.

H.R. 4818

OFFERED BY: MRS. MALONEY

AMENDMENT NO. 16: At the end of the bill (before the short title), insert the following:

LIMITATION ON CONTRIBUTIONS TO UNITED NATIONS POPULATION FUND

SEC.   . None of the funds made available in this Act under the heading "INTERNATIONAL ORGANIZATIONS AND PROGRAMS" may be made available for the United Nations Population Fund for activities other than the prevention, remedy, and repair of obstetric fistula.

H.R. 4818

OFFERED BY: MR. PAUL

AMENDMENT NO. 17: Title II of the bill is amended by striking the item relating to "MILLENNIUM CHALLENGE CORPORATION".

H.R. 4818

OFFERED BY: MR. PAUL

AMENDMENT NO. 18: At the end of the bill (before the short title), insert the following:

PROHIBITION ON ASSISTANCE TO THE GOVERNMENT OF PAKISTAN

SEC. ____. None of the funds made available in this Act may be used to provide assistance to the Government of Pakistan.

H.R. 4818

OFFERED BY: MR. SANDERS

AMENDMENT NO. 19: At the end of the bill (before the short title), insert the following:

LIMITATION ON PROVISION BY EXPORT-IMPORT BANK OF CREDIT TO ENTITIES REINCORPORATING OVERSEAS

SEC. ___. None of the funds made available in this Act may be used by the Export-Import Bank of the United States to approve a comprehensive guarantee, political risk guarantee, or direct loan to any entity that provides to the Export-Import Bank of the United States an income statement or any other information as part of the application process that shows that the entity or a corporate parent of the entity is incorporated or chartered in Bermuda, Barbados, the Cayman Islands, Antigua, or Panama.

H.R. 4818

OFFERED BY: MR. SHERMAN

AMENDMENT NO. 20: In the item relating to "UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT—CHILD SURVIVAL AND HEALTH PROGRAMS FUND", after the aggregate dollar amount, insert the following: "(increased by $290,000,000)".

In the item relating to "UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT—CHILD SURVIVAL AND HEALTH PROGRAMS FUND", after the third dollar amount, insert the following: "(increased by $290,000,000)".

In the item relating to "CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION", after the aggregate dollar amount, insert the following "(reduced by $359,000,000)".

H.R. 4818

OFFERED BY: MR. TANCREDO

AMENDMENT NO. 21: At the end of the bill (before the short title), insert the following:

WITHHOLDING OF ASSISTANCE FOR CERTAIN FOREIGN COUNTRIES

SEC. ___. Notwithstanding any other provision of law, the President shall withhold bilateral assistance allocated for a foreign country under any heading of this Act by an amount equal to the aggregate amount of cash remittances sent by nationals of the foreign country residing in the United States to persons residing in the foreign country during fiscal year 2004.

EXTENSIONS OF REMARKS

A TRIBUTE IN HONOR OF MORLEY FRASER OF ALBION, MICHIGAN

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 2004

Mr. SMITH of Michigan. Mr. Speaker, I rise to honor and remember H. Morley Fraser, a wonderful friend of mine and the beloved Albion College coach and mentor to generations of students, alumni and colleagues, who lost his struggle with cancer June 28, 2004 at the age of 82.

A native of Milwaukee and a graduate of Washburn University in Topeka, Kansas, and Michigan State University, Morley was a Navy captain during World War II. He began his coaching career in the high school ranks in 1947, coaching for 2 years in Kansas prior to moving to Newberry, Michigan in the Upper Peninsula. At Newberry High School, he compiled a 22–0–1 record in football and had 3 conference championships in 3 years. His Newberry track team earned the 1951 conference title and regional championship. Morley then moved to Lansing and in a 2-year stint at Lansing Eastern High School, he moved a last-place team to a second-place finish in the school's 5–A conference. He moved to Albion in 1954.

As Albion College's head baseball coach for 18 years, Morley won 6 Michigan Intercollegiate Athletic Association championships. But he will be best remembered for the 14 years he prowled the sidelines as Britons' head football coach. During that era, Albion won 5 MIAA championships, compiled an 81–41–1 record, had 5 MIAA Most Valuable Players, recorded 2 undefeated seasons, and had a winning streak of 15 consecutive games. The school's football field is now named after him.

After leaving coaching, Morley joined Albion's administration and was executive director of the Albion College Conference Center from 1973–1989. He was chosen for the National Fellowship of Christian Athletes Hall of Champions, the Upper Peninsula Sports Hall of Fame and received the Lifetime Leadership and Athletic Hall of Fame award from Albion College.

Although he was best known for his work at Albion, Morley was also known throughout the State as a motivational speaker, routinely giving 200 speeches a year. Among his many engagements, University of Michigan football coach Lloyd Carr invited him to speak to his team before a game every season. He was a mentor to generations of athletes and coaches throughout the Great Lakes region.

Morley was also involved in several organizations locally and nationally. In addition to the Fellowship of Christian Athletes, he was a member of the Albion Rotary, the Jackson Kiwanis, and served as the longtime Sigma Nu fraternity adviser at Albion College. He was also a member of the Albion First United Methodist Church for 50 years. Morley Fraser loved people, his community, and his country.

Coach Fraser was a man whose dedication for coaching was only exceeded by his love for his players themselves. He demanded nothing less than the best and he always saw the best in everyone. Morley had a preternatural ability to not only teach offense and defense, but also responsibility, loyalty, civility, and virtue. Most importantly, he lived the values, virtues, and lessons that he taught. To balance his tenacity on the athletic field, he was a gentle, compassionate, and loving husband, father, and friend.

On behalf of the United States Congress, we offer our condolences to Morley's beloved wife of 57 years, Elizabeth, his daughters, Diane and Kathy, his sons, Morley Jr. and Douglas, his 11 grandchildren, and his 2 great-grandchildren. Morley was passionate for his causes and was a role model for all of us who seek to improve our communities and our country. We offer our thanks to Morley for all he did for countless students, alumni, colleagues and his community.

PERSONAL EXPLANATION

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 2004

Mr. TANCREDO. Mr. Speaker, I was unavoidably detained during rollcall vote Nos. 326 and 327. Had I been present, I would have voted "aye" on both.

I was also unavoidably detained during rollcall vote Nos. 355, 356, 357, and 358. Had I been present, I would have voted "no" on No. 355, "no" on No. 356, "no" on No. 357, and "no" on No. 358.

PERSONAL EXPLANATION

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 2004

Ms. DELAURO. Mr. Speaker, I was unavoidably detained yesterday due to severe weather that prevented me from arriving in Washington, DC from Connecticut in time for House business. Due to the storm, I missed a series of votes (rollcall Nos. 359–362) on the FY 2005 Legislative Branch Appropriations bill. Had I been present, I would have voted "aye" on rollcall No. 359, "no" on rollcall No. 360, "aye" on rollcall No. 361, and "aye" on rollcall No. 362.

A TRIBUTE IN HONOR OF DALE KOROLUCK OF RIVERSIDE, CALIFORNIA

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 2004

Mr. SMITH of Michigan. Mr. Speaker, I rise to honor Dale Koroluck, an exceptionally bright young man who has been awarded the President's Award for Educational Excellence for 2003.

Dale is an inquisitive, high energy, intelligent student who will be entering the eighth grade at Amelia Earhart Middle School in the fall. He excels academically among his peers and also consistently demonstrates the motivation, initiative, integrity, leadership qualities and exceptional judgment that set him apart from his fellow students.

Although Dale's favorite subjects are math and science, he truly enjoys engaging in debate and public speaking. He hopes that his budding litigation skills will someday prove useful while attending law school. Dale also likes to play football and basketball, and he has trained to earn his first degree-black belt in Taekwondo.

On behalf of the United States Congress, we offer our congratulations to Dale for earning this prestigious academic award and applaud him for his tenacity to learn. Dale is passionate in all of his endeavors and serves as a fine role model for his peers.

We also extend our compliments to Dale's wonderful parents, Kay and Daryl, and his brother Dillon. I suspect that it is very likely that Dale and Dillon will follow in the family tradition of being involved in public service and possibly someday run for public office.

PERSONAL EXPLANATION

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 2004

Mr. TIAHRT. Mr. Speaker, on July 12th, I missed four rollcall votes numbered 359, 360, 361 and 362.

Rollcall No. 359 was a vote on agreeing to the Holt Amendment. Had I been present I would have voted "nay."

Rollcall No. 360 was a vote on agreeing to the Hefley Amendment. Had I been present I would have voted "nay."

Rollcall No. 361 was a vote on the Sherman Motion to Recommit H.R. 4755. Had I been present I would have voted "nay."

Rollcall No. 362 was a vote on final passage of H.R. 4755. Had I been present I would have voted "yea."

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

TRIBUTE TO LORRAINE CEPHUS

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 2004

Mr. ANDREWS. Mr. Speaker, I rise today to honor Lorraine Cephus of Cherry Hill, New Jersey, and to celebrate her outstanding achievements as a runner.

Lorraine was an avid high school athlete, playing softball and running track. She only began running seriously in her 30s after her two children were born and while her husband Louis, an Army colonel, was stationed in Germany.

At 74 years old, the grandmother of two runs an astonishing six miles everyday. She has completed countless marathons, logging over 100,000 miles. Since 1976, she has completed 28 consecutive Marine Corp Marathons, the only women to ever accomplish this feat. While she competes in other races around the country, the Marine Corp Marathon has special significance to her, as the race passes Arlington National Cemetery where her beloved husband Louis is buried. Every year as she runs past the cemetery, Lorraine salutes and says a prayer for her late husband.

People in her community know Lorraine not only for her extraordinary athleticism but for her friendly nature and sunny disposition. May she continue to serve as an inspiration to all of us to live a healthy and active lifestyle for many years to come.

I congratulate Lorraine on her spectacular accomplishments, and wish her the best of luck as she trains to compete in her 29th Marine Corps Marathon this fall.

EXPRESSING SENSE OF THE HOUSE ON ESTABLISHING NATIONAL COMMUNITY HEALTH CENTER WEEK

SPEECH OF

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 2004

Mr. RUSH. Mr. Speaker, I rise in support of H. Res. 646, a resolution expressing the sense of the House that the Congress should establish a National Community Health Centers week. I want to commend my good friend and colleague from Chicago, Congressman Danny Davis, for introducing this resolution, to recognize the vitally important work that community health centers do in both urban and rural areas in this nation.

Community, migrant, and homeless health centers play an absolutely critical role in providing quality health care services to the poor and uninsured citizens in this nation. In Illinois generally, and Chicago, especially, these centers provide the only access that some of our citizens have to health care. The providers in these facilities are in the trenches each and every day and our constituents are served well by their dedication and devotion.

Mr. Speaker, it is fitting that I take a moment while we are debating this issue to commemorate the life of one of the leaders in community health care in the state of Illinois.

Mr. C. Michael Savage, 51, the Chief Executive Officer of the Access Community Health Network was killed white water rafting in Alaska while attending a conference on June 24, 2004: all in the Chicago community are mourning his loss.

Mike's dedication, drive and devotion were responsible for turning around Access Community Health Network and making it the largest community health provider in the country. Access is based in Chicago and provides health services to the residents of the First Congressional District and the metropolitan Chicago area. But Mike's work and his impact with Access has been felt all over the country. The Access network is a model for other community health centers around the nation, and much of that reality is because of Mike's unwavering commitment to the challenge of improving health care delivery in this nation.

When I introduced legislation earlier this year designed to make affordable prescription drugs available to low income residents of the First Congressional District, Mike was there. When I created a community-based task force to examine the health care challenges my constituents face everyday, Mike was there. When providers come to Washington every year to urge the Congress to increase funding for community-based health centers, Mike was always there.

Mr. Speaker, on June 24, 2004, not only did Illinois lose a caring, dedicated and supremely empathetic health care provider whose compassion for the poor was unparalled, but so did the nation. He will be sorely missed.

LUNDY FOUNDATION'S WORK WITH VULNERABLE CHILDREN IN EAST AFRICA

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 2004

Mr. UDALL of Colorado. Mr. Speaker, I rise today to commend the Lundy Foundation (Colorado) for its work, in partnership with Africa Bridge (Oregon), Godfrey's Children (Tanzania) and the Executive Council of Idweli (Tanzania), in building and operating a Children's Center in Idweli, Tanzania.

Idweli is similar to many rural villages in East Africa in that a significant portion of the population consists of children affected by HIV/AIDS. In fact, more than one-third of Idweli's children have been orphaned by HIV/AIDS. As their top priority, the children of Idweli identified building a children's center where orphaned and vulnerable children can feel loved and cared for. The Children's Center has now become a reality. The Center will provide temporary shelter for children infected or affected by HIV/AIDS, as well as provide adequate food, healthcare and primary education for orphans and other vulnerable children.

The Idweli Children's Center complex will consist of a small hall with a kitchen, dining room and a space for community gatherings, two dormitories that will provide housing for 48 children and four adults, two lavatories and space for recreation, health care, and education. There is also land available for cultivating vegetables and other crops. Skilled laborers in the village are building the Center by hand. All land used for this complex was donated to the Children's Center by the village of Idweli.

While $70,000 in private funds has been raised for construction and operation of the complex, $81,000 is still needed to complete the project. A matching grant of $35,000 has been pledged, if $50,000 can be raised from other sources. Additionally, grants have been submitted to the Tanzanian government and USAID for matching grants to cover ongoing costs of operating the Center.

The HIV/AIDS epidemic is particularly serious in Africa as millions of children and adults are living with the disease without adequate support or resources. I would like to commend British Airways and First Data Western Union Foundation for their support of the project and expression of social responsibility. It is vital that public and private funding from the United States continues in order to slow the spread of this epidemic in Africa, while ensuring those infected with the disease receive proper care.

I would like to praise the Lundy Foundation for its tremendous efforts in East Africa. It has not only financial resources to the project, but also project management and organizational development expertise. Through its work, the Lundy Foundation has been able to support the partnership in managing change, resolving conflict, and encouraging effective communication, as bridges are built between two different cultures.

The Lundy Foundation has achieved a great deal not only in East Africa, but throughout the African continent. I know that the Lundy Foundation will be successful as it continues in its quest to make the world a better place.

THE ACCUTANE SAFETY AND RISK MANAGEMENT ACT

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 2004

Mr. SMITH of New Jersey. Mr. Speaker, I rise today to join with my colleague, Congressman Bart Stupak of Michigan, to introduce legislation that will help improve the safety and health of thousands of Americans who may be using the acne medication Accutane.

Accutane has been documented as causing severe birth defects and miscarriages in pregnant women using the drug, and its side effects can result in the onset of depression, psychosis, and even suicide. Four years ago, my colleague and friend Mr. Stupak had to endure the tragic suicide of his teenage son, who was using Accutane at the time.

Despite the fact that the significant and serious side effects associated with Accutane are well known, the Food and Drug Administration has yet to mandate a program to better monitor the use of this drug and to document its effects in patients, despite the fact that such a registry has been recommended by FDA advisory panels on two separate occasions.

The Accutane Safety and Risk Management Act is common sense legislation that will build upon a safety plan first proposed by the makers of this drug themselves. It will still permit doctors to prescribe Accutane, but will also institute several additional patient safety and protection measures and ensure patients and their families know the full risks before beginning treatment.

Mr. Speaker, the legislation we propose will permit physicians to prescribe Accutane only for "severe, recalcitrant nodular acne" that has been unresponsive to other forms of treatment. Severe acne is the condition for which Accutane was originally approved to treat. For patients with severe acne, Accutane may be the only medication that can successfully treat their affliction. But in far too many cases, Accutane is prescribed in an overly cavalier manner, and patients are being placed at risk to the drug's side effects for no medically valid reason. Many teenagers suffer from acne, and doctors and patients need to be cautious and not treat this drug lightly.

The legislation will also register all doctors, physicians, and pharmacists who prescribe and dispense the drug, and institute an education campaign to ensure these providers are well-informed about the potential risks associated with Accutane. All patients will also be educated and be required to receive similar information before starting treatment with Accutane and throughout the treatment regimen.

Prescriptions will only be written for 30 days and will not be permitted via the telephone, Internet, or mail. Female patients will also have to undergo a monthly pregnancy test before receiving a renewal on their prescription, and all patients will be required to take a monthly blood test.

The makers of the drug and all practitioners who dispense Accutane will also be required to file prompt reports with the Department of Health and Human Services anytime they learn of a negative reaction, including a death.

In closing, Mr. Speaker, let me just add that I commend my good friend BART STUPAK for having the courage and fortitude to turn a heartbreaking family tragedy into an effort to spare others from suffering a similar loss. I look forward to working with him to advance this important, common-sense health reform.

TRIBUTE TO THE FINALISTS IN THE CHRISTOPHER COLUMBUS AWARDS

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 2004

Ms. BALDWIN. Mr. Speaker, I rise today to acknowledge four extraordinary young people and their teacher for becoming one of eight teams competing nationally as finalists in the Christopher Columbus Awards. The four students, Emily London, Renee Millar, Alexandra Macho, and Sara Weaver, are all eighth-graders who attend River Bluff Middle School in Stoughton, WI. Coaching the team is dedicated teacher Breinne Carroll. Through this team's efforts, they have discovered a way to change their community by using science and technology.

The students from River Bluff were concerned about blind pedestrians in their area and the risks that were involved when blind pedestrians crossed the street. The four students developed a raised strip that rests in the middle of crosswalks in order to help blind pedestrians walk in a safe manner from one side of a street to the other. The team calls their idea the "Uni-Bump."

The team has plans for the future as well. They have applied for a provisional patent, which will give the team a year to get a prototype designed and built before a "plant patent" can be granted. Also, a company based out of New Jersey, Trellborg Engineered Systems, has even offered to develop the first functional prototype for the team.

With imagination, teamwork, and the will to do kindly unto others, I am proud to say the team from River Bluff Middle School has not only made an impact on those in their own community, but will subsequently make a positive impact for others across the Nation.

CONGRATULATING CALIFORNIA STATE UNIVERSITY FULLERTON TITANS BASEBALL TEAM ON 2004 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I COLLEGE WORLD SERIES

SPEECH OF

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 2004

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today as a strong supporter and co-sponsor of H. Res. 704—a bill to congratulate the California State University, Fullerton Titans baseball team for winning the 2004 National Collegiate Athletic Association Division I, College World Series.

Many of the Titans' student body live in my district, and they must be equally proud of the Orange and Blue.

The Titans' defeat of the Texas Longhorns, ranked No. 1 in the country, was just the latest victory in the school's history of overcoming the odds. The Titans have never had the resources of the great Big West teams, but they've made up for it in their spirit, drive and determination.

Special kudos go out to Coach George Horton for his third career award as Big West Coach of the Year, and to Kurt Suzuki and Jason Windsor for being named "All Americans."

Coach Horton and his team have set a high bar for future Titans baseball teams, but I'm sure that they will be up to the challenge, in the best tradition of Cal State Fullerton athletics.

TRIBUTE TO THE CALLOWAY COUNTY LADY LAKERS

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 2004

Mr. WHITFIELD. Mr. Speaker, I would like to acknowledge a group of high school students from my District congratulate them on winning the State of Kentucky Fast Pitch Softball Championship. The Calloway County Lady Lakers won their first state softball championship this year when they defeated Owensboro Catholic by the score of 3 to 2 on June 13th. This was only the second State Championship in the school's history.

I would first like to recognize the team, beginning with the coaches. They include Head Coach, James Pigg, and Assistant Coaches: Eddie Morris, Tom Fox, Troy Webb, Pat McMillen, and Cija Vaughn. Your hard work and dedication is admirable and greatly appreciated. Your team is celebrating this accomplishment today because of your efforts.

The players' teamwork and athletic abilities are also evident with this victory. The players are: Whitney Hendon, Kaysin Hutching, Traci Rose, Kalyn Fox, Aimee Dial, Ashley Chadwick,, Chelsea Morris, Marcy Boggess, Danielle McMillen, Megan Starks, Carrie Radke, Jessica Greer, and Jessica Dial. Congratulations on this impressive athletic achievement. Your will and determination are obvious, especially since you were playing the championship game at 2:00 in the morning. This is a honor for your families, your team, your school, and the First District of Kentucky.

Congratulations Lady Lakers, and I wish you continued success in the future.

A TRIBUTE TO THE HARRY AND DAVID COMPANY

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 2004

Mr. WALDEN of Oregon. Mr. Speaker, I rise today to offer my heartfelt congratulations to a wonderful company whose roots are deeply immersed in the history of southern Oregon and our nation. Harry and David, a mail-order food-gift company located in Medford, Oregon, is celebrating its 70th anniversary, a milestone that speaks to America's enduring fondness for Harry and David products and services.

Well-known nationwide for their direct marketing of gourmet food and fruit gifts, the Harry and David Company is also known as a valuable member of the southern Oregon business community. Countless southern Oregon families have worked for Harry and David over the years and have helped shape their successful growth as a company.

Mr. Speaker, over the years the Harry and David Company has expanded from its initial gourmet gift fruit offerings to include fine chocolates and confections, as well as baked goods, meats, snack foods and home décor items. Today Harry and David ships more than 7.5 million gifts each year, including a staggering 4 million packages during the holiday season.

When you look back and consider the company's history, its accomplishments are even more impressive. After inheriting their father's Medford, Oregon, orchard in 1914, brothers Harry and David Holmes established a successful business shipping their signature fruit, the Royal Riviera Pear, to the grand hotels and restaurants of Europe. For 15 years, the brothers' business expanded as demand for their luxury fruit grew until the Great Depression impacted the market. Through extraordinary perseverance, the Holmes brothers pushed on and in 1934 built the foundation for the famously successful company we know today.

Mr. Speaker, Harry and David has truly grown to become one of the crown jewels of Oregon, and I am proud to offer my congratulations to the Harry and David Company on its 70th anniversary. Oregon is fortunate to host such a magnificent enterprise, and I am confident the next 70 years will bring the company continued success.

EXTREMELY HAZARDOUS MATERIALS TRANSPORTATION SECURITY ACT OF 2004

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 2004

Mr. MARKEY. Mr. Speaker, today I am introducing the "Extremely Hazardous Materials Transportation Security Act of 2004", a bill to improve safety within our system of transporting dangerous chemicals by rail, truck or other vehicle as part of daily commerce in the United States. The bill is cosponsored by Reps. MCCARTHY of Missouri, Rep. GRIJALVA of Arizona, Rep. CASE of Hawaii, Rep. OWENS of New York, Rep. LEE of California, Rep. TIERNEY of Massachusetts, and Reps. JACKSON-LEE and GONZALEZ of Texas.

The terrorist attacks of September 11, 2001, have led to significant changes in the level of attention paid to safety and to anti-terrorist measures in this country. Nevertheless, every day tank cars pass through our urban centers that carry enough chlorine to kill 100,000 people in half an hour. Although some of these shipments must travel the routes they are currently using, others could easily be safely rerouted.

We already know that these shipments are attractive terrorist targets. An Ohio-based Al Qaeda operative has already been arrested and pled guilty for plotting to collapse a bridge in New York City or derail a train in DC. And in April, just north of downtown Boston, a railroad tank car carrying 20,000 gallons of hydrochloric acid started to leak close to the Sullivan rapid transit station and just yards away from I–93, causing major chaos to the morning commute. Had that incident been a successful terrorist attack rather than an accident that harmed no one, many lives could have been lost.

The bill we are introducing today would require additional security measures for all shipments of extremely hazardous materials, and also calls for the re-routing of extremely hazardous materials shipments going through areas of concern if there is a safer route available, and if the shipment's origination or destination is not located within the area of concern.

Specifically, it would require:

physical security measures surrounding shipments of EHM such as extra security guards and surveillance technologies

pre-notification of EHM shipments for law enforcement authorities

coordination between Federal, State and local authorities to create a response plan for a terrorist attack on an EHM shipment

the use of currently available technologies to ensure effective and immediate communication between shippers of EHM, law enforcement authorities and first responders

re-routing of shipments of EHM that currently travel through areas of concern (as defined by the Secretary) only if there is a safer route available, and only if the shipment's origination or destination is not located within the area of concern

training for employees who work with EHM shipments

whistleblower protections for those disclosing violations of security rules or regulations

civil and administrative penalties for those who fail to comply with the regulations

I am attaching a letter of support for this bill from Chief Carter of the Massachusetts Bay Transportation Authority (MBTA) Police. While this letter addresses a particular hydrochloric acid spill that occurred April 14 in the Boston area, it is indicative of the difficulty and danger that extremely hazardous chemical shipments can pose to our first responder community wherever they live and work. It has also been endorsed by Greenpeace, Clean Water Action, Friends of the Earth, National Environmental Trust, the Public Interest Research Group, and 14 chemical companies.

I urge my colleagues to join me in seeking to upgrade our defenses in this area so that none of our constituents are ever exposed to a catastrophic chemical release simply because we failed to take these simple steps.

MBTA POLICE,
Boston, MA, July 12, 2004.

Re H.R. , *A Bill to Direct the Secretary of Homeland Security to Issue Ragulations Concerning the Shipping of Hazardous Material Within, Through, or Near Regions Designated by the Secretary as Areas of Concern*

Hon. EDWARD MARKEY,
House of Representatives, Rayburn House Office Bldg., Washington, DC.

DEAR CONGRESSMAN MARKEY: Thank you for inviting me to review and comment upon the proposed H.R.   which would direct the Secretary of Homeland Security to draft regulations concerning transportation of hazardous materials through or near geographic areas of concern. I offer my full support for the bill.

The proposed bill provides a critical framework to strengthen the security of the now extremely vulnerable hazardous material shipment process. Its passage would create reasonable regulation over who is transporting dangerous shipments. how they are transported, and where they are allowed to travel. This bill is but one part of a larger, ever developing process of securing the safety of our citizens and protecting our municipalities.

Public mass transit and cargo transport are the most critical systems of commerce in the United States of America. In Boston, Massachusetts alone, every day, over six hundred thousand persons utilize the Massachusetts Bay Transportation Authority's (MBTA) system of buses, subways, commuter rail, water shuttles, and para transit services. Each of those persons, and many who do not use mass transit, live, work and travel in close proximity to modalities which constitute hazardous material transport in the form of freight trains, rail tankers, tractor trailers, and harbor bound ships. Each of those forms of transport poses a unique and disturbing challenge to public safety agencies in preventing either an accidental or intentional discharge of dangerous cargo into the local environment.

For example, on April 14, 2004, a railroad tanker car carrying twenty thousand (20,000) gallons of hydrochloric acid developed a leak while passing quite literally within yards of the Sullivan Square MBTA subway station. This accident required the immediate response of virtually the entire resources of the MBTA Police Department's working officers to monitor pedestrian and vehicle traffic in and around the station. Also, the resources of the Boston Police Department, Fire Department, and Emergency Medical Services were put to the test in managing traffic, containing the leak, off-loading the remaining cargo, and identifying persons who may have been injured by exposure. For virtually the entire day, the transit infrastructure and most critical city services were critically impeded. Perhaps the most troubling part of that incident is that every day similar cargo is transported on the same rail cargo line, immediately adjacent to commuter rail lines and roadways with no regulation or prior warning of the potential hazard.

Amazingly, no one was injured or killed as a result of the April 14 leak, but the incident pointed to a threat to the safety and lives of our citizens. Every day, across our nation, local residents are exposed to potential harm by passage through their communities of unknown and unregulated cargo, chemicals, and hazardous materials. Mass transit modalities share rail lines with dangerous cargo trains; highways and urban centers routinely see cargo trucks and tankers alongside cars, school buses, and public buildings; and working harbors, like Boston and New York, receive huge tankers of liquefied natural gas or similarly volatile cargo. There is, however, no framework to uniformly identify and secure the extremely vulnerable hazardous material shipment process.

In the shadow of the events of September 11, 2001, we in the law enforcement professions have had to refocus our efforts from crime prevention to include identification of weaknesses in local infrastructure that lends itself to either accidental or intentional harm. Part of the difficulty is that we are hardly ever forewarned, nor do we have the authority to control the hazardous substances that travel though our communities.

In closing, thank you for inviting my comments on this important issue. Please be assured of my continued support for your efforts on behalf of the Commonwealth of Massachusetts and the United States of America.

Sincerely,
JOSEPH C. CARTER, *Chief.*

PERSONAL EXPLANATION

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 2004

Mr. OXLEY. Mr. Speaker, I was unavoidably absent from the floor during rollcall votes 360 (Hefley amendment to H.R. 4755), 361 (Sherman motion to recommit H.R. 4755), and 362 (H.R. 4755 final passage), taken last night. Had I been present, I would have voted "no" on rollcall votes 360 and 361 and "aye" on rollcall vote 362.

PERSONAL EXPLANATION

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 2004

Mr. MOORE. Mr. Speaker, on July 12, 2004, my flight was delayed due to inclement weather causing me to miss rollcall vote Nos. 359 and 360, the Holt and Hefley amendments to the legislative branch appropriations bill, H.R. 4755. The Holt amendment would increase funding for the General Accounting Office (GAO) to establish a Center for Science and Technology Assessment within the GAO. The Hefley amendment would reduce all of the discretionary appropriations in the bill by 1 percent. Had I been present, I would have voted "yea" on the Holt amendment and "nay" on the Hefley amendment. Please let the record reflect how I would have voted.

TRIBUTE TO MSGT BENJAMIN R. McCLELLAN

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 2004

Mr. SKELTON. Mr. Speaker, let me take this opportunity to pay tribute to Master Sergeant Benjamin R. McClellan upon his retirement from the United States Air Force.

MSGT McClellan has served our Nation with honor and distinction for over 20 years, and his performance throughout his career has been characterized by the highest standards of professional ethics and commitment. He entered into the United States Air Force in December of 1983, and attended his basic training at Lackland Air Force Base, TX. He has served our country in many capacities through the years but has finished his career as the NCOIC of Wing Protocol for the 509th Bomb Wing at Whiteman Air Force Base, MO.

MSGT Benjamin McClellan graduated summa cum laude from Friends University in Wichita, KS, with a Bachelor of Science Degree in Organizational Management and Leadership. He is currently completing his Masters of Business Administration from the University of Phoenix, Kansas City, MO.

MSGT McClellan's awards include the Air Force Meritorious Medal with one oak leaf cluster, the Air Force Commendation Medal with two oak leaf clusters, the Air Force Achievement Medal with three oak leaf clusters, the Good Conduct Medal with five oak leaf clusters, the Military Outstanding Volunteer Service Medal, and the National Defense Service Medal.

Mr. Speaker, I am certain that my colleagues will join me in wishing MSGT McClellan all the best. We thank him for over 20 years of service to the United States of America.

IN RECOGNITION OF THE 100TH ANNIVERSARY OF THE GRUNDY COUNTY AGRICULTURAL DISTRICT FAIR

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 2004

Mr. WELLER. Mr. Speaker, I rise to recognize both the 100th anniversary of the Grundy County Agricultural District Fair held each year near Morris, Illinois as well as the local agriculture community which has so strongly supported the Fair over the decades.

Founded in 1904 in the Village of Mazon, Illinois on the southern end of Grundy County, the Fair originally featured horse shows, baseball games and dinners served by the Mazon Congregational Church.

The Fair grew rapidly in popularity and soon became the center of entertainment for everyone in Grundy County with horse races, livestock shows, good food, dancing, talent shows and many types of plain, wholesome family fun.

As the years went by, automobile racing gradually supplanted the traditional horse races, especially with the advent of Midget auto racing which became very popular during the late 1930's and continues to this day. Auto race tracks grew larger and replaced horse racing tracks. Eventually, the Fair outgrew its Mazon, Illinois site and moved to its present location north of the City of Morris, Illinois where the Grundy County Speedway, a one-third mile paved oval track became part of the fairgrounds.

A century later, along with the auto racing, the Grundy County Agricultural District Fair still retains its agriculture and family oriented emphasis. Beef and dairy cattle, sheep, swine, rabbits and poultry along with field crops, fruit and vegetables still combine with country music, carnival rides and even the Miss Grundy County Fair Pageant to provide outstanding family entertainment.

In closing, Mr. Speaker, let me pay tribute to the generations of farm families, hard-working Fair Department Superintendents, dedicated County Fair Board members and outstanding volunteers who have built and nourished the Grundy County Agricultural District Fair through the past century. Their commitment has truly provided the Grundy County community with a century of wonderful family entertainment.

PAYING TRIBUTE TO GORDON HILL

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 2004

Mr. McINNIS. Mr. Speaker, I solemnly rise today to pay tribute to the life and memory of Gordon Hill of Glenwood Springs, Colorado. Recently, Gordon passed away at the age of eighty-seven. He will be remembered for his dedication and service to our country as an officer during World War II, and as an employee at the Bureau of Reclamation. As his family and friends mourn his passing I would like to recognize his life and accomplishments before this body of Congress and this nation today.

Gordon was born and spent much of his childhood in cities along Colorado's Front Range. After receiving a civil and irrigation engineering degree from Colorado A&M College, he went to work for the Tennessee Valley Authority. During the Second World War, he bravely answered his nation's call to serve and joined the United States Navy as an officer in the Civil Engineering Corps where he served in the Pacific Theatre. After the war, Gordon remained in the military as a member of the reserve corps.

After the war, Gordon began his work for the United States Bureau of Reclamation until his retirement in 1973. During his years at the Bureau, he held positions as a project planner, a construction supervisor and contract administrator. Working and living in several different towns throughout Colorado, Gordon provided leadership on the Colorado-Big Thompson dam and Ruedi dam projects. Gordon had a very large and loving family including several children, numerous grandchildren and great-grandchildren. Upon his retirement, he moved to Glenwood Springs, which provided opportunity to be close to much of his family and a nice environment for him to pursue his seasonal outdoor activities. These hobbies included: golf, hunting, skiing, gardening, fishing and swimming.

Mr. Speaker, I am privileged to share with you the legacy of Gordon Hill. His love for his family, his country, and the outdoors were all apparent, in his life and his deeds. He was a dedicated servant toward the betterment of this nation, and I ask my colleagues to join me in sending my condolences to Gordon's family and friends.

HONORING SANDRA FELDMAN ON HER RETIREMENT FROM THE AMERICAN FEDERATION OF TEACHERS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 2004

Mr. GEORGE MILLER of California. Mr. Speaker, today I am introducing a resolution honoring Ms. Sandra Feldman upon her retirement from the presidency of the American Federation of Teachers (AFT). She is stepping down from this position at the AFT's annual convention later this week. Ms. Feldman has been a tireless advocate for improving the quality of teaching in our schools.

Ms. Feldman was born in New York City and is a product of its public schools. She is a former 2nd and 3rd grade teacher at PS 34 in Manhattan. She began her career advocating for children and better learning outcomes during the 1960's civil rights movement. Ms. Feldman was elected to the presidency of the United Federation of Teachers, the New York City affiliate of the AFT, in 1986. She subsequently was elected to the presidency of the AFT in 1997.

Ms. Feldman has brought this diverse background and her valuable experiences together to be a force for education reform. Ms. Feldman's leadership at both the UFT and AFT helped define national education reform efforts as they developed and grew in the 1980s and 1990s. Her work helped shape the standards movement and brought accountability for results back to education.

Ms. Feldman is probably best identified as being a stalwart champion of increased teacher quality. Better than anyone, Ms. Feldman knows the importance of a highly qualified teacher, especially for the most disadvantaged children. While improving the working conditions and benefits of her membership, she also asked for better results and higher qualifications. A well qualified teacher is the most important element in a successful learning experience. Sandra Feldman's leadership at AFT has only reinforced this important fact.

Despite her retirement, I am confident that her services will continue to be sought after on numerous panels and task forces to improve educational outcomes. Very simply, her service to both her membership and the children of America has been immeasurable.

The resolution I am introducing today honors Sandra Feldman on her retirement from the presidency of AFT. Despite her leaving this position, I am confident that her expertise and skill will continue to positively impact teaching and learning for years to come.

PAYING TRIBUTE TO EIGHTH STREET MISSIONARY BAPTIST CHURCH

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 2004

Mr. MCINNIS. Mr. Speaker, I rise today to pay tribute to the Eighth Street Missionary Baptist Church in Pueblo, Colorado. For many years, the church has been spiritually uniting members of the Pueblo community, and I am privileged to join my colleagues in recognizing its positive impact on the community before this body of Congress and this nation today.

The Eighth Street Missionary Baptist Church has been a place of worship and friendship for members of Pueblo for well over a century. The church's roots can be traced back into the 1870's, but the exact date of its inception is unknown as a result of a flood destroying the documentation. Many early members of the congregation can be identified as freed slaves, relocating in Pueblo to establish a new life with new opportunities. Now, many members of the community find comfort in the Eighth Street Missionary Baptist Church. Recently, the church announced plans for a new building to house the church to better serve its members.

Mr. Speaker, the Eighth Street Missionary Baptist Church remains an important part of the lives for many community members. The church has a century old record of bringing people together and creating a strong community. I thank the leadership and the members of Eighth Street Missionary Baptist Church for their service to the community, and wish them all the best in their future endeavors.

PERSONAL EXPLANATION

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 2004

Mr. OWENS. Mr. Speaker, because of an emergency in my district, I missed rollcall votes Nos. 359, 360, 361 and 362. If present I would have voted "yea" on rollcall votes 359, 361 and 362 and "nay" on rollcall vote 360.

PAYING TRIBUTE TO JOHN WILLIAM SOMRAK

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 2004

Mr. MCINNIS. Mr. Speaker, it is with a heavy heart that I rise to pay tribute to the life and memory of John William Somrak of Gunnison, Colorado. "Johnny," as he was affectionately known, recently passed away, and he will be remembered as a pillar of his community. As his family and community mourn his passing, I would like to take this opportunity to recognize his life before this body of Congress and this nation.

Johnny was born and raised in Crested Butte, Colorado. After losing his father at a young age, he went to work for Colorado Fuel and Iron's Big Mine when he turned seventeen to help support his family. This responsibility taught him a strong work ethic early in his life. Harry's personal loss of his father to a mining accident inspired him to become active in workplace safety at the mine, and join a team to compete in Colorado's Industrial First Aid and Accident Prevention competitions. When the coalmines closed he went on to work as a Forest Service technician, a job that required him to be a man of many talents. He did everything from providing the necessary maintenance of campgrounds to acting as a supervisor for the summer work crews.

A devoted family man, Johnny was married to Frances Starkovich, for over fifty years. In his free time, he enjoyed dancing with his wife and cultivating flowers in his garden. In addition to those passions, his love for skiing kept him active throughout the winter.

Mr. Speaker, the Gunnison community will sorely miss John Somrak. He will be remembered as a dedicated worker and committed family man. I wish to express my deepest condolences to Johnny's family and friends in this difficult time of bereavement.

HONORING THE JOHN MERLO SPORTS PROGRAM

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 2004

Mr. EMANUEL. Mr. Speaker, it is my privilege today to recognize the contributions of the John Merlo Sports Program for its tireless efforts in providing sports programs and other activities for children and senior citizens in the Lakeview Neighborhood of Chicago, on the occasion of its 23rd Annual Awards Dinner

The annual Sports Program Dinner, hosted again at Chicago's own Wrigley Field, is an opportunity to recognize both the great work the Sports Program has accomplished in the past year, as well as the achievements of so many members of our community who help make Lakeview one of the best neighborhoods in the City of Chicago. This year, I am pleased to congratulate Senator Emil Jones, Andy McPhail, and Paula and Peter Fasseas on being recognized for their unwavering commitment to Chicago.

The John Merlo Sports Program has consistently demonstrated its commitment to providing the Lakeview community with a variety of excellent athletic programs as well as funding for the renovations of Chicago Park District Playlots. Its fundraisers, programs, and honorees, are an integral part of the success of the program, and I thank everyone in attendance for their assistance and dedication to this outstanding program.

Founded in 1981, the John Merlo Sports Program is a charitable organization named after the late John Merlo, a beloved former Alderman, State Representative, State Senator and Democratic Committeeman, who represented the Lakeview community for nearly 30 years. Mr. Merlo, a staunch advocate for the benefits of participating in sports, felt good sportsmanship, and the ability to interact with others were important skills that everyone should possess.

This year's awards are led by the Civic Leader of the Year, Senate President Emil Jones, Jr. Senator Jones has been serving the people of Illinois as a state legislator for more than 30 years. Throughout his career, he has been a dedicated supporter of education and the disadvantaged. A life long resident of Chicago, Senator Jones has provided a passionate voice for Chicagoans as the leader of the Illinois State Senate.

President and Chief Executive Officer of the Chicago Cubs, Andy MacPhail has a long connection with the Lakeview Neighborhood, first working for the Cubs in 1977. As one of the most successful executives in Major League Baseball, Mr. McPhail has also worked for the Houston Astros and the Minnesota Twins, a team that won two World Championships while he was at the helm. Under Mr. McPhail's management, the Cubs were the National League Central Division Champions last year, and are again fighting for the pennant. Accordingly, I applaud the selection of Mr. McPhail as Business Leader of the year.

Last, but not least, I congratulate Paula and Peter Fasseas on being selected as the Business Leaders of the Year. Metropolitan Bank Group Chairman and Chief Executive Officer Peter Fasseas and Vice Chairman Paula Fasseas have been involved in all facets of the Lakeview community since purchasing North Community Bank in 1978. The number of civic organizations that have been touched by the Fasseas is too numerous to mention, but I am particularly proud of their work with Pets Are Worth Saving (PAWS), the non-profit organization founded by Mr. and Mrs. Fasseas in 1998 dedicated to encouraging pet adoption.

Mr. Speaker, I applaud the leadership of The John Merlo Sports Program, its founder Bernie Hansen, and current President Mike Quigley on the incredible work they are doing for Chicago's youth and seniors. I would also like to commend the tremendous leaders being honored this year, and wish the program continued success in the future.

PAYING TRIBUTE TO KAREN GREEN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 2004

Mr. McINNIS. Mr. Speaker, I rise today to pay tribute to Karen Green, of Aspen, Colorado. Karen is a talented teacher that motivates students to study our nation's history. Her dedication to learning inspires students in many ways, and I am privileged to acknowledge her before this body of Congress and this nation today.

Karen has been an educator for twenty-two years and has also taught in Glenwood Springs, and Cherry Creek in Denver. This year Karen was the only Colorado educator to be awarded the inaugural Preserve America History Teacher of the Year Award. The newly established national award program was created by first lady Laura Bush and is co-sponsored by the Preserve America Foundation and Gilder Lehrman Institute of American History. In addition to her award Karen was also complimented with a one thousand dollar donation to the High School, 20 history books, multimedia, copies of primary documents and some meaningful works of literature and philosophy in original form.

Karen is obviously a phenomenal teacher as this is not the only award that she has received. Last year she was awarded the Most Inspirational Teacher Award and a ten thousand dollar donation from the Basalt community where she used to teach from 1993 to 2003. Most recently, she qualified for a weeklong seminar at Stanford University with Pulitzer-Prize winning historian David Kennedy. She was one of only thirty teachers invited.

Mr. Speaker, Karen Green has devoted her career to expanding the minds of Colorado students and her colleagues. She is a dedicated teacher who demonstrates a strong passion for learning and I am honored to recognize her accomplishments before this distinguished body of Congress and this nation today. Congratulations on your award, Karen, and thank you for your many years of service.

PUNJAB GOVERNMENT CANCELS DEAL THAT ALLOWED DIVERSION OF WATER TO OTHER STATES; LEGISLATURE ASSERTS SOVEREIGNTY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 2004

Mr. TOWNS. Mr. Speaker, the Legislative Assembly of Punjab recently annulled a long-standing agreement that allowed the diversion of water from Punjab to other states.

According to the Tribune of Chandigarh, whose article I will be inserting in the RECORD at the end of my remarks, the Legislative Assembly asserted the sovereignty of Punjab in doing so. The newspaper reports that the bill passed by the Legislative Assembly says that "as a sovereign authority [Punjab] considered it its duty to uphold the Constitution and the laws and to protect the interests of its inhabitants."

Apparently, all parties supported this measure. We congratulate them on taking this step forward to protect the interests of the people of Punjab. I urge them to continue claiming, promoting, and establishing the sovereignty of Punjab.

Mr. Speaker, we know that the people of Punjab have been severely oppressed by the tyrannical Indian government. Over a quarter of a million Sikhs have been killed since 1984, according to the Punjab State Magistracy. The Movement Against State Repression reports that 52,268 have been taken as political prisoners, held without charge or trial, some as long as 20 years. According to the Punjab Human Rights Commission, about 50,000 Sikhs have simply been made to disappear by being arrested, tortured, killed in police custody, declared "unidentified bodies," and secretly cremated, without their remains even being given back to their families.

Similar repression has been visited on Christians, Muslims, and other minorities. Yet India continues to say that it is the world's largest democracy.

If India is truly a democracy, it will allow the will of the people to be carried out in regards to the diversion of water. It will allow the people—Sikhs, Christians, Muslims, Assamese, Bodos, Dalits, Manipuris, Tamils, and everyone living under Indian rule—to enjoy the full range of human rights. And it will allow self-determination for these sovereign states.

Until that happens, Mr. Speaker, we should not provide any aid to India. And we should take a stand for self-determination, which is the cornerstone of democracy, by supporting a free and fair plebiscite on independence in Punjab, Khalistan, in Kashmir, in predominantly Christian Nagaland, and everywhere that people seek their freedom from Indian rule. The assertion of sovereignty by the Punjab Legislative Assembly is a good first step. They should act to claim their sovereignty by severing their ties to India. We should take a stand by letting them know that when they do, we will be there with them.

Mr. Speaker, as I mentioned before, I would like to insert the Tribune article into the RECORD.

[From the Tribune (Chandigarh), July 13, 2004]

PUNJAB ANNULS ALL WATER PACTS: CONG, AKALIS JOIN HANDS ON ISSUE

(By P.P.S. Gill)

CHANDIGARH, July 12.—A special session of the Punjab Vidhan Sabha today unanimously passed the Punjab Termination of Agreements Bill, 2004, thereby "knocking down" the very basis on which the Supreme Court had passed its order on construction of SYL—Sutlej-Yamuna Link canal on June 4, last. This Bill annuls the December 31, 1981, agreement between Punjab, Haryana and Rajasthan signed by the three Chief Ministers in the presence of the late Ms Indira Gandhi and also all other agreements relating to the water of the rivers, Ravi and Beas. This, the Bill says, was done in "public interest". The annulment has come after 23 long years with two staunch political rivals, the Congress and the Akalis, joining hands to protect the state's riparian rights. Immediately after the Bill was passed, the Chief Minister, Capt Amarinder Singh, accompanied by the Leader of the Opposition, Mr Parkash Singh Badal, PPCC president, Mr H.S. Hanspal, Ms Rajinder Kaur Bhattal, Mr Partap Singh Bajwa and a team of legal experts went to Raj Bhavan to meet the Governor, Justice O.P. Verma (retd.), to request him to give his assent to the Bill, as the dead-line for compliance with the Supreme Court order was July 15. The combined delegation spent an hour with the Governor. The Raj Bhavan sources said, "The Bill is being examined."

Capt Amarinder Singh told TNS that he had not discussed the Bill with Ms Sonia Gandhi. "Why involve her? When I go to Delhi, I shall brief her".

Presenting the Bill to the House, Capt. Amarinder Singh made an emotive speech giving facts, figures and background to the entire issue of sharing of river waters and steps taken in the recent past to protect and safeguard the interests of Punjab, particularly the farmers and save nine lakh acres going dry and barren, which would affect the livelihood of 1.5 million families.

The Bill says that Punjab was proud of its position in the Indian union, felt equal concern for its neighbours and as a sovereign authority also considered it its duty to uphold the constitution and the laws and to protect the interests of its inhabitants.

Under the 1981 agreement, flow series were changed from 1921–45 to 1921–60, which had the result of increasing the availability of Ravi-Beas waters from 15.85 MAF to 17.17 MAF. The allocation of water made to the states concerned under that Agreement was as under:

Haryana (non-riparian) 3.50 MAF, Rajasthan (non-riparian) 8.60 MAF, Delhi (non-riparian) 0.20 MAF, Punjab (riparian) 4.22 MAF and Jammu and Kashmir (riparian) 0.65 MAF. Under clause IV of this agreement, Punjab and Haryana withdrew their respective suits from the Supreme Court. But the controversy rages on. The issue has become emotive.

Referring to the broad clauses of the proposed Bill, Capt Amarinder Singh maintained that riparian and basin principles were ignored all along and allocation of the Ravi-Beas waters had always been affected by "ad hoc decisions and agreements, dictated by prevalent circumstances". Here was a typical case involving "emotive" issue of impending transfer of water from "deficit" Ravi-Beas basin to the "surplus" Yamuna basin.

Never any reliable and scientific study of hydrological, ecological and sociological impact of such large scale trans-basin diversion from Punjab to Haryana and Rajasthan had been undertaken. Besides this transfer, diversion was even contrary to the National Water Policy guidelines, he added.

Capt Amarinder Singh pointed out, "Non-riparian and non-basin states of Haryana and Rajasthan are not only not entitled to any Ravi-Beas waters, even their current allocation and utilisation is totally disproportionate to the areas alleged to be falling in the Indus basin. Therefore, Punjab, as a good neighbour, has accepted such utilisations by Haryana and Rajasthan as 'usages by sufferance' but not as a matter of any recognition of their rights".

He supported this hypothesis, when he posed the question, "Does Punjab have surplus water and do the claimants of our water a legal right to it?" Then, he paused for effect, "The answer to this question is a resounding 'no'", and went on to give the following picture:

All three rivers, the Ravi, the Beas and the Sutlej, flow through the present Punjab and none through either Haryana or Rajasthan. No part of territories of these states fall within the basin areas of the Ravi and the Beas, although, according to un-substantiated report of the Irrigation Commission, only 9,939 sq. kms. within Haryana fall in Indus basin, against 50,305 sq. kms. of Punjab.

Again, the present utilisation by Haryana was about 5.95 MAF, about 4.33 MAF from Sutlej and about 1.62 MAF from the Ravi-Beas water, through the existing systems. Also out of 17.17 MAF of "surplus" Ravi-Beas water, only 4.22 MAF was allocated to Punjab, a riparian state, against higher quantities to Haryana and Rajasthan. From the total surplus availability of 11.98 MAF of the Beas water, Punjab has been allocated 2.64 MAF.

Therefore, justifying the annulling of the December 31, 1981, agreement and all other agreements relating to the Ravi and the Beas, the Bill seeks to present the fact that ground realities have since undergone a sea change from that date and Punjab settlement of July 24, 1985, under the Rajiv-Longowal Agreement. Therefore, this had made the implementation of that 1981 agreement "onerous and injurious" to the public interest.

The availability of the Ravi-Beas water, 1717 MAF, as on December 31, 1981, has been reduced to 14.37 MAF, as per the flow series of 1981–2002. Haryana has been given 4.65 MA under the Yamuna agreement of May 12, 1994, which will be further augmented by the Sarda-Yamuna link. In the meanwhile, irrigation requirements have increased in Punjab. "The Punjab settlement, except one para 9, relating to allocation of the Ravi-Beas water, has remained unimplemented in letter and spirit, to date."

In these circumstances, the terms of 1981 agreement were "onerous, unfair, un-reasonable and contrary to the interests of the inhabitants of the Ravi-Beas basin, who have law-full rights to utilise water of these rivers". Is the Bill justified? Will it tantamount to contempt of the court? In his well prepared speech, Capt. Amarinder Singh has addressed such questions, as well.

Armed with the House resolution of June 15 that aims to protect the rights of Punjab, legal opinions and all-party resolution of June 12, the Chief Minister said.

"This mandate enables the government to find ways and means to protect the people from adverse consequences of the Supreme Court judgment of June 4. The state had been advised that the obligations arising from an agreement or the contract did not fetter the powers of the legislature to enact a law in public interest.

"We have been further advised that it is a well settled law that the legislature is competent remove or take away the basis of judgment by law and thereby it does not encroach upon the exercise of the judicial power of the judiciary and the legislative action within its competence, do not commit a contempt of court. However, final decision in all these matters lies in the court, as any law enacted by this august House is subject to a judicial review".

When the Bill had been introduced, Mr Parkash Singh Badal stood up to express the collective anguish of the opposition that on such an important item, involving the question of "life and death" had been treated lightly by the government and till noon today "we had no idea of what the agenda was all about nor we had received copy of the Bill or what it was all about".

Mr Badal said the traditions and conventions of the House were being eroded, day-by-day. "It was also a disgrace that even the information inviting us to meet the Governor after the House had passed the resolution was sent by the Congress president, Mr H S Hanspal, who was not involved in this in any which way. How can we discuss anything at such a short notice? We are against political confrontation and are available 24–hours for any thing related to the interests of the state and are willing to support the government".

Thereafter, the Speaker, Dr Kewal Krishan said he had received a resolution sent by four Akali MLAs, Mr Parkash Singh Badal, Capt. Kanwaljit Singh, Mr Gurdev Singh Badal and Mr Manpreet Singh Badal, for the consideration of the House.

Then, he ruled that since a comprehensive Bill was being presented, they could express their views while speaking on that. Mr Manpreet Singh Badal and Capt Kanwaljit Singh suggested that certain provisions, including Clause 78, in the Punjab Reorganisation Act, 1966, be also annulled. BJP's Tikshan Sud, said though a "belated step", the Bill was a welcome and offered full co-operation but rued that the Opposition be given due place and respect.

On this the Captain had stated in his reply that whatever steps were required to be taken to protect Punjab's interests would be taken in consultation with the legal experts.

The speakers, including Mr Bir Devinder Singh and Mr Jeet Mohinder Singh spoke in the context of historical background, stressing time and again on the riparian principles. Mr Bir Devinder Singh recalled how even the British Government had sought a certificate from Punjab that it will protect its own interests under the riparian rights while selling water to Rajasthan.

Mr Bir Devinder Singh even cautioned to be prepared following the enactment of the Act, terminating 1981 and other agreements since new situation would develop. Mr Jeet Mohinder Singh wondered if the Bill would stop the construction of SYL. He was for adding a new amendment in the form of a clause in the Eastern Punjab Canal and Drains Act, 1873 that permission of the state Assembly should be mandatory to dig or construct any canal that carries water beyond the boundaries of the state.

RARE BONHOMIE IN HOUSE

The discussion on the Bill was, however, not without the usual political punches and colour. There were moments when some ministers and opposition members took pot shots blaming either side for having failed Punjab and messed up the water issue.

Some Opposition members said had such a Bill been brought forward 23 years ago, Punjab would have been spared the agony. Even the Bill says that in the wake of large-scale militancy, the Punjab settlement was reached, which however, had remained unimplemented in letter and spirit.

For once, the House was in a serious mood. There were no political skirmishes, though usual jibes were heard. The Governor's and Speaker's galleries were packed.

But it was the Captain's day all the way. Having worked overtime to get this Bill prepared, presented and passed by the House, he responded to the collective anguish of the opposition, expressed by Mr Badal, with utmost humility and courtesy, acknowledging all what Mr Badal had said. But then he point by point not only explained the unusual circumstances, including race against time, under which the Bill in as prepared and thus could not be circulated earlier, giving the members a chance to prepare themselves.

Capt. Amarinder Singh was apologetic and said so repeatedly taking the wind out of the sails of the Akalis. He showed faint starchiness in his voice, when he responded to some of the observations of Capt. Kanwaljit Singh, saying, "We are together here for an important task, not for rhetoric and emotive outbursts. We cannot allow Punjab to go back into the grip of violence".

Warming up, he concluded, "We will resort to all legal and constitutional means to seek justice. Already enough bloodshed has taken place. Even all the bodies have not been counted, so far. We shall fight to the end but within the parameters of laws, rules and the constitution. I will be willing to resign, if need be, for the sake of Punjab. The time is not for blame game. We have all made mistakes in the past. We are rectifying the same after 23 years. Come, lets join hands, close ranks. I appreciate the Opposition's co-operation".

PAYING TRIBUTE TO CONNIE FLUKEY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 2004

Mr. MCINNIS. Mr. Speaker, I rise today to pay tribute to Connie Flukey, of Grand Junction, Colorado, who has committed herself to a lifetime of volunteer service. Connie is a caring individual who inspires citizens to follow in her benevolent steps. She is a valuable member of her community and it is an honor to recognize her service before this body of Congress and this nation.

In recognition of her service, Connie was recently honored by the White House with the President's Call to Service Award for more than four thousand hours of volunteer service and also by the Points of Light Foundation for serving more than five hundred hours in one year. Only one thousand people in the entire country are expected to receive such a prestigious award this year. The President's Council on Service and Civic Participation created the award program to recognize Americans whose example of dedication inspires others to volunteer. Connie definitely fits the mold as she was instrumental in the founding of an organization that helps to coordinate searches for missing children across the country including involvement in the high profile Elizabeth Smart case.

Mr. Speaker Connie Flukey is a dedicated public servant that goes above and beyond the call of duty to serve her community and her nation. I am proud to acknowledge the achievements of a person who encourages her fellow Americans to volunteer and help out in their towns and cities. It is the efforts of people like Connie that help build strong and caring communities. Thank you for your service, Connie, and I wish you all the best in your future endeavors.

THE INTRODUCTION OF THE “CONTINUITY OF OPERATIONS DEMONSTRATION PROJECT ACT”

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 2004

Mr. DAVIS of Illinois. Mr. Speaker, in the late 1990s, the Government Reform and Education and Workforce Committees, held oversight hearings to examine the barriers to telecommuting and federal agencies' development and promotion of telework programs. It was then thought that the primary benefits of telecommuting were reducing traffic congestion and pollution, improving recruitment and retention of employees, reducing the need for office space, increasing productivity, and improving the quality-of-life and morale of federal employees.

These continue to be compelling and valid reasons for implementing agencywide telework programs. Representative FRANK WOLF is to be commended for moving legislation that pushes agencies to increase the number of federal employees who telecommute.

Today, post 9–11, we are again holding hearings on telecommuting. We have another, very compelling reason to push federal agencies, and ourselves, to develop and implement the infrastructure and work processes necessary to support telecommuting. They are emergency preparedness and the continued threat of terrorism.

The question we must ask ourselves is this: In the event of an emergency, are we—this Committee, our staffs, and federal agencies—prepared to serve the American people, if in an emergency situation, our primary places of work are no longer available to us?

You only have to read the General Accounting Office's (GAO) April 2004 report entitled, “Human Capital: Opportunities to Improve Federal Continuity Planning Guidance,” to know that the answer is no.

The GAO report notes that the government is better prepared to handle an emergency than it was before 9–11, but there is room for improvement. Federal agencies' continuity of operations plans (COOP) address securing the safety of all employees and responding to the needs of personnel performing essential operations, but essential personnel make up only a small portion of the total federal workforce.

Neither the Office of Personnel Management (OPM) nor the Federal Emergency Management Agency (FEMA), the agencies responsible for providing emergency preparedness guidance in COOP, have addressed workforce considerations related to the resumption of broader agency operations. While COOP efforts should give priority to the safety of all employees and address the needs of those who directly support essential operations, the resumption all other operations is crucial to achieving mission results and serving the American people.

The GAO report states that, “Given that the majority of employees would be associated with resumption efforts rather than essential operations, considering this segment of the organization is an important part of continuity planning.” According to GAO, continuity efforts should be guided by two key workforce principles: the demonstration of sensitivity to individual employee needs and the maximization of all employees contributions to mission results.

I introduced H.R. 4797 to push agencies to do just that. The legislation would require the Chief Human Capital Officer Council to conduct and evaluate a 30-day demonstration project that broadly uses employees' contributions to an agency's operations from alternate work locations, including home. The outcome of the demonstration project would provide agencies and Congress with approaches to gaining flexibility and identifying work processes that should be addressed during an extended emergency situation.

This Congress experienced a prolonged emergency situation when, in 2001, congressional office buildings were closed from 2 weeks to 3 months due to the threat of anthrax contamination. Congressional staff stayed home, or they were hastily relocated to nearby federal office buildings. A Congressional Research Report on congressional continuity of operations stated that although alternate office accommodations were in place, office computer and hard copy files in the closed offices, in many cases, were inaccessible.

The number and types of potential emergency interruptions are unknown and we must be prepared, in advance of an incident, with the work processes and infrastructure needed to reestablish agency operations.

In a world where anything is possible, we must be prepared for all the possibilities.

ACT APPLAUDS EFFORTS TO ENSURE CONTINUITY OF FEDERAL OPERATIONS THROUGH TELEWORKING

The Association for Commuter Transportation applauds Congressman Danny Davis (D–IL) in his effort to ensure continuity of Federal operations in the event of an emergency, natural or manmade, by making effective use of telecommuting. The legislation introduced today by Congressman Davis will show that establishing effective telework programs for the Federal Workforce will allow for continuity of federal operations in the event of an emergency.

The events of September 11th showed us that the Federal government needs to be better prepared to operate in the event of an emergency. However, an act of terror is not the only event that prevents the federal government from operating effectively. Recent events such as the anthrax incident, the tractor incident, numerous weather related events, and the events surrounding the passing of former President Reagan have all but shut down the National Capital Region. Despite this fact, the government has a need to function day to day processes even in the event of an emergency.

ACT feels that the legislation introduced today will serve as a test bed on how to operate in the event of such emergencies and provide a pilot for emergency preparedness in the context of natural disasters in other regions as well. The legislation will leave us better prepared to face the next event, and will also highlight the many benefit of telecommuting and will teach us what we need to do better.

ACT urges the Government Reform Committee and the full Congress to pass this legislation into law. We believe that the Chairman of the Government Reform Committee, Tom Davis (R–VA) is true champion of teleworking and we hope that he will align himself with this legislation.

ACT looks forward to working with Congress and with Congressmen Danny Davis (D–IL) and Tom Davis (R–VA) to see passage of this important bill.

The members of ACT represent a broad coalition of organizations—from major private-sector businesses and institutions to transportation agencies—but we all have one thing in common . . . We are all working cooperatively to make transportation work better by making it more efficient and less costly. ACT members understand that addressing the nation's transportation challenges requires investment in a comprehensive multi-faceted approach—not just the way we build our transportation systems, but the way we use our transportation system. Through programs and services that enhance and promote real transportation choices, ACT members and their partners are developing innovative solutions designed to ensure personal mobility, maximize the performance, security and safety of transportation facilities.

PAYING TRIBUTE TO DR. PAUL SMITH

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 2004

Mr. McINNIS. Mr. Speaker, it is my privilege to pay tribute to Dr. Paul Smith and thank him for his work as Associate Chief of Staff for Community-Based Care. His years of commitment and dedication as a public servant are certainly commendable and worthy of recognition before this body of Congress and this nation today. As Paul celebrates his retirement, let it be known that I, along with my fellow Coloradans are grateful for all that he has accomplished during his years of service.

Paul received his degrees from the University of Southern Colorado in Pueblo, Colorado Northwestern University Medical School before going on to join the U.S. Army as a physician in 1991 and completed his Family Practice residency at Womack Army Medical Center, Fort Bragg, North Carolina. Paul became Board Certified in Family Practice and then served for four more years as an active duty Family Physician at Evans Army Community Hospital, Fort Carson, Colorado.

Paul entered private practice in Pueblo, Colorado in 1998 and enjoyed a busy practice until 2000 when he joined the Veterans Affairs Department as a staff physician at the Pueblo VA Community Based Outpatient Clinic in August. He is a member of the National Academy of Family Physicians and a 2001 graduate of the VA's Health Care Leadership Institute course.

In addition to his strength as a doctor Paul also excels in administration, as he was appointed Acting Chief of Staff of the Southern Colorado Health Care System (SCHCS) in 2000 and became Acting Director in 2002. Through his guidance and coordination of the integration of the SCHCS with the Denver VA Medical Center it has become a stalwart model of exemplary healthcare. This experience led to his current position as Associate Chief of Staff for Community-Based Care, overseeing seven Community Based Outpatient Clinics throughout the Eastern Colorado Health Care System.

Mr. Speaker, it is clear that Dr. Paul Smith has been an invaluable resource to the Colorado Health care. It is my honor to recognize his service and dedication before this body of Congress and this nation. I am grateful for the opportunity to work with dedicated public servants like Paul. On behalf of the citizens that have benefited from the hard work and commitment he has given to the Community-Base Care Program and the constituents it serves, I extend my appreciation for his years of dedicated service.

ROCK ISLAND ARSENAL

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 2004

Mr. REYES. Mr. Speaker, two weeks ago, I returned from my fifth trip to Iraq since the President declared an end to major combat operations last May. I was able to visit with our brave men and women in uniform, many of whom still endure daily rocket strikes. Their resolve and ability to maintain good spirits in the harshest of environments is a testament to the caliber of our armed forces and their dedication to their jobs.

Last week I learned of the death Lance Corporal Michael Torres, a young man from my district who was killed by enemy fire in Fallujah. A high school scholar, athlete, and young Texas State Guardsman, Lance Corporal Torres joined the Marine Corps to serve his country and his fellow Americans. His pride for our Nation and his willingness to serve is an inspiration for El Paso and our country.

Yesterday, along with my colleagues SOLOMON ORTIZ and GRACE NAPOLITANO, I joined Congressman LANE EVANS in touring the Rock Island Arsenal, located in his district. Congressman EVANS invited us to visit this premier facility of which he is so proud and to which he offers much support. At Rock Island, we were able to see armor kits being made for Humvees, and talk with the employees who have been tirelessly working 24 hours a day, 7 days a week, to produce armor kits for our Humvees that are in theater in Iraq. Having seen some of these armor kits being installed in Kuwait, and having talked to soldiers both installing the kits and receiving armored vehicles, I wanted to pass on their gratitude to the workers.

When our men and women in uniform initially crossed the burm in Iraq, fewer than 40 percent of their vehicles were armored. Today, thanks to the hard work of the men and women like those at Rock Island Arsenal, we are well on our way to having every vehicle armored. Since December 19th of last year, Rock Island has produced more than 2,500 full armor kits for Humvees that were sent to Iraq—many of which were installed in theater by the very men and women who built the armor. Our Nation owes great thanks to the men and women of Rock Island Arsenal. Their hard work and dedication is giving soldiers protection and enabling them to return home to their families.

While I am pleased that we are on our way to successfully armoring our vehicles, it does not make up for the fact that many, many men and women in uniform died when they could have been protected by properly armored vehicles. I am pleased that the House Armed Services Committee has been able to work in a bipartisan manner to give our soldiers and marines in theater better force protection measures, but this should not have had to happen after our soldiers were already in theater. When we use our forces, we need to ensure that they have adequate equipment, the best information and technology, and the best training possible.

Our men and women in uniform, like Lance Corporal Torres was, are among the best and the brightest that our Nation has to offer. They are our sons and daughters, our fathers and mothers, our friends and neighbors. As a veteran and as a proud American, I pledge to offer my continued support to ensure that our men and women in uniform have what they need to do their jobs and return home safely.

PAYING TRIBUTE TO DEBBIE FORRESTER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 2004

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Debbie Forrester and recognize her for her outstanding achievements playing handball over the years. She is an amazing handball athlete with a very impressive history of tournament play and it is with great satisfaction that I am able to acknowledge her accomplishments before this body of Congress and nation today.

Debbie started playing handball twenty-two years ago and since then has been national runner-up several times in both singles and doubles before winning the national championship last year. Debbie was ranked seventh in the world in the "open" division, and won three national titles in that division. As a long-time resident of Western Colorado, Debbie has used her handball skill to make friends and build community relationships among her fellow citizens. Debbie's husband, Kim, was also a nationally ranked handball player as well at one point, and the two of them entered many doubles tournaments together.

Mr. Speaker, it is clear that Debbie Forrester is an exceptional handball player, who uses her talents to educate and entertain interested citizens. Helping kids to get involved in sports is fundamental to a healthy childhood and I greatly appreciate Debbie's role in that process. It is my privilege to honor Debbie for her handball achievements and wish her the best in her future endeavors.

CELEBRATING THE 100TH ANNIVERSARY OF THE WILMINGTON, CALIFORNIA CHAMBER OF COMMERCE

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 2004

Ms. HARMAN. Mr. Speaker, I am proud to celebrate today the 100th anniversary of the Wilmington Chamber of Commerce.

Wilmington is known, thanks to our local chamber, as the "Heart of the Harbor," and is our nation's gateway to the Pacific and beyond. The business members of the Wilmington Chamber of Commerce serve one of our country's most vital economic engines, the Port of Los Angeles. The Wilmington Chamber of Commerce enhances the local business environment and helps to improve the quality of life in our community.

The chamber's work builds on a long and auspicious history for the local community. When Phineas Banning founded Wilmington in 1858, he could hardly have imagined the impact that this small community would eventually come to have on the rest of the world. The second post office in Los Angeles County was opened here, and Wilmington was the lifeline to 215 army posts scattered throughout Arizona and New Mexico during the Civil War. Wilmington was no less important during the Second World War, when Navy ships were built on Terminal Island and contributed to winning the war in the Pacific.

Mr. Speaker, I commend the Wilmington Chamber of Commerce on 100 years of remarkable service to the Wilmington community and the nation. I wish the Wilmington business community many more years of success.

COMMENDATION TO RACHEL HEATH

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 2004

Mr. GARRETT of New Jersey. Mr. Speaker, I am pleased to extend my warmest commendation to Rachel Heath for her nearly 22 years of service to the Borough of Franklin, New Jersey.

For the past 22 years, Rachel has worked for the people of Franklin in various capacities—as Welfare Director, Accounts Payable Clerk, Deputy Clerk, and, for the past eight years, Borough Clerk and Administrator.

Though the job titles varied, all of the positions shared one element in common: service to the citizens of Franklin. As Welfare Director, Rachel aided residents in obtaining much-needed assistance to help them through difficult times. As Accounts Payable Clerk, Rachel helped ensure that the borough's finances ran smoothly. And during her time in the borough Clerk's office—first as Deputy Clerk and then as Borough Clerk and Administrator—Rachel handled everything from pet licenses to marriage licenses, birth certificates to death certificates, voting registration to elections oversight.

While all of these accomplishments are certainly noteworthy, perhaps the most remarkable tribute to Rachel is that she did these things while raising four children and being a wife to her husband of almost 35 years, Thomas. In and of itself, the work of a wife and mother goes well beyond a full-time job, yet Rachel found the strength and ability to serve both her family and her community.

As Rachel concludes one chapter of her life and commences the next, I applaud her past service and wish her a future filled with continued success.

PAYING TRIBUTE TO SANDY AND BUTCH LONGMORE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 2004

Mr. McINNIS. Mr. Speaker, it is a privilege to rise to pay tribute to Butch and Sandy Longmore of Montrose, Colorado. For many years, they have been taking foster children into their home and providing a positive influence in the foster children's lives. As foster parents, they have shown tremendous compassion and commitment to the Montrose youth. I am honored to acknowledge this exceptional couple before this body of Congress and this nation today.

Over the last twenty-two years, the Longmores have taken in over 150 foster children. Depending on the circumstances, the foster child stays for a period ranging from a week to several months. In seven different cases, the Longmores have adopted one of the children they were temporarily housing. In addition to their seven adopted children, the Longmores have four children of their own. In recognition of their efforts, the Colorado State Foster Parent Association recently honored the Longmores as the May recipients of the Colorado Foster Parents of the Month. Butch and Sandy are compassionate and caring individuals that obviously take great interest in providing care to young individuals that have difficult situations to overcome.

Mr. Speaker, Butch and Sandy Longmore have truly distinguished themselves as outstanding individuals. They understand the community's commitment to raising the next generation of citizens, and, in assuming that responsibility, have positively changed foster children's lives. I thank Butch and Sandy for their hard work and dedication and I wish them the all the best in their future endeavors.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, July 15, 2004 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 19

2 p.m.

Aging

To hold hearings to examine certain aspects of the new Medicare law aimed at assisting seniors of modest and low incomes, including principally the full drug benefit scheduled for 2006, and the ongoing prescription drug card transitional assistance.

SD–628

2:30 p.m.

Governmental Affairs

To hold hearings to examine the nominations of Neil McPhie, of Virginia, to be Chairman, and Barbara J. Sapin, of Maryland, to be a Member, both of the Merit Systems Protection Board.

SD–342

JULY 20

9 a.m.

Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine governmentwide workforce flexibilities available to federal agencies, focusing on those enacted in the Homeland Security Act, specifically their implementation, use by agencies, and training and education related to using the new flexibilities.

SD–342

9:30 a.m.

Commerce, Science, and Transportation

Business meeting to consider pending calendar business.

SR–253

Foreign Relations

To hold hearings to examine detours and disengagements regarding the road map to peace.

SD–419

Judiciary

Business meeting to consider pending calendar business.

SD–226

10 a.m.

Energy and Natural Resources

To hold hearings to examine S. 2590, provide a conservation royalty from Outer Continental Shelf revenues to establish the Coastal Impact Assistance Program, to provide assistance to States under the Land and Water Conservation Fund Act of 1965, to ensure adequate funding for conserving and restoring wildlife, to assist local governments in improving local park and recreation systems.

SD–366

Indian Affairs

To hold hearings to examine S. 2605, to direct the Secretary of the Interior and the heads of other Federal agencies to carry out an agreement resolving major issues relating to the adjudication of water rights in the Snake River Basin, Idaho.

SR–485

Health, Education, Labor, and Pensions

Substance Abuse and Mental Health Services Subcommittee

To hold hearings to examine performance and outcome measurement in substance abuse and mental health programs.

SD–430

Commission on Security and Cooperation in Europe

To hold hearings to examine the prospects for advancing democracy in Albania.

334 CHOB

2:30 p.m.

Banking, Housing, and Urban Affairs

To hold an oversight hearing to examine the Semi-Annual Monetary Policy Report of the Federal Reserve.

SH–216

JULY 21

9 a.m.

Health, Education, Labor, and Pensions

Business meeting to consider proposed legislation authorizing funds for programs of the Vocational Education Act, S. 2158, to amend the Public Health Service Act to increase the supply of pancreatic islet cells for research, and to provide for better coordination of Federal efforts and information on islet cell transplantation, S. 2283, to extend Federal funding for operation of State high risk health insurance pools, S. 2493, to amend the Federal Food, Drug, and Cosmetic Act to protect the public health from the unsafe importation of prescription drugs and from counterfeit prescription drugs, H.R. 3968, to provide for the conveyance of the real property located at 1081 West Main Street in Ravenna, Ohio, S. Res. 389, expressing the sense of the Senate with respect to prostate cancer information, S. Con. Res. 119, recognizing that prevention of suicide is a compelling national priority, and certain pending nominations.

SD–430

9:30 a.m.

Energy and Natural Resources

Business meeting to consider pending calendar business.

SD–366

Foreign Relations

To hold hearings to examine combating multilateral development bank corruption, focusing on the U.S. Treasury's role and internal efforts.

SD–419

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine regulation NMS and developments in market structure.

SD–538

Finance

To hold hearings to examine bridging the tax gap.

SD–215

Governmental Affairs

Business meeting to consider pending calendar business.

SD–342

Indian Affairs

Business meeting to consider pending calendar business; to be followed by a hearing to examine S. 519, to establish a Native American-owned financial entity to provide financial services to Indian tribes, Native American organizations, and Native Americans.

SR–485

Judiciary

To hold hearings to examine the nomination of Thomas B. Griffith, of Utah, to be United States Circuit Judge for the District of Columbia Circuit.

SD–226

2 p.m.

Armed Services

Health, Education, Labor, and Pensions

Children and Families Subcommittee

To hold joint hearings to examine the Pentagon and States' response to the needs of guard and reservists families.

SD–430

Indian Affairs

To hold an oversight hearing to examine the proposed reauthorization of the Indian Health Care Improvement Act.

SR–485

2:30 p.m.

Banking, Housing, and Urban Affairs

International Trade and Finance Subcommittee

To hold hearings to examine Islamic banking.

SD–538

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold hearings to examine S. 738, to designate certain public lands in Humboldt, Del Norte, Mendocino, Lake, Napa, and Yolo Counties in the State of California as wilderness, to designate certain segments of the Black Butte River in Mendocino County, California as a wild or scenic river, S. 1614, to designate a portion of White Salmon River as a component of the National Wild and Scenic Rivers System, S. 2221, to authorize the Secretary of Agriculture to sell or exchange certain National Forest System land in the State of Oregon, S. 2253, to permit young adults to perform projects to prevent fire and suppress fires, and provide disaster relief, on public land through a Healthy Forest Youth Conservation Corps, S. 2334, to designate certain National Forest System land in the Commonwealth of Puerto Rico as components of the National Wilderness Preservation System, S. 2408, to adjust the boundaries of the Helena, Lolo, and Beaverhead-Deerlodge National Forests in the State of Montana, and S. 2622, to provide for the exchange of certain Federal land in the Santa Fe National Forest and certain non-Federal land in the Pecos National Historical Park in the State of New Mexico.

SD–366

JULY 22

9 a.m.

Governmental Affairs

Investigations Subcommittee

To resume hearings to examine the extent to which consumers can purchase pharmaceuticals over the Internet without a medical prescription, the importation of pharmaceuticals into the United States, and whether the pharmaceuticals from foreign sources are counterfeit, expired, unsafe, or illegitimate, focusing on the extent to which U.S. consumers can purchase dangerous and often addictive controlled substances from Internet pharmacy websites and the procedures utilized by the Bureau of Customs and Border Protection, the Drug Enforcement Administration, the United States Postal Service, and the Food and Drug Administration, as well as the private sector to address these issues.

SD–342

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine media ownership.

SR–253

Judiciary

Business meeting to consider pending calendar business.

SD–226

10 a.m.

Banking, Housing, and Urban Affairs

To continue hearings to examine regulation NMS and developments in market structure.

SD–538

Health, Education, Labor, and Pensions

To hold hearings to examine preparations for possible future terrorist attacks.

SD–430

Joint Economic Committee

To hold hearings to examine the demographics of health care, focusing on evidence regarding declining rates of chronic disability and assess the best opportunities for further health promotion.

SD–628

2:30 p.m.

Energy and Natural Resources

National Parks Subcommittee

To hold an oversight hearing to examine the implementation of the National Parks Air Tour Management Act of 2000 (Public Law 106–181).

SD–366

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings to examine space exploration of Saturn.

SR–253

SEPTEMBER 21

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of the American Legion.

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